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PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, May 14, 1981*

The House met at 11 a.m.

The Reverend Shelvin Hall, pastor, Friendship Baptist Church, Chicago, Ill., offered the following prayer:

We are in trouble Lord. God, we are in serious trouble. We are troubled by our troubles our Father. We need you.

Guyana as well as Atlanta testify of our need. We kill, wound, and maim our best, our leaders, our Presidents, and even the Pope.

"Lord God of Hosts
Be with us yet.
Lest we forget."

Our struggles, the winters of want, the muddy roads, the unbridged creeks, the lean years, have we so soon forgot them all?

Has prosperity blinded us to Your providence and left us staggering with our bag of greed. Forgive us Lord.

Now may the Lord bless you and keep you.

The Lord make His face to shine upon you and be gracious unto you.

The Lord lift up the light of His countenance upon you and give you peace.—Numbers 6: 24-26.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1124. An act to authorize the Sergeant at Arms and Doorkeeper of the Senate, subject to the approval of the Committee on Rules and Administration, to enter into contracts which provide for the making of advance payments for computer programing services.

THE REVEREND SHELVIN HALL

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, it is with a great deal of pleasure and pride that I take this opportunity to pay tribute—special tribute—to the pastor of the Friendship Baptist Church, which is in my district in Chicago.

Rev. Shelvin Hall has been a leader in that community. In fact, I might add, Mr. Speaker, he is a gentleman who is to a very large extent responsible for my being here myself. Not only has he given me his blessings in his church; he has given me his blessings as I have walked these Halls of Congress, and I hope he will continue to do so.

He has a fine bodyship in his church. He has been not only a leader when it comes down to the church itself, but in the community. He is one of our fine members of our Lawndale Bank, a bank in the heart of the ghetto in Chicago.

He is a member of the Church Federation of Greater Chicago, and has served as instructor at the Chicago Baptist Institute and as moderator of the Salem Baptist District Association, and he has a long line of things that he has accomplished.

I am very pleased to have had him on the floor of the U.S. House of Representatives, the first gentleman ever from Chicago's West Side to do so. God bless him and keep him.

TRIBUTE TO TATE HIGH SCHOOL

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I rise to pay tribute to the youth of our Nation and, in particular, to call attention to those of Tate High School in my district. This school has had an outstanding school year. Two of its most notable achievements were the winning of the 4-A State championship by the football team and the band's capturing the title of Grand National Champions of the Marching Bands of America.

The Aggies dominated the State football playoffs as no other team in history. Head Coach Carl Madison, assisted by Michael Thorsen, Pete Wright, Floyd Adams, Neil Summerford, Roger Mason, Bobby Taylor, Jack Jackson, Richard Hudson, and Alton Gilmore, saw the Cantonment, Fla., team shut out Mosley of Panama City 17 to 0, wallop Orange Park 50-14, blank Winter Park 17 to 0, and clobber Miami Columbus 35 to 7 in the championship game.

The Tate baseball team, coached by Floyd Adams and assisted by Roger Mason currently has a record of 25 wins and 2 losses and also appears headed for a championship.

Under the direction of Bill Slayton and Tom Easterwood, the Tate High School "Showband of the South," in a sparkling performance in national competition, won the highest award in the country as grand national champions of the marching bands of America.

The principal of this fine school which has achieved many noteworthy distinctions over the years is Mr. Ralph Godwin. I proudly salute the Aggies of Tate High School, the faculty, students, and parents for their hard work, dedication, and winning spirit.

LEGISLATION INTRODUCED TO AMEND VOTING RIGHTS ACT

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, a vote is a precious thing to give, and to lose. Today I am introducing a bill that amends the Voting Rights Act to assure Americans who live in the West that their votes in Presidential elections really count.

I am joined in introducing this amendment by the gentleman from California, Congressman DON EDWARDS, chairman of the House Judiciary Subcommittee on Civil and Constitutional Rights; by two colleagues from Oregon, Congressmen RON WYDEN and JIM WEAVER; by the gentlemen from California, Congressmen TONY COELHO and ANTHONY BEILENSON; the gentleman from New York, Congressman TOM DOWNEY; the gentleman from Hawaii, Congressman DAN AKAKA; the gentlewoman from New Jersey, Congresswoman MILLICENT FENWICK; and by the gentleman from Minnesota, Congressman BRUCE VENTO.

The amendment provides a pragmatic, practical, and noninstrusive solution to the problem caused by early release of Presidential election results.

As determined by public opinion polls following the November election, thousands of registered voters in the West did not cast ballots because they were discouraged by early projections and by an early concession hours before the polls officially closed.

Under the approach we are offering, States would be free to decide when to open the polls. Our amendment would mandate that all polls close no later than 11 p.m. eastern standard time, and it would prohibit release by election officials of Presidential election results until all polls are closed.

In Oregon and other Western States, this approach has been enthusiastically received by publishers, legislators, elections officials, and groups such as the League of Women Voters, because of the problem it solves as well as the problems it avoids. I commend it to my colleagues and urge their support.

Let me summarize briefly the advantages of this approach:

It does not move election day to a Sunday, where it would conflict with religious and recreational activities;

It does not declare a voting holiday, thus averting the enormous costs of shutting down commerce for a day;

It does not involve a complex, unwieldy plan for split-day voting or impose a uniform opening time that would open polls in the West as early as 5 o'clock in the morning.

It does not pose a confrontation with the first amendment over the broadcasting of election results.

A useful measure of the significance of the problem is shown by a Field Institute survey conducted recently for the California Secretary of State. The poll found that more than 400,000 registered voters in California—Democrats, Republicans, and others—did not vote because of the early election news reports and an early concession speech.

It can be readily deduced from the numbers that State, local, and congressional races easily could have been affected by the early disclosure of election results while the polls were still open. In my own State of Oregon and throughout the West, the problem was the same.

The experience in Idaho, the only State with significant population centers in both the Pacific and mountain times, is particularly illuminating.

The U.S. Senate race in Idaho last year was the State's most expensive and most hotly contested in history. Voter interest was intense, producing 76 percent average turnout statewide.

However, among counties in the Pacific time zone, turnout was 73.4 percent. Among counties in the Rocky Mountain time zone, turnout was 77.8 percent. Weather conditions were good throughout the State on election day, and there were no other factors to account for the 4.4-percent disparity in voter turnout except this: That voters in the Pacific time zone had 1 hour less voting time before learning the outcome of the Presidential election than voters in the Mountain time zone.

These comments from public and party officials around the West underscore the problem:

"It will take us years to build back voter participation that the networks destroyed in one afternoon . . ."—Jeanne Williams, Linn County (Oregon) Democratic Committee Chairman.

"Wyoming would be very much in favor of simultaneous closing of polls nationwide. . . . While the networks have been amazingly accurate in predicting voter turnout in our state, I do feel that early projections do keep people from going to the polls, especially in the western states."—Thyra Thomson, Wyoming Secretary of State.

"The strongest information about the impact of the early news provided us came from the local Reagan headquarters, which reported that its 'get-out-the-vote' telephone staff stopped working after the first news reports because of the feelings of both the workers and the people they called that the election was all over."—Jean King, Lieutenant Governor, Hawaii.

"It is certainly the feeling in the State of Idaho that simultaneous closing of the polls nationwide would be a positive response to the early projection problem."—Ben Ysursa, Chief Deputy Secretary of State, Idaho.

"I am absolutely certain that the early predictions and President Carter's concession altered the outcome of several local elections * * * the turnout began to drop off at 5:30 p.m., and by 6:30 p.m. the polls were virtually empty."—Grattan Kerrans, Majority Leader, Oregon House of Representatives.

"Your proposed bill is simple and it addresses the problem for us on Pacific Time. As a matter of fact, we think your bill is terrific * * *."—Norma Jean Germond, President, League of Women Voters of Oregon.

First amendment protections must be a prominent consideration in any legislative solution. For that reason, the "Canada solution," which outlaws publication or broadcast of voting results before the polls close, is not adaptable to the United States. There would be a clear confrontation with the Constitution. The amendment proposed today poses no threat to free speech or press.

Mr. Speaker, I want to express appreciation to my Oregon colleagues, Congressmen WYDEN and WEAVER, for their support of this amendment, and to extend special thanks to Larryann Willis, National Democratic Committeewoman from Oregon, and to Oregon State Representative James Chrest.

In the Oregon Legislature, Representative Chrest was instrumental in winning swift passage of House Joint Memorial 2, calling upon Congress to address the problem of the effect of early election returns from the East and Midwest on west coast voters.

In closing, it is fitting to quote from Representative Chrest's testimony on this matter to the Oregon House Committee on Elections and Reapportionment:

The problem is basic: We spend countless hours before election day trying to convince the voters that their vote is important. * * * Essentially, those who had not voted by 5 p.m. Pacific standard time were deprived of their vote, and when you deprive someone of their vote, you strike at one of the most basic principles of democracy. * * * Being told by the major networks that the election is over three hours before the polls closed countered everything we have been doing to convince voters that their vote does count.

For all these reasons, Mr. Speaker, I urge my colleagues to join me in voting for this amendment.

GUATEMALA

(Mr. STUDDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, at this moment, retired Gen. Vernon Walters is in Guatemala discussing with officials of that country the possible resumption of U.S. military aid.

If, in fact, the decision is made to approve such aid, the Reagan administration will have made it clear to Congress, to the American people, and to the people of Central America that any expressions of concern on its part for human rights and human decency are founded only in an hypocrisy which deceives no one but itself.

To provide military assistance to the present regime in Guatemala would be to declare war on the most basic and most understandable aspirations of the majority of the people of Central America. Such a policy would separate the Reagan administration, perhaps irrevocably, from the leaders of the moderate nations in Latin America, while providing an enormous propaganda advantage to Fidel Castro. Such an action would create enormous divisions within our own country, and detract seriously from other foreign policy goals and initiatives of the

United States. Finally, it would demonstrate an insensitivity and a naivete on the part of this Nation's leaders that would make it impossible to put any degree of faith in their judgment or good intentions in the months and years to come.

I urge the administration not to promise any form of military assistance to Guatemala at the present time. To do so would be to dishonor our own Nation, and to express contempt for both the people of Guatemala and for the most elementary principle of human decency.

REAGAN PLAN THREATENS SURVIVAL OF MILLIONS OF RETIREES

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, more elderly Americans were added to the poverty rolls in 1979 than in any of the almost 20 years that records have been kept. Today the elderly are the most vulnerable of all citizens to the perils of double-digit inflation. Yet, President Reagan would make life even more difficult for them and those who will be joining their ranks.

The Reagan plan to cut back on social security benefits threatens the survival of millions of retirees who now barely manage to escape poverty. It would deny disability benefits to many truly disabled persons, and exact much more severe reductions in benefits than now exist from those who retire prior to age 65.

This plan is a cruel joke on older Americans. In the guise of reform, it takes away benefits Americans have worked all their lives to earn. It adds the cynical ploy of trying to pit the young against the old by promising lower taxes in exchange for lower benefits. Yet it does nothing to change the regressive tax itself, or to use general revenue sources to provide more equitable funding of the program.

Mr. Speaker, to keep faith with the American people, the Reagan plan must be rejected.

ADMINISTRATION'S PROPOSALS ON SOCIAL SECURITY CRUEL AND INHUMANE

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY. Mr. Speaker, the only thing that seems to be moving faster than the prime interest rate is the administration's definition of the truly needy. It is clear to me, Mr. Speaker, that the proposals that the President has put forth for social security are both cruel and inhumane.

Three months ago this administration told us we did not have to do anything on social security because the improving economy, the tide that proverbially raises all ships, would preclude us from having to worry about inflation rates or unemployment. They now know better. This is the proposal that they give us.

Early retirees will be losing 43 percent of their expected benefits by 1987. In 1982, the early retirement benefit will not be high enough for a single person to reach the poverty level. His overall cut is three times larger than necessary to make the system financially sound, and the disability provisions are especially hard on women.

Imagine, if you will, a woman who is pregnant and wants to stay home with her baby for 3 years. For the 7 years after that, under the administration's disability requirements, she will be ineligible for disability payments should she become disabled on the job.

Mr. Speaker, in the last 5 years there have been three study commission reports on social security that have provided us ample grounds to make the system solvent and to be humane at the same time. I suggest the President read some of those studies.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL MIDNIGHT FRIDAY, MAY 15, TO FILE REPORTS ON H.R. 3519, H.R. 3413, H.R. 3455, and H.R. 3023

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight, Friday, May 15, to file reports on H.R. 3519, the Department of Defense authorization for fiscal year 1982; H.R. 3413, the Department of Energy national security programs authorization for fiscal year 1982; H.R. 3455, the military construction authorization for fiscal year 1982; and H.R. 3023, the naval petroleum reserves authorization for fiscal year 1982.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

WILL THE UNITED STATES DEAL WITH RACIST GOVERNMENT OF SOUTH AFRICA?

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL of Maryland. Mr. Speaker, today the Secretary of State, Mr. Haig, will meet with Mr. Botha, the head of the racist Government of the Union of South Africa. That Government persists in its harsh policy of apartheid. It labels buses for coloreds, for blacks, and for whites. It continues to exploit blacks in that racist nation.

This is the Government, the Government of South Africa, which has not yet cleansed its hands of any complicity in the murder of Steve Biko.

So now, we break tradition and we bring Mr. Botha in and we talk about—we, not me—the administration talks about a rapprochement with this racist Government. I think it is a very sad day, yet I am not surprised by it. If indeed in the Halls of Congress there are those who are acting against affirmative action; if indeed in our Nation there is a hue and cry against affirmative action on behalf of blacks and Hispanics, then it is not surprising to me that this administration would seek to achieve some sort of understanding with the most racist Government in the entire world, the Union of South Africa.

It is a sad day. We who have struggled for the liberty and independence and freedom of all people ought to be shocked and saddened that there is this kind of capitulation beginning. It bodes ill for the future of this Nation.

OKLAHOMA CITY HONORS FORMER SPEAKER CARL ALBERT

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, this Saturday you will be in Oklahoma City to honor our distinguished former Speaker, Carl Albert, and to support the Carl Albert Congressional Research and Studies Center at the University of Oklahoma. The Carl Albert Center is dedicated to indepth research of the Congress as an institution and as a repository for congressional papers from Members throughout the United States. At a time when our workshop has been largely ignored by scholars and the press, I am pleased that this unique academic institution will have as its sole mission the study of the Congress of the United States. My colleague from Oklahoma, JIM JONES, and I are introducing legislation today to support this effort.

Carl Albert led this House during an unprecedented assault on the powers of the Congress. Under Speaker Albert's leadership, the legislative branch reasserted its constitutional prerogatives with landmark legislation like the Budget and Impoundment Review Act and the War Powers Act. It was also Carl Albert who skillfully and courageously held this House together during the divisive impeachment episode.

It is appropriate that a congressional studies center bear the name of a true congressional scholar who loves the House of Representatives so dearly. Mr. Speaker, my colleagues and I from

Oklahoma appreciate your personal interest in the Carl Albert Center and look forward to being with you this weekend in Oklahoma.

□ 1115

ASSASSINATION ATTEMPT RECALLS THE POPE'S MESSAGE OF NONVIOLENCE IN LEBANON

(Ms. OAKAR asked and was given permission to address the House for 1 minute.)

Ms. OAKAR. Mr. Speaker, we are all deeply saddened by the assassination attempt on Pope John Paul II. He truly is a messenger of love, peace, and nonviolence. We pray for a speedy recovery.

Let those countries remember the Pope's message of nonviolence in the country of Lebanon. This country has been exploited long enough. Let the countries involved have dialog and not warfare. Let the countries involved not be selfish and continue to exploit this country. I hope our country will play a leadership role in promoting peace and nonviolence. We can make the difference.

MICHAELGATE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, most children of famous people try hard to disassociate themselves from their parents and prove that they are individuals of worth in their own right. Not Michael Reagan. To him, daddy's fame and power is his bankroll. So, scarcely 100 days into the Reagan administration, we come face to face with Michaelgate.

Michael Reagan, evidently not one to let a good business proposition pass him by, sent 8 or 10 letters to defense installations on behalf of Dana Ingalls Profile, a firm of which he is not even an employee. Claiming to be a vice president of the company, Reagan violates generally held ethical standards, to say nothing of English grammar, by writing:

> I know that, with my father's leadership at the White House, this country's Armed Services are going to be rebuilt and strengthened.

William Safire, where are you when we need you?

While this episode entertains me more than enrages me, it does shine a ray of light on the fetid world of government contracting out and procurement. The budget of Reagan here calls for massive increases in the contracting out of Government functions and in the procurement of military goods from the private sector. While regulations call for good business practice in negotiating contracts and competitive bidding for them, the day-to-day reality is one of sole source contracting, self-dealing, and giving work to friends and political allies. We must start policing the glut of new contracts being let by this administration.

As one parent to another, my advice to the President is to scold Michael for his embarrassing behavior and to forbid him from watching any late night movies for the whole month.

GEN. OMAR BRADLEY'S WORDS ON MODERN-DAY PROBLEMS MORE APPLICABLE THAN EVER

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and to include extraneous matter.)

Mr. LOWRY of Washington. Mr. Speaker, General of the Army Omar Bradley in 1957 made a speech that I think applies even more today than it did then, and I would like to include that speech within the RECORD and take a few parts from it right now.

General Bradley said:

> The central problem of our time—as I view it—is how to employ human intelligence for the salvation of mankind. It is a problem we have put upon ourselves. For we have defiled our intellect by the creation of such scientific instruments of destruction that we are now in desperate danger of destroying ourselves. . . .
>
> This is the real and—indeed—the most strenuous challenge to man's intellect today. By comparison with it, the conquest of space is of small significance. For until we learn how to live together, until we rid ourselves of the strife that mocks our pretensions of civilization, our adventures in science—instead of producing human progress—will continue to crowd it with greater peril.

General Bradley said:

> If I am sometimes discouraged, it is not by the magnitude of the problem, but by our colossal indifference to it.

Mr. Speaker, General Bradley's speech, as it appeared in the New York Times of Friday, April 10, 1981, is as follows:

THIS ULTIMATE THREAT

(By Omar N. Bradley)

(Following are excerpts from a talk that General of the Army Omar N. Bradley, who died Wednesday at 88, gave at a convocation at St. Alban's School, in Washington, on Nov. 5, 1957. It is reprinted from the Nov. 18, 1957, issue of I. F. Stone's Weekly.)

The central problem of our time—as I view it—is how to employ human intelligence for the salvation of mankind. It is a problem we have put upon ourselves. For we have defiled our intellect by the creation of such scientific instruments of destruction that we are now in desperate danger of destroying ourselves. Our plight is critical and with each effort we have made to relieve it by further scientific advance, we have succeeded only in aggravating our peril.

As a result, we are now speeding inexorably toward a day when even the ingenuity of our scientists may be unable to save us from the consequences of a single rash act or a lone reckless hand upon the switch of an uninterceptible missile. For 12 years, we've sought to stave off this ultimate threat of disaster by devising arms which would be both ultimate and disastrous.

This irony can probably be compounded a few more years, or perhaps even a few decades. Missiles will bring anti-missiles, and anti-missiles will bring anti-anti-missiles. But inevitably, this whole electronic house of cards will reach a point where it can be constructed no higher.

At that point we shall have come to the peak of this whole incredible dilemma into which the world is shoving itself. And when that time comes, there will be little we can do other than to settle down uneasily, smother our fears, and attempt to live in a thickening shadow of death.

Should this situation come to pass, we would have but one single and thin thread to cling to. We call it rationale or reason. We reason that no government, no single group of men—indeed, not even one willful individual—would be so foolhardy, so reckless, as to precipitate a war which would most surely end in mutual destruction.

This reasoning may have the benefit of logic. But even logic sometimes goes awry. How can we assume that reason will prevail in a crisis when there is ordinarily so little reason among men? To those who would take comfort in the likelihood of an atomic peace to be secured solely by rationale and reason, I would recall the lapse of reason in a bunker under the Reich Chancellery in Berlin. It failed before, it can fail again.

Have we already gone too far in this search for peace through the accumulation of peril? Is there any way to halt this trend—or must we push on with new devices until we inevitably come to judgment before the atom? I believe there is a way out. And I believe it because I have acquired in my lifetime a decent respect for human intelligence.

It may be that the problems of accommodation in a world split by rival indeologies are more difficult than those with which we have struggled in the construction of ballistic missiles. But I believe, too, that if we apply to these human problems the energy, creativity, and the perseverance we have devoted to science, even problems of accommodation will yield to reason. Admittedly, the problem of peaceful accommodation in the world is infinitely more difficult than the conquest of space, infinitely more complex than a trip to the moon. But if we will only come to the realization that it must be worked out—whatever it may mean even to such sacred traditions as absolute national sovereignty—I believe that we can somehow, somewhere, and perhaps through some as yet undiscovered world thinker and leader find a workable solution.

I confess that this is as much an article of faith as it is an expression of reason. But this is what we need, faith in our ability to do what must be done. Without that faith we shall never get started. And until we get started, we shall never know what can be done.

If I am sometimes discouraged, it is not by the magnitude of the problem, but by our colossal indifference to it. I am unable to understand why—if we are willing to trust in reason as a restraint on the use of a ready-made ready-to-fire bomb—we do not make greater, more diligent and more imaginative use of reason and human intelligence in seeking an accord and compromise which will make it possible for mankind to control the atom and banish it as an instrument of war.

This is the real and—indeed—the most strenuous challenge to man's intellect today. By comparison with it, the conquest of space is of small significance. For until we learn how to live together, until we rid ourselves of the strike that mocks our pretensions of civilization, our adventures in science—instead of producing human progress—will continue to crowd it with greater peril.

We can compete with Sputnik (Sputniks I and II had been launched on Oct. 4 and Nov. 2, 1957) and probably create bigger and better Sputniks of our own. But what are we doing to prevent Sputnik from evolving into just one more weapons system? And when are we going to muster an intelligence equal to that applied against the Sputnik and dedicate it to the preservation of this Satellite on which we live?

When does humanity run out?

AS DETROIT SLUMPS, PENTAGON IS BUYING MORE TRUCKS ABROAD

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROOMFIELD. Mr. Speaker, I was shocked to read in the Wall Street Journal today that the Pentagon is continuing to buy hundreds of millions of dollars worth of foreign-made trucks at the very time our own automotive industry is fighting for survival.

As one who represents a district in the Detroit metropolitan area hard hit by unemployment caused at least partly by foreign imports, I find it absolutely incredible that we are continuing this policy inaugurated by the Carter administration.

What justification can there be for buying foreign trucks at a time when we are approving $400 million in loan guarantees to save Chrysler and paying hundreds of millions of dollars more in unemployment benefits to laid off American autoworkers?

How can we possibly defend this sort of policy when we are rolling back automotive regulations to help that industry and pleading with the Japanese to cut back on their auto imports?

Mr. Speaker, I call on the administration to immediately put an end to this ridiculous policy inaugurated by the previous administration. The complete text of the Wall Street Journal article follows:

[From the Wall Street Journal, May 14, 1981]

AS DETROIT SLUMPS, PENTAGON IS BUYING MORE TRUCKS ABROAD

(By Walter S. Mossberg)

RAMSTEIN, WEST GERMANY.—The giant American air base here, like similar U.S. posts throughout Europe, is a little island of things American. The theaters show American movies. The stores sell American goods for U.S. dollars. American autos travel the streets.

But a visitor quickly notices an exception to this all-American pattern. Dotting the base parking lots in increasing numbers are smart-looking, military-green pickup trucks of a new type. They bear official Air Force markings, but they are Volkswagens.

While the White House and Congress lament the condition of a U.S. auto industry battered by foreign competition, the Pentagon is spending hundreds of millions of tax dollars to replace U.S.-built trucks at its European bases with trucks made in Europe.

By 1985, the Army and Air Force plan to supplant their entire fleet of noncombat trucks in Europe—over 20,000 pickups, vans and similar vehicles—with models made by Volkswagen, Mercedes-Benz, BL Ltd. and Italian companies.

A SHINING EXAMPLE?

The Pentagon hails the buy-foreign program, which will eventually cost $300 million or more, as a shining example of cooperation with European allies and an improvement in military efficiency. Defense officials foresee a reduction in repair and fuel costs, and they insist that any damage done to Detroit will amount to little more than a scratched fender.

But an auto-industry spokesman calls the truck purchasing abroad "a festering sore" on an American industry beset by billions of dollars in losses and hundreds of thousands of layoffs.

Stephen Schlossberg, the United Auto Workers union's top man in Washington, angrily declares: "I hope the Pentagon has made arrangements for Germany and Japan to supply the military with equipment in the next war, because the U.S. industry isn't going to be around to help if they keep this up."

When the Carter administration began the program in a modest way in 1978, the auto industry tried unsuccessfully to block it. Since then, the Pentagon has sharply increased its truck purchasing abroad while the U.S. industry's troubles have deepened. So the auto companies and the union are considering a new effort to end the switch toward foreign suppliers.

WORKING AT CROSS-PURPOSES

Whatever the merits of truck buying abroad, it seems to represent a classic case of government agencies working at cross-purposes: Since President Reagan took office in January, his administration has approved $400 million in new loan guarantees to Chrysler Corp., rolled back many auto safety and pollution regulations, and persuaded Japan to cut car shipments, all in the name of helping Detroit. The government continues to pay auto workers hundreds of millions of dollars in unemployment benefits. But, just a few weeks before the April 6 unveiling of Mr. Reagan's program of aid to the auto industry, the President approved a defense budget that would more than double the army's purchases of German-made trucks this year.

In the current fiscal year, ending Sept. 30, Army officials expect to spend about $29 million for trucks in Germany, plus unspecified smaller amounts in Britain and Italy, out of a total budget of $105 million for such "administrative fleet" trucks. The Air Force expects to spend more than $20 million for trucks made in Europe.

In fiscal 1982, which starts Oct. 1, the Army and Air Force expenditures for foreign-built trucks would exceed $39 million.

Pentagon officials emphasize that the amount being spent for trucks in Europe is tiny by both the Pentagon's and Detroit's standards. According to Col. Paul Goncz, a top Army purchasing official, the Army expects to spend $1.7 billion in fiscal 1981 and 1982 on all of its vehicle purchases. Only $45 million or so of that, or about 3%, will go for foreign-built light trucks.

In addition, Col. Goncz notes, the Pentagon has insisted that any foreign firms bidding for several lucrative new combat-truck contracts must build the trucks in plants on U.S. soil. These contracts, worth hundreds of millions of dollars each, are considered likely to go to American rather than foreign companies.

More important, defense officials say, the light-truck purchases overseas contribute to good relations between the U.S. and its allies. "It's part of the two-way street in military purchases," say Marvin Stearn, a purchasing official on the staff of the Secretary of Defense.

Mr. Stearn notes that West Germany and other U.S. allies spend vastly more money on American-made military equipment than the Pentagon spends on products they make. The light-truck program, he says, is probably the biggest U.S. effort to reciprocate.

"If we fiddled with this program in any way, it could jeopardize other programs the Germans are participating in," Mr. Stearn contends. What's more, the Pentagon argues, the purchase of foreign trucks contributes to the goals of military economy and efficiency.

Defense officials say a study done before the European trucks were bought proved they were more fuel-efficient than comparable U.S. models available at the time. Buying them abroad also saves on transportation costs, makes it easier to obtain parts and service, and fosters the important military goal of equipping the Western allies with interchangeable equipment, the Pentagon adds.

But to angry executives of U.S. auto companies, these arguments don't wash. They note that, unlike other contracts cited by the Army, the light-truck purchase terms don't require foreign suppliers to build the trucks in the U.S.

Not only that, the critics complain, but European subsidiaries of U.S. companies aren't getting any of the business; the trucks are being bought through European defense ministries, which Detroit contends favor European-owned firms.

The U.S. auto industry also disputes the validity of the military's fuel-cost comparison and contends that, by buying separate groups of vehicles from Germany, Britain and Italy, the Pentagon is actually limiting the interchangeability of its equipment across Europe.

Worst of all, Detroit fears that in recent months the Pentagon has opened up a second front in the battle for military-truck business. Compact Datsun pickup trucks have turned up at a Massachusetts Army base. And the Pentagon confirms that the Army and Air Force have bought 63 Datsuns for use in the U.S. and have ordered 200 more. Defense Department spokesmen defend the Datsun purchase by saying that the trucks were ordered from the only company that bid to supply them, an Oklahoma Chevrolet dealer.

POPE JOHN PAUL II

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, everyone's heart was saddened when we heard that Pope John Paul II had been hit. The first thought that came to me was how could anyone take a shot at this man who is the most beloved man in the world today.

When he visited the United States, his spirit, his countenance, and his message did more to deliver the story of love and understanding than anyone had ever conveyed in our country. The Catholics feel a close relationship with him. But I was interested in how close I felt to this wonderful man. I had the feeling that he loved me as a Baptist. He had love in his heart for me as a Baptist just as he believed in love for everyone to their fellow man.

As we remember how God calls on the very best to suffer, we remember Jesus Christ, we remember Peter, and we remember Paul. As the very greatest are called on to suffer, what impresses each of us about Pope John Paul II is his strength, his warmth, and his compassion. We all join in prayer for Pope John Paul II, who is more than the leader of the Catholic faith. He is the religious inspiration to the entire world.

ROLLCALL OF HEROES, 1980-81

(Mr. GOLDWATER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GOLDWATER. Mr. Speaker, a dozen times I have appeared before you during Police Memorial Week during the past 12 years, but the task of honoring slain police officers becomes no easier, no more routine. On the contrary, it becomes increasingly difficult to stand before you to read this sad list, this tragic enumeration of murdered fathers, sons, brothers, husbands, mothers, wives, daughters, and sisters—all needless, all victims of the mentally deranged in society.

This is once again Police Memorial Week, and once again Past National Chaplain Virgil D. Penn, Jr., of the Fraternal Order of Police, has conscientiously recorded the list of fallen officers. He has also written a moving commentary about them, as well as a heartfelt prayer of thanks for their ultimate sacrifice. I would like to invite my colleagues to join us in posthumously thanking these officers, and to extend our prayers to their families and friends who suffer still:

NATIONAL POLICE PRAYER—1981

(By Virgil D. Penn, Jr.)

Almighty God Father of all mercies and protector of all, we ask Thy blessings upon the Law Enforcement Officers who have given their lives while protecting the citizens of America. Bestow upon them eternal rest and heavenly peace now that their labours on Earth are o'er.

Give to their families sympathy, strength and understanding to overcome the great tragedy that has befallen them. Remember them in Thy mercy and remove all rebellion from their hearts in the knowledge that their loved ones have honorably fulfilled their labours on this Earth and have gone to a far greater land of eternal rest.

Almighty Father we ask Thy blessing and protection on all thoses who are engaged in the dangerous task of carrying on the labours of those who have departed from our ranks. Be with them on their lonely vigils and hazardous tours. Protect them from all temptations and give them strength and wisdom to complete their duties with Thy guidance and protection. When the day is done and the shadows fall, lead them safely home to their loved ones. And this we ask in His Name to whom we glory both now and forever Amen.

ROLLCALL OF HEROES, 1980-81

(By Virgil D. Penn, Jr.)

In the past year 106 Law Enforcement Officers have paid the supreme penalty while protecting the citizens of America. Although this is no more than the 106 that died in 1979 it still is a huge and terrible toll upon our brother officers in their difficult task of keeping America safe. From the largest cities to the outlying hamlets, from the newest rookie to the President, no one is secure from attempts on their lives. Even within the walls of our prisons, officers have been attacked and killed, many by felons serving sentences for prior murders.

Each depressing and frightful experience should teach us how to combat these sudden tragic offenses. The most disheartening thing of all is the disposition of judicial charges that are meted out to the murderers of our Law Enforcement Officers and other innocent victims. How many felons have been given the just sentences they deserve? When was the last murderer of a policeman put to death for his evil act? It is time to show the criminal world that their fiendish crimes will no longer be tolerated. We must make the punishment fit the crime.

The attempt to assassinate President Reagan, even though he was surrounded by several Law Enforcement Officers proves that no one is safe from the kooks and fanatics who roam our streets and ply their nefarious practices on all citizens of our country. We thank God that President Reagan, Jim Brady, Tim McCarthy and Officer Delahanty are now on the road to recovery.

Ninety-four of the 106 Officers were slain by firearms, 68 of those by handguns, some of which were the Officers own revolvers wrested from them while struggling with the suspects.

We the Law Enforcement Officers of America render our deepest thanks and gratitude for the privilege of presenting these tragic incidents to the Congress of United States during the last decade we have reported them. It is our humble act of reverence and honor to those who gave their all that others might live. We are deeply indebted to Congressman Barry M. Goldwater for his dedication in presenting The Rollcall of Heroes in respect to our fallen brothers.

ROLLCALL OF HEROES

Date	City or agency	State	Rank	Deceased officer
1980:				
Apr. 25	New York City	New York	Officer	Robert Sorrentino.
Apr. 29	Excambia County	Florida	Deputy	Floyd Douglas Heist.
Apr. 29	Thomas County	Georgia	Officer	Anthony Edward Jenkins.
May 3	Pinole	California	do	Floyd H. Swartz.
May 4	North Chicago	Illinois	do	David Thomas Doering.
May 8	Burton	Michigan	do	Russell Herrick.
May 9	Riverside County	California	Deputy	James Bernard Evans.
May 14	Little Rock	Arkansas	Officer	Noel Donald McGuire.
May 21	Indianola	Mississippi	Corporal	Willie Hammond.
May 22	State Police	Oregon	Trooper	James D. Shepherd.
May 25	Kansas City	Missouri	Officer	David J. Inlow.
June 4	First female agent killed in U.S. Secret Service	California (L.A.)	Senior agent	Julie Cross.
June 5	Terrell	Texas	Officer	William Robert Stout.
June 7	Garden Grove	California	do	Donald Farnsworth Reed.
June 7	Sante Fe County	New Mexico	Deputy	Leopoldo C. Gurule.
June 12	Swainsboro	Georgia	Chief of Police	Bobby Gene Powell.
June 14	Saint Mary's Parish	Louisiana	Detective	John I. Kahn.
June 19	New York Transit Authority	New York	Officer	Joseph Keegan.
June 19	St. Louis	Missouri	do	Gregory John Erson.
June 21	Norfolk	Virginia	do	Stephen S. Douros.
June 21	Livingston University	Alabama	do	Carlton Wayne Sudduth
June 27	Carolina	Puerto Rico	do	Jose Ramon Osorio Vazques
June 28	DeKalb County	Georgia	do	Tommy R. Gober
June 30	Perry County	Kentucky	Deputy	Hiram A. Ritchie
July 12	Hemphill County	Texas	do	Marion Lee Guthrie
July 14	New York City	New York	Officer	Abraham Walton
July 16	Philadelphia	Pennsylvania	do	Ernest Davis
July 17	Galena Park	Texas	do	Gordon Jensen
July 19	Atlanta	Georgia	Sergeant	James E. Richardson
July 20	Chelsea	Massachusetts	do	Arthur Cashin

ROLLCALL OF HEROES—Continued

Date	City or agency	State	Rank	Deceased officer
August 12	Bensalem Township	Pennsylvania	Officer	Robert Yezzi
August 14	New York City	New York	do	Harry Ryman
August 14	State Police	Nebraska	Trooper	Michael D. Farber
August 18	St. Petersburg	Florida	Detective	Herbert Ray Sullivan
Sept. 3	Ponce	Puerto Rico	Officer	Jose Manuel Cabrera Santiago
Sept. 5	State Police	Arkansas	Sergeant	Glen Bailey
Sept. 7	Highway Patrol at Smith River	California	Officer	Ernest Felio
Sept. 7	Winona County	Minnesota	Deputy	John Schneider
Sept. 10	Albuquerque	New Mexico	Officer	Phillip Horace Chacon
Sept. 12	Pensacola	Florida	do	Amos Cross
Sept. 26	Philadelphia	Pennsylvania	do	Garrett Farrell
Oct. 1	State Police, Pike County	Kentucky	Trooper	Jerome S. Clifton
Oct. 2	Houston	Texas	Detective	Victor R. Wells
Oct. 5	Highway Patrol	do	Trooper	Jerry D. Daivs
Oct. 7	Oxnard	California	Officer	John A. Adair
Oct 9	Stafford County	Virginia	Deputy	Ford Tyson Humphrey
Oct 17	Reed Springs	Missouri	Officer	George Maulott
Oct. 28	Decatur County	Georgia	Lieutenant	James M. West
Nov. 2	Hedwig Village	Texas	Officer	Michael W. Rivers
Nov. 5	North Miami	Florida	do	Carl W. Mertes
Nov. 8	New Orleans	Louisiana	do	Gregory J. Neupert
Nov. 11	Terrell County	Georgia	Deputy	Jack William Hammack, Jr.
Nov. 12	Puerto Rico	Puerto Rico	Detective	Miguel A. Calderon Cardona
Nov. 12	do	do	do	Angel Miranda Oyola
Nov. 20	New York City	New York	Officer	James T. Dunston
Nov. 28	Bridgeport	Connecticut	do	Gerald T. DiJoseph
Nov 28	Newark	New Jersey	do	John Gottfried
Dec. 4	Saxonburg	Pennsylvania	Chief	Gregory P. Adams
Dec. 5	New York State Police	New York	Trooper	Robert L. Van Hall
Dec. 10	Milford	Massachusetts	Sergeant	Walter F. Conley
Dec. 11	Indianapolis	Indiana	Officer	Jack R. Ohrberg
Dec. 14	Fulton County	Georgia	do	David L. Hagins
Dec. 14	Puerto Rico	Puerto Rico	do	Luis A. Chaves Canabal
Dec. 15	Rankin County	Mississippi	Constable	Jerry McCrory
Dec. 22	New Jersey and New York Port Authority	New Jersey	Officer	William J. Perry
Dec. 24	New York City	New York	do	Gabriel Vitale (shot Dec. 15, 1980)
Dec. 24	San Fernando	California	do	Dennis F. Webb
Dec. 25	Amarillo	Texas	do	Barry McGuire
Dec. 25	Birmingham	Alabama	do	Edward K. Alley, Jr.
Dec. 25	Daytona Beach	Florida	do	Sam Ethridge
Dec. 25	California Highway Patrol	California	do	Gary Dormaier
Dec. 28	Public Safety Department	Virgin Islands	do	Richard Callwood
Dec. 29	Erie Police Department	Pennsylvania	Corporal	Robert G. Owen
Dec. 31	Rockford	Illinois	Officer	Randall Blank
1981:				
Jan. 2	Marion County	Indiana	Deputy	Terry Lee Baker (Off duty)
Jan. 2	do	do	do	Gerald Lee Morris (Off duty)
Jan. 2	Heidelberg	Mississippi	Officer	Lawrence Dale Coker
Jan. 5	Game and Fish Commission	Idaho	Warden	Wilson C. Elms
Jan. 5	do	do	Officer	William H. Pogue
Jan. 6	Fort Smith	Arkansas	Detective	William Ray Tate
Jan. 9	Polk County	Florida	Deputy	Theron A. Burnham
Jan. 12	Montgomery County	Mississippi	do	Charles B. Smith
Jan. 12	New York City	New York	Officer	Robert E. Walsh
Jan. 27	Hurtsboro	Alabama	do	George Leeland Claypool
Jan. 30	Grundy County	Missouri	Deputy	Mark Wayne Griffen
Feb. 7	Nueces County	Texas	Deputy constable	Patrick Stephen Runyon
Feb. 8	Austell	Georgia	Officer	Greg Mullinax
Feb. 14	Bremen	Indiana	do	Tony E. Swartzlander
Feb. 21	Maryville	Tennessee	do	John Michael Callahan
Feb. 25	Dallas	Texas	do	John Thomas McCarthy
Feb. 28	Grant County	New Mexico	Deputy	Ben L. Green
Mar. 5	Frostproof	Florida	Officer	Henry David McCall
Mar. 8	Desoto County	Mississippi	Deputy sheriff	Larkin V. Pettit
Mar. 20	West Fork	Arkansas	Chief	Paul H. Mueller
Mar. 20	Newport News	Virginia	Officer	Dennis J. Roberts
Mar. 24	Conway	Arkansas	do	Robert Wesley Martin
Mar. 27	Montgomery County	Maryland	do	Philip Carl Metz
Mar. 27	Colorado Springs	Colorado	do	Michael Francis Hurley
Mar. 28	Denver	do	do	Kathleen Garcia
Apr. 4	Columbia	Tennessee	do	William Larry Whitwell
Apr. 11	Florida Highway Patrol	Florida	Trooper	Robert Patrick McDermon
Apr. 13	Jackson	Mississippi	Officer	William Rankin Hickman
Apr. 14	Savannah	Georgia	Sergeant	John Joseph Brown

SOCIAL SECURITY NOT A PARTISAN ISSUE

(Mr. LUNGREN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, if there is one issue on which we should not try to draw partisan lines, it ought to be the question of social security. I am rather saddened by the fact that some are attempting to make this a partisan issue. I think we all recognize the fact that we are in some difficulty with respect to the social security system. To pretend otherwise is to do a disservice to the people we are supposed to represent.

A number of years ago there was a Republican initiative to try to solve the problem by gradually raising the retirement age from 65 to 68, and that was blasted as being a product of Republican insensitivity. I see now that some Members on the majority side believe that suggestion is the way to go about doing it. Whether we specifically agree or disagree with what our President has done, I do not think it serves any purpose whatsoever to call the President stone-hearted or to say his program is despicable or otherwise.

As a practicing attorney, I knew that I was subject perhaps to liability for legal malpractice if I failed to tell my client the bad parts about his case and did not advise him when there was really reason to compromise or to admit that he was wrong. We should apply that same standard to our work here. I think that in this House it would behoove us well to recognize that we have some difficulty with the social security system, and that it is going to need the ingenuity, the support, and the real sweat of work on the part of Members on both sides of the aisle to solve our problems. It does no good to start yelling at one another about proposals that are being brought forth, if we truly want to solve the problem instead of making it into something we can run on in the next election.

THE BUSINESS OF AMERICA IS SMALL BUSINESS

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, this is National Small Business Week, and I welcome the opportunity to honor the significant contributions that America's small businesses have made to our economy.

The vitality and prosperity of our Nation is built by our small business men and women. Ninety percent of our Nation's business interests are categorized as small businesses. And it is important that we take this opportunity to praise the people who have built the foundation of our economy.

Within our small businesses lie the heart of American free enterprise and the seeds for economic growth and productivity, both in Nebraska's Second District and across the Nation.

I urge the 97th Congress to focus on the major commitments and contributions our Nation's small businesses have made to our economy and way of life. But let us not stop there. We need to work with the President to renew and redirect our efforts toward the country's small businesses.

Mr. Speaker, as a member of the Small Business Committee, my work focuses on three major problems affecting the small businesses in my district: Heavy tax burdens, the regulatory costs and burdens of excessive Government regulations, and an underrating of the importance of small businesses in promoting economic recovery and increased employment in the private sector.

Today, I would like to specifically address Government overregulation of small business. When we strangle small business with redtape and expensive nonproductive regulation, we undermine the capacity of our economy to create jobs. We recognize that our entrepreneurs are this country's greatest asset. They will invent the next generation of products. They will start the industries that will provide jobs for our children. And they will provide the expertise necessary to create the resources to house, feed, and clothe an enlarging population.

But how are they to do all this when they are forced to consume their time and money at tasks unrelated to their enterprise?

In my district alone there are more than 11,000 small businesses. They represent each segment of the community and they provide goods and services so numerous and diverse that I would be reluctant to say that any particular proposal would benefit each of them. But one thing they each have in common, and the one thing that many of them bring to my attention, is a simple message: Get Government off our backs.

I feel we suffer from good intentions that have gone astray. I think we all agree, there has been and still is, a need for protective regulation—to curb abuses, protect our wage earners' safety, to protect our environment and encourage fair dealing in our economy.

But the zest for regulation has been carried to an extreme—and the Nation's small businesses are suffering unjustly.

People in small businesses are spending more and more of their workday pushing papers and filling out Federal forms in triplicate rather than providing productive input and energy to their businesses.

How different life might be if people viewed their Government as a positive force rather than an enemy that harasses them with thousands of rules unrelated to productivity.

Mr. Speaker, regulations also add to inflation and these additional costs are passed on to individual consumers. Some studies show that these costs exceed $100 billion annually.

Regulatory excess—the alphabet soup of America—came from Congress. It is now the responsibility of Congress to cut back and clarify this regulatory process. The present regulatory structure is strangling our small businesses.

If our intention is to truly improve the quality of life for each American, then we must channel our energies toward encouraging the sectors of our economy that have demonstrated the most promise. And that is what I mean when I say that the business of America is small business.

"HEAVEN'S GATE" HIGH ON VIOLENCE SCALE

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, recently, I took my wife to a movie.

We both like Kris Kristoffersen, and though Michael Cimino's "Heaven's Gate" had been badly panned in its original 3¾-hour form, we hoped the new shorter form might be substantially improved.

To say something good, the cinematography was beautiful. But, Mr. Speaker, what "Heaven's Gate" primarily accomplishes is to afford to America a real insight into the deep problem of violence in our society.

Never have I seen a more senselessly and unnecessarily violent film. The blood flowed in rivers from early in the film to the last frame. The brutal rape scene caused my wife to get up and almost walk out of the theater.

Mr. Speaker, I am inalterably opposed to censorship. But I hope the American viewing public will have the good sense to pronounce judgment on this violent trash in the most effective way possible.

I hope Mr. Cimino loses his shirt.

"WE KNOW MORE ABOUT KILLING THAN WE KNOW ABOUT LIVING"—GEN. OMAR BRADELY

(Mrs. FENWICK asked and was given permission to address the House for 1 minute.)

Mrs. FENWICK. Mr. Speaker, I think all our hearts are heavy after reading the newspapers and listening to the news of the attack on the Pope, this gentleman, this representative of one of the great religions, one of the foremost spiritual leaders in the world. We heard one of our colleagues this morning recite something that Gen. Omar Bardley said. I, too, have such a quotation, and it seems very applicable today:

> We have grasped the mystery of the atom—

General Bradley said—

> and rejected the sermon on the Mount. The world has achieved brilliance without wisdom, power without conscience. Ours is a world of nuclear giants and ethical infants. We know more about war than we do about peace, more about killing than we know about living.

Mr. Speaker, I think what our other colleague said about the love that His Holiness had for every one of us is very true also, not just for those of his own religion but for those of all religions, as well as atheists. He may not be approving our acts, he may not come to the same conclusions, but nevertheless he is able to love each one of us.

I wish we could have more of that spirit in the world—those who differ still loving one another.

How such a man could have been attacked in this way is a mystery—a horrible mystery. We have seen the attack on the President of our Nation, the head of a great secular power, the United States, and now to see this spiritual leader also attacked must tell us something about our world.

What has happened to us? What is this disease that seems to be airborne, reaching every corner of the world, disturbing the mentally deranged and driving them to most incredible acts?

I wonder what part communications perhaps plays in this. I think we have indeed mastered the technology of communications, but we have not understood their psychological impact.

Mr. Speaker, we must pray today for the swift recovery of His Holiness, Pope John Paul II.

□ 1130

ADMINISTRATION ADMITS IT WAS WRONG ON INTEREST RATES

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, last week I called to the attention of the House that fact that the much heralded numbers of the Gramm-Latta budget resolution would be worthless if interest rates continued to spiral upward.

The interest calculations on which the Latta budget are based are far off the mark.

These are not just the ideas of the Congressman from San Antonio. They are in fact supported by officials within the Reagan administration itself.

I quote from day before yesterday's Washington Star:

A senior Reagan administration economist said yesterday that if interest rates stay high for 3 or 4 months, the economy will slow down substantially and the budget deficit for 1981 will grow.

The official admitted the administration would miss its interest rate targets for this year and the Star carries this further quote:

"If interest rates remain high for three or four months longer without relief, there will be important economic and budgetary implications," he said. This means, he added, a slowdown or even a decline in the economy and a higher budget deficit. The official did not predict how much higher the deficit would rise.

It is significant to note, Mr. Speaker, that the administration projected its budget—and I assume the Latta budget also—on the idea that the average for 3-month Treasury bills would be just over 11 percent.

This morning Treasury bills were yielding nearly 16.5 percent—far beyond the calculations of the wonder boys at Dave Stockman's shop. The prime rate at major banks climbed to 19½ percent and the Reagan-Stockman-Volcker prime continues to climb.

Mr. Speaker, at the same time the administration is climbing in bed with the Federal Reserve, insisting on still tighter money policy and higher interest rates.

Mr. Speaker, I hope those who ardently supported the administration in last week's vote will come forward and explain how their handiwork will look up against the rising wall of higher and higher interest rates. They have been very anxious to give the House the benefit of this projection and that projection—all put forward as final word in economic forecasting. Now, perhaps they will slow down the press release machines long enough to tell us what happened to the interest rate projections and just how the deficit if interest rates remain at sky-high levels.

OUR SOUTH AFRICAN POLICY

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I rise to strongly protest the meeting that may be underway at this moment between the Foreign Minister of South Africa and our Secretary of State. It is another overt signal from the Reagan administration that it does not plan to follow through with the human rights policies that were falteringly begun by the Carter administration. It is another indication, along with the vote against U.N. sanctions against South Africa or by our United Nations Ambassador, the secret meetings between South African military leaders and high Government officials of this country, along with the attempt to now change the Namibian independence plan advanced by the United Nations. These are actions that insult 30 million black Americans and the whole of the African Continent of 50 independent nations struggling to maintain stability in a region which is now confronted with South Africa's nuclear capability.

I ask you, my colleagues, for the sake of world stability that we begin to advise the Reagan administration against the insanity of catering to the most racist illegal apartheid practicing government on the planet Earth.

FALSE ALARMS ON SOCIAL SECURITY

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Speaker, as a member of the Social Security Subcommittee of the Committee on Ways and Means, I have been somewhat alarmed at some of the voices raised by my various colleagues in recent days who really are not too well informed.

Our social security system is in deep trouble. This House created many of today's problems by voting for accelerated benefits without figuring out how to pay for them. Now that the President of the United States, and Secretary Schweiker, have suggested solutions to that problem, some of my colleagues, I am afraid, have raised fears that are not real. Additionally these same voices have tried to create an animosity and confusion out there among the public without really knowing what they are talking about.

I would like to say that I thought the proposals of the President were reasonable. They were a way to try to solve the problem of saving the system, which is in deep trouble.

A former member of that Social Security Administration, Mr. A. H. Robertson, has written a book about the deep trouble in which the system is today. I recommend this book entitled "The Coming Revolution in Social Security" to my colleagues attention. For so many of my colleagues to raise fears that are not real by claiming that the President is recommending that the system be literally gutted or somehow drastically altered is not a fair nor correct assessment of the proposals.

We in the Social Security Subcommittee have been working for over a year to try to find ways to solve this problem. I think it does not behoove certain Members when the Congress created much of this problem by providing for accelerated benefits without finding ways to pay for them back in 1972 that they now are coming in and making these ill-informed second guesses.

It is especially irresponsible when it is known that the Social Security Subcommittee has been trying to work for a year under our chairman, Mr. PICKLE, to try to find a way to solve the problems of social security with some of the same or even our own proposals of improvements as the President is suggesting.

So I hope that my colleagues will be more restrained in their complaints about these suggestions, especially when they speak from a position of misinformation.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE REPORT ON H.R. 2818

Mr. GRAY. Mr. Speaker, at the request of the chairman and on behalf of the Committee on the District of Columbia, I ask unanimous consent that the committee may have until midnight tonight to file a report on H.R. 2818, to amend the District of Columbia Self-Government and Governmental Reorganization Act, to extend the authority of the Mayor to accept certain interim loans from the United States and to expand the authority of the Secretary of the Treasury to make such loans.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to proceed for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for this 1 minute for the purpose of inquiring of the acting majority leader the program for next week.

Mr. MAVROULES. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield.

Mr. MAVROULES. I thank the gentleman for yielding.

The program for the House of Representatives for the week of May 18, 1981, is as follows:

The House meets on Monday at 11 a.m. The House will recess immediately until 12 noon to receive former Members of Congress.

We will have the Consent Calendar.

We have four bills under suspension. Recorded votes on suspensions will be postponed until Tuesday, May 19. They are as follows:

H.R. 1526, Federal Managers Accountability Act of 1981;

H.R. 2098, Inspector General Act Amendments of 1981;

H.R. 2979, National Historical Publications and Records Commission reauthorization;

H.R. 2811, Debt Collection Act of 1981.

The House meets at noon on Tuesday and at 11 o'clock on Wednesday, and Thursday at 10 a.m.

We will have the Private Calendar.

There are two bills under suspension. Recorded votes on suspensions will be postponed until both bills are debated. They are: H.R. 3484, George Washington half dollar and House Resolution 133, democracy in the Philippines.

The conference report on House Concurrent Resolution 115, the first budget resolution, will be considered as soon as it becomes available.

The House will adjourn by 5:30 on all days except Wednesdays.

At the close of business on Thursday, the House will adjourn until 12 noon on Wednesday, May 27, 1981, for the Memorial Day district work period.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. MICHEL. Did I understand the gentleman to say then that next Wednesday we would come in at 11 a.m., but then at 10 o'clock again on Thursday?

Mr. MAVROULES. That is correct.

Mr. MICHEL. I thank the gentleman.

HOUR OF MEETING ON MONDAY NEXT

Mr. MAVROULES. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. on Monday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MAVROULES. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, MAY 20, 1981

Mr. MAVROULES. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, it adjourn to meet at 11 a.m., Wednesday, May 20, 1981.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON MONDAY, MAY 18, 1981, TO RECEIVE FORMER MEMBERS OF CONGRESS

Mr. MAVROULES. I ask unanimous consent that it shall be in order for the Speaker to declare a recess on Monday, May 18, 1981, subject to the call of the Chair for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL MIDNIGHT, FRIDAY, MAY 15, 1981, TO FILE A REPORT ON H.R. 3380, TO INCREASE MILITARY PAY AND ALLOWANCES

Mr. MAVROULES. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight, Friday, May 15, to file a report on H.R. 3380 to increase military pay and allowances.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PRISONERS RECEIVING SOCIAL SECURITY BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 30 minutes.

Mr. COLLINS of Texas. Mr. Speaker, recently I introduced H.R. 3274, to terminate the social security disability payments to prisoners. Today I would like to share with you some startling background information and cases.

A 1980 estimate stated that 30,000 prisoners—10 percent of the national population—were receiving $60 million a year in disability payments. These are tax-free payments, to convicted mass murderers, child molesters, and other hardened criminals, whose daily needs are already being maintained at the public expense. Equally alarming is the fact that under current law, this is totally legal, and actually encouraged. In fact, social security field representatives make regular visits to prisons, as prisoners cannot follow the normal procedure of filing for disability benefits in local social security offices.

Under current law, to be eligible for social security. The disabled individual must be so disabled that he cannot perform any job in the U.S. economy whether the job is available or not. The following cases clearly distort the "disability" definition. In many of these cases, convicted felons plead insanity, and are declared disabled.

"Son of Sam" killer David R. Berkowitz, who was sentenced to more than 300 years in prison for slaying six persons in New York City, collected more than $300 a month in social security disability benefits, for "a mental impairment."

Another horror story is the case of a sex offender nicknamed "Satan," convicted of a sex offense against a 6-year-old girl. He received $3,624 in back disability payments after his conviction. The reason? Satan claimed that he had dizzy spells from a beating he received from the police. Yet, Satan was apprehended apparently without injury, with X-rays and an examination showing no evidence of any injury. Satan used his disability checks to organize several mail order scams.

Or how about the case of Gary Maik, serving time in Trenton Psychiatric Hospital for stabbing his best friend 66 times with a hunting knife while under the influence of LSD. Because a psychiatric report found Maik "unemployable in American society," he receives $214 a month in disability checks, and has saved over $6,000 over 4 years.

The victims of violent crimes are outraged at the social security disability law. Take for example June A. Davis, from Cincinnati. She cannot understand why her 40-year-old brother gets $257 a month in disability payments after being imprisoned for hitting his elderly mother in the head with a hammer, causing irreparable brain damage: "After doling out money to drones like my brother, there is not going to be anything left for the people who really deserve it."

Or look at the case of Edna B. Hall, from Newport, Tenn. She lost both legs, had her right hand mangled, and body burned because her husband

hired someone to blow up her car. Yet, her husband serving time for this heinous crime is collecting disability benefits for what Mrs. Hall called "a fictitious lung ailment." With respect to this crime, Mrs. Hall said:

But it is I who must pay the costs—not him. In prison he has no food to buy, no taxes to pay, no utilities, no medical bills and no clothing to buy.

Mr. Speaker, how can we justify to the American people, and especially the elderly citizens who are honest and deserving of their social security benefits, that we continue to condone criminal acts by paying these social security disability payments? Currently prisoners collecting these checks average $300 a month. Yet, we are telling the elderly about the financial instability of their social security system. With the disability payments being one of social security's major expenses—$12.5 billion each year, to some 5 million claimants, is it not time we reexamine this ridiculous policy of paying convicted criminals benefits?

I would like to close noting that prison officials have testified that the money obtained from these disability checks has gone to increase prison crimes such as drug trafficking and illicit sex operations. We talk about reducing crime in this country, yet what kind of incentive is it to "go straight" when prisoners know that these social security payments could amount to more than $56,000 during their lifetime?

□ 11:45

The SPEAKER pro tempore. The Chair will remind the galleries that they cannot applaud for a speaker on the floor of the House.

EXTENSION OF IMPORT RELIEF FOR DOMESTIC NONRUBBER FOOTWEAR INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MAVROULES) is recognized for 10 minutes.

Mr. MAVROULES. Mr. Speaker, last week I was honored by the presence of Speaker O'NEILL at a meeting Congressman DONNELLY and I arranged with Special Trade Representative William Brock. We were joined by several of our distinguished colleagues, Congressmen ALBOSTA, MITCHELL, D'AMOURS, LEHMAN, EMERY, SHANNON, and LUKEN, each of whom represents shoe manufacturers. The meeting was called because Ambassador Brock is about to make his recommendation to the President concerning the extension of import relief for the domestic nonrubber footwear industry. The President, in turn, will make a final determination on this issue in early June.

At that meeting each of us expressed our mutually held conviction that the domestic footwear industry needs and deserves continued import relief. Despite significant efforts by the industry, imports have continued to surge, virtually unchecked, from unanticipated sources. Because of this, import penetration reached an alltime high of 55 percent this year.

Due primarily to an import relief program which has been in effect since 1977, the domestic footwear industry has made enormous strides forward in recent years. No longer is it a dying industry—it has achieved an unprecedented level of exports, and it has developed an internationally competitive technology and innovative marketing techniques.

If, however, the industry is to continue to thrive and reach a level of healthy independence, and if, we are to prevent the laying off of thousands of unskilled, unemployable workers, the import relief package must be extended for 3 years. It should include an orderly marketing agreement with both Taiwan and Korea, and the administration must use its authority to control surges of imports from other nations.

I am currently circulating a letter to President Reagan, urging him to consider these facts carefully and to extend the relief package as we are suggesting. I hope that each of my colleagues will review the material I have forwarded to them and will agree to cosign my letter.

Mr. Speaker, I include the report at this point in the RECORD:

[Report to the President on Investigation No. TA-203-7]

NONRUBBER FOOTWEAR—U.S. INTERNATIONAL TRADE COMMISSION, APRIL 22, 1981

In accordance with sections 203(i)(2) and (i)(3) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2) and (i)(3)), the United States International Trade Commission herein reports the results of an investigation (No. TA-203-7) conducted with respect to nonrubber footwear.

SUMMARY OF ADVICE OF THE COMMISSION

The Commission unanimously advises, on the basis of information obtained in the investigation, that termination of the import relief presently in effect with respect to imports of nonrubber footwear from Taiwan would have a significant adverse economic effect on the domestic nonrubber footwear industry and therefore advises that such relief should be extended for 2 years at the 1980-81 quota year level [1] on all categories of footwear covered by the present relief except athletic footwear. The Commission further advises that, if import relief with respect to Taiwan is extended, the certificate of origin program concerning imports of footwear from Hong Kong should likewise be extended, since the program is an adjunct to the relief with respect to Taiwan.

Commissioners Alberger, Calhoun, and Stern further advise that termination of the import relief presently in effect with respect to imports of nonrubber footwear from the Republic of Korea and athletic footwear from Taiwan would not have a significant adverse economic effect on the domestic nonrubber footwear industry and therefore advise that such relief should not be extended.

Commissioner Bedell further advises that termination of the import relief presently in effect with respect to imports of nonrubber footwear from the Republic of Korea and athletic footwear from Taiwan would have an adverse economic effect on the domestic nonrubber footwear industry and therefore advises that the present relief should be extended for 2 years at the 1980-81 quota year levels.

Commissioners Alberger, Calhoun, and Bedell further advise that any proclamation extending relief should once again refer to the President's residual authority in section 203(e)(3) of the Trade Act in order to make it clear that the extended import relief includes the authority to provide additional relief in the event the initial relief proves ineffective.

BACKGROUND

The investigation was instituted on December 5, 1980, following receipt on October 23, 1980, of a petition filed by the American Footwear Industries Association, the Amalgamated Clothing and Textile Workers Union, AFL-CIO, and the United Food and Commercial Workers Union, AFL-CIO. Public notice of the investigation and hearing was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the Federal Register of December 11, 1980 (45 F.R. 81688). A public hearing in connection with the investigation was held on March 9-10, 1981, in Washington, D.C. All interested persons were afforded an opportunity to be present, to present evidence, and to be heard.

The information contained in this report was obtained from fieldwork, from questionnaries sent to domestic manufacturers and importers, from responses to Commission questionnaires sent in connection with the annual nonrubber footwear reports (investigation No. 332-93), from the Commission's files, from other Government agencies, from information received at the hearing, from briefs filed by interested parties, and from other sources.

STATEMENT OF CHAIRMAN BILL ALBERGER, VICE CHAIRMAN, MICHAEL J. CALHOUN, AND COMMISSIONER CATHERINE BEDELL

On the basis of the information before the Commission in this investigation, it is our judgment that termination of the import relief presently in effect with respect to nonrubber footwear from Taiwan would have a significant adverse economic effect on the domestic nonrubber footwear industry, and therefore we advise that such relief be extended at the 1980-1981 fourth quota year level for an additional 2 years in order that the domestic industry may have more time in which to complete the process of adjusting to import competition. However, Commissioners Alberger and Calhoun advise that there is no need to extend such relief with respect to athletic footwear from Taiwan.

In addition, Commissioner Bedell is of the judgment that termination of the import relief presently in effect with respect to imports of nonrubber footwear from the Republic of Korea will have an adverse economic effect on the domestic nonrubber footwear industry and therefore advises that such relief should also be extended at

[1] Commissioners differ with respect to the conditions under which relief should be extended.

1980-1981 levels for an additional 2 years. However, Commissioners Alberger and Calhoun are of the view that termination of the import relief presently in effect with respect to such imports from Korea will not have a significant adverse economic effect on the domestic industry and therefore advise that it need not be extended.

All three of us are of the judgment that the certificate of origin program presently in effect with respect to nonrubber footwear from Hong Kong should be extended for such period of time as relief with respect to Taiwan is extended, since this program operates as an adjunct to the relief concerning Taiwan. We further advise that any proclamation extending relief should, to the extent permissible by law, once again refer to the President's residual authority in section 203(e)(3) of the Trade Act of 1974, in order to make clear that the extended import relief includes the authority to provide additional relief in the event this extended relief proves ineffective.[2] We believe that effective use of this surge mechanism can be invaluable in assuring that the industry receives the necessary relief to continue its adjustment to import competition.

We are in full agreement (except as noted) in our assessment of the health of the domestic industry and its efforts to adjust to import competition. We are also largely in agreement with respect to our advice concerning the impact of termination of relief on the domestic industry and the need to extend relief. Since the bulk of the imports covered by the present relief are from Taiwan, we are in full agreement, with the exception of athletic footwear,[3] regarding the need to extend the relief now in effect.

The major point of advice on which we differ concerns athletic footwear. Commissioners Alberger and Calhoun are of the view that the athletic footwear segment of the domestic nonrubber footwear industry is quite healthy and not in need of additional import protection. The bulk of the imports from Korea are in the form of athletic footwear. Commissioner Bedell, on the other hand, does not believe that the facts warrant the carving our of an exception for athletic footwear and further believes that the Korean industry, although smaller than that in Taiwan, has the ability to rapidly increase its exports to the United States and thus jeopardize the domestic industry's adjustment program already under way.

The above advice is based on our assessment of several factors, including the present state of the industry's health, levels and trends of imports during the relief period, particularly from Taiwan and Korea, efforts made by the industry to adjust during the relief period, and the factors set forth in section 202(c) of the Trade Act of 1974.

State of health of the industry and industry efforts to adjust to import competition

During the import relief period, the long-term decline of the domestic industry has slowed, employment and production levels have stabilized to a degree, and some economic factors, such as profits, have even shown modest improvement. However, the industry today is by no means healthy. During the relief period, the industry has made major efforts to adjust to competition by substantially increasing its investment in plant and equipment. The benefits of these investments are just beginning to be felt, but it will be some time before their full impact will be realized.

Domestic production, employment, and the number of firms producing nonrubber footwear continued to decline during the relief period, although at a slower rate than during the period preceding relief. Thus, between 1976 (the last full year preceding relief) and 1980, domestic nonrubber footwear production declined from 422.5 million pairs to 394.5 million pairs. This represented a decline of 8 percent, as compared with a 20 percent decline in production between 1972 and 1976, the period immediately preceding the OMA relief. Similarly, the number of nonrubber footwear production workers continued to decline from 149,600 in 1974 to 137,000 in 1977, the year in which the relief was first provided, to 129,000 in 1980. Further, the number of firms producing nonrubber footwear has continued to decline, from 409 in 1974 to 334 in 1977, the year in which relief was granted, and to 307 in 1980. Despite this continued decline in number of producers, the industry has continued to have considerable unused productive capacity—23.8 percent in 1980 versus 23.3 percent in 1978 and 28.7 percent in 1977.[4]

The one area where there seems to have been some improvement in the state of health of the industry is that involving operating profit margins. Operating profit margins for the 68 firms furnishing usable data increased from 5.8 percent in 1977 to 6.5 percent in 1978, declined to 6.4 percent in 1979, and increased to 8.5 in 1980. However, the number of firms in the industry operating at a loss has remained relatively constant during the relief period (13 in 1977, 15 in both 1978 and 1979, and 14 in 1980). While profits were clearly better in 1980 than in some earlier years, one satisfactory year does not necessarily signify a trend.

The industry has made a considerable effort to improve its competitive position, vis-a-vis imports during the relief period. First, annual new plant and equiqment expenditures increased by about one-third between 1976 and 1979, with more than half of this investment dedicated to new machinery, equipment, and fixtures. Second, major technological innovations have been introduced or more widely used to reduce labor input. Such innovations have included laser cutting, flow molding, computer tape stitching, better lasting machinery, injection molding, and unit bottoms. Third, with the help of programs funded by the Department of Commerce, the industry has undertaken efforts to improve its marketing, designing, and responsiveness to style changes.

Imports during the relief period

Import restrictions during the period of relief applied to imports from only two countries, Taiwan and the Republic of Korea. The restrictions were in the form of import quotas based on orderly marketing agreements which the United States had negotiated with each of the two countries. The certificate of origin program with Hong Kong was established during the relief period in order to stem the alleged flow from Hong Kong of footwear assembled there with parts made in Taiwan. The certificate program has functioned as a valuable adjunct to the Taiwan quota and thus should be maintained if import restraints with respect to footwear from Taiwan are extended

Taiwan filled all three elements of its quota in the first 3 years of the relief period and will fill all three elements in the fourth year if trends through the first three quarters of the fourth year continue. Korea filled both parts of its quota in the first year of the relief period, but filled only the larger of the two categories (athletic and footwear other than leather) in the second and third years. In the fourth year, Korea seems likely again to fill only its athletic footwear category, which was 86 percent full at the end of the first 9 months of the quota year.

The quotas on imports from both countries have clearly restricted imports from the two countries during the quota year. Imports from Taiwan totalled 166.5 million pairs for calendar year 1977, but only 122 million pairs, the maximum permitted, during the first quota year (June 28, 1977-June 30, 1978). Imports from Taiwan were permitted to increase slowly to 130.7 million pairs in the present quota year (a level not yet but likely to be reached). Imports from Korea totalled 58.6 million pairs in calendar 1977, but were limited to 33 million pairs in the first quota year (July 1, 1977-June 30, 1978). The fourth year quota permits Korean imports to increase to 38 million pairs.

Imports from all countries other than Taiwan and Korea have increased by an average of about 10 percent per year during the calendar years covered by the quotas (1977-1980). In 1978 and 1979, imports from Italy more than doubled, due to demand for a particular style of shoe, the "Candie." Imports from Italy declined to half the 1979 level in 1980. It is our view that the surge mechanism is appropriate for dealing with such increases and may be useful in looking at increasing imports from other countries not under restraint.

Extension of relief for 2 years

Relief in the form of quantitative restrictions at present levels (i.e., July 1980-June 1981 levels) on imports of footwear from Taiwan (except, in the opinion of Commissioners Alberger and Calhoun, restrictions on athletic footwear) should be continued for an additional 2 years for several reasons.

First, the industry needs added time to adjust. Four years is a short adjustment period when viewed in the context of the length of time required to devise and implement new technology, marketing approaches, and other adjustment efforts. The recent recession and high inflation rate have made it more difficult to invest in new plants and equipment or to modernize old plants and equipment, which is a very important part of the adjustment process. Further, the quotas did not have much of an impact on imports until well into the first

[2] A question was raised in the hearing and in submissions filed by both the domestic industry and importers as to whether an extension of relief includes the residual authority of the President to impose additional relief when an OMA does not continue to be effective. This issue seems to be one more properly answered by the President than by this Commission.

[3] See the additional statements of Chairman Alberger and Vice Chairman Calhoun and Commissioner Bedell infra.

[4] Chairman Alberger and Vice Chairman Calhoun note that all of the declines must be read against a general decline in apparent consumption and a slight increase in import market penetration. Moreover, some part of the decline in employment and in the number of producing firms must be viewed as part of the industry's adjustment process. For instance, the decline in producing firms tends to have come from the smaller producers. The decline in employment has been at a faster rate than the decline in production, alluding to an improvement in productivity. The impact of these factors is evident in operating profit margins, the one area in which there seems to have been clear improvement in the health of the industry.

quota year because of large importer inventories built up in anticipation of some kind of presidential action. In view of the anticipated slowness of this adjustment process, the Commission recommended at the time it found the requisite serious injury in early 1977 that relief be provided for the full 5-year initial period.[5]

Second, the overall industry is not "healthy" at this time, even though many of the key economic indicators which together show its overall condition have stabilized. Better profits for 1 year, 1980, are not necessarily indicative of a trend. Import penetration during the relief period has increased from 44 percent to 49 percent, which means that the domestic industry is giving up nearly one half of its home market to imports and remains vulnerable to increased penetration and injury in the absence of additional protection. However, in view of efforts presently being made by the industry, there is good reason to believe that the industry, with another 2 years of relief, will be more demonstrably on its way to recovery and better able to withstand import competition.

Third, Taiwan, with its export-oriented production and competitive prices, remains a serious threat to the domestic industry. Taiwan has consistently filled all three categories of its quota, indicating that imports from Taiwan would be appreciably higher, perhaps as high as or higher than pre-quota levels, in the absence of an extension of relief. The domestic industry has raised its prices only moderately since the beginning of relief, by about 9 percent annually, primarily in response to rising raw material (especially leather) and labor costs. Termination of relief at this time would exert downward pressure on industry prices and increase the vulnerability of the industry.

Fourth, the domestic nonrubber footwear industry is one that has been long beset with import problems. It has sought import relief since the late 1960's but only received relief since 1977, although many firms and workers in the industry had received adjustment assistance prior to that time. Congress clearly had the well-being of this industry in mind when it passed the Trade Act of 1974 and when it subsequently made some minor changes to provisions relating to section 201 investigations.[6] The industry provides employment to thousands of low-skilled persons, mostly located in small towns, a majority of them women, a large proportion of whom are older, and many of them of minority groups. They are among our lowest paid industrial workers, earning an average of $4.42 per hour in 1980. Alternative employment generally is not available. Many are secondary wage earners for whom relocating is out of the question because it would require relocation on the part of their spouses or other family members. We believe that the industry is on the threshold of recovery and that extension of the present relief should make it possible to preserve many of these jobs after extended relief expires.

In deciding what advice we would give, we reviewed the various considerations set forth in section 202(c) of the Trade Act and have touched upon many of these considerations in the discussion above. While we subscribe to the comments regarding these considerations set forth beginning on p. A-87 of the attached report, we would like briefly to comment further on several of them. First, the information before the Commission clearly shows that the United States is the focal point for exports of nonrubber footwear from Taiwan. The United States is and has been the most open large market in the world for footwear imports despite the recent restrictions. Most of the production facilities in Taiwan remain geared to serving the U.S. market. Second, we do not believe that relief has had or that the extension of relief will have a significant impact on U.S. consumers. During the relief period prices have risen only modestly and sufficient quantities of all types and styles of footwear have remained available. Third, we believe that the relief presently in effect has been generally effective in promoting adjustment by the industry to import competition. However, as indicated above, we believe that the relief can be more effectively implemented and that extension as indicated is essential for sufficient adjustment to occur. Finally, we believe, for reasons articulated above, that significant economic and social costs may be incurred by taxpayers, communities, and workers if the present relief is not extended.

Additional statement of Chairman Alberger and Vice Chairman Calhoun

As stated above, it is our advice that relief with respect to all nonrubber footwear imports from Korea, which is primarily in the form of athletic footwear, and athletic footwear imports from Taiwan can be terminated without adversely affecting the domestic industry to any significant degree.

It is our judgment, based on the best information available to us, that the segment of the domestic nonrubber footwear industry producing athletic footwear is healthy and has been for the duration of the relief. This judgment was confirmed by testimony of the only domestic industry official to appear at the hearing urging extension of relief; no other producer of athletic footwear supplied information to the contrary.[7]

While most categories of nonrubber footwear experienced continuous declines in production during the period of import relief, production of athletic footwear increased 56 percent from 16 million pairs in 1977 to 25 million pairs in 1980. This significant increase occurred despite an equally significant overall increase in the level of imports of athletic footwear. The relative shares of the market held by domestic producers and by importers remained essentially unchanged throughout the period. The net effect, therefore, is that both domestic producers and importers have benefitted equally in the growing market for athletic footwear. Further, the best available financial data concerning domestic firms producing athletic footwear[8] indicate that such firms have had an average operating profit margin during the relief period which is considerably higher than the average operating margin of 6.8 percent for the domestic industry during the relief period.

As a further matter, close analysis of the pattern and concentration of imports from Taiwan might suggest the possibility of terminating import restrictions with respect to Taiwan on certain types of shoes. Such a termination of restrictions could be based on information showing that these types of shoes are characterized by low total import penetration from Taiwan, concentration of these imports in the lower price ranges, and concentration of domestically produced shoes in the medium and higher price ranges. A further characteristic of these types of shoes is high import penetration from countries not covered by the OMAs. In this regard, we consider six types of shoes: men's, youths' and boys' leather dress shoes and casuals; men's youths', and boys' leather boots and leather work shoes; women's and misses' leather dress shoes and casuals; women's and misses' leather boots; and leather sandals. During the last 2 years, import penetration from Taiwan for all of these types of shoes was less than 7 percent, and in each of these types, imports from Taiwan were concentrated in the two lowest price ranges.

We have considered this argument and decided to raise it for the President's review. However, we are concerned that, if these items were removed, Taiwan has the ability to shift production into those exempt categories. That would nullify the remaining relief to the domestic industry during the 2-year extension period.

We would terminate all relief with respect to Korea for two reasons. First, the major portion of the nonrubber footwear imports entering under the Korean quota is athletic footwear covered by the category commonly called K-2, which contains vinyl footwear, and footwear not covered by the other Korean category. In our view, the U.S. industry no longer needs protection from such imports.

Second, Korea has failed to fill in 2 of the last 3 years the second part of its quota (the category commonly called K-1, which covers leather footwear other than athletic), and it seems unlikely to fill this second part in the fourth year as well. In the third quota year, Korea filled only 31.7 percent of that part of its quota, and in the first 9 months of the fourth quota year Korea had filled only 23 percent. Imports entering under category K-1 have been negligible, accounting for approximately 1 percent of total apparent U.S. consumption during the relief period. We are persuaded by the Koreans claim that they have lost their competitive advantage in this field as a result of increased raw material and labor costs.[9] Because imports of such leather footwear from Korea have been far under the level allowed by the quota and because it appears unlikely that a continued quota would have a restraining effect on such imports in the near future, we advise that this aspect of the quota be terminated. If such imports suddenly increased again, an event we think most unlikely, the surge mechanism should be used to deal with them.

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[5] In the earlier investigation, No. TA-201-18, Commissioner Bedell found the industry to be seriously injured and recommended the provision of relief for a 5-year period.

[6] For example, Congress provided in sec. 503(c)(1) of the Trade Act (19 U.S.C. 2463(c)(1)) that most nonrubber footwear articles are by law "import-sensitive articles" and are therefore not eligible for duty-free treatment under the Generalized System of Preferences (GSP); and in 1976 Congress amended sec. 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)) to redefine the concept of "remedy finding" of the Commission in view of Congress' inability to require the President to provide relief as a result of the first affirmative Commission footwear determination under sec. 201 of the Trade Act (investigation No. TA-201-7)—sec. 1801(a) of the Tax Reform Act of 1976 (Pub. L. 94-455, 1976).

[7] See the testimony of Jerry Turner, Executive Vice President of Brooks Shoe Manufacturing Co., in the transcript of the Mar. 9, 1981, public hearing, pp. 125-322, especially p. 190.

[8] We have based our judgment on questionnaire data received from four firms accounting for 17 percent of total domestic production of nonrubber athletic footwear in 1980.

[9] See, for example, the posthearing brief of the Korean Footwear Exporters Association and the Korean Leather Products Exporters Association, p. 1.

Finally, it is our view that the extension of import relief with respect to Taiwan may, if certain conditions are met, be further relaxed at the present rate of a 2.4 percent quantitative increase per year. The gradual reduction in the level of relief that was built into the existing OMA with Taiwan theoretically promotes the continuing process of adjustment to import competition during the period of relief. While we generally agree with this mechanism for easing the domestic industry into a more competitive environment, we believe that this orderly transition could be seriously disrupted by surges of imports from other countries not under an agreement. Thus, it is our view that the relaxation of import restraint levels with respect to imports from Taiwan should only be undertaken if the surge mechanism is to be continued as part of the extended relief and if it is effectively utilized to prevent any further erosion of the market share held by the domestic industry.

Additional statement of Commissioner Bedell concerning relief with respect to imports of athletic footwear and imports from Korea

I advise that import relief presently in effect should be extended for 2 years and, more specifically, that the relief applicable to athletic footwear from Taiwan and nonrubber footwear from Korea should not be terminated. My reasons for these conclusions are set forth below.

First, I do not think that there is sufficient information to permit us to draw separate conclusions concerning the athletic footwear segment of the domestic industry. My colleagues have based their conclusions in large part on financial information supplied by four firms accounting for only about 17 percent of domestic athletic footwear production. These four firms were the only firms to supply us with usable financial information primarily relating to athletic footwear operations. I do not believe that data from four firms accounting for only 17 percent of domestic athletic footwear production is necessarily representative of general conditions concerning such production in the United States. Furthermore, financial data received from other large domestic producers of athletic footwear who make other types of footwear and who could not or did not provide separate financial data on the profitability of their athletic footwear operations show profit margins which closely approximate the average profit margin of the whole industry and therefore indicate that the profit margins of the four firms may well not be representative of profit margins for athletic footwear operations. Thus, while it is possible that some domestic producers of athletic footwear may be doing well, there is no body of information which convinces me that on balance the economic condition of athletic footwear operations differs markedly from nonathletic footwear operations.

Second, I believe that producers of footwear in Taiwan and Korea continue to pose a serious threat to domestic nonrubber footwear producers, including those producing athletic footwear. Korea in particular filled the athletic footwear category of its quota in the first 3 years of the quota period and had filled 86 percent of the fourth year quota in the first 9 months of the quota year. Furthermore, Taiwan, which does not have a separate quota category for athletic footwear, has filled all three of its quota categories in the first 3 years of the relief period and will do so again in the fourth year if present trends continue. Even with orderly marketing agreements in place, Taiwan and Korea accounted for 65 percent of domestic athletic footwear consumption in 1980. Thus, I believe that in the absence of continued relief imports of athletic footwear from Taiwan and Korea will increase both in absolute terms and as a share of U.S. consumption.

Third, Korean nonrubber footwear exports in general remain a serious threat to the domestic industry. Korean production is highly export oriented, and an average of nearly 60 percent of Korean footwear exports have been shipped to the U.S. market during the period 1977-80. The Korean industry is dominated by four firms which collectively account for over half of total Korean footwear production (including types of footwear not covered by the relief). The industry has shown considerable ability to accommodate to changing market conditions and has upgraded the quality of its exports during the relief period. This adaptability of the Korean industry and knowledge of the rapid rate at which Korean exports to the United States increased prior to the imposition of quotas (Korean exports of nonrubber footwear to the United States increased at an annual rate of 85 percent during 1974-77) lead me to believe that the conditions confronting the U.S. industry with regard to Korean imports in 1977 could readily recur and jeopardize the adjustment process underway if existing relief is allowed to terminate.

UNIVERSITY OF PITTSBURGH—1981 NATIONAL DEBATE CHAMPIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAM J. COYNE) is recognized for 5 minutes.

● Mr. WILLIAM J. COYNE. Mr. Speaker, I want to take this opportunity to extend my congratulations to the University of Pittsburgh for their splendid victory in the 1981 National College Debate Tournament. I am proud to announce that Stephen Marzen and Michael Alberty with the assistance of their coach, Dr. Thomas Kane, associate professor of speech communications at the University of Pittsburgh, emerged the national champions over 61 debate teams selected to participate in the finals held April 10-13, 1981, at the California State Polytechnic University in Pomona, Calif. The topic of debate was "That the United States should significantly increase its foreign military commitments." In the third and final round of debate Stephen Marzen and Michael Alberty won a decisive 5-0 decision over Dartmouth College.

The National Debate Tournament is an annual competition, considered the most prestigious college debate in the United States. The teams are judged on presentation of evidence, analysis of material and excellence of argumentation. The tournament is sponsored by the American Forsensic Association and the Ford Education Fund.

I am proud of the fact that the 14th Congressional District of Pennsylvania that I represent in Congress is considered one of the largest and finest educational centers in this country. Pittsburgh is the home of the University of Pittsburgh, Carnegie Mellon University, Duguense University, Carlow College, Robert Morris College, Chatham College, Allegheny County Community College and many other fine vocational and technical schools. The recent triumph at the University of Pittsburgh is further proof of the fact that the educational institutions in Pittsburgh rank with the best in the Nation.●

REAGANOMICS WILL HURT MICHIGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, it seems quite clear at this point that supporters of President Reagan's stringent economic measures generally believe they will escape the sting.

They are convinced that somehow in this complicated budget process it will be the other guy who pays for Mr. Reagan's austerity. Naively, they think that we can somehow save nearly $50 billion by simply closing loopholes and eliminating a little fraud here and there.

Well, Mr. Speaker, I would like to set the record straight. Reaganomics is going to hurt all of us who are not numbered among the very rich. Let there be no doubting that.

I would like to sketch very briefly just a few of the blows President Reagan's program will deal to my State of Michigan.

EDUCATION

Michigan will lose an estimated $86 million—on top of a 30-percent cut in State categorical aid and a slash in the general school aid formula because of the State's near-depression condition. Without adjusting for inflation, this double-edged budgetary sword will cost Michigan schools approximately $206 million in the coming fiscal year alone.

Under these proposals, more than $25 million would be cut from the title I compensatory education program, which would in turn eliminate services altogether for 52,000 students and have an impact on another 232,000 pupils in Michigan.

Just when we have made some significant inroads in improving vocational education programs—updating the course content to better prepare students for the workplace and acquiring modern equipment and facilities—we're retracting on our commitment by $6 million in Michigan alone, hurting 300,000 students. Keith B. Geiger, president of the Michigan Education Association, told the House Committee

on Education and Labor on March 26, 1981:

This reduction will severely cripple vocational education courses in high schools, career education centers, community colleges, and the purchase of new equipment and construction of new facilities for these programs.

What these cuts translate into for our urban areas is absolute disaster. Because most of the Federal education programs are targeted toward disadvantaged and minority populations, and our city school systems rely on 16 percent of their budget from Federal aid, the administration's program is an even crueler hoax for them. The Detroit Public Schools alone will suffer a $12.8 million fund reduction. This affects the entire metropolitan area, since the 36 school districts in the county have adopted shared programs in many program areas.

ENERGY

The administration's energy budget ignores a basic concern of every Michigan household—skyrocketing energy prices. Many of the programs the President has targeted for reductions provide a necessary buffer for the elderly, the lower income workers and the unemployed. At February 1981 prices, low-income households in Michigan that use gas will pay an average of $695 per year to heat their homes. Those who heat with oil will pay an estimated $1,534. If energy prices continue to rise as they have since 1980, by next winter the cost could be $1,900. Moreover, the impact of fuel price decontrols was not fully felt by February, so it is possible that these price assumptions for next winter are underestimated.

In the single coldest month, a low-income Michigan household will have to spend as much as $263 for energy at the current price. For the single elderly 15th District Michigan resident who depends on the maximum social security payment of $262 per month, that leaves nothing for food, shelter, medical care, or other necessities.

Clearly, the elimination of substantial reduction in funds for low-income households to meet the high cost of energy would be tragic. The administration budget puts "energy assistance" into a State block grant program at reduced funding of $1.4 billion. This would completely eliminate a "crisis intervention" portion of the program currently being administered by the Community Services Administration. This program and the weatherization program have aided countless numbers of residents in Michigan and specifically in the communities I represent.

The low-income weatherization project which operates out of both the Department of Energy and the Community Services Administration supplies low-income households with money needed to weatherize. This program has reduced the impact of higher energy prices on the low-income homes and particularly the elderly. The administration proposal has shifted the program from DOE into the community development block grant program at HUD with no funding of its own. The block grants will be funded at only 75 percent of existing levels. Thus, weatherization programs will be competing with streets, sewer projects, local housing authorities, development projects, and many community projects needing the funds.

HOUSING

Assisted housing is critical to the people of my district. Because of economic conditions, there are more multiple families living in single units than at any time since the Great Depression. The proposed reduction in housing assistance could not come at a worse time.

An example of the demand for assisted housing was recently pointed out dramatically by the Southeast Michigan Council of Governments (SEMCOG). The Detroit area office of HUD received 47 requests for projects in need of some kind of assistance. HUD in Detroit could only send 15 of those requests representing about 1,200 units on to SEMCOG for review.

The administration budget will eliminate the HUD 312 program, which provides neighborhood revitalization for housing and for business districts. This would halt many pending projects in aging downtown sections of my district. These projects were designed to help small business, the very firms the administration says it wants to assist. To end the 312 program will hurt these businesses and old downtown sections of Wayne County as well.

TRANSPORTATION

Sharp cutbacks in funding for Amtrak and Conrail are contained in Mr. Reagan's budget. At a time when Amtrak is beginning to show progress, we have before us cuts that threaten extinction for this carrier. These cutbacks probably will mean the end of a national rail passenger network and will certainly end operations on Michigan's three Amtrak lines running from Detroit to Jackson, Detroit to Chicago, and Port Huron to Battle Creek. Destroying Amtrak means the loss of our most energy-efficient means of passenger transportation at a time when fuel costs are pricing the airlines out of reach of working men and women in my district.

Severely reduced funding for the important Northeast and Midwest Conrail system certainly endangers the viability of this rail freight transportation network. The dismantling of Conrail will imperil the railroad retirement system, both by threatening a loss of premiums from employees laid off in large numbers, and from lack of plans for taking steps to avert bankruptcy of the system in the period between 1982 and 1984, when the cash flow will, under the best of circumstances, be temporarily slowed. There are many 15th District residents currently employed by Amtrak and Conrail whose livelihoods and hopes for the future will be halted abruptly by this action.

It seems to me that the President, in his zeal for budget-cutting, has clearly ignored the economic and social costs of wrecking the railroad industry and the workers who are employed in its operations.

The President's budget will increase defense spending and reduce spending for many necessary social programs. I have warned businessmen in my district, however, not to count on a larger slice of the increased defense pie.

In the President's budget there unmistakably is a built-in bias against the Midwest and Northeast, where problems of chronic unemployment, sagging productivity and urban decay are dramatically evident. The problem for these areas is that most of the additional defense moneys will go into sophisticated technology, not the big hardware items they are geared to produce. So the Midwest and the Northeast will lose out to the South and the West.

Excluding prime contracts, the West will get $213 per capita in increased Defense Department expenditures; the South, $169; the Midwest, $64 and the Northeast, $71.

Mr. Speaker, I have but touched lightly on the price the people of Michigan and my district will pay for President Reagan's economic recovery program. And I have dealt with only the direct impact.

The price will be much higher when we take into account the negative effects on the economy that even conservative economists call the inevitable result of this ill-conceived and untested economic experiment.

Both the economists of Wall Street and the liberal think tanks predict higher unemployment, continued high inflation and rising interest rates as the price for Mr. Reagan's grand economic strategy.

If this is what the people of America want, so be it. But let us go into this thing with our eyes wide open, not with some fuzzy and misplaced belief that it would not hurt much and that someone else will pick up the tab.●

REAGAN-GRAMM-LATTA WAR AGAINST THE POOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, the proposed budget cuts envisioned in the

Reagan-Gramm-Latta war against the poor are disturbing to me because the more I learn about how these cuts translate into reality the more obvious it is that the "truly needy" will in fact be harmed.

The principal school district in my area, the San Antonio Independent School District, provided me with factual information as to the effect of the reductions in education funds in the district and I would like to share them with the Members.

Under title I, Elementary and Secondary Education Act, which was designed to help districts with large numbers of poor children, San Antonio Independent School District estimates that out of the 19,000 students presently receiving remedial services under ESEA, 7,000 will have to be dropped from the program. According to school officials there is little hope that these students will ever "catch up" without additional help.

The support programs that go along with title I such as health services, guidance and counseling service, and other instructional support services, must be curtailed. As a result this district will have to reduce its support staff by 40, and approximately 12,000 students will lose the services they currently receive.

The operating budgets for all title I components must be drastically cut or eliminated altogether, according to school officials. This means that the district will not be able to purchase supplementary supplies and materials for the students as well as the title I staff running these programs.

If these severe cuts are approved it will result in the reduction of 59 teachers, 57 aides, and about 40 key instructional specialists. These could result in putting almost 200 people out of jobs, including the 40 support staff I mentioned earlier, unless the district can place some of these individuals in existing vacancies.

Mr. Speaker, as I said last week during the debate on the budget, the Reagan budget is war on the poor, plain and simple. These budget cuts will emaciate the educational programs intended to help the poor and lessen their chances for an enhanced educational opportunity.

This budget alternative cuts off a number of the rungs in the ladder that these programs give to the poor to assist them out of a vicious cycle of poverty in which they are trapped.

I do not believe that this is the direction our Nation wants to head, but this is what we will be doing if this is ultimately carried out.

Turning to higher education, the Latta-Gramm war resolution cuts out $700 million more for student aid than the Budget Committee resolution. To me this type of cut is a direct assault on our Nation's future.

The budget should reflect the priorities of our society and I can think of no greater priority than providing higher educational opportunity to those who have the desire and the initiative, but not the funds to achieve their goal.

I share everyone's concern for a strong and healthy economy but I cannot justify such huge cuts in programs that will result in removing equal access to higher education.

One of the programs to be hardest hit will be the Pell grant program, formerly known as the basic educational opportunity grant program. This program serves as the foundation of financial support for the neediest; 80 percent of the program's recipients come from families with incomes of less than $12,000. While the assumptions for the cuts are that the parents of these students can use discretionary income to help pay for their children's education costs, the fact is that most of these parents have little if any discretionary income.

The guaranteed student loan program is also in jeopardy and cuts that are being proposed could affect over 2 million students.

In my own district many of the colleges and universities have expressed grave concern over the cuts in financial aid and feel that their schools will be seriously impacted. Many of the students at these schools come from a minority background and must receive funds in order to attend college. In many cases, they are the first generation in their families to attend college. If these proposed cutbacks become a reality most of these students will be barred from a valuable education and it is possible that a number of institutions of higher learning could be forced to shut their doors due to lack of funds

I cannot subscribe to the dictum that in order to acheive a healthy economy we must gut all of our programs designed to help the less fortunate.

All things must and should be considered. The cuts in postsecondary programs are in direct conflict with the Federal Government's historic commitment to access to higher education. We are continually striving to improve our Nation socially, culturally, economically, and technologically, and we reach these goals through an educated citizenry.

By investing in the student aid program we will be investing in the future and this type of investment will surely pay for itself for many years to come.

These financial aid programs are needed, and I strongly oppose the Gramm-Latta substitute which would put an end to the hopes and dreams of many young people across the Nation.

EFFICIENCIES CAN PREVENT REDUCTIONS IN EDUCATION SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. FENWICK) is recognized for 5 minutes.

Mrs. FENWICK. Mr. Speaker, I would like to address myself to my colleague who has just spoken, the gentleman from Texas (Mr. GONZALEZ) because I share with him a very sincere concern for the welfare of our children in the programs that have been devised to help them in their education.

But I have a comforting word that comes from the administrator of one of the biggest programs in our State. This suggestion is made: the hope is to consolidate programs in such a way that the children will be served as before, although the services, through consolidation will, therefore, be less expensive.

What do we mean by that? We mean, of course, that some of the administrators and some of the staff will certainly lose their jobs. What was being suggested, however, and I thought it remarkable that somebody who is in a position perhaps of having their employment threatened was so willing—so more than willing—so intelligently eager to see that the children would continue to be served, although perhaps personally she might suffer. The writer was a woman. But what she was suggesting was, for example, in some of the health services provided in our schools by the school nurses, that programs could be consolidated and the money now being used for other health services in other places in the same district could be brought into the schools at other hours, after school hours, weekends, times when the schools were not being used, perhaps in the evenings. In that way the expense of maintaining the health services could be consolidated with those of child health, the school nurse, and other facilities for child health. This is the same system proposed for other educational programs, in other words, the disadvantaged and the mentally handicapped.

I have worked in these fields at home in New Jersey and have received, because of my old interest in these programs, letters from other administrators also. There is much that can be done. We ought to make a shorter and clearer hearing procedure. Sometimes as much as one-third of the class time of the teachers of the handicapped is taken up with hearings in which the parents fight valiantly to get their children out of the special education classification.

This is a very serious problem in my State. We have very high payments for the education of the handicapped, $5,800 per child per year. The children

are classified for special education and sometimes the parents resent this. Some of them have gone so far as to take the children to hospitals in New York where they have been declared above average psychologically and neurologically.

So these lengthy hearings take place. The teacher told me that one-third of her time was used in that way. This is common throughout the State.

This is a process that could be simplified. Certainly we must have a hearing procedure. Certainly something can be done other than to follow a hearing in the district by another in the State capital.

Another teacher told me about the large amount of equipment that is bought. We must have small classes. We cannot teach the mentally retarded, the perceptually handicapped and all the other children who are disturbed and unable to take the normal classes. We have to have small classes. But we do not have to have a lot of equipment that is put in the cupboard and never used, as was described to me.

□ 1200

As this teacher said to me, it is not our wages that are costing so much, it is the equipment that is bought and never used, locked up in the cupboard.

Now the time has come for those people who know what is happening, who are working down at the operating level, to tell us where these cost savings can be made.

That, it seems to me, is the great duty we have, and to make these changes we must study the letters we get.

Just this morning, another letter came, this one from the ombudsman of our elderly people in our elderly institutions, suggesting what we ought to do.

If we pay some attention to those who care about the children more than they do about their jobs, we can make enormous savings in these programs.

THE 33D ANNIVERSARY OF THE STATE OF ISRAEL

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, 33 years ago, at midnight, May 14-15, 1948, the fifth and sixth days of Iyar, 5708, under the Jewish calendar, the people of Israel declared their independence and the British mandate for Palestine came to an end. I am proud to join in commemorating this event of stirring significance and inspiration in mankind's continuing struggle for freedom and dignity.

Throughout the Middle Ages, in most of the countries of the world, the Jews were severely restricted in their civil and religious liberties, as well as being subjected to periodic physical harassment or outright persecution by fire and sword. This sad history culminated in the 20th century holocaust with the unspeakable horror at Auschwitz and Buchenwald.

Seen in this context of tears and tragedy, the establishment of the State of Israel is, therefore, a momentous turning point in the history of the Jewish people. The nation was carved out of bedrock, desert, and malarial swamp at great sacrifice and, in addition, was surrounded by hostile neighbors. Yet the courage and tough determination forged during their centuries of exile enabled the Jews to face these problems with vigor and enthusiasm.

Almost immediately after Israel became independent, President Truman extended U.S. diplomatic recognition to the new nation. Unfortunately, however, true peace has not yet been realized. For 2 years after proclaiming its independence, Israel had to fight for its existence, and tension still remains high.

In addition to the current tension relating to Syrian aggression in Lebanon, Israel must now contend with the nine nations of the European Economic Community which last year began their own efforts to intrude themselves into the ongoing Mideast peace negotiations, now known as the Camp David peace process.

These continuing intrusions can only further confuse an already difficult diplomatic situation in the Mideast, and further divide the United States and its Western European allies at a time when unity is essential to bring a halt to Soviet aggression, not only in the Middle East, but elsewhere in the world.

The Camp David agreement signed by the United States, Israel, and Egypt establishes a framework for ongoing peace negotiations, and underscores the delicate nature of the relationships among the countries of that area of the world. Not only must a peace settlement deal with issues of major importance to the Middle Eastern parties themselves, it must also address the need to assist the entire area in protecting itself from Soviet Communist aggression and encouragement of violent extremists.

The attainment of a permanent peace in the Middle East is a difficult task indeed, and I urge the European Economic Community to act more supportively in order to insure that the peace process that was adopted at Camp David be allowed to work. It is my hope that the members of the European Economic Community will carefully scrutinize their statements and their actions so as not to create the impression that they are thwarting the efforts of the Camp David peace process. It concerns me deeply that the European Economic Community has recommended that the PLO be given an official part in the negotiations. This attitude on the part of the European Economic Community is deterring progress in the peace process. I fervently hope that the European Economic Community will take a more constructive and productive attitude toward the peace process without undermining the progress that has already been made.

President Truman's policy toward Israel was based on the desire, he later wrote, to find a peaceful solution in a world trouble spot, to see promises kept, to relieve human misery, and to open the door for the development of the productive potential of the Middle East. Today, as a nation of about 3 million people, Israel can rightfully boast of its astounding record of economic, political, and social accomplishments in spite of the continuing problems of heavy armament expenses.

To the citizens of Israel and their friends in this and every other nation, I join my colleagues in the Congress in a tribute during this celebration of the founding of Israel as a modern nation. May the State of Israel continue to be a source of encouragement and inspiration for all peoples of the world.●

A BROKEN PROMISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WYDEN) is recognized for 5 minutes.

Mr. WYDEN. Mr. Speaker, I have with me today an example of one of the cruelest hoaxes perpetrated against the senior citizens of this country.

Let me read a little for you. This is the front page of the Republican National Committee's Senior Republicans newsletter for April-May 1981. The headline across the top of the page reads "President Reagan Keeps Promise, Retirement Benefits Go Untouched." The article goes on to say that the plan for budget reform presented by President Reagan not only maintains social programs important to senior citizens at their present levels, but provides for an increase in spending for these services over the next 4 years.

It also says that suffering on the part of the needy is by no means a part of the new President's plan and that the overwhelming evidence is that there is plenty of room to cut the budget without unjustly hurting the poor and the elderly.

I scarcely need to explain why this is such a cruel hoax.

Not more than a few weeks after this newsletter reached seniors' homes, the President proposed drastic cuts in social security.

Not more than a few weeks later, he told seniors by that action that their suffering was not a major concern of his.

Within a matter of weeks, he told seniors that the contract they had with the Federal Government—that the promises he himself had made throughout a long campaign and in the beginning days of his administration—meant nothing.

I do not think the senior citizens of America will stand for broken promises of this magnitude.

Rather than maintaining social programs important to senior citizens, the President's proposals of this week call for a severe cut in social security benefits for seniors who have worked their entire lives to earn them.

They ask seniors to give up some $3.6 billion worth of benefits through a 3-month delay in cost-of-living increases next year.

They ask American workers who have worked for 40-some years and planned to retire next year at the age of 62 to glibly give up an extra 25 percent of their benefits—from 80 percent of full benefits down to 55 percent.

They change the formula for computing benefits so that future retirees, many of whom are already approaching retirement, will receive still lower benefits.

Rather than belabor the issue, I would like to include the front-page Republican National Committee story into the RECORD in its entirety. I believe it speaks for itself. The article follows:

REAGAN ECONOMIC PROGRAM: PRESIDENT REAGAN KEEPS PROMISE, RETIREMENT BENEFITS GO UNTOUCHED

The plan for budget reform presented by President Reagan to the Congress not only maintains social programs important to senior citizens at their present levels, but provides for an increase in spending for these services over the next four years.

In fact, the "social safety net" programs will command an increasingly large slice of the budget, moving from 36.6 percent of the 1981 budget to 40.6 percent of the 1984 budget.

The "social safety net" to which President Reagan refers is a concept formulated in 1930 under the New Deal. The net was designed to protect those citizens who need some form of federal assistance. The following programs will have the highest priority and will emerge virtually intact after the budget revisions:

[Dollars in billions]

	1981	1982	1983	1984
Social insurance benefits for the elderly	$184.0	$209.2	$233.1	$256.3
Basic unemployment benefits	$20.3	$17.2	$15.2	$15.2
Cash benefits for dependent families, elderly, and disabled	$15.1	$15.4	$16.7	$16.0
Social obligation to veterans	$20.0	$22.1	$23.9	$25.5
Outlays for social safety net	$239.4	$263.9	$288.9	$313.0
Social safety net as percent target outlay ceiling	36.6	37.9	39.4	40.6

The fact that these social services will not be cut, however, does not refute the fact that the federal budget is out of control. If the United States is to regain its economic vitality, spending cuts, along with across-the-board income tax cuts, must pass through Congress unscathed. The President has recommended that spending be reduced by $48.6 billion in order to achieve a balanced budget by 1984.

Past years of fiscal irresponsibility and wild spending must stop. Alternating inflation and stagnation can only be arrested if the federal government reduces its share of the nation's GNP. As of this reading the government claimed a full 12 percent of the GNP. The new Administration would like to halve that figure.

Inflation occurs when the government prints more dollars to finance its deficit spending. The alternative solution when faced with a deficit is to use existing resources in the banks. While this does not contribute to inflation, it chokes off private investment because the money ordinarily used for private loans is soaked up by public borrowing. Few would argue that the effects of inflation and stagnation are more humane than the budget cuts planned by the Reagan Administration.

Many budget cuts will come from attacking the enormous waste and inefficiency that is associated with the federal bureaucracy. President Reagan has vowed to rid the system of as much waste as his Administration can find.

Other cuts, it should be pointed out, are not cuts at all. They are indeed only a slowing down of the spiraling growth of many programs and services to a level that will make it possible for Americans to recover economically and to balance the federal budget.

Beyond this, however, the question of the day is where to cut the budget. How not to let the burden fall inordinately on the backs of those who need the federal assistance the most? The new Administration is not alone in answering these questions. Constructive suggestions have surfaced in the past few months.

The overwhelming evidence is that there is plenty of room to cut the budget without unjustly hurting the poor and elderly. In testimony before the Senate Budget Committee recently, Harvard professor Martin Feldstein stated that if only half of the domestic spending increases since 1971 could be erased, the budget could be trimmed by $70 billion.

President Reagan's message is clear. The U.S. economy cannot continue to be a vehicle of general prosperity if the federal budget is not reduced. But suffering on the part of the needy is by no means a part of the new President's plan.

The 97th Congress must heed the President's and the American people's call for a new beginning. Members of Congress should avoid trying to preserve individual pet programs in light of the grander picture—a healthy economy which will not only benefit seniors, but all American citizens.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague yielding, and I wish to suggest to him, as a member of the Social Security Subcommittee, first of all, that this is an issue that has been before the Congress for a long time. As the gentleman is well aware, even though I realize that the gentleman is a new Member of Congress, it is one thing to complain about suggestions made by a President to save the social security system from ruination, but it is another thing to actually improve the financial stability of the program. The social security funds are in deep trouble. The Social Security Subcommittee of the Committee on Ways and Means, on which I serve and of which our colleague on the gentleman's side of the aisle, the gentleman from Texas (Mr. PICKLE), is chairman, has been struggling to find a way to make it solvent and to save the system.

The gentleman's comment, I think, is not quite correct that the recommendations by the Reagan administration are a breaking of a past contract that was made with the American people. That just is not true. I am sure that the gentleman is well aware that one of the suggestions that has been most criticized by the gentleman's side of the aisle is a change in the formula for early retirement. That is at age 62.

Now, the gentleman knows, as well as I do, that when accepted this contract was started with the American people, retirement age was at 65. We did not have provisions as generous as they are now, where a person could retire at 62, and get 80 percent of the benefits that they would receive at full retirement of 65. I know the gentleman is aware of that. And, therefore, it is not a breaking of the contract to say, "Hey, wait a minute, Public, the 90 percent of you who are covered by social security have not been dealt with correctly by the Congress." We have accelerated the benefits far beyond the ability of the taxpayers who pay for the system, who have it extracted from their paychecks every month, as we know to carry these benefits. Both the employer and the employee pay for this program with a mighty heavy tax.

Social security is not now actuarially sound. And we have accelerated this benefit for early retirement far beyond the ability of the system to pay for it.

And so the criticism that it is a breaking of a past contract just is not true, this extra benefit was not in the early concept.

The SPEAKER pro tempore. The time of the gentleman from Oregon (Mr. WYDEN) has expired.

(At the request of Mr. ROUSSELOT, and by unanimous consent, Mr. WYDEN was allowed to proceed for 3 additional minutes.)

Mr. WYDEN. I think the gentleman understands that Members on my side of the aisle are fully committed to working with the committee and undertaking some reforms that do need to be undertaken.

Mr. ROUSSELOT. I am glad to hear that. Those of us on the committee will look forward to your support.

Mr. WYDEN. I think it is just a question that this program is too much too soon. I think that this body, as I say, is going to have a great deal of difficulty explaining to someone who has done tough manual labor for over 40 years in this country, is now 60, 61, is expecting to retire next year, at the age of 62, how in the world they are possibly going to be able to live when their benefits are being cut more than a quarter.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield again very briefly?

Mr. WYDEN. I yield to the gentleman.

Mr. ROUSSELOT. I appreciate my colleague yielding again.

The gentleman is well aware that when the program started about 40 years ago it was not intended that there be such high benefits for early retirement. The benefit for retirement at age 65 is still the same, as the gentleman well knows, in the proposals—and they are only proposals—made by the Reagan administration.

I am sure the gentleman is also aware that we have had one vote in the Social Security Subcommittee already on retirement benefits at age 65. There was a vote—it was nearly unanimous—to consider changing the ultimate retirement age and having it moved to 68 in the year 2002 and to phase it into age 68.

So even the chairman, from the gentleman's side of the aisle, has made that recommendation, as I am sure the gentleman is aware. And I am sure the gentleman did not get up and criticize Mr. PICKLE when he made that recommendation at that time, did the gentleman?

Mr. WYDEN. I would only say that the proposals that have been made by the administration go far beyond what has been approved in the committee and have been a much more significant cutback in benefits.

Mr. ROUSSELOT. Not quite correct. Of the 13 proposals made by Mr. Schweiker and Mr. Reagan the other day, 6 of those we have already considered in the subcommittee. I am sure the gentleman is aware of that.

Mr. WYDEN. I would only suggest to the gentleman that it is fine to talk about changes for future beneficiaries——

Mr. ROUSSELOT. To save the system.

Mr. WYDEN. And changes for the year 2000. We are talking about dramatic cuts in the next 2 years in benefits. We are talking about saving $3.7 billion next year out of the backs of retirees who need a cost-of-living increase; we are talking about a 25-percent reduction in the benefits for people at the age of 62.

So while I agree with the gentleman completely and salute the part of the program in fact that looks perspectively at social security, I think it is wrong, I think the American people will think it is wrong, to take so much so soon.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

Mr. Speaker, I rise only because I think that I am correct in my assessment of this dialog here, the gentleman in the well is very young and some of us are a little bit older, and I think the record ought to show that the gentleman from California has never been for social security.

Mr. ROUSSELOT. Wrong. Just not true.

Mr. GONZALEZ. The Republican Party has never been for social security. They opposed it at its inception and they have opposed it for 40 years.

THE SOCIAL SECURITY SYSTEM

(Mr. ROUSSELOT asked to address the House for 1 minute and to revise and extend his remarks.)

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. ROUSSELOT) is recognized.

There was no objection.

Mr. ROUSSELOT. Mr. Speaker, I am talking this time to correct one incorrect statement that my colleague, the genteman from Texas (Mr. GONZALEZ), has just made. I have never said that I am opposed to social security, and the gentleman knows that.

I have definitely suggested some reforms to save the system, and I think that such reforms are desperately needed. I am on Mr. PICKLE's Ways and Means Subcommittee, one of the gentleman's colleagues from Texas, which is in the process of trying to save the social security system. All that I was suggesting is, that just because the President has made some similar suggestions relating to social security reform—they were not all the same as those proposed by the gentleman from Texas (Mr. PICKLE) some of them were different, some were the same—that such proposals for reform should not serve as a signal to the entire House of Representatives to jump up immediately and to create an atmosphere of fear that people who are presently under the social security system are suddenly going to be denied the vast array of benefits that they have been receiving. Such a statement is an overreach and an overstatement and serves no useful purpose in my estimation.

I did want to correct my colleague's statement as it relates to me. I have never said that I am opposed to the social security system, and I am sure my colleague, the gentleman from Texas, will correct his remarks.

A RESPONSIBLE APPROACH TO THE SOCIAL SECURITY SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. COURTER) is recognized for 2 minutes.

Mr. COURTER. Mr. Speaker, I probably will not talk for 2 minutes, unless we get wrapped up in this. I would just like to point out and concur in the remarks of the gentleman from California. One thing that was not articulated earlier in the exchange between the two gentlemen is the fact that the father of the social security system was a Republican. And to say that because Republicans at this particular time want to make the system sound in the future, to make sure that future generations, including those people who are 59, 60, and 61 now, have a solvent fund, are undermining the system is, I think, the height of misinformation. I disagree with the implication that was stated not only by the gentleman in the well today, but also by many people on the Democratic side of the aisle yesterday during the 1-minute remarks, that this is a very irresponsible approach. As a matter of fact, I think it is the height of responsibility to start a significant debate on some mechanism to guarantee that this fund be solvent for future Americans. And that is all the President is trying to do.

I think it is a real shame for people to come forward and seek recognition in this House to criticize the first President in the last 20 years who understands the fact that this system is soon going to run out of money. We need to make some changes, and some of those changes might not be so simple, but at least we have to start the process here and now so that people who retire in 1982 and in 1983 can look forward to a social security system that is sound for them and for future generations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. FENWICK, for 5 minutes, today.

Mr. COURTER, for 2 minutes, today.

(The following Members (at the request of Mr. LUNGREN) to revise and extend their remarks and include extraneous material:)

Mr. GOLDWATER, for 5 minutes, today.

(The following Members (at the request of Mr. MAVROULES) to revise and extend their remarks and include extraneous material:)

Mr. WILLIAM J. COYNE, for 5 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. WYDEN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LUNGREN) and to include extraneous matter:)

Ms. FIEDLER.
Mr. GOLDWATER.
Mr. MARRIOTT.
Mr. SHUMWAY.
Mr. DOUGHERTY.
Mr. MICHEL.
Mr. GOODLING.

(The following Members (at the request of Mr. MAVROULES) and to include extraneous matter:)

Mr. FROST.
Mr. LONG of Louisiana.
Mr. LUKEN.
Ms. OAKAR.
Mr. ZEFERETTI.
Mr. ROYBAL in five instances.
Mr. BRODHEAD.
Mr. RATCHFORD in three instances.
Mr. SCHEUER.
Mr. WALGREN.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1124. An act to authorize the Sergeant at Arms and Doorkeeper of the Senate, subject to the approval of the Committee on Rules and Administration, to enter into contracts which provide for the making of advance payments for computer programing services; to the Committee on House Administration.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until Monday, May 18, 1981, at 11 a.m.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1980, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

OFFICE OF THE SECRETARY
OF TRANSPORTATION,
Washington, D.C. May 7, 1981.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: The enclosed report is submitted in accordance with the requirement of 50 U.S.C. Section 1434 (Public Law 85-804, August 28, 1958, amended by Public Law 93-155, November 16, 1973). The statute as implemented by Executive Order No. 10789, November 14, 1958, requires a report to Congress of certain actions taken by specified agency heads under the authority of the statute during the previous calendar years.

In our 1979 report to Congress, we reported that DeLeuw, Cather/Parsons had been indemnified under Public Law 85-804. The enclosed report describes indemnification that DeLeuw, Cather/Parsons has extended to three subcontractors (Silikal North America, Inc., Mergentime Corporation and Sverdrup & Parcel and Associates, Inc.) during calendar year 1980.

Since the potential cost of this action to the Government may exceed $50,000, the report includes a statement of the circumstances which justify the action taken by DeLeuw, Cather/Parsons and approved by the Department of Transportation.

Sincerely,

DREW LEWIS.

REPORT OF ACTION TAKEN UNDER AUTHORITY OF PUBLIC LAW 85-804 DURING CALENDAR YEAR 1980

1. CONTRACTORS

A. Silikal North America, Inc.
B. Mergentime Corporation
C. Sverdrup and Parcel and Associates, Inc.

2. ESTIMATED POTENTIAL COST

The prime contract between the Federal Railroad Administration and DeLeuw, Cather/Parsons under which these three subcontractors have been indemnified pursuant to PL 85-804 provides for unlimited indemnification. Consequently, as was reported to Congress in regard to the extension of PL 85-804 indemnification to DeLeuw, Cather/Parsons, the potential cost to the Government cannot be reasonably estimated. However, indemnification of these three subcontractors may increase the number of third party liability claims for which the Government may be liable pursuant to the indemnification provisions.

3. SERVICES INVOLVED

Architect-engineering services for the Northeast Corridor Improvement Program (NECIP) are being provided by DeLeuw, Cather/Parsons. DeLeuw, Cather/Parsons was indemnified under P.L. 85-804 during calendar year 1979 as reported to Congress. The contractors who are the subject of this 1980 report are subcontractors to DeLeuw, Cather/Parsons. These firms were considered entitled to protection under P.L. 85-804 due to the unusually hazardous risks related to their work for DeLeuw, Cather/Parsons.

4. STATEMENT OF THE CIRCUMSTANCES JUSTIFYING EXTENSION OF INDEMNIFICATION UNDER P.L. 85-804 TO SUBCONTRACTORS OF DE LEUW, CATHER/PARSONS

A. The Northeast Corridor Improvement Program (NECIP)

NECIP was mandated by the Railroad Revitalization and Regulatory Reform Act of 1976 (the 4R Act) as a program to upgrade railroad intercity passenger service between Boston, Massachusetts and Washington, D.C. Specific goals of the program were to provide railroad facilities which can accommodate regularly scheduled, dependable service between Washington and Boston.

The NECIP is comprised of 11 interrelated elements of improvements necessary to facilitate high speed operation and assure safe, comfortable service. These include route realignments; interlocking improvements and track structure upgrading; bridge repair and replacement; tunnel rehabilitation and modification; installation of fences and barriers; elimination of rail/highway grade crossings; electrification improvement and extension to serve the entire Corridor; signaling and traffic control improvements; new communications systems; station rehabilitation and upgrading; and expanded and new maintenance facilities.

Six of the nation's largest cities and 20 percent of its population are served by the Northeast Corridor (NEC), a 456-mile rail system stretching from Washington, D.C. to Boston, Massachusetts. Each day, over 373 passenger trains and 150 freight trains travel along the route. Both commuters and intercity passengers depend on this system. In 1975, over 8.5 million people utilized passenger train service on the NEC. Freight shipments important to the Corridor's economy are made using these tracks. This freight includes hazardous materials such as liquified gases, liquid and solid chemicals, nuclear material, and Department of Defense ammunition and explosives.

With some significant exceptions (such as the electrification of the Pennsylvania and New Haven main line between Washington and New Haven in the 1930's, and the upgrading of track structures and bridges from Washington to New York in preparation for Metroliner service in the 1960's), the route alignments, most bridges, signals and other physical equipment of the Corridor date back to the turn of the century. In much of the Corridor, tracks, tunnels and bridges are no longer adequate to accommodate current traffic at timetable speeds safely. Deferred maintenance on deteriorated track has required the imposition of speed restrictions, or slow orders, and has thereby resulted in schedule unreliability. In addition, the NEC main line is the most complex blend of high-density intercity travel, commuter travel and freight traffic in the nation. Congestion and lower speeds result from this mix of traffic.

Under the terms of its contract DeLeuw, Cather/Parsons (DCP) is contractually obligated to perform architect-engineering services for systems engineering, program management, design, construction supervision, inspection and administration, and related services for the NECIP. Most of the design work was to be subcontracted by DCP. DCP was responsible for the quality and accuracy of each design, drawing, specification, or other design-related product produced pursuant to the contract. It was responsible also for inspecting all construction work on the NECIP and liable for the professional quality and thoroughness of the inspections it performed.

Article XIV (Attachment 1) of the DeLeuw, Cather/Parsons' contract specifically states the Government shall indemnify the A-E contractor against:

i. claims (including reasonable expenses of litigation or settlement) by third persons (including employees of the A-E Contractor) for death, personal injury, or loss of, damage to, or loss of use of property;

ii. loss of or damage to property of the A-E Contractor, and loss of use of such property but excluding loss of profit; and

iii. loss of, damage to, or loss of use of property of the Government but excluding loss of profit.

Recognizing the unique capacity of DeLeuw, Cather/Parsons on the NEC, Section 14.04 of Article XIV provides that DCP may include in any subcontract the same provision as those in Article XIV with the

approval of the Contracting Officer. Consequently, the indemnification provisions have been passed down to Silikal North America, Mergentime Corporation and Sverdrup & Parcel and Associates, Inc. The circumstances that dictated this action follow:

B. Silikal North America, Inc. and Mergentime Corporation

DeLeuw, Cather/Parsons' contract with Silikal (SC-80-185) requires the validation of a quick-curing polymer concrete concept for the rehabilitation of the Baltimore and Potomac Tunnel. Silikal's responsibility as the prime contract or involves the construction of a demonstration test track to verify the feasibility of using a track structure which incorporates direct fixation fasteners and concrete pads bonded to the tunnel invert. Silikal has demonstrated to the Federal Railroad Administration that insurance was not available at a reasonable rate for the required duration to cover the unusually hazardous risks to which Silikal would be exposed in the Baltimore Tunnel. Silikal North America was further permitted to extend indemnification to its subcontractor, Mergentime Corporation.

The risks to which Silikal, and its construction subcontractor Mergentime Corporation, would be exposed were determined to be unusually hazardous due to the deteriorated condition of the B&P Tunnel, the experimental nature of the polymer concrete installation and the fact that it was necessary to perform the work in the tunnel while traffic through the tunnel was maintained. The existing condition of the B&P Tunnel, as it affected Silikal's work, could not be evaluated within a reasonable margin of error because of the tunnel's age (over 100 years), the extent of deterioration, and the heavy traffic loads handled by the tunnel. The polymer concrete process used by Silikal has not been previously used in a similar application. Since no data based on actual experience were available to evaluate the performance of the concrete in the unique environment of the B&P Tunnel, the use of the polymer concrete was essentially experimental. The polymer concrete used in the B&P Tunnel requires the mixing of volatile components and installation under tightly controlled conditions which were difficult to achieve in the tunnel environment. The fact that the large volume of passenger train and freight train (some of which included hazardous materials) traffic was to be maintained during installation exposed Silikal and Mergentime Corporation to a large measure of risk. After careful consideration of all the factors mentioned above, it was determined that the work of Silikal and Mergentime in the B&P Tunnel involved unusually hazardous risks within the meaning of PL 85-804. Consequently, DCP was authorized to extend indemnification to Silikal and Mergentime.

C. Sverdrup & Parcel and Associates, Inc.

Indemnification was extended to Sverdrup & Parcel (S&P) by DeLeuw, Cather/Parsons with the concurrence of the Contracting Officer. The Determination and Findings that substantiates this specific action is Attachment 2.

ARTICLE XIV—INDEMNIFICATION UNDER PUBLIC LAW 85-804—COST-REIMBURSEMENT TYPE CONTRACTS (1974) MODIFIED

SECTION 14.01

Pursuant to Public Law 85-804 (50 U.S.C. 1431-1435) and Executive Order 10789, as amended, and notwithstanding any other provision of this contract, but subject to the following sections of this Article XIV, the Government shall hold harmless and indemnify the A-E Contractor against:

i. claims (including reasonable expenses of litigation or settlement) by third persons (including employees of the A-E Contractor) for death, personal injury, or loss of, damage to, or loss of use of property;

ii. loss of or damage to property of the A-E Contractor, and loss of use of such property but excluding loss of profit; and

iii. loss of, damage to, or loss of use of property of the Government but excluding loss of profit;

to the extent that such a claim, loss or damage (A) arises out of or results from a risk defined in this contract to be unusually hazardous or nuclear in nature, (B) is not compensated by insurance or otherwise, and (C) is in excess of the first $1,000,000 in the aggregate of all such claims, loss, or damage, which aggregate amount of claims, loss, or damage shall be borne by the A-E Contractor. Any such claim, loss or damage within deductible amounts of A-E Contractor's insurance required to be maintained pursuant to this contract shall not be covered under this clause.

SECTION 14.02

The Government shall not be liable for:

i. claims by the United States (other than those arising through subrogation) against the A-E Contractor; or

ii. losses affecting the property of such A-E Contractor; when the claim, loss or damage was caused by the willful misconduct or lack of good faith on the part of any of the A-E Contractor's directors or officers, or principal officials. For purposes of this Article, the term "principal officials" means any of the A-E Contractor's managers, superintendents, or other equivalent representatives who have supervision or direction of:

A. all or substantially all of the A-E Contractor's business, or

B. all or substantially all of the A-E Contractor's operations at any one plant or separate location in which this contract is being performed, or

C. a separate and complete major industrial operation in connection with the performance of this contract.

The A-E Contractor shall not be indemnified under this Article for liability assumed under any contract or agreement unless such assumption of liability has been specifically authorized by the Secretary and approved by the Contracting Officer. When the Government has assumed liability for subcontracts, the term "A-E Contractor" in this section 14.02 shall include subcontractors.

SECTION 14.03

No payment shall be made by the Government under this Article unless the amount thereof shall first have been certified to be just and reasonable by the Secretary or his representative designated for such purpose. The rights and obligations of the parties under this Article shall survive the termination, expiration, or completion of this contract. The Government may discharge its liability under this section by making payments to the A-E Contractor or directly to parties to whom the A-E Contractor may be liable.

SECTION 14.04

With the prior written approval of the Contracting Officer, the A-E Contractor may include in any subcontract under this contract, the same provisions as those in this Article, whereby the A-E Contractor shall indemnify the subcontractor against any risk defined in this contract to be unusually hazardous or nuclear in nature. Such a subcontract shall provide the same rights and duties, and the same provisions for notice, furnishing of evidence or proof, and the like, between the A-E Contractor and the subcontractor as are established by this Article.

The Contracting Officer may also approve similar indemnification of subcontractors at any tier upon the same terms and conditions. Subcontracts providing for indemnification within the purview of this Article shall provide for the prompt notification to the Contracting Officer of any claim or action against, or of any loss by, the subcontractor which is covered by this Article, and shall entitle the Government at its election, to control or assist in the settlement or defense of any such claim or action. The Government shall indemnify the A-E Contractor with respect to his obligations to subcontractors under subcontract provisions thus approved by the Contracting Officer. The Government may discharge its obligations under this section by making payments directly to subcontractors or to parties to whom the subcontractor may be liable.

SECTION 14.05

If insurance coverage or other financial protection program approved by the Contracting Officer is reduced, the liability of the Government under this Article shall not be increased by reason of such reduction, unless such reduction is directed by the Contracting Officer.

SECTION 14.06

In addition to the A-E Contractor's responsibilities under the "Insurance-Liability to Third Persons" clause of this contract, which are hereby made applicable to claims under this Article, the A-E Contractor shall (i) promptly notify the Contracting Officer of any claim or action against, or of any loss by the A-E Contractor or any subcontractor which reasonably may be expected to involve indemnification under this Article, (ii) furnish evidence of proof of any claim, loss or damage covered by this Article in the manner and form required by the Government, permit and authorize the Government to direct, control or assist in the settlement or defense of any such claim or action. The cost of insurance (including self insurance), covering a risk defined in this contract as unusually hazardous or nuclear in nature shall not be reimbursed either as a direct or indirect cost except to the extent that such insurance has been required or approved under the "Insurance-Liability to Third Persons" clause hereof.

SECTION 14.07

"Limitation of Cost/Limitation of Funds" clauses of this contract do not apply to the Government's obligations under this Article. Such obligations shall be excepted from the release required under the "Allowable Cost" clause of this contract.

SECTION 14.08

For the purpose of this Article XIV, it is agreed that all risks, except the risks covered by the A-E Contractor's insurance policies covering automobile liability, automobile physical damage (comprehensive and collision), workmen's compensation, and employer's liability, resulting from or in connection with the A-E Contractor's operations under this contract including, but not limited to services for systems engineering, program management, design, construction management, inspection and administra-

tion, and all related services for the Northeast Corridor Improvement Program as set out in and performed pursuant to this contract, as it may be changed from time to time in accordance with its terms, are unusually hazardous risks whether or not the A-E Contractor's liability arises from the design, fabrication, or furnishing of products or services under this contract and regardless of whether the harm caused by such risks occurs before or after delivery to the Government of services equipment, or materials under this contract, or before or after the acceptance of contract performance by the Government, or within or without the United States.

SECTION 14.09

The maximum liability of the Government under this Article XIV is $100,000,000. The parties agree that $100,000,000 is a reasonable estimate of the risk of liability to which the A-E Contractor is exposed under this contract, but that neither party now has an adequate factual basis for determining the true extent of that risk. Therefore, the parties further agree that the maximum liability of the Government under this Article XIV shall be increased and the contract modified accordingly:

(a) if settlements approved in writing by the Government or final judgments against the A-E Contractor and its subcontractors, or both, together with all reasonable expenses of litigation and settlements, for claims against which the A-E Contractor and its subcontractors are indemnified under section 14.01 exceed $100,000,000, in which event the maximum liability of the Government shall be increased to $100,000,000 plus the amount of such final judgments against the A-E Contractor and its subcontractors; or

(b) if an independent analysis of the risk to which the A-E Contractor and its subcontractors are indemnified under section 14.01 concludes that $100,000,000 is inadequate, the maximum liability of the Government shall be increased to an amount which, in the opinion of the Contracting Officer, the independent risk analysis shows to be adequate, but in no case shall the liability be set at an amount whch is less than an amount reached through computations provided for in (a) above.

SECTION 14.10

Claims submitted to the Secretary or his representative designated for such purpose for certification pursuant to section 14.03 that the amounts thereof are just and reasonable shall include an amount equal to the interest cost, including any fees, placement costs or similar expenses, incurred by the A-E Contractor for funds borrowed to satisfy a settlement or judgment between the date a settlement agreement is signed by all parties or a final judgment is entered by a court of competent jurisdiction and the date on which the Government makes payment to the A-E Contractor on such claim pursuant to this Article.

SECTION 14.11

The Government shall process any and all claims under this Article XIV in a reasonable, but expeditious, manner. Where funds then available to the Government are insufficient to pay claims certified pursuant to section 14.03 to be just and reasonable in amount, the Government shall promptly prepare and submit to the Congress a request for a supplemental appropriation in an amount sufficient to pay such claims or otherwise arrange to pay such claims. The FRA shall use its best efforts to obtain prompt Congressional approval of any supplemental appropriation sought pursuant to this Article.

SECTION 14.12

The Government's obligation under section 14.01 is expressly conditioned upon and subject to the availability of appropriated funds from which payment can be made.

ATTACHMENT 2

DETERMINATION AND FINDINGS

DeLeuw, Cather/Parsons ("DCP") has requested my consent to the extension of indemnification under P.L. 85-804 from DCP to its associate subcontractor, Sverdrup & Parcel, ("S&P") on the same basis and to the same extent as the indemnification DCP has from the Government. Based on the record, I find:

(1) S&P's professional architect/engineer services under its contract with DCP are all unusually hazardous activities. The file demonstrates that S&P professional personnel are in the highly unusual position of being fully integrated into DCP's organization as if they were DCP employees rather than working in a separate organization through which S&P could exercise independent professional judgment with respect to the work performed by its employees. S&P, therefore, is unable to control the risks to which it is exposed; S&P is dependent upon DCP to control those risks which are susceptible of control through the exercise of proper professional judgment. Furthermore, the DCP activities into which S&P personnel are integrated have already been determined to be unusually hazardous by the Secretary. The risks to which S&P is exposed are at least as great, therefore, as those to which DCP is exposed.

(2) While the dollar amount of risk to which S&P is exposed cannot be calculated with confidence at this time, it is clear that it is approximately equal to DCP's exposure.

(3) Private liability insurance is unavailable upon terms that would adequately protect S&P, especially because any assurance of renewal is lacking, or at a price that is reasonable for the Government to pay.

Based on the foregoing findings and the file supporting them, I consent to the extension by DCP of indemnification to S&P in the form contained in the definitive associate subcontract that I am approving between DCP and S&P. This consent shall not be construed to indicate that I accept or agree with all of the contentions made in the file by DCP and S&P in support of their request for such consent; there are numerous assertions and arguments made in the file with which I disagree. Because I find the file adequate to support my consent to the extension of indemnification despite the matters with which I disagree, I do not think it necessary to refute or discuss the matters with which I disagree.

JOSEPH P. SPERTY,
Director, Northeast Corridor Procurement Division.

SUBPART 1-17.5—ACT AND EXECUTIVE ORDER

§ 1-17.500 Scope of subpart.

This subpart sets forth in full the Act and the Executive Order.

§ 1-17.501 The Act of August 28, 1958 (Public Law 85-804; 50 U.S.C. 1431-1435).

The Act is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the President may authorize any department or agency of the Government which exercises functions in connection with the national defense, acting in accordance with regulations prescribed by the President for the protection of the Government, to enter into contracts or into amendments or modifications of contracts heretofore or hereafter made and to mke advance payments thereon, without regard to other provisions of law relating to the making, performance, amendment, or modification of contracts, whenever he deems that such action would facilitate the national defense. The authority conferred by this section shall not be utilised to obligate the United States in an amount in excess of $50,000 without approval by an official at or above the level of an Assistant Secretary or his Deputy, or an assistant head or his deputy, of such department or agency, or by a Contract Adjustment Board established therein.

SEC. 2. Nothing in this Act shall be construed to constitute authorization hereunder for—

(a) The use of the cost-plus-a-percentage-of-cost system of contracting;

(b) Any contract in violation of existing law relating to limitation of profits;

(c) The negotiation of purchases of or contracts for property or services required by law to be procured by formal advertising and competitive bidding;

(d) The waiver of any bid, payment, performance, or other bond required by law;

(e) The amendment of a contract negotiated under section 2304(a)(15), title 10, United States Code, or under section 302(c)(13)[1] of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, 394), to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder; or

(f) The formalization of an informal commitment, unless it is found that at the time the commitment was made it was impracticable to use normal procurement procedures.

SEC. 3. (a) All actions under the authority of this Act shall be made a matter of public record under regulations prescribed by the President and when deemed by him not to be detrimental to the national security.

(b) All contracts entered into, amended, or modified pursuant to authority contained in this Act shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

SEC. 4. (a) Every department and agency acting under authority of this Act shall, by March 15 of each year, report to Congress all such actions taken by that department or agency during the preceding calendar year. With respect to actions which involve actual or potential cost to the United States in excess of $50,000, the report shall—

(1) Name the contractor;

(2) State the actual cost or estimated potential cost involved;

(3) Describe the property or services involved; and

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[1] Section 302(c)(12) amended by Public Law 35-300 to read 302(c)(14).

(4) State further the circumstances justifying the action taken.

With respect to (1), (2), (3), and (4), above, and under regulations prescribed by the President, there may be omitted any information the disclosure of which would be detrimental to the national security.

(b) The Clerk of the House and the Secretary of the Senate shall cause to be published in the Congressional Record all reports submitted pursuant to this section.

SEC. 5. This Act shall be effective only during a national emergency declared by Congress or the President and for six months after the termination thereof or until such earlier time as Congress, by concurrent resolution, may designate.

§ 1-17.502 Executive Order No. 10789 of November 14, 1958.[2]

The Executive Order is as follows:

AUTHORIZING AGENCIES OF THE GOVERNMENT TO EXERCISE CERTAIN CONTRACTING AUTHORITY IN CONNECTION WITH NATIONAL DEFENSE FUNCTIONS AND PRESCRIBING REGULATIONS GOVERNING THE EXERCISE OF SUCH AUTHORITY

By virtue of the authority vested in me by the Act of August 28, 1958, 72 Stat. 972, hereinafter called the act, and as President of the United States, and in view of the existing national emergency declared by Proclamation No. 2914 of December 16, 1950, and deeming that such action will facilitate the national defense, it is hereby ordered as follows:

PART I—DEPARTMENT OF DEFENSE

Under such regulations, which shall be uniform to the extent practicable, as may be prescribed or approved by the Secretary of Defense:

1. The Department of Defense is authorized, within the limits of the amounts appropriated and the contract authorization provided therefor, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, whenever, in the judgment of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or the duly authorized representative of any such Secretary, the national defense will be facilitated thereby.

2. The Secretaries of Defense, the Army, the Navy, and the Air Force, respectively, may exercise the authority herein conferred and, in their discretion and by their direction, may delegate such authority to any other military or civilian officers or officials of their respective departments, and may confer upon any such military or civilian officers or officials the power to make further delegations of such authority within their respective commands or organizations: *Provided,* that the authority herein conferred shall not be utilized to obligate the United States in an amount in excess of $50,000 without approval by an official at or above the level of an Assistant Secretary or his Deputy, or by a departmental Contract Adjustment Board.

3. The contracts hereby authorized to be made shall include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of property or services necessary, appropriate, or convenient for the national defense, or for the invention, development or production of, or research concerning, any such property or services, including, but not limited to, aircraft, missiles, buildings, vessels, arms, armament, equipment or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment without any restriction of any kind as to type, character, location, or form.

4. The Department of Defense may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance payments upon such contracts of any portion of the contract price, and may enter into agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds. Amendments or modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished hereunder, irrespective of the time or circumstances of the making, or the form, or the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

5. Proper records of all actions taken under the authority of the act shall be maintained within the Department of Defense. The Secretaries of Defense, the Army, the Navy, and the Air Force shall make such records available for public inspection except to the extent that they, or their duly authorized representatives, may respectively deem the disclosure of information therein to be detrimental to the national security.

6. The Department of Defense shall, by March 15 of each year, report to the Congress all actions taken within that department under the authority of the act during the preceding calendar year. With respect to actions which involve actual or potential cost to the United States in excess of $50,000, the report shall (except as the disclosure of such information may be deemed to be detrimental to the national security)—

(a) name the contractor;

(b) state the actual cost or estimated potential cost involved;

(c) describe the property or services involved; and

(d) state further the circumstances justifying the action taken.

7. There shall be no discrimination in any act performed hereunder, against any person on the ground of race, religion, color, or national origin, and all contracts entered into, amended, or modified hereunder shall contain such nondiscrimination provision as otherwise may be required by statute or Executive order.

8. No claim against the United States arising under any purchase or contract made under the authority of the act and this order shall be assigned except in accordance with the Assignment of Claims Act of 1940 (54 Stat. 1029), as amended.

9. Advance payments shall be made hereunder only upon obtaining adequate security.

10. Every contract entered into, amended, or modified pursuant to this order shall contain a warranty by the contractor in substantially the following terms:

"The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona-fide employees or bona-fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee."

11. All contracts entered into, amended, or modified pursuant to authority of this order shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to, such contracts or subcontracts.

12. Nothing herein contained shall be construed to constitute authorization hereunder for—

(a) the use of the cost-plus-a-percentage-of-cost system of contracting;

(b) any contract in violation of existing law relating to limitation of profits or fees;

(c) the negotiation of purchases of or contracts for property or services required by law to be procured by formal advertising and competitive bidding;

(d) the waiver of any bid, payment, performance, or other bond required by law;

(e) the amendment of a contract negotiated under section 2304(a)(15) of title 10 of the United States Code to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder; or

(f) the formalization of an informal commitment, unless the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or the duly authorized representative of any such Secretary, finds that at the time the commitment was made it was impracticable to use normal procurement procedures.

13. The provisions of the Walsh-Healey Act (49 Stat. 2036), as amended, the Davis-Bacon Act (49 Stat. 1011), as amended, the Copeland Act (48 Stat. 948), as amended, and the Eight Hour Law (37 Stat. 137), as amended, if otherwise applicable, shall apply to contracts made and performed under the authority of this order.

14. Nothing herein contained shall prejudice anything heretofore done under Executive Order No. 9001 of December 27, 1941, or Executive Order No. 10210 of February 2, 1951, or any amendments or extensions thereof, or the continuance in force of any action heretofore taken under those orders or any amendments or extensions thereof.

15. Nothing herein contained shall prejudice any other authority which the Department of Defense may have to enter into, amend, or modify contracts, and to make advance payments.

PART II—EXTENSION OF PROVISIONS OF PARAGRAPHS 1-14

21. Subject to the limitations and regulations contained in paragraphs 1 to 14, inclusive, hereof, and under any regulations prescribed by him in pursuance of the provisions of paragraph 22 hereof, the head of

[2] As amended by Executive Order No. 11051 of September 27, 1962.

each of the following-named agencies [3] is authorized to perform or exercise as to his agency, independently of any Secretary referred to in the said paragraphs 1 to 14, all the functions and authority vested by those paragraphs in the Secretaries mentioned therein:

Department of the Treasury.
Department of the Interior.
Department of Agriculture.
Department of Commerce.
Atomic Energy Commission.
General Services Administration.
National Aeronautics and Space Administration.
Federal Aviation Agency.
Tennessee Valley Authority.
Government Printing Office.

22. The head of each agency named in paragraph 21 hereof is authorized to prescribe regulations governing the carrying out of the functions and authority vested with respect to his agency by the provisions of paragraph 21 hereof. Such regulations shall, to the extent practicable, be uniform with the regulations prescribed or approved by the Secretary of Defense under the provisions of Part I of this order.

23. Nothing contained herein shall prejudice any other authority which any agency named in paragraph 21 hereof may have to enter into, amend, or modify contracts and to make advance payments.

24. Nothing contained in this Part shall constitute authorization thereunder for the amendment of a contract negotiated under section 302(c)(14) of the Federal Property and Administrative Services Act of 1940 (63 Stat. 394), as amended by section 2(b) of the act of August 28, 1958, 72 Stat. 936, to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder.

DWIGHT D. EISENHOWER.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1361. A letter from the Acting Comptroller General of the United States, transmitting his review of the rescissions and deferral of budget authority contained in the message from the President dated March 17, 1981 (H. Doc. No. 97-32), pursuant to section 1014(b) of Public Law 93-344 (H. Doc. No. 97-51); to the Committee on Appropriations and ordered to be printed.

1362. A letter from the Secretary of Transportation, transmitting a report covering calendar year 1980 on indemnification by the Government of certain contractors and subcontractors on the Northeast corridor improvement program, pursuant to section 4 of Public Law 85-804; to the Committee on Energy and Commerce.

1363. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1364. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report on receipts and expenditures for the period January 1 through March 31, 1981, pursuant to section 105(a) of Public law 88-454, as amended (H. Doc. 97-52); to the Committee on House Administration and ordered to be printed.

1365. A letter from the Secretary of the Interior, transmitting the third annual report on Redwood National Park, pursuant to section 104(a) of Public Law 95-250; to the Committee on Interior and Insular Affairs.

1366. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish a revolving fund in the Department of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

1367. A letter from the Secretary of Transportation, transmitting the second annual report on the highway bridge replacement and rehabilitation program, pursuant to 23 U.S.C. 144(i); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. The implementation of the NATO long term defense program (LTDP) (Rept. No. 97-37). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 1526. A bill to amend the Accounting and Auditing Act of 1950 to require ongoing evaluations and reports on the adequacy of the systems of internal accounting and administrative control of each executive agency, and for other purposes; with amendment (Rept. No. 97-38). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 2979. A bill to extend the authorization of appropriations for the National Historical Publications and Records Commission for fiscal years 1982 and 1983 (Rept. No. 97-39). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 2098. A bill to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments and agencies, and for other purposes; with amendment (Rept. No. 97-40). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITE: Committee on Armed Services. H.R. 3023. A bill to authorize appropriations to the Department of Energy for fiscal year 1982 for conservation, exploration, development, production, sale, and use of the naval petroleum reserves and naval oil shale reserves (Rept. No. 97-41). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 2811. A bill to amend the Privacy Act of 1974 to increase the efficiency of Government-wide efforts to collect debts owed the United States, to require the reporting to Congress of information on debts owed the United States, and for other purposes; with amendment (Rept. No. 97-42). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 2818. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans; with amendment (Rept. No. 97-43). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AUCOIN (for himself, Mr. WYDEN, Mr. WEAVER, Mr. EDWARDS of California, Mr. COELHO, Mr. DOWNEY, Mr. AKAKA, Mrs. FENWICK, Mr. BEILENSON, and Mr. VENTO):

H.R. 3595. A bill to amend the Voting Rights Act of 1965 to provide a uniform time for the closing of the polling places in all elections of the electors of the President and Vice President of the United States, to prevent the release of election results before all the polling places have closed, and for other purposes; to the Committee on House Administration.

By Mr. BIAGGI (for himself, Mr. HUGHES, Mr. ZABLOCKI, and Mr. GUARINI):

H.R. 3596. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of certain assistance under such act that law enforcement agencies have in effect a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 3597. A bill directing the President to exercise authorities contained in the International Emergency Economic Powers Act to issue regulations prohibiting investment in South Africa; to the Committee on Foreign Affairs.

By Mr. McCURDY (for himself, Mr. JONES of Oklahoma, Mr. ENGLISH, Mr. WATKINS, Mr. EDWARDS of Oklahoma, and Mr. SYNAR):

H.R. 3598. A bill to authorize funds for the Carl Albert Congressional Research and Studies Center; to the Committee on Education and Labor.

By Mr. PAUL:

H.R. 3599. A bill to repeal the Monetary Control Act of 1980; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BLANCHARD:

H.R. 3600. A bill to amend the National Ocean Pollution Planning Act of 1978 to provide greater coordination of research efforts concerning the Great Lakes, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Science and Technology.

By Ms. MIKULSKI:

H.J. Res. 256. Joint resolution to recognize "The Pause for The Pledge of Allegiance" as part of National Flag Day activities; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

77. By the SPEAKER: A memorial of the Senate of the State of Kansas, relative to

[3] Executive Order No. 11051 of September 27, 1962, deleted the Office of Civil and Defense Mobilization.

requiring a health and safety warning on alcoholic beverage containers; to the Committee on Energy and Commerce.

78. Also, a memorial of the House of Representatives of the State of Michigan, relative to funding for the Legal Services Corporation; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PETRI introduced a bill (H.R. 3601) for the relief of Kenneth W. Hunke and Virginia F. Hunke, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 116: Mr. BAILEY of Pennsylvania, Mr. HOWARD, and Mr. JEFFRIES.

H.R. 134: Mr. MCCOLLUM.

H.R. 741: Mr. KRAMER, Mr. SMITH of New Jersey, and Mr. ROE.

H.R. 2104: Mr. LEACH of Iowa and Mr. BENEDICT.

H.R. 2948: Mr. ROE.

H.J. Res. 128: Mr. BONIOR of Michigan, Mr. GUARINI, Mr. LEATH of Texas, Mr. MCEWEN, Mr. MOLINARI, and Mr. NICHOLS.

SENATE—*Thursday, May 14, 1981*

(Legislative day of Monday, April 27, 1981)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

Rabbi Dov Bidnick, Young Israel of Sky Lake, North Miami Beach, Fla., offered the following prayer:

"Shalom V' Ahavah"—Peace and Love: Supreme Sovereign of the Universe who grants salvation unto nations, courage and strength to governments: We ask Your blessings upon our country and upon all the inhabitants of this land.

O Universal Father, help us to unite all the citizens of our Republic by a bond of genuine brotherhood. Sustain us in our endeavors to eradicate hatred and prejudice and to preserve the precious ideals and democratic institutions of our American way of life. Grant that peace and security, justice and equality, freedom and prosperity may ever remain our heritage.

Help us to usher in the long-awaited millennium, when Thy tabernacle of peace shall be spread over all the peoples of the Earth, and life, liberty, and the pursuit of happiness shall be the irrevocable blessing of all men for all time. From that epoch-making day when Moses proclaimed "Let my people go!", to the time when Israel was commanded to "Proclaim liberty throughout the land and unto all the inhabitants thereof"; from the historic hour when Patrick Henry exclaimed, "Give me liberty, or give me death!", to this moment men have never ceased yearning, working, and dying for the inalienable right to be free.

May this day imbue us with loyalty and devotion to our country. Let us ever be actuated by an intense love and appreciation for liberty.

Grant that our passion for freedom never abate.

We pray Thee, King of Kings, bless, protect, and watch over the President and the lawmakers of the United States. Shield them from illness and peril. Grant them wisdom and understanding to enable them to lead our Nation in righteousness and truth. Help us keep our land free from bigotry and oppression. May it be Thy will that unity and harmony ever be our banner; that justice and peace always reign within our borders. May peace the world over—in lands threatened and surrounded by enemies, in lands where dictators rule, in lands where suppression reigns—be our immediate goal and resolve. Enable us and liberty-loving men the world over to witness the fulfillment of the vision of Thy prophets: "Nation shall not lift up sword against nation, neither shall men learn war any more." Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have no further need for my time under the standing order. I am prepared to yield it to any Senator or to the minority leader if he has need for additional time.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader. I think I will accept the time.

Mr. BAKER. Mr. President, I yield my time remaining under the standing order to the distinguished minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

AFGHANISTAN MUST NOT BE FORGOTTEN

Mr. ROBERT C. BYRD. Mr. President, the military subjugation of the once-free State of Afghanistan continues apace. Recent reports from Afghan refugees fleeing into Pakistan describe an extensive military operation launched against resistance fighters in Kandahar, Afghanistan's second largest city. The attacks on Kandahar and the surrounding villages, according to several sources, were led by Soviet armored and air units.

Independent confirmation of this military action from inside Afghanistan is not easily obtainable, largely because the Western press has been excluded from the country by the Soviet-dominated puppet government of Babrak Karmal. A variety of sources have reported the attack on Kandahar, however, which increases the credibility of the information.

The operations near Kandahar reportedly lasted for 2 weeks, which would place them in the last week of April and the first week of May. During the same period, on April 24, the grain embargo imposed by the United States on the Soviet Union was lifted. The embargo was instituted as one expression of this country's outrage at the brutal invasion and repression of the sovereign state of Afghanistan. Now the embargo is gone, but the cruelty inflicted on the Afghan people by the Soviet Union continues without penalty.

The timing of the end of the embargo and the reported attack on Kandahar is at best a perverse coincidence, and at worst a signal that the Soviets fully intend to pursue their aggressive and bloody course.

This course will be made far simpler and less costly if the nations of the world ignore what is happening in Afghanistan. The Soviet Union would like nothing better than to see other countries write off Afghanistan, and to accept the Soviet military subjugation of that country as a fait accompli.

If that were to happen, the leaders of the Soviet Union would calculate that, on the whole, the cost of subduing Afghanistan was not very high. This might embolden them to extend their tyranny to other troublesome countries in southwest Asia, the Middle East, or eastern Europe.

That is why I supported the grain embargo when it was imposed early in 1980. And that is why I opposed ending the embargo, particularly under the circumstances existing on April 24.

One of the many justifications advanced by the administration for ending the embargo on that day was that the Soviets had demonstrated restraint in dealing with Poland. Japanese Prime Minister Suzuki was right on the mark when he said that uncertainties surround the situation in Poland. The United States should by no means start dispensing largesse to aggressors merely because they behave well for a short time. And the irony of justifying the end of the embargo on Soviet restraint, when at approximately the same time the Soviets were reported to be lodging yet another attack in Afghanistan, is bitter indeed.

Soon after the idea of rewarding the Soviet Union for not invading Poland surfaced, it was scuttled by those in the administration who recognized that it could be seen as appeasement of an aggressor's will.

What I presume to be the official explanation for lifting the embargo emerged on April 27. Secretary of State Haig, Secretary of Commerce Baldrige, and White House officials seemed to agree that no quid pro quo had been extracted from the Soviets. Soviet behavior in Poland had no bearing on the decision

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

to end the embargo, according to this latest line. In fact, the administration stressed that important domestic political considerations had been the reason for terminating the embargo. These included the President's campaign pledge to end the embargo, the beginning of congressional consideration of the omnibus farm bill, and even the future of the President's economic package.

I am appalled that nowhere in the discussion of these many and varied reasons for ending the embargo is Afghanistan mentioned. It is as if that poor, oppressed country had simply dropped off the map.

Afghanistan must not be forgotten. Those who have openly resisted the Soviet takeover there have been killed. Worse yet, many people have been killed in Afghanistan who could not resist, who had no weapons, and no defense against their killers. Removing the embargo with no thought for these people and for those who remain in Afghanistan makes a mockery of our efforts to protect liberty and resist aggression. The Soviets' response to the end of the embargo is more killing in Afghanistan. The free nations of the world must continue to recognize and condemn this brutality. Afghanistan must not be forgotten, so that its tragic suffering will not be repeated in other nations.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRASSLEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR JEPSEN

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa (Mr. JEPSEN) is recognized for not to exceed 15 minutes.

S. 1181—UNIFORMED SERVICES PAY AND BENEFITS ACT OF 1981

Mr. JEPSEN. Mr. President, I send to the desk a bill entitled "Uniformed Services Pay and Benefits Act of 1981." I ask for its referral to the appropriate committee.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. JEPSEN. Mr. President, since February 1981, the Armed Services Subcommittee on Manpower and Personnel, of which I am chairman, has held seven hearings on the most important element of our national defense. That is manpower. We can expend billions of dollars annually on the most modern and expensive weaponry, but in the final analysis, it is the infantryman, the combat soldier, the sailor, the pilot, and the medic that will test our Nation's strength and fortitude, our Nation's courage and ability to win.

You can buy head power and you can buy hand power and you can buy all kinds of weaponry, but when you get down to the bottom line, where the rubber hits the road, it is the heart power that counts.

Let us never forget, Mr. President, as it is so easy to do during peacetime, the great sacrifices that were made by the men and women in uniform. We must also remember that sacrifices are not only made during war but also in peace. Without these sacrifices, we cannot maintain the level of defense necessary to secure the peace.

Today, our Navy and Marine Corps people are spending close to a year at sea in the Indian Ocean away from their families. Shortly after they return home, they must leave on another extended deployment.

Halfway around the world, in Germany, many service members are separated from their families for prolonged periods. In addition, many are trapped in their pre-World War II barracks because they cannot afford the luxury of the European economy.

During the past few years, there has been a growing realization that manpower problems have contributed to the decline in our country's military capabilities. Among the most serious personnel problems are, first, the difficulty of recruiting eligible youth for such basic military skills as the combat arms; second, the shortage of skilled and experienced personnel in technical fields like aviation and the nuclear power submarine program; third, the troubling trends in the quality of new recruits; and, fourth, the serious manning shortfalls in the Reserve forces, especially in the Individual Ready Reserve.

Last year, the Congress recognized these alarming trends and responded with a series of significant improvements in military compensation and in various quality-of-life areas. These initiatives have had a positive impact on recruiting and retention, but we must continue to build carefully and selectively upon the foundation to overcome the inequities of years past.

Our service people are all deeply appreciative of the Congress recent efforts in compensation, not only in terms of the actual increased pay and benefits, but, more importantly, in the positive attitude of the American people, as expressed through their representatives, that we care and are mindful of their sacrifices. This change in attitude has brought on a new day for the military and one that we cannot afford to let slip from our grasp.

The momentum must continue, but we simply cannot afford not to take an imaginative and discriminatory approach to solving our military manpower problems. At a time when many sectors of our society are being asked to absorb significant budgetary reductions, we cannot afford to spend billions of dollars on pay increases and not attempt to resolve the problems I mentioned earlier.

The task is a difficult one. There are many conflicting objectives pulling at a pay structure anchored in institutionalism. Bonuses and special and incentive pays to meet the unique needs of the four services are coupled with pay tables that over the years have become compressed, provide little incentive for advancement and do not encourage retention. The services have been unable to remedy the situation because of their conflicting manpower requirements. The result has been across-the-board increases.

Today, I am introducing a bill which will restructure basic pay. In 1980, as a first step toward restoring adequate military compensation and reversing the services' adverse retention trends, the Congress passed an 11.7-percent pay raise. The basic pay adjustments that I am advocating complement the actions begun last year and are intended to:

First, restore the general state of overall comparability between military and private sector pay established in 1972 in preparation for the advent of the All-Volunteer Force, and establish a new comparability benchmark for future increases;

Second, relieve pay compression between E–4 and E–5 personnel, and generally provide larger pay differentials between first-term and career members to provide a positive career inducement;

Third, enhance pay rates for middle and senior enlisted grades to provide greater incentives for promotion, career advancement, and retention;

Fourth, add new longevity increases at 24 and 28 years to encourage longer service among senior enlisted personnel; and

Fifth, provide increased retention incentives for mid-career officers and more appropriately recognize officers in this category whose superior performance merits early promotion.

I have tables, which I shall have printed in the RECORD, which indicate the changes made for each grade/longevity cell.

In an All-Volunteer Force environment, the services must compete with private enterprise for individuals with special training and skills. In recent years, it has become more difficult, as higher pay and better living and working conditions make recruiting and retention the services' most difficult problem.

I am confident Mr. President, that my bill will resolve many of the problems that beset the military. I recognize that there is a limit on the amount we can afford to spend or should spend to recruit and retain qualified individuals in the service.

This coming year is a crucial test for the All-Volunteer Force. I believe we should give it every reasonable opportunity to succeed. I therefore recommend additional initiatives to provide the services with the means to meet their requirements.

The bill provides: A $2,500 increase in enlistment bonuses with the stipulation that no more than 50 percent of the entire bonus be paid in one lump sum. The remainder is to be paid in equal periodic

payments no less frequently than once every 3 months. This will insure payment for honorable service rendered and reduce the loss due to attrition.

A special pay for unusually hazardous duty or duty performed under severe working conditions such as hydrazine fuel servicing personnel—Titan II missile. An officer who qualified for special pay under this provision would be entitled to $110 a month and an enlisted member $55 a month.

A bonus of up to $15,000 to officers who possess an engineering or scientific degree and who agree to serve on active duty for at least 4 years and perform engineering or scientific duties. The Air Force and Navy are experiencing enormous problems in attracting engineers and scientists into the service. In fiscal year 1980, the Air Force missed its recruiting goal by 39 percent. A $3,000 continuation bonus is also authorized.

Travel and transportation allowances, including a 4-day temporary lodging expense, emergency and environmental travel expenses when Government transportation is unavailable, shipment of a motor vehicle when government-funded transportation of a motor vehicle is allowed, advance payment of travel allowances and certain restrictions on PCS separation allowances.

Military justice changes to correct existing problems and enhance the administration of military justice and promote discipline in the Armed Forces.

Professional expenses for Judge Advocates to attend continuing legal education courses and for bar membership as a prerequisite to practice law in the military.

Increases in the rates of aviation career incentive pay for officers with over 6 years of aviation service. This provision also increases enlisted flight pay, equalizes warrant officer flight pay, and provides for the payment of incentive pay to officers with over 25 years of service serving in operational flying billets.

Increases in diving pay to enable the services to attract and retain a sufficient number of volunteers into diving programs, particularly master and saturation divers.

Increasing the number of senior ROTC scholarships for the Navy and the Air Force. The scholarships are necessary if the Air Force and Navy are to meet their requirements for technically oriented officer accessions.

BAQ to members without dependents who are deprived of quarters on board ship during overhaul.

In conclusion and in summary, Mr. President, this bill has been researched and constructed only after many hours of hearings, literally hundreds of hours, with the counsel and additional assistance of the compensation specialty officers of the various branches of the service. It has been arrived at after many hours of discussion among the members of the Armed Services Committee with regard to solving the problems we have in providing for the All-Volunteer Force, to provide that we have men and women who serve our country, who not only are serving our country with the knowledge that the people of this great country do care and are concerned but also they appreciate what the people in our services are doing.

As I said before, you can buy head power and you can buy hand power, but you cannot buy heart power.

We have in this bill an intelligent and practical application of all the knowledge and all the needs that have been reflected as a result of the various hearings and the various research.

I should like to close on a very high note in this time of grappling with the economic problems we have and in trying to keep within a budget as expressed and set forth by the administration. This entire plan and all these benefits, those I have mentioned and many others in here, have been most intelligently put together; and I compliment Tony Principe and the entire Armed Services Committee staff for the work they have done. It has all been put together and comes in at a $700 million saving, less than the amount that has been allotted for this entire program by the administration to solve this problem.

That is a good job. It is better than good. I believe it is a very excellent job. I thank the Senate Armed Services Committee and all others from the various services who have worked on this matter.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the bill and the tables to which I have referred.

There being no objection, the text of the bill and the tables were ordered to be printed in the RECORD, as follows:

Grade	Under 2	2	3	4	6	8	10	12	14	16	18	20	22	24	26	28
E-9	0	0	0	0	0	0	1,668.00	1,705.80	1,744.50	1,784.70	1,824.60	1,860.00	1,958.10	2,016.90	2,148.00	2,212.50
							1,413.60	1,445.70	1,478.40	1,512.60	1,546.20	1,576.20	1,659.30	1,659.30	1,820.40	1,820.40
Percent							18.0	18.0	18.0	18.0	18.0	18.0	18.0	21.5	18.0	21.5
E-8	0	0	0	0	0	0	1,399.20	1,438.80	1,476.90	1,515.60	1,555.20	1,595.70	1,643.70	1,726.20	1,778.10	1,918.80	1,918.80
							1,185.90	1,219.20	1,251.60	1,284.30	1,317.90	1,348.50	1,381.50	1,462.80	1,462.80	1,626.00	1,626.00
Percent							18.0	18.0	18.0	18.0	18.0	18.3	18.9	18.0	21.5	18.0	18.0
E-7	977.10	1,054.50	1,093.80	1,131.90	1,170.60	1,207.50	1,246.50	1,287.60	1,343.10	1,383.30	1,424.70	1,467.00	1,535.40	1,581.30	1,726.20	1,726.20
	828.00	893.70	927.00	959.10	992.10	1,023.30	1,056.30	1,089.00	1,138.20	1,170.60	1,203.60	1,219.20	1,301.10	1,301.10	1,462.80	1,462.80
Percent	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.2	18.0	18.2	18.4	20.3	18.0	21.5	18.0	18.0
E-6	843.90	920.10	958.50	999.00	1,036.20	1,074.00	1,113.30	1,170.60	1,207.50	1,246.50	1,265.10	1,265.10	1,265.10	1,265.10	1,265.10	1,265.10
	715.20	779.70	812.40	846.60	878.10	910.20	943.50	992.10	1,023.30	1,056.30	1,072.20	1,072.20	1,072.20	1,072.20	1,072.20	1,072.20
Percent	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0
E-5	734.70	799.50	838.20	874.80	941.10	975.60	1,008.60	1,035.00	1,035.00	1,035.00	1,035.00	1,035.00	1,035.00	1,035.00	1,035.00	1,035.00
	627.90	683.40	716.40	747.60	796.50	828.90	862.20	893.70	910.20	910.20	910.20	910.20	910.20	910.20	910.20	910.20
Percent	17.0	17.0	17.0	17.0	18.2	17.7	17.0	15.8	13.7	13.7	13.7	13.7	13.7	13.7	13.7	13.7
E-4	663.90	724.20	758.40	814.50	846.60	846.60	846.60	846.60	846.60	846.60	846.60	846.60	846.60	846.60	846.60	846.60
	603.60	637.50	674.70	727.20	756.00	756.00	756.00	756.00	756.00	756.00	756.00	756.00	756.00	756.00	756.00	756.00
Percent	10.0	13.6	12.4	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
E-3	632.70	667.50	694.20	694.20	694.20	694.20	694.20	694.20	694.20	694.20	694.20	694.20	694.20	694.20	694.20	694.20
	580.50	612.30	636.90	662.10	662.10	662.10	662.10	662.10	662.10	662.10	662.10	662.10	662.10	662.10	662.10	662.10
Percent	9.0	9.0	9.0	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8	4.8
E-2	603.30	603.30	603.30	603.30	603.30	603.30	603.30	603.30	603.30	603.30	603.30	603.30	603.30	603.30	603.30	603.30
	558.60	558.60	558.60	558.60	558.60	558.60	558.60	558.60	558.60	558.60	558.60	558.60	558.60	558.60	558.60	558.60
Percent	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0
E-1	536.40	536.40	536.40	536.40	536.40	536.40	536.40	536.40	536.40	536.40	536.40	536.40	536.40	536.40	536.40	536.40
	501.30	501.30	501.30	501.30	501.30	501.30	501.30	501.30	501.30	501.30	501.30	501.30	501.30	501.30	501.30	501.30
Percent	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0

Note: M/S 2,610.90 (18 percent).

OFFICERS WITH 4 OR MORE YEARS' ENLISTED/WARRANT SERVICE

Grade	Under 2	2	3	4	6	8	10	12	14	16	18	20	22	26
O-3E				1,845.60	1,933.80	2,003.70	2,111.40	2,216.40	2,305.20	2,305.20	2,305.20	2,305.20	2,305.20	2,305.20
				1,614.90	1,692.00	1,753.20	1,847.40	1,939.20	2,016.90	2,016.90	2,016.90	2,016.90	2,016.90	2,016.90
Percent				14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3
O-2E				1,617.30	1,650.90	1,738.50	1,828.50	1,898.70	1,950.90	1,950.90	1,950.90	1,950.90	1,950.90	1,950.90
				1,444.20	1,474.20	1,521.00	1,599.90	1,661.40	1,707.00	1,707.00	1,707.00	1,707.00	1,707.00	1,707.00
Percent				12.0	12.0	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3
O-1E				1,267.50	1,391.10	1,472.40	1,525.50	1,578.60	1,650.60	1,650.60	1,650.60	1,650.60	1,650.60	1,650.60
				1,163.10	1,242.30	1,288.20	1,334.70	1,381.20	1,444.20	1,444.20	1,444.20	1,444.20	1,444.20	1,444.20
Percent				9.0	12.0	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3

WARRANT OFFICERS

Grade	Under 2	2	3	4	6	8	10	12	14	16	18	20	22	26
W-4	1,422.00	1,525.50	1,525.50	1,560.30	1,631.40	1,703.40	1,774.80	1,898.70	1,986.60	2,056.80	2,111.40	2,180.40	2,253.30	2,428.50
	1,244.10	1,334.70	1,334.70	1,365.30	1,427.40	1,490.40	1,552.80	1,661.40	1,738.20	1,799.70	1,847.40	1,907.70	1,971.60	2,124.90
Percent	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3
W-3	1,292.70	1,401.90	1,401.90	1,419.90	1,436.70	1,541.40	1,631.40	1,684.80	1,738.50	1,790.40	1,845.60	1,917.00	1,996.60	2,056.80
	1,131.00	1,226.70	1,226.70	1,242.30	1,257.00	1,348.80	1,427.40	1,474.20	1,521.00	1,566.60	1,614.90	1,677.30	1,738.20	1,799.70
Percent	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3
W-2	1,089.60	1,178.40	1,178.40	1,234.90	1,302.60	1,401.90	1,454.70	1,508.40	1,560.30	1,614.90	1,668.00	1,720.80	1,790.40	1,790.40
	990.60	1,071.30	1,071.30	1,102.50	1,163.10	1,226.70	1,272.90	1,319.70	1,365.30	1,413.00	1,459.50	1,505.70	1,566.60	1,566.60
Percent	10.0	10.0	10.0	12.0	12.0	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3
W-1	899.40	1,031.10	1,031.10	1,148.10	1,199.70	1,277.10	1,329.30	1,384.20	1,436.70	1,489.50	1,541.40	1,596.60	1,596.60	1,596.60
	825.30	946.20	946.20	1,025.10	1,071.30	1,117.50	1,163.10	1,211.10	1,257.00	1,303.20	1,348.80	1,397.10	1,397.10	1,397.10
Percent	9.0	9.0	9.0	12.0	12.0	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3

COMMISSIONED OFFICERS

O-10	4,455.30	4,611.90	4,611.90	4,611.90	4,611.90	4,788.90	4,788.90	5,155.80	5,155.80	5,524.50	5,524.50	5,894.10	5,894.10	6,261.9
	3,942.90	4,081.50	4,081.50	4,081.50	4,081.50	4,238.10	4,238.10	4,562.70	4,562.10	4,889.10	4,889.10	5,216.10	5,216.10	5,541.60
Percent	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0
O-9	3,948.60	4,052.40	4,138.50	4,138.50	4,138.50	4,243.80	4,243.80	4,420.20	4,420.20	4,788.90	4,788.90	5,155.80	5,155.80	5,524.50
	3,494.40	3,586.20	3,662.40	3,662.40	3,662.40	3,755.70	3,755.70	3,911.70	3,911.70	4,238.10	4,238.10	4,562.70	4,562.70	4,889.10
Percent	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0
O-8	3,576.30	3,683.40	3,771.00	3,771.00	3,771.00	4,052.40	4,052.40	4,243.80	4,243.80	4,420.20	4,611.90	4,788.90	4,980.90	4,980.90
	3,165.00	3,259.80	3,337.20	3,337.20	3,337.20	3,586.20	3,586.20	3,755.70	3,755.70	3,911.70	4,081.50	4,238.10	4,407.90	4,407.90
Percent	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0
O-7	2,971.50	3,174.00	3,174.00	3,174.00	3,315.90	3,315.90	3,508.50	3,508.50	3,683.40	4,052.40	4,330.50	4,330.50	4,330.50	4,330.50
	2,629.80	2,808.90	2,808.90	2,808.90	2,934.60	2,934.60	3,105.00	3,105.00	3,259.80	3,586.20	3,832.50	3,832.50	3,832.50	3,832.50
Percent	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0
O-6	2,203.20	2,420.40	2,578.20	2,578.20	2,578.20	2,578.20	2,578.30	2,578.20	2,783.70	3,087.90	3,245.70	3,315.90	3,508.50	3,805.20
	1,949.90	2,142.00	2,281.80	2,281.80	2,281.80	2,281.80	2,281.80	2,281.80	2,359.20	2,732.70	2,872.50	2,934.60	3,105.00	3,367.50
Percent	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0	13.0
O-5	1,777.20	2,087.10	2,231.10	2,231.10	2,231.10	2,231.10	2,349.60	2,433.00	2,595.60	2,790.00	2,950.50	3,039.60	3,145.50	3,145.50
	1,559.10	1,830.90	1,957.20	1,957.20	1,957.20	1,957.20	2,016.90	2,124.90	2,267.10	2,436.90	2,577.00	2,654.70	2,747.40	2,747.40
Percent	14.0	14.0	14.0	14.0	14.0	14.0	16.5	14.5	14.5	14.5	14.5	14.5	14.5	14.5
O-4	1,498.20	1,823.70	1,945.80	1,945.80	2,042.10	2,133.30	2,259.00	2,367.00	2,484.60	2,548.50	2,596.20	2,596.20	2,596.20	2,596.20
	1,314.30	1,599.90	1,707.00	1,707.00	1,738.20	1,815.60	1,939.20	2,048.40	2,142.00	2,235.60	2,297.70	2,297.70	2,297.70	2,297.70
Percent	14.0	14.0	14.0	14.0	17.5	17.5	16.5	16.0	16.0	14.0	13.0	13.0	13.0	13.0
O-3	1,392.00	1,556.40	1,663.80	1,857.00	1,945.80	2,016.00	2,124.30	2,210.40	2,244.90	2,244.90	2,244.90	2,244.90	2,244.90	2,244.90
	1,221.30	1,365.30	1,459.50	1,614.90	1,692.00	1,753.20	1,847.40	1,939.20	1,986.90	1,986.90	1,986.90	1,986.90	1,986.90	1,986.90
Percent	14.0	14.0	14.0	15.0	15.0	15.0	15.0	14.0	13.0	13.0	13.0	13.0	13.0	13.0
O-2	1,170.90	1,279.20	1,536.60	1,617.30	1,650.90	1,650.90	1,650.90	1,650.90	1,650.90	1,650.90	1,650.90	1,650.90	1,650.90	1,650.90
	1,064.70	1,163.10	1,397.10	1,444.20	1,474.20	1,474.20	1,474.20	1,474.20	1,474.20	1,474.20	1,474.20	1,474.20	1,474.20	1,474.20
Percent	10.0	10.0	10.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
O-1	1,007.40	1,048.50	1,267.50	1,267.50	1,267.50	1,267.50	1,267.50	1,267.50	1,267.50	1,267.50	1,267.50	1,267.50	1,267.50	1,267.50
	924.30	962.10	1,163.10	1,163.10	1,163.10	1,163.10	1,163.10	1,163.10	1,163.10	1,163.10	1,163.10	1,163.10	1,163.10	1,163.10
Percent	9.0	9.0	9.0	9.0	9.0	9.0	9.0	9.0	9.0	9.0	9.0	9.0	9.0	9.0

Note: C/S 6,909.00 (13 percent). Basic pay is limited to the rate of basic pay payable for level V of the executive schedule.

S. 1181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Uniformed Services Pay and Benefits Act of 1981".

PAY INCREASE FOR MEMBERS OF THE UNIFORMED SERVICES

SEC. 2. Notwithstanding section 1009 of title 37, United States Code, as amended by this Act, effective with the first pay period after September 30, 1981—

(1) the monthly basic pay authorized members of the uniformed services by section 203(a) of title 37, United States Code, based on years of service computed under section 205 of such title, shall be as follows:

"COMMISSIONED OFFICERS[1]

"Pay grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10[2]	$4,455.30	$4,611.90	$4,611.90	$4,611.90	$4,611.90
O-9	3,948.60	4,052.40	4,138.50	4,138.50	4,138.50
O-8	3,576.30	3,683.40	3,771.00	3,771.00	3,771.00
O-7	3,971.50	3,174.00	3,174.00	3,174.00	3,315.90
O-6	2,203.20	2,420.40	2,578.20	3,578.20	2,578.20
O-5	1,777.20	2,087.10	2,231.10	2,231.10	2,231.10
O-4	1,498.20	1,823.70	1,945.80	1,945.80	2,042.10
O-3[3]	1,392.00	1,556.40	1,663.80	1,857.00	1,945.80
O-2[3]	1,170.90	1,279.20	1,536.60	1,617.30	1,650.90
O-1[3]	1,007.40	1,048.50	1,267.50	1,267.50	1,267.50

	Over 8	Over 10	Over 12	Over 14	Over 16
O-10[2]	$4,788.90	$4,788.90	$5,155.80	$5,155.80	$5,524.50
O-9	4,243.80	4,243.80	4,420.20	4,420.20	4,788.90
O-8	4,052.40	4,052.40	4,243.80	4,243.80	4,420.20
O-7	3,315.90	3,508.50	3,508.50	3,683.40	4,052.40
O-6	2,578.20	2,578.20	2,578.20	2,783.70	3,087.90
O-5	2,231.10	2,349.60	2,433.00	2,595.60	2,790.00

Pay grade	Over 8	Over 10	Over 12	Over 14	Over 16
O-4	2,133.30	2,259.00	2,376.00	2,484.60	2,548.50
O-3[3]	2,016.00	2,124.30	2,210.40	2,244.90	2,244.90
O-2[3]	1,650.90	1,650.90	1,650.90	1,650.90	1,650.90
O-1[3]	1,267.50	1,267.50	1,267.50	1,267.50	1,267.50

	Over 18	Over 20	Over 22	Over 26	Over 30
O-10[2]	$5,524.50	$5,894.10	$5,894.10	$6,261.90	$6,261.90
O-9	4,788.90	5,155.80	5,155.80	5,524.50	5,524.50
O-8	4,611.90	4,788.90	4,980.90	4,980.90	4,980.90
O-7	4,330.50	4,330.50	4,330.50	4,330.50	4,330.50
O-6	3,245.70	3,315.90	3,508.50	3,805.20	3,805.20
O-5	2,950.50	3,039.60	3,145.50	3,145.50	3,145.50
O-4	2,596.20	2,596.20	2,596.20	2,596.20	2,596.20
O-3	2,244.90	2,244.90	2,244.90	2,244.90	2,244.90
O-2[2]	1,650.90	1,650.90	1,650.90	1,650.90	1,650.90
O-1[3]	1,267.50	1,267.50	1,267.50	1,267.50	1,267.50

"[1] Basic pay is limited to the rate of basic pay payable for level V of the executive schedule.

"[2] While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $6,909 regardless of cumulative years of service computed under sec. 205 of title 37 of the United States Code.

"[3] Does not apply to commissioned officers who have been credited with over 4 yr active service as enlisted members or warrant officers.

"COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YRS. ACTIVE SERVICE AS ENLISTED MEMBERS OR WARRANT OFFICERS

"Pay grade	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O-3	$1,845.60	$1,933.80	$2,003.70	$2,111.40	$2,216.40	$2,305.20
O-2	1,617.30	1,650.90	1,738.50	1,828.50	1,898.70	1,950.90
O-1	1,267.50	1,391.10	1,472.40	1,525.50	1,578.60	1,650.60

"Pay grade	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$2,305.20	$2,305.20	$2,305.20	$2,305.20	$2,305.20	$2,305.20
O-2	1,950.90	1,950.90	1,950.50	1,950.90	1,950.90	1,950.90
O-1	1,650.60	1,650.60	1,650.40	1,650.60	1,650.60	1,650.60

WARRANT OFFICERS

"Pay grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-4	$1,422.00	$1,525.50	$1,525.50	$1,560.30	$1,631.40
W-3	1,292.70	1,401.90	1,401.90	1,419.90	1,436.70
W-2	1,089.60	1,178.40	1,178.40	1,234.80	1,302.60
W-1	899.40	1,031.10	1,031.10	1,148.10	1,199.70

"Pay grade	Over 8	Over 10	Over 12	Over 14	Over 16
W-4	$1,703.40	$1,774.80	$1,898.70	$1,986.60	$2,056.80
W-3	1,541.40	1,631.40	1,684.80	1,738.50	1,790.40
W-2	1,401.90	1,454.70	1,508.40	1,560.30	1,614.90
W-1	1,277.10	1,329.30	1,384.20	1,436.70	1,489.50

"Pay grade	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$2,111.40	2,180.40	2,253.30	2,428.50	2,428.50
W-3	1,845.60	1,917.00	1,986.60	2,056.80	2,056.80
W-2	1,668.00	1,720.80	1,790.40	1,790.40	1,790.40
W-1	1,541.40	1,596.60	1,596.60	1,596.60	1,596.60

"ENLISTED MEMBERS

"Pay grade	2 or Less	Over 2	Over 3	Over 4	Over 6
E-9	0	0	0	0	0
E-8	0	0	0	0	0
E-7	$977.10	$1,054.50	$1,093.80	$1,131.90	$1,170.60
E-6	843.90	929.10	958.50	999.00	1,036.20
E-5	734.70	799.50	838.20	874.80	941.10
E-4	663.90	724.20	758.40	814.50	846.60
E-3	632.70	667.50	694.20	694.20	694.20
E-2	603.30	603.30	603.30	603.30	603.30
E-1	536.40	536.40	536.40	536.40	536.40

"Pay grade	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18
E-9	0	$1,668.00	$1,705.80	$1,744.50	$1,784.70	$1,824.60
E-8	$1,399.20	1,438.80	1,476.90	1,515.60	1,555.20	1,595.70
E-7	1,207.50	1,246.50	1,287.60	1,343.10	1,383.30	1,424.70
E-6	1,074.00	1,113.30	1,170.60	1,207.50	1,246.50	1,265.10
E-5	957.60	1,008.60	1,035.00	1,035.00	1,035.00	1,035.00
E-4	846.60	846.60	846.60	846.60	846.60	846.60
E-3	694.20	694.20	694.20	694.20	694.20	694.20
E-2	603.30	603.30	603.30	603.30	603.30	603.30
E-1	536.40	536.40	536.40	536.40	536.40	536.40

"Pay grade	Over 20	Over 22	Over 24	Over 26	Over 28	Over 30
E-9	$1,860.00	$1,958.10	$2,016.90	$2,148.00	$2,212.50	$2,212.50
E-8	1,643.70	1,726.20	1,778.10	1,918.80	1,918.80	1,918.80
E-7	1,467.00	1,535.40	1,581.30	1,726.20	1,726.20	1,726.20
E-6	1,265.10	1,265.10	1,265.10	1,265.10	1,265.10	1,265.10
E-5	1,035.00	1,035.00	1,035.00	1,035.00	1,035.00	1,135.00
E-4	846.60	846.60	846.60	846.60	846.60	846.60
E-3	694.20	694.20	694.20	694.20	694.20	694.20
E-2	603.30	603.30	603.30	603.30	603.30	603.30
E-1	536.40	536.40	536.40	536.40	536.40	536.40

"While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $2,610.90 regardless of cumulative years of service computed under sec. 205 of title 37 of the United States Code."

(2) the basic allowance for subsistence authorized enlisted members and officers by section 402 of title 37, United States Code, shall be as follows:

"Officers: $94.39 per month.

"Enlisted members:

"When on leave or authorized to mess separately: $4.50 per day.

"When rations in-kind are not available: $5.09 per day.

"When assigned to duty under emergency conditions where no messing facilities of the United States are available: $6.73 per day"; and

(3) the basic allowance for quarters authorized members of the uniformed services by section 403(a) of title 37, United States Code, shall be as follows:

"Pay grade	Without dependents: Full rate	Without dependents: Partial rate [1]	With dependents
"Commissioned officers:			
O-10	489.00	50.70	611.70
O-9	489.00	50.70	611.70
O-8	489.00	50.70	611.70
O-7	489.00	50.70	611.70
O-6	438.90	39.60	535.50
O-5	404.70	33.00	487.20
O-4	360.30	26.70	434.70
O-3	316.80	22.20	390.90
O-2	275.10	17.70	348.00
O-1	214.80	13.20	279.60
"Warrant officers:			
W-4	347.10	25.20	419.10
W-3	309.60	20.70	381.60
W-2	269.10	15.90	342.60
W-1	243.00	13.80	314.70
"Enlisted members:			
E-9	261.90	18.60	368.70
E-8	241.50	15.30	340.50
E-7	205.50	12.00	316.80
E-6	186.60	9.90	231.60
E-5	179.40	8.70	267.90
E-4	158.10	8.10	235.50
E-3	141.30	7.80	205.50
E-2	124.80	7.20	205.50
E-1	117.90	6.90	205.50

"[1] Payable to a member without dependents who, under sec. 403(b) or (c) of title 37, United States Code, is not entitled to receive a basic allowance for quarters."

MONTHLY PAY OF CADETS AND MIDSHIPMEN

SEC. 3. Section 203(c)(1) of title 37, United States Code, is amended by striking out "$313.20" and inserting in lieu thereof "$448.80".

INCENTIVE PAY FOR ENLISTED CREW MEMBERS

SEC. 4. The table in section 301(b)(1) of title 37, United States Code, is amended to read as follows:

"ENLISTED MEMBERS

"Pay Grade	"Years of service computed under sec. 205: 2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-9	$164	$164	$164	$164	$164	$164	$164
E-8	164	164	164	164	164	164	164
E-7	125	134	134	134	141	149	156
E-6	110	118	118	125	133	141	149
E-5	94	110	110	125	125	134	141
E-4	86	101	101	110	118	125	125
E-3	86	94	94	94	94	94	94
E-2	79	94	94	94	94	94	94
E-1	79	86	86	86	86	86	86
E-1 under 4 mo.	79						
Aviation cadets	79						

"Pay Grade	"Years of service computed under sec. 205: Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
E-9	$164	$164	$164	$164	$164	$164	$164
E-8	164	164	164	164	164	164	164
E-7	164	164	164	164	164	164	164
E-6	149	156	156	156	156	156	156
E-5	149	149	149	149	149	149	149
E-4	125	125	125	125	125	125	125
E-3	94	94	94	94	94	94	94
E-2	94	94	94	94	94	94	94
E-1	86	86	86	86	86	86	86"

AVIATION CAREER INCENTIVE PAY

SEC. 5. Section 301a of title 37, United States Code, is amended as follows:

(1) Subsection (a)(5) is amended by adding at the end thereof the following new sentence: "If the entitlement to continuous monthly incentive pay ceases in the case of an officer in a pay grade below 0–7 upon completion of 25 years of officer service, such officer shall be entitled to monthly incentive pay in the amount set forth in the table in subsection (b) of this section for an officer 'Over 25' for the performance of subsequent operational flying duty.".

(2) The tables in clause (1) of subsection (b) are amended to read as follows:

"Phase I

"Years of aviation service (including flight training) as an officer:	*Monthly rate*
2 or less	$125
Over 2	156
Over 3	188
Over 4	206
Over 6	400

"Phase II

"Years of service as an officer as computed under section 205:	
Over 18	$370
Over 20	340
Over 22	310
Over 24	280
Over 25	250".

(3) The last sentence of clause (1) of subsection (b) is amended by striking out "may not be paid at a rate greater than $200 a month, and an officer in pay grade O–8, or above, may not be paid at a rate greater than $206 a month" and inserting in lieu thereof ", or above, may not be paid at a rate greater than $250 a month".

(4) The table in clause (2) of subsection (b) is amended to read as follows:

"Years of aviation service as an officer:	*Monthly rate*
2 or less	$125
Over 2	156
Over 6	400".

YEARS OF SERVICE COMPUTATION FOR SUBMARINE DUTY INCENTIVE PAY

SEC. 6. Paragraphs 3 and 4 of section 301 c(a) of title 37, United States Code, are amended by inserting ", not including, in the case of an officer, periods as an enlisted member prior to initial appointment as an officer" after "title", each place it appears.

SPECIAL PAY FOR DIVING DUTY

SEC. 7. Section 304 of title 37, United States Code, is amended to read as follows:

"(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who is entitled to basic pay is entitled to special pay, in the amount set forth in subsection (b) of this section, for periods during which he——

"(1) is assigned by orders to the duty of diving;

"(2) is required to maintain proficiency as a diver by frequent and regular dives; and

"(3) actually performs diving duty.

"(b) Special pay payable under subsection (a) of this section shall be paid at the rate of not more than $200 a month, in the case of an officer, and at the rate of not more than $300 a month, in the case of an enlisted member.

"(c) A member may be paid special pay under this section and incentive pay under section 301 of this title for the same period of service, only if that member is assigned by orders to a hazardous duty described in section 301(a) of this title in addition to a duty described in subsection (a) of this section. However, if a member is paid special pay under this section, that member is not entitled to more than one payment of incentive pay under section 301 of this title.".

REENLISTMENT AND ENLISTMENT BONUSES

SEC. 8. (a) Section 308(e) of title 37, United States Code, is amended to read as follows:

"(e) Any unserved period of an enlistment (including any extension of enlistment) for which no bonus has been paid or for which no bonus is otherwise payable under this section may, under regulations prescribed by the Secretary concerned, be considered as part of an immediately subsequent term of reenlistment (or as part of an immediately subsequent voluntary extension of an enlistment) for the purpose of determining the eligibility of the member for a bonus under this section and for the purpose of computing the amount of such bonus.".

(b) Section 308a(a) of such title is amended—

(1) by striking out "$5,000" and inserting in lieu thereof "$7,500"; and

(2) by striking out the second sentence and inserting in lieu thereof the following: "The bonus shall be paid in periodic installments, as determined by the appropriate Secretary, except that the first installment may not exceed 50 percent of the total amount of the bonus and the remainder shall be paid in equal periodic installments which may not be paid less frequently than once every three months.".

(c) The amendments made by this section shall apply only to enlistments or voluntary extensions of enlistments made after September 30, 1981, for purposes of bonuses under section 308 of title 37, United States Code, and to enlistments or extensions of enlistments made after September 30, 1981 for bonuses under section 308a of title 37, United States Code.

ACTIVE-SERVICE AGREEMENTS FOR NUCLEAR QUALIFIED OFFICERS

SEC. 9. Notwithstanding subsections (a) and (b) of section 312 of title 37, United States Code, and under regulations prescribed by the Secretary of the Navy, the Secretary may permit an officer of the naval service who is performing obligated service as the result of an active-service agreement executed under section 312 of title 37 prior to January 1, 1981, to cancel that active-service agreement effective on the day before any anniversary of the day on which that agreement was executed and execute a new active-service agreement under section 312 of title 37 for one period of not more than four years. Any such cancellation of an existing agreement and execution of a new agreement may be effective on the day before an anniversary date occurring on or after January 1, 1981.

SPECIAL PAY FOR UNUSUALLY HAZARDOUS DUTY OR DUTY PERFORMED UNDER UNUSUALLY SEVERE WORKING CONDITIONS

SEC. 10. (a) Chapter 5 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 315. Special pay: unusually hazardous duty or duty performed under unusually severe working conditions

"(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who is entitled to basic pay may be paid special pay, in the amount set forth in subsection (b) of this section, for any month during which the member performs duties that have been determined by the Secretary concerned to be—

"(1) unusually hazardous; or

"(2) performed under unusually severe working conditions.

"(b) Special pay payable under subsection (a) of this section shall be paid at the rate of $110 a month, in the case of an officer, and at the rate of $55 a month, in the case of an enlisted member.

"(c)(1) A member may not be paid more than one payment of special pay under this section for any month.

"(2) A member may not be paid special pay under this section for any period of service for which that member receives special or incentive pay under section 301, 301a, 301c, or 304 of this title.

"(d) In time of war, the President may suspend the payment of special pay under this section.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"315. Special pay: unusually hazardous duty or duty performed under unusually severe working conditions.".

DUTY REQUIRING AN ENGINEERING OR SCIENTIFIC SKILL DESIGNATED AS CRITICAL

SEC. 11. (a) Chapter 5 of title 37, United States Code, is amended by adding after section 315 (as added by section 10 of this Act) the following new section:

"316. Special pay: engineering and scientific career accession bonus and continuation pay.

"(a) In this section, the term 'engineering or scientific duty' means service performed by an officer, who holds a degree in engineering or science from an accredited college or university that requires a skill designated under regulations prescribed by the Secretary of Defense as critical and that requires an engineering or science degree.

"(b) Under regulations prescribed by the Secretary of Defense, an officer of an armed force who—

"(1) is entitled to basic pay;

"(2) has been certified by the Secretary concerned as having the technical qualifications for detail to engineering or scientific duty; and

"(3) executes a written agreement to serve on active duty for detail to engineering or scientific duties for a period of at least four years;

may be paid, in addition to all other compensation to which the officer is entitled, a bonus in an amount not to exceed $15,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the Secretary concerned.

"(c) Under regulations prescribed by the Secretary of Defense, an officer of an armed force who—

"(1) is entitled to basic pay;

"(2) is below the pay grade of 0–7;

"(3) has been certified by the Secretary concerned as having the technical qualifications for detail to engineering or scientific duty;

"(4) has completed at least three but less than 13 years of engineering or scientific duty as an officer;

"(5) is not serving a period of obligated service under subsection (b) of this section; and

"(6) executes a written agreement to remain on active duty for detail to engineering or scientific duty for at least one year, but no more than four years, of active service;

may, upon acceptance of the written agreement by the Secretary concerned, be paid, in addition to all other compensation to which the officer is entitled, an amount not to exceed $3,000 multiplied by the number of years, or monthly fraction thereof, of obligated service to which the officer agrees under the agreement. The total amount payable may be paid in a lump sum or in equal periodic installments, as determined by the Secretary concerned.

"(d)(1) An officer who does not serve on active duty for the entire period for which he has been paid under subsection (b) or (c) of this section shall refund that percentage of the payment that the unserved part of the period is of the total period for which the payment was made. Nothing in this subsection shall alter or modify the obligation of a regular officer to perform ac-

tive service at the pleasure of the President. Completion by a regular officer of the total period of obligated service specified in an agreement under subsection (b) or (c) of this section does not obligate the President to accept a resignation submitted by that officer.

"(2) Subject to paragraph (3) of this subsection, an obligation to reimburse the United States imposed under paragraph (1) of this subsection is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) of this subsection if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title II that is entered less than 5 years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under such agreement or under paragraph (1) of this subsection. This paragraph applies to any case commenced under title 11 after September 30, 1981.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"316. Special pay: engineering, and scientific career accession bonus and continuation pay.".

TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 12. (a)(1) Section 404 of title 37, United States Code, is amended by striking out "Under regulations prescribed by the Secretary concerned" in subsection (a) and inserting in lieu thereof "Except as provided in subsection (f) of this section, under regulations prescribed by the Secretaries concerned".

(2) Subsection (f) of such section is amended to read as follows:

(f)(1) The travel and transportation allowances authorized under this section may be paid to a member upon his separation from the service or release from active duty for travel which is actually performed and only if—

"(A) the member, on the date of his separation from the service or release from active duty, has served on active duty for a period of time equal to at least 90 percent of the period of time for which the member initially enlisted or otherwise initially agreed to serve; and

"(B) the member's separation from the service or release from active duty is under honorable conditions, as determined by the Secretary concerned.

"(2) Clauses (A) and (B) of paragraph 1 of this subsection shall not apply to any member who—

"(A) is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10;

"(B) is discharged under section 1173 of title 10; or

"(C) is separated from the service or released from active duty under unusual circumstances, as determined by the Secretary concerned.".

(b)(1) Subsection (a) of section 406 of title 37, United States Code, is amended—

(A) by inserting "(1)" after "(a)";

(B) by inserting "and paragraph 2 of this subsection" after "subsection (i) of this section"; and

(C) by adding at the end thereof the following new paragraphs:

"(2) The transportation and allowances authorized under paragraph 1 of this subsection may be paid or provided to a member upon his separation from the service or release from active duty only if—

"(A) the member, on the date of his separation from the service or release from active duty, has served on active duty for a period of time which is equal to at least 90 percent of the period of time for which the member initially enlisted or otherwise initially agreed to serve; and

"(B) the member's separation from the service or release from active duty is under honorable conditions, as determined by the Secretary concerned.

The requirements of this paragraph shall not apply to any member who is (i) retired, or placed on the temporary disability retired list, under chapter 61 of title 10, (ii) discharged under section 1173 of title 10, or (iii) separated from the service or released from active duty under unusual circumstances, as determined by the Secretary concerned.

"(3) The allowances authorized under this subsection may be paid in advance.".

(2) Subsection (b) of such section is amended—

(A) by inserting "(1)" after "(b)";

(B) by striking out "In" and inserting in lieu thereof "Except as provided in paragraph 2 of this subsection, in";

(C) by adding at the end of paragraph (1) as designated by subsection (b)(2)(A) of this section, the following new sentences: "Temporary storage in excess of 180 days may be authorized. In those cases of permanent change of station in which the Secretary concerned has authorized transportation under section 2634 of title 10 of the motor vehicle owned by the member and for his personal use or the use of his dependents, the member is entitled to transportation of that motor vehicle to the point at which transportation under section 2634 of title 10 commences and from the point at which transportation authorized under section 2634 of title 10 terminates, or to reimbursement therefor."; and

(D) by adding at the end thereof the following new paragraph:

"(2)(A) The transportation and allowances authorized under paragraph (1) of this subsection, in the case of a member who is separated from the service or is released from active duty, may only be provided or paid if—

"(i) the transportation (including the packing, crating, drayage, temporary storage, and unpacking) is commenced not later than 90 days after the date of such separation from the service or release from active duty;

"(ii) the member, on the date of his separation from the service or release from active duty, has served on active duty for a period of time which is equal to at least 90 percent of the period of time for which the member initially enlisted or otherwise initially agreed to serve; and

"(iii) the member's separation from the service or release from active duty is under honorable conditions, as determined by the Secretary concerned.

The requirements of this paragraph shall not apply to any member who is (i) retired, or placed on the temporary disability retired list, under chapter 61 of title 10, (ii) discharged under section 1173 of title 10, or (iii) separated from the service or released from active duty under unusual circumstances, as determined by the Secretary concerned.

"(B) If nontemporary storage is authorized under subsection (d) of this section for a member to whom subparagraph (A) applies, the 90-day period provided for in subparagraph (A)(i) shall not begin until such authorization for nontemporary storage expires.".

TEMPORARY LODGING EXPENSES

SEC. 13. (a)(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 404 the following new section:

"§ 404a. Travel and transportation allowances: temporary lodging expenses

"(a) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is ordered to make a change of permanent station from any duty station to a duty station in the United States, other than Hawaii or Alaska, may be paid or reimbursed for subsistence expenses actually incurred by the member and the member's dependents during a period not exceeding 4 days while occupying temporary quarters incident to that change of permanent station.

"(b) Regulations prescribed under subsection (a) of this section shall prescribe average daily subsistence rates for purposes of this section for the member and for each dependent. Such rates may not exceed the maximum per diem rates prescribed by or under section 404(d) of this title for the area where the temporary quarters are located. However, a member may not be paid or reimbursed more than $110 a day under this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 404 the following new item:

"404a. Travel and transportation allowances: temporary lodging expenses.".

(b) Section 411(a) of such title is amended by inserting "404a," after "(d)–(f),".

ADVANCE PAYMENT OF EVACUATION ALLOWANCES

SEC. 14. Section 405a(a) of title 37, United States Code, is amended by inserting after the second sentence the following new sentence: "Such allowances may be paid in advance.".

ADVANCE PAYMENT OF DISLOCATION ALLOWANCE

SEC. 15. Section 407(a) of title 37, United States Code, is amended by adding at the end thereof the following new sentence: "An allowance payable under this section may be paid in advance.".

TRAVEL AND TRANSPORTATION FOR MEMBERS SERVING CONSECUTIVE ASSIGNMENTS OVERSEAS

SEC. 16. Section 411b(a) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by inserting "who is ordered to a consecutive tour of duty at the same duty station or" after "District of Columbia"; and

(3) by adding at the end thereof the following new paragraph:

"(2) If, because of military necessity, a member authorized travel and transportation allowances under this subsection is denied leave between the two tours of duty overseas, the member shall be authorized to use such travel and transportation allowances from his current duty station at the first time the member is granted leave.".

TRAVEL FROM ISOLATED DUTY STATIONS AND TRAVEL INCIDENT TO EMERGENCY LEAVE

SEC. 17. (a) Chapter 7 of title 37, United States Code, is amended by inserting after section 411b the following new sections:

"§ 411c. Travel and transportation allowances: travel performed in connection with leave from certain stations in foreign countries

"(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service, while serving at a duty station outside the United States in an area specifically designated by the Secretary concerned for purposes of this section, may be paid transportation—

"(1) to another location outside the United States having different social, climatic, or environmental conditions than those at the duty station at which the member is serving; or

"(2) to a location in the United States.

"(b) The transportation authorized by this section is limited to payment for transportation of the member and of each dependent of the member authorized to reside at the member's duty station for one roundtrip during any continuous two-year tour and

two roundtrips during any continuous three-year tour.

"§ 411d. Travel and transportation allowances: transportation for members stationed abroad and dependents incident to emergency leave

"(a) Under uniform regulations prescribed by the Secretaries concerned, roundtrip transportation for a member stationed outside the United States, other than Hawaii and Alaska, and for dependents of the member authorized to reside at the member's duty station may be provided from the member's duty station to the United States or its possessions incident to emergency leave granted for reasons of personal emergency (or in the case of transportation provided only for a dependent, under circumstances involving a personal emergency similar to the circumstances for which emergency leave could be granted a member).

"(b) Transportation under this section may be authorized only upon a determination that Government transportation is not reasonably available, considering the nature of the emergency involved. Transportation authorized under this section shall be limited to the cost of Government-procured commercial roundtrip air travel from the international airport nearest the location of the member and dependents at the time notification of the emergency is received or the international airport nearest the duty station of the member and dependents in the overseas area—

"(1) to the international airport within the United States, other than Hawaii or Alaska, closest to the overseas airport from which the member or dependents depart; or

"(2) as determined by the Secretary concerned, to an airport in Hawaii, Alaska, Puerto Rico, the Virgin Islands, or the possessions of the United States.

"§ 411e. Travel and transportation allowances: travel performed in certain emergency situations

"Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service who is performing temporary duty away from his permanent duty station may be paid the travel and transportation allowances provided by section 404 of this title for travel performed from his place of temporary duty to his permanent duty station or to any other location, and return (if applicable), if such travel has been approved because of the serious illness or injury or the death of a dependent of the member. Travel and transportation to a location other than the permanent duty station of the member may not be paid under this section in excess of the amount of such travel and transportation to the member's permanent duty station, and return (if applicable).".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411b the following new items:

"411c. Travel and transportation allowances: travel performed in connection with leave from certain stations in foreign countries.

"411d. Travel and transportation allowances: transportation for members stationed abroad and dependents incident to emergency leave.

"411e. Travel and transportation allowances: travel performed in certain emergency situations.".

UNIFORM ALLOWANCES AND ADVANCE PAY FOR MEMBERS OF THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

SEC. 18. (a) Subsection (a) of section 415 of title 37, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new paragraph:

"(4) upon reporting for the first period of active duty required by section 2121(c) of title 10, United States Code, as a member of the Armed Forces Health Professions Scholarship Program.".

(b) Section 1006 of such title is amended by adding at the end thereof the following new subsection:

"(i) Under regulations prescribed by the Secretary concerned, not more than one month's pay may be paid in advance to a member of the Armed Forces Health Professions Scholarship Program upon reporting for a period of active duty required by section 2121(c) of title 10.".

PROFESSIONAL EXPENSES FOR JUDGE ADVOCATES

SEC. 19. (a) Chapter 7 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 430. Professional expenses: judge advocates

'Under regulations prescribed by the Secretary concerned, an officer on active duty for more than 30 days who is a judge advocate of the Army, Navy, Air Force, or Marine Corps, or a law specialist of the Coast Guard, in addition to any other pay and allowances to which he is entitled, may be reimbursed not more than $600 a year for professional expenses actually incurred. The expenses for which reimbursement is authorized under this section are—

"(1) fees required for maintaining one membership in either the bar of a Federal court or the bar of the highest court of a State; and

"(2) fees for attending continuing legal education programs that are required as a condition of continued membership in a bar of which the officer is a member or that are directly related to the officer's professional military duties.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"430. Professional expenses: judge advocates.".

ADJUSTMENTS OF COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES

SEC. 20. Section 1009 of title 37, United States Code, is amended as follows:

(1) Subsection (a) is amended by striking out "Whenever the General Schedule of compensation for Federal classified employees as contained in section 5332 of title 5, United States Code, is adjusted upward, the President shall immedaitely" and inserting in lieu thereof "Effective October 1 of each year, the President shall".

(2) Subsection (b) is amended as follows:

(A) Paragraph (1) is repealed.

(B) Paragraphs (2) and (3) are redesignated as paragraphs (1) and (2), respectively.

(C) Paragraph (2), as redesignated by this section, is amended—

(i) by striking out "General Schedule rates of basic pay for civilian employees" and inserting in lieu thereof "rates of pay for similar levels of work in private enterprise"; and

(ii) by adding at the end thereof the following new sentences:

"In order to determine the appropriate adjustments in the elements of compensation, the Secretary of Defense shall, in conjunction with the Bureau of Labor Statistics, conduct an annual survey which compares regular military compensation (not including any variable housing allowance or station housing allowance) with the rates of pay for similar levels of work in private enterprise, appropriately weighted to reflect the mix of occupations and specialties in the uniformed services. Based on such annual survey, the Secretary of Defense shall submit to the President recommendations for appropriate adjustments in the elements of compensation.".

(3) Subsection (c) is amended by striking out "subsection (b)(3)" each place it appears and inserting in lieu thereof "subsection (b)(2)".

(4) Subsection (d)(2) is amended to read as follows:

"(2) In making any allocation of an overall percentage increase in basic pay under paragraph (1) of this subsection, the amount of the increase in basic pay for any given pay grade and years-of-service category after any allocation made under this subsection or under subsection (c) of this section (or under both such subsections) may not be less than 75 percent of the amount of the increase in the element of basic pay that would otherwise have been effective with respect to such pay grade and years-of-service category under subsection (b)(2) of this section.".

(5) The following new subsections are added at the end thereof:

"(g)(1) If, because of national security considerations, national emergency, or economic conditions affecting the general welfare, the President should, in any year, consider it inappropriate to make the compensation adjustments required by subsection (a) of this section, he shall prepare and transmit to Congress before September 1 of that year such alternative plan with respect to a compensation adjustments as he considers appropriate, together with the reasons therefor, in lieu of the compensation adjustments required by subsection (a) of this section.

"(2) An alternative plan transmitted by the President under paragraph (1) of this subsection becomes effective on October 1 of the applicable year and continues in effect unless, before the end of the first period of thirty calendar days of continuous session of Congress after the date on which the alternative plan is transmitted, either House adopts a resolution disapproving the alternative plan so recommended and submitted, in which case the compensation adjustments required by subsection (a) of this section shall be made in accordance with subsection (h) of this section. The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.

"(h) If either House adopts a resolution disapproving an alternative plan submitted under subsection (g) of this section, the President shall make the adjustments required by subsection (a) of this section, effective October 1 of that year.

"(i) Basic pay may not be paid, by reason of any provision of this section, at a rate in excess of the rate of basic pay payable for level V of the Executive Schedule.".

MILITARY JUSTICE AMENDMENTS

SEC. 21. (a) Chapter 40 of title 10, United States Code, is amended—

(1) in section 701(a)—

(A) by striking out "and" at the end of clause (2);

(B) by striking out the period at the end of clause (3) and inserting in lieu thereof "; and"; and

(C) by adding after clause (3) the following new clause:

"(4) periods of involuntary leave required to be taken under section 705 of this title.";

(2) by adding at the end thereof the following new section:

"§ 705. Involuntary leave: appellate review of certain court-partial convictions

"(a) Under regulations prescribed by the Secretary concerned, a member of an armed force who has been sentenced by court-

martial may be required to take leave pending completion of action under subchapter IX of chapter 47 of this title if the sentence, as approved by the officer exercising general court-martial jurisdiction under sections 864 or 865 of this title, includes an unsuspended dismissal or dishonorable or bad-conduct discharge. The member may be required to begin such involuntary leave at any time on or after the date on which such sentence is approved by the officer exercising general court-martial jurisdiction. Such leave may be continued until any time on or before the date that action is completed under subchapter IX of chapter 47 of this title.

"(b) Any period of leave required to be taken under this section first shall be charged against the member's accrued leave, and shall thereafter be taken as excess leave.

"(c) During any period of excess leave required to be taken under this section, a member shall not be entitled to receive pay and allowances."; and

(3) by adding in the table of sections at the beginning of such chapter after the item related to section 704 the following new item:

"705. Involuntary leave: appellate review of certain court-martial convictions.".

(b) Section 813 (Article 13) of such title is amended—

(1) by striking out "Subject to section 857 of this title (article 57), no" and inserting in lieu thereof "No"; and

(2) by striking out "or the result of trial".

(c) Section 832(b) (Article 32(b)) of such title is amended by striking out the second sentence and inserting in lieu thereof "The right of an accused to be represented at that investigation is as set forth in section 838 of this title (article 38) and in regulations prescribed under that section.".

(d) Section 838(b) (Article 38(b)) of such title is amended to read as follows:

"(b) The accused has the right to be represented in his defense before a general or special court-martial or at an investigation under section 832 of this title (article 32) as follows:

"(1) The accused may be represented by civilian counsel if provided by him.

"(2) Subject to paragraphs (3)–(6), the accused may be represented by—

"(A) military counsel detailed under section 827 of this title (article 27); or

"(B) military counsel of his own selection from the same armed force as the accused if that military counsel is reasonably available.

"(3) When the accused is represented by civilian counsel, military counsel detailed or selected under paragraph (2) shall act as associate counsel unless excused at the request of the accused.

"(4) When the accused is represented by military counsel of his own selection under paragraph 2(B), any military counsel detailed under paragraph 2(A) shall, subject to paragraph (5), be excused.

"(5) Under this subsection, an accused is not entitled to be represented in his defense by more than one military counsel. However, a convening authority may, in his sole discretion—

"(A) detail additional military counsel as assistant defense counsel; and

"(B) approve a request from the accused that military counsel detailed under paragraph 2(A) act as associate defense counsel when the accused is represented by military counsel of his own selection.

"(6) The Secretary concerned may, by regulations, define 'reasonably available' and may, under such regulations, establish procedures for determining whether military counsel selected by an accused under paragraph 2(B) is reasonably available.".

(e) Section 867(c) (Article 67(c)) of such title is amended to read as follows:

"(c) The accused may petition the Court of Military Appeals for review of a decision of a Court of Military Review within 60 days from the earlier of—

"(1) the date on which the accused is notified of such decision of a Court of Military Review, or

"(2) the date on which a copy of such decision of a Court of Military Review, after being served on appellate counsel of record for the accused (if any), is deposited in the United States mails for delivery by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in the accused's official service record.

The Court of Military Appeals shall act upon such a petition promptly in accordance with the rules of the court.".

(f) Section 869 (Article 69) of such title is amended by inserting the following at the end thereof: "When such a case is considered upon application of the accused, the application must be filed in the Office of the Judge Advocate General by the accused on or before October 1, 1983, or within two years after the date that sentence is announced, whichever is later, unless the accused establishes good cause for failure to file within that time.".

(g)(1)(A) The amendments made by subsection (a) of this section shall apply to members whose sentences by court-martial are approved under section 865 of title 10, United States Code, on or after the effective date of this section.

(B) The amendments made by subsection (b) of this section shall apply to all persons held as the result of a court-martial sentence announced on or after the effective date of this section.

(C) The amendments made by subsection (c) of this section shall apply to investigations under section 832 of title 10, United States Code, which commence on or after the effective date of this section.

(D) The amendments made by subsection (d) of this section shall apply to trials by courts-martial in which all charges are referred to trial on or after the effective date of this section.

(E) The amendments made by subsection (e) of this section shall apply to any accused with respect to a Court of Military Review decision which is dated on or after the effective date of this section.

(F) The amendments made by subsection (f) of this section shall apply to applications received in the Office of The Judge Advocate General on or after the effective date of this section.

(2) The amenments made by this section shall take effect at the end of the sixty-day period beginning on the date of enactment of this Act.

REIMBURSEMENT FOR ACCOMMODATIONS IN PLACE OF QUARTERS FOR MEMBERS ON SEA DUTY

SEC. 22. (a) Section 3 of Public Law 96–357 (94 Stat. 1182) is repealed.

(b) Section 7572(b) of title 10, United States Code, is amended to read as follows:

"(b) Under such regulations as the Secretary prescribes, any member of a uniformed service on sea duty who is deprived of quarters on board ship because of repairs or because of other conditions that make the member's quarters uninhabitable and for whom it is impracticable to furnish accommodations under subsection (a), may be reimbursed for expenses incurred in obtaining quarters in an amount not more than the total of—

"(1) the basic allowance for quarters of a member of the same pay grade without dependents; and

"(2) a variable housing allowance which could be paid to a member of the same pay grade under section 403 of title 37 at the location where the member is deprived of quarters on board ship.

A member entitled to receipt of basic allowance for quarters may not be reimbursed for expenses under this subsection when deprived of quarters on board ship at a location at which the member can reside with such member's dependents.".

INCREASE IN RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS

SEC. 23. Section 2107(h) of title 10, United States Code, is amended by striking out "6,000" and "6,500" and inserting in lieu thereof "8,000" and "8,500", respectively.

EFFECTIVE DATES

SEC. 24. Except as provided in subsection (b) and otherwise in this Act, the amendments made by this Act shall take effect on October 1, 1981.

(b)(1) The amendments made by section 13 shall take effect on April 1, 1982.

(2) The amendments made by sections 6, 9, 14, 15, 18, and 20 shall take effect on the date of enactment of this Act.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, with statements therein limited to 2 minutes each.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT OF 1982

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the pending business, S. 815, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 815) to authorize appropriations for fiscal year 1982, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, for research, development, test, and evaluation, and for operation and maintenance for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, and for other purposes.

The PRESIDING OFFICER. Does the Senator from Texas seek the floor?

Mr. TOWER. Mr. President, the Senate is scheduled to vote on final passage of S. 815 no later than 5 o'clock this afternoon, but we are still having difficulty getting Senators here to present their amendments.

I think Senators should be advised that they may not have time to make any presentation if they keep waiting, because between now and 5 o'clock we have 7 hours to deal with about six amendments, all of which I think have some degree of controversy and will require some debate. So Senators should

be put on notice that if they are not prepared at any time during the day, starting now, to offer their amendments, they may find them stacked up late this afternoon with no opportunity to make a presentation on them, and they may face the prospect that we will have to try to table some of these amendments.

So I hope Senators who have these amendments will appreciate the fact that what they are doing by failing to show up over here and offer these amendments is militating against the probability of those amendments being adopted.

I see the Senator from Georgia on his feet, and I wonder if he is about to present his amendment. Is that why he is seeking recognition?

Mr. NUNN. I was not seeking recognition, Mr. President. I was thinking standing up. I am prepared to present my amendment when the Senator from Texas feels it is appropriate. I want to see what the chairman thinks about the amendment. I do not want to push him on it.

Mr. TOWER. I have not had an opportunity to see the amendment of the Senator from Georgia. I got his "Dear Colleague" letter this morning but I have not seen the amendment, and I am not certain whether I could support it or not at this point, because it is a far-reaching amendment.

We have had no opportunity to look at it and, therefore, Mr. President, I suggest the absence of a quorum.

Mr. NUNN. Mr. President, will the Senator withhold for a moment? It is my understanding that the amendment has been presented to the Senator's staff.

Mr. TOWER. I think about an hour ago so there has been very little opportunity to have a look at it, scrutinize it, to get DOD's response to it. On the face of it appears that some of the things recommended here are actually already in train over at the Department, and maybe it is addressing itself more to the past than to the present and to the future. But I will have to withhold judgment on the amendment.

Mr. NUNN. I understand the Senator completely, I have attempted to give the Senator and his staff all the information that I had available, including the rough draft as well as the final "Dear Colleague" letter. This basically explains the amendment. The difficulty was drawing it as it is a 4-page amendment. We did deliver it late last night but I am sure no one was there at that time, and that it was not brought to the Senator's attention until this morning.

Mr. TOWER. What is difficult for the Senator from Texas to understand is that the "Dear Colleague" letter was on my desk early this morning with a list of cosponsors, yet we could not get a copy of the amendment, so I assume the cosponsors all had a copy of it yesterday, and I do not know why it could not have been given to the Senator from Texas.

Mr. NUNN. I say to the Senator from Texas that the drawing of the amendment was not finished until late last night but the details were gone over very carefully with the cosponsors. In addition, my staff sat down with the Senator's staff yesterday about noon and gave them everything we had available. The Senator from Texas, when I had a personal discussion with him, was informed on every single step and I made available everything I had.

Admittedly, it has taken some time to draw up the amendment as it is complicated. The legislative counsel's office worked on it until late last night, so it has not been presented until this morning. But I have made every effort to keep the Senator from Texas and his staff fully aware of its content. I will agree it is complicated and I will be prepared to proceed with it this morning after, of course, the Senator has had an opportunity to read it.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SIMPSON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I believe we are prepared to proceed to another amendment. It is my understanding that there is a 1-hour time limitation.

The PRESIDING OFFICER. The Senator is correct.

UP AMENDMENT NO. 105

(Purpose: To help control the increasing costs of major defense systems)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN), for himself, Mr. RUDMAN, Mr. STENNIS, Mr. MITCHELL, Mr. MATTINGLY, Mr. EXON, Mr. HOLLINGS, Mr. HATFIELD, Mr. DIXON, and Mr. DECONCINI, proposes an unprinted amendment numbered 105.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the appropriate place in the bill insert a new section as follows:

UNIT COST REPORTS

SEC. . (a)(1) The program manager (as designated by the Secretary concerned) for each major defense system included in the selected acquisition report dated March 31, 1981, and submitted to the Congress pursuant to section 811 of the Defense Appropriations Authorization Act, 1976 (Public Law 94–106; 10 U.S.C. 139 note), shall submit to the Secretary concerned, within seven days after the end of each quarter of fiscal year 1982 (except as provided in paragraph (2)), a written report on the major defense system included in such selected acquisition report with which such manager is concerned. The program manager shall include in each such report—

(A) the total program acquisition unit cost for such major defense system as of the last day of such quarter; and

(B) the current unit acquisition cost for such major defense system as of the last day of such quarter in the case of a major defense system for which procurement funds are authorized in this Act.

(2) If the program manager of any major defense system referred to in paragraph (1) has reasonable cause to believe at any time during any quarter of fiscal year 1982 that (A) the total program acquisition unit cost, or (B) in the case of a major defense system for which procurement funds are authorized in this Act, the current unit acquisition cost has exceeded the applicable percentage increase specified in subsection (b), such manager shall immediately prepare and submit to the Secretary concerned a report containing the cost information, as of the date of such report, required by paragraph (1).

(3) The program manager shall also include in any report submitted pursuant to this subsection any changes in schedule milestones or system performances with respect to such system that are known, expected, or anticipated by such manager.

(b)(1) If the Secretary concerned determines, on the basis of any report submitted to him pursuant to subsection (a), that the total program acquisition unit cost (including any increase for expected inflation) for any major defense system for which no procurement funds are authorized in this Act has increased by more than 15 percent over the total program acquisition unit cost for such system reflected in the selected acquisition report of March 31, 1981, then no funds may be obligated or expended in connection with such system after the expiration of 30 days after the day on which the Secretary makes such determination. The Secretary concerned shall notify the Congress promptly in writing upon making such a determination with respect to any such major defense system and shall include in such notice the date on which such determination was made.

(2) If the Secretary concerned determines, on the basis of any report submitted to him pursuant to subsection (a), that (A) the current unit acquisition cost of any major defense system for which procurement funds are authorized in this Act has increased by more than 10 percent over the unit acquisition cost reported in the Congressional Data Sheets submitted to Congress in March 1981, or (B) the total program acquisition unit cost (including any increase for expected inflation) of such system has increased by more than 10 percent over the total program acquisition unit cost for such system reflected in the selected acquisition report of March 31, 1981, then no funds may be obligated or expended in connection with such system after the expiration of 30 days after the day on which the Secretary makes such determination. The Secretary concerned shall notify the Congress promptly in writing upon making such a determination with respect to any such major defense system and shall include in such notice the date on which such determination was made.

(3) The prohibition on the obligation and expenditure of funds contained in paragraphs (1) and (2) shall not apply in the case of any major defense system to which such prohibition would otherwise apply if the Secretary concerned submits to the Congress, before the expiration of the 30-day period referred to in paragraph (1) or (2), as the case may be, a written report which includes—

(A) a statement of the reasons for such increase in total program acquisition unit cost or unit acquisition cost;

(B) the identities of the military and

civilian officers responsible for program management and cost control of the major defense system;

(C) the action taken and proposed to be taken to control future cost growth of such system;

(D) any changes in the performance or schedule milestones of such system and the degree to which such changes have contributed to increases in total program acquisition unit cost or unit acquisition cost;

(E) written explanations by the principal contractors of the causes of growth in total program acquisition unit cost or unit acquisition cost and actions taken or proposed to be taken by them to control such cost growth; and

(F) an index of all testimony and documents formally provided to the Congress on the estimated cost of such system.

(4) Notwithstanding the foregoing provisions of this subsection, if the Secretary concerned—

(A) determines, on the basis of any report submitted to him pursuant to subsection (a), that (i) the total program acquisition unit cost (including any increase for expected inflation) for any major defense system has increased by more than 25 percent over the total program acquisition unit cost for such system reflected in the selected acquisition report of March 31, 1981, or (ii) in the case of any such system for which procurement funds are authorized in this Act, the current unit acquisition cost of such system has increased by more than 25 percent over the unit acquisition cost reported in the Congressional Data Sheets submitted to the Congress in March 1981, and

(B) has submitted pursuant to paragraph (3) a report to the Congress with respect to such system,

then no funds may be obligated or expended in connection with such system after the expiration of 60 days after the day on which the Secretary makes such determination unless the President has made a certification to the Congress as provided in paragraph (5).

(5) The prohibition on the obligation and expenditure of funds contained in paragraph (4) shall not apply in the case of any major defense system to which such prohibition would otherwise apply if the President submits to the Congress, before the expiration of the 60-day period referred to in paragraph (4), a written certification stating that—

(A) such system is essential to the national security;

(B) there are no alternatives to such system which will provide equal or greater military capability at less cost;

(C) the new estimates of the total program acquisition unit cost or unit acquisition cost are reasonable; and

(D) the management structure for such major defense system is adequate to prevent future increases in total program acquisition unit cost or unit acquisition cost.

(c) As used in this section—

(1) The term "total program acquisition unit cost" means, in the case of any major defense system, the total cost for development and procurement of, and system-specific military construction for, such system divided by the number of fully configured end items to be produced for such system.

(2) (A) Except as provided in subparagraph (B), the term "unit acquisition cost" means, in the case of any major defense system, the total of all development, procurement, and system-specific military construction funds available for such system in any fiscal year divided by the number of fully configured end items to be procured with such funds in such fiscal year.

(B) When used in reference to the Congressional Data Sheets, the term "unit acquisition cost" means, in the case of any major defense system, the total amount of funds requested in such data sheets for development and procurement of, and system-specific military construction for, such system in any fiscal year divided by the number of fully configured end items expected to be procured for such system with such requested funds.

(3) The term "Secretary concerned" has the same meaning as provided in section 101 (8) of title 10, United States Code.

(d) Section 811 of the Defense Appropriations Authorization Act, 1976 (Public Law 94–106; 10 U.S.C. 139 note) is amended by adding at the end of subsection (b) the following new sentences: "Any report required to be submitted under subsection (a) shall also include the history of the total program acquisition unit cost of each major defense system from the date on which any funds were initially authorized to be appropriated for such system. As used in this subsection, the term 'total program acquisition unit cost' means the total cost for development and procurement of, and system-specific military construction for, a major defense system divided by the number of fully configured end items to be produced for such system.".

Mr. NUNN. Mr. President, before I begin discussing the amendment related to costs of major defense weapons systems, I want to commend Chairman TOWER for his superb leadership in bringing this landmark defense authorization bill to the Senate floor. His reorganization of the subcommittee structure along mission-oriented lines worked well and provided for a thorough review of defense programs in a short period of time. Under his leadership, the committee continued its long tradition of a bipartisan approach to national security matters. I also want to commend the distinguished ranking minority member, Senator STENNIS, for his continued leadership in national security matters. He has been a stalwart in national security matters in this body for many years and continues in that role.

Mr. President, the amendment is cosponsored by Senators RUDMAN, STENNIS, MITCHELL, MATTINGLY, EXON, HOLLINGS, HATFIELD, DIXON, DECONCINI, ROBERT C. BYRD, JACKSON, DURENBERGER, BOSCHWITZ, BUMPERS, and GORTON.

Mr. President, we are offering an amendment that deals with the problems of substantial cost growth in the program unit costs of major defense weapons systems. In this area, the amendment encourages an improved management focus and accountability within the Department of Defense, requires a public report to Congress on those programs that experience substantial cost overruns, and mandates an accompanying Defense plan for corrective action.

A bipartisan consensus supporting increased defense spending currently exists in this body and in the House, but preserving this consensus will depend on insuring that increased defense spending does indeed result in increased military capability. There are justifiable concerns today that raise doubts that this goal can be achieved.

One relates to the issues of outlays and whether or not major adjustments will be necessary. Another relates to the issue of whether or not spending priorities are being established within the context of a coherent national strategy.

There is one critical problem, however, that has plagued the Defense Department through many administrations. The unit costs of major defense weapon systems are increasing at rates far beyond the rate of inflation, adding billions to the budget just to buy the same quantities of weapons that were planned before.

The SAR is a quarterly report from DOD mandated by law that covers the top 50 weapon systems. SAR is an acronym for selected acquisition report. The programs covered by this report account for a large portion of the fiscal year 1982 defense procurement account as well as almost $300 billion in total program costs.

I show my colleagues a copy of the current SAR in case anyone wants to reads it before they go to sleep tonight. This is a report, much of which is classified, almost all of which is unintelligible.

This is the most recent SAR and despite the wealth of numbers, there is no focus on the critical problem of unit cost growth.

From the last March SAR to the current one just submitted, the Patriot missile system increased 37 percent, the Hellfire missile 48 percent, the Blackhawk 24 percent, the F–18 21 percent, and the ground-launched cruise missile 54 percent, the result—you spend more to buy the same amount or you buy less. To buy the same number of M–1 tanks, Harm missiles, and ground-launched cruise missiles this year costs $900 million more than estimated. The December SAR indicated that there was a $47 billion cost increase for 47 major systems in just the last 3 months of 1980.

The fiscal year 1982 aircraft procurement budget request will purchase about the same number of aircraft as we bought in fiscal year 1980.

But the cost increase for purchasing about the same number of aircraft, approximately the same quality—not exactly, but approximately—was 91 percent between those two fiscal years. So, Mr. President, there is no doubt for those of us who believe in a strong national security—and I think most do in this body—and particularly those of us who have been pushing for increased efforts in the defense area, that there is also a corresponding obligation and duty to take strong action to control these dramatic cost growths.

This amendment accomplishes this by, first, requiring program managers to report directly to the service secretaries, in a simple form, the unit costs. This would be done on a quarterly basis on the systems covered by the SAR.

Second, establishing a baseline cost of each such weapon based on the March 31, 1981 SAR which is the most recent SAR.

Third, establishing a threshold for cost increases of 15 percent above the baseline for systems in R. & D. and 10 percent for systems in procurement.

Fourth, triggering a report to Congress if the cost threshold is breached.

Mr. President, I want to emphasize that the cost growth being measured would be over and above the President's budgeted inflation assumption. So we

are talking about the per-unit cost, including the inflation assumptions that the President has made.

The report would include the reasons for the cost growth. If a report is made to Congress—and I say if, because unless the threshold is crossed, no report is made to Congress—if a report is made to Congress, the report would include the reasons for the cost growth, the names of the responsible officials, the planned actions to restrain further cost growth, and the principal contractor's views on the cost growth and the action that contractor plans to take to restrain that growth.

As the fifth step in this process, the amendment would prohibit the further expenditure of funds on this system once the threshold is crossed if the report required by Congress is not received within 30 days of the due date. If it is received within 30 days, there would be no prohibition against the further expenditure of funds. So there would not be any kind of gap here provided the report is made.

In other words, there would be a 30-day period in which the report could be made and in which there would be no cutoff of funds. The only cutoff would come if the Secretary of the Service failed to comply with his duty in law to make the report to Congress.

Finally, there is a second report that can be required if the threshold exceeds 25 percent. There would be a report and certification by the President of the United States if the cost growth exceeds 25 percent of the threshold.

To summarize what this amendment does and does not do, Mr. President, no reports are required unless the cost threshold is breached and then it would be on a one-time basis. It could not happen three or four times during the fiscal year. Once it is breached, there is a report, and if that report is made and Congress is alerted, from that point on, Congress has to make its own decisions about steps to be taken.

Another point, Mr. President, is that the cost growth from the baseline would be over and above the administration estimates for inflation, which I have already alluded to.

The amendment is aimed at 1 year, fiscal year 1982, and becomes effective on October 1, 1981.

That means the administration would have almost 6 months before this new requirement begins and, of course, they would not have to make a quarterly report until the end of the first quarter of the fiscal year, which would be the end of December 1981.

This requirement of law is not permanent. It could be continued, adjusted or abandoned in future years, depending on Congress' evaluation of this amendment if it becomes law.

Finally, this amendment holds the appropriate Pentagon officials and defense contractors publicly accountable and responsible for managing unit costs.

Mr. President, to put it in language that I think people can probably more readily understand, it will do several things that are not being done now.

First, it would introduce to the Service Secretaries the nameless program managers of the 50 major defense weapons systems, accounting for over $300 billion in lifetime procurement costs. I would suspect now that if we were to ask the Service Secretary who manages the particular major acquisitions programs in his particular Department, we would find a very low percentage of those program managers being named.

Second, it will introduce the Service Secretaries to the Secretary of Defense and the President, because the Secretary of Defense and the President will be in a position where they will know what is going on and they will be, certainly, more aware of the problems at a much earlier date.

It will also provide that all of the people involved at the top levels of the Department of Defense have a focus and share accountability for the management of cost growth in weapons procurement.

Third, it will permit defense contractors the opportunity to explain the overruns at a very early stage before these overruns get out of control and perhaps even incur the wrath of Admiral Rickover and others.

Fourth, it would acquaint the Office of Management and Budget—these people who make so many crucial decisions on the budget—with the destructiveness and the false economy that is brought about by the deliberate and intentional underestimates of inflation that occur in almost every defense budget, regardless of which administration is in power.

Mr. President, I do not believe the people in OMB recognize what they are doing when they deliberately underestimate inflation. What they are doing is denying the Department of Defense and denying the Congress the ability to analyze competing weapons systems on a realistic cost basis. We are making all sorts of judgments about long-term costs and total program costs. Yet, when there is an inflator that is not relevant to the particular system and not even relevant to the overall defense procurement, we simply cannot make those kinds of analytical comparisons with any confidence of accuracy.

Finally, getting to our own house and our own responsibility, this amendment will begin to introduce Congress to the real world of military procurement. We now spend most of our time debating individual weapons systems and we largely ignore management and accountability principles that we can and should more closely supervise.

Finally, this would highlight one of the major problems affecting our ability to improve military capability. If the system works, if the cost estimates and the inflation estimates are anywhere near accurate, giving a 15-percent margin on R. & D., a 10-percent margin on inflation in the procurement accounts, then the reports will not be necessary. If the system does not work, then, of course, we should know and we should be alerted to it.

Mr. President, I ask unanimous consent that Senator GORTON of Washington be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I worked on this amendment with my distinguished colleague from Georgia, Senator MATTINGLY. He is on the Appropriations Committee, and he has been very concerned about overall costs. I should like to yield him a portion of my time; but if the Senator from Texas desires to be recognized first I will yield to him.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, a quick review of the amendment by the Senator from Georgia and my discussions with him—he is right, that we had had discussions, although I had not seen the amendment in final form—leads me to endorse strongly the objectives the Senator from Georgia seeks to accomplish.

I believe that, in some respects, it is closing the gate after the horse has galloped off into the boondocks. In fact, he is imposing a procedure on a new administration that is already addressing itself to these problems, when this procedure should have been applied years ago, during the previous administration.

In some respects, by legislation of this kind, we are making the Reagan administration pay for the transgressions of the Carter administration. I am not blaming just the Carter administration, because these things have been going on in Democratic and Republican administrations alike, so let me say "previous administrations."

I believe the Senator from Georgia would have been wiser to wait and offer some independent legislation on this issue which could deal with the matter more comprehensively.

As a matter of fact, at this point, I believe that one of the possible flaws in the proposal offered by the Senator from Georgia is that he leaves out some things.

Overruns are only a part of our problem with the acquisition system. We have problems of maintainability, durability, reliability—and these are not addressed in this amendment.

I am going to be very frank: This amendment is going to be adopted, because it is like motherhood. You cannot vote against motherhood or Sunday school or apple pie or all these other fine things. The amendment probably will be agreed to. But the fact is that we should wait and legislate in an orderly way and hold hearings. I point out that no hearings have been held on this matter. We have no testimony from the administration on it.

The feeling I have is that we should go beyond this; because, as I have said, the Senator does not address himself to the problems of maintainability, durability, and reliability. They are all part of our acquisition problem. I cite the XM tank as an example.

It is the intention of the chairman of the committee to hold hearings, whether this is ultimately adopted into law or not, and try to develop, in an orderly way, legislation that will address itself to the problems the Senator from Georgia has correctly pointed out.

I am not in a position to say that I

would disagree with the approach he has advanced here. On the face of it, it appears to be good, but we do not know, because we have had no hearings.

Sometimes, in our zeal to correct a problem, we inflict more bureaucratic procedures on the executive branch and perhaps compound the problem in some instances. We have done that in the past because we are not infallible legislators around here.

So I do not know what kind of burdens this amendment would impose; but because I believe so strongly in the proposal enunciated by the Senator from Georgia in this amendment, I am prepared to accept the amendment, provided we can make a small amendment or two.

I believe that the SAR reporting system is too complex. These things are pretty deep. Refinements may be required here. I believe that the acquisition process needs to be streamlined. More accountability is needed with respect to program management.

I will note one thing: This administration has already issued directions on the acquisition process and has established a new Office of Review and Oversight within the Office of Secretary of Defense, so they already are moving on this front.

Let nobody think that this is purely a congressional initiative, because the new administration of DOD has already begun to move. As I noted, our committee will hold oversight hearings.

I call the Senator's attention to one portion of the amendment, on page 4. The Senator requires a Presidential submission to Congress of a report. The Senator from Georgia knows and I know that what actually is going to be submitted is a report by the Secretary of Defense, and we should make that requirement of the Secretary of Defense.

The President of the United States cannot get bogged down in the detailed business of scrutinizing every cost overrun in the Department of Defense. He has more to do. He has to rely on his subordinates.

So why can we not be honest, since this is going to be a report from the Secretary of Defense, and specify that in the legislation, rather than the President? This appears to me to be an attempt at some point to provide the possibility for blaming the President for cost overruns, when in fact the President obviously, as the skipper of the vessel, is already responsible if the vessel runs aground.

Let us be realistic and understand that the President has to entrust this to his administrators, and whatever report the President submits to Congress is going to come directly from the Secretary of Defense.

I suggest that we simply substitute language that would require this of the Secretary of Defense rather than the President himself. We cannot call the President here to testify. That is not a very easy proposition. But if this report is submitted by the Secretary of Defense, we can call him here to answer in person. If this indeed is supposed to be a good management tool, this is the orderly way to go about it.

So I ask the distinguished Senator from Georgia if he will accept an amendment on page 4, line 33, which would strike the word "President" and substitute therefor the term "Secretary of Defense."

Mr. NUNN. Mr. President, we are under a time agreement. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. What is the time we have remaining?

The PRESIDING OFFICER. The Senator from Georgia has 15 minutes and 18 seconds. The Senator from Texas has 22½ minutes remaining.

Mr. NUNN. Mr. President, I should like to yield to my colleague from Georgia, who has been very helpful and instrumental in drawing up this amendment, along with Senator RUDMAN. We all have worked together. I should like to yield to him for comments, and then I will respond to the Senator from Texas on his inquiry about the President.

The PRESIDING OFFICER. The Senator from Georgia (Mr. MATTINGLY) is recognized.

Mr. MATTINGLY. Mr. President, I thank the senior Senator from Georgia for yielding me this time.

At the present time, I am serving on the Appropriations Committee, and we are meeting today, directing our efforts to the supplemental request, which this amendment speaks to very clearly.

Mr. President, I respect the senior Senator from Georgia and Senator TOWER for their positions. This amendment not only supports increased defense spending, but also, it approaches and speaks to the problem that when we increase moneys in this Government, increased responsibility goes along with that. Amendment No. 105 speaks to that very clearly.

The amendment sends a proper signal not only to the people of our country but also sends a proper signal to where it belongs, and that is in the Defense Department. It also puts that authority where it belongs, with the President of the United States.

I feel that this amendment supports the President in his effort to cut back Government spending, to cut back Government bureaucracy, and to get a handle on what needs a handle in this country, and that is the abuse caused by inflation and by misuse.

I support the amendment. I felt on November 4 there was a demand for an orderly way. I think this amendment No. 105 gives an orderly way for this body and the President to get control on what is needed to be gotten control on, and that is dramatically in this area of defense spending, and puts a responsibility where it belongs.

I thank the senior Senator from Georgia.

Mr. NUNN. I thank my colleague from Georgia for his assistance in drafting and cosponsoring this amendment.

Mr. President, if I could respond briefly to my friend and colleague, the Senator from Texas, the question is why the President should be required to report.

The Senator from Texas recognizes, I am sure, that there is no report required by the President unless the cost overrun is 25 percent or more.

We have only the 50 major systems here that we are dealing with. We are not dealing with every procurement item in the Department of Defense. We are dealing with only 50.

I hope that there will be few times in the year that the President will be required to even sign off on a report.

I understand that the Secretary of Defense is going to prepare the report. There is no doubt about that. But having the President take a look at it provides a critical link that right now is missing in the chain of responsibility, and that is the OMB link.

OMB is the body that usually tells the Department of Defense how much inflation is going to affect their weapons system, and OMB really just grabs a figure out of the air and puts it in there. Unless the OMB Director is involved in this by going to the Presidential level, unless he is involved in the accountability and responsibility that is missing today, our overall defense procurement is simply not addressed.

This is not an effort in any way to burden the President. When he signs that report I know we are going to recognize that the Secretary of Defense prepared it, but it will get OMB involved and it will escalate it to a high level.

Also, I have to say to the Senator from Texas that we recognize that most of the reports that are sent up here by the President are prepared by someone else. I say only a very small percentage of the reports that we officially receive are personally prepared by the President. This is the nature of our Government. I understand that, but there will be someone at the White House who focuses on this if we continue this amendment as it is now drafted.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. NUNN. I am glad to yield, but I would rather yield on the Senator's time.

Mr. TOWER. Mr. President, the Senator disturbes me a little bit involving the OMB. Does that mean now that OMB is going to go in the business of determining whether there are alternatives for the MX? That is one thing. Is OMB going to get in the business of determining whether there are alternatives for the F–18? Are we going to involve OMB now in the acquisition process and have a lot of these things bogged down in a lot of bureaucracy?

I can see a potential now for really impairing the acquisition process.

The Senator makes legislative history here saying that OMB is to be involved. That disturbs me a great deal.

Mr. NUNN. Mr. President, does the Senator from Texas contend that OMB does not provide the inflation assumptions today?

Mr. TOWER. I am not talking about the inflation assumptions.

Mr. NUNN. That is what I am talking about.

Mr. TOWER. What I am saying is because we have a certification requirement for alternative systems, to provide equal or greater military capability at less cost, we would thus involve OMB in the acquisition process. I can see us getting bogged down in a real bureau-

cratic snarl here on acquisition when we are trying to streamline the system and get a better handle on it.

I understand the National Security Council would be involved also.

Mr. NUNN. Mr. President, whose time are we on? I wish to make sure it is not my time.

The PRESIDING OFFICER. The time is on the time of the Senator from Texas.

Mr. NUNN. Fine.

Mr. TOWER. Mr. President, I urge the Senator to accept my amendment because I do intend to press it. I intend to support the Senator's amendment overall, but I will insist on pressing my amendment at the appropriate time when the time is expired or yielded back.

The PRESIDING OFFICER. Who yields time?

May I inquire as to who yields time? If neither side yields time, the time will run equally against both parties.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

Mr. TOWER. Mr. President, I ask unanimous consent that the time be charged against neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I have had some discussion with the distinguished Senator from Georgia, and I would again like to reiterate my suggestion that he accept the substitution on page 4, line 33 "the Secretary of Defense" for "the President."

We have discussed this, and I think the Senator from Georgia probably has a good idea in wanting to make sure that the OMB and perhaps the National Security Council, get involved in this because we do not fully know what the implications of this are. I would ask the Senator from Georgia if he would comment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I would reluctantly—and I stress the word "reluctantly"—agree to accept an amendment that would delete "the President" from making the report when there is a 25-percent overrun and substitute the word "Secretary of Defense" for "the President."

I would serve notice, however, that it would be my intention to request that the chairman and ranking minority member when we get one of these reports with that kind of overrun to escalate that to the very highest levels we are capable of including bringing the Secretary of Defense and also the Director of OMB before us to determine what went wrong and what they planned to do about it.

I do not want to get OMB involved in weapons selection but I do want to get them involved in realizing the consequences of year after year of deliberately underestimating inflation. It is distorting the entire procurement process because it is depriving the managers and the executive branch and the congressional committees of making meaningful comparisons among the various weapons systems.

I would reluctantly agree to that amendment, and I would certainly hope the Senator from Texas would be converted into an enthusiastic supporter because I know how important his position will be in conference.

Mr. TOWER. May I say to the Senator from Georgia, Mr. President, I hope his reluctance will be tempered somewhat by the fact that we will have hearings on this whole business of the acquisition process and determine, perhaps, where we should go.

As I said earlier to the Senator from Georgia, one of my criticisms is not his objective and not his attempt to get at cost overruns, but other areas like maintainability and reliability. That ought to be figured in the procurement process as well. So this could be the foundation for fleshing it out to include more things.

I understand the Senator's objective, and I totally agree with it. I am prepared to embrace his amendment and urge the Senate to adopt it.

The PRESIDING OFFICER. May I inquire of the Senator from Georgia is he then accepting this modification?

Mr. NUNN. I would like for the modification to be read. It would be my intent to substitute the words "Secretary of Defense" for the word "President" wherever it appears in the amendment.

Mr. TOWER. The Senator has a copy of the amendment handy, and it is on page 4, line 33, substitute for the word "President" or delete the word "President" and substitute in lieu thereof "Secretary of Defense," and make a similar conforming modification, if there is any requirement, that might have to be made also in other parts.

Mr. NUNN. We have the words "service secretaries" in here. We have the word "President" here, and I would like for the Senator from Texas to make it clear that we can properly define with this amendment the Secretary of Defense so as to distinguish the Secretary of Defense from the service secretaries.

Mr. TOWER. Yes. The words "Secretary of Defense" will be the substitution that pins it down.

Mr. NUNN. I will ask that we incorporate that. We will accept that modification.

Mr. STENNIS. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. HAYAKAWA). Does the Senator from Georgia modify his amendment?

Mr. NUNN. I would rather yield to the Senator from Mississippi first because he is a prime mover of the amendment.

I would like to say to the ranking minority member that the purpose is to delete the requirement that the President make the report and substitute the requirement that the Secretary of Defense make that report when the 25-percent threshold is crossed.

Mr. TOWER. Mr. President, will the Senator defer for just a moment? There should be conformance also on page 5, line 4, where the word 'President" should be stricken and the words "Secretary of Defense" substituted therefor.

Mr. NUNN. Mr. President, I would like the Senator from Mississippi to comment before I request that my amendment be modified.

Mr. STENNIS. I am entirely in agreement with whatever the Senator from Georgia has worked out. I will make that clear. Then I want to make a general statement.

Mr. NUNN. I ask that my amendment be so modified, so that wherever the word "President" appears in the amendment the words "Secretary of Defense" be substituted therefor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place in the bill insert a new section as follows:

UNIT COST REPORTS

SEC. . (a)(1) The program manager (as designated by the Secretary concerned) for each major defense system included in the selected acquisition report dated March 31, 1981, and submitted to the Congress pursuant to section 811 of the Defense Appropriations Authorization Act, 1976 (Public Law 94-106; 10 U.S.C. 139 note), shall submit to the Secretary concerned, within seven days after the end of each quarter of fiscal year 1982 (except as provided in paragraph (2)), a written report on the major defense system included in such selected acquisition report with which such manager is concerned. The program manager shall include in each such report—

(A) the total program acquisition unit cost for such major defense system as of the last day of such quarter; and

(B) the current unit acquisition cost for such major defense system as of the last day of such quarter in the case of a major defense system for which procurement funds are authorized in this Act.

(2) If the program manager of any major defense system referred to in paragraph (1) has reasonable cause to believe at any time during any quarter of fiscal year 1982 that (A) the total program acquisition unit cost, or (B) in the case of a major defense system for which procurement funds are authorized in this Act, the current unit acquisition cost has exceeded the applicable percentage increase specified in subsection (b), such manager shall immediately prepare and submit to the Secretary concerned a report containing the cost information, as of the date of such report, required by paragraph (1).

(3) The program manager shall also include in any report submitted pursuant to this subsection any changes in schedule milestones or system performances with respect to such system that are known, expected, or anticipated by such manager.

(b)(1) If the Secretary concerned determines, on the basis of any report submitted to him pursuant to subsection (a), that the total program acquisition unit cost (including any increase for expected inflation) for any major defense system for which no procurement funds are authorized in this Act has increased by more than 15 percent over the total program acquisition unit cost for such system reflected in the selected acquisition report of March 31, 1981, then no funds may be obligated or expended in connection with such system after the expiration of 30 days after the day on which the Secretary makes such determination. The Secretary concerned shall notify the Congress promptly

in writing upon making such a determination with respect to any such major defense system and shall include in such notice the date on which such determination was made.

(2) If the Secretary concerned determines, on the basis of any report submitted to him pursuant to subsection (a), that (A) the current unit acquisition cost of any major defense system for which procurement funds are authorized in this Act has increased by more than 10 percent over the unit acquisition cost reported in the Congressional Data Sheets submitted to Congress in March 1981, or (B) the total program acquisition unit cost (including any increase for expected inflation) of such system has increased by more than 10 percent over the total program acquisition unit cost for such system reflected in the selected acquisition report of March 31, 1981, then no funds may be obligated or expended in connection with such system after the expiration of 30 days after the day on which the Secretary makes such determination. The Secretary concerned shall notify the Congress promptly in writing upon making such a determination with respect to any such major defense system and shall include in such notice the date on which such determination was made.

(3) The prohibition on the obligation and expenditure of funds contained in paragraphs (1) and (2) shall not apply in the case of any major defense system to which such prohibition would otherwise apply if the Secretary concerned submits to the Congress, before the expiration of the 30-day period referred to in paragraph (1) or (2), as the case may be, a written report which includes—

(A) a statement of the reasons for such increase in total program acquisition unit cost or unit acquisition cost;

(B) the identities of the military and civilian officers responsible for program management and cost control of the major defense system;

(C) the action taken and proposed to be taken to control future cost growth of such system;

(D) any changes in the performance or schedule milestones of such system and the degree to which such changes have contributed to increases in total program acquisition unit cost or unit acquisition cost;

(E) written explanations by the principal contractors of the causes of growth in total program acquisition unit cost or unit acquisition cost and actions taken or proposed to be taken by them to control such cost growth; and

(F) an index of all testimony and documents formally provided to the Congress on the estimated cost of such system.

(4) Notwithstanding the foregoing provisions of this subsection, if the Secretary concerned—

(A) determines, on the basis of any report submitted to him pursuant to subsection (a), that (i) the total program acquisition unit cost (including any increase for expected inflation) for any major defense system has increased by more than 25 percent over the total program acquisition unit cost for such system reflected in the selected acquisition report of March 31, 1981, or (ii) in the case of any such system for which procurement funds are authorized in this Act, the current unit acquisition cost of such system has increased by more than 25 percent over the unit acquisition cost reported in the Congressional Data Sheets submitted to the Congress in March 1981, and

(B) has submitted pursuant to paragraph (3) a report to the Congress with respect to such system,

then no funds may be obligated or expended in connection with such system after the expiration of 60 days after the day on which the Secretary makes such determination unless the Secretary of Defense has made a certification to the Congress as provided in paragraph (5).

(5) The prohibition on the obligation and expenditure of funds contained in paragraph (4) shall not apply in the case of any major defense system to which such prohibition would otherwise apply if the Secretary of Defense submits to the Congress, before the expiration of the 60-day period referred to in paragraph (4), a written certification stating that—

(A) such system is essential to the national security;

(B) there are no alternatives to such system which will provide equal or greater military capability at less cost;

(C) the new estimates of the total program acquisition unit cost or unit acquisition cost are reasonable; and

(D) the management structure for such major defense system is adequate to prevent future increases in total program acquisition unit cost or unit acquisition cost.

(c) As used in this section—

(1) The term "total program acquisition unit cost" means, in the case of any major defense system, the total cost for development and procurement of, and system-specific military construction for, such system divided by the number of, fully configured end items to be produced for such system.

(2) (A) Except as provided in subparagraph (B), the term "unit acquisition cost" means, in the case of any major defense system, the total of all development, procurement, and system-specific military construction funds available for such system in any fiscal year divided by the number of fully configured end items to be procured with such funds in such fiscal year.

(B) When used in reference to the Congressional Data Sheets, the term "unit acquisition cost" means, in the case of any major defense system, the total amount of funds requested in such data sheets for development and procurement of, and system-specific military construction for, such system in such in any fiscal year divided by the number of fully configured end items expected to be procured for such system with such requested funds.

(3) The term "Secretary concerned" has the same meaning as provided in section 101 (8) of title 10, United States Code.

(d) Section 811 of the Defense Appropriations Authorization Act, 1976 (Public Law 94–106; 10 U.S.C. 139 note) is amended by adding at the end of subsection (b) the following new sentences: "Any report required to be submitted under subsection (a) shall also include the history of the total program acquisition unit cost of each major defense system from the date on which any funds were initially authorized to be appropriated for such system. As used in this subsection, the term 'total program acquisition unit cost' means the total cost for development and procurement of, and system-specific military construction for, a major defense system divided by the number of fully configured end items to be produced for such system.".

Mr. NUNN. Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I hope the Senator from Georgia will remain here for just a moment.

I want to say this by way of emphasis again. I heartily approve what has been done here by the Senator from Georgia and the Senator from Texas. The Senator from Texas told me during the markup of the bill that he had forthcoming plans to go into an overall look-see pertaining to the problems of procurement and the new problems of a log jam, you might say, due to the great numbers of new ships and additional weaponry of various kinds.

Mr. President, I think the Senator from Georgia and others who worked directly with him have met, in great part at least, some of the problems the chairman of the committee has and the full committee has about inflation in these times of uncertainty. There are a multitude of problems with financing and projecting costs of weapons, particularly new ones, and ships or new kinds of ships, just a few years into the future.

Just think, Mr. President, it was only a few years ago that the Armed Services Committee did not even pass on these matters. The committee was not in the process of authorizing ships, planes, weaponry, or tanks. That was all done by the Appropriations Committee. Those were much simpler matters then, with much less money involved.

The complicated technology was not so extreme. But we have come a long, long way since then. As a matter of fact, it has gotten to where it is impossible now for the committees to keep up with all these problems. There is not time enough in a day given all the other duties of a Senator.

This amendment is in a way shifting some of the burden of review over to the executive branch. That is where this power belongs after all. Congress appropriates the money and then has to move on to something else. It cannot give enough personal attention to these matters. But the executive branch of the Government, through the Department of Defense, is where this power lies, and that is where I say put the responsibility. This amendment does just that and it calls for reports and estimates whereby the committees can make judgments. They do have a lot of competency over there in that Department of Defense, and I am satisfied that this Secretary of Defense is surrounding himself with an unusual amount of highcaliber, competent people, who are both experienced and well-trained.

So I heartily endorse the amendment and am happy to be a cosponsor of it. The Senator from Texas can speak for himself, of course, but he has shown not only an understanding of the problem, but an effort to get to a solution to these rising problems.

I have been over at the Appropriations Committee for the last 2 hours where a discussion of all the recissions and new items show how we are tied to this inflation balloon, placing a lifting power all the time on virtually everything we have to pass on. The committee there has been trying to calculate what the rate of inflation is going to be in nineteen hundred and X, and a great number of other matters.

Again, I endorse the amendment heartily for the reasons I have already given, as well as others. I think it will be highly valuable. I yield the floor.

Mr. TOWER. Mr. President, I will be prepared to yield back my time if the Senator from Georgia is. I would just like to make a brief statement.

In addition to this amendment, there are things that we have already done in committee to address ourselves to this

problem. I would not like to convey the impression that the committee was not alive to this problem at the time the bill was under consideration, because the committee deleted procurement funds for five F–18 aircraft, expressing concern over cost growth and technical problems. The committee fenced money for the XM–1 main battle tank, expressing concern regarding cost growth and durability problems. The committee fenced money for the Army's SOTAS system, requiring the cost of alternative systems to be examined. And the committee require the Secretary of Army to examine alternative seekers for the Hellfire missile because of cost growth. And there are a number of such provisions in the bill.

So I would not like for the impression to be shared abroad that the committee has not already addressed itself to this problem, in some measure, in the consideration of this procurement bill.

Mr. NUNN. Mr. President, I certainly agree with the Senator's observation on that. I also again commend the Senator for scheduling the very appropriate oversight hearings by our committee this summer, which I think we really need to get into. I congratulate him for that.

Mr. President, before I yield back my time, I suggest the absence of a quorum and I ask unanimous consent that it not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I rise in support of Senator NUNN's amendment of which I am a cosponsor. I do so because it is necessary to impress upon all Federal officials—including those in the Department of Defense—that this Congress expects that they will not spend scarce taxpayer dollars on mismanaged programs or procurement and development efforts which are not cost effective.

The message sent by this amendment is a simple one. It tells Department of Defense officials that unless they present to the Congress the reasons for significant increases in weapons systems costs, they may not obligate authorized funds for these systems.

The information which Congress will receive, as a result of this amendment, will allow Members of the Senate and House to better focus their attention on those programs which appear—at times—to be out of control.

The amendment's focus on program unit cost is appropriate. All too often we wrongly devote our attention on the total cost of military programs while we fail to acknowledge that we are not obtaining what we initially expected to receive for our money.

We all know that market forces and unexpectedly high inflationary pressures can wreck the program schedules of the most experienced procurement and development specialists. But we also know that poor program management, unsound budgetary assumptions, unwise policy decisions, and a lack of high-level interest in programs can also lead to skyrocketing unit costs.

This amendment will give Members of Congress the information they need to distinguish between cost increases they can do something about, and cost increases they cannot prevent. It will substantially enhance this body's ability to oversee the weapons procurement, and research and development programs on which the defense of the country rests.

I accept the premise—so frequently articulated by the Armed Services Committee chairman—that our levels of defense spending must be based primarily on what we perceive to be the nature of existing, and potential, threats to our security. At the same time, however, our country's present economic condition requires that we make every effort to insure that necessary programs are conducted at the lowest possible cost. This amendment will aid us in this effort and I urge my colleagues to support it.

Mr. TOWER. Mr. President, I think it is appropriate for me to announce that our hearings on this subject will commence on or about the 16th of June with the Deputy Secretary of Defense, Mr. Carlucci, at which time we will cover the issue dealt with by the Senator from Georgia and additional issues involved in the acquisition process as it creates problems for us.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. NUNN. Mr. President, before I yield back the remainder of my time, I would like to add as cosponsors Senator JACKSON, Senator DURENBERGER, Senator BOSCHWITZ, and Senator BUMPERS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

Mr. NUNN. Mr. President, I yield back the remainder of my time.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Georgia (Mr. NUNN). The yeas and nays have been ordered and the clerk will call the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON) and the Senator from Hawaii (Mr. MATSUNAGA) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. MATSUNAGA) would vote "yea."

The PRFSIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—96

Abdnor	Garn	Moynihan
Andrews	Glenn	Murkowski
Armstrong	Goldwater	Nickles
Baker	Gorton	Nunn
Baucus	Grassley	Packwood
Bentsen	Hart	Pell
Biden	Hatch	Percy
Boren	Hatfield	Proxmire
Boschwitz	Hawkins	Pryor
Bradley	Hayakawa	Quayle
Bumpers	Heflin	Randolph
Burdick	Heinz	Riegle
Byrd, Harry F., Jr.	Helms	Roth
	Hollings	Rudman
Byrd, Robert C.	Huddleston	Sarbanes
Chafee	Humphrey	Sasser
Chiles	Inouye	Schmitt
Cochran	Jackson	Simpson
Cohen	Jepsen	Specter
Cranston	Johnston	Stafford
D'Amato	Kassebaum	Stennis
Danforth	Kasten	Stevens
DeConcini	Kennedy	Symms
Denton	Laxalt	Thurmond
Dixon	Leahy	Tower
Dodd	Levin	Tsongas
Dole	Long	Wallop
Domenici	Lugar	Warner
Durenberger	Mattingly	Weicker
Eagleton	McClure	Williams
East	Melcher	Zorinsky
Exon	Metzenbaum	
Ford	Mitchell	

NOT VOTING—4

Cannon	Matsunaga	Pressler
Mathias		

So Mr. NUNN's amendment (UP No. 105) as modified, was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, while Senators are on the floor, I advise them that Senator EAGLETON is about to present an amendment which he intends to dispose of in a relatively short period of time. We shall next proceed to the Levin amendment to delete $200 million from program funding, on which there is a 1½-hour planned limitation. It is not the intent, at the moment, of the opposition to the amendment to use all the time. Therefore, I think Senators should be advised that we could get to another record vote in the middle of the lunch hour. I anticipate that there could be a vote as early as, perhaps, 1 o'clock.

I also advise any other Senators who have amendments that they had better be here and ready to present those amendments in view of the order previously entered that we proceed to vote on passage of S. 815 no later than 5 o'clock this afternoon.

UP AMENDMENT NO. 106

Mr. EAGLETON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Missouri (Mr. EAGLETON) proposes an unprinted amendment numbered 106.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the bill, insert the following:

By approving the funds authorized elsewhere in this act, Congress recognizes they represent further, significant expansion of the resources expended annually by the United States for its own defense and to meet its international security commitments contained in the North Atlantic Treaty, signed April 4, 1949, and in the Mutual Cooperation and Security Treaty signed by it and Japan on January 19, 1960, and further declares that it is the sense of Congress that:

The Soviet invasion of Afghanistan, the threat of intervention in Poland by the Soviet Union and its Warsaw Pact allies, and the potential for continuing instability in the region of the Persian Gulf which could threaten the economic health of the signatories of the above mentioned treaties, underscore the importance of improved military preparedness by all the member nations of the North Atlantic Treaty Organization (NATO), and by Japan;

That the non-U.S. member nations of NATO, collectively and individually, and Japan, have failed to fully appreciate these threats to our mutual security and have not responded with the more determined defense effort now warranted;

That the current pace and direction of the military efforts of NATO and Japan, including the failure of many NATO nations to meet the 3% annual real growth commitment to defense spending agreed to in 1977 and reaffirmed in 1979, the delay in NATO's Long Term Defense Program resulting from insufficient contributions to the common defense by the non-U.S. member nations, the weakening of support in some NATO nations to the agreed-upon modernization of the Alliance's long-range theater nuclear weapons, and the most disappointing failure of Japan to increase its defense spending in 1981 as promised, are causes of great concern by the Congress and the American people;

That the United States has provided the other members of NATO, and Japan, with a defense umbrella in the post-World War II era, thereby relieving these nations of a great national defense burden, and has contributed enormously to the economic recovery of these nations, especially the Federal Republic of Germany and Japan, since World War II, but that these nations have been unwilling to increase their annual defense spending to levels commensurate with their economic resources and their commitments;

That Congress and the American people remain convinced that the burdens arising from the commitments agreed to in the above-mentioned treaties should be fairly and equitably borne by all parties to those agreements, and that there is a limit to the extent to which any signatory to these treaties can assume a greater share of the common defense burden due to the failure by the other signatories to assume more equitable shares of this burden without forcing that signatory to reassess its own levels of participation in these joint endeavors; and

That the Departments of Defense and State have failed to devote sufficient resources and effort to urging our NATO allies and Japan to increase their contributions to the common defense and to explore additional cost-sharing arrangements toward this end.

In recognition of the aforementioned conclusions, and to convey to the NATO allies and Japan the continued, vital importance the Congress and the American people place on equitable sharing of the cost burden for the common defense and the need for their nations to increase their contributions for these purposes, the President shall,

(1) Reduce by an amount to be determined by the President the number of U.S. troops stationed or the number of U.S. defense dollars expended in those NATO countries which fail in calendar year 1982 to meet the commitment to 3 percent annual real growth in defense expenditures made by each of the NATO allies unless the President certifies and explains to the Congress in writing that any such U.S. troop expenditure reductions would adversely affect the national security of the United States,

(2) Reduce by an amount to be determined by the President the number of U.S. troops stationed or U.S. defense dollars expended in Japan, if the Government of Japan fails to budget sufficient defense funds in 1982 to permit fulfillment of Japan's commitment to complete its mid-term defense plan one year earlier than originally planned, unless the President certifies and explains to the Congress in writing that any such U.S. troop or expenditure reductions would adversely affect the national security of the United States.

Mr. EAGLETON. Mr. President, this past March, Secretary of Defense Caspar Weinberger submitted to Congress a report on the commitment of our major allies to defense spending.

I speak today to the findings of his report because I believe that they are germane to today's debate on the fiscal year 1982 defense authorization bill.

"Burdensharing," in a word, is what this report is all about. For the purposes of the report, burdensharing is defined as "the fair distribution of political, manpower, material and economic costs of maintaining our alliance posture." Today, relations between the United States and her major allies—the NATO countries and Japan—are strained by a basic disagreement over what constitutes a fair distribution of defense responsibilities.

In May 1977, the Carter administration proposed a new "long-term defense program" for NATO. The keystone of this proposal called on the NATO nations to pledge to increase defense expenditures to achieve real growth on the magnitude of 3-percent per annum. The Carter proposal was deemed acceptable and in May 1977, the NATO defense ministers issued a communique that embraced the call to increase defense expenditures and stated that such increases "should be in the region of 3 percent, recognizing that for some individual countries: Economic circumstances will affect what can be achieved."

The "allied commitments report" amendment adopted during the debate on last year's defense authorization bill placed a requirement on the Secretary of Defense to: First, report to the Congress annually on allied progress toward meeting the 3-percent spending objective and second, explain efforts being undertaken to "equalize" the sharing of burdens among the NATO nations and Japan.

According to an unclassified summary of the Weinberger report, the allies, on average, have failed to meet the 3-percent objective in the 3 years that have followed its creation. The non-U.S. NATO average spoke of real increases of 2 percent in 1978, 2.5 percent in 1979, and 2 percent in 1980. The report concluded that failure of the allies to meet the commitment could be viewed by the Soviets as "a weakening of our collective resolve" and could "result in widespread shortfalls in meeting NATO force goals."

A recent Library of Congress review of the performance of the allies in meeting the 3-percent objective produced during 1979 and 1980 mixed results. The countries that met or exceeded 3 percent were: Luxembourg, 9.9 percent; United States, 3.6 percent; and Portugal, 3.2 percent. Those countries that fell between 2 and 3 percent were United Kingdom, 2.8 percent; West Germany, 2.3 percent; the Netherlands, 2.3 percent; Norway, 2.3 percent; Turkey, 2.3 percent; and Belgium, 2.9 percent. Lower levels were achieved by Italy 1.6 percent, Greece, and Denmark.

Denmark's performance was so poor and planning for 1981 included so many reductions in defense efforts that the term "Denmarkization" came to be used to characterize wealthy democracies with extensive social welfare program which, in times of limited economic growth, cut defense efforts. Mr. President, I was disappointed by these findings, but I cannot say I was surprised.

Burdensharing is not a new issue. It has been with us for years. Virtually every Secretary of Defense in the past 10 years has discussed American concerns in testimony before Congress.

Secretary Clifford, in his 1970 posture statement, stated:

We are acutely aware and seriously concerned that maintaining large numbers of U.S. troops in Europe has caused a considerable budgetary strain and has contributed to a substantial deficit in the U.S. balance of payments. In this regard, we have pressed upon our allies the need for them to do more for their own defense. We have long felt that, by almost every measure, the tremendous growth in the economies of our European allies has not been accompanied by a commensurate increase in their respective contributions to the common defense.

Secretary Laird, speaking before Congress in 1972, testified:

We must and do expect that those NATO allies who are able to do so will improve their contributions to the common defense through appropriate programs, financial participation and force modernization.

Secretary Schlesinger, in his 1975 posture statement, said:

I am hopeful that allied defense budgets will continue to increase overall during the next few years, although the present economic prospects in some countries are discouraging.

Our European allies have always relied heavily on the United States for military support. This reliance places an increasingly severe burden on an already heavily taxed American public.

What makes the issue so crucial to today's debate is the future role that the defense budget is intended to play in the Reagan economic recovery program.

The size and nature of our defense effort in the next few years will determine much more than just the size of our military arsenal. It will define the amount of our national wealth available for private citizens and all other governmental ven-

tures. It will greatly influence our relationship to both our allies and our adversaries. It may well determine whether our economic future is healthy or troubled. It could spell out the difference between security or vulnerability, peace or war.

A strengthened national defense is a clear part of President Reagan's mandate, and all of us are aware of the need to respond to the continuing, massive Soviet buildup by increasing defense spending.

Nevertheless, even as a consensus has developed about the need to strengthen our defenses, there remains the question as to whether the allies have become too dependent on the U.S. militarily while reaping the advantages of the strong economies that have benefited from our security umbrella. More than at any other time, I believe it is crucial that the Senate take the strongest possible position on this matter. Therefore, I am offering an amendment that, if adopted, would require the President to:

(1) Reduce by an amount to be determined by him the number of U.S. troops stationed or the number of U.S. defense dollars expended in those NATO countries which fail in calendar year 1982 to meet the commitment to 3% annual real growth in defense expenditures made by each of the NATO allies unless the President certifies and explains to the Congress in writing that any such U.S. troop expenditure reductions would adversely affect the national security of the United States; and

(2) Reduce by an amount to be determined by the President the number of U.S. troops stationed or U.S. defense dollars expended in Japan, if the Government of Japan fails to budget sufficient defense funds in 1982 to permit fulfillment of Japan's commitment to complete its mid-term defense plan one year earlier than originally planned, unless the President certifies and explains to the Congress in writing that any such U.S. troop or expenditure reductions would adversely affect the national security of the United States.

Adoption of this amendment would send a strong and important message to our allies. It will state unequivocally that American taxpayers and their elected representatives are no longer resigned to providing unlimited manpower and resources to help defend nations that do not shoulder their share of the joint defense burden. Given the inclusion of a waiver provision, the practical effect of this amendment would be far less than would be its symbolic value.

I recognize that, once again, this bill would require the President to report to the Congress early in the next session on the allied progress toward achieving their 3-percent commitment. In addition to requiring an explanation of those instances in which the commitments to real growth in defense spending and to the long-term defense program have not been realized, the President is required to provide a detailed description of all efforts being made to insure fulfillment of defense commitments.

I applaud the committee action, but I do not believe it goes far enough. The Soviet threat to Poland and the invasion of Afghanistan, the continued instability in the Persian Gulf region, and the sustained growth in Soviet defense spending all point to a need for immediate increased assistance from our allies in supporting programs vital to insuring the continued effectiveness of our alliances. The new administration has committed itself to substantial increases in U.S. defense expenditures which will directly benefit our allies in NATO and Japan. Those allies should be required to share the burden.

A major U.S. role in the defense of Europe and Japan was warranted in the early post-World War II era when our allies were weak economically with fragile political structures, but the economic and political maturity of the allies now suggest that they should play an increasingly more responsible role in providing for their own defense. Under the protective shield of the United States, European countries and Japan have been able to modernize their industrial plant. The U.S. industrial plant is on average considerably older than that of Europe and Japan, contributing to a competitive advantage for our allies in international trade.

The increased threat of Soviet aggression warrants large increases in defense spending. If the United States is going to make sacrifices to take the lead in this effort, the Europeans and Japanese should be willing to follow.

To date, America's efforts to convince our allies to increase expenditures and share a greater portion of host nation support costs have been disappointing. It is evident that our efforts have failed to impress sufficiently the critical importance of increased allied participation. A clearer message is obviously needed.

My amendment would send just such a message.

Mr. President, I believe that the Senator from Michigan (Mr. LEVIN) would like to speak on this subject, and then we will hear the response from the distinguished chairman of the Armed Services Committee.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the distinguished Senator from Missouri.

Mr. President, I rise in support of the amendment by my colleague from Missouri to reemphasize Congress' impatience with our NATO allies and Japan for shirking their commitments to increase their contributions to our common defense and to give the President a mechanism for achieving a more equitable sharing of mutual security burdens.

This amendment is similar to one I offered in the Armed Services Committee to demonstrate that the American public expects our allies in Europe and Japan to increase their own defense efforts as we embark on the largest military spending programs since World War II.

To convey that message to our allies, my amendment in committee would have required the President to reduce, by an amount he determined, the number of U.S. troops stationed in, or the number of dollars expended in, those NATO nations which fail in 1982 to meet their commitment to increase defense spending by 3 percent each year after inflation, and Japan, if it fails to budget sufficient defense funds in 1982 to accelerate its midterm defense plan.

In both instances, the President would not have to make such reductions if he certified to the Congress that any such U.S. troop or expenditure reductions would adversely affect the national security of the United States.

With these waiver provisions, the practical effect of my amendment in terms of actually forcing troop reductions overseas would be far less than would be its symbolic value, which at this time is more important.

Adoption of this amendment would send an important signal to our allies that the American taxpayers, and their elected representatives, do not have unlimited patience to provide money and manpower to help defend other nations while these other nations continue to refuse to carry out commitments to more equitably shoulder the mutual security burden.

Instead, the committee repeated in this year's defense legislation the same language enacted into law last year expressing our concerns that our allies should do more in these areas and requiring a Defense Department report assessing the adequacy of allied contributions. As the author of that language last year, I no longer believe it adequately expresses the American frustration with the level of allied defense efforts. Nor does it establish the mechanism I mentioned earlier to actually achieve a more equitable division of labor between the United States and its allies. My amendment was intended to create such a mechanism as well as to more forcefully communicate the feelings of the American public on this issue.

The Soviet invasion of Afghanistan, the threat of intervention in Poland by the Soviet Union and its Warsaw Pact allies, and the potential for continuing instability in the region of the Persian Gulf which could threaten the economic health of ourselves and our allies, underscore the importance of improved military preparedness by all the member nations of the North Atlantic Treaty Organizations (NATO), and by Japan.

But the non-U.S. member nations of NATO, collectively and individually, and Japan, have failed even in the past year, to fully appreciate these threats to our mutual security and have not responded with the more determined defense effort now warranted and to which they specifically committed themselves.

I am well aware of the fact that yesterday's newspapers carry a report that our NATO allies have pledged a renewed commitment to meet the 3 percent real growth standard they first agreed to in 1977 and reaffirmed in 1979.

That does not obviate the need for an amendment, especially when one remembers the dismal performance of many of our allies in meeting this commitment after its reaffirmation in 1979.

In addition, yesterday's newspapers also print a story which indicates that Japan's Prime Minister now is equivocating about his recent statements in the United States which seemed to show increased awareness on the part of that

nation that it must further increase its defense spending.

I would like to place both newspaper articles in the RECORD at this point for the benefit of my colleagues, and ask unanimous consent for permission to do so.

American skepticism of future improvements in the defense efforts of our NATO allies and Japan also is supported by the report on allied commitments to defense spending which was mandated by the language I authored in the fiscal 1981 Defense Authorization Act and was reinserted into the bill now before us.

These are the major conclusions of this report which support passage of our amendment:

Based on the major quantifiable measures examined for this report the U.S. appears to be doing somewhat more than its fair share of the NATO and Japan total. For example, U.S. real increases for 1980 and 1981 are estimated on the order of 5 percent per year compared with non-U.S. NATO increases of, perhaps, no more than 2.0 percent for 1980 and 2.5 percent to 3.5 percent for 1981.

Politically, the failure of our allies to achieve at least the 3 percent judged necessary to keep the East/West balance from tipping further against NATO could be seen by Moscow as a weakening of our collective resolve. Militarily, failure of the allies to achieve the 3 percent goal would affect equipment modernization plans, delay implementation of the Long-Term Defense Program and result in widespread shortfalls in meeting NATO force goals.

The non-U.S. NATO allies, as a group, appear to be shouldering at least their fair share of the NATO and Japan defense burden.

Among the non-U.S. NATO nations there appears to be wide differences regarding the amount of burden shared, with some countries doing far more than seems equitable, some doing far less and others falling in between.

Japan, the non-NATO country included in this report, ranks last or next to last on all of the ratio measures surveyed and, thus, quite clearly appears to be contributing far less than its share or what it is capable of contributing. This validates our major emphasis over the last several years on getting the Japanese to increase their defense spending.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 13, 1981]

ALLIES REPORTEDLY REAFFIRM AGREEMENT ON RAISING DEFENSE SPENDING 3 PERCENT YEARLY

(By Bradley Graham)

BRUSSELS, May 12.—Overcoming West European resistance, the Reagan administration today won a renewed commitment from members of the North Atlantic Treaty Organization to increase their national defense spending by 3 percent a year in real terms through 1988, according to senior alliance officials.

Senior U.S. defense officials claimed victory after the first day of a two-day meeting of NATO defense ministers, although it remained questionable whether the commitments made today could be honored in the near term, given the current financial difficulties of some West European countries and the past dissatisfaction voiced by their governments with such fixed spending targets. The 3 percent figure is to be in addition to whatever the inflationary increase is.

U.S. Defense Secretary Caspar W. Weinberger, in a closed-door meeting, backed a call for additional NATO spending with a dramatic presentation outlining the growth of Soviet conventional military might in the past decade, officials said.

Allied officials said the U.S. team also held tough negotiations on spending pledges for NATO's infrastructure program, which funds basic military facilities in Europe.

The ministers eventually compromised on a one-year funding figure. West German Minister Hans Apel, who was said by another European minister to have pushed hardest for a lower spending figure, told reporters afterward that the debate involved "hard arguing."

Apel is already in political trouble in Bonn as a result of budget shortfalls. He and Weinberger were reported by aides to have aired their differences at a bilateral meeting this morning, although both American and West German officials later played down the degree of disagreement.

The arguments over spending reflected a basic difference in priorities at the moment between the Reagan administration, whose key aim is to build up defense, and the majority of West European governments, which would prefer to get more for existing defense dollars.

U.S. officials played up the Soviet threat in a classified briefing delivered by a Pentagon intelligence expert. The NATO ministers received what a senior U.S. official called "a grim story" of increased Soviet conventional military capability.

American officials said the briefing was more extensive than that available normally to European governments. Weinberger had provided a similar briefing to NATO defense ministers on Moscow's strategic capabilities at a meeting of the Nuclear Planning Group last month.

Today's presentation stressed advances in Soviet ground, air and naval forces, made possible by what U.S. officials described as the Soviet Union's growing military industrial base. This was said to include 134 plants now operating with more than 40 million square yards of floor space—a 34 percent increase since 1970, according to a U.S. official.

While Warsaw Pact conventional forces have long outnumbered NATO's, the West once could count on its higher-quality weapons to offset Soviet armaments.

But Weinberger told the NATO meeting today that this was no longer true, U.S. officials said.

Weinberger urged reaffirmation of the 3 percent annual growth figure agreed to by NATO allies in 1977 to fund a series of long-term NATO defense goals approved that year, U.S. officials said.

[From the Washington Post, May 13, 1981]

SUZUKI SAYS HE DID NOT INVOLVE JAPAN IN DEEPER MILITARY COMMITMENT

(By William Chapman)

TOKYO, May 12.—Japanese Prime Minister Zenko Suzuki, under pressure from domestic political opponents, today rejected suggestions that his meeting last week with President Reagan had produced any significant new military commitments by Japan.

Anticipating sharp questioning in Japan's parliament, Suzuki said that the use of the word "alliance" in a statement he issued with Reagan did not have any military implications.

He also reiterated a determination to avoid any collective defense efforts despite an agreement with Reagan that Japan and the United States should establish an "appropriate division of roles" in the defense of Asian waters.

Suzuki's remarks contrasted with interpretations of the talks last week by U.S. officials, who said the summit had provided a general framework for negotiating increases in Japan's military responsibilities.

The Reagan administration has made it clear that it would like to see Japan relieve U.S. forces of air and sea patrols in a large part of the Western Pacific, and officials said they intended to discuss concrete proposals in a mid-June meeting of the two countries' military experts.

The communique issued by Reagan and Suzuki pledged Japan to "even greater efforts for improving its defense capabilities," and spoke of an "alliance between the United States and Japan [that] is built upon their shared values of democracy and liberty." Suzuki told reporters in Washington that Japan would provide limited patrolling of commercial sea lanes in the Western Pacific, and the joint statement pledged Japan to picking up more of the cost of stationing U.S. troops in Japan.

Suzuki's comments today were made in a report to parliament on the summit meeting—which leftist politicians here have tried to depict as signifying a hawkish turn for the government's policy on defense—and were obviously intended to reassure parliament that nothing had changed.

Whether Suzuki's remarks in Washington and the joint communique amount to any new commitment will not be known until the meetings between U.S. and Japanese defense officials begin next month in Honolulu.

But the prime minister told the parliament today that defense preparations will be made with consideration for Japan's financial situation and the flow of public opinion.

Both of those factors would be considered when weighing any new departures in the military field. Japan's Ministry of Finance has made it clear it will not permit any major increase in defense expenditures for budgetary reasons, and public opinion is opposed to new military adventures.

Opposition members of parliament have sharply criticized the wording of Suzuki's speech and joint statement, insisting that they point in the direction of Japan's remilitarization.

They have seized on the use of the word "alliance" in the joint communique as signifying an intent to move Japan into some form of military agreement with the Reagan administration.

Some elements of the Tokyo press also have been critical. In a sharply worded editorial, the Asahi newspaper declared that the "U.S.-Japan relationship has taken a great step toward becoming one of military cooperation" and called the Washington summit a turning point in postwar history.

Suzuki today rejected those interpretations. He defined the word "alliance" as having no military implications and said it merely referred to the common values of a free economy and democratic government shared by Japan and the U.S.

The Reagan-Suzuki communique also had referred to a "division of roles" between the two countries, wording that the antigovernment critics here have taken to mean a move by Japan toward military cooperation.

Suzuki emphasized today that, under its postwar constitution, Japan cannot enter into collective defense agreements. He stressed that Japan's role in Asia is to emphasize social and economic progress, not military measures. He also said that Reagan had "showed an understanding" that Japan's defense preparations must take place within the limits of the constitution, which nominally prohibits any military preparations whatsoever.

Foreign Minister Massayoshi Ito also tried to persuade leaders today that nothing had been changed by Suzuki's Washington visit, and invoked the name of the late prime minister Massayoshi Ohira to prove it. He said that during two visits to Washington, Ohira had used the word "alliance" to describe the U.S.-Japanese relationship.

Mr. LEVIN. Mr. President, we hear a great deal said by some in Japan who contend that that nation's Constitution prevents further increases in defense efforts.

In fact, a reporter from one of Japan's largest daily newspapers, Sankei, raised this question to me during a recent interview.

I responded by letter, and I ask unanimous consent that this letter be printed in the RECORD, because I believe it places this issue in its proper perspective.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES,
Washington, D.C., March 12, 1981.

Mr. YASUNORI ABE,
Sankei,
274 National Press Building,
Washington, D.C.

DEAR MR. ABE: To pursue our discussion of my suggestions as to how Japan might increase its contributions to our common defense, I wanted to forward to you the list I mentioned. Naturally, such a list cannot be all-inclusive, but I think it represents a reasonable list of actions I think Japan could seriously consider undertaking. I believe all of these activities can be characterized legitimately as "self-defense" measures, and thus acceptable according to the Constitutional criteria *you* outlined during our discussion. I must emphasize, as I did during our previous discussion in my office, that it would be inappropriate for me, as a United States Senator, to volunteer on my own any comment on how the Japanese people and their government should interpret their own Constitution.

As the international challenges to the world's democratic nations grow, it becomes increasingly more important that the United States and her allies cooperate to the fullest extent possible to withstand these challenges. In the military sphere, this means that all these countries must increase their self-defense efforts as appropriate, and that all of them should bear an equitable burden of this mutual security effort. As regards the role which Japan could play, I believe Japan could make an equitable contribution to our common defense if she were to achieve a real capability to undertake her own self-defense, as articulated in your government's own defense policy statements, during the decade of the 1980s. To achieve this capability, and thus assume a much more equitable share of the defense burden, Japan should consider accomplishing the following:

(1) greatly increase the logistics capabilities of the air, land and maritime self-defense forces to enable them to support and sustain themselves in combat for a period of at least several months. Specifically, missiles of all types (surface-to-air, surface-to-surface and air-to-surface), anti-submarine warfare (ASW) torpedoes, underwater mines and other conventional ammunition (artillery and small arms) need to be procured and stockpiled in much greater quantities than at present for Japan to accomplish this.

(2) procure the delivery vehicles—submarines, minelayers and C-130 aircraft—to be able to mine the three "choke points" which form the exits from the Sea of Japan to the Soviet Pacific Fleet: the Tsushima, Soya and Tsugaru Straits.

(3) develop the capability, through procurement of fleet oilers and tanker aircraft, to refuel ships and aircraft underway, and thus support sustained combat operations.

(4) develop modern, tactical command, control and communications capabilities in all the self-defense forces.

(5) expand the size of the air and maritime self-defense forces to enable them to patrol and monitor all the ocean areas of Northeast Asia—west of Guam and north of the Philippines. To accomplish this, Japan would need to double the size of her maritime and air self defense forces through increased procurement of escort vessels, destroyer-type ships and submarines, and maritime patrol aircraft, air force interceptors and early warning aircraft. These increases would be necessary above the programmed increases in such capabilities already contained in the 1979 Mid-Term Service Estimate for 1980–84 and in the Standard Defense Force Concept (Boei Taiko) of 1976.

(6) continue to expand its contributions annually to the operations and maintenance, and military construction, required to adequately support the U.S. armed forces stationed in and near Japan.

As the American people, and their elected representatives in the Congress, prepare to increase substantially their own self-defense efforts, we cannot help but call on all our allies to shoulder their fair shares of the increased mutual security burden imposed by the adventurism of the Soviet Union and her proxies. It is my hope that Japan will respond in a manner commensurate with her position as an economic superpower and full member of the community of democratic nations.

My thanks in advance for this opportunity to share my thoughts with you further.

Sincerely,

CARL LEVIN,
U.S. Senator.

Mr. LEVIN. Mr. President, lastly, I would like to refer to two major recommendat'ons made by the directors of the four primary institutions for the study of international affairs in Great Britain, France, the Federal Republic of Germany on the issue of defense burden sharing in NATO.

Aided by experts and former senior government officials of these four nations, these four directors authored a valuable report on the alliance entitled "Western Security: What Has Changed? What Should Be Done?"

Two of their "Principle Recommendations" offer further evidence to support this amendment. Those recommendations are:

All members of the Alliance should fulfill the 1977 pledges to increase real spending on defense by 3 percent per annum. The NATO countries must continue the Long Term Defense Program.

The main burden of a rapid deployment force will fall on the United States, but the Europeans should make some contribution in terms of men and materiel where this is appropriate and/or provide en route facilities for the American rapid deployment force, help enhance existing Western bases in the area and, by maintaining their own defense expenditures in Europe, permit some American resources to be released for the Middle East.

I commend to all of my colleagues the full text of this thoughtful report, which was written by Winston Lord, president of the prestigious Council on Foreign Relations in the United States, Karl Kaiser, director of the Research Institute of the German Society for Foreign Policy, Bonn, West Germany; David Watt, director, Royal Institute of International Affairs, London, England; and Thierry deMontbrial, director, French Institute of International Relations, Paris, France.

In summary, Mr. President, I believe the Senate should send a signal to our allies that we expect them to live up to their commitments to the mutual defense. Adoption of this amendment will send such a signal "loud and clear."

Mr. TOWER. Mr. President, I will not support the amendment offered by the Senator from Missouri, although I certainly agree with and support his objective.

We all would like to see the Europeans live up to the 3-percent commitment.

I note that some degree of success has been achieved in Europe in the last few days by our Secretary of Defense. An article in yesterday's Washington Post reads:

Overcoming West European resistance, the Reagan administration today won a renewed commitment from members of the North Atlantic Treaty Organization to increase the national defense spending by 3 percent per year in real terms through 1988.

So I commend Secretary Weinberger for his work there and I know that he achieved that agreement in the face of some rather substantial oppositon by certain of the NATO countries.

I think that we must insist on that increased contribution. I for one would like to get away from the percentage business. If we could meet our requirements with 2 percent, fine. If it requires 4 or 5 percent, we should go to 4 or 5 percent. The percentage should actually be driven by the requirement, and we should not just simply be satisfied with the established percentage and say that it will do the job.

Of course, about the only benchmark that we have at this point is an arbitrary percentage figure.

I point out there are domestic difficulties in Western Europe. When they increase defense spending by any percentage, it is in fact an increase in what they spend in the United States since we do sell more in the way of systems to West European nations than they sell to us. There is a great deal of American equipment that is purchased by these countries and when they are concerned about growing trade imbalances, they, of course, are less likely to view kindly the idea of offshore procurement of anything, much less defense items.

However, that does not excuse our allies from failure to live up to their commitments, and I hope they will live up to their commitments. I think that this administration is moving to establish a leadership position and through the normal diplomatic channels to encourage our allies to increase their defense contributions. I hope they will do so.

I am concerned that an amendment of this kind might be counterproductive because it might be used actually by the opponents in Western Europe to increase defense spending to bludgeon their governments which may favor such spending.

We have to understand the internal political situations in these countries. There are a lot of European political leaders who are very friendly to the United States and who are very dedicated to the idea of defense spending increases, but they do face problems from particularly the social democratic left in Western Europe. If the United States gets too heavyhanded, it could conceivably be a political embarrassment to

political leaders who are friendly to us and want to meet these objectives.

So that is about all the comment I have on this matter.

Again I say, although I oppose the proposed amendment, I do not disagree with the objective that has been set forth by the Senator from Missouri.

Mr. EAGLETON. Mr. President, I thank my colleague.

I know he is sensitive to this issue, and I appreciate the sensitivities insofar as our allies are concerned.

I take his word to mean that he, as chairman of the Armed Services Committee, will continue to monitor this situation and do all that is within his power to see to it that all of our allies do live up to their responsibility to share the burdens. There is already language in the bill that requires reporting on behalf of the President and the Secretary of Defense to Congress, and I hope he will use his unique vantage point as chairman to not only receive those reports but to as best he can as one Member of this body continue to keep the pressure on the administration to, in turn, keep the pressure on our allies to share the burden.

Mr. TOWER. Mr. President, the Senator from Missouri can be assured of that. In fact, the committee, as he has noted, has expressed its interest in monitoring allied defense spending. I might also note that as chairman of this committee in my private conversations with leading political figures in Western Europe, defense ministers, and in some instances the prime ministers, I have pushed this point with them. I have also used whatever public forums have been available to me in Western Europe to emphasize that we expect our allies to do more. So I can give a personal commitment and a committee commitment to the distinguished Senator from Missouri that we will continue to pursue the matter.

Mr. EAGLETON. I thank my colleague.

Mr. President, one point further:

The Senator did refer to an article in yesterday's Washington Post.

Mr. President, I ask unanimous consent to have printed in the RECORD the article in full.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALLIES REPORTEDLY REAFFIRM AGREEMENT ON RAISING DEFENSE SPENDING 3 PERCENT YEARLY

(By Bradley Graham)

BRUSSELS, May 12.—Overcoming West European resistance, the Reagan administration today won a renewed commitment from members of the North Atlantic Treaty Organization to increase their national defense spending by 3 percent a year in real terms through 1988, according to senior alliance officials.

Senior U.S. defense officials claimed victory after the first day of a two-day meeting of NATO defense ministers, although it remained questionable whether the commitments made today could be honored in the near term, given the current financial difficulties of some West European countries and the past dissatisfaction voiced by their governments with such fixed spending targets. The 3 percent figure is to be in addition to whatever the inflationary increase is.

U.S. Defense Secretary Caspar W. Weinberger, in a closed-door meeting, backed a call for additional NATO spending with a dramatic presentation outlining the growth of Soviet conventional military might in the past decade, officials said.

Allied officials said the U.S. team also held tough negotiations on spending pledges for NATO's infrastructure program, which funds basic military facilities in Europe.

The ministers eventually compromised on a one-year funding figure. West German Defense Minister Hans Apel, who was said by another European minister to have pushed hardest for a lower spending figure, told reporters afterward that the debate involved "hard arguing."

Apel is already in political trouble in Bonn as a result of budget shortfalls. He and Weinberger were reported by aides to have agreed their differences at a bilateral meeting this morning, although both American and West German officials later played down the degree of disagreement.

The arguments over spending reflected a basic difference in priorities at the moment between the Reagan administration, whose key aim is to build up defense, and the majority of West European governments, which would prefer to get more for existing defense dollars.

U.S. officials played up the Soviet threat in a classified briefing delivered by a Pentagon intelligence expert. The NATO ministers received what a senior U.S. official called "a grim story" of increased Soviet conventional military capability.

American officials said the briefing was more extensive than that available normally to European governments. Weinberger had provided a similar briefing to NATO defense ministers on Moscow's strategic capabilities at a meeting of the Nuclear Planning Group last month.

Today's presentation stressed advances in Soviet ground, air and naval forces, made possible by what U.S. officials described as the Soviet Union's growing military industrial base. This was said to include 134 plants now operating with more than 40 million square yards of floor space—a 34 percent increase since 1970, according to a U.S. official.

While Warsaw Pact conventional forces have long outnumbered NATO's the West once could count on its higher-quality weapons to offset Soviet armaments.

But Weinberger told the NATO meeting today that this was no longer true, U.S. officials said.

Weinberger urged reaffirmation of the 3 percent annual growth figure agreed to by NATO allies in 1977 to fund a series of long-term NATO defense goals approved that year, U.S. officials said.

Mr. EAGLETON. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

AMENDMENT NO. 48

(Purpose: To reduce the amount of funds that may be expended in fiscal year 1982 for operations and maintenance)

Mr. LEVIN. Mr. President, I call up amendment No. 48 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for himself, Mr. EAGLETON, Mr. PELL, and Mr. EXON, proposes amendment numbered 48.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert a new section as follows:

REDUCTION IN FUNDS THAT MAY BE AUTHORIZED IN FISCAL YEAR 1982 FOR CERTAIN PURPOSES

SEC. . (a) Notwithstanding any other provision of this Act, the total amount authorized by this Act to be appropriated to the Department of Defense for operations and maintenance for fiscal year 1982 is reduced by $200,000,000, such reduction to be made in the accounts for military base support activities, management of consumable supplies utilized by the military departments, management of aircraft depot maintenance activities, management of separate military air and sea traffic and transportation activities, and management and operations of wholesale and retail parts inventories by the Department of Defense. The Secretary of Defense shall specify the accounts which will be reduced in order to comply with this subsection and the amount of the reduction in each such account.

(b) The Secretary of Defense shall submit a written report to the Committees on Armed Services of the Senate and the House of Representatives not more than ninety days after the date of enactment of this Act setting forth (1) a firm plan of implementation for achieving the reduction in fiscal year 1982 required by subsection (a) and specifying which accounts will be reduced and the amount of the reduction in each account, and (2) an estimate of the savings available in fiscal years 1983 through 1986 in such accounts.

Mr. TOWER. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. LEVIN. I yield.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Is it the understanding of the Senator from Texas that there is a 1½-hour time agreement to be equally divided between the Senator from Michigan and the Senator from Texas?

The PRESIDING OFFICER. An hour and a half will be reserved.

Mr. TOWER. Equally divided between the Senator from Michigan and the Senator from Texas?

Mr. LEVIN. Mr. President, that is my understanding also.

The PRESIDING OFFICER (Mr. HEINZ). The Senators are correct.

Mr. LEVIN. Mr. President, this amendment is offered on behalf of myself, Senators EAGLETON, PELL, EXON, RIEGLE, and HATFIELD.

The amendment would delete a total of $200 million in management and administrative economies to achieve savings such as those recommended by the General Accounting Office, the House Appropriations Committee, the National Conservative Foundation, and the House Republican Study Committee. This amendment is strongly endorsed by the National Taxpayers Union.

Our amendment encompasses savings recognized as possible by the Department of Defense, or at least portions thereof, and recognized as desirable by at least one military service, the Navy, and I will elaborate on that in a moment

as I describe the specifics of this amendment.

The reductions embodied in our amendment would be specifically "targeted" in the nonessential and duplicative management and administrative support functions which represent the "fat" in any departmental budget, especially one as large as that of DOD.

It should be emphasized that this amendment is not an undistributed, across-the-board reduction in the sinew and bone of DOD's Operations and Maintenance accounts. Those accounts are the very "nuts and bolts" of military capability which Congress and the executive branch wrongly underfunded in the past and to which this bill correctly adds significant sums to pay for such past neglect.

This amendment does not affect the increases in such readiness-related items as spare parts, aircraft engine spares, war reserve stockpiles, depot level maintenance, battalion training days, ship steaming days and aircraft flying hours that were made by the Armed Services Committee. These increases are long-overdue and the Committee should be applauded for recognizing these deficiencies and authorizing the remedies to them. In particular, Senator HUMPHREY, the chairman of the Preparedness Subcommittee, should be applauded for his leadership in this regard. As a member of our Armed Service Committee, and that subcommittee, I fully supported such remedies.

I point out that this amendment makes a particular effort to protect these readiness-related accounts from being affected by the amendment. The ways it does that is by requiring the Secretary of Defense, within 90 days of enactment of this authorization bill, to submit to Congress a detailed plan for implementing this reduction.

Congress will have full opportunity to determine in advance how the Department of Defense proposes to achieve these savings and whether the Department is attempting to ignore the intent of Congress in his amendment through reductions in the readiness accounts to which we have added significant sums and which we intend to protect and which this amendment intends to protect.

I have confidence that the Senate, our Armed Services Committee, the Appropriations Committee, and the appropriate House committees can, when armed with those reports, communicate with the Department of Defense any objection to any reduction in those O. & M. accounts which violate the intent of this amendment.

The burden of oversight will be on us, and under this amendment we will have the means to insure that the $200 million in waste is eliminated, not $200 million in readiness.

Mr. President, we all know there is such waste in the Department of Defense, as in other Government departments. President Reagan's own budget-cutter, David Stockman, Director of the Office of Management and Budget, stated to a congressional committee just 2 weeks ago why there are so few savings in the Department of Defense budget. He said:

> There is so much waste in the Defense Department it has taken us longer to figure it out.

Those are David Stockman's words, and I think the Senate as well as the country should listen. "There is so much waste in the Defense Department," David Stockman said, that "it has taken us longer to figure it out," and that is why they did not achieve the savings proposed by my amendment in this year's budget.

All the prodefense groups I have cited here as recommending savings such as those targeted in my amendment have documented at length that waste exists in these areas.

The failure to accept these savings will be particularly difficult and particularly unwise a few short months after the taxpayers of this Nation resoundingly demonstrated at the polls that they have lost their patience with "business-as-usual" as far as Federal departments and agencies wasting their hard-earned tax dollars are concerned.

The committee's rejection of these modest and militarily justifiable savings, so modest as to constitute less than one-tenth of 1 percent of the total defense budget, assumes that the American taxpayers want to cut waste and make resultant savings everywhere but in defense. It assumes that the American taxpayers adopt a double standard, one for waste in the Defense Department and one for waste everywhere else in the Government. In fact, the public opinion polls show no such exception for defense. Taxpayers want to cut duplication and make savings anywhere and everywhere they can, including the Pentagon.

This amendment makes savings in five small areas of the defense budget where we would not be hurting our military preparedness one iota.

First, the amendment would delete unnecessary funding for redundant support services such as janitorial services, printing services, photographic services, and clerks at military bases near each other. It would not consolidate such bases. It would just reduce the redundant overhead and other unnecessary duplications in the support functions at those bases.

The GAO has strongly recommended that this action be taken.

Second, this amendment would reduce funding for overlapping management of consumable supplies used by all services. It would not affect the weapons system critical items unique for each service.

It would affect the items which are common to the services and where there would be no danger to our readiness by such consolidation of management. It is only the overlap in the management of consumable supplies which the GAO points to and which this amendment would eliminate.

The Navy has stated its support of further consolidation of its nonweapons systems critical supply functions with the Defense Logistics Agency, another efficiency which is contained in this $200 million reduction.

The record for our Preparedness Subcommittee on March 9, 1981, shows the Navy saying the following:

> We support further progress in the transfer of selected consumables to the Defense Logistics Agency and believe that the majority of 359,000 of Navy's 520,000 consumable items are not "weapons systems critical" and are candidates for transfer.

That is what the Navy said about the kind of savings which would be made by this amendment.

The Defense Audit Agency has verified savings from such transfer from all services, and that such savings would be made by the additional transfer that we are proposing.

Third, this amendment would eliminate duplication in the management of aircraft depot maintenance activities. It would not force consolidation of the activities themselves. Now, the DOD has acknowledged that savings are possible by establishing a single manager for aeronautical depot maintenance. It already is developing a specific, feasible proposal for such managerial consolidation, and that proposal will be ready by June 22 of this year.

The DOD memorandum to the service Secretaries and to the Chairman of the Joint Chiefs of Staff states that:

> GAO appears to be correct that economies can be achieved by assignment of this responsibility to a single manager. Benefits would include reduction in overhead costs, developing common management information systems, elimination of unneeded excess capacity.

Now that is the DOD memorandum speaking back when we asked them, and they agreed that the GAO appears to be correct on this economy No. 3 we are now discussing.

Economy No. 4 on this target list of economies totaling $200 million in the amendment would eliminate funding for unnecessary management and duplicative purchases in the operations of the parts inventories of DOD where the GAO has documented that millions of dollars are being spent to buy parts already on hand but unmonitored in the supply system.

These savings would come from the services making fuller use of wholesale and retail parts inventories. The GAO determined that the Navy was wasting money repairing components in shipyard shops as opposed to replacing them with parts available from their own supply system, and that a Navy policy change that was proposed in 1973 to avoid such waste has never been implemented. The Navy acknowledged to our Preparedness Subcommittee, in response to my questioning, that it is 8 years late in implementing the regulations for this change, a change, again, which is strongly recommended by GAO.

Let me read just a portion of the GAO report on the savings to which I am now referring. First, they note:

> A report was issued in 1977 that showed that the Air Force was spending unnecessary millions of dollars for repair parts when more than sufficient quantities were already available. We first reported this finding in 1964, and the Air Force Audit Agency has repeatedly confirmed that millions of dollars

can be saved if appropriate inventory management is applied.

In January 1979 the GAO wrote in a similar study:

We reported that the Army could save some $18 million by using serviceable parts which were then in overstock, instead of repairing them, based on tests conducted at just two Army depots.

The GAO writes in a report issued in June 1980 on shipyard inventories that:

Parts valued at $5.3 million had been purchased by the Navy while the Philadelphia Naval Shipyard had $11 million of identical items excess to its need.

This waste is the target of the fourth part of my amendment.

The fifth portion of this targeted amendment would eliminate funding for the duplicative management of separate military air and sea traffic and transportation activities. This reduction was recommended by two House Appropriations Committee studies, a DOD study, and the GAO, and it was ordered to be implemented by the conference report on the fiscal year 1981 DOD Appropriations Act.

That report reads in part as follows:

The conferees are of the opinion that the Department of Defense must move expeditiously in the direction of establishing a unified military traffic management agency or command. The creation of such a command was recommended by the GAO, two studies by the Surveys and Investigations staff of the House Appropriations Committee, and most recently by a contractor hired by the DOD to study the organization of transportation and traffic management within the DOD. The need for such an organization has been recognized for at least a decade. Study after study during the past 10 years has revalidated the need. The conferees believe that further studies are not required and that DOD should submit a plan for the creation of such an organization by May 1, 1981.

Let me emphasize these words: "the conferees"—and that includes the Senate conferees—"believe that further studies are not required and that the DOD should submit a plan for the creation of such organization by May 1, 1981."

In fact, the plan which was required by that conference report by May 1 has not yet been submitted.

The military services and the Defense Department have acknowledged potential savings through consolidations of management, support, and maintenance activities. They have done it through participation in ongoing voluntary programs. The GAO believes that the voluntary nature of the program prevents further savings. Proposed reductions would be further incentive for DOD to achieve the savings which have been outlined. It would be further incentive to the kind of reforms that are necessary to achieve those savings.

Mr. President, some are going to argue against this amendment on the grounds that these savings cannot be achieved in fiscal year 1982. That will be the argument. They will argue that it takes time to implement these changes and that, indeed, it might even cost money to eventually save money. They will contend that the DOD has said it cannot accomplish even this small amount of savings in fiscal year 1982. They will argue that the DOD must study these suggested efficiencies to be sure that readiness is not impaired by their implementation.

The GAO has answered these contentions. They responded to these arguments in a letter to me dated April 24, 1981. The GAO stated in that letter:

This is often a false argument which delays long-overdue actions. We feel that another $200 to $300 million in cost reductions can be achieved in FY 1982 over and above the $100 million in the Secretary's plan. . . .

The action needed is a decision by the Secretary to move ahead aggressively on planning for the implementation of such actions where they are clearly cost effective, including pilot tests where necessary. To delay action plans pending further studies will, in our opinion, become an excuse for no action as it has in past years. . . .

We estimate that ultimate savings from these actions may reach $2.5 billion over five years, and have estimated possible savings in the first two years of $700 million. It is our best judgment that as much as $200 million might be realized in FY 1982 if high priority is given to planning and initiating actions over the next six months; but time is of the essence.

Mr. President, the National Taxpayers Union—certainly no antidefense organization bent on reducing readiness—is even more blunt. In its letter to me which supports this amendment, the National Taxpayers Union writes the following:

The GAO has documented that these savings can be achieved. Unfortunately, the only way to force bureaucracies to make economies is to reduce spending in the areas where waste exists. By reducing spending in narrowly targeted areas where waste has been identified, this amendment would force the Defense Department to implement these economies.

Congress should take advantage of this opportunity to reduce wasteful spending. The amendment would do nothing to erode our defense capability, but it would save taxpayers $200 million—equivalent to the total personal income tax bill for 75,000 typical American families. That's more than all the federal personal income tax collections from the cities of either Flint, Grand Rapids, or Lansing.

Although your amendment would only scratch the surface on waste in the Defense Department, it is a start. As the Senate considers this modest proposal to reduce waste and duplication in the Defense Department we hope it will consider the message it will send to the Defense Department and the American public. If the proposal is defeated, Defense Department managers would logically conclude that Congress cares little about waste in their area.

If the amendment is approved, it will be an important indication that Congress has an interest in reducing waste and inefficiencies in military programs.

Mr. President, I ask unanimous consent that the letter from the National Taxpayers Union, which I received late yesterday, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL TAXPAYERS UNION,
Washington, D.C., May 13, 1981.

Hon. CARL LEVIN,
United States Senate,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR LEVIN: The National Taxpayers Union supports the amendment offered by you and Senator Thomas Eagleton to S. 815, the Fiscal Year 1982 Defense Authorization Act, which would delete $200 million to force budget savings that could and should be made.

The GAO has documented that these savings can be achieved. Unfortunately, the only way to force bureaucracies to make economies is to reduce spending in the areas where waste exists. By reducing spending in narrowly targeted areas where waste has been identified, this amendment would force the Defense Department to implement these economies.

Congress should take advantage of this opportunity to reduce wasteful spending. The amendment would do nothing to erode our defense capability, but it would save taxpayers $200 million—equivalent to the total personal income tax bill for 75,000 typical American families. That's more than all the federal personal income tax collections from the cities of either Flint, Grand Rapids, or Lansing.

Although your amendment would only scratch the surface on waste in the Defense Department, it is a start. As the Senate considers this modest proposal to reduce waste and duplication in the Defense Department, we hope it will consider the message it will send to the Defense Department and the American public. If the proposal is defeated, Defense Department managers would logically conclude that Congress cares little about waste in their area.

If the amendment is approved, it will be an important indication that Congress has an interest in reducing waste and inefficiencies in military programs.

Sincerely,

DAVID KEATING,
Director of Legislative Policy.

Mr. LEVIN. Mr. President, Congress cannot afford to send the wrong message to the Pentagon and to the American people—especially about savings which have been ignored for 8 years by one service, in one instance, and in another have already been mandated by Congress last year but are being ignored now by the DOD.

In telling us they wanted reduced Federal spending and improved military forces, our constituents demonstrated they knew the difference between increased defense spending and increased defense capabilities.

The House Republican Study Committee, in recommending savings of about $16 billion in the Department of Defense last August, demonstrated it knew the difference. It wrote:

Since most of the recommendations are related to continuing operational procedures, implementation would produce substantial and continuing annual savings.

Many, if not all, of the recommendations which are included in this amendment that we are now offering are included in the House Republican Study Committee "special report" of August 22, 1980.

Congress also should make the distinction which our constituents make, or else the new consensus of support for needed military improvement will fade away.

We should always understand the difference between increased defense spending, which we need, and increased defense capabilities, which we need, between that, on the one hand, and waste in the Defense Department, which we

do not need any more than we need waste in any other department.

As Congress this year approves substantial increases in defense spending, it must prove to the American public—and to DOD and the armed services—that it is committed to eliminating waste and inefficiencies in military programs. Our amendment provides Congress the legislative vehicle to underscore this commitment.

I thank the Chair and I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. GORTON). Who yields time?

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I yield myself such time as I may require.

Mr. President, I want to begin by thanking my friend and colleague from Michigan for his kind remarks. We have shared responsibilities in the Preparedness Subcommittee of the Armed Services Committee now for several months. It is a very great pleasure to work with him.

Mr. President, let me begin at the bottom line. The efficiencies which the Senator from Michigan would implement in fiscal 1982 cannot be implemented in fiscal 1982 and, therefore, notwithstanding the intent of the amendment, the effects will be to reduce by $200 million the operations and maintenance account, which more than any other account in the entire defense budget has the greatest impact upon readiness. This deletion of $200 million comes in a year in which unprecedented attention is being given to readiness of U.S. forces and the deficiencies which exist in that area.

I will come back to this matter, Mr. President, of whether or not the efficiencies can be implemented in 1982, but I would, at this time, change the focus to something broader.

Mr. President, fiscal year 1982 marks the first year that operation and maintenance funding has required authorization from the Committee on Armed Services. Because O. & M. funding has such a significant impact on the readiness of our forces, oversight for O. & M. funding was assigned to the Preparedness Subcommittee. As chairman of that subcommittee, I can confirm for my colleagues that their suspicions concerning a lack of attention to O. & M. funding was well-founded.

Testimony presented before the committee confirmed that while adequate O. & M. funding is vital to successful execution of the defense budget and overall force capability, it is also the O. & M. accounts that are most flexible and therefore subject to alteration within both the planning and execution phases of the budget. Thus, chronic underfunding continual adjustments, and unprogramed operational requirements have typically undermined adequate funding for necessary spares and maintenance activities. This pattern of spending has produced a steady decline in the material readiness of our forces, and a visible deterioration of the physical environment in which civilians and soldiers work and live.

I am pleased to report, however, that there is a growing appreciation for the contribution that O. & M. funding makes to our total defense effort. O. & M. funding has been correctly described as the "glue" which holds together the various other portions of the defense budget. This is illustrated by a summary of what O. & M. funding supports for just one service: for example, the Air Force.

An overview of the Air Force shows that:

Air Force O. & M. supports 3,000 installations, 253 major squadrons, 8,700 aircraft, 2.7 million flying hours, 501 million square feet of buildings, and 52 million acres of airfield pavement—all at a replacement value of $92 billion.

The 50 percent of O. & M. costs are fixed—civilian pay, utilities, certain transportation, contractor-operated installations; and an additional 35 percent is uncontrollable—such as alert or other policy decisions based on security, and minimum training and maintenance support.

About 35 percent of the Air Force O. & M. budget goes to direct support of flying operations; including all fuel, most of the depot maintenance, and one-third of supplies.

The amended O. & M. budget contained in S. 815 will, if approved, mark the first time in several years that the basic annual operating costs of the Armed Forces have been fully funded. This means that we will purchase sufficient spare parts for peacetime operations to avoid dipping into war reserves; that depot repair facilities will be sufficiently manned with civilian technicians to minimize cannibalization of aircraft; and that the backlog of facility maintenance and repair will not increase, and in some cases may even decrease, during fiscal year 1982.

Our desire to see these types of activities fully funded, and to improve readiness in areas usually neglected in the budget process, led the committee to make its largest increases in the O. & M. accounts. The committee increase of $292 million over the President's request in O. & M. will go to real property maintenance, supply activities, and procurement of clothing and other minor items.

As much as we recognize the extent to which O. & M. funding can contribute to improved readiness, the Preparedness Subcommittee spent considerable time evaluating a range of problems which degrade the overall readiness posture of U.S. forces. With the United States facing uncertainty and potential crises in various regions of strategic interest, our findings in the readiness area, endorsed by the full committee, merit the attention of the entire Congress.

Four of these findings are of particular importance:

First, without question, the testimony received regarding the operational readiness of U.S. forces is cause for concern. Senior commanders testified that the Army is incapable of executing a 1½ war strategy; fleet commanders confirmed that today's Navy is not capable of fulfilling all its peacetime missions simultaneously; and Air Force generals testified that current shortages in spare parts and selected munitions would seriously constrain combat sustainability in the event of conflict.

I am not talking about conflict here, Mr. President. The Navy is not capable of fulfilling its peacetime missions according to testimony of senior naval officers.

Second, while the Army and Navy face serious personnel problems, underlying deficiencies in material and force structure also degrade readiness. The Army has critical shortfalls in war reserve stocks for major end-items which, in the event of a sudden emergency or mobilization, cannot be overcome within a relevent time frame. In addition, the extreme shift in combat service support from the Active Force to the Reserves raises the sensitive question of how active Army units can receive adequate combat service support short of mobilization.

The current operational tempo within the Navy is high and the fleet is stretched thin. Very little surge capability remains, and a continuation of current operational tempos will inevitably degrade manpower and material readiness. With regard to the Pacific Fleet, Navy testimony was explicit: We cannot handle another crisis without shifting naval forces away from the Indian Ocean unless we deploy and push the fleet to a wartime basis.

Third, apart from the limitations on our capability to quickly deploy balanced and prepared units, and engage hostile forces wherever necessary, the current lack of combat sustainability among U.S. land, sea, and air forces requires the attention of the highest levels of the Defense Establishment. Across the board, the testimony received supports the view that budgetary pressures to meet current operational requirements, and the desire to expand force structure and/or pursue modernization, have undercut or even eliminated funding for various war reserve stocks, spares, and munitions. A truly balanced defense effort cannot develop without consistent attention to war reserve requirements.

Fourth, the Joint Chiefs of Staff must continue to identify key joint service requirements and shortfalls, but must improve their capability to enforce joint service priorities, and to present these priorities, within the budget and budget authorization process.

Strategic lift, POL support, munitions, and command/control/connectivity, are examples of factors which widely impair effective and sustained joint service operations. However, the committee has noted that the priority of these issues in service budgets varies considerably. The committee is also concerned about potential inconsistencies between the combat sustainability of different services within the same theaters of operation. If joint planning is to produce the desired results, then national military priorities and objectives must be more clearly delineated and enforced in the budget process.

Mr. President, fluctuating O. & M. budgets and readiness shortfalls are serious problems which will take several years to correct. Some progress is being made in this bill, but greater progress

must be sustained through the 5-year defense plan.

In order to insure such progress, S. 815 contains a requirement that other procurement and ammunition accounts be authorized by the Armed Services Committees beginning next year. In requiring authorization of other procurement and ammunition, our objective is to encourage the Department of Defense to pay greater attention to the vital details of defense planning. It is the committee's view that items such as trucks, engineering equipment, and basic communications equipment too frequently get the short shrift in defense budget allocations.

Like O. & M. funding, they are not the most exciting or popular subjects for defense debates, but they are clearly some of the most necessary and vital. As chairman of the Preparedness Subcommittee I can assure the Senate that we will continue to closely monitor those areas which provide for the basic operational costs, improved living and working conditions, and a high state of combat readiness for our forces. The spirit and substance of S. 815 are significant contributions to this effort.

Mr. President, the history of the attention of Congress and the Department of Defense to the operation and maintenance budget in recent years is not one of which we can be proud. The operation and maintenance budget historically has been the most vulnerable for cutting whenever cuts for various reasons have been necessitated, especially after the authorization and appropriations phase has already been carried out.

While I commend the Senator from Michigan for his efforts and for the intent of his amendment, the effect is something else. The effect will be to reduce the operation and maintenance account authorization by $200 million at a time when, at long last, we are beginning to give the deserved attention to the O. & M. account, and the matter of readiness the attention which it so properly deserves. Essentially it comes down to a matter of opinion as to whether or not these amendments would have the effect desired by the Senator from Michigan. He has cited statements and testimony of various authorities that the amendment would produce savings, but it seems to this Senator that he has not produced convincing evidence that the savings could be made this year.

The Department of Defense, through the Office of the Secretary of Defense, has been consistent in opposing these amendments; consistent in the subcommittee hearings, consistent in the consideration of the matter by the full Committee on Armed Forces, and consistent here today, on the floor.

The Office of the Secretary of Defense contends that this amendment will not result in any savings during fiscal year 1982; that, indeed, it might result in increased expenses but, in any case, would not result in net savings.

Therefore, the effect—and that is what we must consider, notwithstanding the intent—is to reduce the O. & M. budget by $200 million.

That will simply have to come out of other items within the O. & M. budget. Perhaps it will come out of funding for fuels so that the Army will have less flexibility in training. The same is true of the Navy. Will it have less fuel for active ship operations? Or perhaps the Air Force, already, like all of the other services, constrained with respect to training fuel and other matters pertaining to training that come out of the O. & M. budget.

So, it depends upon where the Secretary of Defense chooses to make the cuts that will be required by this amendment; and perhaps it will result in deteriorating training. One cannot say. But one can say, if one believes the sincere opinion of the Office of the Secretary of Defense, that these cuts will come out of some areas other than those specified by the Senator from Michigan.

Mr. President, the Deputy Secretary of Defense, Mr. Carlucci, who has not only effectively served during this Republican administration, but during a Democratic administration, has sent a very recent letter to us, dated May 13, with regard to the amendment now under consideration and I shall read this brief letter into the RECORD.

It is addressed to the Honorable JOHN G. TOWER, chairman of the Committee on Armed Services.

MAY 13, 1981.

DEAR SENATOR TOWER: I am writing to you on a most urgent matter regarding a potential floor amendment that could have a damaging effect on DoD's readiness posture.

I refer to a potential floor amendment being sponsored by Senator Carl Levin that would apply a $200 million reduction to the FY 1982 Operations and Maintenance budget in anticipation of savings that might possibly result from consolidations and management improvements in our supply, maintenance and distribution functions. The specific areas Senator Levin addresses were brought to the Department's attention by a January 21, 1981 letter from the GAO to which Secretary Weinberger has already responded.

As indicated in the response to the GAO, we agree in general that a potential exists for achieving savings through these logistical support economies. In fact, I have signed out to the DoD components, directions to study and develop specific proposals on implementing each of these recommendations. However, it is most important to recognize that the bulk of such savings cannot be realized on these initiatives during FY 1982.

That is the key sentence in the letter, Mr. President, I repeat:

However, it is most important to recognize that the bulk of such savings cannot be realized on these initiatives during FY 1982.

That is the opinion of a public servant who has served with some distinction in this city for many years.

Continuing, the letter says:

It has been the Department's experience that first-year savings on such actions are minimal, if they exist at all. Once the concern about mission impairment and impacts on readiness resulting from these proposals have been satisfied, sizeable initial costs are usually incurred upon implementation, such as severance pay, cost to relocate equipment and other close-down expenses. Often it takes a number of years to amortize these costs before savings begin to accrue.

Action is already underway in each of the specific areas offered in this amendment. In anticipation of actions such as these, the FY 1982 budget request already reflects efficiencies of $200 million in civilian personnel efficiencies, base realignments and productivity improvements, most of which will be accomplished in the areas cited in the potential amendment. Significant additional savings targets have been given to the DoD components for FY 1983 and beyond.

We are pledged to seek out further savings and efficiencies within the Defense budget and are trying to do so in an orderly fashion. The $200 million reduction offered by the amendment could only be applied now as a general reduction across all Operations and Maintenance programs.

I repeat that sentence as well:

The $200 million reduction offered by the amendment could only be applied now as a general reduction across all operations and maintenance programs. This approach will no doubt result in the elimination or deferral of other programs vital to the accomplishment of our Defense missions and force readiness. Such action would disrupt the fine start I believe we have made in providing a more productive use of the nation's Defense resources, and strengthening those areas of Defense that contribute most heavily to our readiness posture.

Approval of the Levin Amendment is clearly not in our national interest if we are to continue our efforts to rebuild our Defense establishment in FY 1982. We are greatly in need of the full support of Congress in this effort. With that objective in mind, we seek your most important assistance in defeating this amendment.

Mr. President, as the Deputy Secretary noted, the administration has already made very credible strides in the area of efficiencies within the Department of Defense. I laud, as I know do all of my colleagues, these strides and urge the Secretary and the Deputy Secretary forward.

Mr. President, let me enumerate a little more fully some of the savings which have already been incorporated by the administration in its revision of the 1982 budget as originally submitted by President Carter. These are savings in the O. & M. account alone: $321.9 million from efficiencies; $89.9 million from productivity enhancement; $60.3 million from consultant reductions; $16.1 million from travel; and $13.3 million from other miscellaneous savings. That is a total within the O. & M. accounts alone of $501.5 million.

So, Mr. President, the record of this administration in revising and making more efficient the budget as originally submitted by the last administration for fiscal year 1982 is one which is very credible indeed.

Furthermore, the Secretary is committed publicly in testimony, both oral and written, to further efforts to reduce defense spending. This Senator has the utmost confidence that this Defense Secretary, given his well-known background, will be perhaps the most successful Defense Secretary in that regard in many, many years.

Again, Mr. President, with regard to the efforts and the great successes of Secretary Weinberger in reducing inefficiencies, I read a paragraph from the letter alluded to by Senator LEVIN, from the Acting Comptroller General, dated April 24 of this year, to Senator LEVIN.

As we reported to the House Budget Committee, and are now reaffirming to you, we are much encouraged by the actions already taken to date by the Secretary on our suggestions. We have stated that we believe Secretary Weinberger has launched the most ambitious cost reduction in many years, if not in history. We urge you and others to support the Secretary and hold him accountable to follow through on the promised actions.

So, it is not as though nothing is being done or that the efforts are negligible or unsuccessful. These efforts have been both considerable and successful, and I am sure they will be even more successful as the Secretary has time to peer even more deeply into the defense budget.

Mr. President, I come back to the bottom line, that whatever the intent of the Senator from Michigan and his amendment, and it is a good intent, the effect will be—because these savings cannot be achieved in fiscal year 1982—to reduce the operations and maintenance account by $200 million, as explicitly stated by Deputy Secretary Carlucci in his letter of May 13 of this year. It is the firmness and consistency of this position which led the Preparedness Subcommittee to reject the amendment by a vote of 1 to 4; and the full committee to reject it by a vote of 5 to 10. I urge my colleagues to support the committee's position and to reject this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield myself 10 minutes.

Mr. President, the issue in this amendment is whether we are going to have a single standard or a double standard for waste in the budget of this country. It is nothing less than that.

I believe it was said best by this letter to me from the National Taxpayers Union, supporting this amendment, and I will read one paragraph from that letter:

The GAO has documented that these savings can be achieved. Unfortunately, the only way to force bureaucracies to make economies is to reduce spending in the areas where waste exists. By reducing spending in narrowly targeted areas where waste has been identified, this amendment would force the Defense Department to implement these economies.

Congress should take advantage of this opportunity to reduce wasteful spending.

Mr. President, the letter that the Senator from New Hampshire quoted from the GAO, a letter to me dated April 24, is the letter upon which I rest my case. Indeed, part of that letter said that some economies have been taken by the Defense Department, and of course we applaud the Defense Department for any economies it can make. But the letter goes on as follows:

You—

And they are referring now to me—

have asked whether there are any areas where greater savings than those declared so far by the Secretary may be achieved in FY 1982. In responding to the same question from the House Budget Committee we transmitted the attached discussion no logistical economies achievable primarily through the sharing or integration of support-type functions among the military services. These cost reductions involve personnel reductions as well as savings in facilities, equipment, and supplies.

GAO has performed several major reviews in these areas, and has examined reviews by other survey and audit organizations. We recognize that many of the actions will require several years to complete and will require comprehensive planning by Defense experts backed by a clear directive from the Secretary of Defense.

We estimate—

And this is the bottom line—

that ultimate savings from these actions may reach $2.5 billion over five years, and have estimated possible savings in the first two years of $700 million. It is our best judgment that as much as $200 million might be realized in FY 1982 if high priority is given to planning and initiating actions over the next six months; but time is of the essence.

It is the position of GAO that $200 million can be realized if we move quickly, and that is the position which I believe must be given great credence and much consideration by the U.S. Senate.

What do we have the GAO for? Back in March of 1981, we read headlines in the Washington Post, "GAO Chief Tells Pentagon of 15 Areas Where It Can Save," identifying several billions of dollars a year in savings.

Our amendment says "just look at a few small parts of this budget." I do not know whether several billion dollars a year can be saved. Just because the GAO says it can be saved does not necessarily mean it can be. So we focus on just a few functions in this budget. We identify five specific areas, which I have outlined this morning, area by area.

In a number of them, the Navy and DOD have acknowledged that these savings can be made, and we have laid before the Senate the confirmation of the DOD position. I have stated the Navy position on consolidation of supplies, where, in one portion of this amendment, they agree that they can send noncritical items they need to a central depot.

The Navy has acknowledged that they can do a little more to save. The DOD Secretary, whose memorandum I made part of the RECORD, acknowledged that by the end of June, they can have a report ready which can make the type of economy we have referred to in this amendment.

What is the GAO for, if not to give us some guidance?

Then, the letter from the GAO is sent to the Secretary of Defense, and the Secretary has responded in an affirmative way. He says he is going to try to make these economies over time but in the meantime is not sure he can make all economies in the first year.

What does the GAO say about that? They write as follows:

The Secretary has advised the GAO of ongoing studies in respect to GAO's proposal to consider the issue of impaired readiness.

Nobody wants to impair readiness.

In response, the GAO, the Comptroller General, writes the following:

This is often a false argument which delays long overdue actions; and, bottom line, we feel that another $200 million to $300 million in cost reductions can be achieved in FY 1982—

I emphasize "in fiscal year 1982"—

over and above the $100 million in the Secretary's plan.

The GAO has looked at the Secretary's response and has agreed that all their several billions of dollars a year in efficiencies cannot be achieved in 1 year. They have looked at the precise proposals in the accounts I have identified, and then they say that they understand, obviously, the impaired readiness argument, but that this is often a false argument which delays long overdue actions; and they give their bottom line estimate that another $200 million to $300 million in cost reductions can be achieved. That is the $200 million to $300 million in this amendment.

The question is whether or not we are going to have one standard in this country or two. Are we going to have one standard for the Department of Defense, where Dave Stockman said a month ago there is so much waste that we could not get to it this year, and another standard for all the other agencies of this Government?

The Senator from New Hampshire is correct in terms of the amount of emphasis we must give to readiness. Earlier in this debate, I applauded the effort he made in the subcommittee this year to add to the readiness accounts. I am the ranking minority member of the subcommittee. We added $3 billion to the readiness budget, so now it is about $63 billion for fiscal 1982. It is long overdue. We have cheated those accounts for too darn long, but the Pentagon has cheated us for too darn long by their failure to cut waste.

We need greater readiness and we need greater strength in this country.

No one knows it more than the members of the Armed Services Committee, but we also have to fight waste in the Pentagon just as we fight waste everywhere else. Just because we need bombers does not mean we can tolerate waste in a program which builds ships or bombers.

We cannot tolerate waste in a procurement program because we need the items any more than we can tolerate waste in HUD because we need housing, or any more than we can tolerate waste in the food stamp program because people are hungry.

The argument that there are hungry people who need food stamps is no answer if we can identify waste in the food stamp program.

The argument that people desperately need housing is no answer if we can identify waste in HUD's program.

Yet that seems to me to be the thrust of my friend's remarks as to how critical readiness is. We do not doubt it.

I support the $3 billion addition to readiness. The question is whether or not we are going to have a process in this Congress where we have a General Accounting Office which does serious analyses, which gives us the result of those analyses, and then we give it some credibility where we identify, we point out, we specify, we target. This is not an across-the-board reduction of $200 million. This is an identified reduction in five accounts

in DOD, and if DOD does not do what the intention of this amendment says they must do they would be violating the clear intent of Congress.

I have a lot more confidence in the DOD, by the way. I do not think that if we make it clear, as we have in this amendment, where we want the $200 million to come from that they are going to violate that intention, and we put a mechanism in this amendment itself to make sure they report to us as to where those cuts go.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. LEVIN. Mr. President, I thank the Chair and yield myself 5 additional minutes if I have 5 additional minutes.

The PRESIDING OFFICER. The Senator has 13 additional minutes.

Mr. LEVIN. I thank the Chair.

Mr. President, nothing illuminates this difference between waste and readiness more than an editorial from the Cleveland Plain Dealer, of March 5, 1981. The headline is: "Knife Pentagon Waste."

The editorial reads in part:

> President Reagan's program to increase defense spending poses one nagging problem that has nothing to do with military preparedness or any other part of national security. Rather there is a habitual side effect of Pentagon spending. If the past is used as a guide, the plans to increase defense spending will also significantly increase wasteful spending.

The words of OMB Director David Stockman ring in my ears as we approach this amendment. Maybe the Office of Management and Budget has not had the time to look at waste in the Pentagon. That is what he says. There is so much of it they have not had time to look at it. They will do it later this year.

But the GAO had time to look at it. The Republican Study Committee in the House has had time to look at it, and the numerous other groups I have identified had time to look at it. The National Taxpayer's Union had time to look at it, and we have had time to look at it.

When we look at it in this one small area of the defense budget we reach the inescapable conclusion, I believe, that the GAO is right and that, conservatively in these five accounts, we can save $200 million without having the slightest impact on readiness which again, Mr. President, there is not one Member of this body, in my opinion, who wants to do so.

I thank the Chair, and I thank my friend from New Hampshire for his very gracious and very kind comments about me.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I simply wish to make a very brief remark and then yield to my distinguished friend from Mississippi.

In fact, for years we have had a tendency to take program money out of O. & M. Because we recognized that we had not supported the maintenance of adequate O. & M. funds the way that we should over the years, we took on the authorization responsibility for operation and maintenance.

This cut that is recommended by the Senator from Michigan could impact adversely on such essential contributions to readiness as training, flying hours, steaming hours, field days, essential repair and maintenance. We do have a backlog of essential repairs and maintenance because of the fact we have drawn down on O. & M. funds for so many years.

As has been pointed out, the DOD has already incorporated over half a billion dollars savings into its O. & M. recommendations. So it is not as if this would be the initial savings out of O. & M. funds. The presentation of the budget had already counted on a half billion dollars in savings.

So I hope that the amendment of the Senator from Michigan will be defeated.

I yield to the distinguished Senator from Mississippi such time as he may require.

Mr. STENNIS. Mr. President, I certainly thank the Senator from Texas.

I do not have any special qualification for speaking on this subject, except that for years I have been drawn into the middle of these bills, both authorization bills and appropriations bills. We go through different stages of hearings, writeup of the bill, debate here in the Chamber, and then in conference with the House Members on the authorization bills. We then come back and go through the same steps from a different viewpoint, in part, on the Appropriations Committee: the hearings, the markup to the bill, the debate here in the Chamber, and then in a conference with the House to work out the differences.

So, in the course of those hearings we do get somewhat of a feel for these subjects.

Along with others, I commend the Senator from Michigan. He gets his hand and mind into things and he is a hard worker. He digs hard, and he comes back here and presents his findings, and so forth, and never gives out of energy and never makes idle statements—seldom anyway. We all make some, I suppose. But he is always right on the ball and has the logic to back up what he says. I admire that about him.

But back to this consideration of this matter, I was talking about these years of experience. I do know, also, that in the showdown in the O. & M. account, it is kind of like a coverall—a profit-and-loss matter. There is a tendency to dip into the O. & M. account to make reductions in order to get an agreement on a bill. In the leaner years for military spending that would sometimes be done and in some years it proved detrimental to military preparedness.

I can state those things as facts, and I was to some degree involved in it. So I do know that it has gone on in good faith, but nonetheless it has been a practice. In some cases the shortage were made up for in supplemental bills.

I remember once when we had a bill here, this was during the war in Vietnam, and as a substitute for the then chairman of the Appropriations Committee I was handling the bill since he could not be here. There was a call from the White House and they wanted to know how I knew so much more than they did about how many losses were going to be sustained during the course of the war, or how many planes were going to be shot down. In other words, they were insisting that I was not willing for them to have enough money to meet the situations.

My point is no one can tell how much money you are going to need in operation and maintenance funds for all the vast worldwide military operations that we carry on day and night every day in the year, every week, every month, every hour of every day, year after year.

Who can say with any accuracy what the fuel bill is going to be? And the O. & M. account is where this fuel money comes from.

I remember just 2 years ago, I believe it was, we were working on one of these appropriation bills, suddenly there were new estimates on what was needed for fuel. Within the 10 days' time these figures had increased by $2 billion. I do not mean they burned up that much in those 10 days, but things were happening so fast and changing so fast that the hard figure on fuel estimates for the year had increased by $2 billion.

Those were abnormal times; but these are abnormal times, too. There have not been any great settlements in the problems of the world. There has been nothing settled about the Persian Gulf, and nothing settled about many other things that are pending. So we are not going to be able to get down to any figure that is a good, hard, and solid enough, that anyone can say, "This is enough and no more is needed."

It turns out that we have been cutting down too much on the readiness of the services. I mean that we had weapons for which we did not have enough parts and had weaponry, or even planes, that did not have adequate replacement parts. They were sitting there, such as they were, idle part of the time.

But it happens there has been a trend to bring about a remedy here. The Carter budget that was prepared for fiscal 1982—and that is what we are talking about, that is the bill that is before us—had a considerable increase for readiness, and much of this is in the O. & M. account. Then when the Reagan budget came in it had some additional increases. This is not a big sum of money here in the Reagan proposal for O. & M., and certainly not a lot of topping like icing on the cake. This is money put in here by a more conservative estimate that came out of the Carter administration. The new administration approved that larger amount recommended by Mr. Carter and added to it.

(Mr. MURKOWSKI assumed the chair.)

Mr. STENNIS. So this is not just fluff and fancy stuff we are dealing with. These are the very innards, the very wheels, the nuts and bolts that make the program move. After all, that is what we are talking about. I do not say all of this is absolutely necessary. I say that with the stepped-up activity needs and demands that we might have to have even more in the supplemental bill.

I will mention just a few other items that go into this account. There is no way to call it a line item account. All the pay, all the military pay, is in this operation and maintenance account; as well as all the pay for the civilians who work for the Department of Defense, and I am willing to reduce those any way we can. I am willing to reduce the number of men we have in uniform if we could get more severe and more responsive training standards for them. But we have them, and we have to pay them, of course. This is the account that covers the flying hours, the amount of practice flying or emergency or anything else. Who is going to give a hard estimate on an item of that kind?

Who fully anticipated the trouble in the Persian Gulf? How much did it cost last year? My goodness alive, we sent carriers out there. Two carriers with all their auxiliary support, extra planes, extra fuel, extra missiles, extra everything. all of it into position double quick, and carried on then for weeks and weeks and weeks. We nearly wore down the nerves and energy of the men on board. Who could estimate, or plan for, an attempt to rescue the hostages?

We are still in those uncertain times. So I strongly advise, in every way I know, let us not be taking lightly or luckily or anything else the amount that we will cut off the O. & M. funds. These matters have been under close scrutiny and consideration in committee voting, and they will go on to the House-Senate conference on the authorization, they will be expressly passed on there again by those conferees, and then they will come back here to the floor for express final approval.

Then the process will start over, and there will be hearings in the Appropriations Committee with these authorizations taken as the ceilings, and the bill will come here, and then it will go to conference with the House Appropriations Committee, and will finally come back here for approval, and for whatever part I may have in those two processes I will certainly be wanting to save what we can, and to demand stronger and stronger and stronger spending standards, trying to avoid the loose spending and trying to avoid waste, and trying to avoid repetition and the things that go to make up the total cost.

But I really think this is a time when others have to wait, I think some of the weaponry will have to wait, until we can get this matter on a firmer basis about how much should be in the O. & M. account.

Just one other illustration: Here is the Secretary of Defense and his deputy, who have been in office only 3 or 4 months, and I think the position of the Secretary of Defense is second only to the power and responsibility of the President of the United States, which is the most powerful position in the world. But my point is here that we have to give this new Secretary—and I think he is an able man with able assistants—a little more time. We are demanding that they keep up with this money. We just passed an amendment here a few minutes ago, 96 to 0 I believe was the count, calling for periodic reports on these highly expensive weapons we are going into now.

So let us give this matter a little boiling time and give them a chance to get on top of their job. In this bill that is new pending we gave them additional time to make recommendations on certain weaponry that we think is demanding and urgent. We authorized it and then put strings on it for their final decision. That is an extraordinary thing, and ordinarily I would not favor that process at all. But it shows how time was pressing on us for these decisions.

So I relish a chance to take out some more of this money, but I think we have to move with the most extreme caution and be sure to provide money enough to do the essential things. There will be surveillance over this, increased surveillance, watchdog-type surveillance.

The Senator from Texas, Senator TOWER, has personally pledged to give it his special attention and the attention of the committee as a whole, but I know it is far more than we can do.

We passed this amendment, as I said, a few minutes ago, providing these special duties and a chance to check on it in that way.

I hope that we can leave these things now as we have and not send us to conference with a handicap on this major part of the bill.

Mr. President, I yield the floor.

Mr. TOWER. Mr. President, I am prepared to yield back the remainder of my time if the Senator from Michigan would like to yield back his time.

Mr. LEVIN. Mr. President, I just need about 3 more minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Mr. President, I first of all wish to emphasize that this amendment, by its very own terms, is not going to commit the Pentagon to reduce steaming hours, training days, and flying hours. It is not going to reduce the big increase that we put in for spare parts. We added $3 billion in that O. & M. account that was long overdue, long overdue. We have been cheating that account for years.

What this amendment does is take the GAO recommendation in 5 years and, by its very own words, and says on page 1 that the reduction is $200 million "to be made in the accounts for base support activities, management of consumable supplies utilized by the military departments, management of aircraft depot maintenance activities, management of the separate military air and sea traffic and transportation activities, and management and operations of wholesale and retail parts inventories by the Department of Defense."

This amendment is specifically aimed at the consolidation of support activities, activities such as janitors, grasscutters, and painters, just to consolidate the support, the administration of those activities.

This amendment is aimed at supply system consolidation, motion picture film making, batteries, handtools, vehicle types, and has nothing to do with steaming hours and training days, which the chairman rightfully points out are critical to our readiness.

The question here is not readiness; it is waste. It is just GAO-certified waste. And just as much as we have cheated the readiness accounts for too long and we have finally corrected it, which was long overdue, so the taxpayers of this country have been cheated when we have not applied the same standards to the Pentagon as we have to other agencies.

Waste is waste, Mr. President, wherever it occurs.

I wish to close by quoting from the conference report, the appropriations conference report for the fiscal year 1981 appropriations bill. This relates to just one part of this amendment, but it is typical of the other parts. "The conferee"—and I add the words, including the Senate conferees—"believe that further studies are not required by the DOD and that DOD should submit a plan for the creation of such organization by May 1, 1981."

And that organization referred to is the consolidated transportation portion of this amendment.

We, ourselves, said, "Get on with it. Let us hear by May 1." They have not given us the plan. But the House of Representatives and the Senate, in that report on the 1981 appropriations, that conference report, said, "Get on with it. We do not need further study. Create the Military Airlift Command. Create this command. It is long overdue."

And this is typical of the amendment and all aspects of the amendment. These items have been studied to death. Everybody, including the DOD, says that they are appropriate. The only difference we have here is the DOD says they cannot make the savings in the first year. The GAO says, conservatively, that they can make the kind of savings which we are proposing in this amendment.

Mr. President, I thank my friend from Mississippi, particularly for his very nice comments about me. I feel very much the same about him.

Again, I think my friend from New Hampshire. It has been a pleasure working with him on this bill.

● Mr. PELL. Mr. President, I am pleased to cosponsor the amendment offered by Senators LEVIN and EAGLETON, to cut $200 million in "fat" and duplicative funding in the defense budget.

The majority of the Congress and the American people support an increase in our military capability and readiness. In the Defense authorization bill being considered by the Senate today, substantial increases are recommended by the Armed Services Committee in the Pentagon's budget. If we approve this substantial increase, as I have no doubt will occur, we must demonstrate to the American people that we are as committed to eliminating waste and inefficiency in military programs as we are to cutting the fat out of domestic programs. Inadequate cost controls characterize our entire defense procurement and administrative program, and add to the taxpayers' burden of maintaining our military forces.

The Levin-Eagleton amendment which is before us is a symbol of our determination to make the crucial distinction be-

tween increased military spending, and increased defense capabilities. Affecting just one-tenth of 1 percent of the total defense budget, this amendment would cut $200 million out of nonessential and duplicative administrative support functions. Among other things, it would eliminate funding for overlapping management of supplies used by all the services, and cut out duplicative purchases in parts inventories—where it has been documented that millions of dollars are spent to buy parts which are already on hand, but which are effectively "lost" in the vast DOD supply system.

This is the kind of waste the outgoing Comptroller General, Elmer Staats, identified in a report to the Pentagon earlier this year. Mr. Staats reported that waste and mismanagement are now adding "several billions of dollars a year" to the defense budget, and he identified 15 major areas where a "minimum of $4 billion a year" could be readily saved. Over 30 GAO reports in the past 5 years have confirmed the waste which exists in nonessential defense spending, and yet these reports have largely gone unheeded by the Congress.

I strongly believe that if our efforts to bring Federal spending under control are to have any credibility with the American people, we must make no distinction between waste in the Pentagon, and waste in the Department of Health and Human Services and other social services programs. If the Congress holds the Pentagon to the same spending accountability that we are applying to domestic programs, we will achieve substantial and continuing annual savings, since most of the fat is related to ongoing operational procedures.

I am pleased to cosponsor the Levin-Eagleton amendment, and I urge my colleagues to join in the effort to insure that we receive the maximum amount of security for each tax dollar spent on defense, rather than accepting the runaway costs which characterize so much of the defense budget today.●

Mr. LEVIN. Mr. President, I yield back the remainder of my time.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

Mr. President, I move that the amendment offered by the Senator from Michigan be laid on the table.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas (Mr. TOWER) to table the amendment of the Senator from Michigan (Mr. LEVIN). The yeas and nays have been ordered and the clerk will call the roll.

Mr. FORD (after having voted in the affirmative). Mr. President, I have already voted "aye." If the distinguished Senator from Michigan (Mr. RIEGLE) were here, he would vote "nay." Therefore, I withdraw my vote.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON) and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—66

Abdnor	East	Mitchell
Andrews	Garn	Murkowski
Armstrong	Glenn	Nickles
Baker	Goldwater	Nunn
Bentsen	Hart	Packwood
Boschwitz	Hatch	Quayle
Burdick	Hawkins	Randolph
Byrd, Harry F., Jr.	Hayakawa	Roth
Byrd, Robert C.	Heflin	Rudman
Chafee	Heinz	Schmitt
Chiles	Helms	Simpson
Cochran	Hollings	Specter
Cohen	Humphrey	Stafford
Cranston	Jackson	Stennis
D'Amato	Jepsen	Stevens
Danforth	Johnston	Symms
DeConcini	Kasten	Thurmond
Denton	Laxalt	Tower
Dixon	Long	Wallop
Dole	Lugar	Warner
Domenici	Mattingly	Zorinsky
Durenberger	McClure	
	Melcher	

NAYS—29

Baucus	Hatfield	Pell
Biden	Huddleston	Pressler
Boren	Inouye	Proxmire
Bradley	Kassebaum	Pryor
Bumpers	Kennedy	Sarbanes
Dodd	Leahy	Sasser
Eagleton	Levin	Tsongas
Exon	Matsunaga	Weicker
Gorton	Metzenbaum	Williams
Grassley	Moynihan	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Ford, for.

NOT VOTING—4

Cannon	Percy	Riegle
Mathias		

So the motion to lay on the table Mr. LEVIN's amendment (No. 48) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, if the Senator from Texas will permit me to intervene with a unanimous-consent request before we proceed with further consideration of this measure, I will appreciate it.

Mr. TOWER. I yield.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF JOHN B. CROWELL

Mr. BAKER. Mr. President, the minority leader and I have had conversations for some time about a time certain to vote on the nomination of Mr. Crowell to be an Assistant Secretary of Agriculture, as well as a time limitation on debate. I have a unanimous-consent request which has been cleared on this side and which I hope may be acceptable to the minority leader.

I ask unanimous consent that on Tuesday, after the recognition of the two leaders under the standing order and the recognition of any Senators under special orders, the Senate go into executive session for the purpose of considering the nomination of Mr. Crowell to be an Assistant Secretary of Agriculture; that on Tuesday there be a time limitation of 1½ hours for debate, allocated 1 hour to the distinguished minority leader or his designee and one-half hour to the distinguished chairman of the Committee on Agriculture, Nutrition, and Forestry, Senator HELMS; that at the conclusion of 1½ hours, the Senate return to legislative session and that debate on this nomination will be suspended and resumed at 11:30 a.m. on Wednesday; that at 11:30 a.m. on Wednesday, the Senate lay aside temporarily any business then before it, to proceed into executive session to consider further the nomination of Mr. Crowell; that at that time there be a time limitation of 30 minutes, to be equally divided between the distinguished minority leader and the Senator from North Carolina (Mr. HELMS); and that the vote on the nomination occur at the expiration of that time.

Mr. ROBERT C. BYRD. Mr. President, the request comports with the requirements on this side; therefore, I have no objection.

Mr. BAKER. Mr. President, let me revise the request slightly. I stated that the vote would occur at the end of the time for debate. Let me say, instead, that there would be 30 minutes of debate, equally divided, and that the vote would occur at 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank all Senators, and I thank the minority leader.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, appoints the following Senators to the 67th Conference of the International Labor Organization (ILO), to be held in Geneva, Switzerland, June 3–24, 1981: the Senator from Utah (Mr. HATCH) and the Senator from Massachusetts (Mr. KENNEDY).

DEPARTMENT OF DEFENSE AUTHORIZATION ACT OF 1982

The Senate continued with the consideration of S. 815.

Mr. TOWER. Mr. President, it is my understanding that the distinguished Senator from New York (Mr. MOYNIHAN) intends to offer an amendment concerning the Maybank amendment. It is my understanding that there is a 1-hour time limitation on that amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. To be divided equally between the Senator from New York and the manager of the bill or his designee.

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. Mr. President, the manager of the bill designates the Senator from Virginia (Mr. WARNER) as being in control of the time in opposition to the amendment.

UP AMENDMENT NO. 107

(Purpose: To permit for a period of 1 additional year the use of Department of Defense funds to be used under certain types of contracts to relieve economic dislocations)

Mr. WARNER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes an unprinted amendment numbered 107.

Mr. TOWER. Mr. President, I ask unanimous consent that the time agreement made to apply to the amendment of the Senator from New York apply now to the amendment offered by the Senator from Virginia and that the time be equally controlled by the Senator from Virginia and the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, line 18, insert "(1)" after "(a)".

On page 50, line 8, strike out "(b)" and insert in lieu thereof "(2)".

On page 50, line 11, strike out "(c)" and insert in lieu thereof "(b)(1)"

On page 50, between lines 12 and 13, insert the following:

(2) The amendments made by subsection (a) shall not apply to any contract (other than a contract for the purchase of fuel) entered into by the Defense Logistics Agency during fiscal year 1982 if the Secretary of Defense determines—

(A) that such contract will not adversely affect the national security of the United States;

(B) that there is a reasonable expectation that bids will be received from a sufficient number of responsible bidders so that the award of such contract will be made at reasonable cost to the United States;

(C) that the price differential to be paid under such contract will not exceed 5 percent; and

(D) the value of such contract, when added to the cumulative value of all other contracts awarded under the exception made by this paragraph, will not exceed $3,400,000,000.

UP AMENDMENT NO. 108 (TO UP AMENDMENT NO. 107)

Mr. MOYNIHAN. Mr. President, I send to the desk a perfecting amendment and ask that it be incorporated in the amendment.

The PRESIDING OFFICER. Until the time on this amendment has expired or time has been yielded back, a perfecting amendment is not in order.

Mr. MOYNIHAN. I ask unanimous consent that it be in order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes an unprinted amendment numbered 108 to the Warner amendment numbered 107.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment insert the following:

(c) Not later than April 15, 1982, the President shall report to Congress on the implementation and results of the test program authorized by subsection (b) of this section together with an assessment of the costs and benefits of this test program.

Mr. WARNER. Mr. President, the distinguished Senator from New York (Mr. MOYNIHAN) and and I have reached agreement on this matter, and I shall not oppose his amendment. We estimate that we will not take more than 10 or 12 minutes. We will have a rollcall vote, and for that purpose I ask for the yeas and nays.

The PRESIDING OFFICER. On the pending Moynihan amendment?

Mr. MOYNIHAN. Mr. President, this would be on the Warner amendment at the desk, with the perfecting amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, the Senate Armed Services Committee has recommended that the fiscal year 1982 Defense authorization bill include a provision to enact the so-called Maybank amendment into permanent law.

This legislation has been included in every Defense Appropriations Act since 1953 and prohibits the Department of Defense from paying any price differential or premum on defense purchases in order to relieve economic dislocations.

I introduced that amendment in the Armed Services Committee during markup on this bill and it was overwhelmingly approved by the committee. I am strongly opposed to using defense spending for the purposes of economic bailout, and I believe the so-called "Maybank Amendment" is entirely appropriate.

The Department of Defense has consistently supported the Maybank amendment and has indicated by letter of May 12, 1981, that the Department supports the committee provision to enact the Maybank amendment into permanent law. The Department of Defense does, however, suggest the continuation of a test program through fiscal year 1982. The Office of Management and Budget supports the Department of Defense position.

In order to accommodate the views of the Department of Defense and the Office of Management and Budget, I am offering this amendment to the committee provision which will allow a continuation of the test program through fiscal year 1982. However, the amendment would not affect the committee language which would enact the Maybank amendment into permanent law.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Department of Defense dated May 12, 1981, an issue paper which discusses this issue in detail and provides the rationale for the Armed Services Committee's action, a copy of the Senate vote in November 1979 rejecting a repeal of the Maybank amendment by a vote of 59 to 29, a chart showing a breakdown of contract awards in fiscal year 1980 for labor surplus and nonlabor surplus areas in each State, and also a copy of a letter from the Department of Defense dated November 12, 1980, providing the Department's position on this matter last year. I have excluded the second enclosure from this letter due to its length.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., May 12, 1981.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, D.C.

DEAR JOHN: I am writing in response to your request to be advised of the Department of Defense position on the provision in the 1983 authorization bill reported by the Armed Services Committee that would make the language of the Maybank Amendment a part of permanent law. Provisions of the Maybank Amendment were previously included in our annual appropriations bills.

We have supported the inclusion of the Maybank Amendment in our past annual appropriations bills. The considerations that have led us to support the provisions in the past remain valid. We have no objection to the provision in the authorization bill, as reported, that would embody the language of the Maybank Amendment in Title 10.

At the same time, we are concerned that enactment of the provision in the 1982 authorization bill not prevent completion of the test procurement targeting program so recently authorized by P.L. 96-527. As you know, this program has only just been initiated, and it is doubtful that any valuable results will be realized unless the program can be carried into FY 1982. Accordingly, we suggest that the provision of the authorization bill enacting the Maybank Amendment's language in permanent law be amended to provide that enactment will not prevent the use of funds in the FY 1982 Defense appropriations bill to complete the test procurement targeting program.

I appreciate your providing the Department with this opportunity to present these views.

Sincerely,

FRANK C. CARLUCCI.

"MAYBANK AMENDMENT"

BACKGROUND

Since 1953 the Defense Appropriations Acts each year have prohibited the payment of higher prices in order for defense contracts to be set aside and performed exclusively in the Labor Surplus Areas. This language has explicitly prohibited in each Appropriations Act the use of defense funds for the payment of a price differential to relieve economic distress.

Last year the House voted to delete and, therefore, repeal the Maybank language for FY 1981. The Senate restored the Maybank provision. However, as a result of the House-Senate Conference, a compromise was reached to allow a one year test program authorizing the Secretary of Defense to waive the Maybank provision for up to $3.4 billion in non-fuel contracts awarded by the Defense Logistics Agency. The Secretary had to determine that any set aside would be consistent with national security considerations and that a reasonable price (no more than 5 percent more than what would be received in open competition) would be received on any contract set aside under the test program.

CURRENT ISSUE

The Senate Armed Services Committee has recommended that the Maybank amendment be enacted into permanent law beginning in fiscal year 1982 (Section 906). The Committee Report on S. 815 states that enactment of this provision would protect against ". . . the reduced competition and increase costs which inevitably would result if Defense contracts were set aside solely for firms located in labor surplus areas."

Senator Moynihan (by Dear Colleague letter dated May 12, 1981) has indicated that he will propose an amendment to prevent restoration of the Maybank amendment.

ADMINISTRATION POSITION

The Department of Defense has consistently opposed any repeal of the Maybank amendment and has indicated by letter dated May 12, 1981 (attached) that the Department of Defense strongly supports enacting the Maybank amendment into permanent law. The Department of Defense does indicate its support for a one year extension of the test program approved last year.

This position has also been approved by OMB.

REASONS FOR RETAINING THE MAYBANK AMENDMENT

As a matter of sound policy, Defense programs should be procured on the basis of competition and cost. The American taxpayers demand no less.

Modifying or repealing Maybank would:

Reduce competition and inevitably increase costs. The Department of Defense has estimated that a repeal of Maybank would add between $1.5 and $2.0 billion in defense costs for FY 1981. Without Maybank, we would have to either increase funding by $2 billion for the same level of defense or spend the same amount and get less defense.

Jeopardize making awards to the best qualified and most efficient producer and result in decreased quality and delays in defense production.

Create no new jobs. Any new job in a labor surplus area would be offset by the loss of a job in a non-labor surplus area.

Could shift contracts within states so that a job gained in New York city could mean a job lost somewhere else in New York state. (There were 52 counties in New York state rated as non-labor surplus areas in 1979).

Place intense political pressures on our contracting officials from local firms and their government representatives.

Divert contracts now won by small business and minority firms in open competition with large firms to firms in labor surplus areas by granting statutory preference.

Affect mobilization planning adversely by denying some firms in the mobilization base the opportunity to bid for contracts.

Be likely to set in motion an uneconomic cycle of rising and falling unemployment. If a contract is taken from a non-labor surplus area and placed in a labor surplus area in one year, the situation might be reversed the following year because the lost contract may cause area unemployment to go up in the non-labor surplus area to the point where it is rated labor surplus (7.2 percent unemployment) the following year.

DEPARTMENT OF DEFENSE ALREADY PLACES A SUBSTANTIAL PORTION OF CONTRACTS IN LABOR SURPLUS AREAS

The Department of Defense does participate in the labor surplus area set aside program, but is required to purchase its goods at the lowest price obtainable. Since 1975, the percentage of total defense contract dollars awarded to labor surplus areas has ranged from 80.6 percent to 31.0 percent with variations largely due to revisions in the definition of what constitutes a labor surplus area.

For fiscal year 1980, labor surplus areas received 38.1 percent of the contract dollars awarded ($25.9 billion) while non-labor surplus areas received 61.9 percent or $42.2 billion in such awards. So the 27 percent of total labor areas that are rated labor surplus received in FY 1980 almost 40 percent of total DoD contract dollars.

DEFENSE APPROPRIATIONS/MAYBANK AMENDMENT

Subject: Department of Defense Appropriation Act, 1980 (H.R. 5359). Moynihan et al. unprinted amendment No. 731.

Action: amendment rejected.

YEAS (29)

Republicans (7): Chafee, Hatfield, Heinz, Javits, Mathias, Schweiker, Weicker.

Democrats (22): Baucus, Bayh, Bradley, Cranston, Eagleton, Glenn, Jackson, Leahy, Levin, Magnuson, McGovern, Melcher, Moynihan, Nelson, Pell, Randolph, Ribicoff, Riegle, Sarbanes, Stone, Tsongas, Williams.

NAYS (59)

Republicans (30): Armstrong, Bellmon, Boschwitz, Cohen, Danforth, Dole, Domenici, Durenberger, Garn, Goldwater, Hatch, Hayakawa, Helms, Humphrey, Jepsen, Kassebaum, Laxalt, Lugar, McClure, Pressler, Roth, Schmitt, Simpson, Stafford, Stevens, Thurmond, Tower, Wallop, Warner, Young.

Democrats (29): Bentsen, Boren, Burdick, Byrd, Harry F., Jr., Byrd, Robert C., Cannon, Chiles, Church, Culver, DeConcini, Exon, Ford, Hart, Heflin, Hollings, Huddleston, Johnston, Long, Matsunaga, Morgan, Muskie, Nunn, Proxmire, Pryor, Sasser, Stennis, Stewart, Talmadge, Zorinsky.

NOT VOTING (12)

Republicans (4): Baker—2, Cochran—2, Packwood—2, Percy—2.

Democrats (8): Biden—2, Bumpers—2, Durkin—2, Gravel—2, Inouye—1, Kennedy—2, Metzenbaum—2, Stevenson—2AY.

DISTRIBUTION OF FISCAL YEAR 1980 PRIME CONTRACT AWARDS BASED ON AREAS DESIGNATED AS LABOR SURPLUS AS OF FEB. 1, 1981 (FISCAL YEAR 1981)

[Dollar amounts in thousands]

State	Total awards	LSA awards	Percent	Non-LSA awards	Percent
Puerto Rico	$115,474	$114,534	99.2	$940	0.8
Alabama	746,415	442,371	59.3	304,044	40.7
Alaska	257,355	116,156	45.1	141,199	54.9
Arizona	729,656	43,396	5.9	686,260	94.1
Arkansas	172,384	46,218	26.8	126,166	73.2
California	13,914,441	7,677,423	55.2	6,237,018	44.8
Colorado	518,300	1,966	.4	516,334	99.6
Connecticut	3,879,061	73,105	1.9	3,805,956	98.1
Delaware	243,828	135,247	55.5	108,581	44.5
District of Columbia	602,348	602,348	100.0	----------	----------
Florida	2,053,198	793,306	38.6	1,259,892	61.4
Georgia	960,992	81,832	8.5	879,160	91.5
Hawaii	315,410	2,716	.9	312,694	99.1
Idaho	28,115	2,871	10.2	25,244	89.8
Illinois	1,006,783	337,663	33.5	669,120	66.5
Indiana	1,297,786	46,731	3.6	1,251,055	96.4
Iowa	303,102	1,154	.4	301,948	99.6
Kansas	806,245	----------	----------	806,245	100.0
Kentucky	277,519	37,089	13.4	240,430	86.6
Louisiana	694,643	212,201	30.5	482,442	69.5
Maine	459,418	14,236	3.1	445,182	96.9
Maryland	1,795,400	602,165	33.5	1,193,235	66.5
Massachusetts	3,743,171	876,677	23.4	2,866,494	76.6
Michigan	1,710,749	1,638,728	96.3	63,021	3.7
Minnesota	1,070,273	94	(1)	1,070,179	100.0
Mississippi	808,291	147,899	18.3	660,392	81.7
Missouri	3,264,063	2,997,649	91.8	266,414	8.2
Montana	$35,241	$4,506	12.8	$30,735	87.2
Nebraska	103,631	----------	----------	103,631	100.0
Nevada	50,390	99	.2	50,291	99.8
New Hampshire	306,481	----------	----------	306,481	100.0
New Jersey	1,532,102	441,573	28.8	1,090,529	71.2
New Mexico	294,877	3,427	1.2	291,450	98.8
New York	5,678,789	4,416,152	77.8	1,262,637	22.2
North Carolina	676,759	59,700	8.8	617,059	91.2
North Dakota	73,150	915	1.3	72,235	98.7
Ohio	1,633,335	1,037,700	63.5	595,635	36.5
Oklahoma	466,880	24,975	5.3	441,905	94.7
Oregon	196,182	61,901	31.6	134,281	68.4
Pennsylvania	2,215,927	1,106,892	50.0	1,109,035	50.0
Rhode Island	261,792	19,841	7.6	241,951	92.4
South Carolina	331,444	17,694	5.3	313,750	94.7
South Dakota	20,971	146	.7	20,825	99.3
Tennessee	533,406	69,460	13.0	463,946	87.0
Texas	5,413,352	256,142	4.7	5,157,210	95.3
Utah	251,355	----------	----------	251,355	100.0
Vermont	125,138	17	(1)	125,121	100.0
Virginia	3,366,849	234,255	7.0	3,132,594	93.0
Washington	2,316,807	324,517	14.0	1,992,290	86.0
West Virginia	123,897	27,465	22.2	96,432	77.8
Wisconsin	377,565	4,723	1.3	372,842	98.7
Wyoming	33,295	----------	----------	33,295	100.0
Total[2]	68,185,035	25,157,875	36.9	43,027,160	63.1

[1] Less than 0.05 percent.

[2] Includes only those awards valued in excess of $10,000 for performance in the 50 States, District of Columbia, and Puerto Rico.

THE UNDER SECRETARY OF DEFENSE,
Washington, D.C. November 12, 1980.

Hon. JOHN C. STENNIS,
Chairman, Defense Subcommittee on Appropriations, Senate Appropriations Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the Department of Defense position regarding the repeal of the Maybank Amendment, and a DoD analysis of the House of Representatives debate on September 16 regarding this Amendment. The Maybank Amendment, which has been included in every Defense Appropriations Act since FY 1954, precludes the award of contracts under labor surplus area set-asides at prices higher than those that would be obtained through unrestricted competitive bidding.

In September, Representative Addabbo introduced an amendment that would have repealed, in part, the Maybank Amendment. The Addabbo amendment would have exempted from the Maybank prohibition all contracts made by the Defense Logistics Agency and any other contracts determined to be unrelated to national security. However, it was determined that such a partial repeal constituted legislation on an appropriations bill and the original amendment was ruled out of order. Based on the point of order, Representative Addabbo revised his amendment to call for the total repeal of the Maybank Amendment. This revision was passed by the full House and now is at issue.

DoD has consistently opposed efforts to repeal the Maybank Amendment and remains opposed to either a partial or total repeal. By restricting DoD solicitation efforts to business firms operating within the 25.7 percent of the labor market areas that are currently designated as labor surplus, the LSA set-

aside program would adversely affect our national security. The Department's opposition to the Addabbo amendment is based on three especially critical concerns:

Labor surplus area set-asides, whether applied against the whole or part of the DoD appropriation, can significantly increase DoD costs and so actually reduce the amount of Defense material or services that can be procured. Unit costs would inevitably increase due to less competition, and delivery schedules would be extended for the same reason.

The LSA set-asides could result in the exclusion of our best suppliers and introduce significant delays into the procurement process. For example, the supplier of the current generation of a major weapons system or subsystem, who would otherwise be a top candidate for the follow-on award, could be totally excluded from the competition. (This exclusion would happen automatically where there are a sufficient number of other competitors to constitute a competition based on price.)

Because the LSA set-aside program introduces factors into the procurement system other than those designed to obtain the best for the least, the acquisition process is opened to those who would have procurement decisions based on subjective considerations, with the possible danger of politicization.

Labor surplus areas are identified and revised annually according to Department of Labor economic criteria, consequently, repeal of the Maybank Amendment would result in great confusion and disruption in our contracting offices. DOD suppliers in one year could be denied the opportunity to compete in subsequent years as a result of abrupt changes in local unemployment rates.

Even under the original Addabbo Amendment for partial Maybank repeal some Defense contract awards related to national security could be adversely affected. The Defense Logistics Agency, in fact, procures a range of items that are as essential to effective Defense operations as many of the more sophisticated items: shortages in shoes, medical supplies, chemicals, NBC protective clothing, and fuels can have as devastating an effect on critical operations as deficiencies in other items.

Enclosure (1) provides more specific details regarding the adverse effects—increased costs and reduced readiness—to the DOD acquisition process if the Maybank Amendment were to be either partially or totally repealed. Enclosure (1) also shows that if the Maybank Amendment were to be repealed, DOD contracting activities would be required to follow the priorities in PL 96-302, which would prohibit small business and minority business firms not in labor surplus areas from submitting bids on 93 percent of our procurements ($54.4 billion in FY 1979).

DOD analysis (Enclosure (2)) of the House debate is offered with the intent of clarifying, from the DOD standpoint, certain statements and issues related to the House debate as recorded in the Congressional Record of September 16. In this regard, our comments are keyed by page number, column number, and paragraph number of the Congressional Record.

DOD will continue to make every opportunity available to firms located in labor surplus areas to compete for contract awards. A substantial portion of DOD contracts are already placed in labor surplus areas without the use of set-asides. The proportion of contracts awarded to firms in labor surplus areas has varied over the last few years from 31 percent to 80.6 percent of the total contract dollars.

The use of the DOD procurement sytsem to relieve problems of economic dislocation, however, would be detrimental to Defense readiness, and would not be in the national security interest. Beyond this, to permit the payment of price differentials on Defense contracts to advance social programs, however worthy, would impair the integrity of the contracting process and open that process up to external pressures.

For these reasons, the Department strongly opposes the partial or total repeal of the Maybank Amendment.

Sincerely,

WILLIAM J. LEVY.

Subject Maybank Amendment.

The Department of Defense (DoD) is and has been consistently opposed to the repeal of this provision of the DoD Appropriations Act because we perceive that total set-aside of contracts exclusively for labor surplus areas (LSA) would have the following principal harmful effects.

Reduce competition among defense suppliers and increase prices for defense purchases.

Jeopardize making awards to the best qualified and most efficient producer and result in decreased quality and delays in defense production.

Affect mobilization planning adversely by denying some firms in the mobilization base the opportunity to bid for contracts.

Replace regular contracting procedures with administrative judgments on which contracts should be set aside from normal competitive procedures.

Place intense political pressures on our contracting officials from local firms and governments.

Divert contracts now won by small business and minority firms in open competition to large business firms which will perform in labor surplus areas.

Details regarding to the foregoing impacts are contained in the Enclosure.

DEPARTMENT OF DEFENSE POSITION ON REPEAL OF THE MAYBANK AMENDMENT

Commencing with Fiscal Year 1954 each annual DoD Appropriation Act has had a provision that "no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations." This provision is popularly referred to as the Maybank Amendment.

Public Law 95-89 enacted on August 4, 1977 amended Section 15 of the Small Business Act (15 U.S.C. s 644) to authorize the total set-aside of procurements to labor surplus areas if the agency head, or his designee, makes a determination that "there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards will be made at reasonable prices." The Maybank Amendment was included in the subsequently enacted 1978 DoD Appropriation Act. On October 31, 1977, the Comptroller General issued a decision holding that such action precluded the use of the total labor surplus area set-aside authority of P.L. 95-89 in procurements involving funds made available under the 1978 DoD Appropriation Act. Maybank Amendment, B-145136, October 31, 1977. The decision also reaffirmed an earlier decision of the Comptroller General construing the Maybank Amendment as precluding award of contracts under labor surplus area set-asides at prices higher than those obtainable through unrestricted competition. As a result, set-aside of procurements for goods and services from labor surplus area concerns with funds provided by the 1980 Department of Defense Appropriation Act, is limited to portions of requirements at a contract price not exceeding the highest price awarded for the same items under the portion of the requirement separately solicited without restriction.

DoD has consistently held the view that removal of the Maybank Amendment is not in the national interest. The primary reason for removing the Maybank language apparently would be to permit the total set-aside of contracts for labor surplus areas. In our view this action would increase defense costs, severely complicate the administration of defense procurement and pose serious equity problems to small businesses, minority firms and other defense suppliers. Further, any action by the Congress to remove the prohibition will raise in the minds of some people the belief that it is the intent of Congress that we should pay a price differential.

It is doubtful that procurement set-asides would permanently alleviate the unemployment problems of communities because many of our contracts, placed to relieve unemployment, would involve performance extending over a relatively short period of time. If, on the next procurement, the community had moved out of the labor surplus classification, it might then be denied the right to participate, and the work would be shifted elsewhere. The first community, as a result, might drop back into a labor surplus status, thus setting in motion an uneconomic cycle of rising and falling employment, with Defense procurement being used to perpetuate unsound economic conditions, which, in turn, would increase our risk of not being able to procure reliable military material. This problem would be magnified many times if the program were expanded because of total labor surplus area set-asides.

From the DoD perspective, however, the most important problems with repeal of the Maybank Amendment are its effects on defense costs and the administration of procurement funds.

1. Total labor surplus area set-asides will eliminate many firms from competition for defense contracts. The reduction in competition will mean higher prices for DoD purchases, resulting either in a larger defense budget or in a degradation of national defense. When P.L. 95-89 was enacted, an area was classified as a labor surplus area if it had an unemployment rate of 6 percent or more. Under that criterion 87 percent of the labor market areas in the nation qualified as labor surplus area. Early in 1978 the Department of Labor (DOL) revised the standards for designating areas as a labor surplus area. Basically, an area is designated as labor surplus only if its unemployment rate is at least 1.20 times the national rate with a "floor" of 6 percent and a "ceiling" of 10 percent. The "ceiling" means that any area which has an unemployment rate of 10 percent or more is automatically designated as a labor surplus area. On 31 May 1979, DOL announced that henceforth labor surplus area eligibility determinations will be made on the basis of civil jurisdictions, rather than on labor market areas, which are broad geographic areas with a concentration of economic activity or labor demand and in which workers generally change jobs without changing their residence. The new criteria are set forth in the Attachment No. 2. At the present time, only 1050 or 25.7 percent of the total number of 4092 civil jurisdictions qualify as a labor surplus area. The substantial reduction of the number of labor surplus areas has reduced significantly the number of suppliers eligible to compete under labor surplus area set-asides. It is reasonable to expect that this shrinkage in competition will be reflected in increased prices to DoD for supplies procured under the DoD priority system of partial labor surplus area set-asides and even much higher if DoD contracting activities were required to restrict awards to labor surplus areas on a total set-aside basis.

2. In any event, total labor surplus area set-asides would jeopardize the making of awards to firms best qualified to produce the desired quality of material and to meet operational readiness dates. The strongest guarantee that we are obtaining fully qualified contractors for each contract is to conduct free and open competition, and to make awards on the basis

of merit to the producer who can offer the best equipment at the lowest overall cost to the Government. This means we are interested in the most efficient producers wherever they may be located.

3. The Department of Defense conducts industrial mobilization planning with approximately 9,000 firms in order to assure that these firms will be able to satisfy our wartime emergency requirements in a minimum amount of time. In order to accomplish this objective, these firms are presently assured that they will be offered the opportunity to bid on any or all of our peacetime requirements for those items they will be required to provide in an emergency. The establishment of total labor surplus area set-asides will deny many of these firms the opportunity to become proficient in satisfying our wartime requirements and, thereby, adversely affect the responsiveness of the Department of Defense to properly equip its forces in a timely manner to meet national emergencies. Specific examples in this case deal with shipyards involved in shipbuilding and overhaul. On the west coast the following situation exists at present:

Company, in labor surplus area:

Bethlehem Shipyard, San Francisco, California, Yes.

Lockheed Shipbuilding Company, Seattle, Washington, No.

National Steel & Shipbuilding Company, San Diego, California, Yes.

Northwest Marine & Iron Works, Portland, Oregon, No.

Pacific Drydock & Repair Company, Oakland, California, Yes.

Todd Shipyards, Alameda, California, No.

Todd Shipyards, San Pedro, California, No.

Todd Shipyards, Seattle, Washington, No.

Triple A Machine Shop, San Diego, California, Yes.

Triple A Machine Shop, San Francisco, California, Yes.

Willamette Iron & Steel, Portland, Oregon, No.

Five of these shipyards are in labor surplus areas while six are not which would adversely affect national security reasons for several reasons if the Maybank Amendment were to be repealed. Those shipyards which are not in LSA's are the very ones that DoD would require immediately in the event of a national emergency. However, they would not be ready because they were prohibited from participating in our peacetime requirements thereby denying them opportunity of developing and improving the very skills and capabilities upon which our national security would be depended with little or no advance notice. For example, for one company, Todd Shipyards, all three of its shipyards would be prohibited from our peacetime requirements such as the guided missile escort frigate which it is building at the present time. Another consideration is that all peacetime requirements would be channeled into two ports, San Diego, and San Francisco thereby simplifying enemy targetting efforts.

The above situation applies similarly to the east coast shipyards as follows:

Company, in labor surplus area:

Bath Iron Works, Bath, Maine, No.

Bethlehem Steel Company, Sparrows Point, Maryland, No.

Bethlehem Steel Company, Hoboken, N.J., Yes.

General Ship Repair Company, Boston, Massachusetts, Yes.

Electric Boat Division, General Dynamics, Groton, Connecticut, No.

General Dynamics Shipbuilding, Quincy, Massachusetts, Yes.

Jacksonville Shipyard Company, Jacksonville, Florida, No.

Maryland Shipbuilding & Drydock, Baltimore, Maryland, Yes.

Newport News Shipbuilding & Drydock, Newport News, Va., No.

Norfolk Shipbuilding & Drydock Company, Norfolk, Va., No.

Sun Shipbuilding & Drydock, Chester, Pennsylvania, Yes.

Coast Shipbuilding and Drydock, Brooklyn, N.Y., No.

Alabama Drydock Company, Mobile, Alabama, Yes.

Avondale Shipyards, New Orleans, Louisiana, No.

Litton Shipbuilding, Ingalls Division, Pascagoula, Mississippi, No.

Six of these shipyards are in labor surplus areas while nine are not. This condition would adversely affect national mobilization and readiness considerations for most of the reasons cited above for the west coast shipyards. In this case only Jacksonville, Florida and Norfolk, Virginia are home ports for the Navy but both are not in labor surplus areas. This situation would result in significant administrative costs for the Navy for any ships which would require complex overhaul. Repeal of the Maybank Amendment would reduce the competitive base for the Navy by 60 percent and would deny a large number of planned mobilization producers from participating in peacetime in the very specific and complex tasks they would be required to perform in an emergency with little or no advance notice.

Another example case which could adversely affect DoD and national security considerations deals with bomber and fighter aircraft if a new procurement were to be conducted for either of these aircraft under current labor surplus area criteria. In the case of bomber or even military transport cargo aircraft the following would apply. While Rockwell in Los Angeles, California and McDonnell Douglas in St. Louis, Missouri are located in labor surplus areas and would provide at least two firms to satisfy the test of competition, a total labor surplus area set-aside would prohibit Boeing of Seattle, Washington, General Dynamics of Fort Worth, Texas and Lockheed of Marietta, Georgia from participating in this procurement. In the case of fighter aircraft there are five likely manufacturers. Northrup which built the F–5 aircraft is located in Hawthorne, California. Fairchild which builds the A–10 is located in Farmingdale, Long Island. General Dynamics builds the F–16 and is located in Fort Worth, Texas. Rockwell builds F–100 and is located in Los Angeles while McDonnell Douglas builds the F–15 and is located in St. Louis. All of these firms are located in labor surplus areas except General Dynamics which is building, perhaps, the most sophisticated fighter aircraft in history. Nevertheless, General Dynamics would be prohibited from participating in the requirement for a new fighter aircraft if the Maybank Amendment were to be repealed and DoD was required to follow the priorities of P.L. 96–302.16.

4. Total set-asides of procurements for labor surplus areas could, in many cases, result in the payment of a higher price for the items procured. Some might point to total set-asides for small business concerns as a precedent for using such a procedure to assist firms in labor surplus areas. However, there are substantive differences in the effects on Defense procurement of total set-asides in each case. First, the universe of contracts appropriate for total small business set-asides is for all practical purposes controlled by the lack of capability or capacity of small firms to perform contracts over a certain dollar size. For example, in FY 1979, small businesses were awarded only 45 of the 743 DoD contracts of $10 million or more. In any case, competitive factors of the market place have historically limited the potential for total small business set-asides to approximately 6 percent of our annual procurement award dollars. Secondly, where a total small business set-aside is appropriate, all small firms in the country can compete. In the case of total labor surplus set-asides, exactly the reverse situation would prevail; i.e., many Defense contracts would be potential labor surplus area set-asides and the number of firms eligible to compete for them would be limited, thus restricting competition to a far greater degree than is true with respect to the large number of available small business firms. We believe this would impose additional costs on Defense contracts in terms of higher prices paid and in the administration of a vastly expanded Labor Surplus Program which, although we cannot quantify with precision, we would expect to be substantial.

5. The DoD decentralized system for acquiring its goods and services is conducted in hundreds of offices employing thousands of personnel. The setting aside of funds for LSAs would require discretionary judgments as to which funds to so earmark. This would, in effect, replace open competitive bidding with a system that relies heavily on large numbers of administrative rulings that earmark funds for LSA's. This could easily lead to a bureaucratic tangle and result in major administrative burdens for the DoD.

6. It may be argued that all of DoD purchases are not related to national security. However, it must be recognized that DoD contracting activities process over 10 million contract actions annually, almost all of which are related to national security. In many cases, purchases of items valued at less than $10,000 which represent 97 percent of all contract actions and most of all which are processed under simplified purchase procedures have a direct bearing on our national security. These contracts must of course be channeled to small business pursuant to Section 221 of Public Law 95–507. Some of these items such as parts for aircraft, ships, and missile systems have a significant effect on our national security. Other items of perhaps lesser significance such as clothing, medical supplies and subsistence also have a most direct bearing on national security. The determination of which items affect national security and, more importantly, the "degree" of such effect, is most difficult to express with the preciseness required to assure that national security is not adversely affected. In this regard, most all of the 10 million contract actions are processed by buyers who are not in a position to judge the "degree" of national security importance associated with all the items they purchase. Our review further reveals that it is not possible to exclude an entire federal stock class of supplies, of which there are 612, as not contributing to our national security. To approach this problem on the basis of individual line items which make up these classes would be impractical in view of the 3.8 million individual supply line items involved.

7. The administrative judgments inherent in setting aside funds for LSA's would invite intense pressures on our contracting officials from local communities and their representatives. Moreover, our experience has been that the more marginal the case, i.e., wherever bid proposals are in a very narrow range, the more intense these pressures are likely to be. Not only does this introduce administrative delay and frustration to all concerned, but it fosters the making of bad decisions. Such pressures would not be limited to top officials in the DoD. Contract actions are carried out in approximately 850 contracting activities employing approximately 45,000 procurement personnel. Where discretionary decisions subject to intense outside pressures are involved, our job of assuring the soundness and objectivity of the procurement process is vastly complicated.

8. We should also point out that an ex-

panded Labor Surplus Area Program will work to the detriment of small business and minority business firms. If the Maybank Amendment is repealed the Department of Defense will be required to follow the procurement priorities contained in Public Law 96-302 which are:

"(a) In carrying out small business set-aside programs, departments, agencies, and instrumentalities of the exectuive branch shall award contracts, and encourage the placement of subcontracts for procurement to the following in the manner and in the order stated:

"(1) Concerns which are small business concerns and which are located in labor surplus areas, on the basis of a total set-aside;

"(2) Concerns which are small business concerns, on the basis of a total set-aside;

"(3) Concerns which are small business concerns and which are located in a labor surplus area, on the basis of a partial set-aside;

"(4) Concerns which are small business on the basis of a partial set-aside.

"(b) After priority is given to the small business concerns specified in subsection (e), priority shall also be given to the awarding of contracts and placement of subcontracts, on the basis of a total set-aside, to concerns which:

"(1) are not eligible under subsection (e);

"(2) are not small business concerns; and

"(3) will perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas."

While small firms receive priority on the list of set-aside preferences, it fails to recognize that the bulk of DoD small business awards which include minority awards result through open competition, not through set-aside preference, i.e., small firms win consistently two out of every three dollars they receive on the basis of unrestricted competition with their big business brethren. For example, DoD in FY 1979 awards $58.5 billion to U.S. business firms. Of this amount, $12.2 billion or 20.8 percent was awarded to small business but only $4.1 billion or 7 percent as a result of set-aside preference.

Following these priorities would protect the $4.1 billion but seriously jeopardize the $8.1 billion—the larger portion of the $58.5 billion won by small firms and minority firms in open competition. This unsatisfactory situation would occur because all of the nation's small firms which includes minority firms would not be eligible to compete for total labor surplus area set-aside of Priority No. 5 because this priority is restricted to large business firms which will perform in a labor surplus area which essentially is a "big business set-aside." This means that small business and minority business firms regardless of their location will not be able to bid on procurements solicited under Priority No. 5. What Priority No. 5 of P.L. 96-302 essentially does is to deny small business from participating in 93 percent of DoD procurements which in FY 1979 would have amounted to $54.4 billion because only 7 percent or $4.1 billion was set-aside. The set-aside priorities of P.L. 96-302 seriously jeopardize the existence of the small business program not only in DoD but in every agency of the federal government. The fact that small businesses win two out of three dollars in unrestricted competition can not be overstressed. Therefore, no action should be taken by the Congress, such as repeal of the Maybank Amendment which would prohibit small business and minority business firms from bidding on 93 percent of DoD procurements because they are small based on the size standards established by the Small Business Administration.

This nation's small business community is already confronted with an overabundance of difficulties without adding to their problems by repealing the Maybank Amendment.

9. It should be noted that a substantial portion of Defense contracts are placed in labor surplus areas already without the use of total labor surplus area set-asides. In FY 1975, $18.5 billion, or 47.0 percent, of Defense contract award dollars were to firms located in labor surplus areas, and these firms won the awards on the basis of merit and efficiency. There was a dramatic increase in these awards in FY 1976 amounting to $33.3 billion, or 80.6 percent, of our contract award dollars. This resulted in great measure from the average number of labor surplus areas increasing from 781 in FY 1975 to 1,143 in FY 1976. In FY 1977, DoD LSA awards amounted to $36.9 billion or 75.0 percent of our contract award dollars. In FY 1978, DoD LSA awards amounted to $26.1 billion or 45.4 percent of its total awards while in FY 1979 these awards amounted to $19.0 billion or 31.0 percent. This drop is attributable to the Department of Labor revising its qualification criteria of designating an area as labor surplus which resulted in a significant reduction of the number of labor surplus areas.

10. The Maybank Amendment does not exempt the Department of Defense from the labor surplus area program. What the Maybank Amendment does do, it prohibits the total setting aside of procurements, exclusively for labor surplus areas. Nevertheless, the Department of Defense does support and participate in the labor surplus area set-aside program consistent with the requirement to purchase its goods and services at the lowest price obtainable. Our very first two priorities for setting aside procurements give preferences to the placement of awards in labor surplus areas. This is accomplished by dividing a procurement into two equal portions. One portion is the "unrestricted" portion on which all firms, regardless of location, submit bids. It is on this portion the Government establishes the price it will pay for the item being procured. The second portion is the "restricted" portion and is offered exclusively to labor surplus area firms on the basis of which firm submitted the lowest price. By following this procedure, the DOD is able not only to support the labor surplus area program but also assures itself it is not paying a price differential which would be the case if competition was restricted because of the procurement being totally set-aside to only firms located in labor surplus areas.

In FY 1977, DoD placed $36.9 billion or 75 percent of its awards in LSA's while the civilian agencies placed $9.4 billion or 38.7 percent in these areas. In FY 1978, DoD placed $26.2 billion in labor surplus areas while all of the Federal civilian agencies placed $10.8 billion. On a percentage basis DoD placed 45.4 percent of its awards in LSA's while the civilian agencies placed only 37.7 percent. In FY 1979, DoD placed $19.0 billion or 31.1 percent while the Federal civilian agencies placed $5.2 billion or 25.5 percent. It should be noted that while all of the Federal agencies may not have submitted their final FY 1979 reports into the Federal Procurement Data System which accounts in part for the drop in their total awards and LSA dollar awards being lower than last fiscal year, their drop in percentage to 25.5 percent is consistent with the Department of Labor's reduction in the number of areas to be determined to be labor surplus. This shows very clearly that the DoD, even with the Maybank Amendment restriction, is awarding a greater percentage of its awards to labor surplus areas than are all of the Federal civilian agencies combined to which the Maybank Amendment does not apply. Further, DoD has made these awards on the basis of less cost because competition has not been restricted. The above record demonstrates that LSA firms can and do compete very effectively with non-LSA firms without any dependence on a total labor surplus area set-aside program. (See Attachment 3 for comparative figures).

The Department of Defense should and will continue to make every opportunity available to firms located in labor surplus areas to compete for its procurement awards. Beyond this, the utilization of procurement to relieve problems of economic dislocation would be detrimental to Defense readiness and would not be in the national interest. For these reasons, we do not support any form of repeal of the Maybank Amendment.

Mr. WARNER. Mr. President, I yield to the distinguished Senator from New York.

Mr. MOYNIHAN. I thank my distinguished friend from Virginia. I congratulate him on the bipartisan and open-minded approach he has taken to this matter, which it seems to me we have resolved.

On both sides of the aisle we have agreed that the experiment is to be continued according to the same terms that were agreed to last year, under which the Secretary of Defense would set aside some $3.4 billion in Defense Logistic Agency procurement for labor surplus areas. We will now continue the suspension of the Maybank amendment forward through fiscal year 1982, to the point where, it is hoped, we will have some solid evidence about the effects of the suspension, or the need for Maybank.

I make the point that this program to set-aside some non-strategic procurement contracts, is uniform throughout the Government, save only in the Department of Defense. Moreover, the continued suspension of Maybank, that is the extension of the set-aside program to DOD, which I am proposing today, is a measure which at this point will affect 47 States. This is not a regional matter. These are some 1,091 labor surplus areas recorded at this moment in labor markets across the country; 47 States are involved.

When we debated this matter at the end of the 96th Congress, I pointed out that President Reagan in his campaign committed himself to carrving forward this experiment. Recently, Mr. Reagan's Director of OMB, Mr. David Stockman has also indicated his approval in a letter which I think puts quite well the case for extending the trial suspension of Maybank. Mr. President. I ask unanimous consent that a letter from Mr. Stockman to our distinguished colleague in the other body, Representative PURSELL, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF
THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C.

HON. CARL D. PURSELL,
U.S. House of Representatives,
Washington, D.C.

DEAR CARL: The President has asked me to respond to your letter calling attention to the test procurement targeting program authorized by P.L. 96-527. This program is an effort to enhance employment and economic recovery in 1,069 "labor surplus areas" spread throughout the Nation, while at the same time preserving competition and efficiency in defense contracting.

Given its late enactment and start-up date, it is not certain that a complete and fair test of the value of this program can be achieved in FY 81. Therefore, the Administration believes an extension of the program through FY 82 would be warranted.

By targeting up to $3.4 billion of the Defense Logistics Agency's purchase of goods and services to areas of high unemployment and economic distress, both our defense and economic recovery goals could be served. Under the program's requirements for competitive bidding and a maximum five percent price differential, budget impact would be minimal.

Thank you for calling attention to this important issue, and for your leadesrhip in Congress on this matter. Please be assured of our intent to cooperate with your efforts in conjunction with the FY 82 Defense appropriations bill.

Sincerely,

DAVID A. STOCKMAN,
Director.

Mr. MOYNIHAN. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter I received from Mr. Alan Beals, executive director of the National League of Cities.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 13, 1981.

The Hon. DANIEL PATRICK MOYNIHAN,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR MOYNIHAN: On behalf of the National League of Cities and the 15,000 municipalities we represent we wish to offer our support for your reported efforts to continue repeal of the Maybank amendment to the Defense Department authorization measure.

As OMB Director Stockman indicated in a recent letter, targeted Defense Department procurement started several months into fiscal year 1981 and consequently "it is not certain that a complete and fair test of the value of this program can be achieved in fiscal year 1981.". He further said that, "therefore, the administration believes an extension of the program through fiscal year 1982 would be warranted." We could not agree more with this position. We wholeheartedly endorse targeted federal procurement for areas of high unemployment on the basis that this is a prudent federal action that will maximize the impact of already approved and planned expenditures, without exacerbating the Nation's unacceptable rate of inflation. While many believe that targeted procurement is a "sunbelt/frostbelt" issue, we believe it is not. As you know, more than half of the labor surplus areas in the country are in the south and west. Targeted procurement would be in the national interest and not merely of regional benefit.

Thank you for this opportunity to present our views.

Sincerely,

ALAN BEALS,
Executive Director.

Mr. MOYNIHAN. Mr. President, the perfecting amendment involves a simple statement that not later than April 15, 1982 the President shall report to Congress on the implementation and results of our program with an assessment of the cost and benefits of that program.

I think this meets our purposes. We have agreed, on both sides of the aisle. on both sides of this issue, that we will conduct a fair and thorough test of the matters and I am happy that we have done this.

Mr. President, if there are no other Senators on this side of the aisle wishing to speak, I am prepared to yield back the remainder of our time on this matter.

Before I do that, however, I would like to take this opportunity once again to thank my friend from Virginia. It would be inappropriate not to express also my appreciation to the Senator from Texas who has courteously allowed us to take this time and to work out this agreement.

Mr. WARNER. Mr. President, we, in turn, wish to extend our appreciation to the distinguished Senator from New York for working out a very, very complicated resolution to this matter.

At this time, I yield the floor to my distinguished colleague from South Carolina who I believe wishes to make remarks on behalf of the pending measure.

Mr. THURMOND. Mr. President, I rise in support of the committee position on the Maybank amendment which generally prohibits use of defense dollars to pay price differentials for the purposes of relieving economic dislocations.

The record for the need of the Maybank amendment has been made many times on the Senate floor and it has been the "law of the land" for over two decades.

Caspar Weinberger, the new Secretary of Defense, testified during his confirmation hearings that he favored retention of the Maybank amendment. While the administration has supported the ongoing test, that does not preclude them from standing firmly behind the law until they are shown some strong reason to change that position. I favor the 1-year extension of the test and a subsequent report to Congress.

Mr. President, the Maybank amendment should be made permanent law rather than be the subject of annual appropriation bills. It is clearly within the responsibility of the authorizing committees as it is a matter of general legislative procurement policy.

There are several very good reasons why this amendment should remain in force. First, its repeal would reduce competition by preventing firms in nonlabor surplus areas from bidding on labor surplus area set-asides. The resulting drop in competition would increase defense costs and result in the Nation and the taxpayer receiving less for the defense dollar.

Second, repeal of the Maybank amendment would jeopardize the billions in contract awards made in nonlabor surplus areas in all 50 States. Firms in those areas might be denied the opportunity to bid for contracts they had previously held.

Third, a large portion of DOD contracts are already going to labor surplus areas because that is where the low bidder was located. This amounted to $26 billion in prime contracts in fiscal year 1980 or 38.1 percent of the prime contract dollars awarded.

Mr. President, the Congress has a responsibility to get the most of the defense dollar. One way we have been doing that since the early 1950's is through the Maybank amendment. We should not take a step backward now and add unnecessary costs to defense programs.

Mr. HEINZ. Mr. President, the Defense Department is the only agency in our national Government which is currently allowed to ignore economic distress and idle productivity when it buys the equipment it needs. This situation must and should end.

DOD is responsible for over two-thirds of the Federal Government's purchases, most of which are for nonstrategic items such as furniture, office supplies, and other equipment such as any agency might buy. There is no reason why procurement of material should not follow the normal rules which we apply to other Government purchases.

For this reason, Mr. President, I rise in support of this very constructive and important effort by the Senator from Virginia, as perfected by the Senator from New York, to insure a fair test of the labor set-aside mechanism in Defense procurement. I am convinced that the results of that test will confirm that we must delete the Maybank amendment. For many years I have actively supported attempts to put the Department of Defense under the same purchasing guidelines as the rest of our Federal Cabinet departments. Last December Congress decided to give that principle a test by mandating that up to $3.4 billion of nonstrategic purchases by the Defense Logistics Agency were eligible for set-aside treatment. This test must be extended into fiscal year 1982, as the administration has proposed, so that Congress can then reassess the Maybank question on the basis of better evidence. It will then be very appropriate for the President to give us a report for this subject as required by the perfected amendment.

Mr. President, I appreciate the concern of some of my colleagues that we must have effective competitive bidding for defense supply contracts. This would certainly be the case were we operating without the Maybank provision and under normal Government procurement rules. All other Government agencies reserve contracts to areas of high unemployment only if there is adequate competition to insure a reasonable price, and this would be the case for the Department of Defense as well if the Maybank amendment were deleted.

I need not dwell on the current state of our economy and the increasingly dangerous situation of our productivity levels. We are all aware that we have had several years when there has been a fundamental lack of capital investment in new plant and equipment facilities. Many of us had hoped to begin to rectify this critical situation with a responsible tax cut last fall, a tax cut whose cornerstone would have been strong incentives to modernize and reindustrialize our Nation. While we are working on a new tax cut measure, the economy continues to need help. Continuation of the set-aside test would provide some of that help by directing part of our Government contracting to areas where more companies tend to have older plant and equipment facilities, thus providing more incentives and more capital to modernize those facilities.

Mr. President, we must eventually free defense purchases from the straightjacket of the Maybank amendment, and

require the Defense Department to shoulder its share of the Federal Government's domestic economic responsibilities. As soon as we bring our defense procurement in line with the rest of our Federal procurement, we will be able to provide more jobs for those willing and able to work in the economically depressed areas where Federal spending would do the most good. This, in turn, would reduce the costs of unemployment compensation and other income maintenance programs. And as we all know, the costs of these programs soar during periods of economic downturn: The Congressional Budget Office has estimated that every 1-percent rise in unemployment costs the Federal Government $20 billion.

For all of these reasons, Mr. President I urge the Senate to adopt this amendment.

Mr. PERCY. Mr. President, I support the Warner/Moynihan amendment—an amendment which I am pleased to cosponsor.

Mr. President, in last year's Defense Appropriations Act, the Congress agreed on a provision directing the Defense Logistics Agency to target up to $3.4 billion in contracts for the purchase of goods and services to areas of high unemployment and economic distress. This measure represented a compromise between the House, which would have permitted a far greater amount of defense contracting to be used in the pursuit of our economic recovery goals, and the Senate, which would have forbidden any targeting of defense procurement to relieve economic dislocations.

The intent of the compromise was to initiate a trial program to determine whether it is possible to employ defense contracting to serve both our defense and economic goals. The pilot program was carefully designed to preserve full competitive bidding for the specified contracts and to insure that no price differential in excess of 5 percent would be paid.

Mr. President, I supported giving this test program a try when it was proposed last year, and I remain committed to seeing this experiment through. It is for this reason that I am concerned by section 906 of the Armed Services Committee's bill, the effect of which would be to terminate the test program on September 30 of this year. As my colleagues will recall, last year's Defense Appropriations Act was not enacted until very late in the year. As a result, the pilot program was not begun until well into the current fiscal year. Should the test be terminated in September, it would not have been afforded sufficient time or a fair opportunity to determine whether its program objectives were attained.

I was most gratified, therefore, to learn that President Reagan believes that an extension of the pilot program in fiscal year 1982 would be warranted and that he supports legislative efforts to authorize a continuation of the test. Following a meeting with a number of Republican Congressmen, OMB Director David Stockman wrote Congressman PURSELL of Michigan advising that the administration supports extending the program. A second letter communicating the administration's support was sent on May 12 to Senator TOWER from Deputy Secretary of Defense Carlucci.

Mr. President, I applaud the President's forthright action on this matter and urge approval of the Warner-Moynihan amendment. We are all committed to insuring that the defense procurement process is conducted in the most efficient and effective fashion possible. We must satisfy our constituents that we get a dollar's worth of defense for every defense dollar spent. But at the same time, we must recognize that our national security depends on more than just weapons and soldiers. It depends equally on a strong national economy, an economy in which our citizens are fully employed and the resources of all sections and regions of the Nation are tapped to maximize our productive capability.

This pilot program represents a unique opportunity to learn whether we can employ aspects of the overall defense procurement process to serve both our defense and economic goals. It should be afforded a fair chance to produce such results.

● Mr. SASSER. Mr. President, I am today giving my strongest support to Senate amendment No. 42, introduced by my good friend, Senator CRANSTON. Adoption of the amendment will help correct the injustice of exposing servicemen to environmental and toxic hazards, and then refusing any subsequent hospital and nursing home care.

Specifically, the amendment I am cosponsoring will extend eligibility for VA hospital and nursing home care to veterals concerned about their in-service exposure to potentially toxic and hazardous materials. Under this measure, appropriate levels of pre- and post-hospital outpatient care will be available for conditions that can be credibly linked to exposure.

Veterans in the service of our Nation have been exposed to a variety of substances. During the Vietnam conflict, there was agent orange, the defoliant used over a wide area in Southeast Asia. Others were exposed to nuclear radiation and substances such as sulpha, hallucinogens, benzine, and other biologic agents.

The medical evidence on the long-term health effects of exposure to hazardous materials is growing daily. Studies on radiation have shown a credible link between exposure and health problems. The Veterans' Administration is now in the midst of several studies to determine the effects and implications of exposure to agent orange, as authorized by Public Law 96-151. And our experiences with the Love Canals and the Three Mile Island have served to make us wary of exposure to toxic materials.

It is wholly inappropriate, Mr. President, to deny appropriate access to VA medical facilities for cases in which there is a credible possibility that the illness or medical condition may have been caused by exposure to agent orange, radiation, or toxic chemicals. The Federal Government must recognize it has a responsibility to veterans exposed to hazardous materials—even as the studies being conducted to determine the exact nature of the material/illness relationship continue.

This amendment, then, would provide hospital and nursing home care eligibility for veterans with those disabilities which the Administrator determines may be linked to a hazardous substance. Instead of requiring a finding of service-connected disability, or the signing of an oath or inability to defray the costs of care, we will provide access to the VA health-care system at a level less than that for service-connected disabilities, but more than that available to non-service-connected veterans. The amendment seeks the middle ground: It will permit veterans concerned about toxic and hazardous material exposure to get the health care they need and deserve.

Mr. President, America sent brave men and women to Southeast Asia. We asked servicemen to participate in the atmospheric nuclear weapons tests. And our Nation conducted defense-related experiments on human subjects. These veterans are now suffering from a variety of disabilities. It is only right that we provide some level of medical assistance to these veterans, who sacrificed so much for so little.

I urge the Senate's favorable consideration of the amendment during floor consideration S. 921.●

Mr. WARNER. Mr. President, it is my understanding of the parliamentary situation that we first have a voice vote on the pending amendment to my amendment, a perfecting amendment offered by the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Mr. President, we have yielded back all time and are prepared to have that vote.

The PRESIDING OFFICER. The question is on agreeing to the perfecting amendment of the Senator from New York.

So the amendment (UP No. 108) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia, as amended.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER (Mr. SYMMS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 87, nays 9, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—87

Abdnor	Exon	Moynihan
Andrews	Ford	Murkowski
Baker	Garn	Nunn
Baucus	Glenn	Packwood
Bentsen	Goldwater	Pell
Biden	Gorton	Percy
Boren	Grassley	Proxmire
Boschwitz	Hart	Pryor
Bradley	Hatch	Randolph
Bumpers	Hatfield	Riegle
Burdick	Hayakawa	Roth
Byrd, Harry F., Jr.	Heflin	Rudman
	Heinz	Sarbanes
Byrd, Robert C.	Huddleston	Sasser
Chafee	Inouye	Schmitt
Chiles	Jackson	Simpson
Cochran	Johnston	Specter
Cohen	Kassebaum	Stafford
Cranston	Kasten	Stennis
D'Amato	Laxalt	Stevens
Danforth	Leahy	Symms
DeConcini	Levin	Thurmond
Denton	Long	Tower
Dixon	Lugar	Tsongas
Dodd	Matsunaga	Warner
Dole	Mattingly	Weicker
Domenici	McClure	Williams
Durenberger	Melcher	Zorinsky
Eagleton	Metzenbaum	
East	Mitchell	

NAYS—9

Armstrong	Hollings	Nickles
Hawkins	Humphrey	Pressler
Helms	Jepsen	Quayle

NOT VOTING—4

Cannon	Mathias	Wallop
Kennedy		

So Mr. WARNER's amendment (UP No. 107), as amended, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

[Later the following occurred:]

Mr. ABDNOR. Mr. President, I ask unanimous consent to change my vote on the Warner amendment. I voted against it because of my opposition to the test currently underway. I am concerned that my vote will be misinterpreted as my being a proponent of favoring industries in high labor surplus areas. I am not, and let me state my reasons why.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, would the changing of the vote change the outcome?

Mr. ABDNOR. Not at all.

Mr. BAKER. Mr. President, I wonder if the Senator would consider withholding his statement for the moment. I will not object to his request, but I wonder if he would give me the opportunity to discuss with him the method by which the request is presented to the Senate.

Mr. ABDNOR. Mr. President, I would be happy to withhold my statement.

I withdraw my motion. I will try again in a few minutes.

The PRESIDING OFFICER. Without objection, the request of the Senator from South Dakota is withdrawn.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the distinguished Senator from South Dakota (Mr. ABDNOR) was on the floor but it was necessary for him to leave to return to a markup session in the Appropriations Committee.

On his behalf, I ask unanimous consent that his vote on the Warner-Moynihan amendment to the defense authorization bill, rollcall vote No. 118, in which the amendment was agreed to by a vote of 86 to 10, be changed from nay to yea. Obviously, from the vote I have just stated, that change of vote would not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

[The foregoing tally has been changed to reflect the above order.]

Mr. ABDNOR. Mr. President, I voted against the Warner amendment because of my opposition to the test currently underway. I am concerned that my vote will be misinterpreted as my being a proponent of favoring industries in high labor surplus areas. I am not, and let me state my reasons why:

First, the entire State of South Dakota has only three designated "labor surplus" areas, all of those on Indian reservations. Unemployment in my State is at a level very near its all-time high. Our current unemployment rate is almost twice its historical average. South Dakota is noted for its hard-working, quality work force. Just ask any of our industry's management personnel. Our workers have ambition and drive that cannot be topped, and they want to work, and deserve the chance to work. We have a firm that specializes in sewing clothing, outerwear, and other fabric products. In the past, it has been manufacturing jackets and parachutes for the Defense Personnel Support Center in Philadelphia.

Since March of this year this firm has not been able to compete successfully for contracts because of the provision favoring high labor surplus areas. One-third to one-half of the some 300 employees face layoffs now, because they are excluded from bid awards:

Let me quote from a letter received from this firm:

If, or as long as this 5 percent price preference for bidders in labor surplus areas continues, our company may be wasting its time to bid. It is unlikely that we will get any more contracts.

Alternatives facing the company due to no contract awards will result in 100 to 200 fewer employees in our operations in eastern South Dakota, and a reduction in badly needed volume for our company in the winter and spring quarters. Our commercial or non-Government business is primarily in the summer and fall quarters, in common with most clothing manufacturers.

Second, the Defense Department deserves their exemption from the efforts to provide jobs in high labor surplus areas. Why should the military pay 5 percent more for its necessary procurements when it is not necessary? We need to promote wise expenditures in a critical area such as defense.

My third point is that I am a strong proponent of free enterprise and the workings of the free market. Earmarking contracts to specially favored cities is clearly tampering with the mechanisms of the free market. The market works more efficiently, that it provides products at the lowest possible cost, when distortions like this are not allowed.

Additional arguments can also be cited. Favoring high labor surplus areas works counterproductive to our budget cut efforts. And our taxpayers are having to pay more for Government purchases than would otherwise be the case.

Again, let me stress my disapproval in giving special favor to high labor surplus areas. It does a disservice to the good labor force of my State, a disservice to our Defense Department and a disservice to our belief in the free market system.

Mr. TOWER. Mr. President, so far as I can determine——

The PRESIDING OFFICER. Will the Senator from Texas please suspend? May we have order in the Chamber so the Senator from Texas may be heard?

The Senator from Texas.

Mr. TOWER. Mr. President, so far as I can determine, there are only two more amendments to be offered, one by the Senator from New Mexico (Mr. SCHMITT) expressing the sense of the Senate on the MX, which the committee will vigorously oppose, and another amendment by the distinguished Senator from New Mexico (Mr. DOMENICI) on the SOFAS system, which it is the committee's view we should accept. Those are the only two amendments that I know of.

I am given to understand that there will probably be a recorded vote on the Schmitt amendment. We do not expect a recorded vote on the Domenici amendment. There will then be a vote on final passage. So I wanted to advise the Senate.

Mr. President, I believe the Senator from New Mexico is on the floor and ready to proceed. I might advise the Senate that there is no controlled time on this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. SCHMITT. Mr. President, I inform the Senator from Texas, in addition to congratulating him on his outstanding efforts on this bill, that the amendment the Senator from Delaware, Mr. ROTH, and I have been discussing with him and other Members of the Senate, as well as the administration, represents a discussion of what I think is one of the most critical defense issues, if not the most critical defense issue facing the Nation.

However, I think the discussion that we have had with our colleagues, particularly those on the Appropriations Subcommittees of jurisdiction, as well as with the administration and others concerned with this issue, have convinced the Senator from Delaware and myself that we will be able to proceed with the level of discussion within the Senate, within the Congress, and within the administration that we seek without putting the Senate on record at this time.

Mr. President, the basing mode of the

MX missile has been the longest running controversy about strategic defense policy since I have come to the Senate. It is an issue that has focused the attention of the Pentagon, the administration, the Congress, the people of Utah, Nevada, New Mexico, Texas and many other Western States as well as the people throughout the country.

It has probably excited more attention than the larger issue of overall national security.

It is truly an issue in which the trees have not always been distinguished from the forests.

Mr. President, because of a time constraint, I yield to the Senator from Utah for some comments at this point, and then I will continue with my opening statement.

Mr. GARN. I thank the distinguished Senator from New Mexico.

I would just like to state that I have been involved in this MX issue rather directly for a considerable number of years, from the very beginning with the announcement by the Carter administration saying that the primary area being Utah and Nevada for the deployment of the MX. At that time I put out a press release saying I did not think it was the best basing mode, that I preferred other alternatives.

That is still my feeling, that it would not be the most effective mode, wherever it is based, whether it be in California, Utah, Texas, or in Montana. I think there are better alternatives.

I share the concerns of my colleagues from New Mexico and Delaware. I assure them that both Senator LAXALT and I as members of the Military Construction Subcommittee, who have direct responsibility for funding construction, are very concerned about it, and, further, that the Reagan administration has kept a commitment given to me in June of 1980 at the Utah Republican State Convention where the President at that time first announced that he would not make a decision without a thorough review of alternative basing modes.

He has kept that commitment and so has Secretary Weinberger, in the form of the Townes Commission.

In addition to that review that is still going on, there is still an ongoing review in the Defense Appropriations Subcommittee as well as Milcon. Those hearings will be held next year.

I would like to assure our colleagues that we will explore additional alternative basing modes. We will continue to be willing to express our displeasure of the Carter administration's selection of the MPS as not the most military or cost-effective system.

I thank my colleagues for their interest in this matter.

Mr. SCHMITT. The comments of the Senator from Utah are appreciated. I would say that Senator LAXALT of Nevada has also authorized me to say here today that he concurs in those remarks, at least insofar as the commitment to hold hearings, already scheduling hearings next week, on, principally, the alternatives to the MPS, or multiple protective shelter basing mode.

Again, I appreciate the comments of the Senator from Utah.

I now yield to the distinguished Senator from Arizona for his comments.

Mr. GOLDWATER. I thank my friend from New Mexico.

Mr. President, I am very interested in this because the first test work on the so-called underground missile was conducted in my State of Arizona. In fact, the first location of the MX missile was to be in my State of Arizona. But they came around with a decision that they needed enough water to support a community of 50,000. We do not have enough water to support a community of one.

I just want to call the attention of my friend from New Mexico to one fact, because I believe we westerners might be misunderstood on this. People might think we do not want these missiles in our State for reasons of security.

That is not so. I think this has a far greater economic argument than a missile or strategic offering. I think having to pay from $50 billion to maybe $100 billion—we do not know how much—for the making of these holes, the laying of track, the laying of roads, provision for a community of about the size I mentioned, is going to be of economic interest to people all over the country. If we are going to spend that kind of money, I would much rather spend it on conventional weapons that we do not have to try to hide from the Soviets. I might say that anybody who thinks they can hide a missile anyplace in this country from the Soviets is thinking in the wrong way.

I want to buy the new missiles, but I do not want to see us waste this money in spreading them all over the deserts of the Far West. I am sure I would object to it if they were to spread them over the Eastern Shore of Maryland or the flatlands of Delaware or the flatlands of Pennsylvania, New York, or anyplace. It is just too much money.

I did not want our colleagues to think that we are objecting to this solely on the ground that they are going to dig the holes out in our part of the country.

Mr. SCHMITT. The Senator is entirely correct. I do not know of any western Senator who has discussed this with me, and, believe me, in the last 2 days, many have, who has any reservations about defense installations in their States. The issue really is, is this the most cost effective way to use a much needed advance weapon system such as the MX missile? That is the issue we are discussing.

I yield to the Senator from Delaware for a comment though I know he has a longer opening statement.

Mr. ROTH. I would like to comment on the statement by the distinguished Senator from Arizona.

I can say as one who comes from the East that I am not concerned about the location because it does not affect Delaware. At least, I am not concerned in the parochial sense of the word.

I agree very strongly with him that the question is, how do we buy the best defense with the money available? It makes no sense to me, just as one Senator, to spend $40 billion or $50 billion for holes in the ground and cement when I think those funds can be far better utilized to leapfrog the Russians and try to develop better weapons.

I have the same concern as the Senator from Arizona, even though it does not immediately affect my State, though I admit that even as an easterner I am concerned with the problem of tearing up miles of land in the West. My principal concern is that we have a limited number of dollars for defense preventive purposes, and we must be sure we use them in the best means in providing the defense America needs in the 1980's and the 1990's.

Mr. GOLDWATER. I thank my friend and I thank my friend from New Mexico.

Mr. SCHMITT. I believe this colloquy has illustrated that it is imperative that the administration and Congress work together to formulate a commonsense, workable, coherent, and affordable policy for our strategic national defense. That policy must reverse the trend of the past 15 years, a trend based on the doctrine of mutual assured destruction, the so-called MAD policy, the policy where the Soviet Union and the United States literally hold each other's populations hostage, or at least we assume that is the strategic policy of the Soviet Union as well as our own.

Besides being an illogical and, in some people's minds, an immoral policy, it is clearly one which the Soviets just do not buy, by all evidence. The Soviet Union has been rapidly developing a first strike capability, has been progressing with antiballistic missile development, possibly in violation of the provisions of the ABM treaty, and has expended large resources on civil defense.

Mr. President, I submit that this clearly shows the Soviets believe that nuclear war is not only possible but that it is survivable, and we must take that into account in our long term as well as our short-term strategic plan.

Mr. President, it is time that the United States adopt a policy which will defend the population of the United States as well as the U.S. military, industrial, and economic assets. As the principal champion of the free world, we have no other choice. I repeat, as the principal champion of the free world, we have no other choice. The MX basing debate has taken the focus away from this far greater overriding issue. Instead, the basing debate actually assumes an indefinite continuation of the mutual assured destruction or massive retaliation strategy.

The amendment which the Senator from Delaware and I have discussed with our colleagues and with the administration was to be in the form of a nonbinding sense of the Senate resolution urging the President to terminate the MPS basing mode and to accelerate the development and deployment of the MX missile in Minuteman or Titan silos. It would also urge that the new strategic policy of the United States be based on defense of critical U.S. assets, that this be established, and a strategic plan put together which would provide for na-

tional security through the 1980's and 1990's.

The Secretary of Defense, Mr. President, has established an extraordinarily prestigious panel under my good friend, Dr. Charles Townes, to study the MX-multiple protective shelter issue and its alternatives. That panel will submit its findings to the Secretary, who will make a final recommendation to the President on the basing mode for the MX missile. We feel that it is also important that the President, before making his decision, have the benefit, the very clear benefit, of congressional feelings.

While Members of the Congress may not have all of the technical expertise of some of the panel members, and there is considerable expertise in the Congress as well as on the panel, we in Congress have begun the process, accelerated in recent days, of studying this basic plan, as well as the numerous other plans suggested in the past 5 years. That process will continue under the able leadership of the distinguished Senator from Texas and the Senators from Utah and Nevada on the Appropriations Committee.

Mr. President, it is my feeling that Congress must be a major and continuing partner in the debate on the MX basing mode and our overall strategic policy of the future. We have a unique and a constitutional responsibility that we exercise on behalf of our constituents and, in a larger sphere, on behalf of mankind.

In addition, it is Congress which must provide the funds to the defense budget and the basing mode within that budget which is finally decided upon. It is our duty to inform the President, before he commits himself to this or any other basing mode, of our concern and reservations and those of our constituents. If the Congress and/or the American people oppose a particular basing mode in a significant way, even the best plan may be found to be useless.

The proposals that the Senator from Delaware and I have presented this week provide a service, I hope, to the President of the United States and to the Congress by letting them know of our concern and our opposition to this multiple protective shelter basing mode and the rationale, the very clear rationale, for that opposition.

Let me stress, Mr. President, the basic provisions of the proposal that we have made this week and will continue to discuss with our colleagues. We would propose, first of all, that the production of the MX missile be continued and, in fact, if possible, accelerated. It is very important for this country to have a new generation of strategic missiles so that we can close as rapidly as possible the vulnerability window that we are exposed to at present as a result of the massive Soviet buildup in recent decades.

In addition to that, we propose the following:

First, accelerate the deployment of the MX missiles and to place them at least initially into Titan and/or Minuteman silos;

Second, terminate funding for the multiple protective shelter (MPS) basing mode;

Third, upgrade our Minuteman ICBM force and improve its survivability against a Soviet first strike;

Fourth, upgrade the navigational accuracy of our ballistic missile submarine force to improve the ontarget effectiveness of our sea-launched ballistic missiles (SLBM's);

Fifth, acceleration of the Trident II SLBM which will have a hard-target-kill counterforce capability;

Sixth, improvement in our communications systems for ballistic missile submarines.

Seventh, acceleration of production of sea-, land-, and air-based cruise missiles—again, as part of the interim step to reduce our window of vulnerability.

Eighth, improvement in our early warning systems in a broad and comprehensive way.

Ninth, acceleration of antiballistic missile (ABM) research and development within the terms of existing ABM treaties; or those which might be negotiated in the future; and

Tenth, acceleration of research on air- and space-borne antibooster technology, utilizing our technological lead in this field.

I draw my colleagues' attention to the discussions yesterday, Mr. President, about an amendment brought to the floor and accepted by the distinguished Senator from Wyoming (Mr. WALLOP).

All these items, Mr. President, taken together, would put the United States in a position of national security within the same timeframe which the MX–MPS is claimed to provide security. What is important is that MX in any basing mode is useless if command, control, and communications (C^3), early warning systems, and upgrades of existing systems are not pursued. MX in any basing mode will not provide security in the long term if research and development in new technologies such as space and air-borne lasers, advanced cruise missiles, and other truly revolutionary technologies are not pursued.

I should also mention that within the particular bill that is before the Senate today, there is emphasis on many of the proposals—the fact is, all of the proposals—that the Schmitt-Roth proposal includes. Many of these programs must be done. It is obvious that the Committee on Armed Services agrees with this. It is reassuring that the committee recognizes and addresses these problems in significant ways. What is not reassuring, Mr. President, is the very real prospect that these vital programs, these programs that relate to a long-term change in our total strategic defense posture and policy, will not be funded in the out years if we continue with the very large investment in the Multiple Protective Shelter basing mode proposed for the MX.

In this bill, Mr. President, we attempt to continue to fund the MX missile and the MPS basing mode, a new strategic bomber, improvement in communications, command, and control, operations and maintenance accounts, new ships, reactivation of battleships, and new technologies. Unfortunately, many of these prgrams will balloon in cost—we all know that—at exactly the same time and at a time when the President has promised a balanced budget. The fact is that we cannot do everything, and we must do what is necessary for our strategic defense, with a proper margin of insurance. But we still shall have to make choices. This Senator would like the Senate to have some foresight and begin making those choices now, before we start spending for programs which either will not be completed or stretched out so long that their cost will double and their utility will be lost. We must deal with the defense budget, as well as the entire budget, in a realistic way.

Finally, Mr. President, if we are to survive as a nation and as a free people, we must look to the future. The world is a dynamic place and military strategy and military weapons are not exceptions to this fact. We must stop looking to yesterday's ideas and yesterday's weapons to meet the very real challenges of today and tomorrow. We cannot afford to fight tomorrow's wars with the weapons and policies of yesterday. We need to look to new strategies, especially ones which will reduce or eliminate the usefulness of weapons of mass destruction. We have the technology to do that. We must use the technological lead which this Nation possesses. However, I fear that this will not and cannot be done if we spend $40 billion over the next 9 years to build 4,600 shelters in the West and play a shell game with the MX missile.

The proposal that the Senator from Delaware and I have offered is one that will encourage the President to study options, particularly the one that we have proposed, one that is strategically sound, economically feasible, and draws on our greatest strength—technology. It is our privilege and, in fact, our duty to present these ideas to the President before he makes his decision on the basing of the MX. It is our obligation to advise him of where we, the Senate, and the American people stand on the issue of the basing mode for the MX and the overall issues that relate to this in our strategic policy for the future.

If the distinguished Senator from Texas will allow me, the Senator from Delaware would like to discuss this matter.

Mr. TOWER. May I intervene?

I am aware that the Senator from New Mexico has been an ardent advocate of trying to close the gap in the window of vulnerability that is going to face us and to come up with some ideas we have found acceptable and well thought out and a great contribution.

I note on the second page all the things the Senator suggests we do. We have not been idle in the Armed Services Committee. If the Senator will look at our report, he will see that we have expressed our concern and want to come on with these systems as quickly as possible.

As a matter of fact, one statement the Senator from New Mexico makes may be a little too mild. I believe he talks about short-term vulnerability. I am afraid it is a much longer term than any of us care to have. I believe that any window

of vulnerability, however long, is too much, and I am afraid we face it through the decade of the 1980's. Even with long term, a lot of quick fix and accelerating programs, we still will have to do everything possible to finally get past that period of vulnerability.

There is one thing that strikes me here, even if one accepts the assumptions made by the Senator from New Mexico in other matters, and that is that the multiple shelter protective basing mode is based on the policy of mutually assured destruction. I have to take issue with the Senator on that because, actually, the whole system was premised on the fact that we cannot rely any longer on mutually assured destruction.

It was our committee that finally got the admission that mutually assured destruction was a discredited doctrine; and our support of the MX system, to the extent it has been supported in MPS, was to give us an urgent hard target kill capability, to relieve the President of having to make that option.

I wanted to make sure the Senator understood what the motivation was. The Senator from New Mexico might argue the point that MPS does not take us away from that, but in terms of the motivation for MPS and the MX missile, the whole motivation was to relieve us of the doctrine of mutually assured destruction and give us the urgent hard target kill capability that would provide us with options.

Mr. SCHMITT. I thank the Senator. As I said in my opening statement, I acknowledge and appreciate and commend the distinguished Senator as well as the committee, previously under the leadership of the distinguished Senator from Mississippi (Mr. STENNIS), for their long advocacy of funding in all the areas we talk about in the proposal we have surfaced this week.

Our only problem is, How do you do all this? Where do you find money? I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the pending proposal which expresses the sense of the Senate as being opposed to the multiple protective shelter (MPS) basing mode for the MX missile.

Mr. President, this is an untimely amendment. It proposes that the MX basing mode recommended by the past two administrations, and approved in the 96th Congress, be abandoned.

Last year, on the recommendation of the Carter administration, the Congress approved full scale development of the MX missile and the MPS basing mode. This approach had been previously favored by the Ford administration.

The election of President Ronald Reagan has reopened the basing issue. The new President and his advisors have quite properly advised Congress that they wish to study basing alternatives prior to a final commitment on what is likely to be a $50 billion program. This review is to be completed prior to July 1, 1981.

Thus, any action by the Senate today to discard what we have already agreed upon would undercut the administration's study and bring about further delays in moving forward with a viable plan to modernize the land based leg of our strategic forces.

Mr. President, we should maintain the status quo until the President makes his recommendation, and it is studied and reviewed by the Congress, and either approved or disapproved. Only at that time would it be proper to consider alternatives, not now before the study is even completed.

While, I have great respect for the authors of the amendment, I question the advisability of terminating a program that the civilian and military leaders of our Nation have recommended and turning to an alternate plan which may or may not work.

The plan of this amendment is to put the MX in the current Minuteman silos. It presumes the missiles could be defended by a ballistic missile defense system which we do not have and are not certain we can develop.

Currently the Defense Department is trying to develop a ballistic missile defense system which would protect one missile hidden among 23 silos. That would be much easier to accomplish than defending a single silo as would be the case if MX is placed in the Minuteman silos.

Experts in the Defense Department have testified it would be the mid-1990's at the earliest before we could provide such a defensive system, and its deployment and effectiveness by that time is far from certain.

Mr. President, this amendment also proposes other steps which amount to a major realinement of our Triad concept. It also amounts to dictation of our strategic strategy without any recommendation from the President.

Mr. SCHMITT. I yield to the Senator from Delaware.

Mr. ROTH. Mr. President, I thank my distinguished colleague and friend, Senator SCHMITT.

The two of us had proposed to offer today an amendment that, if adopted, would clearly indicate to the President that the U.S. Senate has grave doubts about the wisdom of going forward with costly, ultimately ineffective and environmentally disruptive multiple shelter basing for the MX missile.

I point out to the Senate that our proposed amendment was not binding on the President. It was a sense-of-the-Senate resolution, and we felt that it was important that we give a signal to the executive branch as to where we stood. Our amendment proposed to terminate funding for and cease development of the multiple protective shelter basing mode. Instead, we were recommending what we believe to be a sound mix of strategic weapons that will meet U.S. defense and foreign policy needs in the 1980's and the 1990's at the same or even significantly less cost.

Mr. President, I, like many other Members of the Senate, have long been concerned that this country's defenses have been eroding. I, therefore, strongly support the administration's efforts to rebuild our military capability to meet the very real and very serious threats to our security in the coming decades.

The Soviets have been outspending us in virtually every defense category, including strategic weapons. While we unilaterally refrained from developing many weapons systems, the Soviets have gone ahead and deployed several new generations of highly accurate and powerful strategic weapons.

The facts are not in dispute. The question before us is how to catch up—how to close the window of strategic vulnerability we will face in the next few years.

Clearly, closing that window is going to require larger defense budgets. But just throwing money at a problem—even a defense problem—does not guarantee solving it. The money must be spent wisely.

Let us be sure that we are in fact buying greater security.

And let us be sure that we are not undermining either the new consensus in this country for a vigorous defense, or the economic underpinnings for a sustained defense effort.

There is no question that we need to strengthen the strategic Triad with a new land-based MX missile to replace some of the outdated Minuteman and Titan missiles. But let us not squander the taxpayers' dollars on a jerry-rigged, Rube Goldberg basing system that will cost billions without significantly adding to our security.

This year, the MPS will cost $1.2 billion. Next year it will cost $3.7 billion, and in 1984, it will cost $5.7 billion. Through completion in the early 1990's—which is the earliest we can expect it to becoming operational, even without legal challenges—the cost of MPS alone will have approached $40 billion. Furthermore, a project this huge and this controversial cannot be expected to be completed on time. Legal challenges will tie it up in the courts for years. There will inevitably be unanticipated construction problems. In the end the cost may be well above $100 billion.

Yet, whenever it becomes operational—in the 1990's or whenever—the MPS will be vulnerable to a Soviet first strike using today's technology. All the Soviets have to do between now and then is to build enough warheads to blanket the 4,600 shelters in the proposed MPS scheme. There is no technical barrier to the Soviets producing as many warheads as they believe necessary. And the Soviets have proven that they are willing to spend whatever they think is necessary.

The MPS would be one "quick fix" that would be no fix at all.

To meet tomorrow's threats with tomorrow's technology, the United States should instead move forward on a variety of programs where we already enjoy a technological lead. Only by putting in place a credible American deterrent will the Soviets be persuade to agree to genuine mutual and balanced arms reductions.

Our proposal recommends that the MX missile development be accelerated, and that 200 MX missiles be placed in existing Minuteman and Titan silos. To assure their survivability, research and de-

velopment of an effective ABM should be accelerated simultaneously.

We believe that the development and deployment of ABM to protect these 200 missiles could be accomplished within the constraint of the ABM treaty.

Our amendment also enumerates several other ways in which we can reduce our short-term vulnerability to the threat of a Soviet preemptive strike, including upgrading early warning and communications systems. By accelerating the Trident II program, we will for the first time have a hard-target capability at sea. Essentially we would be moving a significant portion of our ultimate strategic force offshore, far from American real estate and far from our population.

Taken together, these suggestions represent a coherent approach to developing a strategy and weapons that will provide more defense at potentially less cost.

In sum, our proposal will assure the survivability of sufficient retaliatory capability to deter a Soviet first strike, keep to a minimum U.S. territory that would be exposed to a potential Soviet strike, improve our seabased strategic forces, take advantage of American technological superiority, avoid large-scale environmental damage, allocate scarce budget resources to those programs that hold the most promise for getting the job done, and last, redirect U.S. strategic thinking away from reliance on mutually assured destruction of each other's population toward an assured ability to defend ourselves.

Mr. President, in closing we think it is of critical importance that this alternative and perhaps other alternatives be considered in the days ahead, that the same be done by the administration so that we develop a defense that is adequate for its purpose and does not misuse the limited funds we have even for defense.

Mr. SCHMITT. Mr. President, will the Senator yield for a question, as well as a comment?

Mr. ROTH. I am happy to yield to the distinguished Senator.

Mr. SCHMITT. I think one of the most important facets that the Senator from Delaware brings to bear on this issue is the question of affordability and how do we not only optimize our strategic defense forces, as well as try to develop a much more humane long-term policy than we have been living under for decades, but how do we do it within the context of preserving our national security in terms of our national economy. As the Senator well knows, if we go through all of this exercise and at the same time have a deteriorating economy as a result of excessive Federal spending and inflation that comes therefrom, with interest rates that are unaffordable now for almost every American for whatever purpose they may wish to borrow money, and they are unaffordable for the Federal Government for the purposes it wishes to borrow money, if all of these things are not resolved, then it will not make a great deal of difference in terms of the perpetuation of our great society whether we have an adequate strategic missile defense or not.

So the proposal, as I see it, that the Senator has assisted so well in putting together includes not only what is an optimized approach to strategic defense policy but what is also an optimized approach to national economic policy as it relates to the even broader problem that we face in bringing our economy under control and repairing the damage that has been done in recent years.

Mr. ROTH. I say to the distinguished Senator from New Mexico that he is absolutely correct that probably the most important thing that we can do for both the security and well-being of this country is to develop a strong economy, and I think we are fortunate in seeing today an administration that has offered a comprehensive national economy recovery act.

It is entirely necessary, as I indicated in my statement, that this country spend more of its GNP to meet the challenge from the Soviet Union.

The fact is that the past several years the Soviet Union has overtaken us. They are spending an increasingly large percentage of their economy for defense purposes, and they have or are overtaking us in both strategic and conventional weapons.

So we must meet that challenge. But unfortunately the day when we could spend as much as necessary without concern about the economy is behind us. In these days when we are building restraints throughout the Federal budget, it is critically important that every dollar we spend, whether it is for defense or domestic, be spent for maximum impact and effect.

One of my concerns about the MX–MPS is that we are spending anywhere from $40 billion to $100 billion not to leapfrog the Soviet Union in weapons, but for long miles of cement and for holes. I am concerned that even if we are successful in completing this by the early 1990's at a tremendous cost, and the cost is likely to go up from current estimates because there is no question but what this proposal is going to be litigated which means enhanced cost in the future, that we will be spending substantially more than the $40 billion so that it only makes good sense to me that we take what dollars we do have and use them for developing better weapons and for using the technology of tomorrow.

We do not want to end up in the early 1990's where the Soviet Union is able to offset what we have done because they already have a technology. We want to find ourselves in a position where we have actually strengthened our defense within our budgetary means.

So I think it makes good sense, and that is what the proposal by Senator SCHMITT and myself proposes, that we use this money, this $40 billion, or whatever it ultimately is, to develop weapons which I agree with the distinguished Senator from Texas most of it accounts for weapons in the various defense and reconnaissance systems that we are discussing that are already in the budget, but we are recommending accelerating them and doing it in a comprehensive way so that we will develop a defense system that leapfrogs the Russians, promotes our defense and at the same time is consistent with this administration's key proposal of developing a sound growth economy.

Mr. SCHMITT. I thank the Senator from Delaware.

Mr. President, I say to the distinguished Senator from Texas and the committee that have done so well in putting this bill before the Senate that as is obvious we will not offer this as an amendment to the bill. It does not mean that we think any less of the proposal. It is just that in the discussions over the last 3 days with many of our colleagues, the Senator from Texas, Senator LAXALT, and Senator GARN on the Defense Appropriations Subcommittee and the Military Construction Subcommittee of Appropriations respectively, they have all indicated that our concern about MPS is fairly broadly shared. In fact, the next week hearings will begin, chaired jointly by Senator GARN and Senator LAXALT, that will look in great depth at alternatives to the multiple protective shelter basing mode for the MX.

In addition, the administration has assured us that these proposals will have increased visibility within their consideration and with those kinds of assurances, with obviously other options ahead of us in terms of discussing these matters through the appropriations process and through examination of the administration's proposals when they are finally finalized for Congress, we will not persist in this amendment today, or ask for a record vote.

But I think it has become clear that many Senators, such as those who are on the floor today, such as those who have traditionally been very strong for our strategic defense forces and for the upgrading of those forces, do have fundamentally sound and basic concerns about the level of expenditures and the adequacy of the security that is provided by a multiprotective shelter basing system.

As I have said before, it is a concept that does not seem to wash strategically, does not seem to wash economically and we must recognize that and the administration must realize that as they go into the very difficult decisions that face them on exactly what basing mode will provide for the short term as well as long-term national security needs.

Mr. President, I have no additional coments I see the distinguished senior colleague from New Mexico is on the floor and I am happy to yield to him.

Mr. DOMENICI. Mr. President, I rise to compliment the Senator on the statements he has made here this afternoon, the thrust of his proposal.

It is obvious that there is great concern not about the development of the MX missile, which frequently gets confused, but the presently contemplated deployment mode in terms of our strategic defense or the defense of our strategic weapons.

I believe the Senator has performed an excellent service here today, and before this decision is finally made the kinds of concerns expressed here by you and others, and literally the kind expressed in the Senator's proposal, will

go a long way toward resolving the difficult situation the Senator has described here.

Hopefully it will be resolved in America's best interest without our having to deploy the MX in the manner presently contemplated.

So I do want to commend the Senator, and I rise for that purpose. I think the Senator has performed a very good service for the commission that will be studying this, for the President of the United States and, as the Senator has so aptly indicated, after all it is Congress who has to pay for this and appropriate the money. The Senator has performed an invaluable service to us, and I commend him for it.

Mr. SCHMITT. I thank the Senator for those remarks. I also compliment him on the amendment that will be considered next to this bill. It is a very, very important and critical part of the overall proposal that the Senator from Delaware and I have put forward, and others have put forward, that having to do with the anti-ballistic-missile defense which is one of the ways in which a silo-based MX system becomes viable as well as, if necessary, a prepositioned MPS system.

An antiballistic missile system is clearly a transitional phase from the time when we phase out weapons of mass destruction to a time when we make those weapons obsolete.

The senior Senator from New Mexico is also a leader in this field, and I look forward to supporting his amendment, and I hope he will have me as a cosponsor at the appropriate time.

Mr. President, again I want to thank the Senator from Texas for his very courteous treatment of this measure, our discussions, and for his strong interest in the kind of alternative proposals that we have but forward, as is witnessed in the bill, the provisions of the bill, before the Senate at this time.

Mr. TOWER. I thank the Senator from New Mexico.

Mr. President, I believe we are ready to proceed to the consideration of the amendment to be offered by the senior Senator from New Mexico, and after that there is a committee amendment on offsets. Then I believe we will be prepared to go to final passage, so Members of the Senate should be advised that we will achieve final passage in a short period of time. I intend to ask for a rollcall vote on final passage.

UP AMENDMENT NO. 109

(Purpose: To provide funds for research and development on a Survivable Optical Forward Acquisition System (SOFAS))

Mr. DOMENICI. Mr. President, I send an unprinted amendment to the desk in behalf of myself and 15 Senators and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. COHEN). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) for himself, Mr. LAXALT, Mr. HEFLIN, Mr. GARN, Mr. HATCH, Mr. KASTEN, Mr. ABDNOR, Mr. DENTON, Mr. HOLLINGS, Mr. GLENN, Mr. SYMMS, Mr. NICKLES, Mr. WALLOP, Mr. DECONCINI, Mr. DURENBERGER, Mr. JOHNSTON, and Mr. SCHMITT), proposes an unprinted amendment numbered 109.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, line 8, strike out "$3,893,100,000" and insert in lieu thereof "$3,924,300,000".

On page 22, between lines 13 and 14, insert the following:

(b) Of the funds authorized for the Army by subsection (a), not less than $31,200,000 shall be available only for the purpose of carrying out a program of research, development, testing, and evaluation on a Survivable Optical Forward Acquisition System (SOFAS). The Secretary of the Army shall organize and carry out such program in a manner that will afford, to the greatest extent practicable, the option of deploying an operational system by the end of 1985. The Secretary shall carry out such program in such manner as will ensure that maximum mutual advantage, in both technology and cost, will be realized between the program for the Survivable Optical Forward Acquisition System (SOFAS) and the Overlay portion of the Army's Ballistic Missile Defense program.

On page 22, line 14, strike out "(b)" and insert in lieu thereof "(c)".

Mr. DOMENICI. Mr. President, I first want to say to my distinguished colleague, the chairman of the committee, that while I sent an unprinted amendment to the desk, the Senator was aware that I had a printed amendment pending. The reason this one had to be substituted has nothing to do with the content. The bill has changed and, therefore, I had to make reference to different sections and, consequently, the printed amendment had to be amended, and that is represented by the unprinted amendment at the desk.

In behalf of myself and 15 Senators, including my junior Senator, Senator SCHMITT, we introduce this amendment to the defense authorization bill which proposes to add $31.2 million to establish a program to develop a strategic early warning and attack assessment capability which we believe will make a number of important contributions to the U.S. strategic deterrence posture. This capability, known as the survivable optical forward acquisition system (SOFAS), would utilize optical probes which could be launched into space if an attack was suspected to scan the attack corridor and provide instantaneous information to the President and military commanders regarding the strategic situation and the size and nature of a Soviet attack.

We believe this system offers significant strategic advantages:

First. It would represent a highly reliable, survivable, and redundant strategic attack early-warning capability;

Second. It would instantaneously and continuously provide the President and the National Command Authority with vital information regarding the nature of a strategic attack;

Third. It would strengthen the deterrence credibility of the U.S. launch-under-attack strategic response option by eliminating the danger of an unconfirmed U.S. hair trigger strategic retaliatory response; and

Fourth. It would simultaneously advance the development of a U.S. ballistic missile defense option by accelerating development of the sensor technology which is critical for a feasible exoatmospheric nonnuclear intercept capability.

SOFAS represents a highly desirable strategic capability which would enhance whatever strategic deterrence capabilities the United States may deploy in the future. If funded at an optimum level, SOFAS could be deployed as early as 1985.

In the event that the U.S. satellite early-warning system (BMEWS) indicated a Soviet strategic attack, or did not indicate an attack when one was suspected, the United States could launch these optical probes into space within a few minutes. Once in position, these probes could scan the suspected attack corridor and provide instantaneous information to the national command authority and strategic force commanders regarding the size and nature of an attack. Each SOFAS probe could remain on-station continuously sending real-time information on the status of the attack. Subsequent probes could also be launched in order to maintain a constant monitoring over an extended period of time.

Mr. President, such a capability would have obvious strategic advantages. It is well-known that Soviet activities in the field of antisatellite warfare have raised concerns about the survivability of U.S. strategic attack warning sensors in space. The sudden loss of communication with these systems during a crisis period could cause great uncertainty and place U.S. officials at a severe disadvantage regarding the status of the strategic military situation.

Similarly, the land-based ballistic missile early warning system (BMEWS) could be susceptible to a preemptive or even a terrorist attack which could deny the United States the benefits of its detection capabilities. In either instance, SOFAS could serve as a survivable and redundant early-warning capability which could be launched to its station in minutes and provide accurate and reliable assessments of the strategic situation.

Additionally, Mr. President, it should be borne in mind that, even when U.S. early warning systems are operational, there have been several instances of false alerts and spurious signals which have inevitably led to several harrowing minutes of crisis and uncertainty—including raising U.S. strategic forces to high states of readiness-to-launch—while the military and civilian command sought to confirm whether an attack was actually occurring. Thankfully, these alarms were all due to computer errors and not real attacks. But the confusion they created is not what we expect our strategic deterrent to exhibit. SOFAS would play a useful role in alleviating such situations. In the event that an alarm was registered, a SOFAS probe could immediately be launched to scan the suspected attack corridor and confirm either that

an attack was under way or that the warning was incorrect. Either way, the SOFAS information would be invaluable.

In the process of serving as a redundant and quickly available early-warning/attack assessment capability, SOFAS would directly support the U.S. strategic retaliatory option of "launch-under-attack" (LUA), the driving requirement in U.S. strategic deterrence planning is that U.S. strategic forces must be able to absorb a Soviet first-strike and still be able to respond at any level of strategic exchange including the ability to inflict unacceptable damage in a retaliatory attack against the Soviet Union. But the United States also retains the option not to choose to absorb a Soviet first-strike but to instead launch its strategic forces in retaliation as soon as an attack is confirmed—this is the "launch under attack" option.

For some of the reasons already mentioned, the launch-under-attack option has been regarded with concern since it demands that the United States have absolute certainty that an attack is in progress. No U.S. leader would desire to launch U.S. strategic forces in retaliation until he had undisputable evidence that a Soviet strategic attack was in fact in progress and information regarding its size and nature. SOFAS could provide such information. Infrared sensors on SOFAS could detect Soviet warheads coming over the horizon while they were still thousands of miles from the United States and provide the U.S. national command authority with information upon which it could, if desirable, confidently base a decision to launch under attack. To the extent that the launch-under-attack option was made credible, in addition to the basic U.S. ability to ride out a strategic attack and still retaliate, the strategic deterrent would be more stable, SOFAS would remove the danger of a U.S. "hair trigger" strategic response.

Mr. President, in addition to the strategic early warning and attack assessment attributes a SOFAS system would offer, it would also serve to advance the development of U.S. ballistic missile defense activities. In my opinion, ballistic missile defense (BMD) is the most exciting and important U.S. strategic force development to date. Technology improvements in this area in the past 10 years have been dramatic and have advanced to the point where it is feasible to talk of deploying and exoatmospheric nonnuclear-kill ballistic defense capability capable of destroying the bulk of a Soviet strategic attack in space. Many aspects of this exoatmospheric ballistic missile defense are already well developed and ready for actual testing. But the critical technology where the most work remains to be done is in the area of attack detection and discrimination—the development of sensors able to identify Soviet warheads in space and lead kill vehicles directly to the warheads.

SOFAS deals directly with the sensor technology needed to perfect an exoatmospheric BMD capability. The SOFAS sensor requirement—merely to see a large mass of warheads, rocket boosters, penetration aids, and miscellaneous items coming over the horizon—is not nearly as demanding as the requirement for exoatmospheric BMD sensors which must distinguish between these items. However, the R. & D. necessary to perfect SOFAS will at the same time advance the development of a BMD-quality discrimination probe. By developing SOFAS, the United States would acquire a useful, strategic asset while simultaneously benefiting from the synergism which SOFAS and a BMD probe program share. In the process of developing SOFAS, the United States could establish the feasibility of the PMD probe. Once deployed, SOFAS could also serve as a BMD probe test bed and advances in sensor technology could be easily added to SOFAS until it became, in effect, the BMD probe.

Mr. President, the BMD program has frequently been accused of being a "cookie jar" for R. & D. contractors because it is never required to produce a usable system. I would suggest that this charge is unfair because the BMD program is operating under the constraints of the 1972 ABM treaty. However, establishment of SOFAS as a line item program would have the beneficial effect of focusing an important aspect of ongoing BMD technology and forcing it to respond to the requirements of an initial operating capability (IOC) goal. An eminently useful capability would result from the SOFAS program and the larger exoatmospheric BMD effort would be simultaneously advanced.

The SOFAS program has an additional advantage in that it is in no way inconsistent with the 1972 ABM treaty limitations. In fact, by allowing the United States to gain useful information regarding the feasibility of exoatmospheric ballistic missile defense, SOFAS will allow work to continue within the tenets of the ABM treaty. SOFAS will serve as a useful capability regardless of whatever steps the United States takes to redress the vulnerability of its land-based ICBM's—whether the decision be mobile basing, sea basing, or reliance on BMD.

Mr. President, the amendment being presented proposes establishing SOFAS as a new BMD line-item program with a target IOC of fiscal year 1986. A first year funding of $31.2 million is proposed. The total R. & D. and procurement cost of 30 SOFAS probes deployed on suitable launchers is approximately $600 million.

I cannot stress too strongly, however, the synergistic relationship between SOFAS and exoatmospheric BMD. It is the intention of this amendment that the greatest effort be made to insure that SOFAS be totally a product of the mainline BMD effort. SOFAS should not be seen as a new effort but as an attempt to deploy a portion of an ongoing effort in order to reap a strategic advantage as soon as possible.

Mr. President, I feel strongly that SOFAS will serve as an invaluable addition to the survivability and redundancy of the U.S. strategic early-warning and attack assessment capability. There have been too many recent examples of military and civilian leaders not having adequate information in a political/military crisis situation. This is not a state of affairs we should perpetuate, especially in regard to our strategic warning capability. SOFAS can help this situation. Additionally, by adding to the reliability of the launch-under-attack option, SOFAS can strengthen deterrence by reducing Soviet calculations concerning a successful surprise attack. But, Mr. President, perhaps the greatest value of the SOFAS program is as a vehicle to begin moving U.S. BMD efforts in a productive direction. BMD technology will surely grow in importance as a U.S. strategic option. This proposal will help place us in a position to capitalize upon this option in a timely fashion.

I understand the Senator from Alabama desires that I yield to him at this time, and I do so.

Mr. HEFLIN. Mr. President, I rise today to state my support of the amendment of the Senator from New Mexico, of which I am a cosponsor, which proposes the addition of $31.2 million for the establishment of a program to develop for this Nation a revolutionary new strategic early warning and attack assessment capability. This capability, known as the survivable optical forward acquisition system (SOFAS), would utilize sophisticated optics and long-wave infrared sensor technology which would be mounted on rocket boosters to provide instantaneous information about size and actual disposition of a Soviet nuclear missile attack.

This system would serve as an essential back-up for our existing early warning systems as well as an improved system that is less vulnerable to Soviet attack. Under this concept, the SOFAS vehicles would be alerted by tactical warning from satellite sensors and launched upon confirmation by ground radars or upon the sudden loss of satellite sensors or the early warning radar system. The SOFAS would be in direct communication to the National Military Command Centers and to airborne elements of the strategic command structure.

Such a capability as SOFAS would give the United States significant strategic advantages. Consider, for example, the question about the survivability of U.S. strategic attack warning sensors in space because of possible malfunction or attack by Soviet antisatellite satellite, or possible preemptive or terrorist attack on our land-based ballistic early warning system. Implementation of SOFAS seems to offer a most reliable contingency in such an event. In either case, SOFAS would represent a highly reliable survivable and redundant strategic attack early warning capability. SOFAS would provide extremely accurate and dependable assessments of the stratgeic situation.

Time is an indispensable element which cannot be overlooked when considering raising U.S. strategic forces in response to enemy attack. Under our current system several false alarms have caused tortuous times of anticipated crisis and incertitude. In the occurrence of a registered alarm, a SOFAS probe could immediately be launched and thereby provide the President and the National Command Authority with crucial information with respect to the essence of a strategic attack both in-

stantaneously and continuously. This information is invaluable to this Nation's strategic capabilities.

Utilization of SOFAS would strengthen the deterrent credibility of the U.S. "launch under attack" strategic response option by eliminating the danger of an unconfirmed U.S. "hair-trigger" strategic retaliatory response. Reinforcement of deterrence exists due to the resulting widespread knowledge of the fact that the United States does not have to absorb first strike from an enemy, but does have the option of launching strategic forces while a confirmed enemy attack corridor is still thousands of miles from the United States.

Mr. President, another advantage that has immense impact to our strategic defense capability is in the area of the simultaneous advancement in the development of a U.S. ballistic missile defense option. Implementation of SOFAS program would accelerate development of the sensor technology which is critical for the perfection of an exoatmospheric nonnuclear intercept capability. After deployment, SOFAS could serve as a testing site for ballistic missile defense activities.

The technological advances would be directly transferable to the exoatmospheric "layered defense" concept that I have also advocated. This concept of "layered defense" uses the low altitude air defense system (LoADS) as the lower layer and the exoatmospheric attack system as the upper layer. Since enemy missiles spend a comparatively long time in the exoatmospheric environment, it is possible to acquire, track, and destroy these warheads outside the atmosphere by employing the appropriate technology.

Mr. President, focusing on the probe technology, which is what SOFAS really is, would be the best way to go about accelerating the exoatmospheric ballistic missile defense effort. This SOFAS system would be separate and apart from any antiballistic missile defense system since there would be no defensive missiles employed with the SOFAS. Therefore a complete consistency exists with the 1972 ABM Treaty. Of course, the technological advances which would be made in the development of the SOFAS would be directly transferable to the exoatmospheric "layered defense" concept, if the SOFAS funding goes forward.

Thus, Mr. President, the acceleration of SOFAS, one particular element of the overall exoatmospheric defense system seems to be an excellent way to both accelerate the development of an exoatmospheric defense capability while also providing a much-needed supplement to our existent detection capabilities at a much earlier date than we realistically expect the exoatmospheric system to be fielded as a complete system. According to estimates, the SOFAS could be in operation as early as 1985 if additional funding is imminent for fiscal year 1982.

Mr. President, the proposed amendment will allocate $31.2 million for first year funding to go toward the establishment of SOFAS as a spinoff from the ballistic missile defense. The technological advancements made over the past 10 years in the area of U.S. ballistic missile defense activities contribute to my confidence in the funding of research and development of SOFAS. I think that the importance of moving forward with the SOFAS technology, and the consequent pursuit of research and development elements which will deliver to us the capacity of implementing a complete layered defense system cannot be emphasized enough. The reliability, survivability, instantaneous and continuous information receivable, along with deterrent credibility and simultaneous advancement of a U.S. ballistic missile defense option cannot be matched within the status quo, but can be obtained with an optimum level of funding possibly as early as 1985.

Mr. DOMENICI. I yield whatever time Senator DENTON desires at this point.

Mr. DENTON. Mr. President, I thank the Senator from New Mexico.

I rise on the same subject, Mr. President, an amendment which I also cosponsored.

Mr. President, the authorization bill which is now before this Senate goes a long way in redressing the neglect which our defense policy has endured for much of the past decade. The conscientious, bipartisan effort which is manifested in this measure serves notice to our allies and potential adversaries alike that we are serious about our security and commitments.

As I have stated before in this Chamber, the one indispensable service which a government must provide for its citizens is national security: the capacity to defend effectively the Nation and its way of life. The stark reality which we are compelled to address is that our national security is no longer assured. There is a growing defense imbalance between the United States and the Soviet Union, both strategically and conventionally. The quantitative military advantage which we once maintained has vanished, and even the qualitative strategic superiority which has served as a basis for deterrence is being eroded at an alarming rate.

It is for this reason that I have cosponsored the amendment offered by my estemed colleagues from Nevada and New Mexico, which would greatly enhance our strategic early warning and attack assessment capability. The $31.2 million authorization contained in this proposal establishes a program to develop a survivable optical forward acquisition system (SOFAS), which would provide vital, timely information to the President regarding the strategic nature and scope of a nuclear attack.

Recent technical progress in the Army's ballistic missile defense program has made it possible to develop and deploy SOFAS as an augmentation to the Nation's tactical warning and attack assessment capability. The SOFAS is a rocket boosted survivable optical forward acquisition sensor capable of high quality ballistic missile attack assessment of a U.S.S.R. attack on U.S. land-based strategic offensive forces. The SOFAS vehicles become operational quickly after activation and are virtually invulnerable to attack.

Building on the forward acquisition system (FAS), as well as other related technology in the BMD program, SOFAS could be confidently and expeditiously developed for the vital early warning mission. SOFAS is less technically and economically demanding than the BMD mission, and could therefore be fulfilled at less risk, and at an earlier date. In addition, provisions can be made for SOFAS to grow into a BMD role at a later date.

Given the relatively low startup cost, $31.2 million, along with the increased warning time which this program would provide, the deterrence credibility of our launch-under-attack response option can be greatly enhanced in a fiscally controlled manner.

In conclusion, this proposal is a well-founded complement to the strategic portion of the fiscal year 1982 authorization, and I respectfully urge my colleagues on both sides of the aisle to join me in moving for its adoption.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I wish to thank Senator DOMENICI and the other cosponsors of the amendment for their initiative in this matter. I might note the committee generally, in my view, does believe in the efficacy in a BMD system. I certainly do and I will support the efforts, regardless of what ultimate basing mode we arrive at for MX. I think it is incumbent on us to have the capability of defending our missiles so that we are certain to have a survivable early warning and hard target kill capability.

For my part, I am prepared to accept the amendment offered by the distinguished Senator from New Mexico.

I yield to my distinguished colleague from Mississippi.

Mr. STENNIS. Mr. President, I have been through the ramifications of this matter more than once and looked into it again as late as this week and again yesterday.

I am not a scientist, of course, but looking at it from a practical standpoint, it is a very timely matter so as not to be neglected. You cannot take chances on these matters. It is research and development and no one can guarantee any results. But certainly I can support the amendment, as we are doing in other areas of the utmost technology in these different fields. I think it is a very solid proposal and I am glad to support it.

Mr. DOMENICI. Mr. President, I thank the distinguished manager and ranking minority member for their willingness to accept the amendment. I have nothing further to say. I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico (Mr. DOMENICI).

The amendment (UP No. 109) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 110

(Purpose: To reduce DOD authorization by the amount added in Senate floor action)

Mr. TOWER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes an unprinted amendment numbered 110.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, line 8, strike out "$3,924,300,000" and insert "$3,910,500,000". On page 22, line 9, strike out "$6,163,410,000" and insert in lieu of "$6,136,401,000". On page 22, line 10, strike out "$9,195,300,000" and insert in lieu of "$9,158,100,000". On page 22, line 11, strike out "$1,958,650,000" and insert in lieu of "$1,954,650,000".

Mr. TOWER. Mr. President, the fiscal year 1982 Defense authorization bill reported to the floor by the committee authorized $136.5 billion. That was $17.1 million less than the President's total request. As a result of floor action taken by the Senate the net budgetary impact of this DOD authorization bill now is $80 million greater than the President's total request.

Nothing would make me happier than to simply add this amount to the defense budget. Unfortunately, I cannot do so. We continue to act within the budget process and the total dollars available are constrained by that process. In addition we must still act on the military construction authorization bill, stockpiles legislation, military compensation legislation, and the Department of Energy national security programs authorization bill. I anticipate that we will see important initiatives in these other bills and I have no doubt that as with the Defense authorization bill greater authorizations would be useful in other areas. However we are budget constrained and therefore we must discipline ourselves so as to achieve the maximum results from the level of investment.

As I indicated when we first brought up S. 815, it is my intention to offer an amendment to make reductions in the defense authorization bill approximating the amount of additions approved by the full Senate. In each case where we have considered floor amendments which added additional funding I have explained that this was my intention. Prior to consideration of the defense authorization bill I explained to the Department of Defense that I would seek their views, when time permits, on all floor amendments and that I sought their true position on whether or not programs should receive additional funding. I also made clear to the Defense Department that since we were supporting the President's defense budget request, unless the President was willing to increase that request, I would expect the Department of Defense to provide a list of offsets for any additions which they endorse.

Mr. President, at this time we have at the desk an amendment which reduces the amount authorized by S. 815 by $82 million. This amendment will necessitate reductions in programs which may be of lower priority than the programs initiated by the Senate in floor action. I should point out that these reductions are not based on any assumption of waste or inefficiencies but rather priorities. Although I have consulted with the Department of Defense and the military services on these offsets I should point out that the offsets being offered reflect my view of priorities, and I think, the views of those who sponsorship the bill with me. In selecting programs to be reduced as offsets I have sought to insure that no program is terminated and that reductions remain conference items so that any opposition can be expressed and reclamas examined prior to final action of the Congress. Most of the reductions being recommended involve programs which are to the general public obscure but this does not mean that they are not important. In enacting this amendment, if my colleagues support it, I ask my colleagues to leave us some flexibility in conference with respect to the programs which are being reduced.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a list of the offsets.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Fiscal year 1982 defense authorization bill

FLOOR ACTION TO BE OFFSET

Air Force: $30 million Space laser (Wallop/Schmitt).

Army: $31.2 SOFAS (Domenici).

DARPA: $20 million Space laser (Wallop/Schmitt).

Total: $81.2 million.

P.E. No. and program	Request	Action
Potential offsets—Army:		
63723A—Tactical automation	22,008	−3.0M
63716A—Synthetic flight simulators	7,773	−3.8M
65301A—Kwajalein Missile Range	140,985	−1.0M
61102A—Defense research sciences	172,311	−6.0M
Subtotal		−3.8M
Potential offsets—Navy:		
64258N—Aerial target system Development	61,989	−5.0M
24161N—Aviation spt. attack air wing	10,983	−2.0M
63589N—Major surface combatants	121,000	−20.0M
Subtotal		−27.0M
Potential offsets—Air Force:		
64758F—Companion trainer aircraft	21,100	−10.M
64268F—Aft engine component improvement program	128,300	−4.2M
63428F—Space surveillance technology	28,800	−5.0M
65898F—MGT HQ (R. & D.)	22,900	−2.0M
65806F—Acquisition and command spt	259.400	−11.0M
63226F—DOD common prog. language	7,000	−2.0M
63101F—Development planning	3,200	−1.0M
61102F—Defense research science	139,500	−2.0M
Subtotal		−37.2M
Potential offsets—Other defense agencies:		
65107D—General support for policy/ISA	4,114	−1.0M
62715H—Defense Nuclear Agency	[deleted]	−3.0M
Subtotal		−4.0M
Potential onsets—Totals:		
Army		−13.8
Navy		−27.0
Air Force		−37.2
Other defense agencies		−4.0
Total		82.0

Mr. TOWER. Mr. President, I yield to the distinguished Senator from Mississippi.

The PRESIDING OFFICER (Mr. EAST). The Senator from Mississippi.

Mr. STENNIS. Mr. President, except for the fact that I have just received word from the Senator from Michigan that he is on his way with an amendment that he expects to propose, this will complete consideration of the bill.

Just by way of a brief summary, Mr. President, I really think that it is a tribute—I leave myself out of this, but it is a tribute to those who have worked so hard on the bill. It is some massive bill this time, with some innovations in it, larger amounts than usual and sweeping changes of a kind. In fact, so much work was done on it and it was put together in such careful fashion, it stood the test of the scrutiny of members of the committee and also here, on the floor. There is no question about the effort when a proposal of such magnitude withstands the examination and criticism and far-reaching ways of emphasizing all these different problems. There is no question about it, it has a lot of merit in it.

The people of the Nation, too, realize the situation that we are in. I am not one of those who believes that the Russians are 8 feet tall. They do not frighten me particularly, but I know we have to be prepared. We have to be prepared better than they are. We cannot rely on just promises. We have to have a strength of our own and we have to have more than what may be necessary. We have to be certain that we have whatever it may take.

I think this bill represents just about as far as we can go in those fields now. I said the other day that the Secretary of Defense has the second biggest job in town, second only to the President of the United States, who has the biggest and most difficult job in the world, as I see it.

Mr. President, I shall not pursue that any further. Here is the thing: This bill is now the basis for a conference with the House. Senators have a chance to be heard there, but mainly, we want the Senate to give up their support. It will take some help and support to put this bill together. We are going to represent the Senate side and then on appropriations, do the same.

Even though the sentiment in the country is favorable, this is a big sum of money and it takes sustained backing. The big test on the money for the military, I think, will come next year. We are making reductions in other fields. We have found out or are going to find out more about the difficulties of this added

military program, regardless of how well it is handled. If inflation cannot be substantially reduced, why, these prices of this weaponry will really go out to the top of the sky. But even with moderate reductions and control of inflation to a degree, it is going to add up to a lot of money. I think we on the committees are going to have to be prepared to cut down to the necessary bone and muscle, but then stand firm for the bone and muscle part of these programs to be retained.

Mr. President, I appreciate the attitude of the membership here, and of the people, too. I believe these programs will move forward.

Mr. President, I want to highly commend and warmly thank Mr. Frank Sullivan of the committee staff who has been highly valuable and always helpful in the preparation of this bill and other staff members associated with him have also rendered highly valuable service.

JAPANESE DEFENSE SPENDING

Mr. STENNIS. Mr. President, I said the other day that I was going to make some comment here and we seem to have a minute or two. Standing off a little distance and looking at these problems that we have throughout the world—in the Persian Gulf, for instance, and the Pacific Ocean—I think that we are going to have to find ways to have more of this military cost come from our allies.

Mr. President, I have prepared a brief statement as to what my conclusion is. I think it is time for us all to let our ally—and it is our ally—Japan, know how we feel about this military program and the cost.

Mr. President, a solution must be found to the question of how much of the defense burden for their own country we can expect the Japanese to bear for the long term. I believe we have gone about as long as we can without some firm indication that the Japanese are willing and intend to pay more for their own security. The world today is a different place economically, militarily, politically, and from the point of view of natural resources. What the United States and Japan may have been able to do militarily 35 years ago, is different from today.

Both the United States and Japan are facing economic problems caused by the oil situation. Both the United States and Japan are facing an increased vulnerability to their sources and lines of supply of oil. The instability of the countries in the Middle East and the buildup of Russian ships and aircraft along the route of oil supplied to Japan makes this evident. Seventy-five percent of the oil for Japan comes from the Persian Gulf, along supply routes where the Russian Navy is more and more evident.

The United States will continue to provide Japan with a deterrent against strategic nuclear attack and a deterrent against military interference by Russia against Japanese vital interests that are distant from Japan, such as in Korea and in the Persian Gulf, but it is absolutely essential to the long term good of both countries that Japan do more for its own immediate defense. This is particularly true for air defense of Japan itself, for antisubmarine protection in waters Japan depends on, and for the logistics and command and control of Japanese forces.

The Japanese have provided important economic and other assistance to countries that are important to both the United States and Japan, such as Pakistan and Turkey and the Japanese should be complimented for these efforts.

However, Mr. President, in this field, Japan spends about the same portion of its gross national product as does the United States. In the military area, however, the United States spends over 5 percent of its gross national product, compared to about 1 percent spent by Japan. During the 1970's, when the Japanese economy was booming, Japan increased its military spending by some 7 percent annually in real terms. Recent indications are this rate of growth would be cut in half by the 1981 Japanese budget.

Both the United States and Japan have run into more difficult economic times. It will be difficult, if not impossible, to sustain a public consensus in the United States for strong defense in the Pacific if the Japanese do not do their share. In the economic field, Americans view Japanese as strong, aggressive competitors, but Americans will not see it as fair competition if the Japanese can use a large percentage of their GNP to improve their economy while the United States must use a large percentage of its GNP for military forces which go, in part, to protect Japan.

In conclusion, Mr. President, it is inevitable that American action in the economic field will be influenced, in part, by Japanese action in the military field. The time for long-time understandings between Japan and the United States regarding increases in Japanese military spending is already here. Serious consequences will be forthcoming if neglect continues. In view of the increased demands elsewhere, we must continue to insist on increases by our ally.

Mr. President, I speak those words in friendly terms. At the same time, they are the product of many years of contact with this very problem, and reasoning and conclusions that, to me, are clear and firm and, I thought, ought to be expressed.

Mr. President, I yield the floor.

Mr. TOWER. Mr. President, in that the amendment that I sent to the desk does address itself to matters that have already been amended, I ask unanimous consent that my amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. I would like to ask the distinguished Senator from Mississippi if he agrees with this amendment.

Mr. STENNIS. I was interrupted, Senator. I am sorry.

Mr. TOWER. I just want to ask the distinguished Senator from Mississippi if he does agree to this amendment providing the offsets.

Mr. STENNIS. Oh, yes, Mr. President.

Mr. TOWER. It permits us to stay within the budget.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I thank the Senator from Texas for his very fine work on this bill. It has been a pleasure to work with him.

UP AMENDMENT NO. 111

(Purpose: To make technical corrections in the bill)

Mr. TOWER. Mr. President, I send to the desk an amendment which simply makes technical corrections in the bill. It is to clear up some printing errors that are to be corrected.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes an unprinted amendment numbered 111.

Mr. TOWER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, line 22, strike out "Army" and insert in lieu thereof "Defense".

On page 23, line 7, strike out "Army" and insert in lieu thereof "Defense".

On page 29, line 12, strike out "Naval" and insert in lieu thereof "Navy".

On page 38, line 17, insert "Reserve" after "Marine Corps".

On page 47, line 2, strike the comma after "account" and insert a semicolon in lieu thereof.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

NATIONAL GUARD COVERAGE UNDER THE FEDERAL TORT CLAIMS ACT

Mr. DECONCINI. Mr. President, I congratulate the distinguished Senator from South Carolina, Senator STROM THURMOND, for attaching to this legislation the provisions of S. 267, the National Guard Tort Claims Act which I introduced earlier this year. The affect of this amendment would be to grant to members of the National Guard the same protections accorded other groups in military training under the Federal Tort Claims Act.

Both in the 96th Congress and 97th Congress we have worked long and hard to remedy the inequity of lack of coverage for the National Guard under the FTCA.

The issue is a simple one:

If a National Guard member on inactive duty training (title 32) is driving a U.S. Army tank as part of an Army-prescribed-training event aimed at readying that guardsman to perform a Federal defense mission, and he inadvertently rams into a privately owned structure causing major structural damage or perhaps serious personal injuries, how does the Federal character and responsibility for the action differ from an identical action, potentially tortious, committed by an Active Army or Army Reserve soldier, under identical circum-

stances and likewise in preparation for performing a Federal defense mission?

Placing the Guard under the Federal Tort Claims Act not only protects the Guard, but also protects the citizens unfortunately involved in the accident, for reasons of fairness and equity toward aggrieved citizens and because the fiction of the National Guard as primarily a State operated and operating entity is unrealistic and antithetical to our newly restructured defense needs—with an emphasis on the role of the Reserves—I applaud the Senate for putting the final brick in the strong building of American defense by passing this measure. A guardsperson should not be burdened with a personal responsibility for an accident while others performing the same federally directed function and wearing the same uniform are rightfully shielded from liability.

MILITARY COOPERATION WITH CIVILIAN LAW ENFORCEMENT OFFICIALS

Mr. NUNN. Mr. President, I want to make a few observations about section 915 of the bill as reported, entitled "Military Cooperation With Civilian Law Enforcement Officials." I want it to be very clear what that provision does accomplish and what it does not.

The Posse Comitatus Act (18 U.S.C. 1385), passed in 1878, was a reaction to the direct use of the Army for law enforcement purposes during the Reconstruction decade following the Civil War. That act embodies one of the fundamental traditions in American history: Military power generally should not be used to enforce civilian laws. We need only glance at our own history, from the forced quartering of British troops in prerevolutionary American homes to the melancholy years of Reconstruction, to have ample evidence that even the best intentioned use of the Armed Forces to govern the civil population may lead to unfortunate consequences. Section 915 would maintain this tradition. As the committee report states, this section would not "alter (the fundamental principle (that military forces * * * should not provide direct assistance * * * to civilian law enforcement officials" except in accord with express legislation.

However, the Department of Defense has historically provided, consistent with this principle, some forms of indirect assistance to civilian law enforcement officials. But in the past two decades, a series of Federal court opinions has created an air of uncertainty about the outer boundaries of the Posse Comitatus Act. More specifically, seemingly incompatible decisions have clouded to what extent the Department of Defense can render indirect or passive assistance (for example, loan of equipment) to civilian law enforcement officials. This uncertainty has hampered use of these forms of military cooperation with civilian law enforcement, which are entirely compatible with the fundamental principle underlying the Posse Comitatus Act.

The series of Federal district court cases arising out of the 1973 incidents at Wounded Knee, S. Dak. give one a flavor for the diversity of judicial opinion on the types of indirect aid permitted under the Posse Comitatus Act. For example, an earlier decision (*Wrynn* v. *United States*, 200 F. Supp. 457 (E.D.N.Y. 1961)) held that mere loan of equipment is a violation of the Posse Comitatus Act. But two of the Wounded Knee decisions (*United States* v. *Red Feather*, 392 F. Supp. 916 (D.S.D. 1975) and *United States* v. *McArthur*, 419 F. Supp. 187 (D.N.D. 1976)) say that such a loan is not a violation. There is also a diversity of judicial opinion on the use of military personnel in a strictly advisory role. Compare, for example, *United States* v. *Banks*, 383 F. Supp. 368 (D.S.D. 1974) (advice violates Posse Comitatus) with *United States* v. *Red Feather*, 392 F. Supp. 916 (D.S.D. 1975) (advice does not violate Posse Comitatus).

This type of judicial disagreement gives less than clear guidance to military commanders and civilian law enforcement authorities on the extent to which cooperation between them is permissible. And some courts have made it clear that their solution to violations of the Posse Comitatus Act may be to exclude evidence gathered during barred activities. See *United States* v. *Wolffs*, 594 F. 2d 77, 85 (5th Cir. 1979).

This state of affairs has placed military and law enforcement officials in a difficult position. On the one hand, evidence may be suppressed and serious criminal cases lost because of a violation of the act. On the other hand, some cases have made it clear that various forms of indirect, passive cooperation (for example loan of equipment, provision of advice) are permissible. The resulting uncertainty becomes even more worrisome in the field of drug enforcement. Certainly there is indirect assistance which can be provided by the military which will improve the efficiency of our efforts against drug traffic. Yet this type of cooperation is hindered by divergent and unpredictable case law establishing different legal tests to determine what conduct is permissible.

Section 915 will do no more than protect military personnel from such disparate court opinions. It would do so by clarifying and reaffirming the authority of the Secretary of Defense to provide indirect assistance.

Again, the provision makes it clear that the direct participation of personnel of the Armed Forces in civilian law enforcement actions, such as search and seizure or arrest is not authorized. Nor does this section enhance or increase the authority of the Armed Forces to gather or obtain intelligence information. It does not create any authority for the military to collect information, only to share information they have or may permissibly collect during the normal course of military operations, and only where it may be relevant to a violation of State or Federal law.

The words "normal course of military operations" carry with them all other provisions of Federal law which presently limit or authorize the collection of information by the Armed Forces. For example, the conduct of domestic civilian electronic surveillance continues to be governed by the pertinent provisions of title 18, United States Code; this section does not in any way authorize the military to conduct domestic civilian electronic surveillance in domestic civilian investigations.

The Department of Defense must continue to comply with all applicable executive orders and internal directives governing collection of information. Section 915 only states that for purposes of the Posse Comitatus Act information collected during a routine military operation—such as the identification of planes or ships likely to be related to drug trafficking—may be provided to civilian law enforcement officials where it may be relevant to a violation of Federal or State law.

AUTOMATIC DATA PROCESSING EQUIPMENT

Mr. WARNER. Mr. President, I support the provision incorporated into the pending bill which will expedite the procurement of automatic data processing (ADP) equipment and services used in critical national security functions.

As chairman of the Strategic and Theater Nuclear Forces Subcommittee which recommended the adoption of this initiative to the full committee, I have had an opportunity to familiarize myself in some detail with the compelling reasons for the action taken by the committee on ADP acquisition. Put succinctly, the committee has recommended that the Congress, by adopting this legislation, cut a Gordian knot which is strangling agencies charged with performing critical national security missions.

The Gordian knot referred to is the body of regulation applying to ADP procurement by the Federal Government, which has evolved since the passage in 1965 of Public Law 89–306, commonly known as the Brooks Act. This well-intentioned statute was adopted at a time when the automatic data processing industry was in its infancy; when one firm had the lion's share of the public and private computer market; and when computer hardware was enormously expensive and a major capital investment.

Mr. President, I do not need to point out to my colleagues how different today's automatic data processing industry is from that of the 1960's. Cutthroat competition and suberb technical innovation are the rule in the private sector; generations of computers are evolving in the space of only a few years; and the cost and importance of ADP hardware is dropping dramatically relative to software.

These phenomena, which have permitted private industry to upgrade and replace computers quickly and inexpensively to take full advantage of the fast-moving improvements in state of the art ADP equipment and services, have not had the same beneficial effect for Federal Government users. Why? The reason most frequently identified is the stultifying effect that implementation of the procurement regulations stemming from the Brooks Act has had on acquisition of ADP by the Government.

For example, the President's reorganization project in 1979 said: "Implementation of the Brooks bill has led to an excessively long procurement cycle of some 3 to 5 years—instant obsoles-

cence." Similarly, a General Accounting Office report of December 1980, indicated that "the current Federal (ADP) acquisition cycle is long, complicated, and frustrating. Some major ADP procurements take 6 years or even longer to complete." The House Appropriations Committee, which has frequently criticized the Government's ADP acquisition process, has commented:

A result of the current acquisition process is the technological obsolescence of a large part of the Federal Government's equipment inventory—some 6 years older than the equipment in the private sector. Some equipment remaining in the DOD inventory, such as the IBM 1401, Univac 1005, and NCR 500 are candidates for the Smithsonian Institution rather than operational computer systems for data processing in today's military environment. This is due in part to the overly lengthy and difficult process of acquiring a computer system under current Federal guidelines. Agencies will simply postpone an acquisition until the latest possible time.

In addition to the House Appropriations Committee, many others have noted that the regulatory process for ADP procurement is having a particularly pronounced effect on acquisition of computer equipment and services by the Department of Defense. The President's reorganizaiton project rendered a judgment that the United States now has "a military enterprise which is operationally vulnerable as a consequence of obsolescent (ADP) equipment and systems". A report by Senators HART and GOLDWATER in October 1980, on the recent false alerts of the Nation's strategic warning system, found that the U.S. strategic command and control system was being particularly affected by the problems described above in acquiring needed ADP equipment and services. The Hart-Goldwater report put it this way:

Acquisition of command and control systems within the DOD has been particularly encumbered by the application of the established regulations for Federal ADP acquisition. . . . In most cases, the ADP equipment is functionally obsolete prior to its operational use. . . . Delays and technical obsolescence are guaranteed in updating and modernization of the (strategic command and control) system.

The committee has taken testimony this year which bears out the findings of my distinguished colleagues. Dr. Richard DeLauer, Under Secretary of Defense for Research and Engineering, has testified that "the current Federal ADP acquisition program is a key factor" in the obsolescence of key defense mission related ADP procurements. "The acquisition leadtime for off-the-shelf equipment to replace or augment existing equipment should be measured in months—not the years it sometimes takes to fulfill the paperwork and GSA review requirements under the current procedures."

Having the General Services Administration play a part in the requirements definition and determination of need for ADP improvements was not countenanced in the original Brooks Act. In fact, those responsibilities were explicitly reserved for the various agencies for whom the computers were to be procured. Public Law 89-306 states that:

Authority so conferred upon the Administrator (of GSA) shall not be so construed as to impair or interfere with the determination by agencies of their individual automatic data processing requirements, including the development of specifications for the selection of types and configurations of equipment needed. The Administrator shall not interfere with, or attempt to control in any way, the use made of automatic data processing equipment thereof by any agency.

But in the 16 years since Public Law 89-306 was enacted, GSA has had an increasingly important influence over the decisions made with regard to the nature and timing of ADP procurements being undertaken by the Department of Defense.

Considerable concern exists about the degree to which GSA can properly perform this function. A recent study by the National Academy of Public Administration (NAPA) on GSA's performance in this area found that "(GSA) has not developed the requisite individual and institutional capacities to adequately perform the roles and functions envisioned for it." Furthermore, "GSA's internal usage of computer systems for management purposes has not inspired confidence in the ability of the agency to provide adequate assistance to others." Perhaps of greatest importance is the NAPA's finding that "Many Federal agencies have personnel with significantly greater ADP skills than does (GSA). Many also have staff members with the management and economic skills required to engage effectively in competitive procurement in the highly sophisticated high technology market. In addition to lacking people with ADP technical skills, (GSA) tends to be very short of people with such economic talents."

The House Appropriations Committee in its report on the fiscal year 1979 defense appropriations bill has analyzed this situation in the following way:

Although there are more than 230 people in GSA's ADP procurement organization, only seven are involved in the review of agency requests for procurement authority. With these few people assigned, GSA's review of these procurement requests is neither thorough nor constructive. During fiscal year 1977 almost 700 such requests were received for action by GSA and in approximately 95 percent of the cases, GSA elected not to perform the procurements and granted a Delegation of Procurement Authority (DPA) to the requesting agency. The (House Appropriations Committee Surveys and Investigations) Staff found the review process to be rather "check-list oriented" and of no great discernible value.

On the other hand, each of the military components were found to have procurement organizations of equal, if not superior, capability as compared to GSA. Each of the military components were proportionately better staffed and conducted more procurements than GSA. Even in situations where GSA chose to conduct the procurement itself, the military components were de facto procurement organization; i.e., most of the work was accomplished by the military department even though GSA was the contracting office.

These observations contributed to the conclusion that, subject to a certification of capability, the military components should be delegated full authority to consummate the entire process of computer systems acquisition without GSA involvement. A necessary part of the delegation process would be an effective, after-the-fact oversight function internal to the agency and also by an external ADP audit organization. It was readily apparent that, with an oversight function to provide the necessary checks and balances, the larger agencies are more than capable of accomplishing all facets of ADP acquisition from the establishment of the requirement through contract award and administration.

I will come back in a moment to this question of removing the General Services Administration from the process whereby sophisticated computers are acquired for critical national security functions. Let me take just a few moments to cite several ADP acquisitions identified by Senators JACKSON, GLENN, STEVENS, and COHEN which are illustrative of the direct effect on procurement of needed ADP equipment and services resulting from GSA's involvement in these acquisitions.

A. The Navy Ocean Surveillance and Intelligence System. The Navy requested approval from GSA to procure two PDP 11/70 computers with peripheral equipment in order to upgrade two OSIS sites which had become saturated. No procurement of additional software was required.

As the system had been in place for some time and functioned satisfactorily, permission to proceed with expansion of the system to met expanded requirements should have been obtained expeditiously. Instead, eight months were required to obtain a Delegation of Procurement Authority (DPA) from GSA. Most of this time involved justifying a sole source procurement of the needed computers. Furthermore, after a DPA was finally received, a further two months was required to compete the ADP Equipment to a third-party vendor.

B. Air Force Global Weather Central System. Procurement authority was requested by the Air Force to initiate acquisitions of this system in August, 1978. In June, 1979, GSA delegated authority but required that revalidation of the system architecture take place. Two independent contractors revalidated the proposed architecture in December, 1979. Procurement authority was subsequently sought once again in January 1980. Purchase authority was finally granted by GSA in July, 1980.

C. Air Force Intelligence Data Handling System. In this case, the Air Force needed to upgrade its data processing capabilities for handling information generated by the SLBM strategic warning system as new radars began to come on line in the late 1970's. A request for delegation of procurement authority was submitted in October, 1976, in order to allow acquisition of additional hardware to take place in time to meet an October, 1977, operational need date.

GSA granted an interim DPA in August, 1977, which allowed the equipment to be procured sole-source and to be installed in June, 1978. However, at the time the DPA was granted, the Air Force was given four years to replace the system completely by competitive bid.

No operational requirement has been established for the directed competitive replacement of the present IDHS. The current ADPE in use satisfy present and projected growth needs of the SLBM-warning mission. Simply for the purpose of satisfying a GSA-mandated competition to replace the sole-source improved system, upwards of $30 million will be unnecessarily spent—a figure which does not include the cost of actually replacing the IDHS system, estimated at an additional $18 million.

Other examples of this problem which have come to light include:

The upgrading of the SOSUS submarine detection network. It took over a year for the Navy to reach an agreement with the General Services Administration over the way in which the upgrade should be performed. Ultimately, a less capable ADP system was acquired in order to avoid a delay in schedule.

The General Services Administration review process for a long-term improvement of the Triad Computer System (Tricoms) took from February, 1980 to May, 1981. This system is used by the Joint Strategic Target Planning staff for preparation of the single-integrated operational plan (SIOP)—the Nation's nuclear-war fighting strategy document. At the conclusion of this process the delegation of procurement authority was approved by GSA as requested by the Air Force—except that the authorized life span of the system was cut in half.

The procurement of the AN-GYQ21(V) minicomputer system used throughout the intelligence community is another case in point. The attempt by the Department of Defense to acquire these minicomputer systems goes back to 1976 when DOD sought to buy 167 systems. After 2 years of discussions, GSA approved the purchase—but limited the buy to 38 additional systems. In 1979, the Defense Department went back to GSA, this time requesting a buy of 200 more of these standard minicomputers. GSA responded by approving the purchase of only 29 more systems from the original supplier and directed that the remainder be competitively procured.

Two more years have since lapsed and the Department of Defense is still trying to find a procurement package which will at once meet GSA's requirements and satisfy DOD's needs for a standard intelligence support system.

Mr. President, as these cases indicate, real problems are being experienced by the Department of Defense in its efforts to acquire in a timely way the automatic data processing equipment and services it requires to perform critical national security missions. It was for precisely this reason that the aforementioned call of the House Appropriations Committee for a reduction in the burden imposed upon the DOD by the regulatory process governing ADP procurement has been echoed by others. For instance, Senators JACKSON, GLENN, STEVENS, and COHEN last year urged statutory action whereby:

> ADP procurement by defense and intelligence agencies and national defense laboratories in connection with the development or deployment of weapons systems, strategic and tactical warning systems, command, control, communications and intelligence functions, and other similar critical national security functions, would be excluded from the government-wide ADP acquisition system. To the maximum degree feasible and consistent with U.S. national security interests, publicly advertised, competitively bid procedures would continue to be employed in the acquisition of such ADP systems.

Similarly, Senators HART and GOLDWATER in their report focusing upon the NORAD warning system, recommended "That action be taken to exempt acquisition of automatic data processing equipment for the missile attack warning mission from the normal procedures now used by GSA."

This year, the Armed Services Committee has taken testimony supporting exemptions for these key mission areas from a number of witnesses including the Under Secretary of Defense for Research and Engineering, Dr. Richard DeLauer, the Commander in Chief of the Strategic Air Command, Gen. Richard Ellis, and the Director for Command, Control and Communications Systems, Organization of the Joint Chiefs of Staff, Lt. Gen. Hillman Dickinson. These senior officials who have daily responsibility for the maintenance of a strong and effective defense posture have made it quite clear that an exemption of the kind incorporated in this bill will be of great assistance to them in the performance of their responsibilities.

Mr. President, let me say a few words about the exemption itself. The statutory language adopted by the Armed Services Committee took essentially the language incorporated in the Paperwork Reduction Act of 1980 (Public Law 96-511) which stipulated that the additional regulations governing automatic data processing procurement mandated in that statute would not apply to key defense mission areas. These were identified for the purpose of Public Law 96-511 as being: ADP which is involved in intelligence activities, cryptologic activities, or the direct command and control of military forces; which is an integral part of a weapon or weapons system; or which is critical to the direct fulfillment of military or intelligence missions. I would point out to my colleagues that automatic data processing used for routine administrative purposes is not exempted from the ADP acquisition regulatory process by either the Paperwork Reduction Act or the pending legislation. We have chosen to focus exclusively, as did the Paperwork Reduction Act, on providing relief solely for those mission areas which most clearly and directly touch upon the national defense of the United States.

Mr. President, I would like to say just a few words about why the committee feels this action is particularly important in the aftermath of the Paperwork Reduction Act. In the course of the Senate's deliberations on Public Law 96-511, Senators CHILES and JACKSON encouraged the Administrator of GSA to comply with the intent of Congress in enacting the Brooks Act, namely to delegate general procurement authority to agencies where possible. Noting that "the detailed budget review process provides more than adequate safeguards without having to add additional review, approval and oversight authorities," Senator JACKSON expressed his belief that "the Administrator (of GSA) should, in fact, delegate general procurement authority to agencies and departments that procure systems for intelligence, cryptologic and direct military purposes."

Senator CHILES concurred with Senator JACKSON's statement and added that, in the event "there is harassment (of agencies engaged in these activities) in the future, then appropriate statutory remedies will be sought."

Unfortunately, Mr. President, we are scarcely any closer to a "blanket" delegation of procurement authority (DPA) for ADP acquired in support of critical defense missions than we were at the time of Senator JACKSON and Senator CHILES' important colloquy in November 1980. It is true that the Department of Defense has officially sought such a delegation and that meetings have been held between officials of DOD and GSA on this subject. There continues to be, however, considerable opposition to such an action on the part of Chairman BROOKS of the House Government Operations Committee. The likelihood appears to be virtually nil that a DPA along the lines described by the Senate debate on Public Law 95-511 will be forthcoming any time soon, Furthermore, questions remain, as raised in testimony by several witnesses before the committee, as to whether or not a DPA of any kind would have the desired effect. Without a change in the legislation governing computer acquisitions it seems unlikely that any fundamental change would occur in the procedures spawned by the existing statute. Finally, there is cause for concern that some future Administrator of GSA may elect to revoke the general DPA once it had been granted, thereby reimposing the present, unacceptable procurement process upon these crucial ADP acquisitions.

In addition, the committee is not persuaded that the harassment Senator CHILES warned against in his statement last November has, in fact, significantly diminished. While some improvement has been noted, delays and inefficiencies continue to characterize the procurement of critical defense mission related automatic data processing.

In short, Mr. President, the committee believes the time has come to take corrective action to insure that the procurement of ADP equipment and services in support of our most important national security requirements is no longer a responsibility of the General Services Administration. I am proud that this initiative is a part of the fiscal year 1982 Defense Authorization bill which governs procurement of the weapon systems and supporting equipment which constitute our national defense posture. I urge the Senate to support this bill as amended and I intend to work for the retention of this provision in conference.

Mr. METZENBAUM. I would like to discuss with the distinguished manager of the bill some concerns I have about the action taken by the committee in connection with reform of the regulatory process applying to procurement by the Department of Defense of automatic data processing equipment and services. As the chairman knows, I have a great interest in maximizing the efficiency of the Department of Defense's procurement process. At a time when we are spending hundreds of billions of dollars on defense, it is absolutely essential that the money be well spent, properly managed, and expended in a manner consistent with our obligation to provide the taxpayer with a full dollar's value for each dollar spent.

I share the national security concerns that prompted the committee to include these provisions in the bill.

The NORAD incidents, so ably investigated by Senators GOLDWATER and HART, demonstrate the urgent need for first line equipment in our key defense installations. And it makes no sense, Mr. President, to clutter this or any other acquisition process with cumbersome regulations that have in some cases led to the purchase of obsolescent equipment and produced acquisition lead times of up to 6 years.

But, Mr. President, I am concerned that the language in this bill may be interpreted by the Department of Defense as license to sole source ADP equipment and services without regard for the cost savings that can be achieved through competition.

Mr. TOWER. May I say to my colleague from Ohio, the intention of the committee in offering this amendment was to promote greater efficiency and realize improved economies over the present system of acquisition of these computers. We are anxious to see corrected in these key mission areas a problem of inefficient and wasteful procurement which has been evident to many for quite some time. This problem has grown increasingly severe in recent years, however, particularly in the areas of command and control, warning, weapons systems, and intelligence as these fields have become ever more dependent upon sophisticated digital computing equipment and services.

Mr. METZENBAUM. Is the Senator from Ohio correct in understanding, then, that the committee fully supports the principle of competition as it applies to these procurements?

Mr. TOWER. The Senator is correct. If I may refer to the committee's report language relating to this issue, the Senator will note that—

It is the intention of the committee, that, to the maximum degree feasible, consistent with national security priorities, the Department of Defense shall undertake to acquire ADP through competitive procedures, taking account of lowest total overall cost.

The committee feels that it is terribly important that meaningful competition take place wherever practical in the course of these procurements and that the underlying principle for calculating the most advantageous competitive procurement option for the Government should be that of "lowest ultimate overall cost. price. and other factors considered" as stipulated in OMB Circular A–109. In fact, the committee is concerned that true competition of this sort has not been adequately considered under the present regulatory structure governing ADP procurement and we fully expect that, under this revised procurement process, competition would—if anything—be enhanced.

Mr. METZENBAUM. I am glad to see that the bill manager shares my concern in this area. I hope he will be following with as great attentiveness as I will the implementation of this revised acquisition process in the interest of insuring that it lives up to the expectations articulated by the chairman and results in accomplishment of our common objectives.

● Mr. LEVIN. Mr. President, as a member of the Armed Services Committee, I voted against reporting this bill to the Senate. During the course of our consideration, several changes have been made in the bill, most of which serve to improve it. Those changes do not, however, eliminate the serious reservations I have about the direction of the bill and several of its specific components.

Nonetheless, I am now compelled to vote for the bill. I have made an effort in committee and on the floor to correct what I see as some of its basic flaws. Some of those efforts have succeeded, others have failed. But the choice is no longer one of what shape the bill will take. The choice now is whether there will be a bill or not.

Given the strengths the bill contains, including needed additional dollars for readiness, and given the need we have for a bill, I vote for it.

In so doing, however, I do not mean to imply that my concerns about the bill have been lessened in any way. The criticisms I made of it in my minority views remain, in my mind valid. I ask to have those views printed at this point in the RECORD.

The material is as follows:

MINORITY VIEWS OF MR. LEVIN

As reported out by our Armed Services Committee, the fiscal 1982 Defense Authorization Act lays the foundation for one of the largest military spending programs our Nation has undertaken since World War II.

Unfortunately, as constructed by our committee, this foundation has several flaws serious enough to force me to vote against it being reported to the full Senate.

These flaws compromise the features of this legislation which otherwise make positive contributions to our national defense—contributions which I strongly support and which I think are long overdue, especially in the areas of military readiness and strategic command, control and communications (C^3).

I strongly support efforts to improve our defense capabilities, and I do not think that there should be any doubt by the American people that we need to make improvements. This is particularly so regarding certain aspects of our conventional force capabilities.

It is for these reasons that I supported the increases in such readiness-related programs as aircraft engine spares, war reserve materials, depot maintenance and industrial mobilization preparedness, as well as increases in tank, tactical aircraft and ship procurement.

The committee's actions to increase the preparedness of our National Guard and Reserve Forces were generally commendable, also, as was its approval of an amendment aimed at eventually increasing the amount of competition for defense contracts. This latter action has the ultimate goal of achieving costs savings through more competitive bidding.

However, certain increases to the defense budget approved by the committee cannot be justified by realistic assessments of both the military threats we face and our own present (and future) capabilities to meet those threats.

Neither overly pessimistic nor overly optimistic assessments of our own strengths and weaknesses—or those of the Soviet—should be used as the basis on which to build our defense program. More realistic evaluations are required. The committee relied too heavily on extremely unrealistic assessments and the end result was the authorization of militarily unjustified systems, such as initial funding of a nuclear aircraft carrier and continued procurement of the Roland Army air defense system.

Let me now address some of the basic flaws in the committee's fiscal year 1982 Defense Authorization.

First, last November's election signaled that the American people have lost their patience with "business as usual" as far as government is concerned. They are tired of unresponsive Federal departments and agencies wasting their hard-earned tax dollars. They are tired of the budgetary gimmickry practiced by successive past administrations both Republican and Democratic.

The public rightfully wants us to cut waste in the Federal budget—*including*, not excluding the defense budget. It wants us to obtain the most military capability out of every defense dollar, just as it is demanding we get more out of every dollar spent on domestic programs.

Our committee too often failed the test. It refused to eliminate $200 million from the defense budget in a targeted reduction of duplicative administrative and support functions at neighboring military bases—a recommendation well documented by Congress' own investigative agency, the General Accounting Office (GAO).

It refused to cut another $100 million from funds for consultants, a savings recommended by the Secretary of Defense himself but not included in the new administration's fiscal year 1982 budget revisions.

It refused to cut about $60 million to hire some 5,000 foreign workers at U.S. military bases overseas to fill positions the Army has not even validated as needed defense requirements. We are creating positions without following the customary process of requiring the Army to validate the need, and in the process, are spending $60 million to employ foreign citizens, mainly in Germany, when Germany and other NATO allies have not even kept their own defense spending commitments.

These proposed reductions were so modest as to constitute less than 2/10's of 1 percent of the entire defense budget, and they were not aimed at the sinew and bone of our military capabilities. They were aimed at the fat in our defense establishment—padding which can be reduced without threatening our national security.

That this padding exists was eloquently testified to by the new administration's own budget-cutter, Office of Management and Budget Director David A. Stockman. Mr. Stockman recently told another congressional committee that the reason he did not cut defense spending in the Reagan fiscal year 1982 budget revisions—compared to the extreme reductions recomemnded in other programs—is because:

"There is so much waste in the Defense Department it has taken us longer to figure it out."

In this light, the committee's rejection of these very modest savings is doubly disappointing.

The second basic flaw is the committee's legislative treatment of the "fencing" of the MX missile basing and new strategic bomber programs.

Since the new administration still is deciding how to base the MX missile and which type (or types) of new strategic bomber to develop, the committee properly restricted any obligation or expenditure on these programs until after those decisons are made and transmitted to Congress.

However, these programs may still proceed in whatever direction is decided by the President after the passage of 60 days in which Congress fails to pass a resolution of disapproval.

This indirect and almost passive legislative

technique, in both cases substantively would surrender the Congress' authorization and appropriations powers to the executive branch. As such, it weakens the voices of the American people—through their elected representatives—to express and vote their views on two of the most important defense programs this Nation ever may undertake.

In the case of the MX basing mode, its costs—financial and environmental—and its implications for strategic nuclear policy, deterrence and arms control are so great that the controversy surrounding the system is likely to continue and increase, rather than decrease, once the President decides on a basing mode.

Court suits are likely—if not certain—even if land withdrawal legislation is approved by Congress.

Land withdrawal legislation—already delayed—itself raises serious constitutional questions about the relationships between Federal and States rights, to say nothing of the specific issues regarding the pros and cons of amending, suspending or "fast-tracking" the administrative and judicial procedures established under the National Environmental Policy Act, the Federal Land Policy and Management Act and other laws to protect the public and our natural resources. We could be setting precedents of great import for the future.

Production and deployment of MX—in whatever basing mode—could divert substantial resources away from meeting our needs to improve our conventional Armed Forces.

Rightly or wrongly, our decisions about MX have attracted the keen attention of our NATO allies, some of which somehow think whether we deploy MX on land or sea is analogous to the dilemma they face in deploying new U.S. theatre nuclear weapons on their soil.

The cohesion of the NATO Alliance could be affected by what the United States decides to do with MX.

MX in whatever deployment mode will have major impact on the pace of reaching future arms control agreements and on their composition. It also could affect continuation of existing agreements, such as the ABM Treaty.

Regardless of one's position on these individual arms control efforts—SALT and ABM—MX will greatly impact them.

All of these points demonstrate how important and weighty are the executive branch and congressional decisions about MX. This is the world's largest military construction project—if not mankind's largest ever. The very shape of our future strategic nuclear and conventional military policies could be decided in the process of deciding about MX. The very safety and security of our own people, as well as those throughout the world, will be affected greatly by how we decide MX.

We should not make such decisions in an indirect manner which could well result in our never directly voting on this issue. That is what we would be doing by establishing the "motion of disapproval" procedure embodied in the committee's MX "fencing" language.

Congress, as the elected representatives of the American people, should take direct action and to vote up or down, in deciding MX.

The committee's "fencing" procedure may well result in the avoidance of an up-down vote. While it allows for a motion of disapproval after a presidential decision, it does not assure that such a motion will reach the floor or, if it does, will not be subject to a tabling motion.

Regarding the bomber program, the decision is almost as costly and as controversial as is the MX basing mode choice. One statement of our committee colleague and chairman of the Strategic Forces Subcommittee Senator Warner, demonstrates its complexities and import:

"Although modifying existing aircraft, as in the FB-111 stretch option, is the least costly approach, all of the bomber options which we are considering are very expensive.

"Funding any of the bomber programs under consideration will place a major burden on the Defense budget even with the large increases anticipated by the Reagan administration. Thus, with cost being a major consideration, the Congress must weigh carefully any steps to develop or procure new strategic bombers. We must decide whether or not the United States can afford both a near-term bomber program as well as an advanced technology bomber program. We must ask whether or not advanced technology will be good enough and near enough to justify not doing a near-term bomber. And we must ask whether or not we can justify proceeding with two bomber programs, all in the context of our other strategic programs, such as the MX, Trident II and the air-launched cruise missile."

The third basic deficiency in this defense authorization is the manner in which the committee chose to address the need of our North Atlantic Treaty Organization (NATO) allies and Japan to increase their contributions to the common defense.

To convey to our allies that, as we are continuing to significantly expand our defense efforts, Congress and the American people place vital importance on the equitable sharing of the cost burden for the common defense. I introduced an amendment requiring the President to reduce by an amount he determined:

"(1) the number of U.S. troops stationed, or the number of U.S. defense dollars expended, in those NATO countries which fail in calendar year 1982 to meet the commitment to 3 percent annual real growth in defense expenditures made by each of the NATO allies and

"(2) reduce the number of U.S. troops stationed, or U.S. defense dollars expended, in Japan if the Government of Japan fails to budget sufficient funds in 1982 to permit fulfillment of Japan's commitment to complete its mid-term defense plan one year earlier than originally planned. In both instances, the President would not have to make such reductions if he certified to the Congress that any such U.S. troop or expenditure reductions would adversely affect the national security of the United States."

With these waiver provisions, the practical effect of my amendment in terms of actually forcing troop reductions overseas would be far less than would be its symbolic value, which at this time is more important.

Adoption of this amendment would send an important signal to our allies that the American taxpayers, and their elected representatives, do not have unlimited patience to provide money and manpower to help defend other nations while these other nations continue to refuse to carry out commitments to more equitably shoulder the mutual security burden.

Instead, the committee repeated in this year's defense legislation the same language enacted into law last year expressing our concerns that our allies should do more in these areas and requiring a Defense Department report assessing the adequacy of allied contributions. As the author of that language last year, I no longer believe it adequately expresses the American frustration with the level of allied defense efforts. Nor does it establish any mechanism to actually achieve a more equitable division of labor between the United States and its allies. My amendment was intended to create such a mechanism as well as to more forcefully communicate the feelings of the American public on this issue.

The Soviet invasion of Afghanistan, the threat of intervention in Poland by the Soviet Union and its Warsaw Pact allies, and the potential for continuing instability in the region of the Persian Gulf which could threaten the economic health of ourselves and our allies, underscore the importance of improved military preparedness by all the member nations of the North Atlantic Treaty Organization (NATO), and by Japan.

But the non-U.S. member nations of NATO, collectively and individually, and Japan, have failed even in the past year, to fully appreciate these threats to our mutual security and have not responded with the more determined defense effort now warranted and to which they specifically committed themselves.

The current pace and direction of the military efforts of NATO and Japan, including the failure of many NATO nations to meet the 3 percent annual real growth commitment on defense spending agreed to in 1977 and reaffirmed in 1979, the delay in NATO's Long Term Defense Program resulting from insufficient contributions to the common defense by the non-U.S. member nations, the weakening of support in some NATO nations to the agreed-upon modernization of the Alliance's long-range theater nuclear weapons, and the recent disappointing failure of Japan to increase its defense spending in 1981 as promised, are causes of great concern to the Congress and the American people.

Since the United States has provided the other members of NATO, and Japan, with a defense umbrella in the post-World War II era, thereby relieving these nations of a great national defense burden, and has contributed enormously to the economic recovery of these nations since World War II, especially the Federal Republic of Germany and Japan, it is especially hard to understand why these nations have been unwilling to increase their annual defense spending to levels commensurate with their economic resources and their commitments.

In suggesting such an amendment, I recognize that our allies in NATO certainly contribute more than is commonly realized to our mutual defense, and I understand the methodological and philosophical difficulties attendant in trying to measure what constitutes a "fair share" for each NATO nation and Japan.

Nevertheless, I believe that the present sacrifices being asked of the American people to support defense improvements for the common good must be shared by our alliance partners. This more mutual sacrifice is in the long term best interests of all our nations, as well as of the rest of the Free World.

I also must take exception to three other deficiencies in this authorization.

The committee repealed outright the profit-limiting Vinson-Trammell Act, the last vestige of direct protection the American taxpayer has against excess profits being made on defense contracts. By taking this action, the committee violated a specific commitment made by it and the entire Congress last year to study alternatives to Vinson-Trammell before outright repeal.

No hearings were held this year on this issue by our committee, and outright repeal removes the incentive for such activities in the future. At a time when we are greatly expanding defense spending, Congress should have seriously considered substituting more modern, alternative profit limiting mechanisms for Vinson-Trammell, instead of repealing the statute. Past Defense Department testimony, and present GAO statements recommended against the committee's action, also.

In another procurement related matter, the committee erred, in my opinion, by inserting a "Maybank amendment" into a defense authorization act for the first time. Previously included only in defense appropriations acts, the Maybank amendment excludes DoD from participating in the national program to target certain procurement contracts to firms in high unemployment areas when competi-

tive prices still can be obtained by the government.

Since Congress last year partially repealed the Maybank provision as a pilot program to determine the costs and benefits of a complete repeal—an action many of us have urged—the committee's reinsertion of a full Maybank amendment into a defense authorization is unwise and contrary to the will of both the Senate and House of Representatives.

Lastly, the committee again enacted into law unrealistic fixed percentage limits on the numbers of non-high school graduates and of individuals scoring in Category IV on service entrance exams who can be recruited annually. This action could force the Army to reject as many as 10,000 individuals which Defense Department studies have demonstrated make acceptable soldiers.

Improving our Armed Forces is a question of both quantity and quality, and the committee's action sacrifies both to meet some arbitrary standard which has little relation to what personal characteristics are required for a man or woman to become a good soldier.

CARL LEVIN.●

● Mr. KENNEDY. Mr. President, I will vote for the fiscal year 1982 defense authorization bill. The 1980's clearly confront the United States with numerous military challenges. There have been quantitative increases and qualitative improvements in Soviet intercontinental missile warheads. There has been a Soviet buildup of theater nuclear and conventional forces such as the SS–20 and the T–72 tank.

Recent developments in the Middle East and Persian Gulf region have given further cause for concern. The threats to our interests in that area are not exclusively military, but include political and economic challenges. But it is essential for the United States and its allies to have available the military forces necessary to protect our interests and our friends if necessary.

Increased stability in the Third World is an additional threat to the United States. In the years ahead, rapid population growth, poverty, and unemployment threaten to trigger greater economic and social unrest. The most effective approach to these problems must rely on multinational diplomacy and the use of international economic resources to promote peaceful development. But we must make clear to all who attempt to exploit international unrest that we can defend our interests in concert with our friends and allies.

The spread of conventional arms, the proliferation of nuclear explosives and international terrorism also pose looming threats to world peace and stability. We must counter these threats by continuing to subject arms sale proposals to careful scrutiny, by pursuing concerted multilateral efforts to prevent nuclear weapons proliferation, and by developing a coordinated international response to terrorist activities.

In the face of these challenges, I recognize the need for this legislation's many important defense initiatives essential to protect our interests.

In the area of strategic nuclear forces, the Reagan administration is currently reviewing two major programs—the MX and a new strategic bomber. I have been, and I continue to be, opposed to an MX system that could devastate the environment of the Western States. There are also serious questions about the cost and the national security implications of the MX. The burden of proof must rest with the administration. Once the President makes his decision on MX, the Congress must assert its appropriate oversight role.

On the strategic bomber, the question is, What kind of bomber and how effective will it be? If the administration pursues a B–1-type bomber, it must explain why alternatives such as air-launched cruise missiles, or the development or a bomber incorporating more advanced technology do not represent a wiser investment. At a time of budgetary restraint, the Congress and the American people must be assured that any such program will be militarily effective and cost effective and that it will enhance our Nation's security and that of our allies.

The legislation before us does take important steps to insure that the United States continues to deploy a strong nuclear deterrent. It authorizes funds for such programs as the air-launched cruise missile and the Trident I and Trident II missile systems. Moreover, it recognizes the urgent need to insure that this country possesses survivable and reliable strategic command, control, and communications. I strongly support the funding for strategic systems which are crucial to the deterrent strength of our nuclear forces.

In the area of theater nuclear forces, I support preparations for the deployment of cruise missiles in Europe. Cruise missiles are one way to offset the growing capability of Soviet theater nuclear forces. At the same time, however, we must pursue serious, good faith negotiations for equitable and verifiable theater nuclear arms limitations. I welcome Secretary of State Haig's recent assurance to the NATO Ministers that the United States will begin theater nuclear talks this year. The Ministers themselves reaffirmed their December 1979, commitment to a two-track approach of preparation for deployment and negotiation for limits on these weapons.

Just as we must continue to strengthen our defense commitments to our allies, so these allies must contribute their fair share of the burden.

I strongly support strengthening America's general purpose forces. Programs such as the Army's patriot air defense system and TOW missile program and the Air Force's continued modernization of the tactical air fleet will provide the ground and air capabilities needed in the years ahead.

I particularly wish to commend the Armed Services Committee for its handling of two areas crucial to America's national defense: The issues of the Navy, and operations and maintenance. While I oppose the decision to reactivate WW II battleships, I strongly support the authorization of important naval programs such as the SSN–688 class nuclear attack submarines, the Aegis cruiser and the F–14 and F–18 aircraft. The committee has also taken initiatives important to American strength on the high seas. This has been a concern of mine for a long time—and I am particularly pleased with proposals for research and development in such areas as diesel submarines, lightweight armored vehicles, and light carriers.

For example, light carriers offer the potential of developing greater numbers of less vulnerable ships for an era in which the United States will need an increasing number of ships to serve as platforms for naval aviation. This legislation also provides an additional $8 million to continue developing modular naval weapons and sensors. This concept offers the United States a vital opportunity to modernize its fleet rapidly and reliably, instead of forever being delayed while we await the design and construction of new ships.

Next, I strongly endorse the committee's proposal to increase the operations and maintenance budget by $293.1 million over the administration's request. Greater funding for reserve stockpiles, spare parts, fuel, and ammunition, and increased sea time and flying time are vital to the readiness and sustainability of America's Armed Forces. By assuring that our ships, aircraft, armored combat vehicles, and other systems are able to perform as they are supposed to, we can send a clear signal that the United States truly is prepared to defend its interests.

I strongly support measures to increase the military preparedness of America's Guard and Reserve Forces, which must continue to make a real contribution to our national defense. I welcome the committee's action to add $526.1 million in aircraft modernization procurement funds to insure that the Guard and Reserve will possess the modern equipment essential to their combat readiness.

We must also strengthen our industrial base. We must increase surge capability for defense in wartime. It is essential that we move to do so now, for a strong industrial base is the cornerstone of America's military preparedness.

In this time of budget restraint, no waste in any department of Government should be treated as a sacred cow. As we improve our national defense, we must also insist that waste be eliminated from the defense budget. This is not simply a matter of combating fraud or negligence. It requires assurance that the weapons we buy are designed for maximum combat capability, that training and readiness are not sacrified to amass equipment that cannot be used, and that innovative ideas for equipment and strategy are not stifled because they challenge conventional wisdom.

The American taxpayer must know that all Government spending—including military spending—is both effective and efficient. This is a task, not just for inspectors general, but for top level program management, civil and military—and it is an area where congressional oversight is critical.

There are other indispensable elements of a sound and sensible long-term defense policy.

First, we must have a clear and coherent military strategy consistent with our foreign policy objectives and capable of protecting our interests. In the absense of such a strategy, efforts to improve American military power will be driven by bureaucratic inertia rather than the national interest.

Second, except in time of crisis, we must avoid the past practice of sudden and costly surges in spending. Such surges undercut support for necessary military expenditures over time.

Third, we must calculate whether our economy can support the military buildup proposed not only for the rest of the next fiscal year but the buildup projected into the mid and late 1980's. In fact, most of the military capability we are authorizing in this bill will be paid for in years to come. We must never forget that economic, as well as military, strength is a component of national security. In this era of continued high inflation and budget deficits, we must insure that future military spending does not weaken us economically—and that our economic policy permits adequate funds to maintain a strong defense.

In a recent article in the Armed Forces Journal International the senior Senator from South Carolina (Mr. HOLLINGS), the ranking minority member of the Senate Budget Committee, states that President Reagan has underestimated the true cost of his fiscal year 1982–86 defense program by over $150 billion. I commend this article to my colleagues. Senator HOLLINGS proposes a number of important initiatives with which I agree—for example, a review of our current military pay and benefits structure to insure that we compensate military personnel on the basis of skills as well as rank. Senator HOLLINGS shows the administration's vast underestimate of real military costs poses a grave potential threat to both our economy and our national defense.

In this regard, I also welcome the efforts of Senator BRADLEY of New Jersey, during Senate consideration of the first concurrent budget resolution, to require that the President prepare a report by October 1, 1981, which includes, first, a description of how coordination of a 3-year tax cut and increased defense spending in fiscal years 1982–86 will affect inflation, unemployment, and interest rates, given varying economic growth assumptions; and second, an assessment of possible adjustments in our military strategy, requirements, and programs if defense sector inflation is higher than in the general economy. The administration owes the American people a clear answer to these important questions, and I believe we should continue to press for it in the months ahead.

Fourth, we must pursue both innovation and reform in our Defense Establishment. For example, more emphasis on less complex, more easily maintained weapons systems can significantly improve our military capability and readiness. One of our greatest national assets is technological innovation. The development of precision-guided weapons was one of the important achievements of military technology in the 1970's.

Sensors for artillery and short-range missile systems and the AEGIS radar—which will help to counter the threat to our naval forces posed by the Backfire bomber and other weapons—promise similar advances in the 1980's. But we must do more than simply add to technological wizardry. We must mobilize our superior electronics industry to improve the ease of maintenance and increase the effectiveness of our weapons systems.

Fifth, we must never forget that a sound defense policy ultimately rests on the military men and women who serve this Nation. Our military personnel deserve recognition, respect, and a decent standard of life. The weapons we design, produce, and deploy are ultimately only as good as the people who use them.

Finally and fundamentally, we must recognize the vital and central role of arms control—both agreements already in force or effect and those at various stages of negotiation or only now on the horizon of possibility. I have cosponsored the Senate resolution, introduced by the Senator from Colorado (Mr. HART), supporting a Presidential policy of reopening nuclear arms control talks in order to enhance our national security and the prospect of peace.

Negotiated, verifiable agreements with the Soviet Union are the only effective means to reduce the size of the threat facing the United States. Arms control agreements can strengthen our security and the security of our allies by reducing the risk of nuclear conflict and by freeing funds for strengthening conventional forces and for sustaining essential domestic programs. In the absence of the negotiated constraints now in effect on Soviet weapons, large increases in the size of the Soviet arsenal could prompt us to take even more expensive compensating measures than those called for by the present, high-level military budget.

Negotiations should be resumed promptly to achieve reductions in strategic systems, to prohibit all nuclear test explosions, and to prevent a dangerous competition in antisatellite weapons. The theater nuclear force limitation talks should begin forthwith. Clearly, our own seriousness of purpose in pursuing all of these negotiations will be essential to our efforts to prevent nuclear weapons proliferation and to reduce the risks of nuclear war.

Mr. President, we need a national defense second to none. We need a commitment to peace second to none. With these two goals in mind, I shall cast my vote for the fiscal 1982 defense authorization bill.●

● Mr. GLENN. Mr. President, I commend today the chairman of the Committee on Armed Services for the positive action his committee has taken in the legislation before us to modernize America's amphibious warfare capability.

Political instability, Soviet adventurism and endangered energy resources have focused our attention on the Persian Gulf-Indian Ocean region and, among other things, have also given birth to the much-talked about rapid deployment force. While the concept of a rapid deployment force preoccupies many defense experts, it obscures a more basic requirement for the United States to be able to establish quickly a credible military presence in areas far distant from Southwest Asia.

I am firmly convinced that one of the keys to protecting our interests abroad is our ability to deter aggression without resorting immediately to nuclear weapons. Our conventional forces appear to be generally on the way toward desperately needed improvement. But an important area that is receiving insufficient attention and emphasis is our amphibious warfare capability.

It seems to me that with all the glitter surrounding the rapid deployment force with its prepositioned material and airlifted troops, we may have assumed away the unpleasant prospect that we might have to make landings on foreign shores against determined opposition. Certainly, one way to insure that we have to make opposed landings is to let the world know that we are unprepared to do so. To better reassure our friends and to give judicious pause to our adversaries, we must maintain—and improve—our amphibious forces.

A depleted amphibious fleet dangerously limits our policy options and flexibility. Adequate amphibious capabilities:

Allow the speedy establishment of a credible military presence without the potentially entangling problems that are inherent in land basing.

Are the cornerstones of our ability to project conventional military forces worldwide, not just in the Persian Gulf-Indian Ocean region.

Provide greater combat power and more reliable sustainability than can be achieved by airlift.

We will be losing soon many of our amphibious ships because of block obsolescence. All eight LSD–28 craft, for example, will be retired within a 4-year period beginning in 1984. Other clusters of ships, built at about the same time, similarly will reach the end of their service life together. The Commandant of the Marine Corps recently testified that a vigorous shipbuilding program is needed since all but a handful of our present amphibious ships will leave the fleet around the turn of the century.

The ship chosen to replace the aging LSD–28 craft is the LSD–41. In the fiscal year 1981 budget, Congress provided the funding for the construction of the first of eight LSD–41's. In the same budget, we also provided for long lead procurement of components that we then expected would be earmarked for a second ship in the fiscal year 1982 budget request.

Unfortunately, neither the original fiscal year 1982 budget request submitted by President Carter, nor the amendment thereto approved by President Reagan, contained a funding request for the second LSD–41.

As we have seen in so many defense procurement cases, we do not actually save money by putting off buying those items we know we must inevitably have. By such "stretchout," we do not take advantage of the most efficient production rates and, as we move into the outyears, the prices inevitably increase.

I fully support the committee's addition of the LSD–41 to this year's authorization budget. This action is a wise decision that adds to our deterrent capabilities.●

THE 1982 DEFENSE BUDGET

● Mr. DOLE. Mr. President, the Senator from Kansas has supported the administration's budget proposals and fought

to keep the lid on spending. In the area of defense, however, the country has a great deal to make up for. President Reagan's election was a mandate to do something about the increasingly perilous condition our country was drifting into. The President has proposed a reasonable first increment for fiscal year 1982 in defense spending. It is consistent with his pledge to cut back overall Federal spending and to root out waste and mismanagement.

Secretary of Defense Weinberger has ordered Deputy Defense Secretary Carlucci, known for his reputation as an administrator and budget cutter, to look into all areas of the defense budget to achieve increased efficiency, to conduct a major internal review of the huge DOD acquisition process, and to reexamine the mission and purpose of the various military commands for possible consolidation or reform.

We do not propose increases in the defense budget in this time of very necessary fiscal austerity without good cause. Nor do we shrink from making cuts and suggesting eliminations where they are warranted; but our primary concern is the Nation's security, and the ability of our armed services "to provide for the national defense."

DO NOT FORECLOSE OPTIONS

There are several defense issues on which the Reagan administration has yet to make up its mind. Other decisions have been made tentatively but may change as events evolve. These lie in the area of arms control, the SALT process, the question of MX basing schemes, the production of a new heavy bomber, the feasibility of anti-ballistic-missile defense and the rapid deployment force. The Senator from Kansas does not know at this point, any more than the Secretary of Defense, which of the future weapon systems and their options and alternatives will prove to be the most cost effective, efficient, and reliable.

At this point, within our budgetary constraints, we must concentrate on those areas that promise to restore morale in our military and provide the modern weapons with which they can implement our strategic defense mission. We must provide the funds for research and development that will give us the most productive results, not just in the near-term but—with the long leadtime most modern systems now require—for the decade of the nineties as well. We do not want to unnecessarily foreclose any options. Flexibility, overall strength and alternative weapons strategies will give us the options in the future to avoid the kinds of problems we now face with the vulnerability of our land-based ICBM's and the controversy over the MX.

There have been calls for some minor cuts in this budget that amount to cosmetic attempts that would neither insure our military security nor our fiscal security.

Mr. President, we simply cannot afford at this point to close any options which may upon further research prove to be both economically feasible and vital to our national security.

In the final balance, with a few shifts in the funds to provide for even greater diversity in research projects, this budget is one that the Senator from Kansas can support wholeheartedly. It takes the first step toward restoring our military capability that was in such danger of deterioration over the last decade. It is my hope this effort can be sustained in the future until sufficient time has passed for the efforts to bear fruit.●

MX: THE COSTLY RACE FOR STRATEGIC VULNERABILITY

● Mr. GLENN. Mr. President, we embarked on the costly and sometimes acrimonious search for new ways to base our intercontinental ballistic missiles (ICBM's) because they were seen as more vulnerable each time American intelligence reported on the latest Soviet missile tests. I personally doubt that increased accuracy alone would prompt Soviet leaders to bet their nation's survival on the success of a massive surprise missile attack. Questions would remain in Soviet minds as to the overall reliability of their missile fleet and of the reliability of their communications, command and control, and intelligence systems. But we have trapped ourselves within a self-fulfilling prophecy: because we believe we are vulnerable, we may have persuaded the Soviets that this vulnerability can be exploited. And so we have turned to the MX.

As presently envisioned, the MX system will consist of 200 highly accurate ICBM's and 4,600 missile shelters. Each MX missile will move between—and be hidden among—dozens of shelters. Thus, any enemy who wishes to ensure a surprise attack would knock out all our missile fleet would have to target every shelter, regardless of the fact that 4,400 of the shelters will be empty.

Basic arithmetic appears to favor the MX with its 4,600 shelters over our ICBM fleet now deployed in 1,052 silos. For a high assurance that nearly all MX missiles are destroyed, the U.S.S.R. currently would have to target two nuclear warheads or "re-entry vehicles" (RV's) on each MX shelter for a total of 9,200 RV's to neutralize the entire system. Our silo-based ICBM fleet could be destroyed by just over 2,000 Soviet RV's.

But the fundamental flaw of the MX system is that we multiply our vulnerabilities by adding more fixed aim points; aim points that the Soviets have already shown they have the means to destroy. With the technology in hand, all they must do to neutralize the MX system is to manufacture more of the same kind of weapons that have endangered the silo-based forces. And the multiple shelters create an incentive to do so. We are telling the U.S.S.R. "If you build enough nuclear weapons, you can destroy or checkmate our prime strategic deterrent."

What is generally not made clear by proponents of the multiple shelter basing mode is that its survivability is dependent on how well we estimate Soviet capabilities and intentions. The MX program now before Congress is one designed against an estimate of a "most likely" Soviet threat of about 6,000 RV's in the mid-to-late 1980's. But we have an unenviable and disquieting track record of estimating the rates of Soviet technical development. Our history of assessing Soviet capabilities and intentions is littered with the wrecking of underestimates.

Prudent estimates of the numbers of RV's that could confront MX toward the end of this decade point to the very real possibility that on the very day it is announced completed, the MX shelter system will have to be greatly expanded. By continuing its present rate of RV deployment, for example, the U.S.S.R. could have some 7,000 warheads available to target against the MX in 1990. If we wish to insure that 50 percent of the MX missiles will survive an attack by this many RV's, then over 8,000 shelters will be necessary. Our present plans, however, call for us to have only 4,600 shelters completed by 1990. And so we could be faced with the prospect of gouging out almost 4,000 more shelters from Nevada or Utah. MX proponents argue. however, that the Soviets would not start an RV/shelter race since comparative costs would work against the U.S.S.R.

The comparative cost argument founders on the mistaken assumption that the Soviet Union would be reluctant to match funds against the United States—a nation with immensely greater resources. This argument ignores the fact that the United States throughout the 1970's, has consistently demonstrated an unwillingness to compete in the arena of general defense investments with the Soviet Union. And an annual appropriation of funds for missle shelter construction would be particularly difficult to justify at budget time—especially at an estimated cost of $2 million for each shelter. Even with an administration oriented toward increased defense spending, the idea of appropriating billions for empty shelters in the desert would be difficult to sell to a Congress and public that could more easily understand defense spending on planes, tanks, or military pay.

The Soviet Union might abandon the option of attacking the MX shelters. And there might well be raw materials constraints on the numbers of RV's the Soviet Union could build. And a new generation of Soviet leaders might turn away from the present drive for military superiority over the United States. But these are imponderables, made so by our limited knowledge of the Soviet Union. Yet, the proponents of the MPS system build many of their arguments on these very imponderables.

What is certain is that the MPS basing mode is no real answer to our survivability problems of the land-based ICBM fleet.

While I am not in total agreement with every recommendation of the amendment before us, I endorse the major messages it sends the President: First, that this body wants our strategic deterrent to be strengthened and, second, that this body recommends abandoning the multiple protective shelter plan—a plan that is nothing less than a costly exercise in which we spend billions of dollars to

retain vulnerabilities that now threaten our strategic forces.●

● Mr. PELL. Mr. President, I intend to vote for S. 815, the 1982 defense authorization bill, but would like to share with my colleagues several major reservations I have about the level of expenditures authorized by this legislation.

This bill contains a significant and sustained commitment to higher levels of defense spending in 1982 and the years beyond. The huge increase comes at a time when the Congress has pledged to make deep cuts in human services programs, cuts necessitated by an economic situation which demands a very high level of justification in all areas of Federal spending.

Like all my colleagues, I am concerned with the need to increase our defense capability, but I believe the spending level contained in this bill goes well beyond what is necessary to strengthen our actual preparedness. I am not satisfied that the spending increase authorized by S. 815 meets the level of justification claimed by its proponents. In fact, I believe the $136 billion authorized by this bill will contribute to an unprecedented Federal deficit, and reflects the notion that "there isn't anything wrong with the armed services that money won't fix." It is just this philosophy that has been clearly rejected in its application to social programs, and I believe it is wrong to perpetuate a dual standard by applying it now to military spending.

Our commitment in this bill to excessive increases in defense spending is also disturbing because it comes at a time when our allies have not kept their pledges to accept a greater share of our mutual security burdens. Despite renewed commitments to achieving 3 percent real growth in annual defense spending, only Portugal and Luxembourg have maintained their commitments since the original pledge by the NATO nations in 1977. Their failure to meet the 3 percent real growth goal suggests that they do not share our assessments of both the military threats we face, and our own present, and future, capabilities to meet those threats. In any event, I do not believe we should commit ourselves to the level of defense spending contained in this bill without renewing our determination to see that our allies assume a more equitable share of our mutual security burden.

Earlier this week, the Senate approved budget cuts which will require enormous sacrifices from many of our citizens, sacrifices which have been justified in the name of the severe economic crisis faced by the country today. It seems only fair to me that we demonstrate to the American people that we are as committed to eliminating waste and inefficiency in military programs as we are to cutting the fat out of domestic programs. The outgoing Comptroller of the Currency, Elmer Staats, has estimated that a minimum of $4 billion a year could readily be saved through improved defense procurement, and eliminating waste and duplicative management within the Pentagon. I am confident that we could take the figure identified by Mr. Staats, $4 billion, and cut it out of the $136 billion authorized by this bill, without reducing our defense capability one iota.

If our efforts to bring Federal spending under control are to have any credibility with the American people, we must demonstrate that there is no difference between the standard of justification required for human services spending, and the standard necessary for military spending. I am not satisfied that this bill applies the same accountability to the Pentagon as we applied earlier this week to domestic programs. The American people understand the distinction between military spending, and defense capability. In my view, S. 815 exceeds what is necessary to strengthen our preparedness in the world, and may well contribute to our problems of inflation and high deficits.●

THE RENEWAL OF AMERICA'S DEFENSES

Mr. ROBERT C. BYRD. Mr. President, I am pleased to support S. 815 because it takes a first step toward rebuilding America's defenses. Its major accomplishment is to bring our defense spending levels more appropriately into line with that of the Soviet Union. It enhances the long-neglected readiness and modernization of our forces. It is clear that the massive resources that the Soviets have dedicated to their military machine should be of major and continuing concern to us. They have thrown down the gauntlet in both strategic and conventional military areas. It is also clear that we are expanding our commitments into new areas of the world, particularly the Persian Gulf, in order to protect our vital interests. These new commitments must be supported by credible military forces.

This bill is the first step in what has rightly become a major reassessment of our defense posture. Nearly a decade ago American troops were withdrawn from Vietnam, and the Nation has experienced a prolonged period of self-doubt over the utility of military solutions to political problems beyond our shores. This agonizing was, of course, a natural result of our bitter and frustrating experience in Vietnam. It translated itself, however, into a dangerous reduction in our commitment to national defense. Whether our defense posture is adequate or not depends to a large degree on how we compare—and particularly how other nations compare us—with the Russians. And, unfortunately, at the very time that we have retrenched, the Soviets have embarked on a defense spending binge which is unprecedented in the post-World War II era. We have fallen behind.

The Central Intelligence Agency this past February documented the comparison between Soviet and American defense spending. Although it is difficult to compare market and nonmarket economies, the trend is alarming. The buildup of the Soviets' military system affords them a steadily increasing capacity to operate in more areas of the world for longer periods of time.

We see the graphic results of this Soviet foreign policy in Afghanistan and Poland. At the same time that the Soviets are perpetuating their brutal and relentless occupation of Afghanistan with some 85,000 troops, they have well over 200,000 more troops ready to intervene in Poland at a moment's notice. It would be foolhardy to assume that the Soviets do not intend to continue to use their massive military machine. Nor can we assume that the Soviets value the development of a peaceful world order in the same way that we do.

The Soviet Union is deploying nuclear missiles in the European theater at a breakneck pace. These missiles are targeted at the industrial heart of our NATO allies—and our allies do not have comparable weapons systems to counterbalance this Soviet deployment. The Soviets have built a first-class Navy which is rapidly overtaking our own. They have built intercontinental missiles which appear capable of obliterating American Minuteman missiles in their silos in the American heartland.

In aggregate defense costs, for the 1971–80 period, the CIA estimates that the dollar costs of Soviet defense activities were 40 percent higher than comparable U.S. outlays. Last year their expenditures were fully 50 percent higher than our own.

The disparity in the area of strategic forces is truly alarming. Including intercontinental missiles and ballistic missile firing submarines, the Soviet effort was triple our own. In general purpose forces, including land forces, tactical air, naval and mobility—airlift and sealift—the Soviet effort was 60 percent higher than our own, according to the CIA. Even in naval forces, an area which is absolutely crucial for an island maritime nation like our own to be preeminent, the Soviets have challenged our supremacy. Indeed, our naval leaders have recently said that American naval supremacy is now a myth. They now proclaim lack of confidence in the Navy's ability to fight a major conflict at sea.

While these comparisons provide a sense of perspective on the effort of the two nations, they do not mean we should copy the Soviet force structure of weapon systems. A dollar-for-dollar match in spending would not buy us a better, stronger, tougher or more credible military capability. Strategic weapons systems that are ill conceived, or that do not fulfill their basic mission do not impress me. I am sure they do not impress the Soviets. And they most certainly do not give comfort to our allies. Further, it would be unwise to build a standing army the size of the Soviet Union's. They have maintained uniformed personnel at about 4.3 million men, slightly double the size of our manpower. There would be no purpose in our maintaining such large troop levels.

The committee report outlines the key defense problem facing us. While demonstrating the need for a sustained and increased defense effort, it is a commitment to defense programs, rather than a defense spending level, that is essential. In the past we have failed to relate in a consistent and focused way our defense strategy with our foreign policy. The time is late and we have still not followed the advice of our former colleague from Oklahoma, Senator Bellmon, who admon-

ished the Senate to develop a mechanism for "understanding and developing a cohesive, mutually supportive U.S. defense and foreign policy." It is a simply stated proposition—we have to be clearer about where we are going in the world and how we are going to get there. We must design—now—the defense program for the several decades ahead.

What do we consider to be our vital interests? To what other nations and interests should we commit ourselves? What is the nature of these varied commitments? From this assessment, we must decide what forces are necessary to serve as a credible guarantee of American steadiness in honoring those commitments. Given the kinds of challenges the Soviets and their various proxies are mounting—to our vital interests and those of other nations and regions—we must also develop forces and doctrines to respond to these challenges. In short, we must rationally relate our forces to an American foreign policy which is global in scope. This is the only workable definition of "credibility." For this to succeed, we have to work out new mutually agreeable arrangements with other nations.

This may appear to some to be a simple proposition. But how strong NATO should be, for instance, is a matter of serious dispute in the alliance. We are committing ourselves to levels of defense spending which far exceed that of the Europeans. How the NATO military burden is to be shared depends on the perception of the Soviet threat. That perception is not the same on both sides of the Atlantic. Thus, new dialogs, new consultative mechanisms, new assessments of the defense needs of the West are in order. This is not an easy process, but as the most powerful free Nation on Earth it is our obligation to take the lead in this area. At the same time, leadership must be exercised in a careful and sophisticated way—we cannot dictate to our NATO partners.

The problem is compounded when we are dealing with other nations with whom we have had a minimal or even negligible historic relationship—such as in the Persian Gulf. Our defense decisions must be taken with an eye toward what is realistically achievable in the bargains we strike with such nations. Our force structure must be tailored to some extent by the nature of those bargains, in addition to what seems necessary to defend our vital interests, such as assured oil supplies.

In passing this bill, the Senate will endorse a budgetary increase of over 14 percent above last year for defense. We are supporting the reactivation of battleships, funding a new *Nimitz*-class aircraft carrier and insuring that progress will be made on a new strategic missile and a new strategic bomber. The consensus on this bill indicates an acceptance of the need for new symbols of American power, new strategic systems and a bigger Navy. But we have just begun and the hard decisions have not yet been made. We have a very high level of spending, but only the very beginning of a credible and, over the long run, affordable defense program.

THE STRATEGIC EQUATION

The recommendations are not yet available on how best to proceed with the necessary upgrading of our bomber and missile forces. The administration has asked the Senate to fund these two systems at over $2 billion each in this fiscal year 1982 authorization bill. It is absolutely essential that we produce a new manned penetrating bomber as soon as possible. It is also essential that we finish development of the new MX strategic missile and begin to deploy it in a way that will right what has become a serious imbalance in the Soviet-American missile force equation.

Both the bomber and the missiles are legs of the American strategic defense Triad. We base our strategic force planning on the retaliatory capability of three primary systems: Land-based ICBM's, sea-launched ICBM's, and manned bombers. Each system must be able to survive a first-strike attack by Soviet forces and retaliate against enemy targets. This three-pronged redundancy is justified on several grounds: First, a Soviet technological breakthrough against one element would not negate the effectiveness of the entire strategic force. Second, three systems provide a hedge against failure of any one of them. Third, three different systems raise the cost of Soviet offensive and defensive problems. Fourth, the systems complement each other, widening the range of the U.S. counterattack options.

The viability of the Triad is already being eroded to an unacceptable degree. Our Minuteman missile force is vulnerable to an obliterating first-strike attack by increasingly accurate heavy Soviet ICBM's. And our aging B–52 bomber force will soon be unable to penetrate Soviet air defenses, which are being upgraded in a major way.

Both legs of the Triad must be repaired. The Soviet Union has spent a very considerable portion of its strategic weapons budget on a highly sophisticated air defense system. Consisting of many thousands of radars, all-weather interceptor aircraft and surface-to-air missiles, their defense against the B–52 will make our bomber unable to complete its mission by 1990 at the latest.

Beefing up the bomber leg of our Triad is all the more critical because of the vulnerable state of our land-based missiles. The new MX missile is designed to remedy this growing vulnerability. Again, how does one measure the cost effectiveness of a new missile system? The system will, we hope, never be used. And yet it is going to cost at least $40 billion and some say as much as $100 billion before we are through.

We have not yet made a final decision on the basing mode of this missile. The administration has again deferred a decision on the basing mode, appointing a new panel of experts to review the system. We certainly need a recommendation to insure a debate and decision by the Senate this year.

READINESS

The inadequate defense budgets of the last decade have reduced the readiness and modernization of our armed services across the board. We simply have not invested enough in the thousands of mundane items it takes to replenish and renew systems and equipment. We have been short of spare parts, of ammunition—from bullets to missiles—and of aircraft and ships. We have not expended the money to adequately train our forces: not enough flight training, not enough steaming time. I am pleased that this bill begins to redress the shortfalls in readiness and modernization.

NAVAL FORCES

Mr. President, I believe we must give very special attention to the state of the Navy. We have always prided ourselves on the quality of our Navy. Naval forces represent the most potent form of power projection that a maritime and geographically isolated nation can muster. Naval task forces can project substantial power into the distant reaches of the globe in surprisingly short time. Port visits are a way to maintain an American presence without the liabilities associated with permanent bases. The facilities strategy, in which facilities in various Persian Gulf and African nations are made available to our forces on a limited basis—developed by the Carter administration and carried forward by the Reagan administration—along with the associated concept of the rapid deployment force, requires a bigger Navy. A 600-ship Navy is a desirable but ambitious goal, but while we talk about size we must also decide on the composition of our forces.

There are in the Senate a number of innovative voices in the area of naval forces. We must build more of what we have, but we must also be much more creative. The Soviets have shown more innovation than we have in a variety of naval areas—this is understandable in that they have only recently made the national decision to create a world-class naval force. They have built a variety of submarine types, and have crammed their combatant surface ships with an impressive array of new weapons systems.

We are reactivating our battleships. I support this decision because it is a relatively inexpensive and rapid way to get a large, multirole platform on line. It will visibly demonstrate our resolve to project American force. But I also believe we must design and produce smaller aircraft carriers, and vertical takeoff and landing aircraft as a complement to our larger battle groups. We cannot afford to spend all our resources on a few very high-value platforms which could be taken out too easily by a sudden enemy strike. Every investment manager should have a diversified portfolio. The composition of our Navy portfolio should be at the top of our agenda in this Congress, and it will establish the structure of our maritime strategy into the next century.

EFFICIENCIES

It will be incredibly expensive for us to rebuild the defenses of the United States. The American people will support this effort only if it is clear that all possible savings and efficiencies are instituted into the plans and programs of

the Pentagon. This is perhaps our greatest challenge. Each system must be closely scrutinized for waste.

This fiscal year 1982 defense bill I am pleased to say, sets the right tone in the direction of efficiencies. In rejecting the administration's requests for funding a questionable strategic aircraft, the CX, and for reactivating the aircraft carrier *Oriskany*, the Armed Services Committee is to be congratulated for pruning away costly and ill-advised actions. We must not succumb to the temptation to fund flashy weapons systems whose purpose or utility is questionable.

If we do our job right, the 97th Congress will be remembered as the Congress which reestablished America's defense priorities. It will be remembered as the Congress that reinvigorated the Alliance and that creatively developed new kinds of defense concepts, structures and systems to cope with the challenges that confront us. We are only just beginning our task.

Mr. TOWER. Mr. President, to my knowledge, there are no further amendments. Therefore, I ask for third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, as our deliberations on this bill come to a close, I should like to thank those Senators who have participated in the debate on one of the most important measures the Senate will consider this year.

This legislation will allow us to take a major step toward improving the ability of the United States to deter war. It represents a substantial increase in the level of our defense spending, but the costs of this effort are simply unavoidable if we are to secure the future of our country in the years to come.

Mr. President, I again wish to thank all the members of our committee whose diligence and hard work on the very complex details of this bill have made possible our bringing this measure before the Senate at this early point in the year. I again would especially like to recognize the subcommittee chairmen and ranking minority members who held extensive hearings on all aspects of the DOD budget request and whose recommendations formed the basis for our committee report:

The Senator from Arizona, Mr. GOLDWATER, and the Senator from Nevada, Mr. CANNON, on the Tactical Warfare Subcommittee.

The Senator from Virginia, Mr. WARNER, and the Senator from Washington, Mr. JACKSON, on the Strategic and Theater Nuclear Forces Subcommittee.

The Senator from New Hampshire, Mr. HUMPHREY, and the Senator from Michigan, Mr. LEVIN, on the Preparedness Subcommittee.

The Senator from Maine, Mr. COHEN, and the Senator from Virginia, Mr. BYRD, on the Seapower and Force Projection Subcommittee.

The Senator from Iowa, Mr. JEPSEN, and the Senator from Nebraska, Mr. EXON, on the Manpower and Personnel Subcommittee.

In addition, I again express my deepest gratitude and appreciation to the distinguished senior Senator from Mississippi, our former chairman, whose support and assistance have been invaluable to me personally, and whose wisdom and experience remain the greatest single asset in the work of our committee on so many tasks.

I also thank the distinguished senior Senator from South Carolina, the ranking majority member of our committee, who, in addition to his many other Senate duties, chairs the Subcommittee on Military Construction. Though our military construction authorization bill will be handled as separate legislation, he has again been an active and valuable contributor to our work on this bill. By virtue of his many years of service on our committee, he is able to provide the advantage of great continuity and a wealth of experience on all national security matters.

I further recognize the widely respected expertise of the Senator from Georgia (Mr. NUNN), whose sound grasp of so many key defense issues enables him to assume a wide range of responsibilities in his usual diligent and thorough fashion.

The Senator from Colorado (Mr. HART), an especially valuable member of our committee with respect to seapower and force projection matters, has again assisted in the shaping of this legislation in a most thoughtful and innovative way.

I finally voice my appreciation to our two new committee members, the Senator from Alabama, Mr. DENTON, and the Senator from Indiana, Mr. QUAYLE. They have each offered their own unique insights and assistance in our endeavors, and we have welcomed their respective contributions to our work.

Mr. President, with the helpful refinements of those Senators who have brought amendments which the Senate has agreed to, I think we have fashioned a good bill. It is a measure which I believe reflects credit on the Senate's recognition of our urgent national security needs, and I urge each of my colleagues to support the enactment of this legislation.

Mr. President, I also thank the staff. A no more professional job has been done on any bill in any committee I have been associated with than has been done on this bill by the professional staff of the Armed Services Committee, both the majority and minority staffs. I give them my particular commendation.

Mr. President, if there are no other remarks to be made, we can proceed to vote on passage of the bill.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. GOLDWATER. Mr. President, it has been my pleasure to have served on the Armed Services Committee about as long as any other member, except the Senator from Mississippi, under whose guidance I enjoyed service on that committee very much.

However, I wish to commend the new chairman of the committee, the Senator from Texas. As I stand here, I think of the times I have campaigned for various Members of this body around their States, and one of the happiest results of those efforts was the election of JOHN TOWER in Texas, because he has turned into a real leader. It is a pleasure to work with him. He understands the military. He understands foreign policy and the economics involved in it. I congratulate him.

As I look around the Chamber, I see the Senator from Virginia (Mr. WARNER), for whom I campaigned.

Anytime they want me to help them, or not help them, I will be glad to repay them.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Maryland (Mr. MATHIAS) and the Senator from Wyoming (Mr. WALLOP), are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. WALLOP) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Illinois (Mr. DIXON), the Senator from Ohio (Mr. GLENN), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I further announce that if present and voting, the Senator from Nevada (Mr. CANNON), and the Senator from Illinois (Mr. DIXON) would each vote "yea."

The PRESIDING OFFICER. Is there any Senator in the Chamber who has not voted?

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—92

Abdnor	Garn	Moynihan
Andrews	Goldwater	Murkowski
Armstrong	Gorton	Nickles
Baker	Grassley	Nunn
Baucus	Hart	Packwood
Bentsen	Hatch	Pell
Biden	Hawkins	Percy
Boren	Hayakawa	Pressler
Boschwitz	Heflin	Proxmire
Bradley	Heinz	Pryor
Bumpers	Helms	Quayle
Burdick	Hollings	Randolph
Byrd, Harry F., Jr.	Huddleston	Riegle
	Humphrey	Roth
Byrd, Robert C.	Inouye	Rudman
Chafee	Jackson	Sarbanes
Chiles	Jepsen	Sasser
Cohen	Johnston	Schmitt
Cranston	Kassebaum	Simpson
D'Amato	Kasten	Specter
Danforth	Kennedy	Stafford
DeConcini	Laxalt	Stennis
Denton	Levin	Stevens
Dodd	Long	Symms
Dole	Lugar	Thurmond
Domenici	Matsunaga	Tower
Durenberger	Mattingly	Tsongas
Eagleton	McClure	Warner
East	Melcher	Weicker
Exon	Metzenbaum	Williams
Ford	Mitchell	Zorinsky

NAYS—1

Hatfield

NOT VOTING—7

Cannon	Glenn	Wallop
Cochran	Leahy	
Dixon	Mathias	

So the bill (S. 815), as amended, was passed, as follows:

S. 815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Authorization Act of 1982".

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1982 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

Aircraft

For aircraft: for the Army, $1,836,700,000; for the Navy and the Marine Corps, $9,331,700,000; for the Air Force, $15,070,798,000.

Missiles

For missiles: for the Army, $2,469,100,000; for the Navy, $2,555,000,000; for the Marine Corps, $223,024,000; for the Air Force, $4,731,746,000.

Naval vessels

For naval vessels: for the Navy $10,118,600,000.

Tracked combat vehicles

For tracked combat vehicles: for the Army, $3,537,300,000; for the Marine Corps, $281,739,000.

Torpedoes

For torpedoes and related support equipment: for the Navy, $516,600,000.

Other weapons

For other weapons: for the Army, $655,400,000; for the Navy, $200,200,000; for the Marine Corps, $136,344,000; for the Air Force, $3,047,000.

Army National Guard Equipment

For tracked combat vehicles and other weapons: for the Army National Guard, $50,000,000, which amount shall be in addition to any other funds authorized to be appropriated by this or any other Act.

COMPANION TRAINER AIRCRAFT PROGRAM

SEC. 102. None of the funds authorized to be appropriated by this title may be obligated or expended for advanced procurement related to the Companion Trainer Aircraft program until a contractor has been selected by the Air Force for the construction of such aircraft and 60 days have elapsed after the date on which the Secretary of the Air Force has notified the Committees on Armed Services of the Senate and the House of Representatives of the name of the contractor selected.

SEALIFT FUNDS

SEC. 103. Of the funds made available during fiscal year 1981 for the procurement of sealift vessels, the sum of $53,000,000 shall be available and expended for advance procurement items for the Maritime Prepositioning Ship (TAKX). None of the funds made available during fiscal year 1981 for the procurement of sealift vessels may be obligated or expended after the date of the enactment of this Act for the modification of any Fast Logistics Ship (T-AKRX) that does not include a roll-on/roll-off (RO/RO) capability.

XM-1 MAIN BATTLE TANK

SEC. 104. Of the total amount authorized to be appropriated in this title for the XM-1 Tank, the sum of $577,200,000 may not be obligated or expended until the Secretary of Defense certifies in writing to the Committees on Armed Services of the Senate and the House of Representatives that (1) the durability performance results of the RAM-D testing program for such tank do not present an unacceptable level of risk in terms of satifying the Army's operational mission requirements, and (2) such results support the procurement of such tanks in a number greater than 569.

FIGHTING VEHICLE SYSTEM

SEC. 105. Of the funds authorized to be appropriated in this title for tracked combat vehicles, $50,000,000 shall be available only for the purpose of providing a second source for the manufacture and assembly of the Fighting Vehicle System. No business entity in which the prime contractor for the Fighting Vehicle System has an ownership interest shall be eligible as a second source contractor for such system.

LIGHT ARMORED VEHICLES

SEC. 106. Of the funds authorized to be appropriated in this title for tracked combat vehicles, the sum of $36,200,000 shall be available only for the procurement of Light Armored Vehicles for the Marine Corps. The Secretary of the Navy shall be responsible for management and direction of the program for the procurement of such vehicles.

AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTION TO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) FOR NATO

SEC. 107. Of the funds authorized to be appropriated in this title for aircraft for the Air Force, the sum of $358,200,000 shall be available only for contribution by the United States as its share of the cost for such fiscal year of acquisition by the North Atlantic Treaty Organization of the Airborne Warning and Control System (AWACS).

CERTAIN AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

SEC. 108. (a) During fiscal year 1982, the Secretary of Defense, in carrying out the Multilateral Memorandum of Understanding Between the North Atlantic Treaty Organization (NATO) Ministers of Defense on the NATO E-3A Cooperative Programme, signed by the Secretary of Defense on December 6, 1978, may—

(1) waive reimbursement for the cost of the following functions performed by personnel other than personnel employed in the United States Air Force Airborne Warning and Control System (AWACS) program office:

(A) auditing;
(B) quality assurance;
(C) codification;
(D) inspection;
(E) contract administration;
(F) acceptance testing;
(G) certification services; and
(H) planning, programing, and management services;

(2) waive any surcharge for administrative services otherwise chargeable: and

(3) in connection with the NATO E-3A Cooperative Programme for fiscal year 1982, assume contingent liability for—

(A) program losses resulting from the gross negligence of any contracting officer of the United States;

(B) identifiable taxes, customs duties, and other charges levied within the United States on the program; and

(C) the United States share of the unfunded termination liability.

(b) Authority under this section to enter into contracts shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1982 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $3,910,500,000; for the Navy (including the Marine Corps), $6,136,401,000; for the Air Force, $9,158,100,000; for the Defense Agencies, $1,954,650,000, of which $53,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) Of the funds authorized for the Army by subsection (a), not less than $31,200,000 shall be available only for the purpose of carrying out a program of research, development, testing, and evaluation on a Survivable Optical Forward Acquisition System (SOFAS). The Secretary of the Army shall organize and carry out such program in a manner that will afford, to the greatest extent practicable, the option of deploying an operational system by the end of 1985. The Secretary shall carry out such program in such manner as will ensure that maximum mutual advantage, in both technology and cost, will be realized between the program for the Survivable Optical Forward Acquisition System (SOFAS) and the Overlay portion of the Army's Ballistic Missile Defense program.

(c) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1982, such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in this title.

(d) In addition to the funds authorized to be appropriated in subsection (a) for the Air Force, there is authorized to be credited to the Air Force account for research and development, to the extent provided for in appropriation Acts, the sum of $60,000,000 realized before the date of the enactment of this Act from the sale of certain aircraft to the Arab Republic of Egypt. Any such funds so credited shall remain available for obligation by the Air Force until September 30, 1983.

STANDOFF TARGET ACQUISITION SYSTEM

SEC. 202. (a) The Secretary of the Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report not later than December 15, 1981, containing a comprehensive evaluation of reasonable alternatives to the Standoff Target Acquisition System.

(b) Not more than $20,000,000 of the funds authorized to be appropriated by this title may be used to conduct any research, development, testing, or evaluation of the Standoff Target Acquisition System until after the Secretary of the Defense has submitted to the Committees on Armed Services of the Senate and the House of Representatives the report required under subsection (a).

LIGHTWEIGHT ARMORED VEHICLES

SEC. 203. The Congress finds that, because of the urgency of the need for lightweight armored vehicles, it would be in the best interest of the United States to give full responsibility for the development of such vehicles to one military department. Accordingly, the Secretary of the Navy shall assume, at the earliest practicable date as determined by him, full responsibility of the program for the development of lightweight armored vehicles for use by the ground combat forces of the United States.

LIGHT AIRCRAFT CARRIER DESIGN

SEC. 204. Of the amount authorized to be appropriated in this title for the Navy, not more than $55,100,000 is authorized for Ship Development (Engineering). However, none of the funds authorized to be appropriated in this title for the Navy may be obligated or expended for Ship Development (Engineering) until the Secretary of the Navy

submits to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives a written report describing the Navy's most feasible ship designs for a light aircraft carrier, and most realistic construction program for such aircraft carrier, in sufficient detail to permit the authorization of funds in fiscal year 1983 for the development and construction of such a carrier should the Congress elect to authorize funds for such purpose.

DIESEL-ELECTRIC SUBMARINE DESIGN

SEC. 205. Of the funds authorized to be appropriated for the Navy in this title, not more than $40,953,000 is authorized for Ships, Submarines, and Boats Technology. However, none of the funds authorized to be appropriated in this title may be obligated or expended for Ships, Submarines, and Boats Technology until the Secretary of the Navy submits to the Committees on Armed Services of the Senate and the House of Representatives the written report concerning existing diesel-electric submarine designs which was requested by the Committee on Armed Services of the Senate in Senate Report Number 96-826.

MX MISSILE AND BASING MODE

SEC. 206. (a) None of the funds authorized to be appropriated by this title may be obligated of expended for the fullscale engineering development of an operational basing mode for the MX missile until—

(1) the President has submitted a written report to the Congress containing his decisions on the MX missile and basing development, procurement, and construction program which specifically describes the proposed basing mode for such missile;

(2) the Secretary of Defense has submitted to the Committees on Armed Services of the Senate and the House of Representatives a report in writing (A) justifying the decisions of the President referred to in clause (1), and (B) a comparison and evaluation of alternative programs to the program decided upon by the President; and

(3) sixty days have elapsed after the day on which the President's report has been received by the Congress and during which the Senate and the House of Representatives have not agreed to resolutions of their respective Houses expressing disapproval of the President's decision.

(b) For the purposes of this section, the term "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the ——— does not favor the decisions of the President regarding the basing mode for the MX missile submitted to the Congress on ———", the first blank space therein being filled with the name of the resolving House and the second blank space therein being filled with the date on which the report of the President described in subsection (a)(1) was received by the Congress.

(c) A resolution in the Senate shall be referred to the Committee on Armed Services of the Senate. A resolution in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives.

(d) If the committee to which a resolution has been referred has not reported it at the end of seven calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution which has been referred to the committee.

(e) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution.

(g) When the committee has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(h)(1) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(2) Motions to postpone, made with respect to the discharge from committee or the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(i) Whenever the President transmits copies of the report referred to in subsection (a)(1) to the Congress, a copy of such report shall be delivered to each House of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

(j) Subsections (c) through (i) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described in subsection (b), and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SPACED-BASED LASER WEAPONS

SEC. 207. The Secretary of the Air Force shall establish a Program Management Office for air-borne and space-based laser weapons programs. Such office shall conduct a detailed systems definition of the space-based laser weapons program which shall include costs, schedule, and identification of risks. Upon completion of the systems definition study, the Secretary shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives containing the results of such study.

TITLE III—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. (a) Funds are hereby authorized to be appropriated for fiscal year 1982 for the use of the Armed Forces of the United States (other than the Coast Guard) and for other activities and agencies of the Department of Defense, for operation and maintenance purposes, as authorized by law, in amounts as follows:

(1) For the Army (including the Army Reserve and the Army National Guard), $17,474,300,000.

(2) For the Navy and the Marine Corps (including the Navy Reserve and the Marine Corps Reserve), $21,917,749,000.

(3) For the Air Force (including the Air Force Reserve and the Air National Guard), $19,256,420,000.

(4) For the defense agencies and other activities of the Department of Defense, $4,883,851,000.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1982 such additional sums as may be necessary (1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated by this title, and (2) for unbudgeted increases in fuel costs and for increases as the result of inflation in the cost of activities authorized by this title.

TITLE IV—ACTIVE FORCES

AUTHORIZATION OF END STRENGTHS

SEC. 401. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1982, as follows:

(1) The Army, 785,800.
(2) The Navy. 554,300.
(3) The Marine Corps, $192,100.
(4) The Air Force, 582,400.

LIMITATION ON NUMBER OF NON-HIGH SCHOOL GRADUATES WITH NO PRIOR MILITARY SERVICE THAT MAY BE ENLISTED OR INDUCTED INTO THE ARMED FORCES DURING FISCAL YEAR 1982

SEC. 402. Section 302(a) of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 10 U.S.C. 520 note) is amended by striking out "October 1, 1980" and "September 30, 1981" and inserting in lieu thereof "October 1, 1981" and "September 30, 1982", respectively.

TITLE V—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS

SEC. 501. (a) For fiscal year 1982, the Selected Reserve of the reserve components of the Armed Forces shall be programed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 392,800.
(2) The Army Reserve, 235,300.
(3) The Naval Reserve, 87,600.
(4) The Marine Corps Reserve, 37,600.
(5) The Air National Guard of the United States, 98,600.
(6) The Air Force Reserve, 62,800.
(7) The Coast Guard Reserve, 11,700.

(b) Within the average strengths prescribed in subsection (a), the reserve components of the Armed Forces are authorized, as of September 30, 1982, the following number of reserve component members to be serving on full-time active duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 11,439.
(2) The Army Reserve, 6,285.
(3) The Naval Reserve, 208.
(4) The Marine Corps Reserve, 447.
(5) The Air National Guard of the United States, 3,312.
(6) The Air Force Reserve, 701.

(c) The average strength prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for

training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

(d) Upon a determination by the Secretary of Defense that such action is in the national interest, the authorizations prescribed in subsection (b) may be increased by not more than 5 percent.

INCREASE IN NUMBERS OF CERTAIN PERSONNEL ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

SEC. 502. (a) Effective only for the period beginning October 1, 1981, and ending September 30, 1982, the table in section 517(b) of title 10, United States Code, relating to the number of enlisted personnel in grades E–8 and E–9 who may be on active duty in support of the reserve components, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	222	146	76	4
E–8	908	319	307	12".

(b) Effective only for the period beginning October 1, 1981, and ending September 30, 1982, section 524(a) of title 10, United States Code, relating to the number of reserve officers in certain grades which may be on active duty in support of the reserve components, is amended—

(1) by striking out the column of figures under the heading "Army" and inserting in lieu thereof the following:

"Army
1,105
551
171".

and

(2) by striking out the column of figures under the heading "Air Force" and inserting in lieu thereof the following:

"Air Force
189
194
147".

TITLE VI—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTHS

SEC. 601. (a)(1) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1982, as follows:

(A) The Department of the Army, 381,200.

(B) The Department of the Navy, including the Marine Corps, 312,600.

(C) The Department of the Air Force, 249,000.

(D) Activities and agencies of the Department of Defense (other than the military departments), 81,400.

(2)(A) Of the 21,300 increase in civilian personnel for the Army authorized by paragraph (1), the Secretary of the Army shall use not less than 16,800 civilian personnel to relieve military personnel for the performance of other duties. Not more than 5,000 of such 16,800 personnel may be indirect hires.

(B) The Secretary of the Army shall submit a written report to the Committees on Armed Services of the Senate and the House of Representatives not later than September 30, 1981, specifying how the 16,800 increase in civilian personnel referred to in subparagraph (A) is to be utilized. The Secretary shall also indicate in such report (i) the extent to which such increase in civilian personnel will be used to fill positions currently occupied by noncommissioned officers, and (ii) the number of such noncommissioned officers who will be returned to combat units by virtue of such increase in civilian personnel.

(b) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program. Personnel employed under a part-time career employment program established under section 3402 of title 5, United States Code, shall be counted as prescribed by section 3404 of that title. Whenever a function, power, duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(c) When the Secretary of Defense determines that such action is necessary in the national interest or if any conversion of commercial and industrial type functions from performance by Department of Defense personnel to performance by private contractors which was anticipated to be made during fiscal year 1982 in the Budget of the President submitted for such fiscal year is not determined to be appropriate for such conversion under established administrative criteria, the Secretary of Defense may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

EXEMPTION FROM CERTAIN REPORTING REQUIREMENTS APPLICABLE TO THE CONVERSION OF PERFORMANCE OF COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS FROM DEPARTMENT OF DEFENSE PERSONNEL TO PRIVATE CONTRACTORS

SEC. 602. Section 502 of the Department of Defense Authorization Act, 1981 (Public Law 96–342; 10 U.S.C. 2304 note) is amended—

(1) in subsection (a)—

(A) by striking out "that on October 1, 1980, is being performed by" in the material preceding clause (1) and inserting in lieu thereof "that, on October 1, 1980, is being performed by fifty or more"; and

(B) by striking out "if more than 50 employees are involved," in paragraph (2)(D)(i);

(2) by adding at the end thereof the following new subsection:

"(d) In no case may any commercial or industrial type function being performed by Department of Defense personnel be modified, reorganized, divided, or in any way changed for the purpose of exempting from the requirements of subsection (a)(2) the conversion of all or any part of such function to performance by a private contractor."; and

(3) by redesignating subsection (d) as subsection (e).

TITLE VII—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 701. (a) For fiscal year 1982, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 57,996.

(2) The Navy, 65,133.

(3) The Marine Corps, 18,311.

(4) The Air Force, 46,389.

(5) The Army National Guard of the United States, 7,467.

(6) The Army Reserve, 8,456.

(7) The Naval Reserve, 1,041.

(8) The Marine Corps Reserve, 2,835.

(9) The Air National Guard of the United States, 2,804.

(10) The Air Force Reserve, 1,405.

(b) In addition to the number of average military training student loads authorized in subsection (a), the following components of the Armed Forces are authorized a military training student load to be utilized solely for one station unit training of not less than the following:

(1) The Army, 17,732.

(2) The Army National Guard of the United States, 7,070.

(3) The Army Reserve, 2,374.

(c) The average military training student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1982 shall be adjusted consistent with the manpower strengths authorized in titles IV, V, and VI of this Act. Such adjustments shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

TITLE VIII—ATTACK-RELATED CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

SEC. 801. There is hereby authorized to be appropriated for fiscal year 1982 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251–2297) the sum of $126,842,000.

INCREASE IN AMOUNT THAT MAY BE CONTRIBUTED TO STATES FOR PERSONNEL AND ADMINISTRATIVE EXPENSES

SEC. 802. The third sentence of section 408 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2260) is amended by striking out "$40,000,000" in the second proviso and inserting in lieu thereof "$45,000,000".

TITLE IX—GENERAL PROVISIONS

LONG RANGE COMBAT AIRCRAFT

SEC. 901. (a) None of the funds authorized to be appropriated by this Act may be obligated or expended for the full-scale engineering development or procurement of a long range combat aircraft until—

(1) the President has submitted a written report to the Congress containing his decision on a specific program for the development or procurement or development and procurement of a long range combat aircraft;

(2) the secretary of Defense has submitted to the Committees on Armed Services of the Senate and the House of Representatives a report in writing (A) justifying the decision the President referred to in clause (1), and (B) a comparison and evaluation of alternative programs to the program decided upon by the President; and

(3) sixty days have elapsed after the day on which the President's report has been received by the Congress and during which the Senate and the House of Representatives have not agreed to resolutions of their respective Houses expressing disapproval of the President's decision.

(b) For the purposes of this section, the term "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the does not favor the decision of the President regarding a long range combat aircraft submitted to the Congress on ", the first blank space therein being filled with the name of the resolving House and the second blank space therein being filled with the date on which the report of the President described in subsection (a)(1) was received by the Congress.

(c) A resolution in the Senate shall be referred to the Committee on Armed Services of the Senate. A resolution in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives.

(d) If the committee to which a resolution has been referred has not reported it at the end of seven calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution which has been referred to the committee.

(e) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution.

(g) When the committee has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(h)(1) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(2) Motions to postpone, made with respect to the discharge from committee or the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(i) Whenever the President transmits copies of the report referred to in subsection (a)(1) to the Congress, a copy of such report shall be delivered to each House of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

(j) Subsections (c) through (i) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described in subsection (b), and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE

SEC. 902. (a) In recognition of the growth, relative to the United States, in the economic strength of Japan, Canada, and Western European countries which has occurred since the signing of the North Atlantic Treaty on April 4, 1949, and the Mutual Cooperation and Security Treaty between Japan and the United States on January 19, 1930, it is the sense of Congress that—

(1) the burdens of mutual defense now assumed by the countries allied with the United States under those agreements are not commensurate with their economic resources; and

(2) the continued unwillingness of those countries to increase their contributions to the common defense to more appropriate levels would endanger the vitality, effectiveness, and cohesiveness of the alliances between those countries and the United States.

(b) It is further the sense of Congress that the President should seek from each signatory country (other than the United States) of the two treaties referred to in subsection (a) acceptance of international security responsibilities and agreement to make contributions to the common defense which are commensurate with the economic resources of such country, including, when appropriate, an increase in host nation support.

(c) The Secretary of Defense shall submit to the Congress not later than February 1, 1982, a report providing—

(1) a comparison of the fair and equitable shares of the mutual defense burdens of these alliances that should be borne by the United States, by other member nations of the North Atlantic Treaty Organization (NATO), and by Japan, based upon economic strength and other relevant factors, and the actual defense efforts of each nation together with an explanation of disparities that currently exist;

(2) a description of efforts by the United States and of other efforts to eliminate existing disparities;

(3) estimates of the real growth in defense spending in fiscal year 1982 projected for each NATO member nation compared to the annual real growth goal in the range of 3 percent set in May 1978;

(4) a description of the defense-related initiatives undertaken by each NATO member nation within the real growth in defense spending of such nation in fiscal year 1982; and

(5) an explanation of those instances in which the commitments to real growth in defense spending and to the Long-Term Defense Program have not been realized and a description of efforts being made by the United States to ensure fulfillment of these important NATO commitments.

REQUIREMENT OF ANNUAL AUTHORIZATION OF APPROPRIATIONS FOR PROCUREMENT OF AMMUNITION AND FOR OTHER PROCUREMENT

SEC. 903. (a) Section 138(a) of title 10, United States Code, relating to annual authorization of appropriations, is amended—

(1) by striking out "or" at the end of clause (6); and

(2) by inserting after clause (7) the following new clauses:

"(8) procurement of ammunition for the Army; or

"(9) procurement of any items in the 'other procurement' account of the Department of Defense, any items in the 'procurement, Marine Corps' account, and any items in the 'procurement, Defense Agencies' account;".

(b) The amendments made by subsection (a) shall apply with respect to funds appropriated for fiscal years beginning after September 30, 1982.

REPEAL OF PROFIT LIMITATIONS ON CONTRACTS FOR AIRCRAFT AND NAVAL VESSELS

SEC. 904. (a)(1) Chapter 141 of title 10, United States Code, relating to miscellaneous procurement, is amended by striking out section 2382.

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2382.

(b)(1) Chapter 633 of such title is amended by striking out section 7300.

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 7300.

INCREASING FROM $5,000,000 TO $50,000,000 THE CANCELLATION CEILING ON MULTIYEAR PROCUREMENT CONTRACTS; REPORT BY THE SECRETARY OF DEFENSE

SEC. 905. (a) Section 810 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 89 Stat. 539), relating to the obligation of funds under a multiyear procurement contract, is amended by striking out "$5,000,000" and inserting in lieu thereof "$50,000,000".

(b)(1) The Secretary of Defense shall specify in the Department of Defense request for authorization of appropriations for each fiscal year those weapons programs which in his judgment should, for sound management reasons, be procured under multiyear contracts, except that the Secretary shall not be required to include in any such report any weapons programs if the contract cancellation ceiling would be less than $50,000,000.

(2) Before making a determination that any weapons program to be procured by the Department of Defense, or any item to be procured in connection with any such program, is suitable for multiyear contracting, the Secretary of Defense shall consider, among other things—

(A) whether the use of multiyear contracts will yield substantial cost avoidance or other benefits when compared with conventional annual contracting methods;

(B) whether the minimum need for the items purchased for such programs is expected to remain substantially unchanged during the contemplated contract period in terms of production rate, procurement rate, and total quantities;

(C) whether there is a reasonable expectation that the programs are likely to be funded at or near the required level for the entire contract period;

(D) whether there is a stable design for the item or items to be procured and whether the technical risks associated with the item or items are excessive;

(E) whether there is a reasonable assurance that the cost estimates for both contract costs and anticipated costs avoidance are realistic; and

(F) whether the furnishing of items to be procured under the contract would require

(i) a substantial investment in plant or equipment by the contractor, (ii) an exposure to substantial contingent liabilities, or (iii) a substantial financial investment to assemble, train, and provide transportation for a specialized labor force.

PROHIBITION ON USE OF FUNDS TO RELIEVE ECONOMIC DISLOCATIONS

SEC. 906. (a)(1) Chapter 141 of title 10, United States Code, relating to procurement, is amended by adding at the end thereof the following new section:

"§ 2391. Prohibition on use of funds to relieve economic dislocations

"(a) In order to help avoid the uneconomic use of Department of Defense funds in the procurement of goods and services, the Congress finds that it is necessary to prohibit the use of such funds for certain purposes.

"(b) No funds appropriated to or for the use of the Department of Defense may be used to pay, in connection with any contract awarded by the Department of Defense, a price differential for the purpose of relieving economic dislocations.".

(2) The table of sections at the beginning of chapter 141 of such title is amended by adding at the end thereof the following new item:

"2391. Prohibition on use of funds to relieve economic dislocations.".

(3) The amendments made by subsection (a) shall become effective on October 1, 1981.

(b) The amendments made by subsection (a) shall not apply to any contract (other than a contract for the purchase of fuel) entered into by the Defense Logistics Agency during fiscal year 1982 if the Secretary of Defense determines—

(1) that such contract will not adversely affect the national security of the United States;

(2) that there is a reasonable expectation that bids will be received from a sufficient number of responsible bidders so that the award of such contract will be made at reasonable cost to the United States;

(3) that the price differential to be paid under such contract will not exceed 5 per centum; and

(4) the value of such contract, when added to the cumulative value of all other contracts awarded under the exception made by this paragraph, will not exceed $3,400,000,000.

(c) Not later than April 15, 1982, the President shall report to Congress on the implementation and results of the test program authorized by subsection (b) of this section together with an assessment of the costs and benefits of this test program.

PROCUREMENT OF AUTOMATIC DATA PROCESSING EQUIPMENT

SEC. 907. (a) Chapter 137 of title 10, United States Code, relating to procurement generally, is amended by adding at the end thereof the following new section:

"§ 2315. Laws inapplicable to the acquisition of automatic data processing equipment to be used for certain purposes

"No provision of law, other than the provisions of this chapter and chapter 141 of this title, shall be applicable to the procurement by the Department of Defense of any automatic data processing equipment or services if the function, operation, or use of such automatic data processing equipment or services—

"(1) involves intelligence activities;

"(2) involves cryptologic activities related to national security;

"(3) involves the command and control of military forces;

"(4) involves equipment which is an integral part of a weapon or weapons system; or

"(5) is critical to the direct fulfillment of military or intelligence missions, except that the exclusion provided for in this clause (5) shall not include procurement of any automatic data processing equipment or services if such equipment or services are to be used for routine administrative and business applications, such as payroll, finance, logistics, or personnel management.".

(b) The table of sections at the beginning of chapter 137 of such title is amended by adding at the end thereof the following new item:

"2315 Laws inapplicable to the acquisition of automatic data processing equipment to be used for certain purposes.".

REQUIREMENTS RELATING TO THE AWARDING OF SOLE-SOURCE CONTRACTS

SEC. 908. (a) Notwithstanding any other provision of law, the Department of Defense may not award a sole-source contract for more than $100,000 to any contractor unless—

(1) such department has first published in the Commerce Business Daily a notice that the Department of Defense intends to award such contract and includes in such notice all information pertaining to such contract that would be required to be published if such contract were to be awarded under a competitive bid procedure;

(2) a period of at least thirty days has expired after the date of the publication of such notice, during which contractors have been invited, and given an opportunity, to bid on such contract;

(3) such department has considered all bids received on such contract and determined that the contract should be awarded to the sole-source contractor as originally proposed; and

(4) the Secretary of Defense or his authorized designees has approved the award of such contract on a sole-source contract basis.

(b)(1) The Secretary of Defense or his authorized designees may waive the requirements of subsection (a) in the case of any contract if he determines such action is necessary because of national security reasons.

(2) The provisions of subsection (a) shall not apply in the case of—

(A) classified procurements if the synopsis cannot reasonably be worded to preclude disclosure of classified information;

(B) procurement of utility services;

(C) procurement of commercial transportation services furnished by regulated common carriers;

(D) procurement of perishable subsistence and of services related thereto whenever it is determined that it is impracticable for delivery or performance to be extended by the period required for compliance with subsection (a);

(E) procurements when only foreign sources are to be solicited;

(F) procurement of personal or professional services, in an amount less than $500,000, to the extent that a determination is made that only one source can provide the desired service;

(G) procurement of construction services if a contractor or group of contractors is already at work on the site, and it would not be practicable to allow another contractor or additional contractors to work on the same site;

(H) procurements to be made by an order placed under an existing contract, but only if the existing contract was awarded after a notice published in the Commerce Business Daily in accordance with subsection (a).

(I) procurements to be made from or through another Government department or agency, including procurements from the Small Business Administration using the authority of section 8(a) of the Small Business Act, or a mandatory source of supply;

(J) facilities contracts when the performance required practicably can be obtained only from one source;

(K) procurements as to which competition is precluded because of the existence of patent rights, copyrights, or proprietary information;

(L) procurements from nonprofit educational institutions;

(M) procurements that are of such urgency that the Government would be seriously injured by the delay involved in permitting the date set for award to be extended by the period required for compliance with subsection (a);

(N) procurements as to which bids have been solicited and no responsive bid has been received from a responsible bidder; and

(O) procurements reimbursed by a foreign country that requires the product to be obtained from a particular source.

(c) The Secretary of Defense shall submit a written report to the Committees on Armed Services of the Senate and the House of Representatives each year not later than November 1 regarding the use by the Department of Defense of sole-source contracts during the preceding fiscal year. The Secretary shall include in each such report—

(1) a comparison of the number and total dollar amount of sole-source contracts of more than $100,000 awarded during each quarter of the fiscal year with the number and total dollar amount of such contracts awarded during the corresponding quarters of the preceding fiscal year;

(2) a comparison of the total number and total dollar amount of all procurement contracts of more than $100,000 awarded during each quarter of the fiscal year with the total number and total dollar amount of all such procurement contracts awarded during the corresponding quarters of the preceding fiscal year; and

(3) the number of sole-source contracts awarded during the fiscal year with respect to which the Secretary exercised a waiver under subsection (b) and the total dollar amount of such contracts.

The Secretary of Defense shall submit the first such report not later than November 1, 1982.

(d) As used in this section, the term "sole-source contract" does not include a noncompetitive contract awarded as a follow-on contract for related supplies or services if such follow-on or related contract is awarded in connection with the procurement of any equipment or service with respect to which there was a price or design competition conducted by the Department of Defense.

CONTINGENT ONCE-A-YEAR ADJUSTMENT OF RETIRED AND RETAINER PAY

SEC. 909. (a)(1) The increase in the retired and retainer pay of members and former members of the uniformed services which but for this section would be made effective September 1, 1981, under the provisions of paragraph (2)(B) of section 1401a(b) of title 10, United States Code, shall not be made.

(2)(A) In making the determination required by the provisions of paragraph (1)(A) of section 1401a(b) of title 10, United States Code, to be made on January 1, 1982, or within a reasonable time thereafter, the Secretary of Defense shall determine the percent change in the index (as such term is defined in section 1401a(a) of title 10, United States Code) published for December 1981 over the index published for December 1980 (rather than over the index published for June 1981).

(B) The increase in the retired and retainer pay of members and former members of the uniformed services to be made effective March 1, 1982, under the provisions of paragraph (2)(A) of such section shall, in lieu of the increase prescribed by such paragraph, be the percent change computed under subparagraph (A), adjusted to the nearest one-tenth of 1 percent.

(3) The President shall by Executive Order provide for only one cost-of-living adjustment in the annuities paid under the Central Intelligence Agency Act of 1964 for Certain Employees (50 U.S.C. 403 note) during the period beginning on September 1, 1981, and ending on August 31, 1982. Such adjustment shall be effective March 1, 1982, and shall be made in the same manner and percentage as the adjustment provided for in paragraphs (1) and (2) for the retired and retainer pay of members and former members of the uniformed services.

(4) Paragraphs (1), (2), and (3) shall not take effect unless similar legislation is enacted which provides for only one cost-of-living increase in annuities paid under subchapter III of chapter 83 of title 5, United States Code, during the period beginning on September 1, 1981, and ending on August 31, 1982.

(b) Section 812(b) of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 10 U.S.C. 1401a note) is amended—

(1) by striking out "August 31, 1981, but subject to paragraph (3)" in paragraph (1) and inserting in lieu thereof "August 31, 1982, but subject to paragraph (2)"; and

(2) by inserting "and until" after "unless" in paragraph (2).

DELAY OF EFFECTIVE DATE FOR CEILING ON NUMBER OF SENIOR-GRADE CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE

SEC. 910. Section 811(a) of the Department of Defense Appropriation Authorization Act, 1978 (Public Law 95-79; 10 U.S.C. 131 note) is amended by striking out the first sentence of paragraph (2).

DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL MANAGEMENT CONSTRAINTS

SEC. 911. The civilian personnel of the Department of Defense shall be managed each fiscal year solely on the basis of and consistent with (1) the workload required to carry out the functions and activities of such department, (2) the funds made available to such department for such fiscal year, and (3) the authorized end strength for the civilian personnel of such department for such fiscal year. The management of such personnel in any fiscal year shall not be subject to any man-year constraint or limitation.

LIABILITY OF THE UNITED STATES UNDER CERTAIN CIRCUMSTANCES FOR TORT ACTIONS OF MEMBERS OF THE NATIONAL GUARD

SEC. 912. (a)(1) Chapter 163 of title 10, United States Code, relating to military claims, is amended by adding at the end thereof the following new section:

"§ 2738. Liability of the United States for certain tort actions of members of the Army National Guard of the United States and members of the Air National Guard of the United States

"The United States shall be liable with respect to claims for property damage, personal injury, or death caused by the act or omission of a member of the Army National Guard of the United States or the Air National Guard of the United States while such member is performing service under section 316, 502, 503, 504, or 505 of title 32, or performing service under any other provision of law for which such member is entitled to, or has waived, pay under title 37, in the same manner and to the same extent that the United States would be liable in any other action brought against the United States under section 1346(b) of title 28 and chapter 171 of such title.".

(2) The table of sections at the beginning of chapter 163 of such title is amended by adding at the end thereof the following new item:

"2738. Liability of the United States for certain tort actions of members of the Army National Guard of the United States and members of the Air National Guard of the United States.".

(b) The amendments made by subsection (a) shall be applicable to acts and omissions of members of the Army National Guard of the United States and members of the Air National Guard of the United States that occur on or after the date of the enactment of this Act.

ESTABLISHING BY LAW THE POSITION OF DIRECTOR OF THE DEFENSE SECURITY ASSISTANCE AGENCY

SEC. 913. (a) Chapter 4 of title 10, United States Code, relating to the Department of Defense, is amended by adding at the end thereof the following new section:

"§ 141. Director of the Defense Security Assistance Agency: appointment, powers, and duties

"(a) There is a Director of the Defense Security Assistance Agency, appointed from civilian or military life by the President, by and with the advice and consent of the Senate.

"(b) The Director shall perform such duties relating to security assistance as the Secretary of Defense may prescribe, including—

"(1) being the principal advisor to the Secretary on security assistance matters; and

"(2) supervising all security assistance activities in the Department of Defense.".

(b) The table of sections at the beginning of chapter 4 of such title is amended by adding at the end thereof the following new item:

"141. Director of the Defense Security Assistance Agency: appointment, powers, and duties.".

REQUIREMENT FOR ANNUAL REPORT ON NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT

SEC. 914. Section 138(b) of title 10, United States Code, relating to annual authorization of appropriations, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary of Defense shall submit to the Congress each year, not later than February 15, a written report concerning the equipment of the National Guard and the reserve components of the armed forces for each of the three succeeding fiscal years. Each such report shall include—

"(A) recommendations as to the type and quantity of each major item of equipment which should be in the inventory of the Selected Reserve of the Ready Reserve of each reserve component of the armed forces;

"(B) the quantity and average age of each type of major item of equipment which is expected to be physically available in the inventory of the Selected Reserve, of the Ready Reserve of each reserve component as of the beginning of each fiscal year covered by the report;

"(C) the quantity and cost of each type of major item of equipment which is expected to be procured for the Selected Reserve of the Ready Reserve of each reserve component from commercial sources or to be transferred to each such Selected Reserve from the active-duty components of the armed forces; and

"(D) the quantity of each type of major item of equipment which is expected to be retired, decommissioned, transferred, or otherwise removed from the physical inventory of the Selected Reserve of the Ready Reserve of each reserve component and the plans for replacement of that equipment.

The report required by this paragraph shall be prepared and expressed in the same format and with the same level of detail as the information presented in the annual Five Year Defense Program Procurement Annex prepared by the Department of Defense.".

AUTHORIZATION OF MILITARY COOPERATION WITH CIVILIAN LAW ENFORCEMENT OFFICIALS

SEC. 915. (a) Part I of subtitle A of title 10, United States Code, is amended by adding after chapter 17 the following new chapter:

"CHAPTER 18—MILITARY COOPERATION WITH CIVILIAN LAW ENFORCEMENT OFFICIALS

"Sec.
"371. Use of information obtained by members of the armed forces.
"372. Use of armed forces equipment and facilities.
"373. Training and advising civilian law enforcement officials.
"374. Regulations.

"§ 371. Use of information obtained by members of the armed forces

"The Secretary of Defense may provide to Federal, State, and local civilian law enforcement officials any information collected during the normal course of military operations that may be relevant to a violation of any Federal or State law.

"§ 372. Use of armed forces equipment and facilities

"The Secretary of Defense may make available any equipment, base facility, or research facility of the armed forces to any Federal, State, or local civilian law enforcement official if the making of such equipment or facility available for use by such official will not adversely affect the military preparedness of the United States.

"§ 373. Training and advising civilian law enforcement officials

"The Secretary of Defense may assign members of the armed forces to train Federal, State, and local civilian law enforcement officials in the operation of military equipment made available to such officials pursuant to section 372 and to provide expert advice relevant to the purposes of this chapter, if the provision of such training or advice will not adversely affect the military preparedness of the United States.

"§ 374. Regulations

"(a) The Secretary of Defense shall issue such regulations as may be necessary to insure that the provision of any assistance, or the provision of any equipment or facility, to any Federal, State, or local civilian law enforcement official does not—

"(1) impair any training or operation necessary to the military preparedness of the United States; or

"(2) include or permit direct participation by any member of the armed forces in any search and seizure, arrest, or other similar activity unless participation in such activity by members of the armed forces is otherwise authorized by law.

"(b) The Secretary of Defense shall also issue such regulations as may be necessary to insure that reimbursement for the provision of assistance, including the provision of any equipment or facility, under this chapter to any Federal, State, or local civilian law enforcement official may be obtained whenever the Secretary of Defense determines such reimbursement to be appropriate.".

(b) The table of chapters at the beginning of such title and at the beginning of part I of subtitle A of such title are amended by adding after the item relating to chapter 17 the following new item:

"18. Military Cooperation With Civilian Law Enforcement Officials---------- 371.".

RESEARCH GRANTS

SEC. 916. The second sentence of section 2358 of title 10, United States Code, relating to research projects, is amended by inserting "or by grant" after "contract" in clause (1).

ASSISTANCE TO YORKTOWN BICENTENNIAL CELEBRATION

SEC. 917. (a) Notwithstanding any other provision of law, the Secretary of Defense is authorized, in connection with the observance on October 19, 1981, of the two-hundredth anniversary of the surrender of Lord Cornwallis to General George Washington at Yorktown, Virginia, which date has been proclaimed by Public Law 96-414 (94 Stat. 1724) as a National Day of Observance of that historic event—

(1) to provide logistical support and personnel services for the national observance of such event;

(2) to lend and provide equipment to officials of the Yorktown Bicentennial Committee as requested by the Secretary of the Interior; and

(3) to provide such other services as the Secretary of the Interior may consider necessary and the Secretary of Defense may consider advisable.

(b) There is authorized to be appropriated to the Secretary of Defense an amount not to exceed $750,000 for the purpose of carrying out subsection (a).

(c) No funds may be obligated or expended for carrying out the purposes of subsection (a) unless such funds have been specifically appropriated for such purpose.

SERVICEMEN'S GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

SEC. 918.(a) Section 767 of title 38, United States Code, relating to the Servicemen's Group Life Insurance program, is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out "$20,000" and inserting in lieu thereof "$35,000"; and

(B) by inserting "$30,000, $25,000, $20,000," after "(B) to be insured in the amount of";

(2) in the first sentence of subsection (c)—

(A) by inserting "$30,000, $25,000, $20,000," before "$15,000, $10,000, or $5,00"; and

(B) by inserting "$35,000, $30,000, $25,000," before "$20,000, $15,000, or $10,000"; and

(3) by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of this section, any member who, on the effective date of this subsection, is assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service, may obtain increased insurance coverage under this subchapter up to a maximum of $35,000 in increments of $5,000, if the member (1) is insured under this subchapter on such effective date or, within one year after such effective date, reinstates insurance which lapsed before such date for nonpayment of premiums, and (2) submits, within one year after such effective date, a written application or increased coverage to the office established pursuant to section 766(b) of this title.".

(b) Section 777(a) of such title, relating to Veterans' Group Life Insurance, is amended—

(1) by striking out "or $20,000 only" in the first sentence and inserting in lieu thereof a comma and $20,000, $25,000, $30,000, or $35,000 only";

(2) by striking out "$20,000" in the second sentence and inserting in lieu thereof "$35,000"; and

(3) by striking out "$20,000" each place it appears in the fourth sentence and inserting in lieu thereof "$35,000".

(c) The amendments made by subsections (a) and (b) shall become effective on the first day of the first month which begins at least sixty days after the date of the enactment of this Act.

REVISION OF SECTION 977 OF TITLE 10, UNITED STATES CODE, RELATING TO DENIAL OF CERTAIN BENEFITS TO PERSONS WHO FAIL TO COMPLETE AT LEAST TWO YEARS OF AN ORIGINAL ENLISTMENT

SEC. 919. (a) Section 977 of title 10, United States Code, relating to the denial of certain benefits to persons who fail to complete at least two years of an original enlistment, is amended to read as follows:

"§ 977. Denial of certain benefits to certain persons who fail to complete at least two years of active duty

"(a) Notwithstanding any other provision of law and except as provided in subsection (b), any person who is originally appointed or enlisted in the armed forces after September 7, 1980, whose initial obligated period of active duty is two or more years, and who fails to complete at least twenty-four months of such person's obligated period of active duty, shall not be eligible nor shall the dependent or survivors of such person be eligible, for any right, privilege, or benefit for which any individual becomes eligible under any Federal program by reason of serving on active duty in the armed forces, or by reason of being a dependent or survivor of any such individual, if the claim for the eligibility for such right, privilege, or benefit is based upon all or any part of the service performed by such person during such period of active duty.

"(b) Subsection (a) shall not apply to any person (1) who dies in the line of duty or is discharged under section 1171 or 1173 or chapter 61 of this title, or (2) if it is later established that such person is suffering from a compensable disability which resulted from an injury or disease incurred in or aggravated during the period of active duty completed by such person and is not the result of the person's intentional misconduct and was not incurred during a period of unauthorized absence.".

(b) The table of sections at the beginning of chapter 49 of such title is amended by striking out the item relating to section 977 and inserting in lieu thereof the following:

"977. Denial of certain benefits to persons who fail to complete at least two years of active duty.".

NUCLEAR ARMS CONTROL TALKS

SEC. 920. (a) The Congress finds that:

(1) the President of the United States has stated his willingness to pursue and negotiate legitimate nuclear arms control agreements with the Soviet Union, and

(2) the Foreign Ministers of a number of European governments have urged the Government of the United States to resume nuclear arms limitation talks with the Soviet Union, and

(3) the Secretary of State of the United States recently negotiated a communique with the Foreign Ministers of the North Atlantic Treaty Organization which stated that "the allies stress the value of stabilizing, equitable and verifiable arms control through limitations on Soviet and U.S. strategic arms,".

(b) It is hereby declared to be the sense of the Senate that the Senate supports the President in reopening nuclear arms control talks to enhance our national security, and that the Senate and the President should work together and take every step possible to achieve the President's goal of resuming nuclear arms control talks.

PROHIBITION AGAINST DOING BUSINESS WITH CERTAIN OFFERORS OR CONTRACTORS

SEC. 921. (a) The Department of Defense shall not solicit offers from, nor award contracts to, nor extend contracts with, nor, when approval of the award of a subcontract is required, approve the award of a subcontract to an offeror or contractor which to its knowledge has been debarred or suspended by another agency unless—

(1)(A) the debarment of such offeror or contractor by all other agencies has been terminated or the period of time specified for such debarment has expired; or

(B) the period of time specified by all other agencies for the suspension of such offeror or contractor has expired; or

(2) the Department of Defense determines that there is a compelling reason to solicit an offer from, award a contract to, extend a contract with, or approve a subcontract with such offeror or contractor and transmits a notice to the Administrator of the General Services Administration at the time of such determination describing such determination.

(b) The Administrator of the General Services Administration shall maintain each notice received pursuant to subsection (a) in a file available for public inspection.

(c) For purposes of this section—

(1) the term "debar" means to exclude, pursuant to established administrative procedures, from Government contracting and subcontracting for a specified period of time commensurate with the seriousness of the failure or offense or the inadequacy performance;

(2) the term "suspend" means to disqualify; pursuant to established administrative procedures, from Government contracting and subcontracting for a temporary period of time because a concern or individual is suspected of engaging in criminal, fraudulent, or seriously improper conduct;

(3) the term "offeror" means any person which submits or intends to submit an offer on a contract;

(4) the term "contractor" means an offeror which has submitted an offer on a contract and has entered into a contract with the Department of Defense;

(5) the term "contract" means a written agreement for the procurement of goods or services, including amendments and modifications thereto, between the Department of Defense and a contractor; and

(6) the term "person" has the same meaning as in section 551(2) of title 5, United States Code.

UNIT COST REPORTS

SEC. 922. (a)(1) The program manager (as designated by the Secretary concerned) for each major defense system included in the selected acquisition report dated March 31, 1981, and submitted to the Congress pursuant to section 811 of the Defense Appropriations Authorization Act, 1976 (Public Law 94-106; 10 U.S.C. 139 note), shall submit to the Secretary concerned, within seven days after the end of each quarter of fiscal year 1982 (except as provided in paragraph (2)), a written report on the major defense system included in such selected acquisition report with which such manager is concerned. The program manager shall include in each such report—

(A) the total program acquisition unit cost for such major defense system as of the last day of such quarter; and

(B) the current unit acquisition cost for such major defense system as of the last day of such quarter in the case of a major defense system for which procurement funds are authorized in this Act.

(2) If the program manager of any major defense system referred to in paragraph (1) has reasonable cause to believe at any

time during any quarter of fiscal year 1982 that (A) the total program acquisition unit cost, or (B) in the case of a major defense system for which procurement funds are authorized in this Act, the current unit acquisition cost has exceeded the applicable percentage increase specified in subsection (b), such manager shall immediately prepare and submit to the Secretary concerned a report containing the cost information, as of the date of such report, required by paragraph (1).

(3) The program manager shall also include in any report submitted pursuant to this subsection any changes in schedule milestones or system performances with respect to such system that are known, expected, or anticipated by such manager.

(b)(1) If the Secretary concerned determines, on the basis of any report submitted to him pursuant to subsection (a), that the total program acquisition unit cost (including any increase for expected inflation) for any major defense system for which no procurement funds are authorized in this Act has increased by more than 15 per centum over the total program acquisition unit cost for such system reflected in the selected acquisition report of March 31, 1981, then no funds may be obligated or expended in connection with such system after the expiration of thirty days after the day on which the Secretary makes such determination. The Secretary concerned shall notify the Congress promptly in writing upon making such a determination with respect to any such major defense system and shall include in such notice the date on which such determination was made.

(2) If the Secretary concerned determines, on the basis of any report submitted to him pursuant to subsection (a), that (A) the current unit acquisition cost of any major defense system for which procurement funds are authorized in this Act has increased by more than 10 per centum over the unit acquisition cost reported in the Congressional Data Sheets submitted to Congress in March 1981, or (B) the total program acquisition unit cost (including any increase for expected inflation) of such system has increased by more than 10 per centum over the total program acquisition unit cost for such system reflected in the selected acquisition report of March 31, 1981, then no funds may be obligated or expended in connection with such system after the expiration of 30 days after the day on which the Secretary makes such determination. The Secretary concerned shall notify the Congress promptly in writing upon making such a determination with respect to any such major defense system and shall include in such notice the date on which such determination was made.

(3) The prohibition on the obligation and expenditure of funds contained in paragraphs (1) and (2) shall not apply in the case of any major defense system to which such prohibition would otherwise apply if the Secretary concerned submits to the Congress, before the expiration of the thirty-day period referred to in paragraph (1) or (2), as the case may be, a written report which includes—

(A) a statement of the reasons for such increase in total program acquisition unit cost or unit acquisition cost;

(B) the identities of the military and civilian officers responsible for program management and cost control of the major defense system;

(C) the action taken and proposed to be taken to control future cost growth of such system;

(D) any changes in the performance or schedule milestones of such system and the degree to which such changes have contributed to increases in total program acquisition unit cost or unit acquisition cost;

(E) written explanations by the principal contractors of the causes of growth in total program acquisition unit cost or unit acquisition cost and actions taken or proposed to be taken by them to control such cost growth; and

(F) an index of all testimony and documents formally provided to the Congress on the estimated cost of such system.

(4) Notwithstanding the foregoing provisions of this subsection, if the Secretary concerned—

(A) determines, on the basis of any report submitted to him pursuant to subsection (a), that (i) the total program acquisition unit cost (including any increase for expected inflation) for any major defense system has increased by more than 25 per centum over the total program acquisition unit cost for such system reflected in the selected acquisition report of March 31, 1981, or (ii) in the case of any such system for which procurement funds are authorized in this Act, the current unit acquisition cost of such system has increased by more than 25 per centum over the unit acquisition cost reported in the Congressional Data Sheets submitted to the Congress in March 1981, and

(B) has submitted pursuant to paragraph (3) a report to the Congress with respect to such system,

then no funds may be obligated or expended in connection with such system after the expiration of sixty days after the day on which the Secretary makes such determination unless the Secretary of Defense has made a certification to the Congress as provided in paragraph (5).

(5) The prohibition on the obligation and expenditure of funds contained in paragraph (4) shall not apply in the case of any major defense system to which such prohibition would otherwise apply if the Secretary of Defense submits to the Congress, before the expiration of the sixty-day period referred to in paragraph (4), a written certification stating that—

(A) such system is essential to the national security;

(B) there are no alternatives to such system which will provide equal or greater military capability at less cost;

(C) the new estimates of the total program acquisition unit cost or unit acquisition cost are reasonable; and

(D) the management structure for such major defense system is adequate to prevent future increases in total program acquisition unit cost or unit acquisition cost.

(c) As used in this section—

(1) The term "total program acquisition unit cost" means, in the case of any major defense system, the total cost for development and procurement of, and system-specific military construction for, such system divided by the number of, fully configured ened items to be produced for such system.

(2)(A) Except as provided in subparagraph (B), the term "unit acquisition cost" means, in the case of any major defense system, the total of all development, procurement, and system-specific military construction funds available for such system in any fiscal year divided by the number of fully configured end items to be procured with such funds in such fiscal year.

(B) When used in reference to the Congressional Data Sheets, the term "unit acquisition cost" means, in the case of any major defense system, the total amount of funds requested in such data sheets for development and procurement of, and system-specific military construction for, such system in such in any fiscal year divided by the number of fully configured end items expected to be procured for such system with such requested funds.

(3) The term "Secretary concerned" has the same meaning as provided in section 101 (8) of title 10, United States Code.

(d) Section 811 of the Defense Appropriations Authorization Act, 1976 (Public Law 94–106; 10 U.S.C. 139 note) is amended by adding at the end of subsection (b) the following new sentences: "Any report required to be submitted under subsection (a) shall also include the history of the total program acquisition unit cost of each major defense system from the date on which any funds were initially authorized to be appropriated for such system. As used in this subsection, the term 'total program acquisition unit cost' means the total cost for development and procurement of, and system-specific military construction for, a major defense system divided by the number of fully configured end items to be produced for such system.".

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend for not longer than 30 minutes in which Senators may speak therein for 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

"THE WORLD PROMISE OF AMERICA": ADDRESS BY DR. CHARLES H. MALIK AT THE COSMOS CLUB, WASHINGTON, D.C.

Mr. HELMS. Mr. President, the speaker for the Cosmos Club noon forum on April 21, 1981, was Dr. Charles H. Malik, a distinguished professor of philosophy, Emeritus, at the American University of Beirut in Lebanon and former president of the General Assembly of the United Nations. He was recently appointed as the occupant of the chair of the "Jacques Maritain Distinguished Professorship of Moral and Political Philosophy" at the Catholic University of America.

Dr. Malik's challenging subject was "The World Promise of America," an address which reflected his vast erudition and extensive experience and merits careful reading by scholars and leaders throughout the Nation as well as by high officials of the U.S. Government, especially those in policymaking positions in foreign relations. It is an address which is an extraordinary reading of America's strengths and weaknesses.

The capital city of our great Nation has many civic, professional, patriotic and other organizations of national and world importance, among them the Cosmos Club. Composed of men who have done meritorious original work in science, literature or the arts, or who are recognized as distinguished in a learned profession or public service. it conducts programs in a wide variety of activities.

Mr. President, since the indicated April 21, 1981, address by Dr. Malik should be of special interest to Members of the Senate as well as to the Nation at large, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address

was ordered to be printed in the RECORD, as follows:

THE WORLD PROMISE OF AMERICA

(By Charles H. Malik)

The world promise of America is something providential. Nothing of the order of the American phenomenon can be fortuitous or accidental. America has been schooled and refined precisely for its world promise. It may still have to be chastened further before its authentic word to the world can be uttered. Whatever the trying and the chastening still, doubtless America's word will be articulated and uttered one day.

Already a few features are discernible. The authentic word of America is not going to descend upon America all of a sudden, as by magic: it is a slow ripening of a long process, and, therefore, the features already apparent must somehow enter into the constitution of the definitive product.

America promises abundance. Is there a need, or even a want or whim, that someone has not thought of and has not devised the means to satisfy? There is no waiting for the need or the want or the whim to arise of itself; it is artificially created, a process that need have no end. You can walk to the Drug Store around the corner, or to the Safeway a few yards beyond, or to a thousand other specialized stores, and fetch gadgets for your most exotic desires. And you need not go there yourself; you can order on the telephone through the yellow pages of the telephone directory almost anything your whim may covet, and in many instances it would be delivered to you. The quantitative abundance of goods is only matched by their qualitative diversity.

What about the personal financial means to share in this material abundance? This, too, America promises on an ever-widening scale. To be sure, there are millionaires and billionaires, but the middle class, both upper and lower, is probably more numerous and stable than middles classes elsewhere. Neither are the slums more slummy than they were in the past, or than they are today in other regions of the globe. And there is a growing social consciousness, both official and unofficial, to face and deal with the problem of poverty and privation. And while I do not preach poverty, but, on the contrary, advocate real social justice in the strongest possible terms, the truth is that above the level of subsistence there are many poor whom the rich may envy, and above the level of sufficiency there are many rich whom the poor may pity. There is a strict correlation between the multiplicity of wants and the multiplicity of woes. The proper retention of this distinction between the blessedness of poverty above a certain minimal level and the trials and tribulations of riches above a certain maximal level is one of the promises of America. I counsel you to ponder the Bible or Saint Augustine or Saint John Chrysostom on the afflictions of the rich and the happiness of the poor. I know very well how this last sentence of mine is misunderstood or misrepresented or ridiculed by the cynics and materialists of this age.

America promises order. Practically all aspects of life are ordered. People stand in line; the bills reach you regularly; dealings with banks conform to an orderly procedure; the papers appear on time with the latest news; the TV and the radio are relentless in their neat performance, whether for good or for evil; the telephone system connects you in a matter of minutes, and sometimes of seconds, with practically anybody in the Western Hemisphere and in Europe, Japan, Australia, and many other parts of the world, a population aggregate of about one billion and a half; and nothing is more impressive than the neatness and methodical orderliness with which the great hospitals and medical centers function. Things do break down now and then, of course, but that is not the rule: the rule is order, regularity, dispatch. The mind is thus relieved from many a care and worry. And the question then becomes: what will the mind, thus relieved, turn to?

America promises the rule of law. The mind is conscious all the time that, although the law can be broken, and sometimes indeed is broken, yet the law is there, a potent though invisible force. And just as there is no respect of persons with God, so there is no respect of persons with the law. In this sense and to this extent, the law is a sort of image of God. With the Constitution being the supreme law and with the judiciary impregnated with the British norm, the branches of the government know and keep their lawful limits and the citizens know that their duties are enjoined and their rights protected by law. That the law is above every person, including the President, and that the freedoms of the citizens, including their corporations, are safeguarded by the Constitution, these two matters are among the most important promises of America.

Social justice is another of America's promises. What is distinctive about America here is the fact that social justice has been considerably, even phenomenally, advanced since World War II without any impairment of fundamental freedoms. Social justice does not mean indiscriminate mechanical egalitarianism in America: plenty of room is allowed for structure, articulation, distinction, difference, individual genius. The Aristotelian principle of distributive justice is more or less recognized in America. Of course tensions in some respects have heightened, but the solid achievement in this realm speaks for itself. There is no comparison between matters as they stand now and as they did in 1945—both in custom and in law. The effective harmonizing of social justice with freedom belongs to the genius of America. While others could achieve a measure of social justice only at the expense of freedom, the American character and outlook has succeeded in reconciling the two.

America promises a pervasive sense of trust. People trust one another and take each other's word. You are asked for identification documents, but often you are not. In general, you trust you doctor, your lawyer, your colleague, your partner, your dealer. In general, social, business, professional and friendly relations are characterized by a spirit of honor and integrity. You move about in stores, churches, restaurants, hospitals, clubs, government buildings, the offices of great corporations, the streets, with the sense in general of complete safety. It does not occur to you that you are being shadowed or pursued. You unquestioningly trust the goods you buy to be as they are marked or advertised, and while fraud at times there is, the remarkable thing is that with the spirit of freedom and trust being so pervasive there is only so little of it. You do not go about suspecting that the people you meet are scoundrels. You take it for granted that what people are telling you is the truth. Despite the fact that the enemies of America are trying to fan the spirit of mutual mistrust among the American people, I do not believe they will succeed. There are enormous social problems in America but the spirit of trust and confidence remains remarkably steadfast. It is the most important factor that will enable America to overcome these problems.

American statesmen laugh. Do Japanese or Chinese or Soviet statesmen laugh? I have not seen any of them in pictures laughing. Maybe they consider it beneath their dignity; maybe they take themselves too seriously. Do European statesmen laugh? I have not seen Churchill or de Gaulle or Adenauer or Macmillan or Giscard d'Estaing laugh. But who can forget the face of Roosevelt or Eisenhower bursting with hearty laughter? Truman laughed, and what a magnificent laugh! Carter can hardly be remembered as not laughing. And the relaxed and relaxing laugh of Reagan is his most natural expression. This is not a trivial point; it signifies something deep; there must be a hidden source of joy in the American soul. Laughter is one of the promises of America.

Because I must dwell on one promise more than all the rest, I shall not belabor further the other promises of America: the distinctive American sense of zest and adventure; the perhaps unprecedented, but not unlimited, capacity of America to receive and assimilate so many different races, cultures, backgrounds, ethnic origins; the pluralism of America in which diversity and difference are preserved within the unity of an overarching law; respect for individual initiative and inventiveness, a respect not only honored by custom but enshrined in law; the vast American technology, unrivaled both in scope and variety; the amazing democracy of America, quite incomprehensible to the outside world, a democracy that stunned the world by its workings in the elections of last year; the great universities, libraries and museums of America; the fact that the English language is now the lingua franca of the whole world, a privilege that no other language enjoyed in all history, and therefore the infinite moral responsibilities developing upon the English-speaking peoples, and especially the Americans, as to the quality of the message and meaning and influence that the use of that language carries in every country and culture today; the fact that America is the recognized leader of the Free World, and that if America, God forbid, should falter or stumble in its leadership, the cause of freedom and man would probably be doomed; the world-wide influence of the American system of government—even the Soviets call their head of state now president; and the hidden resources of the spirit which de Tocqueville so perceptively observed in American existence.

The cynics, the resentful, will of course retort: I have exaggerated, I have idealized, I have been extravagant and sentimental, I have painted too rosy a picture of the American promise, a picture that will not stand full exposure to the light of the facts. For every promise they will depict a counter-promise: the darker and seamier side of American existence. Also they will say: America is not unique in these promises; other countries hold them out too. I know all that. But I claim that every proposition I made is true "for the most part," and, as Aristotle pointed out, for anything to be true "for the most part" and "in general" is itself most significant: it indicates the presence of an underlying law. To dwell only on the exception, to single out what is not true "for the most part," is to reveal a sickly soul within. In these contingent matters to be true "for the most part" is sufficient. And as to other countries being graced by some of these promises as well, that too I know very well. Their importance in the case of America stems from America's unparalleled importance in the world.

II

Now I come to the most important thing I want to say.

The greatest promise of America is freedom. Freedom is also the greatest, and in the end perhaps the only decisive, secret weapon which America can wield.

In all its aspects freedom must always be understood as responsible freedom. Thus it must be sharply distinguished from anarchy or from uncritically and thoughtlessly doing anything you please.

The aspects of freedom are numerous; they include free economic enterprise, free elections, free press, freedom of association, freedom of movement, freedom of thought, freedom of expression, freedom of belief, freedom at once to hold fast to and to change

your belief, no arbitrary arrest or detention or interference in people's affairs, the inner serene spiritual freedom which creates—just letting people be themselves under the oversight of just law. To the extent to which these things do not exist or are hampered by social or political pressure or by bad personal habits, there is no freedom.

Leaders in the Western world talk about justice; they also talk all the time about peace; but they rarely talk about freedom. Such has been the deterioration in the scale of values in the Western world owing to the rising tide of materialism and sensualism that freedom, the highest gift of the free spirit, has dropped to the bottom of the ladder. People talk as though they would be quite happy if they had enough to eat and drink and live and enjoy themselves, and if they were left alone in peace, even if they were unfree. The burdens and responsibilities of freedom are too much for them; they would rather be relieved of them, as Dostoyevsky demonstrated in the Grand Inquisitor. What is the difference, then, between the ideals of totalitarianism and the ideals of freedom?

Justice is never the end, peace is never the end: unless justice and peace issued in freedom, especially the creative freedom of the spirit, they would be worthless. Justice and peace alone could so tyrannize over man as to produce the deadliest staleness and ennui. Freedom alone saves, freedom alone creates, freedom alone gives meaning to life, and it is this freedom that is the outstanding promise of America, not only for itself but for the world.

When we say the world promise of America we should mean, after all the other promises are enumerated, the promise of liberty.

There is a justice that is profoundly unjust and there is a peace that only the slave can covet; and once I asked an honorable lady, when are you going to have peace, Madam?, and she answered, only in the grave! So there is such a thing as the peace of the grave. And we pray for the dead. May they rest in peace!

But freedom means life, real life, abundant life; it means liberty, joy, being, and when it is the freedom of the spirit, which is the most original freedom from which all other freedoms flow, it means also love. In the guise of love, freedom is the total absence of fear, as the Bible teaches. And when you are wholly liberated from fear, you are a slave to nothing.

America's real friends are not the people you shower money on, nor the people you choke with material and military goods. America's most dependable friends are the free people who want to remain free and the unfree people who want to become free. And yet America's care for these people appears at times to be minimal.

America's other promises are important, but without the promise of freedom, they are empty. It is the enslaved whom you want to help liberate, it is the free who are threatened whom you want to succor. The ultimate real content of every promise is freedom. All other promises are in order to reach and rest in freedom.

Lenin used to say, the peoples of Asia and Africa, the less developed peoples, are the world reserves of the revolution; and the event proved him right. The West should dare say, America should dare say, the free peoples who are fighting for their freedom, and the enslaved peoples who want to fight to be free, are the world reserves of liberty.

And the circle of those who want to fight to be free could be widened indefinitely if only America and the West determined to arouse in the people who never tasted freedom their dormant yearning for freedom, and if only they made them feel that they would support them. And the way of arousing this yearning is a whole art by itself.

John Foster Dulles once spoke of dissolving and rolling back—this is his phrase—the formidable glacier of slavery which is creeping upon the world. Who would dare mention "roll back" today, who would even dare think of it?

But if you do not roll back slavery, or cause it to disintegrate from within—I mean the slavery of the mind, the slavery of the spirit, the slavery even of the body—, you are going to be rolled back by it yourselves.

On this matter always two questions arise: America is not the policeman of the world, and think of the balance of terror!

That America is not the policeman of the world goes without saying, and indeed how could America be if she remained true to its own principle of freedom? But what does not go without saying, what should be emphatically pointed out, is that in this closely-knit world there can be no political vacuum and every neglected area is going to be filled by someone else. It is therefore not a luxury that America can dispense with to interest itself effectively and sustainedly in every part of the world. Thus those who say America is not the policeman of the world either have no idea of how isolationism is absolutely impossible from now on unto the end of time, or some of them may, for reasons to be independently ascertained, want to see the enemies of freedom win at the expense of freedom. Which of course does not mean that all regions of the world are of equal interest to America.

And as to the bogy of the balance of terror, again it goes without saying that nuclear war is unthinkable and must be avoided at all costs save the cost of being blackmailed into submission or slavery. And again what does not go without saying is, first, that if nuclear war is by mutual tacit agreement avoided, conventional and other kinds of war are not thereby excluded; and, second, why, if the terror is really balanced and equal, one side could muster courage to advance while the other could not? If the atom and nucleus have virtually abolished world nuclear war, why should one side, under the protective umbrella of the balance of terror, be more resourceful in waging other types of war? If there is equality of terror there should be equality of opportunity.

And if the equality of terror provides one side with greater opportunities, then there should be something profoundly the matter with the whole moral and spiritual equipment of the other side—with its very thinking and planning, with its resolution and will. All problems finally resolve themselves into problems of moral preparedness—problems of the adequacy or inadequacy of thought and will. Let no man, let no nation, let no civilization, absolve itself from moral responsibility for its trials and tribulations. Let no man, let no nation, let no civilization, blame "cosmological" factors or blame others for its own "fate" or failure.

In his inaugural address last January President Reagan said:

"Above all we must realize that no arsenal or no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women.

"It is a weapon our adversaries in today's world do not have.

"It is a weapon that we as Americans do have.

"Let that be understood by those who practice terrorism and prey upon their neighbors."

To say, therefore, that courage and will are decisive, and that the free must lend a hand to those who are struggling to preserve and strengthen their freedom, and must encourage the unfree to free themselves, to say this is wholly in keeping with the sentiment of President Reagan.

But when lesser men, or when cynics, exude the impression right and left that America should abdicate its world responsibilities, and should crawl back into its safety shell (the truth is that there is no shell and certainly no safety shell any more), or that the unimaginable danger of nuclear war has effectively paralyzed America's will, then one is overtaken with the fear that faith in freedom has itself eroded. Faith is more important than courage, more important even than will. It is only the man of faith, the man that believes something, who will dare to will and dare. And if it is the case that faith in the values of freedom has withered away, then, believe me, God help us!

Attempts have been made lately to pit capitalism against socialism and to prove that what is called "democratic capitalism" is superior to communism. Such attempts are quite legitimate, but they could also be misguided. Nothing would please Marx and Lenin and their followers more than if the debate between them and their opponents were carried out only within the bounds of economics and politics, even if this debate should demonstrate that the communist "system" were inferior to the capitalist "system". The ultimate philosophical point of Marxism-Leninism is precisely the reduction of all truth, all value, all meaning—the reduction of everything (they would probably say the elevation of everything)—to the level of material-economic-bodily categories. Their opponents should absolutely resist falling into that trap. Far from accepting to be shut up within the confines of that cage, they should shift the frame of reference of the discussion altogether from material-social-economic considerations to the "state of the mind and the spirit. Marx and Lenin would still have won if they were bested in an argument confining itself only to social justice and economic and power and class relations, without being challenged in terms of freedom, man, mind, truth, the continuity of history and the supremacy of spiritual values.

It is the affirmative of what they deny, namely, the primacy of value and will and mind and spirit and freedom, that they dread most. They should be forced to debate—and debating does not mean only the argument of words—on the plane of man and history and truth and value and freedom. Not capitalism versus communism, even if you could win the argument; but man versus the state, freedom versus slavery, the established cumulative wisdom of tradition and history versus the arbitrary rebellious "wisdom" of party and politics, the grace of understanding and forgiveness versus the hardened, resentful heart that never understands and never can forgive. On these planes ought the argument with them to unfold itself.

The sad truth is that the whole climate of opinion in the world today, including America, is materialistic-socialistic-relativistic; that in this prevailing climate to shift the frame of reference of the discussion requires herculean efforts; that the self-styled arguers with communism—I mean not only arguers in words but in being, in existence—are both incompetent and incapable of raising the fundamental issues; and that Marx, in dragging everybody to his frame of reference, may already have won, at least for a while.

I must be frank with you. The truth is the most important thing, no matter how delicate or painful. And the truth is that whereas the world promise of America is unprecedented as to its meaning and magnitude, America cannot deliver its promise with the American family being in the deep trouble in which it finds itself today. The same observation applies to Europe and the West in general. I beg you on my knees not to let anybody beguile you by using the term "sexual revolution" in a non-periorative sense, namely, in the sense of liberation or progress. The seepage of the scourge of Freudianism into the holiest American institution, the family, can cancel out all your great world promises. If I read the history of American mores correctly, nothing is more

un-American than the sexual and chemical revolutions. If technological civilization is to blame, then the whole place of technology in human life must be radically reconsidered.

If Billy Graham is right in a statement he made a short while ago, that whereas the average rate of divorce in America as a whole is one in three marriages, in one conservative Christian religious community, which he named, it is one in 700, and I believe he is right, then the only hope for America and the world is a vigorous and sustained return to the living God.

And this is what old Jeremiah said to his people 2,700 years ago:

"Thus saith the Lord, Stand ye in the ways, and see, and ask for the old paths, where is the good way, and walk therein, and ye shall find rest for your souls. But they said, We will not walk therein." (Jeremiah 6:16)

May this last sentence never be uttered by the people of America.

NEW EPA ADMINISTRATORS BRING STRONG CREDENTIALS

Mr. SIMPSON. Mr. President, it is indeed gratifying to know that Anne McGill Gorsuch and Dr. John Hernandez have been confirmed to be Administrator and Deputy Administrator of the Environmental Protection Agency.

Both of these individuals have strong credentials in the area of regulatory reform—and that fact must not go without emphasis. I am encouraged by the administration's commitment to encourage the EPA to adhere to these much-needed reform practices in their public administration of the work of the EPA, practices such as cost effectiveness and efforts to maximize net benefits.

It is important that the Environmental Protection Agency become known for its mission of safeguarding the health of our citizens and the conserving of the quality of the environment and not just for promulgating over-reaching regulations and carrying out absurd enforcement actions.

With Anne Gorsuch and John Hernandez at the helm of the EPA, I am confident that the integrity and credibility of this agency will be greatly enhanced, especially in the area of State-Federal relations and cooperation. I enthusiastically look forward to their stewardship of the Environmental Protection Agency.

Mrs. Gorsuch is concerned with redirecting the agency in order that "State primacy" will be more adequately addressed. Dr. Hernandez has pledged to redirect the EPA so that it does not become just a deadline-meeting agency, but emerges as a high quality technical organization that is concerned with generating and evaluating accurate scientific information. These attitudes are extremely important for proper environmental management.

Mrs. Gorsuch and Dr. Hernandez were confirmed overwhelmingly and I think that demonstrates the confidence and high esteem we all have for these able persons.

I believe we all are looking forward to an active and cooperative working relationship with these fine new members of the Reagan administration.

ONE LITTLE BOY

Mr. MOYNIHAN. Mr. President, on March 29, Rabbi Sholom Stern delivered the keynote address at Unity Day II, a conference held at Canisius College to explore ways to improve human relations in Buffalo. Rabbi Stern, who is president of the Buffalo Board of Rabbis, made some exceptional points in his address, entitled "One Little Boy."

Rabbi Stern's speech is well worth reading, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ONE LITTLE BOY

(By Rabbi Sholom Stern, President-Buffalo Board of Rabbis—Spiritual Leader—Temple Shaarey Zedek-Amherst, New York)

As a member of the Jewish people, I have often been asked, "Why do Jews continue to concern themselves with the search for Nazi war criminals 36 years after World War II. Let by-gones be by-gones.

Why does bitterness still burn as a hot coal in the hearts of millions throughout the world? Why can so many decent human beings not find in their hearts the capacity to forgive and forget? The answer is to be found in a book published in Germany entitled: "For Theirs Was The Hell." It is a documented account of the fate which befell some of the 1.2 million Jewish children under 16 years of age who were slain in Hitler's concentration camps.

These few sentences from the story are enough: "Then the guard ordered the children to fold their clothes neatly and march into the gas chamber and crematory. One little boy, less than 2 years old was too little to climb the steps.

So the guard took the child in her arms and carried him into the gas chamber. That is the reason why I am not interested in forgetting—one little boy. Six million Jews exterminated is an incomprehensible figure. The lips can say it in a moment: The mind cannot absorb it in a lifetime. 1.2 million children under 16! The figure is staggering but it still says nothing to the heart.

One little boy however crawls into the heart and we understand the enormity of the outrage, the unspeakable magnitude of a disaster. Six million is a statistic. One little boy, too little to climb the steps breathes the agony of life and the anguish of death and we understand. Similarly today, I am not here only because the figure of slain black children in Atlanta has swelled to 20 or because the figure of slain black men here in Buffalo is now at 7.

Nor is the reason why I am here because in this land of the free which pays lip service to those majestic words by Jefferson of all men being created equal, we still continue to witness hundreds, thousands, and millions who suffer daily public humiliation because their skin pigmentation is different than others. Rather, I am here primarily because on my screen of memory there flashes an image of one of those slain black children. I visualize him struggling frantically for life. I see the terror that seizes a mouth gasping for air. I see those frightened, innocent eyes that must face the Satan of hatred and a cold blooded murderer.

Permit me again to speak as a Jew drawing from the history of our people. Over the course of the last few months there has been speculation as to who has committed these violent crimes against black people. We are told that the killers must be psychopaths, demented sadists, unlettered boors, unschooled, and undoubtedly from the ranks of poorer class whites.

What we as Jews have learned through the nightmare of Hitler's concentration camps is that there was a technique, a science of murder complete with specialized laboratories, business meetings and progress charts. Those engaged in the systematic annihilation of 11 million people including 6 million Jews did not belong to a gutter society of misfits nor could they be dismissed as just a collection of rabble. Many held degrees in philosphy, psychology, biology, medicine, and psychiatry.

There were lawyers among them and unthinkable but true—theologians and aristocrats. Auschwitz, the greatest death camp of all taught us that it is possible to be born into upper or middle class society, receive a first rate education, respect parents and neighbors, visit museums, attend literary gatherings, receive an award as the outstanding citizen of one's community, and nevertheless begin one day to massacre men, women, and children without hestitation and without guilt.

And who do you think as pointed out by the late slain civil rights leader, Dr. Martin King were the social obstetricians who presided at the birth of racist views in our country?

They were from the aristroacy: rich merchants, influential clergymen, men of medical science, historians and political scientists from some of the leading universities of the nation. With such a distinguished company of the elite working so assiduously to disseminate racists views, what was there to inspire poor, iliterate, unskilled white farmers to think otherwise?

As a youngster, I was raised as many others in our country to respect and cherish as my authentic heroes the founding fathers of our nation.

The names of Thomas Jefferson, George Washington, John Quincy Adams assumed mythical proportions as we attributed to them all that which was virtuous and saintly. What was glossed over completely is that each of them was deeply enmeshed in the ethos of white supremacy and slavery.

But you may contend that I am speaking of the distant past. After all equality is a goal which has been attained in the American court system. We have legislated it into our law books. That may be true. What is lacking however, is the feeling of the monstrosity of inequality.

Of course there are more people who are becoming aware of the racism directed against blacks, but most whites still fail to grasp it as a personal problem. People are increasingly fearful of social tension and disturbance. So long as our society is more concerned with ways to prevent racial strife. rather than ways of prevent humiliation which is the cause of the strife, will the moral status of America continue to be depressing.

Equality of all men which is a platitude to some minds remains a scandal to many crushed human hearts. Equality as a religious commandment goes beyond the principle of equality before the law. It means personal involvement and mutual reverence. It means my being hurt when a Black, Hispanic or a Jew is offended. The greatest contribution everyone of us can make to the cause of tyranny and injustice is to do nothing at all. Just refuse to get involved. Too many decent people made precisely that kind of contribution to the cause of Nazism. Hitler made it quite clear to his people what he planned to do with the Jews. As his plan proceeded step by step from the first forced arrest and economic boycott against the Jews in the 30's until the final solution, the exter-

mination of Jews in the 40's, the German people were apathetic. It backfired upon the German people. Consider the following statement by Pastor Niemoeller a leading German Protestant: "When the Gestapo came and took away the Jews I did not protest because I was not a Jew. When they came to take the Communists away I did not protest because I was not a Communist. When they came to take the Catholics away, I did not protest because I was not a Catholic. When they came to take me away, no one was left who could protest."

Now of course many people care. There would not be any hospitals if people did not care. There would not be any churches or synagogues if people did not care. Nothing in our community could exist if there were not people who choose and choose everyday of their lives to get involved. During the past year, we have seen a group of people contending that it represents the majority of the citizens of our country taking stands on moral issues, such as abortion, pornography and prayer in public schools. This group has been influential in deciding the most recent election. What has not of yet emerged on the American scene is a moral majority that will proclaim loudly and clearly that racism is man's gravest threat to man, the maximum of hatred for the minimum of reason, and the maximum of cruelty for a minimum of thinking. We have to recognize that the racists is an invalid who will go to the doctor. Instead he goes to blacks.

I have not come this afternoon with a message of despair. History is not all darkness. It was good that Moses did not study theology under the teachers of the message of despair. Otherwise we would still be in Egypt building pyramids.

I started off by telling you about one little boy. Let me tell you about another little boy. Horace Mann, the famous 19th century educator once spoke at a dedication of a building which was designed as a corrective institution for boys who had gotten into trouble. In the course of his address he referred to the many thousands of dollars the building had cost and he went on to say: "If all this which has been spent upon the building results in the rehabilitation of one boy it is money well spent. After he finished speaking a member of the audience approached him privately and asked him, "Mr. Mann, do you really think this building is worth all that money? Yes, he said if he is my boy or yours: he's worth every penny."

One little boy! Today we gather here with a prayer that no black parent will have to cry over his or her one little boy. We also are here because each of us is that precious little boy that must be saved. Each of us has the power to effect decisive changes within ourselves. Each of us can resolve that never again shall we sit back and giggle or be intimidated by those who tell us crude jokes about 'Coons', 'Spiks', 'Kikes', 'Dagoes', or 'Pollacks'. Let us not delude ourselves to thinking that we can ignore racism for when we do so we become accomplices of it. Our vision is not to reduce the great idea of equality and integration to an empty togetherness. Our vision is not of a white and black integrated country club. Our vision is rather of the day when the problem of color and race will be irrelevant. Our vision is of the day when the unscientific term of race will be expunged from our vocabulary. Our vision is of the day when all of us, Black and White, Easterner or Westerner, Gentile, Jew, Protestant, Moslem and Hindu will be able to respond positively to that question posed to Cain in the book of Genesis. The Bible records God saying to Cain: "Where is thy brother Abel? And Cain answered: Am I my brother's keeper?" You are. I am. We are. Together in the words of that song which still serves as an anthem for those who are passionately committed to the elimination of all group prejudices, 'We shall overcome.' We shall one day move to the promise land of racial justice and equality because that which ought to be can be. That which ought to be must be, and that which ought to be one day will be.

TESTIMONY OF THE REVEREND THEODORE M. HESBURGH AT JOINT HEARINGS ON IMMIGRATION REFORM

Mr. SIMPSON. Mr. President, last week the Senate Judiciary Subcommittee on Immigration and Refugee Policy and the House Judiciary Subcommitte on Immigration, Refugees and International Law held joint congressional hearings to obtain public response to the final report of the Select Commission on Immigration and Refugee Policy. These hearings were nearly unprecedented. I understand that the last occasion for joint hearings on this issue was some 30 years ago and then both Houses of Congress were controlled by my good colleagues on the other side of the aisle. Chairman MAZZOLI and I have worked closely together to hold these joint hearings, in order to display the absolute necessity for a bipartisan revision of our Nation's immigration and refugee policy. We also believe that the joint hearing process and the close consultation between the two legislative bodies will lead us to the development and enactment of legislative reforms which are so critically needed in America.

The goal is to develop policies and specific legislative proposals which will both satisfy the need of the American people and our national interest, and have a political realism to the degree that we may see those ideas successfully enacted into law.

I greatly enjoyed my service as a member of the Select Commission on Immigration and Refugee Policy. To call it a "unique experience" would be the understatement of the day. It was an honor and a privilege. The Commissioners were a rather diverse and determined group, indeed, with an exceedingly bright and capable staff. It was my distinct privilege to share their time, their talents, and their friendships.

The first witness at our joint hearings was the Chairman of the Select Commission, Father Ted Hesburgh. Father Hesburgh did a most remarkable job in his capacity as Chairman. He is a true humanitarian and a man who gives so very much of himself to any issue in which he is involved. Without his innate skills of reconciliation and direction, the task of the Commission would have been a long and labored one.

Mr. President, I ask unanimous consent that the prepared statement of Father Hesburgh be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF THE REVEREND THEODORE M. HESBURGH

My name is Theodore M. Hesburgh, and I am here as the former chairman of the Select Commission on Immigration and Refugee Policy which expired on April 30. I have with me Dr. Lawrence H. Fuchs, who served as Executive Director of the Commission and Dr. Ralph Thomas, his Deputy. I am particularly pleased to see so many members of our Commission here today.

Our Commission was unusual in two respects. First, it was initiated by the Congress and one half of its membership was from the Congress. Second, and a related point, it was intended not just to study a problem and make general long term recommendations, but to make specific recommendations to reform an extremely complicated law.

Our Commission held twelve regional public hearings, listened to seven hundred witnesses, conducted twenty-four public consultations with experts, sponsored a considerable amount of original research, systematically reviewed all existing research, and, after seven commission meetings, we reported our recommendations to the Congress and the President on February 27th.

THE RE-DRAFT OF THE IMMIGRATION AND NATIONALITY ACT

Within the past week, you had delivered to you the Select Commission staff draft of a new Immigration and Nationality Act based on the recommendations of the Commission. I strongly hope that members of the Congress who served on the Commission officially and Representative Mazzoli, who participated in our deliberations in December and January, will introduce this bill as a working bill. I know of no better way to get the Executive branch, the Congress and the public generally to put this extremely important topic on their agenda than to have the particulars of a working bill to address.

I thought it might be valuable to the Congress for you to have a clear picture of just how the Commission went about its business. For the record, I would like to submit a work chart which depicts that graphically.

Within the next ten days you will receive eleven additional volumes completed by the staff last week as they worked through the nights of April 29th and 30th to ready the material for the printer.

THE STAFF REPORT

Of the volumes you will receive, the first of them is most important. It is the why and how companion volume to the final Commission report. Called the Staff Report, it is a supplement to the official Final Report of the Select Commission on Immigration and Refugee Policy, and provides a detailed analysis of the major recommendations made by the Commission and the implementation strategies and procedures for carrying them out.

Now, the final report is in your hands. But the problems raised by immigration face everyone of us: and they will not go away.

Some among us, often moved by deeply religious values, ask the question: Why should immigration be a problem? Why shouldn't people be free to move wherever they want to? We are all one species, all children of one God; and from the beginning of time, human beings have been a curious, migratory species. Why not let down the barriers of nation-states and permit people to move freely?

The questions almost answer themselves. Immigration is a problem because nearly all peoples believe in nationalism and wish to maintain the integrity of national ideologies and institutions. We believe this in the U.S., too, but not for narrow, nationalistic, selfish purposes only, but also because we believe that our nation has become a symbol of the possibilities of freedom and the potentiality for justice. The existence of our nation as a nation is tied to the realization of high goals for all of humanity.

THE 3 PRINCIPLES OF IMMIGRATION REFORM

Our nationalism is not inconsistent with internationalism. In fact, the first of three principles which undergird the Commission's

important recommendations is the principle of international cooperation. As a nation, we cannot survive without international cooperation. Consequently, the Select Commission made several recommendations guided by that principle.

The second of our important principles is the rule of law. To the Commission, the rule of law meant two things. First, enforcing the limits we set for immigration in a firm, unambiguous manner; and second, doing so with high standards of due process. Dozens of the Commission recommendations are guided by the principle of the rule of law.

Our third principle is that of the open society. By the open society, we mean certain specific things. We mean that it is in the national interest of the United States to accept a reasonable number of immigrants and refugees each year to fulfill U.S. policy goals regardless of the color, nationality, or religion of those admitted. It also means that, once admitted to this country, that they should be entitled to get on a fast track to citizenship under the protection of the U.S. Constitution and the laws of this land without discrimination

The open society does not mean limitless immigration. Quantitative and qualitative limits are perfectly compatible with the concepts of the open society as we understand them.

THE CITIZENS' COMMITTEE ON IMMIGRATION REFORM

Without first principles such as international cooperation, the rule of law, and the open society, it will not be possible to bring about fundamental immigration reform. Our efforts and yours will be picked at by special interest groups. In a letter sent to me by President Ford, who is joining me and many distinguished citizens today in forming a Citizens' Committee for Immigration Reform, he praised the work of the Select Commission and warned that we must guard against the parochialism and demagoguery of special interest groups.

THE ENEMIES OF PAROCHIALISM AND DEMAGOGUERY

We cannot defang, to use Senator Al Simpson's phrase, the emotionalism which surrounds this issue entirely but we can recognize first principles and try our best to be guided by them. If they do not overcome the four horsemen of parochialism, demagoguery, knee-jerkism and perfectionism, at least perhaps they will temper the debate and provide the necessary framework for getting on with the work.

Each of the major recommendations I will discuss this afternoon is interrelated, and I urge the Congress to take such a comprehensive approach. For example, concentration on enforcement should be matched with an equal emphasis on a sound immigration law.

Of course, the first subject on the minds of most persons who worry about immigration is illegal immigration.

This Commission not only recommended a more rational system for admitting immigrants legally and for the legalization as resident aliens of a large proportion of undocumented aliens now in the United States, but it recommended many measures to enforce consistently, firmly, and fairly the limits established by law.

EMPLOYER SANCTIONS

There is no sense in pretending enforcement will work without demagnitizing the jobs which bring illegal aliens here. A centerpiece of the enforcement measures recommended by the Commission would be an employee sanctions law with a reliable, nondiscriminatory method of certifying employee eligibility that any of us would use when applying for a new job.

Would such a measure be worth the effort and cost and would it work? Thirteen members of the Commission believe that it would. Would such a measure discriminate against certain groups or be used to violate the privacy rights of Americans? While I understand the apprehensions of the many people who raise those questions, issues which are of concern to me also, I strongly believe the answer is no.

Employer sanctions is not a panacea but it will take away the incentive for employers to hire illegal aliens and demagnetize the magnet enough so that with comprehensive, targeted enforcement strategies we should be able to reduce illegal migration to a relatively small number.

This Commission does not want draconian measures at the border, ports of entry or in the interior. Just the opposite. We made many recommendations to improve the professionalism of the Immigration and Naturalization Service and to protect the rights of those who come in contact with its investigators, inspectors and Border Patrol Agents. But we know that without employer sanctions, enforcement efforts will not be effective.

I would ask that those who sympathize with the aspirations and the plight of illegal aliens—and I count myself among them—to think about the aspirations of Americans whose wages and standards are depressed by their presence and also to think about the aliens themselves. Not the ones who slip into the system and make a decent living while they adjust to a fugitive life in the shadows—but the ones who die in the desert or in the ballast tanks of ships and the ones who are waiting patiently in line to come to the United States through legal immigration channels.

For those who are apprehensive about discrimination resulting from the application of employer sanctions, I would point out that the only system the Commission recommended would protect against discrimination more than at present because all persons eligible to work would have to identify themselves through a reliable method of identification. Employers who turn someone away would not have the excuse that he or she looked or talked like an illegal alien. Under the employer sanctions law proposed, employers would not be penalized if they were fooled by the job applicant.

I also am persuaded that concerns about the abuse of privacy are not warranted. What protects our society and individuals against the abuse of privacy is the existence of traditions, habits, and laws which sustain our first, fifth and fourteenth amendment rights concerning freedom and due process.

These constitute a national will to resist governmental control or private misuse of personal information.

In fact, the employment eligibility system should be the occasion to make explicit in legislative language the privacy protections due individuals in our society. In this case, there would be strict limitations on the use of the employee eligibility card and on the access to and use of the data base behind it.

LEGALIZATION

Effective enforcement will depend on one other major Commission recommendation which also was guided by the principle of the rule of law. We called it legalization. We unanimously recommended the legalization of a large proportion of the undocumented aliens now in this country. We specified that persons should be eligible if they could show that they were in the United States no later than January 1, 1980. I know that Congress will pay particular attention to the reasons which produced this unanimous vote.

First, new enforcement efforts to curtail the future flow of illegal aliens, which the Commission said must be instituted if we are to have a legalization program, will depend for maximum effectiveness on the knowledge which can be produced only through a comprehensive legalization program that provides information about migration channels, smuggler practices, and the characteristics of the aliens of themselves.

Second, through legalization we will learn for the first time the composition by national origin of illegal aliens and even be able to pinpoint the villages, towns, states and provinces from which they come. That knowledge will be invaluable when we try to deal with migration pressures at the source through bilateral or international cooperation.

Third, by legalizing this group, the Immigration and Naturalization Service will be able to target its limited enforcement resources where they count—in stopping future flows—instead of in the costly and ineffective cops and robber approach to catching people who already have learned how to avoid the authorities.

Fourth, these persons, while more capable of evasion than newcomers, live in an underclass outside of the protection of the law. As such, they are prey to exploitation by employers who violate labor protection laws and other more serious criminal activity—undermining the rule of law for all of us as well as depressing the wages and standards of some.

Fifth, legalization not only recognizes the fact that these people are already here, but that we all benefit if they come out of the shadows and participate more fully in American life.

Ironically, legalization may permit many aliens to return home more frequently to their countries of origin than they now do. Rates of emigration for most immigrants have been about 30% of immigration. For this group, that would be higher once given a legal resident alien status in the United States since they no longer would be subject to the hazards of crossing illegally.

No one has to fear that legalization will cost the United States anything. Fees will pay for the entire program. Only those aliens who have a job and can meet the public charge requirements will qualify.

A LARGE TEMPORARY WORKER PROGRAM

Some are asking why it is necessary to confer the status of resident alien on those who qualify for legalization? Why not, they ask, give them a temporary worker status and include them as part of a large scale guest worker program to be negotiated with interested countries?

The idea of a large temporary worker program is tremendously attractive. Perhaps a better word is seductive. Economists predict a large shortfall of U.S. service and agricultural workers in the decades ahead. There are certainly hundreds of thousands of people in the Caribbean Basin and in Latin American countries who would be happy to take those jobs. Some people believe that a large guestworker program might channel enough persons into the employ of ranchers, growers, garment and other manufacturers to such an extent that employer sanctions and other enforcement measures will not be necessary.

There is a superficial plausibility to this argument and the Commission gave it serious consideration for more than a year and a half. In the end, we were persuaded that it would be a mistake to launch such a program.

First, a large scale temporary worker program—say a half million or more a year—whether or not it included the newly legalized aliens already here, would have some limits which had to be enforced. Would the program be for single men only? For agricultural employment? For the southwestern states? For six months, eight or more?

Would individuals be able to renew their participation?

Whatever the answers to these questions, the limits would have to be enforced. Without an employer sanctions law and a reliable means of employee identification, the rule of law would be compromised extensively as aliens tried to slip the boundaries imposed by the program.

Second, it is difficult to turn off such a program once it gets started. A large scale program would build a dependency on foreign labor in certain sectors of the economy. Certain jobs would become identified with foreigners, putting at risk one aspect of the principle of the open society, as I tried to define it a moment ago. In effect, a second class of aliens would have been established in our country who were not fully protected by the law and its entitlements and who could not participate effectively in mainstream institutions. And a large program without effective enforcement measures would stimulate new migration pressures in the long run.

Third, one of the seductive reasons for such a program is to accommodate the population pressures of other nations and thus achieve foreign policy objectives. But there are few things more dangerous to friendship between nations than to have a large body of foreign nationals working in one country with the possibility of incidents being blown up by a demagogue in either country.

MEXICO

Many have suggested that a guestworker program would be helpful to Mexico. Apart from the fact that no Mexican official represented that position to us, we did not think it wise to propose a program with potentially harmful consequences to the United States as a whole.

The Commission has been mindful of U.S. relations with Mexico and othed countries as charged by Public Law 95-412. We know that it is our national interest that Mexico be able to shape its own destiny as a prosperous and stable democracy. We know that Mexico, to some extent, relies on the safety valve of migration to the United States. But we cannot shape an immigration policy for the world—with sixteen million refugees and more than one million persons registered with visa numbers to come to the United States—in response to one nation only. In fact, that would be inconsistent with the principle of the open society which does not discriminate in the admission of immigrants and refugees on the basis of nationality.

However, we made several recommendations consistent with that very principle which will have the practical effect of increasing immigration from Mexico to some extent. We estimate that at the outside about 700,000 of the one and a half million persons who might avail themselves of the legalization program would be Mexican nationals who would then be in a position to petition for their spouses and minor children to come to the United States.

It is conceivable that as many as two hundred and fifty thousand Mexican spouses and/or minor children would be admitted, although the actual number is likely to be less. Such persons would, of course, have to wait in turn under the numerically restricted immigration totals imposed by the new law.

But their admission to the United States and that of other spouses and minor children of resident aliens would be expedited by the emphasis which the Commission has placed on the reunification of immediate families. The modest increase recommended for legal immigration which would facilitate both family reunification and independent immigration is another recommendation which is likely, at least in the near term, to increase immigration from Mexico slightly.

Finally, the clearing of backlogs, in conjunction with the introduction of the new system, also would help to some degree.

THE NUMBER OF IMMIGRANTS AND REFUGEES TO BE ADMITTED

I know that there are persons who are wondering why the Commission recommended an increase in legal immigration. The answer is straightforward but not simple. It is clearly in the interests of the United States to do so. Once again I will summarize our findings with respect to legal immigrants.

Immigrants work hard, save and invest and create more jobs than they take. Thus, they contribute to economic growth in the United States. That is true even for refugees although the contribution takes place after a longer period of adjustment.

Immigrants rapidly pay back into the public coffers more than they take out.

Immigrants strengthen our pool of younger and middle-aged workers, thus strengthening our social security system and enlarging U.S. manpower capabilities.

Immigrants strengthen our ties with other nations.

Immigrants strengthen our linguistic and cultural resources.

Immigrants and their children embrace American ideals and public values rapidly and help to renew them.

Immigrants give a brilliant demonstration to the world of the advantages of a free society.

And finally, the children of immigrants acculturate well to American life and actually seem to be healthier and do better at school on the average than those of native born Americans.

In the face of all this, one well might ask why the Commission was so timid in recommending a modest increase in legal immigration from 270,000 to 350,000 annually.

One reason is that under the Refugee Act of 1980, whose fundamental provisions we endorsed, it is possible to admit more than the 50,000 refugees anticipated by that act as the normal annual flow.

Because refugee situations often are emergencies, we need to provide flexibility to meet them. Therefore, we must be cautious on the number of numerically restricted immigrants we admit.

A second reason is that some of our Commissioners believe that we should not increase the present ceilings at all until effective enforcement is in place. In fact, four Commissioners voted against the increase in immigration levels for that reason. The twelve who voted for it include many who are strong advocates of new, effective enforcement measures but see the value of increasing immigration modestly at this time for the good that it will do this country, and because the new system will help to reduce pressures for illegal migration slightly.

A third reason is the largely incorrect but widely held perception that immigrants take away from rather than benefit society. Because that perception is a social reality one must be cautious about numbers.

What will the numbers add up to if the Commission's recommendations are followed? If the Congress adopts the recommendations of the Select Commission, we can make population projections based on reasonable assumptions—including one about illegal immigration—which you will find discussed in two chapters of the staff report. The result is that the United States will achieve negative population growth at a level of two hundred seventy-four million persons by the year 2050, less than seventy years from now.

That is based on a projection of an annual net immigration of five hundred thousand, a reasonable and perhaps conservative projection as explained in the staff report, which I hope the Congress will reprint, since it goes into such detail with respect to the background and the implications of the Commission's recommendations.

Two hundred and seventy-four million does not strike me as high by any measure. The United States, if it followed those recommendations, would go from having 6% of the world's population now to far less than 3% by the year 2050, something that may happen in only twenty-five years. The U.S. would remain the least densely populated nation in the world with the probable exceptions of Canada and Australia. And our per capita wealth relative to the rest of the world would be much greater than it is now.

THE COMPOSITION OF U.S. POPULATION

There also is concern about increasing the percentage of foreign born in our nation's population. Right now there are eight Western countries with a higher percentage of foreign born than the U.S. and we are better at absorbing immigrants than any of them. Yet, the concern is understandable. Immigration means change and change brings the possibilities of conflict.

Let us take the worst case from the point of view of those who are concerned about a rise in the percentage of foreign born. Suppose Congress does not accept the Commission's recommendations which we believe will lead to a net annual migration of no more than 500,000 a year, a number that is certainly less than in the last few years. Suppose the net migration was 750,000 a year. That would lead to a population of 300 million by the year 2080—one hundred years from now, the equivalent of 5 generations—and of that population, one-third would consist of persons who had arrived in the U.S. after 1979 or of their descendants.

Why should that be so worrisome in the light of U.S. history? The fact is that about 45 percent of the people now in this country either arrived here or are descendants of persons who came here within the last four to five generations.

In fact, at least one half of the Congressional members of our Commission are descendants of persons who came to the United States within the last four generations, not event counting that distinguished alumnus of Notre Dame, Ron Mazzoli.

No one questions their Americanism in the slightest although many people vigorously opposed the arrival of their ancestors, predicting dire consequences for the United States because of their admission.

In years past it was argued that German immigrants, because of their strong love for the German language and culture, would destroy the ties that bind us as a nation. Then it was the Catholics, particularly the Irish, with their devotion to Papal authority, who, it was maintained, would prove incapable of contributing to a free society. Next, the Jews, Italians, Poles, Greeks and others were scorned as unfit to become good Americans.

THE NEED FOR LEADERSHIP

In 1939, the Congress followed the public opinion polls and refused to accept refugees beyond the number allocated under our restrictive national origins quota system. Not only did that doom those persons to a fate determined by Adolf Hitler, but the United States lost the talent, ability and gratitude of those people and their descendants.

We can and should assert our own values and traditions and our self-interest by modestly increasing levels of immigration and instituting a legalization program as well as by enforcing the law firmy and fairly. What is required is a campaign of leadership to articulate those values, traditions and interests in relationship to immigration so that the American people will support the recommendations of the Commission.

Thank you very much. It has been a privilege to serve.

IMMIGRATION REFORM

Mr. KENNEDY. Mr. President, it has been nearly three decades since joint congressional hearings were last held on our Nation's immigration policies. And it has also been three decades since we have thoroughly reviewed our immigration statute, which was fashioned over 50 years ago.

Last week these years of neglect came to an end. I joined my distinguished colleague from Wyoming (Mr. SIMPSON), and Congressman MAZZOLI—the chairmen, respectively, of the Senate Judiciary Subcommittee on Immigration and Refugee Policy and the House Subcommittee on Immigration, Refugees and International Law—in launching hearings on the report of the Select Commission on Immigration and Refugee Policy—which is the first thorough review of our immigration law since 1935.

Whether we are largely supportive or critical of the Select Commission's findings and recommendations, we all agree that its report represents a long-needed catalyst for action. I believe the joint hearings last week symbolize the importance we attach to this work of the Select Commission, and signal the urgency we feel over the need to move on immigration reform.

Mr. President, by neglecting immigration for so many years, Congress allowed one of our country's oldest traditions to become one of our most controversial and misunderstood issues. Instead of embracing our immigrant heritage, many Americans have come to fear it.

In part, this reflects the mood of our times, and our preoccupation with stubborn and increasingly critical challenges at home and abroad. But part of the problem derives as well from our immigration law, which is out of touch with the times and out of control.

To restore faith in our immigration laws—to establish an immigration policy that is both in America's long-run interests as well as faithful to our humanitarian traditions—we must move on the proposals offered by the Select Commission.

I am confident that with the bipartisan spirit already demonstrated in the arrangement of joint hearings—and with the cooperation already evident in the actions of our subcommittee chairmen—we will see some of the Select Commission's proposals translated into law in this Congress.

I commend and support the initiative of Senator SIMPSON and Congressman MAZZOLI in holding these hearings, and I joined them in welcoming Father Hesburgh last week. As a member of the Commission I can say that his leadership was crucial in our deliberations, and responsible for the good foundation we now have for future progress in immigration reform.

Mr. President, I am pleased to join Senator SIMPSON in sharing today with our colleagues the prepared statement of Father Hesburgh, in asking that it be printed in the RECORD.

A TRIBUTE TO RABBI MENACHEM SCHNEERSON

Mr. THURMOND. Mr. President, it is a pleasure for me to join with the Jewish community in my State and throughout the world in paying tribute to a remarkable spiritual leader, Rabbi Menachem Mendel Schneerson, the leader of the Lubavitch Chassidic Movement, known to his followers as the Lubavitcher Rebbe. From his movement's headquarters in Brooklyn, N.Y., Rabbi Schneerson, since 1950, has directed a steadily growing network of educational centers and activities which now is active in more than 30 States, including South Carolina, and many foreign countries. The Lubavitcher Movement itself was founded more than 200 years ago in Eastern Europe. Rabbi Schneerson, on April 15, 1981, marked his 79th birthday, but he still leads his movement with undiminished, and indeed, even growing vigor and inspiration. May he continue, in the words of the Jewish saying, "until his 120th."

As befits a spiritual leader of Rabbi Schneerson's great stature, President Reagan took the time to extend his greetings last month to Rabbi Schneerson on his birthday. Rabbi Schneerson responded to the President in a letter that shows his great spiritual compassion as well as his eloquence.

In addition, Mr. President, Rabbi Schneerson delivered one of his notable public addresses on the occasion of his birthday on April 15. An audience of more than 10,000 thronged the central headquarters of the Lubavitch movement in Brooklyn to hear his address. Tens of thousands more throughout the United States and the rest of the world saw the address on cable television via satellite or heard it on direct radio hookups.

An important part of his address, which lasted for 4 hours—including several pauses—dealt with the mission and duties of the Presidency. The following is a free translation and adaptation of a portion of this address:

To all those who have sent their best wishes on this occasion I extend my heartfelt thanks and appreciation. I especially thank the President of the United States of America, who, notwithstanding his state of health, has written to convey his congratulations and best wishes. I am deeply grateful for his kind thoughts and sentiments, and send my blessings for a full and speedy recovery. May he use the powers vested in him as the elected leader of the U.S.A. for the good of America and all Americans. The "trust in G-d" who gives the abilities and strength to fulfill this mission, will undoubtedly help him to a full recovery, and to achieve the immense task and goals that lie ahead.

The best way to begin such a program is the institution of a simple, non-denominational declaration by children at the beginning of each day, affirming their belief and trust in G-d. This in no way contradicts the notion of separation of religion and state, for the intention of the founding fathers in instituting this principle was solely the elimination of religious persecution such as they had suffered. A simple non-denominational prayer can in no way be construed as religious intolerance. The U.S. Government should also assist families who wish to provide their children with a parochial school education. Just as a non-denominational prayer does not violate the concept of church and state, nor does this type of aid.

The responsibility of the United States to ensure useful and decent lives is not just to its own citizens, but to all humanity. This country is a super-power, the foremost in the world, with tremendous opportunities to influence other countries for good. Yet there is a disturbing trend towards an isolationist policy. G-d, however, did certainly give this country its wealth and power to be used fully and efficiently. The United States has the privilege, a very great privilege, a global one, to use its influence to the utmost to correct the alarming state of instability, chaos, and growing violence present today in the world, and ensure true and lasting peace.

The U.S.A. has been able to become the dominant country it is because it has been blessed with great natural resources. But to remain powerful and independent, it must remove its dependency on other countries for energy sources, particularly oil. This crippling dependency has sometimes prevented the United States from following policies that are in accord with its ideals of justice. But it need not, it must not be so. In itself, this country with G-d's help can be self-sufficient in energy. There are sufficient sources such as coal, etc., to provide not only the U.S. with all its energy needs, but other countries as well. Solar energy alone, if the proper effort is made, can in a very short time provide for all this country's wants. With proper determination, the United States can provide for itself and also utilize its G-d given assets to influence peoples around the world to be productive, G-d fearing citizens.

In conclusion, may I once again express my appreciation for the President's thoughtful wishes on this occasion, and extend my blessings for his full and speedy recovery.

Mr. President, I ask unanimous consent that the correspondence between President Reagan and Rabbi Schneerson be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE
Washington, D.C., April 15, 1981.

Rabbi MENACHEM SCHNEERSON,
Brooklyn, N.Y.

DEAR RABBI SCHNEERSON: I am delighted to join with your many friends and followers in wishing you a very Happy Seventy-Ninth Birthday.

Your dedication and devotion to the spiritual and intellectual well-being of the Jewish people are an inspiration to all Americans.

For more than two centuries, the Chabad-Lubavitch Movement has been a vital force in Jewish life and culture and a source of hope and sustenance during many difficult and tragic moments in Jewish history.

With your emphasis on moral and ethical values and your interest in education, you have contributed greatly to both the intellectual and spiritual development of our nation.

You have my deep-felt respect and admiration.

With best wishes,
Sincerely,

RONALD REAGAN.

BROOKLYN, N.Y., *April 16, 1981.*

President RONALD REAGAN,
The White House,
Washington, D.C.

GREETING AND BLESSING: Thank you very much, dear Mr. President, for your good wishes on the occasion of my birthday.

As I noted in my remarks at the annual celebration last night, your kind and thoughtful congratulatory message is doubly reassuring. While all of us are still under impact of the recent trying days for you and the Nation, in connection with the demented attempt on your life (Heaven forfend!), it is remarkable, and most gratifying, that the President has been able to give personal attention also to matters which, under the circumstances, might have justifiably been postponed, or overlooked.

Your message, particularly in reference to the importance of emphasizing moral and ethical values in education, is as meaningful as it is timely. It is heartening to know that you, Mr. President, and your administration are committed to upgrading the education of all the citizens of this country.

Please be assured that we in the Chabad-Lubavitch movement, along with all good citizens of this country, continue to pray for your rapid and complete recovery, and for your robust health consistently thereafter, so that you can carry out the awesome responsibilities of the President of this great and leading Nation in the world. In keeping with our basic belief that everything is by Divine Providence, how much more so being elected to the highest office in the land, we are convinced that G-d has endowed you with the capabilities and strength to carry out your G-d-given responsibilities in the fullest measure, with joy and gladness of heart.

There is no better way in which I can recipirocate your good wishes than by reiterating the Divine promise to our Patriarch Abraham, "I will bless them that bless thee" (Gen. 12:3). May you and the First Lady and all your family be blessed with all good from the Source of all bessings.

With utmost esteem and blessing,

Cordially,

M. SCHNEERSON.

THE WHITE HOUSE,
Washington, D.C., April 30, 1981.

Rabbi MENACHEM SCHNEERSON,
Brooklyn, N.Y.

DEAR RABBI SCHNEERSON: The President asked that I pass along his deepest appreciation for your concern and the prayers of both yourself and the members of your Chabad-Lubavitch movement. With the support and dedication of persons such as yourself, he feels we will be able to move forward in our efforts to revitalize the economy and rekindle our national spirit.

The President and Mrs. Reagan applaud your special efforts on behalf of increasing public awareness about the value of education for they deeply feel that an education imparts so much more than just knowledge. Our children are trained by education to be decent and productive citizens which, in turn, provides us with a strong foundation for the future.

May this 80th year prove to be your most rewarding.

Sincerely,

RED CAVANEY,
Deputy Assistant to the President for Public Liaison.

CRIME IN THE UNITED STATES

Mr. PRYOR. Mr. President, yesterday I joined nine of my colleagues in a conference with President Reagan that dealt with the serious crime situation that exists throughout the country. I ask unanimous consent that a copy of our letter relating to this meeting be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. Mr. President, all segments of America are affected by crime today. We find it not only in urban sprawls, but in small towns and rural areas as well. The FBI shows that over the past 30 years the number of murders in the United States has increased by some 370 percent. The number of robberies has increased by 300 percent. Nationwide, violent crime increased 13 percent last year over 1979. And in 1980, robbery went up 20 percent over 1979. Forcible rape increased 9 percent, aggravated assault by 8 percent, and murder by 7 percent.

In Arkansas during the last year murder and manslaughter increased by 2.3 percent, forcible rape by 4.9 percent, and robbery by 14.6 percent. The people of my State are having to reshape their very lives out of fear of violent crime.

A few weeks ago, in his speech to the American Bar Association, Chief Justice Warren Burger commented on this reign of terror. He said:

> Are we not hostages within the borders of our own self-styled, enlightened country?

The time has come, he declared, to commit vast social resources to the attack on crime.

Recent surveys backup this conclusion. Time, Newsweek, and U.S. News & World Report have all devoted recent editions to the problem of crime. Of those citizens surveyed in one of these publications, 75 percent believe that criminals are more violent today than they were 5 years ago. In last month's American Bar Association Journal, an article on crime made the shocking point that for every 100 crimes committed, only six persons will be arrested.

I am joining my colleagues in sponsoring a series of bills to reach the core of this problem. We intend to emphasize a range of concerns, with special attention to legal aspects, that will directly affect the legal profession and its capacity to deal with crime. Here are some of the major provisions that would amend the Criminal Code:

First. Mandatory life sentences without parole for career criminals; these include anyone convicted of a violent felony for a third time.

Second. A reduction in the time from arrest to trial, and sharp reductions in the appeal period.

Third. An additional 5-year sentence for the use of a handgun in the commission of a felony.

Fourth. The addition of a pharmacy theft provision to the controlled substances laws.

Fifth. A provision for Federal judges to deny bail to dangerous defendants.

Sixth. Finally, a requirement of the FBI to classify arson permanently as a part I offense for the purposes of the Uniform Crime Reporting Index.

A number of other concerns are related to these provisions. One would establish a National Academy of Police to work with State and local governments in training officers. With the phase-out of LEAA, we have need for high-level training and instruction, as well as recognition, for law enforcement professionals. Other issues addressed by this legislation include organized crime, mob violence, and military assistance to civilian drug enforcement agencies.

In addition to these, legislation which we endorse will propose revisions to the Internal Revenue Code giving the IRS a more direct and cooperative role in Federal law enforcement programs. Time after time, the IRS has had information sorely needed by the Justice Department. We want to bring these two agencies—and others—into fuller cooperation than they have had in the past.

Mr. President, I do not believe that the people of this country should wait another day before receiving the kind of protection this legislation will offer. I think that swift and immediate action is necessary and hope that my colleagues will join in this effort.

I, therefore, ask unanimous consent that my name be added as a cosponsor of the following bills: S. 441, a bill to provide limited assistance by the armed services to civilian drug enforcement agencies; S. 653, a bill to amend title 28 of the United States Code to modify habeas corpus procedures; S. 664, a bill to amend section 481(d) of the Foreign Assistance Act of 1961; S. 732, a bill to insure the confidentiality of information filed by individual taxpayers with the Internal Revenue Service pursuant to the Internal Revenue Code and, at the same time, to insure the effective enforcement of Federal and State criminal laws and the effective administration of justice; S. 814, a bill to improve the administration of criminal justice with respect to organized crime and the use of violence; S. 873, a bill to strengthen Federal programs and policies for combating international and domestic terrorism; S. 953, a bill to create a program to combat violent crime in the United States; S. 954, a bill to amend title 18 and the Omnibus Crime Control and Safe Street Act of 1974; and S. 1163, a bill to increase penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employee benefit plans, and to clarify certain responsibilities of the Department of Labor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. These measures, Mr. President, are designed to combat the problem so vividly described by the Chief Justice earlier this year. It is in the purview of this body to deal with the crime situation, and it is my hope that we shall do so.

[EXHIBIT 1]

U.S. SENATE,
Washington, D.C., May 13, 1981.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We have asked for this meeting with you today to discuss, among other things, crime—next to inflation, the most important domestic problem facing the American people today.

Crime, and particularly violent crime, has reached epidemic proportions in the United States and is spreading like a cancer across our nation.

No longer is violent crime isolated to the nation's big cities, but crime is running

rampant in areas once thought of as safe, particularly our suburbs and rural areas.

The Justice Department has reported that nearly one out of three households was victimized by serious crime last year. Organized crime flourishes. The illegal narcotics trade now does as much business as the nation's largest corporations. In fact, a recent National Institute for Drug Abuse study found that 237 drug addicts were responsible for more than 500,000 crimes over an 11-year period.

The American people are virtually being held hostage in their own homes by criminals who operate in the streets with impunity, with seemingly little fear of arrest or punishment. Unless crime is brought under control, middle and upper income Americans will become increasingly isolated from our society behind their window bars, burglar alarms, and private security agents. Meanwhile, many poor, near-poor, and older Americans will continue to be trapped in high-crime areas that have no hope for an economic or tax base until they are rid of crime.

The criminal element in our society is literally waging a war on the American people—and is winning.

Although the federal government's role in law enforcement is limited by the Constitution, we can set an example for our state and local authorities. Your appointment of a task force on violent crime under the leadership of Governor James Thompson and former Attorney General Griffin Bell, is a significant step in this direction. As Chief Justice Burger outlined, in recent remarks, however, there is much more that must be done to show the country that we mean business about fighting crime. We need and seek your full support in this effort.

We are enthusiastically supporting a comprehensive package of anti-crime legislation which would implement many of the Chief Justice's recommendations and other long overdue changes.

Among other things, these bills would—

Restore the Internal Revenue Service to its once effective role in cooperative law enforcement efforts with such agencies as the FBI and DEA.

Provide mandatory life sentences for career criminals who are convicted of violent felonies for a third time.

Provide stiffer penalties for federal crimes committed through the use of violence.

Allow federal judges to deny bail to defendants determined to be dangerous to the community.

Reduce the unnecessary delays between arrest and trial and shorten the appeals process.

Establish an additional 5-year sentence for the use of a handgun in the commission of a federal felony.

Modify the habeas corpus procedures so that our courts will not be clogged with numerous and frivolous motions from prisoners.

Strengthen federal programs and policies for combatting international and domestic terrorism.

Permit the armed services to render limited but important assistance to our civilian drug enforcement agencies.

Repeal the prohibition against the use of U.S. foreign aid funds to spray marijuana fields with herbicides, such as paraquat, in overseas countries.

Increase protection for federal witnesses, informants and law enforcement personnel and their families.

Amend the Freedom of Information Act to provide protection of government information which would tend to identify confidential informants as well as that which would positively identify them.

Define and place certain limits on the exclusionary rule in federal criminal proceedings.

Permit the government to apply for a reduction in the sentences of defendants who decide to cooperate with the government after they have been convicted.

Authorize federal technical assistance to state and local governments in time of unusual need.

Strengthen federal law enforcement training activities.

Provide for the suspension of labor union officials immediately upon their conviction of certain criminal offenses related to their union positions.

Increase the penalties for bribes, payoffs, and kickbacks.

We are enclosing for your information a more detailed description of these bills.

We believe it is imperative that we move quickly to enact these and other anti-crime measures now pending in the Congress. We must also insure that we maintain adequate federal funding for this war on crime. These measures contain some tough provisions, but we think it is time for the federal government to get tough with criminals. We sincerely hope that you and your administration will work with us in this important endeavor.

Sincerely,

Howell Heflin, Dennis DeConcini, Ernest Hollings, J. Bennett Johnston, Sam Nunn, Lawton Chiles, Russell B. Long, Lloyd Bentsen, David L. Boren, David Pryor, Harry F. Byrd, Jr., James J. Exon, John C. Stennis, Edward Zorinsky.

PENDING CRIME LEGISLATION

S. 441 (Nunn)—Military assistance to drug enforcement agencies: The narcotics problem has grown to the point that it threatens to overwhelm our civilian drug enforcement agencies. The tremendous volume of illegal drugs entering the country has generated billions of dollars for the traffickers who now can afford the latest in aircraft, ships, electronic equipment, and weapons. Our civilian agencies cannot match the resources available to the smugglers, but the military can. The posse comitatus statute of 1878, however, prohibits the armed forces from being involved in civilian law enforcement. S. 441 provides an exception from this law to permit the military to share certain intelligence, such as the movement of suspicious aircraft or "mother ships," with civilian agencies. The information must have been gathered during routine military operations, and any assistance rendered by the armed services must not interfere with U.S. military preparedness. The armed services would not be permitted to make arrests or drug seizures in the civilian sphere. Co-sponsors of this bill include Senators Bentsen, Boren, Cannon, Chiles, Denton, DeConcini, Dixon, Goldwater, Hollings, Johnston, Mattingly, Sasser, Schmitt and Thurmond.

S. 653 (Thurmond-Chiles-Zorinsky)—Changes in habeas corpus procedures: Under a habeas corpus proceeding, federal district courts have broad authority to redetermine the merits of state court convictions. As a result, there were 7,031 such petitions filed by state prisoners in federal courts last year. The volume contributes to clogging our federal court dockets with petitions, which relitigate the same facts and issues that were decided in state courts. Factual issues can and do end up being redetermined long after the crime was committed and a prisoner convicted. S. 653 requires Federal district judges—as opposed to magistrates—to conduct evidentiary hearings held in a habeas corpus proceeding. It lays down standards and conditions under which a habeas corpus petition may be brought. It also limits federal habeas corpus evidentiary hearings where the record in the state court provides a factual basis for the state court findings and where the record was made under circumstances which provided the petitioner a full and fair hearing on the factual issue. The purpose of the bill is to reduce the number of repetitious and frivolous habeas corpus proceedings.

S. 664 (Chiles)—Spraying marijuana fields with paraquat: In 1978, following a scare about the health aspects of spraying marijuana fields with the herbicide paraquat, Congress banned the use of U.S. foreign aid funds for such spraying in "source countries" overseas. S. 664 would lift this ban. It also would require the State Department to notify the Department of Health and Human Services whenever paraquat or other herbicides are to be used overseas to spray marijuana or poppy fields. Experience in Mexico prior to the 1978 ban indicated that the use of herbicides is one of the most effective ways of stopping the production of illegal narcotics at their source. Co-sponsors include Senators Nunn, Boren, DeConcini and Humphrey.

S. 732 (Nunn-Long-Chiles-Roth-Bentsen)—Restoration of Internal Revenue Service to cooperative law enforcement: Prior to 1976, the Internal Revenue Service was an effective force in cooperative law enforcement efforts aimed at organized crime and narcotics trafficking. Its financial investigators were skilled at tracing the flow of money up organized criminal hierarchies to those at the top. The IRS withdrew from these efforts, however, partially as the result of the disclosure provisions of the Tax Reform Act of 1976 and partially because of the policies of several IRS Commissioners that the Service should stick to collecting taxes from ordinary taxpayers rather than focusing on professional criminals. S. 732 would retain strict privacy protections of tax information provided by individuals and businesses, but it would make it somewhat easier for IRS to share other information which is evidence of non-tax crimes. The information could be turned over only to the Department of Justice according to procedures set out in the legislation. Other co-sponsors include Senators Boren, Cohen, DeConcini, Domenici, Jackson, Rudman, and Schmitt.

S. 814 (Nunn-Chiles-Rudman-Boren)—Organized Crime Act of 1981: Extensive hearings before the Senate Permanent Subcommittee on Investigations last year demonstrated the need for additional federal tools to deal with violent crime—and the use of violence by organized crime in particular. S. 814 contains 10 specific proposals, including stiffer penalties for federal crimes committed through the use of violence. Federal judges would be permitted to deny pretrial release on bail to defendants judged to be dangerous to the community. It would provide additional protection to federal witnesses, informants, law enforcement officials and their families. It also would increase protection under the Freedom of Information Act to government information which may tend to identify informants as well as that which would positively identify them. The government would be permitted to apply for a reduction in the sentence of a prisoner who decides to cooperate with the Government after he has been sentenced. Federal jurisdiction would be extended to certain cases of "murder-for-hire." Federal judges would be able to seal portions of wiretap documents which could jeopardize on-going investigations or wiretaps. The bill also would permit limited access to grand jury information by state and local law enforcement officials who are assisting in federal cases.

S. 873 (Bentsen)—Omnibus Antiterrorism Act of 1981: There have been more than 3,000 terroristic acts committed since 1968, in which 2,700 people have been killed and 6,000 wounded or hurt. A problem of this magnitude calls for a unified national policy that will provide leadership for the rest of the world. S. 873 includes several proposals which would provide that leadership. First, it permits our courts to lock up persons charged with acts of terrorism prior to their

trial. Second, it establishes penalties for clear threats or plans to carry out terroristic acts. Third, it sets penalties for aircraft sabotage. Fourth, it denies U.S. foreign aid, student visas, and pending or existing sales, credits or guarantees of defense materials to countries who are found to aid international terrorists. Fifth, it provides for assessments of the adequacy of security at foreign airports. Sixth, it provides for reports by the President to Congress on terroristic acts and an assessment of our ability to deal with these acts.

S. 953 and S. 954 (Heflin)—National War on Violent Crime Act: In addition to the proposals set forth in S. 814, the Organized Crime Act of 1981, there are other measures needed to fight violent crime in America. Many of these are proposed in S. 953 and S. 954. A National Police Academy would be created, as would a Violent Crime Administration within the Justice Department to carry on the successful programs started by the Law Enforcement Assistance Administration. Funds would be made available to state and local governments for technical assistance in times of unusual need. Public TV and radio would be used to broadcast the names and identifications of wanted criminals. The Criminal Code would be amended to provide (1) mandatory life sentences for career criminals (i.e., "three-time losers") (2) a reduction in the time between arrest and trial; (3) a shorter appeal period; (4) an additional 5-year sentence for the use of a handgun in the commission of a federal felony; (5) federal jurisdiction over pharmacy thefts of drugs worth more than $100; (6) the denial of bail to federal defendants found to be dangerous; (7) and that arson be classified by the FBI as a part I offense under the uniform crime reporting index.

S. 1163 (Nunn-Rudman-Chiles-Nickles)—Labor Racketeering Act of 1981: The federal labor management laws, especially the Taft-Hartley Act, have proven relatively ineffectual in controlling the influence of organized crime over certain labor unions—and of important segments of entire industries such as our waterfronts. Organized criminals manage to be elected to union offices and then use the power of their positions to extort bribes, payoffs, and kickbacks from management. Under the Taft-Hartley Act, however, such activities are punishable only as misdemeanors. S. 1163 would increase the penalties for serious labor law violations to a felony. It also would expand the disbarment provisions so that union officials would be suspended from their positions upon their convictions of serious crimes, rather than waiting for their appeals to run, as is now the case (their salaries would be placed in escrow pending final disposition on appeal). It also would clarify the responsibilities of the Labor Department to investigate criminal violations relating to the federal labor laws.

S. 101 (DeConcini)—to define and limit the exclusionary rule: Often important evidence in criminal proceedings is excluded from admission because it is found to be in technical violation of the so-called "exclusionary rule." A growing number of convictions have been overturned when such evidence was admitted, but was later found to violate the Fourth Amendment. S. 101 would define the exclusionary rule and limit it to cases in which the violation was intentional or substantial.

CENTRAL PARK

Mr. MOYNIHAN. Mr. President, New York City's Central Park is a uniquely American work of art and a uniquely American place. In design, it reflects the American longing for open spaces amidst urban congestion; in usage, it exemplifies the egalitarian ideal amidst the diversity of American society.

There is an inherent tension between the park's elegant design and its hard usage. Indeed, as Elizabeth Barlow stated in an article in the New York Times last week, "There has always been tension between the park's democratic and esthetic intentions." Ms. Barlow is the erudite and supremely capable Central Park administrator who doubles as director of the privately financed Central Park Conservancy. She has the difficult task of relieving this tension.

The tensions about which Ms. Barlow writes are the same tensions, writ larger, underlying our national environmental debates: how to put our natural treasures to use for our people without depleting those resources. Ms. Barlow's article places this matter in an historical perspective, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REBUILDING THE OLMSTEAD

(By Elizabeth Barlow)

The rebuilding of Central Park has been underway for a little more than two years. Grass grows once more on the Sheep Meadow, the figure of Columbia gleams again on top of the Maine Monument, and new pumps make jets of water spring from the Bethesda and Cherry Hill fountains.

The new Central Park Conservancy and its recently formed philanthropic board are assisting the Parks Department in preservation. A master plan is being prepared to chart the recovery of the park—and undertaking similar to the monumental enterprise of landscape architecture and civil engineering that created the park in the first place. Much remains to be done to reverse a generation or more of neglect and abuse and to ensure that the park does not again deteriorate severely.

Some critics say, not unreasonably, that all this effort is misguided. Often they predict that the rebuilt park will be defaced by vandals and littered by a careless public. Usually they assume that the park looked more beautiful and was more peaceful 100 years ago because the people then were better behaved and did not throw trash on the ground or cover buildings and bridges with graffiti.

Frederick Law Olmstead, one of the park's designers and its original administrator, gave a contrary verdict in 1860 when he wrote:

"The robbery of a child upon the Park has been reported and complaint is made of the inadequacy of the police force. Names and obscene words are frequently found of late cut or marked on the structures of the Park and the offenders are seldom detected. . . . Owing to the cleaning and handling of dirty persons, tobacco-spitting, the deposit of broken fruit and waste of all sort of eatables, and other filthy practices voluntary or otherwise, the summer houses, seats, balustrades, balconies of the bridges are frequently forbidding to cleanly persons, who are thus deprived of what they deem their rights upon the Park."

Mr. Olmsted recognized from the first both the value of the park as an instrument of public education and the need to encourage proper respect for it. When construction was first begun in 1857, he wrote:

"A large part of the people of New York are ignorant of a park, properly so-called. They will need to be trained to the proper use of it, to be restrained in the abuse of it, and this can be best done gradually, even while the Park is yet in process of construction, and before it shall be thronged with crowds of unmanageable multitudes of visitors."

On Feb. 9, 1858, the park commissioners authorized Mr. Olmsted to hire 25 men at $1.50 a day as "Keepers of the Central Park," responsible to him. This force increased to 32 in 1859, and by 1860 there were 50 such special park policeman, uniformed but unarmed, whose chief duties were to assist visitors and to encourage them in as courteous a manner as possible to obey park rules. There were, in addition, about a dozen gatekeepers. The training and discipline of the keepers was a paramount concern of Mr. Olmsted's. There were then, as now, fiscal constraints that prevented him from hiring the people he needed to provide more than symbolic authority in the 840-acre park. He strove, therefore, to create, by the keepers' activities, as great an impression of vigilance as possible. But finally he had to have faith, just as we do today, that the attitude of the public toward the park could be on the whole more positive than negative.

The park was perceived by its founders as an experiment in democracy, but there was much uncertainty about its outcome, frankly expressed in the 1861 "Report of The Park Commissioners":

"When it is considered that the establishment and successful conduct of a park of great extent has not yet been accomplished under any except those forms of government where absolute and peremptory authority is maintained, it becomes an interesting problem whether the rules requisite for the maintenance of the Park in a condition such as will gratify a cultivated taste, and operate as an educator of the people, will meet with cheeful acquiescence."

But then, as now, the general ambience of the park encouraged a benign attitude toward it. The pleasure that people today seem to take in the new grass of the Sheep Meadow had its counterpart then, too. And the very quality of the park environment did and still does affect behavior. Beauty probably inspires more affection than mischief. In 1863, the commissioners found that:

"The quietude of the grounds, the natural beauties, and the order that prevails, are invitations to enjoyment, and are all, by the mere eloquence of their silent teachings effectual appeals to sustain, rather than trangress, the necessary regulations for their preservation."

There has always been tension between the park's democratic and esthetic intentions. The restoration of Central Park rests on a belief that the park's users will reciprocate the care displayed by the park's managers.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:40 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that pursuant to the provisions of section 161(a) of title I of Public Law 93–618, and upon recommendation of the chairman of the Committee on Ways and Means, the Speaker has se-

lected Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JONES of Oklahoma, Mr. VANDER JAGT, and Mr. FRENZEL to be accredited by the President as official advisers to U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 1st session of the 9th Congress.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3512. An act making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 133. Concurrent resolution authorizing concerts by the National Symphony on Capitol Grounds.

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred to the Committee on Appropriations:

H.R. 3512. An act making supplemental and further appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes.

HOUSE CONCURRENT RESOLUTION REFERRED

The following concurrent resolution was read, and referred to the Committee on Rules and Administration:

H. Con. Res. 133. Concurrent resolution authorizing concerts by the National Symphony on Capitol Grounds.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1186. An original bill to amend the Marine Mammal Protection Act of 1972, as amended, to extend the authorization of appropriations for fiscal years 1982 and 1983 (Rept. No. 97–63).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1017. A bill to authorize appropriations for fiscal year 1982 for certain maritime programs of the Department of Commerce, and for other purposes (together with minority views) (Rept. No. 97–64).

S. 1105. A bill to amend the International Travel Act of 1961 to authorize appropriations for fiscal year 1982, and for other purposes (Rept. No. 97–65).

By Mr. WEICKER, from the Committee on Energy and Natural Resources, with amendments and with a preamble:

H.J. Res. 238. Joint resolution to approve a Constitution for the U.S. Virgin Islands (Rept. No. 97–66).

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.R. 3512. An act making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes. (Rept. No. 97–67).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JEPSEN:

S. 1181. A bill to amend titles 10 and 37, United States Code, to increase the pay and allowances and benefits of members of the uniformed services and certain dependents, and for other purposes; to the Committee on Armed Services.

By Mr. NICKLES (for himself and Mr. NUNN):

S. 1182. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act to revise the manner of computing the benefits provided under such Act, to provide for certification of physicians eligible to provide medical care to workers covered by such Act, to provide for an attorney to serve as the representative of the special fund established under such Act, to establish a Benefits Review Board the members of which are appointed by the President, to establish an advisory committee to evaluate the manner in which the provisions of the Act are carried out, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BENTSEN (for himself, Mr. MCCLURE, Mr. BOREN, Mr. TOWER, and Mr. JOHNSTON):

S. 1183. A bill to amend the Internal Revenue Code of 1954 to allow credit for production of natural gas from certain nonconventional sources only if such natural gas was sold at a lawful price without regard to section 107 and subtitle B of title I of the Natural Gas Policy Act of 1978; to the Committee on Finance.

By Mr. SARBANES (for himself and Mr. MATHIAS):

S. 1184. A bill to amend the Railroad Retirement Act of 1974 to provide that a current connection with the railroad industry is not lost by reason of certain employment with the Department of Energy; to the Committee on Labor and Human Resources.

By Mr. MITCHELL:

S. 1185. A bill to amend chapter 44, of title 18, United States Code to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

By Mr. PACKWOOD, from the Committee on Commerce, and Transportation:

S. 1186. An original bill to amend the Marine Mammal Protection Act of 1972, as amended, to extend the authorization of appropriations for fiscal years 1982 and 1983; placed on the calendar.

By Mr. SCHMITT:

S. 1187. A bill to provide authority to the Secretary of Agriculture to conduct boundary surveys of National Forest System lands; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HEINZ (for himself, Mr. RANDOLPH, Mr. GLENN, Mr. SPECTER, Mr. ROBERT C. BYRD, and Mr. FORD):

S. 1188. A bill to authorize critical inland navigation improvement projects on the Monongahela and Upper Ohio River Waterways; to the Committee on Environment and Public Works.

By Mr. HEINZ (for himself, Mr. DURENBERGER, Mr. COHEN, and Mr. BURDICK):

S. 1189. A bill to amend the Social Security Act to provide for a program of block grants for energy and emergency assistance, to establish a trust fund to which receipts from the windfall profit tax may be transferred to pay for such program, and for other purposes; to the Committee on Finance.

By Mr. LONG (for himself, Mr. MATSUNAGA and Mr. DURENBERGER):

S. 1190. A bill to amend the Internal Revenue Code of 1954 with respect to the application of the credit for producing fuel from a nonconventional fuel to solid fuel pellets made from biomass, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEPSEN:

S. 1181. A bill to amend titles 10 and 37, United States Code, to increase the pay and allowances and benefits of members of the uniformed services and certain dependents, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. JEPSEN when he introduced the bill appear earlier in today's RECORD.)

By Mr. NICKLES (for himself and Mr. NUNN):

S. 1182. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act to revise the manner of computing the benefits provided under such act, to provide for certification of physicians eligible to provide medical care to workers covered by such act, to provide for an attorney to serve as the representative of the special fund established under such act, to establish a Benefits Review Board the members of which are appointed by the President, to establish an advisory committee to evaluate the manner in which the provisions of the act are carried out, and for other purposes; to the Committee on Labor and Human Resources.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AMENDMENTS OF 1981

Mr. NICKLES. Mr. President, the Subcommittee on Labor, of which I am the chairman, of the Committee on Labor and Human Resources, has jurisdiction over the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. section 901 et seq. Senator NUNN and myself are introducing legislation today to correct the inequities of the Longshore Act's costly and confusing 1972 amendments. The Longshore Act is a federally mandated workers' compensation program which is administered by the Department of Labor but paid for by the private sector.

I would like to refer to the following words from the Supreme Court to describe why the Longshore Act was originally enacted in 1927 and how it came to be amended in 1972:

Convinced that the only way to provide workmen's compensation for longshoremen and harborworkers injured on navigable waters was to enact a federal system, Congress, in 1927, passed the LHWCA.

The Act was, in a sense, a typical workmen's compensation system, compensating an employee for injuries "arising out of and in the course of employment." But it was designed simply to be a gapfiller—to fill the void created by the inability of the states to remedy injuries on navigable waters. Thus, it provided coverage only for injuries occurring "upon the navigable waters of the United States" and permitted compensation awards only "if recovery . . . through workmen's compensation proceedings [could] not validly be provided by state law."

* * * * *

The 1972 Amendments were the first significant effort to reform the 1927 Act and the judicial gloss that had been attached to it. The main concern of the Amendments was not with the scope of the coverage but with accommodating the desires of three interested groups: (1) ship owners who were discontent with the decisions allowing many maritime workers to use the doctrine of "seaworthiness" to recover full damages from shipowners regardless of fault; (2) employers of longshoremen who, under another judicially created doctrine, could be required to indemnify shipowners and thereby lose the benefit of the intended exclusivity of the compensation remedy; and (3) workers who wanted to improve the benefit schedule deemed inadequate by all parties. Congress sought to meet these desires by "specifically eliminating suits against vessels brought for injuries to longshoremen under the doctrine of seaworthiness and outlawing indemnification actions and 'hold harmless' or indemnity agreements [; continuing] to allow suits against vessels or other third parties for negligence [; and raising] benefits to a level commensurate with present day salaries and with the needs of injured workers whose sole support will be payments under the Act."—*Northeast Marine Terminal Co.* v. *Caputo*, 432 U.S. 249 (1977).

The 1972 amendments seemed to strike a balance among the needs of labor, management, and government. Specific language eliminated employer liability in third-party suits. Workers' compensation was reestablished as the employer's exclusive liability under the longshore program in return for increased compensation benefits. However, what was achieved was far from a balance. Concepts were introduced whose consequences were ignored, and in a flurry of last-minute activity in the waning days of the 92d Congress, provisions of mysterious origin somehow crept into the amendments. Among the results are excessive costs and litigation, uninsurability, more delays in claims handling, a one-sided administrative process, and abuse of the system.

Before I describe the specific ills of the present Longshore Act and how this legislation can help to cure those ills, I would like to review the basic objectives of any program of workers' compensation. They are: the payment of medical expenses and replacement of lost earnings stemming from a job-related injury, the return to productive employment, an exclusive no-fault liability of the employer and a minimum of litigation, the proper allocation of costs, and, in general, the achievement of all those objectives in the most efficient manner.

The Longshore Act, as presently written and administered, completely distorts these equitable and sound objectives and the reasons are clear.

The Longshore Act contains an unrealistic benefits structure which incorporates principles which do not belong in a workers' compensation program: life insurance, pension, supplemental income and punitive damages. This benefits structure invites abuse of the system, because benefits are high and easy to obtain. A recent Washington Star article calls the act "a license to steal." "Waterfront Hoods Got Help From Hill," April 13, 1981.

The 1972 amendments based benefits on double the national average weekly wage. The present maximum disability benefit is $456.24 per week tax free with an unlimited annual tax-free escalation. The 1972 amendments added the so-called unrelated death benefits—if a person receiving any disability benefits dies from a cause unrelated to his employment or his injury, the survivor(s) receives benefits. This is a life-insurance concept alien to workers' compensation. The 1972 amendments do not encourage the return to work. Mandatory rehabilitation is not required. Benefits often equal or exceed pre-injury take-home pay, adding to the disincentive to return to work.

The Longshore Act permits the pyramiding of benefits, to the extent that an employee may draw workers' compensation, social security disability and retirement benefits which when totaled often exceed the aftertax wages. This is another encouragement for abuse and overutilization of the system.

The Longshore Act, thanks also to the 1972 amendments, has no clear jurisdictional lines. In 1972 the jurisdiction was extended landward. Workers who are far from navigable waters and maritime activity and who could be adequately covered under State compensation systems have been declared to be covered under the Longshore Act. No one knows where Federal jurisdiction stops and State jurisdiction begins, a situation which has bred costly and unnecessary litigation. Because of that, the Department of Labor has stated that it has an obligation to extend coverage to as many persons as possible even though they are already protected by adequate State compensation laws.

As just one example of expanded jurisdiction, I would like to point out that all private employees in the District of Columbia are presently covered under the Longshore Act. The District of Columbia was dumped under the act in 1928 because it was not a State and did not have its own workers' compensation system. Due to the 1972 amendments, workers compensation rates in the District are much higher than those in neighboring areas of Maryland and Virginia even though the District is one of the safest areas in terms of incidence of work-related injuries and illness. Firms are moving out of the District to the neighboring States and a significant factor is the unnecessary cost of workers' compensation. A recent Washington Post article had the following example, Washington business section, May 4, 1981:

> One trade association in D.C. with 45 employees estimated it could save more than $35,000 a year in workmen's compensation taxes by moving to Arlington.

It has been computed that for every mile of track laid for the District of Columbia Metro system, the employer paid $1.9 million in workers' compensation costs.

The unclear and confusing language of the Longshore Act and the lack of definition of relevant terms has moved the Supreme Court to remark that the act is "a jurisdictional monstrosity" and the Chief Justice to comment that it is "about as unclear as any statute could conceivably be."

Hearings on waterfront corruption in February of this year by the Senate Permanent Subcommittee on Investigations disclosed that not only does the act invite fraudulent and exaggerated claims but also organized crime. One of the recommendations that Senators NUNN and RUDMAN made at the conclusion of the hearings was that—

> The [Longshore] Act should be tightened to such an extent that it cannot be misused or abused by organized crime and labor racketeers to create a tool of economic extortion.

In 1976 the Waterfront Commission of New York issued a report on its findings of an elaborate workers' compensation fraud ring which caused workers' compensation costs in the Port of New York to be the highest in the country. They are still the highest—$87.24 per $100 of payroll for general stevedoring in New York. The racket included longshoremen-steerers, fraudulent injury claims, supported by false medical reports and inadequate supervision by the U.S. Department of Labor.

The 1972 amendments have flooded the system with a great increase in claims. According to Department of Labor figures, injuries reported under the Longshore Act—excluding the District of Columbia—jumped from 72,000 in 1972 to 205,500 in 1977, an increase of 185 percent. In contrast, during the years immediately preceding the amendments, claims dropped steadily from 96,900 in 1969 to 72,000 in 1972, a decrease of 25 percent. This surge in claims did not occur because the maritime industry became more dangerous in 1972. It occurred because under the 1972 amendments, benefits became far more generous and easier to obtain, and many more workers could qualify for them.

The 1972 amendments also created a two-step administrative appeal process within the Department of Labor, including a Benefit Review Board whose three members are appointed by the Secretary of Labor and serve at his pleasure. In addition. the Secretary's designee, Director, Office of Workers' Compensation Programs, appears as a litigant during the administrative appeals process and in appeals from Board decisions to the Federal courts. Thus, the Department is the judge, jury and prosecutor in litigation which essentially should involve only employer and employee.

As a result of all I have outlined, the employer's liabilities are virtually uninsurable, and where insurance is obtainable, it is almost unaffordable. Insurance companies and their reinsurers are withdrawing from the longshore market because of its unpredictability. Since no one knows who is covered under the act, or how much benefits will be escalated in the future, insurance companies and self-insurers cannot project their risk exposure.

Even with the exorbitantly high insurance premiums under the Longshore Act—according to a Government study, $50 per $100 of payroll is the nationwide average in the stevedoring industry, versus $1.50 per $100 of payroll for U.S. average workers' compensation—insurance companies are reluctant to underwrite the risk because no amount of premium can insure against the potentially

high loss of an average case under the Longshore Act.

However, the costs of the act in order for the employers to survive must be passed on to their customers and ultimately to the U.S. consumer. This increases the costs of American exports; adds significantly to the cost of shipping U.S. military cargo overseas; is a bonanza to the neighboring ports of Canada where workers' compensation costs are more realistic; and, in general, reduces America's competitiveness in international trade.

The exorbitant Longshore Act costs to American stevedores/employers undoubtedly have contributed to the ever-increasing amounts of American goods being diverted through Canadian ports, which causes a reduction in American waterfront jobs. A March 1981 study by the Maritime Administration stated that 2.1 million tons of U.S. cargo valued at $3.4 billion was diverted to Canadian ports, "U.S. Exports and Imports Transshipped Via Canadian Ports"—U.S. Department of Commerce Maritime Administration, Office of Market Development, March 1981.

The Mexican Government has recently constructed port and connecting rail facilities which also could enter the competition with Canada for American cargo and jobs, New York Journal of Commerce, May 6, 1981.

Mr. President, those are just some of the problems with the Longshore Act about which Congress has already heard. In addition to this year's Permanent Subcommittee on Investigations hearings there have been 23 days of Longshore Act oversight hearings which produced a hearing record in the House of over 3,000 pages in the 95th and 96th Congress and 427 pages in the Senate Committee on Labor and Human Resources in the 96th Congress. It is time for the Congress to act, and act effectively.

The legislation which Senator NUNN and I are introducing will help to restore balance to the system, remove obvious inequities, greatly reduce the incentive and opportunity for fraud and abuse, and assure the prompt delivery of generous compensation benefits and competent medical treatment to injured employees.

The bill does not roll back benefits or take compensation away from those now receiving it. It does place a 3-percent cap on the annual tax-free escalation for survivors benefits and permanent total disability compensation. It also defines what permanent total disability is. The present law does not.

The bill will eliminate unnecessary litigation and jurisdictional uncertainty by specifically defining those employees who are entitled to benefits for employment-related injuries or deaths. It replaces the undefined term "maritime employment" with specific definitions of "employer," "employee," "longshoreman," "shipbuilder," "shipbreaker," "ship repairman," and "harbor worker." It specifically defines those activities which are subject to the act's coverage and those employments which are not.

The bill removes the life insurance provision of the "unrelated death benefits." It also corrects an admitted and obvious drafting error by specifically providing that the survivor of a worker who dies from an employment-related injury will be subject to the same benefit limitation as the injured worker would have been. Under the present Longshore Act it is possible for the survivor to receive more in death benefits than the worker would have or was receiving in disability benefits.

The bill replaces the outmoded maximum benefit level of 66⅔ percent of the injured worker's gross wages with a maximum limitation of 80 percent of the worker's spendable earnings. This concept was recommended by the 1972 "Report of the National Commission on State Workmen's Compensation Laws." The bill also eliminates the pyramiding of benefits by coordinating disability benefits so that the recipient of a combination of benefits will not receive more than 80 percent of his spendable earnings prior to the injury. This provision should restore the incentive for an injured worker to seek rehabilitation and to return to gainful employment. This bill will provide that, in keeping with the wage replacement concept of workers' compensation, compensation benefits will terminate when the employee reaches retirement age.

The bill will correct many administrative shortcomings and provisions which invite fraudulent and exaggerated claims. It eliminates the present free and unsupervised choice of physicians with a provision requiring the deputy commissioners to, by name, list a selection of qualified physicians. The bill would require supervision of medical treatment, prompt and accurate medical reports, and would suspend compensation payments to employees who unreasonably refuse to participate in rehabilitation programs. In addition, the bill increases from a misdemeanor to a felony the penalty for filing or making fraudulent statements in connection with compensation claims.

The bill improves the administration of the act by establishing the Benefits Review Board and administrative law judges as a tribunal independent of the Department of Labor. The members of the Board are to be appointed by the President for fixed terms with the advice and consent of the Senate. The Secretary of Labor and his designees will not participate in litigation before the Board. The bill increases the authority of the deputy commissioners within the Department of Labor to investigate claims, conduct hearings and make decisions which are final unless appealed by a party to the Board. The bill gives expanded settlement authority to the deputy commissioners. These features should improve the delivery of benefits to deserving employees and eliminate a substantial amount of the current unnecessary litigation.

Mr. President, these are the main features of the bill that we are introducing today, a bill which is fair and equitable to all parties concerned. My subcommittee will hold hearings in June and I hope that Congress will act promptly and enact these long overdue corrective measures. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Longshoremen's and Harbor Workers' Compensation Act Amendments of 1981".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Longshoremen's and Harbor Workers' Compensation Act.

SEC. 2. (a) Section 2(3) is amended to read as follows:

"(3)(A) The term 'employee' means any person who—

"(i) was employed as a longshoreman, ship repairman, shipbuilder, ship breaker, or harbor worker, and

"(ii) was directly engaged in activities relating to such employment and whose primary duties relate to such employment (as described under paragraphs (23) through (24)),

when the injury resulting in such person's disability or death occurred. Such term shall not include any person described under subparagraph (B) of this paragraph.

"(B) The term 'employee' shall not include any of the following individuals:

"(i) A master, or member of a crew, of any vessel.

"(ii) Any officer or other person employed by the United States or any agency thereof, by any State or foreign government, or by any political subdivision thereof.

"(iii) Any person who, at the time of injury, was engaged in administration, clerical, custodial, delivery, maintenance, or repair of gear or equipment, security, timekeeping, railcar loading and unloading, mechanical, truck loading or unloading, warehousing, or any other employments not direct and integral parts of vessel loading, unloading, repairing, building, or breaking.

"(iv) Any person who, at the time of injury, was providing services on or for any vessel less than sixty-five feet in length, but only if such person was covered by a State workers' compensation program at such time.".

(b) Section 2(4) is amended to read as follows:

"(4) The term 'employer' means any person who employs one or more employees.".

(c) Section 2(13) is amended to read as follows:

"(13) 'Wages' means the money rate at which the service rendered by an employee is recompensed by the employer under the contract of hiring in force at the time of the injury, including the reasonable value of any advantage which is received from the employer and included for purposes of any withholding of tax under subtitle C of the Internal Revenue Code of 1954 (relating to employment taxes).".

(d) Section 2 is amended by adding at the end thereof the following new paragraphs:

"(23) The term 'longshoreman' means any person engaged in the loading or unloading of cargo between (A) vessels upon the navigable waters of the United States and (B) the point of rest.

"(24) The terms 'ship repairman', 'ship builder', and 'ship breaker' mean any person engaged in the construction, repair, or dismantling of a vessel while such person is upon the navigable waters of the United States or floating drydock thereupon, but not while such person is upon piers, wharves, building ways, marine railways, graving docks, shops, or any other facilities or areas

over land customarily used in ship repairing, ship building, or ship breaking.

"(25) The term 'harbor worker' means any person engaged in the performance of services on or for a vessel while such person is upon the navigable waters of the United States, other than any person covered by a State workers' compensation law.

"(26) The term 'point of rest' means—

"(A) when used in connection with bulk, breakbulk, or other noncontainerized cargo, (i) the area on the terminal facility, pier, elevator, or wharf which is assigned for the receipt of inbound cargo from the vessel and from which inbound cargo may be delivered to the consignee, or (ii) the area which is assigned for the receipt of outbound cargo from shippers for vessel loading; and

"(B) when used in connection with containerized cargo, (i) the area on the pier, wharf, or terminal to which inbound cargo is immediately transported after the unloading of a vessel, or (ii) in the case of outbound cargo, the area from which containerized cargo is immediately transported to the vessel for loading.".

SEC. 3. (a) Section 3(a) is amended to read as follows:

"SEC. 3. (a) Compensation shall be payable under this Act in respect of the disability or death of an employee.".

(b) Section 3(b) is amended by striking out the word "solely".

(c) Section 3 is amended by adding the following new subsection at the end thereof:

"(c) Any person who makes a false statement upon an employment application concealing a medical condition shall be barred from receiving any compensation or benefits under this Act for any injury or occupational disease related to such concealed medical condition if—

"(1) the employee knowingly and willfully made a false representation as to his physical condition;

"(2) the employer relied upon the false representation and this reliance was a substantial factor in hiring the employee; and

"(3) there was a causal connection between the false representation and the injury.".

SEC. 4. (a) Section 6(b)(1) is amended to read as follows:

"(b)(1) Except as provided in subsection (c), compensation for disability or death shall not exceed an amount equal to the lesser of the following:

"(A) An amount equal to 80 per centum of the employee's spendable earnings.

"(B) An amount equal to 200 per centum of the applicable national average weekly wage as determined by the Secretary under subsection (b)(3).".

(b) Section 6(d) is amended by striking out "under this subsection" and inserting in lieu thereof "under subsection (b)(3)".

(c) Section 6 is amended by adding at the end thereof the following new subsections:

"(e) For purposes of this Act, the spendable earnings of an employee shall be the employee's average weekly wage computed in accordance with section 10 (and adjusted to the nearest whole dollar) reduced by the amounts required to be withheld from such wage under Federal and State tax laws. For purposes of the preceding sentence, the amounts required to be withheld shall be determined on the basis of the reasonable anticipated liability of the employee for tax for the taxable year in which such payments are made without regard to any deduction or credit, other than the deduction for personal exemptions under section 151 of the Internal Revenue Code of 1954 or under similar provisions of State law.

"(f) As soon as practicable after the date of the enactment of the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1981, the Secretary shall publish in the Federal Register tables showing the amount of spendable earnings at various wage levels for both married and single employees, as determined under subsection (e) of this section in accordance with the withholding tax tables then in effect. Each January 1 thereafter the Secretary shall review such tables and revise them for that calendar year if there has been a change in the withholding tax tables or in the maximum weekly rate of compensation, and the Secretary shall publish such tables as so revised in the Federal Register.".

SEC. 5. (a) Subsections (b) through (f) of section 7 are amended to read as follows:

"(b) Within such reasonable time period as the deputy commissioner may specify after the date of the enactment of this subsection, each employer may submit to the deputy commissioner for the compensation district in which the place of business of the employer a list containing the recommendations of the employer of those physicians whom the employer considers suitable for designation by the deputy commissioner as authorized attending physicians under this Act. Within sixty days after the expiration of the period referred to in the preceding sentence, and after reviewing the recommendations submitted by employers, the deputy commissioner shall determine which of the physicians so nominated by employers are suitable for designation under this subsection from such list of physicians who are suitable for designation under this subsection, the deputy commissioner shall establish a listing (subdivided according to geographic regions to the extent appropriate) of those physicians who are authorized to provide medical services as attending physicians under this Act. In determining the number of physicians who should be authorized to provide such services within any area, the deputy commissioner shall take into account the number of competent and impartial physicians conveniently available to the community in which the medical service is required. Each employer shall post the names and addresses of all physicians included in the listing in such manner as to afford his employees reasonable notice thereof.

"(c)(1) An employee may choose as an attending physician any physician included under an applicable listing established by the deputy commissioner under subsection (b). If an employee is unable to select his own physician because of the nature of his injury, and if such injury necessitates that the employee obtain immediate medical treatment, the employer shall select a physician for the employee. An employee who requires immediate medical treatment, and who receives such treatment from a physician not authorized to provide such services under subsection (b), may continue to receive treatment from such physician unless the deputy commissioner determines otherwise under paragraph (2).

"(2) The deputy commissioner shall actively supervise the medical care rendered to injured employees, shall require periodic reports concerning such care, shall have authority to determine the necessity, character, and sufficiency of medical care rendered or to be rendered to injured employees, and may order a change of physicians or hospitals on his own initiative or at the request of the employer when he determines such change to be desirable in order to provide for effective medical care at a reasonable cost.

"(3)(A) An attending physician shall not refer an employee to a medical specialist or consultant physician unless the attending physician—

"(i) notifies the employer of the name and address of the medical specialist or consultant physician;

"(ii) provides to the employer and deputy commissioner a written statement of the reasons for the referral; and

"(iii) has transmitted a medical report to the employer and to the deputy commissioner not later than ten days after the date of the attending physician's first treatment of the employee.

"(B) The employer, its insurance carrier, or the employee shall not be liable for the expenses incurred as a result of a referral to any medical specialist or consultant physician unless—

"(i) the attending physician has complied fully with the requirements of subparagraph (A) of this paragraph; and

"(ii) the medical specialist or consultant physician furnishes a written narrative report to the employer and to the deputy commissioner within twenty-one days after the date of the first examination or treatment of the employee by such specialist or consultant physician.

"(d)(1) An employee shall not be entitled to recover under this Act any amount expended by him for medical or other treatment or services unless—

"(A) such treatment, if obtained from an attending physician, is obtained as provided under subsection (b)(1); and

"(B) written notice of such treatment or services is provided to the employer within ten days after the date of the first treatment or provision of services.

"(2) No employer or employee shall be liable to any physician for any claim for medical or surgical treatment provided to an employee unless the physician provides to the employer, the employee, and the deputy commissioner, within ten days after the date of the first treatment of the employee by such physician, a written report of the injury, and the treatment or services provided, on a reporting form prescribed by the Secretary. The provisions of this paragraph shall not be applicable with respect to the medical specialists or consultant physicians referred to in subsection (c)(2)(B)(ii).

"(3) If an employee at any time unreasonably refuses to submit to medical or surgical treatment, or to an examination by a physician selected by the employer, the deputy commissioner shall suspend the compensation proceedings. If compensation proceedings are suspended under this paragraph, the employer shall not be liable for penalties, attorneys' fees, or for compensation payments that would otherwise have been payable for the period of the suspension.

"(e)(1) The deputy commissioner shall designate, by medical specialty, physicians who shall be authorized to provide independent medical examinations in accordance with this subsection. The names of physicians so designated in the community or compensation district shall be made available to employees and employers through posting, or by any other appropriate means. When medical questions are raised in a case, the employer may require the employee to be examined by a physician authorized under this subsection and to obtain from such physician a report containing (A) his evaluation of the employee's physical impairment (determined in accordance with American Medical Association Guides to the Evaluation of Impairment), and (B) such other information as may be appropriate.

"(2) In the case of any employee who had an existing physical impairment or disability at the time of the injury for which the examination is requested under paragraph (1) (hereinafter in this paragraph referred to as the 'subsequent injury'), the physician conducting the independent examination shall, upon the request of the employer, submit a report to the employer, employee, and deputy commissioner stating—

"(A) whether at the time of the examination the employee has a permanent physical impairment or disability greater than that which existed before the subsequent injury; and

"(B) if the permanent impairment or disability is determined, under subparagraph (A), to be greater as a result of the subsequent injury, whether—

"(i) such impairment or disability is attributable only to the subsequent injury; or

"(ii) the permanent physical impairment or disability found at the time of the independent examination is the result of both the preexisting physical impairment or disability and the subsequent injury.

If the physician conducting the independent medical examination concludes that the permanent physical impairment or disability existing at the time of the examination is not due solely to the subsequent injury and is greater than the preexisting physical impairment or disability, the employer shall be entitled to the relief available under section 8(f) of this Act.

"(3) Any employer or employee dissatisfied with the report submitted under paragraph (2) may request a reexamination of the employee by one or more physicians authorized under paragraph (1). Upon the request of an employer or employee, the deputy commissioner shall order such reexamination unless he finds that it is clearly unwarranted. Such reexamination shall be completed within fourteen days after the date ordered unless the deputy commissioner finds that because of extraordinary circumstances a longer period is required. The deputy commissioner may charge the cost of any reexamination under this subsection to the employer (if the employer is a self-insurer), to the insurance company which is carrying the risk, or to the employee, in appropriate cases, or to the special fund established under section 44.

"(4) An employee shall submit to physical examinations required under subsection (e) at such place as the deputy commission may designate which is reasonable convenient for the employee. No physician selected by the employer, carrier or employee shall be present at or participate in any manner in such examination. However, the conclusions of such physicians as to the nature or extent of impairment or the cause of impairment shall be available to the examining physician unless otherwise ordered, for good cause, by the deputy commissioner. Proceedings shall be suspended for any period during which the employee may refuse to submit to examination under this subsection. The employer shall not be liable for penalties, attorneys' would otherwise have been payable for the period of the suspension.

"(f) All fees and other charges for medical examination, treatment, or service shall be limited to such reasonable charges as prevail in the community for such treatment, and shall be subject to regulation by the deputy commissioner.".

(b) Subsections (g) and (i) of section 7 of the Act are repealed, and subsection (h) is redesignated as subsection (g).

SEC. 6. (a) Subsections (a) and (b) of section 8 are amended to read as follows:

"(a) PERMANENT TOTAL DISABILITY.—Subject to the limitations of section 6(b)(1), in the case of total disability determined to be permanent, 80 per centum of the spendable earnings (as defined in section 6(e)) of the employee shall be paid to the employee during the continuance of such total disability, except that compensation paid to the injured employee shall be reduced by the amount of social security benefits received by such employee. Loss of both hands, or both arms, or both feet, or both legs, or both eyes, or the loss of any combination of two such body parts, shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In all other cases there shall be a determination of total disability only if the employee proves by substantial evidence that as a result of the injury he is permanently unable to earn any wages in any employment.

"(b) TEMPORARY TOTAL DISABILITY.—Subject to the limitations of section 6(b)(1), in the case of total disability determined to be temporary, 80 per centum of the spendable earnings of the employee (as defined in section 6(e)) shall be paid to the employee during the continuance of the disability, except that such compensation shall not be paid after the employee attains the retirement age prevailing in the industry and geographical region within which the employee was employed at the time of the injury.".

(b)(1) Section 8(c) is amended by striking out "66⅔ per centum of the average weekly wages" and inserting in lieu thereof "80 per centum of the spendable earnings of the employee (as defined in section 6(e)), subject to the limitations of section 6(b)(1),".

(2) Section 8(c)(13) is amended to read as follows:

"(13) Loss of hearing: Loss of hearing shall be compensated according to the terms and conditions of this paragraph.

"(A) For compensation purposes losses of hearing due to industrial noise shall be confined to the frequencies of 500, 1000, and 2000 cycles per second. Loss of hearing ability for frequency tones above 2000 cycles per second are not to be considered as constituting disability for hearing.

"(B) The percent of hearing loss, for purposes of the determination of compensation claims for occupational deafness, shall be calculated as the average, in decibels, of the thresholds of hearing for the frequencies of 500, 1000, and 2000 cycles per second. Pure tone air conduction audiometric instruments, approved by nationally recognized authorities in this field, shall be used for measuring hearing loss. If the losses of hearing average 25 decibels or less in the three frequencies, such losses of hearing shall not then constitute any compensable hearing disability. If the losses of hearing average 92 decibels or more in the three frequenciaes, then the same shall constitute and be a total of 100 percent compensable hearing loss.

"(C) In measuring hearing impairment, the lowest measured losses in each of the three frequencies shall be added together and divided by three to determine the average decibel loss. For every decibel of loss exceeding 25 decibels an allowance of 1½ percent shall be made up to the maximum of 100 percent which is reached at 92 decibels.

"(D) In determining the binaural percentage of loss, the percentage of impairment in the better ear shall be multiplied by five. The resulting figure shall be added to the percentage of impairment in the poorer ear and the sum of the two divided by six. The final percentage shall represent the binaural hearing impairment.

"(E) Before determining the percentage of hearing impairment, in order to allow for the average amount of hearing loss from nonoccupational causes found in the population at any given age, there shall be deducted from the total average decibel loss, one-half decibel for each year of the employee's age over forty.

"(F) Notwithstanding any other provision of this article, no claim for scheduled income benefits shall be filed until the lapse of two full consecutive calendar months after the termination of exposure to harmful noise in employment. The time limitation for the filing of claims for occupational deafness shall not begin to run earlier than the day following the termination of such two-month period. The time for filing claim as provided under this paragraph shall be applicable not only in respect of the last employer, but also in respect of any prior employer who may have liability to pay compensation for the occupational deafness. For the purpose of this subsection, the use of hearing protectors shall not constitute termination of exposure to harmful noise in employment.

"(G) An employer, otherwise liable under this section, whose employment has contributed to any extent to the employee's occupational deafness shall be liable for the full extent of the deafness of the employee, unless such employer shall establish by competent evidence (including the results of a professionally controlled hearing test) the extent of the employee's deafness as it existed prior to exposure to harmful noise in the employer's employment. Upon such showing the employer shall be liable to the employee only for the proportion of the deafness attributable to the employment by him. An audiogram performed in accordance with the provisions of subdivision (c)(3) of this section shall be conclusive evidence of the amount of hearing loss sustained when the employee began employment, unless contrary audiograms made at that time are produced. An employer liable to the employee for the full extent of the employee's occupational deafness may implead, in a compensation proceeding on the employee's claim, any prior employer or employers in whose employment the employee had been exposed to harmful noise, and if it should be found that the impleaded employer would have been liable to the employee under this section, had the employee proceeded against him, under the claim being adjudicated, the employer held liable shall be entitled to an award against the impleaded employer. The impleading of an employer shall be accomplished by notice on a form prescribed by the Secretary. Such notice shall be sent to the impleaded employer and to the Deputy Commissioner. An award may be made in favor of the employer liable to the employee, and against the impleaded employer or employers, such award may be enforced in the same manner as awards to employees. The impleaded employer or employers shall bear equal shares with the employer of the employer's liability to the employee, unless the evidence warrants a different apportionment.

"(H) No consideration shall be given to the question of whether or not the ability of an employee to understand speech is improved by the use of a hearing aid.

"(I) No employer shall be liable for the payment of scheduled income benefits for occupational deafness unless the employee claiming benefits shall have worked for such employer in employment exposing the employee to harmful noise for a total period of at least ninety days.".

(3) Section 8(c) is amended—

(A) by redesignating sections 8(c)(21) and 8(c)(22) as sections 8(c)(22) and 8(c)(23); and

(B) by adding after paragraph (20) the following new paragraph:

"(21) Spine: In the absence of evidence of a herniated or ruptured disc 312 weeks of compensation.".

(4) Subsection 8(c)(22) (as redesignated by paragraph (3) of this subsection) is amended to read as follows:

"(22) Other cases: (A) Subject to the limitations of section 6(b)(1), in all other cases in this class of disability the compensation shall be 66⅔ per centum of the difference between his average weekly wages and his wage earning capacity thereafter in the same employment or otherwise, payable during the continuance of such partial disability, except that such compensation shall not be paid after the injured employee attains the retirement age prevailing in the industry and geographic region within which the employee was employed at the time of the injury.

"(B) If an employee suffers injuries to a body area enumerated under any of the preceding paragraphs of this subsection, the employee shall be required to seek compensation under any such applicable paragraph and shall not be eligible to receive any additional compensation under this paragraph.

"(C)(i) Notwithstanding the provision of any compensation order, the employer may (I) reduce the payment of compensation during any period in which the em-

ployee's actual wages in the same or other employment or his wage earning capacity (as defined in section 8(h)), have increased, or (II) suspend such payment during any period in which such wages are determined to equal or exceed his average weekly wages before the injury. An employer may not reduce or suspend payments under this subparagraph before the date on which the employer submits notice thereof to the deputy commissioner together with a detailed statement of reasons and relevant documentation pertaining to such action. Upon receipt of such notification, the deputy commissioner shall within thirty days review the action taken by the employer and shall either disapprove the action and require the payment to the employee of any compensation so withheld, or shall affirm the action (in whole or in part), modify the compensation order accordingly, and require the payment to the employee of any compensation withheld in excess of the amount permitted to be withheld under any action approved only in part. If the deputy commissioner fails to take action within thirty days as required under the preceding sentence, the reduction or suspension of payments by the employer shall be considered to be approved. Any party may submit a written request to the Board for a hearing before an administrative law judge to review the approval or disapproval of a reduction or suspension of compensation payments under this subparagraph.

"(ii) If the employee's actual wages or wage earning capacity (as defined in section 8(h)) decrease, solely as a result of the injury during any period to an amount less than the average weekly wage of the employee before the date of the injury, the employee may submit a written request to the deputy commissioner for a review of his compensation payment, provided such request for review is filed within one year after the employee incurs the decrease or within one year after the date of the last payment of compensation, whichever period is the shorter.".

(c) Section 8(d) is amended by striking out paragraph (3) thereof and redesignating paragraph (4) as paragraph (3).

(d) Section 8(e) is amended by striking out "In" and inserting in lieu thereof "Subject to the limitations of section 6(b)(1), in".

(e) Section 8(f) is amended by adding at the end thereof the following new paragraph:

"(3)(A) Upon the recommendation of any organization representative of the interests of employer and insurance carriers which (i) is formed for the specific purpose of designating a fund representative under this section, and (ii) is recognized for such purpose by the Secretary, there shall be designated by the Secretary an attorney to serve as the representative of the special fund under section 44 (hereinafter in this paragraph referred to as the 'fund representative'). The Secretary shall cause notice to be given to the fund representative whenever application for apportionment is made pursuant to paragraph (1) or (2) of this subsection, and whenever hearing or proceedings involving the fund are to occur.

"(B) The fund representative—

"(i) shall be a party in any case in which an application for apportionment of compensation is made pursuant to paragraph (1) or (2) of this subsection, and shall have the same rights in any such case as any other party under this Act, including the right to enter into settlement of any claims brought against the fund;

"(ii) may hire such medical and other experts and witnesses as may be appropriate to defend any claim against the fund, the expenses for which shall be payable from the fund; and

"(iii) may hire such additional professional and clerical staff as may be required to enable the representative to competently perform his duties under this paragraph.".

(f) Subsections (g) through (i) of section 8 are amended to read as follows:

"(g) COMPENSATION FOR EMPLOYEES UNDERGOING VOCATIONAL REHABILITATION.—An employee who as a result of injury is undergoing vocational rehabilitation for remunerative employment under the direction of the deputy commissioner as provided by section 39(c) of this Act, or with the approval of the employer, shall be entitled to receive continued temporary total or partial compensation during the period of such rehabilitation. No award for permanent disability may be entered before the deputy commissioner determines, or the employer and employee agree, that vocational rehabilitation is unnecessary or until after vocational rehabilitation has been completed. If an employee unreasonably refuses to undergo vocational rehabilitation, the employee shall not be eligible to receive compensation payments that would otherwise be payable for the period of such refusal.

"(h) The wage earning capacity of an injured employee in cases of partial disability under subsection (c)(22) or subsection (e) of this section shall be the salary, wages, and other remunerations the employee is able to earn. In no case shall such amount be less than the amount actually being earned by the employee, including earnings from sheltered employment. If an employee voluntarily limits his income, or fails to accept employment commensurate with his abilities, the wage-earning capacity of the employee shall be considered to be the amount which would have been earned if the employee did not limit his income or if the employee accepted appropriate employment. Whenever compensation is payable under subsection (c)(21) or under subsection (e) the burden shall be on the employee to establish that any wage loss for which compensation is sought is the result of the commensable injury. For the purpose of this section, the term 'other remunerations' does not include indirect benefits or employee fringe benefits.

"(i)(1) No settlement agreed to by an employee and by the employer, the insurance carrier, or both, shall discharge the liability of an employer or insurance carrier for benefits for disability or death under this Act unless an application for approval of the settlement is approved by the deputy commissioner. Any settlement approved under this subsection shall have the same effect as a compensation order. Notwithstanding sections 15 and 16 of this Act, whenever an application for approval of such settlement is submitted, the application shall be considered to be approved, and the liability of the employer or the insurance carrier for benefits shall be discharged, unless the deputy commissioner, within thirty days after the date of the receipt of the application, disapproves the settlement by issuing a written statement containing the reasons and explanation thereof for disapproval. No settlement shall be disapproved unless the deputy commissioner finds it to be grossly inadequate or procured by duress.

"(2) If the deputy commissioner disapproves an application under paragraph (1), any party to the settlement may submit to the Board a request for a hearing limited to a determination of whether the disapproval of the application by the deputy commissioner was based on valid, substantial reasons. Any request for a hearing under this paragraph shall be in writing, and shall be transmitted to the Board by certified mail. Such hearing shall be held before an administrative law judge, designated by the Chairman of the Board, within thirty days after the date on which the hearing is requested, and an order approving, rejecting, or modifying the deputy commissioner's action shall be issued within thirty days after the date of the completion of the hearing. Any such order shall be appealable in accordance with the provisions of section 21(b).

"(3) Under the terms of a settlement as referred to in paragraph (1), the liability of the employer for any benefit under this Act for disability or death, or any part of such liability, may be discharged by the payment of a lump sum equal to the present value of the agreed-upon future compensation or death benefit payments commuted under the settlement, computed at the annually compounded discount rate prevailing at the time of settlement in the city in which the headquarters of the applicable Compensation District is located. No application for approval of a settlement providing for a lump-sum payment (as described under this paragraph) shall be approved by the deputy commissioner unless the lump sum agreed upon by the parties to the settlement was determined on the basis of all relevant factors, including the probability of death, remarriage, or any other contingency which might reasonably affect the amount or duration of future compensation or death benefits.".

(g) Section 8 is amended by adding at the end thereof the following new subsection:

"(j) Entitlement to compensation for disease alleged to be derived in any part from the claimant's occupation shall be determined by application of the substantive workers' compensation law of the State in which the last exposure to the disease producing or aggravating stimulus occurred.".

SEC. 7. (a) The matter preceding paragraph (a) of section 9 is amended by striking out ", or if the employee who sustains permanent total disability due to the injury thereafter dies from causes other than the injury".

(b) The first sentence of section 9(b) is amended by striking out ": *Provided*, That the total amount payable shall in no case exceed 66⅔ per centum of such wages." and inserting in lieu thereof "The total amount payable shall in no case exceed the maximum benefit for which an employee is eligible as determined under section 6(b)(1).".

(c) Section 9(c) is amended by striking out ": *Provided*, That the total amount payable shall in no case exceed 66⅔ per centum of such wages." and inserting in lieu thereof "The total amount payable shall in no case exceed the maximum benefit for which an employee is eligible as determined under section 6(b)(1).".

(d) Section 9(d) is amended—

(1) by striking out "66⅔ per centum of the average wages of the deceased" and inserting in lieu thereof "the maximum benefit for which an employee is eligible as determined under section 6(b)(1)"; and

(2) by striking cut "66⅔ per centum of such wages" and inserting in lieu thereof "the maximum benefit for which an employee is eligible as determined under section 6(b)(1)".

(e) Section 9(e) is amended to read as follows:

"(e) In computing death benefits, the average weekly wages of the deceased shall be considered to have been not less than the national average weekly wage as prescribed in section 6(b), but the total weekly benefits shall not exceed the lesser of the average weekly wages of the deceased or the maximum benefit which an employee is eligible to receive under section 6(b)(1).".

SEC. 8. Subsections (a) through (c) of section 10 are amended to read as follows:

"(a) If the injured employee worked during substantially the whole of the year immediately preceding his injury in the same employment in which he was working at the time of injury, whether for the same or another employer, his average weekly wage shall be one fifty-second part of the total wages earned by him in such employment.

"(b) If the injured employee worked during substantially the whole of the year immediately preceding his injury for the same or another employer in employment other than that in which he was working at the time of the injury, his average weekly wage shall be one fifty-second part of his actual earnings in such year. In no case shall the average weekly wage determined pursuant to this subsection exceed one fifty-second part of the average total wages earned by other employees in the same or neighboring locality working in employment of the same (or most similar) type as the employment in which the employee was working at the time of the injury.

"(c) If the injured employee did not work during substantially the whole of the year preceding the injury, his average weekly wages shall be his actual earnings for the year preceding his injury divided by the number of weeks in which he had any earnings. In no case shall the average weekly wage determined pursuant to this subsection exceed one fifty-second part of the average total wages earned by other employees in the same or neighboring locality working in employment of the same (or most similar) type as the employment in which the employee was working at the time of the injury.".

(b) Section 10 is further amended—

(1) by striking out subsections (d), (e), and (g), and by redesignating subsections (f), and (h) (and any references thereto) as subsections (d) and (e); and

(2) by amending subsection (d) (as so redesignated) to read as follows:

"(d) Effective October 1 of each year, the compensation or death benefits payable for permanent total disability or death arising out of injuries sustained after the date of enactment of this subsection shall be increased—

"(1) by a percentage equal to the percentage (if any) by which the applicable national weekly wage for the period beginning on such October 1, as determined under section 6(b), exceeds the applicable national average weekly wage, as so determined, for the period beginning with the preceding October 1; or

"(2) by 3 per centum;

whichever percentage is less.".

SEC. 9. Section 12(d) is amended to read as follows:

"(d) Failure to give such notice shall bar any claim under this Act unless the employer had actual knowledge that the injury or death is, or is claimed to be, employment related.".

SEC. 10. (a) Section 14(b) is amended by striking out "knowledge of the injury or death" and inserting in lieu thereof "actual knowledge that the injury or death was, or is claimed to be, employment related".

(b) Section 14(d) is amended by striking out "has knowledge of the alleged injury or death" and inserting in lieu thereof "receives the notice of the filing of the claim from the deputy commissioner under section 19(b)".

(c) Section 14(f) is amended to read as follows:

"(f) If any compensation payable under the terms of an award is not delivered to the employee, or is not mailed postage prepaid to the employee, within fifteen days after the date the notice of award from the deputy commissioner is received by the employer, there shall be added to such unpaid compensation an amount equal to 20 per centum thereof, which shall be paid at the same time as, but in addition to, such compensation. No such penalty shall be required to be paid if—

"(1) the employer submits to the Board a request for a review of the compensation order as provided under section 21; and

"(2) the employer pays all periodic payments due the employer pursuant to the award for the period commencing on the date the award was entered and ending on the date review proceedings concluded.".

(d) Section 14(g) is amended by striking out "sixteen" and inserting in lieu thereof "thirty".

(e) Section 14 is amended by striking out subsections (h) and (j) and by redesignating subsections (i), (k), and (l) (and any references thereto) as subsections (h), (i), and (j), respectively.

(f) Section 14 is amended by adding the following new subsections at the end thereof:

"(l) The total money allowance payable to or on behalf of an employee as compensation for any permanent partial disability under this Act shall in no event exceed in the aggregate the amount determined by multiplying the maximum compensation rate payable in accordance with section 6(b)(1) by 312.

"(m)(1) Subject to section 10(d) of this Act, in no event shall the total weekly money allowance payable to an employee or his dependent survivors—

"(A) as compensation for an injury or death under this Act,

"(B) as Federal old-age, survivors, and disability insurance benefits (42 U.S.C. 401, et seq.),

"(C) from employee benefit plans subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 101, et seq.; 26 U.S.C. 401, et seq.) (computed weekly),

"(D) as compensation in the nature of an unemployment benefit, or

"(E) as compensation in the nature of any other workers' compensation benefit (computed weekly), exceed in the aggregate 80 per centum of the spendable earnings of the employee (as determined under section 6(e)) at the time of the injury, computed on the basis of any applicable tax rate then in effect.

"(2) In determining the amounts payable to an employee or his dependent survivors under subparagraphs (B) through (E) of paragraph (1), such amounts shall be determined without regard to any offsets (with respect to sums payable under this Act) which may be required to be made under the provisions of any law or contract governing the terms of the benefits as referred to under such subparagraphs.

"(3) Subject to paragraph (4) of this subsection, if the computation under paragraphs (1) and (2) indicate that an employee or his survivors receive in the aggregate from the benefits referred to under paragraph (1) an amount which exceeds 80 per centum of the spendable earnings of the employee (computed as provided under paragraph (1) and adjusted in accordance with section 10(d)), the amounts otherwise payable as compensation or death benefits under this Act shall be reduced by an amount equal to such excess.

"(4) If as a result of the reduction computed under this subsection an employee or his survivors do not receive in the aggregate from the benefits referred to under paragraph (1) an amount equal to the 80 per centum of the spendable earnings of the employee (computed as provided under paragraph (1) and adjusted in accordance with section 10(d)), the amounts payable as compensation or death benefits under this Act shall be increased accordingly upon the filing of a request for such increase to be submitted by the employee or his survivors pursuant to section 22.".

SEC. 11. (a) Section 19(a) is amended by adding at the and thereof before the period the following: "and to make such investigations as he considers necessary for such determinations regarding the claim".

(b) Section 19(c) is amended to read as follows:

"(c)(1) The deputy commissioner shall issue a preliminary ruling (containing his findings and recommendations) not later than one hundred and eighty days after the employee, employer, or insurance carrier notifies the deputy commissioner that—

"(A) the employee's medical condition has been certified as permanent and stationary by a physician treating or examining the employee; or

"(B) the employee has resumed employment of any type.

"(2) The preliminary ruling of the deputy commissioner shall be served on the parties personally, or by registered or certified mail. The deputy commissioner shall include with such ruling a statement notifying the parties of their right to appeal any findings or recommendations contained in the ruling by submitting to the Board, within thirty days after receipt of the ruling, a request for a hearing, together with notice of which findings and recommendations contained in the preliminary ruling shall be appealed.

"(3) If no request for a hearing is made under paragraph (2), the preliminary ruling of the deputy commissioner shall be considered to be a final order and shall not be subject to review under section 21 of this Act by any administrative law judge, by the Board, or by any court.".

(c) Section 19 is further amended by striking out subsections (d), (e), and (h), and by redesignating subsections (f) and (g) (and any references thereto) as subsections (d) and (e), respectively.

SEC. 12. Section 20 is hereby repealed.

SEC. 13. (a) Subsections (a) and (b) of section 21 are amended to read as follows:

"(a)(1) There is established a Benefits Review Board which shall be composed of three members appointed by the President, by and with the advice and consent of the Senate, from among persons who by reason of training, education, and experience are qualified to carry out the functions of the Board under this Act. The President shall designate one of the members of the Board to serve as Chairman.

"(2)(A) The terms of members of the Board shall be six years except that of the members first appointed (i) one shall serve for a term of two years, (ii) one shall serve for a term of four years, and (iii) one shall serve for a term of six years, as designated by the President at the time of appointment. A member of the Board may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.

"(B) A vancancy in the Board shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

"(3)(A) The principal office of the Board shall be in the District of Columbia. Whenever the Board deems that the convenience of the public or parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place.

"(B) Every official act of the Board shall be on the record, and its hearings and record shall be open to the public.

"(4) For the purpose of carrying out its functions under this Act, two members of the Board shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.

"(5) The Chairman shall be responsible

for carrying out the administrative duties of the Board, but may delegate such functions to any other member of the Board. The Chairman may appoint and fix the pay of such administrative law judges and other employees as he considers necessary to assist the Board in the performance of its functions. The assignment, removal, and compensation of administrative law judges shall be in accordance with sections 3105, 3344, 5372, and 7521 of title 5, United States Code.

"(6)(A) The Board may, for the purpose of carrying out its duties under this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. The Board may administer oaths or affirmations to witnesses appearing before it, and may order testimony to be taken by deposition in any proceedings pending before it at any time during the proceedings. Witnesses whose depositions are taken under this paragraph, and the persons taking such depositions, shall be entitled to the same fees as are paid for comparable services in the courts of the United States.

"(B) The Board may issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Board. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States. The subpenas of the Board shall be served in the manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

"(b)(1)(A) If a request for a hearing to review any determination of the deputy commissioner is submitted to the Board in accordance with this Act, the Board shall provide the parties with an opportunity for a hearing on the record before an administrative law judge designated to hear and determine the case by the chairman of the Board. Any such hearing shall be conducted in accordance with section 554 of title 5, United States Code. Within thirty days after the hearing is concluded, the administrative law judge shall, by order, make an award for compensation or shall reject the claim of the employee.

"(B) A compensation order issued by an administrative law judge shall become effective when filed in the office of the Board unless any party to the proceeding submits written notice to the Board and to the deputy commissioner appealing the order and requesting a hearing before the Board under paragraph (2). Any such notice of appeal may be submitted by a party not later than the thirtieth day after the date of the receipt of a copy of the order.

"(C) The payment of the amounts required by an award pursuant to an order of an administrative law judge, other than the periodic payment of compensation or death benefits, shall be stayed pending final decision in any review proceeding before the Board.

"(2)(A) Upon the filing of an appeal of any order issued by an administrative law judge under paragraph (1), the Board shall conduct proceedings to review such order whenever a substantial question of law or fact is raised by the party requesting the review. Actions in proceedings before the Board shall be taken in accordance with the Federal Rules of Civil Procedures to the extent that such rules may be applicable, unless the Board has adopted a different rule. The order of the Board shall be based upon the hearing record in such proceedings. The findings of fact and the decision under review by the Board shall be conclusive if supported by substantial evidence in the record considered as a whole.

"(B) A compensation order issued by the Board shall become effective when filed in the office of the Board unless any party to the proceeding files for a review of the order by a court in accordance with subsection (c).".

(b) Section 21(c) is amended by striking out the last three sentences thereof and inserting in lieu thereof the following: "Payment of the amounts required by an award, other than the periodic payment of compensation or death benefits, shall be stayed pending final decision in any such proceeding.".

(c)(1) Upon the appointment of members to the Board established by the amendment made to the Longshoremen's and Harbor Workers' Compensation Act by subsection (a) of this section, all officers, employees, assets, liabilities, contracts, property, and records of the Benefits Review Board in the Department of Labor shall be transferred to such Board. Until the date that all members are so appointed, the Benefits Review Board in the Department of Labor shall continue to function for the purpose of determining appeals from the orders of administrative law judges, and shall have during such interim period the authority provided to such Board under the amendment made by subsection (a) and by section 11 of this Act to designate administrative law judges to hear and determine appeals from rulings of the deputy commissioner.

(2) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred under this subsection shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(3) No suit, action, or other proceeding lawfully commenced by or against the Board or any officer of the United States acting in his official capacity shall abate by reason of any transfer under this section.

SEC. 14. Section 21a is hereby repealed.

SEC. 15. Section 23 is hereby repealed.

SEC. 16. Section 24 is amended to read as follows:

"WITNESSES; AUTHORITY OF DEPUTY COMMISSIONER OF ADMINISTRATIVE LAW JUDGE

"SEC. 24. (a) No person shall be required to attend as a witness in any proceeding before a deputy commissioner or an administrative law judge at a place outside of the State of his residence and more than one hundred miles from his place of residence, unless his lawful mileage and fee for one day attendance shall be first paid or tendered to him; but the testimony of the claimant and any other witnesses may be taken at any time following the filing of a claim for compensation or death benefits by deposition or interrogatories according to the rules of practice of the Federal district court for the judicial district in which the injury occurred (or in the United States District Court for the District of Columbia if the injury occurred in the District).

"(b) on any matter within the jurisdiction of the deputy commissioner or an administrative law judge appointed by the Board, the deputy commissioner or such judge shall have the following authorities:

"(1) The deputy commissioner or administrative law judge may issue supenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the deputy commissioner or such judge. The subpenas shall be served in the manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for United States district courts.

"(2) The deputy commissioner or administrative law judge may take such testimony, examine such witnesses, and receive such evidence as they consider appropriate to the proceedings conducted by them, and may require the production of books, papers, documents, and other evidence at any hearing or discover proceeding in a manner consistent with the Federal Rules of Civil Procedure. The deputy commissioner or such judge may administer oaths or affirmations to witnesses appearing before them.

"(c) If any person in proceedings before a deputy commissioner, administrative law judge, or Board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered to do so, any pertinent book, paper, or document, or refuses to appear after having been subpenaed, or upon appearing refuses to take the oath of a witness, or after having taken the oath refuses to be examined according to law, the deputy commissioner, administrative law judge, or Board shall certify the facts to the district court having jurisdiction in the place in which he is sitting (or to the United States District Court for the District of Columbia if he is sitting in such District) which shall thereupon in a summary manner hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of or in the presence of the court.".

SEC. 17. Section 25 is amended by inserting "or administrative law judge" after "deputy commissioner".

SEC. 18. Section 27 is repealed.

SEC. 19. Section 28 is amended to read as follows:

"FEES FOR SERVICES

"SEC. 28. (a) No claim for legal services or for any other services rendered in respect of a claim or award for compensation, to or on account of any person, shall be valid unless approved by the Board, or if proceedings for review of the order of the Board in respect of such claim or award are conducted before any court, unless approved by such court. Any claim so approved shall, in the same manner and to the same extent fixed by the Board or such court, be a lien upon such compensation.

"(b) If the employer or carrier declines to pay any compensation on or before the thirtieth day after receiving written notice of a claim for compensation on the ground that there is no liability for compensation within the provisions of this Act and the person seeking benefits shall thereafter utilize the services of an attorney at law in the successful prosecution of his claim, there shall be awarded, in addition to a compensation order, a reasonable attorneys' fee against the employer and carrier for services rendered before the Board or reviewing court. Such fee shall be paid directly by the employer or carrier to the attorney for the claimant in a lump sum after the compensation order becomes final.

"(c) In no case other than as provided in subsection (b) of this section shall any claim for legal services rendered to any person seeking benefits or compensation according to the provisions of this Act be assessed against the employer or carrier.

"(d) Any person who receives any fees, other consideration, or any gratuity on account of services rendered as a representative of a claimant, unless such consideration or gratuity is approved by the Board or court, or who makes it a business to solicit employment for a lawyer, or for himself in respect of any claim or award for compensation, shall upon conviction thereof, for each offense be

punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.".

SEC. 20. Section 30(f) is amended to read as follows:

"(f) Where the employer or the carrier has been given notice or has actual knowledge that injury to or death of an employee is claimed to be employment related and fails, neglects, or refuses to file report thereof as required by the provisions of subsection (a) of this section, the limitations in section 13(a) of this Act shall not begin to run against the claim of the injured employee or his dependents entitled to compensation, or in favor of either the employer or the carrier, until such report shall have been furnished as required by the provisions of subsection (a) of this section.".

SEC. 21. Section 31 is amended to read as follows:

"PENALTY FOR MISREPRESENTATION

"SEC. 31. Any person who willfully makes any false or misleading statement or representation for the purpose of obtaining any benefit or payment under this Act shall be guilty of a felony, and on conviction thereof shall be punished by a fine not to exceed $50,000 or by imprisonment not to exceed 5 years, or by both such fine and imprisonment. The office of the United States attorney for the district in which the injury is alleged to have occurred, in conjunction with any appropriate Federal agency, including the Federal Bureau of Investigation, shall make every reasonable effort promptly to investigate each complaint."

SEC. 22. (a) Section 33(b) is amended by inserting", administrative law judge," before "or Board".

(b) Section 33(e) is amended by striking out "deputy commissioner or".

(c) Section 33(f) is amended to read as follows:

"(f)(1) If the person entitled to compensation institutes proceedings within the period described in subsection (b) of this section, the employer shall be required to pay as compensation under this Act a sum equal to any amount by which the amount which the Secretary determines is payable on account of such injury or death exceeds the amount recovered in such proceedings against any such third person.

"(2) Any amount recovered by the person entitled to compensation on account of such proceedings by judgment or settlement, whether or not the settlement is approved by the employer in accordance with subsection (g) of this section, shall be distributed as follows:

"(A) The person entitled to compensation shall pay to the employer an amount equal to the sum of—

"(i) the cost of all benefits furnished to him by the employer under section 7; and

"(ii) all other amounts payable as compensation or benefits under this Act.

"(B) The person entitled to compensation or his representative shall retain the balance of the amount.

"(3) The employer will receive credit for future compensation or medical benefits from the amount retained by the employee under paragraph (2)(B), before payment of attorneys' fees and expenses, and such credit shall be the present value of all amounts thereafter payable as compensation, such present value to be computed in accordance with a schedule provided by the Secretary, and the present value of the cost of all benefits thereafter to be furnished under section 7, to be estimated by the deputy commissioner.".

(d) Section 33(g) is amended to read as follows:

"(g)(1) If the person entitled to compensation (or his representative) enters into a settlement with any third person referred to in subsection (b) for an amount less than the compensation to which such person or representative would be entitled under this Act, the employer shall be liable for compensation as determined under subsection (f) only if written approval of the settlement is obtained from the employer and its insurance carrier, before such settlement is executed, by the person entitled to compensation (or such representative). The approval shall be made on a form provided by the Secretary and shall be filed in the office of the deputy commissioner within thirty days after such settlement is entered into.

"(2) If no written approval of the settlement is obtained and filed as required by paragraph (1), or if the employee fails to notify the employer of any judgment obtained from a third person, and regardless of whether the employer or its insurer has made payments or acknowledged entitlement to the benefits of this Act, all rights to compensation under this Act shall be terminated.".

SEC. 23. (a) Section 39(c)(1) is amended by striking out ", upon request," and inserting in lieu thereof "not".

(b) After the date of the enactment of this Act, the Secretary shall be eligible to participate in proceedings relating to this Act which are before any court, as provided under section 21(c), only as an intervenor.

SEC. 24. Section 40(f) is amended by inserting between "deputy commissioner" and "or Board Member" the words ", administrative law judge," in both instances.

SEC. 25. Section 41 is repealed.

SEC. 26. Section 44(j)(2) is amended to read as follows:

"(2) under sections 8(f), (g), and (i), 10(e)(2), 18(b), 39(c)(2), and 53.".

SEC. 27. Sections 45, 46, and 47 are repealed.

SEC. 28. Section 49 is amended by inserting between the first and second sentences the following new sentence:

"The discharge or refusal to employ any employee who has filed a fraudulent claim for compensation shall not be a violation of this section."

SEC. 29. Nothing contained in the amendments made by this Act shall be construed to reduce the amount of any benefits being received under the Longshoremen's and Harbor Workers' Compensation Act by an individual on the date of the enactment of this Act.

Mr. NUNN. Mr. President, I join as cosponsor of the amendments to the Federal Longshoremen's and Harbor Workers' Act introduced today by the distinguished Senator from Oklahoma (Mr. NICKLES).

As former chairman and now the ranking minority member of the Permanent Subcommittee on Investigations, I had the opportunity to oversee an extensive staff investigation of organized crime's influence on the American waterfront. Building on the successful labor racketeering (UNIRAC) investigation by the Department of Justice and the FBI, our staff interviewed numerous witnesses and reviewed countless items of evidence detailing organized crime's domination of not only the International Longshoremen's Association (ILA) but also large segments of the American shipping industry.

Based on that investigation, the subcommittee held nearly 2 weeks of public hearings last February on the subject of waterfront corruption. We were pleased at that time to have the presence and participation of both Senator NICKLES and Senator HATCH. I believe that the introduction of these amendments is at least in part a response to the evidence of waterfront corruption presented during the course of our hearings.

Witnesses before the subcommitte confirmed time and again that a scenario of kickbacks and corruption exists on the American waterfront. We heard of illegal payoffs to union officials for a variety of reasons: To insure the award of work contracts, to maintain contracts already awarded, to insure labor peace, to allow management circumvention of labor strikes, to prevent the filing of fraudulent workmen's compensation claims, to expand business activity into new ports, and to accord certain companies the freedom to circumvent ILA contract requirements with impunity. We were told that the benefits of those payoffs flow directly and indirectly to recognized members and associates of traditional organized crime families.

Regarding the Federal Longshoremen's and Harbor Workers' Act, the evidence established that organized crime, through its manipulation of both the ILA and statutory loopholes in the act, operates and profits by a thriving fraudulent claims racket on the waterfront. We heard that the astronomical cost of fraudulent workmen's compensation claims has driven some stevedoring companies out of business, has rendered others literally uninsurable, and poses a continuing threat to the economic survival of many more. Moreover, the racket provides organized crime with economic leverage by which it can demand extortionate payoffs from members of the stevedoring business. The prosecution and conviction of Anthony Scotto in New York is but one glaring example of that fact.

Senator RUDMAN and I, in recommendations issued after the close of our hearings, strongly suggested that the Longshoremen's and Harbor Workers' Act be amended to prevent its fraudulent abuse by organized crime.

In that context, I welcome and encourage congressional action designed to rid the waterfront of the fraudulent claims racket. I recognize the bill which Senator NICKLES proposes as one such effort. The bill is a comprehensive revision of the entire act, confronting many issues which were not part of the subject matter of our hearings. Some of those issues deal with specialized areas of expertise, such as compensation for hearing losses. Although I reserve judgment on these provisions, until the Congress has had the opportunity to study the matter, further, I strongly endorse and support several specific sections of the bill which directly deal with issues and problems covered during the course of our hearings on waterfront corruption.

I am supporting those provisions in the belief that they will help to effectively reduce any further fraudulent manipulation of our workmen's compensation laws on the waterfront. Specifically, I am referring to six separate sections of the proposed bill. The need for each of those sections has been amply established by testimony and evidence received during our February hearings.

Section 3 of the bill makes several changes in the current law. Its initial

subsection is procedural in nature, merely conforming this section to the definitional scheme set forth in section 2 of the bill. Subsections (b) and (c), however, are designed to eliminate the number of fraudulent claims filed under the act. Subsection (b) tightens the restriction on payments of benefits where intoxication was a contributing factor in the injury. Particularly important is subsection (c), which bars the payment of benefits to any person who has made a false representation concealing a material medical condition in an employment application.

Section 5 of the bill is lengthy and detailed in scope. It strikes at the very heart of the fraudulent claims racket by revising the procedures for physician selection, reporting requirements for claims, examinations and reexaminations of questioned claimants and other medical evaluations designed to insure payment for valid claims only. Current law permits a free choice of physician by the employee.

Testimony during our hearings established that that procedure has repeatedly allowed those filing fraudulent claims to select doctors engaged in the racket. The bill provides that physicians be chosen from a list authorized by a deputy commissioner of the Department of Labor. That type of procedure should serve to insure the integrity of the treating physician.

Section 11 revises the current hearing procedure in order to facilitate the discovery of fraudulent claims. Especially important is subsection (a), providing the deputy commissioner with expanded investigative authority to fully examine the validity of a disputed claim. Our hearings disclosed that the Department of Labor has done little, if anything, to eliminate the fraudulent claims racket. Certainly this grant of investigative resources should serve to facilitate a more active role by the Labor Department in this area.

Section 12 repeals the current section 20 of the act, which establishes an automatic presumption of validity for any claim filed. Our hearings identified that presumption as one of the main factors contributing to the success of the fraudulent claims racket. Time and again we heard that the section 20 presumption presented a nearly insurmountable hurdle for an employer who attempts to dispute the validity of an apparently fraudulent claim.

Section 21 raises the criminal penalty for misrepresentation in the submission of a claim from a misdemeanor to a felony punishable by up to 5 years imprisonment, a fine of $50,000, or both. Again this change was specifically and repeatedly recommended and justified during the course of our hearings.

Lastly, section 28 amends the current antidiscrimination section of the act to prevent the levy of a penalty against an employer who dismisses an employee for the filing of a claim shown to have been fraudulent. As the act now stands, such an employer is subject to a penalty of up to $1,000 and reimbursement of lost wages of the employee. No distinction is currently made between the dismissal of an employee who had filed a valid claim and one who had filed an obviously fraudulent claim. The unfairness to the employer of the present provision is obvious.

I look forward to the upcoming hearings of the Labor Subcommittee, under Senator NICKLES' chairmanship, in which all the remaining provisions of the bill, as well as the issues which they address, can be thoroughly explored with a view to final legislative proposals.

The facts are clear that significant and disturbing problems exist as a result of certain provisions of the Longshoremen's and Harbor Workers' Act. Hopefully, Congress will be able to act swiftly and effectively to correct those problems and to arrive at a statutory solution which will fairly serve the interests of both labor and management.

Mr. President, in closing, I wish to thank personally Senator NICKLES for not only taking a lead in this area but for scheduling early hearings on an extremely important matter.

We have reached the point in several of the waterfronts that we investigated and perhaps in many more where free enterprise as we know it no longer exists on the waterfront because of the pervasive effect of corruption and the direct influence of organized criminal elements on both labor elements and business associations operating on the waterfront.

I also wish to commend Senator HATCH for allowing Senator NICKLES to move forward with his subcommittee in this important area.

Both Senator NICKLES and Senator HATCH attended several of our hearings and I think they saw during those hearings that this was not only a serious problem but an urgent problem that demanded the attention of Congress.

By Mr. BENTSEN (for himself, Mr. MCCLURE, Mr. BOREN, Mr. TOWER, and Mr. JOHNSTON):

S. 1183. A bill to amend the Internal Revenue Code of 1954 to allow the credit for production of natural gas from certain nonconventional sources only if such natural gas was sold at a lawful price without regard to section 107 and subtitle B of title I of the Natural Gas Policy Act of 1978; to the Committee on Finance.

TAX CREDIT FOR HIGH COST NATURAL GAS

● Mr. BENTSEN. Mr. President, an unforeseen technical problem has arisen for natural gas producers due to the mechanical interaction of the tax credit provisions of the Crude Oil Windfall Profit Tax Act of 1980 (COWPTA) and certain filing requirements contained in the Natural Gas Policy Act of 1978 (NGPA). As a result, many taxpayers who have interests in high-cost gas wells are unable to receive either of the two economic incentives that Congress provided under these statutes to encourage the production of high-cost gas.

The COWPTA provides a tax credit for certain high-cost gas production, including gas produced from geopressured brine, coal seams, Devonian shale, and tight formations. In addition, Congress in the NGPA deregulated the price of high-cost gas produced from Devonian shale, geopressured brine, and coal seams, and authorized the Federal Energy Regulatory Commission to set a special incentive price for gas from tight formations. The enactment of the COWPTA tax credit triggered a restrictive filing requirement contained in section 107(d) of the NGPA. Under this provision, producers who wish to collect any deregulated or incentive price in lieu of the tax credit must file an election with the FERC on or before the later of May 2, 1980—that is, the 30th day after enactment of the Windfall Profit Tax Act—or the date on which surface drilling of the well began. Thus, a producer who did not make a timely filing to elect the deregulated or incentive price is regulated to the COWPTA tax credit.

However, the COWPTA tax credit has already been phased out for high-cost gas produced from coal seams, geopressured brine or tight formations under a formula contained in the COWPTA. The credit phases out entirely when the average weighted price of uncontrolled crude oil reaches $32.14 per barrel. The average deregulated price of crude oil is now over $33 per barrel, so that it is unlikely that the tax credit will ever be worth anything for producers of these three types of high-cost gas.

Nevertheless, this "credit" triggers the NGPA election requirement. Many producers did not file a timely election that satisfied this requirement and, consequently, can neither charge the incentive or deregulated price nor collect a real tax credit. In many cases, for example, it is extremely difficult, if not impossible, for a producer to know what type of formation he will encounter prior to drilling in a wildcat area. Therefore the producer will not realize that he has missed the election deadline until he has completed the well.

Congress clearly intended to permit all producers to collect either a higher incentive price or a meaningful tax credit in order to promote both drilling for and production of high-cost natural gas. Congress recognized that producers should be compensated for the extra costs and risks of producing such, appropriately labeled, high-cost gas. However, Congress did not anticipate that, due to the technical operation of the two statutes, many producers would have no fair chance to make an election or no reason to anticipate they would need to make an election.

Therefore, today I am introducing with Senators MCCLURE, BOREN, TOWER, and JOHNSTON a bill which will correct this technical defect. My bill provides that a producer will automatically be eligible to receive the incentive or deregulated price for his high-cost gas production. However, a producer may collect any credit for which he is eligible instead of the higher incentive or deregulated price. Our original intent to prevent "double-dipping," or collection of both the credit and higher prices, is thus preserved. In addition, this legislation will obviate the need for filing for the deregulated or incentive price, thus reducing thousands of needless filings by producers. This bill will also provide a real incentive for the production of

high-cost natural gas, and, finally, the level of the credit is unchanged.

At the same time, this proposal preserves the availability of the tax credit for gas produced from Devonian shale, which is the only type of high-cost gas for which the credit provided by the COWPTA is real and substantial. The credit for Devonian shale gas is not tied to the price of decontrolled crude, until 1983 and thereafter. For 1980, 1981, and 1982, this credit will not start phasing out until the average sale price of Devonian shale gas reaches $4.05 per mmBTU, and will not entirely phase out until that average price reaches $5.08 per mmBTU. The average price of this gas is now less than $3 per mmBTU, and will probably not increase markedly in the next year or two. Accordingly, this proposal lets Devonian shale producers collect the credit for these years, and then receive the deregulated price thereafter.

Mr. President, this election problem is emerging as an industrywide and nationwide problem for small and independent producers of natural gas. My proposal would remedy this problem by establishing a new but more workable and fair election requirement that exists under current law. Because this problem is so important to maximize gas production in this country and because it should be remedied as soon as possible, I hope that my colleagues will move quickly to enact this simple legislation. The effective denial of both the incentive price and the tax credit acts as a disincentive to high-cost gas production for many producers and is clearly contrary to the intent of Congress and the best interest of this country.●

By Mr. SARBANES (for himself and Mr. MATHIAS):

S. 1184. A bill to amend the Railroad Retirement Act of 1974 to provide that a current connection with the railroad industry is not lost by reason of certain employment with the Department of Energy; to the Committee on Labor and Human Resources.

RAILROAD RETIREMENT ACT AMENDMENTS

● Mr. SARBANES. Mr. President, today, joined by my colleague, Senator MATHIAS, I am introducing legislation to amend the Railroad Retirement Act of 1974. The purpose of this bill is to insure that individuals transferred from the Interstate Commerce Commission to the Department of Energy after creation of that Department are not deprived of accrued benefits. Introduction of this legislation is necessitated by a conflict in provisions of the Department of Energy Organization Act (Public Law 95–91) and the Railroad Retirement Act of 1974 (Public Law 93–445).

This matter was first brought to my attention by Mr. Claude Morse, an employee of the ICC who was transferred to the Department of Energy under the terms of Public Law 95–91. As a result of this transfer a number of individuals have been deprived of a substantial portion of the retirement benefits they earned while employed by the ICC. The conflict in the provisions of Public Law 95–91 and Public Law 93–445 has resulted in severe personal hardship suffered by Mr. Morse and others. The legislation I have introduced today would remedy this situation by permitting these employees to retain their earned benefits while working for the Department of Energy.

I believe that this inequitable situation which has been in effect since 1977 should be remedied as rapidly as possible and I urge that this remedial legislation be enacted.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1(o) of the Railroad Retirement Act of 1974 is amended by inserting "the Department of Energy" after "the Department of Transportation".

(b) The amendment made by this Act shall take effect on October 1, 1977.●

By Mr. MITCHELL:

S. 1185. A bill to amend chapter 44, of title 18, United States Code to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

MANDATORY SENTENCING LEGISLATION

● Mr. MITCHELL. Mr. President, public concern over the increase in violent crime—particularly crimes involving the use of firearms—has increased following the senseless attempt on President Reagan's life. One reaction to this violence has been the renewed call for the national registration and licensing of firearms.

This appears to many to be an appealingly simple solution to a problem which troubles modern societies. But it is an inappropriate and misdirected solution. Registration and licensing will not work. It will create more problems than it solves.

Support for registration and licensing arises from a fundamental confusion of goals and means. All thoughtful Americans want to see a decrease in violent crimes; that is a goal we share. The questions arise as to the best way to achieve that goal.

No evidence exists to demonstrate that the simple outlawing of firearms—or imposing restrictions on their ownership—plays any substantial role in determining the incidence of violent crimes in any society.

The example of Great Britain is frequently cited as one to which our Nation should look in the matter of firearms control.

Yet the facts are that before 1920, when virtually no controls existed there on firearms, they were far less widely used in crime than today.

And the more relevant fact is that, despite an intensive law enforcement effort aimed at detecting and prosecuting ownership of firearms in recent years, the British homicide rate has doubled in the last 15 years. The U.S. homicide rate has risen by 30 percent over the last 45 years.

In "A Study of Armed Crime and Firearms Control in England," Colin Greenwood, a police inspector, carefully analyzed English firearms control laws and crime statistics. He concluded that 50 years of strict controls "failed to bring under control substantial numbers of firearms, and it certainly cannot be claimed that strict controls have reduced the use of firearms in crime."

Inspector Greenwood was unable to demonstrate any correlation between the banning or availability of firearms and the incidence of violence. The ban on gun ownership in Great Britain has had no discernible effect on violence in Great Britain.

Obviously, the relevance of direct comparisons between our country and Great Britain may be questioned because of the social, economic, and cultural differences that exist.

But if the value of direct comparisons is minimal, so too must be the effort to adopt, wholesale, British remedies for American problems.

Direct comparisons between States in our own Nation are no more trustworthy.

Maine is a rural State, with many hunters and even more guns. The State issues over 100,000 hunting licenses each year, most to residents. There is no Maine gun control law comparable to the strict firearms statute which exists in New York City.

Yet the incidence of violent homicide in Maine is much lower than in New York.

A comparison of the data for the first half of last year—a year when the incidence of serious crime showed increases in many areas of the Nation—illustrates this fact: In Maine, we had one homicide for every 50,000 residents; in New York State, the rate was one for every 18,250: more than 3½ times as great. In 1979, New York's rate of homicides was four times as great.

Obviously, the differences between Maine and New York are far broader than the absence of firearms statutes: New York contains one of the largest urban areas in the world; it has a far higher proporition of minorities; the mobility of its population and its immigration and out-migration patterns are vastly different.

The obvious conclusion is that comparing homicide rates in Maine with those in New York is no more valid than making direct comparisons between our country and Great Britain, or Switzerland, which has the highest level of firearms ownership in the entire world, yet has one of the lowest homicide rates.

For the same reasons that comparisons are misleading at best, and worthless in many cases, so too Federal registration and licensing cannot be rationally structured to take into account the differences in lifestyle and outlook in States as diverse as New York, Maine, and the other 48 States.

Efforts to impose a national registration and licensing law on the country will yield the same disappointment as the nationwide experiment of prohibiting alcohol consumption earlier this century.

The hope then was that a legal prohibition would induce voluntary compliance; it was based on beliefs about the behavior of those who drink which were

simply wrong. People did not believe that the simple passage of law made their personal consumption of alcohol antisocial or wrong.

There is no evidence that the vast majority of law-abiding citizens who own firearms would feel impelled to change their view of their own behavior simply because of passage of a national firearms law.

And when we consider that firearms ownership is estimated at 50 million persons, the problems of noncompliance or evasion that such a national law would cause would be overwhelming.

Before we consider another great experiment, we must be willing to examine open-mindedly the basis on which we believe it will work.

I cannot find that a persuasive case has been made by the proponents of a Federal registration and licensing law, either on the grounds of reducing crime or on the grounds of reducing the incidence of so-called crimes of passion.

The University of Wisconsin in 1975 concluded a massive study of firearms control laws and their relationship to crime. The study compared rates of ownership in States with and without gun control laws. It matched homicide and violent crime rates against the existence of State laws; against the accessibility of firearms from other States; and against the actual incidence of ownership directly. The study concluded that "gun control laws have no individual or collective effect in reducing the rate of violent crime."

So although tragedies like the attempt on the President's life may seem to be compelling reasons to enact Federal firearms laws, they are in reality not; because the actual causes and occurrence of violent crimes have no discernible relationship to the availability or proscription of firearms.

As a former Federal judge and U.S. attorney, I am well aware of the limitations on law enforcement agencies in the fight against violent crime.

In addition to the budget constraints that confront all Government agencies, institutional limitations have made some of our penalty laws impotent.

Current Federal law provides an additional 1- to 10-year sentence for the use of a firearm in the commission of a felony. The additional sentence for the commission of crimes with a firearm was intended in part to be a deterrent. And the provision in the law which increases the additional sentence to a 2- to 20-year term for second and subsequent offenses was particularly aimed at those believed to be habitual offenders.

When it enacted that statute, Congress felt—and rightly, in my judgment—that its principal duty was to protect the public from violent crimes, and to provide a particularly strong deterrent to the use of lethal weapons by criminals.

But this intent can be thwarted because of the provision in the current law which permits the additional sentence for first offenders to be suspended or made probationary, and which makes all sentences under the law—even for second convictions—subject to parole.

The effect of the parole provision has been to render judiciary-imposed sentences almost irrelevant. A judge may conclude that an offender deserves an additional 10-year sentence because of repeated and persistent criminal use of firearms—yet a parole board can overturn that judgment for any one of a number of reasons.

Parole is an important part of our criminal justice system. It creates an incentive for good behavior by prisoners by establishing a procedure by which that improved behavior will result in less time served. Parole board reviews of judicially-imposed sentences are useful.

At the same time, when a specific penalty whose intent is very clear is rendered important by parole board action, Congress should and must restate its intent in mandatory form, so that it cannot be ignored.

For that reason, I am proposing today legislation to strengthen the existing Federal criminal statute which provides an additional sentence for anyone convicted of using a firearm in the commission of a crime. My bill makes the additional sentence mandatory.

The effect will be to require offenders to actually serve the additional sentence, with no option of parole or other mitigation. The mandatory nature of these sentences must be maintained if they are to have the intended effect. Mandatory sentences also separate from the general public those offenders whose willingness to use firearms makes them a particular danger to the public safety.

Making this penalty mandatory will not, by itself, solve our Nation's violent crime problem. But it will help. And it will assure the American people that the right of law-abiding citizens to live without fear is a priority of our Government, which owes its citizens the minimal responsibility of maintaining public safety and order.●

By Mr. SCHMITT:

S. 1187. A bill to provide authority to the Secretary of Agriculture to conduct boundary surveys of national forest system lands; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL FOREST SURVEY ACT OF 1981

● Mr. SCHMITT. Mr. President, I am introducing today legislation that would provide legal authority for the U.S. Forest Service to conduct its own cadastral survey operations on national forest system lands rather than having to depend upon the Bureau of Land Management to finalize surveys on forest lands.

Existing law, 16 U.S.C. 488, which was adopted in 1899 and amended in 1946 requires that all standard, meander, township, and section lines of the public land surveys shall be established under the direction and supervision of the Secretary of the Interior. At the time of the adoption of this legislation, the U.S. Forest Service did not have the expertise to conduct such surveys. For all practical purposes, today the Forest Service does the vast majority of the work either in-house or by contract and the BLM certifies the final line.

Locating and delineating the limits of the national forest lands has been an objective for many years. In recent times Congress has appropriated necessary funds and encouraged the agency to complete the surveys. As the land and resources on the forest lands become more valuable, delineation becomes more and more significant.

As a result of the directive from Congress to speed up the survey process, BLM and the Forest Service have a memorandum of agreement which allows Forest Service employees to conduct cadastral surveys, but the present procedure results in considerable duplication of effort and what appears to be unnecessary exchanges of information and personnel between the two agencies.

If, in fact, as I am led to believe, the Forest Service is equally qualified to conduct such surveys, then it seems appropriate that current law be amended to eliminate unnecessary bureaucracy. Certainly they must continue to have open lines of communication on the issue of public land surveys, particularly in those areas where forest lands abut BLM lands, but the need for unnecessary duplication and paperwork can be eliminated by updating this law. The Forest Service, at my request, has drafted the necessary legislation to accomplish this goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to improve the management of the National Forests and aid in the attainment of congressionally directed goals, the Secretary of Agriculture is authorized to conduct boundary surveys of the National Forest System.

SEC. 2. The third proviso in the first paragraph under the heading "SURVEYING THE PUBLIC LANDS" of the Act of March 3, 1899 (30 Stat. 1097 as amended; 16 U.S.C. 488) is amended by (1) inserting after the words "whether the lands to be surveyed are within or without reservations," the words "or, in the case of the National Forest System, the Secretary of Agriculture or such officer as he may designate", and (2) striking the words "Director of the United States Geological Survey" and substituting the words "Secretary of Agriculture or such officer as he may designate."●

By Mr. HEINZ (for himself, Mr. RANDOLPH, Mr. GLENN, Mr. SPECTER, Mr. ROBERT C. BYRD, and Mr. FORD):

S. 1188. A bill to authorize critical inland navigation improvement projects on the Monongahela and Upper Ohio River Waterways; to the Committee on Environment and Public Works.

MONONGAHELA AND UPPER OHIO RIVER WATERWAYS IMPROVEMENT ACT OF 1981

Mr. HEINZ. Mr. President, the legislation I am today introducing along with my distinguished colleagues, Senators RANDOLPH, GLENN, SPECTER, ROBERT C. BYRD, and FORD, is critical for insuring that navigation improvements upon which depends the economic base of the

Ohio and Monongahela River Valleys are not needlessly and senselessly delayed by interminable studies, review, and litigation.

Specifically authorized by this legislation is the replacement of navigation structures on the Monongahela River in southwest Pennsylvania (lock and dam 7 and 8, near the West Virginia border) and on the Ohio-West Virginia border (Gallipolis). Before discussing the critical need for these specific improvements, let me first briefly explain the justification for the fast track authorization process established by this legislation and how it would operate.

Because these navigation improvements are replacement projects—not grandiose schemes for a new transportation link whose cost effectiveness depends upon traffic projections that might never materialize—the need for authorizing these projects is not difficult to demonstrate. Even at current levels of commerce, these facilities are strained to their capacity, and, because of their age, are subject to frequent breakdowns—resulting in costly delays. Projections done a few years ago to justify authorizing these replacement projects—before the lock 26 decision made a congressional authorization necessary—forecast growth in commerce well beyond the capacity of existing navigation facilities. These earlier projections now appear to have been too modest in view of the renewed commitment to national energy independence, resulting in increased coal production and synthetic fuels development. And compared to a new project, the environmental impact of a replacement or enlargement project is generally minimal.

In short, the years of study and review that might be needed for entirely new projects are, in this case, time and money wasted. The fast track authorization provided by this legislation will help insure the most efficient use of scarce Federal resources. Under current law, these projects would not require congressional authorization if constructed as replacement in kind, that is, the new facilities were of the same size and at the same location. Compared to a replacement in kind, the marginal cost of replacing these obsolete and undersized navigation structures with new facilities whose size and location are adequate for present and future commercial needs is slight. The alternatives to the fast track authorization provided by this legislation are all unpalatable:

First, allowing continued deterioration of the river-transportation system, with very negative implications for the regional employment and economic base and for national energy security;

Second, replacing these facilities in kind to bypass the long review period needed for congressional authorization, the result being inefficiently sized and located facilities; or

Third, delaying construction of these projects for years while reams of reports are completed—only to conclude what we already know.

Congress, therefore, must act affirmatively to expedite these long overdue navigation improvements.

The project authorizations provided by this legislation would allow the Corps of Engineers to bypass two time-consuming exercises normally undertaken prior to congressional authorization—the survey study and Washington-level review—and proceed directly to the phase I general design memorandum (GDM). This GDM would include information normally assembled as part of the survey study and Washington level review processes, including an environmental impact statement (EIS).

Before construction could begin, the Corps of Engineers would be required to submit to Congress a final EIS for each navigation improvement demonstrating compliance with the requirements of the National Environmental Policy Act, the Clean Water Act, the Fish and Wildlife Coordination Act, and other statutory requirements. This final EIS would have to be submitted to Congress within months of the date of completion of the draft EIS, which the plan of improvement addressed by each final EIS would be undertaken without further action under NEPA and other statutory requirements unless Congress disapproved the EIS by concurrent resolution within 60 days of receiving it.

Absence of congressional disapproval would constitute a finding and determination by Congress that the policies, purposes, and requirements of NEPA and related statutes had been satisfied. Judicial review of the EIS would also be limited. Finally, the Corps of Engineers would be granted the flexibility to reallocate funds from previously appropriated moneys for advanced engineering and design and other studies for these authorized improvement projects.

Expediting construction of these long-overdue navigation improvements is critical for national energy security and for maintaining the economic base of Pennsylvania, West Virginia, Ohio, Kentucky, and Virginia. As an example of the dependence of the regional economy upon river transport, consider my home city of Pittsburgh—the world's largest inland port. In 1976, waterways in the Pittsburgh District handled 64,012,452 tons of commerce—12.2 percent of all the traffic on the Nation's inland waterways and 36 percent of the traffic on the Ohio River system. Rivers in the Pittsburgh District currently move 67 million tons of cargo per year, 48 million tons of which is coal. Pittsburgh has more river terminals—267—than any other port. In short, the waterways are the lifeline of the Ohio and Monongahela River Valley. On them travel the coal, steel, and other goods upon which nearly half a million jobs in more than 100 communities directly depend. And yet these main arteries are bleeding profusely, as breakdowns and delays at various lock and dam structures create added costs for all those whose business depends upon river transport.

But more is at stake here than just the regional economy. This Nation—to attain the goal of energy independence, to realize its potential as the "OPEC of Coal"—needs an efficient intermodal transportation system, including improved inland navigation facilities.

As an example of the relative efficiency of river transport, consider the enormous coke plant at U.S. Steel Corp.'s Clairton Works, which consumes 30,000 tons of coal per day, virtually all delivered by barge. This plant is the keystone for the entire U.S. Steel operation in the Mon Valley, for it supplies the coke and much of the gas without which the rest of the steel-producing plants in the valley could not operate. Any operating interruptions at Clairton Works affect steel and chemical production schedules at the United States Steel facilities throughout the Pittsburgh District.

To put the importance of water transport in perspective, consider how Clairton's daily needs might be met absent an efficient navigation system. The 30,000 tons of coal consumed per day at Clairton takes roughly 25 barges to transport. One barge is the equivalent of 15 railcars, so 375 cars would be needed daily to furnish coal by rail—if there were facilities at the plant to take coal in this fashion. Alternatively, one barge is the equivalent of 60 trucks; so it would take 1,500 trucks daily to furnish the coal needed at Clairton. This would create traffic problems from Pittsburgh to Monongahela.

These statistics are not meant to suggest, however, that river transport replaces other transportation modes. Rather, it complements them. For example, an analysis of 89 shipments of coal along the Monongahela River in Pennsylvania found that 50 used a combination of rail and barge—rail as much as 106 miles—and 21 used a combination of truck and barge—average length of truck shipment 10 miles. Similarly, a study of industrial sites on the waterways in the Pittsburgh district found that for every ton of coal, petroleum, or alcohols brought in by barge, a ton of finished product moves out of the plant by rail or truck.

Thus, for a relatively minor investment in navigation facilities, enormous benefits can be realized. For example, since 1872 the Federal Government has spent $134,881,000 to build, purchase, improve, and reconstruct all the locks and dams along the Monongahela River. This amounts to an investment in coal, steel, and related industries of only $300 per job. Considering all the development and industrialization made possible by these navigation improvements, these would seem modest sums, indeed.

In closing, Mr. President, let me emphasize that the specific projects authorized by this legislation by no means satisfy all the needs for river transportation improvements in the region. But these projects at lock and dam 7 and 8 on the Monongahela River and at Gallipolis on the Ohio River will alleviate the most serious bottlenecks within the regional river transport system and replace the most obsolete facilities. The existing facilities at these locations have become the choke points on the regional inland transportation system—analogous to a poorly maintained two-lane bridge in a six-lane highway.

So that my distinguished colleagues might have the benefit of additional information on the specifics of these proj-

ects, I ask unanimous consent that at the conclusion of my remarks there appear in the RECORD a more detailed description of these improvement projects. (Exhibit 1—Factsheet: Replacement of lock and dam 7 and 8 on the Monongahela River; exhibit 2—the role of the proposed Gallipolis locks and dam capacity enlargement in serving high priority national goals, including increased coal exports.) I also ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill and exhibit were ordered to be printed in the RECORD, as follows:

S. 1188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Monongahela and Upper Ohio River Waterways Improvement Act of 1981."

SEC. 2. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to construct, at an estimated aggregate cost of $145,000,000:

(1) a lock and dam (to be called Grays Landing lock and dam) to replace lock and dam numbered 7, Monongahela River, Pennsylvania; and

(2) a lock and abutment (to be called Point Marion Lock) to replace the lock and abutment at lock and dam numbered 8, Monongahela River, Pennsylvania.

(b) Construction of the projects authorized under subsection (a) shall be carried out on an expedited and priority basis, substantially in accordance with the recommendations contained in the report of the Chief of Engineers of May 5, 1972, approved by the Secretary of the Army on November 5, 1973, subject to such modifications as the Chief of Engineers deems necessary and advisable.

SEC. 3. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to rehabilitate the Gallipolis Dam on the Ohio River, and to replace the Gallipolis locks by constructing one 110-foot by 1200-foot lock and one 110-foot by 600-foot lock in a 1.7 mile canal landward of the existing lock, on an expedited and priority basis, generally in accordance with the recommendations of the Huntington District Engineer in his report dated February, 1981, and with such modifications as the Chief of Engineers deems necessary and advisable, at an estimated cost of $258,200,000.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized to mitigate fish and wildlife habitat losses resulting from the construction authorized in subsection (a) by purchasing at full federal expense such lands in the vicinity of Glenwood Bend on the Ohio River, as the Chief of Engineers deems to be necessary and advisable to offset those losses. The Secretary of the Army is further authorized to transfer all rights to the land to the State of West Virginia for operation and maintenance in accordance with a mutually acceptable management plan.

SEC. 4. The navigation improvements authorized by Sections 2 and 3 of this Act shall be subject to such conditions as the Chief of Engineers determines to be necessary to protect the relevant environment or to minimize injury thereto. Prior to initiation of any such work, the Chief of Engineers shall submit to Congress final environmental impact statements for such improvements demonstrating compliance, as determined by the Chief of Engineers, with the National Environmental Policy Act of 1969, the Clean Water Act, the Fish and Wildlife Coordination Act and other statutory requirements as determined to be pertinent by the Chief of Engineers. Each such statement shall be submitted to Congress within 12 months of the date of the completion of the draft environmental impact statement, which draft EIS shall, in turn, be completed on an expedited basis, subject to timetables and other requirements determined by the Chief of Engineers to be necessary and reasonable, but not later than 24 months after the date of initiation of each study. Other federal agency heads having responsibilities therewith and the Governors of the affected States shall provide such data and comment as they deem appropriate in accordance with such timetables and requirements. The plan of improvement addressed by each such final environmental impact statement shall be undertaken without further action under the National Environmental Policy Act of 1969, and other statutory requirements addressed in the statement unless the Congress disapproves of any such statement by concurrent resolution within sixty calendar days of its receipt of the statement. In the event that Congress does not disapprove such final environmental impact statement by concurrent resolution within such period of time, absence of such Congressional action shall constitute a finding and determination by Congress that the policies, purposes, and requirements of said statutes have been satisfied in connection with the navigation improvement.

SEC. 5. Environmental impact statements for the projects authorized by this Act and actions to carry out such projects and improvements shall not be subject to judicial review under any law except that (a) claims alleging the invalidity of this Act may be brought within sixty days following its enactment; (b) claims alleging the inadequacy of a final environmental impact statement may be brought and maintained prior to a finding and determination by Congress pursuant to Section 4 of this Act; and (c) claims alleging that an action to carry out projects and improvements authorized by this Act will deny rights under the Constitution of the United States, or that such action is beyond the scope of authority conferred by this Act, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States District Court, for a district where the improvement is to be located, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, or any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after the date of the enactment of this Act. Any such proceeding shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such court. Such court shall not have jurisdiction to grant any injunctive relief against any actions pursuant to this Act except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this Act. Any review of an interlocutory or final judgment, decree, or order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

SEC. 6. There are authorized to be appropriated to the Secretary of the Army such sums as are necessary to carry out the purposes of this Act, and the projects authorized by Sections 2 and 3. Pending appropriation of such sums, the Secretary of the Army, acting through the Chief of Engineers, may allot, from existing Department of the Army civil works appropriations, such sums as are necessary for immediate prosecution of advanced engineering and design and other necessary studies for the improvements herein authorized.

[EXHIBIT 1]

FACTSHEET—REPLACEMENT OF LOCK AND DAM 7 AND 8 ON THE MONONGAHELA RIVER

Existing Lock and Dam Numbers 7 and 8 need replacement because they are:

(1) increasingly costly to repair or rebuild;

(2) inefficient for present waterway traffic; and

(3) inadequate for future commerce.

Increasing repair and replacement costs: As these facilities, now over 50 years old, continue to age, they are increasingly subject to breakdowns and maintenance problems. In fact, Lock Number 7 was recently closed for stopgap repairs.

In addition to direct repair costs, traffic delays at the locks—now at the limits of their economic and physical capacity—down time, and lock outages result in expensive delays for barge operators and the recipients of their cargo. Of the traffic on the Monongahela River, 99 percent is coal used in either steel production or electric power generation. Thus, slowdowns and breakdowns in these lock structures affect the steel mills and electric power installations upon which thousands of jobs and the economic vitality of communities in the river valley directly depend. More than 100 communities in the area have steel as their economic base; in addition to those in the steel industry, there are over 12,000 jobs in companies whose existence depends upon the rivers for transportation of raw materials and finished products.

As these replacement projects are delayed, estimated construction costs continue to escalate. In 1976, when both projects were ready for construction appropriations, replacement costs were estimated at $75 million. Since that time, the estimated cost has increased to at least $145 million.

Inadequacy for current waterway traffic: Freight traffic through these locks has increased from 627.000 tons in 1925 when they opened to 8 million tons in 1968, and is projected to be over 14 million tons in 1990. These projections do not take into account the increased coal mining and synthetic fuels development in the region necessary to meet national energy goals.

Replacement of Lock and Dam Numbers 7 and 8 was part of an overall improvement plan for the Monongahela River. During the 1950's and 1960's, some $80 million was spent to modernize three facilities above these locks and dams—Morgantown, Hilderbrand, and Opekiska—and one below, at Maxwell.

Despite this expenditure of $80 million, the flow of traffic on the Monongahela River has not improved—because of the bottleneck in the middle caused by the aging and inadequately sized structures at Grays Landing and Point Marion. This bottleneck is illustrated graphically in the accompanying diagram.

The replacement projects which were proposed in the 1972 Chief of Engineers report and which would be authorized under the legislation offered by Senator Heinz would result in locks of dimensions sufficient to handle existing and projected river traffic.

Inadequacy for projected waterway traffic: Already the capacity of Lock and Dam Numbers 7 and 8 is strained. As part of the national program of energy independence, the Monongahela River Waterways System can expect to carry vastly increased quantities of coal as mining activities increase and synthetic fuels development proceeds. A large proportion of this coal will likely be transported by barge. To carry eight million tons of coal annually requires 666 barges. By contrast, an equivalent amount carried by rail

requires 79,000 cars and by highway, 319,680 trucks.

In fact, the SRC-2 liquefaction plant is now slated for the Monongahela River in West Virginia just two miles from Point Marion Lock. This facility will use an estimater 11 million tons of coal per year, at least half of which is projected to arrive by barge.

BACKGROUND

Constructed in 1925, Lock and Dam Numbers 7 and 8 measure 56 feet by 360 feet. As the accompanying chronology of events shows, the Army Corps of Engineers has studied the desirability of replacing the existing locks and dams, pursuant to provisions of the Rivers and Harbors Act of 1909. In his report of May 5, 1972, the Chief of Engineers recommended replacing Lock and Dam Number 7 at a new site (Grays Landing) 2.8 miles downstream from the existing site, and replacing Lock Number 8 at the existing site (Point Marion). The report recommended that the new locks be constructed to dimensions of 84 feet by 720 feet to provide adequate facilities for existing and projected navigation. The Secretary of the Army subsequently approved these projects, and the House and Senate Public Works Committees were notified of this approval. In fiscal years 1975, 1976, and 1977, Congress appropriated funds for the Corps to proceed with the advanced engineering and design work on these projects.

Since that time, however, work on these projects has been suspended by the Corps. This suspension is the result of a Federal court opinion rendered in litigation concerning Lock Number 26 on the Mississippi River. Specifically, the court ruled in this case that authorization of lock replacements involving either a change in location or an increase in lock size exceeded the authority granted to the Secretary of the Army under Section 6 of the 1909 Act. As a result of the Lock Number 26 decision, replacement projects for which either a change in location or increase in lock size is contemplated—as in the cases of Lock and Dam Number 7 and Lock Number 8—require specific congressional consideration and authorization. The legislation offered by Senator Heinz would afford the specific congressional authorization required in these two cases.

[EXHIBIT 2]

THE ROLE OF THE PROPOSED GALLIPOLIS LOCKS AND DAM CAPACITY ENLARGEMENT IN SERVING HIGH PRIORITY NATIONAL GOALS, INCLUDING INCREASED COAL EXPORTS

SETTING AND SERVICE

The Gallipolis Locks-and-Dam installation, completed in 1937, is located at mile 279 (below Pittsburgh) just downstream from the mouth of the Kanawha River in West Virginia and about 40 miles upstream from Huntington, West Virginia. A major concentration of chemical plants, deeply dependent on river transportation via the Gallipolis locks, is located in the Kanawha River Valley and on the Ohio River upstream from Gallipolis. Huntington is the principal origin for rail-water coal from southern West Virginia and eastern Kentucky to destinations upstream from Gallipolis. Most of the 14.9 million tons of upbound coal which transited Gallipolis in 1977 originated in the Huntington District. Gallipolis transited an additional 5.6 million tons downbound. This coal is essential to the concentration of electric power stations in the upper and central Ohio Valley and to the steel industry of the Pittsburgh District and Upper Ohio region. In addition, a large part of the petroleum products requirements of the Upper Ohio Basin are met by river transportation from Gulf Coast and Ohio River refineries. The gasoline alone moved via Gallipolis to Kanawha River destinations in 1977 amounted to 28.5 percent of all the gasoline consumed in the State of West Virginia. Gallipolis downbound transits also include large tonnages of finished steel and other materials critical to the regional economy.

The Gallipolis facilities consist of a 600-foot main lock and a 360-foot auxiliary. Every one of the other Ohio River locks from the Pennsylvania border to the Mississippi consists of a 1,200 foot main lock and a 600-foot auxiliary, except for the recently completed Smithland Locks-and-Dam which provides two 1,200-foot locks. Due to their location on a bend of the Ohio, the Gallipolis locks experience an excessively high accident rate, and, because of their advanced age and deteriorated condition, these locks are subject to frequent and prolonged closings for repairs. Most important, because of their small and obsolete dimensions, the Gallipolis locks have become the focus of ever-mounting traffic congestion progressively more injurious to the regional and national economy. Gallipolis has thus become a choke point on the inland transportation system analogous to a poorly-maintained two-lane bridge in a six-lane highway.

The prospects for growing congestion are especially ominous. In 1979, the Gallipolis locks transited about 40 million tons of freight. Average congestion delay time per tow transit exceeded eight hours at a cost, according to industry estimates, approaching $3,000 per transit, or $6,000 if return of empty barges to point of origin is included. Traffic demand is growing rapidly. Three studies prepared entirely independently of each other for the Corps of Engineers, one by CONSAD Research Corporation of Pittsburgh, one by the Battelle Columbus Laboratories, and the other by Robert R. Nathan Associates, yield projections of a 1990 traffic demand in the range of 64.5 to 70.9 million tons. With rising tonnages seeking transit, delay times rise exponentially, and through the 1980's delays will come to be measured in days rather than in hours.

The Upper Ohio Basin is a mature industrial economy. Over generations of time, the structure of the processing and energy industries of this region has evolved on a base of water transportation. Extensive installations are sited and laid out exclusively for receipt and shipment by water, and no feasible alternative routings are available. The adverse impact of congestion at Gallipolis on the region and on the nation's objectives as to productivity, employment and energy will be substantial.

The seriousness of this condition is well expressed in the 1979 Annual Report of the Ohio River Basin Commission which assigns No. 1 priority to the Gallipolis modification:

"The most critical development project recommended was the replacement of the obsolete locks at Gallipolis on the Ohio River since this is now the major bottleneck in the otherwise modernized Ohio River navigation system."

In the light of these considerations, the Huntington District Engineer in his November 1980 report has recommended a plan for modification of the existing Gallipolis locks and dam, consisting of the following elements:

"(1) Rehabilitation of the Gallipolis Dam, Ohio River mile 279.0, Ohio and West Virginia;

"(2) Replacement of the Gallipolis Locks by constructing one 110-foot by 1200-foot lock and one 110-foot by 600-foot lock in a 1.7 mile long canal, landward of the existing locks; and

"(3) Mitigation of fish and wildlife habitat losses resulting from construction of the above facilities by purchasing at full federal cost such lands in the vicinity of Glenwood Bend, Ohio River mile 289.0, as the Chief of Engineers deems to be necessary and advisable to offset those losses."

The District Engineer reports a benefit cost ratio of 9.4 to 1 for the above plan referred to in the Report as Plan B.

THE CONTRIBUTION OF ENLARGED CAPACITY AT GALLIPOLIS TO HIGH PRIORITY NATIONAL OBJECTIVES

With adequate capacity in conformity with the dimensions and capacity of Ohio River projects above and below the Gallipolis site, the Gallipolis facilities can make a major contribution to both the regional and national economy and to the advancement of the national interest in restraint of inflation, increased productivity and employment opportunities, and to strengthening the balance of payments.

The electric power industry of the Upper Ohio Valley provides significant support to national energy security and the U.S. balance of payments. This industry is a large-volume consumer of coal, principally waterborne. Its megawatt capacity provides electric power for homes and industry throughout an extensive marketing area extending to southern Michigan, northern Ohio, western New York State and other northeastern points. Increasing obstruction of coal receipts via Gallipolis will impair the growth potential of this power base and substantially increase its costs, with a corresponding inducement towards greater reliance on energy produced from foreign oil.

The reliance of the steel industry of the Pittsburgh and Upper Ohio Valley districts on these locks is also a critical factor in the productivity of the industry and the welfare of its employees and in the U.S. balance of payments. The industry's costs are directly affected by its dependence on large tonnages of low-volatile metallurgical coal upbound via Gallipolis. In addition, these districts ship millions of tons of finished steel via the Ohio River to Lower Mississippi Valley and Gulf Coast markets in direct competition with growing volumes of Japanese and Common Market steel. The finished steel transits at Gallipolis in 1977 represented an industry revenue of about $472 million and provided thousands of jobs in the region. The bearing on the revitalization of the industry and the U.S. balance of payments is thus very substantial.

THE ROLE OF GALLIPOLIS IN FACILITATING COAL EXPORTS

The outlook for large tonnages of export coal moving via Gallipolis is highly favorable. Coal, both upbound and downbound, at 20.4 million tons in 1977, constituted 54.8 percent of the total 37.2 million-ton Gallipolis traffic volume. The Robert R. Nathan Association projection of 64.5 million tons in 1990 includes a coal movement of 36 million tons, a growth of 76 percent.

The nation is experiencing an unprecedented upsurge in foreign demand for U.S. steam coal in 1980, a development which has generated extremely costly congestion in Atlantic Coast ports. An enormous and continuing increase in this demand between now and the end of the century is authoritatively projected. This prospect has already generated large-scale commitments of capital to movement via the alternative routes of the Mississippi River and the Tennessee-Tombigbee Waterway to ports of the New Orleans area and Mobile.

Recently constructed coal export terminal capacity in the New Orleans area is now 12.5 million tons per year. By 1985, additional capacity now planned and under design will bring the total to 58 million tons a year. Much of this projected expansion is supported by capital commitments and land acquisitions. In addition, the McDuffie coal export terminal of the Alabama State Docks at Mobile is being expanded to an annual capacity of eight million tons. These large commitments of private capital by a variety of interests strongly confirm the expectation of a large volume of waterborne carriage of coal via the Mississippi and the Tennessee-

Tombigbee from interior mining areas to the Gulf for export.

A large portion of this export coal will, of course, originate in the Great Plains states, notably in Wyoming and Montana, and some will originate in southern Illinois. Nevertheless, Ohio Basin coal will inevitably constitute a very large segment. The Gallipolis locks are fully involved in this prospect.

Obviously, because of the shorter distance to the Gulf, coal from the Lower Ohio Basin will have a lower transportation cost to New Orleans. This will be largely offset, however, by lower mine prices in the upper basin above Gallipolis where there are enormous coal reserves in Ohio, West Virginia and Pennsylvania. This price differential is generated in considerable measure by the high and rising demand for lower basin coal for domestic consumption, including large waterborne shipments to Gulf Coast utilities. While a variety of influences such as metallurgical quality and sulphur content affect coal prices, the element of regional demand is a major influence.

Even in the absence of export demand, in 1978 the mine prices of coal were distinctly higher in the Lower than in the Upper Ohio Basin. In three lower basin Kentucky counties near the mouth of the Green River, the average 1978 coal price at the mine, weighted for tonnages shipped, was $22.64 per ton. By contrast, in three upper basin Ohio counties above the Gallipolis site, the average was only $18.01. The differential of $4.63 per ton induced the shipment of several million tons downstream to domestic markets in the Lower Ohio Valley, the Mississippi Valley and on the Gulf Coast.

The $4.63 differential approximates the cost of waterborne carriage between the Upper and Lower Ohio Valley districts. The cost of coal movement on the Ohio River falls in the range of 5.5 to 6.5 mills per ton-mile. At 5.5 mills, the downbound cost for the 720 river miles from Steubenville, Ohio (above Gallipolis), to the mouth of the Green River in the Lower Ohio Valley is $3.96 per ton. At 6.5 mills, the cost is $4.68 per ton. Both of these are close to the $4.63 per ton 1978 price differential and provide a clear explanation of the large downbound movement of coal. The projected huge increase in export demand via New Orleans thus offers every prospect of a major increase in coal movement via the Gallipolis locks over and above that estimated in the above-cited studies. The export demand will inevitably induce higher mine prices in the lower valley, thus increasing the differential and drawing ever-larger tonnages into the downstream domestic and export markets. Considering the enormous reserves of coal above Gallipolis and located within economic hauling distance from the mainstem of the Ohio and commercially navigable tributaries and the fact that the Upper Ohio Valley coal is now comeptitive with downstream mines in Mississippi Valley and Gulf Coast markets, the growth in exports will heighten its competitive position and bring it into a substantial sharing in the export movement.[1]

These observations, of course, rest on the assumption of waterborne transportation cost from the upper to the lower valley which includes the current cost of congestion delays at Gallipolis. As congestion becomes worse, the cost of the waterborne movement will rise and in time defeat the prospect for export coal from the upper basin. The outlook for the export movement thus rests squarely on the prospect for enlarged lockage capacity at Gallipolis. It should be emphasized, also, that the availability of a large volume of coal from above Gallipolis in the lower river and Gulf Coast markets will exercise competitive restraint on prices in the downstream areas, in the Great Plains states and in Illinois, and will thus facilitate exports.

This market expansion is badly needed in the Upper Ohio Basin. There remains a large volume of unemployment in the mining areas. Environmental restrictions are a limiting factor in domestic coal sales. The economic benefits resulting from expansion in the export movement would greatly assist recovery in this still depressed sector of Appalachia.

In sum, the prospect for a large-volume movement of Upper Ohio Basin coal via Gallipolis for export appears very strong. In its bearing on the U.S. balance of payments, it is reinforced by the present movements of coal to electric utilities and, even more directly, by the impact on sales of upper basin steel in domestic downstream and Gulf Coast markets.

In the absence, however, of prompt action towards the provision of adequate capacity at Gallipolis, these prospects will fade. Only if expansion of capacity is completed in time for full participation in the export opportunity and only in the absence of oppressive and discriminatory waterway user charges can these hopeful prospects be fulfilled.

GALLIPOLIS SCHEDULE—STANDARD PROCEDURE

1. Report to Board of Engineers for Rivers and Harbors, May 1981.
2. Chief's Proposed Report and FEIS. To Assistant Secretary of Army for Civil Works (ASA/C.W.) and to State and Agencies, Aug. 1981.
3. Statutory Review Period Ends, Nov. 1981.
4. Chief's Final Report to (ASA/C.W.) Nov. 1981.
5. Report to WRC, Nov. 1981.
6. Chief's Report to Congress, Feb. 1982.
7. Congress Authorizes, 1982–1983.[1]
8. Advanced Engineering and Design Funds Appropriated, 1983–1984.
9. Continued AE&D Funds Appropriated, 1984–1985.
10. Continued AE&D and Land Acquisition Funds Appropriated, 1985–1986.
11. Construction Funds Appropriated, 1986–1987.
12. Construction Funds Appropriated, 1987–1988.
13. Construction Funds Appropriated, 1988–1989.
14. Final Construction Funds Appropriated, 1989–1990. Construction Completed, 1990–1991.

GALLIPOLIS SCHEDULE—FAST TRACK PROCEDURE

1. ORD Report to BERH, March 1981.
2. Congress Authorizes Construction on Basis of DE or ORD Report, April 1981.
3. Appropriation of AE&D Funds, May–June 1981 (FY 1982).
4. C of E Proposed Report and FEIS to ASA/C.W. and to States and Agencies, Aug. 1981.
5. Statutory Review Period Ends, Nov. 1981.
6. Chief's Final Report to ASA/C.W., Nov. 1981.
7. Report to WRC, Nov. 1981.
8. Chief's Report to Congress, Feb. 1982.
9. Appropriation of Continuing AE&D Funds, April 1982 (FY 1983).
10. Appropriation of Continuing AE&D Funds and Land Acquisition Funds, April 1983 (FY 1984).
11. Appropriation of Construction Funds, April 1984 (FY 1985).
12. Appropriation of Construction Funds, April 1985 (FY 1986).
13. Appropriation of Construction Funds, April 1986 (FY 1987).
14. Appropriation of Construction Funds, April 1987 (FY 1988).
15. Construction Completed, 1988.

● Mr. GLENN. Mr. President, I am pleased today to join my colleagues in introducing legislation to replace at the earliest practicable time several problem navigation structures on the Ohio River system.

Specifically, the bill we are proposing would establish a "fast track" authorization process for updated facilities to replace existing bottlenecks at Gallipolis, on the Ohio-West Virginia border, and at the sites of the present locks and dams 7 and 8 in southwest Pennsylvania, on the Monongahela River.

The need for new and larger facilities is apparent at these sites, Mr. President. This is so even under present traffic levels, and all projections are for steep increases in traffic. Indeed, the prospects for growing congestion are ominous at Gallipolis, where, in 1979, the average congestion delay time per tow transit exceeded 8 hours at a cost, according to industry estimates, of $3,000 per transit. You can make that figure double, or $6,000 if return of empty barges to point of origin is included. And three separate and independent studies yield projections of a 1990 traffic demand in the range of 64.5 to 70.9 million tons, compared with about 40 million tons in 1979. At that rate, delays in 1990 could well be measured in days rather than hours.

The problem at Gallipolis is simple. The locks and dam installation was built in 1937. It is old. It malfunctions. It consists of a 600-foot main lock and a 360-foot auxiliary. Every one of the other Ohio River locks from the Pennsylvania border to the confluence with the Mississippi River consists of at least one 1,200-foot main lock and a 600-foot auxiliary. So it is easy to see why the Gallipolis locks, located on a bend of the Ohio, constitute a major choke point in the traffic up and down the river.

In the light of these conditions, the Huntington district engineer, last November, recommended a plan for modification of the existing Gallipolis locks and dam that would provide for one 1,200-foot lock and one 600-foot lock in a 1.7 mile long canal, along with mitigation of fish and wildlife habitat losses that might occur. The district engineer reports a benefit cost ratio of 9.4 to 1 for that plan, referred to in his report as plan B.

Mr. President, a major concentration of chemical plants, the steel industry, the significant electric power industry of the Upper Ohio Valley, and many other industries are highly dependent on the waterborne traffic that transits these locks now. But I would point out that the outlook is quite favorable for large tonnages of export coal moving via Gallipolis. Coal, both upbound and downbound, at 20.4 million tons in 1977, constituted 54.8 percent of the total Gallipolis traffic vol-

[1] According to Bureau of Mines Report on the Reserve Base of U.S. Coals by Sulphur Content, May 1975, 59.7 percent of the Ohio River System Coal Reserves are located upstream of Gallipolis, including a substantially higher percentage of coal above 1.5 percent sulphur content, which is especially suitable for export.

[1] Congress is expected to enact a Water Resources Development Bill in 1981. It rarely enacts such legislation in successive years. 1983 is the earliest probable date for authorization of Gallipolis. Four years have elapsed since authorization of the 1976 Act.

ume. The Robert R. Nathan Association projected 64.5 million tons of traffic in 1990, including a coal movement of 36 million tons, a growth of 76 percent.

Like the two facilities on the Monongahela, this is a replacement project, not dependent on development of traffic. That is already there. There is no difficulty justifying these improvements, even on today's traffic figures.

The legislation being introduced today simply recognizes the need for these facilities and provides for a simplified authorization process that will bypass some of the time-consuming operations now required and permit the Corps of Engineers to proceed directly to the phase I general design memorandum on these facilities, thus speeding their realization by two or three significant years.●

By Mr. HEINZ (for himself, Mr. DURENBERGER, Mr. COHEN, and Mr. BURDICK):

S. 1189. A bill to amend the Social Security Act to provide for a program of block grants for energy and emergency assistance, to establish a trust fund to which receipts form the windfall profit tax may be transferred to pay for such program, and for other purposes; to the Committee on Finance.

ENERGY ASSISTANCE BLOCK GRANT ACT OF 1981

Mr. HEINZ. Mr. President, today I am introducing the Energy Assistance Block Grant Act of 1981 together with Senators DURENBERGER, COHEN, and BURDICK. The formulation of an effective program to deal with the needs of low income families who have extremely high energy costs in relation to income is one of the major challenges before the 97th Congress.

As a Nation, we have committed ourselves to decontrolling the price of oil and gas in order to let the market provide the incentive for energy conservation. But, at the same time, we must fulfill our obligation to people living on low incomes—particularly the low-income elderly who must live within a fixed budget—and provide the aid they need to cope with the skyrocketing costs of energy.

When the Congress passed the windfall profits tax bill in 1980, there was included a specific commitment to use part of the revenues generated to meet the energy needs of the poor, with a priority on aid to the elderly and handicapped, the people who are most severely threatened by extreme temperatures.

Older people and the poor pay far more for energy as a percentage of income than any other group—nearly 30 percent of their incomes compared to 8 percent for the average household. Those who are living on fixed incomes cannot make the substantial financial rearrangements necessary to pay for escalating energy costs nor for the weatherization which would make their homes more energy efficient.

Because of the importance attached to this issue, the Senate Special Committee on Aging, of which I am chairman, held hearings early in this session on the alternatives available to the Congress in designing an energy assistance program for the coming years. Of course, one of the primary alternatives reviewed was the administration's proposal for an energy and emergency assistance block grant, and the administration was ably represented at our hearing by the Honorable David Stockman as well as by HHS Associate Commissioner Linda McMahon. However, the public witnesses before the committee, and these included State officials, aging groups, energy suppliers, and consumers, agreed that numerous changes in the proposed block grant legislation would be highly desirable.

While the administration proposed important and necessary reforms in the current program, such as permitting greater flexibility to the States, ending such inefficient requirements as payments to subsidized housing units, cumbersome vendor agreements which often conflict with State law, unnecessary restrictions on emergency assistance, and cumbersome reporting requirements, the proposal had major deficiencies. In general, these were the lack of coordination between energy assistance payments and the low-income weatherization program—a shortcoming which means Federal dollars are used to pay for unnecessarily wasted energy; the inadequate provisions for targeting program funds to the truly needy, specifically for energy purposes; and inadequate accountability by the States. Witnesses also expressed concern about the level of resources available in the face of continually rising energy costs.

The legislation we are introducing today represents a block grant approach which is, nevertheless, responsive to these legitimate concerns. Like the administration proposal, it establishes an energy assistance block grant, under which States make public a report on their anticipated program for the funds and then proceed to implement it. However, the program implemented by the States will differ in several important respects. It will be targeted to energy assistance; it will include a program of coordinated delivery of weatherization and energy payments under which assistance recipients whose homes have the highest energy savings potential get weatherization first; it will give priority to the elderly, the handicapped, and the neediest; it will assure adequate outreach, equitable treatment for renters and homeowners, equal services for welfare recipient and nonwelfare poor alike; it will insure that benefits paid are related to energy costs as a proportion of income; and it will provide that 90 percent of the funds be used for energy purposes.

In addition, the legislation requires more extensive auditing and reporting, albeit in simple and brief format. Finally, the bill stays within the admittedly inadequate budget ceilings approved by the Senate for fiscal years 1982 and 1983; it authorizes sufficient funds in fiscal year 1984 and fiscal year 1985, when our economy's recovery should be well under way, to make up for about half of energy cost increases and to anticipate the decontrol of natural gas which will occur in January 1985.

Mr. President, we are convinced that these provisions will produce a more effective system for mitigating the impact of high energy costs on the poor because they assure more careful targeting of the reduced funding levels available under our stringent budget limitations.

It is also my hope that we will agree upon a State-by-State distribution formula which puts more of the moneys in areas of severe cold—and extreme heat—and of higher energy prices, thus assuring the diminished budget is used in areas of highest need. And, it is my expectation that the Senate will also enact a significantly larger and more equitably distributed weatherization program than the one proposed for the community development block grant program, as well as one which can be run in conjunction with this program. This week, I joined my distinguished colleague from Connecticut, Senator WEICKER, and other members of the Energy Committee in introducing legislation, the Home Weatherization Act of 1981, to accomplish this end.

Mr. President, this urgent matter will, I hope, be the subject of debate in the Finance Committee in the very near future. I trust my colleagues will consider our proposal and lend us their support. I ask unanimous consent that the text of the Energy Assistance Block Grant Act and an accompanying summary factsheet prepared by my office be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 1189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Assistance Block Grant Act".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) recent increases in the cost of primary energy sources have caused corresponding sharp increases in the cost of home energy;

(2) reliable data projections show that the cost of home energy will continue to climb;

(3) the cost of essential home energy imposes a disproportionately larger burden on fixed-income and lower income households and the rising cost of such energy is beyond the control of such households;

(4) fixed-income and lower income households should be protected from disproportionately adverse effects on their incomes resulting from national energy policy;

(5) adequate home heating is a necessary aspect of shelter and the lack of home heating poses a threat to life, health, or safety;

(6) adequate home cooling is necessary for certain individuals to avoid a threat to life, health, or safety;

(7) low-income households often lack access to energy supplies because of the structure of home energy distribution systems and prevailing credit practices;

(8) assistance to households in meeting the burden of rising energy costs is insufficient from existing State and Federal sources;

(9) households receiving Federal energy assistance should make the best use of Federal funds by increasing the energy-efficiency of their homes and should have priority in State and Federal programs which offer such energy improvements;

(10) Federal grants-in-aid to States for home energy and emergency assistance have been previously authorized, with numerous detailed requirements which the States and localities must meet; and

(11) allowing States substantial flexibility in the use of Federal financial assistance and eliminating many Federal requirements will help ensure a more proper governmental balance in the provision of home energy and emergency assistance and the effective use of resources.

The policy of this Act can be accomplished through consolidation of these related assistance programs into a single grant with minimum general requirements.

ESTABLISHMENT OF GRANTS

SEC. 3. The Social Security Act is amended by adding at the end thereof the following new title:

"TITLE XXI—BLOCK GRANTS FOR ENERGY AND EMERGENCY ASSISTANCE

"PURPOSE OF GRANTS

"SEC. 2101. Grants under this title are to enable States to assist individuals and families most in need, to offset the costs of home energy where the home energy costs are excessive relative to income and, also, to meet emergency income maintenance and related needs.

"ALLOTMENTS

"SEC. 2102. (a) From the amounts appropriated from the Energy and Emergency Assistance Trust Fund for carrying out this title in any fiscal year, the Secretary shall allot to each State for such year—

"(1) an amount which bears the same ratio to 97.13326 percent of the amount appropriated for such fiscal year from such trust fund as the amount available to such State for fiscal year 1981 to continue the low-income energy assistance program (appropriated by Public Law 96–369 and Public Law 96–536) bears to the total of such amounts for all the States, and

"(2) an additional amount which bears the same ratio to 2.86674 percent of the amount appropriated from such trust fund for such fiscal year as such State's reimbursable expenditures for fiscal year 1980 for emergency assistance to needy families with children bears to the total of such expenditures by all the States.

"(b)(1) For purposes of subsection (a)(1), the amount available to a State, and the total amount available to all the States, to continue the low-income energy assistance program for fiscal year 1981 are deemed to include amounts that would have been so paid to a State but for the payment to certain Indian tribal organizations by the Secretary under section 305(g) of the Home Energy Assistance Act of 1980.

"(2) For purposes of subsection (a)(2), the term 'reimbursable expenditures for emergency assistance to needy families with children' means expenditures for emergency assistance to needy families with children, as defined in section 406(e) of this Act, for which claims for reimbursement under section 403(a)(5) of this Act (as such sections existed prior to their repeal by the Energy Assistance Block Grant Act) have been filed by the State prior to July 1, 1981, and with respect to which the Secretary, prior to September 1, 1981, has determined (solely for purposes of the allotments under this section) that payment should be made or it is likely that payment should be made to the State under section 403(a)(5) of this Act. The determination of the Secretary referred to in this paragraph shall not be reviewable by any court.

"PAYMENTS TO STATES

"SEC. 2103. (a) The Secretary shall make payments in accordance with section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213) to each State from its allotment under section 2102 for use under this title.

"(b) Payments to a State from its allotment for any fiscal year must be obligated by the State in such fiscal year or in the succeeding fiscal year, and amounts so obligated must be expended by the State in the fiscal year in which they were obligated or the succeeding fiscal year.

"(c) A State may transfer up to 10 percent of its allotment under section 2102 for any fiscal year for its use for that year under other provisions of Federal law providing block grants for support of health services, health promotion and disease prevention activities, or social services (or any combination of those activities). Amounts allotted to a State under any provisions of Federal law referred to in the preceding sentence and transferred by a State for use in carrying out the purposes of this title shall be treated as if they were paid to the State under this title but shall not affect the computation of the State's allotment under this title. The State shall inform the Secretary of any such transfer of funds.

"(d)(1) A State may use a portion of the amounts described in subsection (a) for the purpose of purchasing technical assistance from public or private entities if the State determines that such assistance is required in developing, implementing, or administering activities funded under this title.

"(2) In using payments received under this title, a State may consider the use of community organizations of demonstrated effectiveness.

"(e)(1) If the Secretary finds that a State has failed (or is likely to fail) in any fiscal year to pay to an Indian tribal organization described in paragraph (2) an amount at least equal to the amount established by paragraph (3), the Secretary may reduce that State's allotment under section 2102 by the difference between the amount that the State has paid to that tribal organization for that year and such established amount. In any such case, the Secretary may pay all or any portion of that difference to that tribal organization to be expended by it for the purposes of this title. The provisions of this title apply to any such tribal organization and to any payments made to it hereunder, except to the extent that the Secretary prescribes different or additional rules (consistent with the purposes of this title) with respect to application for or expenditure of such payments.

"(2) An Indian tribal organization is eligible for a payment under the preceding paragraph if it received payments from the Secretary for the low-income energy assistance program for fiscal year 1981 from amounts that would otherwise have been available to a State.

"(3) The amount referred to in paragraph (1) is that amount which bears the same ratio to the allotment under section 2102 of the State in which an Indian tribal organization is located (as determined by the Secretary) as the amount that the Secretary paid that Indian tribal organization for low-income energy assistance for fiscal year 1981 bore to the allotment of that State for that purpose in that year.

"(4) The Secretary shall return to the allotment from which it was derived any amount that remains available to the Secretary for obligation after he has made to an Indian tribal organization such payments authorized by this subsection as he deems appropriate.

"STATE ADMINISTRATION

"SEC. 2104. (a) A grant shall be made to a State under this title upon notice by the chief executive of the State to the Secretary that a State report on the intended use of the funds allotted under section 2102 in accordance with the purposes of this title has been completed and published after public hearings. The public hearings shall cover the use and distribution of the funds, and provide an opportunity for all affected interests to be heard. Each such report shall—

"(1) include a program of coordinated delivery of weatherization and energy assistance which includes—

"(A) the delivery of services by local agencies and experienced personnel which can provide both the delivery of the weatherization and the energy assistance programs; and

"(B) the identification of recipients of assistance whose residences have the highest energy savings potential and the giving of priority to such recipients in weatherization projects;

"(2) provide assurances that priority will be given to the elderly, the handicapped, and the individuals in the State who are neediest by virtue of having the lowest incomes and the highest energy costs in relation to income;

"(3) provide that outreach activities will be conducted through the use of voluntary and community organizations throughout the State;

"(4) provide assurance that (A) individuals and families who are eligible to receive assistance based on income eligibility under Federal law will not be treated differently from individuals and families who are not so eligible, and (B) renters will be treated the same as homeowners;

"(5) provide that benefits be related to home energy costs in relation to income; and

"(6) provide that no benefits shall go to households with incomes higher than the lower living standard income level or 125 percent of the poverty level, whichever is higher.

"(b) If a State includes program purposes under subsection (a) of this section not consistent with the purpose of this title the State must show reasonable cause for such purposes.

"(c) In addition to expenditures by the State for the purposes described in section 2101, the State may use so much of the amount allotted to it, but not to exceed more than 10 percent in any fiscal year, as may be necessary for the costs of administration of the grants made under this title, including local administrative costs. Such administrative costs may include the cost of planning, operating, evaluating, and conducting fiscal and substantive reviews of the program supported by grants under this title.

"LIMITATIONS OF USE OF GRANTS

"SEC. 2105. (a) The State must spend not less than 90 per centum of its allotment for any fiscal year for home energy assistance.

"(b) Except as provided in subsection (c), grants made under this title may not be used by the State, or by any other person with which the State makes arrangements to carry out the purposes of this title, for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other minor energy or emergency related home repairs) of any building or other facility.

"(c) The Secretary may waive the limitation contained in subsection (b) upon the State's request for such a waiver if he finds that the request describes extraordinary circumstances to justify the purchase of land or the construction of facilities (or the making of permanent improvements) and that permitting the waiver will contribute to the State's ability to carry out the purposes of this title.

"REPORTS; AUDITS AND EVALUATIONS

"SEC. 2106. (a) Each State shall submit reports required by the Secretary on its ex-

penditure of payments for each fiscal year. The reports will be in the form and contain information specified by the Secretary to secure a description of the State's activities. Each report shall cover matters such as the amounts and types of assistance furnished and the numbers and characteristics of individuals and families assisted. The Secretary shall require only that information absolutely necessary to determine whether or not the purposes of this title have been carried out.

"(b) Each State shall, for each fiscal year, audit its expenditures from amounts received under this title. Within one hundred and twenty days following the end of that fiscal year, the chief executive officer of the State shall submit a copy of that audit to the legislature of the State and to the Secretary. The Secretary may also audit those expenditures with respect to any State for any fiscal year. Each audit shall be conducted in accordance with generally accepted audit standards. The State shall repay to the United States amounts found not to have been expended in accordance with this title or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this title.

"(c) The Comptroller General of the United States shall, from time to time, evaluate the expenditures by States of grants under this title in order to assure that expenditures are consistent with its provisions and to determine their effectiveness in accomplishing the purposes of this title.

"INCOME DISREGARD

"SEC. 2107. Notwithstanding any other provision of law, the amount of any home energy assistance payments or allowances provided to an eligible household under this title shall not be considered income or resources of such household (of any member thereof) for any purpose under any Federal or State law, including any law relating to taxation, public assistance, or welfare program.

"NONDISCRIMINATION PROVISIONS

"SEC. 2108. (a) No person shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

"(b) Whenever the Secretary determines that a State that has received a payment under this title has failed to comply with subsection (a) of this section or an applicable regulation, he shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to (1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted, (2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable, or (3) take such other action as may be provided by law.

"(c) When a matter is referred to the Attorney General pursuant to subsection (b) of this section, or whenever he has reason to believe that the State is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"DEFINITIONS

"SEC. 2109. As used in this title—

"(1) The term 'lower living standard income level' means the income level (adjusted for regional, metropolitan, and nonmetropolitan differences and family size) determined annually by the Secretary of Labor based upon the most recent 'lower living standard family budget' issued by the Secretary of Labor.

"(2) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

ESTABLISHMENT OF ENERGY ASSISTANCE TRUST FUND

SEC. 4. (a) There is established in the Treasury of the United States a trust fund to be known as the "Energy Assistance Trust Fund" (hereinafter in this section referred to as the "Trust Fund"), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section.

(b) There is hereby appropriated to the Trust Fund out of amounts received in the Treasury under section 4986 of the Internal Revenue Code of 1954, an amount equal to—

(1) $1,398,800,000 for each of the fiscal years 1982 and 1983,

(2) $2,000,000,000 for fiscal year 1984, and

(3) $2,400,000,000 for fiscal year 1985.

(c)(1) It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and to report to the Congress each fiscal year ending on or after September 30, 1983, and before October 1, 1986, on the financial conditions and the results of the operations of the Trust Fund during the preceding fiscal year. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2)(A) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired (i) on original issue at the issue price, or (ii) by purchase of outstanding obligations at the market price.

(B) Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(C) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(D) Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures under title XXI of the Social Security Act.

REPEALS

SEC. 5. The provisions of—

(1) the Home Energy Assistance Act of 1980;

(2) sections 403(a)(5) and 406(e) of the Social Security Act; and

(3) section 222(a)(5) of the Economic Opportunity Act of 1964;

are repealed.

EFFECTIVE DATE

SEC. 6. The provisions of this Act shall become effective October 1, 1981.

SUMMARY OF THE ENERGY ASSISTANCE BLOCK GRANT ACT OF 1981

Purposes: Offset rising home energy bills of the poor where these are excessive relative to household income, meet emergency income maintenance and related needs.

Allotments: This section sets forth the state-by-state distribution formula, which is the same as that proposed by the Administration: 97 percent the FY 1981 Low Income Energy Assistance Program formula, 3 percent the AFDC emergency assistance distribution formula for FY 1981.

Payments: Establishes a prompt payment and disbursement method. Provides that states may carry over unspent funds for one fiscal year. Permits states to use up to 10 percent of allotment for the purposes of the health or social services block grants. Provides for use of contractors. Provides for payments to Indian tribal organizations at Secretary's discretion, if state fails to pay amounts proportioned to those received in FY 1981.

All these provisions are consistent with the Administration proposal.

State administration: This section deals with the manner in which states initiate and design their programs.

It provides that the state shall publish a report on how it intends to use its grant consistent with the purposes of the Act. This report must be developed after full public hearings in the state. If part or all of its use of the grant is inconsistent with some of the purposes of the Act, it shall show cause why such inconsistencies are necessary for efficient implementation of the program's purposes.

Certain priorities and program elements are to be included in the state report. These are:

(1) coordinated delivery of energy assistance and weatherization services through use of the same local agencies and by giving priority in weatherization to assistance recipients whose homes have the highest energy saving potential.

(2) priority to the elderly, the handicapped and the neediest.

(3) outreach programs to be conducted by voluntary and community organizations.

(4) equitable treatment of welfare and non-welfare recipients and of renters and homeowners.

(5) a relationship between benefits and home energy costs in relation to income.

(6) BLS Lower Living Standard or 125 percent poverty level whichever is higher, to be the maximum eligible income.

(7) A 10 percent limit on state administrative costs.

Upon publication of its report, a state shall receive its grant (i.e., there is no approval/disapproval mechanism).

Limitation on use of grants:

States must spend at least 90 percent of their allotment on energy assistance.

Unless there is a Secretarial waiver, funds may not be used for construction or permanent improvements (except low-cost weatherization). This is the Administration's provision.

Reports audits and evaluations:

Each state shall make an Annual Report on its expenditures containing what the Secretary defines as the absolute minimum information necessary to determine whether the purposes of this Act have been carried out.

States shall perform audits each year and the Secretary may audit the State audits.

GAO will periodically conduct its own audit.

Income disregard: Benefits are not to be considered income for Federal or State programs including income taxes, or welfare.

Non-discrimination provisions: Reiterates protections under Civil Rights Acts, Age Discrimination Act of 1975 and rehabilitation Act of 1973 and provides that the Secretary may, upon finding a violation in a recipient state, request the Governor to secure compliance and failing such compliance, refer the matter to the Attorney General for possible action.

Energy Assistance Trust Fund: is established to pay for this program from the proceeds of the oil windfall profits tax. $1.4 billion is appropriated to the fund for FY 1982 and 1983; $2.0 billion is appropriated for FY 1984 and $2.4 billion for 1985 to offset part of

the rise in energy costs since 1981 as well as the anticipated decontrol of natural gas prices.

By Mr. LONG (for himself, Mr. MATSUNAGA and Mr. DURENBERGER):

S. 1190. A bill to amend the Internal Revenue Code of 1954 with respect to the application of the credit for producing fuel from a nonconventional fuel to solid fuel pellets made from biomass, and for other purposes.

TAX CREDIT FOR FUEL PRODUCED FROM BIOMASS

Mr. LONG. Mr. President, I, along with Senators MATSUNAGA and DURENBERGER, am introducing a bill to include fuel produced from biomass sources in the alternative fuel production tax credit. The credit was part of the energy conservation and production incentives contained in the Windfall Profit Tax Act of 1979. The Senate approved this tax credit to encourage the production of fuel from alternative sources. This provision provided for a $3 tax credit for the production of qualifying processed fuel from solid wood.

The discussion in the Finance Committee and on the Senate floor clearly indicated the intent to include fuel processed from other biomass fibers in the list of alternative sources eligible for this credit. Unfortunately, the language in the final version of the bill, which is now public law, limits the full benefit of the law by restricting the credit to fuel made from wood and wood wastes.

Wood and wood wastes are one type of biomass material. Biomass is essentially any organic fibrous waste. The tax credit is restricted to fuel pellets made from wood or forest and lumber mill waste products.

It seems that we might better serve the purpose of saving our conventional, nonrenewable energy resources by extending the $3 tax credit to include other biomass materials which can be successfully processed into fuel. A few useful examples of biomass materials not eligible for the credit, but which can be used to produce an alternative fuel are bagasse—sugarcane residue—peat, rye grass, straw, peanut shells, rice hulls, and sewer sludge. Our continued dependence on foreign energy sources dictates that we not ignore this additional source of energy production right here in the United States.

Mr. President, by extending the production tax credit to fuel from other biomass sources, as well as wood, this bill only completes the job we began 2 years ago. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SECTION 44D CREDIT FOR SOLID BIOMASS FUEL PELLETS.

(a) BIOMASS FUEL PELLETS TREATED AS QUALIFIED FUEL.—Paragraph (1) of section 44D(c) of the Internal Revenue Code of 1954 (relating to general definition of qualified fuels) is amended—

(1) by striking out "and" at the end of subparagraph (D),

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof a comma and the word "and", and

(3) by adding at the end thereof the following new subparagraph:

"(F) qualifying fuel pellets produced from biomass.".

(b) DEFINITION; SPECIAL RULES.—

(1) DEFINITION.—Subsection (c) of section 44D of such Code (relating to definition of qualified fuels) is amended by adding at the end thereof the following new paragraph:

"(6) QUALIFYING FUEL PELLETS FROM BIOMASS.—

"(A) IN GENERAL.—The term 'qualifying fuel pellets from biomass' means any solid fuel in pellet form produced from biomass (other than wood or wood products) which has a Btu content per unit of volume or weight, determined without regard to any nonbiomass elements, which is at least 40 percent greater per unit of volume or weight than the Btu content of the biomass from which it is produced. The determination of Btu content shall be made immediately before processing, and, in the case of such fuel produced from bagasse, after sugar extraction and before drying.

"(B) ELECTION.—A taxpayer shall make an election, the same as the election described in paragraph (4)(B), with respect to the determination of Btu content for purposes of this paragraph.

"(C) USE BY TAXPAYER.—

"(i) IN GENERAL.—The use by the taxpayer in his trade or business of qualifying fuel pellets from biomass shall be treated as a sale by the taxpayer to an unrelated person on the date of use.

"(ii) USE AS STEAM.—If the taxpayer produces steam described in paragraph (1)(E) as a result of such use, the taxpayer shall elect, at such time and in such manner as the Secretary may prescribe, to claim the credit allowed by subsection (a) with respect to such steam or with respect to the qualifying fuel pellets from biomass so used, but not both, with respect to such use.".

(c) FIRST 3 YEARS OF PRODUCTION TO QUALIFY.—Paragraph (5) of section 44D(d) of such Code (relating to application of phaseout) is amended—

(1) by striking out "or steam from solid agricultural products" in the caption of such paragraph and inserting in lieu thereof the following: ", steam from solid agricultural byproduct, or qualifying fuel pellets from biomass",

(2) by striking out "or" at the end of subparagraph (A),

(3) by inserting "or" at the end of subparagraph (B), and

(4) by inserting immediately after subparagraph (P) the following new subparagraph:

"(C) qualifying fuel pellets from biomass,".

(d) APPLICATION OF SECTION.—Subsection (f) of section 44D of such Code (relating to application of section) is amended—

(1) by striking out "paragraph (2)" in paragraph (1) and inserting in lieu thereof "paragraphs (2) and (3)"; and

(2) by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULES FOR QUALIFYING FUEL PELLET FACILITIES.—In the case of qualifying fuel pellets from biomass, this section shall apply only with respect to such pellets which are—

"(A) produced in a facility—

"(i) placed in service after December 31, 1979, and before October 1, 1983, or

"(ii) with respect to which the taxpayer was obligated for the construction of such facility under a contract which, on September 30, 1983, was binding on all parties, and

"(B) sold before January 1, 1990.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years ending after December 31, 1979.

SEC. 2. EXTENSION OF TIME FOR START UP OF WOOD FUEL FACILITIES.

Clause (i) of section 44D(f)(2)(A) of the Internal Revenue Code of 1954 (relating to application of section to processed wood fuel facilities) is amended by striking out "January 1, 1982" and inserting in lieu thereof "October 1, 1983".

ADDITIONAL COSPONSORS

S. 141

At the request of Mr. BENTSEN, the Senator from Maine (Mr. MITCHELL), the Senator from Colorado (Mr. ARMSTRONG), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S. 141, a bill relating to tax treatment of qualified dividend reinvestment plans.

S. 142

At the request of Mr. BENTSEN, the Senator from Delaware (Mr. BIDEN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 142, a bill to increase the amount of the exemption of certain interest and dividend income from taxation, and to make permanent the exemption of interest from taxation.

S. 170

At the request of Mr. PACKWOOD, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 170, a bill to amend the Internal Revenue Code of 1954 to allow the charitable deduction to taxpayers whether or not they itemize their personal deductions.

S. 441

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 441, a bill to provide limited assistance by the armed services civilian drug enforcement agencies.

S. 528

At the request of Mr. JOHNSTON, the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 528, a bill to establish reasonable limits on the power of courts of the United States in the imposition of injunctive relief in suits to protect the constitutional rights of individuals in public education and to authorize the Attorney General to institute suits to enforce such limits.

S. 606

At the request of Mr. DOMENICI, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 606, a bill to establish in the Department of State a Bureau of North American Affairs, and for other purposes.

S. 653

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 653, a bill to amend title 28 of the United States Code to modify habeas corpus procedures.

S. 732

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 732, a bill to insure the confidentiality of information filed by individual taxpayers with the Internal Revenue Service pursuant to the Internal Revenue Code and, at the same time, to insure the effective enforcement of Federal and State criminal laws and the effective administration of justice.

S. 814

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 814, a bill to improve the administration of criminal justice with respect to organized crime and the use of violence.

S. 872

At the request of Mr. CHAFEE, the Senator from Tennessee (Mr. SASSER), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsor's of S. 872, a bill to amend title 38, United States Code, to extend the period of Vietnam-era veterans' eligibility for readjustment counseling and related mental health services.

S. 873

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 873, a bill to strengthen Federal programs and policies for combating international and domestic terrorism.

S. 939

At the request of Mr. EAGLETON, the Senator from Pennsylvania (Mr. HEINZ), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Maryland (Mr. SARBANES), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 939, a bill to authorize appropriations for the Legal Services Corporation for fiscal years 1982, 1983, and 1984, and to encourage the use of private attorneys in the provision of legal services under that act, and for other purposes.

S. 953

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 953, a bill to create a program to combat violent crime in the United States, and for other purposes.

S. 954

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 954, a bill to amend title 18 and the Omnibus Crime Control and Safe Streets Act of 1974 and for other purposes.

S. 1072

At the request of Mr. BOREN, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 1072, a bill to amend the Internal Revenue Code of 1954 to provide an exclusion from gross income of interest earned on qualified housing savings certificates.

S. 1163

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 1163, a bill to increase the penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employees benefit plans, and to clarify certain responsibilities of the Department of Labor.

SENATE JOINT RESOLUTION 29

At the request of Mr. HEINZ, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of Senate Joint Resolution 29, a joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with the first Sunday in June of each year as "National Garden Week."

SENATE JOINT RESOLUTION 76

At the request of Mr. RANDOLPH, the Senator from Arkansas (Mr. BUMPERS), the Senator from California (Mr. CRANSTON), the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Sentor from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. DIXON), the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Michigan (Mr. LEVIN), the Senator from Montana (Mr. MELCHER), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Maryland (Mr. SARBANES), the Senator from Ohio (Mr. METZENBAUM), the Senator from Tennessee (Mr. SASSER), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of Senate Joint Resolution 76, a joint resolution providing for the commemoration of the 100th anniversary of the birth of Franklin Delano Roosevelt.

SENATE CONCURRENT RESOLUTION 13

At the request of Mr. DOMENICI, the Senator from Florida (Mr. CHILES) was added as a cosponsor of Senate Concurrent Resolution 13, a concurrent resolution expressing the sense of the Congress with respect to an international agreement establishing a North American Commission for Cooperation and Development.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. HEINZ, the Senator from North Carolina (Mr. EAST) was added as a cosponsor of Senate Concurrent Resolution 14, a concurrent resolution expressing support for a further extension of our footwear orderly marketing agreements with Taiwan and Korea.

SENATE RESOLUTION 111

At the request of Mr. LEAHY, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Resolution 111, a resolution entitled "The Infant Nutrition Resolution."

SENATE RESOLUTION 116

At the request of Mr. LONG, the Senator from Oregon (Mr. HATFIELD), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of Senate Resolution 116, a resolution to urge the Civil Aeronautics Board to refrain from extraordinary action with regard to the proposed merger between Texas International Airlines and Continental Airlines.

UP AMENDMENT NO. 105

At the request of Mr. NUNN, the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Arkansas (Mr. BUMPERS), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of UP Amendment No. 105 proposed to S. 815, a bill to authorize appropriations for fiscal year 1982, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, for research, development, test, and evaluation, and for operation and maintenance for the Armed Forces, to prescribe the authorized personnel strength for each active duty component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, and for other purposes.

NOTICES OF HEARINGS

SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Labor Subcommittee of the Labor and Human Resources Committee will hold 2 days of legislative hearings on the Longshoremen's and Harbor Workers' Compensation Act on June 9 and 10. The hearings will begin at 9:30 a.m. in room 4232 of the Dirksen Senate Office Building. Members of the public wishing to testify should submit a written request as soon as possible.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, of which I am chairman, will conduct hearings on the special prosecutor provisions of the Ethics in Government Act of 1978 on May 20, at 9:30 a.m. in 4221 Dirksen Senate Office Building and on May 22, at 9:30 a.m. in 3302 Dirksen Senate Office Building.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public field hearing before the Subcommittee on Public Lands and Reserved Water. The hearing will be held in anticipation of legislation with regard to the U.S. Forest Service and other wilderness proposals for the Taylor-Hilgard, Mt. Henry, and West Pioneer Study Areas, plus the Spanish Peaks Primitive Area; management considerations for the Monument Mountain Area to enhance wildlife habitat for grizzly bear and elk, and foster recreational uses; and the examination of proposed land exchanges in the Taylor-Hilgard between the Forest Service and the Burlington Northern, Inc.

The hearing is scheduled for Thursday, May 23, 1981, beginning at 9 a.m. in the Student Union Ballroom at Montana State University in Bozeman, Mont.

Those wishing to testify or who wish to submit written statements for the hearing record should write to Mrs. Gwen Blacker, office of Senator MELCHER, Federal Building, 301 South Park, Helena, Mont. 59626, or to the Subcommittee on Public Lands and Reserved Water, Senate Committee on Energy and Natural Resources, room 3104 Dirksen Senate Office Building, Washington, D.C. 20510, attention: Mr. Tony Bevinetto. All requests to testify must be received by close of business on Tuesday, May 26. Due to the number of requests that are anticipated, written statements to be submitted for the hearing record are encouraged. Any oral statements should be summarized and limited to 5-to-10 minute presentation.

For further information regarding the hearing, you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 202–224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate today for the purpose of marking up foreign aid legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NOMINATION OF JOHN B. CROWELL TO BE ASSISTANT SECRETARY OF NATURAL RESOURCES AND ENVIRONMENT

Mr. LEAHY. Mr. President, the Senate's responsibility to exercise its advise and consent scrutiny of executive nominations is a major underpinning of our constitutional framework and balance. To foist a nominee of dubious merit and tainted background upon this Nation serves to corrupt a most critical responsibility of this chamber in the operation of the Federal Government.

Senate confirmation of Mr. John B. Crowell to be Assistant Secretary of Natural Resources and the Environment at the Department of Agriculture (USDA), without further hearings, would be a serious mistake and a breach of our compact with the American public.

Mr. President, John Crowell's philosophy on the management of our national forests and other important environmental issues is, in my opinion, disasterous. However, although any Senator is free to vote against the nominee for this reason, my concerns with this nomination go far beyond a philosophical point.

Serious allegations regarding Mr. Crowell's role in and knowledge of the illegal, anticompetitive practices of his former employers trouble me most.

This statement is intended to lay before the Senate and the public those facts which lead me to believe that John Crowell is unfit for the job to which he has been nominated. Absent further hearings, on the public record, to investigate these allegations my conscience and responsibility to Vermont and the Nation compel me to oppose his appointment.

I have discussed my concerns with Mr. Crowell directly. That discussion and his vague defense raises even more questions.

So much public controversy now surrounds his appointment that it would only be fair to Mr. Crowell if a hearing were convened where he could defend himself, on the public record, against his detractors. I have requested such a hearing. Unfortunately, there has not been a response to my request.

Mr. President, on March 31, 1981, the Agriculture, Nutrition and Forestry Committee held a brief oversight hearing on Mr. Crowell's nomination. One day later, April 1, the committee reported Mr. Crowell to the Senate en bloc with two other nominees, on a voice vote, and with the minimum number of Senators present to constitute a quorum.

Since then, allegations have arisen regarding Mr. Crowell's involvement in and knowledge of serious antitrust violations by Ketchikan Pulp Co. (KPC) (Reid Brothers Logging Co. against Ketchikan Pulp Co., and Alaska Lumber and Pulp Corp.).

Mr. Crowell was not only general counsel to Louisiana-Pacific (LP), a named coconspirator in the case and owner of KPC, but also served and continues to serve as an assistant secretary of KPC. As the documents submitted with this statement indicate, Mr. Crowell was also aware of and active in many of the transactions in the anticompetitive activities of KPC and LP which a Seattle Federal court found violated the Sherman and Clayton Antitrust Acts.

Mr. President, Mr. Crowell's failure to disclose his current positions as assistant secretary to KPC, the Fiber Board Corp., and other subsidiaries of LP in his financial disclosure statements to the committee is very troublesome. This apparent violation of the Ethics Act should cause some skepticism among even his most ardent supporters. Unfortunately, the depth of his involvement in and knowledge of the illegal activities of KPC goes much, much further than this.

Mr. President, from 1959 to 1972, John Crowell was an attorney for the Georgia-Pacific Corp. (GP), a major timber company. In 1972, Louisiana-Pacific (LP) was formed as a result of antitrust action against GP. Mr. Crowell was subsequently made general counsel of LP (now called Louisiana-Pacific-Ketchikan).

In 1976, the Reid Bros. Logging Co. in Alaska filed suit against Ketchikan Pulp Co., a subsidiary of LP. Their suit alleged that KPC and the Alaska Lumber and Pulp Co. (ALP) had conspired to violate numerous provisions of Federal antitrust law in their bidding practices and logging operations in southeast Alaska's Tongass National Forest between the early 1960's and 1875. These two firms have held great natural advantages over smaller loggers in Tongass due to their 50-year leases with the Forest Service, which guarantee them vast timber supplies. Over the past two decades KPC and ALP have bought out or gained control of virtually every logging operation in Tongass.

On March 5, 1981, a Seattle Federal District Court gave oral findings of "overwhelming" evidence of monopolistic practices by KPC and ALP in the Tongass National Forest—transcript of oral findings available on April 3, 1981. Without knowledge of this conviction, or its implications for John Crowell, the committee approved his nomination by a voice vote on April 1, 1981.

On April 3, 1981, in its proposed findings of fact and conclusion of law, the Seattle Federal Court ruled against KPC and ALP having found them guilty in a prima facie case of monopolistic, anticompetitive and price rigging practices.

Aside from the fact that the court found GP and LP to be coconspirators in the case, other more serious rulings of the court lay bare the dubious wisdom found in confirming this man to be the head of our national forests.

The court also found overwhelming evidence that:

KPC and ALP conspired to restrain and monopolize trade in Tongass National Forest, and they vigorously exercised that monopoly.

KPC and ALP eliminated competition by systematically acquiring ownership or control of independent saw mills in southeast Alaska.

KPC and ALP used fronts and controlled companies and subsidiaries to carry out their conspiracy.

Mr. President, in a May 5, 1981 letter to Senator HELMS, Mr. Crowell claims that the full extent of his involvement in the Reid case was to recommend counsel for KPC's defense. He claims that, "beyond that, I have never been involved in the remotest way with any of the occurrences, negotiations or contracts out of which the plaintiffs claims allegedly arose."

His letter to Senator HELMS dutifully reports that all the facts of the Reid case occurred by late 1973. This could be just an honest mistake. However, his failure to mention his assistant secretary position at KPC, and much more importantly, his direct involvement in and knowledge of KPC's and LP's daily business practices, major policy decisions, and actions relevant to the Reid case seems intentionally misleading, to say the least.

Documents have been found in the discovery process of the Reid case which directly link Mr. Crowell to the material facts upon which the court based its findings against KPC and named LP as a coconspirator.

A Forest Service review of Mr. Crowell's appearance in the 14,000 pages of discovery documents and trial exhibits entered in the Reid case has been requested by Senator KENNEDY. A partial completion of this review has turned up some very interesting documents.

Mr. President, I should note at this point that we are lucky to have these documents at all. Fire erupted in the LP–KPC records room just previous to the discovery process. Fortunately, the blaze was extinguished before these vital records were destroyed.

Mr. President, before voting on the Crowell nomination, Senators should take the time to read one such document which implicates Mr. Crowell in the collusive, illegal and monopolistic practices of KPC and ALP. This is a May 2, 1973, memorandum from Mr. Murdey, an executive of KPC to Mr. Crowell, then general counsel of LP. I ask unanimous consent that this document be made a part of the RECORD immediately following my remarks.

The memorandum describes a meeting between LP executives and those of ALP. It shows that John Crowell was aware that on critical matters of log supply KPC and ALP were cooperative venturers. Particularly significant is the line, "My concern is that I don't feel anything will be gained if Kramer starts the ball rolling in D.C. unless it is under your direction. This he agrees with."

This memorandum indicates that John Crowell was in a position of joint leadership and advocacy for the acts to monopolize by the two companies. Certainly

Mr. Murdey believed Mr. Crowell to be the central figure in these activities.

This memorandum played an important role in establishing the courts finding that ALP and KPC conspired to restrain and monopolize trade in the Tongass National Forest.

Mr. President, another equally damaging document implicating Mr. Crowell in this affair is a memorandum written by him as general counsel of LP to Mr. Merlo an LP executive.

In the April 14, 1975 memorandum, Mr. Crowell plainly states his advice that KPC should use its subsidiary, Anette Timber Co. (ATC), to gain access to timber reserved to smaller loggers under the SBA's timber set-aside program—It should be noted that ATC was an independent operator until KPC gained control over it. This action by KPC was found by the court to be material evidence of KPC's illegal activities and its use of fronts to carry out the KPC–ATP conspiracy.

As John Crowell makes clear in his memorandum to Mr. Merlo, he plainly knew of and advocated KPC's use of ATC as a front company. This was done to serve LP's purposes and thwarted the intent of the SBA small timber set-aside program. The use of fronts for this purpose was a major finding of antitrust violations in the Reid case.

Whether it is also consistent with his view is a real issue. Consider his April 20, 1979 statement to the Forestry Subcommittee of the House Agriculture Committee:

> Consequently, Louisiana-Pacific, disadvantaged as it was by the workings of the small business timber set-aside program, is willing to support any means by which the impacts of the present timber set-aside program on our options can be reduced.

John Crowell was representing LP and its subsidiary KPC when he made this statement.

Mr. President, any fair reading of his statements confirms his knowledge of and participation in the takeover or control by LP of several smaller logging operations in southeast Alaska. These include ATC and the Schnabel Lumber Co. Both of these actions were material facts in the court's findings that KPC illegally eliminated competition by systematically acquiring ownership or control of independent sawmills and logging operations in southeast Alaska.

I would like to hear Mr. Crowell respond to these charges on the record. But without a hearing, that is impossible.

Mr. President, there can be no doubt that Mr. Crowell was directly involved in and knowledgeable of the daily business practices of KPC. He has acknowledged negotiating a multimillion-dollar agreement between KPC and the Environmental Protection Agency, preparing contracts for the sale of KPC cants to Japanese buyers, and negotiating chemical supply contracts for KPC.

Mr. President, to believe that someone as involved in KPC's business practices as Mr. Crowell was, and who considered himself the "in house savant" on antitrust matters for LP, was totally unaware of and uninvolved in KPC's monopolistic practices stretches credulity beyond the limits of reason.

It should be borne in mind, Mr. President, that the two documents I have discussed reflect only a partial review of the discovery documents now being combed through by the Forest Service.

Mr. President, John Crowell has attempted to defuse the opposition to his apointment by recusing himself from certain policy decisions he would normally make as Assistant Secretary for Natural Resources and Environment.

He has recused himself regarding future Forest Service action against KPC in light of the Reid case. The Forest Service could take several actions against LP's subsidiary including joining suit to recover losses to the U.S. Treasury due to KPC's stumpage value manipulation, discharge of KPC's 50-year lease, or debarment of KPC from future bidding on timber in the Tongass National Forest.

The Forest Service is so concerned about these issues and possible future actions by the Justice Department that on April 2, 1981 it stopped all timber sales in the Tongass National Forest while it completes its investigations of collusive bidding practices there.

The Senate should follow the wisdom of the Forest Service by delaying a confirmation vote on John Crowell until all the facts are in and serious conflict of interest questions and others are answered on the public record.

It is not enough that Mr. Crowell has recused himself from Forest Service decisions regarding Tongass National Forest and KPC. To think that the head of our natural forests will not have influence over the decisions made by his underlings, decisions which are so critical to his former employer, is pollyannic logic.

Mr. Crowell has also recused himself from matters involving the SBA timber set-aside program. His stated reason for this recusal is that he has been an active and ardent lobbyist against this program in the past. This is surely a politically motivated recusal. If it were not then the same criteria for recusal should apply on matters involving RARE II and the National Forest Management Act (Public Law 95–233), both of which he has ardently and actively opposed in the past. But no recusal has been forthcoming on these matters.

Mr. President, if confirmed, Mr. Crowell's responsibilities under section 14 of Public Law 95–233 are particularly disconcerting. Under section 14 as Assistant Secretary he would be responsible for watchdogging the national forests for collusive bidding and monopolistic practices. Considering what I believe to be his knowledge of and involvement in practices of this sort while general counsel of LP, one questions whether he would take his responsibilities under section 14 very seriously.

Mr. President, I hope Members of the Senate will take the time to read this statement and the documents I am submitting for the RECORD. If the Senate does not thoroughly assess the implications in confirming this man to such an important national position, we are abrogating the trust conveyed upon this Chamber by the Constitution. I feel the Senate and the Nation will regret his confirmation in the not-too-distant-future.

Mr. President, I ask that Mr. Crowell's letter to Senator HELMS and other documents relevant to Senate consideration of his nomination be printed in the RECORD.

The material follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 5, 1981.

HON. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: My qualifications and fitness to be Assistant Secretary of Agriculture for Natural Resources and Environment have been impugned by those who disagree with my views for timber harvest scheduling on the National Forests and with my views that wilderness designations in the National Forests should omit lands with potentiality for producing timber, oil and gas, minerals, or forms of recreation other than wilderness.

The most recent attack on me is based on the fact that I have been the chief legal officer for Louisiana-Pacific Corporation (L–P), one of whose subsidiaries has recently been held liable, along with a codefendant, to a plaintiff because the plaintiff was damaged by actions which the court has concluded were violations by the defendants of provisions of the antitrust laws. It is appropriate, therefore, that my personal connection to that case be fully explained.

Five related actions were brought in 1976 against Ketchikan Pulp Company (KPC) (then a half-owned subsidiary but since November 1, 1978, a wholly owned subsidiary of Louisiana-Pacific) and against Alaska Lumber and Pulp Company (ALP). KPC and ALP have long-term Forest Service timber-cutting contracts pursuant to which two pulp mills and a number of saw mills have been built in southeast Alaska since 1950. The plaintiffs variously alleged that the two defendants had conspired, on the one hand, to hold down prices paid for logs to those of the plaintiffs who bought separate, so-called independent Forest Service sales, and on the other hand, conspired to hold prices up for logs sold from time to time to the two small sawmill operators who are also plaintiffs.

When the cases were initiated, I advised the then President of KPC on selection of counsel to represent KPC in defense of the cases. The highly competent large San Francisco law firm of Morrison and Foerster were chosen; from the very beginning the firm was trusted with complete management and conduct of the cases. They were advised to keep me and top management of L–P only very generally informed about progress in preparation for defense. Neither I nor any of the top management at L–P needed to know or wanted to know anything about the factual details of the case because, after all, the operative facts on which the plaintiffs claims were based could not be changed. Those facts all related to occurrences which were completed by late 1973 and had first begun in the mid-1960's or even earlier. The concern of L–P's management was simply about the potential dollar exposure which was present if any of the cases were lost and about the extent of costs which would be incurred for defense.

In the month before the trial started last summer, I was involved with defense counsel in helping to make a number of tactical decisions connected with handling of the trial of the first case. Beyond that, I have never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose. I was never called as a witness in the case nor was I deposed by either side prior to the trial, simply because I had no relevant information material to the contentions of either side. Thus my only connection with the entire matter has been as a lawyer peripherally connected with the defense of one of the parties to the case.

After the decision of the court was an-

nounced, both defendants responded to the announcement that they had been held liable to the plaintiff by stating their intention to appeal; defense counsel for KPC has expressed confidence about obtaining a reversal.

It is further relevant to mention that the plaintiffs in the cases had tried earlier, before bringing the cases, to get the Anti-Trust Division of the Justice Department to bring a criminal action based on the plaintiff's allegations. A Portland, Oregon, grand jury proceeding investigated the matter, but never returned an indictment. According to my best recollection, this occurred in approximately 1973. Last summer, shortly before trial of the case was to commence, the Anti-Trust Division again asked to review the documents which had been produced by the parties in the very extensive discovery procedures conducted in preparation for trial. Despite the unfairness of the timing of such a demand, the defendant companies turned over the documents. Again the Anti-Trust Division took no action, presumably because it concluded there was no case.

Now, therefore, if any connection to the legal matter above described is sufficient to disqualify me to be Assistant Secretary of Agriculture for Natural Resources and Environment, it can only be because:

(1) Any attorney who represents a client is responsible for actions taken by the client either before or during the attorney's representation of the client, even though the attorney neither sanctioned nor knew of the client's activity, or

(2) Whenever a corporation is held liable to another for actions taken by one or more employees of the corporation, all other employees of the corporation are to be regarded as culpable, regardless of their lack of participation in, or knowledge of, the wrongful activities of their fellow employees.

The mere statement of either of these propositions demonstrates the untenable, illogical, and essentially unfair position taken by those who would rely upon my connection with this litigation as ground for disqualifying me from the post for which the President has nominated me. It becomes obvious that those who are opposed to my nomination are motivated by other concerns which are even less tenable than are the innuendoes and implications they are attempting to draw from my connection with the described litigation.

I am taking the liberty of distributing copies of this letter to other members of the Senate who have taken an interest in my nomination.

Sincerely,

JOHN B. CROWELL, Jr.,
Assistant Secretary-Designate for Natural Resources and Environment.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., May 11, 1981.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

Subject *Reid Brothers Logging Company* v. *Ketchikan Pulp Company and Alaska Lumber and Pulp Company,* Civ. No. C75–1655 (W.D. Wa. ——)

DEAR SENATOR KENNEDY: This is a response to your request for any reference in the record of the above-mentioned case to Mr. Crowell or the Louisiana-Pacific Corporation.

At this time, our staff has completed a preliminary review of approximately half of the six thousand page, sixty-three volume transcript of the Reid Brothers trial. A review of the thousands of exhibits contained in the record of the case is also in progress, but not yet completed. The objectives of this review are to assist the Forest Service to determine what, if any, legal or administrative action should be taken by the United States in response to the evidence revealed in the Reid Brothers case. Identifying references to Mr. Crowell or the Louisiana-Pacific Corporation in the record has not been a specific objective of the review.

Enclosed are all the references to Mr. Crowell in the transcript and exhibits in the record of the case of which we are aware and have in our possession at this point in time. Specifically, a letter dated February 13, 1974 from H. A. Merlo of Ketchikan Pulp Company to Mr. Robert H. Malott of FMC Corporation, with an enclosure signed by Mr. Crowell; a memorandum dated April 14, 1975 from Mr. Crowell to Mr. H. A. Merlo of Ketchikan Pulp Company; a memorandum dated May 2, 1973 from D. L. Murdey of Ketchikan Pulp Company to Mr. Crowell; and a reference in the transcript to the memorandum from Murdey are enclosed. If further references are discovered as the review proceeds, we will forward them to your office.

Since Louisiana-Pacific Corporation is the parent company of Ketchikan Pulp Company, references in the record to Louisiana-Pacific are quite numerous. We cannot with any confidence separately identify all these references without substantially restructuring our current review and going back through the record for that specific purpose, a procedure which would take at least several weeks. We will be happy to cooperate with your staff in providing access to that portion of the record which we have in this office, however, for your own review.

Sincerely,

JAMES MICHAEL KELLY,
Acting General Counsel.

MAY 2, 1973.

Yesterday Don Finney and I met with Clarence Kramer and Doug Theno of Alaska Lumber & Pulp. They, as we, are extremely concerned as to our present position with the Forest Service relating to log supply.

Prior to this meeting we had already commenced to gather information as to actual cut, past and projected cuts, etc. But, most important, what has happened to the so-called allowable cut. Do we have a contract with the Forest Service or not and so on.

Everybody is concerned as to how soon can we get an audience. Kramer and I have been taking turns attending N.F.P.A. and it's his turn this time. My concern is that I don't feel anything will be gained if Kramer starts the ball rolling while in D.C. unless it is under your direction. This he agrees with.

We plan to continue gathering facts, meet not later than May 10 and are hoping to hear from you by then.

D. L. MURDEY.

LOUISIANA-PACIFIC CORP.

INTERDEPARTMENTAL COMMUNICATION

Date: April 14, 1975.
To: H. A. Merlo, Portland.
From: John B. Crowell, Jr., Portland.
Subject: Alaska Timber Corporation, Qualification as Small Business.

So that you can have some facts about the matter in front of you when Ed Head comes in, please be apprised of the following:

The small business base share on the entire Tongass National Forest is 6.4 percent, excluding long-term sales. In the last four years, the Tongass has sold approximately 291 MMBF in independent sales, which would mean that 18.6 MMBF would be guaranteed to small business. Small businesses actually have bought 90 MMBF. Thus under the workings of the set-aside program, small business is 72 MMBF ahead and if the small business set-aside regulations are strictly followed, there would be no set-asides for considerable time to come. None are scheduled on the Tongass as set-asides in remaining 1975.

A substantial volume of the sales purchased by small business have been purchased by ATC. The 18 MMBF Craig A-frame sale, which was a set-aside, and the 35 MMBF Sore Finger Bay sale, which was a set-aside and which expired without having been cut and which is now in litigation, both were purchased by ATC. Open sales purchased by ATC were Devil's Club, which was advertised as a 44 MMBF sale but which was modified to 27 MMBF for environmental reasons; similarly the Cedar Point sale of 4 MMBF was modified to 2 MMBF.

There are three or four small sawmills which process mostly cedar, and which are largely supplied by KPC. They handle only 3 or 4 MMBF annually each. Mitkoff Lumber Co. in Petersburg has a capacity of 6 MMBF, but does not acquire logs from KPC.

All sales purchased by small business tend to preserve or to enlarge the base share for the next calculation period. It is in KPC's interest to keep the base share as low as possible.

Primary agitation for small business set-asides on the Tongass at the present time seems to be emanating from ATC. Alaska has protection against outsiders coming in bidding sales because of the restriction on exporting logs abroad or to the lower '48. Any plywood co-op or association of cooperatives who bought a sale in Alaska would have to have committed to build a green end for processing the veneer. It would seem KPC would have wind of such a project in plenty of time to do what might be necessary to qualify ATC as a small business if that seemed at the time to be in KPC's interests.

J. B. C.

Mr. DWYER. We will offer, Your Honor, 1183.

The COURT. Hearing no objection 1183 will be admitted.

Q. (By Mr. Dwyer). How, during this period of 1973 and '74 when timber was so short, you met, did you not, with executives of the other pulp company, ALP, to discuss the shortage and log supply problem?

A. I can't imagine that I did.

Mr. DWYER. May we have Exhibit 178, please.

Q. (By Mr. Dwyer). Is 178 a memo from Mr. Murdey of KPC to Mr. Crowell dated May 2, 1973, regarding a meeting held by you, him and two Alaska Pulp executives?

A. It appears to me, yes.

Mr. DWYER. We offer 178.

The COURT. It will be admitted.

Q. (By Mr. Dwyer). It says, "Yesterday Don Finney and I met with Clarence Kramer and Doug Theno of Alaska Lumber and Pulp. They, as we, are extremely concerned as to our present position with the Forest Service relating to log supply."

Did ALP, in fact, tell you that they were concerned with their position relating to log supply?

A. Well, I just don't recall. I don't recall a meeting. I assume there were other people here. This was a logger's meeting or something else. But I assume if Dave reported that they did, yes, that they probably mentioned it.

Q. And as of this point in time your company, as well, was extremely concerned about supply as Mr. Murdey states here, weren't you?

A. We were concerned about a timber supply at that time.

Q. Now, can you recall what, if anything, Mr. Kramer and Mr. Theno told you they intended to do regarding their log supply?

A. No. As I say, I don't recall. I don't recall this meeting at all.

LOUISIANA-PACIFIC CORP.,
Portland, Oreg., February 13, 1974.

Mr. ROBERT H. MALOTT,
President, FMC Corp.,
Chicago, Ill.

DEAR BOB: I agree with Bob Moody's suggested cost accounting change, referred to in your letter of the 28th.

By copy of this letter to Tom Flanagan, I am requesting that they make all the changes outlined in this letter at the earliest possible

time. In making these changes, we must be certain that irrespective of the transfer price levels, we always want to compute income in a fashion that first obtains a maximum advantage of capital gain opportunities, even at the expense of DISC income. Capital gains is immediate and permanent while there still remains the cloud on the DISC tax savings that is treated as a deferral, which we all hope will be permanent.

The average cost approach is sound. While one may argue that the quality of wood to the sawmills is better than the pulp mill, that distinction can be applied only to the very minor stumpage cost element. All other direct costs of producing the wood should be borne by the user. Therefore, in our case average cost, adjusted only by differences in towing costs to the pulp mill versus the sawmills, is a good basis. Further, there are two other side benefits. It would give us a higher cost basis from which we could cost justify increased price ceilings from the Cost of Living Council. It would be good to have these whether or not we could apply them under the FMC contract definition of price. And, secondly, it might well help our position with the Forest Service as we debate stumpage price under a pulp economy.

Your suggestion also reminds me that we should consider increasing the transfer price on chips from our sawmills up to the average cost of logs delivered to the pulp mill and treat this as a *reduction* in the cost of logs. In this fashion we would increase DISC income at the sawmills at some additional expense to the pulp mill. In 1973 we paid KSM and AHM on the basis of $53.33/MBF delivered for chips when we were charging in logs (at less than average costs) at $79.23/MBF and paying $60.00/MBF for outside chips. Delivered chips should be priced certainly at not less than delivered log costs.

Let's recommend to Tom that wood be charged at average cost to all operations and that chip transfer prices be set and adjusted when necessary to equal average actual log costs to the pulp mill.

The pulp price in the KPC–FMC contract relates primarily to market prices with no formula reference to KPC costs, so the average cost approach would have no influence on prices under the current contract. But on the broader basis of principle I would not agree as a general statement that costs cannot have an effect on prices.

Finally, we would treat the Ward Cove sawmill separate from the pulp mill. The sawmill should be charged for all the logs which go into the woodroom whether they are sawed or chipped. The revenue through the sawmill then would come from the total chips produced and total lumber produced.

Very truly yours,

HARRY A. MERLO.

P.S.—Incidently, I have enclosed a copy of John Crowell's report on his visit to Washington, D.C. on our log problem in Alaska. Will be checking with you concerning your calendar with respect to a possible visit with Roy Ash.

MEMO—JOHN B. CROWELL, JR.

FEBRUARY 11, 1974.

On Monday, February 4, I was in Washington, D.C. for the principle purpose of attending meetings connected with and lobbying on the log export substitution rule. I took advantage of the opportunity, however, to arrange an appointment with Mr. Rexford A. Resler, associate chief and number two man in the Forest Service, for the purpose of emphasizing L-P's and KPC's extreme concern about the independent timber sale program in southeastern Alaska.

I started the conversation by reciting some of the facts and figures which Dave Murdey, Don Finney and Chuck Cloudy had provided in the last few months. It is likely that the inventory of independent sales under contract will be exhausted by sometime in fiscal year 1975 unless additional sales are made. I pointed out that the annual allowable cut on the Tongass National Forest is about 850 MM; existing industry needs 666 MM annually, of which 336 MM comes from long-term contracts. This leaves existing industry dependent on 330 MM annually from the independent sales program. The Forest Service had done well in selling this 330 MM in the seven years preceding 1970, averaging over 300 MM per year, but that since 1970 only 200 MM has been put up in the last three years.

L-P/FMC for KPC and certainly other operators in southeastern Alaska feel considerable urgency about being sure the independent sales program regains lost momentum. Latest plans announced by the Forest Service are for 298 MM to be sold in fiscal year 1975 and 224 MM in fiscal year 1976. We think more than that has to be done in order to avoid serious impact on the economy of southeastern Alska. We want to push people in high levels of government to assure needed funding and manpower.

Mr. Resler initiated his response by referring to the necessity of performing NEPA statements prior to sales in all roadless areas: Alaska of course, is largely unroaded. He says the Forest Service spent $25 million last year in NEPA statement work throughout the United States. The entire Forest Service is presently staffed at manpower levels which existed in 1962. The Tongass National Forest, covering 20 million acres, is staffed only to the level of a medium-sized forest in the Northwest. He recited these figures so that I could have the Forest Service side of the problem in perspective, and not for the purpose of denying that anything should or could be done.

(I did not challenge him on the staffing level of the entire Forest Service, although figures I've seen give me the impression that staffing has steadily increased, without corresponding increases in either the allowable cut or in the volume of sales. I also could have pointed out, but did not, that the Alaska independent sales program had dropped off badly in fiscal year 1971 and fiscal year 1972, even before the roadless area suit had started in mid-1972.)

Mr. Resler went on that despite problems of performing NEPA statement work, he was optimistic that the Forest Service was well along on that project, preliminary to regaining momentum on the sales program in Alaska. He said that in the last half fiscal year (first half fiscal year 1974), that all regions (and I am not sure that he meant to include R–10, which is Alaska) had been on target for their financed sale program (the financed sale program, of course, has only been 11.8 billion feet nationwide for each of the last two fiscal years).

Resler stated that the Forest Service has plans to send some 20 or more personnel experienced at sale lay-out work to southeastern Alaska this spring. He says that this, of course, is robbing Peter to pay Paul in one sense, since the timber sale program in other parts of the country will suffer. I reminded him that industry had offered to make some foresters available for help in sale lay-out work.

Resler indicated he did not much like the idea of using industry foresters because of public criticism which may be engendered. (I think the southeastern Alaska timber industry should very soon get together to make arrangements for a firm offer of personnel, and the terms on which the industry would make them available, or we should drop the proposal.)

Resler said that the Alaska delegation in Congress has been pushing hard at the Chief's office and at Secretary Butz and Assistant Secretary Long for increasing the amount of the independent sales made in southeastern Alaska. Assistant Secretary Long has been to Alaska, as has Mr. Resler himself, to inspect the problem, and although Resler thought it would have been helpful if Assistant Secretary Long could have spent more time there, Resler thinks Long understands the problem. He says Secretary Butz certainly understands the problem also.

It is Resler's opinion that the man to be pushed and worked on at this point is Mr. Roy Ash, who is former President and Chairman of the Board of Litton Industries and now occupies the very powerful position as director, Office of Management and Budget, which controls the budget requests of all government agencies including the Forest Service and also the amounts of appropriations which will be released.

Resler urged that persuasion not be limited simply to the Alaska problem, but that the need for investment in the whole Forest Service program be explained. The Alaska problem, Resler admits, could be solved in short order if the Forest Service were required to concentrate manpower there, but this would be done only at the expense of timber sale programs elsewhere which would lead to another crisis. Resler indicated that he felt the key people in Congress seemed to have a good understanding of the need for funding Forest Service programs, but that OMB is the bottleneck.

The former director for Natural Resources in OMB, John Sawhill, had been getting a good grasp of the matter until he transferred out to be Mr. William Simon's assistant. A Mr. Donald E. Crabill is acting in Sawhill's place, but Resler thinks he is not making policies. He has been at OMB for some time.

Resler referred to a new Forest Service ten year program which should be ready for release in the next two or three months. This program presents a choice for the first time of three different levels of management requiring different levels of funding. It will give the Forest Service and Congress something to judge performance by. Much of its concept is incorporated into the Humphrey bill (Test 2296).

Resler also referred to the Administration's currently announced plans for stimulating housing construction, which could create another price-supply crunch later in 1974 or 1975. OMB has got to be made to understand that the feast or famine situation is disruptive to the housing and forest products industry.

Resler also pointed out that the solution to the Alaska situation is complicated by the fact that larger returns can be generated from investments made on National Forests in certain places in the lower 48 states. Steps have to be taken to the extent they can be to improve return to the government on Alaska timber sales; one of the necessities to improve utilization.

Resler's personal observations in southeastern Alaska are that much utilizable white wood is left on the ground.

Road building practices in his view are unduly expensive. Much material is moved, but he questions whether a lot of it does any good. He also commented that many sales are laid out to take advantage of the "gravy". The trees left are economically inoperable by themselves, and could end up coming out of the allowable cut calculations.

We exchanged agreement on the possibility that improving world market prices for pulp and the increasing trend of higher prices for export lumber from Alaska both will tend to give more dollars back to the stump to work with and to justify additional investments on the National Forests.

I explained to Resler KPC's current handicap in capitalizing on the increase in world pulp prices because of the need to ship substantially all KPC production to FMC. With domestic pulp prices still controlled, KPC does not realize the return which could otherwise be generated. Abolition of controls obviously would help the return on Forest Service stumpage.

I also reminded Mr. Resler that industry in southeastern Alaska has made substantial

investments in sawmilling capabilities within the last five years, increasing the capacity of existing mills and building new ones at Ward Cove and Klauock, at least. Industry has thus not been idle in its preparations to improve utilization and to switch the timber economy from a round wood pulp economy to a sawn lumber and chip utilization.

Resler also commented that Knudsen-Vandenberg money has not been used for thinnings in Alaska, but he intends to change that. He thinks the forests of southeastern Alaska have tremendous growth potential, but that spacing control is necessary.

I mentioned the need for salvage sale in connection with bug-killed timber, and alluded specifically to the volumes behind Ward Cove north of Ketchikan, and how we were willing to use a helicopter there but that a sale of 20 million feet would be required for economic helicopter logging.

My understanding was that it would require clear-cutting of some 500 acres or so which the Forest Service has rejected locally. I pointed out it is being "clear cut" by nature, without any benefit, as things now are.

Resler said that his goal would be to have the Forest Service 2½ to 3 years ahead of actual timber cutting needs. This would mean having 2½ to 3 times the allowable cut already under contract at any given time, both in Alaska and elsewhere.

He strongly stated that the Forest Service should be selling the entire 13.6 billion annual allowable cut, and should be working at getting the cut up to 16 to 18 billion feet annually.

All this will require funding and manpower beyond where the Forest Service currently is now. We discussed the desirability of industry and the Forest Service working more closely together on Forest Service program needs. We need their facts, figures and plans while they need our political pressure. Resler agreed that this would be a desirable thing to implement.

The meeting concluded about 9:45, having been on a friendly and cooperative basis the whole time.

J. B. C.

[In the U.S. District Court, Western District of Washington at Seattle, No. C75–165S]

REID BROTHERS LOGGING COMPANY, AN ALASKA CORPORATION, PLAINTIFF, *v.* KETCHIKAN PULP COMPANY, A WASHINGTON CORPORATION; AND ALASKA LUMBER AND PULP COMPANY, AN ALASKA CORPORATION, DEFENDANTS

JUDGE'S ORAL FINDINGS

Transcript of proceedings in the above-entitled and numbered cause, before the Honorable Barbara J. Rothstein, United States District Court judge, on March 5, 1981.

THE COURT. The court appreciates your coming here on such short notice, counsel. It was not my intent to deliver a very detailed or definitive ruling. As I was working on the findings and conclusions it occurred to me I had made a decision. I thought that I would share that with you as soon as I knew that I had indeed reached a decision, and I expect that the detailed findings and conclusions will be forthcoming very shortly.

Before I reach the actual decision, I should just indicate there are several other motions pending that defendants have brought to reconsider certain exhibits, for the court to reconsider its ruling on certain exhibits. I don't know if the minute entries have reached you yet, but I am denying the motions on those exhibits, and I am also denying defendant ALP's motion concerning the exclusion of conspiracy evidence. The court feels in response to that motion that plaintiff has established adequate independent evidence as to all the requisites for the admissions of a co-conspirator out-of-court statement pursuant to Federal rule 801:

More particularly, the court finds that there exists evidence in the form of verbal acts and business records and in-court testimony sufficient to establish a prima facie case, and it is this court's opinion that the Ninth Circuit requires only a prima facie case, as to the existence of a conspiracy. The evidence establishes that the declarant, and in most cases the declarant was KPC, together with its executives and employees, was a member of the conspiracy; that the defendant ALP was a member of the conspiracy, and that the statements contained in the various documents were made in furtherance of the conspiracy and during the course of and the existence of the conspiracy.

More detailed findings on the nature and duration of the conspiracy as well as its aims and achievements are set forth in the court's findings of fact and conclusions of law, but I do think that the law in this circuit requires the court to make independent findings about independent evidence and its existence before the out-of-court statements can be rendered admissible, and these are the findings I am making now. Defendant ALP's motion, therefore, is denied.

First the court will turn to the liability questions in the case. The court believes that the proof in this case has overwhelmingly established that the defendant mills, both KPC and ALP, conspired to restrain trade and to monopolize the timber industry in southeast Alaska. The court feels that the evidence establishes that the two mills achieved monopoly power and exercised this power.

The proof has established patterns of conduct that permeated the timber industry in Alaska during the period with which this suit was concerned. Those patterns of conduct constitute violations of the antitrust laws and concern such areas as the methods or acquiring timber, more particularly bidding practices on timber sales offered by the Forest Service; methods of contracting with loggers, more particularly the offering of non-competitive pricing at prices below that which loggers could subsist; actions towards would-be competitors, more particularly mills from outside Alaska, seeking to enter the Alaska market; acquisitions of competing mills, again more particularly sawmills that either existed or began to exist in the period with which the court is concerned and the manner in which these mills were acquired, the manner in which the acquisition was accomplished. All of these areas the court feels—and again there will be more detailed findings—in all of these areas the allegations have been proved and the court does feel there have been substantial violations.

The court believes that the two mills began with a natural advantage in the form of the 50-year leases with the Forest Service guaranteeing them a vast timber supply of their own, and I believe that the proof has shown that the mills utilized this advantage as a starting point for concerted and combined efforts to control the Alaska timber market, to eliminate competition and to maintain and exercise monopoly power.

The court further finds that but for the defendants' restraint and the artifically low prices paid to the loggers, Reid Brothers would have been able to profitably log Muddy River No. 3 and that, therefore, the defendants' restraint of this market did cause damage to Reid at least in the logging of Muddy River No. 3.

I believe that had the market not been restrained Reid could have benefited from the pass through of the price increases that occurred in the damage years with which we are concerned.

I am not prepared today to give you an exact amount of the damages. I wanted to have more time to determine that in greater detail.

It occurred to me as I was coming out here that this might not exactly be satisfying to all of you, since given this point you probably are curious to know what the court is going to be doing as to damages. . . .

[U.S. District Court, Western District of Washington at Seattle, No. C75–165SR]

REID BROTHERS LOGGING COMPANY, AN ALASKA CORPORATION, PLAINTIFF, *v.* KETCHIKAN PULP COMPANY, A WASHINGTON CORPORATION; AND ALASKA LUMBER AND PULP COMPANY, AN ALASKA CORPORATION, DEFENDANTS

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

This action came on for trial before the Court, sitting without a jury, on August 4, 1980. All parties appeared by their counsel of record. The Court, having considered all the evidence herein and the briefs submitted by the parties, and being fully advised, now makes and enters the following findings of fact and conclusions of law under the provisions of Rule 52(a), Federal Rules of Civil Procedure.

FINDINGS OF FACT

I. All admitted facts from the pretrial order in this case are hereby incorporated by reference

II. Facts relating to jurisdiction

A. Subject Matter Jurisdiction; Venue

This is a civil action brought under the antitrust laws of the United States. Each defendant resides or is found or has an agent in this District.

B. Interstate Commerce

The timber industry in Southeast Alaska, as engaged in by all three parties to this trial, involved a substantial and continuous flow of goods and payments in interstate commerce, including the interstate purchase and shipment of equipment and supplies for logging and milling operations, the interstate travel of employees, suppliers, and service personnel, the sale each year in interstate and foreign commerce of many millions of dollars' worth of cants, pulp, and other wood products, and the regular use of interstate and foreign carriers. Interstate commerce has been restrained and affected by the defendants' conducts, acts, and practices in violation of the Sherman Act, described *infra* in these findings.

III. Identification of the parties

A. Plaintiff Reid Brothers Logging Company

The plaintiff, Reid Brothers Logging Company ("Reid Brothers") is an Alaska corporation. The company was formed in 1946 by the Reid family and the owners for most of the period until 1968 were Glenn and Martha Reid, husband and wife, and Alex and Mary Reid, husband and wife. From and after 1968, the sole owners were Glenn and Martha Reid.

B. Defendant Ketchikan Pulp Company

Defendant Ketchikan Pulp Company ("KPC") is a Washington corporation. It was originally formed as a joint subsidiary of American Viscose Corporation, Inc. and Puget Sound Pulp and Timber Co., Inc. From 1963 to 1973 it was a joint subsidiary of Georgia-Pacific Company and FMC Corporation. From 1973 through March, 1975, in which month this action was commenced, KPC was a joint subsidiary of Louisiana Pacific Corporation and FMC Corporation.

C. Defendant Alaska Lumber and Pulp Company

Defendant Alaska Lumber and Pulp Company ("ALP") is an Alaska corporation. It was formed as a subsidiary of Alaska Pulp Company Ltd. ("APC"), a Japanese-owned corporation, the shares of which were and are held by numerous companies engaged in rayon manufacture, pulp and paper manufacture, banking, trading, and other commercial and industrial activities.

IV. Description of the industry

1. Southeast Alaska is a narrow strip of mainland and archipelago of islands stretching in a southeasterly direction from the main body of Alaska. From south to north its principal towns, none of which is connected to another by road, are Ketchikan, Wrangell, Petersburg, Sitka, and Juneau, the capital of Alaska. The Yakutat area, which lies to the northwest of Juneau, is usually considered part of Southeast Alaska.

2. From 1959 through March of 1975, approximately 97 percent of the commercial timber stands in Southeast Asia lay within the Tongass National Forest. The principal species of trees are Western Hemlock, Sitka Spruce, and cedar, the latter consisting of Alaska Yellow Cedar and Western Red Cedar. Scattered stands of cottonwood are also found in river bottoms throughout the region.

3. Both hemlock and spruce were acceptable for making pulp. Although a higher proportion of low grade logs were generally run through pulp mills rather than sawmills, both species were also usable for sawmilling. In Southeast Alaska all grades of logs were at times used for pulp; the higher grades were used by sawmills. Spruce, however, with a high strength to weight ratio, had particular value as a lumber product. Cedar was exported in round log form and was also cut into lumber.

4. The following mills played an important role in the facts of this case:

(a) The KPC pulp mill was situated in Ward Cove, just north of Ketchikan. In 1973, KPC constructed a sawmill at the same location.

(b) Ketchikan Spruce Mill (KSM) was located in Ketchikan. This mill was acquired by KPC through its parent, Georgia-Pacific, in 1968.

(c) To the northwest of Ketchikan, in Klawock, was Alaska Timber Corporation (ATC). Edward Head began the construction of this sawmill, but it was acquired by KPC, and leased back to Mr. Head. During some of the years in question, Mr. Head managed this mill and had a log supply and marketing agreement with KPC.

(d) To the north, two sawmills were located in Wrangell, Alaska Wood Products (AWP), and Wrangell Lumber Company (WLC). The WLC mill had been established before World War II. In 1954 ALP leased, renovated and began operating the mill. The AWP mill was constructed by Pacific Northern Timber Corporation (PNT) in the mid-60's. In 1968 it was acquired by ALP. Following the acquisition, WLC milled principally spruce, and AWP functioned as a hemlock milling facility.

(e) Mitkof Lumber Company (MLC), a small sawmill, was located in Petersburg. Beginning in the mid-60's, MLC formed joint ventures with WLC to bid on timber sales. MLC later entered into a formal log supply and marketing agreement with WLC.

(f) The ALP pulp mill was situated in Sitka.

(g) Farther north, in the town of Haines, two more sawmills were located: Schnabel Lumber Company (SLC) and Alaska Forest Products (AFP). SLC operated pursuant to complex loan, supply and marketing agreements with ALP. AFP's sawmill operated intermittently for a period of years and then went out of business.

(h) The Annette Hemlock Mill (AHM), was located on Annette Island, just to the south of Ketchikan. This mill, at one time operated by a company called Alaska Prince, was later taken over by KPC and named AHM. Following this acquisition, KSM milled principally spruce and AHM functioned as a hemlock milling facility.

5. When KPC and ALP came to Southeast Alaska in the 1950's, they entered into long-term contracts with the Forest Service which entitled each of them to harvest timber from designated allotment areas for 50 years. KPC's allotment area was located in the south part of the Tongass National Forest, ALP's in the north. Each allotment also designated contingency areas which could be added later. The allotments did not exempt defendants from federal antitrust laws.

6. ALP later acquired an additional allotment in conjunction with purchasing the AWP mill.

7. KPC's and ALP's allotment contracts each contained stumpage prices which, after initial operating periods of ten years, were to be adjusted every five years. The appraisal information used in these five-year rate redeterminations was also used in connection with independent timber sales. Defendants periodically selected the next allotment areas to be cut and maps of those selections were furnished to the Forest Service for appraisal purposes.

8. Outside the allotment areas, timber sales in the Tongass National Forest were periodically sold at public auction by the Forest Service. In the late 1950's and early 1960's, there were numerous loggers throughout Southeast Alaska who bid from time to time on these timber sales. These loggers formed an association, the Alaska Loggers Association (ALA), but eventually the ALA became a mill-dominated organization.

9. Each year the Forest Service would advertise sales of timber at particular locations, each with an estimated volume and species mix, and would announce a minimum bid. Written sealed bids were then received from parties interested in bidding. Although a few sales were advertised and sold as sealed bid sales (i.e., the sale was awarded on the highest written bid submitted), most sales were sold at oral auctions. These oral auctions would be held among those who had submitted qualifying sealed bids (typically for the advertised minimum).

10. Bidding was based on stumpage rates, *i.e.*, a certain number of dollars per thousand board feet (MBF), which the purchaser paid the government as timber was harvested. The minimum acceptable bid was calculated by the Forest Service through a process involving the residual value method of appraisal. The Forest Service started with the average selling value of the end products as reflected in statistics collected from the mills, and subtracted from that figure the estimated costs of getting logs from the stump to the end product stage, leaving a residual amount which was then divided between stumpage and a nominal margin for profit and risk. This process yielded the appraised value of the stand, which would ordinarily be the minimum acceptable bid. This method of arriving at residual values and minimum stumpage prices was used throughout the United States for all national forest timber.

11. In the 1950's and early 1960's, the Forest Service designed and advertised sales requested by particular loggers. It was the Forest Service custom and practice to put up an independent sale close to where a logger was completing another sale to provide that logger the benefit of a continuing operation. Although every timber sale was advertised on a competitive basis, loggers with established operations had a natural bidding advantage with respect to new sales being offered near their existing camps.

12. The early Forest Service timber sales were mostly small sales designed for small logging operations. During the 1960's, the Forest Service, for a number of reasons, began to phase out some small sales. This decision posed a significant obstacle to the continuing operations of small purchase loggers.

13. The purchase and sale of standing timber constituted a distinct market in Southeast Alaska.

14. A second product market was the purchase and sale of logs as distinguished from standing timber. This, in the earlier years was done to a great extent by independent purchase loggers, that is, loggers who bought timber at Forest Service sales, cut the timber and sold the logs. In the later years, defendants received almost all their log supply from contract loggers, that is, loggers under contract to log timber owned or controlled by one of the defendants. Reid Brothers Logging Company was apparently the last remaining independent purchase logger operating in Southeast Alaska when it purchased the Muddy River No. 3 timber sale described infra.

15. In the 1950's and 1960's, a large proportion of logging in Southeastern Alaska was done by "A-frame" operators, who cut timber near the beaches and pulled the logs into the water for rafting with an A-frame apparatus. Much of the other logging during this period was performed by "cat loggers," who used tractors to move logs cut near beaches to the water. These types of logging required a relatively small capital investment in equipment, personnel, engineering, and planning.

16. Commencing in the early 1960's, the coastal areas and sheltered coves suitable for A-frame and cat logging began to diminish. As the areas suitable for such logging decreased, there arose a governmental concern with the impact of such logging on the coastal environment and the tourist industry. Therefore, A-frame and cat logging timber sales were phased out by the Forest Service.

17. Many small loggers left the business because they were either unwilling or unable to undertake the larger and more sophisticated logging operations which the Forest Service required. Truck logging, which largely supplanted the old A-frame and cat logging methods, required a larger capital investment than the previous methods used in Southeastern Alaska.

18. In a truck logging operation, logs were yarded to a central point, usually by means of a cable arrangement running from a tower (either a spar tree or a mobile, metal tower). The logs were then loaded on logging trucks, and hauled over roads usually constructed by the logger to a dump site, where they were banded into bundles, dumped and rafted.

19. Reid Brothers, unlike many other operators, was successful in assembling the capital, equipment, and personnel needed to conduct modern truck logging in Southeastern Alaska.

20. A logger who purchased timber from the Forest Service was customarily required to set up a logging camp (bunkhouse, cookhouse, repair shop, log dump, and so on) at the timber sale site. The methods of logging changed over the years. All of the various methods required falling the timber, trimming off the limbs, and bucking the limbed trees into logs of specified lengths.

21. The logs were sold on the basis of a price per thousand board feet (MBF). Rafted logs were towed from the logger's rafting area to a mill storage area. Composition of the rafts varied. Sometimes logs were sorted by grade and species (for example, pulp rafts, hemlock sawlog rafts, spruce sawlog rafts, and so on); in other instances the rafts were assembled as logs came out of the woods, and were called "camp run" rafts.

22. A closely related product market was the purchase and sale of logging services. Some of the loggers in Southeast Alaska worked as contract loggers, and increasingly so as the defendants gained dominance in the market. Contract loggers were paid for providing logging services, i.e., harvesting timber to which someone else owned the stumpage rights.

23. A fourth product market was the milling and processing of logs, carried out by two types of mills: pulp mills and sawmills. In the defendants' pulp mills, wood chips, derived chiefly from the processing of whole logs, and partly from the residue of sawmill operations, were processed into wood pulp. The sawmills in Southeast Alaska produced cants as their main product. Cants were manufactured by cutting logs lengthwise

into thick slabs of wood, and represented the minimum degree of manufacture required to permit export under the primary manufacture rule. A small amount of dimensional lumber was also produced.

24. The geographic market was Southeast Alaska itself, which formed a natural area for economic competition. It was distant for the other states of the Union and was subject to transportation barriers. Its distinctness was increased by the primary manufacturer's rule which required that timber cut in Alaska had to be put through at least a basic manufacturing process in Alaska before export. Because of the rule, nearly all timber cut in Southeast Alaska was milled in Alaska. There were few exceptions to the primary manufacture rule.

V. History of the parties in the timber industry in Southeast Alaska

A. Plaintiff Reid Brothers Logging Company

1. In the late fall of 1968, Reid Brothers Logging Company, which had incorporated, divided its business between Alex and Mary Reid on the one hand and Glenn and Martha Reid on the other. Alex and Mary Reid took an immediate opportunity to do contract logging for KPC at Shoal Cover. They formed a new company called Reid Timber, Inc. Glenn and Martha Reid continued with the existing company in Petersburg.

2. At the time of the separation, Glenn and Martha Reid became the sole owners of Reid Brothers Logging Company and continued in the logging business. They kept various items of equipment and tools. In the winter of 1968–69, the Reids purchased supplies and additional logging equipment. That spring, they returned to Alaska and built a bunkhouse and a cookhouse for their logging camp.

3. Following the 1968 separation, Reid Brothers bid on the following United States Forest Service timber sales: in 1969, Agassiz Blowdown (2,200 MBF), Douglas Bay Blowdown (5,500 MBF), Mitchell Point Blowdown (19,700 MBF), and Kah Sheets Blowdown (3,740 MBF); in 1970, Shrubby Island (71,800 MBF) and North Trout Creek (66,700 MBF); and in 1972, Muddy River No. 3 (13,100 MBF). Reid Brothers won each of the sales except Shrubby Island and North Trout Creek.

4. In 1969, plaintiff contracted with Alaska Prince Timber Company, an independent mill operating at Metlakatla on Annette Island, south of Ketchikan, to sell logs to it. Reid Brothers completed the Agassiz sale as a purchase logger, selling the entire production to Alaska Prince during 1969 at $64 per MBF, camp run, and making a profit on that sale. Reid Brothers also entered into a contract with Alaska Prince to sell logs from the Mitchell Point and Kah Sheets sales during 1970 at $64 per MBF, with the provision that the price would be renegotiated for 1971 production. Mr. Reid calculated that Reid Brothers would produce about 10,000 MBF a year.

5. In the spring of 1970, Reid Brothers purchased additional logging equipment, including two rubber-tired skidders, a boom boat and a sixty-man bunkhouse. The company logged the West Portage Bay sale, which it had purchased from another logger, during the spring of 1970, and sold the production to Alaska Prince, making a profit.

6. Reid Brothers logged at Mitchell Point and Kah Sheets Bay from April until December of 1970, closed down its camp for the winter, and returned there in the spring of 1971.

7. In the spring of 1971, Reid Brothers learned that KPC had taken over Alaska Prince. KPC quoted a lower price for 1971 production than Alaska Prince had paid for logs delivered in 1970. Soon afterward, Reid Brothers ceased logging its sales at Mitchell Point and Kah Sheets.

8. In June of 1972, Reid Brothers was the successful bidder at a Forest Service timber sale called Muddy River #3. Plaintiff intended to commence logging the sale that year as a purchase logger and continued for three seasons. However, in the course of arranging for an advance of startup money from KPC, Reid Brothers was required by that defendant to sign a document called a "third party agreement" which transferred the stumpage rights to the mill. Reid Brothers logged at the Muddy River sale, delivering the logs to KPC from late 1972 through September 10, 1973.

9. Reid Brothers Logging Company, and the Reids personally, enjoyed good reputations for ability and integrity as loggers. Mr. Reid was active in all phases of his logging operation.

B. Defendants Ketchikan Pulp Company and Alaska Lumber and Pulp Company.

1. KPC and ALP functioned primarily as suppliers to the entities which owned them. Because of the predominance of sales to affiliated entities, it was impossible to accurately determine the value of the end products of the defendant mills.

2. In addition to discounts on the sales price of pulp, both of KPC's parents received various fees and commissions which serve to reduce the mill's reported income.

3. ALP and its related sawmills (Wrangell Lumber Company and Alaska Wood Products) functioned primarily as suppliers to ALP's parent company, Alaska Pulp Company (APC), which in turn resold ALP's products primarily to its shareholders.

VI. Summary of defendants' combination and conspiracy in restraint of trade, and to monopolize

In carrying out the acts described in Sections VII through XV of these findings, KPC and ALP acted pursuant to an agreement, understanding, and concert of action between themselves, the purposes and the actual effects of which have been: to restrict and eliminate competition in all phases of the timber industry in Southeast Alaska; to refrain concertedly from competing against each other for timber or logs; to keep would-be competitors out of Southeast Alaska by cutting off their timber supplies through preclusive bidding and other means; to eliminate mill competition by acquiring ownership control of the sawmills in Southeast Alaska, while expanding their own operations; to control and manipulate the log supply to the few surviving mills; to pay artificially low prices to independent loggers for logs and logging services; to eliminate purchase loggers from the field; and to attain and exercise monopoly power, i.e., the power to set prices and exclude competition, in the timber industry in Southeast Alaska.

Each part of the defendants' combination and conspiracy interlocked with every other part, and was aimed at the same goal of restricting and eliminating competition in the timber industry in Southeast Alaska.

In carrying out their combination and conspiracy, KPC and ALP have operated both by explicit communications with each other and by consciously interdependent action.

VII. The pattern of collusive communications and joint projects between KPC and ALP

1. Defendants KPC and ALP were in the position of competitor as to the procurement of timber, the procurement of logging service and the manufacture of end products.

2. Despite their position as competitors, ALP and KPC maintained a pattern of communication concerning their respective business operations, and of entering joint projects in procurement and marketing.

3. In January, 1959, KPC's timber manager, Arthur Brooks, sent confidential information to Archie Byers, his counterpart at ALP, concerning KPC's timber sale agreement, and concerning KPC's experience in log scaling. KPC later sent to ALP several more agreements including its form of agreement for buying logs from independent loggers. During 1959, ALP's first year of operation, Mr. Brooks sent ALP a tentative log purchase agreement embodying prices which KPC intended to pay to independent loggers for logs. Mr. Brooks requested that ALP keep this log price information "strictly confidential." When KPC's log prices later were revised. Mr. Brooks sent ALP the revised log prices in detail, by species and grade. These were the prices KPC intended to offer in the forthcoming season to independent loggers for logs.

4. Following Mr. Brooks' transmittal of log price list, an ALP memorandum stated that these prices were supplied by an employe of KPC and should be held in strictest confidence to maintain contacts for this type of price information.

5. KPC provided confidential information to ALP concerning its wage scales and union agreement.

6. Two ALP accountants, Messrs. Sincock and Forhan, met with KPC officials in March, 1959, to obtain information concerning KPC logging costs, which KPC provided. KPC also provided ALP with information concerning various logging techniques and construction devices.

7. After Mr. Byers left ALP, Mr. Brooks' counterpart at ALP was Charles MacDonald. Mr. Brooks was a personal friend of Mr. MacDonald, and the two exchanged business information and arranged for joint commercial enterprises.

8. KPC sold spruce and cedar logs to other mills. It gave ALP's affiliate, Wrangell Lumber Company ("WLC"), preference with respect to spruce log sales and first opportunity to buy KPC's cedar logs.

9. In the early 1960's, ALP and KPC engaged in a joint venture to share in the production and processing of logs from Kosci Island and Heceta Island. Since the timber subject to the joint venture was allocated according to the agreement, it made no difference which of the participants was the actual bidder on any of the timber sales, and there was no competitive bidding by the participants on the timber covered by the joint venture agreement.

10. KPC and WLC exchanged logs with each other.

11. KPC provided information to ALP concerning KPC's allotment reinventory project with the Forest Service, and requested information about ALP's allotment reinventory project.

12. ALP and KPC exchanged information concerning log towing and tow rates, which were essential aspects of mill operations in Southeast Alaska.

13. KPC and ALP entered and carried out an agreement to mark cedar logs in Japan and divide the profits between them. They adopted a practice whereby, on sales of cedar by KPC to ALP, one price was invoiced and treated as the public price, and a higher price, separately invoiced on a confidential basis, was the actual price. The true price was concealed from the Forest Service, the loggers, and the public. The purpose for concealing the true price was to depress stumpage values.

14. Mr. Brooks visited the ALP mill in Sitka many times, and spoke every year on many occasions to ALP executives, both in person and by telephone.

15. Following Mr. Brooks' departure from KPC in 1969, communications between the two companies continued. Both David Murdey and Donald Finney, who shared Mr. Brooks' former responsibilities during the 1970's had frequent contacts with ALP executives. Mr. Murdey discussed the timber industry in Southeast Alaska, while he was Timber and Lumber Manager for KPC, with numerous representatives of ALP. While holding the position of KPC's Timber and Lumber Manager, from July, 1969, through November, 1974, Mr. Murdey talked with Clarence Kramer of ALP concerning logs, independent timber sales, log supply, stumpage rates, unionization of logging camps, in-

dustry concern over the environment, Forest Service problems, the Sierra Club, tow rates, round log export, SBA set-aside rules and regulations and "a multitude of things."

16. Executives of KPC and ALP had frequent contact at meetings of trade associations to which both belonged, including the Alaska Loggers Association, the Alaska Lumbermens Association, and the National Forest Products Association.

VIII. The defendants concertedly refused to compete against each other for timber or logs, and divided the market by agreement

A. KPC and ALP Needed Outside Logs and Faced a Chronic Shortage of Timber

1. While both defendants held long-term allotments from the Forest Service, it was understood from the beginning that these would not provide the pulp mills' entire log requirements. The rest of the mills' supply was to come from independent Forest Service sales and the purchase of logs from others.

2. Both companies were concerned about a shortage of timber on the allotments. Re-inventories demonstrated that there was less timber on the allotments than the Forest Service had estimated. The shortage meant that the companies would have to look more to outside log sources than they had initially planned. The whole Tongass Forest, both within and without the several allotments, was hard pressed to meet the standard yield requirements of the mills.

3. Throughout the period primarily covered by the evidence (1959–75), KPC and ALP claimed that they were chronically short of timber. Log supply continued to fall short of mill capacity. Both defendants were concerned about over-cutting—that is, cutting more in a year from an allotment that the annual average computed by dividing the number of years of the contract into the total volume allowable.

4. Both defendants were concerned about the possible entry of new mills which would compete for the limited timber supply and both took action to prevent new entry from occurring.

5. While both defendants needed additional timber from outside their allotments, the independent cut in the Tongass National Forest declined steadily from 1971 to 1975.

"B. KPC and ALP Concertedly Refused to Compete Against Each Other for Timber and Logs

1. In a competitive marketplace, KPC and ALP, faced with this chronic shortage and an ongoing concern over supply, would have competed vigorously for independent timber sales and for logs produced by independent loggers. Instead, the defendants refused to compete against each other for independent sales or for logs throughout the period 1959–75.

2. The defendants' motives for refusing to compete were to minimize costs, to avoid paying competitive stumpage prices which could lead to competitive prices to loggers for logs, and to avoid paying competitive prices which could lead to reappraisal of their long-term allotment prices at higher levels.

3. The said course of conduct by the defendants was deliberate and interdependent. Each defendant refrained from competing against the other for timber sales and logs in reliance upon the other's reciprocal refusal to compete; competition, inaugurated by either defendant would have required the other to act competitively as well in order to insure a supply.

4. When ALP entered the market, KPC pulled back from certain areas where it had traditionally procured timber, and the two pulp companies thereafter confined themselves generally to mutually-observed "operating areas."

5. Mr. Brooks described the line delineating the two defendants' operating areas as starting south of Wrangell Narrows, going west through Summer Strait, and turning south so as to place Kosciusko and Heceta Islands within the ALP operating area.

6. Kosciusko and Haceta Islands, allocated to ALP by the defendants' agreement, constituted an area from which KPC had procured logs before ALP's entry into the market. These islands were among the best spruce areas in Southeast Alaska, but they became and remained without challenge from KPC a part of ALP's operating area.

7. Even as the timber shortage grew more severe, KPC persist in avoiding competition by staying out of ALP's operating area.

8. In January, 1974, Mr. Finney wrote to Mr. Murdey, setting forth a proposal to modify the existing division of territory between ALP and KPC on the west coast of Price of Wales Island. This letter reflects a pre-existing collusive division of the market.

9. Over the period 1959–75, hundreds of millions of board feet of valuable timber went to each defendant with no competition what ever from the other. Over the entire time of Mr. Brooks' tenure from the early 1950's until his departure from the company in July of 1969, he could recall no instance of KPC's having competed with ALP for timber. Mr. Hayashi of ALP testified that in the period 1971–74 the two pulp companies never competitively bid against each other on a timber sale.

10. Some of the bidding by KPC and WLC was done in their names, and some by companies organized for that purpose or loggers whom they controlled. When a controlled company or logger bid, the pulp mill dictated the extent of the bidding.

11. The record of bidding on independent timber sales reveal an unmistakable pattern of collusion by the defendants. Out of 11 sales over the ten-year period from 1966 to March, 1975, KPC and ALP bid orally against each other (directly or through others) only three times. The three exceptions all occurred in 1970, and were the Shrubby Island sale, North Trout Creek, and Bear Creek No. 1. These were the result of a temporary disagreement between the defendants.

12. Over the ten-year period 1966–March, 1975, there were 27 sealed bid sales put up by the Forest Service in Southeast Alaska. On these, the defendants never bid against each other at all.

13. In terms of volume, the defendants concertedly refrained from bidding against each other on 91.7% of the total volume offered by the Forest Service during the aforesaid ten-year period.

14. The defendants' refusal to compete embraced the procurement of both cut logs and standing timber. Although loggers and logs were much in demand, neither defendant ever made an offer to buy logs from a logger which it understood was selling logs to the other defendant.

IX. The defendants concertedly kept outside mills from establishing competitive facilities by cutting off their timber supplies through preclusive bidding and other means

1. ALP and KPC concertedly prevented outside mills from establishing competitive facilities in Southeast Alaska. The defendants' main purpose in excluding mill competitors was to prevent competition for logs and timber. The would-be mill entrants, have no long-term allotment areas, needed to purchase independent Forest Service timber sales, and/or to acquire logs from independent loggers, in order to get established. The defendants prevented this by bidding preclusively, each in its own operating area, to prevent the would-be entrants from getting a log supply, and by denying them access to logs produced by local loggers.

2. In 1966, the City of Petersburg made a request to the Forest Service that a large timber sale be put up that would permit the establishment of a green veneer plant in the Petersburg area. As a consequence, the Kake #1 timber sale was offered, containing an estimated volume of 264,000 MBF, the largest independent sale ever offered in Southeast Alaska. The Forest Service hoped that offering this sale would result in the establishment of a veneer operation in Southeast Alaska. Among the bidders on the Kake #1 timber sale were three veneer-plywood companies and Mitkof-Wrangell, the eventual winner, which was a joint venture between Wrangell Lumber Company and a small Petersburg mill, Mitkof Lumber Company. Mitkof-Wrangell outbid the plywood companies, paying a bid premium (the amount in excess of the Forest Service advertised minimum) of $2,244,000. The second and third highest bidders were Tongass Veneer and Plywood and Astoria Plywood.

3. Three months after the veneer companies were outbid by ALP on the Kake #1 sale, the Forest Service offered the Tuxekan sale, located in KPC's "operating area." This was another large sale (126,600 MBF) and attracted Astoria Plywod and Tongass Plywood, two of the major veneer companies, as bidders.

4. On the morning of the Tuxekan sale, KPC and Ketchikan Spruce Mills formed a joint venture which they named Panhandle Logging Company, for the sole purpose of bidding on the sale. Panhandle was formed so that its true identity and connection with KPC would not be known. Charles MacDonald of ALP attended the sale, but ALP did not bid. Panhandle outbid both veneer companies.

5. The day after the Tuxekan sale, Tongass Plywod was outbid by Don Meurs Logging Company on the Gas Rock timber sale. Meurs bid nearly four times the advertised minimum price. Meurs was actually bidding on behalf of ALP.

6. On the Bradfield River #1 timber sale, the next sale bid on by a plywood company, WLC outbid Puget Sound Plywood.

7. In January, 1967, the Forest Service advertised the Big Harbor-Trocadero Bay timber sale for February, 1967, in the KPC operating area. Mr. Brooks anticipated that the plywood companies would bid on this sale, and wrote to the KPC president that KPC should bid in this timber to "keep others out of our area." During the weeks following that letter, Mr. Brooks met on a number of occasions with representatives from the plywood companies.

8. One week prior to the Big Harbor-Trocadero sale, Brooks reported that he discussed the sale with the plywood companies and was told they would not bid. KPC won the sale at the minimum without competition.

9. In June, 1967, ALP met with representatives of the plywood companies. By the time of this meeting, several plywood companies had bid on timber sales in Southeast Alaska, but in every instance they failed to get a timber supply. A few days after that meeting, LOG Logging Company was the successful bidder against the plywood companies on the East Edna Bay sale. LOG was actually bidding that sale for ALP.

10. The next major timber sale offered by the Forest Service was the Shoal Cove sale near Ketchikan in September, 1967, containing 34,700 MBF. Mr. Brooks wrote to his company's president that he anticipated "strong competition" from the plywood companies and that "the bidding should be done in the name of Panhandle Logging Company to avoid having KPC bidding on high priced stumpage."

11. Faced with an inability to obtain a log supply, some of the plywood companies tried to negotiate log supplies from the defendants. They were unable to do so.

12. Mr. Brooks met with potential entrants, including plywood operators, to tell them of possible shortages of timber in the area and that there would not be enough timber to go around if they came in.

13. The defendants concerted efforts to exclude competition were entirely successful

throughout the period 1959–75. The bidding record on timber sales make clear that competition by ALP or KPC for timber sales was limited almost entirely to instances in which one of them was bidding against a third-party mill for timber.

X. The defendants further eliminated mill competition by systematically acquiring ownership or control of the sawmills in southeast Alaska, and by expanding their own operations

A. Defendants Acquired Ownership or Control of Virtually All the Sawmilling Capacity in southeast Alaska.

1. ALP and KPC acquired ownership or control of virtually every sawmill which at one time operated as an independent manufacturing facility in Southeast Alaska. These included Alaska Prince Timber Company, Ketchikan Spruce Mill, Schnabel Lumber Company, Alaska Timber Corporation, Alaska Wood Products, Alaska Ford Products, and Mitkof Lumber Company. Defendants' primary purpose is acquiring these mills was to eliminate competition for timber and logs.

2. The elimination of Alaska Prince by KPC effectively eliminated Reid Brothers' principal log buyer in the 1970's.

3. Originally, Mr. Brooks tried to dissuade Oji Paper Company of Japan from constructing its Alaska Prince mill. When this failed KPC set about to prevent AP from obtaining a log supply at anything other than prohibitively high prices.

4. KPC was concerned about AP competing for logs from independent loggers and AP's paying the individual loggers higher prices for their logs.

5. Mr. Brooks made clear to Alaska Prince that before Alaska Prince negotiated for logs from a logger, it should determine whether the logger was indebted to KPC, and if he was, should be prepared to pay his indebtedness in cash. Mr. Brooks wrote to Mr. Schmidbauer that KPC could forestall Alaska Prince from getting logs by calling KPC's loans to its independent loggers or insisting that Alaska Prince take over KPC's financing.

6. Alaska Prince remained desperate for a timber supply. The two timber sales on which KPC knew that Alaska Prince was likely to bid were the East Side timber and the Turn Point #2 sales. KPC paid large premiums to deny Alaska Prince a supply on both of these sales.

7. KPC bid the sale, in the name of Hollis Logging Company, from a Forest Service advertised minimum of $9.72 to $26.60, which Mr. Brooks described as the "highest priced sale to date on the Tongass National Forest."

8. With regard to the Turn Point #2 sale, Mr. Schmidbauer of KPC instructed the KPC timber manager to outbid Alaska Prince "regardless of cost" and "at any price".

9. In the fall of 1970, the owners of Alaska Prince approached KPC on the subject of selling the mill. They were unable to secure enough timber to stay in business.

10. Mr. Merlo recommended to his Board of Directors that KPC acquire the Alaska Prince Mill, and KPC did so in early 1971. As part of the arrangement, KPC acquired by third-party agreements the few timber sales which Alaska Prince had managed to acquire. Among the loggers selling logs to Alaska Prince at the time KPC acquired the company was Reid Brothers.

11. Ketchikan Spruce Mills (KSM) was established in 1903. Prior to KPC's starting operations in Alaska, i.e., from 1903 through 1955, KSM acquired its log supply from independent loggers and by purchasing Forest Service timber sales. Beginning in about 1955–56, KSM ceased purchasing logs from independent loggers, abandoned its own logging operations, and became dependent upon KPC for 100% of its log supply.

12. At a later time, GP threatened to build its own sawmill and raise its log prices to KSM during the period of construction. KSM sold out to Georgia-Pacific in late 1967.

13. Schnabel Lumber Company (Schnabel) operated a sawmill at Hains, Alaska, in the North Tongass.

14. In the late 1960's and through the mid-1970's, Schnabel and Wrangell Lumber Company had a ten-year agreement whereby WLC supplied logs to Schnabel and Schnabel sold all of his lumber and wood chips to WLC. During that ten-year contract, Schnabel fell progressively further into debt to WLC.

15. Throughout the early 1970's both ALP and KPC knew that Schnabel was short of sawlogs to operate his mill. However, KPC refused to sell logs to Schnabel because he was allocated by agreement to ALP.

16. ALP exercised control over the Schnabel mill by means of indebtedness, control over supply, and restrictions on Schnabel expressed in the agreements between Schnabel and WLC.

17. Edward Head had been an experienced mill operator in Northern California. In 1969, he formed Annette Timber Company (predecessor to Alaska Timber Corporation) and sought to obtain timber sales to support a new mill operation.

18. Mr. Head acquired the Devil's Club #2 sale in June, 1969. Mr. Schmidbauer then instructed Messrs. Murdey and Finney of KPC to keep Mr. Head from purchasing any additional timber sales or establishing a competing mill. Mr. Murdey discussed Head's efforts to obtain financing from the National Bank of Alaska with the bank's manager.

19. Unable to obtain sufficient financing, Mr. Head was finally obliged to sell his partially completed sawmill to KPC in exchange for a commitment for financing to complete construction and a lease-back and purchase-option. The agreement also provided the KPC would supply the mill with a guaranteed volume of logs annually for a ten-year period and would have the right to market all of its lumber production.

20. The Alaska Forest Products (AFP) sawmill was operated at Haines, Alaska, by Dant & Russell. AFP and WLC had a ten-year agreement which gave WLC the right to purchase all of AFP's production.

21. During 1973–75, AFP faced a critical log supply problem. Leroy Lambert, timber manager for Dant & Russell, traveled to Sitka in August, 1974, to attempt to purchase logs for AFP. ALP advised Lambert that there were no logs available, and that it had none for sale.

22. AFP bid on the Hamilton River #1 timber sale on October 18, 1974. The purchase of that sale by AFP was regarded as vital by the company's management.

23. ALP outbid AFP on the Hamilton River #1 sale, which was located within ALP's operating area, by bidding stumpage from the advertised minimum of $17.10 to $63.72. KPC did not bid on the sale.

24. Still seeking a supply, AFP bid on the Bear Creek #2 sale. This sale was located in the KPC operating area. ALP did not bid. KPC outbid AFP on the sale, bidding the hemlock from $21.09 to $43.00. AFP subsequently closed down its mill.

25. The Alaska Wood Products (AWP) mill was constructed in the mid-1960's in Wrangell. In 1968, WLC purchased the outstanding stock of AWP.

26. Mitkof Lumber Company (MLC) began operation as a small sawmill in approximately 1954. In 1966, Mitkof entered into a joint venture agreement with Wrangell Lumber Company, at the latter's suggestion, for the purpose of bidding on the large Kake #1 timber sale and the Shrubby Island timber sale.

27. In late 1973 or early 1974, WLC approached Lars Eide, the owner of Mitkof, and offered to purchase Mitkof's stock. It was agreed that WLC would (1) acquire 40 percent of the Mitkof stock, (2) file Mitkof's log requirements at Wrangell's cost, and (3) market the cants which Mitkof would produce for a percentage commission.

28. WLC's attorneys were concerned that the proposed acquisition might run foul of SBA regulations and might disqualify Mitkof from bidding on small business set-aside sales. The agreement was therefore modified to provide that Mitkof stock would be sold to individuals in Tacoma who were minority shareholders of the company the full amount necessary to purchase the stock ($403,975) would be loaned by WLC; and WLC would have an option to purchase the Mitkof stock. The transaction was completed on this basis in the spring of 1974.

B. Defendants Expanded the Capacity of Their Own Milling Operations

1. In addition to their acquisition of sawmill facilities, both KPC and ALP expanded their own operations.

2. The KPC pulp mill had been constructed in 1954 with a theoretical capacity of 350 tons per day. By 1975 it had been expanded to produce 600–630 tons per day. KPC initially had no sawmill capacity. In addition to the sawmills it acquired, it constructed an additional sawmill adjacent to its pulp facility at Ward Cove.

3. ALP increased its sawmill capacity from approximately 40,000 MBF in 1961 to 150,000 MBF in 1973, including the acquisition of Alaska Wood Products. ALP also increased the capacity of its pulp mill during this period.

XI. The defendants used "fronts" and controlled companies to carry out their conspiracy

1. From the mid-1960's on, both defendants used "fronts" and controlled companies as one means of carrying out their conspiracy. Their purposes in doing business through such organizations, rather than in their own names, were to conceal certain of their bidding activities on independent Forest Service timber sales, to avoid association with what they described as high-priced stumpage, to conceal their exclusion of potential entrants, to obscure their control over contract loggers, and to avoid criticism directed at their increasing control over the industry.

2. Panhandle Logging Company was one of the fronts used by KPC. It was formed by KPC and Ketchikan Spruce Mills in 1966, before KPC acquired KSM. Its only function and purpose was to bid on timber sales for KPC. Panhandle bid successfully on the Tuxekan sale in 1966. Both KPC and KSM submitted qualifying bids for the sale, but did not bid orally.

3. Panhandle also won the Shoal Cove timber sale. This occurred after KPC's acquisition of KSM. KPC again submitted a qualifying bid, but did not compete in the oral bidding. The sale was managed and financed by KPC.

4. Straits Logging Company, originally an independent logging company, was used by KPC to bid timber sales and to promote and advocate position favorable to the pulp mills. Straits appeared in the role of an independent logging company long after all right, title and interest in Straits had been assigned to KPC.

5. KPC also used other controlled logging companies like Carroll Creek when it submitted bids. As with Straits, its ownership by KPC was concealed from the general public.

6. KPC used Morris & Sublett, another logging firm, to bid on the Bat Cove timber sale, with the aid of a cashier's check on which KPC's name did not appear.

7. KPC bid the Carroll A-frame show through Tom Williamson.

8. ALP did not bid on timber sales in its own name. Although timber and log procurement were handled by ALP's woods division manager at Sitka, the bidding on timber sales was always done in the name of WLC, AWP, or an ALP-owned or controlled logging company.

9. ALP acquired L.O.G. Logging Company in 1963 and Don Meurs Logging Company in 1964. In each instance ALP transferred the

stock to nominee shareholders. L.O.G. and Meurs were frequent bidders on Forest Service timber sales. From and after the time of their acquisition, the bidding by these companies was in fact done for ALP.

10. Much of the defendants' preclusive bidding against outside mills was done in the name of bidding fronts. This was true, for example, with respect to the Tuxekan, Shoal Cove, and Kake No. 1 sales. In all instances in which KPC and ALP bid successfully against plywood and veneer companies seeking to get established in the market the bidding was done through controlled companies.

11. During the 1960's and 1970's the defendants made increasing use of mill-owned or controlled loggers which retained or added names implying that they were independent.

XII. Pursuant to their conspiracy defendants paid artificially low prices to loggers for logs, and eliminated purchase loggers from the field

A. Artificially Low Prices for Logs and Logging Services

1. The defendants adopted a common scheme of paying artificially low prices for logs and logging services. The prices paid were related to defendants' estimates of logging costs, not to the value of logs, and resulted in loggers accumulating massive debt account with the mills.

2. This was done with both purchase and contract loggers. As this system worked, defendants advanced funds to loggers to cover the difference between the prices and the higher cost which the loggers actually incurred. Defendants knew, or expected, that these advances would not be repaid.

3. Both defendants utilized various devices such as operating assistance allowances, bonuses, retroactive price increases, debt write-offs, account adjustments and non-price subsidies. The intended and actual effects were to reduce costs of procurement and avoid statistics which could lead to increased stumpage prices. These devices were used to keep selected loggers functioning but under control. As a practical matter, when one of the defendants cut off further financing of an indebted logger, the logger would go out of business. The defendants then acquired the companies themselves or their assets.

4. The defendants' systematic restraint of prices was interdependent. Each could, and did, impose artificially low prices upon loggers only on the basis that the other would do the same.

5. Had either defendant commenced to pay competitive log prices, the other would have been compelled to follow suit; but that did not occur.

B. The Result of Defendants' Collusive Pricing Was the Elimination of Independent Logging Companies

1. Defendants' administered prices tended to eliminate independent loggers and replace them with defendant-owned or controlled companies.

2. Control over the following companies was acquired by KPC: Norton Logging, J & H Logging, H & C Logging, Hagen & Sundsten Logging, Island Enterprises, Burrell Logging, Morris & Sublett Logging, Hollis Logging, Davidson Logging, Venable Logging, Williamson Logging, LeMay Logging, Sunny Bay Logging, Ed Johnson & Sons Logging, Winsenbert Logging, and Sawyer Reynolds Logging.

3. Control over the following companies was acquired by ALP: L.O.G. Logging, Don Meurs Logging, Whitewater Logging, Barton & Reynvaan, Clear Creek Logging, Mud Bay Logging, and Tyler Brothers.

XIII. KPC and ALP attained and exercised monopoly power in the timber industry in Southeast Alaska

A. Geographic Market and Product Markets

1. These are set forth earlier in these findings.

B. Defendant's Market Share

1. Over the period 1959–75, KPC and ALP combined purchased over 90 percent of the timber that was being cut in Southeast Alaska and manufactured at least 90 percent of the manufactured products. The 90 percent market share was divided about equally between the two defendants.

C. The Defendants' Attainment and Exercise of Monopoly Power

1. The defendants attained and exercised monopoly power, that is, the power to set prices and exclude competitors in the timber industry in Southeast Alaska.

2. The defendants' attainment of monopoly power resulted from their collusive use of their position as pulp mills to exclude and extinguish all competition for logs and to eliminate competition between themselves.

3. The defendants exercised their monopolistic power to set prices by paying loggers artificially low administered prices for logs and logging services, rather than prices based on supply and demand.

4. The defendants' monopoly power was unlawfully attained and was unlawfully exercised to the injury of nondefendant mills and loggers in Southeastern Alaska.

XIV. Co-conspirators

In carrying out their combination and conspiracy, the defendants acted with and used other co-conspirator persons, firms, and corporations, including: Wrangell Lumber Company, Alaska Wood Products, Ketchikan Spruce Mills, Georgia-Pacific Corporation, Louisiana-Pacific Corporation, FMC Corporation, Alaska Pulp Company, Ltd., Alaska Loggers Association, Panhandle Logging Company, Strait Logging Company, Pacific Commercial Company, Don Meurs Logging Company, L.O.G. Logging Company, and other "front" and affiliated companies. The participation of some of the said co-conspirators was the result of economic compulsion by the defendants. Each of the said persons, firms, and corporations performed acts or made statements in furtherance of the combination and conspiracy as set forth elsewhere in these findings.

XV. Reid Brothers was damaged by defendants' combination and conspiracy in restraint of trade, and by their exercise of monopoly power

A. Reid Brothers, as a Purchase Logger, Would Have Received in an Unrestrained Market Prices Which Reflected the Market Values of Its Logs

1. When a log market is restrained, as the Southeast Alaska market was by the defendants' anticompetitive conduct, the result is injury to the log suppliers. As a direct result of the defendants' antitrust violations, Reid Brothers received less for its logs, and hence less net income, than it would have received in an unrestrained market.

2. There was substantial unused mill capacity in the pulp mills and in other sawmills of Southeast Alaska throughout the years 1971 through 1974. The unused capacity each year was far greater than would have been needed to consume Reid Brothers' logs. In a competitive market, manufacturers will normally pay whatever is needed to acquire logs in order to operate at full capacity, so long as they can do so at a profitable level.

3. By the time Reid Brothers purchased the Muddy River #3 sale, competition in the market had been eliminated by the defendants' conspiracy and monopolization. Alaska Prince, which had bought logs from Reid Brothers, was no longer in business.

4. Absent defendants' anticompetitive conduct, Reid Brothers would profitably have operated as a purchase logger at Muddy River No. 3. This logging would have been completed in 1974.

5. On September 10, 1973, Mr. Finney of KPC wrongfully terminated its contract with Reid.

6. In an unrestrained market, Reid Brothers would, although with difficulty, have been able to raise sufficient funds to operate as a purchase logger at Muddy River No. 3. Start-up financing could have been obtained from a combination of the Reids' personal assets and as much as $100,000 from the Hammer & Wilkan Retail Store. In an unrestrained market, log price would have justified such an investment.

7. In an unrestrained market, contractual log prices between Reid Brothers (as a purchase logger) and KPC (or other log buyer) would have been renegotiated on at least an annual basis.

8. KPC's offer of $64.00 per MBF for Reid Brothers' logs from Muddy River No. 3 was a "cover price"; it applied to logs rafted and ready to tow at Reid Brothers' booming grounds. KPC was to bear all the expenses of towing (including insurance), booming and rafting gear, scaling, and forestry and engineering assistance.

9. To place log mill pond prices on the same footing as KPC's "cove price" offer to Reid Brothers in 1972, the costs of towing, scaling, booming and rafting gear, and forestry and engineering, along with a reasonable allowance for profit and risk on these expenses, must be subtracted from such log mill pond prices.

10. Upon making these adjustments, it appears that KPC's price offer was considerably below the prices which a purchase logger in an unrestrained market could have commanded between 1972 and 1974. This differential is primarily attributable to defendants' conduct in artificially restraining the log prices paid by mills.

11. As part of its collection of costs and selling values in Region 10 between 1972 and 1974, the Forest Service disallowed (i.e., excluded from its cost collection) sales commissions and other selling expenses paid by KPC and ALP to affiliated companies for timber product marketing. The Forest Service later concluded that its disallowance of these selling expenses had been improper. It accordingly adjusted the formula to include such expenses in its collection procedure. Consequently, mill pond prices derived from the cost collection data from 1972 to 1974 should be adjusted downward to reflect the Forest Service's correction of its own procedure.

12. Had the market in Southeastern Alaska not been artificially restrained by defendants, Reid Brothers would not have agreed to log Muddy River No. 3 as a contract logger for KPC.

13. In a genuinely competitive market, stumpage rates between 1972 and 1974 would have been higher than they were in fact. Rising log prices would have encouraged more active bidding by mills and purchase loggers. This incentive to bid, however, would not have increased substantially until the dramatic end-product price increases of 1973 and 1974. Even if log prices had been unrestrained, the evidence fails to establish that a significantly higher bid price would have been required for Reid Brothers to purchase that sale.

14. In an unrestrained market, a significant percentage of end-product price increases would be "passed through" the mills to log owners (e.g., purchase loggers). This "pass through" is accomplished by periodic (e.g., annual) price increases in the contracts by which mills purchase their supply. "Pass through" is reduced when mills have substantial log inventories, or when end-product price increases are sudden or short-lived departures from traditional price trends.

15. Dr. Carl A. Newport's comparison between Western Washington and Southeastern Alaska provides a reasonable basis for determining how end-products price increases would have benefited a purchase logger in a competitive market, operating at Muddy River No. 3 between 1972 and 1974.

16. The price paid by a mill to a purchase logger in a competitive market is determined by forces of supply and demand. Assessing

these factors as they existed in Southeastern Alaska during the period of plaintiffs' claim, the Court finds that 30% of end-product price increases would have been "passed through" to Reid Brothers at Muddy River No. 3. In Southeastern Alaska, the capital intensiveness of pulp milling would tend to increase the mills' share of end-product price increases, even in a competitive market.

17. Reid Brothers' profit at Muddy River No. 3 would have been a function of the escalating prices for hemlock, spruce, cottonwood and culls, that would have been paid in an unrestrained market. Logging costs are best determined by following Dr. Newport's "Alternative I" calculation in Exhibit A–4137. Revenues can best be determined by making an adjustment to Dr. Newport's "Alternative II" values in the same exhibit. This adjustment would reflect a 30% "pass through" of end-product price increases.

18. Reid Brothers' net recoverable damages are computed by subtracting plaintiff's costs from the revenues it would have received in an unrestrained market.

19. Assuming an annual adjustment to the price of each specific at Muddy River No. 3 Reid Brothers would have earned revenues totalling $2,111,838.

20. Reid Brothers' revenues at Muddy River No. 3 would have been offset by costs in the amount of $1,615,211.

21. It follows that as a result of defendants' anticompetitive restraint of log prices, Reid Brothers Logging suffered a total loss of profits at Muddy River No. 3 in the amount of $496,627.

22. Under the applicable antitrust laws, Reid Brothers is accordingly entitled to treble damages in the total amount of $1,489,881.

23. Site conditions at Mitchell Point and Kah Sheets made logging unusually difficult and expensive. With blown-down timber running as high as 80% (by Glenn Reid's admission) of the combined sales, all production-related logging costs far exceeded Forest Service regional averages. These site conditions were the primary cause of Reid Brothers' unusually low rate of production at Mitchell Point and Kah Sheets.

24. Even in a hypothetical unrestrained market, end-product prices and logging costs were such that Reid Brothers would not have made any profit by logging at Mitchell Point and Kah Sheets.

CONCLUSIONS OF LAW

1. Jurisdiction is vested in this Court, as to plaintiff's antitrust claim herein, by virtue of the provisions of 15 U.S.C. §§ 15, 22, and 26. The Court has pendent jurisdiction over plaintiff's alternative breach of contract claim, and jurisdiction over the counterclaim of defendant Ketchikan Pulp Company, under the provisions of Rule 13, Federal Rules of Civil Procedure.

2. The conduct of defendants Ketchikan Pulp Company and Alaska Lumber and Pulp Company, described in the foregoing Finding of Fact, constituted a combination, and conspiracy in restraint of trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1), and a conspiracy and attempt to monopolize, and actual monopolization of, trade and commerce in violation of Section 2 of the Sherman Act (15 U.S.C. § 2).

3. The plaintiff Reid Brothers Logging Company was damaged in its business by the defendants' aforesaid antitrust violations in the amount of $496,627. Under the provisions of Section 4 of the Clayton Act (15 U.S.C. § 15), plaintiff is entitled to judgment against defendants and each of them in the amount of threefold its actual damages, together with its costs of suit including a reasonable attorney fee.

4. Defendant Ketchikan Pulp Company is entitled to judgment on its counterclaim against plaintiff in the amount of $36.000, the figure to which the parties have stipulated. The said amount should be offset against the full amount of plaintiff's recoverable damages, *i.e.*, after the latter are trebled in accordance with 15 U.S.C. § 15.

5. The application of plaintiff for injunctive relief under the provisions of 15 U.S.C. § 26 is deferred for later consideration by the Court.

6. The Court finds that there is no just reason for delay. Accordingly, under the provisions of Rule 54(b), Federal Rules of Civil Procedure, the Clerk of this Court is hereby directed to enter judgment forthwith for plaintiff on its damages claim against defendants and each of them, and for defendant Ketchikan Pulp Company against plaintiff on its counterclaim, in conformity with these Conclusions of Law.

7. The plaintiff's application for attorney fees under 15 U.S.C. § 15 shall be decided hereafter, any award made by the Court in that regard shall be reflected in a supplemental judgment.

The Clerk of this Court is directed to send uncertified copies of these Findings of Fact and Conclusions of Law to all counsel of record.

Dated at Seattle, Washington, this ——— day of March, 1981.

U.S. District Judge.

NATIONAL METRIC WEEK

● Mr. PELL. Mr. President, this week, May 10–16, is National Metric Week in the United States. I think it is appropriate, some 5 years after the Metric Conversion Act and at the beginning of a new administration, to ask where we stand, and where we are going, on the metric issue.

Despite generations of debate, the United States has never had a national policy for, or against, metric conversion. The Metric Conversion Act emphasizes a process of voluntary use of the metric system, and the Metric Board, created by the act, exists only to coordinate and assist voluntary conversion activities.

The lack of a clear national policy has contributed to unnecessary confusion and controversy about metric conversion. Fears have been expressed that the cost of metric conversion would be very large, yet exact estimates of the true cost have never been developed.

The experience of a number of major companies, like General Motors and IBM, has been that conversion costs are far less than original estimates, and can be minimized through careful planning.

Surveys have shown that no company that has begun a metrification program has ever abandoned it. Other concerns have centered around the difficulty of retraining workers; it is argued that craftsmen and production workers have an ingrained resistance to change, and will balk at abandoning a familiar system for something radically different.

And yet survey after survey has found that the retraining period is brief, and that workers readily pick up metric conversion with no trouble at all. There has never been a single labor grievance filed over metrification.

The clear answer to "where do we stand" is that the United States today is drifting toward use of the metric system, in the absence of a national plan to help all sectors of our society participate, or to guide our relationships abroad. This was the basic finding of a GAO report on metric conversion 3 years ago, which repeated the familiar theme that ultimate conversion is "inevitable."

I have always believed that a course which is inevitable—particularly one which is to our national advantage—should be made as easy and expeditious as possible, and not approached in a haphazard fashion. The time has come to reevaluate our current lack of national policy on the metric issue, and give the Metric Board we created in 1975 the power to conduct the public education and advocacy which is essential to a rational metric policy.

The United States is the only industrialized nation that still measures by the inch and weighs by the pound, and we are just one of a handful of nations that do not use metrics as the primary system of measurement. Our major competitors in world trade have long since undergone conversion, and enjoy a preferred position in advancing their metric measured products.

Our failure to adopt a clear national policy, and provide the leadership for conversion of export-oriented industries, has contributed to our declining position in international trade. All the metricated companies put together account for only about 10 percent of the Nation's gross national product.

Continuing to defy the inevitability of metric conversion is neither in the interest of our national economy or the American consumer. Without our realizing it, many areas of our daily life are "going metric." Cameras, cigarettes and skis now routinely come in metric sizes. Coke, Pepsi, and Seven-Up have joined the wine industry in going metric, and distilled spirits are almost totally metricated. The major automakers, as well as the producers of computers, office equipment, electrical equipment, and the aerospace industry are well along in converting their product lines to metrics.

Is it not time that we replaced the present uncertainty and confusion with a clear commitment that our Government is at last ready to lead the way in bringing about full-scale conversion? Metric Week is an appropriate time to reconsider our vacillating and ineffectual policy on conversion, and resolve that we should—at long last—take a giant metric stride toward the future.●

HUNGER STRIKES IN NORTHERN IRELAND

● Mr. KENNEDY. Mr. President, all of us share a deep concern over the continuing violence in Northern Ireland. In the past week, the death of two hunger strikers in the Maze Prison in Belfast has brought about a new round of violence and killing.

Last week, after the death of Bobby Sands, I joined with Speaker O'NEILL, Senator MOYNIHAN, and Governor Carey of New York in a message to Prime Minister Margaret Thatcher of Great Britain, urging greater flexibility on the part of the British Government in the effort to settle the issues involved in the hunger strikes.

Today, we have received a reply from Mrs. Thatcher indicating that no change is planned in the position of her government.

The central point of the message that Speaker O'NEILL, Senator MOYNIHAN,

Governor Carey, and I conveyed to Prime Minister Thatcher last week is that greater flexibility by Great Britain on the issues of prison administration involved in the hunger strikes at the Maze Prison in Northern Ireland is essential to avoid greater violence.

I condemn all violence in Northern Ireland. I continue to believe that Britain has a responsibility to all the people on both sides of the community to pursue every possible step that could lead to a quick, fair, and humanitarian settlement of the hunger strikes, before additional deaths occur. Unfeeling inflexibility will achieve nothing but more death.

The Prime Minister's response shows only the shadow of flexibility, without the substance. It ignores possible initiatives which could resolve the current dispute over prison conditions.

Obvious avenues are open for sensible and reasonable compromise on the practical issues of prison administration, without compromising in any way on the basic principle of opposition to violence.

The leaders of Great Britain have a human responsibility to seek such a compromise. Surely—before more hunger strikers die, before more lives are lost in violent demonstrations, before all the hopeful progress of recent months is lost—it is time for Britain to break this endless spiral of death in Northern Ireland, so that leaders of good will may resume their efforts to achieve a peaceful and lasting settlement of the conflict.

Mr. President, so that our statements and materials on the issue may be available to all who seek an end to the violence in Northern Ireland, I ask that several items in connection with this matter be printed in the RECORD.

The material follows:

STATEMENT OF SENATOR EDWARD M. KENNEDY ON THE HUNGER STRIKE IN NORTHERN IRELAND

April 23, 1981

The hunger strike in Northern Ireland—especially the condition of Bobby Sands—is a cause of deep distress to me and to all Americans who have worked hard over the past decade to bring peace and respect for human rights to Northern Ireland.

Responsibility for the administration of the prisons in Northern Ireland clearly rests with Great Britain. I do not in any way condone the violence or terrorism in Northern Ireland. However, the critical nature of the current situation makes it imperative that the British Government undertake new and urgent efforts to resolve the issues in the strike and to achieve a peaceful and humanitarian solution.

Over the past year, important progress toward the cause of peace and the unity of Ireland has been achieved. I call on all the parties to put the same dedication and effort that has brought about this progress into assuring that the hunger strike is quickly and fairly ended and that further violence is avoided.

STATEMENT OF SENATOR EDWARD M. KENNEDY ON THE DEATH OF BOBBY SANDS

May 4, 1981

I am deeply saddened by the death of Bobby Sands, and I send my heartfelt prayers to all the members of his family.

His death is a sad day for Ireland and for all who seek peace in Northern Ireland and an end to the violence that has claimed so many lives and has scarred so many more in recent years.

At this time of heightened tension, I urge all sides in Northern Ireland to resist calls for further violence. It will only compound this latest tragedy if, out of reactions of desperation or motives of vengeance, the death of Bobby Sands sparks a new round of senseless killing and destruction.

Each new death in Northern Ireland is another death too many. More than two thousand citizens have lost their lives in the present round of violence and terror that have plagued the province since 1969.

If the painful end of this tragic hunger strike is to have any hopeful or lasting meaning, surely it is the lesson that too many people have died. The time has come for all those of good will on both sides of the community in Northern Ireland—the vast majority of Protestants and Catholics—to denounce the voices of bigotry, to renounce the path of terrorism and extremism, and to join together now in a new and more dedicated search for a common peaceful future.

I commend the many persons who worked so hard in recent days in Northern Ireland and in many other lands in the search for a peaceful and humanitarian resolution of this hunger strike. I regret very much that the brave intercession of the Holy Father and the hopeful initiative by the members of the European Commission on Human Rights did not succeed.

In the distress of the moment, we must not ignore the fact that three other prisoners in Northern Ireland are nearing a critical phase in their own hunger strikes. We must not yield to terrorism. But we also must not yield to impulses of intransigence that can only fan the flames of greater terrorism.

I urge the British Government, which has clear responsibility for prison administration in Northern Ireland, to act on an urgent basis to end its posture of inflexibility, and to implement reasonable reforms capable of achieving a humanitarian settlement of the other hunger strikes, so that the tragedy of Bobby Sands is not repeated.

The death of Bobby Sands is a symptom of a deeper crisis—a crisis that will go on and on and on in Northern Ireland, until the Government of Great Britain, the Government of Ireland, and all who truly seek an end to violence care enough to speak and work for peace.

TELEGRAM TO PRIME MINISTER MARGARET THATCHER OF GREAT BRITAIN, MAY 6, 1981

DEAR PRIME MINISTER THATCHER: We want you to know personally of our deep concern over the spectre of worsening violence and tragedy that threaten to engulf Northern Ireland after the death of Bobby Sands.

In recent months, we have praised your hopeful initiative with Prime Minister Haughey of Ireland, and we have looked forward to further progress in securing a peaceful settlement of the conflict.

Throughout these tragic years of killing and destruction in Northern Ireland, we have consistently and unequivocally condemned all violence from any source.

But we question a posture of inflexibility that must lead inevitably to more senseless violence and more needless deaths in Northern Ireland.

We urge you to act now, before additional lives are lost, to implement sensible and reasonable reforms in the administration of the Maze Prison—reforms that offer real hope of ending this violent impasse and achieving a peaceful and humanitarian settlement of the three hunger strikes that are now nearing the point of no return.

Surely it is possible to compromise on the practical issues of prison administration, without compromising in any way on the basic principle of opposition to violence. Surely the leaders of Great Britain have an urgent responsibility to do all within their power to end this tragic and unnecessary crisis.

EDWARD M. KENNEDY,
U.S. Senate.
DANIEL PATRICK MOYNIHAN,
U.S. Senate.
THOMAS P. O'NEILL, JR.,
Speaker, House of Representatives.
HUGH L. CAREY,
Governor, State of New York.

STATEMENT OF SENATOR EDWARD M. KENNEDY ON THE DEATH OF FRANCIS HUGHES IN NORTHERN IRELAND, MAY 12, 1981

The death of Francis Hughes is a new tragedy for Northern Ireland at a time when its people have already suffered too much tragedy.

It is also a death that might have been avoided by a more flexible approach of the British Government toward reforms in the administration of the Maze Prison.

Two hunger strikers have died already. Two others are now approaching critical phases of their own protests. Still another prisoner has begun a protest of his own.

I call upon the British Government to break this endless spiral of death, to end its posture of inflexibility, and to find a fair and humanitarian solution to the other hunger strikes before additional needless tragedies occur. Surely the leaders of Great Britain have a responsibility to seek a sensible and reasonable compromise on the practical issues in the hunger strikes, without compromising in any way on the basic principle of opposition to violence.

I condemn the killing and the destruction on all sides in Northern Ireland. I urge all those who care about the cause of peace to resist any calls for further violence after this latest tragedy.

The deaths of Bobby Sands last week and of Francis Hughes this week are sad testimony to the ongoing crisis in Northern Ireland and to the urgent need for leaders of good will in both parts of the community to come together in a common search for peace. If these senseless deaths are to have any hopeful meaning, let it now be seen in a firm renunciation of further violence, and a clear rededication by all the parties to the search for a peaceful settlement.

MESSAGE OF 14 MAY FROM THE BRITISH PRIME MINISTER, THE RT. HON. MARGARET THATCHER MP, TO SENATOR KENNEDY, SPEAKER O'NEILL, SENATOR MOYNIHAN AND GOVERNOR CAREY

I am writing to thank you for your message of 6 May. I welcome your clear restatement of your unequivocal condemnation of all violence in Northern Ireland. I welcome too your efforts to discourage American support for the men of violence in Northern Ireland and to promote better understanding among all the people of Ireland.

You question a "posture of inflexibility" that must lead inevitably to more violence and death in Northern Ireland. But that is not the Government's posture. It is important that there should be no misunderstanding between us. I am therefore sending you with this a full account of what has happened in the Maze Prison since the protesters' complaints were investigated by an independent international body, the European Commission of Human Rights.

This full account shows that HM Government has in fact acted with great flexibility. We have offered a series of improvements in conditions to all prisoners—most of which the protesters have rejected. We have also facilitated visits to the hunger strikers by the European Commission of Human Rights, by members of the Dublin Parliament, by the representative of the official Opposition here and by the personal representative of the Pope. None of these actions has had any effect upon the prisoners, whose sole purpose

is to establish a political justification for their appalling record of murder and violence—murder and violence which deserve the same total condemnation in Northern Ireland as they would get in the United States.

The prisoners, and those who speak for them, claim that the protests are not about prison conditions, but are about the demand for political status.

Political status would mean that the prisoners, not the prison authorities, would determine what the day to day regime within the prison should be. On this the Government will not compromise.

It is not prepared, through the granting of political status, to legitimise criminal acts undertaken in pursuit of political ends. It is not prepared to surrender control of the prisons.

It is not prepared to be coerced by protest action, in whatever form, into changes for which there is no justification on humanitarian grounds. We know from experience that to do so would not bring the protests to an end. On the contrary, yielding to coercion would provoke further coercion, and would encourage more young people to follow the path of violence.

It is the Government's profound hope that there will be no more deaths directly or indirectly due to the present hunger strike. Such deaths can serve no purpose. If political status remains the protesters' objective, then it cannot and will not be conceded. If they have other grounds for complaint against the prison regime, then further recourse to the European Commission of Human Rights remains available to them. The Government has shown that it is prepared to respond to the Commission's findings and to facilitate in any way it can the Commission's conduct of its investigations.

More widely, the Government remains committed to the search for ways in which the people of Northern Ireland can assume greater responsibility for their own affairs, through political institutions in which all sections of the Community can have confidence. It believes that the best hope for long term peace and stability is to be found in the political process, not in violence and intimidation. And the Government remains determined to build on the unique relationship that already exists between the United Kingdom and the Republic of Ireland, to the benefit of all the peoples of these islands.

ANNEX TO PRIME MINISTER THATCHER'S MESSAGE OF 14 MAY

In 1978, the European Commission of Human Rights considered the situation at the Maze Prison in the context of an application made to the Commission by four prisoners.

The prisoners' main complaint was that their right to freedom of conscience and belief (under Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms) was denied them because the prison authorities sought to apply to them the normal prison regime. The Commission in their decision of June 1980 found that a right to preferential status for a certain category of prisoners was not amongst those guaranteed by the Convention or by Article 9 in particular.

The applicants also argued that the regime under which they lived amounted to inhuman and degrading treatment and punishment in breach of Article 3 of the Convention. The Commission declared that all their complaints under this Article were inadmissible on the grounds that they were "manifestly ill-founded." At that stage many of the prisoners were, as you know, conducting a uniquely disgusting form of protest in which they fouled their cells with food and excreta. They had broken up furniture in their cells and had used it to damage the windows and other fittings. The European Commission recognized that these conditions were self-inflicted. The prison authorities, of course, made arrangements for the cells to be cleaned and repainted at frequent intervals.

But among their other findings the Commission emphasised the prison authorities' duty "to keep under constant review their reaction to recalcitrant prisoners engaged in a developing and protracted protest" and commented that "efforts should have been made by the authorities to ensure that the applicants could avail of certain facilities such as taking regular exercise in the open air with some form of clothing (other than prison clothing) and making greater use of the prison amenities under similar conditions." It also said that "arrangements should have been made to enable the applicants to consult outside medical specialists even though they were not prepared to wear prison uniform or underwear.".

Thus the prisoners' claim for political or special status has been investigated recently and decisively rejected by an independent authority of the highest standing: the conditions at the Maze Prison were covered as part of the Commission's investigation and no serious complaint against them was sustained, and the Commission did not, where it felt necessary, hesitate to criticise the Government and the prison authorities.

These criticisms were respected and new arrangements to satisfy them have been in force for more than a year. That is not all. During the course of 1980 the protesting prisoners were offered, whether or not they ended their protest, a range of improved conditions in connection with letters, visits, recreation, association and compassionate leave. In October last year the Government ended prison uniform as such in Northern Ireland prisons in favour of the issue of civilian-type clothing in a range of colours and styles. Of these measures, the protesting prisoners had, by the beginning of March this year, made use in some cases of the facility of additional visits to relatives in ill-health. Apart from that there has been no response.

The first hunger strike ended on December 18, 1980. Contrary to what has been alleged, no undertakings were given to the hunger strikers or the remaining protesting prisoners at that time, before it or after: what the Government had sought to do was to explain to all protesting prisoners what facilities and opportunities were available to them within the existing prison regime, which, as was also made clear to them, the Government is committed to maintaining and, as circumstances allow, improving. That explanation stands and the same facilities remain available. When the ending of the first hunger strike failed to lead to the ending of the other protests, the prison authorities, with the full backing of the Government, took the initiative to move 96 of the protesting prisoners into clean cells. When it became clear that those prisoners had stopped fouling their cells, normal cell furniture was provided.

This process completed, the next step towards a conforming regime was the issue of the civilian-type clothing. The prisoners refused this, saying that they were not prepared to wear it unless their own clothing was provided at the same time: and that they would take part in no work other than that of cleaning their own cells and receiving full-time education. (The Commission had, incidentally, said in its findings that it did not consider there to be anything inherently degrading or objectionable about the requirement to wear a prison uniform or to work.) The Government had no choice but to say it could not accept these conditions. The prisoners' response, on 27 January, was to smash the furniture they had been given and to damage the fabric of their cells.

On March 2 the prisoners engaged in the "dirty" protest at the Maze, and at Armagh, said they were ending this form of protest, but were doing so not as a step towards conformity with the prison regime but in support of the hunger strike which had then just begun. The Government nevertheless welcomed the prisoners' decision to end the conditions that they had imposed upon themselves: the prisoners were transferred to clean cells as quickly as the necessary arrangements could be made: and when they asked for the issue of furniture this was, notwithstanding the actions of January 27, initiated. As in January, the prison authorities responded to this scaling down of protest action by scaling down the punishment awarded, in this case by reducing by half the rate at which the protesting prisoners forfeited remission. For those prisoners who had ended protest action altogether since the previous hunger strike, the prison authorities had already, as they had undertaken, completed a review of remission and, where the prisoner concerned had by a period of conforming behaviour shown that his decision to cease his protest was a firm one, restored some of the remission previously forfeited.●

ADDRESS BY DR. MARK MacGUIGAN AND THE HONORABLE KEITH NORTON BEFORE THE CONFERENCE ON ACID RAIN

● Mr. MOYNIHAN. Mr. President, on May 2 I had the opportunity to address the Conference on Acid Rain sponsored by the Canadian-American Center at the State University of New York at Buffalo. Some 200 people participated in this conference to discuss the technical, political, and economic aspects of this most important environmental issue. The conference served to underscore the significance of acid rain as an international matter which requires serious bilateral attention. In my own State of New York, it has been found that almost 10 percent of the lakes and ponds in the Adirondacks are in a critical state of acidification and another 9 percent are in an endangered situation.

In his remarks before the conference Dr. Mark MacGuigan, the Secretary of State for External Affairs of Canada, a most distinguished public servant, expressed with a clear voice the depth of concern felt by Canadians over the acid rain phenomenon. I would be remiss not to commend Dr. MacGuigan's very pertinent and passionate remarks to you. I therefore ask that they be printed in the RECORD.

I also ask my own remarks as well as those of the Honorable Keith Norton, Minister of the Environment, Province of Ontario, be printed in the RECORD. Mr. Norton eloquently points out that tens of thousands of Ontario's recreational lakes are now sensitive to damage from acid rain.

The material follows:

ADDRESS BY THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS OF CANADA, DR. MARK MACGUIGAN

My first remarks are ones of congratulation to the organizers of this conference and to the directors and staff of the new Canadian-American Centre at this State University of New York at Buffalo. It is undoubtedly obvious to all of those here today that acid rain—and the damage it is inflicting—is a serious problem for both our countries. I therefore offer my thanks to the organizers of this conference for their perceptiveness and determination in marshalling so many outstanding experts from both the United States and Canada to confront this most difficult subject. I hope, too, that the efforts

of this new centre will serve us well in the future in examining the full range of other concerns which, inevitably, good friends and neighbours must confront.

I do not intend to review in detail today the issues surrounding the dangers and control of acid rain. These have been examined exhaustively and expertly by the many specialists who have preceded me here. Rather, as the minister responsible for Canada's foreign affairs, I want to examine the political components of this phenomenon—a phenomenon which for Canadians is a question demanding answers in the present, and for both our countries is an issue which goes to the heart of our relationship.

Most of you here today are familiar with the basic structure of Canada-U.S. relations. The relationship is one which spans much of our history and it has—for the most part—served us well. The unparalleled prosperity of both countries attests to that. And, despite our differences in population, and despite the different courses on which our national institutions have evolved, Canadians have learned to live alongside their neighbours in understanding and, frequently, with sympathy.

But beyond that, Canadians and Americans share a moral responsibility. Our prosperity and influence have not been solely the product of hard work or economic wisdom. From the very dawning of North American history, it was evident throughout the world that Canadians and Americans were the inheritors of one of the world's richest land masses. Over a span of more than 200 years the riches of America—as it was known in the old world—were little short of legendary. It was the promise of these resources that brought to this continent the millions of people who sought to fashion it into strong and influential economic and political entities.

How well our people have succeeded in achieving that is a matter of history. If our living standards over the years are a criterion, they have indeed succeeded in achieving their goals. But I want to suggest to you today that there is another dimension to that inheritance, namely our responsibility towards each other to ensure—through the rule of law—that what was given to us is not left ravaged and extinct because we lacked the foresight or the will to protect it for future generations of North Americans.

Your deliberations here over the past two days have focused on the need to prevent such a disaster. There are those, of course, who do not necessarily share our ominous view about the essentially tragic effects of unchecked acid rain. There are others who are pessimistic about the prospects for action to effectively control those emissions which have resulted in acid rain and the profound damage it is causing to much of our environment. There are others whose approach fails to take account of the true nature of all the costs and benefits involved. Let me briefly address a comment to each of these views.

To those who doubt the seriousness of acid rain, I extend an invitation to come to our country and see for themselves. There they will find signs of the depredations of several million tons of sulphur dioxide and oxides of introgen—at least half of which is of U.S. origin—which are transformed chemically in the atmosphere and fall in our country each year in the form of acid rain. Many of our lakes have reached levels of acidity which make it impossible to support fish and related forms of life. In Nova Scotia to date, no less than nine rivers no longer support the salmon population. And elsewhere, the leaching of calcium and magnesium from the soil is threatening our boreal forest—a resource that provides employment to 10 per cent of our labour force in Canada.

Those who are pessimistic about the prospects for halting the high level of emissions have perhaps ignored our own experience in Canada. I suggest they look at what we in Canada have been able to bring about in this effort. The best example is the huge smelting operation of the International Nickel Company at Sudbury, Ontario—the largest single producer of acid-causing emissions in our country. Had no controls been imposed, that smelter would today be producing some 7,200 tons of sulphur dioxide daily. However, for several years, it has been operated at 50 percent control or below. New regulations in 1980 have reduced the legal limit from 3,600 tons a day to 2,500 tons. In 1983, it will drop to 1,950 tons and we are examining ways to reduce emissions to the lowest possible level.

That is one major example; but there are others. Sulphur containment at a new copper smelter in Timmins, Ontario, will reach 97 per cent. And Ontario's thermal power stations have been required to reduce total sulphur dioxide emissions by 43 per cent during the 1980s—even though, like the United States, we are anticipating considerable growth in demand for electricity.

I cite these examples not to patriotically parade our accomplishments, but to illustrate what can be accomplished through the joint efforts of scientists, industry and government where there is a determination to make an impact on a situation which can only get worse if left unchecked.

To that third group—those who propound the view that economic and energy considerations make significant controls unfeasible—I would submit that significant emission reductions, if wisely applied, need not detract from economic and energy goals. Nor should the legitimate costs of production be passed off to another party—in this case another country. This is spurious in economic terms and irresponsible in the spirit of international legal considerations.

With respect to coal conversion, there is considerable economic benefit to be derived from a switch to coal from imported oil. In effect, this benefit is sufficiently attractive that we can more than afford the cost of ensuring that resulting damage to the environment be minimized to the extent possible.

It will be obvious in this that we are dealing with a phenomenon that will not evaporate or otherwise disappear. The realities of energy supply and demand make it inevitable that even at present emission levels the situation will deteriorate even further than it has. With the growth in both our countries of coal-burning, energy generation, further inaction will prove to be disastrous. Yet even the fact that we possess the technology which can permit us to live with a higher level of coal consumption at much lower emission levels will not save us unless we are convinced of the need to apply the rule of law in order to eliminate the problem arising from the inequity in the present distribution of the costs of acid rain, as well as to combat the damage acid rain inflicts on both our countries.

It can be argued, of course, that legislators will respond only to the expressed concerns of their constituents, and that while there is a very high level of concern and sensitivity in Canada about acid rain, there is a relatively low level of concern in the United States. But this point of view overlooks some present-day realities and ignores the nature of our historical relationship.

For one thing, media reports and conferences such as this clearly demonstrate accelerating interest in the United States. I understand this reflects a growing awareness of the potential for extensive environmental damage in such areas of the United States as New England, the North Central region, parts of the Rocky Mountain region and the Appalachian area. And so, while the acid rain phenomenon has not yet had as profound a recognition generally in the United States as it has had in Canada, alert and far-sighted Americans appear to be heeding the warning signs.

I believe, also, that legislators in the United States are unlikely to fly in the face of our historical methods of resolving problems common to our two countries. Canada and the United States have developed a long tradition over the years of solving their environmental problems effectively, fairly and with careful attention to international law and responsibility. The Great Lakes Water Quality Agreement is a particularly fine example of how our countries have co-operated to deal effectively with a large-scale pollution problem.

But acid rain is a serious bilateral issue because Canadians perceive that further delay in tackling the burgeoning threat of acid rain can result in further incalculable damage. Such delays would be particularly repugnant to Canadians if they were the result solely of narrow vested interests. But it is clear that legislative action is now vital if further damage is to be averted. It was in recognition of this that the Canadian House of Commons and the Senate recently voted unanimously to provide the authority—through amendments to the Clean Air Act—to meet our obligations toward the United States vis-a-vis trans-boundary air pollution.

In light of this legislative action, and the actions taken to begin controlling Canadian pollutant sources, Canadians now expect the United States to demonstrate the same degree of concern to address the problem. In short, we in Canada are convinced that we cannot resolve acid rain ourselves. We urgently need the co-operation of the United States.

The importance of acid rain in Canada-U.S. relations is also demonstrated by the attention it received during the visit of President Reagan to Ottawa in March. It was among the major bilateral issues discussed. I can assure you that Canada was pleased to receive the President's assurances that negotiation of an agreement to deal with the problem would proceed as planned, and that the United States wants to work co-operatively with Canada to understand and control air as well as water pollution. We regard this as an important commitment by the United States Government.

The United States' commitment to commence negotiations in June in accordance with a Memorandum of Intent was reiterated just last week by a senior State Department official. In short, we intend to press on.

Our ultimate hope, of course, is in the successful conclusion of a bilateral air quality agreement. In that connection, our two countries signed a Memorandum of Intent in August of last year which enunciated three quite specific objectives.

The first is to commit our countries to begin negotiations on such an air quality agreement in June, 1981—only a month from now.

Secondly, the Memorandum of Intent provided for the establishment of five joint Canada-United States working groups, charged with developing a common information base. The first reports of these groups—although interim and preliminary—show clearly that our concerns about acid rain were not misplaced, that it is a genuine and serious problem.

Thirdly, the Memorandum of Intent calls on both Canada and the United States to undertake interim measures of control to reduce trans-boundary air pollution, pending the conclusion of a bilateral agreement. As I elaborated earlier, Canada has already implemented a number of such control measures and is anticipating some palatable reciprocation by the United States.

It has been said that acid rain constitutes a test of the rule of law in the relationship between Canada and the United States. The legal principles involved are clear. Both our governments support Principle 21 of the 1972 Stockholm Declaration which provides that states have "the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment

of other states or of areas beyond the limits of national jurisdiction."

With regard to boundary waters, this principle has been embodied in our bilateral treaty obligations for more than 70 years. The Boundary Waters Treaty of 1909 prohibits the pollution of waters on either side of the boundary "to the injury of health or property on the other." This was the basic principle applied in the Great Lakes Water Quality Agreement of 1972—an agreement which must inevitably be of particular significance to both Americans in this region and to Canadians in the "Golden Horseshoe" on the Canadian side of Lake Ontario.

It was an international arbitration in the 1930s between Canada and the United States that provided what is still the clearest statement of the international law relating to air pollution. At the conclusion of the Trail Smelter Arbitration, in which Canada had previously accepted liability for damage caused in the State of Washington by fumes from a smelter in British Columbia, the Arbitral Tribunal stated that "no state has the right to permit the use of its territory in such a manner as to cause injury by fumes in or to the territory of another or the properties of persons therein. . . ."

I am certain that all responsible Americans accept that the rule of law should guide their relations with other countries as well as their internal activities. I am also certain that responsible Americans recognize that our mutual obligations must be met by dealing with the causes of acid rain to prevent further damage rather than concentrating on remedies for damage after it has occurred.

For our part, we accept the fact that there will have to be a more focussed concentration on the problem of acid rain in both countries, necessitating heightened awareness and sensitivity to the damage associated with it.

One such mechanism is conferences such as this, in which skilled and informed specialists, legislators and others can elucidate our difficulties and focus on avenues for problem resolution. In that connection, I want to again express my thanks to the organizers of this conference for making it possible for the participants here to develop a perspective which is vital to comprehension of this very complex problem and to developing the kind of thrust which is essential to moving towards concrete action. It is an action that is in the finest tradition of our two countries and one that offers to Canadians the ray of hope we need to press on with our neighbors in overcoming one of the most serious environmental problems we share in this continent.

REMARKS BY HON. KEITH C. NORTON, Q.C., MINISTER OF THE ENVIRONMENT, ONTARIO MINISTRY OF THE ENVIRONMENT

I feel quite privileged today to be appearing on your program in the company of individuals who represent such a considerable degree of expertise and a wide range of opinion on the acid rain issue.

This will be my first major address as the Minister of the Environment, and frankly, it couldn't represent a better opportunity. I may be new to the environment portfolio, but I have been a member of the Ontario cabinet for several years so I know what a high priority the government places on this issue. And I am very familiar with the concern about acid rain which exists in our province in the minds of our environmental groups, and more importantly, in the minds of the general public.

My own concern here, is two-fold. I am worried about the environmental impact of the problem, certainly. I'll say a little more about that later. But first, I want to preface my remarks today by stating that the environment is not the only issue at stake here.

On a personal basis, I feel that the close and excellent relationship which has traditionally existed between our two countries is certainly being tested by recent developments. And that bothers me a great deal as an individual, and as a member of the Ontario Government.

Make no mistake about it, Ontario citizens are very aware of the acid rain issue, and the need for its solution. It is not simply a popular political issue, but a matter which has transcended ordinary partisan political lines in our country.

Our politicians and our residents also agree that the solution means tough and concerted action from both countries. Because this is not a problem which can be limited to jurisdictional boundaries. Like our shared waterways, we also share a common airshed. Both countries are contributors to problems in our neighbours' backyards and the control of emissions in both countries must reflect that fact.

However, when our media contains accounts of American groups seeking to relax pollution standards, when we see remarks from American officials which question the very existence of the threat to our environment, it is not surprising that Ontarians react with concern. In some of the conversations I have had and in the correspondence my office receives, that concern for some, manifests itself in anger.

In my view, the relationship between our two countries is a long-standing and valuable friendship for both of us. Clearly, one of the reasons it has stood the test of time, is that we have been able to deal honestly and openly with each other so we can work out our differences on a mutually satisfactory basis.

Today's event represents an opportunity for me to share with you honestly our concerns and explain where Ontario stands on the issue of acid rain, what we have done about it, and more importantly, what we will continue to do about it in the future.

Quite simply, the Ontario government's position is this all-out war on acid rain.

Consider some of the following facts which should help to explain our concern:

Fact: Nearly ten percent of Ontario's economic base comes from the aquatic-based tourism and outdoor recreation industries. In 1980, direct expenditures alone are conservatively estimated at $900 million.

Fact: Tens of thousands of our lakes in these recreational areas are sensitive to the insidious damage of acid rain.

Fact: A U.S. Environmental Protection Agency report in July 1980, concluded that Canada receives two to four times as much sulphur dioxide and eleven times as much nitrogen oxides as the United States gets from Canada. In Ohio alone, the 11 largest thermal power plants currently spew about 2.3 million tons of sulphur dioxide into our common airshed. All of Ontario's sources combined, including Inco Ltd., in Sudbury and Ontario Hydro, currently produce about 1.5 million tons.

Fact: In February 1979, a prolonged cold spell in Southern Ontario was broken by warm southerly winds which originated south of the Great Lakes. As the winds shifted from the south, sulphur dioxide concentrations began to rise dramatically. Within several days, pollution levels had risen above guidelines set by our ministry to protect public health. As a result, the ministry asked Ontario industries to cut back their operations to decrease emissions. The subsequent investigation conducted by the ministry, showed that 50 percent of the pollutants originated in the United States.

In August 1980 your country and mine signed a Memorandum of Intent under which both parties agreed to enforce existing laws and regulations to control emission sources. During that same year, the administrator of your Environmental Protection Agency, a co-signer of the Memorandum, relaxed controls for nine coal-fired plants in the United States. This relaxation approved the increased emission of about 800,000 tons of SO_2 per year, considerably more than the current emissions from all Ontario coal-fired power plants.

Finally, consider this. Sit on the shore of a particular lake, in Ontario's Muskoka area, or New York's Adirondacks. On the surface, the water appears crystal clear, almost shimmering in the sunlight. But look down beneath the surface—there are no fish, no small water creatures, no plants. In short, there is no life at all. The lake is dead.

I repeat, for Ontario, the results of acid rain are a critical environmental problem. No debate exists on that in the minds of the Ontario legislators, the Ontario media or the Ontario public. There is also no question that action must be taken to significantly decrease the causes. The only argument that does exist, is how far and how fast.

In Canada, the actual responsibility for pollution abatement measures belongs to the provinces. In Ontario, our scientific research was clearly telling us that acid rain was a serious threat to the North American environment. A solution would mean stringent actions not only from our own jurisdiction, but from our neighbors' as well.

Sulphur and nitrogen pollution has been curtailed dramatically in local Ontario terms over the past ten years. But it was obvious to us that much more would have to be done.

The fastest way to get that action is to build public knowledge and awareness and hence public support for the necessary solutions. So in February 1979 we took a big step in that direction by referring the issue of acid rain for public hearings before a legislative committee. Experts both inside and outside the government presented their evidence. Citizen groups raised their concerns and the media co-operated with extensive coverage. Since then, public response has been strong and consistent—they want action.

At those hearings my predecessor, Dr. Harry Parrott, called for joint international action as the only way to a successful solution. But he also pledged that Ontario was prepared to act on its own, to start the clean-up in its own backyard, even though he knew such actions could not solve the problem in Ontario because the majority of acid rain pollutants come from the U.S. Nevertheless, he felt we had to be prepared to shoulder our share of the responsibility.

The first step was Inco Ltd., the smelting operation in Sudbury, which represents the largest single point source of sulphur emissions in North America.

Inco had already reduced their emissions from approximately 2.0 million metric tons per year in 1969, to 1.2 million in early 1978. But in May 1980, armed with the knowledge that even tougher controls were needed, we ordered Inco to cut back to 833,000 metric tons per year and to have facilities in place by the end of 1982 to produce only 647,000 metric tons per year.

Incidentally, the government chose to implement these levels, not by the usual control order procedures which could have been stayed by company appeals, but rather, by using a government regulation which does not carry with it regular appeal mechanisms.

From 1969 to 1982, Inco will have reduced emissions by approximately 65 percent. But these limits are only the first step. Our goal is to reach the lowest emission level it is possible to achieve technically and economically. Studies undertaken by a joint federal-provincial task force will be completed by 1983 to give us the best solutions for accomplishing this.

Our second step? Ontario Hydro, a crown corporation which supplies almost all of the province's electrical energy. Its coal-fired plants together, form the second largest emitter of SO_2 in the province. In January of this year, we placed annual limits on Hydro's emissions which require the utility to imme-

diately undertake approximately $500 million worth of control activities.

The size of Hydro's facilities and the complexity of the steps to be taken mean that considerable lead time is required before controls are fully implemented. However, by 1985, emission levels must be down to 390,000 metric tons per year from current average levels of 452,000 metric tons. By 1990, a ceiling of 260,000 metric tons of SO_2 per year is required. This is a reduction of approximately 43 percent from the current average levels. It will apply regardless of any increase in electrical demand.

The emissions of nitrogen oxides will be reduced to 60,000 metric tons per year by 1986 through the addition of low NOx burners and by reduced coal-fired generation.

We have also asked Hydro to explore a new operating philosophy, one which can result in substantial pollution reductions without the need for additional control measures. Called L.E.D.S., for Least Emissions Dispatching System, it means that a utility generates power first from its "cleanest" plants leaving the "dirtiest" plants to handle excess loads. I understand this philosophy is also being explored by your government. We feel very optimistic that Hydro will be able to fully utilize this method of operation.

I want to stress one key element of our Hydro control program—flexibility. For an operation of this size, we are looking at a whole series of alternatives to achieve the maximum results for realistic prices.

It might seem that the solutions for acid rain will be costly. Inco has given estimates of $400 million for current and future control programs. I've already mentioned that Hydro will spend about $500 million. As for research, the Ontario government is spending about $5 million to develop more detailed information about the full extent of the problem and to develop the most effective strategies for fighting it. Even more money is going to be committed next year.

On the question of economics, David Stockman, the head of your Office of Management and Budget has been quoted as follows:

"I kept reading these stories that there are 170 lakes dead in New York. . . . Well how much are the fish worth in these 170 lakes that account for four percent of the lake area of New York? And does it make sense to spend billions of dollars controlling emissions from sources in Ohio and elsewhere if you're talking about a very marginal volume of dollar value . . .?"

He also has been quoted as saying that the Clean Air Act's ambient standards "are far too stringent relative to what both economic and public policy and the medical evidence suggest." And yet, it is his agency which has the job of scrutinizing the environmental regulation in the Reagan administration.

But responsible environmental regulation means you have to weigh those kinds of costs against the real price we pay if action is not taken. For those of you in the audience who are not convinced about the urgency of this problem, Ontario would have difficulty making a case if we asked you to weigh the costs of controls versus a few fish.

But that's not our argument. Instead, we are rapidly bringing together the dollar figures which will show the true costs of uncontrolled acid rain. Various estimates have been made, but part of our research efforts are going into producing definitive numbers so we can put accurate values on the other side of the cost-benefit scale—the dollars in lost business in our tourism and outdoor recreation industry; the costs of damage to man-made structures; the potential loss of crops and trees; and, if our worst fears are borne out, the impact on human health and the costs to society that could entail.

Right now, the Ontario government is asking its citizens to bear the costs of control programs which will actually produce as much of a reduction for our downwind neighbours in New York and New England as it does for Ontario. That's a tough road for an Ontario politician to travel. But, we are doing it because it demonstrates beyond doubt what our intentions are and how strong our commitment is.

With those steps underway, Ontario can turn to the real key to solution—cooperative international action. Along with the Canadian federal government, our province is one of the prime movers behind the Memorandum of Intent. And we are confirming our major involvement by fully participating with our federal and provincial colleagues in the working groups formed under the agreement to produce the data needed for the treaty we both must have.

This Memorandum was an excellent beginning for our two countries. Some of the statements it makes bear repeating.

The document declares that both parties will work "to develop a bilateral agreement which will reflect and further the development of effective domestic control programs and other measures to combat transboundary air pollution."

Both governments agreed to:

(A) develop domestic air pollution control policies and strategies, and as necessary and appropriate, seek legislative or other support to give effect to them;

(B) promote vigorous enforcement of existing laws and regulations as they require limitation of emissions from new, substantially modified and existing facilities in a way which is responsive to the problems of transboundary air pollution; and

(C) share information and consult on actions being taken pursuant to (A) and (B) above.

It would not be exaggerating to say that ministry officials felt some optimism about our chances for success. The day the Memorandum was signed. We believed then, as we do now, that technical solutions are available, and that adequate resources exist to implement them. More importantly, the scientific evidence suggests, we have enough time to take these steps together, before irreversible and widespread damage occurs. However, I believe we do not have time to waste.

It has also been encouraging to see a recent report by the U.S. National Commission on Air Quality, "To Breathe Clean Air", recognize that both countries intimately share the same regional airshed, and therefore Ontario's environment must be studied, assessed and protected in close concert with adjoining American states. That report is before the U.S. Congress for discussion of amendments in the Clean Air Act.

But after such a promising start, we have become increasingly alarmed at what now appears to be happening in your country as reflected in comments like those quoted from Mr. Stockman. Despite the commitments given under the Memorandum of Intent, existing pollution control regulations are not being enforced. The promised consultation with Canada on setting and enforcing standards has not taken place.

The clearly demonstrable effects of acid rain on Ontario from current American emission levels are concern enough. We are adamantly opposed to the requests from various states and power plants to have the Environmental Protection Agency actually relax the pollution limits on sulphur dioxide.

The potential for damage to Ontario if these requests are granted in serious, and we cannot ignore them. It is because of this that we took the unusual and unprecedented step of legally intervening in relevant proceedings in the U.S. which have a direct bearing on relaxation requests. Briefly our actions are as follows:

1. On March 12, the Ontario Ministry of the Environment filed a legal intervention with the U.S. Environmental Protection Agency. It asks the EPA to reject proposals from six states for a relaxation of emissions limits governing 18 power plants in Ohio, Michigan, Indiana, Illinois, West Virginia and Tennessee.

2. We also ask that the EPA enforce existing emission limits, review regulations on levels which govern all U.S. power plants and consider permissable emissions from the perspective of total effect on northeastern North America. We oppose applications to amend U.S. State Implementation Plans under which individual states would be permitted to increase pollutant emissions subject to approval of the federal EPA.

3. Finally, on April 9, Ontario filed a motion for leave to intervene as a respondent, in the U.S. Court of Appeals for the District of Columbia, where petitions are pending, filed by Ohio and two of its electrical power utilities. Their petitions, filed March 17, attempt to prevent the EPA from considering the effects to the Canadian environment when revising State Implementation Plans.

If I were to sum up our position it would be this: To have any chance at all of combating acid rain, there cannot be any increases in North America's emissions. It makes little sense to me for the EPA and the American government to work towards international agreements aimed at reducing pollution on one hand, while allowing emitters a freer rein on the other. If the terms of the Memorandum are not strongly enforced and emissions are allowed to increase, then the levels set in the future agreement will be that much harder and will take that much longer to implement.

Ontario's evidence is firm. If SO_2 and NO_x emissions continue at current levels, or if they are allowed to increase, the results could threaten aquatic life in thousands of Ontario lakes within the next 10 to 20 years. We are also concerned about the potential damage to terrestial life forms, to crops, forests, man-made structures and possibly human health.

For those of us who bear the responsibility of decison-making, guarding the environment is, I feel, a public trust. How our two countries handle acid rain will be the ultimate test. It is essential that we come to grips with it together.

To me, to my government, to our citizens, Ontario's environmental quality is simply not negotiable. We have enforced pollution controls in our backyard in the past and we will continue to do so in the future. Our research will continue so that we may constantly update and refine our knowledge of sources, effects and possible controls.

On the international front Ontario will stay a full participant in the Canada-U.S. working groups to lay the ground work for the urgently needed air quality agreement between our two countries.

But we can't fight the problem alone. We need to co-operate, to work together, to share our research and to consult on standards. We have a history of success upon which we can build and of which we can be proud. With our record of success in joint action through agencies like the international joint commission, I am confident we can do it. I would prefer that we work closely, that we solve this problem as friends.

However, it is a problem we both share. Ontario is waging the battle in our own backyard. We would ask you to do the same in yours.

ADDRESS BY SENATOR DANIEL PATRICK MOYNIHAN

I want to thank you for inviting me to speak at this most important conference on acid rain.

Acid rain is indeed a subject of great interest to me—as a New Yorker devoted to the protection and preservation of the Adirondack wilderness and as an American deeply concerned about the quality of our relations

with our good neighbor to the north. Transboundary air pollution is not a matter to be treated with callousness or insensitivity by either side. It should not be treated as a superfluous item on the agenda of a bilateral summit. It should not be treated as a nuisance that will simply fade on its own. It should not be treated as someone else's problem.

We find ourselves in a most peculiar predicament on this self-induced environmental hazard. Last year's Congressional debate on the so-called "oil backout" legislation gave us a hint of the vast confusion that surrounds the issue of acid rain. I speak of confusion in the broadest sense—from the conflicting scientific evidence on the nature and source of the phenomenon to the regulatory maze that promised to thwart not only our environmental concerns but also our goal to convert many of our Eastern utilities from oil to coal.

During this debate I offered an amendment with my former colleague from New York, Jacob Javits, which I believe had great educational value at the time. We proposed to force a handful of Midwestern coal-burning powerplants to reduce their emissions of sulfur dioxide. Our calculations were quite simple. Estimates of increased emissions from the 80 Eastern powerplants ordered to convert ranged from 100,000 tons of sulfur dioxide each year to 300,000 tons. We identified a dozen Midwest plants that, at the time of the legislation was being considered, were each emitting over 200,000 tons annually. Reducing the emission of just two of these plants would have offset—in absolute terms—the entire increase in sulfur dioxide emissions from the Eastern plants.

Indeed, as the report of the National Commission on Air Quality recently noted, "the key factor associated with the most serious environmental effects of acid deposition is not pollutant concentration but total pollutant loading." This was precisely the point of of our amendment. And yet during the entire debate, no attention—save ours—was paid to the vast gains to be made in reducing pollution from these existing coal-burning sources.

Confusion, or perhaps I should say, inadequacy is at the root of the Clean Air Act's existing arrangements for controlling the long-range transport of pollutants. Again, I quote from the report of the National Commission on Air Quality:

"Large quantities of pollution can be released without violating ambient standards, if the emissions are sufficiently dispersed. It is therefore possible for a state to institute a control program that is sufficiently stringent to protect local health, as the EPA requires, and still permit the production of pollution that can cause serious acid deposition problems in downwind regions."

In short, the structure of the Act is simply ill-suited to the complexity of the physical phenomenon, a phenomenon we know extraordinarily little about.

Our profound ignorance on the subject continues to disturb me. In November of 1979, it disturbed me enough to offer my bill, S. 1754, the Acid Precipitation Act of 1979, as an amendment to the Energy Security Act, otherwise called the Synthetic Fuels bill. (This amendment became Title VII of the Act, as passed, and is now known as The Acid Precipitation Act of 1980.) The purpose was not to impose a regulatory regime to deal with the suspected sources of the acidity but rather to establish a well-funded, coordinated, purposeful national research program.

The Interagency Task Force established by my legislation has now produced a draft plan of action, which they will be finalizing and submitting to Congress shortly. I am concerned that no direct funding of the Task Force, through the National Oceanic and Atmospheric Administration (NOAA), has occurred under the modest $5 million authorization for each of the next ten years contained in Title VII of the Energy Security Act. NOAA has requested $1.8 million for its own acid rain research program for fiscal year 1982. The Environmental Protection Agency funds for acid rain research have been increased by $1.8 million to $9 million in the new budget submitted by President Reagan, but how much of EPA's research will be conducted in a manner which directly supports the work of the Task Force is not known. I am also most unsatisfied with the still minimal role of the National Oceanic and Atmospheric Administration and the national energy laboratories. There is a reservoir of expertise on atmospheric monitoring and data collection that I fear we are neglecting.

I am much impressed by what we still do not know. Probably the only unqualified statement we can make on causes and effects of acid deposition is that less emissions are better than more. But how much less? And where might reduction best be achieved? And how do we proceed to yield these reductions? And who should tell whom how to proceed?

These questions are not intended to minimize that which we have been able to document such as the annihilation of fish life in lakes in the Adirondacks, Canada and Scandinavia. Nor are they intended to excuse us from immediate action.

The Senate Environment and Public Works Committee has already begun its oversight hearings on the Clean Air Act.

In April, Senator Mitchell held a special hearing in Maine to review the acid rain problem in New England. In June, the Committee will hold a hearing in Washington on the issue of long distance transport of air pollutants, with acid rain being a major topic for discussion.

The debate over possible amendments to the Clean Air Act will be long and difficult. In this context any discussion of acid rain must be approached in a responsible manner. I must tell you that there is no apparent sympathy among my colleagues on the Committee for charging ahead on any elaborate regulatory scheme at this time.

No specific proposals have yet been advanced in Congress on the long-range transport question, although we have the recommendations of the National Air Quality Commission and the several options considered by EPA. My own intention is to follow the guiding principle of "less is better than more". Coal washing is perhaps the easiest step we could take, which could reduce sulfur emissions by up to 2 million tons per year. Although we still lack the capability of accurately modelling regional air patterns and pollutant dispersion, we could begin to put in place a regulatory structure for regional pollution standards.

One of my major concerns now, however, is when and how are we going to hear from the Administration on this issue. What, if any, substantive proposals will be made. I hope we will not find ourselves lacking leadership from the executive branch.

ADDRESS BY SENATOR DANIEL PATRICK MOYNIHAN

I want to thank you for inviting me to speak at this most important conference on acid rain.

Acid rain is indeed a subject of great interest to me—as a New Yorker devoted to the protection and preservation of the Adirondack wilderness and as an American deeply concerned about the quality of our relations with our good neighbor to the north. Transboundary air pollution is not a matter to be treated with callousness or insensitivity by either side. It should not be treated as a superfluous item on the agenda of a bilateral summit. It should not be treated as a nuisance that will simply fade on its own. It should not be treated as someone else's problem.

We find ourselves in a most peculiar predicament on this self-induced environmental hazard. Last year's Congressional debate on the so-called "oil backout" legislation gave us a hint of the vast confusion that surrounds the issue of acid rain. I speak of confusion in the broadest sense from the conflicting scientific evidence on the nature and source of the phenomenon to the regulatory maze that promised to thwart not only our environmental concerns but also our goal to convert many of our Eastern utilities from oil to coal.

During this debate I offered an amendment with my former colleague from New York, Jacob Javits, which I believe had great educational value at the time. We proposed to force a handful of Midwestern coal-burning powerplants to reduce their emissions of sulfur dioxide. Our calculations were quite simple. Estimates of increased emissions from the 80 Eastern powerplants ordered to convert ranged from 100,000 tons of sulfur dioxide each year to 300,000 tons. We identified a dozen Midwest plants that, at the time of the legislation was being considered, were each emitting over 200,000 tons annually. Reducing the emission of just two of these plants would have offset—in absolute terms—the entire increase in sulfur dioxide emissions from the Eastern plants.

Indeed, as the report of the National Commission on Air Quality recently noted, "the key factor associated with the most serious environmental effects of acid deposition is not pollutant concentration but total pollutant loading." This was precisely the point of our amendment. And yet during the entire debate, no attention—save ours—was paid to the vast gains to be made in reducing pollution from these existing coal-burning sources.

Confusion, or perhaps I should say, inadequacy is at the root of the Clean Air Act's existing arrangements for controlling the long-range transport of pollutants. Again, I quote from the report of the National Commission on Air Quality:

"Large quantities of pollution can be released without violating ambient standards, if the emissions are sufficiently dispersed. It is therefore possible for a state to institute a control program that is sufficiently stringent to protect local health, as the EPA requires, and still permit the production of pollution that can cause serious acid deposition problems in downwind regions."

In short, the structure of the Act is simply ill-suited to the complexity of the physical phenomenon, a phenomenon we know extraordinarily little about.

Our profound ignorance on the subject continues to disturb me. In November of 1979, it disturbed me enough to offer my bill, S. 1754, the Acid Precipitation Act of 1979, as an amendment to the Energy Security Act, otherwise called the Synthetic Fuels bill. (This amendment became Title VII of the Act, as passed, and is now known as The Acid Precipitation Act of 1980.) The purpose was not to impose a regulatory regime to deal with the suspected sources of the acidity but rather to establish a well-funded, coordinated, purposeful national research program.

The Interagency Task Force established by my legislation has now produced a draft plan of action, which they will be finalizing and submitting to Congress shortly. I am concerned that no direct funding of the Task Force, through the National Oceanic and Atmospheric Administration (NOAA), has occurred under the modest $5 million authorization for each of the next ten years contained in Title VII of the Energy Security Act. NOAA has requested $1.8 million for its own acid rain research program for fiscal year 1982.

The Environmental Protection Agency funds for acid rain research have been increased by $1.8 million to $9 million in the new budget submitted by President Reagan, but how much of EPA's research will be

conducted in a manner which directly supports the work of the Task Force is not known. I am also most unsatisfied with the still minimal role of the National Oceanic and Atmospheric Administration and the national energy laboratories. There is a reservoir of expertise on atmospheric monitoring and data collection that I fear we are neglecting.

I am much impressed by what we still do not know. Probably the only unqualified statement we can make on causes and effects of acid deposition is that less emissions are between the poor of this country and where might reductions best be achieved? And how do we proceed to yield these reductions? And who should tell whom how to proceed?

These questions are not intended to minimize that which we have been able to document such as the annihilation of fish life in lakes in the Adirondacks, Canada and Scandinavia. Nor are they intended to excuse us from immediate action.

The Senate Environment and Public Works Committee has already begun its oversight hearings on the Clean Air Act. In April Senator Mitchell held a special hearing in Maine to review the acid rain problem in New England. In June, the Committee will hold a hearing in Washington on the issue of long distance transport of air pollutants, with acid rain being a major topic for discussion.

The debate over possible amendments to the Clean Air Act will be long and difficult. In this context any discussion of acid rain must be approached in a responsible manner. I must tell you that there is no apparent sympathy among my colleagues on the Committee for charging ahead on any elaborate regulatory scheme at this time.

No specific proposals have yet been advanced in Congress on the long-range transport question, although we have the recommendations of the National Air Quality Commission and the several options considered by EPA. My own intention is to follow the guiding principle of "less is better than more". Coal washing is perhaps the easiest step we could take, which could reduce sulfur emissions by up to 2 million tons per year. Although we still lack the capability of accurately modelling regional air patterns and pollutant dispersion, we could begin to put in place a regulatory structure for regional pollution standards.

One of my major concerns now, however, is when and how are we going to hear from the Administration on this issue. What, if any, substantive proposals will be made. I hope we will not find ourselves lacking leadership from the executive branch.●

REAUTHORIZATION OF LEGAL SERVICES CORPORATION

● Mr. HEINZ. Mr. President, I am pleased to join Senator EAGLETON and many other colleagues in seeking to extend the authorization of the Legal Services Corporation for 3 years.

The administration, Mr. President, has labored to do what it believes is right in its attempts to bring an end to America's economic stagnation. Whether we agree or disagree with the intentions of the administration in its overall budget efforts, we all have the responsibility to make our independent judgments and make changes where they are justified. Mr. President, the administration's proposal to eliminate the Legal Services Corporation is not justifiable.

George Santayana once said, "Those who cannot remember the past are condemned to repeat it." The Legal Services Corporation has a record of services we must not ignore or forget.

History shows Congress has generated thousands upon thousands of complex laws—laws that affect the day-to-day lives of the more than 200 million Americans. While we are elected representatives, Mr. President, and while we strive for empathy with those our legislation affects, we are not a diverse group. The odds that any of us should have to depend upon food stamps I daresay is minimal. The odds that any of us should stand in an unemployment line, or have to fight to get our utilities restored, I daresay is minimal. If I did have a problem with the utility company, it is a foregone conclusion that I would have the resources to address that problem. But it has been documented that in noncriminal matters, without the Corporation's services, the poor have no way to negotiate this complex system we've created. Often, Legal Services is the principal links between economic, educational, and cultural worlds. If a person does not know how to cope with our legal system, and this access is removed, he or she might well ignore the law, or flout it.

As chairman of the Senate Special Committee on Aging, I am keenly aware of the legal services the Corporation renders to the elderly.

Nationally, 575,000 senior citizens were served by federally funded legal assistance programs last year, and while that is an impressive number, I remind my colleagues that 3.6 million older persons lived below the poverty level in 1979.

In January of this year, 61 participants convened the White House Mini Conference on Legal Services for the Elderly. The conference was sponsored by the National Senior Citizens Law Center in conjunction with the Administration on Aging and the Legal Services Corporation. Delegates represented area agencies on aging, State units on aging, lawyer and nonlawyer advocates for the elderly, national aging organizations, Federal programs for the elderly, providers of advocacy, and client representatives.

Highlights of the report on the Mini Conference include the following:

There is a vast need for legal assistance and advocacy on behalf of older Americans which still is not being met;

This need arises in significant part from the complex of laws, procedures, and government officials which confront older Americans in their daily activities;

The need for legal assistance far surpassed the need for counsel on traditional legal problems and goes on to include basic needs of older Americans in the crucial areas of adequate income, independence, nutrition, and health care;

Neither the States nor the private bar can meet the legal needs of America's elderly; and

Delivery of legal assistance to the elderly through the Legal Services Corporation and the Older Americans Act is effective and should be expanded.

Recommendations passed by the Conference include:

First. Legal services are integral to vindicating the rights of older persons, and to the delivery of social services to the elderly.

Second. In order to assure the effective provision of legal services to the elderly, existing efforts must be maintained, and new efforts initiated, with the goal of achieving a full range of legal services to the elderly.

Third. Effective legal services to the elderly requires the continued involvement of lawyers, the Legal Services Corporation, other legal services units, the private bar, law schools, paralegals, and nonlawyers, and support systems such as those now provided by the Administration on Aging and the Legal Services Corporation. A framework for this comprehensive legal services delivery system to the elderly should include specialized legal services as an essential component.

Fourth. Because constitutional and legal rights are fundamental rights of all citizens, and because the exercise of such rights is frequently necessary to meet other basic needs of life, the Older Americans Act and any similar Government program of general services to the elderly should include specialized legal services as an essential component.

Fifth. Congress should reauthorize the Older Americans Act, including the priority for legal services, and the Legal Services Corporation Act, both at the fullest possible level of funding and without restrictions on the availability of legal representation for older Americans.

Some will say that the needs of the elderly for legal representation will be covered adequately by monevs allocated under title XX and title IIIB of the Older Americans Act. Mr. President, I have to differ with that assumption. Almost two-thirds of all title IIIB legal services providers are Legal Services Corporation projects.

Over 40 percent of all Legal Services Corporation projects receive title IIIB funds. No, Mr. President, with the elderly so dependent on Federal funding for legal help, I must believe that dissolution of the Legal Services Corporation would deal a severe blow to many older Americans.

Mr. President, I concede that the Legal Services Corporation has sometimes participated in very sloppy social engineering—particularly on the local level, as exemplified in the Simer against Olivarez case. It should be kept from doing so. But, Mr. President, anger at abuses by some activist attorneys—though it may be justified—does not necessitate throwing the baby out with the bath water. Let us also not confuse social engineering with attempts to use the law to change the system so that cases do not have to be fought on a one-by-one basis.

We ought to examine the rationale behind some of the efforts to eliminate the program. President Nixon was prophetic in 1971 when he said:

> Much of the litigation initiated by Legal Services has placed it in direct conflict with local and State governments. The program is concerned with social issues and is thus subject to unusually strong political pressures. However, if we are to preserve the strength of the program, we must make it immune to political pressure and make it a permanent part of our system of justice.

Mr. President, I do not want this Congress to go down in history as dismantling an independent agency just because

it became bothersome. I do not think we really wish to be perceived as callously severing a major line of communication between the poor of this country and the "system." I want this Congress to go down in history as giving necessary guidance to an agency that has gone astray in attempting to fulfill its mandate.

Two simple steps can put the program back on track. First, under the current legislation, in July, President Reagan can nominate all new members, subject to Senate confirmation, to the Corporation's 11-member Board of Directors. Second, the program can be tightened by limiting class-action suits, forbidding illegal lobbying by Corporation employees, and terminating employees purposefully subverting congressional intent.

In summary, Mr. President, the Legal Services Corporation was created to insure the legitimate right of equal access to our legal system. I sincerely believe that the Corporation has aggressively and successfully fulfilled that mandate. Difficulties with local programs can be discussed and resolved, without abandoning the entire Corporation and its clients. We made a necessary commitment to poor and elderly Americans when the Legal Services Corporation was created, and it is now time, Mr. President, strongly to reaffirm our commitment.●

FEDERAL COURT UPHOLDS CONTEMPT FINDING CONCERNING SENATE WITNESS

● Mr. NUNN. Mr. President, an important legal decision has been registered on behalf of the U.S. Senate's ability to enforce its subpenas and receive testimony in the exercise of its oversight responsibilities and investigative powers.

On May 13, 1981, the U.S. Court of Appeals, District of Columbia Circuit, upheld a lower court's decision that a fifth amendment witness before the Senate Permanent Subcommittee on Investigations was in contempt.

The witness, reputed organized crime figure William Cammisano, had refused to testify on the grounds that his testimony would incriminate him. Use immunity was granted Cammisano, which meant that he could not incriminate himself in connection with any future criminal proceedings.

Cammisano continued to invoke the fifth amendment. The Investigations Subcommittee, the Governmental Affairs Committee, and the full Senate voted that Cammisano was in contempt.

A Federal district court rejected Cammisano's objections to the contempt citation. He took his objections to the court of appeals, setting the stage for the May 13 decision.

Cammisano's current prison sentence will be interrupted to serve a prison term until the end of the 97th Congress resulting from the contempt finding. Imprisonment under the contempt citation would be ended if Cammisano should agree to testify.

The Cammisano decision is the first time that the civil enforcement mechanism for Senate subpenas was employed.

This was also the first instance in which a fifth amendment witness before a Senate committee was immunized, found in contempt for still refusing to testify and was then required to serve a prison sentence because of the contempt finding.

And Cammisano's case is the first occasion in 10 years when a person has been required to serve a prison sentence for contempt of Congress. In 1971, in United States against Jeff Fort, Fort, a witness before the Senate Permanent Subcommittee on Investigations, received a prison term for contempt of Congress.

The Cammisano decision will be considered to be of considerable importance by legal scholars, historians, and others who will see in this case convincing evidence that the U.S. Senate is willing and determined to follow through in its oversight function and investigative powers.

This case provides proof that the Senate is continuing to perfect its procedures in the exercise of its responsibilities to obtain information to enhance its legislative duties.

To those who might have doubted the Senate's resolve, the Cammisano decision makes abundantly clear that organized crime is a subject of legitimate legislative interest and that the Senate intends to continue to pursue that subject diligently and fairly.

As chairman of the Subcommittee when Cammisano was brought before the Senate in 1980 and now as the subcommittee's ranking minority member, I have seen firsthand this litigation develop.

It has been apparent to me that this was a crucial case, for, in it, the subcommittee, our parent Governmental Affairs Committee, and, ultimately, all Senators were called upon to demonstrate our commitment to the obligations and duties bestowed on us by the Constitution, by law and by legal precedent. In the history of the Senate, then, this appeals court decision has lasting significance.

In addition, I also want to take this occasion to commend the Office of the Senate Legal Counsel, particularly the Assistant Senate Legal Counsel, Charles Tiefer, who litigated this case with the Senate Legal Counsel. Michael Davidson. The expertise, dedication, and hard work of these fine lawyers and their colleagues reflected great credit on the Senate.

Here is a brief summary of how this litigation developed:

On May 1, 1980, Cammisano was brought before the subcommittee from the Federal penitentiary in Springfield, Mo., where he was serving a 5-year sentence for extortion.

The subcommittee advised Cammisano that it had information indicating that he was a member of the Kansas City organized crime syndicate reportedly headed by Nicholas Civella. He was asked if that were true.

Cammisano was asked to respond to information developed by the subcommittee indicating that he was used by the Kansas City mob to physically enforce the mob's will.

Cammisano was asked if he attended a meeting on November 28 and 29, 1978, with Nick Civella, Carl Civella, Charles Moretino, Carl DeLuna, and Tamburello at the residence of Jack Trombino.

Cammisano was asked if he, Nick Civella or Carl DeLuna received income from skimming operations at Las Vegas casinos.

Cammisano was asked if in February of 1972 he met with Nick Civella, James Spunuzzi, Eugene Smaldone, and Frank Bompensiero to discuss plans to have the Kansas City mob become secret owners of Las Vegas casinos.

To these 5 questions, and to 26 other questions, Cammisano invoked his privilege under the fifth amendment to the Constitution not to respond because his answers might incriminate him.

When it became apparent that Cammisano intended to invoke the fifth amendment to all questions, the subcommittee informed him that it had petitioned the U.S. District Court for Washington, D.C., regarding his appearance.

In the petition, the subcommittee asked that Cammisano be given immunity from use in any criminal prosecution of his testimony. Judge George L. Hart, Jr., U.S. district judge for the District of Columbia, granted the petition on April 18, 1980.

By immunizing Cammisano in this manner, the court's action had the effect of rendering invalid a refusal to testify on the fifth amendment grounds that his answers might incriminate him. Since he had been given a grant of immunity, he could not incriminate himself.

According to Judge Hart's order, Cammisano could not refuse to testify on the basis of his privilege against self-incrimination.

The judge directed that no testimony compelled from his order, or any information directly or indirectly derived from such testimony could be used against Cammisano in any criminal case.

The only exception to the immunity conferred by the order was perjury or giving a false statement or not complying with the judge's order.

Cammisano testified that he understood the judge's order. But, when he was questioned again about his involvement in the activities of the Kansas City crime syndicate, Cammisano again refused to answer, invoking his fifth amendment privilege, asserting that Judge Hart's order was "void and invalid" and citing a plea bargaining agreement connected with his current prison sentence.

The Investigations Subcommittee, the Governmental Affairs Committee, and the full Senate voted to enforce Cammisano's duty to testify, the Senate's action coming in unanimous approval of Senate Resolution 502 on September 15, 1980.

The resolution directed the Senate legal counsel to move in Federal court to enforce Cammisano's duty to testify. The court ordered Cammisano to testify and when he refused the court ruled that Cammisano was in contempt. Cammisano appealed the judgment of contempt and his appeal was rejected on May 13, 1981, by the Federal court of appeals.

It should be pointed out as well that the hearings at which Cammisano was

to have testified the subcommittee was examining the use of violence by organized crime. As a result of those hearings, I drafted the Organized Crime Act of 1981, S. 814, introduced on March 26, 1981. The subcomittee's legislative intent in this matter has always been at the forefront of our concerns, coupled with the subcommittee's jurisdiction to investigate organized or syndicated criminal activity.

Mr. President, I request that the court's May 13, 1981, opinion be printed in the RECORD at this point.

The opinion follows:

[U.S. Court of Appeals for the District of Columbia Circuit, Nos. 80-2382 & 81-1037]

IN THE MATTER OF THE APPLICATION OF THE U.S. SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, WILLIAM CAMMISANO, APPELLANT

APPEALS FROM THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA (D.C. MISCELLANEOUS NO. 80-00102)

Argued March 27, 1981; Decided May 13, 1981

Bruce C. Houdek for appellant.

Charles Tiefer, Assistant Senate Legal Counsel, with whom *Michael Davidson*, Senate Legal Counsel, was on the brief, for appellee.

Before WRIGHT and WILKEY, *Circuit Judges*, and CORCORAN,* *Senior District Judge*.

*Of the United States District Court for the District of Columbia, sitting by designation pursuant to 28 U.S.C. § 292(a) (1976).

Opinion for the court filed by *Circuit Judge* WRIGHT.

WRIGHT, *Circuit Judge:* The appellant, William Cammisano, who is currently serving a prison sentence for extortion, was summoned to testify about organized crime before a Senate subcommittee. After he refused to testify despite a grant of immunity, the District Court cited him for civil contempt and imposed a sentence. In this appeal Cammisano argues that the District Court erred in approving the grant of immunity and in sentencing him for civil contempt. Finding both the grant of immunity and the sentence for civil contempt to be proper, we affirm.

I. FACTS

In early April 1980 the Senate Permanent Subcommittee on Investigations voted to hold hearings on mob violence and organized crime. As part of those hearings the Subcommittee sought to obtain the testimony of the appellant, who since January 3, 1979 has been serving a five year sentence for violation of the Hobbs Act, 18 U.S.C. § 1951 (1976). Accordingly, the Subcommittee issued a subpena to Cammisano and directed the Senate Legal Counsel to obtain a court order granting Cammisano immunity for testimony to be given before the Subcommittee.[1] Thereafter, on April 10, the Senate Legal Counsel notified the Attorney General of the Subcommittee's intention to seek such a court order.[2] And five days later, on April 15, the Department of Justice informed[3] Senate Legal Counsel that it had no objection to such a court order and that it was waiving the 10-day notice requirement of 18 U.S.C. § 6005(b)(3) (1976), under which at least 10 days must elapse between the time the Attorney General is notified of a committee's intention to obtain such an order and the time the request is actually made. On April 18 Senate Legal Counsel formally applied to the District Court for an order of immunity for Cammisano, an order which the court issued that day.[4]

Cammisano appeared before the Subcommittee on May 1, 1980. He refused, however, to answer any questions other than preliminary ones, such as regarding his name, current address, and criminal record.[5] He repeatedly stated that his refusal to answer questions was based on his rights under the Constitution and the terms of his plea bargaining agreement.[6] Following Cammisano's refusal to answer the series of questions, the Subcommittee informed him of the District Court's immunity order, under which Cammisano was granted "use" immunity[7] and directed not to refuse to answer any questions on the basis of his right against self-incrimination. Cammisano nevertheless continued to refuse to answer any questions, giving the same objections.

In view of Cammisano's recalcitrance the full Senate, upon the recommendation of the Committee on Governmental Operations,[8] activated the civil enforcement regime established under Section 705 of the Ethics in Government Act of 1978, 2 U.S.C. § 288(d) (Supp. III 1979), 28 U.S.C. § 1364 (Supp. II 1978). By resolution the full Senate directed Senate Legal Counsel to "bring a civil action * * * to enforce the subcommittee's subpena to William Cammisano * * *."[9] Thereupon, Senate Legal Counsel applied to the District Court for the District of Columbia for an order enforcing the subpoena. Over Cammisano's objections the District Court, on October 24, 1980, granted the application and ordered Cammisano to answer the questions of the Subcommittee.[10]

In early December 1980 the Subcommittee accordingly gave Cammisano notice that he would again be called to testify about organized crime. Two days after Cammisano received notice, however, he signed a stipulation with the Subcommittee, providing that if he "appeared before the Subcommittee * * * he would respectfully refuse to answer"[11] its questions. Having been frustrated again in its effort to obtain the testimony of Cammisano, the Subcommittee, through Senate Legal Counsel, returned to the District Court and moved that it enter, pursuant to Section 705(f)(1) of the Ethics in Government Act, 28 U.S.C. § 1364 (Supp. II 1978), an order holding Cammisano in civil contempt. Over the objections of Cammisano the District Court, on December 29, 1980, held him in contempt and ordered that he be incarcerated until he answered the questions of the Subcommittee.[12] The order stated, however, that the period of incarceration "shall not exceed the period in which the Subcommittee continues to certify an interest in the testimony of Cammisano, and shall end at the adjournment of the 97th Congress."[13]

From this order, and the District Court's earlier order of October 24, 1930,[14] Cammisano appeals to this court, challenging both the validity of the grant of immunity and the lawfulness of the civil contempt sentence.

II. THE IMMUNITY ORDER

The District Court issued its immunity order, under which Cammisano was granted use immunity and compelled to answer the Subcommittee's questions, pursuant to its authority under Sections 6002 and 6005 of Title 18.[15] Relying on two technical objections, Cammisano argues that the immunity order was invalid under the terms of Section 6005 and that he was accordingly not required to answer the legitimate questions of the Subcommittee.

Cammisano's first argument is that the 10-day notice requirement contained in Section 6005(b)(3) was not satisfied. This subsection reads:

"(b) Before issuing an order under subsection (a) of this section, a United States district court shall find that—

* * * * *

"(3) ten days or more prior to the day on which the request for such an order was made, the Attorney General was served with notice of an intention to request the order."

In the instant case the Department of Justice waived the 10-day notice requirement. Thereupon, only eight days after having notified the Attorney General of his intent to apply to the District Court for an immunity order, Senate Legal Counsel formally made such application. Cammisano argues that the 10-day notice requirement is mandatory, leaving the Department of Justice no discretion to waive it, and that the immunity order was consequently invalid under Section 6005(b)(3).

We must reject Cammisano's narrow interpretation of the notice requirement. The legislative history of Section 6005(b)(3) reflects two purposes behind the 10-day notice requirement.[16] First, a 10-day notice period provides the Department of Justice with "time to 'lobby' for a change of mind"[17] on the part of the congressional committee should the Attorney General object to the grant of immunity. Second, the notice period gives the Attorney General "an opportunity to insulate from the immunity grant any incriminating data already in his files prior to the witness' testimony."[18] As is evident from these twin aims, the 10-day notice requirement was plainly intended to benefit *solely* the Department of Justice. And in view of that intent, it would be anomalous to hold that the notice requirement cannot be waived by the Department, its sole intended beneficiary, but must instead be administered in a manner antithetical to the interests of the Department. We decline to adopt such a bizzare rendering of Section 6005(b)(3). Instead we interpret the section consonant with congressional intent and common sense, and hold that the Department may waive the 10-day notice requirement.[19]

In challenging the District Court's immunity order, Cammisano secondly argues that the court improperly issued the order prior to his refusal to answer questions before the Subcommittee. Under Section 6005, Cammisano contends, the District Court may issue immunity orders "only after the witness 'refuses' " to answer questions.[20] Cammisano's contention is undercut, however, by the language of Section 6005(a):

"In the case of any *individual who* has been or *may be called to testify* or provide other information at any proceeding before either House of Congress, or any committee, or any subcommittee of either House, or any joint committee of the two Houses, a United States district court shall issue, in accordance with subsection (b) of this section, upon the request of a duly authorized representative of the House of Congress or the committee concerned, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this part." (Emphasis added.)

By its very terms the section permits District Courts to issue an immunity order before the witness has appeared before the congressional body—*i.e.*, "[i]n the case of any individual who * * * may be called to testify * * *."

Cammisano reads Section 6005(a) to the contrary, relying on the language in the section describing the order to be issued as one "requiring such individual to give testimony or provide other information which he *refuses* to give or provide on the basis of his privilege against self-incrimination * * *." (Emphasis added.) But Cammisano is mistaken in construing this language as prohibiting courts from issuing an immunity order prior to the witness' refusal to answer questions. Rather, the language relied on simply means that an immunity order issued under Section 6005 is not effective until the witness refuses to answer questions, although the District Court may have issued the order prior to the witness' appearance.[21]

Footnotes at end of article.

Any remaining doubt that Section 6005 permits preappearance issuances of immunity orders is dispelled by the legislative history of the section.[22] In testimony before a House subcommittee the Deputy Director of the Federal Commission that drafted the model provision from which Section 6005 originated [23] stated that the language now contained in Section 6005(a) permits issuance of an immunity order "in advance of the witness' actually appearing under oath and being asked a question." [24] The benefit to be derived from permitting advance orders is obvious. As the Deputy Director pointed out, "[A]n advance order will permit, in those cases where the witness is willing to answer if he is granted immunity, the procedure to go forward without having to convene twice the body before whom he is testifying." [25]

III. The Civil Contempt Sentence

Having failed to obtain the testimony of the appellant despite a grant of immunity, the Senate Subcommittee proceeded to seek enforcement of its subpoena through the civil contempt mechanism of Section 705 of the Ethics in Government Act of 1978, 2 U.S.C. § 288(d) (Supp. III 1979), 28 U.S.C. § 1364 (Supp. II 1978). This was the first attempt to do so under the newly enacted law. Prior to 1978 Congress had only two means of enforcing compliance with its subpoenas: a statutory criminal contempt mechanism [26] and the inherent congressional contempt power [27]. Neither means, however, permitted a witness to challenge judicially "the legality of the inquiry or procedures, and then to purge himself of his contempt by testifying if his contentions were not judicially upheld * * *." *United States v. Fort*, 443 F.2d 670, 677 (D.C. Cir. 1970), *cert. denied*, 403 U.S. 932 (1971). Responding to this deficiency, Congress enacted the mechanism for civil enforcement of Senate subpoenas contained in the Ethics in Government Act of 1978.[28] This new civil enforcement mechanism, employed in this case, is relatively simple. If an individual refuses, or threatens to refuse, to comply with a Senate subpoena, the Senate may request a court order requiring the individual to comply with the subpoena. If the individual continues to disobey the court order, the District Court is directed to initiate a civil contempt proceeding before the court.

Cammisano advances three arguments for reversing the order of the District Court holding him in civil contempt. His first argument is that the action of the District Court violated his 1978 plea bargain agreement. The relevant portion of the plea bargain agreement, as it was stated by the prosecutor, provided:

"[T]he government has agreed or has noted that the defendant has expressed his concern about further indictments that the government may be contemplating or planning. The government will represent as part of this deal or agreement that it has no knowledge of any other investigations of the defendant and, therefore, has no intention of recommending any indictment upon facts presently within the knowledge of the government, that is indictment of defendant William Cammisano." [29]

Cammisano argues that "his incarceration for contempt certainly constitutes prosecution and punishment for matters within the knowledge of the Justice Department at the time he entered his plea." [30]

We are unpersuaded by Cammisano's argument. The terms of the plea bargain agreement plainly do not preclude the Government—in this case the Senate—from seeking to secure the testimony of Cammisano.[31] Moreover, since the plea agreement only precludes *criminal indictments* of Cammisano based on facts then known to the Government, a proceeding and sentence for *civil* contempt would be outside the scope of the agreement.

Cammisano's second argument concerning the contempt sentence is that the District Court, by ordering his incarceration for civil contempt to interrupt the sentence he is currently serving for extortion, violated several provisions of law and abused its discretion. Cammisano's argument is foreclosed, however, by this court's *en banc* decision in *United States v. Liddy*, 510 F.2d 669 (D.C. Cir. 1974), *cert. denied*, 520 U.S. 980 (1975). In *Liddy* this court held it lawful for a civil contempt sentence to interrupt a criminal sentence previously imposed.[32] Moreover, seven other circuits [33] have adopted a rule permitting civil contempt sentences to interrupt criminal sentences, and "no circuit which has addressed the issue has held otherwise." [34]

Cammisano's final argument is that the civil enforcement mechanism enacted as part of the Ethics in Government Act of 1978 violates the constitutional guarantees of due process and equal protection and permits cruel and unusual punishment, since it "permits the indefinite incarceration of Mr. Cammisano and others proceeded against in similar circumstances for so long as the Senate, its committee or subcommittee certifies a continuing interest in the information." [35] Unfortunately, Cammisano's argument is not properly presented at this juncture, since he does not face unending incarceration. The Subcommittee has only certified continuing interest in his testimony through the end of the 97th Congress,[36] and the District Court held that Cammisano's incarceration under the order here challenged "shall not exceed the period in which the Subcommittee continues to certify an interest in the testimony of Cammisano, and shall end at the adjournment of the 97th Congress." [37]

And even if Cammisano's attack on the constitutionality of the statute were properly presented at this time, we would be compelled to reject it. In *Shillitani v. United States*, 384 U.S. 364 (1966), the Supreme Court recognized that recalcitrant grand jury witnesses may be incarcerated for civil contempt until the end of a grand jury inquiry, and that "the sentences of imprisonment may be continued or reimposed if the witnesses adhere to their refusal to testify before a successor grand jury." *Id.* at 371 n.8. We can see no distinction between that situation and the situation hypothesized by the appellant, where successive civil contempt sentences are imposed on a Senate witness who continues to refuse to answer legitimate questions and where the Senate, or committee or subcommittee thereof, continues to express interest in the witness' testimony.[38]

IV. Conclusion

For the foregoing reasons, the orders of the District Court from which Cammisano appeals are

Affirmed.

FOOTNOTES

[1] The resolution so directing Senate Legal Counsel is reprinted at Joint Appendix (JA) 14–15.

[2] Notice of Intention to Request Orders Conferring Immunity, from Michael Davidson, Senate Legal Counsel, to Attorney General (April 10, 1980), *reprinted at* JA 17.

[3] Letter from Philip B. Heymann, Assistant Attorney General, to Michael Davidson, Senate Legal Counsel (April 15, 1980), *reprinted at* JA 18.

[4] The immunity order is reprinted at JA 19. Under its terms Cammisano was ordered "not [to] refuse to appear and testify before the * * * Subcommittee * * * on the basis of his privilege against self-incrimination * * *." Additionally, it provided "that no testimony compelled under th[e] Order (or any information directly or indirectly derived from such testimony) may be used against William Cammisano in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with th[e] Order." Thus, while referred to as an order of immunity, the order not only granted Cammisano immunity, but also compelled his testimony.

[5] *See Organized Crime and Use of Violence, Hearings Before the Permanent Subcommittee on Investigations of the Senate Committee on Governmental Affairs*, 96th Cong., 2d Sess. 224–233 (1980) (testimony of William Cammisano).

[6] He repeatedly stated: "I refuse to answer, based on my rights under the U.S. Constitution, including my rights not to incriminate myself, right of privacy, my right to due process of law, equal protection of law, and the plea bargain agreement in my case." *Id.* at 228 *passim*.

[7] Such immunity is to be contrasted with "transaction" immunity:

"Transaction immunity may be simply described as that which precludes prosecution for any transaction or affair about which a witness testifies. Use immunity, by contrast, is a grant with limitations. Rather than barring a subsequent related prosecution, it acts only to suppress, in any such prosecution, the witness' testimony and evidence derived directly or indirectly from that testimony. Evidence obtained wholly independently of immunized testimony may serve as a basis for prosecuting the witness for activities and transactions including those covered in his own statements." *Application of U.S. Senate Select Committee on Presidential Campaign Activities*, 361 F.Supp. 1270, 1274 (D. D.C. 1973).

[8] This is the parent committee of the Permanent Subcommittee on Investigations.

[9] S. Res. 502, 96th Cong., 2d Sess. (1980), *reprinted* at JA 78.

[10] *Senate Permanent Subcommittee on Investigations v. Cammisano*, Misc. No. 80–0202 (D. D.C. Oct. 24, 1980), *reprinted at* JA 184.

[11] Stipulation Concerning Appearance Before Subcommittee, Stays and Sanctions Pending Appeal, *Senate Permanent Subcommittee on Investigations v. Cammisano*, Misc. No. 80–0102 (D. D.C. Dec. 2, 1980), at 1–2, *reprinted at* JA 212–213.

[12] *Senate Permanent Subcommittee on Investigations v. Cammisano*, Misc. No. 80–0102 (D. D.C. Dec. 29, 1980), *reprinted at* JA 268.

[13] *Id.* at 1, JA 268. The order additionally the beginning of Cammisano's incarceration until 20 days after the issuance of the mandate of this court in this appeal.

[14] Cammisano filed separate appeals from the two orders, but the two appeals were consolidated.

[15] 18 U.S.C. § 6005 (1976) authorizes District Courts to issue an order compelling an individual "who has been or may be called to testify or provide other information" before either House of Congress, or committee or subcommittee thereof, "to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination * * *." And under 18 U.S.C. § 6002 (1976), whenever the individual "refuses, on the basis of his privilege against self-incrimination, to testify or provide other information * * * and the person presiding over the proceeding" informs him of the order issued under § 6005, the individual is granted use immunity, *see* note 7 *supra*, and "may not refuse to comply with the order on the basis of his privilege against self-incrimination * * *."

In *Kastigar v. United States*, 406 U.S. 441, 453 (1972), the Supreme Court held that § 6002's grant of use immunity "is coextensive with the scope of the privilege against self-incrimination, and therefore is sufficient to compel testimony over a claim of the privilege." Accordingly, no argument is made in this case that § 6002 violates the Fifth

Amendment on the ground that the witness, whose testimony is compelled, is only granted use immunity rather than the broader transaction immunity, *see* note 7 *supra*.

[16] Section 6005 was modeled after a draft provision recommended by the National Commission on the Reform of Federal Criminal Laws, which was appointed by Congress in 1966 to study and recommend improvements in the federal criminal laws. *See Measures Relating to Organized Crime, Hearings on S. 30, S. 974, S. 975, S. 976, S. 1623, S. 1624, S. 1861, S. 2022, S. 2122, and S. 2292 Before the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary*, 91st Cong., 1st Sess. 292 (1969) (draft provision § 4). The enacted version contained no substantive differences from the draft provision. Moreover, the sponsors of the companion bills in the House and Senate containing what is now § 6005 were all members of the National Commission on the Reform of Federal Criminal Laws. *See* S. Rep. No. 617, 91st Cong., 1st Sess. 55 (1969). Accordingly, in determining the legislative intent behind § 6005(b)(3) we place great emphasis on the discussion of the model provision in the Commission's Working Papers. We are not the first court to place such reliance on those Papers. *See Application of U.S. Senate Select Committee on Presidential Campaign Activities, supra* note 7, 361 F.Supp. at 1275.

[17] WORKING PAPERS, NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS 1405 (1970); *see id.* at 1442; *Application of U.S. Senate Select Committee on Presidential Campaign Activities, supra* note 7, 361 F. Supp. at 1277.

[18] II WORKING PAPERS, *supra* note 17, at 1406; *see Application of U.S. Senate Select Committee on Presidential Campaign Activities, supra* note 7, 361 F.Supp. at 1277.

[19] This case is not the first instance in which the District Court for the District of Columbia has issued an immunity order under § 6005 after the Government has waived the notice requirement. *See Application of U.S. Senate Select Committee on Presidential Campaign Activities*, 361 F.Supp. 1282 (D. D.C. 1973).

[20] Brief for appellant at 14.

[21] Indeed, this was the timing of events in the instant case. The District Court issued the immunity order on April 18, 1980, prior to Cammisano's appearance before the Subcommittee on May 1, 1980. The order did not become effective, however, until it was read to Cammisano on May 1, after he refused to answer legitimate questions of the Subcommittee.

[22] Our reading of the section is also buttressed by the holdings of other courts permitting prospective immunity orders under § 6003, which deals with grand jury and court witnesses. *See United States v. Leyva*, 513 F.2d 774, 776 (5th Cir. 1975); *In re Weir*, 520 F.2d 662, 665 (9th Cir. 1975). Significantly, § 6003(a) contains the same language contained in § 6005(a) on which Cammisano relies for his contention that prospective orders are precluded. While Cammisano concedes that prospective orders are authorized under § 6003 as well as under § 6004, which deals with witnesses in administrative proceedings, he distinguishes these two sections from § 6005 on the basis that §§ 6003 and 6004 "contain specific language which authorizes a pre-appearance grant of immunity * * * to an 'individual who has refused or is likely to refuse to testify * * * .'" Brief for appellant at 11 (*quoting* §§ 6003(b) and 6004(b)) (last ellipsis in original). Contrary to the claim of Cammisano, it is not the additional language in §§ 6003(b) and 6004(b) that authorizes prospective immunity orders under §§ 6003 and 6004. The additional language Cammisano cites *limits* the grant of immunity orders to certain situations; it does *not authorize* prospective immunity orders. For example, under § 6004(b) an administrative agency may issue an immunity order *only if* in its judgment—

(1) the testimony * * * may be necessary to the public interest; and

(2) such individual has refused or is likely to refuse to testify * * *. (Emphasis added.)

The authority for prospective grants under §§ 6003 and 6004 is instead found in the language of §§ 6003(a) and 6004(a), authorizing orders "[i]n the case of any individual who * * * may be called to testify," language identical to that contained in § 6005(a). *See In re Weir, supra*, 520 F.2d at 665 ("Prospective grants of immunity appear to be contemplated by 18 U.S.C. § 6003(a) * * *.").

[23] *See* note 16 *supra*.

[24] *Federal Immunity of Witnesses Act, Hearings on H.R. 11157 and H.R. 12041 Before Subcommittee No. 3 of the House Committee on the Judiciary*, 91st Cong., 1st Sess. 70 (1969).

[25] *Id.*

[26] 2 U.S.C. §§ 192, 194 (1976). The criminal contempt statute provides that recalcitrant congressional witnesses may be convicted of a "misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than twelve months." *Id.* § 192. Unlike the civil contempt mechanism of the Ethics in Government Act of 1978, the sentence imposed under the criminal contempt statute is punitive rather than coercive in nature.

[27] Prior to enactment of the criminal contempt mechanism in 1857, this provided the only procedure for enforcing compliance with congressional subpoenas.

"Under this procedure, the witness who refused to testify was committed to the Sergeant-at-Arms of the respective House until he was willing to "purge" himself of his contempt by supplying the requested information, but his confinement could not extend beyond the term of the session, and could always be challenged by habeas corpus." *United States v. Fort*, 443 F.2d 670, 676 (D.C. Cir. 1970), *cert. denied*, 403 U.S. 932 (1971) (footnotes omitted).

[28] The Act does not, however, include civil enforcement of subpoenas by the House of Representatives. *See* H.R. Rep. No. 95-1756, 95th Cong., 2d Sess. 80 (1979) (Conference Report) (noting that appropriate House committees had not yet considered a "proposal to confer jurisdiction on the courts to enforce" House subpoenas).

[29] JA 130 (transcript of proceedings on October 23, 1978 in *United States v. Cammisano*, Criminal No. 78-00114 (W.D. Mo.)).

[30] Brief for appellant at 19. He also vaguely suggests that the grant of immunity violated the terms of the agreement. We reject this claim for the same reasons that we subsequently give for rejecting his argument that the contempt proceeding and incarceration were precluded by the terms of the agreement.

[31] *See also Piemonte v. United States*, 367 U.S. 556 (1961) (approving criminal contempt sentence for individual who refused to testify before a grand jury about a crime for which he was previously convicted and other criminal transactions).

[32] The court rejected the very contentions that Cammisano makes in this appeal: that interruption of the criminal sentence violates Fed. R. Crim. P. 35, 18 U.S.C. § 3568 (1976), and the Double Jeopardy Clause of the Fifth Amendment.

[33] *United States v. Dien*, 598 F.2d 743 (2d Cir. 1979) (*per curiam*); *In re Garmon*, 572 F.2d 1373, 1375-1376 (9th Cir. 1978); *Bruno v. Greenlee*, 569 F.2d 775 (2d Cir. 1978) (*per curiam*); *In re Grand Jury Investigation (Appeal of Hartzell)*, 542 F.2d 166, 168-169 (3d Cir. 1976), *cert. denied*, 429 U.S. 1047 (1977); *In re Grand Jury Proceedings (United States v. Marshall)*, 532 F.2d 410, 411-412 (5th Cir.) (*per curiam*), *cert. denied*, 429 U.S. 924 (1976); *Martin v. United States*, 517 F.2d 906 (8th Cir.), *cert. denied*, 423 U.S. 856 (1975); *Williamson v. Saxbe*, 513 F.2d 1309 (6th Cir. 1975) (*per curiam*); *Anglin v. Johnston*, 504 F.2d 1165 (7th Cir. 1974), *cert. denied*, 420 U.S. 962 (1975).

[34] *United States v. Dien, supra* note 33, 598 F.2d at 745.

[35] Brief for appellant at 15-16. Presumably Cammisano takes objection to the following provision in the Act:

"An action, contempt proceeding, or sanction brought or imposed pursuant to this section shall not abate upon adjournment sine die by the Senate at the end of a Congress if the Senate or the committee or subcommittee of the Senate which issued the subpena or order certifies to the court that it maintains its interest in securing the documents, answers, or testimony during such adjournment." 28 U.S.C. § 1364 (Supp. II 1978).

[36] The Subcommittee so certified on June 25, 1980. *See* JA 233-234 (transcript of Executive Session of the Permanent Subcommittee on Investigations, June 25, 1980).

[37] *Senate Permanent Subcommittee on Investigations v. Cammisano*, Misc. No. 80-0102 (D.D.C. Dec. 20, 1980), *reprinted at* JA 268.

[38] Of course, if Congress' interest in the witness' testimony continued for an unreasonable number of sessions, the principle of *Shillitani* might perhaps lose much of its force. But that is not the situation presently before us.●

THE CALENDAR

Mr. BAKER. Mr. President, could I inquire of the minority leader if there are items on his Executive Calendar or his Calendar of General Orders that we might be able to dispose of yet today?

Mr. ROBERT C. BYRD. Mr. President, the following calendar orders are cleared on this side of the aisle: Calendar Orders Nos. 67, 80, 84, and 87. I believe those are the only items that are cleared for action at this point on this side of the aisle.

Mr. BAKER. Mr. President, I thank the minority leader. I would advise the Chair that those items are cleared on our calendar, as well.

UTILIZATION OF SENATE FUNDS FOR ADDITIONAL OFFICE EQUIPMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 67 as it appears on today's Calendar of General Orders.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1123) to permit certain funds allocated for official expenses of Senators to be utilized to procure additional office equipment, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 506(a)(9) of the Supplemental Appropriations Act, 1973 (P.L. 92-607) is amended—

(1) by inserting "(including expenses for additional office equipment)" immediately after "for such other official expenses", and

(b) by inserting ", except for additional

office equipment," immediately after "not including official office expenses".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF APPROPRIATIONS UNDER THE NATIONAL ADVISORY COMMITTEE ON OCEAN AND ATMOSPHERE ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar Order No. 80.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1133) to amend the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of such act for fiscal year 1982, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That The National Advisory Committee on Oceans and Atmosphere Act of 1977 (33 U.S.C. §§ 857–13—857–18) is amended—

(1) in section 3(b)(2), by striking "office, or until ninety days after such date, whichever is earlier." and substituting "office.";

(2) in section 5, by striking "of $100 per day" and substituting "not to exceed the daily rate for a GS–18"; and

(3) in section 8, by striking "and" immediately after "1980," and by striking the period at the end of the section and substituting ", and $555,000 for the fiscal year ending September 30, 1982. Such sums as may be appropriated under this section shall remain available until expended.".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GENERATION OF POWER AT PALO VERDE IRRIGATION DIVERSION DAM

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 80.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (S. 875) to authorize the generation of electrical power at Palo Verde Irrigation District Diversion Dam, California, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and insert the following:

That the Act of August 31, 1954 (68 Stat. 1045) is amended by striking subsection 2(c) and inserting in lieu thereof the following:

"(c) to accept title to said dam, appurtenant works, lands, and interests in land upon payment by the district (which payment shall be made over a period of not more than fifty years) of the sum of $1,175,000, and upon repayment of any loan made pursuant to section 4, clause (c), of this Act.

"(d) notwithstanding any provision of the Federal Power Act (16 U.S.C. 792 et seq.), to the contrary, the Palo Verde Irrigation District, California, shall have the exclusive right to utilize said dam, appurtenant works, lands, and interests in land for the development, generation, transmission, and disposal of electric power and energy pursuant to a license from the Federal Energy Regulatory Commission under part I of the Federal Power Act: *Provided,* That if the Palo Verde Irrigation District, California, after the date of enactment of this subsection shall notify the Secretary of the Interior that it relinquishes the right granted in this subsection there shall be and is hereby reserved to the United States or there shall be made available to it, as the case may require, the exclusive right to utilize, without cost to it, said dam, appurtenant works, lands, and interests in land for such development, generation, and transmission of electric power and energy as may hereafter by authorized by law: *Provided further,* That in the event it becomes practicable for the United States to develop hydroelectric energy at this site, the division of such energy between the United States and the district shall be a matter of negotiation prior to construction of any powerplant.".

Mr. MURKOWSKI. Mr. President, the Palo Verde Diversion Dam was authorized by the act of August 3, 1954, and was constructed by the then Bureau of Reclamation. In 1957, the dam was completed and turned over to the Palo Verde Irrigation District for operation. The authorizing legislation provided that upon completion of repayment by the district of construction and associated costs, title to the dam would pass to the district. The act also reserved to the United States the "exclusive right to utilize, without cost to it, said dam, appurtenant works, lands, and interests in land for such development, generation, and transmission of electric power and energy as may hereafter be authorized by law."

The Palo Verde Irrigation District contacted the Water and Power Resources service in May of 1979, expressing an interest in the development of the hydropower potential at the diversion dam. In turn, the WPRS advised the district that in light of the authorizing act, legislation would be needed to permit such development by the district. The district has proceeded to hire an engineering firm and to file for a preliminary permit with the Federal Energy Regulatory Commission. However, the district is understandably reluctant to invest further effort in light of the restrictions on power development imposed by the act of 1954.

The committee amended S. 875 by striking all after the enacting clause and inserting in lieu thereof a new text.

The objective of the amendment is to endorse the concept of the original version of S. 875; that is the development of the hydroelectric resources at Palo Verde Diversion Dam by the Palo Verde Irrigation District, but to also retain for the United States those rights which had been included in the authorizing act of August 31, 1954. In effect, the amendment provides for development of the power by the district, but in the event that the district foregoes the opportunity, the United States would then regain the exclusive right to develop the resource. Included also in the amendment is language to require the district to secure a license from the Federal Energy Regulatory Commission pursuant to part I of the Federal Power Act and to clarify the intent of the act of August 31, 1954, that in the event the United States develops the power, "the division of such energy between the United States and the district shall be a matter of negotiation prior to construction of any powerplant."

Mr. HAYAKAWA. Mr. President, the Senate is considering today legislation that would allow the inhabitants of the Lower Colorado River Valley to take the initiative in working to meet that region's growing demand for electricity. The bill, S. 875, permits the Palo Verde Irrigation District (PVID) to construct a hydroelectric generating plant at the Palo Verde Diversion Dam on the Colorado River. No Federal funds are required.

The Palo Verde Diversion Dam has been maintained and operated by the irrigation district since it was constructed by the Federal Government in 1957. Title to the dam will pass to the district upon completion of the repayment period for the construction costs of the dam. S. 875 would go the final step and grant the PVID the legal right to utilize the dam for the generation of power for their region. If the PVID does not proceed with construction, the bill provides that the right to develop the power will return to the United States.

The Palo Verde Irrigation District, however, is most eager to begin work on this project. They have been encouraged by the water and power resources service to undertake the necessary studies, and upon finding the project feasible, have retained an engineering firm and filed an application with the Federal Energy Regulatory Commission (FERC) for a preliminary permit. While it has spent some funds, the district feels it is desirable to make clear its authority to construct a plant at the dam before they commit substantial additional funds to the project.

Mr. President, hydroelectric power is a clean, renewable source of energy. In this case, construction of a powerplant would not affect the flow of the river, the recreational uses of the river and adjoining lands, nor the local fish and wildlife. Furthermore, no uses of Indian lands or their water diversions will be disturbed.

The legislation is cosponsored by my distinguished colleague, Senator CRANSTON, and a similar measure has been introduced in the House by Congressman JERRY LEWIS. I urge the Congress to lend its support to the Palo Verde Irrigation District's efforts to contribute to their region's energy needs, and thus contribute to the national goal of reducing our dependence on foreign oil.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESOLUTION COMMENDING PETER SALMON

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 87.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 119) commending Peter Salmon for his long, faithful, and exemplary service to the cause of the blind.

The Senate proceeded to consider the resolution.

Mr. RANDOLPH addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am grateful to the majority leader and the minority leader for giving me the opportunity to comment very briefly on the pending resolution, which I introduced in the Senate.

I want to underscore the fact that this is the International Year of Disabled Persons.

I have often said that the person who is disabled or handicapped is not so much the person who has difficulty in seeing, difficulty in hearing, difficulty in walking, or other physical disabilities with which we are very familiar. I think often of those who have overcome the physical disabilities. In connection with the able Presiding Officer at this time, Senator EAST, we know that although he is handicapped and, in a sense, physically kept within the confines for travel, at least, in what we call the wheelchair, he is an active Member of this body.

There have been many preceding him in the Congress. And yet, as I was starting to say, the most handicapped, the most disabled, are not those people attempting to put them into one grouping. It is those people who have anger in their hearts and malice in their beings, who are of a nature that allows rancor to surface so often.

I have said that many times before and I say it now. But for those who are, in a sense, perhaps inhibited from doing as much as those who are not physically handicapped, for those who have disabilities, I believe it to be important that their accomplishments be recognized. During this international year focusing attention on disabled persons, it is most appropriate that we in the Congress honor the memory of a man who spent his professional life in working for the causes of the blind and the deaf-blind. His name is Dr. Peter J. Salmon.

He is no longer with us, but those of us who were associated with him personally and valued his work know of the consideration and the advocacy that he gave to promoting legislation to increase the opportunities for the blind and the deaf-blind in our country.

Mr. President, this is the International Year of Disabled Persons. It is most appropriate to honor the memory of a man who spent his professional life in working for the cause of the blind and the deaf-blind, the later Dr. Peter J. Salmon.

Dr. Salmon was our friend and valued associate for many years. He worked closely with Members of the Congress during our consideration and passage of legislation to provide increased opportunities for blind and deaf-blind individuals. The legislation includes the Randolph-Sheppard Act, the Wagner-O'Day Act, and the establishment of the Helen Keller National Center for Deaf-Blind Youths and Adults. From 1917 until his death in January 1981 Dr. Salmon was associated with the Industrial Home for the Blind. He served in many capacities, including that of executive director from 1945 until 1966. Through his leadership and enthusiastic direction, many new services for the blind were established. Training courses for professional personnel in the field of the blind were conducted by the industrial home for several years.

Over the years, Dr. Salmon gave freely of his time to serve on many advisory groups involved in programs for the blind, deaf-blind, and handicapped people generally. He was the recipient of many deserved awards during his lifetime. The passage of this resolution of commendation by the Senate will indicate our appreciation and recognition of the efforts of this truly dedicated American.

The efforts of Senator THURMOND in bringing this resolution to the Senate are sincerely appreciated. I express my sincere thanks for our able colleagues' efforts in placing Senate Resolution 119 on the agenda of the Committee on the Judiciary. It was voted out of committee expeditiously so that it might be passed by the Senate in time to be presented at a memorial service for Dr. Salmon in June.

Mr. President, I am grateful to my colleagues for their support of this resolution.

We hope to have certain memorial services for Dr. Salmon. These will be held in June. I assure you, Mr. President, that the grateful expression of our colleagues in the Senate will be noted at that time.

I thank the leader for giving me this opportunity.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 119) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 119

Whereas the Senate has been advised of the recent death of Peter Salmon;

Whereas Peter Salmon left behind a legacy of accomplishments in the field of work for the blind;

Whereas Peter Salmon's contributions were of invaluable assistance to the Senate in the development of significant pieces of legislation benefiting blind persons, namely the Randolph-Sheppard Act and the Wagner-O'Day Act;

Whereas Peter Salmon's unsurpassed fidelity and unfailing dedication to the cause of the blind have earned for him our affection and our esteem: Now, therefore, be it

Resolved, That Peter Salmon is hereby commended for his long, faithful, and exemplary service to the cause of the blind.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I have certain items cleared on the Executive Calendar on this side of the aisle. If there is no objection from the minority side of the aisle, I will ask the Senate to go into executive session to consider Calendar Order 143, Mark S. Fowler, of Virginia, to be a member of the Federal Communications Commission; Executive Calendar No. 165, Louis O. Giuffrida, of California, to be Director of the Federal Emergency Management Agency; Calendar Nos. 166, 167, and 168, under New Reports, Department of Energy, and Calendar No. 169, Edward E. Noble, of Oklahoma, to be chairman of the Board of Directors of the U.S. Synthetic Fuels Corporation.

Mr. ROBERT C. BYRD. Mr. President, there is no objection on this side of the aisle to any of the nominees named.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominees I have just listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the first nomination.

FEDERAL COMMUNICATIONS COMMISSION

The legislative clerk read the nomination of Mark S. Fowler, of Virginia, to be a member of the Federal Communications Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The legislative clerk read the nomination of Louis O. Giuffrida, of California, to be Director of the Federal Emergency Management Agency.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

ORDER OF VITIATING CONFIRMATION OF NOMINEE

(Later the following occurred:)

Mr. BAKER. Mr. President, I understand there was one nominee that has not been fully cleared on both sides. I ask

unanimous consent that the confirmation of the nomination of Louis O. Giuffrida, of California, to be Director of the Federal Emergency Management Agency, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF ENERGY

The legislative clerk read the nomination of W. Kenneth Davis, of California, to be Deputy Secretary of Energy.

● Mr. McCLURE. Mr. President, on May 13 the Committee on Energy and Natural Resources favorably reported, by a vote of 18 to 0, the nomination of W. Kenneth Davis to be Deputy Secretary of the Department of Energy. The committee's action followed a hearing on the nomination that was held earlier in the day on May 13.

Mr. Davis is an internationally recognized expert in the field of energy. He has had extensive experience in the field during his long tenure with the Bechtel Group and in prior employment. He has also served with great distinction in the energy field in senior positions, both domestically and internationally, with the American Institute of Chemical Engineers, the National Academy of Engineering, the National Research Council, the World Energy Conference, and a host of other energy-related activities. His contributions in these many positions in the areas of energy analysis and modeling, electric utility planning, oil refining, coal, nuclear and synthetic fuels, among others, have been significant. Mr. Davis obviously is extraordinarily well qualified for the position of Deputy Secretary.

The position of Deputy Secretary of Energy is critical to the support of the President and Secretary Edwards. The Deputy Secretary will serve with the Secretary in formulating and implementing the detailed energy policies that carry out the President's commitment to deregulate responsibly the energy markets as much as possible, and to remold the roles of the Energy Department and the Federal Government in the energy area.

In his testimony before the committee, Mr. Davis stated that the critical missions of the Department of Energy included at least four major areas:

First. The defense programs for development, testing, and production of nuclear weapons and the naval reactors program needed to keep our Nation in the forefront from the military point-of-view as well:

Second. The development of new energy technologies which are medium or long range. These may be high risk, of too large a magnitude for industry to shoulder, or there may not be an industrial infrastructure which can carry them out;

Third. The development of emergency preparedness plans for use when needed to cope with a range of potential supply emergencies of various types, sizes, durations, and distance in the future (the Strategic Petroleum Reserve is a key element in this activity); and,

Fourth. The development of fundamental scientific and engineering knowledge which can be the basis for new energy developments or for the assessment of the health, safety, and environmental effects of energy developments.

The committee has reviewed Mr. Davis' informational statement and his financial disclosure report. It is evident from our review that Mr. Davis has agreed to serve the Nation at the expense of considerable personal and financial sacrifice. Speaking for myself and the committee, we are very appreciative of his willingness to serve under these circumstances.

Mr. Davis agreed to divest himself of his financial interests in a number of companies deemed by the Department of Energy to be "energy concerns." He also agreed to sever all relationships with and interests in the Bechtel Group, with the exception of the Bechtel retired management plan. Mr. Davis has a vested interest in the plan under which Bechtel pays all premium costs for specified medical, dental, and life insurance coverage.

Section 602(a) of the DOE Organization Act prohibits "supervisory employees" of the Department from having a pecuniary interest in an "energy concern." Mr. Davis' vested interest in the Bechtel plan would be prohibited under this provision. However, section 602(c) of the act authorizes the Secretary to waive the requirements of 602(a) if the pecuniary interest is vested in a pension or insurance plan.

Secretary Edwards issued a waiver of the application of section 602(a) on May 4, 1981, effective upon Mr. Davis' confirmation. The waiver also included a determination pursuant to 18 U.S.C. 208 (b) that the pecuniary was not substantial enough to affect the integrity of service expected by the Government of Mr. Davis so as to violate 18 U.S.C. 208(a) which subjects government employees to criminal sanctions for decisionmaking involving entities in which they have financial interests.

In addition, section 606(a) of the act prohibits a supervisory employee of the Department, for a period of 1 year, from participating in a proceeding—other than rulemaking—in which his former employer is involved. Further, section 606(b) prohibits a supervisory employee, for a period of 1 year, from participating in any proceeding in which he had responsibility or substantial participation within the previous 5 years of employment with an energy concern. Under section 606(c), the Secretary may waive the prohibitions of 606 (a) and (b) if they are contrary to the national interest.

On May 4, 1981, Secretary Edwards issued a section 606(c) waiver based on the following considerations:

First. Mr. Davis is a national recognized expert in the energy field with extensive credentials in the academic, professional, and business communities.

Second. Mr. Davis has agreed to sever all official and financial interests with Bechtel—except the vested interest in the retired management plan.

Third. Mr. Davis has agreed to divest himself of all other holdings in energy concerns at considerable financial sacrifice.

Fourth. The definition of "Department proceeding" in DOE regulations is so broad as to raise the possibility of legal challenge to many of Mr. Davis' actions although they might only remotely affect Bechtel.

Fifth. Mr. Davis has agreed to recuse himself during his entire service with DOE, not just 1 year, from any decision directly relating to Bechtel including contracts, grants, loan guarantees, unsolicited proposals, petitions for rulemaking, adjudications, litigation or proceedings to which Bechtel is a party or applicant.

Sixth. The application of the prohibitions of 606 (a) and (b) in light of the listed consideration and Mr. Davis' key role in the Department, would be contrary to the national interest.

There are no remaining issues regarding any potential conflicts of interest arising from Mr. Davis' financial interests or his prior employment.

Mr. President, on behalf of the Committee on Energy and Natural Resources, I am pleased to recommend Senate approval of the Presidential nomination of W. Kenneth Davis for the position of Deputy Secretary of the Department of Energy.●

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The legislative clerk read the nomination of Joseph J. Tribble, of Georgia, to be an Assistant Secretary of Energy (Conservation and Renewable Energy).

● Mr. McCLURE. Mr. President, on May 13 the Committee on Energy and Natural Resources favorably reported, by a vote of 18 to 0, the nomination of Joseph J. Tribble to be Assistant Secretary for Conservation and Renewable Energy of the Department of Energy. The committee's action followed a hearing on the nomination that was held earlier in the day on May 13.

Mr. Tribble's technical background and expertise are well suited for the position of Assistant Secretary for Conservation and Renewable Energy. He has a broad knowledge of energy conservation and the utilization of energy from renewable sources. His entire working career has involved energy in one form or another.

Since 1946 Mr. Tribble has been employed as an engineer and supervisor at Union Camp Corporation, a major company in the pulp and paper industry. Since 1973 he has served as Energy Coordinator for the Corporation's Unbleached Division, which consists of three paper mills.

In that capacity, he was responsible for all aspects of energy supply and utilization. Among his primary tasks were originating energy saving ideas, determining their economic validity, and working through plant managements to see that the projects were carried out. Prior to 1973, Mr. Tribble was a powerplant superintendent with responsibility for operation and maintenance of the

largest and most complex powerplant in the pulp and paper industry.

The committee has reviewed Mr. Tribble's informational statement and his financial disclosure report. He has agreed to divest himself of certain financial interests upon his confirmation.

Accordingly, all issues regarding any potential conflicts of interest have been satisfactorily resolved.

Mr. President, on behalf of the Committee on Energy and Natural Resources, I am pleased to recommend Senate approval of the Presidential nomination of Joseph J. Tribble for the position of Assistant Secretary for Conservation and Renewable Energy of the Department of Energy.●

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The legislative clerk read the nomination of Rosslee Green Douglas, of South Carolina, to be Director of the Office of Minority Economic Impact.

● Mr. McCLURE. Mr. President, on May 13 the Committee on Energy and Natural Resources favorably reported, by a vote of 18 to 0, the nomination of Rosslee G. Douglas to be Director, Office of Minority Economic Impact, Department of Energy.

Mrs. Douglas was appointed Acting Director of the Office of Minority Impact, Department of Energy, on February 9, 1981. Prior to joining the Department, Mrs. Douglas served as commissioner of the South Carolina Industrial Commission. She was appointed to that post on July 24, 1978. For 10 years prior to service at the State level, Mrs. Douglas was affiliated with the Franklin C. Fetter Family Health Center in Charleston, S.C., serving in various administrative and managerial positions. From 1952 to 1968, Mrs. Douglas was active in the general field of health services. Her activities included nursing supervisory positions at the Brookdale and Bedford Hospitals in Brooklyn, N.Y., and service as consultant to health care organizations.

Mrs. Douglas was an honor graduate from Avery Institute, Charleston, S.C., in 1947. She received an R.N. diploma from the Lincoln School for Nurses (honor graduate) in 1952 and a B.S. degree in nursing from Medical University of South Carolina in 1972 (honor graduate). Mrs. Douglas has also undertaken course work at Dillard University, New Orleans, La., and New York University.

The position for which Mrs. Douglas has been nominated is a position that was expressly created by Congress in 1978, when Congress amended the Department of Energy Organization Act. The statutory responsibilities of the Director of the Office of Minority Economic Impact are substantial. They are set forth in detail in what is now section 211 of the act. Mrs. Douglas will provide important support to Secretary Edwards as she carries out her statutory responsibilities.

In her testimony before the committee, she outlined those responsibilities as follows:

The Office of Minority Economic Impact is mandated to inform the Secretary of Energy of the effects of energy policies and regulations on minorities and minority businesses and to ensure that their views and interests are fully represented within Departmental councils.

My job as director will entail:

Overseeing research to determine the social, economic and environmental effects of energy policies and regulations on minorities;

Providing assistance to minority businesses through loans and through help in gaining participation in Departmental research and demonstration projects.

Mrs. Douglas also described to the committee how she intends to implement the responsibilities she would have as director. She stated:

It is my sincere desire that OMEI fulfill its mandate and make a real contribution to our national effort to promote a vigorous economy and to increase our domestic energy supplies. I believe we can do this in two ways.

First, we can seek out and support innovative, productive minority businesses in energy areas. And second, we can manage our programs within the Department efficiently and well so that we get full value for every dollar expended.

Every citizen should be afforded the opportunity to contribute, whether in high technology and research, or in a day's labor mining or drilling for fossil fuels—we all contribute, or we all lose a little. OMEI under my direction will reach out positively to minority communities and encourage their full participation in energy policies and programs.

The committee has reviewed the informational statement and financial disclosure report submitted by Mrs. Douglas. No questions or issues regarding potential conflicts of interest have resulted from the committee's review.

Mr. President, on behalf of the Committee on Energy and Natural Resources, I am pleased to recommend Senate approval of the Presidential nomination of Rosslee G. Douglas for the position of Director, Office of Minority Economic Impact at the Department of Energy.●

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. SYNTHETIC FUELS CORPORATION

The legislative clerk read the nomination of Edward E. Noble, of Oklahoma, to be Chairman of the Board of Directors of the U.S. Synthetic Fuels Corporation.

● Mr. McCLURE. Mr. President, on May 13 the Committee on Energy and Natural Resources favorably reported, by a vote of 18 to 0, the nomination of Edward E. Noble to be Chairman of the Board of the U.S. Synthetic Fuels Corporation. The committee's action followed a hearing on the nomination that was held earlier in the day on May 13.

Mr. Noble has broad experience in business management and the development of new business enterprises. He has been involved in ranching, farming, the exploration, development and production of oil, international trade, manufacturing, and the development and management of commercial property. His distinguished career in business and industrial ventures provides a strong background for his position as Chairman of the Synthetic Fuels Corporation.

In creating the Synthetic Fuels Corporation last year, Congress recognized the need for a special purpose Federal entity that would provide sufficient incentives to private industry to develop a synthetic fuel production capability as another means of reducing our dependence on imported oil.

The primary incentive consists of Federal contingency financing, such as loans or loan guarantees, rather than outright Federal grants. Private industry has responded extremely well, as measured by the reaction to the Synthetic Fuel Corporation faces major challenges in proceeding in a timely way to satisfy the congressional mandate in the Energy Security Act, enacted almost 1 year ago.

The Corporation has been under interim caretaker management for the past 8 months. It is now time to proceed decisively and promptly to implement the synthetic fuels program as prescribed in the Energy Security Act. Mr. Noble, in the critical role of Chairman, will provide the leadership to achieve that objective.

Mr. Noble, in his testimony before the committee, outlined in the following words the objectives he would pursue as chairman:

If I am confirmed by the Senate, I will seek as Chairman of the Synthetic Fuels Corporation, to adhere to the philosophy of the President that currently viable commercial ventures should be left in the private sector.

However, Congress believed that synthetic fuels was so important but so expensive that government assistance was needed. The Corporation will rely heavily on the innovative authorities, and financial support provided in the legislation setting up the Corporation.

It is, in a sense, the largest investment bank or venture capital corporation, ever conceived. It will be the catalyst for speeding and expediting the development of a privately held, privately managed and I hope economically viable synthetic fuels industry in this decade.

Because of the urgency of our needs and the tremendous capital resources required, the Federal Government has designed and accepted this initial role. However, in my opinion the private sector should take the next step. I see the present energy situation as, to use a recently popular Washington phrase, "a transition period from non-renewable energy sources to renewable energy sources" and as long as we are in this transition we must protect our own national security by having as much of it invulnerable to foreign manipulation as is possible.

The decontrol of crude oil was an important first step to providing an incentive to conserve energy and natural resources. The Synthetic Fuels Corporation, can be an im-

portant second step to commercializing production of more of our natural resources and enhance our energy security. As I said, the Synthetic Fuels Corporation can be the "catalyst" to getting a new industry up and running.

Gentlemen, every success I have ever had in my personal life, I want to admit humbly and gratefully, came as a result of identifying and surrounding myself with good, highly competent people. If I become chairman of the Synthetic Fuels Corporation, we will have an effective, lean, competent, project oriented organization. We will also have three initial policies while pushing toward the overall goals of the Energy Security Act to reduce our economic and military dependence upon imported oil.

1. Effective communication with the industry, the Congress, the Administration, the State and local authorities and the public.

2. Keep our administrative costs to a minimum. (Consistent with the goals specified.)

3. Try to insure that all variables financial, technical and environmental are equitably considered in the review process.

I am personally committed to energy security and at the same time I am constantly aware that sound economics are the bedrock of our national security.

Mr. Noble has complied with the committee's rules requiring the submittal of the informational form and the financial disclosure statement. Mr. Noble has agreed to comply with the conflict of interest requirements of section 118 of the Energy Security Act. He has also agreed to place his oil and gas interests in a qualified blind trust, even though the Energy Security Act does not require that action. He should be commended for avoiding any possible appearance of a conflict of interest.

Mr. President, on behalf of the Committee on Energy and Natural Resources, I am pleased to recommend Senate approval of the Presidential nomination of Edward E. Noble for the position of Chairman of the Board of the U.S. Synthetic Fuels Corporation.●

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask that the President be immediately notified of the confirmation of these nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR CERTAIN ACTION DURING RECESS

Mr. BAKER. Mr. President, I ask unanimous consent that, during the recess of the Senate over until Monday, May 18, 1981, messages from the President of the United States and the House of Representatives may be received by the Secretary of the Senate and appropriately referred, and that the Vice President, the President pro tempore, and the acting President pro tempore be permitted to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER EXTENDING TIME FOR FILING REPORT—SENATE RESOLUTION 109

Mr. BAKER. Mr. President, I ask unanimous consent that the deadline established by Senate order regarding Senate Resolution 109 of the 96th Congress, a resolution to direct the Select Committee on Ethics to undertake a comprehensive review of the Senate Code of Official Conduct and provisions for its enforcement and implementation, by which the Select Committee on Ethics is to report the results of its study of the Senate Code of Official Conduct and make recommendations for its revision, be extended from May 15, 1981, until a reasonable time after matters presently pending before the Select Committee on Ethics are resolved.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS ON BEHALF OF THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. EAST). The Chair, on behalf of the President pro tempore, appoints to the Commission on National Development in Postsecondary Education, in accordance with Public Law 96-374, the following persons: Robert K. Thomas, Brigham Young University; Frank Newman, president, University of Rhode Island; Caroline Shaw Bell, Department of Economics, Wellesley College, Massachusetts; Joyce Holmes Benjamin, Oregon State Board of Education; James C. Summers, director and program leader, West Virginia University; Father Charles L. Currie, president, Wheeling College, West Virginia; Dr. James M. Krabv, president, Westark Community College, Arkansas; and Reverend William J. Sullivan, president, Seattle University.

Mr. BAKER. Mr. President, I have to ascertain whether or not one or more committees may require additional time on this date to report. While I make that ascertainment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, is there an order for the convening of the Senate on Monday?

The PRESIDING OFFICER. There is an order to convene at noon.

Mr. BAKER. I thank the Chair.

ORDER THAT NO VOTES OCCUR ON MONDAY BEFORE 5 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that any votes that may be ordered on Monday after the convening hour and before 5 o'clock be stacked and occur beginning after 5 o'clock in a sequence back to back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. Yes.

Mr. ROBERT C. BYRD. Mr. President, could the majority leader inform the Senate as to what the schedule will likely be for Monday?

Mr. BAKER. Yes.

ORDER OF PROCEDURE NEXT WEEK

Mr. BAKER. Mr. President, I think many Senators know that it had been expected that we might turn to the consideration of the reauthorization of the Federal Election Commission. For a variety of reasons, it appears now that we will not reach that measure until later this month and perhaps after the Memorial Day recess. We will certainly have to do it. There is no intention to delay unduly the consideration of that measure, but it does not appear that it would be done next week.

MONDAY

That being the case, I hope that on Monday the Senate can turn to whatever items are cleared on either calendar, the calendar of general orders or the calendar of executive nominations. There are bills from the Environment and Public Works Committee which have been ordered reported. One bill in particular that might be reached will be the deep water ports bill.

I am sorry I cannot advise the minority leader with greater particularity on what measures might be dealt with on Monday. I do hope, however, that on Monday we would turn to the consideration of the conference report on the budget resolution, if that is available. If not, I would certainly hope that we would be in a position to do so as soon as possible; maybe on Tuesday.

Rather than the outlook just for Monday, perhaps the minority leader would permit me to give him my views and hopes for the entire week next week.

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, Monday is not clear. After consultation with the minority leader and other Senators, I would hope we can construct a worthwhile session and calendar of activities for the Senate on that day.

TUESDAY

However, on Tuesday, it is my hope that we can reach the conference report on the first budget resolution and the Crowell nomination, which has already been ordered for debate beginning after certain opening activities are dispensed with. It is also my hope that we may be able to reach the supplemental appropriation bill.

That is an ambitious program for next week. But I think it is absolutely essen-

tial that we take care of those three items before we contemplate our recess for the Memorial Day weekend.

In order to reach the supplemental appropriation bill, of course, we will have to either comply with the provisions of the 3-day rule, which would make it on Wednesday, in all likelihood, or take 1 day off the 3-day rule, which would make it eligible on Tuesday.

I have had some preliminary discussions with the minority leader about that and I will not ask him for an answer on that at this time, unless he is prepared to give such an answer. But I would hope that next week we are able to deal with the budget conference report, the Crowell nomination, and with the supplemental appropriation bill, all before the Senate goes out for the Memorial Day recess to begin on Friday of next week.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader.

RECESS UNTIL MONDAY, MAY 18, 1981

Mr. BAKER. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in recess, in accordance with the order previously entered, until 12 noon on Monday next.

The motion was agreed to; and at 4:45 p.m. the Senate recessed until Monday, May 18, 1981, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate May 14, 1981:

OVERSEAS PRIVATE INVESTMENT CORPORATION

Craig A. Nalen, of Florida, to be president of the Overseas Private Investment Corporation, vice J. Bruce Llewellyn, resigned.

FEDERAL ENERGY REGULATORY COMMISSION

Georgiana H. Sheldon, of Virginia, to be a Member of the Federal Energy Regulatory Commission for a term expiring October 20, 1984 (reappointment).

DEPARTMENT OF JUSTICE

Francis Anthony Keating, II, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years, vice Hubert H. Bryant, resigned.

David L. Russell, of Oklahoma, to be U.S. attorney for the western district of Oklahoma for the term of 4 years, vice Larry D. Patton, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 14, 1981:

DEPARTMENT OF ENERGY

Joseph J. Tribble, of Georgia, to be an Assistant Secretary of Energy (Conservation and Renewable Energy), vice Thomas Eugene Stelson, resigned.

OFFICE OF MINORITY ECONOMIC IMPACT

Rosslee Green Douglas, of South Carolina, to be Director of the Office of Minority Economic Impact, vice Louis F. Moret, resigned.

U.S. SYNTHETIC FUELS CORPORATION

Edward E. Noble, of Oklahoma, to be Chairman of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 7 years, vice John C. Sawhill, resigned.

DEPARTMENT OF ENERGY

W. Kenneth Davis, of California, to be Deputy Secretary of Energy, vice Lynn R. Coleman, resigned.

FEDERAL COMMUNICATIONS COMMISSION

Mark S. Fowler, of Virginia, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1979, vice Tyrone Brown, resigned.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

THE DEVELOPMENT OF MARTIN LUTHER KING'S POLITICAL AND SOCIAL THOUGHT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. CONYERS. Mr. Speaker, last April 4 we launched a series of dialogs and discussions around the country to reexamine and rediscover the thought and the politics of Martin Luther King, Jr. The reasoning was that a whole new generation of young people have grown up, become adults, without probably knowing a great deal about the life and the work of Dr. King. After all, he was assassinated 13 years ago.

Many years have passed. Memories have blurred. Unfortunately, history as a subject of study has never been a strong one in America's public school curriculums. As a people, some have suggested, Americans lack a strong historical sense and historical reality.

For a great many people, Martin Luther King, Jr., is remembered in very symbolic terms—as a great man, which he certainly was; as a heroic figure, which he was; as bigger than life. In other works, Dr. King is eulogized, quite rightly, and his life is celebrated, quite appropriately, but when you ask individuals, particularly younger ones, what he stood for and what he actually did in his life, more likely than not they do not have adequate answers.

On April 4, in 30 cities and towns across the country, groups of interested citizens met to discuss the legacy of Dr. King and the relevance of his ideas and politics for the present day. In Washington, D.C. three seminars were held, one of which, chaired by my esteemed colleague and dear friend, Congressman LOUIS STOKES, of Ohio, dealt with Dr. King's idea of economic justice.

One of the speakers at the King economic justice seminar was Prof. David J. Garrow, who teaches political science at the University of North Carolina at Chapel Hill. Dr. Garrow is a King scholar, has written "Protest at Selma" (Yale University Press, 1978), and is publishing a second book on King in the fall, entitled "F.B.I. and Martin Luther King, Jr." Dr. Garrow also has plans with Yale University Press to publish a major, comprehensive study of King.

The seminars were tape recorded, and portions will be published in book form and distributed widely. I want to share with my colleagues the remarks of Dr. Garrow at the April 4 seminar. He focused on the evolution in Martin Luther King's thought from the 1950's to the last years of his life. The remarks that follow, I believe, are rather important to an understanding of King, for they indicate on the basis of recent scholarship that in his last years Dr. King embraced a far-reaching analysis of what was wrong with American society, and that he advocated particular measures for transforming America, rooted in his thought and experience of leading the civil rights movement. Dr. Garrow's analysis breaks new ground, I believe, in terms of King scholarship.

THE DEVELOPMENT OF MARTIN LUTHER KING'S POLITICAL AND SOCIAL THOUGHT

Dr. GARROW. I want to talk about Dr. King's economic views, at the end of his life, what lessons we can draw from them, and what kind of political tactics he had in mind to win the economic goals he fought for.

Two things about Dr. King's own thought are most striking. First, an evolution or maturation in King's own thinking over time that was quite substantial. The emphases in his writings and speeches in 1956-57 are very different from the emphases and goals that are evident in his remarks in 1967 and 1968.

The content of his mature thought—in the last years of his life—is much more radical than the majority of people today realize. This was especially true on matters of economic justice. Dr. King in 1967 and '68 articulated a very egalitarian vision of economic relationships that a number of students of his thought have characterized as "Democratic Socialism," and I think that is a reasonably accurate characterization.

He stressed that America needed a radical redistribution of material wealth, of economic power, if even a rough approximation of social justice were to be achieved. One can trace the evolution of Dr. King's thought along three related, but different, dimensions.

The first is his view of human nature. The Dr. King of the Montgomery (Alabama) bus boycott was a person who saw a lot of ground for optimism about human nature. He said repeatedly, one can appeal to the better instincts of people.

Secondly, in the 1950s he believed the change that was needed in America was racial change and legal change, and considered segregation and discrimination as legal problems. Thirdly, in the 1950s Dr. King had a much less developed sense of political tactics than was true a decade later.

Let me read some selections that illustrate how his thought evolved in the last years. His later thought has received less attention in part because many of his most important statements to the SCLC staff have never been published. Those statements should be made available to a wider audience.

As the years passed, he recognized how extensive and thorough-going change had to be in American society. He was influenced by the realization that idealistic and moral appeals to Southern white business to support desegregation did not work, while boycotts and protests that reduced business profits triggered positive responses.

By May, 1967 Dr. King was telling the SCLC staff that "we must recognize that we cannot solve our problems now until there is a radical redistribution of economic and political power." By early 1968 he had taken the final step by admitting that issues of economic class were more crucial and troublesome and less susceptible to change than issues of race.

"America," he remarked to one interviewer, "is deeply racist and its democracy is flawed both economically and socially." He added: "The Black revolution is much more than a struggle for the rights of Negroes. It is forcing America to face all its interelated flaws—racism, poverty, militarism and materialism. It is exposing evils rooted deeply in the whole structure of our society It reveals systemic rather than superficial flaws, and suggests that radical reconstruction of society itself is the real issue to be faced."—interview with Playboy Magazine, published January, 1969.

King was fully conscious of his own journey from reformer to revolutionary. "For the last 12 years," he remarked to the SCLC staff in 1967 "we have been in a reform movement. But after Selma and the Voting Rights bill (1965) we moved into a new era, which must be an era of revolution. I think we must see the great distinction here between a reform movement and a revolutionary movement. . . . The latter would raise certain basic questions about the whole society. This means a revolution of values and of other things, reaching far beyond the question of race. The whole structure of American life must be changed."

By early, 1968 he publicly stated, "we are engaged in a class struggle." Redistribution of economic power was the central requirement in his view. To one audience Dr. King stated: "We're dealing in a sense with class issues, the problem of the gulf between the haves and the have-nots."

Most of us are familiar with the history of the poor people's campaign in Washington, as it came about after Dr. King's assassination. I think it would be very wrong if people believed the poor people's campaign, as it was carried out, really was what Dr. King himself had envisioned before his death. At the end, Dr. King wanted a movement that was far more mass-based, for more aggressive and, in all frankness, far more obstructive as a means of forcing political and economic change than actually was the case with what developed after the assassination.

If one studies Dr. King's works in that last year of his life, his emphasis was on mass political action in the streets, and many people today say, "we are passed an era of demonstrations. That's purely a matter of historical interest." I think you find a different lesson there from Dr. King's writings. We should think again about mass action, not just action in the halls of legislatures and of Congress. But action by numbers of people, not just leaders or representatives. That view comes through clearly from ex-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

amining Dr. King's remarks and writings in the last year of his life.

Dr. King himself, at the end, was very aware that what was needed was action by the people, and not simply the development of individual leaders or symbolic figures. He felt very uncomfortable on many occasions with the symbolic role in which many people tried to cast him. I think the actual tactics for economic change that Dr. King wanted at the end are tactics that never have been fully employed, and we should rethink that, and go back and look at those potential lessons for the present day.●

CREDIBILITY AND HUMAN RIGHTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. FRANK. Mr. Speaker, human rights cannot be a selectively invoked tool of U.S. foreign policy; it must be a consistent and intrinsic part of our national resolve. In an article which appeared in today's New York Times, Anthony Lewis argues that the effectiveness of a U.S. human rights policy is dependent on the consistent and forceful condemnation of abuses wherever they occur.

Citing the case of Vladimir Kislik who wishes to emigrate from the Soviet Union and Elena Sevilla who has, fortunately, been allowed to leave Argentina, Lewis points out the hollow double standard of a human rights policy that focuses only on those nations whose political system is anathema to ours.

Lewis quotes Ludmilla Alexeyeva, the spokesperson in the United States for the Moscow Helsinki watch group who said,

The United States has achieved respectability and credibility in speaking out publicly and forcefully against human rights violations around the world. A continuation of this universal policy is essential to the human rights movement in the Soviet Union.

With the Senate confirmation hearings for Ernest Lefever for Assistant Secretary of State for Human Rights coming up next week in the Senate, it would be timely for my colleagues to reflect on Anthony Lewis' words. The article follows:

[From the New York Times, May 14, 1981]

ABROAD AT HOME—IT TOLLS FOR THEE

(By Anthony Lewis)

BOSTON, May 13.—This is a column about two physicists, or more accurately about two human beings who happen to be physicists. They are from countries far apart in miles and in politics. They do not know each other. What they have in common, apart from their science, is their experience of that contemporary phenomenon: the terrorism of the state.

Vladimir Kislik comes from Kiev, in the Soviet Union. He is a Jew, and in 1973 he applied for an exit visa to emigrate to Israel. His wife and son were allowed to go. He was refused permission—and entered a nightmare life.

Mr. Kislik immediately lost his position at the Institute of Physics of the Ukranian Academy of Sciences. He took menial jobs and was fired from them. He was arrested for vagrancy. Foreign scientists who visited him at home were assaulted by ruffians on the street.

Last July, during the Olympics, he was put in jail for 15 days. There he had a heart attack. He was sent to a psychiatric hospital, where he was put in a ward with dangerous psychotics. Friends got word to the outside world, and groups in France and the United States sent strong protests to Soviet authorities. Mr. Kislik was released.

Recently he was arrested again. According to reports from Kiev, he is about to go on trial on a charge of "hooliganism." That carries a sentence of up to five years in a labor camp.

Elena Sevilla is a physicist from Argentina. She had a baby by Caesarean section in November 1975. Five days later she was arrested in her hospital bed. No charge was made, then or afterward. In January 1976, an Argentine judge ordered her released. But the authorities did not let her go, instead placing her under indefinite detention without charge. Her child was given to her parents. She was put under a strict prison regimen: allowed almost nothing to read, kept in her cell 23 hours a day.

There were protests from groups abroad, just as in Mr. Kislik's case: from the American Physical Society, the National Academy of Sciences, Amnesty International. Elena Sevilla was luckier than Mr. Kislik. After three years she was released and allowed to leave the country. She is now studying at Cornell.

Of course these two are not the only scientists who have been victims of their governments. In the Soviet Union, Anatoly Shcharansky is wasting away in solitary prison confinement, reportedly near death. Yuri Orlov is serving a seven-year sentence in a labor camp. Andrei Sakharov is in internal exile.

The scientist victims in Argentina are less familiar to us, but their stories are no less chilling. Federico Eduardo Alvarez Rojas, a well-known physicist, and his wife Hilda Graciela were seized by armed men in 1976 in front of their three young children; though once reported to have been seen in a prison, they have never been officially accounted for. American physicists know of at least 16 other of their Argentine colleagues who have similarly "disappeared."

The stories of Vladimir Kislik and Elena Sevilla and the others make a simple but fundamental point: the indivisibility of concern for humanity. State brutality and terrorism are evils—absolute evils—whether practiced in one corner of the world or another, one political system or another.

John Donne made the point to us as individuals 350 years ago. The passage best remembered is: "Never send to know for whom the bell tolls; it tolls for thee." But he also put it another way: "Any man's death diminishes me, because I am involved in mankind."

In today's world the point is not just individual or spiritual but political. If we close our eyes to official brutality here or there—in the Soviet Union or Argentina, in Uganda or Cambodia—we risk our own civilization. Scientists have tended to understand that, supporting their threatened colleagues everywhere. Governments are another question.

The question is especially acute now, as the new American Administration proposes what amounts to a double standard for human rights. It would focus attention on the cruelties of Communist governments and wink at the horrors done by "friendly" right-wing regimes.

Ironically, victims of Soviet repression—at least some of the more prominent among them—do not seem to want a one-dimensional American policy. Pavel Litvinov, a dissident who got out, said when I asked him that his attention naturally centered on events in the Soviet bloc, "but I believe very strongly in the principle of human rights everywhere. I care about Argentina."

Five years ago this week some brave Soviet citizens set up a Moscow group to monitor observance of the rights supposedly gained in the Helsinki agreements. Most are now in prison or forced exile. Their spokesman in America, Ludmilla Alexeyeva, said: "The United States has achieved respectability and credibility in speaking out publicly and forcefully against human rights violations around the world. A continuation of this universal policy is essential to the human rights movement in the Soviet Union."●

CONGRESS MUST CONTINUE WORK ON ECONOMIC RECOVERY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. THOMAS. Mr. Speaker, as Congress continues to shape the national budget, it must not turn aside from the purpose of completing President Reagan's economic recovery program.

The administration and the American people enjoyed a great victory last week when the House approved the President's budget targets for 1982. However, we must not forget that much remains to be done, not only to insure final passage of the budget, but to insure that tax relief and regulatory relief are also delivered to the American people.

The struggle for an immediate, sweeping, and lasting change in the role of Government begins with the budget, but it does not end there. Those in Congress who have voted for this first budget resolution must understand that they will be called upon many times in the future to help complete President Reagan's plan for economic recovery.

We must not only control spending this year, but next year, the year after that, and the year after that. From now on, Government must be held to a smaller share of our national output. As President Reagan said, it must go on an extended diet. Congress will not help America by voting to control spending one day and then going on an irresponsible spending spree the next.

We must also cut down the engines of Government growth by returning to

people and businesses more of the money they earn. This means cutting tax rates permanently with a phased-in reduction.

Members of Congress who fail to support this badly needed step in the President's program will be voting directly against the future well-being of the American people while causing an estimated tax increase of up to 90 percent in the next 5 years. If Congress does not act now to provide tax relief, our wealth and our incentive to produce will continue to be taxed away, and along with it the basis of America's prosperity.

Congress has begun to reverse the process of overspending, overtaxing, and overregulating, and that is heartening. However, we must remember that although last week's vote to reduce spending was a milestone, it was only one of many which must be passed on the road to economic recovery. I urge my colleagues to continue on that road.●

AN INVENTORY ACCOUNTING REFORM—A SOLUTION THAT CANNOT WAIT

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. MARRIOTT. Mr. Speaker, inventory accounting reform is needed now if we are to help small business survive these times of high interest rates and inflation.

Most current tax reform proposals, particularly 10-5-3, have focused on the generation of internal cash flow for capital intensive firms. But, the majority of small firms are labor and/or inventory intensive, not capital intensive.

Of incorporated firms with under $1 million in total assets, there are three times as many in retail and wholesale as in manufacturing.

Of all small firms, only 8 percent are in manufacturing; 38 percent are in wholesale and retail. That's a ratio of almost 5 to 1.

So, particularly in the short run—during this time of high interest rates and inflation—10-5-3 will not significantly help small business. And, much more than the large firm, the small enterprise is vulnerable in the short run. Unless small business men and women receive some relief now, they may not survive long enough to enjoy the fruits of the President's economic recovery program.

Tax cuts will only help those small businesses already showing a good profit; that means the majority of small firms need another source of funds. Unfortunately, most small firms lack easy access to outside sources of funds, such as stocks, commercial paper, and bank loans. And, when they do have access to debt financing, they pay a higher interest rate than a large firm generally does.

The most consistent plea I hear from small entrepreneurs is "Do something about high interest rates;" I strongly suspect your small business constituents are telling you the same thing. Unfortunately, there is no quick and easy answer to the problem of high interest rates. However, while we cannot directly affect interest rates in the short run, we can address the small business' cash flow problem in another way.

Since small businesses account for nearly 70 cents of every dollar in sales made by retailers and wholesalers, it is absolutely essential that we provide a means for them to generate internal cash flow.

Inventory reform does just that; it is to the small retailer and wholesaler what depreciation reform is to the capital intensive firm.

Moreover, improving the condition of small retailers and wholesalers will actually help the manufacturers who supply them.

H.R. 2319, which I have cosponsored with Mr. NOWAK, would simplify and reform inventory accounting and its treatment under tax laws. It would make it easier for businesses to adopt the accounting system best suited to the state of the economy.

Two economic conditions—continuing inventory inflation (rising prices) and high taxes—make LIFO (last in, first out) the accounting system of choice. Both of these conditions exist today. During times like these, the benefits of LIFO are decreased taxes, improved cash flow, and better matching of current costs with current revenues.

It should be noted that the decreased taxes do not mean a permanent loss of revenue to the Government; LIFO merely defers the payment of taxes for as long as economic conditions remain the same.

Current law actually penalizes the firm wishing to switch to LIFO, however; it also prevents a business from using LIFO for tax purposes and FIFO (first in, first out) for financial reporting purposes. Because earnings look lower under LIFO, many firms are reluctant to switch to it for fear of shareholder reaction.

H.R. 2319 does a number of things to correct these and other inventory problems:

First, it would repeal the LIFO conformity requirements, allowing LIFO for tax purposes and FIFO for financial reporting purposes.

Second, it would spread the penalty for switching to LIFO over a 10-year period.

Third, it would simplify inventory pooling requirements, a move designed to protect the inventory base necessary to reap the greatest benefits from LIFO.

Fourth, it allows businesses to use regularly published Government price indexes, relieving them of the burdens associated with developing an internal index, something beyond the means of many small firms.

Fifth, it would repeal a provision in the crude oil windfall profit tax which requires a corporation to recapture its LIFO benefit as ordinary income in certain specified situations.

Sixth, it makes the cash accounting method available to owner operated firms with less than $1.5 million in gross receipts. A September 1979, survey by the National Federation of Independent Business showed its small business members in favor of the cash accounting method by an almost 4-to-1 margin. The enthusiasm of small businesses for this accounting method is a result of its simplicity for both bookkeeping and compliance with tax laws.

Finally, H.R. 2319 establishes an objective standard for businesses in the treatment of the value of excess inventory.

I submit that, without this measure, tax reform will be a job only half-done. Let us do it right the first time and complete the job by getting behind H.R. 2319.●

CALCULATING COLA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. BIAGGI. Mr. Speaker, as an original member of the House Select Committee on Aging I wish to add my thoughts on the all important issue of our position on the issue of how to calculate future cost of living increases for our 36 million social security and SSI recipients.

The Senate last week took a step to which I am adamantly opposed when they voted in effect to scrap the current system of calculating COLA's based on the CPI and substituting a method which would concentrate on wages instead of prices. This presupposes several things—the first is that this will still give elderly retirees security against annual inflation—the second is that the current system cannot be afforded. In my judgment—in areas of this Nation—especially my home State and city of New York—the present method is selling social security recipients short. The CPI, not having any type of regional variable is not entirely accurate in determining true costs of living. What the Senate is saying is, let us make something bad even worse. I say—this is cruel.

I wish we had the opportunity to offer a motion for our House conferees to reject the Senate language relative

to social security COLA's but we have been denied this opportunity by some wily maneuver by the distinguished opposition. However—I hope in some fashion that our conferees will not abandon the compelling need of giving our elderly the means to survive inflation. It may be a life or death issue for some and should be evaluated as such.●

A SALUTE TO A FAITHFUL ALLY

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. RATCHFORD. Mr. Speaker, our friend and ally, the State of Israel, turns 33 today in a time of extreme peril. I am certain my distinguished colleagues will join me in reaffirming on this day our Nation's firm commitment to the security of this most vital ally in a gravely troubled region, and in pledging ourselves anew to the dream of a torn and still tormented people that is realized in this brave state.

Our bonds with the State of Israel are deep and numerous. She has been a valued trading partner, a strategic and military ally, a foothold of internal stability in a sea of turmoil. Even more, she has shared with our Nation—as have too few others in the world community—a dedication to democracy, an unbending commitment to liberty, a fidelity to the principles of justice and individual rights.

And she has survived. Beset by economic troubles that dwarf our own, isolated for her own allegiance to conscience from neighbors and distant nations, born into a world of hostility, and reared in war and the threat of war, divided within her own borders by language and race and religious sect, Israel has remained true to her purpose and ideals—as the homeland for a fragmented people.

Thirty-three years ago this afternoon, the State of Israel was born with the reading by Mr. David Ben-Gurion in Tel Aviv of an historic proclamation of independence. The following day, the first full day of Israeli independence, her neighbors in Palestine joined in war to eradicate this infant State and drive her people into the sea. That ill-begotten campaign failed; armistices signed in the first months of 1949 ended the war but began a period of no less difficult peace—a peace stained by the blood of Jew and Arab and Christian through small clashes and full-scale wars and heinous terrorism.

War with her neighbors is ever a threat to Israel. It seems more of a threat today, with Syrian missiles poised in Lebanon and in Syria to strike at Israeli aircraft performing critical reconnaissance missions over southern Lebanon; with talks on the resolution of the Palestinian dilemma in a virtual stalemate; with our own Government signaling its intention to make an unprecedented sale of the most sophisticated airborne radar and command equipment, the AWACS, to a nearby regime that has called for the obliteration of Israel in a "holy war," and to provide that regime as well with long-range flight capabilities and advanced weaponry for fighter craft that could easily be instruments in such a war.

As a faithful ally of the State of Israel from the very day of her birth, our Nation bears a special responsibility to assist her in this current crisis. I commend the President for extending the offices of American diplomacy, in the form of Special Envoy Habib, to assist the governments of Syria, Lebanon, and Israel in forging a path of peace through this period of conflict. I know I join my colleagues in holding the sincere hope that Mr. Habib will return from his mission with a framework for a settlement of the missile crisis that assures the security of Israel and the stabilization of the torn and partially occupied territory of southern Lebanon.

The American people look beyond the current turmoil to a future of continued friendship, continued cooperation, shared interests and principles and strengths with the people of Israel. I wish the State of Israel, on this anniversary of her founding, 1,000 years of prosperity, 1,000 years of peace. I salute her idealism—stronger than any arms. And I say to her people, from the people of my own State of Connecticut, "Shalom."●

WOMEN'S CITY CLUB

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Ms. OAKAR. Mr. Speaker, we in Greater Cleveland are fortunate to have one of the finest organizations in our country, the Women's City Club, soon our organization will be celebrating its 65th anniversary. I believe the following article relates well its rich history.

[From the Plain Dealer, May 11, 1981]

WOMEN'S CITY CLUB HITS 65, BUT WON'T RETIRE

GROUP'S GOALS MATCH NEEDS OF COMMUNITY

(By William F. Miller)

It has been a long time since Women's City Club members marched down Euclid Ave. carrying banners demanding the right to vote and an end to the sale and use of liquor.

Its ability to change with the times is why the club, with 1,017 members, has flourished and will celebrate its 65th anniversary at noon next Monday said president June R. Kosich.

HOW THINGS HAVE CHANGED

Persistence has been the club's watchword, and the organization demonstrated it the past five years by bugging city, county and federal officials to have the first riverfront park built here.

Kosich and her members will dedicate Cleaveland Heritage Park II at a ceremony at 11 a.m. June 9 at the park. Its completion is the club's 65th birthday gift to the city, said Kosich.

The park, on River Bend Rd. just north of the Center Street Bridge, is small and narrow but a delightful spot to throw a fishing line into the Cuyahoga River, watch the river traffic and get a new perspective of Cleveland—in the heart of the Flats. It cost $182,000.

The $250,000 Cleaveland Heritage Park I will be across the river where the early settler's log cabin was built. Construction will start this summer.

The club still gets involved in community issues, but not in the activist tradition of former years.

Kosich said the club is better able to help business and professional women and homemakers through quiet exchanges of information and persuasion than through demonstrations.

"We try to keep the middle ground between the activists and the conservatives," she said.

"We run what we like to call the executive women's network, much like the old boys' network, to help our members move ahead in the professions and be a part of the community."

The organization sponsors many workshops and lectures for women in business and the professions. Their Wednesday's Women series brings in nationally known authors, executives, actresses and others to lecture.

The club honors those in the arts through its annual Cleveland Arts Prize.

The women just finished spending about $40,000 enlarging the club's cocktail lounge for the anniversary celebration.

Norma S. Huey, executive director, credited Kosich as the driving force for this year's club expansion. Besides the bar, they created new meeting rooms at the Cleveland Civic House, which they share with the City Club, on the third floor of Women's Federal Savings & Loan Association.

The club has had its ups and downs over the years. Its membership now is almost exactly what it was at its founding. In the 1920s the membership had grown to 6,000, but the decline of the downtown in the 1950s and '60s and the founding of many suburban women's organizations, nearly wiped out the membership rolls.

The move to 320 Superior and downtown's revival has revived the organization, Huey said.

For years the club was considered by many to be for elitists more interested in tea parties than anything else, Kosich said. That is changed. "Of course we still have some elitists around, but not too many."

The dues range from $25 yearly for students to $50 for those under 35 years and $100 for those older.

Kosich said she believes the club will grow because of the changing role of women. She said many are not getting married, or those married are not having families and the club provides a kind of home away from home. The organization is studying making

downtown apartments available to single women.

While the median age of club members is 50, the number of younger women is growing, she said.

The club was founded in 1916 by a group of homemakers and socialites who were ahead of their time. Offended by pollution pouring out of the city's factories, the club set up a monitoring service to report on those that belched the black smoke and fought to have them cleaned up.

One story goes that the women would take their lookout post on top of the YMCA building, which was then one of the city's tallest. Some members would sometimes get their chauffeurs to man the rooftop while they shopped.

Because in those early years one of the club's major battles was for women to have the right to vote, the club takes particular pride in local women like Mary B. Grossman, the first woman in the nation to become a municipal judge, Florence E. Allen, the first woman on the Ohio Supreme Court in 1922; Frances P. Bolton, the first Ohio woman elected to Congress in 1940, and Albina Cermak, the first women to run for mayor of Cleveland in 1962.●

ANOTHER DEATH IN NORTHERN IRELAND—BRITISH INTRANSIGENCE CONTINUES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. BIAGGI. Mr. Speaker, yesterday the second hunger strike prisoner in the Maze prison facility succumbed. His name was Francis Hughes, his age a mere 25. He embarked on a fast as a means of trying to get basic prison reforms for himself and others in Long Kesh.

His death has precipitated a new wave of tension and fear of violence. I appeal as I did after the death of Bobby Sands for nonviolence—and calm. I also reiterate my plea to President Reagan to personally and immediately communicate his concern to the British Prime Minister to urge a humanitarian resolution to this tragedy—before—not after another life is lost—which could irreversibly seal the fate of any viable solution being reached. This appeal was first made on April 22 by myself and 20 other members of the ad hoc congressional Committee for Irish Affairs.

We on the ad hoc committee have also appealed to Margaret Thatcher—specifically, in an April 30 telegram cosigned by 50 of my colleagues we urged her to commence negotiations between her government—representatives of the prisoner and religious leaders to help develop the framework for a humanitarian resolution. That plea like so many others including one from Pope John Paul II has fallen on deaf and insensitive ears.

British policy in Northern Ireland during this severe crisis has been devoid of morality and compassion. It is a policy of arrogance—of contempt for world opinion. It is a policy of danger for the future of peace and freedom in Northern Ireland.

Just today the esteemed Cardinal Tomas O'Fiaich—Primate of all Ireland—appealed to Mrs. Thatcher in the name of God to relent in her position. We must all redouble our pleas to Mrs. Thatcher for her to allow reason to prevail in this crisis. How many more bodies must be carried from Long Kesh before reason can prevail?●

THE NEED FOR THE COMMUNITY SERVICE ADMINISTRATION

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mrs. COLLINS of Illinois. Mr. Speaker, on April 28, the Subcommittee on Manpower and Housing held its third day of hearings on the effects of dismantling the Federal Government's antipoverty agency, the Community Services Administration. As those who have followed this are aware, our subcommittee has consistently pressed CSA for management improvement and greater accountability over Federal funds. We saw several advantages to extending CSA, rather than destroying it as the administration proposes. We believe that a well-managed CSA affords the Federal tax dollar greater protection than does a block grant. It also provides a voice for the Nation's poor in the design and delivery of programs aimed at assisting them.

Two witnesses testified that day. Mr. David Stockman, the Director in the Office of Management and Budget, gave us the rationale for block grants and also included a sketch of justification for dismantling CSA. I would note that there were many unanswered questions after that hearing. For instance, Mr. Stockman asserted that he had no quarrel with the 900 local community action agencies which deliver services at the neighborhood level. However, he was not able to give us an OMB estimate of how many of these local agencies would be put out of business if CSA were destroyed, with operating funds for these agencies competing with almost a dozen other programs in the proposed social services block grant. Even if destruction of these local agencies is not the aim of the proposed dismantlement, it is such an important effect that it should have been carefully evaluated before making the decision. One casualty of the destruction of a local agency would be the loss of volunteer support from private individuals who now serve without pay on the boards of these agencies and who contribute mightily to their success.

We had another witness that day, the president of a local community action agency, a man who helped to start it. This individual, Mr. Cabell Brand, is himself not a poor man. Indeed, he would fit the qualifications of a capitalist, for he is the chairman of the board and chief executive officer of a major direct sales company. Mr. Brand supports many of the initiatives of the current administration but he does not support the dismantlement of CSA. I believe that as we address this and other questions concerning the proposed block grants, we should consider Mr. Brand's views and the comments of Mr. Colman McCarthy in a Washington Post article of May 9. As Mr. McCarthy points out, Mr. Brand speaks from 16 years of experience, not from theory. I believe all of us can heed his warnings about destroying the Community Services Administration. For this reason, I request permission to have this article printed in the Extensions of Remarks in the CONGRESSIONAL RECORD.

[From the Washington Post, May 9, 1981]

THE FACTS THAT STOCKMAN MISSED

(By Colman McCarthy)

Ah, the ironies of David Stockman's crusade as the reshaper of the U.S. budget. He had come the other morning to the House subcommittee on manpower and housing to argue for the elimination of the Community Services Administration, the small federal poverty program that supplies part of the funds for 900 local Community Action agencies. "The block grant approach," he said in his best down-with-the feds speechifying, would be much better. It would replace "the overbearing, paternalistic approach federal agencies have taken to state and local governments in the past."

With Rep. Cardiss Collins (D-Ill.) as chairwoman and Rep. Harold Washington (D-Ill.) on hand—and both of them Black Caucus liberals bitter about Ronald Reagan's plans for the poor—Stockman was braced for a hard argument.

The blunt-speaking Collins and Washington gave it to him, all right, but it was a Virginia businessman of fine free-enterprise pedigree—the board chairman of a shoe and clothing business, an official of the U.S. Chamber of Commerce, a proud supporter of the Reagan balanced budget goals—who made Stockman's proposals look silly.

Cabell Brand, from the Roanoke Valley, addressed the committee both before and after Stockman's presentation. His message the first time was based on his 16 years as the volunteer president of Total Action Against Poverty, the Community Action agency that serves the poor in five counties in southwest Virginia. CSA and the Community Action programs have worked, he said. They have "been this nation's insurance that the minority of our population who are poor, who have always been poorly served by states and localities because they are a minority, have a friend, supporter, encourager. Block grants will not only create additional bureaucracy (creating 50 state administrative units), it will entrust the majority at local and state levels with the welfare of the minority."

Brand's account of his volunteer work for 16 years with the poor of his region and the effectivenss of federally run poverty programs contrasted sharply with the pallied

cost-cutting rhetoric offered by Stockman. Block grants, said the OMB director, would allow "for the first time states to become active partners in designing and implementing community and economic development programs." They "are a major initiative to improve the management of resources at the federal level in a way which will improve the management of resources at the state and local level."

During Stockman's testimony, Brand was not idling his time away. He was busily writing down refutations of Stockman's views on programs for the poor. Unlike Stockman, Brand has been out in the field. He speaks from experience, not theory.

"With due respect," Brand began, "[Stockman] is misinformed and wrong . . . about how best to deliver these vital services so the poor can help themselves."

Brand backed himself up with four worthy arguments.

"CSA and Community Action works. It's in place. . . . Don't tamper with it."

"The states are not equipped to deal with this [problem]. Local programs would fall apart. The federal grants are already being funded locally, [Community Action] is already a local program."

"The Community Action program is efficiently run. Twenty to 30 percent of our money is local and private funds, with low administrative costs. You will destroy the involvement of the private sector—such as me—if you destroy Community Action."

"If you want to ask somebody [about block grants], why don't you ask the states? They will tell you it's not the way to deal with the poor."

Being a man on the go, and full of make-every-minute-count fervor, Stockman came to the hearings late and left early. So he missed Cabell Brand, the Virigina capitalist.

Up against Collins and Washington, Stockman could safely keep the debate on an ideological level: conservative vs. liberal. But board chairman Brand came to the hearings with no ideology. He had facts, a record of involvement and a sense of fairness. He could have educated Stockman, which currently is one of Washington's sorest needs.●

INSURING STUDENT AID FOR 1981-82 ACADEMIC YEAR

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. RATCHFORD. Mr. Speaker, I rise today to express my appreciation to my colleagues on the Appropriations Committee, and most specifically to Chairman WHITTEN, Mr. NATCHER and Mr. CONTE, for their extensive efforts to bring a responsible supplemental appropriations and rescission bill for fiscal year 1981 to the House floor this week. We are all aware of the difficult choices which have been necessary in developing this legislation, and I commend my colleagues on the committee for the leadership they offered in our work over the past few days.

I am particularly gratified to learn of the committee's sensitivity to the need to provide adequate support for Federal student financial assistance programs in fiscal year 1981. As you know, the supplemental appropriations and rescission bill passed by the House yesterday included $661 million in additional funds which will be required to support the Pell grant program in the current fiscal year. This program is highly targeted to those students most in need, providing basic grant assistance to a large number of students from low- and middle-income families. While the Congress will continue to examine proposed changes in the Pell grant program for future years, I applaud the committee's recognition of the importance of preserving a level of Federal funding necessary to operate the program for the 1981-82 academic year.

In a related area, I would also like to extend my appreciation to my colleagues on the Appropriations Committee for their refusal to alter provisions of the authorizing legislation for the guaranteed student loan program through language in an appropriations bill. The Committee on Education and Labor will be examining the administration's proposals for changes in the guaranteed student loan program for fiscal years 1981 and 1982, but those changes remain within the appropriate purview of the authorizing committee. I know that my colleagues on the Education and Labor Committee continue to welcome this awareness and sensitivity on behalf of our colleagues on the Appropriations Committee.

Mr. Speaker, I do remain concerned about the adequacy of funding provided in fiscal year 1981 for the guaranteed student loan program. While the supplemental appropriations and rescission bill approved by the House yesterday did not include changes in the GSL program, it did maintain a fiscal year 1981 funding level of $1.847 billion proposed by the administration which assumes considerable cost savings to be achieved in the fourth quarter of 1981 through changes in the authorizing legislation. I continue to have serious reservations regarding the potential for savings of the magnitude assumed in this appropriations level for the current fiscal year without bringing the GSL to a complete halt in the fourth quarter of this fiscal year. If it proves impossible to achieve the assumed savings in 1981, I certainly hope that we will be able to return to this issue and provide the additional funding which may be necessary to continue the guaranteed student loan program in the final months of this fiscal year.

Again, I commend my colleagues on the Appropriations Committee for their diligent efforts in this important area, and I look forward to their continuing cooperation in attempting to meet the very real needs of students seeking opportunities for postsecondary education.●

GREAT LAKES PROTECTION ACT OF 1981

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. BLANCHARD. Mr. Speaker, today I am introducing the Great Lakes Protection Act of 1981, a bill that designates the Great Lakes as a unique national resource and makes their protection a matter of national policy.

The Great Lakes comprise 95 percent of the surface freshwater of the United States, and 20 percent of the world's surface freshwater. They support the needs of more than 37 million people for drinking water, transportation, industrial processing, fishing, and pleasure boating. My bill adds a new title to the National Ocean Pollution Planning Act of 1978 to insure that the protection and preservation of this precious national resource becomes a part of our national agenda.

The tendency on the part of past and present administrations has been to downplay the importance of the Great Lakes when making funding decisions for programs designed to protect Great Lakes water quality. For example, the previous administration attempted to drastically scale down the Great Lakes Large Lakes Research Station located in Grosse Ile, Mich., the only Federal facility equipped to monitor Great Lakes water quality and its impact on human health. The attempt by the current administration to close this facility altogether has been questioned by the Committee on Science and Technology which just yesterday voted to keep funding for Grosse Ile in the fiscal year 1982 authorization of Environmental Protection Agency's research and development activities.

The administration is also proposing to decrease the Federal Government's overall commitment to Great Lakes programs by 70 to 80 percent. Much of this effort is in support of our water quality agreement with Canada and Canada has now officially questioned the ability of the United States to fulfill its treaty obligations in light of these cutbacks.

The Great Lakes Protection Act is being introduced as a first step toward increasing awareness of the importance of the Great Lakes as a national resource. I believe that we in Congress must act to help rebuild the sagging industrial sector of our country, particularly the industries and communities in States in the Northeast and Midwest. The Great Lakes Protection Act is being introduced as a first step toward increasing awareness of the Great Lakes as a national resource. I believe that we in Congress must act

to help rebuild the sagging industrial sector of our country, particularly the industries and communities in the States in the Northeast and Midwest. But I also believe that the wise management, protection, and preservation of the lakes is a necessary corollary to this rebuilding effort. One example of the positive effect that the lakes have on the economy of my home State of Michigan is the $9 billion in tourism revenue realized by businesses in 1980.

There are two important features of this legislation that I would like to describe. First, the Great Lakes Protection Act of 1981 requires that all Federal agencies undertaking a project with significant impact on the Great Lakes to prepare an analysis of that impact. For practically all Federal projects, this new requirement would be fulfilled by attaching an appendix to the environmental impact statement already required by existing law. This appendix would simply highlight the environmental impact of the proposed Federal action on the Great Lakes in particular.

Second, this legislation establishes a Great Lakes Office to provide a coordinating mechanism among the 20 Federal agencies and subsidiaries which now have a hand in Great Lakes matters. The Executive Director of this office will be charged with compiling an inventory of all major governmental actions that have, within the past 4 years, significantly affected the quality of the Great Lakes. The Executive Director will also be responsible for keeping on top of all federally assisted programs and projects, including research projects, that involve the Great Lakes, and to make recommendations to Congress and the President on how efforts to improve the quality of the Great Lakes can be better coordinated and made more efficient.

The Great Lakes Protection Act of 1981 will not require any increase in the Federal budget. Very simply, the bill sets aside a modest amount of the funding provided under the National Ocean Pollution Planning Act to meet the needs of the Great Lakes Office and fulfill the purposes of my bill. I hope that my colleagues will give careful attention to the Great Lakes Protection Act of 1981, a modest but important effort to preserve and protect the Great Lakes.●

LAW ENFORCEMENT OFFICERS BILL OF RIGHTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. BIAGGI. Mr. Speaker, as National Police Week comes to a close, climaxing tomorrow with Police Memorial Day, we are once again reminded of the critical need to protect the rights and safety of law enforcement personnel—our frontline of defense against crime. Today, acting in this belief, I am reintroducing legislation encouraging States and localities to establish a "law enforcement officers bill of rights."

Simply stated, this bill seeks to insure that law enforcement officers are treated fairly. There is no greater injustice than the fact that police officers are currently guaranteed fewer civil and due process rights than the criminals they arrest.

As a 23-year veteran of the New York City Police Department, I saw firsthand the problems law enforcement personnel face regarding their civil rights, especially during intradepartmental investigations. They include ceaseless hours of interrogation; police officers being denied the right to an attorney during questioning; police officers being suspended without charge; and police officers being investigated based on verbal and unspecified charges. My bill would protect police officers from these and other violations.

Under my legislation, Federal law enforcement funds would be withheld from those States and localities that failed to establish a "binding law enforcement officers' bill of rights." This measure provides various guidelines that should be included in any effective bill of rights, but any decisions regarding specific language are left up to the individual States and localities.

Under this measure, the following criteria would be used as guidelines for an effective bill of rights:

First, law enforcement personnel would have the right to participate in political activities while off duty and out of uniform:

Second, law enforcement officers under investigation must be notified from the outset of the nature of the complaint, all complaints, as well as those who will be present during the interrogation, and their legal rights including right to counsel.

Third, all interrogations must be conducted in a reasonable manner and while being conducted no threats of disciplinary action shall be made.

Fourth, the complete interrogation proceeding must be recorded.

Fifth, a law enforcement officer must be notified and given reasons for any punitive action taken against him prior to the effective date of such action.

Sixth, law enforcement officers have the right to bring civil suits against all those who violate their rights under the bill of rights.

Seventh, no law enforcement officer shall be required to disclose information on personal finances as a basis for promotion.

Eighth, adequate representation of law enforcement personnel must be provided whenever a police complaint review board is established.

Since this legislation does not intend to penalize those States and localities that are working in good faith toward establishing a bill of rights, the provisions of this legislation would not become effective until at least 2 years after enactment.

This legislation, which I have introduced during each of the prior six Congresses, enjoys the strong support of the rank-and-file law enforcement personnel it seeks to protect, including our Nation's largest police organization—the 160,000 member Fraternal Order of Police (FOP). Further, the Assembly of Governmental Employees (AGE), which represents more than 600,000 public employees, has endorsed this important measure stating:

> We find great irony in the fact that law enforcement officers have fewer rights under present law than the thief, murderer or rapist. . . . If we expect our police officers to operate effectively, we must protect their rights as consistently, stringently and adamantly as we protect the rights of the criminals they protect us against.

At a time when we are depending more and more on our law enforcement personnel in the escalating fight against crime, it is only fair that we provide these courageous men and women with basic protections. Fortunately, a number of States and localities have already recognized this fact and as a result, the idea of a law enforcement officer's bill of rights is gaining momentum. Eight States, including California, Florida, Hawaii, Maryland, Pennsylvania, Rhode Island, Wisconsin, and Virginia, and several local jurisdictions, such as New York City, have already adopted versions of a bill of rights.

However, the overwhelming majority of States and localities remain unresponsive to this serious problem that impacts on the morale and performance of all police officers.

Mr. Speaker, law enforcement officers are constantly placing their lives on the line to protect the lawful rights of others. In fact, 103 members of our Nation's crime prevention force were killed while performing their duties in 1980. I am proud to state that the Congress has responded in part to this problem by enacting a $50,000 lumpsum death benefit payment to the survivors of public safety officers killed in the line of duty. I have attempted to go several steps further by introducing several other bills earlier this year that would: Identify and ultimately ban handgun bullets that can penetrate bulletproof vests worn by police officers; provide scholarships for the surviving children of public safety officers killed in the line of duty; and prescribe the death penalty for those persons convicted of killing an on-duty law enforcement officer.

These efforts are essential and are very much appreciated by the law enforcement community. However, in simpler terms, police officers are growing tired of seeing their colleagues murdered, and then hearing the Congress and the public arguing for the rights of the criminal.

I offer this legislation today, along with my colleagues Messrs. HUGHES, ZABLOCKI, and GUARINI, as an effective means to address a great injustice, while at the same time demonstrating much deserved support for our Nation's law enforcement community. I am hopeful this legislation will receive the prompt and favorable consideration it certainly merits.●

PLIGHT OF THE PARITSKY FAMILY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. CONTE. Mr. Speaker, I wish to join my distinguished colleague, Mr. BARNES, in calling attention to the serious and tragic situation involving Mr. Alexander Paritsky and his family in the Soviet Union.

Alexander and Paulina Paritsky and their two daughters are part of a larger group of Soviet "refusniks" who suffer persecution because of their beliefs and ideas. Mr. Paritsky has been fired from his job and faces the prospect of imprisonment if he can find neither employment or receive an exit visa. He is guilty of so-called anti-Soviet crimes which include his alleged slander of the Soviet Union. Official harassment began in 1977 and has steadily worsened.

Alexander Paritsky would like to emigrate from the U.S.S.R. to seek a better life for himself and his family. In a letter he wrote to me in August 1979, Paritsky spoke of some of the problems he and his family face in their current situation, including such things as press stories published in local newspapers which attacked his daughters. Such a life is clearly intolerable.

Mr. Speaker, in October 1979, I wrote to Soviet Ambassador Dobryin to express my concern over Mr. Paritsky and to request the Ambassador's personal investigation of this case. I urged that Paritsky be allowed to submit his application for an exit visa and that permission to depart Russia be granted expeditiously.

I am pleased to join my colleague in this appeal and I would urge other Members to raise their voices in support of Mr. Paritsky.●

HONORING 25 YEARS OF SERVICE

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. RATCHFORD. Mr. Speaker, it is with pride and pleasure that I draw the attention of my colleagues in the House to the silver anniversary celebration to be held on Sunday, May 17, 1981, to commemorate Father Louis A. DeProfio's 25 years of service in the priesthood.

As pastor of St. Teresa's Church and as an active representative of the Diocese of Bridgeport, Father DeProfio has attended the spiritual and social needs of his community in a manner which fully warrants this silver anniversary celebration. I first came to know Father DeProfio when I was serving as a representative in the Connecticut General Assembly and as chairman of the Community Action Agency in Danbury—Father DeProfio was representing the Diocese in Hartford on a broad range of social concerns, working for fair and open housing and for public sensitivity to human needs. His work in these areas has filled me with both respect and pride.

Father DeProfio has served the community of Trumbull, Conn., through his work at St. Teresa's Church for several years, building a strong parish along with an excellent parochial school. He has remained extremely active in the community, continuing to work with youth in the area and maintaining his personal commitment as an active participant in the process of social change. In my view, Father DeProfio has been much more than a preacher, as important as that role is—it is the breadth of his contribution that makes this commemoration of his 25 years in the priesthood so important and so appropriate.

Mr. Speaker, I welcome this opportunity to extend my personal thanks to Father DeProfio for his work, his belief and his guidance in the community. I know that the people of Trumbull and of the State of Connecticut join me in extending our appreciation and in honoring Father DeProfio on this silver anniversary occasion.●

THE SAL ABBRACCIAMENTO SCHOOL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. SCHEUER. Mr. Speaker, today, May 14, 1981, PS 108 in Brooklyn, N.Y., is being dedicated as "The Sal Abbracciamento School" in honor of a lifelong resident of east New York.

Sal Abbracciamento was born in Naples, Italy, on July 31, 1909, the oldest of nine children. He came to the United States at the age of 22 months and settled in east New York where he lived until his death in 1966. Sal attended PS 108 and Boys High School in Brooklyn.

Throughout his life, Sal was totally involved in community, civic and church affairs. He was known in the entire Brooklyn area for his philanthropic acts and charitable deeds, working tirelessly and unselfishly for the betterment of east New York.

During his 25 years of service as lieutentant governor of the Kiwanis Club, Sal provided untiring assistance to the underprivileged children of the east New York-Cypress Hills community. He founded the Council for a Better East New York (CBENY) and the first auxiliary police unit at the 75th precinct. Sal was an active fund raiser for the Cypress Hills branch of cerebral palsy, for the Italian Board of Guardians, of which he was a member, and for St. John's Home for Orphans. Sal also worked on the Bishop's committee to build a high school in Brooklyn. In 1965, Sal successfully led the drive to save PS 65 and PS 108 from demolition; therefore, this landmark building is proudly dedicated to the life and memory of Sal Abbracciamento.

Sal Abbracciamento has left a legacy of charitable and community service rarely seen in the fast pace world of today. Sal's wife, the former Frances Arcara, and his children John, Frank, Alda, and Josine can all be proud of the work Sal accomplished in his lifetime. The east New York-Cypress Hills community and the students of PS 108 can all be thankful for the friend they had in Sal Abbracciamento.●

PUBLIC TELEVISION AT ITS BEST

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. WALGREN. Mr. Speaker, I am especially pleased to call the attention of this House to the latest accomplishment of the alliance which has given us the National Geographic specials, the highest rated and the most-honored series on public television.

This year the prestigious George Foster Peabody Award, which recognizes the most distinguished public service on radio and television each year, has been given to the four National Geographic specials seen on PBS last season: "Dive to the Edge of Creation," "Mysteries of the Mind," "The Invisible World," and "Superliners, Twilight of an Era." It is indicative of the quality of these shows that in the 41-year history of the Peabody

Awards, over 18,000 entries have been screened but only 650 honors presented.

As a Representative from Pittsburgh, I take special pride that the National Geographic specials have been coproduced by the National Geographic Society and Pittsburgh's PBS production center, WQED-Pittsburgh. Special credit also goes to our Pittsburgh-headquartered company, the Gulf Oil Corp., whose generous funding has permitted six consecutive seasons of Geographic specials on PBS. Gulf, and its advertising agency, Ketchum, MacLeod and Grove, deserve recognition for showing us all, once again, how important the private sector is in the promotion of good public television.

The four Geographic specials honored by the George Foster Peabody Award have also been honored by the National Academy of Television Arts and Sciences with three Emmy Awards; the Houston, New York, Chicago, and Columbus International Film Festivals; the Ohio State Awards competition; the Information Film Producers of America; and the Council on International Non-Theatrical Events.

This season's National Geographic specials, "Etoshe: Place of Dry Water," "Living Treasures of Japan," and "Gorilla," have been honored with a Grand Prize Award, Gold Award, and Bronze Award at the Houston International Film Festival, and Golden Eagle Awards from the Council on International Non-Theatrical Events.

I am proud of the Pittsburgh partnership which creates the only American-produced documentaries to appear regularly on television. The talented people who work so well together to produce this quality family viewing, especially producers Thomas Skinner and Dennis B. Kane, deserve our thanks. With Gulf Oil's continued support, with National Geographic's excellent topics, and with WQED's production expertise, we can all look forward to many more years of diverse, informative television programing.●

POPE JOHN PAUL II

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. RITTER. Mr. Speaker, I join with millions across the globe who pay tribute and express prayers in behalf of Pope John Paul II who was so ruthlessly gunned down in the Vatican's St. Peters Square yesterday. Again, I am shocked and appalled by the violent actions of a mentally deranged person who could do such a despicable act.

The example of love and christianity exhibited by the Pope during his tenure has been inspiring to millions around the world. Regardless of the specific religion that a person adheres to, one cannot help but be impressed and uplifted by the goodness and greatness of this gentle and caring man.

He stands as a symbol of peace and freedom to all the oppressed peoples of the world, both in the free world but especially those in captive nations. His own background and experience has enabled him to be truly empathetic to mankind and the trials they must bear. The Pope has brought new perspective to understanding the fundamental human rights and responsibilities which must provide the foundation for the actions of all governments.

I hope today that the prayers of countless numbers worldwide will be answered and that this deserving man will be restored to full health and once again resume his active life. I also pray that soon the time will come when the ideals of peace and love which he so impressively exemplifies will cover the entire Earth and such senseless acts of violence as this will be no longer.●

WORLD TRADE WEEK

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. BONKER. Mr. Speaker, I want to take this opportunity to bring to the attention of my colleagues the fact that May 17 through 23 is World Trade Week.

It is a time when we in Congress should reflect on the importance of international trade to our well-being both at home and abroad. It is a time for both Government and business to reaffirm our commitment to an exporting economy, for whether we like it or not, the United States is part of an increasingly interdependent world economy.

World Trade Week is a time to highlight the urgency of increasing U.S. exports. Strengthening our trade abroad is crucial to the recovery of our Nation's economy and to the creation of new jobs and business opportunities.

As chairman of the House Export Task Force, I know that Congress is increasingly active in creating an atmosphere conducive to exporting. It is our responsibility, for trade is the lifeblood of the United States.

Yet exporting is a part of our economy that is often overlooked. There are roughly 300,000 manufacturing firms in the country, and only 1 in 10 of these exports. That figure is even more alarming when you consider that a mere 100 companies account for one-half of our exports of manufactured goods.

In the past, most U.S. firms have ignored exports because our domestic market has been consistently robust and expansive. You only need glance at the newspapers to know that is no longer the case.

As a result, exports have become a growing segment of our economy. In 1980, they represented 8.5 percent of our GNP—double the percentage of 1970. Although we are making progress, we have a long way to go to catch up with our major competitors: France exports 17 percent of its GNP; West Germany, 22 percent; the United Kingdom, 23 percent.

Even though our exports have grown, our percentage of the world market has dropped, as the United States has met fierce competition in high technology areas we have long dominated, including computers, aerospace, and telecommunications. Between 1970 and 1980, our share of world trade fell from 15 to 12 percent. That cannot continue.

In the next few years, many economists expect world economic growth to slow; competition will become even keener, as every country is forced to look to their export markets to counter unemployment and sluggish growth at home. The developing countries in particular will be forced to export more to feed and employ rapidly growing populations. Competition for international markets will be fueled by the need to pay for the rising costs of oil.

This last point is most crucial to the United States. Our huge oil bill has created a trade deficit totaling more than $100 billion in the past 5 years. These deficits have put downward pressure on the dollar, increased the cost of imports, and fueled inflation. For these reasons, strengthening our trade position is an integral part of our economic revival.

Therefore, I urge Members of Congress, the business community, and the administration to participate in the observation of World Trade Week. I know that government officials and business organizations in major commercial centers throughout the country have planned weeklong activities, including luncheons, dinners, port and industrial tours, trade seminars, and export conferences.

World Trade Week 1981 is a fitting time for Congress as well to recognize the importance of expanding exports as in the national interest. I urge my colleagues to participate in whatever way they feel is appropriate and fitting.●

POPE JOHN PAUL II

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Ms. FIEDLER. Mr. Speaker, the prayers of peoples of all faiths are today with His Holiness, Pope John Paul II. The shock of violence aimed at this man who has struggled for peace has struck every man and woman of good will. Yesterday, in Rome, the forces of hatred and intolerance have lashed out, as they have so often in recent history, at reason, understanding, compassion—qualities personified by His Holiness. I share not only the pain and concern, but the relief and gratitude of us all, for it appears that neither the Pope, nor what he stands for, is likely to succumb.

To us in Washington, yesterday's events recalled anxious hours only recently past: The putting aside of the day's business, the tense bulletins and, finally, the relief of hope. As with the attempt on the life of our own President Reagan, the would-be murderer sought to harm not only a man, but the people whom he serves. We know now that murder failed in Washington; we rejoice that it appears again thwarted in Rome.

Let us then join in the universal prayers and hopes that Pope John Paul II will soon be restored to health to continue the works that have gained him the world's respect and admiration.●

JUVENILE DIABETES FOUNDATION BIKE 'N' HIKE DAY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. WOLF. Mr. Speaker, diabetes is a major health problem in the United States which directly affects 10 million Americans and indirectly as many as 50 million Americans. Of these, there are an estimated 2 million Americans who have insulin-dependent diabetes—juvenile diabetes—which means they are dependent on insulin injections to live. Also, diabetes is the third leading cause of death from disease and is the first leading cause of new cases of blindness. In addition, the complications of diabetes lead to many other serious health problems.

About a decade ago, a number of parents of diabetics banded together because they didn't know there was enough known about diabetes; there was too little research into the causes, effects, and a possible cure for diabetes. The Juvenile Diabetes Foundation was formed as an organization of volunteers to find ways to fund research and to comfort and help newly diagnosed diabetics and their families. We are still volunteers pursuing the same objectives.

On Sunday, May 17, the northern Virginia and District of Columbia/Maryland chapters of the Juvenile Diabetes Foundation are sponsoring their third annual Bike 'n' Hike. All funds raised through this event will go toward research in diabetes. Participants will solicit money pledges from sponsors for each mile they ride or hike. The locations for the Bike 'n' Hike are: (1) The Mount Vernon Bike Trail, (2) Burke Lake Park, (3) the Washington and Old Dominion Trail from Vienna through Reston to Herndon, (4) Rock Creek Park, and (5) the University of Maryland Campus, Catonsville.

Woodward & Lothrop and WVKX-FM/WPKX-AM Country Radio in Alexandria are the major sponsors of the event and we are most grateful for their interest and enthusiam. Special thanks should go to disc jockeys Paul Bottoms, Jim London, and Jim Paxson who have been active in their support and who will be enthusiastically biking and broadcasting for JDF on May 17. Thanks should also go to Paula Yudelevit of Woodward & Lothrop for the help her company has provided.

Mayor Charles Robinson of the town of Vienna has proclaimed May 17 as Juvenile Diabetes Foundation Bike 'n' Hike Day. Others responsible for the day's organization are Alice Brown of Arlington, Addy Krezak of Alexandria, Debbie Stroessels of Burke, Anne Seeger of Vienna, Judy Cochran and Ellen Rosenthal of the Washington/Maryland chapters, Judy Boyer of Herndon and Jay Willer of Springfield.

With the commitment by volunteers in gaining funds for diabetes research, as illustrated by this effort, I am confident that someday this major disease will have a cure. Today, insulin helps diabetes victims lead apparently normal lives, with the exception that an insulin injection is necessary to live. Importantly, insulin is not a cure. Someday, there will be such a cure and we must work to that end.●

THE SOCIAL SECURITY SYSTEM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. ROYBAL. Mr. Speaker, once again I must express my grave concern over the course this administration is following regarding older Americans. The President has just proposed extensive cuts in the social security system, the sole source of livelihood for thousands of Americans. I find such a proposal unconscionable.

Due to the makeup of my district, as well as my membership on the Select Committee on Aging, I get a great number of letters from older Americans. Almost all of them echo sentiments that I would like to share with you here:

I am receiving Social Security. I have been hearing that they want to cut this service. Our rents, food and the whole economy is going up. I am a Senior Citizen and I only get $230 a month of Social Security, nothing else, no stamps, no welfare, no nothing. I am very ill and can not work to supplement my pay and also I am too old. No one wants to hire me. We have no one to fight for our rights and benefits but you people in Washington. That is why we always vote. I don't understand why they are trying to cut the little they are giving us. Why is it that the poor are the ones that have to suffer more?

This letter was written by one of my constituents from Los Angeles, but I think it adequately reflects the concerns of senior citizens across the country who feel their Government has abandoned them. And I cannot blame them for this concern. First, we listened to Mr. Reagan during the campaign pledging to "defend the integrity of the social security system." Then in February the Reagan economic plan was presented to Congress with assurances that a "safety net" had been constucted to protect the full retirement benefits of the more than 31 million social security recipients. These were comforting words, but it did not take long to discover the "safety net" was full of holes. Health, nutrition, and other programs which provide services to the elderly were going to be consolidated into block grants designed to give States greater flexibility in planning and running their own programs and in establishing priorities. But in most cases, the States are under no obligation to provide specific funding levels for the individual programs, and may not be subject to any Federal regulation. Needy older Americans, who in many cases depend on such programs for their very survival and yet are not politically influential, are sure to be hurt.

And now we are assured that the administration has fulfilled its pledges. The social security cuts will affect only those who go on the system after next January 1. That is small comfort to those who will be retiring in a few years, nor to current beneficiaries who must surely be thinking, "Are we next?" I find the idea of punishing a 62- or 63-year-old person who can no longer do the hard physical labor he or she was once skilled in is morally repugnant. Yet that is what the administration is proposing by making it practically impossible for a person to retire until age 65 and still live. And now there are proposals to raise the retirement age to 68.

It is true that the social security system is faced with financial problems. However, it is my belief that Congress has the responsibility to maintain a sound social security system which meets the needs of our elderly population, and cutting into the livelihood of the very people this system was designed to protect is no solution. I respect the President's desire to see a "program for economic recovery" enacted, to balance the budget by 1985, to reduce Government waste and mismanagement. But these goals must not be achieved at the expense of our senior citizens, who have worked so hard and contributed so much to our Nation's growth. Our elderly have earned the right to spend their retirement years in security, and I do not propose to stand idly by and let the administration destroy this security for its own gain. I will not accept these social security proposals, and I urge my colleagues to likewise reject them.●

INTERNATIONAL TERRORISM THREATS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1981

● Mr. SCHULZE. Mr. Speaker, the threats posed by international terrorism to international law and order may be best illustrated with the following list of attacks by terrorist organizations, claiming to be Armenian, against Turkish diplomats and offices outside Turkey. These appalling statistics include terrorist attacks on the citizens and buildings of countries outside Turkey. They are good examples of how terrorism, although taking one country as its target, may eventually be a threat to the whole international community.

I. LIST OF TURKISH DIPLOMATS OR MEMBERS OF THEIR FAMILIES MURDERED BY TERRORISTS DESCRIBING THEMSELVES AS ARMENIANS

Mehmet Baydar, Turkish consul general, January 27, 1973, in Los Angeles.

Bahadir Demir, Turkish counsul, January 27, 1973, in Los Angeles.

Danis Tunaligil, Turkish Ambassador, October 22, 1975, in Vienna.

Ismail Erez, Turkish Ambassador, October 24, 1975, in Paris.

Talip Yener, driver for the Ambassador, October 24, 1975, in Paris.

Oktay Cirit, First Secretary-Turkish Embassy, February 16, 1976, in Beirut.

Taha Carim, Turkish Ambassador, June 9, 1977, in Rome.

Neca Kuneralp, wife of the Turkish Ambassador, June 2, 1978, in Madrid.

Besir Balcioglu, retired Turkish Ambassador, June 2, 1978, in Madrid.

Ahmet Benler, son of the Turkish Ambassador, October 12, 1979, at The Hague, Netherlands.

Yilmaz Colpan, Counselor for Tourism-Turkish Embassy, December 22, 1979, in Paris.

Galip Ozmen, attaché-Turkish Embassy, July 31, 1980, in Athens.

Neslihan Ozmen, 14-year-old daughter of Turkish attaché, July 31, 1980, in Athens.

Sarik Ariyak, Turkish Consul General, December 16, 1980, in Sydney.

Engin Sever, Attaché at the Turkish Consulate General, December 16, 1980, in Sydney.

Resat Morall, Labour Attaché at the Turkish Embassy, March 4, 1981, in Paris.

Tecelli Ari, a man of religion attached to the Turkish Embassy, March 4, 1981, in Paris.

Numerous other Turkish diplomats were injured, but survived after such attacks.

II. ASSAULTS BY ARMENIAN TERRORISTS FOR VARIOUS MISGUIDED REASONS ON BUILDINGS NOT BELONGING TO THE TURKISH GOVERNMENT NOT TO TURKISH CITIZENS

December 27, 1979: A bomb was exploded at the TWA, Alitalia and SABENA offices in Madrid. A Spanish citizen was injured.

February 18, 1980: Bombs were exploded in the Swissair and El Al offices in Rome. An Italian citizen was injured.

October 4, 1980: A bomb was exploded at the Alitalia office in Madrid. Twelve Spanish citizens were injured, some of them severely.

November 25, 1980: A bomb was exploded at Union de Banque Swiss in Geneva. An elderly woman was injured.

November 25, 1980: A bomb was exploded in Geneva. A Swiss citizen was injured.

December 29, 1980: Bombs were exploded at the TWA, Swissair, and BEA offices in Madrid. Seven Spanish citizens were injured.

III. ASSAULTS BY ARMENIAN TERRORISTS ON VARIOUS TURKISH OFFICES IN EUROPE AND A LIST OF PEOPLE OTHER THAN TURKS INJURED AS A RESULT OF THESE ASSAULTS

February 7, 1975: A bomb was placed at the Turkish Airlines office in Beirut. A Lebanese bomb expert trying to defuse the bomb was injured.

June 2, 1978: Antonio Convers, the driver of the Turkish Ambassador to Spain was killed with the Ambassador's wife and retired Turkish Ambassador Mr. Balcioglu.

October 4, 1979: A bomb was exploded at the Turkish Airlines office in Copenhagen. Two Danish citizens were injured.

August 22, 1979: A bomb was exploded at the crossroad through which the Turkish Deputy Consul General in Geneva was to pass. Two Swiss citizens were injured.

November 18, 1979: A bomb was exploded at the Turkish Airlines office in Paris. A French police officer was injured.

October 10, 1980: Two bombs were exploded at the Turkish Airlines and Tourism and Information Office in Rome. Two Italian citizens died and fourteen people were injured.

October 2, 1980: A bomb was exploded in Los Angeles at a travel agency belonging to an American of Turkish origin. An American citizen passing by on a motorcycle was injured.

October 3, 1980: A bomb was exploded at the Turkish Airlines office in Milan. Two Italian citizens were injured.

October 12, 1980: A bomb was exploded at the building belonging to the Turkish delegation to the United Nations in New York. Four Americans were injured.

In total, there have been 31 vicious attacks, 20 deaths, and countless serious injuries, including Turks, non-Turks, adults and children. All were innocent.

It is my fervent hope that the United States resolve to deal effectively with terrorism can be translated into international cooperation to overcome this organized threat to peace, law and tranquility in virtually every corner of the Earth.●

MOTHER MERCY HIGH SCHOOL AND STUDENT HONORED

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. LUKEN. Mr. Speaker, today, Thursday, May 14, 1981, residents of my congressional district and members of the Western Hills Exchange Club of Cincinnati met before a general assembly of Mother Mercy High School in Cincinnati to dedicate a Freedom Shrine for that school and honor Linda Gibson as Student of the Year for 1980.

Miss Gibson, chosen by the Exchange Club for her scholarship and involvement in school and community activities, is indicative of the type of student that graduates from Mercy High School. Founded in 1915 by the Sisters of Mercy, Mercy High School has long been recognized for its academic and athletic excellence.

The Freedom Shrine, replicas of 23 documents and events important to American history, was presented to Mercy High School by the Western Hills Exchange Club in commemoration of our Nation's rich past.

In addition to its Student of the Year Award and Freedom Shrine presentation, The Western Hills Exchange Club is active in its support to hospitals, youth, and fraternal organizations.

Mr. Speaker, it is a privilege and an honor to seek this national recognition

of Linda Gibson, Mother of Mercy High School and The Western Hills Exchange Club. I know that you and our colleagues will want to join with me in offering our sincere congratulations and gratitude on this occasion.●

WELCOME TO SUDBROOK MIDDLE SCHOOL STUDENTS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. LONG of Maryland. Mr. Speaker, it is with special pleasure that I welcome the students from the Sudbrook Middle School in Pikesville, Md., who have journeyed to Washington, D.C., to have a firsthand look at their Nation's Capital.

These students, led by their teacher, Ms. Donna Sener, will be touring the U.S. Capitol and visiting my office.

I am delighted that these young Americans are taking the opportunity to expand upon their classroom learning.

The students are: Darryl Gould, Floyd Brown, Carolos Caalier, Anthony Holman, LaChara Green, and Micheel Everett.●

"WHERE'S OUR SON?" FAMILY KEEPS ASKING

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. BRODHEAD. Mr. Speaker, I wish to bring to the attention of my colleagues a personal tragedy which continues to burden two of my constituents, Helen and Costas Kassapis.

On August 21, 1974, the Kassapis' son, Andreas, was forced to leave the family home at Ashia, Cyprus, by Turkish Cypriots. That was the last time that the Kassapis family saw Andreas, an American citizen born in Detroit.

The Department of State has made numerous inquiries on the matter to Turkish authorities, who insist that no prisoners, United States or Greek Cypriot, captured during Turkey's 1974 military operations in Cyprus are being held in Cyprus or in Turkey. Nevertheless, there about 2,000 people, 8 of them Americans, who are still missing as a result of that conflict.

The U.S. Government must continue to press the case of Andreas Kassapis and the other Americans who are still missing. I wish to share with my colleagues an article which appeared in the Detroit Free Press which describes the terrible burden which the Kassapis family must bear.

The article follows:

[From the Detroit Free Press, Feb. 15, 1981]

U.S. YOUTH SEIZED IN CYPRUS HASN'T BEEN SEEN IN 7 YEARS

(By Stephen Franklin)

For almost seven years an unchanging dream has haunted Gus Kassapis day and night.

There's a knock on the door. A gun butt is shoved in his side. The family dashes madly for their American passports, then the soldiers find his son, Andrew.

In the dream, Gus Kassapis is always loudly begging the Turkish-Cypriot soldiers not to take Andrew, but they refuse.

Just as they leave, he thrusts an American passport into Andrew's hands and shouts for him not to worry.

The scene actually is not a dream, but the time-wearied memory of the day when 17-year-old Andrew Kassapis was seized during the 1974 Turkish invasion of Cyprus.

Almost seven years later, Andrew, who was born in Highland Park, is one of 2,000 persons, including eight Americans, considered missing by the Cypriot government.

"I know my son is still alive. I don't think they will harm him. He was not involved in politics," says Kassapis, 54, who returned to the U.S. in 1979 and now manages a restaurant in Livonia.

But Kassapis, who has sought help in Washington, at the United Nations and in London, has no real evidence that Andrew is alive. He has not been seen since 1974.

Nonetheless, the Cypriot government recently cited Andrew's case to U.S. Secretary of State Alexander Haig, in its appeal for Haig's help in "tracing the fate" of the 2,000 persons.

Turkish officials insist, however, there are no missing Cypriot or American citizens.

"There are no Greek (Cypriot) prisoners. All prisoners have been exchanged. The Greeks (Cypriots) are using this as propaganda," says Numan Hazar, the consul for the Turkish Embassy in Washington.

State Department officials consider Kassapis' case on open one, although a very uncertain one.

"We continue to follow up every bit of information we continue to receive. But we simply are unable to say whether he is alive or dead," said State Department official Edward Jones.

Officials from Amnesty International, a London-based non-partisan organization, have regularly urged talks between the Turks and the Cypriots over the missing persons.

"We wouldn't accept the notion that those people are all dead," said Larry Cox, a spokesman for the organization in New York City.

Recently, the uncertainty became more difficult for the Kassapis family with the release of the 52 American hostages from Iran.

"Everyday on TV, they said 200 days, 300 days, finally 444 days," says Helen Kassapis in the living room for her small, two-bedroom apartment in Wayne. "My wait for my son is 3,000 days."

Fay Kassapis, 21, who was close to her six-foot-tall, soft-spoken brother, says the waiting "is killing us all."

Gus Kassapis feels he and his family were innocent bystanders U.S. citizens caught in a feud between Cyprus and Turkey.

Indeed, Kassapis says he did not have the slightest notion in 1974 of the political events that would suddenly bring a foreign army to the Cypriot village where they had been living since leaving the U.S. seven years before.

Andrew had just graduated from the American Academy in Nicosia, the capital of Cyprus, and the family was planning to return to the U.S. in the fall of that year, according to Kassapis.

But in July there was a coup in Cyprus led by Greek Cypriots who wanted to see the island united with Greece. The Turks demanded that the 650 Greek officers, who had joined the Cypriot National Guard in the coup, be removed immediately.

Greece refused, and the Turks moved their forces onto the island, claiming they feared retaliation against Turkish Cypriots.

The Turkish troops eventually seized a third of the nation's territory. The Turks account for 18 percent of the population.

The Kassapis family was swept up into the fighting on Aug. 14, when Turkish troops arrived at the village of Asha, 12 miles east of Nicosia—the village where Gus Kassapis had grown up.

After hearing the sound of Turkish planes, Kassapis says he called the U.S. Embassy. "I was told not to go outside and not to worry," Kassapis recalls.

Kassapis decided, however, to flee and began loading his car. Just then he saw two Turkish tanks on his street and returned to his house. In a few minutes, four Turkish soldiers knocked down the front door of his house, Kassapis says.

For the next six days, Kassapis says the house was routinely searched by Turkish soldiers and Turkish Cypriots looking for Greek political propaganda.

On Aug. 20, two Turkish Cypriots—who were looking for young men for the Army—took away Andrew, and a Cypriot who was the fiance of his daughter, Irene. They were put on a tractor and never seen by their families again.

After being held by the Turkish officials for about two weeks, the Kassapis family was eventually allowed to return to the island's Greek section.

While in Turkish custody, Kassapis says, a Turkish Army official told him that the two Turkish Cypriots has turned his son over to the Army.

From then on, news of Andrew's existence is sketchy. In November 1974, Turkish officials were supposed to release 136 Cypriot students who had been held. Andrew Kassapis was one of 41 students listed in the Turkish document, but not released.

After U.S. officials in Cyprus were unable to find out any more about his son, Kassapis returned briefly to the U.S. in 1975.

Going virtually door to door in Washington, he saw at least four senators and five congressmen. They all listened and referred his case to the State Department.

The family moved back to the U.S. in 1979, "not because I gave up hope, but I said we might as well come home," Kassapis said.

In a small briefcase, Kassapis has carefully stored all of his documents and letters to U.S. and Cypriot officials. They are the shreds that keep his dream alive.

"If I die, and it might happen any day," he says, "I have told my daughters. You do the same. You find out what happened to your brother."●

CONFIRMATION OF G. RAY ARNETT

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. SHUMWAY. Mr. Speaker, it is my distinct pleasure to learn that my friend and constituent, G. Ray Arnett, has been confirmed as Assistant Secretary of the Interior for Fish and Wildlife and Parks. I believe that Ray's background, experience, and philosophy combine to make him a superbly qualified individual to fill this sensitive and critical position.

Recently, I had the privilege of introducing Ray Arnett to the Senate Committee on Energy and Natural Resources, and of offering my unqualified support for his confirmation. Ray has consistently demonstrated a commendable devotion to America's outdoor heritage, and he is quite universally recognized as being committed to responsible conservation measures. He brings a valuable discipline to this position, and I am confident that he will exercise a fine sense of balance and reason—one which will benefit all Americans.

At this time, I ask that my colleagues join with me in congratulating Ray Arnett for achieving this honor, and in offering him every best wish for a successful tenure as Assistant Secretary of the Interior for Fish and Wildlife and Parks.●

DEPRESSION EXPRESSION

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. GOLDWATER. Mr. Speaker, I recently saw our former colleague from Iowa, Fred Schwengel, and he showed me a poem written in the aftermath of the recent assassination attempt on President Reagan. The poem was written by a gifted sixth grader from the Madison Elementary School in Santa Monica, Calif.—Jennifer Stokely—and through her writing, she has given us all a message. I would like to share it with my colleagues:

DEPRESSION EXPRESSION

There's a depression expression on this country's Face,
Because something's interrupted our country's Pace.
There must be something we're not doing Right,
Something that's managed to dim freedom's Light.
There were six shots fired at our country's Heart.
In suffering this wound all America takes Part.
If we were declared free 200 years Ago,
Why are we not free from such an enslaving Blow?
Oh Yes, there's a depression expression on this country's Face,
Because of the evil that we cannot erase.●

REAGAN SOCIAL SECURITY PLAN—WHAT YOU SEE IS NOT AS BAD AS WHAT YOU GET

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. BIAGGI. Mr. Speaker, as an original member of the House Select Committee on Aging, I have a profound interest in our social security system. I recognize its absolutely essential relationship to the economic survival of millions of elderly citizens. It is because of my interest in and advocacy for this system that I must take strong issue with the proposals unveiled yesterday by the President for the social security program.

First, it is fair to say, and some newspapers have characterized the proposals as the single biggest assault on the social security system in its history. I would concur with that judgment and would add that I consider the administration's proposals to be an overreaction. I challenge the assumption that the social security system is nearing imminent bankruptcy. Our Aging Committee has received testimony which indicated that the trust fund which pays the elderly benefits is actuarily sound until at least the year 2030. Granted there are immediate and short-term problems to contend with. Yet, a far less cruel alternative to what has been proposed by the administration would be to provide for intrafund borrowing.

In reality, the cuts proposed by the administration are far in excess of what would be needed to rectify the short-term problems. Secretary Schweiker said the administration's proposals for reform of the social security system were aimed to "put social security back on sound financial ground indefinitely" and significantly lessen the taxes of those currently supporting the system. He claimed that the proposals would have minimal impact on the 36 million beneficiaries currently on the rolls. Yet like so many other administration promises or assumptions—they do not stand up under the light of closer scrutiny.

I am perhaps most opposed to the proposed deferral of cost of living increases provided to social security recipients in July of each year. The administration would prefer to have these increases take effect in September, beginning with the 1982 increase. This means that millions of social security recipients, a number of whom rely exclusively on social security for their income, will have to suffer through 15 months of increased prices and costs before they can get an increase in benefits. For many, this could prove to be a cruel proposition. When one combines this with the Senate action last week to calculate the 1982 COLA based on wages as compared to the CPI, people will have to wait longer only to get less.

The administration also tampers with the second COLA under social security—the so-called preretirement calculated COLA. The net effect of their alleged technical change in this COLA is to cut it in half for 6 years and reduce all future benefits to every social security beneficiary by as much as 10 percent. This amounts to an annual cut to beneficiaries of about $30 billion per year in 1981 dollars.

To say the least, this particular provision has not been accurately presented.

Other provisions in this proposal will cut benefits by an extra 10 percent to individuals with fewer than 30 years of employment, regardless of whether they retire at 62 or 65. The combination of reductions in early retirement benefits and a change in the definition of disability, eliminating considerations of age, work experience and education—elderly disabled workers with limited educational or transferable work skills will suffer a 45-percent benefit cut.

I have a special problem with the proposal to slash early retirement benefits by 25 percent. My problem rests with it being applicable to January 1, 1982. This means that a worker scheduled to retire in 1981 and has informed their employer of said decision, and expected to retire with a certain monthly benefit income, will find those benefits slashed by as much as $160 a month.

I do endorse the general thrust of the administration's proposal to try and increase the ability of and incentives for people to work until age 65 and beyond. The proposal to phase out the outside earnings limitation is long overdue and is a position which I have advocated for the past 6 years.

However, the sum total of these proposals can be stated in one phrase—the good is definitely outweighed by the bad. Social security represents a covenant between the Government and the worker—a covenant which provides that the worker pays into the system with the expectation that the system will in turn provide for the worker when they retire. This covenant has been a mainstay of American society for more than 40 years. It is not the time to breach it for any worker. If we need to rethink the funding structure of the system—let us not simply apply remedies without concern for human impact. This appears to be what the administration has opted to do and it is therefore the duty of Congress' to give this proposal the most serious of scrutiny. It is my

hope that with respect to the more onerous provisions of the administration's plan, the old saying will prevail: The executive branch proposes—the Congress disposes.●

NATIONAL POLICE WEEK

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. ZEFERETTI. Mr. Speaker, I want to take this opportunity to pay tribute to the outstanding work of this Nation's police officers during our nationwide observance of Police Week, May 10 through May 16.

Law enforcement is perhaps the single most difficult and dangerous of professions. The responsibilities of protecting the public while facing the threats posed by an increasingly violent society are an awesome task. As an ex-corrections officer myself, I empathize with the frustrations they have toward our court system, a system that I feel is often all too lenient toward criminals convicted of heinous crimes against our citizens.

Through better quality in the training of officers and an upgrading in their equipment, police efficiency has greatly improved. More criminals are being arrested than ever before. However, it is imperative we realize that no matter how efficient they become, policemen and policewomen cannot solve the crime problem alone. Despite budgetary problems, all levels of government must appropriate sufficient funds to insure that the thin blue line of police protection does not grow thinner. Equally as important is the need for greater citizen participation and cooperation in fighting crime.

May 15 marks Police Officers Memorial Day, and I want to pay tribute to those who have given the ultimate sacrifice in preserving the freedoms of democracy against the lawless elements of our American society.

Today's officers represent our front line of defense in our war on crime. I implore the Members of this institution and the American people to show this Nation's police officers the respect and cooperation they so richly deserve.●

WINNIE MANDELA: THE REAL TEST FOR UNITED STATES-SOUTH AFRICA POLICY

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mrs. CHISHOLM. Mr. Speaker, today Secretary of State Alexander Haig will meet with South Africa's Foreign Minister Roelof Botha. The Reagan administration has indicated that it intends to develop a new and constructive relationship with South Africa. The administration believes that such a relationship will produce more results than some of the efforts made in the past. The nature of the system of apartheid makes South Africa one of the world's pariah states. If the administration's new policies can produce a change in the system of apartheid, then these policies are to be commended. However, in our rush toward a policy of constructive engagement with South Africa, let us not forget the plight of those who suffer under the barbaric system of apartheid. The New York Times, on March 17, published an article by Joseph Lelyveld on the banishment of Winnie Mandela, the wide of Nelson Mandela, a leader of the African National Congress. It is a chilling story about the treatment of those who dare to challenge South Africa's racist policies. I commend it to the attention of my colleagues.

[From the New York Times, Mar. 17, 1981]

"BANISHED" IN SOUTH AFRICA, SHE VOWS TO OVERCOME

(By Joseph Lelyveld)

BRANDFORT, South Africa, March 12.—A white woman called from across the street as Winnie Mandela got out of her car in front of the post office here today. She hadn't seen her in a while, the woman said in a friendly voice, and hoped that didn't mean Mrs. Mandela was cross with her.

The start of a brief exchange of small-town pleasantries, it was an exceptional moment of civility in the life of officially decreed hardship and monotony Mrs. Mandela has had to lead here since she was ordered nearly four years ago to reside in the nameless black township on the edge of this staunchly conservative Afrikaner farming community in the Orange Free State. The banished wife of an imprisoned black leader would not expect to make white friends here. Whites prepared to extend even minimal courtesy have also been few.

"There are only three I am able to speak to here and she's one of the three," Mrs. Mandela said later, breaking into a bright peal of laughter that canceled any hint of self-pity. In the 18 years since the arrest of Nelson Mandela, the leader of the outlawed African National Congress, his wife has become a political figure in her own right, threatening enough for the authorities to feel they could not let her live in Soweto, Johannesburg's black annex, even under partial house arrest and a "banning" order that gagged her politically and barred her from gatherings.

The authorities never explained why they selected Brandfort as Mrs. Mandela's Elba but she has her own explanation. "Here is really a living grave," she said. "One is subjected to such crude conditions. The whole thing was calculated to break one's spirit." Mrs. Mandela's rich laughter, which punctuates her conversation, said it was a miscalculation.

SEPARATE ENTRANCES IN SHOPS

Until she was deposited here by the security police in May 1977, Brandfort was best known as the town that shaped the Afrikaner identity of Hendrik F. Verwoerd, the Dutch-born Prime Minister who turned South Africa's traditional patterns of racial separation into a system and an ideology. There are still white and black entrances to the shops here but Mrs. Mandela has consistently disdained the signs and no white has challenged her. In the single supermarket, her example helped promote an end to segregated service.

The contrast between the outwardly drab town and the vivid, self-assured woman whose small shopping expeditions become a daily challenge to its racial customs has given rise to resentment among local whites. "I'm no longer wanted here by the white community," Mrs. Mandela said. "I think they've just had enough."

The banning order that restricts her to Brandfort expires at the end of this year and the authorities will then have to decide whether to move her. In the meantime, she will have to appear in court on May 25, as she does almost annually, on charges of violating her ban. These were lodged by a security police sergeant named Gert Prinsloo who has been her official chaperon and nemesis here since the day she arrived. Conviction could result in a jail sentence.

"What difference does it still make?" she asked cheerfully. "The only difference is between being in prison and this outside prison. My country is a prison in itself." The words sound almost too brave but official harassment has helped shape a role for Mrs. Mandela in which she now seems entirely at ease.

HUSBAND WRITES TWICE A MONTH

The post office where she was encountered is only half a block from the police station but it was lunch time and Sergeant Prinsloo was nowhere in sight. She never knows, she said, when he will turn up. Just last night he was parked outside her tiny semidetached house, which has neither plumbing nor electricity, when she stepped into the yard at about 9:30 to throw her bath water out.

If she had then set a foot out of the yard, she would have been violating her ban, which places her under house arrest in the evenings and on weekends. It would have been a violation now to invite a visitor back to her house, where she can receive only relatives, or to meet him in the presence of a third person.

So the conversation today took place in the visitor's car, parked under a gum tree beside the post office, while Mrs. Mandela's daughter, Zindzi, waited in her mother's Volkswagen rereading one of the two letters her father is allowed to write each month, which had just arrived.

Mrs. Mandela was moved to Brandfort a week before Andrew Young, then the new American representative at the United Nations, was due to visit Soweto. There were some who speculated that the authorities meant to insure they would not meet. Now there is a new Administration in Washington and a new attitude. Mrs. Mandela was asked whether she had seen President Reagan's remark that the United States should be "helpful" to South Africa because positive efforts to bring change are under way here.

"WE WILL TAKE OVER"

"He couldn't have insulted us more," she said. Again there was a peal of laughter. "One doesn't expect anything much but one doesn't expect a man in his position to really go out of his way and pronounce himself as our enemy. Because we are there, a reality, and we will take over this country whatever Reagan says."

The years in Brandfort have not left Mrs. Mandela with a sense of isolation. Others in "the struggle" are suffering more, she insisted, while Brandfort has given her a chance to draw close to blacks who have had "no other life than in the backyard of the white man" and who now "are even angrier than those in the urban areas because they are so deprived."

Every other month, under constant police surveillance, Mrs. Mandela flies to Cape Town and then to Robin Island to spend 30 minutes with her husband, who is serving a life sentence. They sit facing each other with heavy soundproof glass in between so that they have to talk on the telephone although they are separated by only a couple of feet.

Guards sit on both sides with them, listening in on extension phones to insure that no political intelligence is exchanged. "We can only talk about cats and dogs, children, families, that's all," she said. "Each time for all these years, these 18 years, some senior officer comes to me and reminds me: 'I hope you remember Mrs. Mandela that you are not to discuss anything else outside your family. We don't want to cut your visit but should you mention even a name we don't know, we shall cut your visit.' They actually say that."

HUSBAND "ABSOLUTELY FINE"

The last private moment the Mandelas had, she said, was a hurried meeting in August 1962 two days before her husband was captured. Yet she is never more assured than when she describes him. "Oh he's absolutely fine," she said. "He's just on holiday. There's our Prime Minister on holiday, that's all. He's in fantastic spirits."

Her own spirits are sustained, in part, by the visits of the Rev. John Ruston, an Anglican priest in Bloemfontein, about 30 miles to the south, who comes every two weeks to give her communion.

"He can't get into my house," she related, "so when he gets there, he hoots outside my cells—that's what the house is, just a combination of three cells put together—and I run out and we pray outside his car and he gives me holy communion outside his car, and when it's raining we sit inside the car, and that's how I get my communion."

Asked if she had ever applied for permission to worship in the cathedral in Bloemfontein, she answered firmly: "No, I will never do that. I don't believe I should apply to a human being to go to church. I think I would be giving them a power they don't have. That would be honoring them too much."●

CALL TO CONSCIENCE VIGIL, 1981; BORIS AND ANNA PSHONIK

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. HARKIN. Mr. Speaker, again this year I take part in the congressional vigil for Soviet Jewry. Again this year I bring to the attention of my colleagues the case of Boris and Anna Pshonik of Riga, Latvia. Again this year I must tell you that the Pshoniks continue to be refused permission to emigrate to Israel. Very sadly, this is the third year I have had to bring this case to the attention of the congressional vigil.

The Pshoniks applied for visas in August of 1978 and were refused in December of 1978. They have applied and been refused a number of times since. They have been told by the authorities they should not even bother to apply. The reason given for their refusal is that Dr. Pshonik knows military secrets. Dr. Pshonik was not a high ranking official, he was privy to no special information. In any event, Dr. Pshonik has been retired over 8 years. Dr. Pshonik family have all emigrated and he and his wife wait alone in the Soviet Union.

Again this year I call upon the Soviet Union to comply with international human rights standards and their commitments under the Helsinki agreements. I urge the Soviet Union to allow the Pshoniks to emigrate to Israel and to allow all those citizens like the Pshoniks who wish to emigrate to their homeland to do so.●

SAM ERVIN'S TESTIMONY ON INFANT FOOD PRODUCTS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. MICHEL. Mr. Speaker, recently former Senator Sam Ervin appeared to testify before the Senate Appropriations Subcommittee on State, Justice, Commerce, and Judiciary.

I don't think I need to remind you of his distinguished record or of his concern for basic human and civil rights. He appeared because of his deep concern over a proposed international code which will severely restrict the advertising of infant food products marketed throughout the world. Senator Ervin, a distinguished constitutional expert, describes this proposed code as "totalitarian." When a man like Sam Ervin uses a strong word like that, we should pay attention to what he is saying.

Senator Ervin recently wrote an article based on his Senate testimony entitled "A Totalitarian Grab for Baby's Bottle," which appeared in the Washington Star, Wednesday, May 13, 1981.

I believe we can all benefit from the views and opinions of this distinguished statesman. I therefore submit for the RECORD a copy of Senator Ervin's article.

A TOTALITARIAN GRAB FOR BABY'S BOTTLE

(By Sam J. Ervin, Jr.)

The debate over the World Health Organization's proposed international code to regulate the marketing of infant food products has so far centered on whether it is healthier for mothers to breastfeed their babies or to use infant formulas. But the draft code involves much more than health policy and much more than infant formula.

The United States should strongly oppose the WHO's Draft International Code of Marketing Breastmilk Substitutes when it comes up for a vote before the World Health Assembly of the United Nations in Geneva later this month.

The draft code is a totalitarian document. It would indermine the basic American values of free speech, free press and free competition in the marketplace. It is designed to prevent the supposedly "evil" multinational companies from selling infant formula to mothers in developing countries. But, as we have learned time and again in this country, regulations of this sort often become more of a problem than the "evil" they were designed to correct.

Years of experience in government have taught me that you can't legislate away evil—even if you are a worldwide United Nations agency. But you can eliminate basic freedoms to which we in America have become accustomed, and this is particularly fearsome if it is carried out by an international agency.

DANGEROUS PRECEDENT

I would like to make clear that I an not necessarily in favor of use of infant formula as a substitute for breastfeeding. Rather, the issue of concern to me is that this code, if adopted, will establish a dangerous precedent of worldwide control over the advertising, labeling, and marketing of infant products.

This document is so broad that it attempts to regulate the marketing of virtually all products consumed by infants and young children. It covers, among other things, all baby foods, including pureed meats, vegetables, and fruits; all milk products, ranging from fresh whole milk to condensed or nonfat dry milk; strained fruit juices; cereals; teething cookies; breads; cheese; vitamins; and numerous prepared foods.

A brief discussion of the background of this matter is in order. Beginning in the early 1970s the United Nations agencies, including the WHO, medical and scientific groups and others, became disturbed by a decline of breastfeeding in developing nations. One thought put forth at the time was that the decline was attributable to the promotion and marketing of bottle-feeding.

The concern developed into an effort to fashion one law to govern the marketing of infant formula in all those sovereign and diverse nations which are members of the WHO, including the United States.

By submitting the draft code to the World Health Assembly for approval, WHO is seeking to dictate to members of the United Nations a uniform law governing the marketing and the use of a broad range of infant foods and related articles within their borders. American companies operate in these nations.

By scrutinizing with care the draft code, it's plain to see that its approval by the World Health Assembly will have a highly inimical impact upon the interests of American industry and international trade with respect to the products within the scope of the code. Besides, it is not well designed to promote the value of infant health and nutrition that it was professedly formulated to protect.

The draft code regulates with complete, drastic, and totalitarian precision every aspect of the marketing, distributing and using of infant products in foreign nations subject to it, and defines with equal precision every permissible activity of every person involved in any way in such transactions.

By so doing, the draft code virtually outlaws the exercise of discretion by anyone, and makes it impossible for American companies to operate in nations subject to it under agreements negotiated by federal agencies or themselves.

Hence, it frustrates the constitutional power of Congress to regulate the foreign commerce of American companies in the products within its scope.

Consideration of space and time preclude an enumeration of all the code's prohibitions. A few of these provisions expressly forbid all manufacturers and distributors operating in a nation subject to the Code to engage in any of these activities in seeking to market any product or articles within the scope of the Code:

(1) To advertise to the general public or otherwise to promote the sale or use of any such product or article.

(2) To place on labels of such products or articles any information, even pictures of children, other than that specified by the Code.

(3) To demonstrate how such products or articles are to be used in feeding infants and young children.

(4) To donate information, products and articles to health care systems and institutions unless they are requested to do so by the government for that purpose. And even in such instances, the things donated can be used outside such institutions only if they are distributed by them.

(5) To seek any direct or indirect contacts of any kind for business purposes with pregnant women or mothers of infants and young children.

(6) To distribute to pregant women or the mothers of infants and young children any gifts or articles or utensils which may promote the use of infant products.

(7) To provide, directly or indirectly, to pregnant women, mothers or members of their families, samples of products within the scope of the code.

(8) To pay an employee any bonus based upon the marketing of any product or article within the scope of the code.

UNITED STATES SHOULD VOTE NO

The representatives of the United States in the forthcoming meeting of the World Health Organization ought to urge that body to reject the code. American taxpayers ought not to be compelled to finance in any measure WHO's efforts to impose this totalitarian code on the people of other nations. This country now provides 25 per cent of WHO's funding. This international regulatory effort by WHO was ill-conceived; its end result is antithetical to American ideals and interests.

As a model for national legislation, the draft code is quite less than satisfactory.

As a possible stalking-horse for the establishment of an expansive international regulatory effort by WHO, it is dangerous.●

PRODUCTIVITY CANNOT BE DIVORCED FROM ETHICAL AND CULTURAL FACTS

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. LONG of Louisiana. Mr. Speaker, many excellent speeches and articles have recently appeared in the CONGRESSIONAL RECORD on the subject of productivity. It is most important that this body reflect on the institutional problems that are affecting our national economy with a view toward basic changes to effectuate revitalization. I find it encouraging that so many business leaders are looking within for the solutions to these problems. A particularly refreshing approach—one which emphasizes the cultural and ethical aspects of our managerial enterprise—recently was printed in the Washington Star of Sunday, May 10, 1981.

I would like to submit for the consideration of my colleagues the following speech by Mary Cunningham, vice president for strategic planning and project development at Joseph E. Seagram & Sons, Inc., New York. Ms. Cunningham's remarks were delivered to the Commonwealth Club in San Francisco and are reprinted from Industry Week magazine, copyright 1981, Penton/IPC.

HOW THE CORPORATE CULTURE STIFLES U.S. PRODUCTIVITY

The alarming statistics citing the decline of productivity in the U.S. rest on some ominous facts—facts that tell us that other countries have produced better products than we have, and have done so at lower costs, with fewer people, with fewer layers of management, with far fewer job classifications, with higher quality, and with a more stable workforce.

We business people will be making a mistake if we think that the election of probusiness people to the Congress, and a president committed to balancing the budget and "freeing business from government," will solve these problems. It is, of course, essential to improve the investment climate in a variety of macroeconomic ways—whether through a more equitable tax structure, selective decontrol and deregulation, or the encouragement of savings. But we may have become somewhat mesmerized by all those macroeconomic plans.

I believe that even if every tax reform and proposed budget cut were implemented in full we would still remain at a competitive disadvantage with other industrialized nations. This is because the battle against declining productivity must be fought bilaterally, both at the macro level of government policy and at the micro level of organizational reform.

The present administration is doing its job by creating a blueprint that emphasizes savings, investment, monetary prudence, and fiscal restraint. Our corporations must also do their part by examining what I will call the corporate culture, and instituting the necessary changes in that culture that will make them more competitive and more productive.

I invite you to examine three concepts:

First. The absence of a shared system of values has a measurable impact on the bottom line.

Second. A less-than-humane working environment shows up as a concealed cost on the profit-and-loss statement.

Third. Prejudice is an expensive luxury.

CORPORATE CULTURE

As every observer of the human condition knows, a culture is defined in a very important sense by the ethical system that binds it. Not that everyone in a society practices right and wrong in identical fashion. But in a fundamental way there is a shared notion of ethical behavior. A sub-society, like a corporation, is equally devoid of cohesion if it has no common values.

Today, the members of society at large, and of the institutions within it, including corporations, are yearning for that sense of meaning that comes from a well-developed system of values. We need this value system as individuals to give purpose to our work and therefore satisfaction to our lives. And the corporation needs it to create unity out of diversity, loyalty out of selfish opportunism, and cooperation out of internally directed competitiveness.

Unfortunately, when you talk about ethical systems in the corporate realm the word "ethics" suddenly shrinks to puny proportions. All it seems to mean to most people is improper payments and pilferage. Oddly enough, those infringements of ethics, while important, are likely to do far less financial damage than the violations I have in mind.

When I think of ethics with regard to a corporation, I envisage a common value system that causes the members of the organization to function together as a loyal unit. You need only look at the Japanese to see that where there is unity there is a tremendous increase in productivity.

Indeed, the results are measurable. Japanese management receives six to eight suggestions per employee per month. And a measure of the seriousness accorded this exercise is that over 50 per cent of the suggestions are adopted. Is it any wonder that, as the flip side of the coin, management regularly rejects courses of action on the grounds that they might "hurt" the employees?

HUMANE ORGANIZATIONS

I am convinced that as this notion of common purpose takes hold, we will find that we are building a new kind of cooperation. The organization will become more humane, more like a family—and this is the second condition that I believe is required in order to reverse the trend toward indifference, and create, instead, a climate for increased productivity.

This kind of organizational framework will, I believe, bring a new humaneness and stability to the corporation. And none too soon, for our corporations have become bureaucratic and overly dependent on systems. It is true that sheer size, new technologies, complex government regulations, social pressures, and other factors present extremely difficult challenges. But our reaction—indeed, over reaction—to complexity has been to impose a system, and the result has been an artificially satisfying sensation that order has somehow been restored to our universe.

As a result we have become the victims of the systems we have created. Computers, forecasting models, organization charts, and new methods of quantification have been idealized as solutions. Business has become austere and stifling.

Am I suggesting that we abandon all systems, models, and computer printouts? Not at all. If I did, I'd be out of a job. Used appropriately, they can contribute to efficiency. What I am calling for is a return to balance—not a swing to the opposite extreme, to seat-of-the-pants decision-making. As our respect for numbers grows our regard for judgment must not diminish.

I would hope that the business schools would sense the need for change and take a leadership role in bringing it about. What I

would hope to see is the same emphasis placed on courses in business ethics, organizational behavior, and human resource development that has been traditionally placed on marketing, finance, and production. And in giving these subjects their due they should be presented to students not as electives but as part of the core curriculum.

HIGH COST OF PREJUDICE

I come now to the third of my basic themes. Prejudice is an expensive luxury. Much of what I'll say about prejudice in business represents personal observations and will focus largely on prejudice against women, the situation with which I am most familiar. I know, as you do, that prejudice is not directed exclusively or even primarily at women. Jews, Italians, Irish—virtually every ethnic or religious group—have been victims in the past, and to some degree still are. Blacks, women, Hispanics, and other minorities are more common targets today. So when I talk about women, it will be essentially as examples.

Prejudice takes many forms. And it changes with time. Five years ago the problem was getting women onto the corporate ladder. Now the problem is moving them up. If the move is exceptionally rapid or involves a very high-level appointment, the bewilderment, skepticism, jealousy, and resentment are even greater than usual.

It would seem that there are no norms for people's minds to rest on when they see a woman set a record in business—so they turn to the very shopworn explanation that she used her sexual charms to get there.

The inability in some people to accept a woman's advancement is only one form of sexist prejudice. The other is the failure to promote her at all. In both cases, the observers simply refuse to see merit where it exists. A variant on this is where they see the merit, but heeding the signs of resentment around them fear the consequences that might result if they reward it.

I have heard it said that working women must avoid situations which, no matter how pure, can be interpreted as compromising—that appearances may be even more important than reality. There's an ostensibly practical ring to this. In fact, there's no question that appearances have consequences. But such advice, carried to extremes, quickly turns to nonsense in the attempt to practice it. It means not going on certain business trips or attending conventions relevant to one's work. It means not closing the door when you have to discuss a confidential business matter with a man. It means not staying late at work—and so on .

In other words, at some point the concern for appearances compromises performance—and it is exactly at that point, I believe, that a woman must say, "Stop." If we buy the "appearances are paramount" argument, we end up by justifying the corporation which does not hire women into positions of high visibility because the performance will, in fact, be compromised.

UNDOING STEREOTYPES

By consistently focusing on the biologically female side of a woman's success, by sensationalizing events, the media do more than hurt the individuals involved. They deny their audience the formation of vital new symbols that are needed to undo old stereotypes.

There are numerous direct costs associated with a corporate culture that does not include women as a normal part of organization activity, particularly at the highest levels of decision-making. The loss in productivity as a result of resentment or frustration is not obvious but it is nonetheless real. If such rejection ultimately causes the woman to leave, the time and money spent on her training are an obvious waste.

In my opinion, people are our most underutilized resource in America today. And to the extent that we continue to accept barriers which prevent certain talented individuals from achieving the most responsible levels of corporate power, we are wasting the intelligence, creativity, and judgment of our people. Can this country really afford to pay such a price for discrimination?

Prejudice is a moral failing in the souls of the people who harbor it. But it is also an error in logic. It is a particularly expensive one that takes the form of over-generalization. It is a flaw that has practical consequences, for unless we free our minds of the generalities that preconceptions represent, we cannot make room for the exceptions. Yet, it is the exceptions throughout history—in business, in medicine, in politics—that have made the breakthroughs and moved us forward—not by inches but by leaps.

Human creativity is the resource we can least afford to waste. And while the creative talent, working in isolation, will always survive and find some means for expression, we have not yet tapped the special creativity that could emerge from bringing together people who have not, in the past, had the opportunity to exchange ideas or attitudes or values. It is not enough just to give a woman or a black or a young person a job. They must be made a part of the process at all levels of problem-solving to which they can meaningfully contribute.

The continued underutilization of certain segments of our workforce in America is morally unjust, politically unsound, and commercially stupid.

The arguments against prejudice are becoming more convincing as exposure to new faces and new minds reduces the level of ignorance. And as modest successes with strings attached become dramatic breakthroughs with great responsibilities, hardcore prejudice must expose its inherent absurdity.

REMEDIES FOR TODAY

But well before that day, we can work on certain practical remedies. Once again, I will state them in terms of women, but they are equally applicable to others.

First, make the decision to stick your neck out. Take the first step in putting unusual talents to work and fight the battle to keep them there.

Second, treat a woman with potential the same way you would a man. Here, the direct supervisor is the critical determinant of an individual's success. Channel more women into line responsibilities. Don't always point them—or let them point themselves—toward staff jobs.

Don't assume what they will or will not be interested in doing. They may be willing to travel even if they have a family. They may be interested in that promotion that requires a geographical relocation even though they enjoy their current job.

Third, give women the difficult assignments. Don't "protect" them by reserving them for the routine or easy jobs—they can't distinguish themselves that way.

Fourth, and finally, share the critically important social opportunities with them. Introduce them to the senior officers. Take them to the important lunches. Permit them the visibility that is essential to corporate mobility.

It is the last area, of course, that may be the most dangerous. It will be the most easily misunderstood by those who desire to misunderstand. Yet, as we all know, it is a component as critical to corporate success as any other. The absence of social entree assures the stifling of upward movement.

MUCH EDUCATING TO DO

As for my other two themes—the importance of a shared value system and the need to humanize the corporation—I believe there's a lot of educating to be done. You can look for opportunities to speak out—and if you do, I hope you will agree that it is not only possible but necessary to infuse a practical note into what are normally considered soft themes.

Even more important, you can apply the principles that would guide a new corporate ethic and a more humane organization to your own spheres of influence. This will not only bring direct benefits to those immediately affected but it will also become part of the process that will cause those principles to permeate the entire organization.

In contributing to these changes managers can find satisfaction in knowing that they will be doing so not only because it is right but because it is good business. That's a combination that's hard to beat.●

ST. HUBERT'S GIRLS BASKETBALL TEAM, GIRLS CATHOLIC LEAGUE BASKETBALL CHAMPIONS

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. DOUGHERTY. Mr. Speaker, on March 9, 1981, the girls basketball team of St. Hubert's High School in my district brought another championship home to Philadelphia, city of champions. After a winning basketball season, the St. Hubert's High School Girls Basketball Team defeated Archbishop Carroll High School in Radnor, Pa., in the championship game and became Girls Catholic League basketball champions. By a score of 66–40, the girls from St. Hubert's defeated the girls from Archbishop Carroll in taking the championship. It was the first championship in 15 years for St. Hubert's and the faculty and student body at that fine school is rightfully proud of their girls basketball championship team.

On March 29, 1981, one of the outstanding players on the St. Hubert's team, Gina Tobin, was selected as a member of Parade Magazine's All-America Team—4th team.

Mr. Speaker, to Gina Tobin and her teammates on the St. Hubert's High School girls basketball team, we offer our heartiest congratulations for hard work, dedication, and teamwork. We salute the champions from St. Hubert's.●

H.R. 3512—SUPPLEMENTAL APPROPRIATIONS RESCISSIONS

HON. W. J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. TAUZIN. Mr. Speaker, I want to take this opportunity to express my position on the supplemental appropriations and rescissions bill (H.R. 3512) which the House considered yesterday evening. Regrettably, I was detained away from the Capitol and unable to cast my vote in favor of final passage of this important legislation.

Had I been present, I would have voted for the amendment to defer an additional $28.5 million in urban discretionary grants for new systems and downtown people movers. I would have voted for the amendment to prohibit use of funds to pay for abortion for the administrative expenses in connection with any Federal employee health plan which provides any benefits or coverage for abortions under such negotiated plan after the last day of the contracts currently in force. I commend my colleagues for their vote to pass this amendment to prohibit the funding of abortion. The Federal Government, in my opinion, should not provide funding for abortion under any circumstances.

On the separate vote on an amendment to reduce by $376 million the limitation on gross obligations for the principal amount of direct loans and by $500 million the total commitment to guaranteed loans made by the Export-Import Bank in fiscal year 1981, I would have voted for the amendment as I did on Tuesday when it was considered by the Committee of the Whole in rollcall vote 40.●

NATIONAL VICTIMS OF CRIME

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. FISH. Mr. Speaker, the FBI recently held a major news conference and announced a rise in violent crime last year of 13 percent. The statistics are frightening: 20 serious crimes every minute; violent crime every 27 seconds; murder every 24 minutes; forcible rape every 7 minutes; aggravated assault every 51 seconds; robbery every 68 seconds; burglary every 10 seconds; larceny/theft every 5 seconds; and car theft every 29 seconds.

But crime is not just statistics. It is people. I know because I recently became a victim.

Serious crime hit 1 out of every 18 people—1 out of every 5 families last year. Each year over 21,000 people are murdered, 75,000 women raped, over half a million people assaulted and over 1 million robbed.

What a contrast from the way it used to be. Remember when a man with his wife and children could sit on the front porch—or walk down to the corner drugstore or to the neighborhood theater—in the evenings without fear of being a victim of crime? The crime rate was low then. Convictions were frequent, and when a criminal went to jail, he stayed until his sentence was completed.

We know it is not that way today. Look at the recent report which indicates that 63 percent of our fellow citizens are afraid to walk alone at night in their own neighborhoods. Crime has now become the heaviest burden on America and its people. It is a burden on its victims. It is a burden on our economic and social progress. It is a burden on the legislative and judicial process. In short, we are all victims of crime.

Crime control must now become our No. 1 domestic priority. The crime wave in America is a national disgrace that has gone on for too long.

As Chief Justice Burger put it in his recent speech before the American Bar Association,

> We are approaching the status of an impotent society—a society whose capability of maintaining elementary security on the streets, in schools, and for the homes of our people is in doubt. * * * What the American people want is that crime and criminals be brought under control.

To do this, we need to start pinpointing the reasons why crime is at record-high levels.

First, for too long the law has been more concerned with the rights of the criminals than with the rights of the victims. Society has the right to be protected in property and person.

Second, legislators too often fail to exercise their responsibilities to change the laws—to tighten judicial direction, require mandatory full-term sentencing, and put more money where the lawmen feel it is needed.

A recent study of crime in one of our Nation's largest cities showed what is wrong. It showed the criminal only has 5 chances in 100 of being convicted, and then only about 2 chances out of 100 of ever being sent to jail.

Another study has shown in one city 7 percent of the criminals commit over 25 percent of the crime. They are arrested for one crime, let out on bail, and commit yet another crime. Or they are convicted and released for the duration of their appeals—which can drag on for a year or more. Or they are sentenced for 5 years and are back on the street on parole in 20 months.

What judges—and too many legislators—overlook is that the extent of crime relates directly to the penalty for its commission, and that when there are few deterrents, the crime rate rises.

For too long the scales of justice have been tilted in favor of the criminal.

We know who speaks for the criminal. If he is part of organized crime, he has the syndicate's mouthpiece. And if he is a common criminal, we are probably paying for his attorney, because the taxpayer bears more of the cost every year. Our tax dollars are paying for his public defender, trials and appeals, retrials and more appeals.

But who speaks for society, for the family, for the victim of crime? Sadly enough, no one speaks for this group. There is a need to give a voice to the victim and others concerned about the rate of violent crime in our country.

We are all familiar with the impact interest groups have had on everything from auto safety to election reform to enviromental issues. Yet at a time when surveys indicate that the rising crime rate is far more important in the average person's mind than say the condition of our national parks or whether we have airbags in our cars, there seems to be no effort to provide the American public with a forum through which his voice against crime can be heard. No organization to mobilize public opinion in support of our police officers and district attorneys, or lobbying our legislators to get tough on criminals.

I recently formed National Victims of Crime to be such an effort. An organization dedicated to the law-abiding citizen—to making the criminal justice system work. It will speak for you and me, the victims of crime.

National Victims of Crime will be a nationwide citizens movement dedicated to the enactment of tough anti-crime measures at all levels of government.

National Victims of Crime is a nonprofit group whose sole purpose is to serve the public interest. It shall encourage governmental bodies to improve public safety programs and the criminal justice system; to provide or improve programs for the protection and rehabilitation of victims of crime; to institute uniform penalties for criminal conduct; and to institute programs and procedures designed to reduce the incidence of violent crime.

Initially, National Victims of Crime is going to zero in on six criminal justice reforms essential to protecting society and the victims of crime.

These reforms would:

Deter crime with larger forces of better trained police.

Realize certainty of apprehension, conviction and sentencing for violent crime—murder, rape, kidnaping, or aggravated assault.

Crack down on illegal drugs—take care of the drug problem and America's crime rate will rapidly decline.

Allow judges to refuse bail for any accused criminal who the judge be-

lieves may commit another crime while out on bail.

Provide greater protection to victims and witnesses who testify against criminals.

Promote greater community involvement in crime control and community support for law enforcement.

In the months and years ahead, it is my hope that National Victims of Crime will become a million member organization demanding in a loud voice, so that every legislator will hear: We are fed up with crime. Take all necessary steps to end it.

It will be the work of National Victims of Crime to focus as much attention on the domestic terrorism that is all around us, as is now done by the news media on international terrorism. This is necessary when you realize that a whole year of international terrorism does not equal the domestic terrorism that goes on in our communities every day.

To quote from Chief Justice Burger again, "Governments were instituted and exist chiefly to protect people." To do this here at home, in America, is as much a part of our national defense as the Pentagon budget.

As a Member of Congress and as a victim of crime, I cannot overemphasize the importance of solving America's crime problem. We must begin to act today to meeting these goals and reducing crime in our country.●

BALANCE SHEET AND INCOME STATEMENT OF REPRESENTATIVE FROST AND WIFE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mr. FROST. Mr. Speaker, I am inserting in the CONGRESSIONAL RECORD a balance sheet and income statement for my wife Valerie and me for the year 1980.

Because the required financial disclosure of the House does not go into much detail, I am voluntarily providing this additional information.

The financial statement follows:

Balance sheet—Martin and Valerie Frost as of Dec. 31, 1980

Assets:	
House and lot, 1910 Kessler Parkway, Dallas, Tex	$75,000.00
House and lot, 8508 Riverside Road, Alexandria, Va	95,000.00
Note receivable from Shaw's of San Antonio, Tex	5,332.00
Home furnishings and other personal effects	10,000.00
Savings, Wright Patman Federal Credit Union	13,511.00
Checking accounts	2,288.00
Retirement—U.S. Congress	9,086.23
Subtotal	210,217.23
Automobiles:	
1979 Chevrolet Chevette	3,925.00
1976 Ford Granada	2,575.00
1971 AMC Gremlin	100.00
Subtotal	6,600.00
Stocks and bonds:	
4 shares IBM	240.00
12 shares Ensearch	576.00
U.S. savings bonds	300.00
Subtotal	1,116.00
Total assets	217,933.23
Liabilities:	
Mortgages:	
Trinity Mortgage Co. of Dallas (Dallas residence)	33,460.00
National Homes Acceptance Corp. (Alexandria residence)	73,858.00
Subtotal	107,318.00
Installment loans:	
First National Bank of Dallas	6,526.00
Wright Patman Federal Credit Union	4,492.00
Oak Cliff Bank (automobile)	3,269.50
Open charge accounts (balances)	1,500.00
Subtotal	15,787.50
Total liabilities	123,105.50
Net worth:	
Total assets	217,933.23
Total liabilities	123,105.50
Total net worth	94,827.73
1980 income statement—actual	
Congressional salary	$60,662.50
Rental from Dallas residence	4,800.00
Interest from note receivable	479.89
Honorariums	700.00
Interest and dividends	312.96
Legal fee under agreement dissolving partnership	12,000.00
Total	78,955.35

●

HAITIAN REFUGEES AND UNHCR

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 14, 1981

● Mrs. CHISHOLM. Mr. Speaker, as Chair of the Congressional Black Caucus Task Force on Haitian Refugees, I thought it was important for the Members of the House to receive a clarification regarding the position of the United Nations High Commissioner for Refugees on the question of Haitian nationals seeking asylum in the United States. Over the past 2 years, there has been a great deal of debate about whether Haitians are "economic" or "political" refugees. The Congressional Black Caucus holds the view that Haitians are true, political refugees. The caucus believes that the term "economic refugee" was coined by the previous administration to avoid this country's obligations as a country of first asylum and because of racist presumptions about Haitians. There was a deliberate attempt to portray the UNHCR as supportive of the administration's viewpoint. In an effort to resolve these ambiguities, I have included copies of correspondence between Ira Gollobin, attorney for the Haitian Refugee Center, and UNHCR Regional Representative Klaus Feldmann. This correspondence clearly indicates that UNHCR has not concluded that Haitians seeking asylum are economic refugees.

NOVEMBER 29, 1979.

MR. IRA GOLLOBIN,
Attorney at Law, New York, N.Y.

DEAR MR. GOLLOBIN: We should like to acknowledge receipt of your letter of November 28, 1979 requesting UNHCR to testify in Haitian Refugee Center et al. v. Civiletti.

As explained to you earlier, it is not possible for officials of this office to be formally involved in domestic litigation in view of the legal status of the United Nations and its immunity under the relevant international Conventions and national legislation. Accordingly, it would not be possible for officials of this office to testify or to submit a formal Affidavit in this matter.

However, you have referred in your letter to several specific questions referring to the role of UNHCR in reviewing Haitian asylum cases in Florida. In this connection I would like to offer your comments.

Firstly, UNHCR has been invited by the State Department to give advisory opinions on asylum applications of Haitian nationals. In accordance with this request and in exercise of UNHCR's legal mandate (especially article 2, paragraphs 1 and 2 of the 1967 Protocol Relating to the Status of Refugees) this office has reviewed applications for asylum by Haitians on a case-by-case basis. We have at times informally and on request offered our comments on issues relating to the processing of asylum applications such as the improvement of INS Ayslum application form (I-589). However, it has been the policy of this office not to comment on the adequacy of the domestic procedures in general or on the question of whether Haitian asylum applicants were accorded full due process and equal protection rights under domestic legislation.

Secondly, you refer to a statement asserting that UNHCR "independently reviewed and evaluated" the processing of Haitians' asylum applications in Miami. This appears to be incorrect as our office has never made such an evaluation, although staff members of UNHCR, including myself, have observed the procedures in the INS district office in Miami on several occasions with the knowledge of INS personnel. We have never concluded that "generally" the mass of Haitians seeking asylum were economic refugees and that their claims to political asylum were not bona fide. Reviews by our office have been made on a case-by-case basis which relied exclusively on information submitted to us by INS through the Department of State. It is not the policy of this office to render such conclusions as referred to.

As you know, we have rendered advisory opinions on a considerable number of these individual cases in 1977 and again as of fall 1978.

While we have only been in a position to recommend the granting of asylum in a limited number of cases, this is in part because many of the applications were incomplete or contained no information at all on the subject matter related to asylum. In all cases, the review of asylum requests by this office was made on the basis of information which INS had submitted to the Department of State for this purpose.

In many of the I-589 forms "request for asylum in the United States", the space for

answers to questions was frequently left blank. In other instances, the answers referred to documents which were not made available to us. While we are not in a position to know why those omissions occurred, they often have precluded UNHCR from making any recommendations. Thus in a considerable number of cases, UNHCR has requested additional information and no recommendations were made pending the receipt of such information. In many of these cases, such information has yet to be received.

We hope that this letter is responsive to your questions. We are sorry that we are unavailable to testify. If you have any further questions, please call us should you think we could be of any further assistance.

Yours sincerely,

KLAUS FELDMANN,
Deputy Regional Representative.

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES,
NEW YORK, N.Y., *January 8, 1980*

Re *Haitian Refugee Center et al.* v. *Benjamin Civiletti*—79–2806–C IV–JLK.

Mr. IRA GOLLOBIN,
Attorney at Law, New York, N.Y.

DEAR MR. GOLLOBIN: We are writing in response to your 4 January 1980 letter concerning an exhibit to a deposition in the above-captioned case, dated November 1978, containing a transcript of a conversation between Ms. Pervis Mitha of UNHCR and Richard Gullach, former Acting District Director of the INS's Miami office.

In responding to your inquiry it is perhaps useful to first note the role of UNHCR in the review of Haitian asylum applications. As we indicated in our 29 November 1979 letter to you (copy enclosed), our Office has been invited by the State Department to give advisory opinions on individual asylum applications of Haitian nationals, and has done so throughout 1977 and again beginning in the fall of 1978. In accordance with UNHCR's legal mandate especially Article 2, paragraphs 1 and 2 of the Protocol relating to the Status of Refugees), we have reviewed asylum applications of Haitians on a case-by-case basis.

The review process, conducted out of our New York office, involved various members of our staff. During the fall of 1978, due to the sizable volume of cases that we were reviewing, it became necessary for us to request additional assistance from our headquarters in Geneva, Switzerland. In November 1978, Ms. Mitha was sent from Geneva to the U.S. to provide additional assistance in the case-by-case review of asylum applications.

Ms. Mitha, who is Protection Officer in our headquarters Americas, Iberia and Oceania Section, was in the United States for approximately three weeks. During that time she spent some days in New York for briefings by our office. She then reviewed files at the Department of State in Washington and subsequently went for five days to Miami together with an official of the State Department to review individual case files there.

In subsequent conversations with Ms. Mitha, she has informed me that while she met with representatives of the Immigration and Naturalization Service, she was not aware that her personal comments were in any way being recorded.

As indicated in our previous letter, it has been the policy of this Office not to comment on the adequacy of domestic procedures in general, or on the question of whether Haitian asylum applicants were accorded full due process and equal protection rights under domestic legislation.

As previously stated, it has not been the policy of this Office to submit conclusions that "generally" the mass of Haitians seeking asylum were economic refugees and that their claims to political asylum were not bona fide. Reviews by our Office are made on a case-by-case basis.

For clarification we should like to add that in view of the short time spent by Ms. Mitha with the INS office in Miami, her acquaintance with the local procedures was necessarily limited. Therefore, her initial personal impressions made on the occasion of her stay in Miami are hardly reflective of her considered opinion of all the issues involved and do not constitute an official statement of this Office.

We hope that this letter is responsive to your inquiry. If I can be of any further assistance, please call.

Yours sincerely,

KLAUS FELDMANN,
Deputy Regional Representative.●

SENATE—*Monday, May 18, 1981*

(Legislative day of Monday, April 27, 1981)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., offered the following prayer:

Let us pray.

Father in heaven, grant to this large Senate family a pleasant and productive week. Help them in all their relationships—to respect each other, to honor each other, to listen to each other. Help them in serving the Nation and the world to serve one another. Help them to love justice, to do mercy, and walk humbly with their God.

Teach us to love each other as Christ loved us and gave Himself for us. We thank Thee for the gracious example given us by the Pope in forgiving the one who attempted to assassinate him. We pray Thee for the pontiff's healing and ask for Thy continued blessing upon him and those who serve with him in the church.

We pray for the President of the United States and all in the executive branch, for the Supreme Court and all involved in the judicial system, for all in authority at every level of Government. May we together seek to know Thy will and to do it.

In Jesus name. Amen.

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

The PRESIDENT pro tempore. Under the previous order, the assistant majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE 61ST BIRTHDAY OF POPE JOHN PAUL II

Mr. STEVENS. Mr. President, today is the 61st birthday of Pope John Paul II. I think it is significant that our Chaplain has asked that we pray for him and for the work that he has done on this day.

Just last week, the Pope was the target of a despicable assassination attempt.

That act of terrorism was unconscionable. Such acts of violence in the world must be condemned and every effort to control such vicious acts should be made.

The Pope has provided the world with an example of how we can live among our fellow men in peace and harmony. His 61 years of life have been filled with love, giving, and sharing. He has spread hope and joy throughout the world.

Only a few months ago Pope John Paul II visited my home in Anchorage, and his visit was one of great happiness and brotherhood. It was an ecumenical occasion.

It is fitting that we try our best to follow his example, and I am certain that we shall do as our Chaplain has requested and pray for his quick recovery, that he may continue to spread his message throughout the world for years to come.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that following the time allotted to the two leaders under the standing order there be a period for the transaction of routine morning business not to extend beyond 12:30 p.m. and Senators be permitted to speak therein for 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE RECORD TO REMAIN OPEN UNTIL 3 P.M. TODAY

Mr. STEVENS. Mr. President, I ask unanimous consent that the RECORD remain open today until 3 p.m. for the introduction of bills, resolutions, and statements.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE ALASKA EAGLE

Mr. STEVENS. Mr. President, I send to the desk a resolution which I have cleared with the majority and minority leaders and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 135) commending the Alaska Eagle.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, today, it is with great pleasure that I introduce this sense-of-the-Senate resolution encouraging the *Alaska Eagle* to a speedy, safe, and victorious voyage around the world in its participation in the Whitbread Around the World race.

The *Alaska Eagle* is the first American challenge in the Whitbread race. Described by its coordinating body, the Royal Naval Association of England, it is "an event that tests and stresses people and equipment to the extreme limits and provides a degree of adventure seldom achieved elsewhere in our modern world." Historically, the entrants in the Whitbread Around the World race have traveled a course taking them to such places as the Cape Horn of Africa, New Zealand, and South America. This ultimate test of the hardiest yachtsmen begins on August 29, 1981, and it is expected to end in late March 1982. The total distance to be sailed during the period will be approximately 26,180 miles.

I am proud that America's first entry in this prestigious race is a yacht whose skipper, Neil Bergt, is a prominent Alaskan businessman, former Alaskan bush pilot, but most importantly, a true Alaskan friend and a true American. He and his crew have worked long and hard preparing themselves and their equipment for this remarkable endeavor.

It is fitting to ask that the Senate go on record to express our support of this courageous undertaking as the *Alaska Eagle* begins its adventure in this world renowned race.

The distinguished junior Senator from Alaska (Mr. MURKOWSKI) joins me in this request, and I do ask the Senate to wish the *Alaska Eagle* well in its voyage around the world.

Mr. President, I ask that the resolution be considered.

Mr. EXON. Mr. President, the resolution offered by the Senator from Alaska has been cleared on this side of the aisle.

We encourage its adoption by the Senate.

Mr. STEVENS. I thank the Senator.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 135) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 135

Whereas Alaska Eagle is the first American challenge in the Whitbread Around the World Race;

Whereas Alaska Eagle represents the pioneering spirit for which the United States and especially its northernmost state is justly famous;

Whereas early circumnavigation of the globe under sail resulted in the charting of Alaska and the Pacific Northwest;

Whereas circumnavigation of the globe under sail remains an enormous feat worthy of celebration;

Whereas Alaska Eagle will fly the Stars and Stripes; and,

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Whereas the efforts of her skipper, Neil Bergt of Anchorage, her sponsor, Alaska International Industries, and her crew will redound to the credit of the United States, the State of Alaska and themselves: Now, therefore, be it

Resolved, That it is the sense of the Senate that Alaska Eagle and all who sail in her be commended at the outset of the voyage and encouraged to a speedy, safe and victorious return.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. EXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, I yield the remainder of our time to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair, and, of course, I thank my distinguished friend from Alaska.

THE CROWELL NOMINATION

Mr. HELMS. Mr. President, the Senate shortly, and I believe it is this week, will consider the nomination of John B. Crowell, Jr., for the post of Assistant Secretary of Agriculture for Natural Resources and Environment.

Mr. Crowell was unanimously approved by the Committee on Agriculture, Nutrition, and Forestry on April 1, 1981.

Since that time, questions have been raised by a few Senators concerning Mr. Crowell's possible role in antitrust matters while employed as legal counsel for two major forest product companies.

Mr. Crowell responded to a number of these questions in a letter to me on May 5.

This past week, the Senator from Massachusetts (Mr. KENNEDY) submitted 28 specific questions to Mr. Crowell. Mr. Crowell provided me with a copy of those questions and his responses thereto. It occurs to me that Senators may find useful Mr. Crowell's responses before his nomination is considered by the Senate.

I ask unanimous consent that the text of the questions and answers, along with Mr. Crowell's letter of May 5, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 5, 1981.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: My qualifications and fitness to be Assistant Secretary of Agriculture for Natural Resources and Environment have been impugned by those who disagree with my views for timber harvest scheduling on the National Forests and with my views that wilderness designations in the National Forests should omit lands with potentiality for producing timber, oil and gas, minerals, or forms of recreation other than wilderness.

The most recent attack on me is based on the fact that I have been the chief legal officer for Louisiana-Pacific Corporation (L-P), one of whose subsidiaries has recently been held liable, along with a co-defendant, to a plaintiff because the plaintiff was damaged by actions which the court has concluded were violations by the defendants of provisions of the antitrust laws. It is appropriate, therefore, that my personal connection to that case be fully explained.

Five related actions were brought in 1976 against Ketchikan Pulp Company (KPC) (then a half-owned subsidiary but since November 1, 1978, a wholly owned subsidiary of Louisiana-Pacific) and against Alaska Lumber and Pulp Company (ALP). KPC and ALP have long-term Forest Service timber-cutting contracts pursuant to which two pulp mills and a number of saw mills have been built in southeast Alaska since 1950. The plaintiffs variously alleged that the two defendants had conspired, on the one hand, to hold down prices paid for logs to those of the plaintiffs who bought separate, so-called independent Forest Service sales, and on the other hand, conspired to hold prices up for logs sold from time to time to the two small sawmill operators who are also plaintiffs.

When the cases were initiated, I advised the then President of KPC on selection of counsel to represent KPC in defense of the cases. The highly competent large San Francisco law firm of Morrison and Foerster were chosen; from the very beginning the firm was trusted with complete management and conduct of the cases. They were advised to keep me and top management of L-P only very generally informed about progress in preparation for defense. Neither I nor any of the top management at L-P needed to know or wanted to know anything about the factual details of the case because, after all, the operative facts on which the plaintiffs' claims were based could not be changed. Those facts all related to occurrences which were completed by late 1973 and had first begun in the mid-1960's or even earlier. The concern of L-P's management was simply about the potential dollar exposure which was present if any of the cases were lost and about the extent of costs which would be incurred for defense.

In the month before the trial started last summer, I was invoied with defense counsel in helping to make a number of tactical decisions connected with handling of the trial of the first case. Beyond that, I have never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose. I was never called as witness in the case nor was I deposed by either side prior to the trial, simply because I had no relevant information material to the contentions of either side. Thus my only connection with the entire matter has been as a lawyer peripherally connected with the defense of one of the parties to the case.

After the decision of the court was announced, both defendants responded to the announcement that they had been held liable to the plaintiff by stating their intention to appeal; defense counsel for KPC has expressed confidence about obtaining a reversal.

It is further relevant to mention that the plaintiffs in the cases had tried earlier, before bringing the cases, to get the Anti-Trust Division of the Justice Department to bring a criminal action based on the plaintiffs' allegations. A Portland, Oregon, grand jury proceeding investigated the matter, but never returned an indictment. According to my best recollection, this occurred in approximately 1973. Last summer, shortly before trial of the case was to commence, the Anti-Trust Division again asked to review the documents which had been produced by the parties in the very extensive discovery procedures conducted in preparation for trial.

Despite the unfairness of the timing of such a demand, the defendant companies turned over the documents. Again the Anti-Trust Division took no action, presumably because it concluded there was no case.

Now, therefore, if any connection to the legal matter above described is sufficient to disqualify me to be Assistant Secretary of Agriculture for Natural Resources and Environment, it can only be because:

(1) any attorney who represents a client is responsible for actions taken by the client either before or during the attorney's representation of the client, even though the attorney neither sanctioned nor knew of the client's activity, or

(2) whenever a corporation is held liable to another for actions taken by one or more employees of the corporation, all other employees of the corporation are to be regarded as culpable, regardless of their lack of participation in, or knowledge of, the wrongful activities of their fellow employees.

The mere statement of either of these propositions demonstrates the untenable, illogical, and essentially unfair position taken by those who would rely upon my connection with this litigation as ground for disqualifying me from the post for which the President has nominated me. It becomes obvious that those who are opposed to my nomination are motivated by other concerns which are even less tenable than are the innuendoes and implications they are attempting to draw from my connection with the described litigation.

I am taking the liberty of distributing copies of this letter to other members of the Senate who have taken an interest in my nomination.

Sincerely,

JOHN B. CROWELL, JR.,
Assistant Secretary-Designate for Natural Resources and Environment.

COMPLETE TEXT OF QUESTIONS WHICH SENATOR EDWARD KENNEDY SUBMITTED ON MAY 11, 1981, TO JOHN B. CROWELL, JR.

1. (Q) As Assistant Secretary for Environment and Natural Resources, do you agree that Section 14 of the National Forest Management Act (NFMA) you will ensure that Forest Service sales take place in a manner that protects competition in the timber business?

(A) The question, as written, appears to have omitted an essential word or phrase.

(A) The question, as written, appears to have omitted an essential word or phrase.

I agree that section 14(e) of the National Forest Management Act requires the Secretary of Agriculture (and would require me as an Assistant Secretary) to take action to obviate collusive practices in bidding for forest products from National Forest lands, to establish adequate monitoring systems to identify patterns of noncompetitive bidding, and to require that a report of instances of collusive practices or patterns of noncompetitive bidding be submitted to the Attorney General with supporting data.

I fully intend faithfully to execute the law.

2. (Q) As an attorney with GP and with LP were you one of the in-house experts on antitrust matters? Have you described yourself as the "in-house savant" on antitrust matters?

(A) As an attorney for Georgia Pacific Corporation (GP) and as general counsel for Louisiana Pacific Corporation (LP), I was the lawyer who generally dealt with questions and concerns involving antitrust matters. I have stated that I was regarded by members in first one and then the other of the legal departments as their "incipient savant" on antitrust matters . . . meaning that the department might one day have an expert on antitrust matters if I worked at it long enough.

3. (Q) Were you responsible preparing or approving the antitrust sections of the business practices manuals for GP or LP?

(A) While I was employed by GP, I initially prepared the section dealing with antitrust compliance for the periodic revisions to the corporation's Operating Policy Manual; suggestions for inclusion or for editing were sometimes provided by others on the GP legal staff. After becoming general counsel to LP, I similarly prepared the antitrust compliance section of the comparable LP manual.

4. (Q) As an attorney for GP or LP, did you arrange antitrust classes for the employees of one or both of these companies?

(A) I did from time to time participate in training meetings for employees, where my part was to describe the antitrust laws and to instruct on how potential antitrust problems might be recognized and how they should be guarded against so that at all times company officers and employees would adhere to and comply with both the spirit and letter of the antitrust laws.

5. (Q) As an attorney for G-P and L-P, were you involved in acquisition matters?

(A) I did the legal work in connection with a considerable number of small acquisitions, both by GP in the late 1960's and by LP in 1973 and 1974.

6. (Q) With regard to acquisitions, is it correct, as you have stated, that, as an attorney, you "did a lot in the first years" when the corporations were "buying up small companies?"

(A) LP was spun off from GP on January 5, 1973. In the next two years, LP acquired a number of mills; a considerable amount of my time was occupied in performing the legal work connected with those acquisitions.

7. (Q) Did you have a duty as a member of the bar to advise the corporation for which you were an attorney or general counsel, to refrain from engaging in activities which were anti-competitive or which might violate the antitrust laws of the United States?

(A) Most certainly.

Since you will have responsibility under the NFMA to prevent anti-competitive practices, the extent of your knowledge of the practices which the court found in violation of the antitrust laws is an important indication of your ability and willingness to carry out that responsibility. The following questions are addressed to this issue:

8. (Q) In your letter of May 5, 1981, to the Chairman of the Senate Agriculture Committee you stated that beyond tactical trial matters, "I have never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose." Is that statement correct?

(A) Yes.

9. (Q) The plaintiffs in the Seattle case alleged that:

"The defendants further eliminated mill competition by systematically acquiring ownership or control of the sawmills in southeast Alaska, and by expanding their own operations."

The court determined in its preliminary findings of fact that this allegation was correct. Four of these acquisitions involved G-P, L-P, or KPC. At that time, KPC was either half-owned or wholly-owned by G-P or L-P. With respect to these acquisitions:

(a) Were you aware of the acquisition of Alaska Prince Company by KPC?

(b) Were you aware of the acquisition of Ketchikan Spruce Mills by G–P?

(c) Were you aware of the acquisition of the Alaska Timber Corporation (Ed Head) by KPC?

(d) In Section X(A)(13–16) of the court's findings, the court states that KPC's refusal to sell logs to Schnabel was one of the facts establishing that the defendents had systematically eliminated competing saw mills in southeast Alaska. Have you stated that you "went up to Ketchikan and talked with Schnabel" about "whether to buy logs or sell the plant to KPC."

(e) The plaintiffs alleged that KPC forced Ed Head of Alaska Timber Corporation—by interfering with his financing arrangements—to enter into an arrangement by which KPC assisted him in obtaining financing in return for transferring ownership of the mill to KPC. The court, in Section X(A)(17–19), included the assistance to Ed Head and the takeover of Ed Head's mill as one of the facts establishing a systematic elimination of competing saw mills. Were you aware of KPC's "assistance" to Ed Head and KPC's takeover of Ed Head's mill?

(A) (a) The acquisition of the Metlakatla, Alaska, sawmill from Alaska Prince Company by KPC (then half-owned by GP) occurred some time prior to January 5, 1973. I did none of the work on the transaction and am not sure at this date whether I was even aware of the transaction or what it entailed at the time it was being carried out.

(b) Ketchikan Spruce Mills, whose principal asset was a sawmill at Ketchikan, was acquired by KPC, then a half-owned subsidiary of GP, at some time in the latter 1960's. I did no work on the transaction, but was aware that it was being conducted.

(c) Alaska Timber Corporation has never been owned by KPC and has operated the mill at Klawock ever since construction of the mill was completed in approximately mid-1973.

(d) On May 5, 1981, I stated to two of Senator Kennedy's staff persons that I recall having attended, as an attorney for LP, a meeting between LP's Chairman of the Board and John Schnabel. Schnabel was asking LP to consider purchasing the Schnabel mill at Haines. I do not recall that the meeting involved a discussion about possible sale of logs from KPC to Schnabel, but it may have. I had no substantive part in the meeting and was present only to be able to prepare a contract if the meeting resulted in an agreement. So far as I know, the Schnabel mill at Haines is still being operated by John Schnabel.

(e) KPC has not been involved in a "takeover" of Alaska Timber Corporation's (Ed Head's) mill. So far as I know the mill at Klawock, Alaska, is still owned and operated by Alaska Timber Corporation and Ed Head. I have known that Alaska Timber Corporation and KPC have had various contracts between them ever since the mill at Klawock was contemplated for construction in approximately 1971 or 1972. It is my recollection that KPC helped Head to finance the mill after it had been partly constructed and he was out of cash; KPC bought the mill, paid for it, and leased it back on a long-term lease with option for Head to repurchase it. Head used the payment to finish construction. The re-purchase option is very favorable to Head. Alaska Timber Corporation and Ed Head are not plaintiffs in the antitrust litigation.

10. (Q) In Section VIII(B)(11), the court found that the fact that KPC and Alaska Lumber and Pulp (ALP) seldom bid against each other was part of the proof that the defendants had acted in concert in refusing to compete against each other. Were you aware that the defendants seldom bid against each other?

(A) I have no idea how frequently or infrequently KPC and ALP bid against each other on Forest Service timber sales, but I assume such bidding was uncommon because the mills of the two companies are widely separated geographically. Each would be at an economic disadvantage in attempting to bid a timber sale located closer to the mill of the other than to its own mill.

11. (Q) In light of your responsibility for antitrust matters within G–P and L–P, and your knowledge of facts which the court judged were material facts establishing a violation of the antitrust laws, what action did you take to prevent these activities or other activities which the court found violated the antitrust laws?

(A) I never had any knowledge of facts which would have led me to conclude that KPC might be in violation of the antitrust laws. As general counsel I stressed, at every opportunity possible, the ethical and legal necessity to avoid any action which could be or could appear to be in violation of the antitrust laws.

12. (Q) In light of your awareness of these four acquisitions, and especially of the particular matters that forced the acquisitions of Alaska Timber Corporation (Ed Head) and Schnabel, is your statement that "I have never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose" correct?

(A) KPC never acquired either Alaska Timber Corporation or the John Schnabel mill. My awareness that the other two acquisitions occurred does not involve me in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose.

13. (Q) Because of questions raised about the Seattle case, you wrote in your letter of May 5, 1981, to the Chairman of the Senate Agriculture Committee that "it is appropriate, therefore, that any personal connection to that case be fully explained." Why did you not explain in that letter that you have been Assistant Secretary of KPC for a number of years?

(A) I did not become an assistant secretary of KPC until November 1, 1976, which was approximately two years after the date the plaintiffs' antitrust claims were filed and was more than two years after the last occurrence which plaintiffs asserted as a basis for their claims against KPC. Even had I been an assistant secretary to KPC at an earlier date, my connection to the operative facts upon which plaintiffs base their claims would have been no closer than it was as an attorney for GP and as general counsel for LP.

14. (Q) Will you make all documents signed as Assistant Secretary of KPC available?

(A) Whatever documents I signed after November 1, 1976, in my capacity as assistant secretary of KPC, are not in my possession. I now have no right or authority over any such documents.

15. (Q) You have stated that your role as Assistant Secretary of KPC was "just a ministerial function." Have you been involved in multimillion dollar consent decree negotiations involving KPC and the Environmental Protection Administration?

(A) I was involved during 1975 and 1976 in my capacity as general counsel for LP, which owned half the stock in KPC, in helping to resolve the long-standing dispute between the Environmental Protection Agency and KPC. Formal settlement of that dispute between KPC and EPA occurred on November 1, 1976, which was the same day LP acquired the other half of KPC's outstanding stock from FMC Corporation. That was also the date I became an assistant secretary of KPC. The KPC–EPA settlement was incorporated into a consent decree which became final in approximately March or April of 1977 upon being approved by the United States District Court for Alaska.

16. (Q) Have you been involved in preparing contracts for the sale of KPC timber to Japanese buyers?

(A) I never prepared any contracts for sale of timber by KPC. I did on several occasions act as attorney in the preparation of contracts with Japanese buyers for sale by KPC of cants manufactured from logs.

17. (Q) Have you been involved in KPC discussions with Ed Head relating to whether financial assistance would be provided to him, and whether his mill would be acquired?

(A) My only recollection of discussions in which I participated with Ed Head or his attorney took place after LP was formed and concerned the administration of existing contracts between KPC and his company, Alaska Timber Corporation, which another attorney for GP had prepared some time before the spin-off of LP and GP. One of the contracts called for logs to be delivered by KPC to Alaska Timber Corporation at a price to be agreed upon; I was involved with discussions with Head's attorney on several occasions as to how disputes over the price payable for logs might be resolved. I was also involved in a series of discussions at an earlier time with Head or his attorney about amending one of the contracts so that Head could qualify as a small business.

18. (Q) Have you been involved in chemical supply negotiations for KPC?

(A) One of the terms upon which LP agreed to buy and FMC agreed to sell 50 percent of the stock interest in KPC on November 1, 1976, was that a 5-year contract be entered into between FMC and KPC for the sale by FMC of chlorine and caustic soda to KPC. An attorney for FMC and I worked out the wording of the contract.

19. (Q) Have you been involved in conversations with Schnabel and KPC executives relating to whether Schnabel would buy KPC logs or be forced to sell out?

(A) My only involvement in a negotiation between John Schnabel and executives of KPC or LP was the instance described in 9(d) above where I stated (a) John Schnabel still operates his mill and (b) that I do not recall any discussion about purchase by Schnabel of logs from KPC.

20. (Q) Do you consider the matters described in questions 15–19 ministerial?

(A) In the matters described in questions 15 through 19, I was acting in my capacity as general counsel of LP. All except the execution of settlement agreement with EPA occurred prior to November 1, 1976, the date upon which I was appointed an assistant secretary of KPC. That appointment was made by the Board of Directors of KPC immediately after LP had acquired 100 percent ownership of KPC and had elected its own directors for KPC. The appointment by the board of directors was made only minutes before I exercised my new capacity as an assistant secretary of KPC to affix the KPC seal to the documents evidencing the settlement with EPA. My role as an assistant secretary for KPC was only a ministerial function.

21. (Q) Were the activities described in questions 15–19 the only non-ministerial activities in which you were involved relating to KPC?

(A) No. For example, in 1979 and 1980 as general counsel for LP, the sole owner of KPC, I participated in negotiations with EPA concerning a potential amendment to the consent decree and concerning terms of a renewed National Pollution Discharge Elimination System permit for KPC's Ketchikan pulp mill. Earlier, as general counsel for LP, then a half-owner of KPC, I participated in arranging for defense of the antitrust claims brought by the five plaintiffs which are in part the subject of the Seattle Federal District Court case. Before that I had brought to the attention of Forest Service officials in Washington KPC's concerns about the decrease in volumes of timber being offered for sale in Alaska.

22. (Q) Were you aware of any of the other events which the court used to make its finding that KPC had violated the antitrust laws? If you are, when did you become aware of these facts?

(A) Since February 12, 1981, the date I was nominated as an Assistant Secretary of Agriculture, I have attempted to avoid any potential conflict of interest and have been insulating myself from any matters which might potentially involve KPC or LP and the Forest Service. I have not read the court's proposed findings of facts and conclusions of law which were issued after that date; thus I am not aware of the findings and conclusions.

In your recusal on the small business set aside program, you established a standard by which the breadth of your recusals should be judged. As General Counsel of L–P you strongly attacked a Forest Service Program which set aside certain timber sales for small loggers. In your statement of March 11, 1981, you recused yourself from "involvement in all matters" related to this program "because of concerns expressed by the small business community . . . based upon my prior partisan representattion of large business to cause amendments to this program."

23. (Q) You have called the RARE II wilderness designation process "particularly ill-conceived." Will you recuse yourself from RARE II matters?

(A) I regard RARE II as having been "particularly ill-conceived" because it took the roadless area review for possible wilderness designations out of the land planning process contemplated by the National Forest Management Act and escalated it to consideration ahead of all other potential uses of the roadless areas. RARE II is now an accomplished fact, which does not detract from any opinion that it was ill-conceived. I will not recuse myself from RARE II matters.

24. (Q) You have described wilderness advocates as "a surprisingly small band of devotees . . . who have won an impressive number of converts for reasons best left to explanation of sociologists. psychologists. and theologians." Will you recuse yourself from wilderness matters?

(A) The incomplete quotation in question 24 is extracted from a paper I delivered to the Society of American Foresters Annual Meeting in Spokane, Washington, on October 6, 1980. A copy is attached hereto for ready reference. A major conclusion of the paper was that wilderness advocates have had a pervasive influence on national forest policy. That conclusion does not support an inference that I am opposed to all wilderness designations or to some additional wilderness designations in the future. I will not rescue myself from wilderness matters.

25. (Q) You have expressed strong opposition to certain National Forest Management Act regulations as Chairman of the National Forest Products Association's Task Group on these regulations. Will you recuse yourself from unresolved matters in these regulations?

(A) My position with respect to the views stated by the National Forest Products Association on the regulations pertaining to the National Forest Management Act are set out in my responses to questions 15 and 16 addressed to me by Senator Huddleston and are part of the record in my confirmation hearing before the Senate Committee on Agriculture, Nutrition, and Forestry.

I will not recuse myself from any unresolved matters in connection with the National Forest Management Act regulations.

26. (Q) You have described the present Forest Service policy on "nondeclining even-flow" timber harvestry as "ludicrous." Will you rescuse yourself from all matters related to this policy?

(A) It is important to note that I have been critical of the present Forest Service policy of non-declining even-flow only with respect to timber harvest scheduling for old growth timber. Reference to the attached speech will confirm this assertion. The non-declining even-flow policy makes sense when it is applied to an understocked young forest or to a forest which is in a fully managed state containing an even distribution of age classes of timber.

I will not recuse myself from matters relating to application of the non-declining even-flow policy.

27. (Q) You have stated that the small loggers represent an interest group which could have stopped your nomination from being offered. Is it correct that you recused yourself from the small business set aside program as part of a deal to obtain the nomination?

(A) I recused myself from matters connected with the small business timber sale set-aside program because had I not done so, support for my nomination from the small business sector of the forest products industry would not have been unanimous. There was no "deal" involved, and I believe the position I have taken is fully justified.

28. (Q) Section 506(a)(5) of the Alaska National Interest Lands Conservation Act of 1980 authorizes Kootznoowoo, Inc., the Alaska Native Village corporation for Angoon, Alaska, to acquire rights to certain lands on Prince of Wales Island under contract to KPC for contingency timber sales. Recent press reports in Alaska quote KPC executives as stating that KPC will file a lawsuit challenging the legality of this statutory provision.

(a) Have you had any discussions with any employee, agent or representative of L–P, KPC, or the United States Department of Agriculture with regard to this statutory provision, the land selection rights of Kootznoowoo, Inc., or the lawsuit which has been proposed by representatives of KPC? If so, please give details.

(b) If a lawsuit is filed by KPC over this issue, will you recuse yourself from any involvement in the matter?

(A)(a) After enactment of the Alaska National Interest Lands Conservation Act of 1980, I did discuss section 506(a)(5) on a

number of occasions, either with representatives of LP and KPC or with outside counsel who had worked on the legislation. The conversations involved efforts to analyze the significance of section 506(a)(5) and were not directed toward consideration of whether or not a lawsuit might be eventually be filed. Such conversations all took place prior to February 12, 1981. Since February 12, 1981, I have discussed with top managers in the Forest Service a number of potential problems arising from the Alaska lands legislation, and I have specifically pointed out that the problem of the Kootznoowoo selection rights is a subject on which I cannot and will not have any involvement.

(b) Certainly I would rescue myself from any involvement in a lawsuit filed by KPC over this issue.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER (Mr. EAST). The acting minority leader is recognized.

THE CROWELL NOMINATION

Mr. EXON. Mr. President, if I could have the attention of my friend from North Carolina for just a moment, since he brought up the matter of the nomination of Mr. Crowell, my friend from North Carolina probably knows, and if he does not know I wish to advise him and the Senate, that I have voted for every Presidential nominee submitted to the Senate by both the former President and this President, and this is not the time to begin the debate on the matter of Mr. Crowell's confirmation. But just for my own information could the Senator from North Carolina, since he brought up this subject, possibly explain to me whether or not the newspaper article that appeared within the last few days with regard to the fact that Mr. Crowell had requested authority to amend his financial disclosure statement submitted to the Senate, that part regarding his confirmation, whether or not Mr. Crowell did make that request and whether or not that was granted and has he submitted the additional information that he inadvertently or otherwise left out of the first statement that he made to the Senate?

Mr. HELMS. I thank the Senator.

That was the point of my printing his questions and answers in the RECORD along with the correspondence.

Yes, he did modify the information that he previously submitted and he considered it a technical error, but I want Senators to have the benefit of all the statements that he made. That was the point of my insertion in the RECORD.

EDENTON'S WOMEN'S CLUB CONDUCTS ITS BIENNIAL PILGRIMAGE

Mr. HELMS. Mr. President, there is an historic North Carolina town that has played a large role in the drama of America's growth as a nation of high principle.

The town is Edenton, situated on the banks of the Chowan River in northeastern North Carolina. Its streets and buildings, dating to the early 1700's, are a living chapter in the history of our great Nation.

"Ye Towne on Queen Anne's Creek," incorporated in 1722, was swept along in the rapid growth of North Carolina. As an official port of entry along the Albemarle Sound, Edenton became a melting pot of immigrants searching for a better life in the New World.

The Scotch-Irish, Germans, Scottish Highlanders, Welsh, and English filtering into Edenton in the 1760's brought a wealth of trade knowledge to the port town. They also brought with them a fierce loyalty to their new home—a loyalty that would make Edenton a center for the patriots cause during the Revolutionary War.

England's heavy-handed taxes met with feisty resistance from Edenton's women. In October 25, 1775, these brave women held the famed Edenton Tea Party to protest England's tea tax. This historic tea party, during which the women resolved not to drink any more of the taxed tea, was the first known female political activity in the colonies.

Mr. President, as England continued to threaten the colonies' independence, Edenton's patriots sprang to action. The town boasted such prominent individuals as Joseph Hewes, who later signed the Declaration of Independence, and Hugh Williamson, a signer of the Constitution. Edenton also produced two of the country's greatest statesmen: Samuel Johnston and James Iredell.

The political career of Samuel Johnston spanned nearly 5 decades, those turbulent years when our infant Nation was struggling for independence. Johnston felt that England's unfair actions were a stab at America's freedom, and he led North Carolina's fight for our Nation's rights.

Johnston was a leading figure on the political scene. He was Governor of North Carolina, the first U.S. Senator from our State, and president of the North Carolina Convention in 1788. He was a great mind, a man of impeccable integrity, and uncompromising morals.

James Iredell, another of Edenton's great statesmen, also directed his efforts toward the colonies' rights. In North Carolina he served as a superior court judge, as attorney general, and on the Council of State. Iredell's eloquent interpretations of law drew national attention, and in 1790 he was appointed associate justice of the Supreme Court.

So, Mr. President, these two men epitomized North Carolina's progressive spirit. They fought for justice. They spoke for the people. They served the Nation.

Through the diligent efforts of its fine citizens, Edenton has withstood the winds of change. Within the town's confines remain the echoes of yesteryear. As Roy Thompson, a well-known North Carolina journalist, once wrote:

Unlike Williamsburg, which is a restored glory, Edenton is an antique that has been lived in continuously.

Every 2 years, Edenton Woman's Club conducts its biennial pilgrimage through the town. It is a journey into the past, a quiet walk past a number of the 61 18th- and 19th-century homes in the town and countryside.

Several of these buildings are listed with the National Register of Historic Places, and three have been named National Historic Landmarks. And in 1976, to recognize the townspeople's proud preservation of the past, Edenton, and Chowan County were appointed a national bicentennial community.

Mr. President, I urge anyone interested in our Nation's history to visit Edenton. The town's good people embody both the character of America and the down home, southern hospitality of North Carolina.

Edenton has stood firm for close to three centuries. And the townspeople will see to it that Edenton's foundations—liberty, justice, and freedom—will never weaken.

SOME HELPFUL WORDS ON THE GOLD STANDARD

Mr. HELMS. Mr. President, I recently came across an article published by the Committee for Monetary Research and Education, a prestigious and authoritative research organization based in Greenwich, Conn.

The article was written by Maj. Hamilton A. Long in 1935 when the Supreme Court upheld the joint resolution of June 5, 1933 invalidating gold clauses in contracts.

Since that time much has happened in monetary matters. The optimistic hopes of the Roosevelt monetary planners have fallen on hard times. A monetary system in which people do not have the right to convert their currency into gold is a monetary system invariably characterized by inflation.

The international monetary chaos of today must be laid at the doorstep of those idealists who believe somehow that a paper currency, without the discipline of gold, can survive.

Mr. President, Maj. Hamilton Long's comments of 1935 are especially relevant today, and I ask unanimous consent that his article, "No Thermometer! Therefore No Fever?" be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO THERMOMETER! THEREFORE NO FEVER?

(By Major Hamilton A. Long)

INVITING TROUBLE

If a patient with a fever should smash his thermometer he would thereby neither reduce his fever nor protect himself against fever and illness in the future. He would only be asking for trouble.

Those who blamed the gold standard for our economic ills and considered it an agent for evil are like the patient who blames a thermometer for his fever. The gold standard is essentially a device for testing the state of a country's financial health by measuring public confidence in the credit of the government (paper money and government bonds), in the credit of banks (bank deposits and notes) and in credit conditions in general. The gold standard is like a thermometer. It is a device which cannot do any harm and can be very useful to all the people of a country—of our country.

HOW THE GOLD STANDARD WORKS

When a country is on a gold standard, its government promises to keep on hand, as security behind its paper money, an amount of gold equal to a stated percentage of that paper money. The government also promises that it will exchange a specified amount of gold on demand for each unit of paper money. If the gold standard were functioning in this country today, anyone could exchange paper dollars for gold dollars at any time.

When this public confidence is shaken, the people demand gold in exchange for paper money. By doing this they show their disapproval of the conditions which created the lack of confidence. It is a warning to their public servants to take corrective action. On the other hand, when the people allow the gold to remain in the government's possession it is tangible proof of their confidence. This is the way the people use a functioning gold standard to safeguard their country's financial health and their own welfare.

When the people demand gold in exchange for paper money, the government usually takes corrective action in an effort to restore confidence before its gold supply is seriously reduced. If, however, the conditions which created lack of confidence cannot be readily corrected and the people continue to demand gold, the government may have to go off the gold standard. It stops redeeming paper money in gold, as it did seven times in the nation's first century, and three times in its second. By such action the government officially acknowledges the existence of these conditions and the difficulty of correcting them. This focuses attention upon these conditions and puts public officials under pressure to take corective action. When these conditions are finally corrected and public confidence is restored, the government can then return to the gold standard by again redeeming paper money in gold on demand.

The gold standard works the same way in every country regardless of the amount of gold exchangeable for a unit of paper money, regardless of the fact that this amount may be changed by the government from time to time.

NOT A "CROSS OF GOLD AND A CROWN OF THORNS"

As the gold standard is simply a device for measuring public confidence in the soundness of government credit, bank credit, and credit conditions in general, it cannot be held responsible for the state of these factors. Under no circumstances is it sensible to blame the gold standard for our economic ills. The old political slogan that the gold standard is a "cross of gold and a crown of thorns" for the people is as absurd as it would be to say that a thermometer is a cross of mercury and a crown of thorns for a patient.

COMPARATIVELY LITTLE GOLD IS ENOUGH

When a country is on the gold standard, all bank depositors cannot at the same time withdraw their deposits and exchange their paper money for gold. There is never enough gold available to make this possible. For example, in 1929, when this country was on the gold standard, our total bank deposits were over twelve times the amount of our gold supply. This great excess of deposits over gold supply always exists. In the case of a great country like ours, total bank deposits far exceed the entire world's gold supply. The fact that the function of the gold held by the government is simply to serve as tangible evidence of public confidence is a basic reason why it is not necessary for a country to have an amount of gold equal to its bank deposits in order to be on the gold standard.

A THERMOMETER TAKEN APART

The basic elements of a functioning gold standard are: (1) a law fixing the gold content of the standard currency unit; (2) a supply of gold; (3) the practice, sanctioned by law, of redeeming paper money in gold on demand. When a government stops redeeming paper money in gold the other two elements become useless in measuring public confidence in credit conditions—just as a thermometer taken apart becomes merely mercury and glass which are useless in detecting fever. Since our government will not now redeem paper money in gold upon demand, our present gold supply is useless in testing the state of our country's financial health.

NO SIN OR CRIME

No sensible person would assume that he has no fever just because he has no thermometer. Likewise, no sensible person should assume that our country is in good health financially just because we have no functioning gold standard.

It is, of course, no sin or crime for this country not to be on the gold standard with a standard gold dollar like the one used in 1932, or with a standard gold dollar containing a different amount of gold. However, this is only part of the completely accurate proposition.

JUST COMMON SENSE

The other and more important part is this: it is equally true that it is not absolutely necessary for a patient to have a thermometer, but if he has one he is likely to be better off because it will help him to know his condition and act to safeguard his health.

A country which does not take advantage of the proved usefulness of the gold standard is at best following a highly dangerous course. It is only common sense to learn by experience; and we in this country have had enough sad experiences to provide us with ample lessons.

NOT WORTH A CONTINENTAL

Take one example alone. During the American Revolution the Continental Congress had issued a type of paper money known as "continentals" to help finance the war. The Congress then had almost no taxing powers and had to ask the states to raise the funds it needed. The states provided very little. Issuing the continentals was the only acceptable way of paying most of the costs of the war. But finally the Congress issued so many "continentals" that the public lost faith in their value; and "continentals" became practically worthless. Today, almost two hundred years later. "Not worth a continental" is still a popular synonym for worthlessness although most people are hazy about the origin of the expression.

"CONTINENTALS", "GREENBACKS", AND OTHER DEFICIT FINANCING

If a country is not on the gold standard in a time of economic depression and government expenditures far exceed tax collections, there is an almost irresistible temptation for the government to use all its credit to finance its deficits instead of collecting enough taxes for this purpose. This is done by printing and issuing paper money which is not redeemable in gold (whether "greenbacks" or paper money of some other color makes no difference); or by adding to the public debt through printing and issuing government promises (bonds and notes) payable in future years; or by both methods. The first method is currency inflation; the second, credit inflation.

This deficit financing is easy to start, easy to carry to excess and extremely hard to stop. Stopping it becomes increasingly unpopular the longer it is practiced. Gradually such an easy-money, easy-borrowing policy wins wider and wider popular acceptance, even among those who utterly condemned it at the beginning. The situation is aggravated by the fact that it is impossible to know with certainty just when such inflation must be stopped if financial collapse is to be avoided. In such a situation, political leaders are tempted to spend more and more freely and to create larger and larger deficits when they are being met—temporarily—simply by using the printing press.

The fact that a country is on a gold standard does not prevent the government from meeting its deficits for a while by inflation of credit or of currency, or of both; but it does keep the people and their public servants keenly and continuously aware of the dangers involved. A functioning gold standard provides the people with an effective instrument for calling a halt to such deficit financing. It is the best safeguard the people can have against the evils of inflation. As a practical matter, it seems to be their only dependable safeguard.

All that is needed to return this country to the gold standard is an Act of Congress requiring the Treasury to redeem paper money in gold upon demand and specifying the amount of gold to be exchanged for each paper dollar. When this has been done the people of our country will again have a functioning "gold thermometer."

HYPOCRISY ON THE LEFT

Mr. HELMS. Mr. President, some time back I ran across an editorial in the Presbyterian Journal, a fine church publication in North Carolina whose editor is my good friend, Dr. Aiken Taylor.

At the conclusion of my remarks, Mr. President, I shall ask that Aiken Taylor's editorial be printed in the RECORD. Since it speaks eloquently for itself, I shall limit my own remarks, but I do want to mention that I have been frequently amused in recent months to note the pious outcries against my friend Jerry Falwell, and other clergymen who have dared to try to offset the years of political involvement by liberal clergymen.

The moral majority has been castigated from one end of this country to the other. Every human error and misjudgment has been magnified and even distorted by the liberal news media—the same media that has never had other than words of adulation for leftwing preachers and religious organizations which have been hip deep in politics for decades.

The tirades against Jerry Falwell, the sneering epithets about "electronic preachers," all disclose a sense of nervousness among our liberal brethren that there may be, indeed, a moral majority out there across America which is sick and tired of the direction in which this country has been led during the past two or three decades.

So the editorial in the Presbyterian Journal needs to be thoughtfully considered. And Charley Reese of the Orlando Sentinel Star deserves commendation for the point he has made.

I ask unanimous consent, Mr. President, that the aforementioned editorial from the Presbyterian Journal be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HYPOCRISY ON THE LEFT

Editorial writer Charley Reese of the Orlando, Fla., Sentinel Star had some com

ments about Presbyterian reaction to the new conservative movement sweeping American politics. With permission of the Sentinel Star, we share what Mr. Reese had to say:

"How much of a role the Rev. Jerry Falwell's Moral Majority actually played in the 1980 election could be debated, but there is no debate about the fact that the Moral Majority has cut a strip off liberal hides that smarts.

"Sunday, the folks at the First Presbyterian Church in Orlando, Fla., were to hear from Dr. Tom Jones, pastor of the Chevy Chase Presybyterian Church near Washington, D.C., about the horror on the right.

"The funny thing about the good Dr. Jones is that he did, in an article in Presybterian Survey, exactly what he accused the Moral Majority of doing. He called them names.

"Liberals are attacking the Moral Majority from two points. On the secular side, liberal groups are saying churches have no business in politics. On the clerical side, where liberal churches have been in the politics of the left up to their pulpits for decades, they are accusing their fellow Christians of theological errors.

"This is the tack Dr. Jones took in his article. The poor, misguided, conservative Christians just don't undestand the Scriptures, and besides that they are four kinds of unprintables.

" 'Character assassination has no place . . . malice has no place' in political involvement consistent with the Gospel, the good doctor piously proclaims at the end of his article. But, hey folks, guess what you find at the beginning of his article?

"He starts off with the Biblical story of Abimelech, a vile, evil villain if ever there was one. I would say that anyone who compares someone with Abimelech is showing malice. If you doubt me, listen to his description of fellow Christians who happen to disagree with Dr. Jones on who is and who isn't a good politician.

" 'The most serious struggle for me comes from a new phenomenon: the political involvement of the far-right fundamentalist extremists' (if that isn't character assassination, what is it?) . . . 'The basic strategy of this movement is to use the airways, pulpits and computerized mailing lists to identify and promote issues that . . . appeal mainly to the most base, sinful tendencies toward self-centeredness, self-serving, self-protection and accompanying individual fears. . . .'

"Come on, Dr. Jones, let's not foam at the mouth. Your hypocrisy is showing. Just what are these sinful issues? Well, a strong national defense so that Americans do not have to suffer the horrors of war or slavery under godless Communism. An end to abortion on whim that has taken more than 6 million innocent lives. The freedom to pray in public schools. Support for other free nations who share our values. A sound economy so that Americans are not robbed of their savings by inflation and confiscatory taxes. An end to subsidizing Communist enemies with American tax dollars.

"I tell you plainly what I think, Dr. Jones. I think the Moral Majority is in better shape on the issues than liberal churches that: contribute money to Marxist murderers and terrorists; actively seek to disarm and undermine American defense; constantly apologize for the Soviet Union, the most barbaric, bloodiest and godless tyranny since Attila the Hun; and involve themselves in radical union movements that use intimidation and goons against the workers who don't want to join.

"For years, the left has tried to preempt morality; now the right is challenging them on moral grounds and they don't like it one bit. Tough beans, Dr. Jones, tough beans."

WHAT CAUSES INFLATIONARY PRESSURES?

Mr. HELMS. Mr. President, a friend has sent me a clipping of an article from the Enquirer-Journal in Monroe, N.C., having to do with inflationary pressures. The article was written by Dr. Lonnie Nickles, chairman of the Wingate College Economics and Business Administration Department.

The article by Dr. Nickles is short, but it is very clear and precise. It is encouraging to note such good commonsense coming from the campus of a very fine educational institution in my home county.

Mr. President, I ask unanimous consent that the article by Dr. Lonnie Nickles be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INFLATIONARY PRESSURE HAS SOME EXTERNAL CAUSES

(By Dr. Lonnie Nickles)

Inflationary pressures are generated both internally and externally. The external pressure stems from either purchasing foreign-made products without compensating sales of American-made products or by exports of American dollars.

These two pressures are referred to collectively when one speaks or reads about the balance of trade or the balance of payments. Trade refers only to the dollars exchanged for goods and services, while payments include not only trade, but any movement of dollars between the U.S. and another country.

As long as the amount of dollars entering the country is equal to or larger than the amount of dollars flowing out of the country, there is negligible inflationary pressure. When the number of dollars flowing out is greater than the amount coming in, inflationary pressures are created. This stems from the fact that, to another nation, the American dollar is only good if it will ultimately purchase a commodity that the other nation needs.

If the number of dollars flowing into the country becomes larger than the number of dollars it needs for current imports, then demand for our dollars will decline. A decline in the demand for American dollars by a foreign country will cause the price of its goods to increase in dollar prices. This is because we in the U.S. have to convert dollars into foreign currency in order for that nation to purchase our products.

If the demand for dollars has declined, then this currency exchange results in our receiving fewer units of their currency for each dollar we exchange. Thus, the price for any commodity we purchase from a foreign nation has gone up. This is one of the major causes for the increase in price of OPEC oil, foreign-made autos, etc.

If, in addition to the problem of unbalance in the imports and exports of foreign goods, the U.S. government is causing dollars to flow out of the U.S. through grants of foreign aid, an additional pressure is placed on the dollar. This pressure will cause the demand for American dollars to decrease even more. This additional pressure places an increasing inflationary pressure on the prices of foreign goods and services.

The recent budgetary amendment by Union County's own Sen. Jesse Helms transferring $200 million from foreign aid to the school lunch program, while controversal, is the type of economic decision that will tend to solve this form of inflationary pressure. The withdrawal of these dollars from the foreign market will tend to stabilize the foreign demand for dollars, thus slowing the rate of inflationary pressure on foreign goods.

Once the dollar becomes stable in the international money market, then the internal stability of the dollar—inflation—is easier to control.

Mr. HELMS. Mr. President, I thank the Chair and thank the Senator from Alaska for yielding to me.

I yield the floor.

Mr. EXON. I thank my friend from North Carolina. I look forward to reading this material in the RECORD.

Mr. President, I know of no other time required on this side of the aisle, so unless there is some objection or unless I hear from someone on this side, I am prepared to yield back the time of the minority leader and we can, therefore, proceed to morning business, if there is no objection.

The PRESIDING OFFICER. Does the Senator from North Carolina yield back the remaining 1 minute?

Mr. HELMS. Mr. President, I do yield back the remainder of the majority leader's time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 12:30 p.m. with Senators permitted to speak therein for up to 5 minutes each.

THE HOLOCAUST LEAVES UNANSWERED QUESTIONS

Mr. PROXMIRE. Mr. President, why did the century's most barbaric act occur in one of its most civilized countries? How did we allow it to occur? The Nazi Holocaust—and other tragedies—happened and do happen in our allegedly mature, advanced society: How does this affect our cherished nations of humanity and goodness?

In the Ram, a newsletter of the Air National Guard Rabbi Manfred Swarsensky of Temple Beth El in Madison explores some of these profound questions. He prepared the following speech for the "Wisconsin Survivors of the Holocaust," a project of the State historical society.

While his questions may never by fully answered, they deserve to be asked, and pondered. I ask unanimous consent that the Rabbi's speech be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOLOCAUST LEAVES UNANSWERED QUESTIONS

(Rabbi Manfred Swarsensky is Rabbi Emeritus at Temple Beth El in Madison and Professor of Religious Studies at Edgewood College in Madison. A survivor of the Holocaust himself, Rabbi Swarsensky prepared the following talk for "Wisconsin Survivors of the Holocaust," a project of the State Historical Society partially funded by the Wisconsin Humanities Committee.)

"Survivors" is a sound-and-photo documentary of the European background of the Holocaust, and of the experiences of several

individuals who were imprisoned in Nazi concentration camps or who fled Europe ahead of the Holocaust. The project focused on the resettlement of survivors of the Holocaust in Wisconsin.

This is part two of a talk Rabbi Swarsensky gave for the first public showing of the slide/tape show, which took place in Madison on Holocaust Remembrance Day, April 13, 1980.

The Holocaust belongs to the past. However, the fundamental questions raised by this outburst or barbarism in the 20th century have remained unanswered.

What are some of these unresolved questions which will and ought to torment the questioning human mind for ages to come?

(1) How was it possible that the Holocaust did not take place in a remote corner of the earth inhabited by cannibals but in the land of Bach, Beethoven, Mozart, Lessing, Goethe, Schiller, Herder, and Kant; in the midst of a nation which held a place of preeminence in virtually every field of culture; in science, technology, medicine, art, music, and literature, as well as in philosophy and theology?

(2) How does one explain that seemingly civilized people, members of the intelligentsia, including the judiciary and the professors—with notable exceptions—actively supported or silently condoned the most heinous crimes against humanity the world has ever seen? Many even silently applauded, as Dorothy Thompson wrote.

(3) Why was it that the churches and their leaders—with notable exceptions—were so ominously silent, some of them only too willing to exchange the God of Sinai and Golgotha for the pagan gods of blood and soil?

(4) Why was it that the greater the fury of persecution, the tighter the nations of the Free World closed their hearts and their gates to those trying to escape? (See Arthur Morse, While Six Million Died, and Bernard Wasserstein, Britain and the Jews of Europe 1939–1945, Oxford Univ. Press.)

(5) Why was it that even though five million non-Jews, whose martyrdom we honor, also lost their lives in the Holocaust, Jews were singled out as the first and foremost victims of the Nazi assault on humanity?

(6) Why does so large a part of mankind wish the death of the Jew and want to make the world "judenrein," and why is it that there is abroad in some theological circles the belief that Jews deserved the suffering in expiation for the unforgivable sin of deicide?

But above and beyond these questions which we must confront if we want to come to terms with the Holocaust, there are even more fundamental metaphysical ones which ought to engage our minds and hearts, since they touch ultimate questions of human existence.

What are these questions?

(1) Can human beings ever be trusted again after our encounter with the utter human depravity and naked evil of the Holocaust?

(2) Can 19th century liberal optimism concerning human nature and progress in history still be accepted?

(3) Can one ever again believe in God, a God of justice and love? Where was God during the Holocaust?

Indeed, we cannot speak of the Holocaust without coming face to face with these questions of ultimate concern. After Auschwitz, the old comfortable ideas by which we have lived no longer seem to make sense, to give meaningful answers, or to offer comfort. Our eyes have seen the "Kingdom of the Night" of which Kafka spoke. We have looked into the abyss of the Gehinom.

It is a total misconception to believe that the Holocaust was merely an encounter between Nazis and Jews and that the rest of mankind had nothing to do with it. To Rev. Littell the Holocaust is not an event in Jewish history but—to use his words—an alpine event in the history of Christendom.

Mr. PROXMIRE. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECOND ANNUAL REPORT UNDER THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 53

Under the authority of the order of the Senate of May 13, 1981, the Secretary of the Senate on May 15, 1981, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

Pursuant to the requirements of Section 403(c) of the Powerplant and Industrial Fuel Use Act of 1978, I hereby transmit the second Annual Report describing actions of each Federal agency with respect to the conservation and use of petroleum and natural gas in Federal facilities. The period covered by the report precedes my term of office.

RONALD REAGAN.

THE WHITE HOUSE, May 15, 1981.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1170. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, information concerning the Navy's proposed letter of offer to Japan for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC–1171. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report entitled "Real and Personal Property of the Department of Defense"; to the Committee on Armed Services.

EC–1172. A communication from the Chairman of the Federal Home Loan Bank Board, transmitting, pursuant to law, the annual report of the Federal Home Loan Bank Board for the calendar year 1980; to the Committee on Banking, Housing, and Urban Affairs.

EC–1173. A communication from the chairman of the Depository Institutions Deregulation Committee, transmitting, pursuant to law, the annual report on the activities of the Depository Institutions Deregulation Committee during its first year of operation and on the viability of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–1174. A communication from the Chairman of the Federal Reserve Board, transmitting, pursuant to law, the first annual report on the Electronic Fund Transfer Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–1175. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the U.S. Securities and Exchange Commission for the fiscal year ended September 30, 1980; to the Committee on Banking, Housing, and Urban Affairs.

EC–1176. A communication from the Comptroller General, transmitting, pursuant to law, a report entitled "Federal Electrical, Emergency Preparedness Is Inadequate"; to the Committee on Energy and Natural Resources.

EC–1177. A communication from the Secretary of Energy, transmitting, pursuant to law, a copy of the National Electric Reliability Study; to the Committee on Energy and Natural Resources.

EC–1178. A communication from the Secretary of the Interior, transmitting, pursuant to law, the third annual Redwood National Park report; to the Committee on Energy and Natural Resources.

EC–1179. A communication from the Secretary of Transportation, transmitting, pursuant to law, the second annual report on the highway bridge replacement and rehabilitation program; to the Committee on Environment and Public Works.

EC–1180. A communication from the President and Chief Executive Officer of the United States Railway Association, transmitting, pursuant to law, the annual report of the Association under the Government in the Sunshine Act for calendar year 1980; to the Committee on Governmental Affairs.

EC–1181. A communication from the administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report on a new system of records for the Department for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC–1182. A communication from the Acting Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on visa petitions accorded third and sixth preference classification under section 204 (d) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC–1183. A communication from the Executive Director of the U.S. Naval Sea Cadet Corps, transmitting, pursuant to law, the annual audit report of the Corps for the year ended March 31, 1981; to the Committee on the Judiciary.

EC–1184. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Education Appeal Board; to the Committee on Labor and Human Resources.

EC–1185. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the seventh special message of the President on 81 proposed rescissions and deferrals of budget authority; to the Committee on Appropriations and the Committee on the Budget, jointly, pursuant to the order of January 30, 1975.

EC–1186. A communication from the Acting Comptroller General of the Untied States, transmitting, pursuant to law, a report on the President's eighth special message on 33 proposed rescissions and one proposed deferral of budget authority; to the Committee on Appropriations and the Committee on the Budget, jointly, pursuant to the order of January 30, 1975.

EC–1187. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Acquiring Weapon Systems in a Period of Rising Expenditures: Implications for Defense Management"; to the Committee on Armed Services.

EC—1188. A communication from the Secretary of the Interior, transmitting a draft of proposed legislation to establish a revolving fund in the Department to be known as the Digital Cartography Fund; to the Committee on Finance.

EC–1189. A communication from the President of the United States, transmitting an amendment to the fiscal year 1981 supplemental appropriations request, and an amendment to the fiscal year 1982 appropriation request for the Department of the Treasury; to the Committee on Appropriations, and ordered to be printed as a Senate document.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as as indicated:

POM–105. A petition from a citizen of South Laguna, California, favoring congressional cooperation with the efforts of the Reagan Administration to strengthen the military power of the United States; to the Committee on Armed Services.

POM–106. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works:

"SENATE JOINT RESOLUTION No. 19—

"Whereas, The United States must promote the development of domestic sources of energy to decrease our dependence on foreign sources of energy; and

"Whereas, Solar and other renewable sources of energy promise to provide for much of the nation's demand for energy with relative safety; and

"Whereas, Without a strong program to research and test the best ways to use these resources, their promise will remain unfulfilled; and

"Whereas, The amount of sunlight which Nevada, particularly southern Nevada, receives annually makes it an especially suitable area for the placement of solar laboratories, demonstration projects and test equipment; and

"Whereas, The Nevada Test Site is a large expanse of land within this area and less than 10 percent of this acreage is used by the Department of Defense for testing the effects of nuclear weapons; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Nevada legislature hereby urges the Congress of the United States to devote the Nevada Test Site for future uses to include research and development of solar and other forms of renewable eenrgy; and be it further

"Resolved, That Congress give particular consideration to the development of the satellite power system which uses solar energy, presently under evaluation by the Department of Energy, at this site; and be it further

"Resolved, That Congress is urged to locate the receiving station for the satellite power system at the Nevada Test Site; and be it further

Resolved That a copy of this resolution be immediately transmitted by the legislative counsel to the President of the United States, to the Vice President of the United States as the presiding officer of the Senate, to the Speaker of the House of Representatives, to all members of the Nevada congressional delegation and to the Department of Energy; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM–107. A resolution adopted by the City Council of Oakdale, California, urging support for efforts to return administrative powers to local entities; to the Committee on Governmental Affairs.

POM–108. A resolution adopted by the City Council of Walnut Creek, California, supporting efforts by the Federal administration to return powers to local entities; to the Committee on Governmental Affairs.

POM–109. A resolution of the City Council of Rocklin, California, supporting efforts by the Federal administration to return powers to local entities; to the Committee on Governmental Affairs.

POM–110. A resolution adopted by the National Association of Black Social Workers, opposing the proposed budget cuts in social services; ordered to lie on the table.

REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of May 13, 1981, the following reports of committees were submitted on May 15, 1981:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, favorably with an amendment:

S. 1104. A bill to amend the International Investment Survey Act of 1976 to provide an authorization for further appropriations, to avoid unnecessary duplication of certain surveys, and for other purposes (Rept. No. 97–68).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1191. An original bill to extend for 1 year the authority of the Secretary of Commerce to reimburse commercial fishermen of the United States for certain losses incurred as the result of the seizure of their vessels by foreign nationals (Rept. No. 97–69).

S. 1192. An original bill to amend the National Visitor Center Facilities Act of 1968 to provide for the rehabilitation and completion of Union Station in Washington, D.C., and for other purposes (Rept. No. 97–70); pursuant to the order of May 12, 1981, referred to the Committee on Environment and Public Works.

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. 1193. An original bill to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communications Agency, and the Board for International Broadcasting, and for other purposes (Rept. No. 97–71).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1194. An original bill to authorize appropriations for activities for the National Science Foundation for fiscal year 1982, and for other purposes (Rept. No. 97–72).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, favorably with an amendment in the nature of a substitute:

S. 821. To provide for authorization of appropriations for the Federal Communications Commission (Rept. No. 97–73).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, favorably with an amendment in the nature of a substitute and an amendment to the title:

S. 1099. A bill to amend the Natural Gas Pipeline Safety Act of 1968, as amended, and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1982 and 1983 (Rept. No. 97–74).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, favorably with an amendment in the nature of a substitute and an amendment to the title:

S. 1036. A bill to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended for two vears, and for other purposes (Rept. No. 97–75).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. 1195. An original bill to provide for continuing participation by the United States in the International Bank for Reconstruction and Development, the Inter-American Development Bank, and for other purposes (Rept. No. 97–76).

By Mr. BIDEN, from the Committee on the Judiciary, favorably without amendment:

S. 923. A bill to amend chapter 207 of title 18, United States Code, relating to pretrial services (Rept. No. 97–77).

By Mr. THURMOND, from the Committee on the Judiciary, favorably without amendment:

S. 816. A bill to amend the Clayton Act to limit the circumstances under which foreign governments may sue for violations of the antitrust laws, and for other purposes (Rept. No. 97–78).

By Mr. MATHIAS, from the Committee on Governmental Affairs, favorably without amendment:

S. 640. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the borrowing authority of the District of Columbia (Rept. No. 97–79).

S. 1040. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia (Rept. No. 97–80).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, favorably with an amendment in the nature of a substitute:

S. 1021. A bill to authorize appropriations to the Department of Energy for civilian programs for fiscal year 1982 and fiscal year 1983, and for other purposes (Rept. No. 97–81).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, favorably with an amendment in the nature of a substitute and an amendment to the title:

S. 998. A bill to amend the Energy Policy and Conservation Act and the Energy Security Act to improve the administration of the Strategic Petroleum Reserve, to provide for transition in fiscal year 1982 to an alternative off-budget funding mechanism for financing the purchase of petroleum for the Strategic Petroleum Reserve, and for other purposes (Rept. No. 97–82).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. 1196. An original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for development and security assistance programs for fiscal year 1982, to authorize appropriations for the Peace Corps for the fiscal year 1982, to provide authorities for the Overseas Private Investment Corporation, and for other purposes (Rept. No. 97–83).

By Mr. PERCY, from the Committee on Foreign Relations, favorably with an amendment in the nature of a substitute:

S. 1015, A bill to separate the Peace Corps from the ACTION Agency (Rept. No. 97–84).

By Mr. STEVENS, from the Committee on Governmental Affairs, favorably without amendment:

S. 1050. A bill to extend the authorization of appropriations for the National Historical Publications and Records Commission for the fiscal years 1982 and 1983 (Rept. No. 97–85).

Mr. DOMENICI, from the committee of conference, submitted a report on the disagreeing votes of the two Houses on the amendments of the Senate to the concurrent resolution (H. Con. Res. 115) revising the congressional budget for the United States Government for the fiscal year 1981 and setting forth the congressional budget for the United States Government for the

fiscal years 1982, 1983, and 1984 (Rept. No. 97–86).

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1197. An original bill to amend and extend certain Federal laws relating to housing, community, and economic development, and related programs, to provide an improved and expedited multifamily mortgage foreclosure procedure, and for other purposes (Rept. No. 97–87).

By Mr. SIMPSON, from the Committee on Veterans Affairs, favorably with an amendment in the nature of a substitute and an amendment to the title:

S. 468. A bill to amend title 38, United States Code, to expand the eligibility of former prisoners of war for certain healthcare benefits provided by the Veterans' Administration, and for other purposes (Rept. No. 97–88).

S. 921. A bill to amend title 38, United States Code, to extend authority to provide contract hospital care and medical services in Puerto Rico and the Virgin Islands, and for other purposes (Rept. No. 97–89).

S. 1008. A bill to provide that retired officers of the Armed Services recalled to active duty and detailed to duty with the American Battle Monuments Commission shall not be charged against the authorized end strengths and grade limitations prescribed for the Department of Defense or the military departments concerned (Rept. No. 97–90).

By Mr. HEINZ, from the Committee on Banking, Housing, and Urban Affairs, favorably with an amendment:

S. 1112. A bill to authorize appropriations for the fiscal years 1982 and 1983 to carry out the purposes of the Export Administration Act of 1979, and for other purposes (Rept. No. 97–91).

By Mr. HEINZ, from the Committee on Banking, Housing, and Urban Affairs, favorably with amendments:

S. 1116. A bill to authorize appropriations for the international affairs functions of the Department of the Treasury for fiscal year 1982 (Rept. No. 97–92).

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, favorably with an amendment and an amendment to the title:

S. 1135. A bill to extend by five years the expiration date of the Defense Production Act of 1950 (Rept. No. 97–93).

By Mr. THURMOND, from the Committee on the Judiciary, favorably with amendments:

S. 951. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes (Rept. No. 97–94).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1198. An original bill to amend title 23 of the United States Code, relating to highway safety, and for other purposes (Rept. No. 97–95).

S. 1199. An original bill to amend the Rail Passenger Service Act, and for other purposes (Rept. No. 97–96).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, favorably with an amendment in the nature of a substitute:

S. 508. A bill to provide for the improvement of the Nation's airport and airway system, and for other purposes (Rept. No. 97–97).

S. 720. A bill entitled the "Public Telecommunications Act of 1981" (Rept. No. 97–98).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, favorably with an amendment in the nature of a substitute and an amendment to the title:

S. 960. A bill to amend the Hazardous Materials Transportation Act to encourage a greater effort in the prevention and response to transportation incidents involving hazardous materials, to provide assistance to States and local governments in preventing and responding to such incidents, and for other purposes (Rept. No. 97–99).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, favorably with amendments:

S. 1098. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (Rept. No. 97–100).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, favorably with an amendment in the nature of a substitute:

S. 1100. A bill to improve rail service in the Northeast Region of the United States and for other purposes (Rept. No. 97–101).

S. 1155. A bill to amend the Consumer Product Safety Act, and for other purposes (Rept. No. 97–102).

By Mr. DOLE, from the Committee on Finance, without amendment:

S. 1201. An original bill to amend the Trade Act of 1974 with respect to trade adjustment assistance (Rept. No. 97–103).

S. 1202. An original bill to authorize appropriations for the United States Customs Service for fiscal year 1982, and for other purposes (Rept. No. 97–104).

S. 1203. An original bill to authorize appropriations for the United States International Trade Commission and the Office of the United States Trade Representatives for fiscal year 1982, and for other purposes (Rept. No. 97–105).

By Mr. COHEN, from the Select Committee on Indian Affairs, favorably with amendments:

S. 262. A bill for the relief of Dolly Akers, Fort Peck Indian Reservation, Montana (Rept. No. 97–106).

S. 478. A bill to provide for the partitioning of certain restricted Indian land in the State of Kansas (Rept. No. 97–107).

By Mr. COHEN, from the Select Committee on Indian Affairs, favorably with an amendment in the nature of a substitute:

S. 547. A bill to enable the Secretary of the Interior to erect permanent improvements on land acquired for the Confederated Tribes of Siletz Indians of Oregon (Rept. No. 97–108).

By Mr. COHEN, from the Select Committee on Indian Affairs, favorably with amendments:

S. 1088. A bill to promote the goal of economic and social self-sufficiency for American Indians, Hawaiian Natives, and Alaskan Natives (Rept. No. 97–109).

By Mr. GORTON, from the Committee on Environment and Public Works, without amendment:

S. 1204. An original bill to amend the Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978 (Rept. No. 97–110).

S. 1205. An original bill to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1982, and for other purposes (Rept. No. 97–111).

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment:

S. 1206. An original bill to authorize appropriations for the Clean Air Act for fiscal year 1982 (Rept. No. 97–112).

By Mr. SIMPSON, from the Committee on Environment and Public Works, without amendment:

S. 1207. An original bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes (Rept. No. 97–113).

By Mr. SYMMS, from the Committee on Environment and Public Works, without amendment:

S. 1208. An original bill to authorize appropriations for the construction of certain highways in accordance with title 23 of section 23 of the United States Code, and for other purposes (Rept. No. 97–114).

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment:

S. 1209. An original bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes (Rept. No. 97–115).

By Mr. GORTON, from the Committee on Environment and Public Works, without amendment:

S. 1210. An original bill amending the Environmental Quality Improvement Act of 1970 (Rept. No. 97–116).

S. 1211. An original bill to extend the Toxic Substance Control Act for 1 year (Rept. No. 97–117).

By Mr. MURKOWSKI, from the Committee on environment and Public Works, without amendment:

S. 1212. An original bill to extend authorization for appropriations for the Disaster Relief Act of 1974, and for other purposes (Rept. No. 97–118).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1213. An original bill to amend title I of the Marine Protection, Research and Sanctuaries Act, as amended (Rept. No. 97–119).

By Mr. ABDNOR, from the Committee on Environment and Public Works, favorably with amendments:

S. 1095. A bill to amend the Water Resources Planning Act (Rept. No. 97–120).

By Mr. HATCH, from the Committee on Labor and Human Resources, favorably with an amendment:

S. 799. A bill to amend the Public Health Services Act to revise and extend titles VII and VIII of such act with regard to training in health professions and nursing, and for other purposes.

By Mr. HATCH, from the Committee on Labor and Human Resources, favorably with amendments:

S. 801. A bill to amend the Public Health Service Act to revise provisions relating to the National Health Service Corps.

S. 1029. A bill to amend title XIII of the Public Health Service Act relating to health maintenance organizations.

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. 1200. An original bill to authorize appropriations for the National Science Foundation for fiscal year 1982, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 136. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 508; referred to the Committee on the Budget.

EXECUTIVE REPORTS OF COMMITTEES RECEIVED DURING THE RECESS

Under the authority of the order of the Senate of May 13, 1981, the following executive reports of committees were submitted on May 15, 1981, during the recess of the Senate:

By Mr. PERCY, from the Committee on Foreign Relations:

Joan M. Clark, of New York, to be a career member of the Senior Foreign Service, class of Minister-Counselor.

Robert Gerhard Neumann, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Kingdom of Saudi Arabia.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee, Robert Gerhard Neumann.

Post, Ambassador to Saudi Arabia.

Contributions, amount, date, donee:

Self and spouse, $15, 1977, Picus (L.A. City Council); $150, 1978, Younger, Percy; $295, 1979, Younger, Percy, Bush; $955, 1980, Reagan, Bush, Percy; $50, 1981, GOP Victory Fund.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Robert Dean Nesen, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States to Australia, and to serve concurrently and without additional compensation as Ambassador Extraordinary of the United States to the Republic of Naura.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee, Robert Dean Nesen.

Post, Ambassador to Australia.

Contributions, amount, date, donee:

Self, see attached A.

Children and sponses names, see attached A.

Parents names: Neva A. Hoffman, $15,00, July 3, 1980; GOP victory fund.

Brothers and spouses names, see attached A.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

(The above nominations, reported from the Committee on Foreign Relations, with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PERCY, from the Committee on Foreign Relations, filed supplemental material on the nominations of James L. Malone, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs (Ex. Rept. 97–11).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry:

Frank W. Naylor, of California, to be Under Secretary of Agriculture for Small Community and Rural Development.

A. James Barnes, of the District of Columbia, to be General Counsel of the Department of Agriculture.

Mary Claiborne Jarratt, of Virginia, to be an Assistant Secretary of Agriculture.

(The above nominations, reported from the Committee on Agriculture, Nutrition, and Forestry, with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THURMOND, from the Committee on the Judiciary: Jonathan C. Rose, of Virginia, to be an Assistant Attorney General.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PACKWOOD:

S. 1191. An original bill to extend for 1 year the authority of the Secretary of Commerce to reimburse commercial fishermen of the United States for certain losses incurred as the result of the seizure of their vessels by foreign nationals; from the Committee on Commerce, Science, and Transportation.

S. 1192. An original bill to amend the National Visitor Center Facilities Act of 1968 to provide for the rehabilitation and completion of Union Station in Washintgon, D.C., and for other purposes; from the Committee on Commerce, Science, and Transportation; to the Committee on Environment and Public Works' pursuant to the order of May 12, 1981.

By Mr. PERCY:

S. 1193. An original bill to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes; from the Committee on Foreign Relations.

By Mr. PACKWOOD:

S. 1194. An original bill to authorize appropriations for activities for the National Science Foundation for fiscal year 1982, and other purposes; from the Committee on Commerce, Science, and Transportation.

By Mr. PERCY:

S. 1195. An original bill to provide for continuing participation by the United States in the International Bank for Reconstruction and Development, the Inter-American Development Bank, and for other purposes; from the Committee on Foreign Relations.

S. 1196. An original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for development and security assistance programs for fiscal year 1982, to authorize appropriations for the Peace Corps for the fiscal year 1982, to provide authorities for the Overseas Private Investment Corporation, and for other purposes; from the Committee on Foreign Relations.

By Mr. GARN:

S. 1197. An original bill to amend and extend certain Federal laws relating to housing, community, and economic development and related programs, to provide an improved and expedited multifamily mortgage foreclosure procedure, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs.

By Mr. PACKWOOD:

S. 1198. An original bill to amend title 23 of the United States Code, relating to highway safety, and for other purposes; from the Committee on Commerce, Science, and Transportation.

S. 1199. An original bill to amend the Rail Passenger Service Act, and for other purposes; from the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 1200. An original bill to authorize appropriations for the National Science Foundation for fiscal year 1982, and for other purposes; from the Committee on Labor and Human Resources.

By Mr. DOLE:

S. 1201. An original bill to amend the Trade Act of 1974 with respect to trade adjustment assistance; from the Committee on Finance.

S. 1202. An original bill to authorize appropriations for the U.S. Customs Service for fiscal year 1982, and for other purposes; from the Committee on Finance.

S. 1203. An original bill to authorize appropriations for the U.S. International Trade Commission and the Office of the U.S. Trade Representative for fiscal year 1982, and for other purposes; from the Committee on Finance.

By Mr. GORTON:

S. 1204. An original bill to amend the Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978; from the Committee on Environment and Public Works.

S. 1205. An original bill to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1982, and for other purposes; from the Committee on Environment and Public Works.

By Mr. STAFFORD:

S. 1206. An original bill to authorize appropriations for the Clean Air Act for fiscal year 1982; from the Committee on Environment and Public Works.

By Mr. SIMPSON:

S. 1207. An original bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes; from the Committee on Environment and Public Works.

By Mr. SYMMS:

S. 1208. An original bill to authorize appropriations for the construction of certain highways in accordance with title 23 of section 23 of the United States Code, and for other purposes; from the Committee on Environment and Public Works.

By Mr. STAFFORD:

S. 1209. An original bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; from the Committee on Environment and Public Works.

By Mr. GORTON:

S. 1210. An original bill amending the Environmental Quality Improvement Act of 1970; from the Committee on Environment and Public Works.

S. 1211. An original bill to extend the Toxic Substance Control Act for one year; from the Committee on Environment and Public Works.

By Mr. MURKOWSKI:

S. 1212. An original bill to extend authorization for appropriations for the Disaster Relief Act of 1974, and for other purposes; from the Committee on Environment and Public Works.

By Mr. CHAFEE:

S. 1213. An original bill to amend title I of of the Marine Protection, Research, and Sanctuaries Act, as amended; from the Committee on Environment and Public Works.

By Mr. BOSCHWITZ:

S. 1214. A bill to amend the Internal Revenue Code of 1954 to eliminate the limitation on the interest deduction for interest paid or accrued on investment indebtedness; to the Committee on Finance.

By Mr. PROXMIRE (for himself and Mr. KASTEN):

S. 1215. A bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws; to the Committee on the Judiciary.

By Mr. STAFFORD (for himself and Mr. MURKOWSKI) (by request):

S. 1216. A bill to amend the Disaster Relief Act of 1974, as amended; to the Committee on Environment and Public Works.

S. 1217. A bill to amend the Disaster Relief Act of 1974, as amended, to authorize the appropriation of additional sums to carry out the act, and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOSCHWITZ:

S. 1214. A bill to amend the Internal Revenue Code of 1954 to eliminate the limitation on the interest deduction for interest paid or accrued on investment indebtedness; to the Committee on Finance.

REPEAL OF INVESTMENT INTEREST EXPENSE LIMITATION

● Mr. BOSCHWITZ. Mr. President, this week the Senate Finance Committee is holding hearings on the tax cut portion of the President's economic recovery program. The tax cut proposal has broad ramifications for all taxpayers, business and individual alike. The overall emphasis of this program—which I support—is to provide tax incentives to encourage savings and investment. There are two basic ways to accomplish this goal—create new incentives or remove existing disincentives.

The tax cut proposal would provide additional incentives to business through a new depreciation system. It also seeks to remove disincentives by reducing tax rates for individuals. We are all aware that the excessive tax rates on individuals are a substantial disincentive to invest. There are other disincentives to investment as well.

Today I am introducing legislation which would remove one of those statutory disincentives. My bill would repeal section 163(d), which limits the deduction of interest expense incurred to purchase investments. This limitation is targeted specifically at investment and, therefore, should be eliminated.

The investment interest expense limitation applies to taxpayers other than corporations. Individual investors and entrepreneurs would be the primary beneficiaries of its repeal. The repeal of this limitation is complementary with reducing tax rates, because they are two sides of the same coin. Reducing the tax rate makes investors more willing to take risks, because there is a greater potential for return. Repealing the interest expense limitation removes a barrier to undertake the investment.

The investment interest expense limitation was first enacted in the Tax Reform Act of 1969. Although the Senate voted to remove any such limitation, the House of Representatives felt that such a limitation was needed to curb abuses in financing tax shelters. The conference committee adopted a limitation on interest expense in the amount of $25,000 plus net investment income plus net capital gains. Between 1969 and 1975, only minor amendments were added. During the consideration of the Tax Reform Act of 1976, the House and Senate revived their dispute concerning the need for and the application of the limitation. The House again relied on its tax shelter argument, while the Senate voted to terminate the limitation. At least part of the reason for termination was the opinion that tax shelter abuses had been corrected by the tax shelter provisions of the Tax Reform Act of 1976, most notably the at risk provisions. The compromise in the conference committee is now the current law.

The current law limits the investment interest expense deduction to $10,000 plus the taxpayer's net investment income. However, an additional $15,000 of interest may be deducted if the interest was incurred to acquire stock in corporation controlled—50 percent or more ownership—by the taxpayer. Here, for the first time, Congress gave specific recognition to the concept that a taxpayer might have a significant amount of capital invested in a single enterprise. It did not, however, address the specific instance where a shareholder purchases stock in a business which generates his largest source of income in the form of salary.

My legislation would remove these limitations and stimulate investment generally, but would specifically address two types of investment which concern me greatly. First, individuals who wish to start up a new business often incur substantial interest expense to get the corporation going. Present law would limit the amount of that interest expense which would be deductible. Repealing the limitation would leave no question that the interest expense incurred by an individual starting a new business would be deductible. Second, the limitation can adversely affect individuals seeking to acquire an interest in an existing business. The limitation compounds the difficulties in transferring small businesses to employees or family members who would become owners as well as operators. The problem occurs because the employee or family members seeking to buy an interest in the business (especially less than controlling interest) receives earned income from the business, which cannot be used to offset the interest expense. The so-called section 385 "Debt-Equity" regulations generally require a larger equity investment, which further frustrates investment.

High interest rates by themselves are impediments to investment, but coupled with the limitation, work a severe hardship on investments in small business. Historically, individuals who invest in small business pay interest rates of 1 to 1½ percent over prime. Until 1947, the prime rate was about 1½ percent. In 1969, the prime was about 7¾ percent, while in 1975 the prime was around 8½ percent. Now, in 1981, the prime is 19½ percent. This translates into a cost of money to investors in small business of about 9 percent in 1969, 10 percent in 1975, and over 20 percent in 1981. The following example will show the effect of the limitation and high interest rates on an individual who purchases $300,000 of stock in a business that generates his only income in the form of salary.

Interest rate	1st year interest expense	Deduction [1]	Nondeductible expense
20 percent	60,000	10,000	50,000
16 percent	48,000	10,000	38,000
10 percent	30,000	10,000	20,000

[1] Assumes individual does not purchase control.

This example clearly shows that the limitation is a substantial disincentive to investing in small- and medium-sized businesses, as well as inhibiting capital formation.

Finally, the application of the limitation is quite complex and involves detailed recordkeeping by individuals. It also requires an additional piece of paper to be included in the tax return, form 4952, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

Mr. President, I submit that this limitation is the very type of disincentive to investment that should be removed to foster our economic recovery. While it will not address the ills of our major industries, its repeal will remove one of the many barriers faced by entrepreneurs and small businesses.

I urge my colleagues on the Finance Committee to consider this legislation as an appropriate part of the economic recovery program and join me in repealing the limitation.

There being no objection, form 4952 was ordered to be printed in the RECORD, as follows:

INVESTMENT INTEREST EXPENSE DEDUCTION

Form 4952, Department of the Treasury, Internal Revenue Service, 1980.

Name(s) as shown on return.

Identifying number.

Kind of return: Individual; Estate; Trust.

PART I—INTEREST ON INVESTMENT DEBTS INCURRED BEFORE DECEMBER 17, 1969

NOTE: Use Part I only if you have investment interest expense on debts incurred before December 17, 1969, as well as on or after that date.

1. Interest expense on investment debts incurred before December 17, 1969.

2. Total net investment income.

3. Net investment income allocable to the period before December 17, 1969: Line 1/Line 1 plus Line 7 Plus Line 15 Plus 28 times Line 2.

4. Subtract line 3 from from line 2—Enter here and on line 10(a).

PART II—INTEREST ON INVESTMENT DEBTS INCURRED AFTER SEPTEMBER 10, 1975

5. Interest expense on investment debts incurred after September 10, 1975.

6. Carryover—Enter amount from 1979 Form 4952, line 14.

7. Total investment interest expense (add lines 5 and 6).

8. (a) Individuals enter $10,000 ($5,000 if married filing separately), (b) Additional limitation.

9. Estates enter $10,000; trusts enter zero.

10. (a) Total net investment income on line 4; (b) Line 7/ Line 7 plus Line 15 plus Line 28 times Line 10(a).

11. Excess expenses from "net lease property."

12. Limitation on deduction (add lines 8(a), (b) 9, 10(b) and 11).

13. Allowable investment interest deduction—Enter the smaller of line 7 or line 12.

14. Disallowed investment interest to be carried over to 1981 (subtract line 13 from line 7).

PART III—INTEREST ON INVESTMENT DEBTS INCURRED BEFORE SEPTEMBER 11, 1975, AND AFTER DECEMBER 16, 1969

15. Interest expense on investment debts incurred before September 11, 1975, and after December 16, 1969.

16. Individuals enter $25,000 ($12,500 if married separately).

17. Estates enter $25,000; trusts enter zero.

18. Net investment income (subtract line 10(b) from line 10(a)).

19. Excess expenses from "net lease property".

20. Excess net long-term capital gain over net short-term capital loss from sale or exchange of property held for investment.

21. Tentative limitation (add lines 16 through 20).

22. Capital gain from line 20. (Limit this gain to extent line 15 is more than the sum of lines 16 through 19).

NOTE: To adjust this gain on Schedule D or Form 4798, see Schedule D instructions.)

23. Subtract lines 21 from line 15. If line 21 is more than line 15, enter zero.

24. Additional deduction (50 percent of line 23).

25. Limitation on deduction (add lines 21 and 24).

26. Allowable investment interest deduction—Enter the smaller of line 15 or line 25.

27. Disallowed investment interest to be carried over to 1981 (subtract line 26 from line 15).

PART IV—INVESTMENT INTEREST EXPENSE CARRYOVER FROM EARLIER YEARS—INCURRED BEFORE SEPTEMBER 11, 1975

28. Carryover—Enter amounts from 1979 Form 4953, lines 27 and 36.

29. Enter amount reportable on line 18 plus $25,000*.

30. Enter the larger of amount on line 15 or $25,000*.

31. Subtract line 30 from line 29. If line 30 is more than line 29, enter zero.

32. Enter 50 percent of line 31.

33. Interest deduction limitation (enter the smaller of line 28 or line 32).

34. Interest carryover from earlier years disallowed in 1980 (subtract line 33 from line 28).

35. Enter the 60 percent capital gain deduction from your 1980 Schedule D or 1980 Form 4798.

36. Interest carryover to 1981 (subtract line 35 from line 34).

GENERAL INSTRUCTIONS

Purpose of Form.—If you paid or accrued interest during 1980 on debts you incurred to buy or hold certain property, the amount of interest you can deduct may be limited. This applies to investment property and net lease property. Property held for investment includes all investments held for producing taxable income or gain. It does not include property used in a trade or business.

Use Form 4952 to figure your total deduction for investment interest expense if a, b, or d apply.

*$12,500, if married filing separately; zero, if a trust.

a. Fill in Part II if in 1980, you paid or accrued more than $10,000 in interest ($5,000 if married filing separately; zero if a trust) on investment debts incurred after September 10, 1975.

b. Fill in part III if in 1980, you paid or accrued more than $25,000 in interest ($12,500 if married filing separately; zero if a trust) on investment debts incurred before September 11, 1975, and after December 16, 1969.

c. Fill in Part I if in 1980, you also paid or accrued interest on investment debts incurred before December 17, 1969.

d. Fill in Part IV if in 1979, you had interest from Parts III or IV not allowed due to the respective limitations.

Source of Amounts to Include.—

a. Your own investment interest expense and offset items.

b. Partnership.—Your pro-rata share of partnership's investment interest expense and other items used in the computation, as reported on Schedule K–1 (Form 1065) that you get from the partnership.

c. Subchapter S Corporation.—Your pro-rata share of the corporation's investment interest expense and other items used in the computations, as reported on Schedule K–1 (Form 1120S) that you get from the corporation.

d. Estates and trusts.—When there is distributable net income, include your share of: (1) the net investment income, and (2) the excess of net long-term capital gain over net short-term capital loss from the sale or exchange of investment property.

LINE-BY-LINE INSTRUCTIONS

Identifying Number.—Individuals enter social security number. Estates and trusts enter employer's identification number.

Preparing Form 4952.—First complete lines 1, 5 through 7, 15 and 28. Then complete form in numerical sequence starting with line 2, if applicable.

Line 1.—Enter your total investment interest expense from all sources, on debts created before December 17, 1969 from a specific item of property for a specified term. Also include debts in existence after December 16, 1969, if a binding contract was in effect on that date. Enter only the interest you paid or accrued in 1980, depending on your method of accounting.

Lines 2, 10 and 18.—Enter your net investment income from all sources required to be reported on your Form 1040 or 1041 for 1980.

If you have an entry on line 1 and had net investment income in 1980, complete lines 2, 3, and 4. Then enter the figure from line 4 on line 10(a). If you do not have an entry on line 1, enter your total net investment income on line 10(a).

Allocate your net investment income for the periods before December 17, 1969, before September 11, 1975 and after December 16, 1969, and after September 10, 1975. The formulas on lines 3 and 10(b) are for this purpose.

Net investment income is the amount by which investment income exceeds investment expenses. Investment income and expenses do not include any amounts connected with a trade or business. (a) Investment income includes the following that are includible in gross income: Interest, dividends, rents from net lease property, royalties, net short-term capital gains from investment property, and amounts recaptured as ordinary income from the sale or exchange of investment property subject to sections 1245, 1250 and 1254 provisions. (b) Investment expenses are those deductions directly connected with the production of investment income. Such deductions are those allowable by sections 162, 164(a) (1) or (2), 166, 167, 171, 212, or 611. Depreciation is limited to the amount figured using the straight line method. Depletion is limited to an amount based on cost.

Line 5.—Enter your total investment interest expense from all sources, from obligations incurred after September 10, 1975. Do not include those obligations for which a binding contract was in effect on September 11, 1975. Enter only the interest you paid or accrued in 1980, depending on your method of accounting.

Lines 6 and 28.—Carry to 1980, interest disallowed in 1979 because of the limitations. It retains its same character. For example, treat interest on investment debts incurred after September 10, 1975 when carried over as if it was incurred after that date and subject to the same limitations.

Line 8.—Individuals enter on line 8(a) $10,000 ($5,000 if married filing separately). Enter an additional amount on line 8(b) if you incurred investment interest in connection with acquiring stock in a corporation or partnership interest and you, your spouse and children own 50% or more of the stock or the capital interest in that enterprise. In this case enter on line 8(b) $15,000 ($7,500 if married filing separately) or the amount of this interest, whichever is less.

Lines 11 and 19.—Excess expenses from net lease property is the amount by which the expenses allowable under sections 162, 163 (without any reduction for the limitations of section 163(d)), 164(a) (1) or (2), and 212 attributable to property subject to a net lease, exceed the income produced by such property.

Property subject to a net lease is rental property that is treated for purposes of computing the limitation as property held for investment. The nature of the income and expenses of this property does not change for figuring the gain or loss for rental property. Rental property is net lease property if either (a) or (b) applies:

(a) You (the lessor) either are guaranteed a specific return of income or are guaranteed in whole or in part aaginst loss of income.

(b) Your 1980 deductions for the property that are allowable only because of section 162 (except rents and reimbursed amounts) equal less than 15 percent of the income produced by the property. For this 15 percent test, you may elect to: (a) treat all leased portions of a parcel of real property as subject to a single lease, and (b) exempt real property that has been in use for more than 5 years.

Lines 13 and 26.—This is the allowable investment interest expense. Deduct the nonbusiness part as an itemized deduction on Schedule A (Form 1040). Show the allowable part from rental property on Schedule E (Form 1040), Part III.

Deduct the pro-rata share of allowable investment interest from a partnership on schedule E (Form 1040), Part III, unless the partnership notifies you that all or part of it relates to nonbusiness property that should be deducted on Schedule A (Form 1040).

Add the pro-rata share of disallowed investment interest from a subchapter S corporation to the distributive share of income as reported on Schedule E (Form 1040), Part III. Do not make an adjustment for the allowable part since the corporation has already deducted it.

Deduct the allowable part of investment interest from estates and trusts on line 11, Form 1041.

Figure the allowable parts for each of the above by the following formula:

Part of investment interest/Total investment interest times Total allowable investment interest.

All interest on investment debts incurred before December 17, 1969 is allowed without limitation.

Lines 14 and 27.—This is the disallowed investment interest. If you incurred any investment interest from a subchapter S corporation, allocate this amount by using the

formula in the instructions for lines 13 and 26. Substitute the amount on lines 14 and 27 for the allowable investment interest in that formula.

Line 15.—Enter your total investment interest expense from all sources, from a specific item of property for a specified term, and from debts incurred before September 11 1975, and after December 16, 1969. Also include obligations incurred after September 10, 1975, but subject to a written contract or commitment in effect on September 11, 1975. Enter only the interest you paid or accrued in 1980, depending on your method of accounting.

Line 33.—Enter the smaller of lines 28 or 32. This is the investment interest from earlier years that is allowable this year. Allocate this amount according to the formula in the instructions for lines 13 and 26, using percentages obtained in earlier years from which the carryovers resulted.●

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. LUGAR, the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 29, a bill to repeal the Federal requirement of incremental pricing under the Natural Gas Policy Act of 1978.

S. 234

At the request of Mr. HATCH, the Senator from Massachusetts (Mr. TSONGAS), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. THURMOND), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 234, a bill to amend the Public Health Service Act to encourage the establishment of home health programs and to amend the Social Security Act to provide expanded coverage of home health services under the medicare and medicaid programs.

S. 447

At the request of Mr. RANDOLPH, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 447, a bill to redesignate the days on which Washington's Birthday, Memorial Day, and Columbus Day are celebrated to make each such day a legal public holiday.

S. 468

At the request of Mr. THURMOND, the Senator from California (Mr. CRANSTON), the Senator from Vermont (Mr. STAFFORD), the Senator from Wisconsin (Mr. KASTEN), the Senator from Alabama (Mr. DENTON), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arizona (Mr. DECONCINI), the Senator from Maine (Mr. MITCHELL), the Senator from Alabama (Mr. HEFLIN), and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of S. 468, a bill to amend title 38, United States Code, to expand the eligibility of former prisoners of war for certain health-care benefits provided by the Veterans' Administration, and for other purposes.

S. 799

At the request of Mr. HATCH, the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 799, a bill to amend the Public Health Services Act to revise and extend titles VII and VIII of such act with regard to training in health professions and nursing, and for other purposes.

S. 800

At the request of Mr. HATCH, the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 800, a bill to amend the Public Health Services Act to revise provisions relating to research in health statistics and health services, support for medical libraries, and the National Research Service Awards, and for other purposes.

S. 801

At the request of Mr. HATCH, the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 801, a bill to amend the Public Health Service Act to revise provisions relating to the National Health Service Corps.

S. 811

At the request of Mr. DOLE, the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 811, a bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to permit local distribution companies to continue natural gas service to residential customers for outdoor lighting fixtures for which natural gas was provided on the date of enactment of such act, and for other purposes.

S. 816

At the request of Mr. THURMOND, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 816, a bill to amend the Clayton Act to limit the circumstances under which foreign governments may sue for violations of the antitrust laws, and for other purposes.

S. 921

At the request of Mr. SIMPSON, the Senator from South Carolina (Mr. THURMOND), the Senator from Vermont (Mr. STAFFORD), the Senator from Wisconsin (Mr. KASTEN), the Senator from Alabama (Mr. DENTON), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arizona (Mr. DECONCINI), the Senator from Maine (Mr. MITCHELL), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 921, a bill to amend title 38, United States Code, to extend authority to provide contract hospital care and medical services in Puerto Rico and the Virgin Islands, and for other purposes.

S. 961

At the request of Mr. BENTSEN, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 961, a bill to require that a Federal agency may not require that any person maintain records for a period of 5 years, and a Federal agency may not commence an action for enforcement of a law or regulation or for collection of a civil fine after 5 years from the date of the act which is the subject of the enforcement action or fine, and for other purposes.

S. 1008

At the request of Mr. THURMOND, the Senator from California (Mr. CRANSTON), the Senator from Vermont (Mr. STAFFORD), the Senator from Wisconsin (Mr. KASTEN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arizona (Mr. DECONCINI), the Senator from Maine (Mr. MITCHELL), and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of S. 1008, a bill to provide that retired officers of the armed services recalled to active duty and detailed to duty with the American Battle Monuments Commission shall not be charged against the authorized end strengths and grade limitations prescribed for the Department of Defense or the military departments concerned.

S. 1120

At the request of Mr. KASTEN, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1120, a bill to reduce the amount of funds available to an agency unless the agency has reduced waste, fraud, and abuse to the maximum extent feasible or demonstrates that no waste, fraud, or abuse exists in the administration of programs, and for other purposes.

S. 1168

At the request of Mr. DECONCINI, the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Montana (Mr. MELCHER), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1168, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of assistance under such act that law enforcement agencies have in effect a binding law enforcement officers' bill of rights.

SENATE JOINT RESOLUTION 62

At the request of Mr. DOLE, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of Senate Joint Resolution 62, a joint resolution to authorize and request the President to designate the week of September 20 through 26, 1981, as "National Cystic Fibrosis Week."

SENATE RESOLUTION 136—RESOLUTION WAIVING CONGRESSIONAL BUDGET ACT

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 136

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 508. Such waiver is necessary because S. 508 authorizes the enactment of new budget authority which would first become available in fiscal year 1981, and such bill was not reported on or before May 15, 1980, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

Section 7 of the reported bill would author-

ize appropriations of not to exceed $1,190,000,000 for fiscal year 1981 for the purposes of carrying out certain programs of the Federal Aviation Administration that are vital to the maintenance and operation of a safe airport and airway system. This total amount includes authorizations of not to exceed $400,000,000 for facilities and equipment; $90,000,000 for research, engineering and development, and demonstration projects; and $700,000,000 for operations and maintenance. Taken together, these activities form a significant share of the Federal Aviation Administration's budget.

Such authorizations are necessary because similar authorizations for fiscal year 1981 were not enacted in the 96th Congress. During the last Congress, the Senate passed S. 1648 on February 5, 1980. This bill would have authorized the appropriation of not to exceed $8,040,000 for these activities in fiscal year 1981. Unfortunately this bill was never considered by the House of Representatives because of a disagreement over other provisions of the bill. As a result the FAA's programs in these areas are currently being funded pursuant to appropriations contained in P.L. 96-400 even though the authorization for using Airport and Airway Trust Funds for these purposes has lapsed.

AMENDMENTS SUBMITTED FOR PRINTING

URBAN MASS TRANSPORTATION AUTHORIZATION

AMENDMENT NO. 54

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. GARN submitted an amendment intended to be proposed by him to the bill S. 1160, to amend the Urban Mass Transportation Act of 1964 to provide authorizations for appropriations, and for other purposes.

NOTICE OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, as chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, I wish to announce that a confirmation hearing has been scheduled on the nomination of Philip Johnson to be Chairman of the Commodity Futures Trading Commission.

Also, the committee will consider the nomination of Kenneth Gilles to be Administrator of the Federal Grain Inspection Service at that time. An earlier hearing on Mr. Gilles' nomination had to be postponed for scheduling reasons.

The hearings will be held on Wednesday, May 20 beginning at 10 a.m. in room 324 Russell Senate Office Building.

Anvone wishing to testify should contact Denise Alexander of the Agriculture Committee staff at 224-2035.

ADDITIONAL STATEMENTS

GERALD R. FORD PRESIDENTIAL LIBRARY

● Mr. DOLE. Mr. President, on April 27, 1981, the Gerald R. Ford Presidential Library was dedicated in Ann Arbor, Mich.

As the passage of time puts the Ford Presidency in its proper perspective, we have come to realize what a great President he was. As Benno Schmidt, Ford Library and Museum Finance Committee chairman, remarked at the dedication ceremonies, he restored our national self-respect and tamed a wild economy. The new museum at the University of Michigan will stand as a tribute to the achievements of President Ford and will be a resource for tomorrow's leaders.

I ask that the remarks of Mr. Schmidt at the dedication ceremonies for the Gerald R. Ford Presidential Library be printed in the RECORD.

The material follows:

REMARKS OF BENNO SCHMIDT

Bishop McGehee, President Ford, Mrs. Ford, President Shapiro, Mr. Warner and distinguished guests.

As Chairman of the Finance Committee of the Ford Library and Museum effort, it gives me great pleasure to express our appreciation to all of the thousands of supporters and friends whose hard work and generous support have made possible the wonderful occasion which we celebrate today. The contributions of all of those who worked and who gave have been crucial to the realization of our goal.

In a sense it is difficult and perhaps even unfair to single out anyone by name because the participation of all who have contributed has been essential to our success. However, at the dedication of this Library, I cannot fail to mention the very special contributions of Dr. Robben Fleming, former President of The University, of Dr. Harry Towsley, our most generous chairman for the State of Michigan, and his wife, Margaret, and of our friends at the Charles Mott Foundation, the Kellogg Foundation and the Dow Foundation. But, Mr. President, in the last analysis, all of us who gave did so because of our appreciation of what you had done for our country. None of us wanted to or could say "no" to the man who had made us once more proud to be Americans.

Today, as we stand on this beautiful campus of this great University, we mark the fulfillment of the first half of a vision that took shape in The White House just four short years ago when we committed ourselves to the building of the Ford Library on the campus of the President's alma mater, The University of Michigan, and the Ford Museum in the President's home town of Grand Rapids. The second half of that commitment will be realized by the dedication of the Ford Museum in Grand Rapids in September. This University, the City of Grand Rapids, the State of Michigan, and this nation will be greatly enriched by the presence of these two historic and living monuments to a Presidency of incredible achievement in an incomparably short period of time.

When Jerry Ford took office, the morale of this nation was at the lowest point in our national history. The combined impact of Vietnam and Watergate had brought the people of this country to the edge of despair. Not only were our spirits in tatters, but our economy was on the verge of serious crisis. Inflation was at a then unprecedented rate of 12.8 percent. When Jerry Ford left office two and a half years later our pride as a nation had been restored, our people respected their President and were proud of their country, and inflation in two and a half short years had been reduced to an almost unbelievable 4.8 percent.

The New York TIMES may find those achievements modest—as they suggested in their editorial of January 13, 1977—but I'll tell you they don't seem modest today. No President since General Eisenhower can say with as much confidence as President Ford that he left the country far better than he found it.

The fact is that President Ford's achievements in The White House were not modest by any proper measure and this country will be forever in his debt for providing us, at one of the most crucial points in our history, one of the soundest presidencies of our century.

The Library which we dedicate today will inspire the students of The University of Michigan both now and in years to come for it will stand forever as a living reminder that an average American boy from any small town in the nation can, with a good education, determination, good moral fiber, and the right wife, work right up the ladder to hold the highest office in the land. It will also enable scholars both here and around the world to understand the integrity, the wisdom, the courage, the simple decency, and the good will toward all men which characteried the Ford Presidency.

That is why I said "yes" in 1977 when Jerry Ford asked me to be finance chairman for the Library/Museum Drive. And that is why this was the easiest fund-raising job I have ever been associated with. Friends of President Ford throughout the country and the world were anxious to express their appreciation and to pay their tribute to the man who put our nation back on the right track.

I thank all of those who, out of appreciation to President Ford, supported this beautiful Library and Ford Museum and made it possible to complete them in record time. And now, on behalf of all whose work and support made this day a reality, it is a privilege and an honor for me to present the Gerald R. Ford Library to The University of Michigan and to the National Archives of the United States.

Thank you.●

SHRINER PORTRAIT UNVEILING—FORMER PRESIDENT GERALD R. FORD

Mr. HARRY F. BYRD, JR. Mr. President, the George Washington Masonic National Memorial in Alexandria, Va., recently unveiled a portrait of one of this Nation's most distinguished Shriners, former President Gerald R. Ford. The portrait now hangs in the Memorial, along with those of the other U.S. Presidents who were Shriners: Warren G. Harding, Franklin D. Roosevelt, and Harry S. Truman.

I ask that an account of the unveiling, which Mr. Ford attended, be printed in the RECORD.

The account follows:

PORTRAIT UNVEILING—PRESIDENT GERALD R. FORD

Former President Gerald R. Ford was among the Shrine and Masonic representatives present at the George Washington Masonic National Memorial on December 11, 1980, for the unveiling of his portrait. The large painting now hangs in the Shrine Rooms East alongside those of the other U.S. Presidents who were Shriners: Warren G. Harding, Franklin D. Roosevelt, and Harry S. Truman.

Mr. Ford's portrait was commissioned and donated by his Temple, Saladin, which is located in Grand Rapids, Mich. Temple representative William F. Goodsmann, P.P., presented the portrait to Imperial Potentate F. T. H'Doubler, Jr., M.D., who accepted it on behalf of the approximately one million Shriners of North America.

The unveiling ceremony was conducted by the Shrine Rooms-East Committee of the Shrine of North America with Edward E. Buckley, P.P., serving as Master of Ceremonies. The Kena Temple Arab Patrol formed the Honor Guard and Past Imperial Chaplain Dr. M. Graham Clark gave the invocation. The Chairman of the Shrine Rooms-East Committee, William C. Vaughan, P.P., and the President of the George Washington National Memorial Association, Stanley F. Maxwell, welcomed guests. The Honorable John N. Dalton, P.P., Governor of Virginia, expressed his state's appreciation at having the portraits of four Shrine Presidents displayed in the Shrine Rooms-East.

"I am very, very proud of my Shrine heritage," President Ford told guests. "I am equally proud of my Saladin Temple affiliation and of course I am highly honored by the portrait which is being unveiled on this occasion."

President Ford concluded his remarks saying, "I cannot express adequately—my gratitude, my appreciation, not only for this occasion, but especially for your friendship. Thank you very much."

President Ford proceeded to unveil his portrait, assisted by Imperial Sir H'Doubler, Jr., M.D., and Illustrious Sir Goosmann, P.P.

The ceremony concluded with the benediction, given by Imperial Sir Clark.

President Ford's involvement with the Shrine began in 1935 when he competed in the East/West Shrine game as a University of Michigan senior. He is now serving as the Honorary Co-Chairman of the Shrine's national burn prevention campaign, Stop Burns Injuries (SBI).●

FINANCIAL STATEMENT OF SENATOR LUGAR

● Mr. LUGAR. Mr. President, consistent with a practice I established during my service as mayor of Indianapolis, I am submitting personal financial statements for publication. Included are itemizations of net worth, income, and taxes paid by Richard G. and Charlene S. Lugar.

I ask that my financial statements for calendar year 1980 be printed in the RECORD.

The financial statements follow:

SOURCES OF INCOME OF SENATOR RICHARD G. AND CHARLENE S. LUGAR FOR YEAR ENDING, DECEMBER 31, 1980

Richard G. Lugar—1980

U.S. Senate	$60,662.56
Secretary-Treasurer, Director Thomas L. Green & Co., Inc.	35,542.87
Lugar Farm Company, partnership distribution	1,832.33
Thomas L. Green & Company, Inc., dividends (less $100 dividend exclusion)	6,671.50
Honoraria from speeches/articles ($6,830 donated to charities)	31,830.00
Interest on savings accounts	2,101.09
Total	138,640.35

Charlene S. Lugar—1980

Dividends on inherited securities (less $100 dividend exclusion and less $356 for nontaxable dividends)	3,004.00
Interest on inherited securities	1,975.00
Nell C. Smeltzer estate income (Charlene S. Lugar's Mother's estate)	1,353.80
Nell C. Smeltzer capital loss (Charlene S. Lugar's Mother's estate)	(1,428.00)
Total	4,904.80
Total for Richard G. Lugar	143,545.15

FINANCIAL STATEMENT OF SENATOR RICHARD G. AND CHARLENE S. LUGAR AS OF DECEMBER 31, 1980

Richard G. Lugar—Assets

Cash in savings and checking accounts	$3,813.03
Life insurance policies:	
Cash value	48,402.35
Loans against policies	−41,675.56
Total	6,726.79
Adjusted residence—land and improvement (as assessed by Fairfax County, 1980)	196,185.00
Less mortgage	−81,099.54
Total	115,085.46
Automobiles—current estimated values	5,550.00
Thomas L. Green & Company, Inc. (233½ shares of common stock at cost, Dec., 1962)	61,293.25
Lugar Stock Farm, Inc. (168 shares owned by Richard and 60 shares owned by Charlene at cost, Dec. 1959)	22,800.00
Lugar Farm Company (⅛ share of partnership—book value as indicated in 1980 Federal tax return)	4,301.37
Individual retirement account as of Dec. 31, 1980 ($1,500 deposited both in 1975 and 1976 at 1st Federal Savings and Loan, Indianapolis, Ind.)	4,314.96
Keogh retirement account as of Dec. 31, 1980	14,274.99
Civil Service Retirement Fund as of Dec. 31, 1980	18,524.69
Total	256,684.54

Assets owned by Charlene S. Lugar following final settlement of the estate of her mother, Nell C. Smeltzer, in July of 1980

Detroit Edison—752 shares common stock	8,178.00
American Telephone & Telegraph—275 shares common stock	13,165.63
Marathon Oil Company—220 shares common stock	15,565.00
Wellington Fund, Inc.—mutual fund—200 shares	2,076.00
U.S. Treasury Notes 9⅞ percent due Dec. 31, 1980	40,000.00
Dreyfus Liquid Assets	15,111.50
Total	94,096.13
Total—Richard G. Lugar and Charlene S. Lugar	350,780.67

Notes.—The shares of Thomas L. Green & Company, Inc. and Lugar Stock Farm, Inc. represent minority interests in closely held family businesses. The last transaction in the stock of Thomas L. Green & Company, Inc. occurred in December of 1962 when Thomas R. Lugar and Richard G. Lugar purchased an equal number of shares at the cost presented in this statement. It is probable that the shares have increased in value.

No transactions have occurred in the stock of Lugar Stock Farm, Inc. since its incorporation in December of 1959. The cost of the shares was then based on an Internal Revenue Service appraisal when the estate of the late Marvin L. Lugar was settled. The 604.5 acre Lugar farm was valued at $305.00 per acre in November, 1956.

1980 Federal income taxes paid	44,356.00
1980 Indiana, Virginia, and local taxes paid	6,355.00
1980 social security taxes paid	1,587.67
Total Federal, State, local taxes	52,298.67

Taxes paid as percent of income equal 36.43 percent.●

DR. VAN RENSSELAER POTTER RECEIVES BRISTOL-MYERS AWARD FOR DISTINGUISHED ACHIEVEMENT IN CANCER RESEARCH

● Mr. KASTEN. Mr. President, Dr. Van Rensselaer Potter, the first scientist to demonstrate that all cancer cells are not biochemically alike, received the fourth annual Bristol-Myers Award for Distinguished Achievement in Cancer Research on April 14.

Dr. Potter is professor of oncology at the McArdle Laboratory for Cancer Research at the University of Wisconsin in Madison.

The Bristol-Myers Award is a $25,000 cash prize to a scientist selected by a seven-member panel of judges from cancer research centers at Baylor, Chicago, Jonhs Hopkins, Stanford, and Yale Universities in the United States; the Instituto Nazionale per lo Studio e la Cura dei Tumori in Milan, and the Royal Marsden Hospital in London. Each institution participates in a $3.86 million grant—program funded by Bristol-Myers to promote unrestricted, innovative cancer research.

One of his first discoveries. which he called sequential block inhibition, was the beginning of modern combination cancer chemotherapy. Its premise is that a single drug will be effective at only one point in a cell's growth cycle, but a number of drugs, administered at appropriate times and acting on different targets, will have greater combined effectiveness.

As recently as the 1950's many scientists believed that cancer cells were all alike and therefore behaved in the same way. While studying rat liver tumors at McArdle beginning in 1960, Dr. Potter observed several cancers that were biochemically different from other hepatomas.

By disproving the earlier theory, Dr. Potter opened researchers to new directions for study of the impact of tumor diversity on the growth and spread of the disease.

Dr. Potter then began research to determine the smallest deviation from normal liver cells that a hepatoma could show and still be malignant.

The search for what he refers to as the "minimal metabolic change"—the essential event or sequence of events that changes a normal cell into a cancer cell—

has become the focus of much basic cancer research. Identifying that change, he has suggested, could lead ultimately to controlling it.

Dr. Potter was born in South Dakota and has spent most of his career in a research laboratory in Wisconsin. He received his award at a luncheon in his honor in New York City. But his research has had enormous impact on the lives of men, women, and children not only in Wisconsin or Manhattan, but throughout this country and throughout the world.

I applaud the great distinction he has brought to his State and to our Nation as a scientist whose work has had profound impact on human life.●

DANGER IN THE MEDITERRANEAN

● Mr. LUGAR. Mr. President, Edwin Feulner, president of the Heritage Foundation, has written a perceptive piece on the imperial tendencies of Colonel Qaddafi. He points to the efforts which Qaddafi has made over the years to found a Mediterranean empire centered in Libya. He notes, too, the danger which lies down the course which Colonel Qaddafi is following.

It would be comforting to think that Colonel Qaddafi himself is aware of the dangers of his actions. However, Qaddafi's past adventures have given no indication that this will occur. For this reason, I commend to all colleagues Mr. Feulner's article "Further Adventures of an Imperialist" and ask that it be printed in the RECORD.

The article follows:

FURTHER ADVENTURES OF AN IMPERIALIST

(By Edwin J. Feulner, Jr.)

The world has a new imperialist power: Libya.

The expansionist dreams of the Libyan head of state have never been a secret. During the past 11 years Colonel Muammar Qaddafi has made several attempts to incorporate Syria, Egypt, Tunisia and Malta into a new Mediterranean empire. Fortune has not smiled on his efforts and his various approaches have been repulsed with ease.

However, after years of frustration, the Colonel finally has a success on his hands. He has taken advantage of a civil war within Chad to invade that country, install his own puppet ruler and station 6,000–7,000 Libyan troops there, and proclaim the incorporation of Chad into a new Islamic Saharan Republic. The distribution of benefits within this new empire will not of course, be equitable. Libya has already annexed the mineral-rich Azou Strip and similar confiscations will follow.

The invasion has frightened a dozen neighboring countries in northern Africa, but the leading western powers did not evince major concern over these developments. Carter Administration advisor Zbigniew Brzezinski declared that "this was not a first-line American problem." French President Valery Giscard d'Estaing made growling noises from Paris and strengthened the French military presence in North Africa, but the Libyans were allowed to retain their hold on Chad.

Such indifference may prove to be regrettable, for the Chadian borders do not define the limits of Qaddafi's horizon.

Within the next few months Qaddafi, who has built up a $12 billion stockpile of Soviet arms, will probably make a direct or an indirect attack upon Sudanese sovereignty. He will be drawn into Sudan, a country friendly to the U.S., both by his own imperial ambitions and by a variety of circumstantial factors beyond his control.

Qaddafi appears fully intent on continuing his drive toward a Libyan empire. However, when he contemplates the direction of that drive, he is faced with a Hobson's choice. His neighbors, Egypt and Tunisia, have already spurned his advances. Should he decide to move southward from Chad, he will encounter the French military garrison in the Central African Republic. Libyan troops, which were badly mauled by the Tanzanian army, cannot be expected to stand the test of the French Foreign Legion.

Similarly, should Colonel Qaddafi set his sights westward, he will be trespassing in a zone of French influence. France maintains more than two thousand soldiers with air support in Gambia, Gabon, Senegal and the Ivory Coast. These troops could be reinforced and resupplied swiftly, as was clearly demonstrated during the French raid into Zaire.

Consequently, Libyan aspirations are almost forcibly turned eastward from Chad. Local circumstances reinforce this tendency. Hissene Habré, Qaddafi's chief military opponent in Chad, has withdrawn his forces into the eastern part of Chad, close to the Sudanese border. These forces will, presumably, flee over that border when attacked by the Libyan artillery and tanks which are presently poised at Abéché, within 80 miles of Sudan. Will Qaddafi resist the opportunity to pursue his fleeing enemies, particularly since they draw him along the only course which he can conceivably follow?

The internal Sudanese situation will likely serve only to fortify Qaddafi's resolve. Unlike his West African colleagues, President Numeiri does not enjoy a close relationship with France. His grip on the country is weak. (The president was almost overthrown by a Libyan-backed coup in 1976.) Moreover, the situation in Dēfūr, that part of western Sudan which abuts Chad, is enough to tempt any potential aggressor. Dēfūr is impoverished, isolated and discontented. Protests against the Khartoum government are commonplace, and earlier this year the provincial capital, El Fasher, was the scene of major riots which were finally quelled by regular troops.

What would be an appropriate response to a Libyan invasion of Sudan? It would certainly be a mistake to adopt Mr. Brzezinski's position and to trust in Giscard d'Estaing. As already noted, French interests are not closely involved in Sudan. Libya is a major oil producer and, as such, should be able to pressure the French government into acquiescence. Moreover, the exploits of French troops in Africa have not usually been well received in the French national press and, in this heated election year, d'Estaing will likely keep a closer eye on the opinion polls and on Socialist challenger Francois Mitterand than on the North African situation. With the elections (April 26 and May 10) just ahead, this would seem the most opportune time for Qaddafi's move.

On the other hand, Egyptian President Anwar Sadat appears eager to assist his Sudanese neighbors. Sadat will not wish to countenance Libyan troops on both his western and southern borders when he enters the next round of Middle East peace negotiations. Moreover, a Libyan defeat at the hands of the Egyptian army could discredit the radical Arab coalition which has opposed Sadat's peace initiatives. It might also serve to make more moderate Arab nations change their political course.

The U.S. is in a particularly difficult position, caught between its much-publicized determination to fight global terrorism and the fact that Libya is the third largest supplier of oil to the U.S. In addition, about 2,000 Americans, many of them connected with U.S. oil companies, live in Libya. Any direct move against Qaddafi would undoubtedly be risky.

The wisest course which the U.S. could pursue is to support Sadat's efforts and to back the resolutions condemning Qaddafi which African states such as Ghana, Algeria, Senegal, Cameroon, Gambia, and Niger have already made.

If Colonel Qaddafi should decide to thumb his nose at world opinion and move against the Sudan, the U.S. must do everything it can, unilaterally and in the world community, to punish the Libyan regime, even if it means losing our oil. In the meantime, Americans living and working under the dome of Qaddafi's rule should be forewarned that danger lurks ahead.●

PERSONAL FINANCIAL DISCLOSURE OF SENATOR DENNIS DeCONCINI

● Mr. DeCONCINI. Mr. President, pursuant to longstanding belief that all public officials should make full financial disclosure, I am submitting for the RECORD this date a financial report dated December 31, 1980, for DENNIS and Susan DeCONCINI. Having supported the Senate code of conduct and believing in strict financial disclosure, I urge all of my colleagues to comply immediately with such disclosure. It is my hope that the public will have confidence in its public officials when there is an overwhelming effort by all Members of Congress to make such disclosures without reservation.

It is important in our American way of life for public officials to reach out to the American constituency with total candidness such as exhibited by the code of conduct and the exemplary efforts of many Members of Congress to make financial disclosure a way of life.

Mr. President, I urge the executive branch to impose upon itself, as well as the judicial branch of government, a requirement to make similar financial disclosure. No one should be afraid of the American people, whom we all profess to represent.

I ask that this statement and the accompanying financial report be printed in the RECORD.

The material follows:

SENATOR DENNIS AND SUSAN DeCONCINI, BALANCE SHEET AND SCHEDULES, DECEMBER 31, 1980

SCHORR, LEONARD & FELKER, P.C.,
Tucson, Ariz., May 13, 1981.

Hon. DENNIS DeCONCINI,
U.S. Senate, Washington, D.C.

DEAR SENATOR DeCONCINI: Pursuant to your instructions, we have prepared a Balance Sheet with accompanying schedules for the year ending December 31, 1980. The Balance Sheet includes both separate and community property of you and your wife.

The Balance Sheet and its schedules were prepared without audit but were prepared from information we believe reliable, including information supplied by you and information available to our firm by reason of representing you and members of your family in matters involving state and federal taxation, including the preparation of federal and state income tax returns. We con-

ducted such other inquiries that we deemed necessary to determine the assets in which you have an interest and the extent of your interests therein.

The reported basis of each asset is that basis which would be used in calculating gain or loss for federal income tax purposes.

Based on the foregoing, it is our opinion that the Balance Sheet and schedules adequately disclose all property, including, without limitation, real property, partnerships, corporations, trusts or other entities in which you have a financial interest and the extent of your financial interest therein.

In addition to the preparation of the Balance Sheet and schedules, you requested an estimate of your net worth if your assets were valued at market value. Based upon our good faith estimate of the market value of the assets, it is our opinion that the consolidated net worth of you and your wife falls within a range of 3 to 3.5 million dollars.

This acknowledges that our firm does not have a financial interest in any of the assets.

Sincerely,

SCHORR, LEONARD & FELKER, P.C.,
Attorneys.

DENNIS AND SUSAN DeCONCINI, BALANCE SHEET, DEC. 31, 1980

	Amount
Assets:	
Current assets:	
Cash in banks	$20,488
Accounts receivable	600
Loans receivable	200
Total current assets	21,288
Income properties at cost less applicable depreciation (schedule I):	
Buildings	672,836
Less accumulated depreciation	97,837
Subtotal	574,999
Land	150,813
Net income properties	725,812
Other assets at cost less applicable amortization or depreciation:	
Stocks and bonds (schedule II)	28,183
Undeveloped land	63,384
Real estate mortgages and contracts receivable	214,482
Partnerships (schedule III)	318,375
W. M. Investments, an investment club	5,040
Southwest Radio & Television, Ltd., a partnership	39,419
Cash surrender value, life insurance	60,979
Residence, Virginia	160,565
Personal property	42,400
Prepaid expenses	1,597
Office furniture	1,387
Accounts receivable, Committee for DeConcini for Senate (note 1)	72,026
Assets owned by Susan DeConcini (schedule IV)	378,352
Total other assets	1,386,189
Total assets	2,133,289

	Amount
Liabilities and net worth:	
Current liabilities:	
Current portion of long-term debt	$31,022
Deposits payable	1,687
Total current liabilities	32,709
Long-term debt:	
Debt secured by mortgages on rental property (schedule I)	533,108
Debt secured by mortgage on residence	113,229
Unsecured loans payable	125,213
Debt secured by mortgage on undeveloped land	8,302
Debt secured by real estate owned by Susan DeConcini	30,004
Total	809,856
Less current portion	31,022
Total long-term debt	778,834
Total liabilities	811,543
Net worth at cost:	
Consolidated net worth of Dennis and Susan DeConcini	1,321,746
Total liabilities and net worth	2,133,289

Note 1: The receivable of $72,026 from the Committee for DeConcini for Senate represents loans made by Dennis DeConcini to the committee. It is impossible as of this date to determine whether the balance or any portion thereof will be paid.

Note 2: Dennis and Susan DeConcini have a contingent liability of $20,000 by reason of execution of a continuing guarantee to a savings and loan association in connection with a mortgage loan against real estate owned by the Kino Learning Center, Tucson, Ariz.

SCHEDULE I

DENNIS DeCONCINI, DECEMBER 31, 1980 INCOME PROPERTIES

Description	Land	Improvements	Accumulated depreciation	Net book falue	Mortgages	Mortgagee
Part of lot 2 and lot 3, block A, National City Annex, Pima County, Ariz.	$8,300	$27,000	$17,276	$18,024	$10,915	I. DeConcini Trust
Lot 24, block A, National City Annex, Pima County, Ariz.	4,425	35,070	26,461	13,034	0	0.
Portions of lots 45, 46, 47, 48, block 38, Ocean Beach, Calif.	26,830	85,170	22,145	89,855	59,289	Home Federal Savings.
Lot 23, block 5, Nettleship Tract No. 1, Pacific Beach, Calif.	28,574	100,426	15,569	113,431	55,919	American Savings & Loan Association.
234 North Norton, Tucson, Ariz., assessor's code 125-08-0530	4,000	64,920	9,738	59,182	9,736	Jefferson Life Insurance Co.
Unit 303 Henlopen Condominiums, Lakeview St. and Grenoble Pl., Rehoboth Beach, Del.	10,497	87,502	4,375	93,624	59,835	Valley National Bank.
Canyon View Apartments, 305 Cedar Lane, Sedona, Ariz., assessor's code 401-13-006, 007, 008.	68,187	272,748	2,273	338,662	337,414	First Federal Savings & Loan.
Total	150,813	672,836	97,837	725,812	533,108	

SCHEDULE II

DENNIS DeCONCINI, STOCKS AND BONDS, DEC. 31, 1980

Name	Number of shares	Amount	Name	Number of shares	Amount
State of Israel Bond	1	$1,000	Homestake Mining	60	$1,440
IBM	40	2,692	Fidelity Trend Fund	137	4,474
Inter Isle Resorts	100	516	A.T. & T.	3	153
Communication Systems	337	1,738	Total		28,183
Liberty Corp	200	1,772			
Valley National Bank	700	14,398			

SCHEDULE III

DENNIS DeCONCINI, REAL ESTATE PARTNERSHIPS, DEC. 31, 1980

	Total	3-D Properties	2-D Properties	4-D Properties	DeConcini-Hurley	2-D Larriva
Assets:						
Real estate less applicable amortization or depreciation:						
Buildings	$1,063,453	$834,184	$41,524	$92,194	$95,551	
Furnishings	69,152	63,473			5,679	
Total	1,132,605	897,657	41,524	92,194	101,230	
Less: Accumulated depreciation	298,537	255,780	2,999	7,627	32,131	
Net depreciable assets	834,068	641,877	38,525	84,567	69,099	
Land	1,455,230	92,528	73,842	1,198,477	48,835	$41,548
Net real estate	2,289,298	734,405	112,367	1,283,044	117,934	41,548
Other assets at cost less applicable depreciation:						
Other partnership interests	222,135	12,106		210,029		
Shopping Center, Inc., stock	400,000			400,000		
Mortgage notes receivable	182,069		144,568	28,885		8,616
Accounts receivable	23,806	7,099		16,707		
Prepaid expenses	1,935	1,935				
Cash	22,849	3,831	2,884	11,132	4,471	531
Net other assets	852,794	24,971	147,452	666,753	4,471	9,147
Total assets	3,142,092	759,376	259,819	1,949,797	122,405	50,695
Liabilities:						
Long-term debt:						
Due to financial institutions	1,313,533	585,811	6,192	721,530		
Due to individuals	555,884	167,719		353,165	35,000	
Total long-term debt	1,869,417	753,530	6,192	1,074,695	35,000	
Other liabilities:						
Current maturities	126,614	14,115		112,499		
Other	20,489	2,627		17,862		4,363
Deferred gains-installment sales	80,819		76,456			
Total other liabilities	227,922	16,742	76,456	130,361		4,363
Partners capital:						
Dennis DeConcini	318,375	(4,023)	92,586	174,464	43,702	11,646
Other partners	726,378	(6,873)	84,585	570,277	43,703	34,686
Total partners capital	1,044,753	(10,896)	177,171	744,741	87,405	46,332
Total liabilities and capital	3,142,092	759,376	259,819	1,949,797	122,405	50,695
Dennis DeConcini's interest in the capital, profit and losses of each partnership (percent)		33⅓	50	25	50	25

SCHEDULE IV

SUSAN DeCONCINI, BALANCE SHEET, DEC. 31, 1980

	Amount		Amount
Assets:		Other land:	
Current assets:		½ interest in 12 acres Maricopa County, Ariz	$5,220
Cash in banks	$7,774	½ interest in 5 acres Maricopa County, Ariz	2,175
Accounts receivable	600	½ interest in 120 acres Maricopa County, Ariz	48,000
Total current assets	8,374	Net real property	354,810
Real property at cost less applicable depreciation:		Other assets:	
California properties:		DeConcini-Gallo, a partnership	11,637
Buildings and improvements	86 279	Deposits	531
Less accumulated depreciation	59,812	Securities	3,000
Total	26,467	Total	15,168
Land	39,355		
Total	65,822	Total assets	378,352
Arizona properties:		Liabilities:	
Buildings and improvements	172,180	Mortgage payable secured by California property	30,004
Less accumulated depreciation	59,272	Total liabilities	30,004
Total	112,808	Net worth at cost	348,348
Land	120,785		
Total	233,593	Total liabilities and net worth	378,358

MORRIS K. UDALL

● Mr. DECONCINI. Mr. President, I would like to take a couple minutes of the Senate's time to note an occurrence that happened on Saturday, May 2, in our counterpart body, the House of Representatives. That date marked exactly 20 years that my Representative had served in that Chamber, and they have been 20 years of brilliant and dedicated service of the highest order. I am speaking of the honorable and distinguished MORRIS K. UDALL, of the second district in Arizona.

I feel particularly close to MO UDALL, not merely because we both hail from Tucson. His father, Levi Udall, was chief justice of the Arizona Supreme Court, on

which my father, Evo, also served. Mo and I both graduated from the University of Arizona's College of Law. And both of us served in the capacity of Pima County attorney before coming to Congress. Mo came to the House on May 2, 1961, as the result of a special election, and because of his unusual starting date was in fact the last Member of the House to be sworn in by former Speaker Sam Rayburn.

Mo UDALL's career has been as lively and interesting as it has been fruitful. He was captain of the University of Arizona's basketball team, while also serving as president of the student body, and later played professionally in the old American Basketball Association with the Denver Nuggets. All 6 feet-5 inches, he is still quite an imposing figure, and I would daresay, Mr. President, that there are precious few Members of either House who would relish the idea of a game of one-on-one with Mo today.

At one point in his career, while practicing law with the firm of Udall & Udall in Tucson, Mo disappeared for a period of several months, failing to bother to notify anyone of his motives or intentions. Considerable concern was raised as to his whereabouts and well being, but when he finally did reappear, he was carrying the manuscript for his book, "Arizona Law of Evidence." The book has since become known throughout the Arizona legal community as "Udall on Evidence," and in fact is the accepted law text on that subject in our State.

Mo's career in the House of Representatives has been one of exemplary and dedicated service to Arizona and the Nation. Many of this land's strongest and most effective environmental laws can be traced to MORRIS UDALLL. Throughout his tenure in the House, and particularly as chairman of the Interior Committee, Mo's hallmark has been that he is a tough and hardnosed legislator but at the same time a reasonable man to deal with.

Most Americans became familiar with Mo UDALL in 1976 during the Presidential primaries. Although he faced seemingly insurmountable odds—it is an awesome challenge for a Congressman from southern Arizona to seek the U.S. Presidency—Mo entered the Democratic National Convention in New York second only to Jimmy Carter in delegates. His campaign will be remembered as honest, straightforward, gallant, and hugely successful.

Mo's constituents from southern Arizona, which include myself and my family, would, I venture to say, agree nearly unanimously that it would be difficult to find a more open and friendly man to represent them in Congress. Indeed, his marvelous and quick sense of humor have endeared him to millions of Americans throughout the land. Mo possesses that indefinable quality that allows him in one-on-one conversations to make the other persons feel as if their concerns are the most important things in the world to him at that moment. And they genuinely are.

Mr. President, I hope my colleagues will join me in congratulating Congressman MORRIS K. UDALL for his 20 years of service to this great Nation. I, for one, hope that another 20 will follow.●

GOVERNMENT BAD DEBTS: A NATIONAL DISGRACE THAT DEMANDS IMMEDIATE ACTION BY CONGRESS.

● Mr. DECONCINI. Mr. President, on May 7, the Director of the Office of Management and Budget, David Stockman, released the findings of the debt collection project that was ordered by former President Carter back in August 1979. The results are staggering and indicate to this Senator that the amount of money owed the Government and seriously delinquent is a national nightmare. According to the debt collection project report, which addressed debt collection problems in 24 Federal agencies, $10 billion of debt had been reported improperly in the Government's financial statements; more than $25 billion of the $175 billion in debts owed the Government on September 30, 1979, were either delinquent or in default; another $8.4 billion in loans were in some form of stretchout status because of borrowers' inability to pay; another $1 billion in bad debts were written off in fiscal 1979 and it is expected that another $6.3 billion in bad debts will be written off in the future.

Despite this gloomy picture of the bad debt situation in the Federal Government, I am pleased to see that Congress has been moving toward passage of legislation that will attack this problem head on. I am a cosponsor of S. 691—a bill introduced by Senator PERCY back in February, which will take a number of innovative steps to crack down on bad debt collection procedures by Uncle Sam. OMB Director Stockman, in an appearance before the Senate Governmental Affairs Committee, called for additional legislation to improve debt collection.

I was disappointed, however, to see the Senate, by a vote of 42 to 49 last Friday, to reject my amendment to the first budget resolution for fiscal year 1982 (S. Con. Res. 19) which would have, among other things, called for the collection of $1,750,000,000 in bad debts next year. The Senate rejected my amendment to the reconciliation instruction resolution (S. Con. Res. 9) on April 1 by a vote of 43 to 53 which called for identical savings in debt collection in fiscal 1982. So the taxpayers are getting crossed signals from the Senate. On the one hand, my colleagues are beating the table about the disgraceful bad debt situation in the Federal Government and moving legislation to address the problem, but when it comes down to a straight up-and-down vote on going after a specific dollar amount of bad debts, they back off and vote "no."

Mr. President, I intend to pursue my effort to pin the Federal establishment down on a specific amount of bad debts to collect in fiscal year 1982. The Senate Budget Committee has effectively washed their hands of going after specific debt collection savings in fiscal year 1982, so I intend to take my case to the Appropriations Committee to effect the changes necessary to force the agencies and departments to go after bad debts vigorously. The only way to make them do it is to cut the Federal budget and make the agencies recoup the lost money through more aggressive debt collection practices.

Mr. President, I ask that a fact sheet on the OMB debt collection project and a copy of OMB Director Stockman's April 23 testimony before the Governmental Affairs Committee be printed in the RECORD.

The material follows:

[Fact Sheet]

MAY 7, 1981.

OFFICE OF MANAGEMENT AND BUDGET

STAFF STUDY ON DEBT COLLECTION

Summary: Today the Director of the Office of Management and Budget, David A. Stockman, released the Debt Collection Project, a Staff Report on Strengthening Federal Credit Management, that was completed in January, 1981. The purpose of releasing the report at this time is to demonstrate the magnitude of Federal credit management problems. The data and recommendations offered in this staff study are being reviewed by the current Administration as a part of the Program to Strengthen Federal Credit Management.

Background: On April 23, 1981, President Reagan ordered the heads of all Federal departments and agencies to institute more effective debt collection practices and better credit management. He directed that an official be designated in each department and agency by May 15, 1981, for debt collection. Additionally, he ordered a review of current debt issues and requested a plan for improved debt collection be submitted to the Office of Management and Budget by September 30, 1981.

The staff study released today was begun in August, 1979 and conducted by public and private sector personnel in 24 Federal agencies which account for 95 percent of the debt owed to the Federal Government.

A significant finding of the study was that reliable data does not exist in many areas. The study showed that $10 billion of debt had been reported improperly in the Government's financial statements.

The study offered a wide range of conclusions and recommendations for improving the Government's debt collection. These are in the areas of:

Holding managers accountable for their performance in credit management and debt collection;

Ensuring the adequacy of resources to perform effectively in credit areas;

Providing government managers with some of the same tools used in private sector credit management; and

Providing stronger oversight from within OMB of the executive agencies' policies, procedures and practices.

Actions by the administration

The Administration will develop and pursue the implementation of the recommendations it believes appropriate, as expressed by Mr. Stockman in hearings conducted April 23, 1981, before the Senate Committee on Governmental Affairs. These include:

Requiring credit applicants to furnish their social security numbers for credit management purposes;

Screening applicants seeking either Government direct or guaranteed credit with the Internal Revenue Service to assure that credit is not extended inadvertently to those who have failed to pay their taxes;

Referring pertinent information on delinquent debtors to credit bureaus for inclusion in their credit records, thus provid-

ing an additional incentive for more timely repayment by delinquent debtors;

Requiring the assessment of interest on non-tax debts due the government at the Treasury's Tax and Loan Account Investment Rate, additional charges to provide for recovery of the costs incurred by the Government to collect delinquent debts, and, when appropriate, a penalty charge for debts that are more than 90 days past due;

Raising the interest rate on delinquent taxes due the Internal Revenue Service from 90 to 100 percent of the prime rate, with annual adjustments;

Allowing agencies to redisclose delinquent debtor addresses obtained from the Internal Revenue Service to private sector contractors in pursuing collection of debts;

Providing for the offset of delinquent debts owed the Government by Federal employees against their salaries;

Allowing the courts more latitude in the use of special appointments to serve summonses in Federal debt cases when U.S. Marshals are not available for timely serving;

Making it a Federal offense to assault a Federal employee during the course of the official duties in collecting amounts due the Government; and,

Clarifying that the six year statute of limitations does not prevent the administrative offset of delinquent debts owed the Government against future payments, benefits, or refunds due the delinquent debtors.

STATEMENT OF DAVID A. STOCKMAN

Mr. Chairman and Members of the Committee: I am pleased to be here today to discuss the need to improve debt collection in the Federal Government and to ask for your support in an effort that can realize its full potential only with the support of the Congress.

THE PROBLEM

When the Administration first began to assess the many major problems it faced in achieving economic reform, one of our first discoveries was the enormity of the amount of overdue and uncollected debts owed the Government.

We learned that:

More than $25 billion of the $175 billion in debts owed the Government on September 30, 1979, were either delinquent or in default.

An additional $8.4 billion in loans were in some form of rescheduled or stretch out status because of borrowers' inability to pay.

Over $1 billion in bad debts were written off in fiscal year 1979.

In addition to the $1 billion just mentioned, we expect to have to write-off an approximately $6.3 billion more in the future.

As a result of this situation, this Administration has placed a high priority on improving the Government's debt collection approach and processes. Currently, we are examining in detail alternative approaches to solving the problems facing us in this area. The problems are many faceted in nature and require both executive management and legislative remedies.

They involve:

The inadequacy of agency resources to deal with the workload;

The inadequacy of our accounting and information systems to provide timely and accurate information;

The inconsistent application of debt collection policies and regulations;

A litigation process badly in need of improvement; and

Current Federal laws and regulations that inhibit the Government's use of collection tools readily available in the private sector.

THE ADMINISTRATION'S MANAGEMENT APPROACH

We would not feel justified in coming to the Congress for legislative remedies without first having explored every avenue of administrative action we could take within the Executive Branch. We have done so.

First, the President has directed that the heads of Executive departments and establishments undertake an aggressive program to improve their debt collection practices. To carry out this directive, we are providing them a comprehensive framework which requires them to:

Designate an official with responsibility and authority for debt collection;

Prepare a detailed plan of action describing major debt collection issues;

Identify the specific actions and steps to be taken in resolving those issues;

Establish a timetable for accomplishing each action and step; and

Report periodically to me on their progress in reducing outstanding delinquencies and defaults.

We expect the agency action plan to address the problem of inconsistent application of policies and regulations, along with other administrative issues.

On the agency resource issue—we will be working closely with the agencies as part of the budget process to determine their resource needs and how best to fulfil them. It may be that contracting out certain debt collection functions to the private sector may make the most sense in some situations. The same may be true with respect to accounting and servicing activities.

We have been working with the Treasury Department to revise and improve the current reporting system which provides information on debt owed the Government. Under the revised reporting system which we expect will go into effect September 30 of this year, Treasury will begin collecting information never before available. This includes the amount and age of receivables that are past due; along with sufficient data needed to evaluate the agency debt collection activity.

Finally, my staff will be working closely with Justice officials to install improvements in the organization and administration of the litigation process as it affects our debt collection efforts.

ADDITIONAL LEGISLATION NEEDED FOR IMPROVED DEBT COLLECTION

Administrative actions alone will not solve the Government's debt collection problems.

Legislative actions are needed to eliminate some of the disincentives that presently exist in the Government's debt collection process; to make available essential tools and techniques commonly used in the private sector; and, to provide for increased efficiency and effectiveness in the way the Government goes about granting, servicing, and collecting credit.

Mr. Chairman, the legislative remedies we ask that you and the Committee support would provide for:

Requiring credit applicants to furnish their social security numbers for credit management purposes;

Screening applicants seeking either Government direct or guaranteed credit with the Internal Revenue Service to assure that credit is not extended inadvertently to those who have failed to pay their taxes;

Referring pertinent information on delinquent debtors to credit bureaus for inclusion in their credit records, thus providing an additional incentive for more timely repayment by delinquent debtors;

Requiring the assessment of interest on non-tax debts due the government at the Treasury's Tax and Loan Account Investment Rate, additional charges to provide for recovery of the costs incurred by the Government to collect delinquent debts, and, when appropriate, a penalty charge for debts that are more than 90 days past due;

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Providing for the offset of delinquent debts owed the Government by Federal employees against their salaries;

Allowing the courts more latitude in the use of special appointments to serve summonses in Federal debt cases when U.S. Marshals are not available for timely serving;

Making it a Federal offense to assault a Federal employee during the course of his official duties in collecting amounts due the Government; and,

Clarifying that six year statute of limitations does not prevent the administrative offset of delinquent debts owed the Government against future payments, benefits, or refunds due the delinquent debtors.

Mr. Chairman, these legislative changes are essential to a strengthened Debt Collection Program for the Federal Government. We urge the Congress to consider and enact these legislative initiatives as soon as possible so that we can move quickly to reduce the amount of delinquent debt owed the Government.

I can assure you that the Administration is fully committed to improving the debt collection process in the agencies and welcomes the continuing support of this Committee and the Congress in our efforts.

Mr. Chairman, this concludes my prepared statement. I will be happy to answer any questions you may have.●

JACK ALBERTSON RECEIVES THE AMERICAN THEATER ARTS FIRST ANNUAL AWARD

● Mr. CRANSTON. Mr. President, on Saturday, May 16, the American Theater Arts Conservatory and Company honored Jack Albertson with its first annual "ATA Award for Lifetime Achievement in the Entertainment Arts." It seems a fitting recognition of Jack's long and richly varied career in show business—as a dancer, singer, and comedian in revues and as an actor whose skill has enabled him to play roles ranging from the most intensely dramatic to the most comic. To ATA and to so many of Jack's coworkers and admirers over the years, he exemplifies the kind of professionalism that people in the entertainment world would emulate. During his 50 years in the business, he has played vaudeville, radio, theater, film, and TV and has won what is called the "triple crown of show business"—an Emmy, an Oscar, and a Tony award.

For all of us who laughed with him in "Chico and the Man" or "The Sunshine Boys" or were moved by his portrayal of the father in "The Subject Was Roses"—or whatever we best remember and loved Jack Albertson in—I know we share in congratulating him on this award and in wishing him many, many more wonderful roles ahead.●

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate recesses today it stand in recess until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. STEVENS. Mr. President, I ask that the following Senators each be recognized, following the time for the two leaders, after we have convened tomorrow morning, for a period of 15 minutes for a special order: Senators HEFLIN, BOREN, CHILES, DECONCINI, ROBERT C. BYRD, and the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Mr. President, I move that the Senate stand in recess under the previous order until the hour of 11 a.m. tomorrow.

The motion was agreed to; and at 12:18 p.m. the Senate recessed until Tuesday, May 19, 1981, at 11 a.m.

79-059 O - 84 - 13 (Part 8)

HOUSE OF REPRESENTATIVES—*Monday, May 18, 1981*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.
May 15, 1981.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on Monday, May 18, 1981.

THOMAS P. O'NEILL, JR.,
Speaker of the House of Representatives.

PRAYER

Rev. Edward G. Latch, D.D., former Chaplain of the House of Representatives, offered the following prayer:

God is our refuge and strength, a very present help in trouble. Therefore will we not fear.--Psalms 46: 1.

Eternal God, our Father, we pause in Thy presence to offer unto Thee the devotion of our hearts and to turn another page in the story of our beloved country. As we who were once Members of this body and we who are now Members assemble together in this historic place awaken within us the realization that Thou hast a purpose for each one of us and that Thou art the sustainer of our spirits every day and all the way. Facing this hour and the hours to come may Thy presence strengthen us, Thy spirit guide us, and Thy wisdom make us wise.

Bless our President, our Speaker, and the Members of this body, new and old. Together may we have the mind to do justly, to love mercy, and to walk humbly with Thee. Keep them truehearted and wholehearted, faithful, and loyal all the time, all the way forever and ever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 875. An act to authorize the generation of electrical power at Palo Verde Irrigation District Diversion Dam, California;

S. 1070. An act to extend the authorization for youth employment and demonstration programs, and for other purposes;

S. 1123. An act to permit certain funds allocated for official expenses of Senators to be utilized to procure additional office equipment; and

S. 1133. An act to amend the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of such act for fiscal year 1982, and for other purposes.

The message also announced that the President pro tempore, pursuant to Public Law 96-374, appointed Robert K. Thomas, Frank Newman, Caroline Shaw Bell, Joyce Holmes Benjamin, James C. Summers, Father Charles L. Currie, Dr. James M. Kraby, and Rev. William J. Sullivan, from private life, to the Commission on National Development in Postsecondary Education.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 14, 1981, the House will stand in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER pro tempore. The Chair at this time has the high honor and personal pleasure of welcoming to the Chamber, on behalf of all the sitting Members, the distinguished former Members of Congress here present.

The Chair has the honor of introducing to the Members the respective representatives of both parties to welcome our former colleagues to this day in their honor.

The Chair recognizes the distinguished Republican leader of the House, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Thank you, Mr. Speaker.

First, may I say, Reverend Latch, how good it is to have you back here praying us off to a good start again.

Mr. Speaker, I guess I have always been glad to participate in these proceedings, for it is the only occasion when can I be sure to see some of my colleagues who actually served here when there was a Republican Speaker and Republican majority in this House.

I read in this morning's paper where Walter Judd said, "And the voters see to it that we have an endless supply of fresh recruits."

Well, I just want the record to show that as much as we look forward to meeting our friends and our colleagues, we have some question about those recruiting techniques the electorate takes advantage of every once in a while.

I certainly want to join the Speaker and the majority leader in extending our welcome. The floor of the House is a place that holds many memories for each of us, both for individuals and for those who served in the Congress for our Nation. Your former Members' organization is a sort of living embodiment of those memories. You do represent a living, vital link with what has gone on before. Whether experience is the best teacher is something we will leave for the philosophers to argue, but it is certain that in political life there is no substitute for the kind of experience every Member of this fine organization brings to our country, and particularly to those of our young people in high schools and colleges these days, who I understand are getting the benefit of visits from Members of this fine organization.

I am just very happy to see so many of my old friends. While I look forward some day to being numbered among those who will come back and renew acquaintances, I just hope that whenever the time comes it is a voluntary choice, and not one of involuntary action on the part of my electorate.

Thank you so much.

The SPEAKER pro tempore. The Chair recognizes the acting majority leader of the House, the gentleman from Texas (Mr. HANCE).

Mr. HANCE. Mr. Speaker, on behalf of the distinguished Speaker of the House, Mr. O'NEILL, and the distinguished majority leader, Mr. WRIGHT, and the distinguished majority whip, Mr. FOLEY, I want to welcome your being here.

I think of something that happened the first time I ran for Congress. I was seeking to replace our friend and your friend, George Mahon, and I was asked in a town hall meeting if I wanted to serve in Congress for 44 years. My answer was, I hoped I would be alive and well in 44 years, whether I served in Congress or not.

This is a group that I can tell is alive and well. We are glad to have you back.

The other thing I was thinking about is that I take a lot of pride in the fact that this group, anyone who serves in this body, we have one thing in common. You know, you can serve in the other body through appointment, and even President of the United States, other than through the election process under unusual circumstances sometimes. But, to serve in this body you have to walk through that district, knock on those doors, ride in those parades and do all the things that you have to do to get to know the people in those districts to be able to come to the House of Representatives. That is just one of the many things I think distinguishes the House from other parts of the electoral process in the United States of America. It is a thing I speak of with pride, because this is the voice of the people.

We are glad to have you back. We look forward to chatting with you throughout the day, and we are glad to see all of you looking very alive and well.

We wish that you were here to help us solve all the tax problems, because the controversy of the day always seems to be the biggest controversy of all time; but, in talking to many of you, I find that those controversies of yesterday were probably of even larger profile than the controversies of today. We do appreciate your coming back and visiting with us today. Thank you.

The SPEAKER pro tempore. The Chair directs the Clerk to call the roll of former Members of Congress.

The Clerk called the roll of former Members of Congress, and the following Members answered to their names:

Elizabeth Andrews, Alabama; Leslie C. Arends, Illinois; Robert T. Ashmore, South Carolina; William H. Ayres, Ohio; Alvin J. Baldue, Wisconsin; Laurie C. Battle, Alabama; Andrew J. Biemiller, Wisconsin; John A. Blatnik, Minnesota; J. Caleb Boggs, Delaware; Daniel B. Brewster, Maryland; Charles B. Brownson, Indiana; Elford A. Cederberg, Michigan; Charles E. Chamberlain, Michigan; Frank M. Clark, Pennsylvania; Del Clawson, California.

James C. Cleveland, New Hampshire; Albert M. Cole, Kansas; W. Sterling Cole, New York; Jorge L. Cordova, Virgin Islands; Isidore Dollinger, New York; Harold D. Donohue, Massachusetts; William Jennings Bryan Dorn, South Carolina; Melvin H. Evans, Virgin Islands; Michael A. Feighan, Ohio; Charles K. Fletcher, California; John J. Flynt, Jr., Georgia; J. Allen Frear, Jr., Delaware; Edward A. Garmatz, Maryland.

G. Elliot Hagan, Georgia; Robert P. Hanrahan, Illinois; Ralph R. Harding, Idaho; Porter Hardy, Jr., Virginia; Harry G. Haskell, Jr., Delaware; Brooks Hays, Arkansas; Lawrence Hogan, Maryland; Earl Hogan, Indiana; Chet Holifield, California; Craig Hosmer, California; Roman L. Hruska, Nebraska; Walter H. Judd, Minnesota.

David King, Utah; Horace R. Kornegay, North Carolina; Theodore R. Kupferman, New York; John Lindsay, New York; Peter N. Kyros, Maine; Jim Lloyd, California; Hervey G. Machen, Maryland; Donald McGinley, Nebraska; Thomas J. McIntyre, New Hampshire; William S. Mailliard, California; Edwin H. May, Jr., Connecticut; George Meader, Michigan; D. Bailey Merrill, Indiana; John S. Monagan, Connecticut; Charles A. Mosher, Ohio.

Frank E. Moss, Utah; Abraham J. Multer, New York; Edmund S. Muskie, Maine; F. Jay Nimtz, Indiana; Alexander Pirnie, New York; James M. Quigley, Pennsylvania; John M. Robsion, Jr., Kentucky; J. Edward Rousch, Indiana; Harold M. Ryan, Michigan; Herman T. Schneebeli, Pennsylvania; Fred Schwengel, Iowa; William L. Scott, Virginia.

Armistead I. Selden, Jr., Alabama; Henry P. Smith III, New York; Neil Staebler, Michigan; Lynn Stalbaum, Wisconsin; Tom Steed, Oklahoma; Mrs. Sullivan, Missouri; John H. Terry, New York; Lera Thomas, Texas; James E. Van Zandt, Pennsylvania; Charles W. Whalen, Jr., Ohio; Ralph W. Yarborough, Texas.

The SPEAKER pro tempore. The Chair now has the pleasure of recognizing the Honorable William S. Mailliard, a former Member of Congress and president of the Association of Former Members of Congress, for such time as he may consume.

The gentleman from California.

Mr. MAILLIARD. Thank you, Mr. Speaker.

Mr. Speaker, our thanks to the distinguished minority leader and the acting majority leader for your welcome.

Mr. Speaker, this is the 11th anniversary of the Association of Former Members of Congress, and I am pleased to report to you that we are flourishing. We now have over 600 Members who have served in the House or the Senate or, in many cases, both Houses of the U.S. Congress.

We thank the House and you for this opportunity to report briefly on our past year's educational, social, and research activities. In the interest of brevity, we have condensed this report on many things we have been doing, but there are some things we think important enough to share with you.

First, Mr. Speaker, we are honored today to have as our guests five former members of the Bundestag of the Federal Republic of Germany who are members of an association similar to ours in their country. We wish to welcome Dr. Bruno Heck, Dr. Richard Jaeger, Hon. Wolfram Dorn, Hon. Georg Kahn-Ackerman, and Hon. Joachim Raffert. Their Society of the Former Members of the Bundestag is working with us toward the establishment of an International Association of Former Parliamentarians, and I would like to suggest that we show them our welcome. [Applause.]

These distinguished gentlemen, in some cases, have not only served as members of the Bundestag, which they all are but several have been cabinet members. When this meeting is finished, they are accompanying some of us on Wednesday to "Wingspread," the Johnson Foundation's Conference Center at Racine, Wis., where we will participate in a conference on United States-German relations. This will be the fourth seminar at "Wingspread" we have cosponsored with the Johnson Foundation.

Second, I want to report to you that we have a very active board of directors of the former Members of Congress, and let we name them:

Gordon Allott; Catherine May Bedell; Andy Biemiller; Danny Brewster; Chuck Brownson; Charles Fletcher; Bill Hungate; Martha Keys; Gale McGee; Jim Quigley; Hugh Scott; Carlton Sickles; Robert Taft; John Ware; and Brooks Hays and Walter Judd, our founders.

Before proceeding with the report, let me express my sincere appreciation for the great service rendered by our staff, our executive director, Jed Johnson, a former Member of Congress himself; our counselor, Henry Smith, also a former Member; and our staff secretary, Dorothy Bageant, who as our staff secretary works beyond belief to make our goals and ideas come to pass.

I have been blessed personally by dedicated officers: John Monagan, our vice president; "Ted" Moss, our secretary; and Chuck Chamberlain, our treasurer, who, together with our immediate past president, Carlton Sickles, make up a hard working executive committee. And, of course, our founding members, Walter Judd and Brooks Hays, participate actively, and we are most fortunate to have their continued experience and support.

As you may be aware, Mr. Speaker, we have a very active campus fellows program, with a register of over 200 members who have volunteered to participate. It provides the opportunity for college students and faculty to meet with persons who have served in the U.S. Congress who visit these college campuses as visiting fellows for up to a week at a time. Our campus fellows program today is completing its 75th campus visit with the visit of Gilbert Gude of Maryland to Bainbridge Junior College in Georgia. The program has been immensely successful in bringing the Congress to the campus, and we wish to thank our foundation and corporate sponsors who have made it possible.

Mr. Speaker, under the authority granted to me to revise and extend their remarks, I include here a list of the schools that have been visited and a list of the Members who have visited them, together with some comments we have received back from these various institutions. The list is as follows:

COLLEGES AND UNIVERSITIES VISITED IN 1980 UNDER CONGRESSIONAL ALUMNI CAMPUS FELLOWS PROGRAM

College/university	State	Fellow	State
Alaska Pacific University	Alaska	William S. Mailliard	California.
Alfred University	New York.	Frank E. Moss	Utah.
Arizona State University	Arizona	Gale W. McGee	Wyoming.
Baylor University	Texas	James Roosevelt	California.
Bradley University	Illinois	Charles W. Whalen, Jr.	Ohio.
Brandeis University	Mass	Abner J. Mikva	Illinois.
Chatham College	Penn	Catherine May Bedell	Washington.
Coast Guard Academy	Conn	Ralph W. Yarborough	Texas.
College of the Sequoias	Calif	Gale W. McGee	Wyoming.
Concordia College	Michigan	Walter H. Moeller	Ohio.
Connecticut College	Conn	Ralph W. Yarborough	Texas.
Davis & Elkins College	W. Va	J. Glenn Beall, Jr	Maryland.
DePauw University	Indiana	Hugh Scott	Penna.
Gustavus Adolphus College	Minn	Charles W. Whalen, Jr.	Ohio.
Hiram College	Ohio	Roman L. Hruska	Nebraska.
Hope College	Mich	Walter H. Judd	Minnesota.
King's College	Penn	Philip Hayes	Indiana.
Mary Hardin-Baylor	Texas	Brooks Hays	Arkansas.
Mesa Community College	Arizona	Gale W. McGee	Wyoming.
U.S. Naval Academy	Maryland	William S. Mailliard	California.
Northern Illinois University	Illinois	William L. Hungate	Missouri.
Randolph-Macon College	Virginia	Gale W. McGee	Wyoming.
St. Lawrence University	New York.	Roman Pucinski	Illinois.
Syracuse University	New York.	Charles W. Whalen, Jr.	Ohio.
University of Alaska	Alaska	William S. Mailliard	California.
University of North Dakota	N. Dak	Neil Staebler	Michigan.
Virginia Military Institute	Virginia	Gale W. McGee	Wyoming.
Washington & Lee University.	Virginia	Gale W. McGee	Wyoming.

Mr. Speaker, we had a most successful 10th annual fall meeting in Mexico City last November. The U.S. Embassy was most helpful, and members of the Mexican Congress were most gracious in briefing us about the Mexican Government and in hosting us at a luncheon and a reception at the Senate offices. Most of the participating Members and their spouses went on to enjoy a couple of days in Cancun, and we had the adventure of an unscheduled debarking at Merida because of some alleged but nonexistent fog at Cancun. I must say that spending the night at the Merida Airport is not recommended recreation.

This September we will have our fall meeting at Minneapolis. As you know, both the Governor of the State, Al Quie, and the mayor of the city, Don Fraser, are members of the Association of Former Members of Congress.

We look forward to a pleasant and instructive visit with them, and, Mr. Speaker, we invite you to join us there.

Internationally, we have successfully completed programs in interpreting the Congress in the following countries: Canada, Mexico, Japan, Australia, Malaysia, the Philippines, the United Kingdom, Belgium, France, the Federal Republic of Germany, Nigeria, China, and Indonesia. So we have not only been visiting campuses, we have been visiting countries.

We have a third upcoming trip to China this fall in which some 40 of our members and families will participate. Last June we had a most successful study trip of the European communities. Plans are underway for a study trip next spring to visit Egypt and Israel.

Under a grant from the Japan-United States Friendship Commission, a highly successful seminar comparing the legislative workings of the Japanese Diet and the U.S. Congress was held in Honolulu, February 11 to 14, at the Cultural Learning Institute of the East-West Center. This project, from which the seminar arose and which is the first comprehensive comparative study of the two legislative bodies, will result in the publication of a handbook in Japanese and English of the scholarly papers prepared by academic experts on the Diet and the Congress and will be made available to Members of both bodies as well as other governmental officials.

I may say that this study arose out of a previous conference we had with the Japanese where, when we tried to look in the library for some effort to explain the differences in the way the two legislative bodies function, we found it did not exist. So out of that experience we think we are going to be able to produce something that will be very useful to the sitting Members if they are engaged in colloquies with the Japanese.

This was the fourth binational and the third parliamentary exchange program held between former Members of Congress and Japan.

Here, Mr. Speaker, let me supply for the RECORD the detail of those prior trips:

COMMENTS ON CONGRESSIONAL ALUMNI CAMPUS FELLOWS PROGRAM

"We have had a post-visit assessment for the week. Congressman Biemiller's visit was of benefit to all of us; he did an excellent job. My personal observation was that he was equally successful with students, faculty and community members. . . . You have a first class program here and it is of great importance to colleges across the country."—Alex B. Lacy, Jr., President, Sangamon State University, Springfield, Illinois, March 3, 1980.

"Dr. Judd was very well received in all his presentations. Community persons, as well as many Hope College students, heard his presentations. The question and answer periods were lively and informative. Dr. Judd is witty, charming, persuasive, intelligent, and extremely well-informed."—James M. Zoetewey, Chairman, Political Science Department, Hope College, Holland, Michigan, March 17, 1980.

"Senator Yarborough's visit was an unqualified success. He charmed everyone he met. His formal presentations were brief, informative, and witty. The groups he met then bombarded him with friendly but solid questions at which point Senator Yarborough completely conquered his audiences with his wit, candor, and judgment."—Irving H. King, Department of Humanities, U.S. Coast Guard Academy, New London, Connecticut, April 23, 1980.

"In my judgment, one of Senator Beall's most important accomplishments here, both in the classrooms and at informal meetings with students, is that he impressed them as a person of integrity and ability and certainly increased their understanding of and respect for politicians and the work of the Congress."—Thomas R. Ross, Chairman, The Department of History, Davis & Elkins College, Elkins, West Virginia, April 24, 1980.

"The most succinct and complete way I can think of to tell you how useful Mr. Pucinski was to us is to refer you to the enclosed schedule of his activities. Let me just add to that my own assessment of the visit, an assessment corroborated to me by all the instructors and many of the students with whom Mr. Pucinski came into contact: our guest was unfailingly astute and insightful on the whole wide range of subjects he addressed, and he gave us exactly what we had hoped for—that practitioner's-eye view that we, theoreticians, need to offer our students, but can't, of course, give from our own experience. Mr. Pucinski's wide-ranging experience was an invaluable resource for us, and we thank you for helping him to share it with us."—Calvin F. Exoo, Department of Government, St. Lawrence University, Canton, New York, June 10, 1980.

"I am pleased to report that former Senator Hugh Scott's visit to DePauw University was a resounding success. We had Senator Scott visit four different classes over the three day period and deliver a convocation address, as well as meet informally with small groups of students and faculty. In each case the response was overwhelmingly positive. Senator Scott gave of his time unselfishly, and shared his vast experience and insight with each individual he came in contract with."—Byron W. Daynes, Ph.D., Chairman and Associate Professor, DePauw University, Greencastle, Indiana, October 17, 1980.

"I want to thank you and Former Members of Congress for making possible Ted Moss' visit to the Alfred campus September 30-October 2. As the enclosed schedule indicates Moss appeared in ten classes, five of them two hours long, with an average of 20 students per class. The students were delighted for the opportunity to hear his perspective on a wide variety of issues and comments were uniformly positive. Moss' relaxed style put the students at ease, and he responded to questions in a direct way which satisfied the questioner. He endured a rather grueling schedule of appearances with unfailing good humor and grace."—Dr. Thomas Rasmussen, Associate Professor of Political Science, Alfred University, Alfred, New York, October 28, 1980.

"The visit from Congressman Whalen was an enormous success, judging from the enthusiastic comments of students and faculty. His easy manner with students gave them the confidence to ask questions and created an atmosphere for dialogue, which was very constructive."—Linda L. Fowler, Assistant Professor, Syracuse University, Syracuse, New York, December 8, 1980.

"I am pleased to report to you the complete success of the recent visit of Judge Abner J. Mikva to Brandeis University. There is no doubt that our students and faculty were rewarded with a stimulating and enriching experience by Judge Mikva's presence.

Judge Mikva communicated his concerns not only as a former congressman and a jurist, but as a humanist. As such he enhanced the dignity of the political and legal professions. His humanism was brought to my attention by students and faculty alike."—Sanford M. Lottor, Director of Continuing Studies, Brandeis University, Waltham, Massachusetts, December 12, 1980.

"The College very much enjoyed working with the Campus Fellows Program, and appreciated having a great deal of flexibility in preparing Mrs. Bedell's schedule. It gave us the opportunity to tailor Mrs. Bedell's visit to the specific needs of our institution. I believe that her visit, in terms of length and scheduling, was perfect for Chatham's needs.

In short, we at Chatham have nothing but positive feelings about Mrs. Bedell's visit . . ."—Janet Sarbaugh, Assistant to the President, Chatham College, Pittsburgh, Pennsylvania, December 22, 1980.

Here at home, we are just completing our first oral history project named "The Modern Congress in American History," funded essentially by the National Endowment for the Humanities and also by the Rockefeller Foundation, the Finance Factors Foundation, and by many separate individual contributions. The transcripts of these some 100 interviews of former Members of Congress will be placed in the Library of Congress for the use of scholars and historians and, the microfilming Corp. of America will produce a microfiche edition which will be available nationally.

Mr. Speaker, it is now my unhappy duty to report to the House the name of our deceased alumni since our meeting last year. They are:

Emanuel Celler of New York; Peter Dominick of Colorado; Jacob Gilbert of New York; Charles Hoeven of Iowa; Carl Hoffman of Pennsylvania; Paul Jones of Missouri; John McCormack of Massachusetts; George Outland of California; and Olin Teague of Texas.

Mr. Speaker, I suggest that we might have a moment of silence in memory of our departed colleagues.

[The Members and guests standing.]

Mr. Speaker, each year we present a distinguished service award. This is, of course, a nonpartisan award presented in recognition of outstanding service to the Congress and to the Nation. Past recipients have been former Congresswoman and Ambassador Clare Boothe Luce of Connecticut; former Congressman George Mahon of Texas; the late former Vice President Nelson Rockefeller of New York; former Senator Sam Ervin of North Carolina; former President Gerald Ford of Michigan; the late former Speaker, John McCormack of Massachusetts; and the late former House Parliamentarian, Lou Deschler.

□ 1130

I submit that that is a distinguished group of names to present.

Now we are going to have the pleasure of adding another distinguished name to this roster. I will ask the Honorable Edmund Muskie of Maine to come forward to receive this year's award.

Edmund Muskie, you have given long and distinguished service to the Congress and the people of the United States for many years as a leader in the Senate of the United States and more recently as Secretary of State in a trying and internationally tense period of our Nation's history. We thank you for that service and I am delighted, both officially and personally, to present this award in recognition of your distinguished service.

I will simply indicate what these are and there are more to come. These are letters from your colleagues expressing their affection and appreciation.

This is a gavel. I will read the plaque that is next to it:

Presented to the Honorable Edmund S. Muskie on the floor of the House of Representatives by former Members of Congress in recognition of his distinguished service to the Republic. Monday, May 18, 1981, Washington, D.C.

Now, I am happy to yield to you for such remarks as you may choose to make.

Mr. MUSKIE. Thank you, Bill.

Mr. Speaker, and my colleagues, 22 years ago when I first came to the other body, I was told that freshmen were to listen and not speak. Well, I am a freshman member of this organization now; but the tradition has changed in the Senate. I see no reason to persist with it in this institution.

I have now had a few months to contemplate the significance of holding office as Governor, as a Senator, and as Secretary under the new title of "former." It seemed to me at first glance that the word former suggests that one's status has become meaningless, until I began to contemplate, first, that this status is the result of action by the electorate in most cases, so they are as responsible for our occupying our present status as they were in electing us to these institutions in the first instance; but second, I would like to give you a personal experience in dealing with these new titles that I find very interesting.

I have just returned from a trip to the Middle East of 11 days in the interests of my new law firm, carrying my passport, and if none of you have ever read your passport carefully, you will have overlooked what I did for so many years, an admonition on the inside of the back cover that the passport must be surrendered when the holder changes the status which is listed in the passport. So I proceeded to look at my status as listed in the passport and it was, "Former Secretary of State." I began to wonder when I would relinquish that status and thus be subject to the sanction of the passport regulation. So there is some meat to this status.

I once had a passport in the name of Secretary of State that I had to relinquish after 8 months and 20 days, but as former Secretary, I am safe.

I am most grateful for this award. I have listed carefully to the list of former recipients and regard it as a distinction to join their ranks.

I have one reservation about that. In too many instances you referred to former recipients as the "late former" Senator, Congressman, and so on. I hope I do not join that list too rapidly.

This is a time for some reminiscence. I will not indulge in it at length or carelessly; but I have been asked a question almost every day since I left office on January 20 that I have not found a satisfactory answer to. People continually ask, "Should we refer to you as Secretary or as Senator or as Governor?"

My replies have been up to this point some of these:

"Take your pick."

"I can't dictate it."

"Why don't you add Mr. to the list?"

"Why don't you resurrect some of the other things that I have been called from time to time in my public career?"

But I have been taking a survey of my own to see which of these titles people are most comfortable with. Interestingly enough, it is the title of Senator. Perhaps I was Secretary too short a time. Perhaps I was Governor too long ago; but I choose to believe that the title of U.S. Senator is still one revered and respected by the American people and my identification with it seems to come quite naturally to their lips.

As I travel abroad and meet with leaders of other countries, I find that they are impressed by the parliamentary service that I have been privileged to enjoy in this body; so I think there is sense to the continuation of our service here as former Members of Congress, Bill.

I am delighted to be a member of this new organization. My service in the Senate of the United States added a dimension to my life that has forever changed my life for the better in terms of a sense of fulfillment, of contribution, of commitment, of capacity to understand the issues with which our country is continually confronted from day to day.

I must say, since January 20, I have felt a comfortable sense of detachment from many of these issues as to which current Members of Congress find themselves voting and considering the wrath of their constituents as their constituents contemplate their record; but nevertheless, even my short tenure as Secretary of State gives me a perspective on continuing foreign policy problems, many of which are no different than they were a few months ago, but which now are being served by people with a different perspective, a different order of priorities, a different sense of values.

To be able to contemplate the emergence of new policies, to meet changing views, changing needs, changing pressures from our constituents, I think is a particular pleasure for those of us who have served in this body, a sense of partisanship seems not to be

as sharp once we leave this body; a sense of association in a common institution seems to be stronger and a binding one.

So I think we occupy a unique place in American life, a place that ought not to be passive, a place that ought not to be simply contemplative, but a place of continuing service in the sense that Bill Mailliard in his report has outlined to you here this morning.

I do not miss being in the Senate. Life goes on; but I do miss the associations of so many good friends in both Houses, which were the product of 22 years in the Senate.

Oh, I know there are mixed memories of those associations. John Blatnik, as he greeted me a moment ago, he said, "You know, Ed, you look like the younger brother of a very mean guy I used to have to face in water pollution conferences."

Well, I think a little pepper mixed with the salt adds to the pleasantness and the sharpness of the memories. I guess I did contribute my share of pepper and salt to my associations with the Members of this House. I know that I miss something in my recollections of the Congress in that I never served as a Member of the House. Those of you who served in both seem to have a special collection of memories, and I envy you that.

On the other hand, my recollection of the adversarial confrontations that I had with Members of the House, all respected, both sides of the aisle contributing finally to an amalgam of views representing public policy at the time, which is a measure of the viability of this institution.

This still, this legislative process, the bedrock in my judgment of our constitutional system. It is the one institution, the whole constitutional arrangement, which is by definition representative of our people.

I know people often say to me, "Why doesn't the Congress show more leadership?"

Well, the Congress is not supposed to be the leader. It is supposed to be representative of the people. Sometimes it steps out a little bit ahead of the people, but not very much. When it does, it is likely to have the reins pulled up hard. the people expect you to represent them, as they expected us. Because it is representative of them, we are their instrument for change. The President can propose, as he must and as he should and as he has, but the Congress if it is to serve its function must not abandon that function to the President or to the courts. It is here that the people in a republic can speak their views, their choice.

I think as I view the Congress and its performance over the last 22 years since I first came here, it has served that function eminently well. It serves it even when the majority changes. I like to be in the majority, but I have served in the minority before, and both have a role to play. I gather from reading the papers that both are playing their respective roles eminently well today.

Well, let me thank you again for the distinction, which I will never forget. These kinds of memorabilia are one of the things we take into private life with us when we leave public office. The only problem is that you cannot afford houses big enough now to contain them all; but I will surely find a place for this one.

Thank you all for today, but thank you even more for the years of association that you have given to me, to my wife, and to my family. Thank you.

Mr. MAILLIARD. Thank you, Ed, for a very appropriate response.

Finally, Mr. Speaker, I would like to report, it does not say this here in the script, but if the railroad runs as we intend it to, our President for next year will be John Monagan, former Democratic Congressman from Connecticut; our vice president, former Republican Congressman Charles Chamberlain, of Michigan.

In addition, I am informed that the nominating committee will at our business meeting nominate the following persons as directors; some are reelections, some are new:

Bill Hungate, Ted Moss, Bob Taft, John Ware, Glenn Beall, Abner Mikva, John Lindsay, Bill Springer, Richard Clark, El Cederberg, Brock Adams, and Jim Pearson.

Now, I want to wish the new President, who will take office on the 1st of July, every bit of the pleasure and fun that I have had out of it and even more success. I feel I have reported on a successful year, but I think each year generally is and should be a little better than the one that went before.

□ 1145

May I say in my last appearance as president that it has been a great deal of fun to have the excuse to keep in contact with so many former colleagues, that without this excuse I would not have had that pleasure.

Mr. Speaker, this concludes our 11th annual report to the Congress. We look forward to the next 11 years as even more productive.

Thank you for your patience and I yield back the balance of my time.

The SPEAKER pro tempore. Before concluding these proceedings the Chair wishes, on behalf of the officers and the Members of the House, to congratulate the Honorable Edmund S. Muskie as the recipient of this year's Distinguished Service Award, and to thank all of the members of the Association of Former Members of Congress for their continuing efforts in behalf of such programs as the congressional alumni program and the many other seminars and studies and meetings that the association has sponsored in the continued concern with the history of this institution and with interparliamentary affairs. Especially the Chair would like to thank all of the former Members of Congress and their special guests for their presence today and their personal commitment to this institution and to our common membership in which we take such great pride.

The Chair declares the proceedings concluded, and the Chair declares further that the recess shall continue until 12 post meridian today at which time the Chair will recovene to conclude the business of the day.

Accordingly (at 11 o'clock and 47 minutes a.m.), the House continued in recess until 12 o'clock noon.)

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 12 o'clock and 4 minutes p.m.

PRINTING OF PROCEEDING HAD DURING RECESS, AND GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the proceeding had during the recess to receive former Members be printed in the RECORD, and that all Members and former Members who spoke during the recess have the privilege of revising their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

NAZI CROOKS AND NAZI CRIMINALS

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, we are all too familiar with the criminal and conspiratorial plots of our homegrown Nazis to turn this great Nation into a fascist and racist police state. Not surprisingly, these Nazi hooligans have recently added a lucrative gimmick to their poisonous program.

They have begun to sell "victory bonds" for $880, to be redeemed the year after they come to power for $8,800.

Predictably, the primitive minded haters amongst us are eagerly buying these worthless mainifestos of lunacy.

Just a couple of weeks ago I stood a few feet from the President of the United States as he denounced—with feeling and passion—the Nazis of another era. I call on President Reagan today to request the Attorney Gener-

al, the Commissioner of Internal Revenue, and the Chairman of the Securities and Exchange Commission to undertake an immediate and full-scale investigation, at the highest level, of this malicious Nazi maneuver.

Our great Nation must not, and shall not remain complacent or impotent when challenged by Nazi criminals turned crooks.

UNICEF CODE OF MARKETING OF BREAST MILK SUBSTITUTES

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr OBERSTAR. Mr. Speaker, I was shocked beyond belief at the report last Friday that the United States intends to vote against the proposed World Health Organization and UNICEF code of marketing of breast milk substitutes.

The purpose of this voluntary international code is to offer protection to the most helpless of the world's population—the children, the newborn.

In the past I have been proud when the United States has stood alone against oppression and stood up for human rights. This time the United States will stand alone but in tragedy and in sadness as the only Nation, while 156 nations vote to support this code. A vote for the code would be a symbol of deep U.S. concern for suffering children throughout the world.

Our colleague, the gentleman from Iowa (Mr. HARKIN) and I have joined in a letter to the President urging him to reconsider what we consider to be a very unfortunate, tragic decision. I urge my colleagues to join us in signing this letter.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 18, 1981.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On Friday, May 15, the State Department announced that the United States intends to vote against the World Health Organization's (WHO) and UNICEF's International Code of Marketing of Breast Milk Substitutes. The vote on the Code is expected to occur tomorrow, May 19.

Speaking on behalf of 75 Members of Congress who have co-sponsored a House Resolution in support of the Code, and on behalf of millions of dying infants, we ask you to involve yourself personally in the decision-making process on the U.S. vote, and to reverse the decision made by your Administration.

The WHO-UNICEF Code deserves your support for one basic reason—it exemplifies the concern of the American people for improving the health and well-being of infants throughout the world. Children raised under conditions of poverty and poor sanitation are, of course, particularly vulnerable to the disease and high rates of malnutrition associated with improper bottle feeding.

According to the Director-General of WHO, evidence from the Third World indicates that infants breast fed for less than six months, or not at all, have a mortality rate five to ten times higher in the second six months of life than those breast fed for six months or more.

The Code also deserves your support because it offers a chance to enhance U.S. relations with developing countries—without spending an extra dime of the taxpayers' money. Many of our European allies are also strongly committed to the Code. Indeed, at present, only a few people in the United States seem to be in doubt as to the importance of the Code.

Mr. President, the stakes are high. The lives of millions of babies may depend on your decision. Please take the time to review—and overrule—the decision your Administration has made.

We would be happy to discuss this matter with you personally, and we will be available to meet with you this afternoon or at your convenience.

Respectfully,

Tom Harkin, James M. Jeffords, James Oberstar, Ron Wyden, Edward J. Markey, David Bonior, Benjamin A. Gilman, Paul Simon, Lawrence J. DeNardis, Bruce F. Vento, Members of Congress.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,
Washington, D.C., May 11, 1981.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
H-205 Capitol, Washington, D.C.

DEAR MR. SPEAKER: This is to advise you that, pursuant to sec. 8002 of the Internal Revenue Code, the following members of the Committee on Ways and Means have been designated to serve on the Joint Committee on Taxation during the 97th Congress:

Dan Rostenkowski (D., Ill.).
Sam M. Gibbons (D., Fla.).
J. J. Pickle (D., Tex.).
Barber B. Conable, Jr. (R., N.Y.).
John J. Duncan (R., Tenn.).

Sincerely yours,

DAN ROSTENKOWSKI,
Chairman.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., May 15, 1981.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit a sealed envelope from The White House, received in the Clerk's Office at 10:30 a.m. on Friday, May 15, 1981 and said to contain a message from the President wherein he transmits the second annual report under the Powerplant and Industrial Fuel Use Act of 1978.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

SECOND ANNUAL REPORT WITH RESPECT TO CONSERVATION OF FUEL IN FEDERAL FACILITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

Pursuant to the requirements of section 403(c) of the Powerplant and Industrial Fuel Use Act of 1978, I hereby transmit the second annual report describing actions of each Federal agency with respect to the conservation and use of petroleum and natural gas in Federal facilities. The period covered by the report precedes my term of office.

RONALD REAGAN.

THE WHITE HOUSE, *May 15, 1981.*

MAKING IN ORDER ON MAY 19, 1981, CONSIDERATION OF CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 115, FIRST CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1982, AND ANY AMENDMENTS IN DISAGREEMENT THERETO

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that it may be in order on Tuesday, May 19, 1981, or any day thereafter, to consider the conference report on House Concurrent Resolution 115, first concurrent resolution on the budget for fiscal year 1982, and any amendments in disagreement thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule 15.

Such rollcall votes, if postponed, will be taken on Tuesday, May 19, immediately after the record votes on suspen-

sion motions which might be ordered on that day.

FEDERAL MANAGER'S ACCOUNTABILITY ACT OF 1981

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1526) to amend the Accounting and Auditing Act of 1950 to require ongoing evaluations and reports on the adequacy of the systems of internal accounting and administrative control of each executive agency, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Federal Managers' Accountability Act of 1981".

SEC. 2. Section 113 of the Accounting and Auditing Act of 1950 (31 U.S.C. 66a) is amended by adding at the end thereof the following new subsection:

"(d)(1)(A) To ensure compliance with the requirements of subsection (a)(3) of this section, internal accounting and administrative controls of each executive agency shall be established in accordance with standards prescribed by the Comptroller General, and shall provide assurances that—

"(i) all obligations and costs are in compliance with applicable law;

"(ii) all funds, property, and other assets are safeguarded against waste, loss, unauthorized use, or misappropriation; and

"(iii) all revenues and expenditures applicable to agency operations are properly recorded and accounted for to permit the preparation of accounts and reliable financial and statistical reports and to maintain accountability over the assets.

"(B) The standards prescribed by the Comptroller General under this paragraph shall include standards to ensure the prompt resolution of all audit findings.

"(2) By Decemer 31, 1981, the Director of the Office of Management and Budget, in consultation with the Comptroller General, shall establish guidelines for the evaluation by agencies of their systems of internal accounting and administrative control to determine such systems' compliance with the requirements of paragraph (1) of this subsection. The Director, in consultation with the Comptroller General, may modify such guidelines from time to time as deemed necessary.

"(3) By December 31, 1982, and by December 31 of each succeeding year, the head of each executive agency shall, on the basis of an evaluation conducted in accordance with guidelines prescribed under paragraph (2) of this subsection, prepare a statement—

"(A) that the agency's systems of internal accounting and administrative control fully comply with the requirements of paragraph (1); or

"(B) that such systems do not fully comply with such requirements.

"(4) In the event that the head of an agency prepares a statement described in paragraph (3)(B), the head of such agency shall include with such statement a report in which any material weaknesses in the agency's systems of internal accounting and administrative control are identified and the plans and schedule for correcting any such weakness are described in detail.

"(5) The statements and reports required by this subsection shall be signed by the head of each executive agency and transmitted to the President and the Congress. Such statements and reports shall also be made available to the public, except that, in the case of any such statement or report containing information which is—

"(A) specifically prohibited from disclosure by any provision of law; or

"(B) specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs,

such information shall be deleted prior to the report or statement being made available to the public.

"(6)(A) The Inspector General of an executive agency or, if no Inspector General exists for an executive agency, the head of the internal audit staff, shall receive and investigate any allegation that an employee of the agency provided false or misleading information in connection with the evaluation of the agency's systems of internal accounting and administrative control or in connection with the preparation of the annual statement or report on the systems of internal accounting and administrative control.

"(B) If, in connection with any investigation under subparagraph (A), the Inspector General or the head of the internal audit staff, as appropriate, determines that there is reasonable cause to believe that false or misleading information was provided, he shall report that determination to the head of the agency.

"(C) The head of the agency shall review any matter referred to him under subparagraph (B) and shall take action under chapter 75 of title 5, United States Code, or such other disciplinary or corrective action as he deems necessary.".

SEC. 3. Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended by adding at the end thereof the following new subsection:

"(k) The President shall include in the supporting detail accompanying each Budget submitted on or after January 1, 1982, a statement with respect to each department and establishment of—

"(1) the original amount of appropriations requested by the Office of the Inspector General of such department or establishment, if any;

"(2) the changes made in such request by the head of such department or establishment prior to the submission of such request to the Director of the Office of Management and Budget;

"(3) any further changes made in such request prior to the submission of such Budget to the Congress.".

SEC. 4. Section 215 of the Budget and Accounting Act, 1921 (31 U.S.C. 23), is amended by adding at the end thereof the following new sentences: "The head of each department and establishment shall include with any such requests for appropriations a report on the status and progress made in having its accounting system approved by the Comptroller General pursuant to section 112 of the Accounting and Auditing Act of 1950. Such reports shall be included in the supporting detail accompanying each Budget submitted by the President on or after January 1, 1982, under section 201 of the Budget and Accounting Act, 1921.".

The SPEAKER pro tempore. Is a second demanded?

Mr. HORTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BROOKS) will be recognized for 20 minutes, and the gentleman from New York (Mr. HORTON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1526 is a contribution to the effort now being made in all quarters to reduce fraud, waste, and abuse in Federal programs and services. Allegations have been made, supported by substantial evidence in General Accounting Office studies, that such fraud and waste are widespread. The time for hand wringing has stopped, however, and the time to do something concrete has arrived. That is the purpose of this bill.

We can attack fraud and waste after post mortem discovery, but the horse is usually out of the barn by then. Our approach is to tighten internal controls so that the appropriate checks can be in place and operative before the fraud or waste occurs. This bill will require ongoing evaluations of the adequacy of systems for internal and accounting control in each executive department and agency. These evaluations, under guidelines to be established by the Office of Management and Budget, are to be conducted to determine if the agency systems are in compliance with standards to be prescribed by the Comptroller General. An annual statement by the agency head will certify the effectiveness of those controls or he will submit a schedule for strengthening any weaknesses that may exist.

The former Comptroller General, Elmer B. Staats, and the present Acting Comptroller both strongly support this legislation as a major step in achieving sound financial management. They are the experts. They know what is needed.

Millions, possibly billions, of dollars can be saved if our internal controls are working properly and the beauty of it all is that, according to the Congressional Budget Office, the initial effort to establish the standards and guidelines will be an added cost of only $125,000. This cost-benefit ratio will set a record of which we all can be proud.

I wish to make clear that the provisions of the bill directing the head of an agency to take disciplinary or corrective action as he deems necessary against an employee whom the Inspector General determines as having provided false or misleading information is not intended to enlarge the existing disciplinary powers of agency heads,

take away any statutory rights of employees, or affect the Office of Personnel Management's authority to issue regulations as authorized by law.

Mr. HORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 1526, the Federal Managers Accountability Act, which seeks to amend the Accounting and Auditing Act of 1950 by requiring ongoing evaluations and reports on the systems of internal control used by each executive agency. It is a good product, one that reflects the continuing interest of the Government Operations Committee in financial accountability, effective audit followup, and other basic ingredients of sound financial management and good government.

The bill has active support among accountants, auditors, professional associations, and the General Accounting Office, each of whom testified in our hearing that the absence of strong internal systems of control frequently translates into waste, fraud, and mismanagement of Federal programs and activities. By having in place a system to evaluate and report on the effectiveness of internal control systems, top agency management officials will be better able to spot weaknesses in the system and to devise and schedule plans to strengthen any weaknesses.

H.R. 1526 would require the establishment of internal accounting and administrative controls at each executive agency in accordance with standards prescribed by the Comptroller General. These controls would provide assurances that all obligations and costs are in compliance with the law; that all funds, property, and other assets are protected against waste and mismanagement; and that all transactions are properly recorded. Standards would also be prescribed by the Comptroller General to insure the prompt resolution of all audit findings.

Once the standards have been prescribed by the Comptroller General, the Office of Management and Budget would be required to establish guidelines for the evaluation by agencies of their internal control systems. By December 31 of each year the head of each executive agency would be required to prepare a statement certifying that the agency's control system either is in compliance with the standards or is not in compliance. If the system is not in compliance, weaknesses must be identified and a plan and schedule for correcting those weaknesses must be described in detail. The statements would be signed and transmitted to the President and to the Congress.

There are safeguards in the bill to protect against submission of false or misleading information in connection with the evaluation of an agency's control system. There are also safeguards to protect against public disclosure of sensitive or classified information.

Finally, the bill would require additional efforts on the part of the President and of the agency heads in preparation of annual budget documents. The President would be required to submit with annual budget information a simple statement on both the original amount of appropriations requested by the Inspector General of each agency, and any changes OMB made in those requests. The head of each agency would be required to submit with any appropriations request a report on the status and progress that agency has made in having its accounting system approved by the Comptroller General as required by the Accounting and Auditing Act of 1950.

I should point out, Mr. Speaker, that we were very careful in giving to the Comptroller General the authority to prescribe standards on which internal accounting and administrative controls will be established and to OMB the authority to establish the guidelines for agencies to use in their evaluations of internal control systems. We agreed at the subcommittee and at the full committee that such a balance is necessary and is in keeping with the missions of both GAO and OMB.

As far as the reporting process is concerned, I pointed out at the hearing that I would be reluctant to require yet another congressionally mandated report unless that report results in either a long-term increase in administrative efficiency or a long-term decline of Federal paperwork. I am satisfied that H.R. 1526 will provide the bureaucracy with the kind of impetus that could meet either or both of those criteria.

For those and other reasons, I support H.R. 1526, Mr. Speaker, and urge its prompt approval here today.

□ 1215

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague yielding.

Mr. Speaker, I note in the report, or at least in some of the material we received on this bill, that the administration supports the objectives of this bill but opposes its enactment because they felt that OMB, not the General Accounting Office, should issue standards governing executive agencies and the internal financial control systems and audit followup, and I wondered if either of my colleagues would care to comment on that?

Mr. HORTON. I would be very happy to comment. I am glad the gentleman brought that subject up.

I spoke just this morning with Mr. Harper, the deputy of OMB, and the OMB did testify on the bill during the course of the hearings.

Basically, they are in accord with the purpose of the bill. But there are two things that they were somewhat concerned about. One was the subject that the gentleman brought up, and that was who would establish standards.

The bill originally required that the General Accounting Office establish and implement standards. And the compromise we worked out was that the General Accounting Office would set the standards, which appropriately should be done by the General Accounting Office, and that the implementation would be up to the OMB.

Now, admittedly, that is not as far as the OMB would like to go, but I think that is a good compromise on that subject.

The other point that they were concerned about is that, in accordance with the bill, the amount that is requested by the Inspector General has to be sent through—the information has to be sent through to the Secretary and then to the OMB and then made public, sent back to the Congress. They were concerned about that because they do not do it in any other situation.

I explained to Mr. Harper and to the OMB that this is, if you will, a fact of life. We do need to know what the requests are of the Inspectors General, insofar as their requests for budget, so that we know that they are actually operating as independently as possible. I am sure that the Senate will have different language, and perhaps we can work out sort of a compromise on that when we get to that phase of it. But from my standpoint I think that it is important for the Congress to know the amount that has been requested by the Inspectors General so that we will have some idea as to how independent the Inspectors General are in the work that they are engaged in, which, as the gentleman knows, is to uncover and oversight fraud and abuse and inefficiency in the various agencies.

Mr. ROUSSELOT. I appreciate my colleague outlining what those concerns were on the part of the administration, especially OMB.

I think, on the second point the gentleman made, there was a concern that initial budget requests back and forth might become part of this request, on the part of an Inspector General in any given agency. In other words, just preliminary requests.

Is it possible that that could be modified, or has the gentleman contemplated doing so, on the basis that it is not absolutely essential for us to know every single detail of every single memorandum between an Inspector General and the OMB and/or

the President? Or does the gentleman wish to comment on that?

Mr. HORTON. Well, the bill, on page 5, section 3, subdivision (k) and following, says this:

"(k) The President shall include in the supporting detail accompanying each Budget submitted on or after January 1, 1982, a statement with respect to each department and establishment of—

"(1) the original amount of appropriations requested by the Office of the Inspector General of such department or establishment, if any;

"(2) the changes made in such request by the head of such department or establishment prior to the submission of such request to the Director of the Office of Management and Budget;"

So I think it is pretty clear from the language of the bill that the information we need to have is the amount of the original request of appropriations and then any changes that are made by the Secretary.

Mr. ROUSSELOT. Well, I guess the concern that I would have is that this mandate in the bill does not force the Inspector General in any agency to submit in detail all requests relating to budget, but it is his primary request for each budget, period; is that it?

Mr. HORTON. That is it.

Mr. ROUSSELOT. I thank the gentleman for the clarification.

Mr. HORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), one of the original sponsors of this concept in this bill.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to see a piece of legislation come before this body that cost so little but will save so much. I wholeheartedly support the Federal Managers Accountability Act of 1981, a bill that requires continuing evaluations and reports to Congress on the internal control systems of Federal agencies and departments. H.R. 1526 provides the means of minimizing fraud, errors, abuse, and waste of Government funds.

Billions of Federal dollars are lost annually through fraud, waste, and abuse. As we seek ways to reduce the Federal budget, we also express concern about cutting programs and services. Perhaps some of those programs could be saved if we narrow the margin for abuses.

Legislation already enacted falls short of meeting the demand to control the loss of Federal funds. The Budget and Accounting Procedures Act of 1950 requires management of all major Federal departments to implement and maintain effective systems of internal control in Government. In 1978, Congress passed the Inspector General legislation. Its purpose is to increase emphasis on the prevention and detection of fraud, waste, and abuse in Government. In addition to this legislation, the Office of Management and Budget in 1979 established its financial priorities program to improve internal controls within agencies and departments.

It is plain to see that prior legislation has not met the need. The Federal agencies are already required to maintain internal control systems that safeguard their financial resources, but the means of enforcing the requirement is lacking.

The bill before us supplements existing legislation by providing the key to successfully narrowing the margin for abuses. This legislation will bring pressure to bear upon those responsible for the accountability of the tax dollars appropriated to their agency or department by this body. We can no longer afford to accept the business as usual attitude whereby requirements of the job are ignored.

The Federal Managers Accountability Act requires that identified system weaknesses receive congressional and public disclosure until such time as effective action is taken to correct them. This legislation will require utilizing effective procedures within agencies to assure timely and continuous monitoring of the effectiveness of their internal control systems.

Having introduced similar legislation, and as a cosponsor of this bill, I am keenely aware of the need to affix responsibility in each agency over the spending of our constituents tax dollars and install a degree of professional administration that has been sadly lacking.

I am hopeful the House will pass this measure. By doing so, we will not only demonstrate our commitment to tightening the reins on Government spending, but also restore public confidence in the agencies of Government that they are honestly and effectively serving the people.

Mr. HORTON. Mr. Speaker, I want to congratulate the gentleman and thank him for his contribution. The gentleman testified before the subcommittee and made a very valuable contribution to the life of this bill and, hopefully, this bill will be passed unanimously in the House.

Mr. Speaker, I urge its approval.

Mr. DAUB. Mr. Speaker, I rise in strong support for the Federal Managers Accountability Act. As a member of the Government Operations Committee which reported out this legislation, I want to commend the chairman of that committee, Mr. BROOKS, for his effective action on this legislation, and my leader, the ranking Member Mr. HORTON, for his study and leadership.

Mr. Speaker, just a few numbers are needed to justify this measure.

The first number is $4.3 billion. That is the total amount of unresolved audit findings which 34 agencies could have but neglected to pursue according to the GAO in 1978.

The second number is $24.8 billion. That represents the 1981 GAO totals for unresolved audit findings by the same 34 agencies which were delinquent in 1978. While some of this money would not, if collected, result in Federal budgetary savings, a large chunk of it would in fact result in a taxpayer savings.

I want everyone to bear in mind that OMB adopted guidelines for audit resolution shortly after the 1978 GAO disclosure. If allowed, these guidelines would have, for the most part, corrected this problem.

But what happened with these guidelines? Absolutely nothing. Those guidelines were largely ignored.

This measure before us today would establish a system of internal accounting and administrative control in agencies to prevent future abuses similar to those I have just described.

The last number we should note is an address: 9th and Constitution Avenue. That is the address of the Department of Justice where the names of agency officials should be sent and reviewed if this legislation is ignored when passed.

Mr. Speaker, I urge my colleagues to vote for this measure.

● Mr. MICHEL. Mr. Speaker, I rise in support of this bill, because it provides some additional management tools to get at the problem of waste, fraud, and abuse.

As one who has been concerned about this problem for some time, and who was the author of the infamous Michel amendment cutting waste, fraud, and abuse in the old HEW by a billion dollars, I fully recognize the need for strengthening agency management. I also recognize that many times you have to force improvements on agency managers because they are often unwilling to admit error or change old practices.

GAO has found billions of dollars of waste over the years, but more often than not, once a finding goes to an agency, nothing happens. We simply cannot put up with that kind of inaction any longer.

The Reagan administration is fully committed to dealing with this problem, and I am certain we will see positive results. It may be that this bill is not really needed in view of this commitment. I know that OMB has problems with a couple of provisions which it views as circumventing its authority.

I would share that concern if I thought GAO was going to act in an arbitrary manner. My experience in dealing with GAO over the years, however, has been that they seek to work generally in an harmonious fashion with the administrative agencies rather than in a confrontational manner.

I would fully expect, if this bill is enacted and GAO is given authority to

establish standards for internal accounting and administrative controls, that GAO will work cooperatively with OMB in developing standards which both agencies can agree upon. That is certainly the intent of this Member in voting for the bill, and I am sure it is also true for the Government Operations Committee.●

Mr. BROOKS. Mr. Speaker, I have no further requests for time.

Mr. HORTON. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. SIMON). The question is on the motion offered by the gentleman from Texas (Mr. BROOKS) that the House suspend the rules and pass the bill, H.R. 1526, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

INSPECTOR GENERAL ACT AMENDMENTS OF 1981

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2098) to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments and agencies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Inspector General Act Amendments of 1981".

ESTABLISHMENT

SEC. 2. (a) Section 2(1) of the Inspector General Act of 1978 is amended—

(1) by inserting "the Department of Defense," immediately before "the Department of Education,";

(2) by inserting "the Department of Justice," immediately after "Interior,"; and

(3) by inserting "the Department of the Treasury, the Agency for International Development," immediately after "Transportation,".

(b) Paragraph (1) of section 11 of the Inspector General Act of 1978 is amended—

(1) by inserting "Defense," immediately before "Education,"; and

(2) by striking out "or Transportation or the Administrator of" and inserting in lieu thereof "Transportation, or the Treasury, the Attorney General, or the Administrator of the Agency for International Development,".

(c) Paragraph (2) of section 11 of the Inspector General Act of 1978 is amended—

(1) by inserting "Defense (including the Departments of the Army, Navy, and Air Force)," immediately before "Education,";

(2) by inserting "Justice," immediately after "Interior,"; and

(3) by striking out "or Transportation or" and inserting in lieu thereof "Transportation, or the Treasury, or the Agency for International Development,".

TRANSFERS

SEC. 3. Section 9(a)(1) of the Inspector General Act of 1978 is amended by striking out "and" at the end of subparagraphs (L) and (M) and by inserting at the end thereof the following new subparagraphs:

"(N) of the Department of Defense, the offices of that department referred to as the 'Defense Contract Audit Agency', the 'Defense Audit Service', and the 'Office of Inspector General, Defense Logistics Agency', and that portion of the office referred to as the 'Defense Investigative Service' which has responsibility for the investigation of alleged criminal violations and program abuse;

"(O) of the Department of Justice, the offices of that department referred to as the 'Internal Audit Staff, Justice Management Division', the 'Evaluation Staff, Justice Management Division', the 'Office of Audit and Investigations, Office of Justice Assistance, Research, and Statistics', the 'Office of Professional Responsiblity, Immigration and Naturalization Service', the 'Office of Field Inspections and Audit, Immigration and Naturalization Service', the 'Office of Internal Audit, United States Marshals Service', the 'Office of Internal Investigations, United States Marshals Service', the 'Program Review and Evaluation Section, Office of Financial Management, Bureau of Prisons', the 'Office of Inspections, Bureau of Prisons', and, from the Drug Enforcement Administration, that portion of the 'Office of Program Planning and Evaluation' which is engaged in program review activites, and that portion of the 'Office of Internal Security' which is engaged in auditing and inspection activities;

"(P) of the Department of the Treasury, the offices of that department referred to as the 'Office of Inspector General, Office of the Secretary', the 'Office of Audit, Office of the Secretary', the 'Office of Audit and Internal Affairs, Bureau of Engraving and Printing', the 'Office of Assistant Comptroller for Auditing, Bureau of Government Financial Operations', the 'Internal Audit Staff, Bureau of the Mint', the 'Division of Internal Audit, Bureau of Public Debt', the 'Division of Inspections and Audits, Office of Comptroller of the Currency', the 'Internal Audit Staff, Federal Law Enforcement Training Center', that portion of the 'Office of Inspection, Secret Service', which is engaged in internal audit activities, that portion of the 'Office of Internal Affairs, Bureau of Alcohol, Tobacco and Firearms', which is engaged in audit, investigation, and program review activities, that portion of the 'Office of Management Integrity, Customs Service', which is engaged in audit, investigation, and program review activities; and

"(Q) of the Agency for International Development, the office of that agency referred to as the 'Office of Inspector General, Agency for International Development'; and".

SPECIAL PROVISIONS

SEC. 4. (a) Section 8 of the Inspector General Act of 1978 is amended to read as follows:

"SPECIAL PROVISIONS

"SEC. 8. (a)(1) In addition to meeting the requirements of the first sentence of section 3(a) of this Act, no individual who is a member of the Armed Forces of the United States (whether in an active or reserve status) may be appointed to be the Inspector General of the Department of Defense.

"(2) The provisions of section 1385 of title 18, United States Code, shall not apply to audits and investigations conducted by, under the direction of, or at the request of the Inspector General of the Department of Defense to carry out the purposes of this Act.

"(b)(1) In addition to the other duties and responsibilities specified in this Act, the Inspector General of the Agency for International Development—

"(A) shall supervise, direct, and control all security activities relating to the programs and operations of that Agency, subject to the supervision of the Administrator of that Agency; and

"(B) to the extent requested by the Director of the United States International Development Cooperation Agency (after consultation with the Administator of the Agency for International Development), shall supervise, direct, and control all audit, investigative, and security activities relating to programs and operations within the United States International Development Cooperation Agency.

"(2) In addition to the Assistant Inspectors General provided for in section 3(d) of this Act, the Inspector General of the Agency for International Development shall, in accordance with applicable laws and regulations governing the civil service, appoint an Assistant Inspector General for Security who shall have the responsibility for supervising the performance of security activities relating to programs and operations of the Agency for International Development.

"(3) The semiannual reports required to be submitted to the Administrator of the Agency for International Development pursuant to section 5(b) of this Act shall also be submitted to the Director of the United States International Development Cooperation Agency.

"(4) In addition to the officers and employees provided for in section 6(a)(6) of this Act, members of the Foreign Service may, at the request of the Inspector General of the Agency for International Development, be assigned as employees of the Inspector General. Members of the Foreign Service so assigned shall be responsible solely to the Inspector General, and the Inspector General (or his or her designee) shall prepare the performance evaluation reports for such members.

"(5) In establishing and staffing field offices pursuant to section 6(c) of this Act, the Administrator of the Agency for International Development shall not be bound by overseas personnel ceilings established under the Monitoring Overseas Direct Employment policy.

"(6) The reference in section 7(a) of this Act to an employee of the establishment shall, with respect to the Inspector General of the Agency for International Development, be construed to include an employee of or under the United States International Development Cooperation Agency.

"(7) The Inspector General of the Agency for International Development shall be in addition to the officers provided for in section 624(a) of the Foreign Assistance Act of 1961.

"(8) As used in this Act, the term 'Agency for International Development' includes any successor agency primarily responsible for administering part I of the Foreign Assistance Act of 1961.".

(b)(1) Section 624(g) of the Foreign Assistance Act of 1961 is repealed.

(2) Section 239(e) of such Act is amended by striking out "Auditor General" each of the 3 places it appears and inserting in lieu thereof "Inspector General".

PROTECTION OF CONFIDENTIAL INFORMATION

SEC. 5. Section 5 of the Inspector General Act of 1978 is amended by adding at the end thereof the following new subsection:

"(e)(1) Nothing in this section shall be construed to authorize the public disclosure by any individual of any information which is—

"(A) specifically prohibited from disclosure by any other provision of law; or

"(B) specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

"(2) Nothing in this subsection or in any other provision of this Act shall be construed to authorize or permit the withholding of information from the Congress, or from any committee or subcommittee thereof.".

CONFORMING AND TECHNICAL AMENDMENTS

SEC. 6. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"Inspector General, Department of Defense.

"Inspector General, Department of Justice.

"Inspector General, Department of State.

"Inspector General, Department of the Treasury.

"Inspector General, Agency for International Development.

"Inspector General, Department of Commerce.

"Inspector General, Department of the Interior.

"Inspector General, Community Services Administration.

"Inspector General, Environmental Protection Agency.

"Inspector General, General Services Administration.

"Inspector General, National Aeronautics and Space Administration.

"Inspector General, Small Business Administration.".

(b) Section 5316 of title 5, United States Code, is amended—

(1) by striking out the following:

"Auditor-General of the Agency for International Development."; and

(2) by striking out the following:

"Inspector General, Department of Commerce.

"Inspector General, Department of the Interior.

"Inspector General, Community Services Administration.

"Inspector General, Environmental Protection Agency.

"Inspector General, General Services Administration.

"Inspector General, National Aeronautics and Space Administration.

"Inspector General, Small Business Administration.".

EFFECTIVE DATE

SEC. 7. This Act and the amendments made by this Act shall take effect October 1, 1981.

The SPEAKER pro tempore. Is a second demanded?

Mr. STRATTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Is the gentleman from New York opposed to the bill?

Mr. STRATTON. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BROOKS) will be recognized for 20 minutes, and the gentleman from New York (Mr. STRATTON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2098 will extend the provisions of the Inspector General Act of 1978 to four additional Federal establishments: The Departments of Defense, Justice, and the Treasury and the Agency for International Development.

During the last three Congresses, 16 statutory Offices of Inspector General have been established in the Federal Government with overwhelming congressional support. The agencies covered by H.R. 2098 were omitted from previous legislation to allow time for additional consideration. After a great deal of study and review, the Government Operations Committee, approved H.R. 2098 unanimously.

This bill will consolidate primary responsibility for auditing and internal investigations in each of the affected agencies in a single office, under the direction of a Presidentially appointed official who is required by law to give undivided attention to promoting economy and efficiency and combating fraud, waste, and program abuse. The bill also provides for more effective coordination of the work of numerous auditing and investigative units; guarantees agency auditors and investigators the authority and independence they must have to do their job; and helps to insure that agency heads and the Congress receive information needed to promote economy and efficiency and combat fraud, waste, and abuse in the Federal Government.

At the request of the Foreign Affairs Committee we are including certain special provisions regarding the Inspector General of the Agency for International Development, providing further details on his duties and responsibilities.

Other amendments adopted by the committee assure the protection of confidential and classified material, delete the Office of Professional Responsibility from the transfer provisions affecting the Department of Justice, assure the appointment of a civilian Inspector General for the Department of Defense, and establish the pay level for all Inspectors General at executive level IV.

It is particularly important that we establish a statutory Office of Inspector General for the Department of Defense. With a budget estimated at over $1.65 trillion over the next 5 years, the DOD has no one person with clear responsibility for coordinating the work of the 18,000 auditors and investigators functioning in scattered offices throughout the Department. A statutory Inspector General is urgently needed to provide such coordination and to assist the President, the Secretary of Defense, and the Congress in obtaining the most effective possible results from the sums the taxpayers are providing for defense.

Mr. Speaker, I urge the passage of H.R. 2098.

Mr. STRATTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the general idea of an Inspector General in the various departments to seek out waste and fraud is a good one. As a matter of fact, the Department of Defense and the various services have had Inspectors General for a long time. The very term "Inspector General" is borrowed from the military departments.

But what has disturbed me for some time is that when legislation affecting the Department of Defense is submitted in this House as this piece of legislation has been, for example, there seems never to be any sequential referral to the Committee on Armed Services, although the Committee on Armed Services has primary jurisdiction for the organization of the Department of Defense.

Yet let us put into a bill coming out of the Armed Services Committee the vaguest reference to foreign countries, such as giving foreign countries preference in manufacturing for the Department of Defense, and the Parliamentarian will insist that that bill has to be referred to the Foreign Affairs Committee, and there it languishes for heaven knows how long.

This particular bill, Mr. Speaker, was never referred to the Armed Services Committee, although it sets up, as the distinguished chairman of the Committee on Government Operations has just indicated, a statutory Inspector General. And what he means by statutory is that the Inspector General in the Department of Defense will not be under the direction of the Secretary of Defense. The Secretary of Defense is the head of the Department of Defense. The Secretary of Defense in time of war is in

fact second in the military chain of command.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. No, not until I complete my statement.

Mr. HORTON. Well, I think that is an inaccurate statement, and I would like to correct the statement.

Mr. STRATTON. Well, I decline to yield to the gentleman until I complete my statement, and then I will be very happy to allow him to correct me or make any other comments that he likes.

The Department of Defense has registered its views with members of the Armed Services Committee very strongly against this kind of an arrangement where the Secretary of Defense, the top man in the Department—and it is a military department, not a civilian department—and where the Secretary of Defense is second in the chain of military command after the President of the United States, as we all learned during those tense hours after the attempted assassination of the President of the United States—and yet that Secretary cannot direct or control this one person within his department, or even keep him out of highly classified contingency planning matters.

What is required, of course, is an analysis of what this proposal would do to the normal structure of the Department of Defense. To have that done the bill should properly have been referred to the Armed Services Committee. Since it has not, at the very least, it ought to specify that any Inspector General in the Department of Defense would be directly responsible to the Secretary of Defense, in contrast to the status of any Inspector General in any other department.

□ 1230

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I am sorry that this measure is being brought up on suspension because there are serious questions which have been raised by the Department of Justice with regard to the wisdom of this legislation which suggest the need for certain amendments. I note in the report that there was opposition expressed by the Deputy Attorney General in the course of the hearing. These objections seem to have been overridden by the committee in deciding that they want to report the bill in this form.

The Department of Justice is the investigative agency of our Government. It seems to me that with this legislation we will have an investigator investigating the investigator. There will be overlap and duplication of authority and function, and it will be extremely awkward for the Department, as I understand it. For example, for an Inspector General to conduct an audit or an inspection in the course of an ongoing investigation could be very disruptive.

This bill affects not only decisions made in the Department of Justice but also discretionary authority exercised by the Department of Justice. That is the part to which the Attorney General is raising the most serious questions.

I am reluctant to rise in opposition to a measure which has so many overall benefits and is so well intentioned, but I think that the committee has gone a little overboard in undertaking to include an Inspector General for the Department of Justice.

The problems addressed by this bill generally have already been addressed by the Department of Justice. Even before the 1978 act the Department established the Office of Professional Responsibility, which currently performs the internal investigative function. But now to pile on top of that an Inspector General seems to me to be an additional requirement which is going to cause confusion, difficulty, duplication, and perhaps some serious hardship in the Department.

I appreciate the gentleman yielding to me on this point to raise these questions with regard to this legislation. I do not want to say that this legislation should be totally defeated, because I do not feel that way. I think it should be amended, and I am sorry that we are not in the position where we can amend it. The measure has an additional route to travel and I suppose it will be brought in line in the course of its journey through the other body.

Mr. STRATTON. I appreciate the gentleman's contribution. It is another example of why this legislation was apparently not adequately studied and examined. It was reported out on the 14th of May and scheduled for suspension on the 18th of May, which hardly gave people the time to examine the implications.

Mr. McCLORY. I concur in those sentiments and I regret that H.R. 2098 is being considered under the suspension procedure which does not permit amendments to be offered from the floor. I agree that this legislation is being considered in some haste. This is unfortunate particularly with respect to the fundamental changes being made with respect to the Justice Department.

For several reasons, I question the wisdom of passage of H.R. 2098 in its present form.

There has not been adequate time for the Members to review either the bill as reported by the Committee on Government Operations, or the report accompanying the bill. In fact, as of Friday, May 15, 1981, there were no printed copies of the report available. As reported by the committee H.R. 2098 creates a fundamental change in several departments, particularly in the Department of Justice.

When Congress passed the Inspector General Act of 1978, it deliberately left out those agencies with law enforcement responsibilities. Since a primary purpose of the Justice Department in law enforcement, the 1978 act recognized that the Attorney General is the Nation's chief law enforcement officer. The act gave further recognition to this since it required all Inspectors General to report promptly to the Attorney General any suspected violations of Federal law in their agencies.

Unlike the original act, H.R. 2098 makes no differentiation between the Attorney General and the other Cabinet Secretaries. It does not recognize the need to have one individual, the Attorney General, responsible for the establishment of law enforcement priorities and the carrying out of these priorities. The blanket extension of the 1978 statutory scheme would place an independent officer, separate and apart of the Attorney General, to review the programs and responsibilities of the Department of Justice.

In that the programs and responsibilities of the Department of Justice include the enforcement of the Nation's laws and the representation of the Federal Government in the courts of the United States, H.R. 2098 would permit an Inspector General to review and challenge many basic discretionary determinations. Such matters would include how many agents are assigned to a particular investigation, the length of a particular investigation, the use in a particular instance of prosecutorial discretion, whether a case should be settled, or whether an appeal should be taken.

Additionally, the Inspector General could potentially disrupt an ongoing criminal investigation. As the Inspector General has independent investigatory responsibility, unrestricted by either the supervision of the Attorney General or the overall responsibilities which guide the Attorney General, there will be no need for an Inspector General to weigh the ultimate cost of any investigation he chooses to undertake. The potential for disruption is real since it is not uncommon for complaints against agents to surface during the course of an investigation. It is also likely that these complaints will come from individuals who are motivated to disrupt an investigation.

H.R. 2098 makes no attempt to structure the 1978 statutory scheme to the unique responsibilities of the Department of Justice. The Department of Justice, unlike other agencies in the Federal Government with an Inspector General, administers almost no grant programs. By creating an In-

spector General at the Department of Justice, Congress will be creating an officer who will be reviewing basic discretionary determinations, not decisions or conduct measured by objective standards. Congress will be creating a "surrogate" Attorney General.

The blanket extension, in its present form, of the Inspector General Act of 1978 to the Department of Justice will not combat waste, fraud, and abuse. It will only serve to disrupt and distort present mechanisms devoted to such efforts.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am happy to yield to the gentleman from New York.

Mr. HORTON. I thank the gentleman for yielding.

The gentleman stated that the Inspector General would not be under the control of the Secretary of Defense. I would like to read to the gentleman from Public Law 95-453, section 3, which is Appointment and Removal of Officers. The initial sentence and then the second sentence:

> Each Inspector General shall report to and be under the general supervision of the head of the establishment involved or, to the extent such authority is delegated, the officer next in rank below such head, but shall not report to, or be subject to supervision by, any other officer of such establishment. Neither the head of the establishment nor the officer next in rank below such head shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena during the course of any audit or investigation.

The language is very clear. He is under the supervision. He cannot independently because he is nominated by the President, confirmed by the Senate and he is, according to the law, required to complete audits or investigations on his own.

The gentleman made some reference to the fact that this was brought up under suspension and he regrets it, et cetera.

The point is this bill is almost identical. We made some changes in deference to the Department of Defense and also to the Attorney General. But basically this bill was brought up under suspension and passed unanimously in the last Congress.

Mr. STRATTON. This happens to be a different Congress. The gentleman is a member of the party of the incumbent President, is he not?

Mr. HORTON. That is right and I am proud of it.

Mr. STRATTON. Has the gentleman been in touch with the Secretary of Defense of his own party with respect to this?

Mr. HORTON. That is right, we talked to the Defense Department.

Mr. STRATTON. Did the gentleman talk to the Secretary?

Mr. HORTON. I have not personally talked to the Secretary. He did not call. I would have been happy to talk with him. As a matter of fact, when the Department of Defense people came in, I suggested I would be happy to talk with Mr. Weinberger or Mr. Carlucci. I have talked to OMB and to the Director there in connection with this and they support it.

Mr. STRATTON. Of course, the gentleman has read from the statute and he has the advantage on me. He is a lawyer. I am not a lawyer. I only spent 4 weeks at Harvard Law School, as the gentleman knows, although I picked up a lot of information at that brief time.

But I was visited last Thursday by William Howard Taft, I don't know whether it was Mr. Taft the fourth or the fifth, of that illustrious name, but he is the very able General Counsel of the Department of Defense. He told me he was coming over at the request of the Secretary of Defense. He was deeply disturbed by this legislation for the very point that I have made. Maybe I have not covered all of the legal niceties that would respond to the section of law that the gentleman read. Mr. Taft has examined this legislation. He is a lawyer and he says it does not meet the requirements of the Secretary of Defense.

So I would think the House of Representatives ought not to rush into passing this kind of legislation, particularly when there are also objections from the gentleman from Illinois, my friend (Mr. MCCLORY), but should instead talk to the Departments concerned and perhaps even talk to the Armed Services Committee, which after all has the authority for any reorganization of the Department of Defense, particularly adding another statutory official in the Department of Defense confirmed by the Senate.

I might add that Mr. Taft told me the reason the Department of Defense had not been able to come to visit members of the Committee on Armed Services—and he has now conferred with the gentleman from Alabama (Mr. DICKINSON), and with the gentleman from Texas (Mr. WHITE) from the same delegation as the distinguished chairman of the full committee—was because the Office of Management and Budget refused to allow the Defense Department to register their objections to our committee.

Our friend and former colleague, Dave Stockman, is pulling his rank down there apparently, but finally they got——

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. No, I want the gentleman to get the whole story first because I think I might change the gentleman's mind.

Mr. Stockman was apparently pulling his rank but finally—I do not know in response to what kind of a telephone call—he told Mr. Taft it was OK to go up and bring this to the attention of members of the Committee on Armed Services.

As the only member of that distinguished committee that I can see on the floor today I felt I ought to take the responsibility for bringing this matter to the attention of my colleagues. Not many of them are here today, but I am sure they will all read the RECORD tomorrow assiduously before we get to the vote. I do hope they will take these concerns of mine into consideration. Perhaps in the meantime, the gentleman might want to withdraw the bill and check with the Secretary of Defense.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. HORTON. The gentleman does not want to withdraw the bill. I think it is a very good bill. I am pleased that the gentleman from New York (Mr. STRATTON) was on the floor. As he knows, I have the highest regard for him personally and for his diligence on behalf of the military of the United States.

Mr. STRATTON. I have a similar high regard for the gentleman.

Mr. HORTON. I share the gentleman's concern about the military. I was quite surprised to hear the gentleman say today that he had been visited by Mr. Taft. This bill was passed, I think, on May 7 out of the full Committee on Government Operations.

Mr. STRATTON. Apparently they figured they could not get anywhere with the gentleman's committee and that is why they came to their real friends on the Hill.

Mr. HORTON. But they never gave me the courtesy of even calling or talking to me. When the representatives from Defense came to see me, I said I would be happy personally to talk with Mr. Weinberger or Mr. Carlucci or Mr. Taft IV, who is the counsel, as the gentleman indicated.

I was in my office ever since the 7th of May. I was not in my office last Friday. I was in the district office in Rochester, but I could have been reached by telephone. I was in my office all morning, and to this very minute I have not heard from any of the people that the gentleman mentioned.

So I think perhaps they are trying to perhaps get some people who are perhaps more sympathetic to their approach to this. I must say as I understood it, basically they were in accord with the concept, but they want to have the Inspector General under the thumb of the Secretary of Defense, which I do not think is appropriate.

Mr. STRATTON. I thought the gentleman just read me a part of the statute that indicated that the Inspector

General was responsible to the Secretary of Defense. That is all they want. The term "under the thumb" is pejorative.

Mr. HORTON. They do not want that in. They want to take it out.

Mr. STRATTON. This is precisely the point that ought to be examined by the Committee on Armed Services which is responsible for the operation of the Department of Defense. If we get into another war God forbid, and they do not function very adequately, who are the American people going to blame? They are going to blame our committee, not the gentleman's committee.

Let me make another comment because I am afraid my time is running out.

The gentleman said the people from Defense apparently were running around trying to get somebody that they thought would be more sympathetic. Let me say that my information this morning—and it did not discourage me—was that Defense called up and said they despaired of getting anybody who could reflect their point of view here in the House of Representatives and so they were going over to the other body where they would hope to have the opportunity to amend the bill satisfactorily.

As I say, I felt the House ought to have a share in this operation. But the other body is controlled by the gentleman's party and the distinguished chairman of the Committee on Armed Services in the other body is a member of the gentleman's party and I do not think that is a bad place for them to want to go.

Mr. HORTON. If the gentleman will yield further, I am not out of step with my party, because the Office of Management and Budget is very much in favor of this bill and testified in favor of the bill. The gentleman from New York (Mr. STRATTON) voted for Public Law 95-452 which has the language I just read which applies to all the Inspectors General that we just appointed.

I am sure the gentleman does not want to have an exception made just for the Department of Defense as it relates to the requirement that the Inspector General shall be under the general supervision of the head of the establishment involved. I do not think the gentleman wants that changed.

Mr. STRATTON. That is exactly what I think should be done. I think the Department of Defense ought to be run in a military way. That is what it is set up to do. We should not have an Inspector General who is a loose cannon running around without reporting and letting the Secretary of Defense know what he is doing. But that is essentially what this bill would provide.

I did not understand the bill as clearly last year because the Secretary of Defense at that time was apparently not worried about this sort of thing. But if anybody has a sharp eye for cutting a budget and cutting the fat out of expenditures, it is, I am convinced, the present Secretary of Defense, Mr. Weinberger.

□ 1245

I believe that to have Mr. Weinberger in overall control of any Inspector General would be to the benefit of the Department of Defense as well as to the American taxpayers. So I would hope that this bill is defeated on suspension on tomorrow so that we can amend it in the proper course.

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Speaker, I would like to associate myself with the distinguished chairman of the Committee on Government Operations, Mr. BROOKS, and the distinguished ranking minority member of this committee, Mr. HORTON, in what they have said in support of H.R. 2089. Also I am delighted to have been one of the coauthors of this important legislation, probably the most desperately needed legislation this Congress will have the opportunity to pass judgment on.

Let me say at the outset that, unlike the gentleman from New York (Mr. STRATTON) I did not go to Harvard Law School. I graduated from a small law school—at least at that time—at the University of North Carolina at Chapel Hill, N.C.—incidentally the oldest State-supported university in the country. And I might add that we have had and still have, I am told, a good law school. In fact, we used to supply Harvard with some of its law professors from time to time, on an exchange basis, of course; but I do not think lawyers are any more knowledgeable or qualified about the need to eliminate waste, inefficiency, extravagance, and fraud in government that is the average citizen.

H.R. 2098 will provide very badly needed Offices of Inspector General in four additional establishments, as has already been pointed out—Defense, Justice, Treasury, and the Agency for International Development. With some modifications made to respond to concerns of the agencies involved, this is basically the same legislation approved without a dissenting vote in the House last November.

Two of the agencies covered by H.R. 2098 opposed a similar bill last year. The Department of Defense made the rather amazing argument that establishment of the Department of Inspector General would threaten civilian control of the Department, a contention the committee concluded was totally unfounded.

The Justice Department argued that its internal audit units were already adequately staffed, and there was no need for an Office of Inspector General.

However, the Comptroller General told the committee that GAO was very concerned about the level of staffing for internal audit at Justice, and pointed out that the Department had reorganized or moved its internal audit operations six times in the past 13 years. The committee found, moreover, that overall responsibility for the detection of waste, fraud, and error had been assigned—as a secondary mission—to a unit with a total staff of only eight people, six of whom were lawyers.

This year, speaking for the administration, Edwin L. Harper, Deputy Director of the Office of Management and Budget, assured the committee that President Reagan supports the type of legislatively mandated Inspector General called for by H.R. 2098. The administration has taken the position that it supports this bill in the House, and if they want to propose further amendments, they will take a look at it when it gets to the Senate. On behalf of the administration, Mr. Harper emphasized in his testimony that: "We believe that the key to the strength of legislatively mandated Inspectors General is their enhanced ability * * *."

Get this, Mr. STRATTON, "their enhanced ability to operate objectively and independently."

The Defense Department has not raised the issue of civilian control this year. However, while professing support of the IG concept, DOD stated that a statutory Inspector General for the Department must be subject—listen to this—must be subject to the authority, direction, and control of the Secretary, so that the Secretary could prohibit the Inspector General from looking into matters which the Secretary did not want investigated.

You cannot have an independent Inspector General, with the power to conduct audits and investigations and recommend prosecutions if he cannot do anything without permission of the Secretary.

The Justice Department also indicated that it would support a statutory Inspector General this year, but only if the IG—get this—had no authority to look into matters involving, "law enforcement, litigation, and collections."

Why have an Inspector General at all?

The change requested by the Department of Defense would have destroyed the independence of its Inspector General. The one sought by the Justice Department would have deprived their Inspector General of jursidiction over almost every activity of that Department, with the possible

exception of the procurement of office supplies.

The committee found these conditions unacceptable, and H.R. 2098 continues to provide for independent Inspectors General with authority to look into all operations of the agencies concerned for the purpose of combating fraud, waste, and mismanagement.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. BROOKS. Mr. Speaker, I yield 3 additional minutes to the gentleman from North Carolina.

Mr. FOUNTAIN. The Justice Department has unquestionably devoted a great deal of effort in recent years to insuring that its employees meet high standards of professional and personal integrity. Unfortunately, a high degree of integrity, while essential, does not assure a high degree of effectiveness, and there is ample evidence that the Justice Department operations have suffered from serious mismanagement problems. I would like to include with my remarks brief summaries of several recent GAO reports documenting some of these problems.

Fraud, waste, and mismanagement are certainly not limited to the civilian agencies of the Federal Government. As one who supports a strong national defense and has never voted against a defense bill, I am painfully aware of convincing evidence that there is as much waste and extravagance in the Defense Department as in most of the other Federal agencies combined.

Last August, for example, the House Republican Study Committee, which is chaired by Representative JOHN ROUSSELOT, a distinguished and very able Member of this body from the great State of California, issued a special report on "Waste, Fraud, and Mismanagement in the Federal Government."

The report listed 45 GAO reports relating to military programs and operations which, according to the committee, identified specified unnecessary expenditures resulting from waste, fraud, abuse, or mismanagement totaling more than $16 billion. The GAO reports were issued over an 18-month period, from January, 1979, to July 1980.

Further evidence of waste in DOD operations is described in an April 27, 1981, article in U.S. News & World Report, entitled "Billions Down the Pentagon Drain," which I would like to include with my remarks.

A strong national defense, Mr. Speaker and Members of this body, is crucial to our security in these perilous times. Every dollar that is wasted or stolen is a dollar not available to strengthen our Armed Forces. Mismanagement can be costly in the civilian agencies; in the Defense Department, it can endanger our very survival as a free nation.

A vote for H.R. 2098 may turn out to be the most important vote any of us will have an opportunity to cast during the 97th Congress in favor of a stronger national defense.

Mr. Speaker, at this point I insert brief summaries of several reports to the Congress by the Comptroller General of the United States, and an article from U.S. News & World Report entitled, "Billions Down the Pentagon Drain":

[Report to the Congress by the Comptroller General of the United States, Feb. 27, 1978]

U.S. ATTORNEYS DO NOT PROSECUTE MANY SUSPECTED VIOLATORS OF FEDERAL LAWS

U.S. attorneys decline to prosecute a larger number of criminal complaints because of heavy workloads or insufficient staff and or because the complaint does not warrant the cost of prosecution.

U.S. attorneys have established their own priorities and guidelines for handling the large number of complaints. However, these do not reflect a uniform national policy nor is there assurance that they are fair.

This report describes problems which result from differing decisions by U.S. attorneys to prosecute. For example:

Suspected violations of certain criminal statutes are generally not being prosecuted.

Suspected violations of other criminal statutes are being prosecuted in one U.S. attorney's district but not in another.

Several law enforcement and regulatory agencies are sometimes receiving inadequate support from the Department of Justice.

GAO recommends consideration of alternatives to prosecution.

[Report by the Comptroller General of the United States, Oct. 25, 1979]

DEPARTMENT OF JUSTICE SHOULD COORDINATE CRIMINAL AND CIVIL REMEDIES TO EFFECTIVELY PURSUE FRAUD IN FEDERAL PROGRAMS

The Department of Justice is not making full use of civil remedies to combat fraud. Until a criminal case is complete, it gives little consideration, if any, to potential civil remedies. This failure to take timely action weakens the total prosecutive effort, making it less efficient and reducing the potential for recovering fraud losses.

Problems with settlement procedures and the management and enforcement of fraud collections have prevented Justice from maximizing civil recoveries and realizing the deterrent value of aggressively enforced remedies.

GAO recommends that civil remedies be made part of a coordinated strategy to combat fraud and that improvements be made in the settlement and collection of fraud debts. Justice agrees that coordination is beneficial but disagrees with some of GAO's recommendations to achieve it.

This review was requested by Representative Elizabeth Holtzman.

[By the Comptroller General of the United States to Hon. JOSEPH R. BIDEN, U.S. Senate, Apr. 10, 1981)

ASSET FORFEITURE—A SELDOM USED TOOL IN COMBATING DRUG TRAFFICKING

Billions of dollars of profits are generated by organized crime; drug trafficking revenues alone are estimated at $60 billion annually. Even though legislation designed to attack these profits through asset forfeiture was enacted more than a decade ago, forfeiture of criminal assets has been miniscule.

The primary reason for the limited use of asset forfeiture has been the lack of leadership by the Department of Justice. The Department has not given investigators and prosecutors guidance and incentives to pursue forfeiture. Also, emerging case law indicates the statutes may be flawed. GAO recommends that the Congress clarify and broaden the scope of the criminal forfeiture statutes and that the Attorney General improve forfeiture program management.

[By the Comptroller General of the United States—Report to the Congress, June 4, 1980]

THE LAW ENFORCEMENT EDUCATION PROGRAM IS IN SERIOUS FINANCIAL DISARRAY

The Law Enforcement Assistance Administration, through its Law Enforcement Education Program, gave $278 million in loans and grants for higher education to individuals working or planning to work in law enforcement. Inadequate controls and inaccurate records caused financial and administrative breakdowns. GAO estimates that

84 percent of those billed did not pay,

$18.2 million currently owed will not be collected,

About $2 million that should have been collected was not collected during one quarter of fiscal 1977, and

About 90 percent of the bills were incorrect.

In addition, GAO found that the reported loans receivable balance of $149.6 million for fiscal 1978 was overstated by $72.4 million. (In May 1980, the program was transferred to the new Department of Education.)

This report recommends improved controls which could increase collections, restore accounting system integrity, and guard against future problems.

[By the Comptroller General of the United States—Report to the Congress, Nov. 5, 1980]

PROSPECTS DIM FOR EFFECTIVELY ENFORCING IMMIGRATION LAWS

The inability of the Immigration and Naturalization Service to effectively enforce immigration laws is underscored by the estimated 5 million illegal aliens living in the United States. The actions necessary to enforce immigration laws are known—sealing the borders, adopting employer sanctions, and issuing worker identification cards. These steps are, at best, highly controversial.

A Select Commission on Immigration and Refugee Policy has been established to evaluate the immigration situation and to recommend improvements. Its recommendations and any resulting congressional action will not be effective unless the Government improves its ability to enforce immigration laws. Improvement is uncertain, however, because of many obstacles.

[From U.S. News & World Report]

BILLIONS DOWN THE PENTAGON DRAIN

The Pentagon—the only government department immune to President Reagan's budget-cutting ax—is under pressure to clean up its act.

Even the most ardent supporters of greatly increased spending to strengthen the nation's defenses are turning their guns on massive waste, fraud and mismanagement that send billions of taxpayer dollars down the military drain every year.

They warn that the Reagan administration's proposal to allocate 1.5 trillion dollars to new ships, planes, tanks, missile systems and other programs over the next five years will feed the Pentagon's apparent penchant for squandering money on a staggering scale.

The scope and magnitude of the excesses attributed to the Defense Department are underscored by a random sampling of allegations documented by official investigators—

Failure to equip Navy missiles with a $2 firing circuit leaves millions of dollars' worth of these weapons unusable.

Fraud and incompetent accounting in one Army military office resulted in a loss of 531 million dollars.

Inefficient operation and support of the Navy's new F-18 warplane threaten unnecessary spending estimated at 4.1 billion dollars.

Military reservists pocket some 744 million dollars in payments for exercises they never attend.

Upkeep of marginally useful military bases eats up about 443 million dollars annually.

Slipshod billing practices have forced the Pentagon to pick up the tab for 1 billion dollars in foreign arms-sales costs which should have been billed to customers abroad.

A minimum estimate of the cost of military waste is put at 15 billion dollars a year in a study issued by congressional Republicans, who are noted for their staunch advocacy of a strong military posture. Others say the loss is billions higher.

Some congressional leaders, preparing to vote billions of additional defense dollars, are fighting mad over the waste issue. Asks House Speaker Thomas P. O'Neill (D-Mass.): "Should we be expected to rubberstamp [Reagan's] defense budget . . . while the Pentagon leases computers for 1 billion dollars a year that it could have purchased for $200,000?"

The challenges are coming from both the conservatives and the liberals. Senators Barry Goldwater (R-Ariz.) and Howard Metzenbaum (D-Ohio), in a joint letter to Secretary of Defense Caspar Weinberger, complain that "waste and inefficiency have, over the years, become a way of life for too many in the [Defense] department. The nation cannot afford to permit this situation to perpetuate itself any longer."

What is the Pentagon's defense against these charges?

For one thing, Defense officials argue, a measure of waste in unavoidable in an enterprise of such gargantuan size and sweep. They note that the proposed U.S. military budget for the fiscal year starting October 1—some 222 billion dollars—is more than double the gross national product of India.

Further, Pentagon officials maintain that political pressures exerted by Congress lead to multibillion-dollar excesses beyond the control of military managers—for example, demands to keep superfluous military bases open and to produce unnecessary weapons for the benefit of local defense contractors.

Finally, these apologist contend, the very nature of a nation's defense effort inevitably leads to what is viewed as waste by ordinary business standards. To quote former Defense Secretary Harold Brown: "Individual corporate mistakes can have catastrophic financial effects for many people. But mistaken defense policies can kill us all. That alters the nature of the management process."

"Cap the Knife." Whatever the validity of the explanations, Defense Secretary Weinberger, whose budget-cutting propensities earned him the nickname "Cap the Knife" during the Nixon administration, acknowledges the severity of the waste problem at the Pentagon. And he insists that he is mounting an attack that will result in billions of dollars of savings—a claim that veteran Pentagon observers say must be treated skeptically on the basis of the past record.

What follows is a full picture of the problem that emerges from a wide-ranging inquiry undertaken by U.S. News & World Report and based on a review of government studies and documents as well as interviews with specialists in the field.

WHITE-COLLAR CRIME IN THE MILITARY

The most clear-cut abuses of defense funds stem from fraud, embezzlement and theft. Experts estimate that chiselers skim millions of dollars off the Pentagon budget each year, though no one knows the magnitude of the problem.

One well-established target for ripoff artists: Post exchanges on military bases that function as general stores for uniformed personnel. According to a recent report from the General Accounting Office, Congress's investigative arm, some procurement officers are known to have received kickbacks of up to $150,000 from suppliers in return for inflating orders. Federal courts in Texas last year convicted 15 military men and civilians in a military-exchange fraud case. Six more individuals are under investigation.

These are not isolated cases. A probe of questionable purchasing practices within the Air Force's retail exchange system covered 66 of the system's 372 procurement officers, according to one government report. Abuses of varying degree have been confirmed in 23 cases to date.

Investigators admit they probably detect only a fraction of the embezzlement that goes on—and just as worrisome, they say, is the outright theft of merchandise, hardware and even cash, made easier by lax Pentagon bookkeeping. Inspectors estimate that thieves make off with millions of gallons of military fuel each year, taking advantage of accounting loopholes. A recent spot check of 118 companysize Army units found that 30 million dollars in supplies was missing, some of it presumably stolen.

Careless handling of funds is cited as an open invitation to thieves. For example: During a surprise visit to offices of the Army's Military District of Washington, auditors discovered about 500 checks worth $300,000 lying around on desk tops.

Overseas, too, auditors find scams at U.S. military installations. One case cited in an offical report: "Widespread collusion and bribery" riddling the supply system at the Navy's vast shipyard in Yokosuka, Japan. Estimated losses: Millions of dollars.

MISMANAGEMENT

Costly as such activities are, they pale in comparison with the sums squandered by profligate spending and mismanagement. Officials estimate that billions' worth of materials, equipment and fuel are wasted each year through needless purchases, unnecessary operations and inept supervision.

Investigators say the Navy is among the worst offenders. According to the House Appropriations Committee, for instance, the Pearl Harbor Naval Shipyard buys 40 percent more material than it needs for ship repairs—and then throws much of it away. In the Navy's eight shipyards, the overbuying runs to 35.5 million dollars, or about 16 percent of all orders. In one case, government auditors found that the Navy approved the purchase of 5.3 million dollars in parts for ship overhauls at the Philadelphia Navy Yard—even though the yard already had 11 million dollars in identical items on hand.

Elsewhere, the Navy simply permits costly equipment to deteriorate for lack of shelter. Example: Despite plentiful inside storage space, 240 propellers, shafts and components at the Oakland Naval Supply Center had to be junked because they had been left uncovered. Cost: Eight million dollars.

The other services come in for their share of criticism, too. The Air Force, for instance, still bases many of its giant C-5A transport aircraft in California even though they are used primarily on transatlantic hauls. Result: Empty planes crisscross the U.S., gobbling up 73 million gallons of fuel and 40 million dollars a year in the process.

On a wider scale, some 6.9 billion dollars' worth of aircraft are being used for unjustified, noncombat purposes, GAO estimates. The investigative agency notes, for example, that Air National Guard aircraft were used to haul military personnel to a bowling tournament in Tennessee—at a cost of $109,000. Another example is the Navy's use of sophisticated antisubmarine-warfare planes for such routine missions as ferrying parts to repair shops. As one exasperated officer says: "This is like using a Cadillac to deliver mail."

Investigative reports are crammed with citations of logistical waste. One Army facility employs five people full time to maintain and manage 17 vehicles, which are driven less than 100 miles per month. The Air Force is spending 1 billion dollars to outfit 105 bases with extra computers, even though the need for them has been questioned. The military, for lack of proper inventory control, wastes 18 million dollars each year repairing inexpensive parts already in stock. The Pentagon forfeits millions of dollars through failure to recover gold, silver, platinum and other precious metals from property being junked.

Then, there is controversy over the prices the military agrees to pay for some supply items. One former Pentagon official sums it up this way: "There are still 50-cent screws that cost 50 dollars."

THE HIGH COST OF POLITICS

Congress, too emerges as a prime instigator of military waste, pursuing its desire to satisfy the voters and look after local economies. Military men, in fact, claim Pentagon spending could be cut by 5 billion dollars a year if the lawmakers would put the nation's interests before political considerations.

One classic problem is the legislators' habit of forcing the military to buy weapons it does not want. Congress, for example, lays out millions of dollars each year for A-7 warplanes, built in Texas, even though the Pentagon has not requested these planes for years. Critics assert that at least one factor in the A-7 appropriations is the desire of Texas legislators to protect 2,200 assembly-line jobs.

Congress's hand is most apparent in the stifling of Pentagon efforts to trim the military-base system, which far exceeds peacetime requirements. Over the past five years alone, the Defense Department has suggested 634 base closings or reductions in activity. These moves would have eliminated 30,500 military and civilian jobs and

chopped expenditures by 443 million dollars annually. Thus far, most of the facilities are still open, protected by congressmen who see them as vital sources of employment for constituents, rather than as examples of military extravagance.

This vignette underscores the point: One retired general recalls that his first assignment as a junior officer was to draw up a plan to close a particular facility. It was still operating when he left active service decades later. In fact, it was the general's last command.

Still, the Pentagon keeps trying to reduce its sprawling base complex. Weinberger's aides are working on a plan to make cuts of between 750 million and 1 billion dollars in the system. The political outlook: Grim. Says a Senate insider: "Base closings are not a good place to start with these congressmen. They'll clobber him."

INTERSERVICE RIVALRIES

In addition, bureaucratic infighting within the armed services has created a convoluted, overlapping management system worthy of Rube Goldberg.

The Army, Navy, Air Force and Marines all strive to maintain their own logistics and training systems, even though consolidation clearly would produce dramatic savings. Some results of this crazy-quilt arrangement, as uncovered by federal investigators:

The Army and the Navy each run helicopter-training schools, costing the Pentagon 63 million dollars a year more than the expense of a combined school.

There are four separate air forces to maintain—one for each major service. Excess repair-depot costs are estimated at between 250 and 400 million dollars annually.

Ground-repair gear for maintenance of military aircraft is not standardized. Excess cost: 300 million dollars.

The services each insist on independent supply functions, which management experts say could be consolidated to provide common services to all. The cost of overlapping: Some 100 million dollars a year and 4,000 superfluous jobs.

The inefficiency is well illustrated by a situation in California, where seven major military bases operate within a 60-mile radius. Each has its own support systems for police, fire, maintenance, transportation and food service. Consolidation, according to the GAO, would trim costs by millions of dollars.

The mismanagement goes beyond duplicated effort. Defense analysts claim the Navy will waste 350 million dollars on spare parts for its F-18 warplanes by purchasing them years from now, rather than at the time the aircraft are produced. Similarly, congressional investigators assert that the Pentagon incurs pointless transportation costs by shipping fatigues and other battle clothing to sites hundreds of miles from the bases where they are used.

Bad personnel-management techniques are another target of Defense Department critics. The GAO maintains that 57 million dollars could be saved each year by substituting civilians for military personnel in various welfare and recreation jobs. Other analysts say the Pentagon could save 41.5 million dollars in payroll and other personnel costs just by processing bad-conduct discharges expeditiously.

COSTLY WEAPONS

Far and away the biggest money burner comes in buying weapons, where waste and inefficiencies are assuming mind-boggling proportions. If the Pentagon could achieve even modest improvements in this field, says the Congressional Budget Office, it could save some 16 billion dollars over the next five years. Few in the Department of Defense dispute this estimate.

The problem is evident in the spiraling cost of new weaponry. In one report to Congress, the Pentagon concedes that the price tag for 47 major programs soared by 47 billion dollars during the last three months of 1980 alone. Examples: Costs for the F-18 fighter rose by 8.1 billion dollars; for the M1 tank, 5.9 billion dollars; for the Army's new infantry carrier, 5.3 billion dollars; for the Trident submarine, 2.9 billion dollars.

A chronic tendency to underestimate the impact of inflation is a major factor in the increases—but it is only one. Another reason, according to defense analysts: The Pentagon's habit of "stretching out" the completion of a weapons system—creating lower rates of construction that cancel out the economies of mass production. This alone pads the price of weaponry by an estimated 10 to 30 percent.

For example, the Air Force estimates that, by cutting production rates for its F-16 fighter from 15 to 8 per month, the Pentagon increased the total costs for the plane by 1.4 billion dollars. Such production "stretchouts" are taking an even greater toll on the Air Force's new TR-1 spy plane, whose price has nearly doubled from 9.3 million to 17.2 million apiece.

Compounding the effect of inefficiency are wasteful industrial practices, spawned largely by political indecision in Washington. Contractors are reluctant to commit billions for cost-saving mass purchases of materials and equipment because they're afraid some sudden switch in Pentagon priorities might leave them holding the bag. Such delays and administrative flip-flops seem certain to boost the cost of the Marine AV-8B Harrier jump jet by 1 billion dollars. The story is the same in many other weapons programs.

How much is lost each year through such inefficiencies? No one can hazard a guess. "It would be too frightening," says Gen. Alton Slay, former head of the Air Force Systems Command. "I am sure it is an astronomical figure."

Another major hemorrhage of Pentagon funds stems from faulty management of giant weapons programs. A classic example: The Trident submarine, an enormous missile-firing ship that was supposed to cost 900 million dollars.

Today, the price of the first Trident vessel has hit 1.2 billion, and it is more than two years behind schedule. The cost overrun and delay are chalked up to extensive repair and reworking necessary to make the sub seaworthy, but there is sharp disagreement as to who is at fault. The Navy blames the shipbuilder, General Dynamics Corporation. But company officials insist that the Navy furnished defective equipment and issued numerous design changes—more than 2,900 in the past three months alone.

Another example: The Army's new main battle tank. It has taken 18 years and three separate designs to produce a tank that was considered urgently needed in 1963. In the end, the entire project—including the false starts—will cost more than 21 billion dollars. That works out to 3 million for each of the 7,058 Abrams tanks that eventually will be produced—compared with the estimate of $420,000 for the version of the tank designed in 1963.

In store may be another program-management controversy, this one involving the Air Force's proposed CX transport—a giant workhorse the Pentagon wants for hauling troops and cargo to Persian Gulf hot spots. The GAO reports that the military has begun awarding contracts for the project, even though its own mobility-design studies are not yet completed. This, the GAO asserts, "could bring about a repeat of the cost-growth and performance problems of the C-5"—an earlier aircraft that ran millions of dollars over budget and requires extensive repairs to its flimsy wings.

Beyond production waste, there is mounting concern over the sheer cost of the Pentagon's love affair with high-technology equipment. Even some Pentagon officials profess to be worried about a practice known as "gold plating"—that is, paying extravagant amounts for small improvements in weapon capability.

Critics point to the Army's new infantry fighting vehicle. They say that while it packs more firepower than an older model, it cost six times as much and carries 50 percent fewer troops. Then there is the Air Force's hot F-15 interceptor: It is a complex, computerized marvel, but its operation and maintenance costs are twice those of the older, yet still highly capable, F-4 warplane.

Increasingly sophisticated weapons also generate higher training and support costs, one problem that may become critical in the years ahead. "Our philosophy of using emerging technology has generated a cost structure that is growing at a much faster rate than our budget," warns one unofficial Air Force study.

A sore spot. The record of waste is seen by some defense experts as the Pentagon's Achilles' heel when talk turns to vast new spending authority, and Defense Secretary Weinberger is well aware of it.

Accordingly, he has set a goal of saving 28.2 billion dollars by 1985 through increased competition for defense contracts, streamlining of supply systems and elimination of cost overruns in weapons programs. Another part of that effort: Adoption of new personnel policies that may trim up to 15 billion dollars from Pentagon manpower costs by 1986. The military services are also designing easier-to-maintain—and thus, less expensive—planes, tanks and ships.

For its part, Congress is considering a number of measures to make military procurement procedures more efficient. One possibility: Guaranteed funding of large weapons programs on a long-term basis as a means of encouraging contractors to modernize manufacturing facilities.

But skeptics point out that Defense secretaries and Congress have crusaded against the squandering of funds, and mismanagement in the Defense Department before, with little success. The experts say that Pentagon waste is easier to identify than to eliminate.

Politics, economic conditions, interservice rivalries, incompetence, greed, dishonesty—all have stymied attempts to crack down. Weinberger, with his reputation for wielding the budgetary knife, is determined to prove that he can beat the system and effectively combat waste in Pentagon spending. His success—or failure—could well determine future popular support for the big

boosts in defense spending he claims are essential in the years ahead.

$2.6 BILLION FOR ADVICE—ANOTHER BOONDOGGLE?

Waste hunters are focusing on a new target in the Pentagon: Roughly 2.6 billion dollars spent every year by the Defense Department on private consultants.

A newly issued report from the General Accounting Office, a watchdog agency for Congress, concludes that much of that money is squandered on pointless jobs and that 71 percent of the projects should be done by the Defense Department itself.

A prime example of a contract that the GAO considers wasteful is the $43,843 paid to a private consultant to determine which issues should be called to the attention of the Defense Secretary.

Of 256 contracts examined in a spot check, the GAO found potential problems with all but one.

The fact that more than half of the jobs go to former Pentagon officials prompts the agency to question "the degree of influence used by former top-level officials in securing contracts." Example: A $294,000 contract to study alcohol and drug abuse that went to a consulting firm whose vice president formerly directed Pentagon drug and alcohol-abuse programs. Officials concede they have the expertise to do the work but went to outside consultants to insure an objective review.

The GAO report also critizes the fact that 80 percent of the contracts are awarded without competitive bidding and that many are renewed automatically—some for as many as 28 years. Investigators also are mystified by such projects as the $79,909 contract for analyzing "nonpecuniary factors in the federal approach to pay comparability and the feasibility of monetizing these nonpecuniary factors for consideration in the pay comparability process."

One member of Congress zeroing in on the billions spend for Defense consultants, Representative Geraldine A. Ferraro (D-N.Y.), warns: "When we're talking about spending more on defense and cutting services like transit aid, we'd better be getting our money's worth in a stronger military and not paying hotshot consultants to talk about a stronger military."

Mr. Speaker, I urge approval of this urgently needed legislation.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I appreciate the gentleman yielding to me. The gentleman commented that it would be unconscionable to have in the Department of Defense an Inspector General who would not be able to prosecute and investigate crime and send to jail some guilty individual without having to check with the head of the Department. Is that not precisely what we have day after day as a regular rule in the Department of Justice? The Assistant Attorneys General do not undertake their operations without checking with the Attorney General. That is what the gentleman from Illinois (Mr. MCCLORY) was objecting to just a moment ago.

Mr. FOUNTAIN. I would respond to the gentleman by saying that all of these cases have to be referred to the Department of Justice for prosecution.

Mr. BROOKS. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, I rise to join my colleague from Texas in support of H.R. 2098, the Inspector General Act Amendments of 1981.

Mr. Speaker, I rise to support H.R. 2098, the Inspector General Act Amendments of 1981. Today, now that we have seen the concept at work in 16 of the 20 largest agencies and departments—and now that we have carefully and correctly evaluated the need for it in these last four entities—I am in total agreement that it is time to expand the existing law to cover the Departments of Defense, Treasury, and Justice, and the Agency for International Development.

When I look at the three departments and the agency in question today, I see four Federal entities, each with unique responsibilities and special functions. Despite their unique status, however, they are like every other department and agency in the sense that they are vulnerable to fraud, waste, and mismanagement. They need what was created in the 1978 act: Inspectors General who are responsible for conducting and supervising audits and investigations of agency activities, providing leadership in promoting efficiency and effectiveness within the agency, detecting and preventing fraud, abuse, and waste, and informing the agency head and Congress of problems and needed corrective actions.

The IG concept is a sound, workable concept that brings together the audit and investigative resources of an agency under a single official who reports directly to the head of the agency and to the Congress. That focal point and that kind of independence are lacking today at the Departments of Defense, Justice, and Treasury, and at the Agency for International Development.

The need for that kind of focal point is unmistakable at the Department of Defense, where some 18,000 auditors, investigators and inspectors struggle to pinpoint and eliminate waste and inefficiency. Their task is made more difficult by the fact that—despite the gargantuan size of the Department—no single individual has clear, unquestioned responsibility or authority for coordinating the work of the 18,000 waste hunters. I understand that an administrative decision has been made to create within the Department an Assistant to the Secretary for Review and Oversight and that this new official will have some of the duties and responsibilities of a statutory Inspector General. This new official, however, will be solely under the control and direction of the Secretary, will not report to the Congress, and will always be in danger of having his office dismantled administratively just as easily as it was created administratively. For those reasons, a statutory Inspector General, with the powers and duties outlined by H.R. 2098, would in my view be much more preferable and much more effective.

The Departments of Justice and Treasury also need statutory Inspectors General. I recognize that each has unique law enforcement roles and that each has taken significant steps to combat fraud, waste, and mismanagement. Still, I firmly believe that a properly conceived Inspector General in each Department could function smoothly and effectively without compromising or negating the work of the fine professionals who currently staff the Office of Professional Responsibility at the Department of Justice or the Office of the Inspector General at the Department of the Treasury.

Finally, H.R. 2098 will bring under the statutory IG umbrella the current statutory Inspector General at the Agency for International Development. This position was created late last year by the Foreign Assistance Act, but it was not created fully in line with the omnibus Inspector General Act of 1978. H.R. 2098 will remedy that oversight and will give us an Inspector General at AID who reports to the Congress as well as to the director of the Agency.

If we are truly to wage a war against fraud and abuse, Mr. Speaker, it is essential that each agency and department operate with maximum efficiency and economy. It is my firm belief that H.R. 2098 will provide the legal framework from which independent Inspectors General can operate effectively in these last four major Federal entities.

For these and other reasons, Mr. Speaker, I support H.R. 2098 and urge its approval.

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Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I am very happy to yield to the gentleman from New York if I have sufficient time.

Mr. STRATTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. HORTON. Mr. Speaker, I say to the gentleman that I did not have too much time myself. I only had 5 minutes.

Mr. STRATTON. Mr. Speaker, I would just like to say for the record that I hope the RECORD will note that on this particular issue this Member from the Democratic side of the aisle was the only one in the Chamber today who would stand up in support of the Republican administration's Secretary of Defense.

Mr. HORTON. But, Mr. Speaker, I noted that the gentleman did not

stand up when the Secretary of Defense was a Democrat in the last administration, because we had the bill up on the floor then and the gentleman did not say a word.

Mr. STRATTON. Well, according to the whip notice, the DOD was not included in that legislation.

Mr. HORTON. I will say to the gentleman that it was included the last time.

Mr. STRATTON. Well, according to the whip notice it was not included in the bill.

Mr. HORTON. Well, I do not know where the gentleman got his understanding.

Mr. STRATTON. Mr. Speaker, I hope the gentleman is not trying to obscure the fact that on one of the significant Republican issues this Member was the only one willing to back up the Republican Secretary of Defense.

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. HORTON) has expired.

The Chair recognizes the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would just say to my distinguished friend that I believe that the President of the United States, who happens to be a Republican at this time, is committed to having an Inspector General. He has told me personally he is for it, he wants it done, and he believes in it.

His administration people were in my office this morning. They did not say they were opposed to it; they said they were for it. They did not ask for a special exemption for the Defense Department. They do not think they need to get one. I do not think they will get one, and I do not think we ought to give them one.

I will say that I commend my distinguished and beloved friend, the gentleman from New York (Mr. STRATTON), for defending the Republicans, and with that diligence one would think they would send him a pair of cuff links. I think that is the least the gentleman ought to get, because even the Republicans know that this is not a wise move and it is not supported by the Republican Party. They are supporting the Inspector General's position, and approval of these four agencies is what they want done. It is what I want done, and I wanted it done before they got in office. They endorse it now, and we ought to pass it again and send it to the Senate.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from New York.

Mr. HORTON. Mr. Speaker, the cuff links are from the President, Mr. Reagan. I do not think it is appropriate that the gentleman from New York (Mr. STRATTON) get the cuff links, because he is opposed to the bill. Mr. Reagan is for it, so it is not appropriate for him to get the cuff links.

Mr. BROOKS. He is going to get them from the Defense Department.

Mr. HORTON. But they come from the President.

Mr. BROOKS. And they are 18 carat.

● Mr. DIXON. Mr. Speaker, I rise in support of H.R. 2098, the Inspector General Act Amendments of 1981.

As a nonmember of the Government Operations Committee, I took the unusual step of cosponsoring this committee legislation in the firm belief that no agency or function of Government should be immune from the kind of scrutiny uniquely provided by Inspectors General. Many of us on the short side of the stick during the recent budget debate have long complained of an apparent double standard by which fraud and abuse in domestic social programs are widely trumpeted, often beyond their dollar significance, while excesses in other Departments, notably Defense, have often gone unpublicized, or worse, undiscovered. A GAO study indicating potential Defense Department savings of $14.7 billion is but the most recent indication of our failure to fully address waste in the Pentagon budget.

Few of us believe that H.R. 2098, or any single piece of legislation, can completely remedy the situation, or even that there is sufficient, identifiable waste to fully compensate for the very real budget cuts which the administration and Congress have endorsed. Still, by establishing non-partisan, independent, and depoliticized Inspectors General at the Departments of Defense, Justice, State, and Treasury and at the Agency for International Development—agencies which, together, comprise 42 percent of the fiscal year 1982 Federal budget, this bill makes an important contribution to the ongoing fight against Government waste—a fight which needs to be waged with equal rage and fervor, and across the board. I commend Chairman BROOKS and Representative HORTON for their efforts, and am proud to associate myself with them.●

● Mr. BEDELL. Mr. Speaker, I rise in strong support of H.R. 2098, a bill which would bring a greater degree of accountability in Government, and greater responsibility of taxpayers' money.

This bill would establish Offices of Inspector General in Departments of Defense, Justice and the Treasury, and the Agency for International Development, by consolidating existing audit and investigative units in each Department and Agency. These offices would conduct and supervise audits and investigations of their respective establishments and recommend policies to promote economy and efficiency and to prevent fraud and abuse, under the direction of Inspectors General who have been appointed by the President and confirmed by the Senate.

I believe that H.R. 2098 is a much needed piece of legislation. The Departments and Agency covered by the bill are responsible for the annual expenditure of approximately $95 billion and employs approximately 1 million here in Washington and across the country.

I was an active supporter of the 1978 bill, which later became public law. It established Offices of Inspector General in the Departments of Agriculture, Commerce, HUD, Interior, Labor, and Transportation and in the Community Services Administration, EPA, General Services Administration, NASA, Small Business Administration, and the Veterans' Administration. In many of the Departments and Agencies, it consolidated existing audit and investigative units. I feel it is time to extend our oversight efforts to these additional Departments and the Agency for International Development.

Unfortunately, because of inadequate auditing and investigative efforts, the prevailing practice within these departments and agencies, not covered by the original 1978 bill, has been to passively wait for complaints to rise through the layers of bureaucratic hierarchy to a level where they may or may not be dealt with. Often, because of indifference, a lack of resources or a fear of rocking the boat and doing harm to the status of one's own program, little, if any remedy to the problem is found. In many cases there has been little means for uncovering illegalities.

Mr. Speaker, beyond the enormous monetary costs of the fraud and in some instances blatant thefts, there are also significant social costs. Such crime does great harm to the programs established and implemented on the authority of the Congress to meet real and pressing national needs. When the integrity and effectiveness of these departments and agencies are damaged, those truly in need as well as those who must rely on the honesty and integrity of their Federal Government become the true victims. To my mind, it has been demonstrated that there is solid ground for the growing apprehension among our people that waste has been allowed to run rampant and that a few, if they are dishonest and clever enough, have clear opportunities to steal from the Federal Government and the American people.

I believe that if we are going to restore integrity in Government and, at the same time, stem the draining of billions of dollars in tax revenues away from their intended uses, we should implement and fully support offices of Inspector General in these additional

Federal departments and this agency not included in the 1978 law.

Mr. Speaker, the time has come for the Congress to take active steps to bring a greater degree of accountability into our Government. The establishment of these offices is one means toward that end.

Having recently returned from a series of open door meetings in my northwest Iowa congressional district, I am well aware of my constituents desire to curtail Federal spending and balance the budget. I am in total agreement with that desire. I am strongly committed to seeing our Nation restored to economic recover and improved productivity. But we must act now. I urge my colleagues to lend their support and vote for this important measure for taxpayers all across this Nation.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BROOKS) that the House suspend the rules and pass the bill, H.R. 2098, as amended.

The question was taken.

Mr. STRATTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION REAUTHORIZATION

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2979) to extend the authorization of appropriations for the National Historical Publications and Records Commission for fiscal years 1982 and 1983.

The Clerk read as follows:

H.R. 2979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2504(b) of title 44, United States Code, is amended by striking out "for the fiscal year ending September 30, 1981, an amount not to exceed $4,000,000" and inserting in lieu thereof the following: "for each of the fiscal years ending September 30 of 1982 and 1983, an amount not to exceed $3,000,000".

The SPEAKER pro tempore (Mr. BENNETT). Pursuant to the rule, a second is not required on this motion.

The gentleman from Oklahoma (Mr. ENGLISH) will be recognized for 20 minutes, and the gentleman from Ohio (Mr. KINDNESS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ENGLISH).

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2979, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ENGLISH. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BROOKS), the chairman of the Committee on Government Operations.

Mr. BROOKS. Mr. Speaker, I thoroughly endorse the bill and the position of our distinguished subcommittee chairman, the gentleman from Oklahoma (Mr. ENGLISH).

Mr. Speaker, this is a very small item in the scale of numbers we have been dealing with in our work on the budget. They lose this kind of money through the cracks in the Pentagon every day. So I hope no one is going to get up and say that in this time of cutting back on all programs, we cannot afford $3 million for the National Historical Publications and Records Commission.

We have been talking a lot about saving money here, but there is something else that needs saving—our history. All over the country, records and papers and documents that tell the story of how and why and where we became the kind of people we are, are in danger of crumbling into dust or just being lost or thrown away. The Commission performs a vitally important function in helping local communities identify and preserve these records.

The assistance it gives to universities and historical societies to help them publish the papers of some of the great and interesting figures in our past is also of tremendous importance in helping us understand how we have developed as a nation and as a people.

I am pleased to support this authorization of $3 million for the Commission. I am pleased to be on the side of history, and I hope all my colleagues will join me there.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from New York.

Mr. HORTON. Mr. Speaker, I rise in support of H.R. 2979. I support the authorization of Federal funding of the National Historical Publications and Records Commission during the next 2 fiscal years.

I am pleased to join with the chairmen of both the Government Operations Committee and the Government Information Subcommittee in sponsoring this legislation. The NHPRC, by judicious use of grants, has managed with very limited resources to initiate many useful historical and records conservation projects over the years. Through those projects, the Commission has fostered an increased historical awareness among our citizens.

I also realize that this is a time of budgetary restraint. H.R. 2979, in my estimation, is in tune with the times. It recognizes that a worthwhile activity of the Federal Government should continue, but reduces its funding by 25 percent from the fiscal year 1981 figure.

I urge all Members to support this bill.

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the National Historical Publications and Records Commission was established in 1934 for the purpose of promoting the collection and publication of historically significant papers of outstanding citizens. The Commission's role was expanded, when it was reauthorized in 1974, to promote the preservation and publication of valuable records generated in every facet of life which would significantly further an understanding and appreciation of our Nation's history. Its current authorization—$4 million per year—will expire at the end of the current fiscal year.

On May 5 the Committee on Government Operations approved and ordered reported H.R. 2979, which extends for 2 years the annual authorization of appropriations, at $3 million per year—a 25-percent cut from the currently authorized level.

Since 1964, Congress has provided the Commission with appropriated funds to make grants to State and local agencies and to nonprofit organizations for the preservation of historical records, and to support historical publication projects. Thus far, the Commission has expended $23 million in appropriated funds, and this sum has been matched by over $31 million from other sources. The Government Operations Committee feels that a 2-year extension of the Commission's funding authority at the level of $3 million will allow Congress the time needed to reexamine the Commission's financial needs beyond the next 2 years.

The Commission's grants program has had a positive impact on the preservation of historically valuable documents in virtually every State and many local jurisdictions. I urge you to support the continuation of this small but important program.

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2979, a bill to authorize the funding, as has been stated, for the Nation-

al Historical Publications and Records Commission in fiscal years 1982 and 1983.

The Commission has throughout its 37 years of existence made valuable contributions to the historical record of America. The National Historical Publications and Records Commission grants have enabled historians to preserve and to interpret the documents of important citizens, organizations, and governments. Without these efforts, our knowledge of our heritage would be that much poorer.

I would like to point out that unlike many other Federal agencies which are in the grant-dispersing business, the National Historical Publications and Records Commission has taken great pains to distribute its funds widely and in small amounts, which are genuinely "seed money," and they genuinely attract private contributions to those projects. Great projects may grow from NHPRC investments, but the Commission itself does not commit itself to fund them in their entirety. For this I commend the Commission.

This, Mr. Speaker, is one of a number of authorizations concerning which the procedures of the House are in question in the minds of many of us. That is, it appears that it is necessary for such authorizations to be brought before the House and acted upon in order to present the question to the House, that question being: Should this program live or die?

In no other way is that question going to be presented. Whether the funding can be made to fit into the budget somewhere and whether an appropriation will indeed be available are separate questions.

I happen to feel that this program should receive reasoned consideration, and it cannot receive that consideration without this authorization bill going forward.

I happen to support the concept and the work that has been carried on under grants from the National Historical Publications and Records Commission. There is disagreement with that position on the part of the administration, but I think it would be nothing but an abdication of our responsibility for this House to fail to act on the questions of whether this program shall live or die. I would urge that it live.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate my colleague's yielding.

Is it not possible that because this is a relatively smaller amount of dollars than we normally pump out of here, this should be handled by private contribution? Why is it necessary to continue to take this out of the Federal Treasury?

Mr. KINDNESS. Mr. Speaker, I think the gentleman from California raises a very valid consideration that ought to be taken into account. The fact is that the Commission's grants do indeed act as "seed money." They do attract private contributions, but in the absence of this stimulation of volunteerism, I think we would find that there is a lack of enough funding available for such programs.

The private sector is already doing a much greater share than the Federal Government, but we do have in my view a degree of responsibility to keep that stimulation flowing, to keep the adrenalin going, so that these matters of a historical nature which are a part of our governmental and public, as well as societal, heritage will go forward.

Mr. ROUSSELOT. Well, are we not already doing that by all the documents we put out all the time? Why is it necessary to have this federally funded again?

There are many foundations around the country that promote and provide most of the funding for this type of activity, so why does it remain necessary for the Federal Government to provide for this out of our Treasury?

Mr. KINDNESS. Mr. Speaker, the gentleman has raised another question which I think is also important to consider.

If we do not get some kind of stimulation for foundation contributions to come into programs like this—they do not receive that much consideration, especially from the larger foundations. A typical grant of the Commission is in the range of something like $50,000 to $65,000, which may not be in the course of 1 year; it may be over a period of 2 years or even longer.

This is a small way of stimulating, providing the "seed money," the stimulation, and the support for basic work to be done in the collection of papers, the editing of them, and the authenticating of them and starting toward their publication.

In some cases we have grants outstanding where the work has been brought almost to the point of publication, but without a continuation of the small stimulative grant, the publication work may not be able to go forward.

Mr. ROUSSELOT. Mr. Speaker, can the gentleman give us some examples of where the "seed money," as he mentioned, which has been provided has made the difference between starting something and not going ahead with it?

Mr. KINDNESS. I would point in a general way to a particular practice which is fairly common among foundations whereby they will match funds available from other sources.

It is also true that in some cases universities may have small amounts available for the conduct of work through, say, their history departments, and they will devote some of that funding to a program such as this, provided there are other funds to match up with it and make the program viable.

I am not qualified or equipped today to give specific examples, using names of institutions or foundations where this is a fairly typical pattern, where the funding may come from three or more sources, sometimes including private individual donors, as well as particular members of families of historical figures, too.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman from Ohio (Mr. KINDNESS) for his comments.

Mr. KINDNESS. Mr. Speaker, I thank the gentleman from California (Mr. ROUSSELOT) for his contribution, and I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Speaker, first I would like to say that I join with my distinguished colleagues in support of H.R. 2979.

I would like to say to the gentleman from California (Mr. ROUSSELOT) that if he has not had an opportunity to do so, I hope that he will check with the Library of Congress, because he will find that just last year or the year before the University of North Carolina press, among the presses of other universities, has been participating in doing research work about the Founding Fathers and former Presidents. Harvard University, Princeton, and others have been doing the same thing. They have issued entire volumes of letters which were written by Members of Congress to their constituents during that period of time—I do not recall the years, but it was a long period of time—when there was no CONGRESSIONAL RECORD.

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It is fantastic to go through and read some of those letters and see what the Members of Congress were saying to their constituents at that time. That is one example of the sort of thing we are talking about.

Now, this measure will continue a small, but extremely valuable program, a program which has helped keep us in touch with our country's heritage and will continue to do so for centuries to come as the priceless documents it has preserved are saved for our children and our children's children to read and study and profit greatly thereby.

The Commission, I might say, is doing an outstanding job of encouraging governmental and private bodies in the collection and preservation of historical source materials.

For instance, I learned that we had a tremendous amount of resource mate-

rial that had been gathered as the result of private contributions, but they have no funds to publish this material. We were able to get a little seed money back there just a couple of years ago from one of the agencies.

Since 1964, a more active role for the Commission became possible, and the NHPRC was given the additional assignment of supporting in a modest way the preservation of documentary sources of American history.

This important work, preserving the written word of one era for the next, just must be continued; and the NHPRC records program must continue to assist State and local governments as well as private organizations to better manage their historically significant records.

Assisting in the cost of publishing the papers of the Founding Fathers, many of which have never been published, is particularly important, because our university presses which publish scholarly works, works of such importance to Western civilization, simply do not have, as has been pointed out, the resources to print, and therefore preserve, the fruits of the study and research done in these areas. They must have some small amount of help.

I emphasize the word small, because like the gentleman, I do not see the necessity of us spending exorbitant sums of money in these areas, because the sum authorized by this legislation, while significant, seems small when compared with the legislation coming before this House regularly.

Much of the rich history of our Nation is concealed in crumbling records, which are buried in the attics of county courthouses and in private dwellings all over America. Unless this project can go forward, these records of the Founding Fathers will be lost forever.

I respectfully urge the passage of H.R. 2979.

I thank the gentleman for yielding.

Mr. ENGLISH. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Government Operations, the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. I will say in response to the question of my distinguished friend from California (Mr. ROUSSELOT) that the report reflects that the grant program since 1964 has funded projects totaling $54 million. Of this total, the Commission has committed $23 million of Federal money over this period of time. Outside matching funds committed to those projects total $31 million.

This is the pattern, to get more than 100 percent of what we put up. Possibly an additional 150 percent is contributed by people who know that when the Government puts up $8,000 or $10,000 for a study, that study has been determined to be meritorious and worthwhile and can then attract contributed funds. That is what the system is. If we do not have any seed money in this, potential donors may look at it and say to the Government, "Well, you do not have any of your own money up on this at all." In that case, the recommendation would not have the weight that it does when the Federal Government actually contributes something toward the preservation of these very valuable documents.

Mr. KINDNESS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, I thank the gentleman for yielding.

Members, when we examine the history of this organization, the reauthorization of which we are talking about, we can really see a little of what has happened to our Government, the Federal Government, in the course of the last 47 years. This commission was organized in 1934 as the National Historical Publications Commission and its function was to collect and publish the papers of outstanding citizens of the United States.

Now, who can be against that? Nobody. I am not against that. I do not think anybody is.

There is an old bromide in the history books that says, "Those who do not study history and learn from it are doomed to relive it."

I favor history being compiled so that future generations can learn from what we did today, the good things and the bad things, so that people can live a better life two or three or ten generations from now.

This commission went along well for 30 years, but then in 1964, with one of those great society programs, we see what happened. From 1934 to 1964, no Federal money was involved in this meritorious project. In 1964, the proponents of this project got the idea that we must stimulate the gathering of this data, so it was decided to authorize—how much? $500,000.

Well, now, who can be against that? That is a modest sum.

Then 8 years later, in 1972, we see how work expands to fill the time within which to complete it. The $500,000 annual authorization grew to $2 million. Then only 2 years later, Members, the work must have expanded extensively because the authorization increased from $2 million to $4 million, and so it goes.

From 1934 to 1974, some 40 years, from nothing in terms of Federal dollars, to $4 million.

This program is just a microcosm of what has happened to our Federal Government in the last 47 years. They start out with a good idea and it just grows and grows and grows.

The most sensible thing we can do with this today is just to not reauthorize this function. What happens to it? Is it going away? Not at all.

Under existing law, I want to point out to the Members, this function can continue under the mantle of the National Archives. Existing Federal law will permit this function to continue in every way without Federal dollars.

Also, I would point out to the Members that the budget resolution which we adopted 2 weeks ago provided a level of spending that excluded any funds for this organization for fiscal year 1982. In other words, if we vote to reauthorize this today, we are laying the foundation for violating the budget resolution which the House approved only 2 weeks ago. In other words, we then would be saying we want to authorize a program to bust that budget resolution. I do not think there are many Members in this House that want to go that route.

In conclusion, I would like to point out some other things. We are living in an era when even the Reagan budget for fiscal year 1982 proposes a deficit of some $60 billion. The credit markets of this country have analyzed this projected deficit and in response to it have established an interest rate that is close to the highest that anybody has seen in the last two decades, close to 19 percent; so any time we have a chance to find ways of saving money, I think we should so as to reduce this deficit.

Bear in mind we are talking about voting in this institution to cut food for children in school programs by making it tougher for middle- and upper-income families to get taxpayer paid lunches. At the same time, what is it that this program will bring from the Federal dollars? I want to read just a few items that were authorized in 1980 to indicate what we can expect in the future.

To the municipality of Anchorage, Alaska, to preserve the Anchorage Historical and Fine Arts Museum's glass plate negatives documenting early 20th century life in Alaska.

To the Baltimore City Archives and Records Management Office for arranging and describing the mayoral and council records from 1797 to 1971, and so on.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. KINDNESS. Mr. Speaker, I yield 1 additional minute to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. I thank the gentleman.

Does it really make sense for us to authorize continuing to spend Federal tax dollars for a function of this type at a time when we are straining to find ways of bringing our budget into balance? I just do not think it makes sense at all to do that.

Therefore, I would respectfully ask the Members of the House to vote

down this issue and save the taxpayers some $3 million, a very modest sum considering all that we spend around here, but just a small indication to the people of this country that we are determined to bring the runaway spending of this institution under control.

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to thank the gentleman who has just spoken, the gentleman from California (Mr. DANNEMEYER) for I believe making the case rather well, pointing up some of the uses of the money, and in the case of those two examples cited, giving illustrations of why it is that some attention needs to be directed toward the preservation of historical records of the sort that were cited.

It is not going to happen in the absence of some degree of active direction from the National Historical Publications and Records Commission, I believe.

There is apparently fairly general agreement for the desirability of preserving our Nation's history. The question presented here is not one of budget busting. We have a number of areas in which decisions have to be made in the Congress and not abdicated completely to the executive branch in all the details of what shall be included in the budget as it is finally put into the second budget resolution and enacted through the process of appropriations.

This is one little corner of a consideration of some importance, I think, that cannot simply be swept aside by saying that we voted on a budget resolution. It is not that at all.

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Arizona.

Mr. RUDD. I thank the gentleman for yielding.

I also want to commend the gentleman from California for pursuing the course that he has taken and what he has said and what he has brought out indicates that there is some serious doubt on the worthwhileness of the Federal expenditures under the circumstances and in this time, and also enough, I think, not only to bring us to a vote, but to reject it so that it would be brought out again, not under suspension, but for suitable debate.

I thank the gentleman for yielding.

Mr. KINDNESS. I think the point raised by the gentleman from Arizona is a correct one, that this House should make a decision on this. Whatever the division of opinion may be, that is the way it will come out; but it should not be left in some dark corner to be decided solely on the basis that the administration has made a recommendation that this program not be funded.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague yielding.

One of the problems, though, in bringing it up under a suspension procedure, if my colleagues had an amendment to reduce it back say $500,000 a year, which was the original authorization and appropriation, we would be unable to do that under this procedure; is that not correct?

Mr. KINDNESS. If the gentleman will allow me to point out on that matter, this bill does set the authorization level at $3 million, which is already a 25-percent reduction from the preceding year's authorized level formulated.

Mr. ROUSSELOT. Does the gentleman mean a real reduction? That is certainly a good policy, is it not?

Mr. KINDNESS. I thought that might bring smiles to the faces of the gentlemen from California and Arizona.

Mr. ROUSSELOT. But the point still is that because we have brought it up under a suspension procedure, the gentlemen could not offer any other amendments to this authorizing legislation under this method under which it is brought today.

So it is perfectly possible to vote against the bill on the basis that somebody wanted to amend it and not be against the whole idea.

Mr. KINDNESS. The gentleman's point is correct.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I might say, too, since we are reading off a few of the projects that were covered under this bill, one of the other projects, of course, are the papers of Ulysses S. Grant, who was a fine Republican President and I think certainly of historical interest to this country and to the students of history.

I think it certainly would be sad if his papers were not available to students of history in this country; but perhaps what we should all keep in mind, and perhaps this again reaches to the point of the gentleman from California, that what we are discussing here is an authorization bill. Basically what we are saying to the Appropriations Committee is that we are cutting back on the authorization by 25 percent. Certainly that is to be applauded. That is a direction I think we are all heading as far as this budget is concerned.

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If you should happen to find through the appropriations process an extra $2 million or $3 million that can be used to fund this project, then you have the authorization to continue with it. But it is one, I think, that is of importance, perhaps far more importance than the dollar value that is actually contained because of the stimulation that it brings about.

With that, Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

● Mr. WIRTH. Mr. Speaker, as a member of the National Historical Publications and Records Commission, I today urge my colleagues to support H.R. 2979, the reauthorization of the Commission now before the House.

As you know, the National Historical Publications and Records Commission is a part of the National Archives that provides assistance in preserving the Nation's records and making them generally available to citizens. In keeping with the policy of fiscal restraint we all must pursue, H.R. 2979 authorizes the Commission at a level of $3 million each in fiscal years 1982 and 1983—a 25 percent cut from the previously authorized funding level.

Records of enduring cultural and historical value are being lost at an alarming rate. The Commission was founded to help hold on to this great national treasure by recommending modest financial grants to State and local institutions, with most support coming from non-Federal sources. This funding insures the preservation of significant records and finances publication of the most important documents for wide dissemination.

The Commission has partially funded the publication of the papers of Thomas Jefferson and James Madison, and the early records of the U.S. Congress—priceless documents that otherwise may have been doomed to obscurity.

Again, Mr. Speaker, I urge the favorable consideration of H.R. 2979. We must not see our national heritage decay from neglect.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. ENGLISH) that the House suspend the rules and pass the bill, H.R. 2979.

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

DEBT COLLECTION ACT OF 1981

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2811) to amend the Privacy Act of 1974 to increase the efficiency of Government-wide efforts to collect debts owed the United States, to require the reporting to Congress of in-

formation on debts owed the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Debt Collection Act of 1981".

AMENDMENTS TO TITLE 5 OF THE UNITED STATES CODE

SEC. 2. Section 552a of title 5 of the United States Code is amended—

(1) in subsection (a), by striking out "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and", and by inserting after paragraph (7) the following new paragraph:

"(8) the term 'consumer reporting agency' means—

"(A) a consumer reporting agency as such term is defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)); or

"(B) any person who, for monetary fees, dues, or on a cooperative basis, regularly engages in whole or in part in the practice of (i) obtaining credit or other information on consumers for the purpose of furnishing such information to consumer reporting agencies (as defined in subparagraph (A) of this paragraph), or (ii) serving as a marketing agent under arrangements enabling third parties to obtain such information from such reporting agencies.".

(2) in subsection (b), by striking out "or" at the end of paragraph (10), by striking out the period at the end of paragraph (11) and inserting in lieu thereof a semicolon and "or", and by inserting after paragraph (11) the following new paragraph:

"(12) to a consumer reporting agency in accordance with the provisions of subsection (r) of this section or to a Federal lending agency in accordance with the provisions of subsection (s) of this section.";

(3) in subsection (m), by inserting "(1)" immediately after "(m)" and by adding at the end thereof the following new paragraph:

"(2) A consumer reporting agency to which a record is disclosed under subsection (b)(12) of this section shall not, by reason of such disclosure, be deemed to be accomplishing an agency function."; and

(4) by adding after subsection (q) the following new subsections:

"(r)(1) DISCLOSURE TO A CONSUMER REPORTING AGENCY.—Whenever the head of an agency or his designee attempts to collect a claim of the United States, the head of the agency or his designee may disclose to a consumer reporting agency information from a system of records indicating that an individual is responsible for a claim if—

"(A) the notice for the system of records required by subsection (e)(4) indicates that information in the system may be disclosed to a consumer reporting agency;

"(B) the head of the agency or his designee has reviewed the claim in order to assure its validity and has determined that the payment of the claim is overdue;

"(C) the head of the agency or his designee has sent a written notice to the individual informing such individual—

"(i) that the payment of the claim is overdue;

"(ii) that the agency intends to disclose to a consumer reporting agency, within not less than sixty days after sending such notice, that the individual is responsible for such claim;

"(iii) of the specific information intended to be disclosed; and

"(iv) of such individual's right to a full explanation of the claim, and of all available rights of administrative appeal or review;

"(D) such individual has not—

"(i) repaid or agreed to repay such claim under a repayment plan which is agreeable to the head of the agency or his designee and is in a written form signed by such individual; or

"(ii) filed for review of such claim under paragraph (2) of this subsection or other applicable provisions of law or regulation;

"(E) the agency has established procedures (i) for promptly disclosing, to each consumer reporting agency to which the original disclosure was made, any substantial change in the status or amount of the claim, and (ii) for promptly verifying or correcting, as appropriate, such information upon the request of any such consumer reporting agency for verification of any or all information so disclosed; and

"(F) the information disclosed to the consumer reporting agency is limited to (i) the name, address, and other information necessary to establish the identity of the debtor, (ii) the amount, status, and history of the claim, and (iii) the agency or program under which the claim arose.

"(2) Prior to a disclosure to any consumer reporting agency under paragraph (1) of this subsection and at such other times as may be permitted by law, the head of the agency or his designee shall, upon request of any individual alleged by the agency to be responsible for the claim, provide for the review of the obligation of such individual, with an opportunity for reconsideration of the initial decision concerning the claim.

"(3) If an agency does not have a current address for an individual for the purpose of sending the notice required by paragraph (1)(C), the agency shall make reasonable efforts to locate the individual prior to disclosing any information to a consumer reporting agency under paragraph (1).

"(s) DISCLOSURE TO A FEDERAL LENDING AGENCY.—Whenever an application is made by an individual to an agency for a loan, or whenever, for the purpose of securing federally subsidized insurance, guarantees, or other assurance with respect to a loan, an individual seeks authority from an agency to obtain a loan, such agency may request from any other agency engaged in making or authorizing such loans information concerning the credit history of that individual with that other agency. The head of that other agency or his designee may disclose to the agency making such request information from a system of records if—

"(1) the notice for the system of records required by subsection (e)(4) indicates that information in the system may be disclosed to other lending agencies of the Government;

"(2) that agency head or his designee has notified the individual in writing, at any time prior to making the disclosure, that such information may be disclosed and of the type of information which may be disclosed in accordance with paragraph (3); and

"(3) the information disclosed to the agency is limited to (A) the name, address, and other information necessary to establish the identity of the debtor, (B) the amount, status, and history of the debt, and (C) the agency or program under which the debt arose.".

BUDGET INFORMATION ON AGENCY DEBT COLLECTION ACTIVITIES

SEC. 3. (a) Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended by adding at the end thereof the following new subsection:

"(k)(1) The Budget submitted pursuant to subsection (a) of this section for each fiscal year shall contain, in a form, and prepared in accordance with standards, prescribed by the Director of the Office of Management and Budget—

"(A) an estimate for each major debt program—

"(i) of the total amount of debt outstanding under such program as of the beginning of such fiscal year;

"(ii) of the amount of such debt that will be in default on such date;

"(iii) of the amount of such debt that will be collected during such fiscal year;

"(iv) of the debt that is in default (I) the amount that will be collected, and (II) the amount that will be written off as uncollectable;

"(B) a comparison of—

"(i) the actual amounts that were collected during the preceding fiscal year with any estimate made for such fiscal year under subparagraph (A)(iii);

"(ii) the actual amount of defaulted debt that was collected with any estimate made for such fiscal year under subparagraph (A)(iv)(I); and

"(iii) the actual amount of defaulted debt that was written off with any estimate made for such fiscal year under subparagraph (A)(iv)(II),

together with an explanation of the reasons for any significant differences between such estimates and actual amounts.

"(2) For purposes of this section—

"(A) the term 'debt' includes loans insured or guaranteed by a department or establishment and all other amounts due the Government from fees, duties, claims, leases, rents, royalties, services, sales of real and personal property, overpayments, fines, penalties, damages, interest, taxes, forfeitures, and other sources; and

"(B) the term 'major debt program' means, for any fiscal year, any program of a department of establishment under which the total amount of debt outstanding during such fiscal year is projected to equal or exceed $100,000,000.".

(b) The amendment made by subsection (a) of this section shall apply to any budget submitted by the President more than thirty days after the date of enactment of this Act.

REVIEWS OF DEBT PROGRAMS BY INSPECTORS GENERAL

SEC. 4. (a) Each Inspector General of an agency shall, not later than October 31, 1981, and by October 31 of each succeeding year, conduct a review in accordance with standards established by the Comptroller General of the debts owed the Government for each program under which there is estimated by the Inspector General to be outstanding on September 30 of such year more than $100,000,000. A report on the results of such review shall be included in the semiannual report made by such Inspector General on such date.

(b) For the purposes of this section—

(1) the term "Inspector General" means an individual occupying the office of Inspector General as established by—

(A) the Inspector General Act of 1978 (5 U.S.C. App.);

(B) section 208 of the Department of Energy Organization Act (42 U.S.C. 7139);

(C) title II of the Act of October 15, 1976 (42 U.S.C. 3521 et seq.);

(D) section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929); or

(E) section 624(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(g)); and

(2) the term "debts owed the Government" shall include loans insured or guaranteed by such agency and all other amounts due the Government from fees, duties, claims, leases, rents, royalties, services, sales of real and personal property, overpayments, fines, penalties, damages, interest, taxes, forfeitures, and other sources.

The SPEAKER pro tempore. Is a second demanded?

Mr. KINDNESS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. ENGLISH) will be recognized for 20 minutes, and the gentleman from Ohio (Mr. KINDNESS) will be recognized for 20 minutes.

The Chair recognized the gentleman from Oklahoma (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. ENGLISH. I am happy to yield to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, I am happy to add my voice to those supporting H.R. 2811, the Debt Collection Act of 1981. This bill was introduced by the chairman of the Government Operations Committee, the gentleman from Texas (Mr. BROOKS), and contains recommendations made by the President. With that unbeatable combination of BROOKS and Reagan behind it, the bill must be good.

Delinquent Federal debts are now running in the neighborhood of $10 to $20 billion, so it is absolutely essential that the Government take steps to enforce its claims. This bill forces agencies to do two very useful things—report delinquent debts to credit bureaus and report on debt collection efforts to the Congress. Between the two, the results of enactment should be that citizens pay their debts more promptly to preserve their credit ratings, and agencies devote greater attention to collecting delinquencies.

I want to clarify just briefly one aspect of section 4 of the bill, pertaining to reviews by inspectors general of major agency loan programs. These reviews, according to the bill, shall be made "in accordance with standards established by the Comptroller General." We stipulated that the Comptroller General set the standards because he is the most expert auditor in the Federal Government. But because he is not an official of the executive branch, he does not have the power to enforce inspectors general to follow his standards.

Mr. Speaker, I support this measure. I hope that we can pass it and consequently increase Federal revenues by collecting more delinquent debts.

Mr. ENGLISH. Mr. Speaker, H.R. 2811, The Debt Collection Act of 1981, is intended to help the Government begin to get control of its debts. This is no minor problem. Even here in Washington where we are used to dealing with large sums of money, the amount owed to the Government is enormous. Total debts, including loans, taxes, fines, and other categories of debt exceed $125 billion. Of this total, more than $25 billion is delinquent.

Agency efforts to collect these delinquent debts have been appallingly poor. Agency managers simply do not care about collections, and it is this lack of interest that had produced the large volume of receivables. Management has been so loose that a recent review of debt programs located $10 billion in debts that had not previously been reported. It is hard to lose track of $10 billion, but the Government managed to do it.

I do not have to tell my colleagues how important this money could be. If we had even a small percentage of the delinquent debt, we would be able to avoid billions of dollars in spending cuts or to fund a sizeable tax cut.

The Members may be aware that the President announced a major effort to strengthen Federal credit management about a month ago. At that time, the director of the Office of Management and Budget indicated that a package of legislative recommendations would be proposed.

Although that legislative package has yet to be sent to the Congress, I am pleased that the Committee on Government Operations has been able to take prompt action on debt collection. Well before the President ever recommended any legislation, Chairman JACK BROOKS had already introduced his own debt collection bill, and this is the bill that we are debating today. I would like to commend Chairman BROOKS for his leadership in this area. I hope that the administration will be able to follow up on the work we have started and will submit additional legislation soon.

The major purpose of H.R. 2811 is to clarify the law relating to credit reporting by Federal agencies. Under a Justice Department interpretation of the Privacy Act, credit bureaus accepting credit information from an agency would be subject to the Privacy Act in addition to the Fair Credit Reporting Act. H.R. 2811 overturns this interpretation and leaves credit bureaus subject only to the Fair Credit Reporting Act. The credit industry supports the bill.

The reporting of delinquent debts to credit bureaus should encourage debtors to pay what they owe the Government. It is hard to say how effective this reporting will be in reducing the amount of delinquencies, but it may help. If only a tiny fraction of those who owe money are induced to pay, collections will be many millions of dollars.

H.R. 2811 also specifies the steps that an agency must take prior to reporting of debts. These due process procedures assure that individuals are informed of their rights and of the consequences of failure to pay. The procedures will be simple for agencies to comply with and will provide adequate protection for individuals. Information in the possession of credit bureaus is already protected by the Fair Credit Reporting Act.

In addition, the bill further amends the Privacy Act to permit increased sharing of credit information among Federal lending agencies.

The bill also requires that information about agency collection activities be included in the yearly budget message. This reporting will enable Congress to monitor collections by making information available in a timely fashion to the Budget and Appropriation Committees.

Finally, the bill requires agency inspectors general to review annually major debt programs. Independent reviews will stop agencies from hiding collection failures through creative accounting techniques. Current agency accounting systems are incapable of supporting needed debt collection functions.

In offering this bill today, I would like to emphasize that legislation will not solve the debt collection problems of the Federal Government. Delinquent debts have soared because of a lack of management interest in collections. The report of the OMB debt collection project documents this point over and over again. The report acknowledges that the first step in assuring effective management of debt is the establishment of accountability at all levels of the process. It is difficult, if not impossible, to legislate management responsibility.

The shortcomings of legislation are illustrated by the experience with Public Law 94-466. The Veterans' Rehabilitation and Education Amendments of 1980 gave the Veterans' Administration new authority to collect debts. Included was the authority to report information on delinquent debtors to credit bureaus. This is essentially the same authority that H.R. 2811 proposes to extend to other agencies.

At a recent hearing, the VA admitted that 6 months after this law was enacted, no debts had been reported to credit bureaus. Further, the VA indicated that the necessary computer capacity would not be available until

1982. This means that the aggressive new collection authority may go unused for 2 or more years after it was granted.

Notwithstanding this experience, I still strongly endorse the granting of similar authority to other agencies. The administration has promised to strengthen credit management practices and has ordered agency heads to develop and implement aggressive debt collection programs. The President has also ordered each agency to designate an official with responsibility and authority for debt collection. With this high-level commitment, I hope that adequate resources will be made available to do the job. If nothing else, the designation of these officials will help to identify those who are at fault for inadequate collections in the future.

Although the administration has announced a major effort on debt collection, it has established very modest goals. At a hearing before the Subcommittee on Government Information and Individual Rights, OMB Director Edwin Harper indicated that management efforts and new legislation would only enable the administration to increase collections of delinquent debts by $1 billion. This represents only 4 percent of the total amount of delinquent debt presently outstanding.

This is a very limited objective for an administration that has been so vocal on eliminating fraud, abuse, and waste. It is nevertheless welcome as a first step, and I hope that much larger sums will be collected in future years.

As offered today, H.R. 2811 includes some technical changes to the bill as reported by the Committee on Government Operations. One of the amendments made by the committee permits disclosure of credit information by one Federal lending agency to another Federal lending agency. The purpose of the amendment is to overcome Privacy Act limitations that preclude agency exchange of information where the purpose of the disclosure is not compatible with the purpose for which information was originally collected. Where credit history information has been collected for use in one loan program, disclosure of that information for use in an unrelated loan program fails to meet the compatibility requirement of the Privacy Act.

As reported by the committee, disclosure of information by one Federal lending agency to another would be permitted under the same conditions as are required for disclosure to a consumer reporting agency. Since these conditions are unnecessary for exchanges of data within the Federal Government, they have been eliminated in the bill offered today. These changes have been agreed to by the minority.

The three conditions that remain in the bill as a prerequisite to agency-to-agency disclosure are: First, a requirement that the disclosure be included in the Privacy Act notice for the system of records; second, a requirement that the individual be notified that information may be disclosed to another Federal lending agency; and third, a limitation on the type of information that can be disclosed. The first and third of these conditions are identical to conditions required for disclosure to a consumer reporting agency. The notice requirement is similar to a requirement for such disclosures and can be satisfied through the Privacy Act notice already required under subsection (e)(3).

In summary, H.R. 2811 will encourage more effective collection of debts by Federal agencies and will permit more meaningful oversight of the collection process by the Congress. I urge its adoption.

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, here we are, scratching around in every corner of the Government trying to find ways to save money and cut costs, and sitting out there are billions of dollars that are owed to various Federal agencies and are being lost each year because we have no effective means of collecting them.

I think H.R. 2811 will provide an effective means of getting some of that money back. We live in a world of credit transactions. People who are unable to establish a good credit rating are severely restricted in their range of choices and activities, and in their ability to enjoy all the benefits of our consumer-oriented economy. Hit them in their credit rating, and you hit them where it hurts.

And that is where H.R. 2811 would apply the pressure. By permitting the Government to inform private credit rating bureaus who owes the Government money and has not repaid it, we would be making it a lot more difficult for those people to get a loan to buy a car, or get a new television set on credit, or some furniture, or some clothes.

The GAO has found that people who are making no attempt to pay off their Government debts are running up private sector debts and paying them off on schedule. They will not be able to do that so easily under this bill.

This is not the whole answer to our debt collection problems. There are other steps that could and probably should be taken, but they raise questions that will have to be studied and could take a lot of time to answer. This is a simple, straightforward bill. We know it works. We should put it into operation as soon as possible. We are talking about a lot of money out there that rightfully belongs in the U.S. Treasury. Let us start putting it there.

Mr. KINDNESS. Mr. Speaker, I rise in support of this legislation.

H.R. 2811 has two objectives, both of which are commendable. First, it is designed to make information concerning delinquencies in people's debt repayments on Federal loans available to creditors. The bill does this by authorizing Federal lending agencies to report delinquencies to credit bureaus, and by making clear that credit bureaus which receive that data do not have to follow Privacy Act procedures with regard to it.

Second, the bill is intended to push agencies to pay more attention to their debt collection effort. It does this by requiring agencies to report, as part of their annual budget submissions, on how those activities are progressing, and by mandating inspector general reviews of major loan programs.

This bill by itself, of course, is very limited; it makes only small changes in the effort to collect delinquent debts. The provisions of this measure, however, when combined with other portions of the comprehensive debt legislation which I understand the administration will propose shortly, will help redirect Federal loan programs to collection as well as distribution of funds.

Mr. ENGLISH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

● Mr. JEFFORDS. Mr. Speaker, I wish to express my unmitigated support for H.R. 2811, the Debt Collection Act of 1981, which would amend the Privacy Act of 1974, to allow Federal agencies to refer the names of delinquent and defaulted debtors to credit bureaus.

As you may know, I have introduced H.R. 2543, the Debt Collection Improvement Act, which includes the provisions of H.R. 2811, along with other debt collection tools.

The magnitude of the Federal Government's outstanding debt problem is astounding. Of the $175 billion in debts owed, at least $25.3 billion is delinquent or in default at agencies and departments across the full breadth of the Government. For example, as of the end of fiscal year 1979, $1.4 billion in receivables was delinquent at the Department of Agriculture, $2.2 bil-

lion at the Department of Education, $1.9 billion at the Department of Health and Human Services, and a whopping $14 billion at Treasury, more than $10 billion of which was uncollected back taxes.

The condition of many department accounting systems is so poor that it is presently impossible to determine if an additional $2.4 billion is current or overdue.

In fiscal year 1979 alone, Uncle Sam wrote off $1.5 billion as uncollectible bad debts. The cost to the American taxpayer of carrying this defaulted debt is staggering—roughly $3 billion annually. Unless Congress acts promptly to end this debt forgiveness spree, uncollectibles stand to grow by leaps and bounds with larger Federal budgets.

Perhaps the most critical aspect of this mounting debt problem is Government indifference. Loan program directors have been the last of the big-time spenders, almost solely concerned with lobbying for increased appropriations and disbursing money, and assigning a very low priority to repayment enforcement. As former Comptroller General Elmer Staats has said, agency heads have been operating on the principle that "It's more fun to give money away than to take it back."

Public awareness of waste, fraud, and abuse in Washington is growing, and we will be held accountable if corrective measures are not put in place. Candidate Ronald Reagan made this issue a familiar one on the campaign trail. The Washington Post and Newsweek, among other prominent publications, have run articles and editorials on the subject. The General Accounting Office has released a spate of reports over the years categorizing the vast number of different ways the Government has been squandering taxpayer money. And certainly waste and improved administration of programs has been focused on as part of the budget process now gathering a head of steam. With worthwhile programs threatened as part of very real budgetary constraints, Members have been asking themselves, and rightly so, if waste should not be curtailed before the well whetted budget ax cuts too deeply into legal services and other programs for the needy.

H.R. 2811 provides one very useful tool in the battle for efficacious Federal collection of its outstanding debts. Referral of the names of delinquent debtors to credit bureaus is extremely cost effective. It will insure that those who consider reneging on their commitments to the United States know they run the risk of being denied credit cards and other lines of credit. In New Jersey, where the condition of all student loans is made known to credit bureaus, student defaults have been relatively few.

So I commend the committee for taking up this pressing issue. I would hope that the Congress would see fit to adopt other collection tools which I have included in my bill. The use of the tax refund offset, the raising of interest rates on delinquent or defaulted loans, garnishment of Federal employee wages, removal of the restriction on redisclosure of a debtor's address obtained from the IRS and lifting of the 6-year statute of limitations barring the offset of debts owed Uncle Sam, all of these additional measures will be of great assistance in the debt collection area. They do not, however, fall under the jurisdiction of the Government Operations Committee and will have to be debated in the proper forums.

Thank you, Mr. Speaker.●

● Mr. BUTLER. Mr. Speaker, I rise in support of strengthening the Federal Government's effort to collect delinquent debts owed to it.

I plan to vote for the bill which is now before us. However, this bill is only a part of the entire legislative undertaking necessary for the improvement of debt collection activities.

The Office of Management and Budget established a debt collection project 2 years ago to study how to improve Federal credit management. OMB issued the project's report in January, and the administration will soon send us a package of legislation based on its recommendations. I would prefer to consider this package as a whole so that we could evaluate the interrelationships of its parts. H.R. 2811, which generally incorporates two of the package's provisions, is before us separately, however, and we must consider it today.

The principal provision of H.R. 2811 concerns the disclosure by Federal agencies of delinquent debt information to credit bureaus. Credit bureaus will not accept that information right now because an opinion issued by the Justice Department in the last administration states that if they do accept it, they will be considered to be Government contractors for purposes of the Privacy Act. That means they would have to maintain the data in accordance with the Privacy Act procedures, and they would be subject to Privacy Act liability.

The bill makes clear that the Privacy Act would not apply to credit bureaus which accept delinquent debt information from Government agencies. In my judgment, if an individual knows that his credit rating will be affected by failure to repay debts to the Government, he will be encouraged to repay those debts.

During committee consideration, we made three improvements to H.R. 2811, based on my suggestions. We eliminated a requirement that agencies issue new regulations pertaining to delinquent debt information. Additional regulations are unnecessary because the protections already exist in law and new regulations would merely have added to the burden Government imposes on its citizens. We added a provision that permits Government agencies to transmit data on individuals' debt repayment to other Federal lending agencies. This is useful because Federal creditors, just like private creditors, ought to know how well people repay old Government loans before deciding whether to make new loans to them. We also modified the section requiring inspectors general to audit major agency loan programs. While this is certainly an area which should be under the surveillance of inspectors general, we should not direct all of their resources to only one place and I urged the change from audit to review. To my knowledge, this is the first time the Congress has tried to allocate the resources of inspectors general. We want them to be as free as possible to roam all over their agencies searching out waste and corruption, and I do not like the idea of restricting their activities. I was pleased to see that the restriction in the bill is not as severe as it was before the committee amended it.

Mr. Speaker, I will support this legislation, which I view as the beginning of a serious effort to provide efficient collection of debts owed to the Federal Government.●

The SPEAKER pro tempore. The question is on the motion offered by the gentlemen from Oklahoma (Mr. ENGLISH) that the House suspend the rules and pass the bill, H.R. 2811, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

THE HONORABLE TIM LEE CARTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. ROGERS) is recognized for 5 minutes.

Mr. ROGERS. Mr. Speaker, as you and most of my colleagues here today know, I came to Washington with a very tough act to follow. My predecessor in the House is Tim Lee Carter of Tompkinsville, Ky.

In my view, the House lost a truly great man when Congressman Carter retired after 16 years of dedicated, hard work in Washington.

Congressman Carter has filled many shoes in his lifetime; he has been a teacher, a high school coach, a doctor, and, of course, a Member of this great body. He tackled each of these jobs with great energy and love for the people he served and worked with.

Tim Lee served the people of Kentucky's Fifth District well. He stood up for his people and looked out for the best interests of all Americans.

As a member of the Interstate and Foreign Commerce Committee, where I now sit, he served as the ranking Republican on the Health Subcommittee, a position where his background as a physician was put to good use. His wealth of talent and medical expertise left a heavy impact on the legislation and regulations in this field.

I believe a real sign of Dr. Carter's compassion for people everywhere is his extensive travel throughout the world, meeting with and helping health groups and his international colleagues in many countries.

Many of you here in Congress know Dr. Carter well. You know of his tireless efforts to make this world a little bit better place to live.

My colleague from New York, Congressman JACK KEMP, has said that Tim Lee is "a man of the highest integrity." I could not agree more.

In a breakfast meeting I had with Vice President GEORGE BUSH not too long ago, the Vice President told me that his friendship with Congressman Carter is one which he will treasure always.

As a doctor, as a teacher, during World War II, on the Interstate and Foreign Commerce Committee and on the Small Business Committee, Tim Lee Carter served his country well.

I am very proud to represent the same district as my forerunner, Congressman Carter.

□ 1345

I know you will all agree with me when I say that Dr. Tim Lee Carter is missed in these great Halls.

Mr. Speaker, I yield back the remainder of my time.

A CALL FOR AN END TO HUMAN RIGHTS VIOLATIONS BY THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. TAUKE) is recognized for 5 minutes.

● Mr. TAUKE. Mr. Speaker, last week we in Congress held a vigil on the treatment received by many Jewish "refuseniks" in the Soviet Union. I, for one, am convinced that the U.S.S.R.'s restrictive emigration procedures are of great concern to the entire free world.

Time after time I have seen evidence of many individuals and families who have been refused emigration permits by officials of the Soviet Government. At any given time, there are 50,000 applications for exit visas pending from Jewish people alone. But in 1979, for example, while 176,000 Jews applied for permission to emigrate, only 51,300 exit visas were granted.

These figures are shocking enough. However, what occurred in the following years is worse. In 1980, 21,774 Jews were granted exit visas, although the number of applications did not decrease from the previous year. In 1981, through the first week in May, 4,800 of these people have left the Soviet Union. At that rate, only 12,000 to 14,000 will be allowed to leave during 1981, bringing the number of granted visas to a low unheard of since 1972.

Thousands of people have applied for these exit visas twice a year. Many, such as Anatoly Shcharansky, are famous. Many are not.

Another disgraceful situation begins immediately after the Jewish individual applies for an exit visa. At that time, he loses his job and cannot find another. In many cases, this has given the Soviet Government officials leeway to arrest and convict the refusenik for parasitism. Since it is government action that causes the refusenik to lose his job in the first place, this entire situation is grossly unfair.

Discrimination by any government against those who wish to emigrate must end. All those who wish to leave the U.S.S.R.—no matter what their religion—must have the right to choose where they want to live and under what government. I join many of my colleagues in Congress in calling for an end to violations of human rights by the Soviet Union.●

POPE JOHN PAUL II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, people of good will all over the world were deeply saddened by the news of the senseless attack on Pope John Paul II, and I join the people of Chicago, who feel a special kinship with this loving spiritual leader since his visit to us last year, in their sadness and in their fervent prayers for his successful recovery.

Karol Wojtyla, born in Poland and elected as Pope in 1978, has made clear his unwavering dedication to the cause of human dignity, as have the Polish people themselves. Just as the courage of the Polish people will never fail, Pope John Paul's courage will never fail. His faith, his love, and his devotion to Christian principle will continue to inspire the peoples of the world and strengthen the ideals of humane civilization, in which all nations and peoples can live productively in peace.

During this terrible time of tears and worry for the fallen pontiff, a citizen of Poznan, Poland, is reported as saying:

For me, for all of us, John Paul II is not only the head of the church but he is also the burning heart of Poland beating throughout the world.

Poland and Pope John Paul II have become symbols of hope for a world weary of the violence and hatred of individuals and nations alike. May God preserve this splendid leader whose loving kindness, humility, and fearless confidence in the power of righteousness have enlightened and inspired the world.●

TRIBUTE TO FORT WALTON BEACH HIGH SCHOOL BAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HUTTO) is recognized for 5 minutes.

● Mr. HUTTO. Mr. Speaker, I would like to take this opportunity to heartily salute the Fort Walton Beach High School Band which was selected to represent Florida and marched in the inaugural parade this year.

Under the direction of Mr. Ernest Hebson, the performance, which was both majestic and proud, was indeed a credit to the school, their hometown, and all of the people of the State of Florida. They displayed discipline which could only come from long hours of hard work, and I was extremely pleased to be able to say that they were from the First District of Florida.

The principal of this fine school, Mr. C. F. Reynolds, the faculty, the students, and the parents are also to be applauded for their dedication, work, and support of the Viking Band, which has won many honors for their outstanding performances the last several years.●

ARTICLE NOTES MAJOR U.S. WEAKNESS

(Mr. SIMON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SIMON. Mr. Speaker, rarely have I found an article which I have found so incisive and to the point, touching on a major U.S. weakness.

The article I am referring to is by David P. Calleo, a professor of European studies at the School of Advanced International Studies at Johns Hopkins University. He is author or coauthor of several books about the U.S. economy and foreign affairs.

The article is titled "Inflation and American Power" and appeared in the spring edition of Foreign Affairs.

His fundamental thesis is that we have to reexamine American foreign commitments if we really want to be serious about getting hold of inflation.

There are a number of other assertions in the article which I find right to the point.

I am inserting his article in the RECORD, as well as a column I did for the newspapers in my district, which

includes some comment which I have had on his article.

I urge my colleagues in both the House and Senate to read the article.

I know that is a fairly common plea as we insert these items in the RECORD, but for staff members who read this I urge you to call this to the attention of your Member. In my 6½ years in Congress I do not recall an article more important and more to the point than this one.

The material follows:

[Newsletter by Congressman PAUL SIMON]

DEFENSE AND INFLATION

The latest edition of the magazine Foreign Affairs has an article, "Inflation and American Power" by David P. Calleo, which I would like every member of Congress, every journalist, every opinion-molder in this country to read.

In six and one-half years of writing this column as a member of the House of Representatives, I do not believe I have ever used an article by someone else as a basis for my column, but this thoughtful piece merits unusual attention.

His basic point is that U.S. policy abroad has to be re-examined (along with domestic policy) if we are to get control of inflation.

Among other things, his article makes these assertions (with my comments in parentheses following):

1. There is plenty of guilt to be passed around to both Democratic and Republican administrations for our present inflation problems. (He is correct.)

2. The social concerns of the U.S. government are not the basic cause of inflation. "The goals of the German government, including an expensive welfare system as well as the full employment of its work force, have been pursued without the combined budget deficits and easy-money characteristics of the American economy." (And without our high inflation rates.)

3. "Governments are constantly 'declaring war' on inflation. But all other things being equal, a political system generally prefers inflation to its cure." (How right he is! I have seen the same tendency in three administrations now, two Republican and one Democratic. There is an overwhelming reluctance to tackle the fundamental problems, like correction of the indexing errors.)

4. After the sudden rise of oil prices by OPEC, "from 1973 through 1979, other industrial countries stabilized or actually cut back their volume of imported petroleum. The United States, by contrast, increased its import volume by 34 percent." (Unfortunately, he is correct. And the latest budget we have before us calls for substantial cuts in coal research, keeping us more dependent on oil.)

5. "Long-range remedies cannot be expected to make progress in the face of persistent, relentless inflationary stimulus from the government's own spending and finance. Ending inflation must start with ending those government policies that have been fueling it." (Correct. The bright spot in the government picture is the Federal Reserve Board, which is determined to keep a stable money supply. I would prefer they combine that with credit restrictions rather than high interest rates. But the author's basic point that we have to get hold of our fiscal policy is sound.)

6. "The Reagan Administration's evasive fantasies lie with 'supply-side' economics. . . . Without eliminating the government's perpetual deficits, supply-side economics will prove only one more in a long line of postwar gimmicks." (How true!)

7. "A new public consensus" has not been created around "a realistic view of America's diplomatic and strategic position. . . . This inability to lead the American public toward accepting a more complex world must be counted as the major failing of American foreign policy in the 1970s." (Amen! And unfortunately our political campaigns tend to feed on oversimplifications, rather than shed light, and poorly informed candidates find themselves trapped by their campaign oratory, which is fashioned by the polls rather than the facts.)

8. The task of stopping inflation "is complicated by the strong pressure in recent years for a major American rearmament." He then points out that the United States spends significantly more on defense than the nations of Western Europe and Japan do, both in absolute numbers and in percentage of our national income. Yet for fiscal year 1981, 51 percent of our defense budget is designated for the Western European threat. He suggests that Western Europe ought to pick up more of their own bill. "Disbanding six of the present ten U.S.-NATO divisions would alone bring, within three years, an annual saving to the defense budget of some $30 billion. . . . Reforming America's European commitment would . . . be only a step toward curing America's inflation, not a panacea. But without some such major breakthrough in military spending, prospects for real improvement seem dim."

(Interestingly, the House Budget Committee's Inflation Task Force, which I chaired, had this controversial statement in it last year:

("This is not to suggest that the Nation's economy cannot stand the present—or higher—levels of defense expenditures. But we must be aware that, if that is the choice, then the result will be higher taxes, assuming neither high unemployment or high inflation is an acceptable alternative. We can ill afford to long pretend that we can avoid this difficult choice. By 'avoiding' the choice we choose high inflation."

(That is no more popular now than when the statement was issued, but it is still accurate. We have real defense needs, particularly in personnel. Europeans criticize us for this weakness. But we need to develop a more sophisticated strategy which recognizes that part of the nation's security is a sound economy, that moves on the defense problems of personnel and spare parts, and conventional forces, that asks our friends to share their full end of the defense load, and that recognizes the Soviet threat in the developing nations should be met by helping to provide greater opportunity for those people. Our present policies are geared to yesterday's world and are inflationary. We need non-inflationary policies which recognize today's and tomorrow's realities.)

INFLATION AND AMERICAN POWER

(By David P. Calleo)*

In recent years, American policy at home and abroad has seemed more pressed by events and less sure of its responses than at any time since the late 1940s. Since World War II, the guiding ideals of policy have been neo-Keynesian "full-employment" at home and neo-Wilsonian leadership abroad. It is difficult to count the achievements unimpressive. Along with an unparalleled domestic prosperity, America's leadership and power have coaxed the world into a structure of collective security and liberal economic interdependence—a pax Americana that has been, on balance, the happiest era of this troubled century. The present disarray of American policy arises from two broad trends that have increasingly undermined both its domestic and foreign achievements. The first is the apparently relentless acceleration of domestic inflation—a process that involves increasingly violent swings of the business cycle and a progressive stagnation of real growth and competitiveness. The second is the deterioration of American power abroad and, with it, the disintegration of the pax Americana.

Blaming the ineptitude of incumbent policymakers is always tempting and in recent years perhaps unusually plausible. In longer perspective, however, America's difficulties seem longstanding and cumulative rather than adventitious and random—the result less of inept and inexperienced tactics in one administration than of increasingly inadequate strategies through several. From this perspective, improvement depends not so much upon fresh leadership, per se, as upon a hardheaded reexamination of the mix of strategies long used to maintain American goals at home and abroad.

Escaping from the inadequacies of current policies requires, first of all, understanding why they no longer work. The two fundamental problems—domestic inflation and foreign weakness—have numerous independent causes. One feature, however, they share in common: overextension. Both at home and abroad, American ambitions seem to exceed present American resources. In addition, economic policy and geopolitical position have been growing progressively interconnected. Failure in one sphere reverberates in the other. Lack of control over domestic inflation makes maintaining the postwar international system, and our position within it, more and more difficult. At the same time, restoring stable prosperity to the domestic economy seems increasingly unlikely without modifying the American role in the international system.

For American policy in its present weakness, this interdependence has thus become a vicious circle of reinforcing failures. How can the cycle be broken without a retreat from the liberal economic order abroad or a radical decline in prosperity at home? For a start, why has the United States been suffering from inflation and how has that inflation been connected to our position abroad?

II

America's basic inflation rate has risen higher in each business cycle of the past two decades. In 20 years, prices have increased roughly 177 percent and are now increasing at an annual rate of 12.5 percent.[1]

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[1] "Economic Report of the President," 1981, Washington: GPO, 1981, p. 289. See also Bureau of Labor Statistics, Statistical Information Service for most recent Consumer Price Index rate.

Moreover, the causes are rooted in the character of our political economy. While inflation also grew to serious proportions in the late 1940s and through 1951, the domestic rate was kept down through the Eisenhower era and remained low until the later 1960s. The onset of the current inflation is commonly traced to the policies of the Johnson Administration, in particular to its combination of the Vietnam War with the Great Society. Actually, the inflation of domestic prices began to show up in 1965, well before Vietnam expenditures began having serious effects on the economy.[2] In any event, the roots of Johnson's expensive military and social programs are clearly to be found in the Kennedy Administration—in its rearmament and ambitious reassertion of American leadership abroad and its energetic pursuit of neo-Keynesian policies at home. Concern with growth and leadership, of course, hardly began with Kennedy; but earlier postwar Presidents pursued the same goals with more concern for the limits of fiscal resources.

If any single development may be said to have opened the door to the renewed inflation of the 1960s and 1970s, it was Kennedy's fiscal policy. More precisely, it was the fiscal policy that Kennedy espoused and Johnson achieved. With his famous tax-cut proposal of 1963, Kennedy promoted the "full-employment budget," a notion that calls for government deficits whenever the economy is running at less than its hypothetical full use of plant and labor. Ever since Johnson pushed through the Kennedy tax cut in January 1964, full-employment budgets have been the governing principle of fiscal policy. And since 1964, the federal budget has been in deficit every year but one.[3]

Analysts, of course, differ endlessly over the underlying causes of inflation. Nearly every modern society has rapidly rising expectations and aggressively powerful interest groups. Most contemporary economies are thus predisposed to inflation. Blaming inflation on government deficits is rather simplistic. A government budget embodies the aggregate demands of the political system. A government deficit reflects the whole society's excessive claims on its resources. It may also reflect deeply rooted structural distortions that prevent the economy from generating the resources demanded.

All this being said, it is the duty of government to govern, not merely to reflect passively the overall claims of its citizenry. A budget is essentially a checkpoint, where the state is meant to make rational choices in the general interest. Since, in practice, the full-employment budget idea virtually mandates fiscal deficits at nearly all stages of the business cycle, common sense suggests that enshrining such a doctrine at the center of policy can be expected to encourage inflation—in either peace or war. When such a fiscal policy is accompanied by America's traditional easy money policy, as it has been throughout the period, inflation is inevitable.

An inflationary policy, ratified by a complacent monetary policy, does, of course, have advantages. Not only are governments free to pursue a variety of goals with less need to decide among them, but inflation helps keep resources more fully at work. In the short run, inflation encourages employment, particularly if prices rise faster than wages and thus reduce the real cost of labor. As the public gradually loses its "money illusion," however, wages and salaries begin to gain on prices. Continuing high employment requires more and more inflationary stimulus. Full-employment policy becomes a race between the government's printing press and the public's imagination. Inflation is thus difficult to stabilize, but tends relentlessly to accelerate.

To call the generous fiscal policy of the past two decades a "full-employment" policy is, of course, somewhat misleading. The full-employment-budget idea does provide a rationale for a looser fiscal policy. It legitimizes the political system's unwillingness to bring its goals into balance with the level of real resources. But the unbalanced expenditures that result may only incidentaly be motivated by considerations of employment. Governments in countries with substantially lower inflation rates that the United States are, in fact, no more tolerant of unemployment than American liberals. Unemployment in the Federal Republic of Germany, for example, has traditionally been substantially lower than in the United States. But the goals of the German government, including an expensive welfare system as well as the full employment of its work force, have been pursued without the combined budget deficits and easy-money characteristics of the American economy.

Since government policy is the efficient if not the ultimate cause of inflation, changing government policy is also the essential cure. Governments are constantly "declaring war" on inflation. But all other things being equal, a political system generally prefers inflation to its cure. Not everyone benefits from inflation, of course. A conservative domestic coalition may arise to force a sufficient limit and precedence among goals to fit the real resources available. But as the economy grows more and more habituated to inflation, the costs of ending it grow increasingly severe for the particular interests of more and more groups. Hence, short of some extreme explosion that appears to threaten property itself, domestic coalitions seldom have lasting success in halting inflationary policies.

For most countries, the major check on domestic inflation lies in the need to defend the value of the currency. In an open world economy, if one country's inflation rate exceeds that of others, its surplus money begins to flow to less inflationary countries where money is in shorter supply and real interest rates are higher. The inflationary country suffers a balance-of-payments deficit and its currency begins to weaken against other currencies. Since remedies like devaluation or currency controls are self-defeating for most states, inflationary countries are finally forced to rein in their domestic fiscal and monetary policy sufficiently to reduce their inflation rate to the international norm. Typically, government policy oscillates between responding to domestic pressures for higher spending and international pressures threatening the value of the currency. Hence, the "stop-go" policies characteristic of Western economic management, and the "stagflation" that is their normal consequence.

Unfortunately for the control of inflation in America, the United States was long exempt from the need to defend the dollar. Under the international monetary system set up at Bretton Woods, the central banks of other countries were supposed to hold our exported dollars as part of their monetary reserves. The dollar was not supposed to be able to devalue. As a result, successive American governments, acting on these assumptions, were never forced to limit government goals for the sake of the dollar, even though the United States ran balance-of-payments deficits continually throughout the 1950s and 1960s.

The dollar's role as "world money" and the continuing American balance-of-payments deficit linked America's domestic inflation to the international system in a special way. Under the arrangements of Bretton Woods, a good part of America's inflation in the 1960s was, in effect, "exported." The excess dollars created to stimulate full employment or pursue internationalist goals migrated abroad to less inflationary economies with higher real returns on money. Not only did many billions of exported dollars end up in foreign central banks, but many billions more helped form an offshore-dollar capital market centered in London. In other words, America's exported inflation was either absorbed into the national money supplies of our creditors or else went to form a huge pool of capital available to finance the burgeoning "international economy" of multinational lenders or borrowers. Under these circumstances, not only did the external system impose no real discipline upon our domestic economy, but American inflation began to exacerbate inflation elsewhere.

Under the Bretton Woods arrangement, however, certain checks were supposed to limit this process. The United States was supposed to keep adequate reserves of gold and foreign exchange to meet the demands of its creditors. But by the end of the 1960s the international dollar markets had become so huge and volatile that our capacity to meet demands for convertibility at the going exchange rate had become a polite fiction, sustained by the not-so-polite arm-twisting of our allies.[4]

The dollar was almost forced to devalue in early 1968, when Johnson was still energetically pursuing his expansive foreign and domestic policies. It was rescued for a couple of years thereafter by Europe's domestic political troubles and the consequent inflationary boom, as well as by the Federal Reserve's belated but savage attempt to tighten the runaway American money supply. By the time Johnson left office, domestic inflation was diminishing and the dollar was stronger.

Nixon tried to consolidate and extend this pause through the early years of his first term, but without precipitate withdrawal from Vietnam itself or a return to anything like the relatively low pre-Vietnam military expenditures.[5] Restraint under such circumstances was neither effective nor popular, as the congressional elections of 1970 made clear. Nixon's instinct for political survival dictated his vigorous "reflation" of 1970 and 1971. Much of the renewed inflation again flowed abroad. The massive balance-of-payments deficit that recommenced at the end

[2] Consumer Price Index, "Economic Report of the President," 1967.

[3] Actually, the federal budget has been in deficit since 1961, although Kennedy's earlier deficits were justified by conventional counter-cyclical policy.

[4] For a discussion, see Susan Strange, "International Monetary Relations," in Andrew Shonfield, ed., "International Economic Relations of the Western World," 1959-71, Vol. II, London: Oxford University Press, 1976, pp. 65-89, 281-97.

[5] "Economic Report of the President, 1975", pp. 325-26. U.S. defense expenditures for fiscal years 1965-74, in current dollars figures, were as follows (million of dollars): 1965: 48,581; 1966: 55,856; 1967: 69,101; 1968: 79,409; 1969: 80,207; 1970: 79,284; 1971: 76,807; 1972: 77,356; 1973: 75,072; 1974: 78,569.

of 1970 made the dollar's depreciation inevitable.[6] In August 1971, with world currency markets in turmoil, Nixon seized the initiative and devalued the dollar.

III

Nixon's solution to the balance-of-payments crisis marked a major shift that dominated American economic and foreign policy throughout the rest of the decade. The Nixon solution made America's domestic prosperity directly dependent upon its external power. In effect, Nixon's policy was a nationalist or "mercantilist" revolution. To understand how it has worked requires a brief look at the American economy through the rest of the decade.

The Kennedy and Johnson Administration had acted as if the dollar's weakness was a temporary inconveneince, to be financed on a short-term basis until the underlying strength of the American economy could reassert itself. Both firmly resisted any notion that the international position of the dollars required restraining domestic policy or limiting foreign commitments. By Nixon's time, the international constraints common to other states finally came to be felt by the United States. Unless Nixon decided to limit American goals—which, like his predecessors, he declined to do—the dollar was clearly fated to devalue. In effect, the United States gave up trying to reconcile its political goals at home and abroad with its obligations as the manager of the world's monetary system.

Since a great deal of American prestige had gone into defending the dollar from devaluation, Nixon was concerned with finding a new ideology to justify its collapse. The United States could not appear a "pitiful, helpless giant" in the international monetary arena any more than in Vietnam. American economics proved more than equal to the challenge. According to the new official line, the arrangements of Bretton Woods had been unfair to American interests. The United States had been exploited by its allies. The generous arrangements of the immediate postwar era that had encouraged Europe to form a trading bloc, with the United States providing both monetary and military stability, had become frozen into a pattern of anti-American economic discrimination. Since Bretton Woods had precluded American devaluation, even after the European and Japanese recovery, the dollar grew "overvalued," with dire consequences for the American economy. The most obvious consequence was thought to be the steady decline of the American trade balance after the mid-1960s, a decline that in 1971 brought us the first trade deficit since the nineteenth century.[7] Washington's prescription was clear: the United States should give up trying to defend the dollar. It should adopt a posture of "benign neglect." If Europeans would not revalue their currencies upward, the United States should devalue.

Armed with this rationale, Nixon and Treasury Secretary John Connally were able to present the dollar's collapse of August 1971 as a major American victory. Devaluation was, as noted, a nationalist revolution in American policy and did bring many short-term advantages. The victory was, to be sure, over America's own rich allies, and the new policy presented the Europeans and Japanese with a basic dilemma. They could let the value of the dollar fall, which would make American goods cheaper on the world market and thereby harm the competitiveness of the export industries upon which they were heavily dependent. Or they could support the dollar by continuing to absorb it into their reserves, which would continue to expand their own money supplies and import American inflation into their economies.

Their problem, however, was not so much Nixon's initial devaluation. The dollar was most certainly overvalued in 1971 and some depreciation was in order. Unhappily, the 1971 devaluation was to prove not a drastic once-and-for-all treatment but the beginning of a long addiction to depreciation. Nixon's rationale, by focusing on the arrangements of Bretton Woods and the particular costs of the Vietnam War, ignored the fundamental and continuing cause of the dollar's overevaluation, namely the American economy's persistent inflation. As long as that inflation continued, no single devaluation could be expected to resolve the dollar's weakness. Instead, the dollar could be expected to depreciate over and over again. Rather than a newly stabilized dollar, the world would be presented with a floating, or rather a sinking, dollar. With such a policy, moreover, America's domestic inflation could be expected to grow worse. By renouncing its obligations to the Bretton Woods system, the United States removed the international system's belated check to domestic inflation. In effect, Nixon's perpetual devaluation was the international analogue to Kennedy's domestic full-employment budget. In both cases, the American political system jettisoned a major barrier to its inflation.

The predictable consequences soon occurred. Nixon's expansionary policies continued. Arthur Burns' Federal Reserve accommodated.

The boom helped greatly, perhaps decisively, in Nixon's reelection. Domestic wage and price controls masked the domestic price of inflation until 1973, but the other signs of inflation, the huge balance-of-payments deficits, continued even after the 1971 devaluation.[8] The United States, in other words, resumed exporting a large part of its inflation to the rest of the world. As this inflationary wave reverberated throughout the industrialized countries, along with a simultaneous boom, the prices of raw materials naturally began to rise sharply. And at the same time, long-term trends in supply and demand had made world food and oil prices, long artificially depressed in the United States by government policies, ripe for explosion. A failed Russian harvest proved the trigger for food prices; the Organization of Petroleum Exporting Countries (OPEC) oil cartel was on hand to seize the opportunities in oil.[9]

In due course, Nixon's inflationary boom evolved into a recessionary hangover. The cyclical downturn of 1974 and 1975 turned into a deep recession, exacerbated by food and oil prices that reduced real income and sucked away demand from other products. While recession brought temporary relief from price inflation, the inflation rate at the cycle's lowest point—1976—nevertheless remained more than five times higher than when Kennedy came into office in 1961.[10]

Despite its early disasters, the Nixonian policy was carried over into the Ford and Carter Administrations. By 1976 the United States had launched a second Nixonian boom, fueled by the usual mix of arms spending and expanding entitlements and sustained by the familiar combination of fiscal deficits and an expanding money supply. The consequences were equally familiar—accelerating inflation reached a new cyclical high—from the six-percent peak of 1976 to the 16.8-percent peak of 1980.[11] Furthermore, American policy actively pressed the dollar's depreciation. Thus, after falling 33 percent against the West German mark from 1970 to 1975, the dollar fell an additional 26 percent from 1975 through 1979.[12]

On the face of it, this combination of domestic inflation and external dollar depreciation appeared to work rather well, particularly from the short-term perspectives of politicians and their economic advisers. The 1976 boom lasted until 1980 and proved the longest in postwar history. Until late 1978, no serious attempt was made to curb domestic inflation. Indeed, depreciation of the dollar abroad compensated for the lost equilibrium at home.

After 1973, the Nixonian formula had acquired another element: the refusal to adjust the real economy to the new world oil prices. To do so would have meant reducing domestic demand for oil and other imports sufficiently to bring our trade into balance. This would have required letting domestic oil prices rise to the world level or imposing a serious quota and rationing system. Instead, government controls kept domestic oil prices low and foreign oil was imported without stint. Thus, while other industrial economies chopped overall domestic demand, the United States enjoyed a boom. From 1973 through 1979, other industrial countries stabilized or actually cut back their volume of imported petroleum. The United States, by contrast, increased its import volume by 34 percent.[13] Adjustment to the new world oil price took place through inflation. Since foreign as well as domestic oil prices were denominated in dollars, the real price of oil, insofar as it remained the same, kept falling with the depreciating dollar and the inflating price of industrial goods.[14] To add insult to injury, the falling dollar steadily depreciated the oil-producers' financial assets.

The regularly depreciating dollar also helped boost the competitiveness of American products at home and abroad. In addition, a floating dollar meant there was no need for control on flows of capital abroad; thus, what happened was not only the usual huge outflow of American capital, but along

[6] "Economic Report of the President, 1972," p. 297.

[7] Trade balance computed on census basis. Computed on a balance-of-payments basis, the United States had a trade deficit in 1935. See "Survey of Current Business," March 1972, p. 38.

[8] *"Economic Report of the President, 1972,"* p. 351.

[9] Contrary to the popular impression, severe inflation preceded the oil-price rise by several years. Nixon's inflation did not "cause" the cyclical rise in oil prices, although it did help trigger the explosion of 1973. It also made real adjustment much more difficult.

[10] Consumer Price Index, *"Economic Report of the President, 1981"*, p. 293.

[11] Consumer Price Index. *"Economic Report of the President, 1978,"* p. 318 and *"Economic Report of the President,"* 1981, p. 293.

[12] *"International Economic Indicators,"* U.S. Department of Commerce, Washington: GPO, December 1980, p. 58.

[13] For volumes of oil imports, see "International Economic Indicators," U.S. Department of Commerce, Washington: GPO, December 1980, p. 39.

[14] "Economic Report of the President, 1981", p. 289; and "International Financial Statistics," Washington, D.C.: International Monetary Fund, November 1960, PP. 130-31; September 1977, pp. 148-49; January 1981, pp. 10, 52, 133-34.

with it an extraordinary international expansion of American financial institutions. American banks, with access to seemingly endless liquidity, became the principal mechanism for "recycling" oil profits.[15]

Thus, in nationalistic terms the Nixonian strategy appeared to have many advantages in the short term. But in the longer term its disadvantages have become all too apparent. Much that has been counted as domestic growth seems questionable. While a decade of accelerated inflation and depreciated currency produced considerable gains in foreign trade and the overall gross national product, it also appears to have weakened the economy's vitality, as savings, investment and productivity increases declined to levels substantially below those of most other industrial countries.

Even the international growth of American banks may, in due course, prove a greater liability than benefit. Much of the expansion is the "recycling" of borrowed oil funds to underdeveloped countries. Some of the flow has undoubtedly financed real growth in Third World countries. But much of it has financed unrealistic levels of consumption, including a prolonged failure to adjust to new energy prices. The increasing shakiness of the world's financial structure is the obvious consequence. Attempts by U.S. banks to unload the spiralling Third World debts on the International Monetary Fund or the OPEC countries have understandably met with only limited success.[16] While unsound financial structures may be propped up indefinitely, no one will have any trouble explaining the causes of a major world financial crash, should one occur within the next decade. Meanwhile, any serious attempt to reduce world inflation, and hence the liquidity available for unproductive lending, will greatly increase the danger.

IV

This Nixonian policy, carried over in the Carter Administration, was nationalist or "mercantilist" both in its objectives and in its dependence upon using American political power to shape international economic relations. American domestic prosperity was linked to continuing devaluation at the expense of both the rich allies and OPEC. Throughout the decade, Europeans and Japanese remained caught in their original dilemma. To their manufactures, a regularly declining dollar seemed a permanent beggarthy-neighbor devaluation. To their central bankers, supporting the dollar imported inflation. To those threatened by high world-energy prices, American profligacy reinforced both the cartel and the upward pressure on prices. To oil-producers themselves, falling dollars meant taking an asset that depreciated in the bank in exchange for an asset that appreciated in the ground. And to anyone concerned about inflation in the world, American policy seemed an unquenchable fount of excess money. Hence the increasingly tense and competitive relationship between the United States and its economic partners since Nixon and Connally's revolution.

Paradoxically, the Nixonian strategy depended upon the continued cooperation of those partners. For the American capacity to escape retaliation from inflation at home and depreciation abroad depended specifically upon the continuation of American monetary or dollar predominance within an integrated international system. And, given its growing economic disadvantages to others, that monetary hegemony, in turn, increasingly depended upon America's broader geopolitical power.

Three dimensions of this American geopolitical primacy were particularly critical in sustaining the Nixonian economic policy:

(1) American influence over Western Europe and Japan to prevent serious retaliation against exported inflation and a continually declining dollar;

(2) American influence over the Middle East to restrain OPEC from raising oil prices to compensate adequately for American inflation and the declining dollar; and

(3) American détente with the Soviet Union sufficient to inhibit direct Soviet challenges or Soviet support for others inclined to challenge American influence and power in the Middle East or among the noncommunist industrialized countries.

To take up each condition briefly:

The ability to depreciate the dollar without retaliation after 1971, like American dollar hegemony in the latter days of the Bretton Woods system, depended essentially upon America's political and military relationship with Western Europe. For the Europeans, resolution of the dilemma posed by the dollar's continuing devaluation lay in building a protected economic bloc. So radical an assertion of independence, quite apart from its political difficulties and economic costs among the Europeans themselves, was hardly compatible with Europe's dependent relationship as an American military protectorate. While progress toward détente, and toward a German settlement in particular, clearly reduced American leverage over Europe, no amelioration of tension was likely to change the fundamental military realities, at least not until the Europeans were prepared to pay for a more independent military posture.

As discussed above, the American economic strategy that evolved after Nixon included a refusal to adjust the real economy to the new oil prices. The actual adjustment came through an inflation and dollar depreciation that steadily lowered the real oil price to the United States. The success of such adjustment depended, of course, on the oil-producers not regularly raising the dollar price of oil sufficiently to compensate for the inflation. That OPEC did not raise its prices adequately after 1973 until 1979 was the consequence not only of a temporarily surfeited petroleum market, but also of American power in the Middle East. America's overwhelming ascendancy in the region began after the October 1973 War. Egypt's break with the Soviets effectively expelled the Soviets from participation in the regional balance. With Kissinger's shuttle diplomacy and the scuttling of the Geneva talks, the United States took over management of the Arab-Israeli dispute—ejecting not only the Soviets but the Europeans as well. For several years diplomatic control of the Arab-Israeli dispute gave the United States considerable leverage. In addition, the key oil-producing nations saw themselves as heavily dependent on the United States for their basic security.

In 1973, Kissinger began a policy of heavy arms sales to Iran and the following year to Saudi Arabia. Each was to be not only a huge source of profit for the United States but also a "surrogate" for American power. Relations with the Iranian regime grew so close that the United States became, in effect, the Shah's partner in the modernization of Iran. With these special relations, which both the Shah and the Saudi ruling family desired, America's regional influence helped deter any drastic rises in OPEC's oil prices sufficient to compensate for American inflation and currency depreciation.[17]

Bipolar détente had less direct but nevertheless significant effects for American economic strategy. Détente reinforced the status quo in Europe and tended to do the same in the Middle East. Since both regions were too central to the vital interests of the superpowers to permit much room for dramatic maneuver, détente robbed potential rebels against American ascendancy of the Soviet support they might normally have expected. In summary, until the late 1970s, the Nixonian economic strategy had the political power it needed in the two regions of the world critical to its success.

The refurbishing of America's world position during the Nixon and Ford Administrations that sustained economic strategy was highly conscious, well-articulated, and for a time brilliantly successful. Unfortunately, it has also proved extremely vulnerable. By the end of the decade, as we know, bipolar détente was a shambles, American predominance in the Middle East had collapsed, and relations with Europe were worse than at any time since the war. Among its other effects, this geopolitical deterioration spelled the beginning of the end for the Nixonian economic strategy.

Why did the American position deteriorate so rapidly? Actually, all parts began to deteriorate together. The most spectacular "loss" for American power was the collapse of the Shah's regime in Iran, a profound social and cultural upheaval full of implications for the Muslim world as whole. The United States was signaled out as the revolution's principal enemy, mostly because it had taken such an extended, visible, and direct role in the Shah's domestic system. The United States became the scapegoat for a century or more of accumulated Persian resentments against the West. Khomeini's revolution also raised disturbing questions about the dangers of imposed technocratic "development" for either the domestic stability of any developing country, or for world order in general. Iran also revealed the vulnerabilities of American "hegemony on the cheap," with "surrogates" substituting for direct American power. And, as the subsequent Iraq-Iran war threatened chaos and destruction to the entire oil region, the dangers of dumping arms in unstable parts of the world grew increasingly vivid.

America's détente policy with the Soviet Union also proved highly vulnerable. While détente stretching back to the late 1950s, had seemingly reached its apogee under Kissinger, its foundations had been eroding in Kissinger's later years. The first strategic arms limitation (SALT) agreement outraged congressional conservatives. Anger multiplied as Russian military strength was seen to be growing and, with it, Russian asser-

[15] For the role of American banks in petrodollar recycling, see Paul A. Volcker, "The Recycling Problem Revisited," "Challenge," July/August 1980, pp. 3-14.

[16] For a detailed presentation of the views and policies of the International Monetary Fund, see J. de Larosière, "Address Before the Annual Assembly of the Federal Association of German Banks, October 1980," "IMF Survey," November 10, 1980, pp. 346-351.

[17] See footnote 14. Despite the much higher prices, world oil consumption has not declined absolutely, nor have reserves risen significantly. With shortages widely expected in the mid-1980s, it becomes increasingly difficult to argue that the oil price is too high. See Robert N. Dunn, Jr., "Exchange Rates, Payments Adjustment and OPEC: Why Oil Deficits Persist," "Princeton Essays in International Finance," December 1979.

tiveness in the Third World. Insatiable Soviet imperialism, it was thought, was mocking the premises of détente. By 1975, Kissinger himself had complained bitterly over the incursions of Russia and its Cuban surrogate into Angola.

The Carter Administration, despite its eccentric early disarmament proposals and its awkward preoccupation with human rights in the Soviet Union, nevertheless made a major diplomatic effort to follow the logic of bipolar détente through SALT II negotiations. But the steady growth of anti-Soviet opinion made ratification of any SALT II treaty increasingly improbable. To save the treaty, the Administration felt constrained to appease the forces hostile to it. To seem legitimate before those forces, SALT II had to be presented as a victory over the Soviets, rather than a new step toward mutual accommodation. Since nothing could compel the Russians to accept terms sufficiently unbalanced to be presented as an American "victory," the Carter Administration put itself hopelessly on the defensive before its domestic critics.

The self-defeating contradictions of Carter's policies became painfuly obvious during the Afghan crisis in late 1979. The Administration took the invasion as an aggressive challenge to America's Middle East position and a general betrayal of détente. To show strength and punish the Russians, several years of Western "bridge-building" were finally dismantled in short order. While the Administration's conservative domestic critics were thus preempted, the SALT II treaty was also doomed.

Predictably, United States also put itself sharply at odds with its European allies. As unenthusiastic about Soviet incursions into vital oil regions as the Americans, Europeans were prepared to condemn the invasion, warn the Russians about Pakistan and the Gulf, and make matters in the region itself as difficult for the Soviets as possible. Europeans also hoped to take advantage of Muslim outrage over Afghanistan to deflect the Iranian revolution from its anti-Western preoccupation, and were thus disinclined to join in American sanctions against Iran. But Europeans were not willing to let Afghanistan become the occasion for a return to the cold war in Europe itself. Rightly or wrongly, the Europeans felt they had more to lose than to gain from an end to détente in their own region. Thus, whereas the United States saw Europe as a place to put pressure on the Russians as part of a global game, Europeans believed Europe should, if at all possible, remain a safe zone insulated from the confrontations inevitable elsewhere.

In effect, the Europeans came to have their own distinct interests in détente. From de Gaulle's time onward, they had done their best to prevent Western-Soviet relations from being managed exclusively by the Americans. Among other things, a détente policy of their own now gives Europeans room for maneuver against too much American domination, in the economic sphere particularly. To be sure, European diplomacy toward the Russians takes place within the context of their fundamental "Western" orientation. Not even de Gaulle ever intended some dramatic reversal of alliances. Militarily, the states of Europe remain American protectorates, but nevertheless determined to keep the price for that protection within reasonable bounds. Anyone familiar with European views of American foreign economic policy does not find that determination altogether surprising, particularly in a period of extreme transatlantic tension over what has seemed a ceaseless American exploitation of dollar hegemony.

Keeping down the price for their American protection requires maintaining "normal" if wary relations with the Russians within Europe itself. In addition to this broad geopolitical imperative, détente brought Western Europe numerous commercial advantages, made life easier for East European states, and had many human benefits. Thus, to have expected the Europeans to jump to the new tune, to break their carefully cultivated regional relations with the Soviets, was to court a rebuff. Indeed, a certain degree of heightened Soviet-American tension outside Europe was not altogether unwelcome to the Europeans. It seemed to give them leverage for a more independent position, insofar, that is, as amateurish American diplomacy and aggressive Soviet adventurism did not plunge the world into a war.

V

As might have been expected, the deteriorating American position in the Middle East and Europe began to have significant consequences for American economic policy during the Carter Administration. The decline of the Nixonian pax Americana forced a retreat from Carter's essentially Nixonian economic policy. In both Europe and the Middle East, 1979 proved a critical turning point.

The European-American polemic over economic policy grew steadily worse as the Carter boom continued. By the fall of 1978, the virulent criticism from European governments, and what already seemed a dangerous tendency toward exaggerated swings in the world currency markets, forced an apparent American retreat. The Federal Reserve seemed prepared to apply restraint on the money supply and the Treasury organized an elaborate set of arrangements to defend the value of the dollar.[18]

Within a few months, however, American economic policy had slid back into its habitual easy posture. The result was the collapse of the dollar that began in the summer of 1979 and extended to the winter of 1980. So severe were the dumping of dollars, the explosion of gold prices, and the decline of the domestic bond market that some catastrophic flight from the dollar began to seem a serious possibility. In effect, these market reactions represented a sort of European-Arab revolt against American economic policy. Foreign holders of dollars began to exercise their financial power in a fashion that compelled an American retreat. During 1979, Europeans also managed an apparently successful revival of their perennial project for a European Monetary System. In effect, a reinvigorated Franco-German coalition imposed a distinct monetary regime on the rest of continental Western Europe, a "zone of stability" that began to set in place structures that could be used to erect a separate Europe-centered economic bloc, with a reserve currency to rival the dollar.

Arab disaffection, as well as the effects of the Iranian revolution in shrinking the oil supply, also became evident in the vital sphere of oil prices. From the summer to December 1979, OPEC managed to agree on the first major increases in real (inflation-discounted) oil prices since 1973, an accomplishment repeated again at the end of 1980.[19] Nothing reflected more clearly the decline of American geopolitical power over the Middle East.

The consequences for the American domestic economy are, of course, familiar to everyone in this country. In mid-1979, the Federal Reserve began a policy of unprecedented restraint on the money supply, and the President, within a few months, began calling for a balanced federal budget. By April 1980, interest rates had reached 20 percent and the long-delayed cyclical downturn finally hit with exceptional severity. The second quarter saw a decline in industrial production even worse than in the recession of 1974–75. While economic prospects brightened over the summer of 1980, particularly as money grew less tight before the election, the start of a new and sustainable Nixonian boom in 1981 seems unlikely. Whatever the predispositions of the Reagan Administration towards arms spending and tax cuts, the continued virulence of American price inflation, combined with the heightened dangers of foreign retaliation, should preclude a return to the old pattern.

Neither oil nor currency markets are likely to tolerate passively a new burst of American inflation. The Iraq-Iran war quickly dissipated any oil glut following the 1979 price rise, and thus prices were again rising substantially in the latter part of 1980. Under these conditions, OPEC would have little difficulty in sustaining sharply higher prices, should American inflation accelerate and currency depreciation resume. Europe, meanwhile, has been heading into a cyclical downturn of its own, a development that should quickly translate any American domestic inflation into downward pressure on the dollar. In short, world economic conditions, in themselves, make it highly dangerous for the United States to resume dollar depreciation. To do so risks not only runaway inflation at home, but rapid deterioration of the international system, with incalculable political repercussions.

VI

If the Reagan Administration is constrained to renounce the Nixonian pattern of behavior, how will it avoid the monetary restraint of the past year, in other words, a continuation of stop-go stagflation? To flourish without the Nixonian strategy, the United States will have to find some fundamental new economic formula for achieving domestic prosperity without generating inflation.

Analysts who cannot agree on the causes of inflation are unlikely to agree on its cure. Inflation obviously has deep roots in the structure of our whole political economy. But in the cure as in the cause, government policy is the critical checkpoint. The federal government's own easy money policy used to finance budget deficits plays a crucial role. Whatever else may be needed, inflation is unlikely to end until the government stops running large fiscal deficits through all phases of the business cycle. Long-range remedies cannot be expected to make progress in the face of persistent, relentless inflationary stimulus from the government's own spending and finance. Ending inflation

[18] For the Federal Reserve's initiatives, see "Economic Report of the President," 1979, pp. 154–56.

[19] See note 14. Between June 1973 and June 1974, OPEC prices jumped from $1.50 to $9.50 a barrel. The second big jump did not take place until November 1979, when prices rose to $24.00 a barrel. August 1980 saw OPEC set the price at $30 a barrel (for Saudi Arabian light crude). See "International Financial Statistics," January 1981.

must start with ending those government policies that have been fueling it.

In particular, the perpetual budgetary disequilibrium financed by an easy money policy must stop. As recent years ought to have made clear, not to mention British Prime Minister Thatcher's experiment, controlling the money supply alone cannot be efficacious without concurrent budgetary constraint. Bringing American budget deficits under control will presumably require an extremely bitter and divisive struggle within the political system. Not only will there be an intense battle over the domestic component of the budget, but, inevitably, a reordering of priority between domestic and foreign goals. The task is complicated by the strong pressure in recent years for a major American rearmament. To put its fiscal affairs in order, the United States will either have to sacrifice more at home to pay for its international position, or it will have to scale down its world commitments.

However conventional and commonsensical such an analysis may be, its conclusion is highly unsatisfactory politically. Indeed, over the past two decades a great deal of economic talent has been devoted to avoiding just such a conclusion. On the one hand, demands for domestic American spending are urgent for all the reasons common to advanced societies everywhere. On the other, America's security is plausibly linked to international stability, and that stability to a wide range of American military commitments. The United States, moreover, has grown deeply habituated to both the pleasures and pains of world responsibility, as well as to the convenient foreign escapes the world role provides for domestic economic and socal disequilibria. Resistance to change in what might be described as the imperial status quo is thus structured all across the American political spectrum. Nor is resistance confined to the United States. While our rich allies and OPEC would doubtless welcome an end to American inflation, most, even in OPEC, would not like a corresponding American withdrawal from international burdens.

Rather than face such divisive and dangerous choices, any Administration naturally will try to sustain the juggling act of the past 20 years. Some new infusion of "will" and competence, or magic new economic formula, will be sought out to cure the growing disproportion between America's ambitions and her resources.

If the recent campaign is any indication, the Reagan Administration's evasive fantasies will lie with "supply-side" economics and a reassertion of foreign policy activism. Ironically, both are reminiscent of the Kennedy Administration. In present circumstances, however, neither is likely to provide much respite from the underlying policy crisis.

Supply-side economics is the latest version of the hope that inflation can be cured through rapid growth. Unlike the neo-Keynesians, who seek growth by stimulating demand, supply-siders seek growth by stimulating supply. Many of their recommendations are praiseworthy. A sensible revision of tax laws to encourage saving and investment is doubtless long overdue, and the government's mania for regulation badly needs curbing. In due course, such policies may well increase efficiency and production and thus provide more supply to satisfy a level of demand that is now inflationary. But the problem of inflation is not only long-range, but also immediate. Deregulation and tax changes are unlikely, in themselves, to generate at once the magical flood of new resources needed to eliminate current inflation. And unless inflation can be curbed in the short run, it is unlikely to be cured in the long run. A good case can be made, after all, that our high and accelerating inflation has itself become the principal drag on long-range investment and growth. As long as inflation is rampant, unsettled economic and social conditions themselves profoundly discourage personal saving and long-range business investment.

In summary, as the government's own undisciplined spending remains the principal efficient cause, inflation cannot be curbed without addressing directly the problem of the government's budget, that is to say, the existing structure of domestic and foreign goals and commitments. Without eliminating the government's perpetual deficits, supply-side economics will prove only one more in a long line of postwar gimmicks.

Along with economic gimmickry, recourse to foreign policy has been our government's other conventional escape. Along with its new version of Kennedy's economics, the Reagan Administration will doubless be tempted to restore a Nixonian foreign economic policy. Since the present policy dilemma over inflation is made urgent by America's geopolitical decline, a restoration of American external power is bound to seem a highly attractive alternative to domestic budgetary battles and strategic foreign retreats. Decline in America's geopolitical primacy was, after all, a major campaign issue.

The new Administration has arrived in power with two broad theories about America's foreign decline and how, therefore, to reverse it. What might be called the Administration's Literary Right sees the decline in recent years as a pusillanimous failure of will to compete with the Soviets, a diffidence combined with wishful thinking about Soviet intentions and an excessive tenderness toward the outrageous claims of the Third World. The other major theory, understandably popular in Kissingerian circles, blames American decline on a radical falling off of competence in the management of foreign policy after 1976.

Hopes for a quick restoration of American power rise from these analyses of the decline. Moral and military rearmament, it is believed, can restore American primacy. With restoration, Nixonian economic policies could also presumably revive. OPEC could be intimidated and Europeans overawed. Time would once be made available for expansive supply-side economics to bring about structural improvements. Inflation could be cured through abundance rather than restraint. Foreign power would once again come to the aid of domestic economics. How realistic are such hopes?

To begin with, while the Nixonian economic policy has helped several sectors, it also brought inflation rather than real prosperity, as our present condition makes clear. But quite apart from its questionable economic expectations, the case for a restoration of American global predominance depends upon an unrealistic and excessively partisan view of why American power has declined. While the Carter Administration, like most others, doubtless had its inadequacies, the geopolitical decline that underlies the current impasse is not some fortuitous collection of accidents and tactical mistakes, nor the consequence of a pusillanimous disposition in high places. The contradictions manifest in Carter's foreign policy were long-standing. They reflected a persisting American failure to develop a basic strategy appropriate to the logical evolution of the postwar world. The point needs to be addressed before returning directly to its economic consequences.

VII

Many of Carter's awkward tergiversations in foreign policy reflected the effort to sustain already obsolescent American perspectives of the 1960s, carried over in Kissinger's flashy reconstruction of the 1970s. These views have become the "mother errors" in American foreign policy. They include not only the inadequate foreign and domestic economic policies that have already been described at length, but also an unrealistic view of détente and an unrealistic view of transatlantic relations.

To start with détente: neither Carter, nor Kissinger before him, thought through adequately the consequences of a détente policy toward the Soviet Union. Just as Kissinger wanted hegemony on the cheap in the Middle East, so he expected détente on the cheap in the world at large. Both expectations represented wishful thinking doomed to disappointment.

Ever since the 1960s, détente had rested upon America's increasing acceptance of Soviet nuclear parity. Predictably, nuclear parity would alter decisively the American capacity to deny the Soviets influence in the world at large. Since the growth of Soviet strategic nuclear power had manifestly been accompanied by expanding Soviet conventional capabilities for intervention beyond their traditional sphere, strategic parity pointed toward a troubled period of local challenges and negotiations. It was unreasonable to acknowledge the Soviets as our strategic equals without expecting them to demand a greater influence in local affairs throughout the world. But in regions of vital interest to the West, like the Persian Gulf, Soviet adventurism could easily deteriorate into direct superpower confrontation. Under these circumstances, it was essential for the United States to do its best to limit the opportunities and raise the costs of Soviet meddling. In a world of rampant nationalism, much of the effort, to be effective, would have to be diplomatic, economic and political.

There was also an inescapable military dimension. The Russians were particularly likely to lose their heads in a world where the conventional military balance was shifting decisively against the United States. It was hardly the time for a drastic drawing down of conventional American military strength. Since, with parity, neither side could credibly resort to strategic threats over peripheral challenges, local military and political power would logically grow more decisive. But Nixon and Ford, caught in the backlash of the Vietnam War, gradually cut real military spending, particularly after 1972. Most cuts fell on conventional arms, particularly after the end of the draft in 1973. Carter tried to reverse the trend, but still without the draft.[20] But as Carter's

[20] See footnote 5. In 1973 the draft was replaced by an all-volunteer force. During the transition period, active forces were reduced by 600,000 (20 percent of the 1960 level). Selected reserves were reduced by 20 percent, and standby reserves were reduced by about 60 percent. For the volunteer army's significance for U.S. defense posture and capability, see Kenneth Coffey, *"The Strategic Implications of the All-Volunteer Force,"*, Chapel Hill: University of North Carolina Press, 1980, pp. 51 ff.

budgets illustrated all too clearly, major additions to defense expenditures could not easily be reconciled with the fiscal discipline needed to control inflation.[21] No amount of patriotic rhetoric or fiscal legerdemain could make the dilemma disappear.

Carter's political problems were compounded by the general overselling of détente, typical perhaps of all postwar Administrations but particularly egregious in the Nixon-Ford era. Nixon and Kissinger, like Kennedy and Johnson before them, had a strong tendency to talk as if détente would resolve the world's problems. Such expectations not only belied the probable effects of parity on Soviet-American competition throughout the world, but also exaggerated the capacity of either Russia or the United States to influence global events. In reality, both superpowers were growing relatively less important among states. Even had they wished it, they could not have run the world between them. Their diminishing power, moreover, while not diminishing their competition, did change its context and form. As the superpowers declined, the international system of cold-war blocs gradually gave way to an arena of volatile nationalist states. Alignments grew more conditional and wary. Double-dealing was to be expected.

No Administration in the 1970s took on the task of giving the public a proper set of expectations about Soviet-American relations. No one provided a new strategic idea to replace the bipolar containment of the Acheson-Dulles era. Hence a new public consensus was never created around a realistic view of America's diplomatic and strategic position following strategic parity. The United States was thus doubly unprepared for parity. The public had unrealistic expectations from bipolar negotiations, while the military was woefully unadapted to cope with the new situation. As the public inevitably felt deceived in its expectations about the Russians and outraged at American weakness, it turned against SALT and détente itself. Foreign policy without a firm base in public support gradually lost its legitimacy. An increasingly confused and unpredictable public opinion oscillated between impossible expectations and unreasonable anger. With political leaders providing no clear and realistic conception of national interest, foreign policy soon became captive to vigorous special interests.

This inability to lead the American public toward accepting a more complex world must be counted as the major failing of American foreign policy in the 1970s. Like the failure in America's foreign economic policy, it was a failure at home rather than abroad. The fault lay not with the Russians, who, on the whole, behaved as might have been expected: they kept their strategic agreements without ceasing to be as cautiously aggressive as they have always been. The fault lay with an American leadership that expected more from superpower détente than it could reasonably deliver, that failed therefore to endow the American public with a realistic view of the world and failed, finally, to equip American forces properly to deal with that world.

The consequences were by no means limited to Soviet-American relations. The same inability to grasp the evolving character of interstate relations began to poison transatlantic relations as well. Superpower détente based on nuclear parity called for a basic rethinking of the constituent strategic principles within the Atlantic Alliance. Soviet-American Nuclear parity would inevitably put in question the credibility of the American deterrent for Western Europe. A new American attitude toward independent European deterrents was in order, along with a reshaping of NATO.

Reshaping, however, hardly meant ending the Alliance. Under almost any conceivable circumstances European deterrence is greatly reinforced by its American connection. But it meant recognizing that the American deterrent would no longer be considered, in itself, sufficient for European security. Increasingly, collective nuclear security based on American power would have to be supplemented by European national strength. Kissinger, while talking a good deal about adjusting to a more plural world, had, in fact, done his best to sustain America's European hegemony in its most traditional form. The Carter Administration, in the same vein, had actually reinforced American opposition to nuclear "proliferation" and thereby came perilously close to a major quarrel with the European allies over commercial nuclear development.[22] In summary, America's European policy revealed the same inner contradiction as its détente policy. A strategic policy with the Soviets that inevitably lessened the value of the American nuclear protectorate for Europe was combined with a strategic policy in Europe that presupposed its undiminished continuation.

American hegemony has been acceptable to Europe since World War II because it has provided security not only for Europe's own territory, but also for Europe's access to raw materials and markets in the Third World. At the same time, as America's combination of inflation, dollar depreciation, and failure to adjust to high energy prices increasingly offended the interests of both the Europeans and the oil-producers, Europeans also grew increasingly skeptical of America's ability to defend their interests in the Third World. Instead, as has already been said, American policy seemed bent on destroying détente in Europe to compensate for America's weakness in the world at large. Thus, as American relations deteriorated with Russia and the Middle East, they also deteriorated with Europe itself. The causes were not only the longstanding economic frictions, but a growing divergence of security interests.

In summary, the present crisis in American foreign policy, like the crisis in domestic economic policy, has been gathering through several Administrations. As Europe and Japan have revived and the Third World developed, the international system has grown more plural. With strategic parity, the superpowers have themselves grown more equal. These changes have inevitably affected America's world position. They represent not so much the decline of America as the revival of the world.

They do not, moreover, represent the defeat of America's fundamental postwar policy. On the contrary, with its goals of European recovery, superpower détente, and Third World development, American world leadership has encouraged the very evolution that has led to its own relative decline. While, from one perspective, such a policy may seem foolish or irresponsible, from another, it seems not only generous but eminently practical. In this latter perspective, the United States lacks the temperament and institutions to impose a permanent imperial order. And despite America's continuing vast resources, a reviving world is unlikely to tolerate any imperial system for more than a few decades. To base America's future as a nation upon its episodic career as the dominant world power would have been a very bad bet historically.

Nixon economics, to be sure, was a mutation in that postwar policy. America's domestic prosperity came to depend upon the exploitation of her political primacy. A predictable evolution of events since the late 1970's has now shaken that primacy, with a resultant discomfort to domestic prosperity. To try to restore primacy would be, in effect, to try to reverse the geopolitical trend of the past two decades. Such a policy, if pursued seriously, carries great risks for ourselves and for the world. Among the greatest and most immediate risks is the predictable effect of such a foreign policy on domestic American inflation, as a look at the current budget makes clear.

VIII

Prospects for fiscal balance deteriorated markedly in the final days of the Carter Administration. In early 1980, the President was calling for a balanced budget. By the end of the year, estimates of the deficit for fiscal 1981 were running up to $60 billion.[23] Reagan came to office pledged to end Carter's inflation and stagnation. By early March, the outlines of the new program had been sketched.[24] Despite the new President's great popularity and the public's widespread concern over inflation, opposition has been gathering. The budget debate will become a major political battle. That is as it should be.

Problems of budgetary control go to the very heart of the nation's character and capacity for rational government. A budget is

[21] Defense-spending increases were especially heavy in fiscal years 1979 ($12.5 billion), 1980 ($18.2 billion), and 1981 ($25.2 billion). In the same years, overall fiscal deficits were $27.7 billion, $59.6 billion, and $55.2 billion, respectively. (Figures for both 1980 and 1981 are estimates.) In a downswing, of course, deficits are greatly swollen by anti-recession stabilizers, as well as a relative decline in revenue. Figures are from *"Economic Report of the President," 1981*, pp. 314-15.

[22] See Karl Kaiser, "The Nuclear Debate: German-American Disagreements," Foreign Policy, Spring 1980, pp. 83-110. See also David P. Calleo, "Faulting Nuclear Diplomacy," The New York Times, June 7, 1978, p. A23 and "Of Atoms and Allies" The New York Times , June 18, 1978, p. E19. For a defense of the American position, see Joseph Nye, "Nonproliferation: A Long-Term Strategy," Foreign Affairs, April 1978, pp. 601-23

[23] David A. Stockman as quoted in Peter Behr and Lee Lescaze, "Reagan Economists Urge Swift Spending, Tax Cuts," The Washington Post, January 8, 1981, p. A4.

[24] A progressive series of supply-side tax cuts were to reach an annual sum of $100 billion by fiscal year 1983. These would, it was hoped, restore prosperity which would, in turn, augment federal revenues and cut transfer payments. Widespread deregulation was also expected to encourage long-range growth. To compensate for short-term losses of revenue, cuts of some $49.1 billion in civilian expenditures were proposed for fiscal year 1982, with the total to rise to $79.7 billion in 1983. Large increases in military spending authorizations, however, were requested on March 4, but the impact on 1982 was estimated at only $4.8 billion. In general, tight monetary policy was counted upon to dampen any inflationary impulse from fiscal policy. The Fed would be helped, it was hoped, because the new Administration's manifest determination and competence would lower "inflationary expectations." See "America's New Beginning: A Program for Economic Recovery," The White House, Office of the Press Secretary, February 18, 1981. For military requests, see The New York Times, March 5, 1981, p. A1.

a mirror of the political system and the society beyond. A budget perpetually out of balance indeed suggests ambitions in excess of resources. But where does the excess lie in the American budget? While the subject is obviously vast and controversial, some crude but compelling generalizations may nevertheless serve to illustrate the broad issues. Along with supply-side tax cuts to induce investment and growth, the Reagan proposals demand drastic reductions in domestic spending and sizable increases in military spending. In effect, the burden of fiscal adjustment is to fall on domestic programs. No doubt all capitalist countries have grown self-indulgent and any serious attempt to bring American inflation under control will require a determined campaign to cut domestic expenditure. Among the advanced industrial democracies, however, the United States does not appear exceptionally profligate in the sums it devotes to domestic purposes.[25]

Expecting to balance budgets largely by deep cuts in domestic programs therefore presupposes either that the American government can provide services more efficiently than other governments, or that the American people are less demanding than those of Europe. Neither presupposition seems well founded. The country's size and diversity, reflected in its Constitution and general political and economic culture, make an exceptional degree of bureaucratic efficiency improbable. And without the violent shock of a major war, the American public is more likely to resemble its European cousins than the disciplined and downtrodden Russians.

America's comparative military spending is another matter, as the following table makes clear:

Defense expenditures as percent of GNP, 1979

United States	5.2
United Kingdom	4.9
France	3.9
Federal Republic of Germany	3.3
Italy	2.4
Japan	0.9

Source: "The Military Balance," 1980-81, London: International Institute for Strategic Studies, 1980, p. 96.

Is America's defense budget too large? Controversy over this subject has raged for several decades, and is unlikely to be resolved here. Much of the traditional argument concerns itself with the usefulness of particular weapons systems—manned bombers, mobile missiles, aircraft carriers, etc. Over three-quarters of military expenditures go for "conventional" forces. A large proportion of those expenditures either go to manpower, or are tied closely to the level of manpower.[26]

Different foreign policies obviously require different military resources. The proposals and pronouncements from the Reagan Administration suggest it may be flirting with restoring America's world primacy. Such a policy, turning back the geopolitical clock to the mid-1960s, would be very expensive. But even the Carter Administration, presumably devoted to détente and a more relaxed international view generally, nevertheless felt America's present international role and commitments required augmenting military expenditures substantially. Was the Carter defense budget also too large?

Most of Carter's increases went for conventional forces.[27] Behind the increases lay the Administration's perception that, in a world with greater Soviet reach and so many new powers, trying to hold the same commitments with stretched forces increasingly risked embarrassment and danger. Experiments with "hegemony on the cheap," using surrogates such as Iran, were reckoned to have turned out badly. In short, even the Carter Administration believed the United States insufficiently armed for its commitments.

Should this widely held belief be true, saving money on defense, if it is to occur rationally, requires some new formulation of national interest that reduces American commitments, and not merely the forces used to meet them. To reduce spending in a world where power is increasingly widespread, the United States will have to concentrate its own military responsibilities, while relying on a more effective diplomacy to seize the advantages of leverage. Such a course assumes the existence of regions where American interests are no longer worth the resources needed to underwrite their security, or where indigenous forces are themselves able to take a significantly larger share. Are there such regions?

Any inventory of American commitments in the world is bound to note the central place of European defense and the anomalous relationship between the United States and the West European states. For three decades, from a third to a half of the entire American defense budget has been devoted, directly or indirectly, to forces to defend Western Europe in a massive conventional war. In the 1981 fiscal budget, the cost is reckoned at some $81 billion.[28]

In effect, the United States assumes the primary responsibility for managing the continent's conventional defense. Hence an American commander for NATO, a fleet in the Mediterranean, large tactical air units, and ten divisions either stationed in Europe or able to get there in time for the decisive battles.

America's commitment to manage Europe's ground defense was undertaken in 1950, when American strategic superiority made a European land war improbable. At the same time, the weakness of the European states made their own self-defense problematical and American reassurance essential to their recovery. This American commitment to a mass army for Europe has now continued for over 30 years, with little or no account taken of Europe's economic and political recovery. While the reasons for America's profound interest in Europe's fate may not have changed since 1950, by any objective measurement of relative resources the United States plays a disproportionate role in European defense. Meanwhile, the Soviet Union has achieved nuclear parity, which inevitably undermines the credibility of our foreign commitments. And the United States itself has given up the draft in the face of a deep public antipathy to military service, a development that obviously limits our ability to provide a reliable mass army for a continental war.

America's huge annual bill for NATO reflects a fundamental political problem within the Alliance. Today the major countries of Western Europe are among the world's half-dozen richest and most powerful states. But NATO's structure still suggests a relationship appropriate to the Romans and their auxiliaries, or Napolean and his satellites. This Napoleonic model means that we actively manage Europe's forces and hence are constrained to keep a preponderant conventional force of our own for the European theater.

In place of the present Napoleonic structure, a more traditional balance-of-power alliance seems in order. Shifting responsibility for managing European ground defense to the Europeans could, in theory, save the United States a substantial budgetary sum. It can be estimated, for example, that disbanding six of the present ten U.S.-NATO divisions would alone bring, within three years an annual saving to the defense budget of some $30 billion.[29] Saving on any such scale could go a long way toward ending America's regular fiscal deficits. For the years 1977, 1978 and 1979, for example, the annual deficits were $45 billion, $49 billion and $28 billion respectively. In the coming budgetary battles, with painful do-

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[25] Government expenditures for social security programs as percentages of GNP for selected countries were, in 1977, as follows: Canada: 14.6 percent; France: 26.5 percent; Federal Republic of Germany: 26.5 percent; Japan: 8.7 percent; Sweden: 30.7 percent; United Kingdom: 17.1 percent; United States: 13.7 percent. These figures are based on data provided by the International Social Security Association.

[26] A precise breakdown of expenditures for conventional and strategic forces is complicated because major programs such as Research and Development, Central Supply and Maintenance, Intelligence and Communication, Administration, and General Personnel Activities encompass both. Nevertheless, Strategic Forces, in comparison with programs strictly defined as conventional (General Purpose Forces, Airlift and Sealift, Guard and Reserve Forces), represent at most 15 percent of the total. See "Department of Defense Annual Report, FY 1980," Washington: GPO, 1981, p. 321.

[27] Whereas from fiscal year 1977 through fiscal year 1980, expenditures for strategic forces increased from $9.4 billion to $10.8 billion, expenditures for General Purpose Forces jumped from $40.2 billion to $50 billion (current dollars). Department of Defense Annual Report, FY 1977, p. A13; FY 1980, p. 320.

[28] A precise cost for U.S.-NATO forces cannot be provided since most force elements have more than one purpose, and, in any major confrontation with the Warsaw Pact, all U.S. forces would be made available. Nevertheless, a recent U.S. response to the NATO Defense Planning Questionnaire estimates the cost of forces formally committed to NATO to be approximately $81.1 billion or around 51 percent of the total defense budget for FY 1981. The "formal commitment" figure is derived by adding the total cost of $57 billion for "forces rapidly available to NATO" (General Purpose Forces forward deployed in Europe and U.S.-based forces ready to deploy solely for the defense of Europe), and a sizable fraction of the total cost for "multipurpose forces," i.e., $24 billion out of $74.8 billion. (General Purpose Forces that would be used in a NATO conflict but made available for other conflicts: Strategic Reserves, Strategic Forces, Intelligence and Communication facilities). Department of Defense estimates, 1981.

[29] Congressional analysts assume an immediate annual saving of $2.28 billion for each NATO division disbanded, with double the annual savings possible from reductions in infrastructure and equipment costs within three years. The figure of $2.28 billion assumes a saving of $1.35 billion from the combat element (at full strength); $450 million from the sustaining increment (estimated at 75 percent of full strength); $450 million from the tactical-support increment (estimated at 60 percent of full strength). Such calculations are inevitably complex and approximate and are presented only to give a rough idea of the magnitude of present costs. The figure of $30 billion in the text presupposes cutting six divisions, but not U.S.-NATO naval or tactical air forces. After the cuts, four divisions would remain for NATO purposes, presumably to cover one of the two sectors on the central front for which the United States now has direct responsibility. Basic data for the projections can be found in "The Armed Forces Planning Cost Handbook," Washington: GPO, October 1979.

mestic sacrifices being called for, potential savings of this magnitude are unlikely to escape notice. Among other things, such savings would make it much easier to find the resources to counter Soviet adventurism in the Third World.

American leaders have been trying to shift NATO burdens to the Europeans since the early days of the Alliance. Despite Europe's great increase in resources, the United States has never succeeded. Every Administration has had the same quarrel. Carter's celebrated argument over three-percent increases was only the most recent in a long series. America's poor record suggests the need for a new approach. Without pretending here to elaborate the details of a new Alliance policy, certain broad orienting principles may at least be suggested.

The first has to do with the relationship between the American contribution and the American role. As long experience indicates, major European powers only grudgingly contribute more to arrangements that keep their defense under direct American control. Within an alliance, military power and political independence tend to go hand in hand. Of the three major European states, France has increased its defense budget the most in recent years, Germany the least. France, it may also be noted, is the only West European country that has already moved to a traditional alliance relationship. In short, the most probable way to get the Europeans to take a much larger share of the burden of NATO is to let them run it.[30] At the very least, it seems time for a European commander to head NATO. Certainly the reintegration of French space and arms into the military alliance, if this could be achieved, would in itself be worth several American divisions.

A second orienting principle follows from the first. In the end, transformation of the Alliance cannot be limited to its non-nuclear aspects. Soviet-American nuclear parity logically calls for a stronger independent European deterrent. The issue will be forced upon us in any event. Ground defense cannot be separated from control over tactical nuclear weapons. Distinctions between tactical and strategic nuclear weapons are inevitably breaking down in the European context. Since the days of the multilateral nuclear force, American attempts to give Europe more deterrence without more independence have been ingenious but unsuccessful. If we wish Europe to rely more on its own resources, we will have to be prepared for more powerful and independent European nuclear defense.

To be serious about transforming NATO, a third orienting principle would also be needed. The United States should stop using Europe's hesitations and divisions as a pretext for America's own inaction. European states are pluralist democracies. Public opinion is deeply divided over many issues, but no more so than in this country. Politicians out of power often take irresponsible positions, a defect not unknown on this side of the Atlantic. It should not be assumed, however, that Europe's major states could not reach working agreements on anything so relatively obvious as their own common defense against the Soviets. European political leadership, after all, is not notably less responsible than our own.

France and Germany form the necessary core of any European construction. They have learned to harmonize their efforts over a wide range of vexatious domestic economic concerns. They, along with the British, have large and efficient military forces, flourishing arms industries, and formidable military experience. Obviously the French, as well as the Germans and British, are loath to trade present arrangements giving them American-subsidized security for a more responsible, expensive, and constraining role in managing European defense. And Europe's smaller countries would prefer a distant and distracted America to the more active leadership of their own big neighbors. Under the circumstances, for Washington to use evidence of disunity as an excuse for preserving the status quo is always plausible, and playing countries off against each other all too easy. But if we grow serious about reducing the cost of our NATO commitment, we must assume that Europe's big powers will act as responsible states and must ourselves not try to prevent them from doing so.

Increasingly, our choice is not a free one. Reflections on these Alliance questions cannot be separated from the pressures of our present economic predicament. Against the risks of change in NATO must be weighed the certain international deterioration implicit in a continuing American inflation. Reforming America's European commitment would, of course, be only a step toward curing America's inflation, not a panacea. But without some such major breakthrough in military spending, prospects for real improvement seen dim. The present frustration of America's domestic and foreign policy may be expected to continue, and transatlantic relations to grow ever more acrimonious.

IX

In conclusion, it may be useful to put both our European relations and our inflation in a broader historical context. Inflation not only permeates our political and economic system at home but, as has been discussed at length, has inextricably entwined itself with our policy abroad. Intuitively, many people see inflation as the manifestation of long-standing national hubris. This way of thinking grew popular in the late 1960s when the explosion of inflation and the agony of Vietnam were sensed as symptoms of a sort of national disequilibrium, of an ambition for leadership and benevolence grown extravagant and wanton.

In 1968, Americans elected an avowedly conservative government. The Nixon Administration spent its early years trying to restore economic balance at home while talking of a more realistic disposition of American power abroad. But it lacked the political strength, and perhaps the moral stamina, to persevere. It abandoned domestic economic restraint and used American power abroad to permit a seemingly painless inflation at home. In the face of growing Soviet power, it abandoned its halfhearted attempts to coax Europe into a new role and, instead, relied more and more exclusively on superpower détente. An adventitious and unstable supremacy in the Middle East underwrote a shameful delay in facing the energy crisis at home.

Seen in this historical perspective, Nixon and Kissinger's apparent foreign successes of the early 1960s take on a different look. Their pax Americana appears less a firm restoration than a nostalgic fantasy. Worse, it represents a false turning and a missed opportunity. While the old predominance was superficially confirmed in Europe and extended to the Middle East, the Unites States lacked the resources to sustain its positions. This lack of resources to meet all domestic and foreign ambitions, in turn, led to an exploitation of the international economic system increasingly intolerable to our allies and of questionable benefit for the United States. Manipulating the international system became the substitute for painful adjustments at home. Instead of domestic strength being the foundation of overseas power, diplomacy subsidized domestic prosperity.

Sadly, the breakdown in American foreign policy can be traced not to a failure to America's long-range strategy, but to the failure to exploit its success. America's historic policy was to restore Europe, not to conquer it. By the 1970s, European power had, in fact, recovered to the point where the United States should have played its "European card" in the interest of a new world balance. Unhappily, at a critical historical moment, American statecraft proved unable to press its own historic policies to successful completion. Instead, it wandered into a cul-de-sac of unsustainable pretensions in the world and wanton inflation at home. Not until the external system began to unravel in the late 1970s was there much support for domestic regeneration. Thanks to Khomeini we had Volcher. But, as the past decade ought to have made clear, equilibrium will not return to our economy at home without a more realistic balance of power abroad.●

[30] With 3.9 percent and 4.9 percent, respectively, both France and Britian had, in fiscal year 1979, a larger percentage of GNP in defense spending than West Germany, with 3.3 percent. For fiscal year 1981, West Germany increased its defense budget by 6.2 percent, France by 17.9 percent. At the end of 1980, the German inflation rate, at 5.1 percent, was roughly half the French.

To say that Bonn spends a smaller proportion of its GNP on defense is not to say that it lacks impressive military forces. West Germany has 495,000 men under arms, and a well-trained reserve force of 750,000, meant to be capable of being mobilized within 72 hours. Within that period all combat units up to brigade level are to be combat ready. Bonn's military force probably seems more formidable when seen from Moscow than from Washington. See "The Military Balance 1979-80," London: International Institute for Strategic Studies, p. 94; 1980-81, p. 96; "Défense Nationale," January 1981, p. 168; German military figures, courtesy of the German Information Center, N.Y.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 115

Mr. JONES of Oklahoma submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 115) revising the congressional budget for the U.S. Government for the fiscal year 1981 and setting forth the congressional budget for the U.S. Government for the fiscal years 1982, 1983, and 1984:

CONFERENCE REPORT (H. REPT. NO. 97-46)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the concurrent resolution (H. Con. Res. 115) revising the congressional budget for the United States Government for the fiscal year 1981 and setting forth the congressional budget for the United States Government for the fiscal years 1982, 1983, and 1984, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 9, 13, 26, 27, 28, 43, 44, 45, 52, 53, 65, 68, 75, 76, 77, 78, 80, 81, 82, 84,

86, 88, 90, 91, 92, 93, 94, 96, 97, 98, 100, 104, 105, 108, 109, 110, 112, 113, 114, 115, 116, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 151, 152, 155, 157, 166, 167, 168, 171, 173, 175, and 197.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 7, 10, 11, 14, 16, 18, 19, 20, 21, 24, 25, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 50, 150, 178, 185, 187, 188, 189, 192, 198, and 200, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$717,500,000,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$661,350,000,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$58,050,000,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$14,800,000,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$23,550,000,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$7,300,000,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$10,500,000,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$8,300,000,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$11,400,000,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$227,600,000,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$770,900,000,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$695,450,000,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "−$37,650,000,000; and"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$1,079,800,000,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "creased is $80,000,000,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $17,400,000,000;
(B) Outlays, $11,150,000,000.
And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $7,200,000,000;
(B) Outlays, $7,000,000,000.
And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $4,500,000,000;
(B) Outlays, $6,000,000,000.
And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $8,200,000,000;
(B) Outlays, $12,400,000,000.
And the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $5,500,000,000;
(B) Outlays, $4,500,000,000.
And the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $7,700,000,000;
(B) Outlays, $4,000,000,000.
And the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $21,200,000,000;
(B) Outlays, $20,400,000,000.
And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $7,100,000,000;
(B) Outlays, $8,700,000,000.
And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $26,200,000,000;
(B) Outlays, $26,850,000,000.
And the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $83,500,000,000;
(B) Outlays, $73,350,000,000.
And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $262,700,000,000;
(B) Outlays, $239,700,000,000.
And the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $4,300,000,000;
(B) Outlays, $4,450,000,000.
And the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $5,000,000,000;

(B) Outlays, $4,900,000,000.

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $85,700,000,000;

(B) Outlays, $85,700,000,000.

And the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, $0;

(B) Outlays, $0.

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(A) New budget authority, −$32,900,000,000;

(B) Outlays, −$32,900,000,000.

And the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$51,930,000,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$85,090,000,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$70,070,000,000"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$11,180,000,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$140,000,000"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "−$140,000,000"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$10,730,000,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following "$1,390,000,000"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$8,880,000,000"; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$14,190,000,000"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$43,590,000,000"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with amendments as follows: Restore the matter proposed to be stricken out by the Senate amendment.

On page 11, line 8, of the House engrossed concurrent resolution, strike out "$64,200,000,000" and insert the following: "$69,540,000,000".

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$480,000,000"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with amendments as follows: Restore the matter proposed to be stricken out by the Senate amendment.

On page 11, line 14, of the House engrossed concurrent resolution, strike out "$50,000,000" and insert the following: "$30,000,000".

And the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$1,020,000,000"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$1,420,000,000"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$2,960,000,000"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$30,000,000"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(c) It is the sense of the Congress that the President through administrative actions should limit in fiscal year 1982 total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $16,450,000,000; and Federal Financing Bank purchases of loan assets from Federal agencies to $6,530,000,000. It is the further sense of Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

Further it is the sense of Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1982 the off-budget lending activity of the Federal Government to a level not to exceed $17,730,000,000; the on-budget lending activity to a level not to exceed $34,200,000,000; new primary loan guarantee commitments to a level not to exceed $85,090,000,000; and new secondary loan guarantee commitments to a level not to exceed $70,070,000,000.

And the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 204. The Congress sets forth the following budgeting levels for fiscal years 1983 and 1984—

(1) the recommended level of Federal revenues is as follows:

Fiscal year 1983: $713,200,000,000;

Fiscal year 1984: $774,800,000,000;

and the net amount by which the aggregate levels of Federal revenues should be decreased is as follows:

Fiscal year 1983: $97,100,000,000;

Fiscal year 1984: $144,800,000,000;

(2) the appropriate level of total new budget authority is as follows:

Fiscal year 1983: $813,750,000,000;

Fiscal year 1984: $866,450,000,000;

(3) the appropriate level of total budget outlays is as follows:

Fiscal year 1983: $732,250,000,000;

Fiscal year 1984: $773,750,000,000;

(4) the amount of the surplus or deficit in the budget which is appropriate in light of

economic conditions and all other relevant factors is as follows:

Fiscal year 1983: −$19,050,000,000;

Fiscal year 1984: +$1,050,000,000; and

(5) the appropriate level of the public debt is as follows:

Fiscal year 1983: $1,137,650,000,000;

Fiscal year 1984: $1,176,650,000,000;

and the amount by which the statutory limit on such debt should be accordingly increased is as follows:

Fiscal year 1983: $57,850,000,000;

Fiscal year 1984: $38,950,000,000.

And the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with amendments as follows: Restore the matter proposed to be stricken out by the Senate amendment.

On page 16, line 10, of the House engrossed concurrent resolution, strike out "$250,600,000,000" and insert the following: "$257,000,000,000".

On page 16, line 11, of the House engrossed concurrent resolution, strike out "$226,000,000,000" and insert the following: "$223,100,000,000".

On page 16, line 14, of the House engrossed concurrent resolution, strike out "$294,900,000,000" and insert the following: "$292,100,000,000".

On page 16, line 15, of the House engrossed concurrent resolution, strike out "$255,600,000,000" and insert the following: "$250,600,000,000".

On page 16, line 18, of the House engrossed concurrent resolution, strike out "$17,700,000,000" and insert the following: "$16,900,000,000".

On page 16, line 19, of the House engrossed concurrent resolution, strike out "$11,800,000,000" and insert the following: "$11,650,000,000".

On page 16, line 21, of the House engrossed concurrent resolution, strike out "$16,300,000,000" and insert the following: "$16,750,000,000".

On page 16, line 22, of the House engrossed concurrent resolution, strike out "$12,200,000,000" and insert the following: "$12,100,000,000".

On page 17, line 3, of the House engrossed concurrent resolution, strike out "$7,100,000,000" and insert the following: "$7,200,000,000".

On page 17, line 7, of the House engrossed concurrent resolution, strike out "$5,000,000,000" and insert the following: "$4,400,000,000".

On page 17, line 8, of the House engrossed concurrent resolution, strike out "$4,600,000,000" and insert the following: "$5,400,000,000".

On page 17, line 10, of the House engrossed concurrent resolution, strike out "$5,300,000,000" and insert the following: "$4,000,000,000".

On page 17, line 11, of the House engrossed concurrent resolution, strike out "$4,700,000,000" and insert the following: "$4,800,000,000".

On page 17, line 14, of the House engrossed concurrent resolution, strike out "$10,600,000,000" and insert the following: "$10,700,000,000".

On page 17, line 15, of the House engrossed concurrent resolution, strike out "$11,000,000,000" and insert the following: "$11,400,000,000".

On page 17, line 17, of the House engrossed concurrent resolution, strike out "$10,300,000,000" and insert the following: "$10,600,000,000".

On page 17, line 18, of the House engrossed concurrent resolution, strike out "$9,700,000,000" and insert the following: "$10,600,000,000".

On page 17, line 21, of the House engrossed concurrent resolution, strike out "$5,700,000,000" and insert the following: "$6,400,000,000".

On page 17, line 22, of the House engrossed concurrent resolution, strike out "$3,900,000,000" and insert the following: "$4,700,000,000".

On page 17, line 24, of the House engrossed concurrent resolution, strike out "$4,600,000,000" and insert the following: "$5,400,000,000".

On page 17, line 25, of the House engrossed concurrent resolution, strike out "$4,000,000,000" and insert the following: "$4,900,000,000".

On page 18, line 3, of the House engrossed concurrent resolution, strike out "$5,400,000,000" and insert the following: "$5,300,000,000".

On page 18, line 4, of the House engrossed concurrent resolution, strike out "$3,400,000,000" and insert the following: "$3,900,000,000".

On page 18, line 7, of the House engrossed concurrent resolution, strike out "$3,100,000,000" and insert the following: "$3,500,000,000".

On page 18, line 10, of the House engrossed concurrent resolution, strike out "$21,200,000,000" and insert the following: "$21,100,000,000".

On page 18, line 11, of the House engrossed concurrent resolution, strike out "$20,300,000,000" and insert the following: "$20,100,000,000".

On page 18, line 14, of the House engrossed concurrent resolution, strike out "$21,000,000,000" and insert the following: "$20,400,000,000".

On page 18, line 17, of the House engrossed concurrent resolution, strike out "$7,400,000,000" and insert the following: "$7,500,000,000".

On page 18, line 18, of the House engrossed concurrent resolution, strike out "$7,600,000,000" and insert the following: "$7,700,000,000".

On page 18, line 20, of the House engrossed concurrent resolution, strike out "$7,400,000,000" and insert the following: "$7,600,000,000".

On page 18, line 21, of the House engrossed concurrent resolution, strike out "$7,300,000,000" and insert the following: "$7,500,000,000".

On page 18, line 25, of the House engrossed concurrent resolution, strike out "$24,800,000,000" and insert the following: "$26,200,000,000".

On page 19, line 1, of the House engrossed concurrent resolution, strike out "$24,700,000,000" and insert the following: "$26,000,000,000".

On page 19, line 3, of the House engrossed concurrent resolution, strike out "$24,800,000,000" and insert the following: "$25,700,000,000".

On page 19, line 4, of the House engrossed concurrent resolution, strike out "$24,000,000,000" and insert the following: "$25,300,000,000".

On page 19, line 8, of the House engrossed concurrent resolution, strike out "$81,600,000,000" and insert the following: "$81,300,000,000".

On page 19, line 10, of the House engrossed concurrent resolution, strike out "$99,000,000,000" and insert the following: "$99,300,000,000".

On page 19, line 11, of the House engrossed concurrent resolution, strike out "$90,300,000,000" and insert the following: "$89,600,000,000".

On page 19, line 15, of the House engrossed concurrent resolution, strike out "$284,200,000,000" and insert the following: "$285,500,000,000".

On page 19, line 16, of the House engrossed concurrent resolution, strike out "$260,100,000,000" and insert the following: "$256,550,000,000".

On page 19, line 19, of the House engrossed concurrent resolution, strike out "$303,500,000,000" and insert the following: "$305,500,000,000".

On page 19, line 20, of the House engrossed concurrent resolution, strike out "$277,100,000,000" and insert the following: "$273,700,000,000".

On page 20, line 5, of the House engrossed concurrent resolution, strike out "$4,100,000,000" and insert the following: "$4,300,000,000".

On page 20, line 6, of the House engrossed concurrent resolution, strike out "$4,100,000,000" and insert the following: "$4,300,000,000".

On page 20, line 8, of the House engrossed concurrent resolution, strike out "$4,100,000,000" and insert the following: "$4,400,000,000".

On page 20, line 9, of the House engrossed concurrent resolution, strike out "$4,000,000,000" and insert the following: "$4,400,000,000".

On page 20, line 12, of the House engrossed concurrent resolution, strike out "$5,300,000,000" and insert the following: "$5,200,000,000".

On page 20, line 13, of the House engrossed concurrent resolution, strike out "$4,900,000,000" and insert the following: "$5,000,000,000".

On page 20, line 15, of the House engrossed concurrent resolution, strike out "$5,000,000,000" and insert the following: "$5,100,000,000".

On page 20, line 16, of the House engrossed concurrent resolution, strike out "$4,800,000,000" and insert the following: "$5,000,000,000".

On page 20, line 19, of the House engrossed concurrent resolution, strike out "$6,800,000,000" and insert the following: "$6,600,000,000".

On page 20, line 20, of the House engrossed concurrent resolution, strike out "$6,800,000,000" and insert the following: "$6,600,000,000".

On page 21, line 1, of the House engrossed concurrent resolution, strike out "$83,600,000,000" and insert the following: "$90,200,000,000".

On page 21, line 2, of the House engrossed concurrent resolution, strike out "$83,600,000,000" and insert the following: "$90,200,000,000".

On page 21, line 4, of the House engrossed concurrent resolution, strike out "$83,550,000,000" and insert the following: "$91,500,000,000".

On page 21, line 5, of the House engrossed concurrent resolution, strike out "$83,550,000,000" and insert the following: "$91,500,000,000".

On page 21, line 10, of the House engrossed concurrent resolution, strike out "$20,500,000,000" and insert the following: "$20,400,000,000".

On page 21, line 13, of the House engrossed concurrent resolution, strike out "$34,600,000,000" and insert the following: "$27,800,000,000".

On page 21, line 14, of the House engrossed concurrent resolution, strike out "$34,700,000,000" and insert the following: "$27,800,000,000".

On page 21, line 18, of the House engrossed concurrent resolution, strike out "$34,800,000,000" and insert the following: "$38,000,000,000".

On page 21, line 19, of the House engrossed concurrent resolution, strike out "$34,800,000,000" and insert the following: "$38,000,000,000".

On page 21, line 22, of the House engrossed concurrent resolution, strike out "$37,400,000,000" and insert the following: "$43,400,000,000".

On page 21, line 23, of the House engrossed concurrent resolution, strike out "$37,400,000,000" and insert the following: "$43,400,000,000".

And the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "to reduce budget authority by $232,000,000 and outlays by $693,000,000 in fiscal year 1982; to reduce budget authority by $400,000,000 and outlays by $362,000,000 in fiscal year 1983; and to reduce budget authority by $580,000,000 and outlays by $525,000,000 in fiscal year 1984; and".

And the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$1,976,000,000 in budget authority and $1,828,000,000 in outlays for fiscal year 1982; $2,606,000,000 in budget authority and $2,480,000,000 in outlays for fiscal year 1983; and $3,091,000,000 in budget authority and $3,000,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "as follows: $10,136,000,000 in budget authority and $8,138,000,000 in outlays for fiscal year 1982; $11,991,000,000 in budget authority and $10,745,000,000 in outlays for fiscal year 1983; and $14,349,000,000 in budget authority and $13,219,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$787,000,000 and outlays by $1,103,000,000 in fiscal year 1982; to reduce budget authority by $1,082,000,000 and outlays by $1,716,000,000 in fiscal year 1983; and to reduce budget authority by $1,355,000,000 and outlays by $2,247,000,000 in fiscal year 1984; and".

And the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "lows: $250,000,000 in budget authority and $130,000,000 in outlays for fiscal year 1982; $275,000,000 in budget authority and $200,000,000 in outlays for fiscal year 1983; and $300,000,000 in budget authority and $300,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$192,000,000 and outlays by $192,000,000 in fiscal year 1982; to reduce budget authority by $379,000,000 and outlays by $379,000,000 in fiscal year 1983; and to reduce budget authority by $491,000,000 and outlays by $491,000,000 in fiscal year 1984; and".

And the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "lows: $526,000,000 in budget authority and $390,000,000 in outlays for fiscal year 1982; $564,000,000 in budget authority and $541,000,000 in outlays for fiscal year 1983; and $554,000,000 in budget authority and $533,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "Public Law 93-344 sufficient to reduce outlays by $163,000,000 in fiscal year 1981; to reduce budget authority by $474,000,000 and outlays by $928,000,000 in fiscal year 1982; to reduce budget authority by $659,000,000 and outlays by $618,000,000 in fiscal year 1983; and to reduce budget authority by $854,000,000 and outlays by $795,000,000 in fiscal year 1984; and".

And the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(4)(A) the Senate Committee on Commerce, Science, and Transportation shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $100,000,000 and outlays by $100,000,000 in fiscal year 1982; to reduce budget authority by $200,000,000 and outlays by $200,000,000 in fiscal year 1983; and to reduce budget authority by $300,000,000 and outlays by $300,000,000 in fiscal year 1984; and

(B) the Senate Committee on Commerce, Science, and Transportation shall also report changes in laws within the jurisdiction of that committee sufficient to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $1,558,000,000 in budget authority and $884,000,000 in outlays for fiscal year 1982; $1,598,000,000 in budget authority and $1,328,000,000 in outlays for fiscal year 1983; and $1,465,000,000 in budget authority and $1,337,000,000 in outlays for fiscal year 1984;

And the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "and outlays as follows: $1,331,000,000 in budget authority and $94,000,000 in outlays for fiscal year 1981; $3,714,000,000 in budget authority and $3,398,000,000 in outlays for fiscal year 1982; $3,660,000,000 in budget authority and $3,627,000,000 in outlays for fiscal year 1983; and $3,604,000,000 in budget authority and $3,711,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "thority and outlays as follows: $2,350,000,000 in budget authority and $68,000,000 in outlays for fiscal year 1981; $4,835,000,000 in budget authority and $793,000,000 in outlays for fiscal year 1982; $3,035,000,000 in budget authority and $1,840,000,000 in outlays for fiscal year 1983; and $3,500,000,000 in budget authority and $2,800,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the matter proposed to the inserted by the Senate amendment insert the following: "to reduce budget authority by $212,000,000 and outlays by $286,000,000 in fiscal year 1981; to reduce budget authority by $4,394,000,000 and outlays by $9,218,000,000 in fiscal year 1982; to reduce budget authority by $4,563,000,000 and outlays by $10,744,000,000 in fiscal year 1983; and to reduce budget authority by $4,675,000,000 and outlays by $11,589,000,000 in fiscal year 1984; and".

And the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "lays as follows: $250,000,000 in budget authority and $130,000,000 in outlays for fiscal year 1982; $275,000,000 in budget authority and $200,000,000 in outlays for fiscal year 1983; and $300,000,000 in budget authority and $300,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(13) the Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $14,000,000 and outlays by $14,000,000 in fiscal year 1981; to reduce budget authority by $110,000,000 and outlays by $110,000,000

in fiscal year 1982; to reduce budget authority by $108,000,000 and outlays by $108,000,000 in fiscal year 1983; and to reduce budget authority by $106,000,000 and outlays by $106,000,000 in fiscal year 1984; and

And the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 302A. The Committee on Appropriations of the Senate shall report not later than June 5, 1981, legislation to reduce previously enacted appropriations by $13,300,000,000 in budget authority and $1,500,000,000 in outlays for fiscal year 1981; by $3,200,000,000 in outlays for fiscal year 1982; by $1,800,000,000 in outlays for fiscal year 1983; and by $1,100,000,000 in outlays for fiscal year 1984.

And the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with amendments as follows: Restore the matter proposed to be stricken out by the Senate amendment; and on page 40, line 18, of the House engrossed concurrent resolution strike out "410(c)(2)(C)" and insert the following: "401(c)(2)"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "June 12,"; and the Senate agree to the same.

Amendments reported in disagreement:

That the amendments of the Senate numbered 156, 158, 161, 163, 164, 169, 170, 174, 177, 179, 182, 190, 191, and 199 are reported in disagreement.

JAMES JONES,
NORMAN MINETA,
JIM MATTOX,
LEON PANETTA,
RICHARD A. GEPHARDT,
W. G. BILL HEFNER,
PHIL GRAMM,
DELBERT L. LATTA,
RALPH REGULA,
BUD SHUSTER,
BILL FRENZEL,
JACK KEMP,
JAMES G. MARTIN,
Managers on the Part of the House.

PETE V. DOMENICI,
BILL ARMSTRONG,
NANCY LANDON KASSEBAUM,
RUDY BOSCHWITZ,
ORRIN G. HATCH,
JOHN TOWER,
MARK ANDREWS,
LAWTON CHILES,
JOSEPH R. BIDEN, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the concurrent resolution (H. Con. Res. 115) revising the congressional budget for the U.S. Government for fiscal year 1981, and setting forth the congressional budget for fiscal years 1982, 1983, and 1984, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The managers have reported certain amendments in disagreement. These are disagreements because, in some instances, the conference decisions include figures which (for purely technical reasons) are outside the range between the corresponding House and Senate provisions.

It is the intention of the conferees with regard to matters in disagreement that the managers on the part of the House will offer motions in the House to recede and concur in the Senate amendments with amendments consisting of the language agreed to in conference. Upon adoption of such amendments in the House, the managers on the part of the Senate will offer motions in the Senate to concur therein. The amendments to be offered in the House are printed elsewhere in this joint statement.

The resolution, as agreed to by the managers, and reflecting such technical and perfecting amendments to be offered on the House floor, will read as follows:

TITLE I—REVISION OF THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 1981

SEC. 101. The provisions of this title shall supersede the figures set forth in the first section and section 2 of House Concurrent Resolution 448 of the Ninety-sixth Congress for the fiscal year beginning on October 1, 1980.

SEC. 102. (a)(1) The recommended level of Federal revenues is $603,300,000,000, and the net amount by which the aggregate level of Federal revenues should be decreased is $8,600,000,000.

(2) The appropriate level of total new budget authority is $717,500,000,000.

(3) The appropriate level of total budget outlays is $661,350,000,000.

(4) The amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is −$58,050,000,000.

(5) The appropriate level of the public debt is $999,800,000,000 and the amount by which the statutory limit on such debt should accordingly be increased is $14,800,000,000.

(6) The appropriate level of total gross obligations for the principal amount of direct loans is $73,500,000,000, the appropriate level of total new primary commitments to guarantee loan principal is $85,200,000,000, and the appropriate level of total new secondary commitments to guarantee loan principal is $66,200,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of subsection (a) of this section of this resolution, the Congress hereby determines and declares that, for the fiscal year beginning on October 1, 1980, the appropriate level of new budget authority and the estimated budget outlays for each functional category are as follows:

(1) National Defense (050):
(A) New budget authority, $181,000,000,000;
(B) Outlays, $162,900,000,000.
(2) International Affairs (150):
(A) New budget authority, $23,550,000,000;
(B) Outlays, $11,250,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $6,500,000,000;
(B) Outlays, $6,200,000,000.
(4) Energy (270):
(A) New budget authority, $7,300,000,000;
(B) Outlays, $9,800,000,000.
(5) Natural Resources and Environment (300):
(A) New budget authority, $10,500,000,000;
(B) Outlays, $13,600,000,000.
(6) Agriculture (350):
(A) New budget authority, $5,600,000,000;
(B) Outlays, $2,700,000,000.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $6,600,000,000;
(B) Outlays, $3,400,000,000.
(8) Transportation (400):
(A) New budget authority, $25,000,000,000;
(B) Outlays, $23,900,000,000.
(9) Community and Regional Development (450):
(A) New budget authority, $8,300,000,000;
(B) Outlays, $11,400,000,000.
(10) Education, Training, Employment and Social Services (500):
(A) New budget authority, $30,800,000,000;
(B) Outlays, $31,800,000,000.
(11) Health (550):
(A) New budget authority, $72,200,000,000;
(B) Outlays, $66,800,000,000.
(12) Income Security (600):
(A) New budget authority, $250,350,000,000;
(B) Outlays, $227,600,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $23,300,000,000;
(B) Outlays, $22,800,000,000.
(14) Administration of Justice (750):
(A) New budget authority, $4,400,000,000;
(B) Outlays, $4,700,000,000.
(15) General Government (800):
(A) New budget authority, $5,300,000,000;
(B) Outlays, $5,000,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $6,100,000,000;
(B) Outlays, $6,800,000,000.
(17) Interest (900):
(A) New budget authority, $79,500,000,000;
(B) Outlays, $79,500,000,000.
(18) Allowances (920):
(A) New budget authority, $0;
(B) Outlays, $0.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$28,800,000,000;
(B) Outlays, −$28,800,000,000.

TITLE II—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEARS 1982, 1983, AND 1984

SEC. 201. The Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1981—

(1) the recommended level of Federal revenues is $657,800,000,000, and the net amount by which the aggregate level of Federal revenues should be decreased is $51,300,000,000;

(2) the appropriate level of total new budget authority is $770,900,000,000;

(3) the appropriate level of total budget outlays is $695,450,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is −$37,650,000,000; and

(5) the appropriate level of the public debt is $1,079,800,000,000, and the amount by which the statutory limit on such debt

should accordingly be increased is $80,000,000,000.

SEC. 202. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of section 201 of this resolution, the Congress hereby determines and declares pursuant to section 301(a) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1981, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):
(A) New budget authority, $226,300,000,000;
(B) Outlays, $188,800,000,000.
(2) International Affairs (150):
(A) New budget authority, $17,400,000,000;
(B) Outlays, $11,150,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $7,200,000,000;
(B) Outlays, $7,000,000,000.
(4) Energy (270):
(A) New budget authority, $4,500,000,000;
(B) Outlays, $6,000,000,000.
(5) Natural Resources and Environment (300):
(A) New budget authority, $8,200,000,000;
(B) Outlays, $12,400,000,000.
(6) Agriculture (350):
(A) New budget authority, $5,500,000,000;
(B) Outlays, $4,500,000,000.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $7,700,000,000;
(B) Outlays, $4,000,000,000.
(8) Transportation (400):
(A) New budget authority, $21,200,000,000;
(B) Outlays, $20,400,000,000.
(9) Community and Regional Development (450):
(A) New budget authority, $7,100,000,000;
(B) Outlays, $8,700,000,000.
(10) Education, Training, Employment and Social Services (500):
(A) New budget authority, $26,200,000,000;
(B) Outlays, $26,850,000,000.
(11) Health (550):
(A) New budget authority, $83,500,000,000;
(B) Outlays, $73,350,000,000.
(12) Income Security (600):
(A) New budget authority, $262,700,000,000;
(B) Outlays, $239,700,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $24,800,000,000;
(B) Outlays, $24,050,000,000.
(14) Administration of Justice (750):
(A) New budget authority, $4,300,000,000;
(B) Outlays, $4,450,000,000.
(15) General Government (800):
(A) New budget authority, $5,000,000,000;
(B) Outlays, $4,900,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $6,500,000,000;
(B) Outlays, $6,400,000,000.
(17) Interest (900):
(A) New budget authority, $85,700,000,000;
(B) Outlays, $85,700,000,000.
(18) Allowances (920):
(A) New budget authority, $0;
(B) Outlays, $0.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$32,900,000,000;
(B) Outlays, −$32,900,000,000.

SEC. 203. (a) There is established a congressional Federal credit budget for fiscal year 1982 of which the appropriate levels of total Federal credit activity for the fiscal year 1982 are—

(1) new direct loan obligations: $51,930,000,000;
(2) new primary loan guarantee commitments: $85,090,000,000; and
(3) new secondary loan guarantee commitments: $70,070,000,000.

(b) Based on the allocations of the appropriate levels of total Federal credit as set forth in subsection (a), the appropriate levels of new direct loan obligations, new primary loan guarantee commitments and new secondary loan guarantee commitments for each functional category are as follows:

(1) National Defense (050):
(A) New direct loan obligations: $0;
(B) New primary loan guarantee commitments: $30,000,000;
(C) New secondary loan guarantee commitments: $0.
(2) International Affairs (150):
(A) New direct loan obligations: $11,180,000,000;
(B) New primary loan guarantee commitments: $8,340,000,000;
(C) New secondary loan guarantee commitments: $0.
(3) General Science, Space, and Technology (250):
(A) New direct loan obligations: $140,000,000;
(B) New primary loan guarantee commitments: −$140,000,000;
(C) New secondary loan guarantee commitments: $0.
(4) Energy (270):
(A) New direct loan obligations: $10,730,000,000;
(B) New primary loan guarantee commitments: $1,390,000,000;
(C) New secondary loan guarantee commitments: $0.
(5) Natural Resources and Environment (300):
(A) New direct loan obligations: $20,000,000;
(B) New primary loan guarantee commitments: $0;
(C) New secondary loan guarantee commitments: $0.
(6) Agriculture (350):
(A) New direct loan obligations: $8,880,000,000;
(B) New primary loan guarantee commitments: $2,430,000,000;
(C) New secondary loan guarantee commitments: $0.
(7) Commerce and Housing Credit (370):
(A) New direct loan obligations: $14,190,000,000;
(B) New primary loan guarantee commitments: $43,590,000,000;
(C) New secondary loan guarantee commitments: $69,540,000,000.
(8) Transportation (400):
(A) New direct loan obligations: $480,000,000;
(B) New primary loan guarantee commitments: $1,140,000,000;
(C) New secondary loan guarantee commitments: $30,000,000.
(9) Community and Regional Development (450):
(A) New direct loan obligations: $1,020,000,000;
(B) New primary loan guarantee commitments: $80,000,000;
(C) New secondary loan guarantee commitments: $0.
(10) Education, Training, Employment and Social Services (500):
(A) New direct loan obligations: $1,420,000,000;
(B) New primary loan guarantee commitments: $5,200,000,000;
(C) New secondary loan guarantee commitments: $500,000,000.
(11) Health (550):
(A) New direct loan obligations: $90,000,000;
(B) New primary loan guarantee commitments: $100,000,000;
(C) New secondary loan guarantee commitments: $0.
(12) Income Security (600):
(A) New direct loan obligations: $2,960,000,000;
(B) New primary loan guarantee commitments: $14,790,000,000;
(C) New secondary loan guarantee commitments: $0.
(13) Veterans Benefits and Services (700):
(A) New direct loan obligations: $650,000,000;
(B) New primary loan guarantee commitments: $7,380,000,000;
(C) New secondary loan guarantee commitments: $0.
(14) Administration of Justice (750):
(A) New direct loan obligations: $0;
(B) New primary loan guarantee commitments: $0;
(C) New secondary loan guarantee commitments: $0.
(15) General Government (800):
(A) New direct loan obligations: $30,000,000;
(B) New primary loan guarantee commitments: $0;
(C) New secondary loan guarantee commitments: $0.
(16) General Purpose Fiscal Assistance (850):
(A) New direct loan obligations: $140,000,000;
(B) New primary loan guarantee commitments: $760,000,000;
(C) New secondary loan guarantee commitments: $0.
(17) Interest (900):
(A) New direct loan obligations: $0;
(B) New primary loan guarantee commitments: $0;
(C) New secondary loan guarantee commitments: $0.
(18) Allowances (920):
(A) New direct loan obligations: $0;
(B) New primary loan guarantee commitments: $0;
(C) New secondary loan guarantee commitments: $0.
(19) Undistributed Offsetting Receipts (950):
(A) New direct loan obligations: $0;
(B) New primary loan guarantee commitments: $0;
(C) New secondary loan guarantee commitments: $0.

(c) It is the sense of the Congress that the President through administrative actions should limit in fiscal year 1982 total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $16,450,000,000; and Federal Financing Bank purchases of loan assets from Federal agencies to $6,530,000,000. Further, it is the sense of Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

Further, it is the sense of Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1982 the off-budget lending activity of the Federal Government to a level not to exceed $17,730,000,000; the on-budget lending activity to a level not to exceed $34,200,000,000; new primary loan guarantee commitments to a level not to exceed

$85,090,000,000; and new secondary loan guarantee commitments to a level not to exceed $70,070,000,000.

SEC. 204. The Congress sets forth the following budgeting levels for fiscal years 1983 and 1984—

(1) the recommended level of Federal revenues is as follows:

Fiscal year 1983: $713,200,000,000;

Fiscal year 1984: $774,800,000,000;

and the net amount by which the aggregate levels of Federal revenues should be decreased is as follows:

Fiscal year 1983: $97,100,000,000;

Fiscal year 1984: $144,800,000,000;

(2) the appropriate level of total new budget authority is as follows:

Fiscal year 1983: $813,750,000,000;

Fiscal year 1984: $866,450,000,000;

(3) the appropriate level of total budget outlays is as follows:

Fiscal year 1983: $732,250,000,000;

Fiscal year 1984: $773,750,000,000;

(4) the amount of the surplus or deficit in the budget which is appropriate in light of economic conditions and all other relevant factors is as follows:

Fiscal year 1983: −$19,050,000,000;

Fiscal year 1984: +$1,050,000,000;

(5) the appropriate level of the public debt is as follows:

Fiscal year 1983: $1,137,650,000,000;

Fiscal year 1984: $1,176,650,000,000;

and the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:

Fiscal year 1983: $57,850,000,000;

Fiscal year 1984: $38,950,000,000.

SEC. 205. Based on allocations of the appropriate level of total new budget authority and of total budget outlays for fiscal years 1983 and 1984 as set forth above, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):

Fiscal year 1983:

(A) New budget authority, $257,000,000,000;

(B) Outlays, $223,100,000,000.

Fiscal year 1984:

(A) New budget authority $292,100,000,000;

(B) Outlays, $250,600,000,000.

(2) International Affairs (150):

Fiscal year 1983:

(A) New budget authority, $16,900,000,000;

(B) Outlays, $11,650,000,000.

Fiscal year 1984:

(A) New budget authority, $16,750,000,000;

(B) Outlays, $12,100,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1983:

(A) New budget authority, $7,700,000,000;

(B) Outlays, $7,300,000,000.

Fiscal year 1984:

(A) New budget authority, $7,200,000,000;

(B) Outlays, $7,200,000,000.

(4) Energy (270):

Fiscal year 1983:

(A) New budget authority, $4,400,000,000;

(B) Outlays, $5,400,000,000.

Fiscal year 1984:

(A) New budget authority, $4,000,000,000;

(B) Outlays, $4,800,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1983:

(A) New budget authority, $10,700,000,000;

(B) Outlays, $11,400,000,000.

Fiscal year 1984:

(A) New budget authority, $10,600,000,000;

(B) Outlays, $10,600,000,000.

(6) Agriculture (350):

Fiscal year 1983:

(A) New budget authority, $6,400,000,000;

(B) Outlays, $4,700,000,000.

Fiscal year 1984:

(A) New budget authority, $5,400,000,000;

(B) Outlays, $4,900,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1983:

(A) New budget authority, $5,300,000,000;

(B) Outlays, $3,900,000,000.

Fiscal year 1984:

(A) New budget authority, $5,800,000,000;

(B) Outlays, $3,500,000,000.

(8) Transportation (400):

Fiscal year 1983:

(A) New budget authority, $21,100,000,000;

(B) Outlays, $20,100,000,000.

Fiscal year 1984:

(A) New budget authority, $21,300,000,000;

(B) Outlays, $20,400,000,000.

(9) Community and Regional Development (450):

Fiscal year 1983:

(A) New budget authority, $7,500,000,000;

(B) Outlays, $7,700,000,000.

Fiscal year 1984:

(A) New budget authority, $7,600,000,000;

(B) Outlays, $7,500,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1983:

(A) New budget authority, $26,200,000,000;

(B) Outlays, $26,000,000,000.

Fiscal year 1984:

(A) New budget authority, $25,700,000,000;

(B) Outlays, $25,300,000,000.

(11) Health (550):

Fiscal year 1983:

(A) New budget authority, $90,900,000,000;

(B) Outlays, $81,300,000,000.

Fiscal year 1984:

(A) New budget authority, $99,300,000,000;

(B) Outlays, $89,600,000,000.

(12) Income Security (600):

Fiscal year 1983:

(A) New budget authority, $285,500,000,000;

(B) Outlays, $256,550,000,000.

Fiscal year 1984:

(A) New budget authority, $305,500,000,000;

(B) Outlays, $273,700,000,000.

(13) Veterans Benefits and Services (700):

Fiscal year 1983:

(A) New budget authority, $26,250,000,000;

(B) Outlays, $25,450,000,000.

Fiscal year 1984:

(A) New budget authority, $28,500,000,000;

(B) Outlays, $27,150,000,000.

(14) Administration of Justice (750):

Fiscal year 1983:

(A) New budget authority, $4,300,000,000;

(B) Outlays, $4,300,000,000.

Fiscal year 1984:

(A) New budget authority, $4,400,000,000;

(B) Outlays, $4,400,000,000.

(15) General Government (800):

Fiscal year 1983:

(A) New budget authority, $5,200,000,000;

(B) Outlays, $5,000,000,000.

Fiscal year 1984:

(A) New budget authority, $5,100,000,000;

(B) Outlays, $5,000,000,000.

(16) General Purpose Fiscal Assistance (850):

Fiscal year 1983:

(A) New budget authority, $6,600,000,000;

(B) Outlays, $6,600,000,000.

Fiscal year 1984:

(A) New budget authority, $6,900,000,000;

(B) Outlays, $6,700,000,000.

(17) Interest (900):

Fiscal year 1983:

(A) New budget authority, $90,200,000,000;

(B) Outlays, $90,200,000,000.

Fiscal year 1984:

(A) New budget authority, $91,500,000,000;

(B) Outlays, $91,500,000,000.

(18) Allowances (920):

Fiscal year 1983:

(A) New budget authority, −$20,400,000,000;

(B) Outlays, −$20,400,000,000.

Fiscal year 1984:

(A) New budget authority, −$27,800,000,000;

(B) Outlays, −$27,800,000,000.

(19) Undistributed Offsetting Receipts (950):

Fiscal year 1983:

(A) New budget authority, −$38,000,000,000;

(B) Outlays, −$38,000,000,000.

Fiscal year 1984:

(A) New budget authority, −$43,400,000,000;

(B) Outlays, −$43,400,000,000.

TITLE III—PROVIDING RECONCILIATION INSTRUCTIONS AND OTHER ENFORCEMENT MEASURES

PART A—RECONCILIATION INSTRUCTIONS

SEC. 301. Pursuant to section 301(b)(2) of the Budget Act—

(1)(A) the House Committee on Agriculture shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $232,000,000 and outlays by $693,000,000 in fiscal year 1982; to reduce budget authority by $400,000,000 and outlays by $362,000,000 in fiscal year 1983; and to reduce budget authority by $580,000,000 and outlays by $525,000,000 in fiscal year 1984; and

(B) the House Committee on Agriculture shall also report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $1,976,000,000 in budget authority and $1,828,000,000 in outlays for fiscal year 1982; $2,606,000,000 in budget authority and $2,480,000,000 in outlays for fiscal year 1983; and $3,091,000,000 in budget authority and $3,000,000,000 in outlays for fiscal year 1984;

(2) the House Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $966,000,000 and outlays by $966,000,000 in fiscal year 1982; to reduce budget authority by $899,000,000 and outlays by $899,000,000 in fiscal year 1983; and to reduce budget authority by $511,000,000 and outlays by $511,000,000 in fiscal year 1984;

(3) the House Committee on Banking, Finance and Urban Affairs shall report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $13,177,000,000 in budget authority and $640,000,000 in outlays for fiscal year 1982; $15,572,000,000 in budget authority and $1,398,000,000 in outlays for fiscal year 1983; and $17,827,000,000 in budget authority and $2,369,000,000 in outlays for fiscal year 1984;

(4) the House Committee on the District of Columbia shall report changes in laws within the jurisdiction of that committee

sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $39,000,000 in budget authority and $40,000,000 in outlays for fiscal year 1982; $56,000,000 in budget authority and $64,000,000 in outlays for fiscal year 1983; and $72,000,000 in budget authority and $69,000,000 in outlays for fiscal year 1984;

(5)(A) the House Committee on Education and Labor shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344 sufficient to reduce budget authority by $1,963,000,000 and outlays by $1,946,000,000 in fiscal year 1982; to reduce budget authority by $2,916,000,000 and outlays by $2,777,000,000 in fiscal year 1983; and to reduce budget authority by $3,995,000,000 and outlays by $3,801,000,000 in fiscal year 1984; and

(B) the House Committee on Education and Labor shall also report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $10,136,000,000 in budget authority and $8,138,000,000 in outlays for fiscal year 1982; $11,991,000,000 in budget authority and $10,745,000,000 in outlays for fiscal year 1983; and $14,349,000,000 in budget authority and $13,219,000,000 in outlays for fiscal year 1984;

(6)(A) the House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344 sufficient to reduce budget authority by $787,000,000 and outlays by $1,103,000,000 in fiscal year 1982; to reduce budget authority by $1,082,000,000 and outlays by $1,716,000,000 in fiscal year 1983; and to reduce budget authority by $1,355,000,000 and outlays by $2,247,000,000 in fiscal year 1984; and

(B) the House Committee on Energy and Commerce shall also report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $4,598,000,000 in budget authority and $4,081,000,000 in outlays for fiscal year 1982; $4,898,000,000 in budget authority and $4,599,000,000 in outlays for fiscal year 1983; and $4,930,000,000 in budget authority and $4,789,000,000 in outlays for fiscal year 1984;

(7) the House Committee on Foreign Affairs shall also report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $250,000,000 in budget authority and $130,000,000 in outlays for fiscal year 1982; $275,000,000 in budget authority and $200,000,000 in outlays for fiscal year 1983; and $300,000,000 in budget authority and $300,000,000 in outlays for fiscal year 1984;

(8) the House Committee on Interior and Insular Affairs shall report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $755,000,000 in budget authority and $309,000,000 in outlays for fiscal year 1982; $736,000,000 in budget authority and $504,000,000 in outlays for fiscal year 1983; and $714,000,000 in budget authority and $594,000,000 in outlays for fiscal year 1984;

(9)(A) the House Committee on Merchant Marine and Fisheries shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344 sufficient to reduce budget authority by $192,000,000 and outlays by $192,000,000 in fiscal year 1982; to reduce budget authority by $379,000,000 and outlays by $379,000,000 in fiscal year 1983; and to reduce budget authority by $491,000,000 and outlays by $491,000,000 in fiscal year 1984; and

(B) the House Committee on Merchant Marine and Fisheries shall also report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $147,000,000 in budget authority and $15,000,000 in outlays for fiscal year 1982; $60,000,000 in budget authority and $32,000,000 in outlays for fiscal year 1983; and $71,000,000 in budget authority and $60,000,000 in outlays for fiscal year 1984;

(10)(A) the House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344 sufficient to reduce budget authority by $000,000 and outlays by $513,000,000 in fiscal year 1982; to reduce budget authority by $000,000 and outlays by $414,000,000 in fiscal year 1983; and to reduce budget authority by $000,000 and outlays by $357,000,000 in fiscal year 1984; and

(B) the House Committee on Post Office and Civil Service shall also report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $4,737,000,000 in budget authority and $4,650,000,000 in outlays for fiscal year 1982; $6,304,000,000 in budget authority and $6,324,000,000 in outlays for fiscal year 1983; and $7,390,000,000 in budget authority and $7,371,000,000 in outlays for fiscal year 1984;

(11)(A) the House Committee on Public Works and Transportation shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2) of Public Law 93-344 sufficient to reduce budget authority by $000,000 and outlays by $185,000,000 in fiscal year 1982; to reduce budget authority by $000,000 and outlays by $900,000,000 in fiscal year 1983; and to reduce budget authority by $000,000 and outlays by $1,365,000,000 in fiscal year 1984; and

(B) the House Committee on Public Works and Transportation shall also report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $6,346,000,000 in budget authority and $1,033,000,000 in outlays for fiscal year 1982; $5,122,000,000 in budget authority and $2,665,000,000 in outlays for fiscal year 1983; and $6,241,000,000 in budget authority and $4,355,000,000 in outlays for fiscal year 1984;

(12) the House Committee on Science and Technology shall report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $78,000,000 in budget authority and $39,000,000 in outlays for fiscal year 1982; $90,000,000 in budget authority and $59,000,000 in outlays for fiscal year 1983; and $102,000,000 in budget authority and $83,000,000 in outlays for fiscal year 1984;

(13) the House Committee on Small Business shall report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $526,000,000 in budget authority and $390,000,000 in outlays for fiscal year 1982; $564,000,000 in budget authority and $541,000,000 in outlays for fiscal year 1983; and $554,000,000 in budget authority and $533,000,000 in outlays for fiscal year 1984;

(14) the House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344 sufficient to reduce budget authority by $110,000,000 and outlays by $110,000,000 in fiscal year 1982; to reduce budget authority by $108,000,000 and outlays by $108,000,000 in fiscal year 1983; and to reduce budget authority by $106,000,000 and outlays by $106,000,000 in fiscal year 1984;

(15)(A) the House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344 sufficient to reduce budget authority by $3,699,000,000 and outlays by $8,247,000,000 in fiscal year 1982; to reduce budget authority by $3,660,000,000 and outlays by $9,247,000,000 in fiscal year 1983; and to reduce budget authority by $3,511,000,000 and outlays by $9,573,000,000 for fiscal year 1984; and

(B) the House Committee on Ways and Means shall also report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $978,000,000 in budget authority and $994,000,000 in outlays for fiscal year 1982; $1,294,000,000 in budget authority and $1,312,000,000 in outlays for fiscal year 1983; and $1,647,000,000 in budget authority and $1,675,000,000 in outlays for fiscal year 1984.

SEC. 302. Pursuant to section 301(b)(2) of the Budget Act—

(1)(A) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $163,000,000 in fiscal year 1981; to reduce budget authority by $474,000,000 and outlays by $928,000,000 in fiscal year 1982; to reduce budget authority by $659,000,000 and outlays by $618,000,000 in fiscal year 1983; and to reduce budget authority by $854,000,000 and outlays by $795,000,000 in fiscal year 1984; and

(B) the Senate Committee on Agriculture, Nutrition, and Forestry shall also report changes in laws within the jurisdiction of that committee sufficient to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $140,000,000 in budget authority for

fiscal year 1981; $3,193,000,000 in budget authority and $3,096,000,000 in outlays for fiscal year 1982; $3,961,000,000 in budget authority and $3,825,000,000 in outlays for fiscal year 1983; and $4,551,000,000 in budget authority and $4,451,000,000 in outlays for fiscal year 1984.

(2) The Senate Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $233,000,000 and outlays by $233,000,000 in fiscal year 1981; to reduce budget authority by $966,000,000 and outlays by $966,000,000 in fiscal year 1982; to reduce budget authority by $899,000,000 and outlays by $899,000,000 in fiscal year 1983; and to reduce budget authority by $511,000,000 and outlays by $511,000,000 in fiscal year 1984.

(3) The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within the jurisdiction of that committee sufficient to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $5,846,000,000 in budget authority and $133,000,000 in outlays for fiscal year 1981; $14,498,000,000 in budget authority and $840,000,000 in outlays for fiscal year 1982; and $17,450,000,000 in budget authority and $2,133,000,000 in outlays for fiscal year 1983; and $20,341,000,000 in budget authority and $3,779,000,000 in outlays for fiscal year 1984.

(4)(A) The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $100,000,000 and outlays by $100,000,000 in fiscal year 1982; to reduce budget authority by $200,000,000 and outlays by $200,000,000 in fiscal year 1983; and to reduce budget authority by $300,000,000 and outlays by $300,000,000 in fiscal year 1984; and

(B) The Senate Committee on Commerce, Science, and Transportation shall also report changes in laws within the jurisdiction of that committee sufficient to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $1,558,000,000 in budget authority and $884,000,000 in outlays for fiscal year 1982; $1,598,000,000 in budget authority and $1,328,000,000 in outlays for fiscal year 1983; and $1,465,000,000 in budget authority and $1,337,000,000 in outlays for fiscal year 1984.

(5) The Senate Committee on Energy and Natural Resources shall report changes in laws within the jurisdiction of that committee sufficient to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $1,331,000,000 in budget authority and $94,000,000 in outlays for fiscal year 1981; $3,714,000,000 in budget authority and $3,398,000,000 in outlays for fiscal year 1982; $3,660,000,000 in budget authority and $3,627,000,000 in outlays for fiscal year 1983; and $3,604,000,000 in budget authority and $3,711,000,000 in outlays for fiscal year 1984.

(6)(A) The Senate Committee on Environment and Public Works shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2) of Public Law 93-344, sufficient to reduce outlays by $185,000,000 in fiscal year 1982; to reduce outlays by $900,000,000 in fiscal year 1983; and to reduce outlays by $1,365,000,000 in fiscal year 1984; and

(B) The Senate Committee on Environment and Public Works shall also report changes in laws within the jurisdiction of that committee sufficient to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $2,350,000,000 in budget authority and $68,000,000 in outlays for fiscal year 1981; $4,835,000,000 in budget authority and $793,000,000 in outlays for fiscal year 1982; and $3,035,000,000 in budget authority and $1,840,000,000 in outlays for fiscal year 1983; and $3,500,000,000 in budget authority and $2,800,000,000 in outlays for fiscal year 1984.

(7)(A) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $212,000,000 and outlays by $286,000,000 in fiscal year 1981; to reduce budget authority by $4,394,000,000 and outlays by $9,218,000,000 in fiscal year 1982; and to reduce budget authority by $4,563,000,000 and outlays by $10,744,000,000 in fiscal year 1983; and to reduce budget authority by $4,675,000,000 and outlays by $11,589,000,000 in fiscal year 1984; and

(B) The Senate Committee on Finance shall also report changes in laws within the jurisdiction of that committee sufficient to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $96,000,000 in budget authority and $112,000,000 in outlays for fiscal year 1982; $114,000,000 in budget authority and $132,000,000 in outlays for fiscal year 1983; and $149,000,000 in budget authority and $177,000,000 in outlays for fiscal year 1984;

(8) The Senate Committee on Foreign Relations shall report changes in laws within the jurisdiction of that committee sufficient to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $250,000,000 in budget authority and $130,000,000 in outlays for fiscal year 1982; $275,000,000 in budget authority and $200,000,000 in outlays for fiscal year 1983; and $300,000,000 in budget authority and $300,000,000 in outlays for fiscal year 1984.

(9)(A) The Senate Committee on Governmental Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce outlays by $513,000,000 in fiscal year 1982; to reduce outlays by $414,000,000 in fiscal year 1983; and to reduce outlays by $357,000,000 in fiscal year 1984; and

(B) The Senate Committee on Governmental Affairs shall also report changes in laws within the jurisdiction of that committee sufficient to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $4,776,000,000 in budget authority and $4,690,000,000 in outlays for fiscal year 1982; $6,360,000,000 in budget authority and $6,388,000,000 in outlays for fiscal year 1983; and $7,462,000,000 in budget authority and $7,440,000,000 in outlays for fiscal year 1984.

(10) The Senate Committee on the Judiciary shall report changes in laws within the jurisdiction of that committee sufficient to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $116,000,000 in budget authority and $13,000,000 in outlays for fiscal year 1982; $133,000,000 in budget authority and $81,000,000 in outlays for fiscal year 1983; and $144,000,000 in budget authority and $124,000,000 in outlays for fiscal year 1984.

(11)(A) The Senate Committee on Labor and Human Resources shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $39,000,000 and outlays by $49,000,000 in fiscal year 1981; to reduce budget authority by $596,000,000 and outlays by $575,000,000 in fiscal year 1982; and to reduce budget authority by $1,481,000,000 and outlays by $1,395,000,000 in fiscal year 1983; and to reduce budget authority by $2,452,000,000 and outlays by $2,311,000,000 in fiscal year 1984; and

(B) The Senate Committee on Labor and Human Resources shall also report changes in laws within the jurisdiction of that committee sufficient to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $2,388,000,000 in budget authority and $414,000,000 in outlays for fiscal year 1981; $10,492,000,000 in budget authority and $8,225,000,000 in outlays for fiscal year 1982; and $12,539,000,000 in budget authority and $11,069,000,000 in outlays for fiscal year 1983; and $15,048,000,000 in budget authority and $13,746,000,000 in outlays for fiscal year 1984.

(12) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee sufficient to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $97,000,000 in budget authority and $67,000,000 in outlays for fiscal year 1981; $526,000,000 in budget authority and $390,000,000 in outlays for fiscal year 1982; and $564,000,000 in budget authority and $541,000,000 in outlays for fiscal year 1983; and $554,000,000 in budget authority and $533,000,000 in outlays for fiscal year 1984.

(13) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, sufficient to reduce budget authority by $14,000,000 and outlays by $14,000,000 in fiscal year 1981; to reduce budget authority by $110,000,000 and outlays by $110,000,000 in fiscal year 1982; and to reduce budget authority by $108,000,000 and outlays by $108,000,000 in fiscal year 1983; and to reduce budget authority by $106,000,000 and outlays by $106,000,000 in fiscal year 1984; and

SEC. 302A. The Committee on Appropriations of the Senate shall report not later than June 5, 1981, legislation to reduce previously enacted appropriations by $13,300,000,000 in budget authority and $1,500,000,000 in outlays for fiscal year 1981; by $3,200,000,000 in outlays for fiscal year 1982; by $1,800,000,000 in outlays for fiscal year 1983; and $1,100,000,000 in outlays for fiscal year 1984.

SEC. 303. In order to give the committees named in sections 301 and 302 flexibility in meeting the reconciliation instructions, a committee may at its option, substitute in whole or in part reductions in spending authority as defined by section 401(c)(2) of Public Law 93-344 for reductions specified to be made in authorizations under that committee's jurisdiction in order to reduce appropriations, so long as the total amount of budget authority and outlay reductions for each fiscal year is the same as or greater than the amounts assigned to that committee in section 301 or 302 above.

SEC. 304. Not later than June 12, 1981, the committees named in sections 301 and 302 shall submit their recommendations to the Committees on the Budget of their respective Houses. Those recommendations shall be sufficient to accomplish the reductions required by such sections. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

SEC. 304A. The Senate Committee on Governmental Affairs should report changes in laws within the jurisdiction of that committee which would reduce the costs to the Government which result from waste, fraud, and abuse. Savings in appropriations and expenditures from trust funds from such statutory changes are estimated to be $700,000,000 in budget authority and $1,300,000,000 in outlays in fiscal year 1982; $1,000,000,000 in budget authority and $2,000,000,000 in outlays in fiscal year 1983; and $1,500,000,000 in budget authority and $3,000,000,000 in outlays in fiscal year 1984.

PART B—ENFORCEMENT MEASURES

SEC. 305. No bill or resolution providing—

(1) new budget authority for fiscal year 1982, or

(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1982—

which exceeds the appropriate allocation or subdivision made pursuant to section 302 of such Act shall be enrolled until after Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act, and on any reconciliation legislation required by such resolution.

SEC. 306. (a) It is the sense of the Congress that due to the extreme rate of inflation in the United States economy, the possible cost-of-living effects of Federal regulations and legislation shall be carefully monitored as part of a program of fiscal restraint. Cost-of-living effects should therefore be a prime consideration in developing both regulations and legislation. In order to coordinate the aggregate economic impact of regulations with Federal fiscal policy, it is the sense of Congress that the President should implement a "zero net inflation impact" policy for the regulations promulgated in the remainder of fiscal year 1981 and for fiscal year 1982. This policy will require the President to keep an accounting for fiscal year 1981 of all new regulations which have a significant, measurable cost to the economy. Cost-saving modification need not affect the same area of economic activity as the cost-inducing regulations. The President should institute an exemption procedure to assure the promulgation of regulations necessary to avert any imminent threat to health and safety.

(b) It is also the sense of Congress that the Director of the Congressional Budget Office should issue a periodic "inflation scorekeeping" report which shall contain an estimate of the positive or negative cost-of-living effects, wherever measurable, of legislation enacted to date in the current session of Congress. The report shall also indicate for each bill, promptly after it is reported by a committee of Congress, whether—

(1) it is judged to have no significant positive or negative impact on cost of living;

(2) it is judged to have a positive or negative cost-of-living impact on the amount specified in terms of both dollar amounts and change in the Consumer Price Index; or

(3) it is judged likely to have a significant positive or negative impact on cost of living, but the amount cannot be determined immediately.

CONFERENCE AGREEMENT—CURRENT AND FUTURE FISCAL YEARS

[In billions of dollars]

	Fiscal year 1981		Fiscal year 1982		Fiscal year 1983		Fiscal year 1984	
	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay
050 National defense	181.0	162.9	226.3	188.8	257.0	223.1	292.1	250.6
150 International affairs	23.55	11.25	17.4	11.15	16.9	11.65	16.75	12.1
250 General science, space, and technology	6.5	6.2	7.2	7.0	7.7	7.3	7.2	7.2
270 Energy	7.3	9.8	4.5	6.0	4.4	5.4	4.0	4.8
300 Natural resources and environment	10.5	13.6	8.2	12.4	10.7	11.4	10.6	10.6
350 Agriculture	5.6	2.7	5.5	4.5	6.4	4.7	5.4	4.9
370 Commerce and housing credit	6.6	3.4	7.7	4.0	5.3	3.9	5.8	3.5
400 Transportation	25.0	23.9	21.2	20.4	21.1	20.1	21.3	20.4
450 Community and regional development	8.3	11.4	7.1	8.7	7.5	7.7	7.6	7.5
500 Education, training, employment, and social services	30.8	31.8	26.2	26.85	26.2	26.0	25.7	25.3
550 Health	72.2	66.8	83.5	73.35	90.9	81.3	99.3	89.6
600 Income security	250.35	227.6	262.7	239.7	285.5	256.55	305.5	273.7
700 Veterans' benefits and services	23.3	22.8	24.8	24.05	26.25	25.45	28.5	27.15
750 Administration of justice	4.4	4.7	4.3	4.45	4.3	4.3	4.4	4.4
800 General government	5.3	5.0	5.0	4.9	5.2	5.0	5.1	5.0
850 General purpose fiscal assistance	6.1	6.8	6.5	6.4	6.6	6.6	6.9	6.7
900 Interest	79.5	79.5	85.7	85.7	90.2	90.2	91.5	91.5
920 Allowances					−20.4	−20.4	27.8	27.8
950 Undistributed offsetting receipts	−28.8	−28.8	−32.9	−32.9	−38.0	−38.0	−43.4	−43.4
Total	717.5	661.35	770.9	695.45	813.75	732.25	866.45	773.75
Revenues		603.3		657.8		713.2		774.8
Deficit (−) or surplus (+)		−58.05		−37.65		−19.05		+1.05
Public debt		999.8		1,079.8		1,137.65		1,176.65
Net decrease in revenues		8.6		51.3		97.		144.8
Increase in public debt		+14.8		+80.0		+57.85		+38.95

ECONOMIC ASSUMPTIONS

The levels of output, incomes, unemployment, inflation and interest rates used in the outlay and revenue estimates of the conference agreement are shown in the table below. These assumptions closely correspond to the economic projections assumed by the Administration to accompany its budget revisions for fiscal year 1982 submitted to the Congress in March. The Conferees have accepted the House-passed projections of gross national product, incomes and unemployment, which reflect the strength of the economy in the first quarter of 1981. The Conferees assumed interest rates for 1981 at the Senate-passed level. The interest rates assumed for 1982-1984 reflect success in lowering the inflation rate as projected by the Administration.

[Calendar years; dollar amounts in billions]

	1981	1982	1983	1984
Gross national product:				
Current dollars	$2,941	$3,323	$3,734	$4,135
Constant (1972) dollars	$1,511	$1,572	$1,651	$1,725
Percent change	2.0	4.2	5.0	4.5

[Calendar years; dollar amounts in billions]

	1981	1982	1983	1984
GNP deflator (percent change, year over year)	9.7	8.3	7.0	6.0
Consumer Price Index (percent change, year over year)	11.1	8.3	6.2	5.5
Unemployment rate (annual average, percent)	7.5	7.2	6.6	6.4
Taxable incomes:				
Wages and salaries	$1,498	$1,682	$1,863	$2,051
Nonwage income	$541	$612	$683	$745
Corporate profits	$242	$280	$321	$360
Interest rate, 3-mo. Treasury bills (percent, yearly average)	13.5	10.5	9.4	8.2

THE CONFERENCE AGREEMENT ON REVENUES

The revenue levels agreed to by the Conferees provide room for the relevent committees of the House and the Senate to enact all of the President's program for 1981, 1982, 1983, and 1984. The revenue levels are $603.3 billion for fiscal year 1981 and $657.8 billion for fiscal year 1982. The conference agreement specifies net tax reductions of $8.6 billion in fiscal year 1981 and $51.3 billion in fiscal year 1982. These reductions are assumed to include $100 million for miscellaneous tax and tariff legislation as may be enacted by the House Ways and Means Committee and the Senate Finance Committee.

1ST BUDGET RESOLUTION CONFERENCE AGREEMENT
RECEIPTS BY MAJOR SOURCE

[In billions of dollars]

	Revised budget estimates			
	1981	1982	1983	1984
Individual income taxes	279.6	293.5	314.5	343.7
Corporation income taxes	64.7	62.2	67.5	69.4
Social insurance taxes and contributions	187.4	216.6	241.2	265.4
Excise taxes	43.7	55.9	57.1	58.6
Estate and gift taxes	6.9	7.6	8.5	9.4
Custom duties	7.5	7.9	8.3	8.8
Miscellaneous receipts	13.4	14.2	16.1	19.6
Total	603.3	657.8	713.2	774.8

BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES

The following tables contain the conference agreed to budget aggregates, and allocations among functional categories, for the fiscal years 1981, 1982, 1983, and 1984.

FISCAL YEAR 1981—BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES

[In billions of dollars]

	Second Budget Resolution, Fiscal Year 1981	Revised Second Budget Resolution, Fiscal Year 1981		
		House passed	Senate passed	Conference agreement
Budget authority	694.60	719.05	716.00	717.50
Outlays	632.40	660.00	662.70	661.35
Revenues	605.00	603.30	599.90	603.30
Deficit	−27.40	−56.70	−62.80	−58.05
050 National defense:				
Budget authority	172.70	180.70	181.00	181.00
Outlays	159.05	162.10	162.90	162.90
150 International affairs:				
Budget authority	23.85	23.60	23.30	23.55
Outlays	10.50	11.25	11.00	11.25
250 General science, space, and technology:				
Budget authority	6.40	6.45	6.50	6.50
Outlays	6.10	6.20	6.20	6.20
270 Energy:				
Budget authority	5.85	7.65	7.00	7.30
Outlays	7.80	9.60	9.80	9.80
300 Natural resources and environment:				
Budget authority	11.90	10.65	10.40	10.50
Outlays	13.10	13.60	13.60	13.60
350 Agriculture:				
Budget authority	5.35	5.60	5.60	5.60
Outlays	2.10	2.70	2.70	2.70
370 Commerce and housing credit:				
Budget authority	5.25	6.35	6.60	6.60
Outlays	.95	3.05	3.40	3.40
400 Transportation:				
Budget authority	21.30	24.80	25.00	25.00
Outlays	19.70	23.70	23.90	23.90
450 Community and regional development:				
Budget authority	9.25	9.20	8.00	8.30
Outlays	10.45	12.20	11.30	11.40
500 Education, training, employment, and social services:				
Budget authority	31.60	32.00	30.80	30.80
Outlays	29.80	31.75	31.80	31.80
550 Health:				
Budget authority	68.55	72.20	71.80	72.20
Outlays	63.15	66.80	66.40	66.80
600 Income security:				
Budget authority	248.80	250.35	250.20	250.35
Outlays	225.55	227.30	229.70	227.60
700 Veterans benefits and services:				
Budget authority	22.10	23.00	23.30	23.30
Outlays	21.70	22.60	22.80	22.80
750 Administration of justice:				
Budget authority	4.10	4.25	4.40	4.40
Outlays	4.45	4.55	4.70	4.70
800 General government:				
Budget authority	4.60	5.15	5.30	5.30
Outlays	4.40	4.90	5.00	5.00
850 General purpose fiscal assistance:				
Budget authority	6.50	6.20	6.10	6.10
Outlays	7.05	6.80	6.80	6.80
900 Interest:				
Budget authority	71.90	79.00	79.50	79.50
Outlays	71.90	79.00	79.50	79.50
920 Allowances:				
Budget authority	.40	1.20	.....	.....
Outlays	.45	1.20	.....	.....
950 Undistributed offsetting receipts:				
Budget authority	−25.80	−29.30	−28.80	−28.80
Outlays	−25.80	−29.30	−28.80	−28.80

FISCAL YEAR 1981—BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES—Continued

[In billions of dollars]

	Second Budget Resolution, Fiscal Year 1981	Revised Second Budget Resolution, Fiscal Year 1981		
		House passed	Senate passed	Conference agreement
Budget authority	764.55	775.90	770.90	
Outlays	688.80	700.80	695.45	
Revenues	657.80	650.30	657.80	
Deficit	−31.00	−50.50	−37.65	
FISCAL YEAR 1982				
050 National defense:				
Budget authority	226.30	226.20	226.30	
Outlays	188.80	188.80	188.80	
150 International affairs:				
Budget authority	17.90	16.80	17.40	
Outlays	11.20	11.10	11.15	
250 General science, space, and technology:				
Budget authority	7.20	7.20	7.20	
Outlays	6.90	7.00	7.00	
270 Energy:				
Budget authority	4.50	4.40	4.50	
Outlays	4.20	6.90	6.00	
300 Natural resources and environment:				
Budget authority	7.90	8.40	8.20	
Outlays	11.90	12.80	12.40	
350 Agriculture:				
Budget authority	5.50	5.40	5.50	
Outlays	4.40	4.60	4.50	
370 Commerce and housing credit:				
Budget authority	7.10	8.30	7.70	
Outlays	3.10	4.80	4.00	
400 Transportation:				
Budget authority	20.20	21.70	21.20	
Outlays	19.70	21.00	20.40	
450 Community and regional development:				
Budget authority	7.40	7.00	7.10	
Outlays	8.10	9.20	8.70	
500 Education, training, employment, and social services:				
Budget authority	24.60	26.80	26.20	
Outlays	25.70	27.40	26.85	
550 Health:				
Budget authority	83.30	83.60	83.50	
Outlays	73.30	73.40	73.35	
600 Income security:				
Budget authority	261.50	263.90	262.70	
Outlays	241.20	238.20	239.70	
700 Veterans benefits and services:				
Budget authority	24.80	24.50	24.80	
Outlays	24.05	23.90	24.05	
750 Administration of justice:				
Budget authority	4.20	4.30	4.30	
Outlays	4.40	4.50	4.45	
800 General government:				
Budget authority	5.10	5.00	5.00	
Outlays	5.00	4.80	4.90	
850 General purpose fiscal assistance:				
Budget authority	6.50	6.40	6.50	
Outlays	6.40	6.40	6.40	
900 Interest:				
Budget authority	81.75	89.50	85.70	
Outlays	81.75	89.50	85.70	
920 Allowances:				
Budget authority	.80	.....	.....	
Outlays	.70	.....	.....	
950 Undistributed offsetting receipts:				
Budget authority	−32.00	−33.50	−32.90	
Outlays	−32.00	−33.50	−32.90	
FISCAL YEAR 1983				
Budget authority	811.05	812.60	813.75	
Outlays	731.85	730.50	732.25	
Revenues	717.30	709.10	713.20	
Deficit	−14.55	−21.40	−19.05	
050 National defense:				
Budget authority	259.60	254.30	257.00	
Outlays	226.00	221.10	223.10	
150 International affairs:				
Budget authority	17.70	16.10	16.90	
Outlays	11.80	11.50	11.65	
250 General science, space, and technology:				
Budget authority	7.70	7.70	7.70	
Outlays	7.30	7.30	7.30	
270 Energy:				
Budget authority	5.00	3.80	4.40	
Outlays	4.60	6.50	5.40	
300 Natural resources and environment:				
Budget authority	10.60	10.70	10.70	
Outlays	11.00	11.80	11.40	
350 Agriculture:				
Budget authority	5.70	6.40	6.40	
Outlays	3.90	4.70	4.70	
370 Commerce and housing credit:				
Budget authority	5.40	5.20	5.30	
Outlays	3.40	4.20	3.90	
400 Transportation:				
Budget authority	21.20	20.80	21.10	
Outlays	20.30	20.10	20.10	
450 Community and regional development:				
Budget authority	7.40	7.50	7.50	
Outlays	7.60	7.80	7.70	
500 Education, training, employment, and social services:				
Budget authority	24.80	26.90	26.20	
Outlays	24.70	26.60	26.00	
550 Health:				
Budget authority	90.90	90.80	90.90	
Outlays	81.60	80.90	81.30	
600 Income security:				
Budget authority	284.20	286.80	285.50	
Outlays	260.10	253.00	256.55	
700 Veterans benefits and services:				
Budget authority	26.25	25.50	26.25	
Outlays	25.45	25.10	25.45	
750 Administration of justice:				
Budget authority	4.10	4.50	4.30	
Outlays	4.10	4.50	4.30	
800 General government:				
Budget authority	5.30	5.20	5.20	
Outlays	4.90	5.00	5.00	
850 General purpose fiscal assistance:				
Budget authority	6.80	6.50	6.60	
Outlays	6.80	6.50	6.60	
900 Interest:				
Budget authority	83.60	93.70	90.20	
Outlays	83.60	93.70	90.20	
920 Allowances:				
Budget authority	−20.40	−20.40	−20.40	
Outlays	−20.50	−20.40	−20.40	
950 Undistributed offsetting receipts:				
Budget authority	−34.80	−39.40	−38.00	
Outlays	−34.80	−39.40	−38.00	
FISCAL YEAR 1984				
Budget Authority	856.35	865.00	866.45	
Outlays	770.30	770.70	773.75	
Revenues	778.90	770.70	774.80	
Deficit or Surplus	+8.60	.....	+1.05	
050 National defense:				
Budget authority	294.90	289.20	292.10	
Outlays	255.60	250.30	250.60	
150 International affairs:				
Budget authority	16.30	17.20	16.75	
Outlays	12.20	12.00	12.10	
250 General science, space and technology:				
Budget authority	7.10	7.20	7.20	
Outlays	7.20	7.20	7.20	
270 Energy:				
Budget authority	5.30	2.80	4.00	
Outlays	4.70	4.90	4.80	
300 Natural resources and environment:				
Budget authority	10.30	10.80	10.60	
Outlays	9.70	10.90	10.60	
350 Agriculture:				
Budget authority	4.60	5.40	5.40	
Outlays	4.00	4.90	4.90	
370 Commerce and housing credit:				
Budget authority	5.80	5.80	5.80	
Outlays	3.10	3.80	3.50	

BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES—Continued

[In billions of dollars]

	House passed	Senate passed	Conference agreement
400 Transportation:			
Budget authority	21.30	21.30	21.30
Outlays	21.00	20.10	20.40
450 Community and regional development:			
Budget authority	7.40	7.80	7.60
Outlays	7.30	7.60	7.50
500 Education, training, employment, and social services:			
Budget authority	24.80	26.10	25.70
Outlays	24.00	26.10	25.30
550 Health:			
Budget authority	99.00	99.60	99.30
Outlays	90.30	88.90	89.60
600 Income security:			
Budget authority	303.50	307.50	305.50
Outlays	277.10	270.30	273.70
700 Veterans benefits and services:			
Budget authority	28.50	26.50	28.50
Outlays	27.15	26.00	27.15

BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES—Continued

[In billions of dollars]

	House passed	Senate passed	Conference agreement
750 Administration of justice:			
Budget authority	4.10	4.70	4.40
Outlays	4.00	4.70	4.40
800 General government:			
Budget authority	5.00	5.30	5.10
Outlays	4.80	5.30	5.00
850 General purpose fiscal assistance:			
Budget authority	6.90	6.90	6.90
Outlays	6.70	6.80	6.70
900 Interest:			
Budget authority	83.55	94.60	91.50
Outlays	83.55	94.60	91.50
920 Allowances:			
Budget authority	−34.60	−27.80	−27.80
Outlays	−34.70	−27.80	−27.80
950 Undistributed offsetting receipts:			
Budget authority	−37.40	−45.90	−43.40
Outlays	−37.40	−45.90	−43.40

CONFERENCE AGREEMENT ON RECONCILIATION INSTRUCTIONS

The conference agreement includes reconciliation instructions to 14 Senate committees to report legislation to achieve savings in the fiscal years 1981-84, and reconciliation instructions to the House committees to report legislation to achieve savings in fiscal years 1982-84. These savings are necessary for the committees to remain within their spending limits contemplated in the Resolution.

Any legislation included in the Reconciliation Bill reported pursuant to this Resolution shall achieve net spending reductions in the amounts required by this Resolution.

SUMMARY OF RECONCILIATION INSTRUCTIONS BY SENATE COMMITTEE

[In millions of dollars]

Senate committee	Fiscal year 1981		Fiscal year 1982		Fiscal year 1983		Fiscal year 1984	
	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay
Agriculture, Nutrition, and Forestry:								
Reductions in direct spending		−163	−474	−928	−659	−618	−854	−795
Reductions in authorizations	−140		−3,193	−3,096	−3,961	−3,825	−4,551	−4,451
Armed Services: Reductions in direct spending	−233	−233	−966	−966	−899	−899	−511	−511
Banking, Housing, and Urban Affairs: Reductions in authorizations	−5,846	−133	−14,478	−840	−17,450	−2,133	−20,341	−3,779
Commerce, Science, and Transportation:								
Reductions in direct spending			−100	−100	−200	−200	−300	−300
Reductions in authorizations			−1,558	−884	−1,598	−1,328	−1,465	−1,337
Energy and Natural Resources: Reductions in authorizations	−1,331	−94	−3,714	−3,398	−3,660	−3,627	−3,604	−3,711
Environment and Public Works:								
Reductions in direct spending				−185		−900		−1,365
Reductions in authorizations	−2,350	−68	−4,835	−793	−3,035	−1,840	−3,500	−2,800
Finance:								
Reductions in direct spending	−212	−286	−4,394	−9,218	−4,563	−10,744	−4,675	−11,589
Reductions in authorizations			−96	−112	−114	−132	−149	−177
Foreign Relations: Reductions in authorizations			−250	−130	−275	−200	−300	−300
Governmental Affairs:								
Reductions in direct spending				−513		−414		−357
Reductions in authorizations			−4,776	−4,690	6,300	−6,388	−7,462	−7,440
Judiciary: Reductions in authorizations			−116	−13	−133	−81	−144	−124
Labor and Human Resources:								
Reductions in direct spending	−39	−49	−596	−575	−1,481	−1,395	−2,452	−2,311
Reductions in authorizations	−2,388	−414	−10,492	−8,225	−12,539	−11,069	−15,048	−13,746
Small Business: Reductions in authorizations	−97	−67	−526	−390	−564	−541	−554	−533
Veterans' Affairs: Reductions in direct spending	−14	−14	−110	−110	−108	−108	−106	−106
Total reductions in direct spending	−498	−745	−6,640	−12,595	−7,910	−15,278	−8,898	−17,334
Total reductions in authorizations	−12,152	−776	−44,054	−22,571	−49,689	−31,164	−57,118	−38,398
Appropriations Committee	−13,300	−1,500		−3,200		−1,800		−1,100
Total instructions to all committees	−25,950	−3,021	−50,674	−38,366	−57,599	−48,242	−66,016	−56,832
Eliminate double counting between appropriations and authorizing committees	+11,283	+677		+1,865		+1,263		+1,034
Total net savings	−14,667	−2,344	−50,694	−36,501	−57,599	−46,979	−66,016	−55,798

SUMMARY OF RECONCILIATION INSTRUCTIONS BY HOUSE COMMITTEE

[In millions of dollars]

House committee	Fiscal year 1982		Fiscal year 1983		Fiscal year 1984	
	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay
Agriculture:						
Reductions in direct spending	−232	−693	−400	−362	−580	−525
Reductions in authorizations	−1,976	−1,828	−2,606	−2,480	−3,091	−3,000
Armed Services: Reductions in direct spending	−966	−966	−899	−899	−511	−511
Banking, Finance, and Urban Affairs: Reductions in authorizations	−13,177	−640	−15,572	−1,398	−17,827	−2,369
District of Columbia: Reductions in authorizations	−39	−40	−56	−64	−72	−69
Education and Labor:						
Reductions in direct spending	−1,963	−1,946	−2,916	−2,777	−3,995	−3,801
Reductions in authorizations	−10,136	−8,138	−11,991	−10,745	−14,349	−13,219
Energy and Commerce:						
Reductions in direct spending	−787	−1,103	−1,082	−1,716	−1,355	−2,247
Reductions in authorizations	−4,598	−4,081	−4,898	−4,599	−4,930	−4,789
Foreign Affairs: Reductions in authorizations	−250	−130	−275	−200	−300	−300
Interior and Insular Affairs: Reductions in authorizations	−755	−309	−736	−504	−714	−594
Merchant Marine and Fisheries:						
Reductions in direct spending	−192	−192	−379	−379	−491	−491
Reductions in authorizations	−147	−15	−60	−32	−71	−60
Post Office and Civil Service:						
Reductions in direct spending		−513		−414		−357
Reductions in authorizations	−4,737	−4,650	−6,304	−6,324	−7,390	−7,371

SUMMARY OF RECONCILIATION INSTRUCTIONS BY HOUSE COMMITTEE—Continued

[In millions of dollars]

House committee	Fiscal year 1982		Fiscal year 1983		Fiscal year 1984	
	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay
Public Works and Transportation:						
Reductions in direct spending		−185		−900		−1,365
Reductions in authorizations	−6,346	−1,033	−5,122	−2,665	−6,241	−4,355
Science and Technology: Reductions in authorizations	−78	−39	−90	−59	−102	−83
Small Business: Reductions in authorizations	−526	−390	−564	−541	−554	−533
Veterans Affairs: Reductions in direct spending	−110	−110	−108	−108	−106	−106
Ways and Means:						
Reductions in direct spending	−3,699	−8,247	−3,660	−9,247	−3,511	−9,573
Reductions in authorizations	−978	−994	−1,294	−1,312	−1,647	−1,675
House total	−51,692	−36,242	−59,012	−47,725	−67,837	−57,393
Eliminate double counting	+882	+882	+1,180	+1,180	+1,498	+1,498
	+92	+92	+179	+179	+191	+191
	+24	+152	+54	+54	+132	+132
Grand total	−50,694	−35,116	−57,599	−46,312	−66,016	−55,572

CREDIT BUDGET

Both the Senate resolution and the House reolution contained credit budgets. The following table contains the credit levels as agreed to in conference.

CREDIT BUDGET, FISCAL YEAR 1982

[In millions of dollars]

Function	Direct loan obligations	Primary guarantee commitments	Secondary guarantee commitments
050 National Defense		30	
150 International Affairs	11,180	8,340	
250 General Science, Space, and Technology	140	−140	
270 Energy	10,730	1,390	
300 Natural Resources and Environment	20		
350 Agriculture	8,800	2,430	
370 Commerce and Housing Credit	14,190	43,590	69,540
400 Transportation	480	1,140	30
450 Community and Regional Development	1,020	80	
500 Education, Training, Employment, and Social Services	1,420	5,200	500
550 Health	90	100	
600 Income Security	2,960	14,790	
700 Veterans Benefits and Services	650	7,380	
750 Administration of Justice			
800 General Government	30		
850 General Purpose Fiscal Assistance	140	760	
900 Interest			
920 Allowances			
950 Undistributed Offsetting Receipts			
Total	51,930	85,090	70,070

The conference agreement includes sense of the Congress language which encourages the President and the Congress, through the appropriations process, to limit the credit activities of the Federal Government.

The conference agreement also includes sense of the Congress language which encourages the President and the Congress to limit the credit activities of the Federal Financing Bank to the indicated amounts.

The Senate amendment to the House resolution would have created a point of order against a credit authorization that was not subject to an annual appropriations limitation. The House resolution contained no such provision. The Senate recedes from its amendment.

The conferees recommend a level of the direct loan program of the Rural Electrification Administration as reflected in the January budget submission and allows for continued access of the Rural Electrification Administration to the Federal Financing Bank.

GENERAL PROVISIONS

(1) The House resolution has a provision which permits committees to substitute savings in direct spending programs for those required in authorized programs. The Senate amendment struck this provision. The Senate recedes.

(2) The House resolution contained a provision to delay enrollment of appropriations and direct spending bills which were in excess of their section 302 allocation. The Senate amendment struck this amendment and inserted language which achieved the same result. The Senate recedes.

(3) The House resolution contained a provision calling for a study of indexing to be followed by the implementation of the study's recommendations no later than fiscal year 1984. The Senate amendment struck this provision. The House recedes and the conferees agree to the following language:

"The question of indexing is central to developing Federal fiscal policy. About half the Federal budget is subject to indexing either explicitly or implicitly. Because of the importance of the indexing question and its implication for the process of Federal budgeting, the conferees recommend the leadership of both parties form a bi-partisan effort to make a recommendation on indexing reform to be implemented no later than fiscal year 1984.

"The conference agreement takes cognizance of the fact that Congress may wish to consider changes in the cost-of-living formula used in the various governmental programs."

(4) A Senate amendment expressed the sense of the Congress that the President should implement a "Zero Net Inflation Impact" policy for Federal regulations issued in fiscal years 1981 and 1982 and develop an accounting system of the costs and economic impact of regulations, and that the director of the Congressional Budget Office should report periodically on the possible inflationary effects of legislation reported and enacted by Congress. The House resolution did not contain that provision. The House recedes.

(5) A Senate amendment to House resolution contained nonbinding language recommending that the Senate Committee on Governmental Affairs report legislation that would address the problems of waste, fraud, and abuse in the Federal Government. The House resolution has no such provision. The House recedes.

(6) Many of the funding recommendations made by the Conference are based on the assumption that increased flexibility will be available to State and local governments. Therefore, it would be appropriate that whenever a House or Senate committee recommends the reduction of funds available to State and local governments, it should recommend, where possible, program revisions which increase the flexibility permitted to State and local officials to manage Federal funds so that the needs of program beneficiaries are most effectively.

AMENDMENTS IN TECHNICAL DISAGREEMENT

The following amendments will be offered in the House amendments reported in technical disagreement:

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Sanate amendment insert the following: "outlays as follows: $13,177,000,000 in budget authority and $640,000,000 in outlays for fiscal year 1982; $15,572,000,000 in budget authority and $1,398,000,000 in outlays for fiscal year 1983; and $17,827,000,000 in budget authority and $3,369,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$1,963,000,000 and outlays by $1,946,000,000 in fiscal year 1982; to reduce budget authority by $2,916,000,000 and outlays by $2,777,000,000 in fiscal year 1983; and to reduce budget authority by $3,995,000,000 and outlays by $3,801,000,000 in fiscal year 1984;".

And the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "as follows: $4,598,000,000 in budget authority and $4,081,000,000 in outlays for fiscal year 1982; $4,898,000,000 in budget authority and $4,599,000,000 in outlays for fiscal year 1983; and $4,930,000,000 in budget authority and $4,789,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(8) the House Committee on Interior and Insular Affairs shall report changes in laws within the jurisdiction of that committee

sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $755,000,000 in budget authority and $309,000,000 in outlays for fiscal year 1982; $736,000,000 in budget authority and $504,000,000 in outlays for fiscal year 1983; and $714,000,000 in budget authority and $594,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with amendments as follows: Strike out the matter proposed to be inserted by the Senate amendment, omit the matter proposed to be stricken out by the Senate amendment, and strike out lines 14 through 18 on page 27 of the House engrossed concurrent resolution.

On page 27, line 24, of the House engrossed concurrent resolution, strike out "(10)" and insert the following: "(9)".

On page 28, line 21, of the House engrossed concurrent resolution, strike out "(11)" and insert the following: "(10)".

On page 29, line 17, of the House engrossed concurrent resolution, strike out "(12)" and insert the following: "(11)".

On page 30, line 14, of the House engrossed concurrent resolution, strike out "(13)" and insert the following: "(12)".

On page 31, line 1, of the House engrossed concurrent resolution, strike out "(14)" and insert the following: "(13)".

On page 31, line 12, of the House engrossed concurrent resolution, strike out "(15)" and insert the following: "(14)".

On page 31, line 22, of the House engrossed concurrent resolution, strike out "(16)" and insert the following: "(15)".

And the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with amendments as follows: Restore the matter proposed to be stricken out by the Senate amendment, and strike out the matter proposed to be inserted by the Senate amendment.

On page 29, line 20, of the House engrossed concurrent resolution, strike out "(C)".

And the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "outlays as follows: $6,346,000,000 in budget authority and $1,033,000,000 in outlays for fiscal year 1982; $5,122,000,000 in budget authority and $2,665,000,000 in outlays for fiscal year 1983; and $6,241,000,000 in budget authority and $4,355,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$3,699,000,000 and outlays by $8,247,000,000 in fiscal year 1982; to reduce budget authority by $3,660,000,000 and outlays by $9,247,000,000 in fiscal year 1983; and to reduce budget authority by $3,511,000,000 and outlays by $9,573,000,000 in fiscal year 1984; and".

And the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$140,000,000 in budget authority for fiscal year 1981; $3,193,000,000 in budget authority and $3,096,000,000 in outlays for fiscal year 1982; $3,961,000,000 in budget authority and $3,825,000,000 in outlays for fiscal year 1983; and $4,551,000,000 in budget authority and $4,451,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "thority and outlays as follows: $5,846,000,000 in budget authority and $133,000,000 in outlays for fiscal year 1981; $14,498,000,000 in budget authority and $840,000,000 in outlays for fiscal year 1982; $17,450,000,000 in budget authority and 2,133,000,000 in outlays for fiscal year 1983; and $20,341,000,000 in budget authority and $3,779,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with amendments as follows: Strike out the matter proposed to be stricken out by the Senate amendment, and insert the matter proposed to be inserted by the Senate amendment.

On page 35, line 15, of the House engrossed concurrent resolution, strike out "(C)".

And the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "thority by $39,000,000 and outlays by $49,000,000 in fiscal year 1981; to reduce budget authority by $596,000,000 and outlays by $575,000,000 in fiscal year 1982; to reduce budget authority by $1,481,000,000 and outlays by $1,395,000,000 in fiscal year 1983; and to reduce budget authority by $2,452,000,000 and outlays by $2,311,000,000 in fiscal year 1984; and".

And the Senate agree to the same.

Amendment numbered 191: I02 That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "thority and outlays as follows: $2,388,000,000 in budget authority and $414,000,000 in outlays for fiscal year 1981; $10,492,000,000 in budget authority and $8,225,000,000 in outlays for fiscal year 1982; $12,539,000,000 in budget authority and $11,069,000,000 in outlays for fiscal year 1983; and $15,048,000,000 in budget authority and $13,746,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with amendments as follows: Strike out the matter proposed to be inserted by the Senate amendment, and restore the matter proposed to be stricken out by the Senate amendment.

On page 41, line 9, of the House engrossed concurrent resolution, strike out "Sec. 305. (a)" and insert the following: "Sec. 305.".

On page 42 of the House engrossed concurrent resolution, strike out lines 1 through 3.

And the Senate agree to the same.

ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO HOUSE AND SENATE COMMITTEES

Pursuant to section 302 of the Congressional Budget and Impoundment Control Act of 1974, the conference agreement makes the following allocation of the appropriate levels of total new budget authority and total budget outlays among the committees of the respective Houses:

SENATE COMMITTEE ALLOCATIONS PURSUANT TO SEC. 302 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEARS 1981 AND 1982

[In millions of dollars]

	Direct spending jurisdiction		Entitlements funded in annual appropriation acts	
	Budget authority	Outlays	Budget authority	Outlays
1981				
Appropriations Committee	434,020	412,050	.....	.....
Agriculture, Nutrition, and Forestry Committee	570	1,225	240	238
Armed Services Committee	−154	−155	14,005	13,892
Banking, Housing, and Urban Affairs Committee	7,480	−1,670	.....	1
Commerce, Science, and Transportation Committee	3,179	2,130	378	384
Energy and Natural Resources Committee	919	931	58	55
Environment and Public Works Committee	9,320	2,237	.....	.....
Finance Committee	299,181	294,261	43,844	43,906
Foreign Relations Committee	12,741	10,472	.....	.....
Governmental Affairs Committee	37,104	26,636	(1)	(1)
Judiciary Committee	331	317	55	56
Labor and Human Resources Committee	5,034	5,581	4,876	4,710
Rules and Administration Committee	43	15	.....	.....
Small Business Committee	1	.....	.....	.....
Veterans Affairs Committee	1,334	1,052	14,953	14,840
Select Committee on Indian Affairs	479	351	.....	.....
Not allocated to committees	−94,082	−94,083	.....	.....
Total, budget	717,500	661,350	78,408	78,082
1982				
Appropriations Committee	463,666	428,874	.....	.....
Agriculture, Nutrition, and Forestry Committee	942	3,392	30	31
Armed Services Committee	−572	−570	15,385	15,281
Banking, Housing, and Urban Affairs Committee	5,365	839	.....	.....
Commerce, Science, and Transportation Committee	877	−89	319	319
Energy and Natural Resources Committee	1,085	1,029	60	58
Environment and Public Works Committee	8,705	2,211	.....	.....
Finance Committee	339,144	321,242	41,458	42,691
Foreign Relations Committee	13,189	11,206	.....	.....
Governmental Affairs Committee	40,728	29,474	(1)	(1)
Judiciary Committee	410	393	59	59
Labor and Human Resources Committee	5,421	6,103	4,846	4,827
Rules and Administration Committee	41	6	.....	.....
Small Business Committee	.....	.....	.....	.....
Veterans Affairs Committee	1,285	903	15,569	15,502
Select Committee on Indian Affairs	461	283	.....	.....
Not allocated to committees	−109,846	−109,846	.....	.....
Total, budget	770,900	695,450	77,727	78,769

[1] Less than $500,000.

Note: Details may not add to totals due to rounding.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(A) OF THE CONGRESSIONAL BUDGET ACT

MAY 15, 1981

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 302(A) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1981

[In millions of dollars]

	Direct spending jurisdiction	
	Budget authority	Outlays
HOUSE APPROPRIATIONS COMMITTEE		
050 National Defense	182,163	164,063
150 International Affairs	16,517	12,561
250 General Science, Space, and Technology	6,498	6,198
270 Energy	8,905	9,405
300 Natural Resources and Environment	12,528	15,687
350 Agriculture	5,573	2,120
370 Commerce and Housing Credit	5,054	4,600
400 Transportation	13,609	22,654
450 Community and Regional Development	7,986	11,068
500 Education, Training, Employment, and Social Services	29,987	31,810
550 Health	36,676	36,593
600 Income Security	67,905	54,652
700 Veterans Benefits and Services	22,599	22,445
750 Administration of Justice	4,405	4,710
800 General Government	8,797	8,527
850 General Purpose Fiscal Assistance	5,094	5,151
900 Interest	0	1
Committee total	434,296	412,246
HOUSE AGRICULTURE COMMITTEE		
300 Natural Resources and Environment	286	268
350 Agriculture	98	651
450 Community and Regional Development	188	299
850 General Purpose Fiscal Assistance	223	223
900 Interest	−58	−58
Committee total	737	1,383
HOUSE ARMED SERVICES COMMITTEE		
050 National Defense	−154	−155
400 Transportation	[1]	[1]
700 Veterans Benefits and Services	[1]	[1]
Committee total	−154	−155
HOUSE BANKING, FINANCE AND URBAN AFFAIRS COMMITTEE		
150 International Affairs	5,783	−461
370 Commerce and Housing Credit	1,509	−1,232
450 Community and Regional Development	50	60
500 Education, Training, Employment, and Social Services	[1]	−1
550 Health	0	[2]
600 Income Security	121	12
700 Veterans Benefits and Services	0	55
800 General Government	3	3
900 Interest	11	11
Committee total	7,478	−1,553
HOUSE DISTRICT OF COLUMBIA COMMITTEE		
750 Administration of Justice	8	8
850 General Purpose Fiscal Assistance	40	40
Committee total	48	48
HOUSE EDUCATION AND LABOR COMMITTEE		
500 Education, Training, Employment, and Social Services	20	19
550 Health	0	[1]
600 Income Security	14	14
Committee total	34	32
HOUSE ENERGY AND COMMERCE COMMITTEE		
300 Natural Resources and Environment	0	[1]
370 Commerce and Housing Credit	25	25
400 Transportation	2,113	2,113
550 Health	5	5
600 Income Security	4,990	5,490
850 General Purpose Fiscal Assistance	5	5
Committee total	7,138	7,638
HOUSE FOREIGN AFFAIRS COMMITEE		
150 International Affairs	12,393	10,294
370 Commerce and Housing Credit	7	7
600 Income Security	342	174
Committee total	12,743	10,475
HOUSE GOVERNMENT OPERATIONS COMMITTEE		
800 General Government	1	−1
850 General Purpose Fiscal Assistance	4,567	5,159
Committee total	4,568	5,159
HOUSE ADMINISTRATION COMMITTEE		
250 General Science, Space, and Technology	[1]	[1]
500 Education, Training, Employment, and Social Services	6	6
800 General Government	38	9
Committee Total	43	15
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE		
270 Energy	25	25
300 Natural Resources and Environment	52	24
450 Community and Regional Development	479	350
800 General Government	30	30
850 General Purpose Fiscal Assistance	549	600
900 Interest	2	2
Committee total	1,137	1,030
HOUSE JUDICIARY COMMITTEE		
300 Natural Resources and Environment	[1]	[1]
370 Commerce and Housing Credit	18	17
600 Income Security	10	2
750 Administration of Justice	0	−5
800 General Government	303	303
Committee total	331	317
HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE		
300 Natural Resources and Environment	146	134
370 Commerce and Housing Credit	20	17
400 Transportation	353	−44
850 General Purpose Fiscal Assistance	4	4
Committee total	522	111
HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE		
370 Commerce and Housing Credit	9	9
550 Health	0	−60
600 Income Security	27,429	17,023
800 General Government	9,617	9,617
Committee total	37,055	26,589
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE		
270 Energy	0	2,000
300 Natural Resources and Environment	46	46
400 Transportation	9,748	[2]
450 Community and Regional Development	17	42
Committee total	9,810	2,087
HOUSE SCIENCE AND TECHNOLOGY COMMITTEE		
250 General Science, Space, and Technology	5	5
270 Energy	20	20
300 Natural Resources and Environment	13	13
800 General Government	[1] 0	[1] 0
Committee total	38	37
HOUSE SMALL BUSINESS COMMITTEE		
450 Community and Regional Development	1	0
Committee total	1	0
HOUSE VETERANS' AFFAIRS COMMITTEE		
700 Veterans Benefits and Services	1,334	932
Committee total	1,334	932
HOUSE WAYS AND MEANS COMMITTEE		
500 Education, Training, Employment, and Social Services	821	0
550 Health	45,104	39,847
600 Income Security	154,373	155,068
800 General Government	7	7
850 General Purpose Fiscal Assistance	311	311
900 Interest	93,808	93,808
Committee total	294,424	289,041
NOT ALLOCATED TO COMMITTEES		
050 National Defense	−1,009	−1,009
150 International Affairs	−11,144	−11,144
250 General Science, Space, and Technology	−3	−3
270 Energy	−1,650	−1,650
300 Natural Resources and Environment	−2,571	−2,571
350 Agriculture	−71	−71
370 Commerce and Housing Credit	−43	−43
400 Transportation	−823	−823
450 Community and Regional Development	−420	−420
500 Education, Training, Employment, and Social Services	−33	−33
550 Health	−9,584	−9,584
600 Income Security	−4,834	−4,834
700 Veterans Benefits and Services	−633	−633
750 Administration of Justice	−13	−13
800 General Government	−13,495	−13,495
850 General Purpose Fiscal Assistance	−4,692	−4,692
900 Interest	−14,263	−14,264
950 Undistributed Offsetting Receipts	−28,800	−28,800
Committee total	−94,082	−94,083
Grand total	717,500	661,350

[1] Less than $500,000.
[2] Less than negative $500,000.

MAY 15, 1981

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(A) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1982

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE APPROPRIATIONS COMMITTEE			
Current level:			
050 National defense	16,031	68,984	0
150 International affairs	600	6,634	0
250 General science, space, and technology	0	2,117	0
270 Energy	1	7,177	0
300 Natural resources and environment	74	7,479	0
350 Agriculture	2	390	0
370 Commerce and housing credit	0	1,244	0
400 Transportation	346	14,306	0
450 Community and regional development	28	6,688	0
500 Education, training, employment, and social services	5,806	17,769	0
550 Health	33,710	37,260	0
600 Income security	25,697	35,758	0
700 Veterans benefits and services	14,537	15,589	0
750 Administration of justice	90	843	0
800 General government	3,982	4,346	0
850 General purpose fiscal assistance	4,570	4,602	0
900 Interest	4	4	0
Subtotal	105,478	231,191	0
Discretionary appropriations action:			
050 National defense	206,117	115,720	0
150 International affairs	15,947	6,205	0
250 General science, space, and technology	7,199	4,882	0
270 Energy	6,021	371	0
300 Natural resources and environment	10,955	7,760	0
350 Agriculture	5,174	1,514	0
370 Commerce and housing credit	4,843	2,396	0
400 Transportation	12,068	6,753	0
450 Community and regional development	6,829	1,568	0
500 Education, training, employment, and social services	20,983	10,281	0
550 Health	8,613	5,658	0
600 Income security	34,498	18,996	0
700 Veterans benefits and services	8,525	7,237	0
750 Administration of justice	4,213	3,615	0
800 General government	4,460	4,036	0
850 General purpose fiscal assistance	655	534	0
920 Allowances	−799	−771	0
Subtotal	356,302	196,753	0
Discretionary action by other committees:			
050 National defense	5,487	5,429	0
400 Transportation	−9	−9	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(A) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1982—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
500 Education, training, employment, and social services	−1,302	−1,181	0
550 Health	−563	−927	0
600 Income security	−2,622	−2,628	
700 Veterans benefits and services	−1,007	−933	0
920 Allowances	799	771	0
Subtotal	2,796	2,388	0
Committee total	464,576	430,332	0
HOUSE AGRICULTURE COMMITTEE			
Current level:			
300 Natural resources and environment	318	321	0
350 Agriculture	402	3,028	41
450 Community and regional development	1	351	0
850 General purpose fiscal assistance	275	275	275
Subtotal	996	3,976	316
Discretionary action:			
350 Agriculture	−1	−355	1,262
Subtotal	−1	−355	1,262
Committee total	995	3,621	1,578
HOUSE ARMED SERVICES COMMITTEE			
Current level:			
050 National defense	10	12	15,946
400 Transportation	(1)	(1)	0
700 Veterans benefits and services	(1)	(1)	(1)
Subtotal	10	12	15,946
Discretionary action:			
050 National defense	−726	−726	−24
Subtotal	−726	−726	15,922
Committee total	−716	−714	15,922
HOUSE BANKING, FINANCE AND URBAN AFFAIRS COMMITTEE			
Current level:			
150 International affairs	0	−421	0
370 Commerce and housing credit	2,829	331	−106
450 Community and regional development	66	43	0
500 Education, training, employment, and social services	0	(1)	0
550 Health	0	(2)	0
600 Income security	30	0	0
700 Veterans benefits and services	0	−6	0
800 General government	5	5	0
900 Interest	11	11	0
Committee total	2,941	−38	−106
HOUSE DISTRICT OF COLUMBIA COMMITTEE			
Current level:			
750 Administration of justice	9	9	9
Committee total	9	9	9
HOUSE EDUCATION AND LABOR COMMITTEE			
Current level:			
500 Education, training, employment, and social services	13	12	1,776
600 Income security	15	15	4,308
Subtotal	29	27	6,084
Discretionary action:			
500 Education, training, employment, and social services	0	0	−504
600 Income security	0	0	−1,519
Subtotal	0	0	−2,023
Committee total	29	27	4,061
HOUSE ENERGY AND COMMERCE COMMITTEE			
Current level:			
300 Natural resources and environment	0	(1)	0
370 Commerce and housing credit	28	28	0
400 Transportation	(1)	(1)	0
550 Health	5	5	19,003
600 Income security	5,371	5,991	5,991
850 General purpose fiscal assistance	5	5	5
Subtotal	5,409	6,028	24,999
Discretionary action:			
550 Health	0	0	−655
600 Income security	340	−80	−40
Subtotal	340	−80	−695
Committee total	5,749	5,948	24,304
HOUSE FOREIGN AFFAIRS COMMITTEE			
Current level:			
150 International affairs	12,798	10,999	672
370 Commerce and housing credit	11	11	0
600 Income security	382	200	200
Subtotal	13,191	11,209	872
Discretionary action:			
050 National defense	342	342	0
150 International affairs	0	−321	0
600 Income security	0	−5	0
Subtotal	342	16	0
Committee total	13,533	11,225	872
HOUSE GOVERNMENT OPERATIONS COMMITTEE			
Current level:			
800 General government	1	(1)	0
850 General purpose fiscal assistance	4,570	4,559	4,559
Committee total	4,571	4,559	4,559
HOUSE ADMINISTRATION COMMITTEE			
Current level:			
250 General science, space, and technology	(1)	(1)	0
500 Education, training, employment, and social services	5	6	0
800 General government	38	0	67
Committee total	44	6	67
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE			
270 Energy	13	13	0
300 Natural resources and environment	43	16	74
450 Community and regional development	461	318	28
800 General government	(1)	(2)	0
850 General purpose fiscal assistance	697	697	649
Subtotal	−30	0	0
Committee total	1,184	1,043	750
HOUSE JUDICIARY COMMITTEE			
Current level:			
300 Natural resources and environment	(1)	(1)	0
370 Commerce and housing credit	18	17	0
600 Income security	10	2	2
750 Administration of justice	0	−5	90
800 General government	378	378	378
Committee total	406	392	470
HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level:			
300 Natural resources and environment	166	146	0
370 Commerce and housing credit	10	12	0
400 Transportation	415	−52	288
850 General purpose fiscal assistance	4	4	0
Subtotal	595	110	288
Discretionary action:			
400 Transportation	−100	−100	−9
550 Health	0	0	−92
Subtotal	−100	−100	−101
Committee total	495	10	187
HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE			
Current level:			
370 Commerce and housing credit	8	8	0
550 Health	0	−134	658
600 Income security	30,107	19,589	19,589
800 General government	10,644	10,644	10,652
Subtotal	40,750	30,106	30,900
Discretionary action:			
050 National defense	0	0	−1,616
600 Income security	−558	−510	−513
920 Allowances	0	0	−2,165
Subtotal	−558	−510	−4,294
Committee total	40,201	29,596	26,605
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE			
Current level:			
270 Energy	2,026	2,000	0
300 Natural resources and environment	49	52	0
400 Transportation	8,500	−2	58
450 Community and regional development	0	18	0
Subtotal	10,575	2,069	58
Discretionary action:			
400 Transportation	476	0	1
Committee total	11,051	2,069	59
HOUSE SCIENCE AND TECHNOLOGY COMMITTEE			
Current level:			
250 General science, space and technology	5	5	0
270 Energy	27	27	0
300 Natural resources and environment	14	14	0
370 Commerce and housing credit	(1)	(1)	0
800 General government	(1)	(1)	0
Committee total	46	46	0
HOUSE VETERANS AFFAIRS COMMITTEE			
Current level:			
700 Veterans benefits and services	1,337	903	15,690
Subtotal	1,337	903	15,690
Discretionary action:			
700 Veterans benefits and services	0	0	861
Subtotal	0	0	861
Committee total	1,337	903	16,551
HOUSE WAYS AND MEANS COMMITTEE			
Current level:			
270 Energy	0	0	1
500 Education, training, employment, and social services	730	0	3,099
550 Health	56,117	46,627	47,205
600 Income security	176,639	175,212	193,850
800 General government	7	7	0
850 General purpose fiscal assistance	322	322	322
900 Interest	102,400	102,400	102,400
Subtotal	336,216	324,568	346,877
Discretionary action:			
500 Education, training, employment, and social services	0	0	−755
550 Health	−70	−834	−1,408
600 Income security	−600	−6,229	−6,364
Subtotal	−678	−7,063	−8,527
Committee total	335,538	317,506	338,350
NOT ALLOCATED TO COMMITTEES			
050 National defense	−961	−961	0
150 International affairs	−11,945	−11,945	0
250 General science, space, and technology	−4	−4	0
270 Energy	−3,587	−3,587	0
300 Natural resources and environment	−3,389	−3,389	0
350 Agriculture	−77	−77	0
370 Commerce and housing credit	−46	−46	0
400 Transportation	−497	−497	0
450 Community and regional development	−285	−285	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(A) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1982—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
500 Education, training, employment, and social services	−36	−36	0
550 Health	−14,304	−14,304	0
600 Income security	−6,611	−6,611	0
700 Veterans benefits and services	−606	−606	0
750 Administration of justice	−12	−12	0
800 General government	−14,516	−14,516	0
850 General purpose fiscal assistance	−4,598	−4,598	0
900 Interest	−16,715	−16,715	0
950 Undistributed offsetting receipts	−32,900	−32,900	0
Committee total	−111,090	−111,090	0
Grand total	770,900	695,450	434,238

[1] Less than $500,000.
[2] Less than negative $500,000.

JAMES JONES,
NORMAN MINETA,
JIM MATTOX
LEON PANETTA,
RICHARD A. GEPHARDT,
W. G. BILL HEFNER,
PHIL GRAMM,
DELBERT L. LATTA,
RALPH REGULA,
BUD SHUSTER,
BILL FRENZEL,
JACK KEMP,
JAMES G. MARTIN,
Managers on the Part of the House.

PETE I. DOMENICI,
BILL ARMSTRONG,
NANCY LANDON KASSEBAUM,
RUDY BOSCHWITZ,
ORRIN G. HATCH,
JOHN TOWER,
MARK ANDREWS,
LAWTON CHILES,
JOSEPH R. BIDEN, JR.,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MARTIN of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. HOLLENBECK, for 60 minutes, May 20.

Mr. JEFFORDS, for 5 minutes, today.

Mr. ROGERS, for 5 minutes, today.

Mr. TAUKE, for 5 minutes, today.

(The following Members (at the request of Mr. ENGLISH) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. HUTTO, for 5 minutes, today.

Mr. COTTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIMON and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,360.

(The following Members (at the request of Mrs. MARTIN of Illinois) and to include extraneous matter:)

Mr. DORNAN of California.

Mr. MCCOLLUM.

Mr. WEBER of Minnesota.

Mr. GRADISON.

Mr. LEE.

Mr. LEBOUTILLIER.

Mr. DREIER.

Mr. DUNN.

(The following Members (at the request of Mr. ENGLISH) and to include extraneous matter:)

Mr. EDWARDS of California in three instances.

Mr. BENJAMIN.

Mr. HERTEL.

Ms. FERRARO in two instances.

Mr. WEAVER.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. STARK in two instances.

Mr. HUTTO.

Mr. HAMILTON.

Mr. LEHMAN in two instances.

Mr. BRODHEAD.

Mr. RICHMOND in two instances.

Mr. OTTINGER in two instances.

Mr. RATCHFORD.

Mr. MOFFETT.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 875. An act to authorize the generation of electrical power at Palo Verde Irrigation District Diversion Dam, Calif., to the Committee on Interior and Insular Affairs.

S. 1123. An act to permit certain funds allocated for official expenses of Senators to be utilized to procure additional office equipment; to the Committee on House Administration.

ADJOURNMENT

Mr. ENGLISH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 19, 1981, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1368. A letter from the Acting Comptroller General of the United States, transmitting his review of the rescissions and deferral of budget authority contained in the message from the President dated March 19, 1981 (H. Doc. No. 97-34), pursuant to section 1014(b) of Public Law 93-344 (H. Doc. No. 97-53); to the Committee on Appropriations and ordered to be printed.

1369. A letter from the Acting Comptroller General of the United States, transmitting his review of the deferrals and revised rescissions and deferrals of budget authority contained in the message from the President dated April 27, 1981 (H. Doc. No. 97-47), pursuant to section 1014 (b) and (c) of Public Law 93-344 (H. Doc. No. 97-54); to the Committee on Appropriations and ordered to be printed.

1370. A letter from the Assistant Secretary of Defense (Comptroller), transmitting selected acquisition reports and SAR summary tables for the quarter ended March 31, 1981, pursuant to section 811(a) of Public Law 94-106, as amended; to the Committee on Armed Services.

1371. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1983, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, for research, development, test, and evaluation, and for operation and maintenance for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loans, and for other purposes; to the Committee on Armed Services.

1372. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance of the combined motor vehicle operations and maintenance activities at Fort Leavenworth, Kans., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1373. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance of the custodial services activity at the Fitzsimons Army Medical Center, Aurora, Colo., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1374. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense equipment to the Netherlands (Transmittal No. 81-48), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Armed Services.

1375. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting the 67th annual report of the Board, covering calendar year 1980, pursuant to section 10 of the Federal Reserve Act; to the Committee on Banking, Finance and Urban Affairs.

1376. A letter from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reoganization Act with respect to the authorization, issuance, security and payment of bonds, notes, and other obliga-

tions of the District of Columbia; to the Committee on the District of Columbia.

1377. A letter from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to authorize the Council of the District of Columbia to establish fees and allowances for jurors serving in the Superior Court of the District of Columbia; to the Committee on the District of Columbia.

1378. A letter from the Major of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Stadium Act of 1957 to provide for the transfer of such Stadium and the associated land area to the District of Columbia Government; to the Committee on the District of Columbia.

1379. A letter from the Acting Assistant Secretary of Education for Legislation, transmitting a report on specific federally funded graduate education programs, pursuant to section 971 of the Higher Education Act of 1965, as amended; to the Committee on Education and Labor.

1380. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend various health authorities, and for other purposes; to the Committee on Energy and Commerce.

1381. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1982 and 1983; to the Committee on Energy and Commerce.

1382. A letter from the Chairman, United States Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act of 1974 to prohibit the payment of new windfall dual benefits to certain individuals, and for other purposes; to the Committee on Energy and Commerce.

1383. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1384. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense equipment to the Netherlands (Transmittal No. 81-48), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1385. A letter from the Chairman and the General Counsel, National Labor Relations Board, transmitting a report on the activities of the Board and its General Counsel under the Freedom of Information Act during Calendar year 1980, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1386. A letter from the Chief Judge, U.S. Tax Court, transmitting initial reports on the U.S. Tax Court Judges' Retirement and Survivor Annuity Plans, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950 as amended; to the Committee on Government Operations.

1387. A letter from the Secretary of Transportation, transmitting the annual report covering calendar year 1980 on the Department's administration of ocean dumping, pursuant to section 112 of the Marine Protection, Research and Sanctuaries Act; to the Committee on Merchant Marine and Fisheries.

1388. A letter from the Chairwoman, Merit Systems Protection Board, transmitting a report on sexual harassment in the Federal workplace; to the Committee on Post Office and Civil Service.

1389. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a report on negotiated contracts for experimental, developmental, test or research work, or for industrial mobilization in the interest of the national defense, covering the period July 1, through December 31, 1980, pursuant to 10 U.S.C. 2304(e); to the Committee on Science and Technology.

1390. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to provide a ceiling on Federal expenditures for medicaid, to increase States' flexibility to determine the scope of their medicaid programs, to make other amendments to the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

1391. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend provisions of law concerned with health professions personnel, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

1392. A letter from the Acting Comptroller General of the United States, transmitting a report on efforts to develop a major Federal energy information system (AFMD-81-40, May 15, 1981); jointly, to the Committees on Government Operations and Energy and Commerce.

1393. A letter from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to further amend the Coastal Zone Management Act of 1972 (Public Law 92-583); jointly, to the Committees on Merchant Marine and Fisheries and the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on May 13, 1981, the following report was filed on May 15, 1981*]

Mr. JONES of Oklahoma: Committee of conference. Conference report on House Concurrent Resolution 115 (Rept. No. 97-46). Ordered to be printed.

[*Pursuant to the order of the House on May 14, 1981, the following report was filed on May 15, 1981*]

Mr. BRINKLEY: Committee on Armed Services. H.R. 3455. A bill to authorize certain construction at military installations for fiscal year 1982, and for other purposes (Rept. No. 97-44). Referred to the Committee of the Whole House on the State of the Union.

Mr. STRATTON: Committee on Armed Services. H.R. 3413. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1982, and for other purposes; with amendment (Rept. No. 97-45). Referred to the Committee of the Whole House on the State of the Union.

[*Filed May 18, 1981*]

Mr. DANIELSON: Committee on the Judiciary. H.R. 1371. A bill to amend section 12 of the Contract Disputes Act of 1978; with amendment (Rept. No. 97-47). Referred to the Committee of the Whole House on the State of the Union.

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 2903. A bill to extend by 1 year the expiration date of the Defense Production Act of 1950 (Rept. No. 97-48). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1952. A bill to authorize appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1982, 1983, and 1984; with amendment (Rept. No. 97-49). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1953. A bill to authorize appropriations for the operations of the Office of Environmental Quality and the Council on Enviromental Quality during fiscal years 1982, 1983, and 1984; with amendment (Rept. No. 97-50). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2448. A bill to authorize appropriations to carry out the National Advisory Committee on Oceans and Atmosphere Act of 1977 during fiscal year 1982, 1983, and 1984, and for other purposes; with amendment (Rept. No. 97-51). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2449. A bill to amend title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1982, 1983, and 1984, and for other purposes; with amendment (Rept. No. 97-52). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2948. A bill to authorize appropriations to carry out the Marine Mammal Protection Act of 1972 during fiscal year 1982; with amendment (Rept. No. 97-53). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3016. A bill to give permanent effect to the provisions of the Fishermen's Protective Act of 1967 relating to the reimbursement of U.S. commercial fishermen for certain losses incurred incident to the seizure of their vessels by foreign nations; with amendment (Rept. No. 97-54). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. CHISHOLM (for herself, Mr. BINGHAM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. CROCKETT, Mr. DELLUMS, Mr. DYMALLY, Mr.

FAUNTROY, Mr. FORD of Tennessee, Mr. GARCIA, Mr. GRAY, Mr. HAWKINS, Mr. LELAND, Mr. MITCHELL of Maryland, Mr. RANGEL, Mr. RICHMOND, Mr. SAVAGE, Mr. STOKES, Mr. WASHINGTON, and Mr. WEISS):

H.R. 3602. A bill to provide for adjustment to refugee admission status of certain Cuban and Haitian nationals presently in the United States; to the Committee on the Judiciary.

By Mr. DE LA GARZA (for himself, Mr. FOLEY, Mr. BEDELL, Mr. BOWEN, Mr. BROWN of California, Mr. COELHO, Mr. HARKIN, Mr. HATCHER, Mr. HUCKABY, Mr. JEFFORDS, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Mr. RICHMOND, Mr. ROSE, and Mr. VOLKMER):

H.R. 3603. A bill to provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low income households, and for other purposes; to the Committee on Agriculture.

By Mr. EVANS of Iowa:

H.R. 3604. A bill to provide for the adjustment of interest rates on rural telephone bank loans; to the Committee on Agriculture.

By Mr. GIBBONS (for himself and Mr. FRENZEL):

H.R. 3605. A bill to amend the Trade Act of 1974 to provide for changes in adjustment assistance for workers and firms, and for other purposes; to the Committee on Ways and Means.

By Mr. GRADISON:

H.R. 3606. A bill to amend the Internal Revenue Code of 1954 to simplify the LIFO accounting rules; to the Committee on Ways and Means.

By Mr. LEHMAN:

H.R. 3607. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. MOORHEAD:

H.R. 3608. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time commence each year on the first Sunday in March rather than the last Sunday in April; to the Committee on Energy and Commerce.

By Mr. ST GERMAIN:

H.R. 3609. A bill to amend title 17 of the United States Code to prohibit the robbery of a controlled substance from a pharmacy, and for other purposes; to the Committee on the Judiciary.

Mr. MOORHEAD:

H.J. Res. 257. Joint resolution to authorize and request the President to designate the week of May 17, 1981, through May 23, 1981, as "U.S.O. Week"; to the Committee on Post Office and Civil Service.

By Mr. ROE:

H.J. Res. 258. Joint resolution designating May 29 through May 31 of 1981, as "Polish Singers Alliance Days"; to the Committee on Post Office and Civil Service.

By Mr. DERWINSKI:

H. Res. 139. Resolution to express the deep concern of the House over the attack on his Holiness Pope John Paul II, and to offer prayers for his recovery; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

79. By the SPEAKER: A memorial of the House of Representatives of the State of Hawaii, relative to the Comprehensive Employment and Training Act; to the Committee on Education and Labor.

80. Also, a memorial of the Senate of the State of New Hampshire, relative to the New Hampshire Health System Agency; to the Committee on Energy and Commerce.

81. Also, a memorial of the Legislature of the State of Hawaii, relative to Pacific Ocean nuclear waste dumping; to the Committee on Foreign Affairs.

82. Also, a memorial of the House of Representatives of the State of Hawaii, relative to Hawaii's prepaid health care act; jointly, to the Committees on Education and Labor and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. EVANS of Iowa introduced a bill (H.R. 3610) for the relief of Adel Shervin, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 182: Mr. CHENEY.

H.R. 468: Mr. BAILEY of Pennsylvania.

H.R. 484: Mr. OBERSTAR.

H.R. 654: Mr. THOMAS.

H.R. 808: Mr. BEDELL, Mr. BEILENSON, Mr. BLANCHARD, Mr. BOLAND, Mr. BONIOR of Michigan, Mr. BROWN of California, Mr. BUTLER, Mrs. CHISHOLM, Mr. COELHO, Mr. CORRADA, Mr. COTTER, Mr. DASCHLE, Mr. DECKARD, Mr. DELLUMS, Mr. DONNELLY, Mr. DOUGHERTY, Mr. ERDAHL, Mr. FAUNTROY, Mr. FAZIO, Mrs. FENWICK, Mr. FORSYTHE, Mr. FRANK, Mr. GILMAN, Mr. GINGRICH, Mr. GOODLING, Mr. GRAMM, Mr. GREEN, Mr. HEFTEL, Mr. HORTON, Mr. HOWARD, Mr. HUGHES, Mr. JACOBS, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEBOUTILLIER, Mr. LEHMAN, Mr. LOWRY of Washington, Mr. MARKEY, Mr. MCCLOSKEY, Mr. MCHUGH, Mr. MILLER of California, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MOFFETT, Mr. OTTINGER, Mr. WON PAT, Mr. PATTERSON, Mr. PEPPER, Mr. PRITCHARD, Mr. RATCHFORD, Mr. RICHMOND, Mr. ROSENTHAL, Mr. SABO, Mr. SAWYER, Mrs. SCHROEDER, Mr. STOKES, Mr. STRATTON, Mr. STUDDS, Mr. TAUKE, Mr. TRAXLER, Mr. VENTO, Mr. WEBER Of Minnesota, Mr. WEISS, Mr. WHITEHURST, Mr. WIRTH, Mr. WOLPE, Mr. LUNGREN, Mr. MOAKLEY, Mr. SMITH of Iowa, Mr. RANGEL, Mr. CROCKETT, Mr. STARK, Mr. FRENZEL, Mr. MCDONALD, and Mr. LEACH of Iowa.

H.R. 1005: Mr. MCDADE, Mr. CAMPBELL, Mr. CLINGER, Mr. DASCHLE, and Mr. PICKLE.

H.R. 1309: Mrs. CHISHOLM and Mr. CLAY.

H.R. 1313: Mr. WILSON, Mr. DAVIS, Mr. BRODHEAD, Mr. HOLLAND, Mr. DUNCAN, Mr. PICKLE, Mr. STENHOLM, Mr. STANGELAND, and Mr. VENTO.

H.R. 1400: Mr. SIMON, Mr. SAM B. HALL, JR., Mr. FITHIAN, Mr. ATKINSON, Mr. LONG of Maryland, Mr. EDWARDS of California, Mr. DANIELSON, Mr. MOTTL, Mr. APPLEGATE, Mr. LEATH of Texas, Mr. BONER of Tennesssee, Mr. SHELBY, Mr. MICA, Mr. DASCHLE, Mr. DORGAN of North Dakota, Mr. WON PAT, Mrs. HECKLER, Mr. WYLIE, Mr. SAWYER, Mr. SOLOMON, Mr. JEFFRIES, Mr. MCEWEN, Mr. DUNN, Mr. SMITH of New Jersey, and Mr. SILJANDER.

H.R. 2022: Mr. SKELTON and Mr. ROBINSON.

H.R. 2039: Mr. SAM B. HALL, JR. and Mr. EDGAR.

H.R. 2082: Mrs. HECKLER.

H.R. 2136: Mr. SAM B. HALL, JR. and Mr. EDGAR.

H.R. 2156: Mr. SAM B. HALL, JR. and Mr. EDGAR.

H.R. 2448: Mr. HUGHES.

H.R. 2449: Mr. HUGHES.

H.R. 2776. Mr. MINETA.

H.R. 2832: Mr. D'AMOURS.

H.R. 3075: Mr. ROE.

H.R. 3091: Mr. MURPHY, Mr. FORSYTHE, Mr. MITCHELL of Maryland, Mr. FROST, Mr. HOLLENBECK, Mr. CLAY, Mr. MCKINNEY, Mr. ATKINSON, Mr. EDGAR, and Mr. BURGENER.

H.R. 3308: Mr. BEREUTER.

H.R. 3319: Mr. HUGHES.

H.R. 3423: Mr. BONIOR of Michigan, Mr. COELHO, Mr. SAM B. HALL, JR., Mr. EDWARDS of California, Mr. DANIELSON, Mr. MOTTL, Mr. APPLEGATE, Mr. LEATH of Texas, Mr. BONER of Tennessee, Mr. SHELBY, Mr. MICA, Mr. GRAMM, Mr. DORGAN of North Dakota, Mr. WON PAT, Mrs. HECKLER, Mr. WYLIE, Mr. HILLIS, Mr. SAWYER, Mr. SOLOMON, Mr. JEFFRIES, Mr. MCEWEN, Mr. DUNN, Mr. SMITH of New Jersey, Mr. SMITH of Alabama, and Mr. SILJANDER.

H.R. 3471: Mr. ATKINSON.

H.R. 3499: Mr. OBEY and Mr. SAM B. HALL, JR.

H.R. 3502: Mr. SAM B. HALL, JR.

H.J. Res. 225. Mr. BOWEN, Mr. DAN DANIEL, Mr. SMITH of New Jersey, Mr. SUNIA, Mr. RAHALL, Mr. BROWN of Colorado, Mrs. HOLT, Mr. COLLINS of Texas, Mr. SAM B. HALL, JR. of Texas, Mr. MCDONALD, Mr. PETRI, Mr. MOLLOHAN, Mr. ROBINSON, Mr. WINN, Mr. BENJAMIN, Mr. MOORHEAD, Mr. FOWLER, Mr. FOUNTAIN, and Mr. DASCHLE.

H. Con. Res. 79: Mr. FRENZEL.

H. Con. Res. 121: Mr. LEBOUTILLIER, Mr. DONNELLY, Mr. SCHEUER, Mr. BAILEY of Pennsylvania, Mr. LAGOMARSINO, Mr. ALBOSTA, Mr. COUGHLIN, Mr. OBERSTAR, Mr. FLORIO, Mr. MCDONALD, Mr. COLLINS of Texas, Mr. FOGLIETTA, Ms. MIKULSKI, Mr. FRENZEL, Mr. FAZIO, Mr. CONTE, Mr. KEMP, Mr. GILMAN, Mr. LEACH of Iowa, Mr. LUNGREN, Mr. JEFFORDS, Mr. FROST, Mr. WEISS, Mr. LENT, Mr. SCHUMER, and Mr. FRANK.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the first calendar quarter 1981:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

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A. Diamond Shamrock Corp., 717 North Harwood Street, Dallas, Tex.

A. Chester T. Dickerson, Jr., Monsanto Co., 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Federated Cash Management Systems, 421 Seventh Avenue, Pittsburgh, Pa. 15219.

A. Dickstein, Shapior & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Rockport Yacht & Supply Co., 1114 Main Street, Rockport, Tex. 78382.

A. Patsy B. Dix, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
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A. O. L. Dixon III, Gulf Power Company, P.O. Box 1151, Pensacola, Fla. 32520.
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A. Dr. Martin Luther King, Jr., January 15th National Holiday Lobby Committee, 1426 Fifth Street NW., Washington D.C. 20001.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. Central California Educational Television, Station KVIE (TV), P.O. Box 6, Sacramento, Calif. 95801; et. al.

A. Charles P. Downer, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.

A. Patrick L. Doyle, Professional Air Traffic Controllers Organization, 444 North Capitol Street NW., Suite 820, Washington, D.C. 20001.
B. Professional Air Traffic Controllers Organization (PATCO), 444 North Capitol Street NW., Suite 820, Washington, D.C. 20001.

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B. Foley, Lardner, Hollabaugh & Jacobs (for: Independent Refiners Association of America, 1775 Pennsylvania Avenue NW., Washington, D.C.), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Barbara S. Dudeck, 955 L'Enfant Plaza, SW., No. 905, Washington, D.C. 20024.
B. American Honda Motor Co., Inc., 100 West Alondra Boulevard, Gardena, Calif. 90247.

A. Douglas F. Duerr, Credit Union National Association, Inc., 1730 Rhode Island Avenue NW., Suite No. 810, Washington, D.C. 20036.
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A. Eugene Dwight Dugger, 18 Seaton Place NE., Washington, D.C. 20002.

A. Robert B. Duncan, Schwabe, Williamson, Wyatt, Moore & Roberts, The Flour Mill, Suite 302, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Eugene Water and Electric Board, Eugene, Oreg.

A. Robert B. Duncan, Schwabe, Williamson, Wyatt, Morre & Roberts, The Flour Mill, Suite 302, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Helicopter Loggers Association, P.O. Box 206, Wilsonville, Oreg. 97070.

A. Robert B. Duncan, Schwabe, Williamson, Wyatt, Moore & Roberts, The Flour Mill, Suite 302, 1000 Potomac Street NW., Washington, D.C. 20007.
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A. Edwards Associates, Inc., 507 Second Street NE., Washington, D.C. 20002.
B. Blue Ribbon Sports, Inc., 3900 Southwest Murray Boulevard, Beaverton, Oreg. 97005.

A. Edwards Associates, Inc., 507 Second Street NE., Washington, D.C. 20002.
B. The Confederated Tribes of Warm Springs, Warm Springs, Oreg. 97761.

A. Eggers & Greene, P.C., 1407 Main Street, Suite 335, Dallas, Tex. 75202.
B. Whitney National Bank of New Orleans, 228 St. Charles Avenue, New Orleans, La.

A. Mary Ann Eichenberger, 4929 Butterworth Place NW., Washington, D.C. 20016.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

A. Ely, Guess & Rudd, 1090 Vermont Avenue NW., Washington, D.C. 20005.

A. Energy Conversion Group, 1000 Potomac Street, Suite 103, Washington, D.C. 20007.

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A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.
B. Foss Launch & Tug Company, Foss Alaska Line, 660 West Ewing Street, Seattle, Wash. 98119.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.
B. Pacific Northern Oil, Suite 1800, 1000 Olive Way, Seattle, Wash. 98101.

A. Finley, Kumble, Wagner, Heine, Casey & Underberg, 1120 Connecticut Avenue NW., 10th floor, Washington, D.C. 20036.

B. Friends of Animals, 11 West 60th Street, New York, N.Y. 10023.

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B. Noranda Mining, Inc., 986 Atherton Drive, Suite 220, Salt Lake City, Utah 84107.

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B. League of New York Theatres & Producers, Inc., 226 West 47th Street, New York, N.Y. 10036.

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B. National Headstart Association.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Makah Indian Tribe, P.O. Box 115, Neah Bay, Wash. 98357.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.
B. National Association of Pension Funds, Sunley House, Bedford Park, Croyden, England.

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A. Robert F. Froehlke, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
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A. Karl A. Funke & Associates, Inc., 729 Second Street NE., Washington, D.C. 20002.
B. American Indian Scholarships, Inc., P.O. Box 1106, Taos, N. Mex. 87571.

A. Karl A. Funke & Associates, Inc., 729 Second Street NE., Washington, D.C. 20002.
B. Keweenaw Bay Chippewa Tribe, U.S. 41, Baraga, Mich.

A. Karl A. Funke & Associates, Inc., 729 Second Street NE., Washington, D.C. 20002.
B. Penobscot Indian Nation, Community Building, Indian Island, Maine 04468.

A. Karl A. Funke & Associates, Inc., 729 Second Street NE., Washington, D.C. 20002.
B. Shoshone-Bannock Tribes, P.O. Box 306, Fort Hall, Idaho.

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B. Yakima Indian Nation, P.O. Box 151, Toppenish, Wash.

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B. Tenant Owners' Apartment Association, Douglas Elliman-Gibbons & Ives, Inc., 575 Madison Avenue, New York, N.Y. 10022.

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A. John R. Geiger, Goulds Pumps, Inc., 1660 L Street NW., No. 506, Washington, D.C. 20036.
B. Goulds Pumps, Inc., 240 Fall Street, Seneca Falls, N.Y. 13148.

A. George & George, 1701 Pennsylvania Avenue NW., 540, Washington, D.C. 20006.
B. Continental Resources Co., Post Office Box 44, Winter Park, Fla. 32790.

A. Robert N. Giaimo, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.
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B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

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B. National Association of Catalog Showroom Merchandise, 276 Fifth Avenue, New York, N.Y. 10001.

A. James A. Goodman, 38 East Centre Street, Mahanoy City, Pa. 17948.

A. Douglas Gordon, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
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A. Brenda J. Gore, 2030 M Street NW., No. 800, Washington, D.C. 20036.
B. TRW, Inc., 2030 M Street NW., No. 800, Washington, D.C. 20036.

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A. Thomas E. Grace, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., One Montgomery Ward Place, Chicago, Ill. 60671.

A. David I. Greenberg, Consumer Federation of America, 1012 14th Street NW., No. 901, Washington, D.C. 20005.
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B. For Love of Children, Inc., Child Advocacy Center, 1025 15th Street NW., Washington, D.C. 20005.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Phillips Petroleum, 656 Information Center, Bartlesville, Okla. 74004.

A. Richard F. Guay, 1101 15th Street NW., Washington, D.C. 20005.
B. National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005.

A. Dan A. Gunderson, 608 Second Avenue South, Minneapolis, Minn. 55402.
B. Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

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B. Tosco Oil Corp., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006

A. Hansell, Post, Brandon & Dorsey, 1747 Pennsylvania Avenue NW., Suite 920, Washington, D.C. 20006.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Washington, D.C. 20001.

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A. John Heffner, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

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A. Kirby & Gillick, 1625 K Street NW., Suite 905, Washington, D.C. 20006.
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B. American Society of Composers, Authors & Publishers, One Lincoln Plaza, New York, N.Y. 10023.

A. Landis, Cohen, Singman & Rauh, 1019 19th Street NW., No. 500, Washington, D.C. 20036.
B. Committee to Preserve the Patent Jurisdiction of the U.S. Courts of Appeals, 77 West Washington Street, Chicago, Ill. 60602.

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B. Council of Creative Artists, Libraries, & Museums, 250 West 57th Street, Suite 626, New York, N.Y. 10019.

A. Landis, Cohen, Singman & Rauh, 1019 19th Street NW., No. 500, Washington, D.C. 20036.
B. NFL Players Association, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

A. Latham, Watkins & Hills, 1333 New Hampshire Avenue NW., Suite 1200, Washington, D.C. 20036.
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A. League of California Milk Producers, 1225 Eighth Street, Sacramento, Calif. 95814.

A. The League of New York Theatres & Producers, Inc., 226 West 47th Street, New York, N.Y. 10036.

A. Caroline Mills LaGette, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
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A. Kenneth S. Levine, Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y. 10152.
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B. Manufacturers Hanover Corp., 350 Park Avenue, New York, N.Y. 10022.

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A. Stuart A. Lewis, Suite 300, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
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A. Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Jones, Loyd & Webster, Inc., 2327 San Felipe, Houston, Tex. 77019.

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B. Rotan Mosle, Inc., 1500 South Tower Pennzoil Place, Houston, Tex. 77002.

A. Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Wisconsin Barge Line, Inc., 10825 Watson Road, St. Louis, Mo. 63127.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Council of Pollution Control Financing Agencies, 1015 18th Street NW., Washington, D.C. 20036.

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A. Francis X. Meaney, 1015 15th Street NW., Washington, D.C. 20005; and One Center Plaza, Boston, Mass. 02108.
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A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Estate of Edna Shelton, c/o American Security Bank, 15th and Pennsylvania Avenue NW., Washington, D.C. 20013.

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B. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005 (for: The Arab Republic of Egypt).

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A. National Association of Catalog Showroom Merchandise, 276 Fifth Avenue, New York, N.Y. 10021.

A. National Association of Public Hospitals, 2550 M Street NW., Suite 300, Washington, D.C. 20037.

A. National Community Action Foundation, Inc., Suite 906, 2101 L Street NW., Washington, D.C. 20037.

A. National Council on Synthetic Fuels Production, Room 825, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. National Federation of Parents for Drug-Free Youth, 9805 Dameron Street, Silver Spring, Md. 20906.

A. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006
B. Neighborhood TV Co., Inc., 1835 K Street NW., Washington, D.C.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006
B. J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006
B. Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y. 10152.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006
B. Wine and Spirits Wholesalers of America, Inc., 2033 M Street NW., Washington, D.C. 20036.

A. Patrick C. O'Connor, 1919 Pennsylvania Avenue, No. 300, Washington, D.C. 20006.
B. American Warehousemen's Association, 222 West Adams, Chicago, Ill. 60603.

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B. General Electric Co., P. O. Box 2444, Daytona, Fla. 32015.

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B. Gould, Inc., 1745 Jefferson Davis Highway, Arlington, Va. 22202.

A. R. Q. Old and Associates, Inc., 205 The Strand, Alexandria, Va. 22314.
B. Grumman Aerospace Corp., 1600 Wilson Boulevard, Arlington Va. 22209.

A. R. Q. Old and Associates, Inc., 205 The Strand, Alexandria, Va. 22314.
B. Hughes Aircraft Co., 1515 Wilson Boulevard, Arlington, Va. 22209.

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B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

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B. Dredging Industry Size Standards Committee (DISSC), 2550 M Street NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Lee Way Motor Freight, Inc., 300 West Reno, Oklahoma City, Okla. 73108.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Litton Industries, Inc., 360 North Crescent Drive, Beverly Hills, Calif. 91210.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Los Angeles Olympic Commemorative Coin Committee, 1 Rockefeller Center, New York, N.Y. 10200.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Los Angeles Olympic Organizing Committee, 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Loss Reserve Deduction Committee, 205 East 42d Street, New York, N.Y. 10017.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. M & M Plastics, P.O. Box 6134, 41 South Creek Road, Chattanooga, Tenn. 37406.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Montgomery Ward Co., Inc., 619 West Chicago Avenue, Chicago, Ill. 60671.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Association of Small Business Investment Cos., 618 Washington Building, 1435 G Street NW., Washington, D.C. 20005.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. St. Joe Minerals, 1730 Rhode Island Avenue NW., Washington, D.C. 20005.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
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A. Powell, Goldstein, Frazer & Murphy, 1333 New Hampshire Avenue NW., Suite 970, Washington, D.C. 20036.

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A. Valerie M. Riggins, Beneficial Management Corp. of America, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.

B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Kevin J. Riordan, Gulf Oil Corp., 1025 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa, 15230.

A. Robert Roach, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. George Roberts, National Education Association, 555 Park Street, Suite 160, St. Paul, Minn. 55103.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. Ray Roberts & Associates, 499 South Capitol Street SW., Suite 102, Washington, D.C. 20003.

B. Centex Corp., 1400 Republic National Bank Tower, Dallas, Tex. 75201.

A. Ray Roberts & Associates, 499 South Capitol Street SW., Suite 102, Washington, D.C. 20003.

B. Guam Oil & Refining Co., Inc., 3400 Southland Center, Dallas, Tex. 75201.

A. Ray Roberts & Associates, 499 South Capitol Street SW., Suite 102, Washington, D.C. 20003.

B. Texas Utilities Services, Inc., 2001 Bryan Tower, Dallas, Tex. 75201.

A. Richard R. Roberts, 1899 L Street NW., Suite 403, Washington, D.C. 20036.

B. Outdoor Advertising Association of America, Inc., 1899 L Street NW., Suite 403, Washington, D.C. 20036.

A. Steven M. Roberts, American Express Co., 1700 K Street NW., Washington, D.C. 20006.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.
B. Merrill Lynch Leasing, Inc., 1 Liberty Plaza, 165 Broadway, New York, N.Y. 10080.

A. Fred B. Rooney, 1300 19th Street NW., Suite 404, Washington, D.C. 20036.
B. California Portland Cement Co., 800 Wilshire Boulevard, Los Angeles, Calif. 90017.

A. Burt Rosen, Pfizer Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

A. Gloria Cataneo Rudman, Joint Maritime Congress, 444 North Capitol Street NW., Suite 801, Washington, D.C. 20001.
B. Joint Maritime Congress, 444 North Capitol Street NW., No. 800, Washington, D.C. 20001.

A. John C. Runyan, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

A. Henry Schein, Inc., 5 Harbor Park Drive, Port Washington, New York, N.Y. 11050.

A. Ann C. Scheiner, American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.
B. American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.

A. James P. Schlicht, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders and Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

A. Elizabeth Nash Schwartz, The Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

A. Douglas W. Scott, Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

A. Robert D. Scott, 5351 South Roslyn Street, Englewood, Colo. 80111.
B. The American Humane Association, 5351 South Roslyn Street, Englewood, Colo. 80111.

A. Armistead I. Selden, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. American League for Exports and Security Assistance, Inc. (ALESA), Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

A. Leslie Sewell, National Public Radio, 2025 M Street NW., Washington, D.C. 20036.
B. National Public Radio, 2025 M Street NW., Washington, D.C. 20036.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1111 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Agricultural Producers, 600 Commonwealth Avenue, Suite 212, Los Angeles, Calif. 90005.

A. David L. Shapiro, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

A. Luther W. Shaw, The Madison Building, Suite 514, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemicals Association, 1155 15th Street NW., Suite 514, Washington, D.C. 20005.

A. Shearman & Sterling, 53 Wall Street, New York, N.Y. 10005.
B. Amory Houghton, Sr., c/o Corning Associates et al., 2 East Market Street, Corning, N.Y. 14830.

A. Seymour Sheriff, 1126 Woodward Building, Washington, D.C. 20005.
B. Wyman family, 375 Park Avenue, New York, N.Y. 10022.

A. Susan Silverman, 10600 Stable Lane, Potomac, Md. 20854.
B. National Federation of Parents for Drug Free Youth, 9805 Dameron Street, Silver Spring, Md. 20906.

A. Gary D. Simms, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Sisk, Foley, Hultin & Driver, 2501 M Street NW., Suite 380, Washington, D.C. 20037.
B. Ashland Oil, Inc., Suite 507, 1025 Connecticut Avenue NW., Washington, D.C. 20036; Pester Refining Co., P.O. Box 10006, Des Moines, Iowa 50306; Clark Oil and Refining Corp., 1850 K Street NW., Suite 510, Washington, D.C. 20006; Tenneco, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

A. Catherine S. Smith, Suite 209, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Business Conference, Suite 209, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Charles R. Smith, Diamond Shamrock Corps., 1737 H Street NW., Washington, D.C. 20006.
B. Diamond Shamrock Corp., 717 North Harwood Street, Dallas, Tex.

A. Douglas S. Smith, 986 Atherton Drive, Suite 220, Salt Lake City, Utah 84107.
B. Noranda Mining Inc., Suite 220, 986 Atherton Drive, Salt Lake City, Utah 84107.

A. Thomas Blaisdell Smith, Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.
B. Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.

A. Larry S. Snowhite, 1015 15th Street NW., Washington, D.C. 20005.
B. Mintz, Levin, Cohn, Glovsky & Popeo, 1015 15th Street NW., Washington, D.C., and One Center Plaza, Boston, Mass. 02108 (for SCA Services, Inc., 60 State Street, Boston, Mass. 02109).

A. Charles W. Snyder, 6000 Clewerwall Drive, Bethesda, Md. 20034.

B. Bechtel Financing Services, Inc., 1620 I Street NW., Washington, D.C. 20006.

A. John M. Snyder, 600 Pennsylvania Avenue SE., Suite 205, Washington, D.C. 20003.
B. Citizens Committee for the Right to Keep and Bear Arms, Bellefield Office Park, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.

A. Terry Sopher, The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Claudia R. Spady, Utah International Inc., 1150 Connecticut Avenue NW., Suite 710, Washington, D.C. 20036.
B. Utah International Inc., 550 California Street, San Francisco, Calif. 94104.

A. Robert W. Staley, 8000 West Florissant, St. Louis, Mo. 63136.
B. Emerson Electric Co., 8000 W. Florissant, St. Louis, Mo. 63136.

A. Mitchel Stanfield, The Coastal Corp., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. The Coastal Corp., 9 Greenway Plaza, Houston, Tex. 77046.

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for American Hot Dip Galvanizers Association, 1000 Vermont Avenue NW., Suite 1100, Washington, D.C. 20005).

A. Barbara W. Steiner, Utah International Inc., 1150 Connecticut Avenue NW., No. 710, Washington, D.C. 20036.
B. Utah International Inc., 550 California Street, San Francisco, Calif. 94104.

A. Michael E. Steward, 2217 Observatory Place, Washington, D.C. 20007.
B. Vitro Engineering Corp., P.O. Box 296, Richland, Wash. 99352.

A. Stockholders of America, Inc., 1625 I Street NW., No. 724A, Washington, D.C. 20006.

A. Terrence D. Straub, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004 and 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bache Group Inc., 100 Gold Street, New York, N.Y. 10038.

A. Margaret Cox Sullivan, 1625 I Street NW., No. 724A, Washington, D.C. 20006.
B. Stockholders of America, Inc., 1625 I Street NW., No. 724A, Washington, D.C. 20006.

A. Mary Beth Sullivan, 923 15th Street NW., Washington, D.C. 20005.
B. Transportation Institute, 923 15th Street NW., Washington, D.C. 20005.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.
B. Arab Republic of Egypt, Cairo, Egypt.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Council of Industrial Boiler Owners, 11222 Silverleaf Drive, Fairfax, Va. 22039.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Industrial Oil Consumers Group, Suite 800, 1666 K Street NW., Washington, D.C. 20006.

A. Shirley Ann Swinger, 338 South Orange Avenue, Apt. C, Newark, N.J. 07103.

A. Scott R. Swirling, National Family Planning and Reproductive Health Association, Inc., 425 13th Street NW., Room 350, Washington, D.C. 20004.
B. National Family Planning and Reproductive Health Association, Inc., 425 13th Street NW., Room 350, Washington, D.C. 20004.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for American Hot Dip Galvanizers Association, 1000 Vermont Avenue NW., Suite 1100, Washington, D.C. 20005).

A. Linda Tarr-Whelan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. Dennis J. Taylor, 1090 Vermont Avenue NW., Washington, D.C. 20005.
B. St. Joe Minerals, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Edward F. Terrar, Jr., 499 South Capitol Street SW., Room 400, Washington, D.C. 20003.
B. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.

A. John F. Terzano, 329 Eighth Street NE., Washington, D.C. 20002.
B. Vietnam Veterans of America, 212 Fifth Avenue, Room 703, New York., N.Y. 10010.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y.

A. Fred D. Thompson, Thompson & Crawford, 1575 I Street NW., Suite 325, Washington, D.C. 20005.
B. American Business Coalition, 131 East Redwood, Suite 210, Baltimore, Md. 21202.

A. Gary C. Thompson, Oil, Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical and Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.

A. James P. Thompson Jr., 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Eastern Air Lines, Inc., Miami International Airport, Miami, Fla. 33148.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Los Angeles Olympic Organizing Committee, 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067, and Los Angeles Olympic Commemorative Coin Program, 1 Rockefeller Center, New York, N.Y. 10200.

A. Carl R. Tuvin, Tuvin Associates, Suite 203, 1302 18th Street NW., Washington, D.C. 20036.
B. John P. Guttenberg, Jr., Guttenberg Associates, Suite 401, 1627 K Street NW., Washington, D.C. (for The North American Telephone Association).

A. Carl R. Tuvin, Tuvin Associates, Suite 203, 1302 18 M Street NW., Washington, D.C. 20036.
B. John P. Guttenheng, Jr., Guttenheng Associates, Suite 401, 1627 K Street NW., Washington, D.C. (for, 20th Century Fox Film Corp.).

A. Ullman Consultants, Inc., 1000 Potomac Street NW., Suite 302, Washington, D.C. 20007.
B. Western Forest Industries Association, 1600 Southwest Taylor, Portland, Oreg.

A. United Services Automobile Association, USAA Building, San Antonio, Tex. 78288.

A. United States Ski Association, 907 Foothill Boulevard, La Canada, Calif. 91011.

A. Van Ness, Fledman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Metropolitan District Commission, Hartford County, Conn., 555 Main Street, Hartford, Conn. 06101.

A. Van Ness, Fledman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Joseph E. Seagram & Sons, Inc., c/o Simpson, Thatcher & Bartlett, 1 Battery Park Plaza, New York, N.Y. 10004.

A. Daniel W. Vannoy, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Virginia Association of Railway Patrons, P.O. Box 867, Richmond, Va. 23207.

A. Charlotte Voorde, Association for the Advancement of Psychology, 1200 17th Street NW., Suite 200, Washington, D.C. 20036.
B. Association for the Advancement of Psychology, 1200 17th Street NW., Suite 200, Washington, D.C. 20036.

A. Vorys, Sater, Seymour & Pease 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Ad Hoc Committee on Individual Annuity Taxation, Inc., 943 Post Road East, Westport, Conn. 06880.

A. Vorys, Sater, Seymour & Pease 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. American Life & Casualty, 207 North Fifth Street, Fargo, N. Dak. 58102.

A. Vorys, Sater, Seymour & Pease 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. General Instrument Corp., 1200 New Hampshire Avenue NW., Suite 320, Washington, D.C. 20036.

A. Vorys, Sater, Seymour & Pease 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Mowsafe Products, Inc., 1205 Dearborn Drive, Columbus, Ohio 43085.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Iron & Steel Institute, 1000 16th Street NW., Washington, D.C. 20036.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. CSX Corp., P. O. Box C-32222, Richmond, Va. 23261.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Commodity Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Phelps Dodge Corp., 1015 15th Street NW., Washington, D.C. 20005.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Scott Paper Co., Scott Plaza, Philadelphia, Pa. 19113.

A. Rob Wallace, 203 Maryland Avenue NE., Washington, D.C. 20002
B. Board of Directors, Western Solar Utilization Network, 715 Southwest Morrison, Portland, Oreg. 97205.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Boeing Co., 7755 East Marginal Way, Seattle, Wash. 98124.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. General Dynamics Corp., Pierre Laclede Center, St. Louis, Mo. 63105.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Grumman Aerospace Corp., Bethpage, N.Y. 11714.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Hughes Aircraft Co., Culver City, Calif. 90230.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Raytheon Co., 141 Spring Street, Lexington, Mass. 02173.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. TRW, Inc., 1 Space Park, Redondo Beach, Calif. 90278.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.

B. United Technologies Corp., United Technologies Building, Hartford, Conn. 06101.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

A. Robert E. Watkins, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.

A. Bruce H. Watzman, National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.
B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.

A. Webster & Sheffield, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Penobscot Nation, Community Building, Indian Island, Maine 04468.

A. Charles W. Wegner, Jr., Professional Insurance Agents, 600 Pennsylvania Avenue SE., Suite 202, Washington, D.C.
B. Professional Insurance Agents, 400 North Washington Street, Alexandria, Va. 22314.

A. Lance Wells, P.O. Box 6003, Anchorage, Alaska 99502.

A. Marchant Wentworth, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Inc., Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Wexler & Associates, 1616 H Street NW., Suite 400, Washington, D.C. 20006.
B. Armco, Inc., 1747 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.

A. Wexler & Associates, 1616 H Street NW., Suite 400, Washington, D.C. 20006.
B. The GHK Cos., 6441 Northwest Grand Boulevard, Oklahoma City, Okla. 73116.

A. Wexler & Associates, 1616 H Street NW., Suite 400, Washington, D.C. 20006.
B. National Radio Broadcasters Association, 1705 DeSales Street NW., Washington, D.C. 20036.

A. William F. Whitsitt, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.

A. Stephanie Whyche, American Optometric Association, 1730 M Street NW., Suite 206, Washington, D.C. 20036.
B. American Optometric Association, 395 Orchard Street, Antioch, Ill. 60002.

A. Wickham & Craft, P.C., 1050 17th Street NW., Suite 1160, Washington, D.C. 20036.
B. Encyclopaedia Britannica, Inc., 425 North Michigan Avenue, Chicago, Ill. 60611.

A. Wickham & Craft, P.C., 1050 17th Street NW., Suite 1160, Washington, D.C. 20036.
B. PHH Group, Inc., 11333 McCormick Road, Hunt Valley, Md. 21031.

A. Wickham & Craft, P.C., 1050 17th Street NW., Suite 1160, Washington, D.C. 20036.
B. Ryder System, Inc., 3600 Northwest 82d Avenue, Miami, Fla. 33166.

A. Wickham & Craft, P.C., 1050 17th Street NW., Suite 1160, Washington, D.C. 20036.
B. Trailer Train Co., 101 North Wacker Drive, Chicago, Ill. 60606.

A. Wildman, Harrold, Allen, Dixon & McDonnell, Suite 1200, 67 Madison Avenue, Memphis, Tenn. 38103.
B. Cohen & Uretz, 1775 K Street NW., Fourth Floor, Washington, D.C. 20006.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Marathon Oil Co., Findlay, Ohio.

A. Robert P. Will, 955 L'Enfant Plaza SW., Suite 1101, Washington, D.C. 20024.
B. Palo Verde Irrigation District, P.O. Box 1199, Blythe, Calif. 92226.

A. James H. Williams, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Kellogg Co., 235 Porter Street, Battle Creek, Mich. 49016.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Universal Foods, Inc., 433 East Michigan Avenue, Box 737, Milwaukee, Wis. 53201.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. Browning-Ferris Industries, Inc., P.O. Box 3151, Houston, Tex. 77001.

A. Charles H. Wilson, 499 South Capitol Street SW., Suite 102, Washington, D.C. 20003.
B. City of Gardena, 1700 West 162d Street, Gardena, Calif. 90247.

A. Robert C. Wilson, 216 South Carolina Avenue SE., Washington, D.C. 20003.
B. RMI, Inc., 225 West 30th Street, National City, Calif. 92050.

A. Robert C. Wilson, Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.

A. William A. Wilson III, 8001 Braddock Road, Suite 500, Springfield, Va. 22160.
B. National Right to Work Committee, 8001 Braddock Road, Suite 500, Springfield, Va. 22160.

A. Judith A. Winchester, 3814 Woodley Road NW., Washington, D.C. 20016.
B. City of Philadelphia, Office of the Mayor, City Hall, Philadelphia, Pa. 19107.

A. Witkowski, Weiner, McCaffrey, & Brodsky, P.C., 1575 I Street NW., Suite 350, Washington, D.C. 20005.
B. Kankakee, Beaverville & Southern Railroad Co., 500 Railroad Avenue, Momence, Ill. 60912.

A. Rebecca Wodder, The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Benjamin Wolff, 1730 P Street NW., Washington, D.C. 20036.
B. U.S. Windpower Association, 160 Wheeler Road, Burlington, Mass. 01803.

A. Richard P. Woods, Pacific Resources, Inc., 2501 M Street NW., Suite 540, Washington, D.C. 20037.
B. Pacific Resources, Inc., 733 Bishop Street, P.O. Box 3379, Honolulu, Hawaii 96813.

A. Susan P. Woodard, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Kerry Woodward, 3028½ Hillegass, Berkeley, Calif. 94705.
B. Gay Rights National Lobby, Inc., 930 F Street NW., Suite No. 611, Washington, D.C. 20004.

A. William L. Wright, Eli Lilly & Co., 1901 L Street NW., Washington, D.C. 20036.
B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind. 46285.

A. Marc D. Yacker, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Suhkara abdul Yahuch, Doctor Martin Luther King, Jr., January 15 National Holiday Lobby Committee, 1426 Fifth Street NW.,Washington, D.C. 20001.

B. Dr. Martin Luther King, Jr., January 15th National Holiday Lobby Commission, 1426 Fifth Street NW., Washington, D.C. 20001.
A. Thane A. Young, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

A. Kevin B. Zeese, 530 Eighth Street SE., Washington, D.C. 20003.
B. National Organization for the Reform of Marijuana Laws (NORML), 530 Eighth Street SE., Washington, D.C. 20003.

A. Philip F. Zeidman, Suite 900, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Business Conference, Suite 209, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Myron Zeitz, Community Nutrition Institute, 1146 19th Street NW., Room 300, Washington, D.C. 20036.
B. Community Nutrition Institute, 1146 19th Street NW., Room 300, Washington, D.C. 20036.

A. Michael J. Zimmer, Wickwire, Gavin & Gibbs, P.C., 1828 L Street NW., Washington, D.C. 20036.
B. Cogeneration Coalition, Inc., 1828 L Street NW., Suite 804, Washington, D.C. 20036.

A. Ben Zingman, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C.
B. Hill & Knowlton, Inc. (for: Hobart Corp., Troy, Ohio), 633 Third Avenue, New York, N.Y. 10017.

A. Ziontz, Pirtle, Morissett, Ernstoff & Chestnut, Suite 208, 600 First Avenue, Seattle, Wash. 98104.

B. Inupiat Community of the Arctic Slope, P.O. Box 437, Barrow, Alaska 99723.

A. Ziontz, Pirtle, Morissett, Ernstoff & Chestnut, Suite 208, 600 First Avenue, Seattle, Wash. 98104.

B. Ukpeagvik Inupiat Corp., P.O. Box 427, Barrow, Alaska 99723.

A. Laurence W. Zoeller, Burson-Marsteller, 1800 M Street NW., 750-S, Washington, D.C. 20036.

B. Burson-Marsteller (for: National Oil Jobbers Council, 1707 H Street NW., Suite 1100, Washington, D.C. 20006), 1800 M Street NW., Suite 750-South, Washington, D.C. 20036.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the first calendar quarter 1981:

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)

6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year

8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....Expense money" and Reimbursements received this Quarter

Contributors of $500 or more (from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor* ("*Period*" from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures

9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year

11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

A. Robert J. Aagre, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $723. E. (9) $158.30.

A. Abadie and Hudson, P.O. Box 2787, Baton Rouge, La. 70821.
B. Miller Coal Systems, Inc., 1 American Place, Suite 2038, Baton Rouge, La. 70825.
D. (6) $7,500. E. (9) $1,779.67.

A. John P. Abbadessa, Association of Government Accountants, 727 South 23d Street, No. 100, Arlington, Va. 22202.
B. Association of Government Accountants, 727 South 23d Street, Suite 100, Arlington, Va. 22202.
E. (9) $19.

A. Paul C. Abenante, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
D. (6) $212.50. E. (9) $4.15.

A. Thomas G. Abernethy, 3973 Stuart Place, Jackson, Miss. 39211.
B. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $643.88.

A. Abourezk, Shack & Mendenhall, P.C., 1129 20th Street NW., Suite 500, Washington, D.C. 20036.
B. Eazor Express, Inc., Eazor Square, Pittsburgh, Pa. 15201.

A. Abourezk, Shack & Mendenhall, P.C., 1129 20th Street NW., Suite 500, Washington, D.C. 20036.
B. Five Tribes Confederacy of North Central Oklahoma, In care of Ponca Tribe, Ponca City, Okla. 74601.

A. Abourezk, Shack & Mendenhall, P.C., 1129 20th Street NW., Suite 500, Washington, D.C. 20036.
B. Kiowa-Comanche-Apache Intertribal Land Use Committee, P.O. Box 72, Lawton, Okla. 73501.

A. Abourezk, Shack & Mendenhall, P.C., 1129 20th Street NW., Suite 500, Washington, D.C. 20036.
B. Kootznoowoo, Inc., P.O. Box 116, Angoon, Alaska 99820.

A. Abourezk, Shack & Mendenhall, P.C., 1129 20th Street NW., Suite 500, Washington, D.C. 20036.
B. Seneca-Cayuga Tribe of Oklahoma, P.O. Box 1283, Miami, Okla. 74354.

A. Abourezk, Shack & Mendenhall, P.C., 1129 20th Street NW., Suite 500, Washington, D.C. 20036.
B. Ukpeagvik Inupiat Corp., P.O. Box 427, Barrow, Alaska 99723.

A. Sherman Abrahamson, Control Data Corp., 3717 Columbia Pike, Arlington, Va. 22204.
B. Control Data Corp., 3717 Columbia Pike, Arlington, Va. 22204.
D. (6) $150.

A. ACLI International, Inc., 717 Westchester Avenue, White Plains, N.Y. 10604.

A. Action for Children's Television, 46 Austin Street, Newtonville, Mass. 02160.
D. (6) $29,826.05. E. (9) $979.83.

A. Bruce Adams, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $6,800.01.

A. John J. Adams, 1919 Pennsylvania Avenue NW, No. 700, Washington, D.C. 20006.
B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.
A. John J. Adams, 1919 Pennsylvania Avenue NW., Suite 700, Washington, D.C. 20006.
B. Vepco, 1 James River Plaza, Richmond, Va.
D. (6) $300.

A Kenneth R. Adams, Volkswagen of America, Inc., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.
B. Volkswagen of America, 27621 Parkview Boulevard, Warren, Mich. 48092.
D. (6) $300.

A. Thomas L. Adams, Jr., Republic Steel Corp., 1101 15th Street NW., Washington, D.C. 20005.
B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Hobson H. Adcock, Pepsi Co., Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.
B. Pepsi Co., Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.
D. (6) $600.

A. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20003.
D. (6) $39,069.21. E. (9) $39,069.21.

A. Aeron Marine Shipping Co., Triad Office Center, 2001 Marcus Avenue, Lake Success, N.Y. 11042.

A. Aerospace Industries Association, of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $13,524,02. E. (9) $13,524.02.

A. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $5,420. E. (9) $5,818.37.

A. Elizabeth Agle, 530 Seventh Street SE., Washington, D.C. 20003.
B. National Clean Air Coalition, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $3,908.97. E. (9) $165.61.

A. Robert S. Agman, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,217.45. E. (9) $4.58.

A. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $21,000. E. (9) $16,500.

A. Randolf H. Aires, Sears, Roebuck & Co., 1211 Connecticut Avenue NW, Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $2,400. E. (9) $95.

A. Air Products and Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.

A. Air Transport Association of America, 1709 New York Avenue, Washington, D.C. 20006.
D. (6) $16,254.14. E. (9) $16,254.14.

A. A-K Associates, Inc., 1225 Eighth Street, Suite 590, Sacramento, Calif. 95814.
B. California Society of Pathologists, 1225 Eighth Street, Suite 590, Sacramento, Calif. 95814.
D. (6) $6,924.90.

A. A-K Associates, Inc., 1225 Eight Street, Suite 590, Sacramento, Calif. 95814.
B. City of South Lake Tahoe, P.O. Box 1210, South Lake Tahoe, Calif.
D. (6) $9,853.10 E. (9) $9,929.91

A. A-K Associates, Inc., 1225 Eighth Street, Suite 590, Sacramento, Calif. 95814.
B. Pathologist Practice Association, 1225 Eighth Street, Suite 590, Sacramento, Calif. 95814.
D. (6) $21,316.16.

A. G. Colburn Aker, 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. G. Colburn Aker, 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005 (for Hobart Corp., Troy, Ohio 45374).
D. (6) $2,000.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Alaska Interstate Co., 2200 Post Oak Tower, 5051 Westheimer Road, Houston, Tex. 77056.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. American Petroleum Partners, 350 North St. Paul, Dallas, Tex. 75201.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Bache Group, Inc., 100 Gold Street, New York, N.Y. 10038.
D. (6) $5,000. E. (9) $5.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Brooklyn Industrial Development Corp., 2 Belmont Avenue, Rye, N.Y. 10580.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. City of Houston, City Hall, Houston, Tex. 77001.
D. (6) $5,000.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Coastal Corp., 9 Greenway Plaza, Houston, Tex. 77046.
D. (6) $15,000.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Contract Carrier Conference, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Deloitte, Haskins & Sells, 1114 Avenue of the Americas, New York, N.Y. 10036.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. E. & J. Gallo Winery, P.O. Box 1130, Modesto, Calif. 95353.

D. (6) $500.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Energol Corp., Inc., P.O. Box 91246, Seattle, Wash. 98108.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Filmways, Inc., 2049 Century Park East, Los Angeles, Calif. 90067.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. FSC Corp., 110 East 59th Street, 37th floor, New York, N.Y. 10022.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. General Cryogenics, Inc., 2524 Rodney Lane, Dallas, Tex. 75229.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Goldston Oil Corp., P.O. Box 22568, Houston, Tex. 77027.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Leaseway Transportation Corp., 21111 Chagrin Boulevard, Cleveland, Ohio 44122.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Lone Star Industries, Inc., 1 Greenwich Plaza, Greenwich, Conn. 06830.
D. (6) $6,250.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Louisiana Alcohol Fuel Co., 1102 Sixth Street, New Orleans, La. 70115.
D. (6) $2,525.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Mapco, Inc., 1800 South Baltimore Avenue, Tulsa, Okla. 74119.
D. (6) $400.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Metropolitan Transit Authority of Harris County, P.O. Box 61429, Houston, Tex. 77208.
D. (6) $5,000.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Military Accessories Service Associations, Inc., 2 Park Avenue, Suite 1118, New York, N.Y. 10016.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. National Association of Condominium & Cooperative Housing, 5415 North Sheridan Road, Chicago, Ill. 60640.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. New Energy Corp. of Indiana, 915 15th Street NW., Suite 200, Washington, D.C. 20005.
D. (6) $5,000.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Northwest Alaskan Pipeline Co., 1801 K Street NW., No. 901, Washington, D.C. 20006.
D. (6) $1,500.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Northwest Pipeline Co., 314 East Second South, Salt Lake City, Utah 84111.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Ringling Bros. Barnum & Bailey Combined Shows, Inc., 1015 18th Street NW., Washington D.C. 20036.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Saber Energy, Inc., 1700 Houston Natural Gas Building, 1200 Travis, Houston, Tex. 77002.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Shearson Loeb Rhoades, 15 Wall Street, Ninth Floor, New York, N.Y. 10005.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $20,000.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Sun Co., Inc., 1608 Walnut Street, Philadelphia, Pa. 19103.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Sun Pipe Line Co., P.O. Box 2039, Tulsa, Okla. 74102.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Sun Ship, Inc., Morton Avenue, Chester, Pa. 19013.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Texas Bankers Association, 203 West 10th Street, Austin, Tex. 78701.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Texas Instruments Inc., P.O. Box 225474, MS 241, Dallas, Tex. 75265.
D. (6) $1,200.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Valley View Bank, P.O. Box 30100, Dallas, Tex. 75230.

A. Akin, Gump, Strauss, Kauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Vickers Petroleum Corp., P.O. Box 2240, Wichita, Kans. 67201.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Waterman Steamship Corp., 1133 15th Street NW., Suite 1130, Washington, D.C. 20005.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Worldwide Church of God, P.O. Box 385, Pasadena, Calif. 91102.
D. (6) $1,700.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Zale Corp., 3000 Diamond Park Drive, Dallas, Tex. 75247.
D. (6) $30,000.

A. Alaska Fund, Inc., 810 18th Street NW., No. 804, Washington, D.C. 20006.
D. (6) $190,000. E. (9) $2,867,06.

A. Joan H. Albert, National Association of Casualty & Surety Agents, 600 Pennsylvania Avenue SE., No. 202, Washington, D.C. 20003.
B. National Association of Casualty & Surety Agents, 5225 Wisconsin Avenue NW., No. 302, Washington, D.C. 20015.
D. (6) $4,800. E. (9) $107.85.

A. James J. Albertine, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. John M. Albertine, Suite 209, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Business Conference, Suite 209, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $242.30. E. (9) $85.85.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. American Fishing Tackle Manufacturers Association, 2625 Clearbrook Drive, Arlington Heights, Ill. 60005.
D. (6) $1,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Associated Industries of Florida, 203 South Adams Street, Tallahassee, Fla. 32302.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. City of Tucson, Tucson, Ariz.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Coalition for Energy Efficient Transportation, 1901 North Fort Myer Drive, Rosslyn, Va.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Computer Sciences Corp., 650 North Sepulveda Boulevard, El Segundo, Calif. 90245.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. The Continental Group, Inc., 1 Harbor Plaza, Stamford, Conn.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Newspaper-Broadcaster Committee, P.O. Box 3412, San Francisco, Calif. 94119.

D. (6) $15,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Pan American World Airways, Inc., 200 Park Avenue, New York, N.Y. 10017.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Pratt & Whitney Aircraft Group, 400 Main Street, East Hartford, Conn.
D. (6) $12,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Tampa Electric Co., P.O. Box 111, Tampa, Fla. 33601.
D. (6) $1,500.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Tampa Port Authority, P.O. Box 2192, Tampa, Fla. 33601.
D. (6) $3,600.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Jim Walter Corp., P.O. Box 22601, Tampa, Fla. 33622.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Wildlife Legislative Fund of America, 50 West Broad Street, Columbus, Ohio 43215.
D. (6) $3,000.

A. Claude D. Alexander, National Food Processors Association, 1133 20th Street, NW., Washington, D.C. 20036.
B. National Food Processors Association 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $240.69.

A. Donald C. Alexander, Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.
B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800-N, Washington, D.C. 20036.
D. (6) $90.

A. Willis W. Alexander, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,500. E. (9) $223.17.

A. Maxton M. Allcox, 400 First Street NW., Room 801, Washington, D.C. 20001.
B. Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich. 48203.
D. (6) $11,403.24.

A. Alliance for Cannabis Therapeutics, P.O. Box 23691, L'Enfant Plaza Station, Washington, D.C. 20024.
D. (6) $5,884.55. E. (9) $1,615.09.

A. Alliance of American Insurers, 20 North Wacker Drive, Room 2140, Chicago, Ill. 60606.
E. (9) $3,016.69.

A. Peter Allstrom, 815 16th Street NW., Washington, D.C. 20006.
B. Food & Beverage Trades Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $2,250.

A. Richard H. Altman, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $1,125.

A. R. R. Alvarado, 6108 Fort Hunt Road, Alexandria, Va. 22307.
B. Lockheed Corp., P.O. Box 551, Burbank, Calif. 91520.
D. (6) $1,520. E. (9) $601.28.

A. Amalgamated Transit Union, AFL-CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. John O. Ambler, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
E. (9) $13.02.

A. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.
D. (6) $9,270.71. E. (9) $9,270.71.

A. American Arts Alliance, 424 C Street NE., Washington, D.C. 20002.
D. (6) $13,873.03. E. (9) $73,204.23.

A. American Association of Foundations for Medical Care, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.
E. (9) $45.82.

A. American Association of Homes for the Aging, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.
D. (6) $2,822. E. (9) $2,822.

A. American Association of Meat Processors, P.O. Box 269, Elizabethtown, Pa. 17022.
D. (6) $630.64.

A. American Association of Port Authorities, 1612 K Street NW., No. 900, Washington, D.C. 20006.
D. (6) $16,000. E. (9) $23,693.40.

A. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.
E. (9) $27.85.

A. American Association of University Women, 2401 Virginia Avenue NW., Washington, D.C. 20037.
E. (9) $188.

A. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $34,830.65. E. (9) $34,830.65.

A. American Business Conference, Suite 209, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,700. E. (9) $470.02.

A. American Congress on Surveying & Mapping, 210 Little Falls Street, Falls Church, Va. 22046.
E. (9) $3,608.15.

A. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., No. 201, Washington, D.C. 20006.
D. (6) $12,935. E. (9) $4,980.

A. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
E. (9) $1,410.39

A. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
E. (9) $118,165.27.

A. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $2,500. E. (9) $2,500.

A. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.
D. (6) $175. E. (9) $175.

A. American Honey Producers Association, P.O. Box 368, Minco, Okla. 73059.
D. (6) $8,277. E. (9) $7,999.81.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $9,860.71. E. (9) $13,376.25.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $16,655.69. E. (9) $5,179.39.

A. American Humane Association, P.O. Box 1266, Denver, Colo. 80201.
E. (9) $9,256.70.

A. American Institute of Merchant Shipping, 1625 K Street NW., Suite 1000, Washington, D.C. 20006.
E. (9) $1,250.

A. American Insurance Association, 85 John Street, New York, N.Y. 10038.

A. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $54,100. E. (9) $71,017.44.

A. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
E. (9) $3,925.

A. American League for Exports & Security Assistance, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $40,729.50. E. (9) $40,729.50.

A. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $3,456.55. E. (9) $4,342.89.

A. American Maritime Association, 17 Battery Place, New York, N.Y. 10004; 1612 K Street NW., Washington, D.C. 20006.

A. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
D. (6) $4,008.70. E. (9) $508.70.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $1,920. E. (9) $30,286.09.

A. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
E. (9) $659.17.

A. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $15,858.92. E. (9) $40,892.

A. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.

D. (6) $10,504.91. E. (9) $10,504.91.

A. American Optometric Association, 395 Orchard Street, Antioch, Ill. 60002.
D. (6) $778.60. E. (9) $778.60.

A. American Orthotic and Prostetic Association, 717 Pendleton Street, Alexandria, Va. 22314.

A. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.
E. (9) $158.94.

A. American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
D. (6) $36,316.10. E. (9) $15,105.18.

A. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $218,413. E. (9) $218,078.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $3,268.35. E. (9) $3,268.35.

A. American Podiatry Association, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
E. (9) $12,792.55.

A. American Postal Workers Union, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $3,015,998.35. E. (9) $145,539.96.

A. American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $13,705. E. (9) $13,705.

A. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. American Rivers Conservation Council, 323 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,284. E. (9) $2,211.82.

A. American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.
E. (9) $350.

A. American Soybean Association, 1575 I Street NW., No. 360, Washington, D.C. 20005.
D. (6) $4,125. E. (9) $1,852.44.

A. American Subcontractors Association, 8401 Corporate Drive, No. 540, Landover, Md. 20785.

A. American Surveys, Embassy Square, Suite 901, 2000 N Street NW., Washington, D.C. 20036.
B. National Customs Brokers & Forwarders Association of America, Inc., 1 World Trade Center, Suite 1109, New York, N.Y. 10048.
D. (6) $420. E. (9) $156.06.

A. American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
D. (6) $40,682.28. E. (9) $40,682.28.

A. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $10,290.06. E. (9) $83,225.60.

A. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.
E. (9) $167.50.

A. American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1000, Arlington, Va. 22209.
D. (6) $7,300. E. (9) $1,566.

A. American Waterways Shipyard Conference, Suite 1101, 1600 Wilson Boulevard, Arlington, Va. 22209.
E. (9) $675.

A. Morris J. Amitay, 400 North Capitol Street NW., Suite 168, Washington, D.C. 20001.
B. Air Florida, P.O. Box 592337, Miami, Fla. 33159.
D. (6) $4,500.

A. Morris J. Amitay, 400 North Capitol Street NW., Suite 168, Washington, D.C. 20001.
B. ENI Cos., 1417 116th Avenue NE., Call No. C21611, Belleview, Wash. 98009.
D. (6) $7,500.

A. Morris J. Amitay, 400 North Capitol Street NW., Suite 168, Washington, D.C. 20001.
B. Hickory Association, 560 South Broadway, Hicksville, N.Y. 11801.
D. (6) $6,500.

A. Morris J. Amitay, 400 North Capitol Street NW., Suite 168, Washington, D.C. 20001.
B. Northrop Corp., 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $5,000.

A. John G. Ams, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,750. E. (9) $342.87.

A. Edward Andersen, National Grange, 1616 H Street NW., Washington, D.C. 20006.
B. National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $750.

A. Anthony L. Anderson, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $4,934. E. (9) $179.69.

A. J. Lem Anderson, Time, Inc., 888 16th Street NW., Washington, D.C. 20006.
B. Time, Inc., Time and Life Bldg., Rockefeller Center, New York, N.Y. 10020.
D. (6) $2,500. E. (9) $13.23.

A. Anderson & Pendleton, 1000 16th Street NW., Suite 701, Washington, D.C. 20036.
B. Military Mission of Chile, 1736 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $3,750. E. (9) $34.79.

A. Robert L. Anderson, Deere & Co., John Deere Road, Moline, Ill. 61265.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.

A. Sally M. Anderson, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $50.

A. Steven C. Anderson, 1700 Old Meadow Road, McLean, Va. 22102.
B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102
D. (6) $50.

A. Wayne C. Anderson, 1629 K Street NW., Washington, D.C. 20006.
B. Nabisco, Inc., East Hanover, N.J. 07936.
D. (6) $5,000. E. (9) $7,737.40.

A. William C. Anderson, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $80.

A. Robert C. Angel, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Japan Economic Institute of America, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $300.

A. Jack R. Angell, United Gas Pipe Line Co., 1101 17th Street NW., Washington, D.C.
B. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.

A. Jay Angoff, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,249.99.

A. J. Donald Annett, 1050 17th Street NW., No. 500, Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $200.

A. Robert E. Ansheles, Suite 711, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. CITC Industries Inc., 1 Park Avenue, New York, NY. 10016.
D. (6) $75. E. (9) $11.

A. Apartment and Office Building Association, 1511 K Street NW., No. 819, Washington, D.C. 20005.

A. John D. Aquilino, Jr., 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $837.50. E. (9) $143.60.

A. John Archer, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Roy A. Archibald, National Education Association, California Teachers Association, 1705 Murchison Drive, Burlingame, Calif. 94010.
B. National Education Association, 1201 16th Street, NW., Washington, D.C. 20036.
D. (6) $953. E. (9) $1,018.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Federation of Apparel Manufacturers, 450 Seventh Avenue, New York, N.Y. 10001.
E. (9) $1.20.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Werner J. Fleischmann, 300 Jacksonville Road, Pompton Plains, N.J. 07444.
D. (6) $1,700. E. (9) $11.52.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. MFA Mutual Insurance Co., 1817 West Broadway, Columbia, Mo. 65201.
D. (6) $250. E. (9) $29.69.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Table Grape Growers Association, Boulevard Transversal KM 4.5, Hermosillo, Sonora, Mexico.

A. Asphalt Roofing Manufacturers Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Associated Metals & Minerals Corp., 30 Rockefeller Plaza, New York, N.Y. 10020.

A. Milton F. Ashford TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Joseph Ashooh, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Associated Employers, Inc., 6009 Rittiman Plaza, San Antonio, TX. 78218.

A. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Associated Third Class Mail Users, Suite 607, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $600. E. (9) $600.

A. Association for the Advancement of Invention & Innovation, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $5,925. E. (9) $1,294.04.

A. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Association of American Foreign Service Women, P.O. Box 8068, Washington, D.C. 20024.
D. (6) $3,420.

A. Association of American Publishers, 1707 L Street NW., Suite 480, Washington, D.C. 20036.
D. (6) $7,862.11. E. (9) $7,862.11.

A. Association of American Railroads, American Railroads Building, 1920 L Street NW., Room 720, Washington, D.C. 20036.
D. (6) $21,400.62. E. (9) $21,400.62.

A. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.
E. (9) $27.50.

A. Association of Government Accountants, 727 South 23d Street, No. 100, Arlington, Va. 22202.
E. (9) $19.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
E. (9) $210.

A. Association of Private Pension & Welfare Plans, Inc., 1725 K Street NW., Suite 801, Washington, D.C. 20006.

A. Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $3,680. E. (9) $3,680.

A. Carl E. Atkinson, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $240. E. (9) $24.

A. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
E. (9) $2,938.67.

A. Lloyd G. Ator, Jr., American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $789.07.

A. James A. Austin, American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
B. American Feed Manufacuters Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $2,500.

A. Automotive Materials Industry Council of the United States (AMICUS), 1055 Thomas Jefferson Street NW., No. 308, Washington, D.C. 20007.

A. John S. Autry, Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
B. Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
D. (6) $3,000. E. (9) $1,200.

A. Avon Products. Inc., 9 West 57 Street, New York, N.Y. 10019.
E. (9) $465.15.

A. Walter C. Ayers, Virginia Petroleum Council, 1809 Staples Mill Road, Richmond, Va. 23230.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $600. E. (9) $289.29.

A. Craig H. Baab, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $39.20.

A. Frances Babb, 1929 Calvert Street NW., Washington, D.C. 20009.
B. Renewed Energy Corp., 14 East 2700 South, Suite 10, Salt Lake City, Utah 84415.
D. (6) $320. E. (9) $30.

A. Dale R. Babione, The Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.
D. (6) $560.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Alvin Nederlander Associates, Inc.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for American Family Life Assurance Co.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Continental Materials), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Westinghouse), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $2,500 E. (9) $67.65.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Young Drug Products Corp.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10038
E. (9) $2,750.

A. Baer Marks & Upham, 299 Park Avenue, New York, N.Y. 10171.
B. Commodity Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.
A. Joan N. Baggett, 815 15th Street, NW., Washington, D.C. 20005.
B. International Union of Bricklayers and Allied Craftsmen, 815 15th Street, NW., Washington, D.C. 20005.
D. (6) $5,042. E. (9) $648.95

A. Charles W. Bailey, 8001 Braddock Road, Springfield, Va. 22160.
B. National Right to Work Committee, 8001 Braddock Road, Springfield, Va. 22160.

A. George F. Bailey, Jr., P.O. Box 21, Montgomery, Ala. 36101.
B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.
D. (6) $345.20. E. (9) $816.49.

A. William W. Bailey, Merck & Co., Inc., 1050 17th Street NW., Suite 1050, Washington, D.C. 20036.
B. Merck & Co., Inc., Box 2000, Rahway, N.J. 07065.
D. (6) $1,000. E. (9) $315.30.

A. John M. Baines, 4707 Connecticut Avenue, NW., No. 408, Washington, D.C. 20008.
B. Johnson Oil Co., Inc., & Silver Eagle Co., Inc., La Barge, Wyoming.
D. (6) $14,560. E. (9) $14,729.13

A. Judith L. Baird, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $250.

A. John Baize, 1575 I Street NW., No. 360, Washington, D.C. 20005.
B. American Soybean Association, 1575 I Street NW., No. 360, Washington, D.C. 20005.
D. (6) $1,000. E. (9) $159.18.

A. Edward R. Bajer, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $450.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Houston Lighting & Power Co., P.O. Box 1700, Houston, Tex. 77001.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77002.

A. Bakers & Daniels, Suite 600, 1920 N Street NW., Washington, D.C. 20036.
B. Rock Island Refining Corp., P.O. Box 68007, Indianapolis, Ind. 46268.

D. (6) $500.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Baker & McKenzie, 815 Connecticut Avenue NW., Washington, D.C.
B. G.D. Searle & Co., P.O. Box 1045, Skokie, Ill. 60076.

A. Donald F. Bale, 7436 Chummley Court, Falls Church, Va. 22043.
B. Center to Protect Workers' Rights, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
D. (6) $9,999.99. E. (9) $583.54.

A. Jacqueline Balk-Tusa, Boise Cascade Corp., 1625 I Street NW., No. 809, Washington, D.C. 20006.
B. Boise Cascade Corp., 1625 I Street NW., No. 809, Washington, D.C. 20006.
D. (6) $12,062.

A. Ballard, Spahr, Andrews & Ingersoll, 1875 I Street NW., Suite 460, Washington, D.C. 20006.
B. The Franklin Institute, Philadelphia, Pa. 19103.

A. Michael Baly III, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $3,400. E. (9) $171.

A. Sheila MacDonald Bamberger, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.
D. (6) $4,000.

A. Christine M. Bangert, International Telephone & Telegraph Corp., 1707 L Street NW., No. 200, Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.

A. Samuel J. Baptista, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Judy Bardacke, American Federation of Teachers, AFL-CIO, 11 Duport Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL-CIO, 11 Duport Circle NW., Washington, D.C. 20036.
D. (6) $7,480.86 E. (9) $150.

A. David J. Bardin, Arent, Fox, Kinter, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.
B. Solmecs Corp., 45 Sheldon Avenue, Highgate London N6; 17 Negba Street, Jerusalem, Israel.

A. Carol M. Barger, Consumers Union, 500 West 13th, Austin, Tex. 78701.
B. Consumers Union of United States, Inc., 256 Washington Street, Mount Vernon, N.Y. 10550.

A. Robert O. Barker, National Association of Manufacturers, 801 Northland Towers West, Southfield, Mich. 48075.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $20.

A. Thomas H. Barksdale, Jr., 2101 L Street NW., Suite 600, Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Suite 600, Washington, D.C. 20036.
D. (6) $5,200. E. (9) $258.23.

A. Barley and Malt Institute, 733 North Van Buren Street, Suite 610, Milwaukee, Wis. 53202.
D. (6) $24,102.81. E. (9) $5,187.45.

A. Donna R. Barnako, National Council of Health Centers, 2600 Virginia Avenue NW., No. 915, Washington, D.C. 20037.
B. National Council of Health Centers, 2600 Virginia Avenue NW., No. 915, Washington, D.C. 20037.
D. (6.) $910. (9) $43.15.

A. John H. Barnard, Jr., 803 Ironbark Place, Orinda, Calif. 94563.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 97119.

A. Roger H. Barnard, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Washington, D.C. 20006.
B. Distilled Spirits Committee for International Trade.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Suite 400, Washington, D.C. 20006.
B. Tartaric Chemicals Corp., 515 Madison Avenue, New York, N.Y. 10022.
D. (6) $2,500. E. (9) $384.45.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Washington, D.C. 20006.
B. John W. Thatcher, Banana Supply Co., Inc., 3030 Northeast Second Avenue, Miami, Fla. 33137.
E. (9) $200.56.

A. Barnett, Alagia & Carey, 1627 K Street NW., Suite 900, Washington, D.C. 20006.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

A. Barnett, Alagia & Carey, 1627 K Street NW., Washington, D.C. 20006.
B. American School Food Service Association, 4101 East Illiff Avenue, Denver, Colo. 80222.
D. (6) $25,889.60. E. (9) $835.60.

A. Barnett, Alagia & Carey, 1627 K Street NW., Suite 900, Washington, D.C. 20006.
B. American Society of Farm Managers and Rural Appraisers, P.O. Box 6857, Denver, Colo. 80206.

A. Barnett, Alagia & Carey, 1627 K Street NW., Suite 900, Washington, D.C. 20006.
B. Munir P. Benjenk, 1308 28th Street NW., Washington, D.C. 20007.

A. Barnett, Alagia & Carey, 1627 K Street NW., Washington, D.C. 20006.
B. Florida Fruit & Vegetable Association, 4401 East Colonial Drive, Orlando, Fla. 32814.
D. (6) $3,027.45.

A. Barnett, Alagia & Carey, 1627 K Street NW., Washington, D.C. 20006.
B. Florida Tomato Exchange, 4401 East Colonial Drive, Orlando, Fla. 32814.
D. (6) $930.15.

A. Barnett, Alagia & Carey, 1627 K Street NW., Suite 900, Washington, D.C. 20006.
B. P. Mastrippolito and Sons, Inc., Box 445, Embreeville, Coatesville, Pa. 19320.

A. Barnett, Alagia & Carey, 1627 K Street NW., Suite 900, Washington, D.C. 20006.
B. National Customs Brokers and Forwarders Association of America, Inc., One World Trade Center, Suite 1190, New York, N.Y. 10048.

A. Barnett, Alagia & Carey, 1627 K Street NW., Suite 900, Washington, D.C. 20006.
B. Pennsylvania Food Processors Association, Mushroom Processors Committee, 25 North Duke Street, York, Pa. 17070.

A. Barnett, Alagia & Carey, 1627 K Street NW., Suite 900, Washington, D.C. 20006.
B. Philadelphia Stock Exchange, 17th Street and Stock Exchange Place, Philadelphia, Pa. 19103
D. (6) $5,000.

A. Larry P. Barnett, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,900.

A. Pamela H. Barnett, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Religious Coalition for Abortion Rights, Inc., 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $4,500

A. Barnett Yingling & Shay, P.C., 1090 Vermont Avenue NW., Suite 810, Washington, D.C. 20005.
B. Citibank, N.A., 399 Park Avenue, New York, N.Y. 10043.
D. (6) $2,500. E. (9) $8.

A. Barnett Yingling & Shay, P.C., 1090 Vermont Avenue NW., Suite 810, Washington, D.C. 20005.
B. Crocker National Bank, One Montgomery Street, San Francisco, Calif. 94104.
D. (6) $140. E. (9) $4.

A. Richard L. Barr, Iowa Railway Association, 620 Capital City Bank Building, Des Moines, Iowa. 50309.
B. Iowa Railway Association, 620 Capital City Bank Building, Des Moines, Iowa. 50309.
E. (9) $2,803.14

A. Barrett Smith Schapiro Simon & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.
B. Coffee Sugar & Cocoa Exchange, Inc. and New York Coffee & Sugar Clearing Association, Four World Trade Center, New York, N.Y. 10048.

A. Barrett Smith Schapiro Simon & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.
B. New York Cocoa Clearing Association, Inc., Four World Trade Center, New York, N.Y. 10048.

A. Barrett Smith Schapiro Simon & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.
B. Prudential Lines, Inc., One World Trade Center, 37th Floor, New York, N.Y.

A. Robert W. Barrie, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $3,000.

A. Thea Rossi Barron, 106 Little Falls Street, Falls Church, Va. 22046.
B. Right to Life Crusade, Inc., Box 2703, Tulsa, Okla. 74101.

D. (6) $1,500.

A. Linda Leigh Bartlett, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Richard A. Barton, Direct Mail Marketing Association, 1730 K Street NW., No. 905, Washington, D.C.
B. Direct Mail Marketing Association, 6 East 43d Street, New York, N.Y. 10017.
D. (6) $710. E. (9) $4,006.23.

A. Lawerence R. Baskerville, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $276.44.

A. James P. Bass, 1101 17th Street NW., Washington, D.C. 20036.
B. American Airlines, Inc., 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $270.

A. Barbara Bassuener, American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Robert E. Bates, Jr., Mobile Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,125.

A. Davis M. Batson, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
B. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
D. (6) $1,800.

A. Laurie C. Battle, U.S. League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,600.

A. Lynne D. Battle, College Placement Council, Inc., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

A. John F. Battles, Massachusetts Petroleum Council, 2101 L Street N.W., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Batzell, Nunn & Bode, 1015 15th Street NW., No. 1100, Washington, D.C. 20005.
B. Emergency Small Independent Refiners Task Force, 1015 15th Street NW., No. 1100, Washington, D.C. 20005.
D. (6) $500.

A. Batzell, Nunn & Bode, 1015 15th Street NW., No. 1100, Washington, D.C. 20005.
B. Independent Terminal Operators Association, 1015 15th Street NW., No. 1100, Washington, D.C. 20005.
D. (6) $500.

A. Batzell, Nunn & Bode, 1015 15th Street NW., No. 1100, Washington, D.C. 20005.
B. Mt. Airy Refining Co., International Energy Building, 265 North Belt East, No. 150, Houston, Tex. 77060.
D. (6) $500.

A. Richard H. Bauer, Union Pacific Corp., Suite 600 South, 1120 20th Street NW., Washington, D.C. 20036.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $500. (E) (9) $526.84.

A. Robert J. Baughman, 717 Pendleton Street, Alexandria, Va. 22314.
B. American Orthotic and Prosthetic Association, 717 Pendleton Street, Alexandria, Va. 22314.

A. Tina Marts Beach, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $84.

A. Bruce A. Beam, American Electric Power Service Corp., 1801 K Street NW., Washington, D.C. 20006.
B. American Electric Power Service Corp., 180 E Broad Street, Columbus, Ohio 43215.
D. (6) $137.34. E. (9) $200.57.

A. Donald S. Beattie, Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
B. Railway Labor Exectives' Association, 400 First Street, NW., Washington, D.C. 20001.
D. (6) $2,866.67.

A. Christine T. Beatty, St. Joe Minerals Corp., 1730 Rhode Island Avenue NW., Suite 612, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $6,000. E. (9) $64.27.

A. Hubert Beatty, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Richard S. Beatty, Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C. 20036.
B. Great American Management & Investment, Inc., 5775-D Peachtree Dunwoody Road, Suite 600, Atlanta, Ga. 30342.
D. (6) $2,800. E. (9) $281.53.

A. Laura L. Beaty, 806 North Jefferson Street, Arlington, Va. 22205.
B. National Parks & Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.

A. Robert J. Becker, Joint Council of Allergy & Immunology, 401 East Prospect Avenue, Suite 210, Mount Prospect, Ill. 60056; 229 North Hammes Avenue, Joliet, Ill. 60435.
B. Joint Council of Allergy and Immunology, 401 East Prospect Avenue, Suite 210, Mount Prospect, Ill. 60056.

A. William W. Beddow, 1101 15th Street NW., Washington D.C. 20005.
B. National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $925.

A. Jon Charles Bednerik, 499 South Capitol Street SW., Suite 417, Washington, D.C. 20003.
B. International Association of Drilling Contractors, 499 South Capitol Street, SW., Suite 417., Washington, D.C. 20003.
D. (6) $700.

A. Edwin L. Behrens, The Proctor & Gamble Co. 1801 K Street, NW., Suite 230, Washington, D.C. 20006.
B. The Procter & Gamble Co., 301 East Sixth Street, Cincinnati, Ohio 45201.
D. (6) $67.50.

A. Max J. Beilke, National Association of Uniformed Services, 5535 Hempstead Way, P.O. Box 1406, Springfield, Va. 22151.
B. National Association for Uniformed Services, 5535 Hempstead Way, P.O. Box 1406, Springfield Va. 22151.
D. (6) $2,679.33. E. (9) $2,529.10.

A. Robert R. Belair, Hill, Christopher & Phillips, P.C., 1900 M Street NW, Washington, D.C. 20036.
B. Search Group, Inc., 925 Secret River Drive, Sacramento, CA, 95831.
D. (6) $400.

A. Alexander B. Bell, 9618 Cottrell Terrace, Silver Spring, Md. 20903.
B. United Association of Journeymen & Apprentices of the Plumbing and Pipe Fitting Industry of the U.S. and Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $3,750. E. (9) $161.98.

A. Winston Everett Bell, P.O. Box 5463, Las Vegas, Nev. 89102.

A. T. A. Bellissimo, 1011 Beverly Drive, Bldg. 117, Alexandria, Va, 22302.
B. Household Finance Corp., HFC International Headquarters 2700 Sanders Road, Prospect Heights Ill, 60070.
D. (6) $3,080. E. (9) $198.22.

A. C. Thomas Bendorf, 3615 Overcreek Road, Columbia, S.C. 29206.
B. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $5,000. E. (9) $950.

A. C. Robert Benedict, 643 Pennsylvania Avenue SE., Washington D.C. 20003.
B. American Osteopathic Hospital Association, 930 Busse Highway, Park Ridge, Ill. 60068.
D. (6) $1825. E. (9) $743.80.

A. Beneficial Management Corporation of America, 1300 Market Street, Wilmington, Del. 19899.

A. Bruce Benefield, TRW, Inc., 2030 M Street NW., Washington, D.C. 20036.
B. TRW, Inc., 2030 M Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Kenneth U. Benjamin, Jr., American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,887.50. E. (9) $170.30.

A. W. M. Benkert, American Institute of Merchant Shipping, 1625 K Street NW., Suite 1000, Washington, D.C. 20006.
B. American Institute of Merchant Shipping, 1625 K Street, NW., Suite 1000, Washington, D.C. 20006.
D. (6) $1250.

A. Douglas P. Bennett, 3238 Prospect Street NW., Washington, D.C. 20007.
B. Jacques Borel Enterprises, Inc., 555 Madison Avenue, New York, N.Y. 10022.
D. (6) $2,000. E. (9) $15.

A. Douglas P. Bennett, 3238 Prospect Street NW., Washington, D.C. 20007.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.
D. (6) $1,000.

A. James M. Bennett, Joseph Schlitz Brewing Co., 235 West Galena Street Milwaukee, Wis. 53212.

B. Joseph Schlitz Brewing Co., 235 West Galena Street, Milwaukee, Wis 53212.

A. William C. Bennett, Jr., Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $500.

A. Walter L. Benning, 14901 Ritchie Road, Centreville, Va. 22020.
B. Manufacturing Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.

A. John C. Bennison, American Society of Travel Agents, Inc., 1300 19th Street NW., Washington, D.C. 20036.
B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.
D. (6) $5,000.

A. Frederick S. Benson III, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Nancy C. Benson, American Cyanamid Co., 1575 Eye Street NW., No. 220, Washington, D.C. 20005.
B. American Cyanamid Co., Wayne, N.J. 07470.
D. (6) $168. E. (9) $117.16.

A. James E. Benton, N.J. Petroleum Council, 170 W. State Street, Trenton, N.J. 08608.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $145.

A. John Berard, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. David, A. Beren, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Rebecca J. Berg, Jr., Industries, Inc., 2550 M Street NW., Suite 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $400. E. (9) $112.61.

A. Paul C. Bergson, RJR Industries, Inc., 2550 M Street NW., Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27101.
D. (6) $491.66. E. (9) $33.

A. Jane W. Bergwin, Consumers Power Co., 1050 17th Street NW., Suite 290, Washington, D.C. 20036.
B. Consumers Power Co., 212 W. Michigan Avenue, Jackson, Mich. 49201.
D. (6) $200.

A. Peggy Berk, Peter Small & Associates, Inc., 400 Madison Avenue, New York, N.Y. 10017.
B. Peter Small & Associates, Inc., 400 Madison Avenue, New York, N.Y. 10017 (for William M. Mercer, Inc., 1211 Avenue of the Americas, New York, N.Y. 10036).

A. Ellen Berman, Consumer Energy Council of America, 2000 L Street NW., Suite 320, Washington, D.C. 20036.
B. Consumer Energy Council of America, 2000 L Street NW., Suite 320, Washington, D.C. 20036.
D. (6) $2,375. E. (9) $43.25.

A. Jason S. Berman, Warner Communications Inc., 1776 K Street NW., Suite 701, Washington, D.C. 20006.
B. Warner Communications Inc., 75 Rockefeller Plaza, New York, N.Y. 10019.
D. (6) $7,500. E. (9) $1,599.50.

A. William R. Berman, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Max N. Berry, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Committee to Assure the Availability of Casein, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
E. (9) $2,139.96.

A. Berry & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Centre National Interprofessionel De L'Economic Laitiere, 8, rue Danielle Casanova, 75002 Paris, France.

A. Berry & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Cheese Importers Association, 460 Park Avenue, New York, N.Y. 10022.

A. Berry & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Berry & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Great Western Sugar Co., P.O. Box 5308, Denver, Colo. 80217.
D. (6) $6,012.50. E. (9) $300.34.

A. Berry & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Meat Products Group, American Importers Association, 11 West 42d Street, New York, N.Y. 10036.

A. Berry & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Orkin Exterminating Co., Inc., 2170 Piedmont Road NE., Atlanta, Ga. 30324.

A. Robert A. Best, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. American League for Exports and Security Assistance, Inc., Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $16,500.

A. Robert A. Best, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. Archer-Daniels-Midland Co., Decatur, Ill. 62525.
D. (6) $3,000.

A. Robert A. Best, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. International Association of Bio-Energy Producers, Inc., 126 High Street, Boston, Mass. 02110.
D. (6) $833.33.

A. Robert B. Betz, American Hospital Association, 444 North Capitol Street NW, No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,391.29. D. (9) $28.27.

A. Robert L. Bevan, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $19.

A. Beveridge & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Beveridge & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

A. Beveridge & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. New England Electric System, 20 Turnpike Road, Westborough, Mass. 01581.

A. Beveridge & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Union Mines, 1212 Avenue of the Americas, New York, N.Y. 10036.

A. James N. Bieman, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006 (for Independent Refiners Association of America, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006).

A. Thomas E. Biery, Mid-Continent Oil & Gas Association, 1919 Pennsylvania Avenue NW., Suite 503, Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $1,332. E. (9) $79.25.

A. Moe Biller, American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $7,323.36.

A. Sarah Massengale Billock, American Hospital Association, 444 North Captiol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $63.04. E. (9) $22.71.

A. Birch, Horton, Bittner & Monroe, P.C., 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.
B. Alascom, Inc., 949 East 36th Street, Anchorage, Alaska 99502.

A. Birch, Horton, Bittner & Monroe, P.C., 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.
B. Alaska Power Authority, 333 West 4th Avenue, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Monroe, P.C., 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.
B. Calista Corp., 516 Denali Street, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Monroe, P.C., 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.
B. City of Haines, Box 576, Haines, Alaska 99827.

A. Birch, Horton, Bittner & Monroe, P.C., 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.

B. Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.

A. Birch, Horton, Bittner & Monroe, P.C., 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.
B. Mapco, Inc., 1800 South Baltimore Avenue, Tulsa, Okla. 74119.

A. Birch, Horton, Bittner & Monroe, P.C., 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.
B. Municipality of Anchorage, 623 West 6th Avenue, Anchorage, Alaska 99502.

A. Birch, Horton, Bittner & Monroe, P.C., 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.
B. St. George/Highly Corp., 1127 West 7th Avenue, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Monroe, P.C., 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.
B. Sealaska Corp., One Sealaska Plaza, Juneau, Alaska 99801.

A. Birch, Horton, Bittner & Monroe, P.C., 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.
B. Teamsters 959 Employee Pension Trust, 1200 Airport Heights Road, Anchorage, Alaska 99504.

A. Birch, Horton, Bittner & Monroe, P.C., 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. William J. Birkhofer, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $250.

A. C. Thomason Bishop III, NAM, 704 Lisburn Road, P.O. Box 355, Camp Hill, Pa. 17011.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $212.50.

A. Phil M. Bitter, Chevron U.S.A. Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
B. Chevron U.S.A. Inc., 1700 K Street NW., Washington, D.C. 20006.
D. (6) $527.

A. Neal R. Bjornson, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $2,500.

A. Donna C. Blair, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Richard W. Blake, 1156 15th Street NW., Suite 1019, Washington, D.C. 2005.
B. American Sugarbeet Growers Association, 1156 15th Street NW., Suite 1019, Washington, D.C. 20005.
D. (6) $420.

A. Robert W. Blanchette, Alston, Miller & Gaines, 1800 M Street NW., No. 1000, Washington, D.C. 20036.
B. Board of Trade Clearing Corp., 141 West Jackson Boulevard Chicago, Ill. 60604.

A. Robert W. Blanchette, Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. RCA Global Communications, Inc., 60 Broad Street, New York, N.Y.

A. Paul M. Blanton, P.O. Box 970, Fort Worth, Tex. 76101.
B. Texas Electric Service Co., P.O. Box 970, Fort Worth, Tex. 76101.
D. (6) $70.40. E. (9) $26.75.

A. Blatchford, Epstein & Brady, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Constructora Nacional de Carros de Ferrocarril, S.A., San Lorenzo No. 925, 5 piso, Mexico, D.F., Mexico.

A. Blatchford, Epstein & Brady, 1000 Potomac Street NW., Washington, D.C. 20007
B. Insulation Contractors Association, 905 Sixteenth Street NW., Washington, D.C. 20006, and Mineral Insulation Manufacturers, 382 Springfield Avenue, Summit, N.J. 07901.

A. Blatchford, Epstein & Brady, 1000 Potomac Street NW., Washington, D.C. 20007
B. Radiological Services, Western Radiological Group, Armacost Management Services, Inc., 2044 Armacost Avenue NW., Los Angeles, Calif. 90025.
D. (6) $9,000. E. (9) $108.27.

A. Kenneth T. Blaylock, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $17,871. E. (9) $6,421.32.

A. Richard W. Bliss, 1899 L Street NW., 12th Floor, Washington, D.C. 20036.
B. New England Electric System, 25 Research Drive, Westborough, Mass. 01581.
D. (6) $375. E. (9) $7.60.

A. Richard W. Bliss, 1899 L Street NW., Suite 1200, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 1730 Rhode Island Avenue NW., Suite 612, Washington, D.C. 20036.
D. (6) $420. E. (9) $3.60.

A. Richard W. Bliss, 1899 L Street NW., 12th Floor, Washington, D.C. 20036.
B. SUNEDCO, 12700 Park Central Place, Dallas, Tex. 75251.
D. (6) $1,800. E. (9) $289.50.

A. Jerald Blizin, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. L. Thomas Block, Irving Trust Co., One Wall Street, New York, N.Y. 10015.
B. Irving Trust Co., One Wall Street, New York, N.Y. 10015.
D. (6) $1,000. E. (9) $963.

A. Peter L. Blocklin, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $300.

A. H. E. Blomgren, National Manufactured Housing Federation, 1700 Pennsylvania Avenue. NW., No. 745, Washington, D.C. 20006.
B. National Manufactured Housing Federation, 1700 Pennsylvania Avenue NW., No. 745, Washington, D.C. 20006.
D. (6) $12,500.01.

A. Douglas M. Bloomfield, 444 North Capitol Street, No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412. Washington, D.C. 20001.
D. (6) $12,250.01

A. Mark Bloomfield, American Council for Capital Formation, 1919 Pennsylvania Avenue NW., No. 201, Washington, D.C. 20006.
B. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,869.

A. Jack A. Blum, 1015 18th Street NW., Washington, D.C. 20036.
B. Independent Gasoline Marketers Council, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $10,000. E. (9) $545.

A. Jared O. Blum, 1730 M Street NW., Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $300. E. (9) $122.77

A. Wayne F. Boan, National Association of Manufacturers, 601 North Vermont Avenue, Los Angeles, Calif. 90004.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,300.

A. Boat Owners Association of The United States, 880 South Pickett Street, Alexandria, Va. 22304.
D. (6) $16,000. E. (9) $9,775.85

A. David A. Bockorny, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $96.92.

A. Robert S. Boege, 2000 L Street NW., Suite 810, Washington, D.C. 20036.
B. Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.

A. Helen Bogolubov, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., Washington, D.C. 20005.
D. (6) $375.

A. Robert Z. Bohan, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20063.
D. (6) $60.10.

A. Patricia M. Boinski, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Robert J. Bolger, National Association of Chain Drug Stores, Inc., 413 North Lee Street, Alexandria, Va. 22314.
B. National Association of Chain Drug Stores, Inc., 413 North Lee Street, Alexandria, Va. 22314.
D. (6) $1,650.

A. Bernadette Bolton, Brotherhood of Railroad Signalmen 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railroad Signalmen, 601 West Golf Road, Mount Prospect, Ill. 60056.
D. (6) $300.

A. M. Warren Bolton, 2500 DeKalb Pke, Norristown, Pa. 19404.

B. Provident Indemity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. A. Dewey Bond, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1700 North Moore Street, Arlington, Va.
D. (6) $500.

A. L. H. Bonin, Jr., Gulf Oil Corp., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp. Pittsburgh, Pa. 15230.
D. (6) $2,400.

A. Sharon Lee Bonitt, Shell Oil Co., Suite 200, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Bonsib, Inc. Box 1807, Washington, D.C. 20013.

A. Susan A. Boolukos, 1700 Old Meadow Road, McLean, Va. 22102.
B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va.

A. Ann L. Bornstein, National Farmers Organization, 475 L'Enfant Plaza SW., No. 22150, Washington, D.C. 20024.
B. National Farmers Organization, Corning, Iowa 50841.
D. (6) $2,333. E. (9) $158.21.

A. Laurence D. Bory, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $750.

A. G. Stewart Boswell, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, No. 800, Arlington Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.
D. (6) $4,166.66. E. (9) $114.96.

A. Charles G. Botsford, The Botsford Co., 1730 M Street NW., No. 515, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $183.

A. Frank J. Bowden, Jr., Associated Petroleum Industries of Pennsylvania, P.O. Box 925, Harrisburg, Pa. 17108.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $802.50. E. (9) $358.85.

A. David W. Bowers, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $1,000.

A. Robert R. Bowers, West Virginia Petroleum Council, Suite 714, Atlas Building, Charleston, W. Va. 25301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $400. E. (9) $217.09.

A. Joan Costain Bowyer, Phelps Dodge Corp., 1015 15th Street NW., Washington, D.C. 20005.
B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.
D. (6) $150.

A. Elisa Boyd, BOMA International, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
B. BOMA International, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $3,200. E. (9) $15.

A. John G. Boyd, IBM, 1801 K Street NW., Washington, D.C. 20006.
B. International Business Machines, Old Orchard Road, Armonk, N.Y. 10504.
D. (6) $315.70. E. (9) $70.55.

A. Robert K. Boyd, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $3,200. E. (9) $615.49.

A. Van R. Boyette, American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
B. American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
D. (6) $75.

A. Stephen S. Boynton, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Arlington, Va. 22209.
B. The American Fur Industry, 101 West 30th Street, New York, N.Y. 10001.
D. (6) $1,500. E. (9) $80.

A. Stephen S. Boynton, 1901 North Fort Myer Drive, Suite 1204, Arlington, Va. 22209.
B. Wildlife Legislative Fund of America, 50 West Broad Street, Columbus, Ohio 43215.
D. (6) $1,500. E. (9) $80.

A. Bracewell & Patterson, 1850 K Street NW., Suite 400, Washington, D.C. 20006.
B. American Petroleum Refiners Association, 1200 18th Street NW., 607 Ring Building, Washington, D.C. 20036.
D. (6) $1,710. E. (9) $682.29.

A. Bracewell & Patterson, 1850 K Street NW., Suite 400, Washington, D.C. 20006.
B. Southdown/Pelto Oil Co., 2 Greenspoint Plaza, Suite 400, 16825 Northchase, Houston, Tex.77060.
D. (6) $280. E. (9) $111.72.

A. Bracewell & Patterson, 1850 K Street NW., Suite 400, Washington, D.C. 20006.
B. Valero Energy Corp., 530 McCullough Avenue, San Antonio, Tex. 78292.
D. (6) $630. E. (9) $251.37.

A. Dennis R. Braddock, 4660 Kenmore Avenue, Suite 1018, Alexandria, Va. 22304.
B. Livestock Marketing Association, 4900 Oak Street, Kansas City, Mo. 64112.
D. (6) $3,375. E. (9) $425.32.

A. Frank W. Bradley, 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.
D. (6) $2,000.

A. Mitchell H. Bradley, American Society of Mechanical Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017.

A. Wayne W. Bradley, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $500. E. (9) $14.45.

A. Dennis M. Bradshaw, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Charles N. Brady, American Automobile Association, 8111 Gatehouse Road, Falls Church, VA. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Jerry M. Brady, 1000 Potomac Street NW., Suite 103, Washington, D.C. 20007.
B. Energy Conversion Group, 1000 Potomac Street NW., Washington, D.C. 20007.
D. (6) $9,000.

A. Charles G. Bragg, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $2,220. E. (9) $45.97.

A. Raymond F. Bragg, Jr., American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
B. American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
D. (6) $100.

A. Stuart J. Brahs, American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
D. (6) $187.29.

A. Robert M. Brandon, 1300 Connecticut Avenue NW., Room 401, Washington, D.C. 20036.
B. Citizen/Labor Energy Coalition, 1300 Connecticut Avenue NW., Room 401, Washington, D.C. 20036.
D. (6) $1,850. E. (9) $97.

A. T. Edward Braswell, Jr., 888 17th Street NW., Suite 600, Brawner Building, Washington, D.C. 20006.
B. National Association of Service Contractors, 888 17th Street NW., Suite 600, Washington, D.C. 20006.

A. T. Edward Braswell, Jr., 888 17th Street, Suite 600, Brawner Building, Washington, D.C. 20006.
B. Newport News Shipbuilding Co., 4101 Washington Avenue, Newport News, Va. 23607.
D. (6) $3,750.

A. Roy Braunstein, American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $10,849.92. E. (9) $274.77.

A. Edward T. Breathitt, 920 15th Street NW., Washington, D.C. 20005.
B. Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000.

A. John Henry Brebbia, Alston, Miller & Gaines, 1800 M Street NW., Suite No. 1000 North, Washington, D.C. 20036.
B. RCA Global Communications, Inc., 60 Broad Street, Room 700, New York, N.Y. 10004.
B. (6) $4,329. E. (9) $92.75.

A. George W. Breece, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $475.

A. Breed, Abbott & Morgan, 1875 I Street NW., Suite 1000, Washington, D.C. 20006.
B. Associated Hospital Service of New York, 80 Lexington Avenue, New York, N.Y. 10016.

A. Breed, Abbott & Morgan, 1875 I Street NW., Suite 1000, Washington, D.C. 20006.
B. The Lefrak Organization, 97-77 Queens Boulevard, Forest Hills, N.Y.
D. (6) $5,000. E. (9) $3.50.

A. Breed, Abbott & Morgan, 1875 I Street NW., Suite 1000, Washington, D.C. 20006.
B. David H. McConnell, 375 Park Avenue, New York, N.Y.
E. (9) $33.75.

A. Breed, Abbott & Morgan, 1875 I Street NW., Suite 1000, Washington, D.C. 20006.
B. Panhandle Eastern Pipe Line Co., 3000 Bissonnet Avenue, P.O. Box 1642, Houston, Tex. 77001.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. The Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $800.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. American Car Rental Association, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
D. (6) $1,250.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $1,000.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Committee for Effective Tax Incentives, 1634 I Street NW., Eighth Floor, Washington, D.C. 20006.
D. (6) $5,000.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Hilton International, Inc., 301 Park Avenue, New York, N.Y. 10022.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Trans World Airlines, 1000 16th Street NW., Suite 704, Washington, D.C. 20036.
D. (6) $2,000.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B Truck Renting & Leasing Association, 1750 Pennsylvania Avenue, Suite 1303, Washington, D.C. 20006.
D. (6) $1,250.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. The Washington Psychiatric Society, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $1,000.

A. Brenda I. Bregman, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Religious Coalition for Abortion Rights, Inc., 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $2,850.

A. Michael J. Brennan, 1750 New York Avenue NW., Washington, D.C. 20006.
B. International Association of Bridge, Structural & Ornamental Iron Workers, AFL-CIO, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $8,580. E. (9) $653.37.

A. Edward J. Brenner, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.
B. Association for the Advancement of Invention & Innovation, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.

A. John A. Brewer, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

A. Miles H. Bressee, Jr., 170 Altura Way, Greenbrae, Calif. 94904.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3964, San Francisco, Calif. 94119.

A. Carolyn Brickey, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,750.01.

A. Bill Brier, 1850 K Street NW., Suite 550, Washington, D.C. 20006.
B. CF Industries, Inc./Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.
D. (6) $500. E. (9) $225.

A. Claude S. Brinegar, 461 South Boylston Street, Los Angeles, Calif. 90017.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (b) $900.

A. Belva B. Brissett, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $275.

A. Elizabeth Y. Britton, RJR Industries, Inc., 2550 M Street NW., Suite 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $272.50. E. (9) $35.20.

A. Ellen Broadman, Consumers Union, 1511 K Street NW., Suite 1033, Washington, D.C. 20005.
B. Consumers Union, 256 Washington Street, Mount Vernon, N.Y. 10550.
D. (6) $320. E. (9) $16.

A. David A. Brody, Anti-Defamation League of B'nai B'rith, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Anti-Defamation League of B'nai B'rith, 823 U.N. Plaza, New York, N.Y. 10017.
D. (6) $1,150.

A. Michael D. Bromberg, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
B. Federation of American Hospitals, 1111 19th Street NW., No. 402, Washington, D.C. 20036.
D. (6) $4,500.

A. Dale E. Brooks, Chevron U.S.A., Inc., 1700 K Street, Suite 1204, Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.
D. (6) $450.

A. E. R. Brooks, P.O. Box 841, Abilene, Tex. 79604.
B. West Texas Utilities Co., P.O. Box 841, Abilene, Tex. 79604.
E. (9) $998.

A. Phillip W. Brooks, Volunteer State Oil Committee, 18th Floor, Third National Bank Building, Nashville, Tenn. 37219.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $891. E. (9) $1,304.38.

A. Carol L. Bros, National Women's Political Caucus, 1411 K Street NW., No. 1110, Washington, D.C. 20005.
B. National Women's Political Caucus, 1411 K Street NW., No. 1110, Washington, D.C. 20005.
D. (6) $4,250. E. (9) $363.26.

A. Daniel T. Bross, United Gas Pipe Line Co., 1101 17th Street NW., Suite 704, Washington, D.C. 20036.
B. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.
D. (6) $763. E. (9) $727.36.

A. Donald G. Brotzman, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $10,000.

A. Ben Jarratt Brown, 1101 15th Street NW., Washington, D.C. 20005.
B. U.S. & Overseas Tax Fairness Committee, 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $2,187.

A. Charles B. Brown, 900 17th Street NW., Washington, D.C. 20006.
B. Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $481.50. E. (9) $7.

A. Charles T. Brown, Cities Service Co., Box 100, Miami. Ariz. 85539.
B. Cities Service Co., Box 100, Miami, Ariz. 85539.

A. David S. J. Brown, Monsanto Co., 1101 17th Street NW., Suite 604, Washington, D,C. 20036.
B. Monsanto Co., 800 North Lindberg Boulevard, St. Louis, Mo. 63166.
D. (6) $450. E. (9) $70.61.

A. Howard Brown, 323 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 323 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Howard C. Brown, Jr., 9618 Carriage Road, Kensington, Md. 20795.
B. CENTAR Associates, 369 Passaic Avenue, Fairfield, N.J. 07006.

A. Howard C. Brown, Jr., 9618 Carriage Road, Kensington, Md. 20795.
B. National Association of Life Science Industries, Inc., 1919 Pennsylvania Avenue NW., No. 702, Washington, D.C. 20006.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washingon, D.C. 20037.
D. (6) $500.

A. Jesse B. Brown, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washngton, D.C. 20068.

D. (6) $2.14.

A. Karen H. Brown, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $450.

A. Kevin Brown, Food Policy Center, 538 Seventh Street SE., Washington, D.C. 20003.
B. Food Policy Center, 538 Seventh Street SE., Washington, D.C. 20003.
E. (9) $4,500.

A. Mary Elizabeth Brown, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,930. E. (9) $92.90.

A. Theoran Brown, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,468.76.

A. Brown, Todd & Heyburn, 1600 Citizens Plaza, Louisville, Ky. 40202.
B. Brown & Williamson Tobacco Corp., 1600 West Hill Street, Louisville, Ky. 40232.
E. (9) $10.50.

A. Vincent D. Brown, Nebraska Petroleum Council, P.O. Box 95063, Lincoln, Nebr. 68509.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,000. E. (9) $1,486.79.

A. William E. Brown, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $373.50 E. (9) $83.59.

A. William R. Brown, 499 South Capitol Street SW., Suite No. 412, Washington, D.C. 20003.
B. Council of State Chambers of Commerce, 499 South Capitol Street SW., Suite No. 412, Washington, D.C. 20003.
D. (6) $480. E. (9) $224.

A. Thomas H. Brownell, P.O. Box 3999, Seattle, Wash. 98124.
B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $260. E. (9) $497.17.

A. Brownstein Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Canadian Financial Corp., 2030 Northwestern Financial Center, 7900 Xerxes Avenue South, Minneapolis, Minn. 55431.

A. Brownstein Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Home Owners Warranty Corp., National Housing Center, 15th and M Streets NW., Washington, D.C. 20005.

A. Brownstein Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Foodservice Manufacturers Association, 875 North Michigan Avenue, Chicago, Ill. 60611.

A. Brownstein Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. International Franchise Association, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.

A. Brownstein Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Mortgage Guaranty Insurance Corp., MGIC Plaza, Milwaukee, Wis. 53201.

A. Brownstein Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. National Corporation for Housing Partnerships, 1133 15th Street, NW., Washington, D.C. 20005.

A. Brownstein Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. National Housing Rehabilitation Association, 1300 19th Street NW., Suite 310, Washington, D.C. 20036.

A. Brownstein Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. New York State Urban Development Corp., 1515 Broadway, New York, N.Y. 10036.

A. Richard L. Brubacher, Minnesota Petroleum Council, 300 Northern Federal Building, St. Paul, Minn. 55102.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $500. E. (9) $685.35.

A. James W. Bruner, Jr., P.O. Box 10110, South Lake Tahoe, Calif. 95731.
B. League to Save Lake Tahoe, 2197 Lake Tahoe Boulevard, P.O. Box 10110, South Lake Tahoe, Calif. 95731.
D. (6) $9,000. E. (9) $742.83.

A. Kathryne M. Bruner, General Atomic Co., 2021 K Street NW., Suite 709, Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $750. E. (9) $84.70.

A. Michael E. Brunner, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1700 North Moore Street, Arlington, Va.
D. (6) $3,000. E. (9) $508.70.

A. Robert O. Brunner, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $390.39.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., 750, Washington, D.C. 20006.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.
B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. Harvey F. Brush, 2006 Washington Street, San Francisco, Calif. 94109.
B. Bechtel Group, Inc., 50 Beale Street, P.O. Box 3965, San Fransisco, Calif. 94119.

A. Marguerite E. Bryan, 444 North Capitol Street, Suite 801, Washington, D.C. 20001.
B. Joint Maritime Congress, 444 North Capitol Street, No. 801, Washington, D.C. 20001.

A. Margaret H. Byrant, America Natural Resources System, 1899 L Street NW., Suite 500, Washington, D.C. 20036.
B. American Natural Service Co., 1 Woodward Avenue, Detroit, Mich. 48226.
D. (6) $153.60. E. (9) $28.

A. Ronald B. Buckhalt, National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.
B. National Utility Contractors Association, 815 15th Street NW., Washington, D.C. 20005.
D. (6) 1,600. E. (9) $1,328.71.

A. Douglas W. Bulcao, American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue, Suite 300, Washington, D.C. 20036.
D. (6) $554. E. (9) $23.90

A. Lawrence E. Burch, 1735 Jefferson Davis Highway, Suite 903, Arlington, Va. 22202.
B. Potato Chip/Snack Food Association, 1735 Jefferson Davis Highway, Arlington Va. 22206.

A. Norman D. Burch, College of American Pathologists, 1333 New Hampshire Avenue NW., Suite 520, Washington, D.C. 20036.
B. College of American Pathologists, 7400 North Skokie Boulvard, Skokie, Ill. 60077.
D. (6) $5,220. E. (9) $66.

A. David G. Burden, 200 East Randolph Drive, Chicago, Ill. 60601.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

A. Paul F. Burdett, 10 Emerson Court, Severna Park, Md. 21146.
B. Richardson-Merrell, Inc., 10 Westport Road, Wilton, Conn. 06897.
E. (9) $30.

A. William J. Burhop, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,000.

A. Burke & Burke, 529 Fifth Avenue, New York, N.Y. 10017.
B. Laura H. Beer, et al., c/o P.O. Box 139, Corning, N.Y. 14830.
D. (6) $4,000. E. (9) $1,226.02.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.
B. Montana Power Co., Butte, Mont. 59701.
E. (9) $197.11.

A. Burley & Dark Leaf Tobacco Export Association, 1100 17th Street NW., Washington, D.C.
D. (6) $29,139.75 E. (9) $1,000.47.

A. Bill D. Burlison, Marfair Building, Suite 102, 499 South Capitol Street SW., Washington, D.C. 20003.
B. McDonnell Douglas Corp., St. Louis Mo.
D. (6) $8.750. E. (9) $40.35.

A. Bill D. Burlison, Marfair Building, Suite 102, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Planning Research Corp., Washington, D.C.
D. (6) $2,500. E. (9) $10.56.

A. Phillip C. Burnett, 1918 North Parkway, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. David G. Burney, United States Tuna Foundation, 2040 Harbor Island Drive, No. 208, San Diego, Calif. 92101.
B. United States Tuna Foundation, 2040 Harbor Island Drive, No. 208, San Diego, Calif. 92101.
D. (6) $6,000. E. (9) $3,000.

A. Charles S. Burns, Phelps Dodge Corp., 1015 15th Street NW., Washington, D.C. 20005.
B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.
D. (6) $1,200.

A. Timothy F. Burns, CMA, 2501 M Street NW., Washington, D.C. 20037.
B. Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
D. (6) $300.

A. B. Kent Burton, American Trucking Associations, Inc., 1616 P Street NW, Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW, Washington, D.C. 20036.
D. (6) $6,000.

A. John M. Burzio, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.
B. Magazine Publishers Association, Inc., Magazine Center, 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $1,260.50 E. (9) $193.28.

A. Busby, Rehm & Leonard, 1629 K Street NW., Suite 1100, Washington, D.C. 20006.
B. Bacardi Imports, Inc., 2100 Biscayne Boulevard, Miami, Fla. 33137.
D. (6) $150.

A. Nicholas J. Bush, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $276.99.

A. Gary Bushell, Branscomb & Miller, 1700 Bank & Trust Tower, B. & T. 129, Corpus Christi, Tex. 78477.
B. Corpus Christi Oil & Gas, 1400 The 600 Building, Corpus Christi, Tex. 78473.
D. (6) $2,160. E. (9) $1,143.81.

A. Bushnell, Gage, Reizen & Byington, 1111 19th Street NW., Suite 301, Washington, D.C. 20036.
B. Formaldehyde Institute, 1075 Central Park Avenue, Scarsdale, N.Y. 10583.
D. (6) $907.50. E. (9) $75.

A. Business Executives Move for New National Priorities, 901 North Howard Street, Baltimore, Md. 21201.
D. (6) $8,206. E. (9) 2,206,94.

A. Business Products Council Association, P.O. Box 35047, Fayetteville, N.C. 28303.
E. (9) $500.

A. James J. Butera, National Association of Mutual Savings Banks, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $3,343.75.

A. Butler, Binion, Rice, Cook & Knapp, 1747 Pennsylvania Avenue NW., Suite 900, Washington, D.C. 20006.
B. City of Philadelphia, 1600 Municipal Services Building, Philadelphia, Pa. 19107.
E. (9) $47,415.47.

A. Butler, Binion, Rice, Cook & Knapp, 1747 Pennsylvania Avenue NW., Suite 900, Washington, D.C. 20006.
B. Ford Motor Co.; Mallon Motors, Inc.; Best Chevrolet; Conyers Ford, Inc.; Shamrock Ford; Courtesy Pontiac-AMC Jeeps; Tom Coward Ford; Poquoson Motors, Inc.
D. (6) $62.40. E. (9) $9,558.24.

A. Butler, Binion, Rice, Cook & Knapp, 1747 Pennsylvania Avenue NW., Suite 900, Washington, D.C. 20006.
B. People Express Airlines, Inc., Room 205, North Terminal, Newark International Airport, Newark N.J. 07114.
E. (9) $1,132.05.

A. John Butler, Council of Energy Resource Tribes, 1140 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.
B. Council of Energy Resource Tribes, 1140 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.

A. John W. Byrnes, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for Independent Refiners Association of America, 1775 Pennsylvania Avenue NW., Washington, D.C.), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for Insurance Association of Connecticut), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John F. Byset, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $75.

A. Cable, McDaniel, Bowie & Bond, 900 Blaustein Building, Baltimore, Md. 21201.
B. Crown Central Petroleum Corp., 1 North Charles Street, P.O. Box 1168, Baltimore, Md. 21203

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Asphalt Roofing Manufacturers Assistant, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Mark Cahoon, 499 South Capitol Street SW., Suite No. 412, Washington, D.C.
B. Council of State Chambers of Commerce, 499 South Capitol Street SW., Suite No. 412, Washington, D.C. 20003.
D. (6) $20.

A. Alan Caldwell, Del Monte Corp., 1825 K Street NW., Washington, D.C. 20006.
B. Del Monte Corp., 1 Market Plaza, San Francisco, Calif. 94119.
D. (6) $1,000. E. (9) $50.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.
B. Connecticut General Life Insurance Co., Hartford, Conn. 06152.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.
B. The Coca-Cola Co., P.O. Drawer, 1734, Atlanta, Ga. 30301.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.
B. Quality Care Inc., 100 North Centre Street, Rockville, Centre, N.Y. 11570.

A. Peter E. Callanan, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Honeywell Inc., Honeywell Plaza, Minneapolis, Minn. 55408.
D. (6) $100. E. (9) $300.

A. Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.
E. (9) $5,220.

A. Gordon L. Calvert, Box 34-531, Washington, D.C. 20034.
B. Commercial Collection Agency Section, Commercial Law League of America, 222 West Adams Street, Chicago, Ill. 60606.
D. (6) $3,000. E. (9) $203.45.

A. Victoria R. Calvert, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C.
D. (6) $259.84.

A. Arthur E. Cameron, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.
B. Ferro Corp., Cataphote Division, P.O. Box 2369, Jackson, Miss. 39205; General Steel Industries, Inc., Flex-O-Lite Division, P.O. Box 4366, St. Louis, Mo. 63123.
D. (6) $3,000.

A. Arthur E. Cameron, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.
B. Gulf & Western Industries, Inc., 600 New Hampshire Avenue NW., Washington, D.C. 20037.
D. (6) $4,000.

A. Arthur E. Cameron, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.
B. LFE Corp., 1601 Traple Road, Waltham, Mass. 02154.
D. (6) $1,875.

A. Arthur E. Cameron, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.
B. Prismo Universal Corp., 300 Lanidex Plaza, Parsippany, N.J. 07054.
D. (6) $5,661.67.

A. Arthur E. Cameron, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.
B. Safetran Systems Corp., P.O. Box 1037, Louisville, Ky. 40201.
D. (6) $5,287.50.

A. Camp, Carmouche, Palmer, Barsh & Hunter, P.C., 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. ACLI International, Inc., New York City, N.Y.

A. Camp, Carmouche, Palmer, Barsh & Hunter, P.C., 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Chemical Manufacturers Association, 2501 M Street NW., Second Floor, Washington, D.C. 20037.

A. Camp, Carmouche, Palmer, Barsh & Hunter, P.C., 2550 M Street NW., No. 275, Washington, D.C. 20037.
B. Eastern Central Motor Carrier Association, Inc., P.O. Box 3600. Akron, Ohio 44310.

A. Camp, Carmouche, Palmer, Barsh & Hunter, P.C., 2550 M Street NW., Suite 275, Washington, D.C. 20037.

B. Mobil Oil Corp., 150 East 42d Street, 30th Floor, New York City, N.Y. 10017.

A. Camp, Carmouche, Palmer, Barsh & Hunter, P.C., 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Occidental Petroleum Corp., 10889 Wilshire Boulevard, Suite 1500, Los Angeles, Calif.

A. Camp, Carmouche, Palmer, Barsh & Hunter, P.C., 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. PPG Industries, Inc., 1 Gateway Center, Pittsburgh, Pa. 15222.

A. Camp, Carmouche, Palmer, Barsh & Hunter, P.C., 2550 M Street NW., No. 275, Washington, D.C. 20037.
B. Union Pacific Railroad, 345 Park Avenue New York, NY. 10022.

A. Camp, Carmouche, Palmer, Barsh & Hunter, P.C., 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60610.
D. (6) $75.

A. C. Russell Campbell, Jr., General Telephone & Electronics Corp., Suite 900, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. General Telephone & Electronics Corp., One Stamford Forum, Stamford, Conn. 06904.
D. (6) $1,500.

A. Carl C. Campbell, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $64.45.

A. Jerry L. Campbell, 831 Chestnut Street Chattanooga, Tenn. 37402.
B. Tennessee Valley Public Power Association 831 Chestnut Street Chattanooga, Tenn. 37402.

A. Kevin B. Campbell, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
D. (6) $1,125. E. (9) $90.

A. Thomas D. Campbell, Standard Oil Co., 1000 16th Street NW., Suite 500, Washington, D.C. 20036.
B. Standard Oil Co., 200 East Randolph Drive, Chicago, Ill. 60610.
D. (6) $1,500. E. (9) $519.85.

A. Alyce D. Canaday, Pacific Power & Light Co., 918 16th Street NW., Suite 404, Washington, D.C. 20006.
B. Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204.
D. (6) $740. E. (9) $936.17.

A. Robert P. Canavan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association., 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,592.40. E. (9) $301.

A. Sharon M. Canavan, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $3,780.

A. Candlelighters, 123 C Street SE., Washington, D.C. 20003.
D. (6) $20.

A. Paul W. Cane, 5 Corte Alegra, Greenbrae, Calif. 94904.
B. Bechtel Power Corp., 50 Beale Street P.O. Box 3965, San Francisco, Calif. 94119.

A. W. Dean Cannon, Jr., 9800 South Sepulveda Boulevard Suite 500, Los Angeles, Calif. 90045.
B. California Savings & Loan League, 9800 South Sepulveda Boulevard, Suite 500, Los Angeles, Calif. 90045.
D. (6) $3,000. E. (9) $3,794.34.

A. Capital Advocates, 1127 11th Street, Sacramento, Calif. 95814.
B. Summa Corp., Box 14000, Las Vegas, Nev.
D. (6) $5,719.90 E. (9) $4.90.

A. Marvin H. Caplan, Industrial Union Department, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $6,363.60. E. (9) $333.16.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. Council on Foundations, Inc., 1828 L Street NW., Washington, D.C. 20036.
D. (6) $1,200. E. (9) $75.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. Public Broadcasting Communications, Inc., 304 West 58th Street, New York, N.Y. 10019.
D. (6) $4,579.85.

A. Ross Capon, National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20013.
B. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20013.
D. (6) $6,946.10.

A. Ronald A. Capone, Kirlin, Campbell & Keating, 1150 Connecticut Avenue NW., No. 800, Washington, D.C. 20036.
B. Council of European & Japanese National Shipowners' Association 30/32 Street Mary Axe, London, EC3A 8ET England.
D. (6) $27,538.75. E. (9) $670.17.

A. Charles E. Capron, 2401 Calvert Street NW., No. 905, Washington, D.C. 20008.

A. Arnold P. Caputo, 1970 Hopewood Drive, Falls Church, Va. 22043.
B. National Concrete Masonry Association, 2303 Horse Pen Road, Herndon, Va. 22070.
D. (6) $140. E. (9) $231.

A. Isaac R. Caraco, 4532 Park Monaco, Calabasas Park, Calif. 91302.
B. Bechtel Power Corp., P.O. Box 60860, Terminal Annex, Los Angeles, Calif. 90060.

A. Richard Carchia, 250 Park Avenue, New York, N.Y. 10017.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $500.

A. Denise A. Cardman, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Norval E. Carey, 2021 K Street NW., Suite 709, Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $3,460. E. (9) $81.35.

A. Charles R. Carlisle, 250 Park Avenue, New York, N.Y. 10017.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $1,500. E. (9) $216.95.

A. Daniel P. Carmichael, Eli Lilly & Co., 1901 L Street NW., Washington, D.C. 20036.
B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind. 46285.
D. (6) $3,000. E. (9) $121.34.

A. Chapin Carpenter, Jr., Magazine Publishers Association, 1629 K Street NW., No. 603, Washington, D.C. 20006.
B. Magazine Publishers Association, 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $1,500.

A. Charles T. Carroll, Jr., 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $500.

A. John R. Carson, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
D. (6) $8,000.

A. Hans L. Carstensen III, Weyerhaeuser Co., 1625 I Street NW., No. 902, Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98477.
D. (6) $565. E. (9) $91.

A. David C. Carter, 1156 15th Street NW., Suite 1019, Washington, D.C. 20005.
B. United States Beet Sugar Association, 1156 15th Street NW., Suite 1019, Washington, D.C. 20005.

A. Harlon B. Carter, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $1,875.

A. Joseph L. Carter, Jr., Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $546.28. E. (9) $164.19.

A. James P. Carty, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $500.

A. Donato Caruso, Lambos, Flynn, Nyland & Giardino, 29 Broadway, Ninth Floor, New York, N.Y. 10006.
B. New York Shipping Association, Inc., 90 Broad Street, New York N.Y. 10004.

A. David H. Casey, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washingon, D.C. 20001.
D. (6) $1,975. E. (9) $2,366.77.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.
B. Committee on Power for the Southwest, Inc., 400 South Broadway, Edmond, Okla.
D. (6) $1,500. E. (9) $245.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.
B. Garrison Diversion Conservancy District, P.O. Box 140, Carrington, N. Dak.

D. (6) $2,250. E. (9) $374.

A. Jim Casey, 1629 K Street NW., Suite 800, Washington, D.C. 20006.
B. Salt River Valley Water Users Association, P.O. Box 1980, Phoenix, Ariz.
D. (6) $1,875. E. (9) $316.

A. John S. Casey, P.O. Box 266, Heflin, Ala. 36264.
B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Suite 810, Washington, D.C. 20006.
B. GHK Cos., 6441 NW., Grand Boulevard, Oklahoma City, Okla. 73116.
E. (9) $1,207.24.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Suite 810, Washington, D.C. 20006.
B. Independent Producers Group, 220 West Douglas Street, Wichita, Kans. 67202.
D. (6) $2,875. E. (9) $628.

A. James B. Cash, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000.

A. Allen R. Caskie, American Council of life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $55.

A. Eugene I. Casraiss, Jr., United Automobile, Aerospace, & Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $8,537.72. E. (9) $83.20.

A. Daniel J. Cassidy, 1001 Connecticut Avenue NW., No. 1120, Washington, D.C. 20036.
B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. John J. Castellani, TRW Inc., Suite 800, 2030 M Street NW., Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Rita L. Castle, Caterpillar Tractor Co., 100 NE. Adams Street, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 NE. Adams Street, Peoria, Ill. 61629.
D. (6) $500. E. (9) $436.

A. Joseph E. Cavanagh, International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.
B. International Brotherhood of Electrical Workers, AFL-CIO-CLC, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $2,675.

A. Dorothy Cecelski, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,500.01.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.
B. Grumman Corp., 1600 Wilson Boulevard, Arlington, Va.
D. (6) $250.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.
B. Martin Marrietta Corp., 1600 Wilson Boulevard, Rockville, Md.
D. (6) $275.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.
B. RCA, 1901 North Moore Street, Arlington, Va.
D. (6) $200.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.
B. United Technologies, 1125 15th Street NW., Washington, D.C.
D. (6) $275.

A. Central States Resource Center, P.O. Box 477, Urbana Ill. 61801.
D. (6) $10,820. E. (9) $3,619.82.

A. CF Industries, Inc., Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.
E. (9) $2,000.

A. Owen R. Chaffee, 203 Yoakum Parkway, No. 1012, Alexandria, Va. 22304.
B. Manufactured Housing Institute, 1745 Jefferson Davis Highway Suite 511, Arlington, Va. 22202.

A. Elizabeth Prewitt Chalmers, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $625.

A. R. S. Chamberlin, Dow Chemical U.S.A., 1800 M Street NW., Suite 700 South, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland Mich. 48640.
D. (6) $305. E. (9) $320.

A. Ed Chandler, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Buildings' Association, 7901 Westpark Drive, McLean, Va. 22102.

A. J. W. Chandler, York Division, Borg-Warner Corp., 1575 I Street NW., Washington, D.C. 20005.
B. York Division, Borg-Warner Corp., South Richland, Avenue, York, Pa. 17405.

A. William C. Chapman, General Motors Corp. 1660 L Street, NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000 E. (9) $3,538.70.

A. Richard M. Charlton, EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $200. E. (9) $39.05.

A. Richard M. Charlton, Professional Insurance Agents, 600 Pennsylvania Avenue SE., Suite 202, Washington, D.C. 20003.
B. Professional Insurance Agents, 600 Pennsylvania Avenue SE., Suite 202, Washington, D.C. 20003.
D. (6) $100. E. (9) $150.

A. Virginia B. Chasey, 499 South Capitol Street, SE., Washington, D.C. 20003.
B. Enterprise Consultants, Inc., 499 South Capitol Street SW., Washington, D.C. 20003.
D. (6) $1,000. E. (9) $1,499.22.

A. William C. Chasey, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Enterprise Consultants, Inc., 499 South Capitol Street SW., Washington, D.C. 20003.
D. (6) $2,000. E. (9) $1,499.22.

A. David F. Chavkin, National Health Law Program, 1424 16th Street NW., Suite 304, Washington, D.C. 20036.
B. National Health Law Program, 2639 South LaCienega Boulevard, Los Angeles, Calif. 90034.
D. (6) $724.47. E. (9) $545.31.

A. Leslie Cheek III., Crum & Forster Corp., 1120 Connecticut Avenue NW., Suite 1142, Washington, D.C. 20036.
B. Crum & Forster Corp., Madison Avenue at Canfield Road, Morristown, N.J. 07960.
D. (6) $16,250. E. (9) $774.39.

A. Jane Cheever, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street Boston, Mass. 02110.

A. Jane Cheever, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.
B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
D. (6) $5,000. E. (9) $3,000.

A. Chemical Specialist Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $46.75.

A. Phillip R. Chisholm, National Oil Jobbers Council, 1707 H Street NW., Washington, D.C.
B. National Oil Jobbers Council, 1707 H Street NW., Washington, D.C.
D. (6) $6,125. E. (9) $228.52.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. William T. Christian, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $250.

A. Chugach Electric Association, Inc., P.O. Box 518, Anchorage, Alaska 99501.
E. (9) $4,759.48.

A. Donald T. Chunn, Route 2, Box 89, Columbia, Tenn. 38401.
B. Title Associates, Inc., Route 2, Box 89, Columbia, Tenn. 38401.

A. Cigar Association of America, Inc., 1120 19th Street NW., Suite 410, Washington, D.C. 20036.
E. (9) $504.36.

A. Citizen/Labor Energy Coalition, 1300 Connecticut Avenue NW., Room 401, Washington, D.C. 20036.
D. (6) $1,947. E. (9) $1,947.

A. Citizen Victims of Chrysler, 934 Callie Avenue, Tahlequah, Okla. 74464.
E. (9) $110.46.

A. Citizens Committee for the Right to Keep & Bear Arms, 1601 114th SE., Suite No. 151, Bellevue, Wash. 98004.

D. (6) $337,333.35. E. (9) $36,326.92.

A. Citizens for Government Fairness, P.O. Box 1336, Brawley, Calif. 92227.
D. (6) $5,232. E. (9) $83,755.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Ashland Oil, Inc., 1401 Winchester Avenue, Ashland, Ky. 41101.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., 2055 West 190th Street, Torrance, Calif. 90504.

A. James W. Clark, Jr., American Optometric Association, 1730 M Street NW., Suite 206, Washington, D.C. 20036.
B. American Optometric Association, 3111 Aloma, Wichita, Kans. 67211.
D. (6) $270.36. E. (9) $287.24.

A. Julie Clark, 1625 K Street NW., Eighth Floor, Washington, D.C. 20006.
B. National Legal Aid & Defender Association, 1625 K Street NW., Eighth Floor, Washington, D.C. 20006.
D. (6) $8,000. E. (9) $62.31.

A. Kimball Clark, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $567.28. E. (9) $331.87.

A. Thomas R. Clark, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $87.60.

A. Vernon A. Clark, 1899 L Street NW., Suite 403, Washington, D.C. 20036.
B. Outdoor Advertising Association of America, Inc., 1899 L Street NW., Suite 403, Washington, D.C. 20036.
D. (6) $1,250. E. (9) $2,263.

A. Donald M. Clarke, Collins & Smith Association Inc., 201 North Fairfax Street, Alexandria, Va. 22314.
B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $750.

A. Wade P. Clarke, Jr., Deere & Co., John Deere Road, Moline, Ill. 61265.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Industrial Health Council, 1075 Central Park Avenue, Scarsdale, N.Y. 10583.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Columbia Nitrogen Corp., P.O. Box 1483, Augusta, Ga. 30903; and Nipro, Inc., P.O. Box 1483, Augusta, Ga. 30903.
D. (6) $1,125.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Securities Clearing Corp., 55 Water Street, New York, N.Y. 10041.
D. (6) $1,631. E. (9) $13.95.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Sporting Arms and Ammunition Manufacturers Institute, 420 Lexington Avenue, New York, N.Y. 10017.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Synthetic Organic Chemical Manufacturers Association, 1075 Central Park Avenue, Scarsdale, N.Y. 10583.

A. Ronald D. Clements, 1111 19th Street, NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street, NW., Washington, D.C. 20036.
D. (6) $1,825. E. (9) $390.

A. The Cleveland Electric Illuminating Co., 55 Public Square, Cleveland, Ohio 44113.
E. (9) $1,556.49.

A. Clifford & Warnke, 815 Connecticut Avenue, Washington, D.C. 20006.
B. Coffee, Sugar and Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

A. Clifford & Warnke, 815 Connecticut Avenue, Washington, D.C. 20006.
B. Joint Corporate Committee on Cuban Claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwich, Conn. 06830.
D. (6) $900. E. (9) $270.

A. Clifford & Warnke, 815 Connecticut Avenue, Washington, D.C. 20006.
B. National Tour Brokers Association, 120 Kentucky Avenue, Lexington, Ky. 40502.
E. (9) $506.85.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006
B. Warner-Lambert Co., 201 Tabor Road, Morris Plains, N.J. 07950.

A. Dexanne B. Clohan, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $1,112.05.

A. Coalition of Automotive Associations, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.

A. Coalition to Halt Automotive Theft, 786 National Press Building, Washington, D.C. 20045.
D. (6) $6,500. E. (9) $7,200.

A. Thomas B. Coates, Connecticut Petroleum Council, 410 Asylum Street, Hartford, Conn. 06103.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $600. E. (9) $702.56.

A. Richard B. Cobb, Petroleum Council of Georgia, 230 Peachtree Street NW., Suite 1500, Atlanta, Ga. 30303.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $400. E. (9) $525.92.

A. John J. Coffey, 1700 K Street NW., Washington, D.C. 20006.
B. Chevron USA, Inc., a subsidiary of Standard Oil Company of California, 1700 K Street NW., Washington, D.C. 20006.
D. (6) $650.

A. Don V. Cogman, MAPCO, Inc., 1100 Connecticut Avenue NW., Suite 820, Washington, D.C. 20036.
B. MAPCO Inc., 1800 South Baltimore Avenue, Tulsa, Okla. 74119.
D. (6) $3,750. E. (9) $207.74.

A. David Cohen, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $12,250.02. E. (9) $394.82.

A. Jerry S. Cohen, Suite 708, 1776 K Street NW., Washington, D.C. 20006.
B. Service Station Dealers of America, Inc., 2021 K Street NW., Washington, D.C.
D. (6) $3,000.

A. Cohen & Uretz, 1775 K Street NW., Washington, D.C. 20006.
B. CSL Industries, One Century Plaza, 2029 Century Park East, Los Angeles, Calif. 90067.
D. (6) $8,534.75. E. (9) $71.22.

A. Cohen & Uretz, 1775 K Street NW., Washington, D.C. 20006.
B. Estate of Sylvia S. Buring, 1837 Harbor Avenue, Memphis, Tenn. 38113.
D. (6) $18,766.25. E. (9) $3,285.96.

A. Cohen & Uretz, 1775 K Street NW., Washington, D.C. 20006.
B. Northwest Energy Co., 315 East 200 South, Salt Lake City, Utah 84111.
E. (9) $552.32.

A. Cohen & Uretz, 1775 K Street NW., Washington, D.C. 20006.
B. Pan American World Airways, Inc., Pan Am Bldg., New York, N.Y. 10017.

A. Cohen & Uretz, 1775 K Street NW., Washington, D.C. 20006.
B. Stichting Philips Pensioenfonds A and B, Transtraat 62, Eindhoven, The Netherlands.
D. (6) $7,539.40. E. (9) $1,853.08.

A. Herbert B. Cohn, Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.
B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800N, Washington, D.C. 20036.
D. (6) $144.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.
B. American Petroleum Refiners Association, Ring Bldg., Washington, D.C. 20036.
E. (9) $10.

A. E. William Cole, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (6) $600. E. (9) $80.

A. Eleanor Cole, UBA, Inc., 1800 M Street NW., No. 460 South, Washington, D.C. 20036.
B. UBA, Inc., 1800 M Street NW., No. 460 South, Washington, D.C. 20036.
D. (6) $1,000.

A. Ken W. Cole, Amoco, P.O. Box 3092, Houston, Tex. 77001.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

A. Stacey W. Cole, New Hampshire Petroleum Council, 23 School Street, Concord, N.H. 03301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $346.22. E. (9) $167.80.

A. Calvin J. Collier, Hughes, Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.

B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,031.25. E. (9) $11.30.

A. John M. Collier, 4436 Perrier Street, New Orleans, La. 70115.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $9,557.52.

A. Collier, Shannon, Rill & Scott, Chtd., 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.

A. Collier, Shannon, Rill & Scott, Chtd., 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Automotive Materials Industry Council of the U.S. (AMICUS), 1055 Thomas Jefferson Street NW., No. 308, Washington, D.C. 20007.

A. Collier, Shannon, Rill & Scott, Chtd., 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Ferrous Scrap Consumers Coalition, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

A. Collier, Shannon, Rill & Scott, Chtd., 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

A. Collier, Shannon, Rill & Scott, Chtd., 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

A. Collier, Shannon, Rill & Scott, Chtd., 1055 Thomas Jefferson Street NW., Suite 308, Washington, D.C. 20007.
B. Outdoor Power Equipment Institute, 1901 L Street NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $250.

A. Frank Collins, Oil, Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington D.C. 20036.
B. Oil, Chemical & Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.
D. (6) $2,000.

A. George R. Collins, IUE-AFL-CIO, 1126 16th Street NW., Washington D.C.
B. IUE-AFL-CIO, 1126 16th Street NW., Washington D.C. 20036.
D. (6) $600. E. (9) $300.

A. Marvin Collins, American Council of Life Insurance, Inc., 1850 K Street NW., Washington D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington D.C. 20006.
D. (6) $386.10.

A. Mary M. Collins, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Paul L. Collins, American Personnel and Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
B. American Personnel and Guidance Association, Suite 400, 2 Skyline Place, 5203 Leesburg Pike, Falls Church, Va. 22041.
D. (6) $1,345.41. E. (9) $99.95.

A. W. Kent Combs, 1801 K Street NW., Washington, D.C. 20006.
B. International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.
D. (6) $187.80. E. (9) $28.60.

A. Committee to Assure the Availability of Casein, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $17,500.

A. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800N, Washington, D.C. 20036.
D. (6) $423. E. (9) $423.

A. Committee for Effective Capital Recovery, 1901 L Street NW., Suite 303, Washington, D.C. 20036.
D. (6) $3,928.65. E. (9) $3,928.65.

A. Committee for Effective Tax Incentives, One Farragut Square, 8th floor, Washington, D.C. 20006.
E. (9) $5,000.

A. Committee For Equality of Citizens Before The Courts, 3401 West Division Street, Chicago, Ill. 60651.

A. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y. 10023.
D. (6) $14,207.39. E. (9) $46,666.96.

A. Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.
D. (6) $58,500. E. (9) $9,978.76

A. Lance Compa, United Electrical, Radio & Machine Workers of America, 1411 K Street NW., Suite 410, Washington, D.C. 20005.
B. United Electrical, Radio & Machine Workers of America, 11 East 51 Street, New York, N.Y. 10022.
D. (6) $4,667. E. (9) $97.50.

A. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $1,606,940. E. (9) $260,798.32.

A. Stephen R. Conafay, Pfizer Inc., 1700 Pennsylvania Avenue NW., No. 730, Washington, D.C. 20006.
B. Pfizer Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $450. E. (9) $404.50.

A. Edward C. Cone, Jr., P.O. Box 1606, Forest Park, Ga. 30050.
B. Southeastern Lumber Manufacturers Association, P.O. Box 1606, Forest Park, Ga. 30050.

A. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $1,153.

A. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $38,091.10. E. (9) $38,091.10.

A. Raymond F. Conkling, Texaco, Inc., 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

A. Robert J. Conner, Chrysler Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48288.
D. (6) $500. E. (9) $1,130.62.

A. Albert J. Conners, Air Force Sergeants Association, 5211 Auth Road, Camp Springs, Md. 20023.
B. Air Force Sergeants Association, 5211 Auth Road, Camp Springs, Md. 20023.

A. John J. Connolly, The American Waterways Operators, Inc., 1600 Wilson Boulevard, Arlington, Va. 22209.
B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $1,000.

A. Jerry C. Connors, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. David Conrad, 323 Pennsylvania Avenue SE., Washington, D.C., 20003.
B. American Rivers Conservation Council, 323 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $625.68.

A. Consolidated Natural Gas Service Co., Inc., Four Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $3,500.

A. Constructora Nacional de Carros de Ferrocarril, S.A., San Lorenzo No. 925, 5 piso, Mexico, D.F. Mexico.

A. Consumer Energy Council of America, 200 L Street NW., Suite 320, Washington, D.C. 20036.
E. (9) $3,628.60.

A. Consumers Union of United States, Inc., 256 Washington Street, Mt. Vernon, N.Y. 10550.
E. (9) $10,538.50.

A. Container Corporation of America, 1100 Connecticut Avenue NW., No. 540, Washington, D.C. 20036.
D. (6) $9,750. E. (9) $4,500.

A. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
E. (9) $14,539.11.

A. Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.
E. (9) $593.14.

A. John T. Conway, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $5,250. E. (9) $555.91.

A. Alexander W. Cook, EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $428.63. E. (9) $258.32.

A. Frederick N. Cook, Vermont Petroleum Association, P.O. Box 566, Montpelier, Vt. 05602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $750. E. (9) $534.13.

A. Harry N. Cook, 1130 17th Street NW., Washington, D.C. 20036.
B. The National Waterways Conference, Inc.

A. K. Richard Cook, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

D. (6) $400.

A. Cook, Purcell, Hansen & Henderson Chartered, 1015 18th Street NW., Washington, D.C. 20036.
B. American Motorcyclist Association, P.O. Box 141, Westerville, Ohio 43081.
D. (6) $1,337.91.

A. Cook, Purcell, Hansen & Henderson Chartered, 1015 18th Street NW., Washington, D.C. 20036.
B. B.A.T. Industries, Ltd., P.O. Box 345, Windsor House, 50 Victoria Street, London SW1H ONL England.
D. (6) $29,575.

A. Cook, Purcell, Hansen & Henderson, Chtd., Suite 1100, 1015 18th Street NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $500.

A. Cook, Purcell, Hansen & Henderson, Chtd., 11th floor, 1015 18th Street NW., Washington, D.C. 20036.
B. Guam Growth Council, P.O. Box BV, Agana, Guam 96911.
D. (6) $3,687.50.

A. Cook, Purcell, Hansen & Henderson Chartered, 1015 18th Street NW., Washington, D.C.
B. Harley Davidson Motor Company, Inc., P.O Box 652 Milwaukee, Wis. 53201.
D. (6) $269.83.

A. Eileen D. Cooke, American Library Association, 110 Maryland Avenue NE., Box 54, Washington, D.C. 20002.
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $1,062.

A. Paul H. Cooksey, 212 North Lee Street, Alexandria, Va. 22314.
B. Cooksey Corp.; for: ICORE International, 212 North Lee Street, Alexandria, Va. 22314.
E. (9) $24.60.

A. Paul H. Cooksey, 212 North Lee Street, Alexandria, Va. 22314.
B. Cooksey Corp.; for: Marconi Space & Defense Systems, 212 North Lee Street, Alexandria, Va. 22314.
D. (6) $750. E. (9) $31.80.

A. Paul H. Cooksey, 212 North Lee Street, Alexandria, Va. 22314.
B. Cooksey Corp.; for: Messerschmitt-Bolkow-Blohm, 212 North Lee Street, Alexandria, Va. 22314.
D. (6) $5,000. E. (9) $134.29

A. Edward Cooney, Food Research and Action Center, 2011 I Street NW., No. 700, Washington, D.C. 20006.
B. Food Research and Action Center, 2011 I Street NW,, No. 700, Washington, D.C. 20006.
D. (6) $5,013.52. E. (9) $65.

A. Paul E. Cooney, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. First Wisconsin National Bank of Milwaukee, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Paul E. Cooney, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Benjamin Y. Cooper, Jr., 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.
D. (6) $2,500.

A. Edward Cooper, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Janet Cooper, National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $978.12.

A. Jess Cooper, Rocky Mountain Oil & Gas Association, 1155 15th Street NW., Suite 314, Washington, D.C. 20005.
B. Rocky Mountain Oil & Gas Association, 345 Petroleum Building, Denver, Colo. 80202.
D. (6) $852. E. (9) $555.59.

A. Joshua W. Cooper, Portsmouth-Kittery Armed Services Committee, Inc., 626 South Lee Street, Alexandria, Va. 22314.
B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H. 03801.
D. (6) $2,800. E. (9) $597.52.

A. Mark Cooper, Consumer Energy Council of America, 2000 L Street NW., Suite 320, Washington, D.C. 20036.
B. Consumer Energy Council of America, 2000 L Street NW., Suite 320, Washington, D.C. 20036.
D. (6) $1,000. E. (9) $15.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Forest Industries, 1055 West Hastings Street, Vancouver 1, Canada.
D. (6) $3,000.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Footwear Division, Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $10,500. E. (9) $37.16.

A. Darrell Coover, National Association of Independent Insurers, 499 South Capitol Street SW., Suite 401, Washington, D.C. 20003.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $2,000. E. (9) $238.

A. John F. Corcoran, Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
B. Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000.

A. Samuel C. Corey, Sr., 2500 DeKalb Pike, Norristown, Pa. 19404.
B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. Bennett J. Corn, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Corn Refiners Association, Inc., 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,486. E. (9) $1,501.

A. Cornell Oil Co., 5440 Harvest Hill Road, Suite 200, Dallas, Tex. 75230.
E. (9) $1,533.70.

A. Donald E. Cornett, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. Richard L. Corrigan, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $650.

A. Allan D. Cors Corning Glass Works, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Corning Glass Works, Corning, N.Y. 14831.
D. (6) $650.

A. Alfred W. Cors, Jr., 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $587.50 E. (9) $66.21.

A. Glen S. Corso, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $6,000. E. (9) $362.

A. William R. Corson, 1707 H Street NW., Washington, D.C. 20006.
B. Penthouse International Ltd., 1707 H Street NW., Washington, D.C.
D. (6) $9,900. E. (9) $7,450.

A. R. H. "Dick" Cory, 1510 American Bank Tower, Austin, Tex. 78701.
B. Central and South West Services, Inc., One Main Place, Suite 2700, Dallas, Tex. 75250.

A. John E. Cosgrove, Public Employee Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Public Employee Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $10,928.04.

A. Tom Cosgrove, 530 7th Street SE., Washington, D.C. 20003.
B. National Clean Air Coalition, 530 7th Street SE., Washington, D.C. 20003.
D. (6) $500.

A. Cosmetic, Toiletry, and Fragrance Association, Inc., 1110 Vermont Avenue NW., No. 800, Washington, D.C. 20005.

A. Clark R. Cossé III, 5644 Hawthorne Place, New Orleans, La. 70124.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $8,525.04.

A. James R. Costello, Jr., American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
D. (6) $500. E. (9) $23.40.

A. Michael E. Costello, 1090 Vermont Avenue NW., Suite 600, Washington, D.C. 20005.
B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.

E. (9) $527.95.

A. Cotton Farmers Association, 700 Texas Center, 900 Washington, Waco, Tex. 76703.

A. J. Barry Coughlin, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $687.50. E. (9) $482.72

A. Paul J. Coughlin, Jr., 1120 20th Street NW., Suite 600 South, Washington, D.C. 20036.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $1,250.

A. Craig A. Coulter, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
D. (6) $162.50.

A. Council for a Competitive Economy, 410 First Street SE., Washington, D.C. 20003.
D. (6) $7,334. E. (9) $2,242.20

A. Council for a Livable World, 11 Beacon Street, Boston, Mass. 02108.
E. (9) $12,501.77.

A. Council of State Chambers of Commerce, 499 South Capitol Street SW., Suite 412, Washington, D.C. 20003.
D. (6) $1,265. E. (9) $2,494.99.

A. James H. Cousins, Sr., National Savings and Loan League, 1101 15th Street NW., Washington, D.C. 20005.
B. National Savings and Loan League, 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $2,000. E. (9) $95.14.

A. John F. Cove, 1000 Vermont Avenue NW., No. 1107, Washington, D.C. 20005.
B. Cove Associates, Inc., 1000 Vermont Avenue NW., No. 1107, Washington, D.C. 20005 (for Association of U.S. Night Vision Manufacturers; Aerospace/Optical Division, ITT).

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Association of Oral and Maxillofacial Surgeons, 211 East Chicago Avenue, Chicago, Ill. 60611.
E. (9) $11.10.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Watch Association, Inc., 10 East 40th Street, New York, N.Y. 10016.
D. (6) $100.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Association of Maximum Service Telecasters, Inc. ("MST"), 1735 DeSales Street NW., Washington, D.C. 20036.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Bristol Bay Native Corp., P.O. Box 220, Anchorage, Alaska 99510.
D. (6) $2,500.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Hugo Neu & Sons, Inc., 380 Madison Avenue, New York, N.Y. 10017 (for: Hugo Neu & Sons, Inc., 380 Madison Avenue, New York, N.Y. 10017).

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. International Business Machines, Corp., Armonk, N.Y. 10504.
E. (9) $82.85.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
E. (9) $19.05.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Irving Trust Co., One Wall Street, New York, N.Y. 10015.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. MasterCard International Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. National Committee for Limited Profit Housing, c/o HRH Construction Corp., 515 Madison Avenue, New York, N.Y. 10022.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. New York State Urban Development Corp., 1515 Broadway, New York, N.Y. 10036.
D. (6) $10,000.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Phillips Petroleum Co., 1262 Adams Bldg., Bartlesville, Okla. 74004.
D. (6) $1,100.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Securities Industry Association, 490 L'Enfant Plaza East SE., Washington, D.C. 20024.
D. (6) $1,000.

A. Eugene S. Cowen, 2759 Unicorn Lane NW., Washington, D.C. 20515.
B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $279.

A. Archibald Cox, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,916.68. E. (9) $456.74.

A. C. Bryan Cox, P.O. Box 139, Kansas City, Mo. 64141.
B. Kansas City Life Insurance Co., P.O. Box 139, Kansas City, Mo. 64141.

A. Kenneth A. Cox, 1133 19th Street NW., Washington, D.C. 20036.
B. MCI Communications Corp., 1133 19th Street NW., Washington, D.C. 20036.
D. (6) $543.59. E. (9) $7.10.

A. Cramer and Cramer, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Hoffman, Hendry, Stoner, Sims & Sawicki, 215 East Central Boulevard, Orlando, Fla. 32801 (for Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801).

A. William C. Cramer, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Hoffman, Hendry, Stoner, Sims & Sawicki, 215 East Central Boulevard, Orlando, Fla. 32801 (for Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801).

A. William D. Crawford, Brotherhood Railway Carmen of the United States & Canada, 400 First Street NW., Suite 820, Washington, D.C. 20001.
B. Brotherhood Railway Carmen of the United States & Canada, 4929 Main Street, Kansas City, Mo. 64112.
D. (6) $2,032.53.

A. Aldene E. Creech, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $340.56.

A. Kathryn Hilton Creech, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $125.

A. Richard C. Creighton, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $5,000. E. (9) $500.

A. Joseph M. Cribben, 6900 Valley Brook Drive, Falls Church, Va. 22042.
B. United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the United States & Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $1,750. E. (9) $30.

A. Byron M. Crippin, Jr., 303 20th Street SW., Austin, Minn. 55912.
B. Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912.

A. Richard E. Cristol, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.
B. The Robert H. Kellen Co., 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342. (for Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D. Atlanta, Ga. 30342).
D. (6) $207.

A. Critical Mass Energy Project, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
E. (9) $261.25.

A. Robert W. Cromartie, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20015
B. General Electric Co., 777 14th Street NW, No. 1000, Washington, D.C. 20005.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20015.
B. Hughes Helicopters, 1140 Connecticut Avenue NW., 1005, Washington, D.C. 20006.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20015.
B. Motorola, Inc., 1776 K Street NW., No. 200, Washington, D.C 20006.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20015.
b. Northrop Corp., 1701 North Fort Myer Drive, Arlington, Va. 22209.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20015
B. Vought Corp., 1045 Jefferson Davis Highway, No. 612, Alexandria, Va. 22202.

A. James H. Cromwell, Sr., 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $3,000. E. (9) $500.

A. Donald Crosier, Nebraska Petroleum Council, P.O. Box 95063, Lincoln, Nebr. 68509.
B. American Petroleum Institute, 2101 L Street NW., Washington D.C. 20037.

A. David T. Crow, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $5,000 E. (9) $1,457.42.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Associated Gas Distributors, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.
D. (6) $187.50. E. (9) $10.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Communications Satellite Corp., 950 L'Enfant Plaza S.W., Washington, D.C. 20024.
D. (6) $781.50. E. (9) $30.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Control Data Corporation, 500 West Putnam Avenue, Greenwich, Conn. 06830.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Eli Lilly, Inc., 307 East McCarty Street, Indianapolis, Ind. 46285.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Wholesale Distributors, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $120. E. (9) $10.

A. Crowell & Moring, 1100 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Pacific Southwest Airlines, 3225 North Harbor Drive, San Diego, Calif. 92101.

A. David C. Crowley, 1050 17th Street NW., S. 770, Washington, D.C. 20036.
B. American Association of Homes for the Aging, 1050 17th Street NW., S. 770, Washington, D.C. 20036.
D. (6) $450. E. (9) $25.

A. Kenneth R. Crowley, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

A. Bary M. Cullen, International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.
D. (6) $140. E. (9) $55.

A. William E. Cumberland, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Brokers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

A. John T. Curran, Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C.
B. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $13,282.50. E. (9) $363.75.

A. Sharon Allen Currens American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue, NW., Washington D.C. 20006.
D. (6) $450.

A. Carl T. Curtis, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Don Rich Co., 372 Franklin Avenue, Redlands, Calif. 92373.

A. Carl T. Curtis, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Green Field Transport Co., Inc., P.O. Box 1235, Fort Dodge, Iowa 50501, et al.
D. (6) $461.40.

A. Everett E. Cutter, Oregon Railroad Association, 620 SW., Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.
B. Oregon Railroad Association, 620 SW., Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.
E. (9) $807.74.

A. William K. Dabaghi, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $510.

A. Fred L. Dahl, 10808 South Glen Road, Potomac, Md. 20854.
B. Bechtel Power Corp., 1620 I Street NW., Washington D.C. 20006.

A. Terese C. D'Alessio, Media General, Inc., 2020 North 14th Street, Suite 402, Arlington, Va. 22201.
B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.

A. Donald W. Dalrymple, American Cyanamide Co., Lederle Laboratories and Consumer Products Division, 1575 I Street NW., Suite 220, Washington, D.C. 20005.
B. American Cyanamid Co., Wayne, N.J. 07470; Lederle Laboratories, Pearl River, N.Y. 10965.
D. (6) $2,900. E. (9) $367.37.

A. James G. Dalton, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $2,000.

A. John M. Damgard, ACLI International Inc., 1735 I Street NW., Washington, D.C. 20006.
B. ACLI International Inc., 717 Westchester Avenue, White Plains, N.Y. 10604.

A. John E. Daniel, Johns-Manville Corp., 1025 Connecticut Avenue NW., No. 214, Washington, D.C. 20036.
B. Johns-Manville Corp., P.O. Box 5108, Denver, Co. 80217.

A. Daniels, Houlihan & Palmeter, P.C., 1819 H. Street NW., Washington, D.C. 20006.
B. Korean Traders Association, 10-1, 2-KA Hoehyun-Dong, Chung Ku, Seoul, Korea.

A. Dan Danner, 1747 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.
B. ARMCO, 1747 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.
D. (6) $300. E. (9) $250.32.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Government of the State of Antigua, St. John, Antigua, West Indies.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut NW., Washington, D.C. 20036.
B. Japan Atomic Industrial Forum, No. 1-13, 1-chome, Shimbashi, Minato-ku, Tokyo, Japan.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. Metropolitan Washington Savings & Loan League, The Washington Building, Washington, D.C.

A. Danzansky, Dickey, Tydings, Quint & Gordon, joined by Joseph D. Tydings and Stephen I. Danzansky, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Railway Utilization Corp., 1100 Center Square East, 1500 Market Street, Philadelphia, Pa. 19102.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Perpetual Federal Savings & Loan, 11th and E Streets NW., Washington, D.C.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Stewart Capital Corp., 485 Madison Avenue, New York, N.Y. 10022.

A. Stephen I. Danzansky, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Government of Antigua, St. John's, Antigua, West Indies.

A. William H. Darden, Reynolds Metal Co., 1620 I Street NW., Washington, D.C. 20006.
B. Reynolds Metals Co., 6601 West Broad Street, Richmond, Va. 23261.
D. (6) $750. E. (9) $30.

A. Oneida L. Darley, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.

A. Diane Davenny Darneille, Schering-Plough Corp., 1100 17th Street, NW., No. 1206, Washington, D.C. 20036.
B. Schering-Plough Corp., 2000 Galloping Hill Road, Kenilworth, N.J. 07033.
D. (6) $372. E. (9) $148.52.

A. William K. Daines, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $150. E. (9) $16.40.

A. Thomas Roger Dart, Alabama Petroleum Council, P.O. Box 4220, Montgomery, Ala. 36195.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $207.96.

A. Philip J. Daugherty, Industrial Union Department, AFL-CIO, 815 16th Street, NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $6,420.25. E. (9) $377.41).

A. John B. Davenport, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $169.

A. Larry C. Davenport, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.
B. The Robert H. Kellen Co., 5775 Peachtree-Dunwoody Rd., Suite 500-D, Atlanta, Ga. 30342 (for Calorie Control Council, 5775 Peachtree-Dunwoody Rd., Suite 500-D, Atlanta, Ga. 30342).
D. (6) $476.

A. Daniel I. Davidson, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency, 770 Kiely Blvd., Santa Clara, Calif. 95051, and the cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, California, and associate member Plumas Sierra Rural Electric Cooperative.

A. Cheryl C. Davis, David Vienna & Associates, 510 C Street NE., Washington, D.C. 20002.
B. National Association of Credit Management, 475 Park Avenue South, New York, N.Y. 10016.
D. (6) $800.

A. David R. Davis, Indiana Petroleum Council, 714 Harrison Building, Indianapolis, Ind. 46204.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,191.70. (9) $1,058.70.

A. Drew M. Davis, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $243.16.

A. Edward M. Davis, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $1,125. E. (9) $66.67.

A. Fred G. Davis, Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $225.18. E. (9) $28.88.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201; and Suite 400, 1300 19th Street NW., Washington, D.C. 20036.
B. Colorado Counties, Inc., 1500 Grant Street, No. 301, Denver, Colo. 80203.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201; and Suite 400, 1300 19th Street NW., Washington, D.C. 20036.
B. Integrity Oil & Gas Co., 410 17th Street, Suite 1670, Denver, Colo. 80202.
D. (6) $3,280.50. E. (9) $2,605.77.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201; and Suite 400, 1300 19th Street NW., Washington, D.C. 20036.
B. Northern Colorado Water Conservancy District, P.O. Box 679, Loveland, Colo. 80537.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201; and Suite 400, 1300 19th Street NW., Washington, D.C. 20036.
B. John T. Oxley, c/o R. B. Jowell, Route 2, Box 151, Owasso, Okla. 74055.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201; and Suite 400, 1300 19th Street NW., Washington, D.C. 20036.
B. Puragtoire River Water Conservancy District, 430 East Main Street, Trinidad, Colo. 81082.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201; and Suite 400, 1300 19th Street NW., Washington, D.C. 20036.
B. Rio Grande Water Conservancy District, P.O. Box 816, Alamosa, Colo. 81101.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201; and Suite 400, 1300 19th Street NW., Washington, D.C. 20036.
B. Snyder Oil Co., 410 17th Street, Suite 1300, Denver, Colo. 80202.
D. (6) $2,713.50. E. (9) $2,155,40.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201; and Suite 400, 1300 19th Street NW., Washington, D.C. 20036.
B. Sport & Culture U.S.A., Inc., 10 West Broadway, Suite 810, Salt Lake City, Utah 84101.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201; and Suite 400, 1300 19th Street NW., Washington, D.C. 20036.
B. Tenneco Oil Co., 126 North Point Drive, P.O. Box 2888, Houston, Tex. 77001.
D. (6) $5,089.50. E. (9) $4,042.71.

A. Kenneth E. Davis, Rohm and Haas Co., 1899 L Street NW., No. 807, Washington, D.C. 20036.
B. Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105.
D. (6) $500. E. (9) $1,314.84.

A. Ovid R. Davis, The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.
B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

A. R. Hilton Davis, Chamber of Commerce of United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $138.60. E. (9) $10.

A. Robert W. Davis, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $720. E. (9) $371.16.

A. William Lee Davis, Westvaco, Corp., 299 Park Avenue, New York, N.Y. 10171.
B. Westvaco Corp., 299 Park Avenue, New York, N.Y. 10171.
D. (6) $1,154.55. E. (9) $717.72.

A. P. M. Davison, Jr., North Dakota Railway Lines, 418 East Rosser Avenue, P.O. Box 938, Bismarck, N. Dak. 58501.
B. North Dakota Railway Lines, 418 East Rosser Avenue, P.O. Box 938, Bismarck, N. Dak. 58501.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. Virgin Islands Gift & Fashion Shop Association, St. Thomas, V.I. 00801.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C. 20006.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Electronic Industries Association, 2001 I Street NW., Washington, D.C. 20006.

A. Dealer Bank Association, 1800 K Street NW., Suite 1014, Washington, D.C.
D. (6) $1,668.84. E. (9) $1,668.84.

A. John Russell Deane III, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.
B. National Outdoor Coalition.

A. Gaston de Bearn, Hoffmann-La Roche Inc., 1775 K Street NW., Suite 300, Washington, D.C. 20006.
B. Hoffmann-La Roche Inc., 340 Kingsland Street, Nutley, N.J. 07110.

A. Mark A. de Bernardo, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $336. E. (9) $98.

A. Robert L. Debo, Missouri Oil Council, 428 East Capitol, Suite 203, Jefferson City, Mo. 65101.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Mark O. Decker, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $75.

A. Winston M. Decker, American Veterinary Medical Association, 1522 K Street NW., Suite 828, Washington, D.C. 20005.
B. American Veterinary Medical Association, 1522 K Street NW., Suite 828, Washington, D.C. 20005.
D. (6) $160.

A. Winston M. Decker, Association of American Veterinary Medical Colleges, 1522 K Street NW., Suite 828, Washington, D.C. 20005.
B. Association of American Veterinary Medical Colleges, 1522 K Street NW., Suite 828, Washington, D.C. 20005.
D. (6) $20.

A. Brian Deery, The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Frank R. DeGeorge, Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.

A. George K. Degnon Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. Association of State and Territorial Health Officials, 1015 15th Street NW., Washington, D.C. 20005.

A. George K. Degnon Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. National Association of Children's Hospitals and Related Institutions, 1601 Concord Pike, No. 34, Independence Mall, Wilmington, Del. 19803.

A. DeHart Associates, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Recording Industry Association of America, Inc., 1633 Broadway, New York, N.Y. 10019.
D. (6) $1,690. E. (9) $109.69.

A. John W. Delaney, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.
B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. John W. Delaney, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Myra J. DeLapp, Security Pacific National Bank, 1901 L Street NW., Washington, D.C. 20036.
B. Security Pacific National Bank, 333 South Hope Street, Los Angeles, Calif. 90071.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C. 20006.
B. Consejo Estatal de Desarrollo, Carratera A Tecate No. 1, Apartado 1798, Tijuana, Baja, Calif.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C. 20006.
B. Governor Roberto de la Madrid, Gobernador de Baja, California, P.O. Box 286, San Ysidro, Calif. 92073.

A. Stephen L. DeMaria, P.O. Box 3498, San Francisco, Calif. 94119.
B. American Forest Products Co., P.O. Box 3498, San Francisco, Calif. 94119.
D. (6) $1,800.

A. Tania L. Demchuk, National Association of Independent Insurers, 499 South Capitol Street SW., Suite 401, Washington, D.C. 20003.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $100.

A. O. Mark De Michele, Arizona Public Service Co., P.O. Box 21666, Phoenix Ariz. 85036.
B. Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.
D. (6) $1,000. E. (9) $1,650.26.

A. Bradford T. Dempsey, 512 West Maple Avenue, No. 210, Vienna, Va. 22180.

A. George H. Denison, 4837 Del Ray Avenue, Washington, D.C. 20014.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. Ray Denison, American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $12,958.89. E. (9) $477.67.

A. John H. Denman, Missouri Oil Council, 428 East Capitol, Suite 203, Jefferson City, Mo. 65101.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Daniel B. Denning, Gulf Mineral Resources Co., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Mineral Resources Co., 1720 South Bellaire Street, Denver, Colo. 80222.

A. Wells Denyes, Eastman Chemical Products, Inc., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.
D. (6) $260. E. (9) $25.95.

A. Department for Professional Employees, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $7,931.43. E. (9) $7,931.43.

A. Claude Desautel, Carl Byoir & Associates, Inc., 1899 L Street NW., Washington, D.C. 20036.
B. Carl Byoir & Associates, Inc., 1899 L Street NW., Washington, D.C. 20036.

A. Claude Desautel, Carl Byoir & Associates, Inc., 1899 L Street NW., Suite 400, Washington, D.C. 20036.
B. Flavor & Extract Manufacturing Association of the United States, 900 17th Street NW., Washington, D.C. 20006.

A. Catherine B.de Sibour, Pfizer, Inc., 1700 Pennsylvania Avenue NW., Suite 730, Washington, D.C. 20006.
B. Pfizer, Inc., 235 East 42nd Street, New York, N.Y. 10017.
D. (6) $400. E. (9) $206.27.

A. R. Daniel Devlin, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10158.
D. (6) $425.

A. Ralph B. Dewey, Pacific Gas & Electric Co., 1050 17th Street NW., Suite 1180, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $1,082.75. E. (9) $1,208.66.

A. Doris J. Dewton, Ashland Oil, Inc., 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $2,000.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Airbus Industrie, Avenue Lucien Servanty, 31700 Blaqnac, France.
D. (6) $1,647.10. E. (9) $3,345.99.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Sofreavia, 75 rue la Boetie, Paris 8eme, France.
D. (6) $140. E. (9) $3,402.

A. Miller D. Dial, 1850 K Street NW., Suite 550, Washington, D.C. 20006.
B. CF Industries, Inc., Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.
D. (6) $500. E. (9) $442.44.

A. Charles J. DiBona, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,875.

A. John M. Dickerman, John Dickerman & Associates, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Lumber & Building Material Dealers Association, 1990 M Street NW., Suite 350, Washington, D.C. 20036.
D. (6) $6,000. E. (9) $1,431.83.

A. Dickinson, Wright, McKean, Cudlip & Moon, Suite 801, 1901 L Street NW., Washington, D.C. 20036.
B. Michigan Job Development Authority, P.O. Box 30227, Lansing, Mich. 48901.
D. (6) $18,762.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. American Fisheries Defense Committee, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,300.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Capeway Seafoods, Inc., 16 Front Street, New Bedford, Mass. 92742.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Custon Automative Sound Association, Inc., Suite 1000, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,000.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Government of Liberia, Monrovia, Liberia.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. L-5 Society, 1620 North Park, Tucson, Ariz. 86719.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Marine Engineers Beneficial Association, 444 North Capitol Street, Washington, D.C. 20001.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Mitsubishi International Corp., 1111 19th Street NW., Washington, D.C. 20037.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. National Federation of Societies for Clinical Social Work, 167 Araca Road, Babylon, N.Y. 11702.
D. (6) $500.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Rockport Yacht & Supply Co., 1114 Main Street, Rockport, Tex. 78382.
D. (6) $1,570.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Tennessee Gas Transmission Co., P.O. Box 2511, Houston, Tex. 77001.

A. John R. Dierker, 1150 17th Street NW., Suite 500, Washington, D.C. 20036.

B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.
D. (6) $300. E. (9) $59.40.

A. Nancy Dietz, 46 Austin Street, Newtonville, Mass. 02160.
B. Action for Children's Television, 46 Austin Street, Newtonville, Mass. 02160.
D. (6) $500. E. (9) $51.95.

A. Paula A. Dilley, Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio 45840.

A. Timothy V. A. Dillon, 1850 K Street NW., Washington, D.C. 20006.
B. Westlands Water District, P.O. Box 5222, Fresno, Calif. 93744.
D. (6) $2,368.58. E. (9) $118.58.

A. Thomas A. Dine, 444 North Capitol Street NW., No. 12, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $7,604.17.

A. Michael F. Dineen, Lumbermens Mutual Casualty Co., Suite 206, 600 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.
D. (6) $1,800.

A. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
E. (9) $1,949.60.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $73,136.81. E. (9) $73,136.81.

A. J. L. Disque, 556 Morris Avenue, Summit, N.J. 07901.
B. Ciba-Geigy Corp., 556 Morris Avenue, Summit, N.J. 07901.
D. (6) $2,200. E. (9) $1,623.

A. Patsy B. Dix, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,404.50. E. (9) $80.75.

A. O. L. Dixon III, Gulf Power Co., P.O. Box 1151, Pensacola, Fla. 32520.
B. Gulf Power Co., P.O. Box 1151, Pensacola, Fla. 32520.
D. (6) $1,430. E. (9) $86.50.

A. Dr. Martin Luther King, Jr., January 15th National Holiday Lobby Committee, 1426 Fifth Street NW., Washington, D.C. 20001.

A. Steven P. Doehler, 1725 K Street NW., Suite 1402, Washington, D.C. 20006.
B. Mortgage Insurance Cos. of America, 1725 K Street NW., Suite 1402, Washington, D.C. 20006.
D. (6) $2,500. E. (9) $64.70.

A. Hollis M. Dole, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Richard M. Donaldson, 1700 Guildhall Building, Cleveland, Ohio 44115.
B. The Standard Oil Co. (Ohio) Midland Building, Cleveland, Ohio 44115.

A. John J. D'Onoffio, 1125 University Building, 910 16th Street, Denver, Colo. 80202.
B. Ute Mountain Ute Tribe, Towaoc, Colo. 81334.
D. (6) $33,558.42.

A. Timothy L. Donohoe, 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. Enserch Corp., 300 South Saint Paul Street, Dallas, Tex. 75201.
D. (6) $6,250. E. (9) $1,257.

A. Jack C. Donovan, P.O. Box 5000, Cleveland, Ohio 44101.
B. Cleveland Electric Illuminating Co., P.O. Box 5000, Cleveland, Ohio 44101.

A. William J. Donovan, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
D. (6) $300. E. (9) $443.05.

A. Francis X. Dooley, 525 School Street SW., Washington, D.C. 20024.
B. American Road & Transportation Builders Association, 525 School Street SW., Washington, D.C. 20024.
D. (6) $5,000. E. (9) $355.

A. James A. Dorsch, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Dean R. Dort II, Deere & Company, 910 17th Street NW., Suite 808, Washington, D.C. 20006.
B. Deere & Company, John Deere Road, Moline, Ill. 61265.
D. (6) $480.

A. Joseph K. Doss, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C.

A. Charles P. Downer, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va.
D. (6) $750. E. (9) $250.

A. Jane Lind Downey, American Movers Conference, 1117 North 19th Street (P.O. Box 9204), Arlington, Va. 22209.
B. American Movers Conference, 1117 North 19th Street (P.O. Box 9204), Arlington, Va. 22209.
D. (6) $43.94.

A. John P. Doyle, Jr., Bell Helicopter Textron, 1666 K Street NW., Suite 300, Washington, D.C. 20006.
B. Bell Helicopter Textron, 1666 K Street NW., Suite 300, Washington, D.C. 20006.
D. (6) $3,221.87 E. (9) $1,728.87.

A. Patrick L. Doyle, Professional Air Traffic Controllers Organization, 444 North Capitol Street NW., Suite 820, Washington, D.C. 20001.
B. Professional Air Traffic Controllers Organization, 444 North Capitol Street NW., Suite 820, Washington, D.C. 20001.

A. Robert H. Doyle, 1120 Connecticut Avenue NW., No. 310, Washington, D.C. 20036.
B. Water Quality Association, 477 East Butterfield Road, Lombard, Ill. 60148.

A. Nancy Drabble, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $4,250.01.

A. James E. Drake, American Medical Association, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $3,930.

A. Drinker Biddle & Reath, 1815 H Street NW., Washington, D.C. 20006.
B. Phoenix Steel Corp., 4001 Philadelphia Pike, Claymont, Del. 19703.
D. (6) $50. E. (9) $7.

A. Kevin J. Driscoll, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Edwin Jason Dryer, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006 (for Independent Refiners Association of America, 1775 Pennsylvania Avenue NW., Washington, D.C.).

A. Evelyn Dubrow, International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
D. (6) $8,911. E. (9) $3,860.26

A. Morgan D. Dubrow, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $120.

A. Barbara S. Dudeck, American Honda Motor Co., Inc., 955 L'Enfant Plaza SW., No. 905, Washington, D.C. 20024.
B. American Honda Motor Co., Inc., 100 West Alondra Boulevard, Gardena, Calif. 90247.

A. Henry A. Dudley, 1737 H Street NW., Washington, D.C. 20006.
B. Republic of Turkey, 1606 23d Street NW., Washington, D.C. 20008.
D. (6) $6,249. E. (9) $246.

A. Francis J. Duggan, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $608.25. E. (9) $187.70.

A. Evelyn Dukovic, Morality in Media, Inc., 3 East 86th Street, New York, N.Y. 10028.
B. Morality in Media, Inc., 475 Riverside Drive, Suite 239, New York, N.Y. 10115.

A. Mervin E. Dullum, Delta Air Lines, Inc., 1629 K Street NW., Room 204, Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $200. E. (9) $72.

A. Don R. Duncan, Philips Petroleum Co., 1825 K Street NW., No. 1107, Washington, D.C. 20006.
B. Philips Petroleum Co., Bartlesville, Okla. 74004.

A. Robert B. Duncan, Schwabe, Williamson, Wyatt, Moore & Roberts, The Flow Mill, Suite 302, 1000 Potomac Street NW., Washington, D.C. 20007.

B. Helicopter Loggers Association, P.O. Box 206, Wilsonville, Oreg. 97070.
D. (6) $3,750.

A. Robert B. Duncan, Schwabe, Williamson, Wyatt, Moore & Roberts, The Flow Mill, Suite 302, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Litchstreet Co., 32 Cherry Lawn Lane, Northport, N.Y. 11768.
D. (6) $9,850. E. (9) $592.72.

A. Robert B. Duncan, Schwabe, Williamson, Wyatt, Moore and Roberts, The Flour Mill, Suite 302, 1000 Potomac Street NW., Washington, D.C. 20007.
B. State of Oregon/City of Portland, Oreg., Metro-Metropolitan Service District, Tri-County Metropolitan Transportation District.
E. (9) $941.09.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Dayton-Montgomery County Park District, 1375 East Silbenthaler Avenue, Dayton, Ohio 45414.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Delaware 5.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. East Bay Regional Park District, 11500 Skyline Boulevard, Oakland, Calif. 94169.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Iva May Harvey, Route 7, Box 117, Blythe, Calif. 92225.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Huron-Clinton Metropolitan Authority, 3050 Penobscot, Detroit, Mich. 48226.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Kenai Natives Association, Inc., P.O. Box 1210 Wildwood, Kenai, Alaska 99611.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Adolph Kizas, 5715 Timothy Place, Alexandria, Va. 22303.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Koniag, Inc., P.O. Box 746, Koniag, Alaska.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Mid-West Electric Consumer Association, P.O. Box 5089, Evergreen, Colo.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Western Fuels Association, Inc., 1225 19th Street NW., Suite 700, Washington, D.C. 20036.

A. James W. Dunlop, Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.
B. Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.

A. Douglas G. Dunn, InterNorth, 1015 15th Street NW., Suite 900, Washington, D.C. 20005.
B. InterNorth, 1015 15th Street NW., Suite 900, Washington, D.C. 20005.
D. (6) $1,500.

A. Mari Lee Dunn, American Council for Capital Formation, 1919 Pennsylvania Avenue NW., No. 201, Washington, D.C. 20006.
B. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., No. 201, Washington, D.C. 20006.
D. (6) $600.

A. James A. Dupree, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $3,050. E. (9) $804.86.

A. Joseph L. Duran, First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. First National Bank of Boston, 100 Federal Street, Boston, Mass 02110.

A. L. L. Duxbury, Burlington Northern Inc., 413 New Jersey Avenue SE., Washington, D.C. 20003.
B. Burlington Northern Inc., 176 East Fifth Street, St. Paul, Minn. 55101.
D. (6) $2,600. E. (9) $823.78.

A. Denis J. Dwyer, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $285.

A. Jean F. Dye, National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
E. (9) $251.44.

A. Dennis J. Earhart, 1753 Euclid Street NW., Washington, D.C. 20009.
B. Bonneville Associates, Inc., 200 East South Temple, Suite No. 300, Salt Lake City, Utah 84111 (for: Federal Research Committee, Box 8144, Salt Lake City, Utah 84108).

A. Dennis J. Earhart, 1753 Euclid Street NW., Washington, D.C. 20009.
B. Bonneville Associates, Inc., 200 East South Temple, Suite No. 300, Salt Lake City, Utah 84111 (for: Roncalio & Associates, Box 1707, Cheyenne, Wyo. 82001).

A. Dennis J. Earhart, 1753 Euclid Street NW., Washington, D.C. 20009.
B. Bonneville Associates, Inc., 200 East South Temple, Suite No. 300, Salt Lake City, Utah 84111 (for: Western Regional Council, Box 81244, Salt Lake City, Utah 84108).
D. (6) $280.80.

A. Jack D. Early, The Madison Building, Suite 514, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemicals Association, 1155 15th Street NW., Suite 514, Washington, D.C. 20005.
D. (6) $106.25. E. (9) $16.75.

A. Roy W. Easley, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $11,525.

A. Patricia S. Ebaugh, St. Joe Minerals Corp., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $1,531. E. (9) $82.19.

A. D. R. Ebe, Goodyear Tire & Rubber Co., 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. Goodyear Tire & Rubber Co., Akron, Ohio 44316.
D. (6) $1,200.

A. Robert E. Ebel, ENSERCH Corp., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. ENSERCH Corp., 300 South St. Paul Street, Dallas, Tex. 75201.
D. (6) $1,450. E. (9) $848.

A. Harold F. Eberle, Independent Insurance Agents of America, Inc., 1120 19th Street NW., Suite 503, Washington, D.C. 20036.
B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.
D. (6) $16,365.41.

A. N. Boyd Ecker, Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500. E. (9) $14.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006
B. American Seat Belt Council, P.O. Box Drawer F, Jamesburg, N.J. 08831.
D. (6) $4,500. E. (9) $16.15.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006
B. Toyota Motor Sales, U.S.A., Inc., 2055 West 190th Street, Torrance, Calif. 90504.
D. (6) $9,000. E. (9) $281.21.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006
B. DGA International, 1225 19th Street NW., Washington, D.C. 20036 (for Airbus Industrie, 31700 Blasnau, Toulouse, France).
D. (6) $2,940. E. (9) $53.58.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. DGA International, 1225 19th Street NW., Washington, D.C. 20036 (for SOFREAVIA, 75 Rue LaBoetie, 75008 Paris, France).
D. (6) $3,375.

A. Peter B. Edelman, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006 (for Independent Refiners Assn. of America, 1775 Pennsylvania Avenue NW., Washington, D.C.).

A. William R. Edgar, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
D. (6) $4,334.

A. Helen H. Edge, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $334.22.

A. Arthur B. Edgeworth, Jr., 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $1,250.

A. Edison Electric Institute, 1111 19th Street NW., Ninth Floor, Washington, D.C. 20036.
D. (6) $228,760.92. E. (9) $69,718.93.

A. Stephen L. Edmiston, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $9,441.60. E. (9) $387.82.

A. EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
E. (9) $1,806.39.

A. Edwards Associates, Inc., 507 Second Street NE., Washington, D.C. 20002.
B. Blue Ribbon Sports, Inc., 3900 Southwest Murray Boulevard, Beaverton, Oreg. 97005.

A. Edwards Associates, Inc., 507 Second Street NE., Washington, D.C. 20002.
B. The Confederated Tribes of Warm Springs, Warm Springs, Oreg. 97761.

A. Edwards Associates, Inc., 507 Second Street NE., Washington, D.C. 20002.
B. Portland General Electric Co., 121 Southwest Salmon Street, Portland, Oreg. 97204.

A. J. Rodney Edwards, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.
E. (9) $158.94.

A. Macon T. Edwards, 1030 15th Street, NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $900. E. (9) $35.45.

A. William A. Edwards, 250 Old Country Road, Mineola, N.Y. 11501.
B. Long Island Lighting Co., 250 Old Country Road, Mineola, N.Y. 11501.
D. (6) $1,660. E. (9) $1,027.27.

A. Paul S. Egan, The American Legion, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $5,298. E. (9) $74.75.

A. Eggers & Greene, 1407 Main Street, Suite 335, Dallas, Tex. 75202.
B. The LTV Corp., P.O. Box 225003, Dallas, Tex. 75265.
D. (6) $3,000. E. (9) $134.45.

A. Eggers & Greene, 1407 Main Street, Suite 335, Dallas, Tex. 75202.
B. Whitney National Bank of New Orleans 228 Saint Charles Avenue, New Orleans, La.

A. Sara Ehrman, 444 North Capitol Street NW., No 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No 412, Washington, D.C. 20001.
D. (6) $8,749.98.

A. Mary Ann Eichenberger, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue, NW., Washington, D.C. 20006.
D. (6) $2,800.

A. H. J. Elam III, 1201 Maple Street, Greensboro, N.C. 27405.
B. Cone Mills Corp., 1201 Maple Street, Greensboro, N.C. 27405.

A. George K. Eliades, Society of American Wood Preservers Inc., 1401 Wilson Boulevard, Suite 205, Arlington Va. 22209.
B. Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.
D. (6) $90. E. (9) $185.

A. J. Burton Eller, Jr., 425 13th Street NW., No. 1020, Washington, D.C. 20004.
B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo., 80203.
D. (6) $1,000. E. (9) $16.95.

A. Charles W. Elliott, Wisconsin Petroleum Council, 25 West Main Street, Room 703, Madison, Wis. 53703.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $88.39. E. (9) $465.31.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.
E. (9) $731.01.

A. John Ellis, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Keith H. Ellis, Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C., 20036.
D. (6) $1,125. E. (9) $28.

A. Perry R. Ellsworth, National Council of Agricultural Employers, 435 Southern Building, 15th and H Streets NW., Washington, D.C. 20005.
B. National Council of Agricultural Employers, 435 Southern Building, 15th and H Streets NW., Washington, D.C. 20005.
D. (6) $250. E. (9) $6.10.

A. Joseph T. Elvove, 54 Surfwatch Drive, Kiawah Island, S.C. 29455.
B. Publicker Industries, Inc., 777 West Putnam Avenue, Greenwich, Conn. 06830.
D. (6) $20,200. E. (9) $10,850.49.

A. Ely, Guess & Rudd, 1090 Vermont Avenue NW., No. 630, Washington, D.C. 20005.

A. Law Offices of Northcutt Ely, Watergate 600 Building, Washington, D.C. 20037.
B. Jasper-Newton Electric Cooperative, Inc., 812 South Margaret Avenue, Kirbyville, Tex. 75956.

A. Law Offices of Northcutt Ely, Watergate 600 Building, Washington, D.C. 20037.
B. Outer Banks Civic League, Box 398, Corolla, N.C. 27927.
D. (6) $450.

A. Carl F. Emde, Air Products & Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.
B. Air Products & Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Suite 801, Washington, D.C. 20036.
D. (6) $16,556.93. E. (9) $22,545.73.

A. Emerson Electric Co., 8000 West Florissant, St. Louis, Mo. 63136.
E. (9) $5,605.67.

A. Employee Relocation Council, 1627 K Street NW., Suite 600, Washington, D.C. 20006.
E. (9) $20,459.96

A. Lowell J. Endahl, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Assn., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $195.

A. Energy Consumers and Producers Association, P.O. Box 1726, Seminole, Okla. 74868.
D. (6) $45,395. E. (9) $9,220.95.

A. Energy Conversion Group, 1000 Potomac Street, Suite 103, Washington, D.C. 20007.
E. (9) $9,174.09.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.
B. York Barbell Company, York Pa., 17405.
D. (6) $1,800. E. (9) $507.57.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.
B. National Health Federation, P.O. Box 686, Monrovia, Calif. 91016.
D. (6) $3,000.

A. Ralph Engel, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chemical Specialities Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Lewis A. Engman, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturing Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $2,500.

A. Patricia Hanahan Engman, Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $400.

A. Christopher Engquist, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. M. Dale Ensign, Sinclair Oil Corp., 1100 17th Street NW., Suite 406, Washington, D.C. 20036.
B. Sinclair Oil Corp., P.O. Box 1677, Englewood, Colo. 80150
D. (6) $500. E.(9) $95.87.

A. Paul Equale, 1899 L Street NW., Washington, D.C. 20036.
B. The Travel Industry Association of America, 1899 L Street NW., Washington, D.C. 20036.

A. Vickie L. Erickson, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $450.

A. John M. Erskine, Jr., 108 Lavaca, Suite 400, Austin, Tex. 78701.
B. Standard Oil Co. of Indiana, P.O. Box 3092, Houston, Tex. 77001

D. (6) $349.05. E. (9) $1,030.

A. Jerry N. Ervin, Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. Thomas E. Esterly, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $20.05.

A. John T. Estes, Allied Chemical Corp., 1150 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.

B. Allied Chemical Corp., P.O. Box 3000-R, Morristown, N.J. 07960.

D. (6) $250. E. (9) $25.

A. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005

E. (9) $4,800.

A. European Travel Commission, 488 Madison Avenue, New York, N.Y. 10022.

A. Joseph P. Evans, 4401 Lee Highway, Apt. 21, Arlington, Va., 22207.

A. Robert D. Evans, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.

D. (6) $400. (9) $50.

A. Fawn K. Evenson, 1611 North Kent Street, Suite 900, Arlington, Va. 22209.

B. American Footwear Industries Association, 1611 North Kent Street, Suite 900, Arlington, Va. 22209.

D. (6) $1,062. E. (9) $381.54.

A. Robbie Exley, 1016 16th Street NW., Washington, D.C. 22306.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $6.91.

A. Michael E. Faden, Union of Concerned Scientists, Inc., 1725 I Street NW., Suite 601, Washington, D.C. 20006.

B. Union of Concerned Scientists, Inc., 1384 Massachusetts Avenue, Cambridge, Mass. 02238.

D. (6) $4,650.

A. Robert R. Fahs, 1050 17th Street NW., Suite 1202, Washington, D.C. 20036.

B. Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440.

D. (6) $2,500. E. (9) $25.

A. Dale W. Fallat, First Federal Building, 5740 Southwyck Boulevard, Toledo, Ohio 43614.

B. The Andersons, P.O. Box 119, Maumee, Ohio 43537.

D. (6) $525. E. (9) $122.99.

A. Fallbrook Public Utility District, 888 17th Street NW., Washington, D.C. 20006.

E. (9) $2,883.09.

A. Michael I. Fanning, 1957 E Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Thomas Boyd Farley II, American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $6,115. E. (9) $81.55.

A. The Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $164,049.38. E. (9) $55,989.35.

A. Robert S. Faron, LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., Washington, D.C.

B. LeBeouf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., Washington, D.C.; 140 Broadway, New York, N.Y.

A. Dolores L. Farr, American Nurses' Association, 1030 15th Street NW., Washington, D.C. 20005.

B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.

D. (6) $3,271. E. (9) $378.02.

A. Michael Farrar, American Paper Institue, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Penelope S. Farthing, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

A. Clinton Fawcett, The Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.

B. The Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.

A. Jane Fawcett-Hoover, 1801 K Street NW., Suite 230, Washington, D.C. 20006.

B. Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

D. (6) $33.38.

A. Federal Express Corp., P.O. Box 727, Memphis, Tenn. 38194.

E. (9) $32,175.05.

A. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.

D. (6) $1,446.22. E. (9) $1,446.22.

A. Federation of American Hospitals, 1111 19th Street NW., No. 402, Washington, D.C. 20036.

D. (6) $9,000. E. (9) $9,000.

A. Federation of American Scientists, 307 Massachusetts Avenue NE., Washington, D.C. 20002.

E. (9) $811.91.

A. Kenneth E. Feltman, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Bernard Fensterwald, Jr., 2101 L Street NW., Suite 203, Washington, D.C. 20037.

B. Committee for Humane Legislation, Inc., 1 Pine Street, Neptune, N.J. 07753.

D. (6) $7,500. E. (9) $375.

A. Fensterwald & Associates, 2101 L Street NW., Suite 203, Washington, D.C. 20037.

B. National Nutritional Foods Association, 7747 South Painter Avenue, Whittier, Calif. 90602.

D. (6) $3,958.33. E. (9) $1,064.56.

A. Edward T. Fergus, c/o Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10038.

B. Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10038.

D. (6) $700.

A. Betsy Ferguson, Times Mirror Co., 1875 I Street NW., Suite 1110, Washington, D.C. 20006.

B. Times Mirror Co., Times Mirror Square, Los Angeles, Calif. 90053.

D. (6) $7,000.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.

B. Alascom, Inc., 949 East 36th Avenue, Anchorage, Alaska 99502.

D. (6) $650. E. (9) $739.61.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.

B. Alaska International Industries, 3201 C Street, Anchorage, Alaska 99503.

D. (6) $10,800. E. (9) $900.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.

B. Foss Launch & Tug/Foss Alaska Line, 660 West Ewing Street, Seattle, Wash. 98119.

E. (9) $650.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.

B. Northwest Alaskan Pipeline Co., P.O. Box 1526, Salt Lake City, Utah.

D. (6) $3,100. E. (9) $875.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.

B. Pacific Northern Oil, Suite 1800, 1100 Olive Way, Seattle, Wash. 98101.

E. (9) $700.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.

B. U.S. Borax & Chemical Corp., 3075 Wilshire Boulevard, Los Angeles, Calif. 90010.

D. (6) $5,900. E. (9) $900.

A. James H. Ferguson, 1140 Connecticut Avenue, Suite 609, Washington, D.C. 20036.

B. American Society for Personnel Administration, 30 Park Drive, Berea, Ohio 44017.

D. (6) $7,500. E. (9) $4,483.

A. John L. Festa, American Paper Institute, Inc. 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Blaine Fielding, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Gary W. Fields, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Herbert A. Fierst, 610 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.

B. Council of Forest Industries of B.C., 1500/1055 West Hastings Street, Vancouver V6E 2H1, British Columbia, Canada.

D. (6) $12,000. E. (9) $415.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $102. E. (9) $28.

A. Finley, Kumble, Wagner, Heine, Casey & Underberg, 1120 Connecticut Avenue NW., 10th Floor, Washington, D.C. 20036.

B. Friends of Animals, 11 West 60th Street, New York, N.Y. 10023.
D. (6) $2,310.

A. Finley, Kumble, Wagner, Heine, Casey & Underberg, 1120 Connecticut Avenue NW., 10th Floor, Washington, D.C. 20036.
B. Friends of Animals, 11 West 60th Street, New York, N.Y. 10023.

A. Finley, Kumble, Wagner, Heine, Underberg & Casey, 1120 Connecticut Avenue NW., 10th Floor, Washington, D.C. 20036.
B. Population Crisis Committee, 1120 19th Street NW., Washington, D.C. 20036.
D. (6) $2,000.

A. Thomas D. Finnigan, Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.
E. (9) $22.80.

A. M. J. Fiocco, 1090 Vermont Avenue NW., S-410, Washington, D.C. 20005.
B. National Industrial Traffic League, 1090 Vermont Avenue NW., S-410, Washington, D.C. 20005.
D. (6) $3,000. E. (9) $34.60.

A. Laurie A. Fiori, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $413.26. E. (9) $92.25.

A. Richard J. Fiorini, 8917 South Quail Run, Sandy, Utah 84092.
B. Noranda Mining Inc., 986 Atherton Drive, Suite 220, Salt Lake City, Utah 84107.
E. (9) $2,520.11.

A. First Class Mailers Association, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.
E. (9) $56.

A. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
E. (9) $5,288.99.

A. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Richard L. Fischer, 1000 16th Street NW., Suite 500, Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.
D. (6) $630. E. (9) $29.40.

A. Fisher, Gelband, Sinick & Lamberton, P.C., 2020 K Street NW., Suite 440, Washington, D.C. 20006.
B. League of New York Theatres & Producers, Inc., 226 West 47th Street, New York, N.Y. 10036.
D. (6) $1,625. E. (9) $41.75.

A. Victor E. Fitzmaurice, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (6) $2,000. E. (9) $122.27.

A. Five Freedoms, Inc., P.O. Box 656, Columbia, Md. 21045.
A. Hilliard J. Fjord, 602 Main Street, Room 600, Cincinnati, Ohio 45202.
B. Ohio River Co., 580 Walnut Street, Suite 1400, Cincinnati, Ohio 45202.
D. (6) $1,500. E. (9) $310.88.

A. Susan Garber Flack, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $42.50.

A. Daniel V. Flanagan, Jr., 1828 L Street NW., Suite 550, Washington, D.C. 20036.
B. Southern Pacific Co., 1 Market Plaza, San Francisco, Calif. 94105.
D. (6) $5,000. E. (9) $430.97.

A. James J. Flanagan, 25 Research Drive, Westborough, Mass. 01581.
B. New England Power Service Co., 25 Research Drive, Westborough, Mass. 01581.
D. (6) $1,447.32. E. (9) $51.70.

A. M. Kendall Fleeharty, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

A. Martha Flory, Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.
B. Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.

A. Ruth Flower, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NW., Washington, D.C. 20002.
D. (6) $2,738.

A. Robert P. Fogarty, 3499 Ridgewood Drive, Columbus, Ohio 43220.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $10.70.

A. Howard W. Fogt, Jr., 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Care Cabs, Inc., 5538 West National Avenue, West Allis, Wis. 53214.

A. Foley, Lardner, Hollabaugh & Jacobs, Suite 1000, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. First Wisconsin National Bank of Milwaukee, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.
D. (6) $17,345. E. (9) $200.16.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Insurance Association of Connecticut, 60 Washington Street, Hartford, Conn. 06160.
D. (6) $1,000. E. (9) $2.25.

A. Foley, Lardner, Hollabaugh & Jacobs, Suite 1000, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.
D. (6) $29,105. E. (9) $1,200.90.

A. R. D. Folsom, National Council on Synthetic Fuels Production, 1747 Pennsylvania Avenue NW., Suite 825, Washington, D.C. 20006.
B. National Council on Synthetic Fuels Production, 1747 Pennsylvania Avenue NW., Suite 825, Washington, D.C. 20006.

A. Food & Beverage Trades Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $11,390.88. E. (9) $11,390.88.

A. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
E. (9) $5,300.

A. Foodservice & Lodging Institute, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Carol J. Forbes, 604 North Carolina Avenue SE., Washington, D.C. 20003.
B. Duane Pankratz, Freeman, S. Dak., et al.
D. (6) $21,950. E. (9) $25,007.14.

A. Gordon Forbes, Minnesota Railroad Association, 303 Hanover Building, 480 Cedar Street, St. Paul, Minn. 55101.
B. Minnesota Railroad Association.
D. (6) $600. E. (9) $1,021.60.

A. Jack T. Ford, Pope Ballard & Loos, 888 17th Street NW., Washington, D.C. 20006.
B. Fallbrook Public Utility District, 888 17th Street NW., Washington, D.C. 20006.
D. (6) $2,773.75.

A. Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.
E. (9) $360.50.

A. Forest Industries Committee on Timber Valuation and Taxation, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Ira N. Forman, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $8,615.36.

A. Sallie H. Forman, 1800 K Street NW., Washington, D.C. 20006.
B. National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.
D. (6) $905. E. (9) $121.38.

A. David H. Foster, Natural Gas Supply Association, 1025 Connecticut Avenue NW., No. 402, Washington, D.C. 20036.
B. Natural Gas Supply Association, 1025 Connecticut Avenue NW., No. 402, Washington, D.C. 20036.
D. (6) $3,562.51. E. (9) $487.27.

A. Robert U. Foster, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.
B. Shipbuilders Council of America, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.
D. (6) $11,000.

A. Ebert E. Fournace, 3706 Eaton Road NW., Canton, Ohio 44708.
B. American Electric Power Service Corp., 180 East Broad Street, Columbus, Ohio 43215.

A. Joseph L. Fraites, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. William C. France, National Motorsports Committee of ACCUS, 1701 K Street NW., No. 1204, Washington, D.C. 20006.
B. National Motorsports Committee of ACCUS, 1701 K Street NW., No. 1204, Washington, D.C. 20006.

A. Douglas L. Francisco, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $13.40.

A. Harley Frankel, 5104 North 14th Street, Arlington, Va. 22205.
B. National Head Start Association, 1635 South Main Street, South Bend, Ind. 46601.
D. (6) $1,776. E. (9) $181.25.

A. Walter L. Frankland, Jr., 1717 K Street NW., Washington, D.C. 20006.
B. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.
D. (6) $1,700. E. (9) $113.57.

A. Thomas C. Franks, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $378.15.

A. Welby M. Frantz, 1117 North 19th Street (P.O. Box 9204) Arlington, Va. 22209.
B. American Movers Conference, 1117 North 19th Street (P.O. Box 9204), Arlington, Va. 22209.

A. Charles L. Frazier, National Farmers Organization, 475 L'Enfant Plaza SW., No. 2250, Washington, D.C. 20024.
B. National Farmers Organization, Corning, Iowa 50843.
D. (6) $3,500. E. (9) $2,998.15.

A. Gregory W. Frazier, P.O. Box 427, Englewood, Colo. 80151.

A. Robert M. Frederick, National Grange, 1616 H Street NW., Washington, D.C. 20006.
B. National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $4,375.

A. James O. Freeman, United States League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $3,050. E. (9) $20.

A. Linda J. Freeman, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $337.50.

A. Pamela B. Freer, International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
D. (6) $4,936. E. (9) $10.35.

A. Verrick O. French, National Retail Merchants Association, 1000 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
D. (6) $550. E. (9) $15.

A. George L. Frick, c/o Delaware Oil Men's Association, 20 East Division Street, Dover, Del. 19901.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Susan Fridy, 30 F Street, NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $1,575.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Automotive Dismantlers & Recyclers of America, 1000 Vermont Avenue NW., Washington, D.C. 20006.
D. (6) $291.25. E. (9) $24.90.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Beth Israel Medical Center, 10 Nathan Perlman Place, New York, N.Y. 10003.
D. (6) $26,227.70.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Dr. Halla Brown, 2475 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $32,170.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Cheyenne River Sioux Tribe, Box 100, Eagle Butte, S. Dak.
D. (6) $1,940. E. (9) $20.10.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Czechoslovak claimants.
E. (9) $5.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Davy McKee, 6200 Oak Tree Boulevard, Cleveland, Ohio 44131.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99926.
D. (6) $817. E. (9) $12.40.

A. Fried, Frank, Harris, Shriver, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. National Association of Pension Funds, Sunley House, Bedford Park, Croydon, England.
E. (9) $560.12.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Nez Perce Tribe, Lapwai, Idaho.
E. (9) $7.80.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Pueblo of Laguna, Laguna, N. Mex.
D. (6) $3,570. E. (9) $17.80.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Seneca Nation of Indians, Box 231, Salamanca, N.Y. 14779.
E. (9) $11.20

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C. 20005.
B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.
D. (6) $750. E. (9) $30.

A. Barry A. Friedman, Wilner & Scheiner, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.

A. Charlotte Friedman, American Association of School Administrators, 1801 North Moore Street, Arlington, Va. 22209.
B. American Association of School Administrators, 1801 North Moore Street, Arlington, Va. 22209.
E. (9) $13.35.

A. James M. Friedman, 650 Terminal Tower, Cleveland, Ohio 44113.
B. Cleveland Electric Illuminating Co., 55 Public Square, Cleveland, Ohio 44113.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $101,307.32. E. (9) $18,304.39.

A. Gustave Fritschie, 1101 Connecticut Avenue NW., 700, Washington, D.C. 20036.
B. National Fisheries Institute, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
D. (6) $6,000. E. (9) $20.

A. Charles H. Fritts, 2009 North 14th Street, Suite 600, Arlington, Va. 22201.
B. New Bedford Seafood Council, Inc., 17 Hamilton, New Bedford, Mass. 02740.
D. (6) $6,600. E. (9) $379.07.

A. Charles H. Fritzel, National Association of Independent Insurers, 499 South Capitol Street SW., Suite 401, Washington, D.C. 20003.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $310. E. (9) $200.

A. Jeffrey A. Fritzlen, Tenneco Inc., 490 L'Enfant Plaza East SW., Suite 2202, Washington, D.C. 20024.
B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.
D. (6) $1,000.

A. Gordon H. Fry, 1120 19th Street NW., Suite 410, Washington, D.C. 20036.
B. Cigar Association of America, Inc., 1120 19th Street NW., Suite 410, Washington, D.C. 20036.
D. (6) $36.05. E. (9) $9.35.

A. Richard G. Fuller, National Audio-Visual Association, Inc. 3150 Spring Street, Fairfax, Va. 22031.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
D. (6) $1,140.

A. Ronald K. Fuller, San Diego Gas & Electric Co., 1150 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. San Diego Gas & Electric Co., 101 Ash Street, San Diego, Calif. 92101.
D. (6) $1,200. E. (9) $105.

A. Fulton Energy Corp., 5201 Leesburg Pike, Suite 205, Falls Church, Va. 22041.
E. (9) $24.75.

A. Karl A. Funke & Associates, Inc., 729 Second Street NE., Washington, D.C. 20002.
B. American Indian Scholarships, Inc., P.O. Box 1106, Taos, N. Mex. 87571.

A. Karl A. Funke & Associates, Inc., 729 Second Street NE., Washington, D.C. 20002.
B. Keweenaw Bay Chippewa Tribe, U.S. 41, Baraga, Mich.

A. Karl A. Funke & Associates, Inc., 729 Second Street NE., Washington, D.C. 20002.
B. Penobscot Indian Nation, Community Building, Indian Island, Maine 04468.
D. (6) $1,200. E. (9) $612.48.

A. Karl A. Funke & Associates, Inc., 729 Second Street NE., Washington, D.C. 20002.
B. Shoshone-Bannock Tribes of Fort Hall, P.O. Box 306, Fort Hall, Idaho 83203.

D. (6) $890. E. (9) $852.

A. Karl A. Funke & Associates, Inc., 729 Second Street NE., Washington, D.C. 20002.
B. Yakima Indian Nation, Box 151, Toppenish, Wash. 98948.
D. (6) $1,410. E. (9) $1,263.

A. Claudia R. Fuquay, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $26.41.

A. Nancy H. Fussell, 1700 N. Moore Street, Rosslyn, Va. 22209.
B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $350. E. (9) $765.54.

A. David H. Fyock, P.O. Box 376, Germantown, Md. 20767.
B. GPU Service Corp., 100 Interpace Parkway, Parsippany, N.J. 07054.
D. (6) $4,297. E. (9) $1,090.61.

A. Marc P. Gabor, 815 16th Street NW., No. 310, Washington, D.C. 20006.
B. Amalgamated Clothing & Textile Workers Union, 15 Union Square, New York, N.Y. 10003.
D. (6) $2,187.50. E. (9) $227.25.

A. Terry Gabrielson, 490 L'Enfant Plaza SW., No. 3202, Washington, D.C. 20024.
B. Transcontinental Gas Pipe Line Corp., 2700 South Post Oak Road, Houston, Tex. 77001.
D. (6) $450.

A. James E. Gaffigan, American Hotel & Motel Association, 1101 Connecticut Avenue NW., Suite 1006, Washington, D.C. 20036.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $913.84.

A. Norman S. Gaines, 2550 M Street NW., Suite 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $619. E. (9) $525.98

A. Michael R. Gale, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $8,125.01.

A. Ann E. Gallagher, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
D. (6) $150. E. (9) $20.

A. Mark J. Gallagher, 1707 L Street NW., No. 400, Washington, D.C. 20036.
B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.
D. (6) $4,397. E. (9) $3,556.

A. Carlos Galvis, CMP Group, Inc., 5201 Leesburg Pike, No. 906, Falls Church, Va. 22041.
B. Tenant-Owned Apartment Association, Inc.; The Real Estate Board of New York, Inc., 12 East 41st Street, New York, N.Y. 10017.
D. (6) $4,000.

A. William R. Ganser, Jr., 4804 Folse Drive, Metairie, La. 70002.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $1,875.

A. Gardner, Carton & Douglas, 1875 I Street NW., Washington, D.C. 20006.
B. Council of Industrial Boiler Owners, 11222 Silverleaf Drive, Fairfax Station, Va. 22039.

A. Gardner, Carton & Douglas, 1875 I Street NW., Washington, D.C. 20006.
B. Heizer Corp., 20 North Wacker Drive, Chicago, Ill. 60606.

A. Gardner, Carton & Douglas, 1875 I Street NW., Washington, D.C. 20006.
B. Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036

A. Gardner, Carton & Douglas, 1875 I Street NW., No. 1050, Washington, D.C. 20006.
B. Sealed Power Corp., 2001 Sanford Street, Muskegon, Mich. 49443.

A. Gardner, Carton & Douglas, 1875 I Street NW., No. 1050, Washington, D.C. 20006.
B. Zeigler Coal Co., 1700 North Moore Street, Arlington, Va. 22209.

A. Ginger Gardner, Charter Oil Co., 2550 M Street NW., Washington, D.C. 20037.
B. Charter Oil Co., 21 West Church Street, Jacksonville, Fla. 32202.
D. (6) $481.57. E. (9) $1,338.30.

A. Sherwin Gardner, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. James J. Garry, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. E. June Garvin, Ohio Petroleum Council, 88 East Broad Street, Columbus, Ohio 43215.
B. American Petroleum Institute, 2101 L Street NW., Washington D.C. 20037.
D. (6) $800. E. (9) $1,374.49.

A. W. Bradford Gary, Anheuser-Busch Cos., Inc., 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.
B. Anheuser-Busch Cos., Inc., 721 Pestalozzi Street, St. Louis, Mo. 63118.
E. (9) $10.

A. Lillian B. Gaskin, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Philip Gasteyer, United States League of Savings Association, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,225.

A. Dwight M. Geduldig, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $740.48. E.(9) $144.30.

A. Margaret L. Gehres, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $4,450. E. (9) $253.12.

A. John R. Geiger, Goulds Pumps, Inc., 1660 L Street NW., Suite 506, Washington, D.C. 20036.
B. Goulds Pumps, Inc., 240 Fall Street, Seneca Falls, N.Y. 13148.
D. (6) $1,000. E. (9) $89.27.

A. Robert C. Gelardi, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.
B. Robert H. Kellen Co., 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342 (kor Calorie Control Council).
D. (6) $822.

A. Morton A. Geller, First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
E. (9) $5,459.

A. General Instrument Corp., 1775 Broadway, New York, N.Y. 10019.

A. John Gentille, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Claire Geoghegan, 415 Second Street SE., Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street SE., Washington, D.C. 20002.
D. (6) $10,140.38.

A. George & George, 1701 Pennsylvania Avenue NW., No. 540, Washington, D.C. 20006.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
D. (6) $3,150.

A. George & George, 1701 Pennsylvania Avenue NW., No. 540, Washington, D.C. 20006.
B. Pepsico, Inc., Purchase, N.Y. 10577.
D. (6) $10,130.

A. Georgia Association of Petroleum Retailers, Inc., 2021 K Street NW., Washington, D.C. 20006.
B. Service Station Dealers of America, Inc., 2021 K Street NW., Suite 303, Washington, D.C. 20006.
E. (9) $2,739.20.

A. Joseph G. Gerard, Southern Furniture Manufacturers Association, 918 16th Street NW., No. 402, Washington, D.C. 20006.
B. Southern Furniture Manufacturers Association, P.O. Box 2436, High Point, N.C. 27261.
D. (6) $1,500. E. (9) $840.39.

A. Louis Gerber, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
D. (6) $6,456.52. E. (9) $143.04.

A. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
E. (9) $12,142.28.

A. Dorothy F. Gevinson, 1801 K Street NW., Suite 230, Washington, D.C. 20006.

B. Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

A. Robert N. Giaimo, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.
B. Insurance Association of Connecticut, 60 Washington Street, Suite 1304, Hartford, Conn. 06106.
D. (6) $8,750.

A. Wayne Gibbens, Mid-Continent Oil & Gas Association, 1919 Pennsylvania Avenue NW., Suite 503, Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $3,272. E. (9) $59.50.

A. Anne Marie Gibbons, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.
D. (6) $500.

A. John A. C. Gibson, Coal Building, Washington, D.C. 20036.
B. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $11,500. E. (9) $919.18.

A. Theresa M. Gibson, American Express Co., 1700 K Street NW., Washington, D.C. 20006.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Thomas F. Gibson, 1750 Old Meadow Road, McLean, Va. 22102.
B. Brick Institute of America, 1750 Old Meadow Road, McLean, Va.

A. William G. Giery, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foodservice & Lodging Institute, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Arthur P. Gildea, 274 Glenfield Court, Cincinnati, Ohio 45238.
B. Brewery & Soft Drink Workers, National Conference International Brother Teamsters, Chauffers, Warehousemen & Helpers of America, 1400 Renaissance Drive, Park Ridge, Ill. 60068.

A. Michael Gildea, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $10,818.

A. John E. Giles, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Mark W. Gillaspie, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

A. Neal P. Gillen, American Cotton Shippers Association, 1707 L Street NW., Suite 460, Washington, D.C. 20036.
B. American Cotton Shippers Association, 1707 L Street NW., Suite 460, Washington, D.C. 20036.
D. (6) $15,000. E. (9) $521.03.

A. Marla F. Gilson, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $85.46.

A. Brenda M. Girton, 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $90. E. (9) $43.31.

A. Michael J. Giuffrida, 1019 19th Street NW., Washington, D.C. 20036.
B. National Frozen Food Association, Inc., 604 West Derry Road, P.O. Box 398, Hershey, Pa. 17033.
D. (6) $564.10.

A. Sol Glasner, Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
B. Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
D. (6) $100.

A. George L. Gleason, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $2,980.31. E. (9) $95.02.

A. John P. Glesson, Jr., 1750 Old Meadow Road, McLean, Virginia 22102.
B. Brick Institute of America, 1750 Old Meadow Road, McLean, Virginia 22102.

A. Law Offices of Thomas W. Gleason, 1 State Street Plaza, New York, N.Y. 10004.
B. International Longshoremen's Association, AFL-CIO, 17 Battery Place, New York, N.Y. 10004.

A. Elmer G. Gleske, 1629 K Street NW., Suite 400, Washington, D.C. 20006.
B. Flight Safety International, Marine Air Terminal, LaGuardia Airport, New York, N.Y. 11371.
D. (6) $1,270. E. (9) $36.

A. J. F. Godfrey, P.O. Box 186, Fort Worth, Tex. 76101.
B. Western Co. of North America, P.O. Box 186, Fort Worth, Tex. 76101.
D. (6) $16.

A. Judith M. Goff, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $312.92.

A. Harvey S. Gold, Velsicol Chemical Corp., 1015 15th Street NW., Suite 909, Washington, D.C. 20005.
B. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.
D. (6) $200. E. (9) $40.

A. Carl Goldfield, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.
D. (6) $500.

A. Lloyd L. Golding, National Truck Stop Operators Association, 700 Fairfax Street, Alexandria, Va.

A. William M. Goldstein, Morgan, Lewis & Bockius, 123 South Broad Street, Philadelphia, Pa. 19109.
B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800-N, Washington, D.C. 20036.

A. Ruth Gonze, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.
D. (6) $500.

A. Don A. Goodall, 1575 I Street NW., Suite No. 220, Washington, D.C. 20005.
B. American Cyanamid Co., Wayne, N.J. 07470.
D. (6) $301. E. (9) $87.93.

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005), 1225 19th Street NW., Washington, D.C. 20036.

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Sofreavia, 75 rue la Boetie, Paris 8eme, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Vance V. Goodfellow, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.
B. Crop Quality Council, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn 55415.
D. (6) $9,269.40.

A. Robert F. Goodwin, Meredith Corp., 1850 K Street NW., Suite 275, Washington, D.C. 20006.
B. Meredith Corp., 1850 K Street NW., Suite 275, Washington, D.C. 20006.
D. (6) $40. E. (9) $34.

A. Benjamin Gordon, 2000 P Street NW., No. 708, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Douglas Gordon, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $375. E. (9) $12.

A. Peter J. Gossens, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
B. National Association of Independent Colleges & Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $9,300. E. (9) $271.10.

A. John R. Graff, Suite 330, 1025 Vermont Avenue NW., Washington, D.C. 20005.
B. International Association of Amusement Parks & Attractions, Suite 303, 7222 West Cermak Road, North Riverside, Ill. 60546.
D. (6) $55. E. (9) $24.

A. Donald E. Graham, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $416.67.

A. Lawrence T. Graham, American Hotel & Motel Association, 1101 Connecticut Avenue NW., Suite 1006, Washington, D.C. 20036.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $913.84.

A. Luis L. Granados, Law Offices of Sheldon I. London, 1725 DeSales Street NW., Suite 401, Washington, D.C. 20036.
B. The ESOP Association of America, 47 Kearny Street, San Francisco, Calif. 94108.

D. (6) $1,875. E. (9) $1,092.21.

A. Wm. W. Grant, Utah International, Inc., 1150 Connecticut Avenue NW., No. 710, Washington, D.C. 20036.
B. Utah International, Inc., 550 California Street, San Francisco, Calif., 94104.
E. (9) $658.39.

A. James L. Granum, Southern Railway Co., 920 15th Street, NW., Washington, D.C. 20005.
B. Southern Railway Co., 920 15th Street, NW., Washington, D.C. 20005.
D. (6) $1,000.

A. Michael R. Graul, Law Offices of Sheldon I. London, 1725 DeSales Street NW., Suite 401, Washington, D.C. 20036.
B. American Hardware Manufacturers Association, 117 East Palatine Road, Palatine, Ill. 60067.
D. (6) $1,000.

A. James A. Gray, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $649.98. E. (9) $25.

A. Samuel A. Grayson, Union Pacific Railroad Co., P.O. Box 1745, Boise, Idaho 83701.
B. Union Pacific Railroad Co., 1416 Dodge Street, Omaha, Nebr. 68179.
D. (6) $539.60. E. (9) $1,253.60.

A. Great Western Sugar Co., P.O. Box 5308, Denver, Colo. 80217.
E. (9) $6,378.46.

A. Greater Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

A. Donald R. Greeley, Celanese Corp., 1101 17th Street NW., Suite 307, Washington, D.C. 20036.
B. Celanese Corp., 1211 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $750. E. (9) $126.28.

A. George R. Green, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $450.

A. James W. Green, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $2,156.40. E. (9) $211.95.

A. Alison E. Greene, March of Dimes Birth Defects Foundation, 1707 H Street NW., Washington, D.C. 20006.
B. March of Dimes Birth Defects Foundation, 1275 Mamaroneck Avenue, White Plains, N.Y. 10605.
D. (6) $2,500. E. (9) $229.25.

A. Robert M. Greening, Jr., Public Power Council, 500 West Eighth Street, Suite 110, Vancouver, Wash. 98660.

A. P. Michael Greenwald, American Hospital Association, 444 North Capitol Street, NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $948.94

A. Dale W. Greenwood, Washington Railroad Association, 612 Hoge Building, Seattle, Wash. 98104.
B. Washington Railroad Association, 612 Hoge Building, Seattle, Wash. 98104.
D. (6) $304.10. E. (9) $1,156.78.

A. Saunders Gregg, Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.
B. Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.
D. (6) $1,774. E. (9) $3,731.24.

A. William G. Greif, 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $25,000.

A. Lori Gribbin, 1899 L Street NW., No. 807, Washington, D.C. 20036.
B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.
D. (6) $500. E. (9) $1,150.41.

A. Harold H. Griffin, 1050 17th Street NW., No. 320, Washington, D.C. 20036.
B. Family Health Program, 9930 Talbert Avenue, Fountain Valley, Calif. 92708.
D. (6) $2,750. E. (9) $69.50.

A. Joan M. Griffin, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
B. National Association of Independent Colleges & Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $4,500. E. (9) $308.40.

A. L. George Griffin, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $174.67.

A. Edward D. Griffith, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $700.

A. Ellen B. Griffith, Child Advocacy Center, Suite 600, 1025 15th Street NW., Washington, D.C. 20005.
B. For Love of Children, Inc., Child Advocacy Center, Suite 600, 1025 15th Street NW., Washington, D.C. 20005.
D. (6) $344.25. E. (9) $13.20.

A. Mark N. Griffiths, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. A. Jack Grimes, 8150 Lessburg Pike, No. 1100, Vienna, Va. 22180.
B. National Pest Control Association, 8150 Lessburg Pike, No. 1100, Vienna, Va. 22180.

A. Robert J. Grimm, 9 West 57th Street, New York, N.Y. 10019.
B. Avon Products, Inc., 9 west 57th Street, New York, N.Y. 10019.
D. (6) $100. E. (9) $167.65.

A. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800 Washington, D.C. 20007.
E. (9) $98.93.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Ad Hoc Group on Life Insurance Co. Taxation of Pension Funds, Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
D. (6) $600. E. (9) $8.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Aetna Life & Casualty, 151 Farmington Road, Hartford, Conn. 06115.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. American President Lines, 1950 Franklin Street, Oakland, Calif. 94612.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Bally Manufacturing Corp., 2640 West Belmont Avenue, Chicago, Ill. 60618.
D. (6) $400. E. (9) $8.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind. 46206.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $375. E. (9) $8.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. John Hancock Mutual Life Insurance Co., P.O. Box 111, Boston, Mass. 02117.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Matson Navigation, 333 Market Street, San Franscisco, Calif. 94105.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Natomas Co., 601 California Street, San Francisco, Calif. 94108.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Phillips Petroleum, 656 Information Center, Bartlesville, Okla. 74004.
D. (6) $125. E. (9) $6.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Phoenix Mutual Life Insurance Co., 1 American Row, Hartford, Conn. 06115.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Prudential Insurance Co. of America, Prudential Plaza, Newark, N.J. 07101.
D. (6) $500. E. (9) $8.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Travelers, 1 Tower Square, Hartford, Conn. 06115.

A. Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. Western Conference of Teamsters Pension Trust Fund, P.O. 7880, San Francisco, Calif. 94102.

A. David B. Gross, Shell Oil Co., Suite 200, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $1,000.

A. Nina G. Gross, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $660. E. (9) $133.60.

A. Frank N. Grossman, Santa Fe Industries, Inc., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Ill. 60604.
D. (6) $1,500. E. (9) $300.

A. Jerome Grossman, Council for a Livable World, 11 Beacon Street, Boston, Mass. 02108.
B. Council for a Livable World, 11 Beacon Street, Boston, Mass. 02108.
D. (6) $5,337.18.

A. John R. Groundwater, Jr., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
D. (6) $4,313.08. E. (9) $4,313.08.

A. Gail Pardue Grubb, 1101 15th Street, Suite 205, Washington, D.C. 20005.
B. Home Health Services & Staffing Association, 1101 15th Street, Suite 205, Washington, D.C. 20005.
D. (6) $1,500.

A. John T. Grupenhoff, 1600 Research Boulevard, No. 105, Rockville, Md. 20850.
B. American Academy of Dermatology, 820 Davis Street, Evanston, Ill. 60201.

A. John T. Grupenhoff, 1600 Research Boulevard, No. 105, Rockville, Md. 20850.
B. American Gastroenterological Association, c/o Charles Slack, Inc., Thorofare, N.J. 08086.

A. John T. Grupenhoff, 1600 Research Boulevard, No. 105, Rockville, Md. 20850.
B. National Association of Hospital Development, 1700 K Street NW., No. 605, Washington, D.C. 20006.

A. Richard F. Guay, 1101 15th Street, NW., Washington, D.C. 20005.
B. National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $3,375.

A. Jerome R. Gulan, National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
B. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $4,500.

A. Jerome R. Gulan, Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.
B. Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $2,500.

A. Gun Owners of America, Inc., 101 South Whiting Street, Alexandria, Va. 22304.

B. Gun Owners of America, Inc., 101 South Whiting Street, Alexandria, Va. 22304.
D. (6) $94,694.52. (9) $91,412.79.

A. Thomas M. Gunn, P.O. Box 516, St. Louis, Mo. 63166.
B. McDonnell Douglas Corp., P.O. Box 156, St. Louis, Mo. 63166.

A. David Gusky, National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $8,278.50.

A. Susan L. Gustafson, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Robert F. Guthrie, 815 16th Street NW., Washington, D.C. 20006.
B. Department for Professional Employees, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $3,861.

A. Maria Faller Gwaltney, 1730 K Street NW., No. 903, Washington,, D.C. 20006.
B. American Hellenic Institute Public Affairs Committee, Inc., 1730 K Street NW., No. 903, Washington, D.C. 20006.

A. Ellen Haas, Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.
B. Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.
E. (9) $60.

A. C. James Hackett, American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.
B. American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.

A. James M. Hacking, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $586.92. E. (9) $219.30.

A. Craig Hackler, 115 D Street SE., Suite 8, Washington, D.C. 20003.
B. Beneficial Management Corp., 200 South Street, Morristown, N.J. 07960.

A. Craig Hackler, 115 D Street SE., Suite 8, Washington, D.C. 20003.
B. Cadillac Fairview, c/o The Corporation Trust Co., 100 West 10th Street, Wilmington, Del. 19801.

A. Craig Hackler, 115 D Street SE., Suite 8, Washington, D.C. 20003.
B. California Westside Farmers, 955 L'Enfant Plaza North, SW., Room 1101, Washington, D.C. 20024.

A. Craig Hackler, 115 D Street SE., Suite 8, Washington, D.C. 20003.
B. National Living Centers, 777 South Post Oak Road, Suite 600, Houston, Tex. 77056.
D. (6) $2,000.

A. Craig Hackler, 115 D Street SE., Suite 8, Washington, D.C. 20003.
B. Stichting Philips Pensionenfonds A and B, Tramstraat 62, Eindhoven, The Netherlands.
D. (6) $2,125.

A. Loyd Hackler, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $85.50.

A. Ann Hagemann, 2202 Leeland Drive, Falls Church, Va. 22043.
B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.

A. Ronald D. Hagen, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $376.92. E. (9) $58.48.

A. Bruce N. Hahn, 9300 Livingston Road, Washington, D.C. 20022.
B. National Tooling & Machining Association, 9300 Livingston Road, Washington, D.C. 20022.
D. (6) $8,803.83. E. (9) $804.56.

A. James S. Hahn, 925 15th Street NW, Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $208.

A. Donald M. Haines, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $6,426.

A. Thomas F. Hairston, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
E. (9) $421.04.

A. Beverly Halem, 414 High Point Drive, Suite 206, Cocoa, Fla. 32922.
B. Halem Industries, Inc., 414 High Point Drive, Suite 206, Cocoa, Fla. 32922.

A. Haley, Bader & Potts, 1730 M Street NW., Washington, D.C. 20036.
B. Pilots Rights Association, P.O. Box 7000-367, Redondo Beach, Calif. 90277.
D. (6) $81.25. E. (9) $169.90.

A. Cheryl A. Haley, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $85.86. E. (9) $104.34.

A. Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, P.C., 1750 K Street NW., Suite 350, Washington, D.C. 20006.
B. Williams Cos., P.O. Box 2400, Tulsa, Okla. 74101.

A. Richard F. Hall, Union Oil Co. of California, 1100 Connecticut, Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (6) $2,000. E. (9) $705.09.

A. Joseph Halow, 1800 M Street NW., Suite 610-N, Washington, D.C. 20036.
B. North American Export Grain Association, 1800 M Street NW., Suite 610-N Washington, D.C. 20036.

D. (6) $450.

A. Maurice E. Halsey, Northern Illinois Gas Co., 1627 K Street NW., Suite No. 202, Washington, D.C. 20006.
B. Northern Illinois Gas Co., P.O. Box 190, Aurora, Ill. 60507.
D. (6) $2,500.

A. Jerald V. Halvorsen, Allied-General Nuclear Services, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Allied General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.
D. (6) $5,000.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Belize Sugar Industries, Limited, Belize City, Belize.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Government of Republic of Panama, Compania Azucarera La Estrella, S.A., and Azucarera Nacional, S.A., Panama City, Panama.
D. (6) $3,000.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $965.62. E. (9) $0.63.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. State of Alaska.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Sugar Association of the Caribbean, Port of Spain, Trinidad.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. United Student Aid Funds, Inc., 200 East 42d Street, New York, N.Y. 10017

A. Bruce Hamilton, Sierra Club, Box 1078, Lander, Wyo. 82520.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $58.80. E. (9) $211.95.

A. James L. Hamilton III, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $350.

A. Philip W. Hamilton, 1901 L Street NW., Suite 711, Washington, D.C. 20036.
B. Hamilton & Associates, Inc., 1901 L Street NW., Suite 711, Washington, D.C. 20036 (for: National Labor-Management Foundation, Louisville, Ky).
E. (9) $21.

A. Stanley Hamilton, Common Carrier Conference-Irregular Route, 1616 P Street NW., Suite 204, Washington, D.C. 20036.
B. Common Carrier Conference-Irregular Route, 1616 P Street NW., Suite 204, Washington, D.C. 20036.
D. (6) $500. E. (9) $50.

A. Thomas A. Hammer, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. MBPXL Corp., 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

A. Thomas A. Hammer, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. National Campground Owners Association, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

A. Thomas A. Hammer, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Sun Maid Raisin Growers of California, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

A. Thomas A. Hammer, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Western Growers Association, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

A. Robert N. Hampton, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $301.17.

A. Nolan W. Hancock, Oil, Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical and Atomic Workers International Union, 1636 Champa Street, Denver, Colo., 80201.
D. (6) $4,250.

A. Donald K. Hanes, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $131.83.

A. George J. Hanks, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., No. 250, Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. Elisabeth Hanlin, Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
B. Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.

A. The Hannaford Co., Inc., 1225 19th Street NW., No. 750, Washington, D.C. 20036.
B. Americans for the Voter Initiative, 3115 N Street NW., Washington, D.C. 20007.
D. (6) $212.50. E. (9) $70.79.

A. The Hannaford Co., Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Asociacion de Amigos del Pais, 6a. Ave. "A", 10-38, Zona 9, Guatemala City, C.A.
D. (6) $1,085. E. (9) $816.18.

A. The Hannaford Co., Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. National Venture Capital Association, 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $12,600. E. (9) $3,675.14.

A. The Hannaford Co., Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Tosco Oil Corp., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,600. E. (9) $205.30.

A. Hansell, Post, Brandon & Dorsey, 1747 Pennsylvania Avenue NW., Suite 920, Washington, D.C. 20006.
B. Associated Builders & Contractors, Inc., 444 Number Capitol Street NW., Washington, D.C. 20001.

A. Hansell, Post, Brandon & Dorsey, 1747 Pennsylvania Avenue NW., Suite 920, Washington, D.C. 20006.
B. Portman Properties, 1800 Peachtree Center South, 225 Peachtree Street NE., Atlanta, Ga. 30303.
E. (9) $1,598.20.

A. J. E. Hansen, Brotherhood of Railroad Signalmen, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railroad Signalmen, 601 West Golf Road, Mount Prospect, Ill. 60056.
D. (6) $350.

A. Jill A. Hanson, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
B. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
D. (6) $1,000.

A. Peter J. Hapworth, 1511 K Street NW., Washington, D.C. 20005.
B. The Sugar Association, Inc., 1511 K Street NW., Washington, D.C. 20005.
D. (6) $500. E. (9) $218.85.

A. William E. Hardman, 9300 Livingston Road, Washington, D.C. 20022.
B. National Tooling & Machining Association, 9300 Livingston Road, Washington, D.C. 20022.
D. (6) $18,846.17. E. (9) $5,275.21.

A. Eugene J. Hardy, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Andrew E. Hare, 8001 Braddock Road, Springfield, Va. 22160.
B. National Right to Work Committee, 8001 Braddock Road, Springfield, Va. 22160.
D. (6) $250. E. (9) $234.25.

A. Charles N. Harkey, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.
B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Bryce L. Harlow, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Donald L. Harlow, Air Force Sergeants Association, 310 Riley Street, Falls, Church, Va. 22046.
B. Air Force Sergeants Association, 5211 Auth Road, Camp Springs, Md. 20023.

A. John L. Harmer, 350 South 400 East, Suite G-5, Salt Lake City, Utah 84111.
D. (6) $15,000. E. (9) $3,325.

A. C. Wayne Harmon, Gulf Oil Corp., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $250. E. (9) $105.30.

A. Robert L. Harness, Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $450. E. (9) $135.84.

A. Wiley C. Harrell, Anheuser-Busch Cos., Inc., 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.
B. Anheuser-Busch Co., Inc., 721 Pestalozzi Street, St. Louis, Mo. 63118.
E. (9) $10.

A. Michael T. Harrigan, 2033 M Street NW., Washington, D.C. 20036.

B. United States Olympic Committee, 1750 East Boulder, Colorado Springs, Colo. 80909.

A. Toni Harrington, American Honda Motor Co., Inc., 955 L'Enfant Plaza SW., No. 905, Washington, D.C. 20024.
B. American Honda Motor Co., Inc., 100 West Alondra Boulevard, Gardena, Calif. 90247.
D. (6) $200. E. (9) $280.68.

A. Hubert L. Harris, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $2,500. E. (9) $639.89.

A. Robert H. Harris, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $365.

A. Robert L. Harris, 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. The Aluminum Association, 818 Connecticut Avenue NW., Washington, D.C. 20006.
E. (9) $50.

A. Jim Harrison, Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.
B. Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.
D. (6) $6,083.

A. William H. Harsha, 1102 Delf Drive, McLean, Va. 22101.
B. William H. Harsha & Associates, Inc., 499 South Capitol Street SW., Suite 102, Washington, D.C. 20003 (for: American Trucking Association, 1616 P Street NW., Washington, D.C. 20036).
D. (6) $7,500.

A. Richard Hart, National Association of Manufacturers, 601 North Vermont Avenue, Los Angeles, Calif. 90004.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $350. E. (9) $15.

A. Hartford Fire Ins. Co., Hartford Plaza, Hartford, Conn. 06115.
E. (9) $7,100.

A. Charles D. Hartman, Texaco, Inc., 1050 17th Street NW., Suite 500, Washington, D.C. 20036.
B. Texaco Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650
D. (6) $574.30.

A. Robert S. Hartmann, Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Norman B. Hartnett, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $19,952.80. E. (9) $2,008.19.

A. Clifford J. Harvison, National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Walter A. Hasty, Jr., Procter & Gamble Mfg. Co., 1801 K Street NW., Suite 230, Washington, D.C. 20006.
B. The Procter & Gamble Mfg. Co., 301 East Sixth Street, Cincinnati, Ohio 45202.
D. (6) $120.

A. Barbara J. Haugh, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
E. (9) $965.42.

A. Rodney E. Haugh, 1735 Jefferson Davis Highway, Suite 903, Arlington, Va. 22202.
B. Potato Chip/Snack Food Association, 1735 Jefferson Davis Highway, Suite 903, Arlington, Va. 22202.
D. (6) $600.

A. Rodney E. Haugh, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Mary W. Haught, Sun Company, Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $700. E. (9) $68.49.

A. Charles W. Havens III, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

A. Sidney G. Hawkes, The Mead Corporation, 1000 Connecticut Avenue NW., Suite 715, Washington, D.C. 20036.
B. The Mead Corp., Mead World Headquarters, Courthouse Plaza Northeast, Dayton, Ohio 45463.
D. (6) $900. E. (9) $104.65.

A. David G. Hawkins, Natural Resources Defense Council, 1725 I Street NW., Washington, D.C. 20006.
B. Natural Resources Defense Council, 1725 I Street NW., Washington, D.C. 20006.
D. (6) $1,222.80. E. (9) $36.50.

A. John H. Hawkins, Jr., Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.
B. Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.
D. (6) $11,376. E. (9) $1,252.17.

A. Paul M. Hawkins, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Wesley F. Hayden, 5224 Cherokee Avenue, Alexandria, Va. 22312.
B. International Association of Fish and Wildlife Agencies, 1412 16th Street NW., Washington, D.C. 20036.
D. (6) $1,770. E. (9) $31.35.

A. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.

A. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $543.75.

A. Robert L. Healy, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $250.

A. William H. Hecht, 1875 I Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.

A. Jay Hedlund, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $6,499.98. E. (9) $58.80.

A. Edward D. Heffernan, Shannon, Heffernan, Moseman & Goren, P.C., No. 1025, 1875 I Street NW., Washington, D.C. 20006.
B. Colt Industries, 1901 L Street NW., Washington, D.C. 20006.
D. (6) $9,800. E. (9) $193.37.

A. Edward D. Heffernan, Shannon, Heffernan, Moseman & Goren, P.C., No. 1025, 1875 I Street NW., Washington, D.C. 20006.
B. Ductile Iron Pipe Research Association, Oak Brook, Ill.

A. Edward D. Heffernan, Shannon, Heffernan, Moseman & Goren, P.C., No. 1025, 1875 I Street NW., Washington, D.C. 20006.
B. E Street Associates, Washington, D.C.

A. John F. Heilman, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $13,988.80. E. (9) $1,548.70.

A. Helicopter Association International, 1110 Vermont Avenue NW., Suite 430, Washington, D.C. 20005.
E. (9) $10,271.70.

A. Steven B. Hellem, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

A. Noel Hemmendinger, Arter Hadden & Hemmendinger, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Arter Hadden & Hemmendinger, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006. (For: Japan Iron & Steel Exporters' Association, Tokyo, Japan).

A. Carol C. Henderson, American Library Association, 110 Maryland Avenue NE., Box 54, Washington, D.C. 20002.
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $627.

A. John B. Henderson, Textron Inc., 1666 K Street NW., Suite 300, Washington, D.C. 20006.
B. Textron Inc., 40 Westminster Street, Providence, R.I. 02903.
D. (6) $1,990. E. (9) $295.

A. Richard Dean Henderson, Private Truck Council of America, Inc., 1101 17th Street NW., No. 310, Washington, D.C. 20036.
B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 310, Washington, D.C. 20036.
E. (9) $20.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y. 10017.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,500.

A. Thomas M. Hennessy, Getty Oil Co., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $2,249. E. (9) $553.85.

A. Bert E. Henningson, National Farmers Organization, 475 L'Enfant Plaza SW., No. 2250, Washington, D.C. 20024.
B. National Farmers Organization, Corning, Iowa 50841 and 475 L'Enfant Plaza, SW., No. 2250, D.C. 20024.
E. (9) $56.85.

A. George F. Hennrikus, Jr., The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
D. (6) $5,033.

A. Donald A. Henriksen, 515 South Flower Street, Los Angeles, Calif. 90071.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. LeAnn Hensche, RJR Industries, Inc., 2550 M Street NW., Suite 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $263.74. E. (9) $64.04.

A. Lawrence R. Herman, Independent Insurance Agents of America, Inc., 1120 19th Street NW., Suite 503, Washington, D.C. 20036.
B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.
D. (6) $8,076.95.

A. Lyla M. Hernandez, American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.
B. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.
E. (9) $24.85.

A. Herrick, Allen, Davis & Bailey, 1701 K Street NW., Suite 706, Washington, D.C. 20006.
B. Amusement and Music Operators Association, 35 East Wacker Drive, Suite 1940, Chicago, Ill. 60601.
D. (6) $517.50.

A. Heublein, Inc., Munson Road, Farmington, Conn. 06032.
E. (9) $7,353.91.

A. Ted A. Heydinger, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $2,783. E. (9) $258.70.

A. Andrew I. Hickey, Jr., Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.
D. (6) $15,750. E. (9) $873.07.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: Alvin Nederlander Associates, Inc.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: American Family Life Assurance Co.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: Continental Materials), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: the Cordage Institute), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: National Coal Consumer Alliance), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: Trans World Airlines), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: Young Drug Products Corp.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Paul T. Hicks, Rhode Island Petroleum Association, 154 Francis Street, Providence, R.I. 02903.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $320. E. (9) $578.87.

A. J. Thomas Higginbotham, Mellon Bank N.A., Pittsburgh, Pa. 15230.
B. Mellon Bank N.A. and Mellon National Corp., Mellon Square, Pittsburgh, Pa. 15230.
D. (6) $2,000. E. (9) $2,250.45.

A. Kevin M. Higgins, 9 West 57th Street, New York, N.Y. 10019.
B. Avon Products, Inc., 9 West 57th Street, New York, 10019.

A. Allan D. Hill, Phillips Petroleum Co., 1825 K Street NW, No. 107, Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla., 74004.

A. Hill, Christopher and Phillips, P.C., 1900 M Street NW., Washington, D.C. 20036.
B. Whitney National Bank of New Orleans, 228 Saint Charles Avenue, New Orleans, La. 70130.
D. (6) $500.

A. J. Eldred Hill, Jr., UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
B. UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
D. (6) $2,000.

A. Morton A. Hill, 980 Park Avenue, New York, N.Y. 10028.
B. Morality In Media, Inc., 475 Riverside Drive, Suite 239, New York, N.Y. 10115.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $200.

A. Claude E. Hobbs, Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $3,700. E. (9) $138.

A. Robert J. Hobbs, National Consumer Law Center, 11 Beacon Street, Boston, Mass. 02108.
B. National Consumer Law Center, 17 Beacon Street, Boston, Mass. 02108.

A. Jerald E. Hobson, El Paso Co., 1775 K Street NW., Suite 310, Washington, D.C. 20006.
B. The El Paso Co., P.O. Box 2185, Houston, Tex. 77001.
D. (6) $2,500. E. (9) $444.25.

A. Charles L. Hoebel, Carrier Corp., Suite 305, 1629 K Street NW., Washington, D.C. 20006.
B. Carrier Corp., Carrier Tower Box 4800, Syracuse, N.Y. 13221.
D. (6) $3,300. E. (9) $373.67.

A. Howard E. Hoelter, Illinois Petroleum Council, P.O. Box 5034, Springfield, Ill. 62705.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $540. E. (9) $632.23.

A. Irvin A. Hoff, 20 Live Oak Road, Hilton Head Island, S.C. 29928.
B. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $458.33. E. (9) $140.38.

A. Ellen S. Hoffman, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Children's Defense Fund of the Washington Research Project, Inc., 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $1,947.86. E. (9) $224.75.

A. Herbert E. Hoffman, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Council of European & Japanese National Shipowners' Associations, 30/32 St. Mary Axe, London EC3 8ET, England.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $282.50.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Energy Transportation Systems, Inc., 50 Beale Street, San Francisco, Calif. 94106.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Florida State Hospice Organization, Inc., 111 Northwest 10th Avenue, Miami, Fla. 33128.
D. (6) $825.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Guam Power Authority, Agana, Guam.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.
D. (6) $1,925. E. (9) $101.25.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Farmers Organization, Corning, Iowa.

A. Hogan & Hartson, 815 Connecticut Avenue NW, Washington, D.C. 20006.
B. National Rehabilitation Association, 1522 K Street NW, Washington, D.C.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Semiconductor Industry Association, 20380 Twin Center Lane, Cupertino, Calif. 95014.
D. (6) $9,782.50. E. (9) $274.39.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Vinland National Center, 3675 Ihduhapi Trail, Loretto, Minn. 55357.

A. Richard F. Hohlt, United States League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,200.

A. Walter Holan, 20 North Wacker Drive, Chicago, Ill. 60606.
B. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Bruce E. Holbein, Digital Equipment Corp., 111 Powdermill Road, B79, Maynard, Mass. 01754.
B. Digital Equipment Corp., 111 Powdermill Road, B79, Maynard, Mass. 01754.
D. (6) $8,500. E. (9) $1,034.

A. Holiday Inns, Inc., 3742 Lamor Avenue, Memphis, Tenn. 38118.
E. (9) $1600.

A. Marcus A. Hollabaugh, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Wendell M. Holloway, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
A. Ford Motor Co., Dearborn, Mich.
D. (6) $1,865. E. (9) $1,038.05.

A. Lee B. Holmes, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

A. Moses D. Homes, Jr., National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,790.40. E. (9) $26.25.

A. Peter E. Holmes, 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $750.

A. E. Y. Holt, Jr., National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Holt Cicatiello Neiswanger & Ross, Inc., 1441 Irving Street, Rahway, N.J. 07065.
A. New York Mercantile Exchange, Four World Trade Center, New York, N.Y. 10048.

A. John W. Holton, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Linwood Holton, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $100.

A. Karen C. Hontz, 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.
B. Gulf + Western Management Co., 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.
D. (6) $410. E. (9) $134.34.

A. William B. Hopkins, P.O. Box 13366, Roanoke, Va. 24033.
B. Tulare Lake Water Users Committee, P.O. Box 1206, Corcoran, Calif. 93212.
D. (6) $22,380. E. (9) $7,352.

A. Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn.

A. Robert Jack Horn, Detroit Edison Co., 1819 H Street NW., Suite 960, Washington, D.C.
B. The Detroit Edison Co., 2000 Second Avenue, Detroit, Mich. 48226
D. (6) $358. E. (9) $696.84.

A. Michael J. Horowitz, 810 18th Street NW., Washington, D.C. 20006.
B. National Association of Coin Laundry Equipment Operators, 7225 North Oracle, Tucson, Ariz. 85704.

A. John F. Horty, National Council of Community Hospitals, 1735 I Street NW., No. 10, Washington, D.C. 20006.
B. National Council of Community Hospitals, 1735 I Street NW., No. 710, Washington, D.C. 20006.
E. (9) $1,292.05.

A. Thomas B. House, 1700 Old Meadow Road, McLean, Va. 22102.
B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.
D. (6) $75.

A. Jack W. Houston, 315 West Ponce de Leon Avenue, Decatur, Ga. 30031.
B. Georgia Association of Petroleum Retailers, Inc., 315 West Ponce de Leon Avenue, P.O. Box 639, Decatur, Ga. 30031.
D. (6) $2500. E. (9) $338.70.

A. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
E. (9) $4,303.89.

A. C. T. Hoversten, 209 West 53rd Street, Western Springs Ill. 60558.

B. National Advertising Co., 6850 South Harlem Avenue, P.O. Box—Argo, Bedford Park, Ill. 60501.

A. Donald L. Howell, First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins, First City National Bank Building, Houston, Tex. (for Slurry Transport Association).
D. (6) $3,281.25. E. (9) $624.09.

A. J. William Howell, International Business Machines Corp., 1801 K Street NW., Washington, D.C.20006.
B. International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.
D. (6) $760. E. (9) $139.03.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.
B. Allstate Insurance Companies, Allstate Plaza, Northbrook, Ill. 60062.

A. Mary Lynch Howell, Textron Inc., 1666 K Street NW., Suite 300, Washington, D.C. 20006.
B. Textron Inc., 1666 K Street NW., Suite 300, Washington, D.C. 20006.
D. (6) $1,500. E. (9) $280.

A. John B. Howerton, ASARCO Inc., Suite 209, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. ASARCO Inc., 120 Broadway, New York, N.Y. 10271.
D. (6) $2,000.

A. J. W. Hudson, 1899 L Street NW., Washington, D.C. 20036.
B. Travel Industry Association of America, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $980.

A. David Emery Hughes, Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04122.
B. Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04122.
D. (6) $52.50. E. (9) $6.

A. Hughes Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.
B. The Business Roundtable, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $850. E. (9) $9.

A. Peter W. Hughes, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/ American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $989.20.

A. Robert S. Hughes, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.
B. American Association of Foundations for Medical Care, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.

A. Vester T. Hughes, Jr., 1000 Mercantile Dallas Building, Dallas, Tex. 75201.
B. Cornell Oil Co., 5440 Harvest Hill Road, Suite 200, Dallas, Tex. 75230.
D. (6) $500. E. (9) $1,033.70.

A. Vester T. Hughes, Jr., 1000 Mercantile Dallas Building, Dallas, Tex. 75201.
B. Sammons Enterprises, Inc., 403 South Akard, Dallas, Tex. 75202.

D. (6) $500. E. (9) $361.24

A. William E. Hughes, Jr., 11 Hills Avenue, East Hampton, Conn.
B. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.

A. William G. Hughes, National Association of Federal Veterinarians, No. 36, 1522 K Street NW., Washington, D.C. 20005.
B. National Association of Federal Veterinarians, No. 836, 1522 K Street NW, Washington, D.C. 20005.
A. Edward L. Huie, Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.
B. National Association of Air Traffic Specialists, Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.
D. (6) $6,461.58. E. (9) $1,188.40.

A. David C. Hull, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Gregory A. Humphrey, American Federation of Teachers, AFL-CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL-CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $10,886.28. E. (9) $135.

A. Robert R. Humphreys, 1120 20th Street NW., S-520, Washington, D.C. 30036.
B. American Association of Workers for the Blind, Inc., National Council of State Agencies for the Blind, 1511 K Street NW., Washington, D.C. 20005.
D. (6) $1,850. E. (9) $935.63.

A. Harriet Hunt, 82 Second Street, San Francisco, Calif. 94105.
B. Trust for Public Land, 82 Second Street, San Francisco, Calif. 94105.
Second Street, San Francisco, Calif. 94105
D. (6) $1,292.16. E. (9) $1,424.52.

A. A. Truman Hunt, Jr., Mississippi Petroleum Council, P.O. Box 42, Jackson, Miss. 39205.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $225. E. (9) $906.37

A. Acacia G. Hunt, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
D. (6) $78.75. E. (9) $3.85.

A. David A. Hunt, Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va.
B. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $6,500. E. (9) $2,500.

A. Richard M. Hunt, Suite 1009/Connecticut Building, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. NL Industries, Inc., 1230 Avenue of the Americas, New York, N.Y., 10020.
D. (6) $3,222.

A. Michael M. Hunter, International Telephone and Telegraph Corp., 1707 L Street NW., Washington, D.C. 20036.
B. International Telephone and Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
D. (6) $1,500. E. (9) $40.

A. Milton F. Huntington, Maine Petroleum Association, 283 Water Street, Augusta, Maine 04330.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $198. E. (9) $676.55.

A. John Edward Hurley, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.

A. Raymond Hurley, 1 Farragut Square South, Washington, D.C. 20006.
B. Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

A. Susan Drew Hutcheson, The American Alliance of Small Business, P.O. Box 598, Dallas, Tex. 75221.
B. The American Alliance of Small Business, P.O. Box 598, Dallas, Tex. 75221.
D. (6) $4,060. E. (9) $1,350.

A. Dewey M. Hutchins, Jr., Eastman Kodak Co., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Eastman Kodak Co., 343 State Street, Rochester, N.Y. 14650.
D. (6) $450. E. (9) $218.

A. Philip A. Hutchinson, Jr., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C.
B. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.
D. (6) $250.

A. Randy Huwa, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $5,000.01.

A. Robert D. Hynes, Jr., 1800 K Street NW., Washington, D.C. 20006.
B. National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.
D. (6) $500.

A. John Iaccio, Seafarers International Union, AGLIW District, 815 16th Street NW., Room 510, Washington, D.C. 20006.
B. Seafarers International Union, AGLIW District, 815 16th Street NW., Room 510, Washington, D.C. 20006.

A. I. G. C., Inc., 2550 M Street NW., Suite 405, Washington, D.C. 20037.
B. Republic of Turkey, 1606 23d Street, NW., Washington, D.C. 20008.
D. (6) $8,000.

A. Ronald K. Ikejiri, Japanese American Citizens League, 1730 Rhode Island Avenue NW, No. 204, Washington, D.C. 20036.
B. Japanese American Citizens League, 1765 Sutter Street, San Francisco, Calif. 94115.

A. Independent Data Communications Manufacturers Association, Inc., 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $5,643.50. E. (9) $5,643.50.

A. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.
D. (6) $21,478.27. E. (9) $21,478.27.

A. Independent Local Newspaper Association, 1050 17th Street NW., Washington, D.C. 20036.

A. Independent Producers Group, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
D. (6) $1,615. E. (9) $46.77.

A. Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $17,844.34. E. (9) $17,844.34.

A. Independent U.S. Tanker Owners Committee, 1612 K Street NW., No. 510, Washington, D.C. 20006.

A. Nancy J. Ingalsbee, 907 Foothill Boulevard, La Canada, Calif. 91011.
B. United States Ski Association, 907 Foothill Boulevard, La Canada, Calif. 91011.
D. (6) $618. E. (9) $473.70.

A. John H. Ingram, American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,775. E. (9) $383.

A. Andrea L. Innes, Coal Building, Washington, D.C. 20036.
B. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $7,875. E. (9) $669.

A. Deborah A. Insley, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

A. Insulation Contractors Association, 905 16th Street NW., Washington, D.C. 20007.

A. Insurance Economics Society of America, 1700 Pennsylvania Avenue NW., Suite 590, Washington, D.C. 20006.
D. (6) $68,342.56.

A. Inter American Associates, Inc., 1502 27th Street NW., Washington, D.C.
B. Government of Honduras.

A. Interlake, Inc., 2015 Spring Road, Oak Brook, Ill. 60521.
E. (9) $15,925.80.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
E. (9) $29,406.95.

A. International Maritime Associates, Inc., 1800 K Street NW., Washington, D.C. 20006.

A. International Union of Bricklayers and Allied Craftsmen, 815 15th Street NW., Washington, D.C. 20005.
E. (9) $5,690.95.

A. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson, Detroit, Mich. 48214.
D. (6) $60,916.18. E. (9) $60,916.18.

A. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.
E. (9) $2,936.60.

A. Investment Counsel Association of America, Inc., 50 Broad Street, New York, N.Y. 10004.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, Saint Paul, Minn. 55101.
D. (6) $30,156.78. E. (9) $10,852.19.

A. John D. Isaacs, Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Council for a Livable World, 11 Beacon Street, Boston, Mass. 02108.

D. (6) $5,172.48.

A. Itel Corp., No. 2 Embarcadero Center, 24th Floor, San Francisco, Calif. 94111.

A. Joseph S. Ives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $120.

A. Robert A. Jablon, Speigel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Fort Pierce Utilities Authority of the City of Fort Pierce, Gainesville-Alachua County Regional Electric Water & Sewer Utilities, Sebring Utilities Commission, Cities of Homestead, Kissimmee, Lakeland, Starke, Tallahassee, Florida.

A. Mercer L. Jackson, National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.
B. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.
D. (6) $200. E. (9) $61.04.

A. Margo L. James, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $5,000. E. (9) $714.74.

A. Japan Economic Institute of America, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,220. E. (9) $1,220.

A. Japanese American Citizens League, 1765 Sutter Street, San Francisco, Calif. 94118.

A. Diane Steigler Jarrell, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $196.35.

A. Jerry J. Jasinowski, National Association of Manufacturers, 1776 F. Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F. Street NW., Washington, D.C. 20006.
D. (6) $5,172.

A. Herbert N. Jasper, 415 Second Street SE., Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street SE., Washington, D.C. 20002.
D. (6) $20,865.39.

A. Joseph S. Jenckes, Abbott Laboratories, 1730 M Street NW., Suite 808, Washington, D.C. 20036.
B. Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.
E. (9) $345.80.

A. Linda Jenckes, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.

A. Jenkens & Gilchrist, 2200 First National Bank Building, Dallas, Tex. 75202.
B. American College of Emergency Physicians, P.O. Box 61911, Dallas, Tex. 75261.
D. (6) $255.50. E. (9) $22.57.

A. Jenkens & Gilchrist, 2200 First National Bank Building, Dallas, Tex. 75201.
B. T. Max Nygaard, P.O. Box 238, Dallas, Tex. 75221.
D. (6) $3,303. E. (9) $142.03.

A. Chris L. Jensen, Florida Petroleum Council, 111 North Gadsden Street, Tallahassee, Fla. 32301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,495. E. (9) $1,610.05.

A. Jensen, Sanders & McConnell, 1200 North Main Street, Suite 900, Santa Ana, Calif. 92701; 244 Maryland Avenue NE., Washington, D.C. 20002.
B. County of Orange, 10 Civic Center Plaza, Santa Ana, Calif. 92701.
D. (6) $9,500. E. (9) $846.

A. Jensen, Sanders & McConnell, 1200 North Main Street, Suite 900, Santa Ana, Calif. 92701; 244 Maryland Avenue NE., Washington, D.C. 20002.
B. Orange County Transportation Commission, 1020 North Broadway, Santa Ana, Calif. 92701.
D. (6) $6,500. E. (9) $631.

A. Jensen, Sanders & McConnell, 1200 North Main Street, Suite 900, Santa Ana, Calif. 92701; 244 Maryland Avenue NE., Washington, D.C. 20002.
B. Santa Ana Valley Irrigation Co., 1900 Bank of America Tower, 1 City Boulevard West, Orange, Calif. 92668.
D. (6) $1,500. E. (9) $122.

A. A. W. Jessup, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y. 10020.
E. (9) $868.65.

A. Guy E. Jester, J. S. Alberici Construction Co., 2150 Kienlen Avenue, St. Louis, Mo. 63121.
B. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Charles E. Joeckel, Jr., Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $10,376.80. E. (9) $1,043.32.

A. Bruce T. Johnson, The Bowery Savings Bank, 110 East 42d Street, New York, N.Y. 10017.
B. The Bowery Savings Bank, 110 East 42d Street, New York, N.Y. 10017.
D. (6) $14,000. E. (9) $14,000.

A. David H. Johnson, Mississippi Petroleum Council, P.O. Box 42, Jackson, Miss. 39205.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Jess Johnson, Jr., Shell Oil Co., Suite 200, 1025 Connecticut Avenue NW., Washington, D.C. 20026.
B. Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. John B. Johnson, Alabama Petroleum Council, P.O. Box 4220, Montgomery, Ala. 36195.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,075. E. (9) $765.01.

A. Rady A. Johnson, 1000 16th Street NW., Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $900. E. (9) $150.18.

A. Reuben L. Johnson, 1012 14th Street NW., Washington, D.C. 20005.
B. The Farmers' Educational & Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $8,310.78. E. (9) $110.73.

A. Richard W. Johnson, Jr., 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.
B. National Headquarters, Marine Corps League, 933 North Kenmore Street, Suite 321, Arlington, Va. 22201.

A. Richard W. Johnson, Jr., 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.
B. Non-Commissioned Officers Association of the U.S.A., P.O. Box 33610, San Antonio, Tex. 78233.
D. (6) $3,097.26. E. (9) $162.02.

A. Ronald P. Johnsen, Columbia Gas System Service Corp., 1625 I Street NW., No. 303, Washington, D.C. 20006.
B. Columbia Gas System Service Corp. 20 Montchanin Road, Wilmington, Del. 19807.
D. (6) $175. E. (9) $293.29.

A. Spencer A. Johnson, Paperboard Packaging Council, 1800 K Street NW., No. 600, Washington, D.C. 20006.

A. Stanley L. Johnson, Texaco, Inc., 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $75.

A. Theodore Johnson & Co., 786 National Press Building, Washington, D.C. 20045.
B. Coalition to Halt Automotive Theft, 786 National Press Building, Washington, D.C. 20045.
D. (6) $6,101.25.

A. William Johnson, Consumers Power Co., 1050 17th Street NW., Suite 290, Washington, D.C. 20036.
B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.
D. (6) $600.

A. David Johnston, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. James D. Johnston, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,600. E. (9) $3,496.55.

A. Joint Corporate Committee on Cuban Claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwich, Conn. 06830.
E. (9) $1,170.

A. Joint Maritime Congress, 444 North Capitol Street NW., No. 800, Washington, D.C. 20001.
D. (6) $13,201.64. E. (9) $13,201.64.

A. Allan R. Jones, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $8,000. E. (9) $177.87.

A. Charlie W. Jones, Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.
B. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.

D. (6) $700. E. (9) $60.

A. Ernest W. Jones, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. James E. Jones, Jr., 1776 F Street NW., Washington, D.C.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $300. E. (9) $65.

A. James E. Jones, Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24022.
B. Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24022.

A. Norvill Jones, Reynolds Metals Co., 1620 I Street NW., Washington, D.C. 20006.
B. Reynolds Metals Co., 6601 West Broad Street, Richmond, Va. 23261.
D. (6) $250.

A. Randall T. Jones National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $412.50. E. (9) $6.65.

A. De Soto Jordan, EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $396. E. (9) $98.39.

A. James V. Jordan, III, P.O. Box 2563, Birmingham, Al. 35202.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Al. 35202.

A. Jeffrey H. Joseph, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $1,365. E. (9) $87.50.

A. Linda Joseph, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $5,621.49. E. (9) $68.

A. Ellen Josephson, National Legal Aid and Defender Association, 1625 K Street NW., 8th Floor, Washington, D.C. 20006.
B. National Legal Aid and Defender Association, 1625 K Street NW., 8th Floor, Washington, D.C. 20006.
D. (6) $8,750. E. (9) $17.55.

A. Mary T. Joyce, CF Industries, Inc./Energy Cooperative, Inc., 1850 K Street NW., Suite 550, Washington, D.C. 20006.
B. CF Industries, Inc./Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.
D. (6) $500. E. (9) $545.47.

A. James N. Juliana, Braniff International, 1750 New York Avenue NW., Suite 340, Washington, D.C. 20006.
B. Braniff International, Braniff Boulevard, P.O. Box 6147, Dallas-Fort Worth Airport, Tex. 75261.

A. Robert E. Juliano, Hotel & Restaurant Employees & Bartenders International Union, 1875 I Street NW., Suite 450, Washington, D.C. 20006.
B. Hotel & Restaurant Employees & Bartenders International Union, 120 East Fourth Street, Suite 1300, Cincinnati, Ohio 45202.
D. (6) $9,999.96. E. (9) $1,295.32.

A. Ruth E. Jurman, Glass Packaging Institute, 2000 L Street NW., Washington, D.C. 20036.
B. Glass Packaging Institute, 2000 L Street NW., Washington, D.C. 20036.

A. H. Richard Kahler, Caterpillar Tractor Co., 1850 K Street NW., Suite 925, Washington, D.C. 20006.
B. Caterpillar Tractor Co., 100 Northeast, Adams Street, Peoria, Ill. 61629.
D. (6) $2,500. E. (9) $5,526.05.

A. Linda Heller Kamm, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006. (For Care Cabs, Inc.).

A. Linda Heller Kamm, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006. (For Independent Refiners Association of America, 1775 Pennsylvania Avenue NW., Washington, D.C.).

A. Linda Heller Kamm, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Donald J. Kaniewski, 905 16th Street NW., Washington, D.C. 20006.
B. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $5,747.49 E. (9) $132.55.

A. Gene Karpinski, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue, SE., Washington, D.C. 20003.
D. (6) $3,750.

A. Charles W. Karcher, Room 1707, Midland Building, Cleveland, Ohio 44115.
B. Standard Oil Company (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Joseph E. Karth, 102 West Boca Raton Road, Phoenix, Ariz. 85023.
B. Archer-Daniel-Midland Co., Decatur, Iowa.

A. Lawrence W. Katz, Satellite Business Systems, 8283 Greensboro Drive, McLean, Va. 22102.
B. Satellite Business Systems, 8283 Greensboro Drive, McLean, Va. 22102.
D. (6) $1,350. E. (9) $104.80.

A. Linda E. Katz, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $308.57. E. (9) $773.18.

A. Thomas O. Kay, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, Government Affairs Office, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $426.66.

A. Everett E. Kavanaugh, Cosmetic, Toiletry & Fragrance Association, Inc., 1110 Vermont Avenue NW., No. 800, Washington, D.C. 20005.
B. Cosmetic, Toiletry & Fragrance Association, Inc., 1110 Vermont Avenue NW., No. 800, Washington, D.C. 20005.

A. William J. Keating, National Grain and Feed Association, 725 15th Street NW., Washington, D.C. 20005.
B. National Grain and Feed Association, P.O. Box 28328, Washington, D.C. 20005.

A. John A. Keats, Suite 1105, Bender Building, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Young Women's Christian Home, 235 Second Street NE., Washington, D.C. 20002.

A. Howard B. Keck, Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.
B. Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.
E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Alvin Nederlander Assoc., Inc.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for American Family Life Assurance Co.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250. E. (9) $106.45.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Continental Materials), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Cordage Institute), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Knoxville International Energy Exposition (KIEE)), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for National Coal Consumer Alliance), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Trans World Airlines), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Westinghouse Electric Corp.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

D. (6) $1,250.

A. Teresa A. Keefe, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington. D.C. 20036.
D. (6) $2,518. E. (9) $19.

A. Patricia Keefer, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,500.

A. Robert C. Keeney, North Washington at Madison, Alexandria, Va. 22314.
B. United Fresh Fruit and Vegetable Association, North Washington At Madison, Alexandria, Va. 22314.
D. (6) $513.54. E. (9) $143.90.

A. Jefferson D. Keith, 8150 Leesburg Pike, No. 1100, Vienna, Va. 22180.
B. National Pest Control Association, 8150 Leesburg Pike, No. 1100, Vienna, Va. 22180.

A. Robert H. Kellen, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.
B. The Robert H. Kellen Co., 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342 for Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.
D. (6) $792.

A. Candace Keller Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
D. (6) $2,225. E. (9) $2,225.

A. John G. Keller, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, NY

A. Don Kellermann, Times Mirror, 1875 I Street NW., Suite 1110, Washington, D.C. 20006.
B. Times Mirror Co., Times Mirror Square, Los Angeles, Calif. 90053.
D. (6) $5,000. E. (9) $750.

A. John B. Kelley, Avco Corp., 1025 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.
B. Avco Corp., 1275 King Street, Greenwich, Conn. 06830.
D. (6) $1,500.

A. Michael T. Kelley, 1700 North Moore Street, Suite 919, Arlington, Va. 22209.
B. Houston Natural Gas Corp., 1700 North Moore Street, Suite 919, Arlington, Va. 22209.
D. (6) $127.80. E. (9) $18.50.

A. Ty Kelley, National Association of Chain Drug Stores, Inc., 413 North Lee Street, Alexandria, Va. 22314.
B. National Association of Chain Drug Stores, Inc., 413 North Lee Street, Alexandria, Va. 22314.
D. (6) $1,500.

A. Stephen S. Kellner, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $46.75.

A. Carol A. Kelly, American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
B. American Textile Manufacturers Institute Inc., Suite 300, Washington, D.C. 20036.
D. (6) $83.35. E. (9) $42.22.

A. Ernest B. Kelly, III, Satellite Television Corp. 1301 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $1,000. E. (9) $318.74.
A. Harold V. Kelly, Republic Steel Corp., 1101 15th Street NW., Washington, D.C. 20005.

B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Joseph W. Kennebeck, Volkswagen of America, Inc., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.
B. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.
D. (6) $100.

A. William F. Kennedy, General Electric Co., Fairfield, Conn. 06431.
B. General Electric Co., Fairfield, Conn. 06431.

A. Jeremiah J. Kenney, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. Peter B. Kenney, 1800 K Street NW., Washington, D.C. 20006.
B. National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C., 20006.
D. (6) $2,275.62. E. (9) $308.62.

A. Robert T. Kenney, Texaco, Inc., 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

A. J. H. Kent, Kent & O'Connor, Inc., 1919 Pennsylvania Avenue NW., No. 300, Washington, D.C. 20006.
B. American Supply Association, 221 North LaSalle Street, Chicago, Ill. 60601.
D. (6) $1,372.78 E. (9) $880.

A. Jonathan H. Kent, Kent & O'Connor, Inc., 1919 Pennsylvania Avenue NW., No. 300, Washington, D.C. 20006.
B. Seniorcenters of America, 2640 Peerless Road NW., Cleveland, Tenn. 37311.
D. (6) $2,030.19. E. (9) $580.

A. Paul A. Kerschner, National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $726.92. E. (9) $136.25.

A. Robert M. Ketchel, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co. 777 14th Street NW., Washington, D.C. 20005.
A. Gilbert W. Keyes, P.O. Box 3999, Mail Stop 8F-77, Seattle, Wash. 98124.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $758.75. E. (9) $893.72.

A. Earline A. Keyser, 7352 Lee Highway, Falls Church, Va. 22046.
B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.

A. Richard F. Kibben, 200 Park Avenue, New York, N.Y. 10166.
B. Business Roundtable, 200 Park Avenue, New York, N.Y.—10166.
A. William S. Kies, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $450.

A. Margaret A. Kimball, Route 1, Box 118A, Bealeton, Va. 22712.
B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.

A. Roberta D. Kimball, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Richard H. Kimberly, Kimberly-Clark Corp., 1400 Holcomb Bridge Road, Roswell, Ga. 30076.
B. Kimberly-Clark Corp., 401 North Lake Street, Neenah, Wis., 54956.
D. (6) $183.15. E. (9) $2,499.94.

A. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.
E. (9) $2,960.09.

A. Charles L. King, American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
D. (6) $175.

A. Dean King, National Rural Letter Carriers' Association, Suite 1204, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Rural Letter Carriers' Association, Suite 1204, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Edward H. King, Walgreen Co., 200 Wilmot Road, Deerfield, Ill. 60015.
B. Walgreen Co., 200 Wilmont Road, Deerfield, Ill. 60015.

A. G. Jack King, US Air, Inc., Washington National Airport, Washington, D.C. 20001.
B. US Air, Inc., Washington National Airport, Washington, D.C. 20001.
D. (6) $1,000.

A. Rufus King, 910 17th Street NW., Washington, D.C.
B. D. Gottlieb & Co., 165 West Lake Street, Northlake, Ill., and Stern Electronics, Inc., 1725 Diversey Parkway, Chicago, Ill., and Williams Electronics, Inc., 3401 California Avenue, Chicago, Ill.

A. W. Russell King, Freeport Minerals Co., 1050 17th Street NW., No. 301, Washington, D.C. 20036.
B. Freeport Minerals Co., 200 Park Avenue, New York, N.Y. 10166.
D. (6) $250.

A. John M. Kinnaird, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $10,000.

A. Francis L. Kinney, 76 Pheasant Run, Newington, Conn. 06111.
B. Northeat Utilities Service Co., Selden Street, Berlin, Conn. 06037.

A. Kirby & Gillick, 1625 K Street NW., Suite 905, Washington, D.C. 20006.
B. American Bus Association, 1025 Connecticut Avenue NW., Suite 308, Washington, D.C. 20036.

D. (6) $750.

A. Kirby & Gillick, 1625 K Street NW., Suite 905, Washington, D.C. 20006.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
D. (6) $1,800. E. (9) $26.

A. Kirby & Gillick, 1625 K Street NW., Suite 905, Washington, D.C. 20006.
B. Corn Refiners Association, 1001 Connecticut Avenue NW., Suite 1022, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $35.90.

A. Kirby & Gillick, 1625 K Street NW., Suite 905, Washington, D.C. 20006.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Suite 604, Washington, D.C. 20036.
D. (6) $3,145. E. (9) $74.50.

A. Alan G. Kirk, II, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

A. John R. Kirk, Bingham, Dana & Gould, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Sally Ann Kirkpatrick, Alliance of American Insurers, 1776 F Street NW., Washington, D.C. 20006.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $588. E. (9) $283.04.

A. Emmett B. Kitchen, Jr., National Association of Business and Educational Radio, Inc., P.O. Box 19164, Washington, D.C. 20036.
B. National Association of Business and Educational Radio, Inc., P.O. Box 19164, Washington, D.C. 20036.

A. Ronald A. Kitlas, Kellogg Co., 235 Porter Street, Battle Creek, Mich. 49016.
B. Kellogg Co., 235 Porter Street, Battle Creek, Mich. 49016.
D. (6) $300. E. (9) $155.

A. Ralph W. Kittle, 1620 I Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $175.

A. Saul B. Klaman, National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $1,994.23.

A. Catherine B. Klarfeld, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Richard P. Kleeman, Association of American Publishers Inc., 1707 L Street NW., No. 480, Washington, D.C. 20036.
B. Association of American Publishers, Inc., 1707 L Street NW., No. 480, Washington, D.C. 20036.

A. Jerry D. Klepner, National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
D. (6) $13,000. E. (9) $1,141.15.

A. Joann Klimschot, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,966.

A. Richard A. Kline, 1100 17th Street NW., Suite 313, Washington, D.C. 20036.
B. Council of Active Independent Oil & Gas Producers, 1100 17th Street NW., Suite 313, Washington, D.C. 20036.
D. (6) $5,781.

A. William J. Klinefelter, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $8,787.32.

A. James E. Kneale, Lockheed Corp., 2335 South Meade Street, Arlington, Va. 22202.
B. Lockheed Corp., P.O. Box 551, Burbank, Calif. 91520.
D. (6) $960. E. (9) $463.87.

A. Peter E. Knight, Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.
D. (6) $5,750. E. (9) $587.03.

A. Daniel F. Knise, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. John C. Knott, Burlington Northern Inc., 6800 Powderhouse Road, Cheyenne, Wyo. 82001.
B. Burlington Northern Inc., 176 East Fifth Street, St. Paul, Minn. 55101.

A. C. Neal Knox, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $1,575.

A. Ruth E. Kobell, 1012 14th Street NW., Washington, D.C. 20005.
B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $4,264.63. E. (9) $172.71.

A. Bradley R. Koch, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $127.85.

A. George W. Koch, 1010 Wisconsin Avenue NW., Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Washington, D.C. 20007.
D. (6) $60.03.

A. Stanley E. Kolbe, Jr., The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,750. E. (9) $120.

A. Michael S. Koleda, National Council on Synthetic Fuels Production, 1747 Pennsylvania Avenue NW., Suite 825, Washington, D.C. 20006.
B. National Council on Synthetic Fuels Production, 1747 Pennsylvania Avenue NW., Suite 825, Washington, D.C. 20006.

A. Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.
B. Aeron Marine Shipping Co., Triad Office Center, 2001 Marcus Avenue, Lake Success, N.Y. 11042.

A. Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.
B. Colt Industries Inc., 430 Park Avenue, New York, N.Y. 10022.
E. (9) $3.76.

A. Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.
B. Southern Overseas Corp., P.O. Box 2110, Wilmington, N.C. 28402.
D. (6) $5,144.27. E. (9) $16.72.

A. Nicholas Kominus, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,220.63. E. (9) $66.72.

A. Stephen Koplan, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $11,710. E. (9) $210.88.

A. Horace R. Kornegay, No. 800, 1875 I Street NW., Washington, D.C. 20006.
B. Tobacco Institute, Inc., 1875 I Street NW., Washington, D.C. 20006.

A. Kenneth S. Kovack, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $8,787.32.

A. Michael J. Kowalsky, 1120 19th Street NW., Suite 410, Washington, D.C. 20036.
B. Cigar Association of America, Inc., 1120 19th Street NW., Suite 410, Washington, D.C. 20036.
D. (6) $60. E. (9) $11.90.

A. E. J. Krabacher, Cincinnati Milacron Inc., 4701 Marburg Avenue, Cincinnati, Ohio 45209.
B. Cincinnati Milacron Inc., 4701 Marburg Avenue, Cincinnati, Ohio 45209.
D. (6) $1,010. E. (9) $552.

A. Mylio S. Kraja, The American Legion, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $9,138. E. (9) $1,129.45.

A. Amos Kramer, Kansas Petroleum Council, 1414 Merchants Bank Building, Eighth and Jackson Streets, Topeka, Kans. 66612.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $540.76. E. (9) $756.99.

A. Louis C. Kramp and Associates, 1919 Pennsylvania Avenue NW., No. 301, Washington, D.C. 20006.
B. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.
D. (6) $1,600.

A. Louis C. Kramp and Associates, 1919 Pennsylvania Avenue NW., No. 301, Washington, D.C. 20006.
B. National Association of Homes for Children, 200 South Tyron Street, Suite 1500, Charlotte, N.C. 28202.

D. (6) $1,200.

A. Louis C. Kramp and Associates, 1919 Pennsylvania Avenue NW., No. 301, Washington, D.C. 20006.
B. Service Master Industries, Inc., 2300 Warenville Road, Downers Grove, Ill. 60515.
D. (6) $3,000.

A. Louis C. Kramp and Associates, 1919 Pennsylvania Avenue NW., No. 301, Washington, D.C. 20006.
B. United States Industrial Council, Third Floor, Realtors Building, 306 Gay Street, Nashville, Tenn. 37219.
D. (6) $900.

A. Stephen W. Kraus, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $150.

A. Raymond R. Krause, 1700 Pennsylvania Avenue NW., Suite 730, Washington, D.C. 20006.
B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Suite 730, Washington, D.C. 20006.

A. Raymond R. Krause, TRW Inc., 2030 M Street NW., Suite 800 Washington, D.C. 20036.
B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Charles C. Krautler, 1100 H Street NW., Washington, D.C. 20080.
B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.

A. Lawrence E. Kreider, Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

A. The Kroger Co., 1014 Vine Street, Cincinnati, Ohio.
E. (9) $5,492.39.

A. Joseph Kuchler, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Ill., 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $919.77. E. (9) $24.82.

A. Lloyd R. Kuhn, Aerospace Industries Association, 1725 DeSales Street NW., Washington, D.C. 20036.
B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $12,180.

A. Thomas R. Kuhn, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $2,750. E. (9) $381.13.

A. Daniel M. Kush, CertainTeed Corp., 1627 K Street NW., Suite 610, Washington, D.C. 20006.
B. CertainTeed Corp., P.O. Box 860, Valley Forge, Pa. 19482.

A. Labor Bureau, Inc., 1200 15th Street NW, Washington, D.C. 20005.

A. Laborers' International Union, 905 16th Street NW., Washington, D.C. 20006.
B. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
E. (9) $19,526.29.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $7,450. E. (9) $6,244.

A. Phillip Ray Lackey, 823 15th Street NW., Washington, D.C. 20005.
B. International Masonry Institute, 823 15th Street NW., Washington, D.C. 20005.
D. (6) $1,454.

A. Philip A. Lacovara, Hughes Hubbard & Reed, 1660 L. Street NW., Washington, D.C. 20036.
B. Britol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.

A. Philip A. Lacovara, Hughes Hubbard & Reed, 1660 L Street, NW., Washington, D.C. 20036.
B. Merck & Co., Inc., P.O. Box 2000, Rahway, N.J. 07065.

A. Philip A. Lacovara, Hughes Hubbard & Reed, 1660 L Street, NW., Washington, D.C. 20036.
B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Bruce C. Ladd, Jr., 4406 Franklin Street, Kensington, Md. 20795.
B. Laclede Gas Co., 720 Olive Street, St. Louis, Mo. 63101.
D. (6) $7,500. E. (9) $34.

A. Walter B. Laessig, 1115 Massachusetts Avenue NW., Suite 6, Washington, D.C. 20005.
B. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $1,650. . E. (9) $17.50.

A. Sarah M. Laird, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $3,627. E (9) $66.

A. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.

A. James H. Lake, Suite 700, 888 17th Street NW., Washington, D.C.
B. MBPXL Corp.

A. David F. Lambert III, Automotive Occupant Protection Association, 2001 Jeff Davis Highway, Suite 1101, Arlington, Va. 22202.
B. Automotive Occupant Protection Association, 2001 Jeff Davis Highway, Arlington, Va. 22202.
D. (6) $11,000.

A. David M. F. Lambert, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Jewish Employment Vocational Services, 1727 Locust Street, St. Louis, Mo. 63103.

A. David R. Lambert, American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.
B. American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.
D. (6) $5,000.

A. C. Peter Lambos, Lambos, Flynn, Nyland & Giardino, 29 Broadway, 9th Floor, New York, N.Y., 10006.
B. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.
A. Stephen K. Lambright, 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.
B. Anheuser-Busch Co. Inc., 721 Pestalozzi Street, St. Louis, Mo. 63118.
E. (9) $10.

A. David W. Landsidle, National Association of Manufacturers, 1719 Route 10 Parsippany, N.J. 07504.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $600.

A. Karl S. Landstrom, 510 North Edison Street, Arlington, Va. 22203.
B. Geothermal Resources International Inc., 4676 Admiralty Way, Suite 503, Marina Del Ray, Calif.
D. (6) $750. E. (9) $10.

A. Lane & Edson, 1800 M Street NW., Suite 400S, Washington, D.C. 20036.
B. City of Baltimore, Mayor William Donald Schaefer, 250 City Hall, Baltimore, Md. 21202.
D. (6) $2,000. E. (9) $700.

A. Lane & Edson, Suite 400S, 1800 M Street NW., Washington, D.C. 20036.
B. National Leased Housing Association, Suite 400S, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $450.

A. Laurence F. Lane, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.
B. American Association of Homes for the Aging, 1050 17th Street NW., Washington, D.C. 20036.
D. (6) $975. E. (9) $38.

A. Michael S. Lang, American Productivity Center, Inc., 123 North Post Oak Lane, Houston, Tex. 77024.
B. American Productivity Center, Inc., 123 North Post Oak Lane, Houston, Tex. 77204.

A. R. Josh Lanier, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.
B. Leggett, Lanier & Associates, 400 North Capitol Street, Suite 323, Washington, D.C. 20001; Shellfish Institute of North America, 400 North Capitol Street, Suite 323, Washington D.C. 2001.
D. (6) $4,500.

A. Robin W. Lanier, National Retail Merchants Association, 1000 Connecticut Avenue NW., No. 700 Washington, D.C. 20036.
B. National Retail Merchants Association, 100 West 31st Street, New York, 10001.
D. (6) $100. E. (9) $5.

A. Wayne R. LaPierre, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $850. E. (9) $229.29

A. Clifford C. LaPlante, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $875.

A. J. Stephen Larkin, International Paper Co., Suite 700, 1620 I Street NW., Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700 Washington, D.C. 20006.
E. (9) $82.79

A. LaSalle National Bank, 135 South LaSalle Street, Chicago, Ill. 60690.

A. Lawrence C. Laser, Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.

B. Cities Service Co., 1660 L Street NW., No. 207, Washington, D.C. 20036.

A. Louis F. Laun, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Dennis Lavallee, National Asociation of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.
B. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., 20036.
D. (6) $700. E. (9) $121.20

A. Charles B. Lavin, Jr., American Subcontractors Association, 8401 Corporate Drive, Suite 540, Landover, Md. 20785.
B. American Subcontractors Association, 8401 Corporate Drive, Suite 540, Landover, Md. 20785.

A. Kathryn M. Lavriha, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $2,245. E. (9) $41.

A. Jane A. Lawlor, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. George H. Lawrence, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard Arlington, Va. 22209.
D. (6) $415. E. (9) $279.07.

A. Henry J. Lawrence, Jr., The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $2,631.87.

A. Lead-Zinc Producers Committee, 1320 19th Street NW., No. 600, Washington, D.C. 20036.
D. (6) $12,000. E. (9) $12,707.92.

A. League of New York Theatres & Producers, Inc., 226 West 47th Street, New York, N.Y. 10036.
D. (6) $1,666.75. E. (9) $1,666.75.

A. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C.20036.
D. (6) $23,997. E. (9) $23,997.

A. League to Save Lake Tahoe, 2197 Lake Tahoe Boulevard, P.O. Box 10110, South Lake Tahoe, Calif. 95731.
D. (6) $9,000. E. (9) $742.83.

A. John I. Le Berre, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006
D. (6) $200. E. (9) $32.

A. LeBoeuf, Lamb, Leiby & MacRae, 140 Broadway, New York, N.Y.; 1333 New Hampshire Avenue NW., Washington, D.C.
B. Underwriters at Lloyd's, London, 409 McClure Building, Frankfurt, Ky. 40601; Lord, Bissell & Brook, 115 South LaSalle St., Chicago, Ill. 60603.
A. Lee, Toomey & Kent, 1200 18th Street NW., Washington, D.C. 20036.
B. Specialty Advertising Association International, 1404 Walnut Hill Lane, Irving, Tex. 75062.
D. (6) $2,000. E. (9) $25.50.

A. David A. Leff, Joint Maritime Congress, 444 North Capitol Street NW., Suite 801, Washington, D.C. 20001.
B. Joint Maritime Congress, 444 North Capitol Street NW., No. 800, Washington, D.C. 20001.
D. (6) $1,506.40.

A. Robert B. Leflor, 2000 P Street NW., Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Caroline Mills LeGette, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $915.38.

A. Leggett, Lanier & Associates, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.
B. Shellfish Institute of North America, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.
D. (6) $9,000. E. (9) $6,900.

A. Joanna S. Lehane, 1120 19th Street NW., Suite 333, Washington, D.C. 20036.
B. Motor & Equipment Manufacturers Association, 1120 19th Street NW., Suite 333, Washington, D.C. 20036.
D. (6) $500. E. (9) $116.85.

A. Leighton, Conklin, Lemov & Jacobs, Chtd., 2033 M Street NW., No. 800, Washington, D.C. 20036.
B. City & Regional Magazine Association, 2003 M Street NW., No. 800, Washington, D.C. 20036.

A. Leighton, Conklin, Lemov & Jacobs, Chtd., 2033 M Street NW., No. 800, Washington, D.C. 20036.
B. Clorox Company, 1221 Broadway, Okland, Calif., 94612.

A. Leighton, Conklin, Lemov & Jacobs, Chtd., 2033 M Street NW., No. 800, Washington, D.C. 20036.
B. The First Boston Corp., 20 Exchange Place, New York, N.Y. 10005.

A. Leighton, Conklin, Lemov, & Jacobs, Chtd., 2033 M Street NW., No. 800, Washington, D.C. 20036.
B. General Instrument Corp., 320 West 57th Street, New York, N.Y. 10019.

A. Leighton, Conklin, Lemov, & Jacobs, Chtd., 2033 M Street NW., No. 800, Washington, D.C. 20036.
B. Greater Boston Real Estate Board, 24 School Street, Boston, Mass. 02108.

A. Leighton, Conklin, Lemov, & Jacobs, Chtd., 2033 M Street NW., No. 800, Washington, D.C. 20036.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., No. 800, Washington, D.C. 20007.

A. Leighton, Conklin, Lemov, & Jacobs, Chtd., 2033 M Street NW., No. 800, Washington, D.C. 20036.
B. National Association of Small Business Investment Companies, 618 Washington Building, Washington, D.C. 20035.

A. Leighton, Conklin, Lemov, & Jacobs, Chtd., 2033 M Street NW., No. 800, Washington, D.C. 20036.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

A. Leighton, Conklin, Lemov, & Jacobs, Chtd., 2033 M Street NW., No. 800, Washington, D.C. 20036.
B. National Development Services Corp., 1930 Century Park West, No. 404, Los Angeles, Calif. 90067.

A. Leighton, Conklin, Lemov, & Jacobs, Chtd., 2033 M Street NW., No. 800, Washington, D.C. 20036.
B. Oakdale Corp., 16055 Ventura Boulevard, No. 400, Encino, Calif. 91436.

A. Leighton, Conklin, Lemov, & Jacobs, Chtd., 2033 M Street NW., No. 800, Washington, D.C. 20036.
B. Professional Traffic Controllers Organization, 444 North Capitol Street NW., Washington, D.C. 20001.

A. Leighton, Conklin, Lemov, & Jacobs, Chtd., 2033 M Street NW., No. 800, Washington, D.C. 20036.
B. Savings Banks Association of Massachusetts, 50 Congress Street, Boston, Mass. 02109.
D. (6) $1,000. E. (9) $150.

A. Leighton, Conklin, Lemov, & Jacobs, Chtd., 2033 M Street NW., No. 800, Washington, D.C. 20036.
B. Turner Broadcasting System, Inc., 1018 West Peachtree Street NW., Atlanta, Ga. 30309.

A. Leighton, Conklin, Lemov, & Jacobs, Chtd., 2033 M Street NW., No. 800, Washington, D.C. 20036.
B. Whey Products Institute, 130 North Franklin Street, Chicago, Ill. 60606.

A. Joseph L. Leitzinger, 900 Fourth Avenue, Seattle, Wash. 98164.
B. Simpson Timber Co., 900 Fourth Avenue, Seattle, Wash. 98164.

A. Gilbert A. LeKander, 1629 K Street NW., Washington, D.C.
B. Montana Power Co., 40 East Broadway, Butte, Mont. 59701; Washington Water Power Co., P.O. Box 3727, Spokane, Wash.
D. (6) $250.

A. Lynette B. Lenard, 1800 M Street NW., Suite 700-S, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $100. E. (9) $50.

A. Edward A. Lenz, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 322 South Michigan Avenue, Chicago, Ill.

A. Earl T. Leonard, Jr., The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.
B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.
D. (6) $573. E. (9) $1,810.62

A. Lloyd Leonard, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $2,710. E. (9) $73.

A. Charles Leppert, Jr., 1801 K Street NW., Washington, D.C. 20006.
B. The Proctor & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45201.

A. Richard L. Lesher, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $250.

A. LeSourd, Patten, Fleming, Hartung & Emory, 3900 Seattle First National Bank Building, Seattle, Wash. 98154.
B. General Teamsters Local 959, State of Alaska, P.O. Box 2092, Anchorage, Alaska 99510.
D. (6) $155.

A. Dale Lestina, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,884.80. E. (9) $237.50

A. Ernest M. LeSueur, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.
B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Commonwealth Edison Co., One First National Plaza, Chicago, Ill. 60601.
D. (6) $336.25

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Cooperative for American Relief Everywhere, Inc., 660 First Avenue, New York, N.Y. 10016.
D. (6) $775. E. (9) $5.85

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Holy Cross Hospital, 15031 Rinaldi Street, Mission Hills, Calif. 91345.
D. (6) $3,625.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Don Langenegger, Estate of Blanca Rosa Langenegger, Langenegger AG. Service, Inc., P.O. Box 575, First & Warehouse Avenue; Sunnyside, Wash. 98944.
E. (9) $25.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Association for Hospital Development (NAHD), 1700 K Street NW., Washington, D.C. 20006.
D. (6) $240.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Council of Community Hospitals (NCCH), 1735 I Street NW., Suite 710, Washington, D.C. 20006.
D. (6) $11,105

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.

A. Samuel R. Levering, U.S. Committee for the Oceans, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. U.S. Committee for the Oceans, 100 Maryland NE., Washington, D.C. 20002.

A. Morris J. Levin, 1050 17th Street NW., Washington, D.C. 20036.
B. Association of American Railroads, American Railroad Building, Washington, D.C.
D. (6) $2,000.

A. Morris J. Levin, 1050 17th Street NW., Washington, D.C. 20036.
B. Independent Local Newspaper Association, Suite 701, 1050 17th Street NW., Washington, D.C. 20036.

A. Harry LeVine, Jr., General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $270.

A. Kenneth S. Levine, Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y. 10152
B. Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y. 10152.

A. Manvel Levine, 6404 Elray Drive, Baltimore, Md. 21209.
B. Wood, Lucksinger & Epstein, 1 Houston Center, Suite 1000, Houston, Tex. 77010.
D. (6) $255.50.

A. Roger N. Levy, 1120 19th Street NW., Suite 503, Washington, D.C. 20036.
B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.
D. (6) $10,365.39.

A. Charles L. Lewis, American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
B. American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
D. (6) $214. E. (9) $15.

A. E. David Lewis, Society of American Wood Preservers, 1401 Wilson Boulevard, Suite 205, Arlington, VA. 22209.
B. Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.
D. (6) $105. E. (9) $250.

A. Michael R. Lewis, ILWU, 1133 15th Street NW., Suite 640, Washington, D.C. 20005.
B. International Longshoremen's and Warehousemen's Union, 1188 Franklin Street, San Francisco, Calif. 94109.
D. (6) $5,000. E. (9) $490.

A. Stuart A. Lewis, Suite 300, 1919 Pennylvania Avenue NW., Washington, D.C. 20006.
B. Manufacturers Hanover Corp., 350 Park Avenue, New York, N.Y. 10022.
D. (6) $450.

A. Stuart A. Lewis, Suite 300, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Bank of Detroit, P.O. Box 116, Detroit, Mich. 48232.
D. (6) $400.

A. Stuart A. Lewis, Suite 300, 1919 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. Seattle First National Bank, P.O. Box 3586, Seattle, Wash. 98124.
D. (6) $400.

A. John F. Leyden, Public Employee Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Public Employee Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $2,767.

A. Wm. J. Lhota, 301 Cleveland Avenue SW., Canton, Ohio 44702.
B. Ohio Power Co., 301 Cleveland Avenue SW., Canton, Ohio 44702.
D. (6) $1,068.97. E. (9) $1,243.23.

A. Herbert Liebenson, National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
B. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $5,625.

A. Herbert Liebenson, Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.
B. Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.

A. Jan Pittman Liebman, 1120 20th Street NW., Suite S-520, Washington, D.C. 20036.
B. National Committee for Research in Neurological & Communicative Disorders, 1120 20th Street NW., Suite S-520, Washington, D.C. 30036.
D. (6) $6,000. E. (9) $50.

A. William C. Lienesch, 238 10th Street, SE, Washington, D.C. 20003.
B. National Parks & Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.
D. (6) $1,028. E. (9) $80.45.

A. Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Jones, Loyd & Webster, Inc., 2327 San Felipe, Houston, Tex. 77019.
E. (9) $12.36.

A. Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Wisconsin Barge Line, Inc., 10825 Watson Road, St. Louis, Mo. 63127.
E. (9) $29.50.

A. Edward J. Lincoln, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Japan Economic Institute of America, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Kathleen M. Linehan, 1025 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa 15230.
D. (6) $200. E. (9) $55.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Ambassador Bridge Co., P.O. Box 447, Detroit, Mich. 48232.
D. (6) $3,000.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Lake Superior District Power Co., 101 West Second Street, Ashland, Wis. 54806.
D. (6) $475.39.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Madison Gas and Electric Co., 100 North Fairchild Street, Box 1231, Madison, Wis. 53701.
D. (6) $1,054.87.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. The Metropolitan Sanitary District of Greater Chicago, 100 East Erie Street, Chicago, Ill. 60611.
D. (6) $4,548.48.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Northern States Power Co., 100 North Barstow Street, Eau Claire, Wis. 54701.

D. (6) $1,425.90.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Oregon Department of Transportation, Transportation Building, Salem, Oreg.
D. (6) $3,000.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. State of Illinois, Department of Transportation, 2300 South Dirksen Parkway, Springfield, Ill. 62764.
D. (6) $4,959. E. (9) $150.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. State of Illinois, Department of Transportation, Division of Water Resources, 2300 South Dirksen Parkway, Springfield, Ill. 62764.
D. (6) $2,992.50. E. (9) $52.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Superior Water, Light & Power Co., 1230 Tower Avenue, Superior, Wis. 54880.
D. (6) $285.77.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Electric Power Co., 231 West Michigan, Milwaukee, Wis. 53201.
D. (6) $4,625.20. E. (9) $113.88.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Power & Light Co., Madison, Wis. 53701.
D. (6) $1,979.51.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Public Service Corp., P.O. Box 700, Green Bay, Wis. 54305.
D. (6) $1,848.

A. Robert G. Litschert, 1111 19th Street NW., 9th Floor, Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,132. E. (9) $298.78.

A. William F. Little, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $362.50. E. (9) $192.70.

A. Roy Littlefield, 1343 L Street NW., Washington, D.C. 20005.
B. National Tire Dealers and Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.
D. (6) $2,000. E. (9) $80.

A. E. F. Livaudais, Jr., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $110. E. (9) $16.67.

A. Livestock Marketing Association, 4900 Oak Street, Kansas City, Mo. 64112.
E. (9) $13,066.10

A. H. Richard Lloyd, Jr., General Electric Co., 777 14th Street NW., Washington, D.C. 20005
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

A. Harold D. Loden, American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.
B. American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.
D. (6) $4,000.

A. Nils A. Lofgren, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.
D. (6) $160. E. (9) $20.

A. Robert C. Lohse, Service Station Dealers of America, Inc., 2021 K Street NW., Suite 303, Washington, D.C. 20006.
B. Service Station Dealers of America, Inc., 2021 K Street NW., Suite 303, Washington, D.C. 20006.
D. (6) $833.33.

A. Law Offices of Sheldon I. London, 1725 DeSales Street NW., Suite 401, Washington, D.C. 20036.
B. American Hardware Manufacturers Association, 117 East Palatine Road, Palatine, Ill. 60067.
D. (6) $1,500

A. John H. Lonnquist Jr., Johns-Manville Corp., 1025 Connecticut Avenue NW., Suite 214, Washington, D.C. 20036.
B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.
D. (6) $100. E. (9) $100.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Association of Bituminous Contractors, 2020 K Street NW., Washington, D.C. 20006.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Classroom Publishers Association, 2020 K Street NW., Washington, D.C. 20006.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Industrial Diamond Association, 59 E. Main Street, Moorestown, N.J. 08057.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. National Water Well Association.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Optical Manufacturers Association, 1901 North Ft. Meyer Drive, Arlington, Va. 22209.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Textile Rental Services Association of America, 1250 Hallandale Beach Boulevard, Hallandale, Fla. 33009.

A. Lord, Day & Lord, 25 Broadway, New York, N.Y. 10004.
B. Bowater North America Corp., 1500 East Putnam Avenue, Old Greenwich, Conn. 06870.
D. (6) $2,692.32.

A. Lord, Day & Lord, 25 Broadway, New York, N.Y. 10004.
B. Phosphate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10017.
D. (6) $3,239.46. E. (9) $4,423.69.

A. Philip J. Loree, 50 Broadway, New York, N.Y. 10004.
B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.
D. (6) $200.

A. Robert E. Losch, P.C., Losch & DePuy, 1716 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Great Lakes International, Inc., 2122 York Road, Oak Brook, Ill. 60521.
D. (6) $17,500 E. (9) $2,617.45.

A. Robert E. Losch, P.C., Losch & DePuy, 1716 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Pelican Terminal Corp. (PELCO), 734 Walt Whitman Road, Suite 304, Melville, N.Y. 11747 and Port of Galveston (Galveston Wharves), P.O. Box 328, Galveston, Tex. 77550.
D. (6) $10,000. E. (9) $2,113.27.

A. Claudia J. Louis, National Soft Drink Association, 1101 Sixteenth Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 Sixteenth Street NW., Washington, D.C. 20036.
D. (6) $27.40.

A. James F. Lovett, 1801 K Street NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $500. E. (9) $200.

A. James P. Low, American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.
B. American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.

A. William C. Lowrey, Shell Oil Co., 1025 Connecticut Avenue, NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Gerald M. Lowrie, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $5,000.

A. Freddie H. Lucas, Industry Government Relations, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $1,018.86.

A. Lucas, Friedman & Mann, 810-18th Street NW., No. 202, Washington, D.C. 20006.
B. Coushatta Tribe of Louisiana, Ernest Sickey, Elton, La. 70532.

A. Kathy Luhn, 11593 North Shore Drive, Reston, Va. 22090.
B. Outdoor Advertising Association of America, Inc., 1660 L Street NW., No. 215-16, Washington, D.C. 20036.
D. (6) $9,212.50. E. (9) $125.

A. Christopher Luis, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $1,150. E. (9) $68.96.

A. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.
E. (9) $2,785.

A. Milton F. Lunch, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.
D. (6) $600. E. (9) $33.97.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. National Product Liability Council, 600 New Hampshire Avenue, Suite 920, Washington, D.C. 20037.
D. (6) $200. E. (9) $13.32.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. Pennsylvania Power & Light Co., Two North 9th Street, Allentown, Pa. 18101.
D. (6) $2,520. E. (9) $228.88.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. Shanghai Power Co., 100 West 10th Street, Wilmington, Del. 19801.
D. (6) $300.

A. Judy D. Lynch, 600 New Jersey Avenue NW., Washington, D.C. 20001.
B. Institute for Public Representation, 600 New Jersey Avenue, NW., Washington, D.C. 20001.

A. Timothy Lynch, American Natural Resources System, 1899 L Street NW., Suite 500, Washington, D.C. 20036.
B. American Natural Service Co., One Woodward Avenue, Detroit, Mich. 48226.
D. (6) $1,800. E. (9) $35.

A. Douglas MacArthur, Detroit-Willow Run Airport, Ypsilanti, Mich. 48197.
B. Zantop International Airlines, Inc., Detroit-Willow Run Airport, Ypsilanti, Mich. 48197.

A. Russell MacCleery, 1343 L Street NW., Washington, D.C. 20005.
B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.
D. (6) $650. E. (9) $20.

A. Jack A. MacDonald, National Council of Health Centers, 2600 Virginia Avenue NW., No. 915, Washington, D.C. 20037.
B. National Council of Health Centers, 2600 Virginia Avenue NW., No. 915, Washington, D.C. 20037.
D. (6) $975. E. (9) $233.65.

A. James E. Mack, National Confectioners Association, 5101 Wisconsin Avenue, Suite 506, Washington, D.C. 20016.
B. National Confectioners Association, 36 South Wabash Avenue, Chicago, Ill. 60603.
D. (6) $21,625. E. (9) $808.87.

A. James E. Mack, Peanut Butter & Nut Processors Association, 5101 Wisconsin Avenue, Suite 504, Washington, D.C. 20016.
B. Peanut Butter & Nut Processors Association, 5101 Wisconsin Avenue, Suite 504, Washington, D.C. 20016.
D. (6) $13,999.98. E. (9) $3,164.92.

A. James H. Mack, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $10,257.94. E. (9) $500.

A. John P. Mackey, Ad Hoc Committee in Defense Of Life, Inc., 810 National Press Building, Washington, D.C. 20045.
B. Ad Hoc Committee in Defense Of Life, Inc., 150 East 35th Street, New York, N.Y. 10016.
D. (6) $11,660. E. (9) $3,550.62.

A. Marion M. MacRae, BankAmerica Corp., 1800 K Street NW., Suite 920, Washington, D.C. 20006.
B. BankAmerica Corp., BankAmerica Center, San Francisco, Calif.
D. (6) $69.54. E. (9) $126.12.

A. Thomas D. Maher, Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Co. Institute, 1775 K Street, NW., Washington, D.C. 20006.

A. John F. Mahoney, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $4,015. E. (9) $112.78.

A. Robert L. Maier, 900 17th Street, NW., Washington, D.C. 20006.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

A. F. Anthony Maio, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. First Wisconsin National Bank of Milwaukee, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Andre Maisonpierre, Alliance of American Insurers, 1776 F Street NW., Washington, D.C. 20006.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.

A. David L. Mallino, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $8,787.32.

A. J. Wilson Malloy, Jr., Eastman Chemical Products, Inc., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.
D. (6) $625. E. (9) $23.50.

A, Mary Jo Malone, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,875.

A. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.
E. (9) $910.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va. 22101.
B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.
D. (6) $6,249.99. E. (9) $75.20.

A. Manchester Associates, Ltd., 1155 15th Street NW., No. 1010, Washington, D.C. 20005.
B. Nissan Motor Co., Ltd., 560 Sylvan Avenue, P.O. Box 1606, Englewood Cliffs, N.J. 07632.

A. Forbes Mann, LTV Corp., 1155 15th Street NW., Suite 1004, Washington, D.C. 20005.
B. The LTV Corp., 1525 Elm Street, Dallas, Tex. 75222.
D. (6) $500. E. (9) $20.

A. Ted R. Mannen, Health Industry Manufacturers Association, Suite 1100, 1030 15th Street NW., Washington, D.C. 20005.
B. Health Industry Manufacturers Association, Suite 1100, 1030 15th Street NW., Washington, D.C. 20005.

A. Armand G. Manson, 1666 K Street NW., Suite 300, Washington, D.C. 20006.
B. Bell Aerospace Textron, 1666 K Street NW., Suite 300, Washington, D.C. 20006.
D. (6) $2,614.

A. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.

A. Allen J. Manzano, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $702.24.

A. John V. Maraney, 324 East Capitol Street NE., Washington, D.C. 20003.
B. National Star Route Mail Carriers Association, 324 East Capitol Street, Washington, D.C. 20003.

A. March for Life, Inc., P.O. Box 2950, Washington, D.C.
D. (6) $78,856.37. E. (9) $67,904.49.

A. Charles T. Marck, The Dow Chemical Co., 1800 M Street NW., Suite 700 South, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $1,000. E. (9) $250.

A. Philip N. Margolius, Suite 1105, Bender Building, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Young Women's Christian Home, 235 Second Street NE., Washington, D.C. 20002.

A. Richard Markey, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders and Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $2,500.

A. Lawrence D. Markley, P.O. Box 3518, Anchorage, Alaska 99501.
B. Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501.
D. (6) $1,827.20. E. (9) $2,932.28.

A. John Marlin, 307 West Nevada, Urbana, Ill. 61801.
B. Central States Resource Center, P.O. Box 477, Urbana, Ill. 61801.
D. (6) $2,875.00.

A. Howard Marlowe, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $12,295.80. E. (9) $325.69.

A. D. V. Maroney, Jr., Amalgamated Transit Union, AFL-CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Abbotts Dairies Division of Fairmont Foods Co., 333 West Loop North, Houston, Tex. 77024.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. ADP Pension Services, Inc., 22481 Aspan Street, Box A, El Toro, Calif. 92630.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Institute of Electrical & Electronics Engineers, Inc., 345 East 47th Street, New York, N.Y. 10022.

A. C. Travis Marshall, 1776 K Street NW., Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $103.46.
A. J. Paull Marshall, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $162.70. E. (9) $327.91.

A. David O. Martin, Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.
B. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.
D. (6) $150. E. (9) $127.

A. Donald N. Martin, Donald N. Martin & Co., Inc., 488 Madison Avenue, New York, N.Y. 10022.

A. John B. Martin, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $807.69.

A. Katherine E. Martin, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $207. E. (9) $197.17.

A. Larry K. Martin, Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.
B. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $150.

A. Thomas A. Martin, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $225.

A. Joseph J. Martyak, Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.
E. (9) $105.31.

A. Mike M. Masaoka, Suite 520, 900 17th Street NW., Washington, D.C.20006.
B. Toyota Motor Sales, U.S.A., Inc., Suite 703, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $750.

A. Mike M. Masaoka, Suite 520, 900 17th Street NW., Washington, D.C. 20006.
B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
D. (6) $500.

A. Scott A. Mason, Smaritan Health Service, 6137 East Calle Camelia, Scottsdale, Ariz. 85251.
B. Smaritan Health Service, 1410 North Third Street, P.O. Box 25489, Phoenix, Ariz. 85002.
D. (6) 2,250.00.

A. W.A. Mason, 442 Ontario, Shreveport, La.
B. Southwestern Electric Power Co., P.O. Box 21106, Shreveport, La. 71156.
D. (6) $94.24.

A. Cliff Massa III, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $250.

A. James D. Massie, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $1,158.89.

A. William F. Massmann, Dr. Pepper Co., P.O. Box 225086, Dallas, Tex. 75265.
B. Dr. Pepper Co., P.O. Box 225086, Dallas, Tex. 75265.

A. Charles D. Matthews, 1100 17th Street NW., No. 410, Washington, D.C. 20036.
B. National Ocean Industries Association, 1100 17th Street NW., Suite 410 Washington, D.C. 20036.
D. (6) $2,208.79. E. (9) $168.51.

A. Robert A. Matthews, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $644.59.

A. Joanne E. Mattiace, Sears, Roebuck & Co., 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $153. E. (9) $11.70.

A. C.V. & R.V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.
B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. C.V. & R.V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.
B. Joint Government Liaison Committee, 1111 E Street NW., Washington, D.C. 20004.

A. Anthony F. Mauriello, N.Y.S. Petroleum Council, 551 Fifth Avenue, Room 718, New York, N.Y. 10176.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Samuel L. Maury, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

A. Thomas H. Maxedon, Kentucky Petroleum Council, 4010 Dupont Circle, Suite 469, Louisville, Ky. 40207.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $620.61. E. (9) $432.44.

A. Albert E. May, Council of American-Flag Ship Operators, 1625 K Street NW., Washington, D.C. 20006.
B. Council of American-Flag Ship Operators, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $3,250. E. (9) $4.23.

A. James C. May, Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Arnold Mayer, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. United Food & Commercial Workers International Union, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $13,846.20. E. (9) $268.37.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.
B. Aerospace Industries of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.
B. The ERISA Industry Committee, Suite 500, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $550.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.
B. The National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. MBPXL Corp., Suite 700, 888 17th Street NW., Washington, D.C.

A. H. Wesley McAden, 1155 15th Street NW., Suite 424, Washington, D.C. 20005.
B. J. G. Boswell Co., Inc., 333 South Hope Street, Los Angeles, Calif. 90017.
D. (6) $9,000. E. (9) $1,800.

A. William J. McAuliffe, Jr., American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
B. American Land Title Association, 1828 L Street, NW., Washington, D.C. 20036.

A. Ann McBride, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $8,500.02. E. (9) $67.50.

A. Martha L. McCabe, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Cooperative League of the United States, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $5,375. E. (9) $3,489.15.

A. John McCahill, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States Olympic Committee, 1750 East Boulder, Colorado Springs, Colo. 80909.

A. Julie P. McCahill, The Mead Corp., 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Mead Corp., Mead World Headquarters, Courthouse Plaza NE., Dayton, Ohio 45463.
D. (6) $275. E. (9) $65.

A. William C. McCamant, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Carolyn Kim McCarthy, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

A. James W. McCarthy, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $2,000. E. (9) $1,320.80.

A. McCarty Noone & Williams, 490 L'Enfant Plaza East SW., Suite 3306, Washington, D.C. 20024.
B. American Medical Technologists, 710 Higgins Road, Park Ridge, Ill. 60068.
D. (6) $180. E. (9) $8.96.

A. James R. McCaul, 1801 K Street NW., Washington, D.C. 20006.
B. International Maritime Associates, Inc., 1801 K Street NW., Washington, D.C. 20006.

A. McClure & Trotter, 1100 Connecticut Avenue NW., No. 600, Washington, D.C. 20036.
B. Cities Service Co., Box 300, Tulsa, Okla. 74102.

A. McClure & Trotter, 1100 Connecticut Avenue NW., No. 600, Washington, D.C. 20036.
B. Coca-Cola Co., P.O. Box 1734, Atlanta, Ga. 30301.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.

A. McClure & Trotter, 1100 Connecticut Avenue NW., No. 600, Washington, D.C. 20036.
B. Mobil Corp., 150 East 42d Street, New York, N.Y. 10017

A. Richard M. M. McConnell, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Molly McCormick, Philadelphia Electric Co., 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, Pa. 19101.
B. Philadelphia Electric Co., 2301 Market Street, P.O. Box 8699, Philadelphia, Pa. 19101.
D. (6) $1,675. E. (9) $1,418.03.

A. Sally McCormick, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,478.75.

A. E. L. McCulloch, Brotherhood of Locomotive Engineers, 400 First Street NW., Suite 819, Washington, D.C. 20001.
B. Brotherhood of Locomotive Engineers Building, Cleveland, Ohio 44114.
D. (6) $284.60. E. (9) $85.20.

A. Albert L. McDermott, American Hotel & Motel Association, 1101 Connecticut Avenue NW., Suite 1006, Washington, D.C. 20036.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $1,606.33.

A. Michael D. McDonald, Maryland Petroleum Association, 60 West Street, Annapolis, Md. 21401.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $300. E. (9) $185.72.

A. Patrick J. McDonough, American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
B. American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
D. (6) $3483. E. (9) $571.

A. Susan K. McDowell, National Grange, 1616 H Street NW., Washington, D.C. 20006.
B. National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $875.

A. Paul J. McGeady, 27 Hampton Place, Nutley, N.J. 07110.
B. Morality in Media, Inc., 475 Riverside Drive, Suite 239, New York, N.Y. 10115.
D. (6) $27.47.

A. Donna Lee McGee, 1800 M Street NW., No. 870 South, Washington, D.C. 20036.
B. Burlington Industries, Inc., 1800 M Street NW., No. 870 South, Washington, D.C. 20036.
D. (6) $125. E. (9) $90.50.

A. Jane S. McGhee, 507 Second Street NE., Washington, D.C. 20002.
B. The Confederated Tribes of Warm Springs, Warm Springs, Oreg. 97761.

A. Jane S. McGhee, 507 Second Street NW., Washington, D.C. 20002.
B. The Navajo Nation, Window Rock, Ariz. 86515.

A. P. Anne McGhee, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $450.

A. Robert McGlotten, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $12,132. E. (9) $676.95.

A. Jerome J. McGrath, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $500.

A. W. Curt McGree, 711 Ridge Drive, McLean, Va. 22101.
B. Bechtel National, Inc., 1620 I Street NW., No. 703, Washington, D.C. 20006.
A. Peter E. McGuire, National Association of Retired and Veteran Railway Employees, Inc., 400 First Street NW., Washington, D.C. 20001.
B. National Association of Retired and Veteran Railway Employees, Inc., P.O. Box 6060, Kansas City, Kans. 66106; Hotel and Restaurant Employees Bartenders International Union, 1875 I Street NW., D.C. 20006; International Union of Police Association , 422 First Street SE., Washington, D.C. 20003.
D. (6) $5,999.98.

A. Walter P. McHugh, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,370.52. E. (9) $68.43.

A. Clarence M. McIntosh, Jr., Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
D. (6) $1,270.

A. Lyndley R. McIntosh, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) 1,143.76. E. (9) $46.01.

A. Robert S. McIntyre, 1825 K Street NW., Suite 522, Washington, D.C. 20006.
B. Citizens for Tax Justice, 1825 K Street NW., Suite 522, Washington, D.C. 20006.
D. (6) 5048.09. E. (9) $38.

A. Philip A. McKeaney, American Federation of Teachers, AFL-CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL-CIO, Dupont Circle NW., Washington, D.C., 20036.
D. (6) $7,718.34. E. (9) $180.

A. Christine E. Mc Kechnie, RJR Industries, Inc., Washington, D.C. 20037
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $250. E. (9) $148.20.

A. Jean McKee, General Mills, Inc., 1200 New Hampshire Avenue NW., No. 370, Washington, D.C. 20036.
B. General Mills Restaurant Group, Inc., P.O. Box 1431, Orlando, Fla. 32802.

A. William F. McKenna, 1800 M Street NW., No. 950N, Washington, D.C. 20036.
B. Silver, Freedman, Housley, Taff & Goldberg, 1800 M Street NW., No. 950N, Washington, D.C. 20036.

A. Janet E. McKenzie, Allied General Nuclear Services, 1150 Connecticut Avenue NW., Suite 702, Washington, D.C. 20036.
B. Allied General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.
D. (6) $500.

A. Robert T. McKernan, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. William Colm McKeveny, Chadbourne, Parke, Whiteside & Wolff, 30 Rockefeller Plaza, New York, N.Y. 10112.
B. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. James D. McKevitt, National Federation of Independent Business, 490 L'Enfant Plaza East SW., No. 3206, Washington, D.C.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C.
D. (6) $3,500. E. (9) $200.

A. C. A. Mack McKinney, Non Commissioned Officers Association of the USA, 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.
B. Non Commissioned Officers Association of the USA, P.O. Box 33610, San Antonio, Tex. 78233.
D. (6) $6,841.89. E. (9) $7,960.

A. Gail H. McLarnon, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
D. (6) $67. E. (9) $232.33.

A. Gail H. McLarnon, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.
B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. James D. McLaughlin, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $750. E. (9) $127.84.

A. John S. McLees, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $1,243.10. E. (9) $186.65.

A. William F. McManus, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $415.

A. Jane Pierson McMichael, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $10,777.20. E. (9) $19,823.38.

A. James D. McMillan, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $285.82.

A. William G. McMurtire, 8150 Leesburg Pike, No. 503, Vienna, Va. 22180.
B. William H. Sullivan, Jr., One Federal Street, 29th Floor, Boston, Mass. 02110.
D. (6) $2,000.

A. Laramie Faith McNamara, TRW, Inc., 2030 M Street NW., No. 800, Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. James A. McPherson, Mo-Ark Association, P.O. Box 1160, Kansas City, Kans. 66117.
B. Mo-Ark Association, P.O. Box 1160, Kansas City, Kans. 66117.

A. Jane McPike, 1101 15th Street NW., Washington, D.C.
B. National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $375.

A. George G. Mead, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associates, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $8,000.

A. John K. Meagher, LTV Corp., 1155 15th Street NW., Suite 1004, Washington, D.C. 20005.
B. The LTV Corp., 1525 Elm Street, Dallas, Tex. 75222.
D. (6) $2,500. E. (9) $550.

A. Francis X. Meaney, 1015 15th Street NW., Washington, D.C. 20005; One Center Plaza, Boston, Mass. 02108.
B. Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., 1015 15th Street NW., Washington, D.C. 20005; One Center Plaza, Boston, Mass. 02108 (for The Claremont Company, Inc., 628 Pleasant Street, P.O. Box E-81, New Bedford, Mass. 02742).

A. Francis X. Meaney, 1015 15th Street NW., Washington, D.C. 20005; One Center Plaza, Boston, Mass. 02108.
B. Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., 1015 15th Street NW., Washington, D.C. 20005; One Center Plaza, Boston, Mass. 02108 (for Goldman, Sachs & Co., 55 Broad Street, New York, N.Y. 10004).

A. Francis X. Meaney, 1015 15th Street NW., Washington, D.C. 20005; One Center Plaza, Boston, Mass. 02108.
B. Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., 1015 15th Street NW., Washington, D.C. 20005; One Center Plaza, Boston, Mass. 02108 (for Northern Energy Corp., 470 Atlantic Avenue, Boston, Mass. 02210).

A. Francis X. Meaney, 1015 15th Street NW., Washington, D.C. 20005; One Center Plaza, Boston, Mass. 02108.
B. Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., 1015 15th Street NW., Washington, D.C. 20005; One Center Plaza, Boston, Mass. 02108 (for Refuse Fuels, Inc., P.O. Box 83, Bradford, Mass. 08130).

A. Francis X. Meaney, 1015 15th Street NW., Washington, D.C. 20005; One Center Plaza, Boston, Mass. 02108.
B. Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., 1015 15th Street NW., Washington, D.C. 20005; One Center Plaza, Boston, Mass. 02108 (for SCA Services, Inc., 60 State Street, Boston, Mass. 02109).
D. (6) $300.

A. Francis X. Meaney, 1015 15th Street NW., Washington, D.C. 20005; One Center Plaza, Boston, Mass. 02108.
B. Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., 1015 15th Street NW., Washington, D.C. 20005; One Center Plaza, Boston, Mass. 02108 (for Securities Industry Association, 20 Broad Street, New York, N.Y. 10005).
D. (6) $200.

A. Joseph J. Meder, Interlake, Inc., 1050 17th Street NW., Washington, D.C. 20036.
B. Interlake, Inc., 2015 Spring Road, Oak Brook, Ill. 60521.
D. (6) $9,000. E. (9) $81.35.

A. David Olan Meeker, Jr., American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,500.

A. William H. Megonnell, Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $526. E. (9) $53.30.

A. Louis L. Meier, Jr., American Society of Civil Engineers, 1625 Eye Street NW., Washington, D.C. 20006.
B. American Society of Civil Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.
D. (6) $1,128. E. (9) $1,493.

A. F. A. Meister, Jr., 1611 North Kent Street, No. 900, Arlington, Va. 22209.
B. American Footwear Industries Association, Inc., 1611 North Kent Street, No. 900, Arlington, Va. 22209.
D. (6) $350. E. (9) $15.

A. Marilee Menard, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1700 North Moore Street, Arlington, Va.
D. (6) $2,000.

A. Edward L. Menning, National Association of Federal Veterinarians, No. 836, 1522 K Street NW, Washington, D.C. 20005.
B. National Association of Federal Veterinarians, No. 836, 1522 K Street NW., Washington, D.C. 20005.
A. Ellis E. Meredith, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
E. (9) $16.96.

A. Charles L. Merin, National Rural Letter Carriers' Association, Suite 1204, 1750 Pennslyvania Avenue NW., Washington, D.C. 20006.
B. National Rural Letter Carriers' Association, Suite 1204, 1750 Pennslyvania Avenue NW., Washington, D.C. 20006.
D. (6) $8,815. E. (9) $345.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. Central Gulf Lines, Inc., No. 2 Canal Street, New Orleans, La. 70130.
E. (9) $22.88.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. Coalition of United States Citizen Award-Holders Against Czechoslovakia.
E. (9) $215.82.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. National Association of Recycling Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.
E. (9) $249.98.

A. Harold E. Mesirow, Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Foss Launch & Tug Company, Foss Alaska Line, 660 W. Ewing Street, Seattle, Wash. 98119.

A. M. Barry Meyer, The Aluminum Association, 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. The Aluminum Association, 818 Connecticut Avenue NW., Washington, D.C. 20006.

A. James G. Michaux, Federated Department Stores, Inc., 1801 K Street NW., Suite 903, Washington, D.C. 20006.
B. Federated Department Stores, Inc., 7 West Seventh Street, Cincinnati, Ohio 45202.
D. (6) $500.

A. Ronald A. Michieli, 425 13th Street NW., No. 1020, Washington, D.C. 20004.
B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.
D. (6) $1,000. E. (9) $54.99.

A. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $16,241.90. E. (9) $5,493.84.

A. Mid Continent Wildcatters Association, 1000 Sutton Place, Wichita, Kans. 67202.
D. (6) $93,345.56. E. (9) $5,881.00.

A. Joy Midman, National Association of Private Psychiatric Hospitals, 1701 K Street NW., Washington, D.C. 20006.
B. National Association of Private Psychiatric Hospitals, 1701 K Street NW., Suite 1205, Washington, D.C. 20006.
D. (6) $350.

A. Milbank, Tweed, Hadley & McCloy, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. LaSalle National Bank, 135 South LaSalle Street, Chicago, Ill. 60690.

A. Roy H. Millenson, Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.
B. Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.
D. (6) $2,050. E. (9) $90.51.

A. A. Stanley Miller, Federation of American Controlled Shipping, 910 16th Street, Room 302, Washington, D.C. 20006.
B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.
D. (6) $200.

A. Miller Associates, Inc., 2500 Q Street NW., Washington, D.C. 20007.
B. Tosco Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.
D. (6) $1,500. E. (9) $54.

A. Miller & Chevalier, Chartered, 1700 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.
B. The Association of Private Pension & Welfare Plans, Inc., 1725 K Street NW., S-801, Washington, D.C. 20006.
D. (6) $4,948.75.

A. Miller & Chevalier, Chartered, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Nuclear Fuel Services, Inc., Suite 600, 6000 Executive Boulevard, Rockville, Md. 20852.
D. (6) $675.

A. Daniel R. Miller, Truck Trailer Manufacturers Association, 2430 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. Truck Trailer Manufacturers Association, 2430 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $700. E. (9) $22.22.

A. James C. Miller, National Grange, 1616 H Street NW., Washington, D.C. 20006.
B. National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $3,062.

A. Linda B. Miller, 2550 M Street NW., Suite 405, Washington, D.C. 20037.
B. Volunteer Trustees of Not-for-Profit Hospitals, 2550 M Street NW., Suite 405, Washington, D.C. 20037.
D. (6) $600. E. (9) $152.12.

A. Robert H. Miller, Tenneco, Inc., 490 L'Enfant Plaza East SW., Suite 2202, Washington, D.C. 20024.
B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.
E. (9) $75.

A. W. Kirk Miller, 733 North Van Buren Street, Suite 610, Milwaukee, Wis. 53202.
B. Barley & Malt Institute, 733 North Van Buren Street, Suite 610, Milwaukee, Wis. 53202.
D. (6) $4,000. E. (9) $587.45.

A. Christine Topping Milliken, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
B. National Association of Independent Colleges & Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $7,560. E. (9) $367.70.

A. John G. Milliken, 2550 M Street NW., Suite 500, Washington, D.C. 20037.
B. Winston & Strawn, 2550 M Street NW., Suite 500, Washington, D.C. 20037 (for LaChoy Food Products, P.O. Box 220, 901 Stryker Street, Achbold, Ohio 43502).

A. John C. Milliner, Jr., P.O. Box 1606, Forest Park, Ga., 30050.
B. Southeastern Lumber Manufacturers Association, P.O. Box 1606, Forest Park, Ga. 30050.
D. (6) $26.97.

A. John F. Mills, 1875 I Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.

A. Edward J. Milne, Jr., 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $568. E. (9) $414.56.

A. Mineral Insulation Contractors, 382 Springfield Avenue, Summit, N.J. 07901.

A. Minerals Exploration Coalition, Inc., 790 West Tennessee Avenue, Suite 103, Denver, Colo. 80223.
D. (6) $11,000.

A. Thomas B. Miranda, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $155.

A. Stafford Michael Mishoe, National Pork Producers Council, 499 South Capitol Street SW., Suite 102, Washington, D.C. 20003.
B. National Pork Producers Council, P.O. Box 10383, Des Moines, Iowa 50306.
D. (6) $225. E. (9) $140.

A. Mark R. Misiorowski, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Sandy Mitchell, Air Florida, Inc., 2000 L Street NW., Suite 200, Washington, D.C. 20036.
B. Air Florida, Inc., 3900 NW., 79th Avenue, Miami, Fla. 33166.

A. Thomas F. Mitchell, Georgia-Pacific Corp., 1875 I Street NW., Washington, D.C. 20006.
B. Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, Oreg. 97204.
E. (9) $180.

A. Stacey J. Mobley, E. I. du Pont de Nemours & Co., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.
E. (9) $36.

A. Michael S. Moe, Tenneco, Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Moery & Co., 1230 Kensington Road, McLean, Va. 22102.
B. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005 (for Arab Republic of Egypt).
D. (6) $325. E. (9) $25.

A. Robert M. Moliter, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

A. John V. Moller, Manchester Associates, Ltd., 1155 15th Street NW., No. 1010, Washington, D.C. 20005.
B. Manchester Associates, Ltd., 1155 15th Street NW., No. 1010, Washington, D.C. 20005 (for Nissan Motor Co., Ltd., 560 Sylvan Avenue, Englewood Cliffs, N.J.).

A. Michael J. Molony, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $60.

A. C. Manly Molpus, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1700 North Moore Street, Arlington, Va.
(6) $1,000.

A. Christopher Monek, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Elizabeth Monro, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,300.

A. Michael Monroney, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., 1 Montgomery Ward Plaza, Chicago, Ill. 60671.
D. (6). $34. E. (9) $150.

A. G. Merrill Moody, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $88.55. E. (9) $108.47.

A. James P. Mooney, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $5,000.

A. Alan J. Moore, The Atchison, Topeka & Santa Fe Railway Co., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $1,000.

A. Janis E. Moore, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Assocation of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $250.

A. Morality in Media, Inc., 475 Riverside Drive, Suite 239, New York, N.Y. 10115.

A. Richard Moran, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

D. (6) $3,125.

A. Vincent L. Morelli, Congoleum Corp., 2550 M Street NW., Suite 225, Washington, D.C. 20037.
B. Congoleum Corp., Portsmouth, N.H. 03801.
D. (6) $399. E. (9) $351.51.

A. Jo V. Morgan, Jr., 1828 L Street NW., No. 800, Washington, D.C. 20036.
B. The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.
D. (6) $1,575.20. E. (9) $1,575.20.

A. John Morgan, Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
D. (6) $875. E. (9) $46.

A. Morgan, Lewis & Bockius, 1800 M Street NW., Suite 800N, Washington, D.C. 20036.
B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800N, Washington, D.C. 20036.
D. (6) $423. E. (9) $234.

A. Morgan, Lewis & Bockius, 1800 M Street NW., Suite 800N, Washington, D.C. 20036.
B. Knoll Fine Chemicals, 120 East 56th Street, New York, N.Y. 10022.

A. Victor G. Morris, Montgomery Ward & Co. Inc., 1100 Connecticut Avenue NW., No. 530, Washingon, D.C. 20036.
B. Montgomery Ward & Co. Inc., One Montgomery Ward Plaza, Chicago, Ill. 60671.

A. William C. Morrison, 2001 North Adams Street, Arlington, Va. 22201.
B. Meat Importers Council of America, Inc., 1901 North Fort Myer Drive, Arlington, Va., 22209.
D. (6) $875.

A. Lynn E. Mote, InterNorth, 1015 15th Street, NW., Suite 900, Washington, D.C. 20005.
B. InterNorth, 2223 Dodge Street, Omaha, Nebr. 68102.
D. (6) $2,000.

A. Motor & Equipment Manufacturers Association, 1120 19th Street NW., Suite 333, Washington, D.C. 20036.
E. (9) $616.85.

A. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.
D. (6) $586.43. E. (9) $586.43.

A. Kellene Holley Mountain, American Paper Institute, Inc. 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y., 10016.

A. William G. Mullen, 1725 K Street NW., Suite 607, Washington, D.C. 20006.
B. Associated Third Class Mail Users, 1725 K Street NW., Suite 607, Washington, D.C. 20006.
D. (6) $600.

A. John P. Mulligan, Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $1,525.

A. Albert E. Mullin, Jr., Digital Equipment Corp., 111 Powdermill Road, B79, Maynard, Mass. 01754.
B. Digital Equipment Corp., 111 Powdermill Road, B79, Maynard, Mass. 01754.
D. (6) $3,750.

A. Tracy Mullin, National Retail Merchants Association, 1000 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
D. (6) $100. E. (9) $15.

A. Robert J. Mullins, 1012 14th Street NW., Washington, D.C. 20005.
B. The Farmers' Educational & Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $5,686.18. E. (9) $35.13.

A. Daniel J. Mundy, Building & Construction Trades Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
B. Building & Construction Trades Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
D. (6) $11,192.28. E. (9) $1,049.65.

A. Municipal Labor Committee, 140 Park Place, New York, N.Y. 10007.
D. (6) $33,168.35. E. (9) $33,168.35.

A. Richard E. Murphy, 2020 K Street, NW., No. 200, Washington, D.C. 20006.
B. Service Employees International Union, AFL-CIO, CLC, 2020 K Street, NW., No. 200, Washington, D.C. 20006.
D. (6) $1,000. E. (9) $47.

A. Richard W. Murphy, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $100.46.

A. William T. Murphy, Jr., American Natural Resources System, 1899 L Street NW., Suite 500, Washington, D.C. 20036.
B. American Natural Service Co., 1 Woodward Avenue, Detroit, Mich. 48226.
D. (6) $450. E. (9) $28.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chicago, Milwaukee, St. Paul & Pacific Railroad, 516 West Jackson Boulevard, Chicago, Ill. 60606.
D. (6) $500.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Cleveland Cliffs Iron Co., 1460 Union Commerce Building, Cleveland, Ohio 44115.
D. (6) $150.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $200.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Iron Ore Lessors Association, 1500 First National Bank Building, St. Paul, Minn. 55101.
D. (6) $250.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The LTV Corp., P.O. Box 5003, Dallas, Tex. 75222.
D. (6) $250.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Industrial & Office Parks, 1700 North Moore Street, Suite 1010, Arlington, Va. 22209.
D. (6) $150.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Council of Coal Lessors, Inc., 1150 One Valley Square, Charleston, W.Va. 25301.
D. (6) $250.

A. William E. Murray, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $179.50.

A. Frank Dominic Musica, American Institute of Architects, 1735 New York Avenue NW., Washingon, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washingon, D.C. 20006.
D. $2,750.

A. Harold D. Muth, 1600 Wilson Boulevard, Suite 1000, Arlington, Va. 22209.
B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1000, Arlington, Va. 22209.
D. (6) $300.

A. Fred J. Mutz, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., 20036.
D. (6) $1,000. E. (9) $15.

A. Paul Myer, 2409 Red Maple Lane, Reston, Va. 22091.
B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.

A. Gary D. Myers, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $3,062.45.

A. J. Walter Myers, Jr., Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.
B. Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.
D. (6) $145. E. (9) $215.50.

A. Clifford M. Naeve, 2550 M Street NW., Suite 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston Salem, N.C. 27102.
D. (6) $115.37. (9) $33.

A. Gerald P. Nagy, National Home Furnishings Association, 900 17th Street NW., Suite 514, Washington, D.C. 20006.
B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
D. (6) $1,000.

A. N. Naman, Howell, Smith, Lee & Muldrow, P.C., 700 Texas Center, 900 Washington, Waco, Tex. 76703.
B. Cotton Farmers Association, 700 Texas Center, 900 Washington, Waco, Tex. 76703.

A. Hardy L. Nathan, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $900.

A. Raymond Nathan, 4242 East-West Highway, Chevy Chase, Md. 20015.
B. American Ethical Union, 2 West 64th Street, New York, N.Y. 10023.
D. (6) $555. E. (9) $529.15.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $7177.70. E. (9) $7177.70.

A. National Air Carrier Association, 1730 M Street NW., Suite 710, Washington, D.C. 20036.

A. National Assn. for Free Enterprise, 1101 New Hampshire Avenue NW., No. 107, Washingon, D.C. 20037.

A. National Association for Neighborhood Schools, Inc., P.O. Box 14887, Columbus, Ohio 43214.
D. (6) $12,268.51. E. (9) $10,267.05.

A. National Association for Uniformed Services, 5535 Hempstead Way, P.O. Box 1406, Springfield, Va. 22151.
D. (6) $2,679.33. E. (9) $2,529.10.

A. National Association of Air Traffic Specialists, Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.
E. (9) $7,649.98.

A. National Association of Business and Educational Radio, Inc., P.O. Box 19164, Washingon, D.C. 20036.

A. National Association of Chain Drug Stores, Inc., 413 North Lee Street, Alexandria, Va. 22314.
E. (9) $3,259.94.

A. National Association of Federal Veterinarians, No. 836, 1522 K Street NW., Washington, D.C. 20005.

A. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
D. (6) $1,750. E. (9) $1,230.

A. National Association of Homes for Children, 200 South Tyron Street, Suite 1500, Charlotte, N.C. 28202.
E. (9) $1,200.

A. National Association of Independent Colleges and Universities, 717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $55,039.31. E. (9) $111,789.76.

A. The National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $63,862.03. E. (9) $63,862.03.

A. National Association of Mutual Insurance Cos., 3707 Woodview Trace, P.O. Box 68700, Indianapolis, Ind. 46268.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $14,677.72. E. (9) $14,677.72.

A. National Association of Pension Consultants & Administrators, Inc., 3 Piedmont Center, Suite 300, Atlanta, Ga. 30342.
D. (6) $14,200.

A. National Association of Personnel Consultants, 1012 14th Street NW., 15th Floor, Washington, D.C. 20005.
D. (6) $24,014.43 E. (9) $6,100.

A. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington D.C. 20036.
D. (6) $4,226.69. E. (9) $4,226.64.

A. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.
D. (6) $2,000. E. (9)$1,928.54.

A. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
E. (9) $43,804.94.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
D. (6) $280,461. E. (9) $4,911.

A. National Broiler Council 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000. E. (9) $1,000.

A. National Business Aircraft Association, 1 Farragut Square South, Washington, D.C. 20006.

A. National Cable Television Association, Inc., 918 16th Street NW., Washingon, D.C. 20006.
D. (6) $10,101.19 E. (9) $10,101.19.

A. National Campground Owners Association, No. 800, 1101 Connecticut Avenue NE., Washingon, D.C. 20036.

A. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.
E. (9) $2,071.84.

A. National Clean Air Coalition, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $20,985.99. E. (9) $9,166.82.

A. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $1,192,446.45. E. (9) $66,416.86.

A. National Coalition for Marine Conservation, Inc., P.O. Box 23298, Savannah, Ga. 31403.
D. (6) $18,262.15. E. (9) $16,235.41.

A. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.
D. (6) $194,211.31 E. (9) $3,556.

A. National Committee on Small Issue Industrial Development Bonds, Box 1, 900 South, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $4,355. E. (9) $4,355.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $15,981.34. E. (9) $15,981.34.

A. National Council of Agricultural Employers, 435 Southern Building, 15th and H Streets NW., Washington, D.C. 20005.
D. (6) $65,800. E. (9) $406.10.

A. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $13,322. E. (9) $36,292.

A. National Council of Health Centers, 2600 Virginia Avenue NW., Suite 915, Washington, D.C. 20037.
D. (6) $6,197.33. E. (9) $2,819.75.

A. National Council on Synthetic Fuels Production, 1747 Pennsylvania Avenue NW., Suite 825, Washington, D.C. 20006.

A. National Electrical Manufacturers Association, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $326.69. E. (9) $326.69.

A. National Employee Benefits Institute, 515 National Press Building, Washington, D.C. 20045.
D. (6) $2,625.

A. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $16,382.87. E. (9) $16,382.87.

A. National Federation of Independent Business, 150 West 20th Avenue, San Mateo, Calif. 94403.
D. (6) $13,500. E. (9) $13,500.

A. National Federation of Licensed Practical Nurses, Inc., 888 Seventh Avenue, 18th Floor, New York, N.Y. 10106.
D. (6) $2,275. E. (9) $2,275.

A. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $2,816.46.

A. National Grain and Feed Association, 725 15th Street, NW., Washington, D.C. 20005.

A. National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $12,500. E. (9) $9,062.

A. National Guard Association of the United States, 1 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $68,005.30. E. (9) $3,352.55.

A. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
E. (9) $2,300.

A. The National Industrial Traffic League, 1090 Vermont Avenue NW., S-410, Washington, D.C. 20005.
D. (6) $4,125. E. (9) $3,660.

A. National Leased Housing Association, Suite 400 S, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $450. E. (9) $450.

A. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
D. (6) $8,525.32. E. (9) $8,525.32.

A. National Manufactured Housing Federation, 1700 Pennsylvania Avenue NW, 745, Washington, D.C. 20006.
D. (6) $44.471.70.

A. National Maritime Council, 1748 N Street NW, Washington, D.C. 20036.
D. (6) $247,275.70.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $7,011.87. E. (9) $7,011.87.

A. National Motorsports Committee of ACCUS, 1701 K Street NW, 1204, Washington, D.C. 20006.

A. National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.

D. (6) $250,000. E. (9) $19,587.27.

A. National Organization for Women, 425 13th Street NW, 1048, Washington, D.C. 20004.

A. National Pest Control Association, 8150 Leesburg Pike, 1100, Vienna, Va. 22180.

A. National Potato Council, 888 17th Street NW, 700, Washington, D.C. 20006.
E. (9) $1,000.

A. National Product Liability Council, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $2,500. E. (9) $8,186.04.

A. National Railway Utilization Corp., 1100 Center Square East, 1500 Market Square, Philadelphia, Pa. 19102.

A. National Realty Committee, Inc., 2033 M Street NW., Washington, D.C. 20036.
D. (6) $1,559.30. E. (9) $1,559.30.

A. National Rehabilitation Association, 633 South Washington Street, Alexandria, Va. 22314.
E. (9) $4,500.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
E. (9) $4,285.

A. National Right to Life Committee, 529 14th Street NW., Washington, D.C. 20045.
D. (6) $188,032.24. E. (9) $11,490.22.

A. National Right to Work Committee, 8001 Braddock Road, Springfield, Va.
D. (6) $3,345.35. E. (9) $3,345.35.

A. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
E. (9) $4,261.11.

A. National Rural Letter Carriers' Association, Suite 1204, 1750 Pennsylvania Avenue, NW., Washington, D.C. 20006.
D. (6) $7983. E. (9) $10,314.

A. National Savings & Loan League, 101 15th Street NW., No. 400, Washington, D.C. 20005.
D. (6) $227,841.31.
E (9) $95.14.

A. National School Transportation Association, 9001 West Braddock Road, Room 310, Springfield, Va. 22152.
D. (6) $3,237.30. E. (9) $3,237.30.

A. National Security Traders Association, 55 Broad Street, New York, N.Y. 10004.
E. (9) $2,625.00.

A. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $5,000.00 E. (9) $153.95.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $12,500. E. (9) $15,450.

A. National Soft Drink Association, 1101 Sixteenth Street NW., Washington, D.C. 20036.
E. (9) $345.56.

A. National Solid Wastes Management Association, 1120 Connecticut Avenue NW., Suite 930, Washington, D.C. 20036.

A. National Tire Dealers & Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.
D. (6) $3,755. E. (9) $3,755.

A. National Water Resources Association, 955 L'Enfant Plaza, SW., Suite 1202, Washington, D.C. 20024.
D. (6) $24,295. E. (9) $9,271.

A. National Wheel & Rim Association, 4836 Victor Street, Jacksonville, Fla. 32207.

A. Karen J. Neale, Chemical Manufacturers Association, 2501 M Street NW, Washington, D.C. 20037.
B. Chemical Manufacturers Association, 2501 M Street NW, Washington, D.C. 20037.
D. (6) $300.

A. Alan M. Nedry, Southern California Edison Co., 1111 19th Street NW., Suite 303, Washington, D.C. 20036.
B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.
D. (6) $50. E. (9) $50.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $3,421.

A. Mary Elizabeth Neese, National Savings, & Loan League, 1101 15th Street NW., Washington, D.C. 20005.
B. National Savings & Loan League, 1101 15th Street NW., No. 400, Washington, D.C. 20005.
D. (6) $1,000.

A. Carolyn B. Nelson, Brookwood Health Services Inc., 2000-D Brookwood Medical Center Dr., Birmingham Ala. 35209.
B. Brookwood Health Services, Inc., 2000-D Brookwood Medical Center Dr., Birmingham, Ala. 35209.

A. Robert W. Nelson, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Sharon L. Nelson, Consumers Union of U.S., Inc., Suite 1033, 1511 K Street NW., Washington, D.C. 20005.
B. Consumers Union of U.S., Inc., 256 Washington Street, Mount Vernon, N.Y. 10550.

D. (6) $7,500. E. (9) $20.

A. A. S. Nemir Associates, Suite 1230 Pennsylvania Building, Washington, D.C. 20004.
B. Brazilian Sugar & Alcohol Institute (IAA), Rio de Janeiro, Brazil.
E. (9) $264.33.

A. Network, 806 Rhode Island Avenue NE., Washington, D.C. 20018.
D. (6) $22,714.58. E. (9) $31,205.42.

A. E. John Neumann, Baltimore Gas & Electric Co., 100 Connecticut Avenue No. 820, Washington, D.C. 20036.
B. Baltimore Gas & Electric Co., Gas & Electric Building, P.O. Box 1475, Baltimore, Md. 21203.
D. (6) $751.32. E. (9) $490.38.

A. Carla B. Neuschel, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $1,150.00 E. (9) $45.31.

A. Robert B. Neville, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.
D. (6) $2,000. E. (9) $1,000.

A. Louis H. Nevins, National Association of Mutual Savings Banks, 1709 New York Avenue NW, 200, Washington, D.C.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $4,937.50.

A. New Directions, 305 Massachusetts Avenue NE., Washington, D.C. 20002.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
A. New York Shipping Association, Inc., 40 Broad Street, New York, N.Y. 10004.

A. Bill Newbold, Bill Newbold & Associates, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209.
B. Bill Newbold & Associates (for American Protestant Hospital Association, One Woodfield Place, Suite 311, 1701 East Woodfield Drive, Schaumburg, Ill. 60195).
D. (6) $10,000.02.

A. Bill Newbold, Bill Newbold & Associates, 1901 North Fort Myer Drive, No. 809, Arlington, Va. 22209.
B. Bill Newbold & Associates (for Arkansas Hospital Association, 1501 North University, Suite 400, Little Rock, Ark. 72207).
D. (6) $1,500.

A. Bill Newbold, Bill Newbold & Associates, 1901 North Fort Myer Drive, 809, Arlington, Va, 22209.
B. Bill Newbold & Associates, 1901 North Fort Myer Drive, 809, Arlington, Va. 22209 (for Texas Hospital Association, P.O. Box 15587, Austin, Tex. 78761).
D.(6) $3,000.

A. Kathryn L. Newman, Republic Steel Corp., 1101 15th Street NW., Washington, D.C. 20005.
B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Thomas E. Newman, National Association of Manufacturers, 1719 Route 10, Parsippany, N.J. 07054.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $250.

A. Janet G. Newport, National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.
B. National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.
D. (6) $3,875. E. (9) $134.75.

A. Newrath, Meyer & Faller, P.C. 4400 Jenifer Street NW., Suite 380, Washington, D.C. 20015.
B. National Association of Business & Educational Radio, Inc., P.O. Box 19164, Washington, D.C. 20036.
E. (9) $6.25.

A. M. Ray Niblack, 1101 15th Street NW., Washington, D.C. 20005.
B. American Bankers Insurance Group, 600 Brickell Avenue, Miami, Fla. 33131.
D. (6) $3,000. E. (9) $80.23.

A. Nicholas J. Nichols, American Institute of Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.
B. American Institute of Certified Public Accountants (AICPA), 1211 Avenue of the Americas, New York, N.Y. 10036.

D. (6) $1,000. E. (9) $630.24.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa. 18322.
B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr. 68102.
D.(6) $2,700.— E.(9) $643.40.

A. John B. Nicholson, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $582.46.

A. Donald R. Niemi, Caterpillar Tractor Co., 100 Adams Street, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $770. E. (9) $1,046.75.

A. Patrick J. Nilan, American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $11,611.80. E. (9) $4,878.37.

A. Nissan Motor Co., Ltd., 560 Sylvan Avenue, Englewood Cliffs, N.J.

A. NL Industries, Inc., 1230 Avenue of the Americas, New York, N.Y. 10020.
E. (9) $5,913.78.

A. Robert K. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
D.(6) $100.

A. Walker F. Nolan, 1111 19th Street NW., 9th Floor, Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $154. E. (9) $482.98.

A. H. Christopher Nolde, Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
B. Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
D.(6) $300.

A. Charles M. Noone, 490 L'Enfant Plaza East SW., Suite 3306, Washington, D.C. 20024.
B. National Association of Small Business Investment Companies, 618 Washington Building, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $277.35.

A. M. Kathryn Nordstrom, Pacific Seafood Processors Association, 1575 I Street NW., Suite 725, Washington, D.C. 20005.
B. Pacific Seafood Processors Association, 1600 South Jackson Street, Seattle, Wash. 98144.
D. (6) $3,750.

A. Richard B. Norment IV, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Julia J. Norrell, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $357.

A. Richard G. Norris, 8826 Santa Fe Drive, Shawnee Mission, Kans. 66212.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.
D.(6) $300.

A. North American Export Grain Association Inc., 1800 M Street NW., Suite 610-N, Washington, D.C. 20036.
E. (9) $450.

A. North American Telephone Association, 511 Second Street NE., Washington, D.C. 20002.
D. (6) $26,567.28. E. (9) $26,567.28.

A. J. Hallock Northcott, 1101 15th Street NW., Washington, D.C. 20005.
B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55144.
D. (6) $1,000.

A. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.
E. (9) $1,719.42

A. Morgan Norval, 12029 Washington Street, No. 2, Alexandria, Va. 22314.
B. Citizens Committee for the Right to Keep and Bear Arms, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.
D. (6) $300.

A. Nossaman, Krueger & Marsh, 1140 19th Street NW., Washington, D.C. 20036.
B. Dividend Support Group, c/o Northwestern National Life Insurance Co., 20 Washington Avenue South, Minneapolis, Minn. 55440.
E. (9) $1,875.

A. Nossaman, Krueger & Marsh, 1140 19th Street NW., Washington, D.C. 20036.
B. Insurance Association of Connecticut, 60 Washington Street, Hartford, Conn. 06106.
D. (6) $885. E. (9) $1,110.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071; and 1140 19th Street NW., Suite 600, Washington, D.C. 20036.
B. Ocean Energy Council, 1303 South Michigan Avenue, Chicago, Ill. 60605.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071; and 1140 19th Street NW., Suite 600, Washington, D.C. 20036, law offices.
B. Office of the Governor, Commonwealth of the Northern Mariana Islands, Saipan, CM. 96950
D. (6) $13,338.97. E. (9) $662.10.

A. Franklin W. Nutter, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
E. (9) $172.66

A. Mark J. Nuzzaco, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $3,500. E. (9) $500.

A. Donald A. Nyberg, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. The Standard Oil Co. (Ohio), Midland Building—Cleveland, Ohio 44115.
D. (6) $200. E. (9) $19.50

A. Dallin H. Oaks, Brigham Young University, Provo, Utah 84602.
B. Brigham Young University, Provo, Utah 84602.

A. George O'Bea, Jr., 815 16th Street NW., Suite 304, Washington, D.C. 20006.
B. United Paperworkers International Union, 815 16th Street NW., Suite 304, Washington, D.C. 20006.

A. Richard O'Brecht, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Coleman C. O'Brien, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $3,675. E. (9) $87.80.

A. John F. O'Brien, Connecticut Petroleum Council, 410 Asylum Street, Hartford, Conn. 06103.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Raymond V. O'Brien, International Telephone & Telegraph Corp., 1707 H Street NW., 200, Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.

A. Rosemary L. O'Brien, CF Industries, Inc./Energy Cooperative, Inc., 1850 K Street NW., Suite 550, Washington, D.C. 20006.
B. CF Industries, Inc./Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.
D. (6) $500.

A. David S. O'Bryon, American Chiropractic Association, 1735 DeSales Street NW., Washington, D.C. 20036.
B. American Chiropractic Association, 2200 Grand Avenue, Des Moines, Iowa 50312.
D. (6) $450. E. (9) $36.05

A. G. H. Ochenrider, Grumman Aerospace Corp., 1600 Wilson Boulevard, Arlington, Va. 22209.
B. Grumman Aerospace Corp., Bethpage, N.Y. 11714.
D. (6) $2,500. E. (9) $2,051.

A. William B. O'Connell, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $10,312. E. (9) $2,468.69.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.
B. American Clinical Laboratory Association, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.
D. (6) $2,500.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Family Life Assurance Co., P.O. Box 1459, Columbus, Ga. 31902.
D. (6) $500.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Institute of Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $11,462.50

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Invsco Corp., 120 South LaSalle Street, Chicago, Ill. 60603.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Public Transit Association, 1225 Connecticut Avenue NW., No. 200, Washington, D.C. 20036.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Automotive Parts & Accessories Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. CKLW Radio Broadcasting, Ltd., 1640 Ouellette Avenue, Windsor, Ontario, Canada.
D. (6) $407.88

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Commonwealth of Puerto Rico, 734 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. First National Monetary Corp., 4000 Town Center, Suite 1500, Southfield, Mich. 48075.
D. (6) $1,009.75.

A. O'Connor & Hannan, 1919 Pennslyvania Avenue NW., Washington, D.C. 20006.
B. Hennepin County, 2300 Government Cente,r Minneapolis, Minn. 55415.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Hospital Financing Study Group, New York, N.Y.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $800.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Investors Diversified Services, Inc., Suite 2900, IDS Tower; Minneapolis, Minn. 55402.
D. (6) $1,200.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Coal Consumers Alliance, 414 Nicollet Mall, Minneapolis, Minn. 55401.
D. (6) $12,666.75. E. (9) $1,000.53.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Committee for Quality Health Care, New York, N.Y.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Community Action Foundation, 178 Tremont Street, Boston, Mass.
D. (6) $3,000.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $964.80.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Police Association of the District of Columbia, 2701 Pennsylvania Avenue SE., Washington, D.C. 20020.
D. (6) $765.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y. 10152.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
D. (6) $4,900.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.
D. (6) $756.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Wine and Spirits Wholesalers of America, Inc., 2033 M Street NW., Washington, D.C. 20036.

A. Patrick C. O'Connor, Kent & O'Connor, Inc., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Supply Association, 221 North LaSalle Street, Chicago, Ill. 60601.
D. (6) $1,372.78. E. (9) $880.

A. Patrick C. O'Connor, Kent & O'Connor, Inc., 1919 Pennsylvania Avenue NW., No. 300, Washington, D.C. 20006.
B. Seniorcenters of America, 2640 Peerless Road NW., Cleveland, Tenn. 37311.
D. (6) $2,030.19. E. (9) $580.

A. John B. O'Day, Insurance Economics Society of America, 1700 Pennsylvania Avenue N.W., Suite 590, Washington, D.C. 20006.
B. Insurance Economics Society of America, 1700 Pennsylvania Avenue NW., Suite 590; Washington, D.C. 20006.

A. Thomas A. O'Day, Alliance of American Insurers, 1776 F Street NW., Washington, D.C.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $350. E. (9) $60.65

A. Robert C. Odle, Jr., International Paper Co., 1620 I Street, NW., No., 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street, NW., No., 700, Washington, D.C. 20006.

A. Ashton J. O'Donnell, 89 Fair Oaks Lane, Atherton, Calif. 94025.
B. Bechtel National, Inc., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Bradford C. Oelman, Owens-Corning Fiberglas Corp. 900 17th Street NW., Washington, D.C. 20006.
B. Owens-Corning Fiberglas Corp. Fiberglas Tower, Toledo, Ohio 43659.

A. Neil H. Offen, 1730 M Street, NW., Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street, NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $244.33

A. Jane O'Grady, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $11,710. E. (9) $344.68.

A. Bartley O'Hara, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $10,467.48.

A. James G. O'Hara, 2550 M Street NW., Washington, D.C. 20037.
B. American Federation of Teachers, 11 Dupont Circle NW., Washington, D.C. 20036.

A. James G. O'Hara, 2550 M Street NW., Washington, D.C. 20037.
B. General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

A. Matthew D. O'Hara, General Mills, Inc., 1200 New Hampshire Avenue NW., Suite 370, Washington, D.C. 20036.
B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.
D. (6) $119.79.

A. A.R.Q. Old and Associates, Inc., 205 The Strand, Alexandria, Va. 22314.
B. General Electric Co., P.O. Box 2444, Daytona, Fla. 32015.
D. (6) $250.

A. A.R.Q. Old and Associates, Inc., 205 The Strand, Alexandria, Va. 22314.
B. Gould, Inc., 1745 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $220.

A. A.R.Q. Old and Associates, Inc., 205 The Strand, Alexandria, Va. 22314.
B. Grumman Aerospace Corp., 1600 Wilson Boulevard, Arlington, VA. 22209.
D. (6) $220.

A. A.R.Q. Old and Associates, Inc., 205 The Strand, Alexandria, Va. 22314.
B. Hughes Aircraft Co., 1515 Wilson Boulevard, Arlington, Va. 22209.

A. A.R.Q. Old and Associates, Inc., 205 The Strand, Alexandria, Va. 22314.
B. Sperry Division, 1725 Jefferson Davis Highway, No, 401, Arlington Va. 22202.
D. (6)$220.

A. Kathleen O'Leary, 1625 E Street NW., Room 301, Washington, D.C. 20006.
B. Columbia Gas Distribution Companies, 99 North Front Street. Columbus, Ohio 43215.
D. (6) $3,500.

A. Alvin E. Oliver, National Grain and Feed Association, 725 15th Street, NW, Washington, D.C. 20005
B. National Grain and Feed Association, P.O. Box 28328, Washington, D.C. 20005

A. Van R. Olsen, 1156 15th Street NW., Suite 1019, Washington, D.C. 20005.
B. United States Beet Sugar Association, 1156 15th Street NW., Suite 1019, Washington, D.C. 20005.

A. Charles E. Olson, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,884.80. E. (9) $196.

A. Nancy J. Olson, Johns-Manville Corp., 1025 Connecticut Avenue NW., No. 214, Washington, D.C. 20036.
B. Johns-Mansville Corp. P.O. Box 5108, Denver, Colo. 80217.
D. (6)$400.

A. Roy E. Olson, American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Samuel Omasta, 3251 Old Lee Highway, suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.

B. Bank of America, Bank Investment Securities Division, Bank of America Center, 10th floor, San Francisco, Calif. 94104.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Blyth Eastman Paine Webber, Inc., 555 California Street, San Francisco, Calif. 94104.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Dean Witter Reynolds, Inc., 45 Montgomery Street, San Francisco, Calif. 94104.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Smith Barney, Harris Upham & Co., 350 California Street, San Francisco, Calif. 94104.

A. Donald K. O'Neill, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. O'Neill, Forgotson, Roncalio & Haase, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Allegheny County Commission, 119 Courthouse, Room 101, Pittsburgh, Pa. 15219.

A. O'Neill, Forgotson, Roncalio & Haase, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. California Westside Farmers, Security Bank Building, 1060 Fulton Mall, Fresno, Calif.

A. O'Neill, Forgotson, Roncalio & Haase, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Chicago Board of Trade Clearing Corp., 141 West Jackson, Chicago, Ill. 60604.

A. O'Neill, Forgotson, Roncalio & Haase, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Commercial Union Assurance Companies, One Beacon Street, Boston, Mass. 02108.

A. O'Neill, Forgotson, Roncalio & Haase, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Dorchester Gas Corp., P.O. Box 31049, Dallas, Tex.

A. O'Neill, Forgotson, Roncalio & Haase, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Holly Corp., 2001 Bryan Tower, Dallas, Tex. 75201.

A. O'Neill, Forgotson, Roncalio & Haase, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Houston Natural Gas Corp., 1700 North Moore Street, Suite 919, Arlington Va., 22209.

A. O'Neill, Forgotson, Roncalio & Haase, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Massachusetts General Hospital, Fruit Street, Moseley Bldg., Boston, Mass. 02114.

A. O'Neill, Forgotson, Roncalio & Haase, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Premiere, 10880 Wilshire Boulevard, Los Angeles, Calif. 90024.

A. O'Neill, Forgotson, Roncalio & Haase, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Republic National Bank of New York, 5th Avenue at 40th Street, New York, N.Y. 10018.

A. O'Neill, Forgotson, Roncalio & Haase, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Texas Oil & Gas Corp., Fidelity Union Tower, Dallas, Tex. 75201.

A. O'Neill, Forgotson, Roncalio & Haase, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Texas Utilities Services, Inc., 2001 Bryan Tower, Dallas, Tex. 75201.

A. O'Neill, Forgotson, Roncalio & Haase, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. Philip C. Onstad, Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.
B. Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.
D. (6) $50. E. (9) $593.14.

A. Michel Orbin, American Express Co., 1700 K Street NW., Washington, D.C. 20006.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. J. Denis O'Toole, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $880.

A. Roland A. Ouellette, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,600. E. (9) $4,794.43.

A. Joseph A. Overton III, TRW Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.
B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Thomas J. Owens, 207 Olympic National Bldg., Seattle, Wash. 98104.
B. Dollar Savings Bank, 4th and Springfield, Pittsburgh, Pa., 15230; Washington Mutual Savings Bank, P.O. Box 834, Seattle, Wash. 98111.

A. William H. Owens, Jr., 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $1,000

A. A. W. D. Page, American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.
B. American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.
A. Steven J. Paggioli, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Geri Palast, 236 Massachusetts Avenue NE., Suite 505, Washington, D.C. 20002.
B. National Employment Law Project, Inc., 236 Massachusetts Avenue NE., Suite 505, Washington, D.C. 20002.

A. Henry S. Palau, The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
D. (6) $822.

A. Diane M. Palmer, 1200 Northwestern Bank Bldg., Minneapolis, Minn. 55480.
B. Northwest Bancorporation, 1200 Northwestern Bank Bldg., Minneapolis, Minn. 55480.
D. (6) $600. E. (9) $844.

A. John N. Pannullo, National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.
B. National Utility Contractors Association, 815 15th Street N.W., Suite 838, Washington, D.C. 20005.
D. (6) $800. E. (9) $550.

A. Fred Panzer, The Tobacco Institute, 1875 I Street NW., Suite 800, Washington, D.C. 20006.
B. The Tobacco Institute, 1875 I Street NW., Suite 800, Washington, D.C. 20006.

A. Paperboard Packaging Council, 1800 K Street NW., No. 600, Washington, D.C. 20006.

A. G. Oliver Papps, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J. 08608.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $204.

A. Herschell E. Parent, Arkansas Petroleum Council, 302 Commerical National Bank Bldg. Little Rock, Ark. 72201.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $670. E. (9) $569.20.

A. Ann L. Parenteau, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Douglas L. Parker, 600 New Jersey Avenue NW., Washington, D.C. 20001.
B. Institute for Public Representation, 600 New Jersey Avenue NW., Washington, D.C. 20001.

A. John N. Parker, Mobil Oil Corp., 1100 Connecticut Avenue NW., No. 620, Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $375.

A. Kimberly C. Parker, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $6,220.20. E. (9) $66.90

A. Parkinson & Associates, 1640 30th Street NW., Washington, D.C. 20007.
B. Committee for Equitable Crop Insurance Legislation (CECIL), 1640 30th Street NW., Washington, D.C. 20007.

A. Ken Parmelee, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
B. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
D. (6) $2,000.

A. Tom E. Paro, Association of Maximum Service Telecaster, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecaster, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

D. (6) $210.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.
B. Aerospatiale Helicopter Corp., 2701 Forum Drive, Grand Prairie, Tex. 75051.
D. (6) $10,002. E. (9) $1,163.48.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.
B. Bangor & Aroostook Railroad, Northern Maine Junction, Bangor, Maine 04401.
D. (6) $3,600. E. (9) $809.38

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.
B. Boston & Maine Railroad, Iron Horse Park, North Billerica, Mass. 01862.
D. (6) $4,749.99. E. (9) $840.15.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.
B. Chicago & North Western Transportation Co., 400 West Madison, Chicago, Ill. 60606.
D. (6) $21,000. E. (9) $981.48.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.
B. Delaware Otsegeo System, 1 Railroad Avenue, Cooperstown, N.Y. 15825.
E. (9) $835.09.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.
B. European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $8,001. E. (9) $782.65.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.
B. Genesee & Wyoming Industries, 71 Lewis Street, Greenwich, Conn. 06830.
D. (6) $3,000. E. (9) $782.65.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.
B. Lehigh Valley Estate, 415 Brighton, Bethlehem, Pa. 18015.
D. (6) $7,500. E. (9) $782.65.

A. Parrish & Chambers, Inc., 1011 Arlington Boulevard, Suite W-231, Arlington, Va. 22209.
B. Pittsburg & Shawmut, R.D. No. 2 Middle Street, Brookville, Pa. 15825.
D. (6) $2,100. E. (9) $782.65.

A. Linda K. Parson, Cities Service Co., 1660 L Street NW., No. 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., No. 207, Washington, D.C. 20036.
A. Jack Partridge, 1014 Vine Street, Cincinnati, Ohio 45201.
B. The Kroger Co., 1014 Vine Street, Cincinnati, Ohio 45201.
D. (6) $1,000. E. (9) $564.60.

A. Robert D. Partridge, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $735.

A. Alan K. Parver, 1050 17th Street NW., S-770, Washington, D.C. 20036.
B. American Association of Homes for the Aging, 1050 17th Street NW., S-770, Washington, D.C. 20036.
D. (6) $840. E. (9) $25.

A. Richard M. Patterson, Dow Chemical Co., 1800 M Street NW, Suite 700S, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $500. E. (9) $239.50.

A. Thomas Patterson, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $231.

A. William H. Patterson, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $95.

A. Kenton H. Pattie, National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
D. (6) $2,922.

A. David J. Pattison, 1750 K Street NW., Washington, D.C. 2006.
B. Health Insurance Assn. of America, Inc., 1750 K Street NW., Washington, D.C. 2006; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue Chicago, Ill.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Alaska Housing Financial Corp., P.O. Box 1020. Anchorage, Alaska 99510.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Congress of Surveyors & Mappers, 210 Little Falls Street, Falls Church, Va. 22046.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Imported Automobile Dealers Association, 1220 19th Street NW., Washington, D.C. 20036.
D. (6) $3,125. E. (9) $122.25.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Maritime Association, 1612 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Movers Conference, 1117 North 19th Street, Arlington, Va. 22209.
D. (6) $575. E. (9) $25.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Pharmaceutical Association, 2215 Constitution Avenue NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Society of Association Executives, 1575 Eye Street NW., Washington, D.C. 20005.
D. (6) $225.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Armco Steel Corp., General Offices, Middletown, Ohio 45052.
D. (6) $425.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Bath Iron Works Corp., 700 Washington Street, Bath, Maine 04530.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Bixby Ranch Co., 523 West Sixth Street, Los Angeles, Calif. 90014.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Bradford National Corp., 80 Pine Street, New York, N.Y.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. The Business Roundtable, 1801 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. California Westside Farmers, 9555 L'Enfant Plaza North SW., Room 1101, Washington, D.C. 20024.
D. (6) $1,995. E. (9) $11.75.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Castle and Cooke, Inc., P.O. Box 3928, San Francisco, Calif. 94119.
D. (6) $285.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Central American Sugar Council, 2550 M Street NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Chrysler Corp., P.O. Box 1919, Detroit, Mich. 48288.
D. (6) $112.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. City of Birmingham, City Hall, Birmingham, Ala. 35203.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Committee of Railroad Shippers, 2550 M Street NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Council of State Chambers of Commerce, 1028 Connecticut Avenue NW., Suite 1018, Washington, D.C. 20036.
D. (6) $390. E. (9) $75.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Diagnostic Imaging and Therapy Systems Division, 2101 L Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Donaldson, Lufkin and Jenrette, Inc., 140 Broadway, New York, N.Y. 10005.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Dredging Industry Size Standards Committee (DISSC), 2550 M Street NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. E.G.G. Industries, 2550 M Street NW., Washington, D.C. 20037; and the Essex Co., Lawrence, Mass.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Hobby Industry of America, 319 East 54th Street, Elmwood, N.J. 07407.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Institute for Scrap Iron and Steel, Inc., 1627 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. International Congeneration Society, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,275.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Korf Industries, INc., 2900 NCNB Plaza, Charlotte, N.C.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Lee Way Motor Freight, Inc., 300 West Reno, Oklahoma City, Okla. 73108.
D. (6) $390. E. (9) $10.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Litton Industries, Inc., 360 North Crescent Drive, Beverly Hills, Calif. 90210.
D. (6) $3,066.25. E. (9) $1,046.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. LOOP, Inc., 1010 Common Street, 250 Bank of New Orleans Bldg., New Orleans, La. 70112.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Loss Reserve Deduction Committee, 205 East 42d Street, New York, N.Y. 10017.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Louisiana Pacific Corp., 1300 Southwest Fifth Avenue, Portland, Oreg. 97201.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Mars, Inc., 1651 Old Meadow Road, McLean, Va. 22101.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Mocatta Metals Corp., 35 Broad Street, New York, N.Y. 10004.
D. (6) $5,560.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Montgomery Ward Co., Inc., 619 West Chicago Avenue, Chicago, Ill. 60671.
D. (6) $7,667.50. E. (9) $90.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Multi Mineral Corp., 330 North Belt East, Houston, Tex. 77060.
D. (6) $6,005. E. (9) $643.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Association of Chain Drug Stores, 413 North Lee Street, Alexandria, Va. 22314.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Association of Small Business Investment Companies, 618 Washington Bldg., 1435 G Street NW., Washington, D.C. 20005.
D. (6) $195.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Marine Manufacturers Association, 401 Michigan Avenue, Chicago, Ill. 60601.
D. (6) $2,160. E. (9) $35.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. The National Multi-Housing Council, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $600.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Northwest Energy Corp., 315 East 200 South, Salt Lake City, Utah 84111.
D. (6) $1,660.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Ocean Minerals Co., 465 North Bernardo, Mountain View, Calif. 94040.
D. (6) $450.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Options Clearing Corp., 233 South Wacker Drive, Room 5950, Chicago, Ill. 60605.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. OSG Bulk Ships, Inc., 1114 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $450.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Penn Central Corp., 1725 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Pepsico, Inc., Purchase, N.Y. 10577.
D. (6) $1,525. E. (9) $35.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Jack Philip & Son, Inc., 724 Dupont Plaza Center, Miami, Fla. 33131.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Redwood Industry Park Committee, 2750 Sand Hill Road, Menlo Park, Calif. 94025.
D. (6) $2,185. E. (9) $20.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Retail Tax Committee, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $15,030. E. (9) $325.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. St. Joe Minerals, 1730 Rhode Island Avenue NW., Washington, D.C. 20005.
D. (6) $11,585. E. (9) $11.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. SSIE Council to Protect Earned Employment Rights, Smithsonian Science Information Exchange, 1730 M Street NW., Washington, D.C. 20037.
D. (6) $75. E. (9) $480.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. State of Alaska, Suite 345, 444 North Capitol Street, Washington, D.C. 20001.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. State of Louisiana, Department of Conservation, P.O. Box 44275, Baton Rouge, La. 70804.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Town of Dune Acres, Indiana, 11 South La Salle Street, Chicago, Ill. 60603.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. United Brands Co., 1271 Avenue of the Americas, New York, N.Y. 10020.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. U.S. Industries, Inc., 250 Park Avenue, New York, NY. 10017.
D. (6) $570.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Western Union Telegraph Co., Suite 1101, 1826 L Street NW., Washington, D.C. 20036.
D. (6) $17,195. E. (9) $15.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Wilshire Oil Company of Texas, 250 Park Avenue, New York, N.Y.
D. (6) $3,550.

A. Andrew R. Paul, 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.
B. Gulf & Western Management Co., 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.
D. (6) $1,000. E. (9) $151.45.

A. Paul, Hastings, Janofsky & Walker, 11 Dupont Circle NW., Suite 405, Washington, D.C. 20036.
B. BEST Employers Association, 4201 Birch Street, Newport Beach, Calif. 90226.

A. Paul, Hastings, Janofsky & Walker, 11 Dupont Circle NW., Suite 405, Washington, D.C. 20036.
B. Capitol Oil Co., 1100 17th Street NW., Suite 313, Washington, D.C. 20036.

A. Paul, Hastings, Janofsky & Walker, 11 Dupont Circle NW., Suite 405, Washington, D.C. 20036.
B. Council of Active Independent Oil and Gas Producers, 1100 17th Street, Suite 313, Washington, D.C. 20036.

A. Paul, Hastings, Janofsky & Walker, 11 Dupont Circle NW., Suite 405, Washington, D.C. 20036.
B. Enserch Corp., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
D. (6) $1,600.

A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Association of Media Producers, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
D. (6) $4,073.89.

A. Frank Pecquex, Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.

B. Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.
D. (6) $3,000. E. (9) $202.58.

A. James M. Peirce, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $1,436.76.

A. David Peltier, Eckerd College Box P, St. Petersburg, Fla. 33733.

A. Humberto R. Pena, Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $500.

A. Pennsylvania Power & Light Co., Two North 9th Street, Allentown, Pa. 18101.
E. (9) $2,748.88.

A. Don Penny, Warner Communications Inc., 1776 K Street NW., Suite 701, Washington, D.C. 20006.
B. Warner Communications Inc., 75 Rockefeller Plaza, New York, N.Y. 10019.
D. (6) $7,500. E. (9) $3,300.

A. Dominic V. Pensabene, 1700 K Street NW., Washington, D.C. 20006.
B. Chevron USA Inc., 1700 K Street NW., Washington, D.C. 20006.
D. (6) $400.

A. Gregory M. Pensabene, Santa Fe Industries, Inc., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Ill. 60604.
D. (6) $1,405.

A. Pension Rights Center, Room 1019, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $700. E. (9) $529.71.
A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Suite 200, Washington, D.C. 20006.
B. Alarm Industry Telecommunications Committee, of the National Burglar & Fire Association, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Suite 200, Washington, D.C. 20006.
B. Liberty Communications, Inc., P.O. Box 7009, Eugene, Oreg. 97401.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Suite 200, Washington, D.C. 20006.
B. Millicom Inc. (a division of Miltope Corp.), Suite 5500, 153 East 53d Street, New York, N.Y. 10022.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Suite 200, Washington, D.C. 20006.
B. TRT Telecommunications Corp., 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. PepsiCo, Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.
E. (9) $1,200.

A. Elinor Peretsman, 55 Tain Drive, Great Neck, N.Y. 11021.
B. United Action for Animals, Inc., 205 East 42d Street, New York, N.Y. 10017.
D. (6) $1,575. E. (9) $1,277.15.

A. Victor J. Perini, Jr., 1776 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Highway Users Federation for Safety & Mobility, 1776 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $200. E. (9) $37.95.

A. Perito, Duerk, Carlson & Pinco, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. Foremost-McKesson, Inc., Crocker Plaza, One Post Street, San Francisco, Calif. 94106.
D. (6) $139.50. E. (9) $3.25.

A. Tony Perkins, 1800 Massachusetts Avenue, NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue, NW., Washington, D.C. 20036.
D. (6) $100.

A. Jeffry L. Perlman, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $2,200. E. (9) $389.76.

A. John P. Perrin, American Osteopathic Association, 499 South Capitol Street, Suite 104, SW., Washington, D.C. 20003.
B. American Osteopathic Association, 499 South Capitol Street, No. 104, South West, Washington, D.C. 20003.
D. (6) $2,847.20. E. (9) $108.74.

A. Todd A Peterman, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington Va. 22209.
B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington Va. 22209.

A. Peterson, Engberg & Peterson, 1730 M Street NW., Washington, D.C. 20036.
B. Federated Research Corp., 421 7th Avenue, Pittsburgh, Pa. 15219.
D. (6) $17,510. E. (9) $473.50.

A. Kenneth Peterson, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organization, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $12,132. E. (9) $87.90.

A. Mary B. Peterson, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $1,236.17.

A. Michael J. Petrina, Jr., 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association 1155 15th Street, NW., Washington, D.C. 20005.
D. (6) $4,000. E. (9) $72.60.

A. Paul F. Petrus, Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,200.

A. John E. Pflieger, Time Incorporated, 888 16th Street NW., Washington, D.C. 20006.
B. Time Inc., Time & Life Building, Rockefeller Center, New York, N.Y. 10020.
D (6) $1,700. E. (9) $24.15.

A. James R. Phalen, 1100 Connecticut Avenue NW., Suite 820, Washington, D.C. 20036.
B. MAPCO Inc., 1800 South Baltimore Avenue, Tulsa, Okla. 74119.
D. (6) $2,500. E. (9) $266.02.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $14,707. E. (9) $14.70.

A. Marshall A. Pharr, 6103 Adirondack, Amarillo, Tex. 79106.
B. Southwestern Public Service Co., P.O. Box 1261, Amarillo, Tex. 79170.
D. (6) $1,097. E. (9) $777.41.

A. John P. Philbin, Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500.

A. Susan L. Philips, Industrial Union Department, AFL-CIO, 815 16th Street, NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $3,370.15. E. (9) $79.87.

A. John D. Phillips, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
B. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $12,960. E. (9) $935.57.

A. Mark W. A. Phillips, 507 Second Street NE., Washington, D.C. 20002.
B. The Navajo Nation Window Rock, Ariz. 86515.

A. Richard F. Phillips, Phillips Petroleum Co., 1825 D Street NW., Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla. 74204.

A. Phosphate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10017.
E. (9) $4,183.56.

A. Sam Pickard, Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $500. E. (9) $2,769.95.

A. Bill Pickens, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,730. E. (9) $751.46.

A. Mark M. Pierce, Standard Oil Co. (Ohio), 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Paul E. Pierce, Service Station Dealers of America, Inc., 2021 K Street NW., Suite 303, Washington, D.C. 20006.
B. Service Station Dealers of America, Inc., 2021 K Street NW., Suite 303, Washington, D.C. 20006.
D. (6) $2,916.66.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
B. Dun & Bradstreet Corp., 299 Park Avenue, New York, N.Y. 10017.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.

B. General Tire & Rubber Co., One General Street, Akron, Ohio 44329.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
B. Satellite Business Systems, 8003 Westpark Drive, McLean, Va. 22101.
D. (6) $2,500.

A. Pierson, Semmes, Crolius and Finley, 1054 31st Street NW., Washington, D.C. 20037.
B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
(6) $487.50 E. (9) $22.67.

A. Pierson, Semmes Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Edgington Oil Co. Inc., 2400 East Artesia Boulevard, Long Beach, Calif. 90805.

A. Pilots Rights Association, P.O. Box 700-367, Redondo Beach, Calif. 90277.
D. (6) $17,511. E. (9) $3,764.68.

A. Linda Pinegar, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue, Washington, D.C. 20006.
D. (6) $875.

A. Pitney Bowes, 69 Wheeler Drive, Stamford, Conn. 06926.

A. Peter K. Pitsch, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., One Montgomery Ward Plaza, Chicago, Ill. 60671.
D. (6) $10. E. (9) $150.

A. Plains Cotton Growers, Inc., P.O. Box 3640, Lubbock, Tex. 79452.
D. (6) $2,204.24. E. (9) $2,204.24.

A. Robert Plett Associates, Ltd., 1200 18th Street NW., No. 700, Washington, D.C. 20036.

A. Richard J. Pollack, American Nurses' Association, 1030 15th Street NW., Washington, D.C. 20005.
B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $2,778.60. E. (9) $702.37.

A. Frances A. Pollak, Goodyear Tire & Rubber Co., 1800 K Street NW., No. 800, Washington, D.C. 20006.
B. Goodyear Tire & Rubber Co., Akron, Ohio 44316.
D. (6) $1,000.

A. Richard P. Pollock, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Critical Mass Energy Project, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,000.

A. Robert F. Pontzer, Lear Siegler, Inc., 1911 Jefferson Davis Highway, Suite 1002, Arlington, Va. 22202.
B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.
E. (9) $120.09.

A. Henry E. Poole, 9 West 56th Street, New York, N.Y. 10019.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

A. Raymond K. Pope, 1639 K Street NW., Suite 800, Washington, D.C. 20006.
B. AMFAC, Inc., 50 O'Farrell Street, San Francisco, Calif. 94108.
D. (6) $3,145. E. (9) $422.

A. Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.
E. (9) $39.

A. Joan E. Porte, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,250.

A. Phillip Porte, Phillip Porte & Associates, Inc., 1301 South Arlington Ridge Road, Suite 208, Arlington, Va. 22202.
B. American Association for Respiratory Therapy, 1720 Regal Row, Dallas, Tex. 75235.
D. (6) $4,500. E. (9) $2,031.

A. Phillip Porte, Phillip Porte & Associates, Inc., 1301 South Arlington Ridge Road, Suite 208, Arlington, Va. 22202.
B. National Assocation of Medical Directors of Respiratory Care, P.O. Box 10832, Chicago, Ill. 60610.
D. (6) $2,000.

A. Robert W. Porter, 888 17th Street NW., No. 700, Washington, D.C. 20006.
B. National Potato Council.
D. (6) $1,000.

A. Porter, Wright, Morris & Arthur, 1776 G Street NW., No. 501, Washington, D.C. 20006.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

A. Portman Properties, 1800 Peachtree Center South, 225 Peachtree Street NE., Atlanta, Ga. 30303.
E. (9) $750.

A. Alonzo M. Poteet, Veterans of Foreign Wars of the United States, 200 Maryland Avenue, Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $2,500. E. (9) $29.

A. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

A. Potter International, Inc., 900 17th Street NW., Washington, D.C. 20006.
B. Rockwell International, Inc., 600 Grant Street, Pittsburgh, Pa. 15219.
D. (6) $7,500. E. (9) $1,400.

A. Potter International, Inc., 900 17th Street NW., Washington, D.C. 20006.
B. Western Shipbuilding Association, P.O. Box 3976, San Francisco, Calif. 94119.
D. (6) $3,000. E. (9) $891.71.

A. Ramsay D. Potts, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., 900-S, Washington, D.C. 20036.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Michael M. Pousner, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.
B. The Robert H. Kellen Co., 5775 Peachtree-Dunwoody Road, Suite 500-D Atlanta, Ga. 30342 (for: Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342).
D. (6) $1,110.

A. John M. Powderly, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $8,787.32.

A. Powell, Goldstein, Frazer & Murphy, 1333 New Hampshire Avenue NW., Suite 970, Washington, D.C. 20036.
B. Maryland Savings-Share Insurance Corporation, 901 North Howard Street, Baltimore, Md. 21201.

A. Richard M. Powell, International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.
B. International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Robert D. Powell, 1110 Vermont Avenue NW., Suite 600, Washington, D.C. 20005.
B. National Business Aircraft Association, One Farragut Square South, Washington, D.C. 20006.

A. Carlton H. Power, 1918 North, Parkway, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $645. E. (9) $15.87.

A. John (Jay) Power, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organization, 815 16th Street NW., Washington, D.C.
D. (6) $9,762.80.

A. William D. Powers, National Housing Law Project, 1016 16th Street NW., Suite 800, Washington, D.C. 20036.
B. National Housing Law Project, 2150 Shattuck Avenue, Suite 300, Berkeley, Calif. 94704.
D. (6) $7,396.80. E. (9) $60.

A. Prather, Seeger, Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.
B. Bankers' Association for Foreign Trade, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Prather, Seeger, Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.
B. The First National Bank of Chicago, One First National Plaza, Chicago, Ill. 60670.
D. (6) $500.

A. Prather, Seeger, Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.
B. Ruhrkohle, A. G., 43 Essen, Rollinghauser Strasse 1, Federal Republic of Germany.

A. William C. Prather, United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $850. E. (9) $724.

A. William B. Prendergast, Distilled Spirits Council of the U.S., Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
B. Distilled Spirits Council of the U.S., Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
D. (6) $7,200. E. (9) $846.50.

A. Brainard E. Prescott, 670 Main Street, East Aurora, N.Y. 14052.
B. Security New York State Corp., One East Avenue, Rochester, N.Y. 14638.

D. (6) $3,000.

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036. (For Airbus Industrie, Avenue Lucien Servanty, 317000 Blagnac, France).

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for: European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005).

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for: Sofreavia, 75 rue la Boetie, Paris 8eme France).

A. Paul F. Preston, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,625. E. (9) $48.66

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. American Waterways Shipyard Conference, Suite 1101, 1600 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $675.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Bonneville Power Administration, Suite 310, Lloyd Building, 700 NE., Multromak Street, Portland, Oreg. 97232.
D. (6) $20,970. E. (9) $1,660.87

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Calista Corp., 516 Denali Street, Anchorage, Alaska 99501.
D. (6) $75.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Chugach Natives, Inc., 903 West Northern Lights No. 201, Anchorage, Alaska 99503.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. City of Juneau, Juneau, Alaska.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Commercial Union Assurance Companies, One Beacon Street, Boston, Mass. 02108.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Fisheries Development Corp., 17 Battery Place, New York, N.Y. 10004.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Moore McCormack Resources, One Landmark Square, Stemford, Conn.
D. (6) $150.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Organization for the Protection & Advancement of Small Telephone Companies, 1104 Gary Court, Wheaton, Ill. 60187.
D. (6) $995. E. (9) $66.76.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Ronan Telephone Co., P.O. Drawer 3, Ronan, Mont. 59864.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. St. Louis Ship, 611 East Marceau Street, St. Louis, Mo. 63111.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Schnitzer Investment Corp., 3200 NW., Yeon Avenue, Portland, Oreg. 97210.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Seatrain, Inc., 1 Chase Manhattan Plaza, New York, N.Y. 10005.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Seattle Trust & Savings Bank, 804 Second Avenue, Seattle, Wash. 98104.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. State of Alaska, Juneau, Alaska.
D. (6) $2,670.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, Tex. 77001.
D. (6) $660.50.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. The 13th Regional Corp., P.O. Box 24764, Seattle, Wash. 98124.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Transportation Institute, 923 13th Street NW., Washington, D.C.
D. (6) $142.50

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. United States Cruises, 2200 Sixth Avenue, Seattle, Wash. 98121.
D. (6) $45.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Washington Natural Gas, 815 Mercer, Seattle, Wash.
D. (6) $62.50.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Western Resource Alliance, Star Route Box 98, Eastsound, Wash.
D. (6) $231.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. WOMETCO Enterprises, Inc., 306 North Miami Avenue, Miami, Fla. 33128.
D. (6) $5,271.50. E. (9) $52.95.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Yardarm Knot Corp., 17221 Palatine Avenue, North. Seattle, Wash. 98133.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $831.88

A. Patricia Pride, Financial Accounting Standards Board, 1129 20th Street NW., Washington, D.C. 20036.
B. Financial Accounting Standards Board, High Ridge Park, Stamford, Conn. 06905.
D. (6) 47.13. E. (9) $1.31.

A. Arnold J. Prima, Jr., American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,200.

A. Gwenyth Pritchard, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $200.

A. Jerry C. Pritchett, Mechanical Contractors Association of America, Inc., 5530 Wisconsin Avenue NW., Suite 750, Washington, D.C. 20015.
B. Mechanical Contractors Association of America, Inc., 5530 Wisconsin Avenue NW., Suite 750, Washington, D.C. 20015.

A. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Pro Life Congressional District 11, P.O. Box 727, San Carlos, Calif. 94070.
D. (6) $140. E. (9) $514.

A. Pro-Life CDAC No. 12, P.O. Box 7145, Menlo Park, Calif. 94025.
D. (6) $165. E. (9) $224.13.

A. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C.
E. (9) $2,343.75.

A. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa.

A. Jerry Z. Pruzan, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $300.

A. Public Employee Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $33,883. E. (9) $21,151.

A. David E. Pullen, Johns-Manville Corp., 1025 Connecticut Avenue NW., No. 214, Washington, D.C. 20036.
B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.
D. (6) $600.

A. Earle W. Putnam, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL-CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 10016.

A. Howard Pyle, 4930 Quebec Street NW., Washington, D.C. 20016.
B. Houston Lighting & Power Co., P.O. Box 1700, Houston, Tex. 77001.
D. (6) $2,678.58.

A. Mark C. Pyle, P.O. Box 3731, Washington, D.C. 20007.
B. Retail Bakers of America, 6525 Belcrest Road, Suite 250, Hyattsville, Md. 20782.
D. (6) $3,198.

A. Robert N. Pyle, P.O. Box 3731, Washington, D.C. 20007.
B. Independent Bakers Association, P.O. Box 3731, Washington, D.C. 20007.
D. (6) $3,000.

A. John R. Quarles, Jr., Morgan, Lewis & Brockius, 1800 M Street NW., Washington, D.C. 20036.
B. National Environmental Development Association Clean Air Act Project (NEDA/CAAP), 3 National Press Building, Washington, D.C.

A. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $589.

A. Robert A. Ragland, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Richard W. Rahn, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20062.
D. (6) $17,922. E. (9) $115.23.

A. Railway Labor Executives' Association, 400 First Street NW., Suite 804, Washington, D.C. 20001.
D. (6) $48,250. E. (9) $88,686.93.

A. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.

A. W. Vincent Rakestraw, Eight East Broad Street, Columbus, Ohio 43215.
B. North American Telephone Association, 1030 15th Street NW., Suite 360, Washington, D.C. 20005.

A. Randall, Bangert & Thelen, 1625 K Street NW., Washington, D.C. 20006.
B. The Business Roundtable, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $640.

A. Randall, Bangert & Thelen, 1625 K Street NW., Washington, D.C. 20006.
B. Grocery Manufacturers of America, 1010 Wisconsin Avenue NW., Washington, D.C. 20006.

A. Randall, Bangert & Thelen, 1625 K Street NW., Washington, D.C. 20006.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20006.
D. (6) $2,550.

A. Donald A. Randall, 1625 K Street NW., Washington, D.C. 20006.
B. Automotive Service Councils, Inc., 188 Industrial Drive, Suite 112, Elmhurst, Ill. 60126.
D. (6) $1,316.30.

A. Donald A. Randall, 1625 K Street NW., Washington, D.C. 20006.
B. National Association for Milk Marketing Reform, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $570.

A. Gary B. Randall, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $140.

A. Wm. J. Randall, 201 South Pleasant Street, Independence, Mo. 64050.
B. City of Independence, Missouri, 103 North Main Street, Independence, Mo. 64050.
D. (6) $500. E. (9) $980.

A. Wm. J. Randall, Suite 821, 1515 Jefferson Davis Highway, Arlington, Va. 22202.
B. United States Railway Association, 955 L'Enfant Plaza North SW., Washington, D.C. 20595.
D. (6) $2,000.

A. R. Ray Randlett, Allied Chemical Corp., 1150 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.
B. Allied Chemical Corp., P.O. Box 3000-R, Morristown, N.J. 07960

A. Arthur G. Randol III, Exxon Corp., 1899 L Street NW., No. 1100, Washington, D.C. 20036.
B. Exxon Corporation, 1251 Avenue of the Americas, New York, N.Y. 10020.
E. (9) $571.54.

A. D. Michael Rapporport, P.O. Box 1980, Phoenix, Ariz. 85001.
B. Salt River Project, P.O. Box 1980, Phoenix, Ariz. 85001.
D. (6) $1,250. E. (9) $3,181.06.

A. Carol Raulston, American Paper Institute, 1619 Massachusetts Avenue, NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. G. David Ravencraft, Ashland Oil, Inc., 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $2,000.

A. Eiler C. Ravnholt, Hawaiian Sugar Planters' Association, 723 Investment Building, Washington, D.C. 20005.
B. Hawaiian Sugar Planters' Association, Honolulu, Hawaii.
D. (6) $300. E. (9) $71.65.

A. W. Lee Rawls, Pennzoil Co., 1155 15th Street NW., Suite 602, Washington, D.C. 20005.
B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77001.
D. (6) $750.

A. W. Randall Rawson, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
E. (9) $14.34.

A. J. Gene Raymond, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $978.12.

A. Sydney C. Reagan, 10 Duncannon Court, Glen Lakes, Dallas, Tex. 75225.
B. Southwestern Peanut Shellers Association, 10 Duncannon Court, Glen Lakes, Dallas, Tex. 75225.
D. (6) $2,974.58. E. (9) $2,824.58.

A. Reavis & McGrath, 1776 F Street NW., No. 300, Washington, D.C. 20006.
B. The Business Roundtable, 200 Park Avenue, No. 2222, New York, N.Y. 10017.

A. Susan E. Recce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $750. E. (9) $53.39.

A. Robert E. Redding, Shippers National Freight Claim Council, Suite 321, 910 17th Street NW., Washington, D.C. 20006.
B. Shippers National Freight Claim Council, 120 Main Street, Huntington, N.Y. 11743.

A. Campbell L. Reed, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Dwight C. Reed, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. John H. Reed, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders and Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $9,500. E. (9) $91.

A. Charles C. Reely, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.

A. Robert S. Reese, Jr., American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $8,000. E. (9) $854.80.

A. J. Ronald Reeves, U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.
B. U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.
D. (6) $2,000. E. (9) $120.30.

A. John T. Reggitts, Jr., R.D. No. 2 Boonton Avenue, Boonton, N.J. 07005.

A. Frank D. Register, National Association of Retail Grocers of the United States, Inc., 11800 Sunrise Valley Drive, Reston, Va. 22091.
B. National Association of Retail Grocers of the United States, Inc., 11800 Sunrise Valley Drive, Reston, Va, 22091.
D. (6) $50. E. (9) $24.50.

A. Charlotte T. Reid, 1776 K Street NW., Washington, D.C. 20006.
B. Motorola Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $3,000.

A. Charlotte T. Reid, 200 Pickett Street, Alexandria, Va. 22304.
B. Volunteer Trustees of Not-for-Profit Hospitals, 2550 M Street NW., Washington, D.C. 20037.

D. (6) $3,000.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington D.C. 20036.
D. (6) $26.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 22036.
B. Northeast Utilities Service Co., P.O. Box 270, Hartford, Conn. 06101.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.
B. South Carolina Electric & Gas Co., P.O. Box 764, Columbia, S.C. 29202.

A. Jerry E. Reider, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
B. Emerson Electric Co., 8000 Florissant, St. Louis, Mo. 63136.

A. Gary B. Reimer, 1800 K Street NW., Suite 600, Washington, D.C. 20006.
B. Tiger International, Inc., 1888 Century Park East, Los Angeles, Calif. 90067.
D. (6) $1,200. E. (9) $82.50.

A. Thomas K. Reinhard, International Trading Associates Inc., 806 15th Street NW., Suite 210, Washington, D.C. 20005.
B. International Trading Associates Inc., 806 15th Street NW., Suite 210, Washington, D.C. 20005.
D. (6) $150. E. (9) $9.60.

A. J. E. Reinke, Eastern Airlines, 1030 15th Street NW., Washington, D.C. 20005.
B. Eastern Air Lines, Inc., 1030 15th Street NW., Washington, D.C. 20005.
E. (9) $35.

A. Religious Coalition for Abortion Rights, Inc., 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $13,905.16. E. (9) $12,414.01.

A. Diane Rennert, 1707 L Street NW., Washington, D.C. 20036.
B. Association of American Publishers, 1707 L Street NW., Washington, D.C. 20036.
D. (6) $3,300. E. (9) $363.12.

A. Research Animal Alliance, 400-2 Totten Pond Road, Suite 200, Waltham, Mass. 02154.
D. (6) $30,437.50. E. (9) $6,796.15.

A. Research-Cottrell, Inc., P.O. Box 1500, Somerville, N.J. 08876.
E. (9) $733.

A. Research To Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y. 10022.
E. (9) $3,931.26.

A. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
D. (6) $7,508.

A. Forrest I. Rettgers, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. John H. Reurs, 25 Broadway, New York, N.Y. 10004.
B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

A. Allan R. Rexinger, The Proprietary Association, 1700 Pennsylvania Avenue NW., Suite 700, Washington, D.C. 20006.
B. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $2,218.75. E. (9) $125.

A. Austin T. Rhoads, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.
E. (9) $872.13.

A. Edmund B. Rice, American Hospital Association, 444 North Capitol Street, N.W., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,081.28. E. (9) $53.38.

A. Rice Genocide Research, P.O. Box 7307, Washington, D.C. 20044; and 3046 Roosevelt, Detroit, Mich. 48216.
E. (9) $223.45.

A. Theron J. Rice, Conoco, Inc., 1025 Connecticut Avenue, No. 100, Washington, D.C. 20036.
B. Conoco, Inc., High Ridge Park, Stamford, Conn. 06904.

A. Alan H. Richardson, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $500.

A. Doug Richardson, Council of Energy Resource Tribes, Suite 310, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Energy Resource Tribes, 1140 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.

A. Bruce Rickerson, American Society of Civil Engineers, 1625 I Street NW., No. 607, Washington, D.C. 20006.
B. American Society of Civil Engineers, 345 East 47th Street, New York, N.Y. 10017.
D. (6) $3,000.

A. Lowell J. Ridgeway, North Dakota Petroleum Council, Box 1395, Bismarck, N. Dak. 58502.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Mark J. Riedy, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

A. E. Philip Riggin, American Legion, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $6,306. E. (9) $460.36.

A. Valerie M. Riggins, 1700 North Moore Street, 1925 Rosslyn Center Bldg., Arlington, Va. 22209.
B. Beneficial Management Corporation of America, 1300 Market Street, Wilmington, Del. 19899.

A. John S. Rippey, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $756.25. E. (9) $20.

A. Carol A. Risher, Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.
B. Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.
D. (6) $1,200. E. (9) $164.67.

A. Selina F. Rissell, 415 Second Street SE., Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street SE., Washington, D.C. 20002.
D. (6) $8,063.44.

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.
B. Gaming Industry Association of Nevada, Inc., One East First Street, Suite 1007, Reno, Nev. 89501.
D. (6) $3,200. E. (9) $1,224.33.

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.
B. National Association of Off-Track Betting Corp., P.O. Box 446, Batavia, N.Y. 14020.
D. (6) $2,000. E. (9) $854.61.

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.
B. Nevada Resort Association, 1785 East Sahara Avenue, Suite 250, Las Vegas, Nev. 89104.
D. (6) $4,800. E. (9) $1,836.48.

A. Stark Ritchie, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C.20037.

A. RJR Industries, Inc., 1100 Reynolds Boulevard, Winston-Salem, N.C. 27105.
E. (9) $5,811.39.

A. Robert L. Roach, 12801 River Road, Potomac, Md. 20854.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022
D. (6) $4,106.25.

A. Roadside Business Association, 9001 West Braddock Road, Springfield, Va. 22151.
D. (6) $1,919. E. (9) $1,919.

A. George Roberts, National Education Association, 555 Park Street, Suite 160, St. Paul, Minn. 55103.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $860.75. E. (9) $144.

A. Perry A. Roberts, 8000 West Florissant, St. Louis, Mo. 63136.
B. Emerson Electric Co., 8000 West Florissant, St. Louis, Mo. 63136.
E. (9) $1,543.43.

A. Ray Roberts & Associates, 499 South Capitol Street SW., Suite 102, Washington, D.C. 20003.
B. Centex Corp., 1400 Republic National Bank Tower, Dallas, Tex. 75201.
D. (6) $3,000.

A. Ray Roberts & Associates, 499 South Capitol Street SW., Suite 102, Washington, D.C. 20003.
B. Guam Oil & Refining Co., Inc., 3400 Southland Center, Dallas Tex. 75201.
D. (6) $6,000. E. (9) $3,106.

A. Ray Roberts & Associates, 499 South Capitol Street SW., Suite 102, Washington, D.C. 20003.
B. Texas Utilities Services, Inc., 2001 Bryan Tower, Dallas, Tex. 75201.
D. (6) $2,000.

A. Richard R. Roberts, 1899 L Street NW., Suite 403, Washington, D.C. 20036.
B. Outdoor Advertising Association of America, Inc., 1899 L Street NW., Suite 403, Washington, D.C. 20036.

D. (6) $263. E. (9) $60.

A. Steven M. Roberts, American Express Co., 1700 K Street NW., Washington, D.C. 20006.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Betty S. Robinson, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $8,537.72. E. (9) $135.90.

A. Charles A. Robinson, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $174.39.

A. Antoinette K, Roche, 2021 K Street NW., Suite 709, Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $500. E. (9) $25.

A. Thomas G. Roderick, Consolidated Natural Gas Service Co., Inc., 1101 16th Street NW., Washington, D.C. 20036.
B. Consolidated Natural Gas Service Co., Inc., Four Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $3,500.

A. Quincy Rodgers, General Instrument Corp., Suite 320, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. General Instrument Corp., 1775 Broadway, New York, N.Y. 10019.

A. Willi Roelli, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $1,650.

A. James T. Rogers, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Margaret Rogers, Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.
D. (6) $1,000.

A. Terrence L. Rogers, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $7,303.80. E. (9) $13.80.

A. Richard A. Rohrbach, 1625 I Street NW., No. 809, Washington, D.C. 20006.
B. Boise Cascade Corp., 1625 I Street NW., No. 809, Washington, D.C. 20006.
D. (6) $17,655.

A. Kenneth S. Rolston, Jr., 1619 Massachusetts Avenue NW., Washington, D.C. 200036.

B. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 200036.

A. Teno Roncalico, P.O. Box 1707, Cheyenne, Wyo.
B. Northwest Alaska Pipeline Co., 1801 K Street NW., Washington, D.C. 20036; Colorado Interstate Gas Co., P.O. Box 1087, Colo. Springs, Colo. 80944.
D. (6) $3,000.

A. Teno Roncalio, P.O. Box 1707, Cheyenne, Wyo. 82001.
B. State of Wyoming, Capitol Building, Cheyenne, Wyo. 82002.
D. (6) $1,500.

A. Tatiana Roodkowsky, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $2,500. E. (9) $49.81.

A. Nicholas Roomy, Jr., P.O. Box 1986, Charleston, W. Va. 25327.
B. Appalachian Power Co., P.O. Box 1986 Charleston, W. Va. 25327.
D. (6) $189.20. E. (9) $160.75.

A. Fred B. Rooney, 1300 19th Street NW., Suite 404, Washington, D.C. 20036.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $225.

A. Fred B. Rooney, 1300 19th Street NW., Suite 404, Washington, D.C. 20036.
B. California Portland Cement Co., 800 Wilshire Boulevard, Los Angeles, Calif. 90017.

A. Fred B. Rooney, 1300 19th Street NW., Suite 404, Washington, D.C. 20036.
B. PACCAR, Inc., Business Center Building, P.O. Box 1518, Bellevue, Wash. 98009.

A. Kevin M. Rooney, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,028. E. (9) $511.44.

A. Christine Root, 1532 Swan Street NW., Washington, D.C. 20009.
B. Washington Office on Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $2307.72.

A. John C. Roots, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $112.

A. Rose, Schmidt, Dixon, Hasley, Whyte & Hardesty, 1575 I Street NW., Washington, D.C. 20005.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
D. (6) $35,520. E. (9) $3,589.49.

A. Rose, Schmidt, Dixon, Hasley, Whyte & Hardesty, 1575 I Street NW., Washington, D.C. 20005.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

A. Rose, Schmidt, Dixon, Hasley, Whyte & Hardesty, 1575 I Street NW., Washington, D.C. 20005.
B. Institute of Makers of Explosives, 1575 I Street NW., Washington, D.C. 20005.
D. (6) $200. E. (9) $195.13.

A. Walda W. Roseman, National Public Radio, 2025 M Street NW., Washington, D.C. 20036.

B. National Public Radio, 2025 M Street NW., Washington, D.C. 20036.
D. (6) $13,500. E. (9) $71.79.

A. Burt Rosen, 499 South Capitol Street SW., Suite 401, Washington, D.C. 20003.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $1,500. E. (9) $140.

A. Albert B. Rosenbaum, III, National Tank Truck Carrier, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carrier, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Arthur F. Rosenfeld, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $112.50. E. (9) $8.

A. Harvey Rosenfield, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,750.01.

A. Robert W. Ross, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,650.

A. William F. Ross, SC Petroleum Council, 716 Keenan Building, Columbia, S.C. 29201.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $214. E. (9) $648.08.

A. Alan J. Roth, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Fort Pierce Utilities Authority of the City of Fort Pierce, Gainesville-Alachua County, Regional Electric Water & Sewer Utilities, Sebring Utilities Commission, Cities of Homestead, Kissimmee, Lakeland, Tallahassee, Fla.

A. Barry N. Roth, The Williams Companies, 1750 K Street NW., Suite 350, Washington, D.C. 20006.
B. The Williams Companies, P.O. Box 2400, Tulsa, Okla. 74101.
D. (6) $100.

A. Donald D. Rounds, South Dakota Petroleum Council, P.O. Box 669, Pierre, S. Dak. 57501.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. William C. Rountree, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
D. (6) $350. E. (9) $68.65.

A. Rouss & O'Rourke, Lawyers Building, 231 East Vermijo, Colorado Springs, Colo. 80903.
B. Union Nacional de Productores de Azucar, S.A. de C.V., Balderas 36, Mexico, D.F., Mexico.
D. (6) $4,200. E. (9) $4,469.93.

A. Mark Rovner, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,800.01.

A. Eugene F. Rowan, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

A. James C. Rowland, Jr., Union Carbide Corporation, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corporation, 270 Park Avenue, New York, N.Y. 10017.

A. John W. Rowland, Amalgamated Transit Union, AFL-CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. George S. Royal, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

A. Kathryn Coe Royce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $750. E. (9) $25.

A. James S. Rubin, 1150 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.
B. Allied Chemical Corp., P.O. Box 3000-R, Morristown, N.J. 07960.
D. (6) $125.

A. Paul M. Ruden, Wilner & Scheiner, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.

A. Gloria Cataneo Rudman, Joint Maritime Congress, 444 North Capitol Street NW., Suite 801, Washington, D.C. 20001.
B. Joint Maritime Congress, 444 North Capitol Street NW., No. 800, Washington, D.C. 20001.
D. (6) $57.69.

A. John C. Runyan, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders and Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $5,700. E. (9) $127.15.

A. Philip E. Ruppe, AMAX Inc., 1101 Connecticut Avenue NW., Suite 605, Washington, D.C. 20036.
B. AMAX Inc., AMAX Center, Greenwich, Conn. 06830.

A. Leonard H. Ruppert, N.J. Petroleum Council, 170 West State Street, Trenton, N.J. 08608.
B. American Petroleum Institute, 2101 L. Street NW., Washington, D.C. 20037.
D. (6) $40.

A. Albert R. Russell, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. 12285, Memphis, Tenn. 38112.

A. Robert M. Russell, 2170 Piedmont Road NE., Atlanta, Ga. 30324.
B. Orkin Exterminating Co., Inc., 2170 Piedmont Road NE., Atlanta, Ga. 30324.
D. (6) $560. E. (9) $1,534.

A. Wally Rustad, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Herman Max Ruth, P.O. Box 1000, Otisville, N.Y. 10963.

A. Sheryl P. Rutledge, 1100 H Street NW., Washington, D.C. 20080.
B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.

A. Ella Marice Ryan, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $100. E. (9) $10.

A. John F. Ryan, International Telephone & Telegraph Corp., 1707 L Street NW., Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
D. (6) $58. E. (9) $7.50.

A. Lynn Ryan, Gulf Oil Corp., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $150. E. (9) $45.30.

A. Paul R. Sacia, 1012 14th Street NW., Washington, D.C. 20005.
B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $2,284.60. E. (9) $20.49.

A. Robert P. St. Louis, 2550 M Street NW., Suite 225, Washington, D.C. 20037.
B. Congoleum Corp., P.O. Box 4040, Portsmouth, N.H. 03801.
D. (6) $750. E. (9) $327.16.

A. Samaritan Health Service, 1410 North Third Street, P.O. Box 25489, Phoenix, Ariz. 85002.
E. (9) $3,431.26.

A. Sammons Enterprises, Inc., 403 South Akard, Dallas, Tex. 75202.
E. (9) $861.24.

A. Frank P. Sanders, Signal Companies, Inc., 1575 I Street NW., Washington, D.C. 20005.
B. The Signal Companies, Inc., 11255 North Torrey Pines Road, La Jolla, Calif. 92037.
D. (6) $500.

A. Charles E. Sandler, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L. Street NW., Washington, D.C. 20037.
D. (6) $5,000.

A. David Sandler, 2233 Wisconsin Avenue NW., No. 322, Washington, D.C. 20007.
B. National Council of Community Mental Health Centers, 2233 Wisconsin Avenue NW., No. 322, Washington D.C. 20007.
D. (6) $3,000. E. (9) $150.

A. Albert C. Saunders, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $4,000. E. (9) $15.50.

A. Lawrence H. Sawyer, General Mills, Inc., 1200 New Hampshire Avenue NW., Suite 370, Washington, D.C. 20036.
B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

A. William B. Saxbe, 16 South Main Street, Mechanicsburg, Ohio 43044.
B. North American Telephone Association, 1030 15th Street NW., Suite 360, Washington, D.C. 20005.
D. (6) $10,000.

A. Henry Schacht, California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.
B. California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.
D. (6) $5,000. E. (9) $327.95.

A. Harold A. Schaitberger, International Association of Fire Fighters, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $10,546.38.

A. Herbert Y. Schandler, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. American League for Exports & Security Assistance, Inc. (ALESA), Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20034.
D. (6) $8,000. E. (9) $38.55.

A. Kenneth D. Schanzer, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $3,000. E. (9) $669.

A. Jay T. Scheck, Jr., Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.

A. Joseph Scherer, American Association of School Administrators, 1801 North Moore Street, Arlington, Va. 22209.
B. American Association of School Administrators, 1801 North Moore Street, Arlington, Va. 22209.
E. (9) $47.60.

A. Jacques T. Schlenger, 1800 Mercantile Bank and Trust Bldg., 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland Savings-Share Insurance Corp., 901 North Howard St., Baltimore, Md. 21201.
E. (9) $105.31.

A. Schlossberg-Cassidy and Associates, Inc., 955 L'Enfant Plaza SW., Suite 1401, Washington, D.C. 20024.
B. Boston University, 147 Bay State Road, Boston, Mass. 02215.
D. (6) $1,125. E. (9) $20.

A. Schlossberg-Cassidy and Associates, Inc., 955 L'Enfant Plaza SW., Suite 1401, Washington, D.C. 20024.
B. Ocean Spray Cranberries, Inc., Plymouth, Mass. 02360.
D. (6) $1,625. E. (9) $1,680.

A. Schlossberg-Cassidy and Associates, Inc., 955 L'Enfant Plaza SW., Suite 1401, Washington, D.C. 20024.
B. Tufts University, Medford, Mass. 02155.
D. (6) $2,000. E. (9) $20.

A. Allan D. Schlosser, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Japan Economic Institute of America, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $400.

A. Richard M. Schmidt, Jr., 1333 New Hampshire Avenue NW., Suite 600, Washington, D.C.

B. Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.
D. (6) $500.

A. Arthur L. Schmuhl, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Mahlon C. Schneider, The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402.
B. The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402.
D. (6) $250. E. (9) $581.62.

A. Frank Schneller, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Andrew A. Scholtz, Coff, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Michael M. Schoor, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $2,500.

A. A. Kolbet Schrichte, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.

A. N. Donald Schroeder, Maryland Petroleum Association, 60 West Street, Annaolis, Md. 21401.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $200. E. (9) $217.81.

A. Robert L. Schulz, Iowa Petroleum Council, 1012 Fleming Building, Des Moines, Iowa 50309.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $512.50. E. (9) $709.40.

A. Donald H. Schwab, National Legislative Service, V.F.W., 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $4,250. E. (9) $265.40

A. Schwabe, Williamson, Wyatt, Morre & Roberts, 1200 Standard Plaza, Portland, Oreg. 97204.
B. Clatskanie People's Utility District, P.O. Box 216, Clatskanie, Oreg. 97016.
D. (6) $12,660.50. E. (9) $330.78.

A. Schwabe, Williamson, Wyatt, Moore & Roberts, 1200 Standard Plaza, Portland, Oreg. 97204.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $15,000. E. (9) $27.64.

A. Schwartz & Connolly, Inc., 1747 Pennsylvania Avenue NW., Suite 650, Washington, D.C. 20006.
B. Owens-Illinois, Inc., Toledo, Ohio.

A. Harry K. Schwartz, 1800 M Street NW., Suite 400 South, Washington, D.C. 20036.
B. City of Philadelphia, Department of Commerce, 1650 Municipal Services Building, Philadelphia, Pa. 19107.
D. (6) $300.

A. Richard Schwartz, Boat Owners Association of The United States, 880 South Pickett Street, Alexandria, Va. 22304.
B. Boat Owners Association of the United States, 880 South Pickett Street, Alexandria, Va. 22304.
D. (6) $2,500.

A. Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $6,798.57. E. (9) $3,923.82.

A. Michael Sciulla, Boat Owners Association of the United States, 880 South Pickett Street, Alexandria, Va. 22304.
B. Boat Owners Association of the United States, 880 South Pickett Street, Alexandria, Va. 22304.
D. (6) $2,500.

A. H. B. Scoggins, Jr., 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $17.

A. Robert D. Scott, 5351 South Roslyn Street, Englewood, Colo. 80111.
B. The American Humane Association, 5351 South Roslyn Street, Englewood, Colo. 80111.
D. (6) $6,016.50 E. (9) $800.

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $1,196.25. E. (9) $25.61.

A. Sandra Sedacca, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,924.

A. H. Richard Seibert, Jr., National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $380.

A. Armistead I. Selden, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. American League for Exports and Security Assistance, Inc. Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $12,000. E. (9) $72.65.

A. Stanton P. Sender, Sears, Roebuck & Co., 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $12.60. E. (9) $20.

A. Service Master Industries, Inc., 2300 Warrenville Road, Downers Grove, Ill. 60515.
E. (9) $3,000.

A. Service Station Dealers of America, Inc., 2021 K Street NW., Suite 303, Washington, D.C. 20006.
E. (9) $19,158.96.

A. Sarah Setton, 1511 K Street NW., Washington, D.C. 20005.
B. The Sugar Association, Inc., 1511 K Street NW., Washington, D.C. 20005.
D. (6) $115. E. (9) $72.

A. Seward & Kissel, 1050 17th Street NW., Washington, D.C. 20036.
B. A. W. Jones Co., 26 Broadway, N.Y., N.Y.; Avalon, 140 Broadway, N.Y., N.Y; Jubilee, 140 Broadway, N.Y., N.Y.
D. (6) $3,000. E. (9) $44.59.

A. Seward & Kissel, 1050 17th Street NW., Washington, D.C. 20036.
B. Merrill Lynch Money Markets, Inc., 165 Broadway, New York, N.Y. 10080.
E. (9) $591.63.

A. J. Richard Sewell, 1111 19th Street NW., Suite 1102, Washington, D.C. 20036.
B. Florida Power & Light Co., P.O. Box 529100, Miami, Fla. 33152.
D. (6) $1,000. E. (9) $214.04.

A. Leslie Sewell, National Public Radio, 2025 M Street NW., Washington, D.C. 20036.
B. National Public Radio, 2025 M Street NW., Washington, D.C. 20036.
D. (6) $1,315.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1111 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Dresser Industries, Inc., P.O. Box 718, Dallas, Tex. 75221.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1111 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Trans-Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

A. Robert L. Shafer, Pfizer Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $299. E. (9) $75.25.

A. Barbara J. Shailor, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $5,098.61 E. (9) $38.75.

A. James M. Shamberger, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
E. (9) $38.91.

A. Lloyd D. Shand, Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $400. E. (9) $107.97.

A. Debbie Shannon, Security Pacific National Bank, 1901 L Street NW., No. 702, Washington, D.C. 20036.
B. Security Pacific National Bank, 333 South Hope Street, Los Angeles, Calif. 90071.
D. (6) $1,300. E. (9) $300.38.

A. Harry D. Shapiro, 1800 Mercantile Bank & Trust Bldg., Two Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland Savings-Share Insurance Corporation, 901 N. Howard St., Baltimore, MD 21201.
E. (9) $105.31

A. Karen Dolmatch Shaw, BankAmerica Corp., 1800 K Street NW., Suite 920, Washington, D.C. 20006.
B. BankAmerica Corp., BankAmerica Center, San Francisco, Calif.
D. (6) $104.70. E. (9) $503.87.

A. Luther W. Shaw, The Madison Building, Suite 514, 1155 15th Street NW., Washington, D.C. 20005.

B. National Agricultural Chemicals Association, 1155 15th Street NW., Suite 514, Washington, D.C. 20005.
D. (6) $7,000. E. (9) $54.70.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Atlas Minerals Division, P.O. Box 1207, Moab, Utah 84532.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Cayman Turtle Farm, Ltd., P.O. Box 645, Grand Cayman Island, Cayman Islands, British West Indies.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Consolidated Grain & Barge Co., 5100 Oakland Avenue, St. Louis, Mo. 63110.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Emerson Electric Co., 8000 West Florissant, St. Louis, Mo. 63136.
D. (6) $525.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Institute of Foreign Bankers, 200 Park Avenue, Suite 303 East, Room 23, New York, N.Y. 10017.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Investment Counsel Association of America, Inc., 50 Broad Street, New York, N.Y. 10004.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. National Committee on Small Issue Industrial Development Bonds, Box 1, 1800 M Street NW. (900-S), Washington, D.C. 20036.
D. (6) $4,320. E. (9) $35.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Utility Nuclear Waste Management Group, c/o Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,989.50. E. (9) $100.63.

A. Russell H. Shay, Sierra Club, 6014 College Avenue, Oakland, California 94618.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $249.90. E. (9) $87.55.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Allied Chemical, 1250 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Eleanor Clark, c/o J. Reynolds Barnes, 11 American Bank Building, 621 Northwest Morrison Street, Portland Oreg. 97205.
E. (9) $56.91.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Consumer Solar Electric Power Corp., 5811 Uplander Way, Culver City, Calif. 90230.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Encyclopaedia Britannica, Inc., 425 North Michigan Avenue, Chicago, Ill.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Independent Research Library Association, 185 Salisbury Street, Worchester, Mass. 01609.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Nabisco, 100 DeForest Avenue, East Hanover, N.J. 07936.
D. (6) $30,000. E. (9) $175.73.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Norfolk and Western, 8 North Jefferson Street, Roanoke, Va. 24011.
D. (6) $25,000.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Ryder Systems, Inc., 3600 NW., 82d Avenue, Miami, Fla. 33166.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Tosco Corp., 1919 Pennsylvania Avenue NW., Suite 3706, Washington, D.C. 20006.

A. Maureen Shea, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $7,187.52. E. (9) $12.35.

A. Shearman & Sterling, 53 Wall Street, New York, N.Y. 10005.
B. Amory Houghton, Sr., Corning Associates, 2 East Market Street, Corning, N.Y. 14830; et al.
E. (9) $4,703.

A. John J. Sheehan, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $11,500.82.

A. John P. Sheffey, National Association for Uniformed Services, 5535 Hempstead Way, P.O. Box 1406, Springfield, Va. 22151.
B. National Association for Uniformed Services, 5535 Hempstead Way, P.O. Box 1406, Springfield, Va. 22151.
D. (6) $2,679.33. E. (9) $2,529.10.

A. Dale Sherwin, 1735 I Street NW., No. 717, Washington, D.C.
B. A. E. Staley Manufacturing Co., 2200 Eldorado Street, Decatur, Ill., 62525.
D. (6) $1,500. E. (9) $170.35.

A. Harvey A. Shipman, The Penn Central Corp., 1776 G Street NW., Suite 502, Washington, D.C. 20006.
B. The Penn Central Corp., 245 Park Avenue, 44th Floor, New York, N.Y. 10017.

A. Fred B. Shippee, American Apparel Manufacturers Association, 1611 North Kent Street, Suite 800, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, 1611 North Kent Street, Suite 800, Arlington, Va. 22209.

A. Mary Frances Shlagel, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

A. W. Ray Shockley, American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., No. 300, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
D. (6) $2,550. E. (9) $14.

A. Richard G. Shoup, Union Pacific Corp., 1120 20th Street NW., Suite 600 South, Washington, D.C. 20036.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $2,850. E. (9) $1,195.86.

A. Barbara A. Shuman, Chevron, U.S.A., Inc., 1700 K Street, Suite 1204, Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of the Standard Oil Co., of California, 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
A. Candice J. Shy, ENSERCH Corp., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. ENSERCH Corp., 300 South St. Paul Street, Dallas, Tex. 75201.
D. (6) $1,300. (9) $1,378.

A. Carlton R. Sickles, 8401 Corporate Drive, Landover, Md. 20785.
B. United Van Bus Delivery Co., 2601 32d Avenue South, Minneapolis, Minn. 55406.
D. (6) $3,000.

A. Richard H. Siemsen, 8000 West Florissant, St. Louis, Mo. 63136.
B. Emerson Electric Co., 8000 West Florissant, St. Louis, Mo. 63136.
E. (9) $2,833.94.

A. Bernard H. Sieracki, Illinois Petroleum Council, 79 West Monroe Street, Suite 514, Chicago, Ill. 60603.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $200. E. (9) $100.76

A. Daniel W. Sigelman, 2000 P Street NW., Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Mark Silbergeld, Consumers Union of U.S., Inc., 1511 K Street NW., Suite 1033, Washington, D.C. 20005.
B. Consumers Union of U.S., Inc., 256 Washington Street, Mount Vernon, N.Y. 10550.
D. (6) $2,200.

A. David Silver, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $75.

A. Silver, Freedman, Housley, Taff & Goldberg, 1800 M Street NW., Suite 950N, Washington, D.C. 20036.

A. Silver Users Association Inc., 1717 K Street NW., Washington, D.C. 20006.
D. (6) $3,576.67. (9) $2,592.30.

A. Barbara A. Silverman, 2500 DeKalb Pike, Norristown, Pa.
B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. Gary D. Simms, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
A. Stanley C. Simon, Simon, Twombly & Terry, 17130 Dallas Parkway, Suite 160, Dallas, Tex. 75248.
B. The Southland Corp., 2828 North Haskell Avenue, Dallas, Tex. 75204.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $300. E. (9) $43.47.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,217.45. E. (9) $105.08

A. C. Kyle Simpson, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $3,250. E. (9) $2,389.84.

A. Jean Sindab, 2480 16th Street NW., Washington, D.C. 20009.
B. Washington Office on Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $4,000.02.

A. Robert C. Singer, The Soap & Detergent Association, 475 Park Avenue South, New York, N.Y. 10016.
B. The Soap & Detergent Association, 475 Park Avenue South, New York, N.Y. 1006.

A. Thomas K. Singer, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $938.35.

A. Donald E. Sinville, 227 North Street, Manchester, N.H. 03104.
B. Public Service Co. of New Hampshire, Manchester, N.H. 03105.
D. (6) $550.

A. David Skedgell, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

A. William J. Skinner, 815 15th Street NW., Washington, D.C. 20005.
B. United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Md. 20852.
D. (6) $536.75. E. (9) $71.90.

A. Barney J. Skladany, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,125.

A. Ruth L. Sky, Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04122.
B. Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04122.
D. (6) $140. E. (9) $311.

A. Carstens Slack, Phillips Petroleum Co., 1825 K Street NW., Suite 1107, Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. F. Slatinshek & Associates, Inc., 427 North Lee Street, Alexandria, Va. 22314.
B. Grumman Aerospace Corp., Bethpage, N.Y. 11714; United Technologies, 1125 15th Street NW., Washington, D.C. 20005; General Dynamics Corp., Pierre LacLede Center, St. Louis, Mo. 63105.
D. (6) $350.

A. Matthew B. Slepin, National Association of Housing Cooperatives, 1012 14th Street NW., No. 805, Washington, D.C. 20005.
B. National Association of Housing Cooperatives, 1012 14th Street, No. 805, Washington, D.C. 20005.
D. (6) $2,000. E. (9) $2,490.

A. William T. Slider, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street, Washington, D.C. 20005.
D. (6) $2,500. E. (9) $724.25.

A. Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $3,000. E. (9) $165.25.

A. Peter Small & Associates, Inc., 400 Madision Avenue, New York, N.Y. 10017.
B. William M. Mercer, 1211 Avenue of the Americas, New York, N.Y. 10036.

A. Stephen K. Small, Suite 3212, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
D. (6) $1,828.13.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. American Horse Council, 1700 K Street NW., Suite 300, Washington, D.C. 20006.
D. (6) $5,500.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. American Inland Waterway Committee, 7733 Forsyth Boulevard, St. Louis, Mo.
D. (6) $3,500.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. Federal Relations Associates, 400 North Capital Street NW., Suite 368, Washington, D.C. (for Kansas City, Mo.).
D. (6) $666.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. Florida East Coast Railway Co., 1 Malaga Street, St. Augustine, Fla. 32084.
D. (6) $5,000.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. Goldman Sachs, 55 Broad Street, New York, N.Y. 10004.
D. (6) $1,500.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. Penzoil Co., Houston, Tex. 77001.
D. (6) $6,000.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. Republic of South Africa, 3051 Massachusetts Avenue NW., Washington, D.C. 20008.
D. (6) $7,500.

A. Donald E. Smiley, Exxon Corp., 1899 L Street NW., No. 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. James R. Smircina, P.O. Box 5000, Cleveland, Ohio 44101.
B. Cleveland Electric Illuminating Co., P.O. Box 5000, Cleveland, Ohio 44101.
D. (6) $1,075. E. (9) $481.49.

A. Arthur J. Smith, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Catherine S. Smith, Suite 209, 1025 Connecticut Avenue NW., Washington, D.C. 20036..
B. American Business Conference, Suite 209, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $53.85. E. (9) $12.

A. Kathleen Gramp Smith, Council of Energy Resource Tribes, Suite 310, 1140 Connecticut Avenue NW., Washington D.C. 20036.
B. Council of Energy Resource Tribes, 1140 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.

A. Michael P. Smith, New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.
B. New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017
D. (6) $328. E. (9) $404.35.

A. Smith & Pepper, 1776 K Street NW., Washington, D.C. 20006.
B. Southern Satellite Systems, Inc., P.O. Box 45684, Tulsa, Okla. 74145.

A. Robert T. Smith, Weyerhaeuser Co., 1625 I Street NW., No. 902, Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98477.
D. (6) $1,860. E. (9) $66.84.

A. Robert B. Smith, Jr., 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington D.C. 20005.
D. (6) $4,000. E. (9) $118.90.

A. Susan E. Smith, Distilled Spirits Council of the U.S., Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
B. Distilled Spirits Council of the U.S., Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
D. (6) $500. E. (9) $66.50.

A. Talbott C. Smith, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $3,000. E. (9) $38.31

A. William H. Smith, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Wayne H. Smithey, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.
D. (6) $2,750. E. (9) $745.

A. Arthur V. Smyth, Weyerhaeuser Co., 1625 I Street NW., No. 902, Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98477.
D. (6) $500. E. (9) $63.

A. Peter Leigh Snell, David Vienna & Associates, 510 C Street NW., Washington, D.C. 20002.

B. National Association of Credit Management, 475 Park Avenue South, New York, N.Y. 10016.
D. (6) $1,270.

A. Frank B. Snodgrass, 1100 17th Street NW., Washington, D.C. 20036.
B. Burley & Dark Leaf Tobacco Export Association, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $1,000.47.

A. Larry S. Snowhite, 1015 15th Street NW., Washington, D.C. 20005.
B. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo P.C. (for SCA Services, Inc., 60 State Street, Boston, Mass. 02109), 1015 15th Street NW., Washington, D.C.; 1 Center Plaza, Boston, Mass. 02108.

A. Snyder and Ball Associates, Suite 1610, 1700 North Moore Street, Arlington, Va. 22209.
B. Aerojet-General Corp., 9100 East Flair Drive, El Monte, Calif. 91734.

A. Snyder & Ball Associates, Inc., Suite 1610, 1700 North Moore Street, Arlington, Va. 22209.
B. DSP, Inc., 1700 North Moore Street, Arlington, Va. 22209.

A. Snyder & Ball Associates, Inc., Suite 1610, 1700 North Moore Street, Arlington, Va. 22209.
B. Gould, Inc., 10 Gould Meadows, Rolling Meadows, Ill. 60008.

A. Charles W. Snyder, 6000 Clewerwall Drive, Bethesda, Md. 20034.
B. Bechtel Financing Services, Inc., 1620 I Street, NW., Suite 703, Washington, D.C. 20006.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $3,697.

A. James R. Snyder, United Transportation Union, 400 First Street, NW., Suite 704, Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

A. John M. Snyder, 600 Pennsylvania Avenue SE., Suite 151, Washington, D.C. 20003.
B. Citizens Committee for the Right to Keep and Bear Arms, Bellefield Office Park, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.
D. (6) $5,700.

A. Society for Animal Protective Legislation, P.O. Box 3719, Georgetown Station, Washington, D.C. 20007.
D. (6) $9,030.71. E. (9) $11,981.07.

A. Frederick P. Somers, Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.
B. Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.
D. (6) $3,000. E. (9) $198.03.

A. Edmund T. Sommer, Jr., Council of American-Flag Ship Operators, 1625 K Street NW., Suite 1200, Washington, D.C. 20006.
B. Council of American-Flag Ship Operators, 1625 K Street NW., Suite 1200, Washington, D.C. 20006.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Poplar, Mont. 59255.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Confederated Tribes of the Colville Indian Reservation, Nespelem, Wash. 99155.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Houlton Band of Maliseets, c/o Clair A. Sabattis, P.O. Box 223, Houlton, Maine 04730.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Seminole Indian Tribe of Florida, 6073 Stirling Road, Hollywood, Fla. 33024.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Standing Rock Sioux Tribe, Fort Yates, N. Dak. 58538.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Shoshone Indian Tribe, Wind River Indian Reservation, Fort Washakie, Wyo. 82514.

A. Mary Sophos, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $51.90.

A. Roberta Lee Sorensen, 499 South Capitol Street NW., Suite 104, Washington, D.C. 20003.
B. American Osteopathic Association, 499 South Capitol Street NW., Suite 104, Washington, D.C. 20003.
D. (6) $760. E. (9) $7.50.

A. Shelby E. Southard, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Cooperative League of the USA, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $1,250. E. (9) $237.80.

A. Southwestern Peanut Shellers Association, 10 Duncannon Court, Glen Lakes, Dallas, Tex. 75225.
D. (6) $2,974.58. E. (9) $2,974.58.

A. Frank J. Specht, Schenley Distillers, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.
B. Schenley Distillers, Inc., 888 Seventh Avenue, New York, N.Y. 10106.

A. Specialized Carriers & Rigging Association, 1155 16th Street NW., Washington, D.C. 20036.

A. Specialty Equipment Market Association, 11540 East Slauson Avenue, Whittier, Calif. 90606.

A. John F. Speer, Jr., 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. George Spiegel, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency, 770 Kiely Boulevard, Santa Clara, Calif. 95051, cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, Calif., and associate member Plumas-Sierra Rural Electric Cooperative.

A. Law Firm of Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency, 770 Kiely Boulevard, Santa Clara, Calif. 95051, cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, Calif., and associate member Plumas-Sierra Rural Electric Cooperative.

A. Larry N. Spiller, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $900.

A. Joseph L. Spilman, Jr., 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $200.

A. Frederick C. Spreyer, Pacific Resources, Inc., 2501 M Street NW., Suite 540, Washington, D.C. 20037.
B. Pacific Resources, Inc., 733 Bishop Street, P.O. Box 3379, Honolulu, Hawaii 96813.
D. (6) $500.

A. Earl C. Spurrier, Monsanto Co., 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.
B. American Society of Anesthesiologists, 515 Busse Highway, Park Ridge, Ill. 60068.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.
B. National Collegiate Athletic Association, P.O. Box 1906, Shawnee Mission, Kans. 66222.
D. (6) $823.50. E. (9) $14.40.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Public Securities Association, 1 World Trade Center, New York, N.Y. 10048.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.
B. United States Wrestling Federation, 405 West Hall of Fame Avenue, Stillwater, Okla.

A. John Sroka, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Elvis J. Stahr, Martin Dale, Greenwich, Conn. 06830.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $900. E. (9) $810.

A. Lynn E. Stalbaum, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $2,343.75. E. (9) $49.37.

A. Robert W. Staley, 8000 West Florissant, St. Louis, Mo. 63136.
B. Emerson Electric Co., 8000 West Florissant, St. Louis, Mo. 63136.

E. (9) $703.30.

A. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
E. (9) $2,990.83.

A. Mitchel Stanfield, The Coastal Corp., 1333 New Hampshire Avenue NW., Washington, D.C.
B. The Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.
D. (6) $400. E. (9) $23.

A. David P. Stang, David P. Stang, P.C., 1629 K Street NW., Washington, D.C. 20006.
B. McDermott Inc., P.O. Box 60035, New Orleans, La. 70160.

A. David P. Stang, David P. Stang, P.C., 1629 K Street NW., Washington, D.C. 20006.
B. Ocean Minerals Co., 465 Bernardo Avenue, Mountain View, Calif. 94043.

A. David P. Stang, David P. Stang, P.C., 1629 K Street NW., Washington, D.C. 20006.
B. Fred J. Russell, P.O. Box 54228, Los Angeles, Calif. 90054.

A. David P. Stang, David P. Stang, P.C., 1629 K Street NW., Washington, D.C. 20006.
B. Superlite Builders Supply, Inc., 4150 West Turney, Phoenix, Ariz. 85019.

A. David P. Stang, David P. Stang, P.C., 1629 K Street NW., Washington, D.C. 20006.
B. Zapata Corp., P.O. Box 4240, Houston, Tex. 77001.

A. Michael J. Stanton, Motor Vehicle Manufacturers of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.
D. (6) $66.

A. Melvin L. Stark, Suite 321, 1707 L Street NW., Washington, D.C. 20036.
B. Hartford Fire Insurance Co., Hartford Plaza, Hartford, Conn. 06115.
D. (6) $6,000.

A. Walter M. Starke, P.O. Box 2563, Birmingham, Ala. 35202.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

A. Charles D. Statton, 2130 Oaks Drive, Hillsborough, Calif. 94010.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910).

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Special Committee for Workplace Product Liability Reform, 1800 Massachusetts Avenue NW., Suite 708, Washington, D.C. 20036).

A. John L. Steele, Time Inc., 888 16th Street NW., Washington, D.C. 20006.
B. Time Inc., Time & Life Building, Rockefeller Center, New York, N.Y.
D. (6) $2,200.

A. Theodore Stein, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,430.01.

A. Barbara W. Steiner, Utah International Inc., 1150 Connecticut Avenue NW., No. 710, Washington, D.C. 20036.
B. Utah International Inc., 550 California Street, San Francisco, Calif. 94104.
E. (9) $72.85.

A. Mary E. Stenberg, American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
B. American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
D. (6) $5,454.33. E. (9) $30.66.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Committee for Effective Capital Recovery, 1901 L Street NW., Suite 303, Washington, D.C. 20036.
E. (9) $3,928.65.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Rule of Law Committee, Suite 800, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $832.50. E. (9) $8.

A. Richard W. Sternberg, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $115.

A. Michael E. Steward, 2217 Observatory Place, Washington, D.C. 20007.
B. Vitro Engineering Corp., P.O. Box 296, Richland, Wash. 99352.
D. (6) $100. E. (9) $156.05.

A. Stewart Capital Corp., 485 Madison Avenue, New York, N.Y. 10022.

A. Robert B. Stewart, Getty Oil Co., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $3,912. E. (9) $276.

A. John W. Stillwaggon, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.

A. Kenneth F. Stinger, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $8,000. E. (9) $231.33.

A. Stockholders of America, Inc., 1625 I Street NW., No. 724A, Washington, D.C. 20006.
B. Stockholders of America, Inc., 1625 I Street NW., No. 724A, Washington, D.C. 20006.
D. (6) $1,117. E. (9) $1,063.24.

A. Lisa Stolp, 1101 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Vinson & Elkins, 1101 Connecticut Avenue, NW., Washington, D.C. 20036. (for Continental Resources Co.).
D. (6) $540.

A. Adam D. Stolpen, Pitney Bowes, Inc., 1101 30th Street NW., Suite 203, Washington, D.C. 20007.
B. Pitney Bowes, Inc., 69 Wheeler Drive, Stamford, Conn. 06926.

A. George W. Stone, National Farmers Union, Denver, Colo. 80251; National Farmers Union, 1012 14th Street NW., Washington, D.C. 20005.
B. The Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $8,750. E. (9) $328.31.

A. Alan Stover, The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,312.

A. William M. Stover, Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
B. Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
D. (6) $1,000.

A. David E. Strachan, National Association of Personnel Consultants, 1013 14th Street NW., Washington, D.C. 20005.
B. National Association of Personnel Consultants, 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $4,500.

A. Terrence D. Straub, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $483.50. E. (9) $100.81.

A. J. Stephen Street, 1806 Barbee Street, McLean, Va. 22101.
B. Shipbuilders Council of America, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.
D. (6) $11,750. E. (9) $115.48.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. J. Aron & Co., Inc., 160 Water Street, New York, N.Y. 10038.
D. (6) $652.80. E. (9) $7.25.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Crown Coach Corp., 2428 East 12th Street, Los Angeles, Calif. 90021.
D. (6) $110.50.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

A. George Strumpf, Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
D. (6) $122.10. E. (9) $122.10.

A. Norman Strunk, United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.

A. Walter B. Stults, NASBIC, 618 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Companies, 618 Washington Building, Washington, D.C. 20005.
D. (6) $1,000.

A. Eugene F. Sturgeon, 182 Crater Lane, Kensington, Conn. 06037.
B. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.
D. (6) $452.10. E. (9) $1,267.32.

A. Austin P. Sullivan, Jr., General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.
B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004; 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bache Group Inc., 100 Gold Street, New York, N.Y. 10038.
E. (9) $15.35

A. Sullivan & Cromwell, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Goldman, Sachs & Co., 55 Broad Street, New York, N.Y. 10004.

A. Sullivan & Cromwell, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. INCO Limited, Toronto-Dominion Centre, Toronto, Ontario, Canada M5K 1E3.
E. (9) $4.

A. Harold R. Sullivan, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $900.

A. Margaret Cox Sullivan, 1625 I Street NW., No. 724A, Washington, D.C. 20006.
B. Stockholders of America, Inc., 1625 I Street NW., No. 724A, Washington, D.C. 20006.
E. (9) 260.53.

A. Scott K. Sullivan, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $6,636.

A. Sullivan & Worcester, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Marion Laboratories, Inc., 9221 Ward Parkway, Kansas City, Mo. 64114.
D. (6) $11,350. E. (9) $86.07.

A. J. Mitchell Summers, 1747 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.
B. ARMCO, 1747 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.
D. (6) $936. E. (9) $236.84.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.
B. Arab Republic of Egypt, Cairo, Egypt.
D. (6) $5,075. E. (9) $150.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.
B. Government of the Republic of Zaire, Kinshasha, Zaire.
D. (6) $3,525. E. (9) $47.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz, 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105; 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. American Inland Waterways Committee, 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105.
D. (6) $27,500.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz, 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105; 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Midland Enterprises, 1400 580 Building, Cincinnati, Ohio 45202.
D. (6) $3,750.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz, 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105; 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. The Valley Line, 120 South Central Avenue, Clayton, Mo. 63105.
D. (6) $3,750.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. American Industrial Clay and Georgia Kaolin Division of Yara Engineering Corp., 511 Westminister Avenue, Elizabeth, N.J. 07207.
D. (6) $378.28. E. (9) $430.92.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Anglo-American Clays Corp., P.O. Box 471, Sandersville, Ga. 31082.
D. (6) $378.28. E. (9) $430.92.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Connecticut Mutual Life Insurance Co., 140 Garden Street, Hartford, Conn. 06115.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Consumer Credit Insurance Association, 307 North Michigan Avenue, Chicago, Ill. 60601.
D. (6) $590.94. E. (9) $13.50.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Council of Industrial Boiler Owners, 11222 Silverleaf Drive, Fairfax Station, Va. 22039.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Engelhard Minerals and Chemicals Corp., 299 Park Avenue, New York, N.Y. 10017.
D. (6) $378.28. E. (9) $430.92.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Equifax Inc., P.O. Box 4081, Atlanta, Ga. 30302.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Freeport Kaolin Division of Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $378.28. E. (9) $430.92.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. J.M. Huber Corp., Thornall Street, Edison, N.J. 08817.
D. (6) $378.28. E. (9) $430.92.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Industrial Oil Consumers Group, Suite 800, 1666 K Street NW., Washington, D.C. 20006.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Kansas Farm Bureau Life Insurance Co., 2321 Anderson Avenue, Manhattan, Kans. 66502; Farm Bureau Mutual Insurance Co., FKB Insurance Co., Manhattan, Kans. 66502.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Kentucky Farm Bureau Mutual Insurance Co., 120 South Hubbard Lane, Louisville, Ky. 40207; FB Insurance Co., 120 South Hubbard Lane, Louisville, Ky. 40207.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Lifetime Communities, Inc., 2740 Beach Boulevard, Suite 202, Jacksonville, Fla. 32207.
D. (6) $2,200.75.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Massachusetts Mutual Life Insurance Co., 1295 State Street, Springfield, Mass. 01111.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Mullite Company of America, Andersonville, Ga. 31711.
D. (6) $378.28. E. (9) $430.92.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. The Mutual Benefit Life Insurance Co., 520 Broad Street, Newark, N.J. 07107.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Mutual Life Insurance Company of New York, 1740 Broadway, New York, N.Y. 10019.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Mutual of Omaha Insurance Co., Mutual of Omaha Plaza, Omaha, Nebraska 68175.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. National Association of Life Companies, Suite 1060, Tower Place, 3340 Peachtree Road NE., Atlanta, Ga. 30326.
D. (6) $750.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. National Home Life Assurance Co., Liberty Park, Frazer, Pa. 19355.
D. (6) $3,014.41. E. (9) $28.26.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. New England Mutual Life Insurance Co., 501 Boylston Street, Boston, Mass. 02117.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Nord Resources Corp. Ole Town Park, 29 Iron Gate Drive, Dayton, Ohio 45459.
D. (6) $378.28. E. (9) $430.92.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. The Northwestern Mutual Life Insurance Co., 720 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Process Gas Consumers Group, 1666 K Street NW., Suite 800, Washington, D.C. 20006.
D. (6) $238.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Sandersville Railroad Co., P.O. Box 269, Sandersville, Ga. 31082.

D. (6) $156.33.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Southern Farm Bureau Life Insurance Co., P.O. Box 78, Jackson, Miss. 39205; Southern Farm Bureau Casualty Insurance Co., P.O. Box 1985, Jackson, Miss. 39205; Mississippi Farm Bureau Mutual Insurance Co., Jackson, Miss. 39205.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Thiele Kaolin Co., Kaolin Road, Sandersville, Ga.
D. (6) $378.28. E. (9) $430.92.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. United Farm Bureau Family Life Insurance Co., 130 East Washington Street, Indianapolis, Ind. 46204; United Farm Bureau Mutual Insurance Co., 130 East Washington Street, Indianapolis, Ind. 46204.

A. Sutin, Thayer & Browne, P.C., P.O. Box 1945, Albuquerque, N. Mex. 87102.
B. Taxation & Revenue Department, P.O. Box 630, Santa Fe, N. Mex. 87509.

A. W. Thomas Suttle, 1741 T Street NW., No. 104, Washington, D.C. 20009.
B. The Institute of Electrical and Electronics Engineers, Inc (IEEE), 1111 19th Street NW., Suite 608, Washington D.C. 20036.
D. (6) $1,440. E. (9) $492.

A. Irving W. Swanson, 11212 Farmland Drive, Rockville, Md. 20852.
B. Harris Corp., 2600 Virginia Avenue NW., Suite 800, Washington, D.C. 20037.
D. (6) $10,075. E. (9) $1,255.77.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001
D. (6) $12,879.

A. John R. Sweeney, 800 Solar Building, 1000 16th Street NW., Washington, D.C. 20036.
B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.

A. Rosemarie Sweeney, American Academy of Family Physicians, 475 L'Enfant Plaza West SW., Suite 2970, Washington, D.C. 20024.
B. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.
D. (6) $1,718.76. E. (9) $1,250.55.

A. Russell A. Swindell, P.O. Box 2635, Raleigh, N.C. 27602.
B. North Carolina Railroad Association, P.O. Box 2635, Raleigh, N.C. 27602.
D. (6) $563. E. (9) $99.30.

A. Michael T. Swinehart, National Association of Manufacturers, 1422 West Peachtree Street NW., Suite 612, Atlanta, Ga. 30309.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Scott R. Swirling, National Family Planning & Reproductive Health Association, Inc., 425 13th Street, Room 350, Washington, D.C. 20004.
B. National Family Planning & Reproductive Health Association, Inc., 425 13th Street NW., Room 350, Washington, D.C. 20004.

A. Howard Symons, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,249.99.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for American Hospital Association, 444 North Capitol Street, Washington, D.C. 20001.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for American Hot Dip Galvanizers Association, 1000 Vermont Avenue NW., Suite 1100, Washington, D.C. 20005).
D. (6) $3,000. E. (9) $19.65.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Cincinnati Stock Exchange 205 Dixie Terminal Building, Cincinnati, Ohio 45202).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Family Leisure Centers, 1718 Young Street, Cincinnati, Ohio 45210).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Hanna-Barbera Productions, Inc., 3400 Cahuenga Boulevard, Los Angeles, Calif. 90068).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Hanna-Barbera's Marineland, Box 937, Rancho Palos Verdes, Calif. 90274).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Sisters of Charity of Cincinnati, Ohio Mount St. Joseph, Ohio).

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Special Committee for Workplace Product Liability Reform, 1800 Massachusetts Avenue NW., Suite 708, Washington, D.C. 20036).
E. (9) $53.53.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Taft Broadcasting Co., 1718 Young Street, Cincinnati, Ohio 45210).
D. (6) $1,400.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Telephone and Data Systems, Inc., 79 West Monroe Street, Chicago, Ill. 60603).
D. (6) $2,300.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Washington Magazine, Inc., c/o Frank, Bernstein Conaway & Goldman, 2 Hopkins Plaza, 1300 Mercantile Bank & Trust Building, Baltimore, Md. 21201).
D. (6) $2,437.50. E. (9) $60.33.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Werner Von Clemm, 214 East 17th Street, New York, N.Y. 10003).

A. Joe Tallakson, Suite 421, 1010 Vermont Avenue NW., Washington, D.C. 20005.
B. SENSE, Inc. (for Quinault Indian Nation), Suite 421, 1010 Vermont Avenue NW., Washington, D.C. 20005.
E. (9) $890.03.

A. Susan Tannenbaum, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,312.50. E. (9) $52.88.

A. Linda Tarr-Whelan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,237. E. (9) $30.50.

A. William M. Tartikoff, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Co. Institute, 1775 K Street, NW., Washington, D.C. 20006.
D. (6) $376. E. (9) $57.60.

A. Charles A. Taylor III, National Association of Independent Insurers, 499 South Capitol Street SW., No 401, Washington, D.C. 20003.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $1,000.

A. Dennis J. Taylor, 1090 Vermont Avenue NW., Suite 650, Washington, D.C. 20005.
B. Central States Health and Life Co. of Omaha, Box 34350, Omaha, Nebr. 68134.
D. (6) $1,293.75.

A. Dennis J. Taylor, 1090 Vermont Avenue NW., Suite 650, Washington, D.C. 20005.
B. Committee on Federal Contracting Practices, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $2,386.25.

A. Dennis J. Taylor, 1090 Vermont Avenue NW., Suite 650, Washington, D.C. 20005.
B. St. Joe Minerals Corp., 1730 Rhode Island Avenue NW., Suite 612, Washington, D.C. 20036.
D. (6) $21,831.25.

A. Peggy Taylor, American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $11,010. E. (9) $301.32.

A. Sid Taylor, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $2,700. E. (9) $382.

A. B. W. Teague, Central Power & Light Co., P.O. Box 2121, Corpus Christi, Tx. 78403.
B. Central Power & Light Co., P.O. Box 2121, Corpus Christi, Tex. 78403.
D. (6) $198. E. (9) $1,808.

A. Paul M. Tendler, 2020 K Street NW., Suite 420, Washington, D.C. 20006.
B. Paul Tendler Associates (for the National Federation of Licensed Practical Nurses), 2020 K Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $2,275.

A. Paul M. Tendler, 2020 K Street NW., Suite 420, Washington, D.C. 20006.
B. Paul Tendler Associates (for Rasch Elektronik, Albert-Einstein, Straeb 18, 6074 Rodermark, 2 West Germany), 2020 K Street NW., Suite 420, Washington, D.C. 20006.
D. (6) $2,000. E. (9) $2,260.

A. Betty-Grace Terpstra, Southern Furniture Manufacturers Association, 918 16th Street NW., No. 402, Washington, D.C. 20006.
B. Southern Furniture Manufacturers Association, P.O. Box 2436, High Point, N.C. 27261.
D. (6) $750. E. (9) $398.75.

A. Textron, Inc., 40 Westminster Street, Providence, R.I. 02903.
E. (9) $10,250.87.

A. Bruce D. Thevenot, 1155 15th Street NW., No 424, Washington, D.C. 20005.
B. Casson, Calligaro & Mutryn, 2600 Virginia Avenue NW., Washington D.C. (for Humana Inc., 1 Riverfront Plaza, Louisville, Ky 40201).
D. (6) $1,500.

A. Bruce D. Thevenot, 1155 15th Street NW., No 424, Washington, D.C. 20005.
B. Oklahoma State Nursing Home Association, 200 Northeast 28th Street, Oklahoma City, Okla. 71305.
D. (6) $1,050.

A. Bruce D. Thevenot, 1155 15th Street NW., No 424, Washington, D.C. 20005.
B. Spectrum Emergency Care, Inc., 970 Executive Parkway, St. Louis, Mo. 63141.
D. (6) $1,100.

A. E. Wayne Thevenot, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Hallmark Cards, 25th and McGee Street, Kansas City, Mo. 64108.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
D. (6) $500.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Eastern Airlines, 1030 15th Street NW., Washington, D.C. 20005.
D. (6) $200.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Business Aircraft Association, One Farragut Square South, Washington, D.C. 20006.
D. (6) $250.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Swaziland Sugar Association, Mbabane, Swaziland.

A. Craig G. Thibaudeau, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, VA. 22030.

A. Barbara Brendes Thies, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. 38th Pro Life Congressional District Action Committee, 8654 Bonview Terrace, Williamsville, N.Y. 14221.
E. (9) $28.

A. 36th Congressional District Action Committee, Pro-Life, 129 Belmont Avenue, Buffalo, N.Y. 14223.
D. (6) $25. E. (9) $46.33.

A. John W. Thomas, AVMA, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.
D. (6) $7.50.

A. John W. Thomas, AAVMC, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.
D. (6) $7.50.

A. Lawrence L. Thomas, 1740 Franklin Street, Apt. 3, San Francisco, Calif. 94109.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Robert L. Thomas, National Association of Private Psychiatric Hospitals, 1701 K Street NW., Washington D.C. 20006.
B. National Association of Private Psychiatric Hospitals, 1701 K Street NW., Washington D.C. 20006.
D. (6) $100.

A. Boyd Thompson, American Association of Foundations for Medical Care, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.
B. American Association of Foundations for Medical Care, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.
E. (9) $45.82.

A. Boyd Thompson, American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.
B. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Suite 214, Potomac, Md. 20854.
E. (9) $3.

A. Charles P. Thompson, Arizona Public Service Co., P.O. Box 21666, Station 1807, Phoenix, Ariz. 85036.
B. Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.
D. (6) $3,000. E. (9) $4,182.72.

A. Fred D. Thompson, Thompson & Crawford, 14th Floor, First American Center, Nashville, Tenn. 37238.
B. Westinghouse Electric Corp., 1801 K Street, Washington, D.C. 20006.
D. (6) $172.50. E. (9) $3.40.

A. Thompson, Hine and Flory, 1920 N Street NW., Washington, D.C. 20036.
B. Seaboard Allied Milling Corp., P.O. Box 19143, Kansas City, Mo. 64141; Dixie-Portland Flour Mills, Inc., P.O. Box 17236, Memphis, Tenn. 38117; ADM Milling Co., P.O. Box 7007, Overland Park, Kans. 66207.

A. Jerry P. Thompson, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $5,848.86.

A. Kenneth W. Thompson, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Roger G. Thompson, 1701 Central Avenue, Ashland, Ky. 41101.
B. Kentucky Power Co., 1701 Central Avenue, Ashland, Ky. 41101.
D. (6) $905. E. (9) $1,450.60.

A. W. Reid Thompson, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

A. William D. Thompson, Lear Siegler, Inc., 1001 Connecticut Avenue NW., Suite 601, Washington, D.C. 20036.
B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.
D. (6) $3,000. E. (9) $369.27.

A. James L. Thorne, Tennessee Gas Transmission Co., P.O. Box 2511, Houston, Tex. 77001.
B. Tennessee Gas Transmission Co., P.O. Box 2511, Houston, Tex. 77001.

A. William R. Thornhill, P.O. Box 2511, Houston, Tex. 77001.
B. Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, Tex. 77001.

A. D. Whitney Thornton II, Sullivan & Beauregard, 1800 M Street NW., Suite 925-N, Washington, D.C. 20036.
B. Flyer Industries Ltd., Box 245, Transcona P.O., Winnipeg, Manitoba, Canada R2C 3T4.
D. (6) $10,025. E. (9) $1,532.27.

A. Gil Thurm, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $211.03.

A. Samuel Thurm, Association of National Advertisers, 1725 K Street NW., Washington, D.C. 20006.
B. Association of National Advertisers, 155 East 44th Street, New York, N.Y. 10017.

A. Ronald J. Tice, Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio 45840.

A. Cyrus C. Tichenor, A. H. Robins Co., 1050 17th Street NW., Suite 1104, Washington, D.C. 20036.
B. A. H. Robins Co., 1407 Cummings Drive, Richmond, Va. 23220.
D. (6) $775. E. (9) $72.50.

A. Paul J. Tierney, Transportation Association of America, Suite 1107, 1100 17th Street NW., Washington, D.C. 20036.

B. Transportation Association of America, Suite 1107, 1100 17th Street NW., Washington, D.C. 20036.

A. Roger Tilles, 1111 19th Street NW., Suite 1050, Washington, D.C. 20036.
B. First National Monetary Corp., 4000 Town Center, 15th Floor, Southfield, Mich. 48075.

A. Roger Tilles, 1111 19th Street NW., Suite 1050, Washington, D.C. 20036.
B. Michigan Department of Education, Room 520, Michigan National Tower, Lansing, Mich. 48909.

A. Roger Tilles, 1111 19th Street NW., Suite 1050, Washington, D.C. 20036.
B. Wayne State University, Detroit, Mich. 48202.

A. Wallace F. Tillman, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $150.

A. Martin R. Tilson, Jr., P.O. Box 2563, Birmingham, Ala. 35202.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

A. C. H. Timberlake, Phillips Petroleum Co., 1825 K Street NW., Suite 1107, Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Inland Waterways Committee, 7733 Forsyth Boulevard, Suite 2201, St. Louis, Mo. 63105.
D. (6) $900.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $337.50.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $180.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Chrysler Corp., P.O. Box 1919, Detroit, Mich. 48288.
D. (6) $300.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Eastern Air Lines, Inc., Miami International Airport, Miami, Fla. 33148.
D. (6) $187.50.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Filmways, Inc., 2049 Century Park East, Los Angeles, Calif. 90067.
D. (6) $525.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. H. J. Heinz Co., P.O. Box 57, Pittsburgh, Pa. 15230.
D. (6) $112.50.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Major League Baseball, 75 Rockefeller Plaza, New York, N.Y. 10019.
D. (6) $522.50.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Middle South Services, Inc., Box 61000, New Orleans, La. 70161.
D. (6) $593.75.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $225.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Northrop Corp., 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $500.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Office of the Governor of the State of Alaska, 444 North Capitol Street, Washington, D.C. 20001.
D. (6) $487.50.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. G. D. Searle & Co., P.O. Box 1045, Skokie, Ill. 60076.
D. (6) $412.50.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Standard Oil Co. of Indiana, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $337.50.

A. Mike Tiner, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. United Food & Commercial Workers International Union, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $8,538.40. (9) $623.75.

A. E. Linwood Tipton, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.
E. (9) $872.13.

A. Eben S. Tisdale, Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.
B. Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $1,450. (9) $29.40.

A. Title Associates, Inc., Route 2, Box 89, Columbia, Tenn. 38401.

A. Tobacco Associates, Inc., Suite 912, 1101 17th Street NW., Washington, D.C. 20036.
E. (9) $2,464.54.

A. James R. Tobin, Becton Dickinson & Co., Mack Centre Drive, Paramus, N.J. 07652.
B. Becton Dickinson & Co., Mack Centre Drive, Paramus, N.J. 07652.
D. (6) $2,000.

A. Warren D. Toburen, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
D. (6) $374.

A. David G. Todd, Ashland Oil, Inc., 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $2,000.

A. M. Douglas Todd, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SW., Washington, D.C.
D. (6) $900. (9) $7.52.

A. William R. Tolley, Jr., Harris Corp., Melbourne, Fla. 32919.
B. Harris Corp., Melbourne, Fla. 32919.
E. (9) $26.50.
A. William D. Toohey, 1899 L Street NW., Washington, D.C. 20036.
B. Travel Industry Association of America, 1889 L Street NW., Washington, D.C. 20036.
D. (6) $2,575.

A. Wanda Townsend, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $318.75.

A. John P. Tracey, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $1,000.

A. Transportation Association of America, 1100 17th Street NW., Suite 1107, Washington, D.C. 20036.

A. Transportation Institute, 923 13th Street NW., Washington, D.C. 20005.
E. (9) $1,991.27.

A. Hubert Travaille, Potlatch Corp., 1090 Vermont Avenue NW., Suite 510, Washington, D.C. 20005.
B. Potlatch Corp., P.O. Box 3591, San Francisco, Calif. 94119.
D. (6) $600.

A. Travel Industry Association of America, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $4,248. E. (9) $4,248.

A. Paula C. Treat, National Home Furnishings Association, 900 17th Street NW., Suite 514, Washington, D.C. 20006.
B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
D. (6) $1,000.

A. Richard S. Tribbe, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.
D. (6) $275.

A. Paul E. Trimble, Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.
B. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.

A. Glenwood S. Troop, Jr., United States League of Savings Associations, Suite 801, 1709 New York Avenue NW., Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $5,937.50 E. (9) $166.50.

A. George G. Troutman, Bell Helicopter Textron, Suite 300, 1666 K Street NW., Washington, D.C. 20006.
B. Bell Helicopter Textron, P.O. Box 482, Fort Worth, Tex. 76101.
D. (6) $150.

A. Thomas L. Trueblood, 401 North Michigan Avenue, Chicago, Ill. 60611.

B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,000. E. (9) $1,432.64.

A. Trust for Public Land, 82 Second Street, San Francisco, Calif. 94105.
E. (9) $3,131.11.

A. Philip J. Tulimeri, Jr., 9 West 57th Street, New York, N.Y. 10019.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

A. Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $3,049.55. E. (9) $3,695.34.

A. Richard F. Turney, 1725 K Street NW., Washington, D.C. 20006.
B. Courtney, McCamant & Turney, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Caul R. Tuvin, Tuvin Associates, 1302 18th Street NW., Washington, D.C. 20036.
B. Guttenberg Associates (for North American Telephone Association, Suite 401, 1627 K Street NW., Washington, D.C. 20006.
D. (6) $4,500.

A. Carl R. Tuvin, Tuvin Associates, 1302 18th Street NW., Suite 203, Washington, D.C. 20036.
B. John P. Guttenberg, Guttenberg Associates, Suite 401, 1627 K Street NW., Washington, D.C. (for 20th Century Fox Film Corp.).
D. (6) $3,000.

A. St. Clair J. Tweedie, Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.
B. Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20006.
D. (6) $2,100.

A. Edgar H. Twine, Atlantic Richfield Corp., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $450.

A. Jerry G. Udell, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $200. E. (9) $65.

A. Union Mutual Life Insurance Co., 2211 Congress Street, Portland Maine 04122.
E. (9) $509.50.

A. United Action for Animals, Inc., 205 East 42d Street, New York, N.Y. 10017.
D. (6) $2,590.65. E. (9) $2,590.65.

A. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
E. (9) $5,556.77.

A. United Fresh Fruit and Vegetable Association, 727 North Washington Street, Alexandria, Va. 22314.
D. (6) $658.50. E. (9) $658.50.

A. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.
E. (9) $2,128.86.

A. United States Industrial Council, Third Floor, Realtors Building, 306 Gay Street, Nashville, Tenn. 37219.
E. (9) $900.

A. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $4,908.75. E. (9) $5,008.37.

A. U.S. Committee for the Oceans, 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $1,216.66. E. (9) $290.23.

A. United States Industrial Council, 306 Gay Street, Third Floor, Nashville, Tenn. 37219.
E. (9) $900.

A. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
E. (9) $106,520.97.

A. U.S. & Overseas Tax Fairness Committee, Inc., 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $90,125. E. (9) $55,379.47.

A. United States Ski Association, 907 Foothill Boulevard, La Canada, Calif. 91011.
E. (9) $1,091.70.

A. Lloyd N. Unsell, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $39.45.

A. Utility Nuclear Waste Management Group, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $2,090.13. E. (9) $2,090.13.

A. Jack J. Valenti, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Roy T. Van Arsdall, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $608.33.

A. David T. Van Camp, 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A. Inc., (a subsidiary of Standard Oil Co. of California), 1700 K Street NW., Washington, D.C. 20006.
D. (6) $450.

A. C. D. Van Houweling, P.O. Box 69, Centreville, Va. 22020.
B. National Pork Producers Council, P.O. Box 10383, Des Moines, Iowa 50306.
D. (6) $205.

A. Van Ness, Feldman & Sutcliffe, P.C., 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Allied General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.
D. (6) $437.50. E. (9) $13.

A. Van Ness, Feldman, Sutcliffe, P.C., 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. American Institute for Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.

A. Van Ness, Feldman & Sutcliffe, P.C., 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. American President Lines, Ltd., 1950 Franklin Street, Oakland, Calif. 94612.

A. Van Ness, Feldman & Sutcliffe, P.C., 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Arctic Slope Regional Corp., Barrow, Alaska.

A. Van Ness, Feldman & Sutcliffe, P.C., 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Basin, Inc., P.O. Box 2297, Midland, Tex. 79702.

A. Van Ness, Feldman & Sutcliffe, P.C., 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Committee on Status and Transition, 7th Palauan Legislature, P.O. Box 8, Koror, Palau, Western Caroline Islands 96940.
D. (6) $375. E. (9) $61.50.

A. Van Ness, Feldman & Sutcliffe, P.C., 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
D. (6) $812.50. E. (9) $22.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Florida Agriculture Coalition, Inc., 249 Royale Palm Way, Palm Beach, Fla. 33480.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Hawaiian Electric Co., P.O. Box 2750, Honolulu, Hawaii 96840.
D. (6) $1,312.50. E. (9) $24.25.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Huntington's Disease Coalition, 250 West 57th Street, New York, N.Y. 10019.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Metropolitan District Commission, Hartford County, Conn., 555 Main Street, Hartford, Conn. 06101.
D. (6) $125.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Northern Tier Pipeline Co., 1776 Lincoln Street (P.O. Box 5568), Denver, Colo. 80217.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. New York Air, LaGuardia Airport, Flushing, N.Y. 11317.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. North Slope Borough, P.O. Box 69, Barrow, Alaska 99723.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Pacific Gas and Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $1,125. E. (9) $10.35.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Palm Beach-Broward Farmers Committee for Legislative Action, P.O. Box 396, Boynton Beach, Fla. 33435.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Republic Geothermal, Inc., 11823 East Slauson Avenue, Suite 1, Sante Fe Springs, Calif. 96070.
D. (6) $6,475. E. (9) $104.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Southwest Winter Vegetable Growers Association, P.O. Box 1670, Immokalle, Fla. 33934.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. South Florida Tomato & Vegetable Growers Association, P.O. Drawer B.B., Homestead, Fla. 33030.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $437.50. E. (9) $437.50.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. 25 E Street Associates, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
D. (6) $700.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $375.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Western Crude Oil, Inc., P.O. Box 5568, Denver, Colo. 80217.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Wheelabrator-Frye, Inc., Liberty Lane, Hampton, N.H. 03842.
D. (6) $87.50. E. (9) $4.

A. Van Ness, Feldman & Sutcliffe, P.C. 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Winfarms, Ltd., 402 Jackson Street, San Francisco, Calif. 94111.
D. (6) $1,362.50. E. (9) $27.40.

A. Gerald W. Vaughan, 1850 K Street NW., Suite 390, Washington, D.C. 20006.
B. Union Camp Corp., 1850 K Street NW., Suite 390, Washington, D.C. 20006.
E. (9) $10.50.

A. Murle L. Vaughan, Beneficial Management Corp. of America, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.
B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Christine L. Vaughn, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $896.68. E. (9) $143.89.

A. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.
E. (9) $240.

A. Gilda Ventresca, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $2,157.30. E. (9) $165.35.

A. Jerry T. Verkler, P.O. Box 2521, Houston, Tex. 77001.
B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.

A. C. John Vermilye, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Coalition of United States Citizen Award-Holders, Against Czechoslovakia.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Nissan Motor Corp., Ltd., 17-1 Ginza, 16-Chome, Chuo-Ku, Japan; Nissan Motor Corp. in U.S.A., 18501 South Figueroa Street, Carson, Calif. 90248.
D. (6) $800.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Pan American World Airways, Pan American Building, New York, N.Y. 10160.
D. (6) $1,650.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. The Travelers Corp., 1 Tower Square, Hartford, Conn. 06115.
D. (6) $375. E. (9) $375.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins, 1101 Connecticut Avenue NW., Washington, D.C. 20036 (for: Continental Resources Co.).
D. (6) $2,418.75. E. (9) $19.50.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins, 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036 (for: Houston Natural Gas Corp.).
D. (6) $4,200. E. (9) $157.59.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.
B. Vinson & Elkins, 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036 (for: Slurry Transport Association).
D. (6) $7,256.25. E. (9) $26.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins, 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036 (for: Texas Eastern Transmission Corp.).
D. (6) $375.

John C. Vickerman, American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.
B. American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.

A. David Vienna, David Vienna & Associates, 510 C Street NE., Washington, D.C. 20002.
B. National Association of Credit Management, 475 Park Avenue South, New York, N.Y. 10016.
D. (6) $2,040.

A. R. Eric Vige, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Suite 207, Wasington, D.C. 20036.
D. (6) $150.

A. Rudolph A. Vignone, Goodyear Tire & Rubber Co., 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. Goodyear Tire & Rubber Co., Akron, Ohio 44316.
D. (6) $1,500.

A. Steven A. Villas, Standard Oil Co. (Ohio), 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
D. (6) $241.70. E. (9) $60.

A. Howard A. Vine, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Walter D. Vinyard, Jr., Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. Continental Insurance Cos., 80 Maiden Lane, New York, N.Y. 10038.
D. (6) $500.

A. Walter D. Vinyard, Jr., Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. Hartford Fire Insurance Co., Hartford, Conn. 06115.

A. Walter D. Vinyard, Jr., Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. St. Paul Fire & Marine Insurance Co., 385 Washington Street, St. Paul, Minn. 55102.

A. Virginia Association of Railway Patrons, P.O. Box 867, Richmond, Va. 23207.
D. (6) $28.47. E. (9) $28.47.

A. Andrew Vitali, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $6,000. E. (9) $79.25.

A. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.
E. (9) $710.

A. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y. 10017.

A. Ingrid A. Voorhees, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $500.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Ad Hoc Committee on Individual Annuity Taxation, 943 Post Road East, Westport, Conn. 06880.
D. (6) $3,750. E. (9) $76.90.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. American Life & Casualty Co., 207 North Fifth Street, Fargo, N. Dak. 58102.
E. (9) $303.

A. Vorys, Sater, Seymour & Pease, 1828 L Street, NW., Suite 1111, Washington, D.C. 20036.

B. Canadian Cablesystems, Ltd., Suite 2602, P.O. Box 249, Toronto Dominion Center, Toronto, Canada.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. General Instruments Corp., 1200 New Hampshire Avenue, NW., Suite 321, Washington, D.C. 20036.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Grocery Manufacturers of America, 1010 Wisconsin Avenue, NW., Washington, D.C.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. International Agricultural Development Service, 1133 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $5,300. E. (9) $1,615.83.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. J. Paul McNamara, 88 East Broad Street, Columbus, Ohio.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. National Hockey League, 1221 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $2,750.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. North American Soccer League, 1133 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $1,965.
A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Ohio Manufacturers Association, 100 East Broad Street, Columbus, Ohio 43215.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Virginia State University, Petersburg, Va. 23803.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Wagnalls Memorial, 150 East Columbus Street, Lithropolis, Ohio.

A. Donn L. Waage, 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.
B. Northwest Bancorp., 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.
D. (6) $500. E. (9) $357.

A. Linda Wade, Sierra Club, 2410 Beverly Boulevard, Suite 2, Los Angeles, Calif. 90057.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $787. E. (9) $510.

A. Robert J. Wager, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
D. (6) $875. E. (9) $7.15.

A. Howard W. Wahl, 240 Barton Shore Drive, Ann Arbor, Mich. 48105.
B. Bechtel Power Corp., P.O. Box 1000, Ann Arbor, Mich. 48106.

A. Herbert R. Waite, the First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
D. (6) $2,250. E. (9) $2,739.66.

A. Herbert R. Waite, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.
B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Wald, Harkrader & Ross, 1300 19th Street, NW., Washington, D.C. 20036.
B. Chemtex Fibers, Inc., 850 Third Avenue, New York, N.Y. 10022.

A. Wald, Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036.
B. Whitney National Bank of New Orleans, 228 Saint Charles Avenue, New Orleans, La. 70130.
D. (6) $1,568.70. E. (9) $1,568.70.

A. Robert E. Waldron, Associated Petroleum Industries of Michigan, P.O. Box 10070, Lansing, Mich. 48901.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $608.80. E. (9) $535.88.

A. E. F. Waldrop, Association of American Railroads, 1920 L Street, NW., Washington, D.C. 20036.
B. Association of American Railroads, 1920 L Street NW., Suite 200, Washington, D.C. 20036.
D. (6) $430.96.

A. Warren W. Walkely, General Electric Co., 777 14th Street, NW., Washington, D.C. 20005.
B. General Electric Co., 777 14th Street, NW., Washington, D.C. 20005.
A. Charls W. Walker, International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.
B. International Brotherhood of Electrical Workers, AFL-CIO-CLC, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $9,400.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006 et al.
B. Agrico Chemical Co., Bank of Oklahoma Tower, 1 Williams Center, Tulsa, Okla. 74103.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Airco Inc., 100 Mountain Avenue, Murray Hill, N.J. 07974.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,562.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Aluminum Co. of America, 1200 Ring Building, Washington, D.C. 20036.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. AMAX, Inc., 2 Greenwich Plaza, Greenwich, Conn, 06830. et al.
D. (6) $1,687.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Airlines, Inc., P.O. Box 61616, Dallas/Fort Worth Regional Airport, Tex. 75261.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Can Co., American Lane 1A9, Greenwich, Conn. 06830.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Iron & Steel Institute, 1000 16th Street NW., Washington, D.C. 20036.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Telephone & Telegraph Co., 1120 20th Street NW., Washington, D.C. 20036.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Anheuser-Busch Inc., 727 North First Street, St. Louis, Mo. 63102.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Ashland Chemical, P.O. Box 2219, Columbus, Ohio 43216.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. BASF Wyandotte Corp., 100 Cherry Hill Road, Parsippany, N.J. 07054.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.
D. (6) $937.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.
D. (6) $312.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $3,125.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Board of Trade of the City of Chicago, 141 West Jackson Boulevard, Chicago, Ill. 60604.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Chicago Mercantile Exchange, 444 West Jackson Boulevard, Chicago, Ill. 60606.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Cigar Association of America, Inc., 1120 19th Street NW., Washington, D.C. 20036.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Crown Zellerbach Corp., 1 Bush Street, San Francisco, Calif. 94119.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. CSX Corp., P.O. Box C-32222, Richmond, Va. 23261.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Dealer Bank Association, 1800 K Street NW., Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.
D. (6) $312.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Dresser Industries, Inc., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Eastern Air Lines, Inc., 10 Rockefeller Plaza, New York, N.Y. 10020.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. First Chicago Corp., 1 First National Plaza, Chicago, Ill. 60670.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $312.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Telephone & Electronics, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $312.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Geothermal Kinetics, Inc., 301 West Indian School Road, Phoenix, Ariz. 85013.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Goodyear Tire & Rubber Co., 1800 K Street, Washington, D.C. 20006.
D. (6) $312.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Suite 1000, Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Lone Star Steel Co., 2200 West Mockingbird Lane, Dallas, Tex. 75215.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Olin Corp., 120 Lake Ridge Road, Stamford, Conn. 06904.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Owens Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.
D. (6) $250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666.
D. (6) $562.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pan American World Airways, Inc., Pan Am Building, New York, N.Y. 10017.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Proctor & Gamble Co., Cincinnati, Ohio 45201.
D. (6) $312.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pullman-Kellog, Division of Pullman, Inc., 1300 Three Greenway Plaza East, Houston, Tex. 77046.
D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.
D. (6) $312.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. United Air Lines, Inc., P.O. Box 66100, Chicago, Ill. 60666.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Weyerhaeuser Co., 1625 I Street NW., Washington, D.C. 20006.

A. Linda Walker-Hill, Hill & Knowlton, 1425 K Street NW., No. 1000, Washington, D.C.
B. Hill & Knowlton, 633 Third Avenue, New York, NY 10017.

A. R. Duffy Wall, Freeport Minerals Co., 1050 17th Street NW., No. 301, Washington, D.C. 20036.
B. Freeport Minerals Co., 200 Park Avenue, New York, N.Y. 10166.
D. (6) $300.

A. Carl S. Wallace, Purolator, Inc. 1800 K Street NW., Suite 614, Washington, D.C. 20006.
B. Purolator, Inc., 255 Old New Brunswick Road, Piscataway, N.J. 08854.

A. Don Wallace Associates, Inc., 232 East Capitol Street NE., Washington, D.C. 20003.
B. American Sugar Cane League of the U.S.A., Inc., 416 Whitney Building, New Orleans, La. 70130.
D. (6) $6,000. E. (9) $875.

A. Don Wallace Associates, Inc., 232 East Capitol Street NE., Washington, D.C. 20003.
B. Cotton Warehouse Association of America, 232 East Capitol Street NE., Washington, D.C. 20003.
D. (6) $11,000. E. (9) $3,100.

A. Raymond C. Wallace, Amalgamated Transit Union, AFL-CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Lionel L. Wallenrod, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. R. Douglas Wallin, Jr., Emerson Electric Co., 1745 Jefferson Davis Highway, Arlington, Va. 22202.
B. Emerson Electric Co., 8000 West Florissant, St. Louis, Mo. 63136.

A. Bonnie B. Wan, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., 1 Montgomery Ward Plaza, Chicago, Ill. 60671.
D. (6) $24. E. (9) $150.

A. John F. Wanamaker, The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
D. (6) $1,653.

A. Barbara Wanner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Japan Economic Institute of America, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $300.

A. Alan S. Ward, 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. Bake & Hostetler, 818 Connecticut Avenue NW., Washington, D.C. 20006 (for The Soap & Detergent Association, 475

Park Avenue South at 32d Street, New York, N.Y. 10016).

A. G. Fletcher Ward, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., 1 Montgomery Ward Plaza, Chicago, Ill. 60671.
E. (9) $150.

A. John E. Ward, 182 Soundview Avenue, White Plains, N.Y. 10606.
B. Meat Importers Council of America, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22209.

A. Richard D. Warden, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $13,396.52. E. (9) $142.65.

A. Jack Ware, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $7,100. E. (9) $175.60.

A. Michael O. Ware, Conoco Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Conoco Inc., High Ridge Park, Stamford, Conn. 06904.
D. (6) $1,000.

A. Peter F. Warker, TRW, Inc., 2030 M Street NW., Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,250.

A. Ernest R. Warner, Jr., DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Airbus Industrie, Avenue Lucien Servanty 31700 Blagnac, France), 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $335.65. E. (9)$182.47.

A. Ernest R. Warner, Jr., DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Sofreavia, 75 rue la Boetie, Paris 8eme, France), 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $27.40.

A. Betsy R. Warren, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

A. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.
E. (9) $550.

A. Washington Office on Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $10,770.89. E. (9) $12,871.35.

A. Robert B. Washington, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Government of Antigua, St. John's, Antigua, West Indies.

A. Washington State NARAL, P.O. Box 15549, Seattle, Wash. 98115.
D. (6) $7,705.96. E. (9) $7,238.55.

A. Ralph J. Watson, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
B. Rockwell International, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $495. E. (9) $171.20.

A. George B. Watts, National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
B. National Broiler Council 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000. E. (9) $1,000.

A. James L. Watts, NASBIC, 618 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Companies, 618 Washington Building, Washington, D.C. 20005.
D. (6) $2,000.

A. Judith G. Waxman, National Health Law Program, 1424 16th Street NW., Washington, D.C. 20036.
B. National Health Law Program, 2639 South La Cienega Boulevard, Los Angeles, Calif. 90034.
D. (6) $1,604. E. (9) $2,191.31.

A. William J. Way, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $2,500. E. (9) $795.52.

A. Raymond J. Weatherly, 2733 Carter Farm Court, Alexandria, Va. 22306.
B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlinton, Va. 22202.

A. William H. Weatherspoon, North Carolina Petroleum Council, P.O. Box 167, Raleigh, N.C. 27602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,000. E. (9) $1,654.05.

A. Frederick L. Webber, 1111 19th St Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $4,559. E. (9) $36.70.

A. Jack Weber, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The American Society of Radiologic Technologists, 55 East Jackson Boulevard, Chicago, Ill. 60604.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Charles Stewart Mott Foundation, Mott Foundation Building, Flint, Mich. 48502.
D. (6) $1,500.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Club Association, 1625 I Street NW., Washington, D.C. 20006.

A. Webster & Sheffield, 1200 New Hampshire Avenue NW., Suite 350, Washington, D.C. 20036.
B. National Conference of Bankruptcy Judges, 1200 New Hampshire Avenue NW., Suite 350, Washington, D.C. 20036.

A. Webster & Sheffield, 1200 New Hampshire Avenue NW., Suite 350, Washington, D.C. 20036.
B. Penobscot Nation, Community Building, Indian Island, Maine 04468.

A. Webster & Sheffield, 1200 New Hampshire Avenue NW., Suite 350, Washington, D.C. 20036.
B. Skanska (U.S.A.), Inc., 8330 Old Courthouse Road, Building Tycon 2, Suite 500, Vienna, Va. 22180.
E. (9) $12.

A. Webster & Sheffield, One Rockefeller Plaza, New York, N.Y. 10020.
B. Smith Barney Real Estate Corp., 1345 Avenue of the Americas, New York, N.Y. 10105.
D. (6) $10,880.

A. Lee Weddig, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. National Fisheries Institute, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
D. (6) $4,000. E. (9) $10.

A. Fred Wegner, National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $542.90. E. (9) $38.23.

A. Lauren C. Weilburg, 499 South Capitol Street SW., Suite 104, Washington, D.C. 20003.
B. American Osteopathic Association, 499 South Capitol Street, SW., Washington, D.C. 20003.
D. (6) $646. E. (9) $104.89.

A. Donald G. Weinert, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Michael A. Weiss, Tenneco Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.
E. (9) $150.

A. Morton N. Weiss, National Security Traders Association, 55 Broad Street, New York, N.Y. 10004.
B. National Security Traders Association, 55 Broad Street, New York, N.Y. 10004.
D. (6) $2,625. E. (9) $500.

A. Judith H. Weitz, 1520 New Hampshire Avenue, NW., Washington, D.C. 20036.
B. Children's Defense Fund, 1520 New Hampshire Avenue, NW., Washington, D.C. 20036.
D. (6) $714. E. (9) $18.25.

A. Paul S. Weller, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C.
D. (6) $294.

A. L. H. Wells, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. W. R. Werner, CertainTeed Corp., 1627 K Street NW., Suite 610, Washington, D.C. 20006.
B. CertainTeed Corp., P.O. Box 860, Valley Forge, Pa. 19482.

A. Fred Wertheimer, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $10,999.98 E. (9) $124.

A. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
E. (9) $500.

A. W. P. West Jr., Delta Airlines, Inc., 1629 K Street NW., Room 204, Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $273. E. (9) $184.92.

A. Harry H. Westbay III, St. Regis Paper Co., 1625 I Street NW., No. 805, Washington, D.C. 20006.
B. St. Regis Paper Co., 150 East 42nd Street, New York, N.Y. 10017.
D. (6) $1,500. E. (9) $750.

A. The Western Co. of North America, P.O. Box 186, Fort Worth, Tex. 76101.
E. (9) $29.80.

A. Western Radiological Group, Suite 2, 2044 Armacost Avenue, Los Angeles, Calif. 90025.
E. (9) $9,000.

A. Wexler and Associates, 1616 H Street NW., Suite 400, Washington, D.C. 20006.
B. The GHK Cos., 6441 Northwest Grand Boulevard, Oklahoma City, Okla. 73116.
D. (6) $40,000. E. (9) $662.33.

A. Brian B. Whalen, International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill, 60611.
D. (6) $1,250. E. (9) $591.96.

A. Clyde A. Wheeler, Jr., Sun Company, Inc., 1800 K Street, NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $15,000. E. (9) $642.45.

A. Edwin M. Wheeler, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $25.

A. Thomas E. Wheeler, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street, NW., Washington, D.C. 20006.
D. (6) $1,375.

A. June M. Whelan, 1120 20th Street, NW., Suite 600 South, Washington, D.C. 20036.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $1,250. E. (9) $252.48.

A. William Whichard, Jr., Union Oil Co., of California, 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.
B. Union Oil Co., of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

A. Donald F. White, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $75.

A. John C. White, Private Truck Council of America, Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 310, Washington, D.C. 20036.
E. (9) $20.

A. John S. White, Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio 45840.

A. John Thomas White II, Tenneco Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Alton W. Whitehouse, 1750 Midland Building, Cleveland, Ohio 44115.
B. Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
D. (6) $510.

A. Bennett C. Whitlock, Jr., American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $7,500. E. (9) $787.84.

A. William F. Whitsitt, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $7,000. E. (9) $6.60.

A. David E. Whitten, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $1,079.74.

A. Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Wash. 98104.
B. Mayor and City Council, City of Seattle, Seattle, Wash. 98104.

A. Nina Faye Widenman, Arizona Public Service Co., P.O. Box 21666, Phoeniz, Ariz. 85036.
B. Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.
D. (6) $1,302. E. (9) $6,017.46.

A. Richard J. Wiechmann, American Paper Institute, 1619 Massachusetts Avenue, NW., Washington, D.C. 20036.
B. American Paper Institute, 260 Madison Avenue, New York, NY 10016.

A. Wildman, Harrold, Allen, Dixon & McDonnell, Suite 1200, 67 Madison Avenue, Memphis, Tenn. 38103.
B. Cohen & Uretz, 1775 K Street NW., Fourth Floor, Washington, D.C. 20006.
D. (6) $1,700.

A. Jerry C. Wilkerson, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.
B. International Franchise Association, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.
D. (6) $650. E. (9) $405.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Arapahoe Tribe of Indians, Fort Washakie, Wyo.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Association of Data Processing Service Organizations, Inc., 210 Summit Avenue, Montvale, N.J. 07645.
D. (6) $1,767. E. (9) $14.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Bonneville International Corp., 36 South State Street, Salt Lake City, Utah.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Brigham Young University, Provo, Utah.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The Church of Jesus Christ of Latter-Day Saints, 10 East North Temple, Salt Lake City, Utah.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.
E. (9) $10.35.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. European Travel Commission, 488 Madison Avenue, New York, N.Y. 10022.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The Hoopa Valley Tribe, P.O. Box 817, Hoopa, Calif.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Independent Data Communications Manufacturers Association, Inc. (IDCMA), 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $5,643.50. E. (9) $48.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.
D. (6) $4,992. E. (9) $202.26.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Marathon Oil Co., Findlay, Ohio.
E. (9) $36.50.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Nana Regional Corp., Inc., Box 49, Kotzebue, Alaska 99752.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Shee Atica, Inc., P.O. Box 4578, Mount Edgecomb, Alaska 99835.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. State of Hawaii, Department of Regulatory Agencies, P.O. Box 531, Honolulu, Hawaii.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.
E. (9) $8.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. U.S. National Bank of Oregon, Portland, Oreg. (for the "Remaining Members" of the Klamath Indian Tribe, Oreg.).
E. (9) $121.50.

A. Barry Williams, National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
B. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
D. (6) $3,599.96.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.
B. The LTV Corp., LTV Tower, 1525 Elm Street, Dallas, Tex. 75201.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. Rhode Island Housing & Mortgage Finance Corp., Suite 1700, 17th floor, 40 Westminster Street, Providence, R.I. 20903.

A. Williams & Connolly, 839 17th Street NW., Washington, D.C. 20006.
B. William H. Sullivan, Jr., 500 Neponset Avenue, Dorchester, Mass. 02122.

A. James H. Williams, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.

A. Lee Williams, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,600.

A. Lucinda L. Williams, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
B. Federation of American Hospitals, 1111 19th Street NW., No. 402, Washington, D.C. 20036.
D. (6) $4,500.

A. Williams, Myers & Quiggle, 888 17th Street NW., Washington, D.C. 20006.
B. Church Alliance for Clarification of ERISA, 511 North Akard Building, Suite 311, Dallas, Tex. 75201.
E. (9) $536.46.

A. Nathaniel Williams, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,154.39.

A. Frederick L. Williford, Suite 911, 8401 Connecticut Avenue, Washington, D.C. 20015.
B. National Association of Furniture Manufacturers, Suite 911, 8401 Connecticut Avenue, Washington, D.C. 20015.
D. (6) $500. E. (9) $30.

A. David K. Willis, Motor Vehicle Manufacturers Association of the United States, Inc., Suite 300, 1909 K Street NW., Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.
D. (6) $125. E. (9) $5.45.

A. Betsy Willson-Messer, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $340.58. E. (9) $24.35.

A. Charlotte Wilmer, 1800 Massachusetts Avenue NW., Washington, D.C 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. The Business Roundtable, 1828 L Street NW., Washington, D.C. 20036.
E. (9) $20.

A. Bjorg Opdahl Wilson, UNICEF Information Service, 110 Maryland Avenue NE., Washington, D.C. 20002.
B. The United States Committee for UNICEF, 331 East 38th Street, New York, N.Y. 10016.
D. (6) $1,000. E. (9) $489.80.

A. Charles D. Wilson, Suite 390, 1850 K Street NW., Washington, D.C. 20006.
B. Union Camp Corp., Suite 390, 1850 K Street NW., Washington, D.C. 20006.
E. (9) $331.90.

A. Charles H. Wilson, Suite 102, 499 South Capitol Street SW., Washington, D.C. 20003.
B. City of Gardena, 1700 West 162d Street, Gardena, Calif. 90247.
D. (6) $3,000. E. (9) $3,108.33.

A. Dena L. Wilson, Suite 1000, 1600 Wilson Boulevard, Arlington, Va. 22209.
B. The American Waterways Operators, Inc., Suite 1000, 1600 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $250. E. (9) $16.

A. Donnie E. Wilson, Husky Oil Co., Suite 295 North, 1800 M Street NW., Washington, D.C. 20036..
B. Husky Oil Co., P.O. Box 380, Cody, Wyo. 82414.
D. (6) $250. E. (9) $59.82.

A. James E. Wilson, Jr., 1150 17th Street NW., Suite 500, Washington, D.C. 20036.
B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

A. Albert Winchester, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,828.50.

A. Judith A Winchester, 3814 Woodley Road NW., Washington, D.C. 20016.
B. City of Philadelphia, Office of the Mayor, Philadelphia, Pa. 19107.
D. (6) $3,140. E. (9) $6,345.

A. Joseph B. Winkelmann, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $218.74.

A. Kathleen J. Winn, Pennzoil, 1155 15th Street NW., Suite 602, Washington, D.C. 20005.
B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex 77001.
D. (6) $475.

A. James R. Winnie, Cities Service Gas Co., P.O. Box 25128, Oklahoma City, Okla. 73125.
B. Cities Service Co., P.O. Box 25128, Oklahoma City, Okla. 73125.

A. Louise V. Winstead, Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,435. E. (9) $124.36.

A. Mark E. Winter, American Land Title Association, 1828 L Street NW., Washington, D.C. 20026.
B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Witkowski, Weiner, McCaffrey & Brodsky, P.C., 1575 I Street NW., Suite 350, Washington, D.C. 20005.
B. Coordinating Council on Manufactured Housing Finance, Suite 350, 1575 I Street NW., Washington, D.C. 20005.
D. (6) $1,030.

A. Witkowski, Weiner, McCaffrey & Brodsky, P.C., 1575 I Street NW., Suite 350, Washington, D.C. 20005.
B. Kankakee, Beaverville & Southern Railroad Co., 500 Railroad Avenue, Momence, Ill. 60912.
D. (6) $2,300. E. (9) $25.

A. Witkowski, Weiner, McCaffrey & Brodsky, P.C., 1575 I Street NW., Suite 350, Washington, D.C. 20005.
B. National Manufactured Housing Finance Association, Suite 350, 1575 I Street NW., Washington, D.C. 20005.
E. (9) $188.45.

A. Witkowski, Weiner, McCaffrey and Brodsky, P.C., 1575 I Street, NW., Suite 350, Washington, D.C. 20005.
B. National Truck Equipment Association, 25900 Greenfield Road, Suite 410, Oak Park, Mich. 48237.
D. (6) $300. E. (9) $5.

A. Glenn P. Witte, 910 17th Street, NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 901 17th Street, NW., Washington, D.C. 20006.

A. H. C. Witthaus, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $1,507.40.

A. James E. Wolf, The Trane Co., 2020 14th Street, North, Arlington, Va. 22201.
B. The Trane Co., 3600 Pammel Creek Road, La Crosse, Wis. 54601.
D. (6) $500.

A. Sidney M. Wolfe, 2000 P Street, NW., N. 708, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street No. 708, Washington, D.C. 20036.
A. Don Womack, 1825 K Street NW., Suite 303, Washington, D.C. 20006.
B. Texas Utilities Services, Inc., 2001 Bryan Tower, Dallas, Tex. 75201.
D. (6) $2,356. E. (9) $84.75.

A. Burton C. Wood, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $9,400. E. (9) $2,621.

A. Charles A. Wood, National Fuel Gas Distribution Corp., Room 900, 10 Lafayette Square, Buffalo, N.Y. 14203.
B. National Fuel Gas Distribution Corp., National Fuel Gas Supply Co., Penn-York Energy Co., Seneca Resources Co., National Fuel Gas Co.
D. (6) $428.64. E. (9) $663.70.

A. Susan P. Woodard, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. W. Alan Woodford, Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
B. Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
D. (6) $300.

A. Diane Woodruff, Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.
B. Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.
D. (6) $2,361.90.

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France).
D. (6) $16.76

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for: European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005).

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for: Sofreavia, 75 rue la Boetie, Paris 8eme, France).

A. Perry W. Woofter, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $9,000. E. (9) $50.

A. Edward A. Woolley, 30 Rockefeller Plaza, Suite 3420, New York, N.Y. 10112.
B. CTI-Container Transport International, Inc., 445 Hamilton Avenue, White Plains, N.Y. 10601; et al.
D. (6) $945.04. E. (9) $13.35.

A. Linda Anzalone Woolley, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $500.

A. Ronald L. Wooten, Consolidation Coal Co., 1025 Connecticut Avenue NW., No. 1000, Washington, D.C. 20036.
B. Consolidation Coal Co., Consol Plaza, 1800 Washington Road, Pittsburgh, Pa. 15241.
D. (6) $468.75. E. (9) $97.50.

A. George M. Worden, 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. World Federalist Political Education Committee, 600 Valley Road, Wayne, N.J. 07470.
D. (6) $18,217.06 E. (9) $15,834.14.

A. Steven M. Worth, 1425 K Street NW., Suite 1000, Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Edward E. Wright, 1819 H Street, NW., Suite 1175, Washington, D.C. 2006.
B. G-4 Children's Coalition, 7309 Delfield Street, Chevy Chase, Md 20015.

A. Franklin L. Wright, Jr., National Association of Mutual Savings Banks, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $2,750.

A. William L. Wright, Eli Lilly & Co., 1901 L Street NW., Washington, D.C. 20036.
B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind. 46285.
D. (6) $3,000. E. (9) $66.

A. Richard E. Wyckoff, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $240.

A. Marc D. Yacker, American Paper Institute, 1619 Massachusetts Avenue, NW., Washington, D.C. 20036.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. T. Albert Yamada, Suite 520, 900 17th Street NW., Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., Inc., 1899 L Street NW., Suite 703, Washington, D.C. 20036.
D. (6) $500.

A. T. Albert Yamada, Suite 520, 900 17th Street NW., Washington, D.C. 20006.
B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
D. (6) $500.

A. Edward R. Yawn, 1111 19th Street NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $865. E. (9) $280.39.

A. Jack Yelverton, 1303 New Hampshire Avenue, NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue., NW., Washington, D.C. 20036.

A. D. Scott Yohe, Delta Air Lines, Inc., 1629 K Street NW., Room No. 204, Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $390. E. (9) $69.40.

A. Carmen E. Young, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. G. Reynolds Young, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Hugh F. Young, Jr., National Paint & Coatings Association, 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
B. National Paint & Coatings Association, 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
D. (6) $3,000.

A. Judith A. Young, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $73.40.

A. Young Woman's Christian Home, 235 Second Street NE., Washington, D.C. 20002.

A. Betsy Younkins, 2101 L Street NW., Suite 600, Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $6,000. E. (9) $162.24.

A. Eugene A. Yourch, 50 Broadway, New York, N.Y. 10004.
B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.
D. (6) $200.

A. Harry M. Zachem, Ashland Oil, Inc., 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $2,000.

A. Donald M. Zahn, 8001 Braddock Road, Springfield, Va. 22160.
B. National Right to Work Committee, 8001 Braddock Road, Springfield, Va. 22160.
D. (6) $185. E. (9) $136.60.

A. Lynn Zakupowski, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $2,500.

A. Steven S. Zaleznick, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $350.

A. Barnaby Zall, Federation for American Immigration Reform, 2028 P Street NW., Washington, D.C. 20036.
B. Federation for American Immigration Reform, 2028 P Street NW., Washington, D.C. 20036.
D. (6) $2,375. E. (9) $221.36.

A. Barry W. Zander, 6113 Amhurst, Metairie, La. 70003.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $6,600.

A. John S. Zapp, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $4,092. E. (9) $166.67.

A. Janice Zarro, 9 West 57th Street, New York, N.Y. 10019.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

A. L. Andrew Zausner, Pennzoil Co., 1155 15th Street NW., Suite 602, Washington, D.C. 20005.
Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77001.
D. (6) $1,000.

A. Philip F. Zeidman, Suite 900, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Business Conference, Suite 209, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Jerome M. Zeifman, National Senior Citizens Law Center, 1424 16th Street NW., Suite 300, Washington, D.C. 20036.
B. National Senior Citizens Law Center, 1424 16th Street NW., Suite 300, Washington, D.C. 20036.
D. (6) $1,910. E. (9) $2,309.

A. John L. Zorack, 11th Floor, 1015 18th Street NW., Washington, D.C. 20036.
B. Federal Express Corp., Box 727, Memphis, Tenn. 38194.
D. (6) $5,700.

A. Zuckert, Scoutt & Rasenberger, 888 17th Street NW., Washington, D.C. 20006.
B. Harcourt Brace Jovanovich, 757 Third Avenue, New York, N.Y. 10017.
D. (6) $9,223. E. (9) $122.34.

A. Charles O. Zuver, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Frances A. Zwenig, Center to Protect Workers' Rights, 815 16th Street NW., Washington, D.C. 20006.
B. Center to Protect Workers' Rights, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $6,000.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1980 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).
(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)

6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year

8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....'Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor*
	(*"Period"* from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures

9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year

11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

A. ACLI International, Inc., 717 Westchester Avenue, White Plains, N.Y. 10604.
A. Charles F. Adams, American Association of Advertising Agencies, 1899 L Street NW., Washington, D.C. 20036.
B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $2,500. E. (9) $750.
A. Ad Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20003.
D. (6) $34,697.69. E. (9) $34,697.69.
A. Aeron Marine Shipping Co., Triad Office Center, 2001 Marcus Avenue, Lake Success, N.Y. 11042.
E. (9) $1,350.28.
A. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $21,000. E. (9) $4,700.
A. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $10,088.26. E. (9) $10,088.26.
A. American Association for Respiratory Therapy, 1720 Regal Row, No. 112, Dallas, Tex. 75235.
D. (6) $518. E. (9) $8,639.20.

A. American Cancer Society, Inc., 777 Third Avenue, New York, N.Y. 10017.
E. (9) $2,429.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $15,788.35. E. (9) $15,788.35.

A. American Federation of State, County & Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
E. (9) $55,644.82.

A. American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.
D. (6) $20,109. E. (9) $5,832.05.

A. American Logistics Association, 5205 Leesburg Pike, No. 1213, Falls Church, Va. 22401.
D. (6) $550. E. (9) $500.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $4,292.19. E. (9) $4,292.19.

A. American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $5,700. E. (9) $16,220.

A. American Rivers Conservation Council, 323 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $17,913. E. (9) $20,976.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $11.50.

A. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $10,290.06. E. (9) $68,423.48.

A. The American Wind Energy Association, 1609 Connecticut Avenue NW., Washington, D.C. 20009.
E. (9) $33.51.

A. Americans for Alaska, P.O. Box 50, Riderwood, Md. 21139.

A. Nancy Amidei, Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
B. Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $461.60.

A. Anthony L. Anderson, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $4,934. E. (9) $133.66.

A. Scott G. Anderson, Burlington Northern, Inc., 413 New Jersey Avenue SE., Washington, D.C. 20003.
B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.
D. (6) $1,900. E. (9) $2,205.28.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Securities Industry Association, 490 L'Enfant Plaza, Suite 3212, Washington, D.C.
E. (9) $3.40.

A. Milton F. Ashford, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Joseph Ashooh, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Kathryn A. Aulbach, 1730 K Street NW., Suite 915, Washington, D.C. 20006.
B. The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317.

A. Joseph Warren Ayres, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $3,625. E. (9) $224.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Continental Materials), 1625 Massachusetts Avenue NW, No. 505, Washington, D.C. 20036.

A. Robert A. Bacha, The Keefe Co., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Alvin Nederlander Associates, Inc.), 1564 Broadway, New York, N.Y. 10036.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Westinghouse), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $2,500. E. (9) $1,380.69.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Young Drug Products Corp.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. William Douglas Badger, 12695 Castile Court, Woodbridge, Va. 22192.
B. Christian Action Council, Inc., 788 National Press Building, Washington, D.C. 20045.
D. (6) $3,750. E. (9) $5,337.14.

A. Carl E. Bagge, Coal Building, Washington, D.C. 20036.
B. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $2,240.

A. Dennis J. Baker, Norton Co., 1 New Bond Street, Worcester, Mass. 01606.
B. Norton Co., 1 New Bond Street, Worcester, Mass. 01606.
D. (6) $6,450.

A. Albert L. Baldock, 1050 17th Street NW., Richardson-Merrell, Inc., Washington, D.C. 20036.
B. Richardson-Merrell, Inc., Ten Westport Road, Wilton, Conn. 06897.
D. (6) $140,000. E. (9) $2,500.

A. Donald F. Bale, 7436 Chummley Court, Falls Church, Va. 20043.
B. Center to Protect Worker's Rights, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
D. (6) $9,999.99. E. (9) $384.10.

A. Bally Manufacturing Corp., 2640 West Belmont Avenue, Chicago, Ill. 60618.

A. Joel Bander, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

A. Robert D. Bannister, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $16,153.83. E. (9) $1,962.53.

A. James C. Barr, Credit Union National Association, Inc., 1730 Rhode Island Avenue NW., Suite No. 810, Washington, D.C. 20036.
B. Credit Union National Association, Inc., 1730 Rhode Island Avenue NW., Suite No. 810, Washington, D.C. 20036.
D. (6) $300. E. (9) $178.31.

A. T. Michael Barry, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

A. Roger V. Barth, 1120 20th Street NW., Suite 300 South, Washington, D.C. 20036.
B. American Association for Clinical Chemistry, Inc., 1725 K Street NW., Washington, D.C. 20006.

A. Roger V. Barth, 1120 20th Street NW., Suite 300 South, Washington, D.C. 20036.
B. Gallery Row Associates, 1825 K Street NW., Room 1221, Washington, D.C. 20036.

A. Roger V. Barth, 1120 20th Street NW., Suite 300 South, Washington, D.C. 20036.
B. Society of Cable Television Engineers, Inc., Suite 614, 1900 L Street NW., Washington, D.C. 20036.

A. Richard A. Barton, Direct Mail Marketing Association, 1730 K Street NW., Room 905, Washington, D.C.
B. Direct Mail Marketing Association, 6 East 43d Street, New York, N.Y. 10017.
D. (6) $1,400. E. (9) $433.

A. Hubert Beatty, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Josiah Beeman, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County, and Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $12,499.98. E. (9) $601.56.

A. John Berard, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Robert Bird, General Mills, Inc., 1200 New Hampshire Avenue NW., Suite 370, Washington, D.C. 20036.
B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.
D. (6) $1,400. E. (9) $88.22.

A. Black, Manafort & Stone, 435 North Lee Street, Alexandria, Va. 22314.
B. Tosco Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.
D. (6) $7,000.

A. Smith Blair, National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $581.

A. Helen K. Blank, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Children's Defense Fund, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $1,130.30. E. (9) $32.90.

A. Blatchford, Epstein & Brady, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Insulation Contractors Association, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $5,500. E. (9) $674.03.

A. Edward N. Bond, 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $1,000. E. (9) $446.31.

A. Bonsib, Inc., Box 1807, Washington, D.C. 20013.

A. Connie Borken-Hagen, 29 Cambridge Street, London SW1.
B. American Chamber of Commerce (UK), 75 Brook Street, London W1
D. (6) $8,280. E. (9) $2,396.91.

A. Mary M. Bourdette, 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.
D. (6) $425.22. E. (9) $11.10.

A. A. D. Bourland, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $1,713.62.

A. Boyden, Kennedy & Romney, 1000 Kennecott Building, 10-E South Temple Street, Salt Lake City, Utah 84133.
B. Hopi Indian Tribe, New Oraibi, Ariz. 86039.
D. (6) $4,723.22. E. (9) $1,926.37.

A. Marqueritte Bracy, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County, and Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $7,663.07. E. (9) $118.02.

A. Dan J. Bradley, 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.
D. (6) $102.80.

A. Dennis M. Bradshaw, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Diane V. Brown, Suite 700, 1620 I Street NW., Washington, D.C. 20006.
B. International Paper Co., Suite 700, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $600. E. (9) $45.

A. Donald K. Brown, Suite 618, 1127 11th Street, Sacramento, Calif. 95814.
B. Summa Corp., P.O. Box 14000, Las Vegas, Nev.

A. Howard Brown, 323 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 323 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,044.

A. John J. Brown, 1125 17th Street NW., Washington, D.C. 20036.
B. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.
D. (6) $7,500. E. (9) $589.

A. Mary Elizabeth Brown, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,930. E. (9) $1,100.32.

A. Michael F. Brown, American Frozen Food Institute, 1919 Pennsylvania Avenue NW., Suite 603, Washington, D.C. 20006.
B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.

A. Brownstein Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Foodservice Manufacturers Association, 875 North Michigan Avenue, Chicago, Ill. 60611.

A. Brownstein Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. International Franchise Association, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.

A. Michael Buckner, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Hearst Corp., 959 Eighth Avenue, New York, N.Y. 10019.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Magazine Publishers Association, 575 Lexington Avenue, New York, N.Y. 10022.

A. David A. Bunn, Parcel Shippers Association, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Parcel Shippers Association, 1211 Connecticut Avenue, NW., Washington, D.C. 20036.

A. Chris Burch, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County, and Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $3,413.47. E. (9) $205.34.

A. Lawrence E. Burch, 1735 Jefferson Davis Highway, No. 903, Arlington, Va., 22202.
B. Potato Chip/Snack Food Association, 1735 Jefferson Davis Highway, No. 903, Arlington, Va. 22202.

A. B. Kent Burton, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000.

A. John M. Burzio, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.
B. Magazine Publishers Association, Inc., Magazine Center, 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $3,283. E. (9) $43.95.

A. James J. Butera, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $3,343.75.

A. Butler, Binion, Rice, Cook & Knapp, 1747 Pennsylvania Avenue NW., Suite 900, Washington, D.C. 20006.
B. City of Philadelphia, 1600 Municipal Services Building, Philadelphia, Pa. 19107.
D. (6) $37,671.25.

A. Calista Corp., 516 Denali Street, Anchorage, Alaska. 99501.
E. (9) $1,151.50.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. ACLI International, Inc., New York City, N.Y.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Chemical Manufacturer's Association, 2501 M Street NW., Second Floor, Washington, D.C. 20037.
D. (6) $300.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Louisiana Gasification Associates, 1 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $2,250.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Mobil Oil Corp., 150 East 42d Street, 30th Floor, New York City, N.Y. 10017.
D. (6) $825.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Occidental Petroleum Corp., 10889 Wilshire Boulevard, Suite 1500, Los Angeles, Calif.
D. (6) $600.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. PPG Industries, Inc., 1 Gateway Center, Pittsburgh, Pa. 15222.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60610.

A. Ross Capon, National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.

B. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
D. (6) $5,953.80.

A. David Carley, NAPTS, 955 L'Enfant Plaza SW., Suite 7200, Washington, D.C. 20024.
B. National Association of Public Television Stations, 955 L'Enfant Plaza SW., Suite 7200, Washington, D.C. 20024.
D. (6) $750. E. (9) $75.

A. Daniel P. Carmichael, Eli Lilly & Co., 1901 L Street NW., Washington, D.C. 20036.
B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind. 46285.
D. (6) $3,000. E. (9) $110.05

A. Charles T. Carroll, Jr., 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $500.

A. Anjean Carter, 105 East 22d Street, New York, N.Y. 10010.
B. Community Service Society, 105 East 22d Street, New York, N.Y. 10010.
D. (6) $360. E. (9) $137.

A. Cayman Turtle Farm, Ltd., P.O. Box 645, Grand Cayman Islands, Cayman Islands, British West Indies.

A. R. S. Chamberlin, Dow Chemical U.S.A., 1800 M Street NW., Suite 700 South, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $610. E. (9) $620.

A. Peggy Chan, 105 East 22d Street, New York, N.Y. 10010.
B. Community Service Society, 105 East 22d Street, New York, N.Y. 10010.
D. (6) $360. E. (9) $137.

A. William C. Chapman, General Motors Corp., 1660 L Street NW., Washington, D.C. 20515.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $4,027.53.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 (for Domestic Wildcatters Association, 900 First City National Bank Building, Houston, Tex. 77002).

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002 (for Quintana Petroleum Corp., 500 Jefferson, Houston, Tex. 77002).

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 (for Mid-Continent Oil and Gas Association, 1800 K Street, NW., No. 620, Washington, D.C. 20006).

A. Chemtex Fibers, Inc., 850 Third Avenue, New York, N.Y. 10022.

A. Cladouhos & Brashares, 1750 New York Avenue, NW, Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., 2055 West 190th Street, Torrance, Calif. 90504.
D. (6) $700. E. (9) $100.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW.,Washington, D.C. 20036.
D. (6) $3,000.

A. Chugach Natives, Inc., 903 West Northern Lights No. 201, Anchorage, Alaska 99503.

A. Citizens for the Management of Alaska Lands, Inc., P.O. Box 3256 DT, Anchorage, Alaska 99501.
D. (6) $5,000. E. (9) $47,386.44.

A. Donald D. Clancy, 7403 Greenfarms Drive, Cincinnati, Ohio 45224.
B. Tele-Press Associations, Inc., 341 East 79th Street, New York, N.Y. 10001 (for Japan, Fisheries Association).
D. (6) $2,500. E. (9) $1,297.60

A. Anne Harrison Clark, Population Resource Center, 110 Maryland Avenue NE., Washington, D.C. 20002.
B. Population Resource Center, 622 Third Avenue, New York, N.Y. 10017.
D. (6) $2,294. E. (9) $952.

A. Clean Water Action Project, 1341 G Street NW., No. 200, Washington, D.C. 20005.
D. (6) $106,678. E. (9) $4,267.

A. Coalition to Halt Automotive Theft, 786 National Press Building, Washington, D.C. 20045.
D. (6) $5,400. E. (9) $4,921.22.

A. Coast Alliance, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $7,827.96. E. (9) $5,733.71.

A. Jerry S. Cohen, Suite 708, 1776 K Street NW., Washington, D.C. 20006.
B. Service Station Dealers of America, Inc., 2021 K Street NW., Washington, D.C.
D. (6) $3,000.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Republic of China, Taipai, Taiwan.

A. Frank Collins, Oil Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical & Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.
D. (6) $2,000.

A. William Patrick Collins, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $3,528.84. E. (9) $738.77.

A. Commercial Union Assurance Cos., 1 Beacon Street, Boston, Mass. 02108.

A. Committee For Do-It-Yourself Household Moving, 1100 17th Street NW., Suite 1000, Washington, D.C. 20036.

A. Committee for 806.30 and 807, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.
D. (6) $27,608.98. E. (9) $13,143.32.

A. Committee for Limit of Oil Import, 400 Newport Center Drive, No. 508, Newport Beach, Calif. 92660.

A. Community Service Society, 105 East 22d Street, New York, N.Y. 10010.
E. (9) $1,840.

A. David Conrad, 323 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 323 Pennsylvania Avenue, SE., Washington, D.C.

A. Consolidated Edison Co. of N.Y., Inc., 4 Irving Place, New York, N.Y. 10003.
E. (9) $447.50.

A. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
E. (9) $16,496.

A. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
E. (9) $94,407.32.

A. Eileen D. Cooke, American Library Association, 110 Maryland Avenue NE., Box 54, Washington, D.C. 20002
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $1,062.

A. Edward Cooney, Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006
B. Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $5,013.52. E. (9) $65.

A. Benjamin Y. Cooper, Printing Industries of American, Inc., 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.

A. Ann G. Corcoran, National Audubon Society, 12002 Glen Road, Potomac, Md. 20854.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $873. E. (9) $1,010.85.

A. P. H. Corcoran, Association of Oil Pipe Lines, 1725 K Street, NW., Washington, D.C. 20006.
B. Association of Oil Pipe Lines, 1725 K Street, NW., Washington, D.C. 20006.

A. William R. Corson, 1707 H Street NW., Washington, D.C. 20006.
B. Penthouse International Ltd., 1707 H Street NW., Washington, D.C. 20006.
D. (6) $8,750. E. (9) $6,180.

A. Diane M. Costenoble, 815 16th Street NW., Washington, D.C. 20006.
B. Food & Beverage Trades Department, AFL-CIO, 815 16th Street, Washington, D.C. 20006.
D. (6) $361.12. E. (9) $8.70.

A. Roger C. Courtney, American Psychiatric Association, 1333 New Hampshire Avenue NW., Suite 670, Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $1,741. E. (9) $747.93.

A. Eric Cox, 1011 Arlington Boulevard W-219, Arlington, Va. 22209.
B. World Federalist Political Education Committee, 600 Valley Road, Wayne, N.J. 07470.
D. (6) $756.

A. Charles S. Crawford, Hill & Knowlton, 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $300. E. (9) $710.55.

A. Richard C. Creighton, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $5,000. E. (9) $500.

A. James H. Cromwell, Sr., 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $3,000. E. (9) $500.

A. Charles H. Crutchfield, Media Communications, Inc., 1409 East Boulevard, Charlotte, N.C. 28203.
B. General Tire & Rubber Co., 1 General Street, Akron, Ohio 44329.

A. Jay B. Cutler, American Psychiatric Association, 1333 New Hampshire Avenue NW., Suite 670, Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $4,257. E. (9) $858.54.

A. Thomas B. Curtis, 230 South Bemiston Avenue, Suite 410, Clayton, Mo. 63105.
B. Encyclopaedia Britannica, 425 North Michigan Avenue, Chicago, Ill. 60611.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., 10th Floor, Washington, D.C. 20036.
B. Lakeside North Apartments Partnership, Care of: Julian R. Kossow, Sarasota Bank Building, 1605 Main Street, Suite 810, Sarasota, Fla. 33577.
D. (6) $19,315.54.

A. John C. Datt, American Farm Bureau Federation, 425 13th Street, NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $8,542.

A. John L. Davidson, Jr., The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63101.
B. The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63101.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. Opticians Association of America, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. Virgin Islands Gift & Fashion Shop Association, St. Thomas, V.I. 00801.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. Virgin Islands Merchants Association, 723 Washington Building, Washington, D.C. 20005.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. Agrico Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. Anheuser-Busch, Inc., 721 Pestalozzi Street, St. Louis, Mo. 63118.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. Beneficial Corp., Wilmington, Del.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y. 10022.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. Dial Finance Corp., 207 Ninth Street, Des Moines, Iowa 50307.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. International Paper Co., 220 East 42d Street, New York, N.Y. 10017.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. Kellogg Co., 235 Porter Street, Battle Creek, Mich. 49016.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. W. K. Kellogg Foundation, Battle Creek, Mich. 49016.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. United States Brewers Association, Inc., 1750 K Street NW., Washington, D.C. 20006.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. The Williams Cos., One Williams Center, Tulsa, Okla. 74101.

A. Dealer Bank Association, 1800 K Street NW., Suite 1014, Washington, D.C. 20006.
D. (6) $3,081.40. E. (9) $3,081.40.

A. Brian Deery, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Frank R. DeGeorge, Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
D. (6) $8,500.

A. Law offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440.
D. (6) $12,806.36.

A. Law offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Leslie Salt Co., P.O. Box 364, Newark, Calif. 94560.
D. (6) $8,250.15.

A. Law offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Wilson's House of Suede, Inc., 11840 Olympic Boulevard, Los Angeles, Calif. 90064.
D. (6) $491.90.

A. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
E. (9) $1,909.13.

A. H. A. Doersam, 517 Powell Drive, Annapolis, Md. 21401.
B. Household Finance Corp., HFC International Headquarters, 2700 Sanders Road, Prospect Heights, Ill. 60070.
D. (6) $2,500. E. (9) $997.74.

A. John D. Doherty, Jr., The Chase Manhattan Bank, 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, National Association, 1 Chase Manhattan Plaza, New York, N.Y. 10081.
D. (6) $213.50. E. (9) $23.84.

A. Julie Domenick, Municipal Labor Committee, 818 18th Street NW., Suite 750, Washington, D.C. 20006.
B. Municipal Labor Committee, 140 Park Place, New York, N.Y. 10007.
D. (6) $11,738.58. E. (9) $958.68.

A. Domestic Petroleum Council Trade Association, 1101 Connecticut Avenue NW., No. 500, Washington, D.C. 20036.

A. Leo J. Donahue, American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. Thomas J. Donohue, Citizen's Choice, Inc., 1615 H Street NW., Washington, D.C. 20062.
B. Citizen's Choice, Inc., 1615 H Street NW., Washington, D.C. 20062.
D. (6) $5,000.10

A. James A. Dorsch, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. H. Eugene Douglas, Memorex Corp., 1970 Chain Bridge Road, McLean, Va. 22101.
B. Memorex Corp., San Tomas at Central Expressway, Santa Clara, Calif. 95052.
D. (6) $5,000.

A. Harry L. Downey, Jr., The Firestone Tire & Rubber Co., 1730 K Street NW., Suite 915, Washington, D.C. 20006.
B. The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317.

A. Dravo Corp., Neville Island, Pittsburgh, Pa.

A. Lawrence M. Dubin, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Peoples Energy Corp., 122 South Michigan Avenue, Chicago, Ill. 60603.

A. Michael V. Durando, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $3,417. E. (9) $105.

A. J. C. B. Ehringhaus, Jr., The Tobacco Institute, Inc., 1875 I Street NW., Suite 800, Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1875 I Street NW., Suite 800, Washington, D.C. 20006.

A. C. M. Elkins Association, Suite 310, 1100 17th Street NW., Washington, D.C. 20036.
B. Delaware & Hudson Railroad, 40 Beaver Street, Albany, N.Y. 12207.

D. (6) $13,500. E. (9) $5,700.

A. John Ellis, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Employers Reinsurance Corp., 21 West 10th Street, Kansas City, Mo. 64105.
E. (9) $656.

A. Christopher Engquist, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Paul Equale, 1899 L Street NW., Washington, D.C. 20036.
B. Travel Industry Association of America, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $1,876.

A. Jerry N. Ervin, Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.
B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. Thomas E. Esterly, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $21.90.

A. John T. Estes, Allied Chemical Corp., 1150 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.
B. Allied Chemical Corp., P.O. Box 3000-R, Morristown, N.J. 07960.
D. (6) $800. E. (9) $35.

A. Brock Evans, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $1,500. E. (9) $22.50.

A. William J. Evans, Suite 900, 1800 K Street NW., Washington, D.C. 20006.
B. Pan American World Airways, Inc., Suite 900, 1800 K Street, NW., Washington, D.C. 20006.
D. (6) $118. E. (9) $173.69.

A. Michael I. Fanning, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Federal Express Corp., P.O. Box 727, Memphis, Tenn. 38194.
E. (9) $35,211.39.

A. Federation of American Scientists, 307 Massachusetts Avenue NE., Washington, D.C. 20002.
E. (9) $168.28

A. Bernard Fensterwald, Jr., 2101 L Street NW., Suite 203, Washington, D.C. 20037.
B. Committee for Humane Legislation, Inc., 1 Pine Street, Neptune, N.J. 07753.
D. (6) $7,500. E. (9) $2,111.24.

A. Bradford L. Ferguson, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Chicago Board of Trade Clearinghouse, 141 West Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $2,115. E. (9) $472.92.

A. C. H. Fields, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $4,861. E. (9) $9.

A. 5th Pro-Life Congressional District Action Committee, 1120 Michigan Boulevard, Dunedin, Fla. 33528.
D. (6) $505. E. (9) $262.26.

A. Theodora Fine, American Psychiatric Association, 1333 New Hampshire Avenue NW., Suite 670, Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $1,786. E. (9) $919.15.

A. First Pro-Life Congressional District Action Committee, 10 North 77th Avenue, Pensacola, Fla 32506.

A. Arlene J. Fischler, Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
D. (6) $5,500.

A. David M. Fitzgerald, 205 The Strand, Old Town, Alexandria, Va. 22314.
B. Goodyear Aerospace Corp., 1210 Massillon Road, Akron, Ohio 44315.
D. (6) $1,200. E. (9) $42.

A. David M. Fitzgerald, 205 The Strand, Old Town, Alexandria, Va. 22314.
B. Litton Data Systems, P.O. Box 7601, Van Nuys, Calif. 91409.
D. (6) $1,100. E. (9) $23.

A. Mark Fitzgerald, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $8,743.25. E. (9) $907.12.

A. James H. Fitzpatrick, 15 Computer Drive West, Albany, N.Y. 12205.
B. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.
D. (6) $112.

A. Daniel V. Flanagan, Jr., Southern Pacific Co., 1801 K Street NW., Suite 221, Washington, D.C. 20006.
B. Southern Pacific Co., 1 Market Plaza, San Francisco, Calif. 94105.
D. (6) $5,000. E. (9) $548.98.

A. Charles D. Fleishman, 2625 Clearbrook Drive, Arlington Heights, Ill. 60005.
B. American Fishing Tackle Manufacturers Association, 2625 Clearbrook Drive, Arlington Heights, Ill. 60005.

A. Martha Flory, Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.
B. Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.

A. Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
E. (9) $10,279.21.

A. David H. Foster, Natural Gas Supply Association, 1025 Connecticut Avenue NW., No. 402, Washington, D.C. 20036.
B. Natural Gas Supply Association, 1025 Connecticut Avenue NW., No. 402, Washington, D.C. 20036.
D. (6) $3,562.51. E. (9) $487.27.

A. Albert A. Fox, Allied Chemical Corp., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Allied Chemical Corp., P.O. Box 3000-R, Morristown, N.J. 07960.
D. (6) $400. E. (9) $40.

A. Donald Fraher, 810 18th Street NW., Washington, D.C. 20006.
B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $4,880.05. E. (9) $48.75.

A. Charles L. Frazier, National Farmers Organization, 475 L'Enfant Plaza SW., No. 2250, Washington, D.C. 20024.
B. National Farmers Organization, Corning, Iowa 50843; 475 L'Enfant Plaza SW., No. 2250, Washington, D.C. 20024.
D. (6) $3,500. E. (9) $3,725.94.

A. Gregory M. Frazier, 8764 East Floyd Circle, Denver, Colo. 80231.

A. Donald A. Frederick, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $180.

A. Charlotte Friedman, American Association of School Administrators, 1801 North Moore Street, Arlington, Va. 22209.
B. American Association of School Administrators, 1801 North Moore Street, Arlington, Va. 22209.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $130,891. E. (9) $18,689.

A. Owen V. Frisby, The Chase Manhattan Bank N.A., 90 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, N.A. 1 Chase Manhattan Plaza, New York, N.Y. 10081.
D. (6) 450. E. (9) $39.27.

A. Nancy H. Fussell, The Boeing Co. 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $1,415.

A. G-4 Children's Coalition, 9309 Delfield Street, Chevy Chase, Md. 20015.
D. (6) $936.52. E.(9) $1,219.03.

A. Marc P. Gabor, Amalgamated Clothing and Textile Workers Union, 815 16th Street NW., No. 310, Washington, D.C. 20006.
B. Amalgamated Clothing and Textile Workers Union, 15 Union Square, New York, N.Y. 10003.
D. (6) $2,187.50. E. (9) $40.95.

A. Robert P Gardner, Standard Brands Food Co., 200 Johnson Avenue, Suffolk, Va. 23434.
B. Standard Brands Food Co., Standard Brands, Inc., 625 Madison Avenue, New York, N.Y. 10022.
D. (6) $100.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., 5th Floor, Washington, D.C. 20007.
B. Delaware & Hudson Railway Co., The Delaware and Hudson Building, Albany, N.Y. 12207
D. (6) $3,647.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., 5th Floor, Washington, D.C. 20007.
B. Northwest Food Producers Association P.O. Box 1976, Woodinville, Wash. 98072.

D. (6) $910.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., 5th Floor, Washington, D.C. 20007.
B. PACCAR, Inc., 777 106th Avenue NE., Bellevue, Wash. 98009.
D. (6) $490.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., 5th Floor, Washington, D.C. 20007.
B. Totem Ocean Trailer Express, Inc., 1000 Olive Way, Seattle, Wash. 98101.
D. (6) $735.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., 5th Floor, Washington, D.C. 20007.
B. T.R.A.I.N., 1776 F Street NW., Suite 200, Washington, D.C. 20026.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., 5th Floor, Washington, D.C. 20007.
B. Washington Citizens for World Trade, 4th Battery Building, Suite 925, Seattle Wash. 98121.
D. (6) $1,798.10.

A. The General Contractors Association, of New York, Inc., 60 East 42d Street, room 3510, New York, N.Y. 10165.
E. (9) $3,115.36.

A. John Gentille, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Claire Geoghegan, 415 Second Street, Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street, Washington, D.C. 20002.
D. (6) $10,038.46.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Ak-Chin Indian Community Council, Route 2 Box No. 27, Maricopa, Ariz. 85239.
D. (6) $100.00. E. (9) $37.89.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Colville Business Council, Box 150, Nespelem, Wash. 99155.
D. (6) $1,436.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Inter-Tribal Council of Arizona, 124 West Thomas Road, Phoenix, Ariz.
D. (6) $130.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. The Minnesota Chippewa Tribe, P.O. Box 217, Cass Lake, Minn. 55633.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Papago Tribe of Arizona, Box 837, Sells, Ariz. 85634.
D. (6) $100.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. The Tulalip Tribes, 6700 Totem Beach Road, Marysville, Wash. 98270.
D. (6) $398.

A. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
E. (9) $11,030.88.

A. Vernie R. Glasson, American Farm Bureau Federation, 425 13th Street, NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $5,667. E. (9) $54.

A. Godfrey Associates, Inc., 918 16th Street NW., S-501, Washington, D.C. 20006.

A. Horace D. Godfrey, 918 16th Street NW., S-501, Washington, D.C. 20006.
A. Godfrey Associates, Inc., 918 16th Street NW., S-501, Washington, D.C. 20006.

B. Judith M. Goff, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $563.

A. Neil B. Goldstein, Sierra Club, 800 Second Avenue, New York, N.Y. 10017.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $720.77. E. (9) $1,547.55.

A. Alfonso J. Gonzalez, National Association of Social Workers, Inc., 1425 H Street NW., Suite 600, Washington, D.C. 20005.
B. National Association of Social Workers, Inc., 1425 H Street NW., Suite 600, Washington, D.C. 20005.
D. (6) $9,000. E. (9) $720.

A. Benjamin Gordon, 2000 P Street NW., No. 708, Washington, D.C. 20036
B. Health Research Group, 2000 P Street, NW., No. 708 Washington, D.C. 20036.
D. (6) $0.27.

A. Brenda J. Gore, 1155 15th Street, NW., Washington, D.C. 20005.
B. The LTV Corp., 1525 Elm Street, Dallas, Tex. 75222.
D. (6) $500.

A. George B. Gould, III, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $10,388.74

A. John K. Gram, Public Timber Purchasers Group, 714 Oregon Bank Building, Portland, Oreg. 97204.
B. Public Timber Purchasers Group, 714 Oregon Bank Building, Portland, Oreg. 97204.
D. (6) $1,781.25. E. (9) $295.

A. William G. Greif, Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $15,000.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
D. (6) $1,860. E. (9) $1,860.

A. Charles Hackney, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $7,612.50. E. (9) $494.49.

A. Charles Hagel.
B. Firestone Tire & Rubber Co.
D. (6) $5,000.

A. Harold T. Halfpenny, 111 West Washington Street, Chicago, Ill. 60602.

A. Harry L. Hall, National Multiple Sclerosis Society, 1120 20th Street NW., S-520, Washington, D.C. 20036.
B. National Multiple Sclerosis Society, 205 East 42d Street, New York, N.Y. 10017.
D. (6) $4,500.

A. Robert N. Hampton, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,393.

A. Nolan W. Hancock, Oil, Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical & Atomic Workers International Union, AFL-CIO, 1636 Champa Street, Denver, Colo. 80201.
D. (6) $4,062.50.

A. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $358,485.12. E. (9) $21,024.27.

A. Donald K. Hanes, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $244.

A. Harrah's, Inc., P.O. Box 10, Reno, Nev. 89504.
E. (9) $150.

A. Harris, Beach, Wilcox, Rubin & Levey, 2 State Street, Rochester, N.Y. 14614; 1730 M Street NW., Washington, D.C. 20036.
B. United Societies of Physiotherapists, Inc., 163 Cold Spring Road, Syosset, N.Y. 11791.
D. (6) $177.

A. Harshe-Rotman & Druck, Inc., 1010 Wisconsin Avenue NW. No. 650, Washington, D.C. 20007.

A. Hartford Fire Insurance Co., Hartford Plaza, Hartford, Conn. 06115.
E. (9) $7,621.75.

A. Paul M. Hawkins, 1750 K Street NW, Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Bruce R. Hawley, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $4,646. E. (9) $15.

A. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.

A. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.
D. (6) $10.97. E. (9) $10.97.

A. Carol C. Henderson, American Library Association, 110 Maryland Avenue NE., Box 54, Washington, D.C. 20002.
B. American Library Association, 50 Huron Street, Chicago, Ill. 60611.

D. (6) $627.

A. Thomas M. Hennessy, Getty Oil Co., 1701 Pennsylvania Avenue NW., Washington, D.C.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $1,991. E. (9) $253.78.

A. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
E. (9) $18,488.

A. Herrick, Allen, & Davis, 1701 K Street NW., Suite 706, Washington, D.C. 20006.
B. Amusement & Music Operators Association, 35 East Wacker Drive, Suite 1940, Chicago, Ill. 60601.

A. Esther Herst, 1343 F Street NE., Washington, D.C. 20002.
B. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.
D. (6) $3,055.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for American Family Life Assurance Co.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Continental Materials), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for the Cordage Institute), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for National Coal Consumer Alliance), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Alvin Nederlander Association Inc.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Trans World Airlines), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Young Drug Products Corp.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Chicago Board of Trade Clearing House, 141 West Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $2,115. E. (9) $472.92.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Commonwealth Edison Co., 1 First National Plaza, Chicago, Ill. 60603.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. First Chicago Corp., 1 First National Plaza, Chicago, Ill. 60603.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $400.

A. Frederic W. Hickman, 1 First National Plaza, Chicago, Ill. 60603.
B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Peoples Energy Corp., 122 South Michigan Avenue, Chicago, Ill. 60603.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.
D. (6) $8,500. E. (9) $324.86.

A. Dave Hill, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $3,583. E. (9) $42.

A. James D. Hittle, 3137 South 14th Street, Arlington Va. 22204.
B. Vought Corp., Dallas, Tex.
D. (6) $4,000. E. (9) $332.80.

A. Charles L. Hoebel, Carrier Corp., Suite 305, 1629 K Street NW., Washington, D.C. 20006.
B. Carrier Corp., Carrier Tower, Box 4800, Syracuse, N.Y. 13221.
D. (6) $3,300. E. (9) $489.78.

A. Glen D. Hofer, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $359.

A. Elmo R. Hoffman, 215 East Central Boulevard, Orlando, Fla. 32801.
B. Hoffman, Hendry, Stoner, Sims & Sawicki (for Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801), 215 East Central Boulevard, Orlando, Fla. 32801.
E. (9) $250.

A. Hoffman, Hendry, Stoner, Sims & Sawicki, 215 East Central Boulevard, Orlando, Fla. 32801.
B. Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801.
E. (9) $762.20.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006.
B. National Farmers Organization, Corning, Iowa.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006.
B. Semiconductor Industry Association, 2030 Town Center Lane, Cupertino, Calif. 95014.
D. (6) $8,809.38. E. (9) $69.27.

A. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.
E. (9) $2,000.

A. William B. Hopkins, P.O. Box 13366, Roanoke, Va. 24033.
B. Tulare Lake Water Users Committee, c/o John Penn Lee, P.O. Box 1206, Corcoran, Calif. 93212.
D. (6) $7,680. E. (9) $2,783.52.

A. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.
D. (6) $147. E. (9) $147.

A. Karl T. Hoyle, Credit Union National Association, 1730 Rhode Island Avenue NW., Suite No. 810, Washington, D.C. 20036.
B. Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $300. E. (9) $265.98.

A. Karetta Hubbard, National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
D. (6) $6,250.

A. J. W. Hudson, 1899 L Street NW., Washington, D.C. 20036.
B. Travel Industry Association of America, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $980.

A. Tony R. Huerta, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

A. Mark Hulbert, 339 Eighth Street NE., Washington, D.C. 20002.
B. National Taxpayers Legal Fund, 777 14th Street NW., Suite 236, Washington, D.C. 20005.
D. (6) $1,000.

A. Mark Hulbert, 339 Eighth Street NE., Washington, D.C. 20002.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,000.

A. Gregory A. Humphrey, American Federation of Teachers, AFL-CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL-CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $10,174.08. E. (9) $130.

A. David A. Hunt, Air-Conditioning & Refrigeration Institute, 1815 North Fort Meyer Drive, Arlington, Va. 22209.
B. Air-Conditioning & Refrigeration Institute, 1815 North Fort Meyer Drive, Arlington, Va. 22209.
D. (6) $1,600. E. (9) $300.

A. Robert C. Hunt, Cooperative Food Distributors of America, 1910 K Street NW., No. 700, Washington, D.C. 20006.
B. Cooperative Food Distributors of America, 1910 K Street NW., No. 700 Washington, D.C. 20006.

A. Kenneth Hunter, Coast Action, 530 Seventh Street SE., Washington, D.C. 20003.
B. Coast Action, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $625.

A. Kenneth Hunter, Coast Alliance, 530 Seventh Street SE., Washington, D.C. 20003.
B. Coast Alliance, 530 Seventh Street SE., Washington, D.C. 20003.

D. (6) $312.50.

A. Hunton & Williams, P.O. Box 1535, Richmond, Va. 23212.
B. The Business Roundtable, 200 Park Avenue, New York, N.Y. 10017.
E. (9) $208.50.

A. Gerard F. Hurley, National Club Association, 1625 I Street NW., Suite 609, Washington, D.C. 20006.
B. National Club Association, 1625 I Street NW., Suite 609, Washington, D.C. 20006.
D. (6) $1,000. E. (9) $450.

A. Independent Bankers Association of America, 1625 Massachusetts Avenue NW., Suite 202, Washington, D.C. 20036.
B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 56378.
D. (6) $82,889. E. (9) $82,357.08.

A. Independent Data Communications Manufacturers Association Inc., 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $4,442. E. (9) $4,442.

A. Institute of Foreign Bankers, 200 Park Avenue, Suite 303 East, Room 23, New York, N.Y. 10017.

A. Insulation Contractors Association, 905 Sixteenth Street NW., Washington, D.C. 20007.

A. Interlake, Inc., 2015 Spring Road, Oak Brook, Ill. 60521.
E. (9) $14,706.20.

A. International Association of Bridge, Structural and Ornamental Iron Workers, 1750 New York Avenue NW., Washington, D.C. 20006.
E. (9) $8,580.

A. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $19,179.26

A. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.
E. (9) $8,214.

A. John D. Isaacs, Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Council for a Livable World, 11 Beacon Street, Boston, Mass. 02108.
D. (6) $4,963.09.

A. Itel Corp., No. 2 Embarcadero Center, 24th Floor, San Francisco, Calif. 94111.
E. (9) $472.52.

A. Jaeckle, Fleischmann & Mugel, 700 Liberty Bank Building, Buffalo, N.Y. 14202.
B. Samuel Strapping Systems, Ltd., 2620 Dixie Road, Missessauga, Ontario, Canada.

A. Walter K. Jaenicke, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $5,000.

A. E. A. Jaenke & Associates, Inc., 1575 I Street NW., Suite 230, Washington, D.C. 20005.
B. Cooperative League of the U.S.A., 1828 L Street NW., Washington, D.C. 20036.

A. E. A. Jaenke & Associates, Inc., 1575 I Street NW., Suite 230, Washington, D.C. 20005.
B. Farmland Industries, Kansas City, Mo.
D. (6) $500.

A. E. A. Jaenke & Associates, Inc., 1575 I Street NW., Suite 230, Washington, D.C. 20005.
B. University of Kansas, Lawrence, Kans.
D. (6) $250.

A. Japanese American Citizens League, 1765 Sutter Street, San Francisco, Calif. 94115.
D. (6) $7,465. E. (9) $7,465.

A. John T. Jarvis, United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $4,590.

A. Herbert N. Jasper, 415 Second Street NW., Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street NW., Washington, D.C. 20002.
D. (6) $17,890.01.

A. Philip F. Jehle, 1150 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.
B. SmithKline Corp., 1500 Spring Garden Street, Philadelphia, Pa.19101.
D. (6) $200. E. (9) $25.

A. Walter W. John, Organization of Professional Employees of the U.S., Department of Agriculture, Room 1414 South Building, USDA, Washington, D.C. 20250.
B. Organization of Professional Employees of the U.S., Department of Agriculture, Room 1414 South Building, Washington, D.C. 20250.
D. (6) $703.37.

A. Theodore Johnson & Co., 786 National Press Building, Washington, D.C. 20045.
B. Coalition to Halt Automotive Theft, 786 National Press Building, Washington, D.C. 20045.
D. (6) $4,785.75.

A. David Johnston, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Joint Corporate Committee on Cuban Claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwich, Conn. 06830.
E. (9) $1,170.

A. Joint Maritime Congress, 444 North Capitol Street NW. No. 800, Washington, D.C. 20001
D. (6) $11,102.69. E. (9) $11,102.69.

A. Allan R. Jones, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $20,000. E. (9) $2,729.11.

A. Jones, Day, Reavis & Pogue, 1735 I Street NW., Washington, D.C. 20006.
B. American Greetings Corp., 10500 American Road, Cleveland, Ohio 44144.
D. (6) $500. E. (9) $10.

A. Ernest W. Jones, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Randall T. Jones, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $1,781.25.

A. Gary Paul Kane, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Asociation of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $9,530.74 E. (9) $1,517.60.

A. Julius Kaplan, Kirkwood, Kaplan, Russin & Vecchi, 1218 16th Street NW., Washington, D.C. 20036.
B. Government of Colombia, 2118 Leroy Place NW., Washington, D.C. 20008.

A. Robert J. Keefe, The Keefe Co., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. for: (American Family Life Assurance Co.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Robert J. Keefe, The Keefe Co., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: Continental Materials), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert J. Keefe, The Keefe Co., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: the Cordage Institute), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Robert J. Keefe, The Keefe Co., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: Knoxville International Energy Exposition (KIEE)), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.
A. Robert J. Keefe, Keefe Co., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: National Coal Consumer Alliance), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert J. Keefe, Keefe Co., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: Alvin Nederlander Association, Inc.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Robert J. Keefe, Keefe Co., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: Trans World Airlines), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert J. Keefe, Keefe Co., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for: Westinghouse Electric Corp.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Candace Keller, Group Health Association of America, Inc.,1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.

D. (6) $1,812.50.

A. Paul J. Kelley, U-Haul International, Inc., 2727 North Central Avenue, Phoenix, Ariz. 85004.
B. U-Haul International, Inc., 2727 North Central Avenue, Phoenix, Ariz. 85004

A. Margaret Kerry, Community Service Society, 105 East 22d Street, New York, N.Y. 10010.
B. Community Service Society, 105 East 22d Street, New York, N.Y. 10010.
D. (6) $360. E. (9) $137.

A. Roberta D. Kimball, Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. John M. Kinnaird, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street, NW., Washington, D.C. 20036.
D. (6) $10,000. E. (9) $60.60.

A. Donald A. Kirtley, Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $625. E. (9) $122.

A. Ralph W. Kittle, International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $160.

A. Terrence H. Klasky, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., No. 202, Washington, D.C. 20036.
B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 56378.
D. (6) $10,000. E. (9) $655.29.

A. Jerry D. Klepner, National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington D.C. 20006
D. (6) $12,000. E. (9) $1186.68.

A. William J. Klinefelter, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $8,998.44.

A. Jeanne P. Kowalski, Southern Pacific Communications Co., 1828 L Street NW., Suite 500, Washington, D.C. 20036.
B. Southern Pacific Communications Co., P.O. Box 974, Burlingame, Calif. 94010.
D. (6) $3,438. E. (9) $313.93.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., No. 301, Washington, D.C. 20006.
B. Harrah's Inc., P.O. Box 10, Reno, Nev. 89504.
D. (6) $150.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., No. 301, Washington, D.C. 20006.
B. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn., 38118.
D. (6) $2000.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., No. 301, Washington, D.C. 20006.
B. National Association of Homes for Children, 200 South Tyron Street, Suite 1500, Charlotte, N.C. 28202.
D. (6) $750.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., No. 301, Washington, D.C. 20006.
B. ServiceMaster Industries, Inc., 2300 Warrenville Road, Downers Grove, Ill. 60515.
D. (6) $3300.

A. Raymond R. Krause, Pfizer, Inc., 1700 Pennsylvania Avenue NW., Suite 730, Washington, D.C. 20006.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $400. E. (9) $207.26.

A. James S. Krzyminski, National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,287.

A. Kyukuyo Co. Ltd., Suite 604, Central Bldg., 810 Third Avenue, Seattle, Wash.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $7,450. E. (9) $5,884.

A. James H. Lake, Nelson & Harding, Suite 800, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Western Growers Association, 1101 Connecticut Avenue, Suite 800, Washington, D.C. 20036.

A. A. M. Lampley, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

A. Lane & Edson, P.C., 1800 M Street NW., Suite 400 South, Washington, D.C. 20036.
B. National Association of Home Manufacturers, 6521 Arlington Boulevard, Falls Church, Va. 22042.
D. (6) $200.

A. R. Josh Lanier, 400 North Capitol Street, Washington, D.C. 20001.
B. Leggett, Lanier & Associates, 400 North Capitol Street, Washington, D.C. 20001 (Shellfish Institute of North America, 400 North Capitol Street, Washington, D.C. 20001).
D. (6) $4,500.

A. League To Save Lake Tahoe, 2197 Lake Tahoe Boulevard, P.O. Box 10110, South Lake Tahoe, Calif. 95731.
D. (6) $7,980. E. (9) $1,016.78.

A. Robert F. Lederer, 230 Southern Building, Washington, D.C. 20005.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. Lee, Toomey & Kent, 1200 18th Street NW., Washington, D.C. 20036.
B. Towers, Perrin, Forster & Crosby, Inc. Center Square West, 1500 Market Street, Philadelphia, Pa. 19102.
D. (6) $70,272. E. (9) $6,854.

A. David A. Leff, Joint Maritime Congress, 444 North Capitol Street NW., Suite 801, Washington, D.C. 20001.
B. Joint Maritime Congress, 444 North Capitol Street NW., No. 800, Washington, D.C. 20001.
D. (6) $850.66.

A. Robert B. Leflar, 2000 P Street NW., No. 708, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Leggett, Lanier & Associates, 400 North Capitol Street, Washington, D.C. 20001.
B. Shellfish Institute of North America, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.
D. (6) $15,000. E. (9) $6,900.

A. Leighton Conklin Lemov & Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Adhesive and Sealant Council, Inc., 1600 North Wilson Boulevard, Suite 910, Arlington, Va. 22209.

A. Leighton Conklin Lemov and Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. American Association of Nurse Anesthetists, 619 West Higgins Road, Park Ridge, Ill. 60068.

A. Leighton Conklin Lemov and Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. American Dental Assistants Association, 666 North Lake Shore Drive, Suite 1130, Chicago, Ill. 60611.

A. Leighton Conklin Lemov and Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. American Express Co., 1700 K Street NW., Suite 702, Washington, D.C. 20006.

A. Leighton Conklin Lemov and Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Federation of Apparel Manufacturers, 450 Seventh Avenue, New York, N.Y. 10001.
D. (6)$1,125. (9) $1,425.31.

A. Leighton Conklin Lemov and Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Fireman's Fund American Life Insurance Co., 1600 Los Gamos Drive, San Rafael, Calif. 94911.

A. Leighton Conklin Lemov and Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. General Atomic Co., 2021 K Street NW., Washington, D.C. 20006.
D. (6) $3,812. E. (9) $3,192.95.

A. Leighton Conklin Lemov and Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Intraocular Lens Manufacturers Association, 1420 Crestview Avenue, Seal Beach, Calif. 90740.

A. Leighton Conklin Lemov and Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. MCI Communications Corp., 1150 17th Street NW., Washington, D.C. 20036.

A. Leighton Conklin Lemov and Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. National Glass Dealers Association. 1000 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

A. Earl T. Leonard, Jr., The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.
B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

D. (6) $382.00. E. (9) $702.28.

A. Kaye C. Leonard, Potlatch Corp., 1015 15th Street NW., Suite 801, Washington, D.C. 20005.
B. Potlatch Corp., P.O. Box 3591, San Francisco, Calif. 94119.
D. (6) $7,500.

A. LeSourd, Patten, Fleming, Hartung & Emory, 3900 Seattle-First National Bank Building, Seattle, Wash. 98154.
B. General Teamsters Local 959, State of Alaska, P.O. Box 2092, Anchorage, Alaska 99510.

A. Joseph Letorney, National Education Association, 112 Union Street, South Weymouth, Mass. 02190.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $953. E. (9) $258.

A. B. P. Lewallen, United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $4,500.

A. Lewis, Rice, Tucker, Allen & Chubb, 611 Olive Street, St. Louis, Mo. 63101.
B. The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo.
D. (6) $70.83. E. (9) $4.23.

A. Lewis, Rice, Tucker, Allen & Chubb, 611 Olive Street, St. Louis, Mo. 63101.
B. Spectrum Emergency Care, Inc., 970 Executive Parkway, St. Louis, Mo. 63141.
D. (6) $161.25. E. (9) $15.94.

A. Stuart A. Lewis, Suite 300, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Manufacturers Hanover Corp., 350 Park Avenue, New York, N.Y. 10022.
D. (6) $450.

A. Stuart A. Lewis, Suite 300, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Seattle First National Bank, P.O. Box 3586, Seattle, Wash. 98124.
D. (6) $400.

A. Stuart A. Lewis, Suite 300, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Seattle First National Bank, P.O. Box 3586, Seattle, Wash. 98124.
D. (6) $400.

A. Jan Pittman Liebman, 1120 20th Street NW., Suite S-520, Washington, D.C. 20036.
B. National Committee for Research in Neurological & Communicative Disorders, 1120 20th Street NW., Suite S-520, Washington, D.C. 20036.
D. (6) $3,000. E. (9) $75.

A. Charles Emmet Lucey, McDermott, Will & Emery, 1850 K Street NW., Suite 500, Washington, D.C. 20006.
B. Catholic Press Association, 119 North Park Avenue, Rockville Centre, N.Y. 11570.

A. Charles Emmet Lucey, McDermott, Will & Emery, 1850 K Street NW., Suite 500, Washington, D.C. 20006.
B. Food Fair, Inc., 6500 North Andrews Avenue, Fort Lauderdale, Fla. 33309.

A. Judy Lynch, 600 New Jersey Avenue NW., Washington, D.C. 20001.
B. Institute for Public Representation, 600 New Jersey Avenue NW., Washington, D.C. 200001.

A. Samuel A. Mabry, Hercules Inc., 1800 K Street NW., Washington, D.C.
B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $2,063. E. (9) $1,384.

A. Richard Mannix, Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.
B. The Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.

A. John V. Maraney, 324 East Capitol Street NE., Washington, D.C. 20003.
B. National Star Route Mail Carriers Association, 324 East Capitol Street NE., Washington, D.C. 20003.

A. Reynaldo L. Martinez, National Education Association, 1330 Gaylord Street, Apartment 707, Denver, Colo. 80206.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $953. E. (9) $561.

A. Scott A. Mason, 6137 East Calle Camelia, Scottsdale, Ariz. 85251.
B. Samaritan Health Service, 1410 North 3d Street, P.O. Box 25489, Phoenix, Ariz. 85002.
D. (6) $2,250. E. (9) $2,956.50.

A. Herbert S. Matthews, Box 72, Mechanicsville, Md. 20659.
B. Jacksonville Transportation Authority, Box 5150, Jacksonville, Fla. 32207.
D. (6) $3,999.99. E. (9) $219.69.

A. Herbert S. Matthews, Box 72, Mechanicsville, Md. 20659.
B. Martin Marietta Aerospace, 6801 Rockledge Drive, Bethesda, Md. 20034.
D. (6) $4,400. E. (9) $120.65.

A. Arnold Mayer, United Food & Commercial Workers International Union, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. United Food & Commercial Workers International Union, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $13,498.10. E. (9) $296.90.

A. McCandless & Barrett, 1707 H Street NW., Washington, D.C. 20006.
B. Energy Consumers & Producers Association, Petroleum Plaza, Seminole, Okla. 74868.
D. (6) $3,600.

A. McCandless & Barrett, 1707 H Street NW., Washington, D.C. 20006.
B. Transamerica Insurance Corp. of California, Occidental Center, Los Angeles, Calif. 90015.
D. (6) $22,151.50.

A. McCandless & Barrett, 1707 H Street NW., Washington, D.C. 20006.
B. Transamerica Life Insurance & Annuity Co. & Occidental Life Insurance Co., 1150 South Olive Street, Los Angeles, Calif. 90015.
D. (6) $475.

A. Darryl D. McEwen, Society of American Florists, 901 North Washington Street Alexandria, Va. 22314.

B. Society of American Florists, 901 North Washington, Street, Alexandria, Va. 22314.
A. W. Curt McGee, 711 Ridge Drive, McLean, Va. 22101.
B. Bechtel National, Inc., 1620 I Street NW., No. 703, Washington, D.C. 20006.

A. John E. McGill, Alascom, Inc., 949 East 36th Avenue, Anchorage, Alaska 99502.
B. Alascom, Inc., 949 East 36th Avenue, Anchorage, Alaska 99502.
D. (6) $581.80. E. (9) $1,133.60.

A. Christopher C. McGrath, N.Y.S. Petroleum Council, 551 Fifth Avenue, Room 718, New York, N.Y. 10176.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Joseph B. McGrath, National Forest Products Association, 1619 Massachusetts Avenue, NW., Washington, D.C.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $6,500.

A. Joseph M. McGuire, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $6,966.33. E. (9) $937.13.

A. Philip A. McKeaney, American Federation of Teachers, AFL-CIO, 11 Dupont Circle, NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL-CIO, 11 Dupont Circle, NW., Washington, D.C. 20036.
D. (6) $7,213.38. E. (9) $219.

John Liam McNally, Clean Water Action Project, 1341 G Street NW., Washington, D.C. 20005.
B. Clean Water Action Project, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $1,075. E. (9) $15.

A. M. Peter McPherson, Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Canadian Cablesystems, Ltd., P.O. Box 249, Toronto Dominion, Toronto, Canada M5K 1J5.

A. George G. Mead, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $8,000

A. Louis L. Meier, Jr., American Society of Civil Engineers, 1625 I Street NW., Washington, D.C. 20006.
B. American Society of Civil Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.
D. (6) $550. E. (9) $185.

A. Nanine Meiklejohn, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County and Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $7,999.98. E. (9) $34.75.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. California Savings & Loan League, 9800 South Sepulveda Boulevard, Los Angeles, Calif. 90045.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Estate of Edna Shelton, c/o American Security Bank, 15th & Pennsylvania Avenue NW., Washington, D.C. 20013.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Lincoln National Life Insurance Co., 1301 South Harrison Street, Fort Wayne, Ind. 46801.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Lockheed Corp., Burbank, Calif. 91520.
D. (6) $437.50.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Automobile Dealers Association, 8400 Westpark Drive, McLean, Va. 22101.
D. (6) $1,220.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Redwood Lincoln Mercury Leasing, Inc., 1000 Van Ness Avenue, San Francisco, Calif. 94109.
D. (6) $1,220.

A. Deborah Imle Miller, National Association of Home Builders of the United States, 15th & M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th & M Streets NW., Washington, D.C. 20005.
D. (6) $2,490.39. E. (9) $213.65.

A. Mineral Insulation Manufacturers Association, 382 Springfield Avenue, Summit, N.J. 07901.
E. (9) $5,400.

A. Charles W. Mitchell, 4601 Schenley Road, Baltimore, Md. 21210.
B. Wills & Associates, Inc., No. 903, 36 South Charles Street, Baltimore, Md. 21201 (for Americans for Alaska).

A. Clarence Mitchell, NAACP, 1025 Vermont Avenue NW., Suite 820, Washington, D.C. 20005.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $3,125.

A. Donald Craig Mitchell, 1601 F Street, Anchorage, Alaska 99501; and 510 A Street NE., Washington, D.C. 20002.
B. Alaska Federation of Natives, 1577 C Street, Suite 304, Anchorage, Alaska 99501.
D. (6) $9,999.99 E. (9) $892.91.

A. Christopher Monek, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Vincent L. Morelli, Congoleum Corp., 2550 M Street NW., Suite 225, Washington, D.C. 20037.
B. Congoleum Corp., Portsmouth, N.H. 03801.
D. (6) $399. E. (9) $289.08.

A. Earl J. Morgan, 1150 17th Street NW., Suite 500, Washington, D.C. 20036.
B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

A. Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.
B. Knoll Fine Chemicals, 120 East 56th Street, New York, N.Y. 10022.

A. John J. Motley, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $200.

A. Richard J. Muller, Chrysler Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48288.
D. (6) $2,000. E. (9) $105.

A. Rosemary Griffin Murray, Suite 900, 1800 K Street NW., Washington, D.C. 20006.
B. Pan American World Airways, Inc., Suite 900, 1800 K Street NW., Washington, D.C. 20006.
D. (6) $65.20. E. (9) $113.88.

A. Kenneth D. Naden, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmers Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,288.

A. Frances E. Nathan, New York Public Library, 8 East 40th Street, New York, N.Y. 10016.
B. New York Public Library, 5th Avenue and 42d Street, New York, N.Y. 10018.
D. (6) $3,750.

A. National Associated Businessmen, Inc., 1000 Connecticut Avenue NW., No. 615, Washington, D.C. 20036.
D. (6) $685. E. (9) $2,089.20.

A. National Association for Humane Legislation, P.O. Box 11675, St. Petersburg, Fla. 33733.
D. (6) $111. E. (9) $103.95.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $59,493. E. (9) $59,301.

A. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $396,108.47. E. (9) $306,258.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,361,687.06. E. (9) $137,651.65.

A. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
D. (6) $35,118.47. E. (9) $13,487.50

A. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
E. (9) $46,746.59.

A. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $17,174.81. E. (9) $1,463.89.

A. National Coal Association, Coal Bldg., Washington, D.C. 20036.
D. (6) $1,242,661.60. E. (9) $31,247.92.

A. National Coal Consumer's Alliance, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.
D. (6) $1076.25. E. (9) $1,076.25.

A. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.
D. (6) $408.00. E. (9) $8,616.85.

A. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $29,806. E. (9) $25,705.

A. National Education Association, 1201 16th Street NW., Washington, D.C. 20036
D. (6) $76,573.04. E. (9) $76,573.04.

A. The National Federation of Business & Professional Women's Clubs, Inc., 2012 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $422,810. E. (9) $8,081.93.

A. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $34,424.59. E. (9) $34,424.59.

A. National Hairdressers and Cosmetologists Association, 3510 Olive Street, St. Louis, Mo. 63103.
D. (6) $2,127.48.

A. National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.
D. (6) $10,166. E. (9) $3,923.30.

A. National Tax Equality Association, 1000 Connecticut Avenue NW., No. 615, Washington, D.C. 20036.
D. (6) $5,178.22. E. (9) $6,049.11.

A. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $8,144.08. E. (9) $11,623.65.

A. National Water Resources Association, 955 L'Enfant Plaza SW., Suite 1202, Washington, D.C. 20024.
D. (6) $8,144.09. E. (9) $11,623.65.

A. National Water Resources Association, 955 L'Enfant Plaza SW., Suite 1202, Washington, D.C. 20024.
D. (6) $2,763. E. (9) $8,226.

A. Natural Gas Supply Association, 1025 Connecticut Avenue NW., No. 402, Washington, D.C. 20036.
E. (9) $5,746.79.

A. Michael C. Nave, National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $359.41. E. (9) $4.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C. 20002
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C., 20002.
D. (6) $4,187.

A. Stanley Nehmer, Suite 600, 1320 19th Street NW., Washington, D.C. 20036.
B. Lead-Zinc Producers Committee, Suite 600, 1320 19th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $350.

A. Gordon E. Nelson, 12005 Millstream Drive, Bowie, Md. 20715.
B. Farm-Water Alliance, 1707 L Street NW., Washington, D.C. 20036.
D. (6) $12,000. E. (9) $2,512.44.

A. A. S. Nemir Associates, Suite 1230 Pennsylvania Building, Washington, D.C. 20004.
B. Brazilian Sugar & Alcohol Institute (IAA), Rio de Janeiro, Brazil.
E. (9) $268.10.

A. Louis H. Nevins, National Association of Mutual Savings Banks, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $4,937.50.

A. Julia J. Norrell, Business Roundtable, 1828 L Street NW., Suite 402, Washington, D.C. 20036.
B. The Business Roundtable, 200 Park Avenue, New York City 10166.

D. (6) $1,000. E. (9) $40.

A. North American Telephone Association, 511 Second Street NE., Washington, D.C. 20002.
D. (6) $29,024.35. E. (9) $29,024.35.

A. J. Hallock Northcott, Minnesota Mining & Manufacturing Co., 1101 15th Street NW., Washington, D.C. 20005.
B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55144.
D. (6) $1,000.

A. Clifford R. Northup, Credit Union National Association, 1730 Rhode Island Avenue NW., Suite 810, Washington, D.C. 20036.
B. Credit Union National Association, 1730 Rhode Island Avenue NW., Suite 810, Washington, D.C. 20036.
D. (6) $300. E. (9) 266.26.

A. Mary E. Oakes, Hercules Inc., 1800 K Street NW., Washington, D.C. 20006.
B. Hercules Incorporated, 910 Market Street, Wilmington, Del. 19899.
D. (6) $260. E. (9) 130.

A. Hubert K. O'Bannon, 1544 33d Street NW., Washington, D.C. 20007.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $1,284.

A. Richard O'Brecht, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Neil H. Offen, 1730 M Street NW., Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Matthew D. O'Hara, General Mills, Inc., 1200 New Hampshire Avenue NW., Suite 370, Washington, D.C. 20036.
B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.
D. (6) $127.78.

A. O'Keefe Ashenden & Lyons, Suite 5100, One First National Plaza, Chicago, Ill. 60603.
B. American Invsco Corp., 120 South LaSalle Street, Chicago, Ill. 60603.
E. (9) $2,046.03.

A. William J. Olson, 1819 H Street, NW., Suite 500, Washington, D.C. 20006.
B. March of Dimes Birth Defects Foundation, 1275 Mamaroneck Avenue, White Plains, N.Y. 10605; and Third-Class Nonprofit Mailers Alliance, c/o March of Dimes Birth Defects Foundation, 1707 H Street NW., Washington, D.C. 20006.
D. (6) $3,597.18. E. (9) $602.82.

A. Charles Orasin, 810 18th Street NW., Washington, D.C. 20006.
B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $1,455.51.

A. Organization for the Protection and Advancement of Small Telephone Companies, 1104 Gary Court, Wheaton, Ill. 60187.
E. (9) $5,767.27.

A. Organization of Professional Employees of the U.S. Department of Agriculture, Room 1414, South Building, USDA, Washington, D.C.
D. (6) $6,107.75. E. (9) $1,108.87.

A. J. Allen Overton, Jr., American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $471.46. E. (9) $28.50.

A. William G. Painter, Coast Alliance, 530 7th Street SE., Washington, D.C. 20003.
B. Coast Alliance, 530 7th Street SE., Washington, D.C. 20003.
D. (6) $365.

A. Judith E. Park, National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $7,673.76.

A. Sara Lynn Parker, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $401.54.

A. David J. Pattison, 1750 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.
B. American Consulting Engineers Council, 1155 15th Street NW., Suite 713 Washington, D.C. 20005.
D. (6) $720. E. (9) $7.50.

A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Communications Association, P.O. Box 10013, Houston, Tex. 77206.
D. (6) $1,750.

A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Mass Retailing Institute, 570 Seventh Avenue, New York, N.Y. 10018.

A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $1,300.55. E. (9) $63.58.

A. Humberto R. Pena, Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Meyers Co., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $1,000.

A. Pension Rights Center, Room 1019, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $115.36.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. Alcalde, Henderson & O'Bannon, 1901 North Fort Myer Drive, No. 1204, Rosslyn, Va. 22209.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. Cold Finished Steel Bar Institute, P.O. Box 5631, Chicago, Ill. 60680.
D. (6) $270.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. Harris Corp., Melbourne, Fla. 32919.
D. (6) $482.50.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. Sun Shipbuilding, Foot of Morton Avenue, Chester, Pa. 19013.
D. (6) $6,695.75. E. (9) $232.30.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.
B. Western Union Corp., One Lake Street, Upper Saddle River, N.J.

A. Perito, Duerk, Carlson & Pinco, P.C. 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. Society of Real Estate Appraisers, 645 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $2,227.50. E. (9) $42.

A. Edmund J. Perret II, American Psychiatric Association, 1333 New Hampshire Avenue NW., Suite 670, Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $1,426. E. (9) $909.45.

A. A. Harold Peterson, 715 Cargill Bldg., Minneapolis, Minn. 55402.
B. National R.E.A. Telephone Association, 715 Cargill Bldg., Minneapolis, Minn. 55402.
D. (6) $1,500. E. (9) $796.82.

A. Mary B. Peterson, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Blvd., Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $2,408.20.

A. J. Francis Pohlhaus, NAACP, 1025 Vermont Avenue NW., Suite 820, Washington, D.C. 20005.
B. National Association for the Advancement of Colored People, 1790 Broadway, N.Y. 10019.
D. (6) $3,150.

A. Nathaniel Polster, 2128 Wyoming Avenue, Washington, D.C. 20008.
B. American Cancer Society, Inc., 777 Third Avenue, New York, N.Y. 10017; Research To Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y. 10022.
D. (6) $4,625. E. (9) $807.

A. Rafe Pomerance, 530 7th Street SE., Washington, D.C. 20003.
B. Friends of the Earth, Inc., 530 7th Street SE., Washington, D.C. 20003.
D. (6) $4,708.

A. Judith A. Pond, Ralston Purina Co., 1800 K Street NW., No. 924, Washington, D.C. 20006.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.
D. (6) $200. E. (9) $104.

A. Population Resource Center, 622 Third Avenue, New York, N.Y. 10017.
D. (6) $3,320. E. (9) $3,246.

A. Robert W. Porter, 1101 Connecticut Avenue, NW., Washington, D.C. 20036.
B. National Campground Owners Association.

A. John Post, Business Roundtable, 1828 L Street NW., Suite 402, Washington, D.C. 20036.
B. The Business Roundtable, 200 Park Avenue, New York, N.Y.
D. (6) $200.00 E. (9) $40.00

A. Richard M. Powell, International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.

B. International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Gwenyth Pritchard, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206 Washington, D.C. 20024.
D. (6) $2,250. E. (9) $200.

A. Steven L. Pruitt, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County and Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $8,025.00. E. (9) $531.73.

A. Public Timber Purchasers Group, 714 Oregon Bank Bldg., 319 Southwest Washington, Portland, Oreg. 97204.
D. (6) $41,267.61. E. (9) $4,576.92.

A. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. G. William Ray, 815 15th Street NW., Suite 610, Washington, D.C. 20005.
B. National Community Action Agency, Executive Director's Association, 815 15th Street NW., Suite 610, Washington D.C. 20005.
D. (6) $6,462. E. (9) $8,515.

A. Reavis & McGrath, 1776 F Street NW., No. 300, Washington, D.C. 20006.
B. Business Roundtable, 200 Park Avenue, No. 2222, New York, N.Y. 10017.
D. (6) $150.

A. Recording Industry Association of America, Inc., 1633 Broadway, New York, N.Y. 10019.
D. (6) $420,571. E. (9) $244,309.26.

A. John M. Rector, National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.
B. National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $300. E. (9) $125.

A. Campbell L. Reed, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Robert S. Reese, Jr., American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $8,000. E. (9) $1,536.97.

A. Don T. Reeves, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $3,712.

A. John T. Reggitts, Jr., R.D. 2, Boonton Avenue, Boonton, N.J. 07005.

A. Louis D. Reilly III, Telephone & Data Systems, Inc., 517 North Segoe Road, Madison, Wis. 53705.
B. Telephone & Data Systems, Inc., 517 North Segoe Road, Madison, Wis. 53705.

A. J. E. Reinke, Eastern Airlines, 1030 15th Street NW., Washington, D.C. 20005.
B. Eastern Air Lines, Inc., 1030 15th Street NW., Washington, D.C. 20005.

A. Reserve Officers Association of U.S., 1 Constitution Avenue NE., Washington, D.C. 20002.
D. (6) $1,924.82. E. (9) $9,892.92.

A. Grace Ellen Rice, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $3,792. E. (9) $52.

A. Leonard I. Rippa, National Taxpayers Union, 110 Maryland Avenue NE., Washington, D.C. 20002.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,125. E. (9) $189.28.

A. Selina F. Rissell, 415 Second Street, Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street, Washington, D.C. 20002.
D. (6) $6,769.22.

A. RJR Industries, Inc., 1100 Reynolds Boulevard, Winston-Salem, N.C. 27105.
E. (9) $5,114.74.

A. Ronn Robinson, National Education Association, P.O. Box 558, Mercer Island, Wash. 98040.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $953. E. (9) $709.35.

A. Howard W. Robison, 10 West Side Drive, Rehoboth Beach, Del. 19971.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $2,407.

A. Bruce N. Rogers, General Motors Corp., 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $2,500. E. (9) $1,359.82

A. Margaret Rogers, Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.
D. (6) $1,000.

A. James E. Rooks, Jr., 1216 16th Street NW., Washington, D.C. 20036.
B. Speiser, Krause and Madole, 1216 16th Street NW., Washington, D.C. 20036; (for: Mrs. Vera C. Clemente, No. 36 Roberto Clemente Street, Ext. San Agustin, Rio Piedras, Puerto Rico 00926; Mrs Margarita C. Matias, Yagrumo AD-3, Valle Arriba Heights, Carolina, Puerto Rico; and Mrs. Maria Lozano, 519th St., QC-1, Urb. Country Club, Rio Piedras, Puerto Rico).

A. Thomas Root, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Marcus Roth, National Association of Letter Carriers, 100 Indiana Avenue, Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue, Washington, D.C. 20001.
D. (6) $3,854.20.

A. Michael O. Roush, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $200.

A. Ruder & Finn, 1225 19th Street NW., Washington, D.C. 20036.
B. National Distillers & Chemical Corp., 99 Park Avenue, New York, N.Y. 10016.
D. (6) $395. E. (9) $473.

A. Barry Russell, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th NW., Washington, D.C. 20036.
E. (9) $50.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.
B. American Association of Bioanalysts, International Society of Clinical Lab Tech, 614 Paul Brown Bldg., St. Louis, Mo.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.
B. American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $200. E. (9) $25.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., Washington, D.C. 20036.
B. American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $250. E. (9) $41.

A. Arthur B. Sackler, National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.
B. National Newspaper Association, 1627 K Street Suite 400, Washington, D.C. 20006.
D. (6) $2,200. E. (9) $73.30.

A. The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63188.
E. (9) $75.06.

A. Robert P. St. Louis, 2550 M Street NW., Suite 225, Washington, D.C. 20037.
B. Congoleum Corp., P.O. Box 4040, Portsmouth, N.H. 03801.
D. (6) $750. E. (9) $246.51.

A. St. Louis Ship, 611 East Marceau Street, St. Louis, Mo. 63111.

A. William Samuel, National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
D. (6) $4,633.

A. Donald E. Santarelli, 2033 M Street NW., Suite 700, Washington, D.C. 20036.
B. Empresa Brasileira de Aeronautica, S.A., Sao Paulo, Brazil.
D. (6) $500. E. (9) $411.18

A. Donald E. Santarelli, 2033 M Street NW., Suite 700, Washington, D.C. 20036.
B. The Kings River Power Development Committee, 4886 East Jensen Avenue, Fresno, Calif. 93725.
D. (6) $750.

A. Donald E. Santarelli, 2033 M Street NW., Suite 700, Washington, D.C. 20036.
B. Kings River Water Users Committee.
D. (6) $8,500. E. (9) $1,983.17.

A. Donald E. Santarelli, 2033 M Street NW., Suite 700, Washington, D.C. 20036.
B. Safari Club International, 5151 East Broadway, Tucson, Ariz. 85711.
D. (6) $2,500. E. (9) $1,102.04.

A. Lawrence H. Sawyer, General Mills, Inc., 1200 New Hampshire Avenue NW., Suite 370, Washington, D.C. 20036.
B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

D. (6) $150.

A. Jerome D. Schaller, 1101 15th Street NW., Washington, D.C. 20005.
B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55144.
D. (6) $10,000. E. (9) $74.01.

A. Deborah M. Schechter, American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.
B. American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.
D. (6) $1,750. E. (9) $90.

A. Ann C. Scheiner, American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.
B. American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.
E. (9) $50.

A. Joseph Scherer, American Association of School Administrators, 1801 North Moore Street, Arlington, Va. 22209.
B. American Association of School Administrators, 1801 North Moore Street, Arlington, Va. 22209.

A. Wendy W. Schiller, National Consumer Law Center, 236 Massachusetts Avenue NE., Washington, D.C. 20002.
B. National Consumer Law Center, 11 Beacon Street, Boston, Mass. 02108.

A. Arthur L. Schmuhl 1957 E Street NW., Washington, D.C. 20006
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Frank Schneller, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
E. (9) $200.

A. Marsha Schramm, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Domestic Petroleum Council Trade Association, 1101 Connecticut Avenue NW., No. 500, Washington, D.C. 20036.

A. Amy Schussheim, 815 16th Street NW., Washington, D.C. 20006.
B. Food and Beverage Trades Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $357.75.

A. James H. Schuyler, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005
D. (6) $12,115.37. E. (9) $1,189.36.

A. Bari Schwartz, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $2,088.89.

A. Seatrain Lines, Inc., One Chase Manhattan Plaza, New York, N.Y. 10005.

A. Seattle Housing Authority, Seattle Wash.

A. Seattle Trust & Savings Bank, 804 Second Avenue, Seattle, Wash. 98104.

A. Seifman & Lechner, P.C., 1000 Potomac Street NW., Washington, D.C. 20007.
B. National Association of Police Organizations, 12th and L Streets, Sacramento, Calif. 95814.
D. (6) $22,500.

A. ServiceMaster Industries, Inc., 2300 Warrenville Road, Downers Grove, Ill. 60515.
E. (9) $3,300.

A. Yvonne L. Shafer, National Education Association, 1864 Juliet Avenue, St. Paul, Minn. 55105.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $904. E. (9) $305.75

A. Barbara J. Shailor, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,361.69.

A. Shearman & Sterling, 53 Wall Street, New York, N.Y. 10005.
B. Citibank, N.A., 399 Park Avenue, New York, N.Y. 10022
D. (6) $417. E. (9) $73.25.

A. Jonathan R. Sheiner, 4 Irving Place, New York, N.Y. 10003.
B. Consolidated Edison Co. of New York, 4 Irving Place, New York, N.Y. 10003.
D. (6) $447.50

A. Dale Sherwin, 1735 I Street NW., No. 717, Washington, D.C. 20006.
B. A. E. Staley Manufacturing Co., 2200 Eldorado Street, Decatur, Ill. 62525.
D. (6) $1,500. E. (9) $196.20

A. Nelson Shields, 810 18th Street NW., Washington, D.C. 20006.
B. Handgun Control Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $4,057.96.

A. Shimano-American Corp., 205 Jefferson Road, Parsippany, N.J. 07054.
E. (9) $2,402.02.

A. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $66,370.49. E. (9) $66,370.49.

A. Daniel W. Sigelman, 2000 P Street NW., No. 708, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Stephen Silbigers, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County, and Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $9,900. E. (9) $76.

A. Larry Silverman, Clean Water Action Project, 1341 G Street NW., Suite 200, Washington, D.C. 20005.
B. Clean Water Action Project, 1341 G Street NW., Suite 200, Washington, D.C. 20005.
D. (6) $1,242.28. E. (9) $60.

A. Althea T. L. Simmons, NAACP 1025 Vermont Avenue NW., Suite 820, Washington, D.C. 20005.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $4,000

A. Mark Simon, 815 16th Street, Washington, D.C. 20006.
B. Food and Beverage Trades Department, AFL-CIO, 815 16th Street, Washington, D.C. 20006.
D. (6) $379.20.

A. Thomas K. Singer, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $651.10 E. (9) $32.62.

A. Stephen L. Skardon Jr., National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $6,787.38 E. (9) $9.50.

A. F. Slatinshek & Associates, Inc., 427 North Lee Street, Alexandria, Va. 22314.
B. Grumman Aerospace Corp., Bethpage, N.Y. 11714; United Technologies 1125 15th Street NW., Washington, D.C. 20005; General Dynamics Corp., Pierre Laclede Center, St. Louis, Mo. 63105.
D. (6) $550.

A. Scott Slesinger, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $7,168.25 E. (9) $417.72.

A. Slover & Loftus, 1224 17th Street NW., Washington, D.C. 20036.
B. Western Coal Traffic League, Denver, Colo. 80110.
D. (6) $25,000. E. (9) $3,861.50.

A. Catherine Smith, 530 Seventh Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $2,723.

A. Elizabeth M. Smith, 815 Sixteenth Street NW., No. 310 Washington, D.C. 20006.
B. Amalgamated Clothing and Textile Workers Union, 15 Union Square, New York, N.Y. 10003.
D. (6) $3,964.48 E. (9) $257.66.

A. Hugh H. Smith, P.C., 1700 K Street NW., No. 702, Washington, D.C. 20006.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.
D. (6) $1,000.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $4,522.

A. Society for Animal Protective Legislation, P.O. Box 3719, Georgetown Station, Washington, D.C. 20007.
D. (6) $6,596.24. E. (9) $12,059.07.

A. Vincent R. Sombrotto, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $3,311.42.

A. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $35,308.26. E. (9) $35,308.26.

A. Speiser, Krause & Madole, 1216 16th Street NW., Washington, D.C. 20036.
B. Mrs. Vera C. Clemente, No. 36 Roberto Clemente Street, Ext. San Agustin, Rio Piedras, Puerto Rico 00926; Mrs. Margarita

Cardona Matias, Yagrumo Ad-3, Valle Arriba Heights, Carolina, P.R.; Mrs. Maria Lozano, 519th Street QC-1, Urb. Country Club, Rio Piedras, P.R.
E. (9) $9.95.

A. John Sroka, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. David E. Stahl, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $4,644.23. E. (9) $29.89.

A. Joe A. Stamm, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. William N. Steele, 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Wa. 98124.
D. (6) $1,000. E. (9) $544.

A. Elliot Stern, American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.
B. American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.
D. (6) $2,406. E. (9) $236.05.

A. Robert B. Stewart, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles Calif. 90010.
D. (6) $1,746. E. (9) $202.06.

A. Michael Stientjes, National Affairs Division, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $4,000. E. (9) $2.

A. Kenneth F. Stinger, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P. Street NW., Washington, D.C. 20036.
D. (6) $8,000. E. (9) $154.27.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.
B. Government of the Republic of Zaire, Kinshasha, Zaire.
D. (6) $1,572.50. E. (9) $25.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. American Industrial Clay and Georgia Kaolin Division of Yara Engineering Corp., 511 Westminister Avenue, Elizabeth, N.J. 07207.
D. (6) $1,894.44. E. (9) $5.60.

A. William W. Suttle, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
D. (6) $442.50. E. (9) $13.40.

A. John L. Sweeney, Conrail, 13931 Esworthy Road, Germantown, Md. 20767.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $6,420.

A. Michael T. Swinehart, 1422 West Peachtree Street NW., No. 612, Atlanta, Ga. 30309.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. C. Michael Tarone, 2033 M Street NW., Suite 700, Washington, D.C. 20036.
B. Empresa Brasileira de Aeronautica, S.A., Sao Paulo, Brazil.

A. C. Michael Tarone, 2033 M Street NW., Suite 700, Washington, D.C. 20036.
B. Kings River Water Users Committee.

A. Task Force against Nuclear Pollution, Inc., P.O.B. 1817, Washington, D.C. 20013.
D. (6) $13,399.69. E. (9) $10,677.04.

A. Arthur Earle Teele, Jr., P.O. Box 1877, 135 South Monroe Street, Suite 100C, Tallahassee, Fla. 32303.
B. National Motorsports Committee of ACCUS, 1701 K Street NW., Suite 1204, Washington, D.C. 20006.

A. 13th Congressional District Action Committee—Pro-Life, 275 Hospital Parkway, San Jose, Calif. 95119.
D. (6) $160.

A. The 13th Regional Corp., P.O. Box 24764, Seattle, Wash. 98124.

A. Doris Thomas, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $7,471.17. E. (9) $1,329.94.

A. Fred D. Thompson, Thompson & Crawford, 14th Floor, First American Center, Nashville, Tenn. 37238.
B. Westinghouse, 1801 K Street, Washington, D.C. 20006.
D. (6) $607.50. E. (9) $542.82.

A. Thompson, Hine & Flory, 1920 N Street NW., Washington, D.C. 20036.
B. Seaboard Allied Milling Corp., P.O. Box 19148, Kansas City, Mo. 64141; Dixie-Portland Flour Mills, Inc., P.O. Box 17236, Memphis, Tenn. 38117; ADM Milling Co., P.O. Box 7007, Overland Park, Kans. 66207.

A. Richard L. Thompson, Abbott Laboratories, 1730 M Street NW., Suite 808, Washington, D.C. 20036.
B. Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

A. Michael L. Tiner, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. United Food & Commercial Workers International Union, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $8,536.52. E. (9) $149.62.

A. James R. Tobin, Becton Dickinson & Co., Mack Centre Drive II, Paramus, N.J. 07652.
B. Becton Dickinson & Co., Mack Centre Drive II, Paramus, N.J. 07652.
D. (6) $2,000.

A. William D. Toohey, 1899 L Street NW., Washington, D.C. 20036.
B. Travel Industry Association of America, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $2,575.

A. Philip Travaglione, National Community Action Agency, 21 Sixth Street NE., Apt. B-1, Washington, D.C. 20002.
B. National Community Action Agency, 815 15th Street NW., Suite 610, Washington, D.C. 20005.
D. (6) $15,730. E. (9) $1,391.

A. Travel Industry Association of America, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $5,431. E. (9) $6,328.01

A. Richard S. Tribbe, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10158.
D. (6) $285.

A. W. Glenn Tussey, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $5,667. E. (9) $43.

A. United Food and Commercial Workers, International Union, AFL-CIO, 1775 K Street NW., Washington, D.C.
D. (6) $38,956.80. E. (9) $38,956.80.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

A. United Societies of Physiotherapists, Inc., 163 Cold Spring Road, Syosset, N.Y. 11791.
D. (6) $2,940. E. (9) $177.

A. United States Cruises, 2200 Sixth Avenue, Seattle, Wash. 98121.
E. (9) $230.50.

A. U.S. Maritime Committee, Inc., 600 New Hampshire Avenue NW., Washington, D.C. 20037.
D. (6) $2,022.22. E. (9) $106,526.62.

A. John A. Vance, Pacific Gas and Electric Co., 1050 17th Street NW., Washington, D.C. 20036.
B. Pacific Gas and Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $5,164.50. E. (9) $3,530.52.

A. Gerald W. Vaughan, 1850 K Street NW., Suite 390, Washington, D.C. 20006.
B. Union Camp Corp., 1850 K Street NW., Suite 390, Washington, D.C. 20006.
E. (9) $1,485.

A. Christine L. Vaughn, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $86.65. E. (9) $168.51.

A. Douglas K. Vollmer, Paralyzed Veterans of America, 4350 East-West Highway, No. 900, Washington, D.C. 20014.
B. Paralyzed Veterans of America, 4350 East-West Highway, No. 900, Washington, D.C. 20014.
D. (6) $8,200.

A. Ingrid A. Voorhees, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $500.

A. Abe J. Voron, 6204 White Oak Lane, Tamarac, Fla. 33319.
B. National Radio Broadcasters Association, Suite 500, 1705 De Sales Street NW., Washington, D.C. 20036.
D. (6) $2,500. E. (9) $2,825.

A. Wald, Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036.

E. (9) 312.60.

A. Wald, Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036.
B. Whitney National Bank of New Orleans, 228 Saint Charles Avenue, New Orleans, La. 70130.
D. (6) $51.15. E. (9) 51.15.

A. Wallace T. Ward, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

A. Washington Natural Gas, 815 Mercer, Seattle, Wash.

A. Webster & Sheffield, 1200 New Hampshire Avenue NW., Suite 350, Washington, D.C. 20036.
B. Skanska (U.S.A.), Inc., 8330 Old Courthouse Road, Building Tycon 2, Suite 500, Vienna, Va. 22180.
D. (6) $87.50.

A. Paul S. Weller, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $2,720.

A. James F. Welsh, 4805 Edgefield Road, Bethesda, Md. 20014.
B. Alaska Coalition, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $1,796.94.

A. Western Coal Traffic League, 1224 17th Street NW., Washington, D.C. 20036.
D. (6) $28,858.08. E. (9) $28,861.50.

A. Western Growers Association, Suite 800, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

A. Western Resource Alliance, Star Route Box 98, Eastsound, Wash.
E. (9) $64.75.

A. Bennett C. Whitlock, Jr., American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $7,500.

A. Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Wash. 98104.
B. Arctic Slope Regional Corp., Inupiat Community of the Arctic Slope, P.O. Box 129, Barrow, Alaska 99723.
D. (6) $1,500. E. (9) $4,174.03.

A. Wilcox & Sharood, P.C., 1899 L Street NW., Washington, D.C. 20036.
B. National Association of Stevedores, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $6,800. E. (9) $7,300.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Marathon Oil Co., Findlay, Ohio.

A. Barry Williams, National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
B. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
D. (6) $3,323.04.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $342.50. E. (9) $38.19.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. American Quasar Petroleum Co., 2500 Fort Worth National Bank Building, Fort Worth, Tex. 76102.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. American Trucking Association, 430 First Street SE., Washington, D.C. 20003.
D. (6) $1,295. E. (9) $89.10.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Association for Responsible Housing Policy, Inc., 1101 Connecticut Avenue NW., No. 500, Washington, D.C. 20036.
D. (6) $600. E. (9) $63.65.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Bangor Punta Operations, Inc., One Greenwich Plaza, Greenwich, Conn. 06830.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. C. Brewer and Company, Ltd., P.O. Box 1826, Honolulu, Hawaii 96801.
D. (6) $7.50. E. (9) $12.73.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Burger King Corp., 7360 North Kendall Drive, Miami, Fla. 33152.
D. (6) $140. E. (9) $12.73

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Consolidated Foods Corp., 135 South LaSalle Street, Chicago, Ill. 60603.
D. (6) $45. E. (9) $12.73

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Domestic Petroleum Council, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Feather and Down Association, 4441 Auburn Boulevard, Suite O, Sacramento, Calif. 95841.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Hawaiian Sugar Planter's Association, 1511 K Street NW., Suite 723, Washington, D.C.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Lloyd Hayes, P.O. Box 1447, Port Arthur, Tex. 77640.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. E. F. Hutton & Co., Inc., One Battery Park Plaza, New York, N.Y. 10004.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Institute for Due Process for Financial Institutions, 1130 17th Street NW., Washington, D.C. 20036.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. IU International Management Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.
D. (6) $1,087.50. E. (9) $114.55.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Krause Milling Co., P.O. Box 1156, Milwaukee, Wis. 53201.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Lanham Act Preservation Association, 1101 Connecticut Avenue, Suite 500, Washington, D.C. 20036.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. The Louisiana Land & Exploration Co., P.O. Box 60350, New Orleans, La. 70160.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Mustang Fuel Corp., 1100 First National Center East, Oklahoma City, Okla. 73102.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. National Association of Water Companies, 1019 19th Street NW., Suite 1110, Washington, D.C. 20036.
D. (6) $317.50. E. (9) $25.46.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Olympia & York Developments, Ltd., 1 First Canadian Place, Toronto, Ontario, Canada.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Olympia & York Equity Corp., 245 Park Avenue, New York, N.Y.
D. (6) $475. E. (9) $50.92

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Outdoor Advertising Association of America, 1660 L Street NW., No. 215, Washington, D.C., 20036.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
D. (6) $30. E. (9) $12.73.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. Southern California Gas Co., 1150 Connecticut Avenue NW., Washington, D.C. 20036.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. Southern Railway System, 920 15th Street NW., Washington, D.C. 20005.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. Southland Royalty Co., 1000 Fort Worth Club Tower, Fort Worth, Tex. 76102.

D. (6) $30 E. (9) $12.73.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. Southwest Airlines, P.O. Box 37611, Love Field, Dallas, Tex. 75235.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue, Suite 500, Washington, D.C. 20036.

B. Student Loan Marketing Association (Sallie Mae), 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

A. George S. Wills, Wills & Associates, Inc., No. 903, 36 South Charles Street, Baltimore, Md. 21201.

B. Wills & Associates, Inc., No. 903, 36 South Charles Street, Baltimore, Md. 21201 (for Americans for Alaska).

A. John Wilson, Solar Lobby, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.

D. (6) $374.23.

A. Sidney M. Wolfe, 2000 P Street NW., No. 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

D. (6) $8.33.

A. Don Womack, 1150 Connecticut Avenue NW., Suite 1013, Washington, D.C. 20036.

B. Texas Utilities Services Inc., 2001 Bryan Tower, Dallas, Tex. 75201.

D. (6) $2,356. E. (9) $96.25.

A. Kerry Woodward, 3028½ Hillegass, Berkeley, Calif. 94705.

B. Gay Rights National Lobby, Inc., 930 F Street NW., Suite No. 611, Washington, D.C. 20004.

D. (6) $1,121.04.

A. W. R. Worley, 730 Densley Drive, Decatur, Ga. 30033.

B. Georgia Power Co., 270 Peachtree Street NW., Atlanta, Ga. 30303.

D. (6) $3,890. E. (9) $2,842.87.

A. Franklin L. Wright, Jr., National Association of Mutual Savings Banks, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.

D. (6) $2,750. E. (9) $631.58.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert, No. 580, The Watergate 600, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Filmways, Inc., 2049 Century Park East, Los Angeles, Calif. 90067.

A. Thomas K. Zaucha, Cooperative Food Distributors of America, 1910 K Street NW., No. 700, Washington, D.C. 20006.

B. Cooperative Food Distributors of America, 1910 K Street NW., No. 700, Washington, D.C. 20006.

A. Kevin B. Zeese, 530 Eighth Street SE., Washington, D.C. 20003.

B. National Organization for the Reform of Marijuana Laws (NORML), 530 Eighth Street SE., Washington, D.C. 20003.

A. Michael J. Zimmer, Cogeneration Coalition, Inc., 1828 L Street NW., No. 804, Washington, D.C. 20036.

B. Cogeneration Coalition, Inc., 1828 L Street NW., No. 804, Washington, D.C. 20036.

QUARTERLY LOBBY POSTCARD

The following Quarterly Lobby Postcards were filed with the Clerk of the House of Representatives for the first calendar quarter of 1981:

A POSTCARD MAY BE USED WHEN A REGISTRANT HAS NOT INCURRED REPORTABLE RECEIPTS AND EXPENDITURES AND HAS NOT ENGAGED IN ANY LOBBYING ACTIVITY DURING THE QUARTER.

NOTE: THE FOLLOWING INFORMATION IS BEING PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

The Postcard has been reproduced below:

HLF3

QUARTERLY LOBBY POSTCARD

To be submitted in lieu of a Quarterly Report when registrant has not incurred reportable receipts or expenditures and has not engaged in any lobbying activity during the quarter.

IMPORTANT: File a separate postcard for each employer or client

REGISTRANT_____

Business Address_____

(*number, street/P.O. Box*)

_____

(*city, state, zip code*)

Employer_____

(If REGISTRANT is an agent of someone OTHER THAN "EMPLOYER" state below whose interest is represented. If not applicable, state "NONE".)

CLIENT_____

_____

_____

For the period (check one box only): 19____

☐ April 10 Report (Jan. 1—Mar. 31) ☐ Oct. 10 (July 1—Sept. 30)

☐ July 10 Report (April 1—June 30) ☐ Jan. 10 (Oct. 1—Dec. 31)

I certify that the above named registrant did not engage in any lobbying activities or incur reportable receipts or expenditures in connection with previous or future lobbying activities. I am aware that the Act requires a resumption of reporting in the event that activity commences; otherwise I can continue to submit a postcard in lieu of a report.

Executed on_____ _____

(*date*) (*signature*)

79-059 O - 84 - 24 (Part 8)

A. John J. Adams.
B. Ethyl Corp.

A. V. J. Adduci.
B. Motor Vehicle Manufacturers Association of the United States.

A. G. Colburn Aker.
B. Hill & Knowlton, Inc.

A. Joseph C. Allwarden.

A. Amalgamated Transit Union, AFL-CIO.

A. Amalgamated Transit Union, National Capitol Local 689.

A. American Advertising Federation.

A. American Association of Blood Banks.

A. American Association of Ophthalmology.

A. American Council on Alcohol Problems, Inc.

A. American Hellenic Institute Public Affairs Committee, Inc.

A. American Orthotic & Prosthetic Association.

A. American Pulpwood Association.

A. Americans for SALT.

A. Jack R. Angell.
B. United Gas Pipe Line Co.

A. Apartment & Office Building Association.

A. Leonard Appel.
B. Everett Terminal Co., Inc.

A. John Christian Archer.
B. Brown & Root, Inc.

A. Anthony Armstrong.
B. Urban American Development Group, Ltd.

A. Asphalt Roofing Manufacturers Association.

A. Associated Employers, Inc.

A. Association of American Foreign Service Women.

A. Association of Independent Corrugated Converters.

A. George J. Aste.
B. United Airlines.

A. Frank M. Ault.
B. Norwich-Eaton Pharmaceuticals.

A. John D. Austin.
B. American Mining Congress.

A. Automotive Materials Industry Council of the United States.

A. Christine M. Bangert.
B. International Telephone & Telegraph Corp.

A. Carol M. Barger.
B. Consumers Union of United States, Inc.

A. John H. Barnard, Jr.
B. Bechtel Power Corp.

A. Barnett, Alagia & Carey.
B. Dairymen, Inc.

A. Neil D. Baron.
B. Standard & Poor's Corp.

A. Lynne D. Battle.
B. College Placement Council, Inc.

A. John E. Baughman.
B. Pennsylvania State Education Association.

A. Robert J. Baughman.
B. American Orthotic and Prosthetic Association.

A. Howard H. Bell.
B. American Advertising Federation.

A. Douglas P. Bennett.
B. Association of Executive Recruiting Consultants, Inc.

A. James M. Bennett.
B. Jos. Schlitz Brewing Co.

A. Frederick S. Benson, III.
B. American Paper Institute, Inc.

A. O. M. Berge.
B. Brotherhood of Maintenance of Way Employees.

A. Richard B. Berman.

A. Charles Bernhardt.
B. National Federation of Federal Employees.

A. George K. Bernstein.
B. American Insurance Association.

A. Gerda Bikales.
B. National Parks and Conservation Association.

A. James D. P. Bishop.
B. Burson-Marsteller (for National Oil Jobbers Council).

A. Bison & Wenning.
B. National Food Brokers Association.

A. Tom G. Black.
B. National Federation of Federal Employees.

A. Glenn Blitgen.
B. American Mining Congress.

A. Jerald Blizin.
B. Hill & Knowlton, Inc.

A. H. E. Blomgren.
B. National Manufactured Housing Federation.

A. Larry Boggs.
B. American Mining Congress.

A. M. Warren Bolton.
B. Provident Indemnity Life Insurance Co.

A. William H. Borghesani, Jr.
B. Private Carrier Conference.

A. Charles E. Boswell.
B. Amalgamated Transit Union, National Capitol Local 689.

A. J. Patrick Boyle.
B. United Fresh Fruit and Vegetable Association.

A. Bradley, Arant, Rose & White.
B. Blount International, Ltd.

A. Mitchell H. Bradley.
B. American Society of Mechanical Engineers.

A. Jerry M. Brady.
B. Stepan Chemical Co.

A. David Branand.
B. American Mining Congress.

A. Gerard M. Brannon.
B. American Council of Life Insurance.

A. Noel Brazil.
B. American Optometric Association.

A. John Henry Brebbia.
B. Board of Trade Clearing Corp.

A. John Henry Brebbia.
B. Northern Solar Systems, Inc.

A. Breed, Abbott & Morgan.
B. Associated Hospital Service of New York.

A. Miles H. Bresee, Jr.
B. Bechtel Power Corp.

A. David W. Broome.
B. Burlington Industries, Inc.

A. Charles T. Brown.
B. Cities Service Co.

A. Ellen S. Brown.
B. Council of Energy Resource Tribes.

A. Howard C. Brown. Jr.
B. CENTAR Associates.

A. Howard C. Brown, Jr.
B. National Association of Life Sciences, Inc.

A. Stanley R. Browne.
B. E. I. du Pont de Nemours & Co., Inc.

A. David Brubaker.
B. National Rehabilitation Counseling Association.

A. Harvey F. Brush.
B. Bechtel Group, Inc.

A. Marguerite E. Bryan.
B. Joint Maritime Congress.

A. David G. Burden.
B. Standard Oil Company (Indiana).

A. Francis X. Burkhardt.
B. International Brotherhood of Painters & Allied Trades.

A. Burr, Pease & Kurtz, Inc.
B. Eklutna.

A. B. Kent Burton
B. American Trucking Associations, Inc.

A. Butler, Binion, Rice, Cook & Knapp.
B. Dorchester Sea-3 Products, Inc.

A. Thomas D. Byrne.
B. Stone Container Corp.

A. Cadwalader, Wickersham & Taft.
B. General Dynamics Corp.

A. Cadwalader, Wickersham & Taft.
B. Mocatta Metals Corp.

A. Cadwalader, Wickersham & Taft.
B. Shell Oil Co.

A. Roy C. Cahoon Associates.
B. National Automatic Merchandising Association.

A. Charles Caldwell.
B. Joint Maritime Congress.

A. Donald L. Calvin.

B. New York Stock Exchange.

A. Camp, Carmouche, Palmer, Barsh & Hunter.
B. Eastern Central Motor Carriers Association, Inc.

A. Camp, Carmouche, Palmer, Barsh & Hunter.
B. Louisiana Gasification Associates.

A. Jerry L. Campbell.
B. Tennessee Valley Public Power Association.

A. Paul W. Cane.
B. Bechtel Power Corp.

A. Isaac R. Caraco.
B. Bechtel Power Corp.

A. Constantine G. Caras.
B. Ogden Corp.

A. William E. Carmichael.
B. American Floral Services.

A. David C. Carter.
B. United States Beet Sugar Association.

A. Donato Caruso.
B. New York Shipping Association, Inc.

A. John L. Casey.
B. Investment Counsel Association of America, Inc.

A. Daniel J. Cassidy.
B. Chemical Specialties Manufacturers Association.

A. Elizabeth Prewitt Chalmers.
B. American Institute of Architects.

A. Seymour M. Chase.
B. AST Companies.

A. Howard P. Chester.
B. Stone, Glass & Clay Coordinating Committee.

A. Citizens of National Committee to Exonerate Richard Nixon.

A. Cladouhos & Brashares.
B. Ashland Oil, Inc.

A. Cladouhos & Brashares.
B. Crown Central Petroleum Corp.

A. Cladouhos & Brashares.
B. International Petroleum Refining & Supply Sdad., Ltda.

A. Cladouhos & Brashares.
B. International Processors.

A. Cladouhos & Brashares.
B. Seaview Petroleum Co.

A. Cladouhos & Brashares.
B. Toyota Motor Sales, U.S.A., Inc.

A. Bob Clark & Associates.
B. Ryder Systems, Inc.

A. Gilbert M. Clark.
B. American Association of Blood Banks.

A. Joseph J. F. Clark.
B. Eaton Associates, Inc.

A. William F. Clarken.
B. International Council of Airshows.

A. Clifford & Warnke.
B. Warner-Lambert Co.

A. Coalition of Automotive Associations.

A. Coalition of Concerned Charities.

A. Cole, Corette & Bradfield.
B. American Express Co.

A. Cole, Corette & Bradfield.
B. Chase Manhattan Bank.

A. Cole, Corette & Bradfield.
B. Council of American Chambers of Commerce, Europe and Mediterranean.

A. Collier, Shannon, Rill & Scott.
B. American Frozen Food Institute.

A. Collier, Shannon, Rill & Scott.
B. Automotive Materials Industry Council of the United States.

A. Collier, Shannon, Rill & Scott.
B. Ferrous Scrap Consumers Coalition.

A. Collier, Shannon, Rill & Scott.
B. Food Marketing Institute.

A. Collier, Shannon, Rill & Scott.
B. National Broiler Council.

A. Collier, Shannon, Rill & Scott.
B. Tool and Stainless Steel Industry Committee.

A. Committee for Do-It-Yourself Household Moving.

A. Committee to Safeguard Prisoners Rights.

A. Congressional District Action Committee, Inc.

A. Raymond F. Conkling.
B. Texaco, Inc.

A. James T. Conner.
B. Mobay Chemical Corp.

A. Gregory Conrad.
B. American Mining Congress.

A. John J. Contney.
B. Textile Rental Services Association of America.

A. Contract Carrier Conference.

A. Alfred C. Cordon.
B. Buffalo Broadcasting Co., Inc.

A. Samuel C. Corey, Jr.
B. Provident Indemnity Life Insurance Co.

A. Bennett J. Corn.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Mary Marcotte Corrigan.
B. National Rifle Association of America.

A. Cosmetic, Toiletry & Fragrance Association.

A. Daniel T. Coughlin.
B. Jos. Schlitz Brewing Co.

A. William R. Courtney.
B. Tribal Council of the Coushatta Tribe of Louisiana.

A. John F. Cove.
B. Association of United States Night Vision Manufacturers Aerospace/Optical Division, ITT.

A. C. Bryan Cox.
B. Kansas City Life Insurance Co.

A. Karl E. Cox.
B. American Footwear Industries Association.

A. Charles H. Cromwell, Inc.
B. General Electric Co.

A. Charles H. Cromwell, Inc.
B. Motorola, Inc.

A. Charles H. Cromwell, Inc.
B. Northrop Corp.

A. Charles H. Cromwell, Inc.
B. Vought Corp.

A. James H. Cromwell, Sr.
B. Med-E-Jet Corp.

A. James H. Cromwell, Sr.
B. Worldgate Office Park.

A. Bobby E. Crow.
B. Columbia Gulf Transmission Co.

A. Crowell & Moring.
B. Associated Gas Distributors.

A. Crowell & Moring.
B. Commuter Airline Association of America, Inc.

A. Charles H. Crutchfield.
B. General Tire & Rubber Co.

A. Cuba Claims Association.

A. William E. Cumberland.
B. Mortgage Bankers Association of America.

A. John T. Curran.
B. National Coordinating Committee for Multiemployer Plans.

A. Sharon Allen Currens.
B. American Institute of Architects.

A. Fred L. Dahl.
B. Bechtel Power Corp.

A. Damon Corp.

A. David S. Danielson.
B. American Optometric Association.

A. P. M. Davison, Jr.
B. North Dakota Railway Lines.

A. Donald S. Dawson.
B. Legislature of the Virgin Islands.

A. Donald S. Dawson.
B. Opticians Association of America.

A. Donald S. Dawson.
B. United States Brewers Association, Inc.

A. Donald S. Dawson.
B. Virgin Islands Merchants Association.

A. J. Edward Day.
B. Associated Third Class Mail Users.

A. J. Edward Day.
B. Electronic Industries Association.

A. John Russell Deane III.
B. Coalition of Automotive Associations.

A. John Russell Deane III.
B. National Outdoor Coalition.

A. John Russell Deane III.
B. Specialty Equipment Market Association.

A. Francis R. deBondt.
B. Credit Union Financial Services, Inc.

A. George K. Degnon Associates, Inc.
B. Association of State and Territorial Health Officials.

A. George K. Degnon Associates, Inc.

B. National Assoc. of Children's Hospitals & Related Institutions.

A. Stephen T. Delamater.
B. Halliburton Co.

A. John L. Delano.
B. Montana Railroad Association.

A. Cartha D. DeLoach.
B. PepsiCo, Inc.

A. B. T. Dempsey.

A. Detroit Edge Tool Co.

A. James T. Devine.
B. Bowling Proprietors Association of America.

A. Dickstein, Shapiro & Morin.
B. Capaway Seafoods, Inc.

A. Dickstein, Shapiro & Morin.
B. L-5 Society.

A. Dickstein, Shapiro & Morin.
B. Marine Engineers Beneficial Association.

A. Dicksein, Shapiro & Morin.
B. Mitsubishi International Corp.

A. Dickstein, Shapiro & Morin.
B. Tennessee Gas Transmission.

A. Disabled Officers Association, Inc.

A. Hollis M. Dole.
B. Atlantic Richfield Co.

A. William D. D'Onofrio.
B. National Assn. for Neighborhood Schools, Inc.

A. Jack C. Donovan.
B. Cleveland Electric Illuminating Co.

A. James A. Dorsch.
B. Health Insurance Assn. of America.

A. Richard Morgan Downey.
B. American Speech-Language-Hearing Association.

A. Robert H. Doyle.
B. Water Systems Council.

A. Barbarba S. Dudeck.
B. American Honda Motor Co., Inc.

A. Mary Jane Due.
B. American Mining Congress.

A. Michael F. Duffy.
B. American Mining Congress.

A. Don R. Duncan.
B. Phillips Petroleum Co.

A. Duncan, Weinberg & Miller, P.C.
B. Dayton-Montgomery County Park District.

A. Duncan, Weinberg & Miller, P.C.
B. Delaware 5.

A. Duncan, Weinberg & Miller, P.C.
B. East Bay Regional Park District.

A. Duncan, Weinberg & Miller, P.C.
B. Iva May Harvey.

A. Duncan, Weinberg & Miller, P.C.
B. Huron-Clinton Metropolitan Authority.

A. Duncan, Weinberg & Miller, P.C.
B. Kenai Natives Association, Inc.

A. Duncan, Weinberg & Miller, P.C.
B. Adolph Kizas.

A. Duncan, Weinberg & Miller, P.C.
B. Koniag, Inc.

A. Duncan, Weinberg & Miller, P.C.
B. Mid-West Electric Consumer Association.

A. Duncan, Weinberg & Miller, P.C.
B. Western Fuels Association, Inc.

A. J. W. Dunlop.
B. Brooklyn Union Gas Co.

A. Joseph L. Duran.
B. First National Bank of Boston.

A. Roderick Dwyer.
B. American Mining Congress.

A. Eaton Associates, Inc.

A. Robert E. L. Eaton.
B. Eaton Associates, Inc.

A. Economic Service Counsel, Inc.

A. Daniel J. Edelman, Inc.
B. Nestle.

A. Edelman International Corp.
B. Government of Uganda.

A. Anne Edlund.
B. Motor Vehicle Manufacturers Association.

A. Stephen R. Effors.
B. Community Antenna Television Association.

A. Mary Ann Eichenberger.
B. American Institute of Architects.

A. Energy Action Educational Foundation.

A. Ralph Engel.
B. Chemical Specialties Manufacturers Association.

A. Steven L. Engelberg.
B. American Associaton of Marriage and Family Therapy.

A. Timothy L. Elder.
B. Caterpillar Tractor Co.

A. Clifford Elkins.
B. Delaware & Hudson Railway.

A. Ely, Guess & Rudd.

A. Jerry N. Ervin.
B. Quintana Refinery Co.

A. Donald C. Evans.

A. Joseph O. Evans.

A. Far West Ski Association.

A. Robert S. Faron.
B. LeBoeuf, Lamb, Leiby MacRae.

A. Michael Farrar.
B. American Paper Institute, Inc.

A. Arthur Fefferman.
B. American Council of Life Insurance.

A. John W. Feist.

A. C. Welles Fendrich.
B. Research-Cottrell.

A. John L. Festa.
B. American Paper Institute, Inc.

A. Blaine Fielding.
B. American Paper Institute, Inc.

A. Five Freedoms, Inc.

A. Aaron I. Fleischman.
B. Cablecom-General, Inc.

A. Aaron I. Fleischman.
B. Warner Amex Cable Communications, Inc.

A. David H. Foerster.
B. National Education Association.

A. Raymond J. Foley.
B. National Candy Wholesalers Assn., Inc.

A. James W. Foristel.
B. American Association of Ophthalmology.

A. Joseph L. Fraites.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. William H. G. France.
B. National Motorsports Committee of ACCUS.

A. Richard H. Francis.
B. National Multi Housing Council.

A. Donald A. Frederick.
B. National Council of Farmer Cooperatives.

A. Robert F. Freer, Jr.
B. Kimberly-Clark Corp.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Doyon, Ltd.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Miccosukee Tribe of Florida.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Oglala Sioux Tribe of Pine Ridge Reservation.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Rosebud Sioux Tribe.

A. Barry A. Friedman.
B. Wilner & Scheiner (for American Society of Travel Agents, Inc.).

A. James M. Friedman.
B. Cleveland Electric Illuminating Co.

A. Karl A. Funke & Associates, Inc.
B. American Indian Scholarships.

A. Karl A. Funke & Associates, Inc.
B. Keweenaw Bay Chippewa Tribe.

A. Gailor, Elias & Matz.
B. National Assn. of State Savings and Loan Supervisors.

A. Gardner, Carton & Douglas.
B. Peoples Gas Co.

A. Gardner, Carton & Douglas.
B. Sealed Power Corp.

A. Gardner, Carton & Douglas.
B. Zeigler Coal Co.

A. Edward A. Garmatz.
B. Baltimore Gas & Electric Co.

A. Nicholas P. Garnett.
B. National Insulation Contractors Association.

A. James J. Garry.

B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Morton A. Geller.
B. First National Bank of Boston.

A. General Instrument Corp.

A. George W. Gephart.
B. Baltimore Gas & Electric Co.

A. Phyllis H. Gerstell.
B. American Council of Life Insurance.

A. William T. Gibb III.
B. American Council of Life Insurance.

A. Thomas F. Gibson.
B. Brick Institute of America.

A. Norma Gilbert.
B. Motorola, Inc.

A. Susan Gilbert.
B. National Federation of Federal Employees.

A. Arthur P. Gildea.

A. Joe L. Gilmore.
B. Chrysler Defense, Inc.

A. Jonah Gitlitz.
B. American Advertising Federation.

A. John P. Gleason, Jr.
B. Brick Institute of America.

A. Richard D. Godown.
B. Burson-Marsteller (for National Oil Jobbers Council).

A. Richard C. Gohla.
B. Retail Bakers of America.

A. Bruce G. Goodman.
B. Damon Corp.

A. Benjamin Gordon.
B. Health Research Group.

A. Robert D. Gordon.
B. International Union of Police Associations.

A. Carl F. Graham.
B. Amway Corp.

A. Mark E. Grayson.
B. Hill and Knowlton, Inc.

A. Mark E. Grayson.
B. Hill and Knowlton, Inc. (for Health Insurance Association of America).

A. Mark E. Grayson.
B. Hill and Knowlton, Inc. (for Navajo Nation).

A. Mark E. Grayson.
B. Hill and Knowlton, Inc. (for RKO General).

A. Mark E. Grayson.
B. Hill and Knowlton, Inc. (for Seattle First National Bank).

A. Mark E. Grayson.
B. Hill and Knowlton, Inc. (for Uniroyal).

A. James R. Greco.
B. Browning-Ferris Industries, Inc.

A. Edward M. Green.
B. American Mining Congress.

A. Wayne Green.
B. 73 Magazine.

A. A. Jack Grimes.
B. National Pest Control Association.

A. Chester A. Groseclose, Jr.
B. South Dakota Railroads Association.

A. John T. Grupenhoff.
B. American Academy of Dermatology.

A. John T. Grupenhoff.
B. Science and Health Communications Group, Inc.

A. John T. Grupenhoff.
B. American Gastroenterological Association.

A. Thomas M. Gunn.
B. McDonnell Douglas Corp.

A. Jerome Guth.
B. Armco, Inc.

A. C. James Hackett.
B. American Plywood Association.

A. William D. Hager.
B. American Academy of Actuaries.

A. Peter N. Hahn.
B. Chromalloy American Corp.

A. Martin Ryan Haley & Associates.
B. Agri-Business, Inc.

A. Martin Ryan Haley & Associates.
B. American Energy Inc.

A. Martin Ryan Haley & Associates.
B. Central Texas Grain Products Marketing Cooperative.

A. Martin Ryan Haley & Associates.
B. Grain Products Alcohol Cooperatives.

A. Martin Ryan Haley & Associates.
B. M&M/Mars.

A. Martin Ryan Haley & Associates.
B. New England Mutual Life Insurance Co.

A. Martin Ryan Haley & Associates.
B. Operation Independence.

A. Martin Ryan Haley & Associates.
B. Tobacco Tax Council.

A. Martin Ryan Haley & Associates.
B. West Alabama Grain Products Cooperative, Inc.

A. Floyd D. Hall.
B. International Air Transport Association.

A. Hamel, Park, McCabe & Saunders.
B. State of Alaska.

A. George J. Hanks, Jr.
B. Union Carbide Corp.

A. Michael T. Harrigan.
B. United States Olympic Committee.

A. Robert S. Hartmann.
B. Hill and Knowlton, Inc.

A. Edwin H. Harvey.
B. National Federation of Federal Employees.

A. Paul T. Hasse.
B. Halt, Inc.

A. Paul M. Hawkins.
B. Health Insurance Association of America.

A. Health Insurance Association of America.

A. Health Research Group.

A. Lon H. Heibeck.
B. Pennsylvania State Education Association.

A. Richard L. Hellwege.
B. Lear Siegler, Inc.

A. Thomas R. Hendershot.
B. Partnership Placements, Inc.

A. Thomas R. Hendershot.
B. Petroleum Heat and Power Co.

A. Thomas R. Hendershot.
B. Philadelphia Gas Works.

A. Thomas R. Hendershot.
B. Slurry Transport Association.

A. C. Dayle Henington.
B. Chicago Mercantile Exchange.

A. Henkel & Lamon.
B. Colonial Life & Accident Insurance Co.

A. Henkel & Lamon.
B. National Association of Pension Consultants and Administrators, Inc.

A. Donald A. Henriksen.
B. Atlantic Richfield Co.

A. Bruce Heppen.
B. National Federation of Federal Employees.

A. William R. Hesse.
B. Fahlgren & Ferriss, Inc.

A. Kevin M. Higgins.
B. Avon Products, Inc.

A. Allan D. Hill.
B. Phillips Petroleum Co.

A. Hill, Christopher and Phillips, P.C.
B. Michigan State Housing Development Authority.

A. Hill, Christopher and Phillips, P.C.
B. Morgan Guaranty Trust Company of New York.

A. Hill, Christopher and Phillips, P.C.
B. Republic National Bank of New York.

A. Gerald "Jerry" Hill.
B. Standard Oil Company (Indiana).

A. Hill and Knowlton.
B. Florists' Transworld Delivery.

A. Beverly Hines.
B. VISA-USA, Inc.

A. Robert J. Hobbs.
B. National Consumer Law Center, Inc.

A. Glen D. Hofer.
B. National Council of Farmer Cooperatives.

A. Elmo R. Hoffman.
B. Global Exploration & Development.

A. Hoffman, Hendry, Stoner, Sims & Sawicki.
B. Global Exploration & Development.

A. William H. Hoffman, Jr.
B. American Iron & Steel Institute.

A. Hogan & Hartson.
B. National Rehabilitation Association.

A. Kelly Holley.
B. American Paper Institute, Inc.

A. Henry W. Holling.

B. Caterpillar Tractor Co.

A. Richard C. Holmquist.
B. American Mining Congress.

A. Holt Cicatiello Neiswanger, Inc.
B. New York Mercantile Exchange.

A. John W. Holton.
B. American Bankers Association.

A. Mary Greer Houston.
B. Hamilton & Associates, Inc. (for Farm Labor Research Committee).

A. C. T. Hoversten.
B. National Advertising Co.

A. Virginia Hoy.
B. National Multi Housing Council.

A. Margaret Renken Hudson.
B. Korf Industries, Inc.

A. Gary E. Hughes.
B. American Council of Life Insurance.

A. William E. Hughes, Jr.
B. Northeast Utilities Service Co.

A. William G. Hughes.
B. National Association of Federal Veterinarians.

A. Frederick D. Hunt, Jr.
B. Society of Professional Benefit Administrators.

A. Lawrence H. Hunt, Jr.
B. Sidley & Austin (for Heinold Commodities, Inc., ContiCommodity Services, Inc.).

A. Gerard F. Hurley.
B. National Club Association.

A. John Edward Hurley.
B. National Association for Free Enterprise.

A. Robert R. Hurt.
B. Merck & Co., Inc.

A. Ronald K. Ikejiri.
B. Japanese American Citizens League.

A. Bernard J. Imming.
B. United Fresh Fruit and Vegetable Association.

A. Independent U.S. Tanker Owners Committee.

A. G. Conley Ingram.
B. Alston, Miller & Gains (for Great American Management & Investment, Inc.).

A. International Maritime Associates, Inc.

A. H. Bradley Johnson.
B. American Mining Congress.

A. Spencer A. Johnson.
B. Paperboard Packaging Council.

A. James E. Jones.
B. Appalachian Power Co.

A. James V. Jordan, III.
B. Southern Natural Gas Co.

A. Ardon B. Judd, Jr.
B. Dresser Industries, Inc.

A. Kaiser Steel Corp.

A. Everett E. Kavanaugh.
B. Cosmetic, Toiletry & Fragrance Association.

A. Kaye, Scholer, Fierman, Hays & Handler.

B. American Psychoanalytic Association

A. William J Keating.
B. National Grain and Feed Association.

A. Jeferson D. Keith.
B. National Pest Control Association.

A. Donald W. Keller.
B. Quintana Petroleum Corp.

A. Donald W. Keller.
B. Quintana Refinery Co.

A. Paul J. Kelley.
B. U-Haul International, Inc.

A. Stephen G. Kellison.
B. American Academy of Actuaries.

A. William T. Kendall.
B. Alliance for Free Enterprise.

A. Kenyon & Kenyon,
B. Estate of Bert N. Adams, et al.

A. Robert M. Ketchel.
B. General Electric Co.

A. Earline A. Keyser.
B. Bechtel Power Corp.

A. Richard F. Kibben.
B. Business Roundtable.

A. Edward J. Kierman.
B. International Union of Police Associations.

A. Kikkoman Foods, Inc.

A. Daniel L. Kiley.
B. Norfolk & Western Railway Co.

A. Margaret A. Kimball.
B. Bechtel Power Corp.

A. James L. Kimble.
B. American Insurance Association.

A. Edward H. King.
B. Walgreen Co.

A. G. Jack King.
B. U S Air, Inc.

A. Roger P. Kingsley.
B. American Speech-Language-Hearing Association.

A. John M. Kinnaird.
B. American Trucking Associations, Inc.

A. Alan S. Kirk II.
B. Potomac Electric Power Co.

A. Robert B. Kittredge.
B. Investment Counsel Association of America, Inc.

A. Allie C. Kleinpeter, Jr.
B. Louisiana Bankers Association.

A. John J. Klocko III.
B. E. I. du Pont de Nemours & Co., Inc.

A. Gary D. Knight.
B. American Mining Congress.

A. Jeffrey W. Knight.
B. Friends of the Earth.

A. Horace R. Kornegay.
B. Tobacco Institute, Inc.

A. Charles B. Kornmann.
B. South Dakota Railroads Association.

A. James S. Krzyminski.
B. National Council of Farmer Cooperatives.

A. Philip Kugler.

B. American Federation of Teachers, AFL-CIO.

A. Labor Bureau, Inc.

A. Philip A. Lacovara.
B. Bristol-Myers Co.

A. Philip A. Lacovara.
B. Merck & Co., Inc.

A. Philip A. Lacovara.
B. Pfizer, Inc.

A. R. D. Laime.
B. National Education Association.

A. James H. Lake.
B. SunMaid Raisin Growers of California.

A. James H. Lake.
B. Western Growers Association.

A. Thomas M. Landin.
B. SmithKline Corp.

A. B. A. Landy.

A. B. A. Landy.
B. Cryogenic Vacuum Technology Co.

A. Reed E. Larson.
B. National Right to Work Committee.

A. Lawrence C. Laser.
B. Cities Service Co.

A. Michael Lashbrook.
B. National Rifle Association of America.

A. Ted Lattanzio.
B. National Rifle Association of America.

A. Louis F. Laun.
B. American Paper Institute, Inc.

A. Ivan Lawyer.
B. G.C.C. Beverages, Inc.

A. Richard J. Lease.

A. LeBoeuf, Lamb, Leiby & MacRae.
B. Underwriters at Lloyd's, London.

A. Robert B. Leflar.
B. Health Research Group.

A. Edward A. Lenz.
B. Health Insurance Association of America.

A. Robert Lesmeister.
B. American Firearms Industry.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. American Electric Power Service Corp.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Boston Edison Co., Commonwealth Edison Co., Consolidated Edison Co. of New York, Inc. and Northeast Utilities Service Co.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Commerzbank AG.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Consolidated Edison Co. of New York, Inc.

A. Leva, Hawes, Symington, Martin & Oppenheimer.

B. General Electric Co., Gas Turbine Division.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. GK Technologies, Inc.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Glass Packaging Institute.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. National Alliance of Supermarket Shoppers.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Tosco, Inc.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Union Investment GmbH.

A. Robert J. Levering.
B. Direct Selling Association.

A. David Lewis.
B. American Optometric Association.

A. James B. Liberman.
B. Public Service Electric and Gas Co., et al.

A. Richard A. Lillquist.
B. Flexible Packaging Association.

A. Elena Linthicum.
B. Allied Chemcial Corp.

A. Zel E. Lipsen.

A. Thomas Lisk.
B. National Rifle Association of America.

A. H. Richard Lloyd, Jr.
B. General Electric Co.

A. Robert H. Loeffler.
B. State of Alaska.

A. Loomis, Owen, Fellman & Howe.
B. National Water Well Association.

A. John Lounsbury.
B. National Rifle Association of America.

A. Robert C. Lower.
B. Board of Trade Clearing Corp.

A. Judy D. Lynch.
B. Institute for Public Representation.

A. Timothy C. MacCarthy.
B. Motor Vehicle Manufacturers Association.

A. James E. Mack.
B. National Association of Mirror Manufacturers.

A. Curtis T. Mackey.
B. National Insulation Contractors Association.

A. Lee G. Magnussen.
B. Heinold Commodities, Inc.

A. Robert L. Maier.
B. Kaiser Aluminum & Chemical Corp.

A. Richard E. Mallory.
B. California Westside Farmers.

A. Mary Jo Malone.
B. American Institute of Architects.

A. Manchester Associates, Ltd.
B. Nissan Motor Co., Ltd.

A. Ronald Anthony Marks.

A. D. V. Maroney, Jr.
B. Amalgamated Transit Union, AFL-CIO.

A. Charles Louis Marshall II.
B. Holding and Customer Development.

A. E. C. Marty.

A. Mike M. Masaoka.
B. American Japanese Trade Committee.

A. Mike M. Masaoka.
B. Nisei Lobby.

A. Paul J. Mason.
B. American Council of Life Insurance.

A. William F. Massmann.
B. Dr Pepper Co.

A. C. V. & R. V. Maudlin.
B. Georgia Power Co.

A. C. V. & R. V. Maudlin.
B. Joint Government Liaison Committee.

A. Samuel L. Maury.
B. United States Steel Corp.

A. Charles H. Mauzy.
B. National Education Association.

A. Willian J. McAuliffe, Jr.
B. American Land Title Association.

A. Michael J. McCabe.
B. Allstate Enterprises, Inc.

A. Michael J. McCabe.
B. Allstate Insurance Co.

A. John McCahill.
B. United States Olympic Committee.

A. McCamish, Ingram, Martin & Brown, Inc.
B. Datapoint Corp.

A. A. R. McCammon.
B. Tennessee Railroad Association.

A. James R. McCaul.
B. International Maritime Association (for Allis-Chalmers).

A. Robert S. McConnaughey.
B. American Council of Life Insurance.

A. Toni McCrary.
B. American Mining Congress.

A. Marianne McDermott.
B. Hill and Knowlton, Inc.

A. James McDonald.
B. Jack McDonald Associates, Inc. (for Northrop Corp.).

A. Dinah D. McElfresh.
B. Hauck & Associates, Inc. (for National Association of Child Care Management Foodservice Organization of Distributors).

A. Darryl D. McEwen.
B. Society of American Florists.

A. Robert H. McFadden.
B. Motor Vehicle Manufacturers Association of the U.S., Inc.

A. James M. McGarry, Jr.
B. Eaton Associates, Inc.

A. W. Curt McGee.
B. Bechtel National, Inc.

A. William F. McKenna.
B. Silver, Freedman, Housley, Taff & Goldberg.

A. Robert T. McKernan.
B. American Paper Institute, Inc.

A. William Colm McKeveny.
B. American Pulpwood Association.

A. R. E. McWilliams.
B. Boeing Commercial Airplane Co.

A. George G. Mead.
B. American Trucking Assns., Inc.

A. David Olan Meeker, Jr.
B. American Institute of Architects.

A. R. Otto Meletzke.
B. American Council of Life Insurance.

A. Howard N. Menaker.
B. American Optometric Association.

A. Edward L. Menning.
B. National Association of Federal Veterinarians.

A. Ted H. Meredith.
B. Southern Forest Products Association.

A. Metzger, Shadyac & Schwarz.
B. Melex U.S.A., Inc.

A. Andrice J. Michaels.
B. American Mining Congress.

A. Dale Miller.
B. Gulf Intracoastal Canal Association.

A. Dale Miller.
B. Texasgulf, Inc.

A. Luman G. Miller.
B. Oregon Railroad Association.

A. Paul J. Miller.
B. Investment Counsel Association of America, Inc.

A. Richard V. Minck.
B. American Council of Life Insurance.

A. Moery & Co.
B. Surrey & Morse (for Amsterdam-Rotterdam Bank).

A. Moery & Company
B. Surrey & Morse (for Government of the Republic of Zaire).

A. Robert M. Moliter.
B. General Electric Co.

A. John V. Moller.
B. Manchester Associates, Ltd. (for Nissan Motor Co.)

A. E. Joyce Morgan.
B. American Mining Congress.

A. Robert E. Morin.
B. Society of Real Estate Appraisers.

A. Victor G. Morris.
B. Montgomery Ward & Co., Inc.

A. Fareed A. Muhammad.
B. Prisoners of Indiana.

A. James J. Murphy.
B. Laclede Gas Co.

A. Frank Dominic Musica.
B. American Institute of Architects.

A. Kenneth D. Naden.

B. National Council of Farmer Cooperatives.

A. National Assn. for Free Enterprise.

A. National Association of Federal Veterinarians.

A. National Club Association.

A. National Consumer Center for Legal Services.

A. National Council for a Responsible Firearms Policy.

A. National Grain and Feed Association.

A. National Manufactured Housing Federation.

A. National Motorsports Committee of ACCUS.

A. National Organization for Women.

A. National Outdoor Coalition.

A. National Pest Control Association.

A. National Resource Center for Consumers of Legal Service.

A. National Small Business Index.

A. National Turkey Federation.

A. National Wheel & Rim Association.

A. National Youth Pro-Life Coalition.

A. Carolyn B. Nelson.
B. Metropolitan Properties, Inc.

A. Mark D. Nelson.
B. E. I. du Pont de Nemours & Co., Inc.

A. Milton E. Neshek.
B. Kikkoman Foods, Inc.

A. New York Committee of International Committee of Passenger Lines.

A. New York Shipping Association, Inc.

A. Nissan Motor Co., Ltd.

A. James O. E. Norell.
B. National Rifle Association of America.

A. Richard G. Norris.
B. Standard Oil Co. (Indiana).

A. Eileen O'Brien
B. Dow Corning Corp.

A. Raymond V. O'Brien.
B. International Telephone & Telegraph Corp.

A. Katherine C. O'Callaghan.
B. Burson-Marsteller (for National Oil Jobbers Council).

A. O'Connor & Hannan.
B. Automotive Parts & Accessories Association.

A. O'Connor & Hannan.
B. Hennepin County.

A. Leonard F. O'Connor.
B. First National Bank of Boston.

A. Larry A. O'Day.
B. Combined Insurance Co. of American.

A. Ashton J. O'Donnell.
B. Bechtel National, Inc.

A. John A. O'Donnell.
B. Philippine Sugar Commission.

A. R. Q. Old & Associates.
B. General Electric Co.

A. R. Q. Old & Associates.
B. Gould, Inc.

A. R. Q. Old & Associates.
B. Grumman Aerospace Corp.

A. R. Q. Old & Associates.
B. Hughes Aircraft Co.

A. R. Q. Old & Associates.
B. Sperry Division.

A. Alice O'Leary.
B. Alliance for Cannabis Therapeutics.

A. Robert A. Olexy.
B. Browning-Ferris Industries.

A. Alvin E. Oliver.
B. National Grain and Feed Association.

A. Van R. Olsen.
B. United States Beet Sugar Association.

A. Roy E. Olson.
B. America Paper Institute, Inc.

A. Stephen E. O'Toole.
B. General Motors Corp.

A. W. D. Page.
B. American Plywood Association.

A. Paperboard Packaging Council.

A. Steven Parcells.
B. Save the Tallgrass Prairie, Inc.

A. Douglas L. Parker.
B. Institute for Public Representation.

A. Linda K. Parson.
B. Cities Service Co.

A. David J. Pattison.
B. Health Insurance Association of America.

A. Patton, Boggs & Blow.
B. New Process Co.

A. Patton, Boggs & Blow.
B. Reader's Digest Association, Inc.

A. Larry E. Paulick.
B. National Spa and Pool Institute.

A. Richard A. Paysor.

A. Peabody, Rivlin, Lambert & Meyers.
B. Tuna Research Foundation.

A. Pepper, Hamilton & Scheetz.
B. Coalition of Concerned Charities.

A. Richard F. Phillips.
B. Phillips Petroleum Co.

A. Pierson, Ball & Dowd.
B. Dun & Bradstreet Corp.

A. Pierson, Ball & Dowd.
B. General Tire & Rubber Co.

A. Stuart F. Pierson.
B. Verner, Liipfert, Bernhard & McPherson (for Pan Am, LTV Corp., Consolidated Freightways, Overnite, Trailways, Airline of Portugal, Finnair, Commonwealth of Puerto Rico).

A. Rena S. Pies.
B. American Footwear Industries Association.

A. Ronald L. Platt.
B. Burger King Corp.

A. Robert Plett Associates, Ltd.

A. Michael Poling.
B. American Mining Congress.

A. Henry E. Poole.
B. Avon Products, Inc.

A. Porter, Wright, Morris & Arthur.
B. Edison Electric Institute.

A. Edmond A. Potter.
B. NCR Corp.

A. Richard M. Powell.
B. International Association of Refrigerated Warehouses.

A. Janet Power.
B. VISA-USA, Inc.

A. Graydon R. Powers.
B. Scientific Apparatus Makers Association.

A. Preston, Thorgrimson, Ellis & Holman.
B. Dravo Corp.

A. Preston, Thorgrimson, Ellis & Holman.
B. Employers Reinsurance Corp.

A. Preston, Thorgrimson, Ellis & Holman.
B. National Educational Assocation.

A. Preston, Thorgrimson, Ellis & Holman.
B. Northern Tier Pipeline Co.

A. Preston, Thorgrimson, Ellis & Holman.
B. Port of Seattle.

A. Preston, Throgrimson, Ellis & Holman.
B. Washington Department of Ecology.

A. Keith A. Pretty.
B. Standard Oil Co. (Indiana).

A. Arnold J. Prima, Jr.
B. American Institute of Architects.

A. Paul C. Pritchard.
B. National Parks & Conservation Association.

A. Provident Indemnity Life Insurance Co.

A. Public Securities Association.

A. Earle W. Putnam.
B. Amalgamated Transit Union, AFL-CIO.

A. William A. Quinlan.
B. Retail Bankers of America.

A. Quintana Refinery Co.

A. Law Office of John V. Rainbolt.
B. Mid America Commodity Exchange.

A. Robert Randall.
B. Alliance for Cannabis Therapeutics.

A. William J. Randall.
B. Soil, Inc.

A. R. Ray Randlett.
B. Allied Chemical Corp.

A. Rare Animal Relief Effort, Inc.

A. Carol Raulston.
B. American Paper Institute, Inc.

A. Julian O. Read.
B. Central and South West Corp.

A. Timothy Redmon.

B. American Optometric Association.

A. Martha L. Rees.
B. E. I. du Pont de Nemours & Co.

A. Paul Reiber.
B. International Air Leases, Inc.

A. William W. Reinertson.
B. American Optometric Association.

A. Harry O. Reinsch.
B. Bechtel Power Corp.

A. W. W. Renfroe.
B. Kentucky Railroad Association.

A. John H. Reurs.
B. New York Committee of International Committee of Passenger Lines.

A. R. Paul Richard.
B. Association of American Law Schools.

A. Lloyd C. Richardson, Jr.
B. South Dakota Railroads Association.

A. Russell W. Richardson.
B. Lear Siegler, Inc.

A. Don Ricketts.
B. American Mining Congress.

A. Mark J. Riedy.
B. Mortgage Bankers Association of America.

A. Stark Ritchie.
B. American Petroleum Institute.

A. Jerome Robinson.
B. Florida Restaurant Association.

A. Robinson, Silverman, Pearce, Aronsohn & Berman.
B. National Realty Committee, Inc.

A. Quincy Rodgers.
B. General Instrument Crop.

A. Lois M. Rodney.
B. Credit Union Financial Services, Inc.

A. Willi Roelli.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Susan Rogers.
B. National Rifle Association of America.

A. Rogers & Wells.
B. F. & M. Schaefer Corp.

A. Rogers & Wells.
B. A. Johnson & Co., Inc.

A. Rogers & Wells.
B. Merrill Lynch International, Inc.

A. Rogers & Wells.
B. Overseas Shipholding Group.

A. Rogers & Wells.
B. Teachers Insurance & Annuity Association/CREF.

A. Carole M. Rogin.
B. Hauck & Associates, Inc. (for National Association for Child Care Management).

A. Kenneth S. Rolston, Jr.
B. American Pulpwood Association.

A. Gary W. Rossow.
B. Motor Vehicle Manufacturers Association.

A. John W. Rowland.
B. Amalgamated Transit Union, AFL-CIO.

A. Eric M. Rubin.
B. Outdoor Advertising Association.

A. Paul M. Ruden.
B. Wilner & Scheiner (for American Society of Travel Agents, Inc.).

A. Thomas L. Sager.
B. E. I. du Pont de Nemours & Co.

A. Whitney G. Samson.
B. American Association of Ophthalmology.

A. Dale E. Schell.
B. GATX Corp.

A. Rosalie K. Schlosser.
B. Armstrong Byrd & Associates, Inc. (for TMS, USA).

A. Andrew A. Scholtz.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Walter A. Schumann III.
B. Potomac Overlook Associates, Inc.

A. Second Congressional District Action Committee (Florida).

A. Yvonne L. Shafer.
B. National Education Association.

A. Shaw, Pittman, Potts & Trowbridge.
B. Datapoint Corp.

A. Shea & Gould.
B. Encyclopaedia Britannica, Inc.

A. Shea & Gould.
B. Ryder Systems, Inc.

A. Shea & Gould.
B. Tosco Corp.

A. Seymour Sheriff.
B. Man-Made Fiber Producers Association, Inc.

A. Russell L. Shipley, Jr.
B. National Candy Wholesalers Association, Inc.

A. James K. Shiver.
B. Hughes, Sears & Shiver, Inc.

A. Mary Frances Shlagel.
B. Union Oil Co. of California.

A. A. Z. Shows.

A. Norman D. Shutler.
B. Clayton Manufacturing Co.

A. Daniel W. Sigelman.
B. Health Research Group.

A. Silver, Freedman, Housley, Taff & Goldberg.

A. Barbara A. Silverman.
B. Provident Indemnity Life Insurance Co.

A. Richard L. Sinnott & Co.

A. 6th Pro-Life Congressonal District Action Committee.

A. Carstens Slack.
B. Phillips Petroleum Co.

A. Barry S. Slevin.
B. United Food & Commercial Workers International Union.

A. Small Business Council of America, Inc.

A. Peter Small & Associates, Inc.
B. William A. Mercer, Inc.

A. Donald E. Smiley.
B. Exxon Corp.

A. Delbert D. Smith.
B. Communications Satellite Corp.

A. Douglas S. Smith
B. Noranda Mining, Inc.

A. Gordon L. Smith.
B. Hill and Knowlton (for Florists' Transworld Delivery).

A. Smith and Pepper.
B. Southern Satellite Systems, Inc.

A. Robert Wm. Smith.
B. Railway Progress Institute.

A. Snyder & Ball Associates, Inc.
B. Aerojet-General Corp.

A. Snyder & Ball Associates Inc.
B. DSP, Inc.

A. Snyder & Ball Associates, Inc.
B. Gould, Inc.

A. Charles W. Snyder.
B. Bechtel Financing Services, Inc.

A. Edmund T. Sommer, Jr.
B. Council of American-Flag Ship Operators.

A. South Dakota Railroads Association.

A. Southwest Homefurnishings Association.

A. William A. Speary.
B. Browning-Ferris Industries, Inc.

A. Specialty Equipment Market Association.

A. Charles A. Speir.
B. Brookwood Health Services, Inc.

A. William C. Spence.
B. Columbia Gulf Transmission Co.

A. Earl C. Spurrier.
B. Monsanto Co.

A. Squire, Sanders & Dempsey.
B. American Chamber of Commerce in Italy, Inc.

A. Squire, Sanders & Dempsey.
B. American Chamber of Commerce in Spain, Inc.

A. Squire, Sanders & Dempsey.
B. Association of American Chambers of Commerce, Europe and Mediterranean.

A. Squire, Sanders & Dempsey.
B. Public Securities Association.

A. Squire, Sanders & Dempsey.
B. United States Wrestling Federation.

A. Walter M. Starke.
B. Southern Natural Gas Co..

A. State & Federal Associates, Inc.
B. National Association of Convenience Stores.

A. State & Federal Associates, Inc.
B. Schering-Plough Corp.

A. Charles D. Statton.
B. Bechtel Power Corp.

A. David J. Steinberg.

B. National Council for a Responsible Firearms Policy.

A. George C. Steiner.

A. Steptoe & Johnson.
B. Pfizer, Inc.

A. Travis B. Stewart.
B. Hoffmann-La Roche, Inc.

A. John W. Stillwaggon.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Alan B. Stover.
B. American Institute of Architects.

A. O. R. Strackbein.
B. International Allied Printing Trades Association.

A. Roger J. Stroh.
B. United Fresh Fruit and Vegetable Association.

A. Stroock & Stroock & Lavan.
B. Mrs. Patsy Perry.

A. Stroock & Stroock & Lavan.
B. Puerto Rico Federal Affairs Administration.

A. Austin P. Sullivan, Jr.
B. General Mills, Inc.

A. Peter B. Summerville.
B. Hill and Knowlton, Inc.

A. Surrey & Morse.
B. Amsterdam-Rotterdam Bank.

A. William W. Suttle.
B. American Insurance Association.

A. Douglas W. Svendson, Jr.
B. Union Pacific Railroad.

A. John R. Sweeney.
B. Bethlehem Steel Corp.

A. Scott R. Swirling.
B. National Family Planning & Reproductive Health Association, Inc.

A. Warren Tanner.
B. Organization of Independent Artists.

A. Frank Taylor.
B. National Federation of Federal Employees.

A. 39th Congressional District Action Committee, (New York).

A. Lawrence L. Thomas.
B. Bechtel Power Corp.

A. W. Reid Thompson.
B. Potomac Electric Power Co.

A. Paul J. Tierney.
B. Transportation Association of America.

A. Roger Tilles.
B. First National Monetary Corp.

A. Roger Tilles.
B. Michigan Department of Education.

A. Roger Tilles.
B. Wayne State University.

A. Martin R. Tilson.
B. Southern Natural Gas Co.

A. Joe Tomaino.
B. Congressional District Action Committee No. 7.

A. Edward Tonat.

B. Robert Goff & Associates.

A. Transportation Association of America.

A. Rebecca C. True.
B. Browning-Ferris Industries, Inc.

A. Philip J. Tulimieri, Jr.
B. Avon Products, Inc.

A. 23rd Congressional District Action Committee (Pennsylvania).

A. Joseph R. Tyler.
B. U.S. Fiber Corp.

A. Drew A. Upton.
B. Scientific Apparatus Makers Association.

A. Richard A. Van Deuren.
B. National Employee Benefits Institute.

A. R. Dick Vander Woude.
B. National Education Association.

A. A. Randall Vehar.
B. United Mine Workers of America.

A. Jerry T. Verkler.
B. Texas Eastern Transmission Corp.

A. C. John Vermilye.
B. United States Steel Corp.

A. Brenda R. Viehe-Naess.
B. American Insurance Association.

A. Marcos von Goihman.
B. Guyana Airways Corp.

A. Vorys, Sater, Seymour & Pease.
B. Canadian Cablesystems, Ltd.

A. Vorys, Sater, Seymour & Pease.
B. General Instrument Corp.

A. Vorys, Sater, Seymour & Pease.
B. Grocery Manufacturers of America.

A. Vorys, Sater, Seymour & Pease.
B. J. Paul McNamara.

A. Vorys, Sater, Seymour & Pease.
B. Ohio Manufacturers Association.

A. Vorys, Sater, Seymour & Pease.
B. Virginia State University.

A. Vorys, Sater, Seymour & Pease.
B. Wagnalls Memorial.

A. Catherine Waelder.
B. National Federation of Federal Employees.

A. Howard W. Wahl.
B. Bechtel Power Corp.

A. Frederick P. Waite.
B. Asphalt Roofing Manufacturers Association.

A. Wald, Harkrader & Ross.
B. Chemtex Fibers, Inc.

A. Warren W. Walkley.
B. General Electric Co.

A. R. C. Wallace.
B. Amalgamated Transit Union, AFL-CIO.

A. Lionel L. Wallenrod.
B. American Paper Institute, Inc.

A. James E. Wanko.
B. Society of America Florists.

A. Alan S. Ward.
B. Baker & Hostetler (for Soap and Detergent Association).

A. G. Fletcher Ward, Jr.

B. Montgomery Ward & Co., Inc.

A. Horace S. Webb.
B. Iowa Electric Light and Power Co.

A. Webster & Chamberlain.
B. American Society of Radiologic Technologists.

A. Jack R. Wehrly.
B. Dow Corning Corp.

A. Robert E. Weigend, Jr.
B. Communications Satellite Corp.

A. Joan Weinstock.
B. American Optometric Association.

A. Thomas F. Wenning.
B. Bison and Wenning (for National Association of Retail Grocers of the United States).

A. William Whichard, Jr.
B. Union Oil Company of California.

A. Clem White.
B. CNC, Nipro.

A. White, Fine & Verville.
B. Turlock Irrigation District.

A. Whitman & Ransom.
B. Shimano American Corp.

A. Stephanie Whyche.
B. American Optometric Association.

A. James Wickwire.
B. Arctic Slope Regional Corp.

A. Richard L. Wiechmann.
B. American Paper Institute, Inc.

A. Robert E. Williams.
B. United Airlines.

A. John C. Williamson.
B. National Apartment Association.

A. Wilmer, Cutler & Pickering.
B. Browning-Ferris Industries, Inc.

A. Wilmer, Cutler & Pickering.
B. Dealer Bank Association.

A. Wilmer, Cutler & Pickering.
B. Morgan Guaranty Trust Co.

A. Wilmer, Cutler & Pickering.
B. Motor Vehicle Manufacturers Association of the United States, Inc.

A. Wilmer, Cutler & Pickering.
B. National Corporation for Housing Partnerships.

A. Dorothy Roth Wilson.
B. Coalition of Concerned Charities.

A. James R. Winnie.
B. Cities Service Gas Co.

A. Curtin Winsor, Jr.
B. Alliance for Free Enterprise.

A. Winston & Strawn.
B. Building Owners & Managers Association, Inc.

A. Winston & Strawn.
B. Gould, Inc.

A. Winston & Strawn.
B. International Council of Shopping Centers.

A. Ann Wise.

B. Hollingsworth & Vose Co.

A. Wolf, Block, Schorr and Solis-Cohen.
B. Meadville Corp.

A. Sidney M. Wolfe.
B. Health Research Group.

A. Ronald Wolsey.
B. Amoco Oil Co.

A. George M. Worden.
B. Hill & Knowlton, Inc.

A. George M. Worden.
B. Hill & Knowlton, Inc. (for Distilled Spirits Council of the United States).

A. Edward E. Wright.
B. G-4 Children's Coalition.

A. Frederick S. Wyle.
B. Federated States of Micronesia.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Bristol Bay Native Corp.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. California Canners & Growers.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Eklutna, Inc.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Filmways, Inc.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Petersen Publishing Co.

A. Marc D. Yacker.
B. American Paper Institute, Inc.

A. Min. Suhkara Abdul Yahweh.

A. Min. Suhkara Abdul Yahweh.
B. Dr. Martin Luther King, Jr. January 15th National Holiday Lobby Committee.

A. Edward A. Yopp.
B. State National Bank of El Paso.

A. Michael Zagorac, Jr.
B. Jack Eckerd Corp.

A. Janice Zarro.
B. Avon Products, Inc.

A. Ziontz, Pirtle, Morissett, Ernstoff & Chestnut.
B. Confederated Tribes of the Colville Indians.

A. Ziontz, Pirtle, Morissett, Ernstoff & Chestnut.
B. Lummi Tribe of Indians.

A. Ziontz, Pirtle, Morissett, Ernstoff & Chestnut.
B. Makah Indian Tribe.

A. Ziontz, Pirtle, Morissett, Ernstoff & Chestnut.
B. Metlakatla Indian Community.

A. Ziontz, Pirtle, Morissett, Ernstoff & Chestnut.
B. Northern Cheyenne Indian Tribe.

A. Ziontz, Pirtle, Morissett, Ernstoff & Chestnut.
B. Quileute Indian Tribe.

A. Laurence W. Zoeller.
B. Burson-Marsteller (for National Oil Jobbers Council).

A. Carl E. Zwisler III.
B. International Franchise Association.

EXTENSIONS OF REMARKS

NOMINATION OF JOHN V. CROWELL

HON. JAMES WEAVER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. WEAVER. Mr. Speaker, I strongly urge my colleagues to read the letter I have sent to Members of the Senate regarding the nomination of John V. Crowell as Assistant Secretary of Agriculture for Natural Resources and Environment.

Senators LEAHY and KENNEDY have placed a hold on Mr. Crowell's nomination as several extremely serious questions exist regarding Mr. Crowell's past activities, and possible future conflicts.

The evidence against Mr. Crowell's appointment is substantial. I hope you will take the time to read the following, and hope you will join me in urging Senators to oppose Mr. Crowell's confirmation.

WASHINGTON, D.C., *May 14, 1981.*

DEAR SENATOR: As you may have noted in a speech I made on the House floor, May 1, and in articles appearing in the Washington Post, and other papers, I have strongly voiced my opposition to the appointment of John Crowell as Assistant Secretary of Agriculture for Natural Resources and Environment. In this role, Mr. Crowell, the former general counsel, and spokesman, for the Louisiana Pacific Corporation, would supervise the Forest Service and administer national forest management policy. While I have serious disagreements with Mr. Crowell's philosophy regarding forest management, the reasons for my opposition to this appointment encompass matters far graver than that.

In recommending that the Senate confirm Mr. Crowell's nomination, the Senate Agriculture Committee acted without the benefit of review of the recent conviction of a wholly-owned Louisiana Pacific subsidiary, Ketchikan Pulp Company, for serious violations of anti-trust laws. Senators Leahy and Kennedy's hold on Mr. Crowell's nomination, has allowed time for extremely important information surrounding the anti-trust case to circulate. As more information has been brought to light, extremely serious questions have been raised dealing with the degree of Mr. Crowell's involvement in the actions of the companies convicted of conspiracy to monopolize Alaska's timber industry.

According to the judge's decision, the Ketchikan Pulp Company (KPC), along with the Alaska Lumber and Pulp Company (ALP), were both guilty of conspiracy "to restrain trade and to monopolize the timber industry in Southeast Alaska." The court found that these companies utilized in Southeast Alaska." The court found that these companies utilized the natural advantages of a Forest Service—guaranteed timber supply in "concerted and combined efforts to control the Alaska timber market, to eliminate competition and to maintain and exercise monopoly power." The court found that "KPC, together with its executive and employees, was a member of the conspiracy". The judge listed both Georgia Paciic and Louisiana Pacific as among the co-conspirators in this very serious anti-trust violation.

Since the hearing it has been documented that Mr. Crowell himself was an executive of the Ketchikan Pulp Company, and has acknowledged being such from 1973 to the present. Mr. Crowell has stated, however, that he served only a "ministerial" function in their office.

This statement has been found to be in direct contradiction of the facts. It has been clearly determined that Mr. Crowell was involved in a multi-million-dollar agreement between KPC and the Environmental Protection Agency. Most significantly, it was revealed day before yesterday that Mr. Crowell has been closely involved in, and aware of, the operations of KPC, ALP, and other timber companies in Southeast Alaska.

Recently obtained documents from the discovery process, and court proceedings of the anti-trust case, indicate that Mr. Crowell's involvement, as general counsel of Louisiana Pacific, and as Assistant Secretary of KPC, involved him in Southeast Alaska timber supply matters to a far greater degree than he originally indicated. Mr. Crowell's activities in these matters were clearly far more substantive than simply "ministerial".

Mr. Crowell maintains in a letter to Senator Helms that he was involved in the anti-trust case solely as a legal advisor, after the cases were initiated, beginning sometime in 1975. He states that he had "never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plantiffs' claim allegedly arose." He claims that his only connection with the "entire matter" has been as a lawyer "peripherally connected with the defense of one of the parties to the case."

Mr. Crowell's public statements squarely contradict recently obtained court documents that show him to have been deeply involved with the business activities of the guilty companies.

Interested members of Congress have obtained a May 2, 1973, memo from D. L. Murdy of KPC, to Mr. Crowell, at Louisiana Pacific headquarters, in Portland. In the memo, Murdy tells Mr. Crowell that ALP and KPC will refrain from discussing the size of the Forest Service's timber sales to the companies until the talks can proceed under Mr. Crowell's direction.

Another memo, dated April 14, 1975, from Mr. Crowell to Harry Merlo, president, Louisiana Pacific, suprises Mr. Merlo of information he should know of before a meeting with Ed Head, the operator of Alaska Timber Corporation (ATC).

As the court points out, ATC was one of the companies victimized by the conspiracy. ATC is presented as one of the court's examples of how KPC and ALP successfully conspired to keep outside mills from establishing competitive facilities.

In this memo, Mr. Crowell goes into great detail on the small business set-aside program in Southeast Alaska and discusses how it was in the interests of KPC to keep the level of those sales as low as possible. He further advises that it would be possible to qualify ATC as a small business "if that seemed at the time to be in KPC's best interests." The memo shows that KPC clearly was in control of ATC; that Mr. Crowell was aware of that control, and that he was in a position to offer advice as when that control should be exercised. It further shows that these topics were discussed at the highest levels of the Louisiana Pacific headquarters.

These documents hardly demonstrate a "peripheral" or "ministerial" involvement in the events on which the court's guilty verdict is based. Contrary to Mr. Crowell's claim that his role was simply that of any attorney advising his clients, the court decision coupled with Mr. Crowell's awareness of the day-to-day operation of KPC, shows that his actual role was that of an attorney/advisor who had direct, personal involvement in the Alaskan operations of Louisiana Pacific and KPC. The court's proposed findings of fact indicate that Louisiana Pacific and KPC were involved in a sophisticated monopoly that could hardly have been fabricated and controlled by subsidiary managers in Alaska. In naming Georgia Pacific and Louisiana Pacific as co-conspirators, the judge indicated her opinion that involvement in these monopoly practices was not confined just to the named defendants, KPC and ALP.

The questions is: How far did this monopoly spread into the parent corporations, and how great was the involvement of specific executives and employees?

As an executive of LP and KPC, and with certain evidence—evidence not yet completely analyzed—linking him to KPC's Alaskan operations, questions of the most serious nature hang over Mr. Crowell's involvement in the anti-trust case. These questions should, and must, be resolved before the Senate votes on his confirmation.

However, I believe we have seen only the tip of the iceberg in the facts made available by the judge's decision. Problems with the small business set-aside-program, questions regarding bidding practices, timber sales appraisals and contract negotiations have been occurring on the Tongass National Forest for years. The Justice Department has been called in several times yet has failed to secure sufficient evidence for a case. How is it that the plaintiffs, then, were able to secure enough information to bring a guilty verdict against KPC and ALP? How could the unfair business practices listed by the judge have been occurring for such a long time without a more vigoruos response from the Forest Service? These are just a few of the issues that remain to be resolved, regardless of whether or not the Senate confirms Mr. Crowell.

I am announcing today that I intend to have the House Forests, Family Farms, and Energy Subcommittee vigorously pursue all the threads in this case. My subcommittee will not rest until it has clearly established all the facts, and outlined all the problems concerning the Tongass National Forest's

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

relationship with the convicted firms. I intend to closely scrutinize the 50 year timber sales contracts held by these firms, in particular. It is quite possible that the subcommittee's work will produce legislation to correct the problem, but in any case, I am determined to get to the bottom of this entire matter.

If Mr. Crowell becomes Assistant Secretary, he will obviously influence the Administration's actions on the Tongass National Forest, whether or not he directly involves himself. With the timber industry and Forest Service operations in the Tongass in such disarray, many issues there will of necessity be resolved at the national policy level. Because of Mr. Crowell's past intimate involvement in Southeast Alaska's timber industry, it seems at the very least he ought to recuse himself from any Forest Service actions on the Tongass.

Section 705 of the Alaska Lands Act would make available forty ($40,000,000.00) million dollars "or, as much as the Secretary of Agriculture finds is necessary" to ensure that 450 billion board feet are annually cut on the Tongass. As Assistant Secretary for Natural Resources and Environment, Mr. Crowell would have authority to direct the use of these funds. He would also have the authority to establish a guaranteed loan program to timber purchasers in Alaska, and to define eligibility requirements for the loans, and the terms and conditions of the loans.

This authority to bestow the money for a guaranteed timber sale volume, and to arrange loans to timber companies in that region, presents a clear and obvious conflict of interest. Since the court has determined that there are, for all practical purposes, only two timber companies in Southeast Alaska (both of which have been found guilty of monopoly practices and one of them being Mr. Crowell's own company), it is simply incredible to me that he can still be considered for a role in which his actions might easily provide great financial benefits to his former employers and associates.

I should think that Mr. Crowell himself would want the Senate Agriculture Committee to further debate his connections to the companies involved in the anti-trust violations, and completely clear up all the questions surrounding his actions as a representative of Louisiana Pacific and KPC. It is imperative that whatever role Mr. Crowell may play in straightening out the mess on the Tongass National Forest be clearly outlined before the Senate is asked to vote on Mr. Crowell's confirmation.

This, and other numerous questions that have been raised regarding his past actions and allegiances should be fully answered.

Therefore, if Mr. Crowell's confirmation is indeed debated on the floor of the Senate next week, without first having additional hearings before the Senate Agriculture Committee, I strongly urge you to oppose him. I further urge you to offer whatever support you can to those Senators who are calling for reopening hearings on his confirmation, and who feel, as I do, that the serious questions surrounding this nominee must be fully answered.

If you have any further questions regarding this, please call me, or my Forest Subcommittee Staff Director, Greg Skillman, 5-6416.

Thank you.
Sincerely,

JIM WEAVER,
Member of Congress.●

HONORING REV. JOSEPH SZPILSKI, C.M., ON THE SILVER JUBILEE OF HIS ORDINATION

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. RICHMOND. Mr. Speaker, on May 17, Rev. Joseph Szpilski celebrated 25 years of devoted service as a spiritual leader and as an inspiration to his community. The United Societies of St. Stanislaus Kostka Parish of Greenpoint, Brooklyn, marked this important anniversary with a day of thanksgiving and celebration.

In joining my Greenpoint friends and neighbors in this celebration, I want to bring to the attention of my colleagues the works of Reverend Szpilski, so that he can serve as an example to us all.

With the inspirational leadership and hard work of Reverend Szpilski, the St. Stanislaus Kostka Parish has become an outstanding model of innovation, the epitome of a spiritual and material uplifting that has brought great benefits to the entire community. His devotion and dedication to his church and to his neighbors is found in every aspect of life in Greenpoint.

I congratulate Reverend Szpilski, and I thank him. I join his devoted parishioners in wishing Reverend Szpilski many, many more years in our midst.●

DISABILITY INSURANCE FOR THE BLIND

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. LEHMAN. Mr. Speaker, today I am introducing legislation to improve disability insurance for the blind. My bill would amend title II of the Social Security Act to further liberalize the eligibility requirements that blind persons meet in order to qualify for disability benefits.

A person who is blind and has worked six quarters in social security-covered employment would be able to qualify for disability benefits. Such payments would continue as long as the recipient is blind. Under present law, benefits are cutoff when a blind persons earns $458 a month.

There are several reasons why the Congress should act to liberalize the eligibility requirements for blind persons, even at a time when the administration is seeking to restrict benefits provided through the social security system.

First, reducing the work requirement recognizes the difficulty the blind persons have getting hired. Because they are usually the last hired and first fired, many are not able to acquire the necessary quarters of coverage.

Second, current law prevents many blind people from even seeking employment. Those who have managed to qualify for disability benefits are afraid to take jobs. The risk of losing the benefits is too great when compared to the low wages and lack of job security they would have once in the work force.

Third, we must keep in mind the added economic burden the blind are forced to bear. Because of employers' reluctance to give them more responsible and better paying jobs, the earnings of blind persons are low. The blind must also bear the added costs of hiring sighted persons or buying special equipment to enable them to fully participate in modern society.

Finally, it should be noted that welfare payments to the blind would be reduced if these persons were given this additional incentive to work. The National Federation of the Blind estimates that 75,000 blind people would become ineligible for SSI if they were instead able to qualify for disability benefits under the provisions of my bill. Certainly many of the beneficiaries would subsequently become employed and would contribute both income and social security taxes to our Nation's coffers.

This legislation, which addresses the specific economic problems of the blind, merits the support of my colleagues who want to encourage people to work rather than to exist on public assistance.

Over the years, we in Congress have moved closer and closer to the enactment of the provisions of this bill. Let us complete the process begun by Senator Hubert Humphrey in the 88th Congress. Let us enact a law which will create true economic opportunities for the blind.●

MOUNT VERNON YMCA'S MAN OF THE YEAR AWARDS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. OTTINGER. Mr. Speaker, I rise to bring to the attention of my colleagues the outstanding achievements of two constituents: Rev. Clarence S. Cleasby and Mr. John E. Williamson. On Wednesday, May 20, both of these gentlemen will receive the Mount Vernon YMCA's Man of the Year Award.

Rev. Clarence S. Cleasby, the highly respected rector of the Church of the Ascension in Mount Vernon, N.Y. for almost 20 years, will be retiring on June 30. Since he arrived in November

1961, the church's school membership has more than doubled. Under his leadership, the Church of the Ascension adopted St. Paul's Episcopal Church in the South Bronx and provides Christmas gifts each year to the poor of that church. I praise his many humanitarian endeavors and know that Reverend Cleasby's inspirational leadership will be missed.

Mr. John E. Williamson joined the Eastchester Savings Bank in 1945. He rose through the officer ranks of the bank, becoming mortgage officer and executive vice president in 1966 and president in 1977. Mr. Williamson is treasurer of the Mount Vernon Chamber of Commerce; chairman of the Housing and Neighborhood Development Institute; director of the Mount Vernon High School Development Fund, and serves on various committees of the Savings Banks Association of the State of New York. Clearly, he is a most dedicated member of his community.

I commend both Reverend Cleasby and Mr. Williamson for their well- deserved awards and wish them continued success in the future.●

POPE JOHN PAUL II: A VICTIM OF OUR VIOLENT SOCIETY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. PORTER. Mr. Speaker, the shooting of Pope John Paul II has brought tears to our eyes and prayers for his speedy recovery to our lips. That this leader, who has become in the minds of people throughout the world the personification of love, peace and compassion, could be struck down by an assassin's bullet seems beyond our comprehension and fills us with grief not only for his injuries but for the condition of all mankind.

This cowardly act has jolted our consciousness once again to the menace that besets our planet. The alleged assassin, Mehmet Ali Agca, is obviously no more a representative of Turkish society than John Hinckley is a representative of American society. Yet both are representatives of societies characterized increasingly by violence and, even more ominously, by their people's increasing acceptance of it.

Violence pervades our news, our sports, our entertainment—our publications and radio and television—almost every aspect of our lives. Our children are brought up on it. Our media feature it, and some say, dwell upon it. Is it any wonder we have violence perpetrated on our world's leaders?

Who in the entertainment field is working to prevent the commercial exploitation of violence for violence's sake? Who in the media is working to garner public support for strong law enforcement against those who breach the rule of law by violent acts?

Parents who fail to give their children a value system that abhors violence, entertainers who purvey violence for commercial exploitation, even the media who report it benignly—all of us are in some sense responsible for those bullets that struck Pope John Paul II.●

LEGISLATION TO FREEZE CHANGES IN THE GUARANTEED STUDENT LOAN PROGRAM THROUGH OCTOBER 1, 1981

HON. JIM DUNN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. DUNN. Mr. Speaker, today, I am introducing legislation that would impose a freeze on changes in the guaranteed student loan program through October 1, 1981. One in four students across this country are utilizing a guaranteed student loan to attend college.

The administration has proposed a number of substantive long-term changes in the GSL program. Committees in both the House and Senate are considering these proposals.

My legislation makes no judgement as to whether these changes in the GSL program ought to be enacted. However, it is critical that no revisions in the program take effect before October 1, 1981, in order to prevent interruptions in the ongoing loan application process for September 1981.

Because of discussions that these proposed changes in the GSL program may take effect July 1, 1981, rather than at the end of the current loan processing period for fall semester—October 1, 1981—banks already have begun to slow down the processing of guaranteed student loans.

In fact, in several States the guaranteed student loan program has already been frozen due to this uncertainty.

The guaranteed student loan program is different from any other form of higher education assistance provided by the Federal Government because it relies on the voluntary participation of banks. If the banks are not happy with the program, they can pull out of it and shut their doors to students.

Banks understandably do not want to proceed with loan applications for September 1, 1981, if legislation requiring changes in those applications is to be made effective before that date.

In 1972, a similar situation occurred. Congress attempted to impose immediate program changes in the GSL program which resulted in a near total shutdown of the program because most lenders simply withdrew from participation. This required emergency legislation to delay the effective date of changes. To prevent a recurrence of the 1972 situation, the lending community must be assured that no changes in the guaranteed student loan program will take effect until after processing for September 1981 is completed.

In testimony before the Senate Subcommittee on Education, Arts, and Humanities, leading experts on the guaranteed student loan program warned that loan applications for September 1981 could come to an abrupt halt if changes in the program take effect before October 1, 1981.

That testimony follows here:

A July 1, 1981 implementation date is totally unrealistic and administratively impossible to ensure. We believe that a minimum of three months will be required after the enactment of any law in order to produce regulations, modify forms, change administrative procedures and notify all parties of the legislative modifications. Failure to provide such lead time will only create unnecessary confusion and a probable shutdown of the entire program, thereby forcing some students to either make major changes in or abandon their postsecondary educational goals.—Dallas Martin, Executive Director, National Association of Student Financial Aid Administrators, May 11, 1981.

Because of the complexity of the GSL program requirements on lending institutions across the nation, and the fact that lender participation in the program is entirely voluntary, history teaches us that substantial lead time is needed before statutory changes go into effect. In 1972, Congress attempted to impose immediate program changes which resulted in a near total shut-down of the program because most lenders simply withdrew from participation, requiring emergency legislation to delay the effective date of the changes. We fear a similar result if you attempt to impose a July 1 effective date on whatever changes you make in the statute.—Peter J. Gossens, Director, Government Relations National Association of Independent Colleges and Universities, May 11, 1981.

A July 1, 1981, effective date * * * is totally unworkable for the Guaranteed Student Loan program. A realistic assessment of the steps necessary to make any significant changes in the program, including revision of regulations, comment period, reprinting of forms, etc, preclude implementation before October 1 at the earliest. * * * Serious consideration of earlier dates may cause uncertainty in the lending community leading to a virtual shutdown of GSL during the critical summer and fall period which are the peak for applications.—Charles B. Saunders, Jr., Vice President, Government Relations, American Council on Education, May 11, 1981.

A July 1st implementation date could bring the current GSL processing to an abrupt halt. We are now processing loans for the fall and any changes which might retroactively effect loan guarantees would drive lenders from the program and delay disbursements.

Whatever changes are enacted by Congress will require adequate lead time for im-

plementation or many students will fall short of their financing plan this fall. We implore you to look at an effective date which would more closely resemble the manner in which you implemented the 1980 Education Amendments; such as loans which are for periods of enrollment which begin on or after October 1, 1981.—Douglas R. Seipelt, President, National Council on Higher Education Loan Programs, May 11, 1981.

It is critical at this time that the lending community receive assurances that no major changes will occur during the ongoing loan application process for September 1981. Without that assurance, processing of guaranteed student loans could come to an abrupt halt.

Implementation of major changes in the GSL program during the ongoing loan application process for September 1981 would be a classic example of the insensitivity of Government regulations affecting the people that those regulations are designed to serve.

I urge all Members to cosponsor this legislation.●

WILSON COUNTY COMMEMORATES SERVICE OF SIX SOLDIERS

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. GORE. Mr. Speaker, Sunday, May 17, the Margaret Gaston Chapter of the Daughters of the American Revolution and History Associates of Wilson County will join with citizens of Wilson County, Tenn., to commemorate the service of six soldiers. Five served the young United States in the Revolutionary War, and one served in the War of 1812.

Markers have recently been placed on their graves in Wilson County, and the ceremony is in recognition not only of their service, but of their spirit. Sugg's Creek Church, a church with a deep-rooted tradition in middle Tennessee, will be the site of the service.

The soldiers are: George Avery, born in North Carolina, 1750, and died in Wilson County, June 10, 1853; he married Elizabeth Allen. He was a private in the Continental Line of North Carolina in the Revolutionary War. Josiah Chandler, born in Henry County, Va., July 12, 1752, and died in Wilson County, October 16, 1827; he was married to Sarah Eddins. He was in the Continental Line of North Carolina in the Revolutionary War. John Currey, born in Chester County, Pa., April 30, 1762, and died in Wilson County, September 5, 1840; he was married to Sarah, last name unknown. He was a sergeant in the Continental Line of North Carolina in the Revolutionary War. John Drennan, born in Pennsylvania, 1740, and died in Wilson County, January 19, 1816; he was married to Delphan, last name unknown. He was a captain in the South Carolina Militia in the Revolutionary War. Hugh Gwynn, born in North Carolina, 1749, and died in Wilson County, January 11, 1829; he was married to Sarah Rice. He was in the Guilford County, N.C., Militia in the Revolutionary War. Thomas Partlow, born York County, S.C., 1796, and died in Wilson County, September 16, 1849; married to Chloe Hooker. He served in the War of 1812.

Each of these soldiers served our Nation. Each of us today should strive to understand and emulate their sacrifice, their courage, and their valor.●

FIFTIETH ANNIVERSARY OF GROVER CLEVELAND HIGH SCHOOL

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Ms. FERRARO. Mr. Speaker, I would like to take this opportunity to offer my congratulations on the 50th anniversary of Grover Cleveland High School.

Education is the foundation upon which a society is built. Quality education is the foundation upon which a great society is built. For half a century Grover Cleveland High School has been educating the young people of the Ridgewood community. Grover Cleveland offers students the opportunity to excel in the academic, vocational, and athletic areas.

Grover Cleveland High School opened in September 1931, under the leadership of Dr. Charles A. Tonsor. Dr. Tonsor maintained extensive ties with the community during his entire tenure. In June 1955, Dr. Tonsor retired and was followed by Mr. Edward Kramer. Mr. Kramer continued the traditions of Dr. Tonsor until 1966. The next principal was Dr. Philip L. Groisser who left the school in 1971. Dr. Groisser is presently the superintendent of high schools for Brooklyn. Since 1971 the principal has been Mr. Myron L. Liebrader.

The school has continued to meet the needs of the young in the community. The educational programs have changed with the times to meet the demand and needs of the business and academic worlds. The commitment to the community continues. The students of Grover Cleveland are extensively involved in volunteer work with the Ridgewood-Bushwick Senior Citizens, Wyckoff Heights Hospital, and the local elementary schools.

Students attending Grover Cleveland are involved in the advanced placement program, which allows students to earn a full year of college credit while still in high school; the bilingual program; the foreign language program allowing students to excel in the area of French, Spanish, German, and Italian; and recent renovations in the shop area has allowed for programs in home economics, catering, graphics, and auto mechanics.

The administration, staff, and students—both past and present—of Grover Cleveland High School are to be commended for their fine record of academic excellence in our community.●

ARMED FORCES DAY 1981

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. EVANS of Delaware. Mr. Speaker, at this time when Congress is prepared to make a new commitment to our national defense efforts, I believe it is particularly appropriate that we focus special attention on the men and women in our Armed Forces as we celebrate Armed Forces Day.

In 1949 Armed Forces Day was designated as the third Saturday in May. This commemoration dedicated to the U.S. Army, Navy, Air Force, Marines, and Coast Guard emphasizes the unity and mutual goals of the branches of the U.S. military.

We owe an incalculable debt to all those who have served our Nation in the past and to those who serve now. We must not underestimate the value of maintaining a strong and effective national defense. President Reagan's comprehensive economic program is not only critically important to the revitalization of our economy, but also will make the desperately needed improvements in our national defense program. The President's proposal includes not only the funds needed to obtain top-quality military equipment, but more importantly, increases the benefits and pay scales of our soldiers.

If we are to continue as a leader in the world community, our men and women in uniform need to be honored not only on Armed Forces Day but every day of the year. I am sure that all Delawareans join me as we reaffirm our support for those men and women who serve and protect our great Nation on Armed Forces Day, 1981.●

SOVIETS BAR JEWS FROM HOLOCAUST COMMEMORATION

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. RITTER. Mr. Speaker, I am distressed by recent news accounts claiming Soviet security forces prevented Soviet Jews from commemorating the holocaust. During World War II, 6 million Jewish people were exterminated in Hitler's death camps, thus, making the holocaust one of the most solemn events observed on the Jewish calender. Denying the Jewish people their right to observe the holocaust and pay respects to its victims is the latest blatant example of the Soviet Union's disregard for human rights. Unfortunately, the act perpetrated by the Soviet officials is just one example of many repressive techniques employed by the Soviet leadership against Soviet Jewry. The Soviets hope that by fear of reprisals and outright repression they can kill the spirit of a faith that has existed for thousands of years.

To be a Jew in the Soviet Union is tantamount to being a second class citizen. Jobs, privileges, upward mobility, things most people take for granted in the United States are denied consistently to Jews in the U.S.S.R. It is no wonder thousands of Jews seek to emigrate every year from the Soviet Union. Yet even the freedom to leave is denied to them.

We, who enjoy political and cultural freedom find it especially repugnant to view such Soviet repression. Having lived in the Soviet Union for a year, I saw this type of oppression and persecution first-hand. Courageous individuals such as Anatoly Shcharansky, who seek freedoms such as the right of religious expression for Soviet Jews, incur personal assault and abuse. Many, like Shcharansky, are incarcerated and forced to rot in the Soviet prison system, their only crime being a desire to secure basic human rights and dignity.

The common bond that Soviet Jews share with one another will not be destroyed by the Soviet Government's refusal to allow Jewish observance of the holocaust. Several hundred Jewish families had picked a forest at Ovrashki, 25 miles east of Moscow, for a day of picnicking and spiritual fulfillment. When the first families arrived, the forest was surrounded by police and KGB agents who told them the forest was off limits due to "sanitary cleaning." In addition, throughout the week, Jewish leaders were harassed and threatened by job dismissal if they organized a gathering or openly commemorated the holocaust. We must continue to remind the Soviet Union of the commitments they made by signing the Helsinki agreements over 5 years ago. At that time, they promised to uphold human rights and abstain from political and military intervention into the affairs of other nations in exchange for recognition by the Western World of the Eastern European borders established by the Soviets after World War II. We must insist that the agreement be honored and adhered to, which includes granting the basic personal and human rights to Jewish people. All free peoples view the continued repression of the Jewish people by the Soviet Government inhumane and unjustified.●

IMPACT OF REAGAN BUDGET ON SENIOR CITIZENS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. OTTINGER. Mr. Speaker, President Reagan's massive budget cuts in Federal programs—now given initial approval by both the House and Senate, but without my vote—will reverse the enormous progress we have made in our efforts to assure that our senior citizens are self-sufficient.

The administration is attacking a number of programs crucial to the economic security and well-being of older Americans, such as social security; civil service retirement; medicare and medicaid; food stamps; and community and social services. These cuts will have a devastating and immediate impact on millions of low-income older Americans across the country.

For many in the Northeast, the cuts will mean a choice between heating and eating in the cold winter; for some the cuts will mean the difference between living at home and being institutionalized; for others the cuts will mean the loss of a CETA job or services provided by CETA workers; or the end of meals provided by senior nutrition programs, or adequate medical care provided by community health centers. Tragically, for some, I am truly afraid these cuts will mean the difference between life and death.

In addition to the unprecedented cuts in human service programs, the administration has reneged on its earlier promise to protect the basic social security retirement program from cuts. The administration now has launched a major assault on the program that will harm both workers and retirees and undermine the confidence of all Americans in the future of this program.

I do not believe that the President was given a mandate by the American people to deprive this country's older citizens of a decent standard of living or to dismantle provisions of the Social Security Act that have provided benefits for over 40 years.

In my view, the administration's actions are no less than a declaration of war on the Nation's elderly and on all our efforts to assure that no American be impoverished after a lifetime of work. I vow to oppose these measures at every opportunity.

SOCIAL SECURITY CUTS

As part of his March budget package, the President proposed four permanent reductions in social security benefits, including: Eliminating the $122 minimum benefit provided to 3.1 million recipients, including 122,000 in New York; eliminating benefits for students aged 18-22; reducing disability benefits; and eliminating the death benefit for beneficiaries without survivors.

Now, the administration has proposed additional, more far-reaching cutbacks affecting all workers and retirees.

For those retired, the President has proposed delaying the automatic cost-of-living adjustment due in July 1982 until October 1982. This 3-month delay would save the Government $3.3 billion, but would take the money from the pocketbooks of retirees as they struggle to cope with high inflation.

For those still working and contributing to social security, the administration wants to change the formula used to calculate benefits, which will result in substantial reductions in their future benefits. Most adversely affected will be those nearing retirement age who had planned to retire at age 62 but whose expected benefits would be cut by one-third under the Reagan plan.

I hope Congress will reject these proposals. It is absolutely critical that we do not allow our handling of the short-term problems of social security financing to undermine the public's confidence in the social security program or our commitment to fulfilling promises to future retirees by cutting benefits. We should look to other financing alternatives.

As I testified before the Social Security Subcommittee earlier this year, I believe there are other ways to secure the trust funds without raising taxes or cutting promised benefits. These include: Authorizing intertrust fund borrowing; authorizing at least limited use of general revenues; and increasing the incentives for Americans to continue working and delay retirement, such as eliminating the current limit on allowable outside earnings for social security recipients.

CIVIL SERVICE RETIREMENT

Also under attack by the Reagan administration are millions of Federal retirees. As an additional method of trimming Government spending, the administration supports legislation to replace the semiannual cost of living

(COLA) for civil service retirees with a single adjustment.

The rationale behind this proposal is that Federal retirees should have their pension benefits adjusted no more frequently than social security recipients who now receive an annual COLA. I believe this thinking is backward—social security recipients ought to receive the same kind of inflation protection now provided civil service retirees.

HEALTH CARE: MEDICAID AND MEDICARE

In addition to the cuts in retirement income, the President has proposed substantial cuts in health care assistance now available to older citizens.

Although most persons associate only medicare with senior citizens, one out of five older Americans receives medicaid which provides health services to low-income people. In fact, one third of all medicaid expenditures during the past year were made to meet the needs of older Americans. Cuts in this program will severely jeopardize the ability of these individuals to receive the health care services they need.

The administration wants to reduce Federal spending by placing an arbitrary cap on Federal medicaid expenditures rather than continuing to match medicaid expenditures by States. Reducing Federal expenditures will not reduce the health care needs of the poor or elderly. Instead it will force the States and local governments to assume a larger share of the costs or deny eligibility and services to the poor. There's no doubt in my mind that this cap, if approved, would lead to a cutback of services.

One of the first services to be cut will be home health alternatives to nursing homes. While home health care is a required service under medicaid now, many States have difficulty expanding this service because of the huge expenditures for nursing homes—now approximately 40 percent of medicaid costs. If home health care is not available, many more older people will be forced to turn to nursing homes for their care as their only alternative.

In addition, the administration wants to repeal two expansions of home health care benefits included in the medicare program just last year: elimination of the ceiling on home health care visits—due to be repealed as of July 1, 1981—and also elimination of occupational therapy as a basis for home health coverage.

These proposals limiting the availability of home health care are not in the best interests of older people and they are not cost effective. In almost every case, the cost of nursing home care far exceeds that of home health care.

Among the other proposed cuts in medicare are: Less frequent inspection of thousands of nursing homes; and the repeal of the reimbursement for pneumococcal vaccine approved last year. This vaccine would save 5,000 lives over a five year period and save medicare an estimated $6 million. Cuts of this kind are extremely short-sighted and truly hard to understand.

FOOD STAMP ASSISTANCE CUTS

Food stamp benefits are extremely low—they average only 44 cents per person per meal. In New York over 169,000 households with individuals over 60 currently rely on this assistance to help make ends meet. Nationwide 90 percent of recipients have gross incomes below the poverty level; yet, the administration has proposed a huge reduction in spending for food stamps. Under the administration's plan more than 50,000 older New Yorkers would no longer be eligible for this assistance.

Eligibility for food stamps is based on net income, that is gross monthly income reduced by certain deductions. The administration is proposing an income cut off for eligibility at 130 percent of the poverty level and the repeal of the current medical expenditure deduction so important to older Americans. Elderly persons spend a disproportionate share of their income on medical care and shelter costs. Many have been eligible for food stamps because the present law allows them to deduct their expenses from their income—the administration proposes to eliminate them from this program.

COMMUNITY AND SOCIAL SERVICE PROGRAM

The Department of Health and Human Services estimates that nationwide, 1 million older persons receive services provided under funding from title XX of the Social Security Act. These services include home-delivered meals and congregate meals, homemaker chore services and senior centers.

This administration has proposed cutting funds for title XX by 25 percent and including it in a block grant that would include seven other programs, most related to child welfare services. New York would lose $60 million in title XX funds alone if this proposal is adopted.

If these funds which support senior centers and nutrition programs are cut, we will see thousands of older Americans with no hot meals, no place to go for companionship, and in some cases little to live for. Furthermore, cutting this funding in order to save money will backfire—costs will increase if lack of these services designed to promote self-sufficiency leaves many more older Americans with no alternative to full-time nursing home care.

While none of these cuts will affect all older persons across the board, dozens of the proposed budget cuts will have a devastating impact on the programs important to the well-being of older Americans, particularly those near or at the poverty level.

The New York State Office for the Aging estimates that in New York alone, during 1982, the low-income elderly will lose over $250 million in critically needed program benefits. I do not believe we can afford to make these cuts.

Finally, the attack on social security benefits—whether or not the proposals are ever actively pursued or enacted—has created a great deal of anxiety among both workers and retirees and I am afraid has caused irreparable damage to the public confidence in the program.

I will continue efforts to fight the Reagan cuts when they are considered by the authorizing and appropriations committees and during the consideration of the second budget resolution next fall.●

EUROPEANS ARE MISTAKEN ABOUT THE PLO

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. LeBOUTILLIER. Mr. Speaker, on April 29, 1981, West German Chancellor Helmut Schmidt said in Riyadh, Saudi Arabia, that the Palestine Liberation Organization (PLO) would be invited to participate in a meeting this fall of the foreign ministers of the Arab world and the Common Market countries. According to published reports, this invitation was offered as political compensation for the refusal of Germany to sell weapons to the Saudis—including 200 Leopard 2 tanks—as a consequence of a long-standing policy banning arms exports to countries in crisis areas.

This invitation follows from the prevailing European belief—generally attributed to British Foreign Secretary, Lord Carrington—that the main problem in the Middle East is the Palestine question. According to this view, the Palestine question provides the Soviets a regionally legitimate pretext to intervene in the Middle East. If the conflict were to be resolved, it is argued that the Soviets would lose their legitimacy and be denied an excuse for what they are doing.

The Reagan/Haig view, on the other hand, judges the Soviet threat of expansionism and subversion in the region as independent of Middle East issues. The geostrategic attractions are incentive enough for Soviet involvement in the area. Long before Palestine became an issue, direct Soviet involvement in the region was established. In fact, one of the very first instances of post-World War II Soviet aggression occurred in the region. In 1946, President Truman confronted

the Soviets with an ultimatum that they withdraw from Iran. Even today, Soviet subversive attempts in Iran and Red Army aggression in Afghanistan continue to illustrate U.S.S.R. determination to seek strategic dominance in the region. Thus, Soviet involvement in the Middle East is a function, not of the Palestine question, but of long-range Soviet national interests.

In an article appearing in the National Review on May 1, Brian Crozier addresses himself to this divergence of opinion, and concludes that the U.S. position is correct.

According to Crozier, the European initiative is predicated on the PLO and the State of Israel entering together into negotiations. This, however, seems highly unlikely. The very raison d'être of the PLO is the destruction of Israel and, because of that, Israel will have nothing to do with the PLO.

Moreover, as a result of present American weaknesses, a more fundamental flaw exists in the initiative. The PLO is in large part an instrument of Soviet foreign policy. The only way a country can negotiate with the Soviet Union or its proxies from a condition of weakness is through appeasement. Thus, the United States must strengthen its position in the Middle East and stop Soviet aggression and subversion before negotiations will be successful. A European initiative will not be productive. Only the American approach can provide the necessary counterweight to the Soviet Union and thereby allow for a just settlement.

I commend the article to my colleagues:

[From the National Review, May 1, 1981]

THE PALESTINE PLOY—THE PROTRACTED CONFLICT

(Brian Crozier)

The allied divergencies I wrote about in my last column include, quite prominently, an important difference of approach on Middle Eastern problems. Although the difference concerns tactics, methods, and priorities, it is also, in the deepest sense, philosophical.

To simplify, the Reagan/Haig view is that the main problem in the Middle East is Soviet expansionism and that top priority, therefore, has to be given to ways of countering it. The EEC view, largely the brainchild of the British Foreign Secretary, Lord Carrington (who expounded it to Secretary Haig on his recent trip to Washington with Mrs. Thatcher), is that the real problem is the Palestine question, to which, therefore, top priority must be accorded.

Since these views are so clearly divergent, it was necessary for the British to find a formula that would disguise the divergence. Hence the Prime Minister and her Foreign Secretary have been saying to any handy listeners that the two approaches are "complementary." Well, that is one way of putting it.

SOVIET EXPLOITATION

Let us look first at the elements of convergence (for there are some). That "Palestine" is a festering sore is true. I have never been much impressed by the Biblical basis of Menachem Begin's irredentism, and it was always unfortunate that the creation of Israel (which I warmly supported at the time, and still do) was attended by the departure/eviction of Palestinian Arabs in large numbers, turning them into refugees with a grievance and a cause.

The Palestine problem is not only important per se, but also and not least because it is the kind of cause which the Soviets are adept at muscling in on and exploiting for their wider purposes. The rationale of the EEC initiative to solve the Palestine problem (and the point of convergence I mentioned) runs thus: Palestine gives the Soviets a pretext for intervening in the Middle East and confers upon them a regional acceptability they would otherwise lack; remove the Palestine issue, and you remove the Soviet excuse for doing what they do.

There is something in this, of course, but it is only a relatively small part of the truth. It overlooks the fact that the Soviet threat to the region would exist even if the issue were removed.

Soviet subversion powerfully contributed to the downfall of the Shah, and Soviet subversion right now is strengthening the hand of the Tudeh party, along with the Mujahedin and Fedayan fighters, for the next revolutionary opportunity that comes along.

Soviet aggression in Afghanistan has brought Soviet military power to within three hundred miles of the Gulf. A Soviet satellite in South Yemen is a potential threat to the Strait of Hormuz; if it were closed, the Japanese and West European industrial machines would come to a halt in days.

The Reagan/Haig approach and its order of priorities are correct, and the EEC/Carrington approach, in contrast, is piecemeal.

None of this means, however, that Palestine is unimportant or that it is not desirable that the problem should be solved. Imagine for a moment that it were solved, in a manner that guaranteed Israel's security (a mighty flight of the imagination, that, as we shall see; but let us make it, provisionally), and what would we have? Peace in the interminable Arab-Israeli conflict; peace in Lebanon; an end to a contentious issue that bedevils prosperity and sours relations; an end to embargoes on firms trading with Israel; reduced American military aid to Israel.

None of this is derisory, and the search for a solution to Palestine is in no sense an ignoble objective. The question therefore is whether the European initiative stands any chance of achieving an objective that has eluded all comers until now.

The Arab-Israeli contention is a conflict, and a fairly long study of conflicts tells me that conflicts are not resolved. If they appear to be "solved," it is because one party to the conflict has been forced to yield to the other. The main parties to this particular conflict are the PLO and the State of Israel (the PLO having become, by dint of persistence, cunning, and an excellent sense of public relations, a kind of embryonic state, with its "government" and its quota of international recognition).

The European initiative envisions bringing the PLO into negotiations (in itself a form of recognition), on condition that the PLO recognizes Israel (and therefore its right to exist). This the PLO is understandably reluctant to do, since the proposition that Israel is illegal and illegitimate is really the Organization's raison d'être.

The Israelis, on their side, will have nothing to do with the European initiative, on the grounds that the PLO is a terrorist organization dedicated to Israel's destruction.

THE U.S. IS RIGHT

This impasse may be thought an unlikely basis for success. But there is a more fundamental flaw in the initiative, for 1) the PLO is at least in part an instrument of Soviet policy, and 2) there is never any point (other than appeasement) in negotiating with the USSR or its proxies from a condition of weakness. There again, the American approach is correct. If the West does build its strength in the Middle East, as Reagan, Haig, and Thatcher want, the Syrians and the PLO may be weaned away from the Soviets (as Sadat of Egypt was); and the Israelis may be persuaded that security guarantees other than a piece of paper will be forthcoming.

At the heart of the divergence between the EEC and the U.S. lies a difference of philosophy. The philosophy of the EEC is that "peace" is more important than anything else; which leads to appeasement and setbacks in the Third World War. The new American philosophy is that some things are worth fighting for. The U.S. philosophy could lead to a bloodless victory over the Soviets; and to a Palestine settlement into the bargain.

In this area as in Africa, it is more than ever important that President Reagan should assert his leadership and that he should decline to be swayed by European arguments.●

ISAK SHKOLNIK, SOVIET PRISONER-OF-CONSCIENCE

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. MOFFETT. Mr. Speaker, as part of the congressional vigil for Soviet Jewry, I would like to once again draw attention to the case of Isak Shkolnik, a Soviet prisoner-of-conscience whom I have tried to help for 3 years.

Isak was born to an observant Jewish family in Vinnitsa in 1936, and from his early youth, wanted to emigrate to Israel. An unskilled factory worker, he taught himself Hebrew and English. He kept himself informed of world events through listening to the BBC, VOA and Kol Yisrael broadcasts. He and Feiga were married in 1964. Their daughter Louiza was born in 1966.

In 1971, when news reached Vinnitsa that Jews were obtaining permission to emigrate to Israel, Isak Shkolnik requested the necessary invitation in order to submit his papers. The affadavit was apparently intercepted by the authorities; it showed up as evidence against him in his trial. Shortly after Isak had committed this "crime" of trying to obtain an invitation, his apartment was searched and he was arrested on charges of disseminating anti-Soviet propaganda. Then, the charges were changed to "anti-Soviet agitation." But still the authorites

were not satisfied; the charges were changed once again, this time to "treason against the motherland." In yet another cruel maneuver, the Soviets decided that he had spied for the British, and then changed their minds, after the British had raised objections, and said instead that Isak had spied for Israel.

The authorities tried to put Isak into a mental institution before his trial. They attempted to extract false testimony against him from his fellow workers, threatening them with dismissal if they did not cooperate. This was the most absurd of Soviet attempts to justify such inhumane actions; in order to legitimize their kangaroo-court proceedings, they went to the trouble of creating false testimony to satisfy themselves and the world of the propriety of their persecution.

During the trial it was alleged that Isak had been collecting facts over the past 15 years to pass on to foreign powers. Since there was, of course, no evidence to be found to bear out this accusation, it was simply alleged that the facts he had collected were all being stored in his head. In 1973, Isak was sentenced to 10 years imprisonment—but due to world outcry, the sentence was reduced to 7 years at hard labor.

His prison conditions were so horrendous that he had to be hospitalized. His jailers tried to break him by offering him early release if he would renounce his intention to emigrate. In 1975, Feiga and Louiza arrived in Israel. Soviet officials again approached Isak and offered him early release if he would ask his wife and child to return to the U.S.S.R. Both offers were rejected by Shkolnik.

In 1979, Isak was released from prison after having completed his sentence. He went to Lvov where his father lived and applied for an exit visa. His father also applied—both were refused. Isak was told, "We're not through with you yet." In addition, Isak was told he had to return to Vinnitsa and begin his application process from there.

Isak had friends who housed him upon his return to Vinnitsa but the Soviets insisted that he obtain housing elsewhere and find a job. Soviet authorities forbade Isak to leave the city of Vinnitsa without permission, even to see his father. In addition, Soviet authorities would not give him either a housing permit or a job.

Isak is still in Vinnitsa, and must now abide by a strictly enforced curfew. His wife Feiga recently wrote to me saying that he was recently fined a half month's salary for being 10 minutes late getting home. Three months ago, I tried calling Isak but was unsuccessful—as with many other prisoners-of-conscience or refuseniks—Isak was not permitted to come to the phone.

The Shkolniks' frightful lives are a result of their desire to emigrate to Israel. How painful this repression must be. One would think that the Soviet Union shares this country's view on human rights and emigration as both countries signed the Helsinki Final Act of the Conference on Security and Cooperation in Europe. This act affirmed that "applications for the purpose of family reunification which are not granted may be renewed at the appropriate level and will be reconsidered at reasonable short intervals."

Maybe my letters and calls will mean that Isak's curfew will be lifted. Maybe these efforts will help Isak move one step closer to his dream—to join his family in Israel.

We cannot stand by idly and permit this abdication of human rights to continue. I urge all of my colleagues to adopt a prisoner of conscience or a refusenik, and to write to them regularly. We must strive in other ways as well to free not only famed intellectual dissidents but also poor, less-renowned but equally mistreated prisoners. It is not enough to speak in grandiose terms about the plight of citizens in nations where human rights are frequently violated. We must do whatever is in our power to guarantee that basic human freedoms are not denied to anyone, anywhere.●

A NEW DANGER: AWACS TO SAUDI ARABIA

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. BRODHEAD. Mr. Speaker, among my constituents, there has been a tremendous outpouring of opposition to the administration's plans to sell AWACS to Saudi Arabia. Their many calls, cards, and letters have reconfirmed my view that this sale is extremely dangerous for Israel and contrary to the best interest of our own Nation.

Of the many comments I have received on this issue, especially eloquent were the remarks of Rabbi Irwin Groner of Congregation Shaarey Zedek in Southfield, Mich. I would like to take this opportunity to share Rabbi Groner's sermon, given on the eighth day of Passover this year, with my colleagues.

SERMON EIGHTH DAY OF PASSOVER

The Reagan Administration has announced plans to sell equipment to Saudi Arabia which would greatly enhance the offense capability of the 60 F-15 fighter planes that the Saudis ordered from the United States in 1978. Providing offensive capability for these aircraft, the most advanced fighter bombers in the world, is contradictory to the very purposes for which they were provided. This sale will violate the United States commitment in the form of written assurances to Congress, which the Executive Branch provided; and authoritative promises to the Israeli government that these offense systems would not be sold to Saudi Arabia.

As though this were not sufficient cause for alarm, the Administration has declared its intention to sell AWACS aircraft to Saudi Arabia. AWACS stands for Airborne Warning and Control System, the most sophisticated aircraft of its kind in the world. There is only one country that has developed it, and that is the United States. This sale to Saudi Arabia poses an alarming threat to the security of Israel and endangers American interest in the Middle East.

The AWACS is a combination early-warning radar station, battlefield surveillance plane and a tactical battle-control station. From its altitude of 30,000 feet, its radar has a detection range of 300 miles. Picture a plane flying over Detroit that can "see" all aircraft flying over Toronto, Chicago, Cleveland and even further, a plane that can "see" ships that are sailing, cars along a highway, or armored vehicles in formation.

According to a recent press account, American AWACS now on temporary assignment under American authority in Saudi Arabia can detect any object moving at more than 80 miles-per-hour within a 300-mile range. What does this mean? Bluntly stated, Israel will not be able to fight a pre-emptive war, a vital and necessary option for a small country outnumbered by the combined forces of its hostile neighbors. It means that if Israeli hostages were in Entebbe, it would be impossible now to rescue them if the Saudis has AWACs. It means that the security of Israel is in danger because all of Israel—its air fields, aircraft, and defense systems—will be exposed to the electronic sight of the AWACS flying well within Arab air space.

The sale of AWACS to Saudi Arabia should be opposed by the leaders of the American government not only because of the threat to Israel, but also because this sale will seriously endanger American interests in the Middle East. At the risk of being repetitious, I share with you four reasons why this arms sale in injurious to America.

First, internal Saudi security is lax and Saudi stability is questionable. Providing Saudi Arabia with America's most valuable and technically most advanced arms, will place them in jeopardy. It should have been learned from the fall of the Shah of Iran that American sophisticated military equipment should not be entrusted to unstable regimes. The United States sold Phoenix missiles to the Shah. They are now considered compromised.

There was some discussion three years ago about delivering AWACS to the Shah. The Shah was removed from power only a few months before the delivery date of those AWACS. Had they arrived earlier, they would have fallen into the hands of the present government of Iran, and America's strategic advantage with respect to this important weapons system would probably have been lost. The Saudi regime is unstable and faces numerous threats. Last year, the Grand Mosque of Mecca was captured and held for many days by a group of insurgents. There is no reason to believe that the government of Saudi Arabia is more stable than the government of the Shah of Iran.

Second, the sale of AWACS to Saudi Arabia will destabilize the arms balance of the region. Never before has any Arab state taken such an enormous technological leap ahead of its Arab neighbors or Israel. What external threat faces Saudi Arabia which justifies the sale of this weaponry? It is alleged that it will protect Saudi Arabia from the Soviets. Soviet forces in Afghanistan are more than a thousand miles from Saudi Arabia's eastern coast. Were there a Soviet attack on the oil fields, this would be a direct challenge to the West. There is no conceivable situation in which the United States would leave the defense of the oil fields of the Arabian peninsula to Saudi Arabia. There is, however, one nation, Israel, which would be threatened by the Saudi augmentation of its offensive weapons. This provides a cogent explanation for the Saudi's buildup of sophisticated offense weapons systems. Several times, most recently two months ago at an Arab summit, Saudi leaders called for a "Jihad," a "holy war" against the Jewish State. In the past 32 years, Saudi forces have been at war with Israel three times.

On a one-to-one basis, Israel is capable of meeting any Saudi threat. But Saudi Arabia would not engage Israel by itself. It would be part, as in 1973, of a coordinated pan-Arab attack. It would be a strained and embattled Israel, engaged along a broad eastern front, that would have to defend itself against several Arab countries that would include in their weapons system long-range Saudi F-15's and the AWACS that would coordinate the deployment of all Arab forces.

Third, it was argued in 1978 that the sale of F-15's to Saudi Arabia would promote Saudi moderation and encourage their involvement in the peace process. At that time, there was no way of testing this belief. Since then, events have proved that this argument is totally false. Saudi Arabia's policies towards peace since the signing of the Camp David Accord have been anything but moderate or supportive. The Saudis led the Arab Leage condemnation of the peace treaty. They withheld economic support for Egypt. They jointed with Iraq in the Baghdad Conference in organizing a political and economic boycott of Egypt. They redoubled their financial aid and diplomatic support for the PLO. They condemned the opening of normal relations between Egypt and Israel, such as the exchange of ambassadors and the opening of the Suez Canal to Israeli ships. To sell Saudi Arabia additional offensive equipment is to reward intransigence and hostility, rather than to encourage moderation.

A related argument states that the United States' acquiescence leads to moderation in oil policy by the Arabs. This was not true in the past; we have no reason to believe it will be true in the future. The Saudi record on oil prices and withholding of oil supplies merits scrutiny. It's true Saudi Arabia has charged a little bit less than the other OPEC oil producers, but the difference has been minor. Saudi Arabia went along with, and in some cases instigated, the rocketing escalation of OPEC oil prices after the revolution in Iran, which has more than doubled the price of crude oil.

The fourth issue is the reliability of commitments made by the United States government. I indicated that in 1978 the Executive Branch justified the sale of the F-15's as only defensive in nature, and gave written assurances they would not sell AWACS. But now those written assurances are no longer considered binding or relevant. To sell the AWACS presents a serious credibility problem for our government. Future Administration commitments to the Congress will be suspect. Both our allies and our adversaries will take note of the unreliability of American assurances.

Consider Israel. Israel is being asked to rely on American security and aid guarantees to cement its treaty with Egypt at the risk of an autonomy plan for the West Bank. Should Israel take risks for peace with its unresponsive, radical neighbors on the eastern front, if the assurances of the United States are suspect?

The worst argument in favor of the new sale is that the Saudis regard it as a test of their relationship with the United States. The original F-15 sale, and other Saudi demands before and after were described in the same way. Our country satisfied the Saudi request. For the United States, the relationship did not improve. The support for the Camp David accord—that was a test of the Saudis. The restraint on oil prices—that was a test. Support for an American military presence in the Persian Gulf—that was a test. The Saudis satisfied none of these tests.

Acceding now to the Saudi demands for AWACS will be a measure of Saudi Arabia's ability to force the United States into disavowing its own solemn commitments. In this way, Saudi Arabia intends to hold America hostage to extortion and blackmail. What is at stake here is American honor as well as American national interests.

It is important to note that 150 Congressmen have recognized these dangers, as well as more than half the Senate. This is not an issue involving Israel alone. This proposal is being judged by the standards of what is wise, prudent and moral.

I quote Congressman Blanchard: "The sale of such sophisticated equipment to the Saudis will pose a new and serious threat to our closest ally in the Middle East, the State of Israel. What a terrible shame it would be if we undermined our most reliable and effective ally in the Middle East, the State of Israel. I cannot help but wonder if this sale would even have been proposed if Israel had oil wells."

Senator Riegle, Senator Levin, Congressman Broomfield, Congressman Brodhead and other legislators have similarly expressed dismay and disapproval.

It is necessary for us to express our profound concern about this sale to President Ronald Reagan. I say this with regret because the relationship between Israel and the new Administration has been marked until now by understanding and cooperation. Secretary of State Haig has called the terrorists "terrorists," something that didn't happen very often in other administrations. Many of Israel's requests made by a defense delegation at the end of March are being considered favorably. American support for Israel has been offered by the new Administration in tangible and symbolic forms. For these reasons, Israel and the American Jewish community are reluctant to oppose the President, particularly during this early period, as he implements domestic and foreign policies. But we understand and recognize that we must now vehemently oppose the sale of AWACS to Saudi Arabia. This sale is not wise or just.

The indications are that the Administration will delay or postpone the submission of this proposal to the Congress by several months in the hope that opposition will diminish and the intensity of negative feeling will decline. This must not happen then. It is essential that Congressmen and Senators are made aware of the depth and strength of our support for Israel, our opposition to the sale of these weapons, and our determination that we shall preserve an American foreign policy in the Middle East that strongly protects American interests. As Americans, and as Jews, we must speak out now, for our voices will be heard.

Today we read the 11th Chapter of Isaiah, in which the prophet portrays the coming of the Messiah. "In righteousness shall he judge the poor, and decide with equity for the meek of the land, and righteousness shall be the girdle of his loins, and with the breath of his lips shall he slay the wicked." Those in authority, those who have great resources, those who can dominate others often possess power without goodness; and conversely the good, the righteous, the just are often without power. The prophet envisaged the time when power and goodness would be united, when great resources would be joined with an equally great sense of justice, when righteousness would wield authority.

In our world, as in his, power is often unrestrained and undisciplined by morality. It is we who care and understand who have the responsibility of restraining power, in the name of morality. We have been successful before. With God's help, we shall succeed again. In that effort, we shall advance the work of redemption. Amen.●

HANDICAPPED STUDENT'S ARTWORK WINS FIRST PLACE

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. McCOLLUM. Mr. Speaker, this week I will be welcoming to Washington a young man who has not allowed a handicap to keep him from being a winner—and a source of pride to his school and his community.

The young man's name is Soloman Gavin, and he is a special education student at Springstead High School in Spring Hill, Fla. Recently, Soloman won first place in the State in the 1981 National Poster Contest sponsored by the President's Committee on Employment of the Handicapped and the AFL-CIO, in cooperation with the Governor's Committee on Employment of the Handicapped.

Soloman's artwork has allowed him to express himself totally while bringing joy to others. His teachers speak of his sincere dedication to art, and his complete willingness to be helpful to others. He works in the school cafeteria, and spends almost each minute of every day pursuing some type of productive endeavor.

This young man is truly a winner, and we are proud to welcome him to the Nation's Capital.●

LEGAL EXPERTS REVIEW HUMAN LIFE BILL

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. EDWARDS of California. Mr. Speaker, today, I am pleased to submit to this body the views of another noted legal scholar, Lea Brilmayer, assistant professor of law at the University of Chicago. For the sake of brevity, footnotes have been omitted.

This memorandum discusses whether S. 158 and H.R. 900, the proposed "Human Life Bill," could, consistently with the constitutional limits on federal power, be used to alter the result in *Roe* v. *Wade*, 410 U.S. 113 (1973). Some case law suggests, albeit ambiguously, that a definition of Fourteenth Amendment rights adopted by Congress pursuant to its section five enforcement powers need not necessarily conform to the Supreme Court's. Even conceding this point arguendo, there remains a question of whether such exercise of section five power might not infringe constitutional liberties protected by the Bill of Rights. This memorandum argues that in the exercise of its section five powers, Congress is still constrained by the Fifth Amendment Due Process Clause. Section five legislation cannot be used to authorize or require the States to take action that would violate the Fifth Amendment if done by the federal government alone and the Fourteenth Amendment if done by the states without federal authorizing legislation. Because the Fourteenth Amendment restrictions at issue in *Roe* v. *Wade* are congruent to Fifth Amendment due process limits on the federal government, section five legislation cannot be used to alter the result in that case.

INTRODUCTION

H.R. 900 and S. 158 provide that "the Congress finds that present-day scientific evidence indicates a significant likelihood that actual human life exists from conception." They further rely upon the enforcement power granted by section five of the Fourteenth Amendment to extend that amendment's due process protections to all human life, so defined. One apparent consequence of this legislation would be to alter the result in *Roe* v. *Wade*, which declared existing state abortion laws to be inconsistent with the Fourteenth Amendment. *Roe* was premised in part upon the lack of medical and moral concensus that human life begins at conception rather than at birth. Since a compelling state interest was deemed necessary to justify the invasion of privacy that abortion restrictions entail, this lack of consensus undermined the state's claim to regulate. With a Congressional enactment to reinforce this asserted state interest, the pregnant woman's privacy rights might be outweighed by the due process rights of the fetus.

Although it cannot be predicted with any certainty, it seems fairly likely that the bill would require, rather than merely permit, the states to criminalize abortion. One proponent of the bill claims that no state would be compelled by this bill to outlaw abortion, and anticipates that "Congress could well choose to delay any further enforcement action until it sees the extent of state compliance." But this reasoning relies upon an erroneous belief that "privately performed abortions are not state action." The state action would inhere in the failure to treat abortion as within the state's homicide statute. As the *Roe* court recognized, it is inconsistent to recognize fetuses as having Fourteenth Amendment rights while prescribing substantially more lenient penalties for abortion than for homicide. If differential treatment of born and unborn persons were impermissible under this bill, the result would be either mandatory extension of existing homicide laws to the unborn or invalidation of existing homicide laws at the behest of accused murders of adults. For this reason, and because the bill's proponents contemplate further congressional action if the states do not comply, this memorandum discusses the constitutional issues in terms of both permitting and requiring the states to make abortions a criminal offense.

In evaluating the constitutionality of these results, this memorandum addresses a fairly limited set of issues. First, it assumes that the bill is not merely a request for the overruling of *Roe* v. *Wade*. There is of course a large literature criticizing the reasoning that the Court used in reaching its result. But that is beside the point for purposes of section five of the Fourteenth Amendment, because that section raises the possibility that Congress might influence the scope of Fourteenth Amendment rights without having to persuade the Court that it had been wrong in the first instance. Second, the memorandum focuses only on the effects of H.R. 900 and S. 158 on the precise facts of *Roe*. There are undoubtedly other controversial implications of a bill of this nature, but the constitutionality of these is beyond the memorandum's scope.

DISCUSSION

Most of the attention to the human life bill has focused on whether the bill is a valid excercise of section five enforcement power. In particular, it is not clear whether Congress is empowered to redefine the content of the Fourteenth Amendment, as opposed to specifying its remedial implications, after a contrary Supreme Court ruling. There are about a half dozen precedents on this issue, most dealing with voting rights legislation. Perhaps because of the analytical subtleties surrounding the section five issue, the other constitutional questions discussed in those cases have been largely neglected in the debate over the human life bill. Yet these other, less intractable, issues are of great importance in assessing its constitutionality. An example based upon a recent Supreme Court case will illustrate why section five legislation tends to generate constitutional difficulties even apart from the problematic reach of section five authority.

In *Thomas v. Indiana Employment Security Division Board* 49 L.W. 4341 (April 6, 1981), the Supreme Court held that Indiana might not deny unemployment compensation to a Jehovah's Witness who had quit his job when transferred to a department engaged in the manufacture of war materials. The Court acknowledged the tension between the right to free exercise, which supported the claim to unemployment, and the prohibition against government establishment of religion, which suggested that the state should not subsidize religious beliefs. Both are Fourteenth Amendment rights, because the First Amendment applies to the states only through incorporation into the Fourteenth Amendment due process clause, and Congress might therefore attempt to alter this result through exercise of section five enforcement powers. To pose a cruder example, Congress might try to enforce Fourteenth Amendment establishment clause rights by prohibiting state tax exemptions for religious institutions, or Fourteenth Amendment free exercise rights by authorizing states to build churches. In any of these instances, Congressional action would have to be evaluated under the First Amendment, as well as under section five of the Fourteenth. More generally, Congressional attempts to alter the contours of Fourteenth Amendment rights raise potential problems under the Bill of Rights where they restrict the exercise of competing freedoms.

In every precedent intepreting Congressional power under section five, there have been competing constitutional claims that had to be addressed once the section five issue was resolved. This is no surprise, because reliance upon section five power does not immunize federal legislation from other constitutional challenge. The two most recent section five cases are particularly instructive. In *City of Rome* v. *U.S.*, 100 S. Ct. 1548 (1980), the Court addressed a federalism objection to voting rights legislation that required political subdivisions to win the Attorney General's prior approval of changes in electoral practices. It also rejected an argument that federal failure to approve those changes violated the First, Fifth, Ninth, and Tenth Amendment rights of the voters because the city had been unable to hold elections. That same term, the Court upheld the "minority business enterprise" provision of the Public Works Employment Act in *Fullilove* v. *Klutznick*, 100 S. Ct. 2758 (1980). In the course of its opinion, it considered and rejected a Fifth Amendment objection, for the plaintiffs had argued that the act violated the due process rights of non-minority contractors.

The difficulty with the proposed human life bill, even if the section five issue is conceded arguendo, is that it authorizes or requires the states to take action that the federal government might not be able to take directly, because of the Fifth Amendment. The problems are precisely analogous to those raised by the freedom of religion hypothetical. *Fullilove* is very nearly on point, because it held that in implementing constitutional prohibitions against state racial discrimination, Congress is constrained by comparable restrictions imposed on the federal government by the Fifth Amendment:

> Any preference based on racial or ethnic criteria must necessarily receive a most searching examination to make sure that it does not conflict with constitutional guarantees. This case is one which requires, and which has received, that kind of examination. 100 S. Ct. at 2781

Regardless of the reach of section five power, Congress could not authorize or require "separate but equal" as an interpretation of the Fourteenth Amendment without running afoul of the Fifth.

The only colorable distinction between the legislation in *Fullilove* and the proposed human life statute is that *Fullilove* concerned direct involvement between the federal government and individual contractors, while the human life bill only addresses state action. It can therefore be argued that while the Fifth Amendment was applicable to the federal action in *Fullilove*, only the

Fourteenth would be applicable to the federal bill in question here. Whatever force this distinction might have is undercut by *City of Rome*, where plaintiffs' First and Fifth Amendment objections were addressed to the impact federal action had had on their relations to local government. Moreover, there is no reason that the Bill of Rights should be inapplicable merely because the federal government acts indirectly, through requiring or facilitating state activity. This point is clearest where the state activity in question is *required* by the federal government. If the federal government is constitutionally entitled to adopt the legislation, it is binding upon the states because of the Supremacy Clause; thus objections to what the state is doing must be based upon limitations on the federal government.

The pertinence of the Bill of Rights provision is equally clear, however, when the federal government merely *authorizes* the state activity. This point is amply demonstrated by *Shapiro* v. *Thompson*, 394 U.S. 618 (1968) in which defendants had argued that state welfare residency requirements were justified by Congressional approval manifested in the social security laws. The Court denied that residency requirements were dictated or authorized by federal statute:

But even if it could be argued that the constitutionality of [the federal statute] is somehow at issue here, it follows from what we have said that the provision, insofar as it permits the one-year waiting-period requirement, would be unconstitutional. Congress may not authorize the States to violate the Equal Protection Clause.

The Court cited *Katzenbach* v. *Morgan*, a section five case, even through the federal statute in question had not relied upon section five. Obviously, then, such a result would be equally unconstitutional if the statute had been enacted in reliance upon section five powers.

Shapiro should be contrasted with the commerce clause context, in which Congress *can* Authorize the States to take action that would otherwise be unconstitutional. In *Prudential Ins. Co.* v. *Benjamin*, 328 U.S. 408 (1945), the Supreme Court rejected arguments that the McCarran Act could not authorize states to adopt certain taxes that would have been invalid without Congressional authorization. These arguments were thought to rest upon an overly restrictive view of Congress' own power to regulate commerce. They equated Congressional power to the power that the states possessed when Congress was silent, because if the former was larger then Congress could enlarge state power through delegation:

So conceived, Congress' power over commerce would be nullified to a very large extent. For in all the variations of commerce clause theory it has never been the law that what the states may do in the regulation of commerce, Congress being silent, is the full measure of its power. 328 U.S. at 422

In short, it is because Congressional power to regulate commerce is larger than, rather than congruent to, state power that Congress can authorize state action that would otherwise violate the dormant commerce clause. The principle that reconciles *Shapiro* v. *Thompson* and *Prudential Insurance* is that Congress can increase state power through authorizing legislation only if Congress itself possesses an authority which is larger than the states' and which includes the power it wishes to delegate. Thus, whether Congress can authorize or require the states to criminalize abortion depends upon whether Congress itself would be prohibited from doing so by the Fifth Amendment.

Several preliminary considerations suggest that the Fifth and Fourteenth limitations are congruent. The incorporation of the Bill of Rights guarantees into the Fourteenth Amendment was premised in part on the theory that fundamental rights that are guaranteed against federal infringement deserve comparable protection from infringement by the states. Conversely, when the Fourteenth Amendment was interpreted to prohibit state segregation of public schools, this limitation stemming from the civil war amendments was read into the Fifth Amendment limits on federal activity in the District of Columbia. While as a historical matter the framers of the Bill of Rights had certainly not intended to outlaw federal school desegregation, it was thought that the contours of fundamental human rights should not depend upon whether state or federal activity was at issue.

Yet in some respects federal power is less constrained by the Fifth Amendment than state power is by the Fourteenth. For instance, the federal government has greater latitude in classifying on the basis of alienage. *Hampton* v. *Mow Sun Wong*, 426 U.S. 88 (1976). Conversely, there are parts of the Bill of Rights which have been held not to be binding upon the states. *Apodaca* v. *Oregon*, 406 U.S. 404. To resolve the question of the constitutionality of the proposed human life bill, it is therefore necessary to compare the contours of the Fifth and Fourteenth Amendment guarantees. This will be done, first with regard to substantive due process rights generally, and then with regard to reproductive privacy rights specifically.

Virtually since the inception of the doctrine of substantive due process, the Supreme Court has used the same analysis regardless of whether Fifth or Fourteenth Amendment rights were at stake. When a challenge to a state statute was followed by a challenge to a comparable federal statute, the resolution of the state challenge was held dispositive. Conversely, when the first decision resolved the merits of a Federal statute, this effectively disposed of the merits of a later Fourteenth Amendment challenge to similar state statutes. The symmetry can be demonstrated by two pairs of cases. In *Heiner* v. *Donnan*, 285 U.S. 312 (1932), the executors of Donnan's estate challenged a conclusive presumption that gifts made within two years of death were made in contemplation of death and should be included in the decedant's estate. This Fifth Amendment challenge to a federal statute was resolved by citing *Schlessinger* v. *Wisconsin*, 270 U.S. 230 (1925), a Fourteenth Amendment challenge to a virtually identical state law:

[It is not] material that the Fourteenth Amendment was involved in the *Schlessinger* case, instead of the Fifth Amendment, as here. The restraint imposed upon legislation by the due process clauses of the two amendments is the same.

The Court declared that unless it was willing to overrule the earlier case, the federal statute logically had to be invalidated also.

The converse situation was presented in *West Coast Hotel* v. *Parrish*, 300 U.S. 379 (1937). A District of Columbia minimum wage law had earlier been declared invalid under the Fifth Amendment in *Adkins* v. *Children's Hospital*, 261 U.S. 525 (1923). In upholding the state minimum wage law under the Fourteenth Amendment, the Court was compelled to reconsider and overrule its earlier decision under the Fifth. While these two sets of decisions appear, to the modern eye, rather quaint in their discussions on the merits of the substantive due process claims, the conclusion that restrictions on federal and state action are identical is still good law. This can be demonstrated in the context of reproductive privacy rights, specifically.

The first litigation raising due process objections to restrictions on the use of Medicaid funds for nontherapeutic abortions was a Fourteenth Amendment challenge to a Connecticut provision, *Maher* v. *Roe*, 432 U.S. 464 (1977). The Connecticut legislation was upheld. When the federal Hyde Amendment restricting use of Medicaid funds for abortions was challenged in *Harris* v. *McRae*, 100 S. Ct. 2671 (1980), the Court found the prior decision controlling. Following the rationale in *Maher* and citing it at every turn of the way, the Court upheld the federal legislation also. Fourteenth Amendment precedents appeared to be cited virtually interchangeably, without any apparent recognition that it might be argued that the two due process clauses should be handled differently. The same assumption is made in the literature. It is hardly unthinkable that the Court would hold the Fifth and Fourteenth Amendment standards identical in a challenge to the proposed human life bill: in other reproductive privacy rights cases, it has already done so.

What would it mean in a challenge to the human life bill that the Fifth Amendment restrictions on the federal government were identical to the Fourteenth Amendment limits recognized in *Roe* v. *Wade*? Most obviously, the federal government would not itself be able to enact the sort of legislation that Texas had enacted there: legislation making abortion a crime. The Court had concluded in *Roe* that:

. . . "[i]n view of [the differing beliefs of when life begins] we do not agree that, by adopting one theory of life, Texas may override the rights of the pregnant woman that are at stake."

Congress may not, consistently with the Fifth Amendment, override the rights of pregnant women either by adopting one theory of life. While Congress' findings of scientific fact are of course entitled to deference, they should receive exactly the same amount of deference due Congressional fact-finding in other Fifth Amendment cases.

CONCLUSIONS

The analytical subtleties of section five of the Fourteenth Amendment seem to have an unusual hypnotic effect. The invocation of Congressional enforcement power has served, in the context of the human life bill, to divert attention to mysterious issues involving *Marbury* v. *Madison* when the problem could be resolved through garden variety Fifth Amendment analysis. Only if the proposed Congressional action is consistent with the Fifth Amendment—and in this case it is not—need these conceptually difficult issues be addressed. Invocation of section five power does not give the federal government a way to require or authorize states to take action that neither the states nor the federal government could take by itself.●

IRVING KOREN: A MAN DEDICATED TO HIS COMMUNITY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. SCHUMER. Mr. Speaker, I rise to pay tribute to an individual who has dedicated himself to the betterment of his community, Sheepshead Bay.

With a record of service that spans over 25 years, Irv is truly a remarkable man. As a husband, father, and grandfather, he has demonstrated unique qualities.

On May 30, 1981, Irv Koren is being honored by his temple, the Shellbank Jewish Center. After 25 years of dedication to Shellbank, he is now receiving the public accolades he so rightly deserves. Irv is known for being the first to arrive at the temple in the morning, and often is the last to leave at night. He was the first president of the men's club; at present he is the president of the entire congregation. It is just and fitting that he is being honored in this way.

Irving Koren has been active in other areas of community work as well. His cooperative, Brigham Park, is thankful for the dedication he has shown to them. When nonprofit community groups have not been able to find rooms to meet, Irv has solved their problems. As a leader, he gets results, in a low key, but extremely effective manner. Irv also serves as chairman of the Israeli Bond Drive, as an active member of the Knights of Phythias Continental Lodge, and as an elected member of the Democratic county committee.

In spite of all the time he has spent working in the community, Irv Koren has been a model family man. Irv is truly a remarkable man, dedicated to his wife, Syd, his two sons and daughters-in-law, and his grandchildren, including a very recent addition to the family.

Irv is a man of great quality; we in Brooklyn are proud to call him one of our own.●

A TIMELY BOOK REVIEW

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. DORNAN of California. Mr. Speaker, I would like to submit a timely review of a controversial book by one of the best known and prolific writers of our time—Isaac Asimov, author of over 200 books and plays as well as countless articles. The review is timely because Dr. Asimov's book, "In the Beginning," puts the spotlight on an issue that is very much on the minds of educators and scientists today: The Biblical account of the beginnings and nature of the universe and man as contrasted with scientific accounts. The book is also controversial because the assumptions that underlie Dr. Asimov's intellectual arguments go far beyond the methodology of experimental science and bring into question the validity and value of the greatest book ever written—the Bible. I, therefore, submit the following review to the thoughtful consideration of my colleagues as well as all concerned citizens:

The subtitle on the front of the dust jacket sets the theme for this work of nonfiction by one of the most celebrated science fiction writers of our time. It reads: "Science faces God in the Book of Genesis." There you have it: Science versus God, particularly the God of the Bible. And in a book written by an avowed secular humanist (a polite word for atheist), in an age that worships at the altar of scientism (a perversion of science) can there be any doubt as to the outcome?

Isaac Asimov has been characterized by some as a "genius." The book jacket describes him as "the author of over 220 books of both fiction and nonfiction." While Dr. Asimov may indeed be a genius, it does not necessarily follow that he is wise. The dictionary defines genius as "a very great natural power of mind." Wisdom, on the other hand, is an intellectual virtue, indeed, the greatest among the intellectual virtues because it is a knowledge of first principles, of what really matters and is essential in human life. Wisdom furnishes the answers to the fundamental questions of human existence—why, whence, and where—by seeing the relation of one truth to another and the relation of all truths as conveyed through the multidimensionality of reality. Genius may find itself in the service of wisdom or opposed to it. One is reminded of those powerful stanzas from T. S. Eliot's poem, "Choruses from 'The Rock' ":

"The endless cycle of idea and action,
Endless invention, endless experiment,
Brings knowledge of motion, but not of stillness;
Knowledge of speech, but not of silence;
Knowledge of words, and ignorance of the word . . .
Where is the Life we have lost in living?
Where is the wisdom we have lost in knowledge?
Where is the knowledge we have lost in information?
The cycles of Heaven in twenty centuries
Bring us farther from God and nearer to the Dust.

Dr. Asimov's intellectual strategy may be summarized in the following propositions: (1) only the scientific method (observation, measurement and repeatability) can provide us with compelling evidence or truth; (2) the Bible does not make use of the scientific method; therefore, it cannot convey truth.

The important questions that Dr. Asimov seeks to raise (and answer) undoubtedly have their origin in the Jewish and Christian fundamentalists' claim that the Bible is literally true in all respects, even scientifically. That claim is of the utmost importance and our author does us a service by raising it. He does us a disservice, however, by equating Christian fundamentalism with all of Christianity. Catholicism, for one, does not accept the proposition that the Bible is literally true in all respects. Most importantly for the purposes of our discussion, Catholics (and, I suspect, other denominations such as the Anglicans and Episcopalians) do not see the Bible as a science manual intending to convey scientific truths. Rather, they view the Bible as primarily concerned with conveying religious, theological truths as well as offering moral guidance from God's point of view. The fundamentalists' contention that the Bible is scientifically true is unhistorical. The Hebrew people of the Bible were not a scientific people. They were not abstract thinkers (a precondition for the emergence of scientific thought) as were the Greeks. Rather, they were a nomadic people (who, at length, settled down to other pursuits) who gave expression to reality in the form of concrete imagery as expressed through various literary forms such as didactic fiction, allegory, parable, epic, satire, and others. The Hebrew's conception of the universe was simply the common conception of the ancient Near East. Living in a pre-scientific age they were not concerned with conveying scientific truths but with moral and religious truths, of how God had intervened in their national life. Thus, the six days creation account was a literary device used to teach God's unique position as Creator of everything that exists. Sun, moon, and stars, so often the object of worship in the Near East, were merely his creations. Another objective (among a number of others) of the six days creation account was to underline the importance of the Jewish Sabbath as a divinely sanctioned institution. The literary device used to convey these truths was employed to hold the listener's or reader's attention. The profoundest theological notions were often conveyed through the simplest of images and symbols. The material was largely taken over from the stories of other peoples (particularly the Babylonians) but was carefully recast in the light of Hebrew theology and monotheism.

Dr. Asimov's contention that compelling evidence or truth may only be derived from the scientific method (observation, measurement, and repeatability) is the fundamental premise of his book. Only that is true which can be verified by the senses and methods of experimental science. One can begin by asking Dr. Asimov: how does one sensibly verify the statement that only that which can be verified by the senses is true? In asserting that an intellectual proposition is scientifically verifiable, our author engages in a self-contradiction. The fundamental or first principles of reality which govern the very structure of the mind [such as the principles of identity (A=A), contradiction (nothing can both be and not be at the same time and in the same respect) and sufficient reason (whatever exists has a sufficient reason for existing)] make scientific thought, indeed all thought, possible. They are metaphysical principles that are not sensibly verifiable. Dr. Asimov takes a very restricted notion of the word science as pertaining solely to a method of sensible verification. This is a relatively recent innovation of the last century and a half. Science in its original and classical sense referred to a systematized body of knowledge with its own distinctive object of study and method of studying that object. Thus, metaphysics was considered to be the highest science because it concerned itself with first causes, the highest principles or ultimate explanations

in the natural order. The other sciences have for their object secondary causes.

But Dr. Asimov ignores metaphysical truths as he does theological truths. For him, theological truths revealed by a transcendent God are not possible since he argues that reason (meaning the scientific method) cannot prove the existence of God. He relegates belief in God solely to the realm of faith and therefore not worthy of scientific men. But the pagan philosopher Aristotle, who also prided himself on being scientific, offered demonstrations for the existence of God, as did many philosophers after him, the most famous demonstrations being that of St. Thomas Aquinas. But, of course, Dr. Asimov does not view philosophy as a legitimate science (particularly metaphysics) even though philosophical principles (the first principles of thought to which I referred to earlier) presuppose all scientific thinking. Moreover, throughout the book, Dr. Asimov makes reference to the universe as a cosmos (the Greek word for order) as well as to natural law and the laws of science. But order and the concept of law are inexplicable outside of an intelligence which creates order and makes laws, an intelligence which we refer to as God. Science itself speaks in the language of laws, i.e., uniformities discoverable in the universe. Man did not make these laws but discovered them. Once again, laws imply a Lawgiver.

Finally, Dr. Asimov's contention that, because the Bible does not make use of the scientific method, it cannot convey truths, is itself far from the truth and will hardly bear up under scrutiny. What has the scientific method to say to us of the deepest truths of human existence: the meaning of life, of death, of love and suffering and simple joys? Mankind throughout the ages has looked to religion, philosophy, literature, and poetry for an answer to these existential questions. Men have never limited themselves to being solely experimental (the scientific method) but have always been experiential, open to the multidimensionality of reality. The truths conveyed by means of the modality of the scientific method are often abstract and tend to leave one cold and unmoved. Truths conveyed by means of the modality of religion, music, literature, and poetry are concrete and still the heart's deepest longings. Dr. Asimov says, for example, that "the only difference between ourselves and the other animals worth mentioning is that we have an extraordinarily large brain and an extraordinary supple pair of hands" (p. 62).

The Scriptures, on the other hand, say that we are made in the image and likeness of God. Dr. Asimov contends that there is no God. The Scriptures tell us that the heavens and the earth declare and sing forth the glory of God. Dr. Asimov contends that there is nothing beyond this life. The Scriptures declare that "eye hath not seen, nor ear heard, nor has it entered into the heart of man, the things God has prepared for those who love him." Dr. Asimov would substitute the scientific method for the Bible and scientists for priests and prophets, poets and philosophers. I think it significant that throughout the history of mankind, atheists, such as Dr. Asimov, have always been a very small minority, indeed. As the Scriptures tell us: such men have looked but have not seen because in their pride they have hardened their hearts.●

COMMEMORATIVE STAMP NOW HONORS FIRST SAVINGS AND LOAN ORGANIZATION

HON. ADAM BENJAMIN, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. BENJAMIN. Mr. Speaker, recently an 18-cent commemorative stamp was issued in Chicago to mark the sesquicentennial year of the establishment of the first savings and loan organization in the United States.

The issuance of this stamp by the U.S. Postal Service focuses attention on the importance of thrift and home ownership and the contributions of savings and loan organizations to the growth and development of the United States.

Ceremonies issuing the stamp were presided over by Rollin D. Barnard, president of the United States League of Savings Associations, and William B. O'Connell, executive vice president of the league.

I ask that my colleagues join me in recognizing and honoring the accomplishments of the league. The commemorative stamp is an appropriate remainder of the league's contribution to this country.●

MOUNT ST. HELENS' ERUPTION ANNIVERSARY

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. BONKER. Mr. Speaker, 1 year ago today, at 8:30 a.m. on a sunny Sunday morning in southwest Washington State, Mount St. Helens exploded.

The violent eruption released more energy than a hydrogen bomb and was one of the most awesome displays of natural power in our century. The blast blew away 1,300 feet of the mountain's summit, and the volcano belched out a ton of volcanic ash for each of the 4 billion inhabitants of Earth. Dust shot into the stratosphere by the eruption circled the globe. The magnificence of the natural spectacle fascinated scientists and the general public around the world.

The eruption also left natural devastation and human suffering. Fascination became fear for people near the mountain and for those living hundreds of miles downwind, who saw the sky turned black by rolling clouds of ash. A billion board feet of healthy timber—some of it 12 miles from the summit—was blown down by the blast. Hot mud, ash, and debris swept down the Toutle River Valley, knocking out bridges, clogging the Cowlitz and Columbia Rivers and inundating lowlying property. Pyroclastic flows of superheated gases and ash sped down the northern slopes of Mount St. Helens, killing dozens of unwary visitors caught in the path of the fiery cloud.

The May 18 eruption was only the explosive overture for a continuing drama. While we view the eruption with mixed feelings—fascination and fear, awe and grief, delight and repulsion—there are also mixed feelings about the aftermath of the eruption.

On one hand, we can be thankful that there was not more devastation than there was. The communities along the Cowlitz were not flooded as they very well might have been under a slightly different set of circumstances. The ash that blanketed much of the Northwest was relatively inert and has surprisingly helped, rather than hindered, agriculture.

On the other hand, billions of dollars of property and equipment have been destroyed. The threat of future eruptions and flooding continues. Many of the people who lost property, services, and livelihoods as a result of the disaster are still without assistance and have nowhere to turn. This is perhaps the greatest continuing tragedy.

The Federal response to the eruption, while generally good, is also one of mixed results. The volcanic disaster required quick action and unusual coordination to avert further devastation. Some agencies were quick to rise to the challenge; others were unable or unwilling to meet the need of the volcano victims.

Our disaster assistance laws and programs lack the flexibility and scope necessary to respond to such a unique occurrence as a volcanic eruption. In some cases, the bureaucratic mentality proved uncreative and inflexibile in aggressively applying the full authority of existing law to assist needy victims. Congress, through oversight, must see that disaster assistance programs are administered expeditiously if the Federal Government is to succeed in meeting all the national disaster needs.

For the most part, however, I am proud of the Federal response to the volcanic disaster. The front line Federal agencies in the recovery process deserve special commendation. The lead agency, the Federal Emergency Management Agency, in most cases was responsive and aggressive in pursuing solutions to volcano related problems. The Corps of Engineers' performance was extraordinary, given the circumstances, and they deserve special commendation. Their operation to clear the Cowlitz and Columbia Rivers and build "silt dams" on the north and south forks of the Toutle to prevent future flooding is an engineering feat unmatched in modern times.

The corps has cleared the rivers but will have to continue to dredge the sediment that will come down from the mountain for years to come. To avert future flooding of the communities along the Cowlitz River and to take care of other eruption-related problems, there will be a continuing need for Federal assistance and cooperation. I hope my colleagues appreciate the magnitude of the devastation around Mount St. Helens and will help shape an appropriate Federal response.

The eruption also gives us a unique opportunity to preserve this national treasure for science and the public. A volcanic landmark would save rare geologic formations and remind us of the awesome events of May 18, 1980. The mountain has already become a point of interest for residents and tourists and will hopefully help offset some of the economic consequences of the eruption.

The Forest Service has held hearings on a Mount St. Helens landmark proposal and will submit a final proposal in July. Governor Spellman is also putting together his recommendations for a park or monument to protect this unique resource. Congress will be called on in the near future to decide the fate of the mountain.

The eruption was a remarkable event in sheer force and the devastation it brought to the area, but equally impressive is the incredible natural and human restoration that has occurred this past year.

When I flew out with President Carter shortly after the May 18 eruption, we met with representatives of the agricultural community with forecasts of doom and estimates of crop damage for years to come. Amazingly, Washington State had bumper wheat crops and the famous Wenatchee apples are bigger and more delicious than anyone can remember. Grass and flowers growing close to the mountain are sprouting like never before. The ash apparently contained nutritional properties that indeed helped the soil.

I am also impressed by the indominable spirit and positive attitudes of those who live near the mountain, many of whom experienced hardship and suffering. There is a certain vitality and sense of survival despite the mountain's recent behavior and continuing threat. It is more than coping with the danger and problems; it is a community pulling together and making the best of things.

There is also optimism about the future. The timber resource has been greatly reduced and salmon runs will take years to recover. But there is now a world famous mountain in their midst, natural landmark. That means scientific and geological expeditions. It represents 2 to 3 million visitors a year. For the area, it is badly needed diversity in the economic base.

There are also the festivities. Last weekend, I was in the town of Morton, located near the mountain, for the first annual volcano days. A parade, the crowning of Miss Ash, and plenty of other activities. For the people of Morton, it is not a time of despair, but it is a proud moment in the lives of people who have shared a rare moment in history.

So on May 18, 1981, it is a time to remember what occurred a year ago on this day. For the people of Morton and those who live within sight of the mountain, it will always be remembered with mixed feelings as they become part of the May 18 Mount St. Helens experience.●

BEING MISGUIDED ABOUT THE FUTURE? MORE CRITICISM OF GLOBAL 2000

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. WEBER of Minnesota. Mr. Speaker, today I insert into the RECORD an article written by Prof. Rene Dubos, of the Rockefeller University in New York, which appeared in the Wall Street Journal on May 8. Professor Dubos clearly argues that the conclusions drawn from the Global 2000 report are unwarranted. He further suggests that while there is a need for society to study the future, it must be done through objective analysis of data and not prejudiced by certain philosophical beliefs.

If we are going to look into the future and create global scenarios about what life will be like on Earth in the year 2000, let us remember that humanity can change its course and destiny—we are never locked into the trends based on analysis of current thinking.

[From the Wall Street Journal, May 8, 1981]

HALF-TRUTHS ABOUT THE FUTURE

(By Rene Dubos)

The possibility of a successful modern reindustrialization seems questionable in the view of the gloomy prospects for the world presented in "The Global 2000 Report to the President . . . Entering the 21st Century." Released in mid-1980, the report is being widely publicized, but rarely discussed critically.

The principle that motivated the report is worthwhile, namely to define "the probable changes in the world's population, natural resources and the environment to the end of the century" to serve as "the foundation for our long-range planning." However, this report is based on such incomplete, inaccurate, slanted and outdated information that the only justification to mention it is to help to minimize the depressing effects it might have on plans for the re-industrialization of America.

The report's authors acknowledge that adequate information does not exist for evaluating the future. And the official in charge of obtaining the information on which the report is based said recently that "there were assumptions being made by virtually everyone . . . to which people in other departments were saying . . ., 'That's completely in contradiction to what we know to be the truth.' " But true to the current fashion of dwelling on failures and ignoring successes, they simply asserted that the future will be catastrophic unless we change our ways rapidly and drastically.

A few examples will illustrate how the report ignores the aspects of the modern world that justify hope, and emphasizes aspects that engender a gloomy outlook.

As the report mentions, one can assume that the consumption of non-fuel minerals will continue to increase; but this does not necessarily mean, as is implied, that we are threatened by paralyzing shortages of raw materials. According to a recent international convention of geologists, new techniques such as remote sensing, isotope measurements, radiometric dating and geochemistry are revealing vast reserves of essential minerals on the American continent.

REACHING TRAGIC LEVELS?

The authors of the report properly emphasize that deforestation has reached tragic levels in several parts of the world, but the statement that "if present trends continue the forest cover . . . in the less developed regions (Latin America, Asia and Oceania) will decline by 40% by 2000" should be supplemented with the information that both in Brazil and in Colombia tropical deforestation is proceeding less rapidly than a few years ago, and that new policies are being considered for better management. Large-scale programs of reforestation are also going on in North Africa, Ethiopia, India and particularly continental China.

Time and time again throughout "The Global 2000 Report" statements are preceded by the phrase "If present trends continue." What a big "if" that is. Human beings hardly ever remain passive when faced with dangerous or unpleasant situations. Their responses may not be wise, but they make mockery of attempts to see the future as extrapolations of past trends or of present conditions.

"If present trends continue," according to the report, "by 2000, Mexico City is projected to have more than 30 million people." Anyone familiar with the political structure of the Mexican state and with the natural conditions in the Mexico City area will not be readily convinced that the growth of this city will continue much longer at its present rate—were it only for lack of water and for the threat of other natural disasters.

The phenomenal agricultural and industrial achievements in Japan, Taiwan, South Korea, parts of Malaysia and China during the past few decades hardly fit the suggestion that the odds are for "a vicious circle . . . that leads to starvation and economic collapse by mid century" for Asia as a whole.

It is painful to compare the hysterical statements in "The Global 2000 Report to the President" with the well balanced and critical views of world problems presented in the book "Resources, Society and the Future," published in 1980 by the Swedish Secretariat for Future Studies in Stockholm. While the Swedish scholars acknowledge that difficult situations exist and that some will become worse, they do not envisage an apocalypse for the years 2000 or the 21st Century. They take it for granted that

people will imagine constructive alternatives and that societies will take appropriate measures.

While I consider "The Global 2000 Report" a misleading document, I am nevertheless in favor of the motivation behind it because modern societies need the kind of information and integration it tried to provide. One might apply to it G. K. Chesterton's facetious remark, "If it is worth doing, it is worth doing badly." But such a document can be useful only if it is based on facts that permit thoughtful assessments of priorities and risks. Unfortunately, valid statistical information is hard to come by, especially with regard to global problems.

Even when good quantitative data can be obtained, difficulties arise as a consequence of prejudices—usually subconscious. The authors of the report were so certain that the world is in a bad state and its future dark that they derived pessimistic conclusions even from obvious social improvements. They state for example that the average life expectancy at birth for the world as a whole will increase from 58.8 years in 1975 to 66.5 in 2000, an 11% improvement resulting from what they judge "improved health." But they also state that longer life expectancy will cause crowding and therefore decrease living standards, the paradoxical result being that longevity is bad for health. Anyone familiar with the complexities and uncertainties of public health trends will take such conclusions with a big grain of salt.

While the gloomy prospects of the Club of Rome's "Limits to Growth" and of "The Global 2000 Report" have been widely publicized, other views of the future, based on similar information, which are more optimistic, have not had any appeal for the mass media.

Hardly any mention is made of the fact that profoundly conflicting data are emerging from equally expert and specialized agencies such as the U.S. Department of Agriculture and the UN Food and Agriculture Organization. Dire predictions are more likely to be publicized and accepted than the optimistic ones, not because they are based on better information or analysis, but because they fit better the mood that Edward A. David, former scientific adviser to the White House, has designated as the "loss of nerve" in our society and the "national pessimism which dwells on failures and ignores success."

ALERTING THE PUBLIC

Publicizing bad news and unsubstantiated figures to document it is regarded as socially useful on the assumption that it alerts the public to the gravity of world problems and thus leads to action, but there is no evidence for this.

The many million copies of the Club of Rome's "Limits to Growth" that have been sold since 1972 have not significantly affected individual behavior or government policies. When "The Global 2000 Report" was published in mid-summer 1980, it received good first-day coverage and editorial response in the press, but wherever I have brought it up before socially concerned and well-informed citizen groups, I have not found anyone who remembered its theme or even knew of its existence.

Philip Handler, president of the National Academy of Sciencies, said in a report to Congress in the midst of the 1970 environmental panic. "The nations of the world may yet pay, a dreadful price for the public behavior of scientists who depart from . . . fact to indulge in hyperboles." The cynical attitude of the public toward recommendations based on so-called scientific reports originates from the widespread awareness that much of what is reported as science does not correspond to valid information. There is much truth of course in the publicized expressions of concern about the state of the world, but it might be helpful to publicize also that improvement is taking place in many situations.

Instead of playing at constructing world models on the basis of unwarranted assumptions and using incomplete, outdated and erroneous information, system analysts should remain aware of Lord Ashby's warning that, "All attempts to rely on quantification, to create (decisions) out of computer scenarios, to deduce them from cost-benefit balance sheets, are likely to make the decision worse, not better; for in the process of getting hard data, the fragile values, the unquantified information, the emotive elements which nourish the public conscience, all run through the filter and are lost, and so the quantified information assumes an importance out of proportion to its real value."

Finally the creators of global scenarios should always keep in mind that the cautionary statement "if trends remain the same" is completely useless because, wherever human beings are concerned, trend is never destiny.●

MOUNT ST. HELENS ANNIVERSARY

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. MORRISON. Mr. Speaker, a year ago, the spring sky in the Pacific Northwest was blackened by a massive demonstration of nature's power. For the first time in 123 years, Mount St. Helens erupted. Packing 500 times the power of the atomic bomb dropped on Hiroshima, the eruption blew 1,370 feet off the top of the mountain. Now although the fallout has settled, and the shock is over, the rehabilitation process is continuing. On the anniversary of the May 18 eruption of the volcano, I feel it is appropriate to examine some of the problems created by Mount St. Helens and discuss proposed solutions.

Mount St. Helens, in all its terrible splendor, left Washington State a legacy of problems. Fire, flood, and insects are a few of the difficulties that require attention. On May 18, superheated debris tore a hole in the mountain that leveled every tree in a fan-shaped 20 mile zone. The 9,000 acres of felled and standing dead trees are not only a major fire hazard but provide fertile ground for beetles and insects to breed in possible epidemic proportions.

During the eruption, 1 cubic mile of rock and mud rolled down the north slope into the Toutle River, and a vertical steam cloud shot 60,000 feet into the air spraying ash across the countryside. Currently, the area surrounding the mountain is covered with 18 inches of black sand which in turn is covered with 15 inches of pumice and capped with a 6-inch crust of dense ash. Highly subject to continuing erosion by wind and rain, the crust has wiped out a third of the roads in the vicinity and clogged rivers and streams. The Army Corps of Engineers has dredged some 45 million cubic yards of material from the Toutle and Cowlitz Rivers and another 15 million from the Columbia. Now although shipping operations are back to normal, another 35 million tons of sediment remains in the Columbia.

Wildlife experts say it may take years to recover the fish habitats destroyed by avalanches, and respiratory ailments continue to be a potential problem for people who live in the major dust fallout areas.

There are many differing views on how these problems should be solved and how the area should be managed. Geologists predict there will not be any more eruptions of the magnitude of the one on May 18. However, the mountain continues to belch from time to time and any long-term plan must be flexible allowing for potential changes in the topography. Priorities must also focus on getting remaining displaced persons back into their homes, salvaging the 3 billion board feet of timber damaged by the eruption and preserving some portion of the area for public study.

The Forest Service has done a professional job of outlining several alternative management options that appear to deal judiciously with the rehabilitation of the area. Alternative 1 would provide maximum preservation of the conditions as they now exist without either scientific or geological management, allocating 67,000 acres to wilderness. This would require congressional action and provide statutory protection. Alternative 1 also allocates land to interpretative areas, unroaded recreation and prime habitat. These secondary allocations would be made by the agency and could be changed in the future. The Forest Service's other seven alternatives call for differing mixes of land allocations including a "no action" alternative. This means that management of the area would continue according to existing plans.

In July, the Forest Service will publish a final proposal for management of the Mount St. Helens impact area. Some decisions were made quickly as in the case of timber salvage and control of insects and disease. However, the basic land allocation decisions do not require rushed or premature answers. The key is to come up with a plan that deals expediently with critical, potential problems and then establishes the mechanisms for future management of the affected area.

This year, as we recognize the anniversary of the May 18 eruption of Mount St. Helens, we must also focus attention on continuing efforts to rehabilitate the land and lives affected by this incredible example of nature's force.●

ASSESSMENT OF THE SOVIET GRAIN EMBARGO

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. HAMILTON. Mr. Speaker, in the wake of the Soviet invasion of Afghanistan, President Carter imposed a grain embargo and other sanctions on the Soviet Union. Concerns subsequently were raised about the impact of the grain embargo on farm income, its ability to moderate Soviet behavior, and its potential to change America's standing as a reliable supplier of agricultural products.

To help assess the impact of the sanctions, I asked the Congressional Research Service to examine the record. That study, "An Assessment of the Afghanistan Sanctions: Implications for Trade and Diplomacy in the 1980's" was completed prior to April 24 when the President lifted the embargo.

At the same time I wrote Secretary of State Haig and Secretary of Agriculture Block on February 13 asking for their views on the sanctions. I received responses from the Department of State dated March 5, and the Department of Agriculture, dated May 7, 1981, which I include here.

I hope that the Congressional Research Service study, prepared by John P. Hardt and Kate S. Tomlinson, will serve as an informative guide to policy debates on the advisability of lifting the grain embargo and on the significance of the embargo to the future of U.S. trade and diplomacy. The following are among the report's conclusions:

First. The American sanctions had mixed results.

(a) The political message of the sanctions was delivered but it did not help moderate Soviet behavior;

(b) Other countries have supplied the grain the Soviet Union wanted with only some inconvenience and higher cost, the higher cost estimated at $1 billion. The Soviet Union is experiencing agricultural problems such as declining meat production, food shortages, and a reduction in agricultural production, but it is unclear whether these problems were related to the embargo;

(c) The sanctions, particularly with the grain embargo, entailed significant costs for the American farm sector and the Federal budget. The immediate loss to the American farmer was 17 million metric tons of grain exports worth about $2 billion. A price support program was devised to compensate farmers equitably. Estimates of the budgetary impact of the price supports varied between $2 billion and $5 billion and, of course, there is a debate as to the other effects. Even though exports of American agricultural commodities reached an all-time high in 1980 the USDA estimated that as much as an additional 4 million metric tons of feed grain and a smaller amount of soybeans might have been exported had there been no embargo;

(d) The U.S.-led boycott of the Olympic games diminished somewhat the political value of the games to the Soviet Union;

(e) While the phosphate export ban could be expected to have an adverse impact on Soviet plans to increase agricultural production, it came too late to significantly affect the 1980 crop; and

(f) The restrictions on high-technology exports largely had the effect of shifting Soviet orders from American to other Western suppliers.

Second. Soviet leaders cannot yet judge the invasion of Afghanistan a success because Soviet forces are still necessary to exert control and world opinion condemned the invasion.

Third. An American policy of continued or intermittent embargo would probably remain unilateral, in effect turning over the Soviet market to other Western countries.

Fourth. Our allies would prefer a unified Western policy of varying trade benefits to the Soviet Union linked to Soviet international behavior rather than formal embargoes or sanctions.

Fifth. An American policy of continued or intermittent embargo is likely to cause American businesses, banks, and grain traders to abandon the Soviet market.

Copies of the CRS report may be obtained from the Committee on Foreign Affairs. The correspondence with the Departments of State and Agriculture follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 13, 1981.

Hon. ALEXANDER HAIG,
Secretary of State,
Department of State, Washington, D.C.

MY DEAR MR. SECRETARY: As you know the partial grain embargo on the Soviet Union has created problems for the American farmer. Since the imposition of the grain embargo and other sanctions, farm prices have gone through severe swings and the average farm family has suffered a sharp drop in income. It can be argued that the maintenance of the embargo or the failure to renegotiate a grain agreement could seriously erode a major market for the United States.

I hope that there will be full consultation with our allies and a careful weighing of all foreign policy implications before a decision on the future of the embargo is made.

If American national interest demand a continued embargo, the American farmer will willingly bear his fair share of the cost. I am concerned, however, that some of the costs and complexities in using economic sanctions not be overlooked.

I would like your own assessment of what effect the sanctions in the last year have had on the Soviet Union, the domestic economy, and on the future use of economic power as a tool in U.S. foreign policy. In particular, I would like your assessment of the following questions:

(1) The impact of the grain embargo:

(a) What has been the impact of the partial grain embargo and other agricultural sanctions on farm prices and farmers income in the United States?

(b) Who bore the burden of the grain embargo? Did a variety of government programs spread the cost of lost export markets or did farmers bear a disproportionate share of the load?

(c) What impact did the agricultural sanctions have on Soviet agriculture? How much of the initial grain shortfall was made up by the Soviet purchases from other countries? And, at what cost?

(d) Some specialists suggest that although we may have inflicted only limited damage on Soviet agriculture in 1980 we may have a critical future impact on Soviet prospects for bread and meat production due to a second poor crop year, limited world supplies, and the reduction of Soviet reserves. What is your view?

(e) We consulted with all the free world's grain producers after announcing the sanctions. To what extent were we promised and to what extent did we get world wide cooperation in applying the agricultural sanctions to the Soviet Union?

(f) A previous embargo on U.S. soybean exports to Japan is widely credited with accelerating the development of Brazilian soybean production. Do you expect a similar response by the Soviet Union?

(g) The American farmer has long opposed agricultural embargoes, in part because it endangers long term markets. To what extent has the grain embargo endangered the Soviet or other markets for U.S. agricultural products?

(h) If the embargo is lifted, can we expect a sharp increase in U.S. grain exports to the Soviet Union?

(2) The embargo of superphosphates and high technology goods:

(a) The exchange of U.S. superphosphates for Soviet ammonia has been disrupted by the embargo. To what extent have American producers and Soviet consumers of superphosphates adapted to the embargo? Has the lack of superphosphates substantially reduced the availability of fertilizer for Soviet agriculture? Will it in the future? Should we negotiate the future sale of superphosphates to the Soviet Union?

(b) What have the sanctions done to U.S.-Soviet trade in high technology goods? Have the Soviets been able to purchase similar equipment in Western Europe, Japan or elsewhere? To what extent have our allies followed the U.S. lead in tightening controls on high technology trade with the Soviet Union?

(c) Secretary Klutznick's letter to Speaker O'Neill of December 31, 1980 suggested answers to many of these questions in Sections (1) and (2) above. Do you share the Secretary's views? Please be specific in your replies.

(3) Sanctions and U.S. foreign policy:

(a) According to press reports, some current officials of the United States Government feel that ending the partial grain embargo would send the wrong signal to the Soviets. Can the embargo be ended while the Soviets continue to occupy Afghanistan.

(b) Secretary Klutznick's letter to Speaker O'Neill of December 31, 1980 indicated that in the Carter Administration's view the punitive economic sanctions taken against the Soviet Union were effective and the impact was reasonably equitable. Do you agree? Please be specific in your reaction to the detailed Klutznick letter.

(c) If the grain embargo and other sanctions are maintained, what economic response could we make to a possible invasion of Poland?

(d) What are your general views on the use of economic sanctions to achieve foreign policy goals? How should the future cost of sanctions be shared among exporters and the general public? In what range of goods can the U.S. expect to influence events with unilateral action? What are the prospects for establishing broad agreement on future grain embargoes with other major exporting nations? For high technology exports, can the U.S. effectively act without broad European and Japanese support? How can we go about getting that support?

(e) For the most part, the use of U.S. economic power for foreign policy purposes has centered on restricting U.S. exports or ignoring violations of international agreements. Restricting access to the U.S. market has been used rarely (former U.S. sugar policy) or in extreme circumstances (the ban of Uganda coffee). In thinking of future uses of U.S. economic power, to what extent must we begin to think of controlling entry to the U.S. market?

The future of our trade relations with the Soviet Union and the more general question of how, when and whether economic sanctions will be used in the future are complex matters. To help the Congress make up its own mind, I have asked the Library of Congress to prepare a detailed analysis of the sanctions and their impact. I plan to release that study, "Assessment of the Afghanistan Sanctions: Implications for Trade and Diplomacy in the 1980s," in the very near future. Your prompt response to the questions above will greatly assist the congressional assessment of the sanctions.

I look forward to your reply.

Sincerely,

LEE H. HAMILTON,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., March 5, 1981.

Hon. LEE H. HAMILTON,
House of Representatives.

DEAR MR. HAMILTON: On behalf of Secretary Haig I am replying to your letter of February 13 on the subject of the partial grain embargo against the Soviet Union. Your letter raises many complex and thought-provoking questions on the embargo policy and, more generally, on the use of economic sanctions as foreign policy tools. Many of these questions involve issues which the new Administration has not yet had the opportunity to address in depth and which I am not in a position to discuss. Your questions regarding former Secretary Klutznick's letter to Speaker O'Neill fall into this category. Others require extensive study and will not be answered completely until government and academic economists have performed detailed analyses. The following comments are therefore by no means exhaustive.

The question of the impact of the grain embargo on the American farmer and the U.S. economy in terms of export volume must be answered in light of the close relation between the U.S. grain market and the world grain market. Since the grain market is flexible the volume of total U.S. exports depends on world demand for grain rather than on specific markets like the Soviet Union. To the extent that other suppliers have increased grain sales to the Soviet Union, their traditional customers have turned to the U.S. to fill the gap. Thus U.S. grain exports reached record levels in marketing year 1979/80 (July/June) and are expected to reach a new record again in 1980/81.

As far as I know neither the USDA nor any research institution has yet attempted a comprehensive quantitative analysis of the domestic price effects of the grain embargo. Grain prices depend on a large number of domestic and international factors such as weather, transportation costs, and interest rates. It is possible to measure the immediate effect of the announcement of the embargo on grain prices in January 1980. However, it would be difficult to separate the embargo from other market factors to calculate what grain prices would have been now, more than a year later, if the embargo had not been imposed.

An assessment of the long-term impact of the embargo on the Soviet and other grain markets would also require an in-depth econometric analysis. However, under current conditions, if the Soviets want to continue to import large quantities of corn they will have to turn to the U.S. market to fill a portion of their needs. And if total Soviet demand is high, U.S. exports will benefit, regardless of the source of Soviet imports. Our other grain customers are certainly aware that the partial grain embargo was an exceptional response to Soviet aggression against Afghanistan and that their access to U.S. grain is secure.

The grain embargo had a significant impact on Soviet grain imports during its first year, October 1979–September 1980. During that period the embargo reduced Soviet imports by 8–9 million tons or about 25%. In spite of large grain stock drawdowns, meat production began to decline in the summer of 1980, and is likely to continue to fall in 1981. A more detailed classified (SECRET/NOFORN) report entitled "Economic Impact of the Grain Embargo on the Soviet Union" has been submitted to Chairman Zablocki of the House Foreign Affairs Committee, where it is available for your perusal.

We believe that the denial of phosphates has impaired Soviet fertilizer production and is continuing to hamper Soviet efforts to bring new production facilities on stream. While the effects of this action on Soviet grain production are difficult to measure with precision, the phosphate embargo has hurt Soviet grain production efforts.

Restrictions on the sales of high technology have resulted in the loss of some major contracts by American firms. Some equipment that American firms were unable to supply to the Soviets was procured from other sources; others, such as spare parts for the Kama River Truck plant, the Soviets have been unable to replace. We are continuing our efforts in discussions with our allies to increase the effectiveness of COCOM controls on exports which have a high technology content.

The future of the grain embargo policy is currently under review by the Administration. At this point it would be premature for me to comment on the conditions under which the embargo could be lifted, or the possible U.S. response to a Soviet invasion of Poland.

The more general issue of using economic sanctions as foreign policy tools is also one which this Administration will be studying.

I hope these comments are useful in answering some of your questions on the grain embargo. The issues you raised will certainly be considered in our deliberations. I realize I have not answered all your questions and consequently I would like to be able to furnish you supplementary information as our studies proceed and as the Administration comes to further decisions in this field.

Sincerely,

ALVIN PAUL DRISCHLER,
Acting Assistant Secretary for Congressional Relations.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 7, 1981.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: This is in further response to your letter of February 13 outlining various questions concerning the partial suspension of U.S. grain to the Soviet Union.

As you may know, I have felt that the embargo on the USSR had not been effective in terms of its impact upon the USSR, while here at home it represented a serious burden for American farmers. After several months of careful deliberation, President Reagan rescinded the sales suspension on U.S. farm products to the Soviet Union. This action, taken on April 24, 1981, will enable the United States and the Soviet Union to resume normal agricultural trade and begin negotiations on a new grain agreement.

Regarding your specific questions, we believe that the embargo and other agricultural sanctions have an adverse effect on farm prices and farm income. A major reason that the embargo had not brought a more severe decline in prices and farm income in recent months is that our grain supplies were significantly reduced by poor crop weather last summer.

The burden of the grain embargo had fallen primarily upon producers, although there also had been a cost to workers and businesses in related areas such as grain handling and merchandising, farm supplies, and export sales.

The impact of the agricultural sanctions on Soviet agriculture was primarily one of disruption. The reduction in supplies of U.S. grain to the USSR was largely offset by increased imports from other origins and by shifting toward greater imports of both substitute feed materials and meat. In buying more grain from other origins, the Soviets were required to pay a premium over the prevailing price of U.S. grain during the initial stages of the embargo, but this was largely if not entirely counterbalanced by the savings to the Soviets which resulted from our cancellation of contracts, many of which had been fixed earlier, when world grain prices were higher. Obviously, there were disruptions in supply lines, shipping arrangements, and with handling facilities in Soviet ports. We have no real basis for estimating such costs.

During the current July-June season, Soviet imports of grain from all origins are

presently forecast at about 35 million metric tons of which about 27 are expected to come from other countries. At the time the embargo was imposed, other countries were expected to supply only about 12 million tons of grain for the 1979/80 season, and even that level was considered unusually high at the time.

In consulting with other grain exporting countries after announcing our sanctions, the United States met with only limited cooperation. Argentina, for example, felt that it could not intervene in the export selling of its grain, and consequently a sharply increased volume immediately began to move into the USSR. Every other country which took some degree of restraint upon their export sales felt they should be able to sell to the USSR what they "would have" in the absence of the sanctions, and in all cases the result was a significant increase in the level of trade over that of recent years. The comparison made in your letter between our experience with soybeans with Japan and the ultimate result of our embargo upon the USSR is appropriate in that there already are indications of significant increases in grain production in other exporting countries in response to the increased demand which they now are experiencing from the USSR.

We felt that a continuation of the embargo would have increasingly endangered both the Soviet and other markets for U.S. agricultural products. In using embargoes for any reason, the United States is perceived no longer as a dependable supplier but as a residual one. Countries ordinarily heavily dependent upon imports—particularly from a single source—will make every effort to become more self-sufficient and to diversify its sources of supply. Other major exporting countries, at the same time, will attempt to plan their own production so that they are able to supply both the embargoed country and their traditional markets.

With the lifting of the embargo prior to the expiration of the current agreement, we are now authorized to hold regular consultations to determine how much more grain, if any, the United States will be able to supply to the Soviets for the remainder of this October/September year. For trade beyond September 30, it is likely that there would be some form of understanding or long term agreement, but no decisions have been made on the nature of such arrangement.

With respect to the sanctions on nonagricultural items, we are unable to comment on the impact upon the Soviet Union or the extent to which supplies from this country have been offset by increased availabilities from other origins. Theoretically, if the Soviets were unable to replace any of the fertilizer, and if all of the loss in supplies were to be reflected in grain production, the lost grain could amount to perhaps 3 percent of total output; in practice, however, the Soviets are believed to have made some adjustments to allow the use of lower grade fertilizer, which they now have secured from European sources. Again, as in the case of the agricultural sanctions, the main impact was probably temporary and disruptive in nature.

With respect to the foreign policy aspects of our sanctions, I believe that we need to reassure all foreign countries that we intend to be a dependable supplier of agricultural commodities. I believe we have seen that the withholding of those commodities does not achieve the intended results, and I believe that unless we are consistent in our determination to act as a dependable supplier, we will find foreign markets growing much less rapidly.

Nevertheless, this Administration inherited the embargo at a time when our relations with the USSR were complicated by growing tension in areas such as Poland. While the Administration, in light of the factors discussed above, has been opposed to embargoes such as the current one, it could not simply ignore general foreign policy considerations in order to lift the embargo as soon as the Reagan Administration came into office. After fully assessing our national security, foreign policy and agricultural interests we feel that the time was right to bring an end to the embargo.

We appreciate the opportunity to comment on your questions, and hope that the foregoing points will be helpful to you and Congressional colleagues in their assessment.

Sincerely,

RICHARD E. LYNG,
Acting Secretary.●

REPREHENSIBLE ACTS OF INTERNATIONAL TERRORISM

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. RICHMOND. Mr. Speaker, I am sure that my colleagues join me in condemning the continuing wave of international terrorism, including one type not so well publicized: the savage campaign of assassination of Turkish diplomats by Armenian terrorists.

Time after time over the past several years, cruel and calculated attacks have been directed at Turkish diplomats and their families. The list of dead and injured includes diplomats, employees of the Turkish Government abroad and citizens of host countries—all equally innocent, and all equally entitled to protection from outrageous and barbarous bombing and shooting attacks.

Such acts of international terrorism, in the words of Archbishop Colakyan, leader of the Armenian Catholic community in Turkey, are "senseless and cruel crimes which are incompatible with the tenets of our religion and humanity, directed against innocent people and which serve no purpose."

The safety of diplomatic personnel must be preserved. This is and has been a cardinal rule of international relations for centuries.

The vicious international terrorist campaign against Turkish diplomats in Copenhagen, Paris, Milan, Beirut, New York, Los Angeles, and elsewhere in the world must not only be condemned, but it must be stopped by all concerned, outraged governments. The continued Armenian terrorist attacks on Turkish diplomatic personnel are, like all such terrorist attacks that shed innocent blood, totally reprehensible and unjustifiable.●

FINANCIAL DISCLOSURE STATEMENT

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. RATCHFORD. Mr. Speaker, as I have done every year since 1971, when I was a member of the Connecticut Legislature, I am today disclosing a statement of my net worth and an accounting of income and taxes paid for calender year 1980. While I realize this disclosure goes beyond what is required by law, I feel that such an accounting is a responsibility of public office.

The following is a statement of assets, liabilities, and capital as of December 31, 1980, and a statement of income and taxes paid for tax year 1980. This statement covers myself and my wife Barbara J. Ratchford.

WILLIAM R. RATCHFORD—FINANCIAL STATEMENT

The following is a statement of assets, liabilities and capital as of December 31, 1980, and a statement of income and taxes paid for tax year 1980. This statement covers both William R. Ratchford and wife, Barbara J. Ratchford.

1980 Income

William R. Ratchford:	
Salary, U.S. House of Representatives	$60,662.50
Partnership share, law firm, Papazoglou, Ratchford, & Garamella[1]	2,412.08
Barbara J. Ratchford:	
Salary, Danbury Board of Education	22,055.49
Salary, Danbury Board of Education	1,200.00
William and Barbara Ratchford:	
Rental Income, Summer Home, Nantucket, MA	2,750.00
William, Barbara and Sons:	
Interest Income, Savings Accounts	62.73
Total income	89,143.80
1980 Federal income taxes, joint return	22,127.07

Assets

Cash:	
Checking Account—Danbury Banking and Trust (William and Barbara)	7,519.15
Savings Account—Danbury Banking and Trust (William and Barbara)	112.98
Savings Account—Danbury Banking and Trust (Barbara and Scott)	147.96
Savings Account—Danbury Banking and Trust (Barbara and Brian)	327.09
Savings Account—Danbury Banking and Trust (Barbara and Shaun)	67.25
Savings Account—Wright Patman Federal Credit Union (William)	32.46

Share Draft Account—Wright Patman Federal Credit Union (William)	45.39
Automobiles:	
1979 Chevrolet Blazer	4,850.00
Household furnishings:	
Danbury Home, 2 Johnson Drive, Danbury	10,000.00
Nantucket Summer Home, Nantucket, MA	7,500.00
Other:	
Teacher's Retirement—Barbara Ratchford (Approximate)	10,700.00
Congressional Retirement Fund—William Ratchford	9,086.27
Real estate:	
Home at 2 Johnson Drive, Danbury, Conn. (Market)	85,000.00
Summer Home, Nantucket, Mass. (assessed value, 1980)	107,700.00
Total all assets	243,098.55
Liabilities	
Mortgages:	
Danbury Home—Danbury Savings & Loan	44,215.37
Nantucket Summer Home—Nantucket Savings Bank	42,734.44
Danbury Home—Commercial Credit—second mortgage	24,055.20
Notes payable:	
Wright Patman Federal Credit Union, Washington, D.C	3,968.04
Total all liabilities	114,973.05
Total net worth	128,125.50

[1] Law firm dissolved in January, 1977. Fees are from 1980 settlements of partnership cases at the time of dissolution.●

A BILL TO PROVIDE CRIMINAL PENALTIES FOR ASSAULTING ANY OFFICER OR EMPLOYEE OF THE UNITED STATES

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Ms. FERRARO. Mr. Speaker, today I am introducing legislation which would make it a Federal crime to assault a Federal employee who is engaged in official duties. Currently, it is a Federal crime to assault certain Federal employees. In some cases entire agencies are covered, and in some cases only certain employees within those agencies. Surprisingly, some agencies are not covered at all.

This hodgepodge coverage could cause confusion in the aftermath of tragic attacks on Federal employees, and jurisdictional squabbles could interfere with prompt justice for the perpetrators of violent crimes.

My bill would provide an important protection for the many Federal employees who deal with the public on a daily basis, and who may be subjected to the violent acts of deranged individuals. Many times the claims examiner employed by the Veterans' Administration or Social Security Administration could be viewed as the one responsible for changes in eligibility criteria resulting in a claim denial. Although the employee is only administering a program according to the established rules, the frustration of a denied claimant is often directed toward the individual who processes the claim.

I believe that much crime can be deterred by clear warnings and swift justice. My bill would clear the way to post warnings at Federal facilities indicating that assaults on Federal employees would be investigated and prosecuted as Federal offenses. It would also eliminate the maze of jurisdictions which could frustrate investigations and prosecutions of criminal activities.

I believe it is the duty of the Federal Government to afford protection to all individuals who act officially on its behalf, and to insure that criminals are dealt with swiftly and efficiently. My bill would do exactly that.

H.R.—

A bill to amend section 1114 of title 18, United States Code, to provide criminal penalties for killing any officer or employee of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1114 of title 18, United States Code, is amended by striking out "judge of the United States" and all that follows through "National Credit Union Administration engaged in" and inserting in lieu thereof "officer or employee of the United States or of any department, agency, or instrumentality of the United States, while such officer or employee is engaged in official duties".●

HANDGUN BODY COUNT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. LEHMAN. Mr. Speaker, the handgun body count for the month of March totaled 648. The State with the largest number of deaths was Texas where 80 persons were killed by handguns.

As we read the many names that are listed here, we should not forget that each name represents a tragedy that could have been avoided. They are people like 19-year-old Clarivel Benitez, of Miami, who was killed during an attempted robbery, or 13-year-old Keisha Jackson, of Detroit, who was killed by another teenager who just shot at random into a crowd.

Stronger gun control laws may not have saved all of these persons, but I am convinced that many of them would be alive today if we had had the courage to pass antihandgun legislation.

The list follows:

HANDGUN BODY COUNT, MARCH 1981

ALABAMA (10)

John Bradford, Jr., Jack Dueitt, Cherie Guthrie, Eddie Martin, Danny Mason, Hence Parks, John Poole, Jeanette Saffore, Martha Tugwell, Rufus Williams.

ARIZONA (6)

Alicia Alcozer, John Bunchek, Benny Cox, Patrick Denton, Leo Enos, Jorge Romero

ARKANSAS (2)

John Shaddock and Paul Mueller

CALIFORNIA (68)

Danny Anderson, M.D., Emily Anderson, Candelario Bolagh, Manuel Borilla, Bruce Brumback, Robert Burchett, Austin Cannon, Joann Carney, Il-Suk Choi, William Clark, Gregory Estrada, Macario Garcia, Jack Goldman, Jay Gorka, Karen Gorka, Mary Lou Gorka, Stephanie Goytia, Henry Green, Christopher Grove, Ellen Hansen, Carlos Harrington, Ascension Hernandez, Dorothy Hildenbrand, Albert Hohl, Jake James, Russell Kennedy.

Andrew Kim, Joseph Kujawsky, Eric Lucero, Maria Magana, Karina Magana, Ricardo Magana, Mateo Manhosto, Nicholas Martinez, Dwight McClung, Lorenzo Munoz, Jessica Murray, Peter Navone, Alvin Nixon, Robert Nutcher, Linda Parrish, Geronimo Perez, David Pryor, Charles Robinson, William Roundtree, Silas Sanford, Jr., William Sears, Jack Serpa, Steve Serpa, Debra Smeltzer, Marilyn Stevens, Yin Tang, Roderick Thomas, Lou Tillman, Angelena Valesquez, Casey Wallace, Michael Williams, Walter Wingo, Graylan Woodkins, unidentified males (9).

COLORADO (27)

Curtis Babcock, John Bell, Glyn Campbell, Gerald Carter, John Cathey, Michael Connors, Doug Clunie, Alfred Dickerson, Jr., Albert Duncan M.D., David Duncan, Juanita Duncan, Kathleen Garcia, Sean Galvin, Charles Johnson, Timothy Koedam, Stephen Marquez, Gail Martinez, Danny Matherson, Gwen Mount, Donna Nikander, Marilyn Nolte, David Schor, Robert Wiggs, Anthony Yanish, unidentified males (3).

CONNECTICUT (5)

Henry Crumpton, John Laurer, Gregory Lavorgna, Isadore Seidler, Bruce Thompson.

DELAWARE (2)

William Cloud, Mark Donovan.

DISTRICT OF COLUMBIA (8)

James Bowens, Frederick Branch, George Cole, Leon Dudley, Kevin Ellerbee, Jerome Givens, Anthony Hall, Kevin Kemp.

FLORIDA (59)

Gloria Baez, Aquilah Beale, Lorenzo Beale, Clarivel Benitez, Margaret Bennett, Dreorn Brown, Emilio Cabrera, Jr., Reba Carr, Janet Diaz, Fernando Estrada, Alberto Fernandez, Larry Finney, Laudelina Garcia, Jerry Gladden, Jose Garcia, Raimund Gonzalez, Lawrence Griffin, James Gurgone, Cecilio Hernandez, Jesus Hernandez, Jorge Janbu.

Fredrick Lane, Robin Larlin, Willie Mann, Jorge Marrero, Paulaino Martinez, Alfred Maten, David McCall, Clovis Miller, Bob Neller, David Pupo, Jesse Reddick, Jorge Rodriquez, Rogelia Rodriquez, Saundra Spearmon, Marcel Sylvestre, Carol Thebaut, Tanya Tippens, Carlos Vasquez, Andrea Veters, Edna Washington, Walter Washington, Hulda Wiggins, Russell Wiggins, unidentified males (15).

GEORGIA (4)

John Alexander, Jerry Banks, Willie Harrell, James Travillian.

HAWAII (5)

Insop Sim, Jum Sim, Kyung Kim, John Klein, Michelle Klein.

ILLINOIS (69)

Reginald Allen, Eugene Ballard, Joseph Bond, Dominic Brown, Sammie Burks, Stephen Butler, Jr., Debra Calhoun, Pauline Cannon, Sylvester Carey, Juan Castenedo, Felix Castro, Palemon Chaidez, William Childes.

Reynaldo Callado, Isaias Corral, Michael Cowsend, Ruby Crivorapich, Jack Davis, Robert Digites, Edwin Delvalle, Edward Garcia, Harold Gilespie, Don Griffin, Frank Guedea, Charles Harris, Robert Harris, Johnnie Henderson, Brook Hudson, Diane Jackson, William Jackson, Ira Jefferson, Larry Jeffries, Antonio Jiminez, Nillion Johnson, Vernon Kincaid, Nancy Kresen.

Pedro Lazaro, Rufus Leichman, Carl Lewis, Nancy Liscomb, David Luster, Calvin Macklin, Zenon Martinez, Sulaila Matariyeh, Jesse McGee, Caryl Meenan, Brian Moore, Joe Myles, Roy Newsome, Martha Norman, Rosita O'Brien, Charles Oliver, Dwight Peoples, Robert Plush, Ronald Pollard, Larry Potts, Kim Pritchett, Louis Ramirez, Richard Reynolds, Angel Rivera, Jimmie Rodriquez, Sammie Sharpe, Curtis Smith, Jack Smith, Javier Terry, Laszlow Toth, Anthony Trombello, Timothy Wood, Jr., unidentified male (1).

INDIANA (4)

Joseph Devine, Cynthia Gibson, Sylvester Jackson, Edward Tinsman.

IOWA (8)

Lawrence Angelico, Sharon Angelico, Dennis Britton, Joseph Giunta, Robert McNamara, Marvin Shea, Babette Switzer, James York.

KANSAS (6)

Tedd W. Clark, Terry Collins, Harold Dennis, Jr., Anthony Flerlage, Tracy Michael, unidentified male (1).

KENTUCKY (4)

William Caldwell, Burtis Irwin, Joseph Minor, John Willard.

LOUISIANA (19)

Arthur Callins, Linda Campbell, Perry Chandler, Ronald Clark, Wilbert Ewing, Curtis Hensley, Roscoe Jones, Jr., Janelle Matherne, Edward McClindon, Arthur Parker, Elizabeth Pina, George Ruppeiner, Anthony Salvant, Henry Shavers, Ralph Shell, Dorothy Smith, Rennie Smith, Richard Wald, J. D. Washington.

MAINE (1)

Robert Page.

MARYLAND (16)

Walter Clements, Jr., Yoshie Clements, Richard Edwards, Earl King, Robert Lamp, Reginald McNeal, Philip Metz, David Myers, William Royster, Danny Thornton, Stephen Williams, Richard Watts, Jr., Stephen Williams, unidentified males (3).

MASSACHUSETTS (1)

Daniel Lucia.

MICHIGAN (55)

Roosevelt Allen, Jr., Rita Assiff, Michael Bade, Irene Bagley, Mozella Barber, Kevin Basnaw, Carl Benton, Carole Bodnar, Steve Bostic, Joseph Bowers, James Cannon, James Carder, Charles Coates, Clarence Coyne, Nelson Cruz, Joseph Galvan, Gino Ganz, Thomas Gardynik, Daryl Harris, Gregory Hatchett, Kathy Hill, Keisha Jackson, Clinton Johnson, Jr., Theodric Johnson, Byung Kim Young Kim, Booker Lloyd, Preston Love, John Meeks.

James Micol, Bill Nemeth, Donna Neibrzydowski, John Nigbor, Leon Overtree, Michael Peeples, Berry Perkins, Dorothy Phillips, Stephen Powell, Wayne Ragsdale, Jesse Randolph, Louis Rousseau, Gerald Sherrod, John Sidart, Hattie Smith, James Smith, Joseph Solomon, Jr., Tillman Wade, Daniel Walker, Shirley Ward, David Welcome, Sr., Samuel Woodard, unidentified males (4).

MINNESOTA (3)

Kevin Johnson, Harold Jones, William Wagner.

MISSISSIPPI (6)

Brent William, Linda Campbell, Hilda Haines, Steven Heard, Albert Jackson, Cleotha Rushing.

MISSOURI (18)

Joseph Bynum, Michael Duncan, Clyde Griffin, Michael Handcock, Michael Henderson, Eugene Johnson, Robert Kamerman, Jerry Lewis, Thomas McKay, Guy Mills, Sue Mills, William Parr, Richardo Romero, Minnie Slavens, Susan Soutee, David Vance, Derek Walton, Janice Womack.

MONTANA (1)

Richard Salois.

NEBRASKA (1)

Darnell Jones.

NEVADA (1)

Ronald Zimmerman.

NEW JERSEY (13)

Elisha Beale, Lorenzo Beale, Barbara Brooks, John DePunte, George Franconero, Jose Gonzalez, Tina Huntly, Carlton Listique, Joseph Piotrowski, Jess Redick, Frank Sanbrotti, Claude White, Jr., Judy Williams.

NEW MEXICO (6)

Lawrence Bennett, Gary Clarkston, Ray Gomez, James Petty, Barbara Sells, unidentified male (1).

NEW YORK (23)

James Angus, Darryl Arner, Carol Bosch, Ricardo Ceballos, Donald Cobb, James Coolican, Marlon DeGale, Andrew Gajadhar, Joseph Forem, Marlon Harbin, Craig Jones, Lam Luk, Jose Mercado, Joseph Mizrachi, Robert Robinson, Jr., Jack Sweeney, Thomas Thies, Luis Troche, Jr., Fred Valdez, Renaldo Ventura, Wilson Wagers, Jack Woo, Rosalyn Wright.

NORTH CAROLINA (7)

Kenny Black, Walter Hairston, Mary Heimberger, Christina Morrow, Harry Morrow, Ransom Sells, Teresa Young.

OHIO (13)

Rita Assiff, Floyd Barber, David Byrd, John Cooperrider, Martin Eisenburgur, Latrinna Jones, Thomas Luster, Maurelio Ponce, George Shockey, Stephen Stetzel, Pelham Thirkill, Sarah Thirkill, unidentified female (1).

OKLAHOMA (14)

Thurman Albig, Sharon Berry, Shirley Blodzine, Charles Clark, Ruzell Harrison, Tom Harrison, John Humble, Pam Jacobsen, Wayne Jacobsen, Johnny Mainard, Val Rex, Irving Slutzky, Margaret Wilkins, Ernest Wright.

OREGON (4)

Juanita Foellinger, David Kirby, Karen Kree, Stephanie Westberg.

PENNSYLVANIA (18)

Renee Arndt, Bridgett Bitler, William Black, Harold Cecil, Kenneth Corle, Patricia Corle, Gustav Dickow, Albert Ervin, Elaine Faust, Clauzell Jones, Robert Martinchalk, Patrick McArdle, Ronald Milton, Pamela Mueller, William Spegar, Lily Tillman, William Toohey, David Zentz.

RHODE ISLAND (1)

Ellen Gayer.

SOUTH CAROLINA (3)

Charles Bell, Kim Langston, Robert Roberts.

SOUTH DAKOTA (1)

Lonnie Herron.

TENNESSEE (13)

Gary Ballard, Lori Ballard, Mary Ballard, Donald Bell, Horace Clayton, Larry Coffman, Steve Eubanks, James Fancher, M.D., Bobby Garrett, William Jones, Vernon James, Brett Rushing, Frances Weir.

TEXAS (80)

Irvin Acevedo, James Adams, Carmen Arechiga, Norris Austin, Richard Bejarano, James Benton III, John Bernardon, Jonathon Blakes, Johnnie Brooks, Donald Bunting, Arthur Callins, Dwight Carmon, Enrique Cedillo, Patricia Coleman, Oscar Coleman, Valencia Copete, Acie Craig, Bill Dennis, Alex Salas, Pete Donery, Jack Edwards, Betty Fielder, Ann Frank.

Edward Garza, Elicio Garcia, Hector Guajardo, Eliseo Garcia, Carol Haley, William Haley, Johnny Hamlett, John Heath, Joe Hernandez, William Hickman, Glen Horton, David Johnston, James Jones, Ewald Kainer, Sylvia Lerma, David Letner, William Long, Bernabe Lopez, Mitchell Malpass, Teresa Marquez, Celia Martinez, Clinton McHenry, Verna Milligan, Oneta Nipp, Charles Nipp.

Jack Odom, Esther Padilla, Isaac Palmer, Alvarado Perez, Naim Quanah, Leo Redman, Gail Rideaux, Ramon R. Rodriquez, Raymond M. Rodriguez, Andres Rosas, Dennis Sadler, Alex Salas, Walter Sistrunk, Lee Sledge, Antonio Smith, David Stewart, Thomas Thies, Richard Torres, Samuel Torres, Jesse Trevino, Robert Trevino, Alfonso Urtardo, Vance Vanhowten, Wilson Wagers, Leon Walker, Jim Waller, Gerald Willis, Margaret Winfrey, Randolph Wright, Toby Yanez, unidentified males (2).

UTAH (6)

Phillip Bradford, William Bryant, James Catlin, Stacey Jenkins, Paul McPherson, Joseph Valdez.

VIRGINIA (15)

Bernie Bryant, Jeanine Bryant, Daniel Duke, Kimberly Duke, Rebecca Duke, Thomas Duke, Wilson Gill, Cindy Gillikin, Louise Mueller, Herbert Mueller, Cheryl Jones, James Jones, Harry Poland, Dennis Roberts, unidentified male (1).

WASHINGTON (12)

Elois Ashe, Christopher Croswell, Wendie Kirschenmann, Effie Kitchell, Lloyd Kitchell, Rodolfo Nazario, Beverly Nelson, Lawrence Pullman, Phyllis Strickland, Donald Strieck, Billie Vickrey, unidentified male (1).

WISCONSIN (9)

William Callahan, Nillon Johnson, Richard Mitchell, Wendy McDade, Abraham Swamp, Richard Zdrojewski, Jr., unidentified males (2), unidentified female (1).

WYOMING (1)

Arthur Bastyr.●

UPLAND, CALIF., CELEBRATES DIAMOND JUBILEE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. DREIER. Mr. Speaker, I want to take this opportunity to join with the residents of Upland, Calif., in celebrating their diamond jubilee. I am proud to represent the city of Upland in Congress and it is a great honor for me to be a part of the festivities which commemorate the city's 75th year.

Upland is at the base of the beautiful San Gabriel Mountains and is majestically set in the Pomona Valley. The city of Upland is a thriving community that exemplifies the successes of individual efforts by many dedicated citizens.

Through hard work and a strong commitment toward building a cohesive community, citizens of Upland, have developed the city into one of the most prosperous and vibrant communities in southern California.

Seventy-five years of growth were commemorated by a week of activities which culminated in a spectacular parade down world famous Euclid Avenue.

Last Saturday's festivities began with a preparade breakfast at the home of Mr. and Mrs. George Kunde. The grand marshall was Dr. George Fishbeck and resident grand marshall was Nedra Volz.

Mayor and Mrs. John McCarthy were gracious hosts. General Brainer represented the Armed Forces. Jena Raymond, Miss Upland, was accompanied by her court, Council members Frank Carpenter, Frank Hoover, Al Canestro and Mayor pro tem Ina Petokas joined the McCarthys in welcoming State Senator Ruben Ayala, Assemblyman Jim Cramer and Supervisor Cal McElwain.

Mayors Larry Walker of Chino, Harold Hayes of Montclair, Adrian Wright of Pomona, Robert Ellingwood of Ontario and Phillip Schlosser of Rancho Cucamonga all joined in honoring the great city of Upland. Former mayors of Upland, George Gibson, Abner Halderman, and Donald Carr also helped the city celebrate its anniversary.

Special presentations were given by sister city mayors, Lloyd Pebeasy of Mildura, Australia and Horacio Montiel of Caborca, Mexico.

It was indeed a tremendous week of celebrating the outstanding achievements of the city of Upland. I am sure that my colleagues will join me in applauding the fine efforts of the city fathers.

We are all anticipating another 75 years of progress and accomplishment for the city of Upland.●

REAGAN ECONOMICS GETS FAILING GRADE

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. RICHMOND. Mr. Speaker, I am sure my colleagues will be interested in an article from the May 15, 1981, Wall Street Journal entitled, "Reagan Economics Gets Failing Grade in Brookings Exam." The article indicates that a recent study by the Brookings Institution asks significant questions about the Reagan administration's proposed tax cuts of a 30-percent reduction in personal income tax rates over 3 years and accelerated depreciation for new business investment. The Brookings study raises doubts that the administration's proposed tax cuts can produce the increases in savings, work effort, and investment that the administration predicts.

The article follows:

[From the Wall Street Journal, May 15, 1981]

REAGAN ECONOMICS GETS FAILING GRADE IN BROOKINGS EXAM

(By Kenneth H. Bacon)

WASHINGTON. — President Reagan's economic program threatens to keep interest rates high and hold down economic growth, a study issued by the Brookings Institution contends.

In their annual budget review, Setting National Priorities, staff members of the Washington research institute conclude that the administration's proposed tax cuts "are clearly on a collision course" with the tight monetary policy the White House is urging the Federal Reserve Board to follow. "Such a policy of monetary restraint would fall heavily on investment, negate much of the effort to stimulate capital formation and result in sluggish growth," the analysis contends.

The Brookings staff—which includes several economic advisers of former President Carter—and the Reagan administration represent different views on how the economy works. In particular, the Brookings economists doubt that the administration's proposed "supply-side" tax cuts—a 30 percent reduction in personal income tax rates over three years and accelerated depreciation for new business investment—will produce the increases in savings, work effort and investment that the Reagan administration predicts will spur a sharp increase in economic growth.

Nevertheless, the Brookings analysis concedes that "the growth and employment projections of the Reagan administration, while higher than most private forecasts, are clearly within the range that might be predicted by conventional economic analysis." The administration forecasts that the nation's output of goods and services will grow 1.1 percent this year after inflation, followed by a 4.2 percent increase next year and a 5 percent boom in 1983 as the Reagan policies take hold.

But the Brookings study says the Reagan program is "novel and controversial" because it foresees "sharply lower inflation rates while output growth accelerates and unemployment declines."

The administration contends that inflation and interest rates will fall sharply because the proposed combination of budget restraint, tax-rate cuts and tight credit will convince the public that inflation will end. "Most economists believe that a good deal of economic slack will be needed for a relatively long period of time to break inflation expectations, but the Reagan program doesn't envisage a long period of slow economic growth," the Brookings study notes. "If the program doesn't alter expectations and the inflation response is less than anticipated, monetary policy and high interest rates will restrain rather than stimulate overall growth."●

CAMPAIGN OF MISINFORMATION, PROPAGANDA BY SOVIETS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. DERWINSKI. Mr. Speaker, a subject of considerable interest to me is that of Soviet covert action and propaganda activities, including, of course, Soviet "disinformation." An excellent summary on the subject was contained in an article by William Parham in the Norwich, Conn., Bulletin on April 14, 1981. Mr. Parham discusses, among other things, Soviet forgeries, black and gray propaganda, clandestine radio stations, agents of influence operations and the manipulation of journalists, including Americans, as part of their program. All in all, a useful exercise.

SOVIETS EMBARK ON NEW CAMPAIGN OF ANTI-AMERICAN LIES

(By William Parham, Bulletin staff writer)

The Bulletin has learned that a new Soviet covert action campaign based on a series of forgeries of U.S. official documents suggests to Western Europeans that they are facing a new holocaust because of their alliance with the U.S.

A Reagan Administration source familiar with such campaigns told The Bulletin, "There is no doubt that if U.S.-Soviet Relations deteriorate further, there will be more anti-U.S. propaganda and covert action of this type."

The Soviet Union already spends several billion dollars a year in anti-U.S. covert action and propaganda—the world's largest such effort. And this does not include Soviet-controlled propaganda and covert action efforts on the part of Cuba, East Germany, Poland, Czechoslovakia, Hungary and other Soviet bloc intelligence services.

Last year Central Intelligence Agency Deputy Director for Operations John McMahon testified before Congress in closed committee session that the Soviets were spending from $3 billion to $4 billion a year on anti-U.S. covert action and propaganda.

"The Soviets have established a worldwide network of agents, organizations, and technical facilities" to implement these programs, McMahon told the House Intelligence Committee.

"That network is second to none in comparison to the major world powers in its size and effectiveness."

According to McMahon and other sources, such covert "active measures", as distinguished from the normal intelligence collection and counterintelligence functions of the KGB, have included:

Written and oral "disinformation". In May 1978, Soviet Ambassador to Zambia Solodovnikov warned Zambian President Kaunda falsely that Soviet intelligence had learned British and American intelligence services were plotting to overthrow him. Kaunda was advised against making a trip to Britain and the U.S., since his departure was to precipitate the coup.

Solodovnikov said falsely that the U.S. and Britain had used a similar plan to overthrow Nkrumah of Ghana.

Forgeries and false rumors. A bogus U.S. Army field manual was cited by the Soviets as proof that the CIA was secretly manipulating the terrorist Red Brigades who murdered Italian leader Aldo Moro.

This happened after it was reported that the Red Brigades had received training in Czechoslovakia and had ties with the Soviet Union.

"Whenever the KGB is caught redhanded in an outrageous action that threatens the Soviet Union with serious embarrassment," wrote Reader's Digest Senior Editor John Barron in his book "KGB: the Secret Work of Soviet Secret Agents," "it hurriedly commences disinformation operations to divert world attention from the event. Frequently the KGB simply accuses others of doing precisely what it has been shown to have done."

The forged field manual used in the Moro case also was used by the Soviets to try to prove that U.S. military and intelligence liaisons abroad are used as cover to penetrate and manipulate friendly foreign governments.

"Gray" or unattributed propaganda. When the Soviets want to create an aura of authenticity around an otherwise implausible position, they use a system of press placements through non-Soviet journalists recruited to make sure Soviet articles surface in the local foreign press.

In India, a September 1979 issue of Blitz ran the false story that the CIA had assassinated the Bangladesh president in 1975 and had installed the CIA's own man as president, that he had nevertheless been ousted and arrested, but that the U.S. was currently exerting pressure for his release through threats of stopping U.S. food and grain supplies to Bangladesh.

"Black" or falsely attributed propaganda. Regular Soviet news media such as Tass and Pravda regularly falsely attribute inaccurate propaganda reports to the wrong sources. They often quote statements by Western politicians and well-known Western newspapers out of context and often in flatly false fashion.

The Soviets exploited a forged U.S. State Department airgram purportedly urging U.S. embassies in Western Europe in 1979 to collect information useful in bribing European officials and to work up covert measures aimed at hindering or eliminating foreign trade competition.

The London Times had run a story on the document and labeled it a forgery, but Tass ignored that part of the Times report and said the Times story authenticated the forged document.

Manipulation and control of foreign media "assets" or news reporters, editors and media. A former Czech disinformation expert who has defected to the West told Congress recently "many secret American documents that the Soviet bloc intelligence is able to get here with the help of secret agents, after a while come back to the United States."

The Czech defector said these documents stolen by Soviet agents from U.S. government sources are then leaked to U.S. journalists, who publicize them.

"The document is leaked to the press with the assumption that its publication will either hurt the Administration's public image, widen the gap between the United States and their foreign allies, or hurt the country in some other way," said the defector, Ladislav Bittman, former deputy chief of the Disinformation Department of the Czech intelligence service.

Bittman also told Congress that a relatively high percentage of Soviet bloc secret agents are journalists.

"A journalist operating in Great Britain, West Germany, or in the United States is a great asset to Communist intelligence. He can be investigative, professionally curious. It is his job to get important and even highly sensitive information. This is particularly true in the United States with its tradition of an aggressive adversary press."

Use of "agents-of-influence" such as government officials, political figures or academics. In the mid-1960s, the Soviet-controlled Czech intelligence service paid several British Members of Parliament whom the Soviets and Czechs used for making statements on specific subjects useful to Soviet foreign and defense policy and initiating various kinds of discussions that benefited the Soviets.

Clandestine radio stations. At the time of the Iranian seizure of the U.S. hostages in late 1979, the Soviet-controlled radio station National Voice of Iran was inciting Iranian mobs to further violence with broadcasts that said in part: "The United States conspires against the Iranian revolution, against Iran's independence and freedom, against the leaders of the revolution, particularly against Imam Khomeni."

The reports continued that the then-Iranian prime minister had "consorted with the envoys of the brutal imperialism of the U.S. persons such as Brzezinski, this mad dog of imperialism and Zionism," and "Let us remember that the security advisers of the Presidents of the United States had the greatest share in the massacre and slaughter of the Third World.

Some months earlier, within hours of the May 1979 assassination in Iran of Ayatollah Motahhari, Moscow Radio's Persian-language service and the official Tass newspaper had implied that the CIA was behind the terrorist organization that claimed credit for killing the religious leader.

Use of foreign Communist parties and international front groups for pursuing Soviet foreign and defense policy objectives. Among the most influential of the Soviet controlled front groups are the World Peace Council (headquartered in Helsinki, Finland) and the International Institute for Peace (Vienna, Austria). The peace council has affiliates in 130 countries, and was formed in 1949 to conduct worldwide campaigns for Soviet national defense and international military objectives, to support Soviet foreign policy abroad, and to coordinate activities of other fronts. The U.S. affiliate, the U.S. Peace Council, was organized in 1979 in Philadelphia.

The Institute for Peace was formed in 1958 to provide a legal cover mechanism for the peace council secretariat, which had been expelled from Austria for subversive activities in that country.

A KGB specialty is the manipulation and subversion of religious groups for Soviet political action purposes. Through agents-of-influence, the KGB tries to maneuver such religious groups as the presumedly nonpolitical Christian Peace Conference into nearly constant support for Soviet foreign and defense policy objectives.

Support for revolutionary and terrorist organizations. Gen. Jan Sejna, a former high-ranking Czech military official who defected to the West, reported that beginning in the mid-1960s the Soviet military intelligence agency (GRU) and the KGB established terrorist training camps in Czechoslovakia where terrorists from all over the world were given paramilitary training.

Graduates included two of the founding fathers of the Italian Red Brigades. There are now thousands of highly trained terrorists working to undermine Western democratic societies.

Political blackmail. Anthony Courtney, a Conservative Party Member of the British Parliament and a widower, visited the Soviet Union several times in the 1950s and 1960s, and had a brief affair in Moscow with a girl who was his Intourist guide and also a KGB agent.

Using compromising photographs of the couple, the KGB tried to blackmail him to work for them. He refused and continued in his outspoken criticism of Soviet defense and covert action policies.

A few years later the KGB prepared a booklet with the compromising pictures and distributed it to the British press and many of Courtney's fellow members of Parliament. Courtney's reputation was so besmirched he failed to win reelection.

Other active measures. The Soviets in October 1979 convinced the Zimbabwe African People's Union (ZAPU) to withdraw from negotiations in London over a Rhodesian settlement by promising the patriotic front full military support for achieving a military victory.

In early November officers from the main political directorate of the Soviet armed forces arrived in Lusaka to conduct a covert action training course for senior officers in the Zimbabwe People's Revolutionary Army.

The course content included recruiting agents-of-influence who were able to subvert legal balloting processes, recruitment of agitators, and using money to disrupt opposition access to the polls.

Soviet active measures have even included the intensification of racial and ethnic tensions throughout the West, and the exacerbation of anti-Semitic hatred, particularly in the Arab world.

Western intelligence sources have told The Bulletin they believe Soviet covert action has helped support and encourage the international network of neo-Nazi activity in the U.S, Canada, Europe, Iran and in Palestinian Liberation Organization circles in the Mideast.

This network was recently the subject of a major crackdown by West German authorities, who arrested neo-Nazi leader Manfred Roeder, who had been in touch with the

Soviet-backed elements of the PLO for money and weapons.

In widespread raids in West Germany, German authorities turned up weapons, explosives, and hundreds of thousands of banned neo-Nazi and anti-Semitic tracts bearing U.S. and Canadian addresses.

One arms cache was found at the home of a young neo-Nazi who had attempted to get military training at a Mideastern terrorist camp.

Former Czechoslovak Deputy Disinformation Chief Bittman told Congress recently that during the 1950s, "there were people who were assassinated for propagandistic purposes, in the name of Nazi organizations in Germany for example."

Under the control of the Soviets, "the Czechoslovak service created an organization called the Fighting Group for Independent Germany, supposedly a Nazi organization terrorizing American soldiers in Germany, American representatives in Germany, writing threatening letters to various West German politicians and so on," Bittman said.

"It was a fictitious organization created in Prague. And in the mid-50s, the Czechoslovak service assassinated a French official who was known for his anti-German or anti-Fascist feelings.

"He was assassinated in the name of this organization only to create an image of a new monster, a Nazi monster, in Germany. It was actually a deception game conducted by Communist intelligence."

In his book on the KGB, Barron recounts how Soviet disinformation agents successfully market-tested in a western Russian village a quick whipup of local anti-Semitic passions. A few KGB agents smeared swastikas, tipped over tombstones, painted anti-Jewish slogans, and then escaped. Local anti-Semites rose to the KGB bait and willingly continued the campaign. The tactic was found eminently cost-effective.

Not long afterward KGB Disinformation Director General Ivan Agayants expanded the campaign nearly worldwide. The brief but well-coordinated burst of anti-Semitic activity was felt throughout West Germany, Europe, Australia, Greece, the U.S., and other U.S. allies. At the height of the campaign, an East German defector reported later, he was ordered to translate hate letters from Russian into German for mailing to Jewish families in West Germany.

Among the more successful of recent Soviet campaigns using active measures were the 1977-78 campaign against U.S. neutron warhead production and the campaign since late 1979 against NATO's efforts to increase its long-range theater nuclear force (TNF).

The CIA believes the Soviets spent at least $100 million on each of these campaigns.

Soviet active measures against the U.S., which the Soviets in their own policymaking councils call "the main enemy", in Russian "glavniy protivnik" or "glavniy vrag", reflect certain continuing objectives:

Influence American public opinion and world public opinion against U.S. military and political programs the Soviets see as against their interests;

Demonstrate that the U.S. is an aggressive, colonialist and imperialist power;

Isolate the U.S. from NATO and its other allies and friends;

Discredit people who cooperate with U.S. intelligence agencies in particular and with the U.S. in general;

Demonstrate that the policies and goals of the United States are incompatible with the ambitions of the underdeveloped third world countries;

Discredit and weaken Western intelligence services and expose their personnel;

Confuse American and world opinion regarding the aggressive nature of certain Soviet policies;

Create a favorable environment for the execution of Soviet foreign policy.

Major themes of Soviet propaganda are approved and reviewed by the ruling Politburo. General Secretary Leonid Brezhnev and Senior Secretary M. Suslov supervise the two Central Committee departments (International and International Information) that assist the KGB with these operations.

Service A of the KGB's First Chief Directorate plans, coordinates and supports operations backstopping more open Soviet propaganda, using forgeries, planted press articles, planted rumors, disinformation and controlled media, according to the CIA's McMahon.

"In the early 1970's, this section of the KGB was upgraded from department to service status, an indication of its increased importance," he said.

"Service A maintains liaison with its counterparts in the Cuban and East European services and coordinates its overall program with theirs." According to McMahon, the party's International Information Department, now the directing center of the anti-U.S. propaganda effort, "was established in March 1978 as a direct result of a Central Committee decision to reorganize the entire foreign propaganda apparatus, improve its effectiveness, and open a new propaganda offensive against the West."

"In effect," he said, "creation of this new organization signalled the top leadership's desire to place even greater emphasis on the role of propaganda in Soviet foreign policy and to increase centralized control and coordination over the entire Soviet propaganda network, insuring that the network is fully responsive to the demands of top policymakers and can be quickly mobilized to disseminate selected propaganda themes on a worldwide basis."

RESULTS OF SPRING 1981 QUESTIONNAIRE

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. LEE. Mr. Speaker, colleagues, today I submit for your attention the results of my spring 1981 constituent questionnaire. Even the most casual glance at the results of these questions, I believe, will confirm that the congressional vote in support of President's Reagan's sweeping reforms was well in keeping with the spirit of change which our voters and residents have mandated.

Nearly 19,000 of my constituents responded to my questionnaire after it was mailed to them in mid-March. Results were compiled on April 30. Though these represent the views of central New York, they carry the opinions of urban, suburban, and rural residents and, I think, are reflective of the mood of the entire Nation.

I offer these today in a spirit of understanding. We might well make particular note of resident's performance ratings of the Congress and the Supreme Court: Poor in comparison with the very high marks afforded to Mr. Reagan's first days in office. I believe there is a message there which should not be ignored by any man or woman who serves in this national legislative body, nor should it be ignored by the Nation's highest court, regardless of its special status behind the insurmountable walls of life-long appointments of our Justices. We need to do better. That is the sum of the message in this questionnaire. And we have a leader who has shown us a way which is—very obviously—acceptable to Americans. The next move is ours. Let us not waste it.

WASHINGTON—"The President is the clear winner in this poll," Congressman Gary A. Lee said today in releasing the results of his 1981 "American Issues Questionnaire" sent to residents of the Finger Lakes in March.

"The support indicated in these results for both President Reagan's programs and for the President himself are nothing short of phenomenal," Congressman Lee said. "I recognize that every new President is allowed a 'honeymoon' period where public support lingers from the recently-passed election, but I believe that there is something deeper represented in these results.

"For the first time in many, many years, the American citizen seems to have found a President who not only promises but shows excellent progress toward achieving the kinds of governmental reforms on which he was elected. The proof of our resident's sincerity in seeing those reforms brought about is in these results," Lee added.

The 14-question poll was answered by more than 19,000 constituents in the 33rd Congressional District. Tabulation was done after Congressman Lee's April 30th deadline for return of the self-mailer form.

President Reagan's performance in office was rated either excellent or satisfactory by 85-percent of the persons who answered Question 14, asking for assessments of the President, Congress and the Supreme Court. At the same time, many Reagan initiatives were given remarkably high margins of support.

Results showed residents in favor of lifting minimum wage restrictions to allow high school and college students to find work. They also indicated that our trade embargo against the Soviet Union should be expanded to all products rather than to only specify grain or technology.

By a two-to-one margin, residents said they agree with President Reagan's program of assistance to El Salvador. By more than a three-to-one margin, they indicated a desire to implement a new GI Bill which could attract recruits to the all-volunteer military service.

Congress and the President showed marked increases in public confidence over results of previous years' polling. President Reagan's performance was rated "excellent" by 38 percent of those responding, and "satisfactory" by 47 percent of those answering. Only 9 percent rated the President "poor."

Congress gained a 5 percent "excellent" rating, 58 percent "satisfactory" and 31 percent "poor" in this year's poll. This com-

pares with 1 percent, 32 percent and 64 percent ratings, respectively, in 1980 and 1 percent, 28 percent and 65 percent ratings in 1979.

The Supreme Court fared no better in this year's results than last. Residents rated the Court excellent in only 3 percent of their ballots, satisfactory in 47 percent and poor in 42 percent. This compares with 1980 totals of 2 percent, 47 percent and 45 percent; and with 1979 totals of 3 percent, 38 percent and 41 percent in each respective category.

Again in the 1981 poll, Congressman Lee asked residents to answer each question with "yes" or "no" responses, but forms did not provide space for an "undecided" vote. Using streamlined questions intended to embody the most basic issue in many congressional debates, Congressman Lee said he wanted residents to make the same decisions he would be forced to make in the House chambers "where an undecided vote just won't do."

"The overall number of returns this year is slightly less than we received last year, but I attribute that to the confusion between 18-cent and 15-cent stamps more than anything else. I'm very pleased with the returns this year," the Congressman concluded.

[Answers to questionnaire in percent]

	Yes	No
1. Do you agree with President Reagan's drive to cut the Federal budget, reduce regulations and lower taxes?	89	10
2. Do you favor a reduction in foreign aid?	87	10
3. Do you favor a national hand gun law?	54	44
4. Should the U.S. place strict quotas on the import of foreign automobiles?	46	52
5. Do you favor removal of minimum wage restrictions for the hiring of high school and college students?	62	37
6. Do you favor federal tax credits for parents who pay tuition to private elementary and secondary schools?	39	60
7. Should the government continue to provide large loans and subsidies to businesses such as Chrysler?	17	79
8. Should a new GI Bill be implemented to attract recruits to the all-volunteer military service?	73	23
9. Do you feel that the U.S. trade embargo against the Soviet Union should be extended to all products rather than specify grain, technology or others?	66	29
10. Should the term of office for President be limited to one, six-year term?	38	60
11. Should the United States' foreign policy treatment of another nation take into consideration that country's acts of military aggression or terrorism ("linkage")?	92	5
12. Do you agree with President Reagan's program of assistance to El Salvador to prevent the spread of Communist influence in the Americas?	63	31
13. Would you accept reduced federal assistance to your community (housing, education, etc.) to help reduce national spending?	75	22

14. Please rate the recent performance of the following:

	Excellent	Satisfactory	Poor
President	38	47	9
Congress	5	58	31
U.S. Supreme Court	3	47	42

LIFO INVENTORY SIMPLIFICATION TAX ACT OF 1981

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1981

● Mr. GRADISON. Mr. Speaker, I am introducing legislation today that will generate operating capital for the struggling small labor-intensive inventory business in an economically effective way through the simplification of last-in, first-out (LIFO) accounting techniques. A bill reforming these accounting methods is particularly timely today to complement depreciation reform. While accelerated depreciation allowances focus on the needs of the capital intensive small business, inventory accounting reform aids the majority of small businesses which are labor intensive and receive little benefit from shortened depreciation periods. Tax simplification of inventory accounting methods, like depreciation reform, aids capital formation by increasing a business' internal cash flow. An inventory reform bill would be relatively simple to implement at a relatively low revenue cost because it uses as its foundation a LIFO system which the IRS has already recognized as a generally accepted accounting system. These reform proposals merely make the system easier to use for those small businesses that have not utilized LIFO accounting in the past because of its unnecessary complexity. Large corporate enterprises, on the other hand, who can afford the battery of tax lawyers and accountants necessary to comply with existing regulations, have been the principal users of LIFO accounting. This legal simplification will allow existing law to be utilized equally by all segments of the business community, large and small alike.

LIFO ACCOUNTING

In the simplest case, if a company using the first-in, first-out (FIFO) accounting method buys an item at the beginning of the year for $10 and sells it at the end of the year for $15 which is also the fair market value of that item and the price the seller paid for additional inventory, an "inventory profit" of $5 is added to the company's earnings. Under LIFO, there would be no inventory profit in the same case, since an item's cost would be recorded at the yearend cost of $15.

Therefore, in an inflationary period where the cost of inventory rises, businesses prefer to use LIFO because they can subtract the costs of their most recently purchased higher priced inventory from their profit on the sale of that inventory and thereby hedge themselves from the full impact of rising costs.

BIPARTISAN EFFORT

The Small Business Subcommittee on Access to Equity Capital and Business Opportunities, chaired by my distinguished colleague, Representative HENRY NOWAK, conducted a series of hearings on simplification of inventory accounting tax law last year. These discussions received input from the business and financial community, the administration, accounting experts, Treasury officials and a broad spectrum of both proponents and opponents of LIFO tax reform. Additional information has been obtained from a task force of responsible business groups working closely with the subcommittee and their own nationwide membership. These investigatory discussions have isolated the festering problems preventing small businesses' use of present LIFO regulatory schemes and created a broadly based consensus for corrective reform. These concerns resulted in a bill (H.R. 2319) introduced in March covering a wide range of small business tax reforms. The bill I introduce here today is a refinement of that legislation concentrating entirely on LIFO tax simplification reforms that create minimal revenue losses.

Other related LIFO legislation has already been introduced by Senator MOYNIHAN (S. 578), Representative JENKINS (H.R. 3086), Senator WEICKER (S. 300) and a bill similar to Representative NOWAK's legislation was introduced in the Senate Finance Committee this week by Senator MITCHELL.

Much of this legislation contains two additional liberalizing tax laws; one governing the write-down of excess inventory and the other instituting cash-basis accounting procedures for inventory businesses with receipts of less than $1.5 million annually. Both these proposals have been strenuously resisted by the Treasury Department and would incur massive revenue losses. My bill concentrates exclusively on inventory accounting simplification for all small business without including these related proposals and, therefore, keeps revenue losses to a manageable level.

The greatest obstacle LIFO legislation must overcome is cutting through its complexity so that the membership can understand the need for this reform and the logical nature of these proposals.

Currently, based on a sampling of 1974 Federal income tax returns, only about 2.5 percent of all wholesalers and 1.1 percent of all retailers use LIFO. Of that small percentage opting for LIFO, the majority are large corporate enterprises that can afford to unravel the complexity. The existing requirements and the corrective solutions offered in this legislation are as follows:

A taxpayer electing a LIFO accounting system must restate his beginning inventory to reflect the inventory's full cost. This forces a business to add any previous inventory write-downs, such as business loss deductions, to income in the first year, thereby causing the taxpayer to incur an additional tax bill payable in full immediately. The American Institute of CPA's has suggested, and this bill provides, that to alleviate this severe drain on the business in the year of LIFO election, restoration of inventory write-downs to income should be permitted over a 10-year period.

INVENTORY POOLING

Current LIFO accounting law requires the grouping of each class of business inventory into a separate pool with each pool utilizing separate accounting systems. Manufacturers can use one pool for the entire productive activity of the enterprise. Wholesalers and retailers, on the other hand, group inventory items into pools by major lines, types and classes of goods. Since each pool requires a separate recordkeeping system, the more pools required, the more complicated a business accounting system becomes. One pizza manufacturer opting for LIFO was actually required to keep eight pools: (1) meat; (2) cheese; (3) flour; (4) sugar; (5) tomato paste, and so forth. The smaller and more specialized each pool becomes, the easier it is for a business to liquidate—or sell—the higher priced last inventory layer causing an increase in the retailer's basis when he is forced to use a less expensive second layer. The following simple example may be helpful in illustrating this concept:

(That is: pool of apples and a pool of oranges. The taxpayer buys 100 oranges in 1980 at 10 cents per orange and 100 apples at 10 cents per apple. He bought 100 apples and oranges in 1979 at 5 cents apiece. If he sells 105 apples and 50 oranges he could use a 10-cent basis for 100 apples, but would have to use a 5-cent basis for 5 apples. He could use a 10-cent basis for all 50 oranges. However, if on the other hand, this were one pool of "fruit," he sold 155 pieces total. Since he bought 200 pieces in 1980 (100 apples plus 100 oranges), he can use a 10-cent basis for all 200 sold and report less profit.)

This bill provides that businesses with less than $5 million in gross receipts shall be permitted to use only one inventory pool, thereby requiring only one recordkeeping system. Larger businesses would be permitted to pool their goods according to the general expenditure categories of consumer goods described in the Consumer Price Index detailed report.

INDEXING

The primary reason for LIFO complexity is that a taxpayer must develop an internal price index to value each LIFO pool he maintains. Small businesses don't have the staff or the money to hire the professional consultants necessary to calculate these internal price indexes. My bill allows wholesalers and retailers to use the Government prepared Consumer Price Index (CPI) and manufacturers to use the Producer Price Index (PPI), which supply the necessary detail. Since these indexes are prepared by the Government, they would involve no expense to those businesses using them. The Treasury has already introduced proposed regulations suggesting that the use of 80 percent of CPI or PPI values for each particular inventory item is an acceptably accurate measure of their value. A business, under this bill, could generate an internal price index of its own using recognized accounting practices if it can substantiate its accuracy.

CONFORMITY REQUIREMENT

A fourth roadblock to LIFO election is an IRS regulation requiring businesses to use the same accounting technique on their financial statements as they use in their income tax calculations. LIFO, as previously stated, is desirable for tax calculations because it increases the inventory basis, thereby reducing profit figures and tax assessments. This same result makes LIFO unworkable in calculating a financial statement. In this document, used by businesses to solicit bank financing and investor contributions, the business wants to bolster its profit figures, not reduce them, and therefore would elect FIFO accounting techniques. This conformity requirement was instituted in 1940 at a time when it was unclear whether or not LIFO would become a generally accepted accounting principle. Today LIFO is so recognized and the conformity requirement is no longer necessary. The legislation I introduce today would eliminate this requirement allowing a business utilizing LIFO accounting techniques in tax calculations to use FIFO methods in their financial statement.

WINDFALL PROFITS TAX PROVISIONS 403(b)

The final obstacle to LIFO adoption is a provision of the windfall profits tax bill passed in the last session of Congress requiring that, beginning December 31, 1981, any business using LIFO must report its tax savings as income when that business is sold and pay those savings as taxes. This provision reduces the price a purchaser will pay for a LIFO business because these businesses will come with an immediately payable tax debt. Section 403(b) WPT was passed in a last minute compromise on the Senate floor before committee evaluation.

It was aimed at recapturing untaxed profits normally paid by the sellor, but exempted if the business is passed as a "bulk sale." In a "bulk sale," all the sellor's inventory is passed to the buyer in one lump sum. Tax experts agreed that recovering potentially lost tax using this provision is "like throwing the baby out with the bath water." It recovers the tax but also deters businesses from utilizing a streamlined LIFO system when a more precisely tailored recapture provision can be constructed. The LIFO Inventory Simplification Tax Act of 1981 that I propose today would repeal this provision in deference to a narrower approach worked out in committee.

Mr. Speaker, these simple modifications to an existing and soundly built accounting structure can, in one step, increase the flow of capital into the struggling small business community. The need for inventory reform is no different than the need for accelerated depreciation reform. Both measures aid the capital formation process. Both measures encourage productivity and growth. Both measures restore the vitality to American free enterprise by loosening the noose of oppressive taxation binding many small businesses. By taking an evenhanded approach to both capital intensive and labor intensive business and complementing 10-5-3 depreciation reform with LIFO reform, perhaps we can diminish dollars flowing beneath the counter in an expanding "underground economy" and create more tax revenue through the increased profitability of our business community.

A copy of the bill follows:

H.R. 3606

A bill to amend the Internal Revenue Code of 1954 to simplify the LIFO accounting rules

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "LIFO Inventory Simplification Tax Act of 1981".

SEC. 2. REPEAL OF REQUIREMENT THAT THE LIFO METHOD USED FOR TAX PURPOSES CONFORM TO THE ACCOUNTING METHOD USED FOR FINANCIAL PURPOSES

Section 472 of the Internal Revenue Code of 1954 (relating to last-in, first-out inventories) is amended by striking out subsections (c) and (e) and by redesignating subsection (d) as subsection (c).

SEC. 3. 10-YEAR AVERAGING PERMITTED FOR INCREASES IN INVENTORY VALUE REQUIRED FOR ADOPTION OF LIFO METHOD

Subsection (b) of section 472 of the Internal Revenue Code of 1954 (relating to last-in, first-out inventories) is amended by adding at the end thereof the following new sentence: "In the case of a taxpayer who changes its method of accounting by reason of an election under this subsection, under regulations prescribed by the Secretary, the net amount of adjustments required by section 481(a)(2) to be taken into account by the taxpayer in computing taxable income shall be so taken into account in each of the 10 taxable years beginning with the year of change."

SEC. 4. SIMPLIFICATION OF INVENTORY POOLING REQUIREMENTS

(a) CERTAIN SMALL BUSINESSES PERMITTED ONE INVENTORY POOL.—

(1) IN GENERAL.—Subpart D of part II of subchapter E of chapter 1 of the Internal Revenue Code of 1954 (relating to inventories) is amended by adding at the end thereof the following new section:

"SEC. 474. ELECTION BY CERTAIN SMALL BUSINESSES TO USE ONE INVENTORY POOL

"(a) IN GENERAL.—A taxpayer who is an eligible small business and who uses the dollar value method of pricing inventories under the method provided by section 472(b) may elect for the taxable year to use one inventory pool for any trade or business of the taxpayer.

"(b) ELIGIBLE SMALL BUSINESS DEFINED.—For purposes of this section, a taxpayer is

an eligible small business for any taxable year if the average annual gross receipts of the taxpayer do not exceed $5,000,000 for the 3 taxable years ending with the taxable year.

"(c) SPECIAL RULES.—For purposes of this section—

"(1) CONTROLLED GROUPS.—

"(A) IN GENERAL.—In the case of a taxpayer which is a member of a controlled group, all persons which are component members of such group at any time during the calendar year shall be treated as one taxpayer for such year for purposes of determining the gross receipts of the taxpayer.

"(B) CONTROLLED GROUP DEFINED.—For purposes of subparagraph (A), persons shall be treated as being members of a controlled group if such persons would be treated as a single employer under the regulations prescribed under section 52(b).

"(2) ELECTION.—

"(A) IN GENERAL.—The election under this section may be made without the consent of the Secretary and shall be made at such time and in such manner as the Secretary may by regulations prescribe.

"(B) PERIOD TO WHICH ELECTION APPLIES.—The election under this section shall apply—

"(i) to the taxable year for which it is made, and

"(ii) to all subsequent taxable years for which the taxpayer is an eligible small business,

unless the taxpayer secures the consent of the Secretary to the revocation of such election.

"(3) TRANSITIONAL RULES.—In the case of a taxpayer who changes the number of inventory pools maintained by him in a taxable year by reason of an election (or cessation thereof) under this section—

"(A) the inventory pools combined or separated shall be combined or separated in the manner provided by regulations under section 472;

"(B) the dollar value of the taxpayer's inventory as of the beginning of the first taxable year—

"(i) for which an election under this section is in effect, or

"(ii) after such election ceases to apply, shall be the same as such dollar value as of the close of the taxable year preceding the taxable year described in clause (i) or (ii) (as the case may be), and

"(C) the first taxable year for which an election under this section is in effect or after such election ceases to apply (as the case may be) shall be treated as a new base year in accordance with procedures provided by regulations under section 472."

(2) CLERICAL AMENDMENT.—The table of sections for such subpart D is amended by adding at the end thereof the following new item:

"Sec. 474. Election by certain small businesses to use one inventory pool."

(b) SIMPLIFICATION OF INVENTORY POOLING REQUIREMENTS FOR WHOLESALERS AND RETAILERS.—Section 472 of the Internal Revenue Code of 1954 (relating to last-in, first-out inventories) as amended by section 2, is amended by adding at the end thereof the following new subsection:

"(d) USE OF GOVERNMENT PRICE INDEX CATEGORIES IN DETERMINING INVENTORY POOLS.—

"(1) IN GENERAL.—Any taxpayer—

"(A) who is a wholesaler or retailer in any trade or business, and

"(B) who uses the dollar value method of pricing inventories under the method provided by section 472(b),

may elect to use inventory pools in such trade or business based on the applicable Government price index categories for all items of inventory of the taxpayer in such trade or business.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) WHOLESALER AND RETAILER.—The terms 'wholesaler' and 'retailer' mean any taxpayer who purchases goods for resale in the ordinary course of his trade or business, without any further manufacturing or processing of such goods.

"(B) APPLICABLE GOVERNMENT PRICE INDEX CATEGORY.—The term 'applicable Government price index category' means any category—

"(i) which is one of the general expenditure categories of consumer goods described in the CPI Detailed Report,

"(ii) which includes the items of inventory being pooled, and

"(iii) which is selected by the taxpayer.

"(C) CPI DETAILED REPORT.—The term 'CPI Detailed Report' means the report so named published by the Bureau of Labor Statistics.

"(3) ELECTIONS.—

"(A) IN GENERAL.—The election under this subsection, and the selection of applicable government price index categories—

"(i) shall apply to the taxable year for which made and to all subsequent taxable years,

"(ii) once made, may be revoked only with the consent of the Secretary, and

"(iii) shall be made at such time and in such manner as the Secretary shall by regulations prescribe.

"(B) TRANSITIONAL RULES.—The rules of section 474(c)(3) shall apply to an election under this subsection and to the cessation of such election,"

SEC. 5 USE OF GOVERNMENT PRICE INDICES PERMITTED IN CONNECTION WITH PRICING INVENTORIES UNDER LIFO METHOD

Section 472 of the Internal Revenue Code of 1954 (relating to last-in, first-out inventories), as amended by sections 2 and 4, is amended by adding at the end thereof the following new subsection:

"(e) USE OF GOVERNMENT PRICE INDICES IN PRICING INVENTORY.—

"(1) IN GENERAL.—A taxpayer who uses the dollar-value method of pricing inventories under the method described in subsection (b) may elect to use the applicable Government price index category for pricing inventories under such dollar-value method.

"(2) APPLICABLE GOVERNMENT PRICE INDEX CATEGORY.—For purposes of paragraph (1), the term 'applicable Government price index category' means—

"(A)(i) any of the general expenditure categories in the CPI Detailed Report (within the meaning of subsection (d)(2)(C)),

"(ii) any of the 2-digit standard industrial classifications in the Producer Prices Data Report, or

"(iii) any subcategory of a category described in clause (i) or any subclassification of a classification described in clause (ii),

"(B) which includes the items of inventory being priced, and

"(C) which is selected by the taxpayer.

"(3) PRODUCERS PRICES DATA REPORT.—For purposes of paragraph (2), the term 'Producers Prices Data Report' means the Producers Prices and Price Indexes Data Report published by the Bureau of Labor Statistics.

"(4) ELECTION.—The election under this subsection, and the selection of applicable Government price index categories—

"(A) shall apply to the taxable year for which made and to all subsequent taxable years,

"(B) once made, may be revoked, only with the consent of the Secretary, and

"(C) shall be made at such time and in such manner as the Secretary shall by regulations prescribe."

SEC. 6. METHOD OF COMPUTING LIFO VALUE OF DOLLAR-VALUE POOL MAY BE USED WITHOUT SHOWING OTHER METHODS ARE UNSUITABLE OR IMPRACTICAL

Section 472 of the Internal Revenue Code of 1954 (relating to last-in, first-out inventories), as amended by sections 2, 4, and 5, is amended by adding at the end thereof the following new subsection:

"(f) USE OF LINK-CHAIN METHOD, ETC., PERMITTED WITHOUT SHOWING OTHER METHODS ARE UNSUITABLE OR IMPRACTICAL.—Any taxpayer may elect to use a link chain or index method of computing the LIFO value of any dollar-value pool without any showing that any other such method is unsuitable or impractical."

SEC. 7. REPEAL OF LIFO BENEFIT RECAPTURE WHERE PARTIAL OR COMPLETE LIQUIDATION

(a) AMENDMENT OF SECTION 336.—

(1) IN GENERAL.—Subsection (b) of section 336 of the Internal Revenue Code of 1954 (relating to distributions of property in liquidation) is hereby repealed.

(2) TECHNICAL AMENDMENT.—Subsection (a) of section 336 of such Code is amended by striking out "(a) GENERAL RULE.—Except as provided in subsection (b) of this section and" and inserting in lieu thereof the following: "Except as provided".

(b) SECTION 337 LIQUIDATIONS.—

(1) IN GENERAL.—Subsection (f) of section 337 of such Code (relating to special rules for LIFO inventories) is hereby repealed.

(2) CONFORMING AMENDMENT.—The last sentence of section 453B(d)(2) of such Code (relating to liquidations to which section 337 applies) is hereby repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to distributions and dispositions pursuant to plans of liquidation adopted after December 31, 1981.

SEC. 8. EFFECTIVE DATE

Except as provided in section 7, the amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Re-

marks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, May 19, 1981, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 20

9:00 a.m.
*Governmental Affairs
To resume hearings on S. 10 providing for creation of a Commission to design a blueprint for improving governmental performance at the Federal level and throughout the intergovernmental system.
3302 Dirksen Building

Select on Indian Affairs
To hold oversight hearings to review the final report of the Navajo and Hopi Indian Relocation Commission.
457 Russell Building

9:30 a.m.
Appropriations
*HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1982 for the Department of Housing and Urban Development.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy, and Securities Subcommittees
To hold joint hearings on S. 708, clarifying the intent and modifying certain provisions of the Foreign Corrupt Practices Act of 1977.
5302 Dirksen Building

Commerce, Science, and Technology
Science, Technology, and Space Subcommittee
To hold hearings on certain activities of the Department of Commerce, focusing on strategic materials and minerals policies.
235 Russell Building

*Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

*Finance
To continue hearings on the tax reduction proposals in the administration's program for economic recovery.
2221 Dirksen Building

Governmental Affairs
*Oversight of Government Management Subcommittee
To hold oversight hearings to review the special prosecutor provisions of the Ethics in Government Act.
4221 Dirksen Building

Judiciary
Constitution Subcommittee
To hold hearings on S. 583, limiting the jurisdiction of the lower Federal courts in certain cases involving abortion.
2228 Dirksen Building

10:00 a.m.
Agriculture, Nutrition and Forestry
To hold hearings on the nominations of Philip F. Johnson, of Illinois, to be Chairman, Commodity Futures Trading Commission, and Kenneth A. Gilles, of North Dakota, to be Administrator, Federal Grain Inspection Service.
324 Russell Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Judiciary
Separation of Powers Subcommittee
To resume hearings on S. 158, establishing a congressional finding and declaration that human life begins at conception.
1202 Dirksen Building

Joint Economic
To hold hearings on the accomplishments and potential of certain neighborhood interest groups and on their future economic outlook.
6226 Dirksen Building

2:00 p.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 1160, authorizing funds through fiscal year 1986 for the Urban Mass Transportation Administration.
5302 Dirksen Building

Environment and Public Works
To continue oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

Finance
To continue hearings on the tax reduction proposals in the administration's program for economic recovery.
2221 Dirksen Building

2:30 p.m.
Judiciary
Constitution Subcommittee
To hold hearings on matters relating to balancing the Federal budget.
2228 Dirksen Building

MAY 21

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Mary Ann W. Dawson, of the District of Columbia, to be a member of the Federal Communications Commission.
235 Russell Building

9:30 a.m.
Appropriations
*HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy, and Securities Subcommittees
To continue joint hearings on S. 708, clarifying the intent and modifying certain provisions of the Foreign Corrupt Practices Act of 1977.
5302 Dirksen Building

*Finance
To continue hearings on the tax reduction proposals in the administration's program for economic recovery.
2221 Dirksen Building

Judiciary
Constitution Subcommittee
To continue hearings on S. 583, limiting the jurisdiction of the lower Federal courts in certain cases involving abortion.
2228 Dirksen Building

Small Business
Business meeting, to consider proposed reconciliations in relation to cost-savings proposals which fall within the committee's jurisdiction.
424 Russell Building

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Charles M. Butler III, of Maryland, to be a member of the Federal Energy Regulatory Commission.
3110 Dirksen Building

Environment and Public Works
Business meeting, to consider the Budget Committee's recommendations to the committee in relation to spending proposals for fiscal year ending September 30, 1981, and fiscal years 1982, 1983, and 1984, on matters which fall within the committee's jurisdiction, as mandated by title III of the Congressional Budget Act of 1974, and Senate Concurrent Resolution 9, and to consider pending calendar business.
4200 Dirksen Building

Governmental Affairs
Business meeting, to consider pending calendar business.
3302 Dirksen Building

Labor and Human Resources
Investigations and General Oversight Subcommittee
To hold oversight hearings on the progress of the national cancer program.
4232 Dirksen Building

10:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1982 for the U.S. Geological Survey, Department of the Interior.
1223 Dirksen Building

1:30 p.m.
Governmental Affairs
To hold hearings on the nomination of Fred J. Villella, of California, to be an Associate Director of the Federal Emergency Management Agency.
3302 Dirksen Building

Judiciary
Separation of Powers Subcommittee
To continue hearings on S. 158, establishing a congressional finding and declaration that human life begins at conception.
2228 Dirksen Building

2:00 p.m.
Finance
To continue hearings on the tax reduction proposals in the administration's program for economic recovery.
2221 Dirksen Building

MAY 22

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 230, permitting the withholding of State income tax from certain seamen's wages on a voluntary basis, S. 644, liberalizing certain personal holding company provisions as applies to consumer finance companies, S. 978, permitting an employer to provide W-2 forms for terminated employees at the end of the year, S. 1039, making permanent the exclusion from gross income of the value of employer contributions to or

services provided by a qualified group legal services plan, and S. 450, providing that the investment tax credit apply to the acquisition of work and breeding horses.
5110 Dirksen Building

Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings to review the special prosecutor provisions of the Ethics in Government Act.
3302 Dirksen Building

10:00 a.m.
Judiciary
Separation of Powers Subcommittee
To hold hearings on S. 528, to prohibit a Federal Court from ordering any student to be assigned or transported to a public school other than that which is nearest to the student's residence.
2228 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on the nomination of Robert A. McConnell, of Arizona, to be Assistant Attorney General for Legislative Affairs, Department of Justice.
2228 Dirksen Building

JUNE 1

9:00 a.m.
Appropriations
*Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment, receiving testimony on overall intelligence matters.
1223 Dirksen Building

9:30 a.m.
Appropriations
*HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1982 for the Department of Housing and Urban Development, and certain independent agencies.
1224 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.
235 Russell Building

Labor and Human Resources
To hold oversight hearings on the activities of the National Cancer Institute.
4232 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JUNE 3

9:00 a.m.
Governmental Affairs
*Intergovernmental Relations Subcommittee
To hold oversight hearings on the implementation of community development block grants.
5110 Dirksen Building

9:15 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment, receiving testimony on programs of the Central Intelligence Agency.
1223 Dirksen Building

9:30 a.m.
Energy and Natural Resources
To resume oversight hearings on the implementation of standby oil controls.
3110 Dirksen Building

Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 550, providing a Federal income tax credit for tuition.
2221 Dirksen Building

Judiciary
Constitution Subcommittee
To resume oversight hearings to explore the state of the law with respect to school busing, and the constitutional and legal aspects of alternative remedies.
2228 Dirksen Building

Labor and Human Resources
*Employment and Productivity Subcommittee
To hold oversight hearings on the implementation of the Farm Labor Contractor Registration Act, and to hold hearings on S. 922, clarifying the meaning of "migrant worker", and to insure the proper administration and enforcement of the Farm Labor Contractor Registration Act.
4232 Dirksen Building

*Veterans' Affairs
Business meeting, to mark up numerous legislative proposals limiting funds of certain services and benefits for veterans, including S. 916, S. 918, S. 919, S. 920, S. 636, S. 1058, S. 1059, S. 1060, S. 1061, S. 1062, S. 1063, S. 1064, S. 1065, and S. 1066.
412 Russell Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Frederick M. Bush, of Texas, to be Assistant Secretary of Commerce for Tourism.
235 Russell Building

Environment and Public Works
To continue oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

2:00 a.m.
Environment and Public Works
To continue oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JUNE 4

9:00 a.m.
Appropriations
*Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment, receiving testimony on programs of the National Security Agency.
1223 Dirksen Building

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To continue hearings on S. 550, providing a Federal income tax credit for tuition.
2221 Dirksen Building

Labor and Human Resources
*Employment and Productivity Subcommittee
To continue oversight hearings on the implementation of the Farm Labor Contractor Registration Act, and to hold hearings on S. 922, clarifying the meaning of "migrant worker", and to insure the proper administration and enforcement of the Farm Labor Contractor Registration Act.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
To continue oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JUNE 5

9:00 a.m.
Finance
Estate and Gift Taxation Subcommittee
To resume hearings on S. 404, S. 395, S. 858, S. 574, S. 23, S. 557, and S. 995, proposals to revise the estate and gift tax laws and minimize the burden on small and moderate-size estates.
2221 Dirksen Building

JUNE 8

9:00 a.m.
Appropriations
*Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment, receiving testimony on defense intelligence programs.
1223 Dirksen Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and other related proposals.
4200 Dirksen Building

2:00 p.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on proposals for the development of water resources.
4200 Dirksen Building

JUNE 9

9:00 a.m.
Office of Technology Assessment
The Board, to hold a business meeting on pending business matters.
EF-100, Capitol

9:30 a.m.
Labor and Human Resources
Business meeting, to consider proposed reconciliations in relation to proposals which fall within the committee's jurisdiction.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Reese H. Taylor, Jr., of Nevada, to be a Member of the Interstate Commerce Commission.
235 Russell Building

Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JUNE 10

9:15 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment receiving testimony on special programs of the Air Force.
1223 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to continue consideration of proposed reconciliations in relation to proposals which fall within the committee's jurisdiction.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and other related proposals.
4200 Dirksen Building

2:00 p.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on S. 841 and S. 1024, bills authorizing funds through fiscal year 1986 for the construction and safety of Federal highways.
4200 Dirksen Building

JUNE 11

9:00 a.m.
Appropriations
*Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment, receiving testimony on command, control and communication programs and intelligence related activities of the Department of Defense.
1223 Dirksen Building
*Veterans' Affairs
To hold hearings on S. 917, increasing the rates of disability compensation for disabled veterans, and the rates of dependency and indemnity compensation for their survivors, S. 911, authorizing the payment of a special pension to the survivor of persons awarded the Medal of Honor, and S. 915, S. 779 and S. 112, bills providing for memorials to honor the memory of certain deceased members of the Armed Forces.
412 Russell Building

9:30 a.m.
*Commerce, Science, and Transportation
To resume hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.
235 Russell Building

10:30 a.m.
Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JUNE 12

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on proposals to provide for the development of ports and harbors and inland waterways in the United States, including S. 809, S. 810, S. 68, S. 202, S. 576, S. 828, and S. 1094.
4200 Dirksen Building

JUNE 15

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.
235 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and other related proposals.
4200 Dirksen Building

JUNE 16

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.
235 Russell Building

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 810, proposed Inland Waterway User Fee Act.
4200 Dirksen Building
Labor and Human Resources
Education Subcommittee
To resume hearings on S. 1103, authorizing funds through fiscal year 1986 for elementary and secondary education programs, and providing educational support at the State and local level.
4232 Dirksen Building

JUNE 17

9:30 a.m.
Veterans' Affairs
To hold hearings on the substance of S. 266, implementing procedures and guidelines for the interagency sharing of health resources between the Department of Defense and the Veterans' Administration.
412 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and other related proposals.
4200 Dirksen Building
Labor and Human Resources
Education Subcommittee
To continue hearings on S. 1103, authorizing funds through fiscal year 1986 for elementary and secondary education programs, and providing educational support at the State and local level.
4232 Dirksen Building

JUNE 18

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 621, authorizing funds for the development of certain water resources projects.
4200 Dirksen Building

JUNE 19

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on S. 841 and S. 1024, bills authorizing funds through fiscal year 1986 for the construction and safety of Federal highways.
4200 Dirksen Building

JUNE 22

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and other related proposals.
4200 Dirksen Building

JUNE 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on the implementation of Public Law 95-504, Airline Deregulation Act of 1978, focusing on the sunset provisions relating to the termination of the Civil Aeronautics Board, and on provisions relating to section 406 of the Federal Aviation Act providing subsidies for the transportation of air mail.
235 Russell Building

10:00 a.m.
Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JUNE 24

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on the implementation of Public Law 95-504, Airline Deregulation Act, focusing on the sunset provisions relating to the termination of the Civil Aeronautics Board, and on provisions relating to section 406 of the Federal Aviation Act providing subsidies for the transportation of air mail.
357 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and other related measures.
4200 Dirksen Building

JUNE 25

9:00 a.m.
*Veterans' Affairs
Business meeting, to mark up S. 917, increasing the rates of disability compensation for disabled veterans, and the rates of dependency and indemnity compensation for their survivors, S. 911, authorizing the payment of a special pension to the survivors of persons awarded the Medal of Honor, and S. 915, S. 779, and S. 112, bills providing for memorials to honor the memory of certain deceased members of the Armed Forces, and the substance of S. 266, implementing procedures and guidelines for the interagency sharing of health resources between the Department of Defense and the Veterans' Administration.
412 Russell Building

10:00 a.m.
Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JULY 7

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the primary intervention in addressing societal problems.
4232 Dirksen Building

JULY 9

9:00 a.m.
*Veterans' Affairs
To hold hearings on the prospective nomination of Robert P. Nimmo, of California, to be Administrator of the Veterans' Administration.
412 Russell Building

JULY 15

9:30 a.m.
*Veterans' Affairs
To hold oversight hearings on procedures for the adjudication of certain claims, and to hold hearings on S. 349, to provide for limited judicial review of the administrative action of the Veterans' Administration, and providing reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

JULY 16

9:30 a.m.
*Veterans' Affairs
To continue oversight hearings on procedures for the adjudication of certain claims, and to hold hearings on S. 349, to provide for limited judicial review of the administrative action of the Veterans' Administration, and providing reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

JULY 22

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 5, S. 7, S. 25, S. 26, S. 48, S. 105, S. 248, S. 417, and S. 742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building

JULY 23

9:30 a.m.
*Veterans' Affairs
To continue hearings on S. 5, S. 7, S. 25, S. 26, S. 48, S. 105, S. 248, S. 417, and S. 742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building

JULY 28

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on adoption services in the United States.
4232 Dirksen Building

JULY 29

9:30 a.m.
*Veterans' Affairs
Business meeting, to mark up S. 349, to provide for limited judicial review of the administrative action of the Veterans' Administration, and to provide reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

SEPTEMBER 16

9:30 a.m.
Veterans' Affairs
Business meeting, to mark up S. 5, S. 7, S. 25, S. 26, S. 48, S. 105, S. 248, S. 417, and S. 742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building

CANCELLATIONS

MAY 19

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the government for the District of Columbia.
1114 Dirksen Building

MAY 20

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1982 for the MX construction program.
1318 Dirksen Building

2:00 p.m.
Appropriations
*District of Columbia Subcomittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the government of the District of Columbia.
1114 Dirksen Building

Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the MX construction program.
1318 Dirksen Building

MAY 21

9:30 a.m.
Judiciary
Security and Terrorism Subcommittee
To hold hearings on S. 66, to include within the defintion of a predatory act against the U.S. as contained in the Alien Enemy Act the seizure of a diplomatic mission, or the seizure of such premises together with the taking of diplomatic hostages.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the MX construction program.
1318 Dirksen Building

10:30 a.m.
Appropriations
*District of Columbia Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the government of the District of Columbia, receiving testimony on certain governmental direction and support programs.
1114 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the MX construction program.
1318 Dirksen Building

MAY 22

11:00 a.m.
Governmental Affairs
To hold hearings on proposed legislation providing for the collection of debts owed to the Federal Government.
1114 Dirksen Building

JUNE 9

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of family planning programs.
5110 Dirksen Building

Labor and Human Resources
*Labor Subcommittee
To hold oversight hearings on the implementation of the Longshoremen and Harbor Workers Compensation Act.
4232 Dirksen Building

JUNE 10

9:30 a.m.
Labor and Human Resources
*Labor Subcommittee
To continue oversight hearings on the implementation of the Longshoremen and Harbor Workers Compensation Act.
4232 Dirksen Building

SENATE—*Tuesday, May 19, 1981*

(Legislative day of Monday, April 27, 1981)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Reverend Monsignor Alvan P. Heuring, pastor, St. Francis Xavier Church, Belmond, Iowa, offered the following prayer:

Let us pray.

O God, we acknowledge You as Ruler of the universe. We thank You for another day in which we can give You praise and honor.

We thank You for this wonderful land in which we live—a land so rich in natural resources—a land blessed as no other on the face of the Earth. This land is Your land. Remind us that we are mere stewards of these abundant goods. May we preserve them and use them in a responsible manner so that we might pass them on to future generations for years to come.

Bless the Members of the U.S. Senate. Direct them in the formulation of legislation that will contribute to peace and justice throughout the world. May they continue to work for a better life for all of mankind—a world finally freed from hunger, poverty, and war.

Grant, O God, that someday, men, women, and children, the world over, will live as brothers and sisters, each respecting the differences of race, culture, and religion of one another.

We ask this in Your name, O God, who gives us this day, and sustains us today, tomorrow, and always. You are one God, forever and ever. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VITIATION OF SPECIAL ORDERS FOR TODAY

Mr. BAKER. Mr. President, are there special orders for the recognition of Senators this morning?

The PRESIDENT pro tempore. Yes, there are. Under the previous order, the Senator from Alabama (Mr. HEFLIN) has 15 minutes; the Senator from Oklahoma (Mr. BOREN) has 15 minutes; the Senator from Florida (Mr. CHILES) has 15 minutes; the Senator from Arizona (Mr. DECONCINI) has 15 minutes; the Senator from West Virginia (Mr. ROBERT C. BYRD) has 15 minutes; and the Senator from Tennessee (Mr. BAKER) has 15 minutes.

Mr. BAKER. I thank the Chair.

Mr. President, I have been requested by all Senators, excepting the Senator from West Virginia (Mr. ROBERT C. BYRD) to vitiate their special orders this morning. I am prepared to vitiate my special order this morning. I wonder if the Senator from West Virginia still requires his special order.

Mr. ROBERT C. BYRD. Mr. President, I am prepared to vitiate my order.

Mr. BAKER. Mr. President, I ask unanimous consent that all of the orders previously entered for the special recognition of Senators be vitiated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SCHEDULE

Mr. BAKER. Mr. President, in a moment I shall yield briefly to the Senator from Wyoming and then I will be prepared to yield back the remainder of my time under the standing order.

I would hope that during the day today we could arrive at a time certain to vote on both the conference report on the budget resolution and the supplemental appropriations bill. I feel virtually certain that the distinguished minority leader cannot give me an answer to that request now and I will consult with him as we proceed.

But, in view of the fact that there may be conferences today on both sides of the aisle on this and other matters beginning at 12:30, if it is agreeable to the minority leader, I will in a moment ask for consent that the Senate automatically stand in recess from the hour of 12:30 to 2 o'clock so that caucuses can be undertaken.

Mr. ROBERT C. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. ROBERT C. BYRD. Mr. President, I hope, during the caucus of the Democrats today, to be able to discuss with them the possibilities of a final hour on which to vote on the supplemental appropriations bill and on the conference report on the budget. At this point, I cannot give any assurance that we can reach a decision to do so in the conference, but I am fairly optimistic.

Mr. BAKER. Mr. President, I thank the very distinguished minority leader. I am grateful to him for that statement.

I might say—and this is in no way meant to be a threat or to exercise any coercion—it is simply essential, absolutely essential that we finish the debate on the supplemental appropriations bill before we go out for the Memorial Day break. I will also present to my colleagues, as forcefully as I know how, the request that we ascertain a time certain to obtain a vote on the supplemental appropriations bill and, of course, the conference report on the budget resolution, as well. But my preamble to say that this is not by any means a threat was to go in front of the statement I am about to reluctantly make; that is, if we cannot finish the supplemental, it will be necessary, I am sure, to consider whether or not the Senate can safely recess or adjourn for the Memorial Day holiday.

I regret to say that and I apologize to all Senators who may be listening in their offices on our public address system. But I am sure they understand, as well, that the supplemental appropriations expire, the present appropriations expire on June 5, and without those appropriations, without that authority, it would be very, very difficult for the Government to operate in many departments and perhaps impossible for it to operate in some.

So there is a responsibility that the Senate and the Congress discharge the regular and ordinary requirements for the operation of the Government of the United States. I urgently hope that all Senators will give the leadership, I am sure the leadership on both sides of the aisle, maximum cooperation in trying to arrive at a time certain to vote on both the budget conference report, but most especially on the supplemental appropriations bill.

Mr. President, before I yield to the Senator from Wyoming, may I ask is there an order for the Senate to proceed into executive session later this morning?

The PRESIDING OFFICER (Mr. QUAYLE). The Senator is correct.

Mr. BAKER. I thank the Chair.

With that, if there is no objection from the minority leader, I now yield briefly to the distinguished Senator from Wyoming.

(The remarks of Mr. WALLOP at this point in connection with the introduction of legislation are printed under "Statements on Introduced Bills and Joint Resolutions.")

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that following the

time for the debate previously ordered on the nomination of John B. Crowell, Jr., there be a period for the transaction of routine morning business for not more than 30 minutes, and that Senators may be permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12:30 P.M. TO 2 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that, at the hour of 12:30 p.m., the Senate stand in recess until the hour of 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have no need for the remainder of my time, if any, remaining under the standing order. I am prepared now to yield to the minority leader.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

THE UNITED STATES SENATE

WILLIAM MACLAY'S SENATE

Mr. ROBERT C. BYRD. Mr. President, I recently spoke on the history of the United States Senate as it met during the First Congress from 1789 to 1791. Many of my remarks were drawn from perhaps the most valuable document we have from that era, or any other era in the nearly two hundred years in which the Senate has been in existence. I am speaking of the *Journal of William Maclay*, a senator from Pennsylvania. Maclay's private journal of the events of the First Congress, as one historian has noted, offers "the only continuous report in existence of that early federal period when debates occurred behind closed doors and no official record was prepared for the public." This journal is more revealing than the *Senate Journal* or the later printed *Annals of Congress* because it fleshes out the spare minutes of the First Congress and gives human form to its participants. William Maclay was a man of opinions, passions, and wonderful humor. I found his journal a delight to read, for it is as entertaining as it is informative. Would that the Senate had more journal-keepers of his wit and ability and insight!

During this session of the 97th Congress, I expect to be speaking regularly on the history of this great institution.

I began this series of speeches on March 21, 1980, over a year ago, and I am today making my 40th speech on the United States Senate.

While I shall be concentrating on the development of the institution and the major events it has weathered, from time to time, I should like to stop to feature one or more senators who have made singular contributions or who have left behind journals, diaries, and memoirs for our instruction. We in this chamber today are surrounded by marble busts and handsome statues and portraits of our predecessors. While gazing on their fixed countenances, we should also give attention to their words. Today, therefore, I shall be speaking of, and reading from, the words of William Maclay.

Who was this first diarist of the United States Senate? William Maclay was born on July 27, 1734—nearly two hundred and fifty years ago—in New Garden, Pennsylvania, the son of a Scotch-Irish immigrant. He spent his early years in the south central Pennsylvania county of Franklin, and received a classical education from the Reverend John Blair. We may assume he was an adventurous youth, for at the age of twenty-four he was a lieutenant in a military expedition to Fort Duquesne (at the site of present-day Pittsburgh), and five years later participated in the French and Indian Wars.

He was a surveyor, a farmer, and a lawyer. In 1769 he married Mary McClure, daughter of John Harris who founded Harrisburg, the current capital of Pennsylvania. He laid out the town of Sunbury, and built a stone house for himself there, which, I believe, is still standing.

During these pre-revolutionary days, Maclay was close to the Penn family, the British proprietors of Pennsylvania, and in fact had once sailed for England to meet with Thomas Penn concerning his land surveys. But when the Revolution broke out, Maclay's loyalties were on the side of independence, and he joined the patriots' militia and later the Continental Army.

At the end of the Revolution, he entered state politics, serving in the State Assembly from 1781 to 1785, and as a member of its Supreme Executive Council in 1786 and 1788. When the new federal government was formed, the Pennsylvania state legislature elected Maclay and Robert Morris as its first two United States Senators. All of the members of the new Senate then drew lots to determine whether they would have a two, four, or six-year term, as the Constitution had provided. Morris drew a six-year term; Maclay, unfortunately, just a two-year term. Thus, because he was defeated for reelection, his journal, of necessity, covers only the first two years of the Senate's history. But we are thankful for what we have.

William Maclay's journal opens on April 24, 1789, eighteen days after the Senate was able to establish its first quorum and begin its business. The journal closes on March 3, 1791, when Maclay's term came to an end. The eminent historian, Charles A. Beard, has called Maclay's journal:

> One of the most precious human documents for the study of American manners, morals, and intelligence, political and general . . . Through the burning glare of its spot light stalk, amble, or drift all the distinguished personalities of the age, from George Washington to Fisher Ames. It opens the door of private homes, reporting table talk and gossip, describing the "intellectual climate" of the time. In one burst of illumination after another, it shoots fire-flares into the workshop behind the splendid facade of Alexander Hamilton's public structure, showing us the great fathers of the republic in their shirt sleeves, planning, caucusing, cutting, fitting, compromising, and deciding.

Maclay was not just a reporter of debates. He was no dispassionate, disinterested, objective observer. He was a participant with a strong mind of his own, with a democratic disdain for the pomp and pageantry of the Federalists, and with a rheumatic's impatience with fools who take up one's time. Maclay represented rural agricultural Pennsylvaina, while Robert Morris represented urban commercial Philadelphia. Maclay defended the small farmers of his tate from Hamilton's financial programs and their heavy taxes.

Although political parties in those days were far from organized and political lines could be quite blurred, Maclay was clearly a member of the minority in the Senate. But, as we shall see, he could be quite caustic in debate, a man who could not resist bursting a few bubbles and did so at every opportunity.

Here, for example, is Maclay's entry for Thursday, April 30, 1789, an excellent example of his fine form, describing the Senate's deliberation prior to the Inauguration of George Washington:

> 30 April, Thursday—This is a great, important day. Goddess of etiquette, assist me while I describe it. The Senate stood adjourned to half after eleven o'clock. About ten dressed in my best clothes; went for Mr. Morris' lodgings, but met his son, who told me that his father would not be in town until Saturday. Turned into the Hall. The crowd already great. The Senate met. The Vice-President rose in the most solemn manner. This son of *Adam* seemed impressed with deeper gravity, yet what shall I think of him? He often, in the midst of his most important airs—I believe when he is at loss for expressions (and this he often is, wrapped up, I suppose, in the contemplation of his own importance)—suffers an unmeaning kind of vacant laugh to escape him.
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> This was the case to-day, and really to me bore the air of ridiculing the farce he was acting. 'Gentlemen, I wish for the direction of the Senate. The President will, I suppose, address the Congress. How shall I behave? How shall we receive it? Shall it be standing or sitting?'
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> Here followed a considerable deal of talk from him which I could make nothing of. Mr. Lee began with the House of Commons (as is usual with him), then the House of Lords, then the King, and then back again. The result of his information was, that the Lords sat and the Commons stood on the delivery of the King's speech. Mr. Izard got up and told how often he had been in the Houses of Parliament. He said a great deal of what he had seen there. (He) made, however, this sagacious discovery, that the Commons stood because they had no

seats to sit on, being arrived at the bar of the House of Lords. It was discovered after some time that the King sat, too, and had his robes and crown on.

Mr. Adams got up again and said he had been very often indeed at the Parliament on those occasions, but there always was such a crowd, and *ladies along*, that for his part he could not say how it was. Mr. Carroll got up to declare that he thought it of no consequence how it was in Great Britain; they were no rule to us, etc. But all at once the Secretary, who had been out, whispered to the Chair that the Clerk from the Representatives was at the door with a communication. Gentlemen of the Senate, how shall be be received? A silly kind of resolution of the committee on that business had been laid on the table some days ago. The amount of it was that each House should communicate to the other what and how they chose; it concluded, however, something in this way: That everything should be done with all *propriety* that was *proper*. The question was, Shall this be adopted, that we may know how to receive the Clerk? It was objected (that) this will throw no light on the subject; it will leave you where you are.

Mr. Lee brought the House of Commons before us again. He reprobated the rule; declared that the Clerk should not come within the bar of the House; that the proper mode was for the Sergeant-at-Arms, with the mace on his shoulder, to meet the Clerk at the door and receive his communication; we are not, however, provided for this ceremonious way of doing business, having neither mace nor sergeant nor Masters in Chancery, who carry down bills from the English Lords.

Mr. Izard got up and labored unintelligibly to show the great distinction between a communication and a delivery of a thing, but he was not minded. Mr. Ellsworth showed plainly enough that if the Clerk was not permitted to deliver the communication, the Speaker might as well send it inclosed. Repeated accounts came (that) the Speaker and Representatives were at the door. Confusion ensued; the members left their seats. Mr. Read rose and called the attention of the Senate to the neglect that had been shown Mr. Thomson, late Secretary. Mr. Lee rose to answer him, but I could not hear one word he said.

The Speaker was introduced, followed by the Representatives. Here we sat an hour and ten minutes before the President arrived—this delay was owing to Lee, Izard, and Dalton, who had stayed with us while the Speaker came in, instead of going to attend the President.

The President advanced between the Senate and Representatives, bowing to each. He was placed in the chair by the Vice-President; the Senate with their president on the right, the Speaker and the Representatives on his left. The Vice-President rose and addressed a short sentence to him.

The import of it was that he should now take the oath of office as President. He seemed to have forgot half what he was to say, for he made a dead pause and stood for some time, to appearance, in a vacant mood.

He finished with a formal bow, and the President was conducted out of the middle window into the gallery, and the oath was administered by the Chancellor. Notice that the business done was communicated to the crowd by proclamation, etc., who gave three cheers, and repeated it on the President's bowing to them.

As the company returned into the Senate chamber, the President took the chair and the Senators and Representatives their seats. He rose, and all arose also, and addressed them. This great man was agitated and embarrassed more than ever he was by the leveled cannon or pointed musket. He trembled, and several times could scarce make out to read, though it must be supposed he had often read before. He put part of the fingers of his left hand into the side of what I think the tailors call the fall of the breeches (corresponding to the modern side-pocket), changing the paper into his right hand. After some time he then did the same with some of the fingers of his right hand.

When he came to the words *all the world*, he made a flourish with his right hand, which left rather an ungainly impression. I sincerely, for my part, wished all set ceremony in the hands of the dancing-masters, and the first of men had read off his address in the plainest manner, without ever taking his eyes from the paper, for I felt hurt that he was not first in everything. He was dressed in deep brown, with metal buttons, with an eagle on them, white stockings, a bag, and sword.

From the hall there was a grand procession to Saint Paul's Church, where prayers were said by the Bishop. The procession was well conducted and without accident, as far as I have heard. The militia were all under arms, lined the street near the church, made a good figure, and behaved well.

The Senate returned to their chamber after service, and formed, and took up the address. Our Vice-President called it *his most gracious speech*. I can not approve of this. A committee was appointed on it—Johnson, Carroll, Patterson. Adjourned. In the evening there were grand fireworks. The Spanish Ambassador's house was adorned with transparent paintings; the French Minister's house was illuminated, and had some transparent pieces; the Hall was grandly illuminated, and after all this the people went to bed.

For the First Congress, Mr. President, there were no clearly defined precedents. Every action had to be considered and deliberated over, no matter how minute. We can see some of Maclay's impatience, as well as his democratic sensibilities in his entry for May 5:

May 5th—The bill of yesterday (prescribing the oath) had a third reading, but now how is it to be sent to the other House? A motion was made and seconded that it go by the Secretary.

From half after eleven to half after one was this important question agitated. The other House had affronted the Senate by sending up the bill in a letter, and now we would not send it down by a member. The dignity of the House was much insisted on. We were plagued again with the House of Lords and Commons, and 'parliamentary' was the supplementary word to every sentence.

I doubted much whether I should rise or not; however, when everybody else had something to say, I scorned to be silent. I remarked that I rose with reluctance on a subject when I had not been able to draw any information from experience, as the State I had the honor of representing had but one House, yet from what I could learn the States which had two Houses in the Union carried on their communications by members; that this I considered as the most cordial and friendly mode of intercourse, and that I would much rather take example from our own States than from Great Britain; that this intercourse, therefore, was the one which I most sincerely wished, and thought the sooner it was adopted the better; that if our members should be ill-treated below, as had been alleged by some gentlemen, the fault would not be ours, and then we would be fully justified in adopting some other mode; that a communication by our Secretary was a bad one; that it interrupted business, as we could not proceed without him.

If we meant it by way of returning the affront that had been offered to us, this was wrong. We should send the bill by letter, and this would be treating them in kind.

I was answered, or at least an attempt was made, but I was not convinced. Mr. Langdon got up soon after, and seemed to adopt all I had said, but the motion was carried against us.

Mr. President, we here are all accustomed to hearing the President's annual state of the union message. We assemble in the House of Representatives, and the President delivers his State of the Union Message. But for the Members of the First Congress, the burning issue was, how should the Senate answer the speech? So, we read from Maclay's Journal of May 7:

May 7—The bill for taking the oath for the support of the Constitution came up. The amendments all agreed to, and a small one added. The committee reported an answer to the President's speech. It was read. One part was objected to, which stated the United States to have been in *anarchy* and *confusion*, and the President stepping in and rescuing them. A very long debate. The words were struck out. Mr. Lee offered part of a sentence which, I thought, filled the sentence with propriety. It was, however, lost. Mr. Patterson offered a clause, 'rescued us from evils *impending over* us.' This was carried; but half the Senate nearly made sour faces at it.

Mr. Ellsworth said it was tautological, but seemed at a loss as to mending it. I rose, more in consequence of a kind of determination that I have adopted of saying something every day than from any fondness of the subject.

I admitted that there appeared something tautological in the words, and it was not easy to mend them consistent with elegant diction, but, if the first syllable was taken from the word impending, it would then stand, 'evils pending over us.' The objection would be obviated, but I would not say the language would be eloquent.

But, since I was up, I could not help remarking that I thought the whole clause improper; that to state the whole Union as being in anarchy or under impending ruin was sanctifying the calumnies of our enemies, who had long labored in the foreign gazettes to represent us as a people void of government.

It was fixing a stain on the annals of America, for future historians would appeal to the transactions of this very day as a proof of our disordered circumstances. I therefore was against the whole clause. Mr. Wingate followed me, and was for having the clause struck (out).

This could not well be done consistent with order. I mentioned that, if a reconsideration was moved, I would second it. It was reconsidered and amended, and afterward recommitted to the same committee. They retired for the purpose of dressing it.

Now the Vice-President rose to draw the attention of the Senate to the manner of delivering the answer to the President. A committee was appointed to confer on this and other subjects with a committee of Representatives. 'There are three ways, gentlemen (said our Vice-President), by which the President may communicate with us. One is personally. If he comes here, we must have a seat for him. In England it is called a *throne*. To be sure, it is behind that seat we must seek for shelter and protection. The second is by a minister of state. The third is

by his chamberlain or one of his aides-de-camp, I had almost said, but that is a military phrase. It may become a great constitutional question.'

Seeing the House look blank, he said, 'I throw these things out for gentlemen to think of.' Mr. Lee got up and said something on the propriety of having a seat with a canopy for the President. Mr. Langdon said something, but did not seem well collected, and spoke so low I did not hear him.

The time was trifled till near three o'clock. The day was cold, and the members collected near the fire, leaving their seats. The committee returned with the message, and it really read vastly better, and was altered in the exceptional phrases. In one place, speaking of the Government, it mentioned 'dignity and *splendor*.' I submitted it to the gentlemen who had the amending of it whether 'respectability' was not better than *splendor*. Mr. Carroll, of the committee, did not defend the word 'splendor,' but said 'respectability' had been used before, if he recollected right. Mr. Patterson said it sounded much better than 'respectability,' and rounded the period. Dr. Johnson said 'splendor' signified in this place the highest perfection of government. These were the three members of the committee.

I mentioned that, if the word *respectability* had been used immediately before, it would be improper; that *dignity* alone I thought expressed all that was wanted.

As to the seeking of sounding names and pompous expressions, I thought them exceptionable on that very account, and that no argument was necessary to show it; that different men had a train of different ideas raised by the same word; that 'splendor' when applied to government, brought into my mind, instead of the highest perfection, all the faulty finery, brilliant scenes, and expensive trappings of royal government, and impressed my mind with an idea quite the reverse of republican respectability, which I thought consisted in firm and prudent councils, frugality, and economy.

I found I was not seconded, and concluded that my motion went to recommend a reconsideration of the word 'splendor' to the committee. They did not alter it, and the answer was agreed to. The Vice-President rose in the chair and repeated twice, with more joy in his face than I had ever seen him assume before, he hoped the Government would be supported with *dignity and splendor*. I thought he did it by way of triumph over me for a former defeat I gave him, but maybe I was mistaken.

In these debates over form and formality, Maclay lined up consistently opposed to the ceremonial pomposity of the nation's first Vice President, John Adams. Here, for instance, is Maclay's devastating portrait of Adams on May 11:

Mr. Lee moved to put off the order of the day, on the subject of titles, until to-morrow. Agreed to. He then moved to consider the appointing of a Sergeant-at-Arms. This lost. Mr. Izard and sundry gentlemen of the Senate (were) dissatisfied with our Vice President. He takes on him to school the members from the chair. His grasping after titles has been observed by everybody. Mr. Izard, after describing his air, manner, deportment, and personal figure in the chair, concluded with applying the title *Rotundity* to him. I have really often looked at him with surprise mingled with contempt when he is in the chair and no business before the Senate. Instead of that sedate, easy air which I would have him possess, he will look on one side, then on the other, then down on the knees of his breeches, then dimple his visage with the most silly kind of half smile which I can not well express in English. The Scotch-Irish have a word that hits it exactly—*smudging*. God forgive me for the vile thought, but I can not help thinking of a monkey just put into breeches when I saw him betray such evident marks of self-conceit. He made us a speech this day also, but, as I did not minute the heads of it when he spoke, I will not attempt to recollect it.

In the corridors outside the Senate and House chambers, Maclay and his friends greeted each other with much mirth and such titles as "Your Highness of the Senate" and "His Highness of the Lower House." It is a most noteworthy observation on our first president that George Washington remained aloof from this entire fracas. Maclay reported that he had found no clue as to Washington's sentiments on the subject of titles. As usual, Washington endeavored to remain above the battle. On those occasions, when Washington had to deal directly with Congress, he was surprisingly ill at ease. Listen, for instance, to Maclay's vivid description of the Senate's reply to Washington's first State of the Union message, on May 18:

Senate met. The address (to the President) was read over, and we proceeded in carriages to the President's to present it. Having no part to act but that of a mute, I had nothing to embarrass me. We were received in an antechamber.

Had some little difficulty about seats, as there were several wanting, from whence may be inferred that the President's major-domo is not the most provident, as our numbers were well enough known. We had not been seated more than three minutes when it was signified to us to wait on the President in his levee-room.

The Vice-President went foremost, and the Senators followed without any particular order. We made our bows as we entered, and the Vice-President, having made a bow, began to read an address. He was much confused.

The paper trembled in his hand, though he had the aid of both by resting it on his hat, which he held in his left hand. He read very badly all that was on the front pages. The turning of the page seemed to restore him, and he read the rest with more propriety. This agitation was the more remarkable, as there were but twenty-two persons present and none of them strangers.

The President took his reply out of his coat-pocket. He had his spectacles in his jacket-pocket, having his hat in his left hand and the paper in his right. He had too many objects for his hands. He shifted his hat between his forearm and the left side of his breast.

But taking his spectacles from the case embarrassed him. He got rid of this small distress by laying the spectacle-case on the chimney-piece. Colonel Humphreys stood on his right, Mr. Lear on his left.

Having adjusted his spectacles, which was not very easy, considering the engagements on his hands, he read the reply with tolerable exactness and without much emotion. I thought he should have received us with his spectacles on, which would have saved the making of some uncouth motions.

Yet, on the whole, he did nearly as well as anybody could have done the same motions. Could the laws of etiquette have permitted him to have been disencumbered of his hat, it would have relieved him much.

After having read his reply, he delivered the paper to the Vice-President with an easy inclination, bowed around to the company, and desired them to be seated. This politeness seems founded on reason, for men, after standing quite still some time, want to sit, if it were for only a minute or two. The Vice-President did not comply, nor did he refuse, but stood so long that the President repeated the request. He declined it by making a low bow, and retired. We made our bows, came out to the door, and waited till our carriages took us up. Colonel Humphreys waited on us to the door.

Lest we be misled by all the talk of titles and formalities, there were substantive issues before the First Congress as well. In May 1789 the Congress debated import taxes, and Maclay's account gives us some graphic descriptions of the legislative maneuvering that went on. All ran smooth in the debate, said Maclay, "till we came to the molasses." This was a product dear to the merchants of New England.

They like it down in West Virginia also.

Has the Senator ever gone to the molasses making? May I say to the distinguished Senator from Illinois, molasses making is a great, great thing to attend. They often have a bit of country music there with a banjo picker, guitar, and a fiddler.

Mr. DIXON. A fiddler, too?

Mr. ROBERT C. BYRD. A fiddler. The fiddler plays a tune.

This was a product dear to the merchants of New England, and for which their representatives in the Federal Government fought successfully to lower the duty from five to four cents. The next day, May 27, Maclay made this entry in his journal:

The minutes were read. I was astonished to hear Strong immediately get up and begin a long harangue on the subject of molasses. One looked at another. Mr. Carroll had taken his seat next to me. Several of the gentlemen murmured. At last Mr. Carroll rose and asked pardon for interrupting any gentleman, but said that matter had been determined yesterday. The Vice-President said the question had been taken on four cents being put instead of five, but no question had been taken on the paragraph after it was amended.

The whole sentence was on molasses per gallon, four cents; that a second should be put on it was idle; but it was plain that this matter had been agreed on between the Vice-President and the New England men, and in all probability they have got some people who voted for four yesterday to promise to vote for less to-day. Dalton, however, got up and made a long speech that some of the gentlemen are absent, and particularly the gentlemen who moved for the four cents, and desired it might be put off till to-morrow. I must declare this the most uncandid piece of proceeding that I have ever seen in the Senate.

The molasses issue came up again the next day:

And now for the article of molasses. Lee, who is a perfect Ishmael, declared the second question totally out of order. It is true, parliamentary precedent might be alleged in favor of such second question; but in the present case it was evidently a trick, and I guessed some parties had changed sides.

From the discourse it appeared to me that Mr. Few, of Georgia, had changed.

The Vice-President made a harangue on the subject of order. The facts were all agreed to, viz.: that it was agreed to strike out five cents; that the first motion seconded was to insert two cents. The second motion seconded was for three cents. The third motion seconded was for four cents. That a very long and tedious discussion took place with all the three motions before the Chair; that an adjournment had been called for, and negatived expressly on the avowed reason that the committee would first get rid of the article; that the Vice-President mentioned from the chair that he would put the question on four first, that being the highest sum. The question was put and carried, and the Senate afterward adjourned.

The Vice-President made a speech, which really was to me unintelligible. He seemed willing to persuade the members that the above was a very unfair mode of doing business, and that they had not an opportunity of declaring their sentiments freely in the above way. He concluded, however, *that after the four (cents) had been carried it was in order to move for any lower sum.*

Somebody whispered that he ought to get his wig dressed. Mr. Morris rose and declared it was with reluctance that he differed with the Chair on a question of order, and was beginning to argue on the subject, but the New England men, seeing their darling Vice-President likely to be involved in embarrassment for the unguarded steps he had taken in their favor, with one consent declared they were satisfied to pass the article at present and take it up in the Senate.

The debate over molasses was far from over, and Maclay's entry on June 4 describes a spirited debate in the Senate:

We now took up the Impost bill, and proceeded smoothly till we came to the article of molasses. It was the wish of the majority of the Senate to have the question without any debate; but now Mr. Dalton rose, and we were obliged to hear everything over again which had been formerly advanced. It was long and tedious. Some observations were just and pertinent, but many were quite foreign to the purpose.

Dr. Johnson rose on the same side. Dalton was for lowering it to three cents, but Dr. Johnson said he had been convinced that it ought to be but two, or rather none at all. The drift of the doctor's argument was: Molasses, imported, is either distilled, and then as a raw material it ought not to be taxed, or it is consumed by the poor as food, and so ought not to be taxed. So it ought not to be taxed at all.

Up rose Strong, and, facing himself to the right where Mr. Morris and myself sat, fell violently on the members from Pennsylvania, with insinuations that seemed to import that we wished to overcharge New England with an undue proportion of the impost.

What was the most remarkable, Mr. Morris had whispered to me that he would not get up on this business, but would attend with the utmost attention to all their arguments, fully determined to give them their utmost weight. But when this attack was begun, I could see his nostrils widen and his nose flatten like the head of a viper. Ellsworth, however, got up before him, and this gave him time to recollect himself. He rose after Ellsworth, and charmingly did he unravel all their windings. It is too long to set down, but he was clear and conclusive.

I, in the meanwhile, busied myself in examining the abstract of the importations into Philadelphia given me by Delaney. In this place I can not help remarking that there is something of a singularity in my disposition.

Although I was equally concerned, I really felt joy on this attack, and the more so when I saw Mr. Morris was moved. The buffetings that I used to get from some of these people in this absence, and the sentimental insults that I received, seemed now to say, "Take you, too, a part."

When he had done, I rose and repeated from their own observations that the whole of the molasses imported into Massachusetts was three million gallons. Two millions they distilled and had the drawback, if they chose to export it, so that this was totally out of the question.

That consumed in the State, in substance, was the remaining million. But we imported last year so much molasses into Pennsylvania that, making sufficient allowance for two distilleries that were worked, the remainder for consumption, in substance, was half a million.

Was this the object to make such a stir about? It was said that some of the New England rum was drunk in the State. Be it so. Take any given quantity, be it what it may, it is consumed under a duty of four cents per gallon; for the gallon of molasses yields in distillation rather a larger than a less quantity than gallon for gallon. But we import near one million of gallons of spirits into Pennsylvania, and this is consumed under a duty of from eight to ten cents per gallon. We imported also five million gallons of raw sugar; above one million of coffee, which was said to be half of the coffee used in the United States; besides a full proportion of all other goods.

I spoke not at random nor without book. Here was the abstract in the hand-writing of Sharp Delaney, the collector. Were we, then, the people for imposing unequal burdens? No. We were imposing no burdens of which we were not about to bear a share—a great, perhaps the greatest, share.

Dalton rose and remarked on the great uncertainty of all calculations. He was, however, modest. A variety of people spoke. Some heat seemed at one time to rise between Lee and Langdon.

There was a considerable shifting about the question. It was at last settled that the question should be to reduce the duty to three cents, expressly on the condition of taking away the drawback. Mr. Morris and myself voted against it.

Izard, Gunn, and some others voted expressly on the condition of the drawback being taken away. The others joined, but with a design of retaining the drawback. So stands this curious affair till tomorrow. Past three, and adjourned. I must not omit that Carroll got up and spoke well on our side. He stated the inequality of duty on molasses and sugar as sweets; that a gallon of molasses was equal, as a sweet, to seven pounds of good brown sugar. Seven cents on one, four on the other.

So I say to the distinguished junior Senator from Illinois, one learns many surprising things about American history from reading Maclay's journal. I was surprised to find one entry referring to celebrations in New York to commemorate the British King's birthday—in 1789! This reminds us that not all, and perhaps not even a majority of Americans had favored the Revolution, and that loyalist sympathies died hard. As Maclay put it, "the old leaven anti-revolutionism has leavened the whole lump, nor can we keep the Congress free from the influence of it." William Maclay was an arch-Republican and a staunch Anti-Federalist. He had serious doubts about the federal Constitution, and had little regard for the *Federalist Papers*, as the following excerpt on June 14 reveals:

My mind revolts, in many instances, against the Constitution of the United States. Indeed, I am afraid it will turn out the vilest of all traps that ever was set to ensnare the freedom of an unsuspecting people. Treaties formed by the Executive of the United States are to be the law of the land. To cloak the Executive with legislative authority is setting aside our modern and much-boasted distribution of power into legislative, judicial, and executive—discoveries unknown to Locke and Montesquieu, and all the ancient writers. It certainly contradicts all the modern theory of government, and in practice must be tyranny.

Memorandum: Get, if I can, The Federalist without buying it. It is not worth it. But, being a lost book, Izard, or some one else, will give it to me. It certainly was instrumental in procuring the adoption of the Constitution. This is merely a point of curiosity and amusement to see how wide of its explanations and conjectures the stream of business has taken its course.

Maclay's opinions on the separation of powers here are significant for at that time the legislative branch was deliberating the Judiciary Act of 1789, which set up the federal judiciary, particularly the Supreme Court, and determining its jurisdiction.

June 24th—Rode out early this morning, but returned before eight. Attended (Senate) at the usual time. The bill for the judiciary was taken up. The first debate that arose was whether there should be Circuit Courts or courts of *nisi prius*. This distinction was started by Mr. Johnson, from Connecticut. Was adopted, and spoke long to by Mr. Butler. This kept us most of the day. I did not give a vote either way—indeed, I do not like the bill. The vote was for district courts.

July 7th—Attended the Hall at the usual time. The judiciary was taken up for a third reading. I can scarcely account for my dislike for this bill, but I really fear it will be the gunpowder-plot of the Constitution. So confused and so obscure, it will not fail to give a general alarm. Ellsworth has led in this business, backed with Strong, Patterson, Read often, Bassett seldom. We came to the clause which allowed the District Judges to sit on the hearing of appeals from themselves.

I did not rise to oppose this. Grayson, however, got hold of it, and hammered hard at it. Bassett rose, and took partly the same side. Now I thought the matter in a hopeful way.

Ellsworth immediately drew an amendment, as he said, to cure their objections, though it was nothing like the matter. I drew a clause nearly in these words: 'Provided that no District Judge shall sit on the rehearing of any case formerly adjudged by him.'

We got Ellsworth's motion postponed to put a question on it. It was agreed that the sense of the House should be taken on this. We carried it, and I rose and said, since the sense of the House was declared on this subject, I wished some of the gentlemen of the bar to frame a clause in the spirit of the determination; that the effect of the determination would reach further than the present clause, for it would prevent the Circuit Judge from sitting in the Supreme Court on an appeal where he had given original judgment.

This was agreed to, so we killed two birds with one stone. The most trifling word-catching employed us till after three o'clock.

July 10, 1789—This day the lawyers showed plainly the cloven foot of their in-

tentions in the (Senate). Read, Bassett, Paterson, Johnson, Grayson, and others, had got a hasty kind of amendment passed late yesterday.

The amount of it was that in the Circuit Courts, under the name of equity, they should have all the depositions copied and sent up on an appeal to the Supreme Court, as evidence on the rehearing of facts, or words to that import. I had some conversation with Ellsworth in the morning about it, and offered to him to move for a reconsideration of the matter.

He wished to reserve this business for himself, however. He accordingly moved the reconsideration in a lengthy speech, and was seconded by Strong. At it now they went, and until after three scarce a word could be got in edgewise, for the lawyers. Butler, though lame, bounced up twice.

I wished to speak, but could not get leave. The Vice-President got up in his chair. I rose and told him I wished to say a word or two:

'Sir, I am no professed admirer of the judicial system before you, but the best part of it is the Circuit Courts. These, sir, the amendment of yesterday will render abortive. The seeds of appeal, and the materials, too, provide for every cause. The system of delay is so firmly established, and the certainty of procrastination such, that justice can never be obtained in it. Let us follow the scheme a moment: The dispositions are taken and carried up six hundred or seven hundred miles to a Federal court. But, by the law, they can not be used, if the party is able to attend. The witness is subpoenaed, but does not attend.

An attachment issues, but the party will kill the messenger, run to the woods, fly to the Indians, rather than attend. Well, but the court can issue a *dedinus protestatem*, and commissioners may be appointed; and in three or four years the testimony may be collected. Well, and what now? Is the fact to be tried by chancery powers? I am bold to say that no issue of fact was ever tried or found, for or against, in chancery. Facts often were carried into chancery, as evidence, but if they were doubted of, issue was joined on them, and directed to be tried by a jury. But now the business unfolds itself. Now we see what gentlemen would be at. It is to try facts on civil-law principles, without the aid of a jury, and this, I promise you, never will be submitted to. The question was put, and we carried it. But the House seemed rather to break up in a storm.

As I have discussed in an earlier statement, Maclay and other Anti-Federalists feared a strong federal court system, which might threaten state sovereignty. The Federalists accommodated some of these concerns by sharing some judicial powers with the states, and the bill passed the Senate on July 17. Here is Maclay's account of events on that day:

July 17th—Attended at the Hall half after nine o'clock. We read and corrected the long judiciary. The Senate met at the usual time. This same judiciary was taken up and went over. And now Mr. Butler rose against it; Mr. Grayson spoke against it, and Mr. Lee was more pointed than any of them. Had Mr. Lee joined us in my objections against it at an early period, perhaps we might have now had it in better form.

Mr. Butler offered a motion for leave for any member to enter his dissent on the minutes. This proved a most lengthy debate. It was four o'clock before it was decided. He lost his motion. I thought it right. And now Mr. Lee, Mr. Grayson, Mr. Butler, and Mr. Wingate rose for the yeas and nays on the Judiciary bill. They were given; I was in the negative.

I opposed this bill from the beginning. It certainly is a vile law system, calculated for expense and with a design to draw by degrees all law business into the Federal courts. The Constitution is meant to swallow all the State Constitutions by degrees, and thus to swallow, by degrees, all the State judiciaries.

This, at least, is the design some gentlemen seem driving at. O sweet Candor, when wilt thou quit the cottage and the lisping infant's lips and shed thy glory round the stateman's head? Is it inscribed on human fate that man must grow wicked to seem wise; and must the path of politics be forever encumbered with briers and thorns?

Mr. President, earlier in this Congress the President of the United States visited with Members of the Senate in the President's Room, just off this Chamber to my left as I am now standing and facing the chair. In reading Maclay's journal we find a visit by our first President, George Washington, to the Senate Chamber to seek the Senate's *advice* on a treaty with certain Indian tribes. As we shall see, this meeting did not go well at all, a circumstance which shaped executive dealings with the legislature for the next two centuries:

August 22, Saturday—Senate met, and went on the Coasting bill. The doorkeeper soon told us of the arrival of the President. The President was introduced, and took our Vice-President's chair. He rose and told us bluntly that he had called on us for our advice and consent to some propositions respecting the treaty to be held with the Southern Indians.

Said he had brought General Knox with him, who was well acquainted with the business. He then turned to General Knox, who was seated on the left of the chair. General Knox handed him a paper, which he handed to the President of the Senate, who was seated on a chair on the floor to his right.

Our Vice-President hurried over the paper. Carriages were driving past, and such a noise, I could tell it was something about 'Indians,' but was not master of one sentence of it. Signs were made to the doorkeeper to shut down the sashes.

Seven heads, as we have since learned, were stated at the end of the paper which the Senate were to give their advice and consent to. They were so framed that this could not be done by aye or no.

The President told us that a paper from an agent of the Cherokees was given to him just as he was coming to the Hall. He motioned to General Knox for it, and handed it to the President of the Senate. It was read. It complained hard of the unjust treatment of the people of North Carolina, etc., their violation of treaties, etc. Our Vice-President now read off the first article, to which our advice and consent were requested. It referred back principally to some statements in the body of the writing which had been read.

Mr. Morris rose. Said the noise of carriages had been so great that he really could not say that he had heard the body of the paper which had been read, and prayed that it might soon be read again. It was so (read). It was no sooner read than our Vice-President immediately read the first head over again, and put the question: 'Do you advise and consent,' etc.? There was a dead pause. Mr. Morris whispered me, 'We will see who will venture to break silence first.' Our Vice-President was proceeding, 'As many as——'

I rose reluctantly, indeed, and, from the length of the pause, the hint given by Mr. Morris, and the proceeding of our Vice-President, it appeared to me that if I did not no other one would, and we should have these advices and consents ravished, in a degree, from us.

'Mr. President: The paper which you have read to us appears to have for its basis sundry treaties and public transactions between the Southern Indians and the United States and the States of Georgia, North Carolina, and South Carolina. The busines is new to the Senate. It is of importance. It is our duty to inform ourselves as well as possible on the subject. I therefore call for the reading of the treaties and other documents alluded to in the paper before us.'

I cast an eye at the President of the United States. I saw he wore an aspect of stern displeasure. General Knox turned up some of the acts of Congress and the protest of one Blount, agent for North Carolina. Mr. Lee rose and named a particular treaty which he wished read. The business labored with the Senate. There appeared an evident reluctance to proceed. The first article was about the Cherokees. It was hinted that the person just come from there might have more information. The President of the United States rose; said he had no objection to that article being postponed, and in the mean time he would see the messenger.

I had at an early stage of the business whispered Mr. Morris that I thought the best way to conduct the business was to have all the papers committed. My reasons were, that I saw no chance of a fair investigation of subjects while the President of the United States sat there, with his Secretary of War, to support his opinions and overawe the timid and neutral part of the Senate.

Mr. Morris hastily rose and moved that the papers communicated to the Senate by the President of the United States should be referred to a committee of five, to report as soon as might be on them. He was seconded by Mr. Gunn. Several members grumbled some objections. Mr. Butler rose; made a lengthy speech against commitment; said we were acting as a council. No council ever committed anything. Committees were an improper mode of doing business; it threw business out of the hands of the many into the hands of the few, etc.

I rose and supported the mode of doing business by committees; that committees were used in all public deliberative bodies, etc. I thought I did the subject justice, but concluded the commitment can not be attended with any possible inconvenience. Some articles are already postponed until Monday. Whoever the committee are, if committed, they must make their report on Monday morning. I spoke through the whole in a low tone of voice. Peevishness itself, I think, could not have taken offense at anything I said.

As I sat down, the President of the United States started up in a violent fret. 'This defeats every purpose of my coming here,' were the first words that he said. He then went on that he had brought his Secretary of War with him to give every necessary information; that the Secretary knew all about the business, and yet he was delayed and could not go on with the matter. He cooled, however, by degrees.

Said he had no objection to putting off this matter until Monday, but declared he did not understand the matter of commitment. He might be delayed; he could not tell how long. He rose a second time, and said he had no objection to postponement until Monday at ten o'clock. By the looks of the Senate this seemed agreed to. A pause for some time ensued. We waited for him to withdraw. He did so with a discontented air. Had it been any other man than the man whom I wish to regard as the first character in the world, I would have said, with sullen dignity.

I can not now be mistaken. The President wishes to tread on the necks of the Senate. Commitment will bring the matter to discussion, at least in the committee, where he is not present. He wishes us to see with the eyes and hear with the ears of his

Secretary only. The Secretary to advance the premises, the President to draw the conclusions, and to bear down our deliberations with his personal authority and presence. Form only will be left to us. This will not do with Americans. But let the matter work; it will soon cure itself.

Mr. President, William Maclay's *Journal*, which even in an edited form fills a 400-page book, is so filled with fascinating information about the history of the Senate that it is difficult to choose selections to read. One finds entries on deliberations to select a permanent home for the federal government; the always controversial subject of salaries for senators and congressmen; and an amusing account of a solemn dinner with President Washington, who nervously tapped his fork on the table for want of being able to make table talk.

There is also a running account of Maclay's break with his fellow senator from Pennsylvania, Robert Morris—chiefly over Morris' vote against locating the capital on the Susquehanna River, in return for its temporary settlement in Philadelphia. It was on this unhappy note, with Maclay and Morris barely speaking to each other, that Maclay ended his journal for the first session of the First Congress.

During the second session, Maclay continued his opposition to centralizing trends in the government. Here, for instance is his reaction to a request for a standing army, on April 15, 1790:

Infatuated people that we are! The first thing done under our new Government was the creation of a vast number of offices and officers. A treasury delated into as many branches as interest could frame. A Secretary of War with a host of clerks; and above all a Secretary of State, and all these men labor in their several vocations. Hence we must have a mass of national debt to employ the Treasury, an army for fear the Department of War should lack employment.

Foreign engagements, too, must be attended to to keep up the consequences of that Secretary. The next cry will be for an Admiralty. Give Knox his army, and he will soon have a war on hand; indeed, I am clearly of opinion that he is aiming at this even now, and that, few as the troops are that he now has under his direction, he will have a war in less than six months with the Southern Indians.

But for Maclay and other Anti-Federalists the real issue of the second session was Treasury Secretary Alexander Hamilton's Report on Public Credit, with its recommendation that the federal government assume the debts of the states and redeem the certificates of the Continental Congress. Maclay fought these plans heart and soul:

May 1, 1790—With less prudence than integrity I attacked the Secretary's report the moment it appeared. When the leading feature in it, the assumption of State debts, was carried by a majority of five in the committee of the whole Representatives, I redoubled my efforts against it; and I really believe that by my endeavors it was finally rejected. I am fully sensible that I staked every particle of credit (popularity) I had in the world on this business, and have been successful.

But let me lay my account, never to be thought of for it. Be it so. I have made enemies of all the Secretaries, and all their tools, perhaps of the President of the United States, and Bonny Johnny Adams for the many pieces I have written. With all the pains I have taken to conceal myself (the pieces) must have betrayed me in one shape or other. But I have no enemy in my own bosom.

June 9—Attended the Hall at the usual time. The Rhode Island bill had a third reading. And now the Funding bill was taken up. We had passed the clause funding the old Continental money, and left a blank on Monday. I then called it the resurrection of a dead demand against the public. Mr. Morris seemed in sentiment with me. King spoke against the clause altogether. But now the Secretary's report was the textbook, and it must be funded at forty for one.

I called the attention of the Senate to the characters who now had this money. Many meritorious persons received it as gold and silver, and still kept it as the monuments of the sacrifices which they made in the cause of America. Would seventy-five for one, forty for one, or one hundred for one, indemnify such characters? Would it not be a mockery of their demands? A time might come, a mannner might be thought of for their relief, but this was not, perhaps, the time, nor was it the manner.

The other class of individuals who were possessed of it had collected it from the holes and corners after it had ceased to be an object of speculation when it was really worth nothing, and who neither gave value for it nor had any merit in the act of collection.

For these humble speculators infinitely too much was done. They had no claims in justice. The whole of the Continental money was sunk by depreciation, a most unequal mode of taxation truly, but an effectual one. He that touched it was taxed by it. This was creating a claim.

A defunct demand was conjured up against the Union, as if they feared the mass of debt would be too small, though I fear they would find it much larger than we could discharge, etc. The clause was passed, and we went to the fourth.

No matter how eloquently Maclay argued, the forces lined up against him were too powerful. A deal was underway to tie Hamilton's financial plans with the desire by powerful Virginians (Washington, Jefferson, and Madison in particular), to locate the national capital on the Potomac River:

June 15th—We finished our observations on the Funding bill, and reported. The whole day was spent in debate on it. I had so often expressed my sentiments respecting the subject of this bill, that I need not set any of them down here. I was not often up. I took at one time some pains to explain the nature of facilities and indents, but no question was taken on any point. All was postponed.

Dr. Elmer told me as I left the Hall that he had something to impart to me. Mr. Morris, however, called me aside and told me that he had a communication from Mr. Jefferson of a disposition of having the temporary residence fifteen years in Philadelphia and the permanent residence at Georgetown on the Potomac, and that he (Mr. Morris) had called a meeting of the delegation at six o'clock this evening at our lodging on the business.

I was really unwell, and had to lie down the most of the afternoon. The delegation met at six. I was called out.

However, when I came in, what passed was repeated to me. Hamilton proposed to give the permanent residence to Pennsylvania at Germantown or the Falls of the Delaware, on condition of their voting for the assumption.

In fact, it was the confidential story of yesterday all over again. Mr. Morris also repeated Mr. Jefferson's story, but I certainly had misunderstood Mr. Morris at the Hall, for Jefferson vouched for nothing.

I have seen no prospect of fixing the permanent residence of Congress at the present session, and whenever it is gone into will be involved in much difficulty. I have, therefore, declared against everything of the kind; but to continue the temporary residence here, under the promise of the permanent residence being in any part of Pennsylvania, I consider as madness.

It was giving them time to fortify and intrench themselves with such systematic arrangements that we never should get away while the law acted as a tie on us and bound us hand and foot, but gave them all the power and all the opportunity of fixing us permanent in this place.

I would rather be under no obligation and keep up an unremitted effort to get away, which I had no doubt would be crowned with success.

I know not whether what I said was the reason of it, but these sentiments seemed to be adopted. As to the bargain proposed by Hamilton, I spoke of it with detestation. Mr. Morris now proposed that a paper should be drawn up, with reasons for our conduct, that they might not be able to brand us with any neglect of the interests of Pennsylvania; and a committee for this purpose was appointed—Mr. Morris, Mr. Fitzsimons, and Mr. Hartley.

Tensions over Hamilton's plans rose high as speculators lobbied with the Congress—and some senators and representatives themselves had some personal financial involvement in the debt resumption plans. None was more heavily involved than Senator Robert Morris—whose financial problems, as we know, would send him to debtor's prison in 1798. Here is Maclay's account of events on July 16:

Now Mr. Morris came, raving angry; said and swore he would vote against everything. The committee had agreed to the Secretary's third alternative for the principal and three per cent on the interest due, and he had left them. The report came in after some time and it was proceeded on. I whispered to Mr. Morris, now he had got the residence, it was our province to guard the Union and promote the strength of the Union by every means in our power, otherwise our prize would be a blank. I told him I would move a postponement of the business and I would wish a meeting of the delegation this evening. He assented.

A vast deal was said on the subject of the contract and breach of obligation. Then I rose and stated that I had no difficulty on that head; that we stood here as legislators. Judges and executive officers were bound to observe laws and contracts; but justice was the great rule which we should govern our conduct by. The holder of the certificate called, 'Do me justice.' But the original performer of the service, who sold it for one eighth part of the nominal value, and on whom the tax to make it good is about to fall, cries, 'Do me justice also.'

Both sides of this picture ought to be viewed and their relative numbers to each other. No guess can be made in this matter, but by comparing the number of speculators with the number of those who had sold, and perhaps the ratio would not be one to one hundred. It was also true there was a class of men, the original holders, who were not embraced in the above description; but if we cast our eye over the calamities of the late war they would appear to be the fortunate characters.

All the others who touched Continental money were taxed by it, and it finally sunk in their hands. The original holders have, if not the whole value, at least something to show, etc. I hoped for the progress of the public business, and that a short postponement would perhaps bring us nearer together and moved for to-morrow; but it was not carried.

The report was pushed with violence and

all carried, twenty members rising for it, four only sat, two going out. The Vice-President said twenty for, four against. When they came to the part for ingrafting the assumption resolves on the bill, Mr. Lee, with what assistance I gave him, retarded the business a little. When I spoke I endeavored to narrow the ground a little, and spoke solely to the question of combining the assumption with the Funding bill. The Funding bill was to provide for the domestic debt which floated at large, and was at this time in no train of payment.

The propriety of paying the foreign and domestic debt was admitted by every person. It was really the business which brought us together. But here we must not pass it, unless we tack it to another, which we considered as a political absurdity. This was contradicting the spirit of free legislation. Every subject ought to hang on its own merits. It was offering violence to our understandings. I said a good deal on the subject, and could not restrain myself from going into the merits of the assumption. But I might as well have poured out speech on senseless stocks or stones. It was carried against us, fifteen to eleven. A committee was immediately appointed to make the arrangements. We adjourned.

I came down-stairs, and all the speculators, both of the Representatives and city, were about the iron rails. Ames and Sedgwick were conspicuous among them. The Secretary (Hamilton) and his group of speculators are at last, in a degree, triumphant. His gladiators, with the influence that has arisen from six dollars per day (congressional salaries), have wasted us months in this place. But I can not see that I can do any further good here, and I think I had better go home. Everything, even to the naming of a committee, is prearranged by Hamilton and his group of speculators. I can not even find a single member to condole in sincerity with me over the political calamities of my country.

July 22—Attended at the Hall this day, as much to take the wrinkles out of my face, which my yesterday's disappointment had placed on it, as for anything else. It is in vain to think of changing a vote anyway; a majority are sold, and Hamilton has bought them. It is certainly a defect in my political character that I can not help embarking my passions and considering the interest of the public as my own. It was so while I was at the bar, in respect of my clients, when I thought their cause just. Well, be it so. It has its inconvenience, and hurts my health, but I declare I never will endeavor to amend it.

A note of despair was settling into Maclay's journal. He found himself on the losing end of too many causes. He missed his family. His health was not good. We may surmise that he was not too greatly dismayed over his defeat for reelection by the Pennsylvania legislature and his retirement from the Senate. Here are his last entries for the brief third session of the First Congress:

March 2, 1791—Oh, 'twas joyful news when I came home and found my man sent by Bob Murdock, and had the pleasure to hear of the welfare of my family. More business has been hurried through the Senate this day than has been done in a month of our former sessions at other periods. The Secretary (Hamilton) has bought the present House, and he wishes to have his money's worth out of them.

Here Maclay is referring to the Senate as the House. He is speaking in the context of two Houses making up the Congress. So he said, "Secretary Hamilton has bought the present House."

The resolution of the Mint was foully smuggled through. I hope somebody will take notice of it in the other House. It is evident what a system has been adopted by the Secretary (Hamilton). We used to canvass every subject and dispute every inch of his systems, and this sometimes detached some of his party from him and defeated him. To prevent this, all has been put off until this late moment, and now not a word will be heard. The plea of want of time prevails, and every one that attempts to speak is silenced with the cry of question and a mere insurrection of the members in support of the demand. I am at no loss now to ascertain the reason why the Mint business has been delayed and finally came forward under the form of a resolution rather than a bill. Bills can not be read out of order but by unanimous consent.

March 3rd—In the evening by candlelight. When I saw the merry mood in which the Senate was assembled, I was ready to laugh. When I considered the occasion, I was almost disposed to give way to a very different emotion. I did, however, neither the one nor the other; and, feeling myself of as little importance as I had ever done in my life, I took pen and paper and determined, if possible, to keep pace with the hurry of business as it passed, which I expected would now be very rapid, as I had no doubt that Hamilton's clerks had put the last hand to everything.

Here is Maclay's list of the First Senate's final actions:

1. Mr. Buckley announced that he brought a new resolve for the safe-keeping of prisoners, etc.

2. A bill for compensation to commissioners of loans for extra expenses.

3. A salary bill for the executive officers, their clerks, and assistants.

4. Resolve for the President to lay before Congress as testament of lands not claimed by Indians.

5. The Mint resolve.

These obtained the signature of the President of the Senate and were sent off for the deliberation and approbation of the President. The prisoner resolve was agreed to and sent back to the Representatives by Otis.

6. Mr. Buckley: second message.

A new bill to carry into effect the convention with the French, etc. This business has been most shamefully neglected. I had often spoken on the subject, but my influence was gone. I had, however, spoken lately to sundry members of the House of Representatives, and even at this late hour was happy to see the bill. To speak in the present uproar of business was like letting off a pop-gun in a thunder-storm. But this was the merest matter of form possible. It was only giving the authority of law to a convention solemnly entered into with the French. My colleague cried "No!" on the second reading. I called for the yeas and nays, and not out of resentment, but merely with an exculpatory view, if this conduct should draw on us the resentment of France, for I consider it disrespectful (to say no worse) toward her and dishonorable in us.

7. Mr. Buckley: third message with the Pension, Invalid, and Lighthouse bills.

The committee reported the enrollment of the following acts:

8. For the continuance of the post-office.

9. For granting lands to the settlers at Vincennes, Illinois.

10. Supplementary act for the reduction of the public debt.

11. For granting compensation to judicial officers, witnesses, and jurymen.

These bills received the signature of the President of the Senate after being brought up by Mr. Buckley in his fourth message.

12. Who brought at the same time a new bill for the relief of David Cook? Twice heretofore has there been an attempt to smuggle this bill through in the crowd. It happened, however, to be smoked and rejected.

13. Mr. Buckley's fifth message brought a bill for making further provision for collection of duties on teas, etc., which received the signature, etc.

14. An enrolled resolve, which also received the signature, etc.

There now was such confusion with Otis, Buckley, Lear, our committee of enrollment, etc., that I confess I lost their arrangement. Indeed, I am apt to believe if they had any they lost it themselves. They all agreed at last that the business was done. The President left the chair, and the members scampered down-stairs. I stayed a moment to pack up my papers. Dalton alone came to me, and said he supposed we two would not see each other soon. We exchanged wishes for mutual welfare. As I left the Hall, I gave it a look with that kind of satisfaction which a man feels on leaving a place where he has been ill at ease, being fully satisfied that many a culprit has served two years at the wheelbarrow without feeling half the pain and mortification that I experienced in my honorable station.

Those of us who have experienced the hectic last day—and often night—of a session of Congress can understand full well Maclay's exhaustion at the end of this historic First Congress. The array of legislation, the confusion, the turmoil of those last minutes are with us at the end of our sessions today as they were then.

We must regret the departure of William Maclay from the Senate and the end of his journal. Senator Maclay retired to his farm near Harrisburg. In 1795, he was elected to the Pennsylvania House of Representatives, served as a county judge, and in 1796 and 1801, served as a presidential elector—for the Republicans, of course. William Maclay died on April 16, 1804, and he is buried in the Old Paxtang Church Cemetery at Harrisburg. As long as there is a United States Senate he will be remembered. He left behind his monument—not in stone, but in words.

(During the foregoing proceedings the following occurred:)

The PRESIDING OFFICER (Mr. SIMPSON). May I interrupt the Senator from West Virginia just to say that my hour will expire as you proceed and I want to, in exercising the prerogatives of the chair, especially compliment you for this continuing series of historical vignetes which I have enjoyed for some time now. I think it has been most helpful to some of the newer Members of this body. I am one who has been here just slightly over 2 years and I think it has been most meaningful and most fascinating and I think it is going to serve as a great extraordinary reference source and, even more importantly, as a veritable treasure trove of historical significance.

I just want to commend you for that fine contribution to this body which we have come to love and respect. You, I note, have not only the reputation of being a very extraordinarily procedural master, remarkable historian, and spirited musician, but now a credible thespian, as I observed you here in the last

hour. I thank you. I have enjoyed it very much.

Mr. DIXON. Beautifully put.

Mr. ROBERT C. BYRD. Mr. President, as the distinguished Senator from Illinois has just said, "beautifully put."

I am flattered by the kind words of the Senator from Wyoming, one of the most conscientious and able Members of this body, who follows in the footsteps of his illustrious father before him. What he has said today is more than I deserve. I am grateful for his expressions and I am greatly encouraged by them to continue on.

Mr. President, I yield such time as he may require to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I thank the minority leader.

THE ARMENIAN GENOCIDE: THE FIRST HOLOCAUST OF THE 20TH CENTURY

Mr. PROXMIRE. Mr. President, on April 24, 1915, while the world was in the midst of the most destructive war history had known up to that point, 200 intellectuals, community leaders, and prominent citizens of the Armenian community in Turkey were herded into the desert and executed by the Ottoman Turks. This marked the beginning of the Ottoman Empire's systematic plan to exterminate the whole Armenian-Christian population within its borders.

Over the next 3 years, over 1.5 million Armenians were massacred. The entire population was uprooted from its ancestral homeland in what is now the eastern region of modern-day Turkey.

At first the Turks concentrated on writers, teachers, clergymen, and other leaders of the Armenian people.

Then the able bodied men were brutally murdered and the young women enslaved. The remaining women, children and elderly were forced to march into the remote deserts of the Der-el-Zar where the majority would die due to starvation, exposure, disease or from sheer physical exhaustion.

By 1917, the Armenian population of Turkey had quite literally ceased to exist, with only a few thousand survivors widely scattered over the face of the Earth.

Last April marked the 66th anniversary of this first genocide of the twentieth century, the first holocaust. And because of the world community's ignorance and unwillingness to remember and learn from this savage precedent, we must also recall the obscene horror that claimed 6 million Jews, 3 million Cambodians and countless others in Uganda, Biafra, and East Timor.

Mr. President, the only way this heinous crime can be controlled is through a united policy of condemnation by the world community. By ratifying the Genocide Convention, the United States will join 86 other countries in condemning genocide by simply making the "intent to destroy in whole or in part, a national, ethnical, racial or religious group" an international crime.

The time has come, Mr. President, for the United States to reaffirm its commitment to human rights by ratifying this important treaty.

I thank the minority leader.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator is welcome.

Does the Senator from Michigan require any time?

Mr. LEVIN. No.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of the nomination of John B. Crowell, Jr., of Oregon to be an Assistant Secretary of Agriculture. The clerk will state the nomination.

DEPARTMENT OF AGRICULTURE

The legislative clerk read the nomination of John B. Crowell, Jr., of Oregon, to be an Assistant Secretary of Agriculture.

The PRESIDING OFFICER. Time for debate on this nomination today shall be limited to 1½ hours, 1 hour under the control of the minority leader or his designee, and one-half hour under the control of the Senator from North Carolina (Mr. HELMS).

Mr. BAKER. Mr. President, I ask unanimous consent that it be in order for me to suggest the absence of a quorum without the time consumed therein being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum under those conditions.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, under the agreement, the minority leader has control of the time, does he not, in opposition to the nomination?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, I designate Mr. LEAHY to have control of the time allotted to me under the order.

Mr. President, I suggest the absence of a quorum, with the time not to be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. LEAHY. Mr. President, unless the distinguished chairman of the Committee on Agriculture has a statement he wants to start with I was prepared to yield to the Senator from Massachusetts as much time as he may need.

Mr. HELMS. Mr. President, I do have an opening statement which is very brief, and then I will be delighted to have the Senator yield to the Senator from Massachusetts.

Mr. President, I yield such time as I may require.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, the pending business is the nomination by President Reagan of the Honorable John B. Crowell, Jr., of Portland, Oreg., to be Assistant Secretary of Agriculture for Natural Resources and Environment. Mr. Crowell was nominated by the President for that position on February 12, 1981.

John Crowell, Jr., was born on March 18, 1930 in Elizabeth, N.J., where he subsequently attended the public schools His strong spiritual heritage is evidenced by his father's 54 years as pastorate of the same Presbyterian Church in Elizabeth. Mr. Crowell graduated from Dartmouth College in 1952 and was awarded a commission in the U.S. Naval Reserve; he immediately entered upon active duty. He served for 2 years in a fleet ammunition ship in the Pacific during the final year of the Korean war, first as communications officer and then as operations officer. After graduating from Harvard Law School in 1957, Mr. Crowell served for 2 years as a law clerk to the Honorable Gerald McLaughlin, who was for 30 years an active judge of the U.S. Court of Appeals for the Third Circuit. In 1959, Mr. Crowell and his young family moved to Portland, Oreg., where they have since resided.

For 13 years Mr. Crowell served as an attorney in the legal department of Georgia-Pacific Corp., a major forest products company. In 1973, when 20 percent of the assets of Georgia-Pacific were spun-off to a new company called Louisiana Pacific Corp., Mr. Crowell became the general counsel of that new company.

Through his demonstrated capabilities, as a lawyer, as a negotiator, and by his willingness to accept responsibility, Mr. Crowell rose to a position of leadership in the forest products industry, one of the largest and most diversified industries in the United States. He has become an expert on matters of national timber supply, national timber growth potential, and on national forest policy generally. He has represented two major forest product companies who are involved in the production of wood and paper products in every major forest-producing area of the United States including Alaska. This experience gives Mr. Crowell a unique knowledge about timber resources in various regions of the country and of their potential utilization.

Even Mr. Crowell's hobbies provide qualifications for his new assignment. He is a fisherman, and also has been actively interested in birds for 37 years. For 12 years he served as a regional editor for American Birds, a publication of the National Audubon Society. The

Crowells have a small acreage at home in Oregon which has been used to produce hay and raspberries in commercial quantities.

Mr. Crowell is an active member of the First Presbyterian Church of Portland, Oreg. He and his wife, the former Margaret (Peggy) McCue of San Jose, Calif., have two sons, both of whom are graduates of Dartmouth, and a daughter who is a junior at Simons College in Boston.

All in all, President Reagan could have found no one better qualified to serve as Assistant Secretary of Agriculture in charge of the U.S. Forest Service and of the U.S. Soil Conservation Service. It is therefore with considerable pleasure that I urge the approval of Mr. Crowell's nomination to be Assistant Secretary of Agriculture for Natural Resources and Environment.

Let me say at the outset that the distinguished Senators opposing Mr. Crowell's nomination have gone a bit far in efforts to try to uncover something in the nominee's past that would preclude his being confirmed as Assistant Secretary, and I say that with all due respect to the Senators.

I take very seriously myself the constitutional role of each Senator to advise and consent. I have been attentive to the charges, veiled and otherwise, against Mr. Crowell. I have studied the record, I have looked at the answers to the questions submitted to Mr. Crowell, and I fail to see any evidence of wrongdoing on the part of this man.

I do not think it would be an exaggeration to suggest that Mr. Crowell may be one of the most thoroughly investigated of all the President's nominees thus far this year, and I say that as a Senator who has investigated and questioned a number of the President's nominations myself.

Now, this Senator certainly commends the further investigative work into the character and association of Mr. Crowell. I think that is a duty of Senators. But I think it is also the duty of Senators to consider the very clear evidence in support of the President's nominee, Mr. Crowell.

The basis of the objections to Mr. Crowell's nomination appeared to have centered around an antitrust case involving Ketchikan Pulp Co., a subsidiary of Louisiana-Pacific Corp. Mr. Crowell was, of course, formerly employed by that company.

The question of that court case is not relevant to the qualification of the nominee to serve as Assistant Secretary.

In confirmation hearings before the Senate Committee on Agriculture, Nutrition, and Forestry, Mr. Crowell discussed in detail his relationship with his former employer, and he satisfied the committee as to the various aspects of that relationship. He stated that his involvement, and I am quoting:

In the Alaskan cases was limited to approving selection of defense counsel for Ketchikan Pulp Co., to receiving status reports thereafter from defense counsel respecting progress and preparation for defense of the case, and to participating with such counsel in developing trial tactics and strategy.

In other words, he was performing his duties as an attorney, as counsel to that company.

I have noted an inference that Mr. Crowell was somehow more involved than that, and it is no more than that, an inference. He has stated again and again that he was not involved.

As a result of questions raised after committee consideration of the nominee, there have been a number of documents generated to clarify further the relationship of the nominee with his former employer. In order to give other Senators an opportunity to speak on behalf of Mr. Crowell or against him, I am not going into the details at this time of some of those issues, but I do have, Mr. President, supporting information and letters that I ask unanimous consent to be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FORESTRY ASSOCIATION,
Washington, D.C., April 1, 1981.

Hon. JESSE A. HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I wish to express my views concerning the nomination of Mr. John Crowell for the position of Assistant Secretary for Natural Resources and Environment in the Department of Agriculture.

The American Forestry Association, being a nonpartisan, citizens' conservation organization, seldom takes positions on nominations of cabinet and subcabinet officers. However, in this case I wish to express my personal views because I have known and worked with Mr. Crowell for many years.

I retired a little over two years ago from the Forest Service. Having served in various capacities in both the Pacific Northwest and in the Washington office, I have worked with Mr. Crowell and occasionally sat across the negotiating table on many natural resource issues while he served as counsel for Louisiana-Pacific. He demonstrated to me a high order of intelligence and capability. He was an articulate and effective spokesman for his employer and a man whose word was as good as his bond. I believe that Mr. Crowell will serve his new and much broader constituency with balanced judgement and with distinction if his nomination is confirmed.

I feel confident that Mr. Crowell will faithfully execute the programs for which he will be responsible and will adhere to the letter and the intent of the very complex laws governing the Forest Service and Soil Conservation Service. He has said that he intends to pursue a balanced approach toward the management of natural resources. I infer from his statements that he supports the logic of developing and managing natural resources with sensitivity to both the economic and environmental implications. I am satisfied that he will do what he says he will do.

Mr. Chairman, I am pleased to add my personal endorsement to the nomination of Mr. John Crowell.

Sincerely,

REXFORD A. RESLER,
Executive Vice President.

MAILGRAM

To All Members of the United States Senate

We strongly urge your vote to confirm the nomination of John B. Crowell as Assistant Secretary of Agriculture. The undersigned members of the natural resource use and conservation community believe that John Crowell will carry out his critical and sensitive duties and responsibilities with the highest of professional integrity, balance, and fairness and we find him unusually well qualified for the position.

National Cattlemen's Association.
United Brotherhood of Carpenters and Joiners of America.
National Outdoor Coalition.
American Recreation Coalition.
National Lumber & Building Material Dealers Association.
National Association of Home Builders.
National Forest Products Association.
Rocky Mountain Oil and Gas Association.
Edison Electric Institute.
American Pulpwood Association.
International Snowmobilers Industry Association.
Inland Forest Resource Council.
Northeastern Retail Lumbermen's Association.
Independent Petroleum Association.
National Association of Conservation Districts.
Southeastern Lumber Manufacturing Association.
Frank O' Rourke, Chairman Boston Public Lands Group.
American Horse Council.
Industrial Forestry Association.
Motorcycle Industry Council.
Forest Farmers Association.
National Association of Manufacturers.
American Ski Federation.
Montana Wood Products.
National Marine Manufacturers Association.
American Plywood Association.
Recreation Vehicle Industry Association.
Southern Forest Products Association.
Northwest Pine Association.
The Public Lands Council.
Western Forest Industries Association.
North West Timber Association.
Western Resource Alliance.
Inland Empire Big Game Council.
Northwest Mining Association.
Western Wood Products Association.
Federal Timber Purchasers Association.
Western Timber Association.
Southern Furniture Manufacturers Association.
National Campground Owners Association.
National Spa and Pool Institute.

SCHWABE, WILLIAMSON,
WYATT, MOORE & ROBERTS,
Portland, Oreg., May 15, 1981.

Hon. JESSE HELMS,
Chairman, Senate Committee on Agriculture, Nutrition, and Forestry, Senate Office Building, Washington, D.C.

DEAR SENATOR HELMS: Although we have never met, I am taking the liberty of writing you relative to the Senate confirmation of John Crowell as Assistant Secretary of Agriculture. My reason for doing so is because of my very strong feeling regarding the competence and integrity of John Crowell.

I should give you my background so that you can properly weigh my judgment. During my years of practice I have served as President of the Multnomah County Bar Association (Portland), as a member of the Board of Governors of the Oregon State Bar, as President of the Oregon State Bar, and I have just been reelected as the State Delegate from Oregon to the American Bar Association House of Delegates.

I have known John Crowell personally and professionally for at least 15 years. You have my word that I have no reservation of any kind relative to his personal morality or professional integrity. He is a man of exceptionally high standards of both morality and integrity and his standing in the legal community in our state is absolutely above reproach.

Frankly I am dismayed and appalled by the irresponsible charges which attempt to impugn his character and this is why I am writing you.

Thank you for your attention to this matter.

Very truly yours,

JOHN L. SCHWABE.

SCHNABEL LUMBER CO.,
Haines, Alaska, February 17, 1981.

Hon JESSE HELMS,
Chairman of Senate Agriculture Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR HELMS: A strong antidote—John B. Crowell, Jr.—is needed to heal the misery handed the economy of Alaska's Forest Industry during the Rupert-Cutler years.

As a member of the small business forest community, I strongly support confirmation of Mr. Crowell, if during the hearings he will pledge his support of the Small Business Act and its application in Alaska.

Yours sincerely,

JOHN J. SCHNABEL,
President.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 18, 1981.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Previously, on May 13, 1981, I transmitted to you my responses to the 28 questions submitted to me by Senator Kennedy on May 11, 1981, information that is now a matter of public record.

On May 14, 1981, Senator Leahy commented further on my nomination, including an insertion of material in the *Congressional Record* for that date.

It would be helpful, I believe, for you and all members of the Senate Committee on Agriculture, Nutrition, and Forestry to have the benefit of my responses to additional issues that may have been raised by Senator Leahy's *Congressional Record* insertions. For your convenience, therefore, I have attached my responses to the major points raised in Senator Leahy's material.

I respectfully request that this letter and enclosures be made a part of the record.

Sincerely,

JOHN B. CROWELL, Jr.,
Assistant Secretary-Designate for Natural Resources and Environment.

MATERIAL ON NOMINATION FROM JOHN B. CROWELL, JR., ASSISTANT SECRETARY-DESIGNATE, DEPARTMENT OF AGRICULTURE

Opponents to my nomination apparently have combed through approximately 6,000 pages of transcript and the thousands of exhibits in the Reid Bros. case for any reference to me in hopes of being able to show that I had some part in, or connection with, the antitrust suit brought by the plaintiff. In particular, my opponents are going to extraordinary lengths to make much of specific memoranda extracted from court records. Anything which seems to show some connection, however remote or minor, and regardless of when it occurred, between Ketchikan Pulp Company and me, is being used to imply or assert that my declaration of non-involvement in the facts of the antitrust case is untrue.

I have stated and repeated that I had no knowledge about, or involvement in, the specific instances upon which the plaintiffs based their antitrust claims. I have never said there was no relationship between me and Ketchikan Pulp Company. As general counsel to one of Ketchikan Pulp Company's owners from January 5, 1973 to November 1, 1976, and to its sole owner after November 1, 1976, I necessarily had to handle some legal matters for Ketchikan Pulp Company. Attempts are now being made to distort each of these instances in an effort to connect me with the subject matters of the antitrust case. As the following responses show, these attempts to involve me are simply erroneous. Most of Ketchikan Pulp Company's day-to-day legal work was handled by a law firm in Ketchikan.

THE ALASKAN ANTITRUST CASE

The Alaskan antitrust case is not a criminal case; no "conviction" is involved. The case is rather a series of five private, triple-damage antitrust civil suits brought by individuals and companies. The plaintiffs claim damages for alleged violations of the antitrust laws by Ketchikan Pulp Company, which since November 1, 1976, has been a wholly owned subsidiary of Louisiana-Pacific Corporation.

At no point in the case was I involved as a witness, nor was my deposition requested by either side during the five years of preparation prior to the trial. I had no relevant information material to the contentions of either side.

Before my nomination, I served as Louisiana-Pacific Corporation's General Counsel since inception of the company on January 5, 1973. Louisiana-Pacific was formed by a spin-off of 20 percent of the assets of Georgia-Pacific Corporation, where I had been a staff attorney since November, 1959. Among the assets spun-off to Louisiana-Pacific Corporation was a half ownership interest in Ketchikan Pulp Company, which interest had been held by Georgia-Pacific since 1963.

Ketchikan Pulp Company began its corporate life in 1950 when it was awarded a long-term timber sale contract on the Tongass National Forest in return for a commitment to build a pulp mill at Ketchikan. The company subsequently added two sawmills, one of which was acquired as Ketchikan Spruce Mills in the late sixties; the other, at Metalaktla on Annette Island, was purchased from Alaska Prince Corporation sometime before 1973.

The other defendant in the five antitrust cases is Alaska Lumber and Pulp Company which operated a pulp mill at Sitka and a sawmill at Wrangell, each in connection with two long-term Forest Service timber sale contracts. The Sitka and Ketchikan companies and their mills are located approximately 200 air miles apart, separated by open sea and islands.

The five cases were filed in the United States District Court for the Western District of Washington in Seattle between March, 1975, and March, 1976. The first case, Reid Bros. Logging Company, went to trial in July, 1980. The trial was completed in December and the judge announced in early March, 1981, her intention of awarding $500,000 damages, subject to trebling, to the plaintiffs. In April the judge issued her proposed findings of fact and conclusions of law, which, I am told, are likely to be entered as a final judgment very soon. The defendant companies have already announced their intention to appeal to the 9th Circuit Court of Appeals.

The facts upon which the plaintiffs constructed their case began in the early 60's and terminated in 1973 or 1974. The plaintiffs claimed collusion between the defendants with respect to (1) bidding on Forest Service timber sales, (2) purchasing logs from plaintiffs and other independent loggers, and (3) sale of logs to plaintiffs mills.

The plaintiff's have precipitated at least two investigations by the Antitrust Division of the Justice Department, one of which involved a grand jury proceeding in Portland, Oregon. Neither of these investigations resulted in indictments or civil actions. I learned from recent newspaper accounts that in 1968, 1976, and 1978 the Forest Service provided information to the Department of Justice because of concerns that Ketchikan Pulp and concerns associated with it dominated the timber market in southeast Alaska and it is my understanding that the Forest Service has continuously monitored timber bidding patterns in southeast Alaska. No criminal or civil actions have resulted from that constant oversight by the Forest Service.

A Federal judge in Anchorage, Alaska, dismissed a related case (*Island Enterprises* vs. *Alaska Lumber and Pulp Company and Ketchikan Pulp Company*) after evaluating similar antitrust allegations; the court also held that a release given by the plaintiff was effective; on appeal the case was affirmed solely on that ground.

In short, the judge in the Reid Bros. case has looked at a long series of often complicated business transactions and has concluded that the plaintiffs were damaged by an antitrust violation. Others who have looked knowledgeably at the same facts have reached opposite conclusions. The defendants have announced their intention to appeal.

Much of the above information was contained in a letter from me to Chairman Helms, dated May 5, 1981, a letter which has been public information since that date.

My involvement in the Alaskan cases was limited to approving selection of defense counsel for Ketchikan Pulp Company, to receiving status reports thereafter from defense counsel respecting progress and preparation for defense of the case, and to participating with such counsel in developing trial tactics and strategy. As stated in my May 5 letter to Senator Helms:

"Beyond that, I have never been involved in the remotest way with any of the occurrences, negotiations, and contracts out of which the plaintiffs' claims allegedly arose. I was never called as a witness in the case, nor was I deposed by either side prior to the trial, simply because I had no relevant information material to the contentions of either side. Thus, my only connection with the entire matter has been as a lawyer peripherally connected with the defense of one of the parties to the case."

It is pertinent to note that the plaintiff in the case recently stated to a reporter about my relationship to the case: "I never heard of him until a month or so ago." (*The Oregonian*, Thursday, May 14, 1981)

MEMORANDUM OF APRIL 14, 1975

Senator Leahy has included on page S5100 of the Congressional Record an April 14, 1975, memo from me to H. A. Merlo, President of Louisiana-Pacific. The subject of the memo was "Alaska Timber Corporation, Qualification as Small Business".

This subject matter, as far as I know, was not involved in the claims of the antitrust lawsuit. Although the purpose evidently is to try to connect me to the substance of the case, I am now told by defense counsel that this memorandum was never introduced into the trial record. It was attached to Mr. Merlo's deposition which was on file with the court. Only parts of this deposition were designated by plaintiffs to be part of the trial record; those parts did not include the memo. Furthermore, the date of the memo is after the first of the plaintiffs' cases had already been filed.

The memo was for the purpose of giving Mr. Merlo some background and advice for an anticipated meeting with Ed Head who was president and owner of Alaska Timber Corporation. This corporation has always been owned and operated by Ed Head as an independent business. It constructed and operated a sawmill at Klawock, Alaska. Since 1972, Alaska Timber Corporation and Ketchikan Pulp Company had been parties to a complex series of contracts, the purpose of which was (1) to supply financing for Alaska Timber Corporation to finish construction of the sawmill at Klawock, (2) to provide

marketing assistance in selling the mill production to Japanese buyers (who are generally the principal buyers of Alaskan lumber), and (3) assure a log supply to Alaska Timber Corporation.

The April 14 memo addressed the anticipated subject of the meeting, which was Alaska Timber Corporation's desire to amend its contracts so as to satisfy the Small Business Administration that Alaska Timber Corporation was not controlled by Ketchikan Pulp Company. The memo explained the then status of the small business set-aside program in Alaska and concluded that it would be some time before any set-aside sales would be made available to small business. The memo further concluded there would be no reason to amend the contracts, but that such an amendment might be considered at some point in the future when set-aside sales were triggered.

The reason for this conclusion was that if set-aside sales were triggered, Ketchikan Pulp Company, being a large business, could not buy set-aside sales. If Alaska Timber Corporation could not buy them either, there would be a vacuum into which qualified small business might come to construct a mill for processing the timber available under the set-aside program. This could create additional pressure on the limited timber supply available from the Forest Service, thereby leaving the one large business—Ketchikan Pulp Company—short of timber needed to keep its facilities running. This is confirmed by the extracted testimony of H. A. Merlo (pp 110–112) supplied to Senators Helms, Huddleston, and Kennedy and to me on May 15, 1981, by the Acting General Counsel of the Department of Agriculture.

In 1977 when the Forest Service changed the timber sale set-aside program for small businesses in southeastern Alaska by making 80 million feet available under set-asides each year, the contracts between Ketchikan Pulp Company and Alaska Timber Corporation were amended so that Alaska Timber Corporation could qualify to bid on set-aside sales. It should be noted, of course, that both small and large businesses are always free to bid on Forest Service timber sales not set aside for small businesses. The issue of whether or not Alaska Timber Corporation qualified as small business under the set-aside program did not to my knowledge bear in any way upon the claims asserted by the plaintiffs in the antitrust litigation.

MEMORANDA CONCERNING ALASKA TIMBER SUPPLY

Two of the memoranda extracted from the thousands of exhibits in the Reid Bros. case deal with the southeastern Alaska forest products industry's concern about timber to be available from the Tongass National Forest in the future.

The first of these memoranda was dated May 2, 1973, and is from D. L. Murdey, an officer of Ketchikan Pulp Company, and is directed to me. The other memoranda on this subject is dated February 11, 1974, and was written by me as a file memo. Defense Counsel for Ketchikan Pulp Company has advised me that this memo never became part of the trial record and was not considered by the court.

Both memos dealt with the Alaska forest products industry's growing concern in 1973 and 1974 over the lower harvest level calculations and the reduced timber sales program that had then been occurring on the Tongass National Forest. This was my concern because I was the principal person in Louisiana-Pacific who dealt with the Forest Service Washington office. I was, quite simply, representing the southeastern Alaska forest products industry's constitutional right to petition its government for redress of grievances.

Defense counsel for Ketchikan Pulp Company has told me that additional material released on May 15, 1981, from a protective order by the court, in response to a request from Senator Kennedy's staff, also deals with and relates to this issue. Such material was not part of the trial record in the case and was not considered by the court in making its determinations.

ASSISTANT SECRETARY OF KPC

From November, 1976, to April, 1981, I was one of three assistant secretaries of the Ketchikan Pulp Company, and this fact is now being used in attempts to tie me in somehow with the Alaskan antitrust case described above. Being one of the corporate assistant secretaries, however, was a purely ministerial function in which I was available, if needed, to authenticate documents or signatures. It carried no compensation and was, in fact, a very minor facet of my primary role in Louisiana-Pacific where I was the general counsel. Furthermore, I did not become an assistant secretary until November 1, 1976, long after the activities and operative facts in dispute in the laws suits had taken place.

GENERAL COUSEL OF L-P—CONFLICT OF INTEREST

There is also an assertion that because I was general counsel of Louisiana-Pacific Corporation, there will be a conflict of interest problem in my being Assistant Secretary of Agriculture, responsible for the Forest Service among other things. This stems from the fact that L-P is a major forest products company and a major buyer of Forest Service timber.

The conflict of interest assertion totally ignores the fact that upon confirmation I am required by law to sever all employment connections with Louisiana-Pacific. Also, I have assured the Senate Committee on Agriculture, Nutrition, and Forestry that I have no promise of future employment with Louisiana-Pacific nor with anyone else. In addition, upon confirmation I am required by law to dispose of all financial interests I hold in any forest products companies.

I have taken all of the above actions, and have gone further by agreeing to establish blind trusts for me and my wife. After disposing of our currently held interests in forest products companies, and also in any companies that have a direct financial interest in the management of public lands, we will not, thereafter, know what investments are held for our beneficial interests.

What some opponents to my nomination are characterizing as "conflict of interest" is, in my view, really a concern about my expertise on national forest products. Indirectly, they are expressing opposition to what they feel will be my position on the management of the National Forest generally.

It is true that I expect to move the National Forests toward being more productive in terms of outputs of timber, oil and gas, minerals, and grazing animals. But I have also made it clear, as the record of my confirmation hearing clearly shows, that I am certainly also sensitive to other multiple-use interests of the National Forests, including wildlife and wilderness.

I feel strongly that, if managed properly and efficiently, the National Forests can provide more of all of the uses and values which are derived from these magnificent natural resources of America. This includes wildlife, recreation, water, grazing, fishing, timber, and even wilderness.

FINANCIAL DISCLOSURE REPORT

My Financial Disclosure Report (Form SF278) was signed on January 26, 1981, and contains a complete report on all of my financial resources, as well as my wife's. In addition it contains assurances that, if confirmed, I have no offer or promise of any future job from any employer. My recusal letter dated March 11, 1981, states my intention, concurred in by my wife, to dispose of those securities which could create a possible conflict of interest, and to place all of our assets, except for real and personal property, into blind trusts.

Under the heading "Positions Held" on the Financial Disclosure Report, I reported my post as general counsel of Louisiana-Pacific Corporation, plus two directorships I hold in industry trade associations. It never then occurred to me that I probably should also include in the report a number (17) of assistant secretaryships to which I was appointed for the convenience of subsidiary corporations of Louisiana-Pacific, and for which I received no compensation.

The omission on my part has been remedied by an addendum to my Financial Disclosure Report, filed on May 15, 1981, with the Office of Personnel of the Department of Agriculture, with the Office of Government Ethics, and with the Senate Committee on Agriculture, Nutrition, and Forestry.

The addendum lists, as required, the 17 subsidiary corporations for which I was an assistant secretary during the preceding two calendar years. All are either wholly-owned subsidiaries of Louisiana-Pacific Corporation or are, in turn, wholly-owned subsidiaries of one of the other corporations listed. The addendum also reports that no compensation was ever paid to me for any of these positions other than compensation paid me by Louisiana-Pacific for being general counsel. The several and varying terms during which I was an assistant secretary for one or another of these 17 subsidiary corporations are also listed on the addendum to the report.

In addition to the addendum to the Financial Report, and as a complementary part of it, I have also filed with the Office of Government Ethics an amendment to my recusal letter of March 11, 1981. This is to make absolutely clear that I fully intend, if confirmed, to avoid, and to recuse myself from any specific conflict of interest situation that might arise between the United States and any of the 17 subsidiary corporations listed on the addendum, as well as any which might so arise with either of my previous employers, the Louisiana-Pacific Corporation or the Georgia-Pacific Corporation.

It is worth noting that the inadvertent omission on my part to include a description of the assistant secretary functions misled no one. It is common knowledge that Ketchikan Pulp Company is a wholly-owned subsidiary of Louisiana-Pacific. In fact, the last of the written questions addressed to me by Senator Huddleston, in connection with my confirmation hearing and to which I responded on March 30, 1981, immediately prior to the hearing, inquired about the Reid Bros. vs. Ketchikan Pulp Company and Alaska Lumber and Pulp Company case.

CONTRACTS CONCERNING JAPANESE LUMBER SALES

I informed Senator Kennedy's staff that in 1973 I prepared some contracts with Japanese buyers for sales of lumber from Ketchikan Pulp Company. This, too, is now being used apparently to imply that I must have known something about the basis for the complaints in the antitrust suit.

Contracts for sale of lumber, however, did not figure in any way in the plaintiffs' cases. Rather, it is my understanding that the cases were about logging contracts, purchases by KPC from independent loggers, log sales to the plaintiffs' mills, and bidding on Forest Service timber sales by the Ketchikan Pulp Company—all matters with which I had no dealings, specific knowledge, or involvement.

EPA SETTLEMENT AGREEMENT

As general counsel of Louisiana-Pacific, I worked for about two years with the general counsel of FMC Corporation, beginning in 1975, to resolve a long standing and bitter dispute between the Environmental Protection Agency and the Ketchikan Pulp Company over whether the company should have to build a secondary treatment facilitiy for effluent from the mill. At that time FMC owned half of KPC and FMC doubted the economic feasibility of the $42 million investment required.

We were working to keep the pulp mill at Ketchikan from having to close down as it would have had to do if EPA's position had remained unchanged and the secondary treatment facility were not built. This would have been disastrous to the economy of southeastern Alaska and a blow to both parent companies.

On November 1, 1976, LP purchased the half interest owned by FMC so that the Ketchikan Pulp Company then became a wholly owned subsidiary. Coincident with this change in ownership, a new board of directors was elected and it immediately thereafter approved a settlement agreement with EPA under which a revised treatment facility was planned and built. At that meeting I was made an assistant secretary of KPC; I acted as secretary for the meeting and I was authorized to affix the corporate seal and attest to the EPA settlement document.

None of the above related in any way to the claims of the plaintiffs in the Alaskan antitrust case, nor did my participation in the EPA settlement negotiations involve me in any of the transactions alleged in the antitrust suit. My involvement in the EPA project began, as noted above, in January 1975—which was about the time the first of the antitrust cases was being filed.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 15, 1981.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have today filed addenda to my Financial Disclosure Report form and to my recusal letter. A copy of both addenda are enclosed herewith, together with a copy of the forwarding letter to Mr. Fossum, who is designated as the Ethics Official for the Department of Agriculture.

I request that this correspondence and the enclosures be made a part of the hearing record in connection with my confirmation. Thank you for your interest and support in this matter.

Sincerely,

JOHN B. CROWELL, Jr.,
Assistant Secretary-Designate for Natural Resources and Environment.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 15, 1981.

Hon. J. JACKSON WALTER,
Director, Office of Government Ethics, Washington, D.C.

DEAR MR. WALTER: You have a letter from me dated March 11, 1981, in which I informed you of the steps I intended to take in order to avoid any actual or apparent conflicts of interest between my personal financial interests and the duties I could be expected to perform when confirmed as an Assistant Secretary of Agriculture for Natural Resources and Environment.

The seventh paragraph of that letter dealt with intended recusals involving particular matters which might arise between the Department of Agriculture and either Georgia-Pacific Corporation or Louisiana-Pacific Corporation, companies with which, formerly, I have been employed.

It has come to my attention that in filling out my Financial Disclosure Report (Form SF278), under the heading "Positions Held", I should also include the listing of subsidiary corporations for which I was an assistant secretary, a wholly ministerial function I performed as part of my job as general counsel for the Louisiana-Pacific Corporation, the parent company. I received no remuneration for being an assistant secretary to any of the subsidiary corporations. Accordingly, upon advice of the General Council of the Department of Agriculture, I am filing an addendum to my Financial Disclosure Report.

I would also like to amend the seventh paragraph of my March 11, 1981, letter to you in order to make explicit my intentions with respect to subsidiaries of Georgia-Pacific Corporation and of Louisiana-Pacific Corporation. Please accept the following paragraph as a substitute for the seventh paragraph of my March 11, 1981, letter:

"Because of my long employment relationship, initially with Georgia-Pacific Corporation, and, more recently, with Louisiana-Pacific Corporation, and notwithstanding my divestiture of stock ownership interests in both corporations and my unconditional severance of my employment relationship with the latter, I have decided that I will also recuse myself from involvement in any particular matter which may arise within the Department of Agriculture involving either corporation or any subsidiary, whether wholly or partly owned, of either corporation. I believe that this disqualification on my part will avoid any possibility of a real or apparent conflict of interest in connection with my official duties as Assistant Secretary of Agriculture, arising out of my past relationships with Georgia-Pacific Corporation and Louisiana-Pacific Corporation, or any of their subsidiaries, whether wholly or partly owned."

I would greatly appreciate it if you would file this letter with the original of my March 11, 1981, letter to you. I would further appreciate your providing copies of this letter to whomever you have provided copies for official use of my earlier letter.

Very truly yours,

JOHN B. CROWELL, Jr.,
Assistant Secretary-Designate for Natural Resources and Environment.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 15, 1981.

Mr. JOHN FOSSUM,
Director, Office of Personnel, Department of Agriculture, Washington, D.C.

DEAR MR. FOSSUM: It has come to my attention that in filing my Financial Disclosure Report (Form SF278), dated January 26, 1981, I overlooked including in the "Position Held" section the fact that I was an assistant secretary for a number of directly or indirectly owned subsidiaries of Louisiana-Pacific Corporation. Those positions were simply ministerial in function and I was paid no remuneration for them; they were a very minor part of my job as general counsel to Louisiana-Pacific Corporation.

I have been advised by the Office of General Counsel at the Department of Agriculture that it would be well to file an addendum to the Financial Disclosure Report. I enclose herewith the addendum which I request you file with the original Financial Disclosure Report, dated January 26, 1981. I would also appreciate it if you would forward copies of the addendum, together with a copy of this letter, to whomever else you had provided copies for official use of the original filing.

In filling out the initial Financial Disclosure Report, I was thinking of the major function and position I held as general counsel and for which the form required financial disclosure. I failed to make the mental connection, and to realize, that the scope of the Report might also cover functions and positions of a minor nature and for which no pay was given or received. That is the case with respect to these subsidiary corporations listed on the enclosed addendum.

Sincerely,

JOHN B. CROWELL, Jr.,
Assistant Secretary-Designate for Natural Resources and Environment.

NOMINEES POSITIONS HELD

Each of the following listed corporations is either a wholly-owned subsidiary of Louisiana-Pacific Corporation or is, in turn, a wholly-owned subsidiary of one of the other corporations listed here. The address for each of the corporations is: % Louisiana-Pacific Corporation, 34th Floor, First National Bank Tower, Portland, Oregon 97201.

No compensation separate from the compensation paid me by Louisiana-Pacific Corporation has ever been paid me for any of these positions.

Name of organization, position held, from (month, year) to (month, year):

El Captain Logging Company, Assistant Secretary, November 29, 1976, dissolved September 15, 1980.

Fiberboard Corporation, Assistant Secretary, May 7, 1979, dissolved April 30, 1981.

Goodman Water Works, (Stock donated to city of Goodman, Wisconsin, July 1980), Assistant Secretary, approximately September 1974, dissolved, July 1980.

H. C. Hodges Lumber Company, Assistant Secretary, September 7, 1977, dissolved, April 30, 1981.

H. C. Hodges Lumber of Westbay, Inc., Assistant Secretary, September 7, 1977, dissolved, April 30, 1981.

Hegewald Timber Company, Inc., Assistant Secretary, June 29, 1973, dissolved, April 30, 1981.

Kenai Lumber Company, Assistant Secretary, April 26, 1974, dissolved, April 30, 1981.

Ketchikan Pulp Company, Assistant Secretary, November 1, 1976, dissolved, April 30, 1981.

Kreidel Plastics, Inc., Assistant Secretary, November 24, 1976, dissolved April 30, 1981.

Louisiana-Pacific Corporation (West Virginia Name Savor Corporation), Assistant Secretary, April 26, 1974, dissolved April 30, 1981.

Louisiana-Pacific International, Inc. Assistant Secretary, July 26, 1974, dissolved April 30, 1981.

L.P.I., Assistant Secretary, April 26, 1974, dissolved April 30, 1981.

Roy O. Martin Industries, Inc., Assistant Secretary, November 29, 1976, dissolved April 30, 1981.

Panhandle Logging Company, Assistant Secretary, January 21, 1980, dissolved April 30, 1981.

Sugar Pine Railway Company, Assistant Secretary, May 7, 1979, dissolved April 30, 1981.

Trimont Land Company, Assistant Secretary, May 7, 1979, dissolved April 30, 1981.

Trimont Water Company, Assistant Secretary, May 7, 1979, dissolved January 24, 1980.

I certify that the statements I have made on this form are true, complete, and correct to the best of my knowledge and belief.

JOHN B. CROWELL, Jr.

Mr. HELMS. With that, Mr. President, I am prepared to reserve the remainder of my time, and I yield to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank the Chair. I yield to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to indicate to my colleague from North Carolina that he is quite correct when he said that this is a matter of policy considerations. As one who will vote against Mr. Crowell, I might very well have and probably would have voted against him because of the differences on policy considerations, as I did on Mr. Watt, who is Secretary of Interior.

But this effort is entirely different. There is a quantum difference between the efforts that would be made in just indicating opposition to a nominee and the matters which are before the Senate today, which are extremely profound and serious and which, I think, the American public are becoming increasingly aware of. Hopefully, the Senate with its responsibilities will act tomorrow on the record of this particular nominee.

I intend in the time that is available to lay out those considerations.

Mr. President, subsequent to the action of the Senate Committee on Agriculture in favorably reporting the nomination of Mr. Crowell to be the Assistant Secretary of Agriculture for Natural Resources and Environment, substantial issues have arisen with respect to his involvement in activities recently found by the Federal district court to be in violation of the antitrust laws.

Although Mr. Crowell claims that he was not personally involved in these antitrust violations, and that he had no knowledge of facts that would have led him to believe there had been antitrust violations, he was counsel for the parent corporation of the firm guilty of the violations, and he had substantial antitrust responsibiilties as part of his official duties. This memorandum summarizes the information currently available on his responsibilities and details the evidence that suggests he may have been aware of, and involved in, the antitrust violations.

First of all, as an Assistant Secretary of Agriculture for Natural Resources and Environment, Mr. Crowell will be responsible for administering the basic antitrust provisions of the National Forest Management Act designed to protect and enhance competition in the industry. Section 14(e) of that act provides that:

(e) The Secretary of Agriculture shall take such action as he may deem appropriate to obviate collusive practices in bidding for trees, portions of trees, or forest products from National Forest System lands, including but not limited to—

(1) establishing adequate monitoring systems to promptly identify patterns of noncompetitive bidding;

(2) requiring sealed bidding on all sales except where the Secretary determines otherwise by regulation; and

(3) requiring that a report of instances of such collusive practices or patterns of noncompetitive bidding be submitted to the Attorney General of the United States with any and all supporting data.

Vigorous implementation of this responsibility is essential because of the long history of complaints and proven antitrust violations in the timber industry. The most recent development in this area, and a major issue in the Crowell nomination is the decision by the Federal district court in Seattle in Reid against Ketchikan.

Mr. Crowell has stated that he was the "incipient savant" on antitrust matters for both Georgia-Pacific (G–P) and Louisiana-Pacific (L–P). (Louisiana-Pacific was divested from G–P in 1973 as a result of an antitrust action brought by the Federal Trade Commission.) The defendant found guilty of antitrust violations in the Reid case was Ketchikan Pulp Co. (KPC). Georgia-Pacfic owned 50 percent of Ketchikan Pulp Co. until 1973. Louisiana-Pacific took over the 50 percent of the Ketchikan Pulp Co. in 1973, and in 1976 Ketchikan Pulp Co. became a wholly owned subsidiary of Louisiana-Pacific.

Crowell has stated that he was involved in acquisition activities with both G–P and L–P, that he prepared the antitrust section of G–P's operation policy manual, and that he participated in antitrust courses for G–P and L–P employees.

Thus, it is clear that in his official duties and in his own understanding of those duties, Mr. Crowell had clear antitrust responsibilities with both Georgia-Pacific (GP) and Louisiana Pacific (LP).

On March 5, 1981, the Federal district court in Seattle ruled that there was "overwhelming" proof that KPC, a wholly owned LP subsidiary, and Alaska Lumber & Pulp (ALP), a Japanese company, had conspired to violate the antitrust laws.

After its oral decision, the court issued "Proposed Findings of Fact and Conclusions of Law." This document recites a long series of actions by the defendants and concludes that LP and GP were coconspirators in the case.

The court based its determination that there was a conspiracy to restrain trade on five key findings of fact, of which four are relevant to this nomination:

The court found a pattern of collusive communications between the defendants.

The court found that the defendants refused to compete against each other.

The court found that the defendants eliminated competition by acquiring competitors.

The court found that the defendants used "fronts" to carry out their conspiracy.

In each of these four areas, statements by the nominee or court documents show his knowledge of, or involvement in, these activities.

In his letter of May 5, 1981, to the chairman of the Senate Agriculture Committee, Mr. Crowell stated that, apart from discussions on trial tactics—

I have never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose.

The correctness of this unequivocal statement and the extent of the nominee's awareness of the antitrust violations have been the subject of interviews, written questions to the nominee, and an examination of the documents in the Reid case. It is clear from analysis of these materials that the nominee was aware of and involved in material facts in four key areas upon which the court based its finding that KPC and ALP had violated the antitrust laws.

The court found that although KPC and ALP were competitors, they frequently exchanged information through correspondence and through trade association contacts.

Section VII(15) of the court's preliminary findings states that Mr. Murdey and Mr. Finney of KPC had frequent contact with ALP executives. Section VII(16) cited the contacts between the two companies at National Forest Product Association (NFPA) meetings.

A key trial document makes clear that Mr. Crowell was aware of these contacts. In a memo of May 2, 1973, Murdey informed Crowell of a meeting that Murdey and Finney had held the day before with two executives of ALP concerning a number of business matters. The memo states that—

Yesterday Don Finney and I met with Clarence Kramer and Doug Theno of Alaska Lumber and Pulp Company. They, as we, are extremely concerned as to our present position with the Forest Service relating to log supply.

The memo also makes clear that KPC and ALP had a close working relationship on trade association matters; it states that Murdey of KPC and Kramer of ALP "have been taking turns attending NFPA" meetings. Murdey of KPC then states in the memo that nothing will be gained if Kramer of ALP "starts the ball rolling while in D.C. unless it is under your direction"—that is, under the direction of John Crowell.

Mr. Crowell's knowledge of these elements in the case should have alerted him—as an antitrust adviser for L–P—that potential antitrust violations were taking place. The frank statement by Murdey of KPC that Mr. Crowell should direct the activities of Kramer of ALP suggests that Mr. Crowell was an active participant in these matters.

In section VIII of its findings, the court found that the defendants refused to compete against each other on issues involving the purchase and supply of logs. In section VIII(B)(11), the court found that "the record of bidding on independent timber sales revealed an unmistakable pattern of collusion by the defendants." The plaintiff alleges that in 116 sales over 10 years, the defendants had only bid against each other three times, and that these bids were the result "of a temporary disagreement between the defendants."

Mr. Crowell stated in an interview that he was aware of this pattern of bidding, but attached no antitrust significance to it. In his written responses, he states that he has "no idea" how frequently the defendants bid against each other but that he "assume(s) such bidding was uncommon" for geographical reasons.

The plaintiffs in the Seattle case further alleged that—

The defendants further eliminated mill competition by systematically acquiring ownership or control of the sawmills in southeast Alaska, and by expanding their own operations.

The court determined in its preliminary findings of fact that this allegation

was correct. Four of these "ownership or control" situations involved G–P, L–P, or KPC.

In an interview, Crowell stated that he had knowledge of all four "takeover or control" situations and that with regard to two of the acquisitions, he was involved in or aware of the material facts cited by the plaintiff or the court. He has stated he was aware of the takeover of or the control of Alaska Prince, Ketchikan Spruce Mills, Alaska Timber Corp., and the Schnabel Mill. In his written response, he has stated that he is "not sure at this date (time of takeover) whether I was even aware of the (Alaska Prince) transaction." However, awareness of the pattern and not just the timing of the awareness of the takeovers is the pertinent issue.

In section X(A) (13–16) of its findings, the court states that KPC's refusal to sell logs to the Schnabel Mill was one of the facts establishing that the defendants had systematically eliminated competing saw mills in southeast Alaska. Mr. Crowell has stated in an interview that he "went up to Ketchikan and talked with Schnabel" about whether Schnabel would "buy logs from KPC or sell its plant to KPC." In his written responses he confirmed that he attended meetings with L–P's chairman of the board and Schnabel. He said he did "not recall that the meeting involved a discussion about possible sale of logs from KPC to Schnabel, but it may have."

A memorandum discussing the possible acquisition of the Schnabel Lumber Co. also shows that John Crowell participated in the transaction by preparing an estimate of the value of Schnabel's assets.

The plaintiffs in the Reid case also alleged that by interfering with his financing arrangements, KPC forced Ed Head, president of Alaska Timber Corp., to enter into an arrangement whereby KPC controlled Alaska Timber Corp. In section X(A) (17–19) of its findings, the court cited the financial disputes with Ed Head and the control of Ed Head's mill as one of the facts establishing a systematic elimination of competing saw mills.

In response to questions, Mr. Crowell has stated that he was aware of the arrangements cited by the court and had participated in discussions involving the "administration of existing contracts" between his company and Alaska Timber Corp. The court found that the contracts for logs and leasing arrangements were the means used by KPC to establish and maintain control over Alaska Timber Corp.

In summary, Mr. Crowell was clearly aware of the pattern of acquisitions. According to the evidence, he was directly involved in material discussions in two of the situations cited by the court as proof of KPC's efforts to eliminate mill competition.

In section XI, the court found that the defendants had used fronts and controlled companies as another means of carrying out their conspiracy to violate the antitrust laws. As the court stated—

Their purposes in doing business through such organizations . . . were to conceal certain of their bidding activities on independent Forest Service timber sales . . . (and) to conceal their exclusion of potential entrants.

The court found in section XI(10) that such fronts were used to exclude potentially competitive plywood and veneer companies from southeast Alaska.

In a memo of April 14, 1975, written to prepare an L–P executive for a meeting with Ed Head, president of Alaska Timber Corp. (a controlled logging company), Mr. Crowell advised that the controlled company could be used for such purposes.

As the memo states, and I will include the memoranda in the RECORD, but let me read the relevant paragraph:

Alaska has protection against outsiders coming in bidding sales because of the restriction in exporting logs abroad or to the lower '48. Any plywood co-op or association of cooperatives who bought a sale in Alaska would have to have committed to build a green end—

Which is timber plant—

for processing the veneer. It would seem KPC would have wind of such a project in plenty of time to do what might be necessary to qualify ATC as a small business if that seemed at the time to be in KPC's interests.

So, you have the Alaska Timber Corp., which is the principal bidder for the small business set-aside, controlled by Ketchikan Pulp which is a subsidiary of Louisiana-Pacific, that has been shown in the antitrust case and again in the documents I have referred to before.

(Mrs. HAWKINS assumed the chair.)

Mr. KENNEDY. Here we have a memorandum from Mr. Crowell, which says:

It would seem KPC would have wind of such a project in plenty of time to do what might be necessary to qualify ATC as a small business if that seemed at the time to be in KPC's interest.

In other words, Madam President, if there are going to be new entrants, we can get our small-business-controlled mill to go out and bid what is necessary in order to get the contract. The details of that arrangement are all spelled out in the case. I shall make that available for the RECORD as well.

That is Mr. Crowell's memorandum.

Additional documents indicate that the KPC–ATC contract required ATC to engage in preclusive bidding by bidding far above the current value of logs, and that KPC's legal staff was responsible for the KPC–ATC arrangement.

The Small Business Administration concluded that the KPC–ATC arrangements "clearly * * * spell collusion between the two entities to thwart the set-aside program and even in the purchase of national forest timber."

The high bids would preclude competitors from obtaining small business set-aside timber without which it would be very difficult for them to get timber.

These documents show that Mr. Crowell approved of and advocated activities which were designed to exclude competition, and of the kind that the court found violated the antitrust laws.

In conclusion, Madam President, the documents in the Reid case and the responses of Mr. Crowell reveal that his statement that "I have never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose" is seriously misleading.

In fact, the information available establishes that as general counsel of Louisiana Pacific and as an attorney for Georgia Pacific, he was neither aware of nor involved in material facts which formed the basis of the violations of the antitrust laws found by the Federal district judge in the Reid case. The court found that these violations were established by "overwhelming" evidence.

Until Mr. Crowell's actual role in these antitrust violations is clarified, he should not be confirmed by the Senate as Assistant Secretary of Agriculture for Natural Resources and Environment.

Madam President, we are running into a time problem now because we have to adjourn at 12:30. I intend to go into the memorandums which supplement this opening statement at an appropriate time.

I thank the Senator from Vermont.

Mr. LEAHY. Madam President, I thank the Senator from Massachusetts for his statement. I know he will have more on this. I understand that the Senator from Arkansas wishes to make a statement, so I shall hold off giving my opening statement. I ask unanimous consent that I may yield to the Senator from Arkansas without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Madam President, I am opposed to the nomination of Mr. Crowell to be Assistant Secretary of Natural Resources and Environment for a number of reasons. I am strongly committed to the small business timber set-aside program. It has worked extremely well. There are many small logging and timber operators in my State who are almost totally dependent on the national forests as a source of timber. If small business set-aside programs were abolished or limited, it would have a tremendous adverse impact on the small timber operators in my State.

In fairness to Mr. Crowell, I received a letter from him this morning saying that he had seen in the press in my home State that I was opposed to him because of my concern about the future of this program. In the letter he stated that he pledged to recuse himself from involvement in all matters, both general policy and particular matters, concerning the small business set-aside program. In fairness to him, Madam President, I ask unanimous consent that, following my formal remarks, the letter I received from Mr. Crowell be printed at the conclusion thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUMPERS. Madam President, I am opposed to the nomination of Mr. John Crowell to be the Assistant Secretary for Natural Resources and Environment in the Department of Agriculture for two general reasons. First, I seriously question a number of Mr. Crowell's views toward the management of our Nation's forests.

As my colleagues know, since 1972 Mr. Crowell has been general counsel for

Louisiana Pacific Corp.—the largest purchaser and harvester of Federal timber in the United States. In fact, Mr. Crowell has spent his entire professional career as an attorney and advocate for timber companies that depend heavily on the national forest for timber production. There is nothing wrong with this, Madam President. All of us bring our biases and preconceived notions and our experience to our jobs. But certain jobs require a person to exhibit an exceptional degree of balance and an ability to see both sides of an issue. I submit that the business of overseeing the management of our national forests is most certainly one of those jobs.

The vast recreational, timber, mineral, wildlife, and other values of our Nation's forests belong to all of us; and their management and disposition affect us all. To entrust the management of our forests to someone who may not be sensitive to the delicate balance which must be achieved in a job like this would be a serious mistake. Yet, Madam President, I fear we will be making exactly this mistake if we confirm John Crowell as Assistant Secretary in the Department of Agriculture.

In recent years, Mr. Crowell has led efforts by the forest products industry to thwart protection of Federal forest land. Assistant Secretary-Designate Crowell has taken strong public positions against the concept of wilderness; against regulations limiting the size of clearcuts and mandating buffer strips along streams for watershed protection; against the Forest Service's policy of nondeclining evenflow with regard to timber management; against the Small Business Administration's timber set-aside program; and against prohibitions on the use of herbicides and slash burning.

While the specific rationale for his position on these issues may vary slightly, one overriding concern seems evident—to maximize timber productivity on the national forests at the expense of all other values. By no stretch of the imagination can one characterize Mr. Crowell's public position on national forest issues as balanced.

Madam President, as one who worked very hard on the National Forest Management Act, I am especially concerned about Mr. Crowell's views on nondeclining evenflow. As many of my colleagues know, an important provision in the National Forest Management Act states that harvest levels on our national forests are to be set no higher than a quantity which can be removed from such forest annually in perpetuity on a sustained yield basis. While the Secretary of Agriculture was provided some discretion in the act to "depart" from this concept, consistent with multiple-use management objectives, the law made it clear that nondeclining evenflow was to be the standard under which timber from the Nation's forests was to be harvested.

In an October 6 speech before the Society of American Foresters in Spokane, Wash., Mr. Crowell gave us his views of this congressionally established policy as it relates to the magnificent old-growth forests of the West and Northwest. He called this policy "ludicrous" and its consequences "absurd." I think it is instructive to quote a portion of Mr. Crowell's remarks at this point relative to nondeclining evenflow. He said:

> The third absurd consequence (of nondeclining evenflow) is that harvests from the old-growth national forests of the West cannot be utilized to fill the void created by decreased levels of harvest from industry-owned western timberlands; owners of these lands have completed or are completing removals of old-growth at a rate faster than it is biologically possible to grow an even distribution of age classes in the new forest. This creates a gap in age classes on those lands and causes a drop in volumes of harvested timber for a number of decades. The old-growth national forests are admirably suited to fill this gap, and while doing so can themselves be brought into a more regulated condition capable of furnishing perpetual sustained yields.

In other words, Madam President, according to Mr. Crowell, the public's forests in the West are to be used to "fill the void" created by overcutting on industry-owned Western timber lands. Old-growth forests evidently possess no other value except as a source of timber for private industry. This is the kind of philosophy Mr. Crowell will bring to the management of our National Forest System if confirmed by the Senate. This is not the philosophy we need to balance the competing claims made daily on the forests of this country.

In this regard, Madam President, I am troubled by Mr. Crowell's views on wilderness and the National Wilderness Preservation System. In that same speech in Spokane, he characterized wilderness as follows:

> Allocations for use of governmentally-owned forest lands range from mining and timber production downward in terms of value outputs, to accommodate cattle grazing, enhancement of water volumes, protection of water quality, human recreation in numerous forms, production and protection of wildlife, and diversity of both plant and animal species. Then the point is reached where substantially all of those objectives are simultaneously abandoned for celebration instead of a concept encapsulated in the term "wilderness."

It is clear that certain uses of our Nation's forests are "more equal than others" in Mr. Crowell's view. The ranking from mining and timber "downward" to wilderness is particularly interesting. Again, it appears that Assistant Secretary-Designate Crowell feels that land allocations are only to be made on the basis of an economic justification.

Such an approach is contrary to Forest Service practice and the Multiple-Use Sustained-Yield Act which specifically directs the Forest Service not to automatically manage units of the National Forest System for the greatest dollar return. In my view, this is a wise policy, and I am concerned about confirming a nominee who is so blatantly opposed to it.

I am also concerned about Mr. Crowell's apparent lack of understanding of the wilderness concept in terms of the multiple uses it can provide. Grazing, enhancement of water quality and quantity, recreation, wildlife habitat protection, and the protection of plant and animal diversity are not "simultaneously abandoned" in wilderness; they are embodied, in many forms, in the concept of wilderness, not precluded by it. Mr. Crowell's inability or unwillingness to recognize this fact troubles me.

At at the outset of my remarks, Madam President, I indicated that there were two major reasons for my opposition to this nominee. I have talked at some length about the first—Mr. Crowell's views on forest management issues and his public record of unswerving support for policies designed to benefit a single user of our national forests—the timber industry. There is another reason for opposing this nomination, however, which I have not discussed.

On Thursday of last week, the Senator from Vermont (Mr. LEAHY) addressed this body regarding serious allegations concerning Mr. Crowell's involvement in and knowledge of serious antitrust violations by Ketchikan Pulp Co. (KPC)—a wholly owned subsidiary of Louisiana-Pacific. Mr. Crowell was not only general counsel to Louisiana-Pacific, a named coconspirator in the case (Reid Brothers Logging Co. against Ketchikan Pulp Co. and Alaska Lumber and Pulp Corp.), but also served and continues to serve as an assistant secretary of KPC. It appears that Mr. Crowell was also aware of and active in many of the transactions and anticompetitive activities of these two companies. In his statement before the Senate last week, Senator LEAHY carefully and thoroughly outlined Mr. Crowell's involvement in these activities. As I reviewed these materials, it became apparent to me that Mr. Crowell has not been forthcoming on this matter.

In a May 5 letter to Senator HELMS, Mr. Crowell indicated that, except for recommending counsel for KPC's defense, he was not "involved in the remotest way with any of the occurrences, negotiations or contracts out of which the plaintiff's claims allegedly arose." Yet, documents have recently been found in the discovery process of the Reid case which directly link Mr. Crowell to the material facts upon which the court based its finding against KPC and named LP as a coconspirator.

In addition, Madam President, Mr. Crowell failed to disclose his position as assistant secretary to KPC, the Fiber Board Corp., and other subsidiaries of Louisiana-Pacific in his financial disclosure statements to the Agriculture Committee. I understand that he has asked to amend his statement since these revelations have been made public.

The important point to make, Madam President, is that the court's opinion in the Reid Brothers case, evidence of Mr. Crowell's possible involvement in and knowledge of the illegal anticompetitive practices of his former employer, and evidence that Mr. Crowell has been less than forthcoming in this matter have come to light since the Agriculture Committee reported the nomination favorably on April 1. For us to confirm this nominee while information regarding his role in these matters is still being gathered would, in my view, be irresponsible.

Madam President, if you look at almost every civilization on Earth, they all had abundant forests at some time but, because of a period of insensitivity,

some of them are now deserts. The Department of Agriculture has just published a study that is less than 2 weeks old, called "The Desertification of America." It discusses the problem of the tremendous erosion of farmlands in this country and the cutting of our timber. Because of this really acute problem, which is closer upon us than most of us are willing to admit, I must oppose this nomination.

The exhibit follows:

EXHIBIT 1

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 18, 1981.

Hon. DALE BUMPERS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BUMPERS: I was surprised to learn today that within the last several days a newspaper and radio station in the State of Arkansas have been reporting that you oppose my nomination as an Assistant Secretary of Agriculture because of concern that I would abolish the present small business timber sale set-aside program.

I have no way of checking the accuracy of these reports; but on the chance that they are somewhere near accurate, I want you to know that I have pledged to recuse myself from involvement in all matters—both general policy and particular matters—concerning the small business set-aside program conducted by the Forest Service and that I will not participate in any aspect of this program during my service as Assistant Secretary. The Secretary of Agriculture has agreed with this decision. My recusal has been communicated to various segments of the small business community. On the same subject, I enclose an exchange of correspondence between Senators Packwood and Hatfield and me.

I would hope to have your support in the vote on my nomination.

Sincerely,

JOHN B. CROWELL, Jr.,
Assistant Secretary-Designate for Natural Resources and Environment.

Mr. LEAHY. Madam President, the New York Times this morning had an excellent op-ed piece called "The Ketchikan Caper." It is written by John Oakes, who is the former senior editor of the New York Times. I shall read just the first sentence from that.

The Senate can spare President Reagan from further embarrassment and the country from a disastrous appointment by recommitting today the nomination of John B. Crowell Jr. as Assistant Secretary of Agriculture for National Resources and Environment.

I ask unanimous consent that the full article be printed in the RECORD, Madam President.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 19, 1981]

THE KETCHIKAN CAPER

(By John B. Oakes)

The Senate can spare President Reagan from further embarrassment and the country from a disastrous appointment by recommitting today the nomination of John B. Crowell Jr. as Assistant Secretary of Agriculture for Natural Resources and Environment.

The Agriculture Committee, which had given pro forma approval of Mr. Crowell's nomination six weeks ago, could then study startling new evidence of his unfitness for this office. It could ponder his lack of frankness with the committee the first time around. It could consider his obvious insensitivity to the nature of his prospective position as the sub-Cabinet officer in charge of the national public forest system and of the Forest Service, which manages it.

Mr. Crowell has for the last several years been general counsel of Louisiana-Pacific, the huge corporation that is the largest single purchaser of publicly owned timber from the national forests, including the largest forest of them all, Tsongas, in southeastern Alaska. A vigorous and aggressive industry spokesman for stepped-up cutting, especially in Tsongas, Mr. Crowell has from the outside insistently pushed the Forest Service toward a policy of maximum immediate economic return, even when that has included stripping the finest virgin forests in the United States for export of raw logs to Japan.

All this was known when Mr. Crowell was nominated by the President and approved by the Senate committee. But what was not known was the extent of Mr. Crowell's involvement with Louisiana-Pacific's giant Alaskan subsidiary, the Ketchikan Pulp Company, and two smaller Alaskan logging companies also affiliated with Louisiana-Pacific.

On the basis of what she called "overwhelmingly established" proof, Federal District Judge Barbara J. Rothstein, in Seattle, recently found Ketchikan (together with the Japanese-owned Alaska Lumber and Pulp Company) guilty of conspiracy "to restrain trade and to monopolize the timber industry in Southeast Alaska" by price-fixing and other gross violations of the antitrust laws. Louisiana-Pacific and the two smaller logging affiliates were named by the court as co-conspirators.

Here is where Mr. Crowell comes in. He was not only general counsel, and the recognized antitrust expert, of Ketchikan's parent company, but also has been assistant secretary of Ketchikan itself as well as of the other two affiliates. He failed to mention this significant point in his original disclosure statement to the Agriculture Committee.

Mr. Crowell says that Ketchikan's alleged misdeeds took place before he became an officer of that company, and he insists that he had "never been involved in the remotest way" in any of the illegal actions of which Ketchikan has just been convicted.

Unfortunately for Mr. Crowell, however, letters to and from him as general counsel of Louisiana-Pacific have come to light only in the past few days, strongly suggesting an awareness on his part of Ketchikan's questionable practices. On the basis of these letters, "it stretches credulity beyond the limits of reason for Mr. Crowell to claim that he didnt know what Ketchikan was doing, says Senator Patrick J. Leahy, Democrat of Vermont. Representative James H. Weaver, Democrat of Oregon, chairman of the House forestry subcommittee, observes that "the most damning thing is that he's going to be the political boss of the Forest Service, which is going to have to clean up this mess" involving the purchase of Government timber by his former company.

As general counsel of Louisiana-Pacific and chairman of the industry's task force on Forest Service regulations, Mr. Crowell was and is an avowed enemy of the Service's timber-harvesting policies. Until his nomination, he was also a fierce opponent of the Service's "set-aside" program for the protection of just the type of small operators that Ketchikan has been convicted of conspiring to put out of business.

Senator Edward M. Kennedy, Democrat of Massachusetts, has within the last few days obtained release of the many thousands of pages of documents produced in connection with the antitrust case. What further evidence they may contain of Mr. Crowell's knowledge of the Ketchikan caper is not yet clear. But, along with what was previously known about Mr. Crowell, enough has already been uncovered to warrant Mr. Weaver's comment: "I find it inconceivable that he doesn't withdraw himself from the nomination."

The losses that this country will suffer under such administrators of the public lands as Mr. Crowell (if he is confirmed) and his spiritual comrade-in-arms, Secretary of the Interior James G. Watt, will be irreversible and irretrievable. President Reagan, who has appointed them, will go down in the history of public-land use in America as irresponsible. Just as irresponsible as that other "sweet fellow," Warren G. Harding.

Mr. LEAHY. Madam President, while I oppose the nomination of John Crowell, I do not oppose his nomination to be Assistant Secretary of Agriculture for Natural Resources and Environment because I disagree with his philosophy on the environment. Even though the forest management practices endorsed by Mr. Crowell will, in my opinion, strike the death knell for sustained harvests of American timber through the centuries and the preservation of wilderness areas, the President should be allowed to appoint people compatible with the philosophy of his administration.

My opposition is based on much more substantive matters which affect the very integrity of our Federal Government.

I oppose this nominee's confirmation because documents have been uncovered since his approval by the Agriculture Committee which show that he was aware of and involved in the anticompetitive and monopolistic practices of his former employer, Louisiana-Pacific (LP), and its subsidiary, Ketchikan Pulp Co. (KPC). A Federal court in Seattle has recently ruled that these practices constitute serious violations of the antitrust laws.

As importantly, Madam President, I oppose John Crowell's confirmation because in his communications with the chairman of the Agriculture Committee, in conversations with committee members, and in his financial disclosure statement, John Crowell has grossly misled Members of this Chamber.

Madam President, I would much prefer that these charges against the nominee could be investigated and discussed at a committee hearing. Only then would John Crowell have the opportunity to defend himself under oath and testimony would be taken on these very serious matters under oath. I have requested such a hearing. I feel that not having a hearing fails to recognize that new evidence has been uncovered since reporting the nominee on April 1. No matter how serious an indictment this new evidence portends, it cannot be heard if no hearing will be held.

In essence, the Senate is being told to turn a blind eye to new facts, and to abdicate its responsibility to question an executive nominee who by concealment has beguiled some Members of this Chamber to believe that his past is pure and his intentions meritorious.

John Crowell has disavowed any knowledge of his past employers' actions which the court found to constitute conspiracy to restrain and monopolize the

timber trade in southeast Alaska, and to defeat the intent and operation of SBA's timber set-aside program there.

In his May 5 letter to Senator HELMS the nominee writes:

I have never been involved in the remotest way with any of the occurences, negotiations or contracts out of which the plaintiffs' claims allegedly arose.

But let us take a look at the facts before the Senate accepts this disclaimer.

In a May 2, 1973, memorandum to Mr. Crowell, Mr. Murdey, a KPC executive, informs him of discussions between KPC and Alaska Lumber & Pulp Co. (ALP), a codefendant in the case, concerning log supplies. Murdey then goes on to state that he and ALP executives expect Mr. Crowell to take the lead in lobbying for both of them for changes in Forest Service determinations of their log supplies.

This is exactly the type of collusive communications between these two timber companies upon which the court based its findings of conspiracy to restrain trade. Mr. Crowell was obviously aware of these collusive communications, and in fact was in a leadership position for seeing them to fruition. At least executives of KPC and ALP thought John Crowell was the man to "get the ball rolling."

The court found that KPC manipulated front companies to thwart the SBA timber set-aside program, and through restraint of trade and other coersive actions gained ownership or control of virtually every independent logging or mill operation in southeast Alaska. Mr. Crowell says he knew nothing about these activities by GPC. Moreover, the nominee claims that Alaska Timber Co. (ATC), an operation which the court cited as material evidence of KPC monopolistic practices, is actually an independent company. Again, let us look at the facts.

In an April 14, 1974, memorandum to Mr. Merlo of LP, the nominee gives advice on how a meeting with the owner of ATC, Ed Head, should be handled. In essence, Mr. Crowell is saying that Ed Head should be told to stop bidding on SBA set-aside timber because ATC's purchase of the timber restricts KPC access to it.

Moreover, Mr. Crowell indicates that KPC could and should bring ATC back into the SBA set-aside program if it becomes in KPC's interest to do so. It will be in KPC's interest to do so when new companies seek to enter the southeast Alaska timber market. In other words, ATC can be used by KPC to bid up the price so that new competition cannot enter their domain.

The Seattle court ruled that KPC manipulated front companies it controlled, like ATC, to restrict the operation of the SBA program, and to preclude new companies from entering the timber markets of southeast Alaska. Clearly, the nominee was aware of and was an actor in these anticompetitive practices.

Madam President, I also submit for the record a September 16, 1974 memorandum between two SBA officials. In it they state that KPC, LP and ATC "• • • all contend and accept the affiliation and control (of ATC) by KPC on face evidence." Moreover, the memo cites KPC–ATC contracts as evidence for the conclusion that, "Clearly these actions spell collusion between the two entities to thwart the set-aside program and even the purchase of National Forest timber."

I ask unanimous consent to have the memorandum printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS ADMINISTRATION,
Seattle, Wash., September 16, 1974.

Reply to Arthur L. Mason—Industrial Specialist (Forestry).
Attention of SBA Seattle Region X (POD).
Subject Alaska Timber Corporation (ATC) Affiliation with Ketchikan Pulp Company and Ketchikan Spruce Mill.
To Gene VanArsdale, Chief, Prime Contracts & Property Sales Division, OPA, Washington, D.C.

We have recently been requested by the Forest Service in Region 10 to review the size of Alaska Timber Corporation (ATC) of Klawock, Alaska, Region X, SBA, conducted a size determination early calendar year 1973 and determined ATC small. A loan lease guarantee was made by SBA sometime in June 1973. The owner of the Alaska Timber Corporation plant is Ketchikan Spruce Mills which is a wholly owned subsidiary of Louisiana Pacific Corporation. The plant is leased to Ed Head (ATC) for a ten year period ending in April 23, 1983 with an option to renew the lease. This lease guarantee, the ownership and affiliation of ATC with KSM and Ketchikan Pulp Company (KPC) is known to the Forest Service and to all industry in Southeast Alaska. They all contend and accept the affiliation and control by KPC on face evidence.

The lease guarantee was prepared in Seattle with the files now resting in the SBA district office in Anchorage, Alaska. It has been mentioned in previous correspondence that I felt the answer to the size of ATC lay in the files. Incidental to a scheduled trip to Anchorage to visit with the Chugach N.F. staff, arrangements were made for me to review those files.

The lease guarantee itself contains sufficient "whereases" and "now therefores" to impress me of its legal significance. There are two signed original documents enclosed with this guarantee that surprised me. One is a Log Sale Contract between KPC and ATC; the other is a Sales Agreement between KPC and ATC. These are lengthy documents that serve to attest to the security of the loan lease guarantee. My surprise is not only of the contents of these agreements but why these are in SBA files. It would have been sufficient to have a simple letter from KPC displaying their intent to furnish needed raw material to ATC.

The Log Sale Contract states that KPC will furnish 500,000,000 board feet to ATC through the ten year lease at a price of $90 per MBF delivered to Klawock for single shift production and $105 per MBF for a double shift production. The price will vary periodically based on production and stumpage costs. These prices are established as of April 27, 1973.

There is this provision in the "Log Sale Contract":

Sale of logs (brief description identifying ATC as the "Buyer" and ATC as the "Seller").

"Buyer shall use its best endeavors to obtain Small Business designated timber sales from lands located in Southeastern Alaska during the trem of this contract. "Best endeavors" as this term applies to buyer in this paragraph, shall obligate the buyer to bid on all Small Business timber sale offerings in Southeast Alaska made during term of this contract. All such bids must at least be in such amounts as would leave the buyer with a overall profit margin, if buyer was the successful bidder, at least equal to that enjoyed by buyer through utilization of logs sold buyer under terms of this contract. If buyer fails to bid on or loses a sale without bidding the price above stated, seller shall be entitled to deduct the ten years volume called under this contract by the total volume estimated of the lost sale, and reduce its monthly delivery obligations in like proportions. Any timber sale in fact logged by buyer shall reduce the ten year volume called for under this contract by the total volume logged and reduce sellers monthly obligation in like proportion"

There are these pertinent provisions in the "Sales Agreement":

1. Sale: ATC sells and KPC purchases all of the volume and species of all logs produced at the timber sales.

2. Purchase Price: The purchase price for the logs sold by ATC to KPC under this contract shall be the assumption by KPC of all costs and obligations of performance of the timber sale contract, less any refunds otherwise due ATC upon completion of the Timber Sale contract from the Forest Service.

3. Equivalent Volumes: ATC shall be entitled to purchase from KPC camprun hemlock sawlogs in total net scale volume equivalent to the total net scale volume (regardless of species) produced by timber sale and sold to KPC under this contract. The right to purchase must be exercised with the terms of the log sale contract described in recital D attached hereto as exhibit A, and to the extent that ATC exercises its rights of purchase, it may call for delivery of in excess of 8,000,000 board feet per calendar year. All terms and condition of purchase, other than stated herein, shall be as stated in said Log Sale contract".

(Note: the above is copied from my form of "shorthand" of notes taken at Anchorage. A word or two may be misplaced, a coma left out, etc., but the meaning and impact is clear.)

The above two excerpts form the described documents mean:

1. ATC is obligated to purchase set-aside sales or face like reduction in volume from KPC. The price ATC can bid is predicated on log price determined by KPC. For the period involved (April 73) this provides a price that ATC must bid, with 10% profit, at about $20.00 above the then current stumpage rate.

2. If ATC buys a set-aside sale they are to sell all of the logs to KPC who will (and is) log the sales, pay the stumpage at no risk or effort by ATC and then will increase the contract volume commitment to ATC by like amount.

3. If ATC decides to log a sale the volume it logs is deducted from the ten-year obligation. If KPC logs the sale ATC gains an equivalent volume over and above the ten-year obligation.

Clearly these actions spell collusion between the two entities to thwart the set-aside program and even in the purchase of National Forest timber.

ATC is under the control of KPC and KSM in so far as log purchases are concerned and obviously represents other than small business.

There is no fault, as I can see, in the lease guarantee agreement, per se, other than a disregard of other conditions that relate to the regulations pertaining to timber. (This lease guarantee was formed with the two documents cited at a time when Bill Tinney was in the process of retiring and prior to my filling the position. Had either of us had timely knowledge of these documents our recommendations would have been voiced.)

The Anchorage files didn't show, or I didn't find, the disposition of the cants and chips

by ATC. ATC is considered a subsidiary by KPC in their public information pamphlets. I am told that KPC markets the output of ATC.

Considering the change in ownership of the mill, it is essential that we reexamine the size status of ATC. This should be done yet this fall. It is anticipated that there will be significant set-aside volume late this or next period. Further, ATC is operating on a portion (25 percent) of a set-aside sale. (Their sale is involved with some Indian claims that ties up 75 percent of the area of the sale for the time being. This should be resolved in December 1974.)

ARTHUR L. MASON,
Industrial Specialist (Forestry).

Mr. LEAHY. Madam President, if this is not sufficient evidence of the misleading responses of Mr. Crowell to questions regarding the anticompetitive practices of his former employers, I submit a June 13, 1975, letter from ATC attorneys to John Crowell which should give pause to even his most ardent supporter. The letter requests that ATC be let out of its restrictive contracts with KPC because, among other reasons, the contracts have violated SBA regulations and have thereby disallowed ATC's further participation in the SBA program. Mr. Crowell claims that ATC was an independent company and he had nothing to do with exercising control over it. But Ed Head's attorneys knew that the nominee held ATC's reins and was the man who could manipulate contracts to bring ATC back under the SBA program.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SKEEL, MCKELVY, HENKE,
EVENSON & BETTS,
Seattle, Wash., June 13, 1975.

Re Alaska Timber Corp.
LOUISIANA PACIFIC CORP.,
Portland, Oreg.
(Attention John Crowell).

DEAR MR. CROWELL: Following our recent telephone conference, we thought perhaps it might save some time if we forwarded to you a copy of the Sales Agreement to which we made reference. This is a working copy and we apologize for the markings.

This Agreement was apparently executed at the same time as the Log Sale Contract which you already have at hand. The combination of the two agreements establishes, in effect, an agreement for the exchange of logs with K.P.C. According to Mr. Head's explanation, it is our understanding that the intent of the parties in creating a log exchange mechanism was to eliminate any unnecessary transportation of logs from forest to plant, and to insure that Mr. Head would be processing a maximum amount of Hemlock saw logs through his sawmill, while K.P.C. received pulp logs for its operation.

Unfortunately, the Sales Agreement violates the present S.B.A. regulations which do not permit more than fifty percent (50%) of small business timber to be sold to or exchanged with large business. Further, the S.B.A. does not like the idea of K.P.C. undertaking all of Alaska Timber's obligations with regard to the performance of small business timber sale contracts. We understand that as a practical matter, K.P.C. is no longer acting as "sales representative" for A.T.C. on the small business timber sale contracts, and that A.T.C. has or will be performing its own obligations in regard thereto. Originally, we did prepare a modified version of the Sales Agreement which the S.B.A. approved, but upon review, Mr. Head decided that the terms were such that the agreement would not be acceptable to either party. Accordingly, we propose that the existing Sales Agreement be terminated in its entirety, and that the parties work out a new Sales Agreement upon mutually acceptable price terms which will meet the requirements of the S.B.A., particularly the fifty percent (50%) sale or exchange restriction. We should also point out that the entire S.B.A. set aside program is undergoing a scheduled five (5) year review, and a certain amount of attention will be given to log exchanges between small and large businesses. New regulations in this area may be promulgated but apparently neither the Forest Service nor the S.B.A. have anything definite in mind at the present time.

Mr. Head is anxious to regain his small business status and we look forward to hearing from Louisiana Pacific in the near future.

Very truly yours,

JOHN P. BRAISLIN.

Mr. LEAHY. Mr. President, Mr. Crowell trys to explain away KPC's control over ATC by saying that KPC was actually Ed Head's friend and offered him financial assistance at favorable rates when his resources were low.

In fact the court found that KPC discussed Head's financing with his banker and when Head's financing was consequently stopped by the bank, KPC offered ATC a Faustian deal which gave KPC control over ATC's operations.

Consider the 1975 testimony of Ed Head to the Senate Small Business Committee—

The 100 percent control of the available log supplies by the large companies (KPC and ALP), puts the small companies continued operation completely at the whim of the two large companies. * * * Today (two small Alaskan mills) are not operating because KPC refuses to sell them logs, KPC does not always shut off the sources of logs, but they dictate the way every small lumber business is operated in Alaska. * * * Our mill has been shut down for over 1 year. We could have operated this past year if we were not dependent on the pulp companies (ALP and KPC) for logs. They demand a substantial profit on the logs they sell.

Mr. President, this really does not sound like testimony from a man whom KPC assisted out of the kindness of its corporate heart. It does sound like somebody who is in favor of the free enterprise system but, quite frankly, who has seen the elimination of competition by one organization that dictates prices and dictates methods of operation to its supposed competition. And worst yet, of course, it flies in the face of material we have received from Mr. Crowell prior to the time Senator HUDDLESTON, Senator KENNEDY, myself, and others started asking questions.

In fact, Mr. President, Mr. Crowell's May 5 letter to Senator HELMS disavowing any connection with or knowledge of the material facts of the antitrust cases is misleading at best. His original financial disclosure statement filed with the committee is even more troublesome.

I think I could say that, absent those statements, absent that letter and absent statements made to me personally of the same nature, I would not be here today opposing this nomination. But I think we have here more than just a forgetful memory. I just do not feel that so many items could have been simply forgotten.

Despite explicit instructions to include all positions held as an officer, director, trustee, partner, representative, proprietor, representative, employee, or consultant of any corporation company or other business enterprise in his financial disclosure statement, Mr. Crowell, a well-trained lawyer, somehow misread the directions and failed to report that he was an assistant secretary of KPC and Panhandle Logging Co. (Another company that the court found was merely a front operation controlled by KPC.)

Admittedly, these assistant secretarial positions involve probably only ministerial duties and Mr. Crowell did not assume many of these positions until after the material facts of the court case were completed. However, a more cynical mind would conclude that these positions were purposely concealed in his original financial disclosure statement so as not to bring any attention to Mr. Crowell's involvement in and awareness of the anti-competitive practices of his former employer.

Mr. President, John Crowell also mislead the Senate in his original recusal statement. The Forest Service has stopped all timber sales in southeast Alaska until it completes an investigation of the monopolization of timber trade there by KPC and ALP. The Forest Service could take several actions against KPC including joining suit to recover losses to the U.S. Treasury due to KPC's stumpage value manipulation, discharge of KPC's 50-year lease, on debarment of KPC from future bidding on timber in the Tongass National Forest.

Who would be the new director, the new head of the Forest Service? Of course, John Crowell.

John Crowell led myself and others to believe that his original recusal statement removed him from all decisions involving future actions of the Forest Service against KPC, actions which could include referral to the Justice Department for criminal proceedings against KPC and its executives and officers.

However, his original recusal letter weakly side-stepped such a statement. In fact his original recusal statement never removed him from these critical and pending decisions by the Forest Service against KPC at all.

The careful crafting of this loophole in the nominee's recusal statement makes one wonder if it really was simply an oversight as John Crowell now claims.

In a May 15 letter, the nominee closed this loophole in his recusal statement. But one has to wonder what other loopholes and serious questions remain unaddressed and unanswered by the nominee—loopholes that unfortunately were raised after his hearing and not before. So without additional hearings, the Senate would never know and it is being asked to gamble—the U.S. Senate is being asked to gamble with the future of our national forests on this nominee. Mr. President, I am afraid—and I feel sorry that I have to say this—but this is a nominee of dubious merit and tainted background.

Mr. President, I would hope that the Senate would recognize the wisdom of subjecting this nominee to further scrutiny by the Agriculture Committee. If that cannot not occur, the only responsible choice remaining is to reject his confirmation.

Mr. President, I ask unanimous consent to have printed in the RECORD the two recusal letters to which I have referred.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 11, 1981.

Hon. J. JACKSON WALTER,
Director,
Office of Government Ethics,
Washington, D.C.

DEAR MR. WALTER: The purpose of this letter is to inform you of the steps I intend to take in order to avoid any actual or apparent conflict of interest between my personal financial interests and the duties I will perform if confirmed to be Assistant Sectary of Agriculture for Natural Resources an Environment.

From 1972 to the present, I have been employed as General Counsel to the Louisiana-Pacific Corporation, Portland, Oregon, a major producer of timber and forest products. Prior to that time, from 1959 until 1972, I was employed as an attorney in the Legal Department of the Georgia-Pacific Corporation, Portland, Oregon, also a major forest products firm, from which Louisiana-Pacific Corporation was separately established in 1972. My wife, my children, and I in aggregate presently own substantial stock holdings in both corporations. Since there are substantial possibilities for conflicts of interest, both real and apparent, between these personal financial interests and the duties of the Assistant Secretary for Natural Resources and Environment, which include responsibility for all U.S. Forest Service land management and timber sale programs, I have determined that I will sell all holdings in Louisiana-Pacific and Georgia-Pacific which my wife and I own, upon my confirmation for the Assistant Secretary position. I intend, of course, to resign as General Counsel and to sever unconditionally my employment relationship with Louisiana-Pacific Corporation upon my confirmation as Assistant Secretary. I have no arrangement, contractual or informal, with Louisiana-Pacific Corporation or with any other organization with respect to future employment.

My three children hold a total of 96 shares of Louisiana-Pacific Corporation stock among them. The youngest child will be 21 years old on May 8, 1981. Since by that date all three children will have reached majority, and since the size of these holdings are of a *de minimis* nature when compared with the numbers of shares outstanding, I do not intend to require my children to divest themselves of these shares. The Department of Agriculture's Ethics Counselor is in agreement with this determination.

My wife and I also own shares in three concerns which are involved in, or one or more of whose subsidiary concerns are involved in, surface or subsurface coal mining operations. These include Atlantic-Richfield Co., Consolidated Natural Gas, and General Electric Co. Section 201(f) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1211(f)) provides that no Federal Government employee performing any function or duty under the Act may have any direct or indirect financial interest in underground or surface coal mining operation, and provides for a fine of not more than $2,500, or imprisonment for not more than one year, or both, for any knowing violation of this requirement. The Secretary of Agriculture is assigned certain responsibilities under the Act, and some of those responsibilities are delegated to the Assistant Secretary for Natural Resources and Environment (7 CFR 2.19(j)), and are further delegated to and carried out by the Forest Service and the Soil Conservation Service. Principal among these functions is responsibility for carrying out of the Abandoned Mine Reclamation Program for Rural Lands assigned to the Secretary of Agriculture under the 1977 Act, and carried out mainly by the Soil Conservation Service. Because of the clear proscription stated in 30 U.S.C. 1211(f), my wife and I will divest ourselves of all stocks mentioned above upon my confirmation as Assistant Secretary for Natural Resources and Environment.

My wife owns small stock interests in two companies, American Home Products Corporation and DuPont Corporation, which produce chemical products, including insecticides and pesticides. The Secretary of Agriculture has statutory responsibilities under both the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*), which are delegated to the Assistant Secretary for Natural Resources and Environment, and are further delegated to and carried out by USDA's Office of Environmental Quality. American Home Products Corporation manufactures insecticide products which, while regulated under FIFRA, are distributed for home use only and produces no products for commercial application on agricultural or forest lands. I have determined, therefore, that I will effect no divestiture of these shares but will, instead, recuse myself from involvement in any particular matter which may arise within the Department of Agriculture regarding American Home Products Corporation as long as my wife owns shares in that corporation. DuPont Corporation, however, does produce chemical products intended for a wide range of commercial uses. In order to avoid any possibility of an actual or apparent conflict of interest because of duties assigned to the Assistant Secretary under these Acts, my wife has agreed to divest herself of her stock interest in DuPont Corporation upon my confirmation as Assistant Secretary.

My children similarly hold *de minimis* shares in two concerns, Exxon Corp. and General Electric Co., with direct or indirect surface or sub-surface coal mining interests and in one concern, also Exxon Corp. which produces agricultural chemicals. Since all of my three children will have reached the age of majority by May of this year, I do not intend to require them to divest themselves of their interests in these concerns.

Because of my long employment relationship, initially with Georgia-Pacific Corporation, and, more recently, with Louisiana-Pacific Corporation, and notwithstanding my divestiture of stock ownership interests in both corporations and my unconditional severance of my employment relationship with the latter, I have decided that I will also recuse myself from involvement in any particular matter which may arise within the Department of Agriculture involving either corporation. I believe that this disqualification on my part will avoid any possibility of a real or apparent conflict of interest in connection with my official duties as Assistant Secretary, arising out of my past relationships with Georgia-Pacific Corporation and Louisiana-Pacific Corporation.

I have also pledged to recuse myself from involvement in all matters—both general policy and particular matters—concerning the small business timber sale set aside program conducted by the Forest Service. I have taken this step because of concerns expressed by the small business community in the forest products industry, based upon my prior partisan representation of large business to cause amendments to the program. I have decided, therefore, that I will not participate in any aspect of this program during my service as Assistant Secretary. The Secretary of Agriculture has agreed with this decision, and my recusal from involvement in the small business timber sale set aside program has been communicated to various segments of the small business community.

I have served since 1974 as a Director of the National Forest Products Association, Washington, D.C., and since 1975 as Secretary-Treasurer and a Director of the Public Timber Purchasers Group, Portland, Oregon. Both are trade organizations which represent the general interests of the forest products industry. I intend to resign from my positions with these organizations upon my confirmation as Assistant Secretary.

Finally, notwithstanding the steps I have outlined above, my wife and I intend to create trust agreements which conform in all respects with the qualified blind trust provisions of section 202(f)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.). My wife and I will respectively hold beneficial interests under such trusts, and I intend that our financial affairs and investment decisions will be managed by the trustee appointed under these trust agreements during my tenure as Assistant Secretary. Neither my wife nor I, of course, will have any knowledge of investment decisions made by the trustee under these agreements. These trust agreements will be executed upon my confirmation to the Assistant Secretary position.

I believe that the steps I have outlined above, and the creation of these qualified blind trust agreements, will suffice to avoid any actual or apparent conflict of interest as a result of my personal financial interests, and will at the same time enable me to carry out the full range of duties assigned to the Assistant Secretary of Agriculture for Natural Resources and Environment.

Sincerely,

JOHN B. CROWELL, Jr.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 15, 1981.

Hon. J. JACKSON WALTER,
Director, Office of Government Ethics,
Washington, D.C.

DEAR MR. WALTER: You have a letter from me dated March 11, 1981, in which I informed you of the steps I intended to take in order to avoid any actual or apparent conflicts of interest between my personal financial interests and the duties I could be expected to perform when confirmed as an Assistant Secretary of Agriculture for Natural Resources and Environment.

The seventh paragraph of that letter dealt with intended recusals involving particular matters which might arise between the Department of Agriculture and either Georgia-Pacific Corporation or Louisiana-Pacific Corporation, companies with which, formerly, I have been employed.

It has come to my attention that in filling out my Financial Disclosure Report (Form SF278), under the heading "Positions Held", I should also include the listing of subsidiary corporations for which I was an assistant secretary, a wholly ministerial function I performed as part of my job as general counsel for the Louisiana-Pacific Corporation, the parent company. I received no remuneration for being an assistant secretary to any of the subsidiary corporations. Accordingly, upon advice of the General Counsel of the Department of Agriculture, I am filing an addendum to my Financial Disclosure Report.

I would also like to amend the seventh paragraph of my March 11, 1981, letter to you in order to make explicit my intentions with respect to subsidiaries of Georgia-Pacific Corporation and of Louisiana-Pacific

Corporation. Please accept the following paragraph as a substitute for the seventh paragraph of my March 11, 1981, letter:

"Because of my long employment relationship, initially with Georgia-Pacific Corporation, and more recently, with Louisiana-Pacific Corporation, and notwithstanding my divestiture of stock ownership interests in both corporations and my unconditional severance of my employment relationship with the latter, I have decided that I will also recuse myself from involvement in any particular matter which may arise within the Department of Agriculture involving either corporation or any subsidiary, whether wholly or partly owned, of either corporation. I believe that this disqualification on my part will avoid any possibility of a real or apparent conflict of interest in connection with my official duties as Assistant Secretary of Agriculture, arising out of my past relationships with Georgia-Pacific Corporation and Louisiana-Pacific Corporation, or any of their subsidiaries, whether wholly or partly owned."

I would greatly appreciate it if you would file this letter with the original of my March 11, 1981, letter to you. I would further appreciate your providing copies of this letter to whomever you have provided copies for official use of my earlier letter.

Very truly yours,

JOHN B. CROWELL, Jr.,
Assistant Secretary-Designate for Natural Resources and Environment.

Mr. HELMS. Madam President, I know there is considerable media interest in this matter, and in fairness to Mr. Crowell, I believe it needs to be said that the long and short of this opposition to him is that Senators, in good faith, are improperly employing litigation to which they refer as a means of soiling Mr. Crowell's reputation. I do not believe the Senate wants to do that sort of thing to any nominee. I have to say, Madam President, that this is being done through innuendo rather than by any relevant supportive facts I have seen.

I inserted in the RECORD yesterday the questions and answers Mr. Crowell submitted to the Senate and to me personally. What are we going to do—just keep on, day after day, to the point that we trot a lie detector in here, implying that a man is dishonest and that he has conducted himself in an unworthy fashion when he has done no such thing, by any perception I have?

I believe that what is going on here is not entirely worthy of the Senate.

The bottom line is that John Crowell was in no way implicated in the litigation to which Senators have alluded. It is only some opponents of the philosophy of Mr. Crowell who are attempting to impose sanctions on the floor of Congress, with evidence amassed in a few days, that a court of law never considered imposing on Mr. Crowell although it had the material under consideration for years.

Madam President. John Crowell is a decent American. To be sure, there are preservationists and others who do not agree with him. But. surely, we have not reached the point in this country that lobbyists would go to any extent to sully the reputation of a good American simply because they do not agree with him.

I thought that needed to be said in defense of Mr. Crowell, as we proceed.

(The following occurred during the remarks by Mr. LEAHY:)

Mr. LEAHY. Madam President, I ask unanimous consent that when I continue after the recess, my statement continue without a break.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I understand that we are to recess at 12:30.

Mr. HELMS. That is correct.

Madam President, I ask unanimous consent that I have 2 minutes from my time, notwithstanding the unanimous-consent agreement, so that Mr. Crowell's side may have some support, and that my remarks appear after the comments of the distinguished Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the order previously entered, the hour of 12:30 having arrived, the Senate will stand in recess until 2 p.m. today.

The Senate, at 12:33 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

Mr. LEAHY. Mr. President, how much time remains to the opponents of the nomination for today?

The PRESIDING OFFICER. Approximately 19 minutes and 45 seconds.

Mr. LEAHY. Mr. President, I reserve the remainder of my time.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair. I yield 5 minutes to the distinguished Senator from Idaho (Mr. SYMMS).

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I thank the Senator for yielding.

Mr. President, it is a distinct pleasure that I rise in support of the expeditious confirmation of John Crowell, who has been nominated by President Reagan to serve as Assistant Secretary of Agriculture for Natural Resources and Environment.

It is rare in this Chamber that we have the opportunity to consider an individual whose background and talents so closely parallel the requirements of the post. Mr. Crowell has established himself firmly as a manager and as a conservationist.

He played an active role in the development of standards for timber sales contracts and was instrumental in formulating the "cost-share" road program between timber companies and the Forest Service. His contributions to the 1974 Forest and Rangeland Renewable Resources Planning Act are a tribute to his understanding of the laws that govern our national forests.

But the position must be filled by someone who appreciates the need for conservation, and there, too, John Crowell stands above the crowd. Despite what we have heard here today, as past vice president of the Portland Audubon Society and as a regional editor of "American Birds Field Notes," John Crowell has dedicated himself to the balance and leadership that we sorely need at the Department of Agriculture.

We are at a time in our Nation's path that we must deal with concrete decisions about the future of our national forests.

Generations of Americans will depend on the decisions we make now for their quality of life, and their ability to enjoy our great natural resources. We can no longer afford the timber management void and stagnation we have witnessed over the past 16 years.

Instead, we must dedicate our efforts to finding the delicate balance between the wise and necessary development of our renewable resources and the protection of their natural integrity.

John Crowell stands for that balanced approach to resource management, and I strongly urge the Members of this body to join me in support of his confirmation.

Mr. President, I would like to also make some comments that it has saddened me greatly to hear a man that I know and have worked with back in 1974, when he was helping us when I was in the other body working on the Resource Planning Act that I mentioned earlier.

But we do need people in Government in the positions in leadership in our land management agencies that have the experience, the knowledge, the wherewithal to recognize that all of our new wealth comes out of the ground, either out of the mines or out of the farms or out of the fields or out of the oceans.

What his detractors are saying here is that he will not obey the law. And there is nothing on record or in my knowledge that I have of this gentleman to make me believe that there is no way he is not going to obey the law of the land of the United States.

The clear answer to these allegations that have been raised here today are, quoting Judge Barbara J. Rothstein, who stated on May 15, 1981, when asked to segregate documents for use in the Senate debate, "When I heard the name Crowell I couldn't even think of one document."

In fact, he has never even been called to file a deposition. Yet, to hear it in here today, you would think somehow he was in the midst of some kind of a convoluted violation of laws. In fact, none of the documents retrieved were used as evidence in the antitrust litigation.

There are 16,000 employees for the company that was named in the civil case. The case, as I understand it, is now being appealed. I thought this was a country where a person was considered innocent until proven guilty. And certainly guilt by association is something that should not be considered here in this Chamber and it is no compliment to this Chamber.

John Crowell was never called to testify, never had his phone records examined, and never even had a deposition filed, as a matter of fact, in connection with the case, which I just mentioned.

The fact that these companies were convicted in this instance is not a valid method of measuring John Crowell's capability. In fact, one case is not the proper measure for a corporation.

I do not think there is anything on record, Mr. President, that indicates in any way that this distinguished attorney is not going to obey or that corporation will not obey what the final ruling of the

court is. These matters happen every day in civil disputes.

In it is interesting to note that in early 1970, another small logging firm filed similar antitrust charges against KPC and was thrown out on summary judgment in the Federal district court. The ninth circuit affirmed this holding.

The Justice Department examined the charges against the companies in 1975 and 1980 without ever pressing for extensive investigation, let alone to seek criminal redress.

The opposition has made much of the fact that Mr. Crowell was an assistant secretary for KPC.

Mr. Crowell did not become assistant secretary of KPC until November 1, 1976, approximately 2 years after the date the antitrust suit was filed and more than 2 years after the last occurrence which plaintiffs asserted as a basis for their claims against KPC.

Mr. Crowell was never brought up in the court case and his involvement was properly that of in-house counsel for Louisiana Pacific and strategy consultant in antitrust matters including litigation.

Now, I think it is interesting to note that in my State and the other parts of the Pacific Northwest where Mr. Crowell is known, that small business is virtually unanimous in support of his nomination. He naturally thought to compete aggressively with competitors, including small operators.

If a corporation has gone to court, there is litigation that has taken place and there is a decision made. It is my understanding that the case is now in appeal. To single someone out, 1 out of 16,000 employees of a corporation, and say he is not qualified for this post, which I believe he is eminently qualified for, certainly is a sad thing, to try to use this as one way to say this gentleman is not qualified. I hope we can give him a very good vote of confidence on this confirmation vote this afternoon.

Mr. President, I commend Senator HELMS for bringing this expeditiously to the Senator floor. I support this nomination. We need to get him in place, get him confirmed, and get on with the job of managing our natural resources so we can, in fact, provide the wood fiber that is so necessary for our American people in the future.

Mr. HELMS. I thank the Senator.

Mr. President, I yield 5 minutes to the distinguished Senator from Oregon (Mr. HATFIELD).

Mr. HATFIELD. Mr. President, I thank the Senator from North Carolina for yielding.

Mr. President, it is my privilege to have the opportunity today to speak in support of John Crowell, President Reagan's choice for the position of Assistant Secretary of Agriculture for Natural Resources and Environment.

I commend the President for making such an outstanding selection for this position.

It is my opinion that in choosing Mr. Crowell, the President has clearly nominated an individual of great character, experience, and capability which qualify the nominee for this most important position. I have every confidence in the judgment of the President in making this choice.

For over a decade, Mr. President, the management of our national forests has been encumbered by ineffective policies and obsolete regulations which have threatened the vitality of our forest resources. In his testimony before the Senate Agriculture Committee, John Crowell very ably identified a number of the major policies which are in dire need of reform.

He has stated his concern with the evenflow nondeclining yield directive which hinders effective management of old growth forests. He has also expressed his interest in seeing that the RPA programs be reexamined to reflect a more progressive forest management program.

John Crowell shares the concerns of many who feel that the wilderness debate and the resolution of RARE II need to be promptly addressed.

Mr. Crowell recognizes that forest management needs to be carried out over a period of many years and needs to gain relief from annual budget changes. He also asserted that these changes be carried out in concert with a program which includes responsible stewardship of our national forest treasures.

The reforms which this nominee has so articulately described are the same as those professed by many of my colleagues here on the Senate floor.

Mr. President, there have in recent weeks been expressions of concern by some of colleagues over the possible involvement of Mr. Crowell in alleged antitrust practices of a subsidiary of the Louisiana Pacific Corp., earlier in the decade. I certainly share the concern of my colleagues with respect to the alleged actions of Ketchikan Pulp Co., earlier in the decade.

I am equally concerned, however, that the Senate not engage in a campaign of guilt by association at the expense of Mr. Crowell. The Senate Agriculture Committee has reviewed evidence dealing with these allegations and has unanimously supported Mr. Crowell's nomination.

In the absence of any clear and convincing evidence linking Mr. Crowell to illegal activity, I believe it would be irresponsible for the Senate to deny President Reagan his choice for Assistant Secretary of Agriculture.

As with any nominee, Mr. President, the Senate, of course, has the responsibility to continue to review any forthcoming information that may bear importantly on Mr. Crowell's qualifications for Federal appointment.

Clearly, it is time for new leadership to progressively direct the operation of our national forest system. Mr. President, the Senate should also take note of the letter to Senator HELMS from Mr. John Schwabe which Senator HELMS has had printed in the RECORD. Mr. Schwabe is a highly reputable lawyer from my State who has some helpful comments which certainly deserve serious consideration.

Hr. HELMS. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota (Mr. BOSCHWITZ).

Mr. BOSCHWITZ. Mr. President, I support the nomination of John Crowell, Jr., of Oregon, to be Assistant Secretary of Agriculture for Natural Resources and Environment. My reasons are very much along the line of those of the distinguished chairman of the Committee on Appropriations (Mr. HATFIELD). I do it with facts and figures rather than discussing the various programs that need to be enhanced.

Mr. President, the National Forest Service manages 191 million acres of land for many uses, including timber production, mining, water production, grazing, recreation, and a number of other uses. Of this 191 million acres, about 89 million acres are commercial forest land. This is approximately 19 percent of the available commercial forest land in the United States, but, nevertheless, contains 50 percent of all the available softwood in the United States. From that 50 percent, Mr. President, we receive only 20 percent of our domestic timber supply.

In contrast, forest industry lands are approximately 13 percent of the available commercial forest lands. This 13 percent of the lands contains 16 percent of the available softwood timber, yet produces 36 percent of our domestic softwood timber harvest.

In other words, Mr. President, 50 percent of the available softwood timber lands managed by the National Forest Service produces only 20 percent of the softwod timber harvest. Yet 13 percent of available supply when it is managed by private industry, actually supplies 36 percent of our domestic softwood timber harvest.

Nonindustrial private lands comprise 60 percent of the available commercial forest lands and produce about 27 percent of the supply. Even these lands, which are not intensively managed, still supply 36 percent of the domestic softwood timber harvest.

That is a lot of figures, Mr. President, but quite clearly, what I intend to say is that, when lands are managed well, they produce and yield more without doing abuse to natural beauty or without doing abuse to the natural resource of timber.

Mr. President, I look upon Mr. Crowell's nomination to this position as an opportunity for the Federal Government to improve its timber resource management. We are bringing into the job somebody who is very familiar with how to manage the resource, how to get the most from the resource, without abusing that natural resource.

In conclusion, Mr. President, I point out that last year the National Forest Service received nearly three quarters of a billion dollars from stumpage from the cutting of timber and approximately 9.2 billion board feet was cut on the Federal lands.

There is no question that in this time of economic scarcity, when we are looking to our Government for every dollar, if we are able to produce more on Government lands, if we are able to harvest intelligently from Government lands, this will improve our overall national position.

So I support a man who comes with the experience to achieve these kinds of ends. That is why I speak in favor of the nomination of John Crowell to be Assistant Secretary of Agriculture for Natural Resources and Environment.

Mr. HART. Mr. President, will the Senator from Vermont yield to me briefly?

Mr. LEAHY. I yield 3 minutes to the Senator from Colorado.

Mr. President, the distinguished minority leader had asked unanimous consent that control of the time allotted to him be put under my control. I ask unanimous consent that the remaining time now be put under the control of the distinguished senior Senator from Massachusetts, for today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. I thank the Senator from Vermont.

Mr. President, I oppose the nomination of Mr. John B. Crowell as Assistant Secretary of Agriculture for Natural Resources and Environment. The confirmation process has left unanswered serious questions about whether Mr. Crowell has the personal integrity necessary for a job of major public trust.

The position to which Mr. Crowell has been nominated is especially important to Colorado and other western States. The person who occupies the post of Assistant Secretary for Natural Resources and Environment will oversee the Forest Service, and in Colorado alone will be responsible for the management of the more than 22 percent of the State which is in the National Forest System. In addition, the person in this position will oversee the Soil Conservation Service and other conservation programs of the department which are important to farmers and ranchers throughout Colorado and the West.

Because this post is so important to Colorado, I have reviewed carefully Mr. Crowell's qualifications for the job. I have gathered and studied the information in the public record about Mr. Crowell. Through the courtesy of the chairman and ranking minority member of the Committee on Agriculture, Nutrition and Forestry, I submitted to Mr. Crowell a list of specific questions, which he has answered.

Throughout my examination of Mr. Crowell's qualifications, I have applied the same criteria for confirmation as I have applied in my review of other Presidential nominations. A President must have considerable leeway in the selection of the people who will serve in the key posts of his administration.

The Senate's constitutional mandate to advise and consent to Presidential nominations does not give each Senator the right to try to impose on the President the Senator's personal judgment about who is best qualified to serve in an office or about what specific policy positions the officer should adopt.

So while I am concerned that Mr. Crowell likely will fail to strike the right balance in his policy and land management decisions—like other administration nominees to natural resource positions, Mr. Crowell shows much more interest in developing the public lands than in preserving them—that concern is not the reason why I have decided to oppose Mr. Crowell's nomination.

Instead, I will follow the more appropriate course of differing with Mr. Crowell on specific policy issues if he makes decisions or adopts policies which I believe are ill-advised.

In deciding how to vote on Mr. Crowell's nomination, I have examined whether he meets the threshold standards for confirmation to a post of major public trust: Whether he has the abilities to perform his job in a responsible and competent fashion, whether he is free from conflicts between his public duties and private interests, and whether he has personal integrity.

No question has been raised about Mr. Crowell's ability to perform his job in a competent fashion. However, deeply disturbing questions have arisen, since Mr. Crowell's nomination was reported by the Agriculture Committee, about the possibility of conflicts of interests and about his personal integrity.

After Mr. Crowell was nominated, and shortly before the Agriculture Committee held its hearing on his confirmation, a U.S. district court in Seattle ruled that the Ketchikan Pulp Co.—a subsidiary of the Louisiana-Pacific Timber Co.—has committed massive violations of Federal antitrust laws during the tenure of Mr. Crowell as general counsel of the Louisiana-Pacific. Details of the case were not available at the time of the confirmation hearing, but several Senators asked Mr. Crowell if he had been involved in any way in the illegal activities.

For example, in the questions I submitted to Mr. Crowell, I asked him:

A Federal court recently fined Louisiana-Pacific $1.5 million for anti-competitive practices, which occurred during your tenure as the company's chief legal officer, relating to the purchase of timber from national forest lands in Alaska. Did you have any role in the activities the court found to be illegal, and if so, what was that role?

In his response, Mr. Crowell said:

I am generally familiar with the cited lawsuit which is a civil anti-trust action for treble damages. My involvement in the case was limited to approving selection made by the President of Ketchikan Pulp Company of defense counsel for the Company and thereafter in receiving status reports from such counsel respecting progress in preparation for defense of the case.

From time to time preceding and during the trial, I participated with such counsel in a number of meetings and telephone conservations involving trial tactics and strategy.

The clear implication of Mr. Crowell's response is that he had no involvement in the activities of the Ketchikan Pulp Co. which were the subject of the lawsuit, and that his association with the matter was strictly limited to assistance in the preparation of the company's legal defense. Based upon this statement and similar statements made by Mr. Crowell, I and other Senators were willing to accept the impression created by Mr. Crowell's statements. Had no new information come to light, I would have voted for Mr. Crowell's nomination.

Since Mr. Crowell's nomination was reported by the Agriculture Committee, however, additional information has become available which raises serious questions about the nature, extent, and legality of Mr. Crowell's involvement in the antitrust and anticompetitive activities of the Ketchikan Pulp Co. This information also raises serious questions about the completeness and accuracy of Mr. Crowell's responses to the questions asked him about this matter.

The new information which has come to light has been thoroughly discussed by Senator KENNEDY, Senator LEAHY, and others of my colleagues. To summarize, this new information includes:

The fact that Mr. Crowell was and is an officer of the Ketchikan Pulp Co., not just an officer of the parent Louisiana-Pacific timber company;

The fact that the Louisiana-Pacific Co. was found by the court to be a co-conspirator in the illegal activities of the Ketchikan Pulp Co.; and,

The fact that Mr. Crowell, according to more than 200 pages of internal company memoranda and documents which were produced at trial, was integrally involved in the management decisions of the Louisiana-Pacific and Ketchikan Pulp Cos., including the decisions of those companies relating to the purchase of timber from the national forests, the acquisition of other mills, and the Forest Service's set-aside of timber sales for small businesses—the matters which formed the basis for the court's conclusion of violations of the antitrust laws.

The information before the Senate is not sufficient to allow a conclusive determination of whether Mr. Crowell's personal involvement in these matters amounted to a knowing participation in the illegal conspiracy. That determination could not be made without the benefit of a full hearing into the matter.

Unfortunately, and disturbingly, the chairman of the Agriculture Committee has refused a reasonable and proper request to convene a new hearing to examine this matter fully. Mr. Crowell himself has repeated his general denials of any involvement in the matter, despite uncontroverted evidence to the contrary.

Mr. President, it is with sincere regret that I find that I am compelled to make my decision on whether Mr. Crowell is qualified to be Assistant Agriculture Secretary while such serious questions have not been thoroughly and properly examined by the Senate.

All parties would have been better served had the Agriculture Committee agreed to hold a new hearing to examine this matter fully, resolving one way or the other the questions about Mr. Crowell's activities. In the absence of that resolution, the unanswered questions about Mr. Crowell's integrity are too disturbing to let me conclude that his qualifications have been adequately demonstrated.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Fifteen minutes and forty-six seconds remain to the Senator from Massachusetts.

Mr. KENNEDY. And how much to the opposition?

The PRESIDING OFFICER. Four minutes and forty-five seconds under the control of the Senator from North Carolina.

Mr. KENNEDY. I yield myself 10 minutes.

Mr. President, during the debate and the discussion of the nomination of Mr. Crowell, a good deal has been made, and rightfully so, about his involvement or lack of involvement in the violations of antitrust laws.

As the Senator from Colorado has pointed out, the relevant statement that Mr. Crowell made—and I will repeat it at this time—is this:

In the month before the trial started last summer, I was involved with the defense counsel in helping to make a number of tactical decisions connected with the handling of the trial of the first case. Beyond that, I have never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiff's claims allegedly arose.

This is a complicated case, Mr. President, but nonetheless I find it overwhelmingly convincing. I wish we had more Members here to listen to this case, but the RECORD will be available to our colleagues. I will try to make this as simple as possible.

Mr. Crowell is general counsel of Louisiana-Pacific Corp. Louisiana-Pacific owns 50 percent of Ketchikan. Crowell is counsel for the Louisiana-Pacific.

In the antitrust case, it was found that Ketchikan and Alaska Lumber violated the antitrust laws and were in an antitrust conspiracy. Ketchikan controlled Alaska Lumber. That is the basic arrangement we must understand. Crowell is the general counsel of Louisiana-Pacific, which was 50 percent owner of Ketchikan, and Ketchikan owns Alaska Timber's mill, which is the smaller timber company.

There is no question of the antitrust conspiracy between these two corporations. There is no question about the fact that Crowell is the general counsel for the parent company. There is no question or dispute about that. Ketchikan and Alaska Lumber violated the antitrust laws, and during that antitrust case, Murdey was mentioned as one of the principal figures.

As the former chairman of the Antitrust Committee, we recognize that, in the decision of antitrust cases, it is not the role of the court to try to name every last official who is making the judgment for antitrust decisions. What they do is make the judgment as to whether there has been a violation of the antitrust laws. That has been the tradition since the beginning of the antitrust laws. For anyone to say that Mr. Crowell is not mentioned in this case makes no difference whatsoever. Nonetheless, because of the factual situation involved, Murdey was mentioned in the case. Mr. Crowell is implicated in seven specific instances of antitrust violations, and I shall mention them and review them very briefly. I did so earlier today, but I want to highlight them.

The key facts are as follows:

First, the court found that there were collusive communications between Ketchikan and Alaska Lumber; that there was collusion between these two companies.

The court also found conversations between Murdey and Crowell, and there is a memorandum to indicate that. This appears in the memorandum, from Murdey to Crowell, which I shall insert in the RECORD:

MAY 2, 1973.

Yesterday Don Finney and I met with Clarence Kramer and Doug Theno of Alaska Lumber & Pulp. They, as we, are extremely concerned as to our present position with the Forest Service relating to log supply.

Prior to this meeting we had already commenced to gather information as to actual cut, past and projected cuts, etc. But, most important, what has happened to the so-called allowable cut. Do we have a contract with the Forest Service or not and so on.

Everybody is concerned as to how soon can we get an audience. Kramer and I have been taking turns attending N.F.P.A. and it's his turn this time. My concern is that I don't feel anything will be gained if Kramer starts the ball rolling while in D.C. unless it is under your direction. This he agrees with.

We plan to continue gathering facts, meet not later than May 10 and are hoping to hear from you by then.

D. L. MURDEY.

Mr. President, if that, as the court itself said, is not a collusive communication which violates the Antitrust Act, I do not know what is, and there is the document right there for the RECORD. Crowell's name is right in that document. Yet he tells the committee that "I have never been involved in the remotest way with any of the occurrences."

Second relevant point: A key finding by the court was the defendant refused to compete.

Now the fact is in the 116 sales over 10 years the Ketchikan and Alaskan Lumber Co. bid against each other three times, and that was over an area that was actually disputed—only three times in 10 years. And Mr. Crowell when he was interviewed by a staff member said that he was aware of this pattern but refused to make any other comment.

That is almost unheard of, almost unheard of in the timber industry.

This is one of the findings that was made by this court against Ketchikan. Crowell was the general counsel for the major corporation whose susbidiary was found in violation of the antitrust law.

The next finding was the elimination of competition.

Ketchikan controls the Alaska Timber Co. by contracts that is referred to in an SBA memorandum which I will make a part of the RECORD.

Crowell admitted administering the contracts which controlled the Alaskan timber. He admits that. And in the questions he says:

My only recollection of discussions in which I participated with it or its attorney took place after the Louisiana-Pacific was formed and concerned the administration of existing contracts.

Just the administration of the contracts.

There was also a key finding by the court that Ketchikan refused to sell logs to Schnabel Lumber. What is the Crowell connection?

The fact of the matter is, Mr. President, the court also cited the use of fronts to keep out potential competitors such as plywood companies.

Crowell advised Merlo who is his executive, that Alaska Timber can be used to keep out competing plywood mills. I will insert this document dated April 14, 1975, in the RECORD at the end of my remarks.

We have a set-aside for small business.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. KENNEDY. Mr. President, I yield myself 3 additional minutes.

This is Mr. Crowell's memoranda to Murdey. These are the relevant words. He said:

Alaska has protection against outsiders coming in to bid sales because of restrictions on exporting logs. It would seem that KPC, Ketchikan, would have wind of such a project in plenty of time to do what would be necessary to qualify ATC as a small business if that seemed at the time to be in KPC's interest.

Signed J. B. Crowell.

In other words, they have the front, Alaska Timber, that can qualify for the set-asides, if there is going to be any new timber company that is coming forward. And who signs that document but Mr. Crowell.

What does Mr. Crowell tell the committee?

I have never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiff's claims allegedly arose.

Mr. President, the Crowell nomination is extremely troubling for two separate and very distinct reasons.

I disagree profoundly with Mr. Crowell on his approach on environmental issues and I will vote against him on that ground alone.

But there is another issue in this nomination that should make every Member of this body reluctant to vote for the nomination. Extremely serious questions have been raised about Mr. Crowell's possible involvement in major antitrust violations arising out of the activities of his company in Alaska.

Those antitrust violations are described in detail in a Federal court decision last March in at least seven specific instances. It appears that Mr. Crowell was implicated in the violations.

I believe that the Senate has a duty before giving its advice and consent to this nomination to conduct a thorough investigation of Mr. Crowell's role in these antitrust violations and until such time as that investigation has been completed I believe the nomination should not be approved by the Senate.

I withhold the remainder of my time.

The PRESIDING OFFICER (Mr. ABDNOR), Who yields time?

If neither side yields time, time shall run equally against both sides.

Mr. KENNEDY. Mr. President, on my time I would be interested to see whether the prime sponsor of the nomination, Mr. HELMS, is going to give the Senate

any explanation of these memorandums prior to the time we are going to vote.

I see him in the Chamber now. He is the prime sponsor. He may use my time for the response, and I realize my time is running while we are waiting for the Senator from North Carolina.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I was waiting for a response, but since I do not seem to hear any response from the prime sponsor of the nomination, I think the record will indicate that those who support the nomination have been unable or unwilling to give a response to those memoranda which in a very important and serious way I think contradicts the statements that Mr. Crowell made to the Agriculture Committee.

Mr. President, I ask unanimous consent that certain additional materials be printed in the RECORD:

The "Dear Colleague," sent by Senator LEAHY and myself; my letter to John B. Crowell, "Questions to Mr. Crowell," and Mr. Crowell's responses; a summary of the key findings of the court and Mr. Crowell's involvement in them; summaries and copies of the most important documents; and key question and answers about this nomination.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 18, 1981.

DEAR COLLEAGUE: The Senate will vote on the nomination of John Crowell to be Assistant Secretary of Agriculture for Natural Resources and Environment at noon on May 20. We are writing to ask you to join us in opposing his nomination.

New information raising serious questions about the nominee's fitness for this post has come to light since he was approved by the Agriculture, Nutrition and Forestry Committee on April 1. The nominee has stated that he was never involved in the "remotest way" in anti-competitive activities of his former employer, Louisiana-Pacific, and its wholly owned subsidiary Ketchikan Pulp Company (KPC). However, documents have become available that show that Mr. Crowell was aware of and involved in material facts which formed the basis of violations of antitrust laws recently cited by a Federal Court in Seattle. (Reid Brothers Logging Company v. Ketchikan Pulp Company and Alaska Lumber and Pulp Company.)

Moreover, in a letter to the Chairman of the Committee, in conversations with Committee members, and in his Financial Disclosure Statement Mr. Crowell has failed to inform the Senate as to the role he played in KPC's antitrust violations while he was General Counsel of Louisiana-Pacific.

An initial review of the court's documents has produced substantial evidence that Mr. Crowell was aware of the involved in the anti-competitive practices of KPC. (See Page S5097 of the May 14 Congressional Record for an explanation and copies of some of the documents uncovered to date.)

We believe it would be a serious mistake for the Senate to confirm Mr. Crowell to be the head of our national forests until his role in the anti-competitive violations of Louisiana-Pacific and its subsidiary, is fully clarified by him on the record and under oath.

Please contact us if you would like to assist us in opposing the nomination or want more information, or have your staff contact Jim Cuble at 4-2993 (Senator Kennedy) or Ken Pierce at 4-4242 (Senator Leahy).

Sincerely,

EDWARD M. KENNEDY.
PATRICK J. LEAHY.

U.S. SENATE,
Washington, D.C., May 18, 1981.

Mr. JOHN B. CROWELL,
Assistant Secretary Designate for Natural Resources and Environment, Department of Agriculture, Washington, D.C.

DEAR MR. CROWELL: As you know, I have concerns about your nomination as Assistant Secretary of Agriculture for Environment and Natural Resources. Some of these concerns derive from your environmental views, which were discussed at the hearing before the Senate Agriculture Committee. I have also been involved in efforts to correct anti-competitive timber bidding practices for a number of years.

After the Agriculture Committee reported out your nomination, a Federal District Court in Seattle ruled that Louisiana-Ketchikan Pulp Company (KPC)—a wholly owned subsidiary of Louisiana Pacific—has engaged in serious anti-competitive activities. In her decision, the judge described the evidence against KPC as "overwhelming." The judge's preliminary findings of fact state that both Georgia-Pacific (G-P) and Louisiana-Pacific (L-P) were coconspirators in the case.

I have seen the letter you have provided the Senate Agriculture Committee explaining your role in the Seattle case. However, in light of informal discussions at the staff level, and the seriousness of the judicial findings, I would very much appreciate it if you would answer the attached questions concerning your responsibility for antitrust activities with Georgia-Pacific and Louisiana-Pacific.

Sincerely yours,

EDWARD M. KENNEDY.

QUESTIONS FOR JOHN CROWELL

(1) As Assistant Secretary for Environment and Natural Resources, do you agree that Section 14 of the National Forest Management Act (NFMA) you will ensure that Forest Service sales take place in a manner that protects competition in the timber business?

(2) As an attorney with G-P and with L-P were you one of the in-house experts on antitrust matters? Have you described yourself as the "in-house savant" on antitrust matters?

(3) Were you responsible for preparing or approving the antitrust sections of the business practices manuals for G-P or L-P?

(4) As an attorney for G-P or L-P, did you arrange antitrust classes for the employees of one or both of these companies?

(5) As an attorney for G-P and L-P were you involved in acquisition matters?

(6) With regard to acquisitions, is it correct, as you have stated, that, as an attorney, you "did a lot in the first years" when the corporations was "buying up small companies?"

(7) Did you have a duty as a member of the bar to advise the corporation for which you were an attorney or general counsel, to refrain from engaging in activities which were anti-competitive or which might violate the antitrust laws of the United States?

Since you will have responsibility under the NFMA to prevent anti-competitive practices, the extent of your knowledge of the practices which the court found in violation of the antitrust laws is an important indication of your ability and willingness to carry out that responsibility. The following questions are addressed to this issue:

(8) In your letter of May 5, 1981, to the Chairman of the Senate Agriculture Committee you stated that beyond tactical trial matters, "I have never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs', claims allegedly arose." Is that statement correct?

(9) The plaintiffs in the Seattle case alleged that:

"The defendants further eliminated mill competition by systematically acquiring ownership or control of the sawmills in southeast Alaska, and by expanding their own operations."

The court determined in its preliminary findings of fact that this allegation was correct. Four of these acquisitions involved G-P, L-P, or KPC. At that time, KPC was either half-owned or wholly-owned by G-P or L-P. With respect to these acquisitions:

(a) Were you aware of the acquisition of Alaska Prince Company by KPC?

(b) Were you aware of the acquisition of Ketchikan Spruce Mills by G-P?

(c) Were you aware of the acquisition of the Alaska Timber Corporation (Ed Head) by KPC?

(d) In Section X(A)(13-16) of the court's findings, the court states that KPC's refusal to sell logs to Schnabel was one of the facts establishing that the defendants had systematically eliminated competing saw mills in southeast Alaska. Have you stated that you "went up to Ketchikan and talked with Schnabel" about "whether to buy logs or sell plant to KPC?"

(e) The plaintiffs alleged that KPC forced Ed Head of Alaska Timber Corporation—by interfering with his financing arrangements—to enter into an arrangement by which KPC assisted him in obtaining financing in return for transferring ownership of the mill to KPC. The court, in Section X(A)(17-19), included the assistance to Ed Head and the takeover of Ed Head's mill as one of the facts establishing a systematic elimination of competing saw mills. Were you aware of KPC's "assistance" to Ed Head and KPC's takeover of Ed Head's mill?

(10) In Section VIII(B)(11), the court found that the fact that KPC and Alaska Lumber and Pulp (ALP) seldom bid against each other was part of the proof that the defendents had acted in concert in refusing to compete against each other. Were you aware that the defendents seldom bid against each other?

(11) In light of your responsibility for antitrust matters within G-P and L-P, and your knowledge of facts which the court judged were material facts establishing a violation of the antitrust laws, what action did you take to prevent these activities or other activities which the court found violated the antitrust laws?

(12) In light of your awareness of these four acquisitions, and especially of the particular matters that forced the acquisitions of Alaska Timber Corporation (Ed Head) and Schnabel, is your statement that "I have never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose" correct?

(13) Because of questions rainsed about the Seattle case, you wrote in your letter of May 5, 1981, to the Chairman of the Senate Agriculture Committee that "it is appropriate, therefore, that any personal connection to that case be fully explained." Why did you not explain in that letter that you have been Assistant Secretary of KPC for a number of years?

(14) Will you make all documents signed as Assistant Secretary of KPC available?

(15) You have stated that your role as Assistant Secretary of KPC was "just a ministerial function." Have you been involved in multimillion dollar consent decree nego-

tiations involving KPC and the Environmental Protection Administration?

(16) Have you been involved in preparing contracts for the sale of KPC timber to Japanese buyers?

(17) Have you been involved in KPC discussions with Ed Head relating to whether financial assistance would be provided to him, and whether his mill would be acquired?

(18) Have you been involved in chemical supply negotiations for KPC?

(19) Have you been involved in conversations with Schnabel and KPC executives relating to whether Schnabel would buy KPC logs or be forced to sell out?

(20) Do you consider the matters described in questions 15–19 ministerial?

(21) Were the activities described in questions 15–19 the only non-ministerial activities in which you were involved relating to KPC?

(22) Were you aware of any of the other events which the court used to make its finding that KPC had violated the antitrust laws? If you are, when did you become aware of these facts?

In your recusal on the small business set aside program, you established a standard by which the breadth of your recusals should be judged. As General Counsel of L–P you strongly attacked a Forest Service Program which set aside certain timber sales for small loggers. In your statement of March 11, 1981, you recused yourself from "involvement in all matters" related to this program "because of concerns expressed by the small business community . . . based upon my prior partisan representation of large business to cause amendments to this program."

(23) You have called the RARE II wilderness designation process "particularly ill-conceived." Will you recuse yourself from RARE II matters?

(24) You have described wilderness advocates as "a surprisingly small band of devotees . . . who have won an impressive number of converts for reasons best left to explanation of sociologists, psychologists, and theologians." Will you rescue yourself from wilderness matters?

(25) You have expressed strong opposition to certain National Forest Management Act regulations as Chairman of the National Forest Products Association's Task Group on these regulations. Will you recuse yourself from unresolved matters in these regulations?

(26) You have described the present Forest Service policy on 'non-declining even-flow' timber harvestry as "ludicrous." Will you recuse yourself from all matters related to this policy?

(27) You have stated that the small loggers represent an interest group which could have stopped your nomination from being offered. Is it correct that you recused yourself from the small business set aside program as part of a deal to obtain the nomination?

(28) Section 506(a)(5) of the Alaska National Interest Lands Conservation Act of 1980 authorizes Kootznoowoo, Inc., the Alaska Native village corporation for Angoon, Alaska, to acquire rights to certain lands on Prince of Wales Island under contract to KPC for contingency timber sales. Recent press reports in Alaska quote KPC executives as stating that KPC will file a lawsuit challenging the legality of this statutory provision.

(a) Have you had any discussions with any employee, agent or representative of L-P, KPC, or the United States Department of Agriculture with regard to this statutory provision, the land selection rights of Kootznoowoo, Inc., or the lawsuit which has been proposed by representatives of KPC? If so, please give details.

(b) If a lawsuit is filed by KPC over this issue, will you recuse yourself from any involvement in the matter?

DEPARTMENT OF AGRICULTURE,
Washington, D.C. May, 13, 1981.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I am pleased to provide herewith responses to the questions which you asked of me in writing on May 11, 1981.

For the convenience of the reader, I am attaching a set of your questions.

Sincerely,

JOHN B. CROWELL, JR.,
Assistant Secretary-Designate for Natural Resources and Environment.

ANSWERS BY JOHN B. CROWELL, JR., TO QUESTIONS PROPOSED BY SENATOR KENNEDY ON MAY 11, 1981

MAY 13, 1981.

No. 1. The question, as written, appears to have omitted an essential word or phrase.

I agree that section 14(e) of the National Forest Management Act requires the Secretary of Agriculture (and would require me as an Assistant Secretary) to take action to obviate collusive practices in bidding for forest products from National Forest lands, to establish adequate monitoring systems to identify patterns of noncompetitive bidding, and to require that a report of instances of collusive practices or patterns of non-competitive bidding be submitted to the Attorney General with supporting data.

I fully intend faithfully to execute the law.

No. 2. As an attorney for Georgia Pacific Corporation (GP) and as general counsel for Louisiana Pacific Corporation (LP), I was the lawyer who generally dealt with questions and concerns involving antitrust matters. I have stated that I was regarded by members in first one and then the other of the legal departments as their "incipient savant" on antitrust matters . . . meaning that the department might one day have an expert on antitrust matters if I worked at it long enough.

No. 3. While I was employed by GP, I initially prepared the section dealing with antitrust compliance for the periodic revisions to the corporation's Operating Policy Manual; suggestions for inclusion or for editing were sometimes provided by others on the GP legal staff. After becoming general counsel to LP, I similarly prepared the antitrust compliance section of the comparable LP manual.

No. 4. I did from time to time participate in training meetings for employees, where my part was to describe the antitrust laws and to instruct on how potential antitrust problems might be recognized and how they should be guarded against so that at all times company officers and employees would adhere to and comply with both the spirit and letter of the antitrust laws.

No. 5. I did the legal work in connection with a considerable number of small acquisitions, both by GP in the late 1960's and by LP in 1973 and 1974.

No. 6. LP was spun off from GP on January 5, 1973. In the next two years, LP acquired a number of mills; a considerable amount of my time was occupied in performing the legal work connected with those acquisitions.

No. 7. Most certainly.

No. 8. Yes.

No. 9. (a) The acquisition of the Metlakatla, Alaska, sawmill from Alaska Prince Company by KPC (then half-owned by GP) occurred some time prior to January 5, 1973. I did none of the work on the transaction and am not sure at this date whether I was even aware of the transaction or what it entailed at the time it was being carried out.

(b) Ketchikan Spruce Mills, whose principal asset was a sawmill at Ketchikan, was acquired by KPC, then a half-owned subsidiary of GP, at some time in the latter 1960's. I did no work on the transaction, but was aware that it was being conducted.

(c) Alaska Timber Corporation has never been owned by KPC and has operated the mill at Klawock ever since construction of the mill was completed in approximately mid-1973.

(d) On May 5, 1981, I stated to two of Senator Kennedy's staff persons that I recall having attended, as an attorney for LP, a meeting between LP's Chairman of the Board and John Schnabel. Schnabel was asking LP to consider purchasing the Schnabel mill at Haines. I do not recall that the meeting involved a discussion about possible sale of logs from KPC to Schnabel, but it may have. I had no substantive part in the meeting and was present only to be able to prepare a contract if the meeting resulted in an agreement. So far as I know, the Schnabel mill at Haines is still being operated by John Schnabel.

(e) KPC has not been involved in a "takeover" of Alaska Timber Corporation's (Ed Head's) mill. So far as I know the mill at Klawock, Alaska, is still owned and operated by Alaska Timber Corporation and Ed Head. I have known that Alaska Timber Corporation and KPC have had various contracts between them ever since the mill at Klawock was contemplated for construction in approximately 1971 or 1972. It is my recollection that KPC helped Head to finance the mill after it had been partly constructed and he was out of cash; KPC bought the mill, paid for it, and leased it back on a long-term lease with option for Head to re-purchase it. Head used the payment to finish construction. The re-purchase option is very favorable to Head. Alaska Timber Corporation and Ed Head are not plaintiffs in the antitrust legislation.

No. 10. I have no idea how frequently or infrequently KPC and ALP bid against each other on Forest Service timber sales, but I assume such bidding was uncommon because the mills of the two companies are widely separated geographically. Each would be at an economic disadvantage in attempting to bid a timber sale located closer to the mill of the other than to its own mill.

No. 11. I never had any knowledge of facts which would have led me to conclude that KPC might be in violation of the antitrust laws. As general counsel I stressed, at every opportunity possible, the ethical and legal necessity to avoid any action which could be or could appear to be in violation of the antitrust laws.

No. 12. KPC never acquired either Alaska Timber Corporation or the John Schnabel mill. My awareness that the other two acquisitions occurred does not involve me in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose.

No. 13. I did not become an assistant secretary of KPC until November 1, 1976, which was approximately two years after the date the plaintiffs' antitrust claims were filed and was more than two years after the last occurrence which plaintiffs asserted as a basis for their claims against KPC. Even had I been an assistant secretary to KPC at an earlier date, my connection to the operative facts upon which plaintiffs base their claims would have been no closer than it was as an attorney for GP and as general counsel for LP.

No. 14. Whatever documents I signed after November 1, 1976, in my capacity as assistant secretary of KPC, are not in my possession. I now have no right or authority over any such documents.

No. 15. I was involved during 1975 and 1976 in my capacity as general counsel for LP, which owned half the stock in KPC, in helping to resolve the long-standing dispute between the Environmental Protection Agency and KPC. Formal settlement of that dispute between KPC and EPA occurred on November 1, 1976, which was the same day LP acquired the other half of KPC's outstanding stock from FMC Corporation. That

was also the date I became an assistant secretary of KPC. The KPC–EPA settlement was incorporated into a consent decree which became final in approximately March or April of 1977 upon being approved by the United States District Court for Alaska.

No. 16. I never prepared any contracts for sale of timber by KPC. I did on several occasions act as attorney in the preparation of contracts with Japanese buyers for sale by KPC of cants manufactured from logs.

No. 17. My only recollection of discussions in which I participated with Ed Head or his attorney took place after LP was formed and concerned the administration of existing contracts between KPC and his company, Alaska Timber Corporation, which another attorney for GP had prepared some time before the spin-off of LP and GP. One of the contracts called for logs to be delivered by KPC to Alaska Timber Corporation at a price to be agreed upon; I was involved with discussions with Head's attorney on several occasions as to how disputes over the price payable for logs might be resolved. I was also involved in a series of discussions at an earlier time with Head or his attorney about amending one of the contracts so that Head could qualify as a small business.

No. 18. One of the terms upon which LP agreed to buy and FMC agreed to sell 50 percent of the stock interest in KPC on November 1, 1976, was that a 5-year contract be entered into between FMC and KPC for the sale by FMC of chlorine and caustic soda to KPC. An attorney for FMC and I worked out the wording of the contract.

No. 19. My only involvement in a negotiation between John Schnabel and executives of KPC or LP was the instance described in 9(d) above where I stated (a) John Schnabel still operates his mill and (b) that I do not recall any discussion about purchase by Schnabel of logs from KPC.

No. 20. In the matters described in questions 15 thru 10, I was acting in my capacity as general counsel of LP. All except the execution of the settlement agreement with EPA occurred prior to November 1, 1976, the date upon which I was appointed an assistant secretary of KPC. That appointment was made by the Board of Directors of KPC immediately after LP had acquired 100 percent ownership of KPC and had elected its own directors for KPC. The appointment by the board of directors was made only minutes before I exercised my new capacity as an assistant secretary of KPC to affix the KPC seal to the documents evidencing the settlement with EPA. My role as an assistant secretary for KPC was only a ministerial function.

No. 21. No. For example, in 1979 and 1980 as general counsel for LP, the sole owner of KPC, I participated in negotiations with EPA concerning a potential amendment to the consent decree and concerning terms of a renewed National Pollution Discharge Elimination System permit for KPC's Ketchikan pulp mill. Earlier, as general counsel for LP, then a half-owner of KPC, I participated in arranging for defense of the antitrust claims brought by the five plaintiffs which are in part the subject of the Seattle Federal District Court case. Before that I had brought to the attention of Forest Service officials in Washington KPC's concerns about the decrease in volumes of timber being offered for sale in Alaska.

No. 22. Since February 12, 1981, the date I was nominated as an Assistant Secretary of Agriculture, I have attempted to avoid any potential conflict of interest and have been insulating myself from any matters which might potentially involve KPC or LP and the Forest Service. I have not read the court's proposed findings of facts and conclusions of law which were issued after that date; thus I am not aware of the findings and conclusions.

No. 23. I regard RARE II as having been "particularly ill-conceived" because it took the roadless area review for possible wilderness designations out of the land planning process contemplated by the National Forest Management Act and escalated it to consideration ahead of all other potential uses of the roadless areas. RARE II is now an accomplished fact, which does not detract from any opinion that it was ill-conceived. I will not recuse myself from RARE II matters.

No. 24. The incomplete quotation in question 24 is extracted from a paper I delivered to the Society of American Foresters Annual Meeting in Spokane, Washington, on October 6, 1980. A copy is attached hereto for ready reference. A major conclusion of the paper was that wilderness advocates have had a pervasive influence on national forest policy. That conclusion does not support an inference that I am opposed to all wilderness designations or to some additional wilderness designations in the future.

I will not recuse myself from wilderness matters.

No. 25. My position with respect to the views stated by the National Forest Products Association on the regulations pertaining to the National Forest Management Act are set out in my responses to questions 15 and 16 addressed to me by Senator Huddleston and are part of the record in my confirmation hearing before the Senate Committee on Agriculture, Nutrition, and Forestry.

I will not recuse myself from any unresolved matters in connection with the National Forest Management Act regulations.

No. 26. It is important to note that I have been critical of the present Forest Service policy of non-declining even-flow only with respect to timber harvest scheduling for old growth timber. Reference to the attached speech will confirm this assertion. The non-declining even-flow policy makes sense when it is applied to an understocked young forest or to a forest which is in a fully managed state containing an even distribution of age classes of timber.

I will not recuse myself from matters relating to application of the non-declining even-flow policy.

No. 27. I recused myself from matters connected with the small business timber sale set-aside program because had I not done so, support for my nomination from the small business sector of the forest products industry would not have been unanimous. There was no "deal" involved, and I believe the position I have taken is fully justified.

No. 28. (a) After enactment of the Alaska National Interest Lands Conservation Act of 1980, I did discuss section 506(a)(5) on a number of occasions, either with representatives of LP and KPC or with outside counsel who had worked on the legislation. The conversations involved efforts to analyze the significance of section 506(a)(5) and were not directed toward consideration of whether or not a law suit might eventually be filed. Such conversations all took place prior to February 12, 1981. Since February 12, 1981, I have discussed with top managers in the Forest Service a number of potential problems arising from the Alaska lands legislation, and I have specifically pointed out that the problem of the Kootznoowoo selection rights is a subject on which I cannot and will not have any involvement.

(b) Certainly I would recuse myself from any involvement in a law suit filed by KPC over this issue.

SUMMARY OF COURT FINDINGS

COLLUSIVE COMMUNICATIONS

Key fact: Court cited business conversation between Murdey and Crowell about "log supply".

Crowell connection: Crowell is told of Murdey (Ketchikan) and Kramer (Alaska lumber) discussing "log supply".

REFUSAL TO COMPETE

Key fact: In 116 sales over 10 years, Ketchikan and Alaskan Lumber only bid against each other 3 times.

Crowell connection: Crowell admits in interview he is aware of this pattern.

ELIMINATE COMPETITION

Key fact:

(1) Ketchikan controlled Alaska Timber by contracts.

(2) Ketchikan refused to sell logs to Schnabel Lumber.

Crowell connection:

(1) Crowell admits "administering" contracts which controlled Alaska Timber.

(2) Crowell admits involvement in the Schnabel negotiations.

USE FRONTS TO STOP COMPETITORS

Key fact: Court cited use of fronts to keep out potential competitors such as plywood companies.

Crowell connection: Crowell advises Merlo (his executive) that Alaska Timber can be used to keep out competing plywood mills.

Relevant court finding:

(1) Defendants shared business information—citing Murdey (KPC) - Kramer conversation about "log supply" (section VII, 15).

(2) Defendants used trade associations for communication (section VII, 16).

Key points of document:

(1) Crowell is told by Murdey (KPC) in this document that Ketchikan executives and Alaska Lumber executives are sharing just the kind of information the court cited.

(2) Crowell is told of the close relationship of the defendants in trade association matters.

Summary: Crowell was aware of a pattern of collusive communications that would be a red flag to any lawyer—yet did nothing.

ATTACHMENT A

MAY 2, 1973.

JOHN CROWELL,
D. L. MURDEY.

Yesterday Don Finney and I met with Clarence Kramer and Doug Theno of Alaska Lumber & Pulp. They, as we, are extremely concerned as to our present position with the Forest Service relating to log supply.

Prior to this meeting we had already commenced to gather information as to actual cut, past and projected cuts, etc. But, most important, what has happened to the so-called allowable cut. Do we have a contract with the Forest Service or not and so on.

Everybody is concerned as to how soon can we get an audience. Kramer and I have been taking turns attending N.F.P.A. and it's his turn this time. My concern is that I don't feel anything will be gained if Kramer starts the ball rolling while in D.C. unless it is under your direction. This he agrees with.

We plan to continue gathering facts, meet not later than May 10 and are hoping to hear from you by then.

D. L. MURDEY.

CROWELL-MERLO—KEEP COMPETITION OUT

RELEVANT COURT FINDINGS

(1) The defendants used fronts to keep competing plywood mills from getting established.

RELEVANT PLAINTIFFS CONTENTION

(1) The plaintiffs specifically cited Ketchikan's qualification of Alaska timber as a small business in section X–14 of the plaintiffs' brief.

KEY POINTS OF DOCUMENT

(1) Crowell is recommending the Alaska Timber (ATC) could be used as a bidder to keep potential competitors—such as plywood co-ops, out of southeast Alaska.

ATTACHMENT C

LOUISIANA-PACIFIC CORP.,
April 14, 1975.

To: H. A. Herlo.
Subject: Alaska Timber Corporation, Qualification as Small Business.

So that you can have some facts about the matter in front of you when Ed Head comes in, please be apprised of the following:

The small busines base share on the entire Tongass National Forest is 6.4 percent, excluding long-term sales. In the last four years, the Tongass has sold approximately 291 MMBF in independent sales, which would mean that 18.6 MMBF would be guaranteed to small business. Small businesses actually have bought 90 MMBF. Thus under the workings of the set-aside program, small business is 72 MMBF ahead and if the small business set-aside regulations are strictly followed, there would be no set-asides for considerable time to come. None are scheduled on the Tongass as set-asides in remaining 1975.

A substantial volume of the sales purchased by small business have been purchased by ATC. The 18 MMBF Craig A-frame sale, which was a set-aside, and the 35 MMBF Sore Finger Bay sale, which was a set-aside and which expired without having been cut and which is now in litigation, both were purchased by ATC. Open sales purchased by ATC were Devil's Club, which was advertised as a 44 MMBF sale but which was modified to 27 MMBF for environmental reasons; similarly the Cedar Point sale of 4 MMBF was modified to 2 MMBF.

There are three or four small sawmills which process mostly cedar, and which are largely supplied by KPC. They handle only 3 or 4 MMBF annually each. Mitkoff Lumber Co. in Petersburg has a capacity of 6 MMBF, but does not acquire logs from KPC.

All sales purchased by small business tend to preserve or to enlarge the base share for the next calculation period. It is in KPC's interest to keep the base share as low as possible.

Primary agitation for small business set-asides on the Tongass at the present time seems to be emanating from ATC. Alaska has protection against outsiders coming in bidding sales because of the restriction on exporting logs abroad or to the lower '48. Any plywood co-ops or association of cooperatives who bought a sale in Alaska would have to have committed to build a green end for processing the veneer. It would seem KPC would have wind of such pro'ect in plenty of time to do what might be necessary to qualify ATC as a small business if that seemed at the time to be in KPC's interests.

JOHN B. CROWELL, Jr.

HEAD-FLANNAGAN: LOUISIANA PACIFIC LEGAL STAFF INVOLVEMENT

KEY POINT

Establishes that Louisiana Pacific's legal staff—of which Mr. Crowell was general counsel was aware of the Ketchikan-Alaska timber collusive relationship, and involved in administering that relationship.

ATTACHMENT E

ALASKA TIMBER CORP.,
Klawock, Alaska, February 6, 1975.

THOMAS FLANNAGAN,
President, Ketchikan Pulp Co.,
Ketchikan, Alaska.

DEAR TOM: The Forest Service has protested our status as a small business for set aside timber sales and S.B.A. has subsequently determined that we are other than a small business.

There are supposed to be several set aside sales coming up in four or five months and we want to be able to bid them. We want to refile for a small business size determination as soon as we can get together the items requested by the S.B.A. and have them reviewed by an attorney.

Enclosed are copies of a letter from S.B.A., a letter from Harry Henke, Jr.—Attorney and an S.B.A. Memo. The main points covered by the protest and subsequent determination were:

(1) Ketchikan Pulp Company claiming Alaska Timber Corporation as a subsidiary or affiliate.

(2) The agreements between Ketchikan Pulp Company and Alaska Timber Corporation of April 27, 1973 entitled "Log Sale Contract" and "Sales Agreement".

We have written to Louisiana-Pacific requesting their legal staff examine the various contracts and make recommendations of how to correct the agreements so that we will be "legal" for S.B.A. size determination.

We would like to obtain from you, a letter to S.B.A. to file with the application stating we are not an affiliate or subsidiary of Ketchikan Pulp Company.

Louisiana-Pacific and their attorneys are going to revise the contracts listed in item 2.

Please send this letter to us so it can be submitted through our attorney.

Sincerely,

EDWARD E. HEAD,
President.

MASON-VAN ARSDALE MEMO: COLLUSION TO THWART SET-ASIDE

RELEVANT COURT FINDINGS

(1) Ketchikan controlled Alaska Timber Company (ATC) as part of conspiracy to control competitors (section X: 17–19).

(2) Defendants used fronts for preclusive bidding (XI–10).

RELEVANT PLAINTIFFS CONTENTION

(1) The plaintiffs cited collusive use of ATC. (Section X–14).

KEY POINTS OF DOCUMENT

(1) Ketchikan controlled ATC.

(2) The log sale contract required ATC to engage in preclusive bidding by bidding 2½ to three times the current value of stumpage.

(3) Ketchikan's contract with ATC, according to the SBA "clearly . . . spells collusion between the two entities to thwart the (small business) set aside program and even in the purchase of national forest timber."

ATTACHMENT D

SMALL BUSINESS ADMINISTRATION,
Seattle, Wash., September 16, 1974.

Reply to Arthur L. Mason—Industrial Specialist (Forestry).
Attention of SBA Seattle Region X (POD).
Subject Alaska Timber Corporation (ATC) Affiliation with Ketchikan Pulp Company and Ketchikan Spruce Mill.
To Gene VanArsdale, Chief, Prime Contracts & Property Sales Division, OPA Washington, D.C.

We have recently been requested by the Forest Service in Region 10 to review the size of Alaska Timber Corporation (ATC) of Klawock, Alaska. Region X, SBA, conducted a size determination early calendar year 1973 and determined ATC small. A loan lease guarantee was made by SBA sometime in June 1973. The owner of the Alaska Timber Corporation plant is Ketchikan Spruce Mills which is a wholly owned subsidiary of Louisiana Pacific Corporation. The plant is leased to Ed Head (ATC) for a ten year period ending in April 23, 1983 with an option to renew the lease. This lease guarantee, the ownership and affiliation of ATC with KSM and Ketchikan Pulp Company (KPC) is known to the Forest Service and to all industry in Southeast Alaska. They all contend and accept the affiliation and control by KPC on face evidence.

The lease guarantee was prepared in Seattle with the files now resting in the SBA district office in Anchorage, Alaska. It has been mentioned in previous correspondence that I felt the answer to the size of ATC lay in the files. Incidental to a scheduled trip to Anchorage to visit with the Chugach N.F. staff, arrangements were made for me to review those files.

The lease guarantee itself contains sufficient "whereas" and "now therefores" to impress me of it's legal significance. There are two signed original documents enclosed with this guarantee that surprised me. One is a Log Sale Contract between KPC and ATC; the other is a Sales Agreement between KPC and ATC. These are lengthy documents that serve to attest to the security of the loan lease guarantee. My surprise is not only of the contents of these agreements but why these are in SBA files. It would have been sufficient to have a simple letter from KPC displaying their intent to furnish needed raw material to ATC.

The Log Sale Contract states that KPC will furnish 500,000,000 board feet to ATC through the ten year lease at a price of $90 per MBF delivered to Klawock for single shift production and $105 per MBF for a double shift production. The price will vary periodically based on production and stumpage costs. These prices are established as of April 27, 1973.

There is this provision in the "Log Sale Contract":

Sale of logs (Brief description identifying ATC as the "Buyer" and KPC as the "Seller".)

"Buyer shall use its best endeavors to obtain Small Business designated timber sales from lands located in Southeastern Alaska during the term of this contract. 'Best endeavors' as this term applies to buyer in this paragraph, shall obligate the buyer to bid on all Small Business timber sale offerings in Southeast Alaska made during term of this contract. All such bids must at least be in such amounts as would leave the buyer with a overall profit margin, if buyer was the successful bidder, at least equal to that enjoyed by buyer through utilization of logs sold buyer under terms of this contract. If buyer fails to bid on or loses a sale without bidding the price above stated, seller shall be entitled to deduct the ten year volume called under this contract by the total volume estimated of the lost sale, and reduce its monthly delivery obligations in like proportions. Any timber sale in fact logged by buyer shall reduce the ten year volume called for under this contract by the total volume logged and reduce sellers monthly obligation in like proportion."

There are these pertinent provisions in the "Sales Agreement":

1. Sale: ATC sells and KPC purchases all of the volume and species of all logs produced at the timber sales.

2. Purchase Price: The purchase price for the logs sold by ATC to KPC under this contract shall be the assumption by KPC of all costs and obligations of performance of the timber sale contract, less any refunds otherwise due ATC upon completion of the Timber Sale contract from the Forest Service.

3. Equivalent Volumes: ATC shall be entitled to purchase from KPC camprun hemlock sawlogs in total net scale volume equivalent to the total net scale volume (regardless of species) produced by timber sale and sold to KPC under this contract. The right to purchase must be exercised with the terms of the log sale contract described in recital D attached hereto as exhibit A, and to the extent that ATC exercises its rights of purchase, it may call for delivery of in excess of 8,000,000 board feet per calendar year. All terms and condition of purchase, other than stated herein, shall be as stated in said "Log Sale contract".

(Note: the above is copied from my form of "shorthand" of notes taken at Anchorage. A word or two may be misplaced, a coma left out, etc., but the meaning and impact is clear.)

The above two excerpts form the described documents mean:

1. ATC is obligated to purchase set-aside sales or face like reduction in volume from KPC. The price ATC can bid is predicated on log price determined by KPC. For the period involved (April 1973) this provides a price that ATC must bid, with 10 percent profit, at about $20.00 above the then current stumpage rate.

2. If ATC buys a set-aside sale they are to sell all of the logs to KPC who will (and is) log the sales, pay the stumpage at no risk or effort by ATC and then will increase the contract volume commitment to ATC by like amount.

3. If ATC decides to log a sale the volume it logs is deducted from the ten year obligation. If KPC logs the sale ATC gains an equivalent volume over and above the ten year obligation.

Clearly these actions spell collusion between the two entities to thwart the set-aside program and even in the purchase of National Forest timber.

ATC is under the control of KPC and KSM in so far as log purchases are concerned and obviously represents other than small business.

There is no fault, as I can see, in the lease guarantee agreement, per se, other than a disregard of other conditions that relate to the regulations pertaining to timber. (This lease guarantee was formed with the two documents cited at a time when Bill Tinney was in the process of retiring and prior to my filling the position. Had either of us had timely knowledge of these documents our recommendations would have been voiced.)

The Anchorage files didn't show, or I didn't find, the disposition of the cants and chips by ATC. ATC is considered a subsidiary by KPC in their public information pamphlets. I am told that KPC markets the output of ATC.

Considering the change in ownership of the mill, it is essential that we reexamine the size status of ATC. This should be done yet this fall. It is anticipated that there will be significant set-aside volume late this or next period. Further, ATC is operating on a portion (25 percent) of a set-aside sale. (Their sale is involved with some Indian claims that ties up 75 percent of the area of the sale for the time being. This should be resolved in December 1974.)

ARTHUR L. MASON,
Industrial Specialist (Forestry).

PEARSON-MURDEY—CROWELL INVOLVEMENT IN SCHNABEL TAKEOVER

RELEVANT COURT FINDING

(1) The defendants systematically eliminated competition by controlling mills or acquiring them.

(2) The Schnabel mill was under Alaska Lumber's control.

(3) Schnabel could have become independent if it could have obtained a log supply. Ketchikan could have sold it logs, but refused.

(4) Ketchikan considered buying Schnabel's mill, thereby eliminating it as a competitor.

KEY POINT OF DOCUMENTS

(1) Shows Crowell involved in financial aspects of a proposed purchase of Schnabel's mill.

ATTACHMENT B

KETCHIKAN PULP CO.,
Ketchikan, December 4, 1972.

To: Mr. D. L. Murdey.
From: D. A. Pearson.
Subject: Schnabel Lumber Co. Acquisition.

John Crowell's letter of November 7 about Schnabel's assets indicated a value of $2,638,000 on the mill. This asset value included the veneer plant, but did not make allowance for accrued depreciations since June, 1970 to date. Enclosed is copy of a memo I have written Harry, dated November 20, attempting to calculate the true value of the Schnabel assets.

Mr. Merlo and I have discussed this matter and by copy of this letter I am asking Mr. Jim Johnson to revise the computation of value as shown in my memorandum, and send a copy to you.

The revision of the computation of value shall be as follows:

1. Do not include the item "less sales value $150,000."*

2. Do not deduct depreciation of $491,000.

Mr. Schnabel's valuation of this property included an item shown as "Road Costs & Stumpage." These items are unknown to the Portland office. Please continue conversations with John Schnabel and attempt to reach a reasonable evaluation of these properties. If the "Road Costs & Stumpage" item of $214,000 is not a true value, we would now estimate the total valuation of his property at about $625,000.

It is our desire to maintain contact with Schnabel and hopefully develop purchase of these properties, if we are successful in obtaining timber sales in the area, and, specifically, the Sore Finger Bay sale, and other sales in the North Tongass area.

QUESTIONS AND ANSWERS: CROWELL NOMINATION SUMMARY

Question: This case seems so complicated. Could you simply summarize your concerns about the nominee?

Answer:

My concerns are these:

As Assistant Secretary for Natural Resources he has a legal responsibility to ensure that the bidding practices of the Forest Service protect competition in the timber industry.

While he was the antitrust expert for Georgia-Pacific and Louisiana-Pacific, subsidiaries of these corporations engaged in activities which the court found there was overwhelming evidence of violations of the antitrust laws.

Even if, as he claims, he was not involved in the remotest way with these violations, he did not have the commitment to antitrust principles to speak out against violations or the legal judgment to recognize when these violations are occurring.

And in fact it is clear that he was aware and involved in the material facts upon which the court based its decisions.

AWARENESS

Question: what type of facts was he aware of that should have warned him that antitrust violations had taken place?

Answer:

Over the last ten years there had been 116 timber sales. The defendants had only bid against each other on three occasions—and that was when there was a temporary disagreement over the division of territory which was subsequently settled.

Since the plaintiff was driven out of business, there are no remaining independent purchase loggers in southeast Alaska.

There has not been a timber sale bid on in southeast Alaska and awarded to an independent logger since June 1972.

The nominee received a memorandum informing him that executives of Ketchikan and Alaska Lumber and pulp were regularly exchanging the type of information that competitors normally hide from each other.

INVOLVEMENT

Question: What kind of "involvement"—as distinguished from awareness—do you contend that Mr. Crowell had in these matters?

Answer: The nominee has stated that he did not have the remotest involvement in any of the occurrences or contracts alleged by the plaintiffs.

Interviews, responses to questions, and documents from the trial which were released from a protective order at my request make clear that this statement was not correct.

Mr. Crowell was involved in the following situations which were material facts upon which the court based its decision in the Reid case.

Responses to questions and court documents show that he was involved in negotiations related to the takeover of the Schnabel mill—a mill the plaintiffs cite and the court agrees was part of the conspiracy to drive competition out of southeast Alaska.

Second, he was involved in the "administering of contracts" which maintained Ketchikan's control over Ed Head and the Alaska Timber Company mill.

Third, he was involved in qualifying Ed Head as a small business operator—for the purpose of keeping competition out of southeast Alaska. Let me quote from a letter he sent:

"Alaska has protection against outsiders coming in bidding sales because of the restriction on exporting logs abroad or to the lower 48. Any plywood co-op or association of cooperatives who bought a sale in Alaska would have to have committed to build a green end for processing the veneer. It would seem KPC would have wind of such a project in plenty of time to do what might be necessary to qualify ATC as a small business if that seemed at the time to be in KPC's interests."

These are a series of specific involvements in the material facts of the court's decision.

CENTER OF CONSPIRACY?

Question: Have the opponents shown that John Crowell was the center of a conspiracy to violate the antitrust laws?

Response: That is a strawman argument. We have never contended he was the center of the conspiracy. But we strongly contend that when the nominee is aware of—

The defendant's collusive communications

The defendant's refusal to compete for log supply

The defendant's effort to take over competing mills throughout southeast Alaska

The defendant's efforts to use fronts to keep competitors out of Alaska.

When he is aware of all of these facts—which the court judged overwhelming—and did nothing he has disqualified himself from this office.

He is either—

Unable to see a classic pattern of anti-competitive activities, or

He is unwilling to speak up against them.

In either case, he is unfit for this office.

NOT MAJOR ACTOR

Question: I can't see why you oppose this nominee. There is some indication that he may have known about some of these activities, but there is no proof he was a central actor in a conspiracy.

Answer: The Gentleman seems to imply that if he did not personally direct this conspiracy we must confirm him. I strongly disagree.

Should the Senate reconfirm an SEC Chairman who stood by while the stock market collapsed and did nothing—just as long as he was not involved in stock fraud?—of course not!

Should the Senate reconfirm as Chairman of the Federal Reserve a person who stood by while bank fraud destroyed the integrity of the system—as long as he did not direct the fraudulent conspiracy?—of course not.

No more should this Senate confirm a nominee to direct the Forest Service who has stood by and said nothing while the antitrust law has blatantly violated.

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*This will reduce the purchase price by $150,000.

WILDERNESS: REAL REASON

Question: Isn't the real reason that you are opposing Crowell is that you don't agree with his position on wilderness matters?

Answer: I certainly do not agree with his position on wilderness matters. Unfortunately, he has used insulting language and epithets to describe those who disagree with his position on these matters.

But I have also been concerned for many years about competition in the timber industry. I led efforts in 1977 to retain the sealed bidding requirements in the Forest Service. Sealed bidding protects both the taxpayer and competition.

As chairman of the Antitrust Subcommittee of the Judiciary Committee and as chairman of that committee, antitrust matters have been a central interest of mine for many years.

RUPERT CUTLER

Question: I hear the Senator now complaining about the nomination of Mr. Crowell because he is from the timber industry—but I did not see the gentleman opposing Rupert Cutler—who held this post during the Carter administration. He was the former director of the Wilderness Society. Why is it a conflict if you are from business, but not if you are from an environmental group?

Answer: There are two very serious differences.

If Mr. Cutler had been the general counsel of a firm whose principal subsidiary had violated the antitrust laws, I would have spoken against his nomination as well, he was not.

Second, Mr. Cutler spent 8 years at the University of Michigan Forestry Department after his Wilderness Society experience. If Mr. Crowell would now like to spent 8 years in an academic setting—acquiring a more balanced perspective on forestry issues—you can be sure that I would look at his nomination in a new light.

WITNESS IN CASE

Question: If Mr. Crowell was such an important figure in the antitrust case, why was he not called as a witness in the case?

Answer: There are two reasons. As the Senator knows, it is traditional not to put the other party's attorney on the stand unless it is absolutely essential to the case.

And the point is that the case against Ketchikan was so "overwhelming"—in the court's own words—that there was no need to call the defendant's attorney. This was no academic antitrust case. This was a plain and simple old fashioned antitrust case in which the defendants divided southeastern Alaska into two fiefdoms.

I would say to the gentleman that the issue is not "why wasn't James Crowell asked to speak at the trial," the real question is "Why didn't James Crowell—as general counsel—speak out against this serious violation of our antitrust laws by Louisiana-Pacific's subsidiary?

Why didn't James Crowell speak out to the Agriculture Committee and tell the committee he was assistant secretary of Ketchikan Pulp Company and Panhandle Logging Company?

Why didn't he tell the committee of his involvement in two of the key takeovers?

His silence to the Senate Agriculture Committee is much more interesting and significant than his silence at the trial.

FEW DOCUMENTS

Question: Are you making a mountain out of a molehill? You have only been able to cite one or two documents connecting Mr. Crowell to this case.

Answer: That statement is both incorrect and misleading. Mr. Crowell has implied that he practically had no relationship to the defendant—Ketchikan Pulp Company—and this law suit. That is simply wrong.

(1) Forty-two documents have been provided by the court which in one way or another show his connection to Ketchikan Pulp Company.

(2) Twenty-two pages of the court record and transcript were judged by the Forest Service to be relevant to John Crowell's connection to this case.

(3) In addition to these documents, Mr. Crowell has answered a number of questions:

Five of my questions establish his responsibility for antitrust policy within Georgia-Pacific and Lousiana Pacific.

Six of my questions relate directly to his awareness of an involvement in Ketchikan's efforts to take over its competitors.

Four of my questions directly related to Mr. Crowell's involvement in the normal business affairs of Ketchikan Pulp Company.

In all, 39 documents, 24 questions, and 22 pages of court records are relevant to his involvement in KPC's business affairs and involvement in the material facts of the plaintiff's complaint.

1975

Question: These documents from 1975 are interesting, but irrelevant. The plaintiffs case terminated in 1973 or 1974.

Answer: Mr. Crowell's statement to that effect is erroneous. On numerous occasions in the plaintiff's briefs—and in the court decision—events up through 1975 are cited.

For example, the plaintiffs clearly state on page VIII-2 of their brief that the evidence covered between 1959–1975.

ED HEAD—SBA

Question: I do not understand why you keep mentioning Mr. Head's relationship to the SBA's small business set aside program. Mr. Crowell has pointed out that ATC's small business status did not bear in any way upon the plaintiffs claims.

Answer: Mr. Crowell is not correct. It was one of the material facts cited by the plaintiffs. I quote from page X–14 of the plaintiffs brief:

KPC attempted to hold Alaska Timber Corporation out as a "small business" eligible for SBA set aside sales. However, the SBA concluded that the relationship between Alaska Timber Corporation and KPC . . . spelled collusion between the two entities to thwart the set aside program and even in the purchase of National Forest Timber.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a facsimile of this table to which I have referred be printed in the RECORD.

There being no objection, the facsimile was ordered to be printed in the RECORD, as follows:

CROWELL NOMINATION

Louisiana Pacific (Crowell)
50 percent ownership

Defendants

Ketchikan (Murday & Finney) Alaska Lumber (Kramer & Theno)

Control

Alaska Timber

COURT DECISION (REID V. KETCHIKAN)

Ketchikan and Alaska Lumber violated antitrust laws (Murdey named).

Louisiana Pacific was a coconspirator (no one named).

Crowell implicated in antitrust violations in seven separate instances.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. What time remains for this side?

The PRESIDING OFFICER. The Senator from North Carolina has 3 minutes remaining.

Mr. HELMS. I thank the Chair.

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. HELMS. Mr. President, I am going to yield to the distinguished Senator from Idaho in just a moment, but here we have again today the typical attack upon a good American that so often happens in this Chamber.

Every question that the Senator from Massachusetts has raised has been in the RECORD previously or will be in the RECORD today, inserted by me.

He has filed a list of questions as long as my arm and responses have been made to him. He knows that.

He can come in here with all the charts and all the rhetoric that he wishes to but the fact remains that he has not laid a glove on Mr. Crowell.

I yield to the distinguished Senator from Idaho.

Mr. SYMMS. I thank the distinguished chairman of the Committee on Agriculture for yielding.

Mr. President, I will just say that I sat here through this debate this afternoon, I have listened to the Senator from Massachusetts' statements, I have seen his charts, I have read the list of questions and the answers that Mr. Crowell gave, and I think I would join with the chairman of the Committee on Agriculturn in saying that the Senator has not yet laid a glove on Mr. Crowell.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. SYMMS. I am sorry I do not have the time to yield.

Mr. KENNEDY. Mr. President, I ask unanimous consent that he have time. Will the Senator ask unanimous consent that he have the time?

Mr. SYMMS. No, I will not.

Mr. KENNEDY. I think that is a good enough answer.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. SYMMS. The Senator has not yet laid a glove on him. There has not yet been anything definitive.

Mr. KENNEDY. We are supposed to be debating this nomination.

Mr. SYMMS. It is unworthy of the Senate to impugn the motives and the character of such a fine man as John Crowell, and I think the record, the judge, the case—there is still yet nothing, any reason, other than the reason that the Senator gives that he does not like his position on some of the environmental issues.

That, in my opinion, Mr. President, is certainly a fair reason, and I respect the Senator from Massachusetts for opposing him if he disagrees and he wants to continue with the kind of timber policy we have had, if we do not want to make some positive changes to restore sound management to our national forests. Otherwise, small business would not be for this man. The judge would have known who he was. There would have been a deposition filed. There simply is

nothing but a pretty chart here on the floor that does not lay a single glove on Mr. Crowell and it does not show any reason why any Senator should justifiably oppose him.

I yield back to the distinguished chairman.

Mr. HELMS. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time has expired.

● Mr. HUDDLESTON. Mr. President, John Crowell is professionally qualified for the position of Assistant Secretary of Agriculture for Natural Resources and Environment in that he is familiar both with many of the issues and the programs that concern the Assistant Secretary. Further, I believe the President should be allowed broad discretion to appoint individuals of his choosing to manage the executive agencies.

Nonetheless, I have had some reservations about this nomination.

Mr. Crowell has spent his professional career as an attorney and advocate for large timber companies that depend heavily on the national forests for timber production. In his capacity as general counsel for Louisiana-Pacific Corp., and a leading spokesman for the National Forest Products Association, he has effectively presented the industry's views. However, as Assistant Secretary of Agriculture for Natural Resources and Environment, he would have to take a much broader view of the issues.

In the past, Mr. Crowell has been critical of Forest Service attempts to implement environmental protection measures on national forest land, forest service regulations implementing the National Forest Management Act, and, in particular, the RARE II wilderness programs. In response to written questions that I sent to him as part of the nomination proceedings, Mr. Crowell made clear that his statements expressed his personal opinions as well as those of his employer.

During his confirmation hearing before the Senate Committee on Agriculture, Nutrition, and Forestry, Mr. Crowell assured the committee, both orally and in writing, that, in his new position, he would no longer consider himself an advocate for large timber firms, the timber industry, or any other interst group concerned about the management of the National Forest System. He further assured the committee that he would have an open door policy toward those he had considered adversaries in the highly charged debate over the proper management and use of the national forests. He drew the analogy to a lawyer who, having been an advocate, assumes the bench and must consider the issues before him from a broader perspective.

Because of Mr. Crowell's knowledge, experience, and the assurances made at his confirmation hearing, my reservations relating to policy matters have largely been assuaged.

However, since the conclusion of Mr. Crowell's confirmation hearing, a number of questions have been raised about his possible involvement in, and knowledge of, improper practices that have been attributed to the Ketchikan Pulp Co. in a recent proposed decision of a U.S. district court in a civil antitrust case. The information in the proposed opinion was not available at the time of Mr. Crowell's confirmation hearing.

In addition, Mr. Crowell has filed an amended financial disclosure statement to list a position he held with Ketchikan Pulp Co. and a number of other subsidiaries of Louisiana-Pacific.

In this connection, I shall submit for the RECORD at the conclusion of my remarks first, my letter of May 13, 1981, to Senator HELMS expressing the view that Mr. Crowell should be given an opportunity to answer the questions that have been raised and file an amended financial disclosure statement prior to the Senate's debate on his nomination, and second, Senator HELMS' letter to me of May 18, 1981, enclosing copies of Mr. Crowell's answers to the questions that have been raised and an addendum to his financial disclosure statement.

Perhaps it would be best for all involved, including Mr. Crowell, for the Committee on Agriculture, Nutrition, and Forestry to reconsider the nomination and provide Mr. Crowell with a public forum for answering the questions that have been raised.

However, it is my understanding that under the unanimous consent agreement that has been entered into, a motion to recommit the nomination would not be in order.

In summary, Mr. President, I plan to listen very carefully to the debate on Mr. Crowell's nomination. It is my hope that the debate—and the answers that Mr. Crowell has furnished to the questions that have been raised—will resolve any concerns Senators may have about Mr. Crowell's qualifications and fitness to be Assistant Secretary of Agriculture.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 13, 1981.

Hon. JESSE HELMS,
Chairman, U.S. Senate Committee on Agriculture, Nutrition, and Forestry, Washington, D.C.

DEAR JESSE: As you know, a number of questions have been raised concerning the nomination of John Crowell as Assistant Secretary of Agriculture for Natural Resources and Environment. Most of these questions stem from information contained in the proposed opinion of the U.S. District Court for the Western District of Washington in the case of *Reid Brothers Logging Company* v. *Ketchikan Pulp Company*. The information was not available at the time of Mr. Crowell's confirmation hearing.

I understand that Mr. Crowell is preparing to respond to the specific questions raised about his possible involvement in, and knowledge of, improper practices attributed to the Ketchikan Pulp Company in the court's proposed opinion.

Also, Mr. Crowell has advised me that he will be filing an amended financial disclosure statement. Apparently, Mr. Crowell has served as an officer of the Ketchikan Pulp Company, an affiliation not noted in his original financial disclosure statement. Mr. Crowell advised me that, because his duties for the Ketchikan Pulp Company were ministerial, no compensation was involved, and the company was a wholly-owned subsidiary of Louisiana Pacific, he did not believe that the disclosure of the information was required by the Ethics in Government Act.

I believe that Mr. Crowell should be given an opportunity to answer the questions that have recently surfaced and file an amended financial disclosure statement before the Senate debates his nomination.

I hope that you share my views on this matter.

Sincerely,

WALTER D. HUDDLESTON.

U.S. SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., May 18, 1981.

Hon. WALTER D. HUDDLESTON,
Washington, D.C.

DEAR "DEE": As you know, the Senate Leadership decided to take up the nomination of John B. Crowell as Assistant Secretary of Agriculture for Natural Resources and Environment on Tuesday, May 19, with a vote scheduled the following day.

I appreciate your interest in reviewing responses to questions relating to Mr. Crowell's responsibilities as an officer of the Louisiana-Pacific Corporation and its subsidiaries, including the Ketchikan Pulp Company. Also, I understand your feeling that Mr. Crowell should file an amended financial disclosure statement prior to Senate consideration of his nomination.

As you know, Mr. Crowell announced his intention to file an appropriate addendum to the financial disclosure form on May 13; he forwarded to the Committee responses to numerous questions posed to him at the same time. On May 15, he did file addenda to his Financial Disclosure Report form and to his recusal letter. Copies of these materials are enclosed. Also enclosed are other materials received relative to this subject over the past several days.

Many thanks for your interest and attention—and helpfulness—in this matter, and all others. It's a privilege to be associated with you.

Sincerely,

JESSE HELMS,
Chairman.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 18, 1981.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Previously, on May 13, 1981, I transmitted to you my responses to the 28 questions submitted to me by Senator Kennedy on May 11, 1981, information that is now a matter of public record.

On May 14, 1981, Senator Leahy commented further on my nomination, including an insertion of material in the CONGRESSIONAL RECORD for that date.

It would be helpful, I believe, for you and all members of the Senate Committee on Agriculture, Nutrition, and Forestry to have the benefit of my responses to additional issues that may have been raised by Senator Leahy's CONGRESSIONAL RECORD insertions. For your convenience, therefore, I have attached my responses to the major points raised in Senator Leahy's material.

I respectfully request that this letter and enclosures be made a part of the record.

JOHN B. CROWELL, JR.,
Assistant Secretary-Designate for Natural Resources and Environment.

MATERIAL ON NOMINATION FROM JOHN B. CROWELL, JR., ASSISTANT SECRETARY-DESIGNATE, DEPARTMENT OF AGRICULTURE

Opponents to my nomination apparently have combed through approximately 6,000 pages of transcript and the thousands of exhibits in the Reid Bros. case for any reference to me in hopes of being able to show that I had some part in, or connection with,

the antitrust suit brought by the plaintiff. In particular, my opponents are going to extraordinary lengths to make much of specific memoranda extracted from court records. Anything which seems to show some connection, however, remote or minor, and regardless of when it occurred, between Ketchikan Pulp Company and me, is being used to imply or assert that my declaration of non-involvement in the facts of the antitrust case is untrue.

I have stated and repeated that I had no knowledge about, or involvement in, the specific instances upon which the plaintiffs based their antitrust claims. I have never said there was no relationship between me and Ketchikan Pulp Company. As general counsel to one of Ketchikan Pulp Company's owners from January 5, 1973, to November 1, 1976, and to its sole owner after November 1, 1976, I necessarily had to handle some legal matters for Ketchikan Pulp Company. Attempts are now being made to distort each of these instances in an effort to connect me with the subject matters of the antitrust case. As the following responses show, these attempts to involve me are simply erroneous. Most of Ketchikan Pulp Company's day-to-day legal work was handled by a law firm in Ketchikan.

THE ALASKAN ANTITRUST CASE

The Alaskan antitrust case is not a criminal case; no "conviction" is involved. The case is rather a series of five private, triple-damage antitrust civil suits brought by individuals and companies. The plaintiffs claim damages for alleged violations of the antitrust laws by Ketchikan Pulp Company, which since November 1, 1976, has been a wholly owned subsidiary of Louisiana-Pacific Corporation.

At no point in the case was I involved as a witness, nor was my deposition requested by either side during the five years of preparation prior to the trial. I had no relevant information material to the contentions of either side.

Before my nomination, I served as Louisiana-Pacific Corporation's General Counsel since inception of the company on January 5, 1973. Louisiana-Pacific was formed by a spin-off of 20 percent of the assets of Georgia-Pacific Corporation, where I had been a staff attorney since November, 1959. Among the assets spun-off to Louisiana-Pacific Corporation was a half ownership interest in Ketchikan Pulp Company, which interest had been held by Georgia-Pacific since 1963.

Ketchikan Pulp Company began its corporate life in 1950 when it was awarded a long-term timber sale contract on the Tongass National Forest in return for a commitment to build a pulp mill at Ketchikan. The company subsequently added two sawmills, one of which was acquired as Ketchikan Spruce Mills in the late sixties; the other, at Metlakatla on Annette Island, was purchased from Alaska Prince Corporation sometime before 1973.

The other defendant in the five antitrust cases is Alaska Lumber and Pulp Company which operated a pulp mill at Sitka and a sawmill at Wrangell, each in connection with two long-term Forest Service timber sale contracts. The Sitka and Ketchikan companies and their mills are located approximately 200 air miles apart, separated by open sea and islands.

The five cases were filed in the United States District Court for the Western District of Washington in Seattle between March, 1975, and March, 1976. The first case, Reid Bros. Logging Company, went to trial in July, 1980. The trial was completed in December and the judge announced in early March, 1981, her intention of awarding $500,000 damages, subject to trebling, to the plaintiffs. In April the judge issued her proposed findings of fact and conclusions of law, which, I am told, are likely to be entered as a final judgment very soon. The defendant companies have already announced their intention to appeal to the 9th Circuit Court of Appeals.

The facts upon which the plaintiffs constructed their case began in the early 60's and terminated in 1973 or 1974. The plaintiffs claimed collusion between the defendants with respect to (1) bidding on Forest Service timber sales, (2) purchasing logs from plaintiffs and other independent loggers, and (3) sale of logs to plaintiffs mills.

The plaintiffs have precipitated at least two investigations by the Antitrust Division of the Justice Department, one of which involved a grand jury proceeding in Portland, Oregon. Neither of these investigations resulted in indictments or civil actions. I learned from recent newspaper accounts that in 1968, 1976, and 1978 the Forest Service provided information to the Department of Justice because of concerns that Ketchikan Pulp and concerns associated with it dominated the timber market in southeast Alaska and it is my understanding that the Forest Service has continuously monitored timber bidding patterns in southeast Alaska. No criminal or civil actions have resulted from that constant oversight by the Forest Service.

A Federal judge in Anchorage, Alaska, dismissed a related case (*Island Enterprises* vs. *Alaska Lumber and Pulp Company and Ketchikan Pulp Company*) after evaluating similar antitrust allegations; the court also held that a release given by the plaintiff was effective; on appeal the case was affirmed solely on that ground.

In short, the judge in the Reid Bros. case has looked at a long series of often complicated business transactions and has concluded that the plaintiffs were damaged by an antitrust violation. Others who have looked knowledgeably at the same facts have reached opposite conclusions. The defendants have announced their intention to appeal.

Much of the above information was contained in a letter from me to Chairman Helms, dated May 5, 1981, a letter which has been public information since that date.

My involvement in the Alaskan cases was limited to approving selection of defense counsel for Ketchikan Pulp Company, to receiving status reports thereafter from defense counsel respecting progress and preparation for defense of the case, and to participating with such counsel in developing trial tactics and strategy. As stated in my May 5 letter to Senator Helms:

"Beyond that, I have never been involved in the remotest way with any of the occurrences, negotiations, and contracts out of which the plaintiffs' claims allegedly arose. I was never called as a witness in the case, nor was I deposed by either side prior to the trial, simply because I had no relevant information material to the contentions of either side. Thus, my only connection with the entire matter has been as a lawyer peripherally connected with the defense of one of the parties to the case."

It is pertinent to note that the plaintiff in the case recently stated to a reporter about my relationship to the case: "I never heard of him until a month or so ago." (The Oregonian, Thursday, May 14, 1981)

MEMORANDUM OF APRIL 14, 1975

Senator Leahy has included on page 9850 of the CONGRESSIONAL RECORD of May 14, 1981 an April 14, 1975, memo from me to H. A. Merlo, President of Louisiana-Pacific. The subject of the memo was "Alaska Timber Corporation, Qualification as Small Business".

This subject matter, as far as I know, was not involved in the claims of the antitrust lawsuit. Although the purpose evidently is to try to connect me to the substance of the case, I am now told by defense counsel that this memorandum was never introduced into the trial record. It was attached to Mr. Merlo's deposition which was on file with the court. Only parts of this deposition were designated by plaintiffs to be part of the trial record; those parts did not include the memo. Furthermore, the date of the memo is after the first of the plaintiffs' cases had already been filed.

The memo was for the purpose of giving Mr. Merlo some background and advice for an anticipated meeting with Ed Head who was president and owner of Alaska Timber Corporation. This corporation has always been owned and operated by Ed Head as an independent business. It constructed and operated a sawmill at Klawock, Alaska. Since 1972, Alaska Timber Corporation and Ketchikan Pulp Company had been parties to a complex series of contracts, the purpose of which was (1) to supply financing for Alaska Timber Corporation to finish construction of the sawmill at Klawock, (2) to provide marketing assistance in selling the mill production to Japanese buyers (who are generally the principal buyers of Alaskan lumber), and (3) to assure a log supply to Alaska Timber Corporation.

The April 14 memo addressed the anticipated subject of the meeting, which was Alaska Timber Corporation's desire to amend its contracts so as to satisfy the Small Business Administration that Alaska Timber Corporation was not controlled by Ketchikan Pulp Company. The memo explained the then status of the small business set-aside program in Alaska and concluded that it would be some time before any set-aside sales would be made available to small business. The memo further concluded there would be no reason to amend the contracts, but that such an amendment might be considered at some point in the future when set-aside sales were triggered.

The reason for this conclusion was that if set-aside sales were triggered, Ketchikan Pulp Company, being a large business, could not buy set-aside sales. If Alaska Timber Corporation could not buy them either, there would be a vacuum into which qualified small business might come to construct a mill for processing the timber available under the set-aside program. This could create additional pressure on the limited timber supply available from the Forest Service, thereby leaving the one large business—Ketchikan Pulp Company—short of timber needed to keep its facilities running. This is confirmed by the extracted testimony of H. A. Merlo (pp. 110–112) supplied to Senators Helms, Huddleston, and Kennedy and to me on May 15, 1981, by the Acting General Counsel of the Department of Agriculture.

In 1977 when the Forest Service changed the timber sale set-aside program for small businesses in southeastern Alaska by making 80 million feet available under set-asides each year, the contracts between Ketchikan Pulp Company and Alaska Timber Corporation were amended so that Alaska Timber Corporation could qualify to bid on set-aside sales. It should be noted, of course, that both small and large businesses are always free to bid on Forest Service timber sales not set aside for small businesses. The issue of whether or not Alaska Timber Corporation qualified as small business under the set aside program did not to my knowledge bear in any way upon the claims asserted by the plaintiffs in the antitrust litigation.

MEMORANDA CONCERNING ALASKA TIMBER SUPPLY

Two of the memoranda extracted from the thousands of exhibits in the Reid Bros. case deal with the southeastern Alaska forest products industry's concern about timber to be available from the Tongass National Forest in the future.

The first of these memoranda was dated May 2, 1973, and is from D. L. Murdey, an officer of Ketchikan Pulp Company, and is directed to me. The other memoranda on

this subject is dated February 11, 1974, and was written by me as a file memo. Defense Counsel for Ketchikan Pulp Company has advised me that this memo never became part of the trial record and was not considered by the court.

Both memos dealt with the Alaska forest products industry's growing concern in 1973 and 1974 over the lower harvest level calculations and the reduced timber sales program that had then been occurring on the Tongass National Forest. This was my concern because I was the principal person in Louisiana-Pacific who dealt with the Forest Service Washington office. I was, quite simply, representing the southeastern Alaska forest products industry's constitutional right to petition its government for redress of grievances.

Defense counsel for Ketchikan Pulp Company has told me that additional material released on May 15, 1981, from a protective order by the court, in response to a request from Senator Kennedy's staff, also deals with and relates to this issue. Such material was not part of the trial record in the case and was not considered by the court in making its determinations.

ASSISTANT SECRETARY OF KPC

From November, 1976, to April, 1981, I was one of three assistant secretaries of the Ketchikan Pulp Company, and this fact is now being used in attempts to tie me in somehow with the Alaskan antitrust case described above. Being one of the corporate assistant secretaries, however, was a purely ministerial function in which I was available, if needed, to authenticate documents or signatures. It carried no compensation and was, in fact, a very minor facet of my primary role in Louisiana-Pacific where I was the general counsel. Furthermore, I did not become an assistant secretary until November 1, 1976, long after the activities and operative facts in dispute in the law suits had taken place.

GENERAL COUNSEL OF L-P—CONFLICT OF INTEREST

There is also an assertion that because I was general counsel of Louisiana-Pacific Corporation, there will be a conflict of interest problem in my being Assistant Secretary of Agriculture, responsible for the Forest Service among other things. This stems from the fact that L-P is a major forest products company and a major buyer of Forest Service timber.

The conflict of interest assertion totally ignores the fact that upon confirmation I am required by law to sever all employment connections with Louisiana-Pacific. Also, I have assured the Senate Committee on Agriculture, Nutrition, and Forestry that I have no promise of future employment with Louisiana-Pacific nor with anyone else. In addition, upon confirmation I am required by law to dispose of all financial interests I hold in any forest products companies.

I have taken all of the above actions, and have gone further by agreeing to establish blind trusts for me and my wife. After disposing of our currently held interests in forest products companies, and also in any companies that have a direct financial interest in the management of public lands, we will not, thereafter, know what investments are held for our beneficial interests.

What some opponents to my nomination are characterizing as "conflict of interest" is, in my view, really a concern about my expertise on national forest products. Indirectly, they are expressing opposition to what they feel will be my position on the management of the National Forest generally.

It is true that I expect to move the National Forests toward being more productive in terms of outputs of timber, oil and gas, minerals, and grazing animals. But I have also made it clear, as the record of my confirmation hearing clearly shows, that I am certainly also sensitive to other multiple-use interests of the National Forests, including wildlife and wilderness.

I feel strongly that, if managed properly and efficiently, the National Forests can provide more of all of the uses and values which are derived from these magnificent natural resources of America. This includes wildlife, recreation, water, grazing, fishing, timber, and even wilderness.

FINANCIAL DISCLOSURE REPORT

My Financial Disclosure Report (Form SF278) was signed on January 26, 1981, and contains a complete report on all of my financial resources, as well as my wife's. In addition it contains assurances that, if confirmed, I have no offer or promise of any future job from any employer. My recusal letter dated March 11, 1981, states my intention, concurred in by my wife, to dispose of those securities which could create a possible conflict of interest, and to place all of our assets, except for real and personal property, into blind trusts.

Under the heading "Positions Held" on the Financial Disclosure Report, I reported my post as general counsel of Louisiana-Pacific Corporation, plus two directorships I hold in industry trade associations. It never then occurred to me that I probably should also include in the report a number (17) of assistant secretaryships to which I was appointed for the convenience of subsidiary corporations of Louisiana-Pacific, and for which I received no compensation.

The omission on my part has been remedied by an addendum to my Financial Disclosure Report, filed on May 15, 1981, with the Office of Personnel of the Department of Agriculture, with the Office of Government Ethics, and with the Senate Committee on Agriculture, Nutrition, and Forestry.

The addendum lists, as required, the 17 subsidiary corporations for which I was an assistant secretary during the preceding two calendar years. All are either wholly-owned subsidiaries of Louisiana-Pacific Corporation or are, in turn, wholly-owned subsidiaries of one of the other corporations listed. The addendum also reports that no compensation was ever paid to me for any of these positions other than compensation paid me by Louisiana-Pacific for being general counsel. The several and varying terms during which I was an assistant secretary for one or another of these 17 subsidiary corporations are also listed on the addendum to the report.

In addition to the addendum to the Financial Report, and as a complementary part of it, I have also filed with the Office of Government Ethics an amendment to my recusal letter of March 11, 1981. This is to make absolutely clear that I fully intend, if confirmed, to avoid, and to recuse myself from any specific conflict of interest situation that might arise between the United States and any of the 17 subsidiary corporations listed on the addendum, as well as any which might so arise with either of my previous employers, the Louisiana-Pacific Corporation or the Georgia-Pacific Corporation.

It is worth noting that the inadvertent omission on my part to include a description of the assistant secretary functions misled no one. It is common knowledge that Ketchikan Pulp Company is a wholly-owned subsidiary of Louisiana-Pacific. In fact, the last of the written questions addressed to me by Senator Huddleston, in connection with my confirmation hearing and to which I responded on March 30, 1981, immediately prior to the hearing, inquired about the Reid Bros. vs. Ketchikan Pulp Company and Alaska Lumber and Pulp Company case.

CONTRACTS CONCERNING JAPANESE LUMBER SALES

I informed Senator Kennedy's staff that in 1973 I prepared some contracts with Japanese buyers for sales of lumber from Ketchikan Pulp Company. This, too, is now being used apparently to imply that I must have known something about the basis for the complaints in the antitrust suit.

Contracts for sale of lumber, however, did not figure in any way in the plaintiff's cases. Rather, it is my understanding that the cases were about logging contracts, purchases by KPC from independent loggers, log sales to the plaintiff's mills, and bidding on Forest Service timber sales by the Ketchikan Pulp Company—all matters with which I had no dealings, specific knowledge, or involvement.

EPA SETTLEMENT AGREEMENT

As general counsel of Louisiana-Pacific, I worked for about two years with the general counsel of FMC Corporation, beginning in 1975, to resolve a long standing and bitter dispute between the Environmental Protection Agency and the Ketchikan Pulp Company over whether the company should have to build a secondary treatment facility for effluent from the mill. At that time FMC owned half of KPC and FMC doubted the economic feasibility of the $42 million investment required.

We were working to keep the pulp mill at Ketchikan from having to close down as it would have had to do if EPA's position had remained unchanged and the secondary treatment facility were not built. This would have been disastrous to the economy of southeastern Alaska and a blow to both parent companies.

On November 1, 1976, LP purchased the half interest owned by FMC so that the Ketchikan Pulp Company then became a wholly owned subsidiary. Coincident with change in ownership, a new board of directors was elected and it immediately thereafter approved a settlement agreement with EPA under which a revised treatment facility was planned and built. At that meeting I was made an assistant secretary of KPC. I acted as secretary for the meeting and I was authorized to affix the corporate seal and attest to the EPA settlement document.

None of the above related in any way to the claims of the plaintiffs in the Alaskan antitrust case, nor did my participation in the EPA settlement negotiations involve me in any of the transactions alleged in the antitrust suit. My involvement in the EPA project began, as noted above, in January, 1975—which was about the time the first of the antitrust cases was being filed.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 15, 1981.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have today filed addenda to my Financial Disclosure Report form and to my recusal letter. A copy of both addenda are enclosed herewith, together with a copy of the forwarding letter to Mr. Fossum, who is designated as the Ethics Official for the Department of Agriculture.

I request that this correspondence and the enclosures be made a part of the hearing record in connection with my confirmation. Thank you for your interest and support in this matter.

Sincerely,

JOHN B. CROWELL, Jr.,
Assistant Secretary-Designate for Natural Resources and Environment.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 15, 1981.

Hon. J. JACKSON WALTER,
Director, Office of Government Ethics, Washington, D.C.

DEAR MR. WALTER: You have a letter from me dated March 11, 1981, in which I informed you of the steps I intended to take in order

to avoid any actual or apparent conflicts of interest between my personal financial interests and the duties I could be expected to perform when confirmed as an Assistant Secretary of Agriculture for Natural Resources and Environment.

The seventh paragraph of that letter dealt with intended rescusals involving particular matters which might arise between the Department of Agriculture and either Georgia-Pacific Corporation or Louisiana-Pacific Corporation, companies with which, formerly, I have been employed.

It has come to my attention that in filling out my Financial Disclosure Report (Form SF278), under the heading "Positions Held", I should also include the listing of subsidiary corporations for which I was an assistant secretary, a wholly ministerial function I performed as part of my job as general counsel for the Louisiana-Pacific Corporation, the parent company. I received no remuneration for being an assistant secretary to any of the subsidiary corporations. Accordingly, upon advice of the General Counsel of the Department of Agriculture, I am filing an addendum to my Financial Disclosure Report.

I would also like to amend the seventh paragraph of my March 11, 1981, letter to you in order to make explicit my intentions with respect to subsidiaries of Georgia-Pacific Corporation and of Louisiana-Pacific Corporation. Please accept the following paragraph as a substitute for the seventh paragraph of my March 11, 1981, letter:

"Because of my long employment relationship, initially with Georgia-Pacific Corporation, and, more recently, with Louisiana-Pacific Corporation, and notwithstanding my divestiture of stock ownership interests in both corporations and my unconditional severance of my employment relationship with the latter, I have decided that I will also recuse myself from involvement in any particular matter which may arise within the Department of Agriculture involving either corporation or any subsidiary, whether wholly or partly owned, of either corporation. I believe that this disqualification on my part will avoid any possibility of a real or apparent conflict of interest in connection with my official duties as Assistant Secretary of Agriculture, arising out of my past relationships with Georgia-Pacific Corporation and Louisiana-Pacific Corporation, or any of their subsidiaries, whether wholly or partly owned."

I would greatly appreciate it if you would file this letter with the original of my March 11, 1981, letter to you. I would further appreciate your providing copies of this letter to whomever you have provided copies for official use of my earlier letter.

Very truly yours,

JOHN B. CROWELL, Jr.,
Assistant Secretary-Designate for Natural Resources and Environment.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washingon, D.C., May 15, 1981.

Mr. JOHN FOSSUM,
Director, Office of Personnel, Department of Agriculture, Washington, D.C.

DEAR MR. FOSSUM: It has come to my attention that in filing my Financial Disclosure Report (Form SF278), dated January 26, 1981, I overlooked including in the "Position Held" section the fact that I was an assistant secretary for a number of directly or indirectly owned subsidiaries of Louisiana-Pacific Corporation. Those positions were simply ministerial in function and I was paid no remuneration for them; they were a very minor part of my job as general counsel to Louisiana-Pacific Corporation.

I have been advised by the Office of General Counsel at the Department of Agriculture that it would be well to file an addendum to the Financial Disclosure Report. I enclose herewith the addendum which I request you file with the original Financial Disclosure Report, dated January 26, 1981. I would also appreciate it if you would forward copies of the addendum, together with a copy of this letter, to whomever else you had provided copies for official use of the original filing.

In filling out the initial Financial Disclosure Report, I was thinking of the major function and position I held as general counsel and for which the form required financial disclosure. I failed to make the mental connection, and to realize, that the scope of the Report might also cover functions and positions of a minor nature and for which no pay was given or received. That is the case with respect to these subsidiary corporations listed on the enclosed addendum.

Sincerely,

JOHN B. CROWELL, Jr.,
Assistant Secretary-Designate for Natural Resources and Environment.

NOMINEES POSITIONS HELD

Each of the following listed corporations is either a wholly-owned subsidiary of Louisiana-Pacific Corporation or is, in turn, a wholly-owned subsidiary of one of the other corporations listed here. The address for each of the corporations is: c/o Louisiana-Pacific Corporation, 34th Floor, First National Bank Tower, Portland, Oregon 97201.

No compensation separate from the compensation paid me by Louisiana-Pacific Corporation has ever been paid me for any of these positions.

Name of organization, position held, from (Mo., Yr.) to (Mo., Yr.):

El Capitan Logging Company, Assistant Secretary, November 29, 1976. Dissolved September 15, 1980.

Fiberboard Corporation, Assistant Secretary, May 7, 1979, April 30, 1982.

Goodman Water Works (Stock donated to City of Goodman, Wisconsin 7/80), Assistant Secretary, Approximately September 9, 1974, July 7, 1980.

H. C. Hodges Lumber Company, Assistant Secretary, September 7, 1977, April 30, 1981.

H. C. Hodges Lumber Company of Westbay, Inc., Assistant Secretary, September 7, 1977, April 30, 1981.

Hegewald Timber Company, Inc., Assistant Secretary, June 29, 1973, April 30, 1981.

Kenal Lumber Company, Assistant Secretary, April 26, 1974, April 30, 1981.

Ketchikan Pulp Company, Assistant Secretary, November 1, 1976, April 30, 1981.

Kreidel Plastics, Inc., Assistant Secretary, November 24, 1980, April 30, 1981.

Louisiana-Pacific Corporation (West Virginia Name Savor Corporation), Assistant Secretary, April 26, 1974, April 30, 1981.

Louisiana-Pacific International, Inc., Assistant Secretary, July 22, 1974, April 30, 1981.

L.P.I., Assistant Secretary, April 26, 1974, April 30, 1981.

Roy O. Martin Industries, Inc., Assistant Secretary, July 31, 1978, April 30, 1981.

Panhandle Logging Company, Assistant Secretary, November 29, 1976, April 30, 1981.

Sugar Pine Railway Company, Assistant Secretary, January 21, 1980, April 30, 1981.

Trimont Land Company, Assistant Secretary, May 7, 1979, April 30, 1981.

Trimont Water Company, Assistant Secretary, May 7, 1979. Dissolved January 24, 1980.

I certify that the statements I have made on this form are true, complete, and correct to the best of my knowledge and belief.

JOHN B. CROWELL.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 13, 1981.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you doubtless are aware, Senator Kennedy on May 11, 1981, asked me to respond to a series of questions in connection with my nomination as Assistant Secretary of Agriculture. I enclose a copy of his questions, together with my responses and the letters of transmittal. I am taking the liberty of distributing copies of the questions and responses to other members of the Senate who have evinced an interest in my nomination.

As you know, before my nomination I was general counsel to Louisiana-Pacific Corporation. A number of Senator Kennedy's questions place a surprising emphasis on the fact that I was an assistant corporate secretary of Ketchikan Pulp Company, a wholly owned subsidiary of Louisiana-Pacific Corporation. I have caused the corporate records of Louisiana-Pacific to be reviewed and have ascertained that I was also an assistant secretary to ten other wholly owned subsidiaries of Louisiana-Pacific Corporation and to four additional wholly owned subsidiaries of one or another of the directly owned subsidiaries. In each instance, the role of the assistant corporate secretary was nothing more than a custodian of the corporate seal to which the assistant secretary would attest whenever the seal was affixed to an appropriate legal document. For none of those corporations did the position of assistant secretary entail any other authority.

In filling out and subscribing the Financial Disclosure Report (Form SF 278), it never occurred to me to list under the heading "Positions Held" the purely ministerial function as assistant secretary for those Louisiana-Pacific subsidiaries. I am now advised by the Office of General Counsel of the Department of Agriculture that probably I should have listed those positions in order to be fully responsive to the instructions accompanying the form. I have decided, therefore, to prepare and to file an appropriate addendum to the Financial Disclosure form; the addendum will provide no substantive disclosure which had not been provided with the original filing.

I might also note that my letter dated March 11, 1981, to the Honorable J. Jackson Walter, Director of the Office of Government Ethics, dealt with a number of recusals. The seventh paragraph of that letter stated my intent to recuse myself from involvement in any matter which might arise within the Department of Agriculture involving particularly either Louisiana-Pacific Corporation or an earlier employer, Georgia-Pacific Corporation. I had intended, and still intend, that such a recusal would extend to wholly owned subsidiaries of both those corporations. Since the recusal statement does not treat subsidiaries, I now plan to file an addendum to the letter which would explicitly state my original intent.

I would be pleased if you would see fit to incorporate this letter and any of the accompanying enclosures into the record of my confirmation hearing.

Sincerely,

JOHN B. CROWELL, Jr.,
Assistant Secretary-Designate for Natural Resources and Environment.

COMPLETE TEXT OF QUESTIONS WHICH SENATOR EDWARD KENNEDY SUBMITTED ON MAY 11, 1981 TO JOHN B. CROWELL, JR., ASSISTANT SECRETARY OF AGRICULTURE-DESIGNATE AND JOHN CROWELL'S RESPONSES OF MAY 13, 1981.

1. (Q) As Assistant Secretary for Environment and Natural Resources, do you agree that Section 14 of the National Forest Management Act (NFMA) you will ensure that Forest Service sales take place in a manner that protects competition in the timber business?

(A) The question, as written, appears to have omitted an essential word or phase.

I agree that section 14 (e) of the National Forest Management Act requires the Secretary of Agriculture (and would require me as an Assistant Secretary) to take action to

obviate collusive practices in bidding for forest products from National Forest lands, to establish adequate monitoring systems to identify patterns of noncompetitive bidding, and to require that a report of instances of collusive practices or patterns of noncompetitive bidding be submitted to the Attorney General with supporting data.

I fully intend faithfully to execute the law.

2. (Q) As an attorney with G–P and with L–P were you one of the inhouse experts on antitrust matters? Have you described yourself as the "in-house savant" on antitrust matters?

(A) As an attorney for Georgia Pacific Corporation (GP) and as general counsel for Louisiana Pacific Corporation (LP), I was the lawyer who generally dealt with questions and concerns involving antitrust matters. I have stated that I was regarded by members in first one and then the other of the legal departments as their "incipient savant" on antitrust matters . . . meaning that the department might one day have an expert on antitrust matters if I worked at it long enough.

3. (Q) Were you responsible for preparing or approving the antitrust sections of the business practices manuals for G–P or L–P?

(A) While I was employed by GP, I initially prepared the section dealing with antitrust compliance for the periodic revisions to the corporation's Operating Policy Manual; suggestions for inclusion or for editing were sometimes provided by others on the GP legal staff. After becoming general counsel to LP, I similarly prepared the antitrust compliance section of the comparable LP manual.

4. (Q) As an attorney for G–P or L–P, did you arrange antitrust classes for the employees of one or both of these companies?

(A) I did from time to time participate in training meetings for employees, where my part was to describe the antitrust laws and to instruct on how potential antitrust problems might be recognized and how they should be guarded against so that at all times company officers and employees would adhere to and comply with both the spirit and letter of the antitrust laws.

5. (Q) As an attorney for G–P and L–P, were you involved in acquisition matters?

(A) I did the legal work in connection with a considerable number of small acquisitions, both by GP in the late 1960's and by LP in 1973 and 1974.

6. (Q) With regard to acquisitions, is it correct, as you have stated, that, as an attorney, you "did a lot in the first years" when the corporations were "buying up small companies?"

(A) LP was spun off from GP on January 5, 1973. In the next two years, LP acquired a number of mills; a considerable amount of my time was occupied in performing the legal work connected with those acquisitions.

7. (Q) Did you have a duty as a member of the bar to advise the corporation for which you were an attorney or general counsel, to refrain from engaging in activities which were anti-competitive or which might violate the antitrust laws of the United States?

(A) Most certainly.

Since you will have responsibility under the NFMA to prevent anticompetitive practices, the extent of your knowledge of the practices which the court found in violation of the antitrust laws is an important indication of your ability and willingness to carry out that responsibility. The following questions are addressed to this issue:

8. (Q) In your letter of May 5, 1981, to the Chairman of the Senate Agriculture Committee you stated that beyond tactical trial matters, "I have never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose." Is that statement correct?

(A) Yes.

9. (Q) The plaintiffs in the Seattle case alleged that:

"The defendants further eliminated mill competition by systematically acquiring ownership or control of the sawmills in southeast Alaska, and by expanding their own operations."

The court determined in its preliminary findings of fact that this allegation was correct. Four of these acquisitions involved G–P, L–P, or KPC. At that time, KPC was either half-owned or wholly-owned by G–P or L–P. With respect to these acquisitions:

(a) Were you aware of the acquisition of Alaska Prince Company by KPC?

(b) Were you aware of the acquisition of Ketchikan Spruce Mills by G–P?

(c) Were you aware of the acquisition of the Alaska Timber Corporation (Ed Head) by KPC?

(d) In Section X(A)(13–16) of the court's findings, the court states that KPC's refusal to sell logs to Schnabel was one of the facts establishing that the defendants had systematically eliminated competing saw mills in southeast Alaska. Hove you stated that you "went up to Ketchikan and talked with Schnabel" about "whether to buy logs or sell the plant to KPC."

(e) The plaintiffs alleged that KPC forced Ed Head of Alaska Timber Corporation—by interfering with his financing arrangements—to enter into an arrangement by which KPC assisted him in obtaining financing in return for transferring ownership of the mill to KPC. The court, in Section X(A)(17–19), included the assistance to Ed Head and the takeover of Ed Head's mill as one of the facts establishing a systematic elimination of competing saw mills. Were you aware of KPC's "assistance" to Ed Head and KPC's takeover of Ed Head's mill?

(A) (a) The acquisition of the Metlakatla, Alaska, sawmill from Alaska Prince Company by KPC (then half-owned by GP) occurred some time prior to January 5, 1973. I did none of the work on the transaction and am not sure at this date whether I was even aware of the transaction or what it entailed at the time it was being carried out.

(b) Ketchikan Spruce Mills, whose principal asset was a sawmill at Ketchikan, was acquired by KPC, then a half-owned subsidiary of GP, at some time in the latter 1960's. I did no work on the transaction, but was aware that it was being conducted.

(c) Alaska Timber Corporation has never been owned by KPC and has operated the mill at Klawock ever since construction of the mill was completed in approximately mid-1973.

(d) On May 5, 1981, I stated to two of Senator Kennedy's staff persons that I recall having attended, as an attorney for LP, a meeting between LP's Chairman of the Board and John Schnabel. Schnabel was asking LP to consider purchasing the Schnabel mill at Haines. I do not recall that the meeting involved a discussion about possible sale of logs from KPC to Schnabel, but it may have. I had no substantive part in the meeting and was present only to be able to prepare a contract if the meeting resulted in an agreement. So far as I know, the Schnabel mill at Haines is still being operated by John Schnabel.

(e) KPC has not been involved in a "takeover" of Alaska Timber Corporation's (Ed Head's) mill. So far as I know the mill at Klawock, Alaska, is still owned and operated by Alaska Timber Corporation and Ed Head. I have known that Alaska Timber Corporation and KPC have had various contracts between them ever since the mill at Klawock was contemplated for construction in approximately 1971 or 1972. It is my recollection that KPC helped Head to finance the mill after it had been partly constructed and he was out of cash; KPC bought the mill, paid for it, and leased it back on a long-term lease with option for Head to re-purchase it. Head used the payment to finish construction. The re-purchase option is very favorable to Head. Alaska Timber Corporation and Ed Head are not plaintiffs in the antitrust litigation.

10. (Q) In Section VIII(B)(11), the court found that the fact that KPC and Alaska Lumber and Pulp (ALP) seldom bid against each other was part of the proof that the defendants had acted in concert in refusing to compete against each other. Were you aware that the defendants seldom bid against each other?

(A) I have no idea how frequently or infrequently KPC and ALP bid against each other on Forest Service timber sales, but I assume such bidding was uncommon because the mills of the two companies are widely separated geographically. Each would be at an economic disadvantage in attempting to bid a timber sale located closer to the mill of the other than to its own mill.

11. (Q) In light of your responsibility for antitrust matters within G–P and L–P, and your knowledge of facts which the court judged were material facts establishing a violation of the antitrust laws, what action did you take to prevent these activities or other activities which the court found violated the antitrust laws?

(A) I never had any knowledge of facts which would have led me to conclude that KPC might be in violation of the antitrust laws. As general counsel I stressed, at every opportunity possible, the ethical and legal necessity to avoid any action which could be or could appear to be in violation of the antitrust laws.

12. (Q) In light of your awareness of these four acquisitions, and especially of the particular matters that forced the acquisitions of Alaska Timber Corporation (Ed Head) and Schnabel, is your statement that "I have never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose" correct?

(A) KPC never acquired either Alaska Timber Corporation or the John Schnabel mill. My awareness that the other two acquisitions occurred does not involve me in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose.

13. (Q) Because of questions raised about the Seattle case, you wrote in your letter of May 5, 1981, to the Chairman of the Senate Agriculture Committee that "it is appropriate, therefore, that any personal connection to that case be fully explained." Why did you not explain in that letter that you have been Assistant Secretary of KPC for a number of years?

(A) I did not become an assistant secretary of KPC until November 1, 1976, which was approximately two years after the date the plaintiffs' antitrust claims were filed and was more than two years after the last occurrence which plaintiffs asserted as a basis for their claims against KPC. Even had I been an assistant secretary to KPC at an earlier date, my connection to the operative facts upon which plaintiffs base their claims would have been no closer than it was as an attorney for GP and as general counsel for LP.

14. (Q) Will you make all documents signed as Assistant Secretary of KPC available?

(A) Whatever documents I signed after November 1, 1976, in my capacity as assistant secretary of KPC, are not in my possession. I now have no right or authority over any such documents.

15. (Q) You have stated that your role as

Assistant Secretary of KPC was "just a ministerial function." Have you been involved in multimillion dollar consent decree negotiations involving KPC and the Environmental Protection Administration?

(A) I was involved during 1975 and 1976 in my capacity as general counsel for LP, which owned half the stock in KPC, in helping to resolve the long-standing dispute between the Environmental Protection Agency and KPC. Formal settlement of that dispute between KPC and EPA occurred on November 1, 1976, which was the same day LP acquired the other half of KPC's outstanding stock from FMC Corporation. That was also the date I became an assistant secretary of KPC. The KPC-EPA settlement was incorporated into a consent decree which became final in approximately March or April of 1977 upon being approved by the United States District Court for Alaska.

16. (Q) Have you been involved in preparing contracts for the sale of KPC timber to Japanese buyers?

(A) I never prepared any contracts for sale of timber by KPC. I did on several occasions act as attorney in the preparation of contracts with Japanese buyers for sale by KPC of cants manufactured from logs.

17. (Q) Have you been involved in KPC discussions with Ed Head relating to whether financial assistance would be provided to him, and whether his mill would be acquired?

(A) My only recollection of discussions in which I participated with Ed Head or his attorney took place after LP was formed and concerned the administration of existing contracts between KPC and his company, Alaska Timber Corporation, which another attorney for GP had prepared some time before the spin-off of LP and GP. One of the contracts called for logs to be delivered by KPC to Alaska Timber Corporation at a price to be agreed upon; I was involved with discussions with Head's attorney on several occasions as to how disputes over the price payable for logs might be resolved. I was also involved in a series of discussions at an earlier time with Head or his attorney about amending one of the contracts so that Head could qualify as a small business.

18. (Q) Have you been involved in chemical supply negotiations for KPC?

(A) One of the terms upon which LP agreed to buy and FMC agreed to sell 50 percent of the stock interest in KPC on November 1, 1976, was that a 5-year contract be entered into between FMC and KPC for the sale by FMC of chlorine and caustic soda to KPC. An attorney for FMC and I worked out the wording of the contract.

19. (Q) Have you been involved in conversations with Schnabel and KPC executives relating to whether Schnabel would buy KPC logs or be forced to sell out?

(A) My only involvement in a negotiation between John Schnabel and executives of KPC or LP was the instance described in 9(d) above where I stated (a) John Schnabel still operates his mill and (b) that I do not recall any discussion about purchase by Schnabel of logs from KPC.

20. (Q) Do you consider the matters described in questions 15–19 ministerial?

(A) In the matters described in questions 15 through 19, I was acting in my capacity as general counsel of LP. All except the execution of settlement agreement with EPA occured prior to November 1, 1976, the date upon which I was appointed an assistant secretary of KPC. That appointment was made by the Board of Directors of KPC immediately after LP had accquired 100 percent ownership of KPC and had elected its own directors for KPC. The appointment by the board of directors was made only minutes before I exercised my new capacity as an assistant secretary of KPC to affix the KPC seal to the documents evidencing the settlement with EPA. My role as an assistant secretary for KPC was only a ministerial function.

21. (Q) Were the activities described in questions 15–19 the only non-ministerial activities in which you were involved relating to KPC?

(A) No. For example, in 1979 and 1980 as general counsel for LP, the sole owner of KPC, I participated in negotiations with EPA concerning a potential amendment to the consent decree and concerning terms of a renewed National Pollution Discharge Elimination System permit for KPC's Ketchikan pulp mill. Earlier, as general counsel for LP, then a half-owner of KPC, I participated in arranging for defense of the antitrust claims brought by the five plaintiffs which are in part the subject of the Seattle Federal District Court case. Before that I had brought to the attention of Forest Service officials in Washington KPC's concerns about the decrease in volumes of timber being offered for sale in Alaska.

22. (Q) Were you aware of any of the other events which the court used to make its finding that KPC had violated the antitrust laws? If you are, when did you become aware of these facts?

(A) Since February 12, 1981, the date I was nominated as an Assistant Secretary of Agriculture, I have attempted to avoid any potential conflict of interest and have been insulating myself from any matters which might potentially involve KPC or LP and the Forest Service. I have not read the court's proposed findings of facts and conclusions of law which were issued after that date; thus I am not aware of the findings and conclusions.

In your recusal on the small business set aside program, you established a standard by which the breadth of your recusals should be judged. As General Counsel of LP you strongly attacked at Forest Service Program which set aside certain timber sales for small loggers. In your statement of March 11, 1981, you recused yourself from "involvement in all matters" related to this program "because of concerns expressed by the small business community . . . based upon my prior partisan representation of large business to cause amendments to this program."

23. (Q) You have called the RARE II wilderness designation process "particularly ill-conceived." Will you recuse yourself from RARE II matters?

(A) I regard RARE II as having been "particularly ill-conceived" because it took the roadless area review for possible wilderness designations out of the land planning process contemplated by the National Forest Management Act and escalated it to consideration ahead of all other potential uses of the roadless areas. RARE II is now an accomplished fact, which does not detract from any opinion that it was ill-conceived. I will not recuse myself from RARE II matters.

24. (Q) You have described wilderness advocates as "a surprisingly small band of devotees . . . who have won an impressive number of converts for reasons best left to explanation of sociologists, psychologists, and theologians." Will you recuse yourself from wilderness matters?

(A) The incomplete quotation in question 24 is extracted from a paper I delivered to the Society of American Foresters Annual Meeting in Spokane, Washington, on October 6, 1980. A copy is attached hereto for ready reference. A major conclusion of the paper was that wilderness advocates have had a pervasive influence on national forest policy. That conclusion does not support an inference that I am opposed to all wilderness designations or to some additional wilderness designations in the future. I will not recuse myself from wilderness matters.

25. (Q) You have expressed strong opposition to certain National Forest Management Act regulations as Chairman of the National Forest Products Association's Task Group on these regulations. Will you recuse yourself from unresolved matters in these regulations?

(A) My position with respect to the views stated by the National Forest Products Association on the regulations pertaining to the National Forest Management Act are set out in my responses to questions 15 and 16 addressed to me by Senator Huddleston and are part of the record in my confirmation hearing before the Senate Committee on Agriculture, Nutrition, and Forestry.

I will not recuse myself from any unresolved matters in connection with the National Forest Management Act regulations.

26. (Q) You have described the present Forest Service policy on 'nondeclining even-flow' timber harvestry as "ludicrous." Will you recuse yourself from all matters related to this policy?

(A) It is important to note that I have been critical of the present Forest Service policy of non-declining even-flow only with respect to timber harvest scheduling for old growth timber. Reference to the attached speech will confirm this assertion. The non-declining even-flow policy makes sense when it is applied to an understocked young forest or to a forest which is in a fully managed state containing an even distribution of age classes of timber.

I will not recuse myself from matters relating to application of the non-declining even-flow policy.

27. (Q) You have stated that the small loggers represent an interest group which could have stopped your nomination from being offered. Is it correct that you recused yourself from the small business set aside program as part of a deal to obtain the nomination?

(A) I recused myself from matters connected with the small business timber sale set-aside program because had I not done so, support for my nomination from the small business sector of the forest products industry would not have been unanimous. There was no "deal" involved, and I believe the position I have taken is fully justified.

28. (Q) Section 506(a)(5) of the Alaska National Interest Lands Conservation Act of 1980 authorizes Kootznoowoo, Inc., the Alaska Native Village corporation for Angoon, Alaska, to acquire rights to certain lands on Prince of Wales Island under contract to KPC for contingency timber sales. Recent press reports in Alaska quote KPC executives as stating that KPC will file a lawsuit challenging the legality of this statutory provision.

(a) Have you had any discussions with any employee, agent or representative of L–P, KPC, or the United States Department of Agriculture with regard to this statutory provision, the land selection rights of Kootznoowoo, Inc., or the lawsuit which has been proposed by representatives of KPC? If so, please give details.

(b) If a lawsuit is filed by KPC over this issue, will you recuse yourself from any involvement in the matter?

(A)(a) After enactment of the Alaska National Interest Lands Conservation Act of 1980, I did discuss section 506(a)(5) on a number of occasions, either with representatives of LP and KPC or with outside counsel who had worked on the legislation. The conversations involved efforts to analyze the significance of section 506(a)(5) and were not directed toward consideration of whether or not a lawsuit might eventually be filed. Such conversations all took place prior to February 12, 1981. Since February 12, 1981, I have discussed with top managers in the Forest Service a number of potential problems arising from the Alaska lands legislation, and I have specifically pointed out that

the problem of the Kootznoowoo selection rights is a subject on which I cannot and will not have any involvement.

(b) Certainly I would recuse myself from any involvement in a lawsuit filed by KPC over this issue.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C. May 13, 1981.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I am pleased to provide herewith responses to the questions which you asked of me in writing on May 11, 1981.

For the convenience of the reader, I am attaching a set of your questions.

Sincerely,

JOHN B. CROWELL, JR.,
Assistant Secretary-Designate for Natural Resources and Environment.

ANSWERS BY JOHN B. CROWELL, JR., TO QUESTIONS PROPOUNDED BY SENATOR KENNEDY ON MAY 11, 1981

1. The question, as written, appears to have omitted an essential word or phrase.

I agree that section 14(e) of the National Forest Management Act requires the Secretary of Agriculture (and would require me as an Assistant Secretary) to take action to obviate collusive practices in bidding for forest products from National Forest lands, to establish adequate monitoring systems to identify patterns of non-competitive bidding, and to require that a report of instances of collusive practices or patterns of non-competitive bidding be submitted to the Attorney General with supporting data.

I fully intend faithfully to execute the law.

2. As an attorney for Georgia Pacific Corporation (GP) and as general counsel for Louisiana Pacific Corporation (LP), I was the lawyer who generally dealt with questions and concerns involving antitrust matters. I have stated that I was regarded by members in first one and then the other of the legal departments as their "incipient savant" on antitrust matters . . . meaning that the department might one day have an expert on antitrust matters if I worked at it long enough.

3. While I was employed by GP, I initially prepared the section dealing with antitrust compliance for the periodic revisions to the corporation's Operating Policy Manual; suggestions for inclusion or for editing were sometimes provided by others on the GP legal staff. After becoming general counsel to LP, I similarly prepared the antitrust compliance section of the comparable LP manual.

4. I did from time to time participate in training meetings for employees, where my part was to describe the antitrust laws and to instruct on how potential antitrust problems might be recognized and how they should be guarded against so that at all times company officers and employees would adhere to and comply with both the spirit and letter of the antitrust laws.

5. I did the legal work in connection with a considerable number of small acquisitions, both by GP in the late 1960's and by LP in 1973 and 1974.

6. LP was spun off from GP on January 5, 1973. In the next two years, LP acquired a number of mills; a considerable amount of my time was occupied in performing the legal work connected with those acquisitions.

7. Most certainly.

8. Yes.

9. (a) The acquisition of the Metlakatla, Alaska, sawmill from Alaska Prince Company by KPC (than half-owned by GP) occurred some time prior to January 5, 1973. I did none of the work on the transaction and am not sure at this date whether I was even aware of the transaction or what it entailed at the time it was being carried out.

(b) Ketchikan Spruce Mills, whose principal asset was a sawmill at Ketchikan, was acquired by KPC, then a half-owned subsidiary of GP, at some time in the latter 1960's. I did not work on the transaction, but was aware that it was being conducted.

(c) Alaska Timber Corporation has never been owned by KPC and has operated the mill at Klawock ever since construction of the mill was completed in approximately mid-1973.

(d) On May 5, 1981, I stated to two of Senator Kennedy's staff persons that I recall having attended, as an attorney for LP, a meeting betwen LP's Chairman of the Board and John Schnabel. Schnabel was asking LP to consider purchasing the Schnabel mill at Haines. I do not recall that the meeting involved a discussion about possible sale of logs from KPC to Schnabel, but it may have. I had no substantive part in the meeting and was present only to be able to prepare a contract if the meeting resulted in an agreement. So far as I know, the Schnabel mill at Haines is still being operated by John Schnabel.

(e) KPC has not been involved in a "takeover" of Alaska Timber Corporation's (Ed Head's) mill. So far as I know the mill at Klawock, Alaska, is still owned and operated by Alaska Timber Corporation and Ed Head. I have known that Alaska Timber Corporation and KPC have had various contracts between them ever since the mill at Klawock was contemplated for construction in approximately 1971 or 1972. It is my recollection that KPC helped Head to finance the mill after it had been partly constructed and he was out of cash; KPC bought the mill, paid for it, and leased it back on a long-term lease with option for Head to repurchase it. Head used the payment to finish construction. The repurchase option is very favorable to Head. Alaska Timber Corporation and Ed Head are not plaintiffs in the antitrust litigation.

10. I have no idea how frequently or infrequently KPC and ALP bid against each other on Forest Service timber sales, but I assume such bidding was uncommon because the mills of the two companies are widely separated geographically. Each would be at an economic disadvantage in attempting to bid a timber sale located closer to the mill of the other than to its own mill.

11. I never had any knowledge of facts which would have led me to conclude that KPC might be in violation of the antitrust laws. As general counsel I stressed, at every opportunity possible, the ethical and legal necessity to avoid any action which could be or could appear to be in violation of the antitrust laws.

12. KPC never acquired either Alaska Timber Corporation or the John Schnabel mill. My awareness that the other two acquisitions occurred does not involve me in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose.

13. I did not become an assistant secretary of KPC until November 1, 1976, which was approximately two years after the date the plaintiffs' antitrust claims were filed and was more than two years after the last occurrence which plaintiffs asserted as a basis for their claims against KPC. Even had I been an assistant secretary to KPC at an earlier date, my connection to the operative facts upon which plaintiffs base their claims would have been no closer than it was as an attorney for GP and as general counsel for LP.

14. Whatever documents I signed after November 1, 1976, in my capacity as assistant secretary of KPC, are not in my possession. I now have no right or authority over any such documents.

15. I was involved during 1975 and 1976 in my capacity as general counsel for LP, which owned half the stock in KPC, in helping to resolve the long-standing dispute between the Environmental Protection Agency and KPC. Formal settlement of that dispute between KPC and EPA occurred on November 1, 1976, which was the same day LP acquired the other half of KPC's outstanding stock from FMC Corporation. That was also the date I became an assistant secretary of KPC. The KPC–EPA settlement was incorporated into a consent decree which became final in approximately March or April of 1977 upon being approved by the United States District Court for Alaska.

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17. My only recollection of discussions in which I participated with Ed Head or his attorney took place after LP was formed and concerned the administration of existing contracts between KPC and his company, Alaska Timber Corporation, which another attorney for GP had prepared some time before the spin-off of LP and GP. One of the contracts called for logs to be delivered by KPC to Alaska Timber Corporation at a price to be agreed upon; I was involved with discussions with Head's attorney on several occasions as to how disputes over the price payable for logs might be resolved. I was also involved in a series of discussions at an earlier time with Head or his attorney about amending one of the contracts so that Head could qualify as a small business.

18. One of the terms upon which LP agreed to buy and FMC agreed to sell 50 percent of the stock interest in KPC on November 1, 1976, was that a 5-year contract be entered into between FMC and KPC for the sale by FMC of chlorine and caustic soda to KPC. An attorney for FMC and I worked out the wording of the contract.

19. My only involvement in a negotiation between John Schnabel and executives of KPC or LP was the instance described in 9(d) above where I stated (a) John Schnabel still operates his mill and (b) that I do not recall any discussion about purchase by Schnabel of logs from KPC.

20. In the matters described in questions 15 thru 19, I was acting in my capacity as general counsel of LP. All except the execution of the settlement agreement with EPA occurred prior to November 1, 1976, the date upon which I was appointed an assistant secretary of KPC. That appointment was made by the Board of Directors of KPC immediately after LP had acquired 100 percent ownership of KPC and had elected its own directors for KPC. The appointment by the board of directors was made only minutes before I exercised my new capacity as an assistant secretary of KPC to affix the KPC seal to the documents evidencing the settlement with EPA. My role as an assistant secretary for KPC was only a ministerial function.

21. No. For example, in 1979 and 1980 as general counsel for LP, the sole owner of KPC, I participated in negotiations with EPA concerning a potential amendment to the consent decree and concerning terms of a renewed National Pollution Discharge Elimination System permit for KPC's Ketchikan pulp mill. Earlier, as general counsel for LP, then a half-owner of KPC, I participated in arranging for defense of the antitrust claims brought by the five plaintiffs which are in part the subject of the Seattle Federal District Court case. Before that I had brought to the attention of Forest Service officials in Washington KPC's concerns about the decrease in volumes of timber being offered for sale in Alaska.

22. Since February 12, 1981, the date I was nominated as an Assistant Secretary of Agriculture, I have attempted to avoid any potential conflict of interest and have been insulating myself from any matters which might potentially involve KPC or LP and the Forest Service. I have not read the court's proposed findings of facts and conclusions of law which were issued after that date; thus I am not aware of the findings and conclusions.

23. I regard RARE II as having been "particularly ill-conceived" because it took the roadless area review for possible wilderness designations out of the land planning process contemplated by the National Forest Management Act and escalated it to consideration ahead of all other potential uses of the roadless areas. RARE II is now an accomplished fact, which does not detract from any opinion that it was ill-conceived. I will not recuse myself from RARE II matters.

24. The incomplete quotation in question 24 is extracted from a paper I delivered to the Society of American Foresters Annual Meeting in Spokane, Washington, on October 6, 1980. A copy is attached hereto for ready reference. A major conclusion of the paper was that wilderness advocates have had a pervasive influence on national forest policy. That conclusion does not support an inference that I am opposed to all wilderness designations or to some additional wilderness designations in the future.

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25. My position with respect to the views stated by the National Forest Products Association on the regulations pertaining to the National Forest Management Act are set out in my responses to questions 15 and 16 addressed to me by Senator Huddleston and are part of the record in my confirmation hearing before the Senate Committee on Agriculture, Nutrition, and Forestry.

I will not recuse myself from any unresolved matters in connection with the National Forest Management Act regulations.

26. It is important to note that I have been critical of the present Forest Service policy of non-declining even-flow only with respect to timber harvest scheduling for old growth timber. Reference to the attached speech will confirm this assertion. The non-declining even-flow policy makes sense when it is applied to an understocked young forest or to a forest which is in a fully managed state containing an even distribution of age classes of timber.

I will not recuse myself from matters relating to application of the non-declining even-flow policy.

27. I recused myself from matters connected with the small business timber sale set-aside program because had I not done so, support for my nomination from the small business sector of the forest products industry would not have been unanimous. There was no "deal" involved, and I believe the position I have taken is fully justified.

28. (a) After enactment of the Alaska National Interest Lands Conservation Act of 1980, I did discuss section 506(a)(5) on a number of occasions, either with representatives of LP and KPC or with outside counsel who had worked on the legislation. The conversations involved efforts to analyze the significance of section 506(a)(5) and were not directed toward consideration of whether or not a law suit might eventually be filed. Such conversations all took place prior to February 12, 1981. Since February 12, 1981, I have discussed with top managers in the Forest Service a number of potential problems arising from the Alaska lands legislation, and I have specifically pointed out that the problem of the Kootznoowoo selection rights is a subject on which I cannot and will not have any involvement.

(b) Certainly I would recuse myself from any involvement in a law suit filed by KPC over this issue.

IMPACT OF RECENT TRENDS IN FOREST LAND ALLOCATION

1. Economics primarily determine use allocations of privately-owned forest lands.

A. Choices Available from Economic Considerations:

Prior to establishment of the federal forest reserves at the end of the last century, allocation for uses of forest land in the United States occurred as a consequence of a fairly simple choice: the land was either cleared for conversion to uses other than growing trees, or the trees were cut—often to the point of being cleared—and the land was left for natural growth processes to continue. It is only in recent decades that the economics of timber growing and management have opened to the owners of forest land the feasibility of accelerating and improving the natural processes by application of management practices suitable for increasing production from their particular ownerships.

The choices for use to which all forest land in the United States was subject prior to the establishment of state and federal forest reserves, and the choices for use to which privately-owned forest lands still are largely subject, are essentially choices dictated by economics. Except for the increasing governmental restrictions which have appeared largely in the past decade, the choices exercised by individual landowners today are the same choices which have always been exercised; a landowner decides when to cut his timber primarily as a consequence of his perceptions of present and future demand for the products or potential products of his land in relation to present and future demand and supply of those products. Generally a landowner will undertake to convert forest land to other uses whenever the landowner decides he can generate a better return (after taking into account the costs of the conversion) from those other uses than he can by continuing to grow trees on the land. On the other hand, if the price for wood products is, and is likely to remain, at levels affording the best return from a parcel of land by its continuing to grow trees, it is certain that the land will remain forested.

There are, however, a number of recently emerged factors which affect private forest land owners' resource allocation decisions. None of these factors pays much, if any, attention to the landowner's economic concerns.

B. Regulatory Considerations Affecting Private Forest Lands:

(1) Forest Practice Acts.

The first of these factors has been the development of various state forest practice acts which impose requirements on landowners who elect to cut their timber and to continue their land in forest production. The state forest practice acts usually proscribe harvest practices which can result in serious erosion of the soil or which can subsequently impede the soil's capability to grow another crop of trees; the forest practice acts also usually require certain minimum reforestation measures. Some forest practice acts also have addressed water quality concerns by assuring a measure of protection for streams.

The imposition of minimum forest management practices by law is, in effect, an investment forced upon the landowner. Forest practice acts seem to have been motivated in part out of concern to avoid future timber shortages, in part by concern to prevent avoidable soil erosion, and in part by aesthetic considerations.

(2) Prohibitions on Use of Specific Forest Management Practices.

Prohibition against use of herbicides and either imposition of severe limitations or outright prohibition on slash burning are regulations impeding the private land owner's historic and basic economic choices and are of a more objectional nature than is the typical-forest practice act. Evidence to support claims that herbicide applications in forestry uses are hazardous to humans is slight at best and is not at all compelling; controls on slash burning are justified only for aesthetic reasons and can be self-defeating by taking away the only economical means for disposing of unsightly residues. Resulting fuel accumulations can result in uncontrolled fires which cause more air pollution than controlled slash fires ever could have. Clearly, prohibition of either herbicide uses or of slash burning reduces productivity of the affected forest lands and will result ultimately in higher prices to the consumer of wood products.

Proposals for such prohibitions raise questions not only as to which aspect of the public interest should be favored, but also, if the prohibition is adopted, whether it is fair to impose upon the affected landowners those costs of accomplishing a marginal public benefit which, so long as the prohibition is not universally in force, cannot be entirely recovered by being passed along in the form of higher prices for the ultimate product.

(3) Freezing Land Use Allocations.

Another discernible trend affecting privately-owned forest lands is the accelerating movement to "freeze" or "lock up" lands in their present uses. For privately-owned forest lands, this trend is in part manifested by legislative enactments which provide incentives in the form of property tax reductions to landowners who meet specified requirements and who contract to accept constraints upon potential future uses of their land, whether it be farm land or forest land.

The same trend is even more plainly manifested by land use planning, which occurs at state or at county levels, usually in response to recent legislative direction that such planning take place. The result of such planning is to place all the affected lands in one or another category which thereafter dictates—often with considerable specificity—what activities may thereafter take place on the zoned land, and, equally important, what activities may not take place on such land.

Consequences of the comprehensive land use planning process on forest land allocations are not easy to predict. Because the possibilities of intensive forest management practices are unlikely to be taken into account by planners, it is likely that too much land (in relation to society's needs for other land uses) will be devoted by the planning process to tree-growing. Another deterrent to application of intensive forest management is likely to arise from the practice of planners requiring larger and larger lot sizes for residential purposes as one moves away from population centers. The resulting misallocation is double-edged; too much land is devoted to rural residential purposes and such land is unlikely to be managed intensively either for agricultural or forest products. Perhaps planners should not, after all, be making land use allocations better left to market forces.

2. Use allocations of federally-owned forest land are insulated from economics.

Although it is true that the same economic forces which have operated to effect forest land use allocation since colonial days continue to operate on privately-owned forest land, it is increasingly apparent that this is not true for governmentally-owned forest lands. The relatively new phenomenon in the United States of having to make allocations of forest land to serve varied uses for the land as forest land has, so far, occurred almost exclusively on governmentally-owned lands, particularly federal lands, and more particularly still, on the national forests. In fact, allocations of forest land to uses incompatible with the generation of income (which thereby affords a return on the capital investment represented by standing timber) are generally not going to occur on pri-

vately-owned forest land,[1] unless imposed by governmental fiat.

Allocations for use of governmentally-owned forest lands range from mining and timber production downward, in terms of value outputs, to accommodate cattle grazing, enhancement of water volumes, protection of water quality, human recreation in numerous forms, production and protection of wildlife, and diversity of both plant and animal species. The point is then reached where substantially all of those objectives are simultaneously abandoned for celebration instead of a concept encapsulated in the term "wilderness".

The single most significant trend and the most far-reaching effect on the allocation of federal forest land which has occurred, and which conceivably can occur in the foreseeable future, is the still-growing emphasis on placing significant acreages in the legally-established category of "wilderness". That emphasis also influences forest land allocation decisions generally so that many land allocations are made without economic justification even though the allocation is not to formally designated wilderness status. Virtually all the major events which have shaped policy by which the national forests are managed today and which will shape principal land use allocations on the national forests for the predictable future are attributable more or less directly to the ongoing advocacy of wilderness status for more and more federal forest land.

A. Pervasive Influence of the Wilderness Concept on Allocations of Federally-Owned Forest Lands:

(1) The Wilderness Act of 1964.

The wilderness concept originated with a surprisingly small band of devotees who over the years preached their cause with articulate persuasiveness and with unremitting fervor and zeal. They have won an impressive number of converts for reasons best left to explanations of sociologists, psychologists and theologians. Their efforts were rewarded by enactment of The Wilderness Act of 1964. The wilderness system originally envisioned by the Act was to encompass less than 15 million acres of national forest lands which had already been administratively designated; additional areas were to be designated from already existing national parks and wildlife refuges.

Had the process stopped there, the history of forest land allocations in the national forest system would have been far different than it is today. But with still accelerating momentum, still growing numbers of converts to their cause, and enjoying heady political influence, the wilderness advocates continued, and still continue, to push for ever-larger set-asides.

(2) RARE I.

Perhaps somewhat alarmed by the forces it had originally helped to unleash almost 40 years earlier with the first administrative designations of wilderness, the Forest Service in 1971 somewhat naively undertook the first Roadless Area Review and Evaluation. RARE I was announced as a review of the remaining roadless areas on the national forests for the purpose of determining which would be recommended to the Congress for wilderness designation and which would be devoted thereafter to multiple-use. RARE I subsequently foundered on the shoals of the National Environmental Policy Act of 1969 when the Forest Service settled a legal proceeding which has as its purpose halting timber harvesting on unroaded land which, as a result of RARE I, was not recommended to Congress for designation as wilderness. The Forest Service undertook to discharge its commitments in connection with settlement of the RARE I case by promising to make evaluations of roadless areas as part of the process of developing land use plans. The plans were to be subjected to environmental impact statements before they went into effect.

The process ultimately provided to be so time-consuming and so without direction in the absence of stated goals and objectives that, at the urging of the forest products industry, Congress in 1974 provided statutory direction for the planning process in the form of the Forest and Rangeland Renewable Resources Planning Act.

(3) Non-Declining Even-Flow.

At some point in the early seventies, the Forest Service quietly promulgated by in-service instructions a policy which has since become known as the non-declining, even-flow policy. On its face, the policy seems rational enough; it requires harvest levels for each national forest to be set no higher in any decade than can be sustained from that forest in any future decade. Ostensibly this protects communities dependent for their economic well-being from ever suffering a decline in the out-turn of harvested timber from that national forest. Society would be assured of sustained yield from the national forests and over-cutting would never occur.

For a young forest coming back after excessive cutting in the past, or for a forest on which an even distribution of age classes has been achieved so that the forest can be managed in a regulated condition, the policy would have the intended results. Applied to an old-growth forest the policy is ludicrous! Many of the forests in the west which support an established dependent processing-industry and their communities are old-growth forests. Those forests have a surplus inventory of timber considerably in excess of the growing stock inventory which would be required if those forests contained an even distribution of age classes so that the optimum achievable annual growth could be matched by harvest removals of equal volume. Before promulgation of the non-declining even-flow policy, some of these national forests were being harvested at levels in excess of what was conservatively determined to be the yield they could sustain in perpetuity.

The first absurd consequence of the non-declining even-flow policy is that the harvest levels on such forests were thereupon decreased! The present decrease was made in order to avoid a future decrease which would otherwise not have occurred for fifty or more years, had the same conservative liquidation of surplus inventory continued.

The second absurd consequence of the policy is to render it impossible ever to remove—at least by harvesting—the large accumulations of old-growth timber which are far in excess of the volumes of growing stock inventory required for sustained yield in perpetuity.

The third absurd consequence is that harvests from the old-growth national forests of the west cannot be utilized to fill the void created by decreased levels of harvest from industry-owned western timberlands; owners of these lands have completed or are completing removals of old-growth at a rate faster than it is biologically possible to grow an even distribution of age classes in the new forest. This creates a gap in age classes on those lands and causes a drop in volumes of harvested timber for a number of decades. The old-growth national forests are amirably suited to fill this gap, and while doing so can themselves be brought into a mire regulated condition capable of furnishing perpetual sustained yields. Failure to use the national forests for filing this gap prevents the national forests from furnishing "a continuous supply of timber for the use and necessities of citizens of the United States."[2]

A fourth absurd consequence of the policy is to defer for a very long and necessarily indefinite time achievement of the even distribution of age classes necessary to establish a fully regulated forest which in turn can provide the same yield each decade forever. Achieving and maintaining in perpetuity a high-level annual output of timber[3] from a forest is possible only with an even distribution of timber age classes. A prerequisite for doing that is removal of the old growth.

A fifth absurd consequence of applying the non-declining even-flow policy to old-growth forests is that the policy foregoes any benefits from the timber-growing capabilities of the sites which are occupied by stagnant old-growth timber stands. Since the policy effectively prevents removal of most of the accumulated old-growth inventory by harvesting, it remains in place until natural processes bring the land back into production; such processes might not occur or be completed in hundreds of years.

In short, metering out the high value old-growth inventory over prolonged rotations not only wastes stand timber values and volume but delays progress toward the regulated forest with considerable opportunities for new productive growth lost in the process.

The motivation for adoption by the Forest Service of the non-declining even-flow policy without discrimination as to the situations in which it was to be applied can only be guessed at. Placed in the context of the time in which it occurred (when the so-called environmental movement was at its emotional peak in this country), one can only conclude that the policy was motivated by commitment to the wilderness concept and its corollaries. The National Forest Management Act of 1976 did not abrogate non-declining even-flow, but neither did it cast it into law. The committee report from both the House and Senate, the conference report, and the floor debates made it abundantly clear that the Forest Service should depart from the policy whenever necessary to achieve desirable management objectives.

(4) The Resources Planning Act of 1974.

The Resources Planning Act was a Congressional attempt to provide direction and focus to the land planning process. RPA was fairly simple in concept and straight-forward in its direction. It called for the Forest Service to develop every ten years an Assessment of the nation's needs for the products, services, and amenities which could be provided by the nation's forest lands including those which could be provided by the nation's forest. The Forest Service was then to develop a Program designed to fulfill that portion of the needs for products, services, and amenities which had been identified by the Assessment and which could be provided by the national forests. Congress envisioned using the Program as a blueprint for funding operation of the national forests and for measuring achievements or lack of achievements toward Program goals. Before the theory of the RPA could be effectively put into practice and tested, two things happened.

(5) The National Forest Management Act of 1976.

First, Congress amended the RPA, not by changing its concepts but by adding to it a lengthy enumeration of factors which were to be taken into account in the forest planning process which was to implement the Program. This statutory addendum to RPA was accomplished by a part of the National Forest Management Act of 1976. That Act had started out as a simple and needed amendment to the Forest Service Organic Act of 1897 following the decision of the United States Court of Appeals for the Fourth Circuit in the so-called Monongahela case; the court had held, despite 75 years of practice to

[1] An exception, for instance, would be holding and even managing a privately-owned woodland tract as a bird or wildlife sanctuary.

[2] 16 USC 475.

[3] 16 USC 531.

the contrary, that the Forest Service was without statutory authority to harvest trees other than dead and mature ones. Although the resource user groups and the wilderness advocate groups had squared off as antagonists during the early stages of the legislative process which eventuated in enactment of NFMA, most of the provisions of the new law were a product of Congressional committee adoption of Forest Service, Library of Congress, and committee staff input which went well beyond the issues of concern to the user groups.

(6) RARE II.

The second thing which happened to prevent implementation of RPA was that a new administration announced early in 1977 it would again undertake to resolve the question of wilderness set-asides once and for all implementing a second Roadless Area Review and Evaluation. This was considerably more than the forest products industry had envisioned when it had implored the new Secretary of Agriculture and his Assistant Secretary to accelerate the process of deciding which of the roadless timbered lands on some of the western national forests would be recommended for wilderness designation. The Forest Service has been clanking along with the process since 1972, following the settlement of the RARE I court case, but decisions were very slow in coming. The result was severe reduction in the volumes of timber being offered for sale each year on a number of key western forests which had large roadless areas.

RARE II was particularly ill-conceived. It was a very major project for the Forest Service which, from the outset, diverted a great deal of time and effort; from other activities necesary to implement the Resources Planning Act as amended by the National Forest Management Act. It displaced inventorying efforts which were needed to make the RPA Assessment and Program work as envisioned. RARE II jumped achievement of the wilderness goals contained in the 1975 RPA Program to the head of the line; it had to be carried out with no concept of how its recommendations would affect capabilities of the national forest system to meet other Program goals. In short, RARE II was entirely outside the complex planning process mandated by the brand new National Forest Management Act.

Nonetheless, RARE II proceeded over a two year period to completion in April 1979. Congress had since dealt with its recommendations in a very gingerly fashion, on a state-by-state basis. Wilderness advocates, predictably, have pushed for still more set-asides than were contained in the RARE II recommendations. RARE II, however, foundered in January 1980 in a California court case just as RARE I had, again as a consequence of the Forest Service having failed adequately to comply with the mandates of the National Environmental Policy Act of 1969 in making its determinations as to lands which would not be recommended for inclusion in the wilderness system. The Forest Service is again back to making the roadless area evaluations as part of the forest-by-forest planning process.

B. Demand for Wilderness Will Continue to Influence National Forest Use Allocations:

The foregoing enumeration of events is a lengthy demonstration of the premise that all of those events which affected management policies for the national forests occurred either as affirmative response to or in reaction to the influence of advocates for wilderness. From the accumulated evidence it is not an overstatement also to conclude that advocates for wilderness have been pursuing two basic objectives for the national forests. The first is to maximize federally-owned acreages designated as wilderness. The second is to minimize the benefits obtainable from the national forests in the form of product outputs or mass recreational use. Numerous additional examples could be cited to support this conclusion concerning the objectives of today's wilderness advocates, but reference to a relative few should make the point.

No proposal for a major ski resort development on national forest lands has met with approval from the wilderness advocates. Every significant mining development proposed on national forest lands has been cause for a major campaign against the development. Efforts to ban clear-cutting on the national forests came within an ace of succeeding about ten years ago. Despite the fact that the national forests contain 18.4 percent of the commercial forest land in the United States, have approximately 50 percent of the standing softwood saw timber inventory, and have never contributed as much as 20 percent of the annual wood usage of the nation, every proposal for increasing harvest levels on the national forests is strenuously resisted by the wilderness advocates. Huge additional set-asides of productive timberland for wilderness are supported in pending legislation dealing with Alaska lands and the RARE II recommendations.

So long as the wilderness advocates are able to continue generating significant vociferous support for their two main objectives for the national forest, economic considerations which affect rational allocation of private forest lands are unlikely to be a governing force in allocations of federal forest lands. Without acknowledgement of economic realities, the national forests will fail to contribute anywhere near their full potential to the nation's welfare.

U.S. SENATE,
Washington, D.C., May 11, 1981.

Mr. JOHN B. CROWELL,
Assistant Secretary Designate for Natural Resources and Environment, Department of Agriculture, Washington, D.C.

DEAR MR. CROWELL: As you know, I have concerns about your nomination as Assistant Secretary of Agriculture for Environment and Natural Resources. Some of these concerns derive from your environmental views, which were discussed at the hearing before the Senate Agriculture Committee. I have also been involved in efforts to correct anti-competitive timber bidding practices for a number of years.

After the Agriculture Committee reported out your nomination, a Federal District Court in Seattle ruled that Louisiana-Ketchikan Pulp Company (KPC)—a wholly owned subsidiary of Louisiana Pacific—has engaged in serious anti-competitive activities. In her decision, the judge described the evidence against KPC as "overwhelming." The judge's preliminary findings of fact state that both Georgia-Pacific (G-P) and Louisiana-Pacific (L-P) were coconspirators in the case.

I have seen the letter you have provided the Senate Agriculture Committee explaining your role in the Seattle case. However, in light of informal discussions at the staff level, and the seriousness of the judicial findings, I would very much appreciate it if you would answer the attached questions concerning your responsibility for antitrust activities with Georgia-Pacific and Louisiana-Pacific.

Sincerely yours,

EDWARD M. KENNEDY.

QUESTIONS FOR JOHN CROWELL

(1) As Assistant Secretary for Environment and Natural Resources, do you agree that Section 14 of the National Forest Management Act (NFMA) you will ensure that Forest Service sales take place in a manner that protects competition in the timber business?

(2) As an attorney with G-P and with L-P were you one of the in-house experts on antitrust matters? Have you described yourself as the "in-house savant" on antitrust matters?

(3) Were you responsible for preparing or approving the antitrust sections of the business practices manuals for G-P or L-P?

(4) As an attorney for G-P or L-P, did you arrange antitrust classes for the employees of one or both of these companies?

(5) As an attorney for G-P and L-P were you involved in acquisition matters?

(6) With regard to acquisitions, is it correct, as you have stated, that, as an attorney, you "did a lot in the first years" when the corporations were "buying up small companies?"

(7) Did you have a duty as a member of the bar to advise the corporation for which you were an attorney or general counsel to refrain from engaging in activities which were anti-competitive or which might violate the antitrust laws of the United States?

Since you will have responsibility under the NFMA to prevent anti-competitive practices, the extent of your knowledge of the practices which the court found in violation of the antitrust laws is an important indication of your ability and willingness to carry out that responsibility. The following questions are addressed to this issue:

(8) In your letter of May 5, 1981, to the Chairman of the Senate Agriculture Committee you stated that beyond tactical trial matters, "I have never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose." Is that statement correct?

(9) The plaintiffs in the Seattle case alleged that:

"The defendants further eliminated mill competition by systematically acquiring ownership or control of the sawmills in southeast Alaska, and by expanding their own operations."

The court determined in its preliminary findings of fact that this allegation was correct. Four of these acquisitions involved G-P, L-P, or KPC. At that time, KPC was either half-owned or wholly-owned by G-P or L-P. With respect to these acquisitions:

(a) Were you aware of the acquisition of Alaska Prince Company by KPC?

(b) Were you aware of the acquisition of Ketchikan Spruce Mills by G-P?

(c) Were you aware of the acquisition of the Alaska Timber Corporation (Ed Head) by KPC?

(d) In Section X(A)(13-16) of the court's findings, the court states that KPC's refusal to sell logs to Schnabel was one of the facts establishing that the defendants had systematically eliminated competing saw mills in southeast Alaska. Have you stated that you "went up to Ketchikan and talked with Schnabel" about "whether to buy logs or sell plant ot KPC."

(e) The plaintiffs alleged that KPC forced Ed Head of Alaska Timber Corporation—by interfering with his financing arrangements—to enter into an arrangement by which KPC assisted him in obtaining financing in return for transferring ownership of the mill to KPC. The court, in Section X(A)(17-19), included the assistance to Ed Head and the takeover of Ed Head's mill as one of the facts establishing a systematic elimination of competing saw mills. Were you aware of KPC's "assistance" to Ed Head and KPC's takeover of Ed Head's mill?

(10) In Section VIII(B)(11), the court found that the fact that KPC and Alaska Lumber and Pulp (ALP) seldom bid against each other was part of the proof that the defendants had acted in concert in refusing to compete against each other. Were you aware that the defendants seldom bid against each other?

(11) In light of your responsibility for antitrust matters within G-P and L-P, and your knowledge of facts which the court judged were material facts establishing a

violation of the antitrust laws, what action did you take to prevent these activities or other activities which the court found violated the antitrust laws?

(12) In light of your awareness of these four acquisitions, and especially of the particular matters that forced the acquisitions of Alaska Timber Corporation (Ed Head) and Schnabel, is your statement that "I have never been involved in the remotest way with any of the occurrences, negotiations, or contracts out of which the plaintiffs' claims allegedly arose" correct?

(13) Because of questions raised about the Seattle case, you wrote in your letter of May 5, 1981, to the Chairman of the Senate Agriculture Committee that "it is appropriate, therefore, that any personal connection to that case be fully explained." Why did you not explain in that letter that you have been Assistant Secretary of KPC for a number of years?

(14) Will you make all documents signed as Assistant Secretary of KPC available?

(15) You have stated that your role as Assistant Secretary of KPC was "just a ministerial function." Have you been involved in multimillion dollar consent decree negotiations involving KPC and the Environmental Protection Administration?

(16) Have you been involved in preparing contracts for the sale of KPC timber to Japanese buyers?

(17) Have you been involved in KPC discussions with Ed Head relating to whether financial assistance would be provided to him, and whether his mill would be acquired?

(18) Have you been involved in chemical supply negotiations for KPC?

(19) Have you been involved in conversations with Schnabel and KPC executives relating to whether Schnabel would buy KPC logs or be forced to sell out?

(20) Do you consider the matters described in questions 15-19 ministerial?

(21) Were the activities described in questions 15–19 the only non-ministerial activities in which you were involved relating to KPC?

(22) Were you aware of any of the other events which the court used to make its finding that KPC had violated the antitrust laws? If you are, when did you become aware of these facts?

In your recusal on the small business set aside program, you established a standard by which the breadth of your recusals should be judged. As General Counsel of L–P you strongly attacked a Forest Service Program which set aside certain timber sales for small loggers. In your statement of March 11, 1981, you recused yourself from "involvement in all matters" related to this program "because of concerns expressed by the small business community . . . based upon my prior partisan representation of large business to cause amendments to this program."

(23) You have called the RARE II wilderness designation process "particularly ill-conceived." Will you recuse yourself from RARE II matters?

(24) You have described wilderness advocates as "a surprisingly small band of devotees . . . who have won an impressive number of converts for reasons best left to explanation of sociologists, psychologists, and theologians." Will you recuse yourself from wilderness matters?

(25) You have expressed strong opposition to certain National Forest Management Act regulations as Chairman of the National Forest Products Association's Task Group on these regulations. Will you recuse yourself from unresolved matters in these regulations?

(26) You have described the present Forest Service policy on 'non-declining even-flow' timber harvestry as "ludicrous." Will you recuse yourself from all matters related to this policy?

(27) You have stated that the small loggers represent an interest group which could have stopped your nomination from being offered. Is it correct that you recused yourself from the small business set aside program as part of a deal to obtain the nomination?

(28) Section 506(a)(5) of the Alaska National Interest Lands Conservation Act of 1980 authorizes Kootznoowoo, Inc., the Alaska Native village corporation for Angoon, Alaska, to acquire rights to certain lands on Prince of Wales Island under contract to KPC for contingency timber sales. Recent press reports in Alaska quote KPC executives as stating that KPC will file a lawsuit challenging the legality of this statutory provision.

(a) Have you had any discussions with any employee, agent or representative of L–P, KPC, or the United States Department of Agriculture with regard to this statutory provision, the land selection rights of Kootznoowoo, Inc., or the lawsuit which has been proposed by representatives of KPC? If so, please give details.

(b) If a lawsuit is filed by KPC over this issue, will you recuse yourself from any involvement in the matter?

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 13, 1981.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LEAHY: I much appreciated your open-mindness and willingness to meet with me yesterday in order for me to respond to your questions about my qualifications to be Assistant Secretary of Agriculture for Natural Resources and Environment. I trust that the hour and a quarter which I spent with you and your two staff members responded to all of your questions and allayed any concerns you might have about my qualifications or about any possible conflicts of interest.

For your convenience, I enclose copies of the questions which Seantor Kennedy addressed to me on Monday, May 11, 1981, together with my responses thereto. I also enclose for your current convenience copies of the questions which had been asked of me at the time of my confirmation hearing on March 30 by Senators Huddleston and Hart, copies of my responses are also enclosed.

Sincerely,

JOHN B. CROWELL, Jr.,
Assistant Secretary-Designate for Natural Resources and Environment.

U.S. SENATE,
Washington, D.C., March 30, 1981.

Hon. WALTER D. HUDDLESTON,
U.S. Senate, Subcommittee on Environment, Soil Conservation and Forestry, Committee on Agriculture, Washington, D.C.

DEAR DEE: I would appreciate it if you could arrange for Mr. John B. Crowell, Jr., to answer for the Subcommittee's hearing record, the enclosed questions relating to his nomination as Assistant Secretary of the Department of Agriculture.

Thank you for your assistance.

Sincerely,

GARY HART.

QUESTIONS BY SENATOR GARY HART TO BE SUBMITTED TO ASSISTANT AGRICULTURE SECRETARY-DESIGNATE JOHN B. CROWELL, JR.

1. As the Assistant Secretary overseeing the Forest Service, you will have management responsibility for the 22 percent of Colorado's land which is in the national forest system. What is your philosophy for the management of that land?

2. Would there be any conflicts of interest between your current position of general counsel of the company purchasing the most timber from the national forests and a position as Assistant Secretary overseeing the national forests? What steps will you take to avoid any conflicts on matters coming before you which affect Louisiana Pacific.

3. A federal court recently fined Louisiana Pacific $1.5 million for anti-competitive practices, which occurred during your tenure as the company's chief legal officer, relating to the purchase of timber from national forest lands in Alaska. Did you have any role in the activities the court found to be illegal, and if so, what was that role?

4. One of the regulations the Administration has targeted for administrative review is the Forest Service's regulations on the land management plans required by the National Forest Management Act of 1976. What is the purpose of this review? What role will the Forest Service play in this review? What effect will the review have on the initial land management plans the Forest Service is now preparing for most national forests?

5. What is your position on the Clean Air Act's provisions strictly limiting the amount of additional pollution or visibility impairment of "Class I" wilderness areas (those designated by Congress before 1977)? Do you think Congress should change these provisions?

6. What is your position on the wilderness recommendations which were submitted by the previous Administration following the Forest Service's roadless area review and evaluation (RARE II), but which have not yet been acted on by Congress?

7. In the Colorado Wilderness Act of 1980, the Forest Service was directed to conduct 10 wilderness studies "in accordance with sections 3(c) and 3(d) of the Wilderness Act of 1964." Will the Forest Service, in conducting these studies, follow the current regulations and practices established under sections 3(c) and 3(d) of the Wilderness Act?

8. The Colorado delegation and other interested members of Congress developed last year statutory provisions on the "release" of national forest lands which had been studied for possible wilderness designation RARE II. These provisions were included in the Colorado, New Mexico, and Alaska wilderness bills. Do you support these provisions, would you support the inclusion of the same or different "release" provisions in any additional legislation based on RARE II?

9. The conference report accompanying the Colorado Wilderness Act specifically identified five areas which had been recommended for wilderness designation by the previous Administration but were rejected by Congress. The conferees directed that these areas should be made available for non-wilderness multiple use. Will the Forest Service under the new Administration, continue to follow this directive?

10. In the Colorado Wilderness Act, Congress directed the Forest Service to administer and interpret the provisions of the Wilderness Act relating to grazing in accordance with the guidelines on grazing policy and practices which were developed in conjunction with the Colorado bill and included in the House of Representatives committee report accompanying the bill. These guidelines have subsequently been included in the Forest Service Manual and are being followed by agency officials. Do you support these guidelines and their continued implementation?

RESPONSE TO THE QUESTIONS RAISED BY SENATOR HART

1. We will continue the philosophy of multiple use management.

2. Upon being sworn in, I will have divested myself of all stock ownership in Louisiana Pacific Corporation and totally severed em-

ployment connections with the Company. I have no assurance nor have I sought any assurance of reemployment by Louisiana Pacific Corporation or any other company. Any appeals to which Louisiana Pacific Corporation is a party will not be resolved by me. I have taken all steps necessary to comply with the Ethics in Government Act of 1978.

3. I am generally familiar with the cited lawsuit which is a civil antitrust action for treble damages. My involvement in the case was limited to approving selection made by the President of Ketchikan Pulp Company of defense counsel for the Company and thereafter in receiving status reports from such counsel respecting progress in preparation for defense of the case. From time to time preceding and during the trial, I participated with such counsel in a number of meetings and telephone conversations involving trial tactics and strategy.

4. The National Forest Management Act (NFMA) was enacted in 1976. It required the development of regulations to set out standards and guidelines for land and resource management planning on 191 million acres of National Forest System lands. The Act requires these plans to be completed by September 30, 1985.

For the past 1½ years the Forest Service has been implementing the regulations developed in 1979 pursuant to the NFMA. The Vice President's Task Force on Regulatory Reform has identified these regulations as a possible target for review simply because of the length and complexity of the regulations. I doubt that much substantive change in the regulations is likely to result.

Planning will continue under current regulations during this review. It is expected that the revisions to the regulations will not cause any significant reworking of plans now being developed. The purpose of the review is to simplify the procedures and improve efficiency in planning.

5. In general, I support the provisions of the Clean Air Act relative to limiting visibility for areas designated as wilderness as of the effective date of the Act. The Act contains substantial flexibility. I am concerned that interpretation of the Act could be too strict. For example, designation of integral vistas outside wilderness areas does not appear to be required. A clarification of intent by the Congress would be helpful.

6. For the most part the RARE II recommendations provide a good starting point for Congressional consideration. We expect Congress to continue its consideration as to which lands should be designated as wilderness. As requested, we will provide Congress specific recommendations on individual bills.

7. Yes.

8. a. Yes, we support the objectives of these provisions in seeking to resolve the status of roadless areas.

b. We expect that release language will be included in any bills developed in the 97th Congress. We will respond to these proposals as they are developed.

9. Yes.

10. Yes.

RESPONSE OF JOHN B. CROWELL, JR., ASSISTANT SECRETARY-DESIGNATE, TO WRITTEN QUESTIONS PROPOUNDED PRIOR TO CONFIRMATION HEARING, MARCH 31, 1981

A copy of the questions as propounded is attached for ready reference.

1. Part of my service for the past 20 years as an attorney for two forest products companies has involved me in the broad concerns of the forest products industry for assuring long-term timber supplies, both from privately owned and from governmentally owned lands. Concerns for timber supply require anyone who shares them to be knowledgeable about other human and wildlife uses for forest land and about the interdependence of forests, soil, water, and grazing land. From early youth, I have had an abiding interest in the natural sciences and in conservation subjects.

2. My prior association required me to act as an advocate. My responsibilities as an Assistant Secretary with respect to matters of difference between environmental groups and other groups will be to render or recommend policy decisions based on reasonable and rational evaluation of positions put forward by contending advocates. Having no longer to be an advocate would remove any basis for viewing environmental groups as adversaries.

Many issues relating to the National Forests will arise in the context of policy decisions required of the Secretary of Agriculture by the National Forest Management Act which mandates provisions for public participation in the process of generating the necessary decisions. Regulations promulgated under the National Forest Management Act (NFMA) prescribe the means for obtaining public participation. On other matters, communications from members of the public, expressing their concerns about National Forest issues, will always be welcome and will be evaluated in the course of making decisions related to those concerns.

3. My past expressions of opinion have in almost every instance been consistent in being both my own and those of my employer.

4. I am considering the possible need for and desirability of changes with respect to each of the subjects named, but I have personally arrived at no conclusions with respect to any of them at present.

5. I believe that the planning process mandated by the Forest and Rangeland Renewable Resources Planning Act (RPA), as amended by the NFMA, has suffered from lack of sufficiently precise direction from the top about how the complex planning process ought to be conducted. I intend to help develop better direction, but do not intend that the planning processes now underway should stop or that the processes will require major changes. They certainly should not be started over again.

6. A. Yes.

B. The only other matters for which I can foresee a need to disqualify myself are specific administrative appeals brought by the Louisiana-Pacific Corporation, my former employer, or in matters arising under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) directly involving American Home Products Corporation for so long as my wife continues to hold shares of stock in that corporation.

7. A. The absurdity of the even-flow policy applies to Forests in which there is an inventory of trees in excess of that which will produce the maximum potential output, measured either economically or biologically, each and every decade in perpetuity. In such instances, failure to plan for a future decline will guarantee failure even to utilize the excess presently standing inventory.

B. The second growth on private lands quite clearly already is materializing.

C. If all the old growth on the National Forests were harvested immediately, there would indeed be possible damage in the form of higher prices at some point in the future for those who would need timber; but immediate harvest of all National Forest old-growth timber is neither physically possible nor is it being advocated by me or by anyone known to me.

8. A. My interpretation of "overall multiple-use objectives" is the same as the definition of "multiple use" provided by Section 4(a) of the Multiple-Use, Sustained-Yield Act, including the definition of "sustained yield of the several products and services" provided by Section 4(b) of that Act.

B. Departures from even-flow timber harvest scheduling can be justified to serve only one multiple-use objective—just as designations of wilderness areas can be justified to serve only the wilderness concept.

C. Departures from even-flow timber harvest scheduling which would irreversibly or permanently damage watershed or recreation values or wildlife habitat ought not to be approved.

9. I have as yet not even begun to explore the means for achieving highest harvest levels from the National Forests.

10. Preservation of the targeted timber harvest goal of 11.9 billion board feet in the fiscal year 1982 budget signifies nothing other than the determination that it is an appropriate level given the fiscal year 1982 effort to control Government expenditures.

11. I do not recall making the recommendation, nor do I recall the rationale upon which it was premised. Therefore I have no present position on the issue, nor can I predict what may be my position in the future.

12. I am not aware of the alleged concession by the Forest Service, nor do I know whether it is accurate. I very much doubt, however, that I will advocate the reduction of all subsidies now used to achieve multiple-use objectives, since the only use likely to carry the cost of its objective is timber harvesting or mineral leasing.

13. Government investments ought generally to be cost effective, but if all Government expenditures had to demonstrate a return on investment, many programs would be eliminated, including many expenditures on National Forest lands.

14. Preliminarily it should be clear from a reading of the referenced speech that I was not critical of all wilderness designations, per se. One conclusion of the paper, adduced from a plethora of evidence cited, was that the wilderness concept has had a pervasive influence on policy for managing the National Forests.

15. A. My understanding of the definition of "wilderness" is that supplied by Section 2(c) of the Wilderness Act of 1964.

B. Wilderness seems to be a multiple-use category established by Section 2 of the Multiple-Use, Sustained-Yield Act and by references in Section 6(e)(1), and 6(g)(3) (A) of the NFMA.

C. No.

D. It would be appropriate for Congress at some future time to consider declassifying as wilderness those areas which have demonstrable oil and gas, mineral, or timber values or which might better or more fairly be utilized for recreation if motor access were available.

16. The forest products industry's essential disagreement with the concept of acreage limitations on clear cuts is that it deprives the landmanager of sometimes needed flexibility to deviate from the limit. I agree with that position. The NFMA regulations as ultimately promulgated, however, contain a mechanism in Section 219.13(d)(2) which would permit limits to be exceeded in some circumstances, thereby largely satisfying the industry's original objections.

17. An unvarying streamside protection strip requirement was objected to by the forest products industry because it could in some cases not be necessary, while in other cases it could be inadequate. The requirement in Section 219.13(e) of the NFMA regulations for paying "special attention" to "land and vegetation for approximately 100 feet from the edges of all perennial streams, lakes, and other bodies of water" could result in preventing harvest of high value timber species with very little corresponding benefit for other values. More refined terminology in this portion of the regulations would be appropriate.

18. I am generally familiar with the cited lawsuit. My involvement in the case was limited to approving selection made by the President of Ketchikan Pulp Company of defense counsel for the Company and thereafter in receiving status reports from such counsel respecting progress in preparation for defense of the case. From time to time

preceding and during trial, I participated with such counsel in a number of meetings and telephone conversations involving trial tactics and strategy.

QUESTIONS FOR ASSISTANT SECRETARY-DESIGNATE CROWELL

1. Many of the questions surrounding your nomination arise from a concern over your background as a corporate attorney for a major timber industry firm. To address those concerns please outline your views, experiences, qualifications in regard to wildlife, soils, environment and multiple-use natural resources.

2. As General Counsel to Louisiana Pacific you were often on opposite sides of issues from environmental groups. As Assistant Secretary will you continue to view these groups as adversaries? What steps will you take to assure broad public participation on issues relating to our national forests?

3. You have spoken out on a wide variety of forestry and environmental issues in the past for which you will be responsible as Assistant Secretary. In one of your more recent speeches, for example, before the Society of American Foresters, you espouse particularly strong views on the matters of wilderness and departures from sustained timber yields for our national forests. Earlier, in testimony before Congressional committees, you have criticized the Forest Service's small business timber set-aside program and certain forestry provisions which have since been incorporated into the National Forest Management Act and which are now part of the Forest Service's regulations.

A. Can you indicate to this Committee, regarding these past statements, whether you were expressing your personal philosophy or that of your employer, the Louisiana-Pacific Corporation.

B. If the latter, can you explain how your views on some of these matters differ from that of the Louisiana-Pacific Corporation?

4. You have been at work in the Department of Agriculture pending your confirmation. Are you considering:

A. Changes in RARE II wilderness recommendations?

B. Changes in the previous Administration's position of support for the so-called "sufficiency/release" compromise attached to State or area wide legislation?

C. Proposals for changing National Forest Management Act regulations?

5. A recurring complaint which we have heard from many interest groups and forestry professionals has been that Forest Service planning has been subject to a number of new initiatives, false starts, new laws, new circumstances as required by court order, and that subsequently a great deal of uncertainly and some confusion and delay have accompanied Forest Service land management planning. This Committee, as you know, played a major role in writing the National Forest Management Act, the Resources Planning Act, and the other laws which provide the framework to Forest Service planning. We have been eager to see the planning process get off on the right foot and be allowed to succeed without the fits and starts.

A. Do you believe that we should let the process work itself out and let the Forest Service work within its current regulations and program?

B. Do you believe that we will be better off by once again attempting to review the planning and land allocation process and potentially start all over again?

6. In a December story about your pending appointment to this position, the Gannett newspaper chain claimed that in an interview you said that if nominated and confirmed you would disqualify yourself from making any decisions regarding the small business set-aside program—jointly run by the Forest Service and the Small Business Administration.

A. Is this still your position?

B. Are there other areas of the job from which you believe you would need to disqualify yourself as well?

7. In your recent speech to the Society of American Foresters, you strongly criticized as "absurd" the Forest Service policy of "even-flow" timber harvest scheduling. As I understand it, this means that the Forest Service limits the amount that is cut on a given forest to levels that can continue to be cut for all future decades.

A. Isn't there an element of risk to the Forest Service in planning cutting levels that call for a decline in future decades?

B. You have said that the Forest Service must fill the gap with increased timber harvest while waiting for second-growth on private lands. What if that second growth doesn't materialize?

C. Might the economic impacts of exceptions to sustained yields (departures) be very damaging to future generations if the old-growth runs out before second-growth is there to replace it?

8. Congress allowed for limited exceptions to even-flow policy if individual forest plans showed that these "departures" were necessary to achieve "overall multiple-use objectives."

A. What is your interpretation of overall multiple-use objectives?

B. Can departures be justified if only one multiple-use objective (i.e., increased timber) is served?

C. Would you approve "departures" that would damage watershed or recreation values or reduce needed wildlife habitat?

9. You have advocated higher harvest levels for the National Forests and have indicated that you intend to pursue that goal. To manage these additional sales, the Forest Service will be needing more people and more money—people to plan for the sales, lay them out, administer them and monitor them and money to build roads, mitigate the effects, reforest if need be and continue timber management. Would you expect to ask OMB for this additional funding and personnel or take it from other programs?

10. In the FY 1982 budget revisions, the timber sales request stayed at 11.9 billion board feet while reductions were made in recreation, fish and wildlife and social programs. The result is very uneven Resources Planning Act funding.

Is this a signal that timber outputs will be the controlling factor in the USFS budget, with the other multiple uses taking a back seat?

11. You chaired the National Forest Products Association task force on the National Forest Management Act regulations. In your comments on the NFMA regulations, as first proposed in 1978, you urged the Forest Service to drop consideration of "wildlife habitat" objectives in shaping and blending clearcuts. The Forest Service kept the language in their final rules. As Assistant Secretary, what will your position be on this issue?

12. Secretary Block has indicated that USDA programs should stop subsidies that interfere with the operation of the free market. The Forest Service concedes that 22 percent of the timber volume sold fails to recover timber-related costs. Purchasers of these sales-below-costs gain advantages over purchasers on the free market. Will you reduce such subsidies?

13. The discount rate is a measure of the governments future returns based on current investments. OMB considers 7⅛ or 10 percent to be a reasonable discount rate. The Forest Service has recently proposed maintaining a 4 percent discount rate. Shouldn't the government be making more cost effective investments when engaging in commodity production?

14. In your speech before the annual meeting of the Society of American Foresters in Spokane, Washington, in October, 1980, you strongly criticized wilderness designations in national forests.

A. What is your understanding of the definition of "wilderness" under the 1964 Wilderness Act?

B. In what ways is wilderness a multiple use category?

C. Is it your position that no new national forest areas should be added to the National Wilderness Preservation System?

D. Is it your position that some lands designated as part of the National Wilderness Preservation System should be declassified as wilderness? What criteria would you use to make this determination?

15. The forest products industry has expressed strong opposition to clearcutting size standards in the National Forest Management Act regulations. Do you agree with this position? What changes in standards, if any, do you support?

16. The forest products industry has expressed strong opposition to a national streamside protection strip standard in the National Forest Management Act regulations. Do you agree? If so, do you plan to propose any changes?

17. Are you familiar with a civil antitrust case entitled Reid Brothers Logging Company against Ketchikan Pulp Company and Alaska Lumber and Pulp Company in the District court for the Western District of Washington? In what way, if any, were you involved in providing counsel, advice, services, or staff in this case?●

● Mr. HAYAKAWA. Mr. President, I am privileged to speak on behalf of Mr. John B. Crowell, the President's nominee for the post of Assistant Secretary of Agriculture for Natural Resources and Environment. Mr. Crowell is a proven professional of unusual capability and has gained recognition and admiration from a wide breadth of associates, colleagues, and critics.

Mr. Crowell has demonstrated his integrity and objectivity and will be a significant asset to the President's team. I am pleased to support and urge the full Senate to confirm his nomination.●

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I do not know what the schedule of the Senate will be for the remainder of the day but, for the moment, Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to exceed 5 minutes in length in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BOSTON CELTICS WIN THE 1981 BASKETBALL WORLD CHAMPIONSHIP

Mr. KENNEDY. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 137) to join in the Celtic Pride and congratulate the Boston Celtics on winning the 1981 world championship of basketball.

The Senate proceeded to the consideration of the resolution, which was submitted by Mr. KENNEDY, for himself and Mr. TSONGAS.

Mr. KENNEDY. Today Senator TSONGAS and I and all the Members of the U.S. Senate expressed their admiration for the Boston Celtics, who have made basketball history once more by winning their 14th world championship. We all strive for excellence; the Boston Celtics have shown surpassing excellence over the course of three decades. They have thrilled our city, our State, and this Nation. I am proud of the way they played and the way they won this year and in years past. Again, they achieved a victory in the great tradition of the Celtics. And they brought the championship home where it belongs—to Massachusetts—the birthplace of basketball.

Mr. TSONGAS. Mr. President, today, I rise to salute the Boston Celtics, the premier team in basketball history, the premier team of the hour, the champions of the National Basketball Association.

The Celtics have brought honor on Massachusetts which I am proud to represent in this body and on the capital city of Boston. With a combination of commitment, endurance, and skill, they have overcome significant disadvantages and formidable opponents to win the championship for the 14th time, confirming what is now a great tradition.

Mr. President, commitment, endurance and skill are talents which we legislators admire in our own forum. Let us pay tribute today to the Boston Celtics who have applied these skills superbly in their forum. The players, the coaches, the owner and especially the general manager, Arnold "Red" Auerbach, played a game with great heart, lifted the spirit of our citizens and made us all part of their championship.

For some time, Mr. President, I have been working with business, civic and government leaders to provide a first-class sports and entertainment facility for the greater Boston area. I believe we will overcome all obstacles to succeed in this venture. The Boston Celtics would be a first-class gem in such a first-class setting.

Mr. President, let me pay tribute to my colleagues from Pennsylvania and Texas. Their teams were magnificent and worthy opponents.

Mr. President, Massachusetts and Boston have distinguished themselves in the past by offering to the Nation many unique personalities and achievements.

I stand in this body to salute today the NBA champions, the Boston Celtics, unique personalities with a unique achievement. They have done us proud—we return the honor.

Mr. KENNEDY. Mr. President, I move that the resolution be agreed to.

Mr. TOWER. Mr. President, reserving the right to object——

Mr. KENNEDY. Mr. President, I am willing to adjust the last sentence to meet the objection.

[Laughter.]

Mr. TOWER. Mr. President, if the Senator from Massachusetts will yield for a question, what is this about basketball having been invented in Massachusetts?

Mr. KENNEDY. Well, as the Senator knows, after the hard-fought contest which took place recently between a very outstanding team from Texas and the team from Boston I am proud to say, the Boston team prevailed. If the Senator will read his history of the origin of basketball, he will find out that the first games were played in 1891 in my home State of Massachusetts.

Mr. TOWER. At least that is what they claim in Massachusetts.

Mr. KENNEDY. That is right.

Mr. TOWER. I thought the Indians invented it before Columbus discovered America.

Mr. KENNEDY. That is a different game.

Mr. TOWER. If the Senator from Massachusetts will repeat the nice things he said about the Houston Rockets, I will not object to consideration of the resolution.

Mr. KENNEDY. Fine.

Mr. President, I move the adoption of the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 137), together with its preamble, is as follows:

S. RES. 137

To join in the Celtic Pride and congratulate the Boston Celtics on winning the 1981 world championship of basketball.

Whereas on May 14, 1981, the Boston Celtics won the world professional basketball championship;

Whereas the Boston Celtics performed throughout the regular season and the championship playoffs with exceptional skill and gave a special thrill to the City of Boston, the Commonwealth of Massachusetts, and the entire nation;

Whereas the victory of the Boston Celtics this year represents their fourteenth world championship;

Whereas the Boston Celtics have won more world championships than any other team in the history of the National Basketball Association;

Resolved by the Senate of the United States of America that we join in the Celtic Pride and congratulate the Boston Celtics professional basketball team for winning the 1981 world basketball championship.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I was about to say I do not know what the schedule for the Senate will be for the remainder of the day. Without unanimous consent it is not possible to present to the Senate for its consideration the supplemental appropriations bill until tomorrow. I had announced earlier today that I had hoped the House of Representatives would act on the conference report on the budget resolution and, perhaps, the Senate could turn to its consideration this day. But I am advised by the other body that they do not plan to do that until tomorrow.

It is my expectation then that shortly we will recess the Senate over until tomorrow, and my hope and expectation will be that we can turn to the consideration of the supplemental appropriations bill and the budget resolution, perhaps both of them, tomorrow. In any event, both of them can be disposed of before we go out for the Memorial Day recess.

I said earlier today if we could not finish action on the supplemental appropriations bill by Friday of this week it is my intention to ask the Senate to return next week. We have to have authority, for the operating functions of the U.S. Government because that authority expires on June 5, and the time is very short.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order on tomorrow that there be special orders for the recognition of the following Senators in the following order, each for not to exceed 15 minutes: The distinguished Senator from Alabama (Mr. HEFLIN), the distinguished Senator from Oklahoma (Mr. BOREN), the distinguished Senator from Florida (Mr. CHILES), and the distinguished Senator from Arizona (Mr. DECONCINI).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, while we get our bearings and figure out what we are going to do next, I am willing to yield to any Senator.

Mr. HELMS. I wonder if the Senator will yield to me?

Mr. BAKER. I yield.

Mr. HELMS. May I inquire if the Senator has any intention to advance the nomination of Mr. Holdridge?

Mr. BAKER. Yes, I thank the Senator from North Carolina. I do, and as soon as I can can get clearance on the other side of the aisle, I hope to proceed to the consideration of that nomination and any nominations we may reach on the Executive Calendar today.

Mr. President, for the moment in order to gain some time to check those clearances, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOLIDARITY SUNDAY

Mr. MOYNIHAN. Mr. President, I send an unprinted resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislation clerk read as follows:

A resolution (S. Res. 138) to express the sense of the Senate in support of "Solidarity Sunday."

Mr. BAKER. Mr. President, reserving the right to object, the purpose of the reservation is to say the resolution offered by the distinguished Senator from New York has been cleared on this side. Not only are there no objections, but I understand there are a number of cosponsors on both sides of the aisle. So we welcome this initiative by the distinguished Senator from New York.

The Senate proceeded to consider the resolution which was submitted by Mr. MOYNIHAN, for himself, Mr. D'AMATO, Mr. BRADLEY, Mr. DODD, Mr. WEICKER, Mr. WILLIAMS, Mr. PELL, Mr. RIEGLE, Mr. BAUCUS, Mr. LEVIN, Mr. METZENBAUM, Mr. HATFIELD, Mr. CHILES, Mr. LUGAR, Mr. BENTSEN, Mr. HOLLINGS, Mr. JACKSON, Mr. BOREN, Mr. DANFORTH, Mr. DIXON, Mr. SYMMS, Mr. GOLDWATER, Mr. HAYAKAWA, Mr. HEINZ, Mr. BOSCHWITZ, Mr. EAST, Mrs. KASSEBAUM, Mr. BIDEN, and Mr. GRASSLEY.

Mr. MOYNIHAN. Mr. President, I thank the distinguished majority leader for his generous support of this measure which will mean a very great deal to persons in our country and the persons abroad to know that the Senate speaks in this way unanimously and bipartisanly on an issue of great humanitarian concern.

Mr. President, I am today introducing for the consideration of my colleagues a resolution expressing the sense of the Senate that the Congress supports Solidarity Sunday, an annual event in which Americans of all faiths demonstrate their solidarity with the Soviet Union's 3 million oppressed Jews. It is now 10 years since the Greater New York Conference on Soviet Jewry first held a day of rallies and meetings in New York City. As in the past, Solidarity Sunday will be attended by thousands of Americans from across the country.

This year's gathering will be of special importance, for the Soviet authorities have in the past year stepped up their campaign of harassment and intimidation of Soviet Jews. Despite the commitments undertaken by the Soviets and Helsinki and in the UN Declaration of Human Rights, the right of Soviet Jews to emigrate has again been seriously curtailed. Whereas 52,000 Jews were allowed to leave the Soviet Union in 1979, only 21,000 received permission in 1980, a reduction of 58 percent. During the first 3 months of 1981, this rate of emigration has been still further reduced. In March, for instance, only 996 Jews received permission to go abroad so that they might practice their religion as they wish.

The denial of emigration, alas, is not the whole of the problem. Within the Soviet Union itself, the officially sanctioned campaign of anti-Semitism continues unabated.

Publications of all kinds, including children's magazines, attribute the failings of the Soviet system to imagined Jewish, Zionist machinations that have not been fabricated in such elaborate and repugnant detail since the fall of the Third Reich. Hebrew and Jewish culture classes have been disrupted and suspended, Jewish students find it increasingly difficult to gain admission to universities. Jews expressing any interest in moving to Israel are automatically fired from any position of responsibility and have the greatest difficulties in securing any employment at all.

Mr. President, we must not pretend that we are unaware. We dare not allow the Soviets to think we do not care. We know what the Soviets have done to Anatoly Shcharansky. We know what they have done to Viktor Brailovsky. We know about Vladimir Kislik. We will not forget them. We will continue to press for the release of the thousands of Jewish prisoners of conscience in the Soviet bloc. And we will continue to offer a safe haven for those who would preserve the traditions of the Jewish faith that has contributed so much to the Western world, and especially to the United States.

Mr. President, we can demonstrate our commitment to religious tolerance, to basic human rights, to the right of peoples to emigrate and travel freely in the world, by expressing our support for Solidarity Sunday. The resolution I am proposing offers an opportunity for every Member to do so. My distinguished colleague from New York, Senator D'AMATO, is an original cosponsor of this resolution, as are 26 other Senators. We would, of course, welcome additional cosponsors.

Mr. President, I urge the Senate to move as quickly as possible to enact this important resolution.

Mr. President, I move the adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 138) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 138

Whereas on May 31, 1981, the eighty-five constituent agencies of the Greater New York Conference on Soviet Jewry will sponsor "Solidarity Sunday" to reaffirm their resolve to secure freedom for Soviet Jews and beleaguered people everywhere; and

Whereas Americans of all faiths will participate with the Conference in a number of activities on that day seeking to express their solidarity with the almost three million Jews in the Soviet Union; and

Whereas the right to emigrate freely and to be reunited with their families abroad is being denied Soviet Jews and others; and

Whereas the Declaration of Human Rights adopted by the General Assembly of the United Nations, the Soviet Constitution, and the Final Act of the Helsinki Accords clearly recognize those rights; and

Whereas the Government of the Soviet Union has recently implemented additional restrictive measures sharply reducing the number of people eligible to emigrate; and

Whereas the Government of the Soviet Union is persecuting its Jewish citizens and denying them even those rights and privileges accorded other recognized religions in the Soviet Union; and

Whereas the Government of the Soviet Union discriminates against Jewish cultural activities by banning and suspending Hebrew and Jewish culture classes and legal and scientific seminars, by threatening Hebrew teachers, and by closing the Jewish kindergarten called the Gan; and

Whereas leading Soviet Jewish activist and cultural figure, Dr. Viktor Brailovsky, was arrested in November 1980 and charged with slandering the Soviet State; and

Whereas a virulent anti-Semitic campaign continues unabated in the Soviet press and Soviet Jews are increasingly deprived of job and educational opportunities; and

Whereas thousands of innocent Jews and other persons, after applying to leave the Soviet Union, have been subjected to illegal induction into the armed forces, incarceration in mental institutions, expulsion from school, and constant surveillance and harassment; and

Whereas the Government of the Soviet Union will not succeed in isolating Soviet Jews from their friends in the West so long as those of us who cherish liberty will continue to speak out on behalf of beleaguered people everywhere; and

Whereas "Solidarity Sunday" will serve as an expression of determination to continue efforts to secure freedom for the Soviet Jewish Prisoners of Conscience incarcerated solely because of their desire to emigrate, and the veteran refusniks who have awaited exit visas for up to twelve years; and

Whereas the Government of the Soviet Union refuses to remove all obstacles to the free emigration of their Jewish citizens and others who wish to leave and live in other countries, and insure the free exercise of religious beliefs and cultural expression: *Now, therefore, be it*

Resolved, That it is the sense of the Senate that the Congress supports "Solidarity Sunday" in an effort to achieve these goals.

NEW WORLD INFORMATION ORDER

Mr. MOYNIHAN. Mr. President, during my tenure as our Nation's Permanent Representative to the United Nations, I faced no more urgent task than to make clear to the members of the so-called Third World the danger of alining themselves with the totalitarian bloc of the Soviet Union. Since that time, however, much of the Third World has already moved closer to the Soviet bloc, and nowhere with more pernicious effect than in negotiations within UNESCO on what is known as the New World Information Order.

With Soviet encouragement, a number of Third World states have since 1978 promoted the view within international forums that there is an unacceptable "imbalance" in the flow of information between the developed and less developed worlds, and that the Western news media are the principal culprits. The West's response has been simple, straight-forward and principled. While offering to provide equipment and training to journalists in the developing countries, the Western States have maintained that, above all, the flow of information must be free. They have held that no programs to increase the technological level

of Third World media, however commendable in other respects, should interfere with this freedom.

By contrast, the advocates of a New World Information Order seek what they call "balance." What they mean by this is all too clear. It has been urged, for example, that UNESCO begin to define "appropriate criteria to govern truly objective news selection." Now when governments in most of the world's countries begin to pass on what is objective, they will inevitably have in mind what is favorable to them. And indeed an international censorship apparatus has already been proposed. To guarantee objectivity, UNESCO has begun to discuss what is called the "protection of journalists," or in an unvarnished term, licensing. The Soviets, who stand to gain the most from the regulation of international news, could not be more pleased.

How have the United States and the West reacted? In the past few years it has been the American hope to deflect this issue, to submerge it in an endless series of negotiations, studies, reviews, and so forth. Accordingly, when the MacBride Commission was formed to consider the principles of the New World Information Order 2 years ago, and ended by endorsing many of them, our representatives pursued a strategy of damage limitation whose goal was delay and evasion. Last October when the MacBride Commission's conclusions were under review at the 21st General Conference of UNESCO, the U.S. delegation congratulated itself that it had managed to commit itself only to still further study.

This was thought shrewd. Let it be noted that at the time the New York Times, among others, did not think so. Its editors were alarmed that our Government was seeking to compromise principles whose substance must be preserved entire if it is to be preserved at all. As the Times put it:

> The motive of those who clamor loudest for information order should be plain to all. There is simply no way to "negotiate" or "compromise" with them on the meaning of free speech.

Mr. President, the wisdom of the Times' assessment is now clear to all. A few weeks ago, in the March 14 number of the New Republic, Mr. Charles Krauthammer, a speech writer for Vice President Mondale and now associate editor at the magazine, brilliantly revealed how little our hopes have been realized. Most shocking is his account of the effort made earlier this year by the UNESCO Secretariat to convene Third World and Soviet press organizations in a secret meeting. Thus freed from inconvenient objections in defense of press freedom, they would have been able to draw up a code for the protection of journalists, presumably to be presented to the West as a fait accompli. American representatives, we learn, heard of this scheduled meeting just 2 weeks beforehand and only by chance. Only by steady and vehement protest were they able to open it to representatives of the Western press.

This is an astonishing exposé of what we have come to—meetings of international organizations held in secret so as to exclude the United States. Does one have to say that if they prefer to meet without us we can readily oblige them?

Mr. President, I do not advocate withdrawal from UNESCO but I believe that this affair must remind us, and indeed warn us, how uncongenial its environment and that of other international organizations have become. We move among representatives of many states that regard liberal-democratic principles as at best a reproach, and at worst a continuing challenge to their own legitimacy. It is this that gives rise to meetings in secret.

What, then, should be our course? The strategy followed by the United States in these forums heretofore has proved futile, even dangerous. While we have muffled our opposition, and avoided a categorical statement of our principles, in hopes that the whole matter might somehow fade away, the proponents of a New World Information Order have become only more extreme. This has been clear for some time.

Remember, the MacBride Commission itself never endorsed the licensing of journalists. Yet this question has not only remained as an item of negotiation but is being pursued by the UNESCO Secretariat, determinedly and in secret. If this is so, what have our patience and clever equivocations brought us? Nothing. There could be no better lesson than this in the limits of good will alone as a diplomatic strategy. What we need, what the West has long lacked, is a concise and unequivocal declaration of objectives and strategy.

I am pleased to report, Mr. President, that a coherent Western counteroffensive has been launched in this key battle of the worldwide ideological struggle. Yesterday's New York Times reported that over the weekend leaders of independent news organizations from 20 countries, developed and developing alike, assembled at Talloires, France and issued a major declaration of principle and position. I urge my colleagues to take careful note of this strong and unambiguous defense of that most precious right of a free people: The right of opinion and expression that is both epitomized and guaranteed by the preservation of a free press.

Mr. President, the Declaration of Talloires is a major historical document. It will be cited in future as the free world's statement of what is important in this debate and what we mean to do.

It shall be noted that the meeting at Talloires was organized privately, by the Edward R. Murrow School of Public Diplomacy at Tufts University's Fletcher School in cooperation with the World Press Freedom Committee. It was attended by individuals representing independent news organizations from around the world. It is not a policy statement of governments, but an expression by journalists themselves of what is vital to the functioning of a free press.

The declaration states, for instance, that—

> There can be no international code of journalistic ethics; the plurality of views makes this impossible.

It also asserts that—

> Journalists seek no special protection nor any special status and oppose any proposals that would control journalists in the name of protecting them.

And, speaking directly to UNESCO, the declaration says:

> We reject the view of press theoreticians and those national or international officials who claim that while people in some countries are ready for a free press, those in other countries are insufficiently developed to enjoy that freedom.

Mr. President, I urge President Reagan and Secretary of State Haig to make full use of this Declaration in those international forums where governments only are represented. The men and women of the press clearly mean to speak for themselves whenever they are able. All of us in the Congress should similarly be familiar with the substance of the Declaration of Talloires.

I therefore ask unanimous consent that the text of the Declaration of Talloires be printed in the RECORD, along with the New York Times article reporting the meeting and Charles Krauthammer's essay from the New York Republic.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 18, 1981]

TEXT OF DECLARATION BY INDEPENDENT NEWS ORGANIZATIONS ON FREEDOM OF PRESS

TALLOIRES, FRANCE, May 17.—Following is the text of the Declaration of Talloires, adopted by leaders of independent news organizations from 20 countries at the Voice of Freedom conference:

We journalists from many parts of the world, reporters, editors, photographers, publishers and broadcasters, linked by our mutual dedication to a free press,

Meeting in Talloires, France, from May 15 to 17, 1981, to consider means of improving the free flow of information worldwide, and to demonstrate our resolve to resist any encroachment on this free flow,

Determined to uphold the objectives of the Universal Declaration of Human Rights, which in Article 19 states, "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers,"

Mindful of the commitment of the Constitution of the United Nations Education, Scientific and Cultural Organization to "promote the free flow of ideas by word and image,"

Conscious also that we share a common faith, as stated in the charter of the United Nations, "in the dignity and worth of the human person, in the equal rights of men and women, and of nations large and small,"

Recalling moreover that the signatories of the final act of the Conference on Security and Cooperation in Europe concluded in 1975 in Helsinki, Finland, pledged themselves to foster "freer flow and wider dissemination of information of all kinds, to encourage cooperation in the field of information and the exchange of information with other countries, and to improve condi-

tions under which journalists from one participating state exercise their profession in another participatng state" and expressed ther intention in particular to support "the improvement of the circulation of, access to, and exchange of information,"

Declare that:

(1) We affirm our commitment to these principles and call upon all international bodies and nations to adhere faithfully to them.

(2) We believe that the free flow of information and ideas is essential for mutual understanding and world peace. We consider restraints on the movement of news and information to be contrary to the interest of international understanding, in violation of the Universal Declaration of Human Rights, the constitution of Unesco, and the final act of the Conference on Security and Cooperation in Europe; and inconsistent with the charter of the United Nations.

(3) We support the universal human right to be fully informed, which right requires the free circulation of news and opinion. We vigorously oppose any interference with this fundamental right.

(4) We insist that free access, by the people and the press, to all sources of information, both official and unofficial, must be assured and reinforced. Denying freedom of the press denies all freedom of the individual.

(5) We are aware that governments, in developed and developing countries alike, frequently constrain or otherwise discourage the reporting of information they consider detrimental or embarrassing, and that governments usually invoke the national interest to justify these constraints. We believe, however, that the people's interests, and therefore the interests of the nation, are better served by free and open reporting. From robust public debate grows better understanding of the issues facing a nation and its peoples; and out of understanding greater chances for solutions.

(6) We believe in any society that public interest is best served by a variety of independent news media. It is often suggested that some countries cannot support a multiplicity of print journals, radio and television stations because there is said to be a lack of an economic base. Where a variety of independent media is not available for any reason, existing information channels should reflect different points of view.

(7) We acknowledge the importance of advertising as a consumer service and in providing financial support for a strong and self-sustaining press. Without financial independence, the press cannot be independent.

(8) We recognize that new technologies have greatly facilitated the international flow of information and that the news media in many countries have not sufficiently benefited from this progress. We support all efforts by international organizations and other public and private bodies to correct this imbalance and to make this technology available to promote the worldwide advancement of the press and broadcast media and the journalistic profession.

(9) We believe that the debate on news and information in modern society that has taken place in Unesco and other international bodies should now be put to constructive purposes. We reaffirm our views on several specific questions that have arisen in the course of this debate, being convinced that:

Censorship and other forms of arbitrary control of information and opinion should be eliminated; the people's right to news and information must not be abridged.

Access by journalists to diverse sources of news and opinion, official or unofficial, should be without restriction. Such access is inseparable from access of the people to information.

There can be no international code of journalistic ethics; the plurality of views makes this impossible. Codes of journalistic ethics, if adopted within a country, should be formulated by the press itself and should be voluntary in their application. They cannot be formulated, imposed or monitored by governments without becoming an instrument of official control of the press and therefore a denial of press freedom.

Members of the press should enjoy the full protection of national and international law. We seek no special protection nor any special status and oppose any proposals that would control journalists in the name of protecting them.

There should be no restriction on any person's freedom to practice journalism. Journalists should be free to form organizations to protect their professional interests.

Licensing of journalists by national or international bodies should not be sanctioned, nor should special requiremets be demanded of journalists in lieu of licensing them. Such measures submit journalists to controls and pressures inconsistent with a free press.

The press's professional responsibility is the pursuit of truth. To legislate or otherwise mandate responsibilities for the press is to destroy its independence. The ultimate guarantor of journalistic responsibility is the free exchange of ideas.

All journalistic freedoms should apply equally to the print and broadcast media. Since the broadcast media are the primary purveyors of news and information in many countries, there is particular need for nations to keep their broadcast channels open to the free transmission of news and opinion.

(10) We pledge cooperation in all genuine efforts to expand the free flow of information worldwide. We believe the time has come within Unesco and other intergovernmental bodies to abandon attempts to regulate news content and formulate rules for the press. Efforts should be directed instead to finding practical solutions to the probelms before us, such as improving technological progress, increasing professional interchanges and equipment transfers, reducing communication tariffs, producing cheaper newsprint and eliminating other barriers to the development of news media capabilities.

Our interests as members of the press, whether from the developed or developing countries, are essentially the same; ours is a joint dedication to the freest, most accurate and impartial information that is within our professional capability to produce and distribute. We reject the view of press theoreticians and those national or international officials who claim that while people in some countries are ready for a free press, those in other countries are insufficiently developed to enjoy that freedom.

We are deeply concerned by a growing tendency in many countries and in international bodies to put government interests above those of the individual, particularly in regard to information. We believe that the state exists for the individual and has a duty to uphold individual rights. We believe that the ultimate definition of a free press lies not in the actions of governments or international bodies, but rather in the professionalism, vigor and courage of individual journalists.

Press freedom is a basic human right. We pledge ourselves to concerted action to uphold this right.

[From the New York Times, May 18, 1981]

WEST'S NEWS ORGANIZATIONS VOW TO FIGHT UNESCO ON PRESS CURBS

(By Paul Lewis)

TALLOIRES, FRANCE, May 17.—Representatives of the world's major free news organizations pledged today to fight efforts in the United Nations Educational, Scientific and Cultural Organization to set up a so-called New World Information Order that would restrict press freedom.

For the first time Western and other free newspapers and broadcasting networks took a united stand against the campaign by Soviet bloc and third world countries to give Unesco the authority to regulate the flow of news and information around the world.

In a joint declaration, some 60 leaders of print and broadcasting organizations from 20 countries called press freedom "a basic human right" and said they were resolved to resist "any encroachment" on it.

They urged Unesco "to abandon attempts to regulate news content and formulate rules for press conduct," saying this violated its own charter, the Universal Declaration of Human Rights and the Helsinki Declaration on Human Rights and was inconsistent with the United Nations Charter.

They pledged to expand the "free flow of information worldwide" and said they would support efforts by international bodies, governments and private agencies to help developing countries build up a healthy and free press of their own.

The declaration, termed the Declaration of Talloires after the scenic lakeside village in the French Alps where it was drawn up, was issued the day after Unesco's director general, Amadou Mahtar M'Bow of Senegal, told the representatives that he was starting to draft plans for a New World Information Order despite the opposition of Western governments.

PLAN CALLED POLITICALLY MOTIVATED

Throughout the two-day conference, representatives of free news organizations attacked the whole idea as a politically motivated attemp by the Soviet bloc and its third world allies to legitimize government control of information and undermine international respect for Western press freedom. They also took a strong stand against many specific features of the proposed New World Information Order.

In particular, they opposed plans for Unesco to "license" journalists by issuing them special identity cards, an idea they said was "inconsistent with a free press," and opposed calls for Unesco to draw up an international code of journalistic ethics, saying that such codes should only be formulated by the press itself and must be voluntary.

They called for the abolition of all "censorship and other forms of arbitrary control of information and opinion," saying "people's right to news and information must not be abridged," and demanded that journalists have access by right to all sources of news and information, including people who disagree with a government's policy.

However, the meeting, which was organized by the Fletcher School of Law and Diplomacy at Tufts University split over a call by Murray J. Gart, the editor of The Washington Star, for free news organizations to urge governments to withdraw from Unesco if it pushes ahead with plans for its New World Information Order along present lines.

While Mr. Gart, like several other American representatives here, said the time had come for free papers and broadcasting chains to take a more aggressive attitude toward Unesco, many representatives of European and third world news organizations said they could not support a call for governments to withdraw from a world body if its decisions did not please them.

Mr. Gart complained that the West had failed to persuade opponents of a free press to soften their stand in Unesco and that the time had come to adopt a much firmer position. He was supported by K. Prescott Low, representing the American Newspaper Pub-

lishers Association, who said his organization wanted Western news organizations to be ready to take "positive action" to defend their values in Unesco.

Organizations represented at the meeting included the Washington-based World Press Freedom Committee, the International Federation of Newspaper Publishers, the Inter-American Press Institute, the American Newspaper Publishers Association, the North American Broadcasters Federation, the Asia Pacific Institute for Broadcasting Development, the Middle East News Agency, the Nigerian News Agency and the big four international news agencies: Reuters, The Associated Press, United Press International and Agence France-Presse.

Significantly absent from the meeting were any representative of the International Federation of Journalists, which has come to represent most European journalists' unions and which has taken an ambiguous stand on the New World Information Order because many of its Scandinavian and Dutch members tend to sympathize with it. Although invited, the organization declined to attend.

In support of their case, advocates of a New Order complain that the business of disseminating news and information around the world is dominated by the Western capitalist countries. These countries are the headquarters of the big news agencies, they produce the most widely circulated magazines and films, and they have the most powerful radio transmitters and the best communications satellites.

As a result, supporters of a New Order say, the rest of the world gets a picture of developing and Communist countries that emphasizes their failures and plays down success. In many parts of the world, they say, national cultural values are also being eroded by the intrusion of Western magazines and films that often promote pornography and violence.

The aim of a New World Information Order would be to promote a "more balanced flow of news and information around the world," in the words of its supporters. In practical terms, this means reserving a bigger share of the airwaves for developing countries so that their voices can be heard more easily, giving them greater access to satellite communications and encouraging them to develop their news organizations.

But in Western eyes, advocates of a New World Information Order also want to legitimize government control over the news and their own habit of expelling Western journalists and banning publications that offend those in power.

They would do this by having Unesco declare that news organizations have a duty to support government policies and promote good causes such as economic development and peace while opposing bad ones, such as fascism, warmongering and racism. In addition, they want Unesco to draw up an international code of journalistic ethics imposing these obligations on journalists, who would also receive special safe-conduct passes, or licenses, that could be withdrawn if they broke the code.

At the Unesco's last general conference, held in Belgrade last year, Western countries offered to help the developing world acquire a louder voice by building up its news organizations and communication systems. The conference approved plans for a new International Communications Development Program intended to do this.

But the West was unable to stop the Soviet bloc and its third world allies from also ordering the Unesco secretariat to begin preparing concrete proposals for a New World Information Order, which is to be debated at the organization's next general conference, in Caracas, Venezuela, in two years time.

BRAVE NEWS WORLD

(By Charles Krauthammer)

For a decade the New World Information Order has been a slogan in search of a plan. Last month in Paris UNESCO proposed a plan: a commission to license and protect journalists and ensure that they comply with the "generally accepted" ethics of their professions. Last-minute maneuvering by Western delegates blocked the proposal. The whole incident, which aroused pained and plaintive cries of foul play, particularly from the Western press, appeared to have sprung up overnight and to have died just as quickly. It hadn't. The Paris meeting was simply another inconclusive skirmish in the running battle between have and have-not countries over the New World Information Order.

Like its companion New World Economic Order, which calls for redistribution of the international power of the purse, the NWIO is a demand for redress of perceived inequities, this time over the power of the word. Its motto is "the free and balanced flow of information." Its manifesto, commissioned by the nonaligned movement in Havana in 1978 and written by Mustafa Masmoudi, Tunisia's representative to UNESCO, charges the West with creating, and perpetuating an imbalance in the world's flow of information under the guise of maintaining freedom. The alleged result is a vast and insidious cultural imperialism built on a Western monopoly of the means of international communication. The remedy proposed is twofold: first, creating an indigenous third world information infrastructure in a spirit of "collective self-reliance"—which means a transfer of Western technology to poorer countries, no strings attached. And second, controlling the Western behemoth by restricting its access to and dissemination of information in developing countries. That means overhauling the notion of freedom of the press. Masmoudi explains:

The traditional concepts of rights in the field of communications is founded on individualist considerations, to the detriment of collective needs. Freedom of information . . . has become an instrument of domination in the hands of the owners of the information media. Juridically it upholds the rights of the informer and is silent on his duties and responsibilities towards the "informed."

The press, quite literally an informer, must make way for the new order and its new right of "objectivity of information and balance in its presentation." And to secure these rights, certain steps need to be taken. First, "regulation of the right to information by preventing abusive uses of the right of access." Second, "definition of appropriate criteria to govern truly objective news selection." Third, establishment of a professional code of ethics, enforced by a tribunal empowered to punish violaters who disseminate false or distorted information. And fourth, creation of an international convention defining the right of reply for maligned states. This would include "a list of precisely defined infringements [of] prestige, culture and values."

These remedies are justified by the West's exploitation of the means of communication. The West has plundered the natural informational resources, from the electromagnetic spectrum to parking spaces for satellites in geo-stationary orbit. And it also has monopolized the means of production, most importantly the wire services. The big four news agencies—AP, UPI, Reuters, and Agence France-Presse—produce almost 90 percent of the world's foreign news and "monopolize among themselves all that exists of material and human potential." As a result the third world must see itself through Western eyes. And what it sees is unbalanced and distorted. Unbalanced because less than 30 percent of the news is about the developing world, which has 75 percent of the world's population. And distorted because the developing world is portrayed as a place of violence, disaster, crime, war, and corruption.

There is less to these charges than meets the eye. Consider first the distortion charge, that only the bad news about the third world is reported. One of the few empirical studies of this question was carried out for UNESCO by Phil Harris of Leicester University. He looked at more than 4,000 stories sent out in one month by Reuters, AFP, and UPI and concluded that they did not portray the third world as a place of endemic tragedy and disaster. A more sophisticated version of the distortion charge is that the West sees third world events in Western terms and not in the context of "development." In his 1980 book, *The Geopolitics of Information*, Anthony Smith cites as a particularly grievous example coverage of the 1978 coup in Afghanistan. "Almost all informed Western newspapers treated the events as the occasion to inquire 'is the new leadership pro-West or pro-Soviet?' long before they came around to writing about conditions in Afghanistan or the importance of the new regime for its people." From the perspective of 1981, it's clear the newspapers could not have asked a more pertinent question.

Even if it were true that bad news dominates Western coverage of the third world, what of it? The same is true of press coverage of the US, a source of great distress to Spiro Agnew, among others. Plainly, the unusual is what news, as opposed to propaganda and mere information, is about. As former United States Information Agency director Leonard Marks explains, "when a plane lands safely in Malawi that is not news, but when it crashes, it is."

On a per capita basis Western coverage does under-represent the third world. It also under-represents much of the first world. Indianapolis gets less coverage than Washington because the ruling principle in journalism is not distributive justice but newsworthiness. It may not be fair, but events in Britain are more likely to be newsworthy—of greater impact on the rest of the world and of wider interest—than events in Guyana. Furthermore, compared to the West, third world countries are harder to get to, harder to get around in, and harder to get news out of. A major reason is that third world governments are more likely to restrict access to sources and to censor—a trend that the NWIO seeks to strengthen. After all, it's not a Western news monopoly that accounts for the paucity of news coming out of Albania. And there certainly is enough news of the third world to go around. The AP alone produces as many words in a single day as Time does in 10 years. Even if only a small percentage deals with the third world, there is certainly enough to fill up a newspaper. For example, Asian radio and newspapers use only about 20 percent of the third world news they receive. And a UNESCO study by Robert L. Stevenson of the University of North Carolina concluded that the data support neither the contention that the Western agencies ignore the third world nor that they single it out for special negative treatment.

Finally, the monopoly charge. It contains some truth, but not enough to warrant either breast-beating or stone-throwing. Do the Western media bypass governments to impose their values on third world countries? In most third world countries wire service copy goes first to government authorities who decide what is printable. It is they who control the flow of information. They decide what newspapers to allow and what programs to place on television. Third world governments are also free to pursue other sources of information. And they do. There are dozens of news agencies throughout the world, some explicitly focusing on the problems of

the developing world, like Inter Press Service of South America and the Tanjung Nonaligned News Pool based in Yugoslavia.

Radio is the one medium that local government cannot control. People generally can listen to what they want. The results are instructive. The overwhelming megahertz champion of the shortwave world is the Soviet Union. Every week it broadcasts more than 2,000 hours of radio programing in 84 languages. But according to Smith, in Africa no more than one or two percent of listeners tune in. The BBC, with far fewer hours, reaches more than 50 percent of listeners. Colonial heritage undoubtedly plays a part in this phenomenon. Another part is played by the official Soviet philosophy of overseas news transmission, which is to "systematically explain the peace-loving foreign policy of the CPSU, disseminate information of the achievements of real socialism, publicize the Soviet way of life and expose the concoctions of bourgeois ideology." Despite what their NWIO-espousing guardians claim, Africans seem quite capable of distinguishing garbage from quality. The main reason people in developing countries rely on Western news sources is the same reason people in Prague listen to the midnight news from Vienna. It is not monopoly, but reliability.

No one claims that Western media do not enjoy a dominant role in world information flow. But the telegraph, radio, television, wire services, and satellites are the product of Western genius, not colonial rapacity. And no one denies that third world leaders have the right to invoke informational protectionism to nurture infant communications industries in the fact of formidable Western competition. But many third world journalists suspect that the accompanying claim—that centralized control of information is necessary for development—is a thin rationalization for political elites seeking to monopolize power. They see the NWIO as a device to redistribute power not between nations but within them. As one Kenyan editor points out, the NWIO is the cause not of journalists but of politicians.

For the last 10 years, UNESCO has served these politicians well. As early as 1972 UNESCO identified Western media as tools for "the domination of the world public opinion . . . a source of moral and cultural pollution." At the 1974 UNESCO meeting the Soviets took up the cause. They introduced a "draft declaration of fundamental principles governing use of the mass media in strengthening peace and international understanding and in combatting war propaganda, racism, and apartheid." The resolution urged governments to use media to further social and political goals and proclaimed that "states are responsible for the activities in the international field of all mass media under their jurisdiction." A year later they gained Arab support by throwing in Zionism as another capital crime that the media should be combatting. Fifteen Western nations walked out in protest, but at the next general meeting, in Nairobi in 1976, the West decided to bargain. It was able to postpone action on the Soviet declaration for two more years. The price was agreement to establish a commission chaired by Sean MacBride (the former Irish foreign minister and winner of the Nobel and Lenin peace prizes) to study international communication problems. Two years later, the West compromised again, agreeing to a new UNESCO declaration conferring legitimacy on the New World Information Order.

By the time the next meeting took place in Belgrade in 1980, MacBride had issued his report. It took a middle path. On the one hand it supported third world charges of domination and victimization by Western media, expressed a clear preference for noncommercial (meaning governmental) forms of communication, and called for limiting the activities of the transnational news agencies. It took an equivocal position on the right of reply. However, it came out strongly against "protection" for journalists on the grounds that protection could be used as a wedge to exert control through licensing. And by recommending an end to censorship and full access to unofficial as well as official news sources, it even managed to provoke a couple of dissents from the Soviet delegate.

At the 1980 meeting the West managed to resist more Soviet-backed resolutions to legitimize restricting press freedom. But it had to ante up again, this time with a commitment to a new entity within UNESCO to help third world countries build their communication capacities. This proposal fit in nicely with the overall US approach to UNESCO: contain the anti-free-press forces, cement relations with third world moderates, dampen down the ideological rhetoric, offer practical solutions, change attitudes by "delivering real benefits to the third world."

What is the point of this approach? What do we gain by fighting to contain the anti-free-press forces? There is no hope of bringing the Soviets or the third world to accept Western views on the free press. The price of this battle has been a continuing series of compromises. Some are more palatable than others. Multilateral communications aid to third world countries is not an unworthy project, though bilateral aid gives us more influence over who gets it and what uses it is put to. We would have little interest, for example, in expanding South Yemen's capacity for mass communication. Multilateral aid is even less palatable when it is extracted as the price for only mildly anti-free-press resolutions. Compromises on principle might be justified if we were receiving something in return. Our only gain in these exchanges has been the rather ephemeral goodwill of some third world moderates, defined in one State Department memo as those "who realize that attacking the West while seeking its support is counterproductive." And why are we obsessed with avoiding ideological debate on this issue? If we cannot defend freedom of the press, can we defend anything? It is we who should invoke vigorous ideological debate rather than retreat to the shelter of "pragmatism."

By ducking the ideological battle, by agreeing to compromise on language and principle, and by appeasing the UNESCO majority with promises of development aid, the US has finally achieved what one participant at Belgrade called a state of "hostile co-existence" with UNESCO. And the events last month in Paris demonstrated that even this was an overly optimistic estimate.

The Paris meeting was a deliberate attempt by the UNESCO secretariat to achieve what the MacBride commission had denied it—a justification for licensing journalists. The US was never told about the meeting in Paris. The State Department found out purely by accident while inquiring about another meeting. At that point, the UNESCO secretariat attempted to deceive the State Department as to the purpose of the meeting. Then it developed that the secretariat had packed the meeting with Eastern bloc and third world invitees. The meeting was to be closed and its results almost certain. It was only intense Western and media pressure that opened the meeting and produced a deadlock. For once, UNESCO's fear of the Western press was justified.

One of the two purposes of the NWIO is to improve communications within the third world. That we can support. The other is to provide international sanction for political control of domestic and foreign information sources. Such control already exists in the Soviet system and in many parts of the third world. UNESCO declarations will not make it any easier for journalists to get into Outer Mongolia or Argentinian prisons. Nor will it make it appreciably harder, but it will grant the international legitimacy that censors always crave and might encourage those nations currently waivering to choose press restrictions.

Our stand should be unequivocal. We should declare our unwillingness to compromise further and our belief that freedom of the press is not a matter subject to majority vote. If we are overruled, I suggest that we get up from the table, gather up our $49-million contribution to UNESCO, and go home.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I announced earlier today that several caucuses were taking place on both sides of the aisle in an attempt to arrange a schedule for the Senate which might expedite the business of the Senate that we must address and dispose of before the Memorial Day recess.

I would like to report to the Senate that I believe we are making good progress with those negotiations. The caucuses on both sides of the aisle have now concluded. There are certain negotiations which must be undertaken with individual Senators who have expressed particular interests in both the supplemental appropriations bill and the conference report.

In order to gain time to undertake those negotiations and to make sure that there is an opportunity to contact every Member who does have an interest in these matters, and especially those who notified the leadership of their particular interest, I ask unanimous consent that the Senate stand in recess until the hour of 4 p.m.

Mr. ROBERT C. BYRD. Mr. President, what time did the Senator say?

Mr. BAKER. Mr. President, I withdraw that request.

ORDER FOR THE EXTENSION OF TRANSACTION OF ROUTINE MORNING BUSINESS UNTIL 4:30 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not later than 4:30 this afternoon and to modify the previous order for morning business to simply provide that Senators may speak therein.

The PRESIDING OFFICER (Mr. SIMPSON). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I would like to inquire of the distinguished minority leader if he might be in a position to agree that the Senate might go into executive session to consider certain nominations on the Executive Calendar. The ones that I have on my list that we

would like to proceed to if he has no objection are the Department of State, John H. Holdridge; the Federal Emergency Management Agency, Louis O. Giuffrida; the Department of State, Joan M. Clark, Robert Gerhard Neumann, and Robert Dean Nesen; and the Department of Justice, Jonathan C. Rose.

Mr. ROBERT C. BYRD. Mr. President, those nominations are cleared on this side of the aisle.

Mr. BAKER. Mr. President, I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session to consider the nominations just identified.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF STATE

The legislative clerk read the nomination of John H. Holdridge, of Maryland, to be an Assistant Secretary.

● Mr. HAYAKAWA. Mr. President, I support the nomination of John H. Holdridge to be Assistant Secretary of State for East Asian and Pacific Affairs and I commend the President on his choice of advisers for this particularly complex and challenging region of the world.

Mr. President, I was struck by the sound description of the problems we face in Asia as described by Mr. Holdridge during his confirmation hearing. I would like to share some of his remarks with my colleagues. Mr. Holdridge testified that the Soviet Union over a period of years has developed its forces and its military influence to a considerable extent in East Asia, especially in the area of Northeast Asia. Mr. Holdridge pointed out that there are now about 50 Soviet divisions stationed along the Chinese border where there used to be only 46.

Backing up those divisions are modern Soviet aircraft and SS–20 missiles. He noted that the Backfire bomber is now deployed in the area of East Asia. The Soviets have fortified the four northern Japanese islands which they occupy and where they have now stationed about 10,000 troops. And Mr. Holdridge said that the Soviet Pacific Ocean fleet is second in size only to the Soviet northern fleet, which is the one that confronts us in NATO.

Soviet military influence, he pointed out, is also being extended into Indochina where its ally, Vietnam, is occupying Cambodia and Laos. Soviet power is projected beyond Camranh Bay in Vietnam into the Indian Ocean. Mr. Holdridge told the committee that, altogether, the Soviet buildup is of considerable size and magnitude.

I found this description a factual one, based on reality, and I actually found it reassuring because it means this administration will base its policies on the hard, cold facts of a sustained Soviet buildup in Asia, a buildup unwarranted by Soviet defense needs. I agree with Mr. Holdridge's view that the military balance in the region must be addressed.

I also share his view that, although we must put the military balance among our very top priorities, we must not forget our traditional interest in promoting human rights in the region, strengthening our already strong trade ties, and increasing diplomatic consultation with our friends and allies to enhance our mutual trust and confidence.

I believe that Mr. Holdridge's background will serve him and the President well. He has devoted his professional life to the study and understanding of Asian affairs and has served in a variety of posts throughout the region. He has worked in two Republican administrations in important positions from which he helped to develop and implement Presidential China policy. He has served three different times in Southeast Asia and has served in two posts where he had responsibility for analyzing trends and issues in all of Asia. He was also once the officer in charge of U.S. relations with Taiwan. He is a distinguished public servant who, from all quarters, is reported to have served his Presidents well.

Now President Reagan has asked Mr. Holdridge to serve in a key position in his administration. Critics of Mr. Holdridge assert that his views do not represent the views of President Reagan and that he, therefore could lead Asian policy astray while the President is concentrating on other issues. This concern, Mr. President, underestimates our Commander in Chief. President Reagan is the strongest, most popular, and most able Chief Executive this Nation has had in quite some time. He demands and inspires loyalty and is more than able to take appropriate measures if this loyalty is not forthcoming from his staff. I cannot, and I feel that the American people would not, accept the view that the President does not know his own mind or that he would tolerate any staff member working outside his guidance.

Mr. President, I support the nomination of Mr. Holdridge and urge that my colleagues vote without reservation to confirm him as Assistant Secretary of State for East Asian and Pacific Affairs.●

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The legislative clerk read the nomination of Louis O. Giuffrida, of California, to be Director of the Federal Emergency Management Agency.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Joan M. Clark, of New York, to be a career member of the senior Foreign Service.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The legislative clerk read the nomination of Robert Gerhard Neumann, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The legislative clerk read the nomination of Robert Dean Nesen, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Jonathan C. Rose, of Virginia, to be an Assistant Attorney General.

Mr. THURMOND. Mr. President, I rise to state my support for Mr. Jonathan C. Rose for the position of Assistant Attorney General in the Office for Improvements in the Administration of Justice in the Department of Justice.

Mr. Rose attended Yale University and graduated cum laude from Harvard Law School. After leaving the U.S. Army in 1971, he became special assistant to the President. From 1972 to 1974, Mr. Rose was the general counsel for the Council on International Economic Policy.

Mr. Rose skilfully served from 1974 to 1977 in the Department of Justice as Associate Deputy Attorney General, Director for the Office of Policy and Planning, and Deputy Assistant Attorney General in the Antitrust Division.

In 1978, he became a partner in the Washington law firm of Jones, Day, Reavis & Pogue and has remained in that position to the present time.

President Reagan has made a wise choice in nominating Mr. Jonathan C. Rose for the Assistant Attorney General in the Office for Improvements in the Administration of Justice in the Department of Justice. I urge my colleagues to vote for his confirmation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the nominees, as I recall, who were just confirmed, were the following: John H. Holdridge, under Department of State; Mr. Louis O. Giuffrida, under Federal Emergency Management Agency; Joan M. Clark and Messrs. Robert Gerhard Neumann and Robert Dean Nesen, under Department of State; and Jonathan C. Rose, under Department of Justice. I ask the majority leader if that is correct.

Mr. BAKER. Mr. President, the minority leader is correct.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET OF THE DEPARTMENT OF DEFENSE

Mr. DIXON. Mr. President, the administration recently published a report which seeks to assure us that the proposed budget reductions will fall equally on each part of the country and that the Northeastern and Midwestern States will not be disproportionately affected.

The analysis by the Office of Management and Budget claims that every State, every local area, and every sector of the economy will benefit equally from the economic advantages expected to result from the budget proposals.

Unfortunately, Mr. President, that is not the case.

Although the study takes into account reductions in the inflows from Federal spending, reductions in tax outflows and macroeconomic gains in the form of jobs, wages, salaries, and personal income, it omits an enormously significant factor from all its calculations: The budget of the Department of Defense.

In its 2-month study of the regional effects of the proposed economic plan, which is supposedly neutral in its regional impact, the OMB analysis overlooked the massive increases planned for the Defense Department.

This is no small oversight.

It is no secret that some 80 percent of the Defense Department personnel live in the South and West. These regions of the country will certainly be enhanced by the increased defense employment and an across-the-board pay hike for Defense Department personnel.

The unparalleled jump in defense spending proposed by the administration—from $160 billion in 1981 to $250 billion by 1984—coupled with severe cutbacks in human resources spending will serve only to strengthen the already burgeoning Sunbelt at the expense of the Northeast and Midwest regions of the Nation.

In 1980, when the Department of Defense spent over $75 billion in military procurement, my State of Illinois, won defense contracts totaling $945 million—a paltry 1.4 percent of the Pentagon's buying spree.

A year earlier, my State's Federal tax burden was 6.2 percent of Federal taxes collected. If defense outlays from Washington had been commensurate with the taxes received from Illinois, my State would have been doing $3.3 billion in business with the Pentagon. Illinois companies, however, received $752,400,000 in defense contracts.

The difference—$2.63 billion—represented the largest disparity in the country.

The litany goes on, Mr. President, as an examination of past Federal spending points to a chronic policy of unequal distribution of defense dollars.

A recent editorial in a Chicago newspaper says—

> In recent years the Pacific states got four times as much per person in defense spending as the Great Lakes States. The Rocky Mountain states got three times as much, and the South Atlantic states twice as much.

And Illinois—and other States of the Frost Belt region—are at the bottom of the heap.

This issue cannot be underplayed, Mr. President.

Defense spending plays an enormous role in regional growth. If past practices are any indication of future policy, Defense Department largesse will be dispensed throughout the South and Southwest regions of the country, bolstering the economy of those regions, while the Northeast and Midwest buckles under economic crises.

It is entirely likely that, given the massive increases in the DOD budget, future defense spending will occur in the areas already rich in military installations and defense-related capacities—namely in the South and Southwest. This will leave the States of the Midwest and Northeast shouldering the burden of economic stagnation and hardship.

Mr. President, the present administration speaks much of bringing about historic changes in the way the Federal Government does its business.

A truly historic altering will occur when the administration realizes that until gross imbalances in Federal spending policies are corrected, economic deterioration will continue to loom large over the Midwest and Northeast regions of this country.

Mr. President, I have spoken on this question before, and I will continue to do so, in the hope my colleagues here in the Senate will recognize and work to rectify this most basic question of inequality.

SUSPENSION OF FURTHER AUTOMOBILE FUEL EFFICIENCY STANDARDS AFTER 1985

Mr. THURMOND. Mr. President, I ask unanimous consent that a copy of resolution No. 644 of the House of Representatives of the 11th Legislature of the State of Hawaii be printed in the RECORD at this point. The resolution is entitled "Requesting Rescission of the Decision to Suspend the Establishment of Further Automobile Fuel Efficiency Standards after 1985."

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION No. 644

Whereas, an announcement by President Reagan's administration on April 7, 1981, revealed a plan to revitalize the ailing automobile industry by providing an accelerated program of regulatory relief; and

Whereas, Vice President George Bush reading President Reagan's statement indicated that thirty-four regulations on air pollution and car safety will be relaxed or eliminated; and

Whereas, noting that the United States' automobile industry was "in serious trouble" —with production at a 19-year low and more than 500,000 workers laid off at auto plants and in related businesses, the Vice President said that the regulatory changes would save the auto manufacturers $1.4 billion and consumers $9.3 billion over the next five years; and

Whereas, while the Hawaii State Legislature is cognizant of the need to help the domestic auto industry. this body is concerned about the decision to suspend further government activity in setting fuel efficiency standards beyond the current law requiring cars to achieve 27.5 miles a gallon by 1985; and

Whereas, in view of the fact that motor vehicles account for a substantial portion of the consumption of our nation's fossil fuel supplies and in view of our nation's goals to conserve energy and to become more energy self-sufficient, the Hawaii State Legislature believes that the rule change would be detrimental to the nation's energy conservation program; and

Whereas, in addition, while the suspension of the establishment of more stringent fuel efficiency standards after 1985 may be of some economic help to the industry by reducing the cost of producing the vehicles, this action may be detrimental to the industry over the long term; and

Whereas, the rule change does not recognize the changing demand of the American consumers for fuel efficient motor vehicles; and

Whereas, for example, the surging popularity of foreign-made cars in the United States can be attributed to the demand by the American consumers for energy efficient motor vehicles; and

Whereas, due to the accelerating price of gasoline the demand for energy efficient automobiles is expected to continue; and if the domestic automobile manufacturers expect to compete effectively with the imports, even more fuel efficient vehicles must be produced; and

Whereas, for the foregoing reasons, the Hawaii State Legislature firmly believes that

the decision to suspend the establishment of further automobile fuel efficiency standards after 1985 is not in the national interest; now, therefore,

Be it resolved by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, that the President of the United States is respectfully requested to reconsider and rescind the decision to suspend the establishment of additional automobile fuel efficiency standards after 1985; and

Be it further resolved That certified copies of this Resolution be transmitted to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Hawaii delegation to the United States Congress.

ATTACKS BY PRAVDA ON SENATOR JEREMIAH DENTON

Mr. THURMOND. Mr. President, several months ago, at the beginning of the current Congress, I asked Senator JEREMIAH DENTON to chair the newly created Judiciary Subcommittee on Security and Terrorism. His performance to date as chairman of that subcommittee has been impeccable and I am convinced that I could not have made a better choice.

Were I in need of any further proof that he is the right man to lead the investigation into current terrorism and its origins, it was provided last week by Pravda, the official newspaper of the Communist Party in the Soviet Union. The strident attack on the activities of the subcommittee and the scurrilous personal comments about the Senator provide further, ample evidence of the need for such an investigatory body.

Such an attack indicates to me that those of us who agree with assessment of the Reagan administration that the Soviet Union is behind much of the terrorist activities which take place around the globe, are, in fact, absolutely correct in that analysis. Also, the nature of the personal attack on Senator DENTON, a man who has honorably served his country under the most difficult circumstances imaginable, is eloquent testimony on the character of those with whom we pursued "détente" for so long.

To President Reagan I say that I welcome his tough, realistic posture toward the Soviet Union; to Senator DENTON I say thank you for doing a difficult job well; and to my colleagues I recommend the Pravda article analysis and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

THE SOVIET PRESS LAUNCHES ANOTHER ATTACK ON U.S. SENATOR JEREMIAH DENTON

It would seem that Senator Denton has already succeeded in arousing the alarm and anger of the Soviet press. No better proof is needed of the usefulness of his Subcommittee on Security and Terrorism.

On May 2, 1981, a few days after Izvestiya had voiced it's sharp disapproval of Senator Denton's activities, (April 28, 1981), Commentator G. Vasilyev of Pravda came out with a virulent attack on the Senator.

Under the heading: "The Admiral Eradicates Subversion", Vasilyev started by announcing that "a new star has arisen at the extreme right of the political horizon in the USA", Senator Jeremiah Denton, now heading the Subcommittee on Security and Terrorism and who "fights the supporters of armed violence". The commentator adds that "putting it mildly", the Senator is an "unusual candidate" for the part of eradicator of terrorism because during the "criminal war" conducted by the U.S. in Southeast Asia, he was a "participant in the barbaric air raids on North Vietnam". His plane was brought down and he was made prisoner "but the people of the country . . . treated him more than humanely—they let him live".

Vasilyev added that the Senator spent "seven and one-half years in camps for military prisoners" but predictably says nothing about the kind of treatment he had to endure there. He merely added that "after the final collapse of the American intervention in Indochina", Senator Denton "returned home with a promotion and the halo of a "hero unbroken by the communists".

According to Vasilyev, Senator Denton was considered "good material" by those in the U.S. who "started to fan the flames of militant chauvinism"; tried to break down "detente" and to change the meaning of the lessons of Vietnam. Active militarists and supporters of the policy of "tightening the screws" in the country used Admiral Denton as a "battering ram against political opponents" and succeeded in bringing the "war hero" into the Senate. And thus, said the commentator, the "vulture" became a "political hawk" . . . "not burdened with political experience but strong in anti-communist spirit (and) in connections with the FBI and the CIA". He added that Senator Denton was a man of "strict" moral outlook. During the election campaign, he demanded the "death penalty for adultery". He was now bringing his resoluteness to the eradication of subversion.

The Pravda commentator noted that the recent hearings of the new Subcommittee for Security and Terrorism had "confirmed the worst fears of Americans who think that McCarthyism is renascent on Capitol Hill". Referring to W. Colby, the former Director of the CIA, who was among those who testified, Commentator Vasilyev added that "he could certainly supply information concerning criminal activities abroad as well as at home". The Soviet commentator lamented that instead of doing this, the "specialists" who testified played back the old record called: "The USSR—Organizer of International Terrorism". He said that they tried to convince "naive" people that the national liberation movements of peoples and "international terrorism" were "the same devil incarnate".

The fight against international terrorism now taking place on the banks of the Potomac increasingly resembles a "witch hunt" noted Vasilyev, who added that efforts to eradicate terrorism are directed not against the "murderers from the Salvador junta" and the Ku Klux Klan in Alabama, Senator Denton's home state, where "lynching of negroes has started again", but against certain "disloyal" Americans.

The Soviet commentator remarked with evident alarm that during the hearings, some journalists were mentioned as having yielded to the influence of "enemy disinformation"; that there were "insistent calls" for a "revival" of the activity of secret services; (and calls) for the repeal of any limitation to the infiltration of groups of political dissidents of the country". He added that J. Lisker, Counsellor of the Subcommittee, had admitted that a "black list" of various organizations had already been drawn up and these were to be examined from the point of view of "internal and national security". The Communist Party of the USA headed the list, he said, and it included organizations against the armaments race and against racism.

Vasilyev then went on to say that "Jeremiah Denton is beginning to acquire a taste for his job" and that "he appears to be ready to 'carpet bomb' all those whom American ultras consider to be 'enemies of the country' ". He accused the Senator and his subcommittee of being "engaged in depriving people of their legal democratic rights".

He called Senator Denton a "violator of international law and of the norms of morality, who threw down tons of explosives on the heads of peaceful citizens" and who is now "chief fighter against international terrorism". "Is it possible to invent a more deadly commentary on the dirty campaign started by Washington and on those who are at its head?", the commentator then asked his readers.

REPORT ON THE DEMONSTRATED RESERVE BASE OF COAL IN THE UNITED STATES FROM THE DEPARTMENT OF ENERGY

Mr. THURMOND. Mr. President, as the President pro tempore of this body, I have received a report from the Department of Energy entitled, "Demonstrated Reserve Base of Coal in the United States on January 1, 1979." This report, which has been submitted pursuant to section 801 of the Powerplant and Industrial Fuel Use Act of 1978, is available for review by my colleagues in my office.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. LUGAR). The Chair, on behalf of the Vice President, appoints the Senator from California (Mr. CRANSTON) to the Advisory Committee on the Law of the Sea.

PROPOSED REDUCTIONS IN SOCIAL SECURITY BENEFITS

Mr. MITCHELL. Mr. President, nobody ever said that cutting the Federal budget would be easy.

But we were told that the budget cuts would be fair.

The proposed reductions in social security benefits are not fair and should not be adopted.

I have supported many of the proposed budget cuts—in fact, I voted to cut Federal spending even more than the President proposed. I have also fought for fairness in budget cutting by seeking to eliminate tax loopholes that benefit a handful of very wealthy Americans without serving any productive economic purpose.

I have done so because I believe the goal of fighting inflation is important enough to warrant severe reductions in Federal spending. Inflation hurts every working person, every family, every retiree: every American. It must be concontrolled.

So I have voted for budgetary restraint to help in that effort.

But I will not support further budget cuts that make the elderly the principal casualties in that effort.

Fairness requires that everyone share in the necessary sacrifices.

Nothing is more important than the recognition by all Americans that this is a shared responsibility and a joint obligation. And the American people have

responded with support for fair reductions in spending.

It is important to note that the elderly have not been spared their share of cuts. The budget presented by the President—

Imposed limits on medicare home health care visits.

Cut severely the fuel assistance program, which is to a large extent an elderly assistance program.

Sharply reduced the housing programs which finance elderly housing projects.

Made massive cuts in the program that provides homemakers' services to older people who want to remain in their own homes.

Reduced the coverage of medicaid, which serves many lower-income elderly.

Cut food stamp benefits far more severely for smaller households—who are generally older people—than it does for families with children.

Reduced the access retired veterans have to their own health care system, placing more pressure on other elderly health care programs.

The budget also eliminated the minimum social security benefit of $122 a month—the benefit any covered worker is entitled to, regardless how low his income—not just to people retiring in future, but to people receiving the benefit right now.

These are the people at the lowest end of the income scale: retired and disabled men and women who have no opportunity to get a better job, or work longer hours, or cut back on luxuries to get by. I voted against this effort and I will continue to oppose it.

And despite the strenuous objections of myself and a good number of my colleagues, the majority in the Senate also voted to lower the cost-of-living increase for all social security recipients. The elderly spend a disproportionately high share of their incomes for food and energy. After a year in which food prices rose by 20 percent and energy costs went up by 18 percent, a reduction in the elderly's cost-of-living increases is not justified.

So the older population has made its share of sacrifices in the budget process. It has not been exempted, or given special, protected status.

If the social security program were truly in such deep financial trouble that this extensive dismantling were needed, it might be reasonable to ask Americans to make this sacrifice. But the truth is that there is no financial need, no economic need for this drastic and fundamental series of changes in the system.

The program today is registering a shortfall of about 1.5 percent of total payroll. These changes would add up to a total of almost 2.9 percent of payroll—almost twice as much as is needed to keep the system solvent in the long term.

There is simply no need for this dramatic and onerous reduction in benefits.

The social security system confronts both a long-term and a short-term problem. The long-term problem exists because the number of workers paying into the system is declining in relationship to the number of persons receiving benefits from the system. The ratio of workers to retirees was 14 to 1 when the system was created. It is now 3 to 1. By the year 2020, when the large number of people born in the post World War II baby boom reach retirement age, the ratio of workers to retirees will be 2 to 1.

The short-term immediate problem exists because the social security trust funds are very sensitive to the state of the economy. The current rates of unemployment and inflation result in lower payments into the system and higher payments out of the system. Unemployment nationally is now 7.8 percent. If in the next year it decreases by just 1 percent, payments into the trust funds will increase by $3 billion.

In fact, if the administration had applied the same economic arguments to the social security system as it has to the spending and tax cuts it is asking for, there would not be a shortfall in the social security system. The administration projects inflation will fall to 5.5 percent in 1984 and unemployment to 6.4 percent. Under those economic conditions, payroll tax revenues to the system would be higher, and benefit payments out would be lower, to such a degree that the system would show no immediate shortfall whatever.

And even if the administration's own forecasts for the economy are disregarded, other forecasts, in line with the projections of the Congressional Budget Office and many private economic forecasters all show that the scope of the shortfall simply does not warrant benefit cuts as massive as the administration has proposed.

The immediate short-term strains on the system can be eased by permitting interfund borrowing, which Congress has permitted before. The disability and hospital insurance funds are not facing a shortfall—only the old age and survivors insurance fund. Inasmuch as the system is a whole, transfers between funds do not undermine its nature or change any important characteristic.

The hospital insurance fund is now only one-third funded by the payroll taxes of workers; the remainder is not financed through general social security revenues, so transferring those funds to the income insurance functions of the system and permitting the health insurance portion of the system to be financed from general revenues would not alter the character of the program either. This proposal has been advanced by numerous Social Security Administrators and by the advisory council as well. It is not a novel suggestion.

Currently, one-fifth of the benefits under social security are paid to older Americans who are working. If more generous employment tax incentives were offered to these workers in lieu of retirement benefits, both they and the system might come out economically ahead.

All of these options ought to be examined before we make the sweeping and massive changes the administration has proposed for today's workers and retirees.

The changes proposed by the administration are directed to individuals ready to retire within the next 5 to 10 years: Those who have paid the highest payroll taxes in history and who have worked the longest under the system. This is not only an unnecessary series of changes in the program, it is grossly unfair to those workers.

Seventy-percent of our working population retires before the age of 65. That has generally been considered a major social advance: it permits people in difficult, physically strenuous jobs the option of taking a well-earned retirement without suffering a severe financial loss. It is an improvement from the time when people feared the poverty of retirement, the dependence on family, the loss of their homes, and the crippling costs of illness or disability.

Of the 70 percent of Americans who retire before the age of 65, it is estimated that three-fourths of them do so for health-related reasons. These are the people for whom the early retirement option was developed and intended.

The rationale for undermining that option—for making it so unattractive that it may as well be eliminated—is simply unacceptable.

Another proposed change would provide disability benefits only for conditions likely to persist for 24 months, rather than 12 months.

A worker who suffers a disability which might only cost him a year and a half out of a job would receive no benefit.

Another change would cut disability benefits for anyone out of the work force for 5 years—striking at women as we have all too often done, especially those women who may have left their jobs to raise families, to nurse ailing husbands, or to care for other family responsibilities.

And another change would mean that for the next 5 years, every covered worker's wage increases would earn only half the points they should. This means that people thinking of retirement soon, or in the later years of this decade, face the fact that from 1982 to 1987, their last earning years, and probably their peak earning years, would be discounted by half. This will mean a basic benefit reduction—in the benefit available at age 65, not for early retirement—of 10 percent by 1987.

Against the background of sharp budget cuts which have not spared the elderly and the disabled, the new proposals of the administration for further reductions in social security are simply unconscionable.

They go beyond the need to secure the financial stability of the system—instead, they attack the very foundations of the system. Social security is a cornerstone of our mutual obligation as a society to protect the vulnerable, to repay the labors of a lifetime, and to protect the living standards that people work for.

Moreover, these proposals strike at the very people who have the most to lose: Those who have been working all their lives, have paid into the system for decades, and have made their plans, contributed to the system—all with the expectation that the Government would keep faith with them by providing the

social security benefits that are due them when they choose to retire.

Because the new proposal made by this administration would not give the expected benefits to anyone who retires before age 65, it would penalize the majority of workers now preparing for retirement.

If these proposals are adopted, any worker who retires next January, 7 months from now, at the age of 62, after as much as 40 years of work, will get a massive cut in his monthly benefit.

The income cuts will range from a low of $84 a month to a high of $160 a month.

The importance of the social security system to Maine's elderly—and the already low level of benefits the system provides, is evident from just a few statistics. The 138,000 Maine retirees rely on the social security program for their basic income. The average monthly benefit for social security recipients in Maine is $315. That is simply not enough to live on today. And the bulk of that income is spent on the fastest rising items: food and energy.

A total of 25,000 Maine families rely on the disability insurance program of social security. These are families whose breadwinners are unable to work by reason of chronic illness, disabling accident, or a combination of age and disability.

One-third of all the people receiving disability insurance are between 60 and 65—working men and women who have contributed to the system for 25, 30, and more years, and who have been forced to leave their jobs through no fault of their own. These are precisely the people for whom the disability program was intended and who it has served.

Changing it, changing the retirement system that so many people count on when they plan their retirement, changing the benefit calculations for people nearing the end of their working lives today—all of these abrupt and unjustified changes in the social security system go far beyond the need for fiscal responsibility.

They should be rejected by Congress.

RESOLUTION OF THE CURRENT BACKLOG IN BLACK LUNG BENEFIT CLAIMS

Mr. THURMOND. Mr. President, I ask unanimous consent that a copy of House Resolution No. 30 of the House of Representatives of the Commonwealth of Pennsylvania be printed at this point in the RECORD. This resolution memorializes the U.S. Congress to urge the Department of Labor to proceed with the speedy resolution of the current backlog in black lung benefit claims.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION No. 30

In the House of Representatives, March 16, 1981:

Whereas, Individuals who have worked in coal mines are extremely susceptible to respiratory and pulmonary impairments, especially the chronic dust disease of the lung, known as Pneumoconiosis, or Black Lung; and

Whereas, Total disability resulting from work in or around coal mines or coal-preparation facilities has the debilitating effects of difficulty in breathing, shortness of breath, chest pains, loss of energy or chronic cough; and

Whereas, It has been the expressed and long-standing policy of the Federal Government, consistent with the provisions of the Coal Mine Health and Safety Act of 1969 and the Black Lung Benefits Reform Act of 1977, to assist miners and former miners to make their lives more comfortable through therapy; and

Whereas, It has also been the expressed and long-standing policy of the Federal Government, consistent with the provisions of the two aforementioned Federal acts, to provide cash disbursements to miners and former miners afflicted with Pneumoconiosis (Black Lung) disease to compensate for the contraction of the disease or the loss of future wages; and

Whereas, The current increased demand for coal by both domestic and international business has resulted in a resurgence of coal-affected jobs, also subjecting more miners to the possibility of contracting Black Lung disease; and

Whereas, In the Commonwealth of Pennsylvania there are currently approximately 28,000 pending claims for compensation under the provision of the Federal legislation; and

Whereas, Black Lung claimants are presently denied Medicare benefits for treatment of the disease because Black Lung benefits are considered a form of Workmen's Compensation, even if the claim is only pending; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the United States Congress to urge the Department of Labor to proceed with the speedy resolution of the current backlog in Black Lung benefit claims; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the House of Representatives, the President of the Senate, the appropriate Committee Chairman in both the House and Senate of the United States Congress, and to each member of the Pennsylvania Congressional Delegation.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:28 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill; without amendment:

S. 730. A bill to insure necessary funds for the implementation of the Federal Crop Insurance Act of 1930.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1526. An act to amend the Accounting and Auditing Act of 1950 to require ongoing evaluations and reports on the adequacy of the systems of internal accounting and administrative control of each executive agency, and for other purposes.

H.R. 2811. An act to amend the Privacy Act of 1974 to increase the efficiency of Government-wide efforts to collect debts owed the United States, to require the reporting to Congress of all information on debts owed the United States, and for other purposes.

The message further announced that pursuant to the provisions of section 8002 of the Internal Revenue Code, and upon the recommendation of the chairman of the Committee on Ways and Means, the Speaker has selected the following members of that Committee to serve on the Joint Committee on Taxation during the 97th Congress: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. CONABLE, and Mr. DUNCAN.

HOUSE BILLS REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1526. An act to amend the Accounting and Auditing Act of 1950 to require ongoing evaluations and reports on the adequacy of the systems of internal accounting and administrative control of each executive agency, and for other purposes; to the Committee on Governmental Affairs.

H.R. 2811. An act to amend the Privacy Act of 1974 to increase the efficiency of Government-wide efforts to collect debts owed the United States, to require the reporting to Congress of all information on debts owed the United States, and for other purposes; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations, without amendment, and with a preamble:

S. Res. 120. Resolution disapproving the proposed deferral of budget authority for Veterans' Administration medical care (Rept. No. 97-121).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Henry Dargan McMaster, of South Carolina, to be U.S. attorney for the district of South Carolina.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR THE PERIOD FROM DEC. 16 TO FEB. 15, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Freedenberg:									
France	Franc	1,012.00	220		972			1,012.00	1,192
Senator Harrison A. Williams, Jr.:									
Brazil	Cruzeiro	21,172.14	306					21,172.14	306
Argentina	Peso	602,196.00	264					602,196.00	264
Peru	Sol	80,550.00	225	42,960.00	120			123,510.00	345
Total			1,015.00		1,092.00				2,107

Mar. 31, 1981.

JAKE GARN,
Chairman, Committee on Banking, Housing and Urban Affairs.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), FOR THE PERIOD FROM FEB. 7 TO 15, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Walter J. Stewart:									
Brazil	Cruzeiro	21,172.14	306.00					21,172.14	306.00
Argentina	Peso	486,196	216.50					486,196	216.50
Peru	Sol	64,550	180.31	42,960	120			107,510	300.31
Jeanine Drysdale-Lowe:									
Brazil	Cruzeiro	20,331.94	293.86					20,331.94	293.86
Argentina	Peso	434,196	193.23					434,196	193.23
Peru	Sol	80,550	225.00	42,960	120			123,510	345.00
Total			1,414.90		240.00				1,654.90

Note: Refueling stops made in Venezuela and Panama—no per diem funds collected.

Feb. 17, 1981.

ROBERT C. BYRD,
Democratic Leader.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR THE PERIOD FROM JAN. 1 TO MAR. 31, 1981

Name and country	Name or currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ernest F. Hollings:									
Bermuda	Bermuda dollar	306.30	306.30			192.50	192.50	498.80	498.80
Senator Walter Huddleston:									
Bermuda	Bermuda dollar	308.80	308.80			48.93	48.93	357.73	357.73
Total			615.10				241.43		856.53

Mar. 31, 1981.

MARK O. HATFIELD,
Committee on Appropriations.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY, SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR THE PERIOD FROM MAR. 20 TO MAR. 24, 1981

Name and country	Name or currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hardy, John D.:									
England	Pound	281.04	645.00	534.17	1,223.35			815.21	1,868.35
Total			645.00		1,223.35				1,868.35

Apr. 23, 1981.

BOB PACKWOOD,
Chairman, Committee on Commerce, Science, and Transportation.

AMENDED[1] REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384-22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR THE PERIOD FROM JAN. 1 TO DEC. 31, 1980.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Larry Pressler:									
Japan	Yen	42.636	204.00	36,000	172,00			78,636	376.00
China	Yuan	630	425.07	475	387.96			1,105	813.03
Taipei	Dollar		156.00						156.00
Hong Kong	Dollar	968.85	192.00	254.15	49.93			1,223	241.93
Total			977.07		609.89				1,586.9

[1] This is an amended report to report published in the Congressional Record, Feb. 26, 1981. See p. S 1606.

Mar. 3, 1981.

LARRY PRESSLER,
Committee on Environment and Public Works.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR THE PERIOD FROM JAN. 1, TO MAR. 31, 1981.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Nunn:									
Taiwan	New Taiwan dollars	6,491	180.33	160	4.45	501	13.92	7,152	198.70
Hong Kong	Hong Kong dollars	381.4	74.42	20.5	4.00	41	8.00	442.9	86.42
Malaysia	Malaysian dollars	424.3	193.75					424.3	193.75
Singapore	Singapore dollars	183.6	88.72					183.6	88.72
Indonesia	Rupiah	6,260	10.00	2,441	3.90	9,390	15.00	18,091	28.90
Australia	Australian dollar	199.1	241.02	24.7	30.00	29.7	36.00	253.7	307.02
New Zealand	New Zealand dollar	319.82	313.55					319.82	313.55
Arnold Punaro:									
Taiwan	New Taiwan dollar	6,570	182.50	160.2	4.45	1,360	37.80	8,091	224.75
Hong Kong	Hong Kong dollar	533	104.00	20	4.00			553	108.00
Malaysia	Malaysian dollar	583	266.25	4.38	2.00			587.4	268.25
Singapore	Singapore dollar	190.4	92.00	4.14	2.00			194.77	94.00
Indonesia	Rupiah	9,390	15.00	3,130	5.00	15,659	25.00	28,170	45.00
Australia	Australian dollar	224.29	281.40	29.75	36.00	41.81	50.60	304.00	368
New Zealand	New Zealand dollar	386.73	379.15	5.1	5.00	8.30	8.14	384.60	392.29
Senator Roger Jepsen:									
Germany	(1)				1,865.50				1,865.50
Anthony Principi:									
Germany	(1)				1,651.00				1,651.00
Mike Donley:									
Germany	(1)				1,651.00				1,651.00
Hermann Pirchner:									
Germany	(1)				1,651.00				1,651.00
Senator John Tower:									
United Kingdom	Pound	164.00	387.00	(2)				164	387.00
Greece	Drachma	3,005	60.83					3,005	60.83
Turkey	Lira	2,000	20.84					2,000	20.84
Israel	Dollar		30.00						90.00
Egypt	Pound	105	150.00					105	150.00
Saudi Arabia	Riyal	1,016.40	308.00					1,016.40	308.00
Oman	Rial	42.065	123.00					42.065	123.00
Tunisia	Dinar	73,831	170.00					73,831	170.00
West Germany	Deutsche mark	779.76	361.00					779.76	361.00
Rhett Dawson:									
United Kingdom	Pound	84	198.25	(2)				84	198.25
Greece	Drachma	2,613	52.89					2,613	52.89
Turkey	Lira	2,001	20.85					2,001	20.85
Israel	Dollar		90.00						90.00
Egypt	Pound	105	150.00					105	150.00
Saudi Arabia	Riyal	90	27.27					90	27.27
Oman	Rial	35.366	103.41					35.366	103.41
Tunisia	Dinar	47,160	108.59					47,160	108.59
West Germany	Deutsche mark	539.76	249.89					539.76	249.89
James Locher:									
United Kingdom	Pound	56.70	133.82	[3] 4.30	10.15			61	143.97
Greece	Drachma	2,675	54.15					2,675	54.15
Turkey	Lira	2,000.25	20.85					2,000.25	20.85
Israel	Dollar		80.00						80.00
Egypt	Pound	91.959	131.37					91.959	131.37
Saudi Arabia	Riyal	10	3.03					10	3.03
Oman	Rial	32.855	96.07					32.855	96.07
Tunisia	Dinar	21.926	50.49					21,926	50.49
West Germany	Deutsche mark	555.16	257.02					555.16	257.02
Senator William Cohen:									
West Germany	do	596.16	276.00	(2)				596.16	276.00
Senator Dan Quayle:									
West Germany	do	596.16	276.00	(2)				596.16	276.00
William Ball:									
West Germany	do	596.16	276.00	(2)				596.16	276.00
Larry Smith:									
West Germany	do	154.60	71.57	[3] 15	6.95			169.60	78.52
Total			6,820.28		6,936.40		194.46		13,951.14

[1] Department of the Army provided payment for expenditures.

[2] Transportation provided by the Department of the Navy.

Apr. 28, 1981.

JOHN TOWER,
Chairman, Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WALLOP:

S. 1218. A bill to amend the Internal Revenue Code of 1954 to allow employees a deduction for savings contributions to employer retirement plans; to the Committee on Finance.

By Mr. MELCHER:

S. 1219. A bill to allow schools the option of maximizing the usefulness of the "Commodity Only School" program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MATTINGLY:

S. 1220. A bill to amend the Internal Revenue Code of 1954 to increase the interest and dividend exclusion and to provide a larger exclusion for individuals 65 and over; to the Committee on Finance.

By Mr. ARMSTRONG:

S. 1221. A bill for the relief of Monty P. Greene; to the Committee on the Judiciary.

By Mr. TOWER:

S. 1222. A bill to amend the Fair Labor Standards Act of 1938 with respect to certain agricultural employees; to the Committee on Labor and Human Resources.

By Mr. DOMENICI (for himself and Mr. DECONCINI):

S. 1223. A bill to amend the Equal Access to Justice Act; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. PACKWOOD and Mr. ANDREWS):

S. 1224. A bill to amend the provisions of title 39, United States Code, relating to the use of the frank, and for other purposes; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WALLOP:

S. 1218. A bill to amend the Internal Revenue Code of 1954 to allow employees a deduction for savings contributions to employer retirement plans or to individual retirement plans; to the Committee on Finance.

EMPLOYEE RETIREMENT SAVINGS ACT OF 1981

Mr. WALLOP. Mr. President, economic issues, such as inflation and unemployment, are the dominant political problem of the 97th Congress. There is one economic problem which is receiving scant attention, however, but is probably the most intractable problem in the long run. I am referring to the matter of aging. Our work force is gradually getting older and our retirement population is gradually getting bigger. This process of aging will further exacerbate existing economic instability unless we begin to develop a comprehensive public policy on aging.

President Reagan's economic program demonstrates that it is possible to develop a workable and coherent policy on major domestic problems. In this instance, it is the issue of curtailing the growth of the Federal Government economically and politically. Similar determination must now be applied to the problems associated with our aging population. The upcoming White House Conference on Aging is one opportunity to begin a public discussion on these problems and on possible solutions.

One dilemma which this Congress will have to deal with is how to insure the workers. When a worker reaches retirement age, there are four sources of income which that worker can possibly utilize to replace lost wages or salary. These are social security benefits, employee pensions, savings, and earnings from continued employment. Not all retirees receive benefits from all four sources. In fact, for many years, many retirees have depended on social security as their major, if not sole, source of retirement income. Not only has this resulted in extraordinary pressures on the social security system, but it has turned retirement into a time of economic hardship.

Recent studies of retirement policy have described the various economic problems of retirement. These include issues such as overreliance on a pay as you go system, that is, social security; the financial instability of the social security trust fund; lack of private pension plan coverage; low benefits; inequitable treatment of women; inadequate incentives for retirement savings; and inflation. The net result is that many aging citizens have a difficult time in maintaining a reasonable standard of living upon retirement.

Currently, Federal retirement programs, such as social security, account for 78 percent of all retirement benefits. Private pension plans provide only 14 percent of such benefits. It is obvious that we have reached a limit, both economically and politically, in our ability to expand Federal retirement programs. We do need to increase the opportunity and the incentives to establish private retirement plans. Both the National Commission on Social Security and the President's Commission on Pension Policy have endorsed the goal of encouraging private pension programs.

We face a growing challenge in providing adequate retirement income in response to the emerging seniors boom. The legislation I am introducing today, the Employees Retirement Savings Act of 1981, is one attempt to meet this challenge. We cannot continue to place the burden on social security as the source of retirement earnings. We need to increase individual incentives for personal retirement savings and investment. My bill would provide the following inducements for retirement savings.

First, it would increase the deductible limit on contributions to Individual Retirement Accounts (IRA's) from $1,500 to $2,000. Second, it would remove the present 15 percent of earned income limit on IRA's in order to simplify IRS administration and to induce low wage earners to save more. Third, it would permit a deduction within the $2,000 limit for voluntary or mandatory contributions to employer-sponsored pension and savings plans. Fourth, it would permit all employees to split their contributions in order to pay up to $1,000 into an IRA for their spouse regardless of spousal earnings. Fifth, it would remove the age 70½ restriction on contributions to IRA's.

The bill also provides equitable tax treatment of retirement contributions for private and public employees. Public employees covered under social security and paying the FICA tax could deduct up to $2,000 in contributions to their pension plan or IRA. Public employees not covered under social security would have the $2,000 deductible limit reduced by the amount of the FICA tax they would have had to pay if they had been covered under social security.

In essence, my bill provides incentives for workers to establish individual retirement plans where their employer does not offer a pension plan. It also allows tax deductible contributions to a plan in those instances where a worker participates in an inadequate plan, such as a profit-sharing plan when there is minimal profit. Mobile workers who often do not work long enough for one employer to be vested in a plan could also establish retirement plans.

By increasing the incentive to save, we would spur capital formation which is one of our most urgent national needs. It is anti-inflationary and would be a major step in insuring that our senior citizens have an adequate retirement income.

Mr. President, recently, the Senate Subcommittee on Savings, Pensions, and Investment Policy held a hearing on the final report of the President's Commission on Pension Policy. As I mentioned above, the Commission did endorse increased tax incentives for personal savings. However, the Commission also proposed mandatory private pension plans for all workers. An alternative approach was proposed by William Greenough, representing the Committee for Economic Development. The CED will shortly publish a lengthy report on retirement policy. The report will endorse incentives for voluntary savings rather than mandating private pensions. It is in tune with the current mood in Washington of less Government regulation of the private sector and greater freedom for individual actions. The bill I am introducing today will expand personal freedom rather than Government controls. I ask unanimous consent that the text of my bill and a copy of Dr. Greenough's testimony be printed in the RECORD.

There being no objection, the bill and the testimony were ordered to be printed in the RECORD, as follows:

S. 1218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Employee Retirement Savings Act of 1981".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. ALLOWANCE OF RETIREMENT SAVINGS DEDUCTION.

Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals) is amended by redesignating section 221 as section 222 and by inserting after section 220 the following new section:

"SEC. 221. DEDUCTION FOR CERTAIN EMPLOYEE RETIREMENT SAVINGS CONTRIBUTIONS.

"(a) GENERAL RULE.—In the case of an eligible individual, there shall be allowed as

a deduction an amount equal to the qualified retirement savings contributions of such individual for the taxable year.

"(b) LIMITATIONS AND RESTRICTIONS.—

"(1) MAXIMUM DEDUCTION.—

"(A) IN GENERAL.—The amount allowable as a deduction under subsection (a) to an eligible individual for any taxable year may not exceed the excess, if any, of—

"(i) the lesser of—

"(I) the amount of the compensation includible in the individual's gross income for such taxable year, or

"(II) $2,000; over

"(ii) the sum of—

"(I) any amounts contributed by the individual's employer for such taxable year for an annuity contract described in section 403(b) (whether or not the individual's rights in such contract are nonforfeitable); and

"(II) any excluded social security tax amount applicable to the individual.

"(B) SPECIAL RULE.—The amount allowable as a deduction under subsection (a) to an eligible individual for qualified retirement savings contributions which are described in subparagraph (B) of subsection (c)(1) shall not exceed—

"(i) the amount determined under subparagraph (A) for such taxable year, reduced by

"(ii) the amount of qualified retirement savings contributions for the taxable year which are described in subparagraph (A) of subsection (c)(1).

"(2) ALTERNATIVE DEDUCTION.—No deduction shall be allowed an individual under subsection (a) for the taxable year if—

"(A) the individual claims a deduction under section 219 or 220 for the taxable year, or

"(B) such individual's spouse claims the deduction under section 220 for the taxable year or claims the deduction under this section for the benefit of both such spouse and such individual pursuant to an election under subsection (c)(4) for the taxable year.

"(c) DEFINITIONS AND SPECIAL RULES.—

"(1) QUALIFIED RETIREMENT SAVINGS CONTRIBUTION.—For purposes of this section, the term 'qualified retirement savings contribution' means—

"(A) any contribution in cash made by an individual as an employee (or as a member of a labor organization described in clause (iv)) to or under—

"(i) a plan described in section 401(a) which includes a trust exempt from tax under section 501(a).

"(ii) an annuity plan described in section 403(a),

"(iii) a qualified bond purchase plan described in section 405(a), or

"(iv) a group retirement trust maintained by a labor organization described in section 501(c)(5) which is financed exclusively by assessments of individuals who are members of such labor organization, which was established before January 1, 1974, and in which the assessments paid to the trust by any participant are 100 percent nonforfeitable.

reduced (to not less than zero) by an amount equal to any excluded social security tax amount applicable to the individual; and

"(B) any amount paid in cash during the taxable year by or on behalf of the individual for his benefit to an individual retirement plan.

For purposes of this title, any amount described in subparagraph (B) which is paid by the individual's employer constitutes the payment of compensation to the individual (other than a self-employed individual who is an employee within the meaning of section 401(c)(1)) includible in his gross income, whether or not the deduction for such payment is allowable under this section to the individual.

"(2) EXCLUDED SOCIAL SECURITY TAX AMOUNT.—For the purposes of this section, the term 'excluded social security tax amount' means, with respect to any individual, the amount of tax which would be imposed under section 3101 for the taxable year on the individual's excluded remuneration if such excluded remuneration were considered wages under such section. For the purposes of this paragraph, the term 'excluded remuneration' means the amount of the individual's remuneration for the taxable year which is not considered wages under section 3121(a) but would be considered wages thereunder but for paragraphs (5), (6), and (7) of section 3121(b).

"(3) ELIGIBLE INDIVIDUAL.—For the purposes of this section, the term 'eligible individual' means any individual who is an active participant for any part of the taxable year in a plan or trust described in paragraph (1)(A) and an individual described in section 219(b)(2)(B).

"(4) ELECTION TO MAKE CONTRIBUTIONS FOR BENEFIT OF SPOUSE.—An eligible individual may elect under this paragraph, in lieu of a deduction otherwise allowed under this section, a deduction for the benefit of himself and his spouse. In the case of an individual who makes an election under this paragraph, the other provisions of this section shall apply, except that—

"(A) the term 'qualified retirement contribution' includes any amount paid in cash to or for an individual retirement plan by or on behalf of the individual for the benefit of the spouse of such individual, and

"(B) in addition to the limitations of subsection (b), the amount allowable as a deduction under subsection (a) for contributions to or for individual retirement plans shall in no event exceed twice the lesser of the amount paid for the benefit of the individual or the amount paid for the benefit of the individual's spouse.

"(5) RECONTRIBUTED AMOUNTS.—No deduction shall be allowed under this section with respect to a roll-over contribution described in section 402(a)(5), 402(a)(7), 403(a)(4), 403(b)(8), 408(d)(3), or 409(b)(3)(C).

"(6) AMOUNTS CONTRIBUTED TO AN INSURANCE CONTRACT.—No deduction shall be allowed under this section for that portion of the amounts paid which are properly allocable, under regulations prescribed by the Secretary, to the cost of life insurance.

"(7) MARRIED INDIVIDUALS.—In the case of an individual who is married (as determined under section 143(a)), the maximum deduction under subsection (b) shall be computed separately for each individual, and this section shall be applied without regard to any community property laws.

"(8) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a contribution on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made—

"(A) not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof), or

"(B) in the case of a contribution described in paragraph (1)(A), such earlier date on or after the last day of such taxable year as may be provided for by the plan or trust referred to in such paragraph.

"(9) COMPENSATION.—For purposes of this section, the term 'compensation' includes earned income as defined in section 401(c)(2).

"(10) INDIVIDUAL RETIREMENT PLAN.—For purposes of this section, the term 'individual retirement plan' does not include a retirement bond described in section 409 which is redeemed within 12 months of its issuance.

"(11) CERTAIN EXCESS CONTRIBUTIONS TREATED AS CONTRIBUTION MADE DURING SUBSEQUENT YEAR FOR WHICH THERE IS AN UNUSED LIMITATION.—

"(A) IN GENERAL.—If for the taxable year the maximum amount allowable as a deduction under subparagraph (B) of subsection (b)(1) exceeds the amount paid as described in subparagraph (B) of paragraph (1), then the taxpayer shall be treated as having made an additional contribution for the taxable year in an amount equal to the lesser of—

"(i) the amount of such excess, or

"(ii) the amount of the excess contributions for such taxable year (determined under section 4973(b)(2) without regard to subparagraph (C) thereof).

"(B) AMOUNT CONTRIBUTED.—For purposes of this paragraph, the amount contributed—

"(i) shall be determined without regard to this paragraph, and

"(ii) shall not include any rollover contribution.

"(C) SPECIAL RULE WHERE EXCESS DEDUCTION WAS ALLOWED FOR CLOSED YEAR.—Proper reduction shall be made in the amount allowable as a deduction by reason of this paragraph for—

"(i) any amount described in paragraph (1)(B) to the extent allowed as a deduction under this section for a prior taxable year, and

"(ii) any amount allowed as a deduction under section 219 or 220 for a prior taxable year,

for which the period for assessing a deficiency has expired if the amount so allowed exceeds the amount which should have been allowed for such prior taxable year.

"(d) SIMPLIFIED REPORTS.—The Secretary shall issue regulations which prescribe the time and manner in which reports shall be made by the employer or plan administrator of a plan receiving contributions deductible under this section and by any eligible individual making such contributions. Reports required by such regulations shall be in as simplified a form as practicable.".

SEC. 3. AMENDMENTS TO OTHER PROVISIONS RETIREMENT SAVINGS DEDUCTIONS.

(a) AMENDMENTS TO SECTION 219.—Section 219 (relating to retirement savings) is amended—

(1) in subsection (b)(1), by striking out "15 percent" and inserting in lieu thereof "the amount" and by striking out "$1,500" and inserting in lieu thereof "$2,000";

(2) by striking out paragraph (3) of subsection (b) and redesignating paragraphs (4) through (7) of such subsection as paragraphs (3) through (6), respectively;

(3) in subsection (b)(5) (as redesignated), by striking out "section 220 for the taxable year" and inserting in lieu thereof "section 220 or 221 for the taxable year or if the individual's spouse claims the deduction under section 220 for the taxable year or claims the deduction under section 221 for the taxable year for the benefit of both such spouse and such individual pursuant to an election under section 221(c)(4)";

(4) in subsection (b)(6)(A) (as redesignated), by striking out "15 percent" and inserting in lieu thereof "the amount" and by striking out "$1,500" and inserting in lieu thereof "$2,000"; and

(5) in subsection (c)(5)(C), by inserting after "section 220 for a prior taxable year" the following: "and any amount described in subsection (c)(1)(B) of section 221 to the extent allowed as a deduction under such section for a prior taxable year".

(b) AMENDMENTS TO SECTION 220.—Section 220 (relating to retirement savings for certain married individuals) is amended—

(1) in subsection (b)(1)(B), by striking out "15 percent" and inserting in lieu thereof "the amount";

(2) in subsection (b)(1)(C), by striking out "$1,750" and inserting in lieu thereof "$2,000";

(3) in subsection (b)(2), by striking out

"section 219 for the taxable year" and inserting in lieu thereof the following: "section 219 or 221 for the taxable year or if the individual's spouse claims the deduction under this section for the taxable year or claims the deduction under section 221 for the taxable year for the benefit of both such spouse and such individual pursuant to an election under section 221(c)(4)".

(4) in subsection (b)(3)(B), by striking out ", or his spouse's employer," and ", or his spouse's,";

(5) by striking out paragraphs (4) and (7) of subsection (b) and redesignating paragraphs (5) and (6) of such subsection as paragraphs (4) and (5), respectively; and

(6) in subsection (c)(6)(C), by inserting after "section 219 for a prior taxable year" the following: "and any amount described in subsection (c)(1)(B) of section 221 to the extent allowed as a deduction under such section for a prior taxable year."

SEC. 4. TREATMENT OF DISTRIBUTIONS FROM PLAN TO WHICH EMPLOYEE MADE DEDUCTIBLE CONTRIBUTIONS.

Section 414 (relating to definitions and special rules relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after subsection (l) the following new subsection:

"(m) DEDUCTIBLE EMPLOYEE CONTRIBUTIONS.—For purposes of this title, other than for purposes of section 401(a)(4) and (5), 404, 410(b), 411, 412, and 415, any amount of a qualified retirement savings contribution described in subsection 221(c)(1)(A) shall be treated as an employer contribution to the extent that such amount is allowed as a reduction under section 221.".

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ESTATE AND GIFT TAX EXCLUSION.—

(1) ESTATE TAX.—

(A) Subsection (c) of section 2039 (relating to exemption of annuities under certain trusts and plans) is amended by adding at the end thereof the following new sentence: "For purposes of this subsection, any contribution allowed as a deduction under section 221 shall be considered as made by a person other than the decedent."

(B) Subsection (e) of section 2039 (relating to exclusion of individual retirement accounts, etc.) is amended by striking out section 219 or 220" each place it appears and inserting in lieu thereof "section 219, 220, or 221".

(2) GIFT TAX.—Subsection (b) of section 2517 (relating to transfers attributable to employee contributions) is amended by adding at the end thereof the following new sentence: "For purposes of this subsection, any contribution allowed as a deduction under section 221 shall be considered as made by a person other than the employee."

(b) AMENDMENT OF SECTION 62.—Paragraph (10) of section 62 (defining adjusted gross income) is amended—

(1) by striking out "and the deduction" and inserting in lieu thereof ", the deduction", and

(2) by inserting before the period at the end thereof the following: ", and the deduction allowed by section 221 (relating to deduction for certain employee retirement savings contributions)".

(c) OTHER AMENDMENTS.—

(1) So much of subsection (f) of section 72 (relating to annuities; certain proceeds of endowment and life insurance contracts) as precedes paragraph (1) thereof is amended to read as follows: "In computing, for purposes of subsection (c)(1)(A), the aggregate amount of premiums or other consideration paid for the contract, for purposes of subsection (d)(1), the consideration for the contract contributed by the employee, and, for purposes of subsection (e)(1)(B), the aggregate premiums or other consideration paid, amounts which an employer is required to report, pursuant to regulations promulgated under section (d) of section 221, with respect to an amount paid by an eligible individual (as defined in subsection (c)(3) of section 221) as a qualified retirement savings contribution shall be excluded, and amounts contributed by the employer shall be included, but only to the extent that—".

(2) Subsection (a)(1) of section 408 (relating to individual retirement accounts) is amended by striking out "$1,500" and inserting in lieu thereof "$2,000".

(3) Subsection (d)(4) of section 408 (relating to individual retirement accounts) is amended by striking out "section 219 or 220 if" and inserting in lieu thereof "section 219 or 220, or under section 221 with respect to amounts described in subsection (c)(1)(B) of such section, if" and by striking out "section 219 or 220" in subparagraph (B) and inserting in lieu thereof "section 219, 220, or 221".

(4) Subsection (d)(5) of section 408 is amended by inserting after "for the taxable year" the following: ", or under section 221 for the taxable year with respect to amounts described in subsection (c)(1)(B) of such section," and by striking out "section 219 or 220" in clause (ii) and inserting in lieu thereof "section 219, 220, or 221".

(5) Subsection (a) of section 409 (relating to retirement bonds) is amended (A) by striking out "219(a)," and inserting in lieu thereof "219(a), 220(a), and 221(c)(1),"; and (B) in paragraph (4), by striking "$1,500" and inserting in lieu thereof "$2,000".

(6) Subparagraph (A) of section 409(b)(3) is amended by striking out "if no deduction is allowed under section 219" and inserting in lieu thereof "unless a deduction is allowed under section 219, 220, or 221, whichever is applicable,".

(7) Subsection (a)(12)(D) of section 3401 (relating to definitions relating to collection of income tax at source on wages) is amended by inserting after "or 220(a)" the following: "or for a qualified retirement savings contribution under section 221(c)(1)".

(8) Subsection (a) of section 4973 (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, certain individual retirement annuities, and certain retirement bonds) is amended by striking out the last sentence and inserting in lieu thereof the following: "The tax imposed by this subsection shall be paid by the individual to whom a deduction 219 (determined without regard to subsection (b)(1) thereof), or, in the case of deductions allowed under section 221 with respect to amounts described in subsection (c)(1)(B) of such section, under section 221 (determined without regard to subsection (b)(1) thereof), whichever is appropriate.".

(9) Section 4973(b) is amended—

(A) in paragraph (1)(B), by striking out "section 219 or 220" each place it appears and inserting in lieu thereof "section 219, 220, or 221"; and

(B) in paragraph (2)(C), by inserting after "taxable year" the following: "or allowable as a deduction under section 221 with respect to amounts described in subsection (c)(1)(B) of such section for the taxable year".

(10) Subsection (d) of section 6047 (relating to certain information relating to certain trusts and annuity and bond purchase plans) is amended by striking out "or 220(a)" and inserting in lieu thereof "220(a), or 221(c)(1)(B)".

(11) The table of sections for part VII of subchapter B of chapter 1 is amended by striking out the item relating to section 221 and inserting in lieu thereof the following:

"SEC. 221. Deduction for certain employee retirement savings contributions.

"SEC. 222. Cross references."

SEC. 6. EFFECTIVE DATES.

(a) GENERAL RULE.—Except as provided in subsection (b), the amendments made by this Act shall apply to taxable years beginning after December 31, 1981.

(b) ESTATE AND GIFT TAX PROVISIONS.—

(1) ESTATE TAX.—The amendments made by section 5(a)(1) shall apply to the estates of decedents dying after December 31, 1981.

(2) GIFT TAX.—The amendment made by section 5(a)(2) shall apply to transfers after December 31, 1981.

REMARKS BY WILLIAM C. GREENOUGH

SYNOPSIS

While not yet formally approved for publication, the forthcoming report of the Committee for Economic Development on retirement policy will call for a broad, comprehensive approach to the retirement question. Far too many of this nation's retirement financing problems are the result of piecemeal retirement policy decisions.

The CED report will recommend a three-tiered national retirement system composed of Social Security, employer pensions, and personal saving. The goal of this system is to provide enough saving and productive capital formation to yield both a decent standard of living for retired workers and a permanent strengthening of the economy.

The CED report calls for an approach which will break the current cycle of low savings, low productivity, and high inflation, and will help raise the real income of the elderly and workers alike.

We strongly urge Congress and the Administration to use all of the proposals being made for retirement reform as the basis of a comprehensive examination of retirement policies needed to develop an economy that can support the kinds of retirement programs the nation wants and can provide. In this respect, we endorse the direction of current proposals to reform Social Security, as one necessary component of overall retirement reform.

Social Security should provide a basic retirement benefit upon which an individual can build. The CED report will recommend that:

Any rise in Social Security benefits be linked to the Consumer Price Index or to the rise in average pre-tax wages, whichever is less. Also, the government should try to develop a price index which more accurately reflects the consumption pattern of the elderly.

The average retirement age for Social Security be gradually raised to 68 and the early retirement age to 65.

Federal workers and other noncovered workers be brought into the system.

Employee contributions to Social Security be excluded from current taxable income and the benefits taxed when received.

A number of important tax and regulatory actions can be taken to broaden the use of employer pensions.

All employee contributions to private pension plans should be from before tax income.

Employers should be able to raise voluntarily normal retirement ages in tandem with Social Security.

The proposal will encourage more workers and employers to contribute to employer pension plans which meet the specific needs of their industrial and occupational structure. We do not believe that a mandatory universal pension system (MUPS) is feasible or necessary.

Personal savings can be increased through a variety of tax measures. Specifically, the CED report will recommend that eligibility and contribution rules governing individual retirement accounts and related retirement and savings plans be liberalized and brought more into line with the contribution limits

of corporate pension plans. Employers are also urged to establish a savings portion to their benefit program.

These recommendations for strengthening the employer pension and personal savings tiers of our retirement system will contribute to increased investment in plant and equipment. Pension plans and personal savings will therefore make an increasingly important contribution to the economic growth which is essential to the health of our retirement system in the future.

Mr. Chairman, my name is William C. Greenough. I am a board member of TIAA-CREF and Chairman of the CREF Finance Committee. TIAA-CREF provides retirement plans for employees of some 3,500 colleges, universities, independent schools and related nonprofit research organizations and educational institutions. But today I am speaking as Chairman of the Committee for Economic Development's Subcommittee on Retirement which is completing a comprehensive statement on retirement policy after over two years of extremely hard work. I am pleased to have this opportunity today to introduce you to our thoughts on the important subject of retirement and reform, which I hope you will find useful to your deliberations.

First, let me give you some background on the Committee for Economic Development and how this particular statement on retirement policy came to be. CED is a private, nonprofit business and academic policy group. It enjoys the active support and participation of over 200 trustees most of whom are top officers in the nation's large corporations and universities. Unlike a number of other groups the CED trustees, of which I am one, are directly responsible for CED's published policy recommendations.

For the past several years, CED has been deeply concerned with a number of disturbing trends in the U.S. economy. Accordingly, CED has been turning more and more of its research and policy activities toward developing strategies to rebuild America's competitiveness, bolster capital formation, improve productivity, increase employment, and to reduce inflation.

It is within this context that our trustees believe it is crucial that policy makers examine the future of both public and private retirement systems. Our trustees have concluded that the nation's retirement systems have an enormous impact on the future economic health of the nation. Inflation has made the cost of providing retirement benefits a substantial burden both on workers and on employers. Declining birth rates and increased longevity mean that proportionately fewer young people will be working to pay these higher costs. The report stresses that unless we curtail the growth of Social Security and strengthen employer pension plans and encourage individual saving for retirement, we will place an unbearable burden on future generations. We will also lose the opportunity to improve the capacity of the economy to provide growth in real income for the elderly and workers alike.

Our report is drafted and is scheduled to come before CED's Research and Policy Committee next week for final approval with a view toward distribution as soon as possible. While not yet officially voted upon, I welcome the opportunity to give you a preview of our major recommendations.

A COMPREHENSIVE APPROACH

First, and perhaps foremost, it is our conviction that the nation requires a comprehensive, broad-based retirement policy and that any piecemeal approach will not solve either the long-term problems facing our retirement system or contribute to a healthy economy.

In this regard, let me comment for a moment on the Administration's new proposals to reduce certain of the benefits and the scope of the Social Security system. The CED statement strongly endorses limiting the growth of Social Security. While our recommendations for Social Security differ from those proposed by the Administration, I personally endorse the intent of those proposals. But singling out Social Security as the focus in the retirement form is symptomatic of the same piecemeal approach that has consistently characterized years of decisions on retirement policy. Social Security is the most visible target but it is only one facet of the problems facing the entire U.S. retirement system. Reducing certain kinds of benefits, adjusting cost of living increases, and changing benefit formulas are major improvements, but CED urges the members of this committee to seek and support additional reforms for the entire retirement system.

In essence, the forthcoming CED report recommends that any national system should be made up of three tiers—each building on the other—Social Security, employer pensions, and personal savings. The goal of this three-tier system, which we believe must be a balanced one, is to provide enough savings and productive capital formation to yield both a decent standard of living for retired workers and a permanent strengthening of the economy.

CED'S THREE-TIER APPROACH

Social Security is the first tier. We believe that the relative role of Social Security should be to provide a basic retirement benefit upon which an individual can build. However, to insure this basic level of support for future generations, we recommend a number of changes: We call for gradually raising the normal retirement age for Social Security to 68 and the early retirement age to 65. Again, as I have already stated, I commend the Administration's proposal to reduce early retirement benefits but do not feel that this goes far enough.

The CED statement will also call for revising the current system of indexing Social Security benefits to the Consumer Price Index. If possible, we should have an index which more accurately reflects consumption patterns of older Americans. We also recommend that any raising of Social Security benefits be linked to this newly developed index or the rise in average pre-tax wages for the working population, whichever is less. In this respect we support the recent indexing proposals of the Senate Budget Committee.

Perhaps the most sweeping change is the recommendation that we share with the President's Commission to exclude employee payments into retirement funds from current taxable income and instead make the ultimate benefit payments a part of taxable income when received. We would apply this principle to Social Security as well as to employer retirement plans. While the costs of this proposal is large—$25.6 billion in 1982 for Social Security alone, if introduced at once—this could partially be offset by including such a tax change in the current proposal for personal tax reductions. Even given the necessary transition period, I believe that when combined with additional incentives for individual savings, this type of tax change could have real long-term advantages for the economy.

It should be noted that if this policy were adopted, it is unlikely that those elderly who rely on small pensions or basic Social Security would have to pay a tax. In most of these cases, double exemptions and regular exclusions would exclude such elderly from paying taxes.

We also believe that excluding pension and Social Security contributions from taxable income and including the ultimate benefits in taxable income when received would make it possible to eliminate the controversial earnings test, otherwise it should be continued intact because Social Security was never designed to tax younger workers in order to transfer funds to untaxed older workers.

In addition to these major changes the report makes a number of other important recommendations on Social Security including, for example, gradually bringing in federal and other noncovered workers to make the system truly comprehesive.

Employer pensions make up the second tier. Since the development of employer pension plans in the '50s, an increasing proportion of workers has become involved and is benefiting from such pension plans. But we feel certain changes in pension policies and regulations can improve funding, broaden coverage, help protect pensions from inflation, and increase private pension contributions to capital formation. In this latter regard, CED trustees believe that funded private pension plans, in addition to serving the retirement needs of the American people, can serve as a major source of capital for the economy. Consequently, the CED trustees recommend in the upcoming report a number of ways to encourage businesses to broaden voluntarily pension coverage. These include such means as simplifying certain ERISA rules, especially for small employers, and maintaining reasonable vesting periods.

Most importantly, we believe that employee contributions to private plans should not be included in taxable income, but instead that the ultimate benefits should be taxed when received. This is a similar recommendation to that which we made for Social Security taxes. We believe this would go a long way toward encouraging greater use of private plans and would make such tax policy consistent in both public and private efforts.

We agree with the President's Commission report that ERISA should be amended to permit employer plans to increase their normal retirement ages to 65 and 68 in tandem with Social Security—on a strictly voluntary basis.

Personal saving forms the third tier. We believe that not enough emphasis has been placed on encouraging personal saving and investment to provide a significant portion of retirement income. As I am sure you are all too well aware, the United States has one of the lowest personal saving rates in the industrialized world. To repeat the disturbing litany, between 1973 and 1980, personal savings as a percent of disposable income declined from 8.6 percent to 5.7 percent. This is lower than the rates for Canada, Japan, and West Germany. While inflation is partly responsible for our low rate of saving, there is also a strong consumption bias built into the U.S. tax structure. In sum there are inadequate incentives for an individual to save for retirement.

We believe policies to encourage greater personal saving and investment through an expansion of private pension programs and individual savings is one of the essential ingredients to the future health of U.S. retirement systems and to the economy as a whole. We believe that specific measures targeted toward saving for retirement could do much to make saving an attractive option for millions of workers. Specifically, we recommend liberalizing the eligibility rules for individual retirement accounts so that even those individuals already covered by a private pension plan can establish a supplemental retirement account on their own. In addition, we recommend liberalizing the upper ceiling on the amount which can be put into such accounts. We also urge employers who already have pension plans to integrate some measure of individual savings into their benefit program through such measures as matching thrift programs, profit sharing and voluntary employee contributions. Since there is a generally low incidence of preretirement withdrawal from individual retirement accounts (due to severe tax penal-

ties), we believe these arrangements can generate the long-term saving the nation so sorely needs to finance increases in capital plant and equipment.

This is the third and final tier of our three-tier approach. The key to this strategy is the flexibility it gives individuals to plan for their own secure retirement, at the same time encouraging essential levels of savings and investment in capital formation required for a strong, growing economy. The CED report urges policy-makers to develop a comprehensive and well-coordinated reform of U.S. retirement policies which will lead to a better balance among the major components of our retirement system.

In strengthening the role of employer plans and personal savings, we do not mean to downgrade the absolutely essential role that Social Security and other government programs have played in the impressive development of the U.S. retirement system.

How then does this approach differ from that of the President's Commission? Let me say first that I had the privilege of serving as a member of the Commission, and while the CED report may differ from the President's Commission recommendations in several important respects, we also share many similarities and our analysis supports several of their recommendations. For example, we agree with the Commission's findings such as the exclusion of Social Security taxes from taxable income and the raising of the retirement age to 68. But in several important respects we disagree. The most fundamental difference between the CED paper and the President's Commission report is CED's very strong emphasis on encouraging the voluntary growth of private pensions and individual saving and investment for retirement. We believe that these private pension provisions are uniquely designed to create the necessary capital formation to assure a growing productive economy. The CED report stresses that the long-term health of all retirement systems, public and private, and of the economy in general, lies in encouraging such capital formation. And it is this particular point that we will continually stress in our future policy statements.

Specifically, the CED report and the President's Commission differ on setting specific income goals for retirement and on the minimum universal pension system, or MUPS as we know it. As you know, the President's Commission recommended a national goal of providing retirement income equal to a worker's disposable income just before retirement.

In my view, this is a pleasant goal to contemplate, but not a very realistic one. CED believes that American workers and their families are too diverse in their needs and circumstances for individuals to be well served by such a sweeping and costly national goal. While we believe that Social Security and other government programs should provide a floor of protection, we do not believe that it is appropriate for public policy to prescribe a specific standard of retirement living for all Americans. However, public policy should provide an economic environment in which individuals have an incentive to set and meet their own reasonable retirement objectives.

We also disagree with MUPS—the concept that each employer be required to establish a pension program for all of his or her employees. While the goal is well-intended, I do not believe that those who support MUPS sufficiently appreciate the cost of making private pensions mandatory. Nor do they comprehend the progress already made in extending private pension plans to individuals since their relatively recent broadscale introduction in the 1950s. The CED report makes a number of recommendations which would make it simpler and more attractive for employers to voluntarily establish new pension plans. Mandated private pensions are likely to result in an inflexible pension system which could be inappropriate for many employers and many workers. It could also have serious consequences for new and marginal businesses, causing many either to go out of business or severely restrict wages and employment.

In conclusion, the CED report stresses the following major themes:

"Failure to strengthen our retirement system now will lead to serious consequences for the elderly and for the economy generally.

"While it is absolutely necessary to address the serious problems facing Social Security, broad improvements can be made concurrently in coverage funding and benefits of employer pensions.

"This comprehensive approach should include three tiers which, in addition to Social Security changes now underway, include a balanced retirement system in which private pension plans and personal saving play a more important role than in the past.

"Such an approach should not require a specific retirement goal for all Americans through a mandated system of employer pension plans, but a flexible system that allows individuals to adequately make personal decisions leading to secure retirement.

"Any such system should include additional incentives to encourage individuals to save to meet their own retirement income goals, and provide a needed source of investment and capital so necessary for a growing and strong economy."

The policies CED recommends, I believe, will provide a workable, affordable and humane source of retirement income. At the same time, we believe our policies will help the economy to break away from the current vicious cycle of low saving, low productivity and high inflation and move into an era in which the long-term saving generated in our retirement system can help to bring about the capital formation that will enlarge the country's productive potential. That in turn, is the only sound way in which our nation can raise the standards of living of both its retirees and its workers. Eventually, we feel that if these policies are enacted now we will achieve the common goal of providing a decent retirement income and a prosperous, sound economy for all Americans.

By Mr. MELCHER:

S. 1219. A bill to allow schools the option of maximizing the usefulness of the "Commodity Only School" program; to the Committee on Agriculture, Nutrition, and Forestry.

COMMODITIES FOR SCHOOL LUNCHES

● Mr. MELCHER. Mr. President, I am introducing today S. 1219, a bill to allow schools the option of maximizing the usefulness of the commodity only school program.

The "Commodity Only School" program is currently a little-known part of the school lunch program. It provides participating schools with USDA donated commodities, but no cash support for either general assistance or for poor children. At the same time, however, commodity only schools are not restricted by the many costly USDA national school lunch regulations.

The commodity only school program could be a viable option for schools as Federal assistance to child nutrition programs is decreased and many schools are financially pressed to drop out of the school lunch program, an action which would leave the needy child without the opportunity to participate in the free or reduced-price school lunch option.

This bill is intended to make the "Commodity Only School" program an attractive option for schools and give schools an alternative to leaving the school lunch program altogether. Federal assistance in the form of commodities, with up to 5 cents cash for technical assistance, for each meal for the average child will enable the schools to provide a well-balanced nutritious meal for children. Additional cash assistance to the needy child will enable the school to serve those children of nutritional vulnerability.

Specifically, the commodity only schools expansion would:

First, extend to commodity only schools the same level of Federal support provided to regular school lunch program schools;

Second, schools will be able to drop out of the heavily regulated school lunch program and still be able to serve free and reduced-price lunches to the truly needy;

Third, continue the original purpose of the child feeding programs to respond to the needs of the agricultural producer for Federal purchases of foods in plentiful supply to balance the wide fluctuations of supply and demand; and

Fourth, negligibly increase the Federal budget to that extent that the 350 schools presently participating in the commodity only school program will receive Federal assistance equal to the funding level of the school lunch program.

Mr. President, I ask unanimous consent that S. 1219 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

The National School Lunch Act is amended by adding a new section 6(f) as follows:

"COMMODITY ONLY SCHOOLS

"(f)(1) 'Commodity only school' means a school which does not participate in the program under this Act, but which enters into an agreement to receive donated commodities for a nonprofit lunch program.

"(2) Commodity only schools shall be eligible to receive donated commodities equal to the value of the sum of the national average value of donated foods established by this section and the national average payment established by section 4, adjusted on July 1, 1982, and each July 1 thereafter to reflect changes in the Price Index for Food Used in Schools and Institutions.

"(3) Commodity only schools shall be eligible for special cash assistance equal to the amount of special assistance such school would have received under section 11 if the commodity only school were a program school.

"(4) Commodity only schools may receive up to five cents of the subsidy provided by subsection (2) in cash for processing and handling.

"(5) Commodity only schools shall not be eligible to participate in the special milk program authorized under section 3 of the Child Nutrition Act of 1966."●

By Mr. TOWER:

S. 1222. A bill to amend the Fair Labor Standards Act of 1938 with respect to certain agricultural employees; to the Committee on Labor and Human Resources

FAIR LABOR STANDARDS AMENDMENTS OF 1981

● Mr. TOWER. Mr. President, today I am introducing an amendment to the Fair Labor Standards Act pertaining to "agricultural employees."

The need to amend section 13(a)(6)(E) of the Fair Labor Standards Act of 1938 results from the fact that, while the legislative history is clear that cowboys engaged in the range production of livestock away from the headquarters of a ranch are exempt from the minimum wage and overtime provisions of the act, the regulations adopted by the Department of Labor are to the contrary. The enforcement officers of the Department of Labor have created havoc in what seemed to be a clear exemption. Consequently, employers must determine at their peril whether their employees engaged in the range production of livestock are exempt from minimum wage and overtime provisions or not.

According to the Department of Labor, but not the act, the allowance of the exemption turns on whether or not the computation of hours worked by such employees would be "extremely difficult." This is a subjective standard which cannot be confidently applied by the farmer or rancher in determining whether the minimum wage exemption applies to employees engaged in the range production of livestock. Whenever the employer does so, it is subject to a judicial finding that he was wrong. There have been two reported cases dealing with this issue. One is *Hodgson* v. *Elk Garden Corp.*, 482 F.2d 529 (4th Cir. 1973), and the other is *Hodgson* v. *Mauldin*, 344 F. Supp. 302 (N.D. Ala. 1972), *aff'd sub nom. Brennan* v. *Mauldin*, 478 F.2d 702 (5th Cir. 1973). Neither is helpful. In fact, they reached opposite results.

The amendment which I propose to the FLSA would eliminate the subjective standard and the availability of the exemption would turn on whether the employee was or was not engaged in the production of livestock on the range away from the headquarters. Since this is what was originally intended by the Congress, this clarification is essential and proper.

The proposed amendment of section 13(g) is needed since section 13(g), as it now reads, similarly provides subjective tests. For example, none of the agricultural exemptions from minimum wage provided by section 13(a)(6)(A–E) would apply to an employer which controls, is controlled by, or is under common control with another establishment, the activities of which are not related for a common business purpose to, but materially support, the activities of the establishment employing the affected employees.

The subjective determination of what constitutes "not related for a common business purpose" effectively precludes the average farmer or rancher from confidently determining whether his employees are exempt from minimum wage or not. Similarly, a subjective determination of what is meant by "but materially supports the activities" causes equal dilemma to the average farmer or rancher.

To correct this problem, my proposal would apply the conglomerate provision only to subsection (2) of section 13(a). The reason this makes sense is that employers in the retail and service division of a large conglomerate were targeted for the conglomerate treatment.

Finally, the need for the child labor change suggested by paragraph (k) of the proposed revisions is predicated on the fact that on many farms and ranches the only way that the children can obtain jobs, since they are a long way from town in many instances, is to work there on the farm or the ranch where they live, and where their parents work. If their parents earn a minimum wage or slightly above minimum wage and the rancher is required to pay these children the same minimum wage, the lack of disparity between the wages causes profound problems. In the final analysis, the farm cannot employ the children.

My proposed amendment would permit a farm or ranch to exempt children between the ages of 12 and 17 who were engaged in the range production of livestock in the limited circumstances outlined. I believe that while this will satisfactorily alleviate the problem, it is also consistent with the administration's view on providing opportunity and training for young people in our work force. Since these jobs are part-time in nature and are usually a long way from any urban community, I do not believe they will seriously displace any person seeking full-time permanent employment.

I invite the support of my colleagues on this legislation, and ask unanimous consent that the text of this bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Labor Standards Amendments of 1981".

SEC. 2. (a) Section 13(a)(6)(E) of the Fair Labor Standards Act of 1938 is amended to read as follows: "(E) if such employee is principally engaged in the production of livestock on the range away from the headquarters of the employer without regard to the difficulty of computing the hours worked;".

(b) Section 13 (g) of such Act is amended by striking out "paragraphs (2) and (6)" and inserting in lieu thereof "paragraph (2)".

(c) Section 13 of such Act is amended by adding at the end thereof the following new subsection:

"(k) The provisions of section 6 shall not apply to any employee twelve years of age but not over seventeen years of age who is employed in the range production of livestock outside of school hours and within the school district where such employee is living while he is so employed, or to any such employee who is employed with the consent of his or her parent to work on the same farm or ranch where a parent of the employee is also employed if—

"(1) the employee does not work more than sixteen hours a week during any period when the school district is in session;

"(2) the employee is employed not more than forty hours per week during any period of summer or holiday vacation; and

"(3) the occupation of the employee has not been declared to be particularly hazardous for the employment of children below the age of sixteen pursuant to paragraph (2) of this subsection.".●

By Mr. STEVENS (for himself, Mr. PACKWOOD, and Mr. ANDREWS):

S. 1224. A bill to amend the provisions of title 39, United States Code, relating to the use of the frank, and for other purposes; to the Committee on Governmental Affairs.

USE OF THE FRANK

Mr. STEVENS. Mr. President, I am introducing today a bill to amend the congressional franking laws. This bill is substantially the same as the one which passed the House of Representatives last Congress with two exceptions. First, it authorizes the Senate to use postal patron mailings. Such authority should significantly reduce Senate mailing costs by reducing postate costs through the use of third-class mail and by diminishing the need to update mailing lists. Second, it prohibits the use of the frank for congratulations and condolences. Representative government is not enhanced by the ability to issue congratulations nor condolences to one's constituents.

Mr. President, some argue that the congressional frank is unnecessary and used solely to gain an unfair advantage over a challenger during an election year. I strongly disagree. Our Nation was founded upon the principles of representative government and the franking privilege remains an important means of keeping the people we represent informed on what we are doing. Our function is to hear from our constituents on matters pertaining to their interests, listen to and digest their comments, decide how we will best represent our constituents' views and interests, act upon them, and let our constituents know what has happened here.

Often complex and controversial matters are brought before the Senate. On any issue a barrage of new proposals and ideas can significantly alter the original proposal upon which we are deliberating. In order to best represent our constituents' views, we must be in constant contact with them. The congressional frank provides the means for this contact. Without it, the effectiveness of a representative would be greatly diminished and the public's right to know impaired.

On the other hand, the temptation for abuse always exists. The Franking Act of 1973 authorized the use of this beneficial privilege but simultaneously attempted to bridle the abuse. The bill I am introducing today strengthens the law, closes the loopholes, and clarifies the privileges.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3210(a)(3) of title 39, United States Code, is amended by—

(1) repealing subparagraph (F); and

(2) redesignating subparagraphs (G),

(H), (I), and (J) as subparagraphs (F), (G), (H), and (I), respectively.

SEC. 2. (a) Section 3210(a)(5) of title 39, United States Code, is amended—

(1) by inserting the word "or" after the semicolon at the end of subparagraph (B)(iii);

(2) by striking out the semicolon and the word "or" at the end of subparagraph (C) and substituting a period; and

(3) by striking out subparagraph (D).

(b) Section 3210(a) of title 39, United States Code, is amended by adding the following new paragraph:

"(6)(A) It is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail—

"(i) if the mass mailing is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member is a candidate for reelection; or

"(ii) in the case of a Member of, or Member-elect to, the House who is a candidate for any other public office, if the mass mailing—

"(I) is prepared for delivery within any portion of the jurisdiction of or the area covered by the public office which is outside the area constituting the congressional district from which the Member or Member-elect was elected; or

"(II) is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member or Member-elect is a candidate for any other public office.

"(B) Any mass mailing which is mailed by the chairman of any organization referred to in the last sentence of section 3215 of this title which relates to the normal and regular business of the organization may be mailed without regard to the provisions of this paragraph.

"(C) The Select Committee on Ethics of the Senate and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations, and shall take other action as the Committee or the Commission considers necessary and proper for Members and Members-elect to comply with the provisions of this paragraph and applicable rules and regulations. The rules and regulations shall include provisions prescribing the time within which mailings shall be mailed at or delivered to any postal facility and the time when the mailings shall be deemed to have been mailed or delivered to comply with the provisions of this paragraph.

"(D) for purposes of this section, the term 'mass mailing' means newsletters and similar mailings of more than 500 pieces in which the content of the matter mailed is substantially identical but shall not apply to mailings—

"(i) which are in direct response to communications from persons to whom the matter is mailed:

"(ii) to colleagues in the Congress or to government officials (whether Federal, State, or local); or

"(iii) of news releases to the communications media.".

SEC. 3. Section 3210(d) of title 39, United States Code, is amended by—

(1) striking "the House" and substituting "Congress" in paragraph (1);

(2) striking "House of Representatives" and substituting "Congress" in paragraph (2);

(3) redesignating paragraph (4) and paragraph (5) as paragraph (7) and paragraph (8), respectively; and

(4) inserting after paragraph (3) the following new paragraphs:

"(4) Any franked mail which is mailed under this subsection shall be mailed at the equivalent rate of postage which assures that the mail will be sent by the most economical means practicable.

"(5)(A) The total number of pieces of mail which may be mailed as franked mail under this subsection during any calendar year by any individual entitled to mail franked mail under this subsection may not exceed an amount equal to the numeral 6 multiplied by the maximum number of addresses to which the mail may be delivered in accordance with this subsection in the area from which the individual was elected.

"(B) The number of pieces in any mailing which relates solely to a notice of appearance or a scheduled itinerary of a Member in the area from which the Member was elected shall not be included in determining whether the limitation specified in subparagraph (A) of this paragraph has been reached.

"(6) Any Member of, or Member-elect to, the House of Representatives entitled to make any mailing as franked mail under this subsection shall, before making any mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.".

SEC. 4. (a) Section 3210(e) of title 39, United States Code, is amended by striking out the last sentence.

(b) Section 3210 of title 39, United States Code, is amended by redesignating subsection (f) as subsection (g), and by inserting after subsection (e) the following new subsection:

"(f) Any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing the mail matter is paid exclusively from funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section.".

SEC. 5. (a) Section 3211 of title 39, United States Code, is amended by striking out "until the first day of April" and substituting "during the 90-day period immediately".

(b) Section 3213(2) of title 39, United States Code, is amended by striking out "until the thirtieth day of June" and substituting "during the 90-day period immediately".

SEC. 6. (a) Section 3218 of title 39, United States Code, is amended by inserting after "such Member" the following: "(or, if there is no surviving spouse, a member of the immediate family of the Member designated by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, in accordance with rules and procedures established by the Secretary or the Clerk)".

(b)(1) The heading for section 3218 of title 39, United States Code, is amended by striking out "surviving spouses" and substituting "survivors".

(2) The table of sections for chapter 32 of title 39, United States Code, is amended by striking out the item relating to section 3218 and substituting the following new item:

"3218. Franked mail for survivors of Members of Congress.".

SEC. 7. (a)(1) Section 5(d) of the Act entitled "An Act to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes", approved December 18, 1973 (Public Law 93-191; 87 Stat. 742), is amended by striking out "and" the second place it appears therein, and by inserting after "United States Code," the following: "and in connection with any other Federal law (other than any law which imposes any criminal penalty) or any rule of the House of Representatives relating to franked mail,".

(2) The first sentence of section 5(e) of such Act is amended by inserting after "of this section" the following: "(or any other Federal law which does not include any criminal penalty or any rule of the House of Representatives relating to franked mail)".

(b) Section 5(d) of such Act is amended—

(1) by inserting "any former Member of the House or former Member-elect, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, any" after "Delegate-elect,";

(2) by inserting "(or any individual designated by the Clerk of the House under section 3218 of title 39, United States Code)" after "any of the foregoing";

(3) by inserting "any" before "other House officials"; and

(4) by inserting "or former House official" after "House official".

(c) Section 5(e) of such Act is amended by inserting after the eighth sentence thereof the following new sentence: "In the case of a former Member of the House or a former Member-elect, a former Resident Commissioner or Delegate or Resident Commissioner-elect or Delegate-elect, any surviving spouse of any of the foregoing (or any individual designated by the Clerk of the House under section 3218 of title 39, United States Code), or any other former House official, if the Commission finds in its written decision that any serious and willful violation has occurred or is about to occur, then the Commission may refer the matter to any appropriate law enforcement agency or official for appropriate remedial action.".

ADDITIONAL COSPONSORS

S. 75

At the request of Mr. WALLOP, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 75, a bill to amend the Internal Revenue Code of 1954 to encourage capital investment by individuals and corporations.

S. 351

At the request of Mr. WALLOP, the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 351, a bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that the provisions of such act shall not apply to the surface mining of stone, clay, and sand work.

S. 395

At the request of Mr. WALLOP, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 395, a bill to amend the Internal Revenue Code of 1954 to provide estate and gift tax equity for family enterprises, and for other purposes.

S. 664

At the request of Mr. CHILES, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 664, a bill to amend section 481(d) of the Foreign Assistance Act of 1961.

S. 777

At the request of Mr. TOWER, the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 777, a bill to amend the Federal Water Pollution Control Act to restrict the jurisdiction of the United States over the discharge of dredged or fill material to those discharges which are into navigable waters, and for other purposes.

S. 961

At the request of Mr. BENTSEN, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 961, a

bill to require that a Federal agency may not require that any person maintain records for a period of 5 years, and a Federal agency may not commence an action for enforcement of a law or regulation or for collection of a civil fine after 5 years from the date of the act which is the subject of the enforcement action or fine, and for other purposes.

S. 1072

At the request of Mr. BOREN, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 1072, a bill to amend the Internal Revenue Code of 1954 to provide an exclusion from gross income of interest earned on qualified housing savings certificates.

SENATE JOINT RESOLUTION 58

At the request of Mr. THURMOND, the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of Senate Joint Resolution 58, a joint resolution proposing an amendment to the Constitution altering Federal fiscal decisionmaking procedures.

SENATE JOINT RESOLUTION 80

At the request of Mr. WARNER, the Senator from Ohio (Mr. GLENN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Hawaii (Mr. INOUYE), the Senator from Texas (Mr. BENTSEN), the Senator from Washington (Mr. JACKSON), the Senator from Texas (Mr. TOWER), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Mississippi (Mr. STENNIS), the Senator from California (Mr. CRANSTON), the Senator from Kentucky (Mr. FORD), the Senator from Illinois (Mr. PERCY), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Missouri (Mr. DANFORTH), the Senator from Delaware (Mr. ROTH), the Senator from Utah (Mr. GARN), the Senator from Arkansas (Mr. PRYOR), the Senator from Iowa (Mr. GRASSLEY), the Senator from California (Mr. HAYAKAWA), the Senator from Wyoming (Mr. SIMPSON), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Alabama (Mr. DENTON), the Senator from South Carolina (Mr. THURMOND), the Senator from Indiana (Mr. LUGAR), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Michigan (Mr. RIEGLE), the Senator from Wisconsin (Mr. KASTEN), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. SYMMS), the Senator from New York (Mr. MOYNIHAN), the Senator from Alabama (Mr. HEFLIN), the Senator from New York (Mr. D'AMATO), the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. STEVENS), the Senator from Florida (Mr. CHILES), the Senator from Tennessee (Mr. SASSER), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Joint Resolution 80, a joint resolution to authorize and request the President to designate the week of May 17, 1981, through May 23, 1981, as "U.S.O. Week."

SENATE RESOLUTION 17

At the request of Mr. SASSER, the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of Senate Resolution 17, a resolution concerning revision of the monetary policies of the Board of Governors of the Federal Reserve System.

SENATE RESOLUTION 139—RESOLUTION RELATING TO ACCESS OF CERTAIN OIL REFINING BUSINESSES TO CRUDE OIL

Mr. ANDREWS (for himself, Mr. BURDICK, Mr. MELCHER, Mr. FORD, Mr. PRYOR, Mr. GRASSLEY, Mr. LEVIN, Mr. DURENBERGER, Mr. HUDDLESTON, Mr. COHEN, Mr. LEAHY, Mr. HELMS, Mr. HEFLIN, Mr. SCHMITT, Mr. SYMMS, Mr. ZORINSKY, Mr. ABDNOR, Mr. BAUCUS, and Mrs. KASSEBAUM) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 139

Whereas, farmer-owned oil refining cooperatives and other independent oil refining businesses satisfy 75 to 80 percent of all United States farm fuel needs and the majority of fuel needs in rural communities;

Whereas, farmer-owned oil refining cooperatives are the only suppliers of fuel in many farming communities;

Whereas, the responsibility of farmer-owned oil refining cooperatives and other independent oil refining businesses is increasing because the major oil refining companies are reducing supplies of oil in less profitable rural markets;

Whereas, farmer-owned oil refining cooperatives and other independent oil refining businesses have developed a highly efficient distribution system for satisfying the fuel needs of farmers;

Whereas, it would take too long for new fuel suppliers to develop a distribution system to replace the distribution system of farmer-owned cooperatives and other independent oil refining businesses; and

Whereas, the timely delivery of fuel is imperative during harvest and planting seasons: Now, therefore, be it

Resolved, That it is the sense of the Senate that the continued access of farmer-owned oil refining cooperatives and independent oil refining businesses to crude oil at reasonable prices must be assured during petroleum disruptions.

Mr. ANDREWS. Mr. President, I would like to share my views with you today on the critical subject of emergency energy preparedness—in particular, the need to assure uninterrupted fuel supplies to this Nation's agricultural system.

As I am sure you know, I am a farmer and proud of it. I have been all my life, as was my father and grandfather, and now my son. I am here representing what is probably the most agricultural State in the country—at least as measured in terms of North Dakota's annual gross income generation. As our farmers prosper or suffer, so do all our people.

Less than 3 million farm families produce enough food and fiber to feed and clothe 225 million Americans. These same farm families also export enough agricultural products to pay for half of our $80 billion annual bill for oil imports. The high level of this agricultural productivity depends heavily on critical petroleum fuel supplies. To achieve full food and fiber production, farmers must have fuel when they need it. Indeed, the perishability of food dictates that this holds true for the entire food system.

Farmers have increasingly turned to their own cooperatives to assure themselves of more secure fuel supplies, better quality service, and fairer prices. Farmer-owned refineries now represent only 2.5 percent of the total U.S. refining capacity, but supply about 45 percent of all onfarm petroleum fuels, with distribution of petroleum products occurring in more than 40 States. Cooperatives and other independents combined supply about 75 percent of onfarm use. In addition, many rural communities—the infrastructure so vital to the farm system—rely heavily upon the cooperative petroleum system for their fuel needs. According to the Department of Agriculture, more than 1,000 communities are supplied totally or predominantly by farmer cooperatives.

This responsibility is increasing for cooperatives and other independent petroleum operations due to major oil company withdrawals from sparsely populated, less profitable rural markets. Two of the majors have already completed their pullout in my State of North Dakota.

The rural petroleum system is a fragile one at best, and which is extremely vulnerable to supply disruptions. The system is an efficient one, and alternative suppliers cannot fill this void in a timely fashion when shortages occur. Without continued fuel supplies on a timely basis we are not going to be able to produce grains and other vital food at the phenomenal rate the American public has come to take for granted. It is just that simple.

USDA studies indicate that America's food costs are very sensitive to events in the energy arena. For example, one estimate is that a 10-percent fuel shortage at the farm could lead to as much as a 55-percent increase of farm commodity prices. This cannot be allowed to happen.

Sharp rises in energy costs are also cause for concern. Each 10-percent increase in energy costs across the food system can raise food prices more than 1 percent. Farmers themselves are price takers, and large energy price increases could impair the ability of many family farms to survive.

Mr. President, we cannot allow a disruption of fuel supplies to agriculture. Mother Nature dictates that timing is critical in the production of food. Should fuel supply disruptions, even of short duration, occur at the wrong time, an entire season's production can be lost. Policymakers must recognize the impact of such an event, not only on the farmer, who makes up less than 5 percent of the population, but upon all of this Nation's consumers and indeed the world community. It would be the height of folly to jeopardize the critical economic activity of the individual farmer and the entire agricultural system in serving one of the most basic of human needs—that of food. In order to continue to perform this vital role, agriculture must have uninterrupted access to essential fuels.

In examining how disruptions have actually occurred, it is quite evident that they tend to be focused upon certain regions. Thus, very serious problems occur in certain areas long before the disruptions reaches crisis levels for the Nation as a whole.

I am most familiar with how past disruptions have impacted people in my own part of the country. Looking back to the spring of 1979, farmers and other residents in North Dakota were desperately short of fuel—particularly diesel fuel required for spring planting. My office was swamped with requests for assistance, and our staff worked on this problem around the clock trying to locate alternate supplies, usually at larcenous prices.

Diesel fuel had been decontrolled for several years, so Government regulations could not be blamed. Special rule No. 9 was invoked only with moderate success, and we were extremely fortunate to "muddle through" that crisis and still get the crops in and the grain harvested. This situation was repeated throughout most rural areas in the Midwest and Great Plains—the country's agricultural heartland. Yet these shortages occurred at a time when the record clearly showed that imports were at a higher level than they had been in the prior year.

Even a casual assessment clearly reveals that such problems evolved unnecessarily as many refineries serving rural areas suffered sharp reductions in crude supplies—again, at a time when there was no real shortage. Some refineries were forced to run at half of capacity, when the industry average was 85 percent. Had that disruption been dealt with in a timely fashion by assuring access to crude oil for all efficient refiners, we undoubtedly would not have had fuel supply problems.

Mr. President, I have consistently supported and applauded President Reagan's decontrol of petroleum. The signals are clear that a number of positive benefits are resulting. Fuel supplies are certainly abundant, and recently the consumer has benefited from softening fuel prices. Petroleum exploration and production activities are moving forward at a record pace. Consumers and industrial users are going to great lengths to conserve energy, and import levels are down considerably. Free enterprise must be encouraged as much as possible.

However, the harsh reality remains that this Nation will remain vulnerable to petroleum supply disruptions for the foreseeable future. Our allies will be even more vulnerable. We have lived through four disruptions in the past 8 years, and there is no evidence to suggest that the future holds anything but additional disruptions.

Oil is increasingly becoming a potent political weapon, and governments in many producing nations face uncertain tenure. A number of studies have recently pointed out that our Nation is even more vulnerable to supply disruptions due to the fact that the international oil companies no longer have the predominant control at the wellhead in producing nations that existed just a decade past.

We have just taken the first critical step necessary for dealing with oil supply disruptions. The scheduled filling of the Strategic Petroleum Reserve will ultimately provide vital volumes of crude oil for use during oil supply emergencies.

However, there remains another important and pressing task for this Congress to accomplish. I am specifically referring to the fact that the Emergency Petroleum Allocation Act of 1973 is scheduled to expire on September 30, 1981. This act contains authorities which recognize agriculture's priority needs and gives the President the power to deal with petroleum disruptions through actions such as crude oil and product allocation. It is imperative that this Congress and the administration move forward in an expedited fashion so that the President will have the appropriate authorities on a standby basis at his disposal for dealing with the next crude oil shortage.

We are most fortunate that we have a unique opportunity to carry out this legislative process in a calm environment. We cannot afford to wait until the next emergency to make the difficult decisions before us. The chaos that would occur could destroy our progress toward economic recovery and undoubtedly would lead to bad legislation crafted in the midst of crisis.

I am most pleased that my distinguished colleague from Idaho, Senator McCLURE, is holding hearings before his Committee on Energy and Natural Resources to debate this issue. We are both from States with a strong agricultural and rural base which have experienced the brunt of past disruptions, and we certainly want to avoid a repeat or worsening of those events.

I fully intend to support this pursuit of appropriate solutions in every way that I can. For example, the distinguished chairman of the Senate Committee on Agriculture, the Honorable JESSE HELMS for North Carolina, has asked that I chair hearings on emergency preparedness as it relates to agriculture and rural America. The record should prove useful to our colleagues in the Senate Committee on Energy and Natural Resources.

Mr. President I ask unanimous consent that Chairman HELMS' statement be included in the RECORD, along with my own.

I believe that it is time for this Congress to reaffirm its commitment to the longstanding, basic policy of assuring continued fuel supplies to agriculture in an effective manner during disruptions. Therefore, I am introducing the attached sense of the Senate resolution.

I am pleased that Senators BURDICK, MELCHER, FORD, PRYOR, GRASSLEY, LEVIN, DURENBERGER, HUDDLESTON, COHEN, LEAHY, HELMS, HEFLIN, SCHMITT, SYMMS, ZORINSKY, ABDNOR, BAUCUS, and KASSEBAUM have joined me in cosponsoring this resolution in recognition of the need to assure access to crude oil at reasonable prices during disruptions to farmer-owned and other efficient refiners which serve these markets.

Mr. HELMS. Mr. President, all Americans—food producers and consumers alike—share a common interest in making certain that agriculture has access to energy supplies. That is the essential thrust of the "sense of the Senate" resolution offered by the Senator from North Dakota (Mr. ANDREWS).

I commend Senator ANDREWS, and would offer my own comment on the broader scope of the energy issue.

For far too long, Congress has failed to encourage the domestic production of the oil this Nation so desperately needs. President Reagan has taken essential steps toward decontrol of gasoline and crude oil prices, which, in the long term, will help our Nation throw off the shackles of dependence on foreign sources of oil. I support the President wholeheartedly in his actions to deregulate, not only gasoline and crude oil, but natural gas as well. Greater opportunity for free enterprise in exploration and research is a critical component of a sound energy policy for this Nation.

We must also recognize that the marketplace, not the Government, is clearly the most efficient allocator of resources.

Given our current state of energy dependence and world instability, however, it is clear that supply disruptions are possible. Such disruptions could have severe consequences, as history indicates.

Farmer-owned cooperatives and others who are major fuel suppliers to rural and agricultural communities, have wisely pointed out this vulnerability. I believe these cooperatives and other independent refiners should utilize this foresight and plan ahead to deal with potential disruptions. Individually and collectively, they should take the initiative and use their own resources to the maximum degree possible to plan and prepare for supply interruptions.

Having said that, there may be extreme emergencies which occur during the current time period before we realize the full benefits of domestic decontrol. In these most extreme of circumstances, I believe that our Nation's food supply is so important that it merits some type of priority allocation, if a government role is deemed necessary. Such an allocation must take into account the broad relationship of food production to farm supply, marketing, processing, and distribution. It must also consider that a primary issue is continued access to crude oil during supply disruptions to those refineries which serve the farmer.

This is not the first time that Congress has dealt with this type of issue. The previous administration attempted to give short shrift to agriculture in their fuel allocations, and I am proud of the role which I played in helping correct that mistake.

In March 1979, President Carter submitted to Congress a proposed gasoline rationing plan. My colleagues on the Senate Committee on Agriculture, Nutrition, and Forestry and I studied the plan carefully. At my urging, the Subcommittee on Rural Development conducted hearings on the plan and found it clearly wanting in its treatment of our vital agricultural sector. The Carter administration plan, despite claims to the contrary, did not include either a true agricultural priority or a full understanding of the relationship of production, processing, and distribution in our food chain.

If ever implemented, that plan would have left the U.S. food production and distribution system crippled. The Nation

could ill afford such shortsighted mismanagement of our most basic resources. I emphasized at every opportunity the shortcomings of the proposed gas rationing plan toward agriculture, and I am pleased that ultimately this plan was rejected by the Congress.

During consideration of the Emergency Conservation Act of 1979, I joined the ranking members of the Senate Energy and Natural Resources Committee in a colloquy to further establish congressional intent for an improved agricultural priority. Nevertheless, the Department of Energy's revised gas rationing plan was still inadequate, and our further efforts were required. Only after extensive followup did the Carter administration recognize the full agricultural priority as was proposed in the final version which the Senate adopted.

I do not now, nor have I ever, supported gasoline rationing. But I want to assure America's farmers and ranchers—and indeed all 230 million consuming Americans—that this Senator will remain vigilant in seeing that, if and when the Government should ever assume a role in energy allocation, the agriculture and food industry receives the full priority which it deserves.

SENATE RESOLUTION 140—RESOLUTION RELATING TO THE CONDITION OF THE PHILIP A. HART SENATE OFFICE BUILDING

Mr. MOYNIHAN submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 140

Whereas in the Fall of 1980 the frame of the new Senate Office Building was covered with plastic sheathing in order that construction might continue during the winter months; and

Whereas the plastic cover has now been removed revealing, as feared, a building whose banality is exceeded only by its expense; and

Whereas even in a democracy there are things it is as well the people do not know about their government;

Therefore, be it resolved That it is the sense of the Senate that the plastic cover be put back.

Mr. MOYNIHAN. Mr. President, the Philip A. Hart Senate Office Building, now under construction, will provide offices for 50 Senators. Its cost, first estimated at $48 million when the building was authorized in 1972, is now set at over $137 million. Cost escalation set in almost immediately: In 1974, Congress twice increased appropriations to a total of $58.1 million.

In 1978, the Senate tried to increase appropriations still further, but the House refused to give its assent. In 1979, the Senate voted to raise the total to $142.5 million and later agreed to a conference report setting a total expenditure limit of $137.3 million.

I voted in 1978 first against tabling an amendment that would have cut expenditures on the building, and when that failed. for placing a definite limit on its cost. I voted against the further increase in 1979; the increase nevertheless carried by a vote of 49 to 47.

The 1979 appropriation action deleted money for furnishings and leaves unfinished several large common-use rooms. The building was designed by the firm John Carl Warnecke & Associates and is scheduled for occupancy in early 1983.

In the fall of 1980, plastic sheathing was placed over scaffolding covering the building to allow exterior finishing work to continue through the winter. The plastic covering was removed at the beginning of May, revealing the marble cladding for the building substantially completed.

AMENDMENTS SUBMITTED FOR PRINTING

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS, 1981

AMENDMENT NO. 55

(Ordered to be printed and to lie on the table.)

Mr. HELMS (for himself, Mr. EAGLETON, Mr. D'AMATO, Mr. DECONCINI, and Mr. NICKLES) submitted an amendment intended to be proposed by them to the bill (H.R. 3512) making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes.

NOTICES OF HEARINGS

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. QUAYLE. Mr. President, the Subcommittee on Employment and Productivity on April 10, 1981, gave notice of hearings which it plans to hold on the Farm Labor Contractor Registration Act. The hearings are now scheduled to be held on June 3 and 4, 1981.

Since that announcement, I have received a number of requests to testify. I feel that it is now appropriate to notify the public that requests to testify which are received after May 25, 1981, will be considered only to the extent that time is available in excess of that which is consumed by our scheduled witnesses.

Any questions in regard to the hearings should be addressed to Diann Howland at the Subcommittee on Employment and Productivity office (202) 224–6337.

Mr. President, the Subcommittee on Employment and Productivity will hold hearings on employment and training issues in Washington, D.C., June 11, 12, 18, and 19; Florida, July 17 and 18 (location to be announced later); New England, July 24 and 25 (location to be announced later); Indianapolis, Ind., August 5 and 6; Salt Lake City, Utah, August 12 and 13.

Additional hearings are planned in Washington, D.C. and perhaps in other locations and will be announced later.

During its 4 days of Washington hearings, the subcommittee intends to hear from the administration, from State and local governments, including education agencies, from the business community and from representatives of the client community and labor unions. The subcommittee also intends to take testimony on the history of employment and training programs as well as on projections of demographic and economic trends that will furnish the context in which employment and training policy will operate in the coming years.

The hearings will be on the general subject of the employment and training system in the United States. The purpose of these hearings is to develop necessary background information for the subcommittee and the Congress before it considers the appropriate legislative response to the fact that the authorization of appropriations for CETA expires next year.

These hearings, it must be emphasized, are not designed around specific legislative proposals. Rather they are designed to provide for an examination of broad policy issues that provide the background for developing and evaluating specific legislative suggestions. The subcommittee plans to consider specific legislation next year.

Persons interested in testifying at these hearings should submit a written request to Bob Guttman, 4230 Dirksen Senate Office Building, Washington, D.C. 20510.

For the purpose of assisting witnesses who may want to testify at these hearings a list of major issues that are of particular concern to the subcommittee is provided below. This list is provided with full realization that it does not do justice to the full diversity of issues that deserve exploration in an examination as broad as that of the entire employment and training system.

1. WHAT ARE THE APPROPRIATE OBJECTIVES OF EMPLOYMENT AND TRAINING POLICY?

The key question, the answer to which is critical to the examination of all the other questions, is "Why do we have employment and training policies?" "What is it that we are trying to achieve?" Only when that question has a clear answer (or answers) can we devise appropriate programs and policies or even determine whether past policies or objectives have been held out for employment and training policies in the past including:

Reduction in the overall unemployment rate;

Reduction in the unemployment rate of particular segments of the population;

Increased productivity of the work force;

Reduction in welfare dependency; and

Assistance in economic development of distressed areas or industries and this is by no means a complete list.

Should employment and training policy pursue any or all of these objectives? If so, in what combinations or relative priorities? Are there other appropriate objectives? Should objectives be defined in such a way that their achievement can be measured with reasonable cost?

2. WHAT ARE THE BEST METHODS FOR CARRYING OUT THE OBJECTIVES OF EMPLOYMENT AND TRAINING POLICY?

Past policies seem to have been built around:

First, incentives to private employers to hire and/or train additional persons, either in general or with specific demographic characteristics; incentives have included wage subsidies, reimbursement

for training costs, tax credits for increasing payrolls or hiring persons with designated characteristics, and preference in procurement contracts;

Second, education and training for employees or potential employees to enable them to increase their skills;

Third, policies designed to increase the efficiency of labor markets by such measures as job matching services, labor market information, and antidiscrimination programs; and

Fourth, job creation in the public sector through provision of wage subsidies.

Are there advantages or disadvantages associated with the approaches that should be considered in the design of future policies?

3. SHOULD PARTICULAR GROUPS IN THE LABOR FORCE BE THE CONCERN OF EMPLOYMENT POLICY?

Past policies have focused at one time or another on target groups which may, in total, represent more than a majority of the total labor force. Included have been displaced workers, young workers, middle-aged workers, and older workers, the economically disadvantaged, the long-term unemployed, women, veterans, the handicapped, et cetera.

Should target groups be identified on a national basis, and if so which are the appropriate target groups? If the determination should be locally based, should there be national criteria to constrain that choice? Should efforts be focused on groups with the most difficult problems or on those with whom successful outcomes are more likely?

Should efforts be concentrated on areas with significant employment problems?

Are the problems of particular groups, such as youth or workers in declining industry, sufficiently different that distinct programs should be designed for them?

4. WHAT SHOULD BE THE RELATIONSHIP OF EMPLOYMENT AND TRAINING POLICIES TO INCOME-MAINTENANCE POLICIES?

There is much history to suggest that employment and training policies should be used to reduce the cost of various income-transfer programs, ranging from welfare to trade readjustment assistance.

Can employment and training make such a contribution? Should the emphasis be on cost reduction or on promoting economic independence among income-transfer recipients?

5. WHAT ARE THE APPROPRIATE RELATIONSHIPS BETWEEN FEDERAL, STATE AND LOCAL GOVERNMENTS IN THE FUNDING, DESIGN AND ADMINISTRATION OF EMPLOYMENT AND TRAINING PROGRAMS?

From the Manpower Development and Training Act to the present-day Comprehensive Employment and Training Act, "manpower" programs have been federally funded while "education" programs have received the overwhelming bulk of their support from State and local sources. Is this distinction valid when both programs have a major purpose of preparing persons for employment?

The balance between Federal and State/local control of design and administration of programs has fluctuated wildly largely because charges of abuse by local agencies has constantly restrained the pressure for decentralization.

Is there a reasonable balance between protection of Federal funds and local autonomy? Between achieving Federal policy objectives and local flexibility?

Can the Federal Government determine whether locally administered programs are well run?

6. WHAT IS THE APPROPRIATE ROLE OF THE PRIVATE SECTOR IN THE DESIGN AND IMPLEMENTATION OF EMPLOYMENT TRAINING POLICY?

Past public policy has tended to focus on the role of Government in employment and training policy while the bulk not only of employment opportunities but also of training opportunities are in the private sector.

How can private-sector participation in the development and implementation of policy be maximized? What are the barriers to private-sector participation that can be eliminated or ameliorated? Are there special barriers to small-business participation?

7. CAN THE DIVERSE SETS OF PROGRAMS WHICH CONSTITUTE THE EMPLOYMENT AND TRAINING SYSTEM BE COORDINATED?

While there is no agreed-on list of employment and training programs, the narrowest list would include CETA (8 titles and several times that many programs), employment service, work incentive program, targeted jobs tax credit, apprenticeship, veterans employment programs, community service employment for older Americans, vocational rehabilitation, and college work study. In addition, vocational education and adult basic education are on most lists.

Is it possible to coordinate such a diversity of programs? Is it necessary? Can it best be done at the Federal, State, or local level? What about the employment and training aspects of programs which, while not themselves employment and training programs, nevertheless have a direct bearing, such as economic development activities, the proposed enterprise zones, Urban Development Action Grants, and so forth?

8. HAVE EMPLOYMENT AND TRAINING PROGRAMS WORKED?

There is a great deal of controversy as to the actual record of CETA. Has it worked? Has it worked in some places? Has it worked under some circumstances? How well has it worked compared to other programs, such as the employment service, vocational education, work incentive program, and so forth? Does the record of employment and training programs provide any lessons for the future?

In addition to the hearings, the subcommittee also plans to arrange or participate in a variety of other mechanisms such as conferences and seminars to explore these matters in a more informal setting. The subcommittee plans to work closely with the Department of Labor, the National Commission for Employment Policy and others in these activities.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that the nomination of Georgiana H. Sheldon to be a member of the Federal Energy Regulatory Commission has been added to the agenda of the full committee nominations hearing which is scheduled for Thursday, May 21 at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

For further information regarding this hearing, you may wish to contact Mr. Charles Trabandt at 224–7141.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be deemed to have been authorized to meet during the session of the Senate on Wednesday, May 13, and Thursday, May 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, May 19, to consider the draft report of the "Oversight of the Department of Labor Inquiry Into the Teamsters Central States Pension Fund."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy be authorized to meet during the session of the Senate on Tuesday, May 19, to have an oversight hearing on standby oil controls.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate today, May 19, to hold hearings on the nomination of Ernest Lefever to be Assistant Secretary of State for Human Rights and Humanitarian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, May 19, to hold markup hearings on the tax cut legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A TRIBUTE TO SENIOR CENTERS

● Mr. CHILES. Mr. President, I am pleased to cosponsor Senate Joint Resolution 79 designating the second week of May as "Senior Center Week." The resolution was offered in the Senate to complement one introduced in the House by the Honorable MARIO BIAGGI, of New York, who serves as a member of the House Select Committee on Aging.

I am proud to have served as a member of the Senate Special Committee on Aging for 8 years. As part of my continuing commitment to older Americans, I would like to pay tribute to the 8,000 senior centers operating in all areas of our country.

The people in the State of Florida who frequent senior centers tell me that centers are both a program of services and activities as well as a place to go, a place for friendship and fellowship or just a place to sit, observe, and to be near others.

The senior center is living testimony and proof that publicly supported social programs can, in fact, work. The success story of senior centers can be attributed to their ability to first, withstand the test of time and social change; second, to effectively and creatively utilize the resources available in a given community; and third, to expand and adapt to the changing needs of the older residents in the community. Together, all three factors have enabled the senior centers program to mature into a nationwide service system throughout this country.

The growth in the number of senior centers over the years substantiates their importance to older people and to communities. Recent studies have illustrated that communities and older citizens are increasingly accepting senior centers as the primary source in the community for social as well as service needs of the older adult.

Services in these centers range from nutrition to counseling; from recreation to health services. In fact, many public and private agencies responsible for serving the elderly through noncategorical health and social service programs have recognized the value of the senior center as a community-based service delivery component. Consequently, service agencies are stationing part-time staff, and in many instances, full-time staff in the center to better serve older adults. The availability of local volunteers and community-donated facilities is further evidence of the senior center's influence and established position in the community.

In my tribute to senior centers throughout the Nation. I would like to recognize the Jacksonville Florida Senior Center as a national model for future senior center development and as a monument to the efforts of a community dedicated to the fulfillment of a dream. I am also mindful of the many achievements and accomplishments that contributed to the construction of the Jacksonville Multipurpose Senior Center by Mayor Jack Godbold; former Mayor Hans Tanzler; and the Jacksonville City Council members. Without the concerted efforts of these public officials and other community leaders—in addition to the enormous support of the hundreds of volunteers, the foundations, and the voluntary agencies in the community—this dream could never have been fulfilled.

Every major project of this magnitude usually has a driving force, and the driving force in this instance was Mr. James L. Fortuna, a senior citizen who, by his very actions, best exemplifies the continuing drive and capacity of mature people to create a better life for all. He envisioned a multipurpose center as a "home away from home for seniors—a place where they can engage in virtually every type of social or educational activity, as individuals or in groups."

The Jacksonville Senior Center evolved as a Federal, State, and local partnership: the Federal Government provided construction funds; the city financed staffing and maintenance; and the State funds were directed toward equipping the center. This project also provided an opportunity for total community involvement, with over 500 people serving on committees that contributed to its development.

The Jacksonville Senior Center occupies several acres on a site purposefully selected because it lies within a 1-mile radius of more than 7,000 senior citizen residents. The modern design building is barrier free for the handicapped, without a single place where one must step up or down. Materials and layout have been carefully selected to give a feeling of stability and permanence, while requiring a minimum of maintenance and staffing.

Among services the center offers are lunches; senior ID cards; an employment office; health screening; food coupon exchange; information and referral on health, housing, legal and job-related problems; and volunteer opportunities. Available classes include clothing construction, diet counseling, nutrition education, exercise, choral music, and preventive health care.

Mr. Jack Ossofsky, executive director of the National Council on Aging and recognized leader and founder of the National Institute of Senior Centers, who dedicated the site of the Jacksonville Center nearly 4 years ago and then returned as keynote speaker to dedicate the reality, stated—

Jacksonville can indeed be proud . . . of what is clearly one of the finest senior centers in the country.

As our Nation pays tribute to National Senior Centers Week, let us keep in mind that there is much more to a center than good design—more to a celebration than receptions and newspaper accolades. Let us remember that the potential contributions older people can make depend not only on their own self-confidence and belief in their own abilities and desire to remain active and useful members of society, but also in the confidence that the public at large and the gatekeepers of opportunity place in them as contributing, vital human beings.

Let us dedicate this national week and ourselves to the older citizens of today and tomorrow; to enhancing the quality of their lives and ours; to asserting our confidence in the continuing capability and potential contributions of the old and in creating an environment that makes clear that no one in America is too old to learn, to give, to demand, to work, to love to create * * * that no one is too old to be.

I submit the text of Senate Joint Resolution 79 for the RECORD.

The text follows:

S.J. RES. 79

Whereas local communities support over eight thousand senior centers and there is hardly a city or town without one;

Whereas senior centers affirm the dignity, self-worth, and independence of older persons by facilitating their decisions and action, tapping their experiences, skills, and knowledge, and enabling their continued contribution to the community;

Whereas, as encouraged and supported by the Older Americans Act, senior centers function as service delivery focal points, helping older persons to help themselves and each other, and offering service or access to community services as needed;

Whereas the month of May has historically been proclaimed Older Americans Month, and communities across the country are giving special recognition to older persons and the role of senior centers in serving them: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second week in May, beginning with Mother's Day, May 10, 1981, is designated as "Senior Center Week" and the President is requested to include this designation of Senior Center Week as part of the proclamation he issues for Older Americans Month, calling upon the people of the United States to honor older Americans and these local organizations that bring together activities and services for their benefit.●

AFRICAN TRIP REPORT

● Mr. GOLDWATER. Mr. President, in 1978 I made a trip to the country of South Africa and while there spent a week in what is now Southwest Africa but which is to become Namibia. While there it was my pleasure to speak with all of the parties in the Turnhalle conference and these were the people who prepared the constitution that will become active when the country acquires a government.

I was allowed full and free access over the entire country and traveled into Angola and Chile to witness some of the activities there, and I came out of there convinced that SWAPO was not, by any means, the group which should govern Southwest Africa.

This is an organization completely oriented to the left and it is supplied arms, and so forth, by Communist groups. Now we are hearing again that the United Nations smiles on SWAPO as the group to govern Namibia, and even the United States seems to look on this group in a favorable way.

When I returned I inserted a report on the trip in the RECORD on Monday, April 17, 1978, and because I think it is of such importance at this time, I ask to have printed in the RECORD the entire report at this point in my remarks.

The report follows:

REPORT ON SENATOR GOLDWATER'S AFRICAN TRIP

Mr. GOLDWATER. Mr. President, I recently returned from a trip to South Africa and Southwest Africa. As you know, Southwest Africa is now at a crossroads in terms of its future economic and political development. This month the United Nations will be considering how the territory should achieve its independence. In light of this, I would like to provide some informaton and impressions I gathered during my trip. In particular, Mr. President, I would like to draw the Senate's attention to the terrorist activities

of the Southwest African Peoples Organization (SWAPO) and the puzzling support this organization draws from the U.N.

Since 1975 South Africa has been attempting to prepare Namibia, as the territory is known in the U.N. for elections leading to independence. In September of 1975 the South African Government convened a constitutional conference—the Turnhalle Conference—at Windhoek on the future of Southwest Africa. As a nationalist political party, SWAPO was invited to participate but refused and boycotted the conference, organizing sometimes violent demonstrations against it.

Last year when Judge Marthinus J. Steyn was appointed the territorial Administrator General he issued an open invitation to SWAPO leaders, both within and outside the territory, to discuss how the elections should be conducted, and how their party could participate. The expatriate SWAPO leadership in Zambia turned the invitation down cold. The convention drafted a constitution and began to implement a program that would culminate in complete independence by December of this year. But last April South Africa agreed to suspend implementation of the Turnhalle program under pressure from the U.N. which recognizes only SWAPO as the sole representative of black Southwest Africans.

South Africa agreed to delay their internal solution to give the U.N. Contact Group (United States, United Kingdom, West Germany, France, and Canada) a chance to work out another formula for independence. Late last month the Contact Group proposed its final package to SWAPO and the South African Government. It is not clear how either party will respond. We will have to wait and see. But while we are waiting I think we should have a close look at SWAPO which seems to enjoy such esteem at the U.N.

SWAPO, Mr. President, seems to be an organization with origins which have the appearance of legitimacy but which has proven quite recently to be a common terrorist gang. In defense of the U.N., it must be noted that SWAPO's true colors have only begun to show through in the last year or so.

The Southwest Africa Peoples Organization was first established in 1959 as the Ovamboland Peoples Organization. Sam Nujoma has held its presidency since the beginning. Although it has attempted to broaden its ethnic base, SWAPO remains dominated by Ovambo tribesmen. The organization is divided between its internal and external branches. The exiled leadership is based primarily in Lusaka. The external group has historically been the diplomatic arm of the organization. The internal wing is recognized by the South African Government, and legally operates within the territory. SWAPO's program for the territory calls for distribution of the country's wealth, a redistribution of agricultural holdings, a ban on absentee ownership, and an extensive nationalization program to include the two major industries—mining and fishing.

SWAPO has engaged, principally at the direction of the external branch, in guerrilla harassment activities against South African troops in the territory since its inception. Guerrilla activities, however, were very sparse until approximately 1974. In that year guerrilla forces were estimated at no more than 300. Last year the figure was approximately 2,000; this year it is 4,000. And the alarming thing is that they are Soviet equipped. Their leadership is coming under greater Soviet political influence. And the SWAPO guerrillas, operating out of Angola, are trained and advised by Cuban troops.

Most of the SWAPO guerrillas are based in Angola, where the Soviet and Cuban-backed MPLA grants them sanctuary. The others are in Cuba and Russia for training. They make raids, sometimes of a few days' duration, just a few kilometers into Southwest Africa and then immediately return across the northern border into their Angolan havens. Their activities include harassment of opposing political parties and ambushes on South African troops in the territory. They have been known to kidnap schoolchildren in attempts to expand the number of their recruits. They mine roads and bomb the enterprises of opposing politicians.

This violence in pursuit of political power is, of course, unacceptable to us and should be disdained by the U.N. Unfortunately the violence of the past is merely a taste of things to come.

While in the territory, Mr. President, I met with Clemens Kapuuo, who was the leading candidate for president of independent Namibia. Kapuuo was chief of the Hereros, considered the most politically astute of the ethnic groups. Kapuuo was well respected and his support reached beyond his own tribe to other ethnic groups. He was head of the National Union Democratic Organization. I was greatly impressed with his sincerity and his vision for this emerging country. Three days after I spoke with him he was assassinated. By all accounts in the territory the murder was one of a series in the latest SWAPO terrorist plan. Documents captured from SWAPO guerrillas reveal that the organization plans to expand their terrorism and commit more assassinations in the future. While I was in Southwest Africa I obtained copies of the SWAPO documents which clearly state the organization's intentions to "eliminate all prominent puppets, for example, Ndjoba, Kapuuo, et cetera." Mr. President, I ask unanimous consent that these documents be printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GOLDWATER. Mr. President, this alone would seem to be sufficient cause for reexamination of U.N. and American support for SWAPO. But other SWAPO policies are at least as frightening. Not content to confine their terrorism to Southwest Africa. SWAPO guerrillas are now engaged with the MPLA in fighting UNITA, the pro-Western faction in Angola. For the past year or so SWAPO guerrillas have engaged in limited combat against the UNITA forces fighting against the Soviet-backed MPLA. But in the last month SWAPO has dedicated significant forces to full-scale combat against UNITA. They now have some 1,000 SWAPO guerrillas fighting in Angola against UNITA troops. I can only guess at their motive, but it would seem that SWAPO's debt to the Soviets and Cubans has been called in. In the process SWAPO guerrillas will gain combat experience and on-the-job terrorist training that might later be put to frightening use in Southwest Africa.

Mr. President, I hope that this record of violence has not been overlooked at the U.N. I also hope that our own State Department did not overlook what the pro-Soviet publication African Communist printed about SWAPO's otherwise concealed objectives:

"SWAPO is faced with a strategic problem similar to that facing the Zimbabwean liberation: to resist the ideological and financial pressure from the West, while exploiting to the full the Western powers' desire to accommodate to some degree and for their own reactionary motives, the force for change in Southern Africa. And both these tasks have to be fulfilled while at the same time advancing the armed struggle . . . the only path to liberation."

There is, however, no evidence of a weakening of U.N. support for SWAPO. If the U.N. needed any further evidence of the nature of current SWAPO thinking it was provided by President Nujoma himself. While in New York recently for proximity talks, Nujoma clearly stated that he opposed major rule in Namibia, and that SWAPO was there to seize power for the benefit of all Namibians. There you have it from the horse's mouth.

But there is little news from the U.N. Contact Group which met last month in Windhoek. All the groups say they were very concerned about the security situation. That would seem to be an understatement.

EXHIBIT 1

GROOTFONTEIN-BRANGE,
S.W.A.P.O. of Namibia,
May 3, 1978.

DEAR COMRADES: We would like to make use of this opportunity, although on short notice to give you the list of the names of the people who are in our way of struggle.

1. Christof the shopowner in the location, Grootfontein, H28.
2. Laeza Hoesib, S.A.P., D2.
3. Albertus Naseb DTA man S.
4. Christof Ge-sao S167.
5. Elizabeth Wimmert, O.15.
6. Lea Wimmert, H4.
7. Emma Wimmert, S.
8. Simon Petrus Boy Breker, O.16.
9. Nikodemus Nikode.
10. Fraus Shabaka, O.25.
11. Martin Oppermann.
12. Martin Ukongo.
13. Walter Gawak, ex S.A.P., S93.
14. Jeremias, S.T.A man, S92.
15. Thomas Gaogosels, H90.
16. Nichie Johannes Gurirab, security police, Tsumeb.
17. Ipumbu Israel, Mun. police.
18. Fredrika Nases, S12.
19. Jan. I. Goraseb, S.A.P., S13.
20. Bernhard Geiseb, D.A.T (chief) S.
21. Josef Muambola, O.4.
22. Kahdia, police, O.4.
23. Titus Streidwolf, police S17.
24. Elias Karegek, D.T.A. man, S195.
25. David Dinaar Kiesler.

There are still some others but these above mentioned puppets are very dangerous. Especially No. 1, 3, 8, 13.

Yours in struggle,
1. E. A. GAUSE, *Vice Chairman.*
2. ANNA KAJELEI, GR.
3. HELENA UWUHAIS, GR.
4. E. HAUR, (RUNDER).

P.S.—Comrades 1. Titus Amajena, 2. Matheiis Samuel, 3. Jonias Shikueni, and 4. Jackson Amukua are our comrades. They were doing quite a good job in single workers. We really hope that they will keep on doing so.

THE 8TH MINUTES OF THE MILITARY COUNCIL

Present were Comrades: 1. Dimo, Chairman; 2. Shalli, Secretary; 3. Greenwell; 4. Haiduwa; 5. Lungada; 6. Pondo; 7. McNamara; 8. Mbulungonga; 9. Chikololo Ngoya; 10. Zulu; 11. Hailonga; 12. Shilongo; 13. Namoloh; 14. Andy Boy; 15. Kapuleko.

The meeting was officially opened by the Commander-of-the-Armed Forces.

Items on the Agenda were as follows:

1. The Introduction of Commanders, viz.
(i) Haiduwa.
(ii) Lungada.
(iii) Zulu.

2. The Tasks of the two Assistants and the Regional Commander cde Nandenga.

3. The moves of the Five Western Powers, the Contact Group at present towards the Independence of Namibia.

4. The Operational Zone of the Regional Commander, Mbulungonga.

5. The new operational Strategy of the Detachments of all Fronts.

6. Shitumba, Efitu, Omulemba, Omulola and Oshana to be directly supplied from Moscow CHQ.

7. The Swedish Journalists coming on the 15th January.

Planning committee agenda.

1. Operational Strategy.

2. The Supply System for comrades inside.

The Commander-of-the-Armed Forces began with the introduction as already mentioned above.

Comrade Lungada introduced as Assistant Commander-of-the-Armed Forces. New tasks to be carried out by him are as follows beneath:

(i) Will be the Chief Co-Ordinator between all Regions and the Command Post.

(ii) Will be stationed at *Shitumba* if not *Efitu*, so as to facilitate the job.

(iii) Will travel to and from respective regions; thus working in close co-operation with the Regional Commanders.

(iv) Will be in touch with cde Haiduwa from time to time, to exchange views and see what is needed inside.

(v) To forward the problems and requirements of all fronts to the CHQ, and what is beyond his power to be transferred to the Commander-of-the-Armed Forces, for final decision or approval.

Comrade Haiduwa was also introduced as Assistant Commander-of-the-Armed Forces His new tasks are as follows:

(i) To operate right inside the country.

(ii) Will be the Chief Supervisor and Co-Ordinator inside.

(iii) Will have to assign missions to the cadres operating inside.

(iv) To take care of the underground work.

(v) To be given some money with which to commence the job.

(vi) To assure that the following targets are destroyed:

(a) Bridge between Otavi and Otjiwarongo.

(b) Okahandja Bridge.

(c) All power stations.

(d) To eliminate all prominent puppets, e.g. Ndjobo, Kapuuo, etc.

(vii) To establish special sabotage groups.

On the part of the underground work, members made strong emphasis on this point, ultimately reaching a conclusion that this was a technical problem to be tackled only by comrade Pondo, Chief of Intelligence and Reconnaissance.

Tasks of the Regional Commander Nandenga:—

1. To go back to his region.

2. To accompany cde Haiduwa for a week inside to assess the situation in person. Not to stay too long due to the work tailing behind.

3. For him to know the terrain and the situation of our cadres and the foes' movements in general.

4. To see to it that the so-called elections prepared by the enemy is completely disturbed.

5. To ——— that the seizure of a boer prisoner of war is made a "practice."

N.B. The last 2 numbers, e.i. 4 & 5 apply to all Regional Commanders.

The moves of the Five Western Powers.

Comrade Matongo, Chief Commissar, made a short and brief speech on this. Went on to explain the attitudes of the sides concerned. Proceeded by saying that despite imperialist manoevres, SWAPO has reiterated and clarified its position, mainly that it was not going to participate in the elections as long as South African troops and police remained (in Namibia) on our soil.

The Party has thus called upon the intensification of the liberation war. The Party has made all the necessary arrangements with friendly countries: those prepared to give assistance in all forms.

However, the racists are going ahead with the so-called internal settlement, and should a puppet regime come into existence in Namibia, this will make the issue of independence delicate and crucial and may even prolong the war.

Following the intensification of the war, more troops should be sent into the country. Each and every member of PLAN should and must work more effortlessly and relentlessly.

The National Executive of SWAPO has hence decided to send in journalists to witness and act on our behalf.

Before closure, he warned MC-members that this was a very confidential issue and even a top secret. It was to be handled as such.

The Commander-of-the-Armed Forces made a short comment on this. He said and made it out-pointedly clear that PLAN is ready to fulfill the tasks set by the superior Body.

Also called upon the commanders to be more vigilant. He called for a big "PUSH".

Comrade Andrew (Commander inside) was called upon to brief the Council on the current situation in Namibia, e.i. inside.

"The situation there is under control. To generalise it, the enemy movements are numerous. Means of transport are helicopters, horses and vehicles including armoured cars and APC's. They don't travel by roads mostly. Inside we operate only in smaller groups comprising of 15–20 soldiers. The reason is food as we are supplied by the masses. Our units are mobile only. The situation does not yet allow or make provisions for use to create bases there. Fighting is continuing every now and then."

Nakada: Food is the main problem. Is there any possibility of getting enough food? I'm saying this because as soon as the war is intensified, people will start running away from the other side and secondly in case of a liberated area.

Matongoh—N.B. Very Confidential. Food is at present a problem but in future this will be overcome. The Party has even come as far as deciding to purchase its own Aircraft to transport all the necessities to and from within and without.

Chairman—Food is not only necessary but obligatory. Went on to say that the Party will do her uttermost to assure that all the requirements are made available.

On the question of comrado Haiduwa going inside, said that he was not going to change anything, but would rather recommend him to proceed.

Haiduwa: Had an objection regarding the situation which provides no room for a base inside. Said he views the essentiality.

Nakado: Finally proposed that comrado Haiduwa should go in to assess the situation in person and report back on the prospectives. (Motion overwhemingly seconded.)

Matongo: Made a short remark: "If comrade Haiduwa refuses the order, this will make a bad impression even reputation; especially to his subordinates." The war should be intensified and right in the country, he said.

Hondo: Went on to generalise the situation inside. Finally put up a suggestion that more and more reinforcements should be sent in the country. The forces operating in the frontier zone should also undertake major operations as to make a "push", especially during the rainy season.

Chairman: The Swedish Journalists are coming. Called upon the Regional Commanders to make preliminary preparations. Their going into the country will depend entirely on the situation, he said.

Sabotage: Work should be intensified and even extended. Qualified personnel are required to blow up targets such as bridges, power stations.

Supply-Group: To be established to transport logistical supplies to comrade inside.

Re: Comrade Martin Iifo: The latter has been demoted cde Ndafongwe has taken over from him appointed as Regional Commisser and automatically member of the Military Council.

Recruits: In due course, training would be done locally at Oshens. There is no problem with supplies, he pointed out.

Prisoners of War: This should be put into practice. All PLAN combatants should be notified.

TASKS ASSIGNED

1. Intensification of sabotage in Northern, North Eastern and partly Southern.

2. Intensifying the battles inside and along the borders being in Namibia to clear the borders.

3. The post camps at the front to be no more in the hands of the Regional Commanders.

4. To make or have practice before an attack on the enemy target is undertaken.

5. The Detachments, Platoons and Sections to be issued specific orders of their units before the mission is accomplished.

6. Firing of the cadres to be controlled in battles.

7. Regional Commanders Mbulunganga to have this operational Area, partly North and partly North Eastern.

8. A/C.A.F. Haiduwa to be given his operational money with which to begin.

9. The Regional Commanders to be with Detachments from time to time and inspect their basements, terrain of basement, seriously push them inside.

10. The training of tank crews should involve those loyal to the leadership and the Party and should have experience in driving.

11. The training of Commanders should be thoroughly checked not to be selected by the Officers of the THTC, in Lubango.

The Regional Commanders, viz. Nakada and Mbulunganga presented their annual reports.

Joint requirements are—

1. Well qualified personnel, viz. engineers, medical men, Anti-Aircraft Gunners, Artillery Gunners.

2. Obligatory: Qualified Political Commissars.

3. Arms and Ammunitions:

(i) 60 mm Mortars & shells.

(ii) RPG—7 shells.

(iii) Mines.

4. Standarised Communication Systems.

5. Combat food.

6. Refreshment courses for commanders.

7. Logistical supplies, food, uniforms and boots. . .

All these were seen as main obstacles contained in the reports were the setbacks and successes experienced during the out-going year.

All the members vowed to intensify the war and to carry out the tasks set by the Party.

Time: 8:00 p.m.

Notes by Shalli/Secretary.

Approved: Chairman/Military Council.●

TECHNOLOGICAL INNOVATION-ECONOMIC GROWTH IN THE EIGHTIES

● Mr. CANNON. Mr. President, on February 21, 1981, the National Governors' Association sponsored a stimulating and important conference on "Technological Innovation-Economic Growth in the 80's." This conference discussed the serious challenge to our world leadership in technological innovation as well as new State and national policy initiatives needed to promote the technological innovation and industrial inventiveness required.

In addition to the constructive remarks of the distinguished participants, informative papers were prepared to assist the conference and leaders of our country in addressing these critical issues. I ask to have printed in the RECORD the introductory remarks of Governor Brown entitled "The Promise—and the Challenge—of Technology," my brief remarks prepared for delivery at the conference, and an interesting speech by David Kearns, president of Xerox Corp. entitled "A Corporate Perspective on Technological Innovation for Growth in the 80's," together with a document entitled "Conference Issues-Technological Innovation: Economic Growth in the 80's."

The material follows:

THE PROMISE—AND CHALLENGE—OF TECHNOLOGY

(By Governor Edmund G. Brown, Jr.)

(Delivered at the Conference on "Technological Innovation for Economic Growth in the 1980s." Sponsored by the National Governors' Association on February 21, 1981.)

We've all heard statements about the problems of our economy—the decline in competitiveness and productivity; the sense of alienation by the people toward government because of the slowdown in economic growth; the resentment about declining standards of living.

These are all very serious issues in a democracy. If the level of economic growth continues to decline, if one element of society is pitted against another, then we have all the ingredients of class division and the unraveling, not only of our economy, but our democratic structure of government.

My own view is we are not going to solve these problems by disadvantaging the poorest among us, but rather by encouraging the most imaginative among us to come up with ideas to increase the well being of all of our own people and those in other societies.

The human mind has the capacity to improve the well being of everyone on this planet. It is a question of whether we are wise enough to agree to a strategic set of priorities and incentives to get us there.

It is very clear that there is no technological reason for pessimism or fear in this country. The technological devices are within our grasp to achieve the economic quality of life that we require.

The combination of data processing and telecommunications is going to bring fundamental change to our society. The technology is here. We will soon be able to hook up the voice, video and data processing in a network so that what is stored at Harvard, the New York Times morgue, or universities in California and Minnesota, is available to anyone with a personal computer.

This technology will also mean that we can reduce oil and materials consumption, pollution, wasted space—all through the process that the computer and information revolution provides us.

Already, we are beginning to see a major reversal in energy economics. In California, for example, we have recently instituted a new program with Pacific Gas and Electric, the largest utility in the nation. It's called ZIP, the Zero Interest Program, and it is a zero interest loan to each residential customer to install a series of up to 12 retrofit adjustments in their homes.

The Public Utilities Commission has determined we can conserve natural gas for 16 cents a therm versus 47 cents a therm for new natural gas supplies.

This is just one concrete example where a utility is extending financing for conservation at a rate much cheaper than the purchase of gas from new sources.

These energy savings are in part due to the beginning of the introduction of microprocessors and other "smart" devices which regulate energy flows. As these devices multiply in the years ahead, and as increased energy efficiency in turn helps make new technological developments possible, vastly increased energy and resource efficiency will become the norm. In fact, in time energy shortages may even be eliminated.

If we have learned anything in recent years, indeed, it is that there is no technical reason why this country, together with the rest of the world, cannot improve the quality of life. If we fail, it is only because we are too dumb or too perverse to lift up our hearts and minds and cooperate.

What is holding us back are such archaic myths as the notion that environmental values are opposed to economic values, that employment is opposed to controlling inflation, that American economic strength is in contradiction to other countries' prosperity.

The great barriers are the institutional hurdles—those institutions that served us well for a different technological period.

These barriers are found in government, in the post office, in the schools, in the way many enterprises are run, in the way we have designed our cities, in the way the public utilities regulate private utilities, and in the mind-sets embedded in our culture.

William Norris, Chairman of Control Data Corporation, has used the phrase, "a regressive culture". That's precisely the problem. We are facing a regressive mind-set that is totally out of phase with our technological advances.

We do have the potential of making the poor poorer, cities decline, and then reaping the harvest of shame and bitter fruit that such a division will produce.

Indeed, unless harnessed for human ends, technology can actually make things worse.

As we speed up all this communication, for example, we also, of course speed up the time in which we can destroy ourselves. The reaction time for a thermonuclear exchange is being reduced from 40 minutes to probably about 8 minutes at the end of this decade.

So we're speeding up our path to either annihilation or a very high quality of life.

Someone has told me the story—I don't know if it's accurate—about boiling a frog. If you put a frog in a pot of water and heat it up very slowly, the frog ultimately boils to death. If you drop a frog into an already boiling pot of water, the frog has enough sense to get out.

And that's where we are right now. Is the water just going to heat up until we're finished? Or are we going to have enough sense to jump?

Often, we don't get good feedback. Someone else has told me the story of the fellow who jumped off the Empire State building. As he passed the 60th floor, someone leaned out and said, "How are you doing?" He answered, "So far, so good."

So things may look good, but that doesn't mean they can't get a lot worse, real fast.

The key is to realize that we, who will decline to about 4 percent of the world's population over the next 20 years, are the declining, aging, minority of the human race. And clearly, what worked in the post-World War II period, with Europe and Japan in ruins, the Third World a docile supplier of cheap raw materials, will not work in the remainder of this decade.

This I see as not an ideological problem—with a Republican or Democrat solution. It is a demographic, technological, human dilemma that the U.S. must face and that each of us must also face.

The task is for individuals to wake up and see the path of cooperation that will make the good things in this society possible. It's a matter of individual responsibility—each of us here linking up with others to form an environment allowing government, business, university and labor representatives to cooperate.

We have to wake up and join together. And as the recognition dawns on us that we are a tiny minority that will not always be dominant, we will realize that we had better become self-sufficient and innovative, and start fighting the problem instead of ourselves—and solve it.

ADDRESS OF SENATOR HOWARD W. CANNON (D-NEV.)

Thank you, Governor Brown and Members of the National Governors Association, for providing this opportunity for concerned people to exchange views on important issues revolving about innovation in technology and industry and for letting me air a few of my concerns on the matter. My interest in the subject of this symposium is long standing. During the first session of the last Congress, on December 20, 1979, I addressed the Senate on the need for a national Policy for Industrial Development. I deplored at that time the inadequacy of the former President's Domestic Policy Review for its failure to call for a bold policy for industrial development and rejuvenation. Our national economy is reeling from the impact of foreign gains in productivity largely attributable to technology innovation. Our needs demand aggressive and creative leadership from the Federal government, and I eagerly join you, Governor Brown, and the National Governors Association in calling for a clear national policy for industrial development.

During the three years I served as its Chairman, the Committee on Commerce, Science, and Transportation provided the Senate's initiatives through extensive hearings and legislation dealing with major aspects of industrial innovation. I reported favorably on behalf of that Committee a bill to establish a uniform government-wide patent policy. This was followed by Committee action to report favorably the National Technology Innovation Act of 1979, which was subsequently enacted as the "Stevenson-Wydler Technology Innovation Act of 1980." Those who have followed its development know, of course, that my valued colleague, the distinguished Senator from Illinois, Adlai Stevenson, then Chairman of the Subcommittee on Science, Technology, and Space, initiated that legislation after years of concern and study devoted to an understanding of the relative decline of our industrial strength and the role of technology innovation in that

decline. I am encouraged to believe that under its new Chairman, the Committee will continue its bi-partisan effort to pursue further measures to advance industrial innovation.

The scope of this subject is so broad, and its shadings of importance so different for various sectors of our economy, that I will limit my discussion to one sector, aviation. I choose this sector for several reasons. It is an outstanding example of the value to our national economy and to our national security of technology innovation and leadership. It provides an example of an industry imperiled, though still strong, by yielding important areas of technology leadership to foreign entities. And, thirdly, it is an area in which my lifetime association with military, commercial and private aviation may best qualify me to contribute to the purposes of this symposium.

Let me now put this choice of industry sector into useful perspective by stating a few facts which establish the dimensions of our aviation industry and its relation to our national economic well-being.

During 1980 the aviation industry's net contribution to the nation's foreign trade balance was $13.3 billion, which exceeds the net contribution from any other industry sector, including argriculture.

Based on a Business Week estimate of 40,000 full-time employees for each $1 billion worth of exports, the contribution to foreign trade from the aviation industry equates to half a million full-time jobs.

The size of our aviation manufacturing industry in 1980 expressed in total revenue dollars was $61.4 billion.

The size of our scheduled commercial air transport industry in 1980 expressed in revenue dollars was approximately $31 billion.

The total level of employment in the entire U.S. aviation industry is 1.3 million. This includes 960,000 in aviation products and 340,000 in commercial airline employment during 1980.

Those employees represent a wide spectrum of the skills of our society in every state of the Union. They include mechanics, analysts, flight planners, computer specialists, sales and passenger service agents, baggage and cargo handlers, flight attendants, engineers, scientists, advertising and marketing personnel, economists, and on up the line to airline pilots captains, and executives.

To those who have been involved in or have followed with care the history of our aviation industry, the following facts will be self-evident. For over half a century U.S. aviation leadership—both militarv and commercial—has been attributable principally to the sustained research and technology development carried out over those decades in the NACA/NASA research centers, in private industry research centers, and in university research centers with program funding and management support from NASA. It was the technology base so obtained and so sustained, coupled with our industry's ability to incorporate that technology innovatively into aircraft best suited to market requirements, that supplied the underpinning for our heretofore unchallenged leadership in world aviation. The benefits that have accrued to our nation in defense systems, in domestic employment, in export trade, in the quality and safety of commercial aviation are visible to all of us. In the latter respect let me point out that, excluding commuter service, 1980 is the first fatality free year on record for our airline industry within the United States. In fact we have now gone 20 months with that record.

I now see that leadership and many of the benefits that flow from it, challenged and, indeed, threatened by foreign entities. I use that somewhat ambiguous word intentionally because it is hardly ever clear to one of our aircraft companies whether its foreign competitor is a private company, a combination consisting of a foreign government and a private company, or a consortium of several governments and private companies. What are the indicators of that flight of technology leadership that concern me? Let me cite a few:

1. I saw recently for the first time in our history a major trunk airline purchase a fleet of foreign advanced technology transports to serve its major U.S. routes and markets.

2. Last year I saw for the first time in our history our newest and most advanced transport airplane outsold by a ratio of 3 to 1 by the European Airbus in worldwide competition among foreign air carriers.

3. Since airline deregulation, the fastest growing sector of our airplane industry has been the commuter air carrier services, but I see that almost all new aircraft being introduced into that service are either manufactured or designed abroad.

4. Enrollment in advanced aeronautics and engineering courses in our country has been declining for over a decade, and I hear that in many of our universities enrollment is composed preponderantly of foreign students.

5. I see the most advanced airplane in regular passenger service linking the U.S. and Europe designed, constructed, and flown under foreign flags.

6. I hear of Aerospatiale, builder of the Concorde and backed by the French government, sustaining an 80-man team of engineers and scientists exploring design concepts for an advanced supersonic transport which will be a generation beyond the Concorde.

7. I hear of the Japanese Ministry of International Trade and Industry (MITI) supporting an advanced scientific research computer to the level of $100 million as part of a national commitment to propel the Japanese industry into the world aviation market.

8. I see major U.S. airframe and engine manufacturers steadily increasing their subcontracting of components and assemblies to foreign manufacturers, primarily to assist in their sales efforts.

9. I hear of international programs evolving in France, England and Japan to develop advanced turboprop technology seeking to lead them first into that reemerging technology which may dominate the vast medium size, medium range transport market of the future.

My recent reassessment of the state of our aviation industry has established clearly that its need is for a renewed advanced technology base which is the wellspring for innovation in the design and manufacture of more competitive products. With new aircraft now in production or design, the industry will have virtually exhausted its current technology reservoir underlying propulsion, structural materials, aerodynamics, and systems.

To replenish that reservoir requires revitalization of the Federal role in research and technology development. Unfortunately, our new administration is opting for an ineffectual "penny wise and pound foolish" approach to this critical need. With respect to aviation, the mechanism for such revitalization is in place through NASA and its four major aeronautics research centers. Creative programs involving universities, private industry, and independent research institutions can be established under NASA coordination, with technical inputs and management from those centers.

But other industry sectors have no comparable mechanism in place. That is why I felt it so important to support the Stevenson Wydler Technology Innovation Act of 1980. This Act:

Authorizes establishment of nationally dispersed local Centers for Industrial Technology.

Requires that each such Center be affiliated with a university (either public or private), or other non-profit institution.

Encourages cooperative industry-university research programs either to advance generic technology or to advance understanding of the technical innovation process.

Provides grants to assist in the planning and execution of appropriate programs under direction of those enters.

Encourages educational approaches, including curriculum development in invention, entrepreneurship and industrial innovation.

Provides for establishment by the Secretary of Commerce of an Office of Industrial Techr ology to assure fulfillment of the purposes of the Act.

This legislation, though limited, would provide a good beginning. I regret that I cannot say will, in light of the fact that the new Administration seems ill disposed toward its implementation.

The President campaigned on the need for revitalization of the national economy. It is my hope that his advisors will demonstrate a keen perception of the role that technology innovation must fulfill in the rejuvenation of our industry. In fact, I call on him today to formulate a creative national policy for technology innovation in all industrial sectors. If he does not, we may have to write the epitaph to this great nation's industrial standing in the world.

A CORPORATE PERSPECTIVE ON TECHNOLOGICAL INNOVATION FOR GROWTH IN THE '80's

(By David Kearns)

(Delivered at the Conference on "Technological Innovation for Economic Growth in the 1980s" Sponsored by the National Governor's Association.)

I would like to talk a little bit about technology and innovation, but really some other subjects as well, to talk broadly about a number of things that have been on my mind.

I suspect that as usual I will put my foot over the line, insult some of you—including some of my associates. One of the, who had an opportunity to look at the remarks I was going to make, was at the last moment asking me if I would tone them down just a bit for this particular audience.

But as usual I kind of go on in my own way.

Most of us are getting pretty weak at our Latin, and haven't had it in a long time. But if you look at the back of the one dollar bill there's a Latin phrase, "annuit coeptis", which says "be favorable to bold enterprises".

It was selected a long time ago by Benjamin Franklin—both the seal and the motto. Franklin was a broad man, as many of you know, with a great many talents, but I think mostly is known and remembered as both a philosopher and an inventor.

He knew that new ventures, new enterprises, were the basis of a healthy American economy. He was at heart an innovator. And he also knew that good ideas can't wait. Something has to be done with them.

It has been said that before America was a country, it was an idea. Now time is running out on that idea, and we had better get on with it and do something about it soon.

Most of us will admit that we confront a dangerous economic crisis that's as bad as any time since Roosevelt took office in 1932.

Walter Heller has compared the Great Depression of the 1930s with the Great Inflation of the 1980s.

That's a great challenge. The only way that we are going to be able to solve it—and I think we can—is if in fact we act like the bold people we are.

We have turned some of the greatest and

toughest challenges in history to make the greatest country on earth. All of you, like me, get an opportunity to travel a great deal. And you know that with all our weaknesses, all of our frailities, this is still the best country—and not by a little but by a lot—of any country and any other system in the world.

I will make a number of comparisons to Germany and Japan as we go through our problems today. But the fundamental strength of this country is here.

I think there is beginning to be a new mood of optimism now in the country.

But there still is, and I think it is in the majority, a residue of lost hope. There are still too many Americans who have forgotten—or worse, have lost their conviction—that progress is our natural condition in this country.

The old idea of progress was nothing less than faith in our own abiilty to think our way out of our problems, and to think of new ways to solve them. It was reaching out to shape the future, not waiting passively by for things to happen.

A wag once said that even the future isn't what it used to be.

I'm more optimistic than that. I'd like to talk a little bit today about some solutions, which obviously are not going to be found in the weakness and problems of our economy, but in its restoration to full health.

I think we have to rid ourselves of the notion that we are not as rich a country as we once were, and that we're going to have to settle for less.

It is true natural resources are finite, and some of ours are beginning to run low.

But I've been trying to say for some time that we are not a wealthy nation just because we were lucky enough to land on this piece of geography, rich with natural resources.

The wealth of this nation is not in the ground. It's in the hearts and minds of the people. It's a renewable resource, and we've got to put it to work.

It's the way we waste our real wealth, the power to generate ideas, that I think is the real problem.

Instead of looking for solutions we spend most of our time looking for who to blame, for villains.

There seems to be something in our national attitude that encourages us, every time we look at a new problem, to look for villains at least as hard as we look for solutions.

If the problem is productivity, the first thing we hear from the businessman is an automatic inclination to blame lazy workers. Even though today more and more workers are taking on two jobs to provide for their families.

If the problem is a dirty environment, the convenient villain is corporate irresponsibility.

And if the problem is inflation, you get a choice, depending on your perspective. The villain is either greedy labor for going for high wages, or greedy management, for going for high prices.

Now, a certain amount of contention is proper. We build it into the system. Our federalism is based on checks and balances between the different parts of our government.

But I think that we've carried it too far.

As a nation, we can't afford to take it for granted any more, that management and labor are natural enemies. For we're competing with countries that hold the exact opposite viewpoint.

In the same way, we should stop accepting the idea that the environmentalists and the industrialists must make war on each other. The great battleground of that war is in this city, and the soldiers of that battle are legions of lawyers and lobbyists.

I think the founding fathers would be appalled at the degree to which we suffer legislation and define our progress by the standards of pressure groups.

For our biggest battle is not with each other. Above all, we must come to grips with inflation—which is both the prime cause and the chief effect of virtually all of our economic problems—most notable our sagging productivity. Inflation causes lower productivity, our sagging productivity is fueling inflation.

The steady decline in American productivity in the last 20 years has endangered our ability to build new wealth at home and to compete with our trading partners.

No longer can the poor and disadvantaged count on working their way to a better life. And no longer do Americans share the great expectations of generations past.

Our children will be the first generation of Americans who will not live better than their parents.

We have never had to deal with that kind of political and societal problem in the history of our country.

Barry Bosworth, the economist, says that this society has never had a consensus on anything except the notion that "I'm doing better than I did before."

That, he says, is what has kept our system together. So if the system is falling apart, that is one thing we have to fix, and fix it fast.

Clearly, it will take a new coalition of business, labor and government.

But I think we can't lose sight of one thing. Our system is based on business, and I think business must play a key role and a major leadership position.

It is business management's first responsibility to its employees, stockholders, and customers to provide good management.

Yet the United States is strewn with sad evidence, and the business graveyard is filled, with whole industries—automobiles, steel, consumer electronics and others—which have been literally defeated by better managed overseas competitors.

You cannot look in our stores any longer for many American-made products that just 10 years ago were the leadership products in worldwide markets.

We just don't even make them any more.

One-half of all the automobiles in California showrooms this year will be Japanese imports.

More than half of our exports to Japan are food, fuel and other crude materials. More than two-thirds of our imports from Japan are finished goods, high-technology products.

Until 1970 the United States had never run a trade deficit. In 1978, our trade deficit with Japan alone was $13.5 billion dollars.

In our entire history, we have never grown even half as fast as the Japanese in recent years.

These economic realities are a major management challenge.

The chairman and co-founder of the Sony Corporation, Akio Morita, says the trouble with American management is that we worry too much about short-term profits—and too little about our employees.

The Japanese approach to innovation and labor management is not, is not, a cultural eccentricity.

Sony's U.S. plants in California and in Alabama are now almost as productive as their Japanese counterparts.

Our problem is that American businessmen have grown up with a shortsighted mentality tied to the quarterly earnings report, instead of the future.

Risk—the very cornerstone of our capitalistic system—has become too risky.

And so long as American corporate boardrooms avoid risks, American's use of capitalism will remain weak and troubled.

A little example I read about in the paper the other day.

You may have heard about a little paperback that's around, called "The Official Preppy Handbook". Four students put that book together. It is now one of the Top selling paperbacks in the publishing industry.

Only one of the three is earning any royalties. The other three took a thousand dollars up front to avoid the risk.

So not only is it in the corporate board rooms. We are now training our youngsters to feel and act exactly the same way—which can only lead down a track to disaster.

Playing it safe is not in the best interest of our employees, stockholders, or customers.

But I think playing it safe may be in the selfish interest of the current management teams of American companies.

The almost wholesale refusal of American business to invest in its own future has depressed productivity growth, raised our operating costs, and pushed inflation higher.

The safe way is leading us nowhere.

Every single business in trouble in this country today has been devoid of surprises for years.

Without question, American business has to come up with a way to recognize and reward intelligent risk—totally apart from whether it succeeds or fails.

Taking risks, however, is only one aspect of improving productivity.

This is a Conference of Technology and innovation, and I think it's the key. But while this Conference is mainly on communication and information systems, there are other key areas of technology that this country must face up to, particularly in the area of energy—which is equally important to the subjects we've been talking about here today.

James Brian Quinn of Dartmount has described the important role of new technology in sustaining our growth:

"It will be impossible to live as well tomorrow as we do today," he says, "without significant inventions, innovations and institutional changes."

Yet, according to the National Science Foundation, investment in research and development in the United States from 1968 to 1978 increased—in constant dollars—only four percent.

We clearly have a problem sustaining technological advances, and we have to increase our national investments in that area.

That means greater investment in research and development.

That means greater investment in modern, productive systems and machinery.

That means more plowback, and an effort to show our stockholders, customers, and employees that their real interests lie in the long-term health of our technical base.

However, if we are to be the leading technological country at the end of the decade—and I believe we can be—we must face the problem now of how to apply our technology in an intelligent way to restore productivity.

Government, itself, is a major example of a large contemporary institution struggling to improve its productivity. Americans want more accountability from government. They want their governments—state, local and federal—to tighten up operations, improve services, and put an end to useless bureaucratic paper shuffling.

It follows, then, a government that is responsive, as well as responsible, ought to be actively looking at new ways to streamline its daily operations.

Whether you realize it or not, most of the work done in government is in the information sector. The biggest percentage of your employees are office workers whose jobs are to collect, manipulate, create, disseminate information—they are information workers.

Out of 2.5 million civilian employees in the federal government, 80 percent are in the information sector.

Information is the business we're in. As one of my associates said to me while we were listening to the speakers this morning, "I guess we're in the right business, because

everyone else in this room is in the same business."

There is no question in my mind that we can improve productivity.

But I believe that the technology is far less important than the problem of how we apply it.

There has been a tendency both in the government and corporations to automate the clerical and easy functions.

But the real objective is not to automate the clerical function. It is to change the poorly structured work of managers, professionals and administrators—because they represent 78 percent of office labor costs.

There's another equally important aspect.

Office technology is developing rapidly, and the traditional boundaries of job descriptions are changing as rapidly.

Machinery is no longer single-function, but multi-function, which means jobs and job descriptions will have to change.

But change as you well know, is tough. Because our description of change, all of us, is for the other fellow to change—not me.

It's just like when you go to cut the budget. Everyone is for cutting the budget. But they want the other fellow's budget cut. I got so frustrated, I have a round table in my office, and I said one day, let's move over one chair and implement the other fellow's suggestion.

New attention is going to have to be given to interpersonal relationships, work habits, promotion paths and jobs satisfaction.

From labor, it is going to require a new sense that there is a new purpose in the public interest.

I don't pretend to be an expert in the area of government management. But as we're in this city, and with many local, state and federal government employees here, I believe it's extremely important that as you look to streamlining your processes, you look to streamlining those activities that deal with your public—who are your shareholders and customers.

I believe it can be done. And I believe that the perception of government 5 and 10 years from now could change considerably if the systems that are instituted have your electorate in mind.

George Gilder, who wrote Wealth and Poverty, says capitalism justifies itself, not merely by its unrivaled ability to create new wealth, but by its investment of that wealth back into society.

I believe capitalism has always regarded the American working man and woman as the sinew of our economic system.

I'm not sure, however, that labor and management have made capitalism work for each other. There are a number of companies in this country that have gone under because labor and management couldn't accommodate each other.

Innovation will not take hold in American corporations until management understands something that I believe labor understands very much, and that is that employees have a great deal to contribute.

Without that basic assumption, it's my opinion we are denying ourselves the most important resource we have, and that is our people.

Problems on the manufacturing floor will be solved quicker and better if the people on the manufacturing floor are involved in the solution.

Lester Thurow of M.I.T. suggests that improving productivity requires fundamental changes. Giving up coffee breaks is not important. What is important is an interest in fereting out more efficient production processes, and a willingness to embrace technical change.

Employees have to know that they are not going to innovate themselves out of their jobs.

Let me tell you just a little experience we've had in our manufacturing operation just outside Rochester, that makes our copiers and duplicators.

We are going the Quality Circle route. By the end of the year, we'll have 600 employees involved. It sounds like a lot, but it's very small if you would compare it to a light Japanese company.

Every one of these persons goes through a formal course on how to solve problems, analyze data and test the results.

I am talking about people on the manufacturing floor.

I am not talking about management.

It's a 40-hour course, and 12 of those hours are donated by the employees.

A new suggestion program has been implemented, to pay employees in conjunction with this program. My favorite example is a group of people out of a Quality Circle group that suggested a number of improvements in their own operation that eliminated five jobs.

The reason they put that forward, and had no concern about it, is they eliminated 5 jobs. They did not eliminate 5 people.

There must be an understanding regarding employment security if we are going to ferret out and utilize the people we have. Otherwise, there is no motivation, no motivation, to drive productivity in the way that we need it.

And the way we need it is a completely new expectation level.

It is not in the area of 2 or 3 or 4 or 5 percent improvement. We are talking about productivity improvements that are 25, 30, 40, 50 or 100 percent.

Let me tell you a quick story; I heard it the other day. Tony Kobiyashi runs the joint venture we have in Japan, which has just won the Deming award.

He was over here talking to some of us, and we were asking him how Japanese automobile companies currently feel about American automobile companies.

They feel that General Motors is a well-run company, that the billions of dollars they are investing will make them successful in producing low-cost and high-quality automobiles.

But because the Japanese have assumed the success of General Motors, they now set completely new expectation levels of what it will take to compete with the new General Motors, not the General Motors that exists today.

All of us must take our eyes and put them up to completely new levels, starting—particularly when you're struggling with how to play with numbers in the 2–3-percent range.

New expectation levels.

James Hodgson, who was a former Secretary of Labor and former Ambassador to Japan, has said that in Japan, adversary is out, consensus is in, and it has been for centuries.

The Japanese do not conclude a majority if 51 percent, because they do not conclude that is a workable majority.

They have developed a process that permeates their politics and economics, into their society.

It involves everyone in the development of policy.

In business, labor gets involved in management decisions, and management works closely with labor.

Leadership becomes, not a personality cult, but a genuine process in which allegiances are developed to the institutions that foster them.

For the Japanese productivity is not a problem—it's one of their great achievements.

Labor and management in this country must begin to look at each other differently.

Our houses cannot be divided.

Automatic animosity must be out. It's outdated and destructive in every sense of the word.

Recently, Ken Ohmae of McKinsey and Company in Japan wrote a paper about the unusual role of Japan's government as the "Mind-setter".

That is, government policies and actions promote a shared set of values—a "mindset" that contributes to economic development.

Now, you have to be very careful about drawing inferences from Japan, and all of us may be doing that too much.

But I think there are some useful lessons, and let me just talk about a few.

The educational system. Let me not talk about the later grades, or the university. In the first three grades cooperation, and getting along with your associates, is the key. There are no superstars. The bright students do not skip grades.

Instead, they use extra brainpower to work out interpersonal relationships and help slower-moving classmates.

Second, the Japanese government also serves as a "mindsetter" in outlining national industrial strategies.

In the early 1950's, the government declared "Steel is the Nation".

And you all know how successful that policy became.

Just as steel was a very important component, they now have said Very Large Scale Integrated Circuits, or VLSI, is the next rich frontier.

In Japan, they call it the "rice of industry."

And while I think in terms of software they may move a little slower, as someone suggested this morning, they are coming on. And I think they are coming on faster than anyone realizes in this country, because they have set it as a national priority.

Some people will say it's because the government has put huge amounts of money into it. The amount of money they have put into it is miniscule—in the hundreds of millions, not the billions of dollars.

But they have set their mind that it is a priority, so all segments of the economy will start to move in that direction, knowing that their government will support them.

Earlier in our history, we talked about the embattled farmer who fired the first shot. Today, we're now talking about the embattled American worker who we've got, I think, between the rock and the proverbial hard place.

American goods no longer meet quality standards.

But the future belongs to those who sell on a world-wide basis quality products.

We see foreign manufacturers moving into the markets we used to own, precisely the way we used to move into undeveloped countries.

Professor William Barret of New York University says that, "in a sense, *we* are now like an undeveloped country."

But this is no time to close our borders to foreign goods.

I heard at the break that the recommendation was made to do that today, by the Department of Transportation. I think that's a terrible, terrible mistake.

I think it was Bob Noyce this morning who talked about reducing tariff barriers, rather than putting them up. I agree it's a worldwide problem and we should expect other countries to do the same thing.

But the sure way to destruction in this country is to walk away from competition. Competition is the sure way that drives our costs down and our quality up.

We cannot, cannot, go for trade barriers.

A Japanese executive told the New York Times that American managers are now beginning to realize that we're in a war of survival.

And he used this analogy.

When Japan attacked Pearl Harbor, the United States had the seventh largest navy in the world. Five years later, the American navy was the largest in the world.

And he said it's obvious Americans can

vigorously respond. He predicted that ultimately the nation will realize it's in a battle for economic survival, and will respond with that type of vigor and national purpose.

And then he offered this advice.

"Your corporate managers must lead the vigorous response."

He's right, but we can't do it alone. Obviously, it's a cooperative effort. We need labor's full cooperation—and government's as well.

I would now like to add one thing. I always get in trouble on this issue. But I believe too much has been said about the pros and cons of excess government regulation.

For too long, the businessman has been making government the big excuse for the problems of worldwide competition.

TECHNOLOGICAL INNOVATION FOR ECONOMIC PROSPERITY

There seems little doubt that the nation is at an economic turning point as we enter the 1980s. National economic indicators are disquieting. Beyond ever more volatile interest rates, employment, auto sales, or inflation figures, we perceive an unraveling of our economic system that has served a majority of us so well. The economy has allowed for real economic gains for entrepreneurs and workers at the same time that social equity and the quality of life have improved. Yet, now we face stagnant or declining productivity, lower real earnings, resource constraints, inadequate capital investment, lessened international competitiveness, and a polarization of our society.

The recent presidential election was, to a great extent, contested on the issues of economic stagnation and the appropriate measures to correct current ills. But what of longer-term prosperity for this decade and beyond? In large part, it is public and private choices made now which will determine the state of our economy a decade and more in the future.

Classical economics would assert that an economy can grow through the application of more capital, or more labor, or more resources . . . or through a more efficient and productive use of existing capital, labor, and resources. In a period of scare capital and resources, technological innovation is a critical element of a long-term growth strategy.

The 1980s will see waves of innovation in such areas as microelectronics, molecular biology, lasers and optics, "wet" chemistry, telecommunications, and renewable energy. Properly guided, such innovation can vastly expand our productive capacity, and enhance the information available to the inquisitive mind, rather than simply provide us with more toys to consume. Innovation holds out hope of conserving scarce energy, mineral, and environmental resources, and of reducing our dependence on toxic by-products and hazardous production processes. Innovation can provide an alternative to those bleak economic futures that paralyze business, alienate workers, and delay social equity. This Conference is convened to address the challenge and promise of technological innovation as a means for sustainable prosperity for our people, our states, and the nation.

In part, increased innovation must be seen as a response to increased international competition. The astonishingly rapid decrease in the cost of electronic equipment is lowering the economies of scale and the level of technological sophistication required in many process industries. As a result, there has been an increase in the case with which new firms and new countries can enter new markets and introduce new products. Prosperity will increasingly fall only to those countries which innovate first, and then rapidly obtain market share before moving on to new products. Only labor is now largely geographically fixed, with both technology and capital moving rapidly across national borders. In many sectors nations will compete on the basis of innovation rather than labor cost or market size.

Resource scarcity presents a major obstacle to output growth for the U.S. and many of our competitors. Even the growth of the vaunted Japanese economy has slowed significantly under the impact of continually increasing real energy prices. If output is tightly constrained, the application of many labor-saving technologies may generate unacceptable unemployment. Consequently, innovation is required for energy and resource conservation, and for the transition to a renewable resource economy, in order to reduce the resource constraint on growth.

It is important to acknowledge that most new technologies have costs as well as benefits, and the benefits themselves are often narrowly distributed. Particularly where workers are not trained in a range of skills, or where geographical shifts accompany technological change, a heightened pace of innovation can cause temporary but painful displacement of individuals in their workplace and communities In addition, the nation is now painfully aware of the long-term environmental degradation and toxic hazards which have accompanied some technologies. Thus, not only the pace, but also the goals and sharing of benefits must be addressed in developing public and private policies for innovation.

The obstacles to innovation have not gone unnoticed and unstudied. Our economic growth has certainly not been constrained by a lack of proposals. But all too often, business, labor, and government have failed to agree on a common agenda. Business groups call for reduced regulation and general tax relief, with increased profitability bringing forth greater innovation. Labor prefers general stimulation of the economy to achieve full employment, believing that innovation will follow increased demand. Government proposes ever new expenditure programs. There is truth in each position, but each alone is substantially inadequate. If the innovation process—from basic research to market—stalls at any stage, it will eventually slow at all stages. Thus, if publicly financed basic research slows, or trained and motivated workers are unavailable, or managers focus on short-term payoff, or capital flows to less productive uses, the innovation process is at best distorted, and at worst, greatly slowed.

The six principles which are stated below are contained in the proposed introduction to the National Governor's Association policy on technological innovation. They are intended, along with somewhat longer discussion papers in each area, to serve as the framework for discussion at this Conference. While many of the policies illustrated in the papers rely largely on public action, it should be clear that the ability of government—whether state, local, or national—to affect outcomes varies substantially in each area. Thus, the primary focus on public policy does not imply less responsibility on the part of universities, business, or labor.

PROPOSED PRINCIPLES TO GUIDE TECHNOLOGY POLICY

1. Linking university research and development with technological innovation: Public and private research is an important basis for future growth and improvement in the quality of life. Universities should be assisted in more closely linking their research and development efforts with technological innovation that contributes to economic progress. At the same time, the traditional role of the university must be protected.

2. Increasing training of technical personnel: Our educational systems must give new emphasis to training technical personnel, ensure that graduates have received appropriate training for available jobs, and maximize our human potential for technological innovation.

3. Making capital available for innovation: Capital is needed to finance research and development to introduce new technologies in new and mature enterprises. We must promote policies that will encourage markets to direct funds to investments that have a high capacity for technolgical innovation.

4. Promoting a long-term investment perspective: The ability of business leaders to undertake long-term planning, take risks and innovation is crucial to economic success. We must create an environment in which economic risk-taking, and investment aimed at long-term productivity, are the norm.

5. Allowing workers a stake in technological innovation: The workforce can make a vital contribution to technological innovation and economic growth. We must develop policies to maximize workers' contributions to technolgical innovation, while minimizing potential hazards to health and threats to continued employment.

6 Promoting resource efficiency in tandem with technological innovation: In the new era of actual and potential energy and resource constraints, it is particularly important that we focus on promoting resource efficiency through technological innovation.

With these principles as a starting point, this Conference is intended to be a first step in developing a common agenda for innovation and economic prosperity. If the goals of innovation are not widely debated and agreed upon, and the benefits and costs not widely shared, it is difficult to be hopeful for the future of the American economy.

LINKING UNIVERSITY RESEARCH AND DEVELOPMENT WITH TECHNOLOGICAL INNOVATION

Total U.S. research and development expenditures far exceed those of other nations in absolute terms. But the pace of our R&D funding has significantly slackened since the mid-1960s. Total 1979 R&D expenditures were estimated at $54.3 billion, or 2.3 percent of GNP. This represents a substantial decline from the 3 percent share in 1964. While U.S. expenditures for R&D as a share of GNP were declining, those of major economic competitors such as Japan and Germany were rapidly increasing. It is also important to note that a substantial share of public funding in the U.S. is aimed at military and space applications, while our competitors focus more directly on basic advances in knowledge and industrial innovation.

One fundamental means to make better use of the national R&D budget—both public and private—is to strengthen the linkages between research and application and between the principal institutions involved in these activities—universities and industry, respectively.

University research is a $4 billion national commitment. Seventy percent of university research budgets are funded by the Federal government, while private industry furnishes but three percent. This represents an increase in the Federal share from fifty-five percent in 1953, and a corresponding decrease in the private share from 7.5 percent. There exists a major need to increase the level of coupling of university research with the industrial community, both through funding, and dissemination of results.

The links between universities and industries weakened in the two decades following World War II, approaching their lowest point in the early 1970s. This decline in university-industry linkages is a contributing factor to the erosion of the innovation process because it impedes the kind of two-way communication that influences the direction of research and facilitates its prac-

tical application. This situation is a result of many factors. Over this period, increased government support for university research reduced the need and incentive for pursuit of industrial patrons. This federal support combined with growth in university enrollments, skewed the training of science and engineering students in a direction that encouraged and prepared the best and the brightest to follow academic careers rather than those in the industrial sector. In addition, because frontier research is often the most intellectually challenging, its pursuit is more highly valued in academia than the solution of practical problems of industrial interest.

The distribution of federal research funds also has determined to a great extent the research agenda of university scientists. When the government does target funds toward the solution of practical problems, these problems are defined in terms of broad national needs that involve insufficient commercial incentive (such as medical research), rather than problems that conceivably might be of interest to industry. In addition, the type of work that universities perform well and that university scientists want to conduct—long-range fundamental research—became of much less interest to the industrial sector, which focused more intensely on maximizing short-term returns on investment.

This trend is particularly disturbing because many of our most important innovations have been examples of science "leading" technology. In areas such as semiconductors, lasers, and bio-engineering, it has been basic scientific exploration that has given people ideas for commercial applications, rather than the market needing a product that researchers were then hired to develop.

Today, universities have a number of motivations for reassessing their ties with industry. In addition to a growing research interest in solving critical domestic problems, more pragmatic motivations often prevail. The primary one is that academia finds itself being squeezed by its major research sponsor—the Federal government—and thus is beginning to look to industry as a source of research support, as a potential employer of advanced degree students, and as a focus for major continuing education programs. Industry's incentives are equally compelling. Potential benefits for industry of strengthening the links with universities include:

Additional sources for ideas, knowledge and technology on which to base potential new products and processes; ability to draw upon competent scientists from around the country without expanding in-house capabilities; high benefit to cost ratio when compared with building an in-house research unit; and stimulation of greater education of industrial scientists and engineers. The historical development of computer, agriculture, and space technologies illustrate the potential value of cooperative efforts in which industry, universities, and government work toward commonly defined technological goals.

The controversies over the ethics and dangers of gene-splicing, and university business ventures, illustrate potential problems in university-industry research links. These concerns require a careful determination of the appropriate roles of the university and industry. Institutional independence, freedom of inquiry, academic balance, and the social impact of partially publicly funded technologies must be considered in this process. There are a number of hopeful examples for university-industry cooperation, many of which have been facilitated by governmental institutions, such as the National Science Foundation. The Polymer Research Center at MIT and cooperative research on silicon structures at the California Institute of Technology are such examples.

ILLUSTRATIVE POLICY OPTIONS

Many initiatives have come and will continue to come from both universities and industry with no additional public encouragement. However, in a number of areas, there are policy options which should be seriously considered. Examples of such policies are:

INCREASING THE FLOW OF PUBLIC AND PRIVATE FUNDS INTO UNIVERSITIES

Provide a tax credit against personal and corporate income taxes for contributions to universities, both public and private.

Expand the number of generic technology centers funded in universities to pursue basic and applied research applicable to an entire industry.

Institute a program of matching grants, whereby private research contributions to universities will be matched on some basis by public funds in priority areas.

Extend the National Science Foundation industry-university cooperative research program to other Federal and state agencies with increased levels of funding.

INCREASING THE FLOW OF INFORMATION

Expand the National Science Foundation program of university-based innovation centers intended to provide for pulling basic research out of labs and into the market place.

Provide for a program of placing industrial scientists in university research facilities with private-public cost sharing to increase shared information about commercial needs and research frontiers.

INCREASING HUMAN CAPITAL FOR INNOVATION

There is a common misconception that our technological advancement has reduced the need for human skills and understanding . . . smart machines are displacing people as critical cogs in the economic wheel. In fact, the contrary is true. The level and pace of technology today demand a more broadly and expertly educated population than ever before. Workers, consumers, citizens, and managers must have a grasp of scientific principles and how they are applied to the economy. This knowledge is necessary to spur innovation, apply it in the workplace, enjoy its fruits and give it ultimate direction.

There are signs however that our educational system is not performing adequately for this challenge. Many of our high growth industries cry for qualified personnel, even in the face of considerable unemployment. The contrast with Japan in one particular area is dramatic and telling. In the United States over the past ten years, the production of electrical engineers has steadily declined to 17,000 a year while the production of lawyers has steadily increased to 33,000 a year. The end result? Out of every 10,000 citizens in Japan, only one is a lawyer and three are accountants, while in the United States, twenty are lawyers and forty are accountants. Of the same group, Japan has 400 engineers and scientists, the United States has 70.

The prospects for an adequate supply of graduates in science and engineering may not be as disturbing as trends in requisite skills for production workers. Energy costs, flexibility of production equipment, greater reliance on information management, mean that workers must be more informed, current and versatile. It has been said that earlier waves of innovation multiplied "muscle" but today's most pervasive innovations augment "brain." In addition, the pace of technological change in some areas, particularly production and services, will mean that an individual may not be able to rely on one skill for an economic lifetime. It has been estimated that the life expectancy of some skills may be ten years or less in the very near future.

A technical education has more implications than merely a better, or more secure job. Technology can open the doors to greater human fulfillment and enjoyment. It can improve the quality of life and control over one's environment. But only if we are able to gain access to it. Computers, word processing equipment and calculators, for example, require some learned ability to use them. Technical knowledge could become a major determinant of who will be "have" and "have nots" or literate and illiterate.

These trends present a monumental and pervasive challenge to our educational system. Basic science literacy in primary and secondary schools, career counseling, trade schools and vocational education, colleges and graduate schools and continuing education programs all play a part. It is not a question of creating a new technological elite. It is a fundamental issue of the ability of our people, through education, to seize tomorrow's opportunities.

Several other imperatives for our educational system are often neglected in the debate over technical skills. Translating scientific knowledge into economic gain, for individuals or society, require entrepreneurship and an understanding of economic forces. An awareness of the realities of probability, risk and uncertainties will be critical in understanding options involved in the development and utilization of future technologies.

Those who are technically trained must not lose sight of the larger social context of their work. Thus, for example, some engineering schools require some portion of the student's curriculum be devoted to the humanities. Conversely, lawyers and business school students should appreciate the application of science to their work.

Finally, and not least importantly, our people must be educated in the choices they make in technological direction. Innovation is not mindless, no more than our society. Real danger lies in a misplaced belief in the infallibility or inherent goodness of technology. Education must highlight the proper relationship between humans and their created environment.

ILLUSTRATIVE POLICY OPTIONS

The following initiatives are examples of policies which should be considered in attempting to increase our human capital for innovation through education.

Primary and Secondary Schools:

To help raise the level of interest in, and knowledge of, science and technology principles and policy issues, the following steps should be considered:

Math and science requirements and curriculum should be reviewed and upgraded;

Classes should cover not only the principles but the policy issues of science and technology;

Students should be counseled in the emerging career possibilities in science and engineering;

Opportunities for work study or on-site study in technical fields should be encouraged with direct cooperation from industry;

A major effort should be made to develop curriculum, software, and applications of computers in schools;

Strengthen links between formal and less formal technical educational techniques, with particular emphasis on museums;

Provide regional pools of up-to-date technical teaching equipment that may be too expensive for individual schools or districts;

Create a support system for math and science teachers which can provide continuing training and an exchange of material and equipment;

Universities and Community Colleges:

Increase the share of student financial as-

sistance devoted to studies in science and technology;

Establish internship programs under the industrial technology research centers recently legislated by Congress, where students receiving Federal financial aid would work a prescribed period of time—contributing both to the education of the intern and the research output of the center.

Strengthen university-industry linkages (discussed in another section).

Create incentives for advanced students in science and technology areas to become faculty members, perhaps through higher salaries;

Make significant investments, with joint state-industry funding, in state of the art equipment for universities.

General Technical Education:

Establish a network of training institutions to prepare mid-level technical personnel;

Increase the professional stature and salaries for teaching personnel in technical institutes;

Mandate continuing education in certain key technical fields (e.g., where licenses are required);

Involve industry in developing strategies to upgrade and update scientific and technical personnel;

Create incentives to industry for in-house traineeships for qualified personnel (as practiced in Germany);

Base vocational education programs on realistic assessments of job opportunities, rather than the distribution of tenured teachers; emphasize work-site education, and require currency of faculty.

General Populace:

A significant effort should be made to develop science and technology literacy among the general populace, through such measures as:

Encourage television and other mass media to provide general education in the use of new consumer technologies;

Promote science and industry museums, zoos, and other less formal educational techniques;

Promote lifelong education for adults to enable citizens to keep up with the rapid changes that are taking place in science, technology and society;

Foster the development of conceptual skills, including logical reasoning and problem solving;

Provide the public with basic information about the limits of science and "expert" opinions.

MAKING CAPITAL AVAILABLE FOR INNOVATION

Even the most creative ideas cannot be implemented by risk-taking managers if capital is not available to industry to perform the research, product development, production, and marketing of new products and processes. While there is a growing consensus that the nation must act to spur savings and overall capital formation, targeted policies are needed to ensure that existing and added capital is available for long-term investment in industrial innovation. Just as the innovation process has stages, there are different capital needs in the private sector to be addressed. First, funds are required for applied research and product development in both large and small firms. Second, venture capital is needed for high-risk technology-based startups. Third, many of our rapidly expanding technology firms require additional long-term debt at stable interest rates. Finally, the users of the new technology—in many cases mature industries seeking to adjust to new energy costs and international competition—require access to capital for modernization.

Capital for Industrial Research and Development:

Economic studies have repeatedly shown that private R&D produces very high rates of both private and public return, yet industry generally underinvests in long-term basic, applied, and product development research. In 1979, the private sector carried out 71 percent of the nation's R&D, and internally funded about 47 percent. The remainder was funded by the Federal government, with the majority in military and space-related fields. While private industrial R&D has generally kept up with inflation, it remains extremely concentrated, with over half of the nation's R&D performed by only 20 companies. Increases in industrial R&D, from both public and private sources, and its diversification into more firms, is needed to spur industrial innovation.

In particular, small technology firms appear to be deserving of additional funds for R&D. While several studies indicate that about half of the nation's major innovations over the past two decades originated in small firms, only about 3.5 percent of the Federal R&D budget goes to small business. An increase in that share promises high returns. The National Science Foundation's program of small business innovation research grants is a small but promising response to this problem.

Venture Capital for Technology-Based Companies:

With reduced capital gains taxes, relaxed restrictions on private pension funds on risky investments, and regulatory reform at the Securities and Exchange Commission, the pace of venture capital investment and the ability of small firms to raise capital in public offerings has dramatically improved. The availability of additional capital has increased the willingness of entrepreneurs to consider new businesses, rather than resulting in an oversupply of capital. Yet all is not well for startup corporations. A great deal of the new capital goes to finance more mature companies and the purchase of existing firms. Both in venture capital and in the new issues market, investor interest remains high in only a few areas—oil and gas, data processing and computers, and genetic engineering. Startups and firms in other technological areas continue to face extraordinary obstacles in obtaining capital.

While private pension funds, under the national Employment Retirement Income Security Act, have recently been providing about 30 percent of the new venture capital, state and local laws still almost entirely prohibit public pension funds from participating in the high returns from new business development.

Expansion Capital for Rapidly Growing Sectors:

A recent study by Chase Manhattan Bank showed that Japanese semiconductor firms enjoy a major cost advantage over their U.S. competitors due to a lower cost of capital, largely based on greater access to long-term stable interest rate loans. The recent rapid fluctuations in interest rates have nearly decimated the long-term bond market, with fewer firms able to raise capital at all, and those which can be restricted to shorter maturities than previously available.

This expansion capital—much less risky than venture capital or R&D—is a possible outlet for the rapidly growing assets of regulated institutional investors—particularly public and private pension funds. Pension funds are expected to have about $1.3 trillion in assets by the end of the decade, and the manner in which they are invested will have a major impact on the economy's future health.

Capital for Modernization by Technology Users:

Many of our older industries—particularly the steel, auto, textile, and rubber industries—must continually innovate and modernize antiquated production processes if they are to remain viable in international markets. Such industries represent a large potential market for new technology. Yet in many cases such firms have insufficient depreciation and retained earnings to acquire the needed new technology. To some extent, this reflects the failure of our tax treatment of depreciation to reflect the hard reality that the new energy era and innovation abroad have made much of our capital stock obsolete. In addition, many of the new health and environmental regulations, through their reliance on more costly but no more effective "direct command" regulations, have diverted capital from needed modernization.

ILLUSTRATIVE POLICY OPTIONS

In considering initiatives in financing innovation, the Congress and the nation's governors should consider the following examples of tax, regulatory, and expenditure programs:

Capital for Industrial Research and Development:

Expand the National Science Foundation Small Business Innovation Research Program into other agencies, and consider its application at the state level;

Provide a 25 percent tax credit for increases in research and development expenditures;

Increase the present investment tax credit for those capital expenditures that are related to R&D, and make it refundable.

Venture Capital for Technology-Based Companies:

Exempt from income taxation long-term capital gains arising from technology-based startups;

Provide for deferral of capital gains taxes on small business if the gains are reinvested in another small business;

Provide a special initial tax credit for investment in small business;

Reinstitute qualified stock options for small firms (perhaps require them only if available to all employees);

Set up a quasi-public secondary market for the investments of venture capital firms, to provide greater liquidity;

Duplicate, at the state level, the Connecticut Product Development Corporation, which provides risk-capital to technology-based firms in return for royalties on sales;

Amend state laws which prohibit public pension funds from investing in venture capital situations, particularly through limited partnerships.

Expansion Capital for Rapidly Growing Sectors:

Liberalize existing investment restrictions on pools of capital regulated by the states (such as insurance companies, banks, public pension funds) to allow greater investment in the long term debt and equity of rapidly growing firms below the Fortune 500.

Institute a program of insurance on a pool of mortgage-backed securities for equipment for medium sized firms to transform the securities into investment grade securities for pension funds;

Create a national Reconstruction Finance Corporation which would have the power to extend government loan guarantees to firms in growth sectors.

Capital for Modernization by Technology Users:

Provide, by administrative decision of the IRS, for more rapid depreciation of the capital stock of industries hard hit by rising energy costs and innovation by foreign competitors;

Institute more general accelerated depreciation, such as the 2–4–7–10 or 3–5–10 proposals now before Congress;

Make the investment tax credit refundable for firms with insufficient tax liabilities;

Integrate the corporate and personal income tax rates, and treat all income earned by corporations—both distributed and retained—as accruing to shareholders.

Where possible, institute a shift from "command and control" techniques of regulation to more market-like forms, such as the markets for pollution and the "bubble

concept" now being developed by the Environmental Protection Agency, as a means to achieve the same level of social good but at much less cost in capital to users.

MANAGING FOR LONG-TERM INNOVATION

The American domination of world export markets during the 1950s and 1960s reflected, in no small part, the aggressiveness and creativity of American managers in using assets efficiently, developing new high-quality products, and opening new markets. Some of that same managerial capability is reflected today in the basic electronics and data processing industries. But there is increasing concern that present American management styles are at least as much a part of the problem of U.S. competitive decline as other more traditional factors.

Technological innovation and competition in a fierce world market require attention to long-term returns, a willingness to accept risk, and dedication to quality control. Frequently there are conflicts between these factors and shorter profits and stability. Overseas observers and the American business press are beginning to argue that in a substantial number of U.S. firms, the conflicts are being resolved in favor of short-term profits and stable corporate life. If true, and if maintained for a significant period of time, the inevitable result will be lower long-term profits, lower quality, and eventual decline in market share.

There are a number of competing explanations for these attitudes in some U.S. managers: economic instability and government regulation, the rise to power of financial and legal talents rather than production personnel, internal incentives which base compensation on short-term earnings and stock prices, and the unwillingness of the financial markets to place an appropriate value on earnings generated in the future from long-term investments today.

The 1970s was a period of nearly unprecedented turbulence in the American economy. Inflation has soared in unpredictable ways. Public policies designed to reduce unemployment have generally been ineffective, as the business cycles once thought conquered by Keynesian economics have returned with a vengeance. Increased regulation, however cost-effective, has frequently been unpredictable, and the result of long legal battles. In this context, it is very difficult for business managers to plan or financial markets to anticipate the future. Thus, a much greater premium is placed on present rather than future earnings.

Acquisitions and mergers, and clever manipulation of the tax laws have become a primary means to boost earnings and the size of companies, rather than taking accountants, and financial wizards—under the influence of new analytical techniques developed and taught at leading business schools—have become the new leaders of major corporations, while the traditional path to the top from the production side of corporations has diminished. Top salaries to new MBAs are paid to those who work for investment banking firms and consulting companies rather than those who accept positions in manufacturing management.

The average tenure at the top of major corporations has grown shorter, and rising talents are more willing to shift firms frequently for promotions and better benefits. A major share of personal income for top managers is dependent on the previous year's earnings and current stock prices, increasing the tendency to focus on today's performance at the cost of tomorrow's products and markets.

Those companies which are publicly held, particularly by major institutional investors, face continuing pressure to maintain high short-term profit rates. Major projects, whether R&D or penetrating an overseas market, which depress current earnings in the uncertain anticipation of higher future profits, are severely discounted. Unless a company is privately-held, or can finance all growth through retained earnings, these are powerful disincentives to a long-term perspective on investment.

It is difficult to sort out the relative influence of these factors. Many corporations maintain a risk-taking, long-term perspective through the personal philosophies of their chief executives and internal incentives. The business community has correctly become disenchanted with on-again off-again macroeconomic policies, and the difficulties of dealing with unpredictable regulation. Yet many of our European competitors face even heavier corporate taxation than U.S. firms, and their actions are far more constrained by public and union regulation than even contemplated domestically.

It is clear that many of the uncertainties will not be lessened in the near term. Economic and energy instability will continue for some time. National inflation problems, regulatory inefficiencies, and tax problems should and can be addressed. But it is also clear that American managers and investment analysts have within their grasp many of the means with which to again orient corporations toward long-term investment and innovation.

ILLUSTRATIVE POLICY OPTIONS

Governmental Policies:

The most important role for government is to provide a more stable and predictable economic environment, wherein macroeconomic policies focus more on the long-term health of the economy rather than short-term fine tuning.

Regulatory approaches should be made more predictable, while regulations which no longer serve their original purposes should be reviewed for possible elimination.

Private Sector:

The private sector is already beginning to respond to possible management problems under the impetus of public discussion and recognition of international competition. The public sector does not necessarily have any direct role to play in the reorientation of management and financial markets to a longer-term perspective. In designing their own responses, the private sector should seek to:

Examine the procedures with which new products, ideas, and inventions are received and evaluated in competition with existing products;

Focus more on export potential and global market share;

Invest a larger share of earnings in basic and applied R&D, and in ventures with high long-term but lower short-term profits;

Emphasize quality control involving the whole industrial process, beginning with product design and continuing through service.

PROVIDING WORKERS WITH A STAKE IN TECHNOLOGICAL INNOVATION

Industrial innovation has been a key force leading to higher wages, shorter hours, and frequently, better working conditions for American working men and women. Innovation has not led to such changes automatically, but under the influence of forces of collective bargaining and competition for skilled workers. Innovation has proceeded most rapidly where there has been a sharing of the benefits of greater productivity among management, owners, and labor, thus providing all parties with incentives to support economic change rather than oppose it.

Few would disagree that U.S. industry, without technological change, would rapidly lose its competitiveness in both domestic and world markets. While historically the greatest effect of innovation on workers has been in manufacturing, the next decade will see an acceleration of technological change in the service sector and white collar information industries. Without conscious policies and actions, this acceleration might not serve to enhance and enrich human labor, but rather to divide and lower its status.

A fundamental fact frequently overlooked in national discussions of technology policy is that a great deal of innovation occurs outside of university or corporate labs right on the assembly line or shop floor. Workers, through their own curiosity or interest in making production better, contribute literally thousands of individually small innovations each year. Often the accumulation of many such small innovations has a higher payoff than years of formal research. With the ever increasing level of education of the U.S. workforce, it is essential to harness this pool of talent in the service of innovation.

There are two key policies needed to ensure ongoing contributions by workers: they must be given credit, responsibility, and a share of the benefits of their innovations, and they must not face undue reductions in status or employment as a result.

The last decade has seeen a veritable explosion of programs for labor-management cooperation, "quality-circles," and "quality-of-working life" experiments. Those that succeed share a common feature—they take seriously the contribution of workers and provide a real sharing of responsibility rather than lip-service. In addition, some firms have gone significantly beyond these experiments to try various forms of profit-sharing and partial or full employee ownership. The Dana Corporation provides significant subsidies to those employees who purchase stock in the firm. Chrysler, in addition to electing a union official to the board of directors, is providing workers with stock in exchange for wage concessions in a time of difficulty. An increasing number of firms are using employe stock ownership plans to give greater incentive to their workers, although many fail to give voting rights as well as ownership, and thereby dilute the benefits significantly.

In some cases, the technological change inevitably involves disruption for individual workers, or renders long-held skills obsolete. There is growing concern in the labor movement over the implication of new workplace technology, particularly new information technologies. The widespread application of microcomputers, industrial robots, and other "smart" machines, and the speed with these and similar technologies are being developed, portend vast changes in all segments of the workplace.

Frequently, as in the case of the communications industry, innovation has not reduced the number of jobs, but has rapidly and substantially altered the skills required. As long as management recognizes the human costs involved in change, there is substantial room for labor-management cooperation in dealing with the transition. In the context of collective bargaining agreements, some firms now provide for retraining to more technical positions, transfer rights to other plants, protection against income loss when a position is downgraded, and advance notice of major job changes.

In some cases, outright employment loss cannot be avoided in a single firm or local economy. Frequently, this is the result of decisions about technology under consideration by management for a number of years. When this is the case, there is opportunity for advance warning of workers and their unions, to allow for joint planning of mechanisms to smooth the transition.

Finally, unions have become increasingly interested in the investment practices of jointly-administered pension funds. As discussed briefly under "Making Capital Available for Innovation", pension funds are a large and rapidly growing source of capital

in the U.S. economy. To the extent that unions help move these large pools of capital into financing modernization and innovation, they can play a powerful role in maintaining income and employment for fund beneficiaries.

ILLUSTRATIVE POLICY OPTIONS

There are a large number of initiatives to encourage a positive labor contribution to innovation. Many of these must be worked out in the context of individual firms and labor contract negotiations, rather than through public policy. The following policy options should be seen as illustrations of initiatives for discussion, rather than an exhaustive list.

Mechanisms to Encourage Labor's Contributions to Innovations:

To foster the positive contribution of individuals and groups of workers on the shop floor and in the office, policies must go substantially beyond the traditional "suggestion box" approach, and might include:

Experiments with "Quality Circles", in which workers and management seek to heighten the importance of quality control and find methods to increase it;

Joint labor-management productivity programs as being tried in the steel and auto industries;

Experiments in "quality-of-working life" and employee participation, where workers exercise more influence over job design, work hours and pace, and occupational health and safety;

Continuing public support, through tax credits for employee stock ownership plans and financial support through the Bank for Cooperatives and SBA, for programs of partial or full employee ownership;

Voluntary programs of profit sharing or subsidized stock purchase plans for all employees.

Increasing Information to Workers on Coming Labor Market Changes Due to Innovations:

Through public and private programs, workers can better plan for innovation with advance notice of major changes:

Establish an explicit program, with the U.S. Bureau of Labor Statistics, for technology forecasting and its impact on the workforce, to be used in designing and mobilizing public and private assistance programs;

Through voluntary action and collective bargaining, management should provide advance information to workers and their unions about planned innovations.

Helping Workers Through Labor Market Transitions:

Creation of a national program of adjustment and training assistance analogous to the Trade Adjustment Assistance Program but with greater emphasis on retraining and relocation;

Corporate commitment to internal retraining and upgrading where technology changes the structure of work;

Workforce reductions through attrition rather than immediate cuts in employment;

Publicly financed continuing education centers, through CETA and the vocational educational system, targeted and custom-designed for specific firms and industries facing rapid changes in employment levels and job content.

PROMOTING RESOURCE EFFICIENCY IN TANDEM WITH TECHNOLOGICAL INNOVATION

Resources and technology are inextricably inter-related. Prosperity and indeed survival for human beings are contingent on uninterrupted flows of a variety of resources—including food, energy, fiber, water, and metals—and maintaining these flows and deriving services from them is what technology is all about.

Historically, much that was unique in the American technology experience was due to America's great resource abundance. Much of the direction of technological innovation was specifically geared to the intensive exploitation of natural resources which existed in considerable abundance relative to capital and labor. Specifically, if fossil fuels had not been in abundant supply and cheaply available, different technologies, a different path of innovations, and even a different type of science would likely have developed and possibly would have led to a radically different type of society.

Today, the fossil fuel era is drawing to a close at the same time that a number of complex, long-run environmental and resource trends are emerging. The action arenas in the 1980s will be renewable energy, toxics (including hazardous waste disposal and groundwater contamination), land use (including soil loss), and global environmental problems (including deforestation, desertification, carbon-dioxide build-up, acid rain and the depletion of the ozone layer).

In order to begin meeting such challenges at the same time that we pursue healthy rates of economic growth, the United States must begin movement toward a more resource-efficient, environmentally benign pattern of growth. We must affect transition from a "linear" economy in which extracted resources move through production processes and are ultimately disposed of as waste in some form to a "circular" one in which a substantial proportion of output would not be eventually discarded as rubbish but would be recycled for further production. This will encompass action in five major areas: investing in resource renewal, controlling pollution and toxic wastes, developing renewable energy sources, increasing energy conservation, and establishing a national materials policy.

The general principle of the 1980s will be learning how to get more from less and then having the will to do it. The implications for corporations are that they should: place greater emphasis on the development of production methods, technologies, and products that extend the life of renewable resources; maximize the sustainable yield of renewable resources; reduce energy and resource use per unit of output; eliminate or cut down on the creation of waste; allow for recycling; provide for greater longevity and durability; and ensure that they do not overburden the "public service" functions (such as waste assimilation rendered by the natural environment).

Corporations that will prove successful in the 1980s will be those that launch a design revolution that will improve the performance, energy efficiency, and durability of consumer goods. Products designed to be durable, to use less materials, to be easily repaired, to pollute less, and to have lower operating costs will be recognized for their value—their lifecycle costs will be lower than competing, less efficient brands.

The interaction between technological innovation, resources and economic growth is best displayed in the information revolution that the United States is in the midst of. This involves a transformation in its economic structure from one based primarily on manufacturing and industry to one based primarily on information, knowledge and communications. Since the information revolution is extremely sparing of energy and materials, it will help foster greater environmental quality in the 1980s by producing much less pollution in the first place. The Industrial Revolution, highly dependent on large quantities of increasingly scarce energy and raw materials, will be limited by the paucity or high price of these necessary ingredients. The information revolution, fueled by silicon (one of the most abundant elements on earth) and by intellectual achievements, is destined for long-continued growth as its knowledge base inevitably increases.

Another likely major arena in which technological innovation and resources will positively interact in the 1980s will be the development of resource-conserving technology as a new approach to pollution abatement. Such technology will both conserve resources and lower the cost of pollution abatement by working to eliminate the sources of pollution in processes and products before waste is created. If waste is broadly viewed as the irrational use of more than necessary resources to fulfill human needs and objectives, then resource conservation becomes a positive image for the application of technology to fulfill human needs and aspirations without destructive impact on the environment.

The key principle which needs to be repeatedly emphasized is that natural resources and the physical environment constitute the fundamental foundation upon which all future economic activity will be constructed. This principle, indeed, is a much needed component of supply-side economics which must come to incorporate the fact that biological capital is equally as important as financial capital for achieving long-run sustainable growth.

We are entering an era in which our economic prosperity, the condition of our environment, and the quality of our lives will be determined by how carefully we utilize our remaining nonrenewable resources and by how successfully we enhance and sustain our renewable resources. By maintaining and rekindling our soils, fisheries, forest lands, and recreational resources, and by changing our water and energy policies to emphasize conservation, we can restore the wealth and vitality of our resource base as a rich inheritance for future generations.

ILLUSTRATIVE POLICY OPTIONS

Establishing a National Materials Policy:

A national materials policy should be formulated—by a coalition of government, business, and public interest groups—that would be designed to provide adequate resources and resource substitutes for the future, stressing conservation measures while balancing material needs and environmental considerations. It would establish a broad array of economic incentives to turn our industrial structure toward less resource and energy-intensive technologies and production processes.

Controlling Pollution and Toxic Wastes:

Greater resource efficiency and stimulating technological innovation should be emphasized in the environmental control area through such measures as:

1. Environmental regulations stressing, to the maximum feasible degree, process change compliance rather than end-of-pipe controls;

2. The Environmental Protection Agency adopting resource conserving technology as a major pollution abatement strategy.

To improve U.S. ability to handle hazardous wastes and protect human health, the U.S. government should:

1. Encourage states to grapple with the issue of siting hazardous waste facilities and guarantee continued federal assistance on siting problems;

2. Convene the Second National Waste Exchange Congress to encourage trading of industrial wastes and by-products as an alternative to disposal;

3. Establish specific programs to identify and use relevant foreign science and technology related to control, recovery, and recycling of wastes. Technology on waste control from other countries is, in certain instances, much superior to what now exists in the United States. Large benefits could accrue from a minimal expenditure of funds.

The United States should ensure that full consideration of the CO_2 problem is given, both in the development of domestic energy policy and in the international arena:

1. Analyses should examine the environmental, economic, and social implications of

alternative energy futures that involve varying reliance on fossil fuels and they should examine alternative mechanisms and approaches, international and domestic, for controlling CO_2 buildup.

2. Special attention should be devoted to determining what would be a prudent upper bound on global CO_2 concentrations.

3. The United States should continue to work toward international cooperation on research, with the goal of eventually forming a concensus on the seriousness of the CO_2 problem and the desirability and need of taking international actions to avoid serious climate modification.

Developing Renewable Energy Sources:

An interagency Task Force should be established to chart a realistic path for achieving the goal of getting 20 percent of our energy from renewable energy by the year 2000. The active involvement of the private sector and state governments in design and implementation should also be ensured. Examples of elements that should be included in the plan are the following:

1. Existing DOE and Internal Revenue Service incentive, grant, and R&D programs should be evaluated and funds directed to successful programs;

2. Federal regulations and programs which are directly or indirectly impeding energy productivity in the economy should be identified and changes recommended;

3. Existing incentive, grant and R&D programs at the state level should be evaluated, the information widely disseminated, and funds directed to successful programs.

Increasing Energy Conservation:

A national energy conservation plan, with near- and long-term sectoral goals, should be developed that would assess the relative cost-effectiveness of the alternatives, both those being practiced and those still being tested.

In order to foster greater energy conservation efforts, states could:

1. Implement a variety of incentives to increase the rate of investment in energy conservation such as no-interest loan programs, free residential audits, and conservation and solar rebates to builders of new homes;

2. Provide a joint federal-state tax credit for the installation of insulation and other specified energy conservation devices in residences and other dwellings;

3. Appropriate funds to provide loans, loan guarantees, leases, and participation agreements to encourage energy conservation and the use of renewable energy resources in agriculture.

Investing in Resource Renewal:

The Federal government should structure a major national commitment around two basic and inter-related objectives:

1. To merge the production and use of our dwindling supplies of non-renewable resources;

2. To encourage and smooth the transition toward more reliance in the economy on production and better management of renewable resources.

Using what is perhaps our most important renewable resource, agricultural land, as an example of what could be done to ensure the long-run sustainability of our renewable resource base, the following steps should be debated and acted upon:

1. The Federal government should assist state and local governments to develop effective programs to reduce the conversion of agricultural land to nonfarm uses. This program of assistance should include:

Provision of technical, financial, and educational assistance to approved programs of state and local government wishing to develop agricultural land preservation policies;

Provision of information and assistance to state and local governments to rank local agricultural land according to agricultural productivity, probable development pressures, and other factors to determine which land is most in need of protection in an agricultural land retention program.

2. The Federal government should establish an Agricultural Land Conservation Fund to help finance state and local conservation programs, including programs for erosion control, and agricultural land retention. Financing of the fund could be tied to major sources of demand on agricultural resources while still maintaining the competitiveness of U.S. products;

3. State and local governments should examine, adopt, and better utilize available growth management tools, such as zoning, minimum lot size and sewer regulations, to discourage conversion.

In order to promote recycling and its associated technologies, the Federal government should:

1. End freight rates that discriminate against secondary materials;

2. Repeal the percentage depletion allowance for minerals;

3. Take steps to internalize the cost of disposing of materials, including: imposing a schedule of national solid waste disposal charges on the sale or transfer, at the bulk production level, of rigid consumer containers and of flexible consumer packaging and paper, and reviewing the experience of the French, Japanese and Norwegian governments in setting up orderly guaranteed markets for recycled paper through such measures as subsidized collecting centers, storage space and guaranteed prices;

4. Explore ways to facilitate the recycling of urban solid wastes, particularly to recover more of the energy potential of municipal solid waste.

States should establish an Energy and Resources Fund that is designed to replenish the state's natural resource base and to invest in practical energy programs as a means to provide expanded economic opportunities and a better quality of life for future generations.●

BISHOP JAMES OGLETHORPE PATTERSON, SR.

● Mr. SASSER. Mr. President, I take this opportunity to pay tribute to a fellow Tennessean, Bishop James Oglethorpe Patterson, Sr., who was recently reelected to a fourth term as Presiding Prelate for the Church of God in Christ.

On April 8, 1981, in Memphis, Tenn., Bishop Patterson was reelected as the administrative, spiritual, and titular Head of the Church of God.

Serving as the Church of God's administrator for the past 12 years, Bishop Patterson is reknowned as one of the country's foremost religious leaders. His contributions to the civil rights and human rights movements are a tribute to the fine church in which he serves.

Under Bishop Patterson's leadership, the Church of God in Christ is currently in the process of building a multiservice religious convention center in downtown Memphis which will be called the Saints Center. Bishop Patterson has led the denomination in the purchase of prime downtown property totaling more than 900,000 square feet. The first phase of this mammoth building task is now underway and will transform the Old Chisca Plaza Hotel into a school of religion and university.

The inaugural ceremony was held at the Pentecostal Temple Institutional Church of God in Christ during the observance of the Third Quadrennial celebration electing the 12 apostles, or board members of the church. The other apostles, who conduct the affairs of the denomination during the interim of the general assembly, are: The Right Reverend Otha Miema Kelly, the Right Reverend Louis Henry Ford, Bishop Frederick Douglas Washington, Bishop John Seth Bailey, Bishop John Walter White, Bishop Junious Augustus Blake, Sr., Bishop John Dale Husband, Bishop Cleveland Landis Anderson, Jr., Bishop Leroy Robert Anderson, Bishop Chandler David Owens, and Bishop Orzo Thurston Jones, Jr.

Bishop Patterson is married to the former Deborah Mason and they have two children, Elder J. O. Patterson, Jr., and Janet Patterson.

I commend to the attention of my colleagues the work of Bishop Patterson and congratulate the elected officers of the church.●

S. 351—JURISDICTION TRANSFER OF SAND, GRAVEL, AND STONE OPERATIONS

(By request of Mr. WALLOP the following statement was ordered to be printed in the RECORD:)

● Mr. ARMSTRONG. Mr. President, I am pleased to join Messrs. WALLOP and BUMPERS in cosponsoring their bill, S. 351, to transfer jurisdiction of sand, gravel, and stone operations from the Mine Safety and Health Administration to the Occupational Safety and Health Administration.

This legislative proposal rectifies a serious flaw in the Mine Safety and Health Act of 1977, while at the same time provides vital relief necessary for overregulated small businesses. The transfer has received a great deal of attention in both Houses during the 96th Congress with remarkably broad support, and I feel confident that the Senate will act favorably on this matter.

When Congress passed the Mine Safety and Health Act of 1977, one flaw was to apply the law to sand and gravel borrow pits and quarry operations used by contractors as an adjunct to their highway, dam or other job sites. This authority in effect makes mine operators of contractors and mine operators of farmers and ranchers owning the pit or quarry property. It is not sensible to apply the stringent requirements necessary for certain mines on all kinds of mining—regardless of size, safety records, nature and scope of their activities. Current law, however, does just that.

Sand, gravel, and stone operations are subject to the same regulations and enforcement mechanisms mandated for the entire mining industry, when in reality, the surface mining procedures of this industry have little similarity to other mining procedures. The equipment used is more analogous to that used in the construction industry or by general industry, and the training requirements under MSHA's regulations are a waste of time and money for surface miners.

Training under OSHA will be of much more value and more appropriate for the types of operations in the sand, gravel,

and stone industry. In addition, the industry is composed of very small mining operations, with exemplary safety records, even as measured by MSHA's own statistics.

Mr. President, sand, gravel, and stone operations should never have been included in the Mine Safety and Health Act. The transfer will, however, be welcomed for other reasons. Faced with escalating costs, many sand, gravel, and stone operators are literally being regulated out of business. Currently, many of these operators run facilities which are also subject to OSHA rules. This translates to double trouble with two Federal regulating agencies visiting the same site for the purpose of enforced safety and health laws.

The regulatory ways of the Occupational Safety and Health Administration are also less objectionable than those of MSHA. Courtesy inspections of operating sites, a provision for State plans, and fewer inspections with generally smaller civil penalties are all included in OSHA's authority.

Mr. President, the inflexibility of MSHA, coupled with serious flaws in the original act, require that we look for more sensitive and less rigid solutions. The transfer of sand, gravel, and stone mining operations to OSHA is of significant importance. Relief is needed now for these operators. I urge my colleagues on the Senate Labor Subcommittee to act promptly on this matter.●

WADE AND MARTHA DICKERSON: TWO SPECIAL CITIZENS

● Mr. RIEGLE. Mr. President, Michigan will soon lose two very special and important citizens. Wade and Martha Dickerson are retiring after 30 years of service to their community. They have been integral parts of the foster-parent program through the Macomb-Oakland Regional Center, and have guided four young men with severe mental disabilities to independence. During this time, Mr. and Mrs. Dickerson opened their home to two other persons, as well as a staff to serve their needs.

The Dickersons exemplify a giving spirit, and they have devoted their lives to the assistance of the disadvantaged. In doing this, all of our lives have been enriched. In a larger sense, the work that Martha Dickerson has done at the University of Michigan in the area of developmental disability has given guidance and knowledge to millions of others who have children with these problems, or who are foster parents facing the difficulties of raising children with such disabilities.

Mr. President, I recently received a letter from the director of the Michigan Department of Mental Health which describes some of the contributions that the Dickersons have made to their community. I ask to have that letter printed in the RECORD following my statement, and I add my voice in wishing this truly extraordinary couple a fruitful and happy retirement.

The letter is as follows:

Hon. DONALD W. RIEGLE, Jr.,
Dirksen Building,
Washington, D.C.

DEAR SENATOR: It is with much pleasure that I bring to your attention a celebration. Wade and Martha Dickerson are moving from the area this spring after living in Farmington for over 30 years.

Mr. and Mrs. Dickerson have been foster parents through the Macomb-Oakland Regional Center since November of 1973, and have consistently provided for the optimal individual growth and development of four young men who had previously been institutionalized. Their situation was somewhat remarkable in that Wade, retired from self-employment, was the primary care provider. Wade effectively carried out his belief in the dignity of mankind through his commitment to foster the personal independence of each of the men entrusted to his care. Martha has been an active advocate of the developmentally disabled through her involvement not only as a foster parent, but as a Program Associate in Social Work with the Institute for the Study of Mental Retardation and Related Disabilities at the University of Michigan. Martha has directed the Institute's Human Fulfillment Project and, more recently, the Project on Aging. She has had supervisory responsibility for a number of social work students and was a lecturer for the School of Social Work. Martha's first book, *Our Four Boys,* relates the Dickerson's experiences as foster parents and provides guidance to others participating in the foster care program. Her second book is nearing publication and deals with social work perspectives.

The Dickersons have recently announced their plans to retire after having led an active life raising a family and dedicating many years to advocating the rights of the developmentally disabled. We feel it would be most appropriate to recognize the service these two extraordinary people have rendered and would appreciate your assistance in this matter. A reception is being planned in their honor for Sunday, May 24, 1981, at 7:00 p.m. and will be held at my home at 2701 Middlebelt, West Bloomfield. This gathering would be especially meaningful for the Dickersons if we could present them with a certificate or citation from you acknowledging their efforts on behalf of the citizens we mutually serve.

Thank you for your sincere consideration of this request, and I hope you will be able to attend. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

GERALD PROVENCAL,
Director.●

BANKRUPTCY LAW

● Mr. SASSER. Mr. President, on April 10 I introduced S. 992 which would amend present bankruptcy law.

At that time, I noted an alarming increase in filings for personal bankruptcy. In the 12 months ending in June of 1980 there was a 60-percent increase in the number of bankruptcy filings. An all-time record number of 314,000 filings were made in that year. Some have estimated that as many as 600,000 bankruptcy petitions may be filed in the United States this year.

I believe that our bankruptcy laws must be equitable and understanding and they must demonstrate compassion for those who suffer financial crises. At the same time the law must be fair to those who extend credit in good faith.

As well, it is safe to assume that those most hurt by the present proliferation of bankruptcy are those with moderate incomes who seek credit and work diligently to repay their debts.

They are the people who are going to have the most difficulty obtaining needed credit and they are the ones who are going to suffer the most.

Mr. President, the subject of bankruptcy has been the focus of increasing media attention. Two recent articles clearly present the problem we face today.

One was written by the nationally syndicated columnist Sylvia Porter and appeared in the Washington Star on May 7, 1981. The second was printed in the May 25, 1981 edition of U.S. News & World Report and was written by Jeannye Thornton. For the convenience of my colleagues, I ask that these articles be printed in the RECORD.

The material follows:

[From the Washington Star, May 7, 1981]

PERSONAL BANKRUPTCIES ARE OFTEN DODGING REFORM ACT'S INTENT

(By Sylvia Porter)

Trend-Spotter: A Midwest heart surgeon who earned $120,000 a year filed bankruptcy when he left his position. During his few months of unemployment, reports the National Consumer Finance Association, he wiped out $45,000 in debts and then he secured another post with another hospital at his former salary of $10,000 a month.

Trend-Spotter: Plastered on New York City subway cards are legal advertisements emphasizing how easy it is to file for bankruptcy. One typical card reads: "End Debt Threats—We will stop lawsuits; End or reduce monthly payments; Eliminate student and other loans; Prevent salary garnishment and collection phone calls; Help you keep your property and assets. Other legal services available."

Trend-Spotter: Personal bankruptcies well may soar into the epidemic range in 1981 of around 600,000—as against a total of 397,000 individuals who went bankrupt in 1980, and compared with less than 200,000 in 1979, analysts of finance companies estimate.

The forces sparking this extremely unhealthy development go beyond the business trend and into (1) the liberalized provisions of the new Federal Bankruptcy Code; and (2) the 1978 Federal Trade Commission ruling that permits lawyers to advertise their specialties. It need not be stressed that this was scarcely the FTC's intention. But the boom in bankruptcies is an inadvertent result, nevertheless.

The fact is you don't even have to be unemployed or show you are in a financial squeeze to file for personal bankruptcy. Even individuals with annual incomes ranging from $25,000 to $100,000 and more are taking advantage of loopholes in the Bankruptcy Reform Act. Under this law, consumers can keep most of their assets and settle their debts to banks, finance companies, retail establishments and credit card corporations with one to 10 cents on the dollar. Hundreds of companies are left holding the bag for tens of millions of dollars.

An indisputably negative side effect of the entire bankruptcy trend is that younger Americans in the family formation stage, those without substantial security to put up

for loans, are finding it more and more difficult to get credit. The strongest assets they have—their future earnings—are excluded from consideration under the bankruptcy code. Meanwhile, the American Bankers Association is asking Congress to amend the code. Citicorp in New York has asked the state bar association to sponsor a code of ethics in legal advertising. Household Finance and Beneficial have imposed rules against new loans to anyone who has declared bankruptcy in the past 10 years.

The original goal was admirable in every way: to create a manageable bankruptcy code that would help and protect consumers in a catastrophic financial mess. But wiping out the debt of a high-living family without the debtor surrendering any assets, after only three years? And not allowing a creditor even to contact a debtor once a bankruptcy petition has been filed by an attorney specializing in this area?

This isn't relief for a person in need. This is license for a spendthrift with a lifestyle.

[From the U.S. News & World Report, May 25, 1981]

BEHIND THE SURGE IN PERSONAL BANKRUPTCIES

An epidemic of personal bankruptcies is leading to demands for tightening laws designed to give debt-ridden consumers a fresh start in life.

While some experts blame inflation and high unemployment for driving families deep into the red, others point the finger at more-liberal bankruptcy policies that allow people to keep a much bigger share of their assets.

Particularly upset are operators of businesses, large and small, that have been saddled with billions of dollars in unpaid bills.

Behind all the concern is an astronomical jump in personal bankruptcies since a new federal law went into effect in October, 1979.

In the 12 months ended June 30, 1980, personal bankruptcy filings rose to 314,905, a 60 percent increase from the previous year. For 1980 as a whole, filings totaled 410,695, far above the record reached during the 1975 recession. This year, predictions are that some 500,000 individuals will file to have the courts wipe out all or part of their debts through bankruptcy.

"FAR IN EXCESS"

Says economist and former Federal Reserve Board member Andrew Brimmer of Washington, D.C.: "Many forces are at work in causing bankruptcies to rise—among them unemployment, recession and inflation. But bankruptcy filings are far in excess of what one would expect. We estimate the bankruptcies under the new law to be between 136,000 and 151,000 larger than would have resulted from economic factors alone."

Brimmer, whose consulting firm recently completed a study on bankruptcy, declares that the new federal law "went too far" in protecting the property of individuals from creditors.

The law, called the Bankruptcy Reform Act, provides two basic ways for filing personal bankruptcy. One method—Chapter 7 of the code—writes off all debt except for alimony, child support, taxes and debts incurred by fraud or embezzlement. The other, Chapter 13, allows employed people with steady incomes to pay off at least a portion of their debts over a 36-month period while retaining their property.

Under both methods, the filer is allowed to keep many of his or her assets—including jewelry valued at up to $500, tools and books worth as much as $750 and equity of up to $1,200 in a car and up to $15,000 in a house. Those who do not own a house may keep as much as $15,000 in other property.

Any item worth less than $200 also can be kept, a provision that critics say leaves many loopholes. For example, a set of silverware, worth far more than $200 when considered as a whole, could be kept by a family because each individual piece of the set normally would be worth less than $200.

In addition, information on a bankruptcy now remains in a person's credit records for only 10 years, as opposed to 14 years before the new law.

When benefits of the federal law are combined with the liberal bankruptcy provisions of such states as California, New York, Texas and Wisconsin, exemptions become even more generous.

For example, in New York there is no dollar limit on personal-property exemptions. In California, exemptions are provided by item rather than dollar amounts so that some couples may keep up to $100,000 worth of valuables. In Texas, the permitted exemptions include up to 200 acres of rural land in one or more parcels for a couple. In cities, land valued at up to $10,000—including the house that may be on it—is exempt.

Unless a state specifically denies residents the option of taking federal exemptions, those filing for bankruptcy may choose either federal or state exemptions. Couples often can take advantage of both—the wife claiming one, the husband getting the other.

WEALTHY BANKRUPTS?

Lawrence Young, assistant counsel for Beneficial Finance, a nationwide loan firm, says that the net effect of the federal law is to exempt nearly $30,000 in property from what the average debtor would have to pay creditors.

While many of those in bankruptcy truly have few resources for debts, critics charge that the liberal laws now allow even those with large personal holdings to abandon their obligations.

The National Consumer Finance Association cites the case of a surgeon in the Midwest who earned $138,000 a year but filed for bankruptcy on $145,000 in unsecured debts. He then walked away with $40,000 in equity in a home, which he sold two weeks later.

A credit union in Pennsylvania reports that a man obtained a home-improvement loan of $6,800 and a new-car loan of $6,900, then filed bankruptcy. At the time, he and his wife had a combined income of $30,000, with no dependents.

The owner of an auto-parts store in South Dakota tells of a customer who went bankrupt owing him $225 for tools. Six months later, the merchant was still unable to reclaim the tools or even get a partial payment; yet the customer was allowed to borrow $3,000 from a bank to buy a truck.

Wells Fargo Bank of California points to a recent loan application in which a couple reported that they had filed bankruptcy to unload a large debt—mostly educational loans covering 16 years of schooling—in order to save money to buy a house.

Notes economist Brimmer: "We now have a number of middle-class people who could afford to pay their debts without too much strain but are walking away from them."

A profile by Brimmer's firm of those who declared bankruptcy last year shows that 78 percent were employed—nearly half of them in white-collar jobs. About 62 percent had incomes between $10,000 and $25,000, with 5.7 percent earning from $25,000 to $40,000.

Observers note that many families have gotten into trouble by failing to trim their spending habits at a time when incomes fail to keep pace with inflation. One credit counselor in New York City describes the typical person he sees as a 35-year-old man with a wife and one child earning from $18,000 to $25,000. Average amount owed, not counting mortgage obligations: $6,500.

"HEAD OVER HEELS"

Many bankruptcy applicants are victims of setbacks beyond their control. "They have gotten head over heels into debt because of divorce, death in the family, high medical bills," says economist Robert Johnson of Purdue University's Credit Research Center, "and bankruptcy allows them a fresh start in life."

Still, some are coaxed into action by a barrage of advertising from bankruptcy lawyers, one result of the 1978 Federal Trade Commission ruling allowing lawyers to advertise their specialties.

Ads in New York subways herald the ease of filing for bankruptcy. On one recent day, the Chicago Sun-Times ran 36 legal ads, 12 of them strictly about bankruptcy services and another 12 listing that service. The ads often stress that bankruptcy can provide quick relief with no real adverse effects.

Yet Leonard Groupe, a Chicago bankruptcy attorney, counters: "There are some abuses, but the media is focusing too much on abuses rather than on the real problem: Inflation that drives people to push the panic button. Most people who go through bankruptcy do so because they have to."

While the legitimacy of more-liberal bankruptcy laws is debated, business executives complain about being stuck with a mound of unpaid bills. Last year, Montgomery Ward lost 50.6 million dollars because of customer bankruptcies. At Sears Roebuck & Company, customer bankruptcies rose by 120 percent, adding up to losses of 46.3 million. Beneficial Finance Corporation reports that it had bankruptcy losses of 42 million dollars, up from 18 million in 1979.

Among 146 military credit unions, bankruptcy notices jumped from 5,521 in 1979 to 9,292 in 1980. Smaller credit grantors also are taking their licks. A survey of retailers shows that losses from customer bankruptcies were up 203 percent for Brandeis Company in Omaha, 110 percent for Younker Brothers in Des Moines and 265 percent for McRae s in Jackson, Miss.

Says Albert Totten, a Middletown, Ohio, businessman: "We in small business dread the next mail delivery, because the unpleasant notice of another bankruptcy is almost certain to be there." Others note that the bankruptcy wave results in higher prices and steeper credit charges for all consumers, as stores try to recoup their losses.

For these reasons, business is in the forefront of a new drive to tighten regulations on bankruptcy. In reaction to the new federal law, some 20 states have either passed or are framing new laws that override the federal code and dictate leaner property exemptions.

In Washington, Senator Bob Dole (R-Kans.) is considering legislation that would require people filing for bankruptcy to pay debts according to their ability, if the judge so ruled.

Under way, too, is an official study by the Administrative Office of the U.S. Courts to determine causes of the rising tide of bankruptcies and to recommend changes. The hope: Shift bankruptcy judgments away from the discharge of all debt in favor of a plan for paying off most debts over a period of time.●

ANNIVERSARY OF REPRESSION IN KWANGJU

● Mr. KENNEDY. Mr. President, 1 year ago this week, the encouraging movement toward true democracy in Korea was shattered by a military coup, the arrest of Kim Dae-Jung and hundreds of other political leaders, and the bloody suppression of student protest by martial law troops.

In the city of Kwangju and elsewhere in Cholla province, hundreds were killed

and hundreds more injured, arrested or forced into hiding after a military siege that lasted over a week. Military occupation of the city inaugurated a reign of fear that continues even today. Kim Dae-Jung, who was nearly elected President in 1971, was condemned to death before his sentence was commuted to life imprisonment, on fabricated charges of fomenting this rebellion.

Today, the tragedy of Kwangju is an unhealed wound in the politics of South Korea. It will not be healed until all those who became political prisoners during this period, especially those whose "crime" consisted of trying to mediate between civilians and the military, are released. It will not be healed until freedom of expression, especially for the press and the media, is guaranteed.

It will not be healed until opposition leaders are permitted to participate freely in the political process of their nation, and until the movement toward democracy is resumed with the full participation and support of the people of South Korea.

There is and can be no doubt that the people of North Korea have had to endure decades of brutal treatment under a totalitarian dictatorship. For from serving as a pretext for repression in the South, however, this fact should spur the South Korean Government to protect and increase its people's freedoms, and to dramatize the contrast with the North.

As true friends and allies of South Korea, we should never ignore the harsh conditions of the North; but we must also recognize the closeness of our relationship with the South and offer our constant encouragement and support to those who pursue freedom in that land.

I remain convinced that the United States must be concerned for human rights in Korea, for without the willing support of a government by its people, both security and freedom itself are in peril.

We maintain our security commitment to the Republic of Korea not only because of our national interest in peace and stability in Asia, but because of our continuing dedication to fundamental values of liberty and justice upon which our Nation was founded. That should be our cause in America, in Korea, and in all parts of the world where men and women yearn to be free.●

CHALLENGE TO CANADA

● Mr. HATCH. Mr. President, I have become greatly concerned, over the past several months, about the pattern of Canadian takeover offers for American businesses. My investigations have shown that these developments stem, in large part, from unfair advantages now being accorded by the Canadian Government to Canadian businesses and being denied to their American competitors.

The Canadian Foreign Investment Review Agency, for example, can bar takeover bids by American companies for Canadian companies, and has done so on many occasions in the recent past.

There are no comparable barriers to Canadian companies making such bids for U.S. companies, as evidenced currently by Dome Petroleum Ltd.'s bid for an interest in Conoco Inc.

The pattern of discrimination being practiced by the Canadian Government is most evident in the natural resources area, especially for petroleum and minerals. Canada's new national energy program provides for a wide range of preferential treatment of Canadian interests versus U.S. companies operating in Canada—such as incentive grants for exploration and development; preferred access to Federal lands; and assistance in financing and in marketing.

This program also has imposed new taxes and pricing schemes which have depressed the market value of oil and gas properties in Canada.

The Canadian Government is encouraging Canadian companies to acquire foreign-held interests at these depressed levels, while, through its Foreign Investment Review Agency, denying such acquisition opportunities to foreign companies.

In my judgment, the situation needs prompt attention to avoid irremediable harm to American businesses operating in the Department of Interior, which has jurisdiction over the granting of leases on Federal lands to foreign companies on findings of reciprocity; the Department of Energy; and the Treasury Department, which should be concerned about whether the take-over bids indicate any need for more stringent regulations of foreign banks in matters affecting American interests.

I intend vigorously to pursue these various avenues to assure that our American interests are being fairly treated.

Mr. President, I request that the following article from the New York Times be printed into the RECORD.

The article follows:

CHALLENGE TO CANADA

Canada's national energy program, and Washington's reaction to it, figure in the battle that Canada's Dome Petroleum is waging for control of Conoco's Canadian subsidiary, Hudson's Bay Oil and Gas.

Conoco is yelling unfair: It says the Canadian program devalues Hudson's Bay by putting it at a disadvantage in operations on government lands compared with Canadian-owned companies. In fact, this was a point cited by Dome itself to give its tender offer extra appeal. Dome wants to buy a 13 percent stake in Conoco and swap that for Conoco's 53 percent position in Hudson's Bay.

Washington, meanwhile, places no restrictions on what the Canadians can do here, at least not yet. But the possibility grows ever more likely, American officials said, that the United States will react by striking Canada from a list of so-called reciprocal countries that may control leases on Federal lands.

The Canadian energy program bars companies that are not at least 50 percent Canadian-owned from leasing government lands and from receiving government grants that cover up to 80 percent of exploration costs.

American legislation grants foreign companies the right to lease Federal lands only if their governments grant reciprocal rights. Canada is on a long list of countries accorded this status, but could be the first ever to be removed.●

JAPANESE DEFENSE POLICY

● Mr. HATCH. Mr. President, the issue of security in the western Pacific has attracted considerable attention in the early days of the Reagan administration. This was manifested by the recent visit of Japanese Prime Minister Suzuki to the United States and the amount of time both he and President Reagan devoted to defense spending levels.

Last August I had the opportunity to participate in a conference held in Tokyo to commemorate the 20th anniversary of the Treaty of Mutual Cooperation and Security between the United States and Japan. During the conference the issue of security in the western Pacific was fully addressed. It was something that was long overdue and if I might quote from Ambassador Mike Mansfield's remarks as he introduced former President Gerald R. Ford:

I would like to say how pleased I am that this conference is taking place. I wish there were more of them . . . there is no more important country in our eyes than Japan.

The issue of Japanese defense has been addressed just recently in a background paper put out by the Heritage Foundation. I recommend it to my colleagues and ask that it be printed in the RECORD.

The article follows:

MAY 6, 1981.

JAPANESE DEFENSE POLICY

INTRODUCTION

During the late 1940s, the United States, responding to a variety of pressures occasioned by the Sovietization of Eastern Europe and the Communist takeover in China, came to desire Japan more as a stable friend than as a defeated enemy. One of the most important manifestations of this new American policy was an intensification of efforts from 1947 on to secure and negotiate a peace treaty with Japan. On the same day that the Peace Treaty was finally signed in San Francisco in 1951, a bilateral security pact was simultaneously entered into between the United States and Japan.

It has now been thirty years since that original Security Treaty was initialed. Since that time Japanese defense policy has been formulated on the assumption that the Soviet Union posed the principal potential threat, both externally and domestically, to the security of Japan and that a continuing defense relationship with the United States was not only beneficial, but essential.

In specific, practical terms, these defense policies for the past thirty years have been reflected in the original Security Treaty of 1951, a subsequent revision—The Treaty of Mutual Cooperation and Security—in 1960, and the reaffirmation of the latter in 1970.

The essence of Japan's post-Occupation defense principles first appeared in the form of a document labeled Basic Policies For National Defense issued by a newly formed

Japanese Government Defense Council in May 1957. These principles have, in turn, been elaborated in subsequent years through a series of defense plans and programs offered by the Self-Defense Agency. However, four basic principles of defense enunciated by the Defense Council over two decades ago continue to guide modern Japanese defense planning.

"(1) to support the activities of the United Nations and promote international cooperation;

"(2) to stabilize the public welfare and enhance the people's attachment to their country, thereby establishing a sound basis essential to national security;

"(3) to build up effective defense capabilities progressively within the limits necessary for self-defense, with due regard to national resources and the prevailing domestic situation;

"(4) to cope with external aggression on the basis of the Japan-United States security agreement pending more effective functioning of the United Nations in the future in deterring and repelling such aggression."

The purpose of this paper is threefold: (1) to discern and evaluate Japan's security relationship with the United States and the adequacy and effectiveness of its Self-Defense Forces; (2) to discuss and assess the implications of the ever-changing military balance in the Far East and the Pacific and its impact on Japanese security; and (3) to suggest areas of possible improvement in Japanese defense efforts and the security relationship with the United States in order to meet potential threats in the future.

JAPAN'S SECURITY RELATIONSHIP WITH THE UNITED STATES

In the aftermath of Japan's defeat and surrender in 1945, the ultimate objective of the Allied Occupation forces stationed in Japan was to foster those conditions which would ensure that Japan would not again become a "menace to the peace and security of the world."[1] Among the measures set forth and enacted, in accordance with the Potsdam Declaration of July 26, 1945, were: "the abolition of militarism and ultra-nationalism in all their forms; the strengthening of democratic tendencies and processes in governmental, economic and social institutions; the encouragement and support of liberal political tendencies in Japan; and *the disarmament and demilitarization of Japan, with continuing control over Japan's capacity to make war*" (emphasis added).[2] This later point was institutionalized in the Post-War Constitution promulgated on November 3, 1946 and put into effect on May 3, 1947. Article IX of the Constitution states:

"Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes. In order to accomplish the aim of the preceding . . . land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized."[3]

While the primary emphasis of the Occupation policy continued to be, from 1945 to 1952, a prevention of Japanese revanchism,[4] concern began to be expressed in Washington, especially during the late 1940s and early 1950s, about "Russian expansive tendencies,"[5] the Communist takeover in China, the outbreak of the Korean War and their collective impact on Japan's external security.

On September 8, 1951, concurrent with the signing of the Peace Treaty in San Francisco which restored Japan as an independent and sovereign nation, a security arrangement was initiated guaranteeing Japan's external security. This bilateral security pact between Japan and the United States provided for the continuation of U.S. military forces and installations in Japan, the use of such forces to help maintain peace and security in the Far East, and the deployment of American military personnel and equipment to quell domestic revolts should Japan request such assistance. Although there was no explicit statement in the treaty which obligated the United States to defend Japan, the presence of American forces and bases most certainly served to deter an armed attack on Japan from without.

As this treaty contained some "unequal" aspects, it is hardly surprising that the Japanese reaction to such an agreement was not one of unqualified acceptance and appreciation. The Japanese sense of nationalism was offended by the presence of foreign troops and bases. There was also dissatisfaction and controversy with those arrangements in the treaty providing for the use of Japanese-based American troops to suppress domestic rebellions, jurisdiction of American personnel involved in crimes against Japanese citizens and property, and the possible storing and use of nuclear weapons by American forces stationed in Japan. These dissatisfactions eventually resulted in protracted negotiations between the two countries looking forward to a more equitable revision of the 1951 treaty.

On January 19, 1960, a new Treaty of Mutual Cooperation and Security between the United States and Japan was agreed upon. Some five months later, on June 23, the Treaty entered into force. Unlike the first which had no terminal date, this treaty was to run for ten years. However, after this initial ten-year period, either "Party may give notice to the other Party of his intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice has been given" (Article X). While the United States expressly agreed to defend Japan, the Treaty did not commit Japan to the defense of the United States.[6] Japan was to act only in those territories under its control and to the extent allowed by its Constitution. For purposes of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States was granted continued use of military facilities in Japan (Article VI). The Treaty stipulates that major changes in the deployment of American armed forces and equipment or the use of facilities and areas in Japan as bases for military combat operations requires prior consultation with the government of Japan.

Though the treaty negotiations were conducted in a politically fragile environment, in which anti-military sentiment ran especially high,[7] the ensuing decade was considerably more tranquil. Such a dramatic "atmospheric" change was attributable, in large measure, to a significant policy shift on the part of the ruling Liberal Democratic Party (LDP). In prior years, up to and including the administration of Prime Minister Nobusuke Kishi (the negotiator of the 1960 treaty), the LDP platform had among its stated goals the twin pillars of constitutional revision and rearmament. Following Kishi's abrupt resignation, Prime Minister Hayato Ikeda and his followers in the LDP successfully rewrote the platform to include a politically low posture profile, the separation of politics and economics and a desire to double the national income.[8]

The decade of the 1960s has been aptly termed, by Professor Tetsuya Kataoka the "golden age of pacifist commercial democracy."[9] Describing that era, Professor Kataoka poignantly observes:

"With singleness of purpose and energy seldom paralleled elsewhere in the world, the whole nation pursued the goal of expanding trade and manufacturing. The policy of growthmanship combined with 'political low posture' may have been forced on the LDP government at its inception, but it was also a deliberate policy pursued with skill and energy. The architects of Ikeda's policy justified small defense outlays as a booster of economic growth, and the defense budget was allowed to decline from 1.2 percent to 0.8 percent of the GNP during the 1960s. Successive LDP governments, in their dealings with Washington, began to point to the sensitivity of the left on matters of defense in order to stave off U.S. pressures. The United States, for its part, learned not to rock the boat. . . ."[10]

During the 1960s, Japan pursued a somewhat paradoxical approach to defense issues: pacifism and protectionism. Symbolic of the LDP-leftist collaboration in pursuit of pacifism were the policies of the Three Principles of Nuclear Disarmament[11] and of pegging the defense expenditures at 1 percent of the GNP.

Similarly, throughout the 1960s, Japan sought further assurance of American protection against threats to its security. On January 13, 1965, President Lyndon Johnson, in a joint communique with Prime Minister Eisaku Sato, reaffirmed "The United States' determination to abide by its commitment under the treaty to defend Japan against any armed attack from the outside."[12]

Subsequently, President Richard Nixon, in a joint communique with Prime Minister Sato in 1969, agreed to the reversion of Okinawa,[13] and the restricted use of bases there to the terms applicable to the home islands.[14] The joint communique is important for a number of other reasons. Both parties reaffirmed their desire to continue the Mutual Security Treaty for an indefinite period.

But more importantly, Japan, for the first time, officially recognized that their security was intimately tied to the peace and security of the Far East, and most particularly to Korea. The golden age of pacifist commercial democracy, dependent as it was on America's military might, was soon to be shaken at its core.

The adverse psychological effects in the United States following the North Vietnamese Tet Offensive (1968) prepared the way for the so-called Nixon Doctrine, first announced at Guam in July 1969. While the Nixon Doctrine needs no elaboration here, its major principles are nevertheless noteworthy: the United States could and should enter into an era of negotiations with both the Soviet Union and the People's Republic of China; negotiate with North Vietnam to bring about peace throughout Indochina; lower America's military posture throughout the world, while at the same time maintaining our commitments, i.e., the mutual security treaties with our allies.

Generally, the Nixon Doctrine was received by Western allies, including Japan, with doubt; developing into shocks and suspicions, especially after the February 1972 U.S.–PRC meeting and its accompanying Shanghai communique.

Tokyo, for one, was not informed by Washington in advance of Secretary of State Henry Kissinger's visit to Peking, though a pledge had been given privately to the Japanese government a few years earlier that it

Footnotes at end of article.

would be notified in advance of any major change in American China policy.[15] There were other tensions generated during the 1971–1972 period.

In the spring of 1971, Nixon began to support legislation to impose quotas on imports of Japanese textile and rejected conciliatory measures proposed by some members of the House of Representatives.[16]

A more serious problem was the massive deficit in the American balance of payments with Japan, estimated to be between $3 to $4 billion per year. To help eliminate such, President Nixon announced on August 15, 1971, a program of wage and price controls, suspension of the convertibility of the dollar, and a ten percent surcharge on import duties.

These Nixon-Kissinger "shocks," casting doubts as they did on the wisdom of the alliance with the United States, were later followed by the Arab oil embargo shock. By late 1973, the Japanese had become fully aware of how dependent they were on their energy imports, 85 percent of which came from the Middle East and the Persian Gulf. Not even Japanese trade and payments balances could absorb the 4–5 times price increase and the galloping inflation of 1973–74.[17] Though the Japanese economy survived the oil crisis, the earlier economic policies were called into question. These successive "shocks" sounded the death knells of the pacifist commercial democracy era in Japan.

It was not until that latter part of the 1970s, following the fall of Saigon (1975) and the Lockheed Scandal (1976), that serious discussion relative to Japanese defense issues and needs materialized. In October 1976, the "National Defense Program Outline" was accepted at a Cabinet meeting of the government of Takeo Miki. The Outline did not simply estimate quantities of defense capability in light of potential threats, but rather aimed at "even in peacetime, a balanced defense posture with effective organizations and functional positioning of units and equipment which are capable of coping effectively with aggression ranging from conventional warfare with smaller scale than limited wars to aggression of more smaller scale with limited geographical expansion, objectives, means and duration."

One of the assumptions underlining the Outline was the notion that international geopolitical developments often involve factors of uncertainty and unpredictability—e.g., the Nixon Doctrine. Two years later, in November 1978, the U.S.-Japan Security Consultative Committee approved a counterpart to the Outline, namely the "Guidelines for United States-Japan Defense Cooperation." These Guidelines endeavor to achieve a posture for cooperation between Japanese Self-Defense Forces and U.S. forces in such areas as operations, intelligence and logistics.[18]

Since the 1950s, popular attitudes toward defense issues in Japan have on the whole been emotional and negative. During the past several years, however, Japanese attitudes towards defense problems have undergone a gradual but significant evolution. Growing public awareness of defense issues and acceptance of the Self-Defense Forces and the Mutual Security Treaty do not mean that attitudes about the role and missions of the forces have changed. Japanese willingness to assume increased responsibility is still subject to post-war constitutional restraints and remains today a very serious political problem.

Footnotes at end of article.

JAPANESE SELF-DEFENSE FORCES

Article IX of Japan's Constitution is truly a monumental landmark in the annals of international law. No other nation in history, let alone a major power such as Japan, has gone so far as to renounce war as a sovereign right, while denying itself the maintenance of armed forces or the threat of force as a means of settling international disputes. As straightforward as Article IX appears to be, there have been a multiplicity of interpretations which have beseiged the Article since its implementation. However, no objection is raised by the Constitution to the right of Japan as an independent nation to defend itself from any foreign invasion.

The Japanese Supreme Court, in a ruling on the Sunagawa Case in December 1959, stated that pacifism as defined under the Constitution does not stipulate non-defense or non-resistance on the part of Japan. Indeed, the preamble of the Constitution specifically states that "the people of the world have the right to live in peace, free from fear and want." From this perspective, it is "not justifiable to consider the Constitution as prohibiting the maintenance by Japan of the minimum required level of preparedness against situations in which the people's life, liberty and pursuit of happiness' as guaranteed by the Constitution are seriously endangered."[19] The Japanese Government has consistently held the view that Japan's national defense capabilities must be exclusively for self-defense, and that any action exceeding this limit is strictly prohibited, constituting as it would the creation of a "war potential."

It was not until the outbreak of the Korean War in 1950 that a basic structure for Japan's Self-Defense Forces began to be devised. Upon instructions from General Douglas MacArthur, a 75,000-man National Police Reserve Force was established to "deal with international disorders." Following the signing of the San Francisco Peace Treaty and the Japan-United States Security Treaty in 1951, lively debate ensued within the Japanese Diet over the establishment of defense guidelines and a gradual buildup of defense capability as proposed by the Liberal Party (Jiyuto) in the fall of 1951.

In April 1952, a Maritime Safety Force, later renamed the Coastal Safety Force, was established to deal with maritime security. In August of the same year, a Safety Agency was formed to administer the nascent military forces (Police and Coastal). Finally, on October 15, 1952, the Security Agency (Hoancho) was established with jurisdiction over ground and maritime forces and capabilities sufficient to "maintain internal order." The size of the armed forces was then increased to 110,000 men.[20]

With the passage of defense bills in both houses of the Japanese Diet (May and June 1954), a new security agency, the Defense Agency (Boeicho), was formally established on July 1, 1954. Similarly, the Ground, Maritime, and Air Self-Defense Forces were also inaugurated.

In 1956 the National Defense Council, an advisory body, was created with responsibility for formulating defense policy and recommending the size, shape and composition of the Self-Defense Forces. In May of 1957, the "Basic Policies for Defense"—previously noted—were drawn up within the terms of the Constitution and provided the foundation upon which all subsequent defense programs have been built. The expansion and modernization of those Forces were achieved by means of a series of four programs, the first of which was introduced in 1958.

The First Defense Buildup Plan (FY 1958–60) was designed to "construct a fundamental ground defense capability in order to cope with the rapid reductions in U.S. ground forces stationed in Japan."[21] The plan also aimed at establishing maritime and air defense capabilities. During this period, Japan anticipated leasing some ships, aircraft and substantial equipment from the United States. The plan also called for recruitment of 180,000 ground force personnel, construction of about 124,000 tons of shipping and acquisition of about 1,300 aircraft.

The Second Defense Buildup Plan (FY 1962–66) aimed at strengthening that defense potential "to the point of capability in meeting conventional aggression on a scale no greater than localized conflict."[22] Especially important here was the call for qualitative improvements in the basic defense capability in light of the development of scientific technology. Among the major goals of this Plan were the programmed replacement of obsolete equipment, the introduction of ground-to-air missiles, and the institution of an ongoing R&D program.

The Third Defense Buildup Plan (FY 1967–71) was aimed at consolidating the defense potential of each of the various services. However, special emphasis was placed on strengthening maritime defense capability within Japanese coastal waters and air defense capability in key areas.

The Fourth Defense Buildup Plan (FY 1972–76) was essentially a follow-up program of the previous plan. Once again emphasis was placed on the modernization and replacement of outmoded equipment, improvements in maritime and air defense capability, and specific increases in the various armed forces levels. Some of the goals of the Fourth Plan were unattainable, particularly arms acquisition, due in large measure to the economic situation resulting from the oil crisis. In the period that followed, the defense budget was not substantially increased and was limited to, what Professor Kataoka calls, Miki's canonized "1 percent of GNP" uncrossable barrier.[23]

Given the fact that a Fifth Buildup Plan was economically untenable and politically unfeasible due to the mounting pacifist opposition to enlarging the SDF, the Miki government espoused a new program which, in their minds, could provide for external defense and satisfy pacifist opposition.

In October of 1976, the Japanese government abandoned the various Buildup Plans, opting instead for a "National Defense Program Outline." Unlike the previous plans which had set specific objectives for defense buildup within a fixed time frame, the "National Defense Program Outline" was designed to set fundamental guidelines for Japan's defense posture in the future.[24]

The Outline no longer simply estimated defense capability in light of any potential threat, but aimed at providing, even in peacetime, a balanced defense posture capable of coping effectively with situations up to the point of limited and small scale aggression, rather than maintaining a defensive force capable of surviving a full-scale conventional war as had been previously emphasized in earlier government plans.

Whereas previous defense plans have been specifically detailed (see accompanying chart), the new Outline spoke more in generalities and referred to the overall mission of the Self-Defense Forces rather than stipulating the exact nature and composition of each branch.

THE DEFENSE BUILDUP 1958-76

Self-defense official quota	1st plan (1958-60) 170,000 men	2d plan (1962-66) 171,500 men	3d plan (1967-71) 179,000 men	4th plan (1972-76) 180,000 men
Ground defence basic units:				
Units deployed regionally in peacetime	6 divisions 3 combined brigades	12 divisions	12 divisions	12 divisions. 1 combined brigade.
Mobile operation units	1 mechanized combined brigade 1 tank group 1 artillery brigade 1 airborne brigade 1 training brigade	1 mechanized division 1 tank group 1 artillery brigade 1 airborne brigade 1 training brigade	1 mechanized division 1 tank group 1 artillery brigade 1 airborne brigade 1 training brigade 1 helicopter brigade	1 mechanized division. 1 tank brigade. 1 artillery brigade. 1 airborne brigade. 1 training brigade. 1 helicopter brigade.
Low altitude ground-to-air missile units		2 antiaircraft artillery battalions	4 antiaircraft artillery groups (another group being planned).	8 antiaircraft artillery groups.
Maritime defence basic units:				
Antisubmarine surface ship units (for mobile operation)	3 escort flotillas	3 escort flotillas	4 escort flotillas	4 escort flotillas.
Antisubmarine surface-ship units (regional district units)	5 divisions	5 divisions	10 divisions	10 divisions.
Submarine units		2 divisions	4 divisions	6 divisions.
Minesweeping units	1 flotilla	2 flotillas	2 flotillas	2 flotillas.
Land-based anti-submarine aircraft units	9 squadrons	15 squadrons	14 squadrons	17 squadrons.
Major equipment:				
Antisubmarine surface ships	57 ships	59 ships	59 ships	61 ships.
Submarines	2 submarines	7 submarines	12 submarines	14 submarines.
Operational aircraft	(Approximately 220 aircraft)	(Approximately 230 aircraft)	(Approximately 240 aircraft)	Approximately 210 aircraft (approximately 310 aircraft).
Air defence basic units:				
Aircraft control and warning units	24 groups	24 groups	24 groups	28 groups.
Interceptor units	12 squadrons	15 squadrons	10 squadrons	10 squadrons.
Support fighter units		4 squadrons	4 squadrons	3 squadrons.
Air reconnaissance units		1 squadron	1 squadron	1 squadron.
Air transport units	2 squadrons	3 squadrons	3 squadrons	3 squadrons.
Early warning units				
High-altitude ground-to-air missile units		2 groups	4 groups	5 groups (another group being planned).
Major equipment: Operational aircraft	(Approximately 1,130 aircraft)	(Approximately 1,100 aircraft)	(Approximately 940 aircraft)	Approximately 490 aircraft (approximately 900 aircraft).

Note: Parenthesized numbers of operational aircraft denote total numbers of aircraft including trainers. The numbers of units from the 1st to 3d buildup plans are as of the end of each plan period.

The Outline further states that if greater than a "limited and small-scale aggression" is encountered, the standard defense force should be capable "of continuing effective resistance until such time as cooperation with the United States can be introduced, thus rebuffing such aggression." [25]

In essence, the Outline aimed at a qualitative, rather than quantitative improvement in Japan's defense posture, emphasizing improvements in logistical infrastructure, maritime surveillance and air defense. The Defense Agency, having lowered their sights to attainable goals, was now able to lay down for the first time rather specific levels of arms maintenance, replacement schedules and accompanying budgets. It remains to be seen, however, whether such qualitative changes have significantly improved the capabilities of the Self-Defense Forces, and whether these changes are sufficient to meet the changing military balance in the Far East.

THE CHANGING MILITARY BALANCE IN THE PACIFIC

Contemporary Japanese defense planning remains rooted in the Standard Defense Force Concept enunciated in 1976. Essential to an understanding of this program, particularly its emphasis on repelling only limited, small-scale aggression, is its evaluation of the domestic and international situation at the time. This perspective assumed that no major changes were anticipated in the domestic and international situation in the foreseeable future,[26] and that any aggression requiring advance preparation would allow time for the arrival, deployment and use of adequate U.S. forces. While such assumptions may have been valid in 1976, developments over the past five years call into question the continuing legitimacy of such premises.

The most significant change in the past five years has been the continued and unrelenting buildup of Soviet conventional and nuclear military power,[27] and the increasing interference, through surrogates such as the Cubans, in the internal affairs of other nations (e.g., Angola, Ethiopia, Cambodia and Afghanistan).

The dimension of the Soviet military buildup is particularly revealing when one examines overall Soviet defense spending. For each of the past twenty years, Soviet defense spending has increased steadily and significantly by an average of 4–5 percent a year. According to CIA estimates, the Soviets allocate 12–14 percent of their GNP to defense, whereas the United States spends only about 5 percent. The discrepancy is all the more remarkable when one considers that the Soviet GNP only ranges between 50 and 75 percent that of the United States. According to former Secretary of Defense Harold Brown, the Soviets spent about 50 percent more than the United States on defense in 1980 (using estimated dollar costs).[28] In terms of investment efforts (research and development, procurement and military construction), the statistics are similarly revealing. Only a decade ago (1970), Soviet investments began exceeding those of the United States; today, Soviet investments are 80 percent greater than those of the U.S. While over the past decade U.S. investments have fallen some 20 percent, Soviet investments have risen 50 percent. From 1968 to 1979, Soviet investments are estimated to have been $270 billion more than those of the United States.

Throughout the past decade the Soviets with their commitment of massive resources have continued to strengthen and modernize their armed forces in all categories. As to their strategic offensive forces, the Soviets have now completed deployment of their fourth generation of intercontinental ballistic missiles, including the SS–17, SS–18 and SS–19. There has been a twenty percent growth in the size of the Soviet SSBN force in the last five years alone, accompanied by a 356 percent growth in the DELTA SSBN force (from 9 to 32 units today). Their theater nuclear forces have been considerably augmented by the BACKFIRE bomber and the MIRVed SS–20 missile. Similarly, conventional forces have been upgraded, thereby enhancing their ability to conduct distant operations.

Especially noteworthy is the recent assessment offered by the Organization of the Joint Chiefs of Staff in their Military Posture Statement for FY 1982. The posture statement notes that "the military balance between the United States and the Soviet Union continues to shift toward the latter." Nowhere is this shift more evident than in the Far East.

Of the total Soviet ground forces, consisting of 173 divisions and approximately 1.83 million men, 43 divisions are deployed along the Sino-Soviet frontier, two are on Sakhalin Island, and one on Kamchatka. In the area east of Lake Baikal, over three-quarters of the total land force—34 divisions, comprising some 350,000 men—are deployed. Most of these ground forces consist of motor rifle divisions, with modern equipment, armored mobility, heavy fire power and good air defense capabilities.[29] Few of these divisions, however, are fully combat ready by U.S. standards.

The Soviet Pacific Fleet, more than any other branch of the armed forces, has been visibly upgraded. In 1979 alone, the Fleet received as many as eight new ships, totaling 81,450 tons, raising its total strength to 785 vessels, or 1,520,000 tons.[30] Among these additions were: the *Minsk*, the second of the *Kiev*-class aircraft carriers (32,000 tons); the *Petropavlovsky*, the fifth *Kara*-class missile-carrying cruiser (8,200 tons); the *Ivan Rogov*, the first of the new amphibious assault transport/dock ships (11,000 tons); a *Ropucha*-class landing vessel (3,450 tons); a *Dubna*-class supply ship (12,000 tons); the *Tashkent*, a *Kara*-class missile cruiser (8,200 tons); and two missile destroyers of the *Krivak* I and II-class (each 3,300 tons).[31]

The Fleet itself has a total of 507 combat ships, comprising 110 submarines[32] (including 30 carrying strategic missiles); one ASW aircraft carrier; 78 cruisers, destroyers, and frigates; and 318 amphibious ships and boats, patrol boats and mine warfare ships. Of Fleet's 169 attack submarines, ASW aircraft carrier, cruisers, destroyers and frigates, approximately one-fourth are equipped with missiles carrying nuclear or conventional warheads capable of attacking surface ships and submarines. The Fleet flag is at Vladivostok, with most of the surface combatant ships, as well as half of the submarine fleet, attached to the southern segment of the Fleet stationed in the Sea of Japan.[33] The Northern segment of the Fleet, primarily stationed at Petropavlovsk on the Kamchatka Peninsula, is heavily weighted with submarines. (See map of major Soviet naval facilities in area surrounding Japan.)

Soviet air strength in the area is approximately 2,060 aircraft. These include about 450 bombers, 1,450 fighters, and about 160 patrol planes. Capabilities for attacking ground targets and ships have been enhanced, as has their stand-off attack capability.

Footnotes at end of article.

In terms of theater nuclear forces, the Soviets have now deployed the TU-22M BACKFIRE bomber, a small number of which are stationed around Irkutsk, and the SS-20, deployed east of Lake Baikal. The SS-20 is a mobile, solid-fuel-propelled IRBM with three 150-KT nuclear MIRVed missiles with a range capability of some 5,000 km. These missiles and bombers are capable of reaching almost any part of Asia, including Taiwan, Korea, China and Japan.

Of particular significance to Japan has been the increased Soviet presence on the Northern Islands about 10 kilometers off Hakkaido. Immediately after the end of World War II, the Soviets invaded the northern islands and stationed a corp of troops and MIG-17 fighters on the island of Kunashiri and Etorofu. Such a military presence was to remain until the summer of 1960 when Khrushchev announced a decision to cut Soviet armed forces by 1.2 million men.

However, the Soviets began reintroducing ground troops and creating military installations on the two islands from around May 1978. Since the summer of 1979, they have extended their operations to the island of Shikotan (which never had been occupied). The combined total of Soviet forces on these islands approaches the size of a division—circa 6000 men. Divisional headquarters is on the island of Etorofu. The troops are equipped with tanks, surface-to-air missiles, and other weapons of a motor rifle division, as well as with large-caliber 130 mm guns. Armed helicopters with anti-tank missiles have recently been sighted (12 MIG-24s). The Air Defense Force comprises approximately 24 MIG-17s.[34]

In contrast to the slow but steady upgrading of Soviet forces in the Far East is the somewhat static position of U.S. forces. U.S. troop strength in the Pacific has shrunk from a level of 250,000 in 1964, the baseline year before the Vietnam buildup, to some 130,000 today. U.S. force levels currently are at their lowest in three decades. The only readily available major maneuverable force west of Hawaii are the 2nd Infantry Division in Korea and the 3rd Marine Division on Okinawa.

Correspondingly, only seven amphibious ships are assigned to the Pacific Fleet—four of which were assigned to the Arabian Sea during part of the Iranian Crisis. In mid-1964, the U.S. had 15 Air Force fighter squadrons; today, their number has been reduced to five. While the Pacific Fleet, composed of the 7th and 3rd Fleets, had 11 carriers in 1964 (both CVA and ASW), today there are only six (CVA/N). Though four were formerly deployed with the Seventh Fleet, only two are still permanently attached.[35]

Though a rough state of equilibrium exists today between the U.S. and the Soviet Union in the Far East, the future forecast is far less certain. In his farewell address as Commander-in-Chief for the Pacific (October 31, 1979, Hawaii), Admiral Maurice F. Weisner poignantly observed "that Soviet momentum in conventional military force improvements will put us in second place—especially here in the Pacific where we are no longer in a position of military superiority and where military parity is threatened."

Further complicating the overall Pacific environment is the threat posed by North Korea. In 1979, the U.S. intelligence community admitted that its estimates of the North Korean armed forces were too low. North Korean ground forces were reappraised upwards by 25 percent to 600,000 men; the number of divisions by 40 percent to 37; and tanks by over 33 percent to 2,600. North Korea today possesses the world's fifth largest army and the sixth largest submarine force.

Footnotes at end of article.

In contrast, the South Korean armed forces are seriously outnumbered. Though their ground forces are roughly equivalent, the North Koreans hold a decided 3:1 edge in aircraft, a 2.5:1 edge in tanks, and a 4:1 superiority in ships. This unstable military position is particularly significant given Japan's recognition that her security is intimately tied to that of Korea.

CURRENT ANALYSIS OF THE SELF-DEFENSE FORCES

Given the ever-increasing threat posed by the Soviet Union and North Korea to the overall military balance in the Far East, it is important to ask whether current Japanese Self-Defense Force levels are adequate to meet potential aggressors.

The Japanese Self-Defense Force is currently divided into three separate branches: Ground, Maritime and Air. The Force's primary responsibility is to stand ready to repel any armed incursion against the home islands of Japan. Its mission is, therefore, defensive in nature and has been structured accordingly. Current force levels in all branches, however, are inadequate and seriously jeopardize Japan's ability to defend itself against external aggression. Before reviewing the current mission, status and operational capability of each branch of the Self-Defense Force, including new equipment allocations for the coming year, a few words need to be said about the current defense budget and the overall budgetary process.

Current buget

The budgetary process in Japan, particularly the role of the bureaucracy in formulating fiscal policy, differs dramatically from that found in the United States and hence deserves review.

The Finance Ministry (Okurasho) is the primary bureaucratic organ charged with determining the budget for all ministries and agencies in the Japanese government. Performing more than an advisory function, the Finance Ministry often comes into conflict with the Diet as well as the leadership of the LDP. Unlike U.S. departments, which take a limited role in determining government fiscal policy, the Finance Ministry operates like an autonomous OMB; any major decision must clear the Ministry before its implementation.

In particular, the defense budget has always generated controversy between the Finance Ministry, the Defense Agency and the LDP-controlled Diet. The Ministry prefers to fund domestic programs and has generally taken a dim view of military and defense-related projects and expenditures. With the decline in the growth of the Japanese economy, the reluctance of the Ministry to expend funds for the Self-Defense Forces has risen proportionately. The decision to hold back auto imports over a three-year period (announced on April 29, 1981) will further fuel the Finance Ministry's arguments for fewer defense-related allocations.

The Japanese political custom of decision by consensus requires consultation with the Finance Ministry before implementing any fiscal policies. This decision-making process, coupled with the Finance Ministry's monopoly on economic information necessary in formulating the budget, assures the continued importance of the Ministry in the budgetary process.

In May of last year, Prime Minister Ohira agreed in principle to an increase in Japanese defense spending as a percentage of GNP. Following Ohira's untimely death, Prime Minister Zenko Suzuki reaffirmed Japan's commitment to improving national defense through an increase in the defense budget.

Despite warnings by Finance Ministry officials that significant increases in the defense budget would be impossible, the full Cabinet on July 29 approved a scheme exempting the defense budget from the overall ceiling placed on other ministerial budget requests. The defense ceiling was set at a 9.7 percent increase rather than the 7.9 percent for other agencies. Accordingly, the Defense Agency requested a budget of Y2,474 billion, representing 0.92 percent of Japan's GNP.

During subsequent negotiations, the Finance Ministry cut defense appropriations to 6.6 percent. Suzuki, however, was able to achieve a compromise of a 7.6 percent increase, bringing the approved budget to Y2,400 billion or approximately $11.8 billion. this budgetary increase, after adjusting for inflation, amounts to about a 4 percent increase in real terms—only a 0.6 percent rise over last year's increase.

Capabilities and deficiencies of the self-defense forces

(A) Ground Self-Defense Force (GSDF):

The primary mission of the GSDF is to prevent foreign nations from successfully invading Japan. Given the geographic configuration of Japan, ground forces should be highly mobile, able to be quickly deployed in a variety of terrains and locations.

Accordingly the GSDF emphasizes armor as the primary, mobile striking force. Currently, the GSDF has about 830 tanks on line, most of which are the older Type-61 model. In order to upgrade Japan's aging tank capability, the new budget calls for 72 Type-74 tanks to supplement current strength levels. In addition, the new allocation calls for an additional nine Type-73 armored personnel carriers and 36 203mm and 155mm self-propelled howitzers in order to "beef up" present levels of mobile, support artillery.

The present personnel quota of the GSDF is 180,000 troops. However, current manpower is maintained at only 86 percent of the authorized quota—with a ready reserve force of 39,000. The buildup plan announced by Prime Minister Suzuki on April 28, 1981 calls for the addition of 25,000 troops to the active ground force, thereby bringing its strength to the authorized level.

The anti-tank capability of the GSDF lags far behind current technology found in other ground forces. Japan has yet to deploy an effective anti-tank missile system and still relies on the 84mm recoiless rifle which has a relatively short kill range and limited destructive capability. The Type-79 anti-tank and anti-ship missile launchers are scheduled for deployment this year, but production will leave the GSDF anti-tank capability below desired levels.

(B) Maritime Self-Defense Force (MSDF)

The MSDF has a two-fold mission: to protect the nation against seaborne invasion and to secure the sea lanes around Japan in the event of war.

The MSDF emphasizes anti-submarine warfare. Consequently, its ability to defend against missile and airborne attack at sea is considered inadequate. In an attempt to upgrade and strengthen Japan's naval capability, the new budget includes authorizations for one 4,500 ton destroyer; two 2,900 ton destroyers; one 2,300 ton submarine-killer submarine; two 440 ton minesweepers: and six HSS-2B anti-submarine warfare helicopters. In addition, the MSDF is currently deploying the P3C and has plans to purchase one more squadron for deployment in late 1982.

In the event of war in the Pacific, Japan would be incapable of mining the strategically important straits which surround Japan and would be unable to "choke-off" the Soviet Navy at Vladivostok. The MSDF currently deploys only one minelayer and has not announced intentions to purchase another, though methods of improving Japan's minelaying capabilities are currently under consideration.

In an attempt to upgrade transport capabilities, construction has begun on two 500

ton transport vessels to support the six ships currently providing maritime, logistic support to the GSDF.

(C) Air Self-Defense Force (ASDF).

The ASDF is organized equipped and deployed to engage in defensive operations only. Denied the right to initiate air strikes against a potential enemy, the ASDF must be able to react quickly to intercept and destroy airborne invaders with little prior warning.

In order to bolster ground radar capability, the ASDF has decided to purchase two E-2C early warning aircraft in FY 1982 and two more in FY 1983. In addition, Japan's ground radar equipment is being modernized and the current Base Air Defense Ground Environment (BADGE) system in use since 1967 is being upgraded, with studies currently underway to determine a suitable replacement.

Japan's main interceptor-fighter, the F-4EJ, has become somewhat obsolete in view of the more sophisticated aircraft being introduced in and around the area of Japan by other nations. Consequently, in 1978, the F-15 was selected to replace it with the first squadron scheduled for deployment in the latter half of 1982. Additionally, Japan lacks an adequate electronic warfare capability, precision-guided bombs and a sophisticated air defense missile system. The NIKE, operational since 1962, remains Japan's primary surface-to-air missile defense—though plans for its replacement are currently under consideration.

In order to upgrade the ASDF, the current budget calls for the purchase of two F-1 supersonic ground support fighters; two U.S.-made C-130H Hercules transport planes; four E-2C Hawkeye airborne early warning planes; and two units of short-range SAM system called Tan-SAM.

(D) Other Capabilities and Deficiencies:

The system for combined and joint operations and the command and control structure are considered deficient. Effective combined and joint operations are nearly impossible under present circumstances since there is as yet no established mechanism for crisis management, for a wartime leadership structure, for joint operations of three services, and for combined Japan-U.S. operations.

Similarly, readiness is at an extremely low level. A mobilization system has not yet been established. Peacetime reserves of personnel and equipment are considered insufficient, a tendency particularly noted above in the GSDF.

Finally, there is the problem of sustainability in a wartime situation. Present stockpiles of munitions, fuel, food and other equipment are considered low.

Given the growing military imbalance in the Far East occasioned by the growing power of both the Soviet Union and North Korea, and the present state of Japanese defense efforts, one can easily conclude that the Japanese Self-Defense Forces leave much to be desired in both quality and quantity.

A similar conclusion was arrived at by the Comprehensive National Security Study Group, appointed by Prime Minister Ohira, during the summer of 1980. In their Report on Comprehensive National Security, the Group ridiculed the current capabilities of the Self-Defense Forces, noting that a half of the defense equipment was virtually useless, arms stockpiles were insufficient, and the security efforts were, in general, deplorable.

CONCLUSION

In the future, the international environment in the Pacific will be more forbidding, particularly in light of

(1) the growing military power of the Soviet Pacific Fleet, and the introduction of the BACKFIRE bomber and the SS-20 missile;

(2) the ever-increasing instability on the Korean Peninsula;

(3) the sagging position of the U.S. in the area, particularly the Seventh Fleet's overcommitment (recent requirements of Fleet activity in the Indian Ocean and continuing responsibility north of Formosa); and

(4) the existing deficiencies within the Self-Defense Forces.

With these factors in mind, what should be the appropriate response of the Japanese government to adequately and successfully meet the potential military challenges which lie ahead?

In the short term, greater emphasis must be placed on air and maritime force improvements. Particular consideration should be given to the following:

Procuring additional P-3C anti-submarine warfare aircraft (capable of mining waters), SH-3B ASW helicopters and ASW frigates for the maritime forces.

Procuring new destroyers, CG-47 *Aegis* cruisers and destroyer escorts armed with surface-to-surface and anti-ship missiles, and additional RH-53E minesweeping helicopters.

Strengthening surveillance capabilities on the coast and the Straits.

Upgrading early warning capabilities with a greater number of E-2C early warning aircraft.

Increasing the number of F-15 fighters and procurement of long-range, land-based F-14 fighters armed with *Phoenix* air-to-air missiles.

Improving the BADGE system.

Converting NIKE units to SAM-X units.

In addition, consideration be given to—

Creating a Central Command HQ;

Stockpiling petroleum, ammunition and other supplies;

Increasing interservice exercises and joint manuevers with the United States;

Assuming more of the burden of stationing American forces on the home islands.

In the long-term, Japanese defense planners should consider first extending the range of defensive operations, through the acquisition of new guided missile and helicopter-carrying destroyers, modern anti-ship missiles for use against surface combatants, and more destroyers with improved air defense equipment. Long-range submarines (possibly nuclear) might also be introduced. Consideration should also be given to the acquisition of a V/STOL aircraft carrier, similar perhaps to the Soviet *Kiev*-class carrier. All P-3J aircraft should be replaced with P-3Cs and all F-4Js with either F-15 or even the F-16. Finally, consideration should be given to the establishment of an amphibious/airborne force.

During both the short- and long-term, Japan must seriously re-evaluate much of the philosophy underlying its current defense posture. It is hoped such a re-examination will lead to the discarding of such meaningless taboos as the 1 percent ceiling, canonized during the Miki administration. Similarly, one would hope that the prohibitions against possession of offensive weapons and the sending of Self-Defense Forces abroad in any contingency would be eliminated. Consideration should also be given to the abandonment of the three non-nuclear principles and export controls on defense equipment. In such a re-examination and re-evaluation, Japan should be encouraged to define and develop its own concept of security and act accordingly.

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FOOTNOTES

[1] Cf. paragraph 3a of the United States Joint Chiefs of Staff Directive 1390/15 entitled *Basic Objectives of Military Occupation of Japan*, November 3, 1945.

[2] *Ibid.*

[3] U.S. Department of State, Publication 2836, Far Eastern Series 22, 1947, pp. 2-3.

[4] Tetsuya Kataoka, *Waiting for a "Pearl Harbor"—Japan Debates Defense* (Stanford: Hoover Institution Press, 1980), p. 9.

[5] Cf. George F. Kennan (Mr. "X"), "The Sources of Soviet Conduct," *Foreign Affairs*, July 1947.

[6] "Each Party recognizes that an armed attack against either Party *in the territories under the administration of Japan* would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes" (Article V—emphasis added).

[7] Because of the massive demonstrations against the Kishi government, President Eisenhower was forced to cancel his goodwill trip to Japan. Immediately following Diet approval of the 1960 Treaty, Prime Minister Kishi resigned.

[8] Cf. Kataoka, *Waiting for a "Pearl Harbor,"* p. 20.

[9] *Ibid.*, p. 21.

[10] *Ibid.*

[11] Japan will not possess, manufacture or introduce nuclear weapons on her soil.

[12] Quoted in Fred Greene, *Stresses in U.S.-Japanese Security Relations* (Washington, D.C.: The Brookings Institution, 1975), p. 33.

[13] Actual reversion took place in 1972.

[14] Article VI of the 1960 Treaty granted the United States the use by its land, air and naval forces of facilities and areas on the home islands of Japan. The use of these facilities and areas was governed by a separate agreement. In extending Japanese jurisdiction to the Ryukyus, Japan was made responsible for the defense of the area and by implication of the U.S. facilities on Okinawa.

[15] Harold C. Hinton, *Three and A Half Powers: The New Balance in Asia* (Bloomington & London: Indiana University Press, 1975), p. 134.

[16] *Ibid.*

[17] Cf. Frank N. Trager and William L. Scully. "Asia and the Western Pacific: A Time of Trial," in *RUSI and Brassey's Defence Yearbook, 1975/76* (Boulder, Colorado: Westview Press, 1975), p. 171.

[18] In addition to the above, the Guidelines specify actions to be taken in response to an armed attack against Japan.

[19] Defense Agency of Japan, *Defense of Japan, 1978* (Tokyo, 1978), p 57.

[20] Cf. Rodger Swearingen, *The Soviet Union and Postwar Japan: Escalating Challenge and Response* (Stanford: Hoover Institution Press, 1978), p. 203.

[21] *Defense of Japan, 1978*, p. 63.

[22] *Ibid.*

[23] Kataoka, *Waiting for a "Pearl Harbor,"* p. 47.

[24] *Defense of Japan, 1978*, p. 68.

[25] *Ibid.*, p. 202.

[26] *Ibid.*, p. 69.

[27] The Organization of Joint Chiefs of Staff, *United States Military Posture for FY 1982 Supplement*, p. 1.

[28] *Report of Secretary of Defense to the Congress on the FY 1982 Budget*, January 19, 1981, p. 15.

[29] Research Institute for Peace and Security, *Asian Security 1980* (Tokyo, 1980), p. 30.

[30] *Ibid.*, p. 31.

[31] *Ibid.*, p. 36.

[32] Some estimates give 130 submarines. See, for example, *Aviation Week and Space Technology*, March 9, 1981 and *Defense and Foreign Affairs Daily*, May 2, 1980.

[33] According to *Soviet Analyst*, Vol. 8, No. 3 (8 February 1979), two new submarine bases are being constructed near Vladivostok for the use of Delta II and Delta III types.

[34] *Asian Security 1980*, pp. 42-45.

≈ Cf. John M. Collins, *U.S.-Soviet Military Balance: Concepts and Capabilities 1960–1980*, p. 348.●

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, inasmuch as the majority leader had planned to go into recess until, I believe, 4:30 p.m. today, he very agreeably allowed me to utilize that time in making one of my speeches on the U.S. Senate.

(The remarks of Senator ROBERT C. BYRD at this point are printed earlier in today's RECORD, by unanimous consent.)

(Mrs. KASSEBAUM assumed the chair.)

Mr. ROBERT C. BYRD. Madam President, I suggest to my colleagues on my side of the aisle that I anticipate that there will be further business yet today. I anticipate that the majority leader will probably call up the supplemental appropriations bill, later today, inasmuch as the Democratic Caucus indicated its willingness to waive the 3-day rule. This will permit the Senate to begin action on the supplemental appropriations bill. There may be rollcall votes yet today, so I urge my colleagues on this side to make their plans accordingly.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KASTEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AID ACTS PROPERLY AND EXPEDITIOUSLY IN DISPUTE WITH CARTER APPOINTEES

Mr. KASTEN. Madam President, I want to compliment the Administrator of the Agency for International Development, M. Peter McPherson, for his disciplined and skillful handling of the dispute generated by two Carter appointees, still employed by AID, who have publicly disagreed with Reagan administration policy. I am sure that there will be some outcries as a result of the actions Mr. McPherson has found it necessary to take, but before too much rhetoric is wasted, it might be instructive to look at the two officials involved.

First of all, they are both political appointees of the previous administration.

In the case of Mr. Eugene N. Babb, he was brought into AID with the Carter transition team and kept as a political appointee by former AID administrator John Gilligan. Sometime between now and then, he managed to get himself into the civil service.

With respect to Dr. Joseph, he was brought in as a political appointee by Mr. Sander Levin, former assistant AID administrator for development support.

Both of these gentlemen were recently before my subcommittee, and it was instantly clear to me that they were less-than-enthusiastic supporters of the current administration's foreign assistance policy.

Madam President, it is unfortunate that these two political appointees have attempted to seek personal publicity from a policy decision which has been carefully conceived by the Reagan administration. AID administrator McPherson is the dedicated and skillful leader of an agency which, for far too long, has been tarnished by indecision, waste, and ineffectual management. It must be emphasized once again that this was not a case of Reagan officials having a disagreement with their boss, but simply two political appointees of the former administration refusing to work within the system. I trust it will be treated as such.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—SUPPLEMENTAL APPROPRIATIONS

Mr. BAKER. Mr. President, for most of the day now, certainly for all of the afternoon, the leadership on both sides and interested Senators on both sides have been trying to arrive at an agreement for a time certain to dispose of the supplemental appropriations bill.

I believe we have such an agreement. I have now discussed it with the minority leader and other Senators. I will now propose the following unanimous-consent request.

Mr. President, I ask unanimous consent that when H.R. 3512 is made the pending business before the Senate that no amendments dealing with abortion other than the committee amendments be in order.

I further ask unanimous consent that on the committee amendment with Syria there be a 1-hour time agreement equally divided and controlled by the manager of the bill and the Senator from Wisconsin (Mr. PROXMIRE), with the further provision that the Proxmire amendment will be dealt with by the Senate during the day on Wednesday.

I further ask unanimous consent that on a committee amendment to strike language known as the Ashbrook language dealing with Federal Health Insurance for abortions there be a 1-hour time agreement equally divided and controlled by the majority and minority leaders or their designees.

I further ask unanimous consent that any committee amendments, save that one dealing with abortion, referred to as the Hyde-Helms language, not acted upon by 2:30 p.m. Thursday, May 21, be acted upon without debate along with amendments thereto at that point, and that immediately the Senate turn to the remaining committee amendment dealing with abortion with debate thereon to continue until no later than 4:30 p.m. under the control of the majority and minority leaders or their designees, equally divided, at which time a vote in relation to the committee amendment occur without any intervening action or amendment, followed by third reading and a vote on final passage of the bill without any intervening action or amendment, and that paragraph 4 of rule 12 be waived.

Mr. ROBERT C. BYRD. Mr. President, there is no objection on this side. The request has been cleared with all parties.

Mr. PACKWOOD. Mr. President, I have just one question.

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. Mr. President, reserving the right to object, I want to clarify. On the Hyde-Helms amendment, does this unanimous consent guarantee that we will start on it at 2:30 Wednesday, or does that mean we will dispose of all other amendments pending at 2:30 and if there are votes on them we will use that time before 2:30?

Mr. BAKER. It is my interpretation that we will, at 2:30, proceed to the consideration of that committee amendment which deals with the Hyde-Helms language.

I must tell the Senator that if there are other amendments which have not been disposed of at that time, they will be disposed of at that point either by voice vote or by rollcall vote, if ordered, and that might have the effect of extending the time, I assume, for such votes past the hour of 2:30.

In any event, there will be 2 hours of debate on the committee amendment dealing with Hyde-Helms, and that vote would occur at that point, that is, 2 hours later, and third reading and final passage will occur immediately thereafter.

Mr. PACKWOOD. So we will have 2 hours after the time we dispose of the other amendments prior to starting on Hyde-Helms?

Mr. BAKER. Mr. President, let me read the language of the fourth paragraph. I believe it is self-explanatory. It reads as follows:

I further ask unanimous consent that any committee amendments, save that one dealing with abortion, referred to as the Hyde-Helms language, not acted upon by 2:30 p.m. Thursday, May 21, be acted upon without debate along with amendments thereto at that point.

The point would be that at 2:30, while there would be no further debate, we would have to dispose of the remaining committee amendments that were pending at that time.

Mr. PACKWOOD. There are about 400 committee amendments. Is that correct?

Mr. BAKER. Well, there are, but I really have no idea that they would be offered separately and considered separately by the Senate.

Mr. PACKWOOD. I understand that. I just want to make sure that those of us on this side are not cut short by somebody asking for votes on eight amendments and using up our 2 hours, getting us to 4:30 with no time for debate.

Mr. BAKER. I assure the Senator I am aware of that. I believe it may be neces-

sary, then, to amend the request in order to fully protect the Senator in that respect.

Mr. President, I do amend the request in the fourth paragraph so that it will read:

And that immediately the Senate turn to the remaining committee amendment dealing with abortion with debate thereon to continue until no later than 2 hours past the point when the amendment shall have been laid down for debate.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object.

Mr. BAKER. Mr. President, I think we must still address a point raised by the distinguished Senator from Oregon, to make sure that no Senator is deprived of a full 2 hours of debate on the Hyde-Helms language. In order to revise the request in a way that is mutually agreeable, I ask the Chair to temporarily suspend its ruling on my request and, for the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I should like now to restate the last paragraph of my request, leaving in effect those portions of it that have gone before. This is the form of the final paragraph:

Mr. President, I further ask unanimous consent that any committee amendments save that one dealing with abortion, referred to as Hyde-Helms language, not acted on by 2:30 p.m. on Thursday, May 21, be temporarily set aside and that debate proceed on that committee amendment dealing with the Hyde-Helms language for no more than 2 hours; that at the expiration of that time, the Senate proceed to a vote in relation to the committee amendment dealing with the Hyde-Helms language; that such time—that is, to say, the 2 hours—shall be under the control of the majority and minority leader or their designees and shall be divided; that after the disposition of that amendment, the Senate will proceed then to the disposition of the remaining committee amendments, if any, without further debate, to be followed by third reading and a vote on passage of the bill without any intervening action or amendment.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, would the distinguished majority leader include in his request the starting time on tomorrow and on Thursday for resumption of consideration of the measure?

Mr. BAKER. Yes, Mr. President, I add to the request I made that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on tomorrow and make a similar request for Thursday.

Mr. ROBERT C. BYRD. Mr. President, maybe the Senator is going to do that yet, but I wanted a definite time for the resumption of consideration of the measure each day.

Mr. BAKER. Mr. President, I ask unanimous consent that, on Wednesday, the time assigned to the two leaders under the standing order be reduced to 5 minutes each and that, after the disposition of the time so reduced and after the recognition of any Senators under special orders, the Senate proceed then to resume consideration of the supplemental appropriations bill, H.R. 3512; and that the same order and sequence of events occur on Thursday.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, could the distinguished majority leader provide that no later than 10 o'clock on Wednesday and no later than 10 o'clock on Thursday, the Senate resume consideration of the supplemental appropriations bill?

Mr. BAKER. Mr. President, I have a problem with tomorrow. I have a request, I believe, for four Senators for special orders. I shall be glad to move the convening time back in order to accommodate that. I have not yet provided for time for the transaction of routine morning business. Let me revise the request in respect to Wednesday and Thursday in this way:

ORDERS FOR WEDNESDAY

I ask unanimous consent, Mr. President, that on tomorrow, there be special orders in favor of the four Senators previously ordered and that the Senate convene at the hour of 8:50 a.m.; that after the expiration of the time allocated to the two leaders under the diminished standing order and the recognition of four Senators under the special order, there be a brief period for the transaction of routine morning business not to extend past the hour of 10 o'clock; and that, at 10 o'clock on Wednesday, the Senate resume consideration of H.R. 3512.

ORDERS FOR THURSDAY

Mr. President, I further ask unanimous consent that on Thursday, the Senate convene at 9:30 a.m. and that the two leaders be recognized for not to exceed 5 minutes each instead of the 15 minutes allocated under the standing order; that at no later than 9:45 a.m. on Thursday, the Senate resume consideration of H.R. 3512.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object——

Mr. BAKER. Mr. President, I add to my request that no amendments other than committee amendments will be in order after 1 p.m. on Thursday, with the understanding that nothing contained in this agreement shall affect the provisions dealing with the consideration of the committee amendment dealing with the Hyde-Helms language and the time for debate thereon and disposition thereof.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, let me explain a little of what we have done, especially the last provision we have made.

It is truly extraordinary, I think, that given the circumstances we have been able to arrive at a method for the final disposition of the supplemental appropriations bill and the abortion language that will be dealt with in the committee amendment.

I thank all Senators because I know it has required a degree of sacrifice on both sides of the abortion issue and on the part of many other Senators. But I think that it is in the best tradition of the Senate that we have reached an agreement for the orderly discharge of the business of the Senate.

FRIDAY SESSION NOT ANTICIPATED

It is not anticipated now that the Senate will be in session on Friday, and I expect that in the course of the day Wednesday or Thursday we will receive or originate an adjournment resolution for the period over for the Memorial Day recess.

What we have provided is that the Hyde-Helms language as dealt with by the committee amendment will be taken up for 2 hours of debate, and only 2 hours of debate, beginning at 2:30 p.m.

We have also provided that no amendments will be in order after the hour of 1 p.m., and the reason for that is to make sure that we have a cushion and that we enhance the chances that we can conclude final consideration of this measure by about 5 p.m.

I may say in all candor that in the negotiations during the day today and especially my conversations with the minority leader one of the underpinnings, the undergirdings, of this agreement was the idea that we could finish by about 5 p.m. on Thursday and not be in session on Friday.

So it seemed wise, then, to provide that no amendments would be in order other than committee amendments and without affecting the standing of the Hyde-Helms language after 1 p.m. on Thursday.

CONFERENCE REPORT ON BUDGET RESOLUTION

There is one other matter, Mr. President, that I should call to the attention of the Senate. It is my hope and expectation that some time during the day tomorrow the other body will act on the conference report of the Budget Committee.

It is my information that the House of Representatives will convene tomorrow at 11 a.m. and that they may proceed to the consideration of the conference report in that body by 12 o'clock.

It is the intention of the leadership on this side to proceed to the consideration of the conference report when it is received or soon after it is received in the Senate.

The conference report, of course, is privileged, and it would be my hope that we could obtain an agreement by unanimous consent to limit the time for the consideration of the conference report to perhaps 2 hours to be equally divided and to then, of course, resume consideration of H.R. 3512.

SCHEDULE SUMMARY

Mr. President, the net effect of this agreement now has been to provide that

committee amendments will be dealt with in an orderly way, to provide that the Ashbrook amendment and the Hyde-Helms language will be dealt with in a reasonable way; to provide for the disposition of the remaining 390-plus committee amendments, I hope en bloc or in a manner that will not unduly tie up the Senate, but in any event to provide that no amendments will be in order other than committee amendments after 1 p.m. on Thursday; that 2 hours after 2:30 p.m. we will proceed to the disposition of the committee amendment dealing with the Hyde-Helms language; and it is my hope and expectation that final passage will follow shortly thereafter and that the Senate can complete its work by approximately 5 p.m. on Thursday next.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. Will he include in his agreement that there will be no time for debate on motion to reconsider the passage of the bill?

Mr. BAKER. Yes.

Mr. President, I so make that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later the following occurred:)

Mr. ROBERT C. BYRD. Mr. President, I would ask the distinguished majority leader if he would preclude debate in——

Mr. BAKER. Mr. President, I wish to amend my previous unanimous-consent request at the suggestion of the minority leader which, I think, is very well taken, to provide that after the disposition of committee amendments the Senate will proceed immediately to third reading and a vote on final passage without any intervening action or amendment or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Without having the language in front of me, and I have listened carefully to the distinguished majority leader. I would ask the Chair if the request as put by the distinguished majority leader would prevent any debate following third reading and prior to the vote on final passage.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. No, I ask would it?

The PRESIDING OFFICER. The agreement would preclude debate at that time.

Mr. ROBERT C. BYRD. And it would preclude debate following the action on the amendment and prior to third reading?

The PRESIDING OFFICER. It would preclude debate at that time as well.

Mr. ROBERT C. BYRD. And would preclude motions?

The PRESIDING OFFICER. Likewise, motions would be precluded.

Mr. ROBERT C. BYRD. Including points of order?

The PRESIDING OFFICER. Including points of order.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. BAKER. Mr. President, I thank the minority leader

Mr. President, may I once again express my deep appreciation to the minority leader, Senator HATFIELD, Senator DOMENICI, Senator HOLLINGS, Senator PACKWOOD, Senator WEICKER, Senator PROXMIRE, to a great number of Senators on both sides of the aisle, and others who have participated for long hours in arduous negotiations in the course of the day today.

The text of the agreement follows:

Ordered, That during the consideration of H.R. 3512 (Order No. 93), no amendments dealing with abortion other than the committee amendments be in order.

Ordered further, That on the committee amendment dealing with Syria there be a 1 hour time agreement, equally divided and controlled by the manager of the bill and the Senator from Wisconsin (Mr. PROXMIRE), which amendment will be the first amendment considered on Wednesday, May 20, 1981.

Ordered further, That on a committee amendment to strike language known as the Ashbrook language dealing with Federal Health Insurance for abortions, there be a 1 hour time agreement, equally divided and controlled by the Majority and Minority Leaders or their designees.

Ordered further, That any committee amendments, save that one dealing with abortion, referred to as the Hyde-Helms language, not acted upon by 2:30 p.m. Thursday, May 21st, be temporarily laid aside and that immediately the Senate turn to the remaining committee amendment, the so-called Hyde-Helms language, with debate thereon to be limited to 2 hours, under the control of the Majority and Minority Leaders or their designees, to be equally divided, at which time a vote in relation to the committee amendment occur without any intervening action or amendment, after which the Senate shall proceed to dispose of any remaining committee amendments without debate or intervening action, and that third reading immediately occur without debate or intervening action, followed by a vote on final pasage.

Ordered further, That after 1:00 p.m. on Thursday, May 21st, no amendments other than committee amendments be in order, and that no debate be in order on a motion to reconsider final passage.

CROWELL NOMINATION AT 11:30 A.M. TOMORROW

Mr. BAKER. Mr. President, it has been called to my attention that there is already an order for further consideration of the Crowell nomination beginning at 11:30 a.m. tomorrow. Is that correct?

The PRESIDING OFFICER The Senator is correct.

Mr. BAKER. And for final disposition of that nomination at 12 o'clock.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I do not believe it is necessary to do this, but in the interest of clarity I amend my request so that time is provided to honor the order previously entered and so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, it is my hope that the distinguished chairman of the Budget Committee may be in a position to present to the Senate a budget waiver so that we could proceed to the consideration of the supplemental appropriation bill.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. What is the pending matter before the Senate?

The PRESIDING OFFICER. There is nothing now pending before the Senate.

BUDGET ACT WAIVER

Mr. DOMENICI. Mr. President, in accordance with section 904(b) of the Congressional Budget Act (Public Law 93–344), I move to waive any point of order that might be raised under titles III and IV of the act with regard to H.R. 3512, and amendments thereto reported with the bill from the Senate Committee on Appropriations.

I take this extraordinary step for two reasons. First, it is clear that the Congress must move without delay on spending cuts like those included in the rescission package. Second, it is also clear that we must fund the activities of those departments of Government that now await final congressional approval of the continuing resolution and parts of the supplemental appropriations measure.

I wish to make several points, however, about the action I take today. First, the House and Senate conferees have met on the matter of the first concurrent budget resolution for fiscal year 1982 and have reached agreement. That conference report is to be debated on the House floor today and, conceivably, could come to the Senate for action today and almost certainly tomorrow. Thus, the need to waive the Budget Act in order to act on the Appropriations Committee package is not the fault of delay on the part of the conference on the 1982 resolution, which took only 1 day to conclude.

Second, I move to waive the Budget Act only for the purposes of considering the package as reported by the Appropriations Committee and specifically do not intend this waiver to extend to any amendments that might add to the spending totals in the reported measure.

Third, it is clear to me that several items on the supplemental are not mandatory spending items. I say this not as any criticism, but merely as a statement of fact. My review of the spending path this Government has inexorably embarked upon for the remainder of this year indicates that we run a real risk of a very large deficit. even larger than the $58 billion projection in the pending budget resolution revision. We must scrutinize thoroughly any nonmandatory spending if we are to come even close to keeping the deficit under $60 billion for this fiscal year.

Finally, the need to waive the Budget Act occurs because the aggregate budget authority and outlay ceilings of the second concurrent budget resolution for fiscal year 1981 have been exceeded. Those ceilings were artificially low, as I have mentioned during the past 4 months and as I mentioned during debate on that resolution last winter. Thus, the chain of events was forged last year that leads to the need for a waiver today when Congress substantially understated probable spending requirements.

It is this final point that so concerns me. Apart from the measure the Appropriations Committee has reported—and that committee, under Chairman HATFIELD's direction, has done an outstanding job—the Congress must confront real spending pressures that loom on the horizon. We simply must end that pattern of passing legislation and finding, at the end of the fiscal year, that we have breached the spending ceilings we set for ourselves. For example, it might appear on the surface that the measure now before us from the Appropriations Committee is substantially less than the new ceilings contained in the fiscal year 1981 revisions in the pending budget resolution conference report. At first glance, it appears that the Congress could entertain new budget authority of approximately $3.2 billion and new outlays of approximately $600 million. That is, it appears there is a "gap" between spending under this bill and the new ceiling in the budget resolution.

There is no "gap," Mr. President. Indeed, our analysis indicates that we will need all of this "gap" just to accommodate probable later spending, especially if interest rates continue higher than anticipated; and if outlay rate in the various agencies of Government run higher than we predict.

I would like to point out to my colleagues, Mr. President, that this waiver does not extend to any amendment other than the amendments included in the report from the Committee on Appropriations accompanying this bill.

Any amendment, therefore, which would increase budget authority or outlays—or which would reduce any rescission—as compared to the reported bill, would be subject to a point of order under section 311 of the Budget Act.

Mr. President, I ask unanimous consent that a list of section 904 waivers of the Budget Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 904 WAIVERS OF BUDGET ACT

July 23, 1980: Bellmon moved to waive Title III of the Act so that a non-germane amendment to the Revenue Reconciliation Bill could be considered. Motion approved by voice vote.

June 3, 1980: Hollings moved to suspend the Budget Act to permit consideration of the Federal Trade Commission Appropriation. Motion approved by unanimous consent.

May 14, 1980: Hollings, on behalf of Budget Committee moved to waive section 311 in order for the Senate to consider the emergency food stamp supplemental appropriation bill. Motion agreed to 71 to 17.

April 10, 1978: Talmadge motion to suspend section 303 to permit consideration of Emergency Agriculture Assistance Conference Report. Approved 49 to 43.

April 8, 1976: Dole motion to suspend Budget Act to permit consideration of Food Stamp Act. Budget Committee supported. Motion approved 63 to 27.

Mr. DOMENICI. I hope that the Senate is fully aware of the extraordinary job that the Appropriations Committee did. They actually came in under the numbers provided in the third concurrent resolution for this year as adopted by the conferees. But it has not yet been adopted, therefore we need the waivers, since this would exceed the cumulative total in the second resolution.

However, I hope that the Senators will not assume that the gaps between the numbers that this appropriation bill yields and the numbers that will be before the Senate in the conferred-upon report on the budget, that that gap, which is in the neighborhood of $3.1 billion in budget authority and about $572 million in outlays, I hope no one thinks that that ought to be filled by amendments here because there are other items that must come down during the year that were enumerated in my statement that will certainly make us go right up to that total, if not reach it.

Mr. President, I thank the distinguished majority leader for assisting in that matter and I was privileged to be part of helping him with the arrangements.

Mr. HATFIELD. Mr. President, reserving the right to object, may I inquire of the Senator from New Mexico, as I understand the motion this means then that we will be faced with a ceiling of approximately $632 billion in considering this bill, is that correct?

Mr. DOMENICI. I say to my distinguished friend, the chairman of the Appropriations Committee, that that is correct. That is the number that corresponds with this appropriation bill that is before us.

Mr. HATFIELD. Mr. President, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico.

The motion was agreed to.

Mr. BAKER. Mr. President. I move to reconsider the vote by which the motion was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I yield to the distinguished chairman of the Appropriations Committee for the purpose of calling up H.R. 3512.

Mr. HATFIELD. Mr. President, I want to thank the majority and minority leaders and all the other people who have been so very helpful to this point, especially for the budget waiver made by the chairman of the Budget Committee.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1981

Mr. HATFIELD. Mr. President, I call up the supplemental appropriation bill, H.R. 3512, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3512) making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. HATFIELD. Mr. President. I first want to express my deep appreciation to the members of the Appropriations Committee. With 29 members, ours is the largest committee in the Senate; we have 13 subcommittees, some of which are larger than standing committees of the Senate. To report a bill of this size and complexity requires attendance, attention, and bipartisan, cooperation that is the hallmark of the Senate at its finest. Our ranking minority Member, Senator PROXMIRE, who has served on the committee for nearly 18 years, has continued the long history of the two parties working together to pursue the people's business in considering appropriations bills, and I want to thank him especially for his work.

The committee operated on a very tight schedule to bring this bill to the floor this week. During the week of May 4, all of our subcommittees marked up and made their recommendations to the full committee based on the bill as reported by the House Appropriations Committee on April 30. The House passed the bill on May 13, and the day after we began our full committee markup, considering and adopting more than 400 amendments in an 8-hour session with 27 members attending at one time or another. Despite the size of the bill, both bill and report were available to Senators the next day, enabling us to bring up the bill for consideration this week.

That represents an outstanding effort, Mr. President. The committee has a long and distinguished history, and in my tenure I have been proud to be a part of it. But I am most proud of the work the committee has put into this measure, and I thank all those who made it possible.

Mr. President, the Senate will consider tomorrow the fiscal year 1981 supplemental appropriations and rescissions bill, H.R. 3512. This legislation affects the entire Federal Government and represents a new direction for many programs.

This bill provides approximately $21 billion in new budget authority and rescinds $15.3 billion. It represents a thorough review of over 120 rescissions totaling $15.1 billion, and 432 supplemental requests totaling $21.8 billion. All of these elements were proposed by the administration as part of the economic recovery program. As a comparison, the House-passed supplemental provides $18.6 billion in budget authority and $12.7 billion in rescissions.

The bill extends until September 30, 1981, the continuing resolution for those agencies currently covered until June 5. Without such an extension, programs under four major appropriations bills—Labor, HHS, and Education; Treasury-Postal Service; legislative; and foreign assistance—would run out of funding by that date.

Furthermore, Mr. President, this bill exceeds by $2 billion, the fiscal year 1981 reconciliation instruction adopted by the Senate on April 2. That instruction directed that appropriations totaling $13.3 billion be rescinded with corresponding savings of $1.5 billion in outlays. We recommend rescissions of $15.3 billion.

Finally, the supplemental falls within the budget authority and outlay ceilings agreed to last Thursday by the conferees

on the budget resolution. The agreement in the conference report provides for $717.5 billion in budget authority and $661.35 billion in outlays. When this supplemental is added to all previously enacted spending, we are below the budget resolution ceilings by the following amounts: $600 million in outlays and $3.2 billion in budget authority.

This is not a great deal of room, however. We expect to receive from the administration a budget amendment for this year's food stamp program in the amount of $538 million in budget authority, and $365 million in outlays. Other actions by Congress may further adjust these totals, such as the ADAP authorization and child nutrition program.

Therefore, we cannot make add-ons to this bill without corresponding reductions, and expect to stay within the revised budget resolution. I know my colleague, the chairman of the Budget Committee, shares this same view.

I urge that we move as quickly as possible to complete action on this bill. As I mentioned, the continuing resolution currently covers programs only until June 5. In addition, Congress must act quickly under the provisions of title X of the Budget Act regarding rescissions proposed by the President. These deadlines, as well as our desire to put in place necessary fiscal actions for this year, require us to move ahead expeditiously.

Mr. BAKER. Mr. President, soon I hope we will be able to recess the Senate over until tomorrow according to the order previously entered. But I would like to proceed to the consideration of certain items on the Executive Calendar if the minority leader is in a position to do that at this time.

Mr. ROBERT C. BYRD. Mr. President, in response to the question by the distinguished majority leader, there is no objection on this side to proceeding to the three nominations alluded to.

Mr. BAKER. Mr. President, I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the three nominations appearing under the Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF AGRICULTURE

The legislative clerk read the nomination of Mary Claiborne Jarratt, of Virginia, to be an Assistant Secretary of Agriculture.

The PRESIDING OFFICER. Without objection. the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The legislative clerk read the nomination of A. James Barnes, of the District of Columbia, to be General Counsel of the Department of Agriculture.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The legislative clerk read the nomination of Frank W. Naylor, Jr., of California, to be Under Secretary of Agriculture for Small Community and Rural Development.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have a series of unanimous-consent requests that I believe have been cleared on the minority side and I would like to proceed with them at this time.

SUBSEQUENT REFERRAL OF S. 1008

Mr. BAKER. Mr. President, I ask unanimous consent that S. 1008, Calendar Order No. 114, be immediately referred to the Armed Services Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO DESIGNATE WEEK OF MAY 17–23, 1981, AS "U.S.O. WEEK"

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 80, commemorating the 40th anniversary of the USO and requesting and authorizing the President to designate the week of May 17–22, 1981, as "U.S.O. Week," and I ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 80) to authorize and request the President to designate May 17, 1981, through May 23, 1981, as "U.S.O. Week."

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration and, without objection, the joint resolution will be considered to have been read the second time at length.

Mr. WARNER. Mr. President, having introduced Senate Joint Resolution 80, which provides for recognition by the U.S. Senate of the fact that the USO is celebrating its 40th anniversary, I ask unanimous consent that the following Senators, 39 in number, be added as cosponsors of this resolution, and that their names be printed in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

LIST OF COSPONSORS ON S.J. RES. 80

Senators Sarbanes, Glenn, Durenberger, Huddleston, DeConcini, Inouye, Bentsen, Jackson, Tower, Randolph, Stennis, Cranston, Ford, Percy, Williams, Danforth, Roth, Garn, Pryor, Grassley, Hayakawa, Simpson, Dole, Goldwater, Denton, Thurmond, Lugar, Harry Byrd, Boschwitz, Riegle, Kasten, Mathias, Symms, Moynihan, Heflin, D'Amato, Burdick, Stevens, and Chiles.

The joint resolution (S.J. Res. 80) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 80

Whereas the United Service Organizations (hereinafter referred to as the "U.S.O."), celebrating forty years as a "Home Away From Home" for millions of United States servicemen, servicewomen, and their families, represents civilian concern for these very important Americans;

Whereas in the U.S.O.'s forty years, it has helped generations of service personnel on over 2,038,643,000 occasions;

Whereas the U.S.O. is a nonprofit, congressionally chartered, civilian agency whose mission is to improve the morale and ensure the well-being of our country's service people and their families through one hundred and forty-five points of contact worldwide;

Whereas the U.S.O. helps servicemen, servicewomen, and their families adjust to new environments, aids in housing and travel complications, solves numerous problems, and helps, bridge the gap between service people and their communities;

Whereas the famous U.S.O. shows entertain service personnel audiences in over forty countries and veterans in one hundred and seventy-two stateside Veterans' Administration Medical Centers;

Whereas thousands of people each year are touched by the spirit of America that U.S.O volunteers and staff generate when providing these services to our Armed Forces; and

Whereas the U.S.O. is the American public's way of answering "Yes" to the soldier's age-old questions, "Does anybody know I'm here? Does anybody care?": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week of May 17, 1981, through May 23, 1981, as "U.S.O. Week", and calling upon Federal, State, and local government agencies, and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

ORDER TO PRINT S. 815 AS PASSED BY THE SENATE

Mr. BAKER. Mr. President, I ask unanimous consent that the bill S. 815, the DOD authorization bill for fiscal year 1982, be reprinted in the form it passed the Senate on May 14, 1981.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 8:50 A.M. TOMORROW

Mr. BAKER. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 8:50 a.m. on tomorrow.

The motion was agreed to, and at 7:51 p.m., the Senate recessed until Wednesday, May 20, 1981, at 8:50 a.m.

NOMINATIONS

Executive nominations received by the Senate May 19, 1981:

DEPARTMENT OF STATE

Ronald DeWayne Palmer, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

IN THE AIR FORCE

Lt. Gen. Freddie L. Poston, U.S. Air Force. (age 55), for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 8962.

Lt. Gen. Stanley M. Umstead, Jr., U.S. Air Force, (age 52), for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 8962.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Richard Luther West [redacted], (age 56), Army of the United States (major general, U.S. Army).

The following-named officer to be assigned to a position of importance and responsibility designated by the President under the provisions of title 10, United States Code, section 3066(a) in grade as follows:

To be lieutenant general

Maj. Gen. Ernest Dishman Peixotto, [redacted], U.S. Army.

IN THE NAVY

Vice Adm. William N. Small, U.S. Navy, for appointment as Vice Chief of Naval Operations pursuant to title 10, United States Code, section 5085.

Vice Adm. Small, having been designated for command and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

Adm. Donald C. Davis, U.S. Navy, (age 60) for appointment to the grade of admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

The following-named officer, having been designated for command and other duties of great importance and responsibility in the grade of vice admiral within the contemplation of title 10, United States Code, section 5231, for appointment while so serving as follows:

To be vice admiral

Rear Adm. Robert L. Walters, U.S. Navy.

IN THE MARINE CORPS

The following-named officer under the provisions of title 10, United States Code, section 5232, to be assigned to a position of importance and responsibility designated by the President, in grade as follows:

To be lieutenant general

Maj. Gen. John K. Davis [redacted], U.S. Marine Corps.

DISTRICT OF COLUMBIA COURT OF APPEALS

James A. Belson, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of 15 years, vice George R. Gallagher, retired.

IN THE NAVY

The following-named commanders of the Reserve of the U.S. Navy for temporary promotion to the grade of captain in the staff corps, as indicated, pursuant to title 10, United States Code, sections 5910 and 5912, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Alvarez, Reinaldo G.
Ammons, John C., Jr.
Amundsen, Duane G.
Armstrong, James R.
Bailey, Cass H.
Barnwell, Grady G., Jr.
Bass, George L., Jr.
Benson, Daniel R.
Blood, Joseph B., Jr.
Borgman, Theodore J., Jr.
Cavenar, Jesse O., Jr.
Chapman, James H.
Chatowsky, Anthony P.
Chism, Ronald G.
Chun, Clyde W.
Cole, Joe C.
Colgan, Diane L.
Duren, Craddock P.
Ebbels, Bruce J.
Fernando, Oscar U.
Fowler, Glenn W.
Frary, Lynn R.
Geeslin, James M., Jr.
Gleason, Terrence H.
Gordon, Dennis H.
Greene, Charles A.
Greer, Mack V.
Greer, William E.
Grimes, James A.
Guintoli, Robert L.
Hagele, Herbert C., Jr.
Hamilton, William R.
Harder, David F.
Harris, Clarence M., III
Hoffman, John W.
Hudson, Charles J.
Hughes, Luman H., Jr.
Hourman, Walter W., Jr.
Jackson, William B.
Jordan, Robert E.
Kelly, Thaddeus E.
Kerstein, Morris D.
Kindschi, George W.
Kuehn, John L.
Leverett, Cary L.
Love, James T., Jr.
Lowsma, Henry B.
Marlowe, Frank I.
Mathers, James M.
McDonald, Bruce M.
Miercort, Roger D.
Miner, James M.
Mitts, Murray G.
Moore, Laurie W.
Nail, Richard L.
O'Neill, Edward J.
Parisi, Frank
Rankin, Robert A. M.
Redding, Marshall S.
Reeves, Charles S.
Rodgers, Stephen J.
Rosene, Philip G.
Scaring, William A.
Scheidt, Kenneth A.
Schmid, William H.
Strauss, Michael B.
Sullivan, Timothy J.
Tachovsky, Thomas J.
Tenney, Richard L.
Upchurch, William D., Jr.
Vertuno, Leonard L.
Vondoepp, Christian E.
Wachtel, Thomas L.
Wellish, Carl S.
Wieting, William F.
Williams, Ackerman C., Jr.
Wolfsen, James L.
Zelko, James J.

SUPPLY CORPS

Allan, Ronald C.
Anderson, Rolph E.
Battelle, Richard L.
Bender, John H.
Bernstein, Robert S.
Brustares, James S.
Costa, Dominic P.
Deckert, Warren P.
Denney, Jay R.
Eickhoff, Roger C.
Fischetti, John A.
Fruin, Jeremiah E.
Fry, Vance H.
Gamble, Carl T.
Godwin, Albert D.
Horton, William E.
Lamphear, Steven C.
Lindsley, Robert M.
McCann, Charles J., Jr.
McCay, Wilton T., Jr.
Moss, Thomas A.
Osmon, Robert E.
Pinsker, Olive D.
Pizzano, William C.
Rice, Robert C., Jr.
Serafini, Attilio, Jr.
Sheill, Gordon W.
Six, Thomas J.
Wood, Oliver G., Jr.

CHAPLAIN CORPS

Bollesen, Melius E.
Furlow, Charles M., III
Hansen, Roger K.
Harrel, Francis L.
Hunt, John R.
Klapperich, Owen B.
Krajewski, Walter M.
McPhatter, Thomas H.
Reynolds, David D.
Rosenberger, Beryl G.
Shuart, Esler L.
Sorrill, Harold W., Jr.
Stone, Daniel G.
Stough, Richard H.

CIVIL ENGINEER CORPS

Barclay, Robert A.
Block, Neil
Bradley, Clyde E.
Brewster, William L.
Collins, Robert W.
Davis, John M.
Heine, William A., III
Helton, Ronald L.
Hensgen, Oscar E.
Hepburn, Raymond G.
Lofgreen, Gustav R., Jr.
Moore, Douglas W.
Morris, Alan E.
Ogden, Buckley L.
Powell, David J.
Sears, George F.
Sifferman, Donald J.
Smith, Jerrold M.
Smith, Theodore A.
Strain, Boyd P., Jr.
Wilson, Thomas M.

JUDGE ADVOCATE GENERAL'S CORPS

Abel, Robert M.
Agger, James H.
Allen, John F., III
Bayley, Christopher T.
Belser, Townsend M., Jr.
Darby, Joseph J.
Fenton, Albert B.
Frederick, Robert B.
Frommelt, Roger H.
Glazer, Jack H.
Grossbaum, John J.
Hougland, Charles A.
Koletsky, Joseph Q.
Lathrop, Mitchell L.
Maley, Karl A.
Middleton, Clyde W.
Rieder, Richard E.
Schumann, Alfred W.
Whitlock, Robert B.
Yock, Robert J.

DENTAL CORPS

Adams, James T.
Bernard, William V., Jr.
Bjorndahl, Robert W.
Bogert, John A.
Bradbury, David R.
Brown, Allen K.
Chaconas, Spiro J.
Donoho, Donald H.
Duncan, James M.
Eischen, James J.
Ferry, Edward T.
Finagin, William B.
Grage, Walter A.
Harrison, William S.
Herman, Harry A., Jr.
Hoover, William G.
Kasenchak, Peter
Kimpel, William A.
Levine, Lowell J.
Luckam, Thomas G.
Lund, Warner E., Jr.
Martin, Carlton S.
Martin, Donald W.
Martin, Paul W., Jr.
McAnear, Jon T.
McCallum, Walter E.
Mitchem, John C.
Niebuhr, Robert W.
Perroni, Joseph R.
Pezzopane, Bernard
Pickett, Charles E.
Raper, Hal S., Jr.
Reynolds, Donald R.
Roberts, "J." Keith
Schubert, Frederick W., Jr.
Sherard, Harold T.
Shirley, Robert L.
Thomas, John P.
Vogeley, John C.
Yeargin, James C.

MEDICAL SERVICE CORPS

Basdekian, Edward A.
Fisher, Benjamin D.
Horrigan, David J., Jr.
Lindberg, David S

NURSE CORPS

Kelly, Wanda J.
Purdy, Claire H.
Young, Victoria E.

The following-named lieutenant commanders of the Reserve of the U.S. Navy for temporary promotion to the grade of commander in the line and staff corps, as indicated, pursuant to title 10, United States Code, sections 5910 and 5912 subject to qualifications therefor as provided by law:

LINE

Aaron, James G.
Abbott, Alfred E., Jr.
Abel, Arthur P.
Adamcin, Peter L.
Adams, Paul F.
Adams, Ross D.
Adams, William H.
Adkins, Michael R.
Agatep, Donald A.
Aho, Larry R.
Albert, Gary L.
Alexander, James R.
Alf, Donald L.
Algermissen, Joseph H., Jr.
Alla, Francis V., Jr.
Alonge, Sam J., Jr.
Anderson, Charles S.
Anderson, Terrance E.
Anderson, William A.
Ardell, Eric B.
Armstrong, Roland J.
Armstrong, William C.
Arnold, Lance M.
Arthur, Kenneth A.
Auerbach, Jerome M.
Aune, Steven D.
Avera, William E.
Bacus, William R.
Baldwin, Dan W., Jr.
Banks, Richard A.
Banvard, James H.
Baravik, Andrew W.
Barker, Edward E.
Barnes, Richard C.
Baskerville, James J.
Beacham, Richard F.
Bell, Edmond V.
Bell, James D.
Bennett, Denis F.
Beresford, John
Berg, Richard M.
Berg, Sigval M., Jr.
Berry, Robert C.

Bevis, Andrew H., Jr.
Biddlecom, William G.
Bingham, Robert W.
Birzer, Norman W.
Bivin, Stephen K.
Blanchard, Duane E.
Blaser, Bradford H.
Bledsoe, Charles F.
Blemaster, Norman L.
Block, Martin J.
Blonshine, Richard D.
Blosberg, Gary K.
Bock, James L.
Bohanna, James L.
Boostrom, Roger L.
Borquist, Frank P., Jr.
Bostwick, Burton L.
Braddy, Edward L.
Brady, Thomas M.
Brainerd, Austin L.
Brandt, Philip H.
Breaux, Charles K.
Briece, Roddy F.
Brintzinghoffer, David M.
Brooks, Richard E.
Brown, David A.
Brown, Garth G.
Brown, John W., III
Brown, Oliver C., III
Brown, Ronald N.
Brown, Roy B.
Brown, Thomas W.
Brown, William C., III
Browne, Geoffrey K.
Brush, Frederick J., Jr.
Bubb, John W.
Buckley, Charles W., III
Buckley, Richard G.
Buckman, John M.
Bucko, Richard L.
Buehler, Paul A.
Buergel, John W.
Buller, Ray C.
Burke, Patrick L.
Burke, Walter E., Jr.
Burkhart, Alan D.
Burkhart, Daniel W., Jr.
Burnett, Dana D.
Burns, Philip J., Jr.
Busby, Max S.
Bush, Robert P., III
Butz, John V.
Cadenazzi, Michael P.
Caldwell, Kenneth W.
Cameron, Alan G.
Campbell, Horace J.
Campbell, John D.
Campo, John A., Jr.
Cannella, Norman S.
Cannon, Thomas M.
Canter, Thomas C.
Carbary, Forrest R.
Carnes, Calland F.
Carroll, David L.
Carson, Cary D.
Carter, Francis H., Jr.
Carter, Rowland F.
Casci, Robert A.
Casey, Bruce L.
Cerny, Robert T.
Chamberlain, Glenn B.
Chance, Alton F.
Chandler, Floyd J.
Chaney, Paul E., Jr.,
Chassels, Larry W.
Childers, Clement S.
Chilton, Robert E.
Christensen. James L.
Clark, James D.
Cocci, James A.
Coffield, Thomas W.
Colburn, James R.
Cole, Otis R., III
Collins, Curtis A.
Collver, William C.
Colvin, Joseph T.
Combs, Edwin L., Jr.
Commeree, Laurence M.
Connell, Carl W.
Connolly, John M.
Cook, Charles L.
Cook, Frederick N.
Coonan, Thomas R.
Cooper, William J.
Copeland, Larry M.
Corley, Barton F.
Cottrell, Davie S.
Cowan, James H., Jr.
Craig, David L.
Craig, Stephen M.
Creighton, Larry D.
Cress, James T., Jr.
Crook, James L., Jr.
Cross, Robert R.
Crow, Joseph M.
Crowell, Robert L.
Crowley, Gary W.
Crowley, John C., Jr.
Crowley, Joseph A., Jr.
Crum, James L.
Cummings, Harold
Cummins, Peter S.
Cunningham, Paul J.
Curtis, Robert L.
Curtis, Theodore S., Jr.
Cuthriell, Robert E.
Cyphers, Arthur B.
Dalton, William H.
Daniels, Gerald E.
Darby, Philip A.
Darling, John D.
Davis, Dwight P.
Davis, Frank L., Jr.
Dean, Charles W.
Deaton, Leonard W.
Deboer, Gordon W.
Dehotman, Deano
Delph, Terry J.
Demali, Joseph A.
Dennis, John C., III
Deville, David M.
Devlin, John F.
Devoe, Leonard N.
Devry, Scott N.
Diehl, James M.
Dilkes, Howard V., III
Dinsmore, Edmund K.
Distad, John T., Jr.
Ditto, Charles F.
Dobell, Harry T., Jr.
Dolben, Joseph A.
Donohue, Anthony G.
Drake, Stephen R.
Dreyer, Gregory F.
Driver, Ross N.
Drone, Donald D.
Drought, Brian D.
Dubois, Michel L.
Duffy, Paul C.
Duley, Gerald P.
Duncan, Larry L.
Dunn, Edward I., Jr.
Dunn, Merrel R., Jr.
Dykes, Ralph V.
Eagleton, Hugh E.
Ecton, Stanley A.
Edmondson, John A.
Edwards, Henry B., Jr.
Ehrle, Frank L., Jr.
Eichorn, Robert P.
Eisenhauer, Robert G.
Elliott, Robert M.
Ellis, Douglas D.
Ensminger. Ronald J
Erbetta, Robert A.
Erland, John M.
Ernst, James W.
Estes, Rebel J.
Estes, William R.
Everson, Robert J.
Fair, Louis, Jr.
Fairbank, David P.
Feltes, James E.
Ferguson, Larry W.
Ferrara, Alfred J.
Fesko, Donald J.
Fette, Bill H.
Fischer, Paul M., Jr.
Fitzgerald, David M., Jr.
Flaherty, Walter P.
Flemming, John E.
Flynn, Edward C.
Foor, Rolland E., III
Foote, David A.
Forrester, Joseph G., II
Foss, Larry B.
Foster, William I.
Fox, James C., Jr.
Foy, Warren L., Jr.
Francis, Burt R., Jr.
Freber, Scott M.
Freiband, James M.
Friel, John J.
Fuller, Daniel A.
Fulton, David S.
Gallagher, Peter D.
Gallo, Robert M.
Gammill, Jerry V. D.
Garcia, Juan M., Jr.
Gardea, David L., Jr.
Gaskin, Peter J., II
Gaulrapp, Edward H.
Geiger, Edwin P., Jr.
Geist, John M.
George, Thomas C.
Geser, Michael J.
Gilchrist, Daniel F.
Gillenwaters, William E.
Gillis, George F.
Gilsenan, John S.
Girard, Wallace E.
Goodwin, Larry J.
Gorg, Roger J.
Goudy, Walter R.
Graber, Stanley D.
Grace, Perry R.
Graesser, Elmer C., Jr.
Graner, Richard E.
Granger, David L.
Grant, Patrick S.
Grassey, Thomas B.
Gray, Mcgregor, Jr.
Greathouse, Earl R.
Greenan, Edward J.
Griffin, Marion F.
Griffin, Richard N.
Griswold, Edson
Groves, Larry L.
Grutzius, Charles R.
Guilfoyle, Joseph C.
Gunderson, Robert K.
Haakon, Christopher P.
Hafenfeld, Richard E.
Haggard, Philip E.
Hahn, Dale A.
Hailer, Peter F.
Haley, John H., Jr.
Hall, Jerry A.
Hallwachs, Donald A.
Halter, Leroy W., II
Ham, Donald E.
Hamilton, Michael P.
Hammer, Richard D.
Hampe, Walter R.
Hampton, James F.
Hankel, Johnny W.
Hansborough, Lash D.
Hardie, Robert L.
Hardy, Randell W.
Hardy, Robert M.
Hargis, David L.
Harris, Oscar I., Jr.
Harrison, Joseph G., Jr.
Harrow, Thomas L., Jr.
Hart, Robert H.
Hartley, Daniel G.
Hathaway, Robert D.
Haughney, Charles J.
Hawk, Lyle L.
Hawkins, Kittredge S.
Hawley, Dale E.
Hayden, Daniel F.
Hayek, Charles P.
Hazelwood, Donald E.
Headley, William A.
Heinz, Bruce R.
Helgesen, James D.
Hellickson, James A.
Henderson, Leon C.
Hennes, Paul A.
Henry, John L.
Henry, Steven D.
Henson, Larry D.
Herold, John L.
Heselton, Leslie R.
Highland, Hugh M.
Higinbotham, George R.
Hill, Charles L.
Hinrichs, Lyle A.
Hlopak, Edward J.
Hobbs, John K.
Hodge, Robert B.
Hodson, Robert W.
Hoffmeyer, James A.
Holbrook, Allan N.
Holland, Michael R., Jr.
Holmes, Sidney L., Jr.
Holst, Robert W.
Hopkins, John T., III
Hotchkiss, Howard R.
Hougland, Erik S.
Hourigan, John J.
Howard, John D.
Howe, Kenneth G.
Hoyle, William R.
Hubbard, Allen C.
Hubbard, Ronald S.
Huff, James A.
Huffman, Curtis W., Jr
Hughes, David K.
Hulme, Woodrow W., II
Huml, Vincent G.
Hurwitch, John E.
Hyink, Cornelius D.
Irish, Philip J.
Izard, Robert F.
Jackson, Gerald S.
Jackson, John D.
Jacobs, Linwood
Jacobson, Stephen E.
Jaget, Charles W.
Jakubik, Robert W.
James, James E.
Jarboe, Glen R.
Jenkins, Eddie L.
Jensen, Eric A.
Johannesen, John B.
Johnson, Andy D.
Johnson, Arthur J.
Johnson, Bruce A.
Johnson, Dale W.
Johnson, George I., Jr
Johnson, Leland W., Jr.
Johnson, Marion J.
Johnson, Pierce J.
Johnson, Roger D.
Johnson, Roger L.
Johnston, David L.
Johnstone, Charles P.
Jones, Harley T.
Jones, James J.
Jones, Kenneth A.
Jones, Philip W.
Joransen, William S.
Jordan, Peter S.
Judd, Harlan B.
Kaiser, John H.
Kapigian, John M.
Kaye, Albert S.
Kearney, David E.
Keefer, Charles J.
Kehoe, Henry P.
Keitel, Gunther P.
Keith, Stephen T.
Keller, Harold D., Jr.
Keller, William R., Jr.
Kelly, William V.
Kendrick, Ronald H.
Kennedy, Paul C.
Kennedy, Robert F.
Kepka, Robert L.
Kerkman, Charles H.
Key, James M.
Keyes, Jesse H., III
Kidd, Delbert R.
Kidd, Isaac C., III
Kidd, Robert B.
Kilgore, Sidney J., III
Killpack, "V" Lewis., Jr.
Kilpatrick, Joseph W., Jr.
Kim, Henry Y., Hi.
Kimbell, Richard A.
King, Franklin L., Jr.
King, Robert K.
Kirkpatrick, Ian C.
Kirn, Peter C.
Kluessendorf, Fred K.
Knudsen, Clifford G.
Kooper, William A.
Kooplin, John F.
Kowalsky, Donald M.
Kowalzyk, Dennis J.
Koym, Russell L.
Kraft, James N.
Kral, Jeffrey C.
Kramer, Howard P., Jr.
Kraus, George W.
Krebs, Richard F.
Krell, Ronald M.
Krouch, Carl W.
Kruger, Jerry R.
Krull, Kenneth C.
Kruse, William D.
Kuchinski, John G., Jr.
Kudless, Joseph C.
Laakso, Thomas R.
Laible, John C.
Lambert, Richard J.
Lambright, Stephen K.
Lamm, William D.
Lamoureux, Charles D.
Lanata, Arthur L. J., Jr.
Lange, James K.
Laningham, Ross J.
Larson, Dean R.
Lasala, Carl A.
Lattig, Glenn D.
Law, Richard A.
Leake, David H.
Leboeuf, Herve J., III
Leever, George R.
Lehto, Eric C.
Lene, Allen O.
Leonhardt, Richard J.
Lerner, Julian
Letcher, Jerry L.
Lewis Jeffrey L.
Lewis, John R., III
Lewis, Robert E.
Lewis, Ronald L.
Lingley, Gordon S.
Lininger. Murt K.
Link, Robert W., Jr.
Livengood, Rex L.
Livingston, James M.
Logan, Robert H.
Long, Raymond A.
Longworth, Jay N.
Loog, Raymond J.
Lopez, Henry B.
Lovvorn, Larry B.
Lowry, Charles F.
Lusk, Richard S.
Lutsch, Nicholas T.
Mack, John A., Jr.
Mack, Robert C.
MacMillan, Douglas S.
Mager, George L., Jr.
Magill, Alfred A.
Magnuson, Philip R., Jr.
Main, James S., Jr.
Malm, Joseph H.
Malmgren, Charles M.
Mandt, Mikkel G.
Manning, Dennis B.
Manskar, Dennis R.
Manstrom, John C.
Maresca, Eugene M.
Marshall, Eric M.
Marshall, Paul E.
Marshburn, David R.
Martin, Charlie R.
Martz, John D.
Marx, Theodore R.
Mason, James N.
Matejka, Kenneth D.
Matthews, Billy C.
Maxam, William J.
Mayes, Richard F.
Mayfield, Lynn C.
Mazurkiewicz, Dennis A.
McAfee, Robert C.
McAllister, William H., II
McArdle, Patrick F.
McBirnie, Thomas J., Jr.
McCann, Richard J.
McClintic, David W.
McConnell, Robert W.
McConnell, William S.
McGhee, Walter L.
McGhee, William S.
McGinnis, Michael W.
McGlothlin, Earl W.
McGregor, William R., Jr.
McKelvey, David J.
McLachlan, John D.
McLemore, Howard C.
McMichael, Maurice M.
McMorrough, John D.
McPeek, Harley I., Jr.
McVey, Thomas P.
Medulan, John J.
Mercer, David S.
Merrill, Charles B., Jr.
Merrill, Robert F.
Merritt, Hardy L.
Meyer, Lawrence W.
Mezger, Thomas B.
Michel, Albert J., Jr.
Middaugh, Fred H.
Millen, Howard E.
Miller, Alan S.
Miller, Charles E.
Miller, David W.
Miner, Robert S., III
Minton, Joseph K.
Mintun, Tom L.
Mirabella, George R.
Mitchell, Charles J.
Moder, Alvan S.
Monk, Ronald P.
Monroe, Larry W.
Monroe, Maxwell D.
Montague. John E.
Moody, Holmes G.
Moody, Thomas J.
Mooney, William M., Jr.
Moore, James W., III
Moore, John E., Jr.
Moore, William A., Jr.
Moran, Richard F.
Morgan. Donald T.
Morgenfeld, Thomas A.
Morris, John G., Jr.
Morrison, Charles D.
Morrison, Stephen B.
Morse, Stanley C.
Mortensen, Carl E.
Mortensen, Ivan J.

Morton, Richard F.
Morton, Roger S.
Moss, Thomas L.
Moyer, Homer L., Jr.
Mumby, Morice O., Jr.
Murphy, William F., III
Myles, Wendell K.
Nahr, Ernest V., Jr.
Navickas, Richard G.
Neiman, Richard J.
Nelson, Dennis G.
Nelson, Roger A.
Nettles, James S.
Newell, James K., III
Newlon, Lawrence D.
Newman, Henry A., Jr.
Nichols, James R.
Nichols, John W., III
Nichols, Nick E.
Noble, Vernon H.
Norris, David M.
Nurko, William M.
Nyman, Thomas H.
O'Brien, Kiah, III
O'Brien, William M., Jr.
O'Dwyer, William
Offutt, James H., III
Olshinski, John A.
Olzack, Theodore R., Jr.
Orr, Richard J.
Orser, William S.
Osborn, Clifford R.
Osthaus, John G.
Ostien, Paul H., Jr.
Overbeck, Gregg R.
Overby, Sherman W., Jr.
Ozbirn, James S.
Paddock, John F., Jr.
Padon, Thomas G.
Pallick, Harry D.
Palmer, Timothy G.
Panayotoff, Theodore J.
Park, Claude R., III
Parker, Dalton A.
Parnell, Harold R., Jr.
Parnes, David C.
Parris, Charles C.
Paschall, Robert L.
Paschel, Phillip M.
Pasquini, Leonard A.
Patrick, Ralph J.
Paul, George H.
Paul, Thomas R.
Payne, Tommy E.
Peacock, Donald J.
Peck, Edward R., Jr.
Pederson, Donald H.
Peek, Kenneth W.
Peirce, David K.
Pemberton, Thomas G.
Peoples, Philip M.
Perdue, Peter L.
Perry, Michael T.
Petering, George W.
Peterson, Christopher A.
Peterson, Martin L.
Peyser, John G.
Phelps, Chester V., Jr.
Phelps, Walter O.
Pinto, Edmund
Pirie, Robert B.
Pirog, Frank S.
Pisias, James M., Jr.
Pixton, Thomas R.
Pleas, Robert B.
Poe, Larry L.
Pope, David F.
Pou, Robert L.
Powell, Earl A.
Powell, Van E.
Powers, Jonathan R.
Preiss, Paul W.
Pugh, Jon G.
Purcell, George W., III
Purcell, John B., Jr.
Quinlan, John H.
Rae, Alistair J. G.
Ramsey, Larry R.
Ranck, Ronald G.
Rappuhn, Ralph F.
Redington, Michael P.
Reeves, Walter R.
Reining, William H.
Renella, Margo S.
Reynolds, Craig L.
Rhodes, John M.
Rhyner, Warren F., Jr.
Richards, Harry J.
Richardson, Robert L.
Richter, Thomas A.
Rieber, Christopher
Riedel, Richard D.
Rigolizzo, Joseph L.
Reliy, Edward F.
Riley, Gerald J.
Rinaldi, Ronald D.
Rivers, Michael T.
Roberts, Chester G.
Roberts, James R.
Robinson, George A.
Robinson, Welford C.
Robinson, William R.
Rochelle, Balford R.
Rodelli, Melvyn A.
Rogers, James L., Jr.
Rohrkemper, Stephen F.
Ross, Gary R.
Ross, Larry M.
Rubin, Phillip S.
Runkle, William A., Jr.
Rush, Stephen K.
Salzmann, John A., Jr.
Sammons, Michael J.
Sandberg, Nils S.
Satterfield, Gary T.
Satterlee, David W.
Sawyer, William A.
Scarborough, James H., Jr.
Schaefer, Patrick L.
Schenck, Francis R.
Schiavo, Louis J., III
Schuck, Jerome J.
Schultz, Arthur V., Jr.
Schutz, Peter N.
Schwartz, Norbert V., Jr.
Scott, Thomas J., Jr.
Scruggs, Robert N., Jr.
Scully, Thomas J.
Segur, Don W.
Seitz, Robert A.
Sells, Harry E.
Sendelbach, Robert W.
Sentz, John D., Jr.
Shelton, John R.
Sherwood, John R.
Sholar, Edwin A., Jr.
Shook, Raymond R.
Shoop, Thomas V.
Shultz, Richard A.
Simmons, Robert T.
Simonson, Scott T.
Six, Steve
Sliney, Edward G., Jr.
Smith, Daryl K.
Smith, Dixon J.
Smith, Donald L.
Smith, Jackson S., Jr.
Smith, James H.
Smith, James L.
Sneed, Henry L., III
Snyder, Donald A. D.
Snyder, Robert E.
Sonn, James A.
Soraghan, Joseph R.
Spangler, John H.
Speidel, David P.
Spence, Karl D.
Spriggs, Donald K.
Stellaccio, Joseph L.
Stephens, Grant J., Jr.
Stevens, Lawton T., Jr.
Stevens, Ronald F., Jr.
Stewart, Charles R.
Still, Michael J.
Stoeltzing, Richard H.
Stone, Scott C. S.
Stoner, Marvin L.
Strasheim, Frank L., Jr.
Street, Jimmy C.
Struck, John T.
Stryer, Ronald J.
Stueck, Phillip G.
Sudnikoff, Donald H.
Sullivan, John E.
Sullivan, Kevin J.
Sumner, Timothy C.
Swager, James R.
Swallow, Tolliver G.
Sweeney, Paul H., Jr.
Swift, Frank R.
Talley, William L., Jr.
Tanguay, Gerard E.
Tansky, William J.
Tardino, Victor J., Jr.
Tarrant, Stanley R.
Tassell, Peter C.
Tata, John B.
Taylor, Hugh M.
Taylor, Rayner M.
Taylor, Terry C.
Tersteeg, Douglas J.
Themmen, Arne R.
Thompson, Galen S.
Thompson, James E., Jr.
Thorneloe, Keith C., II
Thorson, Donald P.
Threlkeld, Walter F., Jr.
Timm, Edward
Tipton, Larry K.
Tisdale, John H.
Tobler, John III
Tolson, John F., Jr.
Toriello, Andrew N., Jr.
Toth, Ronald L.
Totushek, John B.
Tracey, Michael T.
Trandal, David W.
Trankle, Robert E.
Trippe, Richard M., Jr.
Trulock, Ronald E.
Truluck, David R.
Trussell, Grayson L.
Tucker, Charles C.
Tucker, James E.
Tucker, James I.
Tujague, Ronald B.
Turiello, Ronald J.
Turner, Brian D.
Underwood, Glenn R.
Unger Reno C.
Utsey, Victor R.
Valentine, Paul M.
Vanarsdale, Peter R.
Vance, Herschel E., Jr.
Vanderhoek, James S.
Venderveen, James A.
Vanhorn, Gerald J.
Vanwormer, Kenneth R.
Veith, Dennis A.
Velte, Michael J.
Versteeg, Carl
Vey, Edward L., Jr.
Vincent, Nelson L.
Vivona, Richard B.
Vollrath, Philip K.
Voss, Richard C.
Vroom, Daniel L.
Waiss, Alan J.
Waldron, Michael L.
Walker, Daniel L.
Walker, Niles A.
Wallington, George L.
Walsh, Michael R.
Warburton, Roger S.
Ward, Wayne L.
Warde, Michael A.
Warlick, Thomas A.
Watson, Earl E., III
Watson, Michael P.
Wattez, Richard N.
Weber, James L.
Webster, Edward H., III
Wegryn, Robert
Weigand, Garry L.
Wells, Jack L.
West, John E.
Whelan, Thomas J., Jr.
White, Hugh R.
White, Kenneth R., Jr.
Whitfield, Estus D.
Whitney, Leonard A., Jr.
Whitten, James P.
Wilcox, John W.
Wilder, David S., III
Williams, David J.
Williams, Edward C., Jr.
Williams, George F.
Williams, Herbert B.
Williams, Robert J.
Winstead, Charles L.
Wohlfiel, John E.
Wolfe, Stephen B.
Wolff, Leonard S.
Wolford, Fred T.
Wood, James C.
Wood, Samuel J., Jr.
Wood, Thomas, J., Jr.
Woodfield, Jeffrey R.
Woodward, James F., Jr.
Wright, Francis D., III
Wrightnour, George B.
Wyatt, Philip W.
Wyzywany, Frank T.
Yates, William A.
Yeager, James R.
Yocom, John H.
Yolles, Jonathan E.
York, Ronald E.
Young, Gary A.
Young, Joe M.
Zacharias, Bernard L.
Zehner, Kenneth W.
Zekas, Gerald P.
Zenger, Dennis P.
Zilinsky, Thomas J.
Zinger, David R.
Zubkoff, Ronald
Zwemke, Roger E.

MEDICAL CORPS

Allen, Robert L.
Ang, Elsa P.
Bailey, Philip B.
Bauriedel, James K.
Bautista, Efigenio L.
Bissonnette, Bruce M.
Blatz, Douglas J.
Brewster, Thomas G.
Brisbois, Robert S.
Brown, Clarence D.
Bybee, David E.
Ceretto, William J.
Cianci, Paul E.
Coleman, Lee A.
Conroy, John J., III
Dayrit, Carlos M., Jr.
Daza, Iluminada H.
Decock, David G.
Delaney, Adrain J., Jr.
Delmonico, Francis L.
Dennis, Richard C.
Dixit, Ameer M.
Duncan, Carl R.
Duplis, Robert M.
Ellen, Joseph H.
Engelman, Otis E., Jr.
Feldman, Daniel M.
Felthous, Alan R.
Franssen, Gary L.
Gasparro, Michael
Hall, Arthur L.
Heckel, Charles G.
Hilton, Saskia C.
Holmes, David R., Jr.
Huff, Garey H.
Iacono, Vincent
Jarmoszuk, Nicholas
Jones, Jesse M.
Jones, Richard L.
Julsrud, Paul R.
Kaiser, John R.
Kallett, Steven P.
Kennedy, Thomas J.
Kruglik, Gerald D.
Kuhn, John W.
Langenkamp, James H.
LaPointe, Lily K.
Lazo, Jane S. S.
Lessey, Robert A.
Levin, Stanley A.
Levine, Stephen M.
Licata, Paul J.
Lisiewicz, Eva M.
Lucas, Richard C.
Lux, Glenn A.
Lynch, William J.
MacMaster, Benzel C.
Malibiran, Rolando
Maloof, George E.
Mazer, Stephen B.
McChristian, Paul L.
McCleskey, Michael T.
McInnes, Benjamin K.
Minihan, Patrick T.
Mixon, Fred S.
Moreano, Walter F.
Moreland, Robert H., Jr.
Moser, Ronald J.
Myers, Barnwell R., III
Nacke, Morris R.
Nill, Leroy M.
Nolan, Peter S.
Noonan, Bruce D.
O'Bryan, Robert K.
Oster, Henry A.
Pardue, Larry H.
Polland, Calvin L.
Probst, Theodore G.
Prough, Donald S.
Qureshi, Ghulam R.
Reynolds, Richard J., III
Richardson, Douglas S
Risser, Thomas A.
Robertson, Lawrence M., Jr.
Robey, Dennison B.
Royder, James O.
Safer, Michael L.
Santos, Gil H.
Scoles, Peter V.
Seif, Rahmat M.
Seiler, Milton W., Jr.
Shenefelt, Philip D.
Stark, Randolp W.
Strauss, Samuel
Suslick, Randall H.
Thompson, David H.
Tiliakos, Nicholas A.
Tizard, Gary T.
Tomford, William W.
Vagshenian, Gregory S.
Walker, Allen R.
Weaver, James W.
Wilson, David J.
Wilson, George R., III
Woodruff, Robert E.
Zaldivar, Nieves M.

SUPPLY CORPS

Adams, Edward A., II
Appel, "H" Douglas
Ball, Thomas J.
Baron, Roger B.
Barry, John J.
Burley, Frank I., Jr.
Callaghan, James G.
Campbell, Price F.
Choy, Benson R.
Cline, Eugene P.
Conwell, John W., Jr.
Cook, John W.
Dingeldey, Peter E.
Easterly, Robert P.
Edmonds, Harlan H.
Flores, Richard L.
Free, Willard D.
Free, William T., Jr.
Giardina, Joseph A.
Glace, Kenneth W., Jr.
Glenn, Edward M.
Gonchar, Frank A.
Gondring, John A.
Goodman, James B.
Gould, Stephen J.
Grout, Earl L., III
Gwynn, Robert H.
Hayfield, Ernest J., Jr.
Higgins, William F., Jr.
Hoffman, Joel J.
Holt, Phillip C., Jr.
Hutson, Robert N.
Isley, Christian R., IV
Jarosz, Thomas J.
Kalbfleisch, Larry L.
Keil, Robert A.
Kelley, John R., Jr.
Knowles, Edward R.
Lindrup, James E.
Love, John P.
Magee, Joe A.
Main, James H.
Martin, Elmer D.
Mayer, Earl H., Jr.
Meehan, Clement T., Jr.
Murphy, Gary E.
Murphy, Ronald J.
Nunns, Scott E.
Oberg, Russell C.
Pals, Larry A.
Patterson, Alexander Z.
Pendleton, James E.
Raisbeck, Peter D.
Ramsdell, Richard G.
Robinson, Terry L.
Russell, Charlie S.
Sanders, Donald G.
Sasnett, Henry P.
Sears, Lee A.
Tewelow, William H.
Torngren, William P.
Vargo, Joseph F.
Watters, Hubert
Watts, David J.
Wetlesen, Einar A.
Wilson, Gerald W.
Zimmerman, Keith M.

CHAPLAIN CORPS

Coney, Charles R.
Day, Doyle K.
Girardin, Peter T.
Hubbard, Robert L., Jr.
McGinnis, Robert S., Jr.
Stanton, Francis M.
Summers, Michael V.
Tyrrell, Robert D.
Vucinovich, Albert P.
Weaver, William D.

CIVIL ENGINEER CORPS

Altstaetter, James L.
Archer, Wiley J.
Bennett, Lawrence E.
Blair, Roger
Bossard, Frederick S.
Calkin, David A.
Chandler, Perley J., Jr.
Charvat, William C.
Coleman, Douglas L.
Conti, Hugo
Devine, John H.
Devoe, Harold G.
Driscoll, Francis J.
Gorr, Lynn M.
Hinton, Wilbur H., II
Howard, Jeffrey E.
Kudless, Peter J.
Leubecker, Stephen T.
Lindley, Ralph W., Jr.
McWilliams, James L.
Nielsen, Murl T.
Persson, Vernon H.
Shepard, Richard D.
Smith, Thomas M.
Stellyes, Cecil G.
Thoren, Carl A., III
Warner, John R.
Watson, James P.
Way, Ronald F.
Welborn, Lawrence E.

JUDGE ADVOCATE GENERAL'S CORPS

Adair, Charles H.
Benson, Thomas Q.
Bergh, Marcus B., Jr.
Celebrezze, James P.
Christmann, Thomas G.
Collins, Cornelius J., Jr.
Coyle, Arlen B.
East, Kenneth W.
Eppinger, Frank N.
Feinstein, Richard B.
Gaidies, John B.
Gorham, James S., III
Gregory, Howell J.
Hannan, William E., III
Hansen, Michael E. C.
Harrison, James B.
Hauser, William H.
Howell, Thomas J.
Kesten, Seymour A.
Kettlewell, Charles W.
King, William H. F.
Kirkman, Reymond F., III
Lang, Howard M.
Lotterhos, Joseph E.
MacPhail, Douglas F.
McCann, David P.
Melchert, Luke L.
Michalske, Michael A.
Miscall, Laurence, Jr.
Moncure, John
Morton, Edward L.
Murray, Douglas P.
Orr, Walter
Redlus, Burt E.
Rentz, Joseph H., Jr.
Rittgers, Kenneth W.
Rowley, Robert D., Jr.
Smith, Archie L., Jr.
Southern, Samuel O.
Strauser, Robert W.
Theep, Raymond T.
Vulliet, Charles F.
Walker, David A.
Warden, Philip S.
Wermcrantz, Steven E.
Wesner, Jonathan L.
Williams, Alexander H., III
Winegrad, Gerald W.

DENTAL CORPS

Bailey, Dale D.
Beckett, Rodney J.
Broadbent, Charles D.
Carlyle "L" "W", III
Carr, Hiram T.
Carter, Winthrop B., Jr.
Catanzano, Joseph A., Jr.
Chames, Nicholas A.
Chlosta, Robert J.
Claman, Robert E.
Cothren, Toby G.
Davis, William J.
Depew, Clark B.
Dunigan, John G.
Faber, Brian R.
Fontecchio, Kenneth L.
Garol, John R.
Glancy, Thomas P.
Gronka, Joseph M.
Grosspietsch, Carl W.
Hadman, James A. B.
Harper, Stephen T.
Hewlett, Thomas M.
Hilger, Terence C.
Horton, Jowell D.
Jacoby, Thomas M.
Johnson, Clayton H., III
King, Jimmy D.
Krehl, Donald G.
Kronzer, Richard L.
Lovejoy, Owen B.
Mapes, William M.
McNulty, James A.
Mold, Bruce W.
Moscarillo, Thomas L.
Munn, John A., Jr.
Murphy, Robert O.
Myers, Thomas F.
Newby, James C.
Ormond, Errol K.
Pagani, Ronald T.
Roudabush, Lyle T.
Rungo, Ralph J.
Saxton, Richard N.
Schipke, Dennis H.
Severson, Andrew J.
Sheldon, Larry D.
Simon, Alan M.
Sindall, Albert A., Jr.
Smith, Rodney S.
Starsiak, William J., Jr.
Stewart, Thomas H.
Titunik, Ira R.
Tuchek, William L., Jr.
Valace, James J.
Walden, Robert III
Waliszewski, Kenneth J.
Weithaus, Charles R.
Whitting, Dennis M.
Woofter, Dennis D.

MEDICAL SERVICE CORPS

Bane, Eugene M., Jr.
Bucky, Steven F.
Clark, Emerson E.
Galie, Louis M.
Golden, Robert M.
Hayes, Carol E.
Johnson, William W.
Loftis, John F.
McGlothlen, Gerald O.
Peery, Larry J.
Roberts, Michael D.
Samuelson, Donald F.
Schirmer, Elmer W.
Secker, Martin D.
Staggs, Robert P.
Wilkinson, Richard C.
Wright, Dennis W.

NURSE CORPS

Cook, Patricia A.
Cotton, Barbara L.
Engen, Judith K.
Johnston, Patricia
Marchal, Lani M.
McVeigh, Rose A.
Meehan, Karen A.
Munro, Donna L.
Pires, Jeannine M.
Stapleton, Eva G.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 19, 1981:

DEPARTMENT OF STATE

John H. Holdridge, of Maryland, to be an Assistant Secretary of State, vice Richard Holbrooke, resigned.

DEPARTMENT OF AGRICULTURE

A. James Barnes, of the District of Columbia, to be General Counsel of the Department of Agriculture, vice Daniel Marcus, resigned.

DEPARTMENT OF STATE

Joan M. Clark, of New York, to be a career Member of the Senior Foreign Service, class of Minister-Counselor.

Robert Dean Neesn, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru.

Robert Gerhard Neumann, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

DEPARTMENT OF AGRICULTURE

Frank W. Naylor, Jr., of California, to be Under Secretary of Agriculture for Small Community and Rural Development, vice Alex P. Mercure, resigned.

Mary Claiborne Jarratt, of Virginia, to be an Assistant Secretary of Agriculture, vice Carol Tucker Foreman, resigned.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Louis O. Giuffrida, of California, to be Director of the Federal Emergency Management Agency, vice John W. Macy, Jr., resigned.

DEPARTMENT OF JUSTICE

Jonathan C. Rose, of Virginia, to be an Assistant Attorney General vice Maurice Rosenberg, resigned.

HOUSE OF REPRESENTATIVES—*Tuesday, May 19, 1981*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford D.D., offered the following prayer:

Gracious Lord, we are grateful for all Your servants who, through lives of witness and good deeds, have testified to Your love. May the character of the saints who have lived before us, ever give light to our path and warmth to our spirit.

May our lives never become so involved with the things of today that we miss the rich inheritance that we have received from the past and on which we build for the future.

Keep us grateful for our history and our heritage that we may continue to fight the good fight and ever keep the faith. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 815. An act to authorize appropriations for fiscal year 1982 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test, and evaluation for the Armed Forces, to authorize appropriations for fiscal year 1982 for operations and maintenance expenses of the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for fiscal year 1982 for civil defense, and for other purposes.

REAGANOMICS SINKHOLE

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, not long ago the newest Washington catchword was "social safety net." What this was supposed to mean was that the Reagan administration would not do any harm to what they liked to call the truly needy.

Now that we have had a chance to look at the so-called safety net, it turns out to be a sinkhole.

Do you need a little help to provide decent educational opportunities in your poor school district? Too bad; that is not part of the safety net, it is part of the sinkhole.

Do you need a little help to get that college education that will make all the difference in the world in your productivity as a citizen? Too bad; that is not part of the safety net; college aid programs are going into the sinkhole.

Do you need a little food stamp assistance to make your poor paycheck go far enough to put decent food on the table? Too bad; 1 million food stamp recipients are seeing their help go into the sinkhole.

Do you find it impossible to get a decent home at a price you can afford? Too bad; that dream is going into the sinkhole, because this administration thinks housing is not all that necessary.

Do you hope to retire a little early at age 62? Too bad; that dream is not part of the safety net. Your hope for anything like the retirement you have counted on are headed for the sinkhole.

Do you need a little employment counseling in order to get off unemployment? Too bad; the U.S. Employment Service is sliding off into the sinkhole, and will henceforth provide only the most meager kind of help. If you really need help, you will have to go someplace else.

No matter what angle you examine it from, the Reagan safety net provides no real help to anybody. All it does is consign help into the ever-widening sinkhole. It is just too bad if your life has been unlucky enough to put you into the need of help. Too bad if your dream is to retire at age 62, or even 65. Too bad if you would like to see affordable interest rates.

Alas, even for Republicans who have for generations preached the balanced budget, Reagan blasts that doctrine into the newest sinkhole—the supply-side sinkhole that is swallowing up the dreams of millions who did not know that the President was not exactly truthful when he pledged never to disturb social security.

HOLD THE LINE ON SOCIAL SECURITY CUTS

(Mr. MOTTL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOTTL. Mr. Speaker, the social security program is the bedrock of financial security for millions of Americans who have paid into the system for decades. Yet from Members of Congress, and now from the President, we hear more and more talk on where to make social security cutbacks.

I think the cutback approach is wrong, and it is opposed by most Americans. What we should be doing is examining ways to preserve the level of benefits now provided in social security.

An excellent starting point would be to take $6 billion or so per year out of foreign aid programs and funnel this money into social security, rather than chop $46 billion or more from social security in coming years, as the President suggests.

I am certain the vast majority of Americans would support this reallocation of funds. And, there is no question that social security beneficiaries would show more gratitude than most foreign nations which are on the dole from Uncle Sam.

GUARANTEED STUDENT LOANS

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, as a result of our actions on the floor of the House last week on the supplemental appropriation legislation, a number of banks have already indicated their willingness to go ahead with the student loans for this September. However, Mr. Speaker, we must continue our efforts to see to it that the House has a chance to vote to restore moneys in the 1982 guaranteed student loan program.

If we do not do that, Mr. Speaker, as the Members know very well now, there will be hundreds of thousands of students in 1982—college students, those seeking other types of higher education, the bright young people of our country—who will be forced to leave school. I hope we will unite in the effort to have the opportunity to vote on this issue.

□ 1215

FARM BILL GIVES SCANT BENEFIT TO SMALL FARMERS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, I want to take note of the farm bill that was passed by the Agriculture Committee of the House this morning. This farm bill is going to fall far short of providing the needed economic stability that is necessary for survival of many of the family farms in this country.

Farmers are provided some pretty tough choices these days. First, many parts of the Midwest are facing a drought situation.

Second, they face high interest rates. For example, we have the 20-percent prime rate that was announced today which further dims the economic prospects for agriculture and small business in States such as North Dakota; and, third, energy prices are continuing to increase at a very rapid rate, driving up the costs to the small farmer.

Yet now we have a farm bill that just does not measure up in giving farmers any kind of meaningful protection. The loan rates are too low, and the interest rates on many of the loan programs are too high. The bill is more of the same. The large corporate farms in the country are the ones that will receive the lion's share of the farm programs benefits at the expense of small farm producers.

Mr. Speaker, I hope all of us will try to improve this farm bill as we wind our way through the legislative procedure. I believe the survival of many small family farmers in this country is going to depend on our efforts in the next several weeks.

AWACS SALE TO SAUDIS OPPOSED BY CONSTITUENTS

(Mr. BRODHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRODHEAD. Mr. Speaker, the papers I am holding in my hand represent but a fraction of the correspondence I have received from my constituents opposing the administration's proposed sale of AWACS to Saudi Arabia.

Rarely since I have been in Congress have I witnessed a foreign policy initiative more misguided, more contrary to the interests of our own Nation and those of our friends and allies.

It is ironic that, at a time when U.S. interests in the Middle East have never been more pronounced, the administration should be proposing an arms sale which will jeopardize the security of Israel—our friend and ally, and the only democratic state in the region. There is no justification for this action.

I believe that the views of my constituents reflect the views of the broad majority of Americans. Fortunately, Congress will have an opportunity to vote on this arms sale before it is finalized. The American people do not want to see the United States turn its back on its friends for the sake of oil. I hope that my colleagues will be listening to the voices of the people when this issue comes before the House for a vote.

TODAY'S VOTE ON INSPECTOR GENERAL ACT AMENDMENTS OF 1981

(Mr. STRATTON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I take this particular side of the aisle symbolically this morning because I am addressing my message primarily to the Members of the Republican Party. My own party will not listen to me, but I think that I have a message that the Members on this side of the aisle ought to get before we get around to voting today on H.R. 2098.

I know that Members all read the CONGRESSIONAL RECORD assiduously before coming in, and if they have read the RECORD this morning, they have read a rather sprightly debate between the gentleman from New York (Mr. HORTON) and myself with respect to this piece of legislation which would create an Inspector General in the Department of Defense who would not be responsible to the Secretary of Defense.

I think we have a great Secretary of Defense. I think he is interested in cutting out waste and knows how to do it. But I do not think we ought to pass a bill like this, and I know that Mr. Weinberger and Mr. Carlucci do not want it; the Members have my word for that.

Mr. Speaker, I would hope that when this measure comes up, we would allow the Secretary of Defense to run his own operation over there rather than having a "loose cannon" of an inspector general who will be running around looking into all kinds of classified contingency planning, as this bill would allow him to do, without any direction from or reporting to, the Secretary of Defense who is, and should be, in full command of the Department of Defense.

If we defeat this bill under suspension, then we can get it sequentially referred to the Committee on Armed Services, where we have the basic authority for the organization of the Department of Defense.

THE MOST REVEREND JAMES S. RAUSCH, BISHOP OF THE PHOENIX DIOCESE

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, I am deeply saddened by the recent death of the Most Reverend James S. Rausch, who presided as bishop of the Phoenix diocese.

This accomplished servant of God was to celebrate the 25th anniversary of his ordination to the priesthood on June 2 next month. He has had an illustrious career in service to the Lord, the church, and of the people of the Phoenix diocese.

Following his research fellowship with the U.S. Catholic Conference Division of World Justice and Peace, Bishop Rausch was general secretary of the National Council of Catholic Bishops in 1972, then elevated to the episcopacy in 1973. He has been bishop of Phoenix, since 1977, and has established several new parishes as well as initiating many elderly residential accommodations in my State. He had enormous vitality and spirit and contributed immeasurably to the community in his 4 years as bishop of the Phoenix diocese.

It is with my deepest respect and sympathy that I bring to my colleagues, many of whom knew him during his tenure in Washington, D.C., this message of Bishop Rausch's death.

TAX CUT NEEDED TO RESTORE ECONOMIC VITALITY

(Mr. PARRIS asked and was given permission to address the House for 1 minute.)

Mr. PARRIS. Mr. Speaker, one of the things that concerns me is the persistent allegation by some—whose motives are purely partisan—that a tax cut might in some way be harmful to the country. To the contrary, I believe—and President Reagan believes—that an across-the-board tax cut now is essential if the Nation's economic vitality is to be restored.

Those who warn against a tax cut, act as if the idea of supply side economics is some sort of untested economic theory. In fact, it is one of the most successful and most tested economic policies in the world's history.

In my State of Virginia, a sound financial base has been built over the past two centuries by strict adherence to supply side type economics in general and low taxes, reduced Government spending, and minimum regulation specifically.

In 1910, over 70 years ago, House Speaker Richard Byrd—the grandfather of Virginia's present senior Senator—warned that through excessive Federal taxation the Government would gain a stranglehold on every businessman.

I think that time has arrived, Mr. Speaker, and I suggest we need a tax cut now so the businesses of this country can be freed from the Federal

stranglehold, and to help stimulate the Nation's economic activity.

INTRODUCTION OF BILL TO IMPROVE U.S. HARBORS AND PORTS

(Mr. ANDERSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, I am introducing a bill today to improve certain harbors of the United States, and, of course, when I think of certain harbors, I am thinking of my own ports of Los Angeles and Long Beach. But the bill I have introduced is one that is directed to help all ports.

I just want to point out that we have a great opportunity here. There is a great need for coal in other parts of the world, and one of the problems we have in getting coal to other parts of the world is being able to get it to our ports and get it out of our ports. We know, for example, that in the Pacific there is a great demand for coal; in Japan, in Taiwan, and in Korea as a substitute for costly oil. We know that the four countries of the world right now that have plenty of coal are China, Australia, Canada, and the United States.

Our job now is to take advantage of this fortunate position in which we find ourselves. We can become, in a sense, part of the OPEC of the world for coal. Perhaps there should be an OCEC. We can improve our balance of payments in this way, but we cannot do it unless we develop our harbors and ports and related land facilities so that we can export these products in volume.

For example, my two ports currently export about 1½ million tons a year. We would like to be able to export as much as 50 million tons a year. We know that we have the coal on the western side of the Rockies. The problem is, how do we get it to our ports, and how do we get it out of our ports for export?

Mr. Speaker, I hope that the Members who are interested in coal development and in increased port activity will take a look at my bill and see how it applies to their own districts. I believe they will especially appreciate the procedures this bill establishes for expediting Federal permitting procedures and agency processing.

PROPOSED FREEZE ON CHANGES IN GUARANTEED STUDENT LOAN PROGRAM

(Mr. DUNN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DUNN. Mr. Speaker, today I am introducing, along with the gentleman from New York (Mr. BIAGGI), legislation that would impose a freeze on changes in the guaranteed student loan program through October 1, 1981. One in four students across this country is utilizing a guaranteed student loan to attend college.

The administration proposes a number of substantive long-term changes in the GSL program.

My legislation makes no judgment as to whether these changes in the program ought to be enacted. However, it is critical that no revisions in the program take effect before October 1, 1981, in order to prevent interruptions in the ongoing loan application process until September 1981.

The guaranteed student loan program is different from any other form of higher education assistance in that it is provided by the Federal Government because it relies on the voluntary participation of banks. If the banks are not happy with the program, they can pull out of it and shut their doors to students.

Banks understandably do not want to proceed with loan applications for September 1, 1981, if legislation requiring changes in those applications is to be made effective before this date.

Mr. Speaker, I urge all the Members to cosponsor this legislation.

□ 1230

WILLIAM SAROYAN, 1908-81

(Mr. PASHAYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASHAYAN. Mr. Speaker, it is with deep sorrow and a great sense of loss that I report to this body the death of William Saroyan, a Pulitzer Prize winning playwright and prodigious novelist and short story author who called Fresno, Calif., home.

Saroyan succumbed to cancer at age 72 at the Veterans Administration hospital in Fresno on May 18, a man who practiced what he wrote. In his own words, "In the time of your life, live."

Saroyan, who was a visitor to my own home, had a unique way of singing the praises of his community: "I met the human race in Fresno. I found it a fascinating race. I found it complicated, paradoxical, and contradictory," he said.

I believe we can all say the same of our own hometowns wherever they are.

Over the years Saroyan wrote more than 400 short stories and novels, the most noted of which is "The Human Comedy." His play, "The Time of Your Life," won him a Pulitzer Prize for drama, which he turned down. In collaboration with his cousin, the late Ross Bagdasarian—better known perhaps as David Saville of "Chipmunk" fame—he wrote "Come On-A My House" which was recorded by Rosemary Clooney in 1951.

Just last month Saroyan, sensing the end, told the news media with characteristic humor, "Everybody has got to die, but I have always believed an exception would be made in my case. Now what?"

It is true that William Saroyan lived life as he wrote it. Like so many, I trust that in death his contributions will be as he wrote them.

Try to remember that a good man can never die. The person of a man may go, but the best part of him stays. It stays forever.—William Saroyan, 1908-81.

KEEPING THE COUNTRY VIBRANT

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, a little earlier another Member rose and criticized the President for some of his proposals and suggested that his safety net is not all-encompassing.

Mr. Speaker, I am sorry to see that because it seems to me that what it does is suggest that we in this House can solve all the problems of this country and that at a time when the American people are asking us to cut back as we make truly legitimate efforts to try to create a safety net, some would have us believe that there is no recourse at the State and local levels. It seems to me that part of the spirit of what the President is trying to bring back to this country is the recognition that this country can be vibrant if all parts of this country are vibrant, if every community is given a chance to work and to try to help those people within that community.

Mr. Speaker, it seems to me when we have these attacks on the floor, it reminds me of one of the follies of the Vietnam era. It came under the rubric of "the best and the brightest." Somehow we thought that only the best and the brightest in this country were found here in Washington, D.C. There is a corollary to that, Mr. Speaker. If the best and the brightest are here, then evidently the not so bright and the not so good are back home. I think that is a rather harsh judgment for us to make of our constituents and our local elected officials and our State elected officials.

What this President is attempting to do is to recognize that a body politic will be vibrant, will be forceful, will be healthy, if all parts of it are healthy. If oxygen only goes to the head and we get no oxygen to other parts of the human body, those parts of the body will fall by the wayside. They will atrophy and they will die. So it is with the body politic.

We must remember that the best and the brightest are not all here. Many, many of them are back home and we ought to give them recognition for that.

EXPRESSING CONCERN OF THE HOUSE OVER THE ATTACK ON POPE JOHN PAUL II

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the resolution (H. Res. 139) to express the deep concern of the House over the attack on His Holiness Pope John Paul II, and to offer prayers for his recovery, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. PANETTA). Is there objection to the request of the gentleman from New York?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so with no intention of objecting, but simply to give the gentleman from New York an opportunity to explain to the House the details of this resolution and give us an opportunity to consider it a little further.

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman for that purpose.

Mr. GARCIA. I thank the gentleman. This is the identical resolution that passed the Senate last week and what we are doing here, it is the concern of the House and the sentiment of the House toward the tragedy that took place last week.

Mr. WALKER. Would the gentleman give us some sense of the details that are in the resolution? I see no copy of it before us. Can the gentleman give us some idea as to what the details of it are?

Mr. GARCIA. Will the gentleman yield?

Mr. WALKER. Mr. Speaker, further reserving the right to object, I would be glad to yield to the gentleman.

Mr. GARCIA. What I would like to do, Mr. Speaker, with the permission of the Chair, would the Clerk be kind enough to reread the resolution?

Mr. WALKER. I do not think that will be necessary. I think I understand what the gentleman is saying.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York (Mr. GARCIA)?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 139

Resolution to express the deep concern of the House over the attack on His Holiness Pope John Paul II, and to offer prayers for his recovery

Whereas His Holiness Pope John Paul II has been a sign of hope for all people of every faith, a true messenger of the Gospel and of human justice, a good shepherd for the whole world;

Whereas this man of peace has now been struck down by the latest act of violence to stain our time;

Whereas his brave life and his shining example are a rare gift in a troubled and turbulent era, a vivid signal of that love for each other which surpasses all human understanding; and

Whereas His Holiness manifested his love and compassion most recently when he forgave his assailant: Now, therefore, be it

Resolved, That we join now in common concern and we pause in prayer to God for the life, the health, and the recovery of Pope John Paul II.

The SPEAKER. The gentleman from New York (Mr. GARCIA) is recognized for 1 hour.

Mr. GARCIA. Mr. Speaker, the attack on Pope John Paul II is both deplorable and frightening. It is deplorable because as a world religious leader, the Pope is a symbol of peace and understanding. It is frightening because, it brings to mind the specter of international terrorism that haunts the world's democracies. No leader is safe.

The assassination attempt on John Paul II was made by a self-proclaimed terrorist. He is, however, only one in an international network of terrorists. In 1980, there were over 4,000 deaths attributed to terrorism in Turkey alone. The evidence for an international terrorist movement is growing. Each year the number of terrorist attacks increases.

Terrorists show blatant disregard and contempt for constitutional governments. Their behavior toward society is secretive and unaccountable. Their goals are lost because of their unacceptable methods. Terrorists are fanatics. Their world is divided into black and white; there is no room for compromise or discussion. The terrorist's ideology is braided from dogma and self-righteousness. He inflicts his lack of hope on society.

The argument that one man's terrorist is another man's patriot is not valid. Patriotism protects freedom and the rights of the individual; terrorism infringes upon those rights. In any struggle, the means must justify the ends. Terrorism cannot be justified.

Perhaps the most frightening aspect of terrorism is that it forces an otherwise free and healthy society to place unwanted restrictions on the movement and activities of its citizens. If international terrorism continues, so will the methods used to control it. A police state is the alternative to uncontrolled terrorism. Terrorists should not be harbored or protected. They exact too high a price—personal freedom—to warrant protection.

It is fortunate for all of us that the Pope has survived. He is a valuable world leader, a symbol of peace. It is important that a lesson is learned from this tragedy; terrorism is not an acceptable way of expressing opposition. It must be stopped.

Mr. Speaker, before I terminate, I would just like the Members to know that my colleague, the gentleman from Illinois (Mr. DERWINSKI) is a cosponsor, but because of other duties he could not be here with us today.

I just wanted that to be placed in the RECORD.

● Mr. DERWINSKI. I was deeply shocked and dismayed at the tragic assassination attempt on Pope John Paul II. I am greatly relieved and encouraged by current news reports from Rome that now indicate that His Holiness is recovering satisfactorily.

The Holy Father has already assumed a place in history by the very fact that he is the first Polish Pope and has become the most revered and effective religious leader in the world. His personal strengths, inspirational qualities, and dedication have earned him the respect and admiration of people throughout the world regardless of their faith.

I first met Pope John Paul II in 1975 in Cracow and was a member of the official U.S. delegation that traveled to Rome in 1978, to attend the Papal investiture. I later met again with His Holiness when he visited the United States in 1980.

As a Roman Catholic and a Polish American, I ask my colleagues to join me in my prayers for his full and speedy recovery.●

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORIZING PRINTING OF STATEMENTS IN TRIBUTE TO LATE REPRESENTATIVE OLIN E. TEAGUE

Mr. GAYDOS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 127) authorizing the printing of a collection of statements in tribute to the late Repre-

sentative Olin E. Teague, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 127

Resolved, That there shall be printed as a House document a collection of statements made in tribute to the late Representative Olin E. Teague and published in the Congressional Record, together with appropriate illustrations and other material relating to such statements.

SEC. 2. In addition to the usual number, there shall be printed, for the use of the House, one hundred copies of the document referred to in the first section of this resolution, which shall be casebound in such style as the Joint Committee on Printing shall direct.

Mr. GAYDOS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 1 hour.

Mr. GAYDOS. Mr. Speaker, House Resolution 127 authorizes the printing of a collection of statements made in tribute to the late Representative Olin E. Teague, and published in the CONGRESSIONAL RECORD, together with appropriate illustrations and other material relating to such statements, as a House document. The resolution further states that, in addition to the usual number 1,500, 100 additional copies shall be printed and shall be casebound in such style as the Joint Committee on Printing shall direct, for the use of the House.

The Government Printing Office has estimated that the cost of this printing will be as follows:

1,500 (usual number) paperback	$6,383.27
Casebound (100 copies)	1,130.17
Total	7,513.44

BIOGRAPHICAL INFORMATION ON OLIN (TIGER) TEAGUE

Mr. Teague, a distinguished, decorated, and wounded veteran of World War II, was elected to the 79th Congress from Texas in August 1946, and was reelected to each succeeding Congress through the 95th. He served as Chairman of the House Veterans Affairs Committee from the 84th Congress until the 93rd Congress, when he resigned to accept the chairmanship of the Science and Astronautics Committee.

During his career in Congress, Mr. Teague authored much of the major veterans legislation which was enacted into law from 1946 through 1978. In fact, during the 82d Congress, it was Mr. Teague who chaired the Select Committee which investigated the shortcomings of the World War II GI bill, and which developed the Korean war veterans bill. Additionally, he was elected chairman of the Democratic Caucus of the House in the 92d and 93d Congresses. Mr. Teague was, also, one of the original members of the Committee on Standards of Official Conduct when it was formed during the 90th Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

GEORGE WASHINGTON COMMEMORATIVE COIN ACT

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3484) to provide for the minting of half dollars with a design emblematic of the 250th anniversary of the birth of George Washington.

The Clerk read as follows:

H.R. 3484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "George Washington Commemorative Coin Act".

HALF-DOLLAR COIN

SEC. 2. Title I of the Coinage Act of 1965 (31 U.S.C. 391 et seq.) is amended by adding at the end thereof the following:

"SEC. 109. (a) Notwithstanding any other provision of law, the Secretary shall mint and issue half-dollar coins pursuant to this section in such quantities as are necessary to meet the needs of the public, except that such quantity shall not exceed 10,000,000 coins.

"(b)(1) The half-dollar coins minted pursuant to this section shall weigh 12.50 grams, have a diameter of 30.61 millimeters, and be minted in accordance with the standard established in section 3514 of the Revised Statutes (31 U.S.C. 321).

"(2)(A) The Secretary shall determine the design which shall appear on each side of such half-dollar coin. Both such designs shall be emblematic of the two hundred and fiftieth anniversary of the birth of George Washington.

"(B) On each such half-dollar coin there shall be a designation of the value of the coin, an inscription of the year '1982', and inscriptions of the words 'Liberty', 'In God We Trust', 'United States of America', and 'E Pluribus Unum'.

"(3) All half-dollar coins minted pursuant to this section shall be legal tender as provided in section 102 of this title (31 U.S.C. 392).

"(c)(1) All half-dollar coins minted pursuant to this section shall be sold to the public by the Secretary under such regulations as he may prescribe and at a price equal to the cost of minting and distributing such half-dollar coins (including labor, materials, dies, use of machinery, promotion, and overhead expenses) plus a surcharge of not more than 20 percent of such cost.

"(2) An amount equal to the amount of all surcharges which are received by the Secretary from the sale of such half-dollar coins shall be deposited in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.

"(d) No half-dollar coins shall be minted pursuant to this section after December 31, 1983.

"(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

USE OF SILVER

SEC. 3. The last sentence of section 202 of Public Law 91-607 (31 U.S.C. 391 note) is hereby repealed.

EFFECTIVE DATE

SEC. 4. The amendment made by section 2 shall take effect on October 1, 1981.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Illinois (Mr. ANNUNZIO) will be recognized for 20 minutes and the gentleman from New York (Mr. WORTLEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3484, the George Washington Commemorative Coin Act, would authorize the minting of a silver half dollar in honor of the 250th anniversary of George Washington's birth in 1982.

I wish to commend my distinguished colleague, the gentleman from Georgia (Mr. BARNARD) for originating the legislation. The gentleman from Georgia (Mr. BARNARD) has been most helpful in passing this legislation through the subcommittee and the full committee. He is a dedicated, devoted and hard-working member of the Banking Committee. I want to publicly express my appreciation to him for all of his outstanding cooperation on behalf of this legislation.

It is nearly beyond belief that this one man, George Washington, performed so many crucial roles in founding this great Nation. As Commander in Chief, he led our troops in the fight for independence. As statesman, he presided over the Constitutional Convention. As the first President, he organized the new Government. He did all of this out of a sense of duty and love for his country, even though it worked great personal and financial hardship upon him.

This bill would authorize the minting of up to 10 million 90 percent silver half dollars in his honor. The coins would be sold to the public in 1982 and 1983 at a price equal to the cost of their manufacture and distribution, plus a 20-percent surcharge. That surcharge would be used solely to repay the national debt.

This bill honors Washington not only by its issuance of this coin, but also because it is fiscally responsible. As military commander and later as President, Washington faced and sur-

mounted severe budgetary and financial problems. He knew the necessity for fiscally sound programs. By requiring that money from the sale of these coins be used to reduce the national debt, these coins will follow Washington's example of fiscal responsibility.

While the purpose of this legislation is, indeed, to honor the Father of Our Country who was a hero of the Revolutionary War, there is another aspect of the legislation that is also important. I am today declaring war on the national debt because it has reached a point where interest on the national debt is rapidly approaching 10 percent of our annual budget.

In the 10 years from 1970 to 1980 the national debt has increased 139 percent and from 1975 to 1980 the debt increased by 68 percent.

□ 1245

In pocketbook talk that means that in the last 10 years American taxpayers have handed out more than $293 billion just to pay the interest on the national debt.

While I realize that the $10 to $15 million that will be realized from the sale of the Washington silver half dollars is a small amount compared to the size of the national debt, it is nevertheless a beginning. There are substantial and immediate savings that can be made by reducing the national debt.

For example, $90 million will be saved for every $1 billion reduction of the national debt. And for every $10 billion that it is reduced, there will be a $900 million savings. These figures assumed an annual average interest rate of 9 percent and with interest rates currently on the rise, a debt reduction could result in even a more substantial savings.

Mr. Speaker, from now on every time there is a bill brought before this House that will result in income directly to the United States, I will offer an amendment to require that such income be used in reducing the national debt.

In the present Congress we have heard much talk about reducing Government spending, but nothing about reducing the size of the national debt. If we pursue both courses together, we can bring inflation under control in a far quicker manner.

For too long the national debt has been like the weather—everybody talks about it but nobody does anything about it. We cannot change the weather, but we certainly can change the size of the national debt. And that is going to be my No. 1 priority from now on.

The following chart indicates exactly how the national debt is the tail that wags our economic dog. I am not going to stand here today and recite all of the figures in the chart, but I would suggest that there is enough material in this chart to convince every Member of this body that we have to do something to bring the national debt under control.

I. NATIONAL DEBT

[Dollars in billions]

	National debt	Interest paid out	Interest as percent of budget (total outlay)	Interest as a percentage of GNP	National debt as a percentage of GNP	Amount of increase in national debt	Percent of increase in national debt each year
1980	$914.3	$52.5	9.1	2.0	35.4	$80.5	9.7
1979	833.8	42.6	8.6	1.8	35.1	53.4	6.8
1978	780.4	35.4	7.9	1.7	37.0	71.3	10.1
1977	709.1	29.9	7.4	1.6	37.5	77.2	12.2
1976	631.9	26.7	7.3	1.6	37.8	87.8	16.1
1975	544.1	23.2	7.1	1.6	36.0	57.9	11.9
1974	486.2	21.4	8.0	1.6	34.3	17.8	3.8
1973	468.4	17.3	7.0	1.4	36.4	31.1	7.1
1972	437.3	15.5	6.7	1.4	37.9	27.8	6.8
1971	409.5	14.8	7.0	1.4	38.5	26.9	7.0
1970	382.6	14.4	7.3	1.5	38.2		

Let me turn back now to a discussion of the George Washington commemorative coin.

The 10 million coin limitation was chosen to assure that the coin was truly a limited commemorative issue and to permit the Mint to plan its production schedule. In the past, the Mint has been required to strike an unrealistically high number of coins, which it has been unable to sell. It would be foolish and a waste of taxpayers' money to mint more than could be sold.

I hope these coins are a sellout, and I think they might be. I favor commemorative coins and if this coin is a success, there will be more to follow.

It is entirely appropriate that we mint a coin honoring our first President. Washington took a great interest in our Nation's coin needs and was instrumental in establishing our Mint. Some of the very first coins struck at that Mint were made from Washington's own silverware.

This will be the first commemorative coin issued by the United States since 1954. The bill has the support of the administration and coin collectors, and I know of no opposition of any kind to this bill.

Mr. Speaker, I urge the prompt passage of this bill so that there will be ample time to prepare this fitting tribute to the Father of our Country on the occasion of his 250th birthday next year.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I will be happy to yield to my good friend, the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman from Illinois for yielding. Can the gentleman assure that what we are doing here is substantially different from the fiasco that we went through with the Susan B. Anthony dollar? That was one where we increased the debt to a large degree because of the fiasco of printing coins that the American people were not willing to use. Do I have the gentleman's assurance that we are engaged in a different kind of exercise with the commemorative coin for George Washington?

Mr. ANNUNZIO. I am delighted that my good friend from Pennsylvania has asked that question. As he knows, I was one of the first to appear on the floor of this House to call the issuance of the Susan B. Anthony dollar a fiasco. I pointed out to my colleagues in the Congress the great expense that had been incurred on the part of the Amerian taxpayer in the issuance of this dollar. May I assure the gentleman from Pennsylvania (Mr. WALKER), that I expect the sale of all 10 million coins. I base that on my mail, of the hearings on this coin, that this is not a copper-clad coin but a silver coin that is supported by all the numismatic organizations in the United States, and that it is the first commemorative coin to be issued in the last 25 years. I see a profit on the sale of anywhere from $10 to 15 million. I want to assure the gentleman that from the letters I have received I think that I will be able to report back to the Congress, and the gentleman will be on the floor to hear my report, that this time there was a sellout.

Mr. WALKER. Will the gentleman yield further?

Mr. ANNUNZIO. I will be glad to yield to the gentleman.

Mr. WALKER. I thank the gentleman for yielding. I would like to endorse the bill that he has brought before us and commend those who have worked hard on it, particularly in its aspect of trying to use this as a small gesture toward reducing the national debt. Obviously, we have to take some big steps in that direction before we actually begin to whittle away at it, but this is a small step, and I think the direction in which the gentleman's committee has decided to go is to be commended.

I thank the gentleman from Illinois (Mr. ANNUNZIO) and praise him for bringing this particular bill to the floor.

Mr. ANNUNZIO. I thank the gentleman from Pennsylvania for supporting the legislation.

Mr. WORTLEY. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join the distinguished chairman of our Subcommittee on Consumer Affairs and Coinage in supporting the enactment of H.R. 3484, the George Washington Commemorative Coin Act. Except for the coins authorized for the Bicentennial this will be the first commemorative coin authorized since 1954. In reporting this bill to you, your committee has given due consideration to the problems which were associated with the commemorative coin issues authorized prior to that time.

First of all we think commemorating the 250th anniversary of George Washington's birth is an occasion of national significance. His importance to our Nation is unquestioned and his strong personal interest in the establishment of a mint and our coinage system make it particularly significant that we honor him with a commemorative coin.

Second, we provide in this bill that the coins be priced to cover all costs and that profits from the sale of them go into the U.S. Treasury. It is our intention that the silver used in these coins be valued at current prices. The bill authorizes the Mint to use silver in inventory which had previously been set aside for the Eisenhower dollar. Assuming that silver prices remain at the current high levels—$11-plus per ounce—a substantial profit will be realized for the Treasury.

Unlike some previously authorized coins these coins may only be issued during a specific period, 1982 and 1983. Thus if for any reason the 10 million coins authorized have not been sold the issue will be discontinued.

I also favor this bill because I think it is a good idea to offer commemorative U.S. coins. Such coins are issued by many other nations of the world and are widely collected by U.S. citizens. It makes good sense economically and as a matter of national pride for us to enter this market. I am sure that the Mint can select a design which will be more attractive than our dollar coin and if they do I am confident this will be a successful program.

I urge enactment of the bill.

Mr. ANNUNZIO. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Illinois has 12 minutes remaining.

Mr. ANNUNZIO. I thank the Speaker. I yield such time as he may consume to the distinguished gentleman from Georgia (Mr. BARNARD), the originator of this legislation.

Mr. BARNARD. Mr. Speaker, I appreciate the kind words of my good friend, Mr. ANNUNZIO, and I would like to take this opportunity to thank him for all of his assistance in bringing this legislation to the floor. There is no question that without his able advice and counsel, we would not be here today, and the George Washington half would be but a dream.

Mr. Speaker, we are all aware of George Washington, and of the many things that he did to shape our Republic in its early days. However, we tend to view him more as a marble statue to be honored, than for what he was, a very human person, who did his best in trying circumstances, and created a Republic that is still the hope for freedom of much of the world today.

It is my hope that the issuance of a commemorative coin for his 250th birthday will cause people to think about his life as that of a man who lived, rather than just as a historical subject.

H.R. 3484 provides for the striking of a special silver dollar by the mint to honor this important anniversary. The coins, when issued next year, will have a composition of 90 percent silver and 10 percent copper, identical to the silver coins struck in this country before 1965. They will be available for 2 years, 1982 and 1983, and will be legal tender for half a dollar, although they will be sold for more than that.

H.R. 3484 provides that a maximum of 10 million of these coins will be struck, with the actual number issued being limited to those ordered during 1982. The number 10 million is admittedly arbitrary, but was chosen as the number most likely to approximate the actual demand for the coin. At its maximum, demand for the Eisenhower silver dollar ran at close to 7 million, and while I believe that the Washington half will attract more interest, I believe that 10 million is a fair estimate. In addition, I felt that the mint should have some way to plan its production, and that a ceiling would probably heighten the interest in the coin and encourage early orders.

My legislation provides that the price will cover all costs associated with the coin, plus a profit of up to 20 percent. The sales will be handled according to regulations issued by the Secretary of the Treasury, and all profits will go into the Treasury general fund.

Briefly, there are three reasons why H.R. 3484 should be approved:

First. A commemorative half dollar is a fitting way to honor the 250th birthday of George Washington.

Second. There is a market for the coin, and it will provide an American alternative for the millions of collectors and investors who invest in silver coins yearly, and are now limited to foreign coins. As such, it will help our balance of trade to some extent.

Third. The sales of these coins will provide a profit to the Treasury, that will help to reduce the deficit in fiscal year 1982.

Of these three reasons, the first, the desire to commemorate George Washington on his 250th birthday is the most important. In honor of this anniversary, a silver coin is particularly appropriate, as Washington took a special interest in the establishment of our Nation's first mint, and was responsible for our first silver coinage personally.

The establishment of a mint was one of Washington's main priorities when he became President in 1789, but circumstances delayed it for over 2 years. In a speech to Congress on September 25, 1791, he again urged the establishment of a mint to remove "the scarcity of small change, a scarcity which is so peculiarly distressing to the poorer classes."

The Congress responded to this plea, and not only established a mint, but also provided for a national coinage system. Washington took a personal interest in the establishment of this coinage system, and intervened when the Senate bill provided for the picture of the current President on the coins. Instead, he successfully urged that a representation of liberty be placed on the coins.

The next year, 1792, he used $100 of his personal silver plate for the minting of the first U.S. coins, silver 5-cent pieces, according to old mint documents. He had not forgotten his concern about the need of the poor for coins, and the coins were promptly released into circulation, as shown by the heavy wear that most of them exhibit today.

The coin that you are considering today will not be the first time that Congress has decided that a coin is an appropriate way to commemorate an anniversary of George Washington's birth. Fifty years ago, for the 200th anniversary in 1932, a special commemorative quarter was issued, supposedly for 1 year only. However, it proved to be so popular that it remains in circulation today.

The second reason for passing this legislation is that not only is there a market for the coin domestically, but

it will also be the first and only American entry in the worldwide silver commemorative coin market. Although silver coins have not been struck for circulation in recent years, many nations sell them at a premium to collectors and investors, and make a profit on them.

One excellent example is the Royal Canadian Mint, which this year will offer a commemorative silver dollar honoring the construction of a transcontinental railroad across Canada. This coin is part of a regular series that Canada issues yearly for sale to collectors, with a new design each year. The coin will be offered to Americans in two finishes for either $18 or $14, depending on which is chosen. Their efforts to attract large numbers of American buyers are shown by the many ads for the coins that have appeared in major American papers including the New York Times and the Wall Street Journal.

The Canadians are not the only ones taking advantage of the market. The April 29 issue of Coin World, a major hobby paper, lists new silver issues aimed at collectors and investors from Austria, Egypt, Gibraltar, Israel, Poland, Sudan, Switzerland, and Venezuela. In addition, it displays a prominent ad from the Soviet Bank for Foreign Trade offering that nation's silver and gold medals for sale.

Silver coins are issued internationally for a variety of reasons. The Silver Institute states in its April newsletter that many nations issued coins for the International Year of the Child in 1980, and that up to 24 nations will issue them this year to commemorate the International Year of the Disabled Person.

Modern silver coins are sold in the millions each year, many of them to American collectors and investors. The profits from their sale then goes abroad to the issuing government, and helps their balance of trade, while at the same time hurting ours. American competition would not drive the others out of the market, but it would have a wide appeal with the millions of American collectors and investors. In addition, it would attract some foreign business, and would give all the option of buying an American coin.

Nor is the tradition of commemorative coins foreign to this country. Beginning in 1892, this country issued commemorative silver halfs on 48 separate occasions, gold commemoratives on 6 occasions, and silver dollars and quarters once each. In addition, there was a 40-percent silver set of coins commemorating the Bicentennial.

The profits that this coin will provide to the Treasury are the third reason to support H.R. 3133. As written, the bill directs the Treasury to price the coin so that all costs associated with the production and sale of the coin are covered, along with a profit to the Government of up to 20 percent of the total. The exact percentage was left to the Treasury so that the coin could be priced at the nearest quarter dollar or so.

As I mentioned earlier, the profits will go to the general fund of the Treasury, and will help to reduce the deficit for fiscal year 1982. I cannot closely estimate how large these profits will be, but if silver stays at about $11 an ounce, it could equal up to $15 million if the entire issue is sold.

While the details of the sale are left to the Secretary, I would hope that the coin will be promoted through the media and through other outlets, such as the mint mailing list. In addition, if possible, I would like to see volume discounts similar to those offered at one time on bicentennial sets, given to financial institutions and others to encourage them to offer the coin to their customers at the original issue price. If these steps, or similar ones, are taken, I believe that the entire issue would be sold out.

In conclusion, I believe that this coin will provide a fitting memorial to our first President, while at the same time offering an American alternative to those who choose to buy silver coins. This is no Susan B. Anthony dollar, but rather a profitable venture into a proven market utilizing the mint's almost 200 years of expertise. American coins are traditionally known for their technical excellence, and enjoy a wide popularity in the world now. An American silver half dollar will meet the same acceptance.

This will be a popular coin, and will be accepted by the American people as a collector's item that honors a great American. H.R. 3434 has the support of the administration, and was unanimously approved by the Banking Committee. I would ask my colleagues to join me in supporting this bill.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. BARNARD. Yes, I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding. I wonder, since the gentleman has indicated that this coin will be 90-percent silver, if that means that if we hold it up on its side we will see all silver, or will we see a little bit of that other stuff in there?

Mr. BARNARD. We will see all silver.

Mr. STRATTON. That is great. That is great. I commend the gentleman.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. BARNARD. I yield to the distinguished gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding. I am supportive of the bill, and I think it is certainly fitting that we strike a commemorative coin, but I did not understand from the discussion how much this dollar is going to cost.

Mr. BARNARD. This coin will be priced somewhere between $9 and $12. As the distinguished chairman, the gentleman from Illinois (Mr. ANNUNZIO), indicated, it will be priced at the cost to the mint plus a 20-percent profit.

Mr. DICKINSON. I understood that, but I did not know what we estimated a dollar would be worth then. So the best guess is that this dollar is going to be worth $11 perhaps. I realize it is also a limited issue; is that correct?

Mr. BARNARD. That is right.

Mr. DICKINSON. Could the gentleman tell us what size it will be? Will it be like the Anthony dollar that got confused with quarters, or will it be the same size as the silver dollar?

Mr. BARNARD. It will be the same size and shape of the present half dollar.

Mr. DICKINSON. The present half dollar?

Mr. BARNARD. That is right.

Mr. DICKINSON. But it will be for $1 and it will be worth probably $11, and that could be bought from the mint directly and probably would not be in general circulation due to the value; is that correct?

Mr. BARNARD. It would be marketed by the Treasury, and we hope that their marketing practices will include possibly financial institutions so it will have wide appeal.

Mr. DICKINSON. I have, as do most Members, quite a few coin collectors in our districts. I wonder if the gentleman could give us some idea how one would go about getting in line, if that is necessary? Should we write now? Would one be assured that he would be able to purchase one of these things?

Mr. BARNARD. He writes to the Bureau of the Mint in San Francisco to put his name in the pot. In fact, the address is: The Bureau of the Mint, 55 Mint Street, San Francisco, Calif. 94175.

Mr. DICKINSON. Will these be a limited issue or will they be available as many as are required during the 2 years of issue?

Mr. BARNARD. This issue limits the edition to 10 million coins and will be sold during 1982 and 1983. So it will be a limited edition.

Mr. DICKINSON. I thank the gentleman.

Mr. WORTLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. CARMAN).

Mr. CARMAN. Mr. Speaker, I am pleased to be here this afternoon to express my views with respect to the proposed George Washington Commemorative Coin Act.

I would like to speak in behalf of the American Numismatic Association, the

largest educational, nonprofit organization of coin collectors in the world. The American Numismatic Association has in excess of 40,000 members including approximately 1,000 clubs of dedicated coin collectors throughout the Nation. It is my belief that the association, for all practical purposes, is the spokesman for an estimated 8 million active coin collectors throughout the United States and they enthusiastically endorse this bill.

The ANA was founded in 1893 and its large membership includes individuals residing in each of the 50 States, in the territories of the United States and in numerous countries throughout the world. The association was chartered by the Congress of the United States in 1912 for a term of 50 years. In 1962, Congress granted ANA a perpetual charter.

In view of the advantages of commemorative coin issues to which my colleagues before me have referred, it is with great pleasure I wholeheartedly endorse the enactment of the George Washington Commemorative Coin Act.

● Mr. BIAGGI. Mr. Speaker, I rise in support of H.R. 3484, a bill to authorize the minting of a special half dollar to commemorate the 250th birthday of George Washington.

My interest in this legislation stems from my own authorship of legislation to honor the Father of our Country in 1976. In our Bicentennial year, I introduced then House Joint Resolution 519 to upgrade George Washington's rank in the Armed Forces. He had retired with the rank of lieutenant general and Commander of the Army and only from July 2, 1798, to his death in 1799 was he the highest ranking member of our military. The passage of time eroded his stature and at the time of my legislation a number of military men outranked Washington.

My resolution elevated him to the rank of General of the Armies of the United States, making him, along with Gen. John J. Pershing, the highest ranking military officer in the history of the United States. It was a long overdue tribute to this great military leader.

Similarly, H.R. 3464 pays an appropriate tribute to the memory of George Washington. I support it and urge my colleagues to do likewise.●

□ 1300

Mr. WORTLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ANNUNZIO) that the House suspend the rules and pass the bill, H.R. 3484.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GEORGE WASHINGTON COMMEMORATIVE COIN ACT

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today the House passed H.R. 3484, the George Washington Commemorative Coin Act. Already I have received many letters from all over the country from people who are interested in how they may obtain some of these coins. Although the bill has not yet passed the Senate, I am confident that it will shortly.

These coins will not be available until 1982 when they will be sold directly to the public by the mint. Persons who are interested in getting on a mailing list to receive information and order forms for the coins when they are available should write to: Bureau of the Mint, 55 Mint Street, San Francisco, Calif. 94175.

Prices and order limitations have not been established, but that information will be available when order forms are mailed out.

DEMOCRACY IN THE PHILIPPINES

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 133) expressing the sense of the House of Representatives that the lifting of martial law in the Philippines is a positive development and that this step should be followed by further progress toward the restoration of democracy in that nation.

The Clerk read as follows:

H. RES. 133

Whereas the historic ties and shared democratic values of the Philippines and the United States have led to a special relationship between our two nations;

Whereas the security relationship between our two nations is strengthened by the development and fostering of democratic institutions which can enhance political stability and expand individual freedom in the Philippines;

Whereas the Government of the Philippines has taken a healthy and positive step by lifting martial law; and

Whereas the restoration of full political and civil liberties in the Philippines would serve the interests not only of the Filipino people, but of the long-term relationship between the Philippines and the United States: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the lifting of martial law in the Philippines represents a positive development which the United States should take note of; and

(2) the Philippine Government should follow the lifting of martial law restrictions with further progress toward the restoration of democracy, including the revival of political and civil liberties.

The SPEAKER pro tempore. Under the rule, a second is not required on this motion.

The gentleman from New York (Mr. SOLARZ) will be recognized for 20 minutes, and the gentleman from Washington (Mr. PRITCHARD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have had a long and historic relationship with the Philippines. It was once a colony of ours. Today it is an independent country. But because of that long and historic relationship, the Philippines has imbibed and, to a large extent, accepted our own very deeply rooted commitment to freedom and democracy.

This is an ideal and an aspiration to which I think it can safely be said virtually all of the Filipino people aspire. And because of that very special relationship, it seems to me that we also have a very special and significant interest in the restoration and establishment of democracy in that country.

We have before us now a resolution which was reported out unanimously by the members of the Subcommittee on Asian and Pacific Affairs, which I am privileged to chair and on which my very good friend from the State of Washington (Mr. PRITCHARD) is currently serving as the de facto or temporary ranking minority member. The resolution was then reported out unanimously by the full Foreign Affairs Committee.

It is a balanced resolution. It is a resolution which takes note, on the one hand, of the lifting of martial law in the Philippines, and which specifically praises the lifting of martial law by President Marcos as a positive step forward.

At the same time, the resolution also expresses the sense of Congress that the restoration of martial law should be followed by the elimination of the remaining restrictions on full freedom and democracy in that country, and that there should be further progress toward the restoration of freedom, including the revival of political and civil liberties in that country.

We obviously have a very significant stake in the stability of the Philippines. It is a country which provides us with very important strategic assets in a critically important part of the world. Our airbase at Clark Field and our naval base at Subic Bay are absolutely indispensable in terms of our ability to maintain a significant American air and naval presence in the Western Pacific. Our allies in the region look to those facilities as an indication of whether or not we are going to have the capacity to provide them with the military shield they feel they need in order to deter any acts of aggression on the part of the Soviet Union or its surrogates in the region.

But in the same sense that we have a significant stake in our continued access to these military facilities, we have a comparably significant stake in the establishment of a genuine and lasting measure of stability in that country, a stability which in the view of the members of our subcommittee can best be achieved in the context of further progress toward a restoration of genuine democracy in the Philippines.

We believe that the lifting of martial law by President Marcos a few months ago was a positive step forward. It did not result in the instant establishment of complete freedom and democracy in the Philippines, but it did result in the elimination and removal of a number of restrictions which clearly curtailed the ability of the people of the Philippines to speak out and to organize politically regarding the issues that concern them.

President Marcos has retained a number of residual powers, even following the lifting of martial law. He has the right to suspend a writ of habeas corpus; he can, through the unilateral claim that an emergency exists, then issue decrees simply over his own signature. But there can be little doubt that if problems remain, some progress has been made. And our subcommittee and then the full committee felt it would only be appropriate to say to the Government of the Philippines that we believe they have taken a positive step forward.

We think it is important for our country to speak out on behalf of human rights. But if we are going to be effective on speaking out on behalf of human rights, we not only have to call for change when change is needed, we have to be willing to bestow some praise when praise is deserved. And so we tried through this balanced resolution on the one hand to say that we thought some progress has been made and that the lifting of martial law was a positive step forward, but also—and this is very important—that we felt further progress toward the establishment of genuine democracy in that country would be in the interest not only of the people of the Philippines, but also of the principles to which both of our countries are so deeply committed.

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, I would like to say that I commend the committee for their action. I had the privilege of being at the lifting of martial law with our Ambassador in Manila this last January, and I do believe it is a step forward.

I do raise some caveats, and I am concerned about the future of the Philippines still; but nevertheless, this has to be a claim as a step forward, and we only should look at it in that respect. Only time will tell how significant or how successful the effort has been.

Mr. Speaker, I rise in support of this resolution. I commend the gentleman from New York for his hard work on this issue and for allowing me to testify on my impressions of the Philippines before his subcommittee earlier this year. I feel that the resolution deserves our support, but I wish to make note of several reservations I have about it and bring to light several elements of our policy toward this vital ally.

While in the Philippines last January, I attended the moving ceremonies that accompanied the lifting of the 8-year-old martial law decree by President Marcos. This development must be viewed as a step, but as only a step, in the right direction. President Marcos retains formidable legal powers in many respects. Earlier revisions in the Constitution that, in effect, give Marcos absolute power in the postmartial law period are still in effect.

When martial law was first imposed in September 1972, the Philippines was in a state of political and economic turmoil. Marcos issued his decree in order to work toward his goal of creating a "new society," emphasizing land and agricultural reforms, new taxation procedures, rooting out corruption in government, improving income distribution, and getting a handle on a crime wave that was completely out of control. He also cited the need to repress a state of rebellion instigated by the New People's Army, a Communist insurgent group. These justifications were reiterated over the last 8 years and new ones, such as Muslim insurgency in some of the southern islands, were added. It rapidly became a vehicle to consolidate and protect political power. The Philippine human rights record is widely regarded as dismal and there are conflicting reports about that nation's economy.

I believe that it is important for us to understand that although martial law has been lifted in an official sense, free democracy is still several steps away in the Philippines. An examination of the terms of lifting martial law leads me to believe that this step might be more show than substance; that in fact, President Marcos has given up little if any of his power.

Specifically, President Marcos has ordered that all Presidential decrees issued during the martial law period will remain in effect. In an emergency situation, Marcos retains the power to issue new orders that would allow preventative detention, broad restrictions on the activities of individuals and organizations, and extensive control over the media. Marcos also has the power to issue search and seizure orders if he judges national security to be at stake. The Government also continues to prohibit strikes in vital industries.

Two days after he lifted martial law, Marcos continued the authority of the armed forces to arrest and detain suspected subversives, and he will decide whether individual political prisoners can be released. The military tribunals that have tried civilian cases will eventually be abolished. However, the tribunals will complete consideration of a long list of cases of alleged subversion. Habeas corpus has been restored, but not in security cases or in the southern islands where Muslims are active. Finally, Marcos has promised a more open political climate and predicts increased activity by political parties.

Some progress has been made in one area. Shortly after lifting martial law, Marcos freed 341 prisoners, including 159 held on national security charges. However, there does not seem to be an overall decrease in the incidence of human rights violations. In part, I base this on discussions with church leaders involved in the human rights movement. In addition, there have been reports that the conflict between Moslem insurgents and government troops in the southern islands have heated up.

In looking at Marcos' history, it is not surprising that he should retain such flexibility. In President Marcos' view, he needs to maintain the ability to exert his authority in the event that domestic unrest grows. It would be more acceptable to me if the changes he has proposed were more substantial. I fear that President Marcos may only look at the language in this resolution that praises the lifting of martial law and ignore our encouragements to take further steps toward democracy.

Aside from the obvious humanitarian reasons for concern about Marcos' domestic policies, there are strategic considerations that must concern us even if our policy is to be based solely on self-interest. During my January Naval Reserve duty, I flew the long supply routes from the Philippines to Diego Garcia and to our aircraft carri-

ers in the Indian Ocean. This experience reinforced a conclusion one can draw simply by looking at a map. The distances involved here are vast. For our undertakings in the Indian Ocean, our Clark and Subic bases in the Philippines are practically irreplaceable.

Although the tradition of strong bilateral relations remains, between the Philippines and the United States, Americans must realize that it is in our interest to carefully maintain these ties and to take nothing for granted. We must make it clear that our overall policy emphasizes friendship with the Filipino people rather than automatic support for their leader. Therefore, it would be wrong for us to give too much acclaim to a step that will mean little in the political lives of most Filipinos.

Last year, I encouraged the Congress to slash aid to the Philippines. This year, though I am more convinced than ever that we must continue to pressure Marcos, I am not convinced that we should think in terms of imposing sanctions. A marked decrease in aid to the Philippines could lead to sudden changes in the political climate there that might be unfavorable to the United States. On the other hand, increases in aid would signal to both Marcos and his opposition that we believe the lifting of martial law to be a move of greater magnitide than it actually is. Only an evenhanded policy can encourage Marcos to make greater revisions that will lead to a more acceptable climate currently, and a peaceful transition of power after Marcos. One message must come through loud and clear: The United States will not provide military assistance if it is to be used for suppression of the human rights of Filipinos. Just as Marcos' lifting of martial law should be viewed as only a step toward democracy, this resolution should be viewed as only a part of U.S. long-range policy toward the Philippines.

Our prime concern in terms of the bases in the Philippines is not so much 1981 as it is 1991 when the current base agreement expires. It is almost inconceivable that Marcos will be in power 10 years from now. Accordingly, we must concentrate more on an orderly transition of power than on maintenance of the status quo. There is no indication that Marcos has acted to set up any mechanism to transfer power to others. If anything, he has continued to centralize his power.

I do not wish to entirely dismiss the lifting of martial law as insignificant. My aim is merely to state that the second part of the resolution is more important than the first; that lifting martial law must be the first of many moves to restore democracy and to revive political and civil liberties.

Mr. SOLARZ. Mr. Speaker, I have some further requests for time, but I think perhaps my very good friend, the de facto ranking temporary minority member of the subcommittee, the gentleman from Washington (Mr. PRITCHARD), has some words to say at this point.

Mr. PRITCHARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution offered by the gentleman from New York and my colleague on the Foreign Affairs Committee, Mr. SOLARZ. The resolution was approved by both the Asian and Pacific Affairs Subcommittee, of which we are both members, and the full committee and received strong, bipartisan support in both instances. I urge that this resolution be given positive consideration by the House.

We have only to recall the tense days of the Iran hostage crisis, or think of the large U.S. naval task force presently on duty in the Indian Ocean, to remind ourselves of the strategic importance of our access to military bases in the Philippines. Operating from facilities at Subic Bay, U.S. forces have been able to remain on station for extended periods in the Persian Gulf region and protect the vital oil shipping lanes from Southwest Asia to Japan. At the same time, other U.S. forces are able to operate from the Philippines to meet our traditional responsibility for maintaining the peace in the Asia-Pacific region.

U.S. access to bases in the Philippines rests formally on the United States-Philippine Military Bases Agreement which was renegotiated in 1979. More importantly, however, the continued ability of our military forces to operate from the Philippines depends upon the continued friendship of the Filipino people and the stability of their Government. The tradition of cooperation between the United States and the Philippines is long and historic. It is not without challenge, however, and must never be taken for granted by the United States.

As a Representative from a State and a city which pride themselves on being a gateway to Asia, I am well aware of the close economic and commercial ties which presently exist between the United States and the Philippines. As one of thousands of American soldiers who served there during World War II and a recent visitor, I am also personally aware of the friendship which the Filipino people have for the United States and their basic dedication to the democratic system of government.

The resolution we have before us takes note of the Marcos government's decision to lift martial law. This action was accompanied by other measures such as the lifting of restrictions on press and assembly, the release of persons detained for political reasons, the transfer of cases from military to civilian courts, the holding of a constitutional plebiscite, and the scheduling of Presidential elections. We applaud this evidence of progress and express the profound hope that the government of President Marcos will continue these efforts toward the eventual restoration of full political and civil liberties.

Approval of this resolution by this House would be an action of major symbolic importance. It is altogether fitting that the House of Representatives, which is the embodiment of democracy in this country, take note and extend its encouragement to those in the Philippine Government who advocate democratic reform. Further progress toward the restoration of democracy would serve the interests not only of Filipino people but also the interests of the long-term relationship between the United States and the Philippines.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, a few months ago I had a couple of constituents who had a major problem in the Philippines, two fliers in my district who were transporting materials that were legitimately licensed, who were held in the Philippines for a matter of several weeks. This was back during the same time that we had the hostages being held in Iran. And these men were held literally hostage in the Philippines for a period of time under the martial law policies of President Marcos.

I am wondering if the resolution that we are passing here today will do anything to help assure Americans freer access to the Philippines and assure us that that kind of situation will not arise again in the future. It was very disturbing because the officials there, in many cases, were totally uncooperative with lawyers within their own country and lawyers from within this country who were trying to put the case on the record.

Mr. PRITCHARD. Well, I could not comment on the specific instance. I would say that we believe our relations with the Philippines have been improving over the last several years, and with the base agreement and now the lifting of the martial law, our relations with the Philippines, America's relations with the Philippines, is better, I think, than it has been for a long time. I think that gives a platform, a condition whereby our Embassy can work closer.

But there is no question that there have been some problems in that country and, hopefully, the progress that the President is making is going to be not only helpful for the people who live in the Philippines, but it is going to implement better relations with people in the Philippines and

those who have to do business from the outside.

Mr. SOLARZ. Mr. Speaker, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Speaker, let me say to my friend, the gentleman from Pennsylvania (Mr. WALKER), that this resolution was designed primarily to deal with the question of human rights insofar as it applies to the people of the Philippines, not insofar as it applies to American soldiers who are stationed in the Philippines.

But I will say to the gentleman that our subcommittee is planning to have hearings on the situation in the Philippines some time this fall, and I would like to invite the gentleman, if he is interested in giving us the benefit of his work on this issue, at that time because quite obviously how the Filipino Government treats American soldiers and civilians who are stationed and living in the Philippines is a matter of considerable importance to us. If there are problems, we want to consider them and perhaps make whatever recommendations might be most helpful in moving toward their resolution.

Mr. WALKER. If the gentleman will yield further, I appreciate that opportunity, and I would appreciate the opportunity to put on the record of the subcommittee that incident, because it dealt with American civilians; they were civilians who were passing through the Philippines, who did not even have that as their destination, had their plane seized and they were seized upon landing at the airport there. It is kind of a disturbing situation. I think we do want to make certain it does not happen with regard to American citizens again.

Mr. SOLARZ. If the gentleman will yield further, let me just say that our subcommittee yields to no one in its determination to vigilantly protect the rights of American civilians overseas. And any time we receive a complaint about how Americans are being treated, you can be sure we will look into it.

Mr. Speaker, I have two requests for time. I yield 2 minutes to my very distinguished friend and colleague, the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Speaker, I was recently in the Philippines, and I very much approve of the thrust of this resolution. I think that we should continue working in every way we can, not only with the Government of the Philippines, but with its people.

I had an opportunity to visit our naval base at Subic Bay and realize the strategic importance that it plays in our defense and that of the free world, especially in that part of the world. I had an opportunity to visit the International Rice Institute, which provides so much assistance to so many of the countries of the world. I also visited at a very small village named Bulacan, a small irrigation project, where they were getting water from the river to irrigate their small crop area—that with assistance from U.S. aid and some from the World Bank.

I visited among the people, and they were so kind and generous, they offered me a barrio fiesta, as they call it. It seems I was the first Congressman they had ever seen in that area. To me, it was very impressive, Mr. Speaker, that, as in my area of Texas, many of the old families and many of the people speak Spanish, from the Spanish ancestry part, then the official language for so many years, which was English, and then the Filipino language, and I felt right at home with them as I visited among the people. Their desire for the same things that we yearn for was basically there. I think that the thrust of the Government as it moves away from martial law, although their martial law is not what we typically understand as martial law in many other countries, nonetheless, the thrust of this resolution, I think, should give impetus not only to the Government but to the people of the Philippines that we intend to work with them as they march along to better themselves in every way possible economically, socially, and certainly in the human rights and civil liberties area.

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Mr. SOLARZ. Mr. Speaker, I yield 4 minutes to my very good friend, the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, I think that the Philippines are very, very important to the United States, not only that, but we have a huge investment in the Philippines in both lives and material resources that goes back for many, many years.

I do not want to be critical of the people that brought this resolution to the floor, and I am not intending to be, but I do think there is a possibility that when sense of Congress resolutions come to the floor that they can be misunderstood. It could be understood to be criticism of a country or it could be understood to be encouragement. It seldom results in any benefit to the United States.

To the extent that a resolution is interpreted as criticism, it is probably based upon a lack of understanding of the Philippines. I have heard a lot of criticism in the last few years from some very uninformed people about the situation in the Philippines.

The fact of the matter is they did not have human rights for people in the Philippines before martial law. That is the reason they finally had to have martial law. Bandits were in control of local areas who had no regard for individual rights.

In those countries like that where there are hundreds of islands, people out in those areas, it is whoever happens to control the local guns who control the area. There are no human rights as we know them. Whoever has the guns in that area decides who is going to run the house of prostitution, who is going to run the tavern, and who is going to run the cock fights. That is the way it was in the Philippines. In some of the more remote Moslem areas with large populations, outsiders from the Middle East using a difference in religion as a crutch imported men and guns and have attempted to force a division of the country or an excuse for armed control of barrios.

I wonder how many people who have been criticizing what is going on over there really have ever been to Lingayen, Bagiuo, or Leyte, been in one of those huts and sat down with the people and talked to them and tried to understand how they felt.

In spite of the fact that we had a trusteeship there for over 40 years, the fact of the matter is that there is still a blend of oriental and Spanish culture that is ingrained deeply in their way of life. The 40 years we spent there had some impact those few years but could not possibly fully offset the influence of the previous extended period of history. They do not really have the same commitment that we have to give their life if necessary to prevent a local bandit group from controlling their barrio and they cannot expect a quick response from a militia to help because the system and the infrastructure would not support it.

I think too many times the people in this country, not understanding the local conditions in other countries, assume that every country has an infrastructure like we have, that in every country the local police force will remain responsive to locally elected officials and that the majority are guaranteed the right to control. There is no possibility of a local elected government in some of those areas controlling their local community without the help of the central government. When those barios came under outlaw control, the central government did not have a way to get there fast enough. It is desirable to move away from martial law as fast as possible but even in the United States, we have found it necessary to have martial law at times.

So the local police force in many areas became the local outlaws. They had jeeps, they had machineguns. They controlled the community. They controlled everything in the communi-

ty and they divided up the resources of the community so some of them did not have to work.

So what I want to say is that I think it is important that this resolution not be misinterpreted as meaning that we think that they should have continued that intolerable situation or that they should permit Middle East outsiders to enforce their will by force. I am one who thinks martial law was one step better than what they had and while I also want them to move toward what we have in this country, we should realize that their situation has not been an easy one.

Mr. SOLARZ. Mr. Speaker, I want to thank the gentleman from Iowa for his contribution to this debate.

Let me say over the course of my years in this House I have heard many discussions about the wisdom of publicly criticizing the Philippines for the absence of democracy in that country. I have never yet heard anybody suggest, and I am sure the gentleman from Iowa was not doing so, that the Philippines would be better off without democracy rather than with it.

We have disagreed over the best way to induce the government there to move in the direction of reestablishing democracy, but nobody, to my knowledge, has argued that both the Philippines and the United States would be better off if democracy were not established.

I think that if the Pope, during the course of his visit to the Philippines, in the presence of President Marcos, can call for the establishment of genuine freedom and equality in that country, the very least we can do is to express our hope that further progress can be made in this regard.

Given the very special relationship between the Philippines and the United States, the fact that they were a colony of ours and the fact that over the years when we did have jurisdiction over their fate and their future, we literally drummed into them the value of democracy and the significance of the principles upon which our own country was founded, people of that country obviously have an understandable interest in enjoying the benefits of the political tradition which we have presumably handed down to them.

But we have obviously strategic and other considerations to take into consideration.

I would simply conclude my remarks by pointing out, Mr. Speaker, that this is a very balanced, very moderate and very restrained resolution. It praises President Marcos for taking a positive step forward in lifting martial law, and expresses the hope that this can be followed up by further progress toward the restoration of full political and civil liberties in the future.

● Mr. BEDELL. Mr. Speaker, I rise in support of this resolution, which I hope will serve as a reminder to President Marcos of our continuing interest in the restoration of democratic freedoms throughout the Philippines.

On January 17, 1981, President Marcos, in anticipation of Pope John Paul II's visit in February, proclaimed an end to 8 years of martial rule. Congress should recognize this as a positive step, but not blind itself to the dictatorial power that Marcos retains. Indeed, repression and political instability are perennial issues for American foreign policy. In 1979 we witnessed the collapse of authoritarian regimes in Iran and Nicaragua. The administration has already committed military aid and advisers in hopes of preventing a similar collapse in El Salvador. The stakes are much greater in the Philippines, where I hope we will stress our allegiance to the Filipino people rather than a transient regime.

This resolution is timely both because of the $155 million in aid to the Philippines this year, and because President Marcos has scheduled presidential elections for June 16, 1981. It is important therefore that Congress focus on whether the lifting of martial law has truly meant the return of basic rights and liberties.

Regrettably the 1973 Philippines Constitution remains in place. This Constitution, which was ratified after the establishment of martial law, completely subordinates the Filipino Legislature to the will of Mr. Marcos. Amended most recently on April 7, it now provides for an all-powerful 6-year Presidency, leaving the office of prime minister as a minor parliament functionary. Moreover, despite the apparent lifting of martial law, Mr. Marcos retains the power to issue arrest and seizure orders "with respect to crimes against public order and national security." This of course permits the indefensible resort to preventive arrests. Finally, Mr. Marcos claims to have restored the right of habeas corpus, but again we find that he reserves the right to suspend habeas corpus "in cases involving crimes against public order and national security"; a category of crimes which he alone defines.

It is not surprising then that Filipino opposition groups are now boycotting the June presidential elections. They would need at least 6 months to organize, and even then the primary opposition leader remains under a prison sentence. Furthermore, we should remember that Mr. Marcos' newly discovered fondness for democratic elections is contradicted by his refusal to hold local parliamentary elections before 1984.

In supporting this resolution, however, I wish to emphasize that I am not anti-Marcos. I am antirepression. Considering the large number of dictators who have fallen in recent years, it should be fairly obvious that repression cannot endure for long periods. It should be equally clear that when the United States joins the side of dictatorial repression, in the long run we are joining the wrong side. Such regimes must either respect the human rights of its people or face the loss of political legitimacy on which true stability rests. By closely alining ourselves with repressive, unstable governments, by ignoring opportunities to encourage peaceful and popular change, we are acting against our own best interests.

I therefore urge President Marcos to move forward with the necessary changes for providing greater freedom to his people, especially free and honest parliamentary elections long before 1984. The people of the Philippines could then enjoy the liberties we prize so highly in the United States, which in turn would bring a renewal of friendship between the Filipino and American peoples—a friendship that has already existed for many generations.●

The SPEAKER pro tempore. the question is on the motion offered by the gentleman from New York (Mr. SOLARZ) that the House suspend the rules and agree to the resolution, House Resolution 133.

The question was taken.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisons of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING FUNDS TO IMPLEMENT CROP INSURANCE ACT OF 1980

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 730) to insure necessary funds for the implementation of the Federal Crop Insurance Act of 1980.

The Clerk read as follows:

S. 730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 516(a) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)) is amended by—

(1) inserting "(1)" immediately after the subsection designation; and

(2) adding a new paragraph (2) as follows:

"(2) To insure the timely implementation of the Federal Crop Insurance Act of 1980, the Corporation may use funds otherwise available for the payment of indemnities to pay administrative and operating expenses of the Corporation incurred during the fiscal year ending September 30, 1981. However, the total amount of funds used by the Corporation under this paragraph shall not exceed $14,000,000.".

The SPEAKER pro tempore. Is a second demanded?

Mr. JEFFORDS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. DE LA GARZA) will be recognized for 20 minutes, and the gentleman from Vermont (Mr. JEFFORDS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to join me in voting to approve S. 730 today.

S. 730, as approved by the Senate on May 5, will authorize the Federal Crop Insurance Corporation to use funds otherwise available for the payment of indemnities to cover administrative and operating expenses of the Corporation incurred during the current fiscal year. This legislation is needed because the Federal Crop Insurance Corporation does not now have sufficient 1981 funding to continue operation of the expanded crop insurance program for farmers authorized by the Federal Crop Insurance Act of 1980.

Although the Department of Agriculture requested funds for expansion of the crop insurance program last year, the request did not reach Congress in time for inclusion in the Agricultural Appropriations Act for fiscal year 1981. However, the Department of Agriculture received permission from the Office of Management and Budget in December 1980 to begin expansion, and requested a supplemental appropriation to cover the costs of expansion in fiscal year 1981.

By the end of this week, the funds apportioned to FCIC on a deficiency basis will probably be exhausted. Furthermore, I think it is obvious to everyone that it is unlikely that a supplemental appropriation can be enacted into law before the Corporation's funds run out.

A shortage of operating funds at this time will seriously jeopardize the crop insurance program. Spring is traditionally a period of increased program activity as farmers purchase insurance before planting. Moreover, the Department of Agriculture is just beginning to implement the Federal Crop Insurance Act of 1980.

The interruption of service to insured farmers will breach contractual commitments farmers have entered into with the Corporation in good faith and will imperil successful implementation of the new all-risk crop insurance program. As I speak these words, FCIC is formulating its plans to close down shop, as required by the Office of Management and Budget.

Under the provisions of S. 730, premiums collected from farmers and funds already transferred from the Commodity Credit Corporation for the emergency payment of indemnities could be used temporarily to provide funds for the Corporation's administrative and operating expenses. Such authority would be applicable only to those administrative and operating expenses incurred during fiscal year 1981.

During consideration of S. 730 by the Senate, several Members of that body expressed concern over the fact that this legislation would provide a kind of "back-door" financing which would effectively get around the budget process and circumvent the 1981 budget. I must confess that I share this concern, and I well understand the reservations some of my colleagues may have on this matter.

However, the bill we have before us was amended by the Senate to specifically limit the amount of money which can be transferred by the FCIC for paying administrative and operating expenses. The limit set in this legislation is $14 million, and I am informed by USDA officials that this amount is adequate to take care of the emergency needs of the Corporation.

In the meantime, work continues on the supplemental appropriations bill, which contains a supplemental request for FCIC of $42.2 million for administration and operations.

The $14 million authorized to be spent in this bill should be a sufficient amount to carry the Corporation through the time necessary for Congress to complete all actions on the supplemental bill.

Mr. Speaker, I cannot emphasize too much the urgency of this bill. It would be tragic if the Corporation's activities were interrupted due to a shortage of operating funds. These activities are vital to the economic well-being of the Nation's farmers.

The expanded crop insurance program we initiated in the last Congress is a very significant program for the agricultural producers of the country and for the Federal Government. This program enables producers to cope with disaster situations where, after large investments in time and money have been made, something occurs that is totally out of the control of the producers but brings about a considerable loss. The program allows the disasters to be addressed in an economical, logical, and businesslike way.

We have been operating under a disaster payments program that has not been comprehensive. It has been very expensive to the Government, and has, in fact, covered a relatively few number of producers and a very small number of crops.

The protection offered in the crop insurance program which this bill addresses itself to is broad coverage. It is available and will be available throughout the entire country covering a wide variety of crops, covering losses that may be brought about by any kind of disaster.

So it is a program that deserves to be implemented in a very effective and efficient manner, and should be expedited to the fullest extent possible.

What this bill does is to make it possible to continue to implement the crop insurance program so that these protections will be available to the agricultural producers of the country.

I urge my colleagues to act favorably on this legislation and speed it on to the President for signature.

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, I thank the gentleman for yielding.

Would the gentleman take the time to explain the differences between the House and Senate version? As I understand, the only real difference is that there is a cap in the Senate version of $14 million which will carry us through to the supplemental appropriation, whereas the House bill had no figure in it; is that basically correct?

Mr. DE LA GARZA. The gentleman is correct.

Mr. JEFFORDS. I thank the gentleman.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. JONES).

Mr. JONES of Tennessee. Mr. Speaker, I rise in support of this bill, S. 730, to insure necessary funds for the implementation of the Federal Crop Insurance Act of 1980.

As you know, the House Agriculture Committee worked for 4 years to design and pass the new crop insurance program. Due to the timing of its passage in relation to the agricultural appropriations bill for fiscal year 1981, insufficient funds are now available.

I am told that if funds are not made available by the end of this week that employees will have to be terminated. This would be an embarrassment to the administration and the Congress.

A supplemental appropriations bill is presently working its way through the Congress. It would take care of this problem but we cannot be certain that the supplemental appropriations bill will be completed by week's end.

S. 730 will simply be a relief valve measure for a couple of months just in case the supplemental bill is delayed.

I can report to you that the new crop insurance program is generating great interest among farmers.

Participation in the program may double this year. Without these funds the program will die.

Secretary Block and this administration have embraced the new program which the 96th Congress and previous administrations initiated and enacted. In fact, Secretary Block has an-

nounced a plan for accelerated implementation. His plans call for complete nationwide coverage by 1982 on wheat, barley, corn, cotton, grain sorghum, and rice. In addition, about 95 percent of the U.S. soybean acreage will be covered next year.

As a sponsor of the 1980 bill, I want to congratulate Secretary Block for his support of the program.

This bill, S. 730, is a somewhat technical amendment which will allow FCIC to use other available funds which cannot now be used for administrative and operating purposes. The amendment is necessary to protect the integrity of the program and I urge all my colleagues to support it.

Mr. JEFFORDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to speak in support of S. 730, a bill to insure that necessary funds are available for the implementation of the Federal Crop Insurance Act of 1980. Without the authority granted by this legislation or passage of a supplemental appropriation bill, we face a total shutdown of the crop insurance program within a few days.

There is an urgent need for quick action on this legislation. Last year Congress passed—and the President signed into law—a new crop insurance program that is more equitable and comprehensive in providing crop coverage for farmers while minimizing the cost to taxpayers of Federal disaster assistance for U.S. agriculture. Unfortunately, funds requested for expansion of the crop insurance program did not reach Congress in time for inclusion in the Agricultural Appropriations Act of 1981.

The conferees to the Appropriations Act did instruct the Federal Crop Insurance Corporation to obligate funds at a rate to permit planned enactment of the 1980 Crop Insurance Act pending congressional consideration of a 1981 supplemental appropriation, and last December the Office of Management and Budget granted USDA permission to proceed with expansion. As a result of this action, USDA requested a supplemental appropriation to cover the costs of program expansion in fiscal year 1981.

Action has not yet been finalized on the supplemental appropriation request, and the FCIC will exhaust the funds allocated for administrative and operating expenses under the current appropriations act within a few days. Furthermore, USDA is unable administratively to reallocate other funds to meet the Crop Insurance Corporation's emergency budget needs.

It is important that the new crop insurance program be implemented effectively and correctly, because it is not unlike starting a new business venture. Its success will depend on its acceptance by farmers throughout the country. If we do not have adequate participation, then the chances of the program's success will be diminished and the cost to the taxpayers will be increased. Congress must act now to insure that the needed funds are provided in a timely manner.

S. 730 will accomplish that purpose. What this bill does is simply to allow the Federal Crop Insurance Corporation to use funds already on hand for the emergency payment of indemnities to be used temporarily for meeting the Corporation's administrative and operating expenses. Such authority could not exceed $14 million, and would be applicable only to those administrative and operating expenses incurred during fiscal year 1981.

Officials of the Department of Agriculture have informed me that $14 million should be sufficient to cover the administrative and operating expenses of the Corporation through the month of June. By that time, a supplemental appropriations bill should have passed Congress, which will provide the additional operating and administrative expenses the Federal Crop Insurance Corporation will need during the remainder of the 1981 fiscal year.

I would like to point out, Mr. Speaker, that the money involved for this action has been taken into account by the new administration in its recent review of Government spending in 1981, and has remained a part of the 1981 budget. Thus, this bill will not increase the 1981 budget, but will merely provide authority to use funds otherwise available for the payment of indemnities in order to get the new program underway.

Mr. Speaker, in order for the new all-risk Federal crop insurance program to be an efficient, beneficial, and successful operation, we must provide the necessary legislative directives to allow the program to be set up and put into action.

S. 730 will accomplish that purpose. It has the strong support of USDA and bipartisan support in the other body and in the House, where the Committee on Agriculture unanimously approved a similar measure a few days ago.

I urge my colleagues to support H.R. 3020.

● Mr. WAMPLER. Mr. Speaker, I would like to associate myself with the remarks of my colleagues and urge quick action on S. 730, a bill to insure that necessary funds are available for the implementation of the Federal Corp Insurance Act of 1980. This bill, which was unanimously passed by the Committee on Agriculture, is supported by the administration and has bipartisan backing in the House and in the other body.

Congress worked long and hard in the 96th Congress to develop a crop insurance bill that would be helpful to farmers and minimize the cost to taxpayers of Federal disaster assistance for U.S. agriculture. The Federal Crop Insurance Act of 1980 met those goals, and the bill was approved by both bodies and signed into law. However, funds requested for expansion of the crop insurance program did not reach Congress in time for inclusion in the Agricultural Appropriations Act of 1981, and unless budgeted funds are made available as provided under this bill, the implementation of the new crop insurance program could be seriously jeopardized.

All S. 730 does is to allow the Federal Crop Insurance Corporation to use funds otherwise available for the payment of indemnities to cover crop insurance operating and administrative costs incurred during the remainder of fiscal year 1981. The total amount of funds to be used by the Corporation under this authority shall not exceed $14 million. If this legislation is not enacted, the Corporation will very shortly run out of money and be forced to operate on a day-by-day basis.

It is my understanding that the authorities contained in S. 730, as amended by the other body, will be exercised only to the extent necessary to carry out the implementation of the new all-risk crop insurance program. The appropriation committees of Congress will continue to exercise their oversight responsibilities in the case of any funds expended by the Federal Crop Insurance Corporation.

I would like to repeat, Mr. Speaker, that the administration supports passage of this bill and implementation of the new program. The money involved here has been taken into account in the administration's recent review of Government spending in 1981, and it has been retained as a part of the 1981 budget.

I urge passage of the bill.●

Mr. JEFFORDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DE LA GARZA) that the House suspend the rules and pass the Senate bill, S. 730.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days in which to revise and extend their remarks on the Senate bill, S. 730, just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1330

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURTHA). Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained, and then on each motion to suspend the rules on which further proceedings were postponed on Monday, May 18, in the order in which that motion was entertained.

Votes will be taken in the following order: House Resolution 133, by the yeas and nays; S. 730, by the yeas and nays; H.R. 2098, de novo; and H.R. 2979, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

DEMOCRACY IN THE PHILIPPINES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution (H. Res. 133).

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. SOLARZ) that the House suspend the rules and agree to the resolution, H. Res. 133, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 387, nays 4, not voting 39, as follows:

[Roll No. 47]

YEAS—387

Addabbo	Beilenson	Broomfield
Akaka	Benedict	Brown (CA)
Albosta	Benjamin	Brown (CO)
Alexander	Bennett	Broyhill
Anderson	Bereuter	Burgener
Andrews	Bethune	Burton, John
Annunzio	Bevill	Burton, Phillip
Anthony	Biaggi	Butler
Applegate	Bingham	Byron
Archer	Blanchard	Campbell
Ashbrook	Bliley	Carman
Aspin	Boggs	Carney
Atkinson	Bolling	Chappell
AuCoin	Boner	Chappie
Badham	Bonior	Chisholm
Bafalis	Bonker	Clausen
Bailey (MO)	Bouquard	Clay
Bailey (PA)	Bowen	Clinger
Barnard	Breaux	Coats
Barnes	Brinkley	Coelho
Beard	Brodhead	Coleman
Bedell	Brooks	Collins (IL)
Collins (TX)	Hamilton	Natcher
Conable	Hammerschmidt	Neal
Conte	Hansen (ID)	Nelligan
Conyers	Hansen (UT)	Nelson
Corcoran	Harkin	Nichols
Coughlin	Hartnett	Nowak
Courter	Hatcher	Oakar
Coyne, James	Heckler	Oberstar
Coyne, William	Hefner	Obey
Craig	Heftel	Ottinger
Crane, Daniel	Hendon	Panetta
Crane, Philip	Hertel	Parris
Crockett	Hightower	Pashayan
Daniel, Dan	Hiler	Patterson
Daniel, R. W.	Hillis	Paul
Danielson	Holland	Pease
Dannemeyer	Hopkins	Perkins
Daschle	Horton	Petri
Daub	Howard	Peyser
Davis	Hubbard	Pickle
de la Garza	Huckaby	Porter
Deckard	Hughes	Price
Dellums	Hunter	Pritchard
DeNardis	Hutto	Pursell
Derrick	Hyde	Quillen
Derwinski	Ireland	Rahall
Dickinson	Jacobs	Rangel
Dixon	Jeffords	Ratchford
Donnelly	Jeffries	Regula
Dorgan	Johnston	Reuss
Dornan	Jones (NC)	Rhodes
Downey	Jones (OK)	Richmond
Dreier	Jones (TN)	Rinaldo
Duncan	Kazen	Ritter
Dunn	Kildee	Roberts (SD)
Dwyer	Kindness	Robinson
Dymally	Kramer	Rodino
Dyson	LaFalce	Roe
Early	Lagomarsino	Roemer
Eckart	Lantos	Rogers
Edgar	Latta	Rose
Edwards (AL)	Leach	Rosenthal
Edwards (CA)	Leath	Rostenkowski
Edwards (OK)	LeBoutillier	Roth
Emerson	Lee	Roukema
Emery	Lehman	Rousselot
English	Leland	Roybal
Erdahl	Lent	Rudd
Erlenborn	Levitas	Russo
Ertel	Lewis	Sabo
Evans (GA)	Livingston	Santini
Evans (IA)	Loeffler	Savage
Evans (IN)	Long (LA)	Sawyer
Fary	Long (MD)	Scheuer
Fascell	Lott	Schneider
Fazio	Lowery	Schroeder
Fenwick	Lowry	Schulze
Ferraro	Lujan	Schumer
Fiedler	Luken	Seiberling
Fields	Lundine	Sensenbrenner
Findley	Lungren	Shamansky
Fish	Madigan	Shannon
Fithian	Markey	Sharp
Foley	Marks	Shaw
Ford (MI)	Marlenee	Shelby
Ford (TN)	Martin (IL)	Shumway
Forsythe	Martin (NC)	Shuster
Fountain	Martin (NY)	Siljander
Fowler	Matsui	Simon
Frank	Mavroules	Skeen
Frenzel	Mazzoli	Skelton
Frost	McCloskey	Smith (AL)
Garcia	McCollum	Smith (IA)
Gaydos	McCurdy	Smith (NE)
Gejdenson	McDade	Smith (NJ)
Gephardt	McEwen	Smith (OR)
Gibbons	McGrath	Snowe
Gilman	McHugh	Snyder
Gingrich	McKinney	Solarz
Ginn	Mica	Solomon
Glickman	Mikulski	Spence
Goldwater	Miller (OH)	St Germain
Gonzalez	Minish	Stangeland
Goodling	Mitchell (MD)	Stanton
Gore	Mitchell (NY)	Stark
Gradison	Moakley	Staton
Gramm	Moffett	Stenholm
Gray	Molinari	Stokes
Gregg	Montgomery	Studds
Grisham	Moore	Stump
Guarini	Moorhead	Swift
Gunderson	Morrison	Synar
Hagedorn	Mottl	Tauke
Hall (OH)	Murphy	Tauzin
Hall, Ralph	Myers	Taylor
Hall, Sam	Napier	Thomas
Traxler	Waxman	Wirth
Trible	Weber (MN)	Wolf
Udall	Weber (OH)	Wolpe
Vander Jagt	Weiss	Wortley
Vento	White	Wyden
Volkmer	Whitehurst	Yates
Walgren	Whitley	Yatron
Walker	Whittaker	Young (FL)
Wampler	Whitten	Young (MO)
Washington	Williams (MT)	Zablocki
Watkins	Wilson	Zeferetti

NAYS—4

McClory	Murtha
Mollohan	Stratton

NOT VOTING—39

Boland	Green	Miller (CA)
Brown (OH)	Hance	Mineta
Cheney	Hawkins	O'Brien
Cotter	Hollenbeck	Patman
D'Amours	Holt	Pepper
Dicks	Jenkins	Railsback
Dingell	Kastenmeier	Roberts (KS)
Dougherty	Kemp	Weaver
Evans (DE)	Kogovsek	Williams (OH)
Flippo	Marriott	Winn
Florio	Mattox	Wright
Foglietta	McDonald	Wylie
Fuqua	Michel	Young (AK)

□ 1345

The Clerk announced the following pairs:

Mr. Boland with Mr. Green.
Mr. Fuqua with Mr. Wylie.
Mr. Mineta with Mrs. Holt.
Mr. McDonald with Mr. Young of Alaska.
Mr. Miller of Ohio with Mr. Winn.
Mr. Wright with Mr. Railsback.
Mr. Pepper with Mr. Roberts of Kansas.
Mr. Weaver with Mr. Kemp.
Mr. Patman with Mr. Marriott.
Mr. D'Amours with Mr. Hollenbeck.
Mr. Dicks with Mr. Cheney.
Mr. Hance with Mr. Brown of Ohio.
Mr. Kastenmeier with Mr. Dougherty.
Mr. Hawkins with Mr. Mattox.
Mr. Kogovsek with Mr. Foglietta.
Mr. Florio with Mr. Jenkins.
Mr. Flippo with Mr. Dingell.
Mr. O'Brien with Mr. Michel.

Mr. STRATTON changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

AUTHORIZING FUNDS TO IMPLEMENT CROP INSURANCE ACT OF 1980

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 730.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DE LA GARZA) that the House suspend the rules and pass the Senate bill, S. 730, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 384, nays 5, not voting 41 as follows:

[Roll No. 48]

YEAS—384

Addabbo	Daniel, R. W.	Hall, Ralph
Akaka	Danielson	Hall, Sam
Albosta	Dannemeyer	Hamilton
Alexander	Daschle	Hammerschmidt
Anderson	Daub	Hansen (ID)
Andrews	de la Garza	Hansen (UT)
Annunzio	Deckard	Harkin
Anthony	Dellums	Hartnett
Applegate	DeNardis	Hatcher
Archer	Derrick	Heckler
Ashbrook	Derwinski	Hefner
Aspin	Dickinson	Heftel
Atkinson	Dixon	Hendon
AuCoin	Donnelly	Hertel
Badham	Dorgan	Hightower
Bafalis	Dornan	Hiler
Bailey (MO)	Downey	Holland
Bailey (PA)	Dreier	Hopkins
Barnard	Duncan	Horton
Barnes	Dunn	Howard
Beard	Dwyer	Hubbard
Bedell	Dymally	Huckaby
Beilenson	Dyson	Hughes
Benjamin	Early	Hunter
Bennett	Eckart	Hutto
Bereuter	Edgar	Hyde
Bethune	Edwards (AL)	Ireland
Bevill	Edwards (CA)	Jacobs
Biaggi	Edwards (OK)	Jeffords
Bingham	Emerson	Jeffries
Blanchard	Emery	Johnston
Bliley	English	Jones (NC)
Boggs	Erdahl	Jones (OK)
Bolling	Erlenborn	Jones (TN)
Boner	Ertel	Kazen
Bonior	Evans (GA)	Kildee
Bonker	Evans (IA)	Kindness
Bouquard	Evans (IN)	Kramer
Bowen	Fary	LaFalce
Breaux	Fascell	Lagomarsino
Brinkley	Fazio	Lantos
Brodhead	Fenwick	Latta
Brooks	Ferraro	Leach
Broomfield	Fiedler	Leath
Brown (CA)	Fields	LeBoutillier
Brown (CO)	Fish	Lee
Broyhill	Fithian	Lehman
Burgener	Flippo	Leland
Burton, John	Foley	Lent
Burton, Phillip	Ford (MI)	Levitas
Butler	Ford (TN)	Lewis
Byron	Forsythe	Livingston
Campbell	Fountain	Loeffler
Carman	Fowler	Long (LA)
Carney	Frank	Long (MD)
Chappell	Frenzel	Lott
Chappie	Frost	Lowery
Chisholm	Garcia	Lowry
Clausen	Gaydos	Lujan
Clay	Gephardt	Luken
Clinger	Gibbons	Lundine
Coats	Gilman	Lungren
Coelho	Gingrich	Madigan
Coleman	Ginn	Markey
Collins (IL)	Glickman	Marks
Collins (TX)	Goldwater	Marlenee
Conable	Gonzalez	Marriott
Conte	Gore	Martin (IL)
Conyers	Gradison	Martin (NC)
Corcoran	Gramm	Martin (NY)
Coughlin	Gray	Matsui
Courter	Gregg	Mavroules
Coyne, James	Grisham	Mazzoli
Coyne, William	Guarini	McClory
Craig	Gunderson	McCloskey
Crockett	Hagedorn	McCollum
Daniel, Dan	Hall (OH)	McCurdy
McDade	Rangel	Solarz
McEwen	Ratchford	Solomon
McGrath	Regula	Spence
McHugh	Reuss	St Germain
McKinney	Rhodes	Stangeland
Mica	Richmond	Stanton
Michel	Rinaldo	Stark
Mikulski	Ritter	Staton
Miller (CA)	Roberts (SD)	Stenholm
Miller (OH)	Robinson	Stokes
Minish	Rodino	Stratton
Mitchell (MD)	Roe	Studds
Mitchell (NY)	Roemer	Stump
Moakley	Rogers	Swift
Moffett	Rose	Synar
Molinari	Rosenthal	Tauke
Mollohan	Rostenkowski	Tauzin
Montgomery	Roth	Taylor
Moore	Roukema	Thomas
Moorhead	Rousselot	Traxler
Morrison	Roybal	Trible
Motti	Rudd	Udall
Murphy	Russo	Vander Jagt
Murtha	Sabo	Vento
Myers	Santini	Volkmer
Napier	Savage	Walgren
Natcher	Sawyer	Walker
Neal	Scheuer	Wampler
Nelligan	Schneider	Watkins
Nelson	Schroeder	Waxman
Nichols	Schulze	Weber (MN)
Nowak	Schumer	Weber (OH)
Oakar	Seiberling	Weiss
Oberstar	Sensenbrenner	White
Obey	Shannon	Whitehurst
Ottinger	Sharp	Whittaker
Panetta	Shaw	Whitten
Parris	Shelby	Williams (MT)
Pashayan	Shumway	Wilson
Patterson	Shuster	Wirth
Pease	Siljander	Wolf
Perkins	Simon	Wolpe
Petri	Skeen	Wortley
Peyser	Skelton	Wright
Pickle	Smith (AL)	Wyden
Porter	Smith (IA)	Yates
Price	Smith (NE)	Yatron
Pritchard	Smith (NJ)	Young (AK)
Pursell	Smith (OR)	Young (MO)
Quillen	Snowe	Zablocki
Rahall	Snyder	Zeferetti

NAYS—5

Crane, Daniel	Hillis	Young (FL)
Crane, Philip	Paul	

NOT VOTING—41

Benedict	Fuqua	Mineta
Boland	Gejdenson	O'Brien
Brown (OH)	Goodling	Patman
Cheney	Green	Pepper
Cotter	Hance	Railsback
D'Amours	Hawkins	Roberts (KS)
Davis	Hollenbeck	Shamansky
Dicks	Holt	Washington
Dingell	Jenkins	Weaver
Dougherty	Kastenmeier	Whitley
Evans (DE)	Kemp	Williams (OH)
Findley	Kogovsek	Winn
Florio	Mattox	Wylie
Foglietta	McDonald	

The Clerk announced the following pairs:

Mr. Boland with Mr. Wylie.
Mr. Dicks with Mr. O'Brien.
Mr. Fuqua with Mr. Williams of Ohio.
Mr. Kastenmeier with Mr. Roberts of Kansas.
Mr. Gejdenson with Mr. Kemp.
Mr. Mattox with Mr. Winn.
Mr. Hance with Mr. Railsback.
Mr. Whitley with Mrs. Holt.
Mr. Pepper with Mr. Green.
Mr. McDonald with Mr. Davis.
Mr. Mineta with Mr. Benedict.
Mr. Patman with Mr. Brown of Ohio.
Mr. Hawkins with Mr. Cheney.
Mr. Kogovsek with Mr. Findley.
Mr. Weaver with Mr. Hollenbeck.
Mr. Jenkins with Mr. Goodling.
Mr. Dingell with Mr. Dougherty.
Mr. D'Amours with Mr. Evans of Delaware.
Mr. Florio with Mr. Washington.
Mr. Shamansky with Mr. Foglietta.

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

H.R. 3020 was laid on the table.

INSPECTOR GENERAL ACT AMENDMENTS OF 1981

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2098, as amended.

The Clerk read the title of the bill.

Mr. STRATTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STRATTON. Mr. Speaker, a parliamentary inquiry: Is this the bill that would create an Inspector General in the Department of Defense over the objections of the Secretary of Defense?

The SPEAKER pro tempore. The Chair will state that the gentleman has not stated a parliamentary inquiry, and the Chair is constrained to follow regular order.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BROOKS) that the House suspend the rules and pass the bill, H.R. 2098, as amended.

The question was taken.

RECORDED VOTE

Mr. LEVITAS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 334, noes 65, not voting 31, as follows:

[Roll No. 49]

AYES—334

Addabbo	Boggs	Collins (IL)
Akaka	Boland	Conable
Albosta	Bolling	Conte
Alexander	Boner	Conyers
Anderson	Bonior	Corcoran
Andrews	Bonker	Coughlin
Annunzio	Bowen	Coyne, James
Anthony	Breaux	Coyne, William
Applegate	Brinkley	Crockett
Archer	Brodhead	Danielson
Aspin	Brooks	Daschle
Atkinson	Broomfield	Daub
AuCoin	Brown (CA)	de la Garza
Bafalis	Brown (CO)	Deckard
Bailey (MO)	Broyhill	Dellums
Bailey (PA)	Burton, John	DeNardis
Barnes	Burton, Phillip	Derrick
Beard	Butler	Derwinski
Bedell	Byron	Dixon
Beilenson	Carman	Donnelly
Benjamin	Carney	Dorgan
Bennett	Chappie	Downey
Bereuter	Chisholm	Duncan
Bethune	Clay	Dunn
Bevill	Clinger	Dwyer
Biaggi	Coats	Dymally
Bingham	Coelho	Dyson
Blanchard	Coleman	Eckart

Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
Emery
English
Erdahl
Erlenborn
Ertel
Evans (GA)
Evans (IA)
Evans (IN)
Fary
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fithian
Flippo
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hansen (ID)
Hansen (UT)
Harkin
Hatcher
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Hollenbeck
Horton
Howard
Hubbard
Huckaby
Hughes
Hunter
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kildee
Kindness
LaFalce
Lagomarsino
Lantos
Latta
Leach
LeBoutillier
Lee
Lehman
Leland
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery
Lowry
Lujan
Luken
Lundine
Lungren
Madigan
Markey
Marks
Martin (IL)
Martin (NC)
Matsui
Mavroules
Mazzoli
McClory
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Moakley
Moffett
Mollohan
Moore
Moorhead
Morrison
Mottl
Murphy
Myers
Natcher
Neal
Nelligan
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Parris
Pashayan
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (SD)
Roe
Roemer
Rogers
Rose
Rosenthal
Rostenkowski
Roth
Roukema
Rousselot
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Siljander
Simon
Skeen
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Snyder
Solarz
St Germain
Stangeland
Stanton
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tauke
Tauzin
Thomas
Traxler
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Washington
Watkins
Waxman
Weber (MN)
Weber (OH)
Weiss
Whitley
Whittaker
Whitten
Williams (MT)
Wirth
Wolf
Wolpe
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

NOES—65

Ashbrook
Badham
Barnard
Bliley
Bouquard
Burgener
Campbell
Chappell
Clausen
Collins (TX)
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Dickinson
Dornan
Dreier
Early
Fish
Gingrich
Gramm
Grisham
Hammerschmidt
Hartnett
Holland
Hopkins
Hutto
Johnston
Kramer
Leath
Lent
Marlenee
Marriott
Martin (NY)
McCloskey
Mitchell (NY)
Molinari
Montgomery
Murtha
Napier
Nichols
Price
Robinson
Rodino
Rudd
Santini
Sawyer
Schulze
Sensenbrenner
Shuster
Skelton
Smith (OR)
Solomon
Spence
Staton
Stratton
Stump
Taylor
Trible
White
Whitehurst
Wortley

NOT VOTING—31

Benedict
Brown (OH)
Cheney
Cotter
D'Amours
Davis
Dicks
Dingell
Dougherty
Evans (DE)
Florio
Foglietta
Fuqua
Hance
Hawkins
Holt
Jenkins
Kemp
Kogovsek
Mattox
McDonald
O'Brien
Patman
Pepper
Railsback
Roberts (KS)
Weaver
Williams (OH)
Wilson
Winn
Wylie

□ 1400

The Clerk announced the following pairs:

Mr. Pepper with Mr. Wylie.
Mr. Mattox with Mr. Railsback.
Mr. Hawkins with Mr. Williams of Ohio.
Mr. Wilson with Mr. O'Brien.
Mr. Patman with Mr. Benedict.
Mr. Weaver with Mr. Evans of Delaware.
Mr. Kogovsek with Mrs. Holt.
Mr. Fuqua with Mr. Dougherty.
Mr. D'Amours with Mr. Cheney.
Mr. Dicks with Mr. Davis.
Mr. Florio with Mr. Brown of Ohio.
Mr. Hance with Mr. Kemp.
Mr. Foglietta with Mr. Roberts of Kansas.
Mr. Jenkins with Mr. Winn.
Mr. McDonald with Mr. Dingell.

Mr. CAMPBELL changed his vote from "aye" to "no."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION REAUTHORIZATION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2979.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. ENGLISH) that the House suspend the rules and pass the bill, H.R. 2979, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 165, nays 231, not voting 34, as follows:

[Roll No. 50]

YEAS—165

Addabbo
Anderson
Andrews
Anthony
Aspin
Bailey (PA)
Barnard
Barnes
Beilenson
Bennett
Bevill
Bingham
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brinkley
Brodhead
Brooks
Brown (CA)
Burton, Phillip
Butler
Byron
Chappell
Chisholm
Clay
Coelho
Collins (IL)
Conable
Coyne, William
Danielson
Daschle
Daub
Dellums
Derrick
Dixon
Donnelly
Dorgan
Downey
Duncan
Dunn
Dwyer
Dymally
Early
Eckart
Edgar
Edwards (CA)
English
Ertel
Fascell
Fazio
Ferraro
Fish
Fithian
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Frost
Garcia
Gejdenson
Gilman
Ginn
Gonzalez
Gore
Gray
Green
Guarini
Hall, Ralph
Hamilton
Harkin
Hatcher
Hefner
Hertel
Hightower
Holland
Hollenbeck
Horton
Howard
Hutto
Ireland
Jones (OK)
Jones (TN)
Kastenmeier
Kildee
Kindness
LaFalce
Lehman
Leland
Levitas
Long (LA)
Long (MD)
Lowry
Markey
Matsui
Mavroules
McClory
McCurdy
McGrath
McHugh
Mikulski
Mineta
Minish
Mitchell (MD)
Moakley
Moffett
Murtha
Neal
Nowak
Oberstar
Obey
Ottinger
Patterson
Peyser
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Richmond
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Savage
Scheuer
Seiberling
Shamansky
Shannon
Simon
Smith (IA)
Solarz
St Germain
Stokes
Studds
Synar
Traxler
Udall
Vento
Wampler
Washington
Watkins
Waxman
Weiss
Whitten
Williams (MT)
Wilson
Wirth
Wolpe
Wortley
Yates
Zablocki
Zeferetti

NAYS—231

Akaka
Albosta
Alexander
Annunzio
Applegate
Archer
Atkinson
AuCoin
Badham
Bafalis
Bailey (MO)
Beard
Bedell
Benedict
Benjamin
Bereuter
Bethune
Biaggi
Blanchard
Bliley
Boner
Bouquard
Breaux
Broomfield
Brown (CO)
Broyhill
Burgener
Burton, John
Campbell
Carman
Carney
Chappie
Clausen
Clinger
Coats
Coleman
Collins (TX)
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne, James
Craig
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis
de la Garza
Deckard
DeNardis
Derwinski
Dickinson
Dreier
Dyson
Edwards (AL)
Edwards (OK)
Emerson
Emery
Erdahl
Erlenborn
Evans (GA)
Evans (IA)
Evans (IN)
Fary
Fenwick
Fiedler
Fields
Findley
Flippo
Frenzel
Gaydos
Gephardt
Gibbons
Gingrich
Glickman
Goldwater
Goodling
Gradison
Gramm
Gregg
Grisham
Gunderson
Hagedorn
Hall (OH)
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Heckler
Heftel
Hendon
Hiler
Hillis
Hopkins
Hubbard
Huckaby
Hughes
Hunter
Hyde
Jacobs
Jeffords
Jeffries
Johnston
Jones (NC)
Kazen
Kramer
Lagomarsino
Lantos
Latta
Leach
Leath
LeBoutillier
Lee
Lent
Lewis
Livingston
Loeffler
Lott
Lowery
Lujan
Luken
Lungren
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Mazzoli
McCloskey
McCollum
McDade
McEwen
McKinney

Mica	Rinaldo	Spence
Michel	Ritter	Stangeland
Miller (CA)	Roberts (SD)	Stanton
Miller (OH)	Robinson	Stark
Mitchell (NY)	Roemer	Staton
Molinari	Rogers	Stenholm
Mollohan	Roth	Stratton
Montgomery	Roukema	Stump
Moore	Rousselot	Swift
Moorhead	Rudd	Tauke
Morrison	Santini	Tauzin
Mottl	Sawyer	Taylor
Murphy	Schneider	Thomas
Myers	Schroeder	Trible
Napier	Schumer	Vander Jagt
Natcher	Sensenbrenner	Volkmer
Nelligan	Sharp	Walgren
Nelson	Shaw	Walker
Nichols	Shelby	Weber (MN)
Oakar	Shumway	Weber (OH)
Panetta	Shuster	White
Parris	Siljander	Whitehurst
Pashayan	Skeen	Whitley
Paul	Skelton	Whittaker
Pease	Smith (AL)	Wolf
Perkins	Smith (NE)	Wright
Petri	Smith (NJ)	Wyden
Pritchard	Smith (OR)	Yatron
Regula	Snowe	Young (AK)
Reuss	Snyder	Young (FL)
Rhodes	Solomon	Young (MO)

NOT VOTING—34

Ashbrook	Foglietta	O'Brien
Brown (OH)	Fuqua	Patman
Cheney	Hance	Pepper
Cotter	Hawkins	Railsback
Crockett	Holt	Roberts (KS)
D'Amours	Jenkins	Schulze
Dicks	Kemp	Weaver
Dingell	Kogovsek	Williams (OH)
Dornan	Lundine	Winn
Dougherty	Marks	Wylie
Evans (DE)	Mattox	
Florio	McDonald	

The Clerk announced the following pairs:

Mr. Pepper with Mr. Ashbrook.
Mr. Crockett with Mr. Railsback.
Mr. Mattox with Mr. Schulze.
Mr. Weaver with Mr. Winn.
Mr. McDonald with Mr. Cheney.
Mr. Jenkins with Mr. Wylie.
Mr. Patman with Mr. Roberts of Kansas.
Mr. Fuqua with Mr. O'Brien.
Mr. Kogovsek with Mr. Kemp.
Mr. Hance with Mr. Dougherty.
Mr. Florio with Mr. Brown of Ohio.
Mr. Dingell with Mrs. Holt.
Mr. D'Amours with Mr. Dornan of California.
Mr. Dicks with Mr. Williams of Ohio.
Mr. Foglietta with Mr. Evans of Delaware.
Mr. Hawkins with Mr. Lundine.

Ms. MIKULSKI changed her vote from "nay" to "yea."

Mr. NELSON changed his vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1415

GENOCIDE OF JOURNALISTS

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTINGER. Mr. Speaker, for the first time in the history of the world, a country, Argentina, has engaged in a systematic effort to liquidate its journalists.

According to Jacobo Timerman, former publisher of the leading Argentine newspaper, La Opinión, and author of the book on his own imprisonment and torture by the Argentine Government, "Prisoner Without a Name: Cell Without a Number," the Argentine Government has caused the "disappearance" of more than 100 of the country's leading journalists, a significant proportion of the entire press corps in that country.

It is shocking that the Reagan administration is proposing normalization of relations with an Argentinian Government that would so blatantly violate every precept of human rights and freedom. It is an absolute abomination for Reagan to nominate Ernest LeFever, a person of avowed insensitivity to human rights violations of rightwing dictators, to the highest human rights position within our Government. It is vital to the integrity of the United States to its historic principles and our Constitution that the Senate reject this nomination.

The indifference of our own press and the international journalism community to this first genocide of journalists is also shocking. Despite Mr. Timerman's call for action to the American press in their conference earlier this year in Aspen, Colo., and his presentation to the international press at Nairobi, the organized press has taken no action to register its horror or to rebuke this violence against its being.

Had Russia taken similar action to arrest, imprison, torture, and kill its leading journalists, there would surely have been an outcry throughout the world which would have been led by the U.S. Government and the world press. Why, then, this acceptance in silence when press elimination is perpetrated by a rightwing dictatorship in Argentina? Frightening parallels recall the silence of the free world and the press to Hitler's genocide of Jews in the 1930's. It is a question important to the survival of this country as a great and respected nation—and to the self-respect of the American and international press as well.

Let Iran take 52 Americans hostages, and this country as well as the free world is in an uproar, and justifiably so; but let tens of thousands of people be murdered by their governments in Argentina, Chile, El Salvador, and Guatemala, and an attack be made directly to liquidate the free press in Argentina, and nary a peep is heard. This double standard must be a matter of our gravest concern.

The arrest and imprisonment without charges or trial and the torture of human beings anywhere must be a matter of highest priority universal human concern. If the United States is to exercise influence in promoting our democratic ideals, then surely we and our press must strike out against official brutality everywhere.

Not only should we refuse to benefit in any way governments that engage in genocide, but we should take action in international forums to establish Nuremberg-type trials to bring to justice the perpetrators of these horrors. What a statement of our degradation it was to have us actually ally ourselves with the Russians at the meeting of the International Human Rights Commission in Geneva to quash even consideration of the Argentinian disappearances.

What kind of a country have we become? What do we stand for? These fundamental questions are raised by the Reagan administration's indifference to rightwing torture and by the silence of our press.

SURVIVABILITY OF ICBM'S

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PRICE. Mr. Speaker, for about 15 years the Air Force and the Department of Defense have studied various concepts for extending the survivability of land-based ICBM's; detailed studies have been conducted on a rather exhaustive list of basing concepts. Numerous proposals were examined and rejected—some because they lacked the desired military characteristics, some because they were excessively costly, and some because they were technically infeasible. The concept of multiple protective structures (MPS) stood out as the only concept which has the necessary force characteristics, yet can be built in a timely manner at a reasonable cost.

It is my opinion that the deployment of the MX missile in an MPS basing system continues to be the most desirable response to the Soviet challenge to our confidence in the survivability of our ICBM force. The Armed Services Committee and the Congress as a whole, have concurred with the choice of basing mode and have continued to support the development of the MX in the MPS basing mode with an initial operational capability of 1986 in the belief that its timely deployment would preserve the Triad concept of well-hedged forces, negate the destabilizing impact of Soviet ICBM's, and allow for the maintenance of our deterrent posture.

The following editorial by William H. Gregory, which I wish to place in the RECORD, appeared in Aviation Week and Space Technology on March 30, 1981, and speaks for itself.

UNDOING THE MX DECISION

USAF's new intercontinental ballistic missile, still carrying the letter designation MX, is having a tough time surviving political warheads before it even has the chance to do so with real ones. Now the Reagan Administration has decided to restudy MX

basing options, and the repercussions are sending shock waves through Congress and the Pentagon.

One of the biggest mistakes in government is to reopen a decision. To do so simply raises all the old doubts and adds new ones because the decision maker is, in effect, questioning his own decision. A record has been amassed, testimony is in, controversies have been resolved and there is agreement, tenuous as it may be. Reopening the decision destroys this consensus.

All this assumes that the decision maker wants to stick to his original plan. It does not apply if the decision maker is looking for an artful way to kill off something that has metamorphosed from an asset into a liability. It also does not apply if the decision makers have changed. Just that aura surrounds the MX basing review panel. Ronald Reagan's campaign stressed a strong defense, but also looked askance at the MX basing mode and what critics called its Rube Goldberg basing configuration.

MX to the Reagan forces is wrapped in a Jimmy Carter political label, although there is a conviction in the Pentagon that, had Carter been reelected, he would have dropped the program once the election year defense controversy was over.

What concerns some supporters of a land-based MX is that the Administration is deliberately uncorking a highly charged bottle whose eruption will permit the MX to kill itself off. MX is a complex and expensive program, one with high visibility and a natural budget target, and opposition is already circling around the wagons. There is another school of thought that the learning process for the new Defense Department hierarchy has inadvertently put the MX at risk with the study committee. In either case, the end result is apt to be the same.

One predictable reaction came from the congressional committees that were starting the legislative review process for Fiscal 1982 funding requested for the MX valley basing system in Utah and Nevada. No revisions in the basing plan were asked for by the Administration in its Fiscal 1982 budget amendment that went to Congress earlier in March, and both Fiscal 1981 and 1982 construction funding requests were raised.

The House Appropriations military construction subcommittee could not understand the reason for another MX review in the absence of a new basing concept. Any sign of wavering by the Administration when $560 million of Fiscal 1982 MX construction funds are being sought at the time the Administration is trying to cut $48 billion out of the budget, mostly in social programs, is bound to provoke questions about the cost effectiveness of the whole program. With $2.4 billion in requested development funding, the MX is the largest single aerospace project line item in the Fiscal 1982 budget. A meeting last week on Capitol Hill sponsored by five senators and a House group from the Interior Committee was aimed at finding an alternative to the MX basing plan and was beamed toward sea basing. Panelists included Prof. William Van Cleave, a Reagan transition team member, who favors a Minuteman quick fix solution to the vulnerability of the U.S. land-based leg of the triad to the Soviet threat with its expanding number of MIRV warheads.

Plenty of other long-standing opposition exists to the MX system, and restudy of the basing is encouraging the critics and undercutting the proponents. Reagan supporters have been critical of Gen. David Jones, chairman of the Joint Chiefs of Staff, for not fighting the B-1 bomber cancellation harder. If the Administration now scuttles MX, it will force the military backers into open opposition.

While the restudy process works its way to denouement, a fundamental principle of U.S. strategic policy is at stake: the triad of land-based ballistic missiles, submarine-launched ballistic missiles and air breathing bombers and cruise missiles.

Strategic Air Command's Commander, Gen. Richard H. Ellis, maintains that the land-based missile force is the centerpiece of the U.S. nuclear deterrent force. If a survivable system with near 100% alert rate, effective command and control, low annual operating costs, fast reaction time and hard target kill can be attained with initial operational capability by 1986, Strategic Air Command does not care how the MX is based.

Only the land-based mobile basing mode now in development clearly meets these requirements. Defense Dept. has studied dozens of alternate basing systems and examined 27 representative plans in detail—including sea basing on small submarines, merchant ships or in containers; air launch from cargo, STOL or VTOL aircraft or dirigibles; road, rail or inland waterway basing, or types of silo or tunnel basing other than the horizontal shelter system now favored. All are either more expensive, less effective or survivable, or cannot meet the 1986 initial operational capability date. That date is based on the increasing vulnerability of the existing Minuteman land-based system to Soviet missile attack.

It is conceivable, but not likely, that further study might resolve the drawbacks of alternate systems to produce a less costly effective system. Sea basing is certainly technically feasible, but then MIRV warhead payload and accuracy, the point of the MX, disappears. The simplest course with sea basing is to expand the Trident to meet the numbers requirement—and Trident is having its own schedule difficulties at the moment. In the process, the third leg of the triad is lost, and more of the U.S. nuclear eggs go into fewer baskets. The price for further revisions of MX basing will be a high one. At least, it will be a one- or two-year delay in the initial operational capability of MX, and at worst the foundations of the triad will be washed away.

RENEWED COMMITMENT TO SPEAK OUT AGAINST HUMAN RIGHTS VIOLATIONS

(Ms. FERRARO asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. FERRARO. Mr. Speaker, Sunday night, I had the pleasure of attending a dinner celebration in honor of the 100th anniversary of the founding of the New York Board of Rabbis. Former President Carter, who was honored at the dinner, used the occasion to reiterate the necessity of protecting human rights throughout the world.

In recent months, we have seen our Government become less and less concerned about human rights violations. We now have an administration that seems to believe that the condemnation of human rights violations is not a proper duty of the American Government.

Upon hearing President Carter denounce the deprivation of human rights throughout the world, my commitment to speaking out against such violations was renewed. My pride in being a Democrat, a member of a party that consistently strives to protect and improve the lives of not only Americans, but peoples around the globe, has never been stronger.

I would like to insert a copy of President Carter's speech in the RECORD to remind my colleagues of the reasons the protection of human rights has come to play such an important role in U.S. foreign policy:

I appreciate that introduction from Rabbi Mowshowitz. I am going to tell you a little story. Last October, Rabbi Mowshowitz came to the Oval Office for a delightful visit. While there, he invited me to attend this 100th anniversary celebration, and I accepted with one reservation—I knew the economic summit meeting of Heads of State was usually held sometime in May, and I was concerned that I would have to be out of the country on this evening. This worried me—needlessly, as it turned out.

I understand that my appearance marks a first for this venerable organization. This is the first time in 100 years that The New York Board of Rabbis has been addressed . . . by a Baptist Sunday School teacher . . . from Plains, Georgia.

Things are not really so different between Plains and New York. Last Sunday was also Mother's Day in Plains. We hear a lot about Jewish mothers, and I believe that even our mothers are about the same. The word of encouragement is always coupled with an admonition about limitations. For example, the day I was sworn into office my mother congratulated me but added, as only a mother can, that she never expected me to get this far in life. This was when I first became a member of the Georgia legislature.

This public appearance tonight has become a rare event in my life, but I particularly wanted to be here to celebrate with you. We don't celebrate enough! More often, we need to be actively involved in an expression of joy and thanksgiving, and not just derive our excitement from the passive role of being entertained by others. I have come to join the celebration and to express thanksgiving for the contribution this organization has made in protecting the rights of human beings, in caring for the needs of so many people, and in working for peace.

For all of you this is a special seven-week period between two holidays. The first commemorates freedom, the second the giving of the law on Mt. Sinai. The history of our own nation is bound up in these two ideals—the right of human beings to be free, and the promotion of a society that deals justly with its people.

We celebrate tonight in the midst of turmoil: War threatens again in a part of the world very close to our hearts. Children in my home state are being murdered and no one knows why. A good and loving man who has sought to foster peace and brotherhood lies wounded by an assassin's bullet. In Northern Ireland men are starving themselves and others are killing strangers

simply because of a difference in religious faith.

The world seems to have gone mad, and deep religious conviction—that should bind people together in love—seems often to be part of the madness and murder.

You are leaders of a faith that has known more than its share of cruelty and persecution and violence, and the ancient wisdom and experiences which you share can offer to the troubled world an opportunity for understanding and peace.

As Rabbis you lead a search for righteousness. As recorded in Psalms, a great leader sang: "Righteousness and peace will kiss each other", and the prophet Isaiah wrote: "And the effect of righteousness will be peace."

Freedom . . . righteousness . . . peace—these words encompass much of the challenge of our time and our hope for the future. They help to give us an unchanging foundation in our striving for a better world. They are not desiccated nor bland words—they live, and they bite.

They are subversive to some, in that they call for the overthrow of oppression, injustice, and hatred. These ideals involving human rights can be very disturbing, and at times it requires a great courage to pursue them.

American concern for a just society and human dignity does not stop at the water's edge. This is not a new national policy. Other Presidents before me have recognized the crucial importance of this commitment and have spoken forcefully as leaders of this country.

President Harry Truman said: "The attainment of worldwide respect for essential human rights is synonomous with the attainment of world peace. The people of the world want a peaceful world, a prosperous world, and a free world, and where the basic rights of men everywhere are observed and respected, there will be such a world."

He added, "On us as a nation rests the responsibility of taking a position of leadership in the struggle for human rights. We cannot turn aside from the task if we wish to remain true to the vision of our forefathers and the ideals that have made our history what it is."

In the four corners of the earth today, thousands of people are alive and millions more have hope for the future because the United States did not turn its back on human rights. We have not kept silent when people in other nations have been tortured for their political or religious beliefs, or thwarted in their desire to be united with their own families. Just since 1976, 150,000 Soviet Jews have come to live in freedom here and in Israel because this nation did not keep silent.

We did not keep silent while hundreds of thousands, if not millions, of innocent people were driven from their homes and often killed in Cambodia; nor when the freedom-loving people of Afghanistan were brutally invaded and suppressed by their powerful neighbor. We have not kept silent when Jews and others in Latin America have been arrested in the night, many never to be heard from again. And we dare not keep silent when American women missionaries are murdered in El Salvador or when a government is sustained and nurtured by racism in South Africa.

The one thing oppressive governments fear everywhere is that the civilized world will not remain silent—that it will speak out and condemn the denial of basic human rights.

Jacobo Timerman, in describing the veil of terror that has fallen over the Argentine, explained what silence means in the face of oppression: "What there was, from the start, was the great silence, which appears in every civilized country that passively accepts the inevitability of violence and fear—that silence which can transform any nation into an accomplice, that silence which existed in Germany under Hitler and in the Soviet Union under Stalin."

He goes on to say, "The Holocaust will be understood not so much through the number of its victims as through the magnitude of the silence in which it existed. And what obsesses me most is the repetition of that silence."

I am thankful that in recent years our nation chose not to remain silent. We led the world in a program to provide a haven for the Boat People and other refugees, and we accepted a quarter-of-a-million of them on our own shores. This is in marked contrast to the tragic apathy and indifference of the world in 1938 at the Evian Conference when Jewish refugees from Nazism were almost universally denied admission. This silence did not help the German people, but led to a tragedy of unbelievable proportions for them and to death and suffering for millions of others.

In recent months the news media has carried reports that the United States government is pulling back from so-called "intervention" in matters of human rights, both in dealing with friendly governments as well as with opponents of democracy throughout the world. The new policy is being proclaimed as one of "hardheaded realism"—making accommodation with evils practiced in countries which might be our allies, recognizing the limits of United States influence, and reflecting a realpolitik approach to foreign policy. Sometimes this description includes a critique of my administration as having been naive and excessively idealistic, as having placed too much emphasis on human concerns and rights.

It is important to avoid exaggerated and excessive swings in matters of human rights. But I am convinced that there is a broad and pervasive conviction in this country that freedom and the dignity of human beings are fundamental values of the United States which are worthy of protection. I am convinced that my policy—which certainly was not new—expressed the most profound yearnings and concerns of the American people. Sometimes I wish that we had been as idealistic and interventionist as our critics claim, because we might have helped a few more people!

I have to admit that the results of our commitment were often disappointing, and there were always legitimate reasons put forward for us to compromise.

You are Rabbis, and one of the glories of the Rabbinic tradition is its ability to balance visions of perfection and ideals of peace with affirmation of the real world and with strategies to cope with those realities. You have even developed gradations in the acceptability of war under various circumstances, and in bygone years incremental but practical and inexorable pressures were used to eliminate slavery among the Jews.

That capacity to work in a real power situation while maintaining the moral commitment of a people is the approach that we must seek in our national policies. It means linking ultimate ends and proximate means in a continuing process. This simply cannot be done without some risky involvement, some mistakes, some partial failure, and even some compromise.

On the other hand, the exertion of pure power or a reversion to cynicism will not do justice to our people or the principles of our nation. David Ben Gurion is quoted as saying about the Israeli experience that "if you don't believe in miracles, then you're not a realist."

If we do not proclaim our belief in freedom, justice and democratic values, then we are not true realists. That commitment to values must be evident. Compassion and concern must be a factor in our government's policies—at home and abroad.

It is a mistake to underestimate the powerful force of freedom. After watching those forces of freedom and religious conviction in Poland, it is unlikely that the Soviet leaders would repeat the derisive question asked by Joseph Stalin: "How many divisions does the Pope have?"

Recent events which are shaping world history sharply demonstrate that human rights issues are not just ephemeral or parochial affairs. They have tangible effects and global consequences. Our support of human rights gives us a special opportunity to respond to the aspirations of people around the world and to identify with those leaders who are trying to improve the condition of their own citizens. It is also a strong weapon in our continuing competition with Soviet ideology.

Soviet leaders fear a strong human rights policy, but I believe I made them understand its importance to Americans. This was demonstrated vividly to me when I had my only extensive and private meeting with President Brezhnev in Vienna, following our negotiation of the SALT II Treaty. Only the interpreters joined us as we discussed the issues of most importance between our two nations. During the meeting I said: "Mr. President, there is another matter of great significance to the people of the United States. We are deeply interested in the freedom of some prisoners in the Soviet Union, and particularly Anatoly Scharansky."

He didn't hesitate or say a word but reached out his hand to the Russian interpreter, who gave him a prepared statement he had been holding. Brezhnev then read from the paper some carefully crafted words, designed to claim that the Soviet legal system had acted in accordance with his nation's laws and that there was nothing he could do about this case or others like it.

He knew that I would raise the question, and he was not surprised when I persisted in describing the deleterious consequences to the Soviet Union and its standing among free people because of the continued holding of those who are willing to offer their lives for freedom. I left with him a list of several hundred Soviet citizens, mostly Jews, who I knew were trying to obtain exit visas from the authorities to find freedom for themselves and their families.

As I have said before, America did not invent human rights; human rights invented America. In the more than 200 years since the creation of this nation, we have been exporting concepts of liberty. This should be done boldly and openly. There are some few times when special situations require the use of other more secret means, but all too often in history reliance upon quiet diplomatic channels has proven ineffective and may at times have been used as a surreptitious means of tempering a publicly expressed policy in which some leaders have not really believed. Public knowledge and public condemnation are needed to curb those who would torture or imprison or otherwise punish the innocent.

These historical and deeply-rooted concepts of justice and human rights underlie our nation's enduring relationship with the State of Israel. This relationship is not based on expediency, but on shared values and aspirations—a shared sense of liberty.

Israel represents an important symbol of our eternal quest for a better future—a future of freedom, justice, and peace.

President Sadat and Prime Minister Begin were thinking of this kind of future when they met with me at Camp David. We were mutually concerned about the security of Israel and also about the human rights of the Palestinian Arabs. We wanted to eliminate both war and the root causes of the terrorism which has caused so much suffering in that troubled area of the world. We formulated a basis for peace between Egypt and Israel, and we also made a solemn commitment of our three nations to honor the principles we espoused together to enhance justice and freedom. No one of these three goals can be ignored if we are to be successful in the further pursuit of stability and harmony in the Middle East.

The Jewish tradition taught us to dream and work for our noblest goals and fondest hopes day-by-day and step-by-step—not just with one apocalyptic effort. In this spirit, the pursuit of peace must be maintained.

The search for peace is a multifaceted effort, involving more than just human rights of just a noble resolve for harmonious discussions. As President, I came to understand the complications of establishing a national policy to protect our varied interests.

There is a national mandate for increasing the military strength of the United States, a mandate I expressed with large increases in our defense budget following several years of decline. But further arming our country is not a substitute for mutually advantageous and properly balanced treaties of arms limitations such as SALT II. We have a justifiable concern with Russian expansions but this should not lead us to close the door to further negotiations. It is not realism but self-defeating cynicism to rule out any discussions which might ultimately control nuclear weapons and enhance the long-range prospects for peace.

As Harry Truman said, the United States of America must lead the world. We have learned from the Holocaust—the greatest historical tragedy of our times—that there are no innocent bystanders when social and human issues swirl around us. Either we move with courage to meet these challenges or our fate is likely to be given over to others.

On this night commemorating the 100th anniversary of the founding of The New York Board of Rabbis, let us all resolve to carry on the struggle for freedom, justice, and peace. Above all, we dare not be silent.

INFANT FORMULA ISSUES

(Mr. EDGAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDGAR. Mr. Speaker, I would like to strongly commend Dr. Stephen Joseph and Eugene N. Babb, who are two top health officials of AID. Yesterday, at a press conference they announced their decision to resign from their high positions within the administration, protesting the decision of the Reagan administration to vote "no" on the issue of developing a voluntary code dealing with infant formula at the World Health Assembly meeting in Geneva on Thursday.

Mr. Speaker, I think that it is incumbent on all of us—Democrats, Republicans, conservatives and liberals—in the few days that remain before that vote is to take place, to urge this administration to change its mind. There is nothing wrong with changing the mind of a President or of an administration when that administration is wrong.

Our country helped to develop the voluntary standards at the World Health Organization meeting with UNICEF in 1979, in Geneva. We laid out the program for distributing infant formula throughout the world in an attempt to save lives. I think it is important for all of our colleagues to recognize that it is not so much the formula itself, but it is mixing that formula with polluted water that adds to the destruction of lives throughout the world.

This administration, which claims to be so prolife, should in fact be prolife on the issue of the infant formula. It should in fact stand up and be counted with the other 157 nations around the world and join hands in setting forth these voluntary standards on infant formula.

Mr. Speaker, breast feeding is important to Third World populations for two reasons:

First. Health: Formula-fed infants in underdeveloped countries are up to 10 times more likely to suffer intestinal infections than breast-fed babies because of the lack of sanitary facilities to prepare formula or knowledge about sanitation in many poor countries. Many studies show that formula feeding increases the mortality rate for Third World infants two to three times. Despite industry claims about the nutritional value of formula, medical studies indicate that formula-fed babies are usually more malnourished than breast-fed babies.

Second. Population control: Breast feeding also acts as a natural population control by prolonging the birth interval by as much as 8 months.

MARKETING OF INFANT FORMULA

First. There are four large international corporations with concerns in the United States that are involved in marketing formula in underdeveloped countries. They are: Nestles, Bristol-Meyers, American Home Products, and Abbott Laboratories.

Second. Alleged aggressive marketing practices of companies in Third World countries include:

Spreading misleading medical information about formula and breast feeding;

Sending nurses and others into villages to promote the use of formula; and

Distributing free samples of formula to nursing mothers to encourage formula use.

The World Health Organization and UNICEF identified aggressive marketing and advertising of formula as a significant cause of the decline of breast feeding in poor countries. A WHO/UNICEF conference on the infant formula issue was held in Geneva in October 1979. From the recommendations of that conference came the impetus for drafting an international code of conduct for the marketing and promotion of infant formula in poor countries. Representatives of the companies at the conference did not agree to the restrictions and have been lobbying heavily against the proposed international code.

The World Health Assembly is scheduled to meet in Geneva on Thursday for a final vote on approval of the international code for formula marketing. The Reagan administration's decision to oppose the code prompted the resignation of AID's top health official and top food and agriculture official, Stephen Joseph and Eugene Babb. According to the Washington Post, the United States is expected to be the only country among 157 nations which will vote against the code at the WHA meeting on Thursday. The administration's position is that: "It is inappropriate for the United Nations to move in an effort at economic regulation." The AID officials who resigned said the vote "will be seen by the world as a victory of the corporate interests" over the legitimate health needs of developing countries.

I urge this administration to vote "yes" on Thursday, and I hope that they will reconsider their vote.

SEMICONDUCTORS AT THE CROSSROADS

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LANTOS. Mr. Speaker, semiconductors have revolutionized much of American industry in recent years. Today, they are an $8 billion business, expected to grow to $55 billion by 1990.

But the semiconductor industry is in trouble because of unfair competition from abroad, and Government neglect and confusion here in the United States.

The Japanese industry, aided by Japanese Government subsidies, tariffs, and nontariff barriers, has gone from zero to 40 percent of the world market.

If we are to avoid the need for more Chrysler-type bailouts, we must insist that the Japanese abandon these in-

equitable practices. We must also assure that the tax reforms we will enact this year provide incentives for growing high technology firms as well as for established concerns.

The time is here now to stop penalizing one of our most promising and exciting industries—an industry with a real, not a fabricated future. Sunrise industries are the wave of the future, and that is a wave our Nation cannot afford to miss.

I include an article from the New York Times on this issue:

[New York Times, Tuesday, May 19, 1981]

FEDERAL AID SOUGHT FOR SEMICONDUCTORS

(By Andrew Pollack)

The American semiconductor industry—fast-growing, prosperous and free of Government control—has stood in stark contrast to some older industries, including steel and automobiles, which have suffered from foreign competition and aging factories. Such factors have forced those industries to seek Government help.

Now, however, the semiconductor industry is also appealing to Washington for help in competing with the Japanese and in investing in new equipment. It is mounting a campaign for freer trade and tax incentives.

Semiconductor officials say that measure proposed by President Reagan to stimulate the economy are geared to older industries while doing little for high-technology companies. New rules proposed by the Administration to speed up depreciation would actually slow depreciation for the semiconductor industry, they complain.

In addition to an alternative depreciation plan. the semiconductor industry is asking for tax credits for research and development and for grants made to universities for research as well as a higher investment tax credit.

"We'd like to see more emphasis put on the high-technology growth industries as a national policy," said Robert N. Noyce, vice chairman of the Intel Corporation. "Most of the job creation in our country is done by the new industries, not by the old industries. As a matter of fact, in the old stable industries the first thing you try to do is to use electronics to eliminate the labor in it."

In making their appeal, which involves Capitol Hill testimony and lobbying as well as discussions with the news media, the chip makers are trying to separate themselves from auto, television and steel producers. They characterize these industries as mature and "noncompetitive."

The proposals of the semiconductor executives are opposed by the National Association of Manufacturers, which represents a broad spectrum of United States industry. The N.A.M. says tax credits should not be used for "special interests" such as research and development, and it does not agree that the Administration's plan is geared toward older industries.

"It's not designed to help one sector or another," said Cliff Massa, N.A.M. vice president for taxation and fiscal policy, referring to the proposed new depreciation plan. "It's an attempt at revamping the entire system." Some of the older, loss-plagued industries, he said, would not benefit immediately from the new depreciation plan because they have no tax liabilities.

The semiconductor industry, which makes the fingernail-sized chips containing circuits that are the basic building blocks of computers and other electronic devices, is an $8 billion business that is expected to grow to $55 billion by 1990.

The Japanese have captured 40 percent of the world market for the so-called 16K random access memory, a common semiconductor chip, and are expected to capture an equally large share of the market for the next generation of memory, the 64K RAM. The Japanese have been competing on the basis of price and, until recently, by confining defective chips to a smaller percentage of total output.

Officials of the semiconductor industry say it would not need support were it not for the fact that the governments of Japan and European countries are supporting their own electronics industries.

"Why do we have to face a sovereign nation's subsidized research and development program and subsidized lending program, while at the same time we flood tax money into the United States Government where it then goes to subsidize industries that have been demonstrably unsuccessful?" said W. J. Sanders 3d, president and chairman of Advanced Micro Devices. "Why must we bear both burdens? We'll take these guys on, but must we also subsidize noncompetitive industries?"

Mr. Sanders, Mr. Noyce and John L. Nesheim, treasurer of the National Semiconductor Corporation, and Warren E. Davis, director of government relations for the Semiconductor Industry Association, a trade group, made their remarks yesterday in conversation with editors and reporters of The New York Times.

The semiconductor industry feels that it has long been treated by Washington with what one industry executive recently termed "benign neglect." Governments of other countries, meanwhile, have been nurturing their electronics industries and providing them, with tariff protection and subsidies, American executives declare.

Partly as a result of Japanese competition, prices of memory chips have plummeted, contributing to a slump in semiconductor makers' earnings.

Intel, for instance, barely broke even in the first quarter of 1981 while Texas Instruments Inc. reported an earnings decline of 32 percent compared with the first quarter of 1980.

Mr. Noyce said the agreement by Japan to lower its tariffs on semiconductor products to 4.2 percent from 10.1 percent while the United States lowers its tariff to 4.2 percent from 5.6 percent was "a very important step—symbolic as much as anything."

The electronics officials said that, although they wanted to avoid becoming entangled in big Government programs, they needed more favorable policies to encourage research and development and capital investment. Their industry, they said, is subject to rapid change and is becoming increasingly capital intensive. A production facility for a chip can cost $50 million, they noted.

The officials are calling for measures that include the following:

A plan that would allow some equipment to be depreciated over two years rather than five years as the Administration proposes. The industry already depreciates 60 percent of its investment in two years, so going to a five-year depreciation would slow recovery, Mr. Nesheim said.

A 10 percent tax credit for investment in capital, compared with 6 percent in the Administration plan. The tax credit now varies between 3.3 percent and 10 percent, depending on the length of life of the equipment.

A 25 percent tax credit for research and development expenditures above the average outlay of the previous three years.

A 25 percent tax credit for research grants to universities for projects related to a company's business. The semiconductor industry says it needs to attract more students to study electronics to fill a growing manpower shortage and to modernize college laboratories.

The executives also said semiconductor companies might start forming joint reseach ventures to avoid duplication and cut costs.

EFFECTS OF PROPOSED SOCIAL SECURITY CUTS

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, I wish to express my sense of outrage over the Reagan administration's proposal to slash social security retirement benefits for our elderly. Cutting benefits to restore the system's financial stability coldly ignores the fact that retirees are the victims of inflation, not the cause.

By proposing this major cut in social security retirement benefits, the President and those around him have exposed their insensitivity for the concerns and the well-being of retirees. Both our senior citizens and those planning retirement are rightfully angry about this proposal.

We should not really be surprised that President Reagan has launched this attack against social security. He has been speaking out against the social security system for the last 20 years at least. His budget for fiscal year 1982 included attacks against the program by proposing changes which would eliminate the minimum benefit level, phase out provisions allowing surviving children to draw benefits up to age 22 if they are full-time students, tighten eligibility for disability benefits and place a cap on those benefits. Apparently emboldened by the success of the budget proposal in the Congress, the Reagan administration now has stepped up its attack against the social security system by going after the retirement benefits.

The safety net, which the Reagan administration had pledged it would keep intact for the needy, seems to get more tattered with each new administration proposal. All now can see that the safety net was nothing more than a public relations catch phrase, designed to mask the Reagan administration's true intentions to cut the programs for the very people the net was said to protect.

There is no question that we must address the funding problems of social security, but the Reagan administration cuts in benefits are examples not only of overkill, but also of deep injus-

tice. Studies of the proposed cuts indicate that twice as much money will be slashed from benefits than is needed to insure the fund's financial stability. But even worse than that is the fact the Reagan administration has decided the solution to social security's problems lies in taking away or reducing benefits rather than in finding new funding ideas.

This is a betrayal of the elderly in our country. It breaks faith with all who have paid into the social security fund over the last 46 years. It is a callous disruption of the retirement plans of thousands who had hoped to retire by age 62, most for health reasons. They suddenly face the possibility that, if they choose to retire at 62, their benefits will be reduced from 80 percent of full benfits to only 55 percent for the rest of their lives. It should be pointed out that most people who opt for early retirement do not do so voluntarily. A 1976 social security report showed that 54 percent of those seeking benefits at age 62 were in poor health, and 20 percent more had lost their jobs or been forced to retire. The administration's early retirement penalty thus would be a financial disaster that many people would not be able to avoid. People who have been planning their early retirements for years would have the rug pulled out from under them.

Under the administration's proposal, future benefits also would be cut on a gradual basis from current projections, resulting in a 10-percent-total reduction by 1986 and a massive 25-percent reduction over 75 years. The tightening of restrictions for disability insurance would hit older workers especially hard, particularly those suffering from degenerative disease such as multiple sclerosis. There also is a proposal to delay the cost-of-living increase, which would cost present retirees at least $4.5 million.

An estimated 14 percent of our elderly already live in poverty, and it is only social security that rescues many others from sinking into that same despairing state after a lifetime of hard work. I will never support a proposal that jeopardizes these very necessary retirement benefits. I am encouraged to see Members of Congress and others speaking out against this outrageous proposal from the Reagan administration.

In its fiscal year 1982 budget proposal, the Reagan administration repeatedly showed that it knows the price, but not necessarily the value, of many needed Government programs. This attack against the social security system, on which millions depend is another classic example of this tragic lack of perspective.

A TRIBUTE TO THE LATE BISHOP JAMES RAUSCH

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and to include extraneous matter.)

Mr. OBERSTAR. Mr. Speaker, I rise in deep personal sorrow to pay tribute to a great man, an extraordinary leader, Bishop James S. Rausch, whose service to his fellow man, to his country, and to his church was abruptly and untimely ended yesterday.

His brilliant mind, his profound sense of social concern, stirred him to speak out against injustice wherever it occurred abroad or at home and to lead the church in America in a vigorous effort on behalf of social justice issues. But the true measure of Rausch, the man, the priest, and the bishop, was his unusual and genuine humility expressed in his service to others.

I happened to have been a guest at his home in Phoenix one weekend when unexpected visitors dropped in. They were welcomed as though their visit had long been on the agenda—and it was the bishop who cooked the breakfast, who set the table, and who served the guests—a servant of the servants of God, an exemplary demonstration of faith in action.

Mr. Speaker, I include at this point an article from the Washington Post, which highlights Bishop Rausch's exceptional carreer:

BISHOP JAMES RAUSCH, DIES AT 52, AFTER HEART ATTACK

(By Marjorie Hyer)

Phoenix Roman Catholic Bishop James S. Rausch, 52, former executive of the United States Catholic hierarchy and a leading figure among progressive bishops of the American church, died yesterday at a Phoenix hospital following a heart attack.

Bishop Rausch was on his way to Sidona, Ariz., for a day's holiday when he was stricken. He was pronounced dead on arrival at John C. Lincoln Hospital. Only the second prelate to head the relatively young Phoenix diocese, Bishop Rausch had been in that post for four years.

During his five-year tenure as general secretary of the National Conference of Catholic Bishops in Washington, from 1972 to 1977, Bishop Rausch played a major role in putting the influence of his church behind a variety of social justice issues.

He became a familiar figure on Capitol Hill, testifying before congressional committees on topics as varied as world hunger, human and civil rights, the Panama Canal, housing and health care, as well as the more traditionally Catholic issues such as parochial school aid and abortion.

He did not hesitate to use his position to protest injustices in this country and elsewhere. Bishop Rausch firmly established the role of his church as an institution deeply involved in political and social concerns far beyond the traditional religious issues.

Bishop Rausch was a close friend of fellow-Minnesotan, former vice president Walter F. Mondale. Mondale now practicing law in Washington, issued a statement yesterday calling Bishop Rausch "an eloquent and influential voice for social justice and religious values in American life. . . His death is a tragic loss for his church and his country, both of which he served with utmost devotion."

While Bishop Rausch's liberal stance in both religious and secular affairs drew criticism from some segments of church, his accomplishments and his outlook found favor with Archbishop Jean Jadot, who was the papal representative in this country until last year. His assignment in 1977 to the Diocese of Phoenix was viewed as Vatican approval of his ministry.

Bishop Rausch plunged into the affairs of the sun-scorched diocese with the same energy and drive that he had earlier applied to his national administrative post. His concern continued to be for the disadvantaged and the hurting. He sometimes said mass in orange groves to bring the church to migratory workers who feared arrest as aliens if they went into the city.

His first Easter as Bishop of Phoenix, he traveled half way across the diocese to say mass for an organization of separated and divorced Catholics.

While dutifully faithful to the doctrines of his church, Bishop Rausch privately agonized over the suffering caused by such things as church prohibitions against remarriage after divorce and the continued refusal to ordain women to the priesthood.

Bishop Rausch was born in Albany, Minn. Sept. 4, 1928, educated in Catholic schools in Minnesota and Indiana, and ordained to the priesthood in St. Cloud, Minn., on June 2, 1956. He served in his native state as a priest and teacher. He did graduate work in economics at the University of Minnesota, received a masters degree in education from St. Thomas College in St. Paul, and earned a PhD in pastoral psychology from the Gregorian University in Rome.

In 1970, he become assistant general secretary of the United States Catholic Confernece, the service arm of the National Conference of Catholic Bishops. In 1972, he was named head of both the USCC and the NCCB, succeeding Archbishop Joseph L. Bernardin, who had been appointed Archbishop of Cincinnati.

He was made a bishop the following year. It was characteristic of his style that instead of the traditional formal dinner marking his consecration to the episcopacy, Bishop Rausch instead celebrated with an ethnic festival in his home diocese of St. Cloud.

DOES THE PRESIDENT REALLY WANT KEMP-ROTH?

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, after the President clobbered Congress on the question on the budget resolution 2 weeks ago, the discussion now centers on the question of that part of the budget dealing with the tax cut, known as the Kemp-Roth bill.

There is great speculation among members of the media as to whether or not the President actually wants the Kemp-Roth tax bill; also there is

much discussion among Members of Congress on the same question.

Last Thursday the Washington Star, in the column written by Germond and Witcover, discusses the question adequately. The headline reads: "Congress Seems Ready To Risk 'Reaganomics'."

From the talk I have heard in the Halls of Congress during the last several days, I would agree that if the President really wants the Kemp-Roth tax bill, the probability is that Congress would go along. We would like to hear from the President, because if he would give the same emphasis to the economic plan and the tax plan that he has given the budget plan, I think he can have what he wants, but we want to hear from the President.

Mr. Speaker, the article from the Washington Star to which I referred is as follows:

CONGRESS SEEMS READY TO RISK "REAGANOMICS"

(By Jack W. Germond and Jules Witcover)

Rep. Barber B. Conable Jr. is the leading Republican voice in the House on tax matters. That is the case by virtue of both his position as the ranking minority member of the Ways and Means Committee and, perhaps more important, his acknowledged expertise on those issues.

Conable has never been an enthusiast for the Kemp-Roth plan that is the centerpiece of Ronald Reagan's approach to tax reduction right now. It was no coincidence that he was one of the leading congressional supporters of George Bush—he of "voodoo economics" fame—in the contest for the 1980 Republican presidential nomination.

But Conable is going along with the White House at this point, and that speaks volumes about the political climate in which the president is operating these days—and the political risks the president is taking on tax reduction.

To some extent, Conable is obliged to play the White House game even if he might be inclined to tailor his own program somewhat differently. The insistence of the House Democratic leadership on giving the Republicans the minimum number of seats on Ways and Means meant that Conable probably doesn't have the chips for independent negotiations.

But Conable is also being motivated by the notion—the heart of the Reagan approach—that tax policy should be used first as an economic rather than as a social tool. As he put it in a speech in the House two months ago, over the last decade the country has seen "a good deal of redistributive economics through the tax system" without success, when what is needed now is an "economic corrective" as the central element.

Carrying this a step further, the implication of Conable's analysis is that this whole thing of Reagan's is an experiment—and that members of Congress are being asked to put aside their long-established views on tax questions in the interest of giving that experiment a chance to succeed.

What that means, of course, is that Reagan is requiring a great leap of faith by those in both the House and Senate who face reelection campaigns next year. Quite simply, the White House message is this one: Take a chance on Kemp-Roth (or something very much like it) because we've already discovered the other way doesn't work.

The risk, of course, lies in the possibility that the Reagan approach won't work soon enough—and produce results measurable in the economic indicators soon enough—to avoid a political backlash next year. That threat is very real to senators and congressmen who have watched so many of their colleagues forced into untimely retirement by the voters because they were perceived as part of the problem rather than part of the solution.

The early betting, however, is that Reagan is going to succeed, at least in general terms, in getting his way on tax reduction.

This doesn't mean that the final legislation will be just what the White House is seeking at the outset. There is good reason to believe, for example, that the cut in personal income tax rates may be something less than the 10 percent a year for three years prescribed by Kemp-Roth. But it does mean that the fundamental principle of the White House plan—the use of tax reduction as first an incentive—is likely to survive.

Indeed, it now seems quite possible that in one case, the Congress is prepared to go beyond what Ronald Reagan and his advisers were willing to risk in the cause of capital formation. There is influential support on the Hill—from Conable among others—to cut the top rate on so-called unearned income from 70 percent to 50 percent, with a correspondingly sharp reduction in long-term capital gains rates.

Some Reagan advisers wanted to include that provision in the first place, but were dissuaded by the predictable political concern that it would make the program too vulnerable to accusations that it is "a rich man's tax bill." But now, with the easy victory on the budget in the bank, the new assessment is that the White House can stand up to political fire of that caliber. So the word has been passed that such an amendment would be less than an imposition.

The lesson in that is that the sentiment for a new approach, and the willingness to take a chance, is greater than the president originally was led to believe.

This doesn't lessen the political hazards in an economic failure, of course. On the contrary, what the generally pliable attitude of the Congress really does is make it likely that Reaganomics will be given a fair test by anyone's criteria.

And what that means, in turn, is that it is not going to be difficult to place the blame if the whole thing doesn't work.

RESOLUTION EXPRESSING OPPOSITION OF HOUSE TO PLAN BY UNESCO TO DEVELOP SYSTEM FOR REGULATION OF INTERNATIONAL NEWS

(Mr. SHAMANKSY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAMANSKY. Mr. Speaker, I am today introducing, along with Congresswoman MILLICENT FENWICK, a resolution expressing the opposition of the House to the plan by UNESCO to develop a system for the regulation of international news.

Mr. Speaker, the United Nations was founded on great principles of freedom and world peace. Today, however, one of its agencies, the United Nations Educational Scientific and Cultural Organization (UNESCO), is engaged in a process that threatens one of the strongest weapons against repression and tyranny, a free and unfettered press. UNESCO, at the prodding of the Soviet Union and its Third World allies, is proposing to develop a system for the licensing of journalists, a code of conduct for the press and other regulations which would have the effect of limiting press access and freedom. Such a proposal is not only against the basic principals of our own democracy but it is in direct contradiction of article 19 of the universal declaration of human rights of the United Nations and the constitution of UNESCO.

Several days ago 60 leaders of the print and broadcasting media met in Talloires, France, and issued a declaration resolving to resist any encroachment on press freedom—which they called a basic human right. We must support that effort.

Freedom of the press is absolutely essential to the operation of free societies. This is one area in which the West cannot cave in to pressure from the Soviet Union and its Third World allies. If we do not stand for a free press, what do we stand for?

I hope that other Members will join Mrs. FENWICK and myself in this effort.

Mr. LEWIS. Mr. Speaker, will the gentleman yield?

Mr. SHAMANSKY. I yield to the gentleman from California.

Mr. LEWIS. I thank the gentleman for yielding.

I would like to compliment the gentleman on his remarks and on his proposal. I would like to support him in the resolution. The fundamental importance of a free press to a free society cannot go ignored. I appreciate the gentleman's bringing this to our attention.

Mr. SHAMANSKY. I thank the gentleman from California.

TRIBLE INTRODUCES HOMEMAKER RETIREMENT ACT WITH 118 COSPONSORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. TRIBLE) is recognized for 15 minutes.

Mr. TRIBLE. Mr. Speaker, there are 30 to 50 million American homemakers who are rapidly approaching retirement age without any type of retirement plan. These hard-working men and women compose approximately one-third of our adult population. Unfortunately, they face the dismal prospect of old age without any source of outside income other than social security. But it does not have to be that way.

If Congress would ease the present restrictions on eligibility for the establishment of an individual retirement account, many of these homemakers could start saving now for the future.

Many homemakers cannot invest in an individual retirement account today because they do not earn any wages. I think that is wrong. Paycheck or not, you and I know how hard homemakers work and how valuable is their work. I believe it is time to recognize the economic value of a homemaker's contribution to society.

In the 96th Congress, I introduced a bill, H.R. 1542, cosponsored by 167 Members of the House, which sought to give homemakers an opportunity—equal to that enjoyed by other self-employed persons—to prepare for their retirement. For many homemakers—men as well as women—that bill represented a first opportunity to prepare for retirement.

Today, I am reintroducing the homemaker retirement bill and this legislation is cosponsored by 118 Members of this body.

In 1976, Congress established the "Spousal IRA" which extended IRA benefits to a select group of homemakers under five very narrow conditions.

To quality for a spousal IRA, a homemaker must: First, not be a participant in a retirement plan; second, earn no wages; third, have a spouse who could own on IRA; fourth, have a spouse who is willing to invest in an IRA; and fifth have a spouse who is willing to reduce the maximum contribution to his or her IRA from a maximum of $1,500 to $875.

Quite frankly, there are relatively few homemakers who meet these rather rigorous tests. The tendency for many of those who do meet the test is to take a "who cares" attitude since the family can only increase its total savings for retirement by $250, even if it meets all five tests.

Simply put, the homemaker retirement bill would extend the eligibility for setting up IRA's, and would increase the yearly amount those participating in spousal plans would be allowed to contribute and claim as adjustments to income.

This legislation would permit a homemaker to participate in an IRA regardless of whether the family's prime wage earner was eligible to set up an IRA or was an active participant in another type of retirement plan.

The homemaker would be permitted to count spouse's income for determining allowable contributions and would be allowed to contribute a sum equal to 15 percent of that income or $1,500, whichever is less.

Let me advance a number of arguments in favor of expanding the spousal IRA provisions by approving the Homemaker Retirement Act. First, I do not believe a homemaker's eligibility for an IRA should hinge on the eligibility of the homemaker's spouse to invest in an IRA.

If it was unfair for homemaker spouses of employees who are eligible to establish IRA's not to have tax-deferred retirement savings, I suggest it is equally unfair in the case of homemaker spouses of employees covered by other types of retirement plans or who have no coverage at all. This legislation would permit the homemaker spouse to set up an IRA no matter what type of retirement plan the working spouse has and would thereby extend the logic underlying the creation of the spousal IRA of the Tax Reform Act of 1976.

Second, I see no reason why the law should distinguish between a homemaker earning wages and the homemaker who does not. Both have the same retirement needs and they should be given an equal opportunity to provide for their future security.

As it now stands, the spousal IRA statute discourages homemakers from taking part-time, wage-earning jobs. If a homemaker, who would otherwise be able to invest in an IRA, decides to take a job as a school crossing guard or a weekend cashier or a substitute teacher, she will loose her eligibility for a spousal IRA under the present law. While some of these homemakers might then be technically eligible on their own to invest in an IRA, a small sum of outside income would not warrant this course of action.

Homemakers should not be forced to accept a second-class retirement or no retirement at all because they choose to earn a small sum of money outside the home.

Third, the Homemaker Retirement Act eliminates the necessity of reducing the total contributions of the working spouse to an IRA in order to provide an IRA for the homemaker. Under present law, a working spouse who establishes a regular IRA is entitled to contribute up to $1,500 annually. When the working spouse sets up a spousal IRA, the maximum annual contribution for each spouse is limited to $875 for a total of $1,750. In other words, a family can only increase its total savings for retirement by $250 a year.

Why must a husband sacrifice his own retirement rights in order that his wife might have an IRA? Why not give homemakers equal status as citizens and allow them to save the same amount of money in an IRA as all other self-employed people? My bill would permit a maximum annual contribution of $1,500 by the homemaker and the working spouse for a total of $3,000.

There are other good reasons to approve this legislation. The passage of this bill would, of course, mean a deferment of taxes and a shortfall in revenues to the Federal Government. However, by increasing the aggregate level of savings, we can expect spillover benefits which may far outweigh the initial revenue loss. For example, greater savings will make moneys available for capital investment, for the creation of jobs, and for the economic expansion this Nation requires. Increased economic activity will mean increased revenues to the Federal Government.

Also, by investing in an IRA, homemakers will be shifting the cost of their retirement years from the Government to themselves. Homemakers over the age of 65 will soon compose one-sixth of our adult population. If homemakers are not given sufficient incentives to save for their retirement, these costs will have to be borne by the Government. The demand for services will not lessen. The only issue in doubt is whether the homemaker or the Government will pay the costs of income maintenance, health care, institutionalization, and other retirement needs. If homemakers pay for at least a portion of these services through their IRA investments, the long-term savings to the Government should more than offset the revenue loss from the tax deduction and deferral features of an IRA.

Homemaker investment in IRA's will also benefit the poor. In the future, there will be a relatively fixed amount of money which Government can spend on retirement programs. Thus, a shift of homemakers from dependence on Government to self-reliance for retirement income will mean that fewer people will be dividing up the Government retirement pie. In the long run, this should mean higher level of benefits and service for those who are unable to save for their retirement.

There are also intangible social benefits which must be weighed. How much is it worth to point people in the direction of greater self-reliance and less dependence on Government?

How much is it worth to know homemakers will no longer have to choose between no retirement protection and leaving home to find a job where he or she can acquire pension rights? And how much is it worth to finally recognize in the law that the homemaker's work does have economic value? These questions should be answered.

For millions of homemakers, this bill presents the first opportunity to prepare for retirement. For others, it is a way to improve their retirement savings. At the very least, the passage of this bill will insure that homemakers are treated fairly and given a chance to help themselves.

The time to act is now.

EFFORTS OF UNESCO TO FORMULATE RULES FOR THE PRESS AND TO REGULATE NEWS CONTENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. FENWICK) is recognized for 5 minutes.

● Mrs. FENWICK. Mr. Speaker, if there is anything that we who are fortunate enough to live in democratic societies can stand for, it is freedom of the press. That is why I have been greatly troubled by the continuing efforts of UNESCO to formulate rules for the press and to regulate news content.

My colleague, Mr. SHAMANSKY, and I are today introducing a resolution which would express the sense of the Congress that we are opposed to any effort to regulate the flow of global news.

The right of freedom of the press is firmly established in the Universal Declaration of Human Rights of the United Nations Charter, in the Final Act of the Conference on Security and Cooperation in Europe—the Helsinki Final Act—and in the constitution of UNESCO itself. It is absolutely essential to the functioning of free societies and free governments.

It is time that we in the West proclaim loudly our firm opposition to any effort to control access to and dissemination of news. I hope that my colleagues will join me in sponsoring this resolution.●

THE TREASURY FRINGE BENEFIT PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 10 minutes.

● Mr. COTTER. Mr. Speaker, last week the Subcommittee on Select Revenue Measures of the Committee on Ways and Means conducted a hearing at which the Honorable John E. Chapoton, Assistant Secretary for Tax Policy, Department of the Treasury, and the Honorable Roscoe L. Egger, Jr., Commissioner of the Internal Revenue Service, presented the administration's position on the tax treatment of employee fringe benefits.

In general, the Treasury has decided to publish regulations requiring that noncash, in-kind compensation be included in income, at some amount less than the fair market value of the item. In addition, Treasury opposes extension of the current moratorium which is due to expire in the next few weeks.

The Treasury Department intends to publish these proposed regulations in July, but they would not be effective until January 1982. Mr. Chapoton and Mr. Egger assured members of the subcommittee that there would be adequate opportunity for public comment before the regulations take effect, and they encouraged industries whose employees would be affected by the proposal to submit data to aid the Treasury Department in formulating the regulations. In addition, the Committee on Ways and Means has received a letter from Mr. Chapoton in which he states that it is the Treasury Department's intention to continue to "operate under existing rules" until the proposed regulations are finalized at "the beginning of the calendar year after everyone concerned has had ample opportunity to present their views."

For your further information, I am including the joint statement of Mr. Chapoton and Mr. Egger before the Subcommittee on Select Revenue Measures on May 13, 1981:

JOINT STATEMENT OF HON. JOHN E. CHAPOTON AND HON. ROSCOE L. EGGER, JR.

Mr. Chairman and members of the Subcommittee: We are pleased to appear before you today to discuss the views of the Treasury Department on the very important tax policy matter of the taxation of fringe benefits. Few tax issues have been the subject of more heated and sustained public interest in recent years, and few are of more long-term significance to the continued viability of our broad-based income tax system.

Preliminarily, let us define generally what this problem area really is. A "fringe benefit" is generally a personal benefit, other than cash salary, which is furnished by an employer to an employee because of the employment relationship. Fringe benefits usually are provided to the employee in the form of goods or services, but they may also include cash reimbursement for personal expenditures.

Over the years, Congress has by specific statute carved out certain in-kind benefits as nontaxable, in the process setting careful limitations to promote equity or to effect some nontax social policy. Common examples are pension and profit-sharing plans, certain life insurance and health insurance benefits and meals and lodging furnished for the convenience of the employer. These statutory exceptions to taxability are not included in what we are now discussing as "fringe benefits".

In addition, fringe benefits as we define the term do not include ordinary and necessary business expense items, such as business meals and business transportation, which are dealt with under specific provisions of the Code. There are difficult issues involving business expenses, but they have to do with what is deductible, not what is includible as taxable income.

The immediate impetus for the hearing today is, of course, the expiration on May 31, 1981 of the Congressional moratorium or "freeze" on Treasury Department final regulations and rulings concerning fringe benefits. The current freeze (P.L. 96-167) is an extension of a moratorium first imposed in October, 1978 (P.L. 95-427); we have thus lived under the freeze for two and one-half years. Our objective is to resolve the fringe benefit dilemma in such a way as to eliminate the need for a further extension of the moratorium.

The Senate Finance Committee report on the current freeze states that its purpose is to "prevent the IRS from deviating from the present administration of the income tax laws as they concern the taxation of fringe benefits as compensation", so that the Treasury Department "will not alter, or deviate from, in any significant way, the historical treatment of fringe benefits".

Administration of existing law, not the law itself, is the essence of the problem. The substantive statutory rules governing fringe benefits are clear and have been for many years: The Internal Revenue Code (section 61) broadly defines "gross income" to mean "all income from whatever source derived", specifically including "compensation for services". Similarly, the Treasury regulations (section 1.61-2(d)(1)) clearly state that "if services are paid for other than in money, the fair market value of the property or services taken in payment must be included in income." The courts have been nearly unanimous in applying the law as it is written and taxing equally "in-kind" compensation and cash compensation.

Despite these clear pronouncements, taxpayers have over the years attempted to exclude from income various types of fringe benefits. Part of this trend derives from some very old statements by the Internal Revenue Service, issued in the early days of the income tax. For example, in 1921 the Service said that free personal railroad passes issued to railroad employees were nontaxable gifts (O.D. 946 (1921)). Reasoning by analogy, many feel that free airline passes, which only became common after World War II, are also nontaxable. There are other examples. The point is that inconsistencies exist and that taxpayers have naturally attempted to take advantage of them. However, in the early years, the size of the problem was small.

But as inflation has pushed many "middle income" taxpayers into higher and higher marginal tax brackets, the relative value of allegedly tax-free fringes also has increased, triggering a significant growth in their utilization. The increasing use of fringes naturally signalled to the IRS that a serious problem was developing. The National Office focused its attention on this problem in the early 1970's. Attempts to draft national guidelines were met by public opposition, disagreement and debate. As we have noted, the Congressional moratorium followed.

We must unhappily report that the Congressional moratorium on the promulgation of clear rules has made it impossible to administer the tax laws in a fair and even-handed fashion. The absence of national guidelines from the Treasury as to the proper taxation of noncash compensation has left employers, employees and IRS agents confused and uncertain. As a practical matter, the taxation of fringe benefits currently is determined by the particular views of individual IRS agents at the local level. We are thus unable to deal with existing fringe benefit practices in an equitable and rational manner, and we are unable to respond sensibly to new practices.

Even more disturbing is the growing public perception that fringe benefits are not taxable. This perception, created in large measure by the continued freeze, has begun to move our voluntary compliance system down the road of favored treatment for in-kind fringe benefits and harsh treatment of cash salary and wages. Indeed, it is hardly surprising that taxpayers have more and more frequently sought noncash compensation schemes, in the hope or belief that they would avoid taxation in this unsettled and confusing climate.

We believe that most taxpayers agree with the basic principle that compensation,

in whatever form, should be taxed. Indeed, the income tax system could not function if in-kind compensation were excluded from the tax base. Taxpayers with equal economic incomes would be taxed unequally, depending on the extent of cash versus noncash compensation. Public confidence in the fairness of the system would rapidly erode. Uneconomic and complicated transactions, designed to avoid taxation, would divert resources from productive endeavors. Federal revenues would be significantly reduced, in an uneven and unfair way, unless rates were raised on cash wages.

We believe it is time to end the confusion and to end the erosion of both the tax base and public confidence in the system. It is time for a set of rational, fair and workable national guidelines. As you know, a Congressional study of fringe benefits resulted in a House Ways and Means Committee request for a legislative proposal from the Treasury in December, 1978. In January of 1979, the Chairman of the Ways and Means Committee Task Force on Employee Fringe Benefits issued a staff report but the Task Force went out of existence without making any specific recommendations. The difficulty of a legislative solution in turn led the previous Administration to submit a "Discussion Draft" of proposed regulations to the Congress in January of this year.

We have taken a fresh look at the entire fringe benefit area, giving this issue a high priority. We have concluded that a regulatory approach, based upon existing law and tempered with a "rule of reason," is the best approach.

We are actively at work on a draft of such a proposed regulatory solution. While the details of the proposal have not yet been finalized and we continue to struggle with particular factual situations in this most difficult area, we would nevertheless like to share with you at this time a few key elements of our general approach.

First, we recognize that while the law requires valuation of fringe benefits at "fair market value", the facts and circumstances in particular situations may well indicate that the value of goods or services furnished in kind by an employer to an employee is something less than what a third-party would pay for the benefit outside the employment context. In most cases the fringe benefit received cannot be readily transferred and converted into cash by the employee. For example, airline passes cannot be sold by the airline employee. Similarly, a department store employee entitled to purchased merchandise at a 20 percent discount from the retail price paid by the public cannot "sell" his right to exercise the discount. Moreover, that employee probably cannot resell the merchandise for a price close to the public price, or even the discounted price he himself paid.

Thus, determination of value in the fringe benefit area is extemely difficult. Several factors unique to this area may be present in varying degrees in individual cases. The employer may have a reasonable business need to acquaint his employees with his products. The employee's usual broad range of choice of brand or style is generally restricted. The employer may place limitations on the employee's use of the item. The marginal cost to the employer of providing the benefit may be small. The item may be a "luxury" which the employee would not choose to purchase but for the fringe benefit or bargain aspect of the transaction.

Despite these difficulties, fringe benefits do have substantial value. The tax law cannot be administered in an efficient and equitable fashion if this value is excluded from the tax base. We are therefore in the process of developing standards for the valuation of fringe benefits such that they can be included in the employee's income, albeit at some discount from their normal market price. We wish to emphasize, however, that the circumstances in which it is appropriate to value fringe benefits at a discount from the price at which the good or service normally trades in the market place are relatively narrow. The factors which argue in favor of discount valuation are generally present when the fringe benefit is made available to the employee in the normal course of the employer's trade or business. This is less often the case when the employer deviates from its normal business practices in order to provide its employees with a particular noncash benefit. In order not to encourage employers and employees to design in-kind compensation programs primarily for tax reasons, the scope of our discount valuation rule will be limited to goods and services produced or utilized by the employer in the ordinary course of the employer's trade or business.

Several examples will clarify the general scope of our discount valuation rule. Airline passes permit employees to travel on their employer's planes at a nominal cost on a space-available basis. There is no question that the exercise of this right constitutes a valuable benefit to the employee; it is not de minimis. The fact that the benefit may be conferred at little or no marginal cost to the airline does not affect its value to the employee. To tax employees on in-kind benefits solely on the basis of the cost to the employee of furnishing such benefits would lead to uneven and inequitable taxation of employees depending upon the industry for which they work. In the case of the airline employee, however, the pass is not transferable. The employee cannot transform the benefit into cash, and thus the value to the employee of the transportation may well be less than its normal retail price. Further, since the transportation is furnished on a space-available basis, it is presumably worth less than to the same transportation furnished on a reserved-seat basis. It is therefore appropriate under existing law to include some amount in the employee's income as a result of utilizing the airline pass, but we believe this amount should be somewhat less than the normal commercial price of the trip.

Similarly, many universities permit the children of faculty members to attend the university free of charge. Again, the exercise of this right generally confers a substantial benefit on the faculty member, since the child's tuition would otherwise be funded with tax-paid dollars. Nevertheless, the value of the benefit may be less than the university's standard tuition charge: the faculty member may have preferred to send his or her child to another university, or, absent the tuition waiver, may not have paid for the child's education at all. A benefit arising from the employer-employee relationship has been transferred and should be taxed; for valuation purposes, a discount from the university's standard tuition charge is appropriate.

As a third example, a large number of retail stores permit their employees to purchase products on hand at a discount from the retail price charged to the public. The discount price usually exceeds the store's cost for the goods by a substantial amount; the discount simply represents foregone profit to the extent the merchandise could have been sold to the public. Although the employee presumably derives some benefit from acquiring the merchandise at a discount, the benefit is difficult, if not impossible, to convert to cash. Moreover, the ability to "shop around" for brand and style preferences is sacrificed. Under the typical merchandise discount arrangement, our discount valuation rule will not cause an employee to realize taxable income upon the purchase of the employer's products at a less than retail price.

Finally, a growing number of companies are making services unrelated to their trades or businesses available to their employees at discount prices. There is no significant reason for doing so other than to provide a possibly tax-free fringe benefit to their employees. For example, a food processing company might maintain a fully-staffed automobile service center where employees can have their cars repaired at discount prices. Our tax system should not create incentives for business to enter into unusual in-kind compensatory arrangements in an attempt to provide tax-favored benefits to employees. Since the auto repairs are not goods or services produced by the food processing company in the ordinary course of its trade or business, our discount valuation rule would not apply, and an employee utilizing the auto repair service would have taxable income as a result of the use.

Our second area of concern is that many items which may appear to be benefits are primarily intended to facilitate the performance of employment services. These are sometimes called "working conditions". They are not compensatory, and therefore are not taxed under existing law. Examples include ordinary and necessary office furnishings, and ordinary employee safety measures. The line between a working condition and a compensatory benefit, however, is not always clear, and we are working hard at developing workable distinctions in this area.

Third, we are cognizant that items of very small or indeterminate value (such as an annual company picnic) cannot be taxed without creating unjustified administrative problems for taxpayers and the IRS alike. Exclusions for administrative convenience are entirely appropriate and consistent with maintaining a viable income tax system.

Finally, we recognize that some aspects of our proposal will conflict with justified expectations of nontaxability, built up over many years, and often resulting from favorable treatment granted by the IRS. In these cases, equity requires that extended transition rules be applied, again to the benefit of taxpayers and the tax collector alike.

We hope to complete our initial draft of the proposed regulations very soon. We will then present our proposal to the public and the Congress. We will propose an extended period for public discussion and comment so that employers and employees will have the opportunity to review their compensation arrangements. We will not make the regulations final until the beginning of the calendar year after everyone concerned has had ample opportunity to present their views. We would expect to work closely with the tax-writing committees of Congress and professional accounting and legal groups. To the extent existing law is unsatisfactory, we of course will be eager to work with Congress in fashioning the needed Code amendments. Clearly, the problem of fringe benefits cannot be solved without such a focused

effort or without a general consensus on the solution.

Accordingly, we strongly believe that the current moratorium need not and should not be extended. Its purposes will be amply served by the procedure we have proposed for dealing with this issue.●

BANK TO MERCHANT: HOLD ME HARMLESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, there are over 600 million credit cards in circulation today. Credit card fraud is big business. To prevent unauthorized use of credit cards, card issuers distribute bulletins listing cards that merchants should refuse to honor and should recover for the card issuer. A merchant wrote me complaining that while Bank of America, through a bulletin, urged a merchant to recover VISA cards listed on the bulletin, when trouble resulted, Bank of America would not help in any way. The merchant related that when an employee of the merchant informed a customer that she was going to hold his credit card because its number appeared on her bulletin, the customer became upset. According to the merchant, "The customer threw heavy merchandise around the store and hit two customers with marble eggs. The police were called and they wrestled the man to the ground."

The end of this disaster was still not in sight because the merchant adds that he was sued as was the San Francisco Police Department. Although the merchant won the lawsuit, he had to go to the trouble and expense of retaining an attorney and going to court.

When the incident with the customer occurred, the merchant contacted Bank of America and asked if the bank would support him. A bank officer replied by mail that "* * * merchant will hold bank harmless for any claim arising from any injury to persons or property or other breach of peace."

I believe that Bank of America's response to the merchant was unfair. When a merchant recovers a card that appears on a card recovery bulletin, he performs a valuable service to credit card issuers such as Bank of America, since card issuers are generally liable for all but $50 of unauthorized use of a credit card. Bank of America failed to warn the merchant of the potential consequences of recovering a customer's credit card. It also failed to make the merchant aware that Bank of America woud accept no responsibility if things went wrong.

I am writing to both VISA and MasterCard to determine if this policy of Bank of America as described by this merchant is an industrywide practice. In my judgment, a credit card issuer who wishes merchants to recover his credit cards should at a minimum, make the merchant aware of the risks involved. It would also seem appropriate for the card issuer to accept responsibility for any damages incurred, provided the merchant's conduct is reasonable as it certainly appears to have been in this case.●

FLORAL RESEARCH AND CONSUMER INFORMATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COELHO) is recognized for 15 minutes.

● Mr. COELHO. Mr. Speaker, today I am pleased to introduce the Floral Research and Consumer Information Act.

Maintaining and expanding existing markets for cut flowers, flowering plants and foliage plants and developing new and improved markets and uses for these products are vital to the welfare of the entire U.S. commercial floriculture industry. An industry comprised basically of small businesses needs an effective and coordinated method to finance, design, and implement programs of research, consumer and producer information, and promotion. The American consumer, too, needs an adequate, steady supply of high quality fresh flowers and plants at affordable prices.

But consumer demand for floral products is not as great as it should be. Despite a steady rise in production capability and increased quality, the U.S. flower and plant industry continues to fall short of its marketplace potential. The flower industry, while not experiencing declining demand, is not growing either. Demand for flowers has remained static for the last 6 years. In our uncertain economy, an industry that is not growing is in a precarious position.

Another problem faced by the floral industry is consumer buying patterns. Most consumer purchases are made during five major occasions during the year: Christmas, Valentine's Day, Easter, National Secretaries Week, and—most recently—Mother's Day.

On those occasions, growers can sell all that can be grown. The rest of the year, facilities either don't operate at full capacity or growers are forced to accept less payment than they really need for their crops.

The floral industry's answer to its marketing problems is found in this legislation and at absolutely no cost to the American taxpayer. Other agricultural commodity groups have solved similar problems by forming research and promotion programs. The egg, wheat, wool, cotton, and potato industry campaigns have met with considerable success. Their programs proved instrumental in turning around the demand picture for their products.

It is time to let the American public know that flowers are not just for special occasions. Research and promotion campaigns made possible by this act will encourage people to buy flowers year round because flowers and plants are beautiful, because flowers and plants complement gracious living, or "just because."

At this time, too, I would like to call your attention to an excellent and timely article on the floral industry which was published in the May 18 issue of Fortune magazine, and I submit it for the benefit of my colleagues in today's RECORD.

The article follows:

BILLIONS IN BLOSSOMS

(By Russell Leavitt)

There was talk of pompom chrysanthemums too, but most of the conversation at the ninth annual convention of the Wholesale Florists & Florists Suppliers of America Inc. in Miami a few weeks ago would have had a familiar ring to any U.S. businessman: foreign competition, rising energy costs, consumer indifference, the recession's bite. The industry that largely got its start from horticulturalists working for Mrs. Astor's Four Hundred has come a long way. From street vendors to retail florists to supermarkets selling assembly-line bouquets, cut flowers are big business: some $3 billion in sales in the U.S. last year.

Large-scale flower growing once was almost exclusively the domain of the very rich. In the late 1800s, greenhouses sprang up on estates to enliven ballrooms and parlors with cut flowers. After the turn of the century, flowers caught on with the public, and retailers opened shop. Soon wholesalers intervened to move the highly perishable crop to the retailers from the growers, who had located close by the larger cities for quick transport.

Gradually, as propeller airliners made possible fast shipping over long distances, many growers established themselves in more favorable climates in the South and West—chiefly Florida and Colorado—with longer hours of sunlight and better growing conditions. The jet airliner changed things still further: the growing center of the U.S. moved to California, which now produces almost two-thirds of the country's domestically grown cut carnations and chrysanthemums and nearly half the roses.

Now energy costs are pinching the industry. "We have guys who are paying heating bills of $1,500 on a cold night to heat their greenhouses," says Jim Wanko, executive vice president of the Society of American Florists, a trade association. "It's a backbreaker." A Florida grower, Walter Preston of Manatee Fruit Co., spent $16,000 on propane gas on just two cold nights this winter.

One of the largest growers in California is Mt. Eden Nursery Inc., which specializes in roses and carnations. The operation stretches over more than 2.5 million square feet of greenhouse. Mt. Eden's head, Yoshimi Shibata, estimates he will spend over $1.25 million this year just to heat his greenhouses.

To add to the economic pressures, the U.S. market has hardly expanded in the past six years—and foreign producers are gobbling up an ever-larger share of it. Nearly half the cut carnations and pompons sold in this country last year came from Colombia, which enjoys several advantages over U.S. growers, including a more consistent climate

and cheaper labor. And while Colombians pay a U.S. duty on their product—between a half cent and a penny, for instance, on a carnation—the cost of shipping flowers from Colombia to the East Coast markets is about the same as shipping from California. More important, the Colombians have no heating costs. "We're going to take over the flower business here because of the high cost of fuel," one of Colombia's growers said at the Miami convention.

Each day a fleet of wide-body jets arrives at Miami International Airport packed only with fresh flowers from Colombia. The Colombians cut flowers six days a week, often under supervisors who have scientific or business degrees from top American universities. "More than anything, the flower business is management," says Hernando Caicedo, the owner of Inversiones Targa, a grower of Colombian flowers that has a U.S. marketing arm. "The people who work for me have Ph. D.'s from Harvard and Stanford."

American growers fought hard against the imports in the beginning, mounting several vain campaigns before the International Trade Commission to limit imports from South America, as well as those from Holland and Israel (which sells 5.7% of its $100-million annual flower crop in the U.S.). Many American growers have had to shift from one flower crop to another to stay afloat. Douglas K. Dillon, a Pennsylvania grower, once grew carnations but says his firm was "knocked dead in that. And now they're starting to ship a lot of roses out of Colombia. But we're hoping that their transportation costs will keep rising."

Dillon's firm has invested about $250,000 in thermal blankets that are suspended from greenhouse roofs to retain heat at night. Other growers have begun burning sawdust and tapping the waste heat from power plants to reduce costs. In Bluffdale, Utah, Utah Roses Inc. raises some roses in a new 140,000-square-foot greenhouse atop a geothermal well.

But the industry's biggest worry isn't rising costs for heating and transportation: it's the elusive consumer. The average American spent only about $20 for flowers last year. Both American and foreign growers and wholesalers criticize U.S. retailers for their lackluster performance. American consumers, says Dan Shypula, president of Riverdale Farms Inc. in Miami, an importer of Colombian flowers, "need a better product at a lower price that they can buy in a manner that fits their life-style. People very rarely go to retail stores to browse. The way they're set up is hostile—the flowers are locked up behind the cash register. The street vendors are providing a very good service, exposing people to the beauty of flowers."

Flowers for formal occasions—weddings, funerals, anniversaries—account for more than half the American flower business. As retailer Al Felly of Madison, Wisconsin, observes, the flower market is not likely to boom until retailers begin promoting flowers for everyday use. By following his own advice, Felly has boosted his annual sales from $160,000 in 1958 to about $2.5 million today. There were only about 1,770 weddings in Madison last year, explains Felly, with about a third of them "repair jobs—the second time around they don't normally pull out all the stops." That translated into about $200,000 of wedding business, he says. Some 1,100 people died in the community. Allowing for a lot of "please omit flowers" requests, Felly estimates the funeral business at about $400,000. The bulk of his sales have come from daily transactions unrelated to such ceremonies.

Felly adds expansively, "We have 80,000 domiciles in Madison, not counting businesses. If you sold them a $3 bouquet once a week—three times 80,000 times 52—then that's over $12 million worth of flowers. The potential is enormous." Or as Shypula of Miami asks: "What other industry do you know that has a product everybody loves and nobody buys?"

When it comes to selling flowers, nobody does it like the Dutch. Holland's exports of flowers and plants—$970 million in 1980—accounted for 20% of that country's total export of agricultural products. At the auction in Aalsmeer, the country's largest, an average of ten million flowers change hands each day.

The key to boosting business in Europe was expanding the sale of everyday flowers, says André J. Mulder, managing director of the Aalsmeer auction. The problem in the U.S. now, he explains, is "the same situation we had in Europe 15 years ago. They prefer to handle small quantities with big markups, instead of large volumes with less markup." Raising U.S. consumption of flowers will require the same three steps that raised European consumption, says Mulder: perfecting distribution, so customers get fresher flowers; decreasing markups at all levels; and offering a wider assortment.

"If the retail florist doesn't start changing his way of thinking and doing some merchandising on his own, he's in trouble," says Fred Palmer of Nyren Brothers Inc. of Plantsville, Connecticut, a wholesaler and retailer. At his one retail outlet, Palmer has begun offering small bouquets for under $3 and giving customers a 20% discount on any arrangement if they pay cash. "I can afford that," says Palmer, "because that's what it costs us to charge. I'd rather have the quick nickel."

Burt Alimansky, a New York marketing consultant with clients in the flower industry, has kind words for such innovative tactics. "In the past, the whole idea of flower selling in this country was meeting the demand," says Alimansky. "Now demand is shrinking. The retailers feel very frustrated. They keep raising their prices, and the consumer loses interest. The idea of merchandising and marketing is totally alien to them."●

THE 116TH MASHBURN FAMILY REUNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HUTTO) is recognized for 5 minutes.

● Mr. HUTTO. Mr. Speaker, Florida's First and finest District, which I am honored to represent in this body, is the site of one of the oldest family reunions in the United States. On Saturday, May 23, the 116th annual Mashburn reunion—now known as the Richard B. Mashburn Memorial Picnic—will be held on the banks of the beautiful Econfina Creek in Bay County, Fla.

For more than 140 years, the Mashburn family has provided us with farmers, teachers, carpenters—even a politician or two—always some of the finest residents of the area. The first Mashburn to come to northwest Florida was James M. Mashburn. He was born in 1821 near Bainbridge, Ga., and moved to Florida as a young man. James married Rebecca Sealy of Quincy, Fla., and they settled on the Econfina where they established a 200-acre plantation. James died at the age of 38, leaving his widow with a large family and farm to manage. But Rebecca Mashburn had all the finest qualities of America's pioneer women. She raised her family and lived until 1900, to see her children raise families of their own.

The eldest of James and Rebecca's 10 children, Richard B. Mashburn, served with the Confederate Army in Company K of the Florida infantry. Richard was captured in May 1864 when Atlanta fell to the Union troops, and was sent to the Federal prison at Rock Island, Ill. When the war ended a year later, Richard was released from prison and headed home to Florida. A thousand miles from home, with no money or means of transportation, Richard began the long trek on foot, stopping to work at farms along the way to earn food. One year later, on May 28, 1866, Richard arrived at the Mashburn home on Econfina Creek. It was a great day for his family, who had not known whether he was alive or dead, and a picnic lunch was spread on the ground near the creek to celebrate Richard's safe return.

That was the first Mashburn reunion and it has been an annual event celebrated on the fourth Saturday of May every year since Richard came home in 1866. In these trying days when the family unit is under stress and attack from many sides, I will be pleased next Saturday to join with the Mashburns as they gather for a day of remembering our Nation's great heritage, as well as a day of fun and eating some of the finest southern cooking to be found anywhere.●

IMPORTANCE OF COAL CONVERSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes.

● Mr. RAHALL. Mr. Speaker, I would like to take this opportunity to express my grave concerns over efforts by the Reagan administration and certain Members of Congress to eliminate funding for the Fuels Conversion Office of the Department of Energy's Economic Regulatory Administration and to repeal provisions, if not the whole, Powerplant and Industrial Fuel Use Act of 1978. These two items are interrelated as the Fuels Conversion Office implements certain provisions of the Fuel Use Act. Without adequate funding, this Office would not be able to fulfill its obligations to the law. And, without the law, this country

would take a giant step backward in its efforts to become energy independent.

The administration proposes to eliminate funding in fiscal year 1982 for the Fuels Conversion Office, which has the authority to issue conversion orders to coal-capable electric utility units burning oil. Under the Fuel Use Act and its predecessor, the Energy Supply and Environmental Coordination Act of 1974, there is currently the possibility of converting 68 units at 32 plants with a combined capacity of over 13,250 MW from oil to coal. Conversion of all 68 units would displace approximately 350,000 to 450,000 barrels of oil per day and increase coal consumption by approximately 35 to 50 million tons per year. With only a small number of exceptions, the utilities which own these units have indicated publicly that they are eager to convert. Furthermore, DOE has examined the constraints to conversion carefully for each plant and has concluded that conversion is appropriate.

Why, one may ask, would these utilities need conversion orders if they are eager to convert? The answer lies with a provision of the Clean Air Act which allows delayed compliance from new source performance standards for utilities armed with conversion orders but does not allow the same for utilities which voluntarily convert.

Thus, if funding is terminated for the Fuels Conversion Office, many of these utility units will never be converted since they will not have mandatory conversion orders. In the same sense, if the Fuel Use Act is amended in such a way that section 301(b) is repealed, these orders will never be issued.

In view of the modest amount of funding required to continue this program, and the strong national interest in reducing oil consumption, it would be unfortunate, to say the least, to eliminate funding for the Fuels Conversion Office. I would urge the Appropriations Committee to provide adequate funding for this program with the stipulation that some funds be used to process conversion orders. In addition, I would further urge that during congressional consideration of amendments to the Fuel Use Act, section 301(b) is retained, and not repealed.

Finally, amendments have already been introduced to the Fuel Use Act which would remove restrictions on the use of natural gas as a utility boiler fuel. While there is certainly an argument to be made to remove some of these restrictions in light of new discoveries of gas reserves in this Nation, I have three problems with this effort. First, I am not yet convinced oil-fired boilers which are coal-capable should convert to natural gas instead of coal, as this legislation seems to allow. Second, while new reserves are being found, much of this gas does not appear to be readily available using present technology. Third, I would offer that if these restrictions on natural gas are lifted, then it would seem fair to expedite the decontrol of gas prices. By doing so, all fuels would compete at their true costs instead of some fuels like natural gas having artificially low prices due to Federal wellhead controls.

DETAILED LIST OF PLANTS FOR WHICH CONTINUED FUNDING UNDER ESECA AND FUA IS ESSENTIAL

Plant	Capacity	State
A. ESECA (19 units are 9 plants; 2,540 MW of capacity):		
Mount Tom 1	136 MW	Massachusetts.
Port Jefferson 3–4	396 MW	New York.
Chesterfield 4	188 MW	Virginia.
Portsmouth 4	113 MW	Virginia.
Lake Road 5–6	130 MW	Missouri.
Edgemoor 1–4	392 MW	Delaware.
Crane 1–2	399 MW	Maryland.
Albany 1–4	400 MW	New York.
Danskammer 3–4	386 MW	New York.
Total	2,540 MW	
B. FUA plants with proposed orders (42 units at 20 plants; 10,025 MW of capacity):		
Salem Harbor 1–3	332 MW	Massachusetts.
Arthur Kill 2–3	911 MW	New York.
Ravenswood 3	1028 MW	New York.
Irvington 1–4	505 MW	Arizona.
Bergen 1–2	650 MW	New Jersey.
Sayreville 4–5	263 MW	New Jersey.
Possum Point 3–4	353 MW	Virginia.
Deepwater 8	75 MW	New Jersey.
Lovett 4–5	399 MW	New York.
Bridgeport Harbor 3	400 MW	Connecticut.
Effingham 1	163 MW	Georgia.
Collins 4–5	1040 MW	Illinois.
Brandon Shores 1–2	1220 MW	Maryland.
Burlington 7	195 MW	New Jersey.
Gannon 1–4	616 MW	Florida.
Barrett 1–2	396 MW	New York.
Albany 1–4	400 MW	New York.
Danskammer 3–4	386 MW	New York.
Schiller 4–6	150 MW	New Hampshire.
Canal 1	543 MW	Massachusetts.
Total	10,025 MW	
C. FUA—Proposed orders not yet issued (7 units at 3 plants; 744 MW of capacity):		
West Springfield 1–3	210 MW	Massachusetts.
Norwalk Harbor 1–2	326 MW	Connecticut.
Devon 7–8	208 MW	Connecticut.
Total	744 MW	

In addition to the plants listed above, there are another 12 units at six plants which have received proposed prohibition orders under ESECA or FUA. However, it appears few if any of these plants are likely to be converted to coal. Included in this list under ESECA are Cromby 2, St. Clair 5, Riverside 4–5, Wagner 1–2 and McManus 1–2. Under FUA is Northport 1–4. Total capacity of these plants is 2672 MW.●

WILLIAM SAROYAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from California (Mr. DANIELSON) is recognized for 15 minutes.

● Mr. DANIELSON. Mr. Speaker, I am sure we all wish to pause to pay tribute to William Saroyan, author and playwright, who died yesterday at the age of 72.

A fascinating individual, Saroyan was born in Fresno, Calif., the son of poor immigrant Armenian parents, Armenak and Takoohi Saroyan, who had only recently come to the United States.

His father, who had been a minister in Armenia, worked in the vineyards in the San Joaquin Valley. He died, however, when William was only 3 years old. William's mother, penniless, placed him and her other three children in an orphanage. She worked as a maid, saving her money, and 4 years later was able to reunite her family.

At that point, all of the children went to work to help keep the family together. Eight-year-old William delivered newspapers and at age 14 became a telegram messenger boy.

He dropped out of high school at age 15 because formal education no longer interested him. He already knew that he was a writer, had learned to type, and spent long hours in the public library.

It was from those years of poverty, drawing heavily from the culture of the Armenian immigrant community in which he was raised, that the rich style and insight of much of his early writing was developed.

National attention was first focused on his writing when, in 1934, Story magazine published one of his short stories entitled "The Daring Young Man on the Flying Trapeze." Saroyan was then only 26 years old. That story was later made the title story in his first book, a collection of 26 short stories published by Random House.

Also notable in his works is another collection of short stories, entitled "My Name Is Aram," which described the life of a boy in the Armenian community in Fresno. In a fictionalized autobiographical style, Saroyan showed a perception and an ability to portray the feelings of alienation and uprootedness in that immigrant culture that reached out and touched the hearts of all immigrants in America.

I could go on and on citing his various works, such as "The Human Comedy"—a best-selling novel and a movie starring Mickey Rooney—and "The Time of Your Life"—a play that was the first to win both the New York Drama Critics' Circle Award and the Pulitzer Prize in drama.

Saroyan remained a strong individualist. He rejected the Pulitzer Prize because he did not feel that wealth should patronize or subsidize the arts. His writing was often criticized as being undisciplined, rough, and verbose. However, one assessment summed it up by saying, "Anyone who writes and publishes with Saroyan's uncritical enthusiasm buries his diamonds in rubbish. The diamonds are worth searching for."

Saroyan rebuffed his critics in a characteristic style, such as his comment responding to one British critic when he said, "You can't expect an Armenian to be an Englishman." To that I personally add, you cannot expect anyone else to be an Armenian.

William Saroyan was, himself, a diamond in the rough. His literature will continue to be enjoyed for generations to come and his spirit will continue to guide and inspire us all. His warmth, humor, and his love of life are depicted in his call to the Associated Press just a few days ago when he said, "Everybody has got to die, but I have always believed an exception would be made in my case. Now what?"

SOCIAL SECURITY COMMITMENTS MUST BE MET

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 15 minutes.

● Mr. ST GERMAIN. Mr. Speaker, the social security program is a contract with our senior citizens and a government—built on the bedrock of law and moral principles—should not unilaterally break its commitments.

This administration has seized on the budget-cutting hysteria of the moment—the Stockman frenzy—to pick up the long-held hopes of some to dismantle the social security system. Economic conditions—high inflation and a stagnant economy—create severe problems for the stability of the social security system and the administration has conveniently capitalized on this fact to see how far it can chip away at the program.

Mr. Speaker, basic changes in the social security system should not be based on temporary economic conditions. After all, this administration has assured us—in press releases, brochures, and television appearances—that these conditions are, indeed, temporary and that we will have a stable economy—strong economic activity and low inflation. If the administration's economic projections are accurate, many of the cash flow problems of the social security system will be cured.

If they are inaccurate, it is not proper or morally defensible to pass the burden to the senior citizens of this Nation.

Mr. Speaker, the administration has asked the American people and the Congress to take it seriously, to accept its commitments and pledges. It has asked us to believe its words.

While the administration's social security dismantling has been craftily drafted and provided million of dollars of television exposure, no set of public relations mirrors can alter the fact that the Republican Party has gone back on its pledges to the senior citizens of this Nation.

They believed the rhetoric of last fall's campaign and they bought on faith the pledges of February that social security would not be touched.

President Reagan stood in this Chamber on February 18 and chided those who had expressed concern that the Stockman ax would be aimed at social security. He told us and a national television audience:

> I know that exaggerated and inaccurate stories about these cuts have disturbed many people, particularly those dependent on grant and benefit programs for their basic needs. Some of you have heard from constituents afraid that Social Security checks, for example, might be taken from them. I regret the fear these unfounded stories have caused and welcome this opportunity to set things straight. * * * The full retirement benefits of more than 31 million social security recipients will be continued along with an annual cost of living increase * * * .

Flushed with their victory on Gramm-Latta—the Stockman wing of the Republican Party decided it now had enough muscle to take on the senior citizens—pledges to the contrary notwithstanding. The Gramm-Latta vote opened the gates and today some are pulling out musty old files on every conceivable antipeople proposal—including elimination of social security.

Apologists, of course, are quick to suggest that the administration proposal is simply a means of saving the basic program and the pledges remain intact, even if the program does not. This is nice Potomac doublespeak, but it is not selling among people who have looked on social security as a secure commitment.

Mr. Speaker, my guess is that David Stockman and his crowd see the present proposal as simply a way station on the route to even more drastic reductions of social security—on the road to a voluntary program or a private retirement plan operated by a consortium of insurance conglomerates at whatever rate the market will bear.

Clearly, Mr. Stockman wants more now. No sooner had the shock waves of the first announcement of social security cuts hit than Mr. Stockman came up with another proposal—to defer not only next July's cost-of-living increase, but to defer the July 1981 increase as well. Some of the cooler heads in the administration quickly moved to scotch that proposal, but rest assured that Mr. Stockman continues quietly to fondle the plan in the recesses of the OMB.

The proposal, as it now stands, would mean a loss of $24 billion a year to social security recipients. A substantial part of the cuts come through a sharp reduction in benefits to those who retire at age 62. This is a particularly cruel cut since most early retirees are forced out of the market by poor health and layoffs in a sagging economy. In some cases, apparently early retirement has been locked into long-term collective-bargaining agreements and similar contracts. The administration proposal would reduce these recipients to a subpoverty level.

Mr. Speaker, no one questions that the social security program needs to be examined closely and that there must be long-term stability. The short-term problems, however, cannot be allowed to become the rationale for a general dismantling.

A number of persons, including former Social Security Commissioner Robert Ball, have suggested that the social security system be allowed to draw on the General Treasury to meet short-term swings which temporarily affect the system's solvency. This seems to make good economic sense. This same type of Treasury draw is in place, in fact, for the various Government insurance programs which insure deposits at financial institutions. Commissioner Ball suggested various adjustments in social security taxes, offset by income tax credits, as well as allowing borrowing among the social security system's three trust funds as a means of keeping the system solvent.

Mr. Speaker, hard-working Americans have paid into the social security system as an insurance policy. They have trusted their Government to protect their benefits—benefits they have earned through the years. If this administration is unwilling to meet commitments and to protect the retirement rights, the Congress should make certain that we do meet our obligations to the senior citizens who have met their obligations to the fund and society through the years.

Mr. Speaker, reform of the social security system cannot be accomplished through the meat-ax approaches of David Stockman's OMB. Changes in the system, where they are required, must be carefully worked out, not put together in overnight sessions at OMB. Any changes must be equitable and they must be phased into the program in a gradual manner and they must assure that the basic benefits of social security remain.●

ADMINISTRATION RIPS SOCIAL SECURITY SAFETY NET

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SEIBERLING. Mr. Speaker, the House's vote on the budget was hardly over when President Reagan, in the name of saving the social security system, began a campaign for major reductions in pension benefits. The proposed changes, we are told, will not hurt current beneficiaries, and the President, we are told, wishes to preserve the traditional retirement age of 65. However, an examination of the changes indicates the proposals would hit hardest those persons who are a few years—or a few months—away from retirement. And while at the moment the proposal seems to have

been withdrawn as far as 1981 is concerned, the administration has not dropped its proposal to postpone the social security cost-of-living increase for current beneficiaries until October 1 in future years.

This assault on the hard-earned retirement rights of millions of Americans is all the more shocking because it is unnecessary. The solvency of the social security system can be assured—and the burdensome social security payroll tax on both employees and employers can even be reduced—simply by funding medicare from the general revenues instead of the social security trust fund.

EARLY RETIREMENT

Presently, individuals may retire at age 62 and receive social security benefits. To offset the additional expenditures from the social security fund, individuals who retire at age 62 receive 80 percent of the amount of monthly benefits which they would otherwise receive if they retired at age 65. The administration would cut this back to 55 percent. On this basis, the spouse's benefit which is one-half of the primary wage earner's benefit would be reduced from 40 to 27.5 percent of the benefit at retirement age 65.

As many as 70 percent of workers now retire and begin drawing benefits before the age of 65. In the majority of cases, those who take early retirement do so because of poor health or because they have been laid off and cannot find other work. Although the adminstration says its proposals would preserve the traditional retirement age of 65, they would in fact be creating penalties for those who are forced to retire early or who have planned for early retirement on the basis of only a 20-percent reduction in their benefits.

Early retirees would be penalized in another way. Not only would they receive a lower benefit under the Reagan social security proposal, but they would also be denied social security student benefits. The student benefits are available to social security recipients with dependent children age 18 to 22 who are attending school. The Reagan proposal evidently leaves the student benefit intact for those individuals who retire later, although the student benefit is not a means-tested benefit. Apparently, the student benefit would be a reward for delaying early retirement on drastically reduced benefits. However, the proposal also includes a "cap" on family benefits—at 150 percent of the worker's primary benefit, rather than 188 percent which is current law—thus diminishing the possibility of delivering the reward of a student benefit to workers with dependent spouses who receive social security benefits, since the primary insurance amount, and the spouse's benefit, would equal 150 percent of the basic benefit received.

If these changes are approved by Congress, any individual who was planning early retirement starting next year would be affected. The financial problems these changes would impose on persons nearing retirement are not the kind of problems that can be solved in a matter of months. They are significant burdens, which would persist throughout a worker's retirement years.

This is not to say we should not consider reform to encourage individuals to continue working and contributing to the economic well-being of the country, where they are able to do so. But the better way would be to set up a system of incentives for working longer, not a system of additional penalties for retiring before age 65.

PHASE-IN FORMULA REDUCTION FOR BENEFITS AT AGE 65

The administration proposes modifying the benefit formula so that initial benefits to recipients who retire at 65 will be from 4 to 9 percent less than provided under current law. This change, which would be phased in over a period of 5 years, while not an incentive to delay retirement, would result in social security recipients with identical earnings and work records receiving different levels of social security benefits. Moreover, the individual who retired later would receive less. Even assuming the most favorable economic forecast, it is likely that those who retire in future years will be hurt by this change.

RETIREMENT EARNINGS LIMITATION

The elimination of any ceiling on outside earnings, which the administration proposes, is the only positive incentive proposed for workers to keep on working past retirement age. But this incentive, it is estimated, would cost the social security trust fund an extra $6.5 billion in the next 5 fiscal years. One may well wonder what fiscal objective this would achieve. Moreover, of the workers who would normally retire before age 65, who can be expected to continue working past retirement age to take advantage of this provision? Certainly not those who are physically unable to work, nor those who cannot find work, nor those whose preretirement earnings are so low that retiring on a fixed income is an acceptale alternative to working for pay. It will not be the widow who works—sometimes for the first time—after her husband's death until she reaches the age for eligibility for social security benefits. I think it is safe to say that this costly concession will, for the most part, benefit people who would not be retiring anyway because of the kind of job they have and the income level they receive.

STATE AND FEDERAL EMPLOYEES

Currently, any worker who has worked the minimum number of quarters to qualify for social security benefits is able to receive them, regardless of any other retirement income. In some cases, workers take advantage of this provision by retiring with full pensions from public employment and then working under social security just long enough to receive the minimum benefit, which is heavily weighted to provide a floor to benefits for workers with extremely low earnings over their working life. Congress has debated how this windfall to public employees might be eliminated without hurting those individuals who depend on the minimum benefit as their sole retirement income.

The President has proposed a formula reduction to eliminate the windfall. However, I believe this move should be made cautiously to prevent reduction of benefits to those who have earned them from long-term contributions to the social security system. Implementing such a change on the first of next year, as the administration proposes, would jeopardize the retirement security of thousands of workers who relied on the receipt of social security benefits to supplement public pensions. If this proposal is considered, it must be implemented in such a way that workers nearing retirement can plan adequately for their security in retirement years.

A BETTER ALTERNATIVE

It is clear to everyone that the social security trust fund is in financial trouble, and may run short within the next 20 months. It should be equally clear that further increases in the payroll tax are not the answer to this crisis. We have reached the limits of the ability of this regressive tax to respond to social security's economic and structural difficulties.

The solution is not to place ever heavier reliance on this tax, or to reduce benefits to retirees on fixed incomes. The solution is to find alternative financing systems which spread the burden of supporting social security more equitably and in a less inflationary manner. I have proposed legislation—H.R. 1605—to eliminate payroll tax financing of medicare and shift that burden to the income tax. There is no relationship between a retiree's medicare benefits and the payroll taxes he paid as a worker, and thus no reason that these benefits should be funded by the payroll tax. Under my bill, a portion of the tax now used to fund medicare would be shifted to the other social security programs and the balance of the tax would be repealed. Adoption of this approach, which was recommended by the 1979 Social Security Quadriennial Commission, would provide a fair tax cut for both employers and employees, would insure the financial stability of social security well into the 21st century, and would give us the time we need to examine whatever long-term changes might be needed to insure

adequate retirement income for retirees and a tolerable tax burden for workers.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MARTIN of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. RITTER, for 60 minutes, May 20, 1981.

Mr. TRIBLE, for 15 minutes, today.

Mrs. FENWICK, for 5 minutes, today.

(The following Members (at the request of Mr. HATCHER) to revise and extend their remarks and include extraneous matter:)

Mr. COTTER, for 10 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 15 minutes, today.

Mr. HUTTO, for 5 minutes, today.

Mr. RAHALL, for 5 minutes, today.

Mr. DANIELSON, for 15 minutes, today.

Mr. ST GERMAIN (at the request of Mr. HATCHER), for 15 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MARTIN of Illinois) and to include extraneous matter:)

Mr. LOWERY of California.

Mr. PARRIS.

Mr. SAWYER.

Mr. RUDD.

Mr. DERWINSKI in two instances.

Mr. SMITH of Oregon.

Mr. ASHBROOK in three instances.

Mr. ROGERS.

Mr. COLLINS of Texas in two instances.

Mr. GRADISON.

Mr. GILMAN.

(The following Members (at the request of Mr. HATCHER) and to include extraneous matter:)

Mr. PATTERSON.

Mr. STOKES in two instances.

Mr. BARNES.

Mr. FAZIO in two instances.

Mr. IRELAND in two instances.

Mr. ECKART.

Mr. GAYDOS in three instances.

Mr. BARNARD.

Mr. DINGELL.

Mr. BONIOR of Michigan in two instances.

Mr. EDWARDS of California.

Mr. LANTOS.

Mr. CONYERS.

Mr. SIMON.

Mr. APPLEGATE.

Mr. RAHALL in two instances.

Mr. WEISS in two instances.

Mr. STUDDS.

ADJOURNMENT

Mr. HATCHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, May 20, 1981, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1394. A letter from the Acting Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to extend the national flood insurance program under the National Flood Insurance Act of 1968; to the Committee on Banking, Finance and Urban Affairs.

1395. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Malaysia for permission to transfer certain U.S.-origin military equipment to Thailand, pursuant to section 3(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1396. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Norway for permission to transfer certain U.S.-origin military equipment to Turkey, pursuant to section 3(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1397. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of certain defense articles sold commercially to Egypt (Transmittal No. MC-17-81), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1398. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of certain defense articles sold commercially to Venezuela (Transmittal No. MC-18-81), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1399. A letter from the Acting Administrator of General Services, transmitting an amended report on a building project survey for Tallahassee, Fla.; to the Committee on Public Works and Transportation.

1400. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to improve the operation of the adjustment assistance programs for firms and industries under the Trade Act of 1974, and for other purposes; to the Committee on Ways and Means.

1401. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of October 20, 1976, as amended (31 U.S.C. 1601) to change the method by which payments are determined and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ZABLOCKI: Committee on Foreign Affairs. H.R. 3467. A bill to authorize appropriations under the Arms Control and Disarmament Act, and for other purposes (Rept. No. 97-55). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUGHES: Committee on the Judiciary. H.R. 3481. A bill to amend chapter 207 of title 18, United States Code, relating to pretrial services; with amendment (Rept. No. 97-56). Referred to the Committee of the Whole House on the State of the Union.

Mr. BINGHAM: Committee on Foreign Affairs. H.R. 3567. A bill to authorize appropriations for the fiscal years 1982 and 1983 to carry out the purposes of the Export Administration Act of 1979, and for other purposes (Rept. No. 97-57). Referred to the Committee of the Whole House on the State of the Union.

Mr. ZABLOCKI: Committee on Foreign Affairs. H.R. 3566. A bill to authorize appropriations for the fiscal years 1982 and 1983 for international security and development assistance and for the Peace Corps, and for other purposes (Rept. No. 97-58). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3356. A bill to amend the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 to authorize the appropriation of funds to the Director of the Federal Emergency Management Agency to carry out the earthquake hazards reduction programs and the fire prevention and control program, and for other purposes; with amendment (Rept. No 97-59, pt. 1). Ordered to be printed.

Mr. FUQUA: Committee on Science and Technology. H.R. 3356. A bill to amend the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 to authorize the appropriation of funds to the Director of the Federal Emergency Management Agency to carry out the earthquake hazards reduction programs and the fire prevention and control program, and for other purposes (Rept. No. 97-59, pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3505. A bill to authorize appropriations for the Department of Energy for fiscal year 1982; with amendment (Rept. No. 97-60, pt. 1). Ordered to be printed.

Mr. FUQUA: Committee on Science and Technology. H.R. 2803. A bill to authorize appropriations for atmospheric, climatic, and ocean pollution activities of the National Oceanic and Atmospheric Administration for the fiscal year 1982, and for other purposes; with amendment (Rept. No. 97-61). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2559. A bill to authorize appropriations for the Coast Guard for fiscal year 1982, and for other purposes; with amendment (Rept. No. 97-62). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2526. A bill to authorize appropriations for certain maritime programs of the Department of Commerce for fiscal 1982, and for other purposes; with amendment (Rept. No. 97-63). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2596. A bill to authorize appropriations for the fiscal year beginning October 1, 1981, for the maintenance and operation of the Panama Canal, and for other purposes; with amendment (Rept. No. 97-64). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3319. A bill to amend and extend title I of the Marine Protection, Research, and Sanctuaries Act, as amended; with amendment (Rept. No. 97-65). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 2318. A bill to extend authorizations of appropriations for programs established in the Child Abuse Prevention and Treatment Act and in the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and for other purposes; with amendment (Rept. No. 97-66). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 2644. A bill to extend authorizations of appropriations for programs established in the Alcohol and Drug Abuse Education Act; with amendment (Rept. No. 97-67). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 3292. A bill to amend the Domestic Volunteer Service Act of 1973 to extend certain authorizations of appropriations contained in such act, and for other purposes; with amendment (Rept. No. 97-68). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 3045. A bill to amend the Economic Opportunity Act of 1964 to extend the authorizations of appropriations contained in such act, and for other purposes; with amendment (Rept. No. 97-69). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 3046. A bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations contained in such act, and for other purposes; with amendment (Rept. No. 97-70). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 3502. A bill to amend title 38, United States Code, to provide for greater coordination and sharing of the medical facilities of the Veterans' Administration and the Department of Defense. (Rept. No. 97-72, pt. I). And ordered to be printed.

Mr. MONTGOMERY: Committee on Veterans' Affairs. House Concurrent Resolution 76. Concurrent resolution expressing the sense of the Congress that the Secretary of the Army should place a plaque in Arlington National Cemetery honoring members of the U.S. Armed Forces who died during an attempt to rescue American hostages held in Iran (Rept. No. 97-73). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2136. A bill to amend title 38, United States Code, to revise the provisions of such title relating to the construction and alteration of, and acquisition of land for, national cemeteries; with amendment (Rept. No. 97-74). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2039. A bill to amend chapter 37 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to guarantee home loans with provisions for variable-payment plans; with amendment (Rept. No. 97-75). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 1714. A bill to amend title 38, United States Code, to authorize the Veterans' Administration to furnish memorial headstones or markers to commemorate veterans who by choice are buried at sea, who donate their bodies to science, or who are cremated and have their ashes scattered without interment; with amendment (Rept. No. 97-76). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2156. A bill to amend title 38, United States Code, to extend by twelve months the period during which funds appropriated for grants by the Veterans' Administration for the establishment and support of new State medical schools may be expended; with amendment (Rept. No. 97-77). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 3423. A bill to amend title 38, United States Code, to provide vocational education and training opportunities for certain Vietnam-era veterans, to establish a small business loan program for Vietnam-era veterans and disabled veterans, and for other purposes; with amendment (Rept. No. 97-78). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 3499. A bill to amend title 38, United States Code, to extend the Vietnam-era veterans' readjustment counseling program, to provide medical care for Vietnam veterans exposed to herbicide defoliants (including agent orange), to recover the cost of certain health care provided by the Veterans' Administration, and for other purposes; with amendment (Rept. No. 97-79). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 1400. A bill to amend title 38, United States Code, to establish new educational assistance programs for veterans and for members of the Armed Forces; with amendment (Rept. No. 97-80, Pt. 1). And ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3568. A bill to amend the Rail Passenger Service Act to authorize additional appropriations for the National Railroad Passenger Corporation, and for other purposes; with amendment (Rept. No. 97-81). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3238. A bill to amend the Communications Act of 1934, to extend certain authorizations of appropriations contained in such Act relating to public broadcasting, and for other purposes; with amendment (Rept. No. 97-82). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3240. A bill to authorize appropriations for fiscal year 1982 for the administration of the National Telecommunications and Information Administration. (Rept. No. 97-83). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3239. A bill to amend the Communications Act of 1934 to authorize appropriations for the administration of such Act, and for other purposes; with amendment (Rept. No. 97-84). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3071. A bill to amend the Noise Control Act of 1972, and for other purposes; with amendment (Rept. No. 97-85). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3495. A bill to amend the Toxic Substances Control Act to authorize appropriations for fiscal years 1982 and 1983 (Rept. No. 97-86). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3403. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1982 and 1983, to provide for the establishment of regional training centers to assist in improving the emergency response and enforcement capabilities of State and local personnel, and for other purposes; with amendment (Rept. No. 97-87, Pt. 1).

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3403. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1982 and 1983, to provide for the establishment of regional training centers to assist in improving the emergency response and enforcement capabilities of State and local personnel, and for other purposes; with amendment (Rept. No. 97-87 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3398. A bill to amend the Public Health Service Act to revise and extend the program for health maintenance organizations; with amendment (Rept. No. 97-88). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3420. A bill to authorize appropriations for fiscal year 1982 for carrying out the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes. (Rept. No. 97-89, Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3420. A bill to authorize appropriations for fiscal year 1982 for carrying out the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes. (Rept. No. 97-89, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transporation. H.R. 2957. A bill to amend the Federal Water Pollution Control Act to delete the limitation on the use of public treatment works grants for treating, storing, or conveying the flow of industrial users into treatment works; with

amendment (Rept. No. 97-90). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transporation. H.R. 3377. A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for the purposes; (Rept. No. 97-91). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. PRICE: Committee on Armed Services. H.R. 3519. A bill to authorize appropriations for fiscal year 1982 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes.

Referred to the Committee on the Judiciary and to the Committee on Government Operations for a period ending not later than June 9, 1981, for consideration of such provisions of said bill as fall within the jurisdiction of those committees under clause 1(m), and clause 1(j)(2) (relating to Federal procurement), rule X, respectively. (Rept. No. 97-71, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON:

H.R. 3611. A bill to provide for navigation improvements of certain harbors of the United States, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. BONKER (for himself and Mr. DICKS):

H.R. 3612. A bill to provide for the disposition of funds appropriate to pay a judgment in favor of the Cowlitz Tribe of Indians in Indian Claims Commission docket No. 218 and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COELHO (for himself, Mr. EDWARDS of California, Mr. HORTON, Mr. BONIOR of Michigan, Mr. BROWN of Colorado, Mr. PANETTA, Mr. DIXON, Mr. LAGOMARSINO, Mr. BURGENER, Mr. FORD of Michigan, Mr. RICHMOND, Mr. IRELAND, Mr. FAZIO, Mr. FISH, Mr. MINETA, Mr. BAFALIS, Mr. FOLEY, Mr. CHAPPELL, Mr. HILLIS, Mr. LOWRY of Washington, and Mr. JONES of Tennessee):

H.R. 3613. A bill to enable producers and importers of flowers and plants to establish finance, and carry out a coordinated program of research, producer and consumer information, and promotion to improve, maintain, and develop markets for flowers and plants; to the Committee on Agriculture.

By Mr. DUNCAN:

H.R. 3614. A bill to amend the Internal Revenue Code of 1954 to clarify certain requirements which apply to mortgage subsidy bonds; to the Committee on Ways and Means.

Mr. EDWARDS of Alabama:

H.R. 3615. A bill to allow State medicaid plans to provide medical assistance for institutional services for mentally retarded individuals who are not otherwise provided such assistance because they are not treated as residents of the State; to the Committee on Energy and Commerce.

By Mr. EDWARDS of Alabama (for himself, Mr. NICHOLS, Mr. SHELBY, and Mr. DICKINSON):

H.R. 3616. A bill to amend the Internal Revenue Code of 1954 to make permanent the exclusion from gross income of certain subsistence allowances received by State police officers; to the Committee on Ways and Means.

By Mr. FAZIO:

H.R. 3617. A bill to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; to the Committee on Post Office and Civil Service.

By Mr. GAYDOS:

H.R. 3618. A bill to amend the Social Security Act to provide for Federal participation in the costs of the old-age, survivors, and disability insurance program and the medicare program; to the Committee on Ways and Means.

By Mr. GAYDOS (for himself, Mr. MOLLOHAN, and Mr. MURPHY):

H.R. 3619. A bill to authorize critical inland navigation improvement projects on the Monongahela and Upper Ohio River Waterways; to the Committee on Public Works and Transportation.

By Mr. GUARINI:

H.R. 3620. A bill transferring certain Federal property to the city of Hoboken, N.J.; to the Committee on Merchant Marine and Fisheries.

By Mr. HAMMERSCHMIDT:

H.R. 3621. A bill to amend the Internal Revenue Code of 1954 to provide estate and gift tax equity for family enterprises, and for other purposes; to the Committee on Ways and Means.

H.R. 3622. A bill to amend the Internal Revenue Code of 1954 to repeal the estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

By Mr. HERTEL:

H.R. 3623. A bill to amend section 924 of title 18 of the United States Code to provide mandatory minimum penalties for the illegal transfer of firearms to individuals who use those firearms to commit serious crimes, and to expand and strengthen the application of the existing mandatory minimum penalty for use of firearms in connection with the commission of Federal felonies; to the Committee on the Judiciary.

H.R. 3624. A bill to amend title 38, United States Code, to provide that veterans' compensation or pension benefits to which an inmate of a State penal institution or State hospital is otherwise entitled may be paid directly to the State as reimbursement for costs incurred in the care of such inmate during the imprisonment or confinement, if the State law requires inmates in such institutions or hospitals to make reimbursement for such costs; to the Committee on Veterans' Affairs.

H.R. 3625. A bill to provide mandatory social security coverage for Members of Congress; to the Committee on Ways and Means.

H.R. 3626. A bill to amend title II of the Social Security Act to provide that social security benefits to which an inmate of a State penal institution or State hospital is otherwise entitled may be paid directly to the State as reimbursement for costs incurred in the care of such inmate during his or her imprisonment or confinement, if the State law requires inmates in such institutions or hospitals to make reimbursement for such costs; to the Committee on Ways and Means.

By Mr. PASHAYAN:

H.R. 3627. A bill to amend the Farm Labor Contractor Registration Act of 1963, as amended, and for other purposes; to the Committee on Education and Labor.

By Mr. ROGERS:

H.R. 3628. A bill to amend the Internal Revenue Code of 1954 to provide a refundable income tax credit for certain elderly taxpayers for increased costs of residential energy; to the Committee on Ways and Means.

H.R. 3629. A bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations contained in such act, and for other purposes; to the Committee on Education and Labor.

By Mr. SMITH of Oregon:

H.R. 3630. A bill to correct the boundary of Crater Lake National Park in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TRIBLE (for himself, Mr. ADDABBO, Mr. AKAKA, Mr. ATKINSON, Mr. ARCHER, Mr. BAILEY of Missouri, Mr. BAILEY of Pennsylvania, Mr. BARNES, Mr. BEARD, Mr. BEDELL, Mr. BEREUTER, Mrs. BOGGS, Mr. BONIOR of Michigan, Mr. BROWN of Ohio, Mr. BUTLER, Mr. BURGENER, Mr. CAMPBELL, Mr. CLINGER, Mr. COLEMAN, Mr. CONTE, Mr. COURTER, Mr. CONYERS, Mr. CROCKETT, Mr. CRAIG, Mr. CORCORAN, Mr. CORRADA, Mr. COUGHLIN, Mr. DAVIS, Mr. DE LA GARZA, Mr. DOUGHERTY, Mr. DWYER, Mr. DUNCAN, Mr. ERDAHL, Mr. EVANS of Delaware, Mr. FASCELL, Mrs. FENWICK, Ms. FERRARO, Mr. FISH, Mr. FORSYTHE, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. GARCIA, Mr. GINGRICH, Mr. GOLDWATER, Mr. GREEN, Mr. GLICKMAN, Mr. GUARINI, Mr. HALL of Ohio, Mr. HEFTEL, Mr. HOLLENBECK, Mrs. HOLT, Mr. HORTON, Mr. HUGHES, Mr. HYDE, Mr. JEFFRIES, Mr. JOHNSTON, Mr. KASTENMEIER, Mr. KINDNESS, Mr. KOGOVSEK, Mr. KRAMER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEHMAN, Mr. LONG of Maryland, Mr. LOTT, Mr. LOWERY of California, Mr. LUNGREN, Mr. LUKEN, Mr. MADIGAN, Mr. MARKS, Mr. MARLENEE, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. MCDADE, Mr. MCGRATH, Mr. MCHUGH, Ms. MIKULSKI, Mr. MOFFETT, Mr. MONTGOMERY, Mr. MITCHELL of New York, Mr. MOORHEAD, Mr. MOTTL, Mr. MURPHY, Mr. NEAL, Mr. NELSON, Mr. OTTINGER, Mr. PASHAYAN, Mr. PEPPER, Mr. PORTER, Mr. PRICE, Mr. PRITCHARD, Mr. QUILLEN, Mr. RINALDO, Mr. ROBERTS of Kansas, Mr. ROBINSON, Mr. ROUSSELOT, Mr. SABO, Mr. SAWYER, Mr. SEIBERLING, Mr. SENSENBRENNER, Mr. SHUMWAY, Mr. SOLOMON, Mr. STENHOLM, Mr. STOKES, Mr. TAUKE, Mr. TRAXLER, Mr. VENTO, Mr. WALKER, Mr. WAMPLER, Mr. WEBER of

Minnesota, Mr. WHITEHURST, Mr. WILSON, Mr. WON PAT, Mr. YATRON, and Mr. YOUNG of Missouri):

H.R. 3631. A bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the amount of the deduction for payments into retirement savings on the basis of the compensation of their spouses and for other purposes; to the Committee on Ways and Means.

By Mr. WOLPE (for himself, Mr. MITCHELL of Maryland, Ms. OAKAR, Mr. MURPHY, Mr. BONIOR of Michigan, Mr. YATRON, Mr. BRODHEAD, Mr. MOAKLEY, Mr. LUNDINE, Mr. OBERSTAR, Mr. FRANK, and Mr. MOFFETT):

H.R. 3632. A bill to establish a Federal annuity program to compensate participants in private pension plans which terminated before July 1, 1974, for nonforfeitable pension benefits which were lost by reason of the terminations, and for other purposes; jointly to the Committees on Education and Labor and Ways and Means.

By Mr. DUNN (for himself and Mr. BIAGGI):

H.J. Res. 259. Joint resolution to express the intention of Congress to make no legislative changes in the guaranteed student loan program which would be effective prior to October 1, 1981, and to prohibit the Secretary of Education from taking any action to make any administrative changes in that program prior to such date; to the Committee on Education and Labor.

By Mr. LOTT:

H.J. Res 260. Joint resolution to provide for the designation of October 2, 1981, as "American Enterprise Day"; to the Committee on Post Office and Civil Service.

By Mr. NOWAK:

H.J. Res. 261. Joint resolution to provide for the designation of April 30, 1982, as "National Pledge of Allegiance Day"; to the Committee on Post Office and Civil Service.

By Mr. YATRON:

H.J. Res. 262. Joint resolution to authorize the President to issue a proclamation designating July 2, 3, and 4, 1982, as "National Faith in America Weekend"; to the Committee on Post Office and Civil Service.

By Mr. BLANCHARD:

H. Con. Res. 136. Concurrrent resolution expressing the sense of the Congress that the United States should recognize Jerusalem as the capital of Israel, and that the U.S. Embassy in Israel should be relocated to Jerusalem; to the Committee on Foreign Affairs.

By Mr. STARK:

H. Con. Res. 137. Concurrent resolution expressing the sense of the Congress that the establishment of a New World Information Order under the aegis of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) would restrict the freedom of the press; to the Committee on Foreign Affairs.

By Mr. BOLAND:

H. Res. 140. Resolution expressing disapproval of proposed deferral D81-98 relating to the Veterans' Administration; to the Committee on Appropriations.

By Mr. DE LA GARZA:

H. Res. 141. Resolution providing for the printing of the House report to accompany the bill (H.R. 3603) and entitled "Food and Agriculture Act of 1981" for the use of the Committee on Agriculture; to the Committee on House Administration.

By Mr. SHAMANSKY (for himself and Mrs. FENWICK):

H. Res. 142. Resolution expressing the sense of the House of Representatives that the United Nations Educational, Scientific and Cultural Organization should cease efforts to attempt to regulate the flow of news and information around the world; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

83. The SPEAKER presented a memorial of the Legislature of the State of Nevada, relative to conditions attached to Federal payments and benefits to the States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. FENWICK introduced a bill (H.R. 3633) for the relief of John D. Carroll, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. KINDNESS.

H.R. 178: Mr. DAUB.

H.R. 269: Mr. BURGENER, Mr. GINGRICH, and Mr. MCCOLLUM.

H.R. 743: Mr. SCHULZE.

H.R. 1271: Mr. ROGERS, Mr. LONG of Louisiana, Mr. NELLIGAN, Mr. MURTHA, Mr. HAGEDORN, and Mr. RITTER.

H.R. 1302: Mr. CORCORAN, Mr. DAUB, and Mr. HOWARD.

H.R. 1353: Mr. FAZIO.

H.R. 1364: Mr. BAILEY of Pennsylvania, Mr. PHILIP M. CRANE, Mr. DOWNEY, and Mr. GREGG.

H.R. 1376: Mrs. FENWICK, Ms. FERRARO, and Mr. RINALDO.

H.R. 1540: Mr. HUTTO.

H.R. 1542: Mr. BEDELL, Mr. BENEDICT, Mr. BETHUNE, Mr. BROWN of Colorado, Mr. COELHO, Mr. DORNAN of California, Mr. EDGAR, Mr. EMERY, Mr. ENGLISH, Mr. FRENZEL, Mr. FROST, Mr. GARCIA, Mr. GINGRICH, Mr. GINN, Mr. GLICKMAN, Mr. SAM B. HALL, JR., Mr. HANCE, Mr. HEFNER, Mr. HIGHTOWER, Mr. HUGHES, Mr. JACOBS, Mr. KINDNESS, Mr. KRAMER, Mr. LEHMAN, Mr. LOWRY of Washington, Mr. MURPHY, Mr. NEAL, Mr. PETRI, Mr. SHELBY, Mr. STARK, Mr. WEAVER, and Mr. YOUNG of Missouri.

H.R. 1706: Mr. NEAL, Mr. MAZZOLI, Mrs. HECKLER, and Mr. HARKIN.

H.R. 1714: Mr. EDGAR and Mr. SAM B. HALL, JR.

H.R. 1853: Mr. WORTLEY, Mr. MOLLOHAN, Mr. LEE, Mr. WHITEHURST, Mr. SOLOMON, Mr. JACOBS, Mr. MCEWEN, Mr. DREIER, Mr. ALBOSTA, Mr. JAMES K. COYNE, Mr. SAWYER, Mr. BOWEN, Mr. GRISHAM, Mr. MARRIOTT, and Mr. YOUNG of Missouri.

H.R. 1861: Mr. WALGREN.

H.R. 1904: Mr. BEARD.

H.R. 1918: Mr. HERTEL, Mr. ROEMER, and Mr. MCCOLLUM.

H.R. 2004: Mrs. COLLINS of Illinois.

H.R. 2007: Mr. PEPPER, Mr. DUNCAN, Mr. FUQUA, Mr. PANETTA, Mr. LEBOUTILLIER, Mr. ROBINSON, Mr. BURGENER, Mr. EMERY, and Mr. BEDELL.

H.R. 2036: Mr. BARNARD, Mr. JAMES K. COYNE, Mr. HUGHES, Mr. GRISHAM, Mr. MARLENEE, Mr. WEAVER, Mr. MCKINNEY, and Mr. WHITTAKER.

H.R. 2069: Mr. SHAW, Mr. CHAPPELL, and Mr. ROUSSELOT.

H.R. 2108: Mr. JONES of North Carolina, Mr. TRAXLER, and Mr. CONTE.

H.R. 2208: Mr. ALBOSTA, Mr. BAILEY of Pennsylvania, Mr. BLANCHARD, Mr. BONIOR of Michigan, Mr. CONYERS, Mr. DAVIS, Mr. FITHIAN, Mr. FORD of Michigan, Mr. HERTEL, Mr. MURPHY, Mr. PEASE, Mr. PORTER, Mr. RAHALL, Mr. SIMON, Mr. STRATTON, and Mr. YOUNG of Missouri.

H.R. 2244: Mr. RAILSBACK, Mr. FAZIO, Mr. WEAVER, and Mr. DYSON.

H.R. 2246: Mr. DOWNEY, Mr. MADIGAN, Mr. TRAXLER, Mr. GLICKMAN, Ms. MIKULSKI, Mrs. FENWICK, Mr. KOGOVSEK, Mr. STANGELAND, Mr. FISH, Mr. WILLIAMS of Montana, Mr. CONYERS, and Mr. FAZIO.

H.R. 2272: Mrs. COLLINS of Illinois.

H.R. 2389: Mr. BLILEY, Mr. LOEFFLER, Mr. MARKS, Mr. MCCOLLUM, and Mr. HUNTER.

H.R. 2400: Mr. NELLIGAN.

H.R. 2530: Mr. FRENZEL, Mr. FORSYTHE, Mr. JOHNSTON, Mr. LAGOMARSINO, and Mr. BUTLER.

H.R. 2646 Mr. AKAKA, Mr. HOLLAND, Mr. SAM B. HALL, JR., Mr. WHITTAKER, Mr. MCKINNEY, Mr. BUTLER, Mr. AUCOIN, and Mr. RUDD.

H.R. 2776: Mr. STOKES and Mr. IRELAND.

H.R. 2783: Mr. BUTLER, Mr. KOGOVSEK, Mr. BAFALIS, Mr. PANETTA, Mr. BARNARD, Mr. MARLENEE, Mr. RAILSBACK, Mr. ROBERT W. DANIEL, JR., Mr. BEREUTER, Mr. NEAL, Mr. DORGAN of North Dakota, Mr. SIMON, Mr. MINETA, Mr. ERDAHL, Mr. FITHIAN, and Mr. SAWYER.

H.R. 2807: Mrs. COLLINS of Illinois.

H.R. 2822: Mr. MOAKLEY, Mr. LAGOMARSINO, Mr. WHITEHURST, Mr. BAILEY of Pennsylvania, Mr. LIVINGSTON, Mr. PEPPER, Mr. GRAY, and Mr. STOKES.

H.R. 2826: Mr. MURPHY, Mr. GAYDOS, Mr. HOLLAND, Mr. MOTTL, Mr. ALBOSTA, Mr. LUKEN, Mr. BEVILL, Mr. CORRADA, Mr. BONIOR of Michigan, Mr. AUCOIN, Mr. RICHMOND, Mr. PANETTA, Mr. WHITTEN, Mr. ANTHONY, Mr. LEHMAN, Mr. JACOBS, Mr. STUMP, Mr. DUNCAN, Mr. VANDER JAGT, Mr. MOAKLEY, and Mr. PEPPER.

H.R. 2943: Mrs. COLLINS of Illinois.

H.R. 2973: Mr. MOTTL, Mr. GINGRICH, Mrs. COLLINS of Illinois, Mr. CLAY, Mr. FAZIO, Mr. SIMON, Mr. LEHMAN, Mr. FOGLIETTA, Mr. DOUGHERTY, Mr. LENT, and Mr. WEISS.

H.R. 2974: Mr. GARCIA and Mr. MCCOLLUM.

H.R. 2977: Mr. BEILENSON, Mr. AKAKA, Mr. COELHO, Mr. RAILSBACK, Mr. CORRADA, Mr. OBERSTAR, Mr. MURTHA, Mr. DASCHLE, and Mr. FAZIO.

H.R. 3045: Mr. DE LUGO and Mr. EVANS of Georgia.

H.R. 3070: Mr. SIMON.

H.R. 3091: Mr. HAGEDORN, Mr. MARKS, Mr. MOFFETT, Mrs. HECKLER, and Mr. WILSON.

H.R. 3105: Mr. LOWERY of California.

H.R. 3185: Mr. EDWARDS of Oklahoma.

H.R. 3238: Mr. TAUKE, Mr. SCHEUER, Mr. MARKEY, Mr. GORE, Mr. MOTTL, Mr. LUKEN, Mr. SWIFT, Mrs. COLLINS of Illinois, and Mr. TAUZIN.

H.R. 3239: Mrs. COLLINS of Illinois, Mr. LUKEN, and Mr. SWIFT.

H.R. 3240: Mrs. COLLINS of Illinois, Mr. LUKEN, and Mr. SWIFT.

H.R. 3442: Mr. HOLLAND.

H.R. 3518: Mr. IRELAND and Mr. ROSENTHAL.

H.R. 3520: Mr. COATS, Mr. COUGHLIN, and Mrs. COLLINS of Illinois.

H.J. Res. 102: Mr. BRODHEAD, Mr. CLAUSEN, Mr. COELHO, Mr. CONTE, Mr. COTTER, Mr. DASCHLE, Mr. DELLUMS, Mr. DONNELLY, Mr.

EDGAR, Mr. FAZIO, Mr. FINDLEY, Mr. FORSYTHE, Mr. GRADISON, Mr. HUTTO, Mr. IRELAND, Mr. KRAMER, Mr. LIVINGSTON, Mr. PASHAYAN, Mr. PETRI, Mr. ROUSSELOT, Mr. SHUMWAY, Mr. WILLIAMS of Ohio, Mr. WINN, Mr. WIRTH, Mr. FLORIO, Mr. DENARDIS, Mr. MCKINNEY, Mr. CHAPPIE, Mr. RAHALL, Mr. MOLLOHAN, Mr. ROTH, Mr. PERKINS, Mr. WHITEHURST, Mr. ROBERT W. DANIEL, JR., Mr. LOWERY of California, Mr. LAFALCE, Mrs. FENWICK, Mr. MURPHY, Mr. ST GERMAIN, Mr. ROBINSON, Mr. NOWAK, Mr. SUNIA, Mr. JEFFORDS, Mr. SANTINI, Mr. HATCHER, Mr. LUNDINE, Mr. HUBBARD, Mr. CORRADA, Mr. MORRISON, Ms. MIKULSKI, Mr. FOUNTAIN, Mr. ROBERTS of Kansas, Mr. TRAXLER, Mr. PEPPER, Mr. ROGERS, Mr. KEMP, Mr. FASCELL, Mr. ERTEL, Mr. GOODLING, Mr. KINDNESS, Mr. WOLF, Mr. HANSEN of Utah, Mr. HYDE, Mr. BROWN of Ohio, Mr. LEBOUTILLIER, Mr. JONES of Tennessee, Mr. LOTT, Mr. ARCHER, Mr. MCCOLLUM, Mr. DE LA GARZA, Mr. SIMON, Mr. ENGLISH, Mr. JACOBS, Mr. SHAW, Mr. WATKINS, Mr. LOEFFLER, Mr. WHITE, and Mr. HOLLAND.

H.J. Res. 160: Mr. ROEMER.

H.J. Res. 213: Mr. DORGAN of North Dakota, Mr. NAPIER, Mr. STOKES, and Mr. MCCOLLUM.

H.J. Res. 220: Mr. BREAUX, Mr. PHILIP M. CRANE, Mr. DUNN, Mr. FINDLEY, Mr. HANSEN of Idaho, Mr. ST GERMAIN, Mr. SABO, Mrs. SCHROEDER, Mr. SKELTON, Mr. SWIFT, Mr. TAUKE, and Mr. TAUZIN.

H. Con. Res. 38: Mr. NELLIGAN.

H. Con. Res. 61: Mr. MITCHELL of New York, Mr. LUKEN, Mr. ALBOSTA, Mr. HUBBARD, Mr. MARKEY, Mr. TAYLOR, Mr. COTTER, Mr. FASCELL, Mr. MILLER of Ohio, Mr. PEYSER, Mr. NELLIGAN, Mrs. SNOWE, and Mr. CONTE.

H. Con. Res. 76: Mr. EDGAR and Mr. SAM B. HALL, JR.

H. Con. Res. 77: Mr. GEJDENSON, Mr. EDWARDS of California, Mr. HARKIN, and Mr. CONYERS.

H. Con. Res. 104: Mr. YOUNG of Florida.

H. Res. 125: Mr. SIMON and Mr. WIRTH.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions, and papers were laid on the Clerk's desk and referred as follows:

84 By the SPEAKER: Petition of the Mid-South Health Professionals Association, Memphis, Tenn., relative to funding for community health care centers; to the Committee on Energy and Commerce.

85. Also, petition of the Midwest Archives Conference, Evanston, Ill., relative to funding for the National Historical Publications and Records Commission; to the Committee on Government Operations.

86. Also, petition of the city council, New York, N.Y., relative to elimination of hunger; jointly, to the Committees on Agriculture and Foreign Affairs.

EXTENSIONS OF REMARKS

U.S. OPPOSITION TO INFANT FORMULA GUIDELINES

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. BONIOR of Michigan. Mr. Speaker, I am deeply embarrassed that the administration has recorded our country, alone among the 157 member countries of the World Health Assembly, as opposing the United Nation's voluntary infant formula marketing guidelines.

This action was taken despite opposition from members of both parties in the Congress, numerous public service organizations, and his own Assistant Secretary for International Health, Dr. John H. Bryant, Dr. Bryant has stated that approximately 10 million infants and young children each year suffer from malnutrition, ofttimes fatal, associated with inadequate breast feeding and the use of substitutes.

This occurs because inadequate knowledge and sanitation facilities in Third World countries often accompany the switch from the nutritionally and antiseptically superior breast feeding to formula feeding.

As far as I can determine, the only opposition to these guidelines—and I stress that they are only voluntary in nature—comes from the manufacturers of infant formula. The rationale is unabashedly profits. Ernest Lefever, the administration's Acting Assistant Secretary of State for Human Rights, who apparently is also now responsible for international corporate affairs, attacked the code's supporters as "anti-industry activists, U.N. bureaucrats, and their allies" who were seeking to hobble multinational corporations through regulation. So much for Secretary Lefever's fervor for human rights.

Let it be recorded as a warning for all who are concerned about toxic waste disposal, about infant's and children's feeding programs, about the safety of children's toys and clothing, that in the first clear confrontation between the well-being of the world's children and corporate profits, the administration chose profits.

At this point in the RECORD, I include the following memorandum from the Department of Health and Human Services, Public Health Services.

[Memorandum]

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE.

To: The Secretary.

From: Deputy Assistant Secretary for International Health, Director, Office of International Health.

Subject: WHO International Code of Marketing of Breastmilk Substitutes—Decision.

ISSUE

HHS position regarding support of the Code.

FACTS

1. Infant Feeding Practices as a Major Public Health Problem in Developing Countries (Tab A):

Some 10 million infants and young children annually suffer from malnutrition and diarrhea associated with inadequate breastfeeding and use of artificial feeding. Breastfeeding is acknowledged as superior to all other forms of infant feeding in terms of both nutritional content and protection against infection.

Infant formula is essential to the nutrition of infants whose mothers cannot or choose not to breastfeed. At the same time, bottle-feeding is a distinct hazard to infants when associated with the contaminated conditions that prevail in most areas of developing countries.

The most serious health problems associated with infant and young child nutrition in developing countries are kwashiorker, a protein deficiency; nutritional marasmus, a deficiency of both protein and calories; and infections, particularly diarrhea and respiratory infections. Breastfeeding is of great value in protecting infants against these life threatening conditions.

Breastfed infants have an amazing advantage for survival in the most contaminated environments and an ability to grow well in the first months of life with relatively low incidence of diarrheal infections. Conversely, early weaning and artificial feeding of infants in these poor socio-economic and cultural settings pose constant risks and limit a child's natural defenses against enteric and respiratory infections, while greatly increasing his exposure to an unhealthy environment. In some such settings, artificial feeding is associated with substantially greater infant mortality rates than that of breastfed infants.

2. Domestic Implications of the Code:

Generally speaking, the relevance of the code to the problems of infant feeding is different in the more developed countries as contrasted with the less developed countries. Whereas breastfeeding is accepted as superior to all other forms of infant feeding in developed societies as well as in less developed societies, the problems associated with artificial feeding can generally be overcome in more developed societies where the level of education, sanitation and health care are higher—which is the position of the American Academy of Pediatrics.

Because of the potential importance of the code for domestic implication, the Surgeon General established a working group of HHS scientists to study infant feeding practices in the United States. We expect a preliminary report, prior to the 1981 World Health Assembly.

3. The Controversy over Marketing Practices (Tab A):

Many health professionals and other critics claim industry uses aggressive marketing practices that lure mothers away from breastfeeding with disastrous consequences for their infants. Industry denies this, insisting they only meet the needs of those mothers who cannot or choose not to breastfeed.

While there is clear evidence that bottle-feeding is associated with increased infant morbidity and mortality, there is no consistent and convincing scientific evidence that marketing practices do or do not have a deleterious effect on breastfeeding.

4. Development of Code by WHO (Tab B):

Since 1974, the member nations of WHO have expressed concerns about this problem, culminating in a resolution at the World Health Assembly (WHA) in 1980 that WHO should develop a code on marketing practices.

After extensive consultation with health professionals, industry, public interest groups and governments, WHO developed a draft code for consideration by the Executive Board (EB) of WHO in January 1981. The EB unanimously accepted the WHO draft and recommended its adoption as a voluntary code by the WHA in May 1981.

5. The Code as a Precedent?

The preparation of the code, setting forth principles guiding the marketing of a product, is a "first" for the WHO. But, it must be made clear that the infant formula issue—i.e., its marketing practices—is seen by WHO's Member Governments as a health problem of such serious dimensions that it must be addressed. Analogously, our Congress took the unusual step of passing health legislation having to do with a food—infant formula—because of the seriousness with which it viewed the problem of formula content in our domestic setting. Such actions need not be seen necessarily as precedent-setting.

6. Critique of the Code (Tab C):

While the code strongly protects and encourages breastfeeding, it is also quite restrictive of industry's promotional practices. Some of these restrictions would raise legal questions if applied in the U.S.

Since the code is in recommendatory form, however, the U.S. or any other country may disregard those provisions that are not legally or otherwise acceptable. The Department of Justice has informed us that there is no legal reason why the USG cannot support the code.

7. Current Climate of Opinion Internationally:

At the WHA in May 1980, and again at the EB in January 1981, health professionals from many nations, both more developed and less developed, expressed their strong concerns about the seriousness of this problem and voiced their insistence that a code be developed and implemented that is strong enough to deal effectively with the marketing problem.

The resolution was passed by the full Assembly without dissent, and the EB, similarly, was unanimous in its action.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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It is clear that virtually all of the 156 Member Nations of the WHO are intent that there will be a code. Further, there are particularly strong feelings among key European and developing countries that any weakening of the code is unacceptable.

8. Concerns of Industry and its Critics:

Industry is generally disappointed in certain provisions, particularly the prohibitions of: point of sale advertising, promotional sampling, use of mothercraft nurses, provision of pay incentives, discount pricing of formula, and more extensive participation in the educational process. Some companies find the code unacceptable; in particular, the three major U.S. manufacturers of infant formula are currently considering a consolidated position against the code. However, ICIFI (International Council of Infant Formula Industries) led by Nestle, has informed the U.S. Mission in Geneva that it is prepared to accept the code in its current form.

Critics of industry still hold that the code is too soft and has too many loop holes. They see the problem as being of more importance in developing countries, most of which need assistance in preventing abuses in marketing practices, and they strongly resist any efforts to weaken the code; moreover, they favor a code of regulations with strong provisions and a closing of loop holes.

9. Process for Developing U.S. Governmental Position:

An inter-agency task group led by DHHS (Bryant) and Department of State (DOS-McDonald) has functioned to elicit opinions from governmental and non-governmental parties and formulated positions of the USG at various stages of the code's development. This process involved extensive consultations with relevant governmental agencies, individual companies and public interest groups, as well as with the WHO Secretariat where negotiations resulted in acceptance of substantial numbers of U.S. requests for change.

It was made clear by Bryant at the January meeting of the EB that our new Administration would be reassessing the USG position on the code.

The inter-agency task group is being reconvened by DHHS and DOS to react to the proposals of DHHS and DOS for a USG position.

OPTIONS, DISCUSSION AND RECOMMENDATION

1. Option: The U.S. accept the current version of the code but make a statement of its concerns.

Discussion: a. Since the code is recommendatory, the U.S. is free to inform WHO that we will not apply those provisions that are troublesome in our domestic context and to state these concerns during the debate at the WHA.

b. As the "ministry of health" of the USG, it would be appropriate for DHHS to encourage a USG position that is in support of a code that would help protect the health of infants, particularly if the legal rights of industry were not compromised.

c. The question can be asked, would it not appear patronizing for the U.S. to approve a code that it does not intend to implement fully at home. The code's recommendatory form is intended to provide the flexibility necessary to meet the widely varying social, economic and legal situations of the Member Nations.

d. Pros: As a recommendatory code, we need not apply certain provisions domestically and can make a statement of our concerns.

Cons: Some parts of industry may object to our acceptance. We would be supporting a code with which we are not in full agreement.

2. Option: The U.S. try to open negotiations on the code for the purpose of modifying certain provisions.

Discussion: a. Extensive changes in the code favorable to U.S. interests have already been achieved through discussions on the early drafts of the code.

b. A crucial point is that the current version of the code is seen as too weak by many European and developing countries, but they have relented in their efforts to strengthen the code in response to the pleas of WHO and others interested in achieving consensus.

c. It is clear that any efforts to break the existing consensus on the current version would certainly be resisted and would likely stimulate other changes even more unacceptable to us.

d. Pros: We would have another opportunity to deal with provisions of concern to industry. If successful, the U.S. could support the code without qualification.

Cons: Would risk even more restrictive language; would risk conversion to a regulatory code; would isolate ourselves from European allies and developing countries on whom we depend for support on other issues (e.g. Israel, Egypt).

3. Option: Oppose or abstain on the code, even in the form of recommendations.

Discussion: a. Failure to accept the code whether by abstention or opposition, would not alter the course of its adoption. All indications are that the code will be adopted, and most likely by consensus. Further, it appears clear that a statement by the U.S. delegation on the reasons for its opposition or abstention would be misinterpreted and U.S. failure to accept the code would be read as our having given commercial concerns priority over health concerns.

b. Abstention would have very nearly the same effect as opposition since in either case we would have to set aside the consensus and, procedurally, call for a vote in order to record our opposition or abstention.

c. Any provisions the U.S. is concerned about need not be applied domestically. With respect to provisions that affect industry internationally, industry must comply with the requirements of the importing country, and U.S. opposition to the code would not gain relaxation of such requirements.

d. Pros: Would indicate to industry the willingness of the USG to go on record in opposition of the code; would indicate to WHO our concerns for a code which we believe overrestrictive.

Cons: U.S. opposition would not inhibit adoption of the code. U.S. would be seen as favoring corporate interests at the expense of infant health. U.S. would be completely isolated in its position, which could have deleterious effects in terms of support we would need (from such countries as Mexico, Nigeria, Algeria, India, Norway, Sweden, Kenya, Jamaica) on other important issues, such as those involving Israel and Egypt.

RECOMMENDATION

That you support Option 1.

JOHN H. BRYANT, M.D.

Prepared by: RBelmont/JBryant

[Memorandum]

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE,

April 9, 1981.

To: Members of the Interagency Task Force on Marketing of Breastmilk Substitutes.

From: Deputy Assistant Secretary for International Health/OASH.

Subject: Studies on Relationships Between Use of and/or Marketing of Infant Formula and Breast Feeding.

During recent consultations on the Code of Marketing for Breastmilk Substitutes, references were made to several studies. Members of the Interagency Task Force asked for information about those studies. They are briefly summarized here:

I. "Do Infant Formula Samples Affect the Duration of Breast Feeding? A Randomized Controlled Trial in Canada," Bergerin, Y.; Kramer, M.; Dougherty, C., Departments of Pediatrics and Epidemiology, McGill University.[1]

450 women who were intending to breast feed their infants were divided randomly into two groups, one was given infant formula samples at the time of discharge, the other did not receive samples. The mothers were then interviewed by telephone at 4, 8 and 13 weeks after discharge to determine their feeding patterns. The mothers did not know they were part of a study, and the interviewers did not know to which study group the women belonged.

The results showed, in part, the following:

PERCENT OF MOTHERS CONTINUING TO BREAST FEED AT 4 WEEKS POST-PARTUM

	Received samples	Did not receive samples	P value
All women in the study	78	84	0.1
Women with less than 14 years of education	67	79	<.05
Women with some illness	67	88	<.05
Percentage of women who introduced solid food prior to 8 weeks post-partum:			
All women in the study	18	10	.....
Less educated women	24	15	.....
Women with illness	19	3	.....

Conclusion

This study indicates that in this developed country (Canada), women who receive infant formula samples were more likely to terminate breast feeding early and more likely to add solid foods within the first 8 weeks. The findings for less educated women and women who were ill were highly significant statistically.

II. "Impact of Legislation Restricting the Availability of Feeding Bottles in Papua, New Guinea," John Biddulph.[2] New Internationalist, October 1980.

In July 1977, Papua, New Guinea passed legislation banning the advertising of milks for bottle feeding and requiring that feeding bottles, teats and dummies be available only on prescription by authorized health workers. The health worker is also required to give instructions on how to prepare the milk in correct strength and on hygienic measures to make bottle feeding safer.

Prior to this legislation, in 1975 and 1976, a survey in Port Moresby showed that ⅓ of the children under 2 had been artificially fed, and that 69% of artificially fed children

[1] Abstract submitted to Association for Pediatric Ambulatory Care.

[2] Professor of Child Health, University of Papua New Guinea.

were malnourished (weight-for-age less than 80% of the standard), compared with 26% of breast fed children.

In 1979, 20 months after the legislation, the proportion breast feeding had increased to 88% with a reduction in malnutrition. There has also been a marked decrease in the number of infants under 6 months admitted to the major hospital with gastroenteritis, together with a similar decline in deaths from gastroenteritis associated with bottle feeding.

Conclusion

This legislation has had a major impact on the promotion of breast feeding, being associated with a decline in artificial feeding, a decline iin malnutrition in young children, and a reduction in morbidity and mortality of gastroenteritis associated with bottle feeding.

III. "Research Project on the Impact of Dietary Habits on the Nutritional Condition of Nursing Infants and Preschool Children." Institute of Preventive Medicine of the Sao Paulo School of Medicine, Brazil.

The purposes of this project were, among other things:

To ascertain the reasons for the decline in breast feeding in the low income population;

To identify the health services used;

To identify the impact on breast feeding of advertising of milk products among the target population, institutions and health professionals.

Findings

72 percent of mothers begin bottle feeding during the first month of life. The introduction of bottle feeding occurs most frequently between the second an sixth days;

The nutritional condition of bottle fed infants was considerably worse than in breast fed infants;

Of infants admitted to the hospital, 95% had been weaned and only 5% exclusively breast fed through the sixth month;

Among infant deaths reported, all had received bottles in the first month of life;

40.9% of the doctors serving these populations do not fully believe in breast feeding as a good method for the first months of life;

81.8% of the doctors believe that free distribution of milk may be contributing to reduction of the breast feeding period, but all regard such distribution as essential;

Powdered milk is treated in popular publications as a result of scientific progress, constituting a "drug product" with a high content of nutrients;

Advertising reaches the doctor through a variety of educational and scientific channels sponsored by industry;

All medical residents in hospital schools had contacts with representatives of Nestle at least once a month;

Industries present themselves at maternity clinics as providers of services of high technical and scientific quality, taking part in the planning and installation of milk dispensaries;

Only 6% of mothers interviewed received information on breast feeding at the maternity clinics;

Between 1974 and 1979 advertising expenditures for the marketing of milk in Brazil, using the mass communication media, exceeded that for all other categories of food and was surpassed only by cigarettes and soap, the outlays rising elevenfold from 1974 ($151,000) to 1979 ($1,637,000).

Conclusion

This low income urban population in Brazil has a very high rate of bottle feeding due, according to the study, to advertising of breast milk substitutes to the general public, and to recommendations by the health professionals to mothers that they use breastmilk substitutes. The health professions, in turn, are heavily influenced by industry. These data show association, but the studies are not designed to prove cause and effect relationships.

SUMMARIZING COMMENTS

In the context of our discussions on the International Code of Marketing Breastmilk Substitutes, these three studies are informative.

The Canadian study in which the provision of samples to breast feeding mothers resulted in a shorter duration of breast feeding, would appear, at least in this instance, to contradict industry's position that there are no scientific studies that show a cause and effect relationship between marketing practices and declines in breast feeding.

The Papua New Guinea experience in which banning advertising and limiting the availability of feeding bottles resulted in marked increases in breast feeding and improvements in infant health, help to answer the question, would the Code work? While Papua New Guinea did not introduce the Code, they took similar actions with positive results.

The Brazil study associates the very high rates of bottle feeding and infant malnutrition with a combination of factors, including: advertising of milk products through the mass media; and the role of health professionals, presumably influenced by industry, who discourage women from breast feeding.

JOHN H. BRYANT, M.D.●

THE ROSENSTEIN FAMILY

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. SHANNON. Mr. Speaker, nearly 2 years ago, I rose to speak for the Rosenstein family, which had been trying unsuccessfully to obtain exit visas from the Soviet Union. I called upon my colleagues to continue to exert pressure on the Soviet Government to alleviate the suffering and oppression of Soviet Jews.

Unfortunately, our efforts have had little tangible effect in helping to free the Rosensteins, and others, who simply want to raise their children in their Jewish homeland, with the opportunity to study the Hebrew language, history, and culture.

In the 97th Congress, I wish to call upon my colleagues once again for their assistance on behalf of the Rosensteins. I urge that we renew our efforts on behalf of all Soviet Jews. We must not forget families like the Rosensteins, whose harassment constitutes a violation of their human rights. We must continue our efforts.●

MX BASING SYSTEM DEBATE IS OVER

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. GINGRICH. Mr. Speaker, the debate over the MX basing system is over. We should recognize that fact, and turn our attention to the more pressing defense questions.

Defense Secretary Weinberger said the basing system had an element of the unreal about it. And that was before the Air Force declared its intention to turn Utah and Nevada into a nuclear sponge.

Getting bogged down in the basing system debate diverts our attention from more pressing defense issues. We should face the fact that our Minuteman missile, the product of old technology, is due for replacement. The MX missile is probably the replacement we need.

But the basing system has no similar need attached.

Bob Ingle's article, which follows below, will help us see that it is time to put the MX basing system debate behind us. Perhaps then we can move on to those issues that will produce security.

[From the Atlanta Constitution, May 15, 1981]

THE PENTAGON'S ANSWER TO DISNEYLAND

(By Bob Ingle)

In the early 1950s, our government exploded a series of 11 nuclear weapons in southern Utah near the town of St. George. The populace didn't worry—the government said it was nothing to be concerned about—and besides that the people were patriotic.

A year later a movie was filmed in the area. "The Conqueror" featured such greats as John Wayne and Susan Hayward. Last year People magazine tracked down 150 of the 220 cast and crew members and found that 91 of them had contracted cancer. Forty-six of the 91 died, including of course, Wayne and Hayward.

I bring this up because this week Dr. Edwin B. Firmage, a high priest in the Mormon church and professor of law at the University of Utah, dropped by to campaign against building a MX missile base in the Southwest. The MX proposal is a little like Disneyland, a little like the MARTA rapid rail service under downtown Atlanta and a lot like other loony schemes the Pentagon has thought up to waste billions of dollars.

It involves digging up to 4,600 holes over a 12,000-square-mile area. Missiles each packing the equivalent of 280 Hiroshima bombs would be shuttled around on cars on railroad tracks, the idea being that if the Russians attack they never could be sure which of the 200 missiles was in which hole because we would keep moving them.

Backers of this insane scheme want to dig up some of the area around St. George. What of the men and women who would be working on the project, which, by the way, would cost $50 billion (a Pentagon estimate, subject to change upward, natch) and be bigger than the Alaska pipeline project?

Radioactive matter is mixed with the sand and soil and will be disturbed and kicked up when the digging and hauling starts. The Air Force has an answer to that—the workers can wear masks. While that might keep most of the particles out of their lungs, how about the matter that touches other parts of their bodies?

Would the local residents have to wear masks 24 hours a day? And how about the dust kicked up and blown eastward by the prevailing winds? Would the Air Force furnish every man, woman and child from Utah to the Eastern Seaboard with a surgical mask?

Joe Griggs, a builder in that part of the country, stands to get very wealthy off the project. He opposed it, though. He said stirred-up leftover nuclear waste is not the only problem for workers, residents and people downwind.

There is a member of the zeolite family in the soil called erionite, he told me. "It is like asbestos when it occurs in a critical particle size. Like asbestos, when inhaled, it apparently can cause cancer. There have been many deaths of this nature in Turkey. It was discovered in the area by geologist Kenneth Defeyes of Princeton. He spot-checked three of the valleys where MX is to be deployed and found large concentrations. He reported it to the Pentagon, but there was no mention of it in the draft of the environmental impact statement."

That impact statement, according to Griggs, makes interesting reading indeed:

"In the water section the Air Force says they won't use water to keep down the dust. In the air pollution section, they say to keep down the dust, they will spray water on it."

Water is a critical factor since most of the area in Utah and Nevada targeted for this project gets less than eight inches of precipitation all year.

What really irks Firmage, the law professor, is the "great sponge" theory all of this is based on. The idea is that with so many holes to worry about, the Soviets would have to use all of their land-based missiles to get the MX system. And while they're depleting the storeroom, we can get them with our missiles based elsewhere.

Of course, the radiation from all those explosions in the Southwest would drift eastward and wipe out the Midwest and East and doom everybody else to starvation.

There's got to be a better way than ruining Nevada and Utah, endangering the rest of us by attracting attack to our Southwest. The MX can be based on submarines or ships or both. We ought to do it.

President Reagan has to decide about the MX deployment in the next few months. Let him hear from you and send a copy to Sens. Sam Nunn and Mack Mattingly and your House member.●

IN MEMORY OF 21 AIR CRASH VICTIMS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. HALL of Ohio. Mr. Speaker, earlier this month, 21 Americans lost their lives when a U.S. Air Force EC-135 aircraft from Wright-Patterson Air Force Base exploded in midair and crashed in a Maryland field about 70 miles from here. The aircraft was on a routine training mission.

Eighteen of those aboard the jet were assigned to the Aeronautical Systems Division's 2950th Test Wing. Two were wives of the Air Force men, and one was a civilian technician.

They were heroes, because they made the greatest sacrifice for their country.

Even in peacetime, we are shatteringly reminded of the dangers faced by the members of our Armed Forces. It is a lesson we too often forget—that the price of our national defense is measured in more than just dollars and cents. Yet those who work with the weapons of war always know they serve at great peril.

There is a certain tragedy in the loss of soldiers beyond the pale of the battlefield. It is as though the glory of war somehow adds purpose to death. Yet there is no glory in death; neither in war nor in peace. There is only sorrow, anguish, and pain.

And there is also hope. There is hope that someday the carnage will end and we will have no need for training missions, or military jet transports. It is the hope that those 21 men and women did not die in vain, but somehow that they helped move us one step closer to the day when there shall be peace on Earth.

Until then we can only bow our heads in sorrow and let our hearts cry out. No words of comfort can relieve the sadness.

The 21 who died came from all corners of the United States. This is truly a tragedy of national proportions. But all had come to live in the Dayton area, so we feel a particularly deep loss. They were our family and our friends. I join with the entire community of Wright-Patterson Air Force Base in mourning for their deaths.●

OPPOSITION TO THE WINDFALL PROFITS TAX

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. SYNAR. Mr. Speaker, when the Congress considered the Windfall Profit Tax Act during the 96th Congress, I joined every other Member of the Oklahoma delegation in opposition to the bill. I strongly opposed the legislation then, and I still oppose it. I therefore was pleased to read in today's Wall Street Journal an editorial which cogently summarizes my own views on this "tax."

The editorial concludes by stating, "A 'windfall profits tax' serves no good purpose in a free market in oil or any other product. But it does have the insidious effect of funneling away money that could have been used for investment to produce more of the oil and other goods we all need."

Mr. Speaker, I plan to continue to work with many other Members of this body and the Senate to repeal or modify sections of this inequitable tax. Because so many of us in the Congress realize the serious adverse impact of this law on royalty owners, independent producers and larger companies, and its subsequent impact on consumers of petroleum products, I urge the Congress to reopen hearings on the bills already introduced to amend the law.

I hope each of my colleagues will take the opportunity to read the Wall Street Journal's editorial in its entirety, which I wish to insert at this point in the RECORD:

[From the Wall Street Journal, May 19, 1981]

OBSCENE PROFITS?

When Congress last year passed the falsely labeled "windfall profits tax," the aim was to deny oil companies the "obscene profits" that were supposed to accrue from the elimination of federal controls on oil prices. Shortly after taking office, President Reagan acted to decontrol oil immediately instead of waiting until the prescribed date next September. Oil company results for the first quarter, therefore, gave us our first glimpse at how "obscene" their profits are under renewed competitive conditions. As it turned out, their earnings were not even risque.

Twenty of the largest petroleum-products firms showed a cumulative 16 percent decline in first-quarter earnings to about $6.5 billion. This compares with an overall 2 percent earnings drop for more than 500 of the nation's top companies. While some oil companies posted small gains of 1 percent to 15 percent over the first quarter of last year, the bulk chalked up sizable declines of up to 85 percent.

Exploration and production activities, which were enlivened by large injections of capital due to decontrol, were generally profitable, but these gains were more than offset by the highly competitive conditions in refining and marketing. With the lifting of controls, petroleum-product prices are now being set at the margin maintained by the more efficient producers. Less efficient companies, faced with a profits squeeze, have had to cut costs and, in some cases, close outdated refineries in order to keep in step with the market.

In response to lower consumer demand and competitive pricing, Texaco Inc. became the first major oil company to slash domestic inventories, resulting in a one-time earnings benefit of $150 million in the first quarter. This trend has spread in the second quarter, with oil refineries cutting back on production and reducing inventories. At the end of April, for instance, U.S. oil refineries were operating at only 67 percent of capacity, down from 75.5 percent a year earlier. Now that controls have been lifted. Texaco is also feuding with independent oil jobbers over elimination of contractual clauses that amounted to subsidies for its gasoline marketers.

Competition has become so keen that gasoline price wars are making a comeback, at least in the Midwest. Several refiners, including Texaco, have cut wholesale prices

by as much as six cents a gallon compared with a nationwide average of about one cent. Gasoline consumption in the Midwest has fallen considerably in the last year, down 14 percent, compared with smaller drops of about 8 percent on the East and West coasts.

What, then, of the "windfall profits tax"? According to Treasury data, the scheme is imposing a marginal rate of taxation of more than 50 percent on the gross receipts from U.S. oil production. Oil companies, exclusive of royalty holders, paid more than $5 billion in "windfall profits taxes" in the first quarter—nearly as much as their total earnings for the quarter. But who is really paying these taxes? Oil economists say that the incidence of the tax is falling about equally on the consumers, who pay the tax through prices at the pump, and on the oil companies, which have to reduce their retained earnings that otherwise would have gone toward new investment.

Under decontrol, oil companies are finding themselves battling on the hardened fields of free-market compretition and not, as the soothsayers would have had it, rolling in strawberry patches enjoying "obscene profits." A "windfall profits tax" serves no good purpose in a free market in oil or any other product. But it does have the insidious effect of funneling away money that could have been used for investment to produce more of the oil and other goods we all need.●

MARTIN LUTHER KING, JR.'S SPECIAL QUALITY OF LEADERSHIP

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. CONYERS. Mr. Speaker, in the 13 years since the assassination of Dr. Martin Luther King, Jr., a great deal has been forgotten about the politics of the civil rights movement and of the true dimensions of Dr. King's leadership and political genius.

Twenty-six years ago in Montgomery, Ala., King launched a new politics that issued forth in the broadest and most positive political coalition in recent American history. At the center of his remarkable accomplishment was the civil rights coalition. From the vantage point of the present period—the widespread sense of fear, frustration, and isolation that so many Americans feel today, and the absence of transcendent moral and political purposes that normally bridge the differences that invariably exist across groups—Dr. King's leadership in building "a coalition of conscience" was unique and awesome.

At a Washington seminar last April 4 that reexamined Dr. King's legacy, Charles Fager, a Washington-based journalist and author, offered a personal and close-at-hand perspective on what constituted Dr. King's special quality of leadership. Mr. Fager worked on the staff of the Southern Christian Leadership Conference (SCLC) both in Atlanta and Selma from late 1964 through early 1966. He is the author of three books on King and the civil rights movement: "Selma, 1965," "Uncertain Resurrection: The Poor People's Washington Campaign," and "White Reflections on Black Power." Mr. Fager's portrait raises important questions about the failure of politics in the present day, and I recommend that my colleagues read his remarks, transcribed from a tape recording, that follow:

MARTIN LUTHER KING, JR.'S SPECIAL QUALITY OF LEADERSHIP

CHARLES FAGER. "Dr. King's legacy shaped my life a great deal. Again and again, I come back to thinking about a characteristic that seemed to me to make him unique among his generation of civil rights leaders and political leaders. What made him unique was his ability to link together, or to be the agent whereby were linked together, disparate, heterogeneous, or otherwise conflicting constituencies. Black and white together was just the beginning of it.

"I think back to the campaign in Selma, Alabama, where I was a junior staff member with SCLC, which at its peak showed this 'coalition of conscience,' as he called it, in all of its glory. He was able to get the various civil rights groups together under one umbrella in public, when behind the scenes they spend an awful lot of time squabbling.

"The religious coming together was amazing. The Board of the Unitarian Church, for instance, came down to Selma as one body and held a formal meeting at St. Elizabeth's Catholic Church. I don't think anything like that had happened before. There you had Unitarians and Catholics rubbing elbows, sleeping on the floor, standing in the street all night. Jews and Baptists together. And Republicans, like Elliot Richardson, Lt. Governor of Massachusetts, standing in back of a church.

"On a broader scale, Dr. King moved with a very unusual kind of ease among people who were regarded as quite conservative, as well as among the most famous liberals of his day. I think of the times he traded pulpits with Nelson Rockefeller. It got to the point in 1965 when the Voting Rights Act came to the floor of the Senate, and the Senators didn't mount a filibuster against it. Everett Dirksen lined up on Hubert Humphrey's side and with the rest of the Democrats. Dr. King was a good friend of Walter Reuther as well as Nelson Rockefeller, and I bet those two men had very few other common acquaintances. He seemed to be able to move with ease from an audience made up of Boston Brahmins to a church full of Alabama sharecroppers. There is no doubt in my mind that Dr. King was the central crossroads figure in that great assemblage that he called 'a coalition of conscience.'

"I think it is that coalition, that existed so briefly, that many of us are looking back to with considerable nostalgia, wondering what happened to it, and whether and how it might be recreated today. I have reflected often on what it was about Dr. King that made him such a leading figure in it. He was a keystone of that alliance, which changed American society.

"That characteristic of Dr. King's is hard to get a handle on. In a way, it was a curious mixture of liberalism and conservatism, in the same person, the same time. This was true philosophically as well as personally. For instance, Dr. King challenged segregation, he challenged fundamental principles of American society with regard to race, he challenged the war that at the time had the support practically of the entire Congress, and most of American society, judging by the opinion polls. But he mounted that challenge from an outlook that was based on a very conservative religious tradition. He was always a mainstream Protestant Christian Churchman, a Baptist preacher, as he would say sometimes. He was a spokesman for the poor and the unlettered, and somehow he was also able to move easily among the wealthy and the cultivated. He never lost his awareness of, and sensitivity to, the plight of the poor, that was the basis of his leadership.

"This was really a rare combination. I'm not sure I described it accurately, or understand it fully. Just how rare it is in our political and social leadership today, I think, can be seen by the processes of centrifugal force flying apart, which since his death really shattered the coalition, and of the dozens of separate and competing single-issue and special-interest groups. It also is a plain fact that black groups and white groups these days pretty much go along their separate paths, even among groups that are largely made up of alumni of the movement that Dr. King built.

"Today we're just about at the opposite end of the spectrum in terms of what exist back in 1965. We had then a grand, if uneasy, alliance. We seem to have today an atomized collection of special-interest groups where coalitions have to be rebuilt around every new issue that arises.

"Is there any way to begin again the kind of bridge-building that Dr. King exemplified and contributed so much toward? I don't know the answer to this. I have to admit I am discouraged by the tone of the rhetoric that I hear today. Should we not cultivate the ability to hear and emphasize a little bit with those whom we oppose, and to attempt to learn how to appeal to the best of their character, and should we not attempt to develop some patience and faith, as well as persistence, in changing their hearts and minds?

"I think that is very much a part of Dr. King's legacy. He spent many nights in the streets of Selma insisting on our rights to exercise our first amendment freedom just to march down to the Courthouse. Yet, again and again, he and others in his leadership group led us in singing, 'I love George Wallace in my heart.' It didn't mean we agreed with, or were prepared to put up with, George Wallace. We were struggling against him and struggling at the same time against making him the enemy.

"Dr. King and the alliance he helped build was something of a shining exception to the history of the last few decades. As I look around at political life today, what I see lacking most of all and what I remember about Dr. King most was the ability to look beyond and somehow begin to bridge the divisions among the different groups in society. Where and how we find new leadership that has that ability, I am not sure. I suspect it's most likely to come out of the religious traditions that underlay Dr. King's whole career and outlook. Whether we can overcome the challenges we now face without such bridge-building leadership, I very much doubt."●

OPPOSITION TO AWACS SALE TO SAUDI ARABIA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. BONIOR of Michigan. Mr. Speaker, I rise today to join my colleagues in their opposition to the sale to Saudi Arabia of enhancement equipment for F-15's and airborne warning and control aircraft (AWACS).

History has a habit of creating errors by slowly wiping away the cautions that once surrounded past actions. Such is the problem we face today.

When the United States originally sold F-15's to the Saudi's in 1978, the sale's potential to tip the delicate balance of power in the region, both threatening Israel and destablizing the region generally, was clearly recognized. By selling the planes without certain enhancement equipment, we hoped to limit the planes' offensive use.

The administration's proposal would not only end that precaution, but by adding AWACS, compounds the error immensely. The threat posed by the sum far exceeds the threat posed by either part alone. The impact on Israel is clear and unacceptable. The impact on the region as a whole is equally troublesome. Israel's security, and the stability of the region, are already threatened this very moment by the imminent danger of the missile crisis in Lebanon. America does not need to add to the problem.

Mr. Speaker, Congress will have an important voice in final consideration of this sale. If the administration persists in its proposal, that proposal will then be subject to a congressional veto. I join my colleagues today in cosponsoring the resolution of the gentleman from Maryland. (Mr. LONG), House Concurrent Resolution 118, which prepares us to exercise that right of veto.

Let the signal to the President be clear. This Congress will not sit back and let the future of Israel, and the stability of the Middle East be compromised.●

HOUSE SUPPORT GROWS WITH 273 COSPONSORS FOR HONORARY CITIZENSHIP FOR RAOUL WALLENBERG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. LANTOS. Mr. Speaker, today I am submitting an additional set of names of our colleagues who wish to cosponsor House Joint Resolution 220, bringing the list of cosponsors to 273, an almost unprecedented number. The Senate version of this bill, Senate Joint Resolution 65, also had a majority of support (53 cosponsors) when introduced by Senator PELL of April 8.

House Joint Resolution 220 will grant honorary citizenship to Raoul Wallenberg, Swedish Diplomat, who through unmatched heroism and selflessness rescued tens of thousands of innocent victims from Naxi extermination during the closing months of World War II. His incredible deeds are becoming known throughout the world. What may not be so well known, but a fact which should make Americans proud, is that Raoul Wallenberg's rescue activities were initiated, financed, and directed by the U.S. Government through the War Refugee Board. Wallenberg carried out this complex and dangerous mission at continuous risk to his own life. At the close of World War II, Soviet soldiers took him into custody without explanation. His disappearance into, and detention within, the Soviet Gulag is one of the great outrages and moral tragedies of our time.

Granting honorary citizenship to Wallenberg brings honor to our Nation. By this legislative act we acknowledge our debt to him for his work at our behest, as he struggled to save from the Holocaust the last remaining intact European Jewish community—the Jews of Hungary. We can employ the same technique to honor and rescue him that he used in rescuing thousands—a protective paper, bestowing citizenship.

I am pleased once again to present for the RECORD the House Joint Resolution 220 distinguished cosponsor list. I invite other colleagues to join this unparalleled group in a uniquely bipartisan effort.

House Joint Resolution proclaiming Raoul Wallenberg to be an honorary citizen of the United States, and requesting the President to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom.

In the House of Representatives March 26, 1981 for himself, Mr. Tom Lantos:

Mr. Addabbo, Mr. Akaka, Mr. Albosta, Mr. Alexander, Mr. Anderson, Mr. Anthony, Mr. Applegate, Mr. Atkinson, Mr. AuCoin, Mr. Don Bailey, Mr. Barnard, Mr. Barnes, Mr. Beard, Mr. Bedell, Mr. Bevill, Mr. Biaggi, Mr. Bingham, Mr. Blanchard, Mr. Boland, Mr. Boner, Mr. Bonior, Mr. Bonker.

Mr. Bowen, Mr. Breaux, Mr. Brinkley, Mr. Brodhead, Mr. Brooks, Mr. Broomfield, Mr. Clarence Brown, Mr. George Brown, Mr. Hank Brown, Mr. John Burton, Mr. Phillip Burton, Ms. Byron, Mr. Carman, Mr. Carney, Mr. Chappie, Mr. Cheney, Ms. Chisholm, Mr. Clausen, Mr. Clinger, Mr. Coats, Mr. Coelho, Mr. Coleman, Ms. Collins (Cardiss), Mr. Conyers, Mr. Corcoran.

Mr. Corrada, Mr. Courter, Mr. Coyne (William), Mr. Craig, Mr. Philip M. Crane, Mr. D'Amours, Mr. Dannemeyer, Mr. Daschle, Mr. Daub, Mr. Dellums, Mr. DeNardis, Mr. Derrick, Mr. Dickinson, Mr. Dicks, Mr. Dixon, Mr. Donnelly, Mr. Dorgan, Mr. Dornan, Mr. Dougherty, Mr. Dreier, Mr. Dunn, Mr. Dwyer, Mr. Dymally, Mr. Dyson, Mr. Early, Mr. Eckart.

Mr. Edgar, Mr. Don Edwards, Mr. Mickey Edwards, Mr. Emery, Mr. English, Mr. Erdahl, Mr. Ertel, Mr. Evans (David), Mr. Thomas Evans, Mr. Fascell, Mr. Fauntroy, Mr. Fazio, Ms. Fenwick, Ms. Fiedler, Mr. Fields, Mr. Findley, Mr. Fish, Mr. Fithian, Mr. Florio, Mr. Foglietta, Mr. Foley, Mr. Harold Ford, Mr. William Ford, Mr. Forsythe, Mr. Frank, Mr. Frenzel, Mr. Frost, Mr. Fuqua, Mr. Garcia, Mr. Gejdenson.

Mr. Gilman, Mr. Glickman, Mr. Goldwater, Mr. Gonzalez, Mr. Gore, Mr. Gradison, Mr. Gramm, Mr. Gray, Mr. Green, Mr. Grisham, Mr. Guarini, Mr. Guyer, Mr. Tony Hall, Mr. Hance, Mr. Hansen of Idaho, Mr. Harkin, Mr. Hartnett, Mr. Hatcher, Mr. Hawkins, Mr. Heftel, Mr. Hertel, Mr. Hightower, Mr. Holland, Mr. Horton, Mr. Howard, Mr. Hughes, Mr. Ireland, Mr. Jacobs, Mr. Jeffords, Mr. Johnston, Mr. Jones (of Okla.), Mr. Kemp.

Mr. Kildee, Mr. Kogovsek, Mr. Kramer, Mr. LaFalce, Mr. Leach, Mr. Leath, Mr. LeBoutillier, Mr. Lehman, Mr. Leland, Mr. Lent, Mr. Lewis, Mr. Clarence Long, Mr. Gillis Long, Mr. Lowery, Mr. Lowry, Mr. Luken, Mr. Lundine, Mr. Lungren, Mr. McCloskey, Mr. McCollum, Mr. McCurdy, Mr. McDade, Mr. McGrath, Mr. McHugh, Mr. McKinney, Mr. Markey, Mr. Marks, Mr. Marriott, Ms. Martin.

Mr. Matsui, Mr. Mattox, Mr. Mavroules, Mr. Mica, Mr. Michel, Ms. Mikulski, Mr. Clarence Miller, Mr. George Miller, Mr. Mineta, Mr. Minish, Mr. Moakley, Mr. Moffett, Mr. Molinari, Mr. Mottl, Mr. Murphy, Mr. Neal, Mr. Nelligan, Mr. Nelson, Ms. Oakar, Mr. Oberstar, Mr. Obey, Mr. O'Brien, Mr. Ottinger, Mr. Panetta, Mr. Pashayan, Mr. Patman, Mr. Patterson, Mr. Pease, Mr. Pepper, Mr. Perkins.

Mr. Petri, Mr. Peyser, Mr. Pickle, Mr. Porter, Mr. Pritchard, Mr. Railsback, Mr. Rangel, Mr. Ratchford, Mr. Reuss, Mr. Richmond, Mr. Rinaldo, Mr. Ritter, Mr. Roemer, Mr. Rose, Mr. Rosenthal, Mr. Roth, Mrs. Roukema, Mr. Rousselot, Mr. Roybal, Mr. Rudd, Mr. St Germain, Mr. Sabo, Mr. Santini, Mr. Savage, Mr. Scheuer, Mrs. Schneider, Mrs. Schroeder, Mr. Schumer, Mr. Seiberling, Mr. Shamansky, Mr. Shannon, Mr. Shaw, Mr. Simon, Mr. Skelton.

Mr. Albert Smith, Mr. Christopher Smith, Mr. Denny Smith, Ms. Snowe, Mr. Solarz, Mr. Solomon, Mr. Stark, Mr. Staton, Mr. Stenholm, Mr. Stokes, Mr. Studds, Mr. Sunia, Mr. Swift, Mr. Synar, Mr. Tauke, Mr. Tauzin, Mr. Thomas, Mr. Traxler, Mr. Udall, Mr. Vento, Mr. Walgren, Mr. Washington, Mr. Waxman, Mr. Weaver, Mr. Vin Weber, Mr. Weiss, Mr. Whitehurst, Mr. Whittaker, Mr. Whitten, Mr. Lyle Williams, Mr. Pat Williams.

Mr. Charles Wilson, Mr. Wirth, Mr. Wolf, Mr. Wolpe, Mr. Won Pat, Mr. Wortley, Mr. Wright, Mr. Wyden, Mr. Yates, Mr. Yatron, Mr. Don Young, Mr. Robert Young, Mr. Zeferetti.●

RABBI SAMUEL FOX: A TRIBUTE TO 25 YEARS OF SERVICE

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. HALL of Ohio. Mr. Speaker, I rise to call to the attention of my colleagues Rabbi Samuel Fox, an outstanding religious leader in my district, who is celebrating his 25th anniversary as spiritual leader of the Beth Jacob Congregation of Dayton, Ohio.

The Dayton Jewish community can be proud of such a distinguished leader as Rabbi Fox. His dedication to Jewish ideals is evidenced by his tireless work for a range of Jewish-related and civic activities. His friendly and sincere manner has added to his stature as a leader. He is respected not only in the Dayton area, but he is known as one of the outstanding orthodox rabbis in the Midwest.

Rabbi Fox serves on the executive board of the Religious Zionists of America, B'nai B'rith, and Rabbinic Alumni of the Hebrew Theological College. He is a U.S. chaplain serving the Veterans' Administration hospital in Dayton, and was recently appointed chaplain at the Dayton State hospital mental health program. He is a former chaplain at Wright-Patterson Air Force Base.

He is a founder of the local heart association, and a former member of the board of the local American Red Cross. He serves as spiritual adviser to a local Boy Scout troop, and is a past board member of the Boy Scouts of America.

Rabbi Fox received the Brandeis Award of the Zionists of America for his "dedicated and high caliber leadership" on behalf of Israel, and he has received citations from the Hebrew Theological College, Yeshiva University, and the Jewish Community Council of Dayton.

One of the highlights of his service has been the dedication of the new Beth Jacob Synagogue building on May 4, 1980. This building is considered to be one of the most beautiful religious institutions in the Dayton area.

Rabbi Fox has also held the distinct honor of offering the prayer here in the House Chamber, as well as in the Senate.

A special tribute to Rabbi Fox will be held at ceremonies at the Beth Jacob Synagogue during the weekend beginning Friday, May 29. It is a small way to say thanks to a man who has served so well for 25 years.●

TRIBUTE TO POPE JOHN PAUL II

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. HERTEL. Mr. Speaker, the entire world has been horrified by the events in Rome, Wednesday, May 13, 1981. It was only by the hand of divine providence that another good man was spared from the actions of an assassin. Too often we wait to eulogize good men. With this in mind, I would like to take this opportunity to share a tribute to His Holiness, Pope John Paul II, which appeared in the Thursday, May 14, 1981, Washington Post, authored by Haynes Johnson.

POPE'S HUMANITY TRANSCENDS HIS IDEOLOGY

(By Haynes Johnson, Washington Post, staff writer)

In an age of celluloid public figures, when personality traits are magnified and transmitted electronically around the globe, John Paul II has played a special role. He has been the most public of popes, the energetic salesman for his faith, and something more than a powerful religious leader whose views carry immense political weight worldwide.

He has been an international celebrity, the superstar of prelates. He was made for the media age.

No other public figure in recent times has stirred so strong an emotional response. While his views have become increasingly controversial, especially in the United States, his character has not. His ideology may be questioned, but not his humanity.

The grief and shock that poured forth yesterday when news of his shooting flashed around the world were testaments to those personal traits. In less than three years this first Polish pope has captured the attention of the world as had none of his immediate predecessors, so many of whom were the most distant of figures. That cannot be said of John Paul II.

Not long after his elevation to pope, a group of nuns surrounded him and tore at his cassock as if were some hard-rock star touring town. When he flew from Rome to Ireland, on a journey that would take him to the United States, he was almost knocked down by the army of TV cameramen and reporters who surrounded him as if he were the quintessential charismatic presidential candidate.

In those, and other ways, John Paul II has made news in everything he does—and seemed to revel in it.

He has been popularized as the singing pope, the skiing pope, the swimming pope, the acting pope, the traveling pope. He has flouted tradition, courted the crowds, held news conferences, talked with reporters on his plane and conducted himself differently from any pope in memory.

His personal magnetism became an instant cliche, but, like all cliches, it contained truth. To see this pope with people—that mobile face, all creases and lines, strong jaw, furrowed brow, wreathed in smiles—was to see a man who seemed filled with exuberance of life and sensitivity toward others.

To an unusual degree, John Paul II has been demonstrating the power personality can exert on public affairs. It has been the source of his appeal—and the center of the controversy that has arisen around him.

To his critics, especially in the United States, his charming personal characteristics—a puckish sense of humor, an air of irrepressible good will—have obscured the sternness of his ideological message. Thus, to those who oppose his views, he has been all the more formidable a figure.

The reception he received on his American trip in the fall of 1979 represented much more than acclaim for an interesting and new religious leader. He was hailed as a world leader; it was clear, seeing the millions who cheered him, that this pope was filling a political void for many Americans who had seen a generation of leaders destroyed or disgraced.

They responded to him personally as to no other public figure in years. Whether they shared his theological message was something else.

Later, when his pronouncements on such things as divorce, the family, birth control and the role of priests and women in the clergy stirred strong reactions, some who had regarded him as liberating force for the Catholic Church expressed surprise and dismay.

There should have been no surprise, for John Paul II, the first Polish pope, has been consistent throughout. His record has been of the strongest traditional convictions in terms of dogma and belief—which he has never neglected to state publicly.

Those who knew him in Poland, or had studied his record, had a different forecast for the kind of pope he would become. Firm, very firm, were words repeated about him by those in the Vatican who has watched him. They were correct.

For all his obvious warmth and feeling for people, John Paul II has taken a tough stand on matters affecting the church around the world.

In his first weeks as pope, for instance, he reaffirmed the traditional rule of celibacy for priests, told nuns he didn't like the idea of their wearing secular clothing in public, and said they should not permit any feminist claims to overshadow their call to a chaste, impoverished and obedient life.

His first encyclical, framed around the subject of the nature of man and his destiny, also struck a traditional note in style and content. He discussed such things as free-wheeling by Catholic theologians, liturgical excesses, the indissolubility of marriage and devotion to the Virgin Mary as the Mother of God.

Those, too, should have been familiar. His background in the Polish church placed him in an older, more dogmatic, more clannish, traditional brand of Catholicism. Poland's Communist domination since World War II intensified those strains. The church, more than any other force, has been the unifying vehicle for the Polish people in that period. John Paul II, the former Karol Wojtyla of Krakow, was shaped by those influences.

But ideology, dogma and national background aside, he also has brought something else to his position as spiritual leader of the world's Catholics—a humanity that transcends questions of theology and politics.

Yesterday, when the shots rang out in the sunshine of St. Peter's Square, other human traits emerged—derangement, horror, violence. They are sadly familiar to Americans. We know that no president is immune from a madman's assault. Now the world knows

that no pope can ever be entirely safe, either.●

CAPT. NICK HAUCK

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. APPLEGATE. Mr. Speaker, Capt. Nick Hauck, a native of Mingo Junction, Ohio, was killed on May 9, 1981, in a crash of his Air Force jet while performing as part of the famous Air Force flying team, the "Thunderbirds." The squadron was performing at Hill Air Force Base near Ogden, Utah, as part of the base's 40th anniversary celebration.

As a member of the Thunderbirds for nearly a year, Captain Hauck, age 34, was a most proud, young man and clearly deserved to be. He was a 1971 graduate of the U.S. Air Force Academy and was assigned to the Tactical Air Force Command to fly F-4 Phantom jets. Captain Hauck was one of two pilots chosen from nearly 3,000 applicants to join the Thunderbirds in November 1980. He was a man who devoutly believed in the Air Force and his country and who did his best to preserve their high ideals and principles.

Taken from us during the prime of his life, Captain Hauck will serve as an example of the kind of dedication and loyalty that men of his stature possess. He was truly an inspiration to all who knew him and will sadly be missed, and our deepest sympathies go out to his family.●

WILLIAM J. JOHNSTON TO RETIRE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. ANDERSON. Mr. Speaker, in June of this year Dr. William J. Johnston, superintendent of schools for the Los Angeles School District, will voluntarily retire after 31 years of skilled and dedicated public service to the people of Los Angeles.

His record of achievements in the field of education is one which any individual would be proud to have. After beginning his career in education as a math instructor at Gardena High School, Bill steadily advanced through the school system until he was chosen as superintendent of schools in 1971. This is a job which few men or women are capable of holding as well as Bill. Speaking just in terms of sheer numbers, the district's operating budget is currently set at $1.7 billion, and employs approximately 65,000 individuals who serve the estimated 543,000 public school students. Within the Los Angeles School District boundaries are 654 square miles in which the cities of Washington, D.C., Boston, Providence, Detroit, Philadelphia, and Cleveland would fit. Obviously, this superintendent's position is no simple task; the people of California are fortunate that Bill was available to fill this demanding job.

While Bill has worked long hours to improve the quality of education for the children in the Los Angeles area, he has always found the time to become involved with numerous community activities and organizations. He is vice president of the Boy Scouts of America, and vice chairman of the United Way Corporate Board; he is on the board of directors of the California Special Olympics, Blue Shield of California, California Congress of Parents and Teachers, Foundation for Teaching Economics, Constitutional Rights Foundation, Industry Education Council of California, Junior Achievement of Southern California, National Alliance of Businessmen, Management Council for Merit Employees, and the YMCA of Metropolitan Los Angeles. Bill has also made time to serve as an active member of the following groups: Ad Hoc Committee on Juvenile Justice, California Museum Foundation, Council for Peace and Equality in Education, Invest-in-America, Japanese American Citizen League, League of Women Voters of Los Angeles, Los Angeles Chamber of Commerce, Los Angeles County Museum of Art, Los Angeles Urban League, Los Angeles World Affairs Council, National Association for the Advancement of Colored People, and the Town Hall of California. Through his involvement in the field of education, Bill has been affiliated with numerous professional organizations: Adult Education Association of Los Angeles, president, 1962; American Association of School Administrators; Association of California School Administrators; Big Eight Association of Public School Districts; California Association of Adult Education Administrators, president, 1969; Council of the Great City Schools; Educare, USC, president, 1973; National Association for Public Continuing and Adult Education; Southern California City Superintendents; and the UCLA Dean's Council, Graduate School of Education.

In the past 10 years southern Californians have been witness to an enormous increase in population. It has been individuals such as William Johnston who have met and conquered the many challenges which must be faced whenever tremendous population explosions occur. Bill has emulated the basic goal of education: To foster, promote, and develop children to their full potential so that when they leave the educational system they will become contributing members of the community.

Mr. Speaker, Bill is a man who is admired and respected by all those who have the pleasure in working and being associated with him. Without hesitation, I can say that this man's career of public service is a model of citizenship. He has extended himself and worked tirelessly as few people have for the benefit of others. Bill has left a mark in the field of education which will not be forgotten, but instead will be long appreciated. He can certainly reflect with pride and satisfaction upon the many accomplishments of his career and his dedicated involvement on behalf of the people of southern California.

My wife, Lee, joins me in congratulating Bill Johnston for his admirable career as superintendent of schools for the Los Angeles School District and his sincere dedication to the communities in which he served. Through his excellent work, the Los Angeles Unified School District has become one of California's finest school districts. We send out best wishes for continued success in all their future endeavors to Bill, his wife Oma, and their two children, Kathy and Michael.●

NOVEL APPROACH BY CLEVELAND HOMEBUILDERS

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. ECKART. Mr. Speaker, we are all aware of the tremendous slump that has beset the housing industry. High interest rates and uncertainty in the mortgage markets resulted in 1980 being the worst year for housing production since World War II. In my own State of Ohio, housing starts were off 50 percent.

Homebuilders in Cleveland have undertaken a novel approach in an effort to combat these problems. Home buyers are being offered a $2,000 rebate when they buy a new house from 1 of the 97 participating builders in the plan.

Mr. Speaker, I want to commend these builders for the initiative which they have shown in undertaking this program. Cooperative action such as this is essential if the housing industry is to rebound.

Mr. Speaker, I would like to take this opportunity to insert into the RECORD a recent article from the New York Times which details the rebate program:

OHIO HOME BUYERS GET REBATES

(By Winston Williams)

CLEVELAND.—Home builders here, suffering from their longest and most severe postwar slump, have ripped a page from the

auto industry's marketing manual and are offering home buyers a $2,000 rebate when they buy a new house.

The idea has generated a lot of interest among builders across the nation and some are hailing it as a bold step that could generate more demand for new houses and relieve the battered builders of unwanted inventories.

"I think it's a great idea, especially if it shakes some people off the fence," said William Cheseroni, director of marketing for the National Association of Home Builders in Washington. "There's a lot of pent-up demand. People are afraid that they'll buy now and interest rates will go down. But they just keep going up."

Surging interest rates have hit new-home sales harder than sales of existing homes. New-home buyers do not have the option of assuming old mortgages nor can they use many of the "creative" techniques that have aided sales of older homes.

A spokesman for the National Association of Home Builders said that sales innovations were slowly beginning to be used throughout the nation. One new marketing program in Houston is offering new homes on a "try-it-before-you-buy-it" basis, a fancy rent-with-an-option-to-buy plan. And builders in several areas are assembling their offerings in one computerized listing.

Individual builders have often given discounts to buyers, but the Cleveland plan is believed to be the first rebate program sponsored by a group of builders. Many builders, particularly in the North and the Middle West, have been devastated by the slowdown and several are on the verge of bankruptcy, according to real estate experts.

The monthlong rebate program was introduced a few weeks ago when the Building Industry Association for the Cleveland area sponsored three seminars on home buying. Organizers said that more than 1,500 people had turned up for lectures on financing, closings and the rebate idea. As a gimmick, each person attending received a green coupon worth $2,000 off the price of a house.

97 BUILDERS PARTICIPATING

The rebates will go to any buyer who purchases a new home in the metropolitan Cleveland area from one of the 97 participating builders before May 26. It can be used as part of the down payment, applied toward additional features, or claimed in cash after the closing.

James Chiswell, who came from Buffalo three years ago as the association's executive vice president, conceived the plan. He predicts that 400 or 500 more homes—or $27 million worth—will be sold in northeastern Ohio during the month of the rebate than would have been sold otherwise.

In support of the plan, Forest City Enterprises, a local company with diverse housing-related businesses, has frozen the price of lumber to home builders. Forest City is also offering a $3,000 rebate on developed lots that it owns.

LENDERS PARTICIPATING IN PLAN

Four lenders, all with sizable construction loans outstanding to local builders, are offering variable rate mortgages starting in the 12 to 13 percent range, for the duration of the rebate period.

"I wish I could say we're secretly making money on this but we're doing it simply to help revive the market," said George Hill of Continental Federal Savings and Loan. "If you made a loan to a guy and he's not selling anything, how is he going to pay you back?" he asked rhetorically to explain why Continental, a construction as well as a mortgage lender, is interested in helping revive the market.

Cleveland and other industrial areas in the depressed Middle West and parts of the Northeast, where automobile and steel production are concentrated, have absorbed most of the shocks of the recent softness in the economy. And home building in these regions is suffering more than in other areas.

In the Cleveland metropolitan area last year, housing starts plummeted 62 percent, according to the Commerce Department. Sales and starts had been running at about the same pace as last year, builders said, making them receptive to the rebate idea.

"This was a way we could do something to help ourselves," Mr. Chiswell said. "And the only help that was going to come from anybody was from the industry itself."

Not all the builders are quite as enthusiastic as Mr. Chiswell. "I haven't sold one house yet," said Stanley Levitt of Levco Homes, a business that has been in his family for 40 years. He acknowledged that he had been one of several builders who opposed the program initially. Some objected because no such method had ever been attempted. Others thought it would simply "borrow" sales from some future period.

Mr. Levitt has changed his thinking, however. "It's stirred up a lot of dust," he said. "People needed a reason to buy. They're shopping very carefully now. But we're going to do all right."

Some area builders have embraced the rebate plan as the wave of the future in the industry. "It used to be," said Robert M. Silver, a builder, "that the builder walked around sites with a piece of paper, 17 pencils and a lot of mud on his boots and decided whether to build. That was all that was required.

"Today there are so many rates," he added. "There are five different indexes that the variable rates are based on. Builders have to become more sophisticated in finance and marketing."

Mr. Silver formed his own home building company last summer, specializing in more expensive homes, after working many years for other building concerns. He now builds houses only to order but insists he can still make a profit—his gross margins are usually 5 percent—partly because it is easier to deal with suppliers during weak periods such as this.●

A WARNING ON PENSION PROBLEMS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. PARRIS. Mr. Speaker, in the near future this Congress may be called upon to authorize the sale of bonds for the District of Columbia.

The intent of this legislation is to assist the city to repay a part of its outstanding debt over a period of years while maintaining a balanced budget during the period of the bond indebtedness.

One of the significant problems to be faced by the city as they attempt to enter the bond market and stay within their budget constraints will be their ongoing obligations to the city pension fund.

A recent Washington Post editorial examined many of the potential problems the city will face in resolving its pension liabilities. I think my colleagues will find it informative and I am taking this opportunity to share it with them.

The editorial follows:

CITY PENSIONS: AVOIDING A CRASH

Out of the corner of his eye, he sees the other car. It's coming surely and steadily. But foot to the gas pedal, he ignores the stop sign and keeps driving.

The driver is Mayor Barry, and the passengers in the car are the city's police officers, teachers, firefighters, judges and residents. The car the mayor is driving is the city's pension plan. Every year the projections grow worse and show that a more terrible crash is coming. The projections now show that the city will not have enough money set aside to cover pension checks some time in the next 20 years. In 1976, city officials estimated that by 1999 there would be a $2.1 billion unfunded liability in the pension fund. Inflation pushes up the amount of that deficit daily.

The problem seems remote today; no one can believe that nothing will be done in the next 20 years to avoid a crash that everyone can see coming. But this year, Mayor Barry has made the forecast of disaster even worse. He has opted not to put $23 million in pension obligations into the city budget, making the size of the unfunded pension liability that much bigger. Then he failed to make the scheduled quarterly deposits of $30 million into the pension fund—until the Reagan administration ordered that he do so.

At the beginning of Fiscal Year '81, the federal government miscalculated the amount the city is legally obligated to put in the pension fund. After the year began, the federal government notified the District of its mistake and said the city would have to pay $23 million more. Mayor Barry has used the late notice as an excuse not to pay. While he is right on the small point that the city is not legally required to pay the extra money this year, he is wrong on a larger point. By not making that payment, he is adding to the city's massive pension problems. He is also adding to the city's future budget problems. By not paying the $23 million out of this year's budget, he is putting next year's budget out of balance because it was not designed to handle the extra cost of pension debts that are not paid this year.

Similarly, if the federal government had not demanded that the city make its payments on time, the city would have had to make up for lost interest in future budgets. The amount of interest already lost to the city is about $1.8 million, according to Frank Higgins, chairman of the D.C. Retirement Board, which oversees the fund. City administrator Elijah Rogers' explanation for not having made the quarterly payments—until the federal government required the city to do so—is that some interpretations of the law have it that payments are not required on a quarterly schedule. A reading of the law shows that its intent is clearly that the city should make payments to the pension fund every three months. But Mr. Rogers' thinking parallels the city government's attitude on other matters of

Get-Away-With-What-You-Can. That is an attitude that ignores all signals warning the city to step on the brakes or risk a deadly crash of the pension fund. Does the mayor think he is best serving the city by pushing the pension debt up higher and higher and bringing the city closer to the day when retirees may not get pension checks?

The federal government was right to force the city to make its quarterly payments. The city should also deposit the additional $23 million the federal government says it owes the pension fund. Those payments are properly part of the city budget, and the mayor must balance that budget without hiding expenses.

The pension fund's long-term prognosis is more troubling and requires even tougher action. First, the city must go to Congress to get the federal government to completely pay its share of the unfunded liability that accrued before the city gained home rule. Second, the city must renegotiate pension benefits, particularly inflation clauses on pensions in the District workers' contracts, to lower the exorbitant costs of pensions. The warning signals of an impending crash of the city's pension system are there to be seen; it's up to the mayor to step on the brakes.●

KENNETH FAHSBENDER'S GENERATION OF SERVICE TO HIS STUDENTS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. THOMAS. Mr. Speaker, I would like to honor a friend and former colleague who is retiring soon, Dr. Kenneth Fahsbender of the Kern Community College District in Bakersfield, Calif.

Ken Fahsbender has completed 30 years of service as a teacher, counselor, administrator, and college professor. He has taught thousands of pupils in his career, and he has earned the respect of his fellow educators everywhere he has taught. As a teacher of music, Ken Fahsbender has helped to develop the natural gifts of many young musicians and helped countless other people simply to appreciate the art. His years as a counselor and administrator at two local junior colleges have enriched the education of students in other fields as well.

Dr. Fahsbender has been an active participant in other public service as a member of Kiwanis, Lions Club, and several educational organizations. He serves on the education committee of the Greater Bakersfield Chamber of Commerce.

Music remains Dr. Fahsbender's first love, however. He plans to continue teaching music to young people at his summer music camp, and he has been invited to be guest conductor at a high school string concert. I might also add that Dr. Fahsbender keeps his musician's union card up to date as a saxophonist and clarinetist, playing professionally when time permits.

It is clear from this brief tribute that Bakersfield College will lose an outstanding faculty member and able administrator, but it is heartening to know that Dr. Fahsbender will continue to play a role in the musical development of Kern County's young people.●

CONGRESSMAN STUDDS' FINANCIAL STATEMENT

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. STUDDS. Mr. Speaker, I insert into the RECORD my financial statement for 1980.

CONGRESSMAN GERRY E. STUDDS' 1980 FINANCIAL STATEMENT

Part I—Income 1980 (summary)

Salary	$60,662
Dividends—See pt. II for detailed explanation	1,031
Interest—See pt. III for detailed explanation	661
Total income	62,254

Part II—Dividend income 1980

No. shares and security:	
40—Burlington Industries	$56.00
174—Exxon	936.00
100—Middle South Utilities	39.50
Total	1,031.50

Part III—Interest income 1980

Bonds and security:	
$3,100—Loew's Theater 6⅞ debenture	$213.13
$1,666—U.S. Treasury 7⅝, 2/15/2007	127.08
$3,333—U.S. Treasury 8¼, 5/15/88	275.00
Savings:	
First National Bank of Cape Cod	17.40
Cape Cod Five Cents Savings Bank	7.19
First National Bank of Boston	21.36
Total	661.16

Part IV—Assets

1. Beatrice Studds Irrevocable Trust—My brother, Colin A. Studds, my sister, Mrs. Howard Babcock, and I have placed the following securities—owned jointly by the three of us—in an irrevocable trust for our mother, Beatrice Studds, with my brother as trustee. All income from these securities goes to our mother for as long as she shall live. My brother, my sister, and I each own one-third of the securities—and they will revert to us upon the dissolution of the trust at our mother's death. The following represents my one-third interest in the trust. (Colin A. Studds, III, Trustee—Beatrice Studds Irrevocable Trust, Under Agreement Dated August 1, 1973.)

No. shares, security and market value as of May 5, 1981:	
3,333—U.S. Treasury 8¾ note, due 8/15/2000	$2,066
Common stocks:	
67—West Point Pepperell	3,149
33—Xerox	1,914
100—Square D	3,500
60—Gulf Oil	1,980
67—W. R. Grace	3,283
100—Middle South Utilities	1,100
50—DuPont	2,400
50—General Motors	2,600
50—IBM	2,900
60—International Paper	2,700
200—Washington Energy	2,600
50—General Electric	3,200
40—A.T. & T	2,160

(92 Liggett & Myers sold 6/10/80 for $6,348.00 and 80 RCA sold 3/20/81 for $2,157.00.)

2. I own the following securities:

No. shares, security and market value as of May 5, 1981:	
Bonds:	
$3,100—Loew's Theater 6⅞ Debenture	$1,581
$1,666—U.S. Treasury 7⅝, 2/15/2007	967
$3,333—U.S. Treasury 8¼, 5/15/88	2,366
Common stocks:	
40—Burlington Industries	920
174—Exxon	11,764

3. Our family home in Cohasset, Massachusetts, with an estimated market value of approximately $110,000 is owned jointly by my brother, my sister, and me. My interest in the house, therefore, is roughly $36,700.

4. Savings accounts: (*a*) NOW account, First National Bank of Cape Cod, c. $365; (*b*) Savings account, Cape Cod Five Cents Savings Bank, c. $134; and (*c*) NOW account, First National Bank of Boston, c. $456.

5. One bedroom cooperative apartment, Washington, D.C., estimated market value $175,000.

6. Two room condominium apartment, Provincetown, Mass., estimated market value $80,000.

7. 1975 Chrysler Newport sedan.

8. 1974 Saab.

Part V—Liabilities 1980

Mortgage, 1 bedroom cooperative apartment, Washington, D.C	$18,400
Secured loan, Rockland Trust Co., Rockland, Mass	48,000
Mortgage, condominium apartment, Provincetown, Mass., Cape Cod Five Cents Savings Bank	46,900
Home Improvement Loan, Cafritz Co., Washington, D.C	1,800

Part VI—1979 taxes paid

Federal income tax	$14,916.13
Massachusetts income tax	2,857.75
Local property taxes	2,980.94
Automobile excise and personal property taxes	147.88
Total taxes	20,902.70

●

H.R. 31—CASH DISCOUNT ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. DINGELL. Mr. Speaker, the conference on section 303 of H.R. 31 was called to consider a nongermane amendment adopted by the other body on March 12, 1981, to H.R. 31—the Cash Discount Act. The amendment makes permanent changes in the Public Health Service Act. The Cash Discount Act was repassed by the House on May 4, 1981, in the form of

H.R. 3132. That bill does not change the Health Act.

The immediate beneficiary of this amendment to the Health Act would be Dr. C. Everett Koop who is currently Deputy Assistant Secretary of Health and Human Services. Administration officials have indicated that the President plans to nominate him as Surgeon General. However, current provisions of law preclude appointment of Dr. Koop.

According to a recent White House press release, Dr. Koop is nearly 65 years old. The Public Health Service Act requires that all commissioned officers of the Public Health Service retire at age 64, including the Surgeon General. This makes Dr. Koop ineligible.

The Senate sponsor called this statutory requirement arbitrary. While I agree that this retirement age restriction may no longer be appropriate, I do not agree that it is arbitrary. There is a longstanding tradition for it which relates to the role of the Service in times of war and other emergencies. More importantly, I fail to understand why it is arbitrary for the Surgeon General, but not for his deputy, his assistants, and other commissioned officers of the Service.

The Senate amendment would permanently waive this mandatory requirement—not change it—for any person, including Dr. Koop, who serves as Surgeon General, until he or she ceases to serve in that position. It would also authorize the President to appoint any person from the Regular Commissioned Corps who is over 64 years old.

I question whether deferral of the mandatory retirement age is the answer. Maybe Congress should raise the age or eliminate it entirely, consistent with other laws applicable to other Federal employees, and make performance the determinant for retirement, rather than age. I understand that Congressman PEPPER has introduced a bill along such lines.

Even with the Senate amendment, Dr. Koop could not be named Surgeon General. The health law also requires that the Surgeon General come from the Regular Commissioned Officer Corps. However, Dr. Koop is not a commissioned officer. He, therefore, is not eligible for appointment.

The administration has a substitute for the Senate amendment which would exempt the Surgeon General from this requirement and enable Dr. Koop to receive retirement pay even though he is not a Regular officer. The substitute would also defer the retirement requirement for the Surgeon General in lieu of the Senate approach. But such an amendment is beyond the scope of the conference.

However, this last change, which also would be permanent, concerns me even more. Under the act, to be a commissioned officer a person must take an examination in one or more of the branches of medicine, dentistry, hygiene, sanitary engineering, pharmacy, nursing, or related scientific specialities in the field of public health. Thus, the officer must meet one of these criteria. Under this additional change in the law as developed by the administration, the President and future Presidents could appoint a person as Surgeon General who would be a lawyer, an economist, an accountant, a laborer, a farmer, or a cigarette manufacturer, but not meet any of the traditional criteria for a commissioned officer which has been applied to prior Surgeon Generals. I do not think that is sound public policy.

There is still another problem under the law for Dr. Koop. To be appointed to the corps, a person, including the Surgeon General, must not yet be 44 years old. The legislation does not remove this obstacle. However, under the law, the Secretary may waive this requirement for a person who "possesses exceptional qualifications, not readily available elsewhere in the commissioned corps." I do not know the criteria for meeting this test.

I now understand from staff discussions a few days ago that the administration is preparing other proposals affecting the Public Health Service which may be before us very soon. They reportedly include possible abolition of the commissioned corps.

Frankly, I fail to understand why a handful of Senate and House conferees should make such permanent changes in the law in advance of learning more about the administration's proposals and in advance of giving more careful consideration in committee and on the floor to the issues raised by these changes. There have been no hearings on these broader amendments. I am loath to rewrite the Senate amendment to make eligible one person for this position when such changes may prove totally unsatisfactory for future nominees, particularly when the changes are beyond the scope of the conference.

In light of the administration's revelations to my staff, a letter has been sent to Secretary Schweiker seeking clarification. The letter appears at the end of my remarks. It is to be hoped that he will reply before our next conference meeting which is tentatively scheduled for May 21, 1981. We tried to meet on May 12, 1981, but Members from the other body could not attend because of the press of other business.

Delay in consideration of these health matters should not affect the cash discount legislation, as the Senate could quickly pass H.R. 3132 and send it to the President for signature.

I understand that the minority may move to instruct the House conferees to accept these provisions in conference in violation of House rules. I hope that they will refrain from making such a motion. If they do, however, I urge its defeat for the reasons I have just outlined.

The letter to the Secretary follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., May 11, 1981.

HON. RICHARD S. SCHWEIKER,
Secretary, Department of Health and Human Services, Washington, D.C.

DEAR MR. SECRETARY: Tomorrow the conferees will meet on H.R. 31—the Cash Discount Act—to consider section 303 of the bill, which amends the Public Health Service Act (42 U.S.C. 201,. et. seq.).

Last Friday representatives of your Department advised Committee staff that the Administration is supporting the enclosed amendment to H.R. 31 to be offered by Congressman Madigan. The amendment is identical to H.R. 3154 which is pending before our Committee. It also exceeds the scope of the bill in conference. At the same time these representatives advised that the Administration is planning other proposals which would affect the Public Health Service and possibly the Office of Surgeon General. The amendment and this information raise several issues which need to be addressed by you.

In order that we may have a better understanding of these matters, we request your response to the following prior to the next conference meeting:

1. The Senate amendment, the Madigan substitute, and H.R. 3154 propose to make permanent changes in the Public Health Service Act. Since the changes are needed to make Deputy Assistant Secretary C. Everett Koop eligible for nomination as Surgeon General, why is it necessary to make them permanent?

2. What is the historical reason for requiring that commissioned officers of the Service retire at age 64?

3. (a) The Senate amendment, etc., would defer this retirement requirement for the Surgeon General until he ceases to serve. Should this amendment also apply to the Deputy and Assistant Surgeon Generals? Please explain. (b) Why defer the retirement requirement? Why not raise the age or eliminate the limitation entirely for all Service officials and the Corps and treat them in the same manner as other Federal employees in your Department?

4. The Madigan amendment and H.R. 3154 make it possible for a person who is not a commissioned officer to be appointed "in" the Regular Corps as Surgeon General. However, a commissioned officer, under section 207(a)(1) of the Act, must take an examination in medicine, dentistry, hygiene, sanitary engineering, pharmacy, nursing, or related scientific specialties in the field of public health. With the amendment, this and future Presidents could select a person for Surgeon General who is not from any such discipline. Instead, the Surgeon General could be a politician, lawyer, accountant, artist, economist, farmer, laborer, or a manufacturer. Why should this traditional criteria for appointment as Surgeon General be abandoned?

5. None of the amendments or the bills modify section 207(a)(3) of the Act which requires that a person appointed to the Corps not have attained the age of 44. We understand that this requirement may be waived by the Secretary when he deter-

mines that the person "possesses exceptional qualifications, not readily available elsewhere" in the Corps.

(a) Please provide copies of all instances since 1976 where this waiver authority was exercised.

(b) What are the criteria for making this determination?

(c) Would Dr. Koop require such a waiver?

6. What is the current status of the Administration's plans to further amend this Act, including the possible termination of the Corps? When will such a proposal be provided to Congress? What administrative and organizational changes in the Corps do you propose?

7. In a February 13, 1981 press release, the White House announced plans to elevate the position of Assistant Secretary of Health and Human Services to Under Secretary of Health. What is the current plan to achieve this?

When will legislation be submitted?

Sincerely,

JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce.
HENRY A. WAXMAN,
Chairman, Subcommittee on Health and the Environment.●

OPPOSES ASHBROOK AMENDMENT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mrs. COLLINS of Illinois. Mr. Speaker, last week, on May 13, 1981, the House passed, without my support, H.R. 3512, the supplemental appropriation and recession bill. I was pleased to note that 70 of my colleagues joined in opposition to final passage for a bill which quite disturbingly:

Provides $6.5 billion in new budget authority for defense programs. No recession and deferrals here.

Reduces budget authority for programs under HUD and independent agencies.

Reduces budget authority by $922.8 billion—reduces HHS by $488.6 million.

Rescinding: $81.7 million for alcohol, drug abuse and mental health programs; $45.7 million for health services, including $36.2 million from the Public Health Service; and $44 million for NIH.

Reduces budget authority for the Department of Education by $124.9 million.

Rescinding: $661 million for student financial assistance; $68.7 million for education for the handicapped and gifted; $33.3 million for impact aid; $36.9 million for minority education assistance; $751.2 million for CETA; and $234.5 million for countercyclical public service jobs programs.

As if enough damage were not already done, the House passed the Ashbrook amendment prohibiting the use of money to pay for abortions under Federal employee health plans which cover abortions.

In much heated debate which arose last year when Mr. Ashbrook introduced this identical amendment, it was discovered that this amendment would not cover abortion even if it meant saving the life of the mother. Quite a ways out in left field when you consider the Hyde prolife sentiment which, in calling for a ban on abortions, does not advocate such at the expense of the mother's life. Must we be forced to choose between the lesser of two evils: Choosing between allowing abortions only under conditions of rape, incest, or to save a life or having no choice at all under the Ashbrook amendment? I say, no, to either of these two choices.

It remains utterly appalling to me that some of my colleagues continue to attempt to legislate the type of health coverage a Federal employee cannot have! This is obviously a further distorted extension of the prolife mentality which would infringe upon a woman's freedom of choice.●

U.S. NEWS POINTS TO LANGUAGE DEFICIENCIES

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. SIMON. Mr. Speaker, U.S. News & World Report has a story which in its subheading summarized a major problem that this Nation has to face up to. That subheading says: "A nation of immigrants is losing its knack for foreign languages. The result is a crippling effect on business and diplomacy abroad."

I am taking the liberty of inserting the article about our foreign language deficiencies, written by Stanley N. Wellborn, into the RECORD.

We will have the opportunity later this year or early next year to remedy this by action taken by this body. Some of us on both sides of the aisle on the Education and Labor Committee have proposed some legislation which will encourage the schools of the Nation—but not dictate to them—to have much more foreign language study.

I am inserting the Stanley Wellborn article in the RECORD at this point.

[From the U.S. News & World Report, Apr. 27, 1981]

THE BILINGUAL AMERICAN: ENDANGERED SPECIES

(By Stanley N. Wellborn)

A nation of immigrants is losing its knack for foreign languages. The result is a crippling effect on business and diplomacy abroad.

America's ability to talk to the rest of the world in languages other than English is stammering to a halt.

Estimates are that only about 1 in every 50 native-born Americans is fluent in a second tongue, compared with 1 in every 5 Japanese who speaks a second language.

So widespread has ignorance of foreign languages become that the U.S. is finding it harder than ever to conduct diplomacy, compete in business and fill military and intelligence posts abroad.

Nearly two years after a presidential commission labeled the nation's linguistic incompetence "scandalous," there remains little enthusiasm in U.S. schools for French, Spanish, German, Russian and other modern languages.

"Today there are more teachers of English in the Soviet Union than there are students of Russian in the U.S.," says Representative Paul Simon (D-Ill.), author of The Tongue-Tied American, a book that advocates energetic federal support of language training.

Adds Simon: "We are doing almost nothing to promote fluency in the increasingly critical languages of Arabic, Chinese, Japanese, Persian, Swahili, Urdu and Polish. Some 300 million people speak Hindi, but fewer than 300 Americans are studying that language."

The language gap has resulted in some embarrassing faux pas on the diplomatic and trade fronts. For example:

Last September, the U.S. Embassy in Kabul did not have on hand any Russian-speaking officer able to question a Soviet soldier occupying Afghanistan who had sought asylum in the embassy. The incident was termed "inexcusable and outrageous" in a letter from 21 congressmen to Secretary of State Edmund S. Muskie.

When General Motors advertised its "Body by Fisher" car in Belgium, the slogan was described in Flemish as "Corpse by Fisher." In Spanish-speaking countries, car buyers avoided the Chevrolet Nova because "No va" in Spanish means "It doesn't go."

In Taiwan, Pepsi-Cola bottlers used their "Come alive with Pepsi" advertising campaign until they realized the literal translation read, "Pepsi brings your ancestors back to life."

Such gaffes result from years of neglect of modern languages in the nation's schools. Only 15 percent of U.S. high-school students take a second language, and just 5 percent pursue these studies for more than two years, according to the President's Commission on Foreign Language and International Studies.

At the elementary level, fewer than 1 percent of pupils get any foreign-language instruction, even though most educators agree that the early grades are the best time to begin learning a new language.

Language courses fell victim in the late 1960s to the campaign against required courses in the curriculum. "French, German and Russian suffered the most because they were seen as part of an elitist education," said Peter A. Eddy, former director of foreign-language education at the Center for Applied Linguistics in Washington, D.C. "Students felt one didn't need a European veneer for living one's life out in the United States."

Another indication of the status of language studies: Eight percent of U.S. colleges now require foreign language for admission, compared with 34 percent in 1966.

"Even though we are a nation of immigrants, America has long regarded foreign-language study as expendable," says Richard I. Brod, director of foreign-language programs for the Modern Language Association. He predicts that "college language requirements will never come back except in the elite schools. Enrollments will not do at

all well in the state colleges, teachers' colleges and the community colleges."

At City University of New York, a school that has long served sons and daughters of immigrants, demand for languages has dwindled to the point that professors of Russian and other Slavic languages now spend much of their time teaching remedial English.

Such trends worry American officials who agree with the presidential commission's finding that language deficiencies constitute a threat to national security and American economic interests overseas.

Representative Leon E. Panetta (D-Calif.), a longtime proponent of intense language training in schools, notes that the State Department no longer requires a Foreign Service candidate to have any knowledge of a second language. Intelligence leaders, he adds, are concerned that their agencies will not have enough linguists fluent in colloquial and idiomatic expressions to gather adequate information.

"We use a shotgun approach whenever a crisis arises," says Panetta. "Ten years ago all the services were teaching Vietnamese. We don't anticipate our language needs well."

MILITARY DEFICIENCIES, TOO

The Defense Language Institute in Monterey, Calif., recently reported an acute shortage of manpower in language billets. Over all, the armed forces are 2,382 persons short of the 9,933 language-qualified officers and enlisted personnel required.

Just as serious, in the view of many business and education leaders, is the cultural isolation that results from poor language abilities.

One recent study estimated that there were 10,000 English-speaking Japanese sales representatives in the United States, while fewer than 900 American counterparts were in Japan, and only a handful of those persons spoke Japanese.

A Japanese trade official, speaking to a group of business-school graduates, made the point this way: "Our Japanese business people study the language, the customs and cultures of the United States, Canada, Western Europe and Southeast Asia, and we have been extremely successful in selling our manufactured goods abroad because we understand the people and their needs. Our people do not operate through interpreters. Your people must give greater consideration to the study of languages and customs of foreign lands, or you will lose in the competitive world markets."

A few schools and colleges are beginning to refocus attention on languages with success.

Hillcrest High School in Jamaica, N.Y., for instance, offers instruction in eight languages—including Hebrew, Chinese and Greek—and teaches a two-year career course to students intending to enter fields of international trade, tourism or diplomacy.

At the Harvard School in North Hollywood, Calif., 85 percent of the students study foreign languages. Students of Russian are paired with newly arrived émigrés of their own age. Students taking Spanish are working as instructors for the local chapter of the American Red Cross. French students tutor in a nearby elementary school and offer French cooking classes in the native tongue.

Such programs are described in a recent book entitled "Award-Winning Foreign Language Programs: Prescriptions for Success," a project of the American Council on the Teaching of Foreign Languages. Co-author Sandra B. Hammond says one key to good language programs is to develop links with native speakers so that students can use the language they are studying.

At the University of Akron, for example, students of German translate correspondence for local business firms and work as interpreters for the police and courts. The University of Hawaii found part-time jobs as tour guides for language students who wanted contact with foreign tourists.

KANSANS ABROAD

In Topeka, Kans., nearly 300 high-school students have studied abroad under the auspices of a student-exchange program. Language instruction begins at the elementary level in Topeka and intensifies in the upper grades. While the school population in Topeka has dropped 17 percent since 1975, foreign-language enrollment has increased sharply.

College faculties are adapting their programs and teaching styles to today's media-oriented students. At Boston College, Nancy Ruth Levy uses TV soap operas without the sound to encourage beginning Spanish students to make up their own dialogue.

Andrew G. Suozzo, Jr., assistant professor of French at the University of Texas, uses French TV commercials and menus from Paris to bring in contemporary grammar and usage. "The results aren't miraculous," says Suozzo, "but it gives students a coherent view of the culture whose language they have been studying for two years."

The road back to language sufficiency will be long and rigorous, educators say, because of the isolationist attitudes currently held by many Americans.

Representative Simon is among those who say that such isolation is a luxury we can no longer afford. He concludes: "If we don't have the national will to express ourselves in something other than the mother tongue, then we might as well erect a sign at each port of entry into the country reading, 'Welcome to the United States—we cannot speak your language.' "●

IN HONOR OF THE REDEDICATION OF THE ANCIENT SYNAGOGUE OF SOFIA, BULGARIA

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. PATTERSON. Mr. Speaker, it is a privilege to ask my colleagues to join with me in recognizing the 1,300th anniversary of the Bulgarian people and commemorating the 40th anniversary of the saving of Bulgaria's 55,000 Jews from the Nazi holocaust of World War II.

On September 9, 1944, Bulgaria was liberated from the Nazi yoke, and the Bulgarian people, under the leadership of one of its most dedicated antifascist fighters, Georgi Dimitrov, declared the New Democratic Republic of Bulgaria. Georgi Dimitrov thus became the first Prime Minister of liberated Bulgaria. Because of the positive attitude of the Bulgarian Government toward its Jewry, approximately 55,000 Bulgarian Jews immigrated to the newly formed state of Israel with the blessings of their Government. They, thus, realized Judaism's ancient dream of returning to the land of their fathers.

It is also a pleasure to recognize Dr. Martin M. Weitz, rabbi, professor, author, and world traveler, who has been invited to participate as a guest speaker in the international rededication of the ancient synagogue in Sofia, Bulgaria, which was accidentally bombed during World War II.

As a person interested in his community, state, and nation, Dr. Weitz exemplifies a dedication and concern for the public betterment which is highly deserving of our recognition.

Mr. Speaker, the people of Bulgaria are an ancient and noble people. Let us celebrate the 1,300th anniversary of the Bulgarian people and give our blessings to the 40th anniversary of the saving of Bulgaria's 55,000 Jews from the Nazi holocaust.●

RETIREMENT OF MARGARET FAURIE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. GILMAN. Mr. Speaker, in a few short weeks, the community of Newburgh, in my 26th Congressional District of New York, is going to suffer the loss of an educational leader, Mrs. Margaret Faurie.

Mrs. Faurie's well-deserved retirement brings to an end a sterling career of shaping young minds which began in Union City, N.J., in 1934. Mrs. Faurie has been involved with education ever since, except for a 5-year hiatus in the 1940's to raise her family of 2 daughters, Beth and Lynn, with her husband Paul.

Mrs. Faurie came to Fostertown Elementary School in the town of Newburgh in 1950. In those days, the town of Newburgh was a sparsely populated, predominantly rural township. At that time, Fostertown School was only a three-room schoolhouse. In those days, there were so few students that teachers taught more than one grade in the same classroom simultaneously. For the first 2 years that Margaret was at Fostertown, she taught second and third grades. During the next 2 years, she taught first and second grades.

In September 1954, recognizing her administrative abilities, the local school board made Margaret the principal of Fostertown School. However, she still continued to teach first and second grades for the school year 1954–55. Continuing as principal, she cut back her teaching to only the first grade for the 2 years 1955 to 1957.

However, the town of Newburgh by this time was growing fast. From a small, rural school for a few dozen students in the early 1950's, by 1957 Fostertown had grown to the point where the addition of new, modern schoolrooms was needed. As principal, Margaret Faurie presided over the construction of that first addition. Concurrent with the completion of the building, Margaret became the first full-time nonteaching principal in the history of the school in 1957.

In the next few years, the character of Fostertown School in the town of Newburgh changed completely. From a rural school serving the children of the families in the immediate area, Fostertown grew into a suburban school, meeting the needs of the rapidly developing town, which more and more was becoming a suburb of the New York metropolitan area. From a school which catered to generation after generation of local families, Fostertown became a cosmopolitan school with new students from nearly every State in the Union whose families moved to Newburgh.

And through it all, Margaret Faurie led her school forward throughout these changes—to the opening, in 1961, of a second modern addition to the school and through consolidation with the Newburgh City School District. After the 1963 consolidation, Margaret earned and held the respect of the many administrators and other personnel in the expanded Newburgh City School District of which Fostertown became a part.

In summary, Margaret Faurie's career at Fostertown Elementary School over the past 30 years has spanned major changes in our region which are a microcosm of the changes and challenges with which our entire culture has been faced during that time. And through it all. Margaret has maintained the respect, admiration, and love, of her teaching staff, her fellow administrators, and perhaps most significantly, her former students.

Although we recognize how well earned Margaret's retirement is, our region will miss her guiding hand and compassionate heart. We are grateful that Margaret and her husband, Paul, will not be leaving the Hudson Valley that they love so well, but will continue to reside at their farm in Milton, N.Y., enabling our community to still have the benefit of Margaret's advice and assistance.

Mr. Speaker, our 26th Congressional District of New York congratulates Margaret Faurie for her many accomplishments and we wish her many years of health and happiness as she commences her retirement.●

TRIBUTE TO KENNETH L. SMITH

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. SMITH of Oregon. Mr. Speaker, Oregonians are proud of the fine American selected on May 13 to serve as Assistant Secretary of the Interior. Kenneth L. Smith's confirmation by the Senate is a tribute to his outstanding contributions toward Native American self-determination.

Mr. Smith will oversee Federal Native American programs, including those of the Bureau of Indian Affairs. His outstanding leadership abilities qualify him to execute his responsibilities following the goals of the Reagan administration and the desire to enhance the quality of life for all Americans.

Mr. Smith is the dynamic leader we need in these times of economic calamity. I would like to use one of his recorded comments as an example of this. I quote:

> Indian leaders understand that there will not always be money from the Government. I believe Indian people and their tribal governments—not the Federal Government—have the prime responsibility for improvement of their social and economic status.

There is no doubt that Mr. Smith is able to meet the challenges his new post will provide. He demonstrated his skills to make the Warm Springs Reservation an enviable model.

On behalf of all Oregonians, I am proud to congratulate Mr. Smith on his past accomplishments and to wish him success in his future endeavors.●

THE GRAHAM FAMILY—THE URBAN LEAGUE OF GREATER CLEVELAND 1981 FAMILY OF THE YEAR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. STOKES. Mr. Speaker, it is with a great sense of pride that I bring to the attention of my colleagues in the House, the Urban League of Greater Cleveland 1981 Family of the Year—the family of Mr. and Mrs. Wilson Graham, Sr. In keeping with tradition, Mr. Speaker, the Urban League of Greater Cleveland bestowed this honor on the Graham family at its annual luncheon on March 28. As the Representative of the 21st Congressional District of Ohio, I add my congratulations on behalf of my constituents to the multitude of good wishes extended to the Graham family on this occasion.

Mr. Speaker, I can think of no better award or occasion to bring to the attention of my colleagues than the celebration of the family. For, Mr. Speaker, the family unit provides the foundation for the betterment of the individuals in that immediate group and for our society. The Graham family epitomizes these virtues and simultaneously puts forth high standards of excellence for us to match.

Because of that, I would like to share some of the noteworthy facts and deeds of the Graham family of Cleveland with my distinguished colleagues at this juncture.

Mr. Speaker, in spite of the fact that Wilson and Bertha Graham are not native Clevelanders, they and their 10 children have made an indelible mark on the religious, civic, and social aspects of our community. Mr. Speaker, together they have contributed immensely and uniquely to the growth of the community and have gained the respect of Clevelanders from every walk of life.

Mr. Wilson Graham, Sr., is employed with the Eastern Star Home in Cleveland. In addition to being an exemplary employee, he is an active member of the Colonial Heights Street Club and the Euclid Civic Club. He is also a devout Christian and has been an ardent worker in the Love Divine Baptist Church for some 30 years.

Mrs. Bertha Graham is a clinic assistant with Planned Parenthood in Cleveland. She has been one of the most active members of the local PTA for many years and also finds time to work with the Euclid Civil Club and the Colonial Heights Street Club. She too, Mr. Speaker, is a devout Christian and has been intricately involved with many missionary and Christian education programs in her church.

The Graham children, ranging in age from 18 to 38, have carried on in the footsteps of their parents. The goal which they all seemingly have aspired to has been excellence in all areas of life. Mr. Speaker, judging from each child's credentials, they have reached their goal and have gone on to become productive and concerned citizens in the community. In fact, the children have assumed leadership roles in various community and civic organizations thus carrying forth the banner of excellence and community pride of the Graham family. At this juncture, Mr. Speaker, I would like to acquaint my colleagues with the achievements of each of the Graham children.

Mr. Speaker, the eldest of the Graham children, Wilson Graham, Jr., is currently employed as an industrial arts teacher in the Houston public school system. A teacher for over 11 years, he has extended his commitment to quality education beyond the classroom to active participation in the National Teachers Association and the local PTA in Houston. Wilson

Graham, Jr., and his wife, Jennifer, have three children.

Barbara Graham, the oldest female amongst the Graham children, is intricately involved in the community and in the church. She is an active member of the Cleveland NAACP and the local PTA. Mr. Speaker, Barbara Graham is a devoted member of the Love Divine Baptist Church. Currently, she is employed as a medical receptionist for the St. Luke's Hospital in Cleveland.

Mr. Speaker, Doris Graham, the third child of the Graham clan, serves as the head teacher at the Bingham Head Start center in Cleveland. In 1979, she was honored as the employee of the year at the Center of Human Services in Cleveland. Clinging to the religious tradition of the Graham family, Doris Graham is a faithful member of the Love Divine Baptist Church where she has served as the superintendent of the Sunday school for the past 5 years.

Mr. Speaker, a man of firsts and notable achievements is the phrase which best describes Lewis Graham, the fourth child of Bertha and Wilson Graham. He was the first black new car sales manager for the Spitzer-Akron dealership. Lewis has won 18 plaques for outstanding salesmanship.

Mr. Speaker, the next child, Larry Graham is a 1973 graduate of the Cuyahoga Community College. He has carved a potentially outstanding career for himself in the insurance business. Currently, he serves as an insurance agent for Monumental Life Insurance.

Mrs. Jeanette Graham Varise, like many of her family members, has maintained close touch with the community. She is the secretary for the Harvard Community Service Center. In addition to her work with the center, she is a Boy Scouts of America group leader, a member of the local PTA, and a member and choir member of the Love Divine Baptist Church. Mrs. Varise is the mother of four children.

Mr. Speaker, Linda Joyce Graham, the seventh Graham child, is a student at Kent State University. This gifted individual has shared her singing and public speaking talents with the community and the church. She is a member and choir member of the Love Divine Baptist Church, president of the pastor's chorus and member of the Christian education board of Love Divine Baptist Church. She has won numerous awards at Kent State University. In addition to singing, her interests include modern dance and African culture.

Mr. Speaker, the next Graham family member, James, currently attends Tennessee State University on a basketball scholarship. A 1977 graduate of Collinwood High School, James Graham has received numerous trophies for basketball and baseball. He is a communications major at Tennessee State University.

Anthony Graham, another athletically gifted family member, is a student at Wilberforce University. This 1979 Collinwood High School graduate won a basketball scholarship to Wilberforce University. Anthony is a business major.

Finally, Mr. Speaker, the youngest member of the Graham family, Eurall Graham, is a student at the Cuyahoga Community College. Eurall is a celebrated track star having won 33 trophies in track and basketball. He attends Cuyahoga Community College on a track scholarship.

As you can see, Mr. Speaker, each family member has outstanding credentials and a rich future. With this in mind, it is clear that the Graham family has been a positive moving force in the community. Because each family member has embraced the virtues of self-worth, togetherness and concern for those around them, they have influenced, in a positive way, each other's lives and the lives of people they have come in contact with.

At this time, Mr. Speaker, I ask my colleagues to join me in saluting the Graham family of Cleveland, Ohio—the 1981 Urban League of Greater Cleveland Family of the Year.●

JACK RUMAN

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. GRISHAM. Mr. Speaker, it takes a special kind of person to dedicate himself to the field of special education. It takes a person of compassion, patience, and understanding.

When a person with all of these qualities leaves one of our school systems, he is deserving of our recognition and our gratitude. Jack Ruman is such a man.

On May 27, 1981, Jack will retire from the Montebello, Calif., Unified School District after 33 years of service. In his position as director of guidance and special education, Jack was directly involved with youths who had problems beyond those faced by most students.

Jack's energy and innovativeness have been the driving force behind many pioneer programs in California to provide services for the handicapped and the severely handicapped. His efforts have been recognized by various community and State organizations.

Jack's leadership in this field have earned him the respect and admiration of his peers. His contributions are a matter of record in my home State of California, and I am glad to be able to bring these accomplishments to the attention of this Congress.●

SOCIAL SECURITY: A FAIR SOLUTION

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. BARNARD. Mr. Speaker, the news of President Reagan's plans for social security has, to say the least, been received with grave concern by the American public. Certainly there is justification for this concern.

The approach recommended by the administration is drastic. Moreover, it threatens the security and very livelihood of thousands of persons now approaching or beyond retirement age who have planned for the future with the expectation of assured benefits. At the most critical and vulnerable point in their lives, our older Americans have been informed that they will simply have to make other plans.

It is no secret that the social security trust funds are in immediate and serious financial trouble. According to the House Ways and Means Committee, the social security retirement and survivor's trust fund will be depleted in mid-1982. Even if combined with the disability insurance fund, the two together would expire in late 1982. These projections are based on the President's revised budget assumptions for fiscal 1982.

Clearly we have reached a point where some action must be taken to restore social security to a sound financial basis. To do so will require major changes and some cutbacks in benefits. It is my firm opinion, however, that whatever solutions we adopt must insure benefits to those who have paid into the system and have expectations for retirement based on those payments.

One short-term solution already addressed in legislation now before the Ways and Means Committee is to transfer part of the hospital insurance tax rate from the hospital insurance trust fund to the combined OASDI funds. The HI trust fund would then be reimbursed from general revenues. Although this transaction would not solve the underlying problem of outlays exceeding income, it would temporarily increase revenue to the combined OASDI trust fund without increasing the budget deficit.

For the long term, I would propose a two-tiered social security system. According to this plan, workers who begin paying into social security after a certain date will enter under a new system of eligibility and benefits, while those presently paying into social security will be entitled to their

full benefits under the old system. Any number of changes might be incorporated into the new system, but the important point is that new subscribers would enter with a full understanding of the revised rules of eligibility and benefits. This is a far more equitable approach, it seems to me, than the administration's plan to switch horses in the middle of the stream.

We must begin now considering fair and acceptable solutions to the problem of social security financing. As we undertake this task, I urge my colleagues in the Congress to oppose any changes in present benefits that would renege on past promises.●

DIAGNOSIS FOR COMMUNITY HEALTH SERVICES IS DISMAL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. BIAGGI. Mr. Speaker, 2 weeks ago I joined a number of my colleagues in voting against the so-called Gramm-Latta budget substitute. A major reason for my opposition was the serious and adverse impact that budget would have on vital community health services.

I am particularly concerned about the effect this budget will have on essential health services in the Bronx community that I represent. In an effort to demonstrate the severity of this situation, I am inserting a recent statement made by the president of Bronx-Lebanon Hospital Center, Fred Silverman, at a special South Bronx town meeting, which I am proud to add was attended by our distinguished and concerned majority leader, JIM WRIGHT.

STATEMENT OF FRED SILVERMAN

I am greatly honored to share the dais with Congressman Jim Wright, Congressman Mario Biaggi, Congressman Robert Garcia, Boro President Stanley Simon, Councilwoman Aileen Ryan, Brother Patrick Lochrane of the Tremont Community Council and Mr. Edward Logue of the South Bronx Development Office.

I am Fred Silverman of NBC, not the National Broadcasting Company, but No Bronx Cuts! I am also Fred Silverman of BLHC (Bronx-Lebanon Hospital Center) and am here to speak for my constituents—employees, patients and our community.

But back to NBC (No Bronx Cuts!)

I am deadly serious about this. The devastation you see here on Charlotte Street will be only the beginning. We will not have simple program reductions—we will see the end of 100 years of health services to the South Bronx close!

The Reagan proposals and the budget as presently passed by the Senate can remove from the Bronx-Lebanon Hospital over $14 million in cash and revenue in Fiscal 1981-82. This is no mere cutback or service revision. This is the closure of this institution and the death knell for this community and the individuals who reside here.

Just a few weeks ago, the failure of the New York State Legislature to pass a budget caused the Bronx-Lebanon Hospital Center to not receive one weekly payment for Medicaid services rendered, one million dollars. Because of this missed check we could not make payroll. Had the crises not been ameliorated the second check missed would have meant closure of the hospital. So, the $14 million which would be lost under the proposed budget does indeed spell doom.

Forget 2,500 jobs provided to Bronx residents by the Bronx-Lebanon Hospital Center;

Forget $50 million in payroll now coming into the community;

Forget $14.5 million in Federal income taxes paid by our workers;

Forget $3.2 million in State and City income tax paid by our workers;

Forget 200,000 patient days of care and 200,000 emergency and clinic encounters;

Forget the relative stability which the foregoing provides.

But can we afford to forget these things? Absolutely not. We must pull together and fight!

I am sure we are dealing with reasonable men in the government who will respond appropriately if they are presented with the facts forcefully enough. I think they simply do not comprehend the devastating effect their budget policies will have at the grassroots level.

I have worked in the Bronx for 23 years and I remember how it used to be—and how it can be again. We must not allow the progress we have made to evaporate and the Bronx to be destroyed in the name of some vague and over-simplified philosophy now being espoused.

I remember two U.S. Presidents standing on this site and vowing rectitude;

I remember promises of National Health Insurance to insure equitable treatment for the needy—a supposed national priority.

I remember also many fights which have been fought and won by the Bronx-Lebanon Hospital Center with the help of Congressmen Biaggi, Bingham, Garcia, Peyser and many others present here today;

I remember the tremendous support we received from the good citizens of our community and our dedicated employees.

The natural consequence of these victories is the winning of the war. These budget cuts will make us lose the war. The proposed cuts in Medicaid, Medicare, HHS grants, CETA, WIC, CHAP and all the rest must be countermanded.

Let me tell you a little about how Medicaid works. The funding currently is 50 percent Federal and 50 percent State and City. The proposed cut would cap the Federal share at at least $300 million below present levels in New York State, but the 50 percent sharing percentage would be retained. If New York State used the various administrative powers it possesses to reduce Medicaid expenditures to counterbalance the loss of $300 million, at least $600 million annually in benefits to health care institutions would be lost. This is not only intolerable, but impossible, in view of the already bonedry condition of New York hospitals because of State actions over the years.

The Hospital Association of New York State in its Ninth Annual Fiscal Pressures Survey for 1979, published in March of 1981, represents the most dismal financial outlook to date for New York's Hospital System.

The voluntary and public hospitals of the State have incurred losses exceeding $1 billion since 1974.

During this period, 47 New York hospitals closed as a result of financial problems, a reduction of over 10,000 beds in the system.

Of 220 voluntary hospitals in the State, only 8 had no losses in any of the five years from 1975 to 1979.

New York State has led the nation in implementing cost containment programs relating to governmental and privately-sponsored health insurance programs. In fact, the rate of growth in New York State in the health care industry last year was 9 percent, as compared to a national average of 15 percent and a national inflation rate of 12 percent.

Sadly, this continuous record of operating losses without major public calamity has dulled the sensitivity of some state officials and elected representatives to the future well-being of the health care system.

If the Reagan cuts are superimposed on this already horrendous situation, I submit that sensitivities will be aroused very quickly—probably too late! The result will be public calamity because there will be no hospital system. Health care will be fragmented responses to emergencies if there is any response at all. And the economic burden will be all local tax dollars, after the collapse of the Medicaid program.

In my best judgment, before the end of 1981, not only will the Bronx-Lebanon Hospital Center be closed if the present proposed budget is passed, but upwards of 40 to 50 hospitals in New York State will also be closed mostly in poor and low income neighborhoods. Instead of savings to the government, there will be intolerable losses and new costs.

Losses of payroll taxes, FICA payments, purchases of goods and services.

Losses of pride and hope and stature. Workers without jobs facing the daily shame of unemployment, welfare lines, inquisitions into their personal lives where now they are wage earners, tax payers and contributors to their communities and families.

Losses of vital and irreplaceable health services. The South Bronx is underserved and undermanned. It has official designation from the Department of Health and Human Services of being a health manpower shortage area and a medically underserved area. Now it will have less or nothing in health services causing increased morbidity and mortality—debilitating sicknesses which will further erode our community and make working people unemployable due to ill health.

New costs for unemployment and welfare.

New costs for treating people at more expensive facilities in Manhattan and the North Bronx (if they can get there) as patients, because our clinics will not be there to treat people early in their illness which prevents hospitalization.

The President and his advisors talk about a "safety net" to prevent those least able to be harmed by the budget provisions. The trouble with "nets" is that they have holes in it. This "safety net" seems to have holes big enough to drive a truck through. The simple fact is the "safety net" is not there for health and health institutions. It does not exist for the poor, the working poor and marginal earners in our society.

I call upon our legislators in Congress to stop this sham of budget cuts in health, to enlighten their colleagues in the Senate, to bring awareness to the Executive Branch that these are false and dangerous cuts to the public's health and safety. I call upon all responsible politicians, bureaucrats, lead-

ers and officials to keep the health dollars intact!

If the proposals set forth cannot be reflected in changes in the budget bills to benefit all health care providers, we respectfully suggest that the proposals be amended to at least specifically exclude from the impact, (a) States which have implemented cost containment programs which have reduced the level of growth below the nationally-accepted standard, and/or (b) to exempt financially distressed hospitals from the impact of such reductions. In addition, or at least alternatively, a removal of proposals to establish grant programs to financially distressed hospitals and to recognize bad debt as an allowable cost should be considered.

The time to be sensitive and to act is now!●

AMERICA'S RAILROAD WORKERS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. RAHALL. Mr. Speaker, I represent a State that has a long and cherished railroad tradition. Over the years, the rails have provided the means for West Virginia coal to be moved to the industrial centers of America. The rails have carried passengers to family gatherings and long-awaited vacations. Likewise, the railroads have provided jobs for countless numbers of my constituents.

However, today America's railroad system is threatened, threatened by budget cutbacks and total elimination.

Those who cry out for financial savings must realize that there is more to a railroad system than just boxcars and locomotives and dollar signs. There are people involved.

The Reagan administration plans to dismantle the Conrail system, a system that is this country's top revenue railroad, handling over 43 percent of the rail traffic in the Northeast.

The Reagan administration wants to cut funding for Amtrak, a passenger system that attracts more riders each day and which is a mode of transportation more energy efficient than cars or planes.

The administration, knowingly or not, by carrying out these plans, will put 70,000 Americans out of work.

My support of Conrail and Amtrak is longstanding, Mr. Speaker. My family and I have often ridden the Amtrak cardinal route from Prince, W. Va., to Washington, D.C., but my chief reason for speaking out today is my concern for the future of the railroad retirement system.

At the present time, the railroad retirement system is paying out more in pensions than it is taking in from working contributions. The administration's cutbacks in Conrail and Amtrak will reduce this number of contributors even further. The system faces certain bankruptcy by 1982 or 1983 unless some preventive action is taken.

I join railroad workers all over America in supporting a remedy which would: Insure that railroad workers continue to receive a pension adequate to meet their needs; continue annual cost-of-living adjustments; place the system on sound financial ground; and to correct the cash flow drain caused by social security's delay in reimbursing the railroad retirement system for moneys it receives on the system's behalf.

We cannot allow Americans who have labored hard for years to be shut out from the benefits they rightfully deserve. Before the administration can be allowed to follow through on its planned reductions, a guarantee must be provided to protect America's railroad workers.●

SIX WISE STRINGS FOR EL SALVADOR

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. BARNES. Mr. Speaker, on April 29, the Foreign Affairs Committee voted overwhelmingly—with majorities of both parties concurring—to attach six conditions to the provision of further military assistance to El Salvador. Last week, following our lead, the Senate Foreign Relations Committee voted 11 to 1 for a similar provision.

A May 15 editorial in the New York Times aptly sums up the case for this provision, and points to it as evidence that Congress still can and does make wise contributions to the foreign policy of our country.

I hope and expect that the House will sustain the committee's action when the foreign aid bill reaches the floor. And I submit the Times editorial for the consideration of my colleagues.

[From the New York Times, May 15, 1981]

SIX WISE STRINGS FOR EL SALVADOR

Henry Kissinger once remarked that the cardinal test of any foreign policy is its ability to muster domestic support. By that standard, the Reagan Administration's policy in El Salvador remains on shaky ground. Doubts are hardly limited to scruffy students brandishing antiwar placards, or to Catholic activists concerned about official violence that an American-backed junta seems unable to control. They now extend to a portent less readily shrugged off—the Republican-run Senate Foreign Relations Committee.

In an emphatic 11 to 1 vote, the committee has joined its House counterpart in attaching six conditions to military aid to El Salvador. The bipartisan verdict is plain: no weapons from Washington unless President Reagan can certify twice a year that the junta is moving against abuses of human rights and promoting democratic reform. The Senate committee went further, attaching a similar condition to the resumption of arms sales to Argentina.

Generally, it is awkward to inhibit the flexibility of diplomats with legislative hedges. But these aid conditions were not written in pique. They were composed under the direction of responsible Senators—Connecticut's Christopher Dodd, a Democrat, and the committee chairman, Charles Percy of Illinois, a Republican.

And the conditions obviously were inspired by new evidence that public pressure in the United States can have a useful effect. That evidence was the reported arrest of some Salvadoran National Guardsmen for the murder of four American churchwomen last December. By trying crudely to explain away if not excuse those murders, Secretary of State Haig had raised disturbing doubts about the vigor of his private representations to El Salvador.

There are indeed situations where whispered protests can obtain better results than frontal denunciations of a regime's abuse of its people. But those who do the whispering must be perceived as meaning it. And in the case of El Salvador, the Reagan team has been clumsily, if not deliberately, leaving the impression that it doesn't much care what outrages are committed by those who purport to fight against Marxist and Communist forces.

Might not this indifference make it even harder to rescue a democratic center from the Salvadoran rubble? That seems too subtle a point for the Administration. It thinks sending weapons, no matter how they might be misused, is sending strength. The students of foreign affairs in Congress know better and, to their credit, insist on being heard.●

WANDERLUST IN YOUR FUTURE? THEN CHECK OUT THE CITIES

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. LOWERY of California. Mr. Speaker, every Member of this body looks with pride to their hometown and to the cities they represent, viewing them as the best in the country.

I am no different. In my eyes and in the eyes of those San Diegans of California's 41st Congressional District, who I have the honor of representing, San Diego is indeed America's finest city.

Under normal circumstances my words might be discounted as mere hometown pride in the city of my birth, but Mr. Speaker, for those who wish to challenge me on this issue, please allow me to direct their attention to the following article, excerpted from the May/June 1981 issue of Next magazine.

This article confirms what my fellow San Diegans and I have known for years: San Diego is the most desirable city in the Nation and, "comes the closest among the major cities to being Eden-like."

WANDERLUST IN YOUR FUTURE? THEN CHECK OUT THE CITIES

(By Warren Boroson)

There are some 19,000 cities in the United States, some good, some bad, some vital, some dull, some beautiful, some ugly, some safe, some dangerous, some smart, some stupid, some fast, some slow, some that you would be perfectly content to spend a chunk of the future in, some you'd like to leave behind.

Which are they? Where are they? You're about to find out. NEXT has spent three months conducting a Delphi poll among 47 noted authorities to get the answers to lots of questions about cities. And would you believe it? Most of the authorities are optimistic about the future of the grand old towns of America.

Most of our largest cities, instead of sinking into a slough of fiscal horror, physical decay, unemployment, racial enmity and crime, are in for a healthy and prosperous time ahead.

The Cities of Gold proved to be San Diego, Portland (Oregon), Seattle, Minneapolis, Boston, Baltimore, Madison (Wisconsin), Santa Fe, San Francisco, Cincinnati, Kansas City, Pittsburgh and Milwaukee.

The Cities of Dross were Akron, Buffalo, Dayton, Detroit, Houston, Atlanta, Phoenix, Los Angeles, Cleveland, Dallas, Gary, Scranton, Newark and Miami.

In a typical Delphi poll, a group of experts are asked the same or similar questions at least twice. Their answers usually change somewhat in subsequent rounds, once they have learned the names of their colleagues and the consensus of the first balloting. Presumably, the experts cling to the answers they are sure of and join the majority when they are unsure, so that the final consensus represents the firmest views of the entire group. As a forecasting tool, the Delphi poll has repeatedly proved itself extraordinarily accurate.

CITIES ON THE RISE

Clear evidence of the panelists' optimism about American cities came when they rated the prospects of the largest cities in the country. Only five cities, the panel concluded, will decline; 27 will hold their own; 23 will do better. The average city among the 55 wound up neatly poised between the "hold its own" and the "do better" categories.

Why this optimism? Because the energy crunch may drive people back to the cities, and the baby bust may remove the magnet that attracted them to the suburbs.

"The energy crisis has been a blessing in disguise," says Gloria S. McGregor, an executive with the Morrison-Knudsen Company in San Franscisco. "Fifteen years ago, if you wanted a bigger house, you just moved to the suburbs—because you had cheap energy. But now it costs a lot more to build a new house than to remodel an old one, so people are staying put."

Influential citizens are becoming concerned about their cities, and as a result of their efforts, many of our deteriorating cities are beginning to flower.

People who feel gloomy about the state of American cities are usually thinking of the Frostbelt. And most NEXT panelists did agree that while the cities in the Sunbelt will thrive, those in the Frostbelt will manage only to hold their own.

"I certainly believe that many cities in the Northeast and the Midwest are still looking for the bottom," says Paul R. Dommel, a senior fellow at the Brookings Institution in Washington. "A lot of these cities are bleeding economically. Reindustrialization is too late for them. The jobs have already gone, and no wonder. You have lower labor costs in the South. A businessman will have a helluva lot less hassle with the zoning. With the environmental regulations, with all kinds of things than he would in the North."

THE EDEN OF CITIES

Still, when the cities were ranked according to their prospects, Sunbelt cities were liberally sprinkled near the top of the list. Frostbelt cities hogged the bottom. If there was one overall winner in the voting, it was *San Diego.* It topped the list of cities with good prospects and the list of those considered best to retire to; it was near the top among best-managed cities and cities most attractive for their size.

Panelists praised San Diego for its climate, its cultural and recreational activities, its economy, its government, its housing, its physical setting. "It's a kind of Los Angeles without the problems of Los Angeles," says Larry Reich, director of city planning for Baltimore. Says Brooks, "It probably comes closest among the major cities to being Edenlike."

But one panelist even criticized Eden. "San Diego just doesn't have the home industries that Minneapolis has," says Babcock. "It is the only city of its size that I know of that doesn't have a bank with a billion dollars worth of assets—there just isn't all that much industry there."

Tied for second place among cities with good prospects were Portland and Seattle. Portland was also close to the top among trend-setting cities, best-managed cities and best cities to retire to; it was the most attractive city in its size category.

Among the reasons panelists praised Portland: its local government's concern about neighborhoods, the high priority given to the environment, its diversity, its high employment level, its progressive government and its cultural advantages. "It's a city that has its act together," says McGregor. "If you don't mind the rain and the drizzle," says Babcock, "it's just one hell of an attractive city." The only demur comes from Rick Wiederhorn, senior planner for St. Paul, who claims that Portland only emulates what other cities have done, "but does an excellent job of tooting its own horn."

Seattle was a runner-up among best cities to retire to, best-managed cities and trend-setting cities. It tied San Francisco for the lead in attractiveness for its size category. Seattle's virtues include good government, a revitalized downtown area, strong inner-city neighborhoods, excellent recreational facilities, good mass transit and an impressive setting. "A fascinating city," says Babcock.

EDEN NORTH

Minneapolis rivaled San Diego in its performance in the poll. Ranking just below Portland and Seattle in its prospects, Minneapolis was also the best-managed city and the leading trend-setter, as well as a runner-up for attractiveness for its size, for most underrated city and best city to retire to.

Minneapolis was praised for its financial expertise (property taxes have been cut for several years running), its healthy residential neighborhoods, its parks and cultural facilities, its system of sidewalks—called skywalks—enclosed within buildings in the downtown area, its comprehensive planning its vitality.

The four cities at the bottom of the list were Akron, Buffalo, Dayton and Detroit, all industrial cities on the decline. About Akron and Dayton, Wiederhorn says: "Cities in northeast Ohio just don't seem to have made the effort that other communities in similar situations have made." Buffalo, according to Kristina Ford, "has a higher percentage of gray days than any other city in America." And of Detroit, Brooks says: "The Renaissance Center is an example of how not to conduct a major innercity development. They've simply created a fortress surrounded by a wasteland and not made any concentrated effort to develop the city as a whole. Detroit remains a fairly unpleasant place to go."

SOUTHERN TIME BOMBS

Overrated cities included Houston and Dallas (tied), Los Angeles, Phoenix, New Orleans, Atlanta and Miami.

"Houston's lack of zoning and planning are time bombs that are ticking away," says James V. Cunningham, professor of social work at the University of Pittsburgh. Says Dommel, "It has a mammoth section of poverty. The highway system is so poor that traffic jams at rush hour are horrendous, and I've read that there have been shootings when people were caught in those lines." Wiederhorn doesn't think that "people in Houston, or Dallas, have any real grasp of the implications of wild growth at any cost."

Kristina Ford calls Dallas "an undifferentiated plain—one monotonous idea." Says Beale, "You have a tremendously built-up central area, and around it are just freeways and desolation." Niles Hansen of the University of Texas at Austin, commenting upon the fact that Dallas is in the middle of nowhere, says: "Goodness knows why it's there. In more ways than one."

Los Angeles seems to be the city that people love to hate. "The smog was so oppressive, I couldn't wait to get out," says Beale. "It's an inhabited ruin. The quality of life is absolutely abysmal. The freeway system is so clogged that trying to get from here to there is murder," says McGregor. "It has no character, no center."

Phoenix, say Brooks, "strikes me as a Los Angeles of the future. Development is occurring there relatively untrammeled by planning and zoning."

New Orleans, according to the panelists, is deteriorating. "They've got about all the mileage they can get out of the French Quarter," says Brooks.

Atlanta is burdened with a high crime rate; its attempts to rehabilitate its older areas have not been uniformly successful. "Underground Atlanta," say Babcock, "is a junk heap."

Gloria McGregor thinks that "in many areas, Miami is a grungy city. And for many years it's been a haven for the criminal element, attracted to the wealth there. It's a tough place to live in—anything can happen."

SAN DIEGO VERSUS BUFFALO

A fascinating question, relating to all these ratings of American cities, is: Why are San Diego, Portland and Seattle so blessed by good fortune? What differentiates them from accursed places like Buffalo? Why do certain cities seem destined to thrive, others to decay?

Size, in the opinion of most panelists, doesn't really matter—so long as a city is not too big. The median ideal city size chosen was 230,000, but generally the experts pooh-poohed the significance of mere numbers. "I don't think there's an optimal size," says Babcock. "I can like Chicago and

I can like a tiny town in Montana." Says Dommel, "I don't think size is crucial." To Gloria McGregor, "a lot has to do with the way a city is planned. If it's an amorphous blob, even 250,000 is hard to deal with."

Yet cities as large as New York, the panelists felt, may have special problems. With New York, Chicago and Los Angeles in mind, Larry Reich says, "I think that when a city gets to be over four million, it's very difficult to handle.

"There probably is an optimum size for running a city, but I'm not sure there's an optimum size for needing it to exist."

In the first round of the poll, not a single panelist voted for "homogeneity of social and economic classes" as a factor influencing the future of a city. It was dropped from the second balloting. But in later interviews, the panelists seemed to think that homogeneity is a wonderfully desirable part of a city's heredity—but by "homogeneity" they meant, of course, not a sameness of impoverished people but a sameness of the well-off.

But, at the core, what distinguishes cities with a future from cities with no future is jobs. The Delphi panelists voted "employment picture" and "attractiveness for business" number one and number two among the factors that determine whether a city will flourish. And certainly the cities that are being rejuvenated, and those cities that were never senescent at all, are blessed with business communities that are proud of their cities and loyal to their cities, and the political leadership and the business sector work together smoothly.

Says Babcock, "And I'm not sure you'll find that in Phoenix or Houston or Los Angeles. The Medics of the last half of the 20th century in our country are the businessmen who take pride in their cities."●

U.S. RELATIONS WITH TAIWAN

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. RUDD. Mr. Speaker, Dr. Ku Cheng-Kang is well known in both Asia and the United States as a skilled public servant of many years standing. Recently he gave two addresses in Arizona dealing with relations between the United States and the Republic of China on Taiwan.

Dr. Ku has held various government posts since the thirties and since 1951 he has been a senior policy adviser to the office of the president of his country.

Mr. Speaker, the remarks Dr. Ku delivered in Arizona are worthy of attention. I include the following speeches at this point in the RECORD:

UNITED STATES-REPUBLIC OF CHINA RELATIONS AND CHINA'S FUTURE—ADDRESS BY DR. KU CHENG-KANG, HONORARY CHAIRMAN, WORLD ANTI-COMMUNIST LEAGUE AT A BANQUET OF FRIENDS OF FREE CHINA

Mr. Chopiwskyj, ladies and gentlemen, my last visit to this beautiful Arizona city was in 1969. Back here again now, I have been very much impressed by the development and prosperity achieved by Phoenix. Even more overwhelming are the deep concern and sincere friendship shown by you for the Republic of China, this time as well as the last. You have indeed touched me to the heart. I am truly happy this evening being with you, new friends and old friends. My hearty appreciation goes to each of you for your thoughtfulness and hospitality.

This is a gathering of Friends of Free China (FOFC) and you know that I am from the Republic of China. Because you all are very much concerned about Chinese issues, I would like to make an honest appraisal of the pertinent present situation, the trend, and the influence thereof on the United States and the world.

I. ISSUE OF CHINA TODAY

China's present issue is the unprecedented catastrophe in human history resulting from the Chinese Communist insurrection and occupation of the Chinese mainland. In a void of freedom are 900 million people. Properties have been taken away. More than 60 million innocent lives have been lost.

Basically the issue is one of confrontation and struggle between two diametrically different sets of ideologies, social systems and ways of life, one representing freedom and democracy and the other characterized by slavery and autocracy.

In the core of the issue is the Red Chinese persistence in their "four fundamental principles"—socialist road, dictatorship of the proletariat, Communist Party leadership, and Marxism-Leninism-Mao Tse-tung though—even as they face the revolutionary anti-Communist surge of Chinese at home and abroad who insist that China's reunification must be in freedom with democracy.

Also involved are contradictory views about what Peiping (or "Peking") will or will not do about Taiwan. The regime has repeatedly stated that it will "liberate Taiwan," by force if necessary. The goal is to put an end to the Republic of China that hundreds of millions of Chinese regard as the source of hope as they fight against Communism and for freedom. On the other hand, many international sources have been misled by Peiping's peace talk united front maneuvers and entertain the mistaken idea that peaceful settlement is possible through negotiation. These sources are thus lending a helping hand to Peiping's ambitious attempt to keep the 900 million Chinese long in chains.

The issue thus revolves around the Red Chinese drive for aggression and expansion against the free world. With a quarter of the world's manpower resources under it, the regime wants to grow into another Soviet-like Red power.

The China issue being such, peaceful settlement through negotiation is quite out of the question. The Chinese Reds speak about peace talks, but their goal is to destroy the Republic of China, bring Taiwan, Penghu, Kinmen and Matsu under their control, and turn the Chinese in the presently free area into objects of enslavement and oppression just like the masses of Chinese mainland people. Peiping regards peace conference as a form of war to weaken the anti-Communist determination of free nations and destroy the free world unity.

II. GLOBAL INFLUENCE OF CHINA ISSUE

How the China issue develops has important bearings on the entire world.

If the 900 million people remain under Peiping's control as tools of "world revolution," serious threats to Asian-Pacific security and world peace will continue.

If, on the other hand, those people are given freedom, they will be a tremendous plus to the free world, because they can then start contributing to the region's security and to global peace.

Peiping has been and still is militant and bellicose. This is clear from the regime's race with Moscow for hegemony. Threatened by Peiping's international united front operation are not just Asia, African and Latin American free nations. All other free nations similarly face crises of war.

A China united in freedom and democracy will certainly play a positive role in checking Red advances against the free world.

The roaring campaign of 900 million Chinese mainland people for freedom and democracy will stimulate the anti-Red endeavor of other captive peoples and bring down the Iron Curtain everywhere.

III. DIRECTION OF CHINA ISSUE

The course of China issue hereafter will be characterized by wide-spread campaigns of Chinese mainland people for freedom of thinking, political democracy and life of well-being. This will be an anti-Communist revolution to topple tyranny from under it and demolish the Iron Curtain from within.

The development as a matter of course will see stepped-up free Chinese effort everywhere to bring freedom to their captive compatriots. The desire of our people to have China's reunification in freedom and democracy will grow into an irresistible bulwark of national consciousness for anti-Communism.

China's reunification is inevitable but cannot be in manners contrary to majority Chinese wishes. The process has to be and will be on the foundation of freedom, democracy, peace and prosperity.

For a true solution of the China issue, totalitarian Red tyranny must be removed from the Chinese mainland and all of China built anew under a government of the people, by the people and for the people. This is what the Chinese in general want. This also meets the long-range interest of all democratic nations and the free world.

IV. CHINA'S FUTURE AND UNITED STATES-REPUBLIC OF CHINA TIES

The China issue, no matter how you view it, has inseparably to do with the course of U.S.-ROC relations.

Because of ideological, social and life pattern differences, a China of totalitarian Communism will, as Peiping has all along done, regard the United States as the stronghold of capitalism that must be buried. The United States has over the years made a special effort to win Peiping over as a helping hand against the Soviets, but the Chinese Reds still regard America as their major enemy.

From geostrategic viewpoints, a China free and democratic will not only assure security in the Western Pacific but also work closely with the United States to safeguard human freedom and world peace.

From the standpoint of Sino-American common security, U.S. sale of sophisticated weapons to the Republic of China will enhance the ROC's defense capabilities and promote the two nations' common security. Sale of weapons to the Chinese Reds will add fuel to their militant flames. This should not be done if the security of the Taiwan Straits is to be assured and peace in the Western Pacific promoted.

In the free democratic camp's grand strategy against the Red bloc, any attempt to ally with the Chinese Red is fundamentally wrong, because the resulting blurring of the line between enemy and friend can only damage the free world formation.

Take a long-range view of China's future. China will become unified as all the upright Chinese strive on for freedom and democracy. Public disposition, not military might, is the factor of final China issue settlement. The United States, known for her stand for human freedom and respect for political democracy, should fully support the Chinese endeavor for free democratic reunification. I therefore sincerely hope that the United States will further strengthen her ties with the Republic of China and move toward normalization, which is the correct path to China issue solution and also the correct way to promote Sino-American relations in line with the long-range interest of our two nations.

Ladies and Gentlemen: People throughout the world respect the United States mainly because of America's stand for freedom and human dignity, not because of the American wealth and strength. America has successfully accomplished man's first space shuttle run. Mankind has been elevated to a new high realm of science and technology. Very regrettable, however, is that people still are being enslaved and trampled on by Red tyrants in wide areas of earth. We must unite all those behind and outside the Iron Curtain who stand for freedom. We must eliminate Red forces and build a lasting brilliant era of freedom, democracy, peace and prosperity for all mankind.

Let our endeavor for human freedom be crowned with a sweeping victory.

JOINT ENDEAVOR FOR REINSTITUTION OF NORMAL UNITED STATES-REPUBLIC OF CHINA RELATIONS—ADDRESS BY DR. KU CHENG-KANG, HONORARY CHAIRMAN, WORLD ANTI-COMMUNIST LEAGUE AT THE NATIONAL CONVENTION OF FRIENDS OF FREE CHINA

Mr. Chairman, distinguished guests, ladies and gentlemen, The Friends of Free China (FOFC) is an association that represents the noble U.S. image. It symbolizes America's lofty national spirit and moral courage. As the United States has just started a new age of space technology by flawlessly accomplishing man's first shuttle run into the heavens, it is with great excitement and a keen sense of honor that I am here meeting with so many upright friends of this nation. On this memorable occasion, I extend to all Americans my sincere felicitations on the great achievement and express my hearty respect to you for the effort and contribution you have made in support of the Republic of China.

The United States at present does not have diplomatic relations with the Republic of China. But the peoples of both nations similarly love freedom and oppose Communism and autocracy. Because of this and America's staunch righteous stand against aggression, the present abnormal situation will not last long. Consideration for the two nations' long-range common interest will also help bring reinstitution of normal ties. This is history's inevitable course. President Reagan's policy of strength for freedom and peace, resolute attitude about Soviet expansion, and full demonstration of morality and courage for the Government and people of the ROC are all indeed encouraging.

The Republic of China is a faithful friend of the United States of America. Few Americans disagree. But there still are views that recognition of the Chinese Reds was correct and that enlistment of the regime for the checking of Moscow is an effective strategy in line with America's interest.

In fact, this is illusory thinking.

In terms of ideologies and systems, Peiping (or "Peking") is in the autocratic Red group that is diametrically opposed to freedom and democracy. The regime absolutely cannot be regarded as a helping hand for America's multipolar check and balance strategy. Peiping is at odds with Moscow but the conflict is for hegemony in the name of Communism. Hostility does exist between the two Red regimes, but the enemy's enemy is not necessarily a friend. Peiping certainly is not a friend of the United States or other free nations.

Many American officials, military officers and experts have visited the Chinese mainland and concluded that Peiping, with very backward military equipment, training and tactics, is in no position to fight a modern war. Having no strength to counter the Soviets, Peiping has tried to have the U.S. on its side as a shield.

But the Washington-Peiping get-together has not had any restraining effect on Soviet moves. Moscow has openly stretched out, casting its shadow over the Indian Ocean, the Tokyo Bay and the Sea of Japan. Without the least hesitation, Moscow sent its troops into Afghanistan and started threatening the entire Persian Gulf area and the Middle East. Open assistance to the Red Cuban regime has continued. Aid to El Salvador's leftists is the latest addition on the Moscow list. America's backyard is exposed to threats. The Soviets furthermore have staged massive military maneuvers of Warsaw Pact nations for better readiness to march into Poland.

If the U.S. were to provide arms to millions of Peiping troops—a task that would be very costly—and enter into a military alliance with the regime, Moscow would be forced to take all-out expansionist steps against the imposed barrier. America would then face a crisis of major war.

Alliance with the Chinese Reds for the sake of checking Moscow is not just a mistaken strategy. It is highly dangerous because Peiping may acquire strength and grow as another Soviet-like Red menace to freedom and security. For a better world communization drive, Peiping may then rejoin with the Soviets and turn against the United States.

America must be fully aware that alliance with Peiping amounts to mistaking enemy as friend and blurring the line between right and wrong. The loss of free world confidence in the U.S. can very adversely affect the necessary unity and grand strategy against Soviet expansion.

Changes in the Chinese mainland situation will as a matter of course put an end to any U.S. attempt to place Peiping on the chessboard against Moscow. The fact is that the Red Chinese rule will sooner or later fall apart.

The regime presently faces three major crises. Teng Hsiao-ping's faction now in power is opposed by the Gang of Four's remnant followers. Words are spreading that a Second Cultural Revolution is in the offing. Next to be noted is the very shaky confidence of cadres and military personnel as a result of the continuing power struggle and the regime's wavering ideological line. The last but not the least is the total loss of mainland people's hope in Communism and Peiping's rule. Young people, intellectuals and workers have been staging demonstrations and strikes. Demands are heard that Communism must be abandoned.

In the absence of trained manpower, technology, capital, management knowhow and experience, and kept within the framework of crooked doctrinarism, Peiping's "four modernizations" failed at the very outset and produced serious consequences—currency inflation, spiraling commodity prices, aggravating unemployment, etc.

Peiping's 31-year rule on the Chinese mainland has been a record of total failures. Mao Tse-tung's "great leap forward" went backward. Then came the devastating Cultural Revolution and now another "leap backward" in the name of "four modernizations." The very foundation of Communist structure is shaky. The crisis will not wear off unless Peiping renounces Communism. Before the regime does that, the angry people will rise and topple it.

One question that has been extensively debated is why the Republic of China does not talk peace with the Chinese Reds. There is no denying that the ROC Government and people have all along wanted a fundamental solution of the so-called China issue through national reunification under an administration system of the people, by the people and for the people. However, unless Peiping gives up Communism—a bankrupt formula that has been pushed on the Chinese mainland through 30 cruel, dark and backward years—we of the Republic of China cannot and will not talk with the Chinese Reds, much less make a compromise with them. We cannot accept or tolerate Communism. We have the painful experience of losing our mainland as a result of talking with Chinese Reds on three occasions.

None of the Chinese who believe in freedom and democracy will meet the Red tyrants halfway.

The Taiwan area of the Republic of China enjoys a per capita income nine times that of the Chinese mainland. Our per capita trade volume is 70 times as much. We are not going to come to terms with the poor and backward Peiping regime.

Our ROC society in Taiwan is open and progressive. We cannot arrive at any compromise with the Peiping rulers who are keeping their closed society backward under autocracy.

The Taiwan area's 17 million Chinese are living in freedom and democracy, enjoying growing prosperity and well-being. Can we let them fall behind the Iron Curtain and become slaves of Red tyranny? Furthermore, if we were to make a compromise with Peiping, we would be acting against the wishes of the 900 million Chinese mainland compatriots who are fighting for freedom, democracy and human rights. We cannot send them down the drains.

China's future will necessarily be one of unification in freedom with democracy. This is a foregone conclusion whether you view China in the context of the world or see the world from the Chinese angle. The China issue is part of the bipolar global confrontation of freedom and democracy against Communism and autocracy. This is a situation with no room for reconciliation or concession. China's future is inseparable from that of the free democratic world, for only when China is united in freedom and democracy can the nation as a whole contribute to mankind.

Very important is the fact that the 900 million Chinese mainland people have awakened and are issuing calls that Taiwan's examples be emulated. They will rise with the Government and people of the Republic of China for national reunification in freedom and democracy.

Reinstitution of normal U.S.-ROC relations will greatly help this unification process. When freedom and democracy prevail on the Chinese mainland and when the 900

million people are with the democratic camp, the strength generated will be truly against Soviet expansion. The nation can then be an effective link of America's multipolar check and balance arrangement.

Reinstitution of normal U.S.-ROC relations will greatly enhance security in the Western Pacific and assure unhindered passage from the Sea of Japan to the Indian Ocean and the Persian Gulf.

Reinstitution of normal U.S.-ROC relations will create a new American image for all the free world. Confidence in America's determination to uphold freedom and democracy will be enhanced. The United States will be better able to unite free nations and put an end to Soviet expansion.

Anyone taking realistic views will see that gains from restored normal U.S.-ROC relations will far exceed the imagined benefit from attempts to pit the Chinese Reds against the Soviets.

To have normal U.S.-ROC relations again, we must first make sure that the United States does not get bogged in the Peiping quagmire. We must issue calls to the U.S. Congress, to the American press, to academic circles and to the American public, urging them to staunchly uphold righteousness and make sure absolutely no appeaser step is taken for the Chinese Reds.

We must, as one, request the U.S. Government to repel any Red Chinese attempt to interfere in America's ROC policy.

We must together tell Washington that attempts to use Chinese Reds as chessmen against the Soviets are dangerously mistaken and must be abandoned immediately.

We must jointly urge Washington to sell modern weapons to the Republic of China so that the ROC can effectively safeguard the security of the Taiwan Straits and the Western Pacific.

We must strive as one and make sure the U.S. Government and people support the endeavor of all Chinese for China's unification in freedom and democracy. Let us together see that the 900 million Chinese mainland people step soonest to the democratic camp side for contribution to Asian and global freedom and security.

Ladies and Gentlemen: The U.S. and ROC peoples similarly want reinstitution of normal relations. Due efforts must be made in this regard, for this is a sacred mission—an integral part of the American national renewal. Let our cheer be heard far and wide: Long live the U.S.-ROC friendship.●

IT IS HIGH TIME TO REESTABLISH THE HOUSE COMMITTEE ON INTERNAL SECURITY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. ASHBROOK. Mr. Speaker, on January 14, 1975, the Democratic leadership of this House saw fit to abolish the House Committee on Internal Security. The deed was done by parliamentary sleight of hand, under the guise of adopting the rules of the house for the 94th Congress. I believed that the destruction of that committee was a serious mistake in 1975 and I still believe it is a mistake today, in 1981. Those of us who share grave concerns about the increase in national and international terrorism must renew our efforts to reestablish that committee.

It would be terribly naive to believe that the terrorism that runs rampant in Europe and other parts of the world will somehow stop at our Nation's borders. Those who believe that the United States is immune from this terrorist epidemic should take another long, hard look at what has been taking place not only in Europe but within our own boundaries as well. Bombs in New York, bomb threats at National Airport in Washington, millions of illegal aliens pouring across American borders. Believe me, we are facing a serious problem and the longer we ignore it, the worse it will become. How many of these bombs must go off, how many people must be injured or killed before the Congress wakes up to reality?

Mr. Speaker, liberal leaders in the Congress have long fought to sweep the Internal Security Committee under the rug. I believe that the issue of our internal security has become much too serious to ignore, too serious to become partisan. I urge my colleagues to join me in asking the Rules Committee and the House leadership to bring the legislation re-creating this important committee to the floor of the House for a vote. If the Members of this body are given the opportunity to record their votes, I am confident that the committee will be reestablished.●

VIEWS OF CONGRESSIONAL RESEARCH SERVICE ON H.R. 900

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. EDWARDS of California. Mr. Speaker, as part of my continuing effort to share with this body the learned views of America's leading constitutional scholars on the subject of H.R. 900 (S. 158), I am today submitting excerpts from the legal opinion prepared by the Congressional Research Service of the Library of Congress, long respected for its objectivity and expertise.

I. CONGRESSIONAL AUTHORITY TO ALTER THE SUPREME COURT'S RULING IN ROE AGAINST WADE

A. THE OBJECT AND PREMISE OF SECTION 1 OF S. 158

The object of section 1 of S. 158 is to legislatively overturn the ruling of the Supreme Court in *Roe* v. *Wade* (410 U.S. 113 (1973) "that the word 'person', as used in the Fourteenth Amendment, does not include the unborn." (410 U.S. at 158). It accomplished this purpose, not by a direct overruling but indirectly through a legislative fact-finding process. First, the statute makes two findings of fact: that scientific evidence supports the existence of life at conception and that the framers of the Fourteenth Amendment meant to protect all human life. Then, on the basis of these findings, it invokes the legislative authority of section 5 to declare that human life begins at conception and that the term person is deemed to include all human life for purposes of future enforcement of the Amendment's protections.

This fact-finding process is premised on a reading of the *Roe* opinion which concludes that the Court's failure to determine when human life begins was the result of its self-confessed inability to find an answer. Proponents of this approach point to language of the Court noting that the issue of when life begins is "sensitive and difficult," that there is a "wide divergence of thinking" on it, and that the judiciary "is not in a position to speculate as to the answer." (410 U.S. at 159-160; see also, *Galeback, supra*, n. 10, pp. 6-7). Indeed, the Court, it is pointed out, conceded that "If the suggestion of personhood is established, the appellants' case, of course, collapses, for the fetus' right to life would then be guaranteed specifically by the Amendment." (410 U.S. at 156-157). Thus, it is concluded that the failure of the Court to afford constitutional protection for the unborn stems from an institutional incapacity of the judiciary to make the requisite fact-findings and policy determinations based upon those findings.

The line of argument continues by urging that such an incapacity on the part of the judicial branch should not and does not leave a void in the government's capacity to enforce constitutional guarantees. Section 5 of the Fourteenth Amendment provides that: "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." This grant of legislative authority recognizes the proper fact-finding and policy determination role of the Congress.

It is contended Congress has the power under the Constitution to investigate and determine when human life begins, just as it has the power to decide countless other policy questions involving difficult decisions on unclear facts and conflicting values. Congress' power is especially clear, it is claimed, when those questions are related to the enforcement of rights guaranteed by the Fourteenth Amendment. When the courts are not capable of resolving a difficult question which is fundamental to the application of a provision of the Amendment, that provision can be effectively enforced only if Congress addresses the question through the vehicle of section 5. This Congressional capacity to interpret and apply constitutional terms has been recognized by the Supreme Court even in instances when the Congressional action has differed from and even contradicted Supreme Court interpretations. See *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966); *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966); *Oregon* v. *Mitchell*, 400 U.S. 112 (1970); *City of Rome* v. *United States*, 446 U.S. 156 (1980); *Fullilove* v. *Klutznick*, 100 S. Ct. 2758 (1980).

From the foregoing it is clear that an assessment of the validity of S. 158 will turn in large measure on what the Court in *Roe* precisely held. Therefore it is appropriate to turn at this point to that decision before proceeding with further analysis.

B. THE COURT'S HOLDING IN ROE V. WADE

Proponents of the Human Life Statute rest their basic premise on a reading of the Court's opinion in *Roe* v. *Wade* (410 U.S. 113 (1973)) which may telescope two separate parts of the Court's opinion into a conclusion not supported by close analysis.

In *Roe*, the Supreme Court found that a Texas statute that forbade all abortions not necessary "for the purpose of saving the life of the mother" interfered to an unconstitutional extent with a woman's right to decide whether to terminate her pregnancy. The Court ruled that States may not categorically proscribe abortions by making their performance a crime, and the States may not make abortions unnecessarily difficult to obtain by prescribing elaborate procedural guidelines. The constitutional basis for the decision rested upon the conclusion that the Fourteenth Amendment right of personal privacy embraced a woman's decision whether to carry a pregnancy to term. The Court emphasized that the right to personal privacy is a fundamental right, and, therefore, only a "compelling state interest" could justify its limitation by a State.

The Court went on to recognize that the state's interests in protecting maternal health and the preservation of the fetus' potential life were legitimate (Id. at 148–150) and that there was a rational connection between these two interests and the state's antiabortion law. But it held these interests insufficient to justify an absolute ban on abortions. Instead, the Court emphasized the durational nature of pregnancy and held the state's interests to be sufficiently compelling to permit curtailment or prohibition of abortion only during specified stages of pregnancy. The High Court concluded that until the end of the first trimester an abortion is no more dangerous to maternal health than childbirth itself, and found that:

"[w]ith respect to the state's important and legitimate interest in the health of the mother, the "compelling" point, in light of present medical knowledge, is at approximately the end of the first trimester." (Id. at 163).

Only after the first trimester does the state's interest in protecting maternal health provide a sufficient basis to justify state regulation of abortion, and then only to protect this interest. (Id. at 163–164).

The "compelling" point with respect to the state's interest in the potential life of the fetus is at "viability." Following viability, the state's interest permits it to regulate, and even proscribe, an abortion except when it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother. (Id. at 163–164). The Court defined viability as the point at which the fetus is "potentially able to live outside the mother's womb, albeit with artificial aid." (Id. at 160). The Court summarized its holding as follows:

"(a) For the stage prior to approximately the end of the first trimester [of pregnancy], the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician.

"(b) For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

"(c) For the stage subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." (Id. at 164–165).

Before proceeding further with this exposition of the Court's opinion, it is critical to emphasize that the introduction of the concept of viability was not meant to deal with nor is in any way related to the question of when life begins. The concept serves only to demark a point in the process of gestation at which a state's interest in potential life becomes compelling and the state may act to proscribe abortion. This is underlined by the Court's clear holding that, even after viability, a woman's due process right to life will prevail over a viable fetus if in the judgment of her physician her life or health would be endangered. The significance of the Court's use of the concept of viability becomes more apparent after we review its treatment of the definition of person and its disposition of the life issue.

The *Roe* opinion directly addressed the issue of what consitutes a "person" under the Fourteenth Amendment and other sections of the U.S. Constitution. (Id. at 157–169). It indicated that the Constitution never specifically defines "person," but added that in nearly all the sections where the word "person" appears, ". . . the use of the word is such that it has application only post-natally. None indicates, with any assurance, that it has any possible pre-natal application."' (Id. at 157). The Court emphasized that this textual analysis, taken together with the fact that in the major part of the 19th century prevailing legal abortion practices were far freer than they are today, persuaded it "that the word 'person,' as used in the Fourteenth Amendment, does not include the unborn." (Id. at 158). The court added that this conclusion was in accord with all other precedent that had treated the issue and with its own opinion in *United States* v. *Vuitch* (402 U.S. 62 (1971)). which "inferentially is to the same effect, for we would not have indulged in statutory interpretation favorable to abortion in specified circumstances if the necessary consequence was the termination of life entitled to Fourteenth Amendment protection". (410 U.S. 158–159). Thus, the Court's ruling is a clear substantive interpretation of a constitutional provision.

The Court next turned to Texas' contention that life begins at conception and that the state has a compelling interest to protect it from that point. Although the Court stated that "We need not resolve the difficult question of when life begins", it is clear that it was not because of any felt institutional incapacity, but rather because it was irrelevant, as a legal matter, to the decision. For, having just determined that a woman's right to decide is fundamental and that the unborn are not persons protected by the Fourteenth Amendment, the Court was able to say "we do not agree that, by adopting one theory of life, Texas may override the rights of the pregnant woman that are at stake." (Id at 162).

Stated differently, under the Court's rationale, there is no linkage between a theory of life and who is a person within the meaning of that term in the Constitution. The latter is a legal question which is determined in the traditional judicial manner: through reference to pertinent text, legislative history, past precedent, etc. Once the constitutional exegesis is complete there is no warrant for reference to opposing theories of life. That is foreclosed by the Court because it is irrelevant. The issue is one of legal interpretation, not fact-finding. The life question was not left for another day when better, more conclusive, evidence might become available, or to another forum better capable of weighing the available facts. It was dismissed as not pertinent to resolution of the legal issue at hand.

This is made evident by the next succeeding section of the Court's opinion that sets forth its trimester scheme delineating the points at which the interests of the state in maternal health and potential life becomes compelling. Significantly, even when the States' interest in potential life becomes compelling at the point of viability, it may be overridden at any time before birth by the mother's superior claim to continued life and health. (Id. at 164).

In summary, then, the Supreme Court's opinion in *Roe* v. *Wade* is an exercise in interpretive analysis of constitutional provisions. It made two substantive holdings based on that analysis: first, that a woman's fundamental right to privacy under the Fourteenth Amendment encompasses her right to decide whether to terminate her pregnancy; and, second, that a fetus is not a person within the meaning of the Fourteenth Amendment.

We now turn to the question whether the theory on which the proposed Human Life Statute is based is reconcilable with the Court's holding in *Roe*, and, if not, whether Congress' authority under section 5 of the Fourteenth Amendment may be used to override those holdings.

C. CONGRESSIONAL POWER UNDER SECTION 5 OF THE FOURTEENTH AMENDMENT

On the basis of the foregoing analysis of the *Roe* opinion, there can be little room for doubt that the Court was engaged in legal textual interpretation in the course of its determination that the unborn were not persons within the meaning of the Fourteenth Amendment. it made a substantive finding as to the content of that constitutional provision that was in no way related to or dependent upon when human life begins. Thus, on its face, S. 158 is irreconcilable with the Court's decision since a legislative finding of life at conception is the linchpin of its rationale. The question remains, then, is there any authority in Congress to override even a substantive ruling of the Court?

S. 158 represents legislation that would operate not merely to "enforce" the guarantees of the Fourteenth Amendment to protect against some practices that the Court has not pronounced unconstitutional, but would go beyond that and actually restrict a practice that the Court has sustained as constitutionally protected. In short, it would undo the balance of constitutional values fashioned by the Court. The bill would thus create a conflict with the traditional function of the judiciary as defined in *Marbury* v. *Madison*. (5 U.S. (1 Cranch) 137 (1803)). *Marbury* early on established the supremacy of the Supreme Court as the final arbiter of the meaning of the Constitution. It is asserted that Chief Justice Marshall's oft-quoted words that it is the judicial branch's province to "declare the law," (Id. at 177), have come to mean, at the very least, that the Court has the final say with respect to interpreting the substantive content of constitutional provisions. If not, then the Court's singular role as discover and protector of constitutional rights would be subject to the fluctuating disposition of elective majorities and effective judicial review would be at an end. The *Marbury* principle was reiterated more recently by the Court in a decision in which it refused to allow a dilution of its holding in its landmark decision in *Brown* v. *Board of Education:* (347 U.S. 487 (1954)).

"[*Marbury*] declared the basic principle that the federal judiciary is supreme in the

exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the Country as a permanent and indispensable feature of our Constitutional system . . . Every state legislator and executive and judicial officer is solemnly committed by oath . . ., 'to support this Constitution.' (*Cooper* v. *Aaron*, 358 U.S. 1, 18 (1958)).

The touchstone of *Marbury* is only the start of analysis, however. It represents the understanding, generally acquiesced in for almost two centuries by the political branches and the states, that the stability of our constitutional order requires an ultimate arbiter of the tensions created by the "majestic generalizations" of the Constitution. The Court itself, then, must be looked to initially for guidance as to whether this is a situation in which legislative prerogatives may alter the judicially determined balance of individual rights under the Constitution.

Proponents of S. 158 argue that the Court's own interpretation of Congressional authority under section 5 of the Fourteenth Amendment demonstrates recognition of a broad power to enact remedial legislation to enforce the guarantees of the Amendment. For support they rely on a line of voting rights cases which, it is argued, may be read to mean that Congress could displace the Court's judgment as to whether a particular kind of discrimination was invidious and therefore unconstitutional. The key case for this view is *Katzenbach* v. *Morgan* (384 U.S. 641 (1966)) which involved section 4(e) of the Voting Rights Act of 1965 (42 U.S.C. 1973b(e) (1976)). That statute, which primarily benefitted Spanish-speaking New York residents educated in Puerto Rico, prohibited the states from using an English literacy requirement to disenfranchise persons educated in American-flag schools in which the predominant classroom language was other than English. The Court held that section 4(e) was a valid measure to enforce the equal protection clause of the Fourteenth Amendment, even though some years before the Court had upheld facially neutral literacy requirements against an equal protection challenge. *Lassiter* v. *Northampton County Board of Elections*, (360 U.S. 45 (1959)).

The Court used a two part analysis to uphold the statute. It first construed section 5 as granting Congress "by a specific provision applicable to the Fourteenth Amendment, the same broad powers expressed in the Necessary and Proper Clause." *Katzenbach* v. *Morgan*, (384 U.S. at 650). Under this interpretation, the Court held it within the power of Congress to determine that the Puerto Rican minority needed the vote to gain non-Discriminatory treatment in public services and that this warranted federal intrusion upon the states. (Id. at 652-53).

Under this rationale a court would still retain authority to determine whether discrimination exists and whether the legislative remedy is reasonably related to the proper goal. *Morgan's* second rationale, however, seemed to be that notwithstanding the Court's opinion that literacy tests were constitutional, Congress could make its own independent and contrary judgment on that constitutional question. In making such a judgment several factors were to be weighed. The Court stated that "it was Congress' prerogative to weigh these competing considerations. . . . [I]t is enough that we perceive a basis upon which Congress might predicate a judgment that the application of New York's English literacy requirement . . . constituted an invidious discrimination in violation of the Equal Protection Clause." (Id. at 656). It is argued that by suggesting that Congress can legislate to address specific violations of the Equal Protection Clause, the Court in *Morgan* conferred on Congress the power to define the reach of equal protection. Indeed, Justice Harlan specifically attacked this portion of the majority's opinion as allowing Congress to define constitutional rights "so as in effect to dilute [the] equal protection and due process decisions of this Court." (384 U.S. at 668 (Harlan, J. dissenting)).

However, the very next case to reach the Court raising a section 5 issue appeared to signal a significant retreat from the second *Morgan* rationale. In *Oregon* v. *Mitchell* (400 U.S. 112 (1970)). The Court confronted challenges to the constitutionality of provisions of the Voting Rights Amendments of 1970 (42 U.S.C. 1973) which lowered the minimum voting age in state and federal elections from 21 to 18, barred the use of literacy tests under certain circumstances, and forbade state imposition of residency requirements for presidential elections. The Court, in five separate opinions, struck down the section of the Act extending the franchise to 18 year olds in state and local elections. The opinions of a majority of the justices concurring in *Mitchell* indicate the belief that section 5 does not confer unlimited power on Congress to determine the meaning of equal protection. Justice Stewart, joined by Chief Justice Burger and Justice Blackmun, found that Congress could not usurp the role of the courts by determining the boundaries of the Equal Protection Clause. (400 U.S. at 296). Rather than reading *Morgan* as granting Congress a power to define the reach of the equal protection clause, Justice Stewart reasoned that the Court in *Morgan* only accepted an undoubtedly correct conclusion that a state statute denying a racial group the right to vote amounts to invidious discrimination under the Equal Protection Clause. (Id. at 295-296). Justice Harlan agreed that Congress could not define the reach of equal protection, reasoning that constitutional interpretation by the Congress conflicts with the principle of judicial supremacy and with procedures for amending the Constitution. (Id. at 205). Justices Black and Douglas disagreed on the validity of the provisions because of their differing conception of the reach of the Equal Protection Clause, but each assumed that the legal question was for the courts, not Congress to decide. (Id. at 117-135 (Black, J., announcing judgments of the Court; Id. at 135-152 (Douglas, J., separate opinion))).

Justice Marshall, continuing to adhere to Morgan's second rationale, argued that since Congress had the power under section 5 to lower the voting age because it had sufficient evidence to conclude that exclusion of such citizens from the franchise was unnecessary to promote any legitimate state interests, it could properly extend the franchise, regardless of the Court's view. Marshall pointed out that "Should Congress . . . undertake an investigation in order to determine whether the factual basis necessary to support a state legislative discrimination actually exists, it need not stop once it determines that some reasonable men could believe the factual basis exists. Section 5 empowers Congress to make its own determination in the matter." (Id. at 248).

In sum, then, it appears that a majority in *Mitchell* rejected the contention that section 5 authorizes Congress to define the substantive boundaries of the Equal Protection Clause, although it did not give a precise guide to what are its proper limitations. Subsequent cases in which an exercise of section 5 authority has been reviewed by the Court have rested on legislative fact-finding and a remedial response and have been upheld on that basis.

In *Fullilove* v. *Klutznick* 100 S. Ct. 2758 (1980) the Court, in approving the minority business enterprise (MBE) set aside provision of the Public Works Employment Act of 1977 (42 U.S.C. 6701 (1979 Supp.)), explained that the objectives of its program were aimed at remedying a discriminatory situation found to exist by the Congress:

With respect to the MBE provision, Congress had abundant evidence from which it could conclude that minority businesses have been denied effective participation in public contracting opportunities by procurement practices that perpetuated the effects of prior discrimination . . . Accordingly, Congress reasonably determined that the prospective elimination of these barriers to minority firm access to public contracting opportunities generated by the 1977 Act was appropriate to ensure that those businesses were not denied equal opportunity to participate in federal grants to state and local governments, which is one aspect of the equal protection laws (100 S. Ct. 2758, 2774-5).

Similarly, in *City of Rome* v. *United States* (446 U.S. 156 (1980)) the Court upheld Congress power to enact such remedial legislation pursuant to its comparable enforcement authority under section 2 of the Fifteenth Amendment. At issue in this case was the constitutionality of the Voting Rights Act of 1965, as amended, and its applicability to electoral changes and annexations made by the city of Rome, Georgia. Such changes were deemed to have the effect of denying the right to vote on account of race or color, and thus, were in violation of the Act. The Court specifically held that, "even if § 1 of the Amendment prohibits only purposeful discrimination, the prior decisions of this Court foreclose any argument that Congress may not, pursuant to § 2, outlaw voting practices that are discriminatory in effect." (Id. at 173). The Court in *City of Rome* relied to a great extent on its holding in *South Carolina* v. *Katzenbach* (383 U.S. 301 (1966)) which dealt with remedies for voting discrimination. It also cited *Katzenbach* v. *Morgan*. The Court wrote:

"In the present case, we hold that the Act's ban on electoral changes that are discriminatory in effect is an appropriate method of promoting the purposes of the Fifteenth Amendment, even if it is assumed that § 1 of the Amendment prohibits only intentional discrimination in voting. Congress could rationally have concluded that, because electoral changes by jurisdictions with a demonstrable history of intentional racial discrimination in voting create the risk of purposeful discrimination, it was proper to prohibit changes that have a discriminatory impact." (446 U.S. at 177).

The foregoing Supreme Court rulings, even read most generously, would not appear to support the expansive revisory power inherent in S. 158. It is of critical importance to note at the outset that none of the cases just reviewed involves the situation sought to be covered by S. 158. That is, in none of the cases in which the Court arguably recognized a power in Congress to enact legislation interpreting and applying section 1 of the Fourteenth Amendment on the basis of legislative fact-finding was

there involved the situation where the Supreme Court, prior to the enactment of legislation by Congress, held constitutionally invalid any legislative effort, either by a state or the Congress, which undermined or denied a constitutional right established by judicial interpretation. *Lassiter,* which upheld a state enactment, was not overruled by *Morgan* and invited legislative fact-finding. *Roe,* on the other hand, in striking down Texas' restrictive abortion statute announced a limitation on legislative authority that is applicable to all legislatures including Congress.

The voting rights cases deal with instances of expansion of Fourteenth Amendment rights against restrictive state practices. They do not stand for the proposition that Congress may invalidate federal court action *enforcing* the Fourteenth Amendment. *Morgan* allows Congressional intrusion into state sovereignty where necessary to secure Fourteenth Amendment guarantees. *Morgan* does not relax other limitations on Congressional power such as those inherent in the Fifth Amendment.[1]

Further, even assuming that *Morgan* invites in some circumstances legislative fact-finding that could directly or indirectly define the content of a Fourteenth Amendment guarantee, this is not such a circumstance. As has been previously indicated, the Court in *Roe* foreclosed the possibility of establishing a necessary relation between the definition of person and the question of when life begins. One is a question of law, the other of biology. No question of institutional competence is raised or involved.[2]

In the only case to specifically address the issue at hand, a federal district court dismissed the thesis underlying S. 158 out of hand. *Doe* v. *Israel* (358 F. Supp. 1193 (D.R.I. 1973), aff'd mem., No. 482 F. 2d 156 (1st Cir. 1973), cert. denied 416 U.S. 993 (1974)) involved a challenge to a Rhode Island statute remarkably like the one under consideration . . .

As is the case here, the proponents argued that the legislative findings of fact in the preamble took it outside the ambit of *Roe* because the Court never addressed the issues of when life begins, and presented testimony of learned authorities in the fields of obstetrics, surgery, prenatal physiology and fetal research on the question. The court rejected the defendant's contentions and held the statute unconstitutional. First, the Court noted that it was a misreading of *Roe* to argue that the Court left open the question of when life begins. (358 F. Supp. at 1199-1200).

Next it rejected the contention that the legislature could define person on the ground that this was a question of law foreclosed by *Roe.* (358 F. Supp. at 1201-1202).

In conclusion, this examination of the possible sources upon which section 1 of S. 158 might be based indicates that a serious constitutional question is raised whether one exists. The Supreme Court's ruling in *Roe* v. *Wade* involved an interpretation of the content of Fourteenth Amendment provisions. The Court came to two substantive conclusions: that a woman has a fundamental right to decide, in conjunction with her physician, whether to terminate her pregnancy; and that the unborn are not persons within the meaning of the Amendment. The question of when life begins was not decided because it was irrelevant to the legal conclusion and not as a result of a judicially perceived lack of institutional competence. The implication is that Congress is not free to re-define personhood for constitutional purposes. No judicial authority examined dealing with the nature and scope of Congressional power under section 5 of the Fourteenth Amendment, or the analogous authority under section 2 of the Fifteenth Amendment, supports a reading which would allow Congress to exercise such revisory power under the instant circumstances. Finally, exercise of such authority would arguably threaten the principle of judical supremacy established in *Marbury* v. *Madison* and have a serious impact on our present constitutional scheme. In the words of Mr. Justice Harlan in *Oregon* v. *Mitchell:*

"To allow a simple majority of Congress to have final say on matters of constitutional interpretation is therefore fundamentally out of keeping with the constitutional structure. Nor is that structure adequately protected by a requirement that the judiciary be able to perceive a basis for the congressional interpretation, the only restriction laid down in *Katzenbach* v. *Morgan,* 384 U.S. 641 (1966)." (400 U.S. 112, 205 (1970)).●

[1] See, Cohen, "Congressional Power to Interpret Due Process and Equal Protection," 28 Stan. L. Rev. 603, 614 (1975).

[2] It may be noted that the Court has previously dealt with the question of who is a person under the Fourteenth Amendment in regard to business corporations and summarily found that they are. *Santa Clara County* v. *Southern Pacific Railroad,* 118 U.S. 394, 396 (1886). Since that time the Court has engaged in a case by case process of determination whether a particular constitutional guarantee is available to corporations based on the nature, history, and purpose of the particular constitutional provision. See *First National Bank of Boston* v. *Bellotti,* 435 U.S. 765, 778 n. 14, 822 (1978).

ACHIEVEMENTS OF THE SACRAMENTO JOB CORPS CENTER ALUMNI ASSOCIATION

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. FAZIO. Mr. Speaker, Mr. Speaker, I rise today to commend the Sacramento Job Corps Center Alumni Association for the many valuable services it has extended to the young men and women of the Sacramento Job Corps.

The alumni association is a vibrant organization that has dedicated itself to improving the greater Sacramento community, but most importantly it is an organization that has dedicated itself to the success of the Job Corps graduates and to assisting their critical transition into the community as valuable and productive members.

The alumni association was organized for the essential purpose of extending opportunities to Job Corps graduates, and its record of accomplishments in this area has been outstanding and unsurpassed. The association has established itself as a vital link in the job corps program, providing critical support services to the job corps center and the Sacramento community. Undeniably, the alumni association deserves a large share of the credit for the Center's many successes.

I think it is particularly noteworthy that the Sacramento Job Corps program has been able to avoid the Federal budget cutter's blade and receive its second 2-year contract with a 1-year renewable option. In fact, even more encouraging is the possibility that the program could be in line for an increase in funding, which I would certainly support and encourage.

Justification for an increase in the program's budget and evidence of the service the center is performing can be seen in the fact that there currently is a significant waiting list of young people who want to join the many 17 to 21 years olds who have already reaped the benefits of this fine center.

The Sacramento Job Corps Center has deservedly received the complete support of the Sacramento community and I think it only fitting that, on this 3-year anniversary of the center's opening, we recognize the achievements of those who have made it all possible, particularly the dedicated individuals who participate in the alumni association.●

TWO MORE VOTES FOR SAME-TIME/SUNDAY ELECTIONS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. BIAGGI. Mr. Speaker, recent Senate hearings have focused much deserved and long overdue attention on a serious danger facing our democratic society—a steady decline in overall U.S. voter turnout for the past two decades.

Much of this attention has resulted from the 1980 election when our voter turnout rate was the lowest in 32 years (53.95 percent) and, according to several surveys, Western voters were discouraged to vote by early election night projections that declared Ronald Reagan the winner more than 2 hours before polls on the west coast closed.

However, a close study of the situation shows that these two occurences should have come as no surprise. Voter turnout in the United States has declined in every Presidential election since 1960—1960, 62.8 percent; 1964, 61.9 percent; 1968, 60.9 percent; 1972, 55.5 percent; 1976, 54.4 percent; 1980, 53.95 percent—and surveys indicate that in the 1972 Presidential election—the most recent comparable election to 1980—early projections of a Richard Nixon victory resulted in an unexpected shortfall of west coast votes cast after projections were made.

Having extensively researched the voter turnout issue, I discovered these dangerous trends and introduced corrective legislation last August—more than 2 months before the November 1980 election. This measure, which I reintroduced earlier this year as H.R.

84, would change election day to Sunday and require polling places across the country to open and close at the same time.

Especially significant is the fact that in Western European democracies where national elections are held on Sundays, voter turnout is dramatically higher than our own. According to the most recent data compiled by the Library of Congress for those countries, 91.4 percent of the Icelanders, 90 percent of the Swedes, 89.3 percent of the Austrians, 89 percent of the West Germans, 88 percent of the Italians, and 85.9 percent of the French voted.

Specifically, H.R. 84 would require, on a 6-year experimental basis, that all general elections be held on Sunday, and all polls across the country open and close during the same 9-hour period of 12 to 9 p.m. (e.s.t.) in the Presidential elections during that period. The trial period would begin in 1982 and would cover the 1984 and 1988 Presidential elections. The Federal Election Commission would monitor the impact of the changes on voter turnout during the experimental period and recommend whether the changes should be made permanent.

I am very encouraged by the widespread interest and support my same-time/Sunday election proposal has received from such notables as ex-Presidents Nixon, Ford, and Carter; the president of the U.S. Catholic Conference; and official representing the Episcopal Church Center; the director of elections for Alaska; the chairman of the District of Columbia Board of Elections; the New York Times; Forbes magazine; syndicated columnist James J. Kilpatrick; the Catholic Free Press; WCBS Radio in New York; WJLA-TV 7 in Washington, D.C.; the Pittsburgh Post Gazette; and the United Auto Workers.

Let me add that this list is growing rapidly. I am especially pleased with the two most recent endorsements my proposal has received from the Christian Science Monitor and the Washington Star. At this time I wish to insert the full text of these two editorial endorsements:

[From the Christian Science Monitor, May 13, 1981]

WHY NOT VOTE ON SUNDAY

What, in a democratic form of government, is more important than the freedom to vote? Election days, seen in the long context of human history, have an importance that truly transcends the workaday world. For that reason, proposals to shift national election days in the US to Sunday and have uniform nationwide voting hours have much to commend them. Sunday voting has been given tentative support by three former presidents, Richard Nixon, Gerald Ford, and Jimmy Carter.

Legislation now before the Senate and House would do just that. The basically identical measures have been introduced by a somewhat unlikely tandem. New York Democrat Mario Biaggi in the House and California Republican S. I. Hayakawa in the Senate. The proposals would shift national elections that are currently held on Tuesdays to Sundays. Voting hours throughout the US would be uniform, based on 12 to 9 p.m. eastern standard time. That means that polls on the US West Coast would be open from 9 a.m. to 6 p.m. For Hawaii and most of Alaska, polls would be open from 7 a.m. to 4 p.m. The exception would be that small part of Alaska in the Bering time zone, where polls would be open from 6 a.m. to 3 p.m.

The legislation would be a test—involving national elections between 1982 and 1988—to see how well the system worked. The uniform hours and Sunday provisions would be required for presidential elections in 1984 and 1988. The Sunday provision would apply to congressional elections in off-years, with hours to be set locally.

While news media would not be barred from conducting interviews with voters as they left polling places, they obviously would not be able to make electoral projections based on the closing of polls in the East, as is currently the case.

Mr. Nixon, for his part, wonders whether some church groups might oppose Sunday voting. Sunday voting is common in many democratic nations, such as West Germany, France, Italy, Sweden, Iceland, and Japan. If there were to be strong religious objections, one answer might be to shift the election to Saturday or, if it is retained on Tuesday, making the day a national holiday. The Biaggi-Hayakawa bills, which have already won support from elections experts throughout the US, including the West Coast and Alaska, should be given a chance.

[From the Washington Star; May 16, 1981]

'SACRED' TUESDAY?

For reasons largely unknown, fewer Americans are voting every year. In 1980, 53.9 percent of eligible voters participate—the lowest presidential turnout in 32 years. Analysts wring their hands and search the American psyche for an explanation, but none is forthcoming.

There probably isn't a single explanation. People don't vote, we guess, for dozens of reasons. One Census Bureau survey in 1972 found that 48 percent of registered nonvoters cited long lines, bad weather, health and general inconvenience. No doubt many stay home because they see no reason to do otherwise.

Yet is is odd that the world's oldest constitutional republic seems to take so little interest in selecting its leaders. A recent Library of Congress study reported impressive turnouts in such countries as West Germany (91 per cent), Great Britain (73 per cent), Italy (88 per cent) and Japan (73.5 per cent), while Americans, who spend more time and money politicking than anyone, tend to abstain.

Inevitably, there are proposals to remedy a situation that in theory ought to be remediable. If, say, 90 per cent of the population votes in Australia, where little of consequence has occurred in a generation, why can't Americans do the same? Perhaps it is because too much happens here.

Another explanation, says Rep. Mario Biaggi, D.-N.Y., is that we vote on the wrong day. He also thinks the television networks hand out the results too swiftly. So he has drafted a proposal to move Election Day to the first Sunday after the first Monday in November and to make voting hours uniform. The trial period would begin in 1982 and continue through 1988.

In most Western nations, where voting percentages are high, elections are held on Sunday day. And early TV network projections, which may have reduced turnouts in the West last year, would have no effect if the polls opened and closed simultaneously. (In the East, it would be noon to 9 p.m.; in the West, 9 a.m. to 6 p.m.)

Proposals to "reform" the American electoral system pop up all the time. Most are not true reforms at all, but gimmickry like the recurring movement to abolish the Electoral College.

Mr. Biaggi's idea would face no constitutional hurdle. Article II explicitly gives Congress the power to determine the day and time of elections, as it did in 1845 when it settled on the first Tuesday after the first Monday.

Nor would it alter the way we select a government. It is no more radical an innovation than Daylight Saving Time.

There is no guarantee that Sunday voting would significantly increase the number of voters. It would be foolish to argue that resetting the clock would effect a democratic transformation. Mr. Biaggi, however, merely argues that his plan would remove the inconvenience of voting on a weekday, and eliminate projections before everyone votes—which tend to discourage those who haven't.

The proposal is open to refinement, on the matter of polling hours especially. There may be some religious objections, though religious custom has been no obstacle in Western Europe. But the consequences could be beneficial, which is why the proposal has received encouragement (though not yet full support) from three former presidents.

There is also the risk of discovering that America's disinclination to vote is more deeply rooted than Mr. Biaggi supposes. But finding out such things, after all, is what experiments are for.●

REAUTHORIZATION OF THE OLDER AMERICANS ACT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. ROGERS. Mr. Speaker, today I submitted legislation to authorize the continuation of programs under the Older American Act.

I took this action to indicate my strong support for these programs which benefit so many senior citizens, particularly those in the Fifth District of Kentucky. In traveling through my district and reading the letters from constituents, I have been especially impressed with how important the senior citizen centers are to the elderly. They provide not only warm meals, but greatly needed warm company as well.

The nutrition programs, both in the centers and for the home-bound, have provided essential services for many of the senior citizens in my district. The transportation programs have allowed many of these senior citizens to visit their doctors, purchase groceries, and travel to the senior citizens centers.

These programs are vital to the elderly of Kentucky.

The House Education and Labor Committee has already taken significant steps to promote the prompt consideration of reauthorization for the Older Americans Act. The administration has also developed a number of useful proposals to increase the effectiveness of the act's programs. I commend their efforts, and look forward to the prompt passage of this legislation.●

GEORGE F. KENNAN CALLS FOR MAJOR REDUCTIONS IN NUCLEAR ARMS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. BINGHAM. Mr. Speaker, in a major address he delivered today, George F. Kennan called for a 50-percent reduction in the nuclear arms stockpiles of the United States and the Soviet Union. Mr. Kennan's speech followed his acceptance of the Albert Einstein International Peace Prize, a $50,000 annual prize awarded to an individual who has made significant contributions to the prevention of war.

Mr. Kennan, a former U.S. Ambassador to Moscow and two-time recipient of the Pulitzer Prize, warned that we are on "a collision course with the Soviet Union," and that "the present Soviet and American arsenals, presenting over a million times the destructive power of the Hiroshima bomb, are simply fantastically redundant to the purpose in question." I am sure his eloquent and moving appeal for dramatic action on reducing nuclear arsenals will be of great interest to all readers of the CONGRESSIONAL RECORD, and I include the full text at this point in my remarks.

ADDRESS BY HON. GEORGE F. KENNAN ON THE OCCASION OF HIS RECEIVING THE ALBERT EINSTEIN PEACE PRIZE

A person would have to be wholly insensitive, or perhaps selfless to the point of saintliness, in order not to be moved by such an honor as the Einstein Foundation is conferring on me today. I am neither of those things; so I am naturally deeply gratified and appreciative. On the other hand, I cannot help but have my doubts as to whether I have fully deserved it. And for that reason I can look on it only as a mark of confidence and of encouragement—encouragement to myself and to a great many other people—encouragement to continue to do what little may be in our power to assure that we of this generation, here and elsewhere, do not, in deference to our military fears, commit the supreme sacrilege of putting an end to the civilization out of which we have grown, the civilization which has made us what we are, the civilization without which our children and grandchildren can have no chance for self-realization, possibly no chance for life itself. This, as I see it, is the task to which the Einstein Foundation has devoted itself. Beside it, all personal considerations ought to fade into insignificance. I am grateful for the opportunity to associate myself publicly with this cause. And I am grateful for the admonition which the award implies: the admonition to neglect nothing—no effort, no unpleasantness, no controversy, no sacrifice—which could conceivably help to preserve us from committing this fatal folly.

What can we do?

Adequate words are lacking to express the full seriousness of our present situation. It is not just that we are for the moment on a collision course politically with the Soviet Union, and that the process of rational communication between the two governments seems to have broken down completely; it is also—and even more importantly—the fact that the ultimate sanction behind the conflicting policies of these two governments is a type and volume of weaponry which could not possibly be used without utter disaster for us all.

For over thirty years wise and far-seeing people have been warning us about the futility of any war fought with nuclear weapons and about the dangers involved in their cultivation. Some of the first of these voices to be raised were those of great scientists, including outstandingly that of Albert Einstein himself. But there has been no lack of others. Every president of this country, from Dwight Eisenhower to Jimmy Carter, has tried to remind us that there could be no such thing as victory in a war fought with such weapons. So have a great many other eminent persons.

When one looks back today over the history of these warnings, one has the impression that something has now been lost of the sense of urgency, the hopes, and the excitement that initially inspired them, so many years ago. One senses, even on the part of those who today most acutely perceive the problem and are inwardly most exercised about it, a certain discouragement, resignation, perhaps even despair, when it comes to the question of raising the subject again. The danger is so obvious. So much has already been said. What is to be gained by reiteration? What good would it now do? Look at the record. Over all these years the competition in the development of nuclear weaponry has proceeded steadily, relentlessly, without the faintest regard for all these warning voices. We have gone on piling weapon upon weapon, missile upon missile, new levels of destructiveness upon old ones. We have done this helplessly, almost involuntarily: like the victims of some sort of hypnotism, like men in a dream, like lemmings heading for the sea, like the children of Hamlin marching blindly along behind their Pied Piper. And the result is that today we have achieved, we and the Russians together, in the creation of these devices and their means of delivery, levels of redundancy of such grotesque dimensions as to defy rational understanding.

I say redundancy. I know of no better way to describe it. But actually, the word is too mild. It implies that there could be levels of these weapons that would not be redundant. Personally, I doubt that there could. I question whether these devices are really weapons at all. A true weapon is at best something with which you endeavor to affect the behavior of another society by influencing the minds, the calculations, the intentions, of the men that control it; it is not something with which you destroy indiscriminately the lives, the substance, the hopes, the culture, the civilization, of another people. What a confession of intellectual poverty it would be—what a bankruptcy of intelligent statesmanship—if we had to admit that such blind, senseless acts of destruction were the best use we could make of what we have come to view as the leading elements of our military strength! To my mind, the nuclear bomb is the most useless weapon ever invented. It can be employed to no rational purpose. It is not even an effective defense against itself. It is only something with which, in a moment of petulance or panic, you commit such fearful acts of destruction as no sane person would ever wish to have upon his conscience.

There are those who will agree, with a sigh, to much of what I have just said, but will point to the need for something called deterrence. This is of course, a concept which attributes to others—to others who, like ourselves, were born of women, walk on two legs, and love their children, to human beings, in short—the most fiendish and inhuman of tendencies. But all right: accepting for the sake of argument the profound iniquity of these adversaries, no one could deny, I think, that the present Soviet and American arsenals, presenting over a million times the destructive power of the Hiroshima bomb, are simply fantastically redundant to the purpose in question. If the same relative proportions were to be preserved, something well less than twenty per cent of these stocks would surely suffice for the most sanguine concepts of deterrence, whether as between the two nuclear superpowers or with relation to any of those other governments that have been so ill-advised as to enter upon the nuclear path. Whatever their suspicions of each other, there can be no excuse on the part of these two governments for holding, poised against each other and poised in a sense against the whole northern hemisphere, quantities of these weapons so vastly in excess of any rational and demonstrable requirements.

How have we got ourselves into this dangerous mess?

Let us not confuse the question by blaming it all on our Soviet adversaries. They have, of course, their share of the blame, and not least in their cavalier dismissal of the Baruch Plan so many years ago. They too have made their mistakes; and I should be the last to deny it. But we must remember that it has been we Americans who, at almost every step of the road, have taken the lead in the development of this sort of weaponry. It was we who first produced and tested such a device; we who were the first to raise its destructiveness to a new level with the hydrogen bomb; we who introduced the multiple warhead; we who have declined every proposal for the renunciation of the principle of "first use;" and we alone, so help us God, who have used the weapon in anger against others, and against tens of thousands of helpless non-combatants at that.

I know that reasons were offered for some of these things. I know that others might have taken this sort of a lead, had we not done so. But let us not, in the face of this record, so lose ourselves in self-righteousness and hypocrisy as to forget our own measure of complicity in creating the situation we face today.

What is it then, if not our own will, and if not the supposed wickedness of our opponents, that has brought us to this pass?

The answer, I think, is clear. It is primarily the inner momentum, the independent momentum, of the weapons race itself—the compulsions that arise and take charge of

great powers when they enter upon a competition with each other in the building up of major armaments of any sort.

This is nothing new. I am a diplomatic historian. I see this same phenomenon playing its fateful part in the relations among the great European powers as much as a century ago. I see this competitive build-up of armaments conceived initially as a means to an end but soon becoming the end itself. I see it taking possession of men's imagination and behavior, becoming a force in its own right, detaching itself from the political differences that initially inspired it, and then leading both parties, invariably and inexorably, to the war they no longer know how to avoid.

This is a species of fixation, brewed out of many components. There are fears, resentments, national pride, personal pride. There are misreadings of the adversary's intentions—sometimes even the refusal to consider them at all. There is the tendency of national communities to idealize themselves and to dehumanize the opponent. There is the blinkered, narrow vision of the professional military planner, and his tendency to make war inevitable by assuming its inevitability. Tossed together, these components form a powerful brew. They guide the fears and the ambitions of men. They seize the policies of governments and whip them around like trees before the tempest.

Is it possible to break out of this charmed and vicious circle? It is sobering to recognize that no one, at least to my knowledge, has yet done so. But no one, for that matter, has ever been faced with such great catastrophe, such inalterable catastrophe, at the end of the line. Others, in earlier decades, could befuddle themselves with dreams of something called "victory." We, perhaps fortunately, are denied this seductive prospect. We have to break out of the circle. We have no other choice.

How are we to do it?

I must confess that I see no possibility of doing this by means of discussions along the lines of the negotiations that have been in progress, off and on, over this past decade, under the acronym of SALT. I regret, to be sure, that the most recent SALT agreement has not been ratified. I regret it, because if the benefits to be expected from that agreement were slight, its disadvantages were even slighter; and it had a symbolic value which should not have been so lightly sacrificed. But I have, I repeat, no illusion that negotiations on the SALT pattern—negotiations, that is, in which each side is obsessed with the chimera of relative advantage and strives only to retain a maximum of the weaponry for itself while putting its opponent to the maximum disadvantage—I have no illusion that such negotiations could ever be adequate to get us out of this hole. They are not a way of escape from the weapons race; they are an integral part of it.

Whoever does not understand that when it comes to nuclear weapons the whole concept of relative advantage is illusory—whoever does not understand that when you are talking about absurd and preposterous quantities of overkill the relative sizes of arsenals have no serious meaning—whoever does not understand that the danger lies not in the possibility that someone else might have more missiles and warheads than we do but in the very existence of these unconscionable quantities of highly poisonous explosives, and their existence, above all, in hands as weak and shaky and undependable as those of ourselves or our adversaries or any other mere human beings: whoever does not understand these things is never going to guide us out of this increasingly dark and menacing forest of bewilderments into which we have all wandered.

I can see no way out of this dilemma other than by a bold and sweeping departure—a departure that would cut surgically through the exaggerated anxieties, the self-engendered nightmares, and the sophisticated mathematics of destruction, in which we have all been entangled over these recent years, and would permit us to move, with courage and decision, to the heart of the problem.

President Reagan recently said, and I think very wisely, that he would "negotiate as long as necessary to reduce the numbers of nuclear weapons to a point where neither side threatens the survival of the other." Now that is, of course, precisely the thought to which these present observations of mine are addressed. But I wonder whether the negotiations would really have to be at such great length. What I would like to see the President do, after due consultation with the Congress, would be to propose to the Soviet government an immediate across-the-boards reduction by fifty percent of the nuclear arsenals now being maintained by the two superpowers—a reduction affecting in equal measure all forms of the weapon, strategic, medium range, and tactical, as well as all means of their delivery—all this to be implemented at once and without further wrangling among the experts, and to be subject to such national means of verification as now lie at the disposal of the two powers. Whether the balance of reduction would be precisely even—whether it could be construed to favor statistically one side or the other—would not be the question. Once we start thinking that way, we would be back on the same old fateful track that has brought us where we are today. Whatever the precise results of such a reduction, there would still be plenty of overkill left—so much so that if this first operation were successful, I would then like to see a second one put in hand to rid us of at least two thirds of what would be left.

Now I have, of course, no idea of the scientific aspects of such as operation; but I can imagine that serious problems might be presented by the task of removing, and disposing safely of, the radioactive contents of the many thousands of warheads that would have to be dismantled. Should this be the case, I would like to see the President couple his appeal for a fifty-percent reduction with the proposal that there be established a joint Soviet-American scientific committee, under the chairmanship of a distinguished neutral figure, to study jointly and in all humility the problem not only of the safe disposal of these wastes but also the question of how they could be utilized in such a way as to make a positive contribution to human life, either in the two countries themselves or—perhaps preferably—elsewhere. In such a joint scientific venture we might both atone for some of our past follies and lay the foundation for a more constructive relationship.

It will be said: this proposal, whatever its merits, deals with only a part of the problem. This is perfectly true. Behind it there would still lurk the serious political differences that now divide us from the Soviet government. Behind it would still lie the problems recently treated, and still to be treated, in the SALT forum. Behind it would still lie the great question of the acceptability of war itself, any war, even a conventional one, as a means of solving problems among the great industrial powers in this age of high technology. What has been suggested here would not prejudice the continued treatment of these questions just as today, in whatever forums and under whatever safeguards the two powers find necessary. The conflicts and arguments over these questions could all still proceed to the heart's content of all those who view them with such passionate commitment. The stakes would simply be smaller; and that would be a great relief to all of us.

What I have suggested is, of course, only a beginning. But a beginning has to be made somewhere; and if it has to be made, it is best that it should be made where the dangers are the greatest, and their necessity the least. If a step of this nature could be successfully taken, people might find the heart to tackle with greater confidence and determination the many problems that would still remain.

It will be argued that there would be risks involved. Possibly so. I do not see them. I do not deny the possibility. But if there are, so what? Is it possible to conceive of any dangers greater than those that lie at the end of the collision course on which we are now embarked? And if not, why choose the greater—why choose, in fact, the greatest—of all risks, in the hopes of avoiding the lesser ones?

We are confronted here, my friends, with two courses. At the end of the one lies hope—faint hope, if you will—uncertain hope, hope surrounded with dangers, if you insist. At the end of the other lies, so far as I am able to see, no hope at all. Can there be—in the light of our duty not just to ourselves (for we are all going to die sooner or later) but of our duty to our own kind, our duty to the continuity of the generations, our duty to the great experiment of civilized life on this rare and rich and marvelous planet—can there be, in the light of these claims on our loyalty, any question as to which course we should adopt?

In the final week of his life, Albert Einstein signed the last of the collective appeals against the development of nuclear weapons that he was ever to sign. He was dead before it appeared. It was an appeal drafted, I gather, by Bertrand Russell. I had my differences with Russell at the time, as I do now in retrospect; but I would like to quote one sentence from the final paragraph of that statement, not only because it was the last one Einstein ever signed, but because it sums up, I think, all that I have to say on the subject. It read as follows:

"We appeal, as human beings to human beings: Remember your humanity, and forget the rest."●

VOTES ON H.R. 3512

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. RAHALL. Mr. Speaker, last week I was unable to participate in House action on H.R. 3512, fiscal year 1981 supplemental appropriations and rescissions, because I was invited as chairman of the House coal group to make a presentation at the Southern African Metals and Minerals Conference, sponsored by Metal Bulletin

Congresses Ltd., of London, England, and Metals and Minerals Research Services Ltd., also of London, in Johannesburg, South Africa.

I would, however, like to make my views known on the votes which took place during consideration of H.R. 3512 and to make a few observations on the supplemental appropriations and rescissions contained in this legislation. First off, I would like to congratulate the Appropriations Committee for its work in this area, and particularly for recommending deferrals instead of rescissions requested by the administration on many key items. Specifically, the committee recommended and the House adopted deferrals amounting to $60.5 million for fossil energy research and development rather than approving the administration's request for $65.9 million in rescissions; in the area of synthetic fuel demonstration plants some funds once again were deferred rather than rescinded; H.R. 3512 rescinded $25 million rather than the administration's request for $110 million for the Appalachian Regional Commission; and, finally, this bill disapproves $25 million in deferrals requested by the administration for Labor, Health and Human Services, Education and Related Agencies.

While I am not totally in agreement with all the provisions of H.R. 3512, due to the overwhelming acceptance of Gramm-Latta by this House I suppose it is the best package for which we could hope.

Mr. Speaker, if I had been present I would have voted in the following manner on these votes: rollcall No. 39, "no"; rollcall No. 40, "aye"; rollcall No. 41, "nay"; rollcall No. 42, "no"; rollcall No. 43, "no"; rollcall No. 44, "aye", and rollcall No. 45, "aye."●

REAGAN'S X FACTOR

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. STARK. Mr. Speaker, on Friday, May 15, 1981, the following article appeared in the Washington Post. This article voices some of the concerns that I have had recently about our fiscal year 1982 budget, and I wanted to share it with my colleagues. President Reagan has promised us that once spending and tax cuts are completed, this "X factor" will be unleashed, and we will witness a boom in our economy. My question is, can we rely on the credibility of this mysterious X factor? Can we base the recovery of our Nation on this unspecified, inherently unreliable factor? I hope so, but I continue to have my doubts.

REAGAN'S X FACTOR

(By Robert G. Kaiser)

"We've made it clear," an ebullient President Reagan told friendly members of Congress who helped him win his first great legislative victory, "that spending can be controlled and that our system works."

The political headline was simple to write after both House and Senate embraced the president's economic program: "Reagan Wins First Budget Test." But behind the headline is a more complicated budgetary reality: a shift in national priorities that will alter American life and politics in ways that cannot be foreseen.

This week, for instance, the House and Senate Agriculture committees approved changes in the food-stamp program that would knock off 1 million beneficiaries. But the Senate voted yesterday for a defense program that will be costing $300 billion by 1984, nearly twice the current defense budget.

In other words, Reagan and Congress are fundamentally overhauling national priorities. Federal programs devoted to domestic problems are being curtailed; military spending is rising. To a large extent, the money is going from one to the other.

Reagan told a reception for members of Congress that there is an "X factor in human affairs—a confidence or a spirit that makes men and women dream and dare and take greater risks." The Reagan program, particularly the proposed tax cuts, will unleash that X factor, the president promised, reviving "the can-do spirit that made this country an industrial and economic giant."

There is also an X factor in the Reagan program, one that worries many members of Congress, including some who voted for the Reagan budget resolution. It includes: what will happen when cities lose about a quarter of their federal aid, when a million or more persons are taken off of food stamps, when federal aid to education is drastically reduced and redirected?

What happens when the Pentagon is given what many members consider a blank check, and defense spending grows by billions every year, year after year?

What happens to public attitudes if as is likely, the Reagan economic program sold as "budget-cutting" and austerity, ends up producing a federal deficit as big as any Jimmy Carter ever had?

A few comparative figures help explain the way Reagan is altering his predecessor's final plans:

Carter, just before leaving office, proposed a budget for 1982 calling for outlays of $739 billion, tax revenues of $712 billion and a deficit of $27 billion. The Reagan budget proposal is smaller. It calls for outlays of $695 billion, tax receipts of $650 billion and a deficit of $45 billion (although administration officials already say it will be hard to keep the deficit this low).

In fiscal 1982, then, the new administration envisions a federal government trimmed by $44 billion from the one Carter suggested. But the Reagan budget cuts even more than that, about $49 billion, from the nondefense spending Carter proposed.

Reagan also proposes increasing defense expenditures by about $5 billion more than Carter wanted to raise them, which was a lot to begin with. (In 1983 and beyond Reagan wants much larger defense increases.)

Seen in a historical context, Reagan proposes to abandon the trend of government spending in the '70s, returning to a situation that is more typical of the other postwar decades.

In the '50s about half the U.S. budget went to defense; in the '60s, it fluctuated around 40 percent. In the '70s defense fell to just one-fourth of all government spending. Under the Reagan budget it will get back to a third of the total by 1984, and will then be on a rising trend line.

Like the Carter budget (which is now a dead letter, useful only as a benchmark for comparisons), the Reagan budget calls for growth in the budget, not overall cuts.

The reductions that Congress has signaled a willingness to adopt would only slow the rate at which government will grow. With the huge Reagan defense program and the big tax cuts the White House wants, the government will go further into the red than it would have under the freer spending Carter approach.

Has Congress, in accepting the Reagan approach, chosen an economic plan that will merely increase the deficit and worsen inflation? The administration says no. It argues that problems that evolved over many years cannot be solved in one year.

But when taxes and domestic spending are cut, the White House promises, that X factor Reagan spoke of will go to work, the American economy will boom, the burden of government will shrink, and everyone will be better off, even those people who are now losing their food stamps.

"I have no doubt that we are going to give this experiment a chance," said Sen. Joseph R. Biden, Jr. (D-Del.), one of the Democrats once known as liberals who voted for the Reagan budget proposals. "I think it deserves that chance, and will vote for it for that reason. However, I feel compelled to state that I am skeptical about the likelihood of this program's success."

The Reagan political steamroller has dealt harshly with skepticism like Biden's, and his prognosis seems accurate. So far, at least, the Reagan experiment seems destined to be part of the nation's future, whatever its ultimate consequences.●

SIDNEY A. PEERLESS HONORED

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. GRADISON. Mr. Speaker, on May 27, Dr. Sidney A. Peerless will be honored at a luncheon in Cincinnati as the 1981 recipient of the Guardian of the Menorah Award. This award is presented each year by the Cincinnati B'nai B'rith to an outstanding community leader in the Cincinnati area who has demonstrated the selflessness, devotion, and commitment to youth that are the hallmarks of all true leaders.

Dr. Peerless was educated at the University of Cincinnati College of Medicine with postgraduate work at Harvard University. He currently serves as director of otolaryngology at both Jewish Hospital and Providence Hospital in Cincinnati. Dr. Peerless is also assistant clinical professor at the U.C. College of Medicine in the Department of Otolaryngology and Maxillofacial Surgery. He has earned the

respect of all of his colleagues in the Cincinnati medical community.

Dr. Peerless' professional and community activities are numerous. He is a member of the board of directors of the National Jewish Hospital in Denver, Colo., and a member of the Advisory Board of Shaare Zedek Hospital in Israel. He serves on the National Advisory Council on Neurological and Communicative Disorders and Stroke, a part of the National Institutes of Health in Washington.

In his community endeavors, Dr. Peerless serves as a board member of the National Jewish Fund, the Jewish Orthodox Home, and the Cincinnati Hebrew Day School. He is vice president of the Adath Israel congregation and a member of the board of directors of the Provident Bank of Cincinnati.

His professional memberships include: the Cincinnati Academy of Medicine; the American Academy of Facial Plastic and Reconstructive Surgery; the American Board of Cosmetic and Plastic Surgery; the American Board of Otolaryngology; the American Association and the International Academy of Cosmetic Surgeons; and the American Academy of Ophthalmology and Otolaryngology. He is also a Fellow of the American College of Surgeons.

Mr. Speaker, I want to join with Dr. Peerless' colleagues and his many friends in Cincinnati in thanking him for his efforts on behalf of our community and our Nation and congratulating him for this well-deserved honor.●

HIGH BLOOD PRESSURE CONTROL IN CLEVELAND

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. STOKES. Mr. Speaker, hypertension or high blood pressure is a major epeidemic of the 20th century. It is estimated that 60 million Amercians have high blood pressure, and, consequently have a higher than average risk of stroke, heart attack, heart failure, kidney disease, and renal failure. In the Journal of the American Medial Association (JAMA), December 1979, the 5-year study of the hypertension, detection, and follow-up program reported that deaths attributed to even mild elevations of blood pressure were 20 precent less in treated patients. What makes this disease so insidious is its lack of visible symptoms. Undetected and untreated, hypertension is a silent killer.

For the past several years, Congress has appropriated moneys for hypertension studies, making it possible for local communities to initiate and maintain hypertension detection, screening, and follow-up programs. The Mount Sinai Hospital community hypertension program, located in the 21st District of Ohio, of which I serve, is one such federally funded program.

Based on the church hypertension screening program developed in Memphis, Tenn., the Mount Sinai program offers residents of inner-city Cleveland a chance to become full participants in the health of their community. Utilizing the expertise of nurses, Mount Sinai Hospital provides education concerning hypertension to the community. The hospital loans blood pressure equipment to participating churches and insures follow-up of all individuals identified as having an elevated blood pressure.

Churches enroll in the program at the request of either members of the congregation or the minister. There are currently six churches holding monthly hypertension screening sessions, with five other churches in some phase of training. The churces represent different religious sects and socioeconomic levels. Cooperation of the minister is essential for such a program to be successful. The minister identifies a core of volunteers from within his congregation who agree to participate in a 12-hour educational program. This program includes sessions covering both general information on hypertension and technical training for accurately taking blood pressures. After the education sessions are completed, the minister encourages his congregants to participate in the program by having their blood pressures checked after church service. Those church members identified as having an elevated blood pressure are referred to their own physician or health care agency. Church members who do not have their own source of health care are given a list of health agencies and private physicians who have agreed to participate in this program. Individuals referred for diagnosis and/or treatment of elevated blood pressure are followed closely by staff and volunteers at Mount Sinai Hospital for 12 consecutive months. The follow-up procedure consists of calling these identified church members and contacting their health care provider for information.

Greater Abyssinia Baptist Church, whose pastor is the Rev. E. T. Caviness, was the pilot church of the Mount Sinai Hospital community hypertension program. Data was obtained in a 12-month period from October 1979 to November 1980. During this period, 293 individuals were screened for high blood pressure; 104 returned to the church for blood pressure screening two or more times. A total of 648 blood pressures were taken at the church. The original 293 members were divided according to age and sex, the largest group being males and females between the ages of 41 and 60. Of these original 293, 113—39 percent—had at least one elevated blood pressure reading. Of these 113 people 89 required referral to a health care provider to those church members referred with elevated blood pressures. Of the physicians who responded to a letter for follow-up, they indicated that their patients required either a new diagnosis, readjustment of medications, or reintroduction of previous blood pressure medications.

Mr. Speaker, this program has received support from the lay and medical communities in Cleveland. The Cleveland Plain Dealer and the Cleveland Press have written articles about the program. The Baptist Ministers Conference has agreed to the institution of the programs in their churches. Health care agencies and private physicians in the community have agreed to join the program by providing medical services and submitting data concerning the church members blood pressures to the Mount Sinai Hospital community hypertension program. Furthermore, the staff to the Mount Sinai program are members of the Greater Cleveland High Blood Pressure Coalition. This coalition is an alliance of concerned individuals and health professionals working toward a coordination of high blood pressure activities in the Greater Cleveland area.

Hypertension is a major health problem that affects millions of black Americans. The Mount Sinai Hospital of Cleveland, with Barry Spero, as its president, has taken a major step in combating this deadly disease in the black community. Dr. Victor Vertes, chief of the department of medicine, Dr. Sanford Miller, director of the hypertension clinic, and Dr. Giesele Greene provided the medical guidelines for the program. Loretta Benevich, vice-president of nursing and Kathleen Currie, director of ambulatory nursing, believed that nurses could make a difference in the health care of the community by becoming involved in out-reach programs. Frances Ballard and Renay Clark, nurse consultants in the program have lent their expertise in training church volunteers to set-up and operate church hypertension screening programs. Francine Heckleman, a former nursing instructor at Lakeland Community College, Mentor, Ohio, was responsible for joining the college and Mount Sinai Hospital in making a 35 minute videotape of the program. Jouce Lee, R.N. as project director, spearheaded the development and the growth of the Mount Sinai Hospital community hypertension program by uniting the hospital and the community in a combined effort against the devastating effects of high blood pressure.

Mr. Speaker, May, as high blood pressure month, provides an opportunity to make as assessment of high blood pressure control trends within our communities. The Mount Sinai community hypertension program, and many others like it, can make the difference in saving lives and improving the status of health in the communities that we serve.●

THE 100TH ANNIVERSARY OF THE FURNITURE MANUFACTURERS ASSOCIATION OF GRAND RAPIDS

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. SAWYER. Mr. Speaker, I would like to take this opportunity to recognize the 100th anniversary of the Furniture Manufacturers Association of Grand Rapids.

The primary objective of the organization is:

To promote the welfare of the furniture industry in the city of Grand Rapids and vicinity; and to promote and protect the welfare of all persons engaged in any capacity in the furniture and woodworking industry in Grand Rapids or its vicinity.

Since 1881 furniture manufacturers and buyers from all over the Nation have traveled to Grand Rapids' semiannual furniture shows to select from the finest furniture manufactured in this Nation and the world. The reputation of the Grand Rapids furniture manufacturer was widely recognized as superior because of the commitment to quality and excellence of design of the furniture from this "Furniture Capital of the World."

I am proud to recognize this fine organization for its outstanding contribution to Grand Rapids. I would like to offer my warmest congratulations and best wishes to the Furniture Manufacturers Association of Grand Rapids on their 100th anniversary.●

"COME BACK, MARTIN LUTHER KING," A EULOGY BY DR. C. ERIC LINCOLN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. CONYERS. Mr. Speaker, Dr. C. Eric Lincoln, professor of religion and culture at Duke University, first met Martin Luther King, Jr., when they were students at Boston University. Dr. King studied theology, Dr. Lincoln, sociology. A leading scholar in the history and sociology of religion, Dr. Lincoln is the author of "A Profile of Martin Luther King, Jr." (1970), "My Face is Black" (1964), "The Negro Pilgrimage in America" (1967), "Is Anybody Listening to Black America" (1968), "The Black Muslims in America" (1973), and "The Black Experience in Religion" (1974).

"Come Back, Martin Luther King," is an address Dr. Lincoln delivered on January 18, 1981, at the Annie Merner Pfeiffer Memorial Chapel of Bennett College in Greensboro, N.C. "We turn again to the memory of Martin Luther King," Dr. Lincoln says, "whose life was itself the clearest expression of what America claimed to be but never was * * * and to revive us in the continuing struggle toward the realization of what he dreamed about." I want to share with my colleagues this eloquent statement of Dr. King's significance in American history.

COME BACK, MARTIN LUTHER KING

(An address at the David Dallas Jones Service of Remembrance at the Annie Merner Pfeiffer Memorial Chapel, Bennet College, Greensboro, North Carolina, by Dr. C. Eric Lincoln, Professor of Religion and Culture, Duke University, Durham, North Carolina, on Sunday, January 18, 1981)

Two hundred years ago, the American founding fathers gave to the world "a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal." They also laid it down in the record of establishment that every man was endowed by his Creator with certain "inalienable rights," among which were life, liberty and the pursuit of happiness. Two long centuries have come, and two long centuries have gone, and we who now stand trembling in the room they left search frantically for some clue that the legacy bequeathed to us is possible of social and political realization.

In our confusion and our doubt we may be cheered from time to time by the recollection that we had our beginnings in a commitment to moral and religious perfection rather than in the pragmatics of politics; and that the pre-eminent American heritage is the errand into the wilderness which brought the courage and the zeal and the ethic of protestantism to the bleak shores of Massachusetts Bay; and that while the protestant commitment did indeed embrace the notion of empire, what they had intended was a righteous empire—a city to be set on a hill, as it were, to be the model of faith and practice for all men and all time to come. So pervasive and so enduring has been this notion of American religious and moral manifest destiny that fully 300 years after it was first voiced, an American President, (Mr. Woodrow Wilson), could announce without a trace of a blush that "America was born a Christian nation for the purpose of exemplifying to the nations of the world the principles of righteousness found in the Word of God."

Today we are somewhat less certain, and we have sufficient reason to be. As we move on into the third century of our nationhood "under God," the drums of celebration are muted, and the banners proclaiming our national greatness hang limp for want of a fair breeze of conviction. The sober minded turn to introspection, and those who believe in the righteousness of God tremble in the anticipation of his justice.

We ask ourselves: What happened to the promise that was America? Seldom indeed in the annals of human history has a nation been born under such auspicious circumstances, with so many mature and able statesmen attending her birth. Never before in modern times has a nation been so certain of the sure hand of God on the tiller of its destiny, or committed itself so irrevocably to divine hegemony and precept. And never has any nation found itself in such wretched default of its own avowed principles before the words of our founding document were fairly formed, or the ink was dry on the parchment. And therein lies the genesis of our continuing dilemma, or national sickness.

We have been talking about the symptoms of a disease and not the disease itself. We know too well the cultural nostrums with which we have dosed ourselves against the painful recognition of how sick we really are. We have demeaned intelligence and prostituted communication in tacit avoidance of the issue we recognize to be the root cause of our national malaise. It is time now to face the issue squarely, confront the truth and be cleansed of the pollution of pretense.

In the language of the faith we claim to cherish, America has sinned—mightily consistently, and with conscious deliberation. Our cardinal sin is idolatry—corporate racial idolatry. This is our national disease. And from this malignancy there oozes a corruption which poisons and contaminates everything it touches: the schools, the churches, the courts, the military, the places where we work, the communities where we live, our politics, our economics—every level of social and personal intercourse. Racism is our common sickness and our common legacy. It is endemic to the culture and so pervasive that there are no islands of immunity, only varying degrees of malignancy.

The congenital pus that infects the one of us afflicts the other. Everyday of our lives we must deal with hate and with the hate that hate produced. Every hour of the day we are conditioned by fear that produces fear that produces fear. In our mutual hatred and our mutual fear our common resort is to somehow be vindicated by some divine substantiation of the shadowy myths we have elected to live by. Yet, we know in our hearts that God will not be mocked, even as we know that in the deliberate disregard of the implications of our brotherhood we reject the implications of his common fatherhood. The wanton distortion of history, the arbitrary devaluation of human life, the cheap retreat from spiritual and political responsibility create no options for divine rescue. They do invite God's scrutiny and God's judgment.

Racism is our shibboleth. It is the sign and symbol by which we are known and remembered around the world, for this civilization cursed itself long before it became a nation. The white men and women who founded it with such high purpose, let that purpose be demeaned by the enslavement of those black men and women called to maintain and develop what they had founded. Clearly, no Christian community worthy of the name can be built on the bondage and oppression of one brother by another, whether with chains, or whether with laws; or whether with the fetters of ignorance, mysteries of doctrine, the logic of power. So it was that the political experiment in the West addressed itself to failure before it was scarcely begun. But God is gracious, and though man is weak he is still the subject of God's love and redemption. Man is a creature of free will, and if he is able to make the conscious decisions which promote evil,

then he can make a conscious decision to undo that evil. God will not have it any other way. Man cannot have it any other way.

Three times since this land was first cursed by man's refusal to face his Father and acknowledge his brother, an historic occasion to relent, to repent and accept redemption has been granted America. The first was at the very birth of the nation, the bicentennial of which has but recently consigned itself to history. At the birth of this nation the statesmen were both eloquent and profuse in their denouncements of the British King for allegedly forcing upon the colonies that peculiar institution they so readily elected to take with them into nationhood. The choice ought to have been to use the occasion of newly-won autonomy to gratefully restore their own integrity, so willfully compromised for 150 years, by restoring freedom and dignity to the captives they entralled. The insistent rhetoric about liberty and freedom and justice, the pious commitment to nationhood under God, rang hollow against the pitiful cries of the slaves whose freedom never reached the agenda of deliberation.

White men, Black men fought and died
That all men might be free
But when the fighting was all done
And when the victory was won
Who gained the jubilee?
Who gained the jubilee?
The whites who lived
The blacks who died
Were set at liberty.

Thus did this nation repudiate an extraordinary opportunity to cleanse itself and get on with the business of a righteous empire in the west. And thus did the nation indulge at the outset a delusion which has remained for it a continuing dilemma—the fantasy that a Christian democracy can rest securely on a doctrine of equality and the practice of inequality—by race; a doctrine patently in contradiction to itself, and to every recognized principle of human justice.

The Civil War was fought mainly over issues tangential to what had finally come to be recognized as the problem most critical to American peace and prosperity, the continuance of human slavery. But the Civil War represented a second national occasion for the reconstruction of the American understanding of a right relationship to God and man, and the institutionalization of appropriate attitudes and behavior. Again we defaulted. The war was fought; the slaves were freed; the mentality that made slavery possible remained intact. In time it would spread, adapting itself to new requirements of respectability. The mentality itself had never been restricted to any single region of the country, although its expression and its intensity did vary with the economic and social requirements of those who harboured it. It was a way of seeing things; a perspective on reality; a world view parochialized by an inordinate preoccupation with the accidents of color. A hundred years later, in a spasm of fear and outrage, the cosmetics of respectability would, for an ugly and perilous interlude, be forgotten, and "civilized" America would be turned back toward a state of nature. We could have anticipated the seizure and prepared for it. Instead, we prepared to deal with the symptoms instead of the disease, as we have always been wont to do.

At about the time the staging for the World War II holocaust was being completed and the players had taken their stations behind the doubtful curtain of international diplomacy, perhaps with some premonition of how changed the world would be when the war was over, America had become increasingly apprehensive about how well or how ill we were managing our moral and political contradictions at home. Accordingly, we called in Gunnar Myrdal, a respected social scientist from Sweden, who after several years of reading the statistics and scouting the country to observe the American way first hand, advised us in a lengthy compendium that America had a problem. He called it the "Negro problem." The problem created a dilemma. He called it the "American dilemma," and this is what he said about it:

"The American Negro problem is a problem in the heart of America. . . . It is there that the decisive struggle goes on. . . . 'The American Dilemma' . . . is the ever-raging conflict between . . . the valuations (of) . . . the 'American creed,' where the American thinks, talks and acts under the influence of high national and Christian precepts, and on the other hand the valuations on specific planes of individual and group living. Where personal and local interests, economic, social and sexual jealousies . . . and all sorts of miscellaneous wants, impulses and habits dominate his outlook."—Gunnar Myrdal, "An American Dilemma," New York, 1962, p. LXXI.

This "problem in the heart of America" is no less persistent now than when Myrdal set out to document it 30 years ago. It may be less obvious and therefore less imperative, but its effects on all classes of Americans remain the same. Perhaps from the pragmatic perspective of the social sciences, it is indeed a "Negro problem," as Myrdal declared it to be, but it has always seemed to me to be rather a problem of moral and social deficiencies in the ability to assess realistically the value of the self, and to relate that assessment to an adequate valuation of others. The derivative dilemma is the inconsistency between the criteria of valuation, and the irreconcilability of what we claim to be and what we are.

In any case, Dr. Myrdal told us little we did not know already. In the final analysis, his documentation of the American dilemma, like many other "studies" of American behavior had principally a cathartic effect—born of the age-old illusion that in studying the problem we had done something about it.

In the aftermath of war many of the conventions the world had lived by were suddenly obsolete. In Africa, in colonial Asia, in the United States there was a revolutionary spirit abroad which threatened to delay indefinitely the return to normalcy and business as usual. The world as it was before the Hitlerian era would never be reconstructed. For us at home, the possibility that the blood we left on the beaches of Europe and the atolls of the Pacific would be replicated on the streets of New York and Chicago and Atlanta became the pre-eminent concern of the guardians of the establishment. The military was alerted; the federal agencies of intelligence and investigation were staked-out among the citizenry. New "reception centers" were secretly prepared for the disaffected; and an amazing array of mobile armor and sophisticated weaponry was purchased at great cost by the local governments to use against some mysterious "enemy" who was never identified. We were all on the way to a solution of the problem by the only means in which we seem to have confidence—extermination. If it worked against the Indians, why wouldn't it settle the "Negro problem" once and for all?

It was at this juncture that for the third time in our national existence Divine Providence offered a way out—a higher way in perfect consonance with all our professions of Christian love and brotherhood in a just and humane society. From the legions of the disinherited God raised a prophet, a black man, who had known the jackboot of oppression, but whose chosen response was a gospel of love. He was a lowly man, humble, but full of hope; sagacious, but full of dreams—dreams for the future of America, the country he loved and longed to see put right. His name was Martin Luther King, Jr. He came teaching peace, preaching forgiveness, and showing by precept his own full committment to all he asked America to do. He came neither to the Jews, nor yet to the Gentiles but to all who stand in the fear of judgment, saying, "This is the way." Wherever he went those who had reached the end of their endurance found new strength; and those who had so lately given themselves to violence on behalf of their country, laid down their arms and accepted the violence heaped upon them at the hands of their countrymen. In simple faith and hope and prayer they sustained each other, those who abused them were confounded by the peace they knew as they offered their bodies to be brutalized, and their lives to be a symbol of their determination that men among men should be men, and so received. Black and white they were. Men and women of all faiths bound by the common faith that "we shall overcome." And so they marched 'til convulsed by the enormity of their own behavior, the agents of the prevailing social sentiment finally leashed their attach dogs, sheathed their electric cattle prods, turned in their riot guns and retired from public view.

The tragedy is, the continuing dilemma is, that neither the agents of the law nor the principals they represented have ever retired from the conviction that whoever is black is an interloper in a world intended to be white. Yet, the social conventions which had for so long demeaned and comprised the dignity of black people had been publicly shattered and broken in the dust. Black and white together, one unity of believers in the fatherhood of God and the brotherhood of man, had brought America, first kicking and screaming, and finally in sullen compliance to the very edge of the fountain of redemption. But America has always balked at the final moment of truth about racial matters. Once again, she saw the waters and drank not thereof.

We did not overcome. We have not overcome.

Martin Luther King, Jr. is dead, a target of the hatred he struggled to displace with love; a statistic of violence he tried to teach America to abjure. (His memory is enshrined in the hearts of all those touched by his sacrifice and encouraged by his dream, but his doctrine has already faded from the working agendas of social change. He stands to be relegated in time to the category of a "great Negro leader," and given his assigned place in the doubtful parthenon of "Negro achievement." This is America's highest tribute to her sons and daughters who are black. That is the only recognition America knows how to give. But how different from what) Martin Luther King, Jr. gave to America—the unconditioned, unrestricted opportunity to redeem itself, to regenerate itself, to free itself finally of the

enormous burden of living a lie, in conflict with its own ideals.

The wheel turns, and we move on down the road toward a fate that is predictable. The minions we pay to preserve our narcosis beguile us with examples of progress and statistics of achievement, all safely within the parameters of pre-determined change. But in the streets is the sound and the fury of the status quo ante, and in the faces of the people we see the old hatred, the old doubts, the old determinations. And we know intuitively as we know experientally that the only real change is the date on the calendar.

Hear the words of Father Theodore M. Hesburgh, president of Notre Dame, as he comments on the status of our national dilemma:

"The fast pace of progress in the sixties was slowed in the seventies . . . New banners of ethnicity were waved; idealism was replaced by political pragmatism; leaders followed instead of leading, the slowdown and the slipback began, led by the most powerful officials in the land. . . . We have come down from a high peak in our history and are presently in a valley. . . . Yet, with all the burden of ingrained prejudice and hatred, I believe that our age more than any age, knows that this is wrong."—"The Humane Imperative," New Haven, 1974.

Yes, we know. And in knowing we have abused the patience of God even as we have ignored the lessons of history. How long? How long can a nation deceive itself? I hear the litanies of peace, but peace is far from us. The theologies of hope abound, but any theology not addressed to the relevant, critical experiences of the people is an irreverent shimmer of tinsel that demeans the holy event. What is our hope? What is our promise? The people wait in doubt and confusion for lack of some clarifying word, some hope for a change that is real.

We turn again to the memory of Martin Luther King, whose life was itself the clearest expression of what America claimed to be but never was. We look again at the America he knew and the America he dreamed about, and because we share his dreams we wish that somehow he could be here now, alas! not to see those dreams fulfilled, for that is a long way off, but to bring us together again and to revive us in the continuing struggle toward the realization of what he dreamed about.

Come back, Martin Luther King
Pray with me, and hold my hand and help me still
The turbulence
The agitation that shakes me
When I walk the streets of Boston
Where once you drew your strength.

O see how quickly there
The people have forgot.

Do you hear the mothers in the street?
Hail Mary!
Hail Mary!
Burn the buses!
Kill the niggers!
Hail Mary!
Hail Mary!
Hail Mary!

Come back, Martin Luther King
And teach us as once you taught us to forgive
Teach us as once you taught us to endure.
For we are not assured.
The friends we used to know have long since quit the scene
The responsible people
The proper Bostonians
Whose names gild the log of the Mayflower
Are silent and remote in retirement from the cause.
Who marched with you in Selma
Keep to their tents in Boston
Nor are their voices raised to quiet the weary tumult and give the people respite from the strife.

Come back, Martin Luther King
See how the famous churches
See how the great cathedrals
That once seized your public moment to gild their own pretensions are shuttered for want of a cause
Stand silent for want of a voice.

Come back, Martin Luther King
The dreamers you left with your dream
Wake not to the task of the dreaming

The dream languishes

The cock crows
I hear the tolling of the bells

There is no sound of trumpets!

When shall we overcome?
When shall we overcome?●

GOVERNMENT REGULATION AND MIGRANT WORKERS IN FLORIDA

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. IRELAND. Mr. Speaker, I have frequently expounded in recent years on the evil effects of Government regulations which do not meet the test of reality—no matter how well intentioned.

While attending a conference in my home State Florida recently, I was particularly struck by the remarks of my good friend Ken Barnebey, of Tropicana, concerning the migrant labor situation and the problems caused by unrealistic Federal regulations on migrants, and illegal aliens.

I want to make it clear that neither Mr. Barnebey nor I are arguing for lax standards to protect the migrant worker. His point, and my point, in bringing this to the attention of the House, is that Federal regulations in this area do not meet the test of reality—they do not help the workers.

At the conclusion of his remarks, Mr. Barnebey makes a series of thoughtful suggestions for future actions. I commend these suggestions, and the discussion which preceded them, to this House.

I particularly hope that those of my colleagues who are interested in the migrant worker and illegal alien problems (and they are linked) and those who are interested in the general problem of Government regulation, will closely study Mr. Barnebey's remarks.

Thank you, Mr. Speaker. I now present those remarks for the RECORD.

FLORIDA COUNCIL OF 100

My message to you this morning concerns the impact of immigrants on Florida agriculture, with which I have been involved for the last 26 years with Tropicana, the State's largest processor of citrus products and now a subsidiary of Beatrice Foods, the world's largest food company. Our business relationships extend to thousands of citrus growers, but, also, include contact with other agricultural entities as we produce cattle feed and additional products for agricultural use.

Agriculture is this country's oldest and most important industry, and is the foundation of this nation's standard of living. It has been the major contributor to today's life style, freeing millions of people from the necessity of producing their own food and fibers so that they might create and build other things.

Florida agriculture is the State's most stable industry. It is essentially recession resistant, with cash receipts last year in excess of $4 billion. The economic impact created by agriculture through employment, marketing, processing, manufacturing and distribution exceeds $12 billion in Florida annually.

Agriculture and agriculturally related industries account for approximately 27 percent of the State's productivity. Agricultural payroll, as percentage of Florida's private payroll, is the highest within the 50 States.

1. There are over 44 thousand firms in Florida representing some 13½ million acres for prospective and potential cultivation.

2. It is the largest agricultural state in the Southeastern United States.

3. Florida has the third largest net income per farm in the Nation, following Arizona and California.

4. 22 percent of all civilian jobs in the State are agriculturally related. This can be compared to tourism with 12½ percent.

5. Florida leads the Nation in the production of 15 different agricultural commodities.

Let me now direct you to the labor force in Florida agriculture: Over 100 thousand people are required each year to harvest Florida's diverse crops, ranging from wheat in Northwest Florida to limes in Dade County. Because Florida agriculture is so unique in its seasonality, worker needs vary drastically. The USDA farm labor report indicated that last spring, 117,000 farm workers were active in Florida. Of this number, 27,000 were family members of the farmer, and 90,000 were hired workers. Of the total force, approximately 80 percent were seasonal workers, one-half permanent residents, and about one-half migratory.

Agricultural work is hard and conditions for migrants—whether they are immigrants or not—are difficult at best. Living conditions for field workers, even under ideal circumstances, would be undesirable to every person in this room, and are further compounded when families with young children are involved. It is necessary, therefore, to look at the subject in its proper perspective, and with balance between compassion and reason.

The profile and original of migrant farm workers has changed dramatically in the last 20 years. In 1960, Florida's migratory workers were primarily black. In 1970, about 25 percent were Hispanic. Today, approximately 75 percent of the migrant workers are Hispanic and the remainder are principally black.

To clear a few misconceptions, let me state for the record—

1. That farm workers are protected by numerous pieces of legislation;

2. That they do not work for large agribusiness corporations because less than 2 percent of the agricultural employers in

Florida are corporations with more than 10 stockholders;

3. That they are not principally migrants—as the best estimate indicates only 30/40 percent fall within this category;

4. That, although pay for farm labor is certainly lower than that paid for technical skills, it does not represent the lowest scale of the labor rate spectrum. (The latest survey conducted in April of this year indicated that Florida farm workers were the highest paid of any state—with piece-rate wages averaging $5.15 per hour—which is more than $1 an hour higher than similarly skilled labor jobs at major tourist-oriented attractions.)

With that background, let me now address the impact of immigrants to agriculture. This is not a new problem, for immigrant migrants have harvested crops in this State for many years. However, the recent influx of immigrants in considerably accelerated numbers, and public assistance programs, are impacting farm labor, farm management and costs.

Let me digress to note that even though Florida happens to be geographically convenient to nations who provide the largest number of this Nation's immigrant flow, and that we just happen to have the Country's longest shoreline, does not mean that Florida's taxpayers should be responsible for a disproportionate cost of assistance programs. Nor should our citizens necessarily face the impact from dislocation, lawlessness, and the spectrum of social problems resulting from uncontrolled immigration.

I don't believe that Florida citizens are less compassionate than anyone else in this Nation. But, we are unduly burdened with administration of hastily drawn regulations, and our tax funds directed at normal public assistance programs have been seriously eroded.

The subject of immigration and migrant workers becomes intertwined, and I can best describe the situation by taking you into the real world of agricultural harvesting as it is conducted today in Florida. Most of the harvesting in this State is done by independent contractors who provide labor in singular and multiple crews. They are principally the smallest of small business. They may or may not own a bus for transportation, and generally conduct their business from the cab of a pickup truck.

Regulations are drawn by people who work in the air-conditioned offices in Tallahassee and Washington, with access to filing systems and clerks to maintain them. Our crew contractor is likely to use a shoebox, and his reporting requirements and record maintenance demands have become unbelievably complex. Time does not permit me to cover all of the applicable regulatory legislation. But, let me simply cover some of the more important regulations which require reports—the continued maintenance of records, etc.:

Federal—Equal Employment Opportunity Act; Equal Pay Act; The Age Discrimination in Employment Act. State—Florida Human Rights Act.

Federal—Wage and Hour Law; Minimum Wage Law; Child Labor Law; Fair Labor Standards Act. State—Florida Department of Labor and Employment Security.

Federal—Farm Labor Contractors Registration Act. State—Farm Labor Contractors Registration Act.

Federal—O.S.H.A. Standards, U.S. Health, Education, Welfare. State—Florida Health and Safety Standards on Migrant Labor Camps.

To give you a better idea, I am holding in my right hand 38 forms that must be completed, copies submitted to the appropriate agency and filed, essentially for two years, by the contractor. (Note: Forms range from 1 sheet to 12—instruction booklets equal 6.) Should this spark curiosity, the forms will be on the table for your appraisal. Let me point out that these forms are now required by law to be explained in the language natural to the immigrant, so we might perceive that this independent contractor now has to be fluent in English, Spanish and, perhaps, French. Most of them consider themselves lucky to have finished high school.

There are problems identifying migrant workers: We are now expecting this crew contractor to police the immigrant status of his ever-changing group, because fines and penalties, including jail terms, will certainly result, if he does not.

I do not wish to paint the portrait of the labor contractor in such a way that he appears angelic, for this, obviously, is not the case. Bear in mind, his primary and most necessary objective is to provide the labor for harvesting the crop, and, if that is not done, the system cannot function. It is, after this is done, that he hopes to have time to ensure that his workers are not illegal and that his forms have been properly completed, submitted and filed, and that the various programs that apply to those who turned up for that day's work have been described in the appropriate language of the immigrants' origin. Adding frustration, this harvesting contractor finds that he is competing with public assistance programs that do not induce an ever-changing labor crew to work.

THERE ARE THREE CLASSIFICATIONS OF IMMIGRANTS

1. Those immigrants on Refugee Status.—They are in the United States because of political or religious persecution in their home country. These include Indo-Chinese, Cubans, and Haitians. Upon arrival, they are eligible for a monthly check for $111 for a single person, up to $225 for families. The Immigration Service gives them a card of eligibility for food stamps, making them available immediately. One month's check may exceed the average annual individual income in some of the countries from which they migrated!

2. Legal Immigrants.—From Mexico, Canada, and other countries come on invitation to harvest our crops. Public assistance programs are available to aid families with dependent children, and food stamps are also available immediately.

3. Then there is the illegal immigrant.—And there is no way of knowing the number in the United States, but the estimate is from one to 12 million. Not being a statistician, I would say any number in this range of estimates would still present us with an underground society which can be costly to the taxpayer of Florida and the United States.

Our public assistance, although created with good intentions and out of compassion, far exceeds the potential earnings of many immigrants in their country of origin. It is my opinion that most illegal aliens are brothers, sisters, cousins, nephews, nieces and other relatives of those who have come to this country legally, to share in what they might construe as largesse due to the terrible living conditions in their countries. It is very difficult for the harvesting contractor to readily determine that the person presenting his identification as a legal alien is, in fact, that person, and you must remember that this is just a secondary and considerably less important function of that contractor's job.

Rev. Theodore Hesburgh, Chairman of the now disbanded Select Commission on Immigration and Refugee Policy, was reported in May 7th's newspaper as having recommended to a joint legislative hearing in Washington that legal immigration quotas should be expanded, not reduced. The Commission reasoned, and I quote, "by allowing more immigrants into the country legally, fewer people will be tempted to cross the U.S. border without proper documentation . . . that legalization and further employer sanctions and identification will clear up the nub of illegality." They, further, recommended an I.D. card that could not be counterfeited.

I assume that money is still counterfeited, and, thus, if the Commission's recommendations are adopted—they would likely create a new business. I could not disagree more strongly, because it is my opinion that legal immigration is the foundation of our illegal immigration.

SUMMARY

In summation, I simply state that it is easier to describe the problem than to provide its answers, which touch not only upon physical problems, but moral attitudes. I would, perhaps, recommend the following:

1. That any additional regulatory legislation be drafted only after existing laws are consolidated and simplified;

2. That legislators take the time to visit in the real world for a day before drafting or recommending new laws;

3. That public assistance, while necessary, should be established only as a temporary measure;

4. That sanctions which are principally aimed at agriculture be considered in light of real world conditions;

5. That we stop returning illegal aliens to their land of origin in big silver birds. This might be considered somewhat of a luxury to those who have never flown before. Can't we be somewhat less accommodating?

6. And, although this is not agriculture's biggest problem, the Federal Government should never permit immigrants under any status into this country unless that same Federal government provides for their well-being.

7. Last, let us not forget the "tragedy of the Commons."●

OPPOSITION TO ADMINISTRATION'S PROPOSED SOCIAL SECURITY CUTBACKS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. WEISS. Mr. Speaker, the administration's recommended cutbacks in social security protection represent an unprecedented assault on the most vulnerable of our society.

The proposals are antiaged, antidisabled, antifamily, and antiminority. They undermine fundamental and essential principles that a compassionate Nation should hold near and dear.

President Reagan pledged during the 1980 campaign to protect "the full

retirement benefits of * * * social security recipients."

His recent social security proposals, however, represent a broken promise for the elderly and all the Nation. These measures are ill-conceived, unfair, and unnecessary. The Congress should reject them decisively and promptly.

The administration has repeatedly emphasized that a "social safety net" has been provided for the "truly needy."

The harsh reality is that the administration is engineering a massive income transfer program by slashing benefits for low-income, aged, and disabled persons to provide a major tax cut which will be a bonanza for the most affluent in our society.

Instead of protecting the truly needy, the administration is helping the rich and well heeled.

President Reagan's social security cutbacks make a mockery of his pledge to protect the elderly. His social safety net is already under water and the sharks are nipping at it.

His plan to reduce benefits by more than one-third for persons receiving social security at age 62 would hurt those who are sick or unable to find a job. Many minority persons would also be adversely affected by the proposal to cut benefits for persons applying at age 62 from 80 to 55 percent of the amount that they would receive at age 65.

Family benefits for retired and deceased workers would be reduced by about $2.9 billion in 1982.

New restrictions would substantially erode disability protection for workers and their families by:

Requiring only medical determinations of disability, instead of taking into account vocational factors for older workers;

Requiring a disability prognosis of at least 24 months, instead of 12 months;

Substantially increasing the "recency of work test" to qualify for disability benefits; and

Increasing the disability waiting period from 5 to 6 months.

Persons now receiving social security would have their benefits trimmed by another administration proposal to push back the effective date of the cost-of-living adjustment by 3 months in 1982.

Social security has enjoyed strong bipartisan support throughout its history. The administration's recommendations threaten to undercut that broad support as well as undermine public confidence in the system.

These major cutbacks would also force many older and handicapped Americans on to the poverty rolls. This plan is nothing more than an attempt to balance budgets on the backs of the aged and disabled.

A more equitable and substantively sound alternative is to provide for partial general revenue financing of the social security system. This would not only assure social security's financial integrity but would also make the system's financing more progressive.

Social security's retirement and survivor trust fund needs additional revenue primarily because of the sick state of our economy. High unemployment has robbed the trust fund of needed revenue, while double-digit inflation has driven up program costs.

Older and disabled Americans should not be thrust into the front ranks as inflation fighters by being made scapegoats for our serious economic problems in recent years. They are not the cause of inflation, but they are among its chief victims.

The irony is that the administration has unveiled its draconian social security cutbacks during May, which is "Older Americans Month." Several States are also holding preliminary conferences this month to prepare for the national White House Conference on Aging later this year.

Recently, delegates at the New York White House Conference on Aging criticized the administration's harsh proposals.

A New York Times article describes the reaction to the administration recommendations by knowledgeable and articulate senior citizens.

Mr. Speaker, I ask unanimous consent that this account be printed in the RECORD.

[From the New York Times, May 13, 1981]

REAGAN ASSAILED AT MEETING ON AGING

(By Warren Weaver, Jr.)

ALBANY, May 12.—A state conference on aging, convened to prepare for a White House session later this year, put aside its agenda today to condemn President Reagan's most recent proposal to trim Social Security benefits.

About 700 delegates to the Governor's Conference on Aging shouted nearly unanimous approval of a resolution opposing the President's recommendation to reduce benefits for those choosing to retire before the age of 65, a plan made public by the White House yesterday.

The resolution said the conference "reaffirms the paramount importance of retaining and strengthening Social Security benefits" and "strongly opposes Administration proposals on changes in early retirement benefits and other Social Security reductions."

UNPRECEDENTED CUTBACKS

Earlier, the delegates adopted a resolution expressing alarm at "the unprecedented cutbacks in human services affecting the elderly, especially the elderly poor, proposed by the Reagan Administration." Approval was automatic when more than 350 delegates signed supporting petitions, but a standing vote was taken to underscore the position.

The audience was composed of representatives of advocacy groups for the elderly from around the state, including Governor Carey's appointed delegates and alternates to the White House Conference on Aging, which is to be held in December.

The preliminary outline of the Reagan Social Security program appeared in morning newspapers on the last day of the conference, prompting several angry speeches when the delegates began debating proposals on economic security for the elderly.

Max Manes of New York City called the Reagan proposals "an unprecedented attack on Social Security" and "an outrageous attempt to undermine the system." He argued that making early retirement less attractive financially would be ineffective because most people who now exercised that option were either sick or unable to find work.

A major purpose of the President's plan is to strengthen the retirement system by insuring that more participants continue to contribute to it, rather than withdraw benefits from it until they are at least 65 years old. The fund is expected to become insolvent within a year if Congress does not move to bolster it.

Another delegate, Albert E. Blumberg of New York City, urged the conference to "send a message to Washington" by focusing attention on a series of recommendations that would effectively increase Social Security benefits and supplement payroll-tax financing with general-fund revenues.

The resolution condemning the Reagan plan to reduce benefits for early retirees was sponsored by Janet S. Sainer, the New York City Aging Commissioner. A two-thirds majority vote to suspend the conference rules was required to bring it to a floor vote, but there was only scattered opposition.

Governor Carey later told the conference that he questioned efforts by "our national leadership" to reduce taxes and Government spending and promote economic development "at the expense of our most needy citizens."

"Let the Federal Government learn from New York," the Governor declared, "that reductions in taxes and Government spending need not go hand in hand with reductions in programs that help and protect people."

In three days of meetings the delegates debated 150 proposals on the elderly, reducing them through a series of votes to 30 priority items to be presented to the White House conference. All 50 states have held or will hold such preliminary sessions.

These were among the priority recommendations adopted at the conference: twice a year, rather than once, to reflect increases in the cost of living and keying this indexing more closely to older people's actual expenditures.

Continuing to make full Social Security benefits available to those who retire at age 65, rather than postponing retirement until 68.

Making educational programs in crime prevention and victim assistance available to older people.

Providing rent subsidies for all people 60 and older "to enable them to remain in their current residences or seek adequate replacement housing."

Making available health, social, mental health, educational and other support services to all elderly people, both at home and in institutions.●

A REVIEW OF THE WASHINGTON POST'S EDITORIAL POLICIES

HON. BENJAMIN S. ROSENTHAL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1981

● Mr. ROSENTHAL. Mr. Speaker, Americans rely upon the press to provide them with an accurate reportage of events in the world that affect their lives. Though there will be disagreement from time to time with the focus of an article, its conclusions, or with the decision to report one event and not another; in the aggregate our citizens should believe in the fairness and accuracy of the newspapers they read and the radio and television journalism they listen to.

In February the National Capitol chapter of the American Jewish Congress conducted a seminar on the Washington Post's alleged bias against Israel. The charges against the Post are not new. It had earlier prompted Howard Squadron, chairman of the Conference of Presidents of Major American Jewish Organizations, to meet with Post editor Ben Bradlee.

Stephen Barlas, a freelance writer, turned to the subject after reading the publicity surrounding the workshop. His review of the Post's editorial policies have appeared in Moment magazine. It is a provocative article, one worthy of our attention:

BENDING THE NEWS AT THE WASHINGTON POST—WHEN IT COMES TO THE MIDDLE EAST, BEN BRADLEE'S PAPER IS CUT ON THE BIAS

(By Stephen Barlas)

"Some newspapers in Washington put opinion in their news stories. Some papers are slanted . . . one-sided . . . biased. Fortunately, there's one newspaper, and only one, that stands firmly committed to fair and unbiased reporting."

That's how one of the three equally tough commercials for the *Washington Star*, aired over television this winter, began. The *Star* says that its commercials, obviously aimed at the *Washington Post*, were based on market research. And, given the attitudes of many Washington Jews towards the *Post*, that's not hard to believe.

Rabbi Eugene Lipman of Temple Sinai in Washington says that the topic comes up daily in one congregation forum or another. Members, he says, complain "constantly and routinely" about the *Post*'s perceived bias against Israel. Lipman, who has himself been critical of some Israeli policies during what he terms his "35-year lover's quarrel" with the Jewish state, and whose synagogue was used as a community platform last year by West Bank mayors Fahd Kawasme and Mohammed Milhem, calls the *Post* "purposely pro-Arab and anti-Israel."

This criticism is widely shared by other Jews, both inside the Capital and out. Of late, it has been voiced in increasingly bitter tones. In February, the Washington chapter of the American Jewish Congress held a well-attended symposium aimed at exposing, publicizing, and combating the *Post*'s alleged bias towards Israel. Last October, Howard Squadron, chairman of the Conference of Presidents of Major American Jewish Organizations, met with *Post* editor Benjamin Bradlee and other top editors to discuss grievances regarding the *Post*'s Middle East coverage.

The principal grievance has to do with the torrent of news stories portraying Israel in a negative light, and, in particular, with the steady stream of articles about West Bank settlements and Israeli policies towards Palestinians, stories that inevitably present Israelis as one-dimensional oppressors. The paper's perceived proclivity for "slanting" these—and other—stories against Israel through unbalanced reporting is no longer accepted with resignation; it has become a public issue, and it is not likely to go away. Why is it, Jews ask, that Israel's side of a story is frequently ignored or lightly passed over, while information that makes Israel appear as an "intransigent troublemaker" is emphasized? Why is it that the human side of Israel, the everyday travails of its people and its fight for survival in an increasingly hostile world, go unreported in the *Post*? And why is it that the *Post* seems to treat the PLO and "moderate" Arab states with velvet gloves?

Nothing illustrates the basis for the criticism bettern than the *Post*'s two-part series on the West Bank in September 1980. The series was written by the *Post*'s Israel correspondent, William Claiborne—who speaks neither Hebrew nor Arabic—and by Edward Cody, who is fluent in Arabic. It was so tilted towards criticisim of Israel that it was reprinted in glossy booklet form by the Washington-based Foundation for Middle East Peace and distributed as anti-Israel propaganda to influential journalists and church groups. (The Foundation was given permission to reprint by the *Post*.)

Introducing the Claiborne/Cody indictmet, former Senator Adlai Stevenson writes, "The Begin government regularly, sometimes insultingly, ignores our policy and our interests. . . . The United States has been subsidizing a settlements policy which undermines the peace process it authored. . . . The settlements policy undermines the just principles of the Jewish faith. . . . It isolates Israel, threatening to make it an international outlaw. . . ."

And about the Palestinians, "But their attitudes and interests are not understood in the U.S. It is as if we did not want to understand."

In the series, facts and figures are used selectively to highlight the Israelis' seemingly insatiable, uncompromising and unreasonable appetite for West Bank territory. In the first article, which starts out on the front page under the headline, "Israel Shapes Immuntable Future For the West Bank," readers are told there are 14,000 Israeli settlers on the West Bank, the settlements cover 28,000 acres and Israeli-owned property equals one-third of the total occupied area. Readers are not told that the 14,000 settlers comprise only two percent of the population and the 28,000 acres equal only eight percent of the West Bank. And readers must pull out their own calculators to learn Israel owns 27 percent, not one third, of the West Bank. These percentages hardly square with the "immutable future" theme—nor does Israel's return of the Sinai to Egypt, which is ignored as well.

Throughout the series, the reporters insist that Israel has no intention of returning any of the West Bank to Arab rule. Thus, the Israeli government's goal is "making impossible a negotiated return of the occupied territories to Arab rule." Or, ". . . despite the promise of Camp David, in the long run little can be done to arrest Israel's relentless drive to settle the occupied territory with a Jewish population and prevent its return to Arab control."

Rather, what all Israel wants, in the opinion of Claiborne and Cody, is the "Judaization of the West Bank," a derogatory cliché they themselves have conveniently coined and used in more than one series section.

Besides ignoring important aspects of the Israeli side of the settlements "story," the series also neglects topics like health and education services provided by Israel to West Bank Arab residents. And while they devote one quick paragraph to the "unprecedented prosperity" experienced by the West Bank under Israeli rule, the reporters eagerly negate that "positive" with, "The increases in prosperity, however, have roughly paralleled integration into the Israeli economic stream, exacting some high economic and social tribute in addition to the political cost of life under occupation." And while damning the Israeli's for making the West Bank too economically dependent, in the next paragraph the reporters criticize the Jewish State for not doing more economically. "Investment in agriculture and industry, for example, has dried up to nearly nothing, mortgaging the area's future ability to function outside the Israeli economic sphere."

Israeli activities on the West Bank, and their impact on the Arabs there are, of course, a legitimate topic for a two-part *Post* news series. The series as it ran, though, was unbalanced, incomplete, and sorely lacking in perspective—as many other *Post* stories from Israel have been.

Thus, for instance, when the Israel Cabinet stated in February 10, 1980, that there was "no impediment" to Jews living in esclusively-Arab Hebron, the *Post* accusingly headlined its front-page story, "Israel Shifts Policy on West Bank." But Israel has not changed its policy; it had only confirmed what had always been true. While the headline ballyhooed a "shift," Claiborne's second paragraph talked only about "setting the stage" for a fundamental shift that, he opined, "appeared to have far-reaching political implications both in Israel and abroad." One had to read down nine paragraph to learn Jews lived in Hebron until being ousted in the riots of 1929.

By contrast, the headline over the front-page New York *Times* story said, "Israel Moves to Allow Jews to Resettle in Arab Hebron." *Times* correspondent David Shipler's first paragraph read, "Israel's Cabinet supported in principle today the position that Jews have the right to resettle in the heart of the occupied Arab city of Hebron, where the last Jewish communnity was destroyed in rioting by Arabs in 929." His next paragraph emphasizes that the decision might never be put into effect, but, if it were, it would mark "a dramatic departure." Shipler also quickly adds the absence of a timetable led "some ministers to read the decision as a change in policy."

The *Post* ran any number of stories throughout the winter and spring of 1980 on the prospect of Jewish settlement in Hebron. The paper continued to downplay, when it mentioned at all, the prior existence of a thriving Jewish-Hebron community, the concept of "resettlement," and the rationale for Jewish settlement given the still Jewish-owned buildings in that Arab city. What the *Post* seemed to emphasize was its reporters' opinions that Jewish settlement in Hebron

would have a "serious impact" on Israeli-Egyptian autonomy negotiations (2/13/80), be "certain to draw U.S. criticism" (3/24/80), or the like.

Some of the numerous *Post* stories casting Israel as a "heavy" have been notable for their gaping "holes"—that is, either their incompleteness or their failure to substantiate the article's main premise. On March 26, 1980, for example, a front-page headline shouted, "Begin Spurns U.S. Plea to Halt New Settlements." Amazingly, reporter Claiborne does not quote a single Begin retort to the "freeze-the-West-Bank-settlements" plea made by special U.S. Ambassador Sol Linowitz. Nor does he mention what the Likud leader was reputed to have said. Claiborne does quote Linowitz, who says the question of a settlement freeze had been discussed but not resolved.

A Claiborne story on August 3, 1980 about an 80-year-old Arab grandmother being pushed off her East Jerusalem property because of construction of a new Israeli government building paints the Begin government as a first class ogre. But a reader looking for the Israeli side of the story, justified or not, was out of luck. No Israeli explanations were sought or given.

Claiborne has littered many news stories with his unfavorable opinions of the Israelis and particularly of Begin. Writing about Elon Moreh and Kiryat Arba, two Jewish settlements on the West Bank, the reporter on March 3, 1980 advises readers that these villages "appear to be little more than a facade to establish a legal presence in an Arab area." And in a March 15, 1980 article describing Begin's longstanding reliance on a Bible and Army map to make Israel's case for West Bank settlements, Claiborne's second paragraph mocks, "After nearly three years in office, however, Begin does not need props. He recites his familiar litany flawlessly, whether for visiting U.S. Congressmen, Hadassah women at a Holy Land convention, or journalists who have heard it so often they sometimes silently mouth the words in unison while they doodle on notepads." The *Post's* seeming determination to emphasize alleged Israeli excesses, sometimes at the expense of facts, was best illustrated on January 3, 1981. On its front page, the paper reported allegations from UN officials in South Lebanon that Israeli soldiers had blown apart with explosives the already dead bodies of five Palestinian guerrillas. The New York *Times* and *Washington Star* devoted a few paragraphs in the back of their news sections to these questionable charges from a source hardly friendly to the Jewish State. The *Post*, by contrast, wheeled out 17 breathless paragraphs, duly noting Israel's heated denial of the incident. But the paper made no effort independently to verify the damaging allegation before trumpeting the story. To its embarrassment, the charges proved groundless.

That episode caused even some prominent Arab supporters to question Post news judgment. "Even If those charges were true," remarks John Richardson, Director of Public Affairs for the National Association of Arab-Americans (NAAA), "I'm not sure they merited a front page story. It was just another story about how crude some human beings can be."

Yet this mishap apparently did little to spur the Post to reassess its news coverage of Israel. Over the next few months, the spotlight continued to glare on perceived Israeli injustices, such as a purported speed up in acquisition of "disputed" West Bank land (2/11/18). On February 24, Claiborne wrote about a Begin trip to the West Bank to open a "controversial" road. Four days later, the reporter sent another dispatch on another Begin trip to the very same West Bank. Shouted the headline over that February 28 story, "Begin, on Trip around West Bank, Boasts of Settlement Achievements." And on March 11, continuing to drub the Israelis, the first paragraph of another Israeli "injustice" story reported, "The Israeli government has lost another round in its long and tenacious campaign to expunge the word Palestine from the lexicon of Arab-Israeli politics."

It seems obvious that no one knows more about long and tenacious campaigns than Clairborne.

"The West Bank in 1980 was the center of the most newsworthy political development in that area," responds Post Foreign Editor Jim Hoagland to questions and criticisms regarding the paper's heavy West Bank emphasis. "Particularly because of the tension between the U.S. and Israel over the settlement issue." Hoagland says that because the West Bank was the origin for important "breaking news," and because the Post emphasizes coverage of breaking news, the paper printed a large number of stories about Israel's policies and actions there.

But Hoagland admits, "We've been taken up with breaking news more than I'd like. Because of the limitation of time and space, we don't do as well as I'd like." He also concedes Post handling of some stories has not been as balanced as it could have been.

"But I think we have done a pretty good job of covering a nation of three million people," he emphasizes. "No one here is anti-Israel."

Hoagland maintains that he and Claiborne have talked about broadening the paper's Israel coverage. But apparently they are still in the talking stage. For stories about the country's economic problems and triumphs, cultural activities and institutions, educational scene, battle against terrorism and much, much more, Washington residents will have to trot down to the neighborhood newsstand and pick up a copy of the New York Times, Los Angeles Times, or maybe even the Baltimore Sun.

In the meantime, John Richarson of the NAAA argues that Post Middle East news story selection has been balanced. He finds it encouraging that the paper is "willing to tackle and make space for sensitive stories presenting implicit or explicit criticism of Israel." and he adds, "To the Post's great credit, they've been tough on Israeli occupation policy."

But Richardson complains that the paper's news writing leaves much to be desired. "The Post is becoming essay-oriented," he states. "Every reporter sticks his two cents into whatever he is reporting. I could use a much more bare bones approach."

Jews would answer, "Amen." Nor is their criticism limited to William Claiborne's persistence in allowing his personal opinion, invariably uncomplimentary where Israel is concerned, to affect the way he selects and reports news. The irritation of the Jewish community is based on more than just a string of isolated, transient complaints, and focuses not only on Claiborne's reporting. Jews think they see an anti-Israel pattern, prompted by an anti-Israel policy, in Post Middle East coverage. This pattern has a number of clearly visible elements, say the critics. Thus, for example, the newspaper's reporting on the PLO assiduously emphasizes the benign. Intra-PLO rivalry, particularly the "moderate" Fatah's battle for ascendency, and the intricacies of PLO rhetoric are stressed. Articles that reflect negatively on the PLO appear infrequently in the Post, even when they are dropped in the paper's lap.

On October 16, 1980, for instance, newspapers around the country carried an Associated Press dispatch relating a graduation ceremony for PLO commandos in Beriut, sponsored by Arafat's Fatah, where some cadets tore apart live chickens and rabbits with their teeth and hands. The ceremony was accompanied by the requisite bellicose war cries towards Israel. The *Post* did not carry the story. In response to a letter from a reader asking why the paper had ignored the dispatch, *Post* ombudsman William Green responded that he had no answer. "I can only assure you that the omission was not intended as a means of moderating the image of the PLO," Green wrote. "The omission you spotted is an exception and I hope it will not happen again."

But happen again it did. A New York *Times* story on January 26, 1981 from Beirut reported that while Islamic nations were meeting in Taif, Saudi-Arabia, a PLO newspaper, in a front page editorial, was urging Arab leaders at the summit to declare holy war on Israel. This information was available to the *Post.* Wire service stories on February 18 and 22, 1981 reported Egyptian President Anwar Sadat's charge that the PLO was essentially a tool of the Soviet Union and Vice President George Bush's claim of PLO aid to El Salvador. Not one of these stories made the *Post.*

When PLO officials deny responsibility for terrorist killings inside Israel or out, the *Post* takes them at their word. In an April 8, 1980 story on the murder of three Israelis at Kibbutz Misgav Am, Claiborne states the Iraqi-supported Arab Liberation Front, which he describes as a "radical PLO splinter group," claimed responsibility for the attack. Further down in the story, Claiborne, who misses no opportunity to criticize when writing about the Israelis, continues, "PLO spokesmen here refused all comment on the Misgav Am operation, however, indicating Arafat did not want to be associated with it. . . . Analysts here were hesitant to point to today's raid as a sign of hardening by the mainstream PLO, however, because it is difficult to tell how much control Arafat and his aides exercise over such hard-line groups as the Arab Liberation Front."

Post stories on the PLO throughout 1980 emphasized the "moderate" nature of Arafat's Fatah as compared to the organization's supposedly more violent-prone factions. There were no stories on PLO terrorist training, the role Fatah played in those activities, support from Arab governments for terrorist operations, or PLO links to other terror groups around the world.

This *Post* attitude, that the PLO is primarily a fractious band of impotent "guerrillas," headed by the politically-minded non-terrorist Fatah, comes through loud and clear in a letter written by then-Beirut correspondent Stuart Auerback on March 21, 1977. Asked by a reader about the section of the Palestinian National Charter calling for the destruction of the Jewish State, a section retained in the Charter year after year, Auerback writes, "The Covenant is rarely discussed in the Mideast where it is recognized as rhetoric."

When presented with evidence of Fatah and PLO dedication to terrorism, the *Post* does its best to downplay any damaging im-

plications. A November 17, 1980 story relating how members of six different PLO factions had been receiving terrorist training in Moscow is a good example. Buried on page 17, the story's almost congratulatory headline read, "Palestine Guerrillas Put Aside Differences to Train in USSR." And in an almost comical attempt to protect Fatah's "moderate" image, the story states that of the 21 terrorists, "only" six belonged to Arafat's faction.

Post Foreign Editor Hoagland denies the paper has been soft on the PLO. He says, for instance, that the paper has been running stories on PLO-Moscow links since 1972. Hoagland also adds that PLO-El Salvador guerrilla links were mentioned in a two-part series on El Salvador in early March 1981.

Post news coverage of Saudi Arabia, the most prominent "moderate" Arab state, also seems notable for its tender loving care. This is reflected in the paper's coverage of the Islamic summit in Taif in January 1981. An AP dispatch carried by the *Washington Star* on January 26 was headlined, "Islam Opens Summit with Blast at Jews." The lead paragraph reported the opening prayer of a Moslem religious lead asking Allah to "help the Moslems cleanse Jerusalem of the Jews." The *Star* headline over the next day's AP dispatch said, "Saudi Prince Says U.S. Perpetuates Israel as an 'Alien Presence' in Arab Structure." This virulent anti-Israel rhetoric was not reported by the *Post's* David Ottaway, who was in Taif.

While Ottaway did report the Taif conference's frequent calls for a "jihad," or holy war, against Israel, he did his best to deflate the significance of that chant. In two different stories he pointed out first the Saudis and then "observers" did not intend a "jihad" to include military action against Israel. Yet in his January 25 story, Ottaway notes Saudi Crown Prince Fahd had recently told a Saudi newspaper, "We are for an all out holy Islamic struggle in all aspects, with speech and all the resources of the media, with men, material, with knowledge and with weapons."

And in his wrap-up dispatch on January 29, after noting the 37-nation conference's decisions to expand the Arab boycott against Israel, sever diplomatic relations with countries maintaining Jerusalem embassies and prepare for a "jihad . . . with all the means at our disposal," Ottaway opines, ". . . it appeared that the conference avoided taking too extreme a position toward Israel. . . ."

The *Post's* attempts to downplay Saudi malevolence toward Israel go hand in hand with the paper's efforts to promote Saudi "peacemaking." In a May 25, 1980 front-page story written by Jim Hoagland from Riyadh, Saudi Arabia, he reports Crown Prince Fahd made "a significant step forward" toward peace. The headline over the story's continuation on page 22 heralded, "Saudis Propose Mideast Peace Plan." What Fahd said was the Saudis would try to get other Arab nations to join Middle East peace talks if the Israelis could commit to withdrawing from the entire West Bank and Jerusalem. Fahd dropped the Saudi's previous insistence that this Israeli commitment be accompanied by a specific timetable. Fahd's comments may have represented the sturdy olive branch the *Post* made them out to be. To others who view the Saudis more critically, Fahd's comments seemed more a scrawny twig.

Of course when Fahd the peacemaker became Fahd the warmaker, the *Post* made sure his change of heart was not overly publicized. On August 13, 1980, Fahd loosed a bellicose, 500-word diatribe, asking in part, "Hasn't the call on Arabs and Moslems for a long and persistent jihad become the only answer to this Zionist religious and racist arrogance?" The story was featured prominently in newspaper across the country. The *Post* devoted three paragraphs on page 22 to Fahd's war cry.

Post reporting from inside Saudi Arabia displays an understanding of the Arab state's internal challenges. A headline over an Ottaway February 27, 1981 story announced, "Saudi Arabia and Its Arab Neighbors Plan Gulf Security Council." A March 4, 1981 headline was, "Saudis Cast Wary Eye on Foreign Workers." A March 5, 1981 headline read, "Despite Troubles, Saudis Go Ahead With Industrialization Plan." And on March 6, 1981, "Saudi Arabia Fends Off, For Now, Pressures to Reduce Oil Production." While these are legitimate stories, they contrast sharply with the kind of *Post* stories coming out of Israel. Saudi financial support for and harboring of terrorists, hospitality to Idi Amin, internal corruption and other unsavory morsels rarely find their way into the *Post.*

It is not unusual for different segments of the community to become chagrined with their newspaper from time to time. Newspapers do make mistakes. At the same time, readers sometimes imagine mistakes where none exist. There are, for example, many Jews who are splenetic about *Post* editorials, feeling that they too are often anti-Israel, and reasonably so. But editorials, unlike news stories, are supposed to advance a point of view, and need not be balanced. *Post* editorials have, in fact, been harshly critical of Prime Minister Menachem Begin and Israeli approaches to West Bank autonomy and settlements. And, while the PLO has occasionally been scored, the *Post* maintains that the terrorist organization should be included in the peace process once it recognizes Israel's right to exist. West Bank Palestinians have also been smiled upon; the *Post* editorial page studiously refrains from berating them, as it does the Israelis, for failing to compromise on behalf of a broader, lasting peace.

These positions, though, are the *Post's* prerogative. They are not open to challenge, based on accepted journalistic standards, in the way the *Post's* news coverage is. But papers that ignore persistent, legitimate complaints about their news coverage are papers that fail to serve, and risk losing, their readers.

Jewish dissatisfaction with the *Post* is a recent phenomenon. Eugene Meyer, who purchased the *Post* in the 1930s, worked closely with Louis Brandeis and Felix Frankfurter in their efforts on behalf of Jews in Palestine. He also gave freely to Jewish charities. His wife Agnes, a non-Jew, was equally supportive of Jewish causes.

In 1948, Meyer turned the paper over to the husband of his daughter Katherine, Phillip Graham, a former Frankfurter law clerk. In his book *The Powers That Be,* David Halberstam maintains Graham's last manic years before his suicide in 1963 were marked by anti-Semitic outbursts. But I. L. Kenen, editor emeritus of the *Near East Report,* published by the American Israel Public Affairs Committee, says Graham felt strongly about Israel. Kenen remembers meeting with the then-*Post* publisher in the late 1950s. "He told me when I wanted to talk about Israel, I should come to him, not Eugene Meyer," recalls Kenen.

When Graham died, his wife, who is not Jewish, took control of the paper. For years, Jews had few bones to pick with the paper's coverage of Israel. Broad-scale rumbling began to surface in 1977. President Jimmy Carter's criticism of West Bank settlements and Israeli notions of autonomy, and his dispositon to court the Arab oil states and the PLO, served as a springboard for *Post* Middle East coverage. At the same time, the ascent of Menachem Begin, who has been perceived by the Post as unyielding and selfish, gave the paper an inviting flesh and flood target to go after. The *Post* interpreted the clashes between Carter and Begin as a reflection of Israeli insensitivity to the complicated Middle East problems faced by the United States. *Post* news coverage focused relentlessly on this perceived callousness and pursued its alleged manifestations like a hound after a hare.

It cannot be said that *Washington Post* editors or reporters are anti-Semites, anti-Israel or Arabists. There is no way to prove these labels apply, even in isolated cases. In any case, journalists are allowed personal political preferences. These opinions, though, are not supposed to color news coverage.

Post editors and reporters with Middle East responsibilities seem to be guided not so much by their opinions but by clichés that have been in vogue for the past few years. Israelis are intransient and inhumane. Begin is zealous. Arafat is moderate. the Saudis are peace-loving. The PLO is a merry band of harmless guerrillas. The Palestinians are oppressed.

Jews are not asking the *Post* to ignore Israeli warts. No one is asking the paper to bring out the bucket of whitewash. Rather, Jews are asking the newspapers to examine and change its cliché-ridden coverage. If the *Post* continues to ignore this legitimate request, it runs the risk of being ignored itself.●

HOUSE OF REPRESENTATIVES—*Wednesday, May 20, 1981*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Lord, our hearts reach out this day to all people who are in need of Your tender care. We remember those nations and communities who experience the tension of strife, pain, and killing and we pray they will know peace. We place before You the names of those who are ill or who are anxious about tomorrow that they will know the healing of Your presence. We specially rejoice in the growing strength of Pope John Paul II. May his spirit and love continue to testify to his people and may his words enlighten all humankind. May Your blessing, O Lord, be with us all and may Your benediction never depart from us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 80. Joint resolution to authorize and request the President to designate the week of May 17, 1981, through May 23, 1981, as "U.S.O. Week."

The message also announced that the Vice President, and upon the recommendation of the majority and minority leaders, pursuant to Public Law 96-389, section 10(a), appointed Mr. SCHMITT, Mr. JEPSEN, and Mr. DODD as members of the Commission on the Role of Gold in International Monetary Systems.

ERNEST LEFEVER NOMINATION SHOULD BE REJECTED

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I come to the House today to urge that the nomination of Ernest Lefever as Assistant Secretary of State be rejected. This gentleman may be a decent human being, but in my judgment he represents a betrayal of this Nation's commitment to end repression throughout the world. He represents what I call the "turn the other cheek" mentality.

I urge our colleague from Illinois, Mr. PERCY, to show some courage and some guts, and to lead a process to reject a gentleman who I feel does not stand for the principle of freedom and democracy and the end of repression that this Nation so well stands for.

In an effort to reject some of the admittedly ill-advised policies of the Carter administration, this administration seems intent on destroying any commitment to freedom, to the end of repression, in an ideological and somewhat nonsensical way. My ancestors, my grandparents, came to this Nation because they sought an end to political repression, to seek religious freedom. I seek today to encourage the rejecting of Mr. Lefever, who probably is a very decent human being, because of the damage it does to the reasons my grandparents immigrated to America; damage to our image as a beacon of hope and freedom from oppression. Mr. Lefever's nomination is symbolic of a policy which, in my judgment will be perceived as achieving opposite objectives.

PRESIDENT PLANS TO BREAK PROMISES TO THE PEOPLE

(Ms. FERRARO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FERRARO. Mr. Speaker, I rise today to speak about promises. Promises our Government has made to its people. Promises that the President plans to break. I speak, of course, about the proposal to reduce social security benefits from 80 to 55 percent of their previous earnings to workers who retire before age 65. Last October, then candidate Reagan vowed to protect the integrity of the social security system. Now, as with so many campaign promises, that vow is being rescinded. As Dave Stockman made clear before the Post Office and Civil Service Committee yesterday, when the President's programs come into conflict with his campaign promises, the program comes first.

I would like to take a moment to illustrate how this proposal will affect women in the garment industry. Many of these women have worked, bent over their machines, since they were 16. This is work that strains their eyes and hearing. At the age of 62, these women are worn out. Their backs have given out, their eyesight is shot. They have relied upon the Government's promise of social security benefits to supplement their meager pensions. Now, they are told they must either continue working until the age of 65 or face the prospect of only receiving 55 percent of the benefits for which they have worked. In 1979, over one-half of all ILGW retirees were 62 years old. They worked as long as they physically could. Their benefits will not be touched by this plan. Their coworkers still in the shops will not be as lucky. They will be devastated.

Tomorrow, the Select Committee on Aging will examine this matter. I suspect that there will be little support for the President's plan in that body.

BRITISH POLICY IN NORTHERN IRELAND MUST CHANGE

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, once again I rise to add my voice to those who seek a peaceful resolution to the continuing conflict in Northern Ireland.

The people of Northern Ireland have suffered greatly over the past 12 years, with recent events adding to this tragedy. Twenty-four people have met violent deaths since the death of Bobby Sands; they join the more than 2,000 others who had already lost their lives. Now is the time to turn our energies away from violence and join with the majority of the people in Northern Ireland who have seen enough of killing and terrorism.

I join with those who call upon the British Government to abandon its intransigent attitude toward the hunger strikers and to truly seek an agreement that prevents any more deaths. I hope and pray that the Thatcher government does not believe it has survived the worst of the storm of public damnation since Bobby Sands' death. World attention may be focusing elsewhere, but the need to reduce tensions and seek accommodation is just as pressing.

I believe we must speak out so that our silence is not confused with acceptance of existing British policies and stand up for those who want peace.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

AWACS ISSUE PUTS UNITED STATES IN NO-WIN POSITION

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Mr. Speaker, the pending sale of the AWACS to Saudi Arabia has been a major concern of the Congress for months. Yesterday, the Defense Department refused my request for a briefing on AWACS. I had not asked for a briefing on details of the administration's plan but on the technical aspects of the system. My office was told that the Pentagon did not have administration approval to provide that briefing. This is the first time in my 12 years in Congress I have been denied a briefing on anything by any administration, Democratic or Republican.

Last week the Defense Department said that AWACS would not be able to communicate sensitive intelligence information to other countries in the Middle East. Sunday Secretary Weinberger said that this was not true.

The administration appears to be bungling the handling of the AWACS deal with the Saudis. Its failure to prethink its action on this issue will probably put the United States in a no-win position regardless of how it comes out. And its secretiveness in dealing with Congress on the issue is a bungling kind of behavior which is outrageously arrogant and reveals the administration's lack of clarity and commonsense on this issue.

CONGRESS MUST HELP DAVE STOCKMAN GET HIS BUDGET UNDER CONTROL

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I just want to ask my colleagues to please be a little more helpful in helping David Stockman stay within his budget. We had him up here yesterday before our Committee on Post Office and Civil Service, and we asked him why his agency's budget went up when all the other agency budgets were going down.

I suppose part of the reason for my question is congressional skepticism one gets in this place. Everyone here loves to cut the budget in someone else's district, but not in their own districts. It appears Mr. Stockman is cutting all agencies and increasing his own in the congressional tradition. Such things are sacrosanct. So, it was very interesting to have Mr. Stockman explain to us why everything and everyone else must be cut to fight inflation but his budget and agency must expand.

The main thing Stockman said was that two-thirds of the increase in his budget had been mandated by the Congress. They had ordered him to do all these extra things.

I want to say to you, Members, shame on you. Here is this poor man trying to cut and fight inflation even if children and the elderly are hurt and here you are giving him more duties so that he has to increase his budget to comply. He must be so embarrassed. Please, please, back off of that. Rescind those extra duties, so he can cut OMB's budget also.

The other one-third of his increase, he said, was because utilities and things had gone up so much. Well, so have they everywhere else. It is interesting. I just think that it is very, very sad that we have this apparent double standard going on. I hope you will stop asking Mr. Stockman to do so much so he can comply with his own guidelines for getting his budget under control and inflation under control.

BRITAIN CAN NO LONGER IGNORE HUMANITARIAN RESOLUTION IN NORTHERN IRELAND

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, a large and growing segment of the Irish-American community is outraged by Prime Minister Thatcher's refusal to deal with the current crisis in the North of Ireland.

In some of our churches, prayers are being offered for "the new Irish martyrs."

Two hunger strikers have already died because of Britain's refusal to recognize them as political prisoners. A third striker is near death, and others will follow.

Five British soldiers have been killed including children in retaliation and countless civilians have been caught in the crossfire.

It is the tragic lesson of history that the dying will continue.

Mrs. Thatcher alone has the power to put an end to this new escalation of tension in the North of Ireland.

How much longer can she ignore the pleas of the world for a humanitarian resolution?

SUBCOMMITTEE ON SOCIAL SECURITY SCHEDULES HEARINGS

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, on next Thursday, May 28, the House Subcommittee on Social Security has set a hearing which will permit the administration to present its views on the recommendations they have made in social security changes.

I am glad that the administration has made proposals, because they recognize the seriousness of the problem we face in social security and are now giving a high priority to this matter. I must say at the outset that I have serious reservations about one aspect of those recommendations; that is, to apply a 55-percent limitation on early retirement at age 62. This has caused a great deal of apprehension and fear throughout the country.

We should do something about early retirement, but we do not have to do it so abruptly. This has frightened millions of people throughout the country. I do not think our subcommittee will take that route; it would be too abrupt, but we should do something about the early retirement aspect.

The Democrats are going to be responsible in advancing our recommendations for social security changes. We are going to keep this program solvent, and Americans throughout this land ought to know that this House is going to maintain the solvency of the social security system. We must act this year, and I hope that all Members recognize the seriousness of the matter, and do the responsible thing for the social security program. I urge us to approach these changes on a bipartisan basis.

FOREIGN CORRUPT PRACTICES ACT MUST BE REEXAMINED

(Mr. BEARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEARD. Mr. Speaker, I would like to call my colleagues' attention to the excellent op-ed piece that appeared in this morning's Washington Post entitled "No Wonder No Exports." It was written by my fellow Tennessean and current U.S. Trade Representative, Bill Brock, and it raises some very interesting questions as to what this House should and should not do to help increase this country's share of the world export trade.

Many of us remember our role in enacting the Foreign Corrupt Practices Act, designed to detect and punish those U.S. corporations who would engage in bribery to promote their export business. Our intentions were good, and I think none of us would regret that we have such a law.

But as Bill Brock points out in his article—

> The FCPA has created problems for fully law-abiding companies engaged in overseas transactions. The law itself is difficult to decipher, hard to enforce and ambiguous enough to have bred confusion for both business people and regulators.

The law also exacts expensive compliance costs on all publicly held companies, even those with no foreign sales.

Mr. Speaker, I think we need to look at the act and make sure that it is both enforceable and not so cumbersome as to unduly restrict domestic commerce. The very least we can do is to make the law explicit enough to clear up the current misunderstanding that now finds the American Bar Association, the American Institute of Certified Public Accountants, and the Securities and Exchange Commission at odds as to a firm's responsibilities under the accounting provisions of the law.

□ 1115

AN EXPRESSION OF OPTIMISM CONCERNING SOCIAL SECURITY

(Mr. MICA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I am from a district of 34 percent senior citizens, nearly four times the national average, and they are alarmed at the administration's proposals with regard to social security. I have been bombarded by mail, by phone calls, and in my district office by people coming in concerned that we are going to renege on a commitment this Government made. But I am optimistic that we can provide the kind of assurance to these people that they need.

We had a Democratic Caucus this morning, and I came away from that caucus with the feeling that Democrats will not allow these cuts to take place. In fact, if there was any consensus, it was that we need, as a House and as a body with responsible Republicans, action that would assure all Americans that that commitment will be maintained. The mood was to strengthen the position of this House and to assure Americans, all Americans, that we will not renege on the promises we have made.

So I feel more optimistic now today than ever that we will take the appropriate action in this body and give the assurances to the American people that they deserve that the commitment we made as a nation will be met, and that we will find responsible ways to fund that system and to meet those commitments.

INTRODUCTION OF LEGISLATION TO PLACE MEMBERS OF CONGRESS UNDER SOCIAL SECURITY

(Mr. SMITH of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Oregon. Mr. Speaker, I need not tell you of the financial ills of the social security system. Every one of us is aware of the need for reform in this Government program; however, without a major restructuring of social security, I do not see how the system can continue to function and serve as a major contributor to the retirement income of the elderly. In fact, all reports show that it will be broke by 1983.

Because I believe that Members of Congress should be subject to the laws they create, I am today introducing legislation which would amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to provide social security coverage for Members of Congress. If Members of Congress were forced to contribute to this program, we would experience the same frustrations that many of our constituents have expressed, and come to the realization that reforms are badly needed in this program.

The social security system today goes way beyond the intent of the original program. In the past, many proposals were attached to social security to suit political purposes. The economic effects on the overall program took a back seat. Too often, professional politicians chose what was politically popular—the short-term benefits became the primary interest. This type of policy cannot continue with social security or, for that matter, in any Government decisionmaking.

As you know, Members of Congress and their staffs are covered under a Federal retirement plan and are not subject to social security taxes. Congress created the social security system and we should not be exempt from it. If we are a part of the system, I believe we will move quickly to resolve the financial problems of the program.

SOLUTION OF SOCIAL SECURITY PROBLEMS CALLS FOR BIPARTISAN EFFORT

(Mr. LUNGREN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, as the Members know, I am from California. I am actually from southern California, about 20 minutes away from a place called Disneyland West. Sometimes when we start the proceedings and I listen to some of the 1-minute speeches, I am firmly convinced that I find myself in Disneyland East, and most particularly in "Fantasyland" of that amusement park.

When Members come here and suggest that somehow the President has not been responsible in suggesting that we have to do something about the social security system, maybe we ought to look at the recent history. Two or three times in the past decade the Democratically dominated Congress has told the American people that we have a solution to take care of the social security system for the next 75 years, and each and every time they have been wrong. Now, when the President comes forward with an attempt to address the issue, we hear some people call his acts despicable.

It seems to me that it would be far better if we tried to join to make this a nonpartisan or bipartisan effort instead of trying to pretend that we do not have a problem.

We must convince the American people that we have a problem. If we do not believe it, they will not believe it, and we will never attempt to correct the situation as it presently exists.

The fact of the matter is that by October next year the system will go broke unless we do something.

So, Mr. Speaker, let us applaud the President for pointing us in the direction of solving the problem and work with him perhaps to change some of his proposals if we do not think they are proper, but let us forget the political rhetoric and get down to the hard work of solving the problem.

LIFTING OF MARTIAL LAW IN THE PHILIPPINES

(Mr. WON PAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WON PAT. Mr. Speaker, I am more than pleased to give my support to House Resolution 133, which expresses the sense of the House of Representatives over the lifting of martial law in the Philippines.

Last month, I was in Manila as part of the U.S. delegation to the Intergovernmental Parliamentary Union meeting in which I was honored to serve in the Committee on Non-Self-Governing Territories and Ethnic Questions together with our colleague, DAVID BOWEN. While I was there I talked with a number of Filipinos, many of whom are extremely concerned about the future of democracy in their country.

I share their concern and hope that the recent lifting of martial law by President Marcos and his call for open and democratic elections in the near future is a step toward putting the Philippines back on the road to an open democracy.

Americans and Guamanians have a special interest in the Philippines. That nation flew the American flag from 1898 to 1946. The Philippines have long been recognized as a staunch ally of this country. Many Filipinos are residents of this country and contribute immeasurably to our social, economic, and political progress. I could not imagine anything worse for peace in the Pacific than to have the Philippines suffer the same kind of horrible revolution that has embraced so many other Asian nations.

My constituents in Guam, also comprised of many former Filipino nationals, are particularly concerned about the status of democracy in the Philippines. We are only 1,500 miles apart. We regard a stable government in the Philippines as essential to political stability in our part of the Pacific. It is hoped that the resolution adopted yesterday will signal the Philippine people that their many friends in America continue to support their longing for democracy. I know that the Philippines have many grave problems and I call on my colleagues here today to give our friends in the Philippines the moral support they need and want.

Thank you.

PRIVILEGED REPORT IN THE MATTER OF REPRESENTATIVE RAYMOND F. LEDERER

Mr. STOKES, from the Committee on Standards of Official Conduct, submitted a privileged report, together with dissenting views, in the matter of Representative RAYMOND F. LEDERER, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 115, FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1982

Mr. JONES of Oklahoma. Mr. Speaker, pursuant to the order of the House of May 18, 1981, I call up the conference report on the concurrent resolution (H. Con. Res. 115) revising the congressional budget for the U.S. Government for the fiscal year 1981 and setting forth the congressional budget for the U.S. Government for the fiscal years 1982, 1983, and 1984, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 18, 1981.)

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as having been read.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. Pursuant to section 305(a) of Public Law 93-344 of the Congressional Budget Act of 1974, the gentleman from Oklahoma (Mr. JONES) will be recognized for 2½ hours, and the gentleman from Ohio (Mr. LATTA) will be recognized for 2½ hours.

The Chair recognizes the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House Budget Committee today brings before the House the conference report on the first concurrent budget resolution for fiscal year 1982.

It is the result of a conference in which the House position was the administration-backed Gramm-Latta substitute which was approved by the House in place of the House Budget Committee proposal. Both of those proposals—Gramm-Latta and the House Budget Committee's—would have accomplished a major and beneficial goal, an historic turnaround in Federal-spending policy.

The Senate conferees presented their own version of the Reagan administration budget.

The result, therefore, is nearly identical to the March 10 proposal by the President. In that budget, President Reagan proposed outlays of $695.50 billion. The conference report calls for outlays of $695.45 billion. The conference agreement sets a revenue target of $657.8 billion which accommodates the Kemp-Roth tax cut proposed by the administration and all other revenue legislation proposed by the President.

The conference report also uses the President's economic assumptions with two modifications. In estimating revenues, the report used the Gramm-Latta 1981 economic growth assumption. The result is a $7.5 billion higher revenue total than the administration presented. For interest rates, the Senate conferees proposed, and the conference accepted, using the Senate's 1981 interest rate and splitting the difference between the 8.9-percent interest rate average of Gramm-Latta and the administration, and the 12 percent used by the Senate for 1982. That resulted in a 10.5-percent rate.

The primary effect of the revenue reestimate is to reduce the 1982 deficit to $37.65 billion from the $45 billion proposed by the administration and $51 billion deficit passed by the Senate.

The conference report also rather precisely matches the cuts proposed by the Reagan administration under reconciliation. That total is $35.1 billion in outlays in 1982; $46.3 billion in fiscal 1983; and $55.6 billion in 1984.

The conference report before us today is the program proposed by President Reagan. It represents the will of the majority of the House and particularly of the Republican Members of the House who voted unanimously for the Gramm-Latta substitute. I would expect that all those who voted for Gramm-Latta would support this conference report.

When this report is finally adopted, I as chairman of the Budget Committee intend to do all in my power to enforce it. And those who voted for Gramm-Latta should abide by the decisions encompassed in this resolution.

I also intend, as chairman of the Budget Committee, to vote for this conference report. It clearly reflects the will of the House as expressed in the May 7 vote of 253 to 176 on the Gramm-Latta substitute.

My vote will be cast in favor of the budget process, not for the specifics as contained in this resolution. On that count I have major reservations.

First, the interest rate assumption is almost certainly wrong by a wide margin. The result will be a substantially larger 1982 deficit than the one we present to the American people today.

Second, the budget does not provide funding for the strategic petroleum reserve. Later this year we will have to add that funding. The result will be a bigger deficit by $3 billion.

Third, the spending cuts fall heaviest on those least able to shoulder the burden. The Reagan resolution we pass here today does not meet the test of fairness to our society as a whole.

Fourth, this resolution relies on "unspecified" future spending reductions to reach an apparent balance in 1984. Unspecified future reductions are certainly the easiest to make, but I question whether we are being honest with the American people.

Fifth, this resolution assumes the Kemp-Roth tax package. That is a program which tilts relief to the rich and which has the prospect of leading to very high deficits in future years. The prudence of this economic policy is very suspect.

Some may wish to say that Kemp-Roth is not part of this program. But at the present time it is and so long as the President maintains that Kemp-Roth is essential and integral to his economic program, then it will remain a part of this budget conference report.

Sixth, the reconciliation proposal as it will be enacted in this resolution deprives the Appropriations Committee of its due and proper authority in the legislative process.

Finally, the Congress in adopting this resolution is simply not being realistic with the American people. That is why most Democrats opposed the Gramm-Latta subsitute and are likely to oppose this resolution.

Time, I believe, will prove my Democratic colleagues right. Fiscal year 1982 will see a deficit not of $37 billion but of $50 billion or more. Most of us here know that the numbers we present to the American people today are

a mirage. It is a politically convenient mirage for the time being.

The reality it conceals may be less comfortable in the months ahead.

□ 1130

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset let me thank the gentleman for his strong support of this legislation.

Mr. Speaker, I am pleased to join the able chairman of the Budget Committee, the gentleman from Oklahoma, in support of the conference report on House Concurrent Resolution 115 and to urge its passage. I would remind my colleagues that this agreement with the other body was reached in just 1 day's time. This is far and away a record achievement for any first budget resolution. This remarkable achievement occurred because both sides came to the conference table in a spirit of compromise and with the desire to keep the momentum behind the President's economic program going forward. In this regard, I also want to thank our chairman for the good job he did in defending the House position on this budget. I recognize that the House-passed budget resolution was not his first choice, but he helped carry out the wishes of this House as expressed on May 7.

The conference report now before us appears considerably more complicated than it really is. In past years, when the House sent the Senate a budget resolution, that other body merely struck all after the resolving clause and inserted, as a single amendment, the text of the Senate-passed budget resolution. This year, however, rather than substitute their own language in the form of a single, comprehensive amendment, the Senate opted instead to make individual line item changes in the form of several separate amendments. The result was the same—that is, to substitute the Senate-passed budget resolution for the text of House Concurrent Resolution 115 as passed by the House—but this time we were dealing with many separate, individual amendments instead of one omnibus amendment. Consequently, this conference agreement is a long list of decisions on each State amendment rather than a single, omnibus compromise amendment.

Also, we have 14 separate amendments in technical disagreement. I stress the word "technical" for the conferees in fact resolved each and every issue. However, in 14 instances, the conferees' agreement fell outside of the range between the House-passed and Senate-passed numbers. In all cases the reasons were purely technical, not substantive. For example, in several instances the House and Senate had disagreements over which committees had jurisdiction over certain programs proposed for reconciliation. There was no disagreement about recommending these programs for reconciliation, but it was necessary to assign these programs to the proper committees. I understand the chairman will describe these technical disagreements in more detail after we have approved the conference report which covers all of the conference agreement except for those 14 minor items.

As far as the conference agreement itself goes, I do not believe we need take a great deal of time to explain it. For all intents and purposes, it is little changed from the version which passed the House. There were, of course, a number of modest compromises necessary to reach agreement with the Senate, but in most cases these compromises took the form of merely splitting the difference between the two Houses. Let me summarize the conference report very briefly:

For 1981—the current fiscal year—we split our differences on spending down the middle. The outlay total of $661.35 billion is $1.35 billion above the House, but below the Senate's level by an equal amount. In budget authority, we settled at $717.5 billion, or $1.55 billion below the House-passed level. Senate receded to the slightly higher House revenue projection of $603.3 billion. The resulting deficit is $58 billion.

For fiscal year 1982, we for the most part split the difference between the numbers except in a handful of cases. We went up $6.65 billion in outlays to $695.45 billion, about half of the increase which is accounted for by the higher interest payments we got when we split the difference on our interest rate assumptions.* Again, the Senate receded to our slightly higher revenue number. Therefore, the deficit we estimate for 1982 is $37.65 billion: This is up $6.65 billion over the House-passed level, but $12.85 billion lower than the Senate. It is also $7.35 billion below the deficit in the budget President Reagan submitted.

On defense, the Senate receded to the House-passed levels of $226.3 billion in budget authority and $188.8 billion in outlays. These are the funding levels requested by the President.

In the veterans' function, the Senate once again receded to the House-passed numbers.

In the energy function, we came closer to the Senate's outlay figures, largely due to technical reestimates. In addition, the Senate questioned the House assumption that the Treasury could collect $1.5 billion in 1982 through resolution of oil price overcharge disputes. You will recall that this $1.5 billion was included in both the budget reported by the House Budget Committee as well as in the bipartisan substitute. The Senate and the administration, however, believe that the bulk of the funds which might be gained through resolution of these unresolved overcharge claims should, as required under existing law, be refunded to those overcharged rather than reverting to the Treasury.

In the transportation function, the House accepted a budget authority level slightly higher than an even split in an effort to insure that certain high-priority programs in this function—such as the Coast Guard's anti-drug-smuggling work—have sufficient funding.

The House also went more than halfway toward the Senate in the education function. We did so after hearing a plea from the chairman of the Senate Labor and Human Resources Committee that additional funding would be necessary if he were to have any chance of reporting out the President's block grant proposals. Speaking for the House conferees on our side, we were reluctant to add this money, but in the end decided that enactment of the President's block grant programs was far more important than arguing about the increase requested.

In all other functions, we settled our differences by splitting the difference between the two bodies' numbers.

Let me remind my colleagues that the compromises were just that—number splitting. For example, in the income security function, the House did not endorse nor even discuss the Senate's proposal to limit cost-of-living adjustments for such programs as social security. The income security levels in this conference report can be achieved without reducing social security benefits. Therefore, understand that this budget resolution does not prejudge social security reform. That is an issue the Congress should address at another time.

Let me also note that this conference report will accommodate the President's entire tax program. This does not mean that Congress must adopt it, but it does mean that should we decide to do so, it will not conflict with the budget resolution.

Finally, we have managed to keep the reconciliation instructions—which are imperative if this budget is to be adhered to. While we made numerous minor changes in the process of compromising with the other body, the budget savings we will realize through reconciliation are at nearly the same level as originally approved in the House. When we passed the budget in the House, we had ordered reconciled $36.6 billion in 1982 spending. The conference agreement orders reconciled $36.5 billion—of this amount, $35.1 billion will come from actions

*House: 8.9 percent; Senate 12 percent; conference agreement 10.5 percent.

taken by the authorizing committees and $1.4 billion will come from the 1982 savings resulting from the rescissions we approved as part of the recent 1981 omnibus supplemental appropriations bill for 1981.

Before closing, I want to make two points about these reconciliation instructions. First, we have attempted to give the committees as much latitude as possible to make their own decisions about which programs they must reduce and by how much. So long as the amount of savings in entitlement programs and non-entitlement programs equal or exceed the amounts specified in the reconciliation instructions, the Budget Committee will not seek to dictate to the committees precise program cuts.

However, I want everyone to understand that only by making a good faith effort to carry out the intent of these reconciliation instructions can we even begin to get a handle on Federal spending. If the committees of the House seek to meet the letter of the instructions but evade the spirit, we will not get the spending cuts the American people have demanded. I know this will not be easy. I know it will not be pleasant. It will require scaling back some very good and worthwhile programs. But in the end this is exactly what we must do. For over 20 years we have been passing program after program—many of them with the best of intentions—and yet all along, we lacked the money to pay for all these good intentions. The time has come at long last where we must scale back our good intentions to the point where we can afford to pay for them.

Therefore, I urge this body to approve this conference report, then get on with the next important job it will face in the Congress: namely that of bringing Federal spending under control.

For the convenience of the Members, I set forth the budget aggregates and functional categories:

FISCAL YEAR 1982—BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES

[In billions of dollars]

	House passed	Senate passed	Conference substitute
Budget authority	764.55	775.90	770.90
Outlays	688.80	700.80	695.45
Revenues	657.80	650.30	657.80
Deficit	−31.00	−50.50	−37.65
050—National defense:			
Budget authority	226.30	226.20	226.30
Outlays	188.80	188.80	188.80
150—International affairs:			
Budget authority	17.90	16.80	17.40
Outlays	11.20	11.10	11.15
250—General science, space, and technology:			
Budget authority	7.20	7.20	7.20
Outlays	6.90	7.00	7.00
270—Energy:			
Budget authority	4.50	4.40	4.50
Outlays	4.20	6.90	6.00
300—Natural resources and environment:			
Budget authority	7.90	8.40	8.20
Outlays	11.90	12.80	12.40

FISCAL YEAR 1982—BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES—Continued

[In billions of dollars]

	House passed	Senate passed	Conference substitute
350—Agriculture:			
Budget authority	5.50	5.40	5.50
Outlays	4.40	4.60	4.50
370—Commerce and housing credit:			
Budget authority	7.10	8.30	7.70
Outlays	3.10	4.80	4.00
400—Transportation:			
Budget authority	20.20	21.70	21.20
Outlays	19.70	21.00	20.40
450—Community and regional development:			
Budget authority	7.40	7.00	7.10
Outlays	8.10	9.20	8.70
500—Education, training, employment, and social services:			
Budget authority	24.60	26.80	26.20
Outlays	25.70	27.40	26.85
550—Health:			
Budget authority	83.30	83.60	83.50
Outlays	73.30	73.40	73.35
600—Income security:			
Budget authority	261.50	263.90	262.70
Outlays	241.20	238.20	239.70
700—Veterans benefits and services:			
Budget authority	24.80	24.50	24.80
Outlays	24.05	23.90	24.05
750—Administration of justice:			
Budget authority	4.20	4.30	4.30
Outlays	4.40	4.50	4.45
800—General government:			
Budget authority	5.10	5.00	5.00
Outlays	5.00	4.80	4.90
850—General purpose fiscal assistance:			
Budget authority	6.50	6.40	6.50
Outlays	6.40	6.40	6.40
900—Interest:			
Budget authority	81.75	89.50	85.70
Outlays	81.75	89.50	85.70
920—Allowances:			
Budget authority	0.80	.....	.....
Outlays	0.70	.....	.....
950—Undistributed offsetting receipts:			
Budget authority	−32.00	−33.50	−32.90
Outlays	−32.00	−33.50	−32.90

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. LATTA. Yes.

Mr. JONES of Oklahoma. I just wanted to make sure I understood the gentleman correctly, that in his opinion this budget does encompass the President's entire tax package. Is that what I understood the gentleman to say?

Mr. LATTA. Dollarwise; but it makes no mention, as the gentleman knows, to any particular bill.

Mr. KEMP. Mr. Speaker, if the gentleman will yield, it might even include the Jones bill.

Mr. LATTA. That is correct. It could very well include the Jones substitute tax bill.

Mr. KEMP. As bad as that is.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 12 minutes for purposes of debate only to the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. I thank the chairman for yielding.

Mr. Speaker, I rise in order to seek some clarification either from the chairman or ranking member of the Budget Committee. I speak as a member of the Committee on Merchant Marine and Fisheries and as the chairman of the authorizing Subcommittee on the Coast Guard.

On pages 31 and 32 of the conference report, the House Committee on Merchant Marine and Fisheries is directed to report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, that is to say in entitlements, sufficient to reduce budget authority by $192 million and outlays by $192 million in fiscal year 1982.

That is a very clear direction to the Committee on Merchant Marine and Fisheries to reduce both budget authority and outlays in entitlements under their jurisdiction in the total of $192 million.

Now, the Committee on Merchant Marine and Fisheries has roughly $92 million in entitlements under the old merchant seaman's entitlement to Public Health Service hospitals.

Against my better judgment and against my vote, I expect the committee will comply in that respect.

Then the committee is left with an additional instruction to somehow find another $100 million in entitlements under its jurisdiction to reduce in both outlays and budget authority.

□ 1145

As I read this, as chairman of the Subcommittee on the Coast Guard, I have absolutely no alternative, if I am to comply with the instructions of this conference report, other than to reduce the retirement funds of the U.S. Coast Guard by some $100 million. That, incidentally, is roughly 35 percent of the Coast Guard retirement program, and would be flagrantly unconstitutional. That is a constitutionally binding contract to retired officers of the Coast Guard.

However, since a constitutional point of order does not lie on the floor under the rules of the House, I seek clarification from the members of the committee who brought us this conference report as to whether or not that is their intention.

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman.

Mr. JONES of Oklahoma. Mr. Speaker, I am going to leave most of the response to the chairman of the Reconcilitation Task Force, the gentleman from California (Mr. PANETTA).

But I would say the gentleman does make a very appropriate observation. The $192 million subject to reconciliation in the gentleman's committee's jurisdiction was $92 million in entitlement programs which was passed by the House, and then the other body added an additional $100 million in fees, an increase of user fees, various types of fees, and the total came to $192 million.

Technically the user fees would not be an entitlement, and I think very clearly the intent of the conference is the user fee increase was what was anticipated in the extra $100 million of

reconciliation under the gentleman's committee's jurisdiction.

I would like the gentleman to yield to the gentleman from California (Mr. PANETTA) for any further explanation he may have.

Mr. PANETTA. Will the gentleman yield?

Mr. STUDDS. Certainly.

Mr. PANETTA. I think the chairman has expressed it quite clearly. Technically, user fees do not constitute an entitlement.

Mr. STUDDS. Technically, or in any other way.

Mr. PANETTA. As defined in the section. However, I think the Committee on the Budget would recognize if the committee were to move with user fees, that that would, indeed, meet their responsibility under the reconciliation instructions.

But from a technical point of view, the gentleman is absolutely correct that this is not defined as an entitlement. It was an oversight I think on the part of the other body when they recommended that this be the case. But, indeed, if the committee were to move with user fees, I think the Budget Committee would recognize this as meeting the reconciliation.

Mr. STUDDS. Does the gentleman see any way, technically or otherwise, in which a user fee has anything whatsoever to do with an entitlement under the law?

Mr. PANETTA. Legally and technically, under a tight definition of that particular provision, the gentleman is correct; it is not an entitlement.

Mr. STUDDS. There is an explicit reference, in the text of the conference report, to the definition in the Budget Act of entitlement, so as the gentleman says, legally and technically there is no relation between user fees and entitlements. Aside from technically and legally, however, I would suggest that in any other way, in terms of commonsense or any other relationship one might dream up, there is no relationship between an entitlement and a user fee.

Mr. PANETTA. The gentleman, obviously, from that kind of a strict interpretation is quite correct.

Mr. STUDDS. The gentleman is offering this House a loose interpretation as well.

Mr. PANETTA. Our hope on the Budget Committee is that the gentleman will survey the other opportunities that are available to meet those targets and at least present them to the Budget Committee and to the floor for a vote.

Mr. STUDDS. If I may ask the gentleman from Ohio (Mr. LATTA), I am unable to get a coherent explanation from the majority side over here. I wonder if I could turn to the minority side for perhaps a slightly more coherent explanation of the intention.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. STUDDS. Certainly.

Mr. LATTA. Mr. Speaker, let me say I agree with the chairman of the committee and the gentleman from California in their statements, even though the gentleman might want it a little clearer. I think it was a mistake for the other body to include it as an entitlement. There is no question about that.

But, I think that can be taken care of by a letter from the chairman of the committee, which I understand he is willing to give at the proper time, to make it certain that this is not being considered an entitlement.

Mr. STUDDS. Will the gentleman give some advice to the members of the Committee on Merchant Marine and Fisheries—does he see any way that we can comply with this very clear instruction on page 31 of the conference report other than by reducing the Coast Guard retirement fund by $100 million? It is the only other entitlement under the jurisdiction of our committee.

Mr. LATTA. The staff has advised me that they could do it by letter, recongizing the fact that they are not to be included as entitlements.

Mr. STUDDS. Thereby exempting us from compliance with that instruction?

Mr. LATTA. The gentleman is correct.

Mr. STUDDS. I thank the gentleman.

Mr. LATTA. But I would ask the gentleman to yield to our chairman and ascertain at this moment if that is not the proper procedure that is going to be followed.

Mr. JONES of Oklahoma. Will the gentleman yield?

Mr. STUDDS. I yield to the gentleman.

Mr. JONES of Oklahoma. I am not sure that the letter will satisfy the technical objections raised by the gentleman from Massachusetts (Mr. STUDDS). I would be happy to give a letter to point out that clearly the additional $100 million required of the committee in reconciliation did refer to an increase in user fees, and that was put in by the other body, and that would be what the Budget Committee would be happy to recognize as meeting the reconciliation target requirements.

I would also point out, however, if the gentleman from Massachusetts wants to strictly construe this, that that retirement fund would be the only other entitlement of the committee in order to meet a strictly entitlement reconciliation requirement.

Mr. STUDDS. I would like to say to the gentleman, as the gentleman knows Massachusetts is historically a State of strict construction. I see strict, loose, in between, no other way to read this this provision. It is quite simple. It is less than one sentence. It is a part of a sentence and it is explicit as an instruction.

May I also say I appreciate the response of both the gentlemen and I hope, indeed, that within the law and within the Budget Act the gentlemen can find a way to get us and themselves and this House off the hook of taking an act which, on the fact of it, would be an unconstitutional breach of contract with respect to annuitants of the U.S. Coast Guard.

Beyond that, if I may take one moment of the House's time, it is my understanding informally that the other body at least, and perhaps the conferees, thought somehow they were going to impose a requirement that we enact user fees. The administration, as my colleagues know, has asked this Congress to bring in $100 million worth of revenues in fiscal year 1982, rising by $100 million a year until in 1986 we reach $500 million, in some form of vague user fee assessments upon the beneficiaries of Coast Guard services. I take this opportunity to inform the House that the Subcommittee on the Coast Guard had a hearing on the administration's proposals yesterday and on the general question of whether or not it is appropriate to fund at least some of the Coast Guard services by the mechanism of user fees.

Let me say that I am afraid we are dealing with a proposition sent up here by a bunch of ideologues from the Office of Management and Budget rather than by anyone who would recognize a body of water if they saw one. The Coast Guard was not even consulted prior to the determination to send to the Congress a recommendation that we turn to user fees for the first time in two centuries and fund search and rescue, aids to navigation, and other services which have long preceded the U.S. Coast Guard as it is now constituted, and certainly have long preceded the Department of Transportation, which dispatched an Under Secretary to talk to us about the traditions of the Coast Guard yesterday.

Let me say to the Members of the House that even if I though, as chairman of the subcommittee, that user fees were a wise direction in which to go, I would not responsibly draft legislation by June 12, which would be required, which would be necessary under the terms of this act to produce that revenue for this budget. The administration's proposal is so bad, is so ill thought out and unthought out and unsubstantiated and unsubstantiable, as we discovered in our hearing, that not one single Member will introduce the bill. I do not ever recall in 9 years in this House having hearings on a bill submitted by a President that nobody of either party would introduce. But we did that yesterday, and I applaud

the Members of both the Republican and Democratic sides of the aisle for refraining from introducing a bill which somehow would leave to the Coast Guard, through regulation only, the determination as to how much to charge everything that floats on the waters of this country from a 12-foot sailboat to a supertanker, from commercial fishermen to recreational yachts, merchant vessels, everything, including offshore drilling platforms—all of which would somehow be assessed something by the Coast Guard.

May I say that, for an administration that is against redtape, against bureaucracy, against regulations, this would be a beaut, because what we have been asked to do is simply give the Coast Guard a blank check and say, "You fellows decide by regulations how you would like to raise $100 million this year."

I fervently hope—and I apologize for taking quite so much of the time. I realize this is a relatively small matter which we are debating, namely, the budget for the next 3 years for the country. I understand there is a rush to conclude the deate. But I hope, as indicated by the gentleman from Ohio (Mr. LATTA) and the gentleman from Oklahoma (Mr. JONES), that a way can be found, as I say, to remove what appears to me in the text of the budget conference report to be an explicit instruction to our committee to do something which I am sure none of these gentleman would have us do, which is, as I say, on the face of it unconstitutional. I wait with great eagerness and interest to see if there is a way in this mysterious process on which we are all embarked to get us off that particular hook.

I thank the gentlemen for their patience.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, as a member of the House Veterans' Affairs Committee, I rise in support of the conference report and urge its adoption.

I would like to point out that the Senate budget resolution had recommended twice the cuts in veterans' programs as the House budget resolution. I am pleased to announce to the veterans and veterans organizations around the country that our conferees on the House side were very strong in their position in holding to the veterans cuts recommended by this committee, and what has been adopted in the conference report is what was recommended in the House budget resolution in the veterans' function category.

I would certainly like to thank all of the House conferees. We do not think the veterans' programs are sacred cows where other Government agencies are taking cuts the veterans' programs will have to receive their share; but let me point out to my colleagues it will not be in the areas of medical care and closing of regional offices, or cutting back on compensation and pension programs or closing of the Outreach programs for Vietnam-era veterans.

My thanks especially to Chairman JONES for insisting on the House position in the conference. Also I would like to thank the gentleman from Ohio (Mr. LATTA) on the minority side and the gentleman from Texas (Mr. GRAMM) who is a member of the Veterans' Affairs Committee. I also would like to thank the gentleman from North Carolina (Mr. HEFNER) who used to be a member of the Veterans' Affairs Committee and now represents us on the Appropriations Committee.

I recommend adoption of this conference report.

□ 1200

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman.

Mr. Speaker, I would like to take just a moment to point out something that I think is very important in this conference report. I would also like to acknowledge the fact that it has been to the benefit of the country for our President and for the members of the Republican Party efforts to make the cuts necessary to try to bring order into our economy. However, I have some reservations about what we are doing.

I would like to point out that this is the first time we will be voting to increase the national debt within the budget resolution and we will not be called to task to raise the debt limit periodically. I think the figures are significant, because by passing this resolution we will be raising the national debt after 1982, with the 1982 budget, to the astronomical figure of $1,079,800,000,000. This, lo and behold, is $95 billion over the debt limit that we have today.

Of course, it was just a few months ago we raised the national debt by $50 billion, so in this short time of 4 months in this Congress, that is known to be an austere Congress, we have now raised the national debt, after the passage of this bill, to the tune of $144 billion.

I think those individuals throughout the country who may be concerned about the austerity in Washington must realize that there are very, very huge significant deficits still coming out of Washington.

Another interesting fact is that the debt in this bill is recorded at $37 billion, and yet we are raising the national debt, this particular year, by $80 billion, which means that we have a $43 billion additional increase in the national debt. This is due to off-budget deficits and borrowing from our trust funds. I think these are significant.

I believe deficits do matter and that it makes a big difference whether we have deficits and the deficits in this budget are bigger than ever before. We have not cut into the budget significantly.

In economic terms I do not believe we are going to make a dent in the budget.

Another fact that I would like to point out is that in this resolution we will vote to raise the debt continuously through 1984. The year we achieve a balanced budget we will have a national debt of $1,176,000,000,000. What is interesting about that figure is that is the year the budget will be balanced, the difference between 1983 and 1984 deficit is $40 billion. So even when we balance the budget in 1984, we will have a debt increase of $40 billion.

So I think it is very important that my colleagues know that those individuals who hung together very closely and voted against debt increases in the past will be voting for a very significant increase today.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Speaker, I rise in support of the conference report on the first concurrent budget resolution for fiscal year 1982 and urge my colleagues to vote for its passage.

The American people, and my constituents specifically, have told us they want the President to have the chance to put his economic policies into effect. This budget resolution gives the Congress the opportunity to assist the President in working toward his goals.

The American people have told us they want a Federal spending cut. This budget resolution mandates actions to cut Federal spending.

Our people have told us they want waste, abuse, and inefficiency removed from Federal program operations. This budget resolution will help the administration assist the Congress with efforts it has had underway toward this goal.

The Congress and our people have become increasingly concerned about the inflationary impact Federal regulations and the practice of indexing Federal programs has on our economy. This budget resolution is designed to help the administration work with the Congress in our efforts to focus on solutions to those problems. One of its provisions urges the President to quickly establish a zero net inflation impact policy test for Federal regulations. It also calls for a special program to alert the Congress to possible

inflationary impacts proposed legislation may have.

Our people have told us they need a tax cut. This budget resolution conference report allows for the enactment of the President's tax cut proposals.

Although I have repeatedly questioned the wisdom of a massive tax cut when there is evidence that the economy is rebounding and would be vulnerable to inflationary stimulation, there is no question that the American people overwhelmingly approve the President's efforts to achieve economic recovery.

My constituents tell me they believe that the burden of taxation is a greater economic problem than the potentially inflationary effects of a tax cut.

Let us get this budget resolution conference report adopted and move quickly on to the decisions that must be made on tax cutting issues.

● Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of House Concurrent Resolution 115. I want to commend the conferees for their prompt action in agreeing to the substance of the conference report on this resolution.

I am particularly pleased that the conferees have agreed to the budget for veterans benefits and services, function 700, as set forth in the House version of this resolution.

The sums set forth in the conference report for function 700 in fiscal year 1982, $24.8 billion in budget authority and $24.05 billion in outlays, will permit the appropriation of funds to eliminate the need for closing an estimated 1,800 to 2,400 Veterans' Administration hospital beds. It will permit the Veterans' Administration to retain some 5,500 medical care and research personnel and 1,674 persons in the department of veterans benefits, previously slated for reduction.

The readjustment counseling centers which have been providing needed services to Vietnam conflict veterans can be kept in operation.

The need for the wholesale consolidation of the regional offices that provide essential services to all veterans no longer exists.

All of this, of course, is dependent upon the appropriation of sufficient funds. The adoption of this conference report, however, should be viewed as the mandate of this Congress.

Mr. Speaker, I am proud that the administration had previously expressed its strong support of the budget for veterans benefits and services as set forth in the House version of the resolution. My conversations with President Reagan and OMB Director Stockman revealed their enthusiastic personal endorsement of the House figures. I am confident that these views played a significant role in the willingness of the conferees to agree on the more generous amounts contained in the House passed version.

Mr. Speaker, I urge that the conference report be adopted.●

● Mr. GLICKMAN. Mr. Speaker, I will be voting for the conference report on House Concurrent Resolution 115, the first concurrent budget resolution for fiscal 1982, but I do so because I feel we definitely need to have a budget resolution in place so we can get on with the business of cutting Government spending which is so critically needed. As I explained during debate on the House version of this resolution, I do not buy the 3-year 10-percent across-the-board tax cuts which are anticipated by this resolution and I am greatly troubled that the $37.7 billion deficit projected by the resolution is achieved only by relying on what I consider extremely overoptimistic economic assumptions. I am afraid the 8.3-percent inflation rate used in determining spending levels for fiscal 1982 will be overshot considerably, and every percentage point we are above it will add literally billions to that deficit. And, as for interest rates, this resolution was developed on an assumed rate of 10.5 percent. Today the prime rate is at 20 percent, and overoptimism now on interest rates will only mean larger deficits a year from now. Not facing up to reality does not do the American taxpayers any favor.

During House action on the budget, I supported the House Budget Committee recommendations over the Gramm-Latta substitute. I did so because I was convinced that the only way we are really going to bring inflation under control and get those interest rates down is to minimize the Federal deficit. The House Budget Committee approach would have resulted in a deficit of $25.6 billion next year. As approved by the House, the resolution would have projected a $31 billion deficit, and now this conference report calls for a $37.7 billion deficit.

I sincerely hope that all of us in the Congress are ready to work together in the months ahead to get that deficit down. That is what the American people want.●

● Mr. BIAGGI. Mr. Speaker, I rise in opposition to the conference report to accompany House Concurrent Resolution 115, the first budget resolution for fiscal year 1982. I take this position because I genuinely believe that we are asking too much of the poor in terms of sacrifice—and we are making economic assumptions which, if not true, could precipitate serious economic problems for the future.

However, I do wish to point out some positive features which do exist in this conference report. The first and foremost is the conference committee's decision against a Senate-passed amendment which would have recalculated the 1982 cost-of-living increase for people on social security. Such a decision would have had a devastating impact on the senior citizens of this Nation—especially those living in high cost areas such as New York, for whom the current method of calculating COLA's on the basis of the CPI still sells them short. Since we have averted this potential disaster, it is again time for the Congress to consider the development of a separate CPI for senior citizens which will take into account price increases on those items on which seniors actually spend their money.

In addition, the conference report does provide some token increases in education, training and social service programs under function 500. Finally, it should be noted that the conference report does not take a position on the administration's ill-founded block grant proposals for education, health and the social services.

Those constitute the few bright spots in an otherwise harsh budget proposal. As I have stated before, no one quarrels with the overall objective of reducing Federal spending. However, the sword of economy is not being applied with any compassion for the needs of the poor and elderly of our Nation. This budget will reduce vital programs under medicaid—it will drop as many as one million persons from food stamps, it reduces funds for education and employment programs. Worst of all it offers no alternatives to the people for whom these programs are so vital.

I am an advocate of a strong national defense—but I must take issue with the size of the increase we are providing under the defense function. Where are the guarantees that this money can be spent in an efficient manner? So we really need this to achieve the goal of a strong national defense? Does the increase seem justified in light of the hardships we are asking from the poor and elderly?

I hope we are not legislating our way to disaster with this budget resolution. I hope we are not caught up in some emotional fervor created by a questionable "mandate" and substituting this for good sound economic sense. I hope we realize that with the adoption of this budget resolution we will be turning our backs on the legitimate needs of the poor and disadvantaged of our Nation. I hope we realize that we are practically providing the incentive for the Defense Department to waste money. I hope we realize that we are asking the committees of the House and Senate to make draconian cuts in their entitlement and authorization programs—cuts that will mean misery to millions including one particular reconciliation instruction to the Ways and Means Committee to achieve $2.3 billion in savings which may yet come from reducing social security benefits. I know I realize all these things and more about this con-

ference report and that is precisely why I will vote no.●

● Mr. SHARP. Mr. Speaker, I believe most of us in this body agree we have a mandate from the American people to pass a budget which puts the country on the soundest possible financial base as fairly as possible. Because I made that commitment to the people of Indiana, I supported the House Budget Committee alternative. Accordingly, I believe passage of the conference report today is a mistake.

The American people expect Congress to pass a budget based on sound and reasonable assumptions about what is possible for the economy to achieve next year. The alternative budget I supported was put together on a solid foundation of realistic projections about interest rates, unemployment, and other important economic indicators. On the other hand, most private economic forecasters of authority believe the economic assumptions in the conference report to be unrealistically optimistic. Basing the budget on those projections will mean greater expenditures and a greater deficit than the people are being told.

The American people expect Congress to cut deficit spending. Yet the conference report we are considering today would create a deficit of between $45 and $69 billion next year, and a deficit of anywhere between $169 and $190 billion between now and 1984.

The alternative budget I supported would have sharply reduced the Federal deficit. It would have held next year's spending to the level recommended by the President, but it would have cut in different ways to make planned reductions in education, nutrition, and transportation programs less severe.

The alternative would have allowed a tax cut, but not one as extensive, and potentially inflationary, as envisioned by the Kemp-Roth plan.

I believe the alternative budget would have been far fairer to working and middle-income families and far wiser in terms of controlling inflation. Heavy Government borrowing, of course, contributes to high interest rates. This week's new surge in interest rates demonstrates once again that Government cannot continue borrowing to pay for huge deficits without also inflicting further devastation on the auto industry, the housing industry, agriculture, small business, and consumers. The people of Indiana want those interest rates lowered, and that view is clearly shared by all Americans.

Mr. President, I opposed the last three Carter budgets because they failed to control Government spending and added significantly to Government borrowing. Regrettably, President Reagan's first budget may well bring about a larger deficit than President Carter's last.●

● Mr. MOAKLEY. Mr. Speaker, in spite of two Democratic attempts to pass a balanced budget, the Republican budget before the House today will force cruel and sudden cuts in essential Federal programs and still trigger a huge deficit which drives our national debt above the trillion dollar mark.

Indeed the vote on the conference report, under rule XLIX, is a vote on a joint resolution which raises the national debt to $1,079,800,000,000 effective this October 1.

And even this fiscal irresponsibility is further compounded by the fact that the entire resolution is a fraud. For this resolution to work it is necessary for the Consumer Price Index to decline to 8.3 percent in a few months and fall to 5.5 percent within 2 years and it is necessary for interest rates to decline to 10.5 percent in a few months and fall to 8.2 percent within 2 years. If these rosey Republican forecasts are not met, then the national debt will have to go even higher.

The distinguished chairman of the committee, the gentleman from Oklahoma, is to be commended for having brought in an honest budget resolution and attempting to enable Congress to handle the budget in a fair and responsible manner. Considering the politicized budget the House sent him to conference with and the even more questionable budget adopted by the other body, the gentleman has produced as much from conference as anyone could fairly ask him to do.

Nevertheless we are still faced with a Republican budget which is based on disregard for important human needs, economic assumption that everyone understands are blue smoke and mirrors, and, last but certainly not least, the establishment of the trillion dollar national debt.

It is interesting that, as we prepare to adopt this conference report, the first returns are already in on the Republican budget. In recent weeks two candidates for the vacant seat in Maryland's fifth congressional district have waged a campaign in which the Republican candidate made it clear she would have voted for the Latta substitute and the Democrat unequivocally stated he would have voted for the Jones resolution. Mr. Hoyer's 55 to 44 percent victory is a message I hope will not be missed by those who believe the American people have been fooled by this resolution.●

Mr. JONES of Oklahoma. Mr. Speaker, I have no more requests for time. I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STUDDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 155, answered "present" 1, not voting 30, as follows:

[Roll No. 51]

YEAS—244

Albosta	Findley	Marriott
Alexander	Fish	Martin (IL)
Andrews	Flippo	Martin (NC)
Anthony	Forsythe	Martin (NY)
Archer	Fountain	Mazzoli
Atkinson	Frenzel	McClory
Badham	Fuqua	McCollum
Bafalis	Gibbons	McCurdy
Bailey (MO)	Gilman	McEwen
Beard	Ginn	McGrath
Benedict	Glickman	McKinney
Bennett	Goldwater	Mica
Bereuter	Goodling	Michel
Bethune	Gradison	Mitchell (NY)
Bevill	Gramm	Molinari
Bliley	Green	Montgomery
Boggs	Gregg	Moore
Boner	Gunderson	Moorhead
Bouquard	Hagedorn	Morrison
Bowen	Hall (OH)	Myers
Breaux	Hall, Ralph	Napier
Brinkley	Hall, Sam	Natcher
Brooks	Hammerschmidt	Neal
Broomfield	Hance	Nelligan
Brown (CO)	Hartnett	Nelson
Broyhill	Hatcher	Nichols
Butler	Heckler	O'Brien
Byron	Hefner	Parris
Campbell	Hendon	Pashayan
Carman	Hightower	Patterson
Carney	Hiler	Petri
Chappell	Hillis	Pickle
Chappie	Holland	Porter
Cheney	Hollenbeck	Pritchard
Clausen	Holt	Pursell
Clinger	Hopkins	Quillen
Coats	Horton	Railsback
Coleman	Huckaby	Regula
Collins (TX)	Hunter	Rhodes
Conable	Hutto	Rinaldo
Conte	Hyde	Ritter
Coughlin	Ireland	Roberts (KS)
Courter	Jeffords	Robinson
Coyne, James	Jeffries	Roemer
Craig	Jenkins	Rogers
D'Amours	Johnston	Rose
Daniel, Dan	Jones (NC)	Roth
Daniel, R. W.	Jones (OK)	Roukema
Dannemeyer	Jones (TN)	Rudd
Daub	Kemp	Santini
Davis	Kindness	Sawyer
Deckard	Kramer	Schneider
DeNardis	Lagomarsino	Schulze
Derwinski	Latta	Sensenbrenner
Dreier	Leath	Shaw
Duncan	LeBoutillier	Shelby
Dunn	Lee	Shumway
Dyson	Lent	Shuster
Edwards (AL)	Levitas	Siljander
Edwards (OK)	Lewis	Skeen
Emerson	Livingston	Skelton
Emery	Loeffler	Smith (NE)
English	Long (LA)	Smith (NJ)
Erdahl	Long (MD)	Smith (OR)
Erlenborn	Lott	Snowe
Ertel	Lowery	Snyder
Evans (GA)	Lujan	Solomon
Evans (IA)	Luken	Spence
Fascell	Lungren	Stangeland
Fenwick	Madigan	Stanton
Fiedler	Marks	Staton
Fields	Marlenee	Stenholm

Stratton	Wampler	Winn
Stump	Watkins	Wolf
Tauke	Weber (MN)	Wortley
Tauzin	Weber (OH)	Wylie
Taylor	White	Yatron
Thomas	Whitehurst	Young (AK)
Trible	Whitley	Young (FL)
Udall	Whittaker	Young (MO)
Vander Jagt	Whitten	
Walker	Wilson	

NAYS—155

Addabbo	Foley	Panetta
Akaka	Ford (MI)	Paul
Anderson	Fowler	Pease
Annunzio	Frost	Pepper
Applegate	Garcia	Perkins
Ashbrook	Gaydos	Peyser
Aspin	Gejdenson	Price
AuCoin	Gephardt	Rahall
Bailey (PA)	Gonzalez	Rangel
Barnes	Gore	Ratchford
Bedell	Gray	Reuss
Beilenson	Guarini	Richmond
Benjamin	Hamilton	Roberts (SD)
Biaggi	Hansen (ID)	Rodino
Bingham	Harkin	Roe
Blanchard	Heftel	Rosenthal
Boland	Hertel	Rostenkowski
Bolling	Howard	Roybal
Bonior	Hubbard	Russo
Bonker	Hughes	Sabo
Brodhead	Jacobs	Savage
Brown (CA)	Kastenmeier	Scheuer
Burton, John	Kazen	Schroeder
Burton, Phillip	Kildee	Schumer
Chisholm	Kogovsek	Seiberling
Clay	LaFalce	Shamansky
Coelho	Lantos	Shannon
Collins (IL)	Lehman	Sharp
Conyers	Leland	Simon
Coyne, William	Lowry	Smith (IA)
Crane, Daniel	Lundine	Solarz
Crane, Philip	Markey	St Germain
Crockett	Matsui	Stark
Danielson	Mavroules	Stokes
Daschle	McHugh	Studds
Dellums	Mikulski	Swift
Donnelly	Miller (CA)	Synar
Dorgan	Miller (OH)	Traxler
Dougherty	Mineta	Vento
Downey	Minish	Volkmer
Dwyer	Mitchell (MD)	Walgren
Dymally	Moakley	Waxman
Early	Moffett	Weiss
Eckart	Mollohan	Williams (MT)
Edgar	Mottl	Wirth
Edwards (CA)	Murphy	Wolpe
Evans (IN)	Murtha	Wright
Fary	Nowak	Wyden
Fazio	Oakar	Yates
Ferraro	Oberstar	Zablocki
Fithian	Obey	Zeferetti
Florio	Ottinger	

ANSWERED "PRESENT"—1

Rousselot

NOT VOTING—30

Barnard	Dixon	Leach
Brown (OH)	Dornan	Mattox
Burgener	Evans (DE)	McCloskey
Corcoran	Foglietta	McDade
Cotter	Ford (TN)	McDonald
de la Garza	Frank	Patman
Derrick	Gingrich	Smith (AL)
Dickinson	Grisham	Washington
Dicks	Hansen (UT)	Weaver
Dingell	Hawkins	Williams (OH)

□ 1215

The Clerk announced the following pairs:

On this vote:

Mr. McDade for, with Mr. McDonald against.

Mr. Grisham for, with Mr. Foglietta against.

Mr. Mc Closkey for, with Mr. Mattox against.

Mr. Gingrich for, with Mr. Patman against.

Mr. Corcoran for, with Mr. Hawkins against.

Mr. Leach of Iowa for, with Mr. Ford of Tennessee against.

Until further notice:

Mr. Barnard with Mr. Smith of Alabama.

Mr. de la Garza with Mr. Williams of Ohio.

Mr. Weaver with Mr. Hansen of Utah.

Mr. Dingell with Mr. Dornan of California.

Mr. Washington with Mr. Evans of Delaware.

Mr. Derrick with Mr. Dickinson

Mr. Frank with Mr. Burgener.

Mr. Dixon with Mr. Brown of Ohio.

Messrs. BONKER, HEFTEL, SCHEUER, PRICE, and MOLLOHAN changed their votes from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman for Oklahoma?

There was no objection.

PERSONAL EXPLANATION

● Mr. DERRICK. Mr. Speaker, I was not recorded on rollcall vote No. 51, the conference report on House Concurrent Resolution. 115, the first budget resolution. Had I been recorded, I would have voted "aye." ●

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 156: Page 24, strike out lines 6 to 11, inclusive, and insert "outlays as follows: $7,146,000,000 in budget authority and $143,000,000 in outlays for fiscal year 1981; $14,139,000,000 in budget authority and $808,000,000 in outlays for fiscal year 1982; $16,534,000,000 in budget authority and $1,669,000,000 in outlays for fiscal year 1983; and $18,789,000,000 in budget authority and $2,632,000,000 in outlays for fiscal year 1984;".

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MOTION OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "outlays as follows: $13,177,000,000 in budget authority and $640,000,000 in outlays for fiscal year 1982; $15,572,000,000 in budget authority and $1,398,000,000 in outlays for fiscal year 1983; and $17,827,000,000 in budget authority and $2,369,000,000 in outlays for fiscal year 1984;".

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 158: Page 25, strike out lines 3 to 8, inclusive, and insert "$808,000,000 and outlays by $725,000,000 in fiscal year 1982; to reduce budget authority by $1,681,000,000 and outlays by $1,532,000,000 in fiscal year 1983; and to reduce budget authority by $2,785,000,000 and outlays by $2,590,000,000 in fiscal year 1984; and".

MOTION OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$1,963,000,000 and outlays by $1,946,000,000 in fiscal year 1982; to reduce budget authority by $2,916,000,000 and outlays by $2,777,000,000 in fiscal year 1983; and to reduce budget authority by $3,995,000,000 and outlays by $3,801,000,000 in fiscal year 1984;".

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 161: Page 26, strike out lines 11 to 16, inclusive, and insert "as follows: $1,764,000,000 in budget authority and $29,000,000 in outlays for fiscal year 1981; $4,885,000 in budget authority and $4,138,000,000 in outlays for fiscal year 1982; $5,251,000,000 in budget authority and $4,976,000,000 in outlays for fiscal year 1983; and $5,297,000,000 in budget authority and $5,261,000,000 in outlays for fiscal year 1984;"

MOTION OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "as follows: $4,598,000,000 in budget authority and $4,081,000,000 in outlays for fiscal year 1982; $4,898,000,000 in budget authority and $4,599,000,000 in outlays for fiscal year 1983; and $4,930,000,000 in budget authority and $4,789,000,000 in outlays for fiscal year 1984;".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 163: Page 27, strike out lines 3 to 13, inclusive, and insert:

(8) the House Committee on Interior and Insular Affairs shall report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $331,000,000 in budget authority and $84,000,000 in outlays for fiscal year 1981; $815,000,000 in budget authority and $369,000,000 in outlays for fiscal year 1982; $796,000,000 in budget authority and $564,000,000 in outlays for fiscal year 1983; and $774,000,000 in budget authority and $654,000,000 in outlays for fiscal year 1984;

MOTION OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(8) the House Committee on Interior and Insular Affairs shall report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $755,000,000 in budget authority and $309,000,000 in outlays for fiscal year 1982; $736,000,000 in budget authority and $504,000,000 in outlays for fiscal year 1983; and $714,000,000 in budget authority and $594,000,000 in outlays for fiscal year 1984;

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 164: Page 27, strike out lines 19 to 23, inclusive, and insert "$116,000,000 in budget authority and $13,000,000 in outlays for fiscal year 1982; $133,000,000 in budget authority and $81,000,000 in outlays for fiscal year 1983; and $144,000,000 in budget authority and $124,000,000 in outlays for fiscal year 1984;".

MOTION OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with amendments as follows: Strike out the matter proposed to be inserted by the Senate amendment, omit the matter proposed to be stricken out by the Senate amendment, and strike out lines 14 through 18 on page 27 of the House engrossed concurrent resolution.

On page 27, line 24, of the House engrossed concurrent resolution, strike out "(10)" and insert the following: "(9)".

On page 28, line 21, of the House engrossed concurrent resolution, strike out "(11)" and insert the following: "(10)".

On page 29, line 17, of the House engrossed concurrent resolution, strike out "(12)" and insert the following: "(11)".

On page 30, line 14, of the House engrossed concurrent resolution, strike out "(13)" and insert the following: "(12)".

On page 31, line 1, of the House engrossed concurrent resolution, strike out "(14)" and insert the following: "(13)".

On page 31, line 12, of the House engrossed concurrent resolution, strike out "(15)" and insert the following: "(14)".

On page 31, line 22, of the House engrossed concurrent resolution, strike out "(16)" and insert the following: "(15)".

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 169: Page 29, strike out all after line 20 over to and including line 2 on page 30, and insert "Public Law 93-344 sufficient to reduce outlays by $185,000,000 in fiscal year 1982; to reduce outlays by $900,000,000 in fiscal year 1983; and to reduce outlays by $1,365,000,000 in fiscal year 1984; and".

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MOTION OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with amendments as follows: Restore the matter proposed to be stricken out by the Senate amendment, and strike out the matter proposed to be inserted by the Senate amendment.

On page 29, line 20, of the House engrossed concurrent resolution, strike out "(C)".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 170: Page 30, strike out lines 8 to 13, inclusive, and insert "outlays as follows: $2,350,000,000 in budget authority and $68,000,000 in outlays for fiscal year 1981; $6,446,000,000 in budget authority and $1,033,000,000 in outlays for fiscal year 1982; $5,122,000,000 in budget authority and $2,697,000,000 in outlays for fiscal year 1983; and $6,241,000,000 in budget authority and $4,381,000,000 in outlays for fiscal year 1984;".

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MOTION OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "outlays as follows: $6,346,000,000 in budget authority and $1,033,000,000 in outlays for fiscal year 1982; $5,122,000,000 in budget authority and $2,665,000,000 in outlays for fiscal year 1983; and $6,241,000,000 in budget authority and $4,355,000,000 in outlays for fiscal year 1984;".

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 174: Page 32, strike out lines 2 to 7, inclusive, and insert "$36,000,000 and outlays by $195,000,000 in fiscal year 1981; to reduce budget authority by $3,791,000,000 and outlays by $8,427,000,000 in fiscal year 1982; to reduce budget authority by $3,748,000,000 and outlays by $9,492,000,000 in fiscal year 1983; and to reduce budget authority by $3,637,000,000 and outlays by $9,907,000,000 in fiscal year 1984; and".

MOTION OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$3,699,000,000 and outlays

by $8,247,000,000 in fiscal year 1982; to reduce budget authority by $3,660,000,000 and outlays by $9,247,000,000 in fiscal year 1983; and to reduce budget authority by $3,511,000,000 and outlays by $9,573,000,000 in fiscal year 1984; and".

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 177: Page 33, strike out lines 13 to 18, inclusive, and insert "$645,000,000 in budget authority and $3,000,000 in outlays for fiscal year 1981; $3,243,000,000 in budget authority and $3,200,000,000 in outlays for fiscal year 1982; $4,011,000,000 in budget authority and $3,961,000,000 in outlays for fiscal year 1983; and $4,613,000,000 in budget authority and $4,517,000,000 in outlays for fiscal year 1984;".

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MOTION OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$140,000,000 in budget authority for fiscal year 1981; $3,193,000,000 in budget authority and $3,096,000,000 in outlays for fiscal year 1982; $3,961,000,000 in budget authority and $3,825,000,000 in outlays for fiscal year 1983; and $4,551,000,000 in budget authority and $4,451,000,000 in outlays for fiscal year 1984;".

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The motion was agreed to.

□ 1230

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 179: Page 34, strike out lines 9 to 14, inclusive, and insert "thority and outlays as follows: $6,146,000,000 in budget authority and $133,000,000 in outlays for fiscal year 1981; $15,460,000,000 in budget authority and $958,000,000 in outlays for fiscal year 1982; $18,412,000,000 in budget authority and $2,274,000,000 in outlays for fiscal year 1983; and $21,303,000,000 in budget authority and $3,882,000,000 in outlays for fiscal year 1984;".

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MOTION OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "thority and outlays as follows: $5,846,000,000 in budget authority and $133,000,000 in outlays for fiscal year 1981; $14,498,000,000 in budget authority and $840,000,000 in outlays for fiscal year 1982; $17,450,000,000 in budget authority and $2,133,000,000 in outlays for fiscal year 1983; and $20,341,000,000 in budget authority and $3,779,000,000 in outlays for fiscal year 1984;".

And the Senate agree to the same.

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 182: Page 35, strike out lines 16 to 19, inclusive, and insert: "Law 93-344, sufficient to reduce outlays by $185,000,000 in fiscal year 1982; to reduce outlays by $900,000,000 in fiscal year 1983; and to reduce outlays by $1,365,000,000 in fiscal year 1984; and".

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MOTION OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with amendments as follows: Strike out the matter proposed to be stricken out by the Senate amendment, and insert the matter proposed to be inserted by the Senate amendment.

On page 35, line 15, of the House engrossed concurrent resolution, strike out "(C)".

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 190: Page 39, strike out lines 1 to 6, inclusive, and insert "thority by $39,000,000 and outlays by $49,000,000 in fiscal year 1981; to reduce budget authority by $658,000,000 and outlays by $622,000,000 in fiscal year 1982; to reduce budget authority by $1,601,000,000 and outlays by $1,495,000,000 in fiscal year 1983; and to reduce budget authority by $2,702,000,000 and outlays by $2,551,000,000 in fiscal year 1984; and".

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection the request of the gentleman from Oklahoma?

There was no objection.

MOTION OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "thority by $39,000,000 and outlays by $49,000,000 in fiscal year 1981; to reduce budget authority by $596,000,000 and outlays by $575,000,000 in fiscal year 1982; to reduce budget authority by $1,481,000,000 and outlays by $1,395,000,000 in fiscal year 1983; and to reduce budget authority by $2,452,000,000 and outlays by $2,311,000,000 in fiscal year 1984; and".

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 191: Page 39, strike out lines 12 to 17, inclusive, and insert "thority and outlays as follows: $2,388,000,000 in budget authority and $414,000,000 in outlays for fiscal year 1981; $10,303,000,000 in budget authority and $7,928,000,000 in outlays for fiscal year 1982;

$12,363,000,000 in budget authority and $10,913,000,000 in outlays for fiscal year 1983; and $15,224,000,000 in budget authority and $13,525,000,000 in outlays for fiscal year 1984;".

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MOTION OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "thority and outlays as follows: $2,388,000,000 in budget authority and $414,000,000 in outlays for fiscal year 1981; $10,492,000,000 in budget authority and $8,225,000,000 in outlays for fiscal year 1982; $12,539,000,000 in budget authority and $11,069,000,000 in outlays for fiscal year 1983; and $15,048,000,000 in budget authority and $13,746,000,000 in outlays for fiscal year 1984;".

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 199: Page 41, strike out lines 9 to 19, inclusive, and insert:

SEC. 305. No bill or resolution providing new budget authority for fiscal year 1982 or providing new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 in excess of the allocation to or report by a committee or subcommittee pursuant to section 302 of the Budget Act shall be enrolled until Congress has completed action on the Second Budget Resolution for that fiscal year as required to be reported under section 310 of the Budget Act; and, if a reconciliation bill or reconciliation resolution, or both, are required to be reported under section 310(c), until Congress has completed action on that bill or resolution or both.

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MOTION OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with amendments as follows: Strike out the matter proposed to be inserted by the Senate amendment, and restore the matter proposed to be stricken out by the Senate amendment.

On page 41, line 9, of the House engrossed concurrent resolution, strike out "SEC. 305. (a)" and insert the following: "SEC. 305.".

On page 42 of the House engrossed concurrent resolution, strike out lines 1 through 3.

Mr. JONES of Oklahoma (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES TO AGREE TO SECTION 303 OF SENATE AMENDMENT TO H.R. 31, THE CASH DISCOUNT ACT

Mr. MADIGAN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MADIGAN moves that the managers on the part of the House at the committee of conference on the bill H.R. 31 be instructed to agree to section 303 of the Senate amendment which removes the age restriction for appointment to the Surgeon Generalship.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. MADIGAN) is recognized for 1 hour.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge my colleagues to support my motion to instruct House conferees on nongermane provisions found in H.R. 31, the Cash Discount Act.

As some of my colleagues may not be aware of the situation on this bill, I will give a brief recap:

H.R. 31, the Cash Discount Act, was reported by the House Banking Committee and passed the House. It was amended on the floor of the other body with the insertion of nongermane language relating to the Public Health Service Act. When returned to this body, the speaker referred the nongermane portion of the amended bill to the Subcommittee on Health and the Environment of the Energy and Commerce Committee. Our distinguished chairman, the gentleman from California, called one day of hearings at which we discussed this and ancillary issues. The subcommittee and full committee took no futher action. Some 6 weeks ago, the House appointed conferees on this bill. Three weeks ago, the other house did likewise. Conferees have unsuccessfully attempted to meet on two occasions.

This then is the situation today: A worthwhile piece of legislation has been blocked due to nongermane language. In addition, unrelated concerns have intruded upon the central issue of the amending language found in the bill.

As a result of this deadlock, I rise today to seek my colleagues' approval of a motion to instruct conferees to accept language which would resolve certain problems created by the other body's nongermane language. Before I discuss this specific language, however, I would like to direct this body's attention to what I consider a serious flaw in the Public Health Service Act.

The Public Health Service Act as it relates to the service of the Surgeon General unduly discriminates on the basis of age. I find such discrimination to be unwarranted.

The Surgeon General of the Public Health Service is one of the key posts in the Department of Health and Human Services. The Surgeon General is also the highest ranking officer in the commissioner corps of the Public Health Service, one of the seven uniformed services of the United States.

Under existing statute, an individual who is 64 years of age or older may not receive an original appointment in the commissioned corps because of prohibitions contained in the retirement authority. The law mandates that a commissioned officer be retired on the first day of the month immediately following the month he or she attains the age of 64. I consider this age discrimination of the worst sort and would hope that my colleagues would agree.

I would also like to point out the support of my chairman, the gentleman from California, in our efforts to address the age discrimination question. I know his particular aversion to such discrimination, no matter where it is found, and would urge my colleagues to associate themselves with our dislike of such practices.

Recognizing the discriminatory effects of the present Public Health Service Act language, the other body sought to ease the situation by appending nongermane language to H.R. 31. Their amendment exempts an individual 64 or over from requirements which preclude appointment as Surgeon General.

These discriminatory statutory requirements unduly restrict the ability of the President to appoint as Surgeon General individuals who have exceptional qualifications in medicine and health care administration merely because those individuals have attained a certain age. For instance, the President wants to appoint a very distinguished and able surgeon and medical professor, an individual who has many

years of volunteer public health service in his background. This physician has been surgeon-in-chief of a major children's hospital in the United States, is a world-reknowned pediatric surgeon, as well as an innovator of new techniques in surgical procedures relating to childhood cancer. In addition, this distinguished physician inspired the creation of the first neonatal surgical intensive care unit in the United States, a service which has contributed significantly to the reduction of new-born mortality rates. Due to his activities in educating medical professionals, he has raised the standard of surgical care for children and others throughout this Nation and many other parts of the world. A great number of his former students are now well established as professors of pediatric surgery, division chiefs in pediatric surgery, and surgeons in chief of children's hospitals.

This individual has been a professor of pediatric surgery and pediatrics at a major eastern university, a diplomat of the American Board of Surgery, a fellow of the American College of Surgeons and the American Academy of Pediatrics, and is specially certified in pediatric surgery by the American Board of Surgery. His other professional memberships include the Society for University Surgeons, the Philadelphia Academy of Surgery, the American Pediatric Surgical Association, the British Association of Pediatric Surgeons, the International Society of Surgery, the Deutsche Gesellschaft fur Kinderchirurgie, the Marseille Surgical Society, and the College of Surgeons of the Dominican Republic. Further, he has received many honors, awards, and honorary degrees, and has engaged in public health activities in more than three dozen countries around the world. And yet, due to the mere fact this individual is over the age of 64, he is statutorily precluded from nomination and confirmation as Surgeon General of the United States. I find such discrimination based on an individual's age to be repugnant to the fundamental principles of our society. In addition, I would like to provide the President of the United States with greater flexibility in the administration and management of the Public Health Service and the Public Health Service Commission Corps. As a result, I urge my colleagues to support this motion to instruct conferees to accept language which eliminates these unnecessary restrictions. I urge you to do so because it is only proper that we allow individuals who have achieved mature years to serve in responsible positions in this Government.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding.

I rise in support of the gentleman's motion for two very specific reasons: One, I think the President should be given the flexibility necessary in order to flesh out his administration organization.

But even more significant is the question of discrimination. The gentleman has expressed his opposition to that practice and clearly the Congress has spoken out on this issue many times, but more importantly, the Congress has enacted legislation which removed mandatory retirement in most quarters in our country.

We are in the process of deliberating on the areas remaining. The Select Committee on Aging, of which the illustrious gentleman from Florida (Mr. PEPPER) serves as chairman, has been in the forefront in dealing with discrimination.

I, as a member of that committee, and chairman of one of its subcommittees, have attempted to consistently eliminate any form of discrimination in relation to the elderly in every program in our Nation.

To have it applied here because it deals with one individual, I believe, is certainly outrageous.

I would certainly hope that if the motion is carried—and I hope it will be—that we address ourselves to the broader area, to all individuals who might be considered for appointment by the President, that appointment not to be inhibited by virtue of his age.

I congratulate the gentleman for his motion.

Mr. MADIGAN. I thank the gentleman for his support.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the distinguished chairman of the Republican Conference, the gentleman from New York (Mr. KEMP).

Mr. KEMP. I thank the gentleman for yielding.

I want to thank the gentleman for his leadership on this issue.

I rise, Mr. Speaker, in support of the Madigan motion. I want to congratulate the gentleman from New York (Mr. BIAGGI) for raising an issue that I think needs to be raised, that it is discriminatory to suggest that Dr. Koop should not be allowed to serve as Surgeon General because he has passed, I think by less than 100 days, the so-called mandatory age limit.

There is no doubt in my mind that there is discrimination at work in this. The campaign that has been waged against Dr. Koop is unfortunate. He is one of the most distinguished Americans, one of the most distinguished physicians, one of the most distinguished humanitarians in the country.

Dr. Koop, the President's choice for Surgeon General, has been the chief of pediatric surgery at the Children's Hospital in Philadelphia for the past 35 years. His work there has been dedicated to saving and improving the lives of our most precious resource, our children.

When Dr. Koop arrived at Children's Hospital in 1946, the surgical services there were understaffed and underdeveloped. The surgical roster included only three patients. Under Dr. Koop's leadership, the surgical program has become one of the finest in the Nation. It is a training ground for highly skilled pediatric surgeons from around the world. Today the hospital serves over 5,000 patients per year in need of every type of surgical care.

One of the reasons for the program's success is Dr. Koop's medical philosophy. He has been a leader of the movement to base the practice of pediatric surgery on physiologic principles. Prior to this, children were treated as if they were small adults, and their special needs were ignored.

Dr. Koop has been a pioneer in the development of surgery on the newborn. His successful separation of Siamese twins in 1974 brought him national recognition. He has played a major role in the creation of the first newborn surgical intensive care unit, which in turn has helped to significantly reduce the mortality rates for infants in the United States.

In addition to his work as a surgeon, Dr. Koop has shared his experience and knowledge through his career as a teacher. Since 1942 he has been on the faculty of the University of Pennsylvania School of Medicine. He has lectured as a visiting professor in universities worldwide. He was instrumental in setting up a modern medical school in Ghana, and he has personally trained pediatric surgeons for hospitals from Korea to Krakow.

Dr. Koop has been accorded the highest honors possible by his colleagues in the medical profession. he is a past recipient of both the Ladd Gold Medal of the American Academy of Pediatrics and the Denis Brown Gold Medal of the British Association of Pediatric Surgeons. The ex-residents of Pennsylvania Hospital presented him with their Jacob D. Ehrenzeller Award in 1974.

Citizen groups have recognized Dr. Koop for his achievements as well. He has been named man of the year by both the Jewish Community Chaplaincy Service and the Presbyterian Social Union of Philadelphia. He has also been honored by the Philadelphia Chapter of the Juvenile Diabetes Foundation, the Golden Slipper Club and Wheels, Inc. Internationally, Dr. Koop has been awarded the Order Duarte, Sanchez, and Mella, the Dominican Republic's highest honor, and is

a member of the French Legion of Honor.

Through the more than 170 articles and books he has written, Dr. Koop has contributed to the rise in the standard of hospital care available throughout the Nation and the world. He sits on the editorial boards of pediatric journals in Japan and Germany, as well as in the United States. He has demonstrated his commitment to human life by producing, along with the eminent theologian Francis Schaeffer, the multimedia presentation "Whatever Happened to the Human Race?"

We cannot deny the American people the benefits of Dr. Koop's extraordinary talent and experience because of an arbitrary age restriction. Therefore I urge my colleagues to vote in favor of Mr. MADIGAN's motion to instruct the conferees to accept the Helms amendment.

I certainly want to commend the gentleman from Illinois not only for his effort to bring these facts to the attention of the Congress, but for the effort that the gentleman has made in making sure that the President does have the right to pick his own Surgeon General.

□ 1245

I think Dr. Koop is going to serve this country with great distinction.

Mr. MADIGAN. I want to thank the gentleman from New York for his contribution.

Mr. LUKEN. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Ohio.

Mr. LUKEN. Mr. Speaker, I thank the gentleman. Much as I am reluctant to take even the slightest issue with my chairman, I think the issue here is a very important one.

I would like to ask the gentleman: There are two obstacles that have to be overcome from the appointment of Dr. Koop. The elimination of the age question, and also the elimination of a rather archaic requirement that the Surgeon General be appointed from the U.S. Public Health Service. Is that right?

Mr. MADIGAN. The gentleman is correct.

Mr. LUKEN. Therefore, in conference or at some point, if Dr. Koop is to be appointed, there would have to be a further amendment offered other than the elimination of the age question.

Mr. MADIGAN. Yes, at some point in the legislative process the second problem must be addressed. It is our judgment that it cannot be addressed here because to add that language would go beyond the scope of the Senate amendment and make our motion subject to a point of order.

Mr. LUKEN. I thank the gentleman. I am really not going to testify as to Dr. Koop's qualifications, but I think it is clear that this body would want to eliminate the age disqualification, which is what is incorporated within these particular instructions.

I also, as I stated when the matter came up in the subcommittee, think it is also pretty clear that the provision that the Surgeon General of the United States must be appointed from the U.S. Public Health Service is obviously an extreme limitation. It has been honored more in the breach than the observance, the recent Carter nominee and appointee having served a very fleeting time in the U.S. Public Health Service, just in transition.

I think that these two obstacles should be eliminated, and then the consideration of Dr. Koop should be considered on its merits, which I do not believe are before this body.

Mr. Speaker, I support Mr. MADIGAN's motion. As a member of the Health and Environment Subcommittee to which the Surgeon General amendment was referred, and as a member of the majority party, I do not believe that this should be a partisan issue. Rather it is an issue of age discrimination.

If the President of the United States wishes to appoint Dr. C. Everett Koop, a distinguished physician, to a position of responsibility, he should have his choice, if Dr. Koop is qualified. We should welcome all questions in regard to Dr. Koop, and the proper forum for investigating his qualifications is the U.S. Senate. If evidence shows that the doctor is not qualified to be Surgeon General, fine, but let us not disqualify the man on the basis of an arbitrary age limitation.

It is not within our powers as Members of the House of Representatives to judge the qualifications of Dr. Koop, but if it is within our power to remove any barrier based on race, creed, sex, or age, we must act.

Here we are dealing with an archaic provision in the Public Health Service Act which allows the kind of discrimination that the distinguished chairman of the Select Committee on Aging has fought so long and so successfully to eradicate. Age barriers have fallen in the civil service, private employment, and other sectors of American society. We can now progress a step further toward ending age discrimination by eliminating this restriction on the position of Surgeon General.

The President of the United States is 70 years old. Is not a provision which prevents him from appointing a man 6 years his junior a bit absurd? And there is no age limit for service in this body. Some of our most distinguished Members are over the age limit set for Surgeon General. We should not want to be deprived of their experience and wisdom gained over the years because of a limitation based on age.

Let us put this in perspective, leaving aside the other issues involved—Dr. Koop's controversial views and the maneuvering which has brought us to this point today. I urge that we instruct the House conferees to accept the Senate amendment, change this discriminatory feature in the law, and let the merits of the nomination be considered in the body authorized by the Constitution to advise and consent to Presidential appointees.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I would yield to the gentlewoman from Colorado for the purpose of debate.

Mrs. SCHROEDER. Mr. Speaker, I just basically wanted to ask the gentleman from Illinois a question about his motion. It is my understanding that everyone in public service, or in the public health area, is subject to the same retirement laws; is that correct?

Mr. MADIGAN. That is my understanding, yes.

Mrs. SCHROEDER. And the gentleman is only asking for one person to be exempt from that?

Mr. MADIGAN. As a matter of fact, I have indicated, and I would say to the gentlewoman, that I believe the restriction should be removed entirely. But, if I were to offer a motion to instruct the conferees to do that, such a motion would be subject to a point of order on the floor since the Senate amendment contained only the provision relating to one individual. But, it is my position that it should be removed entirely, and I would be willing to cosponsor with the gentlewoman a bill to that effect.

Mrs. SCHROEDER. What the gentleman is saying is that basically all he can do is for this one person at this time. Has he introduced a bill?

Mr. MADIGAN. No, but I have indicated to the chairman of the subcommittee that I am supportive of a bill that would do what the gentlewoman apparently wishes to have done.

Mrs. SCHROEDER. I suppose my biggest problem with this is, I chair the Civil Service Subcommittee, and I would find it a very, very bad precedent in this House if we start a single shot of people and exempt them from the laws. I think a much better way to go would be with a bill letting the entire Public Health Service out. I find that when we get into nongermane amendments and Christmas trees and hanging things on a cash bill, I really think that could destroy morale in the agency when we do not have a bill including everyone else. I think that is the right way to go, and I certainly hope the gentleman will introduce his bill and do that rather than this single-shot thing.

Mr. MADIGAN. As I have indicated, I am supportive of such an effort. I think the House on previous occasions

has adopted legislation that would indicate that all of us do not support this arbitrary age discrimination, but we have a situation where the President of the United States, clearly elected by a majority of the people in the country, has not been able to appoint the gentleman of his choosing as Surgeon General of the United States. I think that to delay that any further while we consider from its very inception a broader piece of legislation is to impact upon the morale of the whole country. I think that people in the country clearly want this administration to be able to appoint its people and to be able to get the Government functioning. The quickest way to do that is to agree with the Senate amendment and then consider the bill the gentlewoman would have us consider.

Mrs. SCHROEDER. I guess I would dispute that. I feel that one of the great strengths of a democracy is citizens feeling that they are going to have equal treatment. I think we should continue down that path of treating people equally rather than just doing special things and nongermane amendments to bills for one person.

Mr. MADIGAN. I would say to the gentlewoman that there is only one Surgeon General and only one candidate.

Mrs. SCHROEDER. If the gentleman would yield further, I would remind him that the discrimination we are talking about applies to an entire class of people, everyone working at the Public Health Service. I think age discrimination is just as shocking against people at lower levels as it is against the one person at the very top.

Mr. MADIGAN. I thank the gentlewoman for her contribution.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I would be happy to yield 10 minutes to the gentleman from California for the purpose of debate.

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Speaker, as one of the original coauthors of the bill to end mandatory retirement, I am delighted to hear the expressions of support, to end that discrimination in other areas in a much broader way than the Congress was able to do when we ended age discrimination in the civilian sector of public employment.

What we have in the law today is a mandatory retirement age for the seven uniformed services. The Surgeon General is the Surgeon General of the Public Health Service Commissioned Corps, which is part of the military. He is, therefore, subject to mandatory retirement.

I think we ought to eliminate that mandatory retirement in a very broad way. Our remedial action ought not to be for one individual alone. It ought to be for the Deputy Surgeon General, for the Assistant Surgeon General, and for the other people serving in the uniformed services.

But, I guess the point really at issue today, and the reason I would urge my colleagues to defeat this motion to instruct conferees, is that the legislative process should handle the decisionmaking in these kinds of questions in a rational way. My colleague from Illinois expresses his desire to join with us in eliminating mandatory retirement. We can do that. Others have expressed the desire to eliminate that archaic provision which requires the Surgeon General to be a member of the Public Health Service Corps. We may want to do that. We have heard from some citizens who would like to have us write into the law the qualification for a Surgeon General the assumption that we had always made—that the chief public health officer of this country must have public health experience and background. We may well want to do that.

The appropriate legislative committee ought to make a decision as to the qualifications of the Surgeon General. But the appropriate committee of the House and the appropriate committee of the Senate did not have that opportunity. What we had was a bill dealing with credit cards that came out of the House Banking Committee, and which passed this House overwhelmingly. That bill was amended by a nongermane amendment to provide that the Surgeon General—and that person alone—not be faced with mandatory retirement.

Now, we have before us this question of whether we ought to agree in a conference on the policy to regulate the appointment and retirement of the Surgeon General. I think what we ought to do is to have this bill go directly to the appropriate committee, not to legislate by nongermane amendments which are not thought out and which are tacked onto House bills that have nothing to do with the subject of the amendments.

Our subcommittee has had hearings on the subject. We are ready to move after a short additional hearing. We would like to hear from some other witnesses that have important, relevant things to say, and then we will produce a bill for the House. We will produce a bill for the House that does what everybody says they want done.

Now, this amendment that the conferees would be instructed to agree to is a failed amendment. I doubt whether the President would really want us to agree to that amendment. What that amendment does is say that the only person that is exempt from mandatory retirement would be the Surgeon General. It does not say that someone over the age of 64 may be appointed to the Public Health Service Corps. It does not remove mandatory retirement from the PHS law. I think we ought to be broader than that. We ought to deal with the principle involved with mandatory retirement in a more comprehensive way. But we have not done that here. And if we want to deal with the qualifications of the Surgeon General, we ought to have hearings and legislation dealing with that subject. What is at stake now is a circumvention of the legislative process as we know it and as it has best suited this country for the entire history of the time the Congress has considered legislation.

This amendment has significant implications for the jurisdiction of House committees and for the rules of the House, as well as the public health and the Commissioned Corps of the Public Health Service. The committee jurisdictions were ignored; they were circumvented. We did not have an opportunity to consider the legislation in our committee, which is the appropriate committee; nor did the committee in the other body have such an opportunity.

Now, instead, we are in conference. We may well agree in conference to something along the lines that the gentleman from Illinois would like to have us agree to, but we have not yet had a chance to meet in conference. The House conferees were there at the call of the meeting, ready for the conference to take place, but the Senate conferees, who are to defend this nongermane amendment to the banking bill, did not attend. We have now scheduled another attempt at a conference meeting later this week.

I urge that we let the conferees meet and discuss the issue. I will urge the conferees not to agree to a provision that does not do the job. I would want us, if we are going to agree to something in conference, to agree to something that rationally deals with the qualifications and requirements of the Surgeon General. I would like to see us end mandatory retirement. I would like to see us require public health credentials of a candidate for Surgeon General. But do the Members know what we would have as a problem at that point? Because we are legislating on a nongermane amendment to a House bill, we would have a scope of conference problem. I suppose the appropriate way to handle this is to have a committee in the House and a committee in the Senate act forthwith, immediately, to consider the legislation; we should have our hearings and report bills.

We are not trying to hold up the legislation. We are willing to act. We should not be instructed as conferees to agree to something that is flawed, and flawed because the legislative process was not followed. Legislation was drafted on the Senate floor with-

out consideration by the committee that could have drafted a much more reasonable and workable proposal.

Mr. Speaker, I would like to yield to the gentlewoman from Maryland (Ms. MIKULSKI), a very distinguished member of our subcommittee, who has been involved in the hearings we held on the question of the Surgeon General's qualifications.

Ms. MIKULSKI. Mr. Speaker, I thank the gentleman. I would like to rise in support of and to amplify the comments of the gentleman from California.

First of all, I would like to support the principle he is advocating, that we are circumventing the committee process by advocating a nongermane issue in the conference report. But, the other point I wanted to bring out is the fact that one of the principles under discussion is the whole issue of public health experience.

One of the factors to be considered is the issue of public health experience. There is no question that the nominee from Pennsylvania has distinguished and outstanding clinical experience, but the American Public Health Association came before our committee to testify against this process in selecting him—an unprecedented action in their over 50 years of history, to question the issue of appointing a Surgeon General who had no public health experience, not negating his clinical experience. They were advocating that we have a nominee who either is from the Public Health Service Corps, that we so not waive that; or that we establish criteria for public health background.

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Public health is a separate area and specialty of medical practice. There are even residencies in public health practice. To equate the fact that we need an expert clinician to be the Public Health Surgeon General is to say that in order to be a member of the Joint Chiefs of Staff, military experience and management experience do not count, but what counts is being a sharpshooter.

There is no doubt that what we need is someone who understands the public health issues of this country. Most people die because of those things related to public health issues, and I think to proceed in this way makes faulty public policy.

Mr. WAXMAN. Mr. Speaker, I thank the gentlewoman from Maryland (Ms. MIKULSKI).

Mr. Speaker, I say to my colleagues that the Senate had before it a bill dealing with credit cards, and at that time the sponsor of the amendment that we are asked to have our conferees support said that the language was not controversial or technical, and that the House had agreed to it. That was not true. The House had not agreed to the language, it was not nontechnical, it was not noncontroversial. It was not heard by the appropriate Senate committee, and it had not been heard by the appropriate House committee. It does not deal with what the sponsors of the amendment would like to deal with and does not allow the appointment of a Surgeon General over the age of 64 from outside the Corps.

Mr. Speaker, I say to the Members, do not force us or instruct us to go along with such a flawed amendment.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. WAXMAN) has expired.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, I would like to ask the gentleman a question, if I might.

Is it the gentleman's understanding that section 303 of the Cash Discount Act would allow the appointment as a Surgeon General of someone over the age of 64 and someone who is not a member of the Public Health Corps? In other words, does he have to be a member of the Public Health Corps?

Mr. MADIGAN. Mr. Speaker, in responding to the gentleman from Washington (Mr. SWIFT), I would say that the present candidate has two disabilities: His nonmembership in the Public Health Service Corps and the fact that he is beyond the specified age for retirement.

The language of the Senate amendment to the Cash Discount Act dealt only with the age question. I am dealing only with the age question here, because to do otherwise would make my motion subject to a point of order.

Mr. SWIFT. Mr. Speaker, will the gentleman yield further?

Mr. MADIGAN. I am happy to yield to the gentleman from Washington.

Mr. SWIFT. Because there was a nongermane amendment in the Senate, because it is flawed in at least two respects, because subsequent action will still have to be taken by Congress before the specific appointee can be appointed to this specific office, before Dr. Koop can be appointed, it would seem to me it would be better to start with a piece of legislation that addresses the whole issue.

We are going to have to take up another piece of legislation anyway. Why could this not be done in a much more orderly approach in one bill that would deal with the question rather than getting into this problem of having to accept nongermane amendments on the part of the Senate that will not even do the job anyway?

Mr. MADIGAN. Mr. Speaker, if the gentleman will allow me to respond, we would do half of the job in this manner, and we would have to find another way to do the other half. I suspect that the opportunity to do that might present itself.

This is the end of May. We are near the end of the fifth month of the year. We do not have the Surgeon General yet appointed. There is no indication of any willingness on the part of anybody in charge of the scheduling of legislation before the subcommittees and the committees of the House to move expeditiously on a bill of this kind. As a matter of fact, the procedure that has been followed here is one that was recommended to the people who were interested in this issue by the highest authorities in the Congress, and we have accepted their recommendations and have proceeded to move in the manner in which they suggested we move.

Mr. SWIFT. Mr. Speaker, if the gentleman will yield further, the President's party is in control of the other body. It is certainly not the fault of anyone in the House that a member of that party, No. 1, stuck a nongermane amendment on this bill, No. 2, did not cover the right things, and, No. 3, made it so it was dysfunctional.

Why should the House have to assume the responsibility for sloppy legislative work that was done in the other body?

Mr. MADIGAN. Mr. Speaker, I would say to the gentleman what I have said before. The procedure that has been followed here is one that was recommended to us, and we have followed that recommendation and will continue to follow it. We acknowledge that there is a second disability, and we will have to find some way to address that. But we think that, this being nearly the end of May, it is time to address this question and to allow a Surgeon General of the United States to be appointed.

There is pending an appointment of an outstanding candidate, perhaps the most outstanding surgeon in the United States. It is absolutely ridiculous to hold up the appointment of such an outstanding individual while we talk about the niceties of parliamentary procedure.

Mr. DOUGHERTY. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Pennsylvania.

Mr. DOUGHERTY. Mr. Speaker, I rise in strong support of the position of the gentleman from Illinois (Mr. MADIGAN).

Mr. Speaker, I would like to share with my colleagues an op-ed piece written by the chairman of the board of the Children's Hospital in Philadelphia in response to the attack made on Dr. C. Everett Koop in a Washington Post editorial. The author just recently received a form letter from the Post indicating that they were not interested in publishing his response.

THE QUALIFICATIONS OF DR. C. EVERETT KOOP

(By Richard D. Wood)[1]

I have become increasingly concerned, and even appalled by the ill-informed attacks on Dr. C. Everett Koop in connection with the President's request to the Congress that he be designated Surgeon General. This opposition seems to stem from two sources: First, the pro-abortion forces in this country and, second, some members of the public health establishment.

With regard to the first, let me say that as a Board member of the Children's Hospital of Philadelphia I have been associated with Dr. Koop for the past thirty years; and despite my membership in, and support of, Planned Parenthood, Dr. Koop has never pressed his point of view on me or any other of his associates.

With regard to the second, it would be a breath of fresh air to have someone in this position whose experience and achievements in the field of public health and world health have been as far reaching as his.

Dr. Koop's knowledge of these matters is, indeed, world-wide and far surpasses that of most of those who have criticized him.

What follows is representative, but no more than a sampling of his experience and contributions. My purpose in bringing it to your attention, and thereby to the attention of your readers, is to begin to spell out and illuminate his record of accomplishments, most of which has been largely ignored in the public press. In so doing, I am not politically motivated, but simply hope to provide a more accurate and better balanced context for judgment.

From 1960 to 1980, Dr. Koop was vice president for four terms and a board member of MAP International a relief agency in Wheaton, Illinois. MAP International started out providing medicines and material for doctors working in Third World countries. Its work now extends to efforts in sanitation, water supply, sewage disposal and famine control.

Dr. Koop has chaired the MAP Reader's Digest International Fellowship Committee for many years and has been instrumental in sending some 750 medical student abroad to visit bushtype hospitals in Third World countries for a minimum of 10 weeks. Some of these students have gone on to special training including additional time in schools of public health. They are now returning to Third World countries for careers in international medicine.

In 1960, Dr. Koop made trips to Egypt, Ethiopia, Kenya, Uganda, Tanzania, Belgian Congo (Zaire), South Africa, Nigeria and Ghana to acquaint medical missionaries of American and other origins with the services of MAP International. He flew from bush hospital to bush hospital in a small plane to assess the people's needs.

In 1964, at the request of the Ministry of Health of the Dominican Republic, Dr. Koop set up nine hydration stations for treatment during an epidemic of dysentery where the mortality was in excess of 70 percent.

In 1965, Dr. Koop visited European and Asian fellows who had been previously trained by him at The Children's Hospital of Philadelphia. He lectured in medical schools and operated on patients at teaching hospitals in Greece, Iran, Thailand, the Philippines, Taiwan, Japan and Hong Kong.

Dr. Koop has displayed a continuing interest in the Tarascan Indians of Southwest Mexico, whose want for medical care stimulated him to work among these people himself, to encourage other physicians to do the same, and eventually to set up a number of dispensaries, staffs of which have been trained by American physician volunteers.

His medical work on behalf of pediatric populations everywhere has been acknowledged by many countries including France, which presented him with the Legion of Honor last June and the city of Marseilles, which last week sent its highest decoration to him. The late President Eisenhower was the last American to be so honored by that city.

Dr. Koop's work has been the essence of public health.

[1] Richard D. Wood is chairman of the Board of Managers at the Children's Hospital of Philadelphia.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I feel that I must respond to the assertion made that the appropriate committee has not been willing to consider the legislation.

We asked the administration whether they would like us to proceed with this bill separately, and they have not responded that they are in favor of that.

I might also point out that in the other body the Republican Party is in control, and the committee of jurisdiction in the other body has not held hearings or moved legislation to remedy the provision in the law that prevent the President from making the appointment he wishes to make. We asked the administration to cooperate with us and to have this individual appear before our committee. They refused. Rather than cooperate with us, they have attached a nongermane amendment to a bill that has nothing to do with the issue of the Surgeon General.

I do not know what they have to hide from us, why they do not want us to consider the issue in committee and in an appropriate way, and why they want us to take this halfway measure that will not do the job and why they now ask that conferees agree to something that is inappropriate. I think that is a bad way to legislate.

We are willing to work on this thing and solve problems and let the President make an appointment. The Senate will have confirmation authority; we do not have that authority. I do not expect the President to appoint someone of whom I would wholeheartedly approve. It is his right to make the appointment, not mine. However, it is up to the Senate then to confirm.

This particular nominee is not one about whom I am very enthusiastic, but it is not my job to be enthusiastic or not enthusiastic about him. My job as chairman of the subcommittee is to try to work on legislation that would, in an appropriate way, address the qualifications of the Surgeon General and those of the Public Health Service Corps. I do not think there ought to be a mandatory retirement for the Surgeon General and others in the Public Health Corps.

Mr. COURTER. Mr. Speaker, will the gentleman yield to me?

Mr. MADIGAN. Mr. Speaker, I would say to the distinguished gentleman from California (Mr. WAXMAN) that I intend to respond to the points he has made, but in the interim period I will yield to the gentleman from New Jersey (Mr. COURTER).

Mr. COURTER. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of the motion offered by the gentleman from Illinois (Mr. MADIGAN). I think, very frankly, that the issue is a very, very important one. Granted that we are attempting to do one-half of the work now, but I have never seen this body refuse to do something or take a step forward because the entire package could not be accomplished on one particular day.

The simple issue here is whether we are going to waive the age requirement for one individual who the President of the United States would like to see appointed to an extremely important position. Time is awasting here. This is not the first time this body has waived age requirements. We have done it for Admiral Rickover, and I understand we have done it a number of times for J. Edgar Hoover.

The simple question here is, Will we go along with the President's request on waiving an age requirement with respect to an outstanding medical practitioner in the United States today? I see no complication. I think we should take at least this one step forward this afternoon.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I thank the gentleman for yielding. First, let me offer my support for Dr. Koop for the position of Surgeon General. However, I am somewhat confused by the pattern of debate. I was intrigued by the emphasis on the part of the gentleman from California (Mr. WAXMAN) emphasizing, of course, his committee jurisdiction.

But earlier the gentlewoman from Colorado (Mrs. SCHROEDER) emphasized the same claim of jurisdiction for her committee. If I had a suspicious mind, I would have to ask if this emphasis on committee jurisdiction was not in fact a delaying tactic. But not having that kind of a suspicion, I merely raise the point, and I wonder if the gentleman would care to comment.

Mr. MADIGAN. No.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the motion offered by the gentleman from Illinois (Mr. MADIGAN). I think it is fairly clear that age discrimination has no part in our statutes, and I think it ought to be stricken, as we have done over the years.

I think, second, that if this gentleman, the prospective nominee for this post, had not been very outspoken in his opposition to abortion, probably we would not be here today.

So, Mr. Speaker, I thank the gentleman for having brought the issue up, and I urge my colleagues to agree to his motion.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield, for the purpose of debate only, to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I just want to say that certainly I understand that Civil Service does not have jurisdiction over Public Health, and that it is in someone else's jurisdiction. I was just trying to say that from my perspective it appears very, very important that we keep in mind the fact that some people in the agency are still going to be suffering from age discrimination, and that is terribly important.

The only person this amendment would exempt is the "guy at the top," and all I can say from my perspective is that certainly this damages morale in other agencies.

I do not claim any jurisdiction over that. I am only saying that that is something this body should be very much aware of. I think we should be dealing with age discrimination and how it affects everyone, rather than with special legislation for one person at the top.

Mr. MADIGAN. Mr. Speaker, prior to moving the previous question, I would like to respond briefly to some of the points that have been made.

The gentleman from New Jersey has made the point that we do make exceptions, that we do have a history of making exceptions to the age limitation, and he has cited several instances where that has been done.

But if Members are really concerned about moving ahead with some sort of a proposition to exempt everybody from this age limitation, then let me invite those Members who would want to do that to get up and make a second motion to instruct conferees. I would not raise a point of order against that, and I would be happy to support it.

With respect to legislative committees having the ability to work their will, I would say to everybody assembled in the House that a bill to do what everybody is talking about ought to be done was introduced by the gentleman from Illinois (Mr. HYDE) on April 7, and it has not yet been the subject even of a hearing in any legislative committee.

With regard to the remarks of the gentlewoman from Maryland (Ms. MIKULSKI) that the American Public Health Service has somebody that they would prefer for this appointment, let me simply point out to her that the American Public Health Service does not appoint the Surgeon General of the United States. The Surgeon General of the United States is appointed by the President of the United States, and we are trying to facilitate a process that will give him the ability to do that.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct the conferees on H.R. 31 offered by the gentleman from Illinois (Mr. MADIGAN).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT OF THE HOUSE FROM THURSDAY, MAY 21, 1981, TO WEDNESDAY, MAY 27, 1981, AND ADJOURNMENT OF THE SENATE FROM THURSDAY, MAY 21, 1981, TO MONDAY, JUNE 1, 1981

Mr. MURTHA. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 138) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 138

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, May 21, 1981, it stand adjourned until 12 o'clock meridian on Wednesday, May 27, 1981, and that when the Senate adjourns on Thursday, May 21, 1981, it stand adjourned until 12 o'clock meridian on Monday, June 1, 1981.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HIGHER EDUCATION ACT AMENDMENTS INTRODUCED

(Mr. COLEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COLEMAN. Mr. Speaker, at the request of the administration, I am introducing a bill amending the Higher Education Act of 1965. This bill contains the administration's proposals to restrain growth in the guaranteed student loan (GSL) program and in the Pell grant program in order to achieve the savings the President has asked for and that we will be expected to make in reconciliation.

The administration's bill would make several significant changes in the student assistance programs that are designed to better target loans to the truly needy student and to reaffirm the traditional role of the family. The bill achieves this by limiting guaranteed student loans to the student's "remaining need" after all other assistance and family contributions have been taken into consideration, by asking the parents to contribute more under a revised formula for determining expected family contribution—for the Pell grant program—and by raising the interest rate paid by parents for parent loans.

This bill also would require a contribution of $750 in self-help from the student, before any assistance is offered, and the bill would also eliminate the interest subsidy currently paid by the Federal Government on the student's loan while he or she is attending school.

I believe that the proposals contained in the administration's bill deserve thorough consideration by the Congress. I consider these proposals, however, to be but one among many possibilities to achieve the required savings in the GSL and Pell grant programs.

As the ranking Republican on the Subcommittee on Postsecondary Education and from conversations in my office and at home in Missouri, I have heard from students, educators, institutions, large, small, private and public, and from the lending institutions regarding the administration's proposals. I think everyone will agree that we must take action to curtail the burgeoning growth of these programs. While I fully support the administration in this goal, at the same time we must closely scrutinize each proposal, including this one, for its effect upon these very complicated and far-reaching programs.

I have been examining and will continue to examine all suggestions, options, and proposals very carefully, and am certain that changes can be made to the GSL and Pell grant programs that will achieve the savings required by the reconciliation process and at the same time will insure that students have access to grant and loan money.

Mr. Speaker, I place in the RECORD at this point the text and analysis of the administration's bill:

H.R. —

A bill to make certain amendments to the Higher Education Act of 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education Amendments of 1981"

SEC. 2. (a) Section 425(a)(1) of the Higher Education Act of 1965 (hereafter referred to as "the Act") is amended by inserting at the

beginning thereof the following new sentences:

The amount of any loan made after June 30, 1981 which may be covered by Federal loan insurance under this part shall be limited to the student's financial need for the period of instruction to be covered by the loan. For purposes of this section, the term "financial need" means the estimated cost of attendance less estimated financial assistance and the expected family contribution. The eligible institution at which the student has been accepted for enrollment or at which he is in attendance shall determine the student's financial need in accordance with the provisions of section 482 of this title."

(b) Section 428(b)(1)(A) of the Act is amended by inserting before the words "authorizes the insurance" the following: "limits the amount of any loan made after June 30, 1981 to the student's financial need, as defined in section 425(a)(1), for the period of instruction to be covered by the loan by requiring the eligible institution at which the student has been accepted for enrollment or at which he is in attendance to determine the student's financial need in accordance with the provisions of section 482 of this title;".

(c) Section 439B of the Act is repealed.

(d) Section 482(a)(1) of the Act is amended by striking out "and under part B".

(e) Section 428B(b)(3) of the Act is amended by striking out "No" and inserting instead the following:

"Any loan under this section may be counted as part of the student's expected family contribution in the determination of need under this title, but no".

SEC. 3. Section 428 of the Act is amended—

(a) in subsection (a)(1)(A) by inserting before the semicolon the following: "prior to July 1, 1981", and

(b) by amending paragraph (5) of subsection (a) to read as follows:

"(5) The period referred to in subparagraphs (B) and (C) of paragraph (1) of this subsection shall begin on the date of enactment of this Act and end at the close of June 30, 1981.", and

(c) by repealing subsection (e).

SEC. 4. Section 428B of the Act is further amended—

(a) in subsection (c)(1) by inserting before the end thereof a comma and the following: "and shall be made over a period of not more than twenty years",

(b) by amending paragraph (3) of subsection (c) to read as follows:

"(3) The rate of interest on a loan made after June 30, 1981 pursuant to this section shall be set by the lender at a rate not to exceed a rate provided by the Secretary of the Treasury after taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity plus an allowance determined by the Secretary of Education.", and

(c) in subsection (c) by inserting at the end thereof the following new paragraph:

"(4) No special allowances shall be paid to lenders pursuant to section 438 of this part on any loans made under this section after June 30, 1981."

SEC. 5. Section 428(c) of the Act is amended—

(a) in paragraph (2)(D) by striking out after the word "thereof" the comma and the words: "but shall not otherwise provide for subrogation of the United States to rights of any insurance beneficiary", and

(b) by adding at the end thereof the following new paragraph:

"(8) Where the Secretary has made a determination that the protection of the Federal fiscal interest so requires, a guaranty agency shall assign to the Secretary any loan for which the Secretary has made payment under a guaranty agreement pursuant to paragraph (1) of this subsection."

SEC. 6. (a) Section 411(a)(2)(B)(ii) of the Act is amended to read as follows:

"(ii) No basic grant under this subpart shall exceed the difference between the cost of attendance at the institution at which the student is in attendance and the sum of the expected family contribution for the student and an amount of expected self-help as determined by the Secretary. If with respect to any student, it is determined that the amount of the basic grant plus the expected family contribution and the amount of expected self-help for that student exceeds the cost of attendance for that year, the amount of the basic grant shall be reduced until the combination of the expected family contribution, expected self-help and the amount of the basic grant does not exceed the cost of attendance at such institution."

(b) Section 413B(a)(2)(A) of the Act is amended by inserting after the word "institution," the following: "less an amount equal to the amount of expected self-help as determined by the Secretary,".

SEC. 7. Section 482(b) of the Act is amended—

(a) in paragraph (3) by striking out after the word "Federal" the comma and the words "State and local", and

(b) by amending paragraph (4) to read as follows:

"(4) In determining the expected family contribution under this section for any academic year, the Secretary may set an assessment rate or a series of assessment rates to be applied to parental discretionary income."

SEC. 8. Section 482(d) of the Act is amended—

(a) in paragraph (2) by inserting before the semicolon at the end thereof the following words: "as determined by the Secretary",

(b) by amending paragraph (4) to read as follows:

"(4) for a student engaged in a program of study by correspondence, only tuition and fees and an allowance, as determined by the Secretary, for required books and supplies and travel and room and board costs incurred specifically in fulfilling a required period of residential training;"

(c) by amending paragraph (5) to read as follows:

"(5) for a student enrolled in an academic program which normally includes a formal program of study abroad, an allowance for reasonable costs as determined by the Secretary;",

(d) by amending paragraph (6) to read as follows: "(6) for a student with dependent children, an allowance for child care expenses as determined by the Secretary;",

(e) by amending paragraph (7) to read as follows:

"(7) for a handicapped student, an allowance as determined by the Secretary for those expenses related to the handicap, including special services, transportation, equipment, and supplies that are reasonably incurred and not provided for by other assisting agencies.", and

(f) in subparagraphs (A), (C), and (D) of paragraph (3) by inserting before the semicolon at the end thereof a comma and the following: "except that for the purposes of subpart 1 of part A this allowance shall be determined by the Secretary".

SEC. 9. Section 489(a) of the Act is amended by striking out the first sentence and the words "In addition, an" and inserting instead the word "An".

SEC. 10. Paragraph (2) of section 401(d) of the Housing Act of 1950 is amended by inserting before the period at the end thereof the following: "and for expenses and payments of the Secretary in connection with the sale, under section 302(c) of the Federal National Mortgage Association Charter Act, of participations in obligations acquired under this section".

SEC. 11. (a) This Act and the amendments made by this Act shall take effect on the date this Act is enacted except as provided in subsection (b).

(b) The amendments made by subsections (c), (d), and (e) of section 2, subsection (a) of section 4, and section 6 shall take effect on July 1, 1981. The amendments made by subsection (c) of section 3 and section 9 shall be effective October 1, 1980.

SECTION-BY-SECTION ANALYSIS OF THE BILL

Section 2. Section 2 of the bill would limit guaranteed student loan amounts to a student's "remaining need"—that is, educational costs minus all other aid and expected family contribution. Section 2 would further allow the family to meet the expected contribution for a dependent undergraduate student through a parent loan.

Section 3. Section 3 of the bill would eliminate the in-school, grace, deferment and post-deferment, period interest subsidy on guaranteed student loans. Section 3 would also eliminate institutional administrative cost allowances for the guaranteed student loan and parent loan program.

Section 4. Section 4 of the bill would provide that parent borrowers pay interest at a rate negotiated with the lender up to a limit reflecting the yield on Treasury securities of comparable maturities plus a percentage determined by the Secretary of Education. Section 4 would also change the statutory maximum repayment period for parent loans from 10 to 20 years and would eliminate the Federal special allowance for parent loans.

Section 5. Section 5 of the bill would authorize the Secretary to require a guaranty agency to assign to the Secretary any defaulted loan on which the Secretary has paid a reinsurance claim if the Secretary determines this action is necessary to protect the Federal fiscal interest.

Section 6. Section 6 of the bill would provide that a student's grant aid under subpart 1 of part A could not exceed the difference between the student's cost of attendance and the sum of the student's expected family contribution and an amount of expected self-help to be determined by the Secretary. This section would also provide that a student meet a self-help requirement for purposes of determining the amount of grant aid under subpart 2 of part A.

Section 7. Section 7 of the bill would eliminate the deduction for State and local taxes from adjusted family income for purposes of determining a student's need for aid under title IV. Section 7 would also authorize the Secretary to determine the assessment rate on parental discretionary income.

Section 8. Section 8 of the bill would authorize the Secretary to determine certain living allowances for purposes of the Pell Grant program. Section 8 would also authorize the Secretary to determine allow-

ances for books, supplies, transportation, room and board costs for students engaged in a correspondence program, the costs of study abroad, child care expenses, and the expenses of handicapped students.

Section 9. Section 9 of the bill would eliminate institutional administrative allowances for the Pell grant program.

Section 10. Section 10 of the bill would authorize the use of the funds in the revolving account of the college housing loan program to pay participation sales insufficiencies to the Government National Mortgage Association.

SOCIAL SECURITY IS NOT GOING BROKE

(Mr. TRAXLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAXLER. Mr. Speaker, I am unalterably opposed to President Reagan's social security benefit cuts.

The President would break a contract that we made with the American workers and retirees by making the first major benefit cuts in the history of social security.

Under the President's proposal, a worker who retires at age 62 next year would lose a total of $50,821 over the course of his retirement. I see no reason why a person retiring in 1982 instead of 1981 should be penalized over $50,000. A worker who is 59 now and who plans to retire when he is 65 would lose $8,300 in benefit. Taking into account the reduction in spouses benefits, a couple would lose over $12,000. In fact, the President's proposals would cut total benefits over the next 75 years by one-fourth. These cuts would destroy everyone's confidence in the social security system, and I cannot support them.

The changes proposed are harsh, inequitable, and go far beyond what is needed to overcome the short-term cash flow problems of the social security trust funds. To me, the proposals seem almost ideological in nature—a first step in dismantling a system that Republicans opposed when Franklin Roosevelt began it 46 years ago.

In February, the President pushed the Congress to enact some smaller benefit cuts in social security—cuts in death benefits, aid to dependent students, and cuts in the minimum benefit. At that time he pledged that the basic retirement benefits would not be touched—that they were part of a "social safety net" that should not be tampered with.

Well, just 3 months later he has come back with major cuts in future retirement benefits—cuts that are neither social, provide little safety, and put a big hole in the net for millions of Americans who have been planning for their retirement years. I oppose these cuts.

Furthermore, the President and his people have acted irresponsibly by hysterical and exaggerated descriptions of the current cash flow problem of the system. They are trying to create a crisis, play upon people's fears, and sweep in their changes by riding the wave of confusion and panic on the part of older Americans. Talk about the system going broke or being near bankruptcy does not contribute to calm, deliberative discussion of social security.

The social security system is not going broke. The system operates on a pay-as-you-go basis. This year's payroll taxes go to pay this year's benefits, just as they always have. As long as those taxes are collected, the system will never be bankrupt.

It is correct that next year the taxes collected into the trust fund will fall a little short of the expected benefits. This is not the fault of the system, but rather of the economy: High inflation drives up benefits while high unemployment results in fewer taxes collected. The problem is not in the idea or structure or benefit scale of the social security system. The problem is the economy. Fix the economy and you have fixed social security.

So, what do we do about the shortfall next year? Current economic projections foresee an $11 billion shortfall over a 2- or 3-year period, with a surplus predicted after than until sometime in the next century. We can make up that short-term cash flow problem by borrowing from the medicare trust fund or by using general revenue funds on a temporary basis.

There is also a long-term problem, one over 30 years away, that we should begin to take a long hard look at. But drastic cuts for next year's retirees is not required. When the "baby boom" population bubble reaches retirement, sometime after the year 2010, new deficits are projected. In the years to come Congress should take action to deal with that problem, but there is time to work out an equitable, long term, and gradual solution. We do not need to cut the benefits of someone retiring next year.

The generation that paid the highest taxes in the history of this country should not now be told that their country is going to abandon commitments made to them. The social security system is an intergenerational social compact. People who pay taxes now must be able to know with certainty that the commitment will be kept when they retire. Tampering with the benefit scale now in place will destroy everyone's confidence in that social contract.

Older Americans now retired, as well as those soon to retire, have worked hard all of their lives to make this great Nation strong and rich. They built the economic base that now provides the jobs, the standard of living, and the incomes of younger workers. We owe them the right to count on their retirement income so that they can live with peace of mind, so that they can live in comfort and dignity.

In the long term, we can make the social security system healthy—including assuring the baby boom generation that they will get their benefits—by making the American economy healthy and growing again. Economic growth based upon steadily increasing productivity will produce the real income necessary to pay for future social security benefits without an unfair burden on the taxpayers.

Social security, I believe, is the best Government program we have. I intend to make sure that this country keeps its promise. Social security is the domestic program that should receive our highest priority. I oppose President Reagan's proposed reductions in social security benefits, and I will fight to make sure that they are not enacted.

HOLOCAUST MEMORIAL

The SPEAKER pro tempore (Mr. JONES of North Carolina). Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 15 minutes.

● Mr. PEPPER. Mr. Speaker, there was a most significant occasion which took place in the East Room of the White House several days ago, where the President, several of our distinguished colleagues, survivors and eyewitnesses of the Nazi German death camps during World War II and the U.S. Holocaust Memorial Council met for a ceremony of remembrance, testimony, and admonition, which, in all its moving poignance, spiritual depth and memory-laden importance I shall never forget.

One speech of the many that were delivered that morning, speeches that eloquently portrayed the reality of millions of men, women, and innocent children cruelly condemned to senseless deaths and horrendous suffering of body and of feelings—one speech so movingly, accurately, and beautifully combined the reality of the past and the dangers of our future as human beings on this frail and precious planet, that it stands out as a landmark of the thoughts and feelings we shared on that occasion dedicated to the memory of the living and the dead and dedicated to the future of humanity everywhere.

Elie Wiesel, who is the chairman of the U.S. Holocaust Memorial Council, delivered his remarks from the heart and departed from his prepared speech to create a document of human pain, of love for freedom, of spiritual accomplishment and learning, which in its beautiful composition will ring far beyond the White House of our Nation, perhaps to touch the hearts and souls of men across far shores and far centuries to come. We were all

lifted up in our memory and understanding of an event of awful dimension and deliberate human cruelty and of such abysmally evil human intentions that future ages will not forget what happened to the Jewish people during the holocaust, when they were persecuted, gathered, and slain because of their humanity, because of their ethnic attributes, their religion and other petty, trumped-up rationales. There was not a sound in the room, when Elie Wiesel spoke in a soft, humble fashion—spoke in words of truth only, words of fact we all knew through our eyes, our ears, or from our friends who had been there, as I had been there at the end of the war to see the mangled, emaciated, and executed bodies of Dachau, he spoke and we were transported in time, into the past and then into the future of mankind, which may well hinge upon a realization of the lessons of the holocaust. I have attached a copy of the chairman's speech as he delivered it that day and as we heard it. It will be an unforgettable spiritual experience for all who read it as it will be for all of us who heard it:

REMARKS OF ELIE WIESEL, CHAIRMAN OF U.S. HOLOCAUST MEMORIAL COUNCIL

Chairman WIESEL: Mr. President, distinguished members of the Senate and the House, of the diplomatic corps, honored guests, friends: about sadness later. First some words of gratitude. We thank you, Mr. President, for joining us and for participating in this solemn assembly of remembrance. Your presence here today, Mr. President, so soon after the senseless attack upon your person is a tribute to your understanding and concern for human values and is especially meaningful to us. We all know that your being here, Mr. President, is not a ceremonial gesture, but an expression of your sense of history and your dream of a future with hope and dignity for the American nation and for all mankind.

So, we thank you, Mr. President, and we thank our Father in heaven for having spared you. (Applause.) And now with your permission, Mr. President, I would like to read to you or rather to share with you some lines written first by an old Jewish poet and then by a young Jewish poet. The old Jewish poet was named Leivich(?) and he wrote in Yiddish which was the language of the martyrs—the language of those who were killed in those days.

It reads: (Read in Yiddish). The other poem was written by a young boy in Theresienstadt named Mottele and he wrote in that ghetto in those days of awe and fear and sadness, he wrote a poem that reflects more than his own moods, more than his own fate, and I quote, "From tomorrow on I shall be sad. From tomorrow on, not today. What is the use of sadness, tell me? Because these evil winds begin to blow? Why should I grieve for tomorrow today? Tomorrow may be good. Tomorrow the sun may shine for us again. We shall no longer need to be sad. From tomorrow on I shall be sad. From tomorrow on, not today. No, today I will be glad. And every day, no matter how bitter it may be, I will say from tomorrow on I shall be sad, not today."

Mr. President, how does one commemorate the million Motteles and Shloimeles and Leahles and Soreles? How does one commemorate six million victims all descendants of Abraham and Isaac and Jacob? What words does one use? What metaphors does one invoke to describe the brutal and unprecedented extinctions of a world—thousands and thousands of flourishing Jewish communities survive the fury of the crusades, the hatred of pogrom, the afflictions of wars and the misery, the shame, the despair of religious and social oppressions only to be swept away by the Holocaust? In all their chronicles and testaments, memoirs and prayers, litanies and poems, the victims stressed one single theme over and over again—remember, remember the horror, remember. Bear witness. And that is their legacy to us, the living.

Of course, there may be some who'll be asked, "Why remember at all? Why not allow the dead to bury the dead? Is it not in man's nature to push aside memories that hurt and disturb?" The more cruel the wound, the greater the effort to cover it. The more horrifying the nightmare, the more powerful the desire to exorcise it. Why then would anyone choose to cling to unbearable recollections of emaciated corpses or violations of every human law? Maybe we have not yet learned to cope with the events, intellectually, socially, philosophically, theologically. Perhaps we never will. The more we know, the less we understand. All we can do is remember. But how does one remember? How does one remember and communicate an event filled with so much fear and darkness and mystery that it negates language and imagination? Auschwitz, Mr. President, and since history marks it with the burning seal. Our century, Mr. President, may well be remembered not only for the monuments it erected, or for the astonishing technological advances it made, but most of all for Treblinka and Majdanek, Belsin and Ponar, Auschwitz and Buchenwald. How is one to explain what happened? It could have been stopped or at least slowed down at various stages. One word, one statement, one move—it was not stopped. Why not?

I am a teacher, Mr. President. And my students, young, fervent, compassionate American students, often express their puzzlement in my classroom—why the complacency? Why the tacit acquiescence? Why were not the Hungarian Jews, for example, warned about their fate? When they arrived in Auschwitz at midnight they mistook it for a peaceful village. Why were not the railways to Birkenau bombed by either the allies or the Russians? And the Russians were so close.

The calculated viciousness of the executioner, the helplessness of the doomed, the passivity of the bystander—all these lie beyond our comprehension—the killers' fascination with death, the victims with hope, the survivors' testimony. A new vocabulary needs to be invented to describe the event. Can you imagine the silence preceding a selection in a death count? The feel of a man who suddenly understands that he is the last of his family—the last of the line? Imagine? No, no one can imagine that kingdom. Only those who were there know what it meant to be there—theirs was the kingdom that will forever remain forbidden and forbidding.

And yet, and yet, we must tell the tale, we must bear witness. Not to do so would mean to render meaningless the years and the lives that we, those of us who survived, received as a gift, as an offering to be shared and redeemed.

We must tell the tale, Mr. President, and we want to tell it not to divide people but, on the contrary, to bring them together, not to inflict more suffering but, on the contrary, to diminish it, not to humiliate anyone but, on the contrary, to teach others to humiliate no one. This is why we bear witness, Mr. President and friends, not for the sake of the dead. It is too late for the dead. Not even for our own sake. It may be too late for us as well.

We speak for mankind. The universality of the Jewish tragedy lies in its uniqueness. Only the memory of what was done to the Jewish people and through it to others can save the world from indifference to the ultimate dangers that threaten its very existence.

Mr. President, that the survivors have not lost their sanity, their faith in God, or in man, that they decided to build on ruins in Israel or in the United States of America, that they decided to choose generosity instead of anger, hope instead of despair, is a mystery even to us. They had every reason to give up on life and its promise. They did not. Still at times, Mr. President, they are overcome by doubt and fear. The world has not learned its lesson. Anti-semitic groups spring up more and more and some shamelessly, viciously, deny that the Holocaust ever occurred. In our lifetime fascist groups increase their membership and parade in the streets. Intolerance, bigotry, fanaticism, mass executions in some places, mass starvation in others, religious wars, quasi-medieval upheavals, and of course, ultimately, the nuclear menace and our indifference to it. What is to be done?

Though Jewish, profoundly Jewish in nature, the Holocaust has universal implications, and I believe, we believe, that the memory of what was done may shield us in the future.

Naturally, other nations were persecuted and even decimated by the Nazis and their allies and their collaborators, and we honor their memory. But the Jewish people represented a different target. For the first time in history being became a crime. Jews were destined for annihilation not because of what they said or proclaimed or did or possessed or created or destroyed, but because of who they were.

Is that why we survivors, we Jews, we human beings, are so concerned? And is that why we are so attached to a land where so many survivors have found a haven, pride and refuge and hope? Please understand us, Mr. President. We believe that the subject of the Holocaust must remain separate from politics, but if we plead so passionately for Israel's right not only to be secure but also to feel secure, it is because of Israel's nightmares which are also our nightmares.

Israel is threatened by a holy war, which means total war, which means total annihilation. Mr. President, some may say that these are words, words—yes, words. But we are a generation traumatized by experience. We take words seriously. The very idea of another Jewish catastrophe anywhere in our lifetime is quite simply unbearable to us.

Israel must never feel abandoned. Israel must never feel alone. Israel must never feel expendable, Mr. President. We plead with you because it is the dream of our dreams. It is perhaps the pain of our pain but the hope of our hopes. It's an ancient nation of 4,000 years that should not be judged in categories of one day or one incident. Only in its totality can we understand and perceive and love Israel.

We must believe so because there were times, 40 years ago, when Jewish communities felt abandoned and betrayed. In 1943 on April 16th the gallant, young commander in chief of the Warsaw ghetto uprising, Mordechai Anieleuits wrote to a friend, and I quote, "We are fighting. We shall not surrender. But as our last days are approaching remember that we have been betrayed." That is what he felt. That is what we all felt. They were betrayed then. To forget them now would mean to betray them again and we must not allow this to happen.

In the Jewish tradition, Mr. President, when a person dies we appoint him or her as our emissary in heaven to intercede in our behalf. Could it be that they, the 6 million Jews, were messengers? But then, Mr. President and friends, whose messengers are we?

Thank you. (Applause.)●

LIMITING TERMS OF CONGRESSMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. McCOLLUM) is recognized for 60 minutes.

Mr. McCOLLUM. Mr. Speaker, the realities of today's political world and public sentiment demand that action be taken to limit the terms of Members of the U.S. House of Representatives and the U.S. Senate. Joined by 22 of my colleagues I am today introducing a resolution for a constitutional amendment which would limit House Members to six 2-year terms and Senate Members to two 6-year terms. This proposal is a companion and identical one to Senate Joint Resolution 25 introduced by Senator JOHN DANFORTH with such distinguished cosponsors in the Senate as Senators DECONCINI, WALLOP, HAYAKAWA, GARN, GOLDWATER, EXON, KASSEBAUM, HUMPHREY, SIMPSON, DURENBERGER, and QUAYLE. The period of service allowed under the limitation would begin to run for the term commencing after the adoption of the amendment for all Members regardless of the number of years of previous service so that no one loses a seat by the proposal.

The idea of limiting terms of Congressmen is not new, but only modern political realities have made its enactment a necessity and sparked public and congressional interest. The earliest proposed constitutional amendment to limit terms was introduced in the First Congress in 1789. The resolution in that Congress stipulated that no person could serve more than 6 years in an 8-year period. Actually the concept predated our Constitution; the Continental Congress adopted a proposal by John Dickinson of Delaware in 1777 limiting delegates under the Articles of Confederation to serving 3 years in any 6-year period. However, after the First Congress the issue of limiting terms lay dormant until the mid-1940's. The primary reason for this dormancy was the tradition in the early years of our country to serve only two terms in the U.S. House and then retire. As late as the 1840's, 40 percent to 50 percent of the Congress left office at each election. From 1860 to 1920 the average length of service doubled from 4 to 8 years. By 1901, when the 57th Congress convened, for the first time less than 30 percent of its Members were freshmen. In 1981, when the 97th Congress convened, only 17 percent of the U.S. House of Representatives were freshmen.

It is clear that service in Congress has become a career for many, which was never envisioned by our Founding Fathers. In the early days Congress would meet for 2 months a year or so and meeting for 3 months was a really big year. A Congressman was a citizen legislator who would go home after a session and spend most of his time running his business or practicing law or whatever. In modern times the sheer size and volume of the business of the Federal Government has made service in Congress a full-time job, and many who have come to Washington have given up their jobs back home and with each passing year of congressional service are more reluctant to go back home and reenter the job market. As a result, the tendency for a great many is to stay long as possible, and they have been very successful at that as evidenced by the fact that since World War II 93 percent of incumbents seeking reelection have been returned to Congress.

The result is an often stagnant and inefficient Congress. The result is many long-term legislators who have become "Washingtonians" who have a tendency to lose touch with life back home. The result is that the longer one remains in Washington, the more likely one becomes convinced that society's problems can or should be solved by the Federal Government. The result is many Members of Congress who are more interested in getting reelected than acting in the best interests of the country and devoting the time necessary to excel at public policymaking.

We need a much larger turnover in Congress on a regular basis to revitalize representative government, bringing into service men and women with more diverse backgrounds who have a fresh impression of what it is like living back home under the conditions created in large measure by the Federal Government and who have the "fire" burning in them to motivate Congress to make the changes necessary if the Federal Government is to work. Further, if terms were limited there would be created a perception among the people that one does not have to be in Congress for many years in order to play a significant role in the process, and undoubtedly more men and women would be willing to make the sacrifice of temporarily leaving careers in businesses and professions which hold the promise of great financial success to make a try for Congress and the total number of high quality candidates and the level of debate of the issues for each office would improve.

There is little question that the constant concern of most Members over reelection causes them to spend a disproportionate amount of time fundraising and, in many cases, courting the media.

One of the most time-consuming parts of the reelection campaign process for Members is fundraising. The cost and expense of running campaigns in the era of electronic media is staggering. To offset as much of the cost as possible, Members tend to court both the print and electronic media on a regular basis during sessions of Congress in hopes of gaining such high name recognition among the voters that challengers will be few and far between and unsuccessful. Certainly the public needs a constant line of communication open to elective representatives and no one advocates restricting this interplay in the print and electronic media. However, there needs to be a restriction on the motivating factors which cause too many Congressmen to spend too much time creating opportunties for media exposure, not to communicate but to insulate themselves from reelection challenges.

Then there is the work schedule dictated largely by reelection considerations which affects the efficiency of the individual Congressman. It is not uncommon for a Congressman to work until 9 or 10 o'clock each night, board a plane on Friday to go back to the district and work equally as hard meeting with groups and individuals throughout the district. He then flies back on Monday morning expected to be fit and ready for a serious hearing or the other important business of Congress. The workload is enormous compounded with the relentless pressure of reelection considerations. This component of public service in Congress does not make for a very effective or efficient legislative body. On the other side of the coin are those Congressmen who have been in office so long that they have truly insulated themselves from reelection challenges and only occasionally return to the district. They generally take legislative business seriously, but without the needed sense of urgency and without contact with the fresh ideas that come only from direct contact with the people. Both extremes are bad and both extremes are what dominate Congress today.

Now none of this is to say that we do not have good, talented men and women presently serving in Congress. We do. In fact, all that is accomplished, given the pressures involved, is a tribute to the exceptional quality

of those serving in the House and Senate as a whole. But the system is riddled with problems that most Members of Congress will admit privately, if not publicly, which are in large measure derived from the forces at work when you have full-time career Congressmen constantly concerned with reelection to save those careers.

The essential constitutional duty of the Congress is the duty to legislate on behalf of the American people. As evidenced by the new 1981 Gallup Poll, the public does not believe this duty can be effectively performed until terms of U.S. Senators and Representatives are limited. This most recent Gallup Poll shows that by an overwhelming margin of 2 to 1 the American public wants to limit the terms of U.S. Senators and Representatives to 12 years. Support for limiting terms began of develop when the problem was fully recognized after World War II and has grown every since with increasing support in the polls and with more resolutions entered in Congress and the support of at least two Presidents: Harry Truman and Dwight D. Eisenhower.

In his book, "Waging Peace," Eisenhower wrote that each person serving under term limitation "would tend to think of his congressional career as an important and exciting interlude in his life, a period dedicated to the entire public rather than as a way of making a living or making a career of exercising continuous political power * * * more rapid turnover of the membership in both Houses with its constant infusion of new blood would largely eliminate the 'career' politician in Congress, but I can see little damage that would result from such a change except possibly to the personal ambitions of particular individuals." He went on to say that "Experience may produce greater skill in political maneuvering in the legislative process, but does not necessarily produce better statesmen."

The price of a free society is the eternal vigilance of the people. The people have spoken, and the cavalier manner with which the issue of limiting terms of Congressmen has been treated for the most part in past Congresses is directly contrary to the very essence of liberty and representative government upon which this Nation was founded. I call upon my colleagues to join in a concerted effort to bring about the debate and hearings necessary to resolve the differences among the Members and the people and meld together an appropriate constitutional amendment that limits terms of Congressmen. To this end I am introducing today a resolution calling for a constitutional amendment which would limit Members of the U.S. House to six 2-year terms and Members of the U.S. Senate to two 6-year terms. Tomorrow I will introduce an alternative resolution for a constitutional amendment which would lengthen the terms of U.S. House Members as well as limit terms. I have my personal preferences which I will discuss upon introducing the second resolution tomorrow, but my overriding concern is with gaining a reasonable limitation on terms of office in both Houses and stimulating the debate and legislative process necessary to achieve this.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I will yield to the gentleman from Illinois.

Mr. HYDE. Well, I thank my friend for a very succinct statement. I want to compliment him on his service thus far in Congress. I think he is one of the most useful and bright additions to this body. I hope in disagreeing with the gentleman, he understands that it is simply that I share somewhat of a different perspective.

I am not of the oldest people here in terms of service. I am in my seventh year, but I have heard these thoughts expressed from time to time and I frankly and very respectfully must suggest that there are some problems with it.

The gentleman has stressed a free society. He has said the price of a free society. Now, I always thought the hallmark of a free society would be the permission to that society to elect Dracula, if it wishes, elect anybody that it chooses to represent that community in Congress.

Now, it may be that that person is unworthy by somebody else's standards. It may be that person is a criminal. Well, we then have the power under the Constitution to sit in judgment on the criminality of those people that are sent to us from the hustings, from this free America; but if the district is satisfied with the congressional representation that it has been getting from someone who indeed may be Pericles, rather than Dracula, that ought to be the choice of that district. Congress ought not to impose arbitrary obstacles to people serving in public office.

So in the name of freedom, it seems to me odd that we are restricting the freedom of people to send whomsoever they choose. That is point No. 1.

Second, if you are concerned about the bureaucracy running government, then a great way to entrench them is to have a revolving door for Congressmen. Let them come in. It takes you 10 years to find out where some of the agencies are located, not to say where the subagencies are and who the movers and shakers are; so if you want to entrench the bureaucracy and to continue to have them say to various transient politicians who come and go in Washington, "Yes; that is a great idea. We will study it." The bureaucracy is forever.

So I think that is another thing to be considered.

Third, nobody in middle age is going to run for Congress if you are in for 12 years maximum, because when you are a youngster and you are out of college or you are out of law school, it is fine. It is a great way to be a statesman, or when you are an elderly retired person and you have the money and the time, maybe you can run for Congress; but someone in middle life who would find themselves 60 years old at the conclusion of their term finds the prospect not all that rosy to be an ex-Congressman aged 60.

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Congress needs young people, it needs older people, but it needs people in the middle level who perhaps have worked, who perhaps have made a payroll, who perhaps have paid a lot of taxes. Those people contribute, too, and the gentleman would literally disenfranchise them from running by telling them they cannot make a career of Congress, they can only serve for 10 years, 12 years, whatever figure.

Last, saying people who are here are out of touch with their constituency, we are up every 2 years. That constituency has a referendum on the type of pulse-keeping and taking that the Congressman or Congresswoman takes every 2 years.

As for myself, I go home virtually every weekend, and I know what it takes to win. I know how to serve my people, and that is to stay in touch with them, to read my mail and to respond to their requests and their interests.

So I think that can apply to someone who is newly in Congress or someone who has been here for 20 years. But I think the bottom line is let the American people decide. It is easy to run for this office, very easy, just get enough signatures, get your name around and run. There are always people who want to knock you off no matter how long you have been here. You do not get entrenched because you have been here a few years. You have a voting record that is subject to attack, and the newcomer has no voting record. It is easy to attack when you do not have to defend anything.

But mostly, if the gentleman really believes in freedom, then trust the American people to make a choice that is the best for them in their wisdom, and then they get to recall their mistake every 2 years.

I thank the gentleman. There is a lot in what he says that certainly is true, but I think the other side of the picture is worth considering as well. As one in middle life who would not be too thrilled at this if I had to find myself on the street at age 60 or 62, I like to think we make a contribution

to Congress, too, and I thank my friend for yielding.

Mr. McCOLLUM. Before yielding again, I would like to respond to my colleague from Illinois (Mr. HYDE), who so eloquently presented the other side of the coin. I recognize there is another argument to the position. Many people feel you have to be up here for a long time, as the gentleman indicated, to get involved, to find the bureaucracy, and find your way around. I do not think that is so.

I have not found it all in the 3 or 4 months I have been here. I do not pretend I have, but I think in a much shorter period of time it can be done. Obviously it is a challenge to us who are freshmen in this class and we are taking it on readily.

I would also point out to the gentleman from Illinois that under his logic we would not have limited the terms of the President of the United States.

Mr. HYDE. If the gentleman will yield, I think that was a mistake.

Mr. McCOLLUM. I will yield in a moment. The President of the United States as well as those who are in Congress are needed to be here in response to the American public as much as possible. What happens with us in Congress though is we have become insulated from that, as I explained in my initial statement. In fact, it is all too easy for those who have the powers of incumbency to get reelected, to do the essential constituency service and to do those things that are, in fact, very much perceived to be taking on the appearance of doing the job. Therefore, the public tends to reelect without taking notice of the votes here and the competition is limited.

I believe, in fact, that very limit on competition, the fact that many businessmen do not leave, is precisely for the opposite reason the gentleman from Illinois pointed out. They would leave office in middle life, and interrupt their businesses, to come to Washington for a short period of time if they believed that this seniority system would allow them in a short period of time to make a significant contribution, and then return to those businesses at home. It is the very fact that these people are coming here today, you and I and others, and making careers out of it, and being here a long time that discourages the middle-aged person from coming to Washington in the first place.

I respectfully dissent from the suggestions made by the gentleman from Illinois. However, I wish to make one last comment. I recognize, as I did in my statement, that there are a great many fine and outstanding individuals in this body. In fact, I would venture to say the vast majority are, and the vast majority are well intended and well-being, and we would indeed in the process of limiting terms lose some of those good individuals. But I think that the balance, on the one side, in favor of the improvement by limiting terms is far outweighing the losses on the other side, and that is the great debate of the issue.

I will yield back to the gentleman for a moment.

Mr. HYDE. I do not like to breach the House rules by naming names, but I would just name George Mahon who was chairman of the Appropriations Committee for some 24 years. I guess he was chairman and served here in this body for 30 years. A man like that is rare, and the country should not have been deprived of his services, his abilities, and his talents by an arbitrary limit on the time he could serve.

I oppose the limitation on the President.

Last, I hope my friend will learn in due course to share with me an increasing trust in the judgment of the electorate. Thank you.

Mr. JOHNSTON. Mr. Speaker, will the gentleman yield,

Mr. McCOLLUM. I yield to the gentleman from North Carolina (Mr. JOHNSTON).

Mr. JOHNSTON. Mr. Speaker, as reluctant as I am to admit to being one of those denominated as middle age, I will respectfully dissent from my distinguished colleague from Illinois' remarks concerning the prospect of having people of middle age come to the Congress of the United States, because I embarked recently on that career with the deliberate intent of returning within a decade to my district in order to find out what life was like living under the laws that I came up here to pass.

I notice one thing about the Congress, the Congress has exempted itself from any number of regulations and laws that it imposes on business and those of us not so fortunate or unfortunate to be serving up here. I refer specifically to the exemptions from the Equal Employment Opportunity Commission rules and other regulations that apply to those outside there in the real world.

The second point I would like to make is that we have also put ourselves in a position of being exempt from most economic reality because the American people are becoming aware that we have absolutely inflationary-proof pensions, that our company never goes broke. Regardless of what we do, our capacity to raid the pocketbook of the American taxpayer assures that we are going to get our paycheck at the end of the month, no matter how bad the economy may become.

It occurs to me that an opportunity to go out and inspect that which we have wrought every 12 years, and I would personally be amenable to the idea that having gone out, having served 12 years and then gone out and lived in the real world for a couple of years, the opportunity to return with some experience in the real world would probably be beneficial to this body. But the opportunity to go out on an inspection tour and live under the laws that we have passed would probably be beneficial to every Member of this body.

Mr. Mahon, who was granted some very lauditory remarks by a previous speaker, may have served this country well as chairman of the Appropriations Committee, but the fact remains that this Congress finds itself indebted to the tune of almost $1 trillion thanks to the appropriations passed by Mr. Mahon's Appropriations Committee over the past few decades. We do not like it and the American people do not like it. While they can be fooled and they can be led astray by the large amounts of money granted incumbents by PAC's and others, the fact remains incumbency is a formidable weapon against any nonincumbent, and it has been used to retain power. The founders of this country thought about citizen legislators. The idea of a career Congressman never crossed their minds. They came from their farms, their factories, their law practices, or whatever to work on behalf of this country for a few months every 2 years.

We have turned it into a career. As a consequence, we now have a cast of career politicians rather than those who set about to serve their country.

Frankly, one of the dumbest moves I believe we ever made was when we put the limits on outside income and, in effect, made every one of us dependent on being a Congressman rather than working for a real living. But my predecessors saw fit to do so, and I must suffer the consequences.

But may I respectfully suggest that the idea of a citizen legislator is the best idea this country ever had.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding and would like to be among those congratulating the gentleman for raising this topic. I think many of us might have some different ideas about how to go about the limitation. I believe the gentleman thinks Members' terms should be extended to 4 years and that we ought to have 4-year terms; am I correct?

Mr. McCOLLUM. The gentleman is correct, but this amendment does not do that. I want to see the debate and I like this amendment and I will accept it if it is preferred by the necessary majority and passed.

Mr. WALKER. I understand that. So essentially what the amendment the gentleman is offering would do is give us six 2-year terms under the ap-

proach the gentleman has suggested. I think that is a good idea. I happen to believe that one of the things that may have gone wrong in the legislative process is that we have made this into a long-term career for people. Now a career in the Congress can be a very heady kind of thing. I am not certain it is what we envisioned in the Constitution, however.

I would hope that we will consider seriously some of the remarks the gentleman has made. I wrote a history of the Congress a while back and was fortunate enough to have it published. One of the things I found was during the 19th century very few Members of Congress served more than two terms. Some of them served one term, but very few served more than two. They really believed that they were coming to Washington to perform a public service. I think maybe that is the way we ought to be approaching congressional life today.

In addition, I think we need to look at the proposition put forth by the gentleman from Illinois here a few moments ago in which he said that we would lose to public service men of great capability. I think there is some danger of that in this proposal. But I also think that we should take a look at what might happen to some of those men of great capability if the gentleman's amendment were adopted.

If you had people of great capability, instead of ensconcing themselves in a safe House set for 30 or 40 years, they would know that there was a limit of time, and that would not prevent them after the 12-year period, if I understand the gentleman's amendment correctly, from running for the U.S. Senate, for instance, and deciding to spend another 12 years in Congress in the other body. It would also not prevent anybody from going back and running for Governor in their State or perhaps running for a local office. I found in writing the history an awful lot of the Members of Congress who served in those early days went back and ran for a county office or for a State office and had the opportunity to apply at the local level some of the very laws they had enacted at the Federal level. In other words, we would utilize the public service in the Congress for other public service purposes for many Members who would serve here.

I think that would add an awful lot to the body politics to have people who have served in Congress contributing in other ways to the public service over a period of time. The limitation is something which because of the nature of the communications system, because of the nature of the "perks" that Congress has voted itself, I think it is something that we should now turn around and assure that public service does reflect the real intent of the Constitution, and that is a limited kind of service.

I congratulate the gentleman for bringing forth the language.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. I appreciate my colleague yielding. I wish to compliment my colleague from Florida for taking this time today to discuss this important constitutional issue. I think we have needed to talk about it, and to think about it, and to move ahead with it for some time.

I think, as has already been stated more capably than I can do, our Founding Fathers had no idea that people would make long careers forever and ever out of this people's body. I think the gentleman's idea is a good one. I think the time has come, and I just hope the gentleman can get the Judiciary Committee to take it up.

Mr. McCOLLUM. Would the gentleman from California (Mr. ROUSSELOT) allow me to add his name as a cosponsor to this legislation?

Mr. ROUSSELOT. That will be fine. Please do it right here and now in front of everybody.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, I thank the gentleman for yielding.

First of all, I, too, think that it is worthwhile always to discuss issues of this nature, and I think it is even more interesting to discuss them when we all recognize the little likelihood of anything every happening with this kind of discussion. I am delighted to hear from my friend from California (Mr. ROUSSELOT) who has just volunteered, as I gathered, to retire from the Congress because I think his 12 years are up. He can do that, obviously, as any Member can at any time. I think it would be a great loss to us, frankly, because I have always enjoyed listening to the gentleman in debate.

However, I think if we take the road the gentleman is suggesting, one, we are doing the people out of what is a very basic freedom in this country, which is a freedom of choice, of choosing who should be their elective representative. Second, I find difficulty in the belief that at the end of whether it is 12 years or 10 years or whatever the year period, we think that people ought to be in this body that it would probably be the only business and industry—and we are a business here because we are handling the people's business—in the world that I can think of that this would happen.

Now there are things that force people out of the sports field when they have served 10 or 12 years; if they no longer can perform and do the job, they have to get out.

□ 1345

But you take doctors, for instance, you take lawyers. I do not know of any instance where you have people who are at the top in their fields where you would ask them at the end of 12 years or 20 years to give up their profession of practicing medicine or law. One of the great eye doctors in New York was a man in his middle seventies and still practicing and is still one of the most sought after people to deal with. Nobody said, you have been doing it for 20 years.

So I would suggest that as Members of Congress we are part of a wonderful profession. We are hopefully skilled in it and we should get reelected. It is an interesting discussion, but I hope it is just a discussion.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman's yielding.

I may take up the suggestion of my colleague, the gentleman from New York (Mr. PEYSER), and run for the other body. Maybe it is time I move on.

Mr. GREGG. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from New Hampshire.

Mr. GREGG. I thank the gentleman for yielding. I would just like to point out to the gentleman from New York (Mr. PEYSER) we already limit the term of the service of the President and Vice President of the United States. It seems to me that is a limitation which the Congress and the Senate could also comply with and not feel they are being put upon by having a special law apply to them which applies to no other form of activity, business, or government in the country.

If the President of the United States and the Vice President of the United States have their terms limited, I do not see why Members of the Congress and Members of the Senate should not also have their terms limited.

Mr. PEYSER. Mr. Speaker, will the gentleman yield for a question?

Mr. McCOLLUM. I yield to the gentleman from New York.

Mr. PEYSER. I am curious. What does the gentleman think happens to the Member of Congress if he has served six terms? Is that bad? I am not quite sure that I understand what is so bad if the people he represents are willing to reelect him.

Mr. GREGG. If the gentleman will yield, I think the Member then goes back to his constituency and finds out. Under the present system 90 to 95 percent of the incumbents are reelected, and it is the function of the machin-

ery of Congress that reelects those incumbents as much as the people's voting.

Mr. PEYSER. Did the gentleman say 90 to 95 percent?

Mr. GREGG. Yes.

Mr. PEYSER. This last election was 90 to 95 percent?

Mr. GREGG. Yes; that is correct.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Virginia.

Mr. WOLF. I appreciate the gentleman's yielding. I want to commend the gentleman from Florida (Mr. McCOLLUM) for spending so much time on all of the research he has done. I agree with the gentleman from New Hampshire (Mr. GREGG) that it is 90 to 95 percent of the time that incumbents are reelected. As you know, we who are incumbents have tremendous advantages over challengers. Having been a challenger three different times running against an incumbent, I realize how difficult it is. It may not be that we should limit the term to 12 years; perhaps it should be 18 years; but the concept is a good idea. I do not believe the Congress ought to be the final resting place for anyone. I think there is nothing wrong with running for the governorship of New York or running for the general assembly in the State legislature, or any place else. We think up and out is not necessarily a bad out.

Again, I thank the gentleman from Florida for all the work he has done on this.

Mr. Speaker, early this year I joined as a cosponsor of House Joint Resolution 167, proposing an amendment to the Constitution of the United States to change the terms of office for Members of Congress. This idea is not new. What is new is the growing public support for this concept, support which I noticed during my recent campaign in Virginia's 10th District. I favor limiting terms of congressional service to 12 years. Specifically, no person elected to the Senate two times would be eligible for election or appointment to the Senate. No person elected to the House of Representatives six times would be eligible for election to the House of Representatives.

The purpose of this proposal is to make certain that legislators who come to Washington understand that their tenure here is limited—that however adept a politician they may be, and however skillful they may be in pleasing special interest groups, they will not be here forever.

I believe the time has come for a return to the citizen legislator. Our Founding Fathers who wrote the Constitution based their idea of elected service on people like themselves. They earned their living in the private sector, and gave of their own time for limited periods of the year in elected assemblies. They did not plan on people being able to make a living from political office alone.

Every Member of Congress who votes for a law should later be required to go back into private life and endeavor to make a living under the laws which they helped enact. When that time comes, I believe we will have much more thoughtful consideration of the effect that the application of such laws will have than is the case at present.

I am committed to returning control of the Congress to the people who elected us. Limiting congressional terms in office would be a positive step in the direction of more accountability to those who elected us to serve in their best interests.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. I want to express disappointment that the gentleman from New York (Mr. PEYSER) injected into the argument the idea that anybody who proposes this ought to live up to it themselves, because the gentleman from New York knows well that kind of argument is exactly what stalls this kind of proposal for moving in the Congress around here.

Of course, you are just beginning to get the kind of seniority that you need to have some clout around the Congress for your constituents when you arrive at 10 or 12 years. To hold fast to that kind of standard means that they would then deprive their constituents under the present system of that seniority that they have gained. However, if you went to this system, if you went to a system of saying that you had a 12-year limitation people would pick up that clout a lot earlier in their congressional careers, and you would have an entirely different kind of system operating.

That is not to say that maybe some of us who propose this ought to make that sacrifice somewhere along the line and ought to say I have arrived at 10 or 12 years. But you do not do it without denying to your constituents something as well, because the present system does not operate that way. You have the only people who do stick around here for 20 or 30 years, and they hold the power, which is taken away from people who want to make fundamental changes in the system.

So I was disappointed to hear the gentleman from New York (Mr. PEYSER) talking about maintaining the status quo attitude simply because that would preserve a lot of people around here, some of whom should not stay around and are being protected by the incumbents.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from New York.

Mr. PEYSER. As I listen to what the gentleman is saying, I am not trying to protect anybody around here. I am simply saying that the people are the ones who will remove people around here. If the gentleman is saying that the constituency is not smart enough to see through whatever it is he figures that the older Members of Congress are doing, I do not quite agree with that. But I do think when we talk about doing what he says—and he says that would be a disadvantage—I think if he sincerely believes this, I put it much in the category of pay raises.

The gentleman has been here for a number of years when we have had the battle of pay raises, and during a pay raise discussion there is always a tremendous amount of outpouring of why we should not have a pay raise, with all of the problems that are involved, not just this year but other years. The interesting thing to me is always when that pay raise is voted, with one or two exceptions and that is all, every Member who said it was such a terrible thing to do to the public kept all that money when they could have given it back to the Treasury, just as anybody else could have.

I am arguing if people want not to have a pay raise and if the Congress should vote for one, I think those people in good conscience should return the money. The same thing is true on this. If a Member truly feels he is no longer serving and representing the people, even though he manages to get reelected, I think he ought to get out.

As a final shot on this to my friend, the gentleman from Pennsylvania (Mr. WALKER), who suggested running for the Senate, I have already done that, but I decided to come back here. I just think you have got to give the people out there the option, and if people are not good here in performing, they are not going to carry on.

I thank the gentleman for yielding.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I would say, first of all, to the gentleman who used the analogy of the pay raise, I guess what I am saying is that I think we ought to live by the law of the land, regardless of what the law of the land is. I think that is what many Members of Congress who voted against a pay raise should do. I am saying the same thing here. I think if you limit terms, you change the direction of Congress, and everybody ought to abide by that. If the law of the land is what it is now, putting a premium on seniority, I think the Members ought to change it often, and their constituents ought to

have the opportunity to utilize that system.

What we are talking about here, though, is whether the system is right, whether or not the people are really getting the kind of Government they deserve as long as incumbency warps the process, and that is what the gentleman from New York (Mr. PEYSER) ignores in his argument—the fact that people are not really given a real choice as long as you have incumbency operating in favor of those of us who happen to be here, who have tremendous staff salaries, who have tremendous allowances and all of these things going for us.

You have the frank. You have all of these many things. And when you have those kinds of advantages that the challenger does not possess, you are skewing the process in your favor, as shown by the statistics recorded here, which are absolutely accurate, that incumbents invariably get reelected.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

I think our colleague, the gentleman from New York (Mr. PEYSER) knows perfectly well what is going on. I do not know how many people objected on the floor to a raise granted to Members of Congress in the same Congress in which it was taken up, and by a nonrecord vote. Those of us who did object and who tried to say to the Treasury, we will not accept it learned how difficult it is.

Perhaps the gentleman did not object and did not try, but some Members did, and it is not easy. You cannot say to the Treasury of the United States, I do not want that raise; it is illegal.

In the State of New Jersey, to talk about a raise in the Congress in which you voted, you cannot get it moved out of committee. They will not even hear the bill.

We ought not to talk about any benefits, whether wage, fringe, or anything else, in the same Congress it is voted. Most unions hold it to be illegal.

Wayne Hays is gone, but the memory lingers on, and that is what is happening down here.

Mr. McCOLLUM. I thank the gentlewoman from New Jersey.

Mr. SMITH of Oregon. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Oregon.

Mr. SMITH of Oregon. I thank the gentleman for yielding. I commend the gentleman from Florida (Mr. MCCOLLUM) for having introduced this measure. I am a cosponsor of it and proud to be. I think this is one of the things that the American public is really anxious about, to get some honesty back into Government. I think that as we view the problems of the Abscam trials and the problems of trying to legislate honesty we realize you can legislate morality but you cannot legislate honesty.

As I look at the problems with the professional politicians who have sat in this body for so many decades, I realize the situation that I faced and many of my colleagues faced in trying to run against various senior Members of an incumbency that is here to try and further their own ends.

I recall talking to a man a few years ago who said that the thing that had ruined the Congress was the invention of the air-conditioner, and that the climate here in the Foggy Bottom area of Washington, D.C., was much better suited to the politician prior to the invention of the air-conditioner.

But I think that this is an idea whose time has come. I think it is something by which we can restore confidence in our Government, and I think if we do not get onto this type of thing, this type of a limitation, we are going to have a continual erosion of confidence in our Government. I see the citizen participation in the electoral process drop off. We in Oregon have had a very high participation. I am proud of the fact that we had in excess of 75-percent participation this last year, and I think that is a growing concern for the professional politicians who have been part of this body.

I think you will see over the next few elections a change away from people who have served too long. So maybe the gentleman is right. Maybe we will have a natural erosion in the very seniority that we are aware of and worried about, and maybe this is not necessary. But I think that the debate that we are having about this, and that we can continue to have will provide a great opportunity to put this into a context that I talked about during the time of my campaign, and that is that this should be a combat tour.

You ought to come here; you ought to serve; and then you ought to go home and live under the laws you have helped make.

I have introduced and helped sponsor a couple of things. One would put us under social security. Another would cut our pay until such time as we do have the budget truly balanced. I think that these types of things, which would put a limit similar to our 22d amendment on the Presidency, would be strong for this country and would be very helpful. I think that unless we get to that, we are going to see a further erosion in confidence in the Government that we have and that we are so proud of.

Mr. PEYSER. I do not want to take all of the gentleman's time, but will the gentleman yield?

Mr. McCOLLUM. I have a little time. I yield to the gentleman.

Mr. PEYSER. I guess my concern is that I happen to believe that this House of Representatives is truly an outstanding group of men and women, and the longer you serve with them, the more you realize the dedication, the work, the efforts that the average Member really puts in. I think the gentleman probably already is becoming aware after 5 months in the Congress of the time commitment, of the involvement when he is back home, of the dedication. I guess I basically object at any time when I hear Members thinking in a way that says we had better get at this body, because there are so many problems with it.

There are people like the people in ABSCAM, and there are other scandals that have taken place, and we had better do something about it.

I would like to suggest that this body has survived for a couple of hundred years, and I think it is getting better all the time. In the time, in the 10 years I have been here, I am finding, I think, a more exciting group of Members, more involved younger Members, and I think they are great. But I do not think you can use this Congress as a whipping boy, and I think that is what is happening in this kind of discussion, because we hear all the negatives, and we hear people talking about the pay raises and giving back money.

I do not know the gentleman's situation. All I know is my own, and I happen, like many Members, to live solely on what I get here, and it is darned hard to do. It is not a question of what the average person in the district earns, or anything else. It is a question of what we have, all sorts of different unique situations that are not applicable to the person in the district.

But the point I am getting at is, sure, this Congress should be improved, and, sure, we ought to find ways of legislating better and changing rules to be more effective, but to take the Congress on on the basis that if we do not get rid of people after 12 years we are getting stuck with the same old system that has led us into all these problems and terrible things, I can tell you this country is still pretty good, and it is the best, and a lot of it is due to what this Congress does.

□ 1400

Mr. SMITH of Oregon. If the gentleman will yield, I would just maintain that the body has survived for 200 years, but the Nation is in dire straits and maybe will not survive to the year 2000.

I think that we have got to get back to a more responsible individual serving here, and I will admit this is a

unique body and a unique group of people, but I think that unless we get to some kind of limitation where we can have the citizen involvement rather than the professional politician, we are in dire straits and the country might not survive to the end of the century without some change.

So while we are barely living under our income, I think that we are far and above over what the average constituent in my district earns, certainly, and there are some problems here. Maybe this is the way to approach it, and that is why it is interesting to discuss it with you.

Mr. McCOLLUM. The gentleman from New York, in my judgment, made a serious error in leading into the subject of Abscam as the problem or perceived to be the problem by the public.

The problem with Congress is not that handful of Congressmen who do get into trouble or who are identified that way, and the problem certainly is not with those very brilliant people that we all know and recognize on this floor, or even with the fact that we have a tremendous body—and I as a freshman have come to respect the vast majority of the Members here far more than I anticipated I would.

The problem is with the very fact that we as Congressmen—in my judgment, and I believe in the judgment of those who join me, and many other colleagues who are silent, for whatever reason—with the fact that we do not have enough time as Congressmen, or at least we are not taking enough time, on the key issues of the day, that we are losing contact with those issues in order to spend more time working toward reelection, in order to spend more time worrying about staying here for interminable periods of time because we are locked into careers, because in many cases those who have been here, the longer they have been here, the more difficult it is to return out to the real world because the jobs have been cut off and contacts for business purposes lost. And I think the American public wants to return to a Congress that our Founding Fathers envisioned of citizen legislators who spend only a limited period of their lifetimes devoted to service in Congress, whether it be 2, 4, or 12 years which I have proposed, or 18 years which the gentleman from Virginia suggested.

Mr. COATS. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Indiana.

Mr. COATS. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the efforts of the gentleman from Florida to talk about this idea, an idea that has been talked about for many years. Many Presidents have adopted the proposal, yet Congress has been very slow to act on it.

The gentleman from Florida was one of the 14 freshmen Republicans who cosponsored a bill that I introduced as the first bill introduced in Congress to limit congressional terms. It is an idea whose time has come. Many of the arguments in favor of limitation of terms have already been expounded, and I will not elaborate on those. But I think what we are attempting to do is to return to the concept of the citizen politicians, the person who truly has his feet rooted in the soil of his district, who has a concept and a grasp of what the people in his district are attempting to send to Washington, the message they are attempting to bring.

If we choose politics as a lifetime and insulate ourselves in Washington, D.C., for a lifetime, we tend to isolate ourselves from those very problems that exist in our districts. And it is very easy to become isolated here, to become caught up with all of the benefits, all of the perquisites that are available to Members of Congress and to start to view the life through the eyes of the Washington Post or media that is not truly representative of what the problems are in our districts. We see Members as the years go by, again isolate themselves and pull further and further away from their districts. It always results ultimately in election defeat for that Member, and usually the cause or the reason given is that, well, he moved away too far in the thought process from what the people of his district really wanted.

I think the concept of turnover is healthy, whether it be in this body, whether it be in a business institution, whether it be in any type of institution. Turnover is healthy because it infuses new people with new ideas into the process.

Those of us just recently elected to Congress probably feel the pulse of this Nation having campaigned for 12 and 18 months, better than those who have been here for a long period of time, with obvious exceptions. It is that feeling of the pulse, that involvement in the process back in your district, I think, that is so important that we preserve, and this limited-term concept does that. It means that we will attract the citizen legislator, someone not intent on carving out a political career for himself, looking to all of those things that he might need to do to insure his reelection, but someone who is not afraid to take a segment out of another career, come to Washington, do what he feels is best for the constituents in his district and for his country, and then not afraid to go back to that district, live with the laws and regulations that he has created, live with the process, be back with the people that he has represented.

I think this is a very healthy idea, regardless of what institution we are talking about. I commend the gentleman from Florida for keeping this in our attention and at the forefront of these issues, and I think we should keep talking about it and keep pressing on it and encourange others from both sides of the aisle who agree with us to move this forward so that we can have some meaningful debate on it in this body.

Mr. McCOLLUM. Mr. Speaker, I want to thank the gentleman from Indiana for this remarks and for joining with me in this, as I joined with im in his earlier legislation.

The important point of this entire special order remarks session is to draw attention to the subject, to get debates going on the issue and, hopefully, in due course and in much quicker due course that it has been in the past, we will find an opportunity to have hearings on the subject of this and other bills of a similar nature that are presently either in the hopper or have in the past been in the hopper for congressional consideration.

It is of great importance to the American people to know that, as a result of a poll and of their interest, such as appeared in this past Sunday's Washington Post by Mr. George Gallup, that there is indeed a concern in this body for changing the system and for in fact following the dictates of what the public has learned over a period of time as an absolute necessity if this Government of ours is to work—and that is limiting the terms of Congressmen, as I have proposed today and will again by an alternative tomorrow.

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

IOSIF MENDELEVICH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLLENBECK) is recognized for 60 minutes.

Mr. HOLLENBECK. Mr. Speaker, this afternoon I have the distinct privilege of welcoming a truly extraordinary man, Iosif Mendelevich, to Washington. Mr. Mendelevich, who at this moment is observing these proceedings as a free man, spent over 10 years of his life in the Soviet prison system. Five years ago, upon my election to this distinguished body, I symbolically adopted Iosif as my Soviet

Prisoner of Conscience. After years of hard work in conjunction with the National Conference on Soviet Jewry, I am now elated to have this opportunity to extend my personal best wishes to Iosif and to let him know that his fight against oppression did not go unrecognized.

For the benefit of those who might be unfamiliar with his story, I would like to provide you with a summary of Iosif's struggle, of the 11 men convicted at the infamous Leningrad trials of attempting to hijack an airplane, Iosif was the last of nine Soviet Jews to be released. In 1979, the eight other Jewish men sentenced with Iosif were awarded their freedom and arrived safely in Israel. Regarded by many as a lesser figure in the hijacking attempt, Mr. Mendelevich's continued detention puzzled many of us familiar with the case.

Apparently, Soviet authorities were punishing Iosif for having the fortitude to stand up to their abuse and for not relinquishing his orthodox religious convictions or sacrificing his moral character despite being subject to extremely harsh treatment.

As cosigners of international accords guaranteeing fundamental human rights, the Soviets continue to violate the letter of these international commitments. Mr. Mendelevich is rightfully heralded as an individual who stood up to Soviet injustices throughout his imprisonment and represents proof that perseverance can be rewarded—both on the part of those in the Soviet Union who wish to leave but cannot and to those, like myself, who worked so hard to help gain his release from prison.

The fact that a mere 3 months has elapsed since Iosif gained his freedom and he is now in the United States working to help raise concern on behalf of other Soviet Jews is testimony to his extraordinary character. While I obviously was very heartened at Iosif's release in February, I share his convictions that we must not relent in our efforts to secure the release of those behind the Iron Curtain who are being deprived of their inalienable rights on a daily basis.

It is difficult for many of us who are citizens of a nation whose highest law guarantees individual freedoms to believe that cases like Iosif's and the ongoing imprisonment of Anatoly Shcharansky merely represent the tip of the iceberg. While Iosif is now able to enjoy the fruits of democratic liberties, I think we should not forget that Yuri Federov and Aleksei Murzhenko still remain imprisoned from their role in the hijack attempt. I know that Mr. Mendelevich shares my thoughts when I emphasize the importance of maintaining pressure on Soviet authorities on behalf of these gentlemen and all others who are being discriminated against in the Soviet Union.

Time and time again, I have reminded the Soviet authorities of their human rights commitments under the Helsinki Final Act. Yet, hardly a week passes without a case being brought to my attention in which the Soviets have willfully violated these same human rights commitments. Mr. Speaker, it is high time that the Soviets honored these international commitments which they voluntarily cosigned and to this day remain unfulfilled.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. HOLLENBECK. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, it is indeed a joyous occasion for which we are assembled in the well this afternoon, and I would like to express thanks to my distinguished colleague, the gentleman from New Jersey (Mr. HOLLENBECK) for having set aside the time for this special order. Without his untiring endeavor over the years, this moment would not have been possible and the gentleman is most correct in his observations concerning the nature of minority repression in the Soviet Union.

It is with a sense of relief and joy that we have with us today, one of my former Prisoners of Conscience. The path to freedom for Iosif Mendelevich has been a long and rocky one indeed. We have followed his hopes and the persecution imposed upon him for the past 10 years and we respect and admire his perseverance and faith despite the oppression and the systematic cruelty of the Soviet regime. His trials and tribulations give testimony to and underscore the importance of our own beliefs and high regard for human rights. The sacrifices by Mr. Mendelevich and the hundreds of other Prisoners of Conscience are an incentive for the free world to try to help those persecuted for their political and religious beliefs by totalitarian regimes.

Born into a family that adhered faithfully to Jewish traditions, Iosif Mendelevich, in his youth, studied Hebrew and became intimate with Jewish history and culture. Between 1967 and 1970, Iosif and his family were refused permission to emigrate to Israel on three occasions.

It had become obvious to everyone in the Soviet Union that emigration was, if not impossible, most certainly a long and abusive procedure. Accordingly, the alternative choice, not unlike the one chosen by the thousands of other citizens of East Germany, was simply to flee the country.

On June 15, 1970, a group of courageous freedom-seeking individuals were arrested for attempting to flee the Soviet Union to Israel by hijacking a Soviet airliner. What followed is best known as the infamous Leningrad trials. All were convicted and arbitrarily given lengthy sentences. Mr. Mendelevich was sentenced to 12 years at hard labor. To avoid having to work on his Sabbath in violation of his religious beliefs, Iosif worked overtime during the week in order to fulfill his work quota. In addition, he refused to eat nonkosher foods in his already below subsistence level diet. In 1977, accused of refusing to work on the Sabbath and because of his insistence on wearing a skullcap in observance of dietary laws, Iosif was transferred to Vladimir prison, notoriously known for its even more cruel conditions. In the meantime, seven of the defendants in the Leningrad trials were suddenly released, including Eduard Kuznetsov and Mark Dymshits, the two leaders who initially had been sentenced to death.

Mr. Speaker, I am convinced that the release of these men by Soviet authorities, including the recent release of Mendelevich, is to a great extent related not only to the courage of the dissidents, but to the constant appeals sent out by the freedom-loving people of the West. Week after week, month after month, year after year, the cause of human rights has been held up to the Soviet Union and repeated requests have been and are still being made that they adhere to their commitment to the Helsinki accords.

Over the years, many Members of Congress have written to the Soviet authorities on behalf of those being persecuted; be they artists, intellectuals, writers, scientists, political minorities, or simply those who would like to freely express and practice their religious beliefs. Over the years we have made several appeals to the Soviet Union's delegation at the review conferences on the Helsinki accords. The Soviet response was always one of denial and objections to interfering in the Soviet Union's internal affairs.

While we often experience a sense of frustration and disillusionment with these endeavors, it is important that we remind ourselves that, if it were not for our appeals, many of these prisoners would be either dead or still languishing in the many gulags throughout the Soviet Union.

The level of emigration by Soviet Jewry is down substantially. From 50,000 emigrees in 1979, it has dropped to barely 20,000 in 1980. The statistics are even more dismal in 1981. However, we must not allow these dismal statistics to be a source of discouragement. Emigration has become a vehicle that the Soviets utilize according to which way the wind happens to be blowing.

Iosif Mendelevich and others who have found freedom, encourage us to continue our efforts on behalf of those who are still being victimized. We

must use every channel of appeal available here in the West.

Last night at the Kennedy Center, there was a truly magnificent concert by the Soviet emigree orchestra, some of whom were former Soviet prisoners, in honor of Andrei Sakharov, the world renowned physicist and Nobel Peace Laureate, presently exiled in Gorki. Known as the father of conscience of the dissident movement, it was Sakharov who noted in June 1980 that—

Our only protection is the spotlight of public attention on our fate by friends around the world.

Testimony to that belief is the fact that we have among us one of those individuals whose fate depended upon his courage and the perseverance of his supporters in the West.

I am delighted that Iosif Mendelevich has finally made his way to his homeland and I trust that his new life will bring all the rewards deserving of a man with such strong convictions. May I call to my colleagues' attention that Iosif Mendelevich will be present with us and many other Soviet emigrees on the 31st of May in New York City to take part in the annual Solidarity Sunday for Soviet Jewry.

As we welcome Iosif Mendelevich to Washington, let us renew our commitment to the cause of human rights and to pray for even more such successes for humanity in the future.

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Mr. HOLLENBECK. If I may reclaim my time for just a minute, I thank the gentleman for his kind remarks and also thank the gentleman for his leadership in the area of human rights not only in Russia, but throughout the world. I agree with the gentleman.

Mr. Speaker, I am extremely distressed by reports I have recently reviewed which seem to indicate that the Soviets, instead of making progress in the area of human rights, are moving in the opposite direction. Specifically, I refer to the share decline in Jewish emigration from over 50,000 in 1979 to 21,000 in 1980. With the exception of February, which preceded the 26th Soviet Communist Party Congress, monthly levels of emigration have continued at a low level.

I must admit that I am generally alarmed over current trends; trends that scarcely generate a sanguine perspective about the preservation of Jewish identity in the Soviet Union over the next decades, let alone the perpetuation of even a remnant of Jewish culture. I direct my remarks to the forced assimilation of Jewry, an objective of the Kremlin since 1948. We have seen the obliteration of practically all ethnic cultural institutions, along with the Jewish intellectual leadership. We have seen the rejection of all proposals for any kind of Jewish schooling. We have seen the determined effort to suppress specific Jewish consciousness. And we have seen what this has done to self-identity by the hundreds of thousands of Jews who refused to accurately specify their nationality during the 1970 Soviet census.

And these circumstances have been further exasperated by two very significant events. Increasing emphasis on anti-Semitic propaganda coupled with a decrease in the number of Jews allowed to receive higher education have created additional desire to leave at a time when emigration figures have been substantially curtailed. The sharpening of educational quotas based on discriminatory racial policies is already affecting future career opportunities for Jews. Over an 8-year period, Jewish enrollment at institutions of higher education has been reduced by an incredible 40 percent.

Mr. Speaker, at this point I yield to the gentleman from Texas (Mr. FROST).

Mr. FROST. I thank the gentleman for yielding.

Mr. Speaker, I am extremely pleased to participate in this special order honoring Iosif Mendelevich, a man who has distinguished himself in the eyes of every person in this country who believes in the dignity of the individual. Few other men or women in recent times have persevered so strongly in their commitment to individual freedom—or have been willing to suffer to such ends to avoid compromising their principles.

If there is anything to be gained from this man's ordeal, it is the knowledge that the U.S. Congress can make a difference in the way Jews in the Soviet Union are treated. We have all wondered at times whether the letters we sign, the telegrams we send, the meetings we attend—whether any of these things accomplish anything. Mr. Mendelevich's presence here today is living testimony to the power this body holds as long as we are willing to use it.

I do not believe it is necessary to recite every abuse heaped upon Mr. Mendelevich during his ordeal. We all know that he is Jewish and that being Jewish in the Soviet Union is a stigma. The simple fact that any Soviet Jew is automatically branded as inferior and treated as an inferior should be sufficient incentive to mobilize this Congress in support of these people.

As long as there are others like Mendelevich still in the Soviet Union and still suffering anti-Semitic harassment, we must continue to work to liberate them.

But we are only human here in the House of Representatives. We occasionally need tangible proof of our effectiveness to inspire us to continue trying. Well, that inspiration is being provided to us today in the form of Iosif Mendelevich. And the best way to return the favor to this extraordinary man is to continue to work on behalf of the many men and women still in the Soviet Union who have not yet known the real meaning of freedom.

Thank you.

Mr. HOLLENBECK. Mr. Speaker, I thank the gentleman for his concern and for his remarks.

Mr. Speaker, while I realize that the present climate of United States-Soviet relations offers little improvement in the near future, I am hopeful that any ongoing expressions of concern will make a positive contribution to a liberalization of Soviet emigration policy. I believe that the work generated here in the House of Representatives on behalf of Iosif Mendelevich contributed to his being with us today instead of languishing in a prison cell over 8,000 miles away.

Mr. Speaker, I yield to the gentleman from New York (Mr. FISH).

Mr. FISH. I thank the gentleman from New Jersey for yielding and congratulate him for calling for this special order which brings us together on this joyous occasion.

Mr. Speaker, it is a great privilege to join my colleagues today to honor the visit to the Congress by Iosif Mendelevich. I am extremely gratified that Mr. Mendelevich has been freed, and that our efforts here in the Congress were helpful in achieving his release.

Iosif Mendelevich was the last remaining Jewish defendant from the 1970 Leningrad trials to remain in prison this year. His extraordinary courage in living by the dictates of his religion and his conscience while incarcerated are an inspiration to all Soviet prisoners of conscience. Indeed, he is an inspiration for all concerned with human rights. Mr. Mendelevich's release is an encouraging sign that the Soviet Union may ultimately respond to pleas for fair treatment of other Soviet prisoners of conscience. We wish him much happiness.

We cannot, however, stop our efforts on behalf of those still imprisoned in the Soviet Union for expressing religious beliefs and who wish to be free from repression and harassment. Our ongoing struggle must be pursued with great vigor and with all the resources of the Congress, the administration, and the voluntary agencies who work on behalf of Prisoners of Conscience.

Again I thank the gentleman very much for his initiative and for yielding to me.

Mr. HOLLENBECK. I thank the gentleman.

Mr. Speaker, in closing, I would like to recall a depressing forecast by the union of councils for Soviet Jews which stated:

Monthly figures of thousands leaving the Soviet Union could well become a pleasant

memory. The anti-Semitic campaign prominently featured in the Soviet press could lead to violence against the Jews in a society which needs a scapegoat for its ills.

With this warning in mind, we must continue to make it perfectly clear to the Kremlin that we in no way will abandon our friends and families in the Soviet Union who are locked inside because of cruel and arbitrary emigration policies.

If it were not for my confidence in the overall inner strength of the Soviet Jewish population, exemplified by Mr. Mendelevich, Anatoly Shcharansky and others, I might be tempted to arrive at an extremely pessimistic conclusion. But we know that we will resist that temptation and fight any suggestion of that conclusion. We cannot only hope for the best—we will work and pray and strive for it. I hope that as Iosif fought to maintain his identity and as Anatoly Shcharansky and others strive to keep their principles under the harshest of conditions, they realize we all will continue to do everything in our power to remind the Soviet Union and the world of basic humanitarian principles and the dignity and rights of all peoples.

There are others in the Congress who have contributed in this effort who are unable to be with us today due to the fact that this is a getaway day. I will mention some names among others, the gentleman from New York (Mr. GREEN); the gentleman from New York (Mr. RICHMOND); the gentleman from New York (Mr. ZEFERETTI); the gentleman from Florida (Mr. PEPPER); the gentlewoman from California (Ms. FIEDLER); the gentleman from New York (Mr. SOLARZ); the gentleman from New York (Mr. ROSENTHAL); the gentleman from Oregon (Mr. AUCOIN); the gentleman from California (Mr. WAXMAN); the gentleman from Massachusetts (Mr. MOAKLEY); the gentlewoman from New Jersey (Mrs. FENWICK); the gentleman from New York (Mr. SCHEUER); the gentleman from Illinois (Mr. YATES); the gentleman from New York (Mr. PEYSER); the gentleman from New Jersey (Mr. DWYER); the gentleman from Puerto Rico (Mr. CORRADA); the gentleman from New York (Mr. LENT).

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. HOLLENBECK. I yield to the gentleman from Pennsylvania.

Mr. RITTER. I would like to add my name to those Members of Congress welcoming Iosif Mendelevich. Having lived in the Soviet Union for a year, speaking fluent Russian, and understanding the kinds of situations that he faced over a 10-year period, all I can say is God bless you, Mr. Mendelevich. It is a beautiful thing that you have come to our shores and we are happy to have you here.

Mr. HOLLENBECK. I yield to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. I thank the gentleman for yielding and thank him for taking this time.

I welcome Mr. Mendelevich and express my hopes that my own Prisoner of Conscience that I have adopted, Isak Shkolnik, will some day be able to join with us here and that all the other Prisoners of Conscience and Soviet dissidents will one day be able to join us in one of the greatest democratic institutions in the world and know that special orders such as the one the gentleman is taking now have helped to make a difference in their lives and in the lives of many people who rights are being aggressively and oppressively denied in the Soviet Union.

I thank the gentleman.

Mr. HOLLENBECK. I thank the gentleman for his comments and his effort and his insight in the past.

Mr. Speaker, when I symbolically adopted Mr. Mendelevich as my Prisoner of Conscience over 4 years ago, I did so with the firm resolve that no matter how little tangible progress might be evident I would continue my efforts to gain his release.

During a 4-year period, I sent urgent pleas to the Soviet leadership and our State Department, I escorted Rivka Drori, Iosif's sister, into the Soviet mission in New York City, and met with Shimon Grilius, a friend of Iosif's, who was also a prisoner in the Soviet Union.

Not once during this entire time did I ever receive any acknowledgement from Soviet authorities that they might consider our requests on behalf of Iosif. Right up until this February, I had little reason to be optimistic about his possible release.

Yet, Iosif now is with us as a free man. I believe the lesson to be learned from this is plain for all to see. While we may not have the opportunity to witness firsthand the favorable impact that our expressions of concern might have on Soviet authorities, there should exist little doubt that such positive influence does exist. We need only remind ourselves occasionally that perseverance is the key. We must continue to persevere as Iosif did and as we hope and pray that Anatoly Shcharansky and others are able to persevere.

Mr. BIAGGI. Mr. Speaker, it is indeed a great honor to join my colleagues today in welcoming former Soviet Prisoner of Conscience Iosif Mendelevich to our Nation's Capital.

Iosif Mendelevich is truly an inspiration to the 3 million Soviet Jews who continue to suffer severe repression, and all others who believe that people everywhere are entitled to basic human rights.

Despite serving more than 10 years in a Soviet prison, where he endured especially cruel treatment for his strict religious beliefs, Iosif has never wavered in his total commitment to basic human rights. He was released and allowed to emigrate earlier this year. At the time, we were all hopeful that his release represented a positive change in the Soviet Union's harsh treatment of their Soviet citizens.

Unfortunately, that is not the case. Instead, the Soviet Union has continued to deny the free emigration of Soviet Jews; they continue to prohibit Jewish cultural and religious activities; the Soviet Press continues to launch a virulent anti-Semitic campaign; and thousands of Jews who have applied to leave the Soviet Union continue to be persecuted.

These are just some of the reasons I authored a resolution, House Resolution 85, earlier this year denouncing the treatment of Soviet Jews and calling on the Soviet Union to "remove all obstacles to the free emigration of their Jewish citizens * * * and insure the free exercise of religious beliefs and cultural expression." The Senate passed this resolution unanimously yesterday and I am hopeful that the presence of Iosif Mendelevich here today will inspire similar action by the House. We must continue to demonstrate in the strongest terms that we will not tolerate the Soviet Union's repressive policies.

I salute Iosif Mendelevich for his courage and am thankful for the strength and inspiration he is contributing to the cause of human rights.

● Mr. BINGHAM. Mr. Speaker, I am happy to join my distinguished colleague, CAP HOLLENBECK, in this salute to Iosif Mendelevich. It is not often that we have the opportunity to greet those Soviet heroes on whose behalf we have often spoken and worked in the past. But, almost miraculously, Iosif Mendelevich is with us today. This is truly a day of rejoicing.

Of course we must also feel sadness. Mendelevich is here but other Soviet Jewish heroes like Ida Nudel and Anatoly Shcharansky still are captive in the Soviet Union. Their dream of freedom—of Israel—is still only that. We must pledge to redouble our efforts in their behalf.

For the benefit of my colleagues and other readers of the RECORD, I would like to include an article in today's New York Times on Iosif Mendelevich and Ida Nudel. Mr. Mendelevich reminds us that, although we sometimes underestimate their importance, symbolic gestures on behalf of Soviet Jews often have great significance. I commend my colleague and the National Conference on Soviet Jewry, as well as the Greater New York Conference on Soviet Jewry, for their continued efforts in this vital area.

The article follows:

A GESTURE CAN MEAN A LOT

Americans, Iosif Mendelevich was saying yesterday, underestimate the impact of their symbolic gestures.

Mr. Mendelevich, who spent 10 years in a Soviet labor camp, offered his observation during a candlelighting ceremony at New York's City Hall on behalf of Ida Nudel. Miss Nudel, a Soviet Jew, is serving a four-year sentence for hanging a banner from her Moscow window demanding a long-denied exit visa.

No one suggested that lighting a couple of candles would gain Miss Nudel's release. But according to Zeesy Schnur, the executive director of the Greater New York Conference on Soviet Jewry, there is a good chance she will receive the two candles, which will be sent to Miss Nudel at her exile camp in Siberia.

Even if Miss Nudel never gets the candles, the gesture will not be lost on her, according to Carol Bellamy, the City Council President, who helped organize yesterday's ceremony.

"Letters don't always get through," said Miss Bellamy, citing a conversation with Miss Nudel's sister in Israel, "but they hear that a letter has been sent and that makes a difference."●

● Mr. DOUGHERTY. Mr. Speaker, I would like to welcome Iosif Mendelevich to freedom. After more than 10 years as a Soviet Prisoner of Conscience, Iosif is finally free to live where he wants and say what he pleases. At last he may practice his orthodox Jewish beliefs in an environment conducive to prayer.

I believe the efforts of the Jewish community in the free world and our own efforts here in Congress are partially responsible for this day of celebration. Much more significant, however, are the bravery and perseverance Iosif Mendelevich demonstrated throughout his 10 years of imprisonment. As we all know, Iosif never abandoned his religious convictions despite callous treatment by prison officials. He never renounced the origins of his ancestors and most importantly he never gave up. This model of courage deserves every honor and privilege freedom can bestow upon him.

Fortunately, Iosif Mendelevich now may enjoy his freedom. Unfortunately many like him still must endure cruelty and inhumane treatment in Soviet prisons. Mr. Mendelevich's release has not marked an end to Soviet violations of human rights agreements. Anatoly Shcharansky, a symbol to Jews around the world, remains in the Soviet Union despite international efforts to release him. Undaunted by Western pleas for their release, Yuri Federov and Alexei Murzhenko, Iosif Mendelevich's partners in prison, remain in Soviet jails. Ida Nudel is still serving a prison term in Siberia simply for helping her fellow refuseniks. Prof. Victor Brailovsky only 6 months ago was arrested by Soviet authorities because he had the courage to tell people of his plight and that of other Jewish refuseniks. He now suffers from poor health and Soviet authorities refuse to provide him with adequate medical care.

I am elated at the release of Iosif Mendelevich. I cannot forget though the thousands of refuseniks who still suffer under tyrannical treatment by the Soviet Government. The past year has shown a decline in exit visas for Jews from the Soviet Union. I am hopeful that the release of Mr. Mendelevich marks the beginning of renewed cooperation between emigration authorities in Soviet Russia and the people who wish to leave. My prayers and those of my colleagues will continue as long as prisoners of conscience are refused the freedom they so desire.●

● Mr. ADDABBO. Mr. Speaker, it is indeed an honor and great pleasure to welcome and salute Iosif Mendelovich, a former Soviet Prisoner of Conscience who is today visiting our Nation's Capital.

We have in our presence today a very special and brave man, a man who suffered in a Soviet prison camp for over 10 years, and a man who will long remain an inspiration to those who are at this moment denied human rights in countries spanning the globe. He has shown the world how cruel and unjust the Soviet authorities are. His presence in this city today should remind us that the imprisonment of individuals by nation's which seek to quiet the voices of truth should not be tolerated. He reminds us here today that the torture of innocent people, especially the weak and the helpless, the sick and the indigent should never be accepted by the free nation's of the world. He should remind us that the Soviet Union and others like it, which seek to deny its citizens freedom, and with it the right to dignity and respect as human beings, are to be hounded by the free nations of the world until they accord their people the fundamental human rights all people are entitled to.

I would also like to take this moment to praise my distinguished colleague from New Jersey (Mr. HOLLENBACK) for the work he did on behalf of Iosif to obtain his release. Mr. Mendelevich was able to finally reach his beloved Israel in February, thanks in part to my colleague's perseverance.

Iosif Mendelevich is one of the lucky ones, he will never see the inside of a Soviet prison camp, he will never know again the degradation and witness the untold suffering of his 10 years held against his will. Though we rejoice in his new found freedom we must not forget the others he left behind. We must not forget that much work still lies ahead for those whose names are not household words. The Soviets must understand that until every Soviet Jew who is denied the right to emigrate to free soil is given that right, our Nation and its people will not be silent.●

● Mr. McGRATH. Mr. Speaker, I want to take this opportunity to join with my colleagues in paying tribute to Iosif Mendelevich. Shortly after coming to Congress, I adopted Iosif Mendelevich at the request of the Long Island Committee for Soviet Jewry. With the rest of the world, I rejoiced when Iosif Mendelevich was freed and allowed to emigrate to Israel.

Mr. Speaker, the story of Iosif Mendelevich will undoubtedly be repeated often here today. He is a man who had the courage to stand up for his religious convictions despite a long incarceration and inhumane treatment at the hands of Soviet authorities. Iosif Mendelevich stands as an inspiration to those who cherish freedom, but are denied it solely because of their religious beliefs. Because of Mendelevich, the world has become aware that the human spirit can triumph over the most extreme adversity.

As we pay tribute to this one man, let us not forget that countless others remain in Soviet labor camps or are refused permission to emigrate. These individuals include Yuri Feodorov and Alexei Murzhenko, the two remaining prisoners from the first Leningrad trials; human rights leader Yuri Orlov; and Zionist activists Vladimir Slepak, Victor Brailovsky, and Anatoly Shcharansky. And let us not forget one of the great humanitarians of our time, Andrei Sakharov.

This simple fact is that the Soviet Union remains one of the world's worst violators of human rights. Until the Soviet Union commits itself to respecting the various human rights accords to which it is a party, freedom-loving people everywhere must continue their efforts unabated.

Mr. Speaker, today we are paying tribute to a hero, Iosif Mendelevich. Let us not forget the many other heroes who have yet to taste freedom.●

● Mr. LANTOS. Mr. Speaker, I would like to join my colleagues in welcoming and paying tribute to Iosif Mendelevich. Throughout his 10 years as a Prisoner of Conscience in the Soviet gulag, Mendelevich stood up to the Soviet authorities by not relinquishing his religious convictions or sacrificing his moral character, despite being subject to extremely harsh treatment by prison officials. His courage and heroism represents an inspiration to all of those confined in Soviet labor camps or refused permission to emigrate on the basis of their religious beliefs.

Iosif Mendelevich's story attests to the fact that human rights are constantly violated by the Soviets, that the Soviets are not living up to international agreements they have signed,

and that our perseverance on behalf of the oppressed is rewarded.

Mr. Speaker, while we all rejoice at the fact the Iosif Mendelevich is today a free man, able to live in Israel, his homeland, we are reminded of his comrades who are not free. Two participants in the valiant escape effort of 1970 remain in prison, suffering under the heavy weight of the gulag. Alexei Murzhenko's wife reports that her husband has an advanced case of tuberculosis and already has black patches visible on his face. Yuri Fedorov has been moved to camp that holds a large number of dangerous criminals. He was recently placed in a hospital for an attack of neuritis, a chronic degenerative nerve disease. As we celebrate Iosif Mendelevich's freedom, we pledge ourselves to work harder on behalf of Federov, Murzhenko, and all who are imprisoned because of their desire to join their families in the free world.●

● Mr. RICHMOND. Mr. Speaker, it is with great joy and thanksgiving that we have with us today, Iosif Mendelevich, a man who has been an inspiration to all people concerned with human rights and human dignity. Mr. Mendelevich, a Jewish Prisoner of Conscience, spent 10 years in Soviet prisons and labor camps, for plotting to escape from the U.S.S.R. without government permission.

Mr. Mendelevich's trial and imprisonment provided the basis for the formation of the Greater New York Conference on Soviet Jewry, thus drawing the world's attention to the plight of all Soviet Jews.

We are still engaged in a long and often frustrating battle to work for the release of other Soviet Jewish prisoners, but our commitment to that cause and our belief in the ultimate success of our efforts continues stronger than ever today. Iosif Mendelevich is a living symbol of our resolve and dedication.

Iosif Mendelevich withstood his ordeal of 10 years' imprisonment with a vast amount of courage and suffered extreme harassment because of his religious dedication. He is a hero to everyone who believes in freedom.

The continued efforts of all those concerned with Soviet Jewry must increase. Unwavering pressure must be applied on the Soviet Union to release those Jews imprisoned for minor and sometimes fictitious crimes. We must never stop our publicity, letters, and prayers for their release.

Today, we celebrate a happy occasion, sharing in the reunion of Iosif Mendelevich with all free people. But let us never forget those still imprisoned.●

● Mr. GREEN. Mr. Speaker, today I have the honor of meeting Iosif Mendelevich, freed from a Soviet prison and allowed to emigrate last February, and I would like to take a moment to hail this hero in our midst.

Many of my colleagues and I worked very hard to help bring about his freedom, and his presence today makes this a very special occasion. Mr. Mendelevich, one of the many who have suffered at the hands of the Soviets, was imprisoned for attempting to hijack a commercial aircraft as a means of escaping Russia. While the leaders of this supposed plot, who had been given much longer sentences, were released and allowed to emigrate, Mr. Mendelevich and two others were unfairly kept in confinement until early this year.

Tragically, those of us who battle on behalf of the men and women such as Iosif Mendelevich—whom the Soviets treat harshly, inhumanely, and inequitably—all too rarely see the fruits of our labors. Mr. Mendelevich's presence reminds us that our continued efforts are meaningful and absolutely imperative. Despite the intransigence of the Russians, despite falling emigration numbers, his hard-won freedom gives us renewed optimism in our efforts and commitment to freeing our brethren imprisoned in the Soviet Union. Thank you, Mr. Mendelevich, for providing this ray of hope to us.●

● Mr. PEPPER. Mr. Speaker, I wish to join my distinguished colleagues in honoring that courageous prisoner of conscience Iosif Mendelevich, who has recently been released from the hard labor camps of the Soviet Union. We all realize the incredible hardships and suffering that Mr. Mendelevich has endured during his 10 years of incarceration, and it is for the fortitude of his convictions that we are here to honor him.

During his imprisonment Iosif has suffered much injustice and humiliation at the hand of the Soviet authorities. Yet, throughout his ordeal Iosif clung steadily to his faith and conviction, the vital source of his indomitable will to endure, to carry on despite all misfortunes. His captors could take his books and pens, but they could not erase the words and ideas imprinted on his mind. He ardently loved his Jewish heritage and while in prison made a point of teaching Jewish history to his fellow countrymen despite all threats of punishment from Soviet authorities. Indeed he is an example to all who treasure human rights and freedom.

Mr. Mendelevich, you shall be pleased to know that your heroic plight has not been in vain. The free world shares your hope and concern for human rights, particularly in regard to the oppressive Soviet Jewish emigration policy. Your success in seeking emigration is an inspiration to all prisoners of conscience as well as to those who actively seek their freedom. And I shall look forward to that day when this House will be graced by the presence of your fellow prisoners. In closing I wish to express a sentiment that is common to many here assembled: So long as there are cries of freedom from the harsh desert of Siberia, their echoes shall be heard in all lands of freedom.●

● Mr. ZEFERETTI. Mr. Speaker, I would like to join my colleagues in officially welcoming Iosif Mendelevich to Washington. Mr. Mendelevich was an original defendant in the Leningrad trials and has been my Soviet Prisoner of Conscience during my years in Congress.

Iosif Mendelevich is a remarkable individual. During his 10 intolerable years of confinement, Soviet authorities continually harassed him because of his strong religious convictions. However, he kept his personal commitment to observe the laws and customs of Judaism. He is truly an inspiration for those who remain in prison or are refused permission to emigrate solely on the basis of their religious beliefs.

While we are paying tribute to Iosif Mendelevich and celebrating his release, let us not forget those in the Soviet Union that face daily persecution and long terms in Soviet labor camps. The case of Iosif Mendelevich amply demonstrates that our long-term commitment to these oppressed people can gain their freedom and afford them the human rights they so richly deserve. We must continue our efforts to educate and arouse public interest in their treatment and remind Soviet authorities of their responsibilities to human rights under the Helsinki agreement.

Mr. Speaker, approximately 3 months ago I happily informed the House of Representatives of the release of Iosif Mendelevich. It gives me even greater pleasure to join my colleagues in welcoming him to Washington today.●

● Ms. FIEDLER. Mr. Speaker, today, we greet with great joy a visitor to our Congress, Iosif Mendelevich. Until last February, he was a Prisoner of Conscience in the Soviet Union. Released after a worldwide expression of protest, he has since settled in Israel. The world expressed its concern over Mr. Mendelevich's captivity; it can now express its admiration for his courage.

Despite the privations of his imprisonment, Mr. Mendelevich remained true to his orthodox Jewish faith, a faith that sustained him through the long years behind barbed wire. He wore a skullcap, refused to work on the Sabbath or on religious holidays, or to eat nonkosher prison rations. Subsisting on bread, gruel, and water, he was repeatedly punished for his faith—receiving an extra 3 years' sentence—but his spirit proved unconquerable. This courage—by one man, far from his friends and family, in a brutal prison camp—must stand as an

example to us all, but especially to the other Jewish Prisoners of Conscience in the Soviet Union who still await their day of freedom.

When Mr. Mendelevich was in prison, the Congress called for his liberation, through letters and statements on the floor of the House. Today, he is free. Let this encourage us that our efforts on behalf of those Prisoners of Conscience who remain in the Soviet Union are not in vain. It is vitally important for these people that we who can speak freely continue to speak out for those who cannot. I hope and pray that we will see some of these courageous, enduring, people here soon.●

● Mr. SOLARZ. Mr. Speaker, I would like to take this opportunity to welcome Iosif Mendelevich to the United States, and to Washington. Just 3 months ago, Iosif was released after 10 years as a Prisoner of Conscience in Soviet prisons and labor camps. During that 10 years, Iosif became a living testimony to true courage in his endurance of hardship, hunger, and ill health. He retained his devotion to Judaism throughout his ordeal, and was subjected to repeated punishment for his persistence in observing Jewish religious laws.

Iosif Mendelevich not only retained his personal faith during his time in prison, but also served as a source of strength to his fellow Jewish prisoners. As one of the these former prisoners said, "Iosif was the Jewish 'soul' of our group and perhaps the rabbi of Soviet prisons." For example, at the time of his release, Iosif had just terminated a 54-day hunger strike held to protest the confiscation of religious and Hebrew study books and notes, which he used in teaching other Jewish prisoners. This strength and unselfish perseverance on behalf of his fellow prisoners is an inspiration for us all.

Mr. Mendelevich's presence in the House Chamber today also serves as a reminder of the importance of continuing efforts to pressure the Soviets to release Prisoners of Conscience and refuseniks. I am certain that the storm of protest on Iosif Mendelevich's behalf from Members of Congress and the thousands of constituents who continue to bring these matters to our attention helped to secure his release, and we all must continue to apply this pressure to obtain the release of others unjustly held in the Soviet Union. Indeed, the best tribute we can pay to Iosif Mendelevich is to renew our commitment to our efforts on behalf of these beleaguered people.●

● Mr. ROSENTHAL. Mr. Speaker, it is a pleasure and an honor to welcome Iosif Mendelevich to Washington. Iosif's arrival in the United States is visible proof that congressional efforts to persuade Soviet authorities can succeed. At a time when the number of Jews permitted to leave the Soviet Union is declining, Mr. Mendelevich's release serves as an encouraging morale boost to those still striving to be free.

Having spent nearly a third of his life in the Russian gulag, Iosif Mendelevich endured his 11-year captivity through mental discipline and an unrelenting desire to practice Judaism freely in Israel. He refused to eat nonkosher food and subsisted on little more than bread and water; he refused to work on the Sabbath and was frequently punished. Over the course of his imprisonment, he taught himself nearly flawless Hebrew, and despite the risk of severe punishment, taught Hebrew to other prisoners.

Iosif Mendelevich's dedication to freedom is exemplary. Upon arrival at Israel's Ben Gurion Airport on February 18, Mendelevich proclaimed, "the fight goes on."

For the past 3 months he has been recuperating in Israel. Today we can take this opportunity to applaud Iosif Mendelevich's tenacity and determination. Equally important, we can renew our pledge to work for the release of those who remain Prisoners of Conscience in the Soviet Union.●

● Mr. AuCOIN. Mr. Speaker, I am delighted to join my colleagues today in welcoming Iosif Mendelevich, and in recognizing his hard-won freedom. He lives as a reminder of our own priceless freedom and an example of the sacrifices that men will make to be free. He lives as proof that world opinion in support of human rights has been heard.

The story of Mr. Mendelevich's sacrifices is long and painful. After he and his family were refused permission three times to emigrate to Israel, he was arrested at Leningrad's Smolnil Airport for the alleged attempt to steal a plane to leave the country. He was sentenced to 15 years in a Soviet labor camp—a sentence later reduced to 12 years in response to worldwide outrage at his treatment.

During his eventual 9 years of incarceration, Mr. Mendelevich persisted in the strict observance of his religious beliefs, a right so many of us take for granted. In his case, his determination earned him the wrath of Soviet authorities. In 1977, he was accused of "maliciously violating the regime of confinement." His punishment: transfer to the notorious Chistopol prison. Meanwhile, because he refused nonkosher foods, he lost considerable weight, subsisting on the two meager food parcels he was allowed to receive each year.

Even after others sentenced at the same time were released, Mendelevich remained a Prisoner of Conscience, very much to the dismay of his family and those people everywhere who respect individual rights. Finally, in February, Soviet authorities freed him and allowed him to go.

Yes, Mr. Speaker. His sacrifices took a toll in his physical health but his spirit flamed bright and hopeful. Today, he stands with us a free man, free to practice his religion as he wishes, free to go as he wishes.

But others remain. Not just those sentenced for other alleged crimes. But those who sit and simply wait for permission to leave. Solomon Alber is one such person for whom I have spoken before. A person who wants only to emigrate to Israel—and exercise a fundamental human right—but is forbidden to do so.

In welcoming Mr. Mendelevich, we remember that our job is not done and that we must press ahead with our campaign of world opinion for the others left behind.

On October 1, I will again speak on behalf of Solomon Alber who remains in the Soviet Union against his will. Perhaps by then we will be able to welcome Mr. Alber as we have welcomed Mr. Mendelevich today.●

● Mr. WAXMAN. Mr. Speaker, we are honored to have Iosif Mendelevich in our presence today. Eleven years ago, Iosif, along with eight other Soviet Jews and two Ukrainians, was convicted during the infamous Leningrad trials of 1970 for allegedly hijacking a Soviet airplane. Although he played only a relatively minor role in this desperate and controversial incident, Iosif was singled out by Soviet officials for especially severe punishment. Many believe that this cruel treatment was the result of Iosif's strict adherence to his orthodox religious beliefs. Because of the traditions of his faith, Iosif wore his yarmulke, refused to work on the Sabbath or on religious holidays, and refused to eat nonkosher food, subsisting instead only on bread, gruel, and water. His continued observance of the tenets of Orthodox Judaism upset Soviet officials to the extent that, in the spring of 1977, his original sentence of 12 years was extended for an additional 3 years for "maliciously violating the regime of confinement" under the Soviet Collective Code, and for "violations of the form of camp dress."

The worldwide euphoria at the release of seven of the Leningrad trial prisoners in April of 1979 was marred by the continued detention of Iosif Mendelevich and the two non-Jewish members of the group. Even though Iosif carried a lighter sentence than two of the freed prisoners, the Soviets felt compelled to punish further this religious devotion. The conditions of his imprisonment were almost subhuman. Througout his incarceration, Iosif received no visitors or mail. There were reports that his health was sharply deteriorating and that he was suffering from hypertension and

malnutrition. Yet, as a result of the entire ordeal, Iosif became even more devoutly religious. In February, following reports that he had disappeared, he was suddenly released, traveling immediately to Israel and to the Western Wall in Jerusalem.

While we rejoice in the freedom of one man, we are also reminded of the thousands who remain confined in Soviet labor camps and who are persecuted because of their religious beliefs. Yet to them and to us, Iosif remains an inspiration. Despite squalid living conditions and severe mistreatment, he stood firm in his convictions. While he was repeatedly harassed and degraded by Soviet officials, he refused to compromise his religious beliefs. Today, Iosif Mendelevich is a free man. His ordeal is testimony to the power of perseverance, faith, and commitment.

For 11 long years, we raised our voices in protest of the harsh and unjust mistreatment of Iosif Mendelevich. Iosif's appearance today, in the Halls of Congress, where so many spoke out on his behalf, should further inspire us to continue our fight for the freedom of all Soviet Jewry and to reaffirm our commitment to human rights. I am deeply honored to welcome Iosif Mendelevich to Washington.●

● Mr. MOAKLEY. Mr. Speaker, I would like to take this opportunity to pay tribute to Iosif Mendelevich, a Soviet prisoner of conscience for over 10 years who left for Israel in February following his release from prison.

Mr. Mendelevich is honored as a courageous individual who stood up to the injustices of the Soviet system throughout his incarceration and exemplifies that perserverance can be rewarded, in terms of offers in the Soviet Union who wish to emigrate but cannot and those people who worked diligently to gain Mendelevich's release from prison.

The imprisonment of Iosif Mendelevich along with 10 others followed the infamous Leningrad trial of December 1970, which alerted the world for the first time to the plight of the Jews in the Soviet Union. On that date in 1970, 11 young Soviet Jews were brought to trial in a closed courtroom on charges of treason. Their crime was a longing to emigrate to Israel.

The group had planned a flight to Scandinavia and freedom, but were arrested before ever reaching their plane. The 11 were found guilty in a farcical trial and sentenced to penalties ranging from death to 4 years in prison. The death sentences were later commuted to 15 years in a labor camp following worldwide protests.

The example of Iosif Mendelevich's release and the reduction in punishment of the death sentences prove that world protests and public opinion do achieve dramatic results. However, we cannot stop there. Yes, 9 of the 11 defendants have been released and now reside in Israel, but Yuri Federov and Alexei Murzhenko are now entering their 11th year behind Soviet bars and thousands like them are denied on a daily basis the right to emigrate from the Soviet Union to Israel because of their faith.

Soviet President Leonid Brezhnev has stated he would like to normalize relations with the United States. It is my hope that this normalization begin with the Soviet recognition of long disregarded human rights.

This recognition could commence with the release of both Federov and Murzhenko, that the issuance of Soviet exit visas will rise, that restrictions placed upon eligible emigrants will be repealed, and finally, that those Soviet persons desiring to emigrate should be allowed to do so. The immediate commencing of these steps could have a positive impact upon United States-Soviet relations.

The United States has for a long time been the symbol of freedom for the oppressed peoples of Eastern Europe. We, the people of the United States, should continue to aid the Soviet Jews in their quest for basic human rights which are taken for granted by many.●

● Mrs. FENWICK. Mr. Speaker, I join my colleagues in welcoming a very distinguished guest to the gallery of the House today.

It was more than 10 years ago—on June 15, 1970—when Mr. Mendelevich and other courageous Soviet Jewish activists were arrested at Smolny Airport outside of Leningrad because they sought something that Soviet authorities had repeatedly denied them—freedom. First sentenced to death, then to 10 to 15 years in prison after a storm of protest led to commutation of their sentences, these courageous individuals sacrificed their own safety to bring the plight of Soviet Jews to the attention of the world. In 1979, seven of his colleagues in the Leningrad group were released from Soviet prisons and allowed to go to Israel, but Iosif Mendelevich remained because of his strong religious conviction.

Now, we are grateful for the opportunity to celebrate the freedom of our distinguished guest, who was released from the Perm labor camp just a few short months ago. We can hope that the focus of world opinion on his treatment by the Soviet authorities, and the effort led by my distinguished colleague from New Jersey (Mr. HOLLENBECK) to secure his release, played some role in ending his suffering and aiding his release to freedom.

At the same time, however, we must remember those who still are not free and redouble our efforts on their behalf. Two of Mr. Mendelevich's colleagues, Aleksei Murzhenko, and Yuri Federov, convicted in the same trial, remain in the Soviet Union.

Their names join those of other heroes in the stuggle for human rights—Orlov, Rudenko, Brailovsky, and so many others. Last night, Mr. Speaker, many of us celebrated the 60th birthday of Dr. Andrei Sakharov at the Kennedy Center here in Washington. How wonderful it would have been if he could have been with us.

Iosif Mendelevich is a living reminder that the cause of freedom is worth fighting for—that victory is achievable. We join him in the effort to focus eyes of the world on those who remain behind, without voices, with only the weight of world opinion to speak for them and the glare of world attention to save them.●

● Mr. SCHUMER. Mr. Speaker, it is a great honor to join with my colleagues in welcoming Iosif Mendelevich to our Nation's Capital. His presence here today is testimony to the indefatigable strength of the human spirit. Mr. Mendelevich's struggle to preserve his Jewish identity during his long years in a Soviet labor camp is a symbol of the unflagging determination of the Jewish community in the Soviet Union to be free to live as Jews. His struggle to emigrate to Israel is that community's struggle to make "next year in Jerusalem" a living reality.

Mr. Mendelevich's story has served as a great inspiration to us in the West to defend human rights and human dignity wherever they may be under attack. I hope that his visit with us today will inspire us to continue in those efforts. The freeing of one individual is an occasion of great joy; yet we must remember that many more are still not free. We must not forget Iosif's two codefendants, Yuri Fedorov and Alexei Murzhenko, who are still imprisoned in the Soviet Union. Nor can we forget those millions of Jews—be it in the Soviet Union, in Argentina, in Syria, or in Romania—who continue to suffer persecution because of their heritage. I ask my colleagues to join me in assuring Iosif Mendelevich that our work will not stop with his release, but will increase and grow stronger with every new violation of freedom and liberty.●

● Mr. YATES. Mr. Speaker, I very much appreciate having the opportunity to welcome Mr. Iosif Mendelevich to the United States. I know that my colleagues remember how the news of his release by the Soviets last February warmed the hearts of Americans all across the country. We remember that day, and I am honored to salute him for the moral and physical courage that has been the hallmark of his life. Iosif Mendelevich has shown us that not even the cruelty and isolation of the Soviet prison system can suppress the human spirit and the strength of religious conviction. The

world needs men and women like Iosif Mendelevich. He represents the best that is in us and I am delighted that he is here.●

● Mr. PEYSER. Mr. Speaker, the life of Jewish and human rights activists in the Soviet Union is one of suffering and degradation. As concerned Americans we are continually shocked at the attitude of the Soviet Government. Officials there have consistently ignored the human rights of certain individuals in their country by denying citizens the right to emigrate to Israel and to other free nations.

Iosif Mendelevich was refused permission to emigrate to another country. Because of the intolerance on the part of the Soviet officials, Iosif, along with several of his colleagues, chartered a plane to fly to Israel on June 15, 1970. Upon arriving at the airport, all were arrested for allegedly hijacking an airplane and, simultaneously, Soviet Jewish activists were apprehended throughout the Soviet Union. At the now famous Leningrad trial, Iosif was sentenced to 12 years in a strict regime camp, along with the rest of his colleagues.

In April 1979, in an unprecedented series of events, seven of the original defendants involved in the Leningrad trial were released and allowed to join their families in Israel. However, Iosif remained in prison for almost 2 additional years with his health seriously deteriorating.

Finally, in February 1981, Mr. Mendelevich was released from prison and left for Israel. Today, we are privileged and pleased to honor this brave individual in the House gallery. He has suffered a long and arduous existence for the past decade.●

● Mr. DWYER. Mr. Speaker, to my distinguished colleague from New Jersey (Mr. HOLLENBECK), it is with a deep sense of joy that we can rise today to welcome Iosif Mendelevich to our Nation's Capital after more than 10 years of Soviet incarceration.

His liberation reinforces our belief here in the Congress and beyond that our efforts can make a difference and do, however infrequently.

The release of Iosif Mendelevich also underscores our need to persist in our efforts to free other prisoners of conscience and millions of other repressed Soviet Jews.

I had the privilege recently to participate in an Israel festival sponsored by the Jewish Federation of Raritan Valley in New Jersey. That festival was preceded by a walkathon in which 360 participants raised more than $12,000 toward the construction of the Aaron Mintz Dental Clinic in Safad, Israel.

That effort, just like that of this most brave man who we are honoring today, is symbolic of the larger commitment in America, Israel, and throughout the free world, to justice.

Mr. Mendelevich, my most heartfelt gratitude for your courage, and may your compatriots now held captive in the Soviet Union soon be free.●

● Mr. CORRADA. Mr. Speaker, it is an honor to join my colleagues in welcoming Iosif Mendelevich to Washington and to highlight the tenacity of spirit which brought him through his 12 long years of struggle for emigration from the Soviet Union.

Mr. Mendelevich has become a vivid and inspirational force in the efforts of Soviet Jews to reach Israel, a goal which has consistently been thwarted by Russian denial of exit credentials solely on the basis of religious beliefs. Denied permission to emigrate to Israel, he was one of the ringleaders of a group of Soviet "refuseniks" who plotted to steal a plane to escape the country in 1970, and who was subsequently sentenced during the Leningrad trials to 12 years in the Russian Gulag. Throughout these years, however, he has persevered spiritually, never relinquishing his hope nor his faith.

Mr. Mendelevich is indeed an inspiration in courage to us all and it is with great pleasure that I welcome him to a world where freedom of religion is not an empty promise but a reality.

It is my hope that his realease will give inspiration to those still within Soviet walls and will lend fuel to the campaign to force Soviet compliance to the international accords guaranteeing fundamental human rights.

Mr. Mendelevich, I salute you and wish you the best of luck.●

● Mr. LENT. Mr. Speaker, it is with pleasure that I rise today to pay tribute to our guest of honor seated in the House gallery, Mr. Iosif Mendelevich, a recently released Prisoner of Conscience, who is now a proud citizen of our friend and ally, the State of Israel. By honoring Mr. Mendelevich here today, we send a strong signal to Moscow that we will not stand idly by while the basic human rights of this courageous man and thousands more in the Eastern bloc nations are denied.

The release of Mr. Mendelevich personally gives me hope that my own adopted Prisoner of Conscience, Ida Nudel, will soon be released. She has just endured another long, cold winter in the Siberian wasteland where she is being held captive without reason by the Kremlin. Her friends are concerned that she cannot survive much longer in such an unbearable environment, and those of us concerned about Ida's well-being have renewed our efforts to obtain her release so that she can join her family in Israel. On April 27, in celebration of Ida's 50th birthday, I cohosted with a number of my colleagues and the Long Island Committee for Soviet Jewry, an event to remind the Soviet Government that Ida has not been forgotten and that we will not rest until she is released. We must keep up the struggle to win the release of every Soviet Jew so that they will be free to practice their religion in whatever nation they might choose.

Mr. Mendelevich's presence is evidence of prayers answered and hopes fulfilled. We rejoice with him that he has obtained the freedom that we take for granted, but took him years to achieve. We also take this opportunity to emphasize again our commitment to this noble cause.●

● Mr. MINISH. Mr. Speaker, today is an extraordinary day for we have among us a most extraordinary man—Iosif Mendelevich, who was a Soviet Prisoner of Conscience for over 10 years.

Mr. Mendelevich was incarcerated in a Soviet prison for attempting to leave Russia after he was repeatedly denied permission to emigrate to Israel. Of the original 10 defendants in the infamous Leningrad trials, Iosif endured especially cruel and inhumane treatment because he had the courage and fortitude to stand up to prison officials by his strict adherence to his orthodox religious convictions, such as keeping kosher, wearing a skullcap and refusing to work on the Sabbath, in clear violation of prison camp laws.

This past February, in response to efforts by Members of Congress to gain his early release, Mr. Mendelevich received his ticket to freedom—to Israel. His dream finally became reality. He should be heralded as a man who had the strength to persevere in the face of unimaginable Soviet injustices. Mr. Mendelevich serves as an inspiration to all who remain in the Soviet labor camps as well as to those who are denied permission to emigrate solely on the basis of their religious beliefs. He is living proof that perseverance can be rewarded. Thus, it is incumbent upon us to continue in our efforts to seek freedom for those who are not yet free.●

● Mrs. HECKLER. Mr. Speaker, I would like to add my voice to those of my colleagues, as we welcome Iosif Mendelevich to the House of Representatives today—on another step in his journey away from tyranny, and toward a free and normal life. And I would especially like to thank my colleague, the distinguished gentleman from New Jersey, (Mr. HAROLD HOLLENBECK), for arranging today's Special Order: For years the gentleman from New Jersey has been a leader in the struggle to win justice for Soviet Jewry, and those of us who have stood with him in this struggle have the greatest respect and admiration for all his efforts.

Mr. Speaker, today is one of joy for Iosif Mendelevich, and for all who have worked on his behalf for years. We stand in admiration of his courage,

his steadfast determination to resist the tyranny of the Soviet Government, and his spiritual strength throughout his long ordeal. We are delighted to welcome him today, because we know that his release this spring—his ultimate victory over the enemies of freedom—has given strength to those who remain behind in the citadel of repression that is the Soviet Union.

Think of what this man has done: 10 years in a Soviet prison, 10 years of meeting cruel work quotas, 10 years of standing up for his religious freedom in a system that sees religion as a crime against the state. Ten years of battling the most vicious strains of anti-Semitism, standing proud by the ancient Jewish traditions in a nation whose leaders recognize only the tradition of tyranny.

Iosif has met, and won, a monumental challenge of wills. As we admire him for his strength, we must also pray that those he has left behind can draw strength from him, and comfort.

But today's joy has an even greater meaning. The free man that we see today is a symbol not only of individual strength, but also of the power of the free peoples of the world to make the leaders of the Soviet Union pay heed to human dignity.

It is within our power, if only we will concentrate our efforts, to make the Soviet Union see reason. The truth can set men free—it has set Iosif Mendelevich free, and it can set free those thousands of other Prisoners of Conscience who seek only justice from an unjust despotism.

Today we have welcomed one of the world's great heroes. We must not let up in our efforts until we have the chance to welcome those other heroes of conscience into the bright clear light of freedom.●

● Mr. ROE. Mr. Speaker, it is with great joy that I rise today to join my colleagues in welcoming a true world hero, Iosif Mendelevich, to Washington.

Iosif Mendelevich is a symbol to all the peoples of the world who are striving to maintain freedom of thought and expression while living under the rule of repressive governments.

He is a man who underwent 10 years of terrible suffering in demeaning Soviet prison camps because he would not give up his strong belief in the Jewish faith.

It is because of Iosif Mendelevich's inner strength and determination not to give in to his Soviet captors that the world has become acutely aware of the tragic suffering inflicted upon other Jewish Prisoners of Conscience in the Soviet Union.

The Russians will continue to attempt to get away with this violation of basic human rights if we turn our backs on what is happening to the many people like Iosif Mendelevich who are being illegally held in prison camps because of their religious beliefs and a desire to immigrate to Israel.

The Soviets must be made to know that the free world is watching their actions in this regard and that their efforts to stifle individual freedom will not go unnoticed.

Iosif Mendelevich, I join with all Americans in saluting you today. You are indeed a hero to the people of this Nation as well as those in your new homeland of Israel. Shalom.●

GENERAL LEAVE

Mr. HOLLENBECK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of my special order today.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1430

GENERAL LEAVE

Mr. RITTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks in regard to my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REPORT ON AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. RITTER) is recognized for 60 minutes.

Mr. RITTER. The subject, Mr. Speaker, is similar to the subject of the preceding special order. It has something to do with the behavior of one of the most powerful countries in the world, the Soviet Union.

On December 24, 1979, Soviet forces invaded Afghanistan. Up to 100,000 troops have been committed, along with sophisticated military equipment designed for both conventional and antiguerrilla warfare. The invasion follows several years of direct Soviet involvement into the domestic affairs of the Afghan Government.

In February 1979, Soviet security personnel were present and condoned measures taken by Afghan security forces which resulted in the death of the American Ambassador, Adolph Dubs. Dubs had been kidnaped by extremists, and although the United States urged restraint and attempted mediation, security forces, acting through the complicity of Soviet personnel, stormed the building which resulted in the death of Ambassador Dubs.

During 1979, three separate governments attempted to rule over the strife-ridden country. By the end of 1979, over 14,000 Soviet military advisers were actively engaged in running the Afghan Government and its military. All this culminated with the Soviet-initiated overthrow of Prime Minister Hafizullah Amin on the eve of the invasion.

As Soviet troops poured over the border in December 1979, a Soviet puppet Babrak Karmal was installed.

The invasion of Afghanistan represents, to date, the grossest violation of the Helsinki accords, signed in 1975. As a member of the Commission on Security and Cooperation in Europe—the Congressional Helsinki Commission—I intend to bring this matter to the attention of the Helsinki Commission, the U.S. Congress and the American people.

The Helsinki accords forbid political or military intervention into the affairs of other countries. Western nations recognized the Soviet-drawn Central and Eastern European borders in exchange for Soviet adherence to basic human rights principles and nonintervention into the affairs of other nations.

The Soviets have shown no inclination toward embracing a policy of upholding those basic human rights outlined in the Helsinki accords. In Afghanistan, the Soviets have used lethal gases and poisons in attempts to subjugate the Afghan people. This is a direct breach of treaties going back to World War I outlawing the use of poison gas. It also goes against the various laws of warfare adopted by the Geneva Conventions.

The Soviets have also destroyed livestock and arable land and poisoned wells. This again is in direct violation of the Geneva Conventions.

The war has uprooted almost the entire countryside and caused over 2 million people to become refugees along the borders with Pakistan and Iran. This from a country of only 14 to 15 million people.

The Soviets' most modern and most effective weapon, the MI-24 helicopter gunships, roaming up and down the countryside firing rockets and dropping bombs have wrought systematic destruction on villages and small cities and have literally ended all rural life in certain areas by also destroying crops. In addition, these same gunships have even attacked some Pakistani refugee camps, which is in direct violation of the sovereignty of Pakistan.

I recently returned from a visit to the Afghanistan border area, and had an opportunity to meet with many of the Afghan Mujahodin, the freedom fighters. I met with Pakistani officials,

with Afghan families in the refugee camps, and listened to what the freedom fighters had to tell about their experiences fighting the Soviet troops inside Afghanistan.

The war is 18 months old, and no settlement is in sight. The Soviets control urban areas which account for some 15 to 20 percent of the total country. Rural areas are still under the tacit control of Afghan freedom fighters, not too different from the situation as might have existed in Vietnam where Americans could control the roads by day, but by night enemy forces would have control. After dark, no Soviet troops venture away from Soviet-controlled garrisons. They huddle inside their tanks, inside their armored cars, inside their heavily-guarded barracks. Even in urban areas the Soviets try to stay out of the populated areas because they are hated, and strict curfew laws are enforced. Yet, they are still subject to attack, sometimes in broad daylight.

Realizing the strategic importance of this region of South Central Asia and the vital oil lifelines along the Arabian Sea and into the Straits of Hormuz, I traveled to those border areas to get a firsthand view of what was happening. I traveled with a colleague of mine, Congressman JOEL PRITCHARD from the State of Washington, and a three-member State Department contingent investigating the refugee camps.

I personally have become convinced that the situation in Afghanistan is of truly vital importance to the United States and to the entire Western World. I intend to bring attention to the situation and the grave problems posed by Soviet expansion into the southern central Asia area.

Soviet proximity to these oil lifelines is already endangered by their current position in Afghanistan. The danger becomes greater if they truly gain control. Further Soviet expansion southward could pose drastic problems for American and European interests in this area by the middle of this decade.

Afghanistan is pivotal to Soviet expansion of power in both the Persian Gulf area and in Asia. It is the historic land bridge between east and west, north and south. Securing Afghanistan, an historic ambition of Russians going back to czarist times, will be a major step toward Sovet domination in that area and over the Indian Ocean.

If the Soviets are allowed to consolidate their hold on Afghanistan, they will be in a far better position to close the chokepoint of the Straits of Hormuz, the narrow bottleneck through which passes 70 percent of the oil used by Europe and Japan and a major share of our own imports. We all remember what happened in this country when Iran stopped producing. The Soviets are just 350 miles from the straits, less than half an hour for a Mig fighter-bomber, and 8 hours for their tanks.

Between those bases in Afghanistan and the straits lies Baluchistan, an area comprised of large chunks of Pakistan, Afghanistan, and Iran. Baluchistan straddles the northern shore of the straits and its approaches. For the Soviets, a "war of national liberation" in Baluchistan would further destabilize the region and give the Soviets direct overland access to the oil fields, the Arabian Sea, the straits, and give them another client state in the area as a bonus.

Neighboring Pakistan is not without its problems. Their own internal politics are less than secure. Adding to Pakistan's internal difficulties is the enormous refugee population the country is harboring, anywhere from 1.8 million to over 2 million.

As I stated before, Afghan refugees are packed in tent cities in the border region with Pakistan, many in the northwest frontier province near the historic Khyber Pass and the city of Peshawar. This is the largest refugee population in the world. Some say it is increasing at the rate of 150,000 a month.

Pakistan is a desperately poor and already overpopulated country. Yet, it is footing half the annual bill of more than $300 million to care for these refugees. Livestock which arrived with the Afghan refugees are kept in one of the few fertile regions of Pakistan, taking up precious farm and pastureland and water vital to the other inhabitants.

In the words of Louis Dupree, the eminent scholar, speaking of the invasion of Afghanistan, the Soviets have engaged in a rubble-ization of the villages. They have attacked these villages with their helicopter gunships armed to the teeth. They encircle the villages with tanks, with the gunships hovering overhead and they literally destroy the homes and stores of the Afghan people. At that point, the survivors have nowhere to go, so they leave the country. They largely go to Pakistan and some to Iran.

Louis Dupree has also termed this migratory genocide. It is a genocide, which is now working inside the country, drives the people away from their homes, forcing them to seek refuge away from attack, mostly in Pakistan.

Mr. Speaker, I would like to yield to my colleague from the State of Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Speaker, I appreciate the gentleman from Pennsylvania yielding. Before I make my statement, I would like to tell the gentleman from Pennsylvania that we have just been named in Tass, Izvestia, the gentleman and I. Members of the U.S. House of Representatives, it seems are making inflammatory calls for wider support to be given the counterrevolutionary terrorist gangsters being infiltrated into Afghanistan in the armed struggle against the lawful government of that country.

I think it is always good when we find the opponent making wild, untruthful statements. Then, you know that they are hurting.

They also went on to say that we are unceremoniously calling the groupings of the anti-Afghan terrorists, who are being armed by the United States an also by China and Egypt, none other than "freedom fighters."

According to them, those camps are nothing more than training places, and that you and I noticed that and witnessed it. Everything that was said in Tass is a barefaced—I guess one just has to say it is a lie, an untruth. There is no training going on in those refugee camps, but I certainly will stand guilty of the charge of calling them freedom fighters.

So, I will just tell the gentleman from Pennsylvania that we now are being named in Tass, and we are said to have made—I want to get the term right—"inflammatory statements," and we are called firebrands.

Let me say a few things about Pakistan. While international attention has focused on the crisis in Afghanistan and the Afghan people's gallant resistance against Soviet aggression, a crisis of considerable magnitude is quietly developing in neighboring Pakistan. Driven by brutal Soviet attacks against their homes and villages, some 1.8 million Afghans—over 10 percent of the country's population—have braved death, hunger, and exhaustion to seek safety in Pakistan's rugged northwest provinces. These people, mostly the elderly, women, and children, are now located in camps concentrated near the city of Peshawar and in the Province of Baluchistan. Perhaps another 500,000 Afghans have fled westward to Iran. These refugees are irrefutable proof of the immense human suffering and anguish which the Soviet army has inflicted upon the Afghan people.

In mid-April Congressman RITTER and I accompanied a team of State Department experts on a tour of these camps. Our group was composed of a refugee specialist, a nutrition expert, and a woman doctor who was able to enter the family living quarters to check on the health of the women and children. Our purpose was to assess the effectiveness of the international relief effort—to which the United States is the major contributor—and to report back to the administration and the Congress. Our overall impression was one of profound respect for the courage and fortitude of the Afghan people and of appreciation of the humanitarian efforts of the Government of Pakistan, the United Nations High Commissioner for Refu-

gees, and the world food program who are carrying out the relief programs.

The April trip was my second visit in little over a year to the Pak-Afghan border and my second inspection tour of the refugee camps. I found the refugees housed in tent encampments which have grown into small cities—some with a population of over 30,000 people. The camps are governed by the Afghans themselves along traditional clan and family lines and are reasonably clean and orderly. Life is barely above a subsistence level, but nutrition levels are adequate and there have been no incidences of epidemics or other major health problems. Missing is the squalor of refugee camps in other parts of the world, further testimony to the pride, dignity, and determination of the Afghan people.

One of the prinicpal reasons for the success of the relief effort has been the contribution of the Pakistan Government. Utilizing a cadre of retired military officers, Pakistan has effectively utilized its own scarce resources in administering the camps and providing basic relief services. The Pakistani people have also demonstrated an amazing degree of good will in welcoming a large population of foreigners into their country. There have been some incidences of conflict, of course, but in general the Pak and Afghan communities have coexisted in general harmony.

While the situation has been handled well to date, the problem is that the current outflow of refugees, now running at about 100,000 a month is threatening to overwhelm available resources. Foraging by the refugees and their flocks for wood and grass have further denuded the barren hillsides threatening the ecological base of the frontier region. Pakistan Government resources are becoming severely strained and the international relief organizations are reaching the extent of their resources. The good will of the Pakistani people also has limits. Conflicts will increase as the Afghan encampments take on increasingly permanent characteristics. A future calamity may, therefore, be in the making which could undermine the fragile base of Pakistani stability and threaten the Pakistani Government. As they grow, the camps also present tempting targets for Soviet retaliation as resistance by Afghan freedom fighters continues.

Having visited these camps and talked with Pakistani and United Nations officials, I have several recommendations for dealing with the continuing refugee problem. First, it would be helpful if the Islamic countries would channel more of their generous assistance through the United Nations relief organizations. Second, it is essential that the United States continue to contribute to the United Nations relief effort at a level commensurate with the growth of the refugee population. Our aid is presently running at about $50 million a year in cash and food contributions, but we must be prepared to do more if circumstances so require. Finally the United States, our European allies, and the Islamic nations must make a renewed commitment to achieving a political solution in Afghanistan. The resistance of the Afghan people against the Soviets is heroic, but it will never force their withdrawal. The resolution of the conflict must lie in a political settlement acceptable to the aspirations of the Afghan people.

□ 1445

Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. RITTER) for taking this time. I think all of us in America know that there is a tendency for us to focus our attention on a problem, and if the problem stays there very long, we have a tendency to drift off and start focusing on some other problem.

The Afghan problem, with the invasion by Soviet troops, is still there. It is still present. It is something, as we said at the time and as President Carter said, that is unacceptable. He said that it is unacceptable to have these Soviet troops in Afghanistan and we must do things to make it unacceptable for the Russians.

Now, that condition still stands, those troops are still in there, and fighting is going on. I think it ill behooves this country to move our focus away from Afghanistan, just because we have a tendency in America to be very shortsighted and to move from one conflict to another.

Mr. Speaker, America must keep this conflict on the front burner of the consciousness of this country. It is essential to world peace and it is essential to the future security of America that we do not take our focus off Afghanistan.

I want to compliment the gentleman from Pennsylvania (Mr. RITTER) for taking this time, Mr. Speaker, and I want to urge this country and this Congress to do all the things that are necessary and that are reasonable so that we can move to a resolution of this problem.

Mr. RITTER. Mr Speaker, I thank the gentleman from Washington, (Mr. PRITCHARD). I thank him for his own insight into the situation along the Afghanistan border with Pakistan and for sharing with us his knowledge and understanding of the refugee conditions.

The gentleman from Washington also serves on the Asia Subcommittee of the Committee on Foreign Affairs in the House, and I know he will bring many of these messages to that Foreign Affairs Committee, as I will be doing with the Helsinki Commission.

President Carter called the Soviet move into Afghanistan "the greatest threat to peace since World War II." I think we have to examine what he was actually saying and why. If we look at the situation and how it relates to the oil shipments that are the lifeline of Western Europe, Japan, and, in part, our own country, we can see why the former President was so alarmed.

The fact is that with unstable Baluchistan standing between a Soviet secured Afghanistan and the Arabian Sea, the empire of the Soviet Union is on the verge of achieving a 1,000-year-old aim, and that is securing a warm water port.

We in the United States do not realize what it is to not be able to dock a ship in a port without an ice breaker. The Soviets know and they have been seeking this kind of a warm water port throughout their history.

But today the situation is even more dangerous, in that Soviet oil production may well peak in the middle of the 1980's, and they will be seeking oil on the international markets, competing with us. Their problem arises because the Soviet economy does not produce the kinds of goods and services that can be competitive with those produced in the West. They will be tempted, through coercion, through concessions, and perhaps through direct military action, to achieve their share of the international oil production. If that happens, I guarantee that those of us in the United States and the West will be the ones paying for it.

One also has to realize that if the Soviets secure Afghanistan, if they are sitting then on the Arabian Sea in one of the finest deepwater ports in the area, the Port of Gwadar currently in Baluchistan, we need now, not later, to think of the kind of military capacity that the West would have to project there just to neutalize the Soviet presence. We would have large, modern Soviet navies operating virtually on top of the oil lifeline, and they would have to be countered by American or NATO Alliance surface ships, by missile-launching capacity in submarines, by aircraft projected into the area through aircraft carriers, et cetera.

This would be an exceedingly expensive operation, increasing the defense burden that is already placed upon our shoulders and increasing the tax and economic burden that is necessary to pay for that kind of a military capability.

We should thank our lucky stars that the Afghan freedom fighters are tying up the Soviet Union presently. They are "out on the point" for all freedom and peace-loving nations. They are the only country to directly oppose Soviet military power since the end of World War II, they are doing it virtually with their bare hands and with 100-year-old Enfield .303 rifles,

and they have met with a large measure of success. The truly remarkable thing is their success.

The amount of aid coming in to the Afghan freedom fighters is virtually nil. Most of their weapons and supplies are taken either from Afghan puppet troops or Soviet troops.

Louis Dupree, the well-known scholar on Afghanistan, whom I referred to earlier, has made a striking case for the arming of the Afghan freedom fighters. This article will be included at the end of this discussion. The question then arises: What do these freedom fighters really need? Do they need massively expensive equipment? Do they need Western or American troops?

No, they need only small arms, they need ammunition, and they need something to counter the Soviets' MI-24 helicopter gunships.

These helicopter gunships currently operate at will. They are armored with sophisticated titanium shields and so virtually impervious to bullets. However, there is a weapon that is small, that is light, and that is highly capable against helicopter gunships and against aircraft. The Soviets gave it to the Syrians after the onset of the 1973 Arab-Israeli war, and in a matter of hours, they were downing planes. This weapon exists in abundance on all kinds of international arms markets. There are all kinds of ways to get them into Afghanistan. It is the SAM-7, the American Redeye, the British. These are the kinds of weapons that the Afghan freedom fighters desperately need in order to maintain their struggle.

The Soviet presence in Afghanistan should be a prime determining factor in our own relations with the Soviet Union for the near future. Just because Afghanistan is not on the front pages or not on the evening news does not mean that it is not an extremely important focus of world conflict.

In El Salvador, TV crews are right on hand. One can go from the Intercontinental Hotel out into the streets and get footage for the evening news. In Beirut the situation is not too different. Previously it was the Iran-Iraq war, and before and during that time it was the crisis in Poland. Network news was on hand to relay the importance of the days events. Our consciousness about just what is important is defined to a great extent by what we see on the evening news, but the fact is that TV cameras cannot get into Afghanistan. It is a treacherous and difficult journey. Sometimes, the brave journalist who has gone in there, spent 20 hours a day, 6 days straight to get a story, perhaps a few pictures. They have had a rough time trying to keep up with their Afghan hosts.

By the way, Mr. Speaker, this is the kind of a physical toughness that characterizes the Afghan people. They can live in the craggy mountains on small amounts of food and on small amounts of tea, they can cover great distances on foot but eventually they will be crushed if those of us in the outside world do nothing to help them. Near the border, I met a man who had just walked 45 days across the entire country of Afghanistan, to join up with the freedom fighters.

The Soviets are tied down in Afghanistan. The fact that they are tied down there and were tied down there during the struggle of solidarity in Poland may have had a great effect on the Soviets' lack of willingness to enter yet another hot struggle. With a struggle in their Central Asian region proceeding apace, the Soviets might well have been cautious in not moving armed forces in a violent fashion into Poland. Let us try to prolong that caution.

What that means for us in the West is that the Afghan people are giving us time to get our own defenses in order. It means that it is giving Europe some breathing space to get its own capability to resist Soviet military might set straight. Whether or not we believe the Soviets are about to move against the West, the fact is that the Hungarian people, the Czechoslovak people, and the Polish people, the Ukrainian people, the Baltic people, and so on, have all benefited by the struggle of the Afghan people, in that the use of violence against any of these nations will be deterred while the Soviets are actively tied up in Afghanistan. And Soviets moves elsewhere in the world, in Africa and in Central America, will also be mitigated or moderated, if you will, by the fact that they are actively engaged in a hot struggle in Afghanistan.

Mr. Speaker, it is interesting that we are willing to spend billions and billions of dollars on the latest, greatest bomber and on the latest, greatest missile-launching submarine, but when it comes to thinking about saving a brave nation such as Afghanistan with a few small arms and fighting the Soviets for once on our own terms, in their own backyard, we in the Western world are far, far less willing to help.

□ 1500

I submit that all the rockets and all the aircraft carriers and all the new bombers will go for naught if the Soviets continue their moves on the villages and in the fields of the developing world.

These Afghan people are willing to fight and die. Why do not we give them a chance to fight and die with some degree of success, perhaps saving their homeland and saving future struggles for the Western World? When did we last have a nation so willing to stand up to Communist agression?

Obviously, the Soviets have a very difficult situation in Afghanistan. Their response can be one of withdrawal, it can be one of stepped up so-called pacification policies, or it could be one of negotiating a political settlement through United Nation's channels that will bring peace and neutrality to Afghanistan. That latter path should be our aim, but withdrawal is highly unlikely, since the Karmal government is maintained totally and only by Soviet military presence. The Afghan army is desertion-ridden and lacks any form of morale. It has gone from about 100,000 troops to somewhere in the neighborhood of 20,000 and even those troops are kept in their barracks at night by mined fields around the army barracks.

However, the Soviets may have already committed too much in resources and they may have too much at stake for an actual withdrawal at this time.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. RITTER. Yes; I will yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding. I hope he forgives me, because I am not going to address myself on this subject.

I intended to make some comments in connection with the special order on Iosif Mendelevich, a recently released prisoner from the Soviet Union, which after some 10 years in prison, having been severely and cruelly treated. We are happy to note that he is released and there is no doubt in my mind that the many pleas and entreaties made by Members of Congress had some measure.

Mr. RITTER. You know, there is a common thread of Soviet behavior, whether it is the incarceration of someone like Mendelevich, who wanted only to practice his God-given religion, or whether it is in the treatment of the people of Afghanistan.

I might add that the continued conflict in Afghanistan and its protraction does not enjoy popularity amongst individual Soviet citizens. To keep the Soviet people unaware of their casualties, the wounded are being transferred to Eastern bloc hospitals. The dead are buried in Afghanistan, not returned home. Since pacification would require additional outlays of both men and material, it would result in far greater public awareness in the Soviet Union. It is very doubtful that we will see any kind of such pacification occurring in the near future.

The one option that is open to the Soviets is a much more destructive war on the part of troops already in Afghanistan in an effort to stabilize the countryside and force those remaining

Afghan inhabitants to adhere to the Karmal regime. This much more protracted war could lead to far further instability in the area, particularly involving the State of Pakistan. Should Afghanistan fall and the Soviets are able to consolidate their positions there, they may well wish to devote their time to destabilizing Pakistan, not necessarily controlling Pakistan. I do not believe they want to do that, but to make Pakistan hostile to the West would not be a difficult task.

Should this succeed, given the strategic location of Pakistan, again on the Arabian Sea, this would lead to a further commitment on the part of our Western allies in NATO, Japan and ourselves, to stabilize the area through increased naval expenditures, through the use of aircraft carriers and the like in the area, again a very expensive proposition.

This would mean an expansion of our commitment to Diego Garcia in the Indian Ocean, improvement of our bases of communication at Oman, Kenya, and Somalia, and would necessitate a vastly increased American and NATO presence in this area. I think that is what we are looking at if Afghanistan falls totally.

I think we have to remember that when we talk about defense spending in this country, we need to understand that there are limits, right now in how much our defense economy can compete with all the other necessities and the need to revitalize our domestic, nondefense economy.

I think we have to understand that the people in Afghanistan are willing to fight their own battle. The population is virtually 100 percent dead set against the Soviet invaders. We are not trying to support some kind of unstable government or regime. We are in a position to help a subjugated people gain their rightful independence. All the Afghan people want are small weapons, not sophisticated weapons, rifles, ammunition, and backpack heat-seeking guided missiles, the SAM-7 or the Redeye.

In addition, we can provide foodstuffs and medicinal products.

The Afghans have proven to all the world that Soviet military might is not invincible. You have the spectacle of tanks, armored personnel carriers, and helicopter gunships going out to quiet a region by simply blowing up everything in sight, without a human being ever alighting from his armored containment and then returning to heavily guarded bases at night.

This is not exactly a civil war. I think we need to encourage the Afghans in their struggle. We need to maintain some form of assistance to Pakistan as they deal with this refugee problem. I believe it is a cheap price to pay in light of the cost of the scenario that could develop if Afghanistan is allowed to be subjugated.

I think it is important to recognize that even though this problem does not make the evening news, because you cannot get cameramen inside of Afghanistan, the struggle will not go away. Its importance will not go away if we ignore it. We will have to deal with the situation and we do have very few options before time runs out for the Afghan freedom fighters.

The Soviets are unable to pin down and destroy these freedom fighters, even though they are sweeping the country in every widening rings around the cities and the military bases. They are using phosphorus antipersonnel bombs that explode in burning pellets that stick to the people, men, women, and children, and cannot be extinguished. They are using poison gas, napalm, aircraft fighter bombers, and rocket firing helicopter gunships and tanks.

These are what the men, women, and children of Afghanistan face with their Enfield rifles, their Molotov cocktails, knives, and yes, stones. When the Soviets have cleared an area, killing its people, driving them out, they poison the wells. They saturate the earth with chemicals so that nothing might ever grow there again.

At least 3 million people out of its population of 15 million have either died or fled as refugees within or without the country. That is an enormous percentage of the population of the nation. The Soviets are actively destroying the Afghan nation. Those who yet live and fight cry out for us to help and they ask only for the means to defend themselves. Starving, sick, or wounded, child, woman, or man, they are not begging for food, for bread. They do not want us to send any soldiers. They say, "Give us the weapons so that we can fight for our lives and our homeland."

Our national sense of decency and honor demand that we help these brave people who are dying for that which we value and we cherish, freedom. Our security, yes, ours and the whole world's make it urgent that we help them immediately on some effective scale and accompany it with heavy economic and diplomatic pressure on the Soviet Union to halt their expansion throughout Afghanistan.

I am enclosing a recent article from the Christian Science Monitor.

ARM THE AFGHAN FREEDOM FIGHTERS

(By Louis Dupree)

Over a year ago, the Russians began their invasion of Afghanistan. They apparently hoped to move in just enough troops to oust the regime in power, replace it with a puppet government, and then leave. The Russians miscalculated, for the Afghans have never peacefully welcomed the invaders. Soviet troops have failed to crush the "mujahideen" (freedom fighters) and now find themselves in an increasingly expensive stalemate.

The usual guerrilla war has developed: the mujahideen control much of the countryside while the Russian regular forces (and what is left of the Afghan military, down from 110,000 to about 30,000) hold the main urban centers, even though violence erupts occasionally in the cities.

Soviet tactics appear to involve two interlocking processes: the "rubble-ization" of the villages and "migratory genocide." The much-vaunted MI-24 armored helicopter gunships roam up valleys with impunity, turning villages into mud-brick rubble with bombs, rockets, and cannonfire.

Apparently the object is to drive Afghans into Pakistan and Iran, not to kill them. Currently the 1.5 million Afghans in potentially volatile Pakistan and 300,000 to 400,000 in unstable Iran are more valuable to the Soviet Union alive than dead in Afghanistan. The Soviets have usually been able to fish successfully in such troubled waters.

Previously, lack of unity between the guerrilla factions has been used as a convenient excuse for not making effective weapons (SAM-7s, for example) available to the mujahideen. But unity among the diverse Afghan ethnic groups has never been the normal pattern.

Now, however, the fact that entire valleys have been denuded of people has worked against the Russians, and new patterns are emerging in the countryside. Guerrilla leaders, their villages destroyed, have settled their families in Pakistan and returned to their home areas to continue the fight. Because they no longer have to worry about the safety of their families or the sanctity of their homes, groups can coalesce into larger units and range more widely over expanded zones of responsibility.

As links are forged between regional groups, a national liberation movement will evolve, but it must be permitted to emerge naturally and not force-fed by outside, non-Afghan elements. (The process is reminiscent of the World War II Yugoslav partisan movements.)

With the signing of more liberal intelligence guidelines by President Carter, the new administration has much more flexibility, many more options to respond to the Soviet aggression in Afghanistan. And the important fact must not be forgotten that the invasion of Afghanistan is the first Soviet aggression since World War II on a piece of virgin, independent, nonaligned real estate.

President Carter called the Russian move into Afghanistan "aggression" and "the greatest threat to peace since World War II." I believe this assessment to be correct, but countering aggressive action requires two reactions. Stop it. Roll it back. If the Americans (and their allies) have the will, capability—and credibility—the aggression can be stopped at the boundaries of Pakistan and Iran, no matter what types of internal governments survive in these two countries. And with adequate weapons, the mujahideen may ultimately force the Soviets to the negotiating table.

The question naturally arises: to whom should the weapons be made available? I would suggest to any and all groups fighting inside Afghanistan. An American hang-up has always been the desire to put all the eggs in one friendly, controllable basket. That's not possible in this case. Simply make weapons available to anyone who will point them in the right direction; i.e., the Russians. If the Russians ever leave Afghanistan, a civil war will probably develop, a logical struggle for power which the superpowers should watch and stay out of. Let

the Afghans decide which best man—or men—should win.

For their part, the Afghan freedom fighters have made it abundantly clear that they do not want—nor do they need—foreign troops or mercenaries. Probably the only way to force the Russians to the negotiating table is to make their aggression costly in lives and armaments. Therefore, the time has come for interested nations to make adequate weapons available to the mujahideen.

Many responsible Afghans in Europe, the US, and elsewhere can guarantee delivery of weapons to the freedom fighters. No non-Afghans need be involved in any of the operational aspects; no military advisers or instructors should be sent. Former Afghan army officers now fighting with the mujahideen are available to handle training and logistics inside Afghanistan. Foreign personnel would only fuel the inflated Soviet charges of extensive outside interference.

The Afghan freedom fighters do not lack courage and they are, within their own cultural patterns, achieving unity. But they do lack weapons. The Americans and others have the weapons, but do they have the courage?

Mr. RITTER. I think we owe it to our own national sense of decency and honor, and if certain people do not believe in a national sense of decency and honor, we owe it to our strategic interest. We owe it to our energy interests. We owe it to our own budgetary considerations, given—the meaning of Soviet full control of Afghanistan—to our own defense expenditures.

I would call upon my colleagues in this Congress, I would call upon the American people to continue to pay attention to what is happening in Afghanistan, to realize that in many ways the Afghani freedom fighters are fighting for us and that they deserve our consideration and our assistance.

Mrs. BOGGS. Mr. Speaker, would the gentleman yield before he concludes?

Mr. RITTER. Yes, I will yield to the gentlewoman from Louisiana.

Mrs. BOGGS. I would like to thank the gentleman for his personal honor and decency. I thank the gentleman very much.

● Mr. LEBOUTILLIER. Mr. Speaker, the significance of the Soviet invasion of Afghanistan has been seriously underestimated by responsible public officials in the West as well as by the general public. Evidence is beginning to mount that—

First. The Soviets see Afghanistan as a vital step toward controlling Middle East oilfields;

Second. The Soviets are using Afghanistan as practice for future ruthless invasions—Poland still being a possible invasion target;

Third. The invasion of Afghanistan is serving as an example for Fidel Castro to follow in Latin America;

Fourth. The Soviets are using the outmanned Afghans as guinea pigs on which to perfect laser weapons, chemical warfare, and other devastating new weapons; and

Fifth. The Soviets view their rape of Afghanistan as a message to the free world that they have no respect for world opinion, nor fear of Western retaliation.

Mr. Speaker, any one of these facts would be reason enough to become alarmed about the 17-month-old effort to force Soviet communism on the innocent victims of Afghanistan. But, taken together, they cry out for action—immediate action to help the brave Afghan freedom fighters defeat tyranny.

Mr. Speaker, the Soviet Union has over 100,000 highly trained troops in Afghanistan armed with modern weapons. These soldiers are backed up by Soviet bombers, helicopters, and armored tanks. Opposing them are a collection of loosely organized Afghan tribesmen using old army rifles and anything else they can get their hands on.

In view of this, Mr. Speaker, it is amazing how these resistance fighters have managed to hold their own against the savage invaders from the Soviet Union. They continue to fight and hold off their attackers even though at least a million of their fellow citizens have died and another million or more have been forced to flee the country.

It has been obvious for many years that one of the most important Soviet goals is the control of oil. This has become an interest of increasing importance during the past decade.

A key leader of the Afghan freedom fighters, His Excellency Sayed Ahmad Gailani, visited the United States recently. He confirmed the chief Soviet goal, saying:

The leaders of Soviet Russia intend to use Afghanistan as a bridge for the realization of their long-cherished goals, namely, their access to the warm waters, and above all, their domination of the oil fields of the Persian Gulf.

The United States cannot let this happen. We have seen the disruptive and expensive effect OPEC can have when it starts playing oil games with us and our allies. But, Mr. Speaker, what kind of oil games would the Soviets play if they were to gain control of those same oil fields?

In short, Mr. Speaker, the United States—in concert with its allies—can, should, and must provide the modern weapons needed by the Afghan freedom fighters. This does not mean to suggest American military action. Not one American solider needs to become involved. No technicians or advisers need to go to Afghanistan because their forces are terribly demoralized by the grit and cleverness of the tribal freedom fighters. We must do our part to insure that they do lose. With limited material assistance from the West, the Afghan freedom fighters can bring about a Soviet defeat.●

● Mr. PEASE. Mr. Speaker, the Soviet invasion of Afghanistan has had a direct impact on specific U.S. interests in South and Southwest Asia and seems likely to have an important influence on American foreign policy in the 1980's. Has our response equalled the Soviet challenge? Should we step up arms shipments, qualitatively if not quantitatively, to the Afghan freedom fighters?

Russian interest in Afghanistan predates Soviet history, reflecting both geopolitical factors and ethnic ties between Afghans and the people of Soviet Central Asia. Since czarist times, Russia has been a competitor for influence in this traditionally neutral buffer along its southern border.

Within a few days of the invasion of Afghanistan in 1979, Western analysts became convinced that the Soviet military action represented a massive and long-term commitment by the Soviet Union to crush the Muslim rebellion and to insure an Afghan Government favorable to Moscow.

Why should we assist the Afghans with armaments? One wonders why we have not before now. First, since the Soviet invasion was launched more than a year ago, the suffering of the Afghan people has grown steadily worse. Soviet attacks on Afghan villages using indiscriminate bombing, napalm and poisonous gases have reached new heights of barbarism, yet the Afghan people continue to resist. Despite overwhelming odds, they fight helicopter gunships with out-of-date rifles and homemade bombs. So long as the Afghans want to fight their Soviet oppressors, we are bound by our traditions to help them.

Second, contrary to the popular notion, the Soviets are not now 10 feet tall. Soviet military prowess has its limits, as does ours. We have just been far less willing to test their limits of late. To the extent that the Soviets can be further tied down in Afghanistan, they might be less willing to take on another military venture as costly as Poland, for example. Certainly the Soviet capacity to carry out a Polish invasion would be reduced.

Soviet armed forces have numerous deficiencies subject to exploitation—ethnic tensions in the ranks, shortages of sophisticated weaponry and the lack of combat-readiness in both the army and navy. Such problems were known to exist before the Soviets marched into Afghanistan in December 1979, so they have probably been exacerbated by the fighting there. Why should we not seek to support the Afghans and, in so doing, heighten the strain on the Soviet military machine?

Consider this case in point. During the past year, Soviet soldiers born in Central Asis apparently balked when ordered to attack Afghan insurgents and there have been reports that some

deserters have joined forces with the freedom fighters.

Finally, we can assist the Afghans without getting involved directly. Last August, Egyptian President Sadat offered to supply the Afghan freedom fighters with arms, including Soviet-made antiaircraft and antitank missles and to provide military training camps. We should take him up on his offer and then resupply Egyptian stocks with counterpart American equipment. These are precisely the types of weapons Afghan leaders say they need to really hold their own against the Soviets.

Published reports on the situation in Afghanistan suggest that the war has been essentially a standoff since early 1981, with the Soviets entrenched firmly in Kabul and other population centers but with the rebels controlling perhaps 75 to 80 percent of the countryside. In actuality, however, this stalemate favors the Soviets and the situation for the freedom fighters has been described as increasingly desperate due to shortages of weapons, ammunition, and food.

The outlook for the Afghan freedom fighters remains a matter of dispute. Some feel that with a modest flow of small arms and some limited quantities of antiaircraft and antitank weapons the guerrillas can hold out indefinitely and make the Soviets pay a heavy price for their occupation. Others forsee the imminent collapse of the resistance movement as the exodus of refugees and Soviet operations aimed at denying the freedom fighters access to food and supplies take their toll. The fate of the resistance could be determined this spring and summer. That is why it is so important for us to move now.

The news from Afghanistan is vitally important to the United States for strategic, political and humanitarian reasons. We must not remain silent in the face of continuing Soviet aggression, especially now that President Reagan has unilaterally ended the grain embargo. So long as the Afghan freedom fighters continue their struggle against Soviet tyranny, it behooves us to give them material as well as moral support.●

● Mr. YATES. Mr. Speaker, on December 27, 1981, military forces of the Soviet Union invaded the sovereign country of Afghanistan in contravention of basic principles of international law. As a signatory to the Helsinki Final Act, the Soviet Union has a responsibility to act in accordance to generally accepted principle embodied in the declaration of principles of that document. Respect for the sovereignty of all nations, refrain from the use of force, respect for each peoples individual rights to self-determination are but some of the principles violated by the Soviet invasion of Afghanistan.

The Soviet forces have occupied this country, have taken control of the Government, directed the Afghan Army to forcibly conscript young men into the army to fight against their own people. The free peoples of Afghanistan continue their fights against the Soviet aggression with minimal support from outside forces. I would like to submit for the RECORD an article which appeared in the Christian Science Monitor on April 6, 1981. This article delineates some of the actions perpetrated by the Soviet forces against the people of Afghanistan in contravention of the basic principles of international law, the very foundation of the Helsinki Final Act.

The article follows:

SOVIETS IN KABUL SEND AFGHAN ARMY INTO COUNTRYSIDE

(By Carol Honsa)

NEW DELHI.—In a fresh indication of Soviet distrust of the desertion-riddled Afghan Army, the Soviet military command in Kabul has shipped four Afghan Army units off to the countryside and given Russian troops responsibility for guarding the capital, diplomats report.

"Kabul is now virtually depleted of Afghan troops," said a Western diplomat in a report reaching the Indian capital of New Delhi.

The switch comes just as rebels and Soviet forces are limbering up for spring offensives after the long, harsh Afghan winter.

At least two independent diplomatic reports last week confirmed the move of the Afghan Army's 4th and 15th armored divisions and the 7th and 8th infantry divisions from the capital to the provinces.

One diplomatic source reported that units are being sent to reinforce Afghan Army garrisons at Herat and Kandahar, which have been seriously weakened by desertions and defections. Both cities are the scene of running battles between government and insurgent forces.

It is unclear whether the Soviets have increased their troop strength in Kabul to make up for the departed Afghan units or simply assigned more of their forces on hand to security and guard duties.

Soviet troops have long shouldered the major share of fighting against the insurgents, who oppose both the occupation of their country by 85,000 Soviet troops and the Soviet-installed government of President Babrak Karmal.

In January, according to diplomatic accounts, Afghan authorities in Kabul reportedly approved plans to pit only Afghan soldiers against the rebel guerrillas. The plans were met with skepticims by regional analysts, who noted that the Afghan Army has proved incapable of putting down anticommunist resistance ever since Afghanistan's first Marxist government came to power in a coup in April, 1978.

Most estimates set the size of the Afghan Army at about 30,000 men, only a third of its original strength due to desertions and defections of both officers and enlisted men. The Karmal government, which came in on the heels of invading Soviet troops in December, 1979, has been resorting to house-to-house searches and press gangs to conscript military-age men into the armed services. Salaries nearly 10 times the pay for draftees have been offered to volunteers.

Shortly before the move of the four Afghan Army units out of Kabul, large numbers of shops were reported looted in nighttime robberies. Diplomats said that the thieves' apparent confidence, their use of jeeps, and their ability to move freely despite the evening curfews convinced the victims that the robbers were government security forces.

The rebels, whose activities along the roads were apparently responsible for the dearth of fresh fruits and vegetables in the Kabul bazaar late last month, have now started to issue receipts for "captured supplies," a diplomat reported.

One puckishly worded receipt was issued to a truck driver whose load had been stolen. "In the name of God Almighty we have received from (blank), driver of truck number (blank), a consignment of (blank)," the receipt read. "Thank you for your kind cooperation. We ask you earnestly to accept this receipt. In case you do not accept it, we shall come personally and give our answer to Brezhnev."●

● Mr. YATRON. Mr. Speaker, I rise today to join with my friend from Pennsylvania, DON RITTER, and other concerned colleagues, to discuss the grave situation in Afghanistan.

The Soviet invasion of Afghanistan was one of the most shocking, ruthless, and savage uses of power in recent memory. Moscow's action was a gross violation of international law and an obscene breach of the rights and dignity of the courageous and proud Afghan people.

Since their initial invasion, the Soviets have continued to pour thousands of troops and all kinds of nefarious weapons into Afghanistan. Countless innocent Afghans have been killed and 2 million have been forced to flee for their lives. Much of the once beautiful countryside has been ravaged.

The Soviet occupation of Afghanistan continues and the Kremlin leaders have shown no inclination to negotiate a legitimate settlement and withdraw their forces. In a strategic sense, the Soviet military presence in Afghanistan is most troubling, not only for the United States, but for any nation dependent to some degree on Mideast oil. The proximity of the Soviet Union to the Strait of Hormuz and the Arabian Sea, the major oil supply line, is greatly improved and represents a direct threat to the welfare of the Western World.

I believe it is of the utmost importance that we continue to press the Soviets to withdraw their forces from Afghanistan. We must work closely with our NATO allies so that the Kremlin clearly understands that the West speaks with one voice on this issue. Finally, we must make sure that every nation of the world is completely aware of the threat an unrestrained Soviet Union represents to world peace.●

● Mr. BINGHAM. Mr. Speaker, in today's world, it is all too easy to forget yesterday's headlines about the Soviet invasion of Afghanistan. And

yet, 3 years after the first Communist takeover in that previously nonalined country, the Afghan people still struggle for freedom.

During the Madrid-Helsinki review meeting, many delegations spoke out against Soviet actions in Afghanistan as blatant violations of the Helsinki final act. In light of that concern, the Helsinki Commission is planning to hold hearings about the situation in Afghanistan.

I would like to draw my colleagues' attention to an article which appeared in the Economist of May 2, 1981, describing the continuing resistance to the Karmal government:

BIRTHDAY BLUES

Kabul's Russian-installed rulers had to celebrate on the third anniversary week of the revolution that brought communists to power. The ruling people's Democratic party, under Mr. Karmal, remains seriously divided, the government's control of the countryside, never strong beyond the major cities and main roads, is still diminishing.

In a speech on April 26th, the eve of Revolution Day, President Karmal spoke of a possible purge of the Khalqis, the mainly rural-based faction in his party whose late leader Hafizullah Amin (the third successive communist leader to be assassinated) preceded Mr. Karmal in power. At a celebration parade next day several prominent Khalqis were absent, among them the interior minister, Mr. Sayed Mohammed Gulabzoi, and the transport minister, Mr. Sherjan Mazdooryar, both once heroes of the 1978 revolution.

President Karmal also spoke of the need to cleanse the civil service of "undesirable elements." But there is little of a professional civil service left in Kabul. Most of the senior and middle-level jobs are filled by unqualified party functionaries. The usual business of government has virtually stopped, although Russian advisers in the main ministries try to keep the system working.

The flow of refugees continues. This week 20,000 families, almost the entire Sabri tribe, crossed from eastern Afghanistan into Pakistan. And the dissidents who stay to fight are showing increasing confidence. They are starting to demonstrate some real skill in guerrilla tactics. Instead of laying siege to military strongpoints, a tactics that left them open to attacks by helicopter gunships and artillery, they now favour ambushes, mine-laying and hit-and-run raids. They move more openly in the towns, and have increased the number of assassinations of party and government officials. Parts of Kandahar and Herat, the two most important towns in Afghanistan after Kabul, have become no-go areas for Afghan and Russian soldiers. During the past week a government fuel dump on the outskirts of Kandahar was blown up.

The government's control of the main highways has also weakened. The Jalalabad-Kabul section of the road from the Khyber pass is regularly impassable to the army, and the rebels levy road taxes of about a dollar a person. The frequently ambushed Kabul-Kandahar highway is known as "suicide alley". The road from Pakistan's Chaman border crossing in Baluchistan province to Kandahar, once patrolled by the government's forces, is now unguarded. It was from this area that a junior Afghan officer drove his Soviet-built T-54 tank to asylum in Pakistan on April 11th. And on April 26th the three-man crew of an MI-8 helicopter armed with 16 rockets flew to Quetta in Pakistan and defected.

Several hundred insurgents who spent the winter with their families in refugee camps in Pakistan are returning to Afghanistan to fight, and the Russians, apparently believing the influx to be greater than it is, are strengthening the border. Their previous attempt to keep out the insurgents had limited success: the small mines which they scattered from aircraft over the main passes could be destroyed by slingshot.

The insurgency remains effective despite the bickering among the exiled political leaders in Pakistan who claim to run the war. Their role is becoming increasingly irrelevant, except for their ability to deliver cash and imported guns. The Alliance for the Liberation of Afghanistan, the nebulous union of the six Pakistani-based groups formed on the orders of their Arab backers soon after the Russian invasion, has been formally buried. It was hopelessly divided between young Islamic fundamentalists who want an Iranian-style revolution in Afghanistan and traditionalist leaders. Their quarrel is likely to continue if and when the Russians leave Afghanistan.●

● Mr. SMITH of New Jersey. Mr. Speaker, I cannot think of another event in recent times that has had such convulsive effects as the Soviet invasion of Afghanistan.

When the Red Army crossed the border in December 1979, it shattered many American illusions. Détente—already tattered—disappeared as a concept. The word is not much used any more. I think we need a new term to describe our relations with Moscow.

We had been told the Soviet Armed Forces do not intervene outside their sphere of influence. That was false, Hungary and Czechoslovakia were crushed, but now this was the fate of a previously neutral nation.

Of course, the policy failures go back before this. When the Afghan Communist party overthrew the Kabul Government in April 1978—and then promptly signed a pact with the Soviet Union—we should have taken alarm. Of course, we did not. Nor did we pay much attention to the first reports of the resistance of the Afghan freedom fighters who began battling the pro-Soviet regime in Kabul almost immediately.

Now, we have a different situation. There is a large Soviet Army waging war outside its borders. There is determined Afghan resistance. The fact the Soviets have no free press means the news from Afghanistan does not get the play it should, since the Soviet Army is obviously not revealing the extent of the resistance nor its losses.

I think, Mr. Speaker, this invasion has had more impact on Europe than here. Particularly in France, former leftwing intellectuals have abandoned their flirtation with Moscow and looked this aggression full in the face. There is a real growth of neutralism in Europe, but I think opinion makers are genuinely worried by Soviet behavior. We can thank Afghanistan for that.

Some said Afghan resistance would be over last spring. They were wrong. Others said the freedom fighters would not survive the winter. They were wrong. We are in another spring, and still the resistance goes on. With primitive weapons bought in the bazaars of Peshawar, with guns they obtain from dead Soviet soldiers the Afghans fight on.

The Soviets have responded with barbaric attacks. They have massacred whole villages. They have used poison gas and napalm. Frankly, Mr. Speaker, we should see an international outcry against the use of a modern military machine against primitive people.

The Soviet presence in Afghanistan has thrown the whole of South Asia into turmoil. Pakistan's Government may not survive. The Soviets are stirring up Baluchi and Pathan tribesmen all along the Afghan-Pakistani border. The Soviets may try to create a puppet Baluchistan which will give them the means to seize a port on the Arabian Sea. Should the Soviets intervene in Pakistan the international consequences would be enormous.

The gallant Afghan freedom fighters are doing a real service to the free world by their resistence. As long as the Soviets cannot subdue Afghanistan they cannot push on to the Persian Gulf.

Traditionally, Mr. Speaker, Afghanistan has been a buffer between East and West. That is why the British went to such lengths to keep the Russians out of Afghanistan during the time when they held India. That is why the Afghan invasion should concern us so. The buffer is gone, and the Soviets are only 300 miles from the Arabian Sea. They can now menace the Strait of Hormuz far more easily than they previously did. Any cut in the oil flowing through that strait would have a devastating impact on Western Europe and Japan. We know full well we would have to fight if the Soviets interrupted the flow of oil.

Mr. Speaker, thousands of Afghans are homeless, crowded into refugee camps. Others are dead, brutally slaughtered, or killed by exposure, disease, starvation. Still the fighting goes on. Still the Afghans resist.

I think it is very important for this country to state one thing plainly: We want the Reds out of Afghanistan. We do not want a pro-Western Afghanistan; we want a free, neutral Afghanistan, without foreign influence. That is what our policy must strive for.

What has happened in Afghanistan is not the last act of the drama. It seems to me to be only the curtain raiser. Events in Iran and in Pakistan, the threat to Saudi Arabia, are all elements in this. Should the Soviet Union take action against Poland we would

know only too well the importance of Afghanistan.

Mr. Speaker, I should like to thank our distinguished colleague, Congressman DON RITTER, for arranging such a special order on such a timely and important subject. This House should think well and long on the subject of Afghanistan. Today, there are no faraway countries of which we know nothing.●

● Mr. FASCELL. Mr. Speaker, in December 1979, the Soviet Army invaded the independent, sovereign nation of Afghanistan in contravention of basic principles of international law. Eighteen months later, news reports highlight that the fight for freedom against Soviet intervention still persists in that war-torn country.

In 1975, the Soviet Union, along with 34 other countries, including the United States, signed the Helsinki Final Act. The first part of that international accord establishes that the conduct of the participating states should be based on well-known principles of international law. All 10 of these principles provide a basis or guidelines for the conduct of the participating states with one another, and five of them also refer to expected conduct with respect to all other nations as well. Let us examine these principles.

Principle I, entitled "Sovereign equality, respect for the rights inherent in sovereignty" states that—

The participating States will respect each other's sovereign equality and individuality as well as all the rights inherent in and encompassed by its sovereignty, including in particular the right of every State to juridical equality, to territorial integrity and to freedom and political independence.

Principle II, entitled "Refraining From the Threat or use of Force," clearly states that:

The participating States will refrain in their mutual relations as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations and with the present Declaration.

Principle VII, entitled "Equal Rights and Self-determination of peoples" cites that:

The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purpose and principles of the Charter of the United Nations and with relevant norms of international law, including those relating to territorial integrity of States.

Principle VIII continues by emphasizing that:

* * * all peoples always have the right, in full freedom to determine when and as they wish, their internal and external political status, without external interference.

And for the—

Respect for and effective exercise of equal rights and self-determination of peoples for the development of friendly relations among themselves, as among all States.

Principle IX, entitled "Cooperation Among States" states that:

The participating States will develop their cooperation with one another and with all States in accordance with the purposes and principles of the Charter of the United Nations.

And,

* * * they will take into account in interest of all in the narrowing of differences in the levels of economic development, and, in particular, the interest of the developing countries throughout the world.

Principle X, entitled "Fulfillment in Good Faith of Obligations under International Law" states that:

The participating States will fulfill in good faith their obligations under international law, both those obligations arising from the generally recognized principles and rules of international law and those obligations arising from treaties or other agreements in conformity with international law, of which they are parties.

Further on, principle X continues with:

The participating States confirm that in the event of a conflict between the obligations of the members of the United Nations under the Charter of the United Nations and their obligations under any treaty, or other international agreement, their obligations under the Charter will prevail in accordance with Article 103 of the Charter of the United Nations.

The Soviet invasion of Afghanistan has clearly undermined the spirit and intentions of the Declaration of Principles of the Final Act. During the first phase of the Madrid Review Conference, countless Western delegations, in noting the invasion of Afghanistan, decried the actions of the Soviet Union as reprehensible. These delegations, including the United States, documented that Afghanistan had been deprived of the respect it deserves as a sovereign nation, that the country had been invaded by Soviet forces, and its people deprived of their right to self-determination, all in direct violation of the spirit and letter of the final act.

Later this summer, the Commission on Security and Cooperation in Europe of which I am chairman, expects to hold a day of hearings to further highlight Soviet violations of the aforementioned principles. We expect to document the inhuman and brutal policy employed by Soviet occupation forces, the control exerted over the Afghan government and the total disregard for the traditional values and customs of a free-thinking people.●

● Mr. EDWARDS of Oklahoma. Mr. Speaker, the brutal Soviet military occupation of Afghanistan is now well into its second year. Estimates of the number of Soviet troops in the country range from 85,000 to 120,000. These troops are supported by a formidable complement of weapons systems, including armored personnel carriers, helicopter gunships, tanks, and aircraft. According to the chief of the National Islamic Front of Afghanistan, an umbrella organization of groups fighting the occupation, some 9,000 Cubans are in the country fighting alongside the Soviet troops.

Mr. Speaker, the southern border of Afghanistan is only 350 milies from the Arabian Sea, placing Soviet aircraft operating out of the south well within striking distance of the Persian Gulf and the sealanes providing access to it. The Soviet invasion has had the effect of positioning Soviet aircraft 500 miles closer to these sealanes.

Incentives for further Soviet expansion, toward the littoral of the Arabian Sea, are not lacking. Ports at Gwadar in southwestern Pakistan and Chah Bahar in southeastern Iran would offer Soviet naval vessels ready access to the Gulf of Oman and the Straits of Hormuz at the entrance of the Persian Gulf, an area which the Soviet Union has characterized as "the center of aspirations of the Soviet Union." The straits are the vital chokepoint of the West's oil lifeline from the Gulf.

Currently obstructing any Soviet attempt to obtain a corridor to these warm water ports, and to increase Soviet leverage against neighboring Pakistan, is the province of Baluchistan a volatile area straddling Pakistan, Afghanistan, and Iran. However, this inhibiting factor may not be permanent. Especially among the Pathan and Baluchi tribes in Pakistan, separatist movements in the region present a potential target of opportunity to the Soviets and their sympathizers. Encouraging secessionist tendencies in Baluchistan is thus attractive as a means of further expanding Soviet influence in Southwest Asia and, ultimately, allowing the Soviet Union to secure an avenue to warm-water ports. To the extent that the Soviet Union is able to consolidate its control over Afghanistan, it will be free to focus its attention on exploiting the strong resentments the Baluchis harbor against the Zia regime.

Clearly, the occupation of Afghanistan continues to place U.S. interests at risk. Moreover, Soviet intrusion there must be seen in the context of accelerated Soviet expansion which has occurred on a global scale in the past decade. The entrenchment of Soviet influence in Afghanistan, Angola, Ethiopia, South Yemen, Vietnam, and Latin America represents an aggregate threat to U.S. interests and security that is too formidable to ignore or play down.

Mr. Speaker, the situation in Afghanistan continues to merit our serious concern. I strongly urge the administration to be persistent in seeking effective ways to pressure the Soviet Union to withdraw its forces from Afghanistan.●

● Ms. FIEDLER. Mr. Speaker, in December 1979, the clanking, mechanized divisions of the Soviet Army crossed, against the good will of the world, the borders of Afghanistan, a region and a people which no conqueror in 4,000 years has ever found it worth while to subdue. In short order, Hafizullah Amin, the pro-Soviet prime minister, joined the Marxist's junkpile of history by way of a firing squad of his former allies. The bulk of the Afghan people have demonstrated their appreciation of the Soviet's display of Socialist brotherhood by taking up arms against the invader.

The Soviets have now found themselves at war for the first time since 1945 and the Afghan people have become the targets of all the vast and powerful arsenal that the Soviets have so carefully fashioned and skillfully honed since then. These weapons, which strong evidence suggests have included chemical warfare systems, have been used with typically Russian thoroughness and diligence. Behind the tanks and helicopter gunships have come the KGB, the GRU, the MVD, and all the odious apparat of the Communist regime and the wreckage of the bodies and minds of their victims that mark the Soviet Union's contribution to Afghanistan.

All war is terrible, but the guerrilla war in Afghanistan has become an exercise in applied and refined terror. Massacre and mutilation have become commonplace. None can know the number of the dead, but a tremendous number of Afghans have been driven from their villages and fields; 1,700,000 are overflowing the refugee camps in Pakistan; and their number is growing by over 150,000 a month. Many more are in Iran or still inside Afghanistan. The human cost of this war is staggering.

The Soviet military intervention in Afghanistan does not guarantee the Soviet Union secure borders. Rather, invasion itself has created insecurity. Instead of a friendly government—for until the invasion Afghanistan had been a good neighbor to the Soviets—Moscow now finds itself with an Asian war that shows little sign of ending. The actions of the Soviet Union itself was the catalyst for the Afghans now fighting for their freedom.

I am confident that I speak for the vast majority of my fellow citizens in opposing the continuing war in Afghanistan. It is a war that has created tremendous suffering for the Afghan people. It is a war that has brought great instability to the political situation in Southwest Asia, and it is a war that, every day it continues, shows the Soviet Union to be more and more an aggressor.●

Mr. RITTER. Mr. Speaker, I yield back the balance of my time.

1981 CONGRESSIONAL POLL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BROOMFIELD) is recognized for 15 minutes.

● Mr. BROOMFIELD. Mr. Speaker, every spring I ask the residents of my congressional district for their views on important national issues.

I indicated to all those who replied that their views would be made known to the Congress and the President. I thought it especially significant that nearly 92 percent of those responding this year said they favor a 10-percent tax cut in each of the next 3 years. Almost 82 percent said they support across-the-board reductions in Federal spending.

Following are the complete results of my 1981 congressional poll:

CONGRESSIONAL POLL RESULTS, 1981

[Tabulated by General Marketing, Wheaton, Md.]

	Adults (percent)	
	Yes	No
1. To control inflation, would you support across-the-board cuts in all Federal programs	82	18
2. Do you support the President's proposal to reduce personal income taxes by 30 percent during the next 3 years	92	8
3. Would you favor legislation to permit a Federal income tax credit for tuition paid to private schools	48	52
4. Would you support limits on the number of foreign cars imported into the United States	63	[1] 35
5. Would you support legislation to provide a tax exemption on the first $2,000 of interest earned on savings	93	7
6. Do you think Congress should have the power to veto regulations proposed by Federal agencies	84	[1] 11
7. Do you support the administration's decision to move cautiously on SALT negotiations until the Soviet Union halts its aggressive policies throughout the world	94	[1] 5
8. To encourage the reindustrialization of the United States, would you support business tax incentives to generate more investment capital	86	[1] 11
9. Do you believe that revenue from general tax funds should be used to subsidize social security	46	[1] 48
10. Because of the weakened condition of our national security, would you support increased emphasis on rebuilding our military forces	87	[1] 10

[1] Balance equaling 100 percent undecided.●

FARM LABOR CONTRACTOR REGISTRATION ACT AMENDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, the Farm Labor Contractor Registration Act (FLCRA) remains a significant problem of unnecessary and burdensome regulation for many throughout agriculture. In fact, the concern and public demand for the clarification of FLCRA have grown as more and more farmers and other fixed-base agricultural employers have learned that they may be made to comply with the act through the misinterpretation of it by the Labor Department. This leads me today to introduce again a bill to clarify the act, as I did in the last Congress.

I am pleased to be joined in sponsoring this bill by Mr. BOWEN, Mr. MICHEL, Mr. LOTT, Mr. CORCORAN, Mr. KRAMER, and Mr. GOODLING.

It is encouraging to me that the Education and Labor Committee is contemplating hearings on the bill this year. Last year my distinguished colleagues, Chairman CARL D. PERKINS of the Education and Labor Committee, and WILLIAM D. FORD and JAMES M. JEFFORDS, both of whom are also members of the committee, wrote to the conferees on the further continuing appropriations resolution. They informed the conferees that they intended to seek corrective action on FLCRA in the 97th Congress, commencing with hearings as early as possible. I know that these distinguished gentlemen would not give such a pledge lightly, and so I look forward in the spirit of cooperation to working with the committee.

There is no doubt in my mind that we can work out the problems that exist with the act. By introducing this revised bill, we are already trying to seek an acceptable solution to the FLCRA issue.

IMPROVEMENT FROM PREVIOUS BILL

The bill we are introducing today is similar to the bill (H.R. 7824) which I and 160 of my colleagues cosponsored last year. However, it is different in several respects. Three important changes, which I will explain, were made because of concerns expressed by representatives of migrant farmworkers.

This year's bill tightens up the clarification of employees that are exempt from FLCRA. The act currently exempts, subject to certain conditions, "any full-time or regular employee" of a farmer, processor, canner, ginner, packing shed operator or nurseryman who is exempt from the act. There is considerable ambiguity as to what constitutes a "regular" employee, so H.R. 7824 provided a definition of the term. Some felt that this definition opened a loophole whereby a genuine crew leader could be exempted from the act. This year's bill answers that concern. It eliminates the confusing distinction between "full-time or regular" and makes a clear differentiation between a bona fide employee and an independent contractor. This distinction between the bona fide employee and the independent contractor is well established in labor law and will insure that the independent crew leader does not escape regulation. The new language follows the well-established principle that the employee should not be held responsible under a law from which his or her employer is exempt.

The second change is in the exemption for farmer-owned cooperatives. Some representatives of migrant farmworkers felt that, while exempting cooperatives is not objectionable, the provision in H.R. 7824 could become a loophole if a shell cooperative were formed by crew leaders. My new bill

prevents this by allowing the Secretary of Labor to require a cooperative to register and comply fully with FLCRA if it is formed solely to evade the purpose of the act.

The third change insures the protection of day-haul workers, who were intended to be brought under the act by the 1974 amendments. My bill, H.R. 7824, last year was written so as to protect day-haul workers, but some felt that the language was inadequate. Therefore, I have rewritten the definition of migrant worker to include day-haul workers clearly, which is stated in section 8 of my bill.

It is in this constructive spirit that I look forward to working with my colleagues on the Committee on Education and Labor, and particularly with my good friend, the gentleman from California (Mr. MILLER), who is chairman of the Subcommittee on Labor Standards. As I said before, I am confident that we can resolve this problem and that the will of Congress will be acceptable to all.

FLCRA PROBLEMS CONTINUE

The problems FLCRA has caused throughout agriculture are well known, so I will not dwell upon them again in detail here. It seems to me in a broader sense that the implementation of FLCRA has generated a feeling of surprise and disbelief among many of my colleagues and in the agricultural sector.

When the act was amended in 1974, we understood that the purpose continued to be to protect producers of agricultural products, migrant agricultural laborers, and the public generally from abuses by irresponsible contractors. The fact that the Labor Department came to interpret "producers of agricultural products" to fall within the definition of "farm labor contractor" or irresponsible contractor came as a surprise and disappointment.

Thousands of farmers, and I too, were further shocked to learn that the term "migrant worker" no longer means migrant worker. It now is interpreted by the Labor Department to mean any employee who is performing agricultural work. No longer is it restricted to migrant farmworkers, contrary to what the title of the act implies and the legislative history indicates it should be. A migrant worker could be someone who lives down the road or across the road and performs agricultural work in the area year round, according to the Labor Department.

Most distressing of all to agricultural producers who have been made subject to the act is the long laundry list of requirements under the act. These requirements are burdensome and unnecessary for fixed-base employers. They are duplicative of other Federal, State and local laws, and in some cases they simply do not respond to anything that has been a problem between agricultural producers and migrant workers. In addition to registering and keeping the registration card in personal possession at all times, farmers must be fingerprinted, disclose their earnings, post signs indicating the wages paid employees, give employees in writing the terms and conditions of employment, pass a special medical exam to operate a motor vehicle used to transport migrant farmworkers and comply with numerous other requirements. While these requirements are necessary and appropriate in the context of protecting migrant workers from abuses by irresponsible crew leaders, they are unnecessary for fixed-base agricultural producers.

PROTECTION FOR MIGRANT WORKERS INCREASED

This bill is designed to resolve these problems and to insure its proper administration and enforcement. In so doing, it increases protections for migrant farmworkers by targeting the Department of Labor's enforcement so as to require independent farm labor contractors to register and comply fully with the law. Further, it carefully preserves those protections which are now provided under separate statute, including the Fair Labor Standards Act, Occupational Safety and Health Act, and similar labor laws which apply to agriculture.

Mr. Speaker, consideration of this bill is strongly supported by many of us. I hope that hearings will be held as soon as possible. In order to provide further explanation, I insert in the RECORD at this point the text of the bill and a section-by-section analysis:

SECTION-BY-SECTION ANALYSIS

1. Title: Farm Labor Contractor Registration Act Amendments of 1981.

2. Section 2 clarifies the existing exemptions under 3(b)(2) for farmers, ranchers, and other agricultural employers who recruit and hire migrant farmworkers for their own operation. The Department of Labor (DOL) previously held that the existing exemption only applies to individuals who "personally" engage in such activities. Since the majority of agricultural employers, incldng many farmers, are incorporated, the effect of the DOL interpretation has been to eliminate the exemption for all but a few. The proposed change would make clear that farmers, ranchers, and other agricultural employers are excluded from the definition of "farm labor contractor" regardless of their form of doing business. This is consistent with the interpretation adopted by the 9th Circuit Court in *Marshall* v. *Green Goddess Avocado Corp.*, and by federal district courts in *Espinoza* v. *Stokely-Van Camp* and *Cantu* v. *Owatonna Canning Co., Inc.*

3. Section 3 clarifies the existing exemptions for employees of farmers, ranchers, and other agricultural employers. The present Act excludes from the definition of farm labor contractor any full-time or regular employee of a farmer, processor, canner, ginner, packing shed operator, or nurseryman who recruits, solicits, hires, furnishes, or transports migrant farmworkers for his or her employer on no more than an incidential basis. The ambiguity of the phrase "on no more than an incidental basis" has resulted in much controversy and led to several court cases as to its actual meaning.

There has been some suggestion, including one by then Secretary of Labor Ray Marshall, that a strict time test, such as 20 percent, be applied. But such a test would be exceedingly difficult to administer and result in burdensome record-keeping and paperwork requirements for farmers, ranchers, and others. Therefore, section 3 simply deletes the phrase entirely.

Section 3 also addresses the concern some have expressed that the present exemption for "full-time or regular employees" in section 3(b)(3) of the Act creates a loophole whereby a farm labor contractor may escape regulation by simply "masking" as a full-time or regular employee. Under the proposed new 3(b)(3), the term "full-time or regular employee" is deleted in favor of language that requires an individual to be a "bona fide employee." Any individual having the status of an independent contractor would not be exempt, but would be required to register and comply fully with the law.

4. Section 4 revises the existing exemption contained in section 3(b)(10) of the Act. Section 3(b)(10) was enacted in 1978 to prevent DOL from applying the Act to persons (in many cases school teachers on their summer break) who supply students or others not principally engaged in farm work to detassel and rogue seed industry crops principally during the summer months. However, the exemption was narrowly limited to hybrid seed corn or sorghum for seed, provided such activities were performed no more than four weeks during the year.

Section 4 removes these limitations without changing the basic thrust of the provision. The limitations in present law are illogical and unfair. There is no reason to limit the exemption only to seed crops of hybrid corn and sorghum. Whenever students or others not principally engaged in farm work are used anywhere in the seed industry the exemption should apply. Further, the four week limitation has proved to be both unworkable and unnecessary. It is unworkable because companies are unable to verify that the students are doing detasseling or roguing for only for weeks of the year; and it is unnecessary because the persons covered by the exemption are not farmworkers and work only for a brief period of time in connection with their temporary employment in seed-industry-related jobs.

5. Section 5 creates a new subsection 3(b)(11) in the act which excludes nonprofit or cooperative associations of farmers, growers, or ranchers from the definition of farm labor contractor.

6. Section 6 creates a new subsection, 3(h), which would define the term "for such person's own operation" as used in 3(b)(2). Subsection 3(b)(2) currently states that an employer is excluded from the definitoin of farm labor contractor if he supplies migrant farmworkers for his own operation. Congress added the phrase "for his own operation" to ensure that a crew leader or independent contractor would not evade regulation under the Act by simply claiming to be a farmer. The problem has been that the phrase has been interpreted to mean that such person must have title to the commodities to be considered his own operation. Such an interpretation completely ignores the numerous situations throughout agri-

culture, including the livestock, cotton, citrus, fruit and vegetable industries, where a producer or processor performs an activity pursuant to his own operation, but does not have title to the commodity. The new subsection 3(h) clarifies Congressional intent so that a farmer, rancher, or other agricultural employer can act "for such person's own operation" regardless of whether he has title to the commodity.

Encompassed by the term "such person's own operation" are all activities by a person with respect to commodities which are or will be the subject of or diverted from his operation. For example, when a canner harvests a crop destined for his cannery, he is engaged in activities for his own operation, regardless of when title to the crop is deemed to pass. Under some circumstances a packing shed operator may harvest a grower's crop for the purpose of selecting the highest quality fruit for packing operations. That fruit which is not so selected is typically then diverted to other processing operations. The amendment would make clear that the harvesting and handling of the entire crop by the packing shed operator is regarded as "for such person's own operation."

Section 6 also adds a new subsection, 3(i), which defines the term "bona fide employee." Under this definition, an individual having the status of an independent contractor would not be entitled to the exclusion for employees, but would be required to register and comply fully with the law. There is a clear distinction built on hundreds and hundreds of cases under common law between an employee and an independent contractor. It should be noted that an employer can be held liable for the actions of any employee. An employer may also be held responsible under the Fair Labor Standards Act (FLSA), Occupational Safety and Health Act (OSHA), the Wagner-Peyser Act, and numerous other statutes.

7. Section 7 amends section 3(d) of the Act to clarify the definition of agricultural employment. The amendment makes clear that the inclusion in the definition of "agricultural employment" of the phrase "handling, planting, drying, packing, packaging, processing, freezing, or grading" refers to those operations that are on a farm or ranch. This is consistent with the references in the definitions of "agricultural employment" and "migrant worker" to agriculture as defined in the Fair Labor Standards Act and agricultural labor as defined in the Internal Revenue Code. Those two statutes have long been held to differentiate clearly between an operation on a farm or ranch and an operation in a plant or business away from the farm or ranch.

8. Section 8 clarifies the meaning of the term "migrant worker" as presently contained in subsection 3(g) of the Act. The change is in response to DOL's interpretation that a migrant worker means anyone employed in agriculture. By this reasoning, even members of the farm family could be considered to be migrant workers. The proposed change also provides protections for the so-called "day-haul worker" since it includes within the definition of "migrant worker" an individual who is transported to and from his or her place of agricultural employment.

H.R. —

A bill to amend the Farm Labor Contractor Registration Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Farm Labor Contractor Registration Act Amendments of 1981".

SEC. 2. Section 3(b)(2) of the Farm Labor Contractor Registration Act of 1963, as amended (7 U.S.C. 2042(b)(2)), is amended to read as follows:

"(2) any farmer, processor, canner, ginner, packing shed operator, nurseryman, or any other person engaged in agricultural production or processing, who engages in such activity for the purpose of supplying migrant workers for agricultural employment for such person's own operation;".

SEC. 3. Section 3(b)(3) of such Act is amended to read as follows:

"(3) any bona fide employee of any person referred to in (1) or (2) above who engages in such activity for his or her employer;".

SEC. 4. Section 3(b)(10) of such Act is amended to read as follows:

"(10) Any person who would be required to register solely because the person is engaged in any such activity solely for the purpose of supplying full-time students or other persons whose principal occupation is not farmwork to detassel, rogue, or otherwise handle seed for planting purposes and to engage in other incidental farmwork: *Provided,* That such students or other persons are not required by the circumstances of such activity to be away from their permanent place of residence overnight: *Provided further,* That such students or other persons, if under eighteen years of age, are not engaged in providing transportation in vehicles caused to be operated by the contractor.".

SEC. 5. (a) Section 3(b) of such Act is amended by—

(1) striking "or" after paragraph (9);

(2) striking the period after paragraph (10) and substituting "; or"; and

(3) inserting the following after paragraph (10):

"(11) any bona fide nonprofit or cooperative association of farmers, growers, or ranchers, duly incorporated and qualified under the nonprofit association or farmer cooperative statutes of a State, which is operated solely for the mutual benefit of the members thereof; and any bona fide employee of such association or cooperative who engages in such activity for his or her employer.".

(b) Section 14 of such Act is amended by adding the following new sentence at the end thereof: "The Secretary may require any association described in section 3(b)(11) formed after January 1, 1981, to register under the Act if it has been established solely to evade the purposes of this Act.".

SEC. 6. Section 3 of such Act is amended by adding new subsections (h) and (i) to read as follows:

"(h) The term 'for such person's own operation' refers to the operations of a person as a farmer, processor, canner, ginner, packing shed operator, nurseryman, or any other person engaged in agricultural production or processing, and includes all activities by such person or such person's bona fide employees with respect to the agricultural or horticultural commodities which are or will be the subject of or diverted from such operations, and regardless of whether any other person has title to such commodities or directly benefits from such operations or activities.

"(i) The term 'bona fide employee' shall mean any employee, including but not limited to any individual acting as a foreman, manager, or in some other supervisory capacity, but shall not include any individual having the status of an independent contractor.".

SEC. 7. Subsection 3(d) of such Act is amended by inserting the words "on a farm or ranch" after the word "grading".

SEC. 8. Subsection 3(g) of such Act is amended to read as follows:

"(g) The term 'migrant worker' means an individual who is engaged in agricultural employment on a seasonal or other temporary basis and who cannot regularly return to his or her domicile each day after working hours. Such term shall also include for purposes of this Act any individual who is engaged in agricultural employment on a seasonal or other temporary basis and who is transported to and from his or her place of agricultural employment by any person referred to in section 3(b), or any employee thereof, unless otherwise exempt.".●

IRRIGATION WATER POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

● Mr. BEDELL. Mr. Speaker, today I am introducing legislation that would, if enacted, inject a measure of consistency into Federal agriculture and resource development policies. In brief, this legislation would allow water available for irrigation purposes from federally financed water projects to be used only for those agricultural commodities not designated as surplus crops.

I am proposing this measure today in order to counter what I believe has been the unwise policy of the Federal Government to encourage the production of surplus crops in some areas of the country, while in other areas providing incentives to curb the production of these same crops or making available price supports to their producers.

We are well aware, Mr. Speaker, that a number of public water projects have been authorized and funded over the years that provided often questionable benefits to the public at significant cost to the taxpayer. Frequently, the benefits that were cited as likely to accrue from these projects were in the form of increased agricultural productivity. This increased productivity, in turn, consisted many times of an increase in production of an agricultural commodity which was in surplus and whose production the Government was trying to curb through its costly agricultural programs.

One project which serves as a prime example of the glaring inconsistency between our agriculture and natural resource policies is the O'Neill unit irrigation project in north central Nebraska. This project involves the construction of a dam on the Niobrara River and a 28-mile diversion canal to deliver water to 77,000 acres of land. The dam would inundate a significant stretch of the magnificent Niobrara

River Valley, which provides a unique blend of habitats for eastern, western, northern, and southern wildlife species. Because of the river's outstanding scenery, wildlife and recreation potential, conservationists have asked that it be made a part of the National Wild and Scenic Rivers System.

Construction of the O'Neill unit will require the taking of 30,000 acres to irrigate 77,000 acres. Only 12 percent of the possible irrigated acreage is class I farmland—land with minimum hazards to irrigation. Nearly one-third is class III land which contains soil that has no power to hold water, meaning that irrigation water may pass right through the soil, carrying contaminants to the ground water below. In addition, half of the land to be irrigated by the project is already irrigated through private development. The estimated cost of the O'Neill unit is $335 million, which would result in a taxpayer outlay averaging more than $1.1 million for each farm benefiting from the project.

Mr. Speaker, my proposal would, quite simply, prohibit the use of water from any Federal reclamation project, 10 percent of which is not completed by September 30, 1981, for the irrigation of surplus crops within 10 years of the completion date of such project. Many of the projects which would be affected by this stipulation had included in the language of the acts which authorized their construction a similar prohibition that extended 10 years from the authorization date of the projects. However, projects often take more than 10 years from their date of authorization to complete, and since large projects take longer than small projects to complete, users from the small projects are unfairly treated as compared to those using water from large projects.

I believe that it is important to alter this authorizing language in order to preserve the intent of the Congress not to have water from federally financed projects used to irrigate surplus crops.

Mr. Speaker, I urge my colleagues' support of this legislation, and I am hopeful that the bill will win prompt consideration.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OTTINGER) is recognized for 5 minutes.

● Mr. OTTINGER. Mr. Speaker, on May 13, 1981, due to other official business, I missed the vote (rollcall No. 44) on an amendment to H.R. 3512, making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, and rescinding certain budget authority. If I had been present, I would have voted "No" on this amendment to prohibit the use of funds to pay for an abortion or the administrative expenses in connection with any Federal employee health plan which provides any benefits or coverage for abortions. I deeply regret that this amendment was adopted, 242–155.●

SPEECH BY PROF. PHILIP A. GRANT AT DAKOTA STATE COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. DASCHLE) is recognized for 5 minutes.

● Mr. DASCHLE. Mr. Speaker, Prof. Philip A. Grant has recently delivered a very informative paper on the achievements of a number of our former colleagues from South Dakota. His paper was delivered at the Dakota History Conference at Dakota State College.

In the belief Professor Grant's paper on congressional committee chairmen from South Dakota will be of interest to this body, I include it at this point in the RECORD.

On April 11, 1921 the First Session of the Sixty-Seventh Congress was called to order. Between the opening ceremonies on that date and the outbreak of the Korean War on June 25, 1950 the Congress of the United States was destined to address itself to a substantial number and wide variety of serious domestic and foreign policy questions. Among the major domestic issues were the prolonged farm crisis of the nineteen twenties, the spirited debate over repeal of the Eighteenth (Prohibition) Amendment, the severe hardships occasioned by the magnitude of the Great Depression, the unprecedented mobilization of American industry in World War II, and the difficulties of revitalizing the country's economy in the immediate postwar period. The principal international issues included the foreign debt question of the nineteen twenties, the frustrating neutrality deliberations of the subsequent decade, the ominous rise of totalitarian aggression in Europe and the Far East, the pivotal leadership provided by the United States in winning the Second World War, and the firm reaction to Soviet expansion in the aftermath of that tragic conflict.

During the twenty-nine years from April 1921 to June 1950 the various members of the United States Senate and House of Representatives from South Dakota, like their colleagues from the other forty-seven states, were vested with the responsibility of attemping to resolve the numerous problems confronting the nation. The purpose of this essay will be to focus attention on the respective activities of the six South Dakotans who occupied chairmanships of standing committees of Congress between 1921 and 1950.

Two of the gentlemen from South Dakota who chaired committees in the House were Representatives William Williamson of Oacoma and Royal C. Johnson of Aberdeen. Both Williamson and Johnson were Republicans and enjoyed the distinct advantage of being affiliated with the political party which dominated both the legislative and executive branches of the national government throughout the eventful decade from 1921 to 1930.

A former Prosecuting Attorney of Lyman County and Judge of South Dakota's Eleventh Circuit, Williamson represented one of the nation's most spacious congressional districts. Williamson was Chairman of the Committee on Expenditures in the Interior Department, 1923–1927, and the Committee on Expenditures in the Executive Departments, 1927–1931. Vitally concerned with the question of government reorganization, he believed that Congress should constantly be exploring possibilities for improving the operations of the various departments and bureaus. Williamson's foremost legislative contributions were the 1930 laws consolidating the numerous agencies having jurisdiction over veteran's affairs and transferring prohibition enforcement from the Department of the Treasury to the Department of Justice, while his most severe disappointment occurred in 1932 when he failed to persuade his colleagues of the urgency of streamlining the structure of the government and drastically reducing its personnel.

A lawyer by profession, Johnson had served both as Prosecuting Attorney of Hyde County and Attorney-General of South Dakota. In November 1914 he was elected to the first of nine consecutive terms in the House, thus establishing a longeviting record among South Dakotans that was not to be surpassed until 1969. Johnson was Chairman of the Committee on Expenditures in the War Department, 1921–1924, and the Committee on World War Veterans' Legislation, 1924–1931. He was one of the congressmen most sympathetic to the serious problems encountered by the young men who had been members of the armed forces during the conflict with the German Empire and other Central Powers. Accordingly, Johnson co-authored the World War Veterans' Acts of 1924 and 1930, two measures which provided for numerous medical, vocational, and insurance benefits for wartime veterans and their families, and voted to override the presidential vetoes of the Adjusted Serviceman's Compensation (Veterans' Bonus) Bills of 1922 and 1924.

Two other South Dakotans who attained a degree of prominence on Capitol Hill were Senators Thomas Sterling of Vermillion and William J. Bulow of Beresford. Sterling, whose congressional tenure paralleled the Administrations of Presidents Woodrow Wilson, Warren G. Harding, and Calvin Coolidge, and Bulow, who emerged victorious in four of five statewide electoral contests, were each primarily interested in domestic affairs.

Sterling had been Prosecuting Attorney of Spink County, a member of the State Senate, and Dean of the College of Law at the University of South Dakota. He was elected to the first of two terms in the Senate in 1912, thus becoming one of the last members of Congress chosen by a state legislature. Sterling was Chairman of the Committee on Civil Service and Retrenchment, 1919–1923, and the Committee on Post Offices and Post Roads, 1923–1925. While presiding over the Civil Service panel, he co-authored the bill designed to overhaul the existing classification system of civilian positions in the federal government, and during his tenure as Chairman of the Post Offices and Post Roads organ he was instrumental in the passage of the Air Mail Contract (Kelly) Act.

Bulow had served his political apprenticeship in the South Dakota State Senate. Although competing against his partisan adversaries in a predominantly Republican state, he became the only Democrat ever

elected both as Governor and United States Senator from South Dakota. After completing two terms as the state's Chief Executive, Bulow won a seat in the Senate in November 1930. Remaining in that body for twelve years, he was Chairman of the Committee on Civil Service from 1933 to 1942. Bulow, while maintaining a high degree of personal popularity and a record of sensitivity to the needs of his constituents, was not an especially productive legislator. His sole substantive contribution was the Civil Service Act of 1940, a measure which extended the protection of the merit system to tens of thousands of additional federal employees.

The two most renowned South Dakotans to be chairmen of committees of Congress between 1921 and 1950 were Senators Peter Norbeck of Redfield and J. Chandler Gurney of Yankton. Norbeck was certainly the most successful political figure from South Dakota during the first half of the twentieth century, while Gurney was to be an unusually industrious senator during a comparatively brief career in Washington.

A former State Senator, Lieutenant-Governor, and Governor of South Dakota, Norbeck was Chairman of the Committee on Pensions, 1925–1927, and the Committee on Banking and Currency, 1927–1933. Gravely concerned over the intensity of the Great Depression, he played pivotal roles in the deliberations evolving around three measures to alleviate the suffering permeating the nation, the Reconstruction Finance Corporation Act, the Home Loan Bank Act, and the Unemployment Relief (Wagner-Garner) Bill. Norbeck was firmly convinced that the failure of the federal government to insist upon stringent regulation of stock exchanges had been a major factor precipitating the Depression and in 1932 he presided over a lengthy and well-publicized inquiry on the alleged deficiencies of prevailing stock market practices. Despite the fact that the democratic presidential candidate, Franklin D. Roosevelt, scored an overwhelming victory in South Dakota in 1932. Norbeck in the same year was handily reelected to his third term in the Senate. The South Dakotan climaxed his illustrious career by helping to finalize the details of such landmark New Deal laws as the Federal Emergency Relief Act, the Securities Act, and the Banking Act of 1935.

Gurney had never held elective office prior to entering the Senate in January 1938. A staunch conservative on most economic and social issues. Gurney became an ardent supporter of the foreign policies of Democratic Presidents Franklin D. Roosevelt and Harry S. Truman. When the Republicans gained control of the Senate in 1947, Gurney was designated as Chairman of the Committee on Armed Services. In this capacity he was to author the National Security Act of 1947, establishing the Central Intelligence Agency and consolidating the Departments of War and the Navy into the Department of Defense, and the Selective Service Act of 1948, extending the draft for a five year period. In 1947 and 1948 Gurney was also Chairman of the Military Appropriations Subcommittee and during these two years he had the task of guiding through the Senate the two largest defense budgets in American peacetime history. Retiring from active politics in 1951, Gurney for the next fourteen years was a member of the Civil Aeronautics Board.

The six aforementioned members of the House of Representatives and United States Senate were chosen by the citizens of South Dakota to serve in Congress during one of the most eventful periods in the country's history. Between April 11, 1921 and June 25, 1950 each of these gentlemen compiled records of genuine accomplishment. Although South Dakota accounted for less than one percent of the nation's population, its six chairmen of standing committees were to exert considerable influence on Capitol Hill.●

EPA CONSTRUCTION GRANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 5 minutes.

● Mr. BOLAND. Mr. Speaker, I am sure that most of the Members have read the series of articles carried by the Washington Post the week of May 11 which addressed many of the serious problems that confront the Environmental Protection Agency's construction grants program.

There is no doubt that the construction grants program is faced with some tough problems. The Committee on Appropriations has been aware of this for several years and has been acting to improve the management and benefits of the program. In its report accompanying the fiscal year 1979 appropriation bill, the committee stated:

> Despite the legislative goal and the investment of billions of dollars, fully two-thirds of all municipalities did not obtain the objective of secondary treatment by the end of June 1977. There are various reasons behind this failure. However, the committee feels important contributing factors are the ambiguity and confusions surrounding water quality standards and excessive State requirements. There are indications that the validity of many State standards cannot withstand a critical and impartial review. A result of this confusion and ambiguity has been the expenditure of hundreds of millions of Federal dollars for advanced wastewater treatment in selected municipalities while many cities do not have secondary treatment. In addition, serious questions have been raised concerning the effectiveness of advanced wastewater treatment.

Due to concerns, expecially about advanced treatment, the committee recommended a $300 million reduction in the $4.5 billion request for 1979 and required that the Administrator of the EPA personally review AWT projects before funding could proceed.

The committee's oversight did not end there, however. The committee directed its surveys and investigations staff to perform an exhaustive review of the construction grants program and report back before action was taken on the 1980 appropriation act. The investigators examined funding status and problems in the grants program. They visited several advanced waste water treatment facilities and noted the difficulties experienced. The investigative staff addressed shortcomings in projects in Greenville, Maine; Las Vegas, Nev.; South Lake Tahoe, Calif.; Upper Occoquan Sewage Authority, Va.; and Marshall Township, Pa. The Washington Post articles also mentioned problems with each of these facilities. The investigative staff report also raised serious questions concerning the operation and maintenance of many waste water treatment plant in the country.

The investigators recommended a funding moratorium for the construction grants program in fiscal year 1980. Although concurring with many of the recommendations made in the investigative report, the committee felt that no funding would have a severe negative effect upon the program. The committee's recommendation was a $400 million reduction in the $3.8 billion appropriation request. This recommendation was ultimately approved by the Congress.

The committee has also voiced its concerns about the construction grant allocation formula and the requirement that funds be obligated within 24 months or be subject to reallotment to other States. The committee realizes that funds are often not distributed in a manner which results in the most effective water pollution control. In the report accompanying the 1980 appropriation bill, the committee urged the EPA to develop and administer a strategy which would permit the States with the greatest needs to use funds allocated to other States that have program balances much greater than current needs. This two-tiered system was never implemented, however, because it would have required a change in the substantive legislation.

The committee's oversight has continued in the past year. The committee stated in the report accompanying the 1981 supplemental appropriations and rescission bill that it is concerned the construction grants program is not delivering water pollution reductions commensurate with the level of funds expended. The results of analysis performed by the General Accounting Office and by the EPA which indicated many treatment facilities are not meeting permit requirements are cited. The principal reasons for the noncompliance is generally assumed to be poorly designed facilities, faulty equipment, improperly trained operators, and incomplete planning in the permit development process. The serious problems confronting the construction grants program are the principal reasons the committee concurred with the administration's proposed rescission of $1.7 billion.

The construction grants program is very expensive. It must result in plants that work well in order to compete effectively for Federal tax dollars. Legislative reforms are needed. The administration has proposed reforms which will reduce the total Federal cost of the program and better target resources to critical needs. The

legislative committees have these proposals under review. I urge their speedy consideration of the reforms so the program may continue in a redirected effort in 1982. But at whatever level funding or with whatever reforms are enacted, the Appropriations Committee will continue its active oversight of the construction grants program.●

RULES OF THE COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, pursuant to clause 2(a) of rule XI of the House of Representatives, herewith are submitted for publication in the CONGRESSIONAL RECORD the rules of the Committee on Government Operations, which were adopted on February 3, 1981, and as amended at its meeting on May 7, 1981:

RULES OF THE COMMITTEE ON GOVERNMENT OPERATIONS, 97TH CONGRESS

RULE 1.—APPLICATION OF RULES

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Government Operations and its subcommittees as well as to the respective chairmen.

[See House Rule XI, 1.]

RULE 2.—MEETINGS

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10 a.m., except when Congress has adjourned. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee in accordance with the provisions of House Rule XI, 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days prior to each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The minority staff shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2(b).]

RULE 3.—QUORUMS

A majority of the members of the committee shall constitute a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall constitute a quorum for taking any action other than the reporting of a measure or recommendation. Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

RULE 4.—COMMITTEE REPORTS

Bills and resolutions approved by the committee shall be reported by the chairman in accordance with House Rule XI, 2(1).

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed in accordance with House Rule XI, 2(l)(5). The time allowed for filing such views shall be three calendar days (excluding Saturdays, Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such proposed report in subcommittee or full committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee prior to the consideration of the proposed report in such subcommittee or full committee.

RULE 5.—PROXY VOTES

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present; shall be limited to the date and the specific measure or matter to which it applies; and, unless it states otherwise, shall apply to any amendments or motions pertaining to the measure or matter.

[See House Rule XI, 2(f).]

RULE 6.—ROLLCALLS

A rollcall of the members may be had upon the request of any member.

[See House Rule XI, 2(e).]

RULE 7.—RECORD OF COMMITTEE ACTIONS

The committee staff shall maintain in the committee offices a complete record of committee actions including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The Staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

RULE 8.—SUBCOMMITTEES; REFERRALS

There shall be seven subcommittees with appropriate party ratios which shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall with any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement therein.

[See House Rule XI, 1(a)(2).]

RULE 9.—EX OFFICIO MEMBERS

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

RULE 10.—STAFF

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees subject to appropriate approval.

RULE 11.—STAFF DIRECTION

Except as otherwise provided by House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

RULE 12.—HEARING DATES AND WITNESSES

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week prior to the commencement of any hearings, unless he determines that there is good cause to begin such hearings at an earlier date. In order that the chairman of the full committee may coordinate the committee facilities and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks in advance of the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall, so far as practicable, submit written statements at least 24 hours in advance of their appearance.

[See House Rule XI,2(g)(3), (g)(4), (j), and (k).]

RULE 13.—OPEN MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rule XI,2(g) and (k).]

RULE 14.—FIVE-MINUTE RULE

A committee member may question a witness only when recognized by the chairman for the purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the direction of the chairman.

RULE 15.—INVESTIGATIVE HEARINGS; PROCEDURE

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

RULE 16.—STENOGRAPHIC RECORD

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE 17.—TV, RADIO, AND PHOTOGRAPHS

When approved by a majority vote, an open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions of House Rule XI, 3. In order to enforce the provisions of said rule or to maintain an acceptable standard of dignity, propriety, and decorum, the chairman may order such alteration, curtailment, or discontinuance of coverage as he determines necessary.

RULE 18.—ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, 4(c)(2);

(b) Arrange such meetings, designate participants and submit such reports to the House as may be necessary to carry out the coordination of oversight activities and reporting requirements under House Rule X, 2(c);

(c) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, 2(d);

(d) Submit to the Committee on the Budget views and estimates required by House Rule X, 4(g), and to file reports with the House as required by the Congressional Budget Act;

(e) Authorize and issue subpenas as provided in House Rule XI, clause (2)(m)(1), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee; and

(f) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SNOWE) to revise and extend their remarks and include extraneous material:)

Mr. BROOMFIELD, for 15 minutes, today.

Mr. KEMP, for 30 minutes, today.

Mr. MCCOLLUM, for 15 minutes, May 21.

(The following Members (at the request of Mr. ERTEL) to revise and extend their remarks and include extraneous material:)

Mr. DWYER, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BEDELL, for 5 minutes, today.

Mr. OTTINGER, for 5 minutes, today.

Mr. DASCHLE, for 5 minutes, today.

Mr. BOLAND, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. PEPPER, for 15 minutes, on May 21, 1981.

Mr. PEPPER, at the request of Mr. LOWRY of Washington, for 60 minutes, on June 2, 1981.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DERRICK, to revise and extend immediately following rollcall No. 51 on today.

(The following Members (at the request of Mrs. SNOWE) and to include extraneous matter:)

Mr. LENT in five instances.

Mr. CLAUSEN.

Mr. EVANS of Iowa in two instances.

Mr. LOEFFLER.

Mr. WINN.

Mr. MARLENEE.

Mr. GREEN.

Mr. DERWINSKI in two instances.

Mr. WORTLEY.

Mr. KEMP in two instances.

Mr. RINALDO.

Mr. CONABLE.

Mr. RITTER.

Mr. LEACH of Iowa.

Mr. DREIER.

Mr. SMITH of New Jersey in two instances.

Mr. MCKINNEY.

Mr. BROWN of Ohio.

Mr. COUGHLIN.

Mrs. HECKLER.

Mr. PARRIS.

Mr. COURTER in two instances.

Mr. ERLENBORN.

Mr. GOODLING.

Mr. WILLIAMS of Ohio.

(The following Members (at the request of Mr. ERTEL) and to include extraneous matter:)

Mr. STARK.

Mr. CONYERS.

Mr. GAYDOS in three instances.

Mr. JOHN L. BURTON.

Mr. EDWARDS of California.

Mr. STOKES.

Mr. SCHUMER.

Mr. MAZZOLI.

Mr. HALL of Ohio.

Ms. FERRARO.

Mr. JONES of North Carolina.

Mr. RAHALL.

Mr. PANETTA.

Mr. SANTINI.

Mr. OTTINGER.

Mr. EVANS of Indiana in two instances.

Mr. LONG of Maryland in five instances.

Mr. DASCHLE.

Mr. DIXON.

Mr. FITHIAN.

Mr. HAMILTON.

Ms. OAKAR in two instances.

Mr. HUBBARD.

Mr. ATKINSON.

Mr. DAN DANIEL.

Mr. KAZEN.

Mr. WALGREN.

Mr. FOGLIETTA.

Mr. SCHEUER.

Mr. RALPH M. HALL.

Mr. LUJAN.

Mr. GEJDENSON in four instances.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 80. Joint resolution to authorize and request the President to designate the week of May 17, 1981, through May 23, 1981, as "U.S.O. Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. LOWRY of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p.m.) the House adjourned until tomorrow, Thursday, May 21, 1981, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of the rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1402. A letter from the Secretary of the Interior, transmitting certification that an adequate soil survey and land classification has been made on certain additional lands to be served by the Tehama-Colusa Canal, Sacramento River Division, Central Valley Project, California, and that the additional lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to Public Law 172, 83d Congress; to the Committee on Appropriations.

1403. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide that U.S. Navy Regulations may be issued by the Secretary of the Navy without the approval of the President and to provide express statutory authority for the Secretary of the Navy to issue other regulations; to the Committee on Armed Services.

1404. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 709 of title 32, United States Code, to eliminate the requirement that 30 days notice of termination be given a National Guard technician who serves under temporary appointment, or who voluntarily ceases to be a National Guard member; to the Committee on Armed Services.

1405. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting his annual report on the economic viability of depository institutions, pursuant to section 206 of Public Law 96-221; to the Committee on Banking, Finance and Urban Affairs.

1406. A letter from the Acting Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to extend the expiration date of the Defense Production Act of 1950; to the Committee on Banking, Finance and Urban Affairs.

1407. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act of 4-30, "To amend the Police Regulations concerning the sale of certain secondhand personal property and the licensing qualifications of secondhand dealers; to exempt charitable organizations and consignment shops from regulations which require secondhand dealers to maintain records on certain goods, hold certain goods for at least fifteen (15) days and submit daily reports on certain goods to the Chief of Police; to amend the Rental Housing Act of 1980 to clarify the authority of the Rental Accommodations Commission prior to the appointment of the members of the Rental Housing Commission; and for the purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1408. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1979 on Federal activities on alcohol abuse and alcoholism, purusant to sections 102(1) and 101(d)(1) of Public Law 91-616; to the Committee on Energy and Commerce.

1409. A letter from the Secretary of Health and Human Services, transmitting notice of delay in submitting the National Health Services Corps Report, required by section 336 of the Public Health Service Act, as amended; to the Committee on Energy and Commerce.

1410. A communication from the President of the United States, transmitting a report on progress toward conclusion of a negotiated solution of the Cyprus problem, pursuant to section 620(c) of the Foreign Assistance Act of 1961, as amended (H. Doc. No. 97-55); to the Committee on Foreign Affairs and ordered to be printed.

1411. A letter from the Secretary of State, transmitting a report covering the period October 17, 1980, through April 17, 1981, on the status of respect in Nicaragua for human rights, political pluralism, freedom of the press and assembly, freedom of religion, and freedom of labor to organize and bargain collectively, pursuant to section 533(e) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1412. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of certain defense articles sold commercially to United Arab Emirates, Abu Dhabi Government (Transmittal No. MC-14-81). pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1413. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of certain defense articles sold commercially to Indonesia (Transmittal No. MC-15-81). pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1414. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of certain defense equipment sold commercially to Spain (Transmittal No. MC-16-81). pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1415. A letter from the Acting Administrator of Veterans Affairs, transmitting notice of a proposed new records sytem, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1416. A letter from the Acting Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during April, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

1417. A letter from the Secretary of the Interior, transmitting a report on the relationship between certain petroleum trade association and U.S. Geological Survey data concerning oil and gas reserves and ultimate recovery on the Outer Continental Shelf, pursuant to section 606(e)(3) of Public Law 95-372; to the Committee on Interior and Insular Affairs.

1418. A letter from the Secretary of Transportation, transmitting a report on the enforcement of vehicle weight limitations on the Federal-aid highway sytem, pursuant to section 123 of Public Law 95-599; to the Committee on Public Works and Transportation.

1419. A letter from the Chairman, Federal Home Loan Bank Board, transmitting the Board's second annual report on its activities to eliminate unfair and deceptive trade practices in the savings and loan industry, pursuant to section 18(f)(6) of the Federal Trade Commission Act; jointly, to the Committees on Banking, Finance and Urban Affairs, and Energy and Commerce.

1420. A letter from the Acting Comptroller General of the United States, transmitting a report on the Department of Defense efforts to provide medical facilities for American casualties in the event of an overseas war (HRD-81-56, May 19, 1981); jointly, to the Committees on Government Operations and Armed Services.

1421. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to increase the efficiency of Government-wide efforts to collect debts owed the United States, to require the Office of Management and Budget to establish regulations for reporting on debts owed the United States, and to provide additional procedures for the collection of debts owed the United States; jointly, to the Committees on Government Operations, Post Office and Civil Service, the Judiciary, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Omitted from the Record of May 19, 1981*]

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 2643. A bill to provide for the improvement of the Nation's airport and airway system, and for other purposes; with amendment (Rept. No. 97-24, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3210. A bill to amend the Surface Transportation Assistance Act of 1978, to establish obligation limitations for fiscal year 1982, and for related purposes; with amendment (Rept. No. 97-92). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 3115. A bill to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1982, and for other purposes; with amendment (Rept. No. 97-93). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 3146. A bill to authorize appropriations to the Department of Energy for civilian research and development programs and projects for fiscal year 1982, and for the continuation in fiscal year 1982 of prior year research and development projects; with amendment (Rept. No. 97-94). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 779. A bill to authorize the Secretary of the Army to contract with the Tarrant County Water Control and Improvement District No. 1 and the city of Weatherford, Tex., for the use of water supply storage in Benbrook Lake, and for other purposes; with amendment (Rept. No. 97-95). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3537. A bill to amend the Disaster Relief Act of 1974 relating to the State and local governmental share of the cost of disaster assistance, the rental of temporary housing, and to authorize funds for fiscal year 1982 (Rept. No. 97-96). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 3480. A bill to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, and for other purposes; with amendment (Rept. No. 97-97). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3271. A bill to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 1 year; with amendment (Rept. No. 97-98). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDWARDS of California: Committee on the Judiciary. H.R. 3275. A bill to amend the Civil Rights Act of 1957 to authorize appropriations for the Civil Rights Commission (Rept. No. 97-99). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 3447. A bill to authorize appropriations to the Department of Energy for civilian programs for fiscal year 1982 and fiscal year 1983, and for other purposes; with amendment (Rept. No. 97-103, Pt. 1). Ordered to be printed.

Mr. RODINO: Committee on the Judiciary. H.R. 3462. A bill to authorize appropriations to carry out the activities of the Department of Justice for fiscal year 1982, and for other purposes; with amendment (Rept. No. 97-105). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3603. A bill to provide price and

income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes; with amendment (Rept. No. 97-106). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3404. A bill to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1981, 1982, and 1983, and for other purposes (Rept. No. 97-108, Pt. 1). Ordered to be printed.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3404. A bill to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1981, 1982, and 1983, and for other purposes; with amendment (Rept. No. 97-108, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. NICHOLS: Committee on Armed Services. H.R. 3380. A bill to increase the pay and allowances of members of the Armed Forces. (Rept. No. 97-109). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted May 20, 1981*]

Mr. STOKES: Committee on Standards of Official Conduct. Report on the matter of Representative Raymond F. Lederer (Rept. No. 97-110). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McCOLLUM: Committee on the Judiciary. H.R. 661. A bill for the relief of Blanca Rosa Luna de Frei; with amendment (Rept. No. 97-111). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 688. A bill for the relief of Junior Edmund Moncrieffe (Rept. No. 97-112). Referred to the Committee of the Whole House.

Mr. LUNGREN: Committee on the Judiciary. H.R. 783. A bill for the relief of Roland Karl Heinz Vogel (Rept. No. 97-113). Referred to the Committee of the Whole House.

Mr. MAZZOLI: Committee on the Judiciary. H.R. 1469. A bill for the relief of Madeleine Mesnager (Rept. No. 97-114). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 1480. A bill for the relief of Omar Marachi (Rept. No. 97-115). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 1547. A bill for the relief of Remedios R. Alcudia, Christopher, Ezra, Vermillion, and Peristello Alcudia; with amendment (Rept. No. 97-116). Referred to the Committee of the Whole House.

Mr. MAZZOLI: Committee on the Judiciary. H.R. 1550. A bill for the relief of Aurora Isidra Rullan Diaz (Rept. No. 97-117). Referred to the Committee of the Whole House.

Mr. MAZZOLI: Committee on the Judiciary. H.R. 2185. A bill for the relief of Hanife Frantz; with amendment (Rept. No. 97-118). Referred to the Committee of the Whole House.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[*Omitted from the Record of May 19, 1981*]

Mr. BROOKS: Committee on Government Operations. H.R. 1957. A bill to reorganize the international communications activities of the Federal Government; with amendment. Referred to the Committee on Foreign Affairs for a period ending not later than June 19, 1981, for consideration of such provisions of the bill and amendment as fall within that committee's jurisdiction under clause 1(i), rule X (Rept. No. 97-100, Pt. 1). Ordered to be printed.

Mr. BOLAND: Permanent Select Committee on Intelligence. H.R. 3454. A bill to authorize appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability System, to authorize supplemental appropriations for fiscal year 1981 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes. Referred to the Committee on Armed Services for a period ending not later than June 12, 1981, for consideration of such provisions of said bill as fall within the jurisdiction of that committee under clause 1(c), rule X (Rept. No. 97-101, Pt. 1). Ordered to be printed.

Mr. FASCELL: Committee on Foreign Affairs. H.R. 3518. A bill to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes. Referred to the Committee on the District of Columbia for a period ending not later than June 9, 1981, for consideration of such provisions of the bill as fall within that committee's jurisdiction under clause 1(f), rule X (Rept. No. 97-102, Pt. 1). Ordered to be printed.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3432. A bill to amend the Water Resources Development Act of 1974 relating to planning and evaluating water resources projects, and for other purposes; with amendment. Referred to the Committee on Agriculture and to the Committee on Interior and Insular Affairs for a period ending not later than June 19, 1981, for consideration of such provisions of the bill and amendment as fall within the jurisdictions of those committees under clause 1(a) and clause 9(1), rule X, respectively (Rept. No. 97-104, Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1311. A bill to establish a national tourism policy and an independent Government agency to carry out the national tourism policy; with amendment. Referred to the Committee on Post Office and Civil Service for a period ending not later than June 19, 1981, for consideration of such provisions of the bill and amendment as fall within that committee's jurisdiction under clause 1(o), rule X (Rept. No. 97-107, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS:

H.R. 3634. A bill to establish a new program of price controls and allocation for crude oil and petroleum products; to the Committee on Energy and Commerce.

By Mr. BEDELL:

H.R. 3635. A bill to prohibit the use of water from certain Federal reclamation projects for the irrigation of surplus crops within 10 years of the completion date of such projects; to the Committee on Interior and Insular Affairs.

By Mr. PANETTA (for himself, Mr. BOWEN, Mr. MICHEL, Mr. LOTT, Mr. CORCORAN, Mr. KRAMER, and Mr. GOODLING):

H.R. 3636. A bill to amend the Farm Labor Contractor Registration Act; to the Committee on Education and Labor.

By Mr. BIAGGI:

H.R. 3637. A bill to provide for jurisdiction over common carriers by water engaging in foreign commerce to and from the United States utilizing ports in nations contiguous to the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. BRINKLEY:

H.R. 3638. A bill to except from discharge under title 11, United States Code, certain loans made by nonprofit educational organizations; to the Committee on the Judiciary.

By Mr. BROOKS:

H.R. 3639. A bill to amend section 218 of the Social Security Act to provide that the termination by a State of social security coverage for State or local employees within any coverage group (otherwise than as part of the complete termination of the State's agreement under that section) shall not apply with respect to the members of such group who desire to continue their social security coverage under the agreement; to the Committee on Ways and Means.

By Mrs. BOUQUARD:

H.R. 3640. A bill to eliminate the exemption for Congress or for the United States from the application of certain provisions of Federal law relating to social security, and for other purposes; to the Committee on Ways and Means.

By Mr. COLEMAN:

H.R. 3641. A bill to make certain amendments to the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. CONTE:

H.R. 3642. A bill to amend the Railway Labor Act to make the findings and orders of a public law board under section 3 of that act subject to review for any fraud or corruption by a member of the board that relates to the dispute involved, without regard to whether such fraud or corruption was committed before or after the selection of such member to the board; to the Committee on Energy and Commerce.

By Mr. DASCHLE:

H.R. 3643. A bill to redesignate the Federal Emergency Management Agency as the Office of Civil Defense and Emergency Management; to the Committee on Government Operations.

By Mr. DOWNEY (for himself, Mr. FRENZEL, and Mr. GRADISON):

H.R. 3644. A bill to amend the Internal Revenue Code of 1954 to increase to $300,000 the amount of used property eligi-

ble for the investment tax credit, and to provide a 3-year carryback and a 7-year carryover of the cost of such property in excess of $300,000; to the Committee on Ways and Means.

By Mr. ERLENBORN (for himself, Mr. MICHEL, Mr. JOHNSTON, Mr. CRAIG, Mr. BAILEY of Missouri, Mr. BROYHILL, and Mr. WALKER):

H.R. 3645. A bill to consolidate and simplify the administration of Federal aid for elementary and secondary education and to restore control over education to States and to local educational agencies; to the Committee on Education and Labor.

By Mr. EVANS of Indiana:

H.R. 3646. A bill Credit Union Modernization Act of 1981; to the Committee on Banking, Finance and Urban Affairs.

By Mr. EVANS of Iowa:

H.R. 3647. A bill to provide that suspension of agricultural exports must be approved by concurrent resolution of both Houses of Congress; jointly, to the Committees on Agriculture and Foreign Affairs.

By Ms. FERRARO:

H.R. 3648. A bill to amend section 1114 of title 18, United States Code, to provide criminal penalties for killing any officer or employee of the United States; to the Committee on the Judiciary.

By Mr. HOLLENBECK:

H.R. 3649. A bill to correct an anomaly in the tariff treatment of ethyl and methyl parathion; to the Committee on Ways and Means.

By Mrs. HOLT (by request):

H.R. 3650. A bill to amend the Internal Revenue Code of 1954 with respect to exemption from income taxation of certain mutual deposit guaranty funds; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 3651. A bill to exclude from gross income the first $1,000 of interest received from savings account deposits in home lending institutions; to the Committee on Ways and Means.

By Mr. MOTTL:

H.R. 3652. A bill to amend title XVIII of the Social Security Act to require hospitals to report information on hospital mortality rates and other information in order to promote competition and provide consumers with more information in order to make a more informed purchase of hospital inpatient services; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PEYSER:

H.R. 3653. A bill to amend the Public Utility Regulatory Policies Act of 1978 to prohibit retail electric and gas utility rate increases in excess of the cost of living; to the Committee on Energy and Commerce.

By Mr. ROUSSELOT:

H.R. 3654. A bill to continue through December 31, 1982, the existing prohibition on the issuance of fringe benefit regulations; to the Committee on Ways and Means.

By Mr. SANTINI (for himself, Mr. YOUNG of Alaska, Mr. BROWN of Colorado, Mr. KOGOVSEK, Mr. CHAPPIE, Mr. STUMP, Mr. LOTT, Mr. SKEEN, Mr. COELHO, Mr. LUJAN, Mr. MCDONALD, Mr. ROUSSELOT, Mr. HYDE, Mr. HANSEN of Idaho, Mr. RAHALL, Mr. THOMAS, Mr. BURGENER, Mr. CLAUSEN, Mr. SHUMWAY, Mr. BADHAM, Mr. PHILIP M. CRANE, Mr. DANIEL B. CRANE, Mr. HANSEN of Utah, Mr. RUDD, Mr. MARRIOTT, Mr. MARLENEE, Mr. LEWIS, Mr. DANNEMEYER, Mr. PASHAYAN, Mr. HENDON, and Mr. CHENEY):

H.R. 3655. A bill to provide for the cession and conveyance to the States of federally owned, unreserved, unappropriated lands, and to establish policy, methods, procedures, schedules, and criteria for such transfers; to the Committee on Interior and Insular Affairs.

By Mr. STARK:

H.R. 3656. A bill to provide that Federal Reserve notes shall be printed in a manner which enables an individual who is blind to determine the denomination of each such note; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SMITH of Oregon:

H.R. 3657. A bill to amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to provide social security coverage for Members of Congress; to the Committee on Ways and Means.

By Mr. WON PAT:

H.R. 3658. A bill to amend the Clean Air Act to exempt electric power generating facilities on Guam from certain provisions of the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. WON PAT (for himself, Mr. PHILLIP BURTON, Mr. LAGOMARSINO, Mr. CLAUSEN, Mr. SEIBERLING, Mr. DE LUGO, Mr. KILDEE, and Mr. SUNIA):

H.R. 3659. A bill to authorize appropriations for certain insular areas of the United States and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LUJAN:

H.J. Res 263. Joint resolution to designate May 6, 1982 as "National Recognition Day for Nurses"; to the Committee on Post Office and Civil Service.

By Mr. McCOLLUM (for himself, Mr. DAUB, Mr. WOLF, Mr. WALKER, Mr. MORRISON, Mr. DANIEL B. CRANE, Mr. GREGG, Mr. LEBOUTILLIER, Mr. BURGENER, Mr. SMITH of Oregon, Mr. ROBERTS of South Dakota, Mr. COATS, Mr. BROWN of Colorado, Mr. EVANS of Iowa, Mr. HARTNETT, Mr. MCEWEN, Mr. NAPIER, Mr. ERDAHL, Mr. HANSEN of Utah, Mr. JOHNSTON, Mr. LAGOMARSINO, Mr. ROUSSELOT, and Mr. PHILIP M. CRANE):

H.J. Res. 264. Joint resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

84. By the SPEAKER: Memorial of the Legislature of the State of Arizona, relative to the Window Rock High School District, to the Committee on Education and Labor.

85. Also, memorial of the House of Representatives of the State of Hawaii, relative to funding for the coastal zone management program; to the Committee on Merchant Marine and Fisheries.

86. Also, memorial of the Legislature of the State of Nebraska, relative to the Mortgage Subsidy Bond Tax Act of 1980; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 3660. A bill for the relief of William D. Benoni; to the Committee on the Judiciary.

By Mr. DASCHLE:

H.R. 3661. A bill for the relief of Samuel Bo-Wen Huang; to the Committee on the Judiciary.

By Mr. ROE:

H. Con. Res. 139. Concurrent resolution expressing the sense of the Congress that the President should confer the Presidential Medal of Freedom upon Kathryn Elizabeth (Kate) Smith; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. GUNDERSON.

H.R. 52: Mr. EMERY, Mr. FROST, Mrs. HOLT, Mr. KOGOVSEK, Mr. LAGOMARSINO, Mr. LOWRY of Washington, Mr. MOLLOHAN, Mr. MURPHY, Mr. PERKINS, Mr. RICHMOND, and Mr. ROE.

H.R. 84: Mr. PEYSER, Mr. FORSYTHE, Mr. CORRADA, Mr. FROST, Mr. SIMON, and Mr. BARNES.

H.R. 248: Mr. HEFTEL, Mr. MINETA, and Mr. GRADISON.

H.R. 484: Mr. NEAL and Mr. SOLOMON.

H.R. 741: Mr. GOLDWATER, Mr. SMITH of Alabama, and Mr. ATKINSON.

H.R. 894: Mr. BADHAM, Mr. MATSUI, Ms. MARTIN of Illinois, and Mr. QUILLEN.

H.R. 913: Mr. MOORHEAD, Mr. CHENEY, and Mr. BADHAM.

H.R. 953: Mr. YOUNG of Alaska.

H.R. 1309: Mr. CONYERS and Mr. FAUNTROY.

H.R. 1330: Mr. GOLDWATER.

H.R. 1373: Mr. EDWARDS of Oklahoma.

H.R. 1400: Mr. CONTE, Mr. WORTLEY, Mr. FORSYTHE, Mr. ENGLISH, Mr. OBERSTAR, Mr. PEPPER, Mr. DE LA GARZA, Mr. WHITEHURST, Mr. DERRICK, Mr. HORTON, Mrs. BYRON, Mr. HERTEL, Mr. FOGLIETTA, Mr. TRIBLE, Mr. BURGENER, Mr. IRELAND, Mr. LAGOMARSINO, Mr. PARRIS, Mr. ERTEL, Mr. KAZEN, Mr. MITCHELL of Maryland, Mr. BAILEY of Pennsylvania, Mr. FORD of Michigan, and Mr. DELLUMS.

H.R. 1518: Mr. ROE.

H.R. 1519: Mr. ROE.

H.R. 1541: Mr. MCKINNEY.

H.R. 1581: Mr. MCCOLLUM.

H.R. 1596: Mr. BURGENER, Mrs. CHISHOLM, Mrs. COLLINS of Illinois, Mr. CORRADA, Mr. CROCKETT, Mr. DE LUGO, Mr. DUNCAN, Mr. MITCHELL of Maryland, Mr. MOFFETT, Mr. NEAL, Mr. PEPPER, Mr. RANGEL, Mr. SKEEN, Mr. STANGELAND, and Mr. WEISS.

H.R. 1691: Ms. FERRARO.

H.R. 1720: Mr. OBERSTAR.

H.R. 1724: Mr. MCCOLLUM.

H.R. 1765: Mr. BROYHILL and Mr. SANTINI.

H.R. 1800: Mr. WALGREN.

H.R. 1819: Mr. WHITEHURST.

H.R. 1890: Mr. FLORIO.

H.R. 1955: Mr. GOLDWATER, Mr. EDGAR, Mr. LAFALCE, Mr. JEFFORDS, Mr. BEILENSON, Mr. WEAVER, and Mr. FOWLER.

H.R. 1993: Mr. DELLUMS, Mr. STOKES, Mr. MITCHELL of Maryland, Mr. ST GERMAIN, Ms. MIKULSKI, Mr. GARCIA, Mr. GRAY, and Mr. CONYERS.

H.R. 2052: Mr. LEE.

H.R. 2153: Mr. ECKART and Mr. PANETTA.

H.R. 2154: Mr. ECKART.

H.R. 2207: Mr. COLLINS of Texas, Mr. EVANS of Delaware, Mr. FROST, Mr. EVANS of Georgia, Mr. PASHAYAN, Mr. NEAL, Mr. DE LUGO, Mr. ERDAHL, Mr. LOTT, Mr. BAILEY of Pennsylvania, Mr. BARNARD, Mr. BURGENER, Mr. HUTTO, Mr. DE LA GARZA, and Mr. BUTLER.

H.R. 2251: Mr. NICHOLS and Mr. BROOKHEAD.

H.R. 2317: Mr. BEVILL, Mr. CONYERS, and Mr. OBERSTAR.

H.R. 2391: Mr. WEAVER.

H.R. 2492: Mr. DORGAN of North Dakota.

H.R. 2512: Mr. DOUGHERTY.

H.R. 2543: Mr. DYSON, Mr. FAZIO, Mr. ERDAHL, Mr. BENEDICT, Mr. LAFALCE, Mr. GUARINI, Mr. ECKART, Mr. MOORHEAD, Mr. WEBER of Minnesota, Mr. GRAMM, and Mr. LOWERY of California.

H.R. 2646: Mr. SUNIA, Mr. BAFALIS, Mr. MILLER of Ohio, Mr. BURGENER, Mr. GINGRICH, Mr. BENNETT, Mr. LUNGREN, Mr. STOKES, Mr. IRELAND, Mr. DENARDIS, and Mr. HAMILTON.

H.R. 2828: Mr. ADDABBO, Mr. BAILEY, of Maryland, Mr. BEDELL, Mr. BEREUTER, Mrs. BOUQUARD, Mr. BOWEN, Mr. CARMAN, Mr. CHAPPIE, Mr. CONYERS, Mr. DIXON, Mr. DONNELLY, Mr. EDWARDS of California, Ms. FERRARO, Mr. FINDLEY, Mr. FISH, Mr. FORD of Tennessee, Mr. FRANK, Mr. GRISHAM, Mr. GREGG, Mr. HARTNETT, Mr. HORTON, Mr. JACOBS, Mr. LEBOUTILLIER, Mr. LEHMAN, Mr. MCCLOSKEY, Mrs. MARTIN of Illinois, Mr. MITCHELL of New York, Mr. MURPHY, Mr. PRITCHARD, Mr. SHUMWAY, Mr. STANGELAND, Mr. STOKES, Mr. UDALL, Mr. WHITEHURST, Mr. WILLIAMS of Montana, Mr. WOLPE, and Mr. GRAY.

H.R. 3181: Mr. EDGAR.

H.R. 3200: Mr. ADDABBO, Mr. BROWN of California, Mrs. COLLINS of Illinois, Mr. CORRADA, Mr. WILLIAM J. COYNE, Mr. DE LUGO, Mr. DIXON, Mr. DWYER, Mr. FARY, Mr. FOGLIETTA, Mr. GARCIA, Mr. HEFTEL, Mr. MARKEY, Mr. MOAKLEY, and Mr. SCHUMER.

H.R. 3204: Mr. BEILENSON, Mr. DE LUGO, Mr. FAUNTROY, and Mr. MURPHY.

H.R. 3205: Mr. BEILENSON, Mr. DE LUGO, Mr. EDGAR, Mr. FAUNTROY, Mr. MURPHY, Mr. RANGEL, and Mr. SABO.

H.R. 3253: Mr. FRENZEL, Mr. PETRI, and Mr. LOWERY of California.

H.R. 3269: Mr. WHITE, Mr. MYERS, and Mr. TRIBLE.

H.R. 3496: Mr. BONIOR of Michigan, Mr. COLLINS of Texas, Mr. CORRADA, Mr. HERTEL, Mr. HYDE, Mr. MCKINNEY, Mr. MITCHELL of New York, Mr. MOLLOHAN, Mr. MYERS, Mr. SOLOMON, Mr. STUMP, Mr. TRAXLER, and Mr. WINN.

H.J. Res. 56: Mr. MOLLOHAN, Mr. BOWEN, Mr. HAGEDORN, Mr. MCCOLLUM, and Mr. FARY.

H.J. Res. 125: Mr. ERDAHL.

H.J. Res. 197: Mr. ADDABBO, Mr. BEILENSON, Mr. BENJAMIN, Mr. BEVILL, Mr. CONYERS, Mr. CORRADA, Mr. DICKS, Mr. DONNELLY, Mr. EVANS of Georgia, Mr. FLIPPO, Mr. FRENZEL, Mrs. HOLT, Mr. JEFFORDS, Mr. JONES of North Carolina, Mr. ROE, Mr. SHUMWAY, and Mr. WINN.

H.J. Res. 203: Mr. GRAY, Mr. SIMON, Mrs. COLLINS of Illinois, Mr. WEAVER, Mr. VENTO, Mr. RATCHFORD, and Mr. STOKES.

H. Con. Res. 120: Mr. MATSUI, Mr. FOGLIETTA, Mr. LEBOUTILLIER, Mr. WON PAT, Mr. REGULA, Mr. LEE, Mr. ROBERTS of South Dakota, Mr. PEPPER, Mr. RATCHFORD, Mr. BEREUTER, Mr. WEBER of Ohio, Mr. ROE, Mr. BAFALIS, Mr. FORD of Michigan, Mr. STANTON of Ohio, Mr. SNYDER, Mr. LAGOMARSINO, Mr. FORSYTHE, Mr. GORE, Mr. MCCURDY, Mr. BENJAMIN, Mr. BROWN of California, Mr. RAHALL, Mr. PANETTA, Mr. FOUNTAIN, Mr. HATCHER, and Mrs. HOLT.

H. Res. 85: Mr. GRAY, Mr. RINALDO, Mr. LEBOUTILLIER, Mr. WOLPE, Mr. ARCHER, Mr. OBERSTAR, Mr. PATTERSON, Mr. MOAKLEY, Mr. FISH, Mr. LAFALCE, Mr. WINN, Mr. ROUSSELOT, Mr. BEILENSON, Mr. FORD of Tennessee, Mr. MOLINARI, Mr. BAILEY of Pennsylvania, Mr. PETRI, Mr. DORNAN of California, Ms. MIKULSKI, Mr. BONIOR of Michigan, Mr. TRAXLER, Mr. SABO, Mr. ECKART, Mr. RUDD, Mr. PHILLIP BURTON, Mr. DONNELLY, Mr. SHAW, Mr. LEWIS, Mr. RANGEL, Mr. GLICKMAN, Mr. LEACH of Iowa, Mrs. MARTIN of Illinois, Mr. STOKES, Mr. EDWARDS of Oklahoma, Mr. MOFFETT, Mr. MCCOLLUM, Mr. VENTO, Mr. SIMON, Mr. ROE, Mr. PAUL, Mr. WILLIAMS of Ohio, Mr. RICHMOND, Mrs. HOLT, Mr. BROOMFIELD, Mr. BARNES, Mr. HOWARD, Mr. MAVROULES, Mrs. CHISHOLM, and Mr. DERWINSKI.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

87. By the SPEAKER: Petition of Edward Sedoma, Warwick, R.I., and others, relative to the proposed inclusion of grants under the Rehabilitation Act of 1973 with other programs; to the Committee on Education and Labor.

88. Also, petition of Charles Purcell, Wilkes-Barre, Pa., and others, relative to the proposed inclusion of grants under the Rehabilitation Act of 1973 with other programs; to the Committee on Education and Labor.

89. Also, petition of Susan Robbins, Laurel, Md., and others, relative to the proposed inclusion of grants under the Rehabilitation Act of 1973 with other programs; to the Committee on Education and Labor.

90. Also, petition of the Assembly of Kenai Peninsula Borough, Soldotna, Alaska, relative to the Federal Bankruptcy Act; to the Committee on the Judiciary.

91. Also, petition of the Madison Hunger Project Committee, Madison, Wis., relative to world hunger; jointly, to the Committee on Agriculture and Education and Labor.

SENATE—*Wednesday, May 20, 1981*

(Legislative day of Monday, April 27, 1981)

The Senate met at 8:50 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., offered the following prayer:

Let us pray.

Almighty God, creator of all that is, Lord of heaven and Earth, whom the heaven of heavens cannot contain: limitless, timeless, changeless; Father of all living, we worship and adore Thee. Receive our praise for Thy gracious providence in our affairs, our gratitude for Thy merciful love and favor.

Forgive us when we forget Thee, when we are so preoccupied with the transitory that we neglect the eternal; when we impute absolute value to that which is of relative importance; when we presume upon Thy generous provision and behave as though we need Thee not; when, by our attitude, we declare our independence from Thee.

Grant that our lives this day will be infused with Thy life, Thy love, Thy wisdom, and Thy power; through Jesus Christ our Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, are there special orders for the recognition of Senators today?

The PRESIDENT pro tempore. There are four special orders.

Mr. BAKER. In what order, I inquire of the Chair?

The PRESIDENT pro tempore. The Senator from Alabama (Mr. HEFLIN) for 15 minutes; the Senator from Oklahoma (Mr. BOREN) for 15 minutes; the Senator from Florida (Mr. CHILES) for 15 minutes; the Senator from Arizona (Mr. DECONCINI) for 15 minutes.

Mr. BAKER. Mr. President, I ask unanimous consent that the time allotted to the two leaders under the standing order may occur this morning after the discharge of special orders.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CHANGE IN TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, is there an order this morning for the transaction of routine morning business?

The PRESIDENT pro tempore. There is, following the special orders.

Mr. BAKER. Mr. President, I wish to change that, if I may.

I ask unanimous consent that that order be changed so that the time for the transaction of routine morning business will occur after the completion of the rearranged time and sequence for the recognition of the two leaders.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the Chair.

RECOGNITION OF SENATOR HEFLIN

The PRESIDENT pro tempore. The Senator from Alabama is recognized.

SENATE RESOLUTION 141—COMBATING CRIME SHOULD BE A NATIONAL PRIORITY

(Referred to the Committee on the Judiciary.)

Mr. HEFLIN. Mr. President, I rise to submit a resolution to express the sense of the Senate that combating crime must be made a national priority. Senators BENTSEN, BOREN, CHILES, DECONCINI, EXON, HOLLINGS, JOHNSTON, LONG, NUNN, PRYOR, ZORINSKY, HUDDLESTON, KENNEDY, THURMOND, and JEPSEN join me in this resolution as cosponsors.

I ask that the resolution, which has as its purpose to express the sense of the Senate that combating violent crime should be a national priority, be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 141

Whereas next to inflation, crime is the most important domestic problem facing the American people today;

Whereas crime, and particularly violent crime, has reached epidemic proportions in the United States and is spreading like a cancer across our nation;

Whereas violent crime is no longer isolated to the nation's big cities, but is running rampant in areas once thought of as safe, particularly suburbs and rural areas;

Whereas the general welfare of American citizens is threatened and undermined by the frequent occurrence of violent crime;

Whereas violent crime has become a national problem deserving of immediate attention; and

Whereas all appropriate actions necessary in combating violent crime should be undertaken: *Now, therefore, be it*

Resolved, That it is the sense of the Senate that taking all appropriate action necessary to combat violent crime should be a national priority as well as a priority of the Senate and should receive immediate attention.

Mr. HEFLIN. Mr. President, I am urging my colleagues in the Senate to join in a national effort to stem the rising tide of violent crime which has reached epidemic proportions in the United States. Only by putting crime in the forefront of our national priorities will we begin to send a clear message to the criminal element in our society that crime will no longer be tolerated.

Statistics compiled and published by the FBI reveal that violent crime is running rampant in every section and locale in the country. Their statistics indicate that, over the past 30 years, the number of murders in the United States has increased by 370 percent and the number of robberies by 300 percent. Also, in 1980, crime was up nationwide by 10 percent over 1979.

One significant result of this alarming increase in crime is the paralyzing effect it is having on the American people. In the last few years, crime has become more vicious and irrational and, therefore, more frightening.

The American people are virtually being held prisoner in their own homes by criminals who operate in the streets with impunity and with little or no fear of arrest or punishment. The criminals are waging war within our borders—and they are winning it.

On Wednesday, May 6, a group of my colleagues and I met with President Reagan to urge him to give his enthusiastic support to the package of anticrime legislation that has been introduced in the Senate. This legislation will put some teeth in our criminal law.

It was encouraging to receive the President's assurance that the battle against violent crime will receive a top priority in his administration. I am hopeful that the President's pledge of support will begin a productive and cooperative relationship between Congress and the executive branch in a national effort to combat violent crime.

We delivered to the President on that occasion, Mr. President, a letter which was signed by myself, Senators NUNN, DECONCINI, CHILES, HOLLINGS, LONG, JOHNSTON, BENTSEN, BOREN, PRYOR, HARRY F. BYRD, JR., EXON, STENNIS, and ZORINSKY.

The letter reads as follows:

DEAR MR. PRESIDENT: We have asked for this meeting with you today to discuss, among other things, crime—next to inflation, the most important domestic problem facing the American people today.

Crime, and particularly violent crime, has reached epidemic proportions in the United States and is spreading like a cancer across our nation.

No longer is violent crime isolated to the nation's big cities, but crime is running rampant in areas once thought of as safe, particularly our suburbs and rural areas.

The Justice Department has reported that nearly one out of three households was victimized by serious crime last year. Organized crime flourishes. The illegal narcotics trade now does as much business as the nation's largest corporations. In fact, a recent National Institute for Drug Abuse study found that 237 drug addicts were responsible for more than 500,000 crimes over an 11-year period.

The American people are virtually being held hostage in their own homes by criminals who operate in the streets with impunity, with seemingly little fear of arrest or punishment. Unless crime is brought under control, middle and upper income Americans will become increasingly isolated from our society behind their window bars, burglar alarms, and private security agents. Meanwhile, many poor, near-poor, and older Americans will continue to be strapped in high-crime areas that have no hope for an economic or tax base until they are rid of crime.

The criminal element in our society is literally waging a war on the American people—and is winning.

Although the federal government's role in law enforcement is limited by the Constitution, we can set an example for our state and local authorities. Your appointment of a task force on violent crime under the leadership of Governor James Thompson and former Attorney General Griffin Bell, is a significant step in this direction. As Chief Justice Burger outlined, in recent remarks, however, there is much more that must be done to show the country that we mean business about fighting crime. We need and seek your full support in this effort.

We are enthusiastically supporting a comprehensive package of anti-crime legislation which would implement many of the Chief Justice's recommendations and other long overdue changes.

Among other things, these bills would—

Restore the Internal Revenue Service to its once effective role in cooperative law enforcement efforts with such agencies as the FBI and DEA.

Provide mandatory life sentences for career criminals who are convicted of violent felonies for a third time.

Provide stiffer penalties for federal crimes committed through the use of violence.

Allow federal judges to deny bail to defendants determined to be dangerous to the community.

Reduce the unnecessary delays between arrest and trial and shorten the appeals process.

Establish an additional 5-year sentence for the use of a handgun in the commission of a federal felony.

Modify the habeas corpus procedures so that our courts will not be clogged with numerous and frivolous motions from prisoners.

Strengthen federal programs and policies for combatting international and domestic terrorism.

Permit the armed services to render limited but important assistance to our civilian drug enforcement agencies.

Repeal the prohibition against the use of U.S. foreign aid funds to spray marijuana fields with herbicides, such as paraquat, in overseas countries.

Increase protection for federal witnesses, informants, and law enforcement personnel and their families.

Amend the Freedom of Information Act to provide protection of government information which would tend to identify confidential informants as well as that which would positively identify them.

Define and place certain limits on the exclusionary rule in federal criminal proceedings.

Permit the government to apply for a reduction in the sentences of defendants who decide to cooperate with the government after they have been convicted.

Authorize federal technical assistance to state and local governments in time of unusual need.

Strengthen federal law enforcement training activities.

Provide for the suspension of labor union officials immediately upon their conviction of certain criminal offenses related to their union positions.

Increase the penalties for bribes, payoffs, and kickbacks.

We are enclosing for your information a more detailed description of these bills.

We believe it is imperative that we move quickly to enact these and other anti-crime measures now pending in the Congress. We must also insure that we maintain adequate federal funding for this war on crime. These measures contain some tough provisions, but we think it is time for the federal government to get tough with criminals. We sincerely hope that you and your administration will work with us in this important endeavor.

Mr. President, I have introduced a bill, entitled "National War on Violent Crime Act," which would create a "Violent Crime Administration" within the Department of Justice, to provide assistance to State and local governments in carrying out specific programs which were proven effective under the LEAA.

If we look at the LEAA program we must admit that it made a lot of mistakes. There were many abuses. But we can study its history and see how we can profit from the LEAA experiment. It has had many successes as well as many failures, and in trying to rewrite crime legislation, we should take its successes and use them in a positive way in drawing a new act. But its failures, of course, we should attempt to eliminate.

Under my new plan, 75 percent of the money appropriated would be available for State planning agencies in a few priority areas like the programs of training and education of law enforcement officials, combating violent crime, juvenile justice, statistical gathering and analyzation, and planning and coordination. Funds for these priority programs will be available to the States on a 10-percent match basis. Other programs at the State and local level can be authorized based upon a record of proven effectiveness at 50-percent match. The remaining 25 percent would be national discretionary money to be used for analysis, coordination, development and planning, and technical assistance.

Second, my bill would create a national police academy. Such an academy would be conducted in cooperation with State and local governments and would provide high level training to officers in many important areas. I believe this type of academy would help give the law officer the needed recognition they deserve as professionals within the criminal justice system. While such an academy would start off providing specialized programs for career law enforcement officers on a national and regional level, it could advance to a State where part of its program could be a West Point for the police, to train future FBI agents, Secret Service agents and management level police officers.

This would not be in competition with the FBI Academy, which has had remarkable success in training police officers; but at the present time, the FBI can take only a limited number.

Third, my bill would establish a career criminal provision which mandates that after a criminal has been convicted of a felony for a third time, he must be given a mandatory life sentence without parole. Of course, this does not mean that we should decrease our efforts to rehabilitate repeat offenders. However, I believe mandatory life sentences, without parole, are necessary to insure that the proven career criminal, who chooses a life of violent crime, is taken off the streets.

Fourth, I propose that we make funds available for technical assistance to local and State law enforcement in a time of crisis. A current example of this kind of crisis would be Atlanta, where 21 black children have been murdered. Under this provision, assistance in the form of equipment and technical expertise would be readily available to State and local law enforcers in their attempts to solve crimes beyond the normal capability of a local department. Technical assistance to local law enforcement which provides expertise is needed in many areas, such as preparation for the visit of a President, bomb dismantling, drug problem, and neighborhood youth gangs.

Fifth, my bill would impose an additional 5-year sentence for the use of a handgun in commission of a felony. The sentence would increase by 5 years each time the criminal is convicted of a felony in which such a weapon was used.

Sixth, my bill would strengthen our drug abuse laws in a number of ways including a pharmacy theft provision, which would make the robbery of controlled substances from drug stores a Federal crime. Specifically, this provision would establish Federal jurisdiction when the value of drugs stolen from a pharmacy exceeds $100. For many years now, our Federal agents from the Drug Enforcement Administration and the Federal Bureau of Investigation, have waged an increasingly effective campaign to halt the flow of illegal drugs in our Nation's cities and suburbs. However, because our Federal agents have made such progress in disrupting the illegal trade on our streets, the drug pushers have now been attacking, in increasing numbers, local retail stores to fill their supplies. I believe this law would more clearly warn the drug pushers that we fully intend to pursue and prosecute them for their criminal activities. Fighting drug related crime is a priority in the funds provided to the States.

Seventh, my bill would amend our bail laws to give a judge greater discretion to retain a defendant before trial. Thus, if the judge determines that the defendant would pose a danger to other persons or the community if released, he could then hold the defendant without bail. Of course, this provision is the suggestion of Chief Justice Burger.

Eighth, the bill contains provisions to

reduce the waiting period from arrest to trial and to sharply reduce the appeal period. I will endeavor in another measure to bring rapid finality to post-conviction efforts to overturn conviction after an appeal has been dismissed or the sentence has been affirmed.

Ninth, the bill contains an antiarson provision, which will require the FBI to permanently classify arson as a part 1 offense for purposes of the Uniform Crime Reporting Index, and thus more clearly reflect criminal activity. I have for years been deeply concerned about the need for public awareness of the number and devastating effects of crime related to arson. I believe that we must have the capability to collect precise and extensive data concerning fires in order to have a more accurate portrayal of arson problems and to plan the kind of action which is needed to reduce and eliminate these crimes. I believe this law will be a major step toward the accomplishment of this goal.

Tenth, this bill proposes that public television and radio be utilized to inform the public of the names and identifications of wanted criminals and fugitives on a nationwide basis and on a statewide basis. I believe this will result in greater public awareness of the crime problem and will also result in public assistance to law enforcement officers in their criminal investigations and apprehensions. Too often after a person is arrested or tried, there is little notoriety as to a convicted felon actually going to prison and serving a long sentence. I believe that if a young person sees a classmate entering a State prison on the 6 o'clock news, it will act as a great deterrent. This legislation will provide the resources necessary to disseminate this information and bring about greater public awareness of the price one must pay for a life of crime.

Mr. HEFLIN. Mr. President, I have a document entitled "Pending Crime Legislation" which sets forth legislation on this subject matter presently pending before the Senate. I ask unanimous consent that this document be printed at this point in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

PENDING CRIME LEGISLATION

S. 441 (Nunn)—Military assistance to drug enforcement agencies:

The narcotics problem has grown to the point that it threatens to overwhelm our civilian drug enforcement agencies. The tremendous volume of illegal drugs entering the country has generated billions of dollars for the traffickers, who now can afford the latest in aircraft, ships, electronic equipment, and weapons. Our civilian agencies cannot match the resources available to the smugglers, but the military can. The posse comitatus statute of 1878, however, prohibits the armed forces from being involved in civilian law enforcement. S. 441 provides an exception from this law to permit the military to share certain intelligence, such as the movement of suspicious aircraft or "mother ships," with civilian agencies. The information must have been gathered during routine military operations, and any assistance rendered by the armed services must not interfere with U.S. military preparedness. The armed services would not be permitted to make arrests or drug seizures in the civilian sphere. Co-sponsors of this bill include Senators Bentsen, Boren, Cannon, Chiles, Denton, DeConcini, Dixon, Goldwater, Hollings, Johnston, Mattingly, Sasser, Schmitt, and Thurmond.

S. 653 (Thurmond-Chiles-Zorinsky)—Changes in habeas corpus procedures:

Under a habeas corpus proceeding, federal district courts have broad authority to redetermine the merits of state court convictions. As a result, there were 7,031 such petitions filed by state prisoners in federal courts last year. The volume contributes to clogging our federal court dockets with petitions, which relitigate the same facts and issues that were decided in state courts. Factual issues can and do end up being redetermined long after the crime was committed and a prisoner convicted. S. 653 requires Federal district judges—as opposed to magistrates—to conduct evidentiary hearings [illegible] in a habeas corpus proceeding. It lays down standards and conditions under which a habeas corpus petition may be brought. It also limits federal habeas corpus evidentiary hearings where the record in the state court provides a factual basis for the state court findings and where the record was made under circumstances which provided the petitioner a full and fair hearing on the factual issue. The purpose of the bill is to reduce the number of repetitious and frivolous habeas corpus proceedings.

S. 664 (Chiles)—Spraying marijuana fields with paraquat:

In 1978, following a scare about the health aspects of spraying marijuana fields with the herbicide paraquat, Congress banned the use of U.S. foreign aid funds for such spraying in "source countries" overseas. S. 664 would lift this ban. It also would require the State Department to notify the Department of Health and Human Services whenever paraquat or other herbicides are to be used overseas to spray marijuana or poppy fields. Experiences in Mexico prior to the 1978 ban indicated that the use of herbicides is one of the most effective ways of stopping the production of illegal narcotics at their source. Co-sponsors include Senators Nunn, Boren, DeConcini and Humphrey.

S. 732 (Nunn-Long-Chiles-Roth-Bentsen)—Restoration of Internal Revenue Service to cooperative law enforcement:

Prior to 1976, the Internal Revenue Service was an effective force in cooperative law enforcement efforts aimed at organized crime and narcotics trafficking. Its financial investigators were skilled at tracing the flow of money up organized criminal hierarchies to those at the top. The IRS withdrew from these efforts, however, partially as the result of the disclosure provisions of the Tax Reform Act of 1976 and partially because of the policies of several IRS Commissioners that the Service should stick to collecting taxes from ordinary taxpayers rather than focusing on professional criminals. S. 732 would retain strict privacy protections of tax information provided by individuals and businesses, but it would make it somewhat easier for IRS to share other information which is evidence of non-tax crimes. The information could be turned over only to the Department of Justice according to procedures set out in the legislation. Other cosponsors include Senators Boren, Cohen, DeConcini, Domenici, Jackson, Rudman, and Schmitt.

S. 814 (Nunn-Chiles-Rudman-Boren)—Organized Crime Act of 1981:

Extensive hearings before the Senate Permanent Subcommittee on Investigations last year demonstrated the need for additional federal tools to deal with violent crime—and the use of violence by organized crime in particular. S. 814 contains 10 specific proposals, including stiffer penalties for federal crimes committed through the use of violence. Federal judges would be permitted to deny pretrial release on bail to defendants judged to be dangerous to the community. It would provide additional protection to federal witnesses, informants, law enforcement officials and their families. It also would increase protection under the Freedom of Information Act to government information which may tend to identify informants as well as that which would positively identify them. The government would be permitted to apply for a reduction in the sentence of a prisoner who decides to cooperate with the Government after he has been sentenced. Federal jurisdiction would be extended to certain cases of "murder-for-hire." Federal judges would be able to seal portions of wiretap documents which could jeopardize on-going investigations or wiretaps. The bill also would permit limited access to grand jury information by state and local law enforcement officials who are assisting in federal cases.

S. 873 (Bentsen)—Omnibus Antiterrorism Act of 1981;

There have been more than 3,000 terroristic acts committed since 1968, in which 2,700 people have been killed and 6,000 wounded or hurt. A problem of this magnitude calls for a unified national policy that will provide leadership for the rest of the world. S. 873 includes several proposals which would provide that leadership. First, it permits our courts to lock up persons charged with acts of terrorism prior to their trial. Second, it establishes penalties for clear threats or plans to carry out terroristic acts. Third, it sets penalties for aircraft sabotage. Fourth, it denies U.S. foreign aid, student visas, and pending or existing sales, credits or guarantees of defense materials to countries who are found to aid international terrorists. Fifth, it provides for assessments of the adequacy of security at foreign airports. Sixth, it provides for reports by the President to Congress on terroristic acts and an assessment of our ability to deal with these acts.

S. 953 & S. 954 (Heflin)—National War on Violent Crime Act:

In addition to the proposals set forth in S. 814, the Organized Crime Act of 1981, there are other measures needed to fight violent crime in America. Many of these are proposed in S. 953 and S. 954. A National Police Academy would be created, as would a Violent Crime Administration within the Justice Department to carry on the successful programs started by the Law Enforcement Assistance Administration. Funds would be made available to state and local governments or technical assistance in times of unusual need. Public TV and radio would be used to broadcast the names and identifications of wanted criminals. The Criminal Code would be amended to provide (1) mandatory life sentences for career criminals (i.e., "three-time losers") (2) a reduction in the time between arrest and trial; (3) a shorter appeal period; (4) an additional 5-year sentence for the use of a handgun in the commission of a federal felony; (5) federal jurisdiction over pharmacy thefts of drugs worth more than $100; (6) the denial of bail to federal defendants found to be dangerous; (7) and that arson be classified by the FBI as a part I offense under the uniform crime reporting index.

S. 1163 (Nunn-Rudman-Chiles-Nickles)—Labor Racketeering Act of 1981:

The federal labor management laws, especially the Taft-Hartley Act, have proven relatively ineffectual in controlling the influence of organized crime over certain labor unions—and of important segments of entire industries such as our waterfronts. Organized criminals manage to be elected to union offices and then use the power of their positions to extort bribes, payoffs, and kickbacks from management. Under the Taft-Hartley Act, however, such activities are punishable only as misdemeanors. S. 1163 would increase the penalties for serious labor

law violations to a felony. It also would expand the disbarment provisions so that union officials would be suspended from their positions upon their convictions of serious crimes, rather than waiting for their appeals to run, as is now the case (their salaries would be placed in escrow pending final disposition on appeal). It also would clarify the responsibilities of the Labor Department to investigate criminal violations relating to the federal labor laws.

S. 101 (De Concini)—To define and limit the exclusionary rule:

Often important evidence in criminal proceedings is excluded from admission because it is found to be in technical violation of the so-called "exclusionary rule." A growing number of convictions have been overturned when such evidence was admitted, but was later found to violate the Fourth Amendment. S. 101 would define the exclusionary rule and limit it to cases in which the violation was intentional or substantial.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the name of the distinguished Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of the resolution.

The PRESIDING OFFICER (Mr. JEPSEN). Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the time allocated under special orders for Senator BOREN, Senator CHILES, and Senator DECONCINI be under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, does the Senator from South Carolina desire to speak at this time? If so, I yield to him.

Mr. THURMOND. Mr. President, I commend the able Senator from Alabama for the resolution he has submitted, and I am pleased to join him as a cosponsor. Also, I commend him for his remarks on the subject of crime.

I wish to say that I have introduced eight bills on crime in this session, and we have about eight more bills that we plan to introduce and we hope hearings can be held at an early date on these bills as action must be taken to protect the American people.

The Government's primary responsibility is to protect the citizens against external enemies and also internal enemies, the chief of which today is crime.

I ran across a few figures several days ago that the FBI had reported, and I was amazed to see that 1.3 million cases of violent crime occurred in this Nation in 1980, and that is a 13-percent increase over 1979.

I was also surprised to see that murder is up 7 percent, aggravated assault is up 8 percent, forceful rape is up 9 percent, robbery is up 20 percent, and according to those figures that I received in Washington, D.C., 1 in 12 people are victims of major crimes. This is hard to believe. It is startling. here in our Nation's Capital to have so much crime occurring.

Also I was surprised to learn that one-third of the households in America are now touched by crime.

One thing that disturbed me very much is the fact that so many young people are committing crimes. Between the ages of 10 and 17 large numbers of crimes are committed, 13 8 percent of the population fall between the ages of 10 and 17 but they are responsible for 20 percent of violent crimes committed in this country and if we include arson it runs as high as 49 percent.

Mr. President, with such figures as this, I think it is mandatory that this Congress take action as quick as possible. These bills are now under consideration in the Judiciary Committee, and I hope we can get action just as soon as it is possible to do so.

I shall exert every effort to see that these bills are reported out. I shall talk to the chairman of the Crime Subcommittee, the distinguished Senator from Maryland, and urge that action be taken on these bills under his jurisdiction, and also to other subcommittee chairmen who may have bills before them, and as for the full committee we will take action on these bills at an early date.

Again, I wish to commend the able Senator from Alabama for his remarks on this important subject.

Mr. President, I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, first let me thank the Senator from Alabama for his leadership in this very important area. He has done a superb job. He has many bills that he has introduced himself. He was one of the leaders who went to the White House about a week ago to meet with the President to try to make the fight against crime in America at least the No. 2 priority behind our economic recovery program.

I really wish to express my appreciation to the Senator from Alabama for his superb leadership in this area.

Mr. President, I am delighted that the chairman of the Judiciary Committee, my colleague and friend from South Carolina, is in the Chamber this morning because he has been a leader for many years in this area, and I am also pleased to hear his firm statement of commitment about the planned actions of the Judiciary Committee making these bills and this legislation, that could at least help in the fight against crime in strengthening law enforcement, a real priority. I am delighted that he is going to make these a real priority.

I might say to the Senator from South Carolina that when we went to the White House a week ago, there was a group of Democrats who went down there not in a partisan sense but in a sense of telling the President that we wanted to make crime the No. 2 priority of this Nation, only behind our economic program, and we wanted to offer him a bipartisan-type support for this kind of emphasis.

I also might say to the Senator from South Carolina that a couple of the bills that we listed as the top priorities were the bills of the Senator from South Carolina which we have already as a group endorsed.

One of them with habeas corpus and, of course, the Senator from South Carolina is either the author or the cosponsor of many different bills that I think are enormously important.

I also am interested in the statistics that the Senator from South Carolina cited. I have other statistics which tell the horror that is going on in America today.

On the average a murder is committed in the United States every 24 minutes. On the average a house is burglarized every 10 seconds. Every 10 seconds in this country we have a burglary. And every 7 minutes a woman is raped somewhere in America.

Arrests for violent crime in our suburbs climbed 7.5 percent last year and 13 percent in our once peaceful rural areas.

I have been particularly active in the area of investigating organized crime. The Senator from Florida and I for the last 3½ years have looked at the serious problems of organized crime in narcotics and labor racketeering. We have spent literally hundreds of hours looking at these areas, and the Senator from Florida knows better than anyone in this body the effect crime can have on his own State. He has seen it in the State of Florida with the terrible narcotics problem of trafficking through there.

I might add also that problem occurs to a lesser degree but a significant degree in my State of Georgia.

The illegal narcotics traffic now does as much business as Exxon, the leading and largest corporation in America. A recent study found that 237 drug addicts were responsible for more than 500,000 crimes over an 11-year period.

This is an astounding growth of crime, and it has led to a change of lifestyles by many people in America, those who cannot escape from high crime districts.

City dwellers, suburbanites, and even farmers are triple-locking their doors, keeping ever larger watchdogs, putting bars across their windows, and carrying mace in their pockets and handbags.

Average citizens in many places feel unsafe, especially after dark. They no longer go for walks in the evening. They have become prisoners in their own homes. Fear and despair have replaced security and hope in high-crime areas.

The growing crime rate cries out for governmental and citizen action at all levels—Federal, State, and local—yet very little is being done to strengthen law enforcement and our criminal justice system.

I was very interested in reading about Chief Justice Burger in his comments recently and some of the responses to those comments.

Instead of concentrating on ways to allow our criminal justice system to protect the victims of crime, many influential and sincere Americans believe we must await vast social changes. which they contend will eliminate the roots of crime—prejudice, poor housing, inadequate education and medical service.

A leading proponent of this view is Judge David L. Bazelon of the U.S. Court of Appeals for the District of Columbia. In a recent speech, Judge Bazelon said that—

> The real roots of crime are associated with a constellation of suffering so hideous that, as a society, we cannot bear to look it in the face . . . Nobody questions that street criminals typically come from the bottom of the socioeconomic ladder—from among the ignorant, the ill-educated, the unemployed and the unemployable.

Judge Bazelon is right in one respect: few of us would disagree that street

criminals come in many cases from poor backgrounds.

But where I differ with Judge Bazelon and other utopian dreamers is that they seem to ignore or lightly dismiss one important fact:

The poor and minorities in America also are the most often victims of crime.

The high crime areas have little hope of developing a tax or economic base until crime is brought under control. Until America faces its crime problem head-on, the poor, the near-poor, and our older citizens—who cannot escape these high crime areas—will live in fear and despair.

Wealthy and upper income Americans, on the other hand, will become increasingly isolated from our society behind their window bars, their burglar alarms, and their private security agents.

So these utopian dreamers say we should postpone any serious fight against crime—that is what they say in effect—until such time as we have cured all the ills in our society. These utopian dreamers, and in fact, unfortunately, our entire criminal justice system as it now operates, ignore another important fact: Criminals are gamblers.

They gamble that they will not get caught—and most do not. They gamble that they will get a low bail, post it, and then flee—and many do. They gamble that they will get an easy judge who will give them a light sentence—and that seems to be just what has happened.

There was a recent report of a judge known for his lenient sentences who was himself mugged and robbed. He immediately called a press conference in his courtroom and announced,

Ladies and gentlemen, I want you to know that this mugging will in no way affect my judgment or my sentences in cases of this kind.

An elderly woman stood up in the back of the courtroom and loudly exclaimed, "Well then, let's mug him again!"

I do not advocate mugging lenient judges, but I can observe that some judges seem to have lost what we in Georgia call good old commonsense.

The basis of good old commonsense is an understanding of human nature. When it comes to criminal behavior, the basic rule of human nature is that the prospect of punishment deters crime. Dr. Sheldon Cohen, a psychiatrist, put it this way recently in the Atlanta Constitution:

The final common factor [of crime] is the potential criminal's perception that he has a reasonable chance of committing a criminal act and getting away with it. Human behavior is just that simple. People embark upon those courses of action which they feel are likely to lead to success, reward and profit and avoid those which they think are likely to lead to failure.

What can our Nation do about crime? What can we do as citizens?

First, we must make the No. 1 priority of our criminal justice system the protection of the victims and the law-abiding public. We can do this—and we should do this—without ignoring the constitutional rights of the accused or even the convicted.

Second, members of the news media and of our legislative bodies—including this one—need to understand one basic rule that every lawyer learns early in his practice: Most criminals are fond of protesting their innocence.

Frederick the Great once visited a prison in Potsdam, and one prisoner after another prisoner came up to him and exclaimed his innocence. They all said that they were victims of schemes or police mistakes. But one man hung his head and professed, "Your majesty, I am guilty, and I deserve to be here."

Frederick the Great looked at the man with surprise in his eye. He turned to the guards and he said: "Free this rascal! Get him out of here before he corrupts all these noble and innocent people"

I think there is a real lesson to be learned from that, and I believe that particularly those in responsible places who pick out one isolated case of police abuse or some mistake in the judicial system should begin to place the matter in its overall and proper perspective.

Third, as legislators and as citizens, we can give support to the recent statement and proposals of Chief Justice Warren Burger. In his speech before the American Bar Association, the Chief Justice made this comment:

We are approaching the status of an impotent society—a society whose capability of maintaining elementary security on the streets, in schools, and for the homes of our people is in doubt.

While poverty is one cause of our rising crime rate, the Chief Justice said, it is not the only cause. He explained his position this way:

We must not be misled by cliches and slogans that if we but abolish poverty crime will also disappear. There is more to it than that. A far greater factor is the deterrent effect of swift and certain consequences: swift arrest, prompt trial, certain penalty, and—at some point—finality of judgment.

Chief Justice Burger made several recommendations that would help to insure swift and certain consequences for criminals. His proposals warrant our attention, our consideration, and our support.

First, he believes that we should allow judges to deny pretrial release on bail to defendants who pose a danger to the community. Under present law, our Federal judges may consider only the likelihood of a defendant's showing up for trial—which means that the likelihood of his committing crimes while out on bail cannot be the grounds for denying release. I might add the Senator from Alabama and the Senator from Florida and I have all introduced bills that would do exactly what Chief Justice Burger advocates there.

Second, we should provide for trial within weeks of arrest for most cases.

Third, all appeals should be reviewed within 8 weeks of a judgment of guilt, rather than months or years as is now the case. I echo that one and applaud that recommendation.

Fourth, all subsequent review should be limited to claims of miscarriage of justice. This would prohibit prisoners from clogging our courts with unfounded motions for years on end. This situation has, in the Chief Justice's words, made the appeals process "a mockery of justice."

Fifth, we should have larger and better trained law enforcement forces.

Sixth, we should make generous use of probation for first offenders. We should generally improve the conditions in our penal institutions. And we should give credit against the sentences of prisoners who improve themselves through education or vocational training.

These and other proposals, some of which I have made, would contribute substantially to fight against crime. There is another important contribution that can be made, however, by every American citizen.

Every one of us knows that we should support our community schools and churches. But how many citizens actively support the law enforcement community? How many of us talk to our legislators, our judges, our prosecutors, our policemen about strengthening law enforcement? How many of us assist the families of policemen or firemen who are killed or seriously wounded in the line of duty?

If we all pitch in, there is much that we can do collectively as citizens to curb the cancer of crime.

I have spent a large portion of my time during the last 3 years investigating narcotics, organized crime, and labor racketeering as chairman and as ranking Democrat on the Permanent Subcommittee on Investigations. I am convinced that America has only a few years left to turn the tide against these growing cancers.

With the huge drug profits and the "underground economy" probably exceeding $150 billion a year, this disease will soon be out of control if it is not treated. Our domestic economy and social fabric will be beyond repair.

We in the Senate can do something about crime—whether it is organized or of the random street variety.

I have introduced 15 key legislative proposals seeking to increase the gamble for criminal behavior and to reduce the odds favoring the criminal element in our society. There are a number of other bills also pending, which I have cosponsored.

One of my measures, S. 814, is known as the Organized Crime Act of 1981. It contains 10 proposals to strengthen the Federal effort against violent crime, especially the violence connected with organized crime and narcotics trafficking.

Another bill in one that Senator HEFLIN has introduced also, and Chief Justice Burger alluded to, the bill that would allow Federal judges to deny bail to dangerous defendants—the same proposal put forth by Chief Justice Burger. It would stiffen the penalties for Federal crimes committed through the use of violence. It would increase protection for Federal law enforcement officials and their families. It would permit the FBI to join State and local authorities to investigate serious murder-for-hire cases. It would amend the Freedom of Information Act to protect Government infor-

mation which might tend to disclose the identity of confidential informants as well as information which would positively identify them. And it would extend protection to informants and potential Government witnesses as well as those witnesses who actually are under subpena to testify.

The provisions are designed with organized crime and narcotics traffickers in mind. They are applicable across the board, however, and they will help to combat violent crime across a broad spectrum.

I also have two bills on the Internal Revenue Service, and S. 732 is the main bill there, that would restore the Internal Revenue Service to the role it once played in cooperative law enforcement efforts with the FBI and other agencies. It will do this without jeopardizing the privacy of our tax returns.

The IRS has one of the finest corps of financial investigators in the world. They were responsible for tracing the money flow up the organized crime ladder to such notorious gangsters as Al Capone and Frank Costello. The only effective way to pierce the veil of secrecy that protects such mobsters is through the flow of money up the organized crime hierarchy. The IRS once was the leading agency in the fight against organized crime and narcotics rings.

In 1976, however, Congress enacted the disclosure provisions of the Tax Reform Act now found in section 6103 of the Internal Revenue Code. That law set such stringent rules on the disclosure of tax information held by the IRS that the agency found it impossible to cooperate with the FBI or the DEA.

In addition to this statute, the top leaders of the IRS decided that the agency should concentrate on ordinary taxpayers and leave big-time criminals alone. The result was to turn the heat on waitresses and babysitters instead of gangsters and drug dealers.

The White House, working with the Permanent Subcommittee on Investigations, last year ordered the IRS to step up its efforts in this area. There has been some improvement, but the stringent restrictions of the Tax Reform Act of 1976 still need to be amended.

Another of my bills, S. 441, would permit the armed services to render limited but important support to our civilian drug enforcement agencies. The military routinely gathers information about the movement of suspicious airplanes and "mother ships" moving from Latin America and the Caribbean into the Southeastern States. Because of an 1878 law, however, there is a big question about whether the armed services legally can pass this information along to civilian agencies.

S. 441 would provide a limited exception to this 1878 law, which is known as the posse comitatus statute, to permit the armed services to pass along information which it gathers during its routine operations. The military would not be allowed to make arrests or seizures.

Narcotics smugglers make so much money in their illegal business that they are now equipped with the latest in aircraft, communications equipment, and weapons. We cannot afford to duplicate this equipment, which the armed services already have, but we can allow the military to share the fruits of their labors with our civilian agencies on a limited basis.

My proposed exception to the posse comitatus doctrine has been accepted by the Committee on Armed Services as an amendment to the Department of Defense Authorization Act. It soon will be on the Senate floor for consideration.

More than 90 percent of the illegal narcotics sold in this country are produced overseas. We should use every means, therefore, to stop the smuggling.

We also should use every means to halt production of the narcotics in the source countries abroad. One of the most effective ways of accomplishing this goal is to spray marihuana and poppy fields with herbicides, such as paraquat. Unfortunately, however, Congress banned the use of U.S. foreign aid funds for this purpose in 1978. I have joined with our distinguished colleague from Florida, Senator LAWTON CHILES, in sponsoring a bill, S. 664, which would remove this restriction.

Another bill which I introduced, S. 1163, is designed to weaken the control that organized crime now has over some labor unions—and even over entire industries in some parts of the country. This bill grew out of an extensive inquiry by the Permanent Subcommittee on Investigations which showed a pervasive pattern of kickbacks and illegal payoffs to union officials in many east and gulf coast seaports. In many cases, these officials of the International Longshoremen's Association had been convicted of various crimes—yet they kept their union positions and continued their corrupt activities pending their appeals.

S. 1163, which is known as the Labor Racketeering Act of 1981, would provide for the suspension from union office of any official upon his conviction of a serious crime. It also would increase the penalty for a violation of the Taft-Hartley Act from a misdemeanor to a felony—since labor and management officials can now violate that act and suffer only a slap on the wrist.

This bill would also clarify the duty of the Labor Department to investigate criminal violations of the various labor statutes. The Department has taken a very limited view of its responsibilities in this respect, preferring to stick to civil matters. In its investigation of the Teamsters Central States Pension Fund, for example, the Department refused to pursue certain criminal leads despite there have been many allegations about crime.

The Labor Racketeering Act, if enacted, would be a significant step toward eliminating the control that organized crime exerts over much of the ILA, and it would help prevent a repetition in other unions.

While these measures would be extremely important to our Federal law enforcement agencies, the fact is that the Federal Government's role in fighting crime is limited by the Constitution. The prime responsibility in this area remains where it should be—with our State and local governments.

The Federal Government, however, can set an example for our State legislatures. In can be aggressive in fighting violent crime within its domain. The recommendations made by Chief Justice Burger, as well as those which I and others have put forward in the Senate, if implemented, would serve notice throughout the land that the Federal Government is serious about violent crime.

There are some important "ifs." If the Internal Revenue Service can be redirected against the top level narcotics dealers and organized criminals; if dangerous Federal defendants are denied bail; if stiff sentences are meted out for violent Federal crimes; if the Federal trial and appeals process is swift and sure.

If these things come to pass, the criminals and potential criminals will get the message that we mean business about crime in America.

Mr. President, I believe we have a real opportunity in the next 2 years to make the fight against crime a real priority, not by simply rhetoric but by passing legislation that will change the general thrust of our criminal justice system but will do so while continuing to protect the constitutional rights of those who are accused.

One of my distinguished fellow Georgians, former Attorney General Griffin Bell, was recently named as cochairman of the President's Commission on Violent Crime. I think that is an excellent appointment. I understand they are to make a report in about 3 months, and I hope that report will be an excellent product, which I am sure it will be. Judge Bell has said:

> The truth is that there are a lot of bad people out there who ought to be locked up to protect the rest of us. Unless we're willing to face that, we don't really deserve a safe society.

Griffin Bell has a way of getting to the heart of most subjects, and I think he did it with that statement.

We must strengthen and enforce the laws of this country. As William Pitt said many years ago, "Where the law ends, tyranny begins." We must end the tyranny of crime that undermines the very foundations of our free and safe society.

As citizens of the greatest Nation on Earth, this is our challenge. This is our duty.

Mr. President, I thank the Senator from Alabama for yielding me some time.

Mr. HEFLIN. Mr. President, I would like to add the name of Senator JEPSEN as a cosponsor of the resolution, and I ask unanimous consent that I may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. I wish to thank the Senator from Georgia for his excellent remarks and his great work in this field, his ingenuity in drafting legislation and in moving it forward.

At this time I yield to the distinguished Senator from Florida (Mr. CHILES), who

has been a great leader in this battle against crime and who has been interested in this, and has been involved in many, many aspects of investigations and hearings on it. I am glad to yield time to Senator CHILES.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. CHILES. Mr. President, I thank the Senator from Alabama.

I wish to add my remarks to what has been said here today, to associate myself with the remarks the Senator has made in his opening statement, and to join him in this resolution. I think this is tremendously important. I think the work the Senator from Alabama has done on this resolution and on the other bills he is sponsoring certainly lends great weight to the thrust of the fight we are now trying to make.

This resolution is particularly important. From what I see, as we come up to a vote on one of these particular anticrime measures, it always seems to pass. No one is against what we are trying to do. Our greatest problem is trying to get the committees to spend time to look at these bills, especially since the committees all have many, many items which they are taking up.

We are talking about a package of anticrime bills. All of the bills in the package do not go to just one committee. The package is going to the Judiciary Committee; it is going to the Finance Committee; it is going to the Armed Services Committee; and certain aspects will have to go to the Appropriations Committee. So we are talking about many committees and each committee has its own tasks to do.

My concern is that we need to be very careful that we do not just pass one or two bills and then pat ourselves on the back and say, "We have fought a good fight; we have really done something." We know that if we are going to make some kind of a concentrated attack on violent crime and a concentrated attack on the drug smugglers, then we have to pass a package of bills. That means that we have to make sure that we have the essential elements of that package, and that we are able to pass all those bills.

That is a benefit of this resolution. It is a sense-of-the-Senate resolution that we are now talking about would make this package of bills a No. 1 priority, an essential priority, something that the committees all need to take cognizance of. We need to make sure that we move these legislative initiatives, that we get through the hearing process. We need to hold hearings in which everyone gets a chance to speak and we study the details of this legislation.

But the thrust of the resolution, as I see it, is that we are going to make this session of Congress a landmark session in that we are going to deal with a complete package of bills. This package will send the word back to the hoodlums: "You better get out, because we are coming after you." We are going to send the word back to the State and local law enforcement officials, who have literally just almost been overwhelmed with this problem, that the Federal Government is going to offer assistance; that we are not going to ask them to shoulder the whole burden. We are going to send the word to these drug dealers and organized criminals who have been enjoying immense illegal profit, with very little risk of getting caught, that the ball game is changing. We want them to know that we are making this a No. 1 thrust of the country and that we are going to do something about it.

The Senator from Georgia was talking about some of the initiatives that he has entered into. I compliment him for the work he has done as chairman of the permanent Committee on Investigations up until November and now the ranking member of that committee. I want to compliment him for the work that he has done over the last 3½ years in organizing a most competent staff of dedicated individuals and dedicated experts to try to determine the essential elements of a legislative package that could come from the Federal Government. Under the chairmanship of the Senator from Georgia the permanent Committee on Investigations has held numerous hearings and has come up with numerous items that would fit into that package.

Now, working with the distinguished members of the Judiciary Committee, such as the Senator from Alabama, under the distinguished chairmanship of the Senator from South Carolina, who himself is a champion on the cause of trying to fight crime, we are going to have a chance to move with a number of bills on all of the sorts of fronts. These bills will give us a chance to say: "We are coming with a Federal package. We are going to give aid and assistance in every area that we can. We are going to bring the Internal Revenue Service back into the fight. We are going to remove restrictions that tie the hands of us working with other countries. We are going to give assistance to our Federal law enforcement agencies and to State and local agencies. We are going to share all of the intelligence that we are able to gather through our sophisticated equipment and through the military intelligence gathering devices that we have. We are going to make a coordinated attack."

Then, we are looking at the Judiciary, too. We are going to determine what are those statutes that handicap us in setting proper bail or refusing to set bail. Then, we're going to determine where we should have stiffer sentences and stiffer penalties. That way, we will target those major offenders and see that, when they are caught, they will pay dearly for the crimes which they committed.

My State happens to get the first wave of what now comes up from the South. Eighty percent of the marihuana coming into our country, 70 percent of the cocaine, and about 90 percent of the quaaludes that are coming into this country are coming through Florida. I wish that was not so.

We now find ourselves where we have so many violent crimes and so many murders. We are awash with the illegal drug money that has come in and has inflated our entire economy, added to the value of land, added to the value of houses, competed with legitimate business people who are paying their taxes. This money is there to corrupt our officials. I can see that it is just creating a terrible situation in turning my wonderful State. But we in Florida are determined to do something about it.

I compliment my Governor in Florida, Governor Graham, who is taking a leadership role, and Florida's attorney general, Jim Smith, for his leadership. They are trying in every way they can to provide leadership in the State and to alert the national Government to the problems that we are having.

I wish to compliment the legislature in Florida. They are passing, and did pass in the last session, major sets of bills. In fact, our penalties are so strong now in the State courts that, when offenders are caught, they try to get their way into the Federal court system, rather than be tried in the State courts because the penalties are much more severe.

Now there is another package of bills that is working its way through our State legislature. We are talking about even raising our sales tax and earmarking 60 percent of the additional increase of the sales tax to fight crime, to build prisons, and to take care of our crime-related problems.

So I think we are talking about an attack that has to be made, not just from the Federal Government. A State government certainly cannot do it by itself and a local government cannot. It has to be a coordinated effort.

The citizens of my State also decided that they are going to play a role. We are having crime watches being set up. Drug education associations and neighborhood associations have decided that they are going to assist the police by lending their eyes and ears to what is going on. I know they are tremendously beneficial. The citizen on the street has decided he is no longer just going to wring his hands in Florida and say, "Why don't they do something?" They are beginning to try to play whatever role they can. They are, of course, looking to the Federal Government to see if we are going to assist them.

We are dealing with an international conspiracy that comes to our State. We are dealing literally, with a foreign invasion.

When we met with the President last week, I tried to tell him that the one issue on which we have enjoyed bipartisan support in this Congress, between the House and the Senate, between Republicans and Democrats, between the administration and the Congress, is national defense. We all realize that we have to beef up our national defense.

I was trying to indicate to the President, though, that we also need to be concerned about domestic defense and that part of our national security is not just national defense but also domestic defense. Domestic defense is fighting street crime, drugs, and organized crime. Certainly then, our armies in this effort are the DEA, the Coast Guard, Customs, the Internal Revenue Service, the FBI, and the Immigration and Naturalization Service. I told him that those are the items we should not be cutting. Those

are the ones we ought to be beefing up. Just as we are beefing up the military for national defense, we have to beef up our crime fighters for domestic defense. We have to send the word that we are concerned about our total national security. To be concerned about that means being concerned about building a strong domestic defense. That leadership role needs to come from the White House.

I was delighted with the reception that we received. In addition to the President, attending that meeting were the Attorney General, the Vice President of the United States, leading officials from Treasury and other Departments. If we are going to get support from the White House, I think that participation is going to be essential.

Again, as the Senator from Georgia pointed out, I believe we were saying that this is an item that must be bipartisan. It is an item just like national defense, where we should have Congress and the President working hand in hand. The opportunity is great. The people are speaking and saying they want this kind of support; they want this kind of package of bills.

With the sense-of-the-Senate resolution that is submitted here, we have a chance to go on record by saying we are going to commit ourselves and take the time that will be necessary to put together a coordinated package of bills. Then we can move forward with the task of seeing that we rid our land of some of these corrupting influences.

I again thank the Senator from Alabama for his leadership and for the resolution he has submitted today.

Mr. HEFLIN. Mr. President, a number of other Senators were scheduled to speak on this matter today, but are unable to be present at this time.

I ask unanimous consent that any Senator desiring to enter a written statement into the RECORD on this resolution may be allowed to do if it is submitted during the time that the Senate is in session today, and that it appear in the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I am pleased to cosponsor this resolution offered by my distinguished colleague, Senator HEFLIN. Next to inflation, violent crime is the most serious problem that faces our Nation today. Events of the last several days and weeks reinforce the urgency which we face in fighting this growing tide in our country. It is important that the U.S. Senate go on record expressing its feeling that immediate action to combat violent crime should be a top national priority.

We are literally being held hostage in our own homes by this wave of violence. One of the most disturbing aspects of this growing crime wave is that the violence is spreading from our cities, to areas in rural and suburban America that have not normally experienced violent crime.

Mr. President, the Justice Department has reported that nearly one out of three households was victimized by serious crime last year. Organized crime flourishes. The illegal narcotics trade now does as much business as the nation's largest corporations. A recent National Institute for Drug Abuse study found that 237 drug addicts were responsible for more than 500,000 crimes over an 11-year period. These statistics are shocking. Action is needed now to stem the tide of growing violent crime.

Mr. President, several of my colleagues and I have joined in introducing a package of bills that will be a major step in strengthening the role of the Federal Government in law enforcement. Although we realize that the Federal role in law enforcement is limited by the Constitution, it is important that we set a good example for our State and local law enforcement authorities.

Our group recently met with the President to voice our concern about this problem in our country. We told the President that we felt that with his leadership in generating public support we could pass an anticrime package this year which would be comprehensive and really have teeth in it.

Mr. President, I hope that my colleagues can join us in this effort by joining in the passage of this resolution offered by Senator HEFLIN and by supporting the package of anticrime bills that will strengthen the Federal Government's role in law enforcement. It is time to take positive steps to fight violent crime. Surely, the recent crime statistics will shock all of us into taking up Justice Burger's plea that as a nation we "declare war on crime."

Mr. HOLLINGS. Mr. President, I rise today to join my distinguished colleagues in cosponsoring this resolution, Senate Resolution 141. It is important and significant, in my opinion Mr. President, that the U.S. Senate go on record and establish the combating of crime and violent crime in particular as a national priority. This resolution serves this purpose, and perhaps more important, it demands immediate attention to overcome this blight on the national scene.

It is sad, but true, that for sometime now we have witnessed a steady, ever-growing expansion in the number of crimes and violent crimes committed in our Nation. The statistics are overwhelming and are so well known they need no repeating here to bring this frightful message home. My colleagues here today Mr. President have outlined the parameters and nature of the problem in great detail. Clearly, Mr. President, we have become a Nation comprised of individuals, who, if not actual victims of crime, are cowered by the growing threat of crime. For many Americans crime is the single most significant problem they face. The deserved response to this national disgrace is a thorough and conscious frontal attack designed to rid us of this problem as soon as possible.

Practically daily reports and one crime statistic after another chronicles the incessant growth in the crime rate. It has truly reached epidemic proportions. No part of our Nation is immune from it. Criminals are actually holdings countless Americans hostage in their homes, fearful to venture out in their own neighborhoods. No segment of our society is immune from the paralysis caused by crime.

The Federal Government's role in law enforcement is limited by the Constitution. And, the overwhelming majority of all crimes fall under the jurisdiction of State law. Regardless of these limitations, Mr. President, we can set an example for our State and local authorities. Far from calling attention to the problem and then pointing the finger of resonsibility to the State and local authorities and demanding they do something about it, Mr. President, we are here today announcing that we will join arms with the States to provide the resources and the cooperation and the effort to develop a workable methodology to confront crime and defeat it.

Recently several of my colleagues and I had the opportunity to meet with President Reagan to discuss the problem of crime. It should be noted that President Reagan has appointed a task force headed by Gov. James Thompson of Illinois and former Attorney General Griffin Bell to deal with the problem of violent crime. The report is expected in the next few months. Additionally Chief Justice Berger has outlined important concerns that focus on the crime problem and reserve our attention. Through our action today, we in the legislative branch signal our concern and support and our intention to join the other branches of government in facing up to the problem and getting something done about it.

My colleagues and I are enthusiastically supporting a comprehensive package of anticrime legislation that goes to the heart of many problems in our system of criminal justice and does much to give our law enforcement officials and jurists the tools to defeat this crime attack. Among other things, these bills would—

Restore the Internal Revenue Service to its once effective role in cooperative law enforcement efforts with such agencies as the FBI and DEA.

Provide mandatory life sentences for career criminals who are convicted of violent felonies for a third time.

Provide stiffer penalties for Federal crimes committed through the use of violence.

Allow Federal judges to deny bail to defendants determined to be dangerous to the community.

Reduce the unnecessary delays between arrest and trial and shorten the appeals process.

Establish an additional 5-year sentence for the use of a handgun in the commission of a Federal felony.

Modify the habeas corpus procedures so that our courts will not be clogged with numerous and frivolous motions from prisoners.

Strengthen Federal programs and policies for combating international and domestic terrorism.

Permit the armed services to render limited but important assistance to our civilian drug enforcement agencies.

Repeal the prohibition against the use of U.S. foreign aid funds to spray marihuana fields with herbicides, such as paraquat, in overseas countries.

Increase protection for Federal wit-

nesses, informants, and law enforcement personnel and their families.

Amend the Freedom of Information Act to provide protection of Government information which would tend to identify confidential informants as well as that which would positively identify them.

Define and place certain limits on the exclusionary rule in Federal criminal proceedings.

This legislation is a start and I am pleased to cosponsor the individual bills. It must be emphasized, Mr. President, that while we have proposed a package of bills that this legislation will go to several different committees for attention and action. Necessarily it will be important for us to keep close watch on the progress of these bills if we are going to obtain the package we need to get the results we want. There is a strong consensus of opinion and support for our efforts, Mr. President, and today, through passage of this resolution we give our efforts in combating crime the necessary focus needed to respond to this concern. I am pleased to cosponsor this resolution, Mr. President. and I am confident my colleagues will lend their efforts to our program to attack crime and violence.

● Mr. KENNEDY. Mr. President, I am pleased to join with Senator HEFLIN and my other distinguished colleagues in introducing this resolution to express the sense of the Senate that combating violent crime be a national priority.

In recent years, the increase in violent crime across the Nation has been dramatic. In the last 3 years the rate of increase in violent crime has literally doubled. Just last year violent crime soared by 13 percent—the biggest jump in a dozen years. In my own State of Massachusetts the statistics are equally staggering. Every 42 hours 1 person is murdered, and every day 4 women are raped, 32 persons are robbed, 242 homes are burglarized, and 174 cars are stolen.

However, these statistics do not tell the whole story of the suffering incurred by the victims of crimes and by their families. In Boston, the recent brutal murder of a young nurse by two men who broke into her apartment on a Saturday afternoon created fear and anguish in every citizen of the city. Just the other day, a young woman approached me on the steps of the Capitol and told me of her sister, a second year medical student, who was raped and murdered after coming back from rounds one evening. And the tragic shooting of the Pope, the President, Mr. Brady, and the two law enforcement officers, and the macabre killings in Atlanta have focused national attention on the need to do something about violent crime.

In light of these grim statistics and events, the American people have justifiably turned to us, their elected representatives, and asked: "Why has the Government abdicated its responsibility for public safety." I believe that it is time that we in the Congress make the war against violent crime a top national priority, and I commend Senator HEFLIN for introducing this resolution which will make it clear to the people of this Nation that we will take action to eliminate this epidemic of crime plaguing the Nation.

I would also like to commend Chairman STROM THURMOND for his leadership in dealing with the crime problem. Senator THURMOND and I have worked together closely in the past few years to forge a comprehensive bipartisan crime package, and I am looking forward to working with him again this year.

As a member of the Judiciary Committee, and as former chairman, I have spent the last 5 years working on essential measures to deal with the rising crime rate. I do not pretend that these proposals are a full solution to the violent crime problem, but I do believe that they are an important step toward a more responsible and fair criminal system. I am developing a series of measures to be introduced soon in the Congress. Let me briefly outline these proposals.

First, State and local law enforcement officials must have the financial resources they need to fight violent crime. I am proud of my efforts in the Judiciary Committee to reform the ineffective LEAA program of the 1970's and to revitalize it for the 1980's. We have redesigned the program to target areas of special need such as street crime, career criminals, violent youth offenders, and the festering epidemic of crime from drug addiction. In addition, I believe that we must pay policemen and women a decent wage equal to their risks and responsibilities. No officer in any city should have to jeopardize his life for a subsistence salary that can barely support his family. I believe that people in every part of the political spectrum should be able to agree that law enforcement is, in the truest sense, part of our national defense. I believe that it is time to provide Federal funds for those programs which have proven effective in getting violent offenders off the streets and into the jails.

Second, we need better handgun control in this country. Every year 10,000 Americans are murdered by handguns, and by this time tomorrow 29 Americans will have been killed. I have introduced legislation with Congressman PETER RODINO to control handguns. It has been cosponsored by Senators CHAFEE, MATSUNAGA, MOYNIHAN, PELL, PERCY, TSONGAS, WILLIAMS, and INOUYE. It is a moderate bill which bans the manufacture of Saturday night specials and cheap handguns; creates a mandatory 2-year minimum prison sentence for any felon who commits a crime with a handgun; and establishes a mandatory waiting period of 21 days for the purchase of handguns to prevent them from falling into the hands of criminals and psychopaths. I think that no crime package is complete unless it deals with the handgun problem.

Third, we must resolve the critical issue of bail. We should take danger to the community into account before releasing defendants accused of violent crimes prior to trial. Certainly the presumption of innocence is a fundamental right of all Americans; but that constitutional right does not preclude judges from placing reasonable terms on bail in order to protect the security of the community. In addition, I believe that we must reexamine our system of money bail which keeps those in jail simply because they cannot afford the bail. It is time that our entire bail system is reformed to insure that it deals fairly, equitably, and effectively with defendants on pretrial release.

Fourth, we must revise our sentencing procedures for all criminals, not just to make them tougher, but to achieve greater certainty in sentencing and to require similar sentences for similar offenses. In recent years, the system of sentencing has become a national scandal. Runaway discretion reigns and parole release is often unfair and arbitrary. In the last Congress we devised a comprehensive sentencing system which received broad bipartisan support, and I hope that we can move forward again with this proposal this year.

Fifth, we must focus our attention on juvenile crime. We all understand there are some juveniles who do not belong in the criminal justice system. Jails are not the way to deal with the status offenders—the truants, runaway children and other children whose conduct would not be criminal if committed by adults. Massachusetts has been a pioneer in deinstitutionalizing status offenders and focusing resources on programs to divert youthful offenders from a career of crime by innovative programs like restitution and job training.

But I believe that young persons who stab, shoot, assault and mug should not be allowed to use their youth as an automatic apology for their crimes. The young who are responsible for such crimes should be treated as adults, tried as adults, and sentenced as adults. Young offenders convicted of crimes of violence should receive adult sentences, including prison terms. It is wrong to incarcerate juvenile offenders with adult criminals, but it is also wrong to let violent offenders go free solely because of their youth.

I was pleased to see that the Senate Judiciary Committee recently reaffirmed by a unanimous vote its commitment to the juvenile delinquency program in the Justice Department. With the bipartisan support which this program has on both sides of the aisle, we must tailor a program that uses Federal resources effectively to combat violent juvenile crime.

Sixth, no crime control program can succeed unless it provides resources for the prisons and other facilities in which criminals serve their terms. As John Collins, the former mayor of Boston, said in his MIT study, a key element of any effective crime program is the need for increased resources to meet the number of new prisoners as the program begins to work. We must find genuinely effective methods of rehabilitation, and we must end the overcrowded and decrepit conditions that plague our prisons and turn them into vicious schools for crime. The Judiciary Committee has begun hearings on the best role for the Federal Government in assisting State and local governments in dealing with the problems of prison overcrowding. I look forward to the outcome of these hearings.

Seventh, we must help citizens victimized by crime. Just this month, cities across America commemorated "National Victims of Crime Week." Citizens called on all levels of Government to deal with the problems of those who have suffered from crime. No amount of financial aid can fully compensate for the shattered lives and physical injuries of victims of crime in our society. But a reasonable compensation program can help in meeting the financial burden of such tragedies, and can provide other assistance for counseling for victims. It is time for Congress, acting in partnership with State and local government, to end the neglect and to recognize that any crime program must be sensitive to the rights and needs of victims.

Mr. President, we in Congress have a clear responsibility to safeguard citizens from violent crime, and to do so without sacrificing civil liberties. We must act now.●

Mr. HEFLIN. Mr. President, there being no other person in the Chamber who desires to speak on this matter, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, there being no one else in the Chamber at this time who desires to speak, and since Senators will be allowed to enter their statements into the RECORD on this issue, I yield back any remaining time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1981

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of H.R. 3512, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3512) making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, the bill we are considering today is quite possibly the most complex single appropriations bill that has ever come before the Senate of the United States. It includes supplemental appropriations, rescissions, deferrals, and transfers. It represents a significant step in the implementation of a dramatic about face in Federal spending policy.

The bill as reported includes rescissions of $15.3 billion in budget authority and supplemental appropriations of $21 billion. Thus the net budget authority provided by the bill is a relatively modest $5.7 billion. This low-net budget authority figure represents our efforts to comply with the President's mandate to reduce Federal spending by rescinding existing authority in amounts as large as $5.26 billion for subsidized housing and as small as $500,000 for running the low-income energy program.

I think we can get a better perspective on the relatively modest $5.7 billion in net budget authority we are recommending in this bill as well as the sweeping nature of the rescissions we are proposing by reflecting that the bill as reported provides $6 billion just for mandatory Federal pay costs, almost entirely due to the October pay raise.

At the same time, I think we must recognize that the committee has tended to follow the course of least resistance by rescinding funds that would in many cases not be spent until next year at the earliest while providing supplemental appropriations that will be spent now. It is human nature to postpone the unpleasant. Consequently, it should be no surprise that the committee had a great deal of trouble finding rescissions that would reduce outlays in the current fiscal year. After all, we have only a few months remaining of the current fiscal year. As a result of placing this emphasis on rescissions which would have their greatest impact in years to come, such as subsidized housing and waste treatment construction cutbacks, total outlays resulting from the bill are more than twice the bill's $5.7 billion in net budget authority—$12.8 billion in outlays, to be exact. This places us within $66 million of the outlay ceiling contained in the third budget resolution for the current year and means we have virtually no room for floor amendments that would add further funding to the bill.

In fact, had the conferees on the third budget resolution for fiscal year 1981 not rejected the Congressional Budget Office's outlay estimates in favor of outlay figures halfway between the administration's estimates and CBO's estimates, the bill before us today would have exceeded the outlay ceiling contained in the third budget resolution by at least $600 million.

Furthermore, we are undoubtedly going to be faced with additional supplemental requests that would break through the third budget resolution outlay ceiling. Before the ink was dry on the Appropriations Committee's report on the bill before us today, Congress was presented with a $250 million supplemental request for veterans' GI bill entitlements. We are told that food stamp and child nutrition supplementals totaling well over half a billion dollars may be in the works.

The point I am trying to make is this: Although the supplemental rescissions bill we are now considering is technically in compliance with the outlay ceiling contained in the third budget resolution, I will be surprised if the ceiling is not breached within the next 30 days. Therefore it is incumbent on us to resist all attempts to increase the funding contained in H.R. 3512 and to support efforts to cut that funding whenever possible.

Mr. President, I would be remiss if I did not take this opportunity to commend the chairman of the Appropriations Committee, the distinguished Senator from Oregon (Mr. HATFIELD) for the fine touch he displayed in piloting this legislation through the shoals and narrows of full committee markup. This is, as I said at the outset, a uniquely complex bill. We have changed the bill as it passed the House in more than 400 places. The senior Senator from Oregon accomplished a remarkable feat when he whisked the legislation through full committee in just 1 day.

It was a long day. It started early and ended late. But the Senator from Oregon did, I think, a masterful job. I have been on that committee now for about 20 years, and I have never seen a committee chairman handle this as well as the distinguished Senator from Oregon handled it.

And I will be working closely with him not only to hold the totals in the bill down but also to seek its early passage through this body and a House-Senate conference committee.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I entered the opening statement as the manager of the bill on this side of the aisle last night, and I will not attempt to restate those comments at this time except to take this occasion to again thank my good friend and colleague from Wisconsin, the ranking minority member of the committee, Senator PROXMIRE, and his very able staff people who have assisted so well in bringing this bill to the floor in record time, and as the Senator has indicated this is indeed a unique bill.

I do not know that we have ever had a bill quite of this complexity before out of the Appropriations Committee and under the time gun that we have been operating under of not only legislative mandates but the dates we have to accommodate in waiting for the House of Representatives to act first. So it has been a very wonderful experience of cooperation between the majority and the minority.

Also, again I have to comment on the outstanding leadership given by the subcommittee chairmen who have held hearings hour upon hour, have gone through markup sessions hour upon hour, as preliminary to the full committee markup before bringing the bill here to the floor.

FOREIGN ASSISTANCE

Mr. KASTEN. Mr. President, I would like to point out several things with respect to chapter V of this legislation which covers items under the Foreign Operations Appropriations Subcommittee. There are a number of issues which were and remain, controversial which should be discussed, and a couple of things which should have some legislative history so there is a clear understanding behind the decisions made by our committee.

INTERNATIONAL DEVELOPMENT ASSOCIATION

The committee has agreed to a funding level of $408 million for the first installment to the sixth replenishment of IDA, $132 million below the administration's request. It is important to emphasize several points with respect to that recommendation. First, the recommendation is not meant to force a renegotiation of the sixth replenishment of IDA; second, there is nothing in this recommendation that should be read as Appropriation Committee intention not to approve at some time in the future amounts suggested by the sixth replenishment. Third, it is meant to signal the administration and those interested in the International Development Association that we feel a large increase in funding for this institution at this time is neither wise nor possible, especially given the requirement to cut important domestic programs.

Fourth, it is meant as a signal that we will not look favorably upon large replenishment increases in ODA or other multilateral development banks in the future.

Mr. President, should Congress ratify the committee's recommendation, and I earnestly hope it will, it must be understood that this will not prevent full funding for IDA VI from eventually being obtained.

INTERNATIONAL FINANCE CORPORATION

The bill rescinds $33,477,900 from this institution. Both appropriation committees originally thought this amount was available under the continuing resolution. Subsequent examination has determined that the language of the continuing resolution does not make this available. However, this amount is scored against us. Therefore, the committee was left with two options: First, affect a rescission as is recommended; or second, persuade the Congressional Budget Office that the scoring is incorrect. The problem with the latter course is that the scoring would not be changed until July. Thus, the committee felt the proper thing to do was to use rescission language.

INTERNATIONAL NARCOTICS CONTROL

The committee was able to recommend an additional rescission of $10,185,000 over the administration request because this legislation also extends the continuing resolution to the end of the fiscal year, an action not assumed in the administration's rescission request of $3.1 million. Originally, the administration had intended to request this additional rescission after the extension of the continuing resolution. The committee sees no need for waiting, and, therefore, rescinds that amount now.

MIGRATION AND REFUGEE ASSISTANCE

The committee agreed with the House by rescinding $17.5 million from the Indochina refugee program. This action, which is more than requested, is consistent with program needs. The committee does not agree with the requested rescission of $12.5 million in the resettlement program for refugees from the Soviet Union and Eastern Europe going to Israel. The committee believes that refugee programs for Soviet and Eastern European refugees, Indochina refugees, African refugees and Afghani refugees deserve strong support from the Congress.

EXPORT-IMPORT BANK

Mr. President, the Appropriations Committee is recommending a rescission of $502 million in direct loan authority which is $250 million less than the rescission request. The committee felt that the large reduction sought by the administration was not feasible at this time, and, therefore, went along with a proposition made in the Budget Commitee puting back one-third of this authority. In an effort to ameliorate this reduction, the committee has agreed with the House and provided $50 million more in guaranteed loans.

Mr. SCHMITT. Mr. President, will the Senator from Oregon, the distinguished chairman of the Appropriations Committee, yield?

Mr. HATFIELD. Mr. President, I am happy to yield to the Senator from New Mexico who chaired probably one of the most difficult of all the subcommittees, that dealing with the nondefense items relating to health, education, welfare, and probably had more hours of hearings and more witnesses than any other subcommittee on the Appropriations Committee and who had the very difficult role of reducing the budget authority by $2.5 billion on that one subcommittee. Of the total $15.3 billion that our Appropriations Committee rescinded in budget authority this 1 subcommittee of the 13 rescinded some $2.5 billion.

So it was a monumental task and under the masterful leadership of the Senator from New Mexico who has been one of my very strong right arms, and I am very grateful for his service to the committee and to this Senate.

I yield to the Senator from New Mexico.

Mr. SCHMITT. Mr. President, I blush and am humbled by the chairman's statements. I think all the subcommittee chairmen as well as the full committee chairman and ranking minority member have done just an amazing job with this truly historic bill that is before the Senate today.

I have not only appreciated the opportunity to work with the chairman and the distinguished Senator from Wisconsin, who is also by the way the ranking minority member on the Subcommittee on Labor, Health, Human Services, and Education, but I appreciated very much the opportunity to work on what is the most essential task before Congress today and that is reducing the rate of growth of Federal spending, laying the groundwork for an appropriate reduction in Federal taxation, and hopefully with a revitalization of the economy we can be more selective and in some areas more generous in future years with the kinds of activities the Federal Government clearly does have an essential role in performing.

Mr. President, I am pleased to present to the Senate a brief overview of the Labor, Health and Human Services, Education, and Related Agencies chapter of the fiscal 1981 supplemental and rescission bill.

Let me start by saying that the job before our Labor-HHS Subcommittee was to reduce the budget substantially to help deal with the economic problems facing our country. This was no easy task since virtually all of our programs address various human needs. I believe, however, we have done this difficult job and done it well.

In total we recommend $2,598,957,000 in budget reductions. This number is composed of $2,205,825,000 in rescissions and $393,132,000 in reductions in the supplemental appropriations requests presented to our subcommittee.

Frankly, we have exceeded our own expectations. Our initial goal was to try to achieve $2.5 billion in total savings, but that total has swelled to almost $2.6 billion.

This is a 90-percent response to the almost $2.9 billion in budget reduction requests that came to our subcommittee from the President.

Also, our savings recommendations exceed those of the House allowances by $631.7 million in rescissions and $221 million in reduced supplementals. We also exceed the House by $25 million in deferrals—$776 million compared to $751 million.

There are other important numbers to mention. For Labor-HHS-Education, we provide $549 million in the all-important category of outlay savings compared to the President's request of $492 million, a difference of $57 million. The $549 million is about 37 percent of the outlay savings required of our subcommittee by the reconciliation resolution.

For pay and program supplementals, our chapter of the bill produces $245 million in outlay savings achieved by reducing the administration's proposed requests.

We are not happy about having to cut programs that help the least advantaged in our society. But we also recognize that inflation is eating away at our economy and is hitting hardest at the poor and those on fixed incomes. Inflation is the cruelest budget cutter there is and must be brought under control. The first step in that process is to reduce Government spending.

Because the programs under our jurisdiction are so sensitive to human needs, we could not agree in full with the budget savings recommended by the administration, which included many across-the-board cuts. As we reviewed all of the amounts provided for our programs by the 1981 continuing resolution, we tried

to spread the burden of the budget reductions to as many programs as possible to avoid laying that burden on only a few. In short, we sought to achieve a balanced approach.

For example, we recognize that our programs make a vital contribution to the health of the American people—and that one of the most cost-effective is the biomedical research conducted by the National Institutes of Health. Our decision, therefore, was to limit the budget reductions in NIH to only 44 percent of the requested amount in order to preserve new and competing research grants and to protect research training to the greatest extent possible. In this same context, we propose reduced rescissions, or no rescissions at all, in funds for maternal and child health training, control of environmental hazards, occupational safety and health training, mental health training, public health and primary care programs, and nurse training, to cite several examples.

In education, we recognize, again, that our programs play a vital role in assisting the disadvantaged, including the handicapped. At this stage in the fiscal year we felt many programs could not sustain the general 25 percent decrease proposed by the administration. We have, therefore, reduced the rescissions that were requested for a number of elementary and secondary education programs, including bilingual education, as well as education for the handicapped, library resources and vocational education.

On the other hand, we accepted the administration's proposed cuts—or made bigger cuts—in programs which are of lower priority, which are wasteful or outdated, which no longer do the job they were intended to do, or for which other sources of funding are available.

At the top of our list we put certain CETA programs, primarily public service jobs, for which we made both substantial rescissions and deferrals of funds. We also began the phasedown of the antiquated Public Health Services Hospital and Clinic system by making a reduction of $36.2 million in that program and putting a limitation of $126,242,000 on program operations. We accepted the President's proposed cut for drug abuse and alcohol State formula grants where we discovered these programs still have about $71 million in unexpended funds for fiscal 1980. Capitation grants for medical and dental schools finally will be terminated. We also made a $35 million reduction for health maintenance organizations since some 85 percent of HMO's are now self-supporting.

In education, we agree with the House in making a $33 million cut in impact aid. We terminate the $107.8 million emergency school aid State grants program. We have learned that many school districts use these grants for general educational assistance or compensatory education rather than for their original purpose—desegregation assistance. We also have tried to make larger cuts in programs which fund information and referral, and research and evaluation projects, in order to protect programs which provide direct support to children.

The committee reduced the 1981 supplemental request for Pell grants by $270 million. Our bill requires that each grant be decreased by $100. In this time of fiscal stringency, we do not believe it is too much to ask students to pick up the $100 per year added cost themselves. For the guaranteed student loan program, we make a $36.5 million reduction by eliminating administrative allowances to participating educational institutions. We did not, however, accept the proposed rescission of $103.2 million for GSL loans since new authorizing legislation is needed to reduce the size of this entitlement program.

The committee also agreed to reductions in costs for consultants, travel, equipment, and other overhead items.

All in all, I believe we have done a measured and compassionate job in reducing labor, HHS, and education programs in line with the need to cut Federal spending and combat inflation, while maintaining sufficient levels for priority programs. I hope the Senate will agree with our recommendations and will adopt them.

Mr. President, I would say only, in summary, that even though as the Senator from Oregon has indicated we cut $2.5 billion, a little more out of the expenditures for fiscal year 1981, plus some reductions in the supplementals that were asked for, we have, I think, taken into account the essential priorities of Federal involvement in the activities of labor, health, and human services and education throughout the society.

It is important to remember that in contrast to the discrimination which the subcommittee and the full committee can make on sorting through priorities, the monster that we are fighting which is inflation has no such discriminatory capability. Inflation does not distinguish between those who benefit from Federal programs legitimately and those who abuse those programs. It does not discriminate between those who work and those who want to work and those who do not want to work.

And it is up to Congress and particularly up to the Appropriations Committee and the subcommittees to make those kinds of discriminations in a very difficult economic time like we are facing today.

Mr. President, clearly there is a convulsion going on, if I may use the term, in the way the Federal Government is going to do business in the future and the relationship between the Federal Government, State, and local governments. It is an extraordinary convulsion, one which has very positive overtones, and I think we should remember that the last time such a convulsion occurred within the Government's relationship to State, local, and private sectors followed a major convulsion within the society as a whole.

Here we are at least now trying to perceive and prevent such a societal convulsion by doing things that have to be done with respect to the Federal budget and the structure of the relationship between the Federal Government and other sectors of our society.

It is an extremely noble effort. It is one that I believe will be successful.

Mr. PROXMIRE. Mr. President, will the Senator yield so I may get my statement in the RECORD on that subcommittee?

Mr. SCHMITT. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, as the ranking minority member of the Labor-HHS-Education Subcommittee, I am pleased to support the subcommittee's portion of the bill. I believe the subcommittee has done a remarkable job in dealing with a most difficult situation, and I want to congratulate Chairman SCHMITT for his leadership. No one, of course, will be entirely happy with the final results. Nonetheless, I believe the distribution of the cuts recommended by the subcommittee and approved by the full committee represent a significant improvement over the recommendations of the administration.

At the same time, the total net reduction in budget authority recommended by the subcommittee is still fairly close to the totals sought by the administration. Under chapter VIII of title I, the bill recommends a net decrease in budget authority of $1.762 billion compared to a net decrease of $2.190 billion requested by the Reagan administration. This puts the Senate bill $428 million over the administration, but $839 million under the House. In addition, the bill provides for a cut of $100 million in pay-raise supplementals for agencies under the subcommittee's jurisdiction—$49 million from Federal funds and $51 million from various trust fund transfers.

When the cuts in the pay-raise supplementals are considered, the subcommittee's portion of the bill is $328 million over the administration's request. These totals are within the guidelines mandated by the Senate in the 1981 reconciliation instruction and the revised 1981 budget resolution.

I would have preferred a total package closer to the administration's recommendations. However, it is extremely difficult to cut programs midway in the year, especially when they affect millions of people as is the case with the programs of the Labor-HHS-Education Subcommittee. Moreover, I believe the subcommittee has done a much better job in distributing the cuts more equitably, compared to the administration's proposals.

The most difficult problem faced by the subcommittee was the administration's recommendation to cut most of the grant programs of the Department of Education by 25 percent for fiscal year 1981. While one may legitimately question whether these programs are effective, it is extremely difficult to achieve a cut of this magnitude in the middle of a fiscal year. The Senate bill would cut these programs by an average of only 14 percent. Moreover, the most essential programs under education for the handicapped are cut by less than 10 percent. The bill also restores funds for research training financed by the Na-

tional Institutes of Health and for nurse and other manpower training programs.

In order to offset these increases, the subcommittee cut deeper than the Reagan administration in other areas. For example, the requested supplemental appropriation under the Pell grant program was reduced by $270 million, thereby causing each grant to be reduced by $100. While reductions are always painful, I do not believe a reduction of $100 per student will have an appreciable effect on the ability of low-income students to continue their higher education.

The subcommittee also cut into bureaucratic overhead by slashing in half estimated fourth-quarter obligations for travel, consultants, furniture, equipment, and the like. Finally, the subcommittee cut back on programs of limited effectiveness including general grants to school districts under the equal educational opportunities program. There is evidence that those funds are not spent the way Congress intended.

While I support the overall thrust of the subcommittee's recommendations, I do have some reservations about some of the details. At a time when we are cutting aid to the elderly, to the handicapped, to the disabled, to the disadvantaged, and to the poor, it is difficult to understand why the Corporation for Public Broadcasting should escape without a cut. The administration recommended a rescission of $43 million in fiscal year 1982 and $52 million in fiscal year 1983. The House approved a rescission of $60 million in 1983. The Senate Appropriations Committee is recommending no rescission. I support public broadcasting. It plays a unique and vital role in our broadcasting system. But in a year of extreme budget stringency, no agency should be immune from cuts.

In addition, I believe the title I education program needs to be examined more carefully by the subcommittee. Despite the billions of dollars we have spent on the title I program over the years, it has had practically no effect in improving the skills of disadvantaged pupils beyond the improvements that occurred anyway in schools that did not receive title I aid. We could save an additional $415 million if the Senate were to approve the full Reagan rescission for title I. This would more than make up for the subcommittee's increases over the administration's requested funding level.

I also believe the subcommittee is going to have to take a harder look at the programs under the National Institutes of Health. The appropriations for NIH have exploded over the years, and while few would deny the benefits flowing from biomedical research, the Federal Government cannot finance everything in this area. In particular, I think we need to take a closer look at the Federal role in financing research training. The Director of NIH has acknowledged there is no hard evidence that our research training programs have actually increased the number of people choosing biomedical research careers.

Finally, Mr. President, I believe the subcommittee needs to take a more active role in halting the escalating costs under the guaranteed student loan program, especially if the administration's cost containment measures are not acted upon by the authorizing committees. The guaranteed student loan program provides costly subsidies to all college students who apply regardless of their financial need. I was disappointed that the subcommittee did not include the administration's cost-saving recommendations in the appropriations bill, although I can understand the feeling that we should give the authorizing committees a fair opportunity to consider them. At the same time, I believe the Appropriations Committee has a legitimate right to get a better handle on the guaranteed student loan program in order to curb future cost increases. If the authorizing committees fail to act, I believe the Appropriations Committee not only has the right, but the duty to bring a measure of fiscal sanity to this open-ended program.

Mr. President, with these reservations aside, I want to again compliment the Labor-HHS-Education Subcommittee and its chairman for an excellent job under very trying circumstances. Given the fiscal constraints imposed upon us, I believe the subcommittee has performed well in balancing the claims of those who are most in need against the equally compelling need to arrest the growth in Federal expenditures.

Mr. HATFIELD. Mr. President, the Appropriations Committee this year had another interesting phenomenon besides the task that was assigned to bring this bill to the floor, and that is that we had the phenomenon that a number of our new members, some 7 out of the number of 29 in the total committee, are freshman members, which is I think probably a historic first, but in addition to that large percentage of the full committee being freshman members, that is, who have not served on the Appropriations Committee in the past or in the Senate, we had Senator ANDREWS from North Dakota who had served on the House Appropriations Committee and therefore brought that kind of experience with him across the way, as well as colleagues Senator ABDNOR from South Dakota and Senator KASTEN from Wisconsin who had served in the House of Representatives.

But in addition to these new members of the committee who had been elected to the Senate for the first time and who were assigned to the Senate Appropriations Committee, Senator MATTINGLY of Georgia, Senator D'AMATO of New York, Senator RUDMAN of New Hampshire, and Senator SPECTER of Pennsylvania.

So it is very interesting to observe how quickly and how effectively these new Members assumed their duties and responsibilities under the most difficult circumstances.

I am going to yield in just a few minutes to one of the new Members, one of our freshmen Members, of the Senate who has already distinguished himself with his perception and his analytical mind, his great sense of humor and many other attributes to keep this a civil body, and I refer, of course, to the Senator from New Hampshire (Mr. RUDMAN), for some opening remarks. But I am going to ask that a quorum call be put in at this time in order to alert the leadership and other Members of the majority that one of our distinguished freshmen Senators is about to offer a maiden speech on the floor, serving as a representative of the Appropriations Committee and on the Defense Subcommittee and other subcommittees of that major committee of the Senate.

I am very proud of the marvelous and outstanding contribution made by all the members of the Appropriations Committee as we have sought to restructure ourselves and to apply a new sense of discipline, and Senator RUDMAN certainly has been one of those outstanding contributors to this effort.

So, Mr. President, at this time I am going to suggest the absence of a quorum and ask the Chair, as a courtesy, to offer the floor and to recognize the Senator from New Hampshire.

Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, I do not say this certainly with any criticism of the distinguished Senator from Oregon, and I hope he will not take umbrage, but I hope the Chair will not feel instructed to recognize any particular Senator once a quorum call is called off. I think this should be the right of any Senator to seek recognition of the Chair, and I hope the chairman of the committee will support me in that.

Mr. HATFIELD. I support the minority leader. I indicated it as a courtesy rather than as an instruction.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. HATFIELD. In requesting the Chair to recognize the Senator from New Hampshire it was in order to avoid any technical kind of violation of the rules and rights of any other Members of this body.

The PRESIDING OFFICER (Mr. WALLOP). It would, of course, take unanimous consent for such an allocation.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I wish to express my appreciation to the distinguished chairman of the Appropriations Committee for his kind remarks. Let me say to the Senator from Oregon that it is a pleasure working under his leadership.

Mr. President, it is with a sense of challenge tempered by grave concern that I rise to address my colleagues as we consider the fiscal year 1981 Defense supplemental appropriations bill. No task is more compelling, nor the consequences of failure more profound, than that of restoring our military posture to a level commensurate with our global responsibilities, and the threats we face. The international backdrop against which future strategic options must be

assessed grows ever more ominous, and the time for correcting present deficiencies ever more limited. History will not soon forgive a timid response to this summons to action, and may indeed impose costs on our security interests which are by any measure intolerable.

The steady growth of Soviet military power, and the willingness to employ that power in pursuit of political objectives, represents the most serious threat to global peace and stability since the 1930's. Moreover, the capacity of such power to influence local and regional change in a manner inimical to our security requirements, is rapidly becoming a dominant feature of international politics. Only a willful and sustained effort to arrest this dangerous trend can avert our relegation to the status of a second-rate power incapable of guaranteeing its most vital interests.

To recognize these perils and repeatedly commit ourselves to the maintenance of a viable military balance is insufficient. Strong rhetoric without the means to take decisive action is only hollow posturing, and will surely be so perceived by friend, foe and neutral alike.

As an initial step toward bolstering our military capabilities and enhancing overall force readiness, the Reagan administration has submitted the largest peacetime Defense budget in U.S. history. Furthermore, projected military spending over the next 5 years will approximate one-third of total Federal outlays. Given the challenges before us and the traumatic impact of recent world events, it is not surprising that, even in an era of fiscal retrenchment, there exists a public consensus supporting increased defense spending. I believe it is vital to the national security of this Nation that this consensus be maintained.

To assume that this consensus can be sustained indefinitely without changes in our military procurement practices is to indulge in fantasy. In a dynamic political environment such as our own, consensus is, by its very nature, fragile. The public has condemned waste and profligacy in the administration of once-popular social programs. This should alert us to what will be an even more vehement outcry against the defense sector if we fail to develop a rational, cost-effective approach to meeting our national security requirements. Can we insure that this consensus is something other than a fleeting phenomenon?

Nowhere is the gap between prudent strategic planning and force procurement policy more pronounced than in the services' seeming fascination with high-technology weaponry. Development of a sophisticated strategy to cope with a diverse threat environment does not necessarily require procurement of the most complex—and therefore most costly—weapons systems. In fact, such programs may only marginally satisfy—and in some cases actually undermine—our real security needs.

Sophisticated strategic planning determines the most appropriate application of military technology, within a realistic mix of forces; it should never be held captive to the mere existence of technology. If simple acquisition of ever more complex and less reliable systems, substitutes, for the well-defined strategic thinking which should guide their use, then our most grievous military setback will be largely self-inflicted. After all, how viable is a force structure obtained at the expense of reduced operational readiness and a bankrupt economy?

I fear that, in the absence of strong congressional oversight, such will be the fate awaiting our military forces, at a time when the margin for error, is becoming progressively small. Recent experience virtually compels such oversight. Promised advances in some technologies, coupled with attendant cost risks, are not necessarily compatible with sound strategy, nor within the realm of our industrial mobilization potential. Is it the product of prudent planning to devote exorbitant sums to acquire fewer systems, when conventional ammunition stocks are dangerously depleted?

Unfortunately, the prospects appear dim unless new military allocations are guided by coherent strategic thinking and prudent fiscal management. Strategy, in its most fundamental sense, means asking what roles the forces we procure should be expected to perform. Weapons acquisitions must be analyzed within a strategic context which reflects international realities and the most cost-effective use of scarce resources. Otherwise, the distribution of additional defense dollars risks rupturing the present consensus, perhaps irreparably.

It is a sad commentary that the kind of strategic thinking which should inform a national debate on military policy has been notably lacking at all levels of the Federal Government. Instead, management has become an end in itself. The results hardly justify the belief that incremental adjustments—or requests for additional appropriations to cover rising unit costs—can save ill-conceived or poorly-managed programs. Testimony before the Defense Appropriations Subcommittee has consistently revealed that these truths are not given sufficient priority by those charged with formulating our national defense policy.

It makes little sense, for example, to procure expensive new systems and then underfund the operations and maintenance accounts from which they derive their support. Shortsighted investment and acquisition planning of this type is aggravated by chronic underestimates of inflation, incessant system design changes, and contractor ineptitude.

The inevitable cost-overruns, production backlogs, and deployment delays are further magnified by shortages of critical spare parts, with the result that highly touted weapons systems face obsolescence almost upon initial deployment. Moreover, it is sheer folly to pretend that such systems, once deployed, genuinely augment our deterrent strength when we cannot retain in sufficient numbers the specialized technical personnel to operate and service them. The cumulative adverse effect on force readiness is simply unacceptable. And yet we seem incapable of getting off this dangerous treadmill.

Beyond operational deficiencies themselves, one is left to ponder the extent of conceptual clarity in our force planning. Whatever the optimum performance characteristics of a given system, escalating costs alone may dictate that its procurement be kept to low levels. Against an adversary potentially capable of overwhelming such systems with masses of expendable, low-cost, precision-guided munitions (PGM's), a prudent strategy might instead counsel opting for greater numbers of less expensive—if theoretically less capable—systems.

Moreover, force structures designed for wars of attrition are suspect in an environment marked by technological innovation. In light of the continuing numerical imbalance we can anticipate in any such conflict, emphasis must be placed on those systems which support a strategy of maneuver.

In conclusion, Mr. President, we dare not shirk our obligation to seize this moment and restore coherence to our force planning and procurement. Not only will failure to do so risk shattering the domestic consensus of which I spoke, but our capacity to protect U.S. foreign policy interests may be degraded to a level which no infusion of defense funding can ever revive.

We stand at a strategic crossroads, and time is growing short. Our global and domestic commitments mandate nothing less than immediate and thoughtful action. Let no one challenge the undisputed fact that America's military forces are inadequate; let no one challenge the fact that the American people wish to strengthen our Nation's defenses; let no one challenge the fact that this Senate is devoted to increasing and strengthening our ability to defend ourselves. But finally, Mr. President, let no one challenge that the spending of dollars alone, the extraordinary emphasis on high technology, the failure to realistically evaluate the threats that we face and the surrender of our intellect to simplistic solutions will not lead to America's return as the preeminent military force in the world but, rather, to our continuing decline.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. THURMOND. Will the Senator yield?

Mr. BAKER. If I may speak briefly, I shall be glad to yield.

Mr. President, I thank the distinguished President pro tempore for permitting me to remark on the speech just presented on the Senator floor. I have to keep a commitment with the distinguished minority leader at another place, so I express my appreciation to the Senator from South Carolina.

Mr. President, not only has the Senate heard a speech of important proportions, a subject of extraordinary complexity, but we have also witnessed one of the rites of passage in the Senate, the maiden speech of a new Senator. I can recall a little more than 14 years ago when I made my first speech. I must tell the Senator from New Hampshire that the number of Senators on the floor now is far in excess of any who heard me make my first presentation. As a matter

of fact, as I recall there was nobody on the floor except me and the distinguished occupant of the chair, whose name I have now forgotten. [Laughter.]

It is only a testimonial, then, to the persuasiveness and succinctness of the presentation given by the Senator from New Hampshire that he has a respectable number of Senators here to hear his remarks.

May I say to him, as he knows, and perhaps more to those who read the RECORD, and even those in the galleries who witnessed the proceedings of the Senate, it is not the presence of Senators on the floor for a major address of this sort which is a measure of importance, but, rather, it is content, which will be studied by those who read the RECORD and commented upon no doubt by those who have a particular concern in the subject of this presentation.

I commend the distinguished Senator for his remarks, for their depth, perspective, their importance, their appropriateness to his first major address to the Senate of the United States. Even before the distinguished Senator from New Hampshire became a Senator from New Hampshire, when I had the opportunity to visit with him during his campaign I made a mental note to myself that here was a man who was destined to be a real contributor to the deliberations of the Senate. I believe his remarks today have amply justified that first impression, the conclusion that I reached and have now stated.

Mr. President, I congratulate the Senator from New Hampshire for a worthwhile and important address, and I congratulate him on having passed from a freshman Senator to a seasoned veteran of this distinguished body.

Mr. THURMOND. Will the Senator yield?

Mr. RUDMAN. I yield.

Mr. THURMOND. Mr. President, I take this opportunity to congratulate the distinguished Senator from New Hampshire upon his maiden speech. I have been here 27 years. During that period of time I have not heard a maiden speech that exhibited more knowledge on the subject or presented it in a more impressive fashion than the able Senator from New Hampshire has done on this occasion.

He has brought out the fact that this country is not prepared militarily. He has brought out the fact that the people of this country want it prepared militarily. He has brought out the fact that the threat is a serious threat to our freedom.

All of these are vital and important matters.

In his address he has highlighted other points of importance.

I just want to say to him that I hope every Member of this Senate will read this speech and that the public generally will read it as I feel it is a fine contribution to the RECORD of the Senate and will be helpful to the American people generally.

Again, I congratulate him on this excellent speech.

Mr. MOYNIHAN. Will the distinguished Senator from New Hampshire yield?

Mr. RUDMAN. I yield to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to join my distinguished friends, the majority leader and the President pro tempore, in congratulating the Senator from New Hampshire for his initial appearance, as it were, in the debates of the Senate, but I congratulate him far more for the subject matter he has chosen and the degree to which he manifestly has mastered that subject matter.

There is no greater wisdom possible at the moment when we have achieved, as former President Carter observed in New York just Sunday evening, a national consensus about the need to rebuild our military capacity. A time when we are going through painful reductions in domestic programs but increasing dramatically the level of defense spending. This is the moment to pay attention as to how we do it. The consensus can be lost if we do it badly.

There cannot be any question that our defense procurement policies have been lamentable and that it shows. There cannot be any question that a tendency to the most sophisticated technology is producing real questions about the readiness of our Armed Forces. Lastly, there cannot be any question about the extraordinary depletion of our conventional military stocks. We simply do not have the technology backed up for more than a 5- or 6-week world conflict.

Further, and I think the Senator from New Hampshire would agree—I would want to know if he does not because he is clearly someone who will be heard on this floor—the mobilization capacity of our economy is extraordinarily low. The kind of equipment which at the end of the depression enabled us to build a military force which in 4 years could fight and win a world war, after 40 years of nominal growth have half disappeared, and we even hear not wholly in jest the proposition that we might buy some battleships from abroad, some fighting ships from abroad.

These are issues that have to be engaged and should engage us now when the resources are available to make wise decisions.

I congratulate the Senator from New Hampshire on what he has said and say that I, for one, look forward to hearing from him again on these matters. I hope the committee of which he is a member will take his counsel as will the body as a whole.

Several Senators addressed the Chair.

Mr. STENNIS. Will the Senator yield?

Mr. RUDMAN. I yield.

Mr. STENNIS. Mr. President, I thank the Senator for yielding.

Mr. President, I know time is limited and the managers of the bill want to proceed. I want to highly commend the Senator from New Hampshire for the splendid attention he has given to many things since he arrived here in January, including our military force. I have noticed on the Committee on Appropriations several times where he showed a very fine knowledge and an overwhelming interest in this subject matter.

I consider him a valuable plus on the Appropriations Committee, particularly in this subcommittee.

I remember when I came here I heard an early speech of a so-called new Senator. One who had been here for several years was overheard saying to another who had been here, "Does he know what he is talking about?" And the answer came back, 'He usually does."

The Senator has gained the reputation rapidly that he usually knows what he is talking about. Hold to that and build on that.

I congratulate the Senator and look forward to further working with him.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I learned that the Senator from New Hampshire intended to make a concise and precise statement of his views on defense policy. I encouraged him to speak at this time because I think it is highly important that not only the Senate, but the country, listen to his statement.

He is saying as one of our new Senators on the Defense Appropriations Subcommittee that, having heard the testimony which has been presented on the supplemental this year, we want systems to achieve our goals, not just programs stating the goals.

We want an awareness of our economic problems, not just an awareness of those military goals. Above all, we want answers to questions, not just rhetoric about our needs.

Mr. President, I think that as he proceeds in his service on the Committee on Appropriations and in the Senate, he will render great service to the country if he pursues the philosophy he has just stated.

Mr. LEVIN. Mr. President, the speech of the Senator from New Hampshire (Mr. RUDMAN) is notable for a more important reason than it is his first speech, as important an occasion as that always is. It is notable because it is a great speech full of perceptive and discriminating analysis.

The war that some of us are declaring on waste in the Pentagon is not a war on the Pentagon but a war on waste, critical not only to a balanced budget and reduced inflation but, perhaps even more significantly, critical to maintaining a consensus for a strong defense, as so eloquently and forcefully argued by the Senator from New Hampshire.

In the months and years ahead, we will be pursuing the battle plan that he so clearly outlined and success will be sure and fast because he has added his keen intelligence to the fray.

Mr. HATFIELD. Mr. President, I have already commented briefly on the general qualifications and the skills of the Senator from New Hampshire as he has served on the Committee on Appropriations. This morning, I want to make one additional comment on the very succinct and cogent remarks he made.

I associate myself with the thesis he

established and the arguments supporting that thesis as well. I believe he has put his finger on one of the most fundamental of all political dilemmas. That is the tendency we have in this Government—I suppose partly because of our cultural values—to believe that if we throw enough money at a problem, whatever the problem may be, we have solved the problem, or that the dollars in themselves represent the end rather than merely a means to the end.

I recall, as I have said on the floor before, that this was one of the main arguments that was raised against the New Deal economic philosophy dealing with social problems. They were raised mostly by the Republican Party, that, somehow, the New Deal was guilty of waste, a lot of extravagant spending, because they were committed to the proposition that if you threw enough money at a social issue, it would be solved or go away.

I am fearful, Mr. President, that that same philosophy tends to prevail today in this Nation amongst people of all political parties, faiths, and persuasions, that if our defense problem is to be solved, questions dealing with national security can be solved by a pure matter of shoveling out dollars; that if we add $1.4 trillion to our defense program in the next 5 years to which we have committed ourselves, that is somehow going to purchase the security required.

Actually, we have great weaknesses and vulnerability today, not only in operation and maintenance, but all parts of construction; our readiness factor is dangerously low in some branches of our service; the reserve program is undernourished. So I think it is a wise statement that has been given to the Senate today by the Senator from New Hampshire, that we should contemplate just exactly how we are going to secure this goal of national security and look at the problem beyond the question of military might and military power that is made up of many components—the economic base, the productivity of our economy, inflation problems that we face, the overdependence upon imported energy. They are all components dealing with our total national security picture.

I compliment the Senator from New Hampshire for the great statement he has made today on the floor.

Mr. President, we are ready now; the bill is open for amendments.

VITIATION OF ORDER FOR AMENDMENT BY SENATOR PROXMIRE

Mr. BAKER. Mr. President, I have been advised by the distinguished Senator from Wisconsin (Mr. PROXMIRE) and the distinguished minority leader and other Senators that there is no longer a need for special recognition of the Senator from Wisconsin to offer an amendment relating to Syria. I have cleared this request with the minority leader.

I ask unanimous consent, Mr. President, that the order providing for the recognition of the Senator from Wisconsin to offer a Syria amendment and the 1-hour time limitation thereon be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Senators for permitting me to make this request.

UP AMENDMENT NO. 112

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) for himself and Mr. ROBERT C. BYRD, proposes an unprinted amendment numbered 112.

Mr. MOYNIHAN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, following line 20, add the following after $13,250,000:

On May 12, 1981, the President proposed precipitious and severe reductions in Social Security benefits for men and women currently approaching retirement age; and

These reductions constitute a breach of faith with those aging Americans who have contributed to the Social Security System and have planned for their retirement upon the promise of a specific level of Social Security income; and

Trust, confidence, and predictability are basic and essential qualities of the Social Security System; and

The President's proposal affects nearly every American who is employed, or has been employed, under Social Security; and

For many Americans, retirement at age 62 is not a "voluntary" choice because ill health, unemployment, obsolescent skills, and discrimination force many people into early retirement; and

Social Security is the only inflation-proof pension most Americans have to insure adequate retirement income; and

On May 5, 1981, the Majority in the Finance Committee, at the request of the administration, voted to repeal Title V-E of the Social Security Act, thereby abolishing the entitlement of orphan children to Federal aid in foster care, a provision of law for forty-six years; and

The President promised the American people that no budget savings would be made by reducing basic Social Security retirement benefits and that they would be preserved as part of the Nation's "safety net"; and

The President's proposals go far beyond the savings necessary to insure the future solvency of the Social Security System; and

Congress would never renege upon its commitment to the Nation's retirees by allowing the Social Security trust funds to become insolvent; it is the sense of the Congress that no change in the Social Security benefit structure shall be made which would precipitously and unfairly deny those men and women approaching retirement age Social Security benefits on which they have planned and to which they are entitled; and

That Congress will enact reforms necessary to ensure the long-term solvency of the Social Security System, but will not support modifications in benefits which exceed the amount necessary to achieve a financially sound system.

The PRESIDING OFFICER. Unless this is an amendment to the first committee amendment, it is not in order.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that we proceed in this manner. The distinguished manager of the bill indicated that the bill is open to amendment. That was our understanding.

The PRESIDING OFFICER. The bill is open to amendment to the first committee amendment.

Mr. MOYNIHAN. I ask unanimous consent that this amendment be to the first committee amendment.

Mr. HATFIELD. Reserving the right to object, Mr. President, let me take just a few seconds to outline the situation we are in.

The President initially offered a proposal for $14.3 billion of rescissions. The Budget Committee of the Senate, under admonition from the committee and again by a vote of the Senate, instructed the Committee on Appropriations to make a $1.3 billion rescission in budget authority and the House of Representatives, in concurrent action, took a $12.7 billion reduction. We ended up with about $15.3 billion through the action of the Committee on Appropriations.

Because of the economic assumptions that were reconfigured, let me say to the Senator from New York, when we went into our full markup—that is, the full committee markup on last Thursday—we went into that markup with a $600 million deficit in terms of meeting our goal in outlays.

That same evening, by the action of the conference committee on the budget between the House and the Senate, they reconfigured the economic assumptions that put the appropriations action at about $500 to $600 million in what we might call surplus. But it is not truly a surplus, because we still have to go to the conference with the House on this matter and work out those differences, which will, no doubt, raise the amount or level of spending in outlays that the Senate now has in this bill.

Therefore, Mr. President, we had to come to the floor yesterday—last night—and get a Budget Act waiver in order to take this bill up because we were at about $662 billion in the old ceiling, which has been raised in this package from $632 billion. That means that any amendment that seeks to add any expenditures to this or any outlay impact on this bill at this time would be out of order.

Then let me say that if we take a moment, a window in this action, and should adopt the conference report of the Budget Committee, which would be a privileged motion at any time, then we would be in the situation of a $662 billion ceiling that would have been adopted through that conference report action, which would then look as though we had the so-called $500 or $600 million surplus.

Mr. President, I shall make very clear, as I have before, that I am constrained to oppose any amendment that offers an additional outlay impact on this program, even after the adoption of the new ceiling, under the conference report, of the Committee on the Budget.

I do not know what this amendment proposes to do, but I shall have to make

a point of order if it is an amendment that adds to outlays in this bill at this time under the parliamentary situation that we are in—namely, that we have not yet adopted a new ceiling.

I shall even continue to resist any amendments in order to protect that cushion, so to speak, so that when we go to conference with the House, we shall still be able to come out of there, I hope, meeting our target.

I wanted to make this sort of preliminary explanation. Not knowing exactly what the Senator's amendment would do, I am sort of flying in the dark. At the same time, I had to outline the general procedure in which we find ourselves.

The PRESIDING OFFICER. The amendment has been keyed to the first committee amendment and is now in order.

Mr. MOYNIHAN. I thank the Chair for his courtesy in making that adjustment.

Mr. President, I assure the manager of the bill that this amendment does not in any way relate to the funds contained in this measure. This is a sense-of-the-Senate amendment, having to do with a matter which is of large concern to the Senators on this side of the aisle—and I believe equally on the other side—namely, the administration's proposed changes in the social security legislation.

Mr. HATFIELD. Mr. President, I appreciate the Senator's explanation. Knowing of his strong commitment as a member of the Budget Committee to hold things within the ceilings, I had to assume that it would not have an impact on our outlay part of this program. Therefore, I am awaiting with anxiety and with interest his offering of this sense-of-the-Senate resolution.

Mr. MOYNIHAN. Mr. President, I cannot but note the remark of the distinguished manager that he awaits this amendment with anxiety. I have to suggest that there are some 35 million Americans living on social security retirement benefits whose levels of anxiety have risen strikingly in just the last few weeks.

Mr. President, I will begin by expressing the substance of this amendment. It is brief enough to be read, and it is the unanimous view of a group of Democratic Senators who met yesterday to consider it.

The amendment states:

On May 12, 1981, the President proposed precipitous and severe reductions in Social Security benefits for men and women currently approaching retirement age; and

These reductions constitute a breach of faith with those aging Americans who have contributed to the Social Seccurity System and have planned for their retirement upon the promise of a specific level of Social Security income; and

Trust, confidence, and predictability are basic and essential qualities of the Social Security System; and

The President's proposal affects nearly every American who is employed, or has been employed, under Social Security; and

For many Americans, retirement at age 62 is not a "voluntary" choice because ill health, unemployment, obsolescent skills, and discrimination force many people into early retirement; and

Social Security is the only inflation-proof pension most Americans have to insure adequate retirement income; and

On May 5, 1981, the Majority in the Finance Committee, at the request of the administration, voted to repeal Title V–E of the Social Security Act, thereby abolishing the entitlement of orphan children to Federal aid in foster care, a provision of law for forty-six years; and

The President promised the American people that no budget savings would be made by reducing basic Social Security retirement benefits and that they would be preserved as part of the Nation's "safety net"; and

The President's proposals go far beyond the savings necessary to insure the future solvency of the Social Security System; and

Congress would never renege upon its commitment to the Nation's retirees by allowing the Social Security trust funds to become insolvent; it is the sense of the Congress that no change in the Social Security benefit structure shall be made which would precipitously and unfairly deny those men and women approaching retirement age Social Security benefits on which they have planned and to which they are entitled; and

That Congress will enact reforms necessary to ensure the long-term solvency of the Social Security System, but will not support modifications in benefits which exceed the amount necessary to achieve a financially sound system.

Mr. President, as the ranking minority member of the subcommittee of the Finance Committee that must deal with this legislation when finally it is proposed, it is hardly my view or, to my knowledge, the view of any other Member on this side of the aisle that the several social security funds are untroubled. They are solvent now, but expenditures are running ahead of expectations, and the receipts are running somewhat behind. Changes will have to be made. There is a range of possibilities as to what we will do, and it can and will be done.

That issue, the preservation of the integrity of this system, is not really the one before us today. We are dealing with a wholly different subject.

What we are dealing with is the collapse of the economic theory on which the administration based its tax proposals and to which it has adhered with ever-greater desperation as the months have gone by. The theory was that a major 3-year, one-third reduction in income taxes would have no consequence for revenues inasmuch as it would generate a level of economic activity that would return itself, as it were, in a reflow to the Treasury of taxes. This would come about from the increased activities that would result from the decreased taxes.

It was a marvelous theory: You reduce taxation by one-third and increase revenue in consequence. Alas, it was not correct. Few reputable economists endorsed it when it was proposed or—perhaps more conspicuously—since then. The money markets of the country, to which this administration understandably pays close attention, have said, "No, it won't work. It is inflationary. You will have deficits." The Laffer curve is no check. And the consensus has emerged within the administration—and clearly outside it—that the theory is wrong.

The simple proposition that by cutting taxes you can increase revenues has been abandoned. But with huge consequences for the country and the Congress and the social programs with which the Congress must deal.

This administration was not put in office by proposing great reductions in social programs. The President in a major speech in September of 1980, said that the fiscal year 1981 budget could be reduced about 2 percent, he thought, by squeezing out waste, fraud and abuse; he talked of continuing this process, until by fiscal 1985 there might be a 7 percent reduction. That is all he talked about.

As late as this April–May, the Republican National Committee was sending out a newsletter entitled "Senior Republicans," which I assume goes to the older Americans of the party. It had a headline reading "Reagan Economic Program: President Reagan Keeps Promise, Retirement Benefits Go Untouched."

The President had pledged that there would be no reduction in the retirement benefits, and he meant it. Let it be clear that no one is suggesting bad faith in the least here. What we are trying to do is to explain to the Republican Members of the Senate what has happened to them.

Mr. President, I ask unanimous consent to have printed in the RECORD this first page of Senior Republicans.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT REAGAN KEEPS PROMISE, RETIREMENT BENEFITS GO UNTOUCHED

The plan for budget reform presented by President Reagan to the Congress not only maintains social programs important to senior citizens at their present levels, but provides for an increase in spending for these services over the next four years.

In fact, the "social safety net" programs will command an increasingly large slice of the budget, moving from 36.6 percent of the 1981 budget to 40.6 percent of the 1984 budget.

The "social safety net" to which President Reagan refers is a concept formulated in 1930 under the New Deal. The net was designed to protect those citizens who need some form of federal assistance. The following programs will have the highest priority and will emerge virtually intact after the budget revisions:

[In billions of dollars]

Social insurance benefits for the elderly:	
1981	184.0
1982	209.2
1983	233.1
1984	256.3
Basic unemployment benefits:	
1981	20.3
1982	17.2
1983	15.2
1984	15.2
Cash benefits for dependent families, elderly, and disabled:	
1981	15.1
1982	15.1
1983	16.7
1984	16.0
Social obligation to veterans:	
1981	20.0
1982	22.1
1983	23.9
1984	25.5

Outlays for "social safety net":	
1981	239.4
1982	233.9
1983	288.9
1984	313.0
"Social safety net" as percent "target outlay ceiling":	
1981	36.6
1982	37.9
1983	39.4
1984	40.6

The fact that these social services will not be cut, however, does not refute the fact that that the federal budget is out of control. If the United States is to regain its economic vitality, spending cuts, along with across-the-board income tax cuts, must pass through Congress unscathed. The President has recommended that spending be reduced by $48.6 billion in order to achieve a balanced budget by 1984.

Past years of fiscal irresponsibility and wild spending must stop. Alternating inflation and stagnation can only be arrested if the federal government reduces its share of the nation's GNP. As of this reading the government claimed a full 12 percent of the GNP. The new Administration would like to halve that figure.

Inflation occurs when the government prints more dollars to finance its deficit spending. The alternative solution when faced with a deficit is to use existing resources in the banks. While this does not contribute to inflation, it chokes off private investment because the money ordinarily used for private loans is soaked up by public borrowing. Few would argue that the effects of inflation and stagnation are more humane than the budget cuts planned by the Reagan Administration.

Many budget cuts will come from attacking the enormous waste and inefficiency that is associated with the federal bureaucracy. President Reagan has vowed to rid the system of as much waste as his Administration can find.

Other cuts, it should be pointed out, are not cuts at all. They are indeed only a slowing down of the spiraling growth of many programs and services to a level that will make it possible for Americans to recover economically and to balance the federal budget.

Beyond this, however, the question of the day is where to cut the budget. How not to let the burden fall inordinately on the backs of those who need the federal assistance the most. The new Administration is not alone in answering these questions. Constructive suggestions have surfaced in the past few months.

The overwhelming evidence is that there is plenty of room to cut the budget without unjustly hurting the poor and elderly. In testimony before the Senate Budget Committee recently, Harvard professor Martin Feldstein stated that if only half of the domestic spending increases since 1971 could be erased, the budget could be trimmed by $70 billion.

President Reagan's message is clear. The U.S. economy cannot continue to be a vehicle of general prosperity if the federal budget is not reduced. But suffering on the part of the needy is by no means a part of the new President's plan.

The 97th Congress must heed the President's and the American people's call for a new beginning. Members of Congress should avoid trying to preserve individual pet programs in light of the grander picture—a healthy economy which will not only benefit seniors, but all American citizens.

Mr. MOYNIHAN. I thank the Chair for its courtesy.

Mr. President, this administration did not come to office intent upon dismantling the social security system. It did not come to office desirous of slashing social programs, education, health care, and transportation. It did not think there would be any need to.

It proposed to be a more efficient Government. It had no intention to add very much to Government. But it certainly did not intend to undo the arrangements of half a century, arrangements which a succession of Republican Presidents had not only accepted, but had indeed, expanded.

Yet it is undoing these arrangements. There is not a more dramatic example of this than the decision of the Committee on Finance in May, after only the most general hearings at which few appeared, to repeal, with scarcely any discussion, the entitlement of parentless children to have the Federal Government pay part of their maintenance costs in foster care.

This is not hyperbole. This is not political rhetoric. There are orphans in our society, and there was a provision made in the original Social Security Act of 1935 for children who have no parents and no income. They have from that time to this day been entitled as a matter of citizenship, to some support from the Federal Government.

At the administration's behest, the Finance Committee took this out of the social security system. We simply ripped that page out. Why did we do that? Did we do that because this administration is filled with people who like to see orphans put out on the streets? No.

There is more. The administration now proposes major changes in retirement benefits. It would, in effect, do away with so-called early retirement by making it financially impossible to retire at 62. I was a member of the administration that in 1962 brought about the change that has made it possible to retire at age 62 and collect social security benefits. For 19 years there have been persons in this country who have made their arrangements to retire at age 62, expecting to collect 80 percent of what would have been their full entitlement if they worked until age 65. This ratio was worked out actuarially so that workers would get no more money by retiring at age 62 than if they waited until age 65. The actuarial basis is that an 80-percent payment at age 62 evens out to 100-percent payment at age 65. This is now a right, an entitlement. Workers have planned for it 19 years. Suddenly, a week ago, the administration sent up the most startling proposal. On Tuesday, May 12, the administration unveiled a plan to cut early retirement benefits as of January 1 from that 80-percent entitlement to 55 percent. Over the expected lifetime of retirement, this would take 31 percent away from the person exercising the right to retire at 62.

That is as close to a contractual right as an American citizen has with his government. We agreed to social security. It has been part of our fabric for half a century, and here we are changing the most fundamental of understandings about it.

We are asked to change the disability provisions. To change welfare benefits. To change the benefit points. The administration proposes, in effect, to reduce the overall benefits by about 10 percent immediately and about 25 percent in very short order.

Mr. President, how has this come about? Is it because this Government wants to break an understanding with 35 million Americans who are now retired and another 2 million a year who come into the system? Because it wants to break an understanding with children? To force the incomes of welfare families down, as it will do, as we have already agreed to do in the Finance Committee? No. It is because they have understood that if they are going to keep to their extraordinary tax proposals they have to have extraordinary reductions in expenditures. They now know that the tax proposals will not return sufficient revenues. Therefore, if they are going to keep their tax proposals, they are going to have to get rid of the social security system as we know it. That is all.

Do not be surprised if we look up one day and one of those new battleships has disappeared as well. As long as they stick to that tax proposal they are going to have to make other mindless proposals, breaking commitments that were made with genuine conviction. We do not suppose that anyone in this administration really wanted to take away the entitlements of orphans. They did not. But they have done so.

We do not suppose that they want to make these changes which have caused a storm of protest, but they have had to do so. Why? A very simple reason. The established judgment of economists about the cost in revenues of a tax reduction of the kind proposed by the President has been confirmed by financial markets and confirmed by members of the administration itself. They know it will not work.

Mr. President, some time ago the Congressional Budget Office put out a background paper entitled "Understanding Fiscal Policy." It took econometric models devised by four eminent economic forecasters—Data Resources, Inc., DRI as it is called, the Wharton School, Chase Econometrics and Merrill Lynch—and made estimates of the impact of $10 billion step changes in fiscal policy in terms of the reflow of income and the range by the second year. The DRI model had the largest feedback, 34 percent, the Chase model the lowest, 20 percent. In other words, the most anyone supposes we will get back in the second year is a third. We are left with that huge gap in revenues.

Mr. President, in order that this be understood, I ask unanimous consent that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 3.—MAY 1980 IMPACTS OF $10 BILLION STEP CHANGES IN FISCAL POLICY ACCORDING TO 5 MACROECONOMIC MODELS

[In billions of dollars]

Quarter	DRI		WEFA quarterly		Chase		WEFA annual		Merrill Lynch	
	Tax	Spending	Tax	Spending	Tax	Spending	Tax	Spending	Tax	Spending
Federal surplus:										
1	−8.9	−5.9	−8.8	−6.4	−9.4	−8.9			−9.8	−9.8
2	−7.9	−5.2	−7.9	−6.1	−9.2	−8.1	−7.8	−3.8	−10.0	−10.7
3	−7.4	−4.6	−7.3	−5.8	−9.1	−7.2			−9.9	−11.1
4	−7.0	−4.0	−7.1	−5.6	−8.7	−7.2			−9.7	−10.9
5	−6.1	−3.1	−7.0	−5.3	−8.4	−7.0			−9.1	−11.2
6	−6.5	−3.6	−7.2	−5.4	−8.1	−7.0			−8.8	−11.0
7	−6.7	−3.8	−7.4	−5.6	−7.9	−6.9	−8.0	−5.2	−8.5	−11.3
8	−7.1	−4.4	−7.4	−5.8	−7.7	−6.8			−8.0	−11.6
9	−7.5	−4.8	−7.6	−6.1	−7.8	−6.9			−7.5	−11.1
10	−8.1	−5.4	−8.0	−6.5	−7.7	−6.8			−7.4	−11.4
11	−8.5	−5.9	−8.4	−6.9	−7.8	−6.9	−7.3	−4.4	−7.1	−11.5
12	−8.9	−6.2	−8.8	−7.2	−7.8	−6.8			−7.0	−11.9
13	−9.2	−6.6	−9.2	−7.5	−7.9	−6.8				
14	−9.5	−6.9	−8.9	−7.0	−7.8	−6.7				
15	−9.7	−7.1	−10.0	−7.8	−7.9	−6.8	−6.1	−2.8		
16	−9.7	−7.0	−10.4	−7.2	−8.0	−6.8				
17	−9.8	−7.0	−10.7	−7.8	−7.9	−6.8				
18	−9.9	−7.0	−10.8	−7.6	−7.9	−6.8	−5.7	−2.8		
19	−9.8	−6.8	−10.8	−7.2	−8.0	−6.8				
20	−9.7	−6.6	−10.6	−6.5	−8.1	−6.8				

	Deficit	Feedback	Deficit	Feedback	Deficit	Feedback
Year 1	7.8	2.2	7.8	2.2	9.1	0.9
Year 2	6.6	3.4	7.3	2.7	8.0	2.0

Mr. MOYNIHAN. I thank the Chair.

Mr. President, this is the origin of our present situation. The administration early on committed itself to a theory of taxation which it has now had to abandon, but it has not abandoned the tax proposals that are derived from the theory.

The theory of taxation was that there would be a large and sharp return, such that the cut in taxes would mean no cut in revenues. They now know this is not so, but rather than abandoning the tax proposal, they propose to reduce expenditures by devastating the social programs and promises of our country.

This May 12 proposal is not the last. It is just the latest. Week by week they have come up with proposals that have astounded their supporters and dismayed the citizens.

I do hope the Senate can find it possible to say right now we will not do this. Once it is understood the campaign rhetoric will be forgotten and forgiven. We do not mind that they made commitments that they could not keep. But we do mind if in consequence they wreck the social fabric that has been 50 years in the making.

I see the distinguished senior Senator from Florida here. No Member of this body is more learned in these matters than he, and I think he may wish to associate himself with this amendment. I hope he will speak to it.

The PRESIDING OFFICER (Mr. RUDMAN). The Senator from Florida.

Mr. CHILES. I certainly do. I thank the distinguished Senator from New York.

I do wish to associate myself with this important sense-of-the-Congress resolution. I want to compliment the Senator from New York for the attention he has given to this matter and his expertise and his feeling, because I think a lot of what we are talking about is a question of feeling. I think that is one of the things we are trying to speak to in this. So I certainly compliment him for his leadership in this.

SOCIAL SECURITY CUTS: TOO MUCH, TOO SOON

Mr. President, I rise in support of this important sense-of-the-Congress resolution which expresses our great concerns about the administration's proposals on social security. Yes, it is crucial that we act soon to restore the stability of this program which provides an economic base for some 36 million people and is the primary source of income for 66 percent of the elderly. But, such action should not be at the expense of reducing benefits too much, too soon, as proposed by the administration.

In February, I introduced a legislative package (S. 484) to solve the short- and long-term financial problems of social security. I offered my bill early in this new session of Congress to prod the Congress and the administration to act upon this crucial problem. The national debate has now begun.

I welcome the administration's entry into this debate on social security's future. There is general understanding that some changes are inevitable. We basically have three choices: Raise taxes, cut benefits, or adjust eligibility age in recognition of longer life. I chose to adjust the eligibility age, with 30 years to plan, as the least objectionable path. But I think the administration has cut way too deep, far too soon. People who have been planning to retire next year would have as little as 9 to 12 months to prepare for a reduced retirement income.

One of the administration's proposals would give persons retiring at age 62 only 55 percent of the age 65 full benefit instead of the current 80 percent. This will be crushing for those who have been planning for the last 10 years to retire next year at age 62. I have received numerous calls and letters from Floridians on this point. I am sure all of you have also heard from your constituents about what an abrupt jolt this would be to them, given the fact that many of these people do not have a choice when to retire; it is a medical reason or some other economic reason that is forcing them to have to make that decision.

People call and say, "I have been paying the maximum since 1939 and now you are going to tell me you are going to cut my rate to 55 percent," and when we look further into the administration's proposal we see that when you put in the other cuts it does not cut them merely to 55 percent, they will be cut lower than that. They will be taking a greater cut than that.

The administration has also proposed changing the benefit computation formula. The explanation is a detailed and technical one. What is important is that this change permanently reduces the amount of monthly benefit by 10 percent by 1987. This is a result of the administration's reduction in the replacement rate from the current average of 42 percent to 38 percent. This means that a retiree would receive only 38 percent of his or her 30-year average earnings instead of 42 percent. The replacement rate would drop 1½ percent a year until 1987 when it reaches the permanent reduction of 10 percent.

From just these two proposed changes, a person retiring at age 62 would receive approximately a 32-percent loss in current benefits. Someone retiring at age 62 in 1987 would lose at least 37 percent.

For those retiring at age 65 in 1982, a 1.5-percent loss would occur. This loss would climb to 6 percent in 1985 and to 10 percent for those retiring at age 65 in 1987 and after.

Again, these cuts would occur as early as next year. There are other alteratives for solving the financial problems which provide far more planning time for future retirees. For example, my bill proposes raising the retirement age to age 68 in the year 2012. This is also tough

medicine to swallow but I chose this route as the better of three alternatives because it would give future retirees some 30 years to prepare for their retirement. No current beneficiary or anyone near retirement would be affected by my plan.

Although I have serious qualms about some of the administration's proposals, I do welcome their recognition of the value of work to the older person. The administration's proposed elimination of the earnings limitation in 1986, as in my bill, would encourage people to continue working without any reduction in social security benefits. Many older workers tell me they want to continue. Just as many tell me they have to continue to supplement their retirement incomes. This step alone, however, does not provide any incentives to employers to retain older workers. That is why my bill includes a provision to eliminate payment of social security taxes for employers of workers age 65 and over, as well as for the worker.

I also support the administration's desire to reduce social security taxes. In fact, my bill provides decreases in the tax rate similar to the administration's between 1982 and 1990. But my tax cut is based on allowing general revenues to be used to support medicare hospital insurance (part A), while the administration's is based on reducing benefits twice as much as needed to stabilize the system. I do not believe that long-term social security reform should be part of the program to reduce spending and taxes; it should be dealt with as a separate issue, and designed so as to insure a financially sound system without increasing taxes.

Yes, I have supported many of the administration's budget cuts, but I strongly oppose cutting social security so much as a part of the budget balancing effort.

Mr. President, we are on the right track. We will secure the social security system. It has served our people well. But people need far more time to plan for their retirement than provided in the administration's proposal. We can do better.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. The Senator from New York would be happy to yield to his friend, the Senator from Arkansas.

Mr. PRYOR. I thank the distinguished Senator from New York for yielding to me, and I will just take a very few moments to applaud the distinguished Senator from New York (Mr. MOYNIHAN), the distinguished Senator from Florida (Mr. CHILES), the former chairman of the Select Committee on Aging and, of course, Senator ROBERT C. BYRD of West Virginia, and other sponsors who have brought this matter to the attention of the Senate at this time.

I applaud all of those individuals who made it a possibility for the Senate to consider this most timely resolution at this point.

I think it offers, Mr. President, a commonsense approach to a very emotional, complex, and volatile problem which we have in this country at this time, that of keeping the social security system sound, viable, trustworthy and certainly a system which will meet the demands of the millions of Americans who are planning their retirement around this particular program and the income that it will provide.

The names of the following Senators were added to the amendment (UP No. 112), introduced by Senator MOYNIHAN for himself and Senator ROBERT C. BYRD:

Senators Baucus, Bentsen, Biden, Boren, Bradley, Bumpers, Burdick, Cannon, Chiles, Cranston, DeConcini, Dixon, Dodd, Eagleton, Exon, Ford, Glenn, Hart, Heflin, Hollings, Huddleston, Inouye, Jackson, Johnston, Kennedy, Leahy, Levin, Matsunaga, Melcher, Mitchell, Nunn, Pell, Proxmire, Pryor, Randolph, Riegle, Sarbanes, Sasser, Stennis, Tsongas, and Williams.

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. I thank the Chair.

Mr. PRYOR. I appreciate the Senator from New York adding me as a cosponsor.

Mr. President, on Monday of this week I chaired a hearing in northwestern Arkansas under the auspices of the Senate's Special Committee on Aging.

The town was Rogers, Ark. It is a small town in the middle of one of the fast-growing retirement areas of this country.

The PRESIDING OFFICER. The Chair wishes to advise that under the previous order, the hour of 11:30 having arrived, the Senate will now go into executive session to resume consideration of the Crowell nomination.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I ask unanimous consent that the time be extended for consideration of this amendment for 2 minutes so that the Senator from Arkansas can complete his statement and then that we go into executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I do appreciate that courtesy extended to me by the majority leader.

Mr. President, at the hearing in Rogers, Ark., that I chaired I had the privilege of hearing from literally hundreds of senior citizens who are affected by this proposal and by this issue. This timely discussion of proposed social security reforms and their effect on older workers was most beneficial and I hope the findings and the discussions in that hearing will be made available soon for the Senate to look at.

Mr. President, I feel, more than ever before, that if we adopt a program without the proper debate and without the proper consideration, as the distinguished Senator from New York has discussed, we would literally be sending shock waves through the elderly community in this country. I am very, very hopeful that the message that this resolution will impart to the rest of the country will be in keeping with what this Senate is going to do and the attitude that we are going to have with regard to the issue of social security.

I once again thank the distinguished Senator from New York for his courtesy for allowing me to cosponsor this resolution.

Mr. MOYNIHAN. Mr. President, I thank my friend from Arkansas for his lucid and compelling arguments.

EXECUTIVE SESSION

The PRESIDING OFFICER. The Senate will now go into executive session and resume consideration of the nomination of John B. Crowell, Jr., of Oregon, to be an Assistant Secretary of Agriculture. The clerk will state the nomination.

DEPARTMENT OF AGRICULTURE

The assistant legislative clerk read the nomination of John B. Crowell, Jr., of Oregon, to be an Assistant Secretary of Agriculture.

The Senate resumed consideration of the nomination.

The PRESIDING OFFICER. Time for debate on this nomination shall be limited to 30 minutes, to be equally divided and controlled by the Senator from North Carolina and the Senator from West Virginia. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I yield the time under my control to Mr. LEAHY.

Mr. BAKER. Mr. President, I yield control of the time under our jurisdiction to the Senator from North Carolina.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Vermont.

Mr. LEAHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEAHY. Mr. President, as I understand, because of the time change of 2 minutes, we will still go forward a full half hour; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, I have a unanimous-consent request to propound. The unanimous-consent request is this:

That we be allowed an up or down vote at 12 o'clock, or 12:02, prior to the confirmation vote, an up or down vote on a motion to recommit for 3 weeks to the Senate Agriculture Committee to allow us to hear testimony on the issues raised in the debate yesterday and that the matter then come back, if that vote is successful, that it would then come back to a vote on the floor on confirmation.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, I thank the distinguished Senator from Vermont for making his request at this point. He advised me in advance that he would make this request and I am grateful for that, as well.

I told him, in the course of those conversations, that it would be necessary for

me to object to that request on behalf of Senators. It is with reluctance that I do so, but I had advised the Senator from Vermont that it would be necessary for me to object and I do now object.

The PRESIDING OFFICER. The objection is heard.

Mr. LEAHY. Mr. President, the majority leader is absolutely correct. We discussed it before and he had so advised me. I am sure he understands that there are some who had hoped there might be a chance to have a vote on that procedural point and I did feel a duty then to raise this.

Mr. President, in today's New York Times, there is an editorial on the Crowell nomination that says:

But surely the Senate can find some parliamentary device—perhaps by unanimous agreement—to send this nomination back to the Agriculture Committee for review and resolution of the new changes.

Mr. President, I ask unanimous consent that that editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LEGAL SMOKE OVER THE NATIONAL FORESTS

Today's vote on the nomination of John B. Crowell Jr. to be Assistant Secretary of Agriculture for Natural Resources and Environment puts the Senate in a difficult position. The nomination has been controversial from the start. Mr. Crowell has been a highly capable and aggressive general counsel for the Louisiana-Pacific Corporation, one of the nation's leading timber companies and the largest single buyer of timber from the national forests. In his new job, he would be in charge of those same forests.

There are those—and we are among them—who fear that Mr. Crowell would not bring the proper balance to forest activities; he might favor a reckless increase in timber cutting at the expense of protecting wildlife, water and wilderness. But barring manifest unfitness for service, President Reagan should be allowed great discretion in his appointments.

What's troubling in this case is new evidence, not fully explored by the Senate Agriculture Committee in its confirmation hearings last month, that raises questions about Mr. Crowell's awareness of illegal activities by a Louisiana-Pacific subsidiary. The subsidiary was recently found guilty of conspiring with a supposed competitor to fix prices and monopolize the timber industry in southeast Alaska.

Mr. Crowell was not called to testify in the case, and there is no firm evidence that he did anything wrong. But critics contend that recently released memorandums show that he was aware of some activities condemned in the case. Those activities include communications between the Louisiana-Pacific subsidiary and a supposedly competitive company concerning timber supplies and plans to use a smaller company as a front to qualify for Forest Service business that is reserved for small companies.

Mr. Crowell vigorously disputes the changes in a letter on this page. We do not know where the merits lie. But it is clearly important to resolve the issue, and the confirmation process is the sensible forum in which to accomplish that.

Unfortunately, today's vote is structured in yes-or-no terms. But surely the Senate can find some parliamentary device—perhaps by unanimous agreement—to send this nomination back to the Agriculture Committee for review and resolution of the new charges. The Reagan Administration's forest policies will raise enough doubt and opposition on environmental grounds. It is unfair to the public, and to Mr. Crowell, for that policy to be clouded by the smoke of unanswered legal questions.

Mr. LEAHY. Mr. President, I reserve the remainder of my time.

Mr. HELMS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Neither side yielding time, time will run equally to both sides.

Mr. HELMS. That is suitable to the Senator from North Carolina.

Mr. BAKER. Mr. President, under those conditions, and while consultations are in progress, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. BAKER. On the same conditions, to be charged equally.

The PRESIDING OFFICER. Without objection the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, shortly we will vote on the Crowell nomination. I think it may be worthwhile to summarize the issues which were addressed during the debate yesterday.

First of all, this nomination was reported out of the Agriculture Committee unanimously. Second, with all due respect to Senators who have raised subsequent questions, I have endeavored conscientiously and diligently to analyze the allegations made on this floor yesterday by the distinguished Senator from Massachusetts. I find not only that the allegations are without basis, but the tone of the allegations bothered me because they seemed to imply that Mr. Crowell is less than a worthy American.

Mr. Crowell is a fine American and I think he deserves better than to have specious, veiled innuendo directed his way. I remember the chart that was discussed here yesterday afternoon. I thought to myself at the time that not many Senators could fare all that well if charts were to be constructed with innuendo about their past careers and occurrences in their lives.

But be that as it may, Mr. President, Mr. Crowell was nominated by the President of the United States on February 12. Due to a very thorough FBI investigation and clearance process by the White House, confirmation hearings were delayed until March 31.

During his confirmation hearing, Mr. Crowell responded to a series of questions relating to the management policy for our agricultural and forest resources.

I recall, Mr. President, that the Senators who attended the confirmation hearing expressed confidence in Mr. Crowell and recommended unanimously that he be confirmed by the Senate.

It needs to be made a matter of record, notwithstanding any implications or innuendo by any Senator, that John Crowell has exhibited the highest degree of professionalism and honesty. Apart from the confirmation hearing, he has provided written answers to at least 69 questions from Senators on a variety of subjects that would bear on his qualifications as Assistant Secretary.

He has continued to exhibit the kind of qualities that we look for in a nomination for a post of this importance.

The only real opposition to the nomination of John Crowell has come from a very small but very vocal group of self-styled, so-called preservationists who object to the nomination on philosophical grounds. We may as well tell it like it is, Mr. President. Their objection is the genesis of all of the faux pas that we heard here yesterday.

I was apprehensive yesterday in that the reputation of a fine American would be sullied without justification.

What these self-styled, so-called preservationists specifically object to is the concept of multiple-use management for our national forests.

I do not question the sincerity of these people. I just say, Mr. President, that they are sincerely wrong. But they are absolutely wrong when, to achieve their point, they condone, if not promote, the sullying of the character of a fine man. That is when I draw the line.

I have had disagreements, Mr. President, with a number of nominees since I have been in this Senate, but I have never attacked one personally. I am not going to. That is the difference.

John Crowell is a strong advocate of balanced, multiple use management for our national forests, and I believe the majority of the American people hold this view. This same management concept has been continuously reaffirmed by succeeding Congresses since the establishment of the national forest system in 1897.

John Crowell silenced his critics during the confirmation hearing when he emphasized that, "The true conservationist, is one who advocates and practices protection from loss, avoidance of waste, and wise use."

He went on to state his concern that future generations have avaliable to them the same bountiful abundance generated from our forests and our farms, our soil and water, that we enjoy today. He promised not to advocate or pursue any course of action which would likely impoverish future generations.

Despite recent allegations that Mr. Crowell was knowledgeable of antitrust violations during his tenure as counsel for a major timber products company, his record remains unblemished, and it has been published in the RECORD. I put the information there, his repeated answers to repeated questions.

Several of my distinguished colleagues objected to the confirmation of Mr. Crowell on the ground that they wish to imply that he was somehow guilty of an antitrust violation.

The evidence does not support these claims, and I do not think the Senate ought to vote on an inferential suggestion or even a declaration by any Senator. If there are any facts in this case, let them be shown.

The Senator from Massachusetts did not produce any facts yesterday because he did not have any. He had a chart, and

then he wove a tapestry of innuendo. I think that is unworthy of a Senator.

I have placed, as I say, the responses by Mr. Crowell to these claims in the RECORD, but in detail, Mr. President, I want to mention several of the items that might be of interest to Senators.

The Alaskan case that has been discussed here is actually a series of five private antitrust suits. The plaintiffs claim damages for alleged violations of the antitrust laws by Ketchikan Pulp Co., a subsidiary of Louisiana Pacific Corp. Preparation for this trial required 5 years, during which time more than 90,000 company documents were examined for evidence. Mr. Crowell has stated that at no point in the case was he involved as a witness, nor was his deposition requested by either side during the 5 years of pretrial preparation. This in itself indicates that John Crowell was not involved in the alleged antitrust activities.

At the request of the plaintiffs, at least two investigations by the Antitrust Division of the Department of Justice have not resulted in indictments or civil actions. No criminal or civil actions have resulted from continued oversight of timber bidding patterns in southeast Alaska. In short, no plaintiff, agency, or court has ever even hinted that John Crowell has in any way been a party to any wrongdoing during his distinguished career. So what evidence do we have?

At the request of the senior Senator from Massachusetts, the Department of Agriculture reported all references to Mr. Crowell that were in the transcript and record of the case. This investigation found only four instances which mentioned John Crowell. Of the four references, only two memos remain as the basis for the attacks levied against Mr. Crowell yesterday, and again today.

The first is a memo to John Crowell from D. L. Murdey of Louisiana Pacific. This memo deals with the Alaska forest products industry's growing concern in 1973 and 1974 over the lower harvest level calculations and reduced timber sales program on the Tongass National Forest. John Crowell was representing the constitutional right of the industry to petition its government for redress of grievances.

Such activity is protected under the first amendment to the Constitution and is not subject to the antitrust laws under the Norr-Pennington doctrine.

The second memo is an interdepartmental communication to H. A. Merlo from John Crowell that was written in 1975. It also deals with the concern for lower harvest level calculations and a reduced timber sales program on the Tongass National Forest. As Mr. Crowell has said, the purpose of the memorandum was to give Mr. Merlo some background and advice for an anticipated meeting with Ed Head who was president and owner of Alaska Timber Corp. Mr. Head's company had been party to a complex series of contracts with Ketchikan Pulp Co. since 1972. The anticipated subject of the meeting was Alaska Timber Corp.'s desire to amend its contracts so as to satisfy the Small Business Administration that it was not controlled by Ketchikan Pulp Co. The memo concluded there would be no reason to amend the contracts, but that such an amendment might be considered at some point in the future when set-aside sales were triggered. This memorandum was not even deemed important enough by the plaintiffs in the case to introduce it as evidence.

Both of these memos and Mr. Crowell's alleged involvement in antitrust matters are covered in more detail in statements which I inserted yesterday in the RECORD.

With the exception of the preservationists, mentioned earlier, support for John Crowell for Assistant Secretary is unqualified. He has the solid backing of the entire forest products industry, both small and large companies. He is supported by numerous groups and individuals from all walks of life.

The Senator from Arkansas (Mr. BUMPERS) said yesterday that he opposed the nomination of John Crowell because of a difference of views over the small business timber set-aside program. However, Mr. Crowell has assured the committee and other Senators that he will remove himself from any decisions relating to the program. As a result, John Crowell has received the support of small business and lumber manufacturers nationwide.

As I mentioned earlier, the questions on the confirmation of John Crowell should be one of philosophy and policy—and of the qualifications of the candidate to serve as Assistant Secretary. A few of those opposed to Mr. Crowell, however, have improperly employed facts in a pending antitrust case to attack John Crowell's reputation. The facts do not exist to support their claims.

The bottom line is that John Crowell was in no way implicated in this litigation by any party. It is only Mr. KENNEDY and his allies that are attempting to impose sanctions on the floor of the Senate with evidence that a court of law refused to hear.

I strongly urge Senators to consider the facts of this case and to realize that we do not sit here as a trial court, to pass a verdict on the accused. Rather we are here to make a judgment on the unsurpassed qualifications of one individual, John B. Crowell, Jr. to serve as Assistant Secretary of Agriculture for Natural Resources and Environment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the question here has been whether Mr. Crowell is being opposed on philosophical matters. Let us lay that to rest right away. That is not the issue here. The questions of philosophy were fully discussed in the Senate Agriculture Committee. That committee, made up of Republicans and Democrats across the political spectrum, voted unanimously for his confirmation. In fact, I did. I happen to disagree with him philosophically on a number of issues. I happen to feel that his philosophy is one that will ultimately do a great deal of harm to our national forests. But I feel that what he is doing is reflecting the philosophy of the Reagan administration and they have a right to have their philosophy reflected in the appointees. After all, it is a philosophy that they argued for during the campaign. They were elected. This nomination should not be held up simply on philosophical grounds.

Nobody who has argued on this matter has suggested that he not be consimply on philosophical grounds.

Those issues alone, the issues and positions on forestry matters, standing alone would not justify today's debate. What does justify today's debate, and with the issues that could be asked of the distinguished Senator from North Carolina, are the issues of anticompetitive behavior entered into by Mr. Crowell originally, and the potential for great conflicts of interest in the future. How can the answers to those issues come?

The distinguished Senator from South Carolina is correct in saying that the answers will not come right here in debate on the floor. But where they could come is in testimony under oath by Mr. Crowell and other witnesses, both pro and con, before the Senate Agriculture Committee. Otherwise we have a nomination that could well be misleading the Senate.

I think we must have that kind of testimony. That is why I made a unanimous-consent request earlier, which was objected to, to allow us to vote to recommit this matter. Not to vote on the confirmation now but to recommit it so that we could have that kind of testimony under oath.

The Reid Brothers case shows overwhelming anticompetitive patterns by KPC, as we discussed yesterday, the fact that John Crowell was counsel to the parent company, Louisiana-Pacific, and as counsel advised generally about Louisiana-Pacific and KPC in antitrust and other general corporate matters.

The record shows his knowledge of certain key events which were cited by the judge in a draft order. Documents that have arrived since then have reinforced this matter.

If John Crowell is confirmed, he will preside over a department of Government, the Forest Service, which will have the duty of reviewing and recommending action on the agreements between the Service, Louisiana-Pacific, and KPC.

Refusal is either naive or ineffective where the company involved is such a giant among the users of Federal timber.

The statement in Mr. Crowell's letter to the distinguished chairman of the Committee on Agriculture that he did not have the remotest involvement in affairs of KPC is not correct. He was counsel of the parent company and documents received so far indicate great involvement in KPC affairs, not only as Assistant Secretary, but as counsel to the parent. There is not one word in the Senate to explain these documents; and there will not be unless the matter is sent back for further testimony.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, if the distinguished Senator from Vermont is amenable, I suggest the absence of a quorum, with the time to be charged equally.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. LEAHY. Mr. President, I yield to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Crowell nomination is extremely troubling for two separate and very distinct reasons.

I disagree profoundly with Mr. Crowell on his approach on environmental issues and I shall vote against him on that ground alone. But there is another issue in this nomination that should make every Member of this body reluctant to vote for the nomination. Extremely serious questions have been raised about Mr. Crowell's possible involvement in major antitrust violations arising out of the activities of his company in Alaska.

Those antitrust violations are described in detail in a Federal Court decision of last March.

In at least seven specific instances, it appears that Mr. Crowell was implicated in the violations.

Mr. President, yesterday, in the debate on the Crowell nomination, I joined my colleagues from Vermont, Arkansas, and Colorado in setting forth in the public record our detailed concerns about the fitness of this nominee for this office.

In Reid against Ketchikan, the Federal Court found "overwhelming" evidence of violations of the antitrust laws in sales of timber from the national forests of Alaska. Mr. Crowell was general counsel and chief antitrust adviser for Louisiana-Pacific, a giant of the timber industry which the court found was a co-conspirator in the case. The role of Mr. Crowell in these antitrust violations was not considered in the hearings on his nomination.

I take issue with those, Mr. President, who suggest that because he was not particularly named in the case, therefore, he had no responsibility for the actions and the antitrust violations. It is quite clear, when this case is examined, that there was an overwhelming violation of the antitrust laws. The plaintiffs had reached the requirement of showing of antitrust violations and the court so found. These violations were his responsibility—in spite of the fact that Mr. Crowell was the general counsel of the parent company.

Mr. President, despite requests by its members, the committee has refused to reopen it hearing to examine these issues. In a letter to the committee, Mr. Crowell states that he was not involved "in the remotest way with any of the occurrences, negotiations, or contracts" involved in the antitrust violations.

That statement cannot possibly be true, Mr. President. In at least seven specific instances documented so far, it is clear that Mr. Crowell was significantly involved in occurrences, negotiations and contracts found by the court to be violations of the antitrust laws. That evidence stands unrefuted. Yet the Senate today is being asked to vote on this dubious nomination on this dubious record.

The accompanying tables demonstrate Mr. Crowell's involvement in the antitrust violations. It is clear that Mr. Crowell was aware of and involved in collusive communications by the defendants in the case; one memo even indicates that Mr. Crowell was personally directing the activities of an employee of a separate defendant in the case. Mr. Crowell was aware of the defendant's refusal to compete. It is clear that Mr. Crowell was aware and involved in efforts of the defendants to eliminate competition in the timber industry in Alaska; another memo indicates that Mr. Crowell specifically recommended the use of fronts to keep competition out of Alaska.

Mr. President, I might mention at this point that I discussed at some length yesterday the memoranda themselves and their relationship to the antitrust case. These memoranda established Mr. Crowell's serious involvement in antitrust violations. To this day, those who support Mr. Crowell have been unable to place on those memoranda in any other connotation than the connotation which I think is rather clear and compelling. They show that Mr. Crowell was involved in these decisions, involved in the legal actions which, I think, were certainly violations of the antitrust laws. They can say, well, these memoranda are just interesting memoranda, but they mention Mr. Crowell and they show his involvement. They cannot escape it.

Yesterday, when I challenged the proponents of Mr. Crowell, on the floor of the U.S. Senate, all I heard was silence. They have yet to explain away those memoranda. That was information that came out after the committee hearing.

The committee has yet to bring Mr. Crowell in and swear him to testify. Still he is going to be charged with the administration of the Forest Service, with all the implications that has in preserving the forest industry resources of this country and all the implications it has in terms of competition.

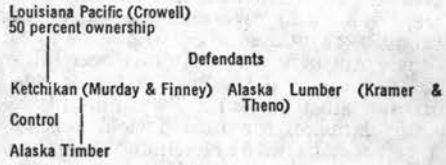
Mr. President, those who support this nomination have been unable or unwilling to give a response to these and other facts that directly implicate Mr. Crowell in the antitrust conspiracy.

I believe that the Senate has a duty, before giving its advice and consent to this nomination, to conduct a thorough investigation of Mr. Crowell's role in these antitrust violations. Until that investigation has been completed, I believe the nomination should not be approved by the Senate.

I ask unanimous consent that materials summarizing my concerns—including two tables—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CROWELL NOMINATION



COURT DECISION (REID V. KETCHIKAN)

Ketchikan and Alaska Lumber violated antitrust laws (Murphy named).

Louisiana Pacific was a coconspirator (no one named).

Crowell implicated in antitrust violations in seven separate instances.

SUMMARY OF SPECIFIC ANTITRUST ISSUES RELATING TO CROWELL NOMINATION

COLLUSIVE COMMUNICATIONS

Key facts: Court cited business conversation between Murdey and Crowell about "log supply".

Crowell connection: 1. May 2, 1973 memo tells Crowell of conversations between Ketchikan and Alaska Lumber on log supply.

2. Same memo tells Crowell that Murdey of Ketchikan and Kramer of Alaska Lumber take turns attending trade association meetings.

3. Same memo indicates Kramer of Alaska Lumber is acting under Crowell's direction.

REFUSAL TO COMPETE

Key facts: In 116 sales over 10 years, Ketchikian and Alaskan Lumber only bid against each other 3 times.

Crowell connection: 4. Crowell admits he is aware of this pattern of noncompetitive bidding.

ELIMINATION OF COMPETITION

Key facts: Ketchikan controlled Alaska Timber by contractual arrangements. Ketchikan refused to sell logs to Schnabel Lumber.

Crowell connection: 5. Crowell admits "administering" contracts which controlled Alaska Timber.

6. Crowell admits involvement in the Schnabel negotiations.

USE OF FRONTS TO STOP COMPETITORS

Key facts: Court cited use of fronts to block competitors such as plywood companies.

Crowell connection: 7. April 14, 1975 memo from Crowell to Merlo suggesting that Alaska Timber.

6. Crowell admits involvement in the Schnabel negotiations.

The PRESIDING OFFICER. All time under the control of the Senator from Vermont has expired. The Senator from Idaho.

Mr. KENNEDY. Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS. Mr. President, I just say in closing this debate that we have heard the comments of the distinguished Senators from Vermont and Massachusetts. They have not yet laid a glove on Mr. Crowell as far as anything that is signifi-

cant. His name was never even on a deposition in this entire case. It is purely and simply a matter, and I respect their judgment, that they disagree with his attitude toward resource management. But to impugn his motives, I think, is not proper for this body.

Not only is it not proper, Mr. President, John Crowell is a very outstanding, good American, honest, and will do great service for this country and the Forest Service.

Mr. President, I think Senator HELMS put this in the RECORD yesterday. The Senator from Massachusetts mentioned the Schnabel Lumber Co.'s having problems with this so-called antitrust suit that has been mentioned. Here is a letter from John Schnabel, president of the Schnabel Lumber Co. He says:

DEAR SENATOR HELMS: A strong antidote—John B. Crowell, Jr.—is needed to heal the misery handed the economy of Alaska's Forest Industry during the Rupert-Cutler years.

As a member of the small business forest community, I strongly support confirmation of Mr. Crowell, if during the hearings he will pledge his support of the Small Business Act and its application in Alaska.

Yours sincerely,

JOHN J. SCHNABEL,
President.

He has done so.

As I made the point yesterday, the judge in the case that today has been heralded and passed around the Chamber made the point that she could not remember even one document in which John Crowell was involved. He was never called to testify. He never had his records examined. He never had a deposition filed in the case.

He is highly qualified for the post in which President Reagan has nominated him to serve, and I ask my colleagues to support the confirmation of his nomination.

I yield back the remainder of my time.

Mr. THURMOND. Mr. President, today, I rise in support of the nomination of John B. Crowell to be Assistant Secretary of Agriculture for Natural Resources and Environment. I believe Mr. Crowell to be highly qualified and knowledgeable about matters relating to the environment and natural resources of our Nation.

Mr. President, a number of Senators have raised questions regarding the fitness of Mr. Crowell to serve in this post. These questions arise out of allegations concerning his role in, and knowledge of, possible anticompetitive practices on the part of his former employer, Ketchikan Pulp Co.—a subsidiary of Louisiana-Pacific Corp. Although these questions were not raised during committee consideration of Mr. Crowell's nomination, I feel he has provided for the RECORD an explanation of his involvement in this matter sufficient to lay to rest these allegations.

Mr. President, from the information made available to my office, it appears that Mr. Crowell's involvement in the Alaskan antitrust cases was limited to approving selection of defense counsel for the Ketchikan Pulp Co., receiving status reports from the defense counsel, and assisting the defense counsel in developing trial tactics and strategy. He was never called as a witness in the case, nor deposed by either side prior to the trial.

Mr. President, I do not believe the involvement of Mr. Crowell as an attorney peripherally connected with the defense of one of the parties in this particular court case is sufficient reason to bar his serving in the capacity for which he has been nominated. He has an outstanding background that suggests he would perform ably in the position for which President Reagan has selected him. Accordingly, I sincerely hope my colleagues will join me in supporting the nomination of Mr. Crowell to be Assistant Secretary of Agriculture for Natural Resources and Environment.

Mr. DIXON. Mr. President, today I intend to vote in favor of confirming Mr. John Crowell as Assistant Secretary of Agriculture for Natural Resources. It is a difficult vote.

As I approached the confirmation hearing on Mr. Crowell held in the Agriculture Committee, I was concerned about whether, if he were confirmed, he would be able to divorce himself adequately from the interests and positions he has advocated in the past as general counsel to one of the forestry industry's most prominent corporations.

Clearly, it is necessary for an Assistant Secretary of Agriculture to make decisions based on the consideration of diverse, rather than limited, points of view.

Based on that testimony, I concluded Mr. Crowell was a man of intelligence and integrity. He assured the committee he intended to serve the broad public interest in administering lands of the Forest Service, and that he intended to meet regularly with representatives of groups with whose viewpoints he has disagreed in the past.

Now, I expect he intends to keep those promises, and I know they will be carefully monitored.

Between that time and now, the information that has come forth regarding the collusive practices of a subsidiary firm of Mr. Crowell's employer has served, at the very least, to cloud the integrity aspect of this matter.

The fact that Mr. Crowell found it necessary to file an amended financial disclosure statement after the hearings leaves me with a sense of unease.

Mr. President, the primary conclusion I have reached from all this is that the public would be best served if this nomination could be returned to the Agriculture Committee for further consideration. The reality of the thing, however, is that it will not be.

Since that is the case, I must say, at this juncture, despite the questions that have been raised, it has not been clearly demonstrated that Mr. Crowell himself was involved in the antitrust actions of Ketchikan Pulp and Alaska Lumber and Pulp.

I have always felt that the President should be allowed wide latitude in his administrative appointments. This nomination tests that conviction. I will vote to confirm Mr. Crowell, with serious reservations.

Mr. ROTH. Mr. President, today we are faced with the nomination of John B. Crowell, Jr. to be Assistant Secretary of Agriculture for Natural Resources. It is of utmost importance that we insure this position is filled with the most qualified, experienced and even-handed of professionals, because this Administrator has the crucial task of managing and caring for one of our greatest resources, our national forests. As the leading Republican cosponsor of the Alaska lands bill, and more specifically the Southeast amendment to that bill, I have a particularly keen interest in this nomination.

The Southeast amendment was primarily directed at insuring protection, and well-balanced harvesting for the Tongass National Forest, the largest and perhaps most pristine of all America's national forests. Our amendment made every effort to rigorously evaluate past conflicts in the Tongass, and was designed to address the area with a balanced and fair approach. However, this approach was somewhat altered during the course of negotiations and several features of the final legislation need be highlighted due to the possible detrimental consequences that could occur under management representing unsympathetic philosophies and policies.

First a direct pipeline was set up from the Treasury to the Tongass. It does this by mandating an annual entitlement of at least $40 million which bypasses the appropriations process and is not subject to deferral or recession by the President. Second it waives a provision of the National Forest Management Act of 1976 dealing with the statutory timber supply goal of 450 million-board-feet annually regardless of cost or demand. Third, it requires the Secretary of Agriculture to prepare a study of opportunities "to increase timber yields on national forests in Alaska."

It is my grave concern that the intention of the Alaska lands bill may be overlooked and detrimental interpretations of the language may occur in the form of ravage development of the Tongass, rather than orderly, environmentally sound harvesting.

There is no doubt that we can indeed maintain a strong timber related industry while insuring that cut levels take into account proper conservation practices, and the delicate balance of the many competing interests not be disrupted. Given the significant responsibilities of this role, in administering our National Forest System, it is critical that the soon-to-be Assistant Secretary be made aware of the deep concerns of many Members of Congress that the development of forests and other wild lands be done carefully with adequate resource protection measures. As Mr. Crowell takes over this position I strongly urge him to consider in every management decision the interests of all Americans including future generations to come.

Mr. CRANSTON. Mr. President, I want to take a few moments to address the Senate on the nomination of John B. Crowell, Jr., to be Assistant Secretary of Agriculture for Natural Resources and Environment.

The Assistant Secretary of Agriculture for Natural Resources and Environment,

as my colleagues know, is responsible for decisions affecting the U.S. Forest Service and our national forest lands. These lands contain important commercial commodities—timber, minerals, oil and natural gas—as well as scenic and natural values which make our forests enormously popular for fishing, hiking, camping and other forms of recreation. The Assistant Secretary of Agriculture for Natural Resources and Environment is called upon to balance these often competing uses of our forests.

Mr. President, questions have been raised about Mr. Crowell's suitability for this particular job in Government. He has spent his entire professional career as an attorney for large timber companies that purchase a great deal of timber from the national forests. In this capacity, Mr. Crowell has spoken against wilderness and wild river designations. He has opposed restrictions on the size of clear cuts and requirements for streamzone protection. He has opposed prohibitions on the use of dangerous herbicides and slash burning. And he has even opposed the small timber set-aside program designed to assure the survival of small timber companies.

Of course, Mr. Crowell's personal opinions may be totally different than the views and policies his profession has required him to espouse. But it is unreasonable to think that a person whose career has been devoted to convincing others of the reasonableness and logic of a viewpoint on the environment would not himself come to view that position as reasonable and logical.

Because of his views, environmental organizations like the Wilderness Society, the Sierra Club, the National Wildlife Federation, and the Natural Resources Defense Council have expressed serious reservation about Mr. Crowell's nomination. And I fully appreciate their concerns.

At the same time. I recognize that all nominees bring to their jobs in Government backgrounds and affiliations that color their views and could affect their decisions in public service. It is my hope that if confirmed as Assistant Secretary of Agriculture for Natural Resources and Environment, Mr. Crowell would take a fresh look at forest issues, especially the need to provide a balance between wilderness and other surface values of our national forest lands, and represent all segments of the public—not just be an advocate of the industry viewpoint.

But there is something else in Mr. Crowell's background which I find troubling—and which confirms my decision not vote for him.

Since the Senate Agriculture Committee approved the nomination of John Crowell be Assistant Secretary of Agriculture for Natural Resources and Environment on a voice vote April 1, new information has come to light about the relationship between Mr. Crowell and the Ketchikan Pulp Co., which a U.S. District Court on April 3 found guilty of monopolistic, anticompetitive and collusive bidding practices. Recently released documents raise very serious questions about Mr. Crowell's awareness of, and participation in, decisions for Ketchikan Pulp Co. to exercise control over and manipulate Anette Timber Co. so as to eliminate competition. I believe that the Senate Agriculture Committee should hold additional hearings to look into these allegations before the Senate votes on the nomination. I believe that Mr. Crowell should have the opportunity to eliminate—if he can—the clouds which now hang over his nomination and reputation. In the absence of clearing the record, I doubt that Mr. Crowell can serve the President, this administration, or the country effectively.

I am also concerned over the fact that in his financial disclosure statement, Mr. Crowell failed to list his position as assistant secretary of the Ketchikan Pulp Co. and other Louisiana Pacific subsidiaries. I understand, however, that Mr. Crowell has asked to amend his disclosure statement as well as his recusal statement.

Mr. President, given the public controversy which now surrounds this appointment and the seriousness of the charges, I believe the Senate should delay a confirmation vote on John Crowell until all the facts are available and the serious questions have been answered. In the absence of that, I cannot vote to confirm Mr. Crowell.

● Mr. PACKWOOD. Mr. President, a certain amount of controversy surrounds President Reagan's nomination of John B. Crowell, Jr., to be Assistant Secretary of Agriculture for Natural Resources and Environment. Opponents of Mr. Crowell have questioned his fairness and honesty.

Concerning fairness, opponents of Mr. Crowell charge that he will be biased because he has been the attorney for a large forest products company. It is my feeling that a prospective nominee should not be praised or damned simply because of past employment.

The real question is, can the nominee do a fair and competent job in the post for which he is proposed? I voted for several nominees proposed by President Carter for positions involving land use management whose backgrounds were employment by environmental organizations. At the time of their confirmation by the Senate, many people in those industries which utilize natural resources said the nominees were biased against them because of their past employment. I did not buy the argument then and I voted for those people. It seems to me the same standard should be applied to Mr. Crowell.

Concerning honesty, opponents of Mr. Crowell have presented documents purportedly showing that he was involved in circumstances which have led to an antitrust judgment by a U.S. District Court in Seattle, Wash. I have reviewed these documents and found them wanting. In no way do they demonstrate that Mr. Crowell played a role in the events that led to the antitrust judgment; in no way do they prove that he is unfit to do the job for which he has been nominated.

Despite his record of opposition to the small business timber set-aside program while a timber industry attorney, Mr. Crowell is strongly supported by the forest products industries of Oregon. They have come to me to express their judgment that he is fair and honest. For me, this opinion is far more significant than any of the arguments put forth by Mr. Crowell's opponents.

Mr. President, John Crowell is a capable man with an outstanding legal and natural resources background. I think the Senate Agriculture Committee recognized this when it voted unanimously to report his nomination. I will vote to confirm him.●

● Mr. MOYNIHAN. Mr. President, I regret that I find it necessary to vote against the nomination of Mr. John Crowell to be an Assistant Secretary of Agriculture. The events of the past week during which unresolved questions have been raised about his employment with several timber companies leave me no choice. My own preference would be to send his nomination back to the Senate Agriculture Committee where these questions could be resolved quickly. Surely it is in everyone's best interest to resolve these questions before and not after the Senate votes on this nomination.

The existence of an unanimous consent agreement is being used to preclude sending this nomination back to committee. This is wrong. For this reason, I must oppose this nomination. I ask that an editorial from this morning's New York Times be printed in the RECORD.

The editorial follows:

LEGAL SMOKE OVER THE NATIONAL FORESTS

Today's vote on the nomination of John B. Crowell Jr. to be Assistant Secretary of Agriculture for Natural Resources and Environment puts the Senate in a difficult position. The nomination has been controversial from the start. Mr. Crowell has been a highly capable and aggressive general counsel for the Louisiana-Pacific Corporation, one of the nation's leading timber companies and the largest single buyer of timber from the national forests. In his new job, he would be in charge of those same forests.

There are those—and we are among them—who fear that Mr. Crowell would not bring the proper balance to forest activities; he might favor a reckless increase in timber cutting at the expense of protecting wildlife, water and wilderness. But barring manifest unfitness for service, President Reagan should be allowed great discretion in his appointments.

What's troubling in this case is new evidence, not fully explored by the Senate Agriculture Committee in its confirmation hearings last month, that raises questions about Mr. Crowell's awarenes of illegal activities by a Louisiana-Pacific subsidiary. The subsidiary was recently found guilty of conspiring with a supposed competitor to fix prices and monopolize the timber industry in southeast Alaska.

Mr. Crowell was not called to testify in the case, and there is no firm evidence that he did anything wrong. But critics contend that recently released memorandums show that he was aware of some activities condemned in the case. Those activities include communications between the Louisiana-Pacific subsidiary and a supposedly competitive company concerning timber supplies, and plans to use a smaller company as a front to qualify for Forest Service business that is reserved for small companies.

Mr. Crowell vigorously disputes the charges in a letter on this page. We do not know where the merits lie. But it is clearly important to resolve the issue, and the confirma-

tion process is the sensible forum in which to accomplish that.

Unfortunately, today's vote is structured in yes-or-no terms. But surely the Senate can find some parliamentary device—perhaps by unanimous agreement—to send this nomination back to the Agriculture Committee for review and resolution of the new charges. The Reagan Administration's forest policies will raise enough doubt and opposition on environmental grounds. It is unfair to the public, and to Mr. Crowell, for that policy to be clouded by the smoke of unanswered legal questions.●

● Mr. GLENN. Mr. President, in casting my vote today against the confirmation of Mr. John Crowell to be Assistant Secretary of Agriculture for Natural Resources and Environment, I cast no aspersions at the nominee. I do not doubt that he is a competent and loyal American.

My vote might well have been different had there been an opportunity provided for Members of the Senate to question Mr. Crowell and obtain sworn answers in a public hearing to questions that have arisen subsequent to his approval by the Committee on Agriculture. Absent further hearing on the public record to investigate the allegations against Mr. Crowell, I am compelled to oppose the nomination.

On March 31, 1981, the Agriculture, Nutrition and Forestry Committee held brief oversight hearings on Mr. Crowell's nomination. One day later the committee reported Mr. Crowell en bloc with two other nominees, on a voice vote, and with the minimum number of Senators present to constitute a quorum.

Since then allegations have arisen regarding Mr. Crowell's involvement in and knowledge of serious antitrust violations by Ketchikan Pulp Co. Mr. Crowell denies any involvement in the illegal activities which a U.S. District Court has found Ketchikan involved in. However, documents have been found which suggest an awareness on his part of these practices

In considering previous administration nominees I have made my beliefs known that the new President should be given latitude to assemble his own team subject only to the constraints that nominees be knowledgeable about the area which they will administer and be men or women of integrity. However, the credibility of Mr. Crowell's denial of involvement in the illegal action of Ketchikan has now been called into question.

Mr. President, when the new information regarding Mr. Crowell was made known, Mr. LEAHY, a member of the Agriculture Committee, requested that Mr. Crowell be called before the committee to testify under oath as to his participation in these events. Surprisingly, that request was refused.

I regret that Mr. Crowell's nomination was not reopened by the committee. The important role of the Senate in fulfilling its responsibility to advise and consent would have been better served if the questions which have come to the front following the recent U.S. District Court ruling involving antitrust charges brought against a subsidiary of his employer has been thoroughly aired by the committee. Because they were not, Senators cannot judge conclusively whether or to what degree Mr. Crowell was involved in or knowledgeable about the activities of the Ketchikan Pulp Co. in Alaska.

Mr. LEVIN. Mr. President, I commend my colleagues from Vermont and Massachusetts for their diligence in bringing this matter before the Senate.

I am surprised that we are now considering this nomination. I would have hoped that the Agriculture Committee would want to reopen its record because so much information has come to light since they held hearings on this nomination.

I would think that the administration would want to reopen the hearings to give the nominee an opportunity to respond to the many questions that have been raised since the Agriculture Committee approved his nomination. And I would think that Mr. Crowell should want to be afforded an opportunity to clear up the controversy surrounding his nomination.

Because of the importance of the position to which he aspires and the seriousness of the legal difficulties of two companies with which Mr. Crowell has been closely associated, it is imperative that any hint of wrongdoing be explored and excised before the Senate vote to confirm his nomination. Given the seriousness of the legal difficulties of two comout since the Agriculture Committee considered Mr. Crowell's nomination, I believe there should be additional hearings before we vote on Mr. Crowell. In the absence of such hearings, I must vote against his confirmation.

CROWELL NOMINATION—TAKE ANOTHER LOOK

● Mr. PELL. Mr. President, I am deeply troubled by the recent facts that have come to light about Mr. John B. Crowell, Jr., the nominee to be Assistant Secretary of Natural Resources and the Environment at the Department of Agriculture.

I understand that these details of his involvement in the actions of companies convicted of conspiracy to monopolize Alaska's timber industry were not available to the Agriculture, Nutrition, and Forestry Committee when his nomination was considered and sent to the Senate.

The committee held a hearing on Mr. Crowell's nomination on March 31, 1981 and, on the following day, reported his nomination to the Senate.

At that time, the committee did not have the benefit of facts brought to light by the recent conviction of a wholly-owned Louisiana Pacific subsidiary, Ketchikan Pulp Co. (KPC), and the Alaska Lumber and Pulp Co. (ALP) for serious violations of antitrust laws

The court found both companies guilty of conspiracy "to restrain trade and to monopolize the timber industry in Southeast Alaska." The court also found that these companies used the advantage of a Forest Service-guaranteed timber supply in "concerted and combined efforts to control the Alaska timber market, to eliminate competition and to maintain and exercise monopoly power."

It is particularly important to note that the court listed both Georgia Pacific and Louisiana Pacific as among the coconspirators and found that "KPC, together with its executives and employees, was a member of the conspiracy".

Mr. Crowell, the former general counsel for Louisiana Pacific, has claimed that his role was "ministerial," simply that of any attorney advising his clients. Documents, such as those recently secured by my colleagues, Senators LEAHY and KENNEDY, however raise serious questions about Mr. Crowell's role.

Unless and until these questions are resolved and Mr. Crowell's involvement in the actions of companies convicted of conspiracy to monopolize Alaska's timber industry is clearly and accurately defined, I believe the Senate should refuse to confirm his nomination to be Assistant Secretary.

Although I am most troubled by this "cloud" hanging over Mr. Crowell's nomination, I would be remiss if I did not also voice my concern about his suitability for the post which so heavily influences Forest Service policy.

If Mr. Crowell were to become Assistant Secretary, he would obviously influence the administration's actions regarding the Tongass National Forest. The Alaska Lands Act, compromise legislation that I reluctantly supported, would make available $40 million to ensure that 450 million board feet are cut each year on the Tongass.

As Assistant Secretary, Mr. Crowell would be empowered to direct the use of these funds, to establish a guaranteed loan program to timber purchasers in Alaska and to define the terms, conditions and eligibility requirements for these loans. This is particularly troubling because the court has determined that there are, essentially, only two timber companies in southeast Alaska—both of which have been found guilty of monopoly practices.

Thus far, I have deliberately not mentioned my concern about the vast environmental degradation that such a huge timber harvest may inflict on Alaska's mountainous coast. When I supported the Alaska Lands Act, part of my reluctance was due to the 450 million board feet provision.

This provision, I want to emphasize, is the minimum required by the law. The policy to be set by the Forest Service could exceed even that excessive amount. Environmental degradation is too kind a term when we consider the likely impact of 4.5 billion board feet from the Tongass within a decade.

For all these reasons, I have reluctantly decided to vote against confirmation of Mr. Crowell's nomination.●

The PRESIDING OFFICER. All time having been yielded back, under the previous order, the Senate will now proceed to vote on the nomination.

The question is, will the Senate advise and consent to the nomination of John B. Crowell, Jr., of Oregon, to be an Assistant Secretary of Agriculture? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS)

and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. METZENBAUM) is necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 72, nays 25, as follows:

[Rollcall Vote No. 120 Ex.]

YEAS—72

Abdnor	Goldwater	Nickles
Andrews	Gorton	Nunn
Armstrong	Grassley	Packwood
Baker	Hatch	Percy
Baucus	Hatfield	Pryor
Bentsen	Hawkins	Quayle
Boschwitz	Hayakawa	Randolph
Burdick	Heflin	Roth
Byrd, Harry F., Jr.	Heinz	Rudman
	Helms	Sasser
Cannon	Huddleston	Schmitt
Chafee	Humphrey	Simpson
Chiles	Jackson	Specter
Cochran	Jepsen	Stafford
Cohen	Johnston	Stennis
D'Amato	Kassebaum	Stevens
Danforth	Kasten	Symms
DeConcini	Laxalt	Thurmond
Denton	Long	Tower
Dixon	Lugar	Wallop
Dole	Mattingly	Warner
Domenici	McClure	Weicker
Durenberger	Melcher	Zorinsky
East	Mitchell	
Garn	Murkowski	

NAYS—25

Biden	Ford	Moynihan
Boren	Glenn	Pell
Bradley	Hart	Proxmire
Bumpers	Hollings	Riegle
Byrd, Robert C.	Inouye	Sarbanes
Cranston	Kennedy	Tsongas
Dodd	Leahy	Williams
Eagleton	Levin	
Exon	Matsunaga	

NOT VOTING—3

Mathias	Metzenbaum	Pressler

So the nomination was confirmed.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1981

Mr. BAKER. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Senate will resume consideration of the pending business, which is H.R. 3512, the Supplemental Appropriations and Rescissions Act, 1981, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3512) making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes.

The Senate continued with the consideration of the bill.

UP AMENDMENT NO. 112

Mr. BAKER. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The pending question is the amendment of the Senator from New York (Mr. MOYNIHAN) to the first committee amendment.

Mr. BAKER. Mr. President, the Senate is still not in order. Could we have order?

The PRESIDING OFFICER. Will Senators please suspend their conversations on the floor.

Mr. BAKER. Mr. President, I thank the Chair.

The question before the Senate now will be the amendment of the distinguished Senator from New York. There is no time limitation on that amendment, and I would very much like to explore the possibility of obtaining one. I have had some preliminary conversations with other Senators, and I hope we will be able to agree on a time certain to vote on the Moynihan amendment and that the time required, the remaining time required, for debate will extend until some arbitrary hour we might pick and, perhaps, we could lay aside this amendment temporarily and proceed to other matters.

Might I explore the possibility of working backward on this, say, by establishing the time of 3 o'clock as a time for voting on this amendment or some motion on this amendment, and then time for debate to begin at 2:30 to be equally divided of 30 minutes in preparation for that vote, and then to lay aside, if that request is granted, temporarily lay aside, that matter so that we can proceed to the consideration of other amendments as they may be offered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. I am happy to yield to the distinguished minority leader.

TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I would like to suggest that there be a vote on the amendment or a motion in relation to the amendment, whichever way the majority leader wishes to phrase his request, at 3 p.m.

For the moment, however, I would like to not enter into an agreement as to the amount of time to be used prior to that hour. This side of the aisle is presently seeking to determine how much time will be required by Senators on this side of the aisle, and I am quite sure that we would not need to utilize the full 2½ hours between now and 3 p.m. I think it could be reduced significantly.

But it would seem to me—and I have discussed this with the chief author of the amendment, Mr. MOYNIHAN—and I think we would like to vote at 3 o'clock, and shortly we can tell the majority leader how much time we will need on our side of the aisle.

Mr. BAKER. Mr. President, I thank the minority leader, and I am very grateful for that information.

At this time I will limit my unanimous-consent request for a time certain to vote on this amendment or a motion in relation to this amendment, and I make such a request .

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. The request I made was for the vote to occur on the amendment or a motion in relation to the amendment at 3 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, might I inquire——

Mr. MOYNIHAN. Mr. President, may we have order? The leaders are trying to bring about an agreement as to the committee amendments.

TIME LIMITATION REQUEST ON COMMITTEE AMENDMENTS

Mr. BAKER. Mr. President, I would like to make one other inquiry. I see the distinguished chairman of the Appropriations Committee is here. There are almost 400 committee amendments yet to be disposed of, 390-plus, and unless we make some provision to deal with those en bloc it willl be necessary to present them to the Senate in sequence as they were adopted in the committee.

I wonder if the minority leader is in a position to advise me as to whether or not we might adopt some procedure for identifying certain of the committee amendments which require debate and proceed to the consideration of other amendments——

Mr. ROBERT C. BYRD. Mr. President, I can scarcely hear the Senator from Tennessee from where I stand, which is about 6 or 8 feet from him, because of the many conversations that are going on in various parts of the Chamber.

Now I can hear him better. Will he repeat his statement?

Mr. BAKER. Mr. President, I think the minority leader and I thank the Chair. I will not be but a moment longer. If I can have the attention of the Senate, I think it is essential that we explore at least the possibility of disposing of the some 390 committee amendments that yet remain, and I hope we can find a way to consider all of the committee amendments en bloc, as we usually do, with the exception of stated amendments which have already been identified and specified in a previous agreement or, perhaps, other amendments which must be dealt with.

Mr. President, I hope the Senate might consider, and that Members would not object to, a unanimous-consent request to consider the remaining committee amendments en bloc with the exception of the amendment dealing with Hyde-Helms language, and the Ashbrook amendment, and that the rest might be considered en bloc.

Mr. ROBERT C. BYRD. Mr. President,

if we might have the assistance of the staff for a moment——

Mr. BAKER. Mr. President, while we continue to explore the possibility of a logical and coherent way of handling the committee amendments, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY MR. JOHN ROBERTS, MINISTER OF THE ENVIRONMENT OF THE PARLIAMENT OF CANADA

Mr. MOYNIHAN. Mr. President, may we have a moment of order?

I would like to take the opportunity to introduce to the Chamber and to the Senate a distinguished friend and neighbor of the Parliament of Canada, Mr. John Roberts, who is the Minister of the Environment and who has been a friend of many Members of this body for the longest while. It is an honor, I feel, to have him in the Chamber. I know the distinguished majority leader and minority leader have asked that we have this opportunity. I personally would like to welcome him as a neighbor.

RECESS

Mr. BAKER. Mr. President, I thank the distinguished minority manager of the bill. I, too, join in that welcome. I ask unanimous consent that the Senate stand in recess for 1 minute so we may greet him.

[Applause]

There being no objection, the Senate, at 12:39 p.m., recessed until 12:40 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1981

The Senate continued with the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, while we are waiting on clearance for the adoption of all or most of the committee amendments en bloc, providing, however, that they would be open to further amendment, I wish to proceed to deliver a very brief comment on the pending amendment. I hope the majority leader will not oppose this request.

Mr. BAKER. Mr. President, I thank the minority leader. I look forward to his comments.

Mr. ROBERT C. BYRD. Mr. President, 8 days ago the President proposed a series of social security benefit reductions. The Congress and the American public had no idea that such precipitous benefit reductions were being considered by the Reagan administration.

Like many Americans, I listened to Mr. Reagan's speech last July when he accepted the Republican nomination for the Presidency. In his acceptance address, Mr. Reagan quoted Franklin D. Roosevelt, telling the American people, "It is essential that the integrity of all aspects of social security be preserved."

Like many Americans, I paid careful attention to Mr. Reagan's major economic address last September when he told the American people that he would reduce the Federal budget by eliminating fraud, waste, and abuse, and not be cutting benefits and services for people in need. In that speech, he reassured us when he said:

> This strategy for (economic) growth does not require altering or taking back necessary entitlements already granted to the American people. The integrity of the Social Security system will be defended by my administration and its benefits will once again be made meaningful.

President Reagan gave this economic address in Chicago, less than 2 months before election day.

The President's election was not a mandate to tear up the Government's solemn commitment to those about to retire. And, while he is a popular and well-liked President, I caution his advisers against interpreting the tide of personal popularity as a license to unravel the social security system.

When the President came before Congress to argue the merits of his budget cuts, he told us that no budget savings would be made by cutting social security retirement benefits. He said those benefits would be preserved as a part of the Nation's "safety net".

In spite of this promise, the administration has now called for immediately slashing benefits for those men and women planning to retire at age 62. Such a plan would not preserve the integrity of the social security system as was promised during the Presidential campaign—it would destroy that integrity.

The social security system is based on trust, confidence and predictability. Without these essential qualities, the system loses its integrity. Predictability means that the 61-year-old worker who has planned for his or her retirement next year—down to the last penny of his or her future social security check—is going to get that check.

The administration's social security plan constitutes a breach of faith with elderly Americans who are approaching retirement age. Year after year, these workers have paid their monthly contributions into the system, and now they have planned their retirement upon the promise of a specific level of income. These people have worked and planned with the full expectation of that income.

Let us recognize a simple fact: For many Americans, retirement at age 62 is not a matter of choice, Ill health, unemployment, obsolescent skills, and discrimination force them into retirement. Social security serves vital national needs. It provides retirement with dignity for millions of Americans. For millions of Americans it is the only inflation-proof insurance that they will have adequate retirement income.

In the first week of May, the Republican majority in the Finance Committee, at the request of the administration, voted to repeal title IV–E of the Social Security Act, thereby abolishing the entitlement of orphan children to Federal aid in foster care, a provision of law for 66 years.

The Republican platform reads:

> Precisely because Social Security is a precious lifeline for millions of the elderly, orphaned, and disabled, we insist that its financing be sound and stable.

The administration's social security proposals go beyond what might be necessary to insure adequate future financing for the retirement system. The Congress will not support any reductions in social security benefits which are designed to balance the Federal budget rather than insure the solvency of the trust funds.

It is clear that the administration's social security proposals were developed as part of a budget-cutting strategy.

When the Senate Budget Committee reported the first budget resoluion for fiscal year 1982 it proposed cutting Federal spending by $8 billion next year by changing the cost-of-living formula for social security and other Federal pension programs, including veterans' pensions. The administration went on record against the change, but told the Senate to retain the proposed $8 billion cut.

I wanted to know where the administration expected to cut $8 billion from social security and other Federal pension programs by next year. Therefore, I sent a letter to OMB Director Stockman and Treasury Secretary Regan and asked them for specific plans to produce the budget cuts. They responded by saying that the administration would achieve the cuts by reducing social security. The administration's plan came in the form of a hastily written and ill-conceived proposal to immediately cut social security benefits.

The Congress is not going to let the social security system go bankrupt. We will work very hard with the President to insure adequate future financing for the trust funds.

But, we will not quickly draft proposals over the weekend and present them as the right way to change the social security system. We will not follow the administration's example in this respect.

Any plan to reform the retirement system will take time, and it will have to go through the legislative process. There will need to be committee hearings by the appropriate committees in the two Houses. There will have to be opportunities given for witnesses to appear to make statements and to deliver testimony. There will have to be time for the committees to proceed with their necessary markups.

So it cannot be done overnight.

Mr. President, I am sure that with bipartisan support we can provide the solutions to the problems that exist in the social security system.

It cannot be purely a Republican plan or a Democratic plan. Therefore, it is my hope that the vote on the resolution before the Senate will not be a party line vote. The President's proposal to immediately cut benefits has sent shock waves through the elderly community.

Let us put their minds at rest, and begin to work together.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, this is the continuing debate on the Moynihan amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. The Moynihan amendment is the pending business before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, I shall not detain the Senate but for a very few minutes.

On this highly important matter of social security financing and social security benefits, we have had many votes. I have cast some rather difficult votes in this field this year. We will doubtless have many more. To get this matter really straightened out, we will be voting many more times, I think, for the next year or two.

We must go to the fundamentals, make some basic decisions, and rebuild, as I see it, the financing structure of the social security system.

There have been many add-ons in benefits since I have been here, and I voted against some of those add-ons simply because there was not sufficient showing that the money was available to make the payments, or there were not enough additional sources of income to make those payments.

Still, and I am not boasting of this. When the fund became imperiled about 2 or 3 years ago, and the proposal was to put on a stiff additional tax, I was convinced that this system was imperiled if something was not done. I voted for the additional tax on the basis of estimates from competent people who made me believe that the increased tax would probably put the social security fund on a sound foundation.

But, Mr. President, it just did not work out that way. To the contrary, the fund is still in trouble.

I am convinced that the complications of financing social security and certain vested rights that so many people have in the fund are causing tremendous problems.

I looked at social security from the beginning, and still do, as a trust fund, a trust fund that ought to be considered and kept separate from other Government funds—the taxes, the budget—and administered as a separate entity. That was the intent in the beginning and the program has continued along that line.

People do have a vested interest. I believe that this study, an in-depth study, must be made by highly competent people. It will take 12, 15, 18 months, perhaps. Mr. President, as the leader has said, it must be totally separated from any party or political considerations. Social security problems must be examined in depth, through a businesslike approach, considering the rightness of the trust fund phase of it; then recommending something in the nature of a financial plan to make the fund sound.

Mr. President, I understand we can hardly use the words "actuarially sound." I am not sure I understand exactly why we cannot do that, but I have been told that by people who are versed in the field. But an acceptable, sound financial program must be developed and the funds must be kept separate. Social security must be permitted to function along those lines. The purpose should be laid down clearly that increases in benefits hereafter will have to be coupled with sufficient additional financing.

Mr. President, I do not know that it can be sealed up that way from a legislative viewpoint, but that should be the purpose. I believe in my mind, certainly, that these more recent proposals cannot be so rapidly disposed of. There is no way for us to act soundly on these proposals on such short notice. I do not much favor sense-of-the-Senate resolutions ordinarily, but this is an important matter before us. On the whole social security system, the financing of it in particular, we shall be the rest of the year, next year, and then the next year. I am going to favor the adoption of this resolution in that it recognizes the problem.

I thank the Senate for the chance to talk, the time that I have taken for these few remarks to outline what I think is necessary to assure a sound social security program for the future. Nothing less will do.

Mr. President, I yield the floor.

Mr. SASSER. Mr. President, I yield 10 seconds to the Senator from New Jersey without losing my right to the floor.

Mr. BRADLEY. Mr. President, Ronald Reagan made a campaign promise not to touch social security benefits for current beneficiaries. He defined the basis of the social security program as an essential part of the so-called safety net.

Then he found out that the financial markets of the country did not believe that his proposed economic recovery program would work. Specifically, they took exception to the supply side Kemp-Roth tax cut, judging it to be highly inflationary in this economy and insufficiently targeted to encouraging savings and investment. They also saw huge defense expenditures eating up all the money saved through the massive spending cuts. Finally, they saw the assumptions about a restrictive monetary policy and tight money, and they could not believe it would all work out the way President Reagan claimed.

A message had to be sent that the administration was serious about getting control of Federal spending, even in the very costly but very popular areas of social security benefits. Concern about the likely size of the Reagan budget deficit had to be met with substantial long-term changes in the basic social security program, safety net or no.

If current beneficiaries were to be exempted from cuts, then a much heavier burden would fall on those not yet retired. That is what has been proposed.

While I believe that we must make some changes in social security in order to assure the fiscal integrity of the system, I believe that the changes proposed by the administration are inequitable, in some cases uncalled for, overly abrupt in their proposed effective dates and excessive with respect to the savings they will yield.

The changes are inequitable. The burden would fall most heavily on early retirees, whose benefits would drop from 80 percent of full age 65 levels to 55 percent and who would be penalized in calculating the basic benefit level by the proposal to count the years from age 62 to 65 as income years of zero value. It would also fall on disabled individuals, who would have to meet much tighter conditions for eligibility and would be required to wait another month before receiving payments.

The changes are uncalled for. Last year Congress passed a carefully considered piece of legislation, which is now law, to tighten up the Federal disability program and to ease some of the disincentives in the program which discouraged and, in some cases, penalized individuals who tried to return to the labor force despite their disabilities.

The changes are overly abrupt. With respect to early retirement they would affect all workers whose 62d birthday comes in 1982. Change would come suddenly and without giving these individuals on the brink of retirement time to adjust their plans. None of the proposals which have come from various national commissions studying problems of financing the social security system have suggested such sudden and immediate changes affecting workers who are close to retirement.

The changes are excessive. The overall result of the Reagan proposals would be to reduce benefits over the long term by 25 percent. The amount of money saved is twice the amount required to finance the social security system. Does the administration intend to use the excess in "savings"—the excess in benefits taken away—to finance the general budget deficits which will result from its inflationary tax cut and massive increase in defense spending over the next few years?

What should we do? There will have to be some changes in the basic program. The aging of our population and the increased life expectancy Americans now enjoy require some alteration in policy. But we must look at the proposals carefully, with full consideration for those who depend on social security payments to support their retirement years and for those who are disabled and are similarly dependent on this vital program.

That means that the estimated 70 percent of those Americans who retire before age 65 for health reasons should not be left bearing the main burden of the cuts.

That means that those whose disabilities are diagnosed to be of 12 months duration, or 15 months, or 20 months, and should not be deprived of benefits.

We will make changes, but we will not do so in haste. And we will not do so under the pressure to convince the unbelieving financial markets, the leading economists and a lots of good commonsensical Americans that this administration's tax cut and spending proposals are wise and will, if only we all have enough

faith, result in a balanced budget, instead of a huge deficit.

Mr. President, I urge adoption of the resolution proposed by the Senator from New York.

Mr. SASSER. Mr. President, I support the amendment offered by the distinguished Senator from New York (Mr. MOYNIHAN) and I wish to express my opposition to the social security proposals announced by the Health and Human Service Secretary, Richard Schweiker, on May 12.

The administration projects an $11 billion deficit by 1986 in the trust funds as justification for its so-called reforms. However, the administration's own figures, contained in the very same briefing material, estimate that the administration's changes would save more than $80 billion.

Mr. President, I submit that this is $80 billion coming out of the pockets of social security beneficiaries.

By the President's own figures, Mr. President, these proposals are too harsh, too unfair, and, I submit, unjustified.

This approach to the social security problem—and, indeed, we do have a problem—I would liken to a surgeon treating a sprained wrist by amputating the patient's arm. This creates a false crisis of confidence about the financial integrity of the social security system, while making our older Americans frontline soldiers in the battle against unflation. Simply put, the administration's plans are legislative overkill.

Consequently, Mr. President, yesterday 10 other Senators joined with me in sending a letter to President Reagan requesting that the administration formally withdraw its social security proposals. Alternative programs that can better meet the long- and short-term problems of maintaining a solvent social security system exist, and they have been discussed by distinguished Members of this body in committees of appropriate jurisdiction. The administration should take another look at the problem and consult with Senators who have expertise to seek a more equitable solution.

Social security is a truly national program. It touches virtually every American. Over 90 percent of American workers are covered by social security by virtue of their work experience. And presently 36 million Americans—1 in 7—now receive social security payments. In Tennessee, my native State, 1 in 4 residents receive some form of social security benefits. Thus, when we propose social security changes, we must be mindful of their economic impact on a large segment of the American population.

Mr. President, the proposals put forward by Secretary Schweiker on May 12 should be—and I believe, will be—rejected on several counts.

First, contrary to repeated promises by this President while on the campaign trail and after assuming the office, this administration is tampering with the basic benefits of social security recipients that have already retired. They are tampering with commitments that have been kept by every American President since Franklin Delano Roosevelt instituted the social security system. By proposing a 3-month delay in social security benefits from July to September in 1982, the administration will deny 36 million social security recipients some $6 billion in basic benefits or about $169 per person in 1982. Once this delay is made, what is to guarantee that this precedent might not be followed by future administrations?

Once the covenant is broken, how can it be enforced in the future? And what security do those have who rely on the commitments of their Government?

Second, Mr. President, this administration proposes to deny substantial benefits to early retirees in 7½ months. Social security benefits for those retiring at age 62 will be cut by 25 percent. A worker with a low-wage history that wants to retire at age 62 fill lose $1,000 a year in basic social security benefits as a result of the administration's proposals.

Seventy percent of all Americans now reaching the age of 62 elect early retirement. Approximately 10,000 Tennesseans take advantage of the early retirement program each year.

Mr. MOYNIHAN. Mr. President, will the Senator from Tennessee yield for a question at this point?

Mr. SASSER. I am delighted to yield to the distinguished Senator from New York.

Mr. MOYNIHAN. Mr. President, the Senator from Tennessee draws attention to the reduction in the benefits by about a quarter for persons who take early retirement.

Would I be correct in saying that when the 62-year retirement option was established in 1962, under President Kennedy, the full benefit at age 65 was reduced to 80 percent for those 62, and then it goes up to 62, 63, and 64; that in actuarial terms, the lifetime payment from social security benefits would be equal for the person who retired early at reduced benefits as compared with the person who retired at 65 at full benefits? But would it not be the case, if we now cut that, that we have broken a contract with them?

They are not getting what they had an understanding for 20 years they would get. They could take this option, at no advantage to themselves. But now, because they took it, we are going to take money away from them that they were entitled to. Is that not the case?

Mr. SASSER. Mr. President, the Senator from New York is learned in these matters, and he is quite correct. By cutting benefits in January of 1982 of those beneficiaries who have reached 62, this administration is indeed breaching a contract that was made with these beneficiaries as they paid into the social security system over the years.

We are all familiar with the private companies that printed private retirement scales as an inducement to employment, retirement scales that the private company would pay; and printed right next to that were the retirement or pension benefits that would accrue to the beneficiaries from the social security system. This was used as an inducement to employment for literally millions of Americans; and the 62-year retirement program option under the social security plan was cranked into many of the private retirement systems.

Now we come along and give these millions of Americans less than a year's notice that they are going to lose these benefits and that they will have to work 3 years longer and pay more or—tough—"You're just going to lose 25 percent of your benefits."

Americans, past the age of 50 who have worked hard and planned for early retirement, may now find that dream denied them. They have no chance to alter their financial plans. This is hardly the way to build broad public confidence in the social security system, at a time when many young people in this country are taking the position: "Well, when I reach retirement age, the social security system is not going to be able to pay me my benefits, anyway. Why am I called upon to continue to pay into the social security system as a young worker, when those benefits will not be there when I retire?"

If we are going to change the rules in the middle of the game, then the worst fears of these young workers are being borne out. They cannot believe in the integrity of the social security system.

There are other more reasonable plans for insuring the financial solvency of the social security system.

The basic elements of restoring fiscal stability to social security include:

Removal of restrictions on interfund borrowing among the three social security trust funds, greater general revenue financing of the medicare program and a deliberate, long-term program of adjusting basic social security benefits in the next 15 to 20 years so that working Americans could adjust their retirement plans accordingly.

Elementary to all this is the proposition that the solutions must be fair. Furthermore, they should not needlessly raise false fears about the social security program. For more than 40 years the social security program has served our Nation well. It is a program that embodies the economic aspirations of a hard-working people. It should not be overhauled in an indiscriminate fashion at a moment's notice.

But the social security program is more than dollars and cents. It is people, Mr. President. It is human beings who have worked hard and who rightly deserve a decent retirement.

Consider, if you will, the following reactions of some of my constituents who have contacted me about these recent social security proposals:

A 61-year-old Tennessean writes:

A 25 percent reduction in monthly benefits would not be enough for me to eat on let alone survive.

From a disabled Tennessean:

I wonder if the President and the Senators and Congressmen ever had to try to live (two of us) on $352.50 a month, plus $12.50 for each SSI? That's our total income and $225 comes out of that for house rent.

From a retired Tennessean:

It is difficult for people living on a fixed income with inflation taking more away each year. People on social security are the very

people who have worked all their lives, paid their taxes and made America strong. They have not been at the welfare trough, just middle-class Americans paying their bills.

Mr. President, social security is bought and paid for by the hard labor of the American worker. It means that the American worker can look forward to retirement with a modicum of social dignity and economic security.

So, let us not create a false crisis of confidence in our social security program by the ill-timed and unwarranted proposals of the Reagan administration.

Mr. President, I ask unanimous consent that my letter to President Reagan about withdrawng his social security proposals which was cosigned by Senators HUDDLESTON, MITCHELL, DECONCINI, DIXON, RIEGLE, LEVIN, METZENBAUM, HART, DODD, and BAUCUS be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 19, 1981.

Hon. RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are writing to ask you to formally withdraw and reconsider the package of social security "reforms" the Administration announced on May 12.

Like you, we are concerned about the future financial integrity of the social security trust funds; however, we believe alternatives exist that speak directly to the cash-flow needs as well as to the long-term financing requirements without imposing severe economic hardship on older Americans.

Specifically, the proposed three month delay in the payment of the annual cost of living increase from July 1, 1982 to October 1, 1982, and the twenty-five percent reduction in early retirement benefits scheduled to take place seven and one-half months from now, go far beyond what is necessary to safeguard the financial soundness of the social security system.

Several alternatives, including the infusion of general revenues to pay a portion of the Medicare costs, the removal of the Medicare program from the social security system, authorizing inter-fund borrowing, and phasing in any reduction of benefits over a longer period of time, thus allowing those older Americans 50 years of age or older to adjust their financial plans for retirement, merit your personal review and consideration.

Over the past week, our offices in Washington and back home have been deluged with calls about this proposal. Frankly, the callers are overwhelmingly opposed to the Administration's plan. Everyone agrees that the system faces problems in the future, but there is general agreement among our constituents that these proposals go too far and are too unfair.

Therefore, we respectfully request that you withdraw the May 12 plan for reconsideration.

Sincerely,

Jim Sasser, Walter D. Huddleston, George Mitchell, Alan Dixon, Don Riegle, Gary Hart, Max Baucus, Dennis DeConcini, Carl Levin, Howard Metzenbaum, Chris Dodd.

U.S. Senators.

Mr. MOYNIHAN. Mr. President, I thank the distinguished Senator from Tennessee for his statement. I believe the American people would thank him, also.

I call attention to the calm way in which he asserted that there are rights to which older Americans are entitled. If this body will not defend them, who will? Only this body can do it.

These are contracts we have made with our people, with ourselves—a social contract. If social contracts can be ripped up in this manner, then what of the social fabric behind them? What happens to that?

I call the attention of the Senator to something he will recall. On several occasions it was proposed on the opposite side of the aisle that we make drastic, sudden, and punitive changes in our welfare system. I had occasion to stand up, because the Committee on Finance Subcommittee of which I was then chairman and am now ranking Democrat and deals with both welfare and social security say: "You know, once you start making changes of this kind arbitrarily, retroactively, without any real attention to the recipients of one part of the Social Security Act, you will end up doing it to recipients of other parts of the Social Security Act, and you will end up doing it to the retired persons."

There were horrified gasps of incredulity on that side of the aisle: What? What—cut the benefits of retired persons? "Oh, no, that could never happen, never, never, never, never. We are only cutting the benefits of some undeserving poor that we are sure are some way or another milking the system."

But we said it in this Chamber. I had to stand right here and say, "You start this precedent and you will not stop it."

And that was vehemently denied. What was vehemently denied then is painfully manifest today, and the Senator from Tennessee has superbly outlined the breach of faith and contract that is involved here.

I thank him.

Mr. SASSER. I thank the Senator from New York.

Mr. RIEGLE. Mr. President, I gather there is no time limit?

Mr. MOYNIHAN. No, there is not.

Mr. RIEGLE. Mr. President, I plan to speak for probably 5 minutes at this point.

Mr. President, this is an absolutely vital issue that is before the Senate today and before the country.

There is great anxiety across America today among those who are presently retired and receiving social security benefits and also among millions and millions of people who are moving toward retirement age under social security. These millions of Americans are worried and just do not know what to expect in terms of the sneak attacks that the Reagan administration has made on the social security system in the last 2 months.

Clearly the promise that was made during the 1980 campaign and since by the Reagan administration to keep the social security system intact, to protect it, to treat it as part of the safety net, that promise has been broken. It has been shattered into a million pieces, and people across the country now realize that, and there is great distress about it and for good reason.

This raid on the social security system is unjustified and unnecessary.

There was a sound basis for the promise that was originally made by the administration to protect the system and which now has been broken. We need a strong social security system—and all our people must have the assurance and confidence that the full system will be faithfully maintained—and not be ripped apart.

The most recent proposals that have been put forward by the Secretary of Health and Human Services for major cutoacks in the system go far beyond any real practical financial problem that presently exists within the social security system.

What is involved here is far different than that, more far reaching, and I think far more sinister because this is the third major attack on social security we have seen since the new administration has come to town.

The first attack the administration made on social security, and which I fought against here in the Senate was the proposal to eliminate the minimum benefit under social security, the $122 a month payment that some 3 million Americans now receive. Many of these persons are very old, in poor health, and unable to make up for that income loss in any other way.

In fact, if the minimum benefit on social security is eliminated, which the administration has proposed, there are literally tens of thousands of Americans above the age of 90 who will lose their benefits and many of them are in situations where they cannot very well manage their own circumstances. Certainly they cannot go out and find work, many who will be forced to go on welfare when the minimum benefit is withdrawn but nevertheless, despite the administration campaign promises, they are being sliced off the system. It is wrong; and it breaks the promise that was made.

The next attack on social security came in the form of the proposal to change and reduce the cost-of-living index and to postpone the payment date as to when the cost-of-living increase would be applied. The annual cost-of-living adjustment is to offset the inflation and to make sure that the buying power of the social security benefits would be maintained. This inflation adjustment is a vital part of social security and it must be kept and protected. That sneak attack occurred in the Budget Committee during the first budget resolution, and we fought that tooth and nail. Here on the Senate floor we had two votes. We fought hard and came close to winning. The first vote was 49 to 42. We were not successful in fighting off that proposed change in the budget, and that was the second attack by the Reagan administration and its supporters to start dismantling another basic part of the social security system.

Now the third attack, just within the last few days, is the proposal to dramatically and profoundly damage the system by sharply penalizing those people who are required by circumstance to seek

early retirement and the normal reduced benefits a person now receives at age 62. We know that most of the people who take the age 62 retirement option, and the reduced benefit that goes with it, do so because they have to. For reasons of circumstance of health or other problems in their lives they are not able to work beyond the age of 62.

Now we see a new administration proposal put forward that would require those retiring at age 62 to pay a very severe additional penalty, and have a major part of their benefits cut away despite the fact that over the years they have contributed week after week, month after month in their payroll taxes into the social security system to pay for their benefits.

It is outrageous that the administration would come in and make that proposal, especially so in light of the promise they made at the outset that they were determined to keep this program safe and intact.

The administration says these deep cuts its requesting are needed to keep the social security trust funds safe. But the reductions in social security benefits proposed by the President go far beyond what might be needed at some future point to insure the continued solvency of the system. The administration projects an $11 billion deficit by 1986 in the trust funds. But the cuts proposed in social security by the President would save more than $82 billion over the next 5 years. These cuts are clearly designed to do far more than just shore up the social security system—they are designed to help balance the Federal budget. Congress would never let social security go bankrupt. Nor should Congress allow itself to be stampeded into approving these massive cuts because of scare tactics and exaggerated predictions of imminent bankruptcy.

The administration's package would directly affect 36 million social security recipients who have already retired, despite the President's repeated promises that basic social security benefits would not be cut. The proposal to postpone the date of the cost-of-living adjustment by 3 months for current beneficiaries will mean an average cut of $167 per person in 1982.

The administration also wants to cut benefits by 25 percent for those who retire at age 62 instead of age 65. They propose to apply these cuts to people who retire any time after this December—only 7½ months away. By the administration's own calculation, a 62-year-old worker retiring next January would have his or her maximum social security benefit cut by $159 a month under the administration plan. A worker with a low wage history would lose $1,000 a year if the administration's plan is allowed to become law. These cuts would be devastating to the many older Americans who are pushed into taking early retirement at age 62 because of poor health, forced unemployment, or other circumstances.

Let me repeat that Congress will never allow social security to go bankrupt. But there are many, far more reasonable approaches to protecting the integrity of the social security trust funds. First, any program to assure the solvency of the social security system must have that goal as its only purpose. It must not include budget cuts which are far deeper than needed to keep the trust funds safe. In developing a program to protect the trust funds, we should explore the removal of restrictions on interfund borrowing among the three social security trust funds, so that when one fund is high and another low, transfers can be made between these trust funds. Second, we should consider the use of greater general revenue financing for medicare. Finally, if it someday becomes necessary to adjust benefits under the system, this should be undertaken as part of a deliberate, long-range program of adjustments, over a 15- to 20-year period, so that working Americans will be able to plan and adjust their retirement plans accordingly.

Let me share with Senators some of the comments from Michigan citizens who have written to me on this issue in the last few days:

For the first time in my life I feel I must write to my representatives in Washington. I am writing in regard to President Reagan's proposals on Social Security. I feel at this moment as if there is no justice left in this world. For the past 40 years my husband has contributed to the Social Security plan. Now he is 58 years old and suddenly his health has taken a turn for the worse. He is not ill enough to qualify for disability but the doctor does advise early retirement. Many of the men with ordinary labor jobs feel about the same. Some of our dear friends have already passed away. I only wish the president would spent at least 8 hrs working on an assembly line and then tell all these poor souls they cannot retire at 62 or better still till they drop dead. Working is a pleasure when you have easy jobs and then naturally you might want to work later in life. . . . The news showed a waitress yesterday who is patiently waiting for her 62nd birthday in 2 months. Have you any idea what it's like to wait on tables and be on your feet all day at age 62? Can you people say to this woman work 3 more years?

Mrs. Virginia Bumol,
Detroit.

I am a 49-year-old Korean War veteran who is drawing Social Security disability for Rheumatoid Arthritis. I have worked and contributed the maximum amount into Social Security, and I am deeply worried that President Reagan and David Stockman are trying to take my protection away. I agree that budgets cuts should be made but not at the expense of the elderly and disabled. These people have been the back bone of our country and now is not the time to desert them! I can't comprehend Congress taking this type action against the elderly and disabled.

Frederick and Linda Carsten,
Fenton, Mich.

I am a carpenter and do construction work. When I am 62 and past I won't be able to do the work and I won't be able to find a job and hold it, because they don't like to hire older men. The working man tried for years to get the age lowered so he might have a few easy years, before dying.

Joseph Ebernickel,
Ecorse, Mich.

My husband has his heart set on retiring at 62 and since the announcement has been very depressed. How is it possible to tell these people after paying into the system their whole entire lives that things have changed and they must pay more. Factory work is hard, degrading, boring and very unhealthy. Please don't take away my husband's dream of an early retirement. I urge you—no—I beg you, please vote no.

Mrs. Carol Sharber,
Warren City, Mich.

Please be aware that those who have planned to retire next year at age 62 have in most cases announced their plans to their employers. In some cases, replacements have already been selected (as in mine) and the die has been cast. Co-workers, friends and relatives have been notified and in many cases, retirement house commitments and financial arrangements have been negotiated and are pending. I wonder if the administration realizes the spot that they will place many of us if this thing goes through?

Roger Shockcor,
Farmington Hills, Mich.

So now we have three different occasions in which an assault has been made on the basic social security system and if the administration succeeds in slicing away part of the social security system in this fashion, then no part of the system will be safe in the future.

We have already seen three different attacks on the system made in just these few months. I think it is a certainty that we will see other attacks mounted to cut away other parts of social security if these attacks succeed. They must not succeed.

I think our retirees in this country, those who are reaching retirement and younger workers who are contributing today into the system, all groups need to know that they can depend on this system remaining intact as it is, as it can, and as it should be. That is why I think there is so much disillusionment today in the country on this issue because the President, when he ran as a candidate, was so clear in his commitment and promise that this system would be maintained intact.

As I say, that promise has been broken into a million pieces, and it is a matter of great disappointment and great frustration in the country. We are receiving hundreds of phone calls at my district offices in the State of Michigan from people who are angry about this attack on social security. Many more Michigan citizens came up to me last weekend when I was visiting in the State to express their concern to me about it and to ask me to fight against these changes and to keep the system intact. Letters are now arriving here in Washington by the thousands in all the Senate offices and offices of the House of Representatives from people in the country speaking out against these attacks on the social security system.

I think it is important that no one be confused about where this derives from and so far I think this has not been well reported, but those of us who serve on the Budget Committee have had a chance to see why this promise has been broken and why the social security system is now under attack by the Reagan administration.

And that is if we look at the first concurrent budget resolution, we see that the administration program provides for massive continuing Federal deficits

for the next 4 years in this country. The Republican estimates on the Budget Committee would show us a deficit in 1984 of about $45 billion. The Congressional Budget Office, using more realistic economic assumptions, shows a deficit in 1984 closer to $80 billion.

Mr. Otto Eckstein of Data Resources, who has put the same data in his model of the national economy, anticipates a Federal deficit in 1984 of something on the order of $110 billion. Any of those estimates will mean that we will have sky-high interest rates in this country, we will have a recession that we will not be able to cure, and that is clearly unacceptable. So now the administration, in almost a frantic effort to try to hide these deficits, has gone out to find some additional money. And where have they gone? The administration has gone and made a direct attack on the social security system in the United States and have said: "Let us take the money away from the older people and from the retirees," despite the pledge to protect social security, despite the way the law reads, despite the commitment that has existed over the last 30 years.

The administration is planning to take the money from social security to pay for a massive increase in the defense budget, three times the buildup of the Vietnam war over the next 5 years, over $150 billion of additional spending on top of the sums we are now spending. Some of it is needed, but not all of it needed. The administration is raiding social security to pay for the big Roth-Kemp tax cut costing literally hundreds of billions of dollars—these huge new expenses have created these massive deficits that are now projected out through 1984. That is why the financial markets in this country are in disarray right as we stand here today; that is why the long-term interest rates are at alltime highs in the United States because the people who are making serious decisions of billions of dollars each day know we are going to stay on the inflationary treadmill with these massive budget deficits.

So what is being done here? There is a raid being made on the social security system in a futile effort to try to solve this problem of Federal overspending. We need to deal with the serious problem of Federal overspending, but not by taking it out of the hides of the retirees of this country or those about to retire, particularly when it involves breaking faith with a lifetime of work commitment and work payment by those people who depend on social security.

That is what this issue is all about, and it is essential that we fight off this attack on social security now because, as has been said by the Senator from New York, just as sure as we are meeting here today if this attack on social security is successful, and if these newly targeted groups of people are to have their benefits sliced away and reduced beyond anything that makes sense or is reasonable, then who is safe on social security? No one who depends on social security will be safe in the future. We must stop this raid on social security—and keep it safe and sound for the future.

If these changes and reductions are approved, I think it will be just a matter of time before other groups on social security will be targeted, and we will see this system sliced away, eaten away slice by slice, and there will not be anything left of it in the end. That may very well be their purpose. I do not know how else one makes sense out of the fact that we have now had three separate attacks on social security in the period of a few weeks with the minimum payment elimination, the proposed reduction in the cost-of-living index reduction and delay of the annual inflation adjustment, and now these latest changes which would basically pull the rug out from under people who are approaching retirement and tell them that they must either accept a sharp new reduction in their benefits or else continue working in direct violation of the social security rules that have been law for many years now.

Mr. MOYNIHAN. Mr. President, will the Senator yield for an observation?

Mr. RIEGLE. Yes, I yield.

(Mr. ABDNOR assumed the chair.)

Mr. MOYNIHAN. The Senator has counted three successive attacks on social security in the 4 months of this administration. I wonder if he would not agree that it is possible to describe as a fourth attack a proposal adopted by the majority of the Committee on Finance, over our protest, that would eliminate the 46-year-long entitlement of children, of parentless children, orphaned children, to have the Federal Government assume a proportion of the cost of their foster care and which slashes the amount of earnings, outside earnings, that working mothers on welfare can be allowed to obtain. Two conspicuously powerful groups of people, orphans and mothers on welfare. That has already passed our committee.

Mr. RIEGLE. The Senator makes an excellent point. That is exactly right. The group he has mentioned has also been targeted, and I think partly because they are not very able to fight back, they are not able to defend themselves, they are not down here with big, powerful, expensive lobbies like some of the other groups we see here in Washington these days.

Mr. MOYNIHAN. I have to report that I have not received a single letter from a 2-year-old orphan, and it does not surprise me. If there ever was an injunction Biblical in its origin it is, "Look after the widows and orphans." These are helpless children, helpless children, and we have torn away from them a right first guaranteed by Franklin D. Roosevelt. No one ever dreamed it would be questioned. These are children. The cry is, "Cut the budget." Why? Because there is something wrong with social security, because the administration thought children should not be aided? Because of an indefensible economic doctrine with which they have been stuck. So it has nothing to do with the social security reform. It has to do with maintaining the illusion that you can have a one-third cut in personal taxes and not have any loss in revenues. They realize it is not so, so they take it out of the children and give it to the people in the 70-percent bracket.

Mr. RIEGLE. I thank the Senator for his comment. I am reminded, too, of the statement by the Senator from Tennessee (Mr. SASSER) a short time ago. He indicated that workers today, men or women, who are in the work force are working day in and day out and they are paying into social security. They have been doing so on the basis of a belief and a knowledge that if something unforeseen happened, if they would die for some reason, they would know that the system they have been working under and contributing to would provide that level of help to the children who are left behind or to the spouse who is left behind.

This goes exactly to the purpose and the meaning of this system itself, and how someone today can have faith in it, can want to contribute to it even though retirement for them in terms of a normal retirement age might be 20 or 30 years away. And for the administration to now come along, as has been done here and suggest that these changes, these massive cuts, be made literally overnight, with no serious discussion, breaks faith with the workers of our country. The public was not told this is what was intended during the campaign of 1980 or, in fact, even in the early weeks since the turn of the year. This attack on social security is something that has stunned everyone because it violates the President's pledge, it violates commonsense, it violates the integrity of the social security system and it is essential that the Senate vote on it.

It is essential that every one of the 100 Senators go on record on this issue so that it is crystal clear where people stand, so that every citizen of this land, in whatever State he or she may reside, will have an opportunity to know exactly where their elected representatives stand on this issue.

I think it is fundamental that we know this so that we can mount the kind of effort to persuade those who may need persuasion that it is essential that the social security system be kept intact, that these efforts to slice away basic protections in this program be stopped, that we fight against these proposals and that we defeat them.

Mr. MOYNIHAN. Mr. President, I would like to congratulate the Senator from Michigan for an impassioned, truthful, and irrefutable statement of the case. He, as a member of the Budget Committee, knows why these cuts are made. They are made to sustain an indefensible economic doctrine which, having collapsed within the administration, is nonetheless clung to in the hope that, by wiping out enough expenditures in social programs, the administration can carry on with a doctrine that helped them, no doubt, with the election, but which they see cannot work.

The Senator—not the first today—made the point that no one had any idea that these proposals would be made and, as he well knows, we put in the RECORD earlier today a copy of a Republican National Committee newsletter called "Senior Republicans." There was a huge headline, "President Reagan Keeps

Promise, Retirement Benefits Go Untouched." That was in the mail when the proposal from Mr. SCHWEIKER arrived saying it was not so.

That is not the way. We do not accuse anyone of bad faith, but there is such a thing as commitment to obligations made over generations. To break those commitments seems to me beyond our understanding.

I thank the Senator from Michigan.

I see here in the Chamber the Senator from Maine (Mr. MITCHELL) has risen. As a distinguished jurist and Federal judge, it would be his view, I think, that these agreements should be kept and that the social fabric of a society depends on the confidence that agreements and contracts and understandings will be kept. I look forward to hearing his views.

Mr. MITCHELL. Mr. President, I thank the Senator from New York.

Mr. President, nobody ever said that cutting the Federal budget would be easy, but we were told that the budget cuts would be fair.

The proposed reduction in social security benefits are not fair and should not be adopted.

I have supported many of the proposed budget cuts because I believe the goal of fighting inflation is important enough to warrant substantial reductions in Federal spending. Inflation hurts every working person, every family, every retiree; every American. It must be controlled.

But I will not support, and this Senate should not support, social security cuts that make elderly Americans the principal casualties in the battle against inflation.

Fairness requires that everyone share in the necessary sacrifices.

Nothing is more important than the recognition by all Americans that this is a shared responsibility and a joint obligation. And the American people have responded with support for fair reductions in spending.

So it is important to note that the elderly have not been spared their share of budget cuts.

The budget presented by the President imposed limits on medicare home health care visits.

It cut severely the fuel assistance program, which is to a significant extent an elderly assistance program.

It sharply reduced the housing programs which finance elderly housing projects.

It made massive cuts in the program that provides homemakers' services to older people who want to remain in their homes.

It reduced the coverage of medicaid, which serves many low-income elderly.

It cut food stamp benefits far more severely for smaller households—generally elderly households—than it does for families with children.

It would reduce the access that retired veterans have to their health care system, placing more pressure on other elderly health care programs.

The budget also eliminated the minimum social security benefit of $122 a month—the benefit any covered worker is entitled to, regardless how low his income. And that reduction was not just to people retiring in the future but to people receiving the benefit now.

So the elderly population has made its share of sacrifice in the budget process. It has not been exempted. It has not been given special or protected status. And now, on top of all of these cuts, the administration proposes massive benefit reductions in social security.

If the social security program were truly in the deep financial trouble suggested, that this extensive dismantling were needed, it might be reasonable to ask elderly Americans to make this sacrifice. But the truth is that there is no financial need, no economic need for the drastic and fundamental changes in the system being proposed.

The program today is registering a shortfall of about 1.5 percent of total payroll. These changes would add up to a total of almost 3 percent of payroll—about twice as much as is needed to keep the system solvent in the long term.

There is simply no need for this dramatic and onerous reduction in benefits.

Now the social security system today confronts both a long-term and a short-term problem. The short-term immediate problem exists in part because the social security trust funds are sensitive to the state of the economy. The current rates of unemployment and inflation result in lower payments into the system and higher payments out of the system.

In March of this year, the President announced his economic program. At that time, he presented his expectations for the economy if his program is implemented.

His forecast shows a substantially improved economy. He projected that the consumer price index would decline from 10.5 percent this year to 7.2 percent in 1982 and 6 percent in 1983. He projected that the rate of unemployment would decline from 7.7 percent this year to 7 percent in 1982 and 6.5 percent in 1983.

Now, as I said earlier, the social security trust funds are sensitive to what happens in the economy. A 1-percentage point reduction in the unemployment rate increases revenue to the trust fund by about $3 billion. Outlays would also be reduced by about $300 million because the larger number of jobs results in fewer retirements. And a 1-percent reduction in inflation rate lowers outlays by $1.3 billion each year.

The administration's own forecast of the social security system's surplus shows that, under economic projections used in the President's budget, there is no deficit in the combined trust fund. In other words, if what the President has said will happen in the economy happens if his program is passed, the entire problem could be taken care of through interfund borrowing. And that is stated right in the proposal, in the statement made by the Secretary of Health and Human Services.

And yet the administration's rhetoric on the social security program projects dire financial problems immediately so that we must make this abrupt and almost without notice reduction in benefits.

Those dire projections are not supported by the facts.

Even if the administration's own forecasts of the economy are disregarded, even if we accept what Secretary Schweiker now says when he says you cannot pay any attention to what the President has been saying for the past 6 months about the economy because, even though his program has been largely adopted, it is not going to do what he said it will do, even if we accept that and we look at other forecasts in line with the projections of the Congressional Budget Office, they all show that while there will be a shortfall, the scope of that shortfall simply does not warrant benefit cuts as massive as proposed by the administration.

The changes proposed are directed primarily at individuals ready to retire within the next 5 to 10 years. These are the people who have paid the highest payroll taxes in history, who have worked the longest under the system. This is an unnecessary series of changes and it is grossly unfair to those Americans.

Seventy percent of our population retires before the age of 65. That has, until last week, been considered a major social advance, permitting people in difficult, physically strenuous jobs the option of taking a well-earned retirement without suffering a severe financial loss. It is an improvement from the time when people feared the poverty of retirement, the dependence on family, the loss of independence, the loss of their homes, and the crippling cost of illness or disability.

Of the 70 percent of Americans who retire before the age of 65, it is estimated that as many as three-fourths of them do so for health-related reasons. These are the people for whom the early retirement option was developed and intended and these are the people who are being asked to make unwarranted, unnecessary sacrifices under the President's proposal.

Now, against the backdrop of these sharp budget cuts, which I outlined earlier, which have not spared the elderly, these new proposals are unconscionable.

They go beyond the need to secure the financial stability of the social security system—instead they attack the very foundation of the system. Social security is a cornerstone of our mutual obligation as a society to protect the vulnerable, to repay the labors of a lifetime, to protect the living standards that men and women worked for decades to preserve.

Moreover, these proposals strike at the very people who have the most to lose, those who have been working all of their lives, who have paid into the system for decades, who have made their plans, who have contributed to the system—all with the expectation that the Government of the United States would keep faith with them by providing the social security benefits that are due them and that they have been told for 40 years will be due them when they retire.

Because the new proposal made by this administration would not give the expected benefits to anyone who retires before age 65, it would penalize the majority of workers now preparing for retirement.

If these proposals are adopted, any worker who retires next January, just 7 months from now, at the age of 62, even though he may have worked for 40 years, will get a massive cut in his monthly benefits, and those cuts will range from a low of $84 a month to a high of $160 a month.

Mr. President, the importance of the social security system across this country can be illustrated by a few statistics from my own State of Maine; 138,000 people in Maine rely on the social security program for their basic income. The average monthly benefit is $315—$315 a month—and for a majority it is their exclusive source of income.

That is simply not enough for anyone to live on today. The bulk of the income of elderly Americans is spent on the fastest rising items: food and energy. The elderly people of this country spend a greater proportion of their income on food than any other segment of our society. Food prices rose by 20 percent last year and energy costs rose by 18 percent, putting the elderly even further behind.

Twenty-five thousand Maine families rely on the disability insurance program of social security. These are families whose breadwinners are unable to work because of chronic illness, disabling accident, or a combination of age and disability. One-third of all the people receiving disability insurance in this country are between 60 and 65 years of age, working men and women who have contributed to the system for 25, 30, even more years, who have been forced to leave their jobs through no fault of their own. These are precisely the people for whom the disability program was intended and who it has served.

Mr. President, changing the social security system in this drastic manner, with so little notice, a system that so many people in this country now depend upon when they retire, changing the benefit calculations for people nearing the end of their working lives today—all of these abrupt, unjustified, unfair and unnecessary changes go far beyond the need of fiscal responsibility. They ought to be rejected by this Congress, by this Senate, in a resounding vote, a vote that will say to the elderly people of this country, "the United States Government keeps its word."

Thank you, Mr. President.

Mr. MOYNIHAN. Mr. President, may I thank the distinguished Senator from Maine for a statement that will be remembered in the history of debate. A former member of the U.S. district court, a Federal judge who left a lifetime appointment on the bench to enter this body, has just said what only a judge can say: that the U.S. Government keeps its word. It is our responsibility to see that it does.

I wish it were going to be easy. We are not trying to be partisan here. It is too important; this is beyond partisanship.

Here is the first paragraph from the April-May Senior Republicans." The Senator from Maine might wish to hear it. It says "President Reagan Keeps Promise. Retirement Benefits Go Untouched."

The article begins:

> The plan for budget reform presented by President Reagan to the Congress not only maintains social programs important to senior citizens at their present levels, but provides for an increase in spending for these services over the next 4 years.

Would that be the impression of the Senator from Maine?

Mr. MITCHELL. It certainly is not. I want to say to the Senator from New York that I believe if one set out to construct an unfair change in the benefits, one could do no better than the proposals that are before us.

Mr. MOYNIHAN. Having promised none, we now get not only a massive proposal but a singularly inequitable one.

Mr. MITCHELL. And particularly with relation to that entire generation of Americans who have worked for up to four decades, who have paid the highest social security taxes in the history of the system, who have, in effect, contributed the most into the system and who are now being told they will receive the least in benefits. What conceivable justification, what conceivable rationale, is there to say that a man who retires on December 31 of this year, after a lifetime of efforts, will get one level of benefits, but a man who retires on January 1 of next year, at the same age, with the same work experience, with the same payments in, will get substantially less in benefits?

It is unfair, inequitable, and nothing more illustrates the hasty, ill-conceived, unprepared, thoughtless nature of the proposals that comprise these reductions. They ought to be rejected resoundingly by this Senate.

Mr. MOYNIHAN. Mr. President, if I may say, when a former U.S. Federal judge speaks in such terms, you know that a sense of injustice has been aroused. The responsibility of government to do right has been voiced with extraordinary eloquence and force.

Mr. RANDOLPH. Will my able colleague yield?

Mr. MOYNIHAN. I am honored to yield to the distinguished, learned, loved former chairman of our committee, the senior Senator from West Virginia (Mr. RANDOLPH).

The PRESIDING OFFICER (Mr. BOSCHWITZ). The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am always grateful for the generous comments of my friend from New York (Mr. MOYNIHAN), and for the remarks so spoken with validity by my colleague, the Senator from Maine (Mr. MITCHELL).

Mr. President, I am the only Member of the U.S. Congress today who was serving on Capitol Hill in 1935 when the Social Security Act came into being. In that year as a Member of the House of Representatives, I supported and spoke for the passage of this law which broke new ground making a very important step in the legislative history of this country.

I am gratified to have voted for the program, because I believe it has served our country well. Improvements, to be sure, are needed. We must come to grips with the problems.

I commend the logic advocated by the knowledgeable Senator from New York (Mr. MOYNIHAN) who is handling the amendment, which I am a cosponsor. It is almost inconceivable that such a sound approach, as the Senator presents, that the measure will not receive the endorsement of the Members of this body.

I do not know what the vote will be, but I commend to my colleagues, not in any frustration but from my heart, the deep down feeling that this is an hour when no partisanship should surface.

This is a matter that concerns the well-being of millions and millions of the people of this country, in many age brackets, who have received a direct commitment from our Federal Government for payments through social security. I plead that the 98 gentlemen and the two gentlewomen join in passage of the amendment.

I reiterate. The proposal which comes from the present administration—and I speak in no sense so a carping critic—is wrong. We have a chance in the next few hours, when the vote comes, to right that wrong, in a resolution.

Amendment No. 5:

Mr. MOYNIHAN. Mr. President, there is one man in the Congress of the United States—one man (Senator RANDOLPH)—who was present in Congress at the time the Social Security Act of 1935 was enacted. He is now on the floor, and he has spoken. He has spoken truth to power. He has asked that right be done, that wrong not be done.

Mr. President, when the senior Senator from West Virginia (Mr. RANDOLPH) stands on the floor of the U.S. Senate and says that what we are about to do is wrong, he commands the attention of each and every one of us. He has seen what 45 years of social security have done to transform the lives of the American people.

To be an old coal miner in West Virginia was not a pretty thing in 1932. To be a widow of a coal miner in West Virginia was not a pretty thing in 1933. To be the orphan of a farm or factory family in West Virginia was not a pretty thing. And Franklin D. Roosevelt and our party said:

> We can look after one another better than that. We can show our common concern and love and fellowship.

And we looked after the widow and orphan and the man who would quit his days of toiling in other men's plants. People who retire on social security have worked all their lives. They have worked and they have been promised an old age of dignity and security for themselves and their families.

Mr. President, are we going to break that promise after a half century? Not if the senior Senator from West Virginia has any say. I thank him for the honor of being on his side of this issue.

It is something that I shall not forget,

that you who stood and voted for that bill in 1935 stand here today and say, "Preserve that principle. Preserve that trust."

I thank the beloved senior Senator from West Virginia.

Mr. President, I see my friend from Arizona has risen. I look forward to his remarks, for as long as he wishes to make them.

Mr. DECONCINI. Mr. President, I thank the Senator from New York. I thank him as a colleague in this body for coming forward, with this amendment.

Mr. President, I strongly support the Democratic conference amendment on social security. I do not think it needs to be a Democratic issue at all. I think this is an issue that is before all Americans to see whether or not Congress can do its job. That job is to attempt to balance the budget and to balance the budget without doing such devastation as has been proposed.

Mr. President, the administration's proposal goes far beyond meeting the future solvency requirements of the social security system and would, if they were adopted, result in a reduction of benefits for all future retirees.

Despite administration promises, future retirees would be facing a 10-percent reduction in monthly benefits by 1987. In the short run, the proposals, including those submitted as part of the President's fiscal year 1982 budget, represent the largest single program reduction yet proposed by the administration—a reduction which is far in excess of the $11 billion deficit forecast for the retirement and disability trust fund.

This leads one to question the purpose of the proposals. Are they actually intended to insure the integrity of the social security system or are they designed to cover deficits elsewhere in the budget?

The President's proposals will have a particularly adverse impact on those planning on early retirement. This proposal is especially onerous in light of the fact that almost 75 percent of the workers who opt for early retirement do so because they cannot find employment, are the subject of discrimination in hiring practices, or are disabled or too ill to continue working. Altering the early retirement benefit formula would unfairly undercut the legitimate expectations of millions of Americans.

Restoring the social security system to financial health and high public confidence is, indeed, our primary goals. The American people have the right to expect the administration and Congress to approach the task of placing the social security system on a sound financial footing with the utmost care, prudence, and responsibility. The administration's proposals do not meet those criteria. They are precipitate, excessive, and constitute a breach of faith with the American people who have contributed to the social security system with the expectation that a specific level of income would be available to them upon retirement.

Social security is the principal source of retirement income for millions of Americans and is the only thing that stands between them and abject destitution in many instances. For millions more, social security constitutes an indispensable supplement to other pensions and annuities, most of which are not, and indeed cannot be, adjusted for inflation.

For these millions of Americans, it is the only inflation insurance available. To trifle lightly with a structure upon which so much depends in our society is irresponsible and invites social and economic chaos.

Mr. President, I should like to go forward, because I think the question probably has been raised before I came to the floor: If you are going to oppose the administration in its effort to balance the budget, as we all have talked about, and there has been great effort here, where are you going to do it?

Let me remind this body that on two occasions in the last 4 weeks, we have had an opportunity to vote, and we have voted, and turned down a proposition, an amendment that would reduce Federal outlays by $3.9 billion in the area of Federal travel, nondefense travel, in the area of public relations, in the area of audiovisual, and in the area of debt collection. If we cannot find that $3.9 billion in those categories, there is something wrong with this body and its judgments. I say to the administration that they can and maybe they will find those same $3.9 billion in travel, public relations, and debt collection.

Also, Mr. President, we had an opportunity to reduce the multilateral aid package here by some $800 million, and it was turned down by this body. The argument there was that the previous administration had made certain commitments; how could we go back on those commitments, because we have to stand by our words? Indeed, as the Senator from Maine has said, our word has been given to workers of this country, with the people who have paid into the social security system. I submit that it is not the word of this country, because our negotiators have indicated we would pay a certain percentage in the multilateral assistance program.

Indeed, I believe that any of those commitments are subject to the approval of Congress, and we have every right to alter them in the best interests of this country.

Mr. President, a large number of people have chosen my State, for various reasons, to retire to and to work in. We received two calls yesterday from people who indicated that they were 62 years of age and, because of this situation, were going to apply for early retirement. They said they were not ready to do so but were going to do it because of fear of what this proposal would do to them.

I am sure that a number of colleagues on both sides of the aisle have witnessed a deluge of mail in this matter.

I have collected at random six letters from people in my State complaining about meddling with the social security system, about the commitment that has been made. Some of them have been very supportive of the administration's efforts to balance the budget, but they also feel that a commitment has been made by the present administration. They ask why the administration would turn its back on the same people who in many instances have supported it in the past.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

TUCSON, ARIZ.,
May 13, 1981.

Hon. DENNIS DECONCINI,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR DECONCINI: The news today is very upsetting in regards to the revamping of the Social Security System.

I strongly protest the drastic changes that President Reagan is contemplating in the Social Security System.

We older workers have been looking forward to retiring at 62 years of age, find that under his plan it would be impossible. After working under the system since it came in to effect—I feel that I've earned the right to retire at 62, at 80% of the total amount allowed. Under the proposed system, you are also penalizing the younger worker. By not letting us retire at 62, there is that much work not available to the youth that are in the market for work.

If they want to revamp the system, why not start looking in the prisons, where it was found that criminals were getting social security. Also what about the people that come to America for 5 years, work and they are able to draw Social Security in the native country, and usually they receive more than the worker that has worked all their lives. What about the children that are getting money to go to college. Both my children worked their way through. Why can't they?

As a Senator that has helped numerous people, I strongly urge you to vote against this measure. Thank you.

Sincerely,

EVA K. LEVINE.

SUN CITY, ARIZ.,
May 14, 1981.

Hon. DENNIS DECONCINI,
Senate Office Building,
Washington, D.C.

DEAR SIR: I cannot support, and do not expect you to support, the drastic changes in Social Security as proposed by President Reagan.

I have been paying the maximum deduction annually for 45 years and intended to take early retirement in 1982 at age 62.

I fully expected Social Security to be reliable and not change the rules under which I contributed to it all these years.

Respectfully,

WILLIAM BACHSCHMIDT.

MAY 16, 1981.

Hon. DENNIS DECONCINI,
Dirksen Senate Building,
Washington, D.C.

DEAR SENATOR DECONCINI: We are very much opposed to any meddling with Social Security benefits. The recipients of these benefits have put their share in every pay day for many years. This is not a "welfare type" benefit. These people have worked hard expecting that the money deducted from their salaries was "saved" for them.

If this money has been squandered on foolish and unnecessary programs in the past, the blame should be shouldered by the Congressmen who have been allowing it to happen.

But to have the unmitigated gall to say "You cannot retire until we say so" and at reduced benefits at that—That's too much!

Remember, the same people who voted you in can also vote you out.

Sincerely,

ANITA AND FELIX KORHEL,
Glendale, Ariz.

P.S. If you put the age bracket high enough and the benefits low enough perhaps we'll

just die of old age or starvation and that of course, will solve everything, won't it?

MAY 13, 1981.

Hon. DENNIS DECONCINI,
Washington, D.C.

DEAR SIR: I feel it is my duty as a private citizen to protest the change in the social security bill, where people have to take such a reduction in benefits if they retire at age 62. It is grossly unfair when the senators are granted an increase in travel expenses.

There are many other ways to cut expenses and begin in Washington, D.C. The traveling of the officials cut be greatly reduced instead of increasing their travel expenses. I know this will not do any good for the working person but I had to voice my opinion.

Sincerely,
Mrs. BEULAH MORGENTHALER,
Phoenix, Ariz.

MAY 13, 1981.

Hon. DENNIS DECONCINI,
U.S. Senate,
Washington, D.C.

DEAR SIR: The President's proposal to suddenly reduce social security payments for age 62 retirees beginning January 1, 1982, is unfair to those who have made irreversible plans at this point.

In my case I retired at age 59½ and will be 62 on February 5, 1982. At that time my private pension will be reduced by an amount that assumed I would be drawing 80 percent social security benefits at age 62. This reduction will take place even if I delay drawing benefits until I am 65. This was a plan worked out between IRS and my employer and the amount of the reduction was set at my retirement.

Millions of others have identical annuity plans and in fairness to those who had already retired when the President announced his proposal, these people should be excepted from the proposed decrease.

Respectfully yours,
J. C. RHODES,
Sun City West, Ariz.

MAY 15, 1981.

Hon. DENNIS DECONCINI,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DECONCINI: Regarding the Reagan proposal to change the Social Security Law, by decreasing the benefits should a person decide to retire at age sixty-two (62), instead of sixty-five (65).

I feel this is like changing the rules of a game between the 7th and 8th inning or the 3rd and 4th quarter. I am certain other changes regarding double and triple dippers would be more effective in saving money. One good example comes to mind, is to stop paying social security to convicted criminals.

Also, I feel the stipulation in the disability law which prevents a person from receiving benefits, who has not worked in the previous 5 years prior to becoming disabled, is grossly unfair.

Case in Point—My late wife, Victoria Wickline, who died October 8, 1980. She earned nearly $100,000.00 during her lifetime, but after becoming disabled in September 1978, was denied benefits due to the 5 year stipulation. Had she been able to receive some benefits, better medical attention may have saved her life. She never received one red cent in benefits for all the money she contributed.

Of course I received the lump sum payment of $255.00 death benefit, that took four months to get here after her death.

I shall follow with interest how you vote on this proposed reduction of benefits for senior citizens that are reaching the social security age. To pass such a bill would be devastating to senior citizens. If you support the Reagan plan, then I am afraid that I will not be able to support you for Senator for the state of Arizona, should you decide to run for re-election.

Sincerely,
PAUL E. WICKLINE,
Tucson, Ariz.

Mr. MOYNIHAN. Mr. President, I believe it is particularly appropriate that the Senator from Arizona spoke as he did, because he represents, as he has observed, a State to which a great many Americans have chosen to retire, with the understanding that they would have a financial base. This understanding is now forced open to question. I thank him for his careful, moderate, serious statement.

Mr. President, I observe that this debate began about 10 o'clock this morning, and it is now 2 p.m. We have yet to hear a single word spoken in opposition to this amendment—not one word in opposition.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MOYNIHAN. This augurs well. It says something—that silence.

I wonder whether the Senator will allow me to yield to the Senator from Washington, and then I will yield the floor to him.

Mr. DOLE. I just want to say, briefly, that we are very happy to speak to the proposal, if we can be recognized.

Mr. MOYNIHAN. Do I correctly interpret that to mean that the Senators on the other side of the aisle would be happy to talk to the proposal if they had something to say?

Mr. DOLE. We have volumes.

Mr. MOYNIHAN. There has been a conspicuous absence of debate by your Members. I would welcome hearing the volumes spoken.

Mr. BAKER. That is not because there is lack of merit for our arguments but because of the intimidation of the Senator from New York.

Mr. MOYNIHAN. I had better stop right now.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. MOYNIHAN. I yield to the distinguished Senator from Washington.

Mr. JACKSON. Mr. President, I yield to the distinguished majority leader.

Mr. BAKER. I thank the Senator from Washington.

Mr. President, earlier today, I inquired of the distinguished minority leader and the managers of this bill as to the possibility of arriving at a satisfactory arrangement for the disposition of the almost 400 committee amendments that remain to be disposed of.

ADOPTION OF COMMITTEE AMENDMENTS EN BLOC WITH CERTAIN EXCEPTIONS

I have consulted at length with a number of Senators, and I ask now of the distinguished minority leader if we might be in a position to proceed to the consideration of the committee amendments en bloc and the adoption of these amendments and consider them as original text for the purpose of further amendment, with certain exceptions. I ask the minority leader if we might proceed on that basis at this time.

Mr. ROBERT C. BYRD. Mr. President, the answer is in the affirmative, with the following exceptions:

(Mr. ABDNOR assumed the chair.)

On page 31, the language under "Chapter IV, operating expenses, energy supply, research and development activities."

On page 33, under "Plant and capital equipment, energy supply, research and development activities."

On page 68, the paragraph titled "Energy conservation."

Mr. BAKER. Mr. President, I thank the distinguished minority leader.

Before I put the request, I point out that there would be a requirement on this side that we except on page 40, lines 4 and 5, the committee amendment dealing with IDA, for the purpose of amendment.

I inquire about amendment No. 5, as first identified by the minority leader. It is my understanding that the amendments are not numbered. Can the distinguished minority leader tell us the page and, if possible, the line number of the material?

Mr. ROBERT C. BYRD. It would be the fifth amendment. Looking at page 2, there are two amendments; page 3, the third, fourth, and fifth.

I should like the Chair to ascertain through the Parliamentarian if this is correct. It would be the amendment appearing on line 13 of page 3. Am I correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. So the first request would be to except from consideration en bloc the amendment appearing at line 13 on page 3 of the bill as reported.

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. All right.

Mr. President, I ask of the distinguished chairman of the Appropriations Committee if this arrangement is satisfactory to him.

I understand that it is; also, to the distinguished manager on behalf of the minority or the minority leader.

I assume that there are no further requests. In that event, I ask unanimous consent that the Senate proceed to the consideration of the committee amendments en bloc; that the amendments upon adoption be considered as original text for the purpose of further amendment; that no point of order shall be waived by such action, excepting and excluding therefrom the amendment appearing on line 13, page 3; on page 31, dealing with energy, research and development; page 33, dealing with energy, plant, and capital equipment; page 68, dealing with energy conservation; on page 40, lines 4 and 5, dealing with IDA.

I ask unanimous consent that those amendments not be included in the consideration of the other committee amendments en bloc as heretofore requested.

Also, I ask unanimous consent that the status of the provisions heretofore made for the consideration of the committee amendment dealing with the so-called Hyde-Helms amendment not be changed, as provided for in the agreement of yesterday; that the committee amendment dealing with the so-called Ashbrook amendment not be affected by this request and remain intact, as provided for yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, line 20, strike "$7,000,000" through and including line 22, and insert "$13,250,000";

On page 3, strike line 4, "(DEFERRALS)" and insert "(RESCISSION)";

On page 3, line 8, strike "may", through and including "1981" on line 9, and insert "are rescinded";

On page 3, strike line 14 through and including line 18;

On page 4, line 5, strike "AND RESCISSIONS";

On page 4, line 9, strike "and", through and including "rescinded" on line 10;

On page 4, strike line 18, through and including line 24;

On page 5, strike line 18, "(DEFERRAL)" and insert "(RESCISSION)";

On page 5, line 22, beginning with "may", strike through and including "1981" on line 23, and insert "are rescinded";

On page 6, strike line 2, "(DEFERRAL)" and insert "(RESCISSION)";

On page 6, beginning on line 6, strike "may" through and including "1981" on line 7, and insert "are rescinded";

On page 6, strike line 9, through and including line 17;

On page 7, line 19, strike "$181,350,000" and insert "$187,850,000";

On page 8, after line 13, insert the following:

Provided, That no funds available to this agency shall be used to either reduce or plan for a reduction in full-time permanent employment of less than twelve thousand five hundred and eighty (12,580).

On page 8, line 20, strike "$26,236,000" and insert "$22,645,000";

On page 8, line 25, strike "$9,000,000", and insert "$11,000,000";

On page 8, after line 25, insert the following:

COASTAL ZONE MANAGEMENT

For an additional amount for "Coastal Zone Management," $40,000,000, to be derived by transfer from "Coastal Energy Impact Fund", to remain available until expended.

On page 9, strike line 5 through and including line 9;

On page 9, after line 9, insert the following:

PROMOTE AND DEVELOP FISHERY PRODUCTS AND RESEARCH PERTAINING TO AMERICAN FISHERIES

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D81–105, relating to Department of Commerce, National Oceanic and Atmospheric Administration, "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", as set forth in the message of April 27, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon the enactment into law of this bill.

On page 10, line 6, after "$1,900,000" insert "of which $450,000 is";

On page 10, strike line 17, through and including line 21;

On page 11, line 6, strike "$12,858,000" and insert "$4,000,000";

On page 11, after line 7, insert the following:

SHIP CONSTRUCTION

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves $55,000,000 of the proposed deferral D81–80 relating to the Department of Commerce, Maritime Administration, "Ship Construction" as set forth in the message of March 10, 1981, which was transmitted to the Congress by the President. The disapproval shall be effective upon the enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

On page 12, line 21, strike "INCLUDING";

On page 12, beginning on line 23, strike "$8,131,000, of which"

On page 12, line 24, strike "shall" and insert "to";

On page 12, after line 25, insert the following:

FEES AND EXPENSES OF WITNESSES

(TRANSFER OF FUNDS)

For an additional amount for "Fees and Expenses of Witnesses", $6,500,000; to be derived by transfer from Antitrust Division. "Salaries and expenses", $1,569,000; United States Attorneys and Marshals, "Salaries and expenses", $2,000,000; and Office of Justice Assistance, Research, and Statistics, "Law Enforcement Assistance", $2,931,000.

On page 13, line 13, strike "$12,203,000", and insert "$13,687,000";

On page 13, line 16, beginning with "Provided", strike through and including line 25;

On page 14, line 5, strike "$8,869,000", and insert "$9,519,000";

On page 14, after line 19, insert the following:

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D81–86 relating to the Department of Justice, Federal Prison System, "Salaries and expenses" as set forth in the message of March 10, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

On page 15, line 14, before "TRANSFER", insert "INCLUDING";

On page 15, line 16, before "$3,000,000", insert"$1,475,000, and";

On page 17 line 22, strike "$585,000", and in sert "$645,000";

On page 18, after line 2, insert the following:

BANKRUPTCY COURTS, SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $2,000,000, to be derived by transfer from "Space and facilities".

On page 18, beginning with line 22, strike through and including page 19, line 3, and insert the following:

Notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, not to exceed $4,500,000 of the amounts placed in reserve pursuant to that section, or which would be placed in reserve pursuant to that section, shall be available to the Board for carrying out that Act.

On page 19, line 12, strike "$8,957,000", and insert "$7,357,000";

On page 19, after line 19, insert the following:

DEPARTMENT OF THE TREASURY

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

FISHERMAN'S PROTECTIVE FUND

For payment to the Fishermen's Protective Fund, in accordance with section 5 of the Public Law 92–569 approved October 26, 1972, $8,300,000, to remain available until expended.

On page 20, after line 9, insert the following:

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $650,000, to be derived by transfer from "Salaries and expenses (special foreign currency program)".

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves $650,000 of the proposed deferral D81–75 relating to the International Communication Agency, "Salaries and expenses (special foreign currency program)" as set forth in the message of February 13, 1981, which was transmitted to the Congress by the President. This disapproval shall be effective upon enactment into law of this bill.

On page 21, strike line 7, through and including line 12;

On page 21, strike line 14, through and including line 21;

On page 21, line 24, after "disapproves", insert "$9,900,000";

On page 22, after line 15, insert the following:

MILITARY PERSONNEL, ARMY

For an additional amount for "Military personnel, Army", $15,400,000.

On page 22, line 21, strike "$305,329,000" and insert "$297,289,000";

On page 22, line 25, strike "$36,150,000" and insert "$49,250,000";

On page 23, line 5, strike "$152,100,000" and insert "$142,700,000";

On page 23, line 21, strike "$327,049,000" and insert "$509,699,000";

On page 24, line 5, strike "$402,899,000" and insert "$606,555,000";

On page 24, line 16, strike "$45,060,000" and insert "$56,906,000";

On page 24, line 22, strike "$779,118,000" and insert "$949,880,000";

On page 25, line 3, strike "$67,675,000" and insert "$112,475,000";

On page 25, line 12, strike "$16,700,000" and insert "$14,800,000";

On page 25, line 15, strike "$12,113,000" and insert "$21,737,000";

On page 25, line 21, strike "$24,300,000" and insert "$26,400,000";

On page 26, line 3, strike "$26,400,000" and insert "$25,650,000";

On page 26, line 9, strike "$66,200,000" and insert "$77,400,000";

On page 26, after line 12, insert the following:

CLAIMS, DEFENSE

For an additional amount for "Claims, Defense", $49,000,000.

On page 26, line 19, strike "$105,000,000", and insert $150,600,000";

On page 26, line 23, strike "$25,100,000" and insert "$54,140,000";

On page 27, line 5, strike "$796,000,000" and insert "$859,020,000";

On page 27, line 9, strike "$12,700,000" and insert "$37,160,000";

On page 27, line 13, strike "$523,400,000" and insert "$693,580,000".

On page 27, line 14, beginning with "; and", strike through and including line 17;

On page 27, line 20, strike "$117,1000,000" and insert "$146,400,000";

On page 27, after line 21, insert the following:

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons procurement, Navy 1981/1983", $51,200,000, to remain available for obligation until September 30, 1983.

On page 28, line 3, strike "$156,900,000", and insert "$237,800,000";

On page 28, line 4, strike "$149,900,000", and insert "$152,400,000";

On page 28, line 5, after the semicolon, insert the following:

"$21,800,000 for the LSD–41 program";

On page 28, line 6, beginning with "$89,-000,000" strike through and including line 9";

On page 28, line 10, strike "$26,200,000" and insert "$9,800,000";

On page 28, line 11, strike "$3,300,000" and insert "and $53,800,000";

On page 28, line 12, after "program,", insert the following:

"to remain available for obligtaion until September 30, 1985";

On page 28, line 13, beginning with "$2,100,000", strike through and including line 16;

On page 28, after line 16, insert the following:

OTHER PROCUREMENT, NAVY

For an additional amount for "Other procurement, Navy 1981/1983", $56,700,000, to remain available for obligation until September 30, 1983.

On page 28, line 23, strike "$19,200,000" and insert "$28,600,000";

On page 29, line 3, strike "$739,885,000", and insert "$965,125,000";

On page 29, line 7, strike "$164,663,000" and insert "$275,869,000";

On page 29, line 11, strike "$138,206,000" and insert "$218,206,000";

On page 29, line 15, strike "$16,436,000", and insert "$21,436,000";

On page 29, line 23, strike "$17,150,000", and insert "$127,650,000";

On page 30, line 4, strike "$101,664,000", and insert "$211,407,000";

On page 30, line 10, strike "$285,127,000", and insert "$423,706,000";

On page 30, line 17, strike "$30,763,000", and insert "$74,958,000";

On page 31, strike line 1, through and including line 11;

On page 32, strike line 8, through and including line 14;

On page 32, strike line 19, through and including page 33, line 2;

On page 37, strike line 5, through and including line 11;

On page 37, line 19, strike "$25,000,000" and insert "$110,000,000";

On page 37, strike line 20, through and including page 38, line 6;

On page 38, line 13, strike "$85,500,000", and insert "$177,500,000";

On page 38, strike line 15 through and including line 21;

On page 39, line 5, strike "$7,288,000", and insert "$5,000,000";

On page 39, after line 6 insert the following:

Not to exceed $2,288,000 of the unobligated balances of the Water Resources Council, as of the date of enactment of this Act, shall be reprogramed for grants to the States provided under the authority of title III of the Water Resources Planning Act (42 U.S.C. 1962 et seq.)

On page 41, after line 20, insert the following:

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

(RESCISSION)

Of the funds made available for this account by Public Law 96–536, $33,447,900 are rescinded.

On page 41, after line 20, insert the following:

American Schools and Hospitals Abroad (Foreign Currency Program): For necessary expenses as authorized by section 612 of the Foreign Assistance Act of 1961 $14,300,000 in foreign currencies which the President determines to be excess to the normal requirements of the United States, which shall be available only for the American University in Cairo, Egypt, to remain available until expended.

On page 42, line 5, strike "$1,500,000", and insert "$2,000,000";

On page 42, line 13, strike "$8,651,000", and insert "$10,476,000";

On page 42, strike line 14, through and including line 25;

One page 43, line 14, strike "$2,600,000", and insert "$13,285,000";

On page 43, line 23, strike "$5,524,000,000", and insert "$5,398,000,000";

On page 44, strike line 9, through and including line 17, and insert the following:

Of the amounts of additional contract authority provided under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, as authorized by section 5 of the United States Housing Act of 1937, $15,000,000 for modernization of existing low-income housing projects, $30,611,609 for existing units under section 8, including section 8(j), of such Act, $187,852,148 for newly constructed and substantially rehabilitated units assisted under such Act and $5,260,384,150 of budget authority, are rescinded.

On page 47, line 1, strike "$101,000,000", and insert "$121,000,000";

On page 47, strike line 4, through and including line 11;

On page 48, strike line 5, through and including line 10;

On page 48, line 17, after "available", insert the following: *Provided*, that $501,500 of funds appropriated for Community Development Grants in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, shall be available from the Secretary's Discretionary Fund to fully fund the balance of the grant commitments made for the nine Neighborhood Self-Help Development projects approved after September 30, 1980, and before March 17, 1981.

On page 49, line 14, strike "$849,300", and insert "$149,300";

On page 49, line 20, strike "$6,731,000", and insert "$1,253,100";

On page 50, strike line 17, through and including page 51, line 11, and insert the following:

Of the funds appropriated under this head, $1,700,000,000 in the Department of Housing and Urban Development-Independent Agencies Appropriation Acts, 1980 and 1981, are rescinded. Of the amount rescinded, and to the extent available, $1,000,000,000 should be rescinded from the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1980, and $700,000,000 should be rescinded from the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981. The reduction in each appropriation will be distributed among the States according to the allotment formula specified in section 205(c) of Public Law 92–500, as amended by Public Law 95–217. Whenever a State's share of the reduction from an appropriation, as determined by the formula, is greater than its unobligated balance for that appropriation, as determined by the Administrator of the Environmental Protection Agency upon the date of enactment of this bill, the shortfall will be distributed according to the allotment formula among all the States which still have funds remaining from that appropriation. This process of distributing the shortfall will continue until the amount of the reduction has been allocated among the States.

On page 53, line 7, strike "$8,000,000", and insert "$20,000,000";

On page 53, line 14, strike "$4,500,000", and insert "$37,900,000";

On page 53, strike line 19, through and including line 25, and insert the following:

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1980, and the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $29,990,000 are rescinded.

On page 54, line 8, strike "$19,700,000", and insert "$6,700,000";

On page 54, strike line 12, through and including page 55, line 7, and insert the following:

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $37,500,000 are rescinded, and of the amounts remaining for research and related activities under Public Law 96–526: (1) not more than $18,053,000 shall be available for earthquake hazards mitigation; (2) not more than $1,240,000 shall be available for the establishment and operation of three university-based Innovation Centers; (3) not more than $2,800,000 shall be available for grants to two-year and four-year colleges for equipment and instrumentation costing $35,000 or less; (4) not more than $300,000 shall be available for small business innovation for projects to aid the handicapped; and (5) not more than $1,400,000 shall be available for special programs for women and minorities in science and technology. None of these funds shall be available for separately targeted programs for appropriate technology, science faculty improvement programs for two-year and four-year college faculty research participation, and research opportunity grants and visiting professorships for women.

On page 56, line 7, strike "$10,000,000", and insert "$16,000,000";

On page 56, line 12, strike "$500,000", and insert "$1,200,000";

On page 56, after line 20, insert the following:

DEPARTMENT OF THE TREASURY

INVESTMENT IN NATIONAL CONSUMER COOPERATIVE BANK

(RESCISSION)

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $39,849,284 are rescinded.

During 1981, within the resources available, gross obligations of the National Consumer Cooperative Bank Fund for the principal amount of direct loans shall not exceed $55,949,284. No further commitments to guarantee loans shall be made.

On page 57, line 17, strike "$973,600,000", and insert "$990,000,000";

On page 57, line 21, strike "$217,500,000", and insert "$217,000,000";

On page 58, line 3, strike "$4,740,000", and insert "$3,555,000";

On page 58, strike line 8, through and including line 14;

On page 58, after line 14, insert the following:

MEDICAL CARE

(RESCISSION)

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981 and prior years, $25,789,000 are rescinded.

On page 58, strike line 21, through and including page 59, line 12;

On page 59, strike "$162,160,000", and insert "$165,760,000";

On page 59, strike line 19, through and including page 60, line 2;

On page 60, after line 13, insert the following:

ADMINISTRATIVE PROVISION

No part of any appropriation contains in this Act for departments and agencies funded in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations without the approval of the Committees on Appropriations.

On page 61, line 6, strike "$55,200,000", and insert "$56,353,000";

On page 61, strike line 7, through and including line 12;

On page 61, strike line 15;

On page 61, line 19, beginning with "$3,610,000", strike through and including "1983" on line 21, and insert the following:

"$11,800,000 are rescinded"

On page 61, line 25, strike "$2,000,000", and insert "$2,750,000";

On page 62, line 9, beginning with "$4,-128,000", strike through and including "94–565" on line 11, and insert the following: "$800,000";

On page 62, after line 11, insert the following:

URBAN PARK AND RECREATION FUND
(RESCISSION)

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96–514), and previous Interior Department Appropriations Acts, $35,000,000 are rescinded.

On page 62, strike line 20, through and including line 21; and insert the following:

(RESCISSION)

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96–514), $150,000,000 are rescinded in the following amounts: $95,000,-000 for payments to the States; $55,000,000 combined amounts for the Bureau of Land Management; Forest Service, the United States Fish and Wildlife Service, the National Park Service, and for Pinelands National Reserve: *Provided,* That notwithstanding the provisions of section 6 of the Land and Water Conservation Fund Act, as amended, the unobligated balance of the contingency reserve and of funds appropriated and apportioned for the various States and unobligated upon the date of enactment of this Act shall be made available to the States in the most equitable means practicable, in the judgment of the Secretary, consistent with the general purposes of the Land and Water Conservation Fund Act.

On page 63, strike line 15, through and including line 16, and insert the following:

(RESCISSION)

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96–514), and previous Department of the Interior Appropriations Acts, $8,000,000 are rescinded.

On page 64, line 5, strike "$15,500,000", and insert "$11,423,000";

On page 64, line 14, strike "AND DEFERRAL";

On page 64, line 17, strike $1,954,000", and insert "$8,954,000";

On page 64, line 18, beginning with "and", strike through and including line 20;

On page 65, line 18, strike "$30,000,000", and insert "$38,194,000";

On page 65, line 19, after "rescinded", insert the following: *Provided,* That nothing contained in this or any other Act shall be construed to invalidate any existing obligation for the program: *Provided further,* That of the remaining unobligated balance of the 1981 appropriation, $10,758,000 shall be available for Federal management and orderly close out of the program.

On page 66, strike line 1, through and including line 5;

On page 66, line 14, strike "$78,442,000", and insert "$62,542,000";

On page 66, line 16, after "Service", insert the following: *Provided,* That section 14(1) of the National Forest Management Act of 1976 (Public Law 94–588) may be waived at the discretion of the Secretary if he determines that such action will facilitate the salvage of timber damaged by the eruption of Mount Saint Helens: *Provided further,* That all funds appropriated in the Department of the Interior and Related Agencies Appropriation Act, 1981 (Public Law 96–514), for timber management and any related activities, including roads, on the Tongass National Forest, Alaska that are replaced by funds provided under the authority of section 705(a) of the Alaska National Interest Lands Conservation Act (Public Law 96–487) shall be used to facilitate timber salvage activities in the Mount Saint Helens volcano area, including roads.

On page 67, after line 10, insert the following: "and of the funds provided under this head in Public Law 96–126, $875,000,000 for the Solar and Conservation Reserve are rescinded."

On page 67, line 18, after "(Public Law 96–514)", insert the following: "$66,850,000 are rescinded and"

On page 67, line 19, strike "$60,536,000", and insert "$6,000,000";

On page 67, line 25, after "(Public Law 96–514)", insert the following: "$89,400,000 are rescinded and";

On page 68, line 1, strike "$224,400,000", and insert "$235,000,000";

On page 68, strike line 5 ,"(DEFERRAL)", and insert "(RESCISSION)";

On page 68, line 9, beginning with "$7,248,-000", strike through and including "1981," on line 10;

On page 68, line 10, beginning with "of", strike through and including "head" on line 11";

On page 68, line 12, beginning with "$3,500,000", strike through and including "1981," on line 14, and insert the following: "$13,248,000 are rescinded";

On page 69, line 5, after "(Public Law 96–514)", insert the following: "$39,167,000 are rescinded and"

On page 69, line 6, strike "$61,967,000", and insert "$16,200,000";

On page 69, strike line 10;

On page 69, line 12, strike all after "expended" through and including line 22;

On page 70, line 5, strike "$11,700,000", and insert "$14,000,000";

On page 70, line 13, strike "$220,600,000", and insert "$250,600,000";

On page 70, line 14, strike "$195,900,000", and insert "$218,900,000";

On page 70, strike line 16, through and including line 24;

On page 71, strike line 5, through and including line 6, and insert the following:

Notwithstanding the provisions of the Act of December 12, 1980 (Public Law 96–514), not to exceed $4,785,000 of the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for planning and design of new and replacement facilities.

On page 71, strike line 14, through and including line 15, and insert the following:

(RESCISSION)

Of the funds appropriated under this head in the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96–514), $8,871,000 are rescinded.

On page 71, after line 19, insert the following:

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT

INSTITUTE OF MUSEUM SERVICES

(RESCISSION)

Of the funds appropriated under this head in the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96–514), $12,357,000 are rescinded.

On page 72, strike line 8, through and including line 12;

On page 72, strike line 20, through and including line 22;

On page 73, after line 3, insert the following:

EMPLOYMENT AND TRAINING ASSISTANCE

(RESCISSION)

Of the funds provided for "Employment and Training Assistance" for fiscal year 1981 in Public Law 96–536, as amended, $100,000,-000 are rescinded: *Provided,* That not withstanding any other provision of law, $696,-000,000 shall be available for the Youth Employment and Training Program authorized under title IV, part A, subpart 3, of the Comprehensive Employment and Training Act: *Provided further,* That notwithstanding any other provision of law, $70,136,000 shall be available for title II, part A, section 202(e), of the Comprehensive Employment and Training Act.

On page 72, after line 24, insert the following:

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds provided for "Salaries and Expenses" for fiscal year 1981 in Public Law 96–536, as amended, $570,000 are rescinded.

On page 72, after line 7, insert the following:

SALARIES AND EXPENSES

(RESCISSION)

Of the funds provided for "Salaries and Expenses" for fiscal year 1981 in Public Law 96–536, as amended, $406,000 are rescinded.

On page 74, after line 16, insert the following:

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds provided for "Salaries and Expenses" for fiscal year 1981 in Public Law 96–536, as amended, $920,000 are rescinded.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds provided for "Salaries and Expenses" for fiscal year 1981 in Public Law 96–536, as amended, $660,000 are rescinded.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds provided for "Salaries and Expenses" for fiscal year 1981 in Public Law 96–536, as amended, $160,000 are rescinded.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds provided for "Salaries and Expenses" for fiscal year 1981 in Public Law 96–536, as amended, $300,000 are rescinded.

On page 75, line 25, strike "$45,679,000", and insert "$56,383,000";

On page 76, line 1, after the colon, insert the following: $56,383,000 are rescinded: *Provided,* That not more than $126,242,000 shall be available under this head for operation of Public Health Service hospitals and clinics.

On page 76, after line 5, insert the following:

For an additional amount of "Preventive Health Services", $2,000,000 to remain available until expended: *Provided,* That these funds are to be derived from unobligated balances provided under Public Law 94–226 for National influenza immunization.

On page 76, line 14, strike "$43,975,000", and insert "$61,076,000";

On page 76, line 16, strike "$11,400,000", and insert "$9,400,000";

On page 76, line 22, strike "$7,730,000", and insert "$14,264,000";

On page 77, line 5, strike "$10,131,000", and insert "$11,325,000";

On page 77, after line 5, insert the following:

NATIONAL INSTITUTE OF DENTAL RESEARCH

(RESCISSION)

Of the funds provided for "National Institute of Dental Research" for fiscal year

1981 in Public Law 96–536, as amended, $347,000 are rescinded.

On page 77, line 16, strike "$2,316,000", and insert "$3,237,000";

On page 77, line 23, strike "$2,456,000", and insert "$1,791,000";

On page 78, line 5, strike "$2,757,000", and insert "$1,720,000";

On page 78, line 11, strike "$3,335,000", and insert "$3,360,000";

On page 78, line 17, strike "$2,619,000", and insert "$2,381,000";

On page 78, line 23, strike "$3,455,000"; and insert "$4,056,000";

On page 79, line 5, strike "$598,000", and insert "$559,000";

On page 79, line 10, strike "$8,623,000", and insert "$10,561,000";

On page 79, after line 10, insert the following:

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

(RESCISSION)

Of the funds provided for "John E. Fogarty International Center for Advanced Study in the Health Sciences" for fiscal year 1981 in Public Law 96–536, as amended, $500,000 are rescinded.

NATIONAL LIBRARY OF MEDICINE

(RESCISSION)

Of the funds provided for "National Library of Medicine" for fiscal year 1981 in Public Law 96–536, as amended, $341,000 are rescinded.

OFFICE OF THE DIRECTOR

(RESCISSION)

Of the funds provided for "Office of the Director" for fiscal year 1981 in Public Law 96–536, as amended, $360,000 are rescinded.

On page 80, line 12, strike "$80,244,000", and insert "$144,244,000";

On page 80, line 24, strike "$180,934,000", and insert "$154,854,000";

On page 81, line 4, strike "$40,000,000", and insert "$37,700,000";

On page 81, line 11, strike "$37,630,000", and insert "$38,270,000";

On page 81, line 17, strike "$4,346,000", and insert "$6,520,000";

On page 81, line 22, strike "$3,996,000", and insert "$8,694,000";

On page 82, line 2, strike "$12,322,000", and insert "$20,349,000";

On page 82, after line 3, insert the following:

LIMITATION ON ADMINISTRATIVE EXPENSES

The amount available to process workloads not anticipated in the budget estimates and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved, is increased to $80,000,000.

LOW INCOME ENERGY ASSISTANCE

(RESCISSION)

Of the funds provided for "Low Income Energy Assistance" for fiscal year 1981 in Public Law 96–536, as amended, $500,000 are rescinded.

On page 82, line 22, strike "74,805,000", and insert "$41,805,000";

On page 82, after line 22, insert the following:

CUBAN AND HAITIAN ENTRANTS RECEPTION AND PROCESSING

(RESCISSION)

Of the funds provided for "Cuban and Haitian Entrants Reception and Processing" for fiscal year 1981 in Public Law 96–536, as amended, $20,000,000 are rescinded.

CUBAN AND HAITIAN ENTRANTS

DOMESTIC ASSISTANCE

For an additional amount for "Cuban and Haitian Entrants Domestic Assistance", $6,000,000, to remain available until September 30, 1982, for education expenses pursuant to section 501(a) of the Refugee Education Assistance Act of 1980: *Provided*, That no funds shall be provided to any school district with fewer than 10,000 eligible students.

On page 84, line 5, strike "$5,100,000", and insert "$24,700,000";

On page 84, after line 5, insert the following:

DEPARTMENTAL MANAGEMENT

POLICY RESEARCH

(RESCISSION)

Of the funds provided for "Policy Research" for fiscal year 1981 in Public Law 96–536, as amended, $2,500,000 are rescinded.

On page 84, line 16, strike "$351,477,000", and insert "$463,885,000";

On page 84, line 17, strike "$9,140,000", and insert "$51,400,000";

On page 84, line 19, strike "$5,100,000", and insert "$12,750,000";

On page 84, line 22, strike "$500,000"; and insert "$3,000,000";

On page 84, line 23, strike "and", through and including "506" on line 24;

On page 85, line 2, strike "$130,500,000", and insert "$71,070,000";

On page 85, line 3, strike "$259,200,000", and insert "$273,600,000";

On page 85, line 4, strike "$148,500,000", and insert "$156,750,000";

On page 85, line 8, after the colon, insert the following:

Provided further, That notwithstanding the provision of sections 404(a)(9) and 523(c), none of the funds appropriated for title IV, part C of the Elementary and Secondary Education Act may be expended for the purposes of title V, part B of such Act: *Provided further*, That any reductions required in title IV, part C and title V, part B, of the Elementary and Secondary Education Act shall be proportionate among the States.

On page 86, line 7, strike "$36,876,000", and insert "$131,719,000";

On page 86, line 12, strike "$21,375,000", and insert "$10,000,000";

On page 86, line 14, after "Act,", insert the following: $4,988,000 of the amount provided for title II, part A of the Higher Education Act, and $500,000 of the amount provided for title II, part B of the Higher Education Act

On page 86, line 25, strike "$68,719,000", and insert "$89,995,000";

On page 87, line 1, strike "$21,875,000", and insert "$25,000,000";

On page 87, line 9, strike "$7,875,000", and insert "$18,723,000";

On page 87, line 9, after "rescinded: ", insert the following: *Provided*, That notwithstanding other provisions of law, the appropriation for section 112 of the Rehabilitation Act of 1973 shall be $2,800,000: *Provided further*, That $650,000 provided under this head in Public Law 96–536, as amended, for carrying out section 130 of the Rehabilitation Act of 1973 shall be made available to the Navajo Tribal Council.

On page 87, line 20, strike "$76,236,000", and insert "$124,201,000";

On page 87, line 22, strike "$15,000,000", and insert "$20,000,000";

On page 87, line 24, strike "$2,500,000", and insert "$5,000,000";

On page 88, line 1, strike "$4,431,000", and insert "$6,862,000";

On page 88, line 3, strike "$904,000", and insert "$3,617,000";

On page 88, line 7, strike "$93,323,000", and insert "$118,576,000;

On page 88, line 8, after "Act", insert the following: *Provided further*, That not to exceed $7,477,000 shall be for carrying out part B, subpart 2 of the Vocational Education Act: *Provided further*, That notwithstanding the provisions of subpart 1, section 103, $2,243,100 shall be made available for the National Occupational Information Coordinating Committee: *Provided further*, That payments for State Advisory Councils shall be made in accordance with section 105: *Provided further*, That the $3,138,000 remaining for title VIII of the Elementary and Secondary Education Act shall be used for the purpose of carrying out sections 809, 810, and 812 of the Act.

On page 88, line 23, strike "$661,000,000", and insert "$391,000,000";

On page 88, line 24, strike "Provided", through and including page 89, line 2;

On page 89, line 3, strike "further;";

On page 89, line 6, after "expenses", insert the following: *Provided further*, That with funds appropriated herein and in the 1981 Continuing Resolution, Public Law 96–536, as amended, eligibility for a Pell grant in academic year 1981–82 shall be based on a maximum grant of $1,750, notwithstanding section 411(a)(2)(A)(i)(I) of the Higher Education Act: *Provided further*, That notwithstanding section 411(b)(3)(B)(i) each Pell grant be reduced by $100 after taking the cost of attendance limitation of section 411(a)(2)(B)(i) into account: *Provided further*, That the cost of attendance used for calculating eligibility for and amount of Pell grants shall be established by the Secretary of Education: *Provided further*, That notwithstanding any other provisions of law, of the sums appropriated pursuant to section 461(b)(1) of the Higher Education Act of 1965 for purposes of the fiscal year ending September 30, 1981, the Secretary shall apportion to each State an amount that bears the same ratio to the total amount of such sums as the amount received by the State under section 462(a)(1) of the Act in fiscal year 1980 bears to the sum of such amounts for all the States.

On page 90, strike line 2, through and including line 3, and insert the following:

No amounts provided herein or under Public Law 96–86 or Public Law 96–536 shall be reserved for, or paid to, educational institutions to meet administrative expenses.

On page 90, line 11, strike "are rescinded", and insert the following: of the Higher Education Act are rescinded, and of the amount made available under this head in Public Law 96–536, as amended, for fiscal year 1981, $12,800,000 of the amount provided for title I, part B, $30,000,000 of the amount provided for title III, $6,000,000 of the amount provided for section 417, $12,039,000 of the amount provided for section 420, $5,150,000 of the amount provided for title IX, part B, $3,000,000 of the amount provided for title IX, part E of the Higher Education Act, and $1,000,000 of the amount provided for title III, part G, of the Elementary and Secondary Education Act are rescinded: *Provided*, That the funds appropriated in Public Law 96–536, as amended, for title IX, part B are available notwithstanding the provisions of sections 922(b)(2) and 922(e) of the Higher Education Act: *Provided further*, That $2,200,000 of the amount made available in Public Law 96–536 for title I, part B of the Higher Education Act is available only for section 115(d).

On page 91, strike line 4, through and including line 10, and insert the following:

COLLEGE HOUSING LOANS

(RESCISSION)

Of the funds appropriated for participation sales insufficiencies for fiscal year 1981 in Public Law 96–536, as amended, $14,550,000 are rescinded. Payments of insufficiencies in fiscal year 1981 as may be required by the Government National Mortgage Association, as trustee, on account of outstanding bene-

ficial interests of participations issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717) shall be made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749) using loan repayments and other income available during fiscal year 1981. The excess of total loan repayments and other income available during fiscal year 1981, less operating costs including costs for participation insufficiencies, shall be used to reduce the balance of direct loans outstanding from the Department of the Treasury.

On page 92, line 8, strike "$14,642,000", and insert "$61,218,000";

On page 92, line 9, after "III (", insert "part;

On page 92, line 11, after "Act,", insert the following: "title IV, section 418A and";

On page 92, line 12, beginning with "the Alcohol", strike through the comma in line 13;

On page 92, line 15, after "1950,", insert the following: "and section 422(a) of the General Education Provisions Act,";

On page 92, after line 18, insert the following:

EDUCATIONAL STATISTICS

(RESCISSION)

Of the funds provided in Public Law 96–536, as amended, to carry out section 406 of the General Education Provisions Act, $1,000,000 are rescinded.

On page 93, line 5, strike "$7,000,000", and insert "$10,000,000";

On page 93, after line 7, insert the following:

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated under this head for fiscal year 1981 in Public Law 96–536, as amended, $750,000 for the purposes of part D of the General Education Provisions Act as rescinded.

On page 93, line 21, strike "$3,207,000", and insert "$3,907,000";

On page 94, line 6, strike "$16,600,000", and insert "$22,915,000";

On page 94, strike line 16, through and including line 21;

On page 94, after line 21, insert the following:

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds provided for "Salaries and Expenses" for fiscal year 1981 in Public Law 96–536, as amended, $687,000 are rescinded.

On page 95, strike line 15, through and including line 18;

On page 95, after line 18, insert the following:

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds provided for "Salaries and Expenses" for fiscal year 1981 in Public Law 96–536, as amended, $1,060,000 are rescinded.

On page 96, strike line 1, through and including line 8;

On page 96, strike line 15, through and including line 24;

On page 96, after line 24, insert the following:

Of the total amounts appropriated for the Departments of Health and Human Services and Education for fiscal year 1981, $27,123,000 and $5,277,000, respectively, are hereby rescinded from funds available for travel, consultants, consultant services, training, and furniture and equipment purchases.

On page 98, after line 8, insert the following:

SENATE

(RESCISSION)

Of the funds appropriated under the heading "SENATE" in Acts providing appropriations for the Legislative Branch for the fiscal years ending September 30, 1977, September 30, 1978, and September 30, 1979, and which (except for the provisions of this section) would remain available until expended, the remaining balances, but not less than $46,400,000, are rescinded.

SALARIES, OFFICERS AND EMPLOYEES

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For an additional amount of "Offices of the Secretary for the Majority and the Secretary for the Minority", $100,000.

CONTINGENT EXPENSES OF THE SENATE

STATIONERY (REVOLVING FUND)

For an additional amount for "Stationery (Revolving Fund)", $2,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. In order to provide additional capital for the revolving fund established by the last paragraph under the heading "Contingent Expenses of the Senate" appearing under the heading "SENATE" in chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 46a–1), the Secretary of the Senate is authorized and directed to transfer $100,000 to such revolving fund from "miscellaneous items" in the contingent fund of the Senate.

SEC. 102. Effective with respect to fiscal years beginning on or after October 1, 1980, the first sentence of section 101 of the Legislative Branch Appropriations Act, 1976 (2 U.S.C. 61a–9a), is amended by striking out "$7,500" and inserting in lieu thereof "$10,000".

SEC. 103. Section 111 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304) is amended by striking out "and to remain available through September 30, 1981" and inserting in lieu thereof "and to remain available until December 31, 1981".

SEC. 104. Section 112(a) of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304) is amended—

(1) by inserting "(and the unexpended balance on any subsequent date during the fiscal year ending September 30, 1981)" immediately after "February 28, 1981", and

(2) by striking out "for any fiscal year shall" and inserting in lieu thereof "or in funds otherwise made available for the same purposes as funds so appropriated for such fiscal year shall during such fiscal year".

SEC. 105. The second proviso contained in the Legislative Branch Appropriation Act, 1966 (2 U.S.C. 126b), under the heading "SENATE", "SALARIES, OFFICERS AND EMPLOYEES", "OFFICE OF THE SECRETARY", is amended to read as follows: "The Secretary of the Senate is hereafter authorized to employ, by contract or otherwise, substitute reporters of debates and expert transcribers at daily rates of compensation, or temporary reporters of debates and expert transcribers at annual rates of compensation; no temporary reporters of debates or expert transcribers may be employed under authority of this provision for more than ninety days in any fiscal year; and payments made under authority of this proviso shall be made from the contingent fund of the Senate upon vouchers approved by the Secretary of the Senate.".

SEC. 106. (a) Effective January 1, 1981, the allowance for administrative and clerical assistance of each Senator from the State of Florida is increased to that allowed Senators from States having a population of nine million but less than ten million, the population of said State having exceeded nine million inhabitants.

(b) Effective January 1, 1981, the allowance for administrative and clerical assistance of each Senator from the State of Washington is increased to that allowed Senators from States having a population of four million but less than five million, the population of said State having exceeded four million inhabitants.

(c) Effective January 1, 1981, the allowance for administrative and clerical assistance of each Senator from the States of Oklahoma and South Carolina is increased to that allowed Senators from States having a population of three million but less than four million, the population of said States having exceeded three million inhabitants.

SEC. 107. Hereafter, the Secretary of the Senate as Disbursing Officer of the Senate is authorized to make transfers between appropriations of funds available for disbursement by him for fiscal year 1981, subject to the customary reprogramming procedures of the Committee on Appropriations of the Senate.

SEC. 108. Effective with the fiscal year ending September 30, 1981, section 117 of the Second Supplemental Appropriations Act, 1976 (2 U.S.C. 61f–1a), is amended by striking out "$92,000" and inserting in lieu thereof "$167,000".

SEC. 109. Notwithstanding any other provision of this Act (or any provision of law enacted prior to the date of enactment of this Act), the aggregate of the funds (other than funds appropriated under title II of this Act for increased pay costs) appropriated for the fiscal year ending September 30, 1981, for projects or activities for which disbursements are made by the Secretary of the Senate, shall not exceed an amount equal to 90 per centum of the aggregate of the funds (including funds appropriated for increased pay costs) appropriated for the fiscal year ending September 30, 1980, for such projects or activities.

SEC. 110. (a) Effective in the case of each fiscal year (commencing with the fiscal year ending September 30, 1981) each Senator, at his election, may transfer from his Administrative, Clerical, and Legislative Assistance Allowance (hereinafter referred to as the "clerk hire allowance") to such Senator's Official Office Expense Account any balance remaining, or any portion thereof in such clerk hire allowance as of the close of the fiscal year. Any balance so transfered to a Senator's Official Office Expense Account shall be available only for expenses incurred during the calendar year in which occurred the close of the fiscal year. Each Senator electing to make such a transfer shall advise the Senate Disbursing Office in writing, no later than December 31, and such transfer shall be made on such date (but not earlier than the October 1 which next succeeds the close of the fiscal year with respect to which the balance occurs) as may be specified by the Senator.

(b) Transfer of funds under subsection (a) shall be made from the appropriation "Administrative, Clerical, and Legislative Assistance Allowance to Senators" under the heading "Senate" and "Salaries, Officers, and Employees" for transfer to the appropriation "Miscellaneous Items" for allocation to Senatorial Official Office Expense Accounts.

On page 103, line 10, strike "101", and insert "111";

On page 103, line 19, strike "102", and insert "112";

On page 104, after line 9, insert the following:

CAPITOL BUILDINGS

(RESCISSION)

Of the funds appropriated under this head in H.R. 7593, and made available by Public

Law 96-536, making continuing appropriations through June 5, 1981, $97,000 are rescinded.

CAPITOL GROUNDS

(RESCISSION)

Of the funds appropriated under this head in H. R. 7593, and made available by Public Law 96-536, making continuing appropriations through June 5, 1981, $10,000 are rescinded.

On page 105, after line 12, insert the following:

SENATE GARAGE

(RESCISSION)

Of the funds appropriated under this head in H.R. 7593, and made available by Public Law 96-536, making continuing appropriations through June 5, 1981, $102,000 are rescinded.

On page 106, line 6, after "rescinded,", insert the following: "together with $70,000 included under this head in H.R. 7593, and made available by Public Law 96-536."

On page 106, line 11, strike "$241,000", and insert "$508,000";

On page 106, line 12, strike "$163,000", and insert "$430,000";

On page 107, after line 2, insert the following:

FURNITURE AND FURNISHINGS

(RESCISSION)

Of the funds appropriated under this head in H.R. 7593, and made available by Public Law 96-536, making continuing appropriations through June 5, 1981, $450,000 are rescinded.

On page 107, line 10, strike "Sec. 201.";

On page 107, strike line 20, through and including line 24;

On page 108, line 2, strike "Sec. 301.";

On page 109, line 2, strike "$70,240,000", and insert "$81,100,000";

On page 109, line 3, strike "$30,000,000", and insert "$40,000,000";

On page 109, line 14, beginning with "and", strike through and including line 15;

On page 110, strike line 18;

On page 110, strike line 20, through and including line 25, and insert "$15,000,000";

On page 111, line 23, strike "$12,000,000", and insert "$15,000,000";

On page 111, after line 24, insert the following:

RECREATIONAL BOATING SAFETY AND FACILITIES IMPROVEMENT ASSISTANCE

For financial assistance for State recreational boating safety programs and State recreational facilities improvement programs, and for costs of administration necessary to carry out the provisions of the Recreational Boating Safety and Facilities Improvement Act of 1980 (Public Law 96-451), $2,000,000, of which $1,000,000 shall be available only for financial assistance for recreational boating safety programs, to be derived from the National Recreational Boating Safety and Facilities Improvement Fund and to remain available until expended.

On page 112, line 17, strike "$30,000,000", and insert "$25,000,000";

On page 112, line 23, strike "and", through and including line 25;

On page 112, after line 25, insert the following:

(RESCISSION)

Appropriations under this heading contained in Public Law 96-400 are hereby rescinded in the amount of $25,000,000.

GRANTS-IN-AID FOR AIRPORT PLANNING AND DEVELOPMENT

(LIMITATION ON OBLIGATIONS)

The limitation in section 302 of the Department of Transportation and Related Agencies Appropriation Act, 1981 (Public Law 96-400), is amended by deleting "$700,000,000" and inserting in lieu thereof "$400,000,000".

On page 113, line 18, strike "$350,000,000", and insert "$300,000,000";

On page 114, strike line 10;

On page 114, strike line 21, through and including page 115, line 2;

On page 115, after line 2, insert the following:

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

For an additional amount for "Access Highways to Public Recreation Areas on Certain Lakes", $10,000,000, to remain available until September 30, 1983.

On page 115, line 13, after the period, insert the following:

The Secretary of Transportation is hereby authorized to expend proceeds from the sale of fund anticipation notes to the Secretary of the Treasury and any other monies deposited in the Railroad Rehabilitation and Improvement Fund pursuant to sections 502, 505-507 and 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210) as amended and section 803 of Public Law 95-620 for the uses authorized for the Fund, in amounts not to exceed $10,000,000.

On page 116, after line 4, insert the following:

After reserving funds for the grant agreements executed prior to March 10, 1981, for the remainder of fiscal year 1981, the Secretary shall obligate available funds up to the extent of the entitlements which existed immediately prior to March 10, 1981, and on the basis of the rail transportation needs to be addressed by the project to be funded.

On page 116, strike line 12, through and including line 16, and insert the following:

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Conrail Workforce Reduction Program, to remain available until expended, $15,000,000 which shall be transferred to the United States Railway Association in accordance with section 405(b)(1) of Public Law 96-448, of which $5,000,000 shall be derived by transfer from "Rail Service Assistance".

On page 117, strike line 1, through and including line 15;

On page 117, strike line 18, through and including the period on page 118, line 2;

On page 118, after line 5, insert the following:

PAYMENTS TO THE ALASKA RAILROAD REVOLVING FUND

For an additional amount for "Payments to the Alaska Railroad Revolving Fund", $2,000,000 to remain available until expended.

On page 118, line 14, strike ": *Provided*", through and including line 19.

On page 119, strike line 2 through and including line 12;

On page 119, line 17, beginning with "238,500,000", through and including "introduction", and insert the following:

"$220,000,000 shall not become available for obligation until October 1, 1981";

On page 120, line 9, strike "$20,700,000", and insert "$24,700,000";

On page 120, line 13, strike "$50,000,000", and insert "$65,000,000";

On page 121, line 4, strike "$600,000" and insert "$1,000,000";

On page 121, line 9, strike "$27,900,000" and insert "$20,000,000";

On page 121, after line 10, insert the following:

INTERSTATE COMMERCE COMMISSION

PAYMENTS FOR DIRECTED RAIL SERVICE

(TRANSFER OF UNEXPENDED BALANCES)

For necessary expenses for "Payments for directed rail service", $2,500,000, to be derived by transfer from Interstate Commerce Commission, "Salaries and expenses", to remain available until expended.

On page 121, line 22, strike "$1,500,000" and insert "$2,000,000";

On page 122, beginning with line 17, strike all through and including line 21, and insert the following:

(TRANSFER OF FUNDS)

For an additional amount for the Secretary of the Treasury for "Investment in Fund Anticipation Notes", $10,000,000 to be derived by transfer from "Rail Service Assistance", to remain available until September 30, 1982.

On page 123, strike line 8, through and including line 16 on page 124;

On page 124, after line 18, insert the following:

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $10,000,000, to be used for the implementation of the Air Module Concept; including acquisition (purchase of four), operation and maintenance of aircraft.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICE AND RETURNS PROCESSING

For an additional amount for the tax counseling for the elderly program (TCE), $500,000. This additional amount shall be used to retroactively reimburse volunteer tax counselors for personal and administrative expenses incurred during the past 1980 income tax filing season.

On page 128, line 6, strike "$150,000,000" and insert "$135,000,000";

On page 128, after line 22, insert the following:

INTERGOVERNMENTAL PERSONNEL ASSISTANCE

(RESCISSION)

Of the funds provided for the Intergovernmental Personnel Act Grant program for fiscal year 1981 in Public Law 96-536, $5,600,000 are rescinded: *Provided*, That no funds appropriated or made available by this or any other Act shall be available to fund the Intergovernmental Personnel Act Grant program after June 5, 1981.

On page 130, after line 16, insert the following:

GENERAL PROVISION

None of the funds made available to the Department of the Treasury by this resolution shall be used to implement changes shortening the time granted, or altering the mode of payment permitted, for payment of excise taxes by law or regulations in effect on January 1, 1981.

CHAPTER XIII

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia", for the fiscal year ending September 30, 1981, $4,600,000, as authorized by section 502 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 812; D.C. Code, sec. 47-2501d).

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

For a reduction in the amount for "Governmental direction and support", of $3,665,500 in current authority: *Provided*, That any program fees collected from the issuance of debt shall be available for the payment of

expenses of the debt management program of the District of Columbia.

ECONOMIC DEVELOPMENT AND REGULATION

For an additional amount for "Economic development and regulation", $19,400 including an increase of $3,527,300 in new authority and a reduction of $3,507,900 in current authority.

PUBLIC SAFETY AND JUSTICE

For an additional amount for "Public safety and justice", $2,919,400 including an increase of $3,874,900 in new authority and a reduction of $955,500 in current authority.

PUBLIC EDUCATION SYSTEM

For an additional amount for "Public education system", $2,662,700 including an increase of $2,970,000 in new authority and a reduction of $307,300 in current authority.

HUMAN SUPPORT SERVICES

For an additional amount for "Human support services", $20,922,000 including an increase of $7,300,000 in new authority and an increase of $13,622,000 in current authority: *Provided*, That $3,500,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation.

TRANSPORTATION SERVICES AND ASSISTANCE

For a reduction in the amount for "Transportation services and assistance", of $2,724,900 including an increase of $4,432,100 in new authority and a reduction of $7,157,000 in current authority.

ENVIRONMENTAL SERVICES AND SUPPLY

For a reduction in the amount for "Environmental services and supply", of $121,600 in current authority.

WATER AND SEWER ENTERPRISE FUND

For an additional amount for "Water and sewer enterprise fund", $3,017,800 including $1,307,600 in new authority and an increase of $1,710,200 in current authority.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For establishment of the Washington Convention Center Enterprise Fund, $382,600 in current authority.

On page 134, after line 7, insert the following:

SENATE

"Salaries, officers and employees", $11,740,000;

"Office of the Legislative Counsel of the Senate", $80,000;

"Office of Senate Legal Counsel", $40,000;

"Senate Policy Committees", $131,000;

"Inquiries and investigations", $1,627,000;

"Folding documents", $11,000;

On page 135, line 25, strike "$114,000" and insert "$106,000";

On page 136, after line 13, insert the following:

" 'Senate office buildings, $448,000;' ";

On page 137, line 7, strike "$7,000 and in addition,";

On page 142, line 24, strike "$16,988,000" and insert "$18,588,000";

On page 144, line 8, strike "$20,000,000"; through and including line 12, and insert "$22,116,000";

On page 144, line 20, strike "$1,067,132,000" and insert "$1,079,432,000";

On page 144 line 22, strike "$743,183,000" and insert "$745,583,000";

On page 144, line 24, strike "$235,614,000" and insert "$236,714,000";

On page 145, line 6, strike "$103,303,000" and insert "$104,803,000";

On page 146, line 21, strike "$497,000" and insert "$4,497,000";

On page 147, after line 10, insert the following:

"Federal Energy Regulatory Commission";

" 'Salaries and expenses, $2,031,000' ";

On page 147, after line 17, insert the following:

" 'Health Services', $5,310,000";

On page 147, after line 19, insert the following:

"Center For Disease Control";

" 'Preventive Health Services', $2,000,000";

On page 147, after line 24, insert the following:

NATIONAL INSTITUTES OF HEALTH

"National Cancer Institute", $3,479,000;

"National Heart, Lung, and Blood Institute", $1,375,000;

"National Institute of Dental Research", $419,000;

"National Institute of Arthritis, Metabolism, and Digestive Diseases", $1,124,000;

"National Institute of Neurological and Communicative Disorders and Stroke", $794,000;

"National Institute of Allergy and Infectious Diseases", $952,000;

"National Institute of General Medical Sciences", $149,000;

"National Institute of Child Health and Human Development", $666,000;

"National Eye Institute", $244,000;

"National Institute of Environmental Health Sciences", $426,000;

"National Institute on Aging", $282,000;

"Research Resources", $43,000;

"John E. Fogarty International Center for Advanced Study in the Health Sciences", $58,000;

"National Library of Medicine", $339,000;

"Office of the Director", $524,000;

On page 149, after line 7, insert the following:

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

"Assistant Secretary for Health", $1,062,000;

HEALTH CARE FINANCING ADMINISTRATION

"Program management", $3,000,000 to be derived by transfer from the "Federal Hospital Insurance Trust Fund" and the "Federal Supplementary Medical Insurance Trust Fund";

On page 149, after line 20, insert the following:

"Office of Human Development Services";

" 'Human development services', $1,116,000";

On page 150, strike line 9;

On page 150, line 15, strike "$20,494,000" and insert "$27,066,000";

On page 153, strike line 21;

On page 153, line 23, beginning with "to" strike all through and including the comma on line 24;

On page 154, line 6, beginning with "to" strike all through and including line 8;

On page 154, line 10, beginning with "to" strike all through and including line 12;

On page 154, line 14, beginning with "to" strike all through and including line 16;

On page 154, line 18, beginning with "to" strike all through and including line 20;

On page 154, line 22, beginning with "to" strike all through and including the comma on line 24;

On page 157, line 3, strike "$100,000" and insert "$216,000";

On page 158, line 9, strike "$265,205,000" and insert "$258,967,000";

On page 158, line 14, strike "$7,917,000" and insert "$7,785,000";

On page 158, line 17, strike "$1,591,000" and insert "$2,106,000";

On page 158, line 18, strike "$15,659,000" and insert "$14,267,000";

On page 158, after line 20, insert the following:

"Action";

" 'Operating expenses, Domestic Progams', $460,000";

On page 162, line 10, strike "$9,585,000" and insert "$9,846,000";

On page 162, line 24, strike "$4,759,000" and insert "$3,259,000".

On page 163, line 1, strike "$759,000" and insert "$1,759,000";

On page 165, beginning with line 16, strike all through and including line 2 on page 166;

Mr. BAKER. Mr. President, I thank the minority leader and the distinguished chairman of the committee, and I thank all Senators.

I observe that we now have disposed of 392 of the 400 committee amendments, and I am grateful for that accomplishment.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Washington (Mr. JACKSON) for his courtesy in yielding.

Mr. JACKSON. I thank the Senators.

Mr. President, I should like to draw attention to several issues considered by the Appropriations Committee and recommended for reduced levels of funding. I believe that three programs of particular concern to me have been addressed more adequately by the House in its version of this supplemental appropriation bill.

First, Mr. President, I wish to call to the attention of the Senate the eruption of Mount St. Helens just over 1 year ago brought to the congressional delegations of Washington and Oregon a very unique challenge. No one ever could have anticipated the variety of problems faced as a result of the eruption itself or the subsequent ashfall. We still face many difficulties and unusual situations. The salvage of downed timber is one such situation. It has been addressed in the House version of this bill through an additional $15.9 million appropriation to the Forest Service for the restoration and construction of logging roads near the mountains.

I have said that this situation is, indeed, unusual. Under normal circumstances, the costs of road construction are factored into the bidding price of Forest Service timber sales. As the timber is harvested, the roads are extended. Where there are no roads, the trees are left standing. Unfortunately, Mount St. Helens not only cut down for us the timber in places where there yet were no roads, it wiped out the roads we did have. If the Forest Service were to proceed with road construction under the normal practice, the blown-down, deteriorating timber never would be salvaged in time. We need these roads constructed first so that we can get to as much of the salvageable timber as possible and appropriate, keeping in mind that the Government will still recover the costs of reconstruction when the salvage sales have been bid, harvested and sold. If we do not have the funds to construct the roads, the timber will deteriorate and the profits from the sales will be lost forever.

Mr. President, it is my understanding that the administration has not requested additional funds for reconstruction of roads at Mount St. Helens even though it is fully aware of the problem. I understand that efforts within the Department of Agriculture to reprogram moneys from other sources for this situation are being considered. I am skeptical that these efforts will be sufficient but also want to cooperate with the judgment of the Senate committee and want to take every opportunity to avoid an additional appropriation.

I will be following the situation very closely.

I ask the distinguished chairman of the Appropriations Committee his understanding of this problem and cooperation in monitoring and reprograming activities of the Department. I hope the problem either is resolved quickly or brought to the attention of the Senate conferees so that we may have the sympathetic concern and support of the Senate conferees when this matter comes up in conference.

Mr. HATFIELD. Mr. President, if the Senator will yield, I am happy to respond.

Mr. JACKSON. I am happy to yield.

Mr. HATFIELD. The Senator from Washington State has certainly identified one of the major issues relating to the consequences and the aftermath of Mount St. Helens eruption about a year ago this week. The Senator can correct me if I am wrong, but I think we had about 100 square miles of devastation there of rich forest lands which are one of the greatest in the whole country. As a consequence, the question arose as to what can we salvage of the blowdown and the damaged timber and so as a consequence of that we put $25 million in the fiscal 1980 supplemental to salvage that.

The question arose as to the time frame in which we had to do it. The Senator realizes that under the normal road construction of the Forest Service program there has to be appropriation, programing, bidding, and so forth.

What we did then in order to expedite that in 1981 we transferred $22½ million and added to the $25 million of the Forest Service budget. We transferred $22½ million from the Alaska program that was still in excess in order for the Forest Service to be able to provide for expedited road construction. Road construction would be under the aegis and responsibility of the private companies, and that would be sort of up-front money that would be returned so that that money would be available for that kind of expedited roadbuilding.

We have put this not only in the fiscal year 1981 supplemental of $22 million by transferring it from the Alaska program but we also have put in report language that would indicate our expectation that this would be considered as what we call up-front money to expedite the road construction, thereby expediting salvage.

So we, I believe, are pretty much on top of this, I say to the Senator, and certainly agree with his concern and share that concern, and I am hoping that in conference we can keep this kind of momentum for the salvage operation.

Mr. JACKSON. Mr. President, the critical thing is to get the road money, whether it is reprogramed or by whatever means.

Mr. HATFIELD. Exactly.

Mr. JACKSON. The distinguished chairman of the committee I know is keenly aware that time is of the essence here. The spoilage that will occur is not more than 2 years away, and we would be losing hundreds of millions of dollars of valuable timber, and the roads are a precondition to the removal of that timber.

Mr. HATFIELD. That is right.

Mr. JACKSON. All I am suggesting is that we work out a full understanding when the conferees meet on this particular issue so that one way or the other we are going to have the roads available to address the salvage problem in a timely fashion.

Mr. HATFIELD. I say that the Senator has not only my personal assurance but also that of the chairman of the subcommittee handling the Interior budget as well as the Forest Service budget. Senator MCCLURE of Idaho is an expert in this area of natural resource management as well. So as two conferees I can assure the Senator from Washington State that we will be strong advocates in the conference for fulfilling this commitment.

Mr. JACKSON. I thank the Senator.

Mr. President, I now wish to turn to the second item.

I am particularly distressed about the committee's recommendation to approve the Reagan administration's proposed rescission of $38,194,000 for the Youth Conservation Corps program.

I know the Senator, the chairman of the committee, is well aware of our longtime support for this program. He has been one of the staunchest advocates of it. It is a program which I authored many years ago. I believe in the YCC and the premise on which the program was established, that valuable conservation work on our Nation's public lands can be accomplished through the employment of the young people of this country.

The YCC has become a vital entity in the ongoing management picture of our national parks, forests, wildlife refuges, and other recreation lands. This program represents the least expensive way to accomplish essential resource and visitor management projects. In many instances, cutbacks in regular budgets and reductions in personnel have made it impossible for the land managing agencies to complete essential resource management, visitor safety, and visitor service projects without the assistance of the Youth Conservation Corps.

For example, in the last 3 years, the acreage in the National Park System has more than doubled. At the same time, despite soaring inflation, significant portions of the Park Service budget have actually been reduced and the agency has lost several hundred employee positions. These factors and others combine to make the YCC the only means of accomplishing a number of projects essential to Park operations. Without YCC assistance, many national parks will suffer severe resource deterioration and damage—a condition that everyone, including the present administration, agrees is unacceptable.

In terms of return on investment, there is no question that the YCC is cost effective. Comparing the appraised value of the work accomplished to the cost of the program, the taxpayers have consistently received more in terms of the value of service than it has cost to provide that service. In addition, YCC enrollees themselves benefit from the environmental education component of the program, gain a variety of work skills, and are given an opportunity to work with other young people of differing backgrounds.

Mr. President, in its report on the measure before us, the Appropriations Committee finds that because this program is not targeted to aid disadvantaged or low income groups, it must be reduced. While I am disturbed by implication that only targeted programs are worthy of funding in tight budget times, I am even more concerned about the apparent lack of understanding of what is being proposed in the committee recommendation before us today. This is not a reduction in the program, Mr. President; it is the elimination of the YCC. The committee report talks about reducing the program in fiscal year 1981. I could accept such a reduction; something along the lines of what the House has already proposed.

The House-passed bill effectively cuts the program in half in fiscal year 1981 by proposing to rescind $30 million. This represents a 50-percent reduction, Mr. President. I think such an accommodation more than recognizes the budgetary constraints under which we are operating. To go further, as we are being asked to do today, is unwise and unnecessary.

I am especially concerned about the committee's adopted language directing that the affected Federal agencies use those funds remaining after the rescission to close out the program. Such language is certainly contrary to the action of the Committee on Energy and Natural Resources taken last week regarding, as the chairman will recognize, reconciliation.

At that time, the committee adopted an amendment offered by Senator HEINZ making it clear that the committee supported a modest shifting of funds within the natural resource budget function so that certain programs could be funded in fiscal year 1982—contrary to the administration's recommendations. One of those programs targeted specifically by the committee was the Youth Conservation Corps. While the committee recognized the fact that the program would certainly be cut—only $30 million was made available instead of the $60 million authorized—it was clearly the committee's intent that the program be continued—not terminated.

I would hope that some accommodation can be reached in conference so that this program could be continued.

So I hope that in conference, the House having put in $30 million, that the distinguished chairman of the committee would give his sympathetic support for a resolution of this matter so that the program will not come to an end.

I think it would be a mistake and it is indeed contrary to the expressed position which was a unanimous expression on the part of the Energy and Natural Resources Committee.

Mr. HATFIELD. Mr. President, if I may respond to the Senator, this is one of those situations that we frequently find ourselves in in wearing two hats. One hat is as a member of the Energy and Natural Resources Committee and the other hat as a member of the Appropriations Committee.

Let me say to the Senator that the Senate did agree with the President's proposal to excise, in effect, the program by rescinding the $38 million figure that the House had rescinded $30 million, so we have, in effect, about a $8 million differential, but the total amount available will probably be about $10 million.

It, I think, probably is more a philosophical issue than it is a budgetary matter or it is of equal concern. The philosophical question is that the people and the persons most needy in such a program have not been targeted by the criteria or the way in which the program has been administered, and namely, to explain this a little further, it is considered that those who have economic means to have constructive experiences in camps or woods, or whatever it might be, should not be included in a program of Federal funding or subsidized and, therefore, that those who are really without alternative resources or without need, such a program should be targeted for that particular segment of our population.

So that was one of the issues that was raised that I think probably had a great deal of influence on the part of the appropriations subcommittee in supporting the President's proposal to excise and to suggest a closed shop.

It in no way forecloses the possibility of a program of this character being devised and created to target those young people in our country who have no economic wherewithal or no means to have this kind of experience but rather to separate that group from those who have alternative resources and other means.

So as I say it is both a budgetary action but as well it represents, I think, a philosophical viewpoint.

Mr. JACKSON. I say to the distinguished chairman that I understand. We went through this over the years, as the Senator will recall, in the various reauthorizations of the program.

I must say that the contribution that has been made here, in which we have a mix between the youngsters who come from middle-class families and the youngsters who come from the deprived, is that mix that has made this program a success.

The problem with the Job Corps is they are dead-end kids. They are all dead-end kids and the result is it is a program of despair, and I think the lesson that we have learned here is that there is a contribution to be made by the children from the middle class of our society to the youngsters who come from the poor side of the family.

May I just add, too, and I am sure my colleague would agree with me, that all we have to do is look at who attempted to assassinate the President of the United States. He did not come from a poor family. The problems that arise in our society more and more, involving some of the most distressing situations, do come from the affluent side of the street.

So the effort we have tried to make in connection with this program is to bring a better balance so that both groups can be assisted.

Finally, as the chairman knows, our national parks, our national forests, wilderness areas, are in need of maintenance, and likewise the States through their park systems have been the beneficiaries of this effort.

To me it is vital not only in terms of human resources, resources of our young people, but, of course, our national resources, as well.

Mr. HATFIELD. Mr. President, I want to say I appreciate what the Senator from Washington has stated. I would associate myself with most of what he has said with respect to the benefit that comes from the mix of having people from middle incomes and lower incomes working together.

I have visited a number of camps in our State, as I am sure the Senator from Washington has visited the camps in his State, and I think it has been a very excellent program.

I also know the Senator from Washington knows that I asked for and received a GAO report on the operation and maintenance problems of our national parks, and that report indicates very, very serious deficiencies even to the point of endangering life and health of those who would use our parks. So the need is obviously there.

How are we going to deal with that, I have talked with the Secretary of Interior, Mr. Watt, about that problem, and I think we are going to have to deal with it not only in dollars but in the person power to actually implement whatever program of reconstruction and restoration we have to ultimately undertake. It may be at that point that this kind of a program would find new life or find new support.

But I can say to the Senator at this time it is in a time of fiscal restraint, budgetary restrictions, that a tradeoff was made of the sociological value for budgetary or economic, and who knows in the long run of the wisdom of that tradeoff. But I think that is basically where we are at this point.

Mr. JACKSON. I hope in the conference the Senator will certainly give full consideration to what the House has done in trying to keep the program alive so that we do not lose the experience and the good people who have been involved in this. It is not a lot of money in terms of the benefits that are involved to people and to the maintenance of our natural resources system.

(Mr. MATTINGLY assumed the chair.)

Mr. JACKSON. Mr. President, one final item: The Appropriations Committee has approved a subcommittee recommendation that a $10 million rescission of funds for the fishing gear adjustment program in Washington and Oregon proposed by the administration be increased to $15 million thus eliminating this important program for non-Indian fishermen. I strongly disagree with this recommendation and hope that our representatives to the conference committee are aware of the impact of this minor, but important funding cut.

Congress previously has been asked to consider the complex Indian fishing rights controversy in Washington State, most recently during the passage of the Salmon and Steelhead Conservation and Enhancement Act of 1980. I need not review now the economic hardship that has befallen the non-Indian commercial fishermen of my State as a result of Federal court interpretations of Federal Indian treaties allocating one-half of the harvestable fishery to the tribes. It is sufficient to say that the hardship is extreme. Wholesale bankruptcies are common.

Mr. President, this gear reduction program works. It was successfully tested under a small grant from the Economic Development Administration while President Ford occupied the White House. It was identified as beneficial, effective, and necessary during the previous administration. And, as I indicated, the current administration has expressed in an April 8 letter from OMB Director David Stockman to me that it believes "that $5 million in 1981 Federal funds is an appropriate level for this gear and ship by-back program."

The fishing gear adjustment program is designed to voluntarily remove unwanted and unproductive fishing capacity and licenses from an already-overcrowded non-Indian fishery. New licenses are no longer issued. By voluntarily removing capacity, those non-Indians remaining in the fishery will finally be able to make a viable living at their profession.

It is necessary to put this funding in perspective. A Cabinet-level Task Force appointed by President Carter recommended that $60 million be appropriated for the gear adjustment program. The last Congress reduced this recommendation by authorizing $37.5 million in fiscal year 1982 and appropriating $15 million in fiscal year 1981 for the program. The House supported by the administration, seeks to provide only $5 million of this previous commitment.

Mr. President, some people believe we have a hopeless situation. Some people believe that a $60 million problem cannot be effectively reduced by a $5 million appropriation. I can assure my colleagues in the Senate that our fisheries managers know the economic constraints of Congress. They also know that the

gear adjustment program is extremely effective at its initial funding levels in voluntarily reducing the number of outstanding commercial fishing licenses. By voluntarily retiring licenses, the Senate can prevent the otherwise inevitable reentry of capacity as our fishery improves—and do so in a most-cost-effective manner. Large funding amounts would be necessary to remove significant fishing capacity now, but $5 million will go a long way toward reducing chronic overcapacity in the future. It is extremely important.

Mr. President, I would like to ask the chairman, particularly those Members who will be negotiating with the House, to be sympathetic with this funding need. It was included—I emphasize that, it was included—in President Reagan's budget. It is a significantly reduced figure from our previous appropriation. It is a figure included in the House-passed version of this bill, and it affects the fishermen, as the chairman knows, in a vital way in Washington and Oregon.

Mr. HATFIELD. The Senator is quite correct. This is a figure that was $15 million; the House rescinded $10 million, the Senate has rescinded $15 million, leaving $5 million in conference.

I say to the Senator I recall when his former colleague and our good friend, Senator MAGNUSON, acting on behalf of the Senator from Washington State (Mr. JACKSON), and himself added the $15 million to the appropriation measures some years ago with which to aid the salmon fleet from the State of Washington based on the Belloni-Boldt decision. These are two separate judges.

If you will recall, at that time it was to assist the fishermen from the State of Washington only, whereas there were fishermen from other States affected or at least from the State of Oregon affected by the same decision on an Indian treaty.

The thinking behind the rescission on the part of the Senate subcommittee was simply one that follows this line of logic: We have today some very strong evidence that there is vast overcapitalization of salmon fleets around this country or of other fishing craft, fishing for other species.

We have had Federal policies that have affected the Northeastern fisheries in setting quotas. We have had other Federal action that has impacted upon the fishing economy generally. The gulf people in the shrimp boats are also in great distress.

So the thinking was what we ought to do rather than deal with a proposal for the relief of the fishing fleet within one State, that we ought to develop a comprehensive program that would apply to the fisheries wherever they might exist under similar circumstances of impact upon their industry outside of their own control, outside of their own making.

There is going to be a time lag if the Senate position prevails, and by the time a new program, if a new program comes along, is in place, and I recognize that problem.

I will want to say to the Senator that I recognize the specific problem he faces now in Washington State and, as a neighbor, I certainly will be sympathetic to that. But I do not want to offer any hope or any expectations, any high expectations, that we are going to be able to prevail as the Senator has requested.

But I do think the issue is far broader than just the State of Washington, and one that should be addressed from a national perspective as well.

Mr. JACKSON. I appreciate the Senator's comments. My only concern is that, of course, this grows out of the Boldt decision primarily, and it is an attempt to alleviate a very unfair situation that we have with our fishermen losing their livelihood, and I only hope that this special problem will be treated that way as the administration included the funds in the budget for it.

Mr. HATFIELD. I want to thank the Senator for raising the point. They have been very helpful, and it will strengthen the conferees as we meet with the House after the holiday.

Mr. JACKSON. I yield the floor, Mr. President.

Several Senators addressed the Chair.

Mr. HATFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. Mr. President, I was under the impression that after the colloquy I would be recognized, as the manager of the bill, for the purpose of yielding to the Senator from Kansas (Mr. DOLE) for the purpose of comment. Is that correct?

Mr. MOYNIHAN. That would be, in any event, entirely agreeable.

The PRESIDING OFFICER. There is no agreement to that effect.

Mr. HATFIELD. Well, then, I have not been given the right information.

Mr. President, if I do have the floor, I yield, if it is all right with the Senator——

Mr. MOYNIHAN. Mr. President, I wonder if the distinguished manager of the bill would allow me to make an inquiry. There are 30 minutes remaining. There are two Senators on our side who wish to speak. I know the distinguished Senator from Kansas wishes to speak. I welcome the fact that there will be one speaker in opposition. I thought perhaps there would be none.

But can we have some agreement about how this time might be divided, an informal agreement?

Mr. HATFIELD. Mr. President, I would say to the Senator from New York that, as the manager of this bill, I believe we have been on this now for approximately 2 hours and we have had no speaker, to my knowledge, from our side. So that I think a time agreement of 25 minutes and 5 minutes would be perhaps equitable at this time.

Mr. MOYNIHAN. Mr. President, no speaker has appeared until now.

Mr. DOLE. I was here earlier.

Mr. HATFIELD. Mr. President, I respectfully disagree with the Senator. We have had Senators on the floor, the Senator from Colorado (Mr. ARMSTRONG) and the Senator from Kansas (Mr. DOLE).

Mr. MOYNIHAN. Mr. President, may I say that I am not, at least, aware of any speaker in opposition having requested the floor. I wonder if I might inquire of the Chair whether I am wrong in that regard.

The PRESIDING OFFICER. The Chair does not keep track of who is on the floor.

Mr. MOYNIHAN. I know of no one who sought recognition. We are using up our time. I wonder if we could not split the time.

Mr. DOLE. That is a split.

Mr. ROBERT C. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. HATFIELD. Mr. President, I would be very willing to split the time on which I think the overall issue has been debated here today so far of 25 minutes to the opposition side and 5 minutes to the proponents of this amendment. Would that be a fair and equitable division?

Mr. MOYNIHAN. That is what we are beginning to learn is the view of the majority is fair and equitable. But it seems more like 5 to 1 to me

Mr. HATFIELD. Well, 2 hours and 5 minutes versus 25 minutes.

I yield to the Senator from Kansas.

Mr. KENNEDY. Regular order, Mr. President.

Several Senators addressed the Chair.

Mr. KENNEDY. Regular order, Mr. President.

Mr. ROBERT C. BYRD. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I do not want to hold the floor, but a Senator can only yield for a question. I was expecting the distinguished majority leader. If the Chair would indulge me momentarily.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The minority leader has the floor.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, the distinguished Senator from Oklahoma wishes to speak to the amendment. I am happy to yield to him for that purpose.

Mr. BOREN. Mr. President, I thank my colleague from New York.

Mr. President, I am happy to join with my distinguished colleague from New York in cosponsoring the amendment which is now under consideration. It is my privilege to serve with him as a member of the Subcommittee on Social Security and Income Maintenance Programs which considers all social security legislation.

I think, in this instance, the Senator from New York has presented an amendment which is worthy of the support of each one of us. We all realize that action must be taken to make the social security system more secure for the future. Fairer alternatives can be found than those recently proposed by the administration.

In addition, experts have indicated that recent proposals cut twice as much as is necessary to cure the deficit in the fund. As it considers various options to accomplish this goal, it is my hope that

the Congress will be very careful not to cut the programs in a way which would leave our senior citizens the helpless victims of inflation.

While I have strongly supported the President's efforts to cut total spending and voted for the budget resolution which he endorsed, I believe that some of the recently proposed cuts in the social security benefits go too far and would cause the elderly and the truly disabled to make more than their fair share of sacrifice.

I am particularly troubled by the proposed 3-month delay in the cost-of-living adjustment and an additional waiting period for the persons who have been found to be disabled before they can start drawing benefits. In good conscience, I simply cannot support those proposals.

In addition, I am concerned that any provision which penalizes early retirement be reasonable and take into account the special problems of persons who retire earlier because they have worked in jobs demanding hard physical labor. It is often hard enough for people working their jobs like farming, construction, and oil field work to make it to age 62 without having someone bound to a desk in Washington, not familiar with their problems, telling them to make it to age 68.

There are many other actions which we can consider to preserve the solvency of the social security system, making sure that benefits do not outstrip increases in the wages of those now working and contributing to the system and many others.

But, in this instance, the proposals go too far. I do not think they are in keeping with what the American people would want them to be. While the vast majority want welfare abuse stopped, I do not believe that the people of this country want to cut aid to the elderly and the disabled who are having a desperate time.

Let us put welfare recipients who are able to work to work. Let us stop the abuses in the food stamp program and others. But, at the same time, we must be careful not to pull the rug out from under the elderly and disabled.

Mr. President, I think that the amendment of the Senator from New York speaks directly to that point. I am proud to cosponsor it and to endorse its contents.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I do very much appreciate the observation which the Senator from Oklahoma, my good and learned friend in these matters, has given. He is a man who has governed a State, has dealt with the problems of the aging, the disabled, the needy. He has spoken with a compassion and directness on this matter. I am proud to be associated with him.

Mr. KENNEDY. Will the Senator yield.

Mr. MOYNIHAN. I yield.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I too, join with the Senator from New York on this particular venture. I do so briefly today, but I will continue to do so over the course of the debate on social security in the days and weeks ahead. The reason for the proposal of the Senator from New York I think can be broken down into three simple but very important concepts.

First of all, the proposal of the administration is unfair. It will see a 43-percent reduction in the lifetime social security benefits for those who retire early. We know from the Social Security Administration's own studies and from studies conducted by the National Commission on Social Security that 75 percent of those who retire at 62 years of age retire because of health reasons or because they lack job opportunities.

We are asking no other group of people in our society to take a 43-percent reduction in income. Under the administration's proposal, we are asking that of the early retirees.

Second, the proposal is excessive. I think all of us understand that there are important and serious financial questions about the integrity of the social security fund. All of us in this body are committed to reaching fair and equitable solutions to that problem—but that does not require any precipitous or immediate reduction in benefits. But if we were to accept the proposals of the administration we find that the savings are more than double the shortfall that is anticipated in the future.

So the proposals of the administration are excessive.

Finally, Mr. President, I think they involve a very fundamental and basic breach of faith to those who had planned to retire early. I have a room full of mail from individuals in my own State and from other parts of the country, individuals who had planned to retire early. So it is a breach of faith to those individuals and I believe it is a breach of faith to individuals who have been contributing to the social security fund and in the future would find the President's proposals sharply reducing their benefits.

Mr. President, as I stated, I rise in support of the resolution rejecting President Reagan's proposals to drastically reduce social security benefits. The recommendations constitute a breach of faith with the Nation's 36 million social security beneficiaries and a breach of faith with 110 million workers who are contributing today for their own retirement years.

The Reagan proposals are unfair, excessive, and unnecessary.

They are unfair because they penalize those workers who will not reach the age of 65 by January 1982, millions of workers who have been planning to take early retirement because of health or unemployment.

For those not yet 62 these proposals will mean a 43-percent reduction in lifetime social security benefits. It will condemn millions of Americans who have worked all of their lives to a retirement in poverty.

It is unfair to the disabled who will suffer nearly a one-third reduction in benefits and it will deny countless chronically ill individuals any disability benefits at all.

And it is unfair to all social security recipients who would be told that they will suffer a lifetime reduction in their cost-of-living adjustment.

The Reagan package of social security cuts also are far in excess of the additional amounts needed to meet the cost of estimated benefits now or in the near future. By 1986 these proposals would take between $82 billion and $111 billion away from social security recipients. Even the most pessimistic calculations show that the social security problems between now and then could be met by borrowing between the three social security funds and a modest infusion of additional revenues. If none of these more appropriate actions were taken the deficit in the trust funds would be barely half the amount that Reagan's proposals will take from the elderly.

These proposals have never been suggested before or studied before or analyzed before and they are opposed by virtually every knowledgeable expert familiar with the social security system.

We know that the short-term problem of the fund relates directly to the failures of the economy. Each 1 percent of unemployment reduces revenues to the trust fund by $2 billion a year. Each additional percent of inflation translates to $1.2 billion in additional social security benefits. Restoring the economy is essential. But penalizing the Nation's elderly in a misguided attempt to effect economic recovery is wrong.

The President promised that there would be a safety net for the most vulnerable members of our society. It was never perceived as much more than rhetoric. These proposals to severely undermine the security of our senior citizens demonstrate that there was never even a semblance of commitment to the concept of a safety net for the poor, the elderly, and the needy.

I join in commending the Senator from New York.

Mr. MOYNIHAN. Mr. President, what the Senator from Massachusetts has said is exactly right. The question here is a breach of faith for 35 million Americans now in the system and another 90 million coming along. The issue could not have been stated more clearly.

Does the Senator from Hawaii wish to ask a question?

Mr. MATSUNAGA. Will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. MATSUNAGA. I thank the Senator for yielding. As a cosponsor I rise to join the Senator from New York, the Senator from Massachusetts, and the distinguished minority leader in support of the amendment now pending.

Mr. President, if we examine the nature of civilizations of the past and present, we will find that the greatness of any nation can be accurately measured by the degree to which the nation cared for and cares for its elderly.

Here is a case where the President campaigned on the promise that there would be a safety net for the elderly. But the proposal which has come before us from the White House is something unconscionable. It is, as has been stated, a breach of faith, and we must keep faith with our elderly citizens if we want

this society of ours to go down in history as a great one. We can contribute to this cause today by adopting the pending amendment.

Mr. MOYNIHAN. I thank the Senator.

Mr. BAKER. Will the Senator yield?

Mr. MOYNIHAN. I yield.

ORDER FOR VOTE AT 3:15 P.M.

Mr. BAKER. Mr. President, it is now 2:45 and it is clear that the debate has not run its course. I ask unanimous consent that the vote on this amendment occur at 3:15 instead of 3 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Will the majority leader amend that unanimous consent to include 2 minutes for the senior Senator from Virginia?

Mr. BAKER. I have no objection.

Mr. President, I ask unanimous consent that the last 2 minutes of debate prior to the vote be allocated to the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I further ask unanimous consent that no amendment to this amendment be in order, and I ask unanimous consent that following on the vote on this amendment the Senator from Kansas (Mr. DOLE) be recognized to call up an amendment, and that no amendment be in order to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, reserving the right to object.

Mr. ARMSTRONG. Mr. President, reserving the right to object.

Mr. LONG. I am willing to vote on what the Senators would like to offer, but if no amendment would be in order, I think it would be nice for us to see the amendment so that we know what it is that we are agreeing to vote on which would not be subject to amendment. I would hope that prior to agreeing we could see the amendment.

Mr. BAKER. Mr. President, let me state to the distinguished Senator from Louisiana that, as always, or almost always, his point is well taken. I have cleared this with the distinguished minority leader after some considerable negotiations. However, in order to permit the distinguished Senator from Louisiana to examine the nature of the undertaking—there are really two undertakings—I will be glad to withhold the request until there is an opportunity to examine it further. I do not abandon that part of the request which has been granted to extend the time for the debate.

Mr. LONG. Mr. President, for all I know, this might be anything that we are agreeing to. I would like to know what it is that we are going to vote on.

The PRESIDING OFFICER. Does the majority leader yield the floor?

Mr. BAKER. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, the Senator from Kansas has had the opportunity to hear some of the anguished cries from the other side with reference to the social security system. I would say at the outset that we all agree that the social security system is in great difficulty. I would ask my colleagues to recall who has controlled this body for the last 26 years. It has been Members on the other side of the aisle. I think the record ought to state very clearly that we have a system that is in trouble. The social security system is in trouble. Those who now receive benefits or those who will receive benefits in the future stand to lose some of those benefits unless the Congress responsibly does something.

We may be able to play politics on the Senate floor, but that is not going to save the social security system. Whether you are an early retiree or somebody who is already receiving benefits, it is the view of this Senator that you should require that Congress do something. That is what this debate is all about.

For 26 years we have tinkered with the system. We have added programs to the system. This year we are spending $2.5 billion more than we are taking in. The system is on the verge of bankruptcy. What are we going to do about it?

There are three choices. We can raise the taxes. If you can find any working man or working woman in this country who wants to pay more taxes—and I assume that is one of the recommendations from the other side since the Democrats do not seem to want to do anything else—we can increase taxes.

We can finance it through general revenues. We do not have any general revenues. We have billions and billions of dollars of debt.

We can borrow from different funds in the social security system, from the D.I. fund, or the H.I. fund, and I suggest that is not a very good thing, except in the short term when it may be necessary.

So, to be responsible, a number of Senators in both parties, a number of House Members in both parties have said, "Let us take a look at the long-term solvency of the system and see what can be done."

Representative PICKLE, the chairman of the Social Security Subcommittee of the House Committee on Ways and Means, suggested a number of improvements, a number of changes. None of them is painless, Mr. President.

These resolutions are painless. We pass these by the dozen every year. Every year, we pass dozens of meaningless resolutions. What will it do for the system? Not a thing.

What will it do for the beneficiary in New York or Kansas? Not a thing. But it may go across the airwaves or in the printed media as some real hope to social security recipients.

The real hope, Mr. President, is trying to attack the problem. The problem is near insolvency. What are we going to do about it? We are not going to do anything about it by passing sense-of-the-Congress resolutions.

Mr. President, I suggest that the President has made a proposal. There are other proposals pending. Some in this body, I think some on both sides, would make the retirement age phase in from 65 to 68. How many people is that going to please who are now receiving social security?

Others would look at the early retirement. Others would tax benefits—not many in this body, but some have proposed that. The advisory commission on social security has a host of recommendations. The National Council on Social Security has a host of recommendations.

I suggest to my colleagues, Mr. President, and I do not suggest that considering this resolution will do any damage, but I suggest that, after all the politics—and we all understand politics—we must put our minds to addressing the real problem. That is how to protect the integrity of the system. In my view, it should be a bipartisan effort. In my view it will be a bipartisan effort. Today it is not particularly bipartisan, but this is only Wednesday. By Thursday or Friday or next week or next month, it may be bipartisan.

I know the Senator from New York wants to be helpful and I have read his resolution with interest. It does not preclude changes in the system. The amendment the Senator from Kansas will offer for Senator COHEN, Senator ARMSTRONG, Senator HEINZ, Senator ROTH, and others do not preclude changes in the system.

Mr. President, I suggest we ask ourselves a very difficult question. We all agree we are going to have to make some changes in the system. What those changes will be remains to be seen. The President has suggested some. Now the debate is in the public domain. Some things he suggests, I think, have great merit. Others have less. Maybe a few have little.

In any event, Mr. President, the President should be commended for facing up to a very difficult problem. That is, how do we preserve the rights of those who are retired or those who will retire under the system?

I am happy to yield at this point to the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I thank the distinguished chairman for yielding to me. I just want to echo his observation.

It is easy to criticize any specific proposal on social security reform. I just say this: There are only four possible options to what is going to happen to social security. Either we are going to raise the payroll tax or we are going to let the fund go bankrupt or we are going to adjust the eligibility or we are going to adjust the benefits.

I want to know if there are any Senators in this room who are going to announce they are willing to raise the payroll tax. The Senator from Colorado is not. I want to know if there is a Senator who is going to announce the fund is going to go bankrupt? The Senator from New York knows that that is what has happened in other countries, where they have this kind of pay-as-you-go system. I think that would be intolerable. All the experts say if we go on the way we are now, that is exactly the way we will end up and in a relatively few years.

So while I do not necessarily agree with all the details of the President's program, I think he has addressed, in a thoughtful and responsible way, the central concern of millions of Americans who are either now retired or have the

hope of retiring, based on the payments that they make to social security.

I tell you, Mr. President, I have talked to people out in my State and in other States as well. They are haunted by the fear that social security is going to go belly up. I do not think the Senate is going to let that happen. I do not think Congress will let that happen, and I know President Reagan is absolutely opposed to letting that happen.

So he has sent up to the Hill a proposal which makes sense. I do not endorse it in detail. I think it needs some fine tuning.

Mr. President, I really regret the Senator from New York has come forward with this particular resolution and with the tone of the resolution, which, it seems to me, makes is more difficult rather than more possible for us to arrive at a bipartisan consensus approach to this problem by its very nature.

I will say this—I think it is unfortunate that the administration sent this measure up to the Hill at the time it did. It arrived here just at the very moment when there had been a very spirited, very vigorous partisan dispute on another matter in which the President had won a big victory in the other body. The temptation, particularly in the other body, was just overpowering to take political potshots at the next thing that came over the horizon. It just happened to be the social security bill.

I understand that kind of political response, but I think at this moment—in fact, let me say, Mr. President, that I do not think a political response to a problem is necessarily a wrong response in every case. In this particular instance, this particular issue, it seems to me, is very ill-suited to partisan sharpshooting. We have a problem which stretches decades out into the future. The fund is in trouble in both the short and the long term. I think this is a moment when we all ought to back off a little and lower our profile a little.

We ought to follow the example, if I may say so, of the chairman and the subcommittee chairman of the Ways and Means Committee of the other body who are moving forward and who are expressing the desire of accommodation and moderation and conciliation, and work out a package that makes sense to the end that the social security system will be restored to solvency, will be put on a basis where no American ever has to wonder whether or not his social security check will come next month, next year, and for the rest of his life. That is the goal of the President: that is the goal, I think, of every Senator.

Mr. President, I honestly must say that I do not think the pending sense-of-the-Senate amendment really well expresses that need. I regret the overly inflammatory language of the resolution and I, for one, intend to join in sponsoring, with the Senator from Kansas, alternative language that I think expresses in a more positive tone the desire of Senators to restore social security to a sound basis.

Let me add, Mr. President, just as a final note, that it is my expectation, after consultation with the chairman of the Committee on Finance and the minority members of the Subcommittee on Income Maintenance, which I am privileged to chair, to announce hearings on the subject of social security reform at an early date. It will be my desire in those hearings, as it is today, to work out something we can all agree to and that will not be the subject of a partisan dispute or partisan vote.

Mr. COHEN. Mr. President, I want to associate myself with the remarks of the Senator from Colorado and the Senator from Kansas. We intend to offer the resolution at an appropriate time following the vote on Senator MOYNIHAN's amendment.

Let me say, Mr. President, I have heard the phrase, "breach of faith," used throughout the day today. I say that it would be a fundamental breach of faith to politicize the social security trust fund. That would be a breach of faith to the people of this country.

I say it would be a breach of faith—it has been a breach of faith, for the Congress of the United States over the years—to have allowed this trust fund to be placed in jeopardy as far as its solvency is concerned. We have added benefits without being able to pay for them. That would be a breach of faith.

It would be a fundamental breach of faith if we allowed this trust fund to go bankrupt. That would constitute a breach of faith.

As has been suggested, there are a number of suggestions and proposals being considered in both Houses.

We have one by Senator CHILES, a Democrat from Florida, who was courageous enough—and he represents a good many elderly in his State—to say that the trust fund is in trouble and it may very well be that we will have to extend the retirement age at some future time, perhaps beginning in 1990, from 65 to 68. That was a Democratic proposal.

Representative PICKLE, from Texas, also has made a similar proposal, and he is a Democrat.

A Republican in years past, BARBER CONABLE, in the House, proposed that perhaps we have to take some of the money out of part B of the medicare program and transfer that to the social security trust fund on a temporary basis, on a near-term basis, before we start raising taxes and putting higher taxes on the backs of our working people.

Now there is the Reagan proposal, which is being discussed and criticized so much, which would penalize some for seeking early retirement.

I maintain, Mr. President, that it is not enough to condemn the President for this proposal. I do not happen to share the belief that this is the way to go, but I do not believe we should start cursing the darkness. We are told we should start lighting a candle.

What we hope to do in the course of today is to light a candle on a bipartisan basis and have the Democrats join the Republicans and not politicize this issue, and see if we can come up with structural changes in order to maintain the solvency of the social security system. Let us not put fear into the older people of this country, especially on a partisan basis, that either they are going to have benefits cut back or the trust fund is going to fail. This kind of debate is debilitating and is contrary to the spirit which I believe should prevail if we are going to save this fund.

When the time comes to vote on the amendment of the Senator from New York, I hope we will vote to table or to defeat his amendment, but with the idea that we can join later in bipartisan support for a resolution which will recognize the serious difficulties facing the social security trust fund and in a bipartisan commitment to propose constructive alternatives to the present situation.

Mr. HEINZ and Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. GRASSLEY). The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, in view of the partisan wording of this resolution, I must cast my vote in opposition to it. As chairman of the Senate Special Committee on Aging, I know how important adequate social security benefits are to the well-being of older Americans. I also know how important the goal of achieving financial stability for the social security trust fund is to maintain the confidence of the American people that they will have some degree of economic security when they retire.

In my view, the administration has taken a first step toward addressing this critical goal. The package proposed last week by Secretary Schweiker addresses many reform issues in social security. It addresses both the short-term and long-term problems of financial solvency head on, based on worst-case economic assumptions. It avoids reliance on general revenue financing. It avoids increases in payroll taxes beyond those already scheduled. It protects the benefits of those now receiving social security from significant erosion.

I oppose some of the proposals, such as drastically reducing benefits at age 62, which strikes me as grossly unfair and precipitous.

Yet, I welcome the President's initiative, for it means that Congress can begin the necessary job of putting social security back on a sound basis. I also welcome the emphasis in the proposals on restoring incentives for continued employment for older Americans.

I believe that these proposals must be carefully studied by the Congress, along with other proposals for comprehensive changes to the system. Secretary Schweiker has already indicated that these proposals are made in the spirit of dialog with the Congress.

Certainly compromises and changes are essential and will take place as we consider the issue. This is a matter of the greatest concern to me and to my colleagues on the Finance Committee and on the Special Committee on Aging. I can assure those persons already retired and those close to retirement that we will sensitively address their legitimate expectations as we consider any changes.

Mr. President, as chairman of the Special Committee on Aging, let me announce for the benefit of the public and

my colleagues that I intend to hold hearings on this and other comprehensive proposals for reform of the social security system in the committee early this summer.

In closing, Mr. President, let me emphasize my deep regret that this resolution has been offered as a narrow and strictly partisan amendment to the appropriations bill. Indeed, I cannot recall, during my service in the Senate—which coincides with the period of service of my colleague and friend from New York—a more blatantly partisan resolution. If the job of shoring the social security trust fund is to be accomplished, it must proceed on a bipartisan basis. I do not think that casting the issue in partisan terms furthers our ability to proceed to doing the job that is necessary, and the job that all Americans have every right to expect that we do in the most careful and thorough manner possible.

If my colleagues on the other side of the aisle were serious about their concern—as stated in this resolution—about the solvency of the social security trust fund, I would think they would want to come forward with a constructive alternative solution. But I see no such solution in sight.

As my friends and colleague from Maine has pointed out, I suppose this resolution is meant to be a rejection of what Representative PICKLE has proposed in the House and a rejection of what Senator CHILES has proposed in the Senate. Both those gentlemen have proposed changing the circumstances for those who would seek to retire at 62 or 65 with respect to the amount of money such persons would receive. If that is the intent of this resolution, it should be so stated, not left to everybody's imagination. If there is a better way, it should be presented—which it is not.

It is this Senator's judgment that this is also an issue which if brought to the floor today for a vote—and I am talking about the proposal to reduce retirement benefits for those who are age 62—there is not a chance it would pass. I doubt that there would be more than a handful of votes on either side of the aisle, even though Senator HOLLINGS and others have indicated their interest in making changes in the benefits for people about to retire.

So it is with great concern that I see the debate over social security politicized.

Mr. President, I hope we will succeed in tabling the amendment offered by Senator MOYNIHAN. I say that notwithstanding the fact that I find the resolving clause pretty hard to disagree with. I do not know of anybody in the Senate who is for "precipitously and unfairly denying those men and women approaching retirement age social security benefits on which they have planned and to which they are entitled."

But I suppose that my colleagues on the other side of the aisle would like everybody to believe that anybody who is not in support of this amendment believes that way. That simply is not the case.

Were the Senator from New York to offer his proposal without all his "whereas" clauses, which are as much voted on as the resolving clause, I have no doubt that it would be agreed to overwhelmingly. But the Senator from New York and the Democratic Caucus have placed in the "whereases" a variety of things that he knows are simply partisan flags and unfair characterizations.

Mr. President, I do not wish to detain the Senate further, but I wish the Senate would look carefully and dispassionately at the issue of what we need to do with social security. We are going to need a bipartisan approach. It is my strong feeling that what we are doing here is engaging in partisan pyrotechnics that will make those solutions harder to find.

Even the author of the amendment admits—at least, it is implied that he admits—that the insolvency of the social security trust funds is a problem. The only question I ask is, How does this amendment solve that problem?

Mr. MOYNIHAN and Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MOYNIHAN. Mr. President, I have asked for the floor five successive times and found the speakers always to the other side. This is not my understanding of comity in the Senate.

The PRESIDING OFFICER. The Senator from Kansas has been recognized. The Senator from Kansas has the floor.

Mr. DOLE. Mr. President, I do not want to take all the time. Perhaps we can extend it.

I suggest that there have been about 3½ hours of debate, and this side has had about 25 minutes. It was not many hours ago that the Senator from New York complained about the dearth of speakers on the Republican side, and we finished our other duties and rushed to the floor.

Mr. MOYNIHAN. Will the Senator allow me to repeat that no Senator from the other side asked for the floor?

Mr. DOLE. I beg pardon.

Mr. MOYNIHAN. No Senator from the other side asked for the floor during the early first 3 hours of this debate.

Mr. DOLE. The Senator from Kansas was here and made an inquiry, and I understood the Senator from New York would proceed until 12:30 p.m. at which time I proceeded to do something else.

Mr. MOYNIHAN. That is why we arranged to have the vote at 3 p.m.

Mr. DOLE. So we are making progress, it seems to me.

Mr. MOYNIHAN. Perhaps the Senator would ask unanimous consent that we have at least another 15 minutes of debate because some charges have just been made that need to be answered.

Mr. DOLE. Charges that the Senator from New York has made are what we are answering. We have not had time to answer all the charges made by the Senator from New York. Perhaps another 15 minutes would be helpful, if there is no objection from the leadership.

Mr. MOYNIHAN. Then I withdraw the request. Let the record stand.

The PRESIDING OFFICER. The Senator from Virginia will have the floor at 3:13 p.m. under a previous order.

Mr. HATFIELD. I have to have 1 minute at least.

Mr. DOLE. The Senator from Kansas will take only 1 minute then.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I do not know that there is any real dispute in this body. Some, as I said, want to raise the age to 68, and there are some in the Chamber now who would do that.

Some would prefer to affect early retirees.

We cannot avoid the problem. The problem is that the system is in trouble. I hope if we are going to pass any amendment it will be the one that this Senator will offer that I think is very general. It calls for a bipartisan commitment. It does not point the finger of blame at anyone.

In my final seconds I will just for the record again indicate that for 26 years this body and this Congress has been in the control of one party and now we are 4 months into a new administration with a President who is trying to correct some of the past mistakes and trying to bring solvency and integrity to the system, and we have a political charge made against him.

So I hope that the record is clear that we will work this out at the appropriate time. The Senator from Kansas has reservations that I have indicated publicly about some suggestions that have been made, and I hope that we will have the support of every Member of the Senate when we bring a social security bill to the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I do congratulate the Chair for seeing that I am here.

Mr. President, the distinguished chairman of the Finance Committee is going to propose an amendment that states Congress shall not precipitously and unfairly penalize early retirees. He is right. That is what the proposal of the administration does and he knows it. That has caused a great deal of grief on the opposite side, and I do not blame anyone, but it is hardly correct to say that we have made this a partisan issue.

We fought on this floor 45 years ago for social security and it was opposed by the opposite side and now it is said that the Democratic Party is determined to find something to stand for. We do stand for the integrity of this system and the Senator does know what has been proposed, and that is why he would not dare have an up-and-down vote.

The Senator will move to table, and his own amendment says exactly what we say, that this proposal of the administration precipitously and unfairly penalizes early retirees.

Mr. DOLE. We have changed that wording.

Mr. MOYNIHAN. The Senator has changed that wording.

As to the bipartisanship, it will be a bipartisan effort in time.

We are happy to yield.

The PRESIDING OFFICER. The Senator from New York will suspend.

Under the previous order, the Senator from Virginia is recognized.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. SARBANES. Mr. President, I rise in support of the pending amendment.

Mr. President, the proposed wide-ranging changes in our social security system recently set forth by the administration have caused deep concern, anxiety, and fear among the American people. I share the concerns of the people over these proposed changes; changes which bring into question the dependability of commitments made by the Government to our citizens, particularly those who have been given promises with respect to their retirement years. Working men and women have paid into the social security system with the understanding that in the event of disability, death, or upon retirement established benefits will be paid to them and their families. We should not break this commitment when so many of our citizens and families have planned and relied upon established program benefits. It is imperative that we keep faith with the pledges already made and counted on.

It is of great importance to our society that every individual have dignity, self-sufficiency, and self-respect. A major ingredient for self-sufficiency and therefore dignity, is economic independence. Social security benefits are provided to more than 90 percent of our older citizens and are often their most important single source of income. It has been estimated that the social security program has cut the incidence of poverty among the aged by two-thirds.

Even with these benefits, the incidence of poverty among the elderly is increasing. A recent report shows that the percentage of the elderly below the poverty line climbed from 14 percent in 1978 to 15 percent in 1979.

We must recognize the importance of the social security system and oppose the proposed reductions in benefits. Social security rests on a pledge between our citizens and our Government, a pledge which has been honored for nearly 50 years.

It is a bridge joining the present and the future, a standard on which Americans have always been able to rely and should be able to rely. Retired people and those about to retire in the near future should not be treated so cavalierly. They deserve better for a lifetime spent working to build our country.

Mr. BAKER. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HARRY F. BYRD, JR. I yield.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the vote be extended by 5 minutes so that we can undertake certain other requirements now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, if the Senator will yield to me on my time with the understanding he still has 2 minutes before the final conclusion of debate and vote on this measure, I wish to restate now the remainder of the request which I withdrew previously.

I ask unanimous consent that the amendment now before the Senate offered by the distinguished Senator from New York be considered as an excepted amendment and that action taken earlier by the Senate in adopting committee amendments en bloc be considered original text for the purpose of further amendment; further, that no amendment to the amendment of the Senator from New York be in order; that upon the disposition of the amendment by the Senator from New York or any motion in relation or other action in relation to that amendment that the Senator from Kansas (Mr. DOLE) be recognized next to offer an amendment and that no amendment be in order to that amendment.

The PRESIDING OFFICER. Is there any objection?

Mr. CHILES. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Virginia is recognized under the previous order.

Mr. BAKER. There is a reservation.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, I wonder if the Senator from Florida can get 1 minute? My name has been mentioned several times in debate and I have not had a chance to respond to that.

Mr. BAKER. Mr. President, I further ask unanimous consent that the Senator from Virginia have the last 2 minutes before the next 2 minutes and that after the time allocated to the Senator from Virginia has expired the Senator from Florida be recognized for 1 minute and the Senator from Oregon, the manager of the bill and the chairman of the committee, be recognized at that point for the remainder of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I had been prepared to support the Moynihan amendment. I could support it because I favor the resolving clauses.

Stripped of all verbiage, the resolving clauses assert that there must not be unfair or precipitous action in any changes in the social security program, and, Congress must insure a solvent social security system.

The part of the resolution that I have trouble with, and I would have to make clear, is that I do not associate myself with some of the extreme rhetoric in the preamble. I must disassociate myself also with any implied attack on the President of the United States.

The substitute to be offered by Mr. DOLE has identical, virtually identical, resolving clauses. So that meets my needs and requirements as to what the Senate should say in regard to this matter without using the harsh language of the Moynihan proposal.

For that reason, I favor the Dole proposal over the Moynihan proposal.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. CHILES. Mr. President, my understanding is on several occasions during the debate this afternoon there has been mentioned the bill that I introduced in February to attempt to correct the system. I am delighted for that recognition, and I wish to say that as of now I still do not have a cosponsor but I am open to cosponsorship. I felt in February that if we are going to have to take some tough medicine it was going to be necessary to face up to whether we were going to cut benefits, whether we were going to raise taxes, or whether we were going to extend the retirement age.

It looks like the administration attempted to cut benefits, and that does not seem to be too popular. I do not know. Maybe someone wants to come up with raising taxes. I decided to elect to extend the retirement age.

I say, though, that I do not see anything in that resolving clause of the amendment that we now have before us that says that we should not accept the Chiles solution, that I was trying to come up with in February.

I think we do say that we recognize that there are problems in the system that must be faced, but we do not want to go further in cutting people and what we need is to face those problems.

I urge the membership on both sides of the aisle to take a look at the bill that I introduced in February. I hope that we will work toward something in that regard as we start working together in a final solution to this problem.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Oregon.

Mr. BURDICK. Mr. President, I join the distinguished senior Senator from New York as a sponsor of this resolution with feelings of shock and consternation at the proposed cutbacks in social security benefits announced by the administration last week. They would constitute a serious breach of faith by the Federal Government in its commitments to millions of older Americans. I am upset by the sudden and drastic nature of some of these cuts, and I am even more upset that they go far beyond what is necessary to attain solvency in the social security system.

First, the proposed reduction in early retirement benefits demonstrates a callous disregard for those Americans approaching 62 years of age who have planned their retirement with the expectation that they would receive 80 percent of full retirement benefits. You cannot suddenly tell these people that their benefits will be reduced by one-third and expect them to adjust their individual budgets accordingly—the subtraction of even a few dollars per month from budgets which have been carefully planned over a number of years can mean substantial financial hardship. Since about 70 percent of working Americans now retire and begin drawing benefits before the age of 65, this proposal would affect millions of this country's senior citizens.

Second, the savings generated by the various cutbacks appear to be far greater than the projected deficits which they are intended to alleviate. The administration's own figures indicate a $11 billion deficit in the social security system for the period of 1982 through 1986. Yet the changes in the program which were announced last week by Secretary

Schweiker would result in over $46 billion in savings over this same period. Some have charged that the administration seeks this enormous surplus not for the future solvency of the social security fund but to help with the President's goal of balancing the budget. But I am more concerned with the impact of the administration proposals than with the motivation behind them. There is no justifiable reason for betraying the trust of countless older Americans who have paid into the social security system in good faith and who are entitled to the benefits which they have been promised.

I recognize the need for serious reform of the social security system and there may be some elements of the administration program, which in combination with various proposals now under consideration in Congress, will contribute to that reform. But fairness dictates that our guiding principle in this debate must be that those men and women who are now close to retirement will not suffer a sharp and sudden reduction in the social security benefits on which they have counted for so long and to which they are clearly entitled.

Mr. CANNON. Mr. President, the headlines over social security have been coming fast and furiously in recent days and many of my Nevada constituents are more alarmed on this issue than they have been on any other issue in my 23 years in the Senate.

And alarmed they might well be. On one hand, they read the headlines warning that the system will be running in the red in a year or 2. On the other, they read of administration proposals to delay cost-of-living increases and to undercut the anticipated earnings of citizens nearing retirement.

Social security financing is of vital concern to 90,000 Nevadans receiving benefits and to all prospective retirees. With census figures showing that Nevada is experiencing the largest increase in the Nation in the population over age 65—a whopping 98-percent jump in the past 10 years—it is an utmost priority of mine to protect the hard-earned retirement benefits of my older Nevada citizens.

The elderly, who are oftentimes an easy target for the bureaucrats, should not bear a disproportionate share of Washington's budget-cutting fever. As a general proposition, I oppose any tampering with the basic retirement program under social security. It will be a guiding principle of mine, throughout the ongoing Senate debate, to adamantly oppose any changes in the benefit expectations of current beneficiaries and to work to prevent the disservice that would come to Nevadans who contribute to the system throughout their working lives with the expectation of retirement security matching the rising cost of living.

That is why I am proud to be a cosponsor of Senator MOYNIHAN's amendment. Reassurances must be made to the elderly of this Nation that the Congress will stand firm in protecting their meager incomes.

As we go about strengthening the financing picture of social security, we must accomplish this goal without prejudicing the retirements of millions of social security recipients.

● Mr. BOSCHWITZ. Mr. President, before I vote on the Moynihan amendment concerning President Reagan's social security proposal, I would just like to clarify for the record my reasons for opposing this amendment.

President Reagan's proposal does not cut the benefits of the 36 million beneficiaries currently on the rolls. The only change that would impact these beneficiaries currently on the rolls. The only delay in the automatic cost-of-living increase scheduled for July 1982.

In fact, although several Members of Congress have proposed raising the retirement age to 68, President Reagan has refused to tamper with the traditional retirement age of 65. Instead he has chosen a far more flexible and reasonable approach—he offers incentives to retire after 65 and disencentives to retire before 65.

In addition, the President has proposed abolishing the retirement earnings test which has penalized those elderly individuals who have the good health and desire to work after 65. This reform proposed by President Reagan will allow retirees to go back to work on a part- or full-time basis to earn supplemental retirement income without being punished by losing a portion of their social security benefits.

All in all, I think the administration has put forth a constructive proposal which is worthy of our serious consideration. I do not support all elements of it—for instance, I think many of its provisions should be phased-in over time so that its impact is not so sudden and severe—but, I cannot support a resolution which outright condemns the entire proposal as precipitous, uncompassionate, heartless, or one of the many other adjectives which certain of my colleagues have used to describe it.

There is no question that the social security system is heading for serious financial problems in the near future and that action must be taken to insure the system's solvency for future retirees. Tough decisions are going to have to be made in the future which will not be easy or popular. President Reagan has put forth a serious proposal because of his concern about the solvency of the social security system and Congress must not take action to condemn it before we have had a chance to carefully review and debate all of its provisions. Therefore, Mr. President, I will vote against this sense-of-the-Senate-resolution which I feel is passing premature judgment on a proposal which has yet to receive the serious consideration it deserves.●

ADMINISTRATION'S PROPOSALS BREAK CONTRACT WITH NATION'S SENIOR CITIZENS

● Mr. BIDEN. Mr. President, on Tuesday, May 12, Secretary Schweiker announced the administration's plans to severely cut social security benefits for millions of Americans. These proposals if enacted would signal a significant retrenchment in America's commitment to her senior citizens. We would be in effect, changing the rules in the middle of the game for the millions of Americans who have regularly and faithfully contributed to the system for years with the expectation that they would get certain benefits under certain conditions.

It is like a contract. To reduce benefits for early retirees beginning 7 months from now breaks that contract. It is unfair and it shatters public confidence in the system.

The draconian nature of these proposals is also unnecessary. Obviously the social security system has financial problems and these problems must be solved, but not at the expense of weakening the system's integrity. The Reagan proposals seek to solve this problem in one way: By cutting benefits. But there are other alternatives such as interfund borrowing which, in part, could ease the short-term cash flow problem facing the system now.

I am firmly opposed to the proposal to reduce early retirement benefits beginning January 1. Retirement is not a decision which is made overnight. Most persons plan their retirement 5, 10, or 20 years in advance. Their retirement income are premised on the expectation that they will receive x dollars in benefits. If this benefit is cut by 25 percent as the administration proposes, then many persons who wanted to retire could not afford to retire or they would incur a substantial drop in the quality of living.

We should not be deceived into thinking that everyone who retires at the age of 62 is fully capable of working another 3 years.

A nationwide survey prepared for the National Commission on Social Security found that 51 percent of all retirees and 63 percent of all those who retired before the age of 62 retired because of health reasons. Perhaps some of these persons could work for another 3 years, but many are just barely able to work because of ill health. To work another 3 years could cause irreparable physical and mental health damage.

Even among those workers who did not retire because of health reasons, retirement may be involuntary because of mandatory age restrictions, layoffs, plant closings, or inability to perform the tasks necessary to do their present jobs.

I am also concerned about the administration's proposals to reduce the replacement ratio from 42 percent to 38 percent of a worker's preretirement earnings. There is nothing sacred about a 42-percent preretirement earnings ratio. Most experts agree that a retiree needs about 67 to 75 percent of his average preretirement earnings in order to maintain the same standard of living. But we have to recognize that social security alone cannot meet all the income needs of a senior citizen. It was never intended to be the sole source of retirement income.

The Social Security Administration reported in 1976 that of 17.3 million households aged over 65, 10.6 million relied on social security as their sole pension source. Of these 10.6 million, fully one-third lived below the poverty level, even with social security benefits.

If you have outside earnings plus your social security you may be in good shape. If you have unearned income from stocks and bonds or private pension in addition to your social security you may be alright. These are the type of people who can afford to move to condominiums in Palm Springs or travel to Europe. But for

many senior citizens, that social security pension is all they have. And although the pension may be indexed to inflation, it was never enough to meet basic day to day living needs.

Mr. President, the administration says it wants to encourage people to work longer. Included in the Reagan package is a proposal raising the earned income limitation from the present $5,500 in 1981 to $10,000 in 1983 and removing it entirely by 1986. I agree with that policy and I have argued since I came to the Senate that the earned income limitation should be lifted.

But for the older person who is physically unable to work, for the worker who can work at some job but not his present job because of physical limitation and for those elderly facing age discrimination in the job market, the administration proposals do not help them. They are not enough.

If you are going to say to America's workers that they cannot retire at 62, that social security benefits are no longer going to be as generous as they once were, that we will no longer fully protect them against the effects of inflation, then I believe that you have to have alternatives. You must be able to say there will be a way to give senior citizens the income protection they deserve. And there are alternatives which I believe we should be encouraging:

We can encourage greater savings for retirement by expanding the use of IRA's and Keough plans.

We need to strengthen our system of private pensions under ERISA.

We can develop innovative financing plans like the reverse annuity mortgage which would help unlock some of the equity senior citizens have in their homes.

We need to vigorously combat the notion that old people can no longer productively contribute to our society.

We can encourage private industry to experiment with programs of retaining older workers on a part-time basis where their skills and experience can still be used.

We can establish experienced worker retraining programs so that the plant worker who is laid off at age 58 does not go on disability or early retirement.

We can find ways of helping displaced homemakers and widows earn extra income so that they do not spend the remainder of their days living in abject poverty.

There are probably countless other ways that we as a society could help our elderly fend for themselves without paying an additional dime in social security benefits. But the administration did not propose these alternatives.

I find that distressing because I think the administration views our senior citizens as a drain on our society rather than as an asset waiting to be utilized. We assume that because they are older, perhaps more frail and not able to work 40 hours a week that perhaps they are ready to retire and that they have nothing left to offer.

The administration says that everyone has to sacrifice in order to get this economy moving again. I agree but let us not forget that the people who retire in 1982 were born in 1920 or earlier. They spent their adolescence in the midst of the Great Depression.

The generation which retires next year was also the generation that fought the Second World War. For those of them that came back alive they spent much of the 1940's and 1950's building the prosperity which we, their children, have come to enjoy. This generation knows the meaning of sacrifice because they have had to sacrifice before.

And now after sending their children to college so that they might have a better life, they are looking toward their own retirement and all of a sudden they are being told we can no longer afford them. Social security has become too expensive. Instead of saying to our parents, "You've given a lot and we are thankful. We are saying we cannot afford the cost of providing for you." I find that ironic, especially when we have a President who epitomizes just how much a senior citizen can offer to our society.

Mr. President, I think that these proposals are a terrible mistake. Senior citizens in our country today have given a lot. They are entitled to the benefits to which they have contributed to for so many years.

I firmly believe that the best measure of the humaneness of a society is the way in which a society treats its elderly. The Social Security Act marks America's commitment to itself. It is the bedrock of our entire social welfare system. We have a great task ahead of us to preserve and strengthen that foundation. We have a commitment morally as well as financially to maintain that system. But it will take vision and some imagination to do so. Those who would propose slashing benefits to senior citizens seem to view our elderly as a drain on society. That is a mistake.

I can only hope that we as Representatives and Senators will offer America's senior citizens a better alternative. One which will preserve the integrity of the social security system by treating our senior citizens as the asset to society that they are.●

● Mr. LEVIN. Mr. President, this Government has a clear obligation to keep the promises it makes to the American people. The proposed reductions in social security benefits break the pledge we have made to millions of American men and women who have contributed to the system and who counted on the system to provide them with a promised level of income.

The human and ethical consequences of the kind of changes which have been proposed are almost beyond calculation.

It is unacceptable and offensive to tell people who have contributed to a system throughout their working years that a decision to retire early, a decision not always under their control and a decision which the system promised would be available, will result in a substantial reduction of benefits.

It is unacceptable and offensive to tell people who have been counting on social security to see them through their retirement that their benefits will be cut and their incomes reduced. Not only diminishing the Government's reputation for honesty—we are also ruining the plans and dreams and lives of millions of people.

It is unacceptable and offensive that the President, during the campaign, pledged to retain the social security safety net and now, a few short months later, seeks to retract that promise and withdraw that protection.

Mr. President, I know that the social security system faces real financial problems and reforms are going to have to be made. But there are other ways—less destructive and more in keeping with our promises and obligations—to fix the weaknesses which now exist. We can, for example, transfer money from general revenues; we can transfer some programs, like medicare, out of the system and then fund them through normal mechanisms. But we should not—we cannot—reduce benefits for people who have been promised them, who contributed their earnings and rely on them otherwise, and who depend on them.

There are financial issues of great significance associated with this question. But there are moral issues of even greater significance attached to it as well. Are we, as a Government and a people, prepared to break our word to our seniors and disabled? Are we prepared to prove our fiscal frugality by forcing our fellow citizens to accept less than they were promised and less than they are entitled to?

Mr. President, I cannot support such a proposal. I cannot endorse such a policy. This amendment allows us to say that we will protect the promises that have been made to the American people over the past decades. And it allows us to tell the American people that they can trust the pledges their Government makes.

The proposals being discussed by the President are unnecessarily harsh and premature. I cannot support them and I call on my colleagues to repudiate them by voting for this amendment.●

Mr. BAUCUS. Mr. President, I rise to support this amendment.

Earlier this week, President Reagan outlined his proposals for putting the social security system on a sound financial footing. For months now, all of us have read the stories that by next year benefits threaten to outstrip revenues.

The administration claims its plan will prevent this from happening. But is this really the best approach? I am not so sure.

THE PROBLEM

Social security was born in 1935 during the worst of the Great Depression. It has been one of the most successful and effective Government programs ever created.

The program was designed to protect Americans from poverty and financial insecurity upon retirement, in case of disability or on the death of the family wage-earner.

Each month, roughly 35 million Americans—one in seven—receive some $9 billion in benefits from the social security program.

Until recent years, these benefits were assured by a solid base of reserves in the old age and survivors insurance (OASI)

trust fund, the largest of the three trust funds that finance the social security system.

Now, however, several projections, including those by the Social Security Administration's own actuaries, conclude that the OASI trust fund will run into trouble during the first part of the fiscal year 1982.

The Congressional Budget Office, in a February 1981 study entitled "Paying for Social Security Funding Options for the Near Term," cites four reasons for the current problems:

High rates of inflation;

Low productivity growth and declines in real wages;

Growth in and anticipated continuation of high unemployment rates; and

Allocation of what appears in retrospect to have been too large a share of the payroll tax to the DI—disability insurance—and HI—hospital insurance—trust funds in the 1977 amendments.

In 1979 and 1980, generally high inflation rates, attributable in part to large increases in oil prices and the record high interest rates, combined to depress real income growth.

The report states—

This decline in real incomes . . . limited the growth in revenues to the trust funds. In addition, high rates of inflation led to large automatic cost-of-living adjustments in benefits, further drawing down or limiting increases in trust funds' reserves.

The U.S. economy experienced a mild economic downturn concentrated in the first half of 1980, followed by a moderate recovery in the latter part of that year.

The report says—

A weak recovery is expected in the first half of 1981. The higher unemployment resulting from the slowdown will further weaken the trust funds, because fewer workers will contribute payroll taxes, and because older workers will expect to retire earlier. Even with a mild economic upturn, however, the expected persistence of high inflation rates over the next few years and the slow growth of real income will further stimulate growth in outlays while limiting revenues to all three funds.

THE REAGAN PROPOSALS

President Reagan's solution to these problems is to take several steps that would have far-reaching effects on America's elderly.

The President would reduce benefits for workers who retire before they reach age 65.

He would phase out the retirement earned income test, and try to keep Federal retirees from also getting social security benefits.

Disability insurance provisions would be changed to reduce these benefits.

The annual cost-of-living adjustment would be moved from July to September.

OTHER OPTIONS

However, the Reagan proposals are just a few of the options Congress could adopt. The CBO report identifies several others:

Accounting changes such as interfund borrowing, realining the way payroll taxes are allocated among the three trust funds or merging all three trust funds into one. These approaches seek to capitalize on the fact that only the OASI fund appears to be in trouble now.

Benefit changes such as modifying the annual cost-of-living benefit increases, or cutting certain benefits—minimum, lump-sum, death and certain parents' benefits and phasing out student benefits.

Revenue modifications such as borrowing from the U.S. Treasury, changes in payroll taxes or financing HI benefits from the Treasury.

Our colleague, Senator CHILES, has sponsored one combination of such proposals; CBO says other combinations also could be drafted.

MY VIEWS

Over 45 years ago, Congress made a commitment to America's elderly that they would be protected from poverty and financial insecurity when they retire.

These modest, but hard-earned benefits must never be jeopardized, especially in these days of double digit inflation and high energy costs. We must not break faith with retired Americans who have paid into social security for years with the expectation that they will be assured a retirement income.

President Reagan's proposals threaten the very heart of this commitment. Few would disagree that the social security system faces funding difficulties unless this Congress takes action.

The administration proposals, however, go far beyond insuring financial security for the social security trust funds.

These proposals would reduce benefits for many Americans who depend on social security for their existence. For someone who is nearing 62 and has planned to retire because of ill-health there is little compassion. The President's plan would cut that person's benefits by 25 percent.

President Reagan's plan would tell senior citizens to wait an extra 3 months before receiving benefit increases so essential in times of high inflation.

If President Reagan's plan were enacted, workers retiring at age 65 would receive smaller benefit checks each month—these cuts would climb to 10 percent, in real terms, by 1987.

These social security cuts are severe—far more so than is needed to keep the trust funds solvent. Such cuts look to me like the work of an accountant whose main concern is a ledger sheet. They are not the work of a compassionate person.

This Congress has an opportunity to change this. We can put the social security system on a sound footing once again without endangering the benefits 35 million Americans now receive.

Social security was founded to improve the quality of life for older Americans. In 1935 it was a bold and innovative idea—somewhat revolutionary. The Reagan administration's plan does not reflect any of that spirit.

I do not want to see the retirement benefits of 35 million Americans mortgaged on the politics of cut and slash. I believe in the safety net concept, and I thought the administration did, too. But this proposal does not reflect that fact.

It is our responsibility to adopt a plan that protects seniors and the social security trust funds.

● Mr. CRANSTON. Mr. President, I strongly support and am glad to be a principal cosponsor of the amendment offered by the Senator from New York (Mr. MOYNIHAN) to express the sense of the Congress in opposition to the proposal of the Reagan administration to reduce drastically social security benefits—benefits which millions of Americans must depend upon for their survival. This amendment embodies the resolution adopted yesterday unanimously by the Senate Democratic Conference.

Mr. President, this proposal from the Reagan administration constitutes an unconscionable breach of faith with those Americans who have contributed, in many cases for over 40 years, to the social security system and who are now on the brink of retirement. Without warning, this administration would slash their benefits in excess of 25 percent. A worker expecting to receive $247 a month at retirement next year would see his or her monthly benefit shrink to $163. Benefits for dependent children of workers retiring between ages 62 and 65 would be eliminated entirely.

Mr. President, the impact these drastic reductions would have upon retirees is compounded by the fact that the administration proposes that they take effect in January 1982. Those individuals planning retirement next year would have no opportunity to plan or prepare for these reductions. This proposal would perpetrate a cruel hoax upon these individuals who have worked and contributed for years to the social security system, only now to be threatened with having expected benefits snatched away without any warning.

Mr. President, we need to take steps to secure the fiscal stability of the social security system. But we do not need to do so at the expense of those who depend upon social security for their very survival. I do not believe the American people will countenance this unwarranted attack upon the basic benefit structure and upon the very foundation of the social security system.

The administration's proposal cuts far deeper into the benefit structure than necessary to protect the fiscal stability of the system. Moreover, there are a number of options to deal with the short-term fiscal problems—such as interfund transfers and use of general revenues for the hospital fund—which have not been utilized and should be fully explored before any reduction of this type, or magnitude, in the benefit structure. Any long term changes need to be very carefully thought out and certainly should not be precipitously implemented.

Mr. President, I also want to stress that the President's proposal would hurt those who are least able to protect themselves or find other sources of income to offset these drastic reductions in the level of benefits, for the vast majority of workers who retire between 62 and 65 early retirement is not "voluntary." Ill-health and age discrimination force many people into early retirement. To place the burden of budget cuts upon the backs of these retirees—who are least able to find alternative sources of income—is simply unfair.

Mr. President, I believe it is critical that the Senate express its disapproval of these proposals today. An estimated 70 percent of the 2 million Americans expected to retire next year would be hurt by the administration's proposal. They need to hear that the Congress will not countenance this cruel breach of faith, this breaking of the fundamental compact under which they dutifully paid their social security taxes for decades, this undermining of the confidence millions of Americans have in the social security system.

If our citizens cannot trust their own Government to keep its word on such a basic issue, who can they trust? I strongly support the amendment and urge its adoption.●

Mr. HATFIELD. Mr. President, I wish to just make one observation.

We have now expended about 3½ hours on this amendment which solves no problem, which offers no detailed solution to the problem, which has been a very excellent debate, and I certainly commend the Senator from New York for raising the issue because it is a fundamental issue.

But I wish to say, as the chairman of the Appropriations Committee, I have sat through hours and hours and hours of the rhetoric and discussion both in the Chamber and in committee and in conference committee that have added nothing to the solution of those issues, and the appropriations process has been used to piggyback every other possible thought or idea that has come into the mind of the collective Senate.

What has happened as a result is that we have been bogged down in the whole appropriations process, and I wish to serve notice as I have before in this Chamber that I am going to do everything I can possibly to expedite the appropriations process to restore it to a responsible, constructive role in the Senate.

Therefore, I moved to strike the abortion language to keep it clean so we go to conference to resolve the differences on the appropriations questions and not other extraneous issues that may be very important but should be handled in different vehicles.

So, therefore, with no prejudice whatsoever to the Senator's motion or to his amendment, without in any way denigrating the right of the Senator or demeaning the issue that he has brought up, because these are all vital issues, but I do feel that because this is the appropriations vehicle we should keep it clean and, therefore, I move to table the amendment of the Senator from New York.

Mr. MOYNIHAN. Mr. President, would the Senator allow me just one comment in support of his comments?

Mr. HATFIELD. Yes.

Mr. MOYNIHAN. Mr. President, I wish to say——

The PRESIDING OFFICER. If the Senator from New York will suspend, debate is not in order. A motion to table has been made.

The question is on agreeing to the motion.

Mr. MOYNIHAN. Has the motion been made and the vote begun? I only wish to make a statement.

The PRESIDING OFFICER. The Chair states to the Senator from New York that the motion has been made.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from New York.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Florida (Mrs. HAWKINS), the Senator from Maryland (Mr. MATHIAS) and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—49

Abdnor	Garn	Murkowski
Andrews	Goldwater	Nickles
Armstrong	Gorton	Packwood
Baker	Grassley	Percy
Boschwitz	Hatch	Quayle
Byrd, Harry F., Jr.	Hatfield	Rudman
Chafee	Hayakawa	Schmitt
Cochran	Heinz	Simpson
Cohen	Helms	Specter
D'Amato	Humphrey	Stafford
Danforth	Jepsen	Stevens
Denton	Kassebaum	Symms
Dole	Kasten	Thurmond
Domenici	Laxalt	Tower
Durenberger	Lugar	Wallop
East	Mattingly	Warner
	McClure	

NAYS—48

Baucus	Ford	Mitchell
Bentsen	Glenn	Moynihan
Biden	Hart	Nunn
Boren	Heflin	Pell
Bradley	Hollings	Proxmire
Bumpers	Huddleston	Pryor
Burdick	Inouye	Randolph
Byrd, Robert C.	Jackson	Riegle
Cannon	Johnston	Roth
Chiles	Kennedy	Sarbanes
Cranston	Leahy	Sasser
DeConcini	Levin	Stennis
Dixon	Long	Tsongas
Dodd	Matsunaga	Weicker
Eagleton	Melcher	Williams
Exon	Metzenbaum	Zorinsky

NOT VOTING—3

Hawkins	Mathias	Pressler

So Mr. HATFIELD's motion to lay on the table Mr. MOYNIHAN's amendment (UP No. 112) was agreed to.

Mr. BAKER. Mr. President——

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, is there an order now for the recognition of the Senator from Kansas?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. I ask unanimous consent that I may proceed for 1 minute, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, before we proceed with the consideration of the amendment to be offered by the Senator from Kansas (Mr. DOLE), could I ask the minority leader if it is possible to obtain a time agreement for the next amendment, and if it is possible to obtain a sequence for amendments later this afternoon?

Let me suggest a possible agenda that my friend might consider.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask that there be order in the Senate.

The PRESIDING OFFICER. Will Senators suspend, please? The Chamber is not in order. The Senate will be in order.

The majority leader.

Mr. BAKER. Mr. President, I thank the Chair.

ORDER OF PROCEDURE

Mr. President, may I suggest a possible arrangement of amendments yet to be disposed of and time agreements in respect thereto for the consideration of the minority leader and all Senators?

Mr. President, it is my understanding that the Senator from Kansas (Mr. DOLE) is agreeable to a very short time limitation on the amendment that he will shortly be recognized to call up. I would propose, Mr. President, that we have a time agreement on that amendment of 20 minutes to be equally divided 10 minutes on a side.

I would suggest as well, Mr. President, and I have not yet made the unanimous-consent request, for the consideration of the minority leader the possibility that after the disposition of the Dole amendment, or any motion in respect to the Dole amendment, that we next proceed to the consideration of the so-called pilot bonus amendment, to be offered by the distinguished Senator from South Carolina (Mr. HOLLINGS), and that there might be a time limitation of 30 minutes on that amendment, to be equally divided, under the control of the author of the amendment and the distinguished chairman of the Appropriations Committee.

Following after the disposition of the Hollings amendment or any motion in respect to the Hollings amendment, the Senate would proceed immediately to the consideration of the Tower amendment dealing with the battleship *New Jersey*, and that there be a time limitation of 1 hour equally divided on that amendment.

Following on after the disposition of that amendment, or any motion in respect to that amendment, the Senate would proceed immediately to the consideration of the budget resolution conference report on which there might be a limitation of 2 hours, equally divided.

Mr. President, if we could once again have order in the Senate——

The PRESIDING OFFICER (Mr. SYMMS). The majority leader has the floor. Will Senators please cease conversations in the Chamber?

The majority leader is recognized.

Mr. BAKER. We still do not have order. Will the Chair please obtain order?

The PRESIDING OFFICER. All Senators wishing to converse will please go to the cloakrooms.

The majority leader.

Mr. BAKER. Mr. President, I have inquired on this side of the aisle about the sequence of events and times I have described. The times I want to incorporate are agreeable to Senators on this side of the aisle, I believe. I would ask the distinguished minority leader if he might be in a position to agree to all or any part of the suggestions that I have made at this time, or to make alternative suggestions, if he wishes.

Mr. ROBERT C. BYRD. Mr. President, we have already had enough debate on the subject of the Dole amendment. I suggest that the majority leader propound that request and get it.

Mr. BAKER. Mr. President, I thank the minority leader.

I ask unanimous consent that there be a time limitation of 20 minutes on the Dole amendment to be equally divided under the control of the distinguished Senator from Kansas (Mr. DOLE) and the distinguished minority leader or his designee, on the Dole amendment or any motion in respect to the Dole amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, could I prevail on the distinguished majority leader to repeat his request? There was so much noise. Would he mind repeating it? I beg his pardon.

Mr. BAKER. I thank the minority leader. I join him in expressing distress. There was a fair amount of conversation going on in the Senate.

Let me describe the nature of the request rather than repeat it.

After the Dole amendment I had suggested that we proceed next to military amendments. The first would be a pilot bonus amendment to be offered by the Senator from South Carolina.

Mr. ROBERT C. BYRD. Mr. President, the Senator from South Carolina——

Mr. BAKER. On the Hollings amendment dealing with the pilot bonus, there might be a time limitation agreement, with the time to be equally divided.

Mr. HOLLINGS. Fifteen minutes to a side.

Mr. BAKER. If there is no objection, I put that request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Next, that the Senate proceed to the consideration of the Tower amendment dealing with the battleship *New Jersey* and that on that amendment there be a 1-hour time limitation to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, is it not correct that both of these amendments have setoffs in terms of both budget authority and outlays from the bill that is pending?

Mr. BAKER. Let me yield to the Senator from Texas.

Mr. TOWER. If I may respond, those two amendments have identified offsets. Therefore, there will be no budgetary impact, both in terms of budgetary authority and outlays.

Mr. DOMENICI. I thank the Senator.

Mr. BAKER. I thank the Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Finally, Mr. President, I ask the indulgence of the minority leader to consider one other request. That is that after we dispose of the Tower amendment that the Senate next proceed to the consideration of the conference report on the budget resolution and that we have a 2-hour time limitation to be equally divided and controlled by the distinguished minority leader and majority leader, or their designees.

Mr. ROBERT C. BYRD. What was the time agreement on the amendment dealing with the battleship *New Jersey*?

Mr. BAKER. One hour.

Mr. ROBERT C. BYRD. Will the majority leader make that 1½ hours?

Mr. BAKER. I change that request, Mr. President, to make it 1½ hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. On the conference report on the budget resolution, how much did the distinguished majority leader suggest?

Mr. BAKER. Mr. President, I suggested 2 hours to be equally divided.

Mr. HOLLINGS. Mr. President, I ask that a half hour be reserved to be under the control of the Senator from Ohio (Mr. METZENBAUM).

Mr. BAKER. Mr. President, I make that request, that next after the battleship *New Jersey* amendment, the Senate turn to the consideration of the budget resolution conference report and that there be a limitation of 2 hours of debate to be equally divided.

Mr. ROBERT C. BYRD. Reserving the right to object, can Mr. METZENBAUM have control of 30 minutes?

Mr. BAKER. With the understanding that 30 minutes of the time in opposition be allocated to the distinguished Senator from Ohio (Mr. METZENBAUM).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the distinguished minority leader and all Senators. I think this means that the Senate can conclude the workload we have prescribed for the remainder of this day at a reasonable hour. I hope at 6:30 or 7 o'clock. The Senate will convene in the morning at 9:30 and almost certainly we will be able to complete the work of the Senate as we have described without too much difficulty.

Mr. TOWER. Will the majority leader yield for a question?

Mr. BAKER. Yes.

Mr. TOWER. There is a third amendment that Defense has an interest in, the binary chemicals. It is my understanding that it would be the intention of the leadership to permit us to proceed with that on tomorrow morning?

Mr. BAKER. It would be my hope that we could sequence that for tomorrow morning.

Mr. TOWER. But our rights are protected and the current sequence of amendments does not prejudice us?

Mr. BAKER. Not in any way.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, the Senator from Illinois, the distinguished chairman of the Foreign Relations Committee, has a request to make with respect to visiting parliamentarians.

Mr. President, I ask unanimous consent that I may now yield to the Senator from Illinois for the purpose of presenting visiting parliamentarians from the State of Israel, and that after the Senator from Illinois concludes his remarks the Senate stand in recess for 1 minute so we may have an opportunity to greet our fellow parliamentarians from that country.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY MEMBERS OF THE ISRAELI KNESSET

Mr. PERCY. Mr. President, I thank the majority leader.

Mr. President, it is with great honor that I introduce guests of the Senate Foreign Relations Committee from the Knesset of Israel, the distinguished chairman of the Foreign Affairs and Armed Services Committee and a distinguished member of that committee. First, Prof. Moshe Ahrens, the chairman of the committee, and his colleague, Danny Rosolio, a distinguished member of the Armed Services and Foreign Affairs Committee.

We welcome you very much indeed to this Chamber and we invite any of our colleagues, on behalf of the subcommittee chairman (Mr. BOSCHWITZ) who is their direct host, to join us for a cup of coffee in room S. 116.

[Applause, Senators rising.]

RECESS FOR 1 MINUTE

There being no objection, the Senate, at 3:50 p.m., recessed for 1 minute; whereupon, it reassembled when called to order by the Presiding Officer (Mr. SYMMS).

SUPPLEMENTAL APPROPRIATION AND RESCISSION ACT, 1981

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. I yield to the Senator from Kentucky.

Mr. FORD. I thank the Senator from Kansas for yielding.

THE COAL CONVERSION PROGRAM

Mr. FORD. Mr. President, there is one particular item in this voluminous piece of legislation which I believe merits special attention lest it be misunderstood. I am referring specifically to the statement on page 181 of the committee's report pertaining to the budget for the Economic Regulatory Administration within the Department of Energy.

The President's budget request for the Economic Regulatory Administration for fiscal year 1982 did not include any funds for the fuels conversion program. In addition, the President proposed to stretch out the period of time for spending moneys appropriated for fiscal year

1981 by proposing that such funds "remain available until expended."

His announced purpose was to terminate the program. It is important to point out that the Appropriations Committee has not gone along with his suggestion. The committee has recommended deferring $16.2 million from the ERA budget to make pay adjustments resulting from impending personnel changes. Included in that amount is $10 million from the fuel conversion program. By way of explanation, the committee states:

The Committee's recommendations in this regard should not be construed to prejudice program levels in future fiscal years.

I emphasize this particular point because of its importance to the fuels conversion program.

The Committee on Energy and Natural Resources, on which I serve, has included instructions in the Department of Energy authorization bill for fiscal year 1982 making clear its intention with respect to this program. The committee makes it clear that it expects the Secretary of Energy to make sufficient funds available to continue the program.

The distinguished chairman of the Energy Regulation Subcommittee of the Committee on Energy and Natural Resources, the Senator from New Hampshire (Mr. HUMPHREY), coauthored the amendment directing that the program be continued. The distinguished chairman of the Energy Committee, the Senator from Idaho (Mr. MCCLURE), who also serves as chairman of the Appropriations Subcommittee on Interior and Related Agencies, also concurred that the program needs to be continued until new legislation is adopted. I believe our intent is clear, and I am pleased that the Appropriations Committee has not foreclosed that option. We will certainly be discussing this program again later this year during our consideration of the fiscal year 1982 Department of the Interior and related agencies appropriations bill.

The report of the Committee on Energy and Natural Resources on S. 1021, the authorizations for Department of Energy civilian programs for fiscal year 1982, includes a complete explanation of the problem facing the Congress with respect to this program. I ask unanimous consent that the explanation appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FORD. Mr. President, it comes as no surprise to anyone that I am supporting the continuation of the coal conversion program. We do not need a giant appropriation. In fact, the major objectives of the current program can be met with moneys requested by the President for the Department of Energy for next fiscal year. The program should be able to be completed, and the proper personnel changes can be implemented, with the $10 million which is being deferred for next year.

All of the powerplants that would be converted are owned by utilities wanting to convert the facilities from their present use of oil to coal. Converting them would save nearly 250,000 barrels of oil per day and would utilize between 20 and 25 million tons of coal per year. The program is in the national interest and has widespread support.

I appreciate the attention that my colleagues on the Appropriations Committee have given to this matter, especially the attention given by the Senator from Idaho (Mr. MCCLURE), the Senator from Louisiana (Mr. JOHNSTON), who serves as ranking minority member on both the Subcommittee on Energy Regulation and the Subcommittee on Interior and Related Agencies, and finally, my very distinguished colleague from Kentucky (Mr. HUDDLESTON), who also serves on the Interior and Related Agencies Subcommittee.

EXHIBIT 1

[Section-by-Section Analysis]

EXCERPT FROM SENATE REPORT 97-81 ON S. 1021—AUTHORIZATIONS FOR DEPARTMENT OF ENERGY CIVILIAN PROGRAMS

ECONOMIC REGULATORY ADMINISTRATION

"Sec. 101(a)(2)(D):

"The President's budget request for the Economic Regulatory Administration did not include any funds for the Fuels Conversion program. This budget request was predicated on the assumption that changes would be made to the program, either through legislation or through changes in regulation, which would obviate the need for such funds. Under the provisions of the Powerplant and Industrial Fuel Use Act (PIFUA) electric powerplants and major fuel burning installations are subject to the Act's fuel use restrictions unless granted an exemption by the Department of Energy. Under the provisions of the Clean Air Act facilities under Federal conversion orders are not subject to the Act's new source performance standards. Thus under existing law, unless funding is provided for the PIFUA conversion program and the exemption process, those facilities wishing to convert to coal may not be able to do so without significant additional expenditures, and those seeking exemptions from the Act's prohibitions would be unable to have their exemption petition processed.

"Until new legislation is enacted, the Committee expects the Secretary of Energy to allocate such funds as may be necessary to the Office of Fuels Conversion to operate the conversion program and the exemption process. The Committee expects sufficient funding to continue until such time as Congress amends the law, or other changes occur which obviate the need for part or all of such expenditures. The Committee has received informal assurances from the Office of Management and Budget that they will make people and funds available as necessary to continue the necessary functions in the event that new legislation is not enacted or other changes do not occur.

"In the absence of new legislation, the Administration estimates that $450,000 will be necessary in Fiscal Year 1982 for the processing of petitions for exemptions. The Committee estimates that $2.5 million would be sufficient in Fiscal Year 1982 for the coal conversion program. The latter funds would be used to facilitate conversions by cooperative utilities requiring conversion orders in order to gain access to preferential Clean Air Act treatment and for those conversions which have state permitting actions contingent upon Department of Energy environmental analysis. Varying degrees of delay would otherwise occur in the conversion of these facilities as a consequence of the termination of the environmental work."

UP AMENDMENT NO. 113

Mr. DOLE. Mr. President, we have 10 minutes of debate on each side. I think this issue has been fairly well aired during the course of the day. I do not know of anyone who is more concerned about the solvency and the integrity of the social security system than is the chairman of the Committee on Finance, and it is not because of my responsibility as chairman to the Members on both sides of the aisle.

Mr. MOYNIHAN. Mr. President, I hestitate to interrupt, but we must have order. We are hearing the amendment of the chairman of the Finance Committee. This is his amendment.

The PRESIDING OFFICER. The point of the Senator from New York is well taken.

Will the Senator send his amendment to the desk?

Mr. DOLE. I shall do that in a minute, Mr. President.

Mr. President, I am offering an amendment on behalf of myself and Senators COHEN, ARMSTRONG, ROTH, HEINZ, WARNER, CHAFEE, ABDNOR, MATTINGLY, RUDMAN, PERCY, SPECTER, THURMOND, GORTON, COCHRAN, CHILES, HAWKINS, DURENBERGER, DANFORTH, DOMENICI, BOSCHWITZ, HUMPHREY, MOYNIHAN, the Presiding Officer (Mr. SYMMS), and Senator EAGLETON.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) for himself and Mr. COHEN, Mr. ARMSTRONG, Mr. ROTH, Mr. HEINZ, Mr. WARNER, Mr. CHAFEE, Mr. ABDNOR, Mr. MATTINGLY, Mr. RUDMAN, Mr. PERCY, Mr. SPECTER, Mr. THURMOND, Mr. GORTON, Mr. COCHRAN, Mr. CHILES, Mrs. HAWKINS, Mr. DURENBERGER, Mr. DANFORTH, Mr. DOMENICI, Mr. BOSCHWITZ, Mr. HUMPHREY, Mr. MOYNIHAN, Mr. SYMMS, Mr. EAGLETON, Mr. BENTSEN, Mr. SASSER, Mr. BIDEN, Mr. DECONCINI, and Mr. MITCHELL proposes an unprinted amendment numbered 113.

Mr. RANDOLPH. Mr. President, will the Senator permit me to be a cosponor?

Mr. DOLE. I am happy to have the distinguished senior Senator from West Virginia (Mr. RANDOLPH) as a cosponsor. I ask unanimous consent that he be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, it is fair to say that the status of the social security system, according to a——

Mr. EXON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. EXON. Has the amendment been offered and read? Has it been offered to the desk and read?

The PRESIDING OFFICER. The amendment is at the desk. It has not been stated.

Mr. EXON. I was unable to hear. If everybody wants to be a cosponsor, it must be a very good amendment. I do not know what it is. I should like to have a reading of the amendment, if I may.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill add the following insert:

The Social Security system is vital to the well-being of the Nation's elderly and disabled citizens and currently provides benefits to about 35 million Americans; and

The Social Security system faces serious short-term and long-term financing problems that jeopardize the payment of benefits; and

It is essential that Congerss act forthrightly to address the Social Security financing problem and to restore the American people's confidence in the system; and

Any resolution to this problem will have come as a result of a bipartisan effort; and

It is the sense of the Congress that Congress should carefully study all options in order to find the most equitable solution to insuring the fiscal integrity of the system; and

That Congress shall not precipitously and unfairly reduce early retirees' benefits; and

That Congress will enact reforms necessary to ensure the short-term and long-term solvency of the Social Security system but will not support reductions in benefits which exceed those necessary to achieve a financially sound system and the well being of all retired Americans.

Mr. EXON. Mr. President, may the Senator from Nebraska be added as a cosponsor?

Mr. DOLE. I thank the distinguished Senator from Nebraska.

I ask unanimous consent that he be added, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY FINANCING

Mr. DOLE. Mr. President, What is the status of the social security trust funds? According to a rather sophisticated study recently completed by the Congressional Research Service of the Library of Congress in conjunction with the Office of the Actuary and the Office of Research and Statistics of the Social Security Administration, the combined old age and survivors insurance and disability insurance trust funds will not have sufficient reserves to pay a full month's benefits by the middle of 1982 and reserves could run out completely in 1983. The combined OASI, DI, and hospital insurance trust funds will just barely have sufficient reserves to pay benefits and only if no unexpected economic problems arise. The magnitude of the problem is very great, but not insurmountable, if we act expeditiously and wisely.

What caused the financial problems of the social security system? A combination of factors. Unanticipated demographic changes, such as the drop in the birth rate and the improvement in the mortality rate, created a dramatic change in the ratio of workers to beneficiaries. Prosperity in the fifties and sixties led to large surpluses in the trust funds which in turn led the Congress to pass major benefit increases. An error in the automatic indexing provision in 1972 resulted in double indexing of benefits for several years. Taxes were not increased to keep up with benefits. Unemployment and inflation ate into the reserves.

Is the problem severe enough to warrant immediate action? Yes, the 97th Congress must act during its first session to deal with the short-term financing problem since benefit payments cannot otherwise be met. But, in addition to the short-term problem, there is a major long-term financing deficiency in the program. We need to deal with this long-term financing problem at the same time.

Due to the increases in social security taxes scheduled over the next several years, once we take care of the immediate shortfall in the social security trust funds we should be solvent through the year 2010. At that point, when the baby boom generation begins to retire, we face a very severe financing problem. That problem can be solved by gradual slowing of the rate of growth of the social security program. But this kind of solution is possible only if we act now. If we wait until after the turn of the century, the only solutions will be drastic benefit cuts or huge tax increases. I do not think anyone wants to rely on tax increases to save the program. Nor do I think anyone wants to see drastic cuts.

What are the alternatives for solving the financing problems? There are three alternatives. One is to raise taxes, but I do not believe that is an option at this time. I am not even sure we can count on the increases already scheduled under current law.

A second alternative is to provide another source of revenue, such as general fund financing, a value added tax, a special tax on certain products such as tobacco or alcohol. Support for most of these methods has proven very unpopular, even disastrous for some Members of Congress. There is also a particular danger in the general revenue financing approach: It removes social security benefits from the status of an "earned right" subject only to the eligibility condition that an individual worked in covered employment for a sufficient period of time; therefore, social security benefits, whether it be medicare only, or disability, or all benefits, may become means tested—that is, eligibility will be based on need rather than contribution—and those who have paid in for years may not be eligible for benefits. In particular with general fund financing, any discipline for containing program growth will be lost.

The third alternative, which I support, is to make changes in the program which will contain the rate of growth of program costs. This can be done in concert with incentives to encourage people to work longer whenever possible.

The final alternative obviously cannot be used to solve the short-term financing problem since it will require time to accomplish real savings. At the same time, I do not believe the Congress will want to make drastic cuts in benefits of individuals currently on the rolls or increase taxes any further. Therefore, we may have to consider some infusion of general funds. That is all the more reason for dealing with the long-term problem at the same time. That way, Congress can get credit for preserving the integrity of the system and insuring solvency of the trust funds in exchange for some less pleasant or desirable short-term solution.

What are my recommendations for curtailing costs? I do not have a specific proposal at this time. However, I do believe there are several broad areas where improvements are possible and which I believe the American people will support.

First, I believe the formula for determining benefits and the average earnings on which benefits are based can be restructured in such a way that benefits can continue to grow but not as fast as they have been growing. Second, I believe we need to identify areas where other Government programs have been instituted to provide benefits for similar purposes, such as disability, education, basic income maintenance, or retirement, and determine how to provide a better blend of such programs to ease the burden on social security wherever possible. Third, we should find ways to make work more attractive than retirement. Fourth, we should improve the administration of the programs, which we have allowed to deteriorate over the last few years because of the ever-increasing demands on the Social Security Administration to handle other programs, in order to eliminate fraud, abuse and waste wherever it occurs.

A combination of improvements along these lines will provide extensive savings and should allow us to make the program solvent without having to do things like raise the retirement age to 68 or merge the civil service retirement program into social security.

Can the private sector do a better job? The most important thing to remember about the social security program is that it is a social insurance system. Therefore it carries with it certain social costs. The program has always been designed to balance "social adequacy" against "individual equity." Most often, when people talk about turning the program over to the private sector or eliminating the so-called "welfare aspects" of the program, I think they ignore the social function of the program. I believe we should attempt the improvements outlined before we consider a complete dismantling of the system. I think those improvements will work and I believe we have the support of the American people to enact the necessary reforms.

We have a very serious problem, Mr. President. The Senator from Kansas, as I have indicated earlier, does not take exception to the efforts of the Senator from New York. I understand that he wants to call attention to and focus on this very important problem. It is a bipartisan problem. Better yet, it is a nonpartisan problem. It affects those who are retired and those who will retire in the future in all of our States—Democrats, Republicans, Independents, whatever.

Mr. President, I just do not believe that we can postpone a solution to the problem another year. It is up to this Congress. We can do certain short-term things, maybe borrow from different funds to get through the short term. But in the long term, we must address the problem. I hope that we shall have the necessary support—I believe we will have broad bipartisan support. We will have the support of the President.

He has made some suggestions. Other suggestions have been made by Members of this body, Members of the other

body; the Social Security Advisory Council has made suggestions. There are a lot of suggestions, a lot of options. Sooner or later, we are going to have to face up to this very difficult problem.

I yield to the Senator from Missouri.

Mr. DANFORTH. Mr. President, President Reagan has proposed important changes in the social security program. These proposals, and recent action in the Congress, have generated both questions and confusion on the part of many people.

It is important to understand what is happening, and why. First and foremost, the system is in trouble. More money is paid out in benefits than is received in social security taxes. If current trends continue, the social security trust fund which pays pension benefits will be empty by the fall of 1982. Over the long run, the system also faces serious problems because the number of retirees is rising and the number of workers is falling. In 1950, there were 15 workers for every retiree; today, there are 3 workers for every retiree; and in 50 years, there will be only 2 workers for every retiree. In social security planning, it is necessary to guess at what will happen in the next few years and as far as 50 or more years into the future. As conditions change, and our assumption about the future change, we have to modify social security policy.

It is becoming increasingly clear that new changes are necessary to deal with both the short- and long-run problems of social security, and I applaud the President for proposing change at this time. However, I do not agree with some of the specific changes the administration would make. In particular, I do not believe in reducing benefits for early retirement as dramatically or as quickly as the administration proposes.

Under the proposed plan, persons retiring at age 62 would have their benefits reduced from 80 percent—as under current law—to 55 percent of what they would receive if they delayed retirement to age 65. This change would go into effect next January. That is too much, too soon.

It may make sense to discourage early retirement, but any such change ought to be phased in gradually to minimize disruption in the plans of those now close to retirement. I do believe it makes sense to encourage work beyond age 65, and I commend the President's recommendation to remove the earnings limitation which penalizes people who work past retirement.

Before social security's problems are solved, many ideas will have to be considered. That will be the job of the Senate Finance Committee and the House Ways and Means Committee.

I serve on the Senate Finance Committee and will be quite active in the social security debate. My goal will be to fashion changes in the system which protect current retirees, and guarantee to current workers that their benefits will be available to them when they retire. I reject higher taxes as a solution. The challenge is to make changes that will bring the system into short- and long-term balance, while preserving the basic goals of the program. We must separate myth from fact and political oratory from economic reality. Working together, we can fashion a solution to which most Americans would subscribe, and breathe freer knowing that the threats to social security have been eliminated.

Mr. President, I support the amendment offered by the Senator from Kansas, the chairman of the Finance Committee.

While the President's proposals have been very controversial—and I certainly cannot support his suggestions with respect to people who are facing early retirement—it is clear that he has at least brought to a head a major problem that faces this country. The social security system right now cannot be sustained unless action is taken by Congress.

When my constituents ask me about the future of the social security system, their most typical question is, "Will it be there in a few years?" The answer to that question, under present law, is, "No." That is to say, the payout is exceeding the revenue, and there is no way that can be sustained over a long period of time.

What is more, the number of people who are retired as a proportion of those on the work force is continuing to increase and will continue to increase in the years ahead. Therefore, the time has come not just for a quick fix, a temporary, short-term answer to the problems of the social security system. The time has come to address the long-term financing problems with social security. The sooner we do that, the more responsible we will be.

Therefore, I cannot agree more with the approach taken by the chairman of the Finance Committee. I am very encouraged by what I consider the statesmanlike statement by the chairman of the Ways and Means Committee, Representative ROSTENKOWSKI, who said that a bipartisan approach is needed to solve the problems of soical security. Nothing could be more true.

Mr. President, I think the Senator from Maine is seeking recognition, and I yield to him.

Mr. ROBERT C. BYRD. Mr. President, I have no objection to the Senator from Maine receiving recognition and being recognized, but we have to understand that the powers of recognition reside in the Chair, and it is not for any Member of the Senate, myself included, to state to the Chair who shall be recognized next.

The PRESIDING OFFICER (Mr. HAYAKAWA). Who yields time?

Mr. DOLE. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator from Kansas has 3 minutes remaining.

Mr. DOLE. I yield 1 minute to the Senator from Maine.

Mr. COHEN. I thank the Senator for yielding.

Mr. President, I believe the Senator from Kansas has really struck the soundest note in the whole debate that has taken place today, and that is the question of bipartisanship.

I suggested earlier today that it would have been a breach of faith to politicize the social security trust fund. I suppose it could have been open to the Senator from Kansas or the Senator from Maine to have suggested a resolution condemning the past Congresses which have been controlled by the Democratic Party for acting in an unfair and irresponsible manner so as to place the trust fund in jeopardy, so that those retirees who have planned on benefits will not now receive them, based on that past irresponsibility.

That, in my judgment, would not have been fair or responsible. It would have been negative and destructive and certainly would not have contributed to the resolution we need to engage in in order to resolve the trust fund's difficulties.

I join my colleague from Kansas in sponsoring this resolution, which I believe is constructive and bipartisan and is vitally necessary.

Mr. ROBERT C. BYRD. Mr. President, I am delighted to hear all this talk about bipartisanship. Here is a demonstration of it.

On the last amendment, which was termed by one of my friends on the other side a "two-bit amendment" and an exercise in demagoguery, I note that there were two Republican Senators who voted for the amendment—Mr. WEICKER and Mr. ROTH. I would not assume that they would have voted for the amendment had they thought it only a two-bit amendment.

Of course, every Senator engages in a little demagoguery once in a while, myself included—and perhaps the foremost of all, for that matter. So I would not want to denigrate an amendment that has been called up by any Senator as a "two-bit amendment" or as an exercise in "demagoguery."

However, aside from that, I congratulate the distinguished Senator from Kansas on the amendment he has just offered. I believe it recognizes that the proposals that have been submitted by the President with respect to the social security system are precipitous and unfair. I would say it is a reflection of the administration's proposals, tacitly and inferentially because it says this:

That Congress shall not precipitiously and unfairly penalize early retirees.

That is clearly a repudiation of the administration's proposal, and it strikes the same theme that is included in the Moynihan-Byrd amendment that was voted down by a very close margin just a moment ago, 49 to 48, with only two Republicans joining in support of that "bipartisan" effort.

The amendment that has been offered by Mr. DOLE also says this:

That Congress will enact reforms necessary to ensure the short-term and long-term solvency of the Social Security System but will not support reductions in benefits which exceed those necessary to achieve a financially sound system and the well-being of all retired Americans.

I congratulate the Senator from Kansas. That is another of the dangers that those of us saw on this side who offered that so-called "two-bit" amendment—which was joined in by our two Repub-

lican friends in the "bipartisan" effort—that is one of the dangers we foresaw as we prepared the resolution. So I congratulate the distinguished Senator from Kansas.

I believe that this amendment by Mr. DOLE is an equally responsible and reasonable approach to that taken by Mr. MOYNIHAN and me and other Senators on this side of the aisle a little earlier. Not only is it a rejection of the administration's proposal, but also, it is recognition indeed that Congress must join in a bipartisan way and work together to solve the problems that confront the social security system.

So, Mr. President, I hope that the distinguished Senator will include my name as a cosponsor; and I suggest to my colleagues on this side of the aisle that we display a truly bipartisan approach and a bipartisan spirit as we join together—join together—in supporting the resolution that has been offered by Mr. DOLE, because we take no necessary pride of authorship on this side of the aisle. We Democrats simply want to see the sense of the Senate expressed so that the millions of persons out there in the elderly community will get the right signal; and that signal is that the two parties in the Senate are joining together to say to the old folks that the proposals of the administration to reduce social security benefits are going to be rejected; that they can go ahead and make their plans for retirement; and that Congress will never precipitously and unfairly penalize those elderly retirees.

We join the distinguished Senator. I ask unanimous consent that my name be added as a cosponsor, and I urge my colleagues on this side of the aisle to join in a truly bipartisan spirit and vote for the amendment to reject the administration's proposals to cut social security, an amendment which, in essence—and almost in every word—captures the same spirit and the same verbiage that was in the Moynihan-Byrd amendment that just a moment ago was voted down by the narrow vote of 49 to 48, with only two Republicans joining in voting for that amendment.

Let us show the country that bipartisanship that this party believes in when it comes to protecting the elderly community of this country.

Mr. MOYNIHAN. Mr. President, I join my leader in that regard, and I make a simple observation: The time has come to declare victory in this debate. But before we do declare victory and adopt precisely the same language we have been debating for 6 hours, I say to my friend—and he knows the regard in which I have held him—it was not a welcomed thing to have our proposal called demagoguery an hour ago.

The Senator from Kansas did not do it, and I will not accuse him of plagiarism.

Mr. DOLE. That is right.

Mr. MOYNIHAN. I make no such charge.

I observe as a some-time teacher that one learns that he picks up these things "precipitously and unfairly" here on line 15 of their line and "precipitiously and unfairly" that there are resonances, one might say.

We have won the point. The Senator from Kansas has graciously made it. I am happy to cosponsor it.

My distinguished friend and chairman of the subcommittee of which I am a ranking minority member has already talked about the effort. But we have repudiated Mr. SCHWEIKER's proposal to break faith with the persons who have been planning to retire early in this administration. That is another place. It has nothing to do with this other side of the aisle but this amendment we are about to adopt was the one we proposed at 10 a.m. this morning.

We are happy to join the Senator in it but much more importantly we will be joining him in the efforts to make this system work and not to get money out of it by raiding the social security trust fund.

Mr. LONG. Mr. President, will the Senator yield me 1 minute?

Mr. DOLE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Kansas has 1 minute remaining and the Senator from West Virginia has 3 minutes.

Mr. DOLE. Mr. President, I ask unanimous consent that we each may have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I yield.

Mr. LONG. Mr. President, I wish to say that this debate here demonstrates my argument that the Senate should not be on television because if this debate had been on television there might have been 2 million people or maybe 1 million people looking at this thing around the country over educational TV at this hour of the day, and everyone would say, "I do not know what it is about but it has something to do with cutting our social security checks," and the call would have been going around to "Tune in and see what they said about it."

So everyone would want to know why my Senator did not say something, why did he just sit there? Where was he when this matter came up of talking about cutting off social security checks and cutting off early retirement?

Without doubt 100 Senators out of 100 would have to make a speech and explain their views on this matter even though the amendment would not have the effect of law. It is not relevant to the bill to which it is offered. In fact, all it does is it just expresses a hope that no one who does not think he should be cut is going to get cut, which no one can depend on anyway.

But this would have taken probably 2 days for 100 Senators to all explain what their views on this particular matter are, which proves my point that unless we want the Senate to stay in session 500 days a year we better not put the Senate on television.

Mr. MOYNIHAN. Mr. President, if I may make one observation, I observe that if this debate had been on television it would not have been necessary to have two votes in order for our amendment to be adopted. It would have been unanimously adopted the first time. But that is only a detail.

Mr. DOLE. Mr. President, I wish to express my thanks to the Members of the other side of the aisle for recognizing the superior product, and I extend my thanks to the distinguished minority leader.

This is in no way to be construed as a repudiation of our former colleague, Secretary Schweiker. I think he has put forth his ideas, and we have expressed our ideas. This Senator found a different view with the administration on this issue without passing any amendment. I had an opportunity earlier last week to comment on some of these points here.

But I just suggest, considering this unanimity on my amendment, if we can have the same spirit of cooperation with reference to tax legislation I will be very happy to offer an amendment following this amendment that might take care of the tax differences.

Mr. MOYNIHAN. Will the distinguished Senator allow us to make a first draft and then he will just sort of take it and we would lose 48 to 49?

Mr. DOLE. We will do it any way when we finally succeed, and I just suggest that not having been in the majority before, I am now the chairman of the Budget Subcommittee on Finance, and the only other time I had been a chairman was as the Republican National Committee chairman during Watergate, if that tells anything. But just to indicate our willingness to cooperate and go on with the business and start looking at social security to preserve the integrity of the system, that is what this resolution is all about.

I think Senators will find on our committee, as the Senator from New York knows, we are very independent and we have thoughts on a lot of issues regardless of which administration might be around.

So I am prepared to yield back my time and I thank my colleagues.

I believe the Senator from Oregon wishes to table the amendment.

Mr. MOYNIHAN. Mr. President, the Senator from Nebraska wishes to have 2 minutes yielded to him.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 6 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I yield 3 minutes to the Senator from Nebraska.

Mr. EXON. I thank the Senator.

Mr. President, I am about to pose a question to the distinguished chairman of the Appropriations Committee if he is still in the Chamber.

I heard the Senator from Kansas say that the amendment before us is a superior product. I do not necessarily agree with that. I thought that the previous amendment that was defeated by one vote was much superior, but since we could not have that, I am a cosponsor of this amendment being proposed by Senator DOLE which essentially is a copy of the previous amendment that was voted down by one vote.

My question is to the distinguished chairman of the Appropriations Commitee, but before I pose the question I

wish to appeal to him in a matter of fairness and honesty and nonpartisanship not to do what he did on the last amendment.

I heard the very eloquent speech by the chairman of the Appropriations Committee wherein he said that he was fighting and he would continue to fight amendments like this from being on this particular bill, and I am sure since he is a model of consistency he undoubtedly will move to table this amendment also.

Mr. HATFIELD. I will.

Mr. EXON. But I appeal to the Senator from Oregon, my good friend, not to table this particular amendment, although in so not doing he might be a little bit inconsistent, after the great speech that he made on the previous amendment.

Is he intending to move to table this amendment?

Mr. HATFIELD. Mr. President, I am very happy to respond to the Senator from Nebraska. Indeed I do plan to make a motion to table this amendment on the same principle and on the same basis, regardless of sponsorship, as I expressed this view before, on the basis of that same view, but I will wait until others have had their full say so that I will not cut off any debate.

Mr. EXON. One additional question: Are the votes lined up this time so that we will table it or not? Or does the distinguished chairman know about that?

Mr. HATFIELD. I have not made a head count, I say to the Senator from Nebraska, but if the motion to table fails I shall urge a quick disposition of this in the conference.

Mr. EXON. I thank my friend from Oregon.

Mr. MOYNIHAN. Mr. President, may I conclude with just an expression of appreciation for the Senator from Kansas, for his generous remarks and his statements of bipartisan enterprises to come.

But may I also say to the gentlemen and ladies opposite and say to my own friends here that we are not just encountering something that has come suddenly upon us.

There developed in recent years on that side of the aisle a continued effort to cut out entitlements in the social security system for welfare mothers and persons like that, and on January 30, a year ago, I stood on this floor and said, as I had done 4 months earlier, if we can take away from women and children that which is their entitlements under AFDC, the day will not be far off when we can take away entitlements from the retired, the sick, and disabled.

We got into a bad practice, and let us see if we cannot use this occasion of unity to stop such practices.

When the American Government makes a promise, it keeps it, and that is what our work is going to be in the coming summer in the Senator's subcommittee.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. HATFIELD. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Kansas has 4 minutes remaining.

Mr. HATFIELD. I wonder if I could have the time and then yield back the time which I have remaining?

Mr. DOLE. Yes. I yield all my time to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I look at the clock and I realize that this is an important issue, but we have spent a good part of 5 hours on this issue today, which has solved or resolved no question on social security.

It has merely brought the Senate, I think, to a position of consensus which is of value and, therefore, I feel that it has not been wasted time, but it certainly has not furthered the issue or the cause which brings us to this session today, and that is to dispose of an appropriations measure.

I suppose we are going to hear, I am going to have to respond from time to time, and people are going to get very weary of my making this statement, but let me remind the Senate that the Senate has some marvelous traditions but, on the other hand, the Senate has fallen into some bad practices.

One of the most evil practices of all that has created one of the greatest problems for the whole appropriations process is that we have committed ourselves, acting in total undisciplined manner, to piggyback every idea that comes to our minds that we feel like it would be more expeditiously brought into focus on the appropriations process.

We have 13 subcommittees, and they have really worked diligently to bring us to this point where we can resolve the rescission supplemental package, and we brought a clean bill to the floor for the first time in my life on the committee and, therefore, I am hopeful, Mr. President, that we can begin a new era of appropriations process where we can have responsible action without having to bear the burden of abortion and school prayer and OSHA and busing and all these other things that have encumbered the whole appropriations process.

Mr. MOYNIHAN. Mr. President, will the distinguished chairman allow me to state what he knows to be my views? I fully agree with him, and it would have been the judgment on this side that had it been possible to keep the committee's clean bill on your side we would not have raised anything. You are right, in our judgment, or at least in the judgment of this Senator.

Mr. BENTSEN. Mr. President, will the Senator yield for a question? I heard the distinguished chairman of the Appropriations Committee say that he thought we had arrived at a consensus and that we were again there. I was wondering if we could dispense with a motion to table and with a rollcall, have a voice vote, and then we could get on with our business on the rollcall on the amendment?

Mr. EXON. Mr. President, I will object to not having a rollcall vote on the motion, when the motion to table is made.

Mr. HATFIELD. I have not asked for a rollcall as yet, but let me just conclude my comments.

Do I understand the Senator from Nebraska would want a rollcall?

Mr. EXON. The Senator is correct.

Mr. HATFIELD. Mr. President, whatever time I have left I yield back.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. HATFIELD. I make a motion to table the amendment offered by the distinguished Senator from Kansas (Mr. DOLE) with many cosponsors, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon to lay on the table the amendment of the Senator from Kansas. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators wishing to vote?

The result was announced—yeas 4, nays 93, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—4

Baker	Hayakawa	McClure
Hatfield		

NAYS—93

Abdnor	Garn	Murkowski
Andrews	Glenn	Nickles
Armstrong	Goldwater	Nunn
Baucus	Gorton	Packwood
Bentsen	Grassley	Pell
Biden	Hart	Percy
Boren	Hatch	Proxmire
Boschwitz	Hawkins	Pryor
Bradley	Heflin	Quayle
Bumpers	Heinz	Randolph
Burdick	Helms	Riegle
Byrd, Harry F., Jr.	Hollings	Roth
	Huddleston	Rudman
Byrd, Robert C.	Humphrey	Sarbanes
Cannon	Inouye	Sasser
Chafee	Jackson	Schmitt
Chiles	Jepsen	Simpson
Cochran	Johnston	Specter
Cohen	Kassebaum	Stafford
Cranston	Kasten	Stennis
D'Amato	Kennedy	Stevens
Danforth	Laxalt	Symms
DeConcini	Leahy	Thurmond
Denton	Levin	Tower
Dixon	Long	Tsongas
Dole	Lugar	Wallop
Domenici	Matsunaga	Warner
Durenberger	Mattingly	Weicker
Eagleton	Melcher	Williams
East	Metzenbaum	Zorinsky
Exon	Mitchell	
Ford	Moynihan	

NOT VOTING—3

Dodd	Mathias	Pressler

So the motion to lay on the table UP amendment No. 113 was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the

Senator from Maryland (Mr. MATHIAS) and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—96

Abdnor	Glenn	Moynihan
Andrews	Goldwater	Murkowski
Armstrong	Gorton	Nickles
Baker	Grassley	Nunn
Baucus	Hart	Packwood
Biden	Hatch	Pell
Boren	Hatfield	Percy
Boschwitz	Hawkins	Provmire
Bradley	Hayakawa	Pryor
Bumpers	Heflin	Quayle
Burdick	Heinz	Randolph
Byrd, Harry F., Jr.	Helms	Riegle
	Hollings	Roth
Byrd, Robert C.	Huddleston	Rudman
Cannon	Humphrey	Sarbanes
Chafee	Inouye	Sasser
Chiles	Jackson	Schmitt
Cochran	Jepsen	Simpson
Cohen	Johnston	Specter
Cranston	Kassebaum	Stafford
D'Amato	Kasten	Stennis
Danforth	Kennedy	Stevens
DeConcini	Lavalt	Symms
Denton	Leahy	Thurmond
Dixon	Levin	Tower
Dole	Long	Tsongas
Domenici	Lugar	Wallop
Durenberger	Matsunaga	Warner
Eagleton	Mattingly	Weicker
East	McClure	Williams
Exon	Melcher	Zorinsky
Ford	Metzenbaum	
Garn	Mitchell	

NOT VOTING—4

Bentsen	Mathias	Pressler
Dodd		

So Mr. DOLE's amendment (UP No. 113) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized.

UP AMENDMENT NO. 114

(Purpose: To provide funds for the payment of pilot continuation bonuses and to provide a corresponding reduction in appropriations for operation and maintenance)

Mr. HOLLINGS. Mr. President, I send to the desk an amendment on behalf of myself and Senators BIDEN, TOWER, RANDOLPH, ARMSTRONG, and THURMOND.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS), for himself and others, proposes an unprinted amendment numbered 114.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, between lines 5 and 6, insert the following:

MILITARY PERSONNEL; SPECIAL PAY FOR AVIATION CAREER OFFICERS EXTENDING PERIOD OF ACTIVE DUTY

For the payment of special pay under section 301b of title 37, United States Code, $55,500,000.

On page 24, line 5, strike out "$606,555,000" and insert in lieu thereof "$575,555,000".

On page 24, line 16, strike out "$56,906,000" and insert in lieu thereof "$46,906,000".

On page 24, line 22, strike out "$959,880,000" and insert in lieu thereof "$923,880,000".

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I may yield to the distinguished majority leader, who wishes to arrange for some scheduling, and for the recognition of other Senators for their statements, without this time counting against my 15-minute allotment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

INVENTORY OF AMENDMENTS

Mr. BAKER. Mr. President, I should like to make a brief inquiry of Senators in the Chamber now and ask whether the minority leader might be inclined to do the same.

I should like to get some sort of inventory of the number of amendments to be disposed of. We have this amendment, which has been sequenced; we have the *New Jersey* amendment, which has been sequenced; we have the conference report on the budget resolution and a time certain to vote on two amendments for tomorrow, and third reading and final passage tomorrow at 5 o'clock.

Also, at 1 o'clock, no further floor amendments would be in order, although amendments to committee amendments that are eligible otherwise would be available for action by the Senate.

Against that background, Mr. President, I ask Senators who are on the floor at this time to indicate what amendments they have, and then I ask those who may hear me, who are not in the Chamber, to let our cloakroom know as soon as possible what amendments they have and how much time might be required to deal with them, tonight or tomorrow.

The reason for the inquiry is that I believe it is incumbent on the joint leadership to find out what we have to deal with, so that we can determine what time we will go out tonight and what time we will come in tomorrow, so that no Senator will be unduly pressed for time.

Mr. ROBERT C. BYRD, Mr. President, I am concerned that unless Senators offer their amendments today and agree to a short time limit thereon—with the exception of those amendments which have already been agreed to as to a time limit—they may find themselves shut out with respect to time.

As the majority leader has indicated, after 1 p.m. tomorrow, no amendments will be in order from the floor. I suggest that we try, through our respective cloakrooms, to see if we can get an agreement that there be a time limitation of not to exceed 30 minutes on any amendment after the amendments which have been locked in have been disposed of.

Mr. BAKER. Mr. President, I believe that is a good suggestion. I will request that the Republican cloakroom ask all Senators on this side to let us know by 5:30 of any amendments they have and to express willingness or unwillingness to agree to a 30-minute time limit, or less.

Mr. TOWER. I can agree to a 30-minute time limitation on the binary amendment.

Mr. STEVENS. I object.

Mr. BAKER. I believe there will be an objection to that, and I will renew that request tomorrow.

I appreciate the suggestion of the Senator from Texas. I am aware of his intention to offer a binary chemicals amendment, and I will continue to work with both the distinguished minority leader and the Senator from Texas to see if we can work out something.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. BAKER. I yield.

Mr. TOWER. If an amendment is at the desk by 1 p.m. tomorrow, it would still be eligible to be called up, would it not?

Mr. BAKER. This is an amendment to a floor amendment or an amendment to a committee amendment?

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. The fact that an amendment would be at the desk would have no bearing whatsoever on the matter.

Mr. BAKER. Mr. President, the order entered yesterday provides that no amendments would be in order other than committee amendments, without affecting the standing of the Hyde-Helms amendment, after 1 p.m. on Thursday. That means that any amendment not disposed of by 1 o'clock would have to be dealt with but that floor amendments would not be eligible after that hour.

Mr. TOWER. Even though they were pending at the desk?

Mr. BAKER. Even though they were pending at the desk.

Mr. TOWER. I suggest to the majority leader that we will have to stay in all night, because there are those who want to prevent certain amendments from coming up. I am perfectly willing to agree to a controlled time and to dispose of the matter in a short period of time.

I believe it is pretty obvious to the majority leader that he is not going to get time agreements on some amendments if Senators, by disagreeing to time agreements, can prevent them from being brought up.

Mr. BAKER. Mr. President, we have only 5 minutes, and I suggest that there is a way out of this without staying all night. I do not believe we should use the 5 minutes to try to identify that.

I assure the Senator from Texas that it is my full intention to see that he is

not shut out. But before we get to that, we have to decide on what basis we can do equity and fairness to Senators on both sides. It is clear that we cannot get a time agreement on that amendment at this moment, but I have other ideas I should like to pursue more privately.

Mr. STEVENS. Mr. President, I would be happy to discuss with the Senator from Texas a time agreement on amendments that would not be in conference.

I hope the Senate realizes that we are taking the time of the Senate today and tomorrow on items that will be in conference, and other Senators who want to raise issues that will not be in conference will be foreclosed by what the Senator from Texas is suggesting.

Mr. BAKER. Mr. President, the Senator from Alaska is an integral and important part of the leadership function, and one of the leadership functions is to try to arrange the sequence of events; and I will enlist his aid in trying to work out this matter. I urge that we not use the time of the Senate on the floor at this time to do that.

I request that our cloak room ask Senators to let us know of any amendments they have to offer and to do so before 5:30, and to express their willingness to accept very short time limitations.

I yield to the minority leader.

Mr. ROBERT C. BYRD. Mr. President, I want to be sure that the distinguished Senator from Texas does not misunderstand what has been said with respect to pending amendments at 1 p.m. I understood him to use the phrase pending amendments at the desk.

If an amendment is pending which has been called up to an amendment—I think that is what he has in mind. As to that type of amendment—using the word pending in that sense—there would be a vote on that amendment. But an amendment that is simply at the desk and has not been called up could not then be called up.

Mr. BAKER. I point out that it is my belief and it is my intention to see that the Senator from Texas, to the extent he can do it, will be recognized for the purpose of calling up an amendment.

Mr. TOWER. If the Senator will yield, I am actually trying to protect the Senator from Virginia (Mr. WARNER). It is his amendment.

Mr. BAKER. Mr. President, it is clear that we will be in for a while tonight. I had hoped that we would be out by 6:30 or 7, and then I thought by 8, but I have abandoned even that hope. We will stay as long as we need to stay in order to discharge the sequence of events we already have put in shape: that is, the *New Jersey* amendment, the pilots' bonus amendment, and the conference report on the first concurrent budget resolution. We will decide what we are going to do after we have done these things.

Mr. STEVENS. Have we changed the agreement that the battleship amendment is going to come up tomorrow morning?

Mr. BAKER. No. There was no agreement. I suggested to the distinguished Senator from Alaska that we might do that, and he graciously acceded to that suggestion. But I found that there was an objection to changing the sequence, so I did not put the request.

Mr. HOLLINGS. Mr. President under the agreement I yield to the Senator from Vermont.

UNITED STATES VOTE ON WHO/UNICEF INFANT FORMULA CODE

Mr. LEAHY. Mr. President, I am outraged by the Reagan administration's decision to oppose the World Health Organization's Infant Formula Code. These guidelines on the marketing and promotion of infant formula are the result of years of work by WHO, UNICEF, health professionals, industry representatives, and others. The code reflects a consensus of international concern for the world's children. And we are in a minority, possibly a minority of one, in voting no. We are voting against a code which addresses the growing recognition that babies are suffering as a result of a decline in breastfeeding, especially in Third World nations. This decline has occurred as formula promotion has increased, and the World Health Organization has responded to protect children.

To me, this issue raises a simple question: Does this administration value corporate profits above children's health? Do those in the Reagan administration who made this decision have in mind what the misuse of formula means for an innocent baby?

Let me present the problem in basic human terms. If a mother in a Third World country clinic receives a free sample of formula given to her by a representative of a formula company, she may be persuaded that bottle feeding is indeed the "modern" thing to do and that it is best for her baby. Yet, when she returns to her home she may find that the water to mix with the powdered formula is impure, or that she cannot sterilize the bottles, or that she cannot afford the formula. But by then she, and her baby, are tragically trapped. Once she has stopped breastfeeding, she cannot change her mind. Her body will not produce milk. In a very real issue, she and her baby are "hooked" on the expensive formula. She must keep using it, even if the baby becomes ill, even if she has to dilute it, even if the baby's life is threatened.

No one, not even the formula companies themselves, denies that breast milk is the most perfect food for infants. Breast milk offers a baby unique immunities, balanced nutritional content, and it is always sterile. It is also free.

Given the problems of poverty and hunger facing so many around the world, I cannot understand how we can line up with those pushing an expensive product the vast majority of mothers do not need.

This is first of all a human and moral question. I cannot banish from my mind the image of a child slowly starving on formula so diluted it is a pale grey—even if the Reagan administration can. I cannot ignore the anguish a poor mother must go through, knowing that her baby is suffering and that, since she cannot go back to breastfeeding, there is nothing she can do.

There are also foreign policy considerations. As a recent editorial from the Journal of Commerce stated:

> If the United States abstains or votes no on the infant formula code, we believe that it will gain little and possibly lose much in its effort to restore U.S. credibility and influence with the developing world.

I firmly believe that it is not in our best national interest to oppose this code.

This decision does not reflect the compassion and the concern of the American people. It is a mistake. It is made for the narrowest of economic reasons and the rest of the world will not soon forget our position on this issue.

Mr. President, both Senator MITCHELL and I would like to express our concern about the administration's infant formula vote. I ask unanimous consent that material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LINDA KELSEY,
Studio City, Calif., May 4, 1981.

Senator PATRICK J. LEAHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LEAHY: I feel very strongly that the U.S. government should support the World Health Organization/UNICEF efforts to stop the unethical promotion of breast milk substitutes. I have just returned from seeing babies afflicited with "bottle baby disease" in five Asian countries where I talked with their suffering mothers, and learned from local health workers of the difficulties they have stopping the trend away from breast feeding. What I experienced has made me very angry because it is all so preventable. But to do so requires the voice of the powerful, such as yourself, defending the silent voices of the children.

I was asked to visit Indian, Bangladesh, Malaysia, Hong Kong, and the Philippines by the International Organization of Consumers' Unions; my visit was coordinated by the consumer societies of each nation. They asked me in the hopes that my public image as a "reporter" on the "Lou Grant Show" would help stimulate support for an issue only casually treated in the press.

James Grant, Director of UNICEF, has termed this the "silent catastrophe," because the babies suffer and die with no political voice. It is estimated that four million infants will die each year—11,000 per day—as the result of inappropriate bottle feeding. (In the five days since I've returned to the time I've written this letter, the number of babies who have died has surpassed the deaths of all Americans in the Vietnam war.) Having seen one baby in Bangladesh suffering so unnecessarily, multiplying these figures to global proportions staggers me.

I visited health clinics and hospitals, talked with front line health workers, with women's groups, consumer organizations, and government officials. They were shocked when I told them that the new Administration was contemplating a vote against the WHO/UNICEF code of marketing for breast-milk substitutes, to be debated at this month's World Health Assembly. I was very moved by their sense of abandonment, of the sense of helplessness that an underfunded health worker feels when faced with the powerful interests of large commercial firms. They expressed the need for the code to help right the imbalance, and help them attain the political force needed to protect their children from the unnecessary and dangerous use of breast milk substitutes.

They showed me the promotion stickers, free samples, and advertisements of the baby milk companies. I saw stacks and displays of baby milks in tiny stores—the most visible

and prestigious products of a poor shop—next to open sewage and slum conditions which insured that the babies would only suffer, deprived of the protective qualities of their mother's milk. In one hospital I visited in the Philippines, infant formula companies' western dressed sales personnel were so common with their samples, gifts and posters, that upon entering, I was asked what milk company I represented!

The companies involved were, of course, American and Swiss. But also English, Dutch, Japanese and even Indian. I couldn't have imagined the intensity of competition until I saw huge billboards advertising milk products near the slums of Bangladesh, by so many firms.

I know that the advocates of breast feeding and the marketing code are being accused of being political. It's true, of course, and my trip has convinced me of this necessity. A powerful institution—much less the combined forces of over thirty large milk companies—cannot be changed without political intervention. But this is not an issue that splits on traditional conservative/liberal lines. Those who do so have not seen the babies, or the advertising in the most appalling circumstances—or are motivated purely by self-interest. We must act now to conserve our most valuable resource: the world's future citizens.

It is not a question of banning the use of infant formula, but of insuring its safe use. It is a case of developing guidelines that will make corporations responsible for controlling the advertising, marketing and promotion activities which in and of themselves, create a market in spite of public health considerations. The World Health Organization (consisting of 155 member nations) will undertake this responsibility this month at its Assembly in Geneva, through consideration of its code of marketing for breast milk substitutes.

I believe your efforts with Senate Resolution No. 111 are essential to protect millions of innocent children. I have written to your colleagues to urge them to support your efforts. On behalf of those I spoke with, I thank you for caring enough to commit yourselves to help at this time.

I am convinced that the U.S. will suffer great political damage if we are the only nation in the world—as we might well be—to vote against the code. After my visits, I know that it will be interpreted by people around the world that we are more concerned with the health of our industry than the health of children. This would be an insult to American ideals—and the very real feelings of American citizens who support this effort.

I urge you to make this action a priority. I'd be happy to speak with you personally about what I saw on my trip. Please feel free to call me here in Los Angeles at (213) 934–9594.

Sincerely,

LINDA KELSEY.

P.S. I'm enclosing a xerox of an article that appeared in Asia Week while I was there. I think it shows the extent of interest and depth of feeling I found wherever I went.

[From the Asia Week, May 1, 1981]

BREAST VS. BOTTLE: A NEW BATTLEFRONT

Mely, 19, feels sluggish and untidy as her visitor clucks greetings from the foot of the hospital bed. The "nurse" is matronly but trim, her uniform spotlessly white, her hair pulled smoothly back by an economic combination of tortoiseshell clasp and prim little bonnet. She slips the neat blue shoulder-bag over the bed rail and begins to fuss around Mely. Isn't Mely lucky to have an adorable new baby daughter? Is Mely sure she has enough breast-milk to keep the little one contented? Mely looks tired—babies can be so demanding. Has Mely heard about this amazing new milk developed by doctors in America and Europe where all babies are so healthy and strong?

Yue-ling, 27, worries that her 3-day-old son isn't getting enough milk from her swollen, aching breasts. The baby seems fretful and cries a lot; each feeding is becoming a trial for both mother and child. Yue-ling feels like weeping with relief when the firm but friendly young woman in the starched trouser-suit and sensible shoes explains how infant formula is scientifically designed by baby-care experts for modern mothers.

Raj, 36, listens thoughtfully as the impeccably groomed "nutritionist" good-humouredly scolds him. His wife, trying to hush their 4-year-old son and suckle the new infant at the same time, calls irritably from the door of their two-room hut: breast-feeding may be a labour, she snaps, but at least it is free. Raj sees her anger, her desperation, her rumpled and prematurely stooped figure. He hears the "nutritionist" chide him with happiness, convenience and science . . .

All over Asia, those scenes are being repeated thousands of times every day, with countless variations. Always, the aim is the same: to convince mothers that "infant formulas"—milk-substitute preparations made and aggressively marketed by multinational corporations—are better than mother's milk. Unfortunately, their claims are not true. In some instances, the claims and activities of infant formula manufacturers constitute crimes against Asia and against the developing world as a whole. Now, just when the international community has finally begun a concerted effort to combat the menace, the big companies are gearing for a counterattack.

At the World Health Assembly in Geneva, Switzerland, next month, representatives of more than 150 countries will debate a code of ethics for the sale of infant formulas and other baby foods. The code was drafted by the World Health Organisation (WHO) and the United Nations Children's Fund (UNICEF) following a joint meeting of these two agencies in Geneva in October 1979. Many infant-formula companies participated in the discussions that led to the drafting of the marketing code, they did so out of a sense of moral obligation, having studied the evidence that misuse of their products endangers the health and even the lives of millions of children around the world. Yet as the Geneva conference draws closer, some of those same companies are preparing to sabotage the code or dilute it so heavily that it will be virtually meaningless.

The reason for that scandalous about-face has nothing to do with health, science or modernity. It is pegged directly to politics or, more accurately, to the shift in American and West European politics. With the advent of the Reagan Administration, some of the manufacturers who previously cooperated with the U.N. agencies have begun to "sense an advantage," as one angry UNICEF topsider puts it. They have made it clear they intend to fight in Geneva next month by characterising the code as a "restraint on free trade." They intend to portray the code's provisions against misleading or ambiguous advertising as a violation of the U.S. Constitution's First Amendment, which protects freedom of speech and freedom of the press.

By such means, the companies plan to obscure the real purpose of the code, which seeks not to ban infant formula but to prevent or minimise its abuse through aggressive marketing. Those marketing efforts go far beyond simple advertising: most glaringly, they include the use of "milk nurses"—salespeople employed by the companies to push their products in hospitals, towns and villages. Because they appear to function in an official or semi-official capacity, and because they are often abetted by corrupt or ignorant hospital staffers, the hucksters have little difficulty winning over Mely and Yue-ling or fathers like Raj who want to make life easier for their wives.

At the core of the current debate is the incontrovertible and mounting evidence of much higher sickness and death rates among bottle-fed babies than among breast-fed youngsters. The evidence is most startlingly clear in terms of diarrhoeal diseases; bad water, dirty bottles and unsterilised teats cause diarrhoea. And since infant formula makes a big dent in family income, parents habitually dilute the product to make it last longer. Result: progressive malnutrition. James P. Grant, UNICEF's executive director, believes worldwide adoption of the marketing code "could save a million children a year now dying of diarrhoea and [the effects of] malnutrition." The infant-food industry, adds WHO Director-General Halfdan Mahler, is "morally obliged to change its practices."

Many women, for one reason or another, are not able to breast-feed; for them, infant formula—properly used—is a godsend. WHO and UNICEF don't dispute this. What they do dispute is marketing aimed at convincing mothers that infant formula is "almost as good," "as good" or "even better" than mother's milk. They also want to put a stop to marketing that suggests substitute milk products are "more convenient" and "more modern," a tactic favoured in developing and industrialised societies alike.

"Want to be a real hero?" asks an ad published by Mead Johnson & Co. of Evansville, Indiana. "Buy Mom a two-week supply of Enfamil Nursette infant formula . . . She'll appreciate your gift [because] Nursette is easy to use—it means less work, more rest . . . Isn't your wife's happiness worth it?" Yet the American Academy of Paediatrics is unequivocal in asserting that "breast milk is the best food for every newborn infant."

Mead Johnson is a wholly-owned subsidiary of Bristol-Myers Co. (annual sales: US$2.5 billion). Ross Laboratories, which makes Similac, is owned by Abbott Laboratories (anual sales: $1 billion). These two companies are said to hold about 90 percent of the infant formula market in the U.S. Along with a third, American Home Products Corp., they have begun intensive lobbying in Washington to persuade American politicians to oppose the marketing code.

Those companies had previously supported the draft code; now, conscious that a Republican government is much more inclined to leave big business alone, they are reneging. The draft, they claim, is a "serious distortion of the original intent"—a charge that leaves WHO and UNICEF officials blinking in amazement. "They helped write it!" exclaims one.

From the outset, some other manufacturers actively opposed the international agencies' efforts to draw up a code. One of them was the giant Swiss-based food corporation Nestle, whose products are familiar in many Asian countries. Nestle tried to skirt the issue, say UNICEF sources, by "insisting that it had never said breast milk wasn't best, by claiming that its products have improved baby nutrition in developing countries, by saying it doesn't advertise infant formula in poorer countries, and so on." Unfortunately for Nestle, those lofty claims are easily brought down to earth:

Claim: "Nestle actually encourages breast-feeding." Fact: While the company's products do carry the advice that "Breast-feeding is Best," Nestle's promotional and marketing techniques effectively spread the opposite message. Through doctors, midwives and the mothers themselves, Nestle clearly encourages the use of infant formula—hardly surprising, since it makes the stuff. The Interfaith Centre on Corporate Responsibility (ICCR), an activist wing of the National Council of Churches in the U.S., quotes a

letter from a Nestle "medical representative" who said her main responsibility "is to promote the Nestle infant formula products" by visiting "people in the medical profession who are directly in contact with infants." In return for infant-formula samples, she wrote, "the recipients would of course recommend, in one way or another, Nestle formulas."

Claim: Nestle does no consumer advertising of infant-formula products in developing countries. Fact: While Nestle supposedly ordered a halt to all such advertising in July 1978, it promoted formula to mothers at a baby show in Malaysia in October 1978. Formula promotion calendars were distributed by Nestle in Indonesia in 1979.

Last month, a well-known European expert on child nutrition announced that he was quitting his post as consultant to a Nestle subsidiary because of Nestle's activities in developing countries. In a letter to the British medical journal The Lancet, Dr. Stig Sjölin of Sweden's Uppsala University Hospital declared: "Despite sharp and well-founded criticism from a number of organisations and individuals over the years, Nestle has shown little interest in changing its attitudes and marketing policies." He added: "Nestle, in its obstinacy, has even joined forces with other large manufacturers of breast-milk substitutes—not, as is now clear, to establish rules of conduct that would protect child health, but to defend the manufacturers' activities and to protect their own economic interests."

The 1979 WHO/UNICEF meeting was attended by government representatives from eighteen countries including India, Japan, Malaysia, New Zealand, Papua New Guinea, the Philippines, the U.S. and Britain. Also among the participants were experts from U.N. and other agencies such as the Food & Agriculture Organisation (FAO), the World Bank's Rural Development Department, the International Labour Organisation (ILO), the U.N. Conference on Trade & Development (UNCTAD), the U.N. Fund for Population Activities (UNFPA), the World Food Programme and the U.N. Industrial Development Organisation (UNIDO). Among the participants from the infant-formula industry itself were executives from Bristol-Myers, Mead Johnson, Abbott, Wyeth and Gerber (U.S.), Friésland and Nutricia (Holland), Dumex (Denmark), Meiji Milk Products and Snow Brand (Japan) and Nestlé (Switzerland). At that meeting, by consensus, it was agreed that "there should be an international code of marketing of infant formula and other products used as breast-milk substitutes. This should be supported by both exporting and importing countries and observed by all manufacturers." The code was duly drawn up in consultation with industry officials and approved two months ago by the executive board of the World Health Organisation; now it must be approved by the WHO Assembly next month.

The motion before the Assembly will take the form of a "recommendation" to member governments, rather than a "regulation"—a concession to the industry and a reflection of the industry's lobbying over the past year. The hope is that governments, once the recommendation is accepted, will quickly give the code the full force of law in their own countries.

If the code is weakened further or scuttled altogether by the manufacturers' new counterattack, Asian governments will have only two options; to legislate against improper marketing practices, or watch more of their youngest citizens suffer and perhaps die through misuse of infant formula. Plainly, there is nothing wrong with established breast-milk substitutes, used correctly and under the supervision of trained medical personnel. But there is a lot wrong with the manner in which leading companies exploit social pressures, ignorance or poverty in selling their products to mothers who may not need it and probably can't afford it. To Geneva in mid-May, the thoughts of all caring Asians must turn.

BOTTLE-FEEDING, GOOD OR BAD? UN AGENCY TAKES CRITICAL VOTE

(By Richard M. Harley)

Angelita Flores is a housemaid in Bogotá, Colombia. Advised against breast-feeding by the local health clinic, she feeds her little Jorgito on a bottled baby formula donated by a doctor. He calls this the modern thing to do.

Irene Dunbar lives 3,000 miles away in southern Massachusetts. After bottle-feeding her first child, she switched to mother's milk for her second baby and will settle for nothing less for her third child. She considers breast-feeding the "modern," nutritional thing to do.

The contrast between Angelita and Irene illustrates one of the odd—and many feel tragic—ironies of this century: Just when women in rich, industrialized countries are returning to breast-feeding as a safer and more nutritional method, mothers in many poor nations are dropping traditional breast-feeding in favor of bottle-feeding.

The World Health Organization (WHO) and the United Nations Childrens Fund (UNICEF) see the third-world trend toward bottle-feeding as contributing to infant mortality and malnutrition. And when the WHO meets May 19 in Geneva, they will try to pass an international code of ethics to reverse the trend.

The new code, if passed, would urge governments to do far more to protect and promote breast-feeding and to take responsibility for distributing reliable information about breast-feeding substitutes.

For years debate has been raging over the bottled milk vs. mothers' milk issue. Baby-food officials argue they have a useful product. Their critics say that baby-food marketing in poor countries is discouraging mothers from breast-feeding, thus compounding some already severe health problems of babies. They say that bottle-feeding often leads to pollution or over-dilution of the milk formulas.

UNICEF's executive director, James Grant, says that a million infant deaths could be prevented each year if the international community would promote natural breast-feeding.

Seldom has an initiative of the United Nations, which has no real power to enforce its recommendations on its members, generated so much political heat.

The reason: The WHO code could strengthen the hands of politicians who want to dimish the influence of infant formulas. The result could be a far tougher climate for the marketing of mother-milk substitutes in developing countries—and even perhaps in the U.S.

Infant-formula companies scream "Foul!"—and say the milk question raises the possibility of other government restrictions on free enterprise.

In recent weeks the companies put aside their competitive instincts and combined forces, aggressively lobbying Congress and the Reagan administration to oppose the new code. Some have sent out mass mailings to leading American businessmen. Several weeks ago former Sen. Sam Ervin Jr. testified in Congress to the effect that the code was a totalitarian document that could undermine American constitutional values of free speech, free press, and free competition.

Industry spokesmen have been arguing the dangers no less adamantly.

"We at Mead-Johnson (a subsidiary of Bristol Myers) and other formula companies agree that infant formula should not be promoted at the expense of breast-feeding," says spokesman Gary Mize.

"But as we interpret the code, its prohibitions on communication with the public are far too sweeping, far beyond just cutting back advertising that would discourage breast-feeding, a goal to which we subscribe."

The industry lobby appears to have prevailed. The White House has decided to oppose the code, according to a State Department spokesman. He acknowledged that the U.S. could be the only United Nations member to take that stand.

The reasons for the decision closely parallel reasons why many companies oppose the code. Industry representatives told the Monitor that the code cannot be adopted in the United States without violating rights of free speech and enterprise. They said it could be stretched to apply to other foods besides breast-milk substitutes. The code is not, they say, the best way to encourage breast-feeding, and there is no definitively proven connection between the marketing of breast-milk substitutes and declines in breast-feeding (all points denied by the code's advocates).

Still, the advocates believe that in poor countries a vast number of young mothers urgently need help from the international community. Too often, they argue, many of these women find themselves caught in a cross fire of slick arguments that they do not understand. Says Edward Baer of the Interfaith Center on Corporate Responsibility in New York:

"There is simply too much danger of women in developing countries being enticed by infant-formula advertizing to abandon breast-feeding, of the high cost of formula resulting in poor women diluting it to nutritionally dangerous levels, or of powdered formula being mixed with polluted water."

The number of malnourished babies in the world has reached the 300 million mark, estimates Dr. Michael Latham, director of the Program on International Nutrition at Cornell University. Bottle-feeding is directly related to the main illnesses associated with that malnutrition, he believes.

To help turn the tide, the WHO code would urge governments to prohibit both the promotion of breast-milk substitutes to the general public and the distribution of free formula samples to pregnant women.

The code does recognize the need for infant formula to be available in case a mother is unable to breast-feed. But it urges that formula-company employees should not try to educate mothers, should not be given bonuses or quotas for sale of breast-milk substitutes, and that health care facilities not be used to promote or advertise infant formula.

The code also urges that infant formula labels provide information about the correct use of products in a way that will not discourage breast-feeding.

Ironically both the infant formula companies and the US government were actively involved in the writing of the code they now oppose. Various company spokesmen interviewed by the Monitor said they actually agree with the broad principles and purpose of the code.

Nevertheless Mead-Johnson's Gary Mize explains that the corporations' recommendations for the code were largely ignored by the WHO.

The point puzzles one US government official, who says that years of negotiation and mutual compromise among the UN agencies, US government, formula companies, and health officials had gone into the writing of that code.

"We worked long and hard to get a compromise code that would realistically be workable for all parties involved. But now all of that work has been scuttled as our government has changed its view as a result of the infant formula companies' lobbying."

The US decision to oppose the code has also deeply disturbed a range of top-ranking development experts in the US government agencies. The experts, who declined to be identified at this writing, plan to make pub-

lic May 18 their concern that the US posture signals to the world that America cares more about corporate activities than about the health of children, that it could endanger cooperation with developing countries and many joint ventures already under way in the area of infant health.

In the final analysis, there is something about the code that rings "too legalistic" for the formula industry and the Reagan administration—despite the fact that the code provisions are called "recommendations."

If there is to be regulation, the companies want it to be voluntary and adapted to the needs and conditions of each country. Bristol-Myers and Abbott-Ross Laboratories are two American formula producers that have acknowledged a need to curb advertising that could discourage breast-feeding. (American Home Products and Switzerland's Nestle Company have not.)

Bristol-Myers also claims to have clamped down on employees who have not done this.

But code advocates are not willing to leave the regulation of formula promotion up to the producers themselves. They worry about the producers' long-term motives. With trends pointing toward increased breast-feeding in the industrialized West the companies may be forced to look for new markets. And markets in the developing countries—already worth an estimated $1 billion—could be exceedingly lucrative, since the vast majority of new babies will be born there.

All of this, worry the code advocates, could put enormous pressures on the companies to promote their formula aggressively.

The companies are already organizing campaigns to influence those governments working on codes for baby-food sales ethics, says Edward Baer of the Interfaith Center for Corporate Responsibility. The guidelines being suggested by industry, he says, recognize the need for voluntary restraint by companies but still allow free promotion of their products.

Codes in Malaysia and Singapore have indeed adopted guidelines offered by the International Council of Infant Food Industries (ICIFI), according to the organization's secretary-general, Dr. Stanislas Flache. (ICIFI member companies with major formula sales in developing countries include Cow and Gate from Britain, Nestle of Switzerland, five Dutch companies, four Japanese companies, Wyeth International of the US, and a Danish and a French firm.)

In addition, various companies were influential in formulation of the codes in Peru, Kenya, South Africa and Nigeria, says Dr. Flache.

The Interfaith Center feels that some industry jockeying has been less than ethically upstanding.

Last year, says Mr. Baer, the Nestle Company offered a large money grant to the Indian Academy of Pediatricians, whose president happened also to be on India's committee for drafting a code for baby food marketing. The president proposed guidelines offered by formula industries. But health experts and others got wind of it and prevented passage.

In addition, some industry-promoted codes already in existence seem chock-full of loopholes. Loopholes in Kenya's new code, for example, was criticized recently, according to Monitor special correspondent John Worrall in Nairobi.

On the one hand, the Kenyan code urges that the companies marketing formula should avoid competing with breast milk or creating an artificial need for the product, that mothers should be encouraged to seek competent advice on safe use of the formula and that labels and advertisement to the general public give clear information along these lines. With these guidelines the Kenyan government hopes to restrain food companies from taking advantage of easily persuaded, illiterate women.

However, the Kenyans were not willing to lay down penalties for manufacturers who abuse the code. And some health officials and news commentators in Kenya criticized the code for allowing free infant formula samples in maternity houses and clinics, samples that critics say convince mothers of the merits of specific formula brands at the outset. And too little attention was given, the critics charged, to the poverty and other social factors that can be linked to poor lactation in mothers.

Nevertheless, as final vote now draws near in the World Health Assembly on whether to set up an international standard to guide the marketing of infant formula, uncertainties abound.

Will US opposition pressure other countries to oppose the code? Will the American position force developing countries to harden their own stands even more to demand a code with even stronger regulatory language? And what will be the legacy for the future of cooperation between developing countries and the industrialized West?

Much will depend on whether the delegates can find compromises that put industry and governments at ease about the future of free enterprise, while at the same time keeping in mind the need to ease the suffering of children in countries where poverty already makes basic survival hard enough.

INFANT FORMULA MARKETING CODE

● Mr. MITCHELL. Mr. President, recent reports that our Government has decided to veto adoption of a code of marketing practices for infant formula companies are distressing.

The code is an advisory. It does not have the legal force of a treaty or other international obligation. It does not require the United States to impose any limits on marketing practices for infant formula domestically, nor does it mandate any restrictions on such practices by U.S. companies operating abroad.

It would require the United States to report back to the World Health Organization as to what steps it has taken to prevent misleading and overly aggressive selling of infant formula in circumstances where its use is not appropriate.

Today, 96 nations in Geneva met to debate and to uphold that code. They are nations that range from industrialized countries like Britain, Canada, Switzerland to the very poorest countries whose babies are most at risk from inappropriate infant feeding practices.

Ninety-three nations voted yes.

Only three nations voted no. The United States of America was one of them.

This is not an action in which I, as a citizen of this land, take any pride.

By a negative vote, we are not protecting the right to free enterprise. Our own laws prohibit misleading advertising. We are not protecting the first amendment. The first amendment does not condone unfair business practices.

In 1978, our Congress enacted legislation to protect the quality of infant formula sold here in the United States. That action did not infringe on the rights of any company to conduct its business within the law.

Yet, we are voting against this international, advisory code because of claims that the restrictions it recommends against marketing practices represent an intrusion on constitutionally guaranteed rights.

The purpose of this advisory code is simple. It is intended to support the governments of poorer nations in their efforts to protect their people against the blandishments of advertising that implies infant formula is as good as breast-feeding, preferable to breast-feeding, or superior to breast-feeding.

It is designed to help limit the practice of companies dressing their saleswomen in uniforms that look like nurses' uniforms, and sending them to maternity clinics and villages to make the sales pitch to illiterate women that infant formula will make their babies as strong and healthy as European babies, or American babies.

It is designed to prevent these "nurses" giving free samples of formula to postparturient women for a few days, a practice which lets the mother's milk dry up and makes a return to breastfeeding impracticable.

The manufacturers have claimed that they do not engage in these and similar misleading practices any more under a voluntary code of self-restraint. But a report by health professionals, Peace Corps workers and others in the field last year found at least 700 individual instances of abuse.

The manufacturers claim that marketing does not encourage women who can breastfeed to switch to formula. They claim their only goal is to reach those women who cannot breastfeed. If these marketing practices do not, in fact, encourage sales, it is hard to understand why the companies are so adamant against any restrictions.

And it is even more difficult to understand in light of the fact that this code is purely advisory. It mandates nothing.

This question involves much more than ideological arguments over whether we should verbally oppose the anticorporate animus of some governments. It directly affects the health of newborn babies in Africa, Asia, and Latin America.

Infant formula is meant to be prepared under careful sanitary conditions. It is designed for mothers who understand the nutritional needs of their babies. When it is mixed from a contaminated water supply, when none of the utensils can be sterilized, when illiteracy or misunderstanding combines with poverty to stretch the precious formula by watering it down, when it cannot be refrigerated in a tropical climate, then the use of infant formula is surely inappropriate. When the disposable bottles American mothers use do not exist, and formula is given to a baby from a Coke bottle with a rag tied across the neck, then, surely, infant formula is dangerous to infants.

So I am deeply concerned about the implications of our negative vote. Instead of sending the message that we support free economic activity, that corporate operations play an important constructive role in developing countries, are we instead sending the message that the economic health of private interests far outweighs any other consideration in the world community?

That is why I am concerned about the administration's overruling the decision reached by the Department of State and Health and Human Resources to abstain on the vote as a mark of U.S. concern about overly broad restrictions on commercial activity. An abstention sends

that precise message. A negative vote sends much more.

The drafting of the code has been substantially modified at U.S. insistence. References to non-milk-substitute baby foods were eliminated at our insistence. The code was made advisory, rather than being issued as a regulatory code, at our insistence. The language of the code was toned down at our insistence.

All this was done to maintain the unanimity of world concern about the nutrition and health of the most helpless among us, newborn infants.

But, apparently as the result of industry lobbying, the administration is going to veto this advisory recommendation.

A recognition of the sanctity of human life and support for the right to life itself surely goes beyond the most elementary goal of seeking to permit birth.

It surely entails obligations to preserve newly born life and to protect the health of the newborn, as well.

I deeply regret the decision to vote against this code.●

SUPPLEMENTAL APPROPRIATION AND RESCISSION ACT, 1981

UP AMENDMENT NO. 114

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

Mr. President, I send to the desk an amendment on behalf of myself and Mr. TOWER of Texas. The purpose of this amendment is to restore funding for the aviation officer continuation pay program that was authorized by this body in the fiscal year 1981 Defense Authorization Act and requested by the administration in the fiscal year 1981 supplemental now before us.

This program was designed to deal with our critical problem of aviator retention. We have recognized for some time, the need to stem the loss of experienced aviators into the cockpits of the airlines and other occupations. We have recognized for some time that we were experiencing serious shortages of trained aviators and that the training costs for replacements was extremely high. It was a realization of this fact which lead the Congress to enact the aviation officer continuation pay (AOCP) program. That legislation required that the service secretaries prepare and implement plans to meet the unique needs of the individual services.

It has been stressed time after time by the Congress that we believe the best method of compensation is the method that involves targeting the problem and putting our financial resources on that target. It is our belief that we are ill-served by trying to meet manpower problems with ever expanding across-the-board increases in compensation. It is for that reason that Senator TOWER and I have proposed the amount of $55.5 million rather than the $79.3 million originally requested by the administration. This represents a 30-percent reduction in their original request. It is our feeling that providing this lesser amount will provide even greater incentive to the services to deal with these shortages in the most deliberate and careful fashion possible. We have been informed by the Department of Defense that they support this amended request.

Mr. President, as I said earlier, I think we are all familiar with the problem. However, I shall like to offer a few examples of the critical need. In the Navy, for example, our current pilot shortfall is 22 percent and our current shortfall of naval flight officers (NFO's) is 8 percent. The Marine Corps has a 15-percent shortage of pilots and a 16-percent shortage of NFO's. Furthermore, the problem is becoming more severe daily.

Again in the Navy, 278 aviators submitted letters of resignation between October 1, 1980 and April 1, 1981. Many of these would have been retained had this program been in place—212 aviators currently have resignations pending which will take effect by the end of August 1981. The Navy believes that the enactment of this program will result in between 85 and 95 of these people withdrawing their resignations. Since it costs better than $700,000 to train one aviator, the retention of the 85 on the low side of this estimate would more than recoup the cost of the amendment we are offering here today.

Mr. President, as severe as the numbers show this problem to be the numbers only relate half the story. The aviators that we tend to lose are our best aviators. They are the ones most sought after by the commercial airlines. The replacement of a highly qualified, experienced, and seasoned pilot with a newly trained pilot on a one-for-one basis results in the status quo but an overall loss of capability. For that reason, our emphasis must be on retention of the highly trained aviators we have now, rather than on the recruitment of replacements.

Mr. President, in considering the AOCP program, the House Appropriations Committee restricted its application to pilots only. This action would prevent the payment of these bonuses to naval flight officers or NFO's. We feel this is a grievous mistake. The NFO is and must remain a full and equal partner with his cockpit mate. I ask unanimous consent to have printed at this point in the RECORD a letter from Secretary of the Navy, John Lehman, on that subject and should also like to include a letter from the Under Secretary of the Navy, Robert Murray, to Chairman ADDABBO of the House of Defense Appropriations Subcommittee in which he says, and I quote:

If we reverse the trend for pilots but not for NFO's we will be no better than we are today—we will just move the problem to the back seat.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE NAVY,
Washington, D.C., May 19, 1981.

Hon. ERNEST F. HOLLINGS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HOLLINGS: I want to bring to your attention an issue that I believe to be of major importance as we strive to achieve and maintain maritime superiority. The issue is the manpower health of the naval aviation community, in particular, the retention of naval aviation officers. The Defense Authorization Act for FY-1981 authorized a bonus for aviation officers, the Aviation Officer Continuation Pay (AOCP), that would permit us to begin to correct a recognized unsatisfactory situation, has yet to be implemented. The funds for this program were included in the FY-81 Supplemental request but have been deleted in the Bill that is now before the Senate.

I am aware that you have been briefed on this issue and that your staff has received briefings from the Department of the Navy and the Department of Defense. As a result, I will not detail the magnitude of the problem or the specifics of our recommended program in this letter. There are, however, a few facts that should be mentioned.

There is, I am told, no disagreement regarding the fact that Navy is critically short of naval aviators. Similarly, there is no disagreement regarding the need for action to correct retention statistics that clearly do not meet our current or future needs. I believe that most of the concerned members and staff members would agree that some form of compensation improvement is required.

When AOCP was authorized, Service Secretaries were provided with the necessary flexibility to prepare and implement plans that met the unique needs of individual Services. I did not take this requirement lightly. One of the factors I carefully considered was the level of AOCP payment that should be made to pilots and naval flight officers (NFO's). Both specialty areas have shortfalls when comparing inventory to requirements. The pilot shortfall is greater (22 percent pilots, 8 percent NFO's). The Marine Corps has a 15 percent shortage of pilots and a 16 percent shortage of NFO's.

It is an essential requirement to consider pilots and NFO's as a single part of the naval aviation team. The employment of these aviators, particularly in an operational environment, dictates this choice. NFO's and pilots fill billets afloat and ashore without regard to aviation specialty in every instance that does not involve actual piloting of aircraft. This includes command of operational squadrons flying off our aircraft carriers. It also includes every position within those squadrons and in command of ships and shore activities. In every way, NFO's are equal partners on the aviation team.

We do not have enough pilots. We do not have enough NFO's. Both are extremely expensive to train. Both require extensive operational experience to become productive airmen and leaders in aviation. Yes, NFO's are being retained at rates which, in comparison with pilots, seem to be quite satisfactory. One must balance this with the realization that NFO's need to be retained in even greater numbers and every one retained can be used to meet the growing aviator shortfall, a shortfall that will grow to 41 percent pilots and 23 percent NFO's if action is not taken. Considering these factors, I chose to submit a plan that paid pilots and NFO's the same amounts of AOCP. It has taken years to build a team environment with pilots and NFO's working and flying together, often in two place high-performance fighter and attack aircraft, and the plan I submitted recognizes the worth of that effort and of the individuals involved to naval aviation effectiveness.

If the Senate accepts the deletion of all funds for AOCP, it is saying, in effect, that paying nothing for the time being is a better approach than the one I have submitted and the Deputy Secretary of Defense has approved. It is saying that the flexibility granted to me as Secretary of the Navy was

not used in a manner most beneficial for naval aviation. Mr. Chairman, I do not believe that either of these statements is true. We need to get on with correcting the problem now. It is nearly a year since authorizing legislation was enacted and we have yet to apply AOCP to save a single aviator. In fact, given the drawn out period between enactment and implementation, I believe the issue is now having a detrimental impact. Designing a new program, with tighter controls and less flexibility, will take time and will restrict the ability I now have to use the bonus in a way that best meets my Department's needs. I would also expect that the authorization and appropriations process would take a good deal of time and aviators who might have been retained will leave during the interim.

We need every pilot and NFO we can retain. I urge your support in keeping the program alive so that we may actually start implementing the bonus as soon as possible. I would find it acceptable if you would propose an amendment that would result in an across-the-board decrease in the amounts to be paid and also require each Service to come back to you with a revised implementation plan to become effective at the earliest opportunity. I ask for your help with the conviction that the combat readiness of the Department of the Navy will be significantly helped, or hindered, by the result.

Sincerely,

JOHN LEHMAN.

OFFICE OF THE SECRETARY,
May 5, 1981.

Hon. JOSEPH P. ADDABBO,
Chairman, Subcommittee on Defense, Committee on Appropriations, House of Representatives, Washington, D.C.

DEAR MR. ADDABBO: As we discussed on Wednesday, I am concerned that deleting Naval Flight Officer's (NFO's) from our proposed Aviation Officer Continuation Pay (AOCP) program will have a negative impact on our officer retention problems. The Navy is currently short 22 percent of pilot requirements and 9 percent short of NFO requirements and our requirements for both are growing. Economic analyses show a worsening retention trend that could cause shortages of 41 percent and 23 percent respectively. If we reverse the trend for pilots but not NFO's, we will be no better off than we are today. We will just move the problem to the back seat.

The Navy has laboriously worked to build equality between pilots and NFO's over the past 15 years, to the point where we are assigning NFO's to cover pilot shortages thereby balancing the shortfall problem. Pilot and NFO's fly together as essential elements of a weapons system, they operate in the same environment and they both serve in positions of squadron command. I do not believe we can afford the adverse impact on morale, teamwork, performance and retention that different monetary opportunities would create.

We intend to appeal your committee's $15.4 million mark against the AOCP program to the Senate Appropriations Subcommittee on Defense. Should we be successful in gaining full support of our request in that body, I solicit your reconsideration of the issue and full support during conference. For a relatively small investment, we have the opportunity here to reverse an unacceptable retention trend and make a significant improvement to our overall readiness posture.

I appreciate having had the opportunity to discuss this very important issue with you.

Sincerely,

ROBERT J. MURRAY,
Under Secretary of the Navy.

Mr. HOLLINGS. Mr. President, this is not a situation where we can afford any more delays. The Navy is currently short over 2,200 flight officers; the Air Force shortfall is over 1,400 and for the Marines—a much small service—the shortfall is over 700. In brief, there are over 4,300 billets for qualified aviation personnel currently going unfilled. In calendar year 1982, 2,200 Air Force and Navy pilots will reach the end of their obligated service. In that same year, 1982, the airlines projected need for aviators is an additional 1,600. In calendar year 1983 when 1,300 Air Force and Navy pilots will be at the decisionmaking point, the airlines will require an additional 2,000 aviator personnel. If we do not act now to give our services the proper retention tools, the problem will go from critical to catastrophic.

Mr. President, we are operating in a mood of fiscal restraint and properly so. Therefore, the sponsors of this amendment do not intend to add funds to the supplemental appropriations bill. Rather, we intend to offset our proposal with a corresponding reduction or offset. We have chosen to reduce the account for nonfuel cost for each of the affected services by the amount necessary to accommodate this item. This action forces the services to prioritize between competing programs and needs in the fashion this Congress has been striving to encourage. They are in effect paying for a program they desperately need by taking it out of their hides.

We believe that this meets the affordability standard which should be applied to all programs within the Federal Government. Although, in this instance, I believe the affordability issue is can we afford not to.

Mr. President, right quickly, under this limited time, at the present moment the Navy is currently short of 2,200 flight officers. The Air Force has a shortfall of over 1,400 flight officers and the Marines, a much smaller service, has a shortfall of 700 flight officers, pilots, and navigators.

So we are now short in aviation personnel in the Department of Defense of 4,300 pilots and navigators. And we find the airlines looking for at least 600 next year in 1982 when some 2,200 of those pilots whose time is coming up to either get out or continue. The following year when they will be looking for 2,000, we have 1,300 Air Force and Navy pilots who will be reaching that decision.

On last year Congress foresaw this dilemma. We were all talking about it. The President even met on the deck of the *Nimitz* on Memorial Day promising this particular program and we came forward with the aviation officer continuation pay in the defense authorization bill.

The administration now has requested in the supplemental a funding. We have not given the full funding, but we have given enough to retain the officers that we feel are necessary at the cost of some $55.5 million.

It is really extracted from the nonfuel costs and does not cost the budget but in essence saves literally billions. If we look to the 298 pilots who are going to be retained and the 60-some flight officers, in 1981 alone, these 353 aviators will represent a training investment of some $256 million. There will be 1,930 pilots through 1985 who will be retained and some 381 flight officers, to the tune of 2,311 aviators we are going to save $1.7 billion as compared to the cost during that entire 5-year period of only $210 million.

So we are saving the money, we are saving the experience, and we are saving face, faith, and confidence.

We promised this. We should carry through that promise. We have allowed the flexibility within the particular services whereby the Navy is treating their navigators and pilots on the same basis, with the same hazards and separation from home to be contended with, which was not treated in the House version. They only gave it to the aviators and left out the navigators, and like half a haircut, it was worse than none at all. It really is going to cause more problems than it solves.

Our distinguished colleague from Alaska said give them sea pay. We studied this closely. The administration, the Secretary of the Navy—and in fact the former Secretary wrote this authorizing bill, the distinguished Senator from Virginia, Senator WARNER, whom I am going to yield to momentarily all studied this proposition. Secretary Claytor talked to me earlier this morning about it. We have it targeted. It is a money saving. It is absolutely necessary if we are going to treat with any objectivity the needs of our particular defense.

We cannot come forward with some $26 billion for all kinds of equipment and fanciful material and not take care of an emergency situation here.

With that having been said, let me yield now to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I wish to support the amendment of the distinguished Senator from South Carolina. I think it is one of the wisest things that we have done in a long time.

Just a brief history of what we used to call flight pay, because that is what this is, and it has since been applied to all hazardous occupations in the military service, but flight pay used to be 50 percent of the base pay of a pilot, and it was a very attractive addition. It kept people in the service because no matter how high they went in rank, that 50 percent applied.

That has been discontinued a long time ago, and the unfortunate thing is that when the pilot really needs this little pad, when he gets to be a captain, but particularly a major when his children are of age to go to college or in high school it is going to cost this man more money than we are now paying him. So what does he do? He looks around and finds a job with the airlines or he finds a job with commercial flying some place or quits the military altogether.

Mr. President, it costs us in all the services—I do not care what service we are talking of, the Navy, the Marines, the Army, or the Air Force—about $250,000 to $300,000 to give a pilot the basic training needed to get him off the ground

and back on the ground, and then when we get this pilot up to flying a B–52 we have had $1 million to train this pilot and about three-quarters of that to train his copilot, not to mention the engineer sitting behind them who is going to have probably $500,000 invested in him, and we are trying to knock off one of the most enticing bids that we have ever put in the pay envelope for the pilot of all the services.

I certainly hope that the amendment of the Senator from South Carolina succeeds because in my travels around talking to the Air Force units that I visit almost every weekend I have told them that this is one of the benefits that we are going to give them that we have taken away from them, and I want to see the retention of that middle grade officer, the high company grade of captain and major, which is the most important rank we have in the Army and the Air Force and the Marines and will be the comparable grade, I believe, of a lieutenant commander in the Navy.

So I am glad the Senator has introduced this amendment, and I give him my full support and I speak from many, many, many years experience with this subject.

Mr. HOLLINGS. I thank the distinguished Senator and the distinguished pilot.

Mr. President, I ask unanimous consent that the distinguished Presiding Officer, the former Secretary of the Navy, Mr. CHAFEE, be added as a cosponsor, and also the Senator from Arizona (Mr. GOLDWATER), and the Senator from Delaware (Mr. BIDEN) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I yield now to the distinguished cosponsor, the Senator from Texas. We have had a request also from Senator ARMSTRONG and Senator BIDEN.

Mr. TOWER. Mr. President, I suggest the Senator from South Carolina reserve the remainder of his time as he does not have much, and it might be that the opponents of the measure would wish to use some time.

Mr. HOLLINGS. All right. I reserve the remainder of my time.

Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from South Carolina has 7 minutes and 17 seconds remaining. The opponents of the measure have 15 minutes.

Mr. STEVENS. Mr. President, I yield myself 5 minutes.

Mr. President, it is not a simple matter of bonus or flight pay.

I have great regret that I disagree with my good friend from Arizona on the matter. I am not so sure I have great regret for disagreeing with my other friends on the matter because we have argued it before.

Let me tell the Senate what the Hollings amendment really is. This is a short-term, quick fix that deals with the Navy alone. The Navy retention figure for pilots is bad. Air Force retention is good and the Navy retention for navigators is good.

What the bonus does is that it commits us to a 5-year appropriation totaling over $535 million to pay bonuses to people just as they are about to leave the Navy.

Now, as a practical matter, the Navy telephoned aviators who were ready to resign. They telephoned 150 people. Fifty-three percent of them said a bonus would make no difference, and it would not retain them.

What we are talking about is not a bonus and flight pay, if I might say to the Senator from Arizona. It is a bonus or flight pay. It is possible that both may not be funded. We have asked to fund the flight pay because we believe that an across-the-board flight pay increase is what is needed.

Let us keep in mind we have increased military pay last year 11.7 percent. There is an additional request for a 5.3-percent increase. This fall the Department of Defense is requesting 9.1-percent increase. On top of that we recommended the increase in flight pay.

This bonus will say to the people who are about ready to resign, "If you sign up you can have a bonus." It does not pay anything to the people who are not considering resignation.

There will be such a discrepancy in terms of pay to pilots—if Navy pilots receive the bonus—that the situation will be exacerbated rather than improved.

In addition to that, the pilot can take the bonus and leave. There is a 1-year commitment to stay. It is not a commitment to sign up only for 4 years; it is a commitment to 1 year he can take it and leave.

Once you start the bonus for the Navy you will have to do it for the Air Force; once you do it for the Navy and the Air Force you will have to do it for the Army. Once you do it for pilots you have to do it for navigators.

We recommend an across-the-board flight pay increase for everybody, not just for those who are about to resign.

It is a poor strategy to aim for a quick fix, to throw a bonus at people to keep these people. Has Senator HOLLINGS figured out how much it costs to train those who are about ready to resign? What about the thousands of other aviators who may not get it?

It is not fair to pay a bonus only to those people who are ready to resign. We ought to have a compensation system that pays everybody who is involved in hazardous duty.

Mr. President, I do now know why this amendment is being pressed so hard. It is disturbing to me that we cannot question anything in this authorization bill without having it come back on the floor. If that is the case, there is going to be an awful long time spent on the full annual authorization bill. There will not be these kinds of agreements to take up amendments before we see them, before we know of them.

This amendment, incidentally, is subject to a point of order. We will have to wait and see if we will raise a point of order. It is improperly drawn and it should not be presented here at this time. It will be in conference.

I have called the attention of the Senate to the fact that each one of the amendments we will debate on this portion of the bill will be in conference and there are other items in this bill that will be in conference. Are we to set a position with the Armed Services Committee that we cannot take an item out and many times we take them out, to have something with which we can get the attention of the other body because we have no right to question the Armed Services Committee?

I question this one from the point of view of its fairness to all pilots, its fairness to all flight personnel.

I will take one more minute. We should talk about the question of compensation for all flight personnel. This covers only commissioned officers. It does not cover noncommissioned crew people. It is an unfair way to solve the problem solely because the Navy has a pilot retention problem right now.

I reserve the remainder of our time.

Mr. HOLLINGS. Mr. President, I yield time to the distinguished Senator from Virginia, who now wants to be recognized or the Senator from Colorado. We only have 7 minutes, and we have about five people who desire time. I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I appreciate the Senator from South Carolina's yielding, and I congratulate him on the leadership he has shown in this matter. I am proud to join him in cosponsoring this amendment.

Let me say I think there is much in the argument which has been made by the Senator from Alaska. I am personally persuaded we are chipping away at this problem, making the first approach for adequate compensation for pilots, navigators, aircraft technicians, radar operators.

The truth of the matter is we could pass a pay raise every week for somebody in the military service in the next month, and we would start to be caught up. The practical effect is that this amendment addresses a very specific, very pressing, very critical problem, and I think the Senator from South Carolina is right on target. I agree with him. I support the amendment and I hope the Senate will go along with it.

I rise in enthusiastic support of the Hollings amendment on aviation officer continuation pay.

I would have preferred that the entire amount of $79.3 million requested by the administration be approved for this worthwhile program. But the Hollings figure of $55.5 million, to be taken from funds unneeded to meet fuel cost increases, seems to me to be a more than acceptable compromise.

The Senate knows how strongly I feel about the need to increase military compensation. Compensation increases are especially vital in critical specialties such as aviators where the differential between what a serviceman earns, and what he could be earning for performing the

same skill as a civilian has reached surrealistic proportions.

Unquestionably, there are improvements that can be made in the aviation officer continuation pay program, and other specialty pay programs in the Armed Forces. But emphasis on specialty pays needs to be increased rather than decreased. We must devote the scarce resources we have to increase military compensation in the most effective ways possible. Programs like this one, where money is directed at a critical need, and where funds expended to keep experienced pilots on active service will not add to retirement costs downstream, need to be supported.

Approval of the funds requested for the aviation officer continuation pay program is one of the most cost-effective steps Congress can take to strengthen our national defense. We spend up to $1 million each to train the pilots who will benefit from this program. The cost of retaining these experienced pilots through aviation officer continuation pay program is trivial in comparison with the cost of training inexperienced new pilots and flight officers to replace them. It would be penny wise and pound foolish, to ignore the financial advantages offered by this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished Senator from South Carolina. I thank him for the opportunity to speak in support of this amendment to restore funding for the aviation continuation bonus. I join him in this amendment.

This is a matter of great importance. How we resolve it here in the Senate will have a substantial impact on the overall military readiness of this Nation.

Every Senator recalls the problems we have encountered in recent years in maintaining military readiness at high levels. And every Senator recalls that shortages of highly skilled career personnel were a major cause of declining military readiness.

In the words of the Chief of Navy Operations last year, we were suffering from a "hemorrhage of talent."

Well, last year the Congress took action to stop the hemorrhage. We passed the Nunn-Warner bill, we passed an 11.7 percent pay raise and we passed the so-called fair benefits package. We here in the Congress also passed an aviation continuation bonus—the very bonus which is now the subject of this debate.

Those actions have gone a long way toward curing the problems. According to recent testimony from all of the services, retention or re-enlistments in the career grades has improved substantially.

In short, the men and women of our Armed Forces received the signal loud and clear that the Congress does care about their problems.

However, in the aviation community, the signal has been mixed. There have been increases in compensation, but some things which seem to have been promised have not been carried out.

The aviation continuation bonus is one of those things. When it was passed last year, it was perceived as a very positive signal. However, not a penny has yet been paid almost 1 year later and it looks as though it might never be paid.

If we refuse to fund this program in this appropriation bill, we will be sending a very bad signal. We will be saying that we will not live up to our part of the bargain. We will be saying that personnel problems were last year's issue and that we no longer care. After all, military readiness is not the headline grabber it was last year.

Mr. President, we here in Congress have to be more responsible than that. We have to do what is right. We have to do what is prudent.

This aviation continuation bonus is right and we should fund it.

There are critical shortages in aviation billets right now, and they are going to get worse if we don't do something about it. If we lose those people, we will be losing millions and millions of dollars worth of training and experience. It currently takes almost a million dollars to train an aviator for our military services and millions more in fuel, training, and aircraft are spent to get the levels of experience we require.

It seems only prudent to make a small investment now to keep from losing the huge investment our Nation has in these people.

Mr. President, I would not go into great detail here. I would not throw around statistics and percentages. Those facts are already available.

What I would like to do is point out that the amendment we are discussing allows for a great deal of flexibility in targeting money to the areas of greatest need. It does not require payments to all aviators.

As is consistent with the legislative intent of the authorization bill last year, the Secretary of Defense is permitted discretionary authority so that he can respond to the different needs of each of the services.

Mr. President, let me comment briefly about the legislative history of this aviation bonus. I was a participant in the committee deliberation on this matter and it was on my motion that the committee approved an expansion of the bonus coverage to include aviation personnel other than pilots.

There were last year, and there are now, shortages in aviation ratings other than pilots. In the Navy and the Marine Corps, there are significant shortages of naval flight officers (NFO's). They are equal partners in the aviation team. The aircraft can't perform their mission without them. The NFO's take the same risks and endure the same hardships as pilots.

It was the committee's view that NFO's and navigators should also be eligible for the bonus if there was a shortfall.

Retention was the purpose. The bonus was intended to be used to stem the outflow of skilled aviators whether pilots, navigators, or NFO's.

At the same time though, the committee intent was to target the bonus to where it was needed. It was recognized that the needs of the services might be different. One service might need the bonus to retain sufficient numbers of aviators with the right experience mix, while another service might not.

The Secretary of Defense was given the authority to tailor the bonus to need, to target the bonus on areas of greatest need.

The legislative intent was clearly to use this bonus as a retention tool, and it was clearly to include NFO's and navigators if there was a shortfall in retention.

Mr. President, one thing is clear. We have a shortage of pilots and other aviation rated personnel. If this bonus is not funded, the problem is going to get much worse and our military readiness is going to suffer.

We have an obligation, as Members of Congress, to avoid waste and inefficiency in Government and I believe that failing to fund the continuation bonus would be highly wasteful and inefficient. All those aviation people we are talking about represent a taxpayer investment. We should not allow that investment to be lost.

I urge all of my colleagues to support the pending amendment to restore funds for the bonus. It is a good investment and one well worth the cost.

Mr. HOLLINGS. Mr. President, I yield to the distinguished Senator from Delaware.

Mr. BIDEN. I will not take much time, Mr. President.

Two years ago I was made a believer on this point, and a year ago it was reinforced when I visited our fleet in the Persian Gulf and spent 2 days with those young pilots and those about to get out and why they were getting out.

Suffice it to say, in the interest of time, assuming everything the Senator from Alaska said was correct, everything, it still makes sense to have this amendment even if everything he said is correct. He acknowledges there is a severe problem here, and even if it is designed just to pinpoint that one problem it warrants doing what the Senator from South Carolina is attempting to do.

As I said, I will not take too much time. There is much more to say, but it will please everyone to know that I am not going to say any more.

Mr. HOLLINGS. Mr. President, I yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President and Members of the Senate, I am supporting this amendment because of the peculiar, intensive, overwhelming, competitive situation the Navy is up against with the airlines and others that are getting these pilots and, particularly, as it developed last year, and this crisis is still on.

I think there is a great deal of truth in what the Senator from Alaska said about a system that should be worked out, and a real solution as near as can be developed.

I add this: You are not going to get it solved as long as we just wait and let the services work out something at the last minute. It is going to take an intensive, in-depth development of the situation, and then to adopt a system that will meet the problem.

So I am supporting it under these

conditions, and I hope we can get something better.

I thank the Senator.

Mr. HOLLINGS. I thank the distinguished former chairman and now ranking member.

Mr. President, how much more time is there?

The PRESIDING OFFICER. The Senator has 2 minutes and 38 seconds.

Who seeks the floor?

Mr. STEVENS. Mr. President, I yield myself 2 minutes.

Let me call to the attention of the Senate that this amendment is for the purpose of establishing a new program for special pay for aviation career officers.

It comes to us in a way that is hard to understand. It is not the same amendment that was offered in the committee. When we dealt with it in the committee, we were able to tell what they were trying to do with it in terms of pilots and naviators. The way the Hollings amendment is drafted, it is not possible to understand it as compared to that which was previously considered in the full Appropriations Committee and the way the House handled the matter.

We have put our statement on the desk of every Member of the Senate. I hope it will be read.

I understand what the Senator from Delaware is saying. He is saying that we agree there is a problem. There is a problem for the Navy for the retention of pilots. There is less of a problem for the Navy for the retention of navigators. There is no problem in the retention of Air Force pilots. There is no problem for the retention of Air Force navigators.

Of all the services, there is only a problem in one area, and that is Navy pilots. This problem has more to do with the repeated crashes of Navy pilots and Navy planes than it does with the pay system.

When Navy aviators were interviewed, 53 percent of those who had tendered their resignation said payment of a bonus would not make any difference.

Why destroy the compensation system for pilots with a quick fix that is trying to help the Navy pilots when they are not going to remain in the service even if this bonus system is voted? I cannot understand it. It is to me impossible to understand why my friend would want to do it this way.

Would the Senator from South Carolina tell me, is this meant to cover Navy pilots?

Mr. HOLLINGS. To cover all Air Force and Navy pilots.

Mr. STEVENS. To cover Army pilots?

Mr. HOLLINGS. No.

Mr. STEVENS. Mr. President, I hope the Senate understands the way it is drawn it will cover Army pilots, because it says to cover aviation career officers and an Army pilot is an aviation career officer. If it covers Army pilots, you do not have enough money. If it does not cover them, you have to say it and you do not say it.

Mr. HOLLINGS. Mr. President, does the Senator not look at the authorization bill and realize the flexibility in that bill? It is written that way so each one of these services can address their particular problem.

Mr. STEVENS. Mr. President, I hope the Senator is using his own time.

Mr. HOLLINGS. The Senator asked me a question and when I answer it he does not give me the time.

Mr. STEVENS. The Senator answered the question.

The PRESIDING OFFICER. The time is on the Senator from Alaska. The Senator from Alaska has the floor.

Mr. STEVENS. Mr. President, it demonstrates again the problem with trying to legislate on the floor a matter that is very complex.

The way the amendment is worded, it is not limited in the authorization bill. This will, in fact, cover career aviation officers. It is poorly drafted. Under the circumstances, I have no alternative but to state that when the time has expired I will raise the point of order that the Senate.

Mr. GOLDWATER. Mr. President, will the Senator from South Carolina yield?

The Senator is mistaken when he says this is not a problem for the Air Force. The Air Force I know is 2,400 pilots short. We have as much trouble retaining pilots as the Navy has.

The Navy pilots may get out for different reasons, but in my talking—and this has been a major talking point with me for year after year after year. I guess for 20 years I have been concerned with pilots getting out of the service. They all, at the grades of captain and major, complain that the pay is not sufficient to hold them.

The PRESIDING OFFICER. Who yields time? Time is on the Senator from Alaska.

Mr. STEVENS. I am happy to yield to the Senator from Arizona, but I thought he asked the Senator from South Carolina for time. But, I am happy to have yielded to him and state to him that the Air Force gave us the figures. The figures for the Air Force are 95-percent pilot and 97-percent navigation retention; for the Navy, it is 78-percent pilot and 92-percent navigation retention.

We do have a problem of increasing the pilot training to meet the new demand for pilots in the Air Force, but it is not a problem of retention. It is a problem of increasing the numbers. With the Navy, it is a problem of resignations.

The Air Force came before us and testified they preferred an across-the-board flight pay increase. It was more fair. We recommended that. The subcommittee chairman on the authorizing committee has also recommended an across-the-board flight pay increase.

We are going to get flight pay. We are not going to get flight pay, though, if it is used up with a half a billion dollars on bonuses just to meet a Navy problem.

We should have an across-the-board flight pay increase to attract more people into flight training. And it should not only be for pilots. It should be for navigators. It should be for bombardiers. It should be for radar operators. It should be for the flying crews.

It will disrupt our flying crews to know that the pilots who opt for a bonus will get more money but the navigators will not, the radar operators will not, the crew chiefs will not, and others on the plane may not because the Hollings amendment reduces the administration's budget request. It simply will not fund the needs of the services. Someone will lose out.

I know my friend is a part of the system, and he knows flight crews as I know them. The amendment is wrong. It says to one person, "You are highly important, sign up for the bonus." And it is because the Navy's figures are 78-percent pilot retention. The Marines have 85 percent, the Air Force 95 percent in terms of pilot retention. The Air Force has said, "No, we would prefer an across-the-board flight pay increase."

A flight pay increase is the way to solve this, not the Hollings amendment. This is going to ruin our flight crews because inequities will result.

Mind you, and I hope the Senate understands this, if we adopt the Hollings amendment, it is not for 1 year, it is for a minimum of 4 years. The impact of this is at least a 4-year commitment to $535 million in a supplemental coming at us at a time that no one has had time to study the full impact of the Hollings amendment. The House crossed off for everything except pilots because they heard the testimony concerning the Navy pilots' problem. But mind my word, I have been around the flying business as long as anyone in this body, except my good friend from Arizona—and I say that advisedly—I think this is going to destroy combat flight crews in all services because it is possible that only pilots will get this bonus. And it is wrong. It should not be done. It is really going to harm our readiness if we go this way.

Listen to those of us who are trying to improve the pay system. We voted the money for increased pay. We want to vote money for increase in flight pay. We do not want a separate bonus for one person on that flight crew.

Mr. HOLLINGS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from South Carolina has 2 minutes and 35 seconds.

Mr. HOLLINGS. And the Senator from Alaska?

The PRESIDING OFFICER. The Senator from Alaska has 2 minutes and 1 second.

Mr. HOLLINGS. Mr. President, in the 2 minutes, let us assume what the distinguished Senator from Alaska says that it only helps the Navy. I do not think that is a bad idea if we could just help the Navy. That is where the real problem is.

The Senator from Arizona is right on target. The Air Force has the problem and the Marines have the problem. It so happens that the Army is lined up with warrant officers trying to fly helicopters. We have all we want there.

But the solution is there by all the other pilots—General CANNON, General GOLDWATER, the Senator from Alaska, anyone who has ever flown—to try to

target the problem. We do not want it across the board. We want to pay out all that money just to get the ones we want to retain.

We are going exactly how the armed services found on the House side and the armed services found on the Senate side. This is the policy of the particular Congress.

So the retention program is one of a targeted program and it is intended that way. It is not just for the Navy. It is mainly for that particular group, but it is for the Air Force and the Marines as well.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 2 minutes and 11 seconds and the Senator from South Carolina has 1 minute and 19 seconds remaining.

Mr. STEVENS. Mr. President, let me talk a bit about money. I am sorry to see my friend from Colorado has cosponsored this amendment. I am as dedicated as he is to raising the pay of flight crews and doing everything we can.

We have a situation here where, in order to try to deal with a problem the Navy has, which is one of morale and not one of pay, we are going to put $535 million into a bonus system that is not defined in terms of the authorizing legislation. It certainly is not defined in this amendment. It applies, according to the amendment, to career aviation officers.

It is not the same amendment, really, that even the House was considering. I do not know what is going to happen when this comes to conference. How will these two bills go together?

But why should we increase this bill? This bill should not be increased the way it is being increased. In order to get the money, because of our budgetary ceiling, the Senator from South Carolina has taken it out of the operation and maintenance accounts. Of all the accounts to reduce in order to have a phony bonus system he is going to take it from O. & M. And yet we have heard testimony day after day after day after day, "We need more money for O. & M. We need more money for spares and more for parts. Otherwise, our readiness is going to deteriorate further."

To me this is just a challenge between the authorizing committee and the Appropriations Committee.

The question is whether you want us to study these things. Does the Senate want the Appropriations Committee to look at issues and determine worthy programs, what are good ways to spend our money? Are we to rubber stamp everything that comes out of the authorizing committee without thinking?

I said the Hollings cut should not be here at all, but to take it out of the O. & M. account is the worst possible place. If the amendment were subject to amendment with any debate and if I thought the amendment would carry, we would find a place where it might go. But, I hope the amendment does not carry, so I will not take the time of the Senate to amend it or find some place where we could stand this cut. Mind you, Mr. President, the Hollings amendment is taking this first year's appropriation out of O. & M. to pay this phony bonus.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the particular amounts are listed by the particular service that asked for them. I should emphasize that the administration, the pilots, the Secretary of the Air Force, the Secretary of the Navy, the Commandant of the Marine Corps, and everyone else, believes it to be critical. They have been calling around on this particular one.

They are willing to take it out of O. & M. or anywhere else they can get it right now, because they realize they are retaining experienced pilots.

It is absolutely fiscal stupidity to kill this amendment.

If you want to increase the budget, if you want to come back around the other end with across-the-board training at $1 million a pilot, you can spend billions.

Talk about waste, fraud, and abuse? The waste, fraud, and abuse is right here on the floor of the Senate with that kind of nonsensical approach.

Mr. President, I yield back the remainder of my time. The yeas and nays have been ordered.

Mr. THURMOND. Mr. President, the Senate has under consideration an amendment to provide $55.5 million for a military bonus program known as aviation officer continuation pay.

There is presently a serious shortage of Navy pilots and trends indicate these shortages may extend to Navy navigators and Air Force pilots.

The pending amendment would provide $55.5 million to the Department of Defense for use in meeting retention problems in this area.

Today we spend hundreds of thousands of dollars to train pilots and navigators. We should certainly provide enough pay incentives to insure their retention in cases where pay is the deciding factor.

Mr. President, I urge that the Senate adopt this amendment.

Mr. TOWER. Mr. President, Senator HOLLINGS has moved to restore $55.5 million to the fiscal year 1981 supplemental to implement a bonus program designed to retain aviation officers. This program, known as the aviation officer continuation pay, was authorized in the fiscal year 1981 Department of Defense Authorization Act. Thus, almost 1 year ago the Congress decided that a bonus was needed to solve a serious problem—the exodus of trained and experienced aviators from the military—but as yet, not a single dollar has been paid.

The supplemental before us today has no funds for this program. They have been deleted in committee. I cannot agree with this action. The services, particularly the Navy, are having a severe problem retaining skilled pilots. The statistics are most alarming. In the Navy, for example, pilot retention is at 38 percent and the inventory is at 78 percent of requirements. The Navy projects that by 1985 it will have only 59 percent of its pilot requirements and 78 percent for navigators. The Air Force projects that by the end of fiscal year 1982 they will be short 1,700 pilots and 800 navigators.

Mr. President, much has been said recently about whether pilots alone should receive this bonus or whether navigators should be eligible as well. We are aware that the House Appropriations Committee has chosen to pay the bonus only to pilots and not to navigators. This approach has been explained as the most cost-effective solution for the aviator retention problem which we know to be pilot retention, not navigator retention. While I agree with their assessment of the problem, Mr. President, I cannot agree with their approach. Navigators are essential members of our military aviation community and must not be excluded from eligibility for this bonus. Navigators are exposed to equal risks and share equal responsibility with pilots. I will not support an effort to make them less than equal in the law. They may be treated separately but they must be treated equally.

Mr. President, it is the intention of the Senate Armed Services Committee that this bonus be paid in a manner that will address inventory and retention shortfalls within the aviation community of each service. The committee will not support the payment of the bonus in one service where no retention problem exists just because the bonus is being paid in another service where retention problems are severe. Furthermore the committee expects that within each service if the retention level of navigators remains below the required threshold while pilot retention ceases to be a problem, then payment of the bonus to pilots would cease. The same would apply if navigator retention ceases to be a problem while pilot retention continues to be unsatisfactory.

The Secretary of Defense—to whom the discretion for payment of the bonus has been given—is expected to insure that these guidelines are followed. Future authorizations for payment of the bonus will be directly influenced by the degree to which the Secretary complies with this guidance.

I strongly urge my colleagues to support this vital effort to stem the loss of our highly skilled military aviators.

Mr. STEVENS. Mr. President, I make the point of order that the amendment touches the bill in more than one place and is therefore subject to a point of order.

Mr. HOLLINGS. Mr. President, I ask for a division.

The PRESIDING OFFICER. The Senator from South Carolina has the right to divide his amendment.

Mr. STEVENS. First, the amendment so divided violates the budget resolution and the Budget Act. It is contrary to the ceiling. It raises the outlays for this year and is subject to a point of order.

Mr. TOWER. Mr. President, I suggest——

Mr. HOLLINGS. Mr. President, if need be, we will put it in section 920. I learned that from budget resolutions. Do not

worry about violating the budget resolution.

The PRESIDING OFFICER. The pending question is division 1 of the amendment.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair, in its discretion, will entertain debate on the point of order. The point of order based on the Budget Act is well founded.

Mr. STEVENS. Mr. President, what is the time limit?

The PRESIDING OFFICER. The Chair will exercise its discretion to allow sufficient information to be brought forward to rule on the point of order.

Mr. HOLLINGS. Mr. President, on ruling on the point of order, can I be recognized?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, we know this is more than sufficient on a budgetary matter. The difference in the matter is the Senator from Alaska will remember in that we had $123 million in what we call the defense stock fund. We debated this in the Appropriations Committee and we took it out of there. But then thereafter the Appropriations Committee thought it wise to zero that particular fund out.

Knowing that we wanted an offset, we went back to the services and asked if it was critical enough. They said yes, that it was critical enough, and we would take it out of what they call nonfuel cost. It could come out of O. & M. or other parts. We knew it is coming out of several parts of the budget. That is how the amendment is drawn. There is no use for the Senator, like Plato, to make his own little laws and sit attentive to his own applause.

If the Senator does make the point of order, we know it is in the budget. He is the one who makes the point to cause a division that technically it could be out. I would say technically it is well within the budget. The cumulative amount is, and, therefore, the individual parts are.

We do not have a point of order on the budget because they only have the guiding amounts at this particular time on 1982. We do not have the final resolution.

We agreed with the leadership, of which the Senator from Alaska is a member, that we could then bring the resolution over from the House, which has already adopted the resolution.

Then there would be none of this out of order. There would not be any question at all.

We take the suggestions of the leadership in order to facilitate legislation and do it their way, then they raise the point of order for trying to do it their way.

I respectfully submit it is well within the budget both, parliamentarily, fiscally, and morally, because we went along with the leadership suggestion. It is in order.

Mr. STEVENS. Mr. President, is there time on the other side?

The PRESIDING OFFICER. The Chair will state that the time is now at the discretion of the Chair. The point of order was raised subject to the Budget Act. The Chair will allow as much time as the Chair needs to hear a discussion on this subject.

The Chair has allowed the Senator from South Carolina 3 minutes and will allow the Senator from Alaska 3 minutes. If more time is needed in the discretion the Chair, the Chair will so rule.

The Senator from Alaska.

Mr. STEVENS. Mr. President, the amendment in particular deals with adding an entirely new concept to the bill in the amount of $55.5 million.

What the Senator from South Carolina wanted to do could have been done by striking the bill in one place if he wanted to do it that way. Since it has now been divided, we are dealing with one amendment at a time. That amendment is to add $55.5 million for an entirely new special pay for aviation career officers, extending a period of active duty, and for that special pay there is $55.5 million.

That is an increase in the outlays which would violate the Budget Act immediately and, by definition, is supposed to. That is the whole issue.

We say it should not be done. It is contrary to the Budget Act to exceed the outlays. The budget resolution has not been passed. This is subject to a point of order.

I might say, Mr. President, I urged my friend to consider this tomorrow after the budget has been brought up. I urged him to try to figure out a way that we might consider this. I pointed out to him it would be in conference, as would all the amendments that the Armed Services Committee will raise.

There is no real reason to take the Senate's time. The Budget Act is there, and this will violate the Budget Act. I believe the Chair should rule that it is contrary to the Budget Act and the Chair should rule on this point of order.

The PRESIDING OFFICER. The side represented by the Senator from Alaska has a minute and a half remaining.

Mr. STEVENS. Mr. President, I yield that time to the chairman of the Budget Committee. I have not discussed it with him. He seeks the floor and he should have an opportunity to speak.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are in a very peculiar position.

I believe the Senator from Alaska is correct, technically, I say to my good friend from Alaska.

Mr. HOLLINGS. How could he be in raising that point of order?

Mr. DOMENICI. Let me say where I think we are. The entire bill was subject to a point of order.

Mr. HOLLINGS. If we are going to start raising a point of order, I will advise my friend I will have to raise points of order also.

Mr. DOMENICI. That could be done, but that obviously would not be ruled in his favor because, as I indicated to the Senator before the bill was taken up I proposed a waiver for the bill and for the dollars contained therein. That was voted on by the Senate. So the bill pending before us has a waiver.

The reason I did it, as the Senator well knows, is because this bill is well within the marks in the conference report, which is awaiting adoption by this body after this amendment. But as of now, technically we have the mark from the second resolution before us, waived only as to the appropriation bill that is before us.

Mr. President, when you divide, you add $89 million.

The PRESIDING OFFICER. The time granted by the Chair has expired. The Chair will grant 1 additional minute to either side.

The Senator from New Mexico is recognized.

Mr. HOLLINGS. Mr. President, I did not want to lead the way on the budget. The distinguished chairman has already waived it and said he wanted a vote. What we will do is waive it here and get a vote on this and consider each one of the particular provisions if the Chair so rules. I do not mind doing it. I was trying to maintain the character of the leadership with the Senator from Alaska, and maintain the budget with the Senator from New Mexico.

Mr. DOMENICI. Will the Senator give me 30 seconds?

Mr. HOLLINGS. Yes.

The PRESIDING OFFICER. The Senator from New Mexico has a minute to present his point. The Senator from South Carolina has 15 seconds left.

Mr. DOMENICI. Mr. President, I hope the Senator is not serious in that categorization. I am very interested in preserving the integrity of the budget. I conferred with the Senator before I waived as to this bill only because it is significantly under what the House and Senate conferees have agreed upon.

Mr. HOLLINGS. And this amount would be significantly under.

Mr. DOMENICI. This amount would be under, but what we risk, if I waived generally for this debate, is who is next with an amendment that says it will fit.

Mr. HOLLINGS. When you go past that particular limit, that is the time. But the Senator is saying it is under. It does not need a waiver. But he is saying that later on, it might; so, as a matter of policy, he does not want to waive right here.

Mr. DOMENICI. No, that is not correct. The Senator well knows that $3.2 billion in budget authority and $600 million that are under in this bill—this bill pending——

Mr. HOLLINGS. Right.

Mr. DOMENICI. We still have food stamps, which the Senator knows have to come down. We still have an ADAP thing that has to come down and they still have to go to——

Mr. HOLLINGS. The Senator is talking in futuro. I am talking now. This is in the budget, he says.

Mr. DOMENICI. It is not unless he wants to waive it.

Mr. HOLLINGS. Why is it not, Mr. President? He just said it is within that $600 million.

The PRESIDING OFFICER. The time that the Chair, in his discretion, gave to the Senator from New Mexico has expired. The Senator from South Carolina

has 15 seconds. At the end of that 15 seconds, the Chair will rule on the point of order raised by the Senator from Alaska.

Mr. HOLLINGS. Mr. President, I hope the Senator from Alaska will withdraw his point of order. He is just causing confusion and he knows it. Let him go on the merits of the thing. It is all within the authorization bill, Mr. President. It is all within the administration's policy.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. STEVENS. Mr. President, did the Senator say I have more time?

The PRESIDING OFFICER. The Senator's time is consumed. He used his time, then an additional minute was given to the Senator from New Mexico.

The Chair will now rule unless there is a request for waiver.

Mr. DOMENICI and Mr. TOWER addressed the chair.

Mr. HOLLINGS. I will move a waiver.

Mr. TOWER. Mr. President, I move that under section 904 of the Budget Act—I move to waive any provision of titles 3 or 4 of that act which creates a point of order against the pending amendment.

Mr. STEVENS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Is there a time limit on that motion under the agreement?

The PRESIDING OFFICER. Under the circumstances of the present moment, the motion is not debatable. The question is on agreeing to the motion.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, for purposes of conferring with the Senators, I ask unanimous consent that I have 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Then I am going to ask for a quorum call.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask the Senator from Alaska not to put us to this. It is obvious that they are going to get a vote one way or another; as a matter of fact, if we waited the night out and prevailed on a point of order, a waiver not being granted—and I think the Senate should not grant it—then as soon as we pass the budget resolution tonight, I say to my good friend, obviously, they can find some time between now and the time we finish this bill to offer this amendment.

The Senator has made a substantive argument. I think many think he should prevail. But I urge him, in deference to the budget process, to handle the waivers in an orderly manner.

Every waiver heretofore has been handled with full understanding of the Budget Committee or its leaders. The chairman and ranking member having analyzed it and, being here on the floor, I say again to the Senator, I conferred with the Senator from South Carolina prior to doing it. Perhaps he does not remember, but I think he does, that I was going to waive as to the bill.

I do not think we ought to do it this way. Mr. President, I urge the Senator not to.

The PRESIDING OFFICER. The time has expired.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask that the Chair exercise its discretion and let me respond to one item. Then I shall see what the Senate wants to do.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, my problem is that I do not want to stretch the Budget Act. I foresee this will happen and I do not want even to set the precedent that a waiver should be made. In fact, I think the act ought to be amended to state that only the chairman, acting in behalf of the committee, can seek a waiver of the Budget Act. It bothers me that we have gotten into this process.

It also bothers me that the assertions can be made that have been made here. I only wish there were some way I could draw the Senate's attention to the inaccuracies of the amendment. I am not being obnoxious to my friend who drew the amendment. But it is not in proper form. As such, it is difficult to get to with a point of order that does not lead to a position where I am right now.

The amendment should have dealt with the question of flight pay and should have taken offsetting money from the same function. Instead, it goes to O. & M. I cannot amend that O. & M., as I understand it.

I ask the Chair: If I offer an amendment to the provisions that reduce the O. & M. account in order to provide for this bonus, do I have any time to debate that amendment?

The PRESIDING OFFICER. There is no time to debate that amendment.

Mr. STEVENS. Mr. President, I think we are all going to have to rely on the good sense of the Senate to turn down this amendment.

I withdraw the point of order.

The PRESIDING OFFICER. Without objection, both points of order are withdrawn.

Mr. HOLLINGS. Mr. President, are we going to have four votes on four parts of the question?

Mr. STEVENS. No, Mr. President, I withdraw that point of order.

Mr. HOLLINGS. I withdraw my request for a division.

The PRESIDING OFFICER. Without objection, both points of order are withdrawn as well as the demand for a division.

The question is on agreeing to the amendment. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. DOMENICI. We have pending a motion by the distinguished Senator from Texas seeking a waiver under the Budget Act. Am I correct that that is no longer operative or needed?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Connecticut (Mr. DODD), and the Senator from Louisiana (Mr. LONG), are necessarily absent.

The PRESIDING OFFICER (Mr. ANDREWS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 79, nays 16, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—79

Armstrong	Garn	Moynihan
Baucus	Glenn	Nickles
Biden	Goldwater	Nunn
Boren	Grassley	Pell
Boschwitz	Hart	Percy
Bradley	Hatch	Proxmire
Bumpers	Hawkins	Pryor
Burdick	Hayakawa	Quayle
Byrd, Harry F., Jr.	Heflin	Randolph
	Heinz	Riegle
Byrd, Robert C.	Helms	Roth
Cannon	Hollings	Sarbanes
Chafee	Huddleston	Sasser
Chiles	Humphrey	Simpson
Cochran	Inouye	Specter
Cohen	Jackson	Stafford
Cranston	Jepsen	Stennis
D'Amato	Johnston	Symms
Danforth	Kassebaum	Thurmond
DeConcini	Kennedy	Tower
Denton	Laxalt	Tsongas
Dixon	Leahy	Wallop
Durenberger	Levin	Warner
Eagleton	Lugar	Weicker
East	Matsunaga	Williams
Exon	Melcher	Zorinsky
Ford	Mitchell	

NAYS—16

Abdnor	Hatfield	Packwood
Andrews	Kasten	Rudman
Baker	Mattingly	Schmitt
Dole	McClure	Stevens
Domenici	Metzenbaum	
Gorton	Murkowski	

NOT VOTING—5

Bentsen	Long	Pressler
Dodd	Mathias	

So the amendment by Mr. HOLLINGS (UP No. 114) was agreed to

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order of the Senate, the Senator from Texas is recognized.

UP AMENDMENT NO. 115

(Purpose: To provide funds for advanced procurement and research and development for the reactivation of two battleships)

Mr. TOWER. Mr. President, I call up

my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Texas (Mr. TOWER) for himself and Mr. THURMOND proposes an unprinted amendment numbered 115.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that it not be charged to either side.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. ANDREWS). Without objection, it is so ordered.

The amendment is as follows:

On page 27, line 20, strike out "$146,400,000" and insert in lieu thereof "$132,400,000".

On page 28, line 3, strike out "$237,800,000" and insert in lieu thereof "$263,200,000".

On page 28, strike out lines 6 through 16 and insert in lieu thereof the following: "$21,800,000 for the LSD–41 program; $89,000,000 for advance procurement for the reactivation of the battleship U.S.S. *New Jersey*, to remain available for obligation until September 30, 1985.".

On page 30, line 5, insert "of which $2,000,000 is for research and development in connection with the reactivation of the battleship U.S.S. *New Jersey* and $1,000,000 is for research and development in connection with the reactivation of the battleship U.S.S. *Iowa*," after "$211,407,000,".

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. No, Mr. President, if we do that, then let us charge it equally to both sides. I ask unanimous consent that the time be charged equally against both sides.

Mr. TOWER. I withdraw my suggestion.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Texas has the floor.

Mr. TOWER. Mr. President, it is my understanding that there is 1 hour allotted to this amendment equally divided between the proposer and the distinguished chairman of the Appropriations Committee.

The PRESIDING OFFICER. The Senator from Texas is advised that the time allotted is an hour-and-a-half for this amendment.

Mr. TOWER. An hour-and-a-half; 45 minutes to a side; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. TOWER. Mr. President, I might say that I am going to launch into my opening remarks here, but if the majority leader wants to shop around for a reduced time agreement I am perfectly prepared to accept it.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for consideration of this amendment be reduced to 1 hour equally divided.

Mr. CHAFEE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. TOWER. Mr. President, the amendment at the desk provides for the restoration of funds removed from the bill but requested by the administration to reactivate and modernize the battleship *New Jersey*.

This amendment adds $25.4 million for Navy shipbuilding for a total of $263.2 million and identifies $89 million to be used for reactivation of the battleship, *New Jersey*, while deleting instructions that $9.8 million additional be provided for the SSN–688 program and that $53.8 million additional be provided for the FFG–7 program, which are amounts over and above that requested by the administration.

Additionally, the amendment reduces funds for naval aircraft procurement by $14 million, providing $84.7 million for inflation above the administration's request, vice the $98.7 million recommended by the Appropriations Committee.

Taking into account the previously adopted amendment on aviation bonus, the net budgetary impact of this amendment will be to decrease overall budget authority for defense by $0.1 million and decrease outlays by $1 million.

In the fiscal year 1981 supplementary budget, the administration requested $89 million for advance procurement, plus $3 million in R.D.T. & E. for the *New Jersey*. The total request for both fiscal year 1981 and fiscal year 1982 is $326 million in procurement. The reactivation would require 6 months of planning and 15 months of industrial effort to complete.

When finished, this ship would provide the Nation with an exceptionally cost-effective offensive naval combatant that would combine the most powerful elements of its original configuration with many of the most powerful weapons in the modern inventory: Tomahawk and Harpoon cruise missiles; up-to-date defensive rapid-fire automatic weapons; and new communications, electronic warfare, and air search equipment.

Unfortunately, while the administration's request for this ship has been approved in the Senate and House version of the authorization bill and in the House version of the accompanying appropriations bill, it is currently absent from the Senate version of the appropriations bill.

By proposing this amendment, we seek to support the administration's request and their priorities and restore the funds for this essential warfare system.

Mr. President, we have been through all this debate before, and I would have thought that by now everyone in the Senate would be fully aware of all the facts involved and would be fully supportive of this administration initiative.

But from the very fact of our presence here today, that is obviously a bit naive. So, for the sake of clarity and repetition, let me cover some of the factors that surround this issue and, some of the qualities and capabilities that this ship would provide to the Navy.

First, let me cover the record of the Congress as it pertains to the battleships in general and to the *New Jersey* in particular. Last year an initiative to reactivate *New Jersey* was put forth by the Senate. In a vote on an amendment by the distinguished Senator from Arkansas the Senate supported the battleship in spite of a lack of support from the Carter administration. In a vote on an amendment during the appropriations process the Senate reversed itself, supported the Carter position, and the battleship initiative was defeated.

Mr. HATFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. TOWER. This year, however, the situation has changed in one important way: The proposal to reactivate the *New Jersey* is an administration initiative. Consequently, a request for funds was made in both the 1981 supplemental bill and in the 1982 bill, and has been approved in both authorization bills. In an apparent attempt to repeat the actions of last year, an amendment was again offered to the 1981 supplemental authorization to prohibit the use of the money to reactivate the battleship, but it was defeated by a much greater margin than last year.

The defeat was apparently significant enough that no battleship amendments were offered when the 1982 authorization bill was on the floor. Moreover, the battleship has been included in both the 1981 supplemental authorization and the appropriation bill in the House.

Mr. BUMPERS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Members of the Senate who wish to talk, please retire to the cloakrooms and the staff will please retire from the floor.

The Senator from Texas.

Mr. TOWER. In spite of this record of success, we again find ourselves here on the floor defending an administration initiative that is so cost-effective, especially in relation to many of the alternatives available, and will provide the Navy and the Nation with a tremendous increase in capability in the near-term. It is my hope that the Senate will support this important initiative and vote to amend this bill and restore these funds for the reactivation of *New Jersey*.

Mr. President, there are a number of cosponsors on this amendment, and many of them and others want to rise and speak in behalf of it. Before I yield, however, let me cover three of the issues that often come up on the battleship: The ship's cost, its age, and its capabilities.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. TOWER. I yield to the majority leader.

Mr. BAKER. Mr. President, I have discussed this matter with a number of Senators now and I renew my request that the time for debate on this amendment be reduced to 1 hour equally divided, and I give assurance to both sides

of the issue that if there is need for more time I shall apply for it and and it will be granted.

I ask unanimous consent that the time now on this amendment be reduced to 1 hour in the aggregate and to be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. First, the cost of this reactivation is still listed as a class "F" estimate because it has not yet met all the bureaucratic requirements necessary to raise it to a class "C" estimate. We know, however, that it is far better than a class "F" estimate for at least two reasons.

One, the *New Jersey* has been reactivated once before in the past 15 years. The typical problems have been identified, documented work experience is available, and many of the people who performed the work are returning to do it again.

Two, roughly 60 percent of the cost estimate is for the procurement of existing weapons systems and other equipment for which accurate costs are known.

Additionally and more specifically, Secretary Lehman, after consulting with his experts, has not only reiterated the need for this ship, but he also committed himself and his service to reactivate *New Jersey* and modernize it at, and no higher than, the $326 million in procurement, plus $3 million in R.D.T. & E., that has been estimated. As you saw in our "Dear Colleague" letter, he was convinced enough to commit to that estimate in a letter to me, as he did earlier this year in a similar letter to the distinguished Senator from Maine, the chairman of the Sea Power and Force Projection Subcommittee.

A second argument has been the issue of the age of the *New Jersey*. While the ship has many years of "age," it has very few years of "service life." It is the latter that is critical, and by that more realistic criteria, these ships are young.

"Age" counts the number of years since a ship was built; "service life" counts the years a ship was actually used.

Modern methods of ship preservation and the unique compactness and construction quality of the battleships combine to produce a condition where they have aged little, if at all, in terms of their "service life."

Consequently, *New Jersey*, the "oldest" of the class has only 13.7 years of service life, while the average for all 4 is only 10.7 years. By comparison, the fleet-wide average for service life is almost 15 years.

A third major argument has been the capability of these ships. When the combat capabilities of the *New Jersey* are compared with the combat capabilities of a recently-built cruiser, as we illustrated in a point paper attached to our letter, it becomes apparent that the reactivation of this ship makes eminent good sense, especially in view of the relative costs and construction times involved.

I will not go through the entire list, but let me just mention a few items:

The battleship is about six times as big as the *Virginia*-class guided missile cruiser;

The battleship will carry 48 cruise missiles compared with the 8–18 on the cruiser;

The cruiser has little or no armor and aluminum topsides;

The battleship has nine 16-inch guns, as well as her 5-inch guns; the cruiser has only her two 5-inch guns;

The battleship will cost a total of $326 million in procurement, while to replace the cruiser would cost somewhere in the neighborhood of $1,200 to $1,600 million.

Finally, the *New Jersey* will take a total of 21 months to reactivate, while the construction of the cruiser would take some 5 years.

Mr. President, I have gone on long enough in defense of what I feel is not only a good administration request, but a sensible one. Before I yield to my colleagues, let me reiterate that with increased American commitments and ties around the globe and few friendly or secure land bases in most parts of that globe, a tremendous need exists for the Navy to increase the size and capability of the fleet to more rapidly meet these additional requirements.

The reactivation of *New Jersey* offers us the opportunity to gain an exceptionally cost-effective, capable, survivable, and flexbile offensive platform that can be ready very soon at a very reasonable total cost. I feel very strongly that we must honor the administration's desires in this case and seize that opportunity.

We have heard a lot of complaints about defense systems; about them being gold-plated and costing too much. Here is a highly survivable vessel which can operate with the fleet at appropriate speeds and, I think, is a very cost-effective way for the Navy to invest its money.

At a time when we have commitments that require our Navy to defend our vital interests abroad; commitments that stretch our naval resources thin——

The PRESIDING OFFICER. Will the Senator defer. The Senate is not in order. Those wishing to talk please retire to the cloakrooms. The Senator from Texas is addressing a very important issue and deserves to be heard.

Mr. BUMPERS. Mr. President, I suggest that we not resume debate until we have order.

The PRESIDING OFFICER. That is what the Chair is trying to do.

Mr. TOWER. Mr. President, I understand that I have the floor.

The PRESIDING OFFICER. The Senator has the floor. If Senators will retire to the cloakroom, a few more will retire from the floor, the Senator will be heard. The Senator from Texas.

Mr. TOWER. Mr. President, as I said earlier, the Department of Defense strongly favors this amendment, and that is actually a result of a congressional initiative undertaken last year by members of the Committee on Armed Services and endorsed by the U.S. Senate.

It is indeed a cost-effective program that I believe will give us an enormous bang for the buck.

Moreover, the budgetary impact of this amendment will not be adverse because we have found proper offsets for it, as I noted earlier. It is my hope that the Senate will adopt this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield 3 minutes to the Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of this amendment. For several years I have been working to get the *New Jersey* reactivated. The Navy is desperately short of ships. We have about 450 and we need 500 to 600, and the *New Jersey* can be reactivated in 21 months.

The cost is attractive, one-fifth the cost of a new ship, $326 million compared with $1.5 billion for a new ship.

The *New Jersey* adds significant capability to the fleet. I just want to mention a few things. It can provide a cruise missile platform that can handle 32 Tomahawk and 16 Harpoon missiles. It has heavy firepower, 16-inch guns for land forces; it is a potential flagship for the Rapid Deployment Force; it can maintain a presence with Third World countries; it can fill in for carriers when they are drawn down; and it can refuel other ships, including our escorts.

The *New Jersey* is a fast ship—35 knots. It is more survivable and has the greatest endurance of any non-nuclear ship in the fleet.

The manpower issue I do not think should be any trouble. The military pay raises have increased enlistments and retentions. There is high interest among Navy men—over 300 *New Jersey* volunteers. Think about that. Three hundred people have volunteered to go on this ship if it is taken out of mothballs and put in operation.

Adm. Harry Train, the commander of the Atlantic fleet, will guarantee the crew, he said, which is 1,500 persons.

The skill levels for the *New Jersey* are low and this eases the manpower problem.

Mr. President, this amendment is supported by defense officials at all levels. Admiral Hayward, the Chief of Naval Operations, testified last year in favor of it. General Barrow, the Commandant of the Marine Corps, is in favor of it. The Honorable John Lehman, the Navy Secretary, is in favor of it. Hon. Caspar Weinberger, the Secretary of Defense, is in favor of it. And it was approved last year by the House and Senate authorization committees: that is, both the House Armed Services Committee and the Senate Armed Services Committee.

Mr. President, we need ships. This is a chance to get a ship at one-fifth of the cost of a new one. They tell us it is a better ship than you can get built today and at a cost of about one-fifth of a new ship and they can do it in 18 to 21 months, where it will take about 6 years to build a new one. I hope this amendment will pass.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, the simple fact of the matter is that the United States lags behind the Soviet Union in seapower. This amendment is absolutely necessary if we are to match, let alone regain, our historic lead in that area.

We have got to keep our sealanes open for resupply of allies. We have to protect the vital interests of the United States in such areas as the Persian Gulf and elsewhere around the world.

The facts are, in my judgment, that the reactivation of the *New Jersey* is the cheapest and quickest way to add much-needed firepower and flexibility to our naval forces.

The *New Jersey* could be brought into service in less than 2 years and at less than the cost of a frigate. To build a comparable combatant would take 5 to 7 years and cost as much as $3 billion.

The *New Jersey*, with its 16-inch armor, would be a much superior ship in the way of survivability, superior to almost any other ship in the world.

I understand some people have been critical of this plan because of the potential cost overruns. Well, Mr. President, let me say that the Navy has a proven record of performance on reactivating battleships. The *New Jersey*, itself, was reactivated in 1967 for $21 million. That was 12.5 percent below estimate. And it was done in less than 1 year. I am proud to say that it was the Philadelphia Naval Yard in Pennsylvania that delivered this ship so fast and so far under budget.

As to effectiveness, in spite of its great size and firepower, the *New Jersey* can move as fast as any major warship on the ocean, in fact it is as fast as the *Nimitz* aircraft carrier or the *Kirov*, the Soviet Union's newest battle cruiser.

Its 16-inch guns will provide excellent support for the Marines, and many targets in the Persian Gulf on both land and sea, will be within range of its guns.

In terms of weaponry, the *New Jersey* will be updated with some of the most modern weapons now available: The Tomahawk and Harpoon cruise missiles, the Phalanx close-in weapon system, modern electronic warfare and radar equipment, and modern communications technology, all state-of-the-art systems.

Some people have complained about the manpower needs. Well. Mr. President, the manpower needs for the *New Jersey* are 1,500 men. That represents less than three-tenths of 1 percent of naval personnel. Some argue that existing naval personnel should be assigned to newer and more effective ships, but the fact remains that those so-called newer and more effective ships will take 5 to 7 years to build. While it is certainly true that we can save on manpower if we do not reactivate the *New Jersey*, we do so at the expense of an adequate naval presence. Our Chief of Naval Operations has told us repeatedly that the U.S. Navy is, today stretched too thin to meet our defense needs.

The *New Jersey*'s reactivation, Mr. President, will put these men to their most effective use in the shortest amount of time. I urge the Senate to adopt this amendment.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I yield to my good friend from Arizona (Mr. GOLDWATER) at this time.

Mr. GOLDWATER. Mr. President, it is not easy for me, as a member of the Armed Services Committee, to stand against my chairman and other members of the committee who I know are interested in this battleship. But I have never voted for it and I have reasons.

I do not see any sense in spending as much money as we want to spend to revitalize a ship that is ancient at the present time.

Now, it is true that it is fast and it is true that it has 16-inch guns and it is probably true they can put some other weapons on it to do some of the things they say it will do. But. Mr. President, it is a bigger target. And with the modern weapons available to the Soviets, I would not give that battleship a chance of survivability of more than 20 or 30 minutes in hostilities.

It is great to say that it has a 16-inch gun and it is good to stand offshore and bombard for a landing. But let me remind my colleagues that we are terribly short of landing craft. In fact. I am not allowed to use the figures, but we could not land enough Marines to probably take Coney Island. So what we need, instead of a great big battleship that can shoot the hell out of things, are faster, smaller ships with modern firepower and modern techniques aboard that will enable them to compete with the Soviet Navy.

The Soviet Navy is not sailing around in old battleships that fought in World War II. They are sailing around in new modern cruisers, new modern fast ships that can outmaneuver that big ship any day in the week.

I do not see any sense in spending the hundreds of millions of dollars that we would ultimately spend on it to make probably the most opportune target that the Soviets could be offered.

It is true that the Soviets are ahead of us. They have been ahead of us now for several years. Nobody would listen to those of us who have been talking about it.

But the way to catch them is not through reviving old battleships. That would be like trying to revitalize the Army by digging up old General Custer. I cannot see any sense in that, either.

So, Mr. President, I am going to vote against this battleship. Even though I love to watch them sail through the water, I do not like to see them go down, and that is where this one would go in a big, fat hurry. So I want to support my friend from Alaska on closing this particular expenditure.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am pleased to have that statement from the Senator from Arizona.

Let me call the attention of the Senate, though I wish there was some way we could get the news to all of them, that, in order to refloat an old battleship, this amendment proposes to reduce new aircraft and proposes to reduce the funding for a new ship in order to finance the first of four old vessels to be refloated. Four battleships is the goal.

In order to do it, this amendment reduces money for aircraft and a new ship which our subcommittee thought ought to be financed.

I would like the chairman of the Armed Services Committee to answer one very serious question: What do we do about the record of this battleship? We have had very little time. The position we took when we took this item out in the subcommittee and in the full committee was that we had not had enough time to study to know whether it was right or wrong. It was in the original 1981 budget when it left the Senate for the fiscal year for defense appropriations. It was dropped in the conference.

We took the position that it should not come back at us in the supplemental unless something had changed, unless there was some new information that would justify its reconsideration in the same fiscal year. It is, incidentally, in the 1982 budget and we will get to it.

We had the Defense Subcommittee look into it, to try to get details. I have found out that there is a 1969 report that was made when this battleship was deactivated. It still is at Bremerton; we have been unable to look at it. To my knowledge, no one has seen it. I would like to ask if the Senator from Texas has seen it. I do not think he has because the Navy says it has not even been in Washington.

We do not know what it is really going to cost.

When this was first brought up in 1980, it was going to cost $270 million, by the fall of 1980 it was $294 million. Now it is before us at $326 million for the *New Jersey*.

When I asked Admiral Hayward what classification this reactivation cost was, he told me it was a class F. That is not even a guesstimate. That is the worst level of estimate that the Navy can provide. There has never been a study as to what it is going to cost.

And it is not just one battleship but it is three.

If this money goes in now we are committing ourselves to a program of four battleships, of well over $1 billion, when we would like to commit ourselves to new vessels.

I say advisedly that the Armed Services Committee is forcing some of us who want to support new and better equipment for the military into positions where we are opposed to what they are doing because of the fact that it has been done in a hurry.

We are told we have to support this because the administration supports it. And yet when the administration supported the Patriot missile, the Armed Services Committee deleted it.

The administration supported the *Oriskany*, but the Armed Services Committee deleted it.

We do not take a position in opposition to these battleships. We just want to know what it is going to cost.

This morning, my good friend from New Hampshire made a statement I wish

every Senator would read. He talked about the fragile support for the increased appropriations for defense at a time when we are cutting every single other program in Government. That is a fragile support.

We are not going to have the support for the increased defense expenditures that we need if we make commitments to items such as these battleships before we know what they are going to cost. We are not going to have the commitment we need for increased defense expenditures if we continue to make decisions like we just made, which I predict will disrupt combat crews. Enlisted men will not get any bonuses, but officers get bonuses. That decision is going to haunt us.

I ask the Senate not to make another decision that will haunt us.

I have not made up my mind about the battleships. I want some facts.

Why was it in 1977 we get a report classified confidential concerning the battleships? Why was it that that was classified? There is nothing in it that I know is classified, except that it points out that manning is a very difficult problem. My friends say, "No, it does not make any difference." But there is the memo that went to the Secretary: "Manning is a difficult obstacle to overcome * * * There is a risk we will not be able to man the battleships, but we have 18 months, while work on the ship is underway, to solve the manpower problem."

We think it ought to be solved beforehand, Mr. President. We think we ought to know where this manpower is coming from.

Beyond that, I think the Senate ought to just listen to this item in the memo:

> A single battleship if home ported overseas would be worthwhile having. Bringing back three allows more flexibility and makes more sense. Also, a single battleship, however well justified, may look like a gimmick, while three battleships will look like a plan.

I am not interested in it looking like a plan. We want a defense system. We want one that will work. I want to support every dollar we can get for defense, but to put it into the positions where it will make sense and will work.

This will not work.

We ought to have more money for defense, and we are going to get more money for defense, if we can keep the credibility of what we do.

I do not understand when we challenge the timing of an expenditure and ask for more information—and I say to the Senate we have asked for that report from Bremerton to come in here so we can look at it, what was said when it was deactivated as to the deficiencies that would have to be corrected in activation—does it not make the Senate wonder why it did not come in here? Why did it not come in in 1980? Why did it not come in at this time when they ask for this money again?

I say give us the time to look at these items so we can recommend to the Senate the moneys that will be worthwhile and spent to achieve defense goals and not just genuflect at the request because some admirals want a battleship under their feet.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Apparently the Senator is proceeding on the assumption that the Armed Services Committee has bought a pig in a poke, and that we did not scrutinize it closely.

In fact, to repeat, this was a congressional initiative put forth last year by this Congress. It is not an idea that originated with the current administration. But, it has been requested and endorsed by the administration, and in effect, it has already been endorsed twice by the Senate this year in a vote on the fiscal year 1981 supplemental authorization bill and in the fiscal year 1982 authorization bill.

The Senator from Alaska, however, makes an extremely valid point on defense spending. People are going to question defense spending because we are reducing spending in other areas while we are simultaneously increasing defense spending. I think the Senator from Alaska is absolutely right, that we are going to have to justify what we do. That is one reason why we are recommending the reactivation of a perfectly serviceable hull that, when modernized, gives us a great deal of flexibility with the combination of its original and its planned modern weapons systems. This ship will cost us only one-third the price of a new guided missile cruiser and will have more offensive firepower and capability. We are saving the people money. This reactivation is cost-effective, and it is eminently justifiable.

Much has been made about the cost estimates on this reactivation. Let me read a portion of a letter from the Secretary of the Navy:

> Our estimate of the total cost of reactivation and modernization the U.S.S. *New Jersey* is $323 million ship construction and $3 million RDT&E. We are requesting $89 million ship construction, $3 million R&D in FY 81 and the remainder of the funds in FY 82.

Listen to this, Mr. President.

> We are so confident in this cost estimate. The basis for this confidence is as follows: The known condition of the ship, excellent; known cost of modernization of weapons systems, which is more than a third of the cost and, by the way, they are off-the-shelf items, proven systems, and the experience gained from the last reactivation. We are so confident of this estimate—

Here is what the Secretary of the Navy says—

> that I will commit to reactivation and modernization of the *New Jersey* at a west coast shipyard for a top price of $326 million SCN and $3 million R. & D. I will assign a top priority for this effort in execution. I am firmly committed to this effort and need your continued support.

That is signed by the Secretary of the Navy.

Mr. President, our naval resources are spread very thinly. Here we can reactivate a survivable ship with a 12-inch armored hull. Indeed, it is more survivable than modern ships. Moreover, the *New Jersey* has only 13 years of service life on it which is 1 to 2 years below the average service life of the current active Navy ship inventory. I think we should take advantage of the opportunity to beef up our naval power in a relatively short period of time at a fraction of the cost it would take to build systems that are not even in the ball park, capability-wise, with the *New Jersey*.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. The Senator from Arkansas requested time. How much time does the Senator desire?

Mr. BUMPERS. Ten minutes.

Mr. STEVENS. How much time have we remaining?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

The Senator from Arkansas.

Mr. BUMPERS. I agree with the Senator from Alaska in everything he said about the cost. We have been debating this battleship now for 2 years and we are still operating on what the Senator has aptly described as a class F estimate, which is to say, in effect, "We haven't the foggiest notion of what the final cost of this ship is going to be."

He pointed out it was $270 million early last year, $294 million last fall, and now it is $326 million. I will stake my seat in the Senate that it will cost a minimum of $500 million and possibly $1 billion.

What do you get for this money? Not a ship like the *Virginia*-class cruiser with a 35-year life expectancy. This ship in April 1983 will be 40 years old. If we vote the money today, that ship will not be in our Navy and deployed because it will not be finished on time and it will still be 40 years old with a 15-year life expectancy. You can buy a *Virginia* class cruiser and you can ask any Navy man whether he would rather have a new *Aegis* or *Virginia* class cruiser, or this battleship and see what kind of an answer you get.

Mr. President, the people in this body who are interested in a strong defense, who want to spend this money, ought to bear in mind that the people's patience is going to wear thin when they see us buying another Union Station. And the cost of Union Station may very well turn out to be peanuts compared to what we have done when we embark on this project of bringing out rusty buckets to scare the Soviets They are not going to be frightened, Mr. President. They are going to see that it is the wrong signal.

Talk about manpower. Here is what the manpower requirements will be: 1,500 or more men to man the ship and an alternate crew of 1,500 men. If you say, well, we do not want an alternate crew, plan on that ship being in port 40 percent of the time, where it will do nobody any good. Plan on another 1,000 men to keep it supported and you are talking about 4,000 men.

Mr. President, everybody says a *Virginia*-class cruiser is comparable. It takes 500 men—one-third the manpower to man a *Virginia*-class cruiser than it is going to take to man this battleship.

Do you know something else, Mr.

President? After we spend what is projected to be $1.3 trillion over the next 5 years for defense—and you and I both know the Defense Department's inflation figures are horribly inaccurate—we are talking about somewhere between $1.3 trillion, in the next 5 years, to $2 trillion. When we get through spending $1.3 trillion to $2 trillion, we are still going to have the same problem we have right now. That is manpower.

You can buy all the ships in the world; you can buy all the planes in the world; and you still will have what the Army and Navy and the Marine Corps will tell you is their number one problem: manpower.

Is this ship vulnerable? Let me tell you something, Mr. President. There is a memo out from 1939, when the chief of the Bureau of Ship Construction and Repair wrote a memo to the Chief of Naval Operations about the battleship *New Jersey*. You know what he said in that memo? He said: "In any case"—they are talking about the vulnerability of this ship's underbelly. He said, we can decrease the vulnerability on the side, but we cannot help its vulnerability against antenna mines, or torpedoes. Here is the memo from 1939, just declassified not too long ago:

12. In any case marked structural changes of known benefit to protect against underbottom explosions cannot be accomplished in battleships now under construction or on order without great delay, increased cost, and sacrifice of undetermined amount in other characteristics, notably speed. An increase in draft must inevitably result also which raises grave questions as to available harbors, dry docks, and Panama Canal channels.

Mr. TOWER. Mr. President, the Senator said 1939. The ship was not built in 1939.

Mr. BUMPERS. The ship was on order in 1939 and the changes recommended in this memo were not made because of cost considerations.

Mr. President, do you know how many battleships went down in Pearl Harbor with the munitions of that day? This battleship is just as vulnerable as those.

Mr. TOWER. Would the Senator suggest that the cruiser is less vulnerable than the Iowa class battleship to mines, torpedoes, and so on? Does the cruiser have a thicker hull?

Mr. BUMPERS. The cruiser is less vulnerable and I will say why. It is less vulnerable because all that armor that everybody talks about is not a blessing but a bane. The Navy people will tell you—talk to a good Navy engineer and he will tell you—that thick armor will crack when it gets hit and that the new armor we put on the cruiser is a lot better, a lot more resilient, and a lot less likely to sink the ship.

It is not an invulnerable ship.

Mr. TOWER. There is no armor on the cruiser. It has only its normal steel hulls.

Mr. BUMPERS. Mr. President, I am talking about steel hulls, which are about one-tenth as thick as this hull on the *New Jersey*.

What is the role of this ship going to be? We are going to put cruise missiles on it. Certainly, there would not be any reason to build it unless we were going to put cruise missiles on it. But is that a good enough reason for building it? The answer is no. If you want cruise missiles around the oceans to launch and be invulnerable, put them on our attack submarines. Every *Los Angeles*-class 688 submarine that is going to be built in the future is going to have 12 vertically launched cruise missiles on it. Those that come in for retrofit are going to be retrofitted with cruise missiles without compromising the number of torpedoes they carry. They are going to have cruise missiles on them.

Would you not rather have 1,000 cruise missiles underwater on attack submarines than 100 floating around on a 40-year-old battleship?

Those 16-inch guns that are so highly touted, with a range of 25 miles, are good to go in and lambaste some Third World country that, maybe, cannot fire back. But you are going to compromise that ship anytime you get within 25 miles of anything.

Certainly, it is not going to do any good out in the ocean. It is not going to get within 25 miles of a Russian ship that is loaded with Harpoon-type missiles and other guided missiles. Those guns are worthless unless you are going to hit land-based targets.

What is the record of those 16-inch guns on battleships in World War II, the Korean war, and the Vietnam war? It is terrible. It is absolutely terrible. So, Mr. President, those guns just do not mean all that much.

Mr. President, I want to say finally that I agree with the Senator from Alaska when he says this battleship should not be in this supplemental appropriations bill. He has asked what any Senator's constituents would ask him to do: Before you appropriate any money, find out how much money you are going to appropriate. That is all the Senator from Alaska is asking: Give us a cost figure.

I also think it is the wrong signal, the wrong way to send a signal to the Soviet Union. As I said earlier, we are going to wind up with something that is going to be an embarrassment to all of us.

Mr. STEVENS. Mr. President, I want to yield to the Senator from Rhode Island, but I want to point out to everyone what the amendment does.

We added $9.8 million for the SSN–688 nuclear attack submarine program, $53.8 million for the FFG–7 guided missile frigate program. The amendment of the Senator from Texas deletes those. They will not be in conference, they are not in the bill. The frigate comes out, the submarine comes out, the aircraft funding comes out. In goes that battleship.

The amendment could have been drafted to do what the House did—that is, put the $89 million in for the battleship. But in order to get the figures, they have deleted new ships, in order to take the battleship out of the conference. What they have taken out of the conference is the amount we wanted to take to conference, which is the frigate and the submarine.

Mr. President, I do not understand why this penchant against letting us take some items to conference which deserve the attention of the House and of the Senate. Because the Senator from Texas wants to have his way as far as the battleship is concerned, he is ready to sacrifice funds for frigates and for new attack submarines.

Mr. President, I yield to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I have a couple of questions I would like to direct to the chairman of the Committee on Armed Services, if I might.

I ask the Senator from Texas, am I correct in understanding that this money for the *New Jersey* will come from new ship construction? Is that correct?

Mr. TOWER. Mr. President, the Senator is correct.

Mr. CHAFEE. How much will come from new ship construction?

Mr. TOWER. Let me calculate it for the Senator from Rhode Island. We have deleted $9.8 million from SSN–688 inflation increases and $53.8 million from FFG–7 inflation increases; increases that were over and above that requested by the administration.

Mr. CHAFEE. So we eliminated a down payment. I do not know what that will be for the frigate, but part of it comes from the construction of the new frigate. Is that correct?

Mr. TOWER. Yes. What remains in the ship construction account is still over and above the administration's request.

Mr. CHAFEE. What I want to know is this: We are getting money for the *New Jersey* from the construction fund for a frigate.

Mr. TOWER. The frigate funding requirement is going to be met, as is the SSN funding requirement, and I know that the distinguished Senator from Rhode Island is concerned about SSN.

Mr. CHAFEE. I certainly am.

Mr. TOWER. As a matter of fact, the administration requested an SSN–688 attack submarine in the fiscal 1982 request over and above what had been requested by the previous administration, and our committee has authorized it.

Mr. CHAFEE. To get the *New Jersey*, we take money from an SSN and from a new frigate. Do we take anything from aircraft procurement?

Mr. TOWER. About $14 million, again from inflation increases that were over and above those requested by the administration.

Mr. CHAFEE. I thank the distinguished Senator.

Mr. TOWER. Let me say further——

Mr. CHAFEE. I am on my time, Mr. President.

Mr. TOWER. It is a matter of priorities. It is the decision of the Department of Defense and the Department of the Navy that this reactivation is a very high priority.

Mr. CHAFEE. Mr. President, to take money from new ship construction and put it into what I consider to be one of the most ridiculous steps that has been taken on this floor, with construction of naval procurement, seems to be to stretch our imaginations and push us in the wrong direction.

I say to the chairman that there is nothing infallible about the Armed Services Committee. This item comes from

the same committee that a year ago told us, "We wish to reactivate the *Oriskany*," and they gave us all the arguments for it. I quote from the authorization report of May–June 20, 1980:

> The reactivation of the *Oriskany* is an effective near-term measure to increase fleet resources at reasonable cost. The addition will provide some interim relief on the strain of the forces.

It went on.

"We have to have the *Oriskany*," they said. A year later, what did they say about the *Oriskany*? This is what they said: They deleted the request for the *Oriskany*.

> The modest improvement in capability that will be provided by the reactivation of the USS *Oriskany*, with its proposed air wing in A–4, does not justify the added strain that will be placed on the Navy personnel system, nor does it justify the rapidly rising cost estimates that are reflected in the total request.

They saw the light—I might say belatedly—on the *Oriskany*, and I believe it is time they saw the light on the *New Jersey*.

Mr. President, to take money from new ship construction, the 688—sure, I have a personal interest, but the amount there is modest compared with what they took from the construction of a new frigate, plus some aircraft procurement.

If there are two things we need in the Navy budget, they are aircraft procurement and new ship procurement—more ships, smaller ships, faster ships, such as represented by the frigate.

To go into this reactivation of the *New Jersey*, a vessel more than 30 years old—and you can say that it is not merely 30 years old because she has been tied for many years and was refurbished for the Vietnam war—makes no sense. It is a 35-year-old ship no matter how you slice it.

Mr. President, I urge my colleagues to stick with the Appropriations Committee on this subject and to reject the amendment as proposed.

I thank the Senator from Alaska.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. EAST). The Senator has 4 minutes and 50 seconds remaining.

Mr. STEVENS. How much do the proponents have?

The PRESIDING OFFICER. Seventeen minutes and twenty-four seconds.

Mr. STEVENS. I reserve the remainder of my time.

Mr. TOWER. Mr. President, I want to yield to other speakers, but before I do let me say that the Senator from Rhode Island may question the wisdom and good judgment of the Armed Services Committee and of the administration, which he has done.

He has said we are not infallible, and indeed we are not. However, apparently, neither is the Senator from Rhode Island, because he failed to mention that although we have reduced the figures proposed by the Appropriations Committee on the SSN, the frigate, and on naval aircraft, what remains is still considerably over what the administration, itself, requested; and the administration, I believe, has a pretty good defense program. Specifically, in this bill there is still $26.2 million on the SSN, $3.3 million on the frigate, and $84.7 million on aircraft procurement more than the administration has requested.

Mr. President, I yield 3 minutes to the distinguished Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, it has taken me quite a while to reach the conclusion that it would be desirable to reactive the *New Jersey*. Yet, I speak tonight in behalf of funding the reactivation of the battleship *New Jersey*.

At the outset, I want to make it very clear that I do not favor exceeding the President's budget request or the Budget Committee's approved figures for fiscal year 1981. Under the amendment offered by the Senator from Texas, the total funds will not be increased.

The *New Jersey* is one of four Iowa-class battleships. I recently was aboard the *Iowa* and was impressed with the protective armor of this class of ship, and was impressed with the overall condition of the ship.

The *New Jersey* is in even better condition, having received extensive modernization in 1968.

Initially, I had serious doubts about the reactivation of World War II ships for the Navy of the 1980's. However, the *New Jersey* will be unique in that it will be a platform for cruise missiles, nuclear or conventional, as well as a platform for the firepower of nine 16-inch guns.

Having been assured it can be reactivated in a relatively short period of time, I feel it worthwhile to utilize this mighty vessel. Therefore, I fully support the funding request for the reactivation of the battleship *New Jersey*.

I was concerned with the different estimates of the total cost of the reactivation. Frankly, I think that the Navy was not prepared to respond to this matter in times past. I have read all kinds of estimates.

The Secretary of the Navy now has given the necessary assurance that the cost will not exceed $326 million and likewise has given the assurance that the time frame for this reactivation will not exceed 21 months—6 months of planning, followed by 15 months of construction. A considerable amount of the equipment will be off-the-shelf equipment and is available for installation now.

It seems to me that a very important point is that this ship can be reactivated and put into service in a relatively short period of time.

The *New Jersey* will be a multimission ship—strike warfare, antisurface warfare, and amphibious warfare. Cruise missiles will be the principal weapons for strike and antisurface warfare, and her 16-inch guns provide naval gunfire support for amphibious warfare. This is a quantum jump over existing 5-inch guns.

Except for aircraft carriers, there will be no combatant ship that approaches the firepower and the survivability of a reactivated *New Jersey*.

I say again that I do not favor exceeding the approved budget target for fiscal year 1981, but I urge my colleagues to include the battleship *New Jersey* in the fiscal year 1981 appropriations bill; the equivalent funds will be reduced elsewhere. This amendment does not increase the total funds.

Mr. STEVENS. Mr. President, I want to yield a half minute to the Senator from Rhode Island, but I should like to know if the Senator from Texas is willing to offer an amendment which would limit the reactivation and modernization cost of the *New Jersey* to the $326 million the Secretary of the Navy pledges to live within.

He read the letter of the Secretary of the Navy to that effect. We are committed to a top price of $326 million. Is it his position that if $326 million will not do it we will not float it? I ask him that on his time. I only have 2 minutes remaining.

Mr. TOWER. I prefer to respond not on my time but on his if he wishes to ask the question. If he wishes to ask the question, let him ask it on his time.

Mr. STEVENS. Mr. President, I yield to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, we have the assurances from the majority leader that we will receive additional time up to an hour and a half that was originally asked for. So I will safely ask on the Senator's time.

Mr. STEVENS. I only have 2 minutes remaining.

Mr. CHAFEE. Mr. President, I ask the Armed Services Committee chairman for a brief answer to this question.

Is there a second phase to the configuration of the reactivation of this vessel? This is phase 1 for $326 million. Does the Navy have a plan in for a second phase including add ski jumps, the installation of vertical launchers, add a hangar, and aditional helo systems, and so forth? Is there a second phase plan?

Mr. TOWER. Let me say to the Senator from Rhode Island there is some preliminary planning for a second phase, but that has yet to be requested and would have to come before the Armed Services Committee for authorization. What is contemplated in the first plan includes 32 Tomahawks and 16 Harpoons.

Mr. CHAFEE. I thank the Senator for that information. This is very brief. We are in short time.

I now ask him in less than a half minute, why do we need a second phase? Why do we need a second phase? Why do we even have to contemplate a second phase for this wonderful ship?

Mr. TOWER. This is going to be an enormously useful ship, if we put the systems on it.

Mr. STEVENS. I do not yield the total amount of my time. I reserve 1 minute.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Who yields time?

Mr. TOWER. Mr. President. I yield 5 minutes to the distinguished former chairman of the Armed Services Committee.

Mr. STENNIS. Mr. President, let me assure everyone that this is no jumped up affair. This plan in its infancy and development has been with the Armed Services Committee for 2 years. At one time it got a back seat. It had a tre-

mendous appeal, and it got a back seat into priorities and the authorization for this project passed the Senate within the last 2 weeks, certainly not over 3 weeks. It was not debated, but it was in the bill and it was in the report. The questions were not raised here in the Chamber.

That is the story.

I was interested in this top figure and what was going to be, and I have a copy of the letter here that our committee had before us addressed to the chairman from Mr. Lehman who is the Secretary of the Navy. He is one of the most capable men I have found. He is knowledgeable and frank.

He says here in the last paragraph:

> We are so confident of this estimate that I will commit to activation modernization of the *New Jersey* in a West Coast shipyard for a top price of $326 million. I would assign a top priority to this effort in execution. I am firmly committed to this effort.

Mr. STEVENS. Mr. President, will the Senator yield for one question?

Mr. STENNIS. I yield.

Mr. STEVENS. Does the Senator realize that the second phase is necessary for the 100 Tomahawks, that this money will not provide a launching pad for the Tomahawks?

Mr. STENNIS. That is the second part of my speech.

With great deference, let me finish the next paragraph.

The next part of it relates to the activation, what kind of weapons are we going to put on it, what are we going to do with it, and that includes what the Senator from Alaska so alertly brought up.

Yes, cruise missiles, and that was the second greatest appeal that this matter had to me.

There is tremendous space here. We have the figures showing the capacity it will have for cruise missiles. That will cost some additional money, of course.

Another possible use for it is amphibious landings of the Marines, and it is according to how they are going to especially equip it for that. It has that added cost. It is not going to be enormous, certainly, but it will relate directly to the chosen use. And on and on are the possibilities here for uses for this ship.

The third big point I had in my mind is when we go to building the top carrier, for instance, it is $3.7 billion for a carrier, and that is the low figure—I am not talking about the high figure—$3.7 billion, I think it is time to look around. I have not found a military officer interested in this—to look around and see what they can do with what they already have.

They certainly strongly certify as to this matter.

So I was glad to have a chance to see it get into shape where we thought we could push this thing, and I fully understand the Senator from Alaska and I admire the way he goes after things. But I think we would be passing up one of the best chances we have to find out what the possibilities are in this field with these multiuse possibilities. They can use it to some degree as a refueling ship, but not primarily, and that is highly important, with the support for Marine landings, and the aides say that there is 15 years of sea life left in this ship. I was amazed at the proof about the condition of these long-range guns, which are in perfect condition that they are in now having been kept that way, and there are a lot of other features about this ship.

I do not want to take up any more time. I am so firmly convinced that in view of these tremendously rising prices for any kind of a ship, which is first class, that claims everything, missiles, we must double the appropriations and we get scant numbers above what we had.

I thank the Senator.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. TOWER. Mr. President, I yield 2 minutes to the Senator from Alabama.

Mr. DENTON. Mr. President, I have tremendous respect for the objections I have heard, considering the source of those objections. Every Senator who has spoken against this amendment has my total feeling of friendship, as well as respect, but I point out some points for their consideration.

Mr. President, the Soviets are acutely aware that our naval forces have been spread dangerously thin. My colleagues should also be aware that we have forced our one and a half ocean Navy to address a three ocean commitment at a time when a strong naval presence is required to insure deterrence, presenting proof of our capacity to protect our interests, honor our commitments, and win the war over control of the seas should deterrence fail.

It is a tribute to the quality of American seamanship, respected by our potential adversaries, that, so far, our Navy has been able to preserve success in her assigned mission. However, if the fleet is not brought up to the level of strength recommended by the administration, the naval balance of power will have been permitted to deteriorate to a condition which I must label unconscionably dangerous.

The expansion of our Navy can no longer be viewed as a long-term goal. It is a pressing necessity. We do not have 15, 10, or even 5 years to begin to address the existing shortfall. It is imperative that we take effective, substantive action now.

It is for this reason that I have joined with the distinguished chairman of the Armed Services Committee in cosponsoring this amendment which seeks to restore $89 million authorized for the reactivation of the battleship USS *New Jersey*. *New Jersey* is an *Iowa*-class battleship, and together with her sister ships, enjoys the distinction of being the most survivable, sea-going weapons platform in our arsenal. Most important, however, is the fact that the reactivation and modernization of *New Jersey* represents an effective, necessary, near-term step in bolstering our naval forces.

The phase I modernization will provide *New Jersey* with the most advanced and versatile weapon systems available, including 32 Tomahawk cruise missiles, 16 Harpoon antiship missiles, 4 Phalanx antiair systems, modernized communications and air search radar systems. These improvements, combined with her present configuration of nine 16-inch guns, capable of firing an unassisted 2,700 pound projectile a distance of 23 miles, transform *New Jersey* into a formidable, offensive platform capable of effective interdiction in both high and low threat contingencies. The fact that this reactivation can be undertaken at a fraction of the cost—$326 million—and in less than half the time—21 months—that it would take to procure a new surface combatant with far less capability, reflects a fiscally responsible initiative which will fill a perilous gap in terms of time and capability.

New Jersey offers a speed of production which is appropriate to the need: The early and mid-eighties. She offers a suitability for an existing need which can be filled in no other way. She presents more bang for less bucks. She has a greater versatility for effective performance in varied scenarios than any other type ship, or weapon, in the U.S. Navy.

I think reactivation of *New Jersey* is justified. I think it is necessary.

Charges have been made that the battleship is not a modern weapon. It could be said neither is the bayonet, or for that matter, neither is man. But we need bayonets for some battles. We need battleships for some battles, and we lost them because of a fight between carrier aviators and battleship men.

This fact becomes poignant when we realize that there are no longer any battleship men in the Navy, yet the U.S. Navy as a whole has passed judgment that this ship is necessary and preferable to certain new surface combatants, or even aircraft. I rely on that judgment, and I share it, without feeling any lack of respect for the opinions of my colleagues.

Some of the quotations put forward raising objections from 1939 were coming from the midst of that battleship-carrier feud that was going on. That feud is over. We must recognize that the battleship is survivable against modern weaponry. Beyond that, I would point out that with 19.5 inches of armor surrounding the conning tower, and 13 inches around the hull, the *New Jersey* is an order of magnitude more survivable than any other ship afloat.

Mr. President, the Navy has asked for this ship. The Department of Defense has asked for this ship. The administration has asked for this ship, and the Armed Services Committee has asked for this ship.

I urge my colleagues to join me in demonstrating a unified and credible national resolve, and move for the adoption of this amendment.

Mr. TOWER. Mr. President, I yield to the Senator from Maine.

Mr. COHEN. Mr. President, the problem I have with much of the debate on this important issue concerns the nature and validity of various statements that have been made about the capabilities of this entire class of battleships. Some of these statements depict the *Iowa* class as being slow, old, highly vulnerable, inefficient and a waste of the taxpayer's money. Unfortunately, these reflect a woeful misunderstanding of sea power

today and a lack of real research into the subject.

But before I get further into this issue, let me list some of the missions this ship could perform:

As a cruise missile and big gun platform for long-range and short-range attack; long-range and short-range antisurface unit warfare; heavy firepower support of amphibious landings; a flagship and command ship; refueling other ships, including its own escorts; naval presence; and in conjunction with a carrier, or independently, as a centerpiece of its own battle group.

With these missions in mind, let me cover some of the fallacies in some of the antibattleship arguments.

SPEED

Mr. President, the *Iowa*-class battleships are not slow, as has been charged by some. In fact, they are among the fastest warships in the world, capable of steaming with any surface warship in the Navy inventory, including every aircraft carrier and cruiser. Indeed, the highly respected book, "Jane's Fighting Ships," indicates that the *Iowa's* are 1 to 2 knots faster than our older conventionally-powered aircraft carriers and as many as 5 knots faster than some of her potential cruisers and destroyer escorts. Now we all know that warships, like aircraft, do not spend much time at full speed, but again, like combat aircraft, they must have the power to accelerate out to top speed and maneuver. Well, these ships have the power and top speed to do that.

AGE

Mr. President, let me say a few words on the issue of the age of these ships. As the distinguished Senator from Texas pointed out, there is a very prevalent misconception about the difference between service life and age since construction. The first is the life the ship has actually served in active commission; the second indicates the years since the ship was built. If properly deactivated and preserved, a ship actually ages very little, if any. It is sealed. Dehumidification equipment is routed throughout the ships to maintain the proper air conditions, and its rotating equipment is preserved.

Gentlemen, I have witnessed the result of this process myself. After our last debate on this issue, I toured the USS *Iowa* in Philadelphia with the distinguished Senators from Virginia and Colorado. The condition of the ship, especially the interior condition, was amazing for a ship that has been our of commission for almost 25 years. It was as if the crew had just stepped off her. And I guess it is fitting somehow that bureaucratic paperwork never escapes us. When we opened some drawers in one of the spaces, blank mimeographed forms were still there, in like-new condition, waiting for some poor soul to fill them out. And if my information is correct, if you have ever been in Philadelphia for just one summer, you would realize what a miracle that is.

New Jersey is the oldest of the four *Iowa's*, but she has only 13.7 years of service life. The "youngest"—*Iowa*—has only 7.6 years. The entire class averages only 10.7 years. Compared with the average service life of our current fleet, which is just under 15 years, these ships have a great deal of service remaining.

We have had testimony that these ships have at least 15 years additional service life available. We are now extending the service lives of our large, attack aircraft carriers to 45 years. If the same things were done to the battleship, there would be over 30 years left in the oldest and 35 years left in the youngest.

SURVIVABILITY

Many have said the battleships are not survivable in modern warfare. That could not be further from the facts.

First, let me say that no ship is indestructable, but some are more survivable than others.

Survivability is a function of numerous factors: armor, defensive weapons, damage control, and fleet defense capabilities to name a few. Not only will this ship have its own modern radars, communication equipment and electronic warfare suite, but she will also have four modern self-contained anticruise missile, rapid-fire Phalanx gun systems. Her damage control equipment and capabilities are unsurpassed; she will operate with air defense escorts, as do all our front line ships, and she has more extremely high-grade armor plating than any other ships in the Navy. In fact, today Jane's lists only our *Nimitz*-class carriers as having any armor of any consequence, and its only 2½-inches thick as compared with the 17.3-inch maximum thickness on the *Iowa* class. Additionally, on this class the 12.1-inch armored hull is not the outer hull; it is in fact at least the fourth hull in. A torpedo or a cruise missile must penetrate three separate hulls, before it even reaches the ship's armor.

Gentlemen, this ship was designed to withstand armor piercing shells from other battleships with 16-inch guns. The 2,700-pound shell of the *Iowa* can penetrate 30 feet of reinforced concrete. No cruise missile today can come close to matching that performance.

That, however, brings me to my next point on survivability. During our last debate on this subject, the sinking of the Israeli destroyer, *Eilat*, by a Styx cruise missile was mentioned. But that is mixing apples and oranges. It should have also been mentioned that this destroyer was typical in that it had no armor like a battleship and was alone and unescorted. Indeed, the sinking of the *Eilat* made a great impression on naval designers. This is why the *Iowa's* will have the Phalanx guns which were designed to help counteract the cruise missile threat for which the world and the *Eilat* were unprepared.

But aside from that, the historical record of the battleships is impressive Following Pearl Harbor the battleships of the U.S. Navy were involved in numerous engagements and were hit by every type of naval ordnance, including bombs, torpedoes, gunfire and kamikazes. At no time was any battleship seriously damaged or knocked out of action. The record for other classes is another story. Thin skinned destroyers and auxiliaries were destroyed on numerous occasions, and aircraft carriers, the backbone of our fleet now, were destroyed or seriously damaged. Survivability, as I said, is a function of several factors. The *Iowa's* compare extremely favorably with anything we, or they, have.

FIREPOWER

I do not think I need to dwell on the relative capabilities of the firepower of this class of ships. Surface combatants in the fleet today just do not possess the full range of capable weapons the *Iowa's* will possess after modernization. I have mentioned the awesome capabilities of the 2,700-pound shell for the 9 16-inch guns, but this ship will also have 32 700–900 mile Tomahawk land-attach and antishipping cruise missiles, 16 60-mile Harpoon antiship cruise missiles, 5-inch guns, the Phalanx rapid-fire guns, as well as the capability to conduct limited helicopter and VSTOL aircraft. With both their suite of modern weapons and their time-tested weapons, these ships are truly awesome.

MANNING

Manning any ship in these times is tough, but we cannot predicate our force goals solely on immediately available manpower. These ships, however, make very efficient use of our men, especially when viewed from the basis of the number of men required per offensive weapon aboard. In fact, I would say they are a bargain. Moreover, Admiral Train, the Atlantic Fleet Commander told a House committee that there are already many volunteers, including qualified men who have returned to civilian life, but who have said they would return to serve on the *New Jersey*. Gentlemen, this ship requires 1,562 men. I think the Navy will find them, as they said they would, especially with the pay and benefit increases we have given them and most likely will give them again.

COST

Mr. President, let me only make one statement about cost in addition to others made by the Senator from Texas: This Nation has reactivated one of these ships relatively recently—the *New Jersey* in 1967–68. We know how to do it, and as has been mentioned, the Navy has several key people returning to duty to reactivate *New Jersey* who took part in the last effort. Moreover, this effort is almost all repair-type work; there is very little construction work. Sensibly, all of the modernization items are "bolt-on" systems that require little if any major structural changes outside of the routing of the proper power cables. I am extremely confident that the Navy will finish this reactivation at or under their cost estimates, as they did in 1967.

ADMIRAL BULKELEY

Finally, let me read one statement into the RECORD. It is from Adm. John D. Bulkeley, USN (retired), who heads the Navy's independent engineering audit agency, the Board of Inspection and Survey. From his World War II days as the motor torpedo boat skipper that took MacArthur off Corregidor to his days as a flotilla and carrier group commander, this highly decorated officer has served his country with bravery and dedication. He has been the Navy's chief inspector since 1967, and he prides himself in his determination and independence.

In September 1977, after reviewing the material condition of *Oriskany*, he said she was, quote, "unfit for further service."

In August of that same year his team had inspected *New Jersey* and she was pronounced quote "conditionally fit for further service."

Gentlemen, *New Jersey*, specificallly, but each of the *Iowa's* generally, is available and ready for us to modernize them and to return them to the active service of our country where they are desperately needed. I recommend that we vote to appropriate the funds requested to complete these reactivations at the earliest possible date.

Mr. President, I ask unanimous consent to have printed in the RECORD a cost audit of the *New Jersey* indicating how its price has escalated from the original estimate in February 1980 to the current estimate of $326 million.

There being no objection, the audit was ordered to be printed in the RECORD, as follows:

New Jersey

[Cost audit]

	Million
House Armed Services Committee (2/80): FY80$	$255
New Indices and Delay Start from FY80 to FY81	+39
(Senate Armed Services Committee Authorized)	294
NATO Sea Sparrow Deleted	−65
(SASC Revised: 7/21/80)	229
Delay Start to late FY81	+22
Changes in Government-Furnished Equipment Costs	+27
Delay Start to FY82	+27
(Navy estimate using 4/80 indices)	305
New Reagan Indices; 2/81	−10
Navy estimates in Reagan Budget (FY82$)	295
New Air Search Radar	+10
Increased Aviation Facilities Aft	+5
4 Additional Armored Box Launchers (Tomahawk)	+16
(FY82 Authorization Bill)	$326

Mr. COHEN. Mr. President, in my judgment we have lost our overall strategic parity. At one time we were superior to the Soviets strategically. Then we were told we still had a rough equivalency, but testimony before the Armed Services Committee indicates we are on the downside of rough equivalency. We are outnumbered in almost every category in the conventional arms field and, we have had to rely upon our naval superiority to keep open the sea lines of communication.

But, this year, for the first time, the Chief of Naval Operations testified that we no longer enjoy the thin margin of maritime superiority we had just last year. Indeed, the Soviets have improved so much that optimistically the maritime balance between the United States and the U.S.S.R. can at best be called "murky." Thus, we have lost the very naval superiority upon which we have had to rely.

This has caused us to be faced with a short-term and a long-term problem of how to regain the maritime supremacy our position in the world requires. The reactivation of the *New Jersey* is an attempt to address the short-term part of that problem in the most cost-effective way.

I have heard the argument that we have to have new planes, new ships, and new tanks. Take the XM–1 tank, for example. It is a wonderful piece of equipment, but it has a very high price.

How about the F–18 which has gone from a $13 billion program to a $41 billion program, and may hit $50 billion?

I suppose we could also raise the question of the B–1 bomber. What are we doing building a bomber in this age of missiles? It has gone up to $120 million per copy, possibly $150 million per copy, but still we argue, but agree, that there is a necessity for these new systems.

What we are trying to do with this amendment is to make a near-term improvement to help get us through some of our near-term difficulties and, in my judgment, the reactivation of the *New Jersey* is an extremely cost-effective attempt to fill that near-term gap and to fill it in the shortest time we can.

I would love to have an additional group of smaller, faster, more modern ships now, but our problem is cost and time, We are trying to reach both our short-term and long-term goals. To reach the long-term portion of our goal of rebuilding our naval capability, we have authorized and appropriated additional new ships in the fiscal year 1981 supplemental bill. But we also have to increase our naval forces in the short-term, and we have do it with the fewest dollars possible. Reactivating the *New Jersey* represents the most cost-effective way we can do it in the shortest period of time.

Mr. STEVENS. How much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 2 minutes, 23 seconds remaining, and the Senator from Texas has 2 minutes, 14 seconds remaining.

Mr. STEVENS. Mr. President, I yield myself 1 minute.

Let me state to the Senate again I hope we can reactivate the battleships and do it cost-effectively.

As we looked at this in committee we did not have the necessary information available. As we investigated it we found there was a report that was still in Bremerton. We found a classified item from 1977. We found a phase II configuration chart which indicated that if you want to use the Tomahawks you have to install a vertical launch system, and that is part of the second phase, and that is another $1 billion for all these creaky old ships.

What is going to happen is we are going to start this off, we are going to put up the money and start it, and then every year we are going to add to it, and every year I am going to be questioning it, because I have sat here and seen where we financed the ABM, and the day it opened we closed it.

We financed the B–1, and just before it was built we stopped it.

When can we stop wasting money and start building new systems that will work?

In our bill we have money for a frigate, we have money to continue the nuclear attack submarine program. The Senator from Texas will not even let us take it to conference. His amendment deletes those items although they are authorized, and says, "No, we insist that the Senate stay the battleships and nothing else." I think that is wrong.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. TOWER. Mr. President, I might just point out that you do not have to have a vertical launch system for the Tomahawks. The Tomahawks are installed on the ship in armored box launchers that house four missiles each. That is how you accommodate the launch capability of the missile.

Mr. STEVENS. Mr. President, will the Senator let me use 30 seconds? That is true for the eight launch boxes. But it is not true for launching 100 Tomahawks. For launching 100 Tomahawks, they have to have the vertical launchers.

Mr. TOWER. The current plans call for the installation of only 32 Tomahawk cruise missiles in eight armored box launchers, not 100, Mr. President.

I yield the remainder of the time to the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, I urge my colleagues to support this amendment.

This issue has been debated before in the Senate. Just last month, the Senate rejected an amendment to deny funding for reactivating the U.S.S. *New Jersey* by a vote of 69 to 23.

All the arguments that have been made against reactivating the *New Jersey* have been rebutted. Most of the arguments against the *New Jersey* have been based on misinformation or misconceptions.

These issues have been addressed very well in the point papers which accompanied Senator TOWER and Senator HOLLINGS' "Dear Colleague" letter dated May 19, and I ask unanimous consent that both the letter and the point papers be made a part of the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES,
Washington, D.C., May 19, 1981.

DEAR COLLEAGUE: We request that you support our proposed amendment to the Fiscal Year 1981 Supplemental Appropriations request which would provide $89 million (plus $3 million RDT&E) of the $326 million of procurement required to reactivate the battleship *New Jersey*.

The Administration has made a convincing case that our naval forces have been stretched very thin as a result of increasing naval commitments and that we must use every available means to get surface combatants to sea as quickly as possible in order to reverse the growing naval imbalance which today clearly favors the Soviet Union. In an effort to provide a partial solution to this critical problem in a relatively inexpensive and expeditious fashion, the Administration has requested $89 million (plus $3 million RDT&E) in Fiscal Year 1981 and the remaining $237 million in Fiscal Year 1982 to overhaul and modernize the *New Jersey*. Unfortunately, while the funding for this ship has been approved in the Senate and House version of the Supplemental Authorization Bill and in the House version of the accompany-

ing Appropriations Bill, such funding is not reflected in the Senate version of the Fiscal Year 1981 Supplemental Appropriations Bill.

Some have argued that the *New Jersey* is too old, that it represents 1940's technology and that it would be ineffective in any realistic 1980–1990 threat scenario. The facts clearly indicate otherwise. The *New Jersey* is a relatively young ship with a service life of only 13.7 years as compared to the fleet average of approximately 15 years. With the following planned weapons configuration, the *New Jersey* would have an offensive strike capability second only to the aircraft carrier: (32) Tomahawk cruise missiles (300 to 900 mile range); (16) Harpoon anti-ship missiles; (4) Close-in-Weapons systems (automatic, rapid-fire anti-air guns); (9) 16" guns (2700 pound shell); and up to (20) 5" guns.

This ship's 16 inch armored hull, compartmented design and system redundancy make it the most survivable ship in our current naval inventory. Its size, 35 knot speed, range and weapons configuration make it a mission flexible platform capable of providing, among other things: (1) power projection ashore with its cruise missiles and 16 inch guns, (2) sea control with its Harpoon Missiles and Tomahawk cruise missiles, (3) and amphibious landing assaults.

Some opponents have also argued that the Administration's estimate for overhauling and modernizing the *New Jersey* is "soft" (a Class F estimate) and unrealistically low. This argument certainly has appeal until we consider several persuasive facts. First, the *New Jersey* was overhauled in 1968 and is in exceptionally sound structural condition. With this relatively recent experience and the return of several key people involved in the 1968 overhaul, there are very few unknowns which the Navy has not previously encountered. Second, the Navy in 1967 requested $24 million (also a Class F estimate) to overhaul the *New Jersey* and completed the job in one year for only $21 million. Third, the Secretary of the Navy has expressed his confidence in the accuracy of the $326 million cost estimate (plus $3 million in RDT&E) and his unequivocal commitment to obligate no more than such amount for the reactivation of the *New Jersey*. (Attachment 2) This should provide additional assurance to those Senators who may not share our confidence in this cost estimate.

After a very careful analysis, it is our view that the Administration's proposal to reactivate the *New Jersey* offers the least expensive and most expeditious means of providing a significant and urgently needed improvement to our sea-based offensive strike capability. We, therefore, urge you to support our proposed amendment to provide $89 million (plus $3 million RDT&E) in the Fiscal Year 1981 Supplemental Appropriations Bill to reactivate the *New Jersey*.

Sincerely yours,

JOHN TOWER.
ERNEST F. HOLLINGS.

POINT PAPER ON THE REACTIVATION OF THE U.S.S. NEW JERSEY

The Senate Armed Services Committee has recommended approval of the Administration request for funds for reactivation of the U.S.S. *New Jersey*.

The Committee's rationale as stated in the Committee report is that:

"The Navy will gain an extremely credible near-term offensive addition at a cost roughly equivalent to that . . . (of) a frigate."

The reactivation of the *Iowa*-class battleship would provide highly survivable, multipurpose offensive weapon systems that are clearly the equal of any battle cruiser the Soviets could deploy in the next decade.

The facts are that the *New Jersey* is in excellent condition; it is not an old ship in terms of active service life. It can be brought back into service within 21 months with a modern, updated weapons suite including: Tomahawk cruise missiles; Harpoon antiship cruise missiles; the Phalanx close-in weapons system; modern electronic warfare and radar equipment; and a modern communications package. It is the most survivable ship afloat today.

The issues in question are as follows:

COST

The argument has been made that the cost estimates are soft and unreliable and we are likely to have a major cost overrun.

It is true that the cost estimates are class F estimates. However, they were prepared by the Ship Cost Estimating and Analysis Division of Naval Sea Systems Command. They were prepared by economists, analysts and engineers who have substantial experience in this area. The Navy has experience in this area. The Navy has experience in reactivation of the *New Jersey*. It was estimated that the reactivation of the *New Jersey* in 1967—class F estimate—would cost $24 million—1967 dollars. The actual cost was $21 million, or 12.5 percent under the estimate and it took only 1 year. The reactivation was approved in August 1967, and the *New Jersey* fired her first shots off Vietnam in September 1968. The pricing is thus based on known conditions and past experience. The estimates for the addition of the modern weapons system, environmental systems, and habitability improvements are based on the Navy's experience with other ships which have been modernized with the same systems—that is, Phalanx close-in weapons system, sewage pollution control equipment, conversion to Navy distillate fuel.

Furthermore, to replicate the *New Jersey* under today's conditions would cost an estimated $2 to $3 billion. In fact, the U.S.S. *Arkansas* (CGN–41), a nuclear-powered guided missile cruiser that is about one-fifth the size of the *New Jersey* and currently has no offensive capability, aside from two 5-inch guns, and no armor for increased survivability, would cost about $1.5 billion and would take some 5 years to construct.

AGE

The argument has been made that the *New Jersey* is an "old" ship—World War II vintage.

While it is true that the ship was commissioned in 1943, in terms of service life the *New Jersey* is a young ship, having been in active service for a total of 13½ years. This valuable investment was layed-up, or mothballed, at considerable expense so that she could be brought back to service when needed. The average age of the total of the four *Iowa*-class battleships is, in fact, even less at 10.7 years. The average age of the current Navy fleet is just under 15 years.

1940'S TECHNOLOGY

The argument has been made that we should not spend money on 1940's technology to meet the threats of the 1980's.

The answer to this is simply that the *New Jersey* will be outfitted with the most modern weapons systems available.

The ship itself, as it exists at this moment, provides the survivable and mobile platform for those weapons systems.

The Tomahawk antiship and land-attack cruise missile is so new that the first ship will only receive it next year.

The Harpoon antiship cruise missile is the most modern available to the United States.

The other weapon systems are the same as those on our most modern combatants

MANPOWER

The argument has been made that with the current shortage of experienced Navy manpower we should use our scarce manpower resources on new and more effective ships.

The answer to this argument is two-fold. First, there are no new and more effective ships available. It takes from 5 to 7 years to build a new combatant and, therefore, there is no more effective ship than a battleship with modern weapon systems such as those planned.

The second answer to the manpower issue is that there is every likelihood that the *New Jersey* can be manned without harming the fleet.

The proposed crew of the *New Jersey* would represent less than three-tenths of 1 percent of the Navy's 500,000 personnel. The Congress has recognized the manpower problem and has taken effective action to solve the problem including:

The Nunn-Warner Bill;

The doctor's bill;

The 11.7 percent across-the-board pay raise;

The fair benefits package; and

Sea Pay.

Also, there are several manpower initiatives that are likely to be approved this year including further compensation initiatives and a GI bill.

The manpower trends have been positive in recent months. Retention of career personnel is up considerably and the return of prior enlisted personnel to the Navy has gone up from 800 a month to over 1,000 a month.

The Chief of Naval Operations has testified that the manpower requirements can be met.

SUMMARY

The reactivation of the *New Jersey* is a sound proposal. It will provide a highly capable ship in the near-term and at a modest cost.

The Administration supports this program, the Navy supports this program, and the Armed Services Committee supports it.

[From the U.S. News & World Report, May 4, 1981]

THE BEST WAY TO RESTORE REAL FIREPOWER TO OUR NAVY

Q. Mr. Secretary, why does the Navy want to reactive two old battleships built for action in World War II?

A. Because that is the best way quickly to restore real offensive firepower to our Navy. With battleships, we can do it faster, better and at far less expense than we could by any other means. A battleship is an impressive sight, but it is impressive because it can do so much damage to an enemy. The visual impact of a United States battleship on the horizon springs from its ability to put Soviet ships on the bottom of the sea and to put devastating firepower ashore—nothing else.

Q. Aren't battleships dangerously vulnerable in this age of modern, precision weapons?

A. The truth is just the opposite. These ships—the *New Jersey* and the *Iowa*—are as fast as any on the oceans today. They are as fast as our *Nimitz* aircraft carrier or Russia's *Kirov* battle cruiser.

They're also tougher than any ship in anybody's navy. They were built to hold up against Japanese naval gunfire—2,700 pound artillery shells from 18-inch naval guns fired at three times the speed of sound. That's a far more formidable threat than any conventional warhead the Soviets can throw against us. In the old days, you had to take hits and keep on fighting. That's the way these ships were built.

Q. If battleships are such good weapons, why not spend money for a new generation rather than on old vessels?

A. The expense of doing that is prohibitive. Nobody does it today, because it's so costly. The Soviets recently developed the first of a new class of battle cruisers, the *Kirov*. It is nuclear powered. It has big guns. It has cruise missiles. Duplicating the *Kirov*, building from the keel up, would cost us more than 2 billion dollars instead of the 326 million dollars we need to take the *New Jersey* out of mothballs.

Moreover, the *Kirov* isn't nearly as sturdy as the *New Jersey*, because the Soviets can't afford to build that class of ship any more than we can. So for less than a fifth the cost of a new battle cruiser, we get a stronger equivalent—and we can put it to sea in 21 months rather than the six years it would take us to build it from scratch.

Q. What kind of offensive firepower can these World War II vintage ships add to the American fleet?

A. For one thing, we will leave at least six of their 16-inch guns aboard. That is still a formidable strike system. Those guns can lob 2,700-pound warheads with a 22.9-mile range—and they have pinpoint accuracy. We can improve the effectiveness of those ships by going to rocket-assisted rounds that double the range to 50 or 60 miles for those guns.

We also plan to add a family of cruise missiles to them. Each battleship will have 32 Tomahawks and 16 Harpoons that can attack targets on land or at sea. They are the most effective weapons the U.S. has today. So actually, the *New Jersey* and *Iowa* would be transformed into fast, survivable platforms for state-of-the-art American technology.

Q. Why put cruise missiles on a few battleships rather than on a larger number of smaller ships?

A. We are going to put them on smaller ships. We have more than a hundred surface vessels now that are equipped to carry cruise missiles. We want to spread them as widely as possible. What makes the *New Jersey* and *Iowa* so attractive is we can load them up for a wide range of strike missions at sea and on land. They give us enormous flexibility.

Q. What role will these battleships play in overall American naval strategy?

A. Our naval strategy is to go back into the high-threat areas—the Persian Gulf, Eastern Mediterranean, the North Atlantic—and defeat the best the Soviets throw at us. The battleship can increase our firepower as part of a battle group and bolster our ability to keep fighting. That's what high-threat warfare is all about.

In Third World situations, a battleship can form the core of a new kind of battle group. Many targets in the Persian Gulf, for example, are well within range of those 16-inch guns alone—not to mention cruise missiles. You don't have to worry about the lucky shot from, say, a small gunboat or torpedo boat. If you get hit, it won't stop you.

Q. Where do you expect to get the sailors for these ships when you already are unable to man the existing fleet?

A. That "problem" is a red herring. We're talking about 1,500 officers and sailors to man the *New Jersey*—which works out to about three tenths of one percent of our naval enlisted force.

The battleships are relatively low-skill intensive, and our manpower problems today really involve the high-skill nuclear submariners, engineers, that sort of thing. In the context of our larger personnel requirement, we'll have no problem manning battleships.

Q Why is there so much opposition to your plan in Congress and elsewhere?

A We have a strange, misinformed coalition opposing us. There are traditional anti-defense voices who are against any defense initiative. They are not to be taken seriously, except they add to the din. The more serious criticism comes from advocates of stronger defense—who really want to build something brand new and shiny. Some think we should go for a new strike cruiser, and if it costs five times as much as recommissioning a battleship, so be it.

And then there are defense contractors. Many are badmouthing this idea. They say: "Gee, what we could do with that money—326 million dollars that is going into that old dinosaur of a battleship." The truth is that with that 326 million dollars, we could only buy 10 or 15 planes, or a small frigate.

COMPARISON OF IOWA CLASS BATTLESHIP WITH VIRGINIA CLASS CRUISER

The *Virginia* class cruiser is the non-aircraft carrier surface ship most comparable to the *Iowa* class battleship.

Virginia class cruiser, *Iowa* class battleship:

Full load displacement, 9–10,000 tons, 50–58,000 tons.

Propulsion, 2 nuclear reactors/2 engines (shafts), 8 600 PSI steam boilers/4 engines (shafts).

Endurance, unlimited, 14,500NM.

Speed, 30+ knots, 30+ knots.

Cruise missiles, 8 Harpoon for anti-surface. Modest Tomahawk potential (less than 10), 8 Quad Tomahawk (32 missiles), 4 Quad Harpoon (16 missiles).

Guns, Two 5''/54, nine 16''/50; up to twenty 5''/38 guns.

Anti-air, Tartar guided missile system, 4 close-in weapons systems. Electronic warfare suite. Area anti-air provided by other ships in company.

Command and control, NTDS, NTDS-receive.

Survivability, ½'' steel hull (single), no armor, double bottom, excellent damage control, medium engineering redundancy, aluminum superstructure, 12'' armor belts (three to four hulls in) up to 17'' high tensile steel hull armor. Triple bottoms, excellent damage control, high engineering redundancy, heavily armored steel superstructure.

Cost (FY 82$), $1200–$1600 million, $323 million.

Future growth, constrained by physical characteristics, explained aviation facilities. Vertical launching systems for cruise or other missiles. Area AAW.

DEPARTMENT OF THE NAVY,
Washington, D.C., May 18, 1981.

Hon. JOHN G. TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TOWER: Last week the Senate Appropriations Committee denied the President's proposal (FY–81S) to reactivate the first *Iowa* Battleship. The reactivation has been authorized for FY–81 and the House has approved the appropriation. The purpose of this letter is to convey our need for your continued support. The Battleship initiative is a most critical issue. Currently, the Navy only has twelve offensive surface ships capable of dominating any ocean area—the twelve deployable aircraft carriers. The next size ship, cruisers, are 9,000 tons and are primarily defensive ships. We have a need for highly survivable ships that can carry cruise missiles, and support forcible entry, a task made to order by the *Iowas'* sixteen-inch guns and their other inherent capabilities. Our global commitments have expanded radically over the past year with the need for presence in the Indian Ocean, and particularly with recent events which necessitated moving a carrier group out of the Indian Ocean. This short-term initiative is critically needed—our Navy is stretched too thin.

The critics of this proposal focus on the "antiquity" of these ships, among other things. I would like to dispel that notion. There has been a basic misunderstanding as to the differences between service age (i.e. years and months in active commission) and "age since construction". A ship that is in the active fleet—often steaming or in an operational environment will, despite periodic overhauls, definitely age. Hull problems develop, wiring and piping must be replaced and major machinery wears out. Sooner or later the cost of completely replacing these systems becomes non-competitive with new construction. I should emphasize that this entire process is based on *service age*. *New Jersey*, for example, with a service age of just over 13 years is, considering her hull and machinery, one of the "youngest" large ships in the Naval inventory. It is younger than the average Fleet ship. In fact, if *New Jersey* were to be included in a ranking of the Navy's active fleet aircraft carriers by service age, she would place 4th out of the 14 ships. Other critics state that the ship is too slow. In fact, it is among the fastest. They are faster than most Navy ships and can keep pace easily with our nuclear carriers and cruisers. In the heaviest weather they are the only ships, because of their extraordinary stability, that can keep up with nuclear carriers. The battleships can steam 14,000 miles without refueling (at 15 kts.).

In my letter to Senator Cohen of 2 April 1981 I stated that we have a firm configuration for Phase I of USS *New Jersey*. For review, we intend to:

Upgrade habitability.

Update radars by adding the SPS–49 Air Search Radar.

Provide 2–4 helo spots aft.

Convert to Navy distillate fuel.

Add:

Sewage collection capability.

Eight armored box launchers for Tomahawk (32 missiles).

Four Quad Cannisters for Harpoon (16 missiles).

Four Close in Weapon Systems.

AN/SLQ-32 Electronic Warfare System.

Modernized communications.

Our estimate of the total cost of reactivation and modernizing USS *New Jersey* is $326M SCN and $3M RDT&E. We are requesting $89M SCN/$3M R&D in FY-81S and the remainder of the funds in FY-82. We are most confident of this cost estimate. The basis for this confidence is as follows:

Known condition of the ship (excellent).

Known costs for modernization (weapons systems) which is more than ⅓ of the cost.

Experience gained from the last reactivation.

We are so confident of this estimate that I will commit to reactivation/modernization of *New Jersey* in a West Coast Shipyard for a top price of $326M SCN/$3M R&D. I will assign a top priority to this effort in execution. I am firmly committed to this effort and need your continued support.

Sincerely,

JOHN LEHMAN,
Secretary of the Navy.

Mr. WARNER. Mr. President, the Armed Services Committee has reviewed this matter very carefully. Members of the committee and members of the committee staff have visited both the U.S.S. *New Jersey* and the U.S.S. *Iowa*. They are both in remarkably good shape. The taxpayer's money which was spent to preserve these ships was money well spent. A valuable asset was preserved and now is the time to use that asset. Our naval forces are spread thin and this ship could provide a much-needed addition of offensive power and military presence.

Every Member of the Senate should remember that the *Iowa*-class battleships were the most powerful and survivable ships of their day. They are still highly survivable and powerful and they will be made more so by the addition of modern high-technology weapons systems.

Under the plan approved by the Armed Services Committee and the full Senate, the *New Jersey* will be modernized with: 32 Towahawk Cruise missiles (300 to 900

mile range); 16 Harpoon antiship missiles; 4 close-in weapons systems—automatic rapid-fire antiair guns.

The ship will retain her powerful and accurate 16-inch guns which fire 2,700 pound shells, and also up to 20 5-inch guns.

Mr. President, over the past few months, we have heard a great deal about the need for eliminating waste and inefficiency in the Defense budget.

I agree wholeheartedly with that view. The American people want a stronger defense, but they also want to be assured that increased money for defense is well spent.

Mr. President, reactivating the U.S.S. *New Jersey* is a way to get maximum efficiency out of defense dollars. For the price of a small frigate, we can get a highly survivable and combat-capable major surface ship. If we tried to build a new ship like this, it would cost far in excess of a billion dollars.

We can also get this ship back into service quickly. With 6 months of planning and 15 months of shipyard work, the *New Jersey* can be ready for sea duty.

Mr. President, reactivating and modernizing the *New Jersey* makes good sense. It will provide much-needed combat capability in the near term.

I urge my colleagues to again support funding for the battleship as was done in this Chamber barely 6 weeks ago.

Mr. WARNER. Mr. President, as I say the last few words in this forceful exchange between people of strong wills, I would like to close with a bit of naval history. I draw to the attention of my colleagues the debate that occurred on April 7, 1981 in this Chamber. On that day, by a vote of 69 to 23, the Senate approved the reactivation of the *New Jersey*. During that debate the distinguished Senator from Rhode Island, the former Secretary of the Navy, commented on the combat effectiveness and the cost effectiveness of the U.S.S. *New Jersey* during her service off the coast of Vietnam in 1968 and 1969. At that time the distinguished Senator said:

> This ship proved ineffective in the mission for which it was designed, ineffective in the Vietnam War.

Mr. President, I have researched the records of the Office of the Secretary of the Navy, and I would like to read to you a citation from the Secretary of the Navy to the officers and the men of the *New Jersey*, special commendation for meritorious service from September 17, 1968 to April 11, 1969:

> The Secretary of the Navy takes pleasure in commending U.S.S. *New Jersey* (BB–62), for service as set forth in the following Citation:
>
> For exceptionally meritorious service from 17 September 1968 to 11 April 1969 while engaged in operations against enemy aggressor forces in the waters contiguous to the coastline of North Vietnam and the Republic of Vietnam. Serving five tours as a much sought-after Naval Gunfire Support Unit, USS NEW JERSEY was a major contributor to the unique SEA DRAGON operations, during which time she fired a total of 641 highly successful main and secondary battery missions. Her highly accurate and overwhelmingly destructive fire compiled an impressive record of damage to enemy troops, artillery and coastal defense sites, structures, hardened bunkers, ammunition dumps and supply storages. In addition, NEW JERSEY's massive fire power was credited on several occasions with preventing a numerically-superior enemy force from overrunning United States Marine positions near the Demilitarized Zone, thereby saving countless American lives. Such outstanding performance once again illustrated the vital role of major-caliber naval guns in support of friendly forces ashore. When engaged by enemy shore batteries on two separate occasions, the crew of NEW JERSEY demonstrated superb professionalism and fully developed teamwork in carrying out highly effective maneuvers to avoid the fall of shot while simultaneously delivering devastatingly accurate counterbattery fire. The superior technical acumen, battle efficiency, spirit of cooperation, and aggressive leadership displayed by the officers and men of USS NEW JERSEY reflect great credit upon themselves, their ship, and the United States Naval Service.
>
> All personnel attached to and serving on board USS NEW JERSEY (BB–62) during the above-designated period, or any part thereof, are hereby authorized to wear the Navy Unit Commendation Ribbon.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. All time has expired.

Mr. CHAFEE. Mr. President, the majority leader said we would have additional time, and I ask unanimous consent for 1 additional minute.

Mr. TOWER. Mr. President, reserving the right to object——

Mr. CHAFEE. I ask unanimous consent.

Mr. RIEGLE. Mr. President, reserving the right to object, if this becomes a pattern, I will object.

Mr. TOWER. Mr. President, reserving the right to object, will the Senator amend his request to 1 minute for him and 1 minute for the proposer of the amendment?

Mr. CHAFEE. I will make it 30 seconds in my request.

The PRESIDING OFFICER. Thirty seconds for each side. Is there any objection? The Chair hears none, and it is so ordered.

Mr. CHAFEE. Mr. President, we have just had read a long commendatory citation for the *New Jersey*. I ask who signed that?

Mr. WARNER. Mr. President, I wish to say it was signed by JOHN W. WARNER, Acting Secretary of the Navy in the absence of the Secretary, Mr. CHAFEE, who was out of town. [Laughter.]

Mr. CHAFEE. Mr. President, if I have ever heard of a self-serving document that is it. He signed it when I was out of town because I would have looked at it very carefully. [Laughter.]

Mr. WARNER. Mr. President, I would also like to insert in the RECORD a letter and enclosure from Secretary of the Navy John Lehman addressing the issues of the combat effectiveness and cost effectiveness of the *New Jersey* during her service off the coast of Vietnam.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
Washington, D.C., May 19, 1981.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WARNER: This responds to your letter of April 10, 1981, requesting information on the battleship NEW JERSEY.

We have researched the records from your tenure as Secretary and Under Secretary of the Navy. Some materials concerning NEW JERSEY were located, but none which address the specific topics of your colloquy with Senator Chafee. To provide the information you require, I am enclosing fact sheets on the ship's combat effectiveness and the circumstances of her inactivation. Additionally, supporting documentation and the citation for the Navy Unit Commendation which are attached may prove useful.

Two misconceptions seem to surface frequently concerning the proposal to reactivate the IOWA-class battleships. The first of these is that the ships are almost forty years old and thus unfit for service. In fact, the ships average only 10.7 steaming years and easily possess 15–20 years of additional service life. A second related criticism is that the combat systems in the ships are antiquated and irrelevant in the current threat environment. The Navy intends to modernize these ships with state-of-the-art weapon and electronic equipment while retaining the 16-inch gun battery, which continues to be a highly desirable asset. In this configuration, the battleships will be a powerful and credible addition to the fleet.

Your continuing support of the Navy, and particularly your efforts in this matter, are deeply appreciated.

Sincerely,

JOHN LEHMAN,
Secretary of the Navy.

FACT SHEET

Combat Effectiveness of USS NEW JERSEY (BB–62).

The following excerpts are from analysis of after action reports:

"Spotter and troops reports state that 16" naval gunfire is a successful supporting arm for ground forces because of its accuracy, penetrating ability, tightness of pattern, size of shell explosion, size of secondary explosion, and the effect on morale of the supported troops."

"For approximately equal firing days and number of rounds of ammunition expended in missions reporting Gun Damage Assessment, the battleship inflicted over five times the damage reported by heavy cruisers, and expended less than one-half of the number of rounds per bunker destroyed or damaged."

"Of the 150 missions fired by the battleship 16" guns, 65% were fired beyond the range that an 8" cruiser could fire from the same geographical position."

"Certain other targets struck and damaged by 16" gunfire were reported by ground forces as impenetrable to artillery and air strikes, including B–52 bombings."

". . . a significant advantage has been obtained from battleship deployment to SEASIA."

COST EFFECTIVENESS

As a complement to air strikes, naval gunfire has the advantage of being a "gap filler," able to strike around-the-clock, in periods of poor visibility, and against many hard targets not easily destroyed by other forms of attack. The 16" battleship is more cost effective than an 8" cruiser because:

The relative damage caused by a single one-ton 16" shell is almost four times that of a 300-pound 8" shell.

Greater maximum range (20 nautical miles vs 15).

Less susceptible to damage (armor plating:

11" on deck, 19" on sides vs 2.4" on deck, 5.8" on sides of CA).

Endurance is 50% greater (fuel).

Psychological impact on friend and foe is greater.

More responsive to troop needs ashore (large projectile does the job instantly, whereas a string of lesser caliber projectiles takes longer).

The employment of NEW JERSEY was cost effective in terms of providing an additional all weather delivery capability for heavy ordnance against North Vietnam. Additionally, NEW JERSEY's successful gun strikes represented unknown savings in lives and aircraft that might have been lost to North Vietnamese forces defending the targets she took under attack.

BATTLESHIP VS CRUISER

	BB	CA
Range of main battery (yds)	42,000	30,400
Weight of MB projectile (lbs)	1,900	260
Weight of explosive (lbs)	154	21
Side armor (inches)	19	5.8
Deck armor (inches)	11	3.4
Crew	1,500	1,100
Targets in NVN within range of guns (10 fathom curve)	700	430

FACT SHEET

INACTIVATION OF NEW JERSEY

USS NEW JERSEY was inactivated as part of the program announced 21 August 1969, by the Secretary of Defense which resulted in the inactivation of numerous ships and aviation units. When the restriction was placed on offensive actions directly against North Vietnam, this limited NEW JERSEY's operations to that of providing naval gunfire support in South Vietnam. While still a very desirable asset in this capacity, the combination of heavy artillery support and cruiser and destroyer gunfire support in South Vietnam operations reduced the requirement for the large naval guns of NEW JERSEY. In addition, the substantial cost involved in operating and maintaining a ship of this size and the requirement to effect expenditure reductions led to the decision to inactivate NEW JERSEY.

The Secretary of the Navy takes pleasure in commending USS NEW JERSEY (BB-62), for service as set forth in the following citation:

For exceptionally meritorious service from 17 September 1968 to 11 April 1969 while engaged in operations against enemy aggressor forces in the waters contiguous to the coastline of North Vietnam and the Republic of Vietnam. Serving five tours as a much sought-after Naval Gunfire Support Unit, USS NEW JERSEY was a major contributor to the unique SEA DRAGON operations, during which time she fired a total of 641 highly successful main and secondary battery missions. Her highly accurate and overwhelmingly destructive fire compiled an impressive record of damage to enemy troops, artillery and coastal defense sites, structures, hardened bunkers, ammunition dumps and supply storages. In addition, NEW JERSEY's massive fire power was credited on several occasions with preventing a numerically-superior enemy force from overrunning United States Marine positions near the Demilitarized Zone, thereby saving countless American lives. Such outstanding performance once again illustrated the vital role of major-caliber naval guns in support of friendly forces ashore. When engaged by enemy shore batteries on two separate occasions, the crew of NEW JERSEY demonstrated superb professionalism and fully developed teamwork in carrying out highly effective maneuvers to avoid the fall of shot while simultaneously delivering devastatingly accurate counter-battery fire. The superior technical acumen, battle efficiency, spirit of cooperation, and aggressive leadership displayed by the officers and men of USS NEW JERSEY reflect great credit upon themselves, their ship, and the United States Naval Service.

All personnel attached to and serving on board USS NEW JERSEY (BB-62) during the above-designated period, or any part thereof, are hereby authorized to wear the Navy Unit Commendation Ribbon.

Mr. STEVENS. Mr. President, this first phase will take care of the eight armored box launchers, but if it gets to the point where the 100 Tomahawks are to be launched, they have to be part of a second phase which will cost us over $1 billion. Will not the Senate let us study that? That is what we want to study.

We should have that in the full 1982 Department of Defense appropriation bill. That is the place to look at it. Why start this in a supplemental when it was rejected in 1981 already? It is not an emergency. We do not even have the study, that was made by the Navy itself, before us. It is still in Bremerton and has not even come in. Let us at least look at the study of what are the defects in this vessel before we vote money to reactivate it.

A BEHEMOTH ON OUR SIDE

Mr. DOLE. Mr. President, the battleship is the behemoth of the seas. Its monstrous size and power, delicately and intelligently directed by its crew, make it a living symbol of the will and commitment of the American people. Its message can never be denied by those who witness its awesome arrival on the scene in times of trouble or conflict. The military magnitude of its capabilities is as hard to comprehend for the average citizen in the street as is the fury of the explosion of a single atomic bomb. Yet, no one who comes upon a battleship, in port or underway, and is dwarfed by its size and the sight of the aggressive determination of its main batteries, can help but feel—from some primeval source deep inside himself—that he is in the presence of unimagined power.

There are some who deny their gut instincts and question whether the battleship is unwieldy in the modern world, too much of a drain on our limited personnel resources and vulnerable to the new missiles. It seems to me these critics do not understand the mission of the military, nor the nuances of power. Their arguments are spurious. We are moving toward a 600-ship Navy; in the near term our personnel problems are not going to be solved by the addition or deletion of a battleship's crew to our force requirements. In fact, the heightened morale and pride in serving in *New Jersey* during the Vietnam war made its crew at the time an elite within the surface Navy, and undoubtedly enhanced overall fleet effectiveness.

THE VULNERABILITY AND AGE ISSUE

The *Iowa* class battlewagons, modernized as they are reactivated, will be considerably less vulnerable to attack than most other naval units. In addition to modern electronic countermeasures, radars and missiles, these ships with their heavy armor plate and damage control design will be able to withstand direct hits much better than our other ships of the line. No ship in the world, it has been said, exhibits the armor and systems redundancy of an *Iowa* class, and in conjunction with the expected air protection that any naval plan calls for in use with any major combatant, it should be remembered that no battleship of any nation was ever sunk by aircraft or ship while being provided air cover.

As C. E. Myers, Jr., points out in "The Value of the 'Iowa' Class Battleship," the operational history of the German *Bismarck* during World War II is worth reviewing on the vulnerability issue:

Although eventually sunk, the required action absorbed the entire British Atlantic Naval Force for days. That single battleship roaming the Atlantic was an intolerable threat. . . . Imagine the threat of four Iowa derivatives with modern weapons (deployed in modern battlegroups)! Although not invincible, they provide a stalwart base from which to propose an operational concept.

Mr. President, the facts are that *New Jersey* is in excellent condition—it is not even a very old ship in terms of active service life. There are, in fact, active naval ships built before World War II that have been in continuous service to the present day, and I predict the battleships could serve another three decades if circumstances required. *New Jersey* can be brought back into service in less than 2 years with an updated weapons package including Tomahawk cruise missiles, Harpoon antiship cruise missiles, the Phalanx close-in weapons system, and modern electronic warfare, radar and communications equipment. It would be the most survivable ship afloat.

The cost of bringing such a tremendous asset as *New Jersey* on line is a bargain we are not likely to see again. Modernization and refurbishment will cost no more—and enter the fleet far sooner—than building a new destroyer. In a bipartisan recognition of our naval needs, and the offensive capability and bargain *New Jersey* represents, President Carter's Undersecretary of the Navy, Robert J. Murray, recently called to "bring back the battleships" on the editorial pages of the Washington Post. President Reagan's new Navy Secretary, John Lehman, has said the battleship was "the quickest and most cost-effective way to get more near-term naval muscle to sea in the mid-1980's."

THE AMERICAN "PRESENCE"

Mr. President, on simply rational grounds the funds for this battleship can be amply justified. But, in war there is so much more that counts in the final balance than what can appear in ledger books or force projection charts. As the need has gradually been recognized for a better defense posture and increased spending on the military, we have come to talk blithely of rapid deployment forces and a U.S. naval presence in faraway regions of crisis. In the battleship we have the embodiment of American will and purpose that, in the profoundest sense, defines what we mean by "presence." Let us bring back these mighty

instruments of power and let our enemies, and those who would be swayed by our enemy's strength, stand in awe of *New Jersey, Iowa, Wisconsin, Missouri,* and of our commitment to defend our freedom.

Mr. BRADLEY. Mr. President, I will vote to support restoration of funds to reactivate and modernize the U.S.S. *New Jersey.* I do so because I believe the reactivation has considerable near term potential for increasing our defense capabilities. Equally important, this program represents a new direction in our defense planning and as such, it is a promising start toward developing nontraditional solutions to meeting our military needs.

But it is at present no more than a promising start. Realizing the *New Jersey's* full potential in a cost effective manner also requires that it be equipped with a vertical launch system and many times more cruise missiles than what is currently being proposed.

Thus, while I will vote to restore funds in the 1981 supplemental appropriations bill, my continued support for this program will depend on my receiving concrete assurances that its offensive potential will be fully and timely realized.

Mr. HOLLINGS. Mr. President, I am pleased to cosponsor with Senator TOWER the amendment supporting the Navy's initiative for the reactivation of the U.S.S. *New Jersey* battleship. The need for a dramatic upgrading in fleet capability should not be questioned. We can wait no longer.

Over the past 10 years, the Navy's ship force levels have decreased from approximately 900 ships to the 475 ship Navy of today. The emergence of the Indian Ocean/Persian Gulf area as a major region of political instability—together with the continuing need for U.S. reliance on the area for its oil needs—have placed severe new demands on our Navy. We are faced with a requirement to cover three oceans with a diminished naval capability—while at the same time, the Soviets are greatly expanding their seapower forces and capability.

This proposed action by the Navy should be further applauded because it recognizes the feasibility of satisfying expanding mission needs by the modernization of an existing ship platform in a very timely manner instead of spending hundreds of millions in additional dollars over a much longer period of time with no significant gain in capability.

I have heard all the criticisms against the Navy's actions. The wolves are moving in for the kill against a so-called gold-plated, hare-brained Pentagon scheme ot gobble up millions of dollars. To its critics, the *New Jersey* is a turkey—there for the roasting. Well, it is time to put out the fire once and for all and build up our naval strength—not fight against it. What do the opponents say against the *New Jersey*? It is over 30 years old. The cost estimate for reactivation—$325 million—is about $75 million too low. It will be vulnerable and would only be a World War II battleship with no place in our modern fleet. There will be manpower problems. The Navy has other, more important priorities.

I simply do not agree with these views and I believe the Senate should emphatically reject them as it similarly rejected a move in April to stop the *New Jersey* by a vote of 69 to 23.

Let me describe the facts and not the myths about the *New Jersey.*

The ship is not old. It has seen only 162 months in service including only 51 months in three wars. So, it has had 13 years of service and has another 15 to 20 years of anticipated service life. These facts belie the statement about the ship's age.

It can be reactivated for about $325 million—the cost of a new frigate with a much diminished capability—in roughly 2 years. This includes ship alterations and upgrading for modern weapons. To build a new ship with similar firepower as the *New Jersey* would cost about $2 billion and take at least 7 years.

There is no reason to doubt the reasonableness of the cost estimate. The Navy has the experience of the last reactivation of the ship in 1968. It has maintained the logistics base for machinery and the ship was laid up with full spares. Simplicity of design was a major engineering feature when the ship was constructed.

The Navy Board of Inspection and Survey found in 1977 that the hull and machinery were in excellent condition and proclaimed the ship "fit for further service."

The question about the vulnerability of the *New Jersey* is not a legitimate one. Vulnerability can be considered in three aspects: First the ability to destroy the enemy platform—offensive weaponry; second the ability to defeat incoming weaponry before it hits—defense weaponry; and third the ability to withstand hits.

In terms of offensive weaponry the *New Jersey* will have the following: The Tomahawk land and ship cruise missiles, Harpoon missiles, and nine 16-inch guns. These weapons would provide the most formidable combination available in the world.

Defensive measures, vis-a-vis attack from "above or below", would be provided by escorts—exactly in the same way our carriers are currently protected—along with self-defense weaponry provided for in the proposed electronic and weapons suite.

The *New Jersey's* ability to withstand hits is superlative—Navy vulnerability studies show that the *New Jersey* is far superior to current world ships owing to: 12–16 inch armor plating; double and triple bottoms; a high tensile steel hull; exquisite compartmentalization: and high redundancy and ruggedness of ship's systems.

The Navy would not wind up with a "World War II BB" but a strike ship with enormous firepower available through her existing armament and the breakthrough that cruise missiles technology offers along with the future potential to carry VSTOL aircraft and helicopters.

As far as the manpower issue is concerned, it transcends the battleship issue. To quote the chief of naval operations:

> If we do not solve the retention problem, manning up reactivated battleships will be the least of our problems . . . I believe we should always size and procure our forces to carry out the essential tasks of our national strategy. To size forces to perceived, but remediable, manpower constraints is poor planning and bad strategy. I am confident that we can man the battleships if we attend promptly and adequately to those aspects of military compensation which we know are driving excessive numbers . . . out of the Armed Forces today.

Mr. President, in terms of service, the *New Jersey* is young. The expanding naval role in the Indian Ocean is stretching our carriers to the limit. The introduction of cruise missiles and other modern weapons, along with the 16-inch guns on the *New Jersey* make the ship an ideal, quick, and reliable answer to a real problem facing the Navy. This ship would be a superb complement to a carrier task force.

The cost to build a new ship with the *New Jersey's* capability is far too costly and would take years to place in the fleet. Reactivating the *New Jersey* and equipping it with modern weapons costs less than a frigate and takes less than 2 years to complete—at low risk. This ship would be the equal to any battle cruiser the Soviets will display in the next decade. The Senate should provide the funds as soon as possible to get the *New Jersey* underway.

Mr. MITCHELL. Mr. President, I will oppose the pending amendment to reinstate over $300 million for the purpose of bringing the battleship *New Jersey* back into operation.

No one in this Senate believes more sincerely than I in the imperative need to increase our naval forces. The naval strength of this Nation has always been our first line of defense and if we are to retain a credible defense effort, our naval forces must remain strong and credible. I will support as I have in the past every effort to augment that strength and maintain it.

But this amendment, to bring back into operation a battleship of this age—a 38-year-old vessel—in the world of the 1980's, where it provides an expensive and vulnerable target to potential enemy attack, will not increase our naval strength. It will create a new and needless weakness.

I believe that part of our rebuilding of the naval strength of the Nation must be concentrated on a survivable submarine fleet. I would infinitely prefer to see these funds used to build submarine cruise missile carriers, for these are indeed the weapons of the 1980's, and the weapons that will persuade potential adversaries and allies alike that American naval strength will be maintained.

Mr. President, I am also very disturbed about the fact that the sponsors of this amendment propose to fund the *New Jersey's* overhaul with moneys which are now slated to be spent on the guided missile frigate program and the nuclear attack submarine program. Such a diversion of funds is, in my judgment, extremely unwise.

Proponents of the *New Jersey* amendment would delete $53,800,000 from the frigate construction effort.

What sense is there in transferring moneys from one of the Navy's finest vessel procurement efforts to an endeavor about which so many questions have been raised?

This body has increased the frigate construction authorization by three ships, bringing the fiscal year 1982 total to six. It did so because the FFG is one of the finest vessels in our fleet for the money invested. At a time when we are trying to increase the number of quality surface combatants in the Navy, should we be diverting funds from a proven program to one which we know very little about?

Another program which will be negatively impacted by the pending amendment is the nuclear attack submarine program. In an effort to expand its production base, the Navy is currently considering the possibility of involving a naval shipyard in the SSN–688 new construction program. Why? Because the Navy recognizes that this country needs more SSN–688's over the next several years than the two private yards now building the vessels can produce.

If we want to support our Navy, if we want to augment the existing fleet with vessels for which there is a proven, well-established need, we should follow the Appropriations Committee's recommendation and not divert $9,800,000 from the nuclear attack submarine account to the *New Jersey* rehabilitation effort.

Mr. President, I urge my colleagues to oppose the *New Jersey* amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from Texas.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who wishes to vote?

The vote was announced—yeas 61, nays 34, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—61

Armstrong	Byrd, Robert C.	Denton
Biden	Cannon	Dixon
Boren	Chiles	Dole
Boschwitz	Cochran	Durenberger
Bradley	Cohen	East
Burdick	D'Amato	Ford
Byrd, Harry F., Jr.	Danforth	Garn
	DeConcini	Glenn
Gorton	Jackson	Sasser
Grassley	Jepsen	Simpson
Hart	Kassebaum	Specter
Hatch	Kasten	Stafford
Hawkins	Laxalt	Stennis
Hayakawa	Levin	Symms
Heflin	Lugar	Thurmond
Heinz	Melcher	Tower
Helms	Murkowski	Wallop
Hollings	Nickles	Warner
Huddleston	Nunn	Williams
Humphrey	Percy	Zorinsky
Inouye	Quayle	

NAYS—34

Abdnor	Johnston	Pryor
Andrews	Kennedy	Randolph
Baker	Leahy	Riegle
Baucus	Matsunaga	Roth
Bumpers	Mattingly	Rudman
Chafee	McClure	Sarbanes
Cranston	Metzenbaum	Schmitt
Domenici	Mitchell	Stevens
Eagleton	Moynihan	Tsongas
Exon	Packwood	Weicker
Goldwater	Pell	
Hatfield	Proxmire	

NOT VOTING—5

Bentsen	Long	Pressler
Dodd	Mathias	

So Mr. TOWER's amendment (UP No. 115) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I would like to commend Chairman HATFIELD and the entire committee for this fiscal year 1981 supplemental appropriations and rescission bill. The committee has not only met but exceeded the savings mandated in its reconciliation instruction. In addition, the reported bill is within the revised fiscal year 1981 ceilings just agreed to by the House and Senate budget conferees.

Rescissions in this Senate-reported bill total $15.3 billion in budget authority and $1.7 billion in outlays. These recommended rescissions, together with the cut in the loan limitation for the Export-Import Bank, result in savings of $2.5 billion in budget authority and $200 million in outlays greater than the fiscal year 1981 savings that the Senate instructed the committee to achieve.

In approving these rescissions, the Senate will complete the first stage of a complex process that will lead to actual implementation of the budget reductions required by section 302(a) of the reconciliation instructions in our budget resolution conference agreement.

Until now we have been voting for targets, for ceilings, and for instructions. The rescissions contained in this bill take us another step. They will actually reduce existing appropriations. These are real, honest-to-goodness cuts in spending.

Mr. President, as I have said, this bill is within the revised fiscal year 1981 second budget resolution ceilings just approved by the House and Senate budget conferees. There is no room for any further increases however. The net effect of this bill, if enacted, and additional requirements for entitlement programs not yet funded, would leave us only $3.2 billion in budget authority and $600 million in outlays short of the fiscal year 1981 budget resolution ceilings. Probable later funding requirements for the airport and airway development and food stamp programs would leave us only $2.2 billion in budget authority and $200 million in outlays short of these budget ceilings. This allows us little breathing space. If a major disaster strikes, if our interest rates assumptions prove too low, or faster spending than anticipated occurs, outlays could easily rise to fill this gap, placing our budget ceilings in jeopardy.

For these reasons, Mr. President, I will not support any amendments to add additional funds to this bill. There is simply no room.

Again, I commend the chairman and members of the Appropriations Committee. This bill is an indication that Members of the Senate are willing to make the sacrifices necessary to bring about fiscal solvency. I urge its adoption by the Senate.

1981 SUPPLEMENTAL APPROPRIATIONS FOR LWCF/PINELANDS

Mr. BRADLEY. Mr. President, in the southern part of New Jersey, America's most urbanized State, is a unique national treasure—the one-million acre Pinelands National Reserve. The Pinelands National Reserve was created by Congress in the National Parks and Recreation Act of 1978 (P.L. 95–625). The Federal law acknowledges the unique natural aspects of the area and the importance of its preservation for the value of the wildlife, the vegetation and the water resources. Section 502 of Public Law 95–625 describes these resources in more detail:

> The pinelands area comprises pine-oak forests, cedar swamps, and extensive surface and ground water resources of high quality which provide a unique habitat for a wide diversity of rare, threatened and endangered plant and animal species and contains many other significant and unique natural, ecological, agricultural, scenic, cultural and recreational resources; that the continued viability of such area and resources is threatened by pressures for residential, commercial and industrial development; that the protection of such area and resources is in the interests of the people of this State and of the Nation; that such protection will require the coordinated efforts of all relevant municipal, county, State and Federal agencies . . .

I commend my colleague, the distinguished Senator from Idaho, for his role in formulating this legislation.

Public Law 95–625 also requires the Interior Department to provide financial and technical assistance to the State of New Jersey for the Pinelands. A State statute, the Pinelands Protection Act of 1979 provides for implementation of Section 502 of the Federal law. Pursuant to these Federal and State laws the Pinelands Commission was formed in 1979 to develop a comprehensive land use plan for the region. On August 8, 1980 regulations became effective which were proposed by the Commission for protection of the core area which is the most fragile ecologically. Subsequently, the Commission's Pinelands comprehensive

Management Plan was approved by New Jersey's Governor and on January 16, 1981 by the Secretary of the Interior.

The Pinelands National Reserve legislation of 1978 authorized $26 million. Congress appropriated $12 million for the Pinelands. $800,00 of these funds have been obligated by the Pinelands Commission for planning purposes. $8.250 million has been obligated to purchase the Cedar Creek land parcel—approximately 11,000 acres in Ocean County. These funds are shared on a 75 percent Federal or 25 percent State basis. $2.9 million remains to be obligated from the appropriated amount. The New Jersey State Legislature has already appropriated $14 million for the Pinelands Reserve. The proposed recission of $105 million in the Land and Water Conservation Fund in fiscal year 1981 puts the $2.9 million in jeopardy and thus hampers State completion of a federally mandated program.

For this reason I am pleased that my colleague from Idaho and his fellow committee members reported H.R. 3512 to include fiscal year 1981 funding for the State and Federal portions of the Land and Water Conservation Fund. The fund is a source of financing to conserve our national heritage for present and future generations. I firmly agree with the late John Kennedy who said:

> It is our task in our time and in our generation to hand down undiminished to those who come after us, as was handed down to us by those who went before, the natural wealth and beauty which is ours.

Representing one of our great urbanized States, I know well the importance of access to beautiful and inspiring natural settings. My colleague from the West can understand how important a resource parkland is to all Americans and how particularly precious a respite parkland becomes to urban dwellers.

Mr. McCLURE. My colleague from New Jersey expresses well my appreciation for the value of preserving our natural and recreational resources and my recognition of the special importance of parkland in our urbanized areas.

Mr. BRADLEY. What was the intent of the Senate Appropriations Committee in reducing the proposed rescission for funding of the Land and Water Conservation Fund?

Mr. McCLURE. The committee report states that the intent is to alleviate hardships which would occur without funds for acquisition especially in the case of State programs where acquisitions are in process.

Mr. BRADLEY. When Congress established the 1 million acre Pinelands Reserve in southern New Jersey the plan called for Federal acquisition of a small portion of the land as critical to preservation and protection of the reserve. The process which has begun can be continued with money appropriated in fiscal year 1981 for Federal acquisition from the Land and Water Conservation Fund. Would the Pinelands reserve program, as you understand it, meet the requirements to be eligible for hardship consideration?

Mr. McCLURE. We recognize that the Pinelands National Reserve is a unique area, in terms of the ecosystems it supports and in terms of the water supply reserves it protects. It is also unique in the degree of State level involvement, in that the State management plan will regulate the bulk of the reserve without the need for land acquisition. It also provides for State maintenance of those lands acquired. We expect that these features will be included in the factors which will be considered by the administration in determining hardship cases.

However, funds are limited this year, as you know. The $2.9 million required in fiscal year 1981 for Pinelands will certainly be a candidate for consideration, although it will undoubtedly be in very stiff competition from other States.

For example, legislative taking and condemnation cases, where court awards may be ordered, or cases where the pattern of acquisition leads to the conclusion that it would be a hardship to cease acquisition at this time will be considered. However, you may be assured, Senator, that no commitments have been made at this time, nor do I want to make any at this time. I am sure that you understand the need to refrain from making commitments even before the amount is resolved in conference.

● Mr. HUDDLESTON. Mr. President, I congratulate my distinguished colleague from North Dakota for the outstanding job he has done in bringing the transportation chapter of this bill to the floor.

I am particularly pleased that the Appropriations Committee has seen fit to restore some $40 million of the $80 million rescission proposed by the President in the local rail service assistance program. There is no doubt that the committe's actions, which parallel the House recommendations, will allow a much more orderly dismantling of this program.

Also, this $40 million should assure that those worthwhile projects that were online to receive funding in fiscal year 1981 will be able to obtain funding in an expeditious fashion.

Is it the understanding of my colleague that the $40 million restored by the committee will allow worthwhile projects to move forward without interruption?

Mr. ANDREWS. Yes, that is my understanding.

Mr. HUDDLESTON. There is a rehabilitation project in my State, the Louisville and Nashville Railroad line running between Lebanon and Kane, Ky., near Campbellsville, that I would like to bring to the attention of the chairman of the subcommittee. It is my view that the Campbellsville project, which is at the top of the State's priority list, is exactly the kind of project that the $40 million in question is intended to be used for.

The project is in fact, a rehabilitation project and will thus not be part of the continuing subsidy program that would have to be cut off once the program is dismantled.

Also, it is important to note the project has the firm financial and moral commitment of not only the State and local governments, but also that of the private sector through an industrial development fund supported by private interests.

There is much that can be said about the specifics of the project, but I believe it is sufficient to say that it is absolutely vital to the industrial development of this area of Kentucky, both in terms of commitments already made and those being sought by the residents of the region.

Would the chairman of the Transportation Subcommittee agree that the Campbellsville project is the kind of cooperative effort that should be viewed with favor by the officials in the Federal Railroad Administration responsible for the local rail assistance program?

Mr. ANDREWS. Most certainly. Projects like Campbellsville appear to be exactly the kinds of efforts by State and local governments and private interests that this program is intended to serve.

Additionally, the benefits of the project, once completed, would seem to far outweigh the costs to the Federal Government.●

● Mr. TSONGAS. Mr. President, the Senate Committee on Appropriations has voted to endorse the President's proposal to eliminate funding for the National Consumer Cooperative Bank. It is not likely that we can make a change in that recommendation on the Senate floor.

Mr. President, I hope that the Senate conferees will accept the House Appropriations Committee recommendation to retain the Bank, and I ask that a letter which I sent to the distinguished chairman of the Appropriations Committee on this matter be printed in the RECORD.

The letter follows:

COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

Hon. MARK O. HATFIELD,
Chairman, Senate Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As part of the Supplemental Appropriations and Rescission Bill for fiscal year 1981, the Senate has endorsed the President's proposal to eliminate funding for the Consumer Cooperative Bank. As you know, the Senate Banking Committee recently voted to continue the Bank, with limited authority to service existing loans and sell stock, but with no new spending powers.

Federal financial and technical assistance to consumer cooperatives represents a creative and sensible federal/community partnership. The Bank is an excellent example of how the government can successfully lend a helping hand instead of a handout to aid our distressed rural and urban areas. The Bank is only three years old, but it holds great promise for millions of Americans involved in nonprofit cooperatives whose lending needs cannot or will not be accommodated by the conventional lending market.

The Bank is built on sound principles of self reliance, market interest rates and repayment of federal seed money to gradually achieve private ownership. In our efforts to balance the budget, I do not believe that we can afford to dismiss this small but important lending mechanism which provides solid investments in our long term economic viability.

The House Appropriations Committee has not endorsed the President's request to eliminate the Bank. I urge the Senate conferees to follow the House recommendation on this important business and lending program.

Sincerely,

PAUL E. TSONGAS,
U.S. Senator.●

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order, for not to exceed 5 minutes, to proceed on the budget resolution notwithstanding the order to proceed next to the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Would the Senator repeat his statement?

Mr. BAKER. I said I needed 5 minutes to try to see what we were doing.

Mr. MOYNIHAN. Mr. President, could we have order so we might hear the majority leader?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Tennessee.

STATUS OF AMENDMENTS TO SUPPLEMENTAL APPROPRIATIONS

Mr. BAKER. Mr. President, while we have just a moment before we proceed to the next item of business which has been ordered for the Senate to consider, which is the conference report on the first concurrent budget resolution, might I inquire of all Senators, but more specially of the minority leader, the status of known amendments on his side of the aisle that are yet to be dealt with on the supplemental appropriations?

Mr. ROBERT C. BYRD. Mr. President, on this side of the aisle I know of at least seven amendments. I will state the names of the authors of the amendments, the time limit with which they have indicated tentative agreement, and see where we go from there.

Mr. GLENN has an amendment to restore moneys for energy and conservation programs. He is willing to agree to 1½ hours——

Mr. GLENN. Forty-five on a side.

Mr. ROBERT C. BYRD. One-and-a-half-hours equally divided.

Mr. MOYNIHAN has an amendment on which he is agreeable to a 30-minute time limitation, equally divided.

Mr. PROXMIRE has an amendment. It is language prohibiting the taking of annual leave in the course of official travel. He is willing to agree to a 10-minute time limitation, equally divided.

Mr. DECONCINI has an amendment to defer, rather than rescind, $60 million in Department of Energy solar energy R. & D. operating expenses. He would be agreeable to a 30-minute time limitation equally divided.

Mr. DECONCINI has another amendment for no funds to be used to enforce pre-1978 audits, 30 minutes equally divided.

Mr. LEVIN has an amendment disapproving purchasing of vehicles overseas, 1 hour equally divided.

Mr. JACKSON and Mr. TOWER have an amendment of $20 million for binary munitions, no time limit.

Mr. President, those are the amendments that I know about on my side of the aisle. As I look around on this side, I wonder if there are any other amendments that have not been mentioned.

I see no indication of it.

Mr. BAKER. Mr. President, I thank the minority leader.

May I inquire of the minority leader if he knows or is willing to inquire of other Senators if some of these may be dealt with by voice vote or if they will all require rollcall votes?

Mr. ROBERT C. BYRD. Mr. President, I am looking at Mr. GLENN. He would not want to commit at this time.

Mr. DECONCINI believes he wants a rollcall vote. Mr. MOYNIHAN wants a rollcall vote on his amendment. Mr. LEVIN—he hopes not.

Mr. PROXMIRE may work something out on the language of his amendment.

Mr. BAKER. Mr. President, I thank the minority leader.

I might say, by way of reciprocal information, that on our side, we know of four amendments to be offered by the Senator from Mississippi (Mr. COCHRAN), on which he is willing to agree to 30 minutes each.

Two of them will perhaps not require rollcall votes, one dealing with food stamps, one dealing with child nutrition. The other two amendments are one dealing with higher education and one an add-on for elementary and secondary education.

A Heinz amendment of 20 minutes to transfer $2.8 million from evaluation funds to administration funds of State offices for aging projects.

Mr. ROBERT C. BYRD. That is not a two-bit amendment, either.

Mr. BAKER. There is the Thurmond amendment, Mr. President, on which he is willing to agree to a 30-minute time limitation, having to do with part-time veterans hospital staff; a Garn amendment with 20 minutes, $250 million for veterans readjustment benefits; a Dole amendment of 30 minutes, which may or may not be combined with the Cochran amendment—in any event, dealing with food stamps. A Wallop-Schmitt amendment of 20 minutes to add funds for space-based lasers; a Roth amendment of 30 minutes dealing with funds for educational programs.

Mr. President, in addition to that, there are three technical amendments that we are aware of on which the sponsors would be agreeable to a time limitation: Mr. ROTH, a technical amendment dealing with appropriations, 10 minutes; a Schmitt amendment on labor and human services, 5 minutes; and a Hatfield technical amendment on State-Justice, 5 minutes.

Mr. TOWER. If the Senator will yield, Mr. President, there is another amendment, the Warner amendment on binary weapons that has been under considerable discussion. I noticed that that was not in the leader's litany of amendments.

Mr. BAKER. Mr. President, the Senator is correct. It is attributable to the simple fact that I forgot to turn the page. Not only do I find the Tower or Warner binary chemicals amendment on which there is no time limitation; I also find an Abdnor amendment or perhaps two amendments of 20 minutes each, dealing with additions for the Secret Service and a $7.6 million addition for Treasury.

Mr. President, it is also clear to me that there is no way on Earth that we can debate all these amendments tomorrow. So, as much as I hate to say it, I think we have to dispose of as much of this as we can tonight. What that means is that we ought to get on with the business, in my view, of dealing with the conference report on the first concurrent budget resolution. I hope that Senators will now agree to substantial reductions of time for debate on that conference report. There is now a 2-hour time limitation.

TIME LIMITATION AGREEMENT—CONFERENCE REPORT ON FIRST CONCURRENT BUDGET RESOLUTION

I ask the distinguished minority leader and the Senator from South Carolina and the chairman of the Budget Committee (Mr. DOMENICI) if they might be willing to cut that in half.

Mr. HOLLINGS. Mr. President, as I understand it, all we have is a half hour and the Senator from Ohio has a half hour. Did the Senator say 15 minutes for Senator DOMENICI?

Mr. BAKER. That is what I was proposing, yes.

Mr. HOLLINGS. I shall agree to that. No one else wants to talk?

Mr. EXON. I would like 3 minutes.

Mr. HOLLINGS. Then I shall take 12.

Mr. MOYNIHAN. I would like 5 minutes.

Mr. HOLLINGS. Then we had better keep it at 30 minutes. We shall try to keep it short. We have 3 minutes and 5 minutes.

Mr. METZENBAUM. Twenty minutes.

Mr. BAKER. Mr. President, I am not sure where we are. The Senator from Ohio agreed to 20 minutes instead of 30 minutes.

Mr. President, I make that request, then. I wonder if we could have three 20-minute time periods.

Mr. HOLLINGS. Right.

Mr. BAKER. Twenty minutes for the distinguished manager of the bill, the chairman of the Budget Committee; 20 minutes for the ranking minority member (Mr. HOLLINGS); 20 minutes for the Senator from Ohio on the budget resolution, to be allocated or distributed as Senators may require.

Mr. DOMENICI. That is 2 to 1. I do not even know what the Senator from Ohio is going to say.

Mr. BAKER. Mr. President, I put that request.

The PRESIDING OFFICER (Mr. LAXALT). Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the Chair. That saved us an hour. I hope now that after we finish the conference report, we can shop once more for reduction of time or for possibly disposing of some of these amendments by voice vote tonight. We are going to have a heavy day tomorrow. At the appropriate time, I shall ask the Senate to reschedule our convening hour to a little earlier than 9:30 a.m.

Mr. ROBERT C. BYRD. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. ROBERT C. BYRD. Mr. President,

I call to the attention of my colleagues once again that under the agreement, no amendment will be in order after 1 p.m. tomorrow other than committee amendments and the Hyde-Helms amendment, which has been locked in. So I have to join with the majority leader in stating that there is no way in which to deal with this number of amendments unless we stay late tonight.

Mr. President, I suggest to the distinguished majority leader, if he does not mind my doing so, that he lock the amendments in, the time agreements that have been suggested, so that we shall at least have limits to that extent, and then let us work in the effort of further reducing the time limits.

Mr. BAKER. Mr. President, I shall, indeed. Before I do that, let me explore two other possibilities.

I see that the distinguished Senator from North Carolina is on the floor at this time. I wonder whether it might be possible to reduce the time on the Hyde-Helms amendment, which is now 2 hours, to, say, 1 hour on tomorrow.

Mr. HELMS. It suits me. Even more than that.

Mr. ROBERT C. BYRD. It is not our problem, I say to the majority leader. It is "OK" on this side.

Mr. BAKER. Mr. President, I make that request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, a parliamentary inquiry.

Having reduced the time from 2 hours to 1 hour, does it automatically follow that the Senate will turn to the consideration of that item at 3:30 instead of 2:30?

The PRESIDING OFFICER. Under the order, the Senate is required to commence consideration at 2:30. The modification would not affect that.

Mr. BAKER. Mr. President, I request that the time be changed from 2:30 to 3:30 and that the 1 o'clock time as the bar against the submitting of floor amendments be changed from 1 o'clock to 2 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, I withhold that for a moment.

Mr. President, I ask unanimous consent that on the hour allowed for the Ashbrook amendment, the time be reduced to 30 minutes, equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Who wishes to be recognized?

Mr. ROBERT C. BYRD. Mr. President, it is obvious that somebody is going to call up an amendment tomorrow and is not going to have time to debate it. More Senators than one are going to call up their amendments tomorrow, and there will be no time to debate them.

Would there be any objection on my side of the aisle to changing the agreement so as to allow a final vote later than 5 o'clock tomorrow?

Mr. PELL. There are about eight Senators going on the North Atlantic Assembly expedition, which has been postponed from tonight. We can do it again, in the best interests of the Senate, but we would be reluctant to do so.

Mr. HOLLINGS. I object.

Mr. ROBERT C. BYRD. So we have several objections.

There is no time certain, but the way the agreement has been put together, it will mean that a final vote will occur in the neighborhood of 5 p.m. tomorrow.

So, Mr. Majority Leader, I have to say that on my side there is no hope of busting—if I may use that term—the time limit for a final vote.

I just feel for those Senators who are going to call up amendments tomorrow, with no time. My suggestion would be, I say to the distinguished majority leader, that we just plow ahead at this time. I am sorry to see these onerous burdens fall upon his shoulders. I have a feeling that his hair, which is as dark as mine once was, is already showing some gray strains, and I am afraid he is going to become prematurely gray. [Laughter.]

Mr. BAKER. I thank the minority leader.

I must say that I share his concern for the disposition of these several amendments. I have ascertained that there is no possibility of changing the agreement on this side to extend the time for final consideration. So I think we are stuck with the situation we have, and that is a number of amendments yet to be dealt with and a fairly short time in which to do it.

There are two alternative possibilities that I can think of, and one is to proceed, frankly as I would prefer, with the debate and I suppose final disposition of the conference report on the budget resolution and then to debate whatever and then to convene in the morning at a very early hour and resume consideration of the amendments as they have been listed and as it appears to the leadership on both sides.

Mr. SARBANES. Mr. President, will the Senator yield at that point?

Mr. BAKER. I yield.

Mr. SARBANES. Is it possible to have the debate on the conference report this evening but vote on it first thing in the morning?

Mr. BAKER. As far as I am concerned I have no objection to that, but it will consume 15 minutes of otherwise precious time in the morning, but I am prepared to do that if it is the general wish of the Senate.

Mr. SARBANES. It will get everyone here in the morning, I might observe as well.

Mr. BAKER. Mr. President, I suggest that we have just a moment to canvass our respective sides on whether or not we should proceed tonight with these amendments that have been listed, after we finish the conference report, or whether we should come in at a very early hour, say, at 8 a.m. in the morning, and simply do the best we can under the circumstances.

Mr. ROBERT C. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. I wonder if the majority leader would proceed with sequencing the amendments so that every Senator will know when his amendment will be called up and if he wishes to have a quorum call or proceed with the budget conference report and get some further soundings that is quite all right. It will be all right with me.

Mr. BAKER. Yes.

Mr. President, will the Chair indulge me for only a moment?

Mr. President, let me do this. It is late I know, and Members are tired, but we need about 5 minutes to try to see if we can establish a consensus on how we should proceed on this side. So for the moment I suggest the absence of a quorum.

Mr. HOLLINGS. Mr. President, if the Senator will yield, could we start on the budget conference report just to use the available time?

Mr. BAKER. Yes.

Mr. President, have my 5 minutes expired?

The PRESIDING OFFICER. Yes.

Mr. BAKER. I yield the floor.

The PRESIDING OFFICER. Is it the wish of the leader that we proceed with the consideration of the conference report?

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER VITIATING REDUCTION OF TIME ON THE ASHBROOK AND HELMS-HYDE AMENDMENTS

Mr. BAKER. Mr. President, I ask unanimous consent to vitiate the order reducing the time on the Ashbrook and Helms-Hyde amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, does that reinstate the previous time?

The PRESIDING OFFICER. It does.

Mr. BAKER. Mr. President, I ask unanimous consent to reinstate the sequence of 1 o'clock and 2:30 previously agreed to.

The PRESIDING OFFICER. They were never changed.

Mr. BAKER. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SCHEDULE

Mr. BAKER. Mr. President, let me say that I believe we have arrived at a mutually satisfactory arrangement for making maximum progress on this matter tonight or tomorrow. It will consist of debating the conference report tonight, putting off the vote until tomorrow at 11 o'clock, and coming in very early tomorrow at 7 o'clock and sequencing a number of amendments with time limitations to occur between 7 o'clock, or shortly after 7 o'clock, and 11 o'clock. At 11 o'clock, we will begin first with the vote on the conference report and any amendments in disagreement. That will be a 15-minute vote. We will have 10-minute votes back to back on any votes on any amendments ordered up until that time.

Mr. ROBERT C. BYRD. Mr. President. I have not seen so many frowns in the press gallery since I was majority leader.

Mr. BAKER. Mr. President, the distinguished chairman of the Republican conference points out that by coming in at 7 we may play havoc with committee work. So part of the request I am going to put is that all committees may meet during the session of the Senate on tomorrow.

Mr. ROBERT C. BYRD. Mr. President, I do not think we could agree with that at the moment. I would have to check that out, I may say to the distiguished majority leader.

Mr. BAKER. Mr. President, let me withhold that part of it. After we convene tomorrow, we will see if we have a better fix on who needs to do what.

Mr. DECONCINI. Mr. President, will the majority leader yield for a question?

Mr. BAKER. Yes.

Mr. DECONCINI. On the amendments starting at 7:30 in the morning, when are the votes going to be on those amendments?

Mr. BAKER. Shortly after 11 o'clock.

Mr. DECONCINI. There will not be any votes until 11?

Mr. BAKER. No. Debate on the amendments will begin at 7, or a few minutes thereafter. But the votes will be stacked until 11 o'clock. The first vote will be on the conference report and items in disagreement.

Mr. MCCLURE. Mr. President, reserving the right to object, and I shall not object, but I really hope that permission can be granted for committees to meet at least tomorrow morning. That is not an unusual request. If we are going to come in at 7 o'clock, that would mean that the usual time for committees to stop would be at 9 o'clock, which is earlier than most of them are meeting. So we would have, in effect, wiped out 1 day of committee hearings or sessions. I hope that we could at least get the normal time for committees to meet. I shall not, however, object.

Mr. BAKER. Mr. President, let me say to the distinguished Senator from Idaho that I will make a rash prediction that the Senate in general will be more tranquil and more agreeable to that request when we convene at 7 than they will be tonight at 8:40. I promise that I will put that request, or some variation of that request, after we convene in the morning.

Mr. President, staff on both sides are trying to arrange the exact sequence of the time agreements that we have tentatively agreed to on the amendments.

ORDER FOR RECESS UNTIL 7 A.M. TOMORROW

Mr. BAKER. Mr. President, for the moment, my request would be as follows: Mr. President, I ask unanimous consent that when the Senate completes its business tonight it stand in recess until the hour of 7 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON CONFERENCE REPORT AT 11 A.M. THURSDAY

Mr. BAKER. Mr. President, I ask unanimous consent that after the Senate completes its debate on the conference report on the first concurrent budget resolution and items related thereto, the vote on that conference report and matters related to it be put over until tomorrow at 11 o'clock and that that vote be a 15-minute vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there will be no votes tonight. In a few moments I will extend the request by attempting to sequence amendments and to assign time limitations to amendments.

REDUCTION IN LEADERSHIP TIME TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that the time allocated to the two leaders under the standing order be reduced to 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS ON CONFERENCE REPORT

Mr. BAKER. Mr. President, I am prepared to yield to the Senator so that we can proceed with the debate on the conference report.

Mr. DOMENICI. Mr. President, I ask the leader if we are going to get the yeas and nays on the conference report.

Mr. BAKER. As soon as it is laid down.

Mr. DOMENICI. Mr. President, I ask the leader if he will propound it now.

Mr. BAKER. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on final passage of the conference report at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, I yield the floor.

FIRST CONCURRENT RESOLUTION ON THE BUDGET—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized to submit the report of the committee of conference on the first concurrent resolution.

Mr. DOMENICI. Mr. President, I submit a report of the committee of conference on House Concurrent Resolution 115 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The Assistant Legislative Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the concurrent resolution (H. Con. Res. 115) revising the congressional budget for the United States Government for the fiscal year 1981 and setting forth the congressional budget for the United States Government for the fiscal years 1982, 1983, and 1984, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 18, 1981.)

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield myself 10 minutes of the 20 minutes that I have.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor of the Senate during the consideration of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I urge that the Senate adopt House Concurrent Resolution 115, setting forth revisions for the fiscal year 1981 budget, setting targets for spending for fiscal years 1982, 1983, and 1984, and instructing the committtees of the House and Senate to save more than $141 billion during fiscal years 1981, 1982, 1983, and 1984 through reconciliation.

Let me discuss the conference report that we of the Senate Budget Committee have brought back from our conference with the House.

First, the conferees were faced with a difficult problem, despite the fact that on almost every single major policy issue the two resolutions—that of the House and that of the Senate—were identical. The problem resulted from the fact that the House did not use reestimates of spending that the Congressional Budget Office provided, while we in the Senate did use these reestimates and technical adjustments. Thus, in almost every function of Government the conferees were

faced with spending differences that emanated not from policy differences, but from strictly technical differences of opinion. In order to resolve these problems without spending literally weeks on each and every one of them, the conference decided to split such technical and reestimating differences equally between the numbers in each resolution. No other approach satisfied the two imperatives that the conferees of both bodies had been given—to have a short conference in order to meet the May 15 deadline for the first concurrent budget resolution and to put into place the critical reconciliation instructions.

Now, our decision to split technical and reestimating differences equally between the two sets of numbers presented to the conferees has drawn criticism in some quarters. The Washington Post, for example, recently editorialized that the numbers in the resolution are flawed and implied that they are slightly phony. As a matter of fact, of course, the resolution is not flawed and the numbers are not phony, slightly or otherwise. For example, we asked the House to recede to the Senate's higher interest rate number of 1981 and the House receded. That interest rate is higher than that assumed by the President in his submission to the Congress. We receded to the House on revenues and higher GNP estimates and, as the information released yesterday on the Nation's gross national product shows, the economy is, indeed, stronger than most economists had predicted and revenues may very well be even higher than we have estimated.

In addition, the very high first quarter real GNP figures would mean that the Nation would have to slide into a recession in order to achieve the 1.4 percent rate of real growth for 1981 that CBO has forecast. Certainly, the 2-percent estimate of the House seems much more likely at this moment. Finally, in the areas of spending estimates—that is, the technical estimating of how much money will actually outlay from previously-passed budget authority—we agreed with the House, as I explained earlier, to resolve these differences by an equal division.

In short, the conference report is as sound as any reported back by any group of budget resolution conferees and retains the essential spirit of what a first concurrent budget resolution really is—the setting of targets that the Congress believes are appropriate for the functions of Government. It may be argued that the targets will not be met. I have heard that argument, though it is often put in different terms. I respond this way: The targets are those that the conferees believe are best for the Nation and for the economy. The conferees believe that these targets should be met and that, if further restraint in the growth of Government spending is necessary, Congress should during fiscal year 1982 exercise that necessary restraint. We were not willing to change our numbers to reflect business as usual, that is, the same old spending patterns and the same old. "Well, it's out of our control" attitude. The numbers in this resolution are fully achievable if the Congress so chooses.

The second major decision facing the conferees was the question of the fiscal year 1981 spending ceilings. Here, too, we decided to compromise most of the differences confronting us.

As a result, we have left sufficient room for the passage of the pending Senate legislation, H.R. 3512, the Appropriations Committee spending and rescission package. The need to increase these ceilings from the previously-passed second concurrent budget resolution for 1981 levels resulted from the artificially-low ceilings adopted by Congress last winter. As then Senator Henry Bellmon and I argued then, the ceilings were much too low and it would take major spending pattern changes to even come close to them. As time has shown, Senator Bellmon and I were right and we have had to move to accommodate the inevitable spending that resulted from the spending decisions of the last Congress. I will have more to say about the entire question of revising resolutions later in my statement.

Third, the conferees faced a decision on the most historic spending restraint measure ever to come before our national legislature—the reconciliation instructions for fiscal years 1981, 1982, 1983, and 1984. In general, the policy implications of the reconciliation instructions contained in the resolutions passed by the two bodies were quite similar. Minor differences were worked out by the conferees, as well as substantial technical and reestimating questions.

I am proud to announce today that the conferees have decided on a total reconciliation instruction that will affect 14 Senate committees and 15 House committees and will save, in 1982 outlays, $36.501 billion. I will summarize both the functional spending totals and the reconciliation instructions by committee later in this statement.

The conference report allows the relevant committees of the House and Senate to make room for the entire Presidential tax cut, if that is the wisdom of the Congress. The report allows room for the entire increase in spending for national defense, if the Congress so chooses. The report insists on very large additional spending reductions for the Federal budget in 1983 and 1984 in order to meet the balanced budget target that this resolution sets for 1984. The conferees were clear that such a balanced budget is critical to the Nation's economic health and to our fight against inflation.

In short, Mr. President, despite the time pressures surrounding our conference, despite the enormous implications of our decisions for future Government spending, and despite the unusual political situation that brought the resolutions to conference in the first place, the conferees were able to reach agreement on all issues in only one day, although there are some items in technical disagreement because the decisions reached were outside the scope of the conference. This, too, is historic for budget conferences. This 1-day outcome, which was the desire both of the House and the Senate managers, was possible only because of the spirit of true cooperation that both groups of conferees brought to the conference. Chairman JONES, ranking minority member Representative LATTA, and I met on several occasions in order to lay the groundwork for such a 1-day conference. I wish to congratulate them.

The productive involvement of House minority leader Representative BOB MICHEL was another key to our deliberations, as was the constant assistance of the Senate majority leader, Senator BAKER.

In addition, the staffs of the two committees did an outstanding job. I can truly say that without a high degree of staff commitment and without an unprecedented cooperation between the two staffs, we would not have been able to complete our work in the assigned time.

But now, I must turn to a more somber task. I must sound a variety of alarms about the future of spending in the Federal budget. Let me be blunt about what the future holds.

You will see that the target for 1982 spending is $695.45 billion, the target deficit for that year is $37.65 billion, and the estimated level for revenues is $657.8 billion. Estimates, some private and some public, have put overall Federal spending higher in 1982, leading to a higher deficit.

It is the judgment of the conferees that such a result is disastrous for the economy and for our people. We could not, and would not, endorse such targets for spending and deficits. We believe setting such targets would send precisely the wrong signal to the Nation and, moreover, would make a mockery of what our intentions are. Our intentions are not to allow spending to increase to a level higher than that we recommend. Our intentions are not to stand idly by and watch spending soar without the active involvement of Congress to restrain it, nor to allow the deficit to climb beyond the level we recommend. Yet, it may be that Congress will not do what it must do to restrain spending. It may be that the administration may be unable to control outlays in the manner needed. It may be that the economy will be beset by international or natural forces. All of these imponderables surround this budget resolution, as they surround any budget resolution. Yet, this conference report before the Senate today says—

> It is our judgment that Congress, and the Administration, must make whatever changes are necessary in spending patterns to keep spending within these targets.

Let me paint a worst-case scenario for the Congress, so we cannot be accused of withholding anything, or of any deception. If the committees of the Congress fail to pass reconciliation in its entirety, that is, if no reconciliation bill passes Congress at all, then the spending and deficit numbers in this resolution will have to be increased by those amounts—$2.3 billion in 1981, $36.501 billion in 1982, $46.979 billion in 1983, and $55.798 billion in 1984. If Congress passes a larger tax cut than that proposed by the President, such additional cuts would in-

crease the deficit on a dollar-for-dollar basis. If spending targets are exceeded as the authorization and appropriations process occurs in the Congress, then each one of those extra dollars will be added to the deficit. Finally, if a continuation of very high interest rates cripples the economy, or if the drought in this Nation continues unabated, or if the world food crop is poor, or if an interruption of national energy supplies occurs, or if any of a host of other unforeseeable events occurs, then the spending and deficit levels may increase. But, if the Nation has just average luck in outside events, and if the Congress will follow through completely on the spending restraint in this resolution, and if we show prudence as the authorizing and appropriations processes occur in Congress, then I truly believe that we can meet these targets and restore economic vitality to this Nation. The budget process can merely lead the way; it is powerless to compell others to follow. For myself, however, I intend to fight for the principles and targets contained in this resolution at every step of the way. And, I believe that the conferees intend to do so, also.

In order to help committees meet their reconciliation instructions, we have moved the date for reporting changes in laws to achieve the required savings to June 12 of this year. I believe that all committees can meet that date and many have already made excellent progress toward fulfilling their mandate.

In addition to this change, the conferees also adopted enforcement language that will help the Congress in its efforts to impose fiscal discipline. Under this language, spending bills will be held at the desk if they exceed the appropriate allocation or subdivisions made pursuant to section 302 of the 1974 Budget Act. In short, if a spending bill exceeds its allocation, we would delay its enrollment until Congress has both passed the second concurrent budget resolution for 1982 this fall and any reconciliation measure attached to that resolution has been fulfilled entirely.

Mr. President, this is a watershed budget, just as November, 1980, was a watershed in recent American political history. We are saying that we no longer want excuses: No more explanations of uncontrollables in the budget, or technical reestimates of spending rates, or of international events that have dashed our hopes for fiscal discipline. We are saying—

Here are the targets we believe are best for the nation, and here is the most massive restraint in spending in the history of the country, and now we must go forth and do even more, if need be, to meet these targets.

I do not think the American people want any more excuses, and I do not think we in Congress should tolerate any more excuses. The blueprint contained in this resolution is clear. It is unequivocal. It responds directly to the mandate of the American people and the requests of our President. And, despite all of the rhetoric about unrealistic numbers of optimistic assumptions, these targets are achievable. The more we say that our blueprint will not work, the more we run the danger that our words will lead to a self-fulfilling, and damaging, prophecy. I would recommend to all my colleagues that we not criticize this resolution, but we praise it, and, even more that we enforce it.

Mr. President, I submit a detailed analysis of what this conference report contains. I ask that it be printed in the RECORD at this point.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ECONOMIC ASSUMPTIONS

The levels of output, incomes, unemployment, inflation and interest rates used in the outlay and revenue estimates of the conference agreement are shown in the table below. These assumptions closely correspond to the economic projections assumed by the Administration to accompany its budget revisions for Fiscal Year 1982 submitted to the Congress in March. The Conferees have accepted the House-passed projections of gross national product, incomes and unemployment, which reflect the strength of the economy in the first quarter of 1981. The Conferees assumed interest rates for 1981 at the Senate-passed level. The interest rates assumed for 1982–1984 reflect success in lowering the inflation rate as projected by the Administration.

[Calendar years; dollar amounts in billions]

	1981	1982	1983	1984
Gross national product:				
Current dollars	$2,941	$3,323	$3,734	$4,135
Constant (1972) dollars	1,511	1,572	1,651	1,725
Percent change	2.0	4.2	5.0	4.5
GNP deflator (percent change, year over year)	9.7	8.3	7.0	6.0
Consumer Price Index (percent change, year over year)	11.1	8.3	6.2	5.5
Unemployment rate (annual average, percent)	7.5	7.2	6.6	6.4
Taxable incomes:				
Wages and salaries	1,498	1,682	1,863	2,051
Nonwage income	541	612	683	745
Corporate profits	242	280	321	360
Interest rate, 3-mo. Treasury bills (percent, yearly average)	13.5	10.5	9.4	8.2

REVENUES

The revenue levels agreed to by the conferees provide room for the relevant committees of the House and the Senate to enact all of the President's program for 1981, 1982, 1983, and 1984. The revenue levels are $603.3 billion for FY 1981, $657.8 billion for FY 1982, $713.2 billion for FY 1983, and $774.8 billion for FY 1984. The conference agreement specifies net tax reductions of $8.6 billion in FY 1981, $51.3 billion in FY 1982, $97.1 billion in FY 1983, and $144.8 billion in FY 1984. These reductions are assumed to include $100 million for miscellaneous tax and tariff legislation as may be enacted by the House Ways and Means Committee and the Senate Finance Committee.

GENERAL PROVISIONS

The conferees adopted general language which affects the recommendations which the standing committees can submit to the Budget Committees for reconciliation. The House resolution had a provision which permits committees to substitute savings in direct spending programs for those required in authorized programs. The conferees agreed that this provision should remain in the resolution.

The conferees further agreed that enforcement of the budget resolution would be advanced by the "delayed enrollment" provision of section 301. This language has the effect of delaying the enrollment of appropriations and direct spending bills which are in excess of their section 302 allocations.

The conferees included several non-binding provisions in the resolution on a variety of issues. In summary, the conferees recommended the following:

(1) The development of bi-partisan recommendations on indexing reform;

(2) The development of the implementation of a "Zero Net Inflation Impact" policy which would keep account of the inflationary impact of legislation and regulations;

(3) The development of legislation by the Senate Governmental Affairs Committee to reduce fraud, waste and abuse; and

(4) The provision of increased flexibility to state and local governments in the management of Federal funds.

FEDERAL CREDIT

The Conference agreement recommends limiting direct loans to $51.930 billion and Federal primary loan guarantees to $85.090 billion, and Federal secondary guarantees to $70.070 billion for fiscal year 1982. The Senate assumptions for direct lending and loan guarantees were higher than the House for the Rural Electrification Administration, the Small Business Administration, the Export-Import Bank, FHA mortgage insurance and GNMA secondary guarantees. The House receded to the Senate numbers in these areas.

The House also adopted the method of presenting Federal Financing Bank activity used for the Senate resolution. All guaranteed loans converted to direct loans by the FFB are attributed to the function of the agency initiating the lending. The conferees felt that attribution of this $23 billion activity was necessary to accurately reflect the credit activity of the Federal government and its relation to national needs.

Additionally, the conferees adopted primary guarantees as the measure for Federal loan guarantees. This measure is the one utilized in the House resolution.

SPENDING

Function 050: National defense

The conference agreement provides budget authority of $181.0 billion and outlays of $162.9 billion for fiscal year 1981, budget authority of $226.3 billion and outlays of $188.8 billion for fiscal year 1982, budget authority of $257.0 billion and outlays of $223.1 billion for fiscal year 1983, and budget authority of $292.1 billion and outlays of $250.6 billion for fiscal year 1984.

The conference agreement incorporates the Administration's total defense program initiatives for fiscal years 1981 through 1984. The conference agreement assumes that the Secretary of Defense will implement substantial management efficiencies in order to maintain the Administration's outlay estimates and that savings resulting from efficiencies and elemination of waste, fraud, and abuse in the Department of Defense will increase significantly in fiscal years 1983 and 1984.

Function 150: International affairs

The conference agreement provides budget authority of $23.55 billion and outlays of $11.15 billion for fiscal year 1981, budget authority of $17.4 billion and outlays $11.15 billion for fiscal year 1982, budget authority of $16.9 billion and outlays of $11.65 billion for fiscal year 1983, and budget authority of $16.75 billion and outlays of $12.1 billion for fiscal year 1984.

These recommended levels assume the President's request for fiscal years 1981 and 1982. The outyear targets assume some reductions from the OMB estimates for those years.

Taking into account the historical record and Senate action thus far this year, it is anticipated that spending in this function will fall short of the levels contained in this conference agreement. In previous years Congress has appropriated less than has been requested for most international programs. In a few instances—the Export-Import Bank is one example—Congress has provided more than the requested amount, but overall the

trend is clear. Congress will achieve savings in these programs. Last week the Committee on Foreign Relations reported authorizing legislation that saves $900 million in budget authority from the FY 1982 request. The Committee on Appropriations has reported a fiscal 1981 Supplemental Appropriations and Rescission Bill that contains two-thirds of the President's requested reductions in the direct lending program of the Export-Import Bank. Senators Hatfield and Kasten have earned our appreciation for their work in achieving this savings against strong opposition. If the Senate continues this pattern of fiscal prudence, savings in the International Affairs function will help achieve a balanced budget by fiscal 1984.

Function 250: General science, space, and technology

The conference agreement provides budget authority of $6.5 billion and outlays of $6.2 billion for fiscal year 1981, budget authority of $7.2 billion and outlays of $7.0 billion for fiscal year 1982, budget authority of $7.7 billion and outlays of $7.3 billion for FY 1983 and budget authority of $7.2 billion and outlays of $7.2 billion in FY 1984.

The agreement focuses support on those basic research activities with the greatest potential for increased productivity and technological innovation. For the civilian space program, strong support is maintained for the space shuttle program as well as providing funding necessary for continued development of the Galileo mission, the space telescope and the Landsat satellite series.

Function 270: Energy

The conference agreement provides budget authority of $7.3 billion and outlays of $9.8 billion for fiscal year 1981, budget authority of $4.5 billion and outlays of $6.0 billion for fiscal year 1982, budget authority of $4.4 billion and outlays of $5.4 billion for fiscal year 1983, and budget authority of $4.0 billion and outlays of $4.8 billion for fiscal year 1984.

The conference agreement would allow budget authority for the continuation of the alcohol fuels loan guarantee program at a reduced level. For the remaining energy programs, the agreement provides for the implementation of the President's program except for the Strategic Petroleum Reserve. In that area, the agreement provides sufficient funding in fiscal year 1982 to allow for a smooth transition to private financing.

Function 300: Natural resources and environment

The conference agreement provides budget authority of $10.5 billion and outlays of $13.6 billion for fiscal year 1981, budget authority of $8.2 billion and outlays of $12.4 billion in FY 1982, budget authority of $10.7 billion and outlays of $11.4 billion in FY 1983 and budget authority of $10.6 billion and outlays of $10.6 billion in FY 1984.

In adhering to the need for strict fiscal restraint, the agreement emphasizes development and maintenance of the most essential natural resource and environmental programs such as water resources and land management and de-emphasizes programs of a lower priority such as those in the recreation area—parkland acquisition, state recreation grants and historic preservation activities.

Function 350: Agriculture

The conference agreement provides budget authority of $5.6 billion and outlays of $2.7 billion for fiscal year 1981, budget authority of $5.5 billion and outlays of $4.5 billion for fiscal year 1982, budget authority of $6.4 billion and outlays of $4.7 billion for fiscal year 1983, and budget authority of $5.4 billion and outlays of $4.9 billion for fiscal year 1984.

The conference agreement would allow the continuation of current farm income stabilization programs at a level consistent with the Administration's proposed farm legislation. The agreement also assumes savings in agricultural programs as contained in the Senate-passed reconciliation instructions.

Function 370: Commerce and housing credit

The conference agreement provides budget authority of $6.6 billion and outlays of $3.4 billion for fiscal year 1981, budget authority of $7.7 billion and outlays of $4.0 billion for fiscal year 1982, budget authority of $5.3 billion and outlays of $3.9 billion for fiscal year 1983, and budget authority of $5.8 billion and outlays of $3.5 billion for fiscal year 1984.

These recommended levels assume the adoption of the President's proposals to: (1) reduce FmHA rural housing lending activity by eliminating subsidized loans to middle-income borrowers and slightly reducing such loans to low-income borrowers; (2) phase out the public service subsidy payment to the Postal Service by FY 1984 and reduce the revenue foregone payment to the Postal Service to $500 million in FY 1982 and future years; (3) eliminate the National Consumer Cooperative Bank; (4) increase FY 1982 budget authority for the GNMA tandem mortgage purchase program in order to issue all remaining purchase commitments in FY 1982 to terminate the program; (5) provide the National Credit Union Central Liquidity Facility with a $100 million emergency line of credit to the Treasury to support the agency's sale of securities to the private sector; and (6) reduce funding for a number of programs in the function by small amounts through administrative action.

The recommended levels also assume the elimination of SBA direct loans to small businesses in the last quarter of FY 1981 and future years, an increase in the number of private loans guaranteed by SBA equal to the reduction in direct loans, and a 10-percent cut in SBA salaries and expenses. Funding for most other programs in the function could be maintained at current levels.

Function 400: Transportation

The conference agreement provides budget authority of $25.0 billion and outlays of $23.9 billion for fiscal year 1981, budget authority of $21.2 billion and outlays of $20.4 billion for fiscal year 1982, budget authority of $21.1 billion and outlays of $20.1 billion for fiscal year 1983, and budget authority of $21.3 billion and outlays of $20.4 billion for fiscal year 1984.

The conference agreement would allow for increases in Coast Guard procurement to improve its domestic defense and drug interdiction capabilities. Conrail programs also would be increased to meet labor protection expenses necessary to assure the orderly transfer of Conrail to the private sector. For the remaining highway, mass transit, railroad, maritime and aviation programs the agreement basically would allow for the implementation of the President's program.

Function 450: Community and regional development

The conference agreement provides budget authority of $8.3 billion and outlays of $11.4 billion for fiscal year 1981, budget authority of $7.1 billion and outlays of $8.7 billion for fiscal year 1982, budget authority of $7.5 billion and outlays of $7.7 billion for fiscal year 1983, and budget authority of $7.6 billion and outlays of $7.5 billion for fiscal year 1984.

These recommended levels assume adoption of the Administration's budget reduction proposals, including: (1) termination of HUD's rehabilitation loan program and neighborhood self-help development and planning assistance grant programs; (2) integration of the urban development action grant program with the community development block grant program funded at a level below the current combined funding level for these two programs; (3) increased interest rates on FmHA rural water and waste disposal and community facility loans and a reduction in the level of these loans, as well as the level of water and waste disposal grants; (4) termination of the Title V Regional Commissions and the nonhighway programs of the Appalachian Regional Commission; (5) no funding for the Tennessee Valley Authority's coal gasification demonstration plant; (6) increased interest rates on SBA physical disaster loans and elimination of SBA nonphysical disaster assistance; and (7) termination of energy impact assistance. The President's proposal to terminate all EDA activities, except for the trade adjustment assistance program (transferred to the International Trade Administration in Function 370) and legally required activities under the loan guarantee program is also assumed, except an additional $100 million in EDA funds could be accommodated in fiscal year 1982 to provide any transitional assistance necessary in closing out EDA activities. The recommended totals for the function would be adequate to provide disaster assistance at levels based on recent program experience, and to continue current levels of funding for other programs in the function. The fiscal year 1981 levels assume no supplemental appropriation will be required for the SBA disaster loan fund, based on administrative actions taken to ensure that the fund operate within currently available resources for the remainder of the fiscal year.

Function 500: Education, training, employment, and social services

The conference agreement provides budget authority of $30.8 billion and outlays of $31.8 billion for fiscal year 1981, budget authority of $26.2 billion and outlays of $26.85 billion for fiscal year 1982, budget authority of $26.2 billion and outlays of $26.0 billion for fiscal year 1983, and budget authority of $25.7 billion and outlays of $25.3 billion for fiscal year 1984.

The conference members assumed most of the funding reductions proposed by the President in order to arrive at the above functional totals. The President's proposed reductions were assumed for impact aid, Pell Grants, Guaranteed Student Loans, the National Endowments for the Arts and Humanities, and CETA public service employment. For other programs the conference assumed lesser reductions than those proposed by the President. Lesser reductions are assumed for vocational educational, consolidated elementary and secondary education programs, CETA training programs, and consolidated social service programs.

The conference report endorses efforts to promote government efficiency and the self-sufficiency of the individual. The President's proposed education and social service block grants are assumed by the conference. Consolidation of programs will make government more efficient by reducing administrative overhead. The savings assumed for programs will encourage consolidation and alert the country that Congress is no longer following "business as usual." Reductions proposed for these programs will be accompanied by administrative savings—that will result from the elimination of categorical requirements.

The money added back by the conference for elementary and secondary education, vocational education, youth training, and social services will help people obtain the skills necessary for independent lives. The conference's recommended mark also contains sufficient funds for the President's proposed increases to Headstart and the National Direct Student Loan Program.

Function 550: Health

The conference agreement provides budget authority of $72.2 billion and outlays of $66.8 billion for fiscal year 1981, budget authority of $83.5 billion and outlays of $73.35 billion for fiscal year 1982, budget authority of $90.9 billion and outlays of $81.3 billion for fiscal

year 1983, and budget authority of $99.3 billion and outlays of $89.6 billion for fiscal year 1984.

In reaching its funding level, the conference assumed most of the President's restraint proposals. Included as assumed reductions were the phasing out of professional standards review organizations (PSROs), health systems agencies and public health service hospitals. The conference also assumed funding reductions based on the consolidation of 27 categorical programs into health services and preventive health block grants. Also assumed by the conference were reductions in Medicare expenditures which include reducing the nursing salary cost differential, the higher fee paid to hospital based providers of kidney dialysis and an additional $150 million in unspecified reductions. The conference also suggested a major change in health professions education that will focus funds on the training of nurses and other needed health professions. The conference increased funding over the President's recommendation for health research and community and preventive health programs.

The Senate Budget Committee assumptions carried forward into the conference report include curbing the rapid growth in Medicaid costs. Among these reductions was a proposal to allow states to require families to share some of the costs of medicaid nursing home patient care. The committee stated that its recommendations are intended to leave the Finance Committee sufficient flexibility to achieve savings in Medicaid or Medicare without necessarily requiring reductions in Medicaid eligibility or services. The conference also assumed the expenditure of funds for the periodic interim payments in the Medicare program in FY 1981 as proposed by the President, instead of in FY 1982.

Finally, the conference agreement encompasses the Senate Budget Committee assumption that there may be communities that wish to assume operation and administrative control over their Public Health Service hospitals rather than have the facilities closed. The Committee assumed that if such a plan is submitted to the Department of Health and Human Services and is satisfactory, the FY 1982 funds provided by this report will be used, in part, to continue the operation of any such hospital until a transfer of the operation can occur, and to assure that any such hospital returned to the community will comply with all code requirements sufficient to allow reimbursement under the Medicare and Medicaid programs.

Function 600: Income security

The conference agreement provides budget authority of $250.35 billion and outlays of $227.6 billion for fiscal year 1981, budget authority of $262.7 billion and outlays of $239.7 billion in fiscal year 1982, budget authority of $285.5 billion and outlays of $256.55 billion for fiscal year 1983, and budget authority of $305.5 billion and outlays of $273.7 billion for fiscal year 1984.

Major program reductions assumed within this function affect: aid to families with dependent children (AFDC), food stamps, social security, unemployment insurance, trade adjustment assistance, Federal pensions and child nutrition programs.

Regarding AFDC, some 28 changes were assumed by the conferees. Major assumptions included counting income of stepparents and other adults in determining need, eliminating benefits to dependents over 18 who are not in high school, and revising the way in which earned income is disregarded when calculating benefit levels.

The conferees made several assumptions involving the food stamp program. The intent of this effort was to more properly direct benefits to the truly needy by tightening income eligibility requirements, eliminating benefits which duplicate subsidized school lunches, and prorating the first month's benefits.

The conferees' decisions also affected the social security program. First, the conferees assumed the elimination of the social security minimum benefit and the lump sum death benefit in the absence of a survivor. Second, the conferees assumed the phaseout of social security student benefits.

Third, the conferees agreed that major reforms are necessary to preserve the solvency of the social security, civil service, and railroad retirement trust funds. The functional totals accommodate these changes.

The conferees assumed a single annual involving unemployment insurance (UI) and trade adjustment assistance (TAA). The primary assumptions concerned the requirement of 26 weeks of work for eligibility for unemployment benefits and paying UI and TAA sequentially rather than concurrently.

The conferees assumed a single indexation of Federal retirement benefits.

Several further changes were assumed regarding child nutrition programs. These changes included reductions in subsidies for school milk and lunch servings for higher income students. The conferees did not assume any of the President's proposals affecting the women, infants, and children (WIC) feeding program and added $300 million to the President's request for child nutrition programs.

The conferees accepted the President's proposal for a gradual increase in the rent contributions by tenants in Section 8 housing. But they also assumed a lower level of subsidized housing (162,500 additional units) than the President.

Function 700: Veterans benefits and services

The conference agreement provides budget authority of $23.3 billion and outlays of $22.8 billion for fiscal year 1981, budget authority of $24.8 billion and outlays of $24.05 billion for fiscal year 1982, budget authority of $26.25 billion and outlays of $25.45 billion for fiscal year 1983, and budget authority of $28.5 billion and outlays of $27.15 billion for fiscal year 1984.

The Senate receded to the House proposal for funding veterans programs. These proposals include an elimination of GI bill flight and correspondence training as well as other reductions in direct spending programs. Funding for veterans medical care and construction was restored by the conference.

Function 750: Administration of justice

The conference agreement provides budget authority of $4.4 billion and outlays of $4.7 billion for fiscal year 1981, budget authority of $4.3 billion and outlays of $4.45 billion for fiscal year 1982, budget authority of $4.3 billion and outlays of $4.3 billion for fiscal year 1983, and budget authority of $4.4 billion and outlays of $4.4 billion for fiscal year 1984.

The recommended levels assume the President's proposals to: (1) eliminate the formula and discretionary grant programs of the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice; (2) increase funding for the Federal Bureau of Investigation, the Drug Enforcement Administration and the Secret Service; and (3) reduce funding for a number of programs in the function by small amounts through administrative action.

The recommended levels also assume funding of $100 million for the Legal Services Corporation in each of fiscal years 1982 through 1984 and maintenance of real dollar funding levels for the Customs Service and the Immigration and Naturalization Service. Funding for most other programs in the function could be maintained at current levels.

Function 800: General government

The conference agreement provides budget authority of $5.3 billion and outlays of $5.0 billion for fiscal year 1981, budget authority of $5.0 billion and outlays of $4.9 billion for fiscal year 1982, budget authority of $5.2 billion and outlays of $5.0 billion for fiscal year 1983, and budget authority of $5.1 billion and outlays of $5.0 billion for fiscal year 1984.

The recommended levels assume the President's proposals to reduce funding for the Council on Office of Environmental Quality, the central fiscal operations of the Department of the Treasury, the general property and records management activities of GSA, and the administration of the Trust Territory of the Pacific Islands by the Department of the Interior; to eliminate the Council on Wage and Price Stability and GSA's intergovernmental personnel grants program; and to increase funding for the Internal Revenue Service.

Function 850: General purpose fiscal assistance

The conference agreement provides budget authority of $6.1 billion and outlays of $6.8 billion for fiscal year 1981, budget authority of $6.5 billion and outlays of $6.4 billion for fiscal year 1982, budget authority of $6.6 billion and outlays of $6.6 billion in fiscal year 1983, and budget authority of $6.9 billion and outlays of $6.7 billion in fiscal year 1984.

These recommended levels would accommodate general revenue sharing payments to local jurisdictions at an annual level of $4.6 billion, adoption of the President's proposal to place a $145 million ceiling on the amount of Federal loans to the District of Columbia in fiscal years 1982 and 1983, the level of Federal payment to the District requested by the President, and funding for other programs in the function at or above current levels.

Function 900: Interest

The conference agreement provides budget authority of $79.5 billion and outlays of $79.5 billion for fiscal year 1981, budget authority of $85.7 billion and outlays of $85.7 billion for fiscal year 1982, and budget authority of $90.2 billion and outlays of $90.2 billion for fiscal year 1983, and budget authority of $91.5 billion and outlays of $91.5 billion for fiscal year 1984.

The conferees assumed interest rates for calender year 1981 of 13.5 percent, for calendar year 1982 of 10.5 percent, for calendar year 1983 of 9.4 percent and for calendar year 1984 of 8.2 percent. The interest rates assumed for 1982–84 reflect success in lowering the inflation rate as projected by the Administration.

Function 920: Allowances

The conference agreement provides budget authority of $0 billion and outlays of $0 billion for fiscal year 1981, budget authority of $0 billion and outlays of $0 billion for fiscal year 1982, budget authority of —$20.4 billion and outlays of —$20.4 billion for fiscal year 1983, and budget authority of —$27.8 billion and outlays of —$27.8 billion for fiscal year 1984.

The conference agreement for this function assumes adoption of legislative changes to reduce Federal spending in future years.

Funtion 950: undisputed offsetting receipts

The conference agreement for this function assumes adoption of legislative changes

Function 950: Undistributed offsetting authority of —$28.8 billion and outlays of —$28.8 billion for fiscal year 1981, budget authority of—$32.9 billion and outlays of —$32.9 billion for fiscal year 1982, budget authority of —$38.0 billion and outlays of —$38.0 billion for fiscal year 1983, and budget authority of —$43.4 billion and outlays of —$43.4 billion for fiscal year 1984.

Federal pay raises

The conference agreement provides for Federal pay raises consistent with the adoption of the President's Federal employee compensation reform proposal. The Presi-

dent's proposal would sever the connection between military and civilian pay levels and would change the method of calculating pay adjustments. Enactment of the President's proposal, which is assumed in the reconciliation instruction, would result in an FY 1982 pay raise of 9.1 percent for military personnel and 4.8 percent for Federal civilian employees.

The conference agreement assumes an average of 40 percent absorption by Federal civilian agencies of the cost of the FY 1982 and subsequent pay raises. The pay raise costs have been allocated to the appropriate functions.

RECONCILIATION

This year, Congress has opted to use the mechanisms available to it under the Budget Act to process quickly the President's plans for spending restraint. Specifically, the Congress has decided to use the reconciliation process to implement the most massive spending reduction in the Nation's history.

Reconciliation itself is a two part process. With this conference report, we conclude the first critical step. This conference report legally binds the standing committees of the House and the Senate to submit legislation to the Budget Committee by June 12, 1981, which will achieve the spending reductions indicated in this resolution.

Although it is impossible to predict exactly how and where the spending reductions will be made, the committees of jurisdiction of both chambers have already begun to draft the legislation necessary to achieve the President's objectives.

However, in order to assure that the committees of both chambers will have adequate time to complete their assignments, the date of submission to the Budget Committees has been postponed from May 31 to June 12, 1981. This should give the committees of the House adequate time to incorporate the changes in the resolution which were made on the floor of that chamber.

The conferees agreed that any legislation included in the Reconciliation Bill reported pursuant to this resolution must achieve *net* savings/spending reductions in the amounts required by this resolution.

Committee on Agriculture, Nutrition, and Forestry

The conference agreement calls for reductions in direct spending of $163 million in outlays for fiscal year 1981, $474 million in budget authority and $928 million in outlays for fiscal year 1982, $659 million in budget authority and $618 million in outlays for fiscal year 1983, and $854 million in budget authority and $795 million in outlays for fiscal year 1984.

The conference agreement calls for reductions in authorizations of $140 million in budget authority for fiscal year 1981, $3,193 million in budget authority and $3,096 million in outlays for fiscal year 1982, $3,961 million in budget authority and $3,825 million in outlays for fiscal year 1983, and $4,551 million in budget authority and $4,451 million in outlays for fiscal year 1984.

In direct spending programs, the conference agreement reconciliation instructions assumed a phase-out of the USDA storage facility loan program, the elimination of the interest waiver on farmer-owned grain reserve loans, a reduction in Farmers Home Administration direct lending and interest subsidies, the implementation of new or higher fees for commodity inspection, the elimination of the Child Nutrition summer feeding program, and the termination of special milk subsidies in schools with other USDA subsidized meal programs.

For authorizations, the conference agreement reconciliation instructions assumed a reduction in Public Law 480 food aid slightly greater than the amount proposed by the President, a reduction in agricultural conservation cost-sharing programs and rural water and waste disposal grants, a reduction in Child Nutrition programs by an amount less than recommended by the President, and the implementation of the President's targeted reforms of the Food Stamp program.

Committee on Armed Services

The conference agreement calls for reductions in direct spending of $233 million in budget authority and $233 million in outlays for fiscal year 1981, $966 million in budget authority and $966 million in outlays for fiscal year 1982, $899 million in budget authority and $899 million in outlays for fiscal year 1983, and $511 million in budget authority and $511 million in outlays for fiscal year 1984.

The conference agreement incorporates the Administration's proposed reductions in direct spending under the jurisdiction of the Armed Services Committee. Proposed reductions assume that retired military cost-of-living (COLA) adjustments will be made once-per-year and that sales of excess materials in the U.S. Strategic Stockpile of Critical Materials will occur.

Committee on Banking, Housing, and Urban Affairs

The conference agreement calls for reductions in authorizations of $5,846 million in budget authority and $133 million in outlays for fiscal year 1981, $14,498 million in budget authority and $840 million in outlays for fiscal year 1982, $17,450 million in budget authority and $2,133 million in outlays for fiscal year 1983, and $20,341 million in budget authority and $3,779 million in outlays for fiscal year 1984.

These savings can be achieved by adopting the President's proposal to eliminate the National Consumer Cooperative Bank; to reduce FmHA rural housing lending activity through the elimination of subsidized loans to middle-income borrowers and a slight reduction in loans to low-income borrowers; to terminate HUD's rehabilitation loan, neighborhood self-help development, and planning assistance programs; to integrate the urban development action grant and community development block grant programs and to reduce the program level below the current combined funding level for the two programs; and to reduce mass transit capital grants and phase out operating subsidies beginning in fiscal year 1983. The President's proposed reduction in subsidized housing is also assumed in fiscal year 1981, and a further reduction of 12,500 units below the President's proposed level of 175,000 units is assumed beginning in fiscal year 1982. These savings also assume a reduction in the existing authorization available for Export-Import Bank direct loans by an amount equal to two-thirds of the reductions proposed by the President. Such a savings is consistent with the Budget Committee decision on the Kassebaum amendment and the Senate vote on the Proxmire amendment during consideration of the Reconciliation Resolution.

Committee on Commerce, Science, and Transportation

The conference agreement calls for reductions in direct spending of $100 million in budget authority and $100 million in outlays for fiscal year 1982, $200 million in budget authority and $200 million in outlays for fiscal year 1983, and $300 million in budget authority and $300 million in outlays for fiscal year 1984.

The conference agreement calls for reductions in authorizations of $1,558 million in budget authority and $884 million in outlays for fiscal year 1982, $1,598 million in budget authority and $1,328 million in outlays for fiscal year 1983, and $1,465 million in budget authority and $1,337 million in outlays for fiscal year 1984.

The conference agreement reconciliation instructions assume all of the major reductions under the jurisdiction of this Committee proposed by the President. Included among these proposals are the implementation of boat and yacht user fees to offset part of the cost of Coast Guard activities, the termination of the local rail service assistance program, a reduction in Amtrak subsidies, the elimination of Federal funding for Conrail, and reductions in the Northeast Corridor Improvement Project, maritime construction subsidies, and highway safety grants.

Committee on Energy and Natural Resources

The conference agreement calls for reductions in authorizations of $1,331 million in budget authority and $94 million in outlays for fiscal year 1981, $3,714 million in budget authority and $3,398 million in outlays for fiscal year 1982, $3,660 million in budget authority and $3,627 million in outlays for fiscal year 1983, and $3,604 million in budget authority and $3,711 million in outlays for fiscal year 1984.

The conference reconciliation instructions assume a $3 billion per year reduction in funding for the Strategic Petroleum Reserve, the elimination of the Solar Energy and Conservation Bank, the elimination of the Youth Conservation Corps, and the reductions recommended by the President for park programs and historic preservation.

Committee on Environment and Public Works

The conference agreement calls for reductions in direct spending of $185 million in outlays in fiscal year 1982, $900 million in outlays in fiscal year 1983, and $1,365 million in outlays in fiscal year 1984.

The conference agreement calls for reductions in authorizations of $2,350 million in budget authority and $68 million in outlays in fiscal year 1981, $4,835 million in budget authority and $793 million in outlays in fiscal year 1982, $3,035 million in budget authority and $1,840 million in outlays in fiscal year 1983, and $3,500 in budget authority and $2,800 in outlays for fiscal year 1984.

Included among the conference agreement reconciliation instruction assumptions to the Environment and Public Works Committee were: a reduction in the Federal aid to Highway program obligational ceiling; a reduction in the water project construction and EPA regulatory activities; a reduction in funding for EPA's Wastewater Treatment Grant program; the termination of the Economic Development Administration with the provision of $100 million in transitional funding assistance in fiscal year 1982; the elimination of the Title 5 Regional Commissions and Appalachian Regional Commission's non-highway programs as recommended by the President; and the removal of authority for TVA's coal gasification demonstration plant.

Committee on Finance

The conference agreement calls for reductions in authorizations of $96 million in budget authority and $286 million in outlays for fiscal year 1981, $4,394 million in budget authority and $9,218 million in outlays for fiscal year 1982, $4,563 million in budget authority and $10,744 million in outlays for fiscal year 1983, and $4,675 million in budget authority and $11,589 million in outlays for fiscal year 1984.

The conference agreement calls for reductions in authorizations of $96 million in budget authority and $112 million in outlays for fiscal year 1982, $114 million in budget authority and $132 million in outlays for fiscal year 1983, and $149 million in budget authority and $177 million in outlays for fiscal year 1984.

The conferees agreed to combine several social services programs into a block grant and reduce funding in FY 1982 to about 14 percent below current policy.

The conferees assumed several restraint proposals in the health care area. These included phasing out professional standards review organizations, consolidating categorical programs into basic and preventive health block grant; and eliminating the 8½ percent nursing differential. The conferees modified the President's proposal regarding Medicaid to leave the Committee sufficient flexibility to achieve savings in Medicare or Medicaid without necessarily requiring reductions in Medicaid eligibility. The conferees rejected the proposed repeal of benefit expansion provisions contained in Public Law 96-499 and Public Law 96-611. The conferees also went beyond the President and agreed to require $150 million in additional outlay savings in the Medicare program.

Regarding AFDC, some 28 changes were assumed by the conferees. Major assumptions included counting income of stepparents and other adults in determining need, eliminating benefits to dependents over 18 who are not in high school, and revising the way in which earned income is disregarded when calculating benefit levels.

The conferees' decisions also affected the social security program. First, the conferees assumed the elimination of the social security minimum benefit and the lump sum death benefit in the absence of a survivor. Second, the conferees assumed the phaseout of social security student benefits.

Third, several changes were assumed that affect the disability portion of social security, primarily to prevent "double-dipping" into disability programs.

The conferees made several assumptions involving unemployment insurance (UI) and trade adjustment assistance (TAA). The primary assumptions concerned the requirement of 20 weeks of work for eligibility for unemployment benefits and paying UI and TAA sequentially rather than concurrently.

Committee on Foreign Relations

The conference agreement calls for reductions in authorizations of $250 million in budget authority and $130 million in outlays for fiscal year 1982, $275 million in budget authority and $200 million in outlays for fiscal year 1983, and $300 million in both budget authority and outlays for fiscal year 1984.

The reconciliation savings could be achieved by holding authorization levels for international programs to the levels proposed by the President. Although the requests for many international programs are greater than existing appropriations plus inflation, the President has requested lower appropriations and authorizations for several programs such as international disaster assistance, American schools and hospitals abroad, and payments to international organizations. By holding authorization levels for programs such as these to the President's request, the Committee can meet its reconciliation instructions without further reductions.

Committee on Governmental Affairs

The conference agreement calls for reductions in direct spending of $513 million in outlays for fiscal year 1982, $414 million in outlays for fiscal year 1983, and $357 million in outlays for fiscal year 1984.

The conference agreement calls for reductions in authorizations of $4,776 million in budget authority and $4,690 million in outlays for fiscal year 1982, $6,360 million in budget authority and $6,388 million in outlays for fiscal year 1983, and $7,462 million in budget authority and $7,440 million in outlays for fiscal year 1984.

The reductions in direct spending could be achieved by adopting the President's proposal to index Federal retirement benefits once a year.

The reductions in authorizations could be achieved by adopting the President's proposals to: (1) phase out the public service subsidy payment to the Postal Service by 1984 and to reduce to $500 million the revenue foregone payment to the Postal Service in FY 1982 and future years; (2) to place a ceiling on the amount of Federal loans to the District of Columbia for capital improvements in FY 1982 and FY 1983; and (3) to reform Federal employee compensation.

Committee on the Judiciary

The conference agreement calls for reductions in authorizations of $116 million in budget authority and $13 million in outlays for fiscal year 1982, $133 million in budget authority and $81 million in outlays for fiscal year 1983, and $144 million in budget authority and $124 million in outlays for fiscal year 1984.

The reductions in authorizations could be achieved by adopting the President's proposal to eliminate the formula and discretionary grant programs of the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice.

Committee on Labor and Human Resources

The conference agreement calls for reductions in direct spending of $39 million in budget authority and $49 million in outlays for fiscal year 1981, $596 million in budget authority and $575 million in outlays for fiscal year 1982, $1,481 million in budget authority and $1,395 million in outays for fiscal year 1983, and $2,452 million in budget authority and $2,311 million in outlays for fiscal year 1984.

The conference agreement calls for reductions in authorizations of $2,388 million in budget authority and $414 million in outlays for fiscal year 1981, $10,492 million in budget authority and $2,225 million in outlays for fiscal year 1982, $12,539 million in budget authority and $11,069 million in outlays for fiscal year 1983, and $15,048 million in budget authority and $13,746 million in outlays for fiscal year 1984.

The conference assumed most of the funding levels and proposals of the President. These included the elimination of CETA public service employment, the phasing out of Professional Standards Review Organizations and Public Health Hospitals. It also included reductions for impact aid, grants and loans for student financial assistance, and the National Endowments for the Arts and the Humanities. The conference also assumed consolidation of categorical programs into block grants in the areas of elementary and secondary education, basic and preventive health services, and social services.

The conference agreed to lessen the President's reductions for several program areas including elementary and secondary education, vocational education, CETA youth employment and rehabilitation services for the handicapped. The conference agreed to restore funding for National Institutes of Health to the current policy level and restore funding for community health services and preventive health services to the 1981 level. The conference also agreed that there may be communities which wish to assume operation and administrative control over their Public Health Service hospitals rather than have the facilities closed. The Committee assumes that if such a plan is submitted to the Department of Health and Human Services and is satisfactory, the FY 1982 funds provided by this proposal will be used, in part, to continue the operation of any such hospital until a transfer of the operation can occur, and to assure that any such hospital returned to the community will comply with all code requirements sufficient to allow reimbursement under the Medicare and Medicaid programs.

Committee on Small Business

The conference agreement calls for reductions in authorizations of $97 million in budget authority and $67 million in outlays for fiscal year 1981, $526 million in budget authority and $390 million in outlays for fiscal year 1982, $564 million in budget authority and $541 million in outlays for fiscal year 1983, and $554 million in budget authority and $533 million in outlays for fiscal year 1984.

These savings can be achieved by enacting the President's proposals to raise the interest rates on SBA physical disaster loans to the Treasury borrowing rate and to eliminate SBA nonphysical disaster assistance, by eliminating SBA direct loans to small business and increasing the number of private loans guaranteed by SBA equal to the reduction in direct loans, and by reducing SBA salaries and expenses ten percent.

Committee on Veterans Affairs

The Conference agreement calls for reductions in direct spending of $14 million in budget authority and $14 million in outlays for fiscal year 1981, $110 million in budget authority and $110 million in outlays for fiscal year 1982, $108 million in budget authority and $108 million in outlays for fiscal year 1983, and $106 million in budget authority and $106 million in outlays for fiscal year 1984. The recommendations for reductions include a termination of GI bill benefits for flight training and correspondence courses, as well as additional Reconciliation reductions.

Committee on Appropriations

The conference agreement calls for reductions by the Senate Appropriations Committee totaling $13,300 million in budget authority and $1,500 million in outlays for fiscal year 1981, $3,200 million in outlays for fiscal year 1982, $1,800 million in outlays for fiscal year 1983, and $1,100 million in outlays for fiscal year 1984.

The levels in the conference agreement are the same as passed by the Senate in S. Con. Res. 9. The conference agreement does not include a similar instruction to the House Appropriations Committee in view of the fact that no reconciliation instructions were issued to House committees for fiscal year 1981.

It should be noted that the Supplemental Appropriations and Rescission Bill for 1981 (H.R. 3512) as reported by the Senate Appropriations Committee on May 14 includes rescissions and other savings that exceed the fiscal year 1981 instructions to the Committee.

Mr. DOMENICI. Mr. President, I yield the floor and reserve the remainder of my time.

Mr. HOLLINGS. Mr. President, it is my pleasure to yield to the distinguished Senator from Nebraska.

Mr. EXON. Mr. President, I must oppose the conference report on the first concurrent budget resolution. As one of the Senate conferees, I had hoped that the conference could improve upon the Senate version of the resolution. My objections to the first concurrent resolution, printed in the RECORD on May 7, 1981, pages 8808-8809, are appropriate reference here. Had the conferees improved on the Senate version I could have, with reservations, supported the report.

Unfortunately, this was not to be. The effort I made to include even cautionary language regarding the economic assumptions underlying the conference agreement was not acceptable to my fellow Senate conferees. This remains a mystery to me.

The statement I offered, but which was rejected by the majority, was the following:

Many of the managers of the Resolution,

including some who voted for the Resolution, have grave concerns regarding the economic assumptions contained therein, especially with regard to inflation and interest rates, and their effect on spending and deficits.

The fact that this innocuous statement was rejected demonstrates the majority's current unwillingness to recognize the very real possibility that the Kemp-Roth-Reagan tax cuts, which are embodied in this conference agreement, will lead us to more and more deficit spending, a total national debt far exceeding $1 trillion, and no real hope of a balanced budget.

It is clear to this Senator that we are throwing fiscal caution to the winds and are off chasing Don Quixote's economic windmills. To show how far amiss our conference assumptions are compared to other responsible estimates, I ask unanimous consent that a table to this effect be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF CONFERENCE ASSUMPTIONS WITH OTHER ESTIMATES

	1981	1982	1983	1984
Conference deficit assumptions	−58.05	−37.65	−19.05	+1.05
CBO reestimate of President's budget	−63.7	−63.6	−61.2	−65.9
	In percent			
Conference CPI assumptions	11.1	8.3	6.2	5.5
7 leading economists' average (March estimate)	10.8	9.0	8.2	7.3
Conference T-bills assumptions	13.5	10.5	9.4	8.2
7 leading economist' average (March estimate)	12.7	11.8	10.8	8.8
T-bill futures	[1] 15.9 [3] 13.9	[2] 13.6 [3] 13.2		

[1] June. [2] March. [3] December.

Mr. EXON. Mr. President, the economic assumptions on which this resolution is based are not only not credible, but even worse, they are incredible from any standpoint of fiscal conservatism or realism. The House and Senate have boxed themselves, wittingly or otherwise, into an Alice-in-Wonderland approach on economic assumptions. I hope it will work, but I am fearful it will not.

Mr. President, I strongly supported the totals in budget cuts as recommended by the President. Indeed, we of the Budget Committee recommended and the Senate accepted totals in spending reductions in the reconciliation and first concurrent budget resolution process of several billions more in reductions than the administration recommended. I raised objections and still feel we were ill advised when the majority consistently thwarted even the minimal additional rearranging of spending priorities in some vital programs that were unnecessarily penalized.

The bottom line, however, is that even with the budget cuts, the more-than-prudent tax cuts contemplated in the resolution, we lead the people to believe incorrectly that we are slaying the economic demons of high inflation and interest rates. It is grossly false.

Mr. President, I yield the remainder of my time back to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator.

(By request of Mr. HOLLINGS, the following statement was ordered to be printed in the RECORD:)

● Mr. MOYNIHAN. Mr. President, this is not a balanced budget.

The conference report claims a small surplus in 1984 (p. 38):

[In billions of dollars]

	1981	1982	1983	1984
Outlays	661.35	695.45	732.25	773.75
Revenues	603.3	657.8	713.2	774.8
Deficit surplus	−58.05	−37.65	−19.05	+1.05

But, an analysis by the Senate Budget Committee minority staff, using CBO economic assumptions, shows continual deficits, with the largest occurring in 1984:

[In billions of dollars]

	1981	1982	1983	1984
Outlays	662.6	718.0	768.2	834.8
Revenues	598.9	654.4	707.0	768.9
Deficit surplus	−63.7	−63.6	−61.2	−65.9

Mr. President, if the Senate had accepted the Moynihan tax amendment to assume the Finance Committee's bill of last September, we would have a balanced budget in 1984:

[In billions of dollars]

	1981	1982	1983	1984
Outlays	662.6	718.0	768.2	834.8
Revenues	598.5	650.4	738.3	839.2
Deficit surplus	−64.1	−67.6	−29.9	+4.4

●

Mr. HOLLINGS. Mr. President, the Senator from Ohio will speak on his own time, I think.

Mr. METZENBAUM. Mr. President, I am happy to speak to this budget resolution. I have to point out to my good friend from New Mexico, who asked us not to criticize the resolution but to praise it, that he reminded me in that phrase of him who spoke about Caesar. He said "I came not to praise Caesar but to bury him." I want the Senator to know that I came not to praise the budget and I wish I could bury it.

The fact is, Mr. President, I have criticized the administration's budget plan for a number of reasons. I have said that it is cruel, that it is unjust, and that it is inhumane. And it is.

I have said that it discriminates against the Northeast and the Midwest, and it does.

I have said that the tax package hurts the poor and it helps the rich. I do not believe that the Members of Congress realize that under the budget, under Reaganomics, the people who make less than $10,000 a year will see their share of the tax burden increase by 50 percent, while those who make more than $100,000 will see their share of the tax burden decrease by 25 percent.

Is that not wonderful? We are going to do a great job for those who make in excess of $100,000 while we increase the share of the tax burden on those who make less than $10,000.

This evening, Mr. President, I do not wish to talk about the specifics of the budget but, rather, to talk about another problem in connection with this budget. This budget is dishonest. It is phony. It is a fiction. It assumes optimistic interest rates of 10.5 percent at a time when Treasury notes are selling at record levels of over 16 percent and the prime rate is 20 percent.

It assumes a rate of growth almost double that suggested by any established economist in this country. It assumes even more military spending than the bill passed by the Senate.

But it does a cute trick. It does not increase the figure for actual dollars to be paid out in 1982, 1983, or 1984.

What a joke upon the American people. This budget assumes we can build the strategic petroleum reserve by going off budget. Who is kidding whom, Mr. President? Instead of putting it in the budget—it is real dollars; it is dollars that are being spent—we say, oh, no, put it out there on the farm, put it out there, somewhere, aside where no one will pay any attention to it. Put it off the budget. But it is still $3 billion.

And whenever there is a shortfall, it assumes we can find more waste and fraud and abuse to make up the difference.

If we need $5 billion, use that figure. If we need $10 billion, use that figure. If we need $15 billion, use that figure.

Then it does one other thing, Mr. President. It totally fails to talk about social security. Oh, no. No attention paid to the fact that the President has proposed cutting social security benefits $8.5 billion. The Senate cut $6 billion in social security benefits with respect to the COLA formula. That is one approach. And the House took out $4.5 billion on a different basis entirely. How did the conference committee resolve that? They split the difference.

What are we talking about, Mr. President? Neither of those has anything to do with the Reagan proposal to cut $8.5 billion out of the people who are on social security.

Mr. President, I wish that we were able to present to the Senate a balanced budget by 1984. I wish that interest rates would fall to 8.3 percent by that year, as this conference report assumes. I wish that the rate of inflation, as measured by the Consumer Price Index, would fall in 1984 to a level of only 5.5 percent. That would truly be a victory for the American people. It would be a victory for the Congress and especially for the Budget Committees.

But does anyone really believe that the numbers in this budget will be in balance by 1984?

Come on, now; we all know that we just reached up into the sky and said, "We are going to propose some new legislative approaches; we are going to eliminate some waste and fraud, and we are

going to balance the budget in order to get certain Republicans to go along with the Budget Committee."

I do not believe that anybody thinks we are going to be in balance by 1984. Even the most ardent supply-sider must swallow a number of unrealistic assumptions if he or she is to defend this budget document.

Others, Mr. President, have already noticed the chink in the Budget Committee's armor. Just this week, the Congressional Budget Office reestimated the Conference Committee report based on what it considers to be a more realistic set of assumptions. Instead of assuming interest rates will fall to 10.5 percent in 1982, it uses the more realistic number of 13.8 percent, and every percentage point is worth $2.5 billion additional deficit.

It also assumes slightly less optimistic figures for the rates of unemployment and inflation.

Not surprisingly, the CBO comes up with a drastically different picture. Instead of assuming that we will have a surplus of $1 billion by 1984, as this conference report assumes, CBO says we will probably have a budget deficit of $65.9 billion by 1984.

Even in 1982 there is a substantial difference, with the CBO estimating a deficit of about $63.6 billion in 1982 compared to the Conference Committee, which assumes a deficit in fiscal year 1982 of only $37.6 billion.

Whenever we start throwing these numbers around, people's eyes glaze over and we lose the attention of the audience. But the point is that this conference report sets targets for spending cuts and for outlays that are unrealistic. We are instructing committees to meet these arbitrary goals. What will happen when the costs continue to expand at a greater rate than anticipated? Will the committees still be forced to meet these arbitrary budget goals? Will the administration submit another proposal to cut $40 billion more out of the budget?

Will they go back to the food stamp program, as they did when they found they were $8 billion out of balance, and take another whack out of food stamps, out of the poor? After all, who cares about the poor? They do not have any high-paid lobbyists around Congress, so we can always take a whack out of them.

As for middle-income Americans, who speaks for them? There are not many who do. They do not have any well-heeled lobbyists around these legislative halls, either.

Last Sunday, the Washington Post, in its lead editorial, pointed out the deception involved in this conference report:

> By its decision to use the stretched, bent and slightly fake figures in this budget, Congress is steering itself toward serious trouble next fall . . . this resolution sets limits for the Congressional committees in the months ahead, but the second resolution, next September, sets legally binding limits on spending and the deficit.
>
> At that point, the practice of systematic understatement becomes much more difficult to maintain. Then Congress will feel another kind of temptation—to throw up its hands, declare that the performance of the economy has been unexpectedly poor, and announce that the budget is out of control. This kind of theater is not helpful to public confidence in the budget process.

Mr. President, that is 100 percent accurate—that what we will do is say, "Well, there was some unexpected problem that developed."

As a matter of fact, a White House spokesman just the other day indicated that now the budget was going to be more out of balance than had been originally anticipated this year and blamed it on President Carter. You can only blame it on yourself if you do not level with the American people.

The American people are entitled to honesty, no matter how hard it may be, no matter how rough it may be. It is one thing to say you are going to cut back on the poor and the middle-class Americans, that you are going to take slashes out of programs for the Northeast and the Midwest and help the West and the South, and it is another thing to say, "But at least we are being honest with the people." In this budget, we are not being honest. In this budget, we are being fallacious. In this budget, we are being phony.

Mr. President, this budget resolution is the result of hocus-pocus. It is fake. It is a ruse. It does a disservice to each committee of Congress. It does a disservice to programs which help millions of people around this country. More important, it does a disservice to the whole question of the integrity of Government, and that is the real issue I bring to the Senate this evening.

Last fall candidate Reagan promised to raise defense spending, to cut taxes, and to balance the budget. This budget, engineered by the administration and by the Republican majority, perpetrates the same myth. It cannot be done. Something has to give. We owe it to the American people to be truthful.

Mr. President, this budget is like a bad check. It is going to bounce at the bank and come back to us. We would do better to start over again and write an honest budget that will not be returned marked "insufficient funds."

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SYMMS). Who yields time?

Mr. HOLLINGS. Mr. President, how much time do I have?

The PRESIDING OFFICER. Fourteen minutes and 46 seconds.

Mr. HOLLINGS. Mr. President, the Presiding Officer knows my views, because he and I are colleagues on the Budget Committee.

I have been appearing before the Finance Committee, and at every turn I have tried to impress on my colleagues and this administration the dilemma this country is in, particularly with this budget resolution.

Mr. President, just a week and a half ago, the Senate passed the first budget resolution for fiscal year 1982. I opposed that measure then and I likewise must oppose the conference report now before us for the same reasons.

The resolution contains a reconciliation instruction that calls on other committees to achieve savings of $36.5 billion in fiscal year 1982. I wholeheartedly support this reduction in spending and will work to insure that these instructions are met. But apart from reconciliation, this budget remains a fraud.

Briefly, this conference report fails to keep faith with the American people who believe the Congress is committed to balancing the budget by fiscal year 1984. While the conference agreement purports to reach a surplus of $1 billion in 1984, the truth is that this nominal surplus will actually be a large deficit.

Because of the unrealistic economic assumptions adopted by the conference, its endorsement of an excessive, mid-directed Reagan-Kemp-Roth tax policy and its reliance on phony savings, the budget is likely to be in deficit by about $66 billion, in 1984.

This budget totally ignores the economic outlook of the professional, nonpartisan Congressional Budget Office. The budget was formulated using "Reaganomics," which predict twice the growth rate in 1982 forecasted by CBO, as well as totally unrealistic inflation and interest rates.

The Reagan-Kemp-Roth tax cuts endorsed by the conference are not only excessive in amount, they are mistargeted. With falling productivity one of the most serious problems facing this Nation, the tax cut assumed in this budget resolution would direct only 20 percent of the tax relief to business, where increases in investment must occur if productivity is to improve. Despite claims to the contrary, this tax policy offers only a minimal program to expand supply and increase productivity. This kind of "economic laetrile" will not help our economy.

Mr. President, the budget must set forth the kind of fiscal policy that will give the business community the confidence to invest in productive capacity. But the policies embodied in this budget cannot produce the kind of economic performance that is projected. Thus, its credibility is severely strained. The recent sharp increase in interest rates, hitting 20 percent on Monday, are evidence that even Wall Street does not have confidence in the Republican policies contained in this budget resolution.

The conference report also repeats the mistakes of the Senate-passed resolution by adopting unrealistic spending estimates in the defense function. I support the administration's commitment to increase our military capabilities. But this budget resolution underprices the true cost of those increases. This underpricing is over $5.0 billion in fiscal year 1982 due to low outlay assumptions. It is $8.7 billion if you include the unrealistic defense deflators used in the resolution. The 3-year figure for fiscal year 1982–84 that the defense budget is unpriced is roughly $50.0 billion due to both low outlay assumptions and the wishful deflators. These spending shortages will not allow us to buy the weapons and personnel the administration has requested and, thus, will damage our credibility at home and abroad.

Along with the phony outlay estimates in the defense function, the budget in-

cludes unidentified, unspecified additional cuts of $20.4 billion in 1983 and $27.8 billion in 1984. Heaven knows where these cuts will come from or how they will occur.

Mr. President, the assumptions used in the conference report severely limit its credibility. This resolution will not restore confidence in our economy and get us on the road to economic recovery. It could well send us further down the path of high inflation, low growth, and increasing deficits.

It is for these reasons that I must vote against this conference report.

Mr. President, I do not mean to challenge the President. I have read that we were trying to challenge him. On the contrary. It was the President, himself, who admonished, "If you don't like my program, present an alternative."

So, Mr. President, I present that alternative. These tables show an analysis of the figures in this resolution, the President's program, and then how the budget would be balanced under my alternative tax cut plan, which the Senate considered during debate on this resolution. I ask unanimous consent to have these tables printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

FIRST BUDGET RESOLUTION, FISCAL YEAR 1982, CONFERENCE AGREEMENT

[Reestimated using CBO economic assumptions, in billions of dollars]

	Fiscal year—			
	1981	1982	1983	1984
Budget authority	719.4	787.95	844.0	912.6
Outlays	662.6	718.0	768.2	834.8
Revenues	598.9	654.4	707.0	768.9
Deficit	−63.7	−63.6	−61.2	−65.9

Note: Includes reestimate of administration's defense program.

If the Hollings tax cut amendment had been adopted and incorporated in this budget resolution, instead of the Roth-Kemp-Reagan tax cut, the budget would show a true surplus by fiscal year 1984:

	Fiscal year—			
	1981	1982	1983	1984
Budget authority	719.4	787.95	844.0	912.6
Outlays	662.6	718.0	768.2	834.8
Revenues	603.7	682.8	758.7	847.1
Deficit	−58.9	−35.2	−9.5	+12.3

Mr. HOLLINGS. Mr. President, with respect to COLA, I refer to page 48 of the statement of managers. Some newspapers articles have mistakenly reported that we did not consider COLA changes in conference or that we eliminated the savings that could be achieved from COLA reform. On the contrary, I read the language from page 48:

The conference agreement takes cognizance of the fact that Congress may wish to consider changes in the cost-of-living formula used in the various governmental programs.

So reform of COLA can be used to achieve the targets in this resolution.

Mr. President, the Senate-passed resolution sent to the conference, assumed this saving. We included in function 600 a savings of $6 billion from reform of COLA. The conference agreed on a $4.5 billion cut, which reduced the COLA savings somewhat. But the conference agreement did take cognizance of the fact that Congress may wish to consider changes in the cost-of-living formula.

The conference did not negate any chance for that to be done. I strongly recommend such action to my colleagues on the other side of the aisle who are new playing with the idea of breaching the trust under social security by reducing program benefits to some recipients.

My COLA approach did not affect just social security. It applied to all senatorial retirees, all civil service and military retirees, railroad employees, and veterans, as well as social security recipients. My plan asked us to consider the workers, the taxpayers who are sustaining a fund that is almost broke and will have to sustain the fund next year, and said: "Let us at least be fair to the workers and not overcompensate the retirees." The difference in benefits between using the cost-of-living index of 11.4 percent and the wage index of 9.9 percent was only $4 a month, $48 a year.

So it was won in fairness and understood and appreciated by the social security retiree.

But the administration now proposes to take from those forced by ill health to retire early at age 62. According to Robert Ball, the former Commissioner of Social Security, the majority of early retirees are forced to retire by poor health. So what the administration's proposal would do is break the contract with them. And they would be penalized twice: once by ill health and then by a cut in benefits from 80 to 55 percent.

That is no way to create confidence in the overall program, on most of which I agree with the President. His program would cut spending, cut taxes, cut regulations, and increase defense but it has to be done in a judicious fashion. The tax cut must be done by steps and we must keep faith with those with whom we have a contract, like the retirees. There is no need to cut basic social security benefits. My COLA amendment would make the social security trust fund fiscally sound up to the year 2000.

In the tables on page 39 of the conference report, Mr. President, you find the economic assumptions used by the conference committee.

I ask unanimous consent to have printed in the RECORD at this point the table from the conference report assumptions on page 39 and then immediately thereafter the Congressional Budget Office assumptions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ECONOMIC ASSUMPTIONS

[Calendar years; dollar amounts in billions]

	1981	1982	1983	1984
Gross national product:				
Current dollars	$2,941	$3,323	$3,734	$4,135
Constant (1972) dollars	$1,511	$1,572	$1,651	$1,725
Percent change	2.0	4.2	5.0	4.5
GNP deflator (percent change, year over year)	9.7	8.3	7.0	6.0
Consumer Price Index (percent change, year over year)	11.1	8.3	6.2	5.5
Unemployment rate (annual average, percent)	7.6	7.2	6.6	6.4
Taxable incomes:				
Wages and salaries	$1,498	$1,682	$1,863	$2,051
Nonwage income	$541	$612	$683	$745
Corporate profits	$242	$280	$321	$360
Interest rate, 3-mo. Treasury bills (percent, yearly average)	13.5	10.5	9.4	8.2

CBO ECONOMIC ASSUMPTIONS

	1981	1982	1983	1984
GNP (percent change)	11.8	11.9	11.5	11.1
Real GNP (percent change)	1.3	2.5	2.7	3.0
GNP deflator (percent change)	10.3	9.2	8.6	8.1
CPI (percent change)	11.3	9.5	8.9	8.2
Unemployment rate (percent)	7.8	7.9	7.8	7.7
Treasury bill rate (percent)	12.6	13.7	11.5	10.2

Mr. HOLLINGS. What really disturbs me is when my distinguished colleague, the Chairman of the Budget Committee, says:

I would recommend to all my colleagues that we not criticize this resolution.

I quote further from the chairman's statement:

This is a watershed budget, just as November 1980 was a watershed in recent American political history. We are saying that we no longer want excuses: no more explanations of uncontrollables in the budget, or technical reestimates of spending rates or of international events that have dashed our hopes for fiscal discipline.

Here are the targets we believe are the best for the Nation, and here is the most massive restraint in spending in the history of the country, and now we must go forth and do even more, if need be, to meet these targets.

I do not think the American people want any more excuses, and I do not think we in Congress should tolerate any more excuses.

Mr. President, the Senator from New Mexico goes on to say:

If Congress passes a larger tax cut than that proposed by the President, such additional cuts would increase the deficit on a dollar-for-dollar basis.

I have already put in the RECORD how the budget can be balanced with a smaller, more responsible, tax cut.

There are several excuses that will probably be offered if this budget does not achieve its goal. If a continuation of very high interest rates cripples the economy, that is an excuse. If the drought in this Nation continues, that is another excuse. If the world crop harvests are poor, that is another excuse. If we have an energy crisis, that is one more excuse.

If a host of other unforeseeable events

occur, then the spending and deficit levels could not be achieved,

The Republicans continually talk about "tax increases." But they show no understanding about where the increases come from.

These "tax increases" result from the Government's fiscal policy. No one is introducing a bill to increase the tax rate. There has not been such a bill in 20 years. The Government's policy has called for deficit spending for the past 10 years and that has fueled inflation and driven taxpayers into higher tax brackets. Look at what happens with deficit spending. Interest rates were up to 20 percent on Monday.

Instead of the deficit of $58 billion this resolution projects we are actually going to have, according to CBO, Mr. President, a $63.7 billion deficit this year. I call that fact to the attention of the distinguished Presiding Officer, my colleague on the Budget Committee. He knows the administration is frantically trying to come up with more budget cuts. It needs $67 billion in order to balance the budget in 1984.

Mr. President, if they had those cuts in mind and they could specify them with any degree of assurance, would a majority of this Republican Senate support them?

Why did they stop at $36 billion? If a continuation of very high interest rates cripples the economy, we will have to cut more. How much did they cut spending? They cut spending $36 billion. But look at the outlay figure. Total outlays are still increasing. In the current fiscal year outlays will be $662.6 billion, next year they rise to $718 billion. We cut spending only $36 billion but outlays still increase. Add to that a demand-side, inflationary, expansionary, across-the-board tax cut and the deficit is huge. In 1982 we are going to have a deficit of $63.6 billion; in 1983 it will be $61.2 billion; and in 1984 it will be $65.9 billion.

I respectfully submit that is why Henry Kaufman is critical of this plan. Dr. Arthur Burns has also criticized the administration's plan. He was Chairman of the Council of Economic Advisers under Dwight Eisenhower. He was chairman of the Federal Reserve Board. When he was asked whether we should have a $44 billion across-the-board cut, he said no.

Now they say get that man out of town, make him an Ambassador, send him to Germany or some place; we have to get rid of him.

We have heard similar warnings from Herbert Stein. He was Chairman of the Council of Economic Advisers for both President Nixon and President Ford. I wonder what post they are going to give him.

But it is a sad day when a budget resolution like this one is presented and we are expected not to criticize it, but to praise it.

Henry Bellmon would not have supported this budget. Ed Muskie would not have voted for it. Bob Giaimo would not have voted for this. The budget process is in total disarray.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, it is with real regret that I heard the last couple of minutes of my good friend's statement. I would not argue with anything he said before that. He has his views and I have mine.

Before I say what I am going to say, he knows that I hold him in the highest respect, and I want to say right here on the RECORD that President Reagan could not have accomplished his budget cut package without the cooperation of the distinguished Senator from South Carolina, the ranking minority member of the Budget Committee. I am speaking of the historic reconciliation instructions that he helped with and that we got through.

I also want to say that, if we are going to have a budget process as we have had one in the past, it is going to be with the support of the good Senator from South Carolina who is staunch in his support of this very cumbersome process. It may be cumbersome but it is the only one we have.

But I do think it is wrong on his part, that he has a bit of audacity, to personalize this resolution as something that other people would not have presented. He assumes it is wrong and it is going to be in error, and he assumes that when we are finally finished we are going to be off. He, therefore, says those who preceded us would not have presented this resolution to the Senate.

Let me say I can raise my voice, not with that southern flourish, but I can raise it. Let me say if we want to criticize a resolution as being in error, it is the first budget resolution for fiscal year 1981 we should criticize. I am going to be honest about it. Senator HOLLINGS did not prepare it, he was not the chairman who reported it. Senator HOLLINGS handled it on the floor of the Senate however. He debated in favor of it. He bragged over the country that he had a balanced budget. He presented it, and I will tell you that was only 5 months thereafter that the deficit in that resolution went up $29 billion. That was inadvertent, but that was integrity, that was honesty.

Our resolution might be off, but Senator HOLLINGS says it is the opposite. It is intentionally misleading. The President's economic plan is crazy.

Well, let me tell you, the balanced budget, the First Budget Resolution of last year, which I remind the Senate my good friend managed, became second budget resolution for fiscal year 1981. My good friend managed that resolution also. We only went from balance to a $58.8 billion deficit, by the time we had to revise that budget yet again in this resolution. He is telling us today that even that is low. He is reading figures that imply the deficit is going to be $63 billion according to the CBO.

Let me just say, he tried his best and we did not accuse him of fraud or chicanery, because it turned out wrong. But it did turn out wrong. I do not think President Reagan's economic plan deserves to be misrepresented as some sort of fraud, but that is what Senator HOLLINGS is doing here tonight.

Optimistic? Yes, this budget is optimistic, but basically it is the President's budget. In the out years? Yes, it will be difficult, tough to bring it in balance, but we made room for the President's tax cuts. I do not know if Congress is going to pass them, but the President and Congress deserved an opportunity for congressional consideration. We allow room for the tax cut in a nonbinding manner. Is that hypocrisy? Is that dishonesty? Is that advertently cheating? Contrast it with inadvertently misleading the American people last year with a balanced budget which is $58 billion in the red as of tonight; and according to the distinguished Senator from South Carolina, the deficit is still climbing. Yet Senator HOLLINGS says our targets are in some way not only in error, as his obviously were. He says it is even worse than that. He says we are ruining the budget process.

Senator HOLLINGS says men of integrity would not produce this resolution. I do not really think the Senator meant what he said. But I feel compelled to say, I am as committed to this process as he is. And it is a tough process.

I venture to say, in all honesty, that in January no one assumed we would use reconciliation to achieve $36 billion worth of spending cuts. None of the committees in this Congress, except perhaps Finance and Appropriations, expected a mandatory instruction to reduce spending. But we got it. I take a bit of credit for that, and I am a bit proud. We are stretching, and it may not work.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DOMENICI. Mr. President, I yield myself 3 additional minutes.

But I think this is the most dramatic, positive change in the budget process since its inception.

Even if this resolution has all the negative characteristics attributed to it by the Senator from South Carolina, I suggest it has positive features. I take credit for that part. I not only take credit, but it is with great pride that I present these historic changes to the Senate.

If President Reagan's 1982 economic plan were prepared between November 20 and the date we started reconciliation, I take a great deal of pride in helping with that. I take pride in having suggested the reconciliation process.

My final remarks are to both the Senators who have been critical here tonight. They know full well these are targets. If they want to give up, let them give up. If Senator METZENBAUM wants to give up and say these targets cannot be met, that we ought to spend more, let him give up. The conferees did not agree with him. The majority of the House of Representatives did not agree with him. The President does not agree with him. And I am not about to agree with him, nor is the Senate.

To get back to my good friend from South Carolina, as he read all the excuses, if you go down just a little bit further in my speech, to paraphrase myself, I said: Yes, all of those are excuses, but we cannot stand them any more and

we better enforce these targets and not stand here tonight and say they will not work, they are optimistic. Make them work.

That is what targets are for, to make people meet them. And that is what this is all about.

As far as 1983 and 1984 are concerned, there is no question that we are dealing in some very difficult assumptions, some very difficult areas of reform, some very difficult concepts of a macroeconomic nature. We did the best we could. We did not mislead anyone.

That balanced budget in 1984 is easily analyzed by anyone. There are huge savings that have to be made if we are to achieve that balanced budget. It is not automatic, and we do not predict that it will happen because of reconciliation. we say that if the whole tax package is passed, many, many more cuts will have to be found if we are to balance the budget. They can be easily identified.

For those who do not think savings will be achieved through rescissions, find the savings somewhere else. For those who do not think savings can be achieved by cutting waste, fraud, and abuse, they can find the savings somewhere else.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. DOMENICI. Mr. President, how much time does the Senator from New Mexico have remaining?

The PRESIDING OFFICER. Three minutes and 26 seconds.

Mr. DOMENICI. Mr. President, I yield myself 1 additional minute.

I want to close by merely saying to my good friend from South Carolina, I understand that he has a tax plan. He thinks his is a better plan than the President's. I understand that he has presented it, I understand how truly dedicated he is to it. I really cannot help it if the Senate has not accepted his plan. He has tried more than once and the Senate will not vote for it.

This resolution makes room for the President's tax cut, not Senator HOLLINGS' tax cut, because the Senate voted to make room for the President's plan and rejected Senator HOLLINGS'.

Senator PETE DOMENICI did not make that choice. The last time the Senate voted on Senator HOLLINGS' tax cut he got 14 votes. I am sorry about that, but I cannot put his tax cut in this resolution when only 14 Senators vote for it. That is the bottom line.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. DOMENICI. Mr. President, I yield myself 1 additional minute.

We have tried in every first budget resolution, every year, to be right. We have tried to be honest. We have tried to use the CBO where we could. And, yes, that changed this year. We did not use CBO economic assumptions in this resolution. We accepted President Reagan's in most instances.

But let me just remind the Senate, I just gave you an example of how far we have been off when we used CBO—only $58 billion. I can tell you the CBO has been off 210 percent over just 2 years in estimating economic growth.

This is the best budget we could produce. It is, for all practical purposes, the President's budget. I do not think it is chicanery, deceit, fraud, or the other things that this budget has been called tonight. I do not think the compelling majority that supported it, and will support it tomorrow, believe that either.

Mr. HOLLINGS. Mr. President, if you knew the history of our budget process and how we have worked so closely and so diligently and so carefully in considering a half of a percent in economic assumptions, or the level of unemployment or the interest rate or the growth rate, you would see that we always said, "Let's look at these matters objectively." And we always used, Mr. President, the figures and assumptions of the CBO.

So, Mr. President, when we started the budget debate—and let me diverse for one minute. It is very gratuitous that the Senator from Virginia came into the Chamber when we started debating the resolution the other day and he spoke about George Mason. He said, "I cannot sign that constitution because we have slavery, which is the seed of the destruction of the union." And Mason of Virginia refused to sign it.

Well, we started this budget resolution with the seeds of the destruction of the budget process itself. We started in the Senate and went right into the conference. And the resolution is a fraud. Our financial markets are floating. But all we hear around the Senate is what a great budget we have and please do not criticize it. Our millionaire Senators just file their tax returns. But they are buying money market certificates. They might be voting for this resolution right now and I might have only 14 votes for my tax cut—but my colleagues are telling me quietly that they hoped I would prevail because they are against inflation like I am. They do not have confidence in the stock market and in this resolution achieving what it is proclaimed to achieve.

We did use chicanery in developing this resolution. We re-created in this budget—after using all the false figures on interest and inflation and still not achieving a balance—we re-created function 920 and we called it allowances. But with a small amount of detective work anyone can really see it is nothing but unspecified cuts. This phony approach fools no one.

You should have been in the conference, Mr. President. It got very amusing. Mr. JONES, the chairman of the House Budget Committee, along with other conferees, looked at proposed conference totals for defense in 1983 and 1984 and asked, "If we are generally splitting the difference in all the other functions, why not split the difference in the defense function for 1983 and 1984." And I said, "Fine, let's go and do that."

Several conferees seemed to share that view including those proclaiming the phony balance in fiscal year 1984. But then the staffs supporting the fraud started jumping and squirming and grabbing their members when they finally realized that if they did that—that little $1 billion surplus figure in fiscal year 1984—that little $1 billion surplus—would disappear.

So they went ahead and split the difference between the House and Senate in budget authority for defense in 1983 and 1984, but the Senate took a motion for its lower figure in outlays instead of splitting the difference, which is a false way of doing business because budget authority drives outlays. But when one looks at the transcript for the conference and you look at the actual figure printed in the conference report, you will find that the motion to keep Senate outlay numbers is not the totals reflected. The report has different figures.

So the figures for defense in 1983 and 1984 for outlays do not respond to the transcript taken by the recorder. That is the kind of thing I am talking about when I speak of jimmying figures.

Now, that is exactly what has happened in this budget resolution. Anything will be done to say that the resolution provides a balance in 1984. Yes, we had a deficit in the second resolution for 1981. We did not have a balanced budget. That was last August. The resolution, we agreed to had a deficit of $17.9 billion.

And then came the lameduck session after the election. We spent another $20 billion. And then came 20-percent interest rates in November, and for December, 21 percent. And nobody in the Federal Reserve told us they were going to do that on the money supply.

But we did not jimmy all the little figures around in that resolution. I can tell you that. We did not have a dummy account. That is exactly what I am talking about right now.

So we used an entirely different procedure. We did not create fraud. The whole matter wraps up into the proposition contained in this resolution. We pray that the Finance Committee will save us when we dive into an empty pool. This resolution prays that they will fill it up.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. DOMENICI. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. One minute and thirty-two seconds.

Mr. DOMENICI. I just want to make a few observations. I think the Senator from Ohio said that the budget was full of chicanery. I think he said something about SPRO. He was wrong. We do not assume SPRO can be filled. We cut out $3 billion. Neither do we assume SPRO will be funded off budget. We did not put it off budget. It is just not anywhere in this budget.

With reference to one comment made by the Senator from South Carolina, he is correct. In the outyears, on the military, we did split the difference, as he described it. I hope the Senator is not correct, however, that we actually falsified numbers. I did not do that.

Mr. HOLLINGS. I know that.

Mr. DOMENICI. If someone falsified numbers, we will see who did it. I did not.

Let me just close saying once again that it has been a real pleasure to work with all the members, on both sides, on the budget. It has been a strenuous 3 months, 3 tough months. But it has been a rewarding 3 months.

I once again want to thank the distinguished Senator from South Carolina for his support, with regard to the spending

cuts in this budget. They could not have been achieved without his help.

Finally, I want to thank the majority leader and his staff, and the Budget Committee staff. It has been a long 3 months for them as well. I appreciate all they have done. And I can only say, this Senator believes this resolution is worth the effort.

Mr. CHILES. Mr. President, I want to congratulate Chairman DOMENICI on successfully bringing back this conference agreement on the first budget resolution for fiscal year 1982. While I do not agree with everything in the resolution, I think that overall the chairman has done an outstanding job.

Mr. President, I would like to clarify the situation with regard to the level of funding for vocational education. The chairman may recall that during consideration of the reconciliation bill, I offered an amendment to restore $100 million, or half the proposed cut in vocational education. That amendment was defeated by a close vote. However, the budget resolution that passed the House of Representatives did not assume that large a cut in vocational education. It is my understanding that the conference agreement restores $100 million for fiscal year 1982, both in the function 500 total and in the reconciliation instruction to the Committee on Labor and Human Resources. Is that correct?

Mr. DOMENICI. The Senator is correct. Of course, the specific funding levels for vocational education will have to be determined by the authorizing and appropriations committees. The additional cut of $500 million which we took in conference will add to the overall pressure on funding for education and other programs in this function. But we did assume that there would be less of a cut in vocational education.

Mr. CHILES. I thank the chairman for this clarification. Vocational education programs are one of our top national needs. As we look at the need to revitalize our economy, and upgrade the level of technology in our industry, that will create even greater needs for vocational skills. We need a continued commitment to keep our vocational education programs up with modern technology. In the appropriations bill which we are also considering today, the Appropriations Committee has accepted my suggestion that we give top priority to the program improvement section of vocational education funding, so that we can meet these new needs.

Mr. DOMENICI. Mr. President, the Government Printing Office made a number of errors in the printing of the conference report on House Concurrent Resolution 115. Those errors were perfectly understandable, as the report was filed on May 15, when the Budget Act requires all authorizing legislation must be reported, and they are not so serious as to suggest a reprint of the report.

I have an errata sheet, which includes corrections of all the printing errors, and I ask unanimous consent that it be inserted in the RECORD at this point.

There being no objection, the errata sheet was ordered to be printed in the RECORD, as follows:

[Errata]

CONFERENCE REPORT 97-86 TO ACCOMPANY HOUSE CONCURRENT RESOLUTION 115

(1) On page 9, second line from the bottom, "$34,200,000" should be "$34,-200,000,000".

(2) On page 38, in the table, for function 920, allowances for fiscal year 1984, the amounts should be "—$27.8" for both budget authority and outlays.

(3) On page 38, in the table, the net decrease in revenues for fiscal year 1983 should be "$97.1".

(4) On page 41, the words "fiscal year 1982" should appear above the aggregate totals.

(5) On page 44, third line, the phrase should read "and reconciliation instructions to 15 House committees . . .".

(6) On page 45, the fiscal year 1982 budget authority amount for the Banking, Housing, and Urban Affairs Committee should be "—$14,498".

(7) On page 45, the fiscal year 1983 budget authority amount for reductions in authorizations for the Governmental Affairs Committee should be "—$6,360".

(8) On page 45, the fiscal year 1982 budget authority amount for total instructions to all committees should be "—$50,694".

(9) On page 46, in the table on the credit budget for fiscal year 1982, the direct loan obligations total for function 350, agriculture, should be "$8,880".

(10) On page 48, the last line of paragraph numbered (6) in the middle of the page should read "are met most effectively".

(11) On page 48, in the first line of the first paragraph under "amendments in technical disagreement", add the word "to" after "House".

(12 On page 50, insert the heading "Amendment numbered 174:" ahead of the text for that amendment.

Mr. KASTEN. Mr. President, 3 million new jobs, more take-home pay, less Government intervention, a low inflation rate, and a real chance for a balanced budget by 1984. That is what this Reagan bipartisan budget means to the American people.

But it signifies much more. Somebody finally stood up and said there is nothing wrong with America that a smaller dose of Government, and a little persistence, will not solve. We finally have a President who believes the American people are not the cause of our problems—they are the solution.

Americans have been held down too long by excessive taxation, Government regulation, and double-digit inflation. Once we remove the burdens of a bloated Federal bureaucracy, we can have economic growth, a sound dollar, a rising standard of living, and a strong defense. The American people know we can, because we have done it before.

Last week the Senate endorsed this bold new approach to governing when it passed the Reagan budget by an overwhelming 78 to 20 margin. A bipartisan majority in the House adopted the Reagan program by a similar margin a week earlier. Congress did not rubberstamp the President's package—every proposal was given careful study, and some significant changes were made. For example, we added $300 million for school lunches; restored full funding for the women, infants, and children feeding program; added $100 million for vocational education and $62 million for guaranteed student loans; added $272 million for basic health services and $439 million for veterans health; and recommended that substantial savings be made by adopting a new funding method for the strategic petroleum reserve.

And yet both Houses of Congress ended up endorsing an economic plan that provides a new vision of Government for the American people. Both voted for a shift of direction in three major areas of Government policy: Federal spending, Federal taxation, and national defense.

CONTROLLING FEDERAL SPENDING

The first budget resolution contains spending cuts even larger than those proposed by the President, cuts that were unanimously supported by the Senate Budget Committee and passed overwhelmingly by the Senate. Through this reconciliation instruction, congressional committees will be required to save at least $36.5 billion in 1982, $47 billion in 1983, and $55.8 billion in 1984.

Overall, these budget cuts are across the board, involving more than 300 agencies and programs. They are even-handed—spending for social programs will continue to increase. And they are distributed evenly among all regions of the country, as the following table illustrates which I ask unanimous consent to have printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BUDGET CUTS BY REGION

Region	Percent of total reduction	Per capita reduction
Northeast	21.1	$170
Midwest	23.8	158
South	33.4	170
West	19.3	168
Other	2.3	

Source: The White House.

Mr. KASTEN. Mr. President, control of Federal spending is essential to solving our economic dilemma. To cover its burgeoning deficits, Washington has fallen into the habit of printing more and more money, leading to the double-digit inflation we have today. The Federal budget has been out of control for years—we ran a deficit every year of the past decade, and Federal spending increased by an incredible 200 percent. Over the past 3 years Federal spending has been growing at a rate of more than 15 percent a year. This budget resolution simply proposes to cut spending growth by two-thirds over the next 3 years, which would balance the budget by 1984.

REDUCING THE FEDERAL TAX BURDEN

Equally important are the Reagan tax cuts, the key to strong economic growth in the years ahead. The Senate Budget Committee handed President Reagan his first important tax victory when it allowed room for the entire tax cut. I, for one, believe the American people deserve nothing less than the full, 30 percent personal income tax cuts, along with accelerated depreciation to spur business investment and create new jobs.

We have heard all kinds of arguments about tax cuts, but the botton line is this—if we do not cut taxes in 1981, they

are going to go up. In fact, if we do not pass a tax cut now, taxes will go up by almost $200 billion by 1985. That would put the total tax take in 1986 at more than 1 trillion dollars, more than 23 percent of the entire U.S. gross national product.

The average American family knows that taxes have been going up, year after year. Bracket creep has raised many American families up into tax brackets once reserved only for the wealthy. Take the example of a family of four that earned $20,000 in 1972. Today it has to make $39,000 to keep up with inflation. But in the process of earning catch-up pay increases, it finds that it is no longer in the 24 percent tax bracket—but the 43 percent bracket. And by 1986, if this inflation continues, will be in the 50 percent tax bracket.

The following table shows that Americans need almost all of the 30 percent personal income tax cuts just to stay ahead of bracket creep.

I ask unanimous consent to have it printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

REAGAN PERSONAL INCOME TAX CUTS COMPARED WITH TAX INCREASES FROM INFLATION (BRACKET CREEP)

[In billions of dollars]

	1981	1982	1983	1984
Income tax increases (from bracket creep)	+13.0	+36.0	+61.5	+93.6
Reagan personal income tax cuts	−6.4	−44.2	−81.4	−118.1

Source: Joint Committee on Taxation, U.S. Congress.

Mr. KASTEN. Mr. President, the Senate Budget Committee has rejected the idea that we can balance the budget and slow inflation with higher taxes. We have had higher and higher taxes for the past 4 years—and along with them has come the worst siege of inflation in half a century. If we allow taxes to continue to increase, the economy will break down into a severe recession. That $200 billion in additional revenue will evaporate, and Federal spending on safety net programs will explode. As President Kennedy said when he proposed his across-the-board tax rate cut almost two decades ago:

> Our true choice is not between tax reduction on the one hand, and the avoidance of large Federal deficits on the other. . . . An economy hampered by restrictive tax rates will never produce enough revenue to balance the budget—just as it will never produce enough jobs for enough profits.

REBUILDING THE NATIONAL DEFENSE

Since the mid-60's, U.S. defense spending in real dollars has declined, and the Soviet Union has engaged in the most massive military buildup in history. The Soviets have spent two-and-a-half times as much as the United States on strategic nuclear forces; they have increased their number of deployed ICBM's from 29 to 950. The United States, on the other hand, has not deployed a new strategic delivery system since 1967, and at any one time, almost half of the combat aircraft in the U.S. Navy and Air Force are unable to fly because of spare part shortages.

The Senate Budget Committee has called for a restoration of our country's "margin of safety" on the military front. I have joined a majority of the members of the committee in voting for a steady, long-term buildup of American forces over the next 5 years—amounting to a real growth rate of 7 percent a year. A substantial portion of that increase will go into pay raises for our military personnel.

At the same time, spending for social safety net programs, such as social security, will continue to increase. The following table shows the shift in budget priorities that will occur if our first budget resolution recommendations are carried out.

I ask unanimous consent to have the table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MAJOR SHIFT IN BUDGET PRIORITIES: PERCENT OF OVERALL BUDGET

	1962	1981	1984
Defense	47.8	24.7	33.2
Safety net program	25.0	36.8	40.1
Net interest	6.0	9.8	8.8
All other	21.2	28.7	17.9

Source: The White House.

CONCLUSION

Mr. KASTEN. Mr. President, the American economy is still the strongest in the world, but it has been abused for too long by too many administrations. Too many economic game plans—no matter how well-intentioned—have gone astray. We have attempted to spend our way to prosperity, to stop inflation with wage and price controls, to balance the budget by raising taxes, and even to blame our economic problems on a "malaise" among the people.

Now we have a rare opportunity—a chance to redirect the economic future of our Nation. Seldom are the issues as clearcut, and the American people as united, as they are today. It is time for a fresh start, a new beginning. That is what the people were trying to tell us last November, and that is the mandate we will have to live up to in 1982.

But in 1981, our economic problems are complex and entrenched, Unless we act—and act boldly—we have to expect continued double-digit inflation, continued high interest rates, continued unemployment, continued stagnation, and little real growth.

The best strategy for solving these problems is a broad and comprehensive package that takes advantages of all the economic tools we have at hand. I have joined my colleagues on the Senate Budget Committee in calling for quick enactment of such a package. We have called for lower tax rates, fewer regulations, more employment opportunities, less Federal intervention, more local control, a strong defense, and a sound dollar. Now it is up to Congress to enact the legislation that will make the Reagan economic program a reality.

To paraphrase the President, "Isn't it time we tried something new?"

Mr. ARMSTRONG. Mr. President, only 4 months ago today, a new government was sworn into office with a mandate for change and reform unlike any other in decades. In these short months President Reagan has fulfilled his promise to the American people by charting a radically different course for this country.

This budget resolution is the first installment of the Reagan promise. It provides for unprecedented budget savings through programmatic reductions. The old days of politics-as-usual budget building are gone for good. We are at last prepared to admit that we have been living beyond our means for too many years now. And not only admit it, but do something about it.

This budget document is also a blueprint for a strong defense. It provides for the sizable increase in defense spending that the President promised and that these dangerous times demand. For too long, we have been complacent about, and neglectful of, our place in the world as freedom's fortress. We have paid a heavy price for that neglect and that complacency. We can no longer afford the weakening of our defense posture.

Finally, this resolution shows the way to an incentive tax policy that is designed to spur capital investment, increase productivity and thrift, and create jobs—all of which, when coupled with the thorough-going regulatory reform that is already underway, will reawaken the sleeping giant of American enterprise.

In short, this budget resolution is a prescription for economic recovery from a quarter century of stagnation. It is true that, in those 25 years, our real gross national product has grown about 150 percent and that the average after-tax income, in constant dollars, has nearly doubled. But inflation is 10 times higher and today it takes $3 to buy what only cost $1 in 1954. Total Federal spending then was only $70.9 billion; in 1981, it will be nearly 10 times that. Then the national debt, even after the Korean conflict, was only $270 billion; today it is within a hair's breadth of a staggering $1 trillion.

The Federal Government has been taxing the ordinary wage earner to distraction and still spending more than it takes in. I think there has developed in this country a firm consensus that substantial relief is essential, and essential now.

Because behind the statistics of runaway Government can be found the quiet, daily hardships of ordinary people—people who are taking second jobs, selling nonessential possessions, skipping meals, taking on more overtime work, postponing retirement and going deeper into debt just to make ends meet. Over the years, the quality of American life has declined, not due to an erosion of American will, but due rather to a decline in the quality of American Government.

In November, there was a resurgence of American will, an expression of this country's determination that govern-

ment must be called to heel. Tax cuts and spending reductions were demanded, and this resolution provides for them. Only yesterday, the Judiciary Committee overwhelmingly reported to the full Senate a constitutional amendment to balance the budget—a further sign that the message of the voters has been heard loud and clear. I support that amendment and I support this resolution. I believe that both are critical to the welfare of America and that by acting promptly and favorably on each, we can get this country moving again.

This budget document and the possibility of a constitutional amendment to control spending and taxes are the first good economic news the ordinary American has had in a long, long time. But we should not congratulate ourselves yet. So far all we have is a road map to the economic revival of America; there are miles yet to go before we arrive at that destination. There are those in Congress who have already pledged themselves to fight the tax cuts; special interest groups have been lobbying for months against the budget cuts; and many Members of Congress will oppose the constitutional amendment to balance the budget. We have all got to stick to our guns if we ever hope to translate the President's program for recovery into recovery itself.

While the resolution before the Senate is an excellent first step in the right direction, Mr. President, it may not go far enough. We should bear in mind that this budget document only sets spending ceilings for the authorizing committees and that even these ceilings are nonbinding. For myself, I am determined to balance the budget as soon as it can possibly be done. In pursuit of this goal, we may well have to cut substantially below the ceilings in this resolution, if we are ever going to impose a measure of discipline on programmatic spending.

In the months to come, after this resolution is approved, we will be called upon to show that we are capable of more than just good intentions. We will have to redouble our efforts to build the kind of America for which this document is only the blueprint.

Mr. CRANSTON. Mr. President, this conference report on the first concurrent budget resolution for fiscal year 1982 is essentially a rubberstamp of the Reagan-Stockman budget and economic package.

I cannot support it.

This unfortunate collection of policies will, in my view, destroy our Nation's commitment to the less fortunate among us. It will also destroy Federal programs enacted with overwhelming bipartisan support by prior Congresses to deal with some of the real causes of inflation.

Instead, it proposes "voodoo" economic theories which will not curb inflation nor restore the Nation's economic health. Instead, these theories, together with other policies proposed by this administration will actually increase inflation, create new unemployment, inflict additional misery on many people and worsen our economic situation.

This great Nation of ours is and will remain a principled, caring, and compassionate country. We will not sit silently by as our citizens suffer.

President John F. Kennedy said at his inauguration:

> If a free society cannot help the many who are poor, it cannot save the few who are rich.

Twenty years earlier, President Franklin D. Roosevelt had stressed the need to insure to the average person the right to his own economic and political life, liberty, and the pursuit of happiness.

Not only the favored and fortunate, Mr. President, but the average person.

That is a principle woven deep into the fabric of American history.

It is a principle for the present and the future, as well as the past.

I, for one, do not believe for a minute that the last election was a signal that the American people have lost all their compassion, their commitment to fair play, and justice, and their desire to preserve the glories of the American landscape and environment against those who would exploit and destroy them.

To be sure, the American people have spoken out for less Federal spending and the elimination of waste and fraud. They want to curb the extravagances of the Federal bureaucracy and to cap inflation.

I support these aims. They must be fulfilled.

But none of these necessary and overdue changes require us to take food from the hungry, shelter from the homeless, or medical care from the needy aged and indigent children.

The administration, I believe, understands this.

That is why administration officials constantly try to reassure us that the Reagan-Stockman budget includes a social safety net of income security measures to protect the "truly needy."

The problem, Mr. President, is that this representation just is not true.

There are many places where this budget hurts, inordinately and inhumanely, people who are "truly needy"—hungry children whose families cannot provide them with a decent diet or immunize them against preventable childhood diseases; senior citizens who need help and are dependent on others; handicapped people, many of whom with help can achieve the capacity for independent living; and native Americans who live in impoverished conditions and will lose their opportunity to meet their needs for health care and better housing.

Attempts to improve the budget in either body—even merely to change its priorities while maintaining its fiscal policy—have been resisted.

The administration insists that this faulty budget is an all-or-nothing proposition.

Who are they trying to fool?

The future of the American economy does not depend on sacrificing the particular set of victims that David Stockman has chosen to fall under his meat axe, anymore than it depends on helping beneficiaries like the Clinch River breeder reactor of Three Mile Island nuclear powerplant, on whom the administration would bestow its largesse.

There are many other preferable options we could pursue instead.

The holes in the President's "basic social safety net" are many.

Among them:

A $53 million cut in Indian health programs.

A $6 million cut—25 percent of the total—in immunization programs against preventable childhood diseases.

A $78 million cut in two programs to educate handicapped, neglected, and delinquent children.

A too sizeable cut in programs to provide milk and other food to needy mothers, infants, and schoolchildren.

A too significant cut in the food stamp program, on top of action by Congress removing 1.5 million people from eligibility over the past 2 years.

This is only a partial list.

There are also slashes in day care, UDAG, basic educational opportunity grants, and the new proposals to chop social security benefits, and much, much more.

We must not delude ourselves into believing that these cuts will spare those in true need.

Nor can we assume—as the administration often implies—that the burden will be picked up by States and local governments.

It will not.

States and local governments cannot afford these burdens now. And they, too, are faced with large cuts in the assistance they now receive from the Federal Government. This budget will eliminate an estimated 200,000 public education jobs nationally.

Meanwhile, this budget will set back efforts to provide mass transit and economic development (and related jobs) to our cities, and it will eliminate all Federal support for passenger railroad service, except in the Northeast corridor.

As a result, more than a million private sector jobs will be lost in our economy.

The American people have been asked to believe that all of this damage is necessary to restore health to our economy, curb inflation, and balance the Federal budget. The goal of balancing the budget was proclaimed an absolute and immediate necessity by an endless parade of our colleagues from across the aisle as recently as a year ago in order: to curb inflation; to help productivity; and to reassure the sensitive financial markets.

The Senate Republican conference—just 1 year ago—pledged to achieve a balanced budget over a period of years. They made plain their real intent was to balance the budget in fiscal year 1981 and maintain it in balance thereafter.

Today, the Republican party line is: "We no longer worship at the shrine of the balanced budget."

And just last week the new Secretary of the Treasury told a Senate committee, "There is no evidence per se that deficits cause inflation."

Was the endless tirade against deficits and unbalanced budgets mere preelection bombast by our Republican colleagues? Or were they sincere but have they since fallen under the spell of voodoo?

Whatever the explanation, it is now

clear that this Republican budget abandons the prominently pledged preelection commitment to the swift achievement of a balanced budget—a fact that Republicans would rather conceal than advertise.

And they have tried very hard to hide the fact that the budget presented here will be far out of balance every year of Ronald Reagan's 4-year term—even in fiscal year 1984—which ends just before the next Presidential election.

It begins to appear that this year Republicans believe that only those budgets that show up just before elections need to be balanced or perhaps that only Democratic budgets need to be balanced forthwith.

Obviously, people can differ reasonably on statistical estimates.

But misleading or wishful estimates—especially if they all tilt in the same direction—can seriously distort a budget.

The Reagan budget by using unduly optimistic assumptions about inflation, unemployment, interest rates, and the growth of the economy, hides potentially monstrous deficits.

The administration's budget uses assumptions so optimistic that even David Stockman has begun to walk away from them.

And even with those assumptions, the budget calls for deficits of $54.9 billion in fiscal year 1981, $45 billion in fiscal year 1982, and $22.8 billion in fiscal year 1983.

Not until 1984 did President Reagan predict a "balanced budget," and then only by a razor-thin margin of $500 million in a $700 billion budget.

And the budget presented by this conference report has no margin at all.

When the economic assumptions and unidentified and unrealistic "savings" are brought within the bounds of reality, the supposedly "balanced" fiscal year 1984 budget disappears in a sea of red ink.

Ironically, the Senate Budget Committee majority—using its own Reaganomic forecast rather than the CBO forecast always used before—has admitted that slow economic growth and high interest rates will continue if the Federal deficit is not reduced.

That is, in effect, an admission that the Reagan-Stockman budget carries within it the seeds of its own destruction.

CBO estimates that the March 10 Reagan budget would produce a cumulative 4-year deficit of $238 billion, with a deficit of $49 billion in fiscal year 1984.

I believe the President's economic assumptions are hopelessly and unbelievably optimistic.

For example, the administration estimates that the CPI inflation rate—expected to average 11.1 percent during 1981—will drop to 8.3 percent in 1982; that the economy will grow above inflation by 1.1 percent in 1981 and 4.2 percent in 1982, and that it will sustain even higher growth rates the 2 following years.

Such sustained steep economic growth is historically unprecedented and is extremely unlikely.

And the administration predicts that the 3-month Treasury bill rate (one measure of short-term interest rates) will average 11.1 percent in 1981 and 8.9 percent in 1982.

The fact is that it is now at 16.4 percent and rising.

When six economists from leading New York banking houses visited my office recently, they were asked whether they believe the 3-month "T-bill" rate could average 8.9 percent in 1982.

Five thought it impossible. The other—a believer in Reaganomics—thought it possible, but unlikely.

And that was before the current rates were announced.

Now, even Stockman reportedly has his doubts.

As each of the estimates this budget is predicated upon proves wrong, the budget deficit will increase.

Examining these details, I have reluctantly concluded that the President's economic plan has no chance of success.

It is an impossible dream. And for many, many Americans the dream will turn into a nightmare.

The adoption of this conference report will reflect the view of many of my colleagues in both Houses that President Reagan ought to have a chance to test his theories.

He will have that chance. I believe he should have a chance to test a reasonable program, too.

I support the over-all dimensions, but not all the details and component parts, of the budget cuts. I support much of his tax program.

But I cannot in good conscience acquiesce in a proposal that I believe is doomed to failure in the long run—and that will do great harm to many Americans along the way.

The proposed $140 billion military increase over the next 4 years will raise total military spending during the period to about $1 trillion (and $1.5 trillion over 6 years). That increase, combined with a $250.1 billion revenue loss from the proposed Kemp-Roth tax cut, cannot begin to be offset even by the Draconian cuts proposed for the domestic side of the budget. And despite that spending on arms, we will end up in a world less secure than the one in which we now reside.

Where will the money come from to pay for this huge military increase? What effect will it have on our economic prospects?

Some people have unreasonably blamed all inflation on Federal deficit spending—an analysis that ignores such realities as the pervasive effect of soaring energy prices and other complexities of the international economy on which we depend.

World oil prices have risen over 180 percent in the last 18 months.

It is true that President Johnson overheated the economy by his military build-up to fight the Vietnam war without a compensating tax increase, plus high domestic expenditures to fight poverty. That started the inflation we have not yet stopped.

More than one recent observer has compared the Johnson "guns-and-butter" budget with a tax increase to the present Reagan "guns-and-more-guns, but-not-butter" budget with a huge tax decrease.

The analogy is not perfect, but the underlying fact of poorly-timed huge Federal deficits which will stimulate yet more inflation is there.

Most economists believe the string of big Reagan deficits will overheat the economy and cause still more inflation.

In an already investment capital-short economy, Federal borrowing will deny potential investors the capital they need to expand production. That is especially true when deficit financing triggers retaliatory action at the Fed—whose tight money policies the administration has endorsed. The Fed's action has the effect of raising interest rates and choking off the borrowing of investment capital needed for plant expansion and economic recovery.

The President's men want us to ignore these assessments.

Instead, we are supposed to accept on blind faith the administration's economic package, based as it is upon a theory that has never been tested.

I, for one, do not have that particular faith.

The administration argues that the Kemp-Roth tax cut, by putting extra money in the hands of those who earn the most, will stimulate private sector investment. Few outside the administration believe Kemp-Roth can work so predictably.

In fact, if people expect continued inflation they are more likely to spend—to beat rising prices—rather than to invest.

The huge anticipated Reagan budget deficits are already fueling the rampant skepticism that the package will not—in fact, cannot—work.

Other administration proposals besides its budget deficits will likely cause new inflation. Proposals such as:

Dismantling commercialization efforts for alternative energy development;

Decontrolling natural gas prices—which even the American Gas Association opposes as unnecessary, and which could double the cost of gas to all consumers;

The 65 percent cut in conservation programs—a body blow at the quickest, cleanest, and least expensive way of displacing foreign oil and our vulnerability to nations like Saudi Arabia and Libya; and

Cuts in Federal support for the Postal Service—which will drive up postal rates even further.

All of these proposals and others like them will increase inflationary pressures on all Americans, and, in turn, increase the likelihood of failure of the President's economic policy.

I believe decisions on the size and shape of a tax cut should be based on the amounts the Treasury can afford after a realistic assessment of where the economy is going, and how budget decisions will affect its direction.

I believe that our tax cuts should be targeted to achieve the real increases in productivity and capital investment that the President says he seeks, but which Kemp-Roth will not achieve.

I support additional tax incentives to

increase productivity, including a reduced capital gains rates, accelerated depreciation allowances, and increased exemptions for savings and investment.

I oppose the Kemp-Roth 30 percent across-the-board cut in personal taxes because I am convinced it will cause inflation by fueling spending.

Our first task is to fight inflation, not to cut taxes.

If Congress does enact a personal tax cut, it should be revised to give more help to low- and middle-income earners, not merely to those with the largest incomes—and it should be scaled to what we can afford this year.

Unlike so many of our Republican colleagues, whose memories are so short, I have not given up on the effort to fight inflation by bringing the Federal budget into balance.

Fortunately, the details of this budget now before us are not binding on congressional committees.

Several chances yet remain along the legislative route to make this budget, this fiscal policy, this set of priorities more tolerable—and to give it a better opportunity to work.

I have confidence that when the American people have examined the implications of this budget carefully, they will encourage us to correct the many errors that this budget and set of policies contain.

Until then, Mr. President, I vote "no."

Mr. DOMENICI. Mr. President, I yield back the remainder of my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, does the distinguished Senator from West Virginia have anything further?

Mr. ROBERT C. BYRD. Mr. President, I have nothing.

THE U.S. MERCHANT FLEET

Mr. WARNER. Mr. President, on Friday, the United States will observe National Maritime Day pursuant to a Presidential proclamation in "recognition of the importance of the American merchant marine and men and women serving aboard our merchant ships."

National Maritime Day commemorates the May 22, 1819 embarkation of the first transatlantic voyage of a steamship, the SS *Savannah*, from the Georgian port of the same name.

National Maritime Day also calls attention to the condition of the U.S. merchant fleet and the critical sealift support for which it has been called upon to produce for our Nation during every conflict in which seapower has been an element.

Nearly 2 years ago, when I served on the Merchant Marine Subcommittee, the members heard from various governmental and private sources who warned of the peril to our national security from the continuing decline of the U.S. merchant fleet. Moreover, we saw during the most recent crisis in the Middle East just how crucial it is that the United States have the ability to provide naval power backed by strong sealift support.

The United States remains far short of the valid goals expressed in the Merchant Marine Act, which declare in part:

It is necessary for the national defense and development of its foreign and domestic commerce that the United States shall have a merchant marine . . . capable of serving as a naval and military auxiliary in time of war or national emergency.

An article in the May 1981, edition of the Armed Forces Journal, brought to my attention by the Joint Maritime Congress, provides a brief but disturbing analysis of our sealift readiness posture which must be bolstered if the United States is to remain a strong seapower force. I ask that it be printed in the RECORD.

The article follows:

U.S. SEALIFT: DWINDLING RESOURCES VERSUS RISING NEED?

(By Deborah M. Kyle)

In mid-March, CNO Admiral Thomas B. Hayward warned members of the House Armed Services' Procurement and Nuclear Systems Subcommittee that, "Without adequate and reliable sealift, literally none of our military plans is executable." Hayward went on to tell the Subcommittee that sealift initiatives in the Reagan defense budget addressed a "serious shortfall in U.S. strategic mobility." But the initiatives the CNO referred to only begin to meet today's U.S. sealift needs.

According to a report recently published by the Military Sealift Command (MSC), the Navy-sponsored management agency charged with assuring adequate military wartime sealift, MSC cannot be expected to "meet wartime needs for sealift simply because it provides worldwide and efficient peacetime ocean transportation for military service."

Today, MSC estimates that 95 percent or more of the supplies needed to sustain US troops deployed under emergency conditions would be transported by sea under MSC command authority.

Vice Admiral Kent J. Carroll, Director of Logistics for the Joint Chief's of Staff, told the House Armed Services Committee in March that, "Given that one dry cargo ship can deliver the equivalent tonnage of two and one-half days of airlift, when the first 10 ships arrive in the Persian Gulf, they deliver tonnage approximately equivalent to a full month of airlift." The actual projected sealift requirements are classified, but by MSC and Maritime Administration accounts, adequate resources to provide emergency sealift do not exist.

Established in 1949, MSC is authorized to augment its control fleet from the U.S. Merchant Marine, foreign flag shipping, the National Defense Reserve Fleet and its quickly deployable Ready Reserve Force, as well as the Sealift Readiness Program and Voluntary Tanker Agreement. However, the total number of ships available to carry on emergency sealift operations is low, and the Maritime Administration projects that at the present operating tempo, nearly "the entire American fleet is needed to meet military needs in major conventional war."

Today's Merchant Marine is much smaller than it was during WWII, with more than 95 percent of the U.S. international trade conducted by U.S.-owned vessels operating under foreign flags. (History shows that traditionally, the Merchant Marine is built up when national security is threatened, and declines in periods between major conflicts.)

The number of privately-owned U.S. merchant vessels dropped by one, from 725 to 724 between January, 1980 and January, 1981. However, carrying capacity increased by one million dead weight tons, indicating that today's ships are larger. But while one ship may carry more cargo, in emergency military sealift operations, destruction of that ship would result in the loss of greater quantities of military cargo. And, MSC notes, "Wartime losses would quickly and probably dramatically reduce the Merchant Marine's capability to support military services."

Although U.S.-owned vessels are subject to U.S. military emergency requisitioning codes, whether or not foreign nations would make those ships available to the U.S. in a crisis situation is an unknown variable in defense sealift planning. While the U.S. is presently on good terms with most nations under whose flags U.S.-owned commercial ships sail, the fact that U.S. sealift strength remains dependent on fragile diplomatic relations stresses U.S. defense capabilities.

SEALIFT AT MERCY OF DIPLOMATIC TIES?

According to MSC, in 1950 more than 42 percent of all U.S. trade was carried by the U.S. flag fleet. A decade later, the U.S. merchant fleet's share of U.S. trade had dropped to 31 percent and in 1980, less than 5 percent of U.S. trade was carried by ships flying U.S. colors.

Thus, the U.S. has become a nation dependent on "foreign" sealift which presents a strategic nightmare should foreign or U.S.-owned ships flying under foreign flags carrying precious U.S. materials be needed elsewhere. Less than 1 percent of the strategic mineral and dry bulk items needed to maintain the U.S. economy and sustain military Service needs are now delivered in U.S. flag ships. And, U.S. energy imports are just as dependent on foreign transport—only 3 percent of U.S. oil imports are now carried to U.S. refineries on U.S. flag tankers.

Hayward charged in March that like military sealift, the Merchant Marine has been a victim of "protracted neglect." And, he cautioned. "Its health and vitality should be of keen concern to anyone interested in the state of our national defense.

"I strongly support the revitalization and expansion of the U.S. flag fleet."

Despite Hayward's support, one Maritime Administration spokesman told AFJ that government subsidies used to promote private shipping construction in line with military needs have fallen victim to OMB's recent massive, government-wide subsidy cutbacks. When asked what the Maritime Administration has done to fight those cuts, the official noted that nothing had been done because the Maritime Administration had no point of contact to appeal to—the Reagan Administration had not appointed the person responsible for such appeals. So by April, 1981, the Maritime Administration had spent its FY81 construction subsidy limit—$1-million; 50 percent below its usual yearly budget.

SOVIET BUILD-UP

While U.S. sealift capability has been eroding, the Soviets have been consistently developing a merchant fleet with dual military capability.

According to Hayward, "The Russians added approximately 30 modern units to their merchant marine—a highly militarized auxiliary of the Navy, whose ships are carefully designed for ready conversion to military roles in war, and are largely manned by naval reservists in peace to facilitate rapid transition to Navy control." All totaled, MSC estimates that the Russians have 2,475 merchant ships in their inventory while the U.S.-count is 879 (including government- and privately-owned commercial vessels). However, the Maritime Administration notes that 46 U.S. merchant ships are presently under construction, and five additional vessels are undergoing conversion in 1981.

U.S. SEALIFT RESOURCES

Of the 724 ships in the U.S. Merchant Marine inventory, only 579 are ocean-going ships available for sealift operations. Among these are jumbo tankers and nonself-sustaining container ships which are of limited military use.

To augment its nucleus fleet in emergency situations, MSC has several options: National Defense Reserve Fleet (NDRF)—in January, NDRF consisted of 321 ships including 163 merchant types—26 of which comprise the Ready Reserve Force (RRF).

The RRF, maintained by the Maritime Administration and designed to provide immediate surge capability, can be operational in a 5-10 day time frame while the remaining 137 vessels have a projected readiness schedule of 45 to 60 days from date of requisitioning. But MSC admits "that 60-day estimate is rosy." Given delays in yard availability, spare parts, etc., MSC projects that it might "require months" to activate some of the ships, and that the "bulk of these 137 are of WW II vintage and rapidly becoming obsolete."

Sealift Readiness Program (SRP)—Privately-owned merchant vessels are committed to the SRP under the Maritime Administration which in turn authorizes ships for DoD use. Presently, 207 ships are available for MSC to provide sealift in a nonmobilization situation. However, according to MSC, problems arise because the Maritime Administration recommendations for SRP implementation are based on the economic impact of DoD's carrier call-up, as well as on international trade and national security demands, and not strictly defense needs.

Voluntary Tanker Agreement—sponsored by the Maritime Administration, this program makes privately-owned tankers available on a voluntary basis for DoD emergency use.

NATO Allied Commitments—NATO allies pool a portion of their merchant fleet for use by any ally in a NATO war. Approximately 400–600 NATO merchant ships would be made available for sealift support. But US interests/needs would be in competition with those of other NATO allies.

Whether DoD's emergency needs can be met today is a question of speculation. But, MSC projects that, "In a NATO war, with NATO ships available, the answer is probably yes." Concerning other scenarios, MSC is noncommittal because the assessment of adequate sealift need changes depending upon the scenario. Variables including the extent of sealift need, how quickly forces and supplies need to be moved, and port conditions and availability would also affect the assessment. A recent Congressionally-directed study of military rapid deployment needs clearly indicated for a Persian Gulf contingency; the nation will need far more sealift and airlift than it has (See accompanying article).

But in concluding its evaluation of US sealift adequacy, MSC urges the establishment of a cohesive and coherent national maritime policy—what it calls "the type of policy which has been lacking throughout the history of the USA."

THOSE WHO CANNOT REMEMBER THE PAST ARE CONDEMNED TO REPEAT IT

Mr. PROXMIRE. Mr. President, earlier this month, the New York Times reported that the KGB security police intervened to prevent several hundred Soviet Jews from commemorating the holocaust with a traditional gathering in the woods near Moscow. Sources said that the KGB had been calling in participants of the project and threatening them with 15 days in jail, irrevocable rejection of applications to emigrate and other penalties if they tried to hold the outdoor meeting as scheduled. In view of this show of force, the gathering was canceled.

These outings in the woods had been held on an average of twice a year for the last 10 years, timed to significant dates of the Jewish calendar. Some participants felt that the large turnout of a previous gathering perturbed the authorities who take a hostile view of gatherings for any purpose that is not officially authorized. Others believed that the clampdown was part of a general tightening of restrictions on unofficial Jewish activity in recent months.

Whatever the reason, Mr. President, the forced canceling of this gathering commemorating the holocaust suggests a trend that we must not allow to come about. It is imperative that the crimes of the holocaust, some of the most savage in the history of mankind, be remembered. That time, when Nazi Germany attempted to commit genocide against the Jewish race and exterminated 6 million innocent victims, must never be forgotten. As Santayana said, "Those who cannot remember the past are condemned to repeat it."

As the leader of the free world, it is our duty to take a stand and officially condemn genocide as an international crime. By ratifying the Genocide Convention, the United States of America will inform the world that it will not tolerate a recurrence of what happened during the holocaust.

Let us take this important step and ratify the Genocide Convention.

INTERIM REPORT OF THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. ROTH. Mr. President, on behalf of Senator NUNN and myself, I send to the desk an interim report from the Senate Permanent Subcommittee on Investigations regarding its oversight inquiry of the Department of Labor's investigation of the Teamsters Central States pension fund, and I ask unanimous consent that it be ordered printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. JEPSEN). The Chair, on behalf of the Vice President, and upon the recommendation of the majority and minority leaders, pursuant to Public Law 96–389, section 10(a), appoints the following Senators to the Commission on the Role of Gold in International Monetary Systems: the Senator from New Mexico (Mr. SCHMITT), the Senator from Iowa (Mr. JEPSEN), and the Senator from Connecticut (Mr. DODD).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:23 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests concurrence of the Senate:

H.R. 3484. An act to provide for the minting of half dollars with a design emblematic of the 250th anniversary of the birth of George Washington.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 730. An act to insure necessary funds for the implementation of the Federal Crop Insurance Act of 1980.

The enrolled bill was subsequently signed by the President pro tempore.

At 2:05 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 138. Concurrent resolution providing for an adjournment of the House from May 21 to May 27, 1981, and an adjournment of the Senate from May 21 to June 1, 1981.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the concurrent resolution (H. Con. Res. 115) revising the congressional budget for the U.S. Government for the fiscal year 1981, and setting forth the congressional budget for the U.S. Government for the fiscal years 1982, 1983, and 1984; it has receded from its disagreement to the amendments of the Senate to the concurrent resolution numbered 156, 158, 161, 163, 164, 170, 174, 177, 179, 182, 190, 191, and 199, and has agreed thereto, each with an amendment.

HOUSE BILL REFERRED

The following bill was read twice by unanimous consent, and referred as indicated:

H.R. 3484. An act to provide for the minting of half dollars with a design emblematic of the 250th anniversary of the birth of George Washington; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION HELD AT THE DESK

The following concurrent resolution was ordered held at the desk by unanimous consent:

H. Con. Res. 138. Concurrent resolution providing for an adjournment of the House from May 21 to May 27, 1981, and an adjournment of the Senate from May 21 to June 1, 1981.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 20, 1981, he had presented to the President of the United States, the following enrolled bill:

S. 730. An act to insure necessary funds for the implementation of the Federal Crop Insurance Act of 1980.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1190. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the President's ninth special message for fiscal year 1981; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC–1191. A communication from the Secretary of the Interior, transmitting, pursuant to law, an additional supplemental certification under the heading "Bureau of Reclamation, Construction, and Rehabilitation" under the Interior Department Appropriation Act for the fiscal year ending June 30, 1954; to the Committee on Appropriations.

EC–1192. A communication from the Chairman of the Commission of Fine Arts, transmitting a draft of proposed legislation to provide the Commission authority to accept private donations of money to finance the activities of the Commission; to the Committee on Appropriations.

EC–1193. A communication from the President of the United States, transmitting, pursuant to law, a proposed supplemental for fiscal year 1981 in the amount of $17 million from the District of Columbia's own revenues; to the Committee on Appropriations and ordered to be printed.

EC–1194. A secret communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, 47 selected acquisition reports; to the Committee on Armed Services.

EC–1195. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation entitled "Department of Defense Authorization Act, 1983"; to the Committee on Armed Services.

EC–1196. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to the Netherlands for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC–1197. A communication from the Acting Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report on the study with respect to converting the custodial services activity at Fitzsimmons Army Medical Center and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC–1198. A communication from the Deputy Assistant Secretary of Defense (Military Personnel Policy), transmitting, pursuant to law, a list of defense contractors who have filed fiscal year 1980 reports under section 410(d) of Public Law 91–121 (82 Stat. 212); to the Committee on Armed Services.

EC–1199. A communication from the Acting Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report on a study with respect to converting the combined motor vehicle operations and maintenance activities at Fort Leavenworth, Kansas, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC–1200. A communication from the Secretary of the Navy, transmitting, a draft of proposed legislation to amend title 10, United States Code, to provide that U.S. Navy regulations may be issued by the Secretary of the Navy without the approval of the President and to provide express statutory authority for the Secretary of the Navy to issue other regulations; to the Committee on Armed Services.

EC–1201. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "DOD Needs Better Assessment of Military Hospitals' Capabilities To Care for Wartime Casualties"; to the Committee on Armed Services.

EC–1202. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Board of Governors for calendar year 1980; to the Committee on Banking, Housing, and Urban Affairs.

EC–1203. A communication from the Chairman of the Federal Home Loan Bank Board, transmitting, pursuant to law, the annual report on activities of the Board to eliminate unfair and deceptive practices in the savings and loan industry; to the Committee on Banking, Housing, and Urban Development.

EC–1204. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, a report on the economic viability of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–1205. A communication from the Acting Director of the Federal Emergency Management Agency, transmitting a draft of proposed legislation which would extend the Defense Production Act for an additional five years; to the Committee on Banking, Housing, and Urban Affairs.

EC–1206. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1982 and 1983; to the Committee on Commerce, Science, and Transportation.

EC–1207. A communication from the Acting Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on contracts negotiated by NASA under 10 U.S.C. 2304(a)(11) and (16) for the period July 1 through December 31, 1980; to the Committee on Commerce, Science, and Transportation.

EC–1208. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on an evaluation of the relationship between certain petroleum trade association and U.S. Geological Survey date concerning oil and gas reserves and ultimate recovery from the Outer Continental Shelf; to the Committee on Energy and Natural Resources.

EC–1209. A communication from the Secretary of the Interior, transmitting, pursuant to law, official boundary maps of certain wilderness areas in Alaska; to the Committee on Energy and Natural Resources.

EC–1210. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Millions Wasted Trying to Develop Major Energy Information System"; to the Committee on Energy and Natural Resources.

EC–1211. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, an amended report of building project survey which requests authorization of a lease construction project in Tallahassee, Florida; to the Committee on Environment and Public Works.

EC–1212. A communication from the Secretary of Health and Human Services transmitting, a draft of proposed legislation to provide a ceiling on Federal expenditures for medicaid, to increase States' flexibility to determine the scope of their medicaid programs, to make other amendments to the medicare and medicaid programs, and for other purposes; to the Committee on Finance.

EC–1213. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to improve the operation of the adjustment assistance programs for firms and industries under the Trade Act of 1974, and for other purposes; to the Committee on Finance.

EC–1214. A communication from the Assistant Secretary of State for Congressional Relations, transmitting, pursuant to law, a report on the issuance of licenses for the export of munitions under the Arms Export Control Act; to the Committee on Foreign Relations.

EC–1215. A communication from the chief justice of the U.S. Tax Court, transmitting, pursuant to law, the initial actuarial reports required for the U.S. Tax Court judges' retirement and survivor annuity plans; to the Committee on Governmental Affairs.

EC–1216. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of the reports transmitted to the Congress by the General Accounting Office during April 1981; to the Committee on Governmental Affairs.

EC–1217. A communication from the Acting Administrator of the Veterans' Administration, transmitting, pursuant to law, a report on a new system of records for the Veterans' Administration for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC–1218. A communication from the Mayor of the Council of the District of Columbia, transmitting a draft of proposed legislation to authorize the Council of the District of Columbia to establish fees and allowances for jurors serving in the Superior Court of the District of Columbia; to the Committee on Governmental Affairs.

EC–1219. A communication from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to amend the Coastal Zone Management Act of 1972 to include the District of Columbia within the definition of a coastal State; to the Committee on Governmental Affairs.

EC–1220. A communication from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Stadium Act of 1957 to provide for the transfer of such Stadium and the associated land area to the District of Columbia Government; to the Committee on Governmental Affairs.

EC–1221. A communication from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the authorization, issuance, security and payment of bonds, notes, and other obli-

gations of the District of Columbia; to the Committee on Governmental Affairs.

EC–1222. A communication from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to authorize the setoff of annuity payments or refunds payable from the civil service retirement and disability fund to former employees of the government of the District of Columbia in order to liquidate debts owed to the government of the District of Columbia; to the Committee on Governmental Affairs.

EC–1223. A communication from the Mayor of the District of Columbia, transmitting a draft of proposed legislation entitled "Debt Collection Act of 1981"; to the Committee on Governmental Affairs.

EC–1224. A communication from the Director of the National Legislative Commission of the American Legion, transmitting, pursuant to law, the statement of the financial condition of the American Legion as of December 31, 1980; to the Committee on the Judiciary.

EC–1225. A communication from the Executive Director of the National Capital Planning Commission, transmitting, pursuant to law, a report on the activities of the Commission under the Freedom of Information Act for calendar year 1980; to the Committee on the Judiciary.

EC–1226. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the annual report on activities of the Board under the Freedom of Information Act for calendar year 1980; to the Committee on the Judiciary.

EC–1227. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation to extend and amend various health authorities, and for other purposes; to the Committee on Labor and Human Resources.

EC–1228. A communication from the Secretary of Health and Human Resources, transmitting a draft of proposed legislation to amend provisions of law concerned with health professions personnel, and for other purposes; to the Committee on Labor and Human Resources.

EC–1229. A communication from the Secretary of Health and Human Services, transmitting, for the information of the Senate, notice that there will be a delay in the submission of the annual report of the National Health Service Corps; to the Committee on Labor and Human Resources.

EC–1230. A communication from the Secretary of Labor, transmitting, corrections to a previously submitted draft bill to amend the Older Americans Act; to the Committee on Labor and Human Resources.

EC–1231. A communication from the Chairman of the Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act of 1974 to prohibit the payment of new windfall dual benefits to certain individuals, and for other purposes; to the Committee on Labor and Human Resources.

EC–1232. A communication from the Acting Assistant Secretary of the Education for Legislation, transmitting, pursuant to law, a report on graduate education programs administered by the Department of Education for fiscal years 1978 through 1980; to the Committee on Labor and Human Resources.

EC–1233. A communication from the President of the United States, transmitting requests for supplemental appropriations for fiscal year 1981 and amendments to the fiscal year 1982 request for appropriations; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, by unanimous consent:

Interim report of the Permanent Subcommittee on Investigations regarding its oversight of the Department of Labor's investigation of the Teamsters central States pension fund (Rept. No. 97–122).

Mr. ROTH. Mr. President, on behalf of myself and Senator NUNN, I send to the desk an interim report from the Senate Permanent Subcommittee on Investigations regarding its oversight inquiry of the Department of Labor's investigation of the Teamsters central States pension fund and ask unanimous consent that it be ordered printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations of 879 cadets, U.S. Air Force Academy, for appointment in the Regular Air Force in the grade of second lieutenant, effective upon their graduation. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of April 29, 1981, at the end of the Senate proceedings.)

By Mr. PERCY, from the Committee on Foreign Relations, without reservation:

Ex. S, 96–2. Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals, between the United States, Canada, Japan, and the Soviet Union, signed at Washington on October 9, 1980 (with additional views) (Ex. Rept. No. 97–12).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. SASSER, and Mr. D'AMATO):

S. 1225. A bill to require Federal agencies to include in a notice of proposed rulemaking estimates of the costs to State and local governments resulting from a proposed rule, an identification of sources of funds to pay such costs, and a statement requesting comments from State and local governments on the costs to such governments resulting from the proposed rule; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 1226. A bill to provide for supplemental insurance to cover the costs of necessary remedial action following damage to nuclear powerplants, including certain remedial action at the Three Mile Island facilities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HUDDLESTON (for himself and Mr. FORD):

S. 1227. A bill for the relief of the grantors of certain land in Henderson, Union, and Webster Counties, Kentucky, to the United States, and their heirs; to the Committee on the Judiciary.

By Mr. McCLURE:

S. 1228. A bill to provide for the minting of half dollars with a design emblematic of the two hundred and fiftieth anniversary of the birth of George Washington; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MOYNIHAN (for himself, Mr. SYMMS, Mr. JACKSON, Mr. BOREN, Mr. BAUCUS, and Mr. BENTSEN):

S. 1229. A bill to continue through December 31, 1982, the existing prohibition on the issuance of fringe benefit regulations; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. GARN, Mr. HAYAKAWA, Mr. RIEGLE, Mr. HEINZ, Mr. STEVENS, Mr. LAXALT, and Mr. TOWER):

S. 1230. A bill to provide for the minting of commemorative coins to support the 1984 Los Angeles Olympic Games; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TSONGAS:

S. 1231. A bill for the relief of Kenneth C. Foster; to the Committee on the Judiciary.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 1232. A bill to amend the Employment Retirement Income Security Act of 1974 to insure that the Hawaii Prepaid Health Care Act will not be preempted and to direct the Department of Labor to study the feasibility of extending coverage to all other State health plans; to the Committee on Labor and Human Resources.

By Mr. INOUYE (for himself and Mr. PRESSLER):

S. 1233. A bill to establish a program in the Department of Commerce to promote United States service industries; enhance their competitiveness, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HEFLIN:

S. 1234. A bill to authorize the Secretary of the Army to correct certain slope failures and erosion problems along the banks of the Coosa River; to the Committee on Environment and Public Works.

By Mr. D'AMATO:

S. 1235. A bill to exempt certain matters relating to the Central Intelligence Agency from the disclosure requirements of title 5, United States Code; to the Committee on the Judiciary.

By Mr. HEINZ (for himself and Mr. HEFLIN):

S. 1236. A bill to amend sections 5701 (a) (2) and 5702(m) of the Internal Revenue Code of 1954 to modify the base on which the tax on large cigars is imposed and to achieve a phased reduction in the tax rate; to the Committee on Finance.

By Mr. HEFLIN:

S. 1237. A bill to provide grants to the 1890 land-grant colleges, including Tuskegee Institute, for the purpose of assisting these institutions in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity for research in the food and agricultural sciences; to the Committee on Labor and Human Resources.

By Mr. QUAYLE:

S. 1238. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Finance.

By Mr. DURENBERGER:

S. 1239. A bill to provide for purposes of section 165 of the Internal Revenue Code of 1954 losses from Dutch Elm disease shall be treated as casualty losses; to the Committee on Finance.

By Mr. HEINZ (for himself and Mr. RIEGLE):

S. 1240. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives for individuals and businesses in Urban and Rural Depressed Areas; to the Committee on Finance.

By Mr. MATSUNAGA:

S. 1241. A bill for the relief of Olga Mary Drefko; to the Committee on the Judiciary.

By Mr. HAYAKAWA:

S. 1242. A bill to provide that certain lands constituting part of the El Dorado National Forest be conveyed to certain persons who purchased and held such lands in good faith reliance on an inaccurate surveyor's map; to the Committee on Energy and Natural Resources.

By Mr. MATSUNAGA (by request):

S. 1243. A bill for the relief of Kenneth Darrow and Renee Liddle; to the Committee on the Judiciary.

By Mr. HART (for himself and Mr. RANDOLPH):

S. 1244. A bill to amend section 601 of the Powerplant and Industrial Fuel Use Act of 1978 to provide comprehensive assistance to States, local governments, and Indian tribes to mitigate the adverse social and economic impacts caused by major energy developments, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. LAXALT, Mr. GARN, Mr. GOLDWATER, Mr. HELMS, Mr. CANNON, Mr. STEVENS, Mr. WALLOP, Mr. ZORINSKY, Mr. JEPSEN, Mr. TOWER, Mr. SIMPSON, Mr. HAYAKAWA, Mr. DECONCINI, Mr. DOLE and Mr. HUMPHREY):

S. 1245. A bill to provide for the cession and conveyance to the States of federally owned unreserved, unappropriated lands, and to establish policy, methods, procedures, schedules, and criteria for such transfers; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. SASSER and Mr. D'AMATO):

S. 1225. A bill to require Federal agencies to include in a notice of proposed rulemaking estimates of the costs to State and local governments resulting from a proposed rule, an identification of sources of funds to pay such costs and a statement requesting comments from State and local governments on the costs to such governments resulting from the proposed rule; to the Committee on the Judiciary.

STATE AND LOCAL GOVERNMENT REGULATORY COST ESTIMATES ACT OF 1981

Mr. SPECTER. Mr. President, I am today introducing S. 1225, the State and Local Government Regulatory Cost Estimates Act of 1981, along with Senators SASSER and D'AMATO. This is a proposed amendment to the Administrative Procedures Act.

In March of this year, I spent several days meeting with local government officials in many of the communities of Pennsylvania. I was most impressed by the fact that many local officials were concerned about the possibility that, with the cutbacks and eliminations of numerous Federal programs, they would be mandated to carry on these same programs but assume the costs. These officials are also concerned about arbitrary regulatory activities which are undertaken by Federal agencies without adequote consultation with them or understanding of their problems or points of view.

Agencies of the U.S. Government have a responsblity on some reasonable basis to inform local governments of their plans to enact regulations which impact in any fashion, particularly financial, on those local governments.

S. 1225 is not a complex or lengthy piece of legislation. Its sponsors realize that it may later be appropriately attached as an amendment to another more comprehensve bill. It is, however, desired by the communities of Pennsylvania and I believe will effectively discipline those in the Federal Government who are too quick to heap costly regulatory burdens on the local governments of our Nation. I believe enactment of S. 1225 will be applauded by virtually every local government of America.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State and Local Government Regulatory Cost Estimate Act of 1981".

SEC. 2. Section 553(b) of title 5, United States Code, is amended—

(1) by striking out the word "and" after the semicolon in clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and "and"; and

(3) by inserting after clause (3) the following new clauses;

"(4)(A) an estimate of the agency with respect to the costs to State and local governments which will result from the proposed rule;

"(B) a statement of any source of funds which are available to State and local governments to pay any costs to such governments resulting from the proposed rule, or, as the case may be, a statement that the agency does not know of any such sources; and

"(C) a statement requesting comments from State and local governments on the costs that will result to such goverments from the proposed rule.".

Mr. SASSER. Mr. President, I rise in support of S. 1225, the State and Local Government Regulatory Cost Estimate Act of 1981.

I want to commend my colleague, Senator SPECTER, for this timely legislative initiative. It signals an increasing recognition on the part of the Congress that, as Washington moves to devolve more and more program responsibility on State and local governments in the coming decade, there is an obligation to check the preeminent development in Federal, State, and local government relations in the past 30 years—and that is increased spending and assistance by the Federal Government for State and local governments, accompanied by an even greater number of conditions and mandates for this assistance.

I believe that those of us concerned with the future of fiscal federalism recognized the inherent imbalance resulting from this development.

Estimates of the costs that new rules and regulations will pass on to State and local governments is a sound procedure, and a good step toward addressing this concern.

Both the content and purpose of this bill are clear: to make a Federal agency detail the costs to State and local governments resulting from a proposed rule; input from State and local governments in shaping the rule and estimating its costs, and; a statement of whatever Federal funds are available to State and local governments to assist them in effecting the proposed rule.

I would like to point out that S. 1225 complements a bill I introduced earlier in this session, S. 43, the State and Local Government Fiscal Note Act of 1981. The Fiscal Note Act would require the Congessional Budget Office to prepare estimates of the costs that would be passed on to State and local governments by proposed congressional legislation.

In both instances, the cost estimates would serve as warning signals. They would let Federal agencies and the Congress know if harmful fiscal consequences would result from a new rule or a new law. If a Federal agency or the Congress decided to move ahead with a new rule or a new law, they would have a clear idea of the fiscal implications for State and local governments, and could therefore adapt such measures accordingly.

As we all know, even the most well-intentioned rule or law sometimes has unforeseen consequences—consequences never contemplated by the lawmaker or the rulemaker.

There are those who wonder just how necessary or helpful this legislation is. Let me answer this question by alluding briefly to a study of 10 local jurisdictions performed recently by the National Science Foundation. The NSF found in its study that each local jurisdiction was expected to comply—at any given time—with a minimum of 1,000 Federal and State mandates.

Local officials believe that this situation puts an increasing amount of stress on their budgets, and that mandates and legislative conditions attached to laws can constitute a forced expenditure for them—expenditures which can require local officials to either rechannel resources from other efforts or else raise taxes. The same kind of budgetary stress obtains for State government officials.

So, I believe that S. 1225 will be regarded as a welcome move by State and local government officials.

While cost estimates for new Federal rules and new congressional legislation represent a sound initiative at the Federal level, I would like to note that the States long ago took the lead on this matter.

In the late 1950's, New Jersey and Wisconsin enacted fiscal note laws, and in the early 1960's, Missouri and Colorado did the same.

Many States, with constitutional limitations on their ability to raise new taxes and, hence, pay for new programs, found fiscal notes an excellent device for anticipating the costs of new legislation,

not only to State governments, but to local governments as well.

Adoption of fiscal note laws by the States during the 1960's and the 1970's. Among the States that have recently passed legislation requiring fiscal notes on proposed legislation are Georgia, Nevada, Rhode Island, South Carolina, and Connecticut.

In addition, Wisconsin and Missouri now require fiscal notes to accompany proposed rules and regulations. Nebraska receives a similar type of analysis for any proposed legislation that would alter the powers or responsibilities of a State agency or local government unit. Massachusetts has an executive order requiring a procedure similar to a fiscal note before any executive agency under the Governor's authority can issue new mandatory regulations, or mandates.

In total, 47 States have in place—either through statute or administrative action—procedures for preparing cost estimates or fiscal notes on measures resulting in costs to State governments. And 35 States use fiscal notes for proposed legislation affecting local governments.

By proposing a procedure for estimating the costs to State and local governments of Federal rulemaking, the Congress will be recognizing a new dynamic in the development of American federalism. Since the Constitutional Convention of 1787, when the States joined together in molding the structure of our Republic, the Federal Establishment—or "Washington" as it is often called beyond the boundaries of our Nation's Capital—has shaped the nature of intergovernmental relations.

Enactment of this legislation and enactment of State and local government fiscal note legislation will complete a cyclical phenomenon in which, once again, the component parts of the Republic—State and local governments—are affecting the shape and nature of American federalism.

This is a healthy and welcome development, one that is reflected in this legislation and in fiscal note legislation, and one that deserves the full and active support of my colleagues.

By Mr. SPECTER:

S. 1226. A bill to provide for supplemental insurance to cover the costs of necessary remedial action following damage to nuclear powerplants, including certain remedial action at the Three Mile Island facilities, and for other purposes; to the Committee on Governmental Affairs.

NUCLEAR POWER PLANT PROPERTY DAMAGE ACT OF 1981

Mr. SPECTER. Mr. President, I rise today to introduce the Nuclear Power Plant Property Damage Act of 1981. In some respects th's bill is similar to H.R. 2512 introduced in the House.

Before outlining the provisions of this bill, I would like to describe the present situation at Three Mile Island (TMI) Nuclear Generating Plant No. 2 near Harrisburg, Pa.

On March 29, 1979 America's most serious and best known nuclear powerplant accident occurred at the TMI plant. The plant has since been inoperative; while some cleanup activities have been completed by the owner—General Public Utilities (GPU)—about $1 billion of cleanup work remains to be done.

Point No. 1 to keep in mind about TMI–2 is that, since the utility has this enormously expensive nonproducing facility on its hands, it is facing critical financial problems.

Point No. 2 to keep in mind about TMI–2 is that since the cleanup is not proceeding on a timely basis, some hazards are present.

Let me explain point No. 2 first. An excerpt from the environmental impact statement on TMI defines the issue:

> Until TMI–2 is largely decontaminated, there is a small probability (which increases with time) of uncontrolled releases of radioactivity to the environment. Decontamination of the plant and disposal of the wastes will eliminate this possibility for potential harm to the public and workers at TMI * * * The staff therefore concludes that the full cleanup of the facility must proceed as expeditiously as is reasonably feasible, consistent with ensuring public health and safety and protecting the environment.

Now to point No. 1 a somewhat more complex issue. GPU has, as a consequence of the 1979 event, mortgaged all of its resources. Bankruptcy and default on its obligations is a real possibility.

An analysis by financial experts, however, demonstrates that such a bankruptcy would have a devastating effect on the credit of all electric utility companies. Rates of return demanded by the bond buyers and stock purchasers would be so substantial as to increase electric rates for all electricity users in the United States. It seems reasonable to expect that nuclear plant financing would be particularly hard hit. It is not unreasonable to expect that funds at any price might not be available, thus retarding economic growth in America so dependent on adequate sources of energy.

Now to the Nuclear Power Plant Damage Act of 1981. It is designed to help avoid the twin threats of further emergencies at TMI and corporate collapse, and the national problems either one or both would create. It would, further, gradually create an insurance reserve for supplemental insurance in the event another accident should occur at another nuclear powerplant, anywhere in the Nation.

With respect to TMI, the GPU would, under this bill, provide about 25 percent of the cost from its existing insurance policy, plus a $50 million deductible provided for in the act. The other 75 percent would be provided from payments made from other electric utilities using nuclear generating facilities which would, in effect, operate under an insurance rationale with the risk being spread among all users of nuclear energy. After sufficient funds are raised for TMI, then additional monevs would be raised and placed in a fund to be used in the event of any similar calamity. Should no further problem arise, the fund's interest earnings could be paid to the utilities to reduce rates.

While this act proposes a financial formula for dealing with the TMI problem, it does not call for a Federal tax subsidy at any part of the process. In fact, the agency responsible for managing the program in the early years will resolve itself into a mutual insurance company for this specialized purpose as soon as practical. At that time it will, for all practical purposes, be entirely independent of the Federal Government.

Some of my friends in Pennsylvania believe that the Federal taxpayer, since the Federal Government licenses and regulates the nuclear generating industry, should pay for the cleanup of TMI. A realistic assessment of the situation in Washington, however, does not provide any basis for hope that Federal reimbursement can be anticipated.

Others have argued that company mismanagement is responsible. Why not let the company, and by inference its captive customers, pay the entire cleanup costs? This, too, seems both unreasonable and unrealistic.

Still others have argued "why not let the company go bankrupt, that's the price of doing business."

As already noted, bankruptcy would solve nothing and would create additional problems. The $1 billion cleanup cost would remain. The dangers would remain. Financing costs for electric utility growth and development in this country would skyrocket.

There is, of course, on these issues room for debate, discussion, and change but time is a more precious commodity. we must, as a nation, address the $1 billion cleanup problem at Three Mile Island; we must as a nation insist on adequate supplemental insurance coverage for future events, should they occur.

S. 1226 addresses both problems. It is my hope, Mr. President, that early hearings on the issues raised will be possible. Timely action is needed.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Powerplant Property Damage Insurance Act of 1981".

DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "On-site property damage" means damage to, or loss of the use of, property which is located at the site of, and used in connection with, a nuclear powerplant. Such term does not include any damage which may be subject to a claim under section 170 of the Atomic Energy Act of 1954.

(2) "Commission" means the Nuclear Regulatory Commission.

(3) "Corporation" means the National Nuclear Property Insurance Corporation established under this Act.

(4) "Fund" means the Nuclear Property Insurance Fund established under section 5 of this Act.

(5) "Private mutual insurance company" means a stock corporation organized under the laws of the District of Columbia for profit, the stock of which is not transferable and is exclusively held by those entities in-

sured by the Corporation with each such entity holding a ratable portion of such stock. Such ratable portion shall be determined on the basis of the ratio which the insurance coverage provided by the Corporation for such entity bears to the total insurance coverage provided by the Corporation.

ESTABLISHMENT OF CORPORATION

SEC. 3. (a) There is established a body corporate to be known as the National Nuclear Property Insurance Corporation.

(b) The Corporation shall be under the direction of a Board of Directors and shall be administered by the Chairman of the Board of Directors.

(c) The Board of Directors shall consist of 9 members appointed as follows:

(1) five members appointed by the President from among persons having expertise in diverse fields including the electric utility industry, banking, and insurance;

(2) the Chairman of the Board appointed under subsection (d);

(3) the President of the Corporation appointed under subsection (e);

(4) the Chairman of the Nuclear Regulatory Commission (or his designee); and

(5) the Chairman of the Federal Energy Regulatory Commission (or his designee).

The Members of the Board appointed under paragraphs (1) through (3) shall be voting members and the members serving on the Board by reason of paragraphs (4) and (5) shall be nonvoting members. The members of the Board appointed under paragraph (1) shall serve for terms of 3 years, except that of the members first appointed under paragraph (1), two shall serve for 1 year, and two shall serve for 2 years.

(d) The Chairman of the Board shall be appointed by the President and shall serve for a 5-year term. No individual may serve as Chairman of the Board for more than two 5-year terms.

(e) The Board shall appoint a President of the Corporation who shall be the chief operating officer of the Corporation and who shall serve at the pleasure of the Board.

(f) Upon the conversion of the Corporation to a private mutual insurance company under the provisions of section 9, the provisions of subsections (c) and (d) shall cease to apply and the Board shall be comprised of 7 members elected by the shareholders of the Corporation. After such conversion, the Chairman of the Board of Directors shall be elected by the Board of Directors of the Corporation. Members of the Board elected under this subsection shall serve for terms of 3 years except that of the members first appointed—

(1) two shall serve for terms of two years, and

(2) two shall serve for terms of one year.

POWERS OF THE CORPORATION

SEC. 4. (a) To carry out the purposes of this Act, the Corporation shall have such powers as are conferred on a nonprofit corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, 29–1001) and as are necessary to carry out its insurance functions under this Act. In addition to any specific power granted to the Corporation elsewhere in this Act or under that Act, the Corporation shall also have the power—

(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel, in any court, State or Federal;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal, by the Board of Directors, bylaws, rules, and regulations relating to the conduct of its business and the exercise of all other rights and powers granted to it by this Act;

(4) to conduct its business (including the carrying on of operations and the maintenance of offices) and to exercise all other rights and powers granted to it by this Act in any State or other jurisdiction without regard to qualification, licensing, or other requirements applicable to corporate or insurance regulation which are imposed by law in such State or other jurisdiction;

(5) to lease, purchase, accept gifts or donations of, or otherwise to acquire, to own, hold, improve, use, or otherwise deal in or with, and to sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of, any property, real, personal, or mixed, or any interest therein wherever situated;

(6) to appoint and fix the compensation of such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, and, to the extent desired by the Corporation, require bonds for them and fix the penalty thereof, and to appoint and fix the compensation of experts and consultants in accordance with the provisions of section 3109 of title 5 (except that following the conversion of the Corporation in accordance with section 9, the Corporation may appoint and fix the compensation of experts and consultants without regard to the provisions of section 3109 of title 5, United States Code);

(7) to utilize the personnel and facilities of any other agency or department of the United States Government, with reimbursement, with the consent of the head of such agency or department (except that following the conversion of the Corporation in accordance with section 9, the power of the Corporation, until this paragraph shall terminate; and

(8) to enter into contracts, to execute instruments, to incur liabilities, and to do any and all other acts and things as may be necessary or incidental to the conduct of its business and the exercise of all other rights and powers granted to the Corporation under this Act.

(b) As soon as practicable, but not later than 90 days after the date of the enactment of this Act, the Board of Directors shall adopt initial bylaws and rules relating to the conduct of the business of the Corporation. Thereafter, the Board of Directors may alter, supplement, or repeal any existing bylaw or rule, and may adopt additional bylaws and rules as may be necessary. The Chairman of the Board shall cause a copy of the bylaws of the Corporation to be published in the Federal Register not less often than once each year. Following the conversion of the Corporation under section 9, the preceding sentence shall not apply but the Corporation shall notify each shareholder with regard to any additional bylaws or any alteration, supplement, or repeal of any bylaw.

(c)(1) The Corporation, its property, its franchise, capital, reserves, surplus, and its income (including any income of the fund established under this Act), shall be exempt from all taxation now or hereafter imposed by the United States (other than taxes imposed under chapter 21 of title 26, United States Code, relating to Federal Insurance Contributions Act, and chapter 23 of title 26, United States Code, relating to Federal Unemployment Tax Act), or by any State or local taxing authority, except that any real property and any tangible personal property (other than cash and securities) of the Corporation shall be subject to State and local taxation to the same extent according to its value as other real and tangible personal property is taxed. For purposes of this subsection, the term "State" includes the District of Columbia.

(2) The receipts and disbursements of the Corporation in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitations imposed by statute on budget outlays of the United States. The United States shall not be liable for any obligation or liability incurred by the Corporation.

(d) Nothing in this Act shall be construed as altering or impairing the statutory duties or responsibilities of any Federal Agency with respect to the supervision, management, monitoring, or participation of the cleanup of the Three Mile Island nuclear generating plant or any other nuclear plant or the duties of any Federal agency under existing law.

INSURANCE FUND

SEC. 5. (a) There is established on the books of the Treasury a Nuclear Property Insurance Fund to be used by the Corporation in carrying out this Act.

(b) The fund shall be credited with—

(1) premiums, interest, and charges collected under this Act;

(2) earnings accruing to the fund under subsection (d);

(3) any amounts accruing to the Corporation by reason of the subrogation authority of section 11.

(c) Amounts credited to the fund shall be available—

(1) for making such insurance payments as the Corporation determines necessary to carry out the purposes of this Act;

(2) for making the payments authorized under section 8 with respect to the Three Mile Island Unit 2; and

(3) for covering administrative expenses of the Corporation.

(d) Whenever the Corporation determines that the moneys of the fund are in excess of current needs, it may request the investment of such amounts as it determines advisable by the Secretary of the Treasury in obligations issued by the United States.

(c)(1) Upon conversion of the Corporation under section 9, the preceding provisions of this section shall cease to apply.

(2) At the time of the conversion of the Corporation under section 9, the Secretary of the Treasury shall direct the transfer of all funds accounted for in the Nuclear Property Insurance Fund to the Corporation.

(3) The Secretary of the Treasury shall take all appropriate actions at the time of the transfer of funds under paragraph (2) to terminate the operation of the Nuclear Propery Insurance Fund.

(4) Following conversion of the Corporation under section 9, the funds transferred under paragraph (2) of this subsection and all other moneys accruing to the Corporation shall be used by the Corporation for providing insurance coverage under section 6 and for defraying administrative expenses of the Corporation. Any moneys accruing to the Corporation after the conversion under section 9 which are not necessary for administration of the Corporation or for providing insurance coverage under section 6 shall be exclusively invested in obligations of the United States.

INSURANCE

SEC. 6. (a)(1) The Corporation is authorized to provide insurance under this Act to licensees of nuclear powerplants to supplement the insurance which is available to such licensees from private sources. Such insurance shall provide for payment by the Corporation of the costs of cleanup and rehabilitation associated with onsite property damage following any nuclear incident or other damage to an insured powerplant to the extent that such costs exceed with respect to a single incident the greater of—

(A) $350,000,000, or

(B) $50,000,000 plus the amount of insurance coverage for such costs which the Corporation determines to be available from private sources.

(2) Payments by the Corporation of in-

surance under this Act may not exceed, with respect to a single incident, the greater of—

(A) $2,000,000,000, or

(B) a maximum amount determined by the Board of Directors of the Corporation.

(b) No operating license may be issued by the Nuclear Regulatory Commission under the Atomic Energy Act of 1954 for the operation of a nuclear powerplant after the date of the enactment of this Act, and no such license issued before such date shall remain in effect after the date one hundred and eighty days after such date of enactment, unless the licensee is insured by the Corporation for the risks, and in the amounts, determined under subsection (a) and unless the licensee has paid the premiums due and payable to the Corporation for such insurance in accordance with section 7.

(c) The Corporation, in its discretion, may require proof of loss or damage before paying any claim for insurance provided under this Act, and where the Corporation is not satisfied as to the validity of any claim, it may require the final determination of a court of competent jurisdiction before paying such claim.

PREMIUMS

SEC. 7. (a)(1) The Corporation shall prescribe such insurance premium rates and such coverage schedules for the application of those rates as may be necessary to provide sufficient revenue to the fund for the Corporation to carry out its functions under this Act.

(2) The premium rates charged by the Corporation for any period shall be based on the reserve requirement set forth in subsection (b) and on the Corporation's assessment of the risk insured. Such assessment shall reflect the experience of the Corporation (including reasonably anticipated experience) in providing such insurance. In assessing the risk associated with each licensee insured, the Corporation shall take into account the number of nuclear powerplants owned or operated by the licensee, the accident experience record of the licensee, the training and qualifications of the licensee's personnel, and such other considerations as the Corporation deems appropriate.

(3) The aggregate amount of premiums paid by all licensees insured under this Act shall not be less than $150,000,000 per year for each year until the Corporation has established a reserve under subsection (b) in the amount of at least $750,000,000.

(4) The Corporation shall rebate premiums paid by any licensee in any case in which the Corporation determines that amounts available in the reserve required under subsection (b) exceed the greater of $750,000,000 or the amount which the Corporation determines to be an actuarily sound reserve.

(b) In the fund established under section 5, the Corporation shall maintain an actuarily sound reserve which shall be comprised of the premiums paid under this section and which shall be available to pay insurance claims made pursuant to insurance agreements entered into under this Act and to make the payments authorized under section 9 for the Three Mile Island Unit 2 cleanup.

(c) Each insurance agreement entered into under this Act shall provide that if the Corporation becomes obligated under any insurance agreement entered into under this Act for any amount in excess of the amount available in the fund, each licensee insured shall pay to the Corporation, at such time and in such manner as may be specified by the Corporation, an additional assessment to cover such liability.

PUBLIC HEALTH, SAFETY, AND ECONOMIC RECOVERY AT THREE MILE ISLAND

SEC. 8. (a) There is established a Federal interagency task force which shall be chaired by a representative of the Department of Energy appointed by the Secretary of Energy and which shall consist of the Chairman, a representative of the Nuclear Regulatory Commission appointed by the Chairman of the Commission and a representative of the Securities and Exchange Commission appointed by the Chairman of the Commission. The task force shall—

(1) foster and expedite effective communications between the Federal agencies involved with, and having interlocking responsibilities concerning, Three Mile Island Unit 2; and

(2) insure that a contingency plan is prepared to protect public health and safety and to maintain service continuity in the event that the General Public Utility Corporation is unable to carry out its responsibilities in connection with the Three Mile Island Unit 2.

The contingency plan shall include preparation of requests for emergency appropriations or such other resources as may be necessary to carry out emergency activities onsite at Three Mile Island Unit 2. Upon the conversion of the Corporation, the interagency task force shall terminate.

(b)(1) In addition to providing insurance under section 6 of this Act, the Corporation shall reimburse the General Public Utility Company from the amounts available in the fund for 75 percent of the uninsured costs incurred by the General Public Utility Corporation after the date of the enactment of this Act for cleanup associated with onsite property damage at the Three Mile Island Unit 2.

(2) Reimbursement may be paid under this section only if the Board of Directors of the Corporation determines that—

(A) There has been established a joint Pennsylvania-New Jersey Utility Commission plan for regulatory and economic actions designed to insure service continuity, prompt return of the General Public Utility Corporation, or any successor in interest and to economic stability.

(B) The plan referred to in subparagraph (A) is reasonably likely to meet the objectives set forth in subparagraph (A) and is compatible with the following basic principles.

(i) Financial responsibility for the accident costs will be shared among those with underlying responsibility (including company management), creditors, equity holders, and those who have benefited from nuclear power use.

(ii) State and Federal statutes and regulations to protect public health and safety will not be violated.

(iii) All reasonable State actions to remove economic pressure on the utility will be taken, such as remission of windfall portions gross receipts and purchased power taxes.

(iv) The utility and vendor industry have taken all reasonable steps to provide technical, financial, and credit assistance to the General Public Utility Corporation.

(v) A plan has been developed and approved by the Pennsylvania and New Jersey Utility Commissions to utilize energy conservation and efficiency investments to minimize the cost of service to ratepayers and reduce the need for additional generating capacity.

(vi) Principal creditors of the General Public Utility Corporation have agreed to provide ample notification and other procedures deemed appropriate by the Board with respect to debt repayment. Such procedures shall be designed to allow ample time for emergency arrangements to maintain utility service and to protect public health and safety from hazards of the Three Mile Island facilities.

CONVERSION TO PRIVATE MUTUAL COMPANY

SEC. 9. After repayment of all notes or other obligations issued under section 5(e) and following the earlier of—

(1) the completion of the cleanup at Three Mile Island Unit 2 as provided under this section, or

(2) the date on which the reserve established under section 7(a)(3) has accumulated an aggregate amount of $750,000,000, the Board of Directors shall take all appropriate actions to convert the Corporation to a private mutual insurance company authorized to carry out the provisions of this Act.

AUTHORITY OF DEPARTMENT OF ENERGY

SEC. 10. The Secretary of Energy is authorized to—

(1) provide technical assistance to the Nuclear Regulatory Commission to expedite the licensing and regulatory procedures of the Commission relating to the cleanup of the Three Mile Island facilities and the restoration of such facilities to service;

(2) provide technical and planning assistance to the Pennsylvania Public Utility Commission, the New Jersey Board of Public Utilities, and to the General Public Utility Corporation to assist in the preparation of the joint regulatory and economic plan required under section 8(b)(2) and to assist in the development of energy conservation, energy efficiency, and load management proposals associated with such plan; and

(3) enter into agreements and financial arrangements with the General Public Utility Corporation for purposes of utilizing any data the Secretary determines to be valuable in understanding and enhancing nuclear reactor safety.

STATE LAW CONCERNING LIABILITY; SUBROGATION

SEC. 11. (a) Except as provided in subsection (b), nothing in this Act shall be construed to affect the liability of any person under otherwise applicable law for any damages or other costs for which insurance coverage is provided by the Corporation under this Act.

(b)(1) Where any person is liable under otherwise applicable law to the insured licensee for any costs for which the Corporation provides insurance coverage to the licensee, the Corporation shall be subrogated to all rights, claims, and causes of action of the licensee against such other person with respect to such costs.

(2) The Corporation shall commence an action against any person liable to the Corporation under paragraph (1), and funds recovered by the Corporation in any such action shall be deposited in the fund established under section 5.

(3) Each insurance policy written by the Corporation shall contain a subrogation clause consistent with the terms of this section.

By Mr. HUDDLESTON (for himself and Mr. FORD):

S. 1227. A bill for the relief of the grantors of certain land in Henderson, Union, and Webster Counties, Ky., to the United States, and their heirs; to the Committee on the Judiciary.

COMPENSATION FOR CERTAIN RIGHTS ASSOCIATED WITH THE LAND CONDEMNED FOR CAMP BRECKINRIDGE

● Mr. HUDDLESTON. Mr. President, today, along with Senator FORD, I am introducing a private relief bill which seeks compensation for the oil, gas and mineral rights for which the owners of land condemned in 1942 for Camp Breckinridge were never paid. Along with this bill, I am submitting a Senate resolution S. Res. 142, to refer the entire matter to

the Commissioners of the Court of Claims for fact-finding and their report. My distinguished colleague and Senator from Kentucky, Mr. FORD, is joining me in introducing this legislation.

Camp Breckinridge consisted of some 36,000 acres in a rural farming section of Henderson, Union, and Webster Counties, Ky. The land was condemned in 1942 and used for a military training camp during World War II and the Korean conflict. With the declaration of war on the Axis powers, the United States was involved in a war of new, and at the time, unknown dimensions. The need for immediate action by the United States in Europe and the Pacific was desperate and properly trained troops were needed without delay. Hence, getting the camp in working order in the shortest possible time became the Government's primary objective.

To some extent, this necessity for quick action explains the callous attitude displayed by the Government and the cavalier manner in which the 1,500 families who stood between the Government and an operating training camp were treated. It is an explanation but not an excuse. Some residents were ordered to evacuate in 2 or 3 weeks time. Some notices of eviction were tacked on porch columns to avoid the problem of facing the owners. The appraisers were equally pressed for time. Farms were appraised, not by walking the metes and bounds, but by viewing the property from a car parked in a driveway. There are other accounts which have grown more bitter with the passage of time.

Similar stories are not uncommon in condemnation situations. In most cases condemnation is simply a very unpleasant experience. No one, regardless of their patriotism, likes to have his property taken. An understanding of the necessity of private sacrifice for the public good rarely makes the situation more palatable. The constitutional guarantee that no property will be taken without just compensation is the only factor in the whole equation designed to relieve the anguish of those forced to leave their homes and farms for the public good.

However, in this situation, there was not just compensation as required by the fifth amendment of the U.S. Constitution. This may seem unlikely when the various court battles fought by the former owners of the camp are considered, but through a combination of factors, the Government managed to acquire this property at an unreasonably low price. The Government's negotiators who handled the purchase of the camp property were instructed to obtain the property at the best price for the Government. This was an admirable instruction. However, in their zeal to carry it out, the negotiators seem to have forgotten the constitutional stricture placed upon their actions, namely, that the compensation must be just.

The land involved was fertile farmland with the necessary accoutrements for housing 1,500 families and producing a living for them by farming. Also, there had been coal mining activity in the area for years. Oil wells were in existence at the time on some of the property in question. There were oil leases outstanding on approximately 70 percent of the property.

Despite this, the Corps of Engineers publicly stated that the oil and gas leases were "of nuisance value only" and subtracted the meager amounts paid for the leases from the valuation of the properties. This completely ignored the very real possibility of substantial continued income to owners of property on which wells might in the future be located. In the end, many of the property owners received less for their land than they had invested to make it productive and nothing for the future value of their oil leases.

The obvious question in response to this information is, "Why didn't the owners fight the condemnation appraisals in court?" There are several answers to that question, some of which reflect very badly on the good faith of the U.S. Government. The major reason involved the Surplus Property Acts of 1939 and 1944. These laws provided a third priority repurchase right for the owners of property condemned by the United States which later became surplus.

This priority followed a first priority for other Federal agencies and a second priority for State and local governments since it is obviously better to fill governmental property needs with Government property than to visit the trauma of condemnation on a new set of property owners. When this repurchase privilege was provided by Congress, it was expressly created on a temporary basis, each of the laws expiring by its own terms at the end of 5 years unless it were extended by an act of Congress. Hence, the repurchase priority which did exist was anything but a guarantee that the property would be returned to the former owners.

This was not the story told the owners by the Government negotiators. The property owners were told they would be able to repurchase their property at the end of the war. There was no mention of only a third priority or that it was effective only if the property were declared surplus and refused by other Government agencies.

Furthermore, the owners were strongly encouraged not to contest the Government appraisals of their property because that appraised value would be the price they would pay when they would be allowed to repurchase the property after the war. This can be characterized as intentional misrepresentation or, as some have implied, fraud.

It is generally assumed that our legal system provides remedies for such wrongs. In this situation, the law was all on the Government's side. In all of the documents prepared by the Government, the owners conveyed a free simple absolute to the United States. Having conveyed everything to the Government, the former owners had no rights left.

These written documents could not be disputed by oral evidence and the Government had never made any of its promises in writing. The case of *Harrison v. Phillips*, 282 F.2d 927 (5th Cir. 1960) highlights the legal cul-de-sac faced by the former owners. The plaintiff, Harrison, based his case on statements by Coast Guard officials who condemned his property in Texas, which were identical to those made by the negotiators in Kentucky. Even though such representations were made, the Government

> . . . would not be bound by any representations made by . . . its negotiators since they did not have authority to bind the United States to reconvey the property on a priority basis. . . . Any statements made by the negotiators were clearly beyond the scope of their authority and not binding upon the government. (Harrison, at p. 208).

There were other more basic reasons why many of the owners did not contest their appraisals. They were told that they would receive their compensation immediately if they did not contest. For those who followed this advice, the payment was often a year away. For those who chose to contest, the last suits were not completed until after the war had been over for 2 years.

In retrospect, all of this may seem inconsequential or simply water under the bridge, but think for a moment of the difficulties of moving a farming operation to new land when one-quarter of the land in the county in question has just been removed from the market and prices have risen accordingly for remaining land, when no compensation has yet been received, and when the completely disrupted farming operation is the only source of income. The thought is not pleasant. In this situation, many simply could not afford to contest the appraisals.

The hardships and indignities of the move were endured with a mixture of bitterness, patriotism, and faith that the separation from land and home would not be a long one. During the Korean conflict, the camp was used again by the military but it was not until 1962 that it was finally declared surplus Government property. It seemed that the hopes of the owners would at last be fulfilled. However, injustice was to win in the end. In 1949, the third repurchase priority of the Surplus Property Act of 1944 expired. No notice of this event had been given to any of the former owners although they had been in continuous contact with the Government concerning the property. Further offense had been given the owners in 1957 when the Government leased two tracts of the property for productive oil wells.

In 1962, when it was learned that the camp was to be sold, the former owners sought to exercise their promised repurchase priority only to learn that the land was to be sold at public auction and that the supposedly worthless oil, gas and mineral rights were to be auctioned separately in seven tracts. These proposed actions were fought through the Federal court system concluding with the denial of certiorari by the Supreme Court. Thus, the former land owners lost their legal efforts to repurchase their property in 1968.

The last of the Camp Breckinridge property was sold in 1969. The dollar figures for this whole transaction are astounding. The owners of the property received $3,100,000 for the 36,000 acres of land, housing for 1,500 families, and the fencing and buildings necessary to farm this amount of land. When the Govern-

ment sold the land, oil, and coal rights in the 1960's, it received approximately $40 million in return. Thus the U.S. Government held property for 10 years after its last public use and made a $37,000,000 profit with the help of broken promises. While I admire the ability to make a profit fairly, the Government of this country should not be in the business of making a profit by breaking its promises, legally authorized or not, and doing so at the expense of the individual citizens of this Nation.

As we have noted, the owners of Camp Breckinridge land fought their case to the highest court in the land. The sixth circuit court of appeals held against the owners, asserting that their interest in the land began only after its oil resources were discovered. These resources have never been the sole interest of those who owned the land on which the camp was built, but even if they were, these resources were well known long before the condemnation by the Government, contrary to the assertions of the court of appeals. Furthermore, the Government considered these leases of sufficient value to bring separate condemnation proceedings to obtain them, after the war was over.

At the time of the initial condemnation proceedings, the Corps of Engineers estimated that there were oil exploration leases outstanding on 65 to 70 percent of the land. Under these leases, small amounts ranging from $1 to $5 per acre were paid for explanation rights and the owners retained a one-eighth overriding royalty on all oil production. To date, in excess of $60,000,000 worth of oil has been extracted from the Camp Breckinridge land. The wells are still pumping on this land where the Corps of Engineers said that the oil leases were of simply nuisance value. This is the same land to which the Government sold oil and coal rights in 1965 for $32,000,000.

I do not find the continued interest of the former owners at all out of place. Nor do I find it greedy or unpatriotic. In fact, I find it quite admirable that this group has refused to be completely defeated by the numerous setbacks and injustices through which they have suffered and have once again sought relief, this time from the Congress, the arbiter of last resort.

To aid their cause, Senator FORD and I are introducing a private relief bill seeking compensation in the amount of $32 million, the amount for which the Government sold the oil, gas, and mineral rights it acquired for free.

Along with this bill, we are also introducing a Senate resolution seeking to refer this matter to the Commissioners of the Court of Claims for a thorough and objective review of the situation and a recommendation as to the amount to which the former owners are "equitably due" from the United States.

I firmly believe that the circumstances surrounding the creation of Camp Breckinridge and subsequent Government action should be given a full hearing. This hearing should go to the heart of the injustice done the former owners and consider all evidence presented rather than revolving around the principles of agency and being inhibited by such legalities as the parole evidence rule.

These are obviously very important parts of our legal system but they should never be used to insulate from exposure Government conduct that some might describe as fraudulent. It is for situations such as this that private relief and congressional reference procedures have been developed over the years. They are only applicable when there is no other remedy.

Cases such as this one, when sent to the Commissioners of the Court of Claims by congressional reference, are judged by the standard of the Government's "broad moral responsibility," *Sherman Webb, et al.* v. *United States*, 192 Ct. Cl., 925 (1970), and the pleas are addressed to the conscience of the sovereign. We should never be hesitant to subject the actions of the Government to review before such a standard. The amount of money potentially involved should not frighten us away from action but should make us more determined to give the former owners an opportunity to obtain justice.

Furthermore, we should neither rely on the absence of precedent for cases of this size nor refrain from acting for fear that we will establish a precedent for the future. Rather, we should be eager to establish a precedent for redress any time the Government of the United States has perpetrated injustice upon its citizens.

The action of this Chamber on the resolution I am submitting today will be but the first step toward such redress. Upon referral to the Commissioners of the Court of Claims, they will report to us on their findings. Upon receipt of their report, the Senate and House will be called on to make a final decision. I feel very strongly about this issue. I urge my colleagues to support this effort. While I realize that I have set a goal which will be difficult to achieve, I also realize that the former owners have been fighting this battle for over 30 years. My determination and that of my constituents to see justice done in situations of this type has been demonstrated on prior occasions. I am determined to pursue this effort to fruition and ask my colleagues to join me in this first step.●

● Mr. FORD. Mr. President, my distinguished colleague, Senator HUDDLESTON, and I are today reintroducing a bill that will determine the legal and moral responsibility of the Government to a group of Kentuckians who sold land to our Government in good faith, but now have seen that their faith was misplaced.

I am referring to the purchase by the United States of approximately 36,000 acres of land that became the World War II Army training center Camp Breckinridge. The purchase was made from as many as 1,500 families who had no opportunity to negotiate a selling price and who, taking Government authorities at their word, accepted the U.S. promise that they could buy back their land when Federal use of it was terminated.

Contrary to that promise, in 1965 the United States sold the Camp Breckinridge land to the highest bidder, a party other than my constituents.

Mr. President, we in Congress are increasingly called upon to respond to our constituents' waning confidence in our Government. Passage of this bill by the Senate would be a positive step toward changing the tide and bridging the credibility gap. In basic terms, this bill seeks compensation for the land condemned by the United States so that Camp Breckinridge could be established, land for which these families were paid in many cases less than $100 per acre.

I hasten to add that Kentuckians are no less patriotic than their counterparts in our sister 49 States. In time of war, Kentucky's people willingly make those sacrifices required of them by the circumstances. The training center, significantly, bore the name of a distinguished Kentuckian who served in Congress and later became Vice President of the United States.

We pride ourselves for standing tall in the name of justice. What justice is there in a government that does not keep its promise? These people gave up good agricultural acreage, the potential for oil and mineral rights, homesteads that had been passed from generation to generation. They trusted the Government representatives who told them they would have the chance to buy back their land after the war. Unfortunately, this did not prove to be true.

Now, four decades later my constituents are looking to this body to right this wrong, to give them just compensation for land that, had not World War II intervened, would be a viable part of the economy of Kentucky and the Nation in 1981.

Mr. President, Senator HUDDLESTON and I, in introducing this bill, call on our Senate colleagues to join in passing a piece of legislation that will renew the confidence of a group of patriotic citizens who have felt the sting of injustice.●

By Mr. McCLURE:

S. 1228. A bill to provide for the minting of half dollars with a design emblematic of the 250th anniversary of the birth of George Washington; to the Committee on Banking, Housing, and Urban Affairs.

GEORGE WASHINGTON COMMEMORATIVE COIN ACT

Mr. McCLURE. Mr. President, today I am pleased to introduce legislation to authorize the striking of a silver commemorative half dollar to honor the 250th anniversary of the birth of George Washington in 1982.

This bill calls for the striking of a maximum of 10 million 90-percent silver half dollars that will be sold through a wide distribution system to the American people. They will be legal tender and will be the same size, weight, and composition as the pre-1965 silver half dollars. The premium will cover the costs of producing the coin, including the cost of the silver. To strike this commemorative coin. the maximum 10 million coins would utilize approximately 4 million ounces of the 14 million ounces now in the Treasury.

This is a fitting way to commemorate the 250th birthday of the Father of our

Country. Legend has it that he gave his personal silver to the Treasury in 1792 for the minting of 5-cent pieces. Beyond homage to Washington's symbolic importance, there are also sound historical and economical reasons to approve this legislation.

The United States has a long tradition of striking commemorative half dollars. From 1892 until 1954, 48 special events from the 150th anniversary of the Battle of Lexington and Concord to the birth of Booker T. Washington, were honored with commemorative coins. In fact in 1932, on Washington's 200th birthday, a special commemorative quarter dollar was issued. The fact that that design is still being minted attests to its popularity.

Americans have shown a demand for these types of coins. For example, in 1981, 24 countries will issue coins commemorating the international year of the disabled. Millions of these coins will be purchased by Americans.

This legislation will reestablish our tradition of producing commemorative coins and begin to meet the special demand from collectors.

In addition to honoring George Washington's 250th birthday and reestablishing a long held tradition, this legislation will generate revenue to reduce the budget deficit. The estimated selling price of the coin will be somewhere between $10 and $12. The estimated net revenue will go to the Treasury, just as the profit from the annually minted collector's sets do, to reduce the budget.

Let me emphasize that this is a 1-year coin to commemorate a great American. It will be an addition to our regular coinage and will not affect the design or production of either the Kennedy half dollar or the Washington quarter.

Since it was George Washington's administration that established our system of coinage, it is only fitting that his 250th birthday be commemorated with a special coin. This legislation's symbolic and practical importance warrants adoption and I urge my colleagues to vote favorably.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1228

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "George Washington Commemcrative Coin Act".

HALF-DOLLAR COIN

SEC. 2. Title I of the Coinage Act of 1965 (31 U.S.C. 391 et seq.) is amended by adding at the end thereof the following:

"SEC. 109. (a) Notwithstanding any other provision of law, the Secretary shall mint and issue half-dollar coins pursuant to this section in such quantities as are necessary to meet the needs of the public, except that such quantity shall not exceed 10,000,000 coins.

"(b)(1) The half-dollar coins minted pursuant to this section shall weigh 12.50 grams, have a diameter of 30.61 millimeters, and be minted in accordance with the standard established in section 3514 of the Revised Statutes (31 U.S.C. 321).

"(2)(A) The Secretary shall determine the design which shall appear on each side of such half-dollar coin. Both such designs shall be emblematic of the two hundred and fiftieth anniversary of the birth of George Washington.

"(B) On each such half-dollar coin there shall be a designation of the value of the coin, an inscription of the year '1982', and inscriptions of the words 'Liberty', 'In God We Trust', 'United States of America', and 'E Pluribus Unum'.

"(3) All half-dollar coins minted pursuant to this section shall be sold to the public by the Secretary under such regulations as he may prescribe and at a price equal to the cost of minting and distributing such half-dollar coins (including labor, materials, dies, use of machinery, promotion, and overhead expenses) plus a surcharge of not more than 20 percent of such cost.

"(2) An amount equal to the amount of all surcharges which are received by the Secretary from the sale of such half-dollar coins shall be used for the sole purpose of reducing the national debt.

"(d) No half-dollar coins shall be minted pursuant to this section after December 31, 1983.

"(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section".

USE OF SILVER

SEC. 3. The last sentence of section 202 of Public Law 91-607 (31 U.S.C. 391 note) is hereby repealed.

EFFECTIVE DATE

SEC. 4. The amendment made by section 2 shall take effect on October 1, 1981.

By Mr. MOYNIHAN (for himself, Mr. SYMMS, Mr. JACKSON, Mr. BOREN, Mr. BAUCUS, and Mr. BENTSEN):

S. 1229. A bill to continue through December 31, 1982, the existing prohibition on the issuance of fringe benefit regulations; to the Committee on Finance.

FRINGE BENEFIT REGULATIONS

● Mr. MOYNIHAN. Mr. President, I am introducing a bill today, with my distinguished colleague from Idaho and several others, to defer any actions by the Internal Revenue Service that would result in the taxation of fringe benefits. There is now a moratorium on such administrative actions, but it expires on May 31, 1981. Our legislation would extend the moratorium to December 31, 1982.

Mr. President, I do not find this a pleasant task. We are now acutely aware of the need to balance the budget, and it is important that we pay special attention to our Nation's tax structure, insuring that it is equitable and that people pay their fair share. Glaring tax loopholes that benefit special interests or a few wealthy individuals hurt the economy as a whole; they must be closed. I have already introduced a bill to abolish one such loophole, the commodity straddle.

But in-kind benefits are different. They often serve as productive incentives in the normal conduct of business. And they certainly are not the sole province of the rich. Numerous employers grant fringe benefits to employees—such as discounts to store clerks and free parking for plant employees—as a productive part of business. Any IRS action to tax such compensation will increase the tax burden at all income levels, and it may disrupt beneficial employer-employee relations.

Mr. President, the taxation of fringe benefits is clearly a complex area that needs careful congressional consideration before any actions are taken to overturn long standing practices. It was my hope that Congress would have had a chance to do this earlier. That is why I supported the bill in the last Congress that created the present moratorium.

However, as important as this issue is, the Finance Committee has been occupied with even more pressing matters such as an omnibus tax reduction bill last year and President Reagan's economic package in 1981.

Mr. President, I do not want to see this moratorium continue much longer. But a clear expression of congressional intent is necessary before we proceed. The IRS needs guidance because current law is inadequate, and therefore difficult to enforce evenly. Tax accountants and lawyers note that an individual's tax may depend on which internal revenue district he or she lives in. This is clearly unfair. But regulations promulgated by the IRS are not the most effective way to clarify the law. If the matter is left to administrative regulation, there will be constant changes, reflecting the shifting philosophies of different administrations. In January of 1981, the Carter administration's Treasury issued a discussion draft of proposed regulations that would have taxed many fringe benefits which the Ford administration had proposed to exclude from tax.

Such uncertainty in current laws and inconsistency in regulations benefit no one. Congress must act and as soon as possible. My bill would allow them only until the end of next year.

For some time there has been debate about the taxation of fringe benefits. I plan to work with the responsible groups that have been part of this dialog to develop principles that will enable the IRS effectively to enforce our tax laws, while giving appropriate consideration to long established practices and productive business relations. I hope that between now and the end of 1982 my colleagues in Congress will join me in these efforts.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to prohibit the issuance of regulations on the taxation of fringe benefits, and for other purposes", approved October 7, 1978 (Public Law 95-427), is amended by striking out "May 31, 1981" each place it appears and inserting in lieu thereof "September 31, 1982".●

By Mr. CRANSTON (for himself, Mr. GARN, Mr. HAYAKAWA, Mr. RIEGLE, Mr. HEINZ, Mr. STEVENS, Mr. LAXALT, and Mr. TOWER):

S. 1230. A bill to provide for the minting of commemorative coins to support

the 1984 Los Angeles Olympics; to the Committee on Banking, Housing, and Urban Affairs.

THE OLYMPIC COIN ACT OF 1981

Mr. CRANSTON. Mr. President, I am pleased to introduce the Olympic Coin Act of 1981 along with my distingushed colleagues, Senators GARN, HAYAKAWA, RIEGLE, STEVENS, HEINZ, LAXALT, and TOWER.

This legislation authorizes the Secretary of the Treasury to contract with the Los Angeles Olympic Organizing Committee (LAOOC) to mint and market special coins of the realm commemorating the 1984 Olympic games to be held in Los Angeles. The profit from the purchase of the coins will be divided equally between the LAOOC and the U.S. Olympic Committee and will help cover the costs of staging the games as well as training American athletes. If there is a surplus after the 1984 games, it will be divided among various U.S. amateur athletic organizations.

The Olympic Coin Act of 1981 would authorize the Treasury to order the minting of up to 30 million $1 coins, 22.4 million $10 silver coins, 2.4 million $50 gold coins and 1.6 million $100 gold coins. The coins would be legal tender and must comply with all appropriate Federal statutes governing the minting of coins of the realm.

As legal tender, each coin would be worth its face value; however, the gold and silver coins could have a much higher market value because of the precious metal contained in the coins and because of their intrinsic numismatic value. The amount of revenue that the LAOOC and the U.S. Olympic Committee receives depends upon market conditions at the time of the sale of the coins but it is possible, and this is not a certain figure, that the Olympic committees could each make $100 million.

The total cost of minting the coins will be paid to the Treasury by the LAOOC. In fact, the LAOOC would pay either the face value of the coins or an amount calculated by Treasury to include all manufacturing costs, plus a 15-percent surcharge of those costs, whichever is greater. There would be no cost to the taxpayer. The Treasury could make money on this project because the cost of obtaining the precious metals and of manufacturing the coins as well as the 15-percent surcharge will be paid by the LAOOC.

After the coins are minted they will be turned over to the LAOOC and will be marketed by the LAOOC or its designee. The coins would be sold worldwide. Normally the games would be financed by selling licenses to vendors, usually corporations, who would then market their product as the official product of the U.S. Olympic team. This proposal would allow sports buffs and coin collectors from around the world to take an active interest in the 1984 Olympics and its American athletes. We have often heard the problems of young athletes who desire to train for Olympic competition but find it difficult because of the expense involved. This legislation will substantially assist athletes in their struggle to join the U.S. Olympic team.

As host country for the 1984 Olympic games, the United States is afforded a special opportunity to bring together the world's finest amateur athletes in a forum of spirited competition and cooperation. The Olympic coins would symbolize America's commitment to the ideals of the Olympic spirit—the freedom of interaction between various governments and cultures.

Mr. President, although I strongly support the concept of issuing coins to help cover the costs of the games, I have concerns about several details of this bill. I would like to make sure that the Olympic committees receive as much of the proceeds from the sale of the coins as is possible. I am hopeful that the marketing costs of the coins will be minimal because the beneficiaries of this plan should be the athletes and the Olympic committees. I am also interested in the design of the coins.

I believe that they should symbolize concepts such as freedom, justice, mutual cooperation and world unity rather than simply be emblematic of some particular athletic event. Also, because the bill authorizes several different designs, I am concerned that we are creating coins of excessive value. According to the bill, the $1 coin will be minted using five different designs; the $10 coin will be minted in four series using four designs for each series; and the $50 and $100 coins will each be minted in four separate issues while each issue will have a separate design for each denomination. This should substantially increase the numismatic value of each coin.

Congress should look into the question of whether the value created through the minting of 29 different coins as the bill calls for is excessive—as opposed to minting just four different coins as would be the case if just a single design were used for each. Another question is whether the $1 coin—which is intended to be a low cost souvenir and would have little intrinsic value—needs to be a coin of the realm.

We may also want to consider whether Congress should review the implementation agreement between the Treasury and the LAOOC. The parameters of that agreement are extremely important to the plan and at least the respective Banking Committees should have the opportunity to review the final product. All of these questions can be explored and settled through hearings. It is my hope that the Congress will move quickly but thoughtfully on this subject because if we are to assist the 1984 Olympics we must move with deliberate speed.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "The Olympic Coin Act of 1981".

PURPOSES

SEC. 2. The purposes of this Act are—

(1) to provide for the minting of commemorative coins to honor and commemorate the 1984 Los Angeles Olympic Games; and

(2) to help finance those games without the use of tax revenues in recognition of the importance and national significance of the Olympics and of amateur athletics.

AUTHORIZATION FOR MINTING

SEC. 3. (a) Notwithstanding any other provision of law, the Secretary of the Treasury shall mint—

(1) not more than 30,000,000 copper-nickel clad alloy coins with a face value of $1, a total weight of 22.68 grams, and a diameter of 38.1 millimeters;

(2) not more than 22,400,000 silver coins with a face value of $10, a total weight of 26.73 grams, and a diameter of 38.1 millimeters and consisting of an alloy which shall contain 900 parts per 1,000 of pure silver and 100 parts per 1,000 of copper;

(3) not more than 2,400,000 gold coins with a face value of $50, a total weight of 4.18 grams, and a diameter of 18 millimeters and consisting of an alloy which shall contain 900 parts per 1,000 of pure gold and 100 parts per 1,000 of copper; and

(4) not more than 1,600,000 gold coins with a face value of $100, a total weight of 8.359 grams, and a diameter of 21.6 millimeters and consisting of an alloy which shall contain 900 parts per 1,000 of pure gold and 100 parts per 1,000 of copper.

(b) The coins authorized by this Act shall bear—

(1) a designation of the face value of the coin;

(2) an inscription of the year the coin was minted; and

(3) an inscription of the words "LIBERTY", "IN GOD WE TRUST", "UNITED STATES OF AMERICA", *and* "E PLURIBUS UNUM".

(c) The designs of coins authorized by this Act shall be determined by the Secretary of the Treasury, in consultation with the Los Angeles Olympic Organizing Committee, and shall be emblematic of the Olympics, United States participation in the Olympics, United States athletes, and other symbols consistent with the purposes of this Act.

(d) All coins authorized by this Act shall be legal tender for all debts, public and private, public charges, taxes, duties, and dues.

(e) No coins shall be minted pursuant to this Act after December 31, 1984.

MINTING SPECIFICATIONS

SEC. 4. (a)(1) The one dollar coins authorized by this Act shall be issued in a single series with five designs and shall be of brilliant-uncirculated quality.

(2) The ten dollar coins authorized by this Act shall be issued in four series with four designs for each series and shall be of brilliant-uncirculated and proof qualities.

(3) The fifty dollar coins authorized by this Act shall be issued in four series with a different design for each series and shall be of brilliant-uncirculated and proof qualities.

(4) The one hundred dollar coins authorized by this Act shall be issued in four series with a different design for each series and shall be of brilliant-uncirculated and proof qualities.

(b) The Secretary of the Treasury shall obtain gold and silver for the coins authorized by this Act from the Los Angeles Olympic Organizing Committee, or pursuant to his authority under existing law, in consultation with the Los Angeles Olympic Organizing Committee, in accordance with the implementation agreement provided for by section 8 of this Act.

DELIVERY

SEC. 5. (a) All coins minted under the authority of this Act shall be delivered as

requested by the Los Angeles Olympic Organizing Committee for distribution and sale to the public in accordance with the terms of the implementation agreement provided for by section 8 of this Act.

(b) The Secretary of the Treasury shall begin delivery of the single series of the one dollar coins authorized by this Act not later than January 1, 1984. The Secretary of the Treasury shall begin delivery of the four series of ten, fifty, and one hundred dollar coins authorized by this Act not later than July 1, 1982, for the first series of each such coin; not later than January 1, 1983, for the second series of each such coin; not later than July 1, 1983, for the third series of each such coin; and not later than January 1, 1984, for the fourth series of each such coin.

PRICE

SEC. 6. The Secretary of the Treasury shall furnish the coins authorized by this Act to the Los Angeles Olympic Organizing Committee at a price agreed to pursuant to the implementation agreement provided for by section 8 of this Act, which price shall be equal to the greater of—

(1) the face value of such coins; or

(2) the amount calculated by the Secretary of the Treasury to include all costs of manufacture, plus a surcharge of 15 per centum of such costs of manufacture;

except that the cost of the gold and silver used in minting the coins shall be excluded from the cost of manufacture for the purpose of calculating the surcharge. Amounts received pursuant to this section shall be deposited in the Treasury as miscellaneous receipts.

PROCEEDS

SEC. 7. All of the proceeds received by the Los Angeles Olympic Organizing Committee from the commercial sale of the coins authorized by this Act shall be used for the purpose of staging and promoting the 1984 Los Angeles Olympic Games and assisting the United States Olympic Committee and amateur athletics.

IMPLEMENTATION AGREEMENT

SEC. 8. (a) Notwithstanding any other provision of law and without regard to otherwise applicable statutory or regulatory requirements, the Secretary of the Treasury shall enter into an agreement with the Los Angeles Olympic Organizing Committee which shall provide for the implementation of the purposes of this Act and which shall include, but not be limited to, agreement on—

(1) the amounts to be advanced pursuant to section 9 of this Act;

(2) the price and schedule of payments for the coins;

(3) the number of each type of coin to be minted, and schedules and other provisions for the delivery of the coins;

(4) the source of silver and gold;

(5) the design of the coins;

(6) the quality and tolerance of the coins; and

(7) the proportions of proof and brilliant-uncirculated ten, fifty, and one hundred dollar coins.

(b) The agreement between the Secretary of the Treasury and the Los Angeles Olympic Organizing Committee shall ensure that the minting of coins authorized by this Act shall result in no net cost to the United States Government.

(c) The agreement between the Secretary of the Treasury and the Los Angeles Olympic Organizing Committee shall be concluded within 90 days of the date of enactment of this Act.

FUNDING

SEC. 9. The Secretary of the Treasury is authorized to receive from the Los Angeles Olympic Organizing Committee and disburse such sums as are necessary to carry out the provisions of this Act. Such funds are to be deposited in a trust fund which shall be subject to and administered in accordance with the provisions of section 20 of the Permanent Appropriations Repeal Act, as amended (31 U.S.C. 725s), to be used solely for the purpose of carrying out the provisions of this Act. Any sums advanced pursuant to this section shall be deducted from the amount the Los Angeles Olympic Organizing Committee is required to pay the Secretary of the Treasury for the coins authorized by this Act.

EFFECTIVE DATE

SEC. 10. This Act takes effect upon the date of its enactment.

● Mr. GARN. Mr. President, in 1984 the United States will be the host country for the summer Olympic games for a third time, an honor without precedent in the history of the modern Olympics. In recognition of this unique honor, I am pleased to introduce, with Senators CRANSTON and HAYAKAWA, a bill authorizing the Secretary of the Treasury to mint special coins commemorating the 1984 summer Olympic games in Los Angeles.

The tradition of minting special coins in honor of the Olympics dates from the original games held every 4 years in ancient Greece. Numismatists are familiar with the highly-valued coin minted in 156 B.C. by order of Philip II, father of Alexander the Great, to symbolize the victory of his horse in the 150th games held at Olympia. The ancient practice of commemorating the Olympics with specially-minted coins was resumed in 1952 by Finland, in 1964 by Japan, and every 4 years since by the host country of the summer Olympic games.

The proceeds generated by the sale of these special coins have not only helped the host country of the summer Olympic committee finance the games, but have also provided a source of much-needed funding for amateur athletic programs in the host country and in other countries where the coins were marketed. The Olympic Coin Act would continue this tradition of commemorating the Olympic games and would provide a means of financial support and deserved recognition for amateur athletics at no cost to the American taxpayer.

The act authorizes the Secretary of the Treasury to mint up to 22.4 million $10 silver coins, up to 2.4 million $50 gold coins, up to 1.6 million $100 gold coins, and up to 30 million $1 copper-nickel coins. The Secretary is directed to sell the coins to the Los Angeles Olympic Organizing Committee (LAOOC) at a price which will assure a profit to the U.S. Treasury. No tax dollars will be appropriated to carry out the provisions of this act. Instead, it shall be the responsibility of LAOOC to provide to the Secretary the precious metals, or the funds necessary to purchase the precious metals needed to mint the coins. Sums advanced by LAOOC for this purpose shall be deposited in a trust fund established and administered under the provisions of 31 U.S.C. 725s.

The Secretary, pursuant to an agreement with LAOOC, shall determine designs of the coins which are emblematic of the Olympic games and of amateur athletics. All coins will be legal tender. However, the value of the coins will be substantially in excess of their face value so that the coins will not enter into general circulation as currency. The coins will be sold to the general public by LAOOC, through a professional coin marketing agent. Proceeds will be shared equally by LAOOC and the U.S. Olympic Committee.

The Los Angeles Olympic Organizing Committee is a private, nonprofit organization established in 1978 for the dual purpose of staging the 1984 summer games and supporting American amateur athletics. LAOOC receives no public funding and accepts no personal or corporate contributions that might compete with charities or educational organizations. Other than the proposed coin program, LAOOC's only significant sources of revenue derive from the granting of licensing and merchandising rights to corporate sponsors, the sale of television and radio broadcasting rights, and the sale of admission tickets to events at the games. After all expenses of the games have been paid, LAOOC is obligated to use any funds remaining in its treasury for the support of American amateur athletics.

The other beneficiary of the sale of the coins, the USOC, is designated by the Amateur Sports Act (Public Law 95–606) as the organization responsible for coordinating amateur athletic activities in the United States and for helping America's potential Olympic athletes receive adequate training. Of the 134 National Olympic Committees (NOC's) recognized by the International Olympic Committee, only the USOC receives no Government funding. In other countries NOC's receive partial, and in some cases full, funding from their governments and are often able to develop expensive programs for training amateur athletes.

In the United States the burden of financing U.S. participation in the quadrennial games falls on the athletes, their families and friends, the American educational system, and on the nonprofit, nongovernment-funded USOC and its member organizations. The proposed act does not transfer any portion of that burden to the Federal Government; it merely provides a new means of financial support to supplement the traditional sources of funding available to the USOC and to amateur athletics.

To reach national and world class status, the costs of coaching, equipment, use of training facilities, travel to competitions, and adequate medical care faced by an amateur athlete can be prohibitive. For an individual gymnast these costs may run as high as $10,000 annually; a swimmer may require annual expenditures of $3,000 to maintain a highly competitive training program; and a world class figure skater may spend as much as $15,000 to $20,000 in a year in order to reach that level of excellence. Because of the cost constraints in these and other Olympic sports, many promising American athletes are unable to reach their full potential or are able to do so only because their families and friends have been willing to make sacrifices in order to assist the young amateurs.

American athletes have made outstanding achievements at the games. Last year the country watched and applauded the victories of Eric Heiden and the U.S. hockey team. Every 4 years, we have shared in the triumphs and disappointments of our Olympic representatives. We owe these exceptional athletes and aspiring Olympians a debt of recognition. We are especially indebted to the American and other young amateurs whose years of preparation for the 1980 summer Olympics ended in disappointment because they were unable to compete. Years of costly training, conditioning, and competition cannot be recouped, but the sacrifices made to earn Olympic credentials can be recognized.

This commemorative coin program would be an appropriate form of the recognition which American amateur athletics has earned. Enactment of the Olympic Coin Act would signify that the Congress acknowledges the importance and supports the spirit of international competition and individual determination which the quadrennial Olympic games embody. Passage of this act would provide a significant source of funding for the 1984 Los Angeles Olympics, for American amateur athletics generally, and at no cost to the public treasury. I, therefore, strongly urge my colleagues to support this bill commemorating the 1984 Los Angeles Summer Olympic games and honoring the talent, determination, and discipline of American amateur athletes.●

Mr. HAYAKAWA. Mr. President, the bill we are introducing today is sorely needed by the city of Los Angeles and amateur athletes throughout the country. In 1984 Los Angeles will be hosting the summer Olympic games. This is a very great honor but one which will require a large amount of financial backing. The Los Angeles Olympic Organizing Committees budget will be in excess of $400 million and currently their only major sources of income are from the granting of licenses and merchandising rights to the emblem of the Olympics, the sale of rights to broadcast the Olympics and the sale of admission tickets to the events.

By authorizing the Secretary of the Treasury to negotiate a contract with the Los Angeles Olympic Organizing Committee, and allowing the Government to mint special commemorative coins, we would be insuring that the LAOOC will meet its budget and fulfill its obligations at no cost to the taxpayer. The LAOOC will reimburse the Treasury for all expenses incurred in the minting of the coins, plus an additional fee of 15 percent.

Any surplus of funds after the 1984 games will be divided up by giving 40 percent to amateur athletes in California, 40 percent to the U.S. Olympic Committee, and 20 percent to the various U.S. amateur sports federations. Therefore, this bill promotes not only the 1984 Olympics but also amateur sports throughout the country.

I have always considered the Olympic tradition to be one of the most exciting and unifying forces in the world. With each Olympiad all people are inspired by the magnificence of the fair play, pride and honor synonymous with the Olympic games.

I hope my colleagues will agree with me that the 1984 Olympics and our amateur atheletes deserve our strong support, not only with words but with action. This bill enables us to offer that support without any cost to the taxpayer.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 1232. A bill to amend the Employment Retirement Income Security Act of 1974 to insure that the Hawaii Prepaid Health Care Act will not be preempted and to direct the Department of Labor to study the feasibility of extending coverage to all other State health plans; to the Committee on Labor and Human Resources.

AMENDMENT OF EMPLOYEE RETIREMENT INCOME SECURITY ACT

● Mr. INOUYE. Mr. President, today I am introducing along with my colleague Senator SPARK MATSUNAGA, legislation to amend the Employee Retirement Income Security Act of 1974 (ERISA) in order to provide for specific exemption for the Hawaii Prepaid Health Care Act and further to direct the Department of Labor to conduct a comprehensive study of the appropriateness of exempting other States health care plans.

Senator MATSUNAGA and I originally introduced this proposal two Congresses ago and extensive hearings have been held by both the Senate Finance and Labor and Human Resources Committees.

Most recently, this was a subject of considerable deliberations during our enactment of a multiemployer pension amendment. I will not at this time go in to an extensive floor discussion regarding the legislative history to date of this proposal but merely suffice to say that in my judgment, if we do not allow State directed health plans such as the Hawaii Prepaid Health Care Act, we will by necessity be forcing eventual enactment of Federal standards as we see the health care cost of our Nation continue to escalate. Accordingly, I would strongly urge my colleagues to give States such as the State of Hawaii that have demonstrated an active interest in maintaining the quality of health care provided our residents at a reasonable cost every opportunity to demonstrate that this State oriented approach can be successful.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

Mr. President, I also request unanimous consent that the text of Hawaii State House Resolution No. 616 as well as the text of a letter addressed to Henry H. Peters, Speaker of the Hawaii State House of Representatives, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 514(b) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end thereof the following new paragraph:

"(5)(A) Except as provided in subparagraph (B), subsection (a) shall not apply to the Hawaii Prepaid Health Care Law (Haw. Rev. Stat. 393–1 through 51), as in effect on January 1, 1979.

"(B) Nothing in subparagraph (A) shall be construed to exempt from subsection (a) any State tax law relating to employee benefit plans.

"(C) Notwithstanding subparagraph (A), parts (1), (4), and (5) of this subtitle shall superseded the State law described in such subparagraph, but the Secretary may enter into cooperative arrangements under this paragraph and section 506 with officials of Hawaii to assist them in effectuating the policies of provisions of such law which are superseded by such parts.".

(b) The Secretary of Labor shall conduct a study on the feasibility of extending the exemption from section 514(a) of the Employee Retirement Income Security Act of 1974 to include other State laws which establish health care plans and report to the Congress not later than 2 years after the date of the enactment of this Act.

(c) The amendment made by this Act shall take effect on the date of the enactment of this Act.

HOUSE RESOLUTION No. 616

Whereas, the Hawaii Prepaid Health Care Act (Chapter 393, Hawaii Revised Statutes), enacted in 1974, requires all employees in the State working at least twenty hours per week to be covered by a comprehensive prepaid health care plan provided through their employers; and

Whereas, the Legislature found that the spiraling cost of comprehensive medical care "may consume all or an excessive part of a person's resources" (Section 393–2, Hawaii Revised Statutes), especially when the person is unable to earn his regular wages; and

Whereas, the Legislature enacted this comprehensive Hawaii Act to insure against all nonoccupational illness and injury in the same manner as the Worker's Compensation law insures against work-related illness and injury; and

Whereas, Hawaii's employees are guaranteed health care protection by the State of Hawaii through its enforcement of the law and its maintenance of a special premium supplementation fund established in the treasury of the State, separate and apart from all public moneys or funds of the State, to pay the required one-half of premium costs for employees whose employers have neglected to do so (Section 393–45, Hawaii Revised Statutes and Regulation XLIII Relating to the Hawaii Prepaid Health Care Act, Section 73); and

Whereas, as the result of the Prepaid Health Care Act, Hawaii enjoys an estimated 98.2 percent group health insurance coverage of its civilian population as of the end of 1977 at a cost which experience has shown to be affordable for both employees and employers and which involves only minimal administrative costs on the part of government. (See "Evaluation of Impact of Hawaii's Mandatory Health Insurance Law: A Report of the Hawaii Prepaid Health Care Act," U.S. Department of Health, Education and Welfare (by Martin E. Segal Co. October 1978); and

Whereas, the Hawaii Prepaid Health Care Act "shall terminate upon the effective date of federal legislation that provides for voluntary prepaid health care for the people of Hawaii in a manner at least as favorable as the health care provided by said Hawaii Act, or upon the effective date of federal legislation that provides for mandatory prepaid health care for the people of Hawaii" (Section 393–51, Hawaii Revised Statutes); and

Whereas, the Employee Retirement Income Security Act of 1974 (ERISA—29 U.S.C. 1001

et seq.), primarily a pension reform Act, was enacted to protect employees who elected to participate in a benefit plan, from potential abuses and mismanagement of funds through disclosure, reporting and fiduciary requirements; and

Whereas, the Employee Retirement Income Security Act of 1974 (ERISA—29 U.S.C. 1001 et seq.), does not mandate health care coverage to all regular employees; and

Whereas, an exemption for Hawaii's Prepaid Health Care Act from ERISA's preemption provision is not breaking new ground since said federal Act exempted all known governmental insurance programs, that is, Worker's Compensation, Unemployment Insurance and Disability insurance laws, at the time of its enactment in 1974; and

Whereas, despite the exemplary and highly regarded nature of the Hawaii Act and the comprehensive health care coverage it provides, the Hawaii Prepaid Health Care Act has been held by the federal courts, in essence, to be preempted by the federal Employee Retirement Income Security Act of 1974 (ERISA—29 U.S.C. 1001 et seq.), which regulates the administration of private employee benefit and pension plans and which provides in pertinent part that ERISA supersedes "any and all State laws insofar as they may now or hereafter relate to any employee benefit plan" (see *Standard Oil Company of California* v. *Joshua C. Agsalud*, 442 F. Supp. 695 (N.D. Cal. 1977), affirmed, 633 F. 2d 760 (9th Cir. 1980)); and however, the decision of the Ninth Circuit Court of Appeals will be appealed to the United States Supreme Court; and

Whereas, the above federal court decision was rendered with reluctance, the Court stating: "It troubles the Court, as it troubles defendants, that Congress preempted state health insurance laws apparently without specific discussion of the need for such a step. The workers whom ERISA was primarily intended to protect may be better off with state health insurance laws than without them, and the efforts of states like Hawaii to ensure that their citizens have low-cost comprehensive health insurance may be significantly impaired by ERISA's preemption of health insurance laws. Federal Legislation should heed the admonition that Justice Brandeis addressed to the federal courts:

"To stay experimentation in things social and economic is a grave responsibility. Denial of the right to experiment may be fraught with serious consequences to the nation. It is one of the happy incidents of the federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country." *New State Ice Co.* v. *Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting)."

Whereas, the Hawaii Prepaid Health Care Act has been held up as a model for a national health insurance plan which the federal government should study (see "Evaluation of Impact of Hawaii's Mandatory Health Insurance Law: A Report of the Hawaii Prepaid Health Care Act," U.S. Department of Health, Education, and Welfare (by Martin E. Segal Co.), (October 1978); and

Whereas, it would indeed be a bitter irony if ERISA, a landmark in the struggle to protect the "continued well-being and security of millions of employees and their dependents," were to be used to blunt another milestone in the same struggle; and

Be it resolved by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, that the U.S. Congress is requested to exempt Hawaii's Prepaid Health Care Act from the preemption provision of the Employee Retirement Income Security Act of 1974; and

Be it further resolved That the Hawaii Congressional delegation be commended for and requested to continue their efforts in obtaining the exemption; and

Be it further resolved That duly certified copies of this resolution be transmitted to the President pro tem of the U.S. Senate, the Speaker of the U.S. House of Representatives and to members of the Hawaii Congressional delegation.

HONOLULU, HAWAII,
April 22, 1981.

Hon. HENRY H. PETERS,
Speaker, House of Representatives, Elevennth State Legislature, Regular Session of 1981, State of Hawaii.

Sir: Your Committees on Employment Opportunities and Labor Relations and Health, to which was referred H.R. No. 616 entitled: "House Resolution Requesting the U.S. Congress to exempt Hawaii's prepaid health care act from the preemption provision of the Employee Retirement Income Security Act of 1974", beg leave to report as follows:

This resolution requests the U.S. Congress to exempt the Hawaii Prepaid Health Care Act from the preemption provision of the federal Employee Retirement Income Security Act (ERISA) and request that the Hawaii congressional delegation continue their efforts to obtain the exemption through legislation.

The State Department of Labor and Industrial Relations with the assistance of the State Legislature and Hawaii's congressional delegation, was instrumental in the introduction of federal legislation to exempt the Prepaid Health Care Act from ERISA application. To date, because of political considerations, efforts have been unsuccessful. The latest report received was that the legislation would have passed the last Congress were it not for attempts to amend ERISA in other areas.

Your Committees feel passage of this resolution would enhance Hawaii's argument that our prepaid health care law is unique and should be permitted to be enforced. Federal legislation exempting Hawaii from ERISA is extremely important as the State Department of Labor and Industrial Relations is receiving indications from certain employers in the State that they are considering challenging the constitutionality of our law.

Your Committees on Employment Opportunities and Labor Relations and Health concur with the intent and purpose of H.R. No. 616 and recommend its adoption.●

● Mr. MATSUNAGA. Mr. President, I am today joining Senator INOUYE in introducing a legislative proposal familiar to all Members. This bill adds a grandfather clause to the Employee Retirement Income Security Act (ERISA) for the Hawaii Prepaid Health Care Act. The Senate has twice before approved this grandfather provision—on July 29 and August 26, 1980—as part of the Multiemployer Pension Plan Amendments Act of 1980, H.R. 3904.

As I have stated before on this floor, the Hawaii State Legislature began consideration of the Prepaid Health Care Act legislation in 1971, about the time Congress began its review of private pension programs. The Hawaii State Legislature passed the Prepaid Health Care Act in April 1974, prior to the passage of ERISA by the Congress.

The Hawaii law requires employers in my State to provide their workers with medical insurance coverage; the coverage is similar to the medical insurance program the Federal Government provides for civil service employees. Since the Hawaii Prepaid Health Care Act concerned only basic comprehensive health insurance protection for employees, and since the Federal Government had not yet taken any formal action on national health insurance legislation, the Hawaii State Legislature did not envision a conflict with any existing or immediately anticipated Federal laws when it passed the Prepaid Health Care Act legislation in April 1974. Indeed, the State legislature rightfully felt that it was pioneering a uniquely innovative area of State law when it passed the legislation.

In November 1977, a Federal district court in San Francisco ruled that ERISA preempted the Hawaii health care statute. The court found no indication whatsoever from the legislative history that Congress intended ERISA to preempt State health insurance laws. But following traditional statutory construction, the court noted specific congressional exemptions for State unemployment compensation, worker's compensation, and disability insurance laws; since ERISA did not similarly specifically exempt the Hawaii Health Insurance Act, the court concluded with considerable trepidation that ERISA's general preemption language invalidated the Hawaii law. The statutory ambiguity, was created by the Congress; and correction of that ambiguity, the court stated rests with Congress.

The court's decision was rendered in a suit filed by Standard Oil Co. of California. This is the only formal complaint ever received by the State from any employer doing business in Hawaii over the health insurance requirements of the act. But the effect of this decision is to invalidate the entire statute and to deny workers, the health insurance protection which State law had previously mandated.

During the 95th Congress, Senator INOUYE and I introduced legislation which would clarify this intent of Congress with respect to the preemption of the Hawaii Prepaid Health Care Act. Over the past 3 years, the hearing records of both the Committee on Labor and Human Resources and the Committee on Finance have explicitly and conclusively indicated that the preemption of the Hawaii health insurance law was never envisioned or intended by Congress. In fact, both committees have acknowledged the need to correct this serious ambiguity in ERISA preemption authority through the approval of the Matsunaga amendment to S. 1076, the Senate companion bill to H.R. 3904.

As a result of the passage of the Prepaid Health Care Act, Hawaii has the most comprehensive basic health insurance protection for its residents in the entire country. The Hawaii Act is based on a community standard of outpatient and prevention-oriented health insurance protection which was established by the private sector over a period of 40 years; the mandated health insurance coverage thus does not include any inefficient, inappropriate, or uneconomical benefits.

Over the past 4 years, several nationally recognized health economists have made a close and analytical study of Hawaii's health care delivery system and

have all concluded that the system is a model of free market competition, in which the consumer is the greatest beneficiary, and that it is a very practical, economical approach to the provision of basic comprehensive health insurance protection for the State's residents.

The passage of this narrow waiver of ERISA preemption for the Hawaii Prepaid Health Care Act would permit the continuation of this exemplary health care delivery system for all of Hawaii's residents and this waiver is therefore vitally important to the State of Hawaii. It is strongly supported by the U.S. Department of Labor, the State of Hawaii, the Hawaii State Federation of Labor AFL–CIO, and the International Longshoremen's and Warehousemen's Union.

In light of the Hawaii Legislature's passage of the Prepaid Health Care Act prior to ERISA and in view of the absence of congressional intention to invalidate this law, both the Senate Labor Committee and the Senate Finance Committee as well as the Senate itself, supported our proposal. However, to secure passage of the Multiemployer Pension Plan Amendments Act of 1980, I agreed to the deletion of the amendment in the House-Senate conference on the bill.

The distinguished chairman of the House Task Force on Welfare and Pension Plans, acting for the House Labor Committee chairman, said that he had no problems with the substance of our amendment, but opposed it as a rider on the multiemployer bill, H.R. 3904, because it threatened to split the business-labor coalition which had been formed in support of that bill. The acting chairman of the House Subcommittee of Jurisdiction assured me of early consideration of my amendment if it were passed by the Senate as part of another appropriate bill or as a separate bill. To reach that objective, I am today introducing this proposal as a clean bill with Senator INOUYE.●

By Mr. INOUYE (for himself and Mr. PRESSLER):

S. 1233. A bill to establish a program in the Department of Commerce to promote U.S. service industries, enhance their competitiveness, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SERVICE INDUSTRIES DEVELOPMENT ACT

● Mr. INOUYE. Mr. President, late last year, the Committee on Commerce, Science, and Transportation held the first congressional hearings on the specific issue of the importance of service industries to the U.S. economy and the international competitiveness of U.S. service industries. I chaired those hearings, and it was my hope that they would have been the first in a comprehensive evaluation of the service sector.

The service sector is usually overlooked whenever analyses of the American economy are made. In large part, this indifference is due to the heterogeneous nature of this sector and the public's lack of understanding of how dramatically the U.S. economy has changed within the last few decades, particularly since World War II. The output of the service sector now far exceeds the manufacturing sector. According to Department of Commerce statistics, 7 out of 10 working Americans are employed in service industries, and about 65 percent of the gross national product is service derived.

An analysis of the modern American economy shows that the provision of services has displaced the production of goods as the country's principal economic activity. In 1929, the U.S. economy employed 45 percent of the working population in the production of goods. By 1977, that sector employed only 32 percent, and it is probably even smaller now. In 1948, the goods producing sector accounted for 46 percent of the gross national product, while the service sector accounted for 54 percent. In 1978, the figures were 34 percent and 66 percent, respectively.

In addition to its crucial significance to our domestic economy, services are a significant component in our international trade. In 1979, while we suffered a merchandise trade deficit of more than $29 billion, services—including investment receipts—provided us with a surplus of more than $34 billion, for a surplus of $5 billion. In 1980, we likewise ran up a deficit of more than $27 billion, while accumulating a surplus exceeding $7 billion. Again, our trade surplus in goods and services was approximately $34 billion. Ominously, however, this surplus in services remained constant. Overall, the trade in services accounts for about 30 percent of our total trade turnover.

I would also point out that a vigorous service sector stimulates a demand for U.S. products and vice versa. Strong competitive U.S. flag carrier airlines, for example, generate a need for aircraft, and in most cases these planes will be manufactured in the United States. Thus, one should not ignore the close relationship that exists between the manufacturing sector and the service sector, and the distinctions between the two should not lead us into formulating economic policy in a vacuum without thinking through the ramifications of such policies on other parts of our economy.

Services are, however, for the majority of Americans, including policymakers, still not thought of in terms of advance technology-intensive industries, which many of them are, but rather in terms of labor-intensive and often menial tasks. The sector includes widely divergent industries, ranging from the most technologically progressive industries such as data processing and computer services to more mundane personal services.

The term is generally defined as "invisibles," or industries which do not produce tangible manufactured or processed goods. Much of the concern about the growth of a service-dominated economy has derived from the public's outmoded concept of services as being low-paid industries rather than the modern high-technology services such as communications, insurance, transportation, and banking. Such services are the sinews and nerves of commerce and trade. It is inconceivable, for example, to think of commerce without transportation or telecommunications. In contrast, a disruption in the trade in motor vehicles or apparel would be inconvenient but not unmanageable.

Moreover, these modern service industries are, by their nature, international in their capability and orientation. Satellites connect New York and London just as easily as New York and San Francisco. Vast amounts of capital can be transferred between branches of international banks in a matter of minutes. Tourism, involving transportation, hotels, and finance, is the world's second largest international industry. There is, in short, rarely a neat dichotomy between purely international and domestic service activities.

The significance of the emergence of a modern, postindustrial service-dominated American economy within recent years appears to have escaped the attention of many Government policymakers. Except in selected individual industries, such as tourism, communications, and transportation, U.S. Government consideration of the problems and needs of the service sector has been inadequate and fragmented. Moreover, even when Government agencies have devoted sufficient attention, funds, and personnel to service industries under their jurisdiction, there has been little or no attempt to devise a comprehensive national policy toward the entire sector or to relate one service industry to others which may share some of that industry's characteristics and problems.

The absence of clear and comprehensive U.S. Government strategies toward the service sector is seen and felt most acutely in the international trade area, but it is by no means limited to trade. Foreign telecommunications firms and financial companies are playing an increasingly important role in the domestic U.S. economy. Little research is devoted to domestic service industries, and statistics and data on domestic services are poor. Information collected at the international level is gathered almost entirely for balance of payments purposes, and the size of service trade transactions is not precisely known.

As a result of the 2 days of hearings which I chaired last year for the Commerce Committee, I reached several conclusions:

First, the American share of international service trade is declining in relative terms—from 25 percent to 20 percent within the last decade—even though our surplus has grown in absolute figures;

Second, there is no overall national U.S. policy toward service industries and international competition nor any interrelated sectoral policies to promote U.S. services domestically or abroad;

Third, the United States, because of our open economy, has very few legal or administrative weapons to retaliate against foreign countries which erect trade barriers against our service exports, including U.S. overseas investment, and new leverage to achieve our objective of a more open world economy may be necessary to counter the growing protectionism abroad;

Fourth, our service surplus—including investment income—which helps to bring our current account into better balance.

indicates a comparative advantage which may not last much longer unless the United States takes steps to promote more assertively its international economic interests;

Fifth, U.S. Government resources devoted to the promotion of U.S. services are disproportionately small compared to the sector's importance to our balance of payments and overall economy;

Sixth, data collection on domestic services and the international trade in services is rudimentary and incomplete. There is a desperate need for significant improvements in the gathering of statistics; and

Seventh, greater interagency coordination and cooperation are absolutely essential to identify, review, and evaluate service-related issues and on the international front, to present a unified national position for negotiations.

The disastrous inattention to international competition which has led to the crippling of many of our manufacturing industries must not be allowed to dissipate our lead in the service trade.

We need an integrated set of national policies toward the service industries which recognizes their economic significance and also actively promotes domestically based service firms and, through them, the national welfare. We need a clear set of priorities which accords services the attention they merit. One can be certain that other industrial countries give their service firms far greater support than does our Government.

In many countries, for example, U.S. insurance firms are prevented from establishing affiliates capable of competing against national companies or their companies or their competitiveness is reduced by other measures such as capital or personnel controls. American banks, transportation companies, and telecommunications firms are also victims of investment and trade curbs in many countries. The barriers to the export of U.S. services and the spread of U.S. investments are multitudinous.

The competitive vigor of American service exporters is not only limited to foreigners' trade obstacles but also sometimes inadvertently by our own agencies. For example, the Eximbank does not follow a policy of open procurement of marine and casualty insurance on the exports it guarantees or on which it issues loans even though such exports are generated by U.S. taxpayers. The opportunity for U.S. insurers to compete for this insurance business is thereby lost in some instances. One of the objectives of this legislation is to encourage agencies to examine their policies and to make internal administrative changes wherever possible.

Although service issues have had a low profile thus far, they are beginning to receive increased public attention. In the spring of 1980, the U.S. Chamber of Commerce held the first conference on services, and the International Chamber of Commerce also conducted a service meeting last year. Several private conferences and discussion sessions were held last year in Europe to discuss the issues of international services, and the Council on Foreign Relations is sponsoring a distinguished discussion group to address service-related issues.

The Office of the U.S. Trade Representative has an Assistant Trade Representative, Geza Feketekuty, to handle service issues and has also formed a Services Policy Advisory Council to bring together representatives of business, labor, and the academic world who are concerned about service policies. The Trade Policy Committee has approved a five-point work program on services.

The Department of Commerce has an Office of Finance, Investment and Services (FINS) in the International Trade Administration and also has created an industry sector advisory committee (ISAC) pursuant to the Trade Agreement Act of 1979.

These are commendable steps, but more can and must be done. Therefore, today I am introducing the Service Industries Development Act (SIDA) to establish a program in the Department of Commerce to promote U.S. service industries, enhance their competitiveness, improve data-collection and establish clear goals for the U.S. Government.

This bill proposes for the first time a set of goals for the U.S. Government relative to service industries. The Department of Commerce would be authorized to establish promotional programs and to improve the data collection programs of the Department. It would also assume the lead role in most nonnegotiating activities including the monitoring of Federal agencies' activities and providing support for the U.S. Trade Representative.

Finally, the Department would collect comparative international information, conduct a program of research and analysis of service-related issues and programs and provide information to other agencies, industry, and State and local governments.

In introducing this legislation, I would like to acknowledge the fact that the private sector has provided vigorous leadership in focusing attention on this sector and its concerns and for educating Government policymakers on service industries' needs. The time has arrived for the Congress to begin a careful examination of the service sector and to provide it with all necessary encouragement and support.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Service Industries Development Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) the United States is a service-oriented economy, in which seven of ten working Americans are employed in the service sector and approximately 65 per centum of the gross national product derives from services;

(2) the importance of services in commerce has been overlooked in the development of United States economic analysis and policy;

(3) services, including investments, are an important factor in the United States international trade, accounting for almost 30 per centum of total United States trade, and provided the United States with a surplus of more than $34 billion in 1980; and

(4) American service industries are encountering increased foreign competition and impediments to international operations and require the support of the United States Government to maintain their international competitiveness

DECLARATION OF PURPOSE

SEC. 3. The Congress declares that—

(1) the governmental organization to assist and promote American service industries can and should be improved in order to study and collect information, focus attention on industries' problems and assist in the resolution of such problems, and develop service-related policies which promote the national interest;

(2) the Department of Commerce shall have, in coordination with other appropriate agencies, lead responsibility in the executive branch for developing and implementing policies to enhance the competitiveness of American service industries and for achieving the objectives of this Act;

(3) the United States Government should make available adequate financial resources and personnel to implement the objectives of this Act; and

(4) it is the objective of the United States Government to promote the free world trade in services to the maximum extent feasible and to utilize the full resources of the Government to obtain reciprocal rights and benefits for United States traders and investors.

DEFINITIONS

SEC. 4. As used in this Act, the term—

(1) "Secretary" means the Secretary of Commerce;

(2) "Department" means the Department of Commerce;

(3) "United States" means the fifty States, the District of Columbia, Puerto Rico, Guam, Samoa, and the Virgin Islands; and

(4) "services" means economic outputs which are not tangible goods or structures, including, but not limited to, transportation, communications, retail and wholesale trade, advertising, construction, design and engineering, utilities, finance, insurance, real estate, professional services, entertainment, and tourism, and overseas investments which are necessary for the export and sale of such services.

ESTABLISHMENT AND PURPOSES OF PROGRAM

SEC. 5. (a) The Secretary is authorized to establish in the Department a service industries development program.

(b) The purposes of the program shall be to—

(1) promote the competitiveness of United States service firms and American employees through appropriate economic policies;

(2) promote actively the use and sale of United States services abroad and develop trade opportunities for United States service firms;

(3) develop a data base for policymaking pertaining to services;

(4) collect and analyze information pertaining to the international operations and competitiveness of the United States service industries;

(5) analyze—

(A) United States regulation of service industries;

(B) tax treatment of services, with particular emphasis on the effect of United States taxation on the international competitiveness of United States firms and exports;

(C) antitrust policies as they affect the competitiveness of United States firms;

(D) treatment of services in commercial and noncommercial agreements of the United States; and

(E) adequacy of current United States financing and export promotion programs;

(6) document trade impediments to United States service firms and seek to resolve complaints by such firms;

(7) provide staff support for negotiations on service-related issues by the United States trade representative and the domestic implementation of service-related agreements;

(8) collect such statistical information on the domestic service sector as may be necessary for the development of governmental policies toward the service sector;

(9) monitor significant Federal and non-Federal governmental activities affecting the service sector;

(10) conduct sectoral studies of domestic service industries;

(11) collect comparative international information on service industries and policies of foreign governments toward services;

(12) develop policies to strengthen the competitiveness of domestic service industries relative to foreign firms;

(13) conduct a program of research and analysis of service-related issues and problems, including forecasts and industrial strategies; and

(14) provide statistical, analytical, and policy information to State and local governments and service industries.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the activities authorized by this Act.●

● Mr. PRESSLER. Mr. President, I am pleased to join Senator INOUYE today in introducing the Service Industries Development Act.

This legislation helps fill a glaring void in the oversight and planning activities of the Federal Government as they relate to service industries. Despite a lack of assistance or encouragement by the Federal establishment, service industries such as communications, transportation, insurance, advertising and tourism have grown to the point where they now comprise two-thirds of our gross national product. In addition, were it not for service industry exports our overall trade balance would show a massive deficit.

I believe the reason service industries have been overlooked by Federal planners is that most of our economic projections are still based on the premise that manufacturing comprises the bulk of our economic activity. This premise is obviously faulty when, by almost any measurement, the service sector is now twice the size of manufacturing in this country.

The other reason manufacturing interests receive more attention is that this sector is generally not as healthy as the service sector. However, if the success of the service industries in the United States is to continue we will definitely have to devote more time and resources in this area.

Already, disturbing signs of stagnation are appearing in the service sector; especially in the area of exports. The trade surplus in our service account, although still very large, remained virtually unchanged between 1979 and 1980. This fact does not bode well for future expansion of the service sector itself, and it is obviously worrisome in terms of our future export potential.

I am convinced that even with a little stimulation from the Federal Government, service exports could be increased to the point where our current account would show a large and consistently growing surplus.

On the positive side, the problems confronting U.S. service firms have been receiving more attention in the press lately. This is an important step in raising the consciousness of both the public and Government officials regarding the crucial role services play in our economy. For example, an article in the February 8, 1981, New York Times made reference to the fact that there is no general agreement on tariffs and trade for the service sector. The article emphasizes the need for such an agreement by pointing out that "liberalization of trade in services is seen as an essential accompaniment to the export of advanced technology, a particularly strong export area for the United States."

And a Wall Street Journal article from March 3, 1981, includes a reference to service industries by Mr. Arthur Dunkel, Director-General of the General Agreement on Tariffs and Trade in Geneva, Switzerland. Mr. Dunkel points out that the service sector "is as important a sector of international economic relations as trade in goods."

It is important that we not be the last participant in the international trade arena to realize the importance of service industries. This is especially true since it is our strong suit in international trade. For this reason I hope that the measure Senator INOUYE and I are introducing today will receive quick action. It provides the necessary framework within which the Federal Government can pursue a coordinated policy toward service industries.

Specifically, the bill would do the following:

First, the Department of Commerce would be given lead responsibility on issues affecting domestic service industries; would be able to set goals, implement promotional programs, and collect the necessary data for putting a rational program into effect.

Second, establish a 12-member private sector advisory committee which will consult with the Secretary of Commerce on domestic service industry issues.

Third, establish an interagency policy group to coordinate executive branch service industry policies.

I have been gratified that the new Secretary of Commerce, Malcolm Baldrige, has taken such an active interest in the whole international trade area. It is also promising to note the cooperative attitudes taken by both Secretary Baldrige and U.S. Trade Representative William Brock in working together in this area.

Much needs to be accomplished if we are to maximize our trade potential in the service sector, but it is my belief that we now have the type of people in place who are capable of doing the job. The structure provided by this legislation will, I am confident, assist them with their task.●

By Mr. D'AMATO:

S. 1235. A bill to exempt certain matters relating to the Central Intelligence Agency from the disclosure requirements of title 5, United States Code; to the Committee on the Judiciary.

DISCLOSURE OF CERTAIN CENTRAL INTELLIGENCE AGENCY MATTERS

● Mr. D'AMATO. Mr. President, today I am introducing a bill which goes to the heart of a problem that has had a disruptive effect upon the security of our Nation. Throughout the past decade and a half we have seen an unfortunate trend which resulted in a drastic reduction of the effectiveness of the Central Intelligence Agency. We must begin to reverse this trend, and have taken the first step with S. 391, the Agent Identities Protection Act. The next step which urgently needs to be taken involves the Freedom of Information Act, and it is that step which I am presenting to you today.

We must never forget that the intelligence community is our first line of defense. For example, George Washington's skilled use of intelligence, including Benjamin Franklin's well-known missions to France, turned the tide of the Revolutionary War. Similarly, the code-breaking activities of British and American intelligence in World War II were instrumental in the defeat of Hitler. Even when this country is not actively engaged in an actual shooting war—or perhaps especially when—we rely upon our intelligence services for our Nation's protection. If that first line of defense is disrupted, it makes us all the more vulnerable to those who are hostile to our position in the world—and to our way of life.

It has been noted that the economic cost to the CIA for freedom of information requests is very high. One recent request cost the Agency $300,000. But this problem goes far beyond economics. The publicizing of CIA methods, the undermining of CIA operations, and in many cases, the identification of CIA personnel, by publications such as the "Covert Action Bulletin" and "Counter Spy" magazine has been largely fueled by material supplied under cover of the Freedom of Information Act. The credibility of the American intelligence community abroad has been severely damaged, resulting in reduced cooperation and reduced sharing of information by our allies' intelligence services. Individual foreign citizens have become increasingly reluctant to assist the American intelligence community, and much valuable aid and information has been irretrievably lost.

It is not enough to keep the Philip Agees of this world from breaking their sacred trust by revealing what they know; we must also act to keep them from receiving new information with which to inflict further damage.

This bill exempts from the Freedom of Information Act all materials involving personnel selection, training, and reorientation of the Central Intelligence Agency. It also exempts all materials relating to internal operations, office management, and organization of the CIA. Additionally, all materials concerning special activities, clandestine collection, and covert operations are also exempt. These three items are defined at length in the bill. Basically, "special activities" is the current term for covert action; "clandestine collection" is intelligence

gathering; "covert operations" are a combination of covert action and intelligence gathering.

This bill also provides that if part of a document comes under exemption, the entire document is exempt. The reason for this provision is not only in the interest of saving time and funds, but also because people such as Philip Agee and John Stockwell, and their sympathizers are skilled and sophisticated enough to put two and two together even from "purged" documents.

The issue which I am addressing to you today, and which this bill addresses, is not a matter of partisanship but of commonsense. As we enter this period of the "window of vulnerability," can we afford not to give our first line of defense the protection it needs and deserves?●

By Mr. HEFLIN:

S. 1237. A bill to provide grants to the 1890 land-grant colleges, including Tuskegee Institute, for the purpose of assisting these institutions in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity for research in the food and agricultural sciences; to the Committee on Labor and Human Resources.

GRANTS TO THE 1890 LAND GRANT COLLEGES

● Mr. HEFLIN. Mr. President, I am today, introducing legislation which will allow Congress to provide catch-up funds in the form of grants to the 1890 land grant colleges, including Tuskegee Institute, to make it possible for these schools to carry out their research mission. Mr. President, I ask that the entire text of the bill I am introducing, which is identical to H.R. 1309 currently pending in the House of Representatives, be printed in the RECORD.

Mr. President, the U.S. Congress in 1862 passed the first Morrill Act which provided for the establishment of a land grant institution in each State to educate citizens in the fields of agriculture, home economics, the mechanic arts, and other useful professions.

In order to overcome the problem of nonland grant support to the various black institutions throughout the South, a second Morrill Act was passed in 1890 specifically to support the black land grant institutions. We refer to these institutions today as "the 1890 institutions." Several historically black colleges became land grant institutions under this 1890 congressional action, but these institutions have not received the kind of support available to other land grant institutions.

Therefore, the 1890 schools, including Tuskegee Institute in my home State, have not had the benefit of equipment and facilities necessary to enable them to have competitive research capabilities in food and agriculture. These schools have had to rake and scrape and make do with what few resources they have. The historically black institutions have the same mission as the 1862 schools mandated under the Morrill Act, that is, to participate in agricultural research beneficial to the needs of the people of the country.

It goes without saying that State funds for construction, of research facilities have been very limited for the 1890 institutions. Therefore, their research capabilities have been impaired. The legislation I am introducing today, would make it possible for these institutions to develop their research programs to compliment and enhance their instruction programs and, at the same time, participate as partners with the 1862 land grant institutions regarding the agricultural research problems facing our country.●

By Mr. QUAYLE:

S. 1238. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Finance.

REMOVAL OF OUTSIDE INCOME LIMITATIONS UNDER SOCIAL SECURITY

● Mr. QUAYLE. Mr. President, the Reagan administration has presented to Congress its recommendations for dealing with both the short-term and long-term problems in the social security trust fund. These recommendations have generated many phone calls and letters to my office.

It is my belief, Mr. President, that if we are going to reform the system, the first place Congress should start is to repeal the earnings limitation on outside income. Therefore, today, I am introducing legislation to effect such a change commencing January 1, 1982.

Currently, social security retirees between the ages of 62 and 64 can receive full benefits as long as they earn less than $4,080 per year. Social security recipients between ages 65 and 72 can earn as much as $5,500 and still retain all their retirement benefits. For any earnings above these levels, benefits are slashed $1 for every $2 earned.

This ceiling on earnings and the accompanying reduction in benefits for earnings above the ceiling amount to a tax on older American workers. This is discriminatory.

According to the Wall Street Journal, the "implicit social security tax plus normal payroll and income taxes can combine to create marginal tax rates of 70 percent or more." We are taxing most the very people who are able to cope with it least.

Public opinion polls have reflected that as many as 40 percent of retired Americans aged 62 to 65 would return to work or work more if economic incentives were better.

This "negative tax" on outside earnings reduces the incentive for older workers to continue working and it increases the number of social security beneficiaries and, hence, the level of benefit expenditures.

Older Americans should not be discouraged from working. Our productivity can be inhanced by their experience and skills.

This legislation would go a long way to end discrimination on older workers. I urge my colleagues to give expeditious consideration to this bill repealing the outside earnings limitation.●

By Mr. DURENBERGER:

S. 1239. A bill to provide for purposes of section 165 of the Internal Revenue Code of 1954 losses from dutch elm disease shall be treated as casualty losses; to the Committee on Finance.

CASUALTY LOSS DEDUCTION FOR LOSS OF TREES DUE TO DUTCH ELM DISEASE

● Mr. DURENBERGER. Mr. President, I am today reintroducing a bill to amend the Internal Revenue Code to provide that the destruction of trees from dutch elm disease shall be treated as a casualty loss deduction for purposes of the Internal Revenue Code.

The damage from dutch elm disease has already run into the hundreds of millions of dollars. Much of this cost has been borne by the private property owner. This bill will help provide the necessary incentive for these property owners to take quick action to remove diseased trees and thus save the healthy elms.

For over a decade, dutch elm disease has forced the removal of hundreds of thousands of elm and oak trees at a tremendous economic, environmental, and esthetic cost to all Minnesotans. To encourage municipalities and individuals to engage actively in programs to slow the spread of these diseases and to replant new shade trees, the State of Minnesota has appropriated over $50 million since 1977 to assist municipalities in defraying such program costs. Nonetheless, the financial burden for many individual property owners is still substantial. Perhaps hardest hit are elderly homeowners on fixed incomes who have large trees that must be removed.

In many Minnesota cities homeowners are required by local ordinances and State law to remove diseased trees. According to the rules governing the State shade tree program, all high-risk elm trees must be identified and removed within 20 days of notification. Some cities require even faster removal.

Since 1977, over 350,000 elm trees on private property have been marked for removal. Individual tree removal costs vary considerably from city to city and by the size and location of the tree. The cost of removing one large, difficult-to-reach elm tree can easily exceed $600. Assuming, then, an average removal cost of $175 per tree, homeowners in Minnesota spent approximately $62 million for diseased tree removal.

Private corporations and foundations have joined local governments and homeowners to combat the destruction caused by shade tree diseases. First National Bank of Minneapolis has been among the leaders in this private effort. The bank has established education and referral programs to help homeowners quickly identify and remove diseased trees and save the healthy trees.

The effects of dutch elm disease have been felt in every corner of our country. Illinois has already lost about 90 percent of its elms. The disease now is hitting hardest in Iowa, Wisconsin, Colorado, and California. Unless we encourage quick detection and removal, it is not unlikely to expect that every State will be ravaged in the not too distant future.

Given the high cost and the requirement for prompt removal of diseased shade trees, it is imperative that these homeowners be afforded financial relief through an amendment to the Internal Revenue Code allowing such costs to be designated a casualty loss and deductible for Federal Tax purposes.

It is even more imperative that the Federal Government join in this effort in light of the current economic crisis. Every State, Minnesota included, is experiencing severe pressure to make budget cutbacks in every program—and the Minnesota shade tree porgram is no exception. Therefore, Mr. President, I urge my colleagues to join me on a national level to help alleviate the tremendous financial burden dutch elm disease is placing on the taxpayers of this country.

Mr. President, this bill is needed because the Internal Revenue Service has ruled that in order to qualify for a loss deduction, the casualty must meet a "suddenness test." The U.S. Circuit Court of Appeals for the Sixth Circuit has held that the disease does not meet this test. The court stated that the disease itself is progressive and cannot be considered sudden or unexpected.

Shade tree diseases are causing a severe loss to the environment and create a personal hardship for many homeowners, Considering the destruction of these trees a causalty for the purposes of the Internal Revenue Service will encourage property owners to remove the diseased trees and replace them with new ones so that our tree-lined streets will remain so.●

By Mr. HEINZ (for himself and Mr. RIEGLE):

S. 1240. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives for individuals and businesses in urban and rural depressed areas; to the Committe on Finance.

URBAN AND RURAL REVITALIZATION ACT OF 1981

Mr. HEINZ. Mr. President, today I am introducing, along with Senator RIEGLE, the Urban and Rural Revitalization Act of 1981 to insure that the economic recovery program now being developed includes all Americans. What this act proposes is a new approach for assisting distressed areas in our country that might otherwise be left out of a general economic expansion program. While a fiscal plan of spending and tax cuts may indeed generate "a rising tide that lifts all boats," as is hoped, we should also be concerned about the people who do not have boats to begin with, the unemployed and the poor. This act is designed with this sole objective in mind, and I believe is an essential complement to the general administration economic program.

There is general agreement that despite the steps taken to help distressed areas, including the model cities progam, the urban deveopment action grants, the economic development administration, and the Appalachian Regional Commission to name just a few, there still remain serious pockets of unemployment, poverty, and economic decay spread throughout all States in the country. Sadly, every State has places that are suffering from economic paralysis.

In California, it is called Watts, in New York, the South Bronx, while in Illinois, it is the South Side of Chicago. This bill proposes to treat this illness by involving all levels of government, Federal, State, and local, in the cure. And it does so by following the outline of the plan endorsed by President Reagan during the campaign.

Under the act, partnerships between Federal, State, and local governments are created to identify distressed urban and rural areas and also ways to improve the economic lot of those who live there. As part of the plan, State and local governments which have jurisdiction over revitalization areas will tell the Treasury Secretary exactly what steps they will take to revitalize them.

The actual types of assistance will be left up to State and local governments. With local conditions varying so much, it would be a mistake to write an all-inclusive formula here in Washington on how the revitalization process can best be implemented at the local level.

By encouraging States and localities to consider a comprehensive range of policy steps that will allow impoverished areas to blossom, this act is fundamentally different from the Kemp-Garcia proposal introduced in the House of Representatives last Congress. Under the Kemp-Garcia bill, preferential Federal taxation treatment was triggered in only one way, an agreement by a State or locality to lower property tax rates by 20 percent within 4 years.

This restrictive provision has two drawbacks not contained in the Urban and Rural Revitalization Act of 1981. First, some State constitutions prohibit municipal governments from granting differential tax rate treatment along neighborhod lines. In such States, no area could qualify for special Federal status, however economically depressed, unless the cumbersome step of amending their constitutions was taken. This is a very serious obstacle standing in the way of creating badly needed job opportunities. Equally important, is the recognition that taxes are not the only thing that matters in determining whether small businesses set up shop in a revitalization area. Presently, many distressed areas already do not receive adequate municipal services to support the current degree of economic activity inside them. If we are going to create more businesses and jobs there, the level of municipal services in such areas must increase substantially. It makes good sense to require municipalities to address this problem formally in their development plan.

Such local thinking is required under the Urban and Rural Revitalization Act. We badly need local involvement so that this program works for our unemployed youth and others who cannot now find jobs in many of our most distressed areas. With local involvement, we can bring jobs to people, rather than always requiring people to seek out the jobs far from their homes.

Steps that could be taken are diverse. The actual types of assistance that States and municipalities might provide include: Greater fire and police protection, improvements in roads, lighting, waste treatment, or public transportation, the reduction of regulations, and local taxes.

After the Commerce Secretary had reviewed a proposal for compliance with application and approval regulations, then an area would receive special Federal status. Within a revitalization area, firms hiring at least 50 percent of employees living inside it would also benefit from broad Federal tax incentives. This is how the Federal Government will match the commitments made by State and local governments toward bettering the lives of the economically disadvantaged.

The first incentive would permit an area company to depreciate the first $500,000 of annual physical investments under the straightline method over 3 years. Above this amount, all buildings would be depreciated over 10 years and everything else over 3 years, also under the straightline method. The effect of these changes would be to overcome what may be the most important hurdle to revitalizing a depressed area, the lack of physical capital.

Since the citizens of depressed areas often do not have the money to pay for their own transportation to a worksite miles away, their productivity, and thus their pay, is limited by the amount of tools made available by the local company that employs them. In a broader sense, this holds true at the national level as well; over the last 40 years as business has increased the amount of tools each worker uses to do his or her job, productivity and pay, even after inflation, has gone up sharply. All this is even more important for people that must live and work in impoverished areas. By allowing business to write off their investments in tools for their workers more quickly the incentive for providing them to employees is increased. The result will be that more tools are purchased and higher pay.

The second incentive would permit an area company that hires an area resident to take a 12-percent tax credit on the first $15,000 paid to that employee. This incentive is carefully targeted to insure that the new jobs will indeed go to the residents of revitalization areas, not to those already employed outside them. True, a requirement that 50 percent of area residents must be employed for a company to qualify for the benefits extended by Federal, State, and local governments is a strong incentive to hire local people. But a 12-percent tax credit is still needed to offset the additional labor costs now imposed by the Federal Government through social security, unemployment, and workmen's compensation taxes when an area resident is hired. What the tax credit will do is eliminate the "crowding out" of job opportunities for area residents by the Federal Government that now exists.

This incentive for investing in area residents will mean that even more than 50 percent of employees will come from within the areas. And it will also stimulate the creation of more area businesses,

again with a favorable impact on local economic growth and employment opportunities for its residents.

The third tax incentive is a proposal to change the eligibility rules for subchapter S corporations. Under the tax rules for subchapter S corporations, shareholders are taxed as though they were partners instead, yet still retain the advantage of limited personal liability that incorporation provides. Presently, a subchapter S corporation may not have more than 15 shareholders. The Urban and Rural Revitalization Act raises this number to 100 for corporations operating inside a revitalization area.

One immediate benefit this change achieves is to allow area corporations to issue stock to their area employees as part of their compensation without bumping up against the 15-percent limit. A second important advantage is that it insures that the tax benefits conferred through accelerated depreciation and the 12-percent jobs tax credit actually benefit the owner of a small or new area business and therefore help area residents to get jobs.

In many cases, it takes more than 1 year for a new enterprise to operate profitably. Tax incentives have diminished or have no effect on incorporated small business owners if their corporations are unprofitable. When a corporation has no income, it is required to pay no tax. In such cases accelerated depreciation, jobs tax credits and operating losses provide no offsetting revenue, in the form of lower taxes, to its owners. Very simply, in such cases we have to take extra steps to create jobs.

By allowing a corporation to have up to 100 shareholders and still qualify for subchapter S treatment, more new enterprises will be affected by the targeted Federal tax incentives proposed. I believe revamping the subchapter S rules for qualifying firms in revitalization areas is a necessary and essential step for success.

The fourth incentive permits the owner or owners of a firm to sell their interests under more favorable capital gains tax rules. Instead of excluding 60 percent of the gain from ordinary income as is done now, 90 percent would be excluded.

This provision has the effect of raising the after-tax reward for successfully building new revitalization area enterprises by 4 percent to 29 percent depending on the individual income tax bracket of the owners. By raising the reward for success, we expect more people to try. The more who try, the more that will succeed, and the more economic growth and jobs there will be.

The fifth and final tax change proposed is to allow eligible companies within a revitalization area to use the cash accounting method in determining profit and loss instead of the accrual method.

Over the long run, there is little difference in tax liability from using one method or the other. However, the accrual method is significantly more difficult for the small businessman to use. I would prefer to see these owners use their time and money to build up their companies and job-creating opportunities than in figuring out complicated tax forms.

Now, all these incentives are technical, but their purpose is clear, to lift impoverished areas and their people up from poverty. Collectively, these changes in Federal tax law will work in tandem with the assistance provided by sponsoring State and municipal governments. Together, they will provide depressed areas what is needed most, a strong dose of economic growth.

Mr. RIEGLE. Mr. President, I am pleased to join with Senator HEINZ today in introducing the Urban and Rural Revitalization Act of 1981.

This legislation would result in major new private investment in economically distressed areas to create new jobs and a revitalization of industry. This would be especially important to Detroit, Flint, Bay City, Saginaw, Pontiac, Muskegon, Lansing, and many other localities in Michigan that are suffering from high levels of unemployment.

TARGETED TAX INCENTIVES

Specifically, the bill would authorize local governments to designate economically distressed areas as "revitalization areas" in which special tax benefits would be available. Eligibility criteria would be established by the Secretary of Commerce.

These tax incentives would strengthen efforts of local governments to attract businesses to economically distressed areas and stimulate economic growth in those areas. Firms would have to hire 50 percent of their employees from the revitalization area in order to qualify.

The bill would relieve some of the tax disadvantages of start-up enterprises in revitalization areas by permitting firms with up to 100 stockholders to pass tax losses through to shareholders. The bill would permit rapid depreciation of property located in revitalization areas. Machinery and equipment could be depreciated over 3 years. Rehabilitation of existing buildings would be encouraged by permitting the first $500,000 investment in structures to be depreciated over 3 years. Additional investment in buildings could be depreciated over 10 years. The bill would reduce the capital gains tax rates on property located in revitalization areas. Qualifying capital gains would be subject to a maximum tax of 10 percent compared to a tax of 28 percent that applies under current law. It would also allow the full 10 percent investment tax credit on all property located in designated areas. It would permit qualified firms to use the cash method of accounting, which many small firms would find administratively simpler than the accrual method.

This legislation would provide a 12-percent tax credit for wages up to $15,000 paid to residents of the designated areas. Unlike the Kemp-Garcia proposal introduced last year, this bill would provide assistance to rural as well as urban areas. This bill would help overcome important cost barriers that now prevent many firms from locating in distressed areas.

PROVIDES TOOLS FOR LOCAL ECONOMIC DEVELOPMENT

The incentives provided by this bill are especially needed now that a major vacuum will be left by the severe cutbacks in Federal economic development and revitalization programs that have been proposed by the administration.

Deep budget cuts will disrupt hundreds of efforts across the country in which local governments, banks, and private industry are cooperating to create stable jobs in distressed areas. The administration's plan to turn responsibility for economic development back to State and local governments will drop a huge new financial burden on those States and local governments that are hardest hit by economic distress. The Federal Government cannot rely solely on States and localities and then deny them the tools they need to reverse economic decline and to encourage sustained economic growth in their most distressed areas.

FEDERAL POLICIES HAVE HELPED CREATE PROBLEMS

Mr. President, the Federal Government has contributed much to the uneven pattern of economic prosperity and decline in the United States. Federal policies have helped and hurt local economies in ways that we are only beginning to understand but that we must not deny.

The massive Federal impact has affected development at the regional level. For decades, Federal tax policies have drained hundreds of billions of dollars more from States in the Northeast and Midwest than Federal spending policies has returned to those States. Economies in the South and West have been big net gainers from those same policies. The Northeast and Midwest lost $165 billion in this way between 1975 and 1979, a time when basic industries in these regions badly needed capital for modernization. During the same period, the South and West gained $112 billion. Michigan alone loses $7 to $8 million annually.

The Northeast/Midwest Institute estimates that the administration's package of budget cuts, and defense increases will make that problem even worse. The Northeast and Midwest will lose about $100 on a per capita basis as a result of the new budget strategy. The West will gain $45 per capita.

The Federal impact has also affected development at the local level. Highway construction and Federal housing insurance since the Second World War have encouraged people and firms to abandon our cities and move to suburban areas. Tax policies have encouraged businesses to construct new plants in outlying areas rather than to modernize existing plants that are serviced by existing public facilities and public transit.

The resulting dislocations have created enormous new costs for individuals and for society.

Across the country there are local areas that have declining population, eroding tax bases, and a rising demand for welfare and other social services.

The economic distress in these areas will not go away if we simply close our eyes, and assume that free market forces alone will bring prosperity to all these seriously distressed areas. If the problem is left unattended, it will worsen.

DEEP DISTRESS IN SOME STATES

The problem is especially painful in States such as Pennsylvania and my own State of Michigan. Michigan unemployment is at 12.2 percent while the national unemployment rate is 7.3 percent. In the first quarter of 1981, 20,000 jobs were lost as plants closed and firms failed.

The U.S. Department of Labor has just published a list of the 10 cities with the worst unemployment—four of those cities are in Michigan:

Flint (No. 2 on the list with 16.5-percent unemployment);

Bay City and Muskegon (tied for fifth place with 14.9 percent) and

Detroit (ninth on the list, with 13.4 percent).

State and local governments that have the greatest need, simply do not have the resources they need to attract new jobs and stimulate new industry. The Michigan State budget has had to be slashed $855 million already this year. In Detroit, the projected deficit will be $119 million for fiscal year 1982, and it could be much higher unless local income taxes are increased, unless city employees approve a wage rollback and unless the city is able to sell municipal bonds. City services have been cut 18 percent since 1978, and the upkeep of city property has fallen drastically. In my State, there are no funds available for new public initiatives. Our local governments are pushed to the wall financially—and face the loss of Federal economic development aid that they have relied on in the past.

Local governments are under intense financial pressure in Flint, Saginaw, Pontiac, Muskegon, and in many other communities throughout Michigan.

Mr. President, I agree with those who say that most local governments and State governments have the vision and the expertise to address their local economic problems, if they have the necessary resources. I have seen major achievements in my own State—with the assistance of Economic Development Administration programs, with UDAG grants, and with other resources that are now to be cut back. But local officials must be given the tools to work with, and this bill gives Congress an important framework for developing those tools.

The costs of the bill would be more than offset by benefits from reducing the costs of joblessness, from new economic activity and growth, and from increasing hope and productive opportunity for our citizens in America's most distressed areas.

By Mr. MATSUNAGA (by request):

S. 1243. A bill for the relief of Kenneth Darrow and Renee Liddle; to the Committee on the Judiciary.

RELIEF OF KENNETH DARROW AND RENEE LIDDLE

● Mr. MATSUNAGA. Mr. President, I am introducing today a bill at the request of Kenneth Darrow and Renee Liddle.

The purpose of this measure is to reimburse them for an income tax deficiency which had been assessed against them as transferees of the dissolved Rendar Enterprises, Ltd. Rendar Enterprises, Ltd., through no fault of Kenneth Darrow and Renee Liddle, failed to pay a declared dividend prior to the end of the corporation's fiscal year which resulted in the imposition of the personal holding company tax under section 541 of the Internal Revenue Code of 1954.

To summarize the matter, on March 27, 1968, Rendar's board of directors had voted to pay a dividend of $2,000 on September 30, 1968 to shareholders of record as of July 31, 1968. The company's directors undertook this action on their accountants' advice to avoid personal holding company status for the 1968 fiscal year. The company's accountants had advised that payment of such dividend any time within 2½ months after July 31, 1968, the close of the corporation's fiscal year, would prevent imposition of the 70 percent personal holding company tax.

In good faith reliance on this advice, the company paid the dividend on September 27, 1968 to the two shareholders, Kenneth Darrow and Renee Liddle; and they included the amount in their income tax returns for the 1968 calendar year. Whether the dividend was paid before or after July 31, 1968, the tax incidence on the shareholders with regard to the $2,000 dividend income is unchanged insofar as their 1968 tax liability is concerned.

However, the tax court ruled that the dividend should have been paid prior to the end of the fiscal year. Failure to make the timely dividend distribution caused the corporation to be a personal holding company; as such, the corporation was liable for the additional personal holding company tax on its undistributed personal holding company income. The tax court thus upheld the deficiency assessment against Rendar for $16,249.17; the stockholders as transferees were liable for this deficiency in view of the dissolution of the corporation. The good faith mistake of paying the $2,000 dividend after the close of the fiscal year resulted in the imposition of a large penalty tax.

The purpose of the personal holding company tax provisions is to prevent a corporation from sheltering income otherwise taxable to the individual shareholders. In this case, there was no avoidance of income taxes by the stockholders for the reason that the individuals included in their 1968 income tax returns an amount, which if it had been paid on or before July 31, 1968, would have insulated the corporation from the 70 percent holding company tax.

The Tax Court's opinion concluded:

We are very sympathetic toward petitioner's position, but on the facts of the instant case we must hold that the phc [personal holding company] provisions, strictly read, do not allow any dividends paid after the close of Rendar's 1968 fiscal year to be deemed as having been paid on the last day of such fiscal year pursuant to Section 563(c).

Kenneth Darrow and Renee Liddle maintain that they have no avenue of recovery other than this private relief bill allowing for refund of the taxes paid—$16,249.17 plus interest.

Mr. President, I urge an early and favorable consideration of this matter by the Senate and I ask unanimous consent that the opinion of the Tax Court be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPINION OF THE TAX COURT

64 TC No. 19. Kenneth Farmer Darrow, Trustee for the Creditors and Shareholders of Rendar Enterprises, Ltd., a dissolved corporation. Docket No. 8144–71. 5–14–75. Opinion by Forrester, J. Year 1968. Decision for Commissioner.

OFFICIAL TAX COURT SYLLABUS

Rendar paid no dividends during its 1968 fiscal taxable year but paid a dividend, adequate in amount to exhaust its "undistributed personal holding company income," before the 15th day of the third month following the close of such year.

[1] Held: Even assuming that Rendar had reasonable cause for failing to pay any dividends during its 1968 fiscal year, such reasonable cause is no defense to its failure to comply with sec. 562(b), which requires that some dividends must have actually been paid during its 1968 fiscal year. It is therefore liable for the 70-percent personal holding company tax as provided for in sec. 541.

Richard L. Griffith, for the petitioner.

Eugene H. Ciranni, for the respondent.

Forrester, Judge: Respondent has determined a deficiency of $16,249.17 in petitioner's 1968 fiscal year Federal income taxes. The issue which we must decide is whether petitioner is liable for the 70-percent personal holding company tax imposed by section 541, I.R.C. 1954.[1]

FINDINGS OF FACT

All of the facts have been stipulated and are so found. Those necessary to an understanding of the case are detailed below.

Kenneth Farmer Darrow (hereinafter referred to as "petitioner") was trustee for the shareholders and creditors of Rendar Enterprises, Ltd. (Rendar), at the time the petition herein was filed and also at the time of trial. On the date the petition herein was filed, Rendar's mailing address was in Honolulu, Hawaii. Rendar filed a corporate income tax return for its fiscal year ending July 31, 1968, with the district director of internal revenue, Honolulu, Hawaii.

On March 27, 1968, the board of directors of Rendar voted to pay a dividend of 40 cents a share, or a total of $2,000, on September 30, 1968, to shareholders of record on July 31, 1968. Such declaration was made by the directors in an attempt to avoid personal holding company classification for the corporation's 1968 fiscal year. Payment of the dividend was delayed until September, however, on the advice of Rendar's firm of certified public accountants, experienced in tax matters. Such firm had served as Rendar's accountants since the corporation was organized and, on the date of the directors' meeting, was in possession of all information concerning the declared dividend. It was the opinion of such firm, communicated to Rendar's board prior to the close of its 1968 fiscal year that payment of the dividend, if accomplished at any time up to 2½ months after the close of Rendar's fiscal year on July 31, 1968, would prevent the imposition on Rendar of the personal holding company tax for such fiscal year.

Rendar's board of directors relied in good faith on their accountants' advice as to all matters relating to the declaration and payment of the dividend described above. Pur-

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Footnotes at end of article.

suant to such advice, Rendar, while financially capable of paying the $2,000 dividend on March 27, actually paid the dividend on September 27, 1968. No dividends were actually paid by Rendar during its fiscal year ending July 31, 1968. The $2,000 dividend was divided in equal amounts between Rendar's two 50-percent shareholders, petitioner and Renee Liddle, each of whom included the $1,000 dividend received on their respective 1968 calendar year Federal income tax returns.

Over 80 percent of Rendar's gross income in fiscal 1968 was comprised of rents, and the parties do not dispute that, if we hold that less than $1,548.52 of the above-described dividend can be deemed as having been paid during its 1968 fiscal year, Rendar was a personal holding company during 1968 and subject to the section 541 imposition as determined by respondent.

On June 8, 1969, a dissolution resolution was adopted at a special meeting of Rendar's shareholders. The Hawaii Office of the Director of Regulatory Agencies issued a decree of dissolution for Rendar on August 6, 1969.

In his statutory notice of deficiency respondent determined that Rendar, during its 1968 fiscal year, was a personal holding company described in section 542(a) of the Code. He further determined that Rendar had undistributed personal holding company income during such year (undisputed as to amount) which was subject to the 70-percent imposition of section 541.

OPINION

We must decide in the instant case whether Rendar is liable for the 70-percent personal holding company (phc) tax provided for by section 541. Pursuant to such section, a tax equal in amount to 70 percent of a phc's undistributed phc income is imposed on such phc in addition to any other taxes for which the phc may be liable under other sections of the Code.

The actual issue upon which Rendar's tax liability rests is a very narrow one: whether or not, under section 563, at least $1,548.52 of the dividend paid to Rendar's two 50-percent shareholders on September 27, 1968, may be deemed as having been paid on the last day Rendar's 1968 fiscal year, July 31, 1968.

Under section 543(a)(2) of the Code, personal holding company income includes the adjusted income from rents unless certain conditions are met.[2] In the instant case, the parties do not dispute that the condition specified in section 543(a)(2)(B) cannot be met unless we find that at least $1,548.52 of the above-mentioned dividend was paid on the last day of Rendar's 1968 fiscal year. If such condition is not met, the parties again do not dispute that Rendar would have been a phc because of section 542(a),[3] and liable for the 70-percent imposition of section 541 as determined by respondent.

Petitioner did not even attempt, on brief, to argue that any statutory language supports his position that any part of the $2,000 dividend, paid on September 27, 1968, should be deemed as having been paid on the last day of Rendar's 1968 fiscal year. Indeed, the statute clearly points to the contrary conclusion. Section 563(c) provides, in substance, that for phc tax purposes, a dividend paid within 2½ months after the close of the taxpayer's taxable year will be considered as having been paid "on the last day of such taxable year." While the $2,000 dividend declared by Rendar's board on March 28 was actually paid within such period, section 543(a)(2)(B)(ii) further provides that the amount to be considered as paid on the last day of the fiscal year is subject to the limitation posited in the second sentence of section 563(b). Such limitation is as follows:

The amount allowed as a dividend by reason of the application of this subsection with respect to any taxable year shall not exceed either—

(1) The undistributed personal holding company income of the corporation for the taxable year, computed without regard to this subsection, or

(2) 10 percent[4] of the sum of the dividends paid during the taxable year computed without regard to this subsection.

Petitioner paid no dividends during its 1968 fiscal year and thus is not entitled to claim that any part of the dividend paid subsequent to the close of its fiscal year is eligible for the special treatment provided for by section 563(c).

Petitioner makes basically two arguments against such an apparently straight-forward reading of the statute. He first contends that, because the dividends paid on September 27 were included by Rendar's two 50-percent shareholders in their own personal income tax returns for the calendar year 1968, the abuses which Congress attempted to remedy by the phc provisions are simply not present in the instant case. Hence, petitioner asserts it is appropriate, in the instant case, to allow the subsequently paid dividend to be considered as having been paid during Rendar's 1968 fiscal year in order to prevent the imposition of the 70-percent tax. Congress, however, has given us virtually no leeway to consider such a position. The clear import of the second sentence of section 563(b) is that if a company fails to actually pay any dividends during its fiscal year, then it is not entitled to rely on section 563(c) in having dividends paid subsequent to the fiscal year considered as having been paid during such fiscal year. When the congressional language is so clear, arguments such as petitioner's are in effect requesting us to rewrite a section of the Code, an action we simply cannot take in the instant situation.

Petitioner finally argues that because the 70-percent tax may be, and has been described as a penalty-type imposition (Pembroke Realty & S. Corp. v. Commissioner, 122 F.2d 252, 253 [27 AFTR 833] (2d Cir. 1941), revg. 42 B.T.A. 341 (1940); Sicanoff Veg. Oil Corp. v. Commissioner, 251 F.2d 764, 770 [1 AFTR 2d 779] (7th Cir. 1958), revg. 27 T.C. 1056 (1957); S. Rept. No. 558, 73d Cong., 2d Sess. (1934), 1939–1 C.B. (Part 2) 586, 596 that its assessment should not be permitted when as here the taxpayer can show that its failure to escape the clutches of the statute was due to reasonable cause. The phc provisions, however, contain no mention of a reasonable cause standard for determining a taxpayer's reject petitioner's efforts to have us legislate in these matters.

In enacting the phc surcharge in the Revenue Act of 1934, it was the congressional intent to set forth specific standards for the determination of whether or not a company should be deemed a phc and taxed accordingly. If a company meets the criteria set down by Congress in the statute, the imposition of the tax is to follow without further question: "The effect of this system recommended by your committee is to provide for a tax which will be automatically levied upon the holding company without any necessity for proving a purpose of avoiding surtaxes. It is believed that the majority of these corporations are in fact formed for the sole purpose of avoiding the imposition of the surtax upon the stockholders." H. Rept. No. 704, 73d Cong., 2d Sess. (1934), 1939–1 C.B. (Part 2) 554, 563. See also S. Rept. No. 558, 73d Cong., 2d Sess. (1934), 1939–1 C.B. (Part 2) 586, 597.

Relying upon this language in the legislative history, we and other courts have been consistent in holding that the phc provisions must be applied strictly in order to fulfill this expression of congressional intent. O'Sullivan Rubber Co. v. Commissioner, 120 F.2d 845, 848 [27 AFTR 529] (2d Cir. 1941), affg. 42 B.T.A. 721 (1940); Litchfield Securities Corp. v. United States, 325 F.2d 667 [12 AFTR 2d 6042] (2d Cir. 1963), cert. denied 377 U.S. 931 (1964); Cedarburg Canning Co. v. Commissioner, 149 F. 2d 526, 528–529 [33 AFTR 1404] (7th Cir. 1945), affg. a Memorandum Opinion of this Court; Kurt Frings Agency, Inc., 42 T.C. 472, 477 (1964), affd. per curiam 351 F.2d 951 [16 AFTR 2d 5853] (9th Cir. 1965). Despite any harshness or other subjective factors which may be present, if a company fits the literal description of a phc contained in the Code, and if it has undistributed phc income as defined in the statute, imposition of the 70-percent tax is a matter of course. Porto Rico Coal Co. v. Commissioner, 126 F.2d 212, 213 [28 AFTR 1316] (2d Cir. 1942), affg. 44 B.T.A. 221 (1941); Coshocton Securities Co., 26 T.C. 935, 939 (1956).

In light of the above long-standing authority, we can accord very little attention to petitioner's request that we allow a taxpayer to escape phc characterization if he can show "reasonable cause" for having failed to avoid the grasp of the statute. Such a rewriting of the statute would clearly impinge upon the automatic quality of the phc provisions which Congress intended, an intent which has caused the courts, as described above, to consistently refuse to take into account subjective factors in determining the applicability of the phc provisions to individual cases.

Petitioner also argues that there is a "general policy" in the tax law, as interpreted by the courts, which requires that taxpayers be allowed a reasonable cause defense in the case of penalty-like provisions such as section 541. Petitioner, however, does not support his theory that, as a general matter, penalty-like provisions in the Code are or should be subject to a reasonable cause standard. He instead relies solely on case law interpreting section 6651(a), which section explicitly provides for the taxpayer a "reasonable cause" escape route from the penalty imposed by that section. See also section 6652(a). The phc provisions, on the other hand, posit no such reasonable cause defense for a taxpayer attempting to contest the imposition of the 70-percent tax. Thus, cases dealing with section 6651 are simply not in point in considering the proper interpretation and application of section 541.

Indeed, an examination of the history of section 6651(a) clearly refutes petitioner's theory that all penalty-like provisions must have read into them a "reasonable cause" defense. Prior to 1936, the predecessor to section 6651(a) did not contain the "reasonable cause and not due to willful neglect" language as to "failure to file," which is today contained in section 6651(a)(1). In interpreting this earlier section, the courts uniformly held that if a return was never filed the imposition of the penalty was mandatory, and considerations of "reasonable cause" were irrelevant. Commissioner v. Lane-Wells Co., 321 U.S. 219, 224–225 [31 AFTR 970] (1944); Axel Holmstrom, 35 B.T.A. 1092, 1105 (1937), affd. 94 F.2d 747 [20 AFTR 992] (3d Cir. 1937); Scranton, Lackawanna Trust Co., Trustee, 29 B.T.A. 698, 702 (1934), affd. per curiam 80 F.2d 519 [17 AFTR 71] (3d Cir. 1935), cert. denied 297 U.S. 723 (1936). It was only after the Revenue Act of 1936 had specifically posited a "reasonable cause" standard for taxpayers who had failed to file a return that the courts began applying such a standard. Commissioner v. Lane-Wells Co., supra at 224-225. In the instant case, we too feel constrained to await the lead of Congress before applying any reasonable cause standard in the phc situation.

At most, courts which have characterized

Footnotes at end of article.

section 541 as imposing a penalty, have demanded a very strict reading of the phc provisions before allowing the imposition of the 70-percent tax. Sicanoff Veg. Oil Corp v. Commissioner, 251 F.2d at 764. Frelbro Corp. v. Commissioner, 315 F.2d 784, 788 [11 AFTR 2d 1216] (2d Cir. 1963), revg. 36 T.C. 864 (1961). We are very sympathetic toward petitioner's position, but on the facts of the instant case we must hold that the phc provisions, strictly read, do not allow any dividends paid after the close of Rendar's 1968 fiscal year to be deemed as having been paid on the last day of such fiscal year pursuant to section 563(c).

Decision will be entered for the respondent.

FOOTNOTES

[1] All statutory references are to the Internal Revenue Code of 1954, unless otherwise indicated.

[2] Sec. 543. Personal Holding Company Income.

(a) General Rule.—For purposes of this subtitle, the term "personal holding company income" means the portion of the adjusted ordinary gross income which consists of:

(2) Rents.—The adjusted income from rents; except that such adjusted income shall not be included if—

(A) such adjusted income constitutes 50 percent or more of the adjusted ordinary gross income, and

(B) the sum of—

(i) the dividends paid during the taxable year (determined under section 562),

(ii) the dividends considered as paid on the last day of the taxable year under section 563(c) (as limited by the second sentence of section 563(b)), and

(iii) the consent dividends for the taxable year (determined under section 565),

equals or exceeds the amount, if any, by which the personal holding company income for the taxable year (computed without regard to this paragraph and paragraph (6), and computed by including as personal holding company income copyright royalties and the adjusted income from mineral, oil, and gas royalties) exceeds 10 percent of the ordinary gross income.

[3] Sec. 542. Definition of Personal Holding Company.

(a) General Rule.—For purposes of this subtitle, the term "personal holding company" means any corporation (other than a corporation described in subsection (c)) if—

(1) Adjusted Ordinary Gross Income Requirement.—At least 60 percent of its adjusted ordinary gross income (as defined in section 543(b)(2)) for the taxable year is personal holding company income (as defined in section 543(a)), and

(2) Stock Ownership Requirements.—At any time during the last half of the taxable year more than 50 percent in value of its outstanding stock is owned, directly or indirectly, by or for not more than 5 individuals. * * *

[4] For all taxable years beginning after December 31, 1969, the applicable percentage is 20 percent. P.L. 91–172, sec. 914(a).●

By Mr. HART (for himself and Mr. RANDOLPH):

S. 1244. A bill to amend section 601 of the Powerplant and Industrial Fuel Use Act of 1978 to provide comprehensive assistance to States, local governments, and Indian tribes to mitigate the adverse social and economic impacts caused by major energy developments, and for other purposes; to the Committee on Environment and Public Works.

ENERGY IMPACT ASSISTANCE ACT OF 1981

● Mr. HART. Mr. President, I am pleased to introduce today, on behalf of Senator RANDOLPH and myself, for consideration in the 97th Congress, the Energy Impact Assistance Act of 1981.

This bill is identical to the legislation approved by the Senate last year as title III of the fiscal year 1981 authorization for the Department of Energy. Since the House of Representatives did not consider the DOE authorization legislation, the energy impact bill did not become law.

The legislation is, to a large extent, an outgrowth of an effort I first undertook in 1976, and have pursued since in cooperation with the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Kentucky (Mr. FORD).

The legislation introduced 5 years ago was considered by the Committee on Environment and Public Works, since the bill would have created a program administered by the Economic Development Administration. Working closely with the Administration, the National Association of Counties, the National Governors' Association, and other interested groups, the Environment and Public Works Committee considered this legislation—the so-called Hart-Randolph bill—and ordered it reported to the full Senate. The Committee on Governmental Affairs, which shared jurisdiction over the bill, also approved the bill, with some changes. However, the 95th Congress adjourned before the Senate was able to resolve the difference between the two bills.

Although the Senate never considered the comprehensive energy impact legislation, Congress did enact—in section 601 of the 1978 Fuel Use Act—a limited program for energy impact assistance. Under that program, the Farmers Home Administration has made grants to local governments to help with some of the impacts caused by coal and uranium development activities.

Not wanting to duplicate unnecessarily the section 601 program, Senator RANDOLPH and the other interested members of the Committee on Environment and Public Works joined me in the 96th Congress in proposing legislation to expand the limited section 601 program into the comprehensive program envisioned by the original Hart-Randolph bill. Senator FORD, on the Committee on Energy and Natural Resources, and Senator GLENN, on the Committee on Governmental Affairs, provided the leadership to bring the legislation before the full Senate, which approved the bill in the summer of 1980.

As approved by the Senate last year—and as we are introducing it today—the Energy Impact Assistance Act provides assistance to State and local governments and Indian tribes to help them avoid and reduce the adverse social and economic effects of large scale energy development. The major provisions of the legislation include:

The eligibility for assistance under the act for any local area experiencing adverse social and economic effects because of the development of energy resources which are being used to meet national needs;

Federal grants to help State and local governments and Indian tribes plan for the management of the growth caused by energy development;

"One stop shopping" to help local governments discover and tap existing Federal assistance programs which can be used to meet their energy impact needs:

Reviews by Federal agencies of their existing programs to improve the delivery of services to energy impact areas;

New Federal assistance—$1.5 billion in Federal guarantees of loans by State and local governments and Indian tribes, and $400 million per year in loans and grants to State governments and Indian tribes during fiscal years 1982 through 1985—to be used as a last resort to provide public facilities and services which cannot be funded under other programs; and,

A prohibition against any delays in energy development projects, even if assistance under this act is delayed.

The need for this legislation is clear. We all recognize the overriding necessity to increase drastically our domestic production of energy.

However, this development can have serious adverse effects on the local communities where the energy resources are located.

Energy development drastically changes the community. New specialized workers arrive with their families, with the demand for "secondary" jobs to supply new goods and services. The actual population growth can be as much as six times the increase in energy jobs.

This growth has already happened in many places. Craig, Colo., which is in the center of a coal boom, grew by almost 50 percent in 3 years, and will likely double again by 1985.

This boom growth is likely to happen even more frequently in the future, since synthetic fuel plants cause greater impacts than other forms of energy development. The Department of Energy predicts an average 100,000-barrel-per-day facility, for example, will draw 20,000 new people to the facility site.

This sudden population growth causes severe and complex problems, including shortages in public facilities and housing. New residents rapidly overload existing schools, roads, sewers, hospitals, and other facilities.

The Department of Energy's best estimate is that the development costs of the facilities and services minimally necessary for each new resident is $7,000. A synthetic fuels plant drawing 20,000 new people then, would have an impact price tag of $140 million.

In northwestern Colorado alone over the next 10 years, the total price tag could be more than $1 billion.

The social and economic disruptions are even worse than the need for new facilities and services.

In Craig, Colo., for example, in 3 years, crimes against people increased by 900 percent, alcoholism cases increased by 623 percent, family disturbances increased by 352 percent, child abuse and neglect cases increased by 130 percent, and child behavior problems by 1,000 percent.

The same problems arise from any energy development. Virtually every State will experience severe impact pro-

grams as our domestic energy production accelerates.

The communities' needs far exceed their resources. For example, of 179 communities in Federal region VIII with energy-related impacts, only about 25 have planners. The almost total lack of expertise to deal with rapid growth leaves these communities extremely vulnerable.

While local revenues from taxes on the energy development and related growth will help, they will not be adequate. One study—already outdated—identifies the total national energy impact needs as $80 billion by 1985, while the increased State and local revenues would be only $49 billion.

Much more importantly, however, the revenues do not come in until after the local governments must address the impacts.

The greatest need for expanded facilities and services is before the surging population overruns the existing resources.

A local government often cannot borrow against future revenue to meet its initial needs. Generally, the town has no previous bonding history, and little resources to back any bonds.

The energy impact legislation is designed to help provide an economic bridge, through limited front-end assistance until the revenues from the energy development begin to come in.

Of course, there are other ways in which a Federal energy impact assistance program could be designed. The reintroduction of the bill, as it was approved by the Senate last year, should be taken as a starting point for discussions on whether and how the program should be changed, not as any indication that the legislation is in finished form. In fact, I am currently engaged in discussions with energy companies. State and local governments, and other interested groups to determine what changes should be made in the legislation. These discussions are covering a wide range of possible approaches, including such fundamentally different approaches as using changes in Federal tax laws to encourage energy companies themselves to finance the local facilities and services which, under the legislation being introduced today, would be financed by Federal funds. After further consideration of different approaches, we may propose modifications to the bill being introduced today, or perhaps a completely different bill.

Whether the assistance is provided under this legislation or under some other, new approach, the Federal Government has a clear responsibility to help State and local governments and Indian tribes deal with the social impacts of energy development. After all, the energy will be produced largely on national land. It will be produced in response to national policies. It will be produced to meet national needs. And its production will benefit greatly the national economy. It would be irresponsible for the National Government to accept the benefits of the energy development it has encouraged without helping to ease the local burdens.●

By Mr. HATCH (for himself, Mr. LAXALT, Mr. GARN, Mr. GOLDWATER, Mr. HELMS, Mr. CANNON, Mr. STEVENS, Mr. WALLOP, Mr. ZORINSKY, Mr. JEPSEN, Mr. TOWER, Mr. SIMPSON, Mr. HAYAKAWA, Mr. DECONCINI, Mr. DOLE, and Mr. HUMPHREY):

S. 1245. A bill to provide for the cession and conveyance to the States of federally owned unreserved, unappropriated lands, and to establish policy, methods, procedures, schedules, and criteria for such transfers; to the Committee on Labor and Human Resources.

PUBLIC LANDS REFORM ACT OF 1981

Mr. HATCH. Mr. President, on behalf of Senators LAXALT, GARN, GOLDWATER, HELMS, CANNON, STEVENS, and myself, I send to the desk for appropriate reference the Public Lands Reform Act of 1981. This bill is a substantially revised version of the Western Land Distribution and Regional Equalization Act of 1979 which I introduced in the 96th Congress.

SHORT EXPLANATION

The Public Lands Reform Act of 1981, would provide an orderly and efficient statutory mechanism by which various Western States could apply to the Federal Government for ownership and control of unreserved and unappropriated Federal land within their respective borders. Applicant States would be required to meet certain minimum qualifications at the time they apply for the exchange of ownership and, after they assume ownership, any subsequent transfer of lands to private auspices would be restricted to the current Federal guidelines for disposal and sale as provided for in section 203 of the Federal Land Policy and Management Act. The bill provides that in the unlikely event that a State receiving lands under the act proceeds with a sale or other conveyance in violation of this clause, the particular conveyance transaction will be nullified by Federal law.

FEDERAL OWNERSHIP OF NATURAL RESOURCES AND AMERICAN SOCIAL, ENVIRONMENTAL, AND ECONOMIC REALITY: A CASE OF INSTITUTIONAL INCOMPATIBILITY

This bill addresses a single issue which lies at the core of an increasing part of our labors here in the Congress. It is an issue which is principally responsible for an extraordinary measure of grief and anxiety being felt by my constituents. I argue that it is also responsible in part for the collossal failure of this country to respond effectively to a decade of being held hostage economically by OPEC oil production.

I am referring, of course, to the fact that over one-third of the continental land mass of the United States, and surely, more than half of our domestic supplies of critical natural resources are owned and outright controlled by the Federal Government. I am referring to the fact that in the West, over two-thirds of the land is outside the jurisdiction of State and local laws by virtue of its being owned by the Federal Establishment.

Mr. President, this arrangement is fundamentally incompatible with the social and economic institutions of this country and as such, is not in the best interest of either the people of the United States or their environment.

Since the introduction of the so-called Sagebrush Rebellion in the national arena a lot of the rhetoric in favor of divesting the Federal Government of its ownership of these lands has focused on the inequities and inanities of Federal land management decisions.

I would like to depart from the pattern and delve a little deeper into the significance of Federal ownership with a glimpse of what county government is like in a county with 90 percent Federal ownership.

Several months ago in southeastern Utah, the commissioners of a rural county became concerned over the fact that BLM wilderness inventory was posing a serious threat to the economic future of the communities in their jurisdiction. They also clearly recognized the new wave of management control portended by a plethora of regulations in the Federal Register dealing with access and use of land comprising most of their county, as a usurpation of their lawfully mandated responsibilities by the Federal Government. To make their point in a way that might be noticed by the landlords in the main Interior building and in the Halls of the Congress 2,000 miles away, they convened a special meeting of the commission and ordered the county road crew to "improve a specified public way pursuant to the protection of public health and welfare."

The public way in question had been regularly used by citizens for 17 years, was in very poor, even dangerous condition, and happened to be within the boundaries of an area which the BLM had labeled "roadless" and suitable for inclusion in the wilderness inventory. What resulted was a token test of whether or not the county government had any real authority to govern in most of the county.

They were prompted to take such drastic action by the stark realization that the laws which applied to all State and private land in their jurisdiction did not apply to the other 90 percent of the county. BLM, you see, does not consider itself just another property owner; they do not obey State and local planning decision, they do not pay property taxes, they do not respect the laws of adverse possession, and so forth.

I would ask some of my eastern colleagues if local government officials in their States would like to preside over a situation wherein 90 percent or more of the real estate was not taxable, but instead contributed revenues to their coffers only by virtue of an annual dole in the form of payments in lieu of taxes? Would they be comfortable with the knowledge that any long-range plans they might make had to factor in the distinct possibility that their tax base could be erased without notice, at the whim of the Federal Congress?

How much municipal authorities react to the prospect of having their community growth patterns dictated by the prevailing attitudes of the current regime in Washington, D.C., rather than the will of the community and the value and suitability of the land? How would

they feel about an overt declaration by the President of the United States to the effect that it was a priority matter for his administration to develop a water policy for Federal lands and watersheds in order to "control growth patterns" in their county or city?

I know the answer, Mr. President; those officials and their constituents would react the same way that my constituents and the State and local officials in my State have reacted. They would not ask that the Federal Government learn to be a "good neighbor," they would demand abolition of the institutional bonds which place them under the threat of such intolerable Federal intervention into their affairs. That is what this bill is intended to facilitate.

Effective environmental protection programs and a viable minerals industry share at least one common prerequisite. They, by their very nature, require long-term consistency in resource management policy. In other words they are both characterized by a critical need for a great deal of detailed advance research and planning before any results can be expected, and it is therefore essential that the tenure of both be assured.

The willingness of financiers to make the large, early investments in mineral development on western lands will be seriously affected by whether they can predict with some degree of certainty that they will ultimately be allowed to reap any harvest from today's investments, 15 or 20 years later when the mines could reasonably be expected to be operational. By the same token, any recovery efforts for a typical endangered plant or animal or any rangeland recovery program would be a waste of effort unless those who plan it can assume that there will be a commitment by future land managers to carry out their programs.

One of the most salient features of our Federal Government is its immunity to most of the incentives and pressures which produce change in the private sector. Specifically, it does not respond to the urgings of the market place over the long-term, a characteristically predictable set of forces. Instead, it responds to one of the most fickle factors in our society, national presidential politics.

In the recent past we saw an extraordinary price incentive to develop domestic energy resources correspond with a politically inspired decision to curtail all coal leasing and all routine, on-shore oil and gas leasing on Federal lands.

As the result of one of the finest public relations campaigns in history, the environmental movement has created a remarkable public and political awareness of the magnitude of the values inherent in one-third of the Nation's land and half of our resources. The question I pose is this: Can either the environment or the economy afford to have those stakes gambled by national political forces? Can we afford to have the Nation's marrow become a political football to be kicked from one end of the development versus preservation spectrum to the other every 4 or 8 years?

I do not think so, Mr. President. It is my conviction that we must act soon to remove the lands to a public repository which has a long track record of prudence, we must transfer the ownership of the national resource lands to the States in which they lie.

The Public Lands Reform Act is intended to right a wrong over 100 years old. Unlike the Eastern States which were admitted to the Union with State or private control over the land within their borders, Western public land States were treated like second-class colonies, and were forced to give up their rights to the vast amounts of land within their boundaries. It is fundamentally wrong for Uncle Sam to own, control, and regulate one-third of America. Sixty-three percent of the land west of the Rockies is managed by the Federal Government. Please note that the first class States in the East, however, average about 5 percent Federal ownership—a much more reasonable degree of Federal presence.

This bill redresses these inequities, establishes a mechanism for transferring about 460 million acres of Western lands now managed by the Bureau of Land Management from Federal to State control, plus about 8 million additional acres of forest lands. The transfer would not be automatic, and States would be required to pass laws to provide for sound management practices. The bill does not permit transfer of lands such as national parks, wildlife sanctuaries, or Indian reservations.

To effect the transfer of title, a board will be appointed for each applicant State to see that the State is capable of managing the lands, as defined by the law. The Federal Land Transfer Board, after certifying that a State has the appropriate land management mechanisms in place, transfers title and rights to the State.

The Federal Land Transfer Board would have a total of seven members. The Governor of the State involved recommends a slate of candidates from which the President picks three to sit on the board. In addition, there are three representatives from the Federal Government, one each from the Departments of Interior, Agriculture, and Defense. The President appoints a chairman who is nonvoting, except in the case of a tie vote by the board.

Mr. President, as a fundamental matter of equity, it is wrong for the Federal Government to control three-fourths of the land within the boundaries of a State. Westerners deserve the same rights as all other citizens, to assure that we Westerners will be able to manage our vast resources according to our own and the Nation's highest human needs, not those of Washington, D.C. bureaucrats; to insure that development occurs in a clean, orderly and timely manner; to create new jobs and opportunities for our people; to relieve the State and local tax burden by providing new tax sources; to reduce the size and power of the Federal Government; to assure State and local management of State and local problems with direct accountability to the people; and to assure wise stewardship of the resources available in those lands, for the benefit of all the people in this country, and their children.

Our experience in the past and recent, pointed examples suggest that the States can do at least as well as, and probably better than the Federal Government in managing the bulk of this public domain.

Federal agencies frequently promulgate conflicting regulations for western land use. The Department of Energy tells the West that development of energy resources is the top priority for western land. In the past, the Department of Interior has stressed wilderness preservation. And on the same Federal land, the Department of Defense says that MX missile deployment absolutely takes first precedence. There are simply too many inconsistent directives coming out of Washington, D.C. which fail to consider local conditions and realities.

Recent changes of some of the decisionmakers in the executive branch—most notably the installation of Ronald Reagan as "First Sagebrush Rebel"—do not alleviate all our problems. We feel that Secretary Watt's good neighbor policy will be a much-needed relief to the West, and we appreciate his efforts. However, we simply cannot rely on the good will of future administrations to continue his policies. Also, the inequity of State sovereignty is not resolved by this policy shift.

There are clear indications the States in question recognize the gravity of this type of action, and will accept the burdens to gain the benefits. Land transfer is permissive and not mandatory. In 1979, Nevada was the first State to assert State control over Federal land. Since then, Arizona, California, Colorado, Hawaii, New Mexico, Utah, and Wyoming have all passed similar State laws of resolutions of support. However, this bill would not provide automatic transfer of lands. States would have to apply for the land and meet certain criteria before transfers could be made.

In addition to the West's philosophical desire to be on an equal footing with the rest of the States, we are fed up with the morass of Federal regulations that accompany Federal land ownership in the West. We simply do not believe that "Washington knows best" when it comes to planning a park, expanding a town, grazing a cow or drilling for oil. The West is over-regulated and under-compensated for its contributions to the Nation.

These western States clearly recognize the value of the lands they would manage, and there is every indication their respective governments will improve the management, not, as some fear, sell the land. Under this bill, they could not. This bill envisions that States will retain the vast majority of land they receive for the benefit of the entire Nation under multiple-use management principles.

Criteria in the bill require that States could only sell the land if it were difficult or uneconomic to manage, no longer needed for a specific purpose for which it was acquired, or would serve important public objectives which could not be accomplished in a practical manner on other lands. These criteria are patterned after the Federal Land Policy and Man-

agement Act, which prescribes the ways in which the Secretary of the Interior may presently convey lands from Federal ownership. Additionally, any subsequent conveyances by the State not in conformance with these criteria are specifically proscribed.

In the West, we know that continued access by hunters, fishermen, campers, and other recreationists and users of public land is extremely important. This bill provides for continued access to other Federal lands and, should conveyance from State ownership occur, provides that access to the remaining State lands be maintained—a protection we have been unable to obtain from current management.

This brings up the issue of potential for mismanagement. We believe local people, whose lives and livelihoods are directly tied to effective land management, will do an even better job than has been done in the past. The expertise in land management is concentrated in the western States where curricula emphasize land management in the colleges and universities—and where it is not uncommon to find farmers and ranchers with advanced degrees in "wise land management." The Federal Government has no monopoly on land management expertise. The local user, on the other hand, has management expertise, consultants available, and an intense interest in the wise management of the lands.

Home rule for the West will result in more efficient, more timely and more responsible management. Those who, by virtue of their proximity to the land will directly bear the consequences of management decisions have always made better caretakers than landlords from 2,000 miles away. Some specific examples: At the same time that Federal land managers conjured a controlled burn policy to govern their allocation of fire-fighting resources, a system which subjectively defined certain forest fires as natural and thus to be allowed to burn uncontrolled, my home State, Utah, adopted a pure cost-benefit formula for determining how much to spend per fire. They dispense the State's fire-fighting budget as a function of the dollar value of the threatened resources. The not-so-surprising result is that the State of Utah puts out more fires for each dollar they spend than their Federal counterpart.

A lot of the concern which has been voiced against State ownership has expressed reservations about the States' commitment to such environmental values as clean air. What is overlooked is the historical fact that the whole Federal clean air initiative was inspired by and, to a great degree, patterned after the California State clean air act. California acted first to clean up its own atmospere; the Feds were latecomers.

Essentially, the same scenario applies to the Federal laws controlling the effects of strip mining. In fact, the Federal Surface Mining Control and Reclamation Act was inspired by and patterned after several State laws which were in place at the time the Federal law was conceived. It is also notable that the Pennsylvania, Montana, and Colorado mined-land reclamation laws are actually working while the Federal statute has accomplished little more than to set records for the publication of regulations in the Federal Register, most of which have been nullified by the Federal courts.

It is all too easy to point a finger at Appalachia as an example of the ineffectiveness of State control. To do so tacitly ignores the fact that at the same time the "rape of Appalachia" occurred, it was compatible with a national ethic casting man and his institutions as conquerors of nature and that the Federal Government likewise took no role in preventing what we now, in retrospect, view as an environmental atrocity.

One further example of State preeminence in a matter of great concern to those interested in public land management involves the question of retaining the public domain in government ownership. It is often alleged that if the States owned the lands which are currently owned by the Federal Government, they would merely auction them off for "short-term profit." The facts are that the Federal policy of retention was only established in 1976 with the enactment of the Federal Land Policy and Management Act. Prior to that time there were Federal homestead laws in force which merely gave land away to any citizen who would develop it. The State of Utah, along with most of its neighboring States wisely adopted policies of retention long before 1976 simply because they realized that leasing land for resource access rather than selling it off provided continuing, long-term benefits to the State.

In general, the only way the allegation that States would be poorer managers of that land can be made to sound reasonable, is to compare the policies and performance of State government at the turn of the century with its modern Federal counterparts. If the comparison is made on the basis of current management programs, most States outshine the Feds hands down.

Some of my colleagues will be surprised to hear that State management may in fact cost less. Studies by land-grant universities have indicated just that. We have always contended that close-to-home management is more economic. To prove that point to people who do not believe it, this bill calls for a study of the relative costs and benefits of State versus Federal land management. The effect of present Federal regulatory burdens will also be considered in this study.

Meeting with the press this morning Representative GEORGE HANSEN of Idaho characterized this issue as one of home rule. I think the local residents of Washington, D.C., and Mayor Barry would sympathize with us there. But, it seems rather odd to us that the Federal Government controls a greater portion of the land in Utah than it does in the Federal enclave in the District of Columbia. Years ago Congress granted a great degree of home rule authority to the residents of the District; we are asking equal treatment in this matter, at least. But there are some critical differences in these two cases. In the West, we have incredible potential to develop the national resources that will keep the East running. We have the opportunity to do so—but that opportunity will not keep on knocking forever—we have to open the door soon. Residents of the District of Columbia are unhappy with rule by Congress; it is not unusual that westerners would have similar complaints. But we in the West are not asking for Federal help. Please get the Federal Government out of our way, and then we will be able to help out the rest of the Nation. In exchange for getting off our backs, we will provide your grandmother in Connecticut with heating oil at a price she can afford; we will provide a lasting, renewable, and renewed timber resource that will enable your cousin to build a house long-dreamed-of in central Ohio; we will dig the coal that will keep Norfolk, Va., in the top-ranking energy-exporting ports in the world. Give us half a chance, and we will find the ores to keep U.S. manufacturing in the vanguard of innovation and productivity; and we will still provide more vacation and challenging recreation opportunities than the rest of the Nation combined. Grant us a degree of home rule, and we will return to the rest of the Nation a better home and a better way of life.

If the rest of the United States, especially those of you east of the 100th meridan, were really aware of the extent to which the lives of those of us in the West are dictated by the Federal Government, most would sympathize with us. After all, easterners have a history of rebellion against Government rule by long distance. In an earlier time, it was called the American Revolution. The Sagebush Rebellion is just a variation on a traditional American theme.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. THURMOND, the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 46, a bill to amend title 5 of the United States Code to permit present and former civilian employees of the Government to receive civil service annuity credit for retirement purposes for periods of military service to the United States as was covered by social security, regardless of eligibility for social security benefits.

S. 101

At the request of Mr. DECONCINI, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 101, a bill to amend title 18 of the United States Code to define and limit the exclusionary rule in Federal criminal proceedings.

S. 144

At the request of Mr. HEINZ, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 144, a bill to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally.

S. 170

At the request of Mr. PACKWOOD, the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 170, a bill to amend the Internal Revenue Code of 1954 to allow the charitable deduction to

taxpayers whether or not they itemize their personal deductions.

S. 259

At the request of Mr. GOLDWATER, the Senator from Nevada (Mr. CANNON), and the Senator from Missouri (Mr. DANFORTH) were added as cosponsors of S. 259, a bill to repeal the earnings ceiling of the Social Security Act for all beneficiaries age 65 and older.

S. 468

At the request of Mr. SARBANES, his name was added as a cosponsor of S. 468, a bill to amend title 38, United States Code, to expand the eligibility of former prisoners of war for certain health-care benefits provided by the Veterans' Administration, and for other purposes.

S. 496

At the request of Mr. MELCHER, the Senator from Alabama (Mr. HEFLIN), the Senator from Texas (Mr. TOWER), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 496, a bill to amend the Federal Mine Safety and Health Act of 1977.

S. 561

At the request of Mr. CRANSTON, the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 561, a bill to extend the authorizations of the appropriations for programs under the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and for other purposes.

S. 569

At the request of Mr. JEPSEN, the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. MCCLURE), the Senator from North Carolina (Mr. HELMS), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of S. 569, a bill to amend the Internal Revenue Code of 1954 to provide an investment tax credit for certain soil and water conservation expenditures.

S. 597

At the request of Mr. JEPSEN, the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of S. 597, a bill to eliminate the position of elevator operator in the Senate office buildings.

S. 606

At the request of Mr. DOMENICI, the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 606, a bill to establish in the Department of State a Bureau of North American Affairs, and for other purposes.

S. 664

At the request of Mr. CHILES, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 664, a bill to amend section 481(d) of the Foreign Assistance Act of 1961.

S. 725

At the request of Mr. WALLOP, the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 725, a bill to amend the Internal Revenue Code of 1954 with respect to the treatment of certain shale property for the purposes of the energy investment credit.

S. 734

At the request of Mr. HEINZ, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 734, an original bill to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally.

S. 763

At the request of Mr. MCCLURE, the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 763, a bill to authorize and direct the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands that were withdrawn or acquired for the purposes of relocating a portion of the city of American Falls out of the area flooded by the American Falls Reservoir.

S. 764

At the request of Mr. MCCLURE, the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 764, a bill to provide for protection of the John Sack Cabin Tarshee National Forest in the State of Idaho.

S. 811

At the request of Mr. DOLE, the Senator from Illinois (Mr. PERCY), and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of S. 811, a bill to amend the Powerplant and Industrial Fuel Act of 1978 to permit local distribution companies to continue natural gas service to residential customers for outdoor lighting fixtures for which natural gas was provided on the date of enactment of such act, and for other purposes.

S. 872

At the request of Mr. CHAFEE, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 872, a bill to amend title 38, United States Code, to extend the period of Vietnam era veterans' eligibility for readjustment counseling and related mental health services.

S. 878

At the request of Mr. CANNON, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 878, a bill to amend the Internal Revenue Code of 1954 to provide an investment tax credit for the installation of certain fire-prevention equipment.

S. 1030

At the request of Mr. MCCLURE, the Senator from Iowa (Mr. JEPSEN), the Senator from North Carolina (Mr. EAST), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of S. 1030, a bill to protect firearms owners constitutional rights, civil liberties and rights to privacy.

S. 1095

At the request of Mr. ABDNOR, the Senator from Texas (Mr. BENTSEN), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 1095, a bill to amend the Water Resources Planing Act.

S. 1165

At the request of Mr. WEICKER, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1165, a bill to reauthorize the low-income energy assistance program, and for other purposes.

S. 1189

At the request of Mr. HEINZ, the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1189, a bill to amend the Social Security Act to provide for a program of block grants for energy and emergency assistance, to establish a trust fund to which receipts from the windfall profit tax may be transferred to pay for such program, and for other purposes.

S. 1215

At the request of Mr. KASTEN, the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1223

At the request of Mr. DOMENICI, the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 1223, a bill to amend the Equal Access to Justice Act.

SENATE JOINT RESOLUTION 12

At the request of Mr. INOUYE, the Senator from Florida (Mr. CHILES) was added as a cosponsor of Senate Joint Resolution 12, a joint resolution to authorize and request the President to designate November 14 of each year as "Operating Room Nurses Day."

SENATE JOINT RESOLUTION 29

At the request of Mr. HEINZ, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of Senate Joint Resolution 29, a joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with the first Sunday in June of each year as "National Garden Week."

SENATE JOINT RESOLUTION 53

At the request of Mrs. KASSEBAUM, the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Joint Resolution 53, a joint resolution to provide for the designation of September 6, 1981, as "Working Mothers' Day."

SENATE JOINT RESOLUTION 73

At the request of Mr. GLENN, the Sentor from Michigan (Mr. LEVIN), the Senator from Kentucky (Mr. FORD), the Senator from North Carolina (Mr. EAST), the Senator from Washington (Mr. GORTON), the Senator from North Carolina (Mr. HELMS), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of Senate Joint Resolution 73, a joint resolution to designate the week beginning June 1, 1981, and ending June 7, 1981, as "Management Week in America."

SENATE CONCURRENT RESOLUTION 13

At the request of Mr. DOMENICI, the Senator from Washington (Mr. GORTON) was added as a cosponsor of Senate Concurrent Resolution 13, a concurrent resolution expressing the sense of the Con-

gress with respect to an international agreement establishing a North American Commission for Cooperation and Development.

SENATE RESOLUTION 111

At the request of Mr. LEAHY, the Senator from Maine (Mr. MITCHELL), the Senator from Arizona (Mr. DECONCINI), and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of Senate Resolution 111, a resolution entitled "The Infant Nutrition Resolution."

SENATE RESOLUTION 139

At the request of Mr. ANDREWS, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of Senate Resolution 139, a resolution to assure the access of farmer-owned refining businesses to crude oil at reasonable prices.

AMENDMENT NO. 42

At the request of Mr. CRANSTON, the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of amendment No. 42 intended to be proposed to S. 636, a bill to clarify the Veterans' Administration's authority to recover certain health-care costs; to extend the period of availability of funds committed under the Veterans' Administration program of assistance to new State medical schools, to authorize expansion of the scope of and epidemiological study regarding veterans exposed to agent orange, and for other purposes.

SENATE RESOLUTION 142—RESOLUTION TO REFER THE BILL S. 1227 TO THE COURT OF CLAIMS

Mr. HUDDLESTON (for himself and Mr. FORD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 142

Resolved, That the bill (S. 1227) entitled "A bill for the relief of the grantors of certain land in Henderson, Union, and Webster Counties, Kentucky, to the United States, and their heirs" now pending in the Senate, together with all the accompanying papers, is referred to the Chief Commissioner of the United States Court of Claims. The Chief Commissioner shall proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, and report back to the Senate, at the earliest practicable date, giving such findings of fact and conclusions that are sufficient to inform the Congress of the amount, if any, legally or equitably due from the United States to the claimants individually.

(The remarks of Mr. HUDDLESTON referring to this resolution are contained in his statement on the bill S. 1277.)

AMENDMENTS SUBMITTED FOR PRINTING

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS

AMENDMENT NO. 56

(Ordered to be printed and to lie on the table.)

Mr. WARNER (for himself, Mr. NUNN, Mr. TOWER, Mr. HOLLINGS, Mr. THURMOND, Mr. CANNON, Mr. HEFLIN, Mr. ARMSTRONG, Mr. EXON, Mr. GOLDWATER, Mr. DENTON, and Mr. JOHNSTON) submitted an amendment intended to be proposed by them to the bill (H.R. 3512) making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, I would like to announce a hearing on the nomination of Fred J. Villella to be the Association Director of the Federal Emergency Management Agency before the Committee on Governmental Affairs on Thursday, May 21, 1981, at 1:30 p.m. in room 3302 of the Dirksen Senate Office Building. For more information you may contact Margaret Hecht at 224-7464.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce for the information of the Senate and the public, that the full committee meeting previously scheduled by the Senate Committee on Small Business on May 21, 1981, to consider cost saving legislation pursuant to Senate Concurrent Resolution 9, has been rescheduled for Tuesday, June 2, 1981.

The meeting will convene at 10 a.m. in room 424 of the Russell Senate Office Building. For additional information contact Brian Hartman at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate today to hear from the National Governors Association on Clean Air.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE OF INDIAN AFFAIRS

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate today to consider the final report of the Navajo-Hopi Relocation Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Agriculture, and Forestry be authorized to hold hearings during the session of the Senate on Wednesday, May 20, on the Executive nominations of Phillip Johnson for Commodity Futures Trading Commission and Kenneth Gilles to be Administrator of the Federal Grain Inspection Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. TOWER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 20, to hold a closed executive business meeting on the approval of the subcommittee's interim report, "Oversight of Labor Department's Investigation of the Teamsters Central States' Pension Fund."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS AND GENERAL OVERSIGHT

Mr. TOWER. Mr. President, I ask unanimous consent that the Subcommittee on Investigations and General Oversight of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, May 21, to hold oversight hearings on the national cancer program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE SEPARATION OF POWERS

Mr. TOWER. Mr. President, I ask unanimous consent that the Subcommittee on the Separation of Powers of the Committee on the Judiciary be authorized to meet during the session of the Senate today and tomorrow to consider S. 158, the human life bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 21, to hold markup hearings on the tax cut legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, May 20, to hold markup hearings on the tax cut legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, May 21, to conduct a markup on S. 43, the State and Local Government Fiscal Note Act of 1981: S. 266, the Federal Interagency Medical Resources Sharing and Coordination Act; S. 893, the Reorganization Act of 1981; and S. 807, the Federal Assistance Improvement Act; and also to mark up the consideration of Alex Kozinski to be special counsel to the Merit Systems Protection Board, and to consider the nomination of Fred Villella to be Associate Director of FEMA.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President. I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 20, to consider S. 10, a bill to create a commission on more effective government.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE PLO IS A TERRORIST ORGANIZATION

o Mr. BOSCHWITZ. Mr. President, in a recent speech, our distinguished colleague from Iowa (Mr. JEPSEN) very eloquently took issue with those who try to put the gloss on the PLO's involvement in international terrorism. Some people in the executive branch have been fond of a formula which says that the PLO is an organization, elements of which support terrorism. Mr. President, this strikes me as trying to pretend that General Motors is not an automobile manufacturer because the actual work of manufacturing is done in the divisions such as Chevrolet or Buick.

Senator JEPSEN put in very well in a speech in which he said:

Whatever else it is, whatever else it may become, the PLO is and always has been a terrorist organization. To object on the grounds that the PLO also does other things is fuzzy thinking.

A habitual murderer spends only a small part of his life killing innocent people. But because he has committed such heinous acts, he deserves the label of murderer. He deserves to be condemned. He should not be passively accepted. The same applies to the PLO.

In his speech, to the annual meeting of the American-Israel Public Affairs Committee, Senator JEPSEN also sharply criticized the alleged assurances that the United States need not worry too much about the proposed sale of AWACS to Saudi Arabia. "Faith alone is not enough," he said. I ask that the text of his remarks be printed in the RECORD.

The remarks follow:

SPEECH BY SENATOR ROGER W. JEPSEN

I have been introduced as a friend of Israel. My past voting record shows that, and my record in years to come will show that. I say this with certainty tonight because my reasons for supporting Israel are deeply felt.

I support Israel because it is in my country's best interest to do so. Israel has been, and must continue to be, the strategic-military cornerstone of American foreign policy in the Middle East.

I support Israel because Israel upholds the values of a democratic and open society. Societies which support such values deserve our support.

I support Israel as a secure haven for persecuted Jews.

And I support Israel because I am a Christian.

You are all familiar with the arguments for supporting Israel because she is a democracy, and because it is in America's best interest to do so, so I will not belabor these points. I know, however, from conversations with many active supporters of Israel, that the compelling reasons for evangelical and fundamentalist Christian support of Israel are less clear. I would like to take a few minutes here to discuss the relationship between many Christian believers and the State of Israel.

In the past few years, the growing numbers and religious fervor of fundamentalist Christians have swept into the political arena with a zeal to recapture the vision of a "Christian America." Anyone concerned about a pluralistic society, particularly Jews, could well be alarmed about any extremist elements in such a movement. Jewish people have suffered periodically at the hands of misguided Christians in the name of Christianity for over 2,000 years. On a few occasions, the "Christian right" has projected an exclusive emphasis that some Americans fear could create a climate of opinion ultimately hostile to religious tolerance in this country.

However, many Christians, particularly evangelical and fundamentalist Christians, have been among Israel's best friends since its rebirth in 1948. In addition, there has been a growing momentum in the past several years among fundamentalist Christians in support of Israel's right to the land, spiritually, and legally.

Why is that so? Because we believe the Bible is the word of God. We take the promise God made in Genesis 12: 1–3 literally:

"Go forth from your country,
And from your relatives
And from your father's house,
To the land I will show you;
And I will make you a great nation.
And I will bless you,
And I will make your name great;
And so you shall be a blessing;
And I will bless those who bless you,
And the one who curses you I will curse.
And in you all the families of the Earth shall be blessed."

We believe God is making three promises to Abraham that cannot be broken: To make him and his descendants a great nation; to give him and his descendants a special land; and to bless those who bless him and his descendants and curse those who curse him and his descendants.

I believe one of the reasons America has been blessed over the years is because we have been hospitable to those Jews who have sought a home in this country. We have been blessed because we have come to Israel's defense regularly, and we have been blessed because we have recognized Israel's right to the land or to exist on any land.

The problem is, of course, that with the exception of Sadat's Egypt, no Arab State recognizes Israel's right to the land. This refusal has created a continuing struggle. This struggle has taken on the form of war. It has taken on the form of terrorism. It has taken on the form of non-violent political activity.

A part of this struggle will soon be waged in the U.S. Senate. The administration will be asking our approval for an arms sale package to Saudi Arabia. They want to give AWACS to the Saudis. They want to give the Saudis long-range fuel tanks for the F–15s. They want to give the Saudis multiple bomb release racks for their F–15s.

This sale to an unstable country jeopardizes the security of our most advanced technology. In addition, this sale undermines the security of Israel. This sale must be stopped.

If we do our job, this sale will be stopped. I pledge my efforts and my vote to block this sale. Will you pledge your best efforts to see that your Congressmen and Senators vote with me?

You and I have the enthusiasm to succeed.

Let us take some time to look at the facts and the four major arguments involved in debate about the sale:

The stability of Saudi Arabia;

Alternative sources for supplying the F–15s;

The danger to Israel;

And American self-interest.

To begin with, there are the stability arguments. In the broad sense, it is dangerous to give our highest technology weapons to an unstable government. Saudi Arabia is unstable.

First, it has a foreign worker male population that rivals the size of the Saudi male population. These people harbor hostilities to the Saudis because the Saudis treat them like second-class citizens. This is an explosion waiting to happen.

Second, and perhaps even more dangerous to Saudi stability, are the pressures of modernization. The Saudis will be spending $65 billion a year to modernize. In my opinion, this will eventually cause an unbridgeable gap between those who will follow traditionalist religious leaders and those who will want an increasingly modern society. Whether these and other pressures eventually cause the collapse of the Saudi Government remains to be seen. It is difficult to imagine, though, how an objective person looking at the facts would not concede the stability problems the Saudis are now facing.

I have confronted proponents of the sale with these arguments. Some eventually will concede the problem of Saudi instability, but then they will say at the first hint of trouble that the American crew will simply fly the AWACS away or blow them up.

That argument is weak. I remember when all the top intelligence people stood before the Armed Services Committee just weeks before the Shah's demise and assured us that all our sophisticated monitoring equipment in Iran would be removed or destroyed in event of trouble. They were very convincing, but weeks later it was obvious they were gravely wrong.

Like Iran, there will be serious problems with the best of plans to remove or destroy the AWACS in event of internal trouble in Saudi Arabia. Additionally, even in calm times, there is danger of losing one of the aircraft. It is conceivable that an Arab pilot could fly such a plane to Iran or the Soviet Union. Other possibilities currently circulating throughout the defense community are infinitely more complex. Die hard proponents of this sale may say, so what? The Saudis will get the planes and in 5 years, we will have better technology. It won't matter that much if everything goes wrong, and the Russians get them anyway.

Let me dismiss this transfer of technology argument by telling you a World War II story. At the close of World War II, we had a strategic bomber—the B–29. The Soviet Union did not yet have the technology to build one of their own. When we sent our B–29's on a bombing mission in Japan, they were given four options of where to go if they got into trouble. One of these options was Russia.

And four of our planes that were shot went there. The Soviets imprisoned their crews, dismantled the aircraft, and reproduced it nut for nut and bolt for bolt. The Russians' TU–4, which was their strategic bomber from 1948 to the mid-fifties, is an almost exact copy of our B–29. Without our inadvertent help, they would never have had a strategic bomber so soon.

The second group of major arguments surrounding the arms sale to Saudi Arabia revolves around "they-can-get-it-somewhere else" reasoning. We are told that if the Saudis don't get the F–15 equipment, they will go to French Mirages. If they don't get the AWACS, they will go to the British Nimrod. The argument insists that this will deprive us of both the business and the control we would have as a result of selling the planes.

This could be a serious argument—if the Nimrod approached the total tactical value of the AWACs. This could be a serious argument if the mirages had the capabilities of the F–15. In fact, the argument of foreign alternatives does not hold water.

Proponents of the sale build an equally unsubstantial case on the argument that the sale will not really harm Israel's security. This sounds wonderful. So did the U.N. peace force in the Sinai that Nasser ordered out, triggering the 1967 war. So did the assurances that the United States would not sell the Saudis the equipment to enhance the performance of their F–15s.

The argument contends that the Saudis will not be able to use the AWACs to coordinate air attacks against the Israelis in the foreseeable future. After all, say supporters, the AWACs will not be delivered

until 1985, and U.S. crews will be detailed to operate the most critical electronics on board the aircraft until 1990 and probably beyond. Therefore, the U.S. personnel will not permit the aircraft to be used against Israel.

I have no reason to doubt that these pledges are made in good faith, but faith alone is not enough. Where are the hard answers to the questions that these assertions raise?

What happens if there is trouble, as we have recently seen, between Syria and Israel? What guarantees are there that the intelligence gained from the AWACs would not be passed to the Syrians? When the Saudis own the planes, can we dismiss the possibility that they will be able to buy for outrageous prices the people capable of operating the AWACs? If so, what would we do if we were told to leave?

Furthermore, how does the administration explain away the F-15 capabilities? The fuel tank and the bomb rack would clearly give the Saudis the capability to limit the air superiority of the Israelis in any future Arab-Israeli war.

Then there is the "we can't get Saudi Arabia mad" self-interest argument. This is perhaps the most serious argument in favor of the sale. It is perhaps the one you have heard most frequently. I will put it bluntly:

We have vital interests in the Middle East, namely our high dependency on Arab oil. Why should we antagonize Saudi Arabia, our biggest source of foreign oil, for the sake of tiny Isarel? If we push this arms sale through, we could feel more secure about our source of energy. This argument is based on several highly questionable assumptions with which I disagree.

First, there is the assumption that, other than oil, we have no other interests in the Middle East. Haven't the proponents of such arguments heard about the importance of the Suez Canal and the Horn of Africa to our strategic interests?

Haven't the proponents of such arguments ever heard about how our Government benefits from Israeli intelligence? Over the past 30 years, Israel has supplied us with vital intelligence items, including sensational texts like Khrushchev's speech, routine Soviet dates, captured documents, and complete weapon systems, such as tanks and missiles. Israel's contribution has helped us not just develop weapon systems for the present and future; Israel helped us, in fact, to become aware of the magnitude of the Soviet threat.

Second, we assume that Saudi Arabia oil policy has been helpful to the United States. Nothing could be further from the truth to the U.S. Any benefits that have resulted from Saudi policy have been purely coincidental. Make no mistake that when Saudi interest begins to differ from U.S. interest, the oil will be priced and produced to benefits Saudi interest. Recent Saudi efforts at keeping the oil price low have occured only because it is not in the Saudis' interest to drive the price of oil so high that alternative energy production become profitable.

Third is the assumption that this sale will insure a steady flow of oil and likewise, that blocking this sale will threaten such an oil flow.

Let us remember that the Saudis must sell oil. They have made commitments based on oil income and, for that reason, if no other, they will continue production.

In the final analysis, the proposed Saudi arms sale would cost us dearly by unnecessarily risking the security of our highest technology weapons. Moreover, it will unnecessarily harm the security of our only stable and trusted ally in the Middle East—Israel.

And what will we have gained by paying such a price?

Did we condition the sale on Saudi recognition of Israel?

Did we condition this sale on elimination of Saudi Arabia's multimillion dollar subsidy of the PLO?

Did we condition this sale on Saudi support for the Camp David Accord?

Did we condition this sale on the Saudi cancellation of the boycott of Egypt?

In fact, we did not even condition the F-15 sale on Saudi Arabia's cancelling her recently declared holy war against Israel.

When will this folly in the name of misguided self-interest stop? We cannot permit the position of a trusted and stable government like Israel to erode still further through an Arab tile. The United States can and should seek good and close relationships with Arab governments, but such advances must not be made at the expense of Israel's security. Nor should such advances be made at the expense of other overriding interests on the part of the United States.

In closing, let me discuss one of these interests. In both the moral and pragmatic sense, it is in our national interest to stop terrorism. Secretary Haig and President Reagan have made clear the depth of our opposition to international terrorism. They were correct in ordering the overdue expulsion of the Lybian delegation. Such blatant exporters of terrorism have no place in the United States.

But then you ask, why are there PLO offices in the United States? This is something I have asked too. I have been told that these offices are not engaged in terrorist activity so they cannot legally be expelled. I say that if the law does not permit the expulsion of aliens who choose to work for a terrorist organization, then we should think about changing the law.

The presence of PLO aliens in this country serves to legitimize the terror they practice. Whatever else it is, whatever else it may become, the PLO is and has always been a terrorist organization. To object on the grounds that the PLO also does other things is fuzzy thinking.

A habitual murderer spends only a small part of his life killing innocent people. But because he has committed such heinous acts, he deserves the label of murderer. He deserves to be condemned. He should not be passively accepted. The same applies to the PLO. Until they renounce the use of terror, PLO members collectively deserve the name of terrorists. They collectively deserve to be condemned. Until they renounce the use of terror, the PLO should not be permitted to operate in the United States.

I have talked tonight about many things in which I—and in which you—deeply believe.

You and I came here tonight because we are dedicated to seeing our beliefs—our dreams—our hopes—fulfilled.

May the God of Abraham, to whom we both pray, who gave you the promise of a land, give us both the grace to see that day of fulfillment.

Shalom.●

MINORITY VIEWS ON S. 1199, THE AMTRAK IMPROVEMENT ACT OF 1981

Mr. CANNON. Mr. President, recently, the Commerce Committee reported S. 1199, the Amtrak Improvement Act of 1981. Senator RIEGLE, EXON, and myself submitted dissenting views in opposition to this legislation, which have been made part of the report on S. 1199 (Rept. No. 97-96).

We have serious questions about overall soundness of this legislation and its detrimental impact on our national rail passenger network. We continue to refine the information available to us in an effort to find an adequate and appropriate resolution to this important issue of Amtrak.

In order to insure that our colleagues are aware of the seriousness of our concerns, I ask that the full text of our minority views be printed in the RECORD.

The minority views follow:

MINORITY VIEWS

We oppose the Amtrak legislation as reported by the Committee. We strongly believe that the potentially devastating impacts of the legislation are not fully understood and that many crucial questions remain unanswered. Furthermore, we question the soundness of legislation which would seriously erode the national rail passenger system as an integral part of our transportation network which should serve the needs of all parts of the country. We urge our colleagues not to forget their responsibility and commitment to meeting our national transportation needs.

Turning first to the findings and purpose of this legislation, we are disturbed that the references in current law to the need for a national rail passenger system, particularly in time of national emergency or energy shortage, have been deleted. We no longer are assured of rail passenger service responsive to our national transportation and energy needs.

We question the basis for the judgment that a national rail passenger system is no longer needed or justified. When Amtrak was formed under the Rail Passenger Service Act of 1970, a decision was made that such a system was to be preserved. During the 96th Congress, this Committee carefully re-evaluated Amtrak and its route structure, and with the passage of the Amtrak Reorganization Act of 1979, the Committee and Congress reaffirmed their commitment to a national rail passenger system as a fuel efficient form of transportation.

It is not clear that the reasons for such reaffirmation are no longer valid. Many would argue that passenger trains cannot be justified based on energy efficiency, since they are not the most fuel efficient mode based on current load factors. While they may not be as energy efficient as the intercity buses, they clearly provide an alternative mode which is more efficient than airplanes or automobiles under certain circumstances. Simply stated, passenger trains do contribute to the Nation's energy goals. Furthermore, they form an integral part of our transportation network, making important connections with many of the intercity bus lines.

The supporters of this legislation argue that its impact would not be so detrimental and that a limited national system could be provided. We seriously question this conclusion.

The legislation authorized $613 million for fiscal year 1982 and an even lower amount for fiscal year 1983. These figures represent a significant reduction in Amtrak's budget and would clearly represent a reduction in its service.

Amtrak has stated that it could only operate service in the Northeast Corridor (NEC) with a funding level of $613 million. As part of this determination, it concluded that in view of the service reductions necessitated by this funding level, it would be required to pay $200 million in labor protection payments pursuant to current law. This figure represents almost one-third of the total authorization level.

The Department of Transportation (DOT), on the other hand, asserts that Amtrak would be able to provide $150 million worth of service outside the Northeast Corridor at the $613 million level. DOT disagrees with Am-

trak's determination regarding the losses associated with operating the Corridor, believing that Amtrak has overstated the fixed costs and understated the amount of revenues which could be generated from increased fares.

Below is a chart comparing these two very different approaches:

COMPARISON OF DOT AND AMTRAK ESTIMATES

[In millions of dollars]

	Estimated fiscal year 1982 cost		
	Amtrak	DOT	Difference
Capital	136	100	−36
Interest and taxes	0	80	+80
NEC operation	252	150	−102
Beyond NEC operation	0	150	+150
Labor protection	200	125	−75
System shutdown	25	10	−15
Total	613	615	+2

Both the General Accounting Office and the Congressional Budget Office have been conducting independent analyses of the $613 million figure and the different conclusions reached by Amtrak and DOT. While neither has reached a final conclusion as to the validity of the two approaches, both agree that the major area of dispute exists with respect to the costs of the Northeast Corridor: labor protection and shut-down costs depend upon the level of service provided outside the Corridor.

Furthermore, each has raised questions about the approaches and has emphasized the many variables which must be quantified. We still are not certain how much service could be provided with $613 million, but it clearly appears that service outside the Corridor would be limited.

Minority staff also has conducted a review of the $613 million. The following chart sets forth Amtrak's and DOT's figures, with a reconciliation column representing composite figures:

COMPARISON OF DOT AND AMTRAK ESTIMATES

	Amtrak	DOT	Reconciliation
Capital	136	100	[1] 106
Interest and taxes	0	80	[2] 82
Northeast Corridor operation	252	150	230
System shutdown	25	10	[3] 20
Total	413	340	438
Labor protection	200	125	[3] 177
Operations outside NEC	0	150	0
Total	613	615	615

[1] $30,000,000 is to be reprogramed to complete Amtrak's purchase of the Northeast Corridor.

[2] Amtrak and DOT agree on the amount of interest; they differ on its treatment. Amtrak has asked that it be relieved of the interest, but the legislation reported herein does not do so.

[3] DOT has not expressed disagreement with Amtrak's calculation of its labor protection and shutdown costs. The different estimates arise from the different views with respect to how much money would be available for service outside the Northeast Corridor.

In reviewing this chart, one can see that approximately $180 million would be available out of the $613 milion for either labor protection or service outside the Northeast Corridor.

This figure corresponds to the $200 million figure which Amtrak claims would be needed to cover labor protection and the $275 million which DOT claims would cover both $125 million for labor protection and $150 million worth of service outside the Corridor. We still have no assurance that this remaining $180 million would not be consumed by labor protection.

The Administration and the supporters of this legislation argue that the new labor protection provisions included in this legislation would save Amtrak an additional $75 million in labor payments, providing more money for service outside the Northeast Corridor.

However, we cannot be certain of this figure. Under the legislation, Amtrak is given the option to choose between this program and the current contractual obligations negotiated between Amtrak and labor. Serious questions have been raised with respect to the legality of Amtrak's authority to renege on these contractual obligations.

Thus, Amtrak might have no choice at all, and the cited savings would not be realized. In addition, even if Amtrak were able to implement the proposed labor protection provisions, there is real concern that the Administration's estimated costs may be understated. The labor protection payments could thus remain formidable, with little service operated outside the Corridor.

The $613 million figure must also be compared with the $853 million which Amtrak has stated that it needs to operate essentially the existing system. This level represents a reduciton from Amtrak's earlier request of $970 million and assumes $117 million in savings from productivity and fare increases. However, it does not include $82 million in interests payments, which Amtrak is requesting be excused. The $613 million in the reported legislation does not assume relief from such payments, and thus Amtrak would be required to take this additional $82 million out of its authorized funds to meet these required interest payments.

While no one can be absolutely certain what service the $613 million would cover, this comparison further highlights that the system would be significantly reduced at this funding level.

We question the wisdom of this drastic reduction. While some reductions might be in order—and Amtrak plans certain reductions next year even with its own budget request—the legislation could seriously jeopardize the Federal dollar investment in Amtrak. Service essentially in the Northeast Corridor would preclude the use of 284 Superliners, purchased with taxpayers' money at a cost of $300 million to improve service in the West.

Furthermore, because of the reduction in passenger miles served under the reduced funding level, Amtrak points out that the return in passenger miles on each Federal dollar would be one-third of what it would be at the level which Amtrak has requested.

Finally, Amtrak predicts that its revenue-to-cost ratio would slip from 41 percent, which it achieved during fiscal year 1980, to 37 percent by fiscal year 1932. Because of the reduced funding level, Amtrak is quite adamant that it can only improve its revenue-to-cost ratio if given adequate funds at this time to operate a system more national in scope than this bill would permit.

The legislation, however, mandates that Amtrak achieve a 50 percent ratio, which we seriously doubt can be achieved. With a reduced system, Amtrak would no longer be serving the national transportation interest and would not be ensuring a sound investment of the Federal dollar.

Furthermore, we cannot overlook the improvements which Amtrak has made since Congress last reviewed this issue. The Amtrak Reorganization Act of 1979 established certain performance goals to be met by Amtrak. Specifically, that Act established that Amtrak should recover 44 percent of its operating expenses from the fare box by the end of fiscal year 1982.

During fiscal year 1980, Amtrak achieved 41 percent, an improvement of 2 percent over 1979. Amtrak increased revenues by 23 percent during fiscal year 1980, raising fares 17 percent during this period. We question the soundness of a reduction in the Amtrak system which would negate this progress, which Congress itself has encouraged.

The legislation reported herein mandates that Amtrak take certain steps to reduce its Federal subsidies through increased revenues and management and labor productivity, and also provides the opportunity for Amtrak to pursue certain cost-savings measures. We applaud these directives and join in urging Amtrak to realize the necessary savings. In this regard, we are heartened by Amtrak's recent communication to Congress, dated April 27, 1981, setting forth a proposal to eliminate all Federal subsidy of avoidable operating costs by the end of 1985, based on achieving savings of $167 million through a judgment of route profitability. This proposal emphasizes the fact that we must pursue all alternatives for reducing the Federal subsidies to Amtrak. A drastic budget reduction, with a resulting elimination of our national rail passenger system, may not be the only way. We strongly urge a re-examination of the legislation in this light.

The outstanding questions presented to us by this legislation are most unsettling. What remains clear, however, is that it represents a shift in our national transportation commitment. We are not certain that such a shift is justified. While we support a reduction in Federal expenditures where appropriate, we urge a careful reconsideration of this legislation and will continue to pursue alternatives to ensure that the transportation needs of all parts of the country are met.

HOWARD W. CANNON,
DONALD W. RIEGLE, JR.,
J. JAMES EXON.●

SENATOR JEPSEN ON SAUDI ARMS

● Mrs. HAWKINS. Mr. President, my colleague and friend from the great State of Iowa, Senator JEPSEN, has recently expressed his concern over the sale of F–15 enhancement equipment to Saudi Arabia. He has rightly observed that the Saudi's have opposed U.S. moves for peace and stability in the region. He has also rightly observed that the Carter administration promised Israel that the sale of F–15 enhancement equipment was not anticipated, contrary to recent reports. And finally, the Senator from Iowa has rightly observed that the sale of military hardware is not in this country's best interest. Mr. President, I submit for the RECORD a newspaper article from the Des Moines Register in which Senator JEPSEN makes his keen observations.

The article follows:

JEPSEN RIGHT ON SAUDI ARMS

Senator Roger Jepsen (Rep., Ia.) fired several well-aimed blasts last week at the administration's plans to sell advanced military air power to Saudi Arabia. We hope he succeeds in shooting those plans out of the sky.

In February, the administration announced its intention to sell the Saudis attachable fuel tanks and enhanced air-to-air missiles for 62 F–15 jet fighters already on order. Now, a tentative decision reportedly has been made to sell the Saudis five AWACS electronic surveillance planes and seven KC–135 aerial tankers.

In the Middle East, Secretary of State Alexander Haig is reported to have told the Israelis that, in its closing weeks in office, the Carter administration promised the equipment to the Saudis. If such a promise were made, it was a double-cross. As Jepsen pointed out in the Senate debate last week, the Carter administration promised the Israelis, when the original sale of F–15s was approved in 1978, that no sale of offensive

equipment to Saudi Arabia would be contemplated.

"This understanding was made public, and congressional approval of the sale was contingent on this understanding," Jepsen said.

Jepsen also pointed out that the Saudis have opposed U.S. diplomatic and military initiatives in the Persian Gulf. He added that "we face a danger of having any advanced equipment that we sell them fall into unfriendly hands, as happened with the F-14s in Iran."

Jepsen's fears of "the growing threat of Soviet incursions into the Middle East" may be excessive. There, as elsewhere, Soviet diplomacy has been clumsy. Nevertheless, the Iowan was on target when he said that supplying more military hardware to Saudi Arabia "is not in either the short- or long-term interests of the United States."●

COLORADO'S CAUCUS SYSTEM: A NATIONWIDE REFORM?

● Mr. HART. Mr. President, one of the most precious elements of the heritage we pass on to future generations of Americans is an electoral process which encourages the full participation and active involvement of our citizens in the creation of good, responsive government.

In Colorado, we have a particularly responsive nominating system. I would like to share with my colleagues an article describing it by Mr. Harold Knight of Denver, a politically astute columnist and long-time observer of the Colorado electoral process. In the article, "Colorado Caucus System: A Nationwide Reform," the Denver Post, May 3, 1981. Mr. Knight outlines the system by which Coloradans begin at the grassroots level of precinct caucuses to elect delegates to county and State conventions and play an active role in the selection of qualified leadership for every level of public office. He calls for the adoption of the Colorado system as a way to elect Presidential nominees.

Mr. President, in the 1980 elections only 52.9 percent of eligible Americans turned out to exercise their right to vote. But 85 percent of Coloradans went to the polls and helped to shape the government which will lead our Nation in the last two critical decades of the 20th century.

I ask consent that Mr. Knight's article be printed in the RECORD.

The article follows:

COLORADO'S CAUCUS SYSTEM: A NATIONWIDE REFORM?

(By Harold V. Knight)

With the 1980 presidential campaign barely behind, committees have been formed to promote the 1984 presidential aspirations of Edward Kennedy and Walter Mondale. Before other candidates emerge and the process is locked in place once again, political leaders should review the process by which the 1980 candidates were selected and consider a possible alternative.

Many have criticized that process and have offered a diverse array of changes. They all seem to agree, however, that the presidential campaign was too long and too costly, while the winning candidates of both major parties were decided very early in 1980 by the Iowa caucuses and the primaries in New Hampshire and other early-primary states.

Let's have fewer primaries; let's have regional primaries; let's return to the caucus-convention system; let's give elected officials a bigger voice in party affairs—these and other reform proposals are heard. Each has its strengths and its weaknesses.

As in Elbert Hubbard's classic "Acres of Diamonds," Coloradans may find the best reform in their own back yard. I suggest, of course, the Colorado system of precinct caucuses choosing delegates to county and state assemblies and conventions at which candidates receiving 20 percent or more of the votes appear on the primary ballot. A candidate may also get on the ballot by petition, as Mary Estill Buchanan did in her almost-successful race for the U.S. Senate.

We are so accustomed to this process we may fail to recognize its effects if applied nationally. It combines the best—and perhaps the worst—features of the caucus-convention and the direct primary systems.

Before examining the potential of applying the Colorado plan nationally, it would be well to lay to rest the first objection which will be raised—namely that the states would not agree on common dates for caucuses and primaries. New Hampshire would still finagle to be first, and Iowa would still hold its precinct caucuses in January. States clearly have power to set their own procedures and dates for election of state and local officials.

Congress, however, equally clearly has authority to establish the procedure and date for the election of the president and vice president, or more technically for presidential electors.

For many years Maine held its general state election in September—a relic of the early days when November snows might hamper the turnout of voters. Yet Maine held its presidential election on the first Tuesday after the first Monday in November, the same as the rest of the country. Its earlier state election is the origin of the old adage, often wrong, "as goes Maine, so goes the nation."

The U.S. Constitution requires the election of presidential electors on a single day to be set by Congress, but it is silent on how they are to be selected. The recent election-reform laws spell out in detail how and when presidential candidates and parties qualify for federal campaign funds and give limits on other funds. Setting a common caucus date and a common presidential primary date appears within the power of Congress, particularly if purse strings are attached.

More important than the technical aspect, however, are questions of how the Colorado plan affects the electoral process: Do caucuses provide more democratic participation or do they lend themselves to machine organization or boss rule? Are conventions where 20 percent of the delegates designate a candidate for the primary ballot better than those which actually nominate candidates? Should primaries exclude unaffiliated voters?

For many years Colorado precinct causes were poorly attended—often only by those interested in being named to county assemblies and conventions. (The former deal with state offices, the latter with presidential delegates.) My wife tells the story of how when she first became interested in the political process she used the civic textbook approach. She went to the home of the precinct committeewoman, who was sitting on the front porch. Instead of being invited in, she was asked why she was there. Many are the stories which can be told of how precinct caucuses have been manipulated to discourage voter participation.

Beginning with the 1968 campaign between Eugene McCarthy and Hubert Humphrey, organized groups of Democratic voters showed up at the caucuses. That trend continued in the 1972 campaign of George McGovern and in 1976 when Jimmy Carter was only one of several contenders. A similar increase in participation occurred in Republican caucuses, abetted by the state law setting a uniform date and hour for all precincts and requiring conspicuous posting of the location of the meetings.

The changes, plus national party rule changes giving candidate supporters a proportional share of delegates, have encouraged party activism. Even though only a small percentage of registered voters show up at precinct caucuses, this is not necessarily negative. At a time when more voters are unaffiliated and party responsibility diluted, any method of restoring the traditional two-party system should be welcomed.

Other state caucus systems vary.

Some are countywide in a town-meeting style or a polling-place style. It would not be necessary for a uniform type of precinct caucus to be imposed nationally. Yet some method of setting the time frame for caucuses and subsequent county and state conventions is needed.

National party rules could solve this problem, but the federal government could encourage a more uniform time frame. For example, a candidate meeting certain qualifications might be offered a half-hour of prime-time television in April prior to May caucuses. The qualification might be securing a reasonable number of signatures in a reasonable number of states.

Obviously, potential candidates would begin early to set up organizations in various states. But they could not use the town-to-town caravan approach so exhausting to candidates and citizens alike in the early primary states. This is the big objection to regional primaries of a single national primary.

Under the Colorado plan, moreover, the first objective of a candidate is not a winner-take-all approach but to get the necessary 20 percent delegate vote at a national party convention to get on the primary ballot.

Early in 1980, 10 or more Republicans announced or seemed as if they were going to announce as candidates for the U.S. Senate seat held by Gary Hart. By the time for the May caucuses, half of them had dropped out.

The same winnowing process would take place among presidential aspirants. One would soon find out whether he or she could put together the organizational support in enough states to make a serious bid for nomination.

Perhaps aspiring politicians would begin their organizing efforts as early as some did in the 1980 campaign—which was in 1979. But the efforts would be low-key instead of the frenetic pace followed day after day by candidates and their media entourage.

One way to kick off the presidential campaign might be with broadcasts of political speeches or panel discussions fairly early, perhaps in April.

Half-hour segments, rather than the present last-mintue stiff "debates," in a panel or speech format would allow the public to see a more clear and accurate portrayal of a candidate than present formats permit.

Certainly other media appearances shouldn't be prohibited, but the early presentation of candidates is important enough to merit the serious consideration of Congress for federal funding.

Labor Day is considered the traditional start of the campaign between Republican and Democratic presidential candidates, although this tradition was more ignored than observed in 1980. Nonetheless the two months between an early September national primary and the November election is as long, if not a longer campaign than in any of the parliamentary democracies.

In Colorado we hear the criticism that the short span does not give time enough for intraparty wounds to heal. Rather than justifying this posture, the Buchanan campaign, if anything, disproved its validity. Mrs. Buchanan mustered the united support of her party organization in spite of the attempt to keep her off the primary ballot.

With the electronic media dominating presidential campaigning increasingly, the national campaign span should be shorter. What face-to-face contract with voters there is usually comes in airports. Campaigning in four or five states a day was the rule rather than the exception in 1976 and 1980.

Shorter campaigns would help candidates to present their best, while increasing, one would hope, the sustained interest of potential voters. Perhaps candidates then would really clarify the issues rather than become repetitive over week after week.

Mail solicitation of funds may be expected to continue to grow in this computerized age. This may be a problem in reducing the time span of presidential campaigns. Yet with the substantial funding of campaigns from the federal treasury via the $1 income-tax checkoff, Congress could attach strings as to what and how much a candidate could spend prior to qualifying for federal funds.

National conventions of both parties, composed of delegates elected at state conventions, would still be held in mid-summer.

Since the delegates had survived caucus, county and state convention selection, most probably would be committed to specific candidates. The hoopla and excitement which attends the national conventions need not be diminished.

Selection of vice presidential candidates might pose a problem, as has picking candidates for lieutenant governor of Colorado. Some attribute the defeat of Mark Hogan by Gov. John Love, partially at least. to the fact Hogan openly favored Rep. Charles Grant for his running mate. Gov. Richard Lamm avoided that pitfall but was less than happy with former Lt. Gov. George Brown during his first term.

On the national scene one possibility could be that a candidate showing a strong lead might persuade one with lesser support to withdraw and become a vice presidential candidate. A lot can happen overnight at a national convention.

Would the Colorado plan applied nationally have made any difference in the 1980 election? Any answer must be pure speculation. Jimmy Carter would undoubtedly have had a Democratic primary contest with Ted Kennedy. Ronald Reagan and George Bush might have faced each other in the Republican primary or a third candidate also might have topped the 20 percent threshold.

Even though the result might have been the same, the Colorado plan would have given millions of more citizens a sense of participation in the selection process.

For the unaffiliated voters who would say they were left out of the caucuses and primaries. the answer would be to enable them to declare party affiliation at a caucus or primary polling place. Apathy, whether using the name of independence or not, is a far greater threat to our democracy than control by partisan activists.●

THE STRIKE IN BERMUDA

● Mr. INOUYE. Mr. President, as a Senator from the State of Hawaii, a major visitor destination. and as one who has been involved in the promotion of national tourism for the last several years, I would like to commend the people and the Government of the Island of Bermuda for the judicious and temperate way they handled their recent strike. I am not familiar with the pros and cons of the strike, but because Bermuda is an island of only 21 square miles with tourism as the dominant base of its economy, I believe it was necessary for both sides to act prudently during the strike. I was pleased to note that during the 10 days of the strike there was no violence and no rioting. I am certain that both sides understood that should the strike result in serious upheavals, the tourism based economy could have been damaged irreparably. The matter was resolved and it should please us that our neighbors, the people of Bermuda, have reached a state of maturity in labor relations that we could emulate.●

THE CRAFTS OF TERRORISM

● Mr. GOLDWATER. Mr. President, I commend to the attention of my colleagues a column that exposes as spurious the charges by Sol Landau of the Institute for Policy Studies that the United States through the Central Intelligence Agency had trained friendly intelligence services to become "leading practitioners of terrorism." These false charges are exploded in a column headed "The Terrorism 'Report' That Didn't Exist" written by Francis J. McNamara, former staff director of the House Un-American Committee. Mr. McNamara's column on May 14, 1981 in the Washington Post refuted Mr. Landau's column which appeared in the same newspaper in March. Wittingly or not, the accusations against the CIA amounted to disinformation. I ask that the column by Mr. McNamara be printed in the RECORD.

The column follows:

THE TERRORISM 'REPORT' THAT DIDN'T EXIST

(By Francis J. McNamara)

Saul Landau of the Institute for Policy Studies claimed ("Perspectives," March 26) that in 1930 a "Senate Select Committee to Study Govermental Operations with Respect to International Activity" had published a report about "myriad illegal and violent activities" carried out in this country, with the concurrence of the U.S. government, by foreign intelligence agencies. He further stated that the Senate report indicated that some of these agencies, which the United States had helped create through the CIA, were "leading practitioners of terrorism."

Landau's assertion of the existence and content of this official government document was designed to lend credibility to the central theme of his column—namely, that the priority given to combating international terrorism by the Reagan administration could be a "double-edged sword" because the United States, in the name of national security, had itself promoted international terrorism.

Checks with the Senate reveal that no report of the type he described was published in 1980 and no committee with the name he gave existed. The official evidence cited as supporting his thesis is thus nonexistent.

The facts are as follows: In a project not formally considered or approved by the Senate Foreign Relations Committee (though Chairman John Sparkman gave Sen. George McGovern approval for it), two staffers, Michael Glennon and John Ritch, interviewed persons unknown about activities of foreign intelligence agencies in the United States. No hearings were held; no one was interrogated under oath, though the interviews were recorded. In January 1979 Glennon alone drafted a document, based on the interviews, that was not intended for publication, purporting to relate the operations of certain foreign intelligence services in this country. Later, while at the State Department for "clearance and correction," according to Ritch, it was leaked. The Post, on Aug. 9, 1979, made its contents the major page-one story and, before and after that date, published at least eight Jack Anderson columns based on it.

Saul Landau on April 2 told me he had seen a copy of the "full" report before an abridged version was published in 1980 with, he claimed, the "best parts" left out. This time he had a new name for the committee involved—the subcommittee to investigate the acts of foreign intelligence services in the United States. According to Senate officials, no such committee existed in 1980. Landau also told me the committee had held hearings in 1979, which it had not, and that the "facts" in the report had been affirmed by the Justice and State departments. In fact, State Department spokesman Tom Reston emphasized on Aug. 9 that the document was merely a "draft," not a "final report," and said "we don't regard the conclusions of this draft report as accurate . . . we have fundamental disagreements with some of the facts and findings . . . we categorically deny that charge," and added that the department deplored the leak and had communicated its disagreements with the report to the Senate committee. Justice Department spokesmen also challenged the report's accuracy.

Later that same day Landau wrote to me that, although he had seen a typeset copy of the report that was "scheduled for publication" (which it was not), he had subsequently discovered that "it was not in fact published . . . for a variety of reasons."

So now we know from Landau himself that the official report that made up his key "evidence" of U.S. support for terrorism was nothing but a draft paper prepared by a Senate staffer, a paper criticized and challenged not only by State and Justice spokesmen, but by then White House spokesman Jody Powell as well.

[Editor's note: Landau says that he learned, from Francis McNamara, only after publication of his Post article that what he had thought was a Senate report on the way to official publication had not in fact been published. He says he stands by the substance of his article.]

Informed Americans are aware that with their, congressional and White House approval, the U.S. military and CIA have provided training for the forces of many other nations in counterinsurgency and guerrilla warfare and in intelligence organization and operations, as is completely proper, to help them defeat revolutionary Marxist movements attemping to impose totalitarian rule on unwilling victims. That, however, is a far cry from training them "in the crafts of terrorism."

When the U.S. Army trained American men for the Rangers in World War II and for the Special Forces in Vietnam, it did not become responsible for the few aberrational and criminal veterans who later used the knowledge and skills thus acquired to kill or maim their fellow citizens. Similarly, the United States is not responsible for—because it cannot control—what any foreign nation does with military forces or intelligence agencies, it has assisted. It incurs no blame if those wielding power should use them for other than legitimate defense purposes.

Thus, even if Landau had produced evidence that some foreign intelligence agencies that had received U.S. help in the past were now actually "leading practitioners of terrorism" (his column contained none), his logic would be completely faulty in blaming this country for this.

The United States, working through the United Nations and bilaterally and multilaterally with many nations, has taken numerous steps to halt the spread of terrorism. Despite these efforts, it has grown alarmingly. Something more must be done.

Landau has in the past espoused positions of Castro who, intelligence services and scholars agree, is one of the world's leading promoters and exporters of terrorism. He is

disturbed by the Reagan policy, which is a threat to the principal weapon Castro has been using in his efforts to take over all of Central America."

The Post should not have lent a hand to his citation of a spurious report to support his anti-U.S. message.●

SENATOR HUDDLESTON ADDRESSES PROBLEMS OF COAL PRODUCTION AND ITS USE

○ Mr. RANDOLPH. Mr. President, on May 11, Senator HUDDLESTON spoke to the American Mining Congress Coal Convention being held in St. Louis, Mo. I believe the remarks of our able colleague from Kentucky highlight the frustration we have experienced but, yet, the positive benefits this Nation can derive from implementation of an aggressive policy favoring coal development.

Senator HUDDLESTON and I have worked together as members of the Coal Commission created by former President Carter to promote direct utilization of coal. We labored on two of the three pieces of legislation which mandate burning coal, rather than oil or gas, under our utility and industrial boilers. We have sought to have the Energy Security Act, which became law in 1980, be known as the first attempt to establish a dynamic synthetic fuels industry in this country since the midforties.

Senator HUDDLESTON emphasizes that we must not, in the 97th Congress, take a step backward again in our commitment to synthetic fuels development, utility or industrial coal conversion, coal research and development, or direct utilization of the coal resource. The funds we appropriate for coal are an investment in our future. They are not a subsidy. In fact, they are of equal importance and analogous to defense spending for purposes of national security. Senator HUDDLESTON and I will continue to pursue this philosophy in legislative efforts this year.

I urge my colleagues to consider the warning contained in the Senator's comments which I ask be printed in the RECORD. If we drastically reduce Government participation in demonstration projects already begun and stop all Department of Energy funding for alternative fuels programs, we again will see history repeat itself. If we had continued Government support in the fifties, initiated a decade earlier, we would have domestic commercial production of synthetic fuels today.

The remarks follows:

REMARKS BY SENATOR WALTER (DEE) HUDDLESTON

President Reagan clearly has a mandate from the American people to change the spending habits of the Federal Government.

Clearly, he intends to carry out that mandate—and I intend to help him whenever I can.

It won't be easy.

Every conversation I've had with my constituents lately seems to begin with "suoport the President's economic package" and end with a plea for special treatment for a program in which they have a particular interest.

Just as everybody wants to go to heaven, but nobody wants to die—everybody wants a balanced budget and economic recovery, but nobody wants to give up their pet program.

I guess we all have our pets.

Mine is domestic energy development.

As long as we have to send close to $100 billion a year overseas for oil, I don't see how we can expect our economy to recover.

As long as energy prices are arbitrarily dictated by OPEC, we don't have a prayer of stopping inflation.

And, I firmly believe that every dollar spent on ending our dependence on foreign oil is just as important to our national security as any tank, missile or bomber we could buy.

History has a way of repeating itself.

Twice in the last seven years, we have suffered oil supply interruptions—resulting in enormous price increases, unemployment, long gas lines, and a litany of other problems.

We would be living in a fool's paradise if we believed it won't happen again. Indeed, the Iran-Iraq conflict need only last a few more months before the impact of that interruption hits home again.

I only pray that we get off as lightly as we have in the past, but realistically I doubt that we will.

A sustained interruption of any magnitude at all could devastate the world economy and possibly lead to military action.

The Reagan administration is looking to the free market system to solve our energy problems.

But the energy market no longer operates according to traditional economic rules, and has not since OPEC first used oil as a weapon in the early 1970's.

The free market doesn't even begin to reflect the extent of inflation, unemployment and national risks which must be factored into the cost of every barrel of imported oil.

How can you equate 100 billion dollars spent in this country for domestic energy supplies to 100 billion dollars thrown down the OPEC rathole to pay our oil bills?

If you consider that portion of the national defense budget we spend for protection of our foreign sources of oil, you could come up with a pretty good subsidy for domestic fuels.

Coal can lead us out of this mess.

But talking about history repeating itself—I fear that is exactly what is happening with synthetic fuels development.

If the priorities outlined by the administration remain unchanged in the energy budget of 1982, we will lose the progress we have made in developing coal's potential.

Our track record is not very impressive.

On April 5, 1944, President Franklin D. Roosevelt signed into law legislation mandating demonstration programs for production of ethanol, methanol and other liquid fuels from coal, agricultural products and oil shale.

By the end of 1944, the United States was producing 600 million gallons of ethanol—100 million more than our recent Department of Energy estimate for 1980.

But with the end of World War II, oil once again became cheap and plentiful—and synfuels development died.

Who can say how different our present situation would be if only the government hadn't abandoned synfuels development in the '40's?

I certainly don't want to be sitting in my rocking chair 20 years from now, shaking my head and saying, "If only we hadn't abandoned our national crash program for synthetic fuels production in the 1980's."

The last three administrations and the Congress worked long and hard to put together a painstakingly negotiated, bipartisan policy of financial assistance to synthetic fuels development.

The forms of Federal assistance we made available, such as loan and price guarantees, were deliberately chosen so as not to be intrusive and, hopefully, so as to cost the government very little in actual dollar outlays.

Federal involvement was designed to be finite.

It was designed simply to shorten the lead time for the development of a viable synfuels industry: to assume unquantifiable risks, and help develop the technologies to the point that the private sector is willing to assume full ownership and control of the industry.

Presumably, the free market system could produce a synfuels industry in time—assuming that oil prices continue to escalate at their present rate and OPEC resists the temptation to undercut a fledgling industry.

But our time ran out with the first Arab oil embargo.

We need a synfuels research and development program within the Department of Energy.

We need a synthetic fuels corporation—with a board of directors, staffed and operational.

Synfuels development is vital to our national security: it is good for our economy, and it is good for coal.

The four synfuels plants planned for western Kentucky alone would create 26,000 construction jobs; 16,000 permanent jobs; and use $2.8 million worth of coal every day.

For the near term, the fastest way to replace significant amounts of oil with coal is in large industrial and utility boilers that now use the equivalent of 5.5 million barrels of oil and gas per day.

I'm sure you heard this morning of legislation Senator Heinz will be introducing to provide a series of tax incentives to utilities that wish to convert. I'm 100 percent behind him on that bill, and I'm optimistic that we'll get it passed during this Congress.

In the meantime, I am deeply disturbed by the administration's plan to terminate funding for the federal fuels conversion program in the Department of Energy before any new incentives have been enacted to take its place.

For a relatively modest $5 million, the Department of Energy could continue work on issuing final conversion orders to approximately 50 plants, with a potential for saving 300,000 barrels of oil per day.

That's 80 to 110 million barrels of oil per year.

Unless these orders are issued, many of these units never will be converted and conversion of most of the remaining units is likely to be greatly delayed.

I want to make clear that we are no longer talking about forcing conversions.

Most utilities with suitable candidates for conversion recognizes it is in their best interests, and the interests of their customers, to convert to coal—provided they can secure up-front construction financing and obtain the required federal, state and local permits.

The momentum for coal conversion is increasing right along with the price of oil.

Coal conversion is no longer just a coal issue or a national security issue which is somehow too nebulous to capture public support.

It is a consumer issue.

If the fifty or so plants we're talking about converted from oil to coal, the cost differential between oil and coal would result in annual fuel savings of more than $1.5 billion That could provide a lot of relief to the overburdened ratepayers in New England and elsewhere.

The economics are clearly with us.

Unfortunately, the obstacles to coal conversion are still with us too.

In most States, any one of a large number of State or local agencies and citizen's groups can readily block conversion.

Is there anyone here who doubts they would try?

With the Federal leverage of a conversion order, State and local opposition may be easier to overcome.

On the other hand, by terminating the problem, we may be sending an entirely wrong signal to States and localities, a signal that the Federal Government no longer considers conversion important.

Conversion of units is dependent on completion of a Federal environmental impact statement, which is, as you know, a very expensive and time-consuming job that DOE has been doing for many of the utilities.

If the Federal program is terminated before the impact statements are completed, conversions could be delayed for up to two years.

Finally, and most importantly, under the Clean Air Act it is necessary for a utility to be ordered to convert to avoid requirements for installation of scrubbers: to be eligible for delayed compliance: and to avoid time-consuming prevention of significant deterioration review.

I have introduced a bill, S. 540, to extend these same advantages to utilities which voluntarily convert.

It is uncertain if we will be able to get this bill considered separately from the overall clean air debate. Further, it now appears that the clean air debate may not be completed before the end of 1982, and possibly 1983.

Consequently, if the Federal conversion program is ended before my bill passes—and there is no guarantee that it will ever pass—the utilities will have no avenue of relief.

This is an expensive proposition for the utilities and most will find it impossible to proceed with conversions until this issue is settled.

It is only logical to keep the existing program in effect until we have something to take its place.

President Reagan has another mandate—to get government off the backs of American business and industry.

Regulatory reform has my total and unequivocal support—and what better place to start than the coal industry.

When I addressed the mining Congress two years ago, I had just finished chairing three very full days of hearings on the effect of government regulations on the production and use of coal.

These three days were more than enough to convince me that if any industry in America is in need of regulatory relief, it is the coal industry.

You are regulated from the time you first begin planning to open a mine until after the smoke leaves the stack at the boiler, and every single regulation adds to your costs and to your marketing problems.

To be sure, some regulation is necessary.

But Washington has gone overboard and it is up to Washington to do something about it.

With the Clean Air Act up for reauthorization, we will have an opportunity to pursue some substantive changes in the regulations affecting coal use.

The administration has given every indication that they will be leading the way toward getting those changes enacted, and I applaud them for that.

In addition to the bill I mentioned earlier to give voluntary conversions to coal favorable treatment under the Clean Air Act, I have already introduced two other Clean Air Act amendments.

One would permit the emergency suspension of State implementation plans for up to five years in order to convert from oil to coal.

The other goes to the broader need for regulatory certainty. It provides that once a source comes into compliance with all existing air quality requirements, no more stringent requirements could be imposed on that source for up to 10 years.

Attention also needs to be given to possible adjustments in the national ambient air quality standards, and the prevention of significant deterioration and non-attainment programs.

We need a balance between our energy and environmental needs—a balance which is currently lacking.

But just as I would argue against overly stringent environmental requirements, I would also urge your industry not to try to swing too far back the other way.

Coal is still widely perceived by the public as a dirty and undesirable fuel. It is a false image, and one we should not be guilty of perpetuating by seeking unnecessary or unreasonable relaxation of environmental standards.

On the production side, I know all of you are pleased as I am that the new Office of Surface Mining has extended an olive branch to those of you engaged in surface mining practices. The new and more flexible regulatory view and the cooperative attitudes of the personnel involved will lead, I believe, to eased production without damaging the environment in the slightest.

The mandates of the surface mining act must be met. We cannot afford to waiver from that standard. Yet, the very strict standards of this act need not hamper production and the Reagan Administration's efforts to assure that this will not occur are to be commended.

Although we can be pleased with the new regulatory scheme of things, I believe there still remain some problems in OSM that need to be addressed.

In spite of the fact that Secretary Watt has indicated he will not be seeking changes in the Surface Mining Act, I, for one, feel that in order to make all the changes that are necessary to improve the administration of the law, there must be some changes made in the law itself.

For example, although greater flexibility in the variance procedures for meeting the approximate original contour provisions of the act seem to be the order of the day, all of you who operate in the mountainous regions of the Eastern United States know that the Surface Mining Act is quite clear about the AOC standard.

It simply says that the land shall be restored to the approximate original contour.

Administrative variance or no administrative variance, I believe that unless the language of the statute is changed, there will be significant difficulty in avoiding long, entangled law suits filed by those who would have overly-exacting standards imposed on operators.

Another shortcoming in the act which is only recently coming to light are the provisions that preclude states from receiving money from the abandoned mine reclamation fund until their state primacy plan is approved.

In hearings before the Senate Appropriations Committee, on which I serve, OSM officials indicated that before mid-1982, probably 25 or 26 of the 29 coal producing states will have attained privacy.

At the same time, the agency is proposing to cut the budget for the abandoned mines reclamation program on the grounds that the law prohibits dispersal of these funds until such time as primacy is approved.

This is an outrage.

In the coal fields we have equipment ready to do reclamation work, we have the environmental need for the work to be done, and we have the labor to perform the necessary activities.

Why states should be forced to wait until primacy is achieved is beyond comprehension.

Reclaiming the ravages of the past, along with preventing such practices in the future, were the main purposes of the Surface Mining Act.

Putting off the implementation of one of these purposes even one day longer simply does not make sense.

In my capacity as a member of the Senate Appropriations Committee, I intend to be working with other concerned Senators to see that every dollar of funding which can be used by the states, as well as the Department of Agriculture in its administration of the very successful ramp program, is available for use.

Operators have paid into this fund from the date of the enactment of the Surface Mining Act. I believe it is time for the public to see the full benefits of these contributions.

Another area I believe has received inadequate attention is that of the ability of our nation's transportation system to carry the vast amounts of coal which will be produced and consumed in the coming years.

Since 1973, I have attempted to secure the passage of a Federal program to assist the States in meeting the overwhelming demands placed on State treasuries by the national desire to burn coal—which must be transported over State and Federal highway systems.

We came very close to establishing such a program last year, but circumstances beyond our control prevented that.

With the new budget consciousness and a shortage of highway trust fund money, I have, for the first time in many years, become quite pessimistic about the chances of having an energy-impacted transportation system program enacted.

I do not intend to give up.

I have long believed that unless we move to repair and maintain the energy-impacted highways in the inland areas of the country, we may well be faced with bottlenecks in coal movement that will make the back-ups in the ports pale in comparison.

It is with a great deal of interest that I see the degree of attention being focused upon the contribution the Federal government should make to the improvement of our harbor facilities. If it cannot be made clear to the nation that the export of coal is of primary national significance, I fear we will fall into the same trap with harbor improvements that has plagued inland transportation routes.

Coal exports can help cure a multitude of ills.

They can bolster our domestic economy. They can ease our balance of payments problems. They can help curb the worldwide demand for oil.

Exports of American steam coal have taken off like a shot. Total U.S. coal exports in 1980 reached an all-time record of about 90 million tons—almost 40 percent higher than in 1979.

Projections are that we will increase our exports seven times over between 1979 and 1990.

But that will happen only if we can get our transportation system in order.

At least 10 million more tons of coal could have been exported than were sent abroad in 1980, and I fear markets could be lost to us for good if the problems at the ports persist.

We are expecting an awful lot if we expect our customers to wait patiently for 30 to 60 days in our ports at costs of up to $15 thousand per day.

We have to deepen the channels in primary coal ports to at least 55 feet to ac-

comodate the increasing number of deep draft colliers.

We have to streamline our permitting procedures both for the ports and for on-site facilities.

And—I cannot emphasize this enough—we have to improve our inland transportation infrastructure.

That pretty much covers the main items on my wish list for coal.

It is a long list—but I think it is attainable.

A columnist in Kentucky who thinks I tend to be a little over-zealous on the subject of coal, suggested last year that I should have my name legally changed to "Dee—'burn coal—America's ace in the hole'—Huddleston."

I'm not prepared to go that far.

But I am a strong believer in the ability of coal to play a major role in solving the energy, national security and economic problems plaguing this country.

You have a lot of friends in Congress.

With the economics on your side, you have an emerging opportunity to expand your base of support outside the coal-producing regions to every household in America that is tired of paying exorbitant OPEC prices and being held hostage to OPEC whim.

We'll need the support of those consumers to help us overcome the problems and enact the programs I've mentioned today.

I urge you to cultivate that support. With it, we cannot fail.●

THEODORE R. McLEMORE

● Mr. SASSER. Mr. President, it is my privilege today to pay tribute to Mr. Theodore R. McLemore, a Tennessean who has devoted 40 years of distinguished service to the Memphis community.

Mr. McLemore has served as board secretary of the LeMoyne-Owen College since 1944 and has been a board member for over 40 years.

In spring commencement exercises this year, the president of the college, Dr. Walter L. Walker conferred upon Mr. McLemore a Doctor of Humane Letters in recognition of his untiring work and dedication to the college.

Mr. McLemore has been an active member of the alumni association since graduating from the college in 1921. He is presently serving as national fundraising chairman and has served as president and vice president in the past

In addition to his fine work and the profound influence he has had on Lemoyne-Owen College, Mr. McLemore finds time to participate in a broad spectrum of community affairs ranging from serving on the board of directors of the Goodwill Boys Club to serving as president of the Laymen Auxiliary of the Tennessee Baptist Missionary and Education Convention.

It is indeed an honor to bring to the attention of my colleagues this outstanding Tennessean.●

MINORITY HIRING IN NATION'S NEWSROOMS

● Mr. TSONGAS. Mr. President, the American Society of Newspaper Editors (ASNE) held their annual convention in Washington, D.C. last month. It is an event which brings together the lions of the Fourth Estate to discuss the pressing issues of the day and to engage in thoughful dialog on the future of the newspaper business and the entire communications industry.

Tom Winship, editor of the Boston Globe, the major newspaper in New England and one of the largest and most respected in the Nation, has just completed a 1-year term as president of ASNE. In a farewell address to his colleagues, Winship focused attention on the crit'cal shortage of minorities in the Nation's newsrooms. Despite the considerable strides made in equal employment opportunity in many fields over the past decade, minority hiring for editorial positions in the Nation's newspapers remains negligible.

Mr. Winship should be commended for taking a public stand on this controversial issue and I ask that the entire text of his remarks appear in the RECORD.

The remarks follows:

REMARKS OF THOMAS WINSHIP

My president's speech will be short and to one point. I appeal with all my heart to the conscience of the leadership of the print media to confront our failure in minority hiring. I realize social engineering is a taboo subject in Washington these days but maybe I can have safe passage because I'm talking about social engineering initiated and paid for by private industry, not government.

Our casual attitude toward minority employment is particularly embarrassing because our mission is semi-public and because it is protected by constitutional guarantees. Yet newspapers, with a nearly all-white face, attempt to portray accurately a mixed society.

Our industry has spent millions in dramatically successful technological research and preparation for the age of satellites, computers, cable and video.

Our industry has invested millions in readership and market research.

Our industry has devoted uncounted programs, panels, discussions and staffing in a national push for better writing.

The commitment and funding for these enterprises has been impressive.

But how strong is the moral commitment to equal opportunity inside our newspaper offices? Where is the commitment to sensitivity in news coverage that can be enhanced by racial mixture on our staffs.

Fourteen years ago, the Kerner Commission, which studies racial strife, said: "By and large, news organizations have failed to communicate to both their white and black audiences a sense of the problem America faces and the sources of potential solutions. The media report and write from the standpoint of a white man's world. . . . this may be understandable, but it is not excusable in an institution that has the mission to inform and educate the whole of our society."

The Kerner Commission barely pricked our conscience. The effort to increase the number of minority journalists simply never has had broad-based backing among editors and publishers. The majority of the daily newspapers in the nation still do not employ minority journalists—and never have. The number of minorities in newspaper management jobs is still negligible.

A year ago, there were 47,300 professional journalists in the country—reporters, copy editors, photographers, artists and news executives, and of these, 2,400 were minorities, up 100 from a year ago and 4.96 percent of our work force.

Two years before, in 1978, the same survey showed 1,700 minority journalists out of a total 43,000 in the profession—or 3.9 percent.

Although 4,300 more minorities were hired in 1980 as business expanded, only one of every 11 was a minority.

But, according to Jay Harris, Assistant Dean of Medill School of Journalism, the percentage of newspapers with minorities on their news staffs has dropped 40 to 37 percent in the past year.

From the standpoint of background, 29 percent of the minorities have five or more years experience. Ten percent have 10 or more. Only a trickle of minorities are working their way up the ladder. Most are still coming in as reporters or at other entry-level positions rather than closer to the top.

You can count the number of top ranking minority editors on one hand.

No one can feel comfortable about that record. One conclusion can be drawn from the last fourteen years: Apparently most publishers and editors do not see a compelling enough argument—professional, moral or economic—for ending this history of neglect of a truly integrated American press. It is fair to ask whether such compelling arguments do exist.

I believe they do.

First, the right of the press to be free from government control was guaranteed by an amendment to the U.S. Constitution in 1791. The goal of the framers of that amendment was not just to ensure that newspapers in the country would be free. Rather, the Amendment was intended to protect the press because newspapers are an essential means to an important end—a fully informed citizenry as the necessary foundation of a democratic society.

As far as minorities are concerned, the press has failed to satisfy that responsibility and a major reason for this failure is the paucity of minorities among the ranks of reporters and editors of newspapers.

Consequently, too many minority readers reject newspapers and in so doing reject an important opportunity to become fully-informed. They thus lessen their ability to participate effectively in the process of self-government.

Second, newspapers are—or at least should be—the glue which makes a community out of a group of individuals who live in the same area. But, once again, because of the absence of an integrated staff and the resulting inadequate reporting, this community service is not performed well. To be sure, there are periodic blockbusters produced by newspapers—those impressive and often commendable one-shot efforts to "tell it all." But persons in a community live from day to day, and need to be informed about each other's lives on just that regular a basis.

Newspapers also offer leadership to a community—or should. Most often that is accomplished through reporting or editorials. But newspapers also lead by example, and in all too many American communities the example newspapers set and the leadership they offer in the matter of equal opportunity are ultimately quite out of step with the best principles in this nation.

Third, profits. The time has come to cease being shy about mentioning profits in connection with minority hiring. There are literally millions of minority non-readers to whom, I believe, newspapers can be sold. And, if we are able through the development of a better newspaper, a more widely distributed newspaper, to sell newspapers to more minorities then we can sell those new minority readers to advertisers. Thus, newspapers will be more prosperous and in a better position to do more important things for more important reasons.

The racial complexion of nearly all city rooms in 1981 presents a crisis in moral values and demographic blind-sidedness. Can we afford business as usual in minority employment at a time when our electronic brethren and exploding scientific and com-

puter breakthroughs are bombarding newspapers in all directions; at a time when newspaper circulation and lineage gains are not the easiest to achieve.

Today the black population stands at 26.4 or 11.7 percent of the nation's total.

Today there are 19.8 million Hispanics in the U.S. A figure that has grown 14.3 percent in just the last five years. In Texas one of every 4 residents is Hispanic; in California, one out of 5. Recent Census figures on minorities in all major cities underscores this dramatic shift.

Yet the average daily newspaper is still covering this multi-faced society through white eyes and ears.

Ask any circulation manager how well he is doing in the non-white areas of his city.

Ask any advertising director how well he does in the non-white market. A respected market research firm in California places the combined income of Blacks in this country at $125.8 billion and Hispanic income at $60 billion and rising.

Fourth, and most important is the morality issue. We believe in equal opportunity for all. The momentum has somehow slipped. Let's pick it up.

I have a proposal, not a cure-all by any means, but one I wish the various journalist organizations would consider. Among newspaper organizations, the nation's editors have been in front of others in expressing concerns over minority hiring. Only ASNE has a standing committee on minorities, thanks to the wisdom of Eugene Patterson of St. Petersburg, who set up this committee three years ago during his presidency. Since then, this committee especially under the leadership of Chairman Richard Smyser, has been the most active group in ASNE.

But, we are dealing with a critical situation that is industry-wide. We need the help of the advertising directors, who know the growing purchasing power of Blacks and the Hispanic population. We need the help of circulation managers who are out on the streets, and above all, we need the help of the publishers, who are the ultimate word on hiring and firing and who negotiate the union contracts.

Dick Smyser's ASNE report mentioned the need for a "super committee". I take his thought a step further.

Let us use the Newspaper Readership Project, now in its second year, as a structural model for bringing all elements of the newspaper industry together to address this most crucial moral and economic problem. I suggest that we set up a separate newspaper minorities project. It should have adequate industry funding and be directed by a respected publisher or ex-publisher. It should be represented equally by all the standing industry organizations—The American Newspaper Publishers Association, The American Society of Newspaper Editors, The Associated Press Managing Editors, the International Advertising Executives Association and the International Circulation Managers Association.

This plan would at least do two things. It would display a new sense of urgency about this social blight in our business. It also would provide the funding for fresh hard-headed market research into the economic and educational aspects of our crisis in morality. There's no other way to describe it.

I urge the hierarchy of ANPA, ASNE and APME to consider the proposal. Tear it apart, come up with a substitute approach, if you will. But, please at least address seriously this overriding problem.●

THE TREATMENT OF U.S. INVESTORS IN CANADA

● Mr. JOHNSTON. Mr. President, the Canadian Government, through the activities of its Foreign Investment Review Agency and its proposed national energy plan, has elevated economic nationalism to a position of primacy in its national policies. In doing so it has presented the potential of eroding the value of Canadian assets owned by U.S. investors; adversely affected the ground rules originally used to attract such investors, and appears to deny to those U.S. investors a favorable operating environment comparable to that afforded Canadian companies active in the United States. I am concerned that the Canadian Government's pursuit of its present policies will make it impossible to maintain reciprocity of the fair and constructive business environment that has contributed greatly to the economic progress of both Canada and the United States in the past.

I do not question the right of countries to restrict the activity of foreign investors in selective areas. However, the prevailing assumption in the United States has been that such restrictions would be limited in scope and would not be designed to provide long-term artificial competitive advantages to domestic concerns.

Our friends to the north are pursuing their nationalistic goals through two primary instruments. The first is the Foreign Investment Review Act which establishes Canada's Foreign Investment Review Agency (FIRA). That agency has been given wide discretionary powers over foreign investors' activities in Canada. Its mandate extends over a wide range of investment opportunities.

FIRA's primary tool is control of the investment approval process. For instance, it must give prior approval to:

U.S. acquisition of Canadian businesses,

Establishment by a U.S. concern of a new enterprise in Canada, or

Expansion by any existing U.S.-owned enterprise in Canada into a new business area.

Various examples of the effect of FIRA activity on U.S. business interests exist, among which are the following:

A proposal by General Electric's subsidiary in Canada to acquire Federal Pioneer, Ltd., of Toronto was turned down by FIRA in late 1979.

In 1979, FIRA rejected two proposals by a subsidiary of Gulf Oil to acquire oil and gas properties in Canada.

In March 1981, Getty Oil was not allowed to acquire a majority interest in Canadian Reserve Oil & Gas, Ltd.

FIRA is unfettered by any strict definition of the criteria on which its decisions are to be based and there is no requirement that it make known its reasons for rejecting an application. Therefore, Mr. President, it is difficult to avoid the appearance that FIRA is a political instrument of the Canadian Government designed to promote policies of economic nationalism.

The introduction in October 1980 of Canada's national energy program—NEP by the Trudeau government has begun to bring into focus the overall intent signaled by the existence of FIRA. The program's discriminatory nature relative to foreign investment is made clear by several of its anticipated provisions. Under it:

Canadian-owned firms are to receive subsidies for oil and gas exploration and development which, in all cases, will be substantially greater than those received by the United States or U.S.-controlled firms.

A minimum of 50-percent Canadian ownership is to be required for oil and gas production in the Northwest and Yukon Territories and offshore properties.

Takeovers of foreign firms by state-owned PetroCanada and by private Canadian companies are to be actively promoted.

The National Energy Board is to take into account the level of Canadian ownership in considering oil and gas export applications.

New large nonconventional energy projects such as synfuels are to be carefully scrutinized by the Government to insure conformity with the basic tenets of "Canadianization."

A Government institution is to be set up to purchase natural gas from Canadian-owned firms that cannot find markets; to enter into joint ventures with such firms; and to provide them production loans. U.S. natural gas firms operating in Canada are to be denied access to this facility.

The Canadian Government has signaled that it will deal with the nonpetroleum energy sector in a similar manner. It has stated in the NEP that—

> The Government is concerned about ownership trends in the non-petroleum energy sector . . . Canadians would not be wise to let the pattern of ownership that occurred in the oil and gas industry repeat itself in the uranium and coal industries.

Thus, the implied intent as evidenced by the above language is to discriminate against the foreign investor over the wide spectrum of energy activities.

The effects of these provisions of the NEP on U.S. investors could be pernicious and wide ranging, especially as they become intertwined with the functioning of the FIRA. One such effect is to penalize U.S. investors who, in good faith, previously entered into extensive investments in Canada under ground rules and expectations for the future dramatically different than those that will result from the NEP. On a retroactive basis they are being penalized for their original confidence in the integrity of Government policies existing at the time of their investment. Such discrimination is one of the reasons the NEP has elicited numerous protests from Canada's OECD partners and, indeed, from large segments of the Canadian business community. The NEP would thus seem to violate the spirit of the OECD guidelines encouraging equal treatment in member countries of foreign and domestic investment.

A particularly alarming result of the NEP is its depressing effect on the value of Canadian oil assets owned by U.S. citizens. The provisions of the NEP thus put unwarranted pressure on U.S. investors to sell. At the same time, the existence of the Foreign Investment Review Agency effectively precludes non-Canadians from bidding on such assets.

This removes the matter from a situation of true competitive pricing of the assets. Hence, elementary business sense illustrates that the Canadian Government has established an environment prejudiced against U.S. investors, the result of which is to allow Canadians to acquire U.S.-owned assets at bargain prices.

A further impact of the interwined effect of FIRA and the NEP is to undermine completely the principle of reciprocity between Canada and the United States in the rules under which one company can acquire another. A company based in Canada and adhering to the dictates of the NEP can pursue a U.S. acquisition with little fear that a U.S. company could successfully pursue a similar course in Canada. The effect of such a situation is illustrated by the present attempt by Dome Petroleum, which has clearly committed itself to the NEP as an operating mandate, to acquire a substantial portion of the shares of Conoco, Inc. If successful in its efforts it would possibly be in a position to exert a controlling influence over Conoco.

Dome has indicated that its primary intent in acquiring Conoco shares is to place itself in a position to exchange those shares for Conoco's controlling interest in Hudson's Bay Oil and Gas, a substantial petroleum company operating primarily in Canada. Central to Dome's strategy is the argument that the NEP reduces markedly the value of Hudson's Bay to Conoco. Whether or not it is, it seems intentional that the Canadian Government is placing U.S. companies such as Conoco in very difficult circumstances while protecting from a similar situation those companies which adhere to the NEP principles.

Mr. President, it is apparent to me that we cannot allow such a one-sided situation to continue. The preferable solution is to work cooperatively with the Canadian Government to establish ground rules that insure general reciprocity in the treatment of Canadian and U.S. companies operating on both sides of the border. It appears that the tendency to take advantage of the distorted competitive position wrought by the NEP and the existence of the FIRA is accelerated on the Canadian side. Unless the present trend is reversed in the immediate future, I foresee little recourse for the United States but to consider official action that will unmistakably indicate that this country will insist on reciprocity in its business relations with our friends to the North.●

BROCKTON, MASS.

● Mr. TSONGAS. Mr. President, Brockton, Mass., known as the Shoe Capital of the World, is celebrating its centennial in 1981. Renowned for its heritage and hospitality, the city is now celebrating 100 years of "tradition and progress." The saying, "Brockton Shoes the World" indicates the city's proud history. Brockton's shoe industry dominated the world footwear market until after World War II.

Brockton has been the site of many other accomplishments throughout the years. Thomas A. Edison supervised and witnessed the pioneering advances Brockton made in the citywide uses of electricity. In the area of public works, Brockton also led the way in developing the downward filtration process, a sewerage disposal system that became a model for inland cities all over the world. In 1970, the newly constructed Brockton High School opened its doors. Today, it is the largest high school in the country.

No one can forget the great place that Brockton, Mass. has in the history of sport. It nurtured, loved and mourned a great son of Brockton, a great human being, Rocky Marciano, who became the heavyweight boxing champion of the world. Today, another who calls Brockton home, Marvin Hagler, a man of perseverance and talent, is the middleweight boxing champion of the world.

My home is a Massachusetts city of similar size and history to Brockton. I feel at home with Brockton's great traditions.

Mr. President, Massachusetts, our Nation and the world, have been enriched by this city's contributions in so many areas. During 1981, we proudly celebrate 100 years of culture and achievement in Brockton. The future is with cities such as this one. In 2081, I expect that Brockton will celebrate another century of progress and leadership. I pledge to work with the people of Brockton toward this future and I congratulate them for their past and current accomplishments.●

U.S. POLICIES IN EAST ASIA AND THE PACIFIC

● Mr. KENNEDY. Mr. President, Secretary of State Haig will soon travel to East Asia to meet with our allies in ASEAN and Japan as well as to consult with the leaders of the People's Republic of China. It is timely and appropriate to review the initial policies of the administration in this important region of the world, and to consider how we can strengthen the United States-China relationship which is so critical to prospects for peace and stability not only in Asia but throughout the world.

Former Assistant Secretary for East Asia and the Pacific, Richard Holbrooke, has undertaken this task admirably in a recent article for the Asian Wall Street Journal. I commend the article to my colleagues, and request that it be printed at this point in the RECORD.

The article follows:

[From the Asian Wall Street Journal, Apr. 8, 1981]

REAGAN'S FOREIGN POLICY: STEADY AS SHE GOES

(By Richard Holbrooke)

WASHINGTON.—Seventy days into any administration is far too early to make firm predictions. This is as true of the Reagan-Haig foreign policy as it was with other new administrations. The Reagan administration has given us a strong and forcefully expressed posture, but hardly any policies yet.

We know it will be tough on the Russians, but we have not been told how. We know that it will increase the defense budget, but its first priority is manpower which, no matter how essential, will not directly strengthen the strategic balance which it feels has been so dangerously eroded. As is true with so many previous governments in Washington, especially those coming in on the heels of dramatic reversals in the election booths, early rhetoric is running far ahead of policy.

Even so, the actions and rhetoric of the administration show that on Asia, in contrast to other areas, the first phase of the administration's decision-making process has resulted in an initial vote for continuity over dramatic change. In this first phase, the personal role of Secretary of State Alexander Haig on Asian policy has been marked and positive.

America's binding political and strategic ties with Japan have been reaffirmed in a number of ways: the retention of Ambassador Mike Mansfield was a masterful early move. Trade and defense issues between the two countries remain difficult, but appear to be under the firm control of people on both sides of the Pacific who will seek solutions within an unbreakable commitment to close alliance.

In regard to ASEAN and ANZU, Mr. Haig and his colleagues have already reaffirmed inherited policies, signaling their desire to go even further in the direction of strengthening American support for these two organizations. These are essential blocks in the creation and maintenance of stability in the Pacific. So far the region is hearing precisely what it wants—and needs—to hear from Washington. The increase in military aid for Thailand is especially welcome and justified.

U.S. relations with South Korea have improved dramatically, the result of a well-executed decision to offer President Chun Doo Hwan the opportunity of a much-wanted state visit to Washington if "the situation permitted"—a signal concerning the fate of imprisoned political opponent Kim Dae Jung which was correctly understood in Seoul after some weeks of frantic cross-Pacific commuting and pulse-taking.

Here, Mr. Reagan and Mr. Haig were able to go further than their predecessors. Ironically they achieved with positive incentives what the Carter administration might have had far more difficulty achieving because its tools were primarily negative and punitive.

A major decision in a more obscure area remains on the list of unresolved issues for the administration: whether or not to honor the Micronesian compact which was completed at the end of last year after an almost endless negotiation. Any compact will face some difficulty in the U.S. Congress and some handwringing at the United Nations: Both must approve it for legal and historical reasons.

However, the new arrangements, which provide for "free association" with the U.S., protect vital American national interests in the region, deny other nations (read the Soviet Union) military access there for a suitably long period of time, and are not prohibitively expensive. To reopen these talks only would delay, and probably increase the costs of, putting a U.S. presence in this vast area on a stable long-term basis.

The greatest unresolved problems still revolve around China. The China issue, which unfortunately became part of the 1980 presidential campaign, led to one of the most important early disputes within the administration. While that battle is by no means over, it is important to note that from an early stage Mr. Haig has managed to hold the line for policy continuity against those who advocate turning the clock back and upgrading American relations with Taiwan.

It is a curious state when success in policy-making can be defined as the absence of change and the relative absence of publicity. But that is precisely the situation in

regard to the first 70 days of this administration's China policy. To avoid doing some of the things that were implicit or explicit in the campaign rhetoric took a major effort on the part of those who saw the disaster that this would cause for U.S. national interests.

Mr. Haig's arguments were cast in strategic terms, since they were most persuasive if it were understood that any weakening of American ties with Peking now, for whatever reason, would be incompatible with a worldwide posture of resisting Soviet expansionism. And perhaps the critical point was passed when, probably for the first time in his life, Mr. Reagan met at length with a representative of the mainland Chinese, Ambassador Chai Zemin.

At that meeting on March 20, which the White House played very low key in order not to upset its pro-Taiwan constituency, the President began the vital process of rebuilding relations chilled from months of public rhetoric and private strains. Relations are still far from the warm state that existed under the last administration, but there is now some reason for hope.

Hope, but not certainty. Many critical issues remain before Sino-American relations again march forward. Rightwing pressure on the White House to upgrade relations with Taiwan has not disappeared. The Chinese, while pleased with the messages that President Reagan and ex-President Ford have conveyed, are not yet sure that the crisis has passed.

The administration remains under intense pressure to sell the Taiwanese an advanced fighter aircraft to replace the aging F5–E. It will be difficult to resist this pressure, although the island's military need for such a plane now is questionable.

Taiwan and its friends in Congress will continue to press for more symbols of officiality in the relationship, and seek to represent any bones thrown their way as major slaps at Peking. Thus such seemingly trivial issues such as where Taiwan's representatives are received—inside the State Department or in a private home—will continue to carry excessive symbolic and political weight on both sides.

The strategic relationship with China, not Taiwan, is the main issue, with global and historic importance. That it has been submerged under the Taiwan issue only illustrates anew that trivia can command center stage while great issues wait in the wings.

When power changed hands in Washington in January, the Carter administration left behind a key unresolved issue: how far to take the security and strategic relationship with China. Should America sell weapons to China? How much access should be offered to what the Chinese want most—modern technology that would permit them to close the growing (underscore growing) gap between them and their Soviet adversaries? Should the U.S. seek to move from consultation to coordination in those areas, such as Southwest Asia, where American objectives are virtually identical with the Chinese?

Finally, and most centrally, What is to be America's view of the role of China in the world? Not that Washington has the power to assign a role for Peking to play—only the Chinese can determine their own destiny and world role. But the U.S. will have an influence on it, and must decide what is in its own interests, and shape policy accordingly.

China is at present a friend but not an ally. Under the Carter administration, China's status was moving rapidly towards that of a Yugoslavia—but a giant Yugoslavia with far greater strategic importance, tying down one-quarter of all Soviet forces, and playing a global role as a leading opponent, at least rhetorically, of Soviet expansionism.

Internally divided over Taiwan and engaged in bitter bureaucratic warfare over other issues, the Reagan administration has yet to decide its view of China. Much will depend upon that perception, and the skill with which it formulates policies to make a vision a reality. Whatever course it follows, it will need to integrate regional policies carefully to preserve one of the most important legacies it inherited—the first attempt at a truly integrated Pacific policy linking Northeast Asia, China, Southeast Asia, and Oceania.

Whatever policies are chosen, skill in tactics and timing will be critical. If despite Peking's warnings the administration decides to sell Taiwan a better airplane, there will be a cost. A damage-limiting policy would be essential. Linkage between this issue and the larger strategic issues would then be likely. That policy might well mean offering China access to weapons. And while the Chinese, who windowshop far more than they buy, might not purchase much, the implications of such a decision for Japan, ASEAN, India, and the Soviet Union are immense.

I am not advocating letting the Taiwan airplane tail wag the strategic Peking dog. That is no way to make a great policy decision. Yet in the strange world of Washington, such a backwards way of policymaking is not unprecedented, and in this case it seems quite possible.

To reduce this risk, I would urge two simple things on an administration which has other matters on its mind:

First, do not rush into the Taiwan decisions. Above all, do not make them until after the central decisions about relations with Peking.

Second, send a very high-level official—preferably Mr. Haig or Vice President George Bush—to Peking this summer to discuss face-to-face with the Chinese leadership the entire range of issues. The confidence and growth in mutual understanding that such a trip would create cannot be duplicated in any other way.

Richard Holbrooke, formerly Assistant Secretary of State for East Asian and Pacific affairs, is vice-president of Public Strategies Inc., a Washington-based consultancy firm.●

OPPOSITION TO AWACS FOR SAUDI ARABIA

● Mr. SASSER. Mr. President, the question of the Syrian basing of SAM–6 missiles in Lebanon has brought the Mideast to the brink of yet another war. Moreover, it has underscored the importance of Israeli air superiority and the danger raised by the administration's proposed sale of five airborne warning and control system (AWACS) planes to the Saudi Arabian Government.

On the merits of the issue, this sale is not justified and Congress should reject it when the Reagan administration formally proposes it later this year.

First, the Saudi Government is weak and unstable. Their major threats are internal, not external. For example, there are approximately the same number of foreigners, who are treated as second-class citizens, working in Saudi Arabia now as there are Saudi males. Obviously, the foreigners have no loyalty to the Saudi Government.

More importantly, the attack of one of the main Mecca mosques 2 years ago by Moslem fundamentalists raises the question of a prolonged and ultimately divisive struggle between the royal family, which supports rapid modernization, and religious fundamentalists who follow the teachings of Ayatollah Khomeini.

Therefore, it is extremely dangerous to sell our most advanced weapon systems to such a weak and unstable government.

Second, there is no question that the "enhanced offensive equipment," the extra fuel tanks and the advanced Sidewinder air-to-air missiles, pose a significant danger to the Israeli defense forces.

The F–15 is one of our best air superiority fighters. There is nothing quite like it in the world. In addition, the AWACS planes are specifically designed to work with and direct the F–15's in an air war.

In a land battle for control of the oil fields, the Saudis would be overwhelmed with or without the AWACS. Once the Saudis take delivery of the AWAC'S, however, the planes could be used to severely limit Israel's command of the skies, the military capability essential to victory in any future conflict.

Third, there is the question of American self-interest. In the final analysis, this is the only consideration that should govern the sale—is it in America's best interest to sell the AWACS planes, the extra fuel tanks and the advanced air-to-air missiles to the Saudis,

The only reasonable answer is "No."

The administration argues the Saudis are a "moderating force" in the Middle East, that the sale is a test of our friendship.

Since agreeing to sell the Saudis 62 F–15's almost 3 years ago, the Saudis have demonstrated their "moderation" by:

Rejecting the Camp David accord as a format for a comprehensive and just Mideast peace;

Taking no action whatsoever to encourage Jordan to join the Mideast peace process;

Continuing substantial support for world terrorism by funding the PLO; and

Declaring a holy war against Israel.

Surely, these are not actions of a good friend in a destabilizing part of the world who wishes closer and stronger ties to the United States.

There is to be no quid pro quo accompanying the sale—no firm commitment from the Saudis to help. In fact, the United States accomplishes (only) one thing as a result of this sale—it places Israel, a proven military ally, a stronghold of democracy, in greater jeopardy.

Mr. President, for these reasons, I believe the sale of the five AWACS planes and the enhanced offensive equipment for the F–15's should be rejected.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36 (b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of

$7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. Portions of the notifications, which are classified information, have been deleted for publication, but are available to Senators in the office of the Foreign Relations Committee, room 4229 of the Dirksen Building.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 11, 1981.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 81-35, concerning the Department of the Navy's proposed Letter of Offer to Australia for defense articles and services estimated to cost up to $1 billion. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

ERICH F. VON MARBOD,
Acting Director.

[Transmittal No. 81-35]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Australia.

(ii) Total estimated value: Up to $1 billion.

(iii) Description of articles or services offered: Technical assistance for the development of ship design proposals, contract design services, and detailed design and construction of a replacement for the Australian aircraft carrier.

(iv) Military department: Navy (GGT and GGU).

(v) Sales commission, fee, etc. paid, offered or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 March 1981.

(viii) Date report delivered to Congress: May 11, 1980.

POLICY JUSTIFICATION

AUSTRALIA—REPLACEMENT AIRCRAFT CARRIER

The Government of Australia has requested the purchase of technical assistance for the development of ship design proposals, contract design services, and detailed design and construction of a replacement for the present Royal Australian Navy aircraft at an estimated cost of up to one billion dollars.

As an ally under the ANZUS Treaty, Australia plays a major role in assuring the stability of Southeast Asia and the South Pacific and is strategically located with respect to the Indian Ocean. Therefore, the United States has cooperated in improving Australia's military capability through foreign military sales, logistics agreements, and combined exercises.

This sale represents a significant commitment by the Australian Government to modernize and strengthen the Royal Australian Navy and will contribute toward its capability to meet national defense objectives and to fulfill its regional defense responsibilities under the ANZUS Treaty. A modern well equipped Australian Navy contributes to regional stability in an area of high strategic interest for the United States.

The dollar value of this case will depend upon Australia's final ship selection and shipfit. Two ships, an LPH-12 variant and a Sea Control Ship (SCS) variant, will be pursued through the design proposal phase. Australia intends to make the final ship selection about December 1981.

The sale of this equipment and support will not affect the basic military balance in the region.

The contractor for construction of the ship will be determined after the design has been selected.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 11, 1981.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 81-44 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Japan for defense articles and services estimated to cost $270 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

ERICH F. VON MARBOD,
Acting Director.

[Transmittal No. 81-44]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Japan.

(ii) Total estimated value:

	(*Million*)
Major defense equipment [1]	$ 150
Other	120
Total	270

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Four E-2C aircraft and associated support, including depot level ground support equipment.

(iv) Military department: Navy (SCA).

(v) Sales commission, fee, etc. paid, offered or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending 31 March 1981.

(viii) Date report delivered to Congress: May 11, 1980.

POLICY JUSTIFICATION

JAPAN—E-2C AIRCRAFT

The Government of Japan has requested the purchase of four E-2C aircraft and associated support, including depot level ground support equipment, at an estimated cost of $270 million.

This sale will further the close mutual security relationship between Japan and the United States by contributing to commonality and interoperability. The mutual security relationship is governed by the 1960 Treaty of Mutual Cooperation and Security, and is a vital factor in the political stability of the Pacific Ocean area.

The E-2C HAWKEYE Airborne Early Warning (AEW) system is an important element of Japan's total air defense. At the present time the Japanese Air Defense System has a requirement to improve its performance capabilities against low altitude attack. AEW aircraft with command and control capability can achieve intercepts using fighters on ground alert long before aircraft directed by ground radar information. The E-2C offers a means of data link to the Japanese Air Defense Ground Environment in parallel with direct data link to U.S. Fleet units.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Grumman Aircraft Corporation of Bethpage, New York.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Japan.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 8, 1981.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding under separate cover Transmittal No. 81-46, concerning the Department of the Navy's proposed Letter of Offer to Australia for major defense articles estimated to cost in excess of $7 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

ERNEST GRAVES,
Director.

Transmittal No. 81-46

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Australia.

(ii) Total estimated value:
Major Defense Equipment,[2] deleted.
Other, deleted.
Total, deleted.

(iii) Description of articles or services offered: Deleted.

(iv) Military department: Navy (APR).

(v) Sales commission, fee, etc. paid, offered or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending March 31, 1981.

(viii) Date report delivered to Congress: May 8, 1980.

POLICY JUSTIFICATION

AUSTRALIA—STANDARD MISSILES

Deleted.

As an ally under the ANZUS Treaty, Australia plays a major role in assuring the stability of Southeast Asia and the South Pacific and is strategically located with respect to the Indian Ocean. Therefore, the United States has cooperated in improving

[2] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

Australia's military capability through foreign military sales, logistics agreements, and combined exercises.

Deleted.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the General Dynamics Corporation of Pomona, California.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 15, 1981.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 81–48, concerning the Department of the Navy's proposed Letter of Offer to the Netherlands for defense articles and services estimated to cost $40 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

ERICH F. VON MARBOD,
Acting Director.

[Transmittal No. 81–48]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Netherlands.

(ii) Total estimated value:

	(*Million*)
Major Defense Equipment [3]	$36
Other	4
Total	40

[3] As included in the U.S. Munition List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Two MK 13 MOD 4 Guided Missile Launching Systems.

(iv) Military department: Navy (LCT).

(v) Sales commission, fee, etc. paid, offered or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 March 1981.

(viii) Date report delivered to Congress: May 15, 1981.

POLICY JUSTIFICATION

NETHERLANDS—GUIDED MISSILE LAUNCHING SYSTEMS

The Government of the Netherlands has requested the purchase of two MK 13 MOD 4 Guided Missile Launching Systems at an estimated cost of $40 million. These systems are to be installed aboard new ships to be constructed by the Netherlands Navy.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of the Netherlands; furthering NATO rationalization, standardization, and interoperability; and enhancing the defenses of the Western Alliance.

The purchase of the MK 13 MOD 4 Guided Missile Launching Systems will strongly increase the Netherlands Navy's ability to protect critical lines of communication for the vital flow of supplies to NATO's Central Region. The Netherlands will have no difficulty in absorbing these systems. The effect of the sale will be to help improve the relative military capability of the Netherlands and NATO.

The sale of this equipment will not affect the basic military balance in the region.

The prime contractor will be the Northern Ordnance Corporation of Minneapolis, Minnesota.

Implementation of this sale will require the assignment of two to five contractor personnel to the Netherlands for a period of about two months.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36 (b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million, or in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the record in accordance with previous practice.

I wish to inform Members of the Senate that one such notification was received on May 11, 1981.

Interested Senators may inquire as to the details of these preliminary notifications at the office of the Committee on Foreign Relations, room 4229, Dirksen Building.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 11, 1981.

Dr. HANS BINNENDIJK,
Professional Staff Member,
Committee on Foreign Relations,
U.S. Senate,
Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERNEST CRAVES,
Director.●

YOUTH SUBMINIMUM WAGE

● Mr. METZENBAUM. Mr. President, we have heard a great deal of talk in recent months about establishing a youth subminimum wage as a means of reducing unemployment among the Nation's young people.

I believe that youth unemployment is an urgent problem for this Nation. In many of our inner cities, for example, 50 percent or more of the young people are unable to find work. As a result, they are entering adulthood without having acquired the basic skills, work habits and experience that they will need to make them productive members of our society.

A recent edition of the Cleveland Plain Dealer carried an excellent summary by Elizabeth Sullivan of a study that casts serious doubt upon the notion that a subminimum wage is an effective solution to the problem of youth unemployment.

That study, which was conducted by a researcher from the University of Utah, surveyed the attitudes of employers in five major cities about hiring young people. These employers were precisely the ones who might be expected in theory to hire more young people under a subminimum wage arrangement.

But that is not what the potential employers say they would do. In Cleveland, for example, not a single company out of 100 contacted said that paying the existing minimum wages is a deterrent to hiring young people. And only 2 percent of the jobs in these companies are now filled by youth, mainly because very few unskilled positions are in fact available.

Mr. President, this study is yet another piece of evidence about the shortsightedness of this administration's willingness to trade short-term budget cuts against the Nation's long-term welfare. Our Nation will pay—and pay dearly—for the administration's termination of the job training programs that give young Americans their best chance to become the employable, productive citizens of tomorrow. Businessmen know that the subminimum wage is no answer—and the Senate should be aware of that as well. "If such a law emerges from Congress," the Utah researcher said, "it will be for political not objective reasons." I concur.

I ask that Ms. Sullivan's article be printed in the RECORD.

The article follows:

SURVEY HERE FINDS WHY FIRMS SHUN HIRING TEENAGERS

(By Elizabeth Sullivan)

Finding a job is tough, but often toughest for an inner-city youth.

Minority youth unemployment in Cleveland may be 50 percent or higher and many worry about how this will affect young people in terms of alienation, future earning power and crime.

A recent survey of attitudes to hiring youth among 450 firms in or near the inner city, preliminary results of which were made public this week, helps explain why the rate is so high.

Firms that could be expected to employ young people—fast-food restaurants, retail outlets and light manufacturing, for instance—were contacted.

Most of these firms had nothing against young people, although some worried about their grooming, reliability and lack of work experience. About 16 percent said they preferred older people.

But only 2 percent of the jobs at the 100 companies analyzed so far were filled by youths, said Garth L. Mangum, a University of Utah employment expert coordinating the five-city study. He said this was mainly because there are so few unskilled jobs available here.

In addition to Cleveland, the survey is being conducted in New York, Louisville, Houston and Denver. Mangum cautioned that only preliminary computer runs have been done on the Cleveland results, but he said they are similar to findings in the other cities.

The survey was run here over the last few months for Mangum by Howard Rice, new director of the employment planning and

development center at Cuyahoga Community College, and Vladimir J. Rus, the center's former director, now executive dean of CCC's Urban Metropolitan Development Institute.

Its early results were announced Wednesday at a CCC workshop for educators and manpower specialists, at which Mangum spoke.

Mangum said firms here have no trouble finding young people to fill jobs and job offers were rarely refused.

Once young people are on the job, there were few complaints about them. Problems concerned their lack of motivation, immaturity, unreliability and tendency to quit after a short time.

Firms said they were pleasantly surprised to find these people dressed neatly, spoke respectfully, were willing to work hard and did not suffer from lack of skills.

Mangum said the survey indicates a subminimum wage would not help reduce teen unemployment. Not a single one of 100 Cleveland firms said paying the minimum wage deterred it from hiring young people.

He said if such a law emerges from Congress, it will be for political not objective reasons.

He said nearly 85 percent of those young people working in the surveyed companies lived in the city. Most of them either walked or took public transportation to work.

Mangum, who chairs an employment policy panel of academics and other manpower experts for the federal government, said in an interview that Reagan administration budget proposals could sharply increase youth unemployment by phasing out most of the youth programs under the Comprehensive Employment and Training Act (CETA).

CETA-supported jobs for more than one million young people a year are on the line, he said.

Reagan has proposed cutting the CETA program to $7.7 billion this year and chopping it to $3.6 billion for fiscal year 1982, mostly by eliminating public service employment but also by chopping more than $1 billion for employment, training and youth programs.

The summer jobs program, which involves about 700,000 youths a year, will remain pretty much intact.●

AEROFLOT

● Mr. GOLDWATER. Mr. President, recently our U.S. Customs Service agents detained a Soviet aircraft until it had been completely checked for classified U.S. material. I, as an American, commend these agents for doing so. An excellent article has been written by Mr. Ralph Ostrich for the Armed Forces Journal concerning this airline the Aeroflot. Therefore, I ask that this timely article be printed in the RECORD.

The article follows:

AEROFLOT

(By Ralph Ostrich)

[NOTE.—Tables 1, 3, 5, and 6 mentioned in article, not reproduced in the Record; also Table No. 4 will appear at end of article.]

The Soviet Civil Air Transport System (Aeroflot) and its physical resources are increasingly being used to implement Soviet political and military objectives worldwide. As an integral component of the Soviet military airlift capability, Aeroflot is a significant key to rapid Soviet power projection. Russia's military airlift fleet can move two airborne divisions simultaneously. If Aeroflot were to mobilize the most appropriate 1,000 planes in its 1,650-plane fleet, the major combat elements of a third Soviet airborne division could be simultaneously lifted.

Despite some limitations in Aeroflot's military capabilities, it is clear that Aeroflot has already played a major role in Soviet military and political initiatives, from the Czechoslovakian invasion in 1968, to the most recent intervention in Afghanistan (April, 1980 *AFJ*). Thus, there is great concern in the West over the possible use of Aeroflot in a Persian Gulf contingency.

Because Aeroflot is an intrinsic part of the Soviet government, much of the operational revenue, traffic, and financial data normally available from other international carriers is not attainable from Aeroflot. Nevertheless, information from various sources is available which permits a limited degree of knowledge about the civilian and military aspects of Aeroflot's activities, organization, and capabilities.

The Soviets have, and will most likely continue to utilize, the Aeroflot assets for the following direct military and military-associated purposes:

Trooplift adjunct to the Soviet Air Transport Command (VTA);

Intelligence gathering, communications monitoring, aerial surveying, and route development activities useful for future military operations;

Transporting clandestine agents for surreptitious operations; transporting undercover military personnel for pre-hostility operations (e.g., seizure of airport prior to landings by regular forces); and

Political "show the flag" means of power projection—making an impression on lesser developed countries of the high state of Soviet technology and advancement, as equivalent to the West.

These four categories of experienced political and military usage of Aeroflot represent a potential threat to US military, economic, and foreign policy interests.

MILITARY AIR TRANSPORT DRESSED IN CIVILIAN FINERY?

Aeroflot is the world's largest airline in terms of scheduled route mileage and passengers carried. The most recent statistics (1978) are impressive: Aeroflot carried over 100 million passengers and over 2.5 million metric tons of freight to some 3,500 Soviet cities and 70 foreign countries. Though these statistics indicate Aeroflot to be among the leaders in world civil aviation (15 percent of *all* passengers carried worldwide by *all* of the globe's scheduled airlines and 40 percent as many as all US airlines combined), roughly half as many passengers as were flown by all US airlines in 1973), the opposite is true when passenger and freight revenues are reconciled against specific routes and destinations. What then emerges is an international carrier with an excess of unprofitable routes, and aircraft flying them which are marginally cost-effective.

This should not be surprising, for Aeroflot is essentially a military air transport adjunct dressed in respectable civil air finery. The clue to Aeroflot's military linkage is found in its administrative leadership and materiel assets.

Aeroflot is administered by the All-Union Ministry of Civil Aviation. (Prior to 1948, Aeroflot was controlled directly by a civil air division within the Ministry of Defense.) But even since coming under the Civil Air Ministry, Aeroflot continues to be under the leadership of former (and active) high-ranking officers of the Soviet Air Force. Since the 1950s, Aeroflot has been headed by the Soviet Air Force Marshal of Aviation—currently, Marshal B. P. Bugaev. Most Aeroflot personnel, who number between 400–500,000, are either currently in the reserves are had former military status through all ranks. This is especially true in functions dealing with management and operations, which explains the close similarity of ground and flight procedures between Aeroflot and VTA. (Many VTA aircraft are marked in Aeroflot colors.)

The organizational structure of Aeroflot very closely resembles the VTA, and even includes a military-equivalent rank structure. (Maintenance personnel and shop foremen wear some identity of rank, for instance.) The administrative apparatus contains, as do all Soviet organs of government, political and KGB elements to ensure conformity, political reliability, and security.

As is customary in the Soviet scheme of things, Aeroflot is very selective about the number of pilots, navigators, and other key personnel having equivalent military expertise. (James R. Reitz, in a 1974 study published in East Europe magazine on the military uses of Aeroflot, estimated Aeroflot's pilot strength at between 20–25,000, most of whom would be readily available for military transport missions.)

The relationship of the Ministry of Civil Aviation (MCA) to the VTA is shown in Table One. In peacetime, the MCA receives its directions from the Council of Ministers of the Supreme Soviet. However, in extreme emergencies or war situations, the MCA is subordinated to the specially designated Defense Council which in turn reports to the Supreme Soviet through the Council of Ministers. It is through the Defense Council that the VTA utilizes the personnel and materiel assets of Aeroflot.

The military exerts its influence from another significant direction—the design and construction of all Aeroflot aircraft. For example, Aeroflot has a reported 100 IL-76 transports under construction and to be in service by mid-1982, as many as VTA had operational in mid-1980 (July AFJ). Those planes, considered by many to be Russia's in-service counterpart of USAFs hoped-for CX, would increase Aeroflot's long-range troop-carrying capability by 45 percent and its cargo capacity by over 50 percent. Although Aeroflot maintains its own operational and flight testing establishments, it does not operate aircraft or engine design bureaus. The responsibility for both military and civil aircraft and engine designs belongs to the Ministry of Aircraft Production, an agency closely tied to the Ministry of Defense.

From the logic of technology and economic requirements for domestic and international passenger and cargo transport, it would make better sense for Aeroflot to purchase superior performance aircraft from the commercial markets of the West. However, the overriding military requirements for a continually utilized, readily available reserve military transport fleet results in Aeroflot's use of aircraft which are far from optimal for the commercial roles they perform.

Because Soviet centralized economic and production planning authorizes the military to take the lead in aircraft design and engineering decision-making, with input from the civil aviation side consdered as less important, the resultant aircraft represents a hybrid with generally more limited applications for civil use. This is evidenced by the fact that earlier models of Aeroflot aircraft were modified medium and long-range bombers with minor allowances made for conveniences expected in civil aircraft. More importantly, however, most Aeroflot aircraft consume more fuel than equivalent commercially designed aircraft. Furthermore, rates of maintenance, downtimes for engine overhaul, air frame and higher echelon maintenance are higher than those for commercial aircraft. From the standpoint of revenue/payload economics, Aeroflot aircraft have limited carrying capacities for the long-range time/distance parameters which their routes require.

Notwithstanding its shortcomings, Aeroflot is a formidable national asset which the Soviet government has made effective political and military use of, as in Czechoslovakia in 1968 and Afghanistan in 1979.

The Aeroflot aircraft inventory and related performance characteristics are shown in Table Two. Several significant facts emerge from this data. Foremost is the limited range and payload of its aircraft for long-range service to Africa and the western hemisphere; only the 18-year-old IL–62 exceeds the 4,000-mile range with a maximum

payload of 26 metric tons. This limitation is more apparent when compared to the longer range/greater payload capabilities of the Boeing 747 (80 metric tons carried 6,620 statute miles); Boeing 707–320 (26mt/6,240 nm); Douglas DC–10 (50mt/4,272nm); Lockheed 1011 (43 mt/4,467nm); and the British Aircraft BAC VC–10 (25mt/4,720nm). Second, it should be noted that the greater portion of the Aeroflot fleet consists of aircraft over 12 years old, with the average aircraft age approaching 20 years.

TABLE 2.—AEROFLOT: INVENTORY OF OPERATIONAL AIRCRAFT

Aircraft	Date first flight	Number of aircraft	Troop carrying capacity		Total troop capacity		Additional non-VTA reserve capacity		Maximum payload range (miles)	Maximum payload (tons)	Maximum cruising speed (miles per hour
			Regular	Paratroop	Regular	Paratroop	Number of passengers	Total number of passengers			
L–14 [1]	1953	106	40	24	3,180	2,544			288	4.0	186
TU–104	1955	161					100	16,100	1,300	13.0	560
IL–18	1957	378					122	65,016	1,990	15.0	419
TU–114	1957	31					220	6,820	3,850	33.0	478
AN–12 [1]	1959	132	91	60	12,012	7,920	([2])	([2])	730	22.0	373
AN–24 [1]	1960	148	50		7,400		([2])	([2])	340	60.0	280
TU–124 [1]	1960	60	56		3,360				760	6.5	540
IL–62 [1]	1963	97	186		18,042				4,160	26.0	550
TU–134 [1]	1964	182					72	13,104	1,490	8.5	540
AN–22 [1]	1965	31	400		12,400		([2])	([2])	3,100	88.0	460
YAK–40 [1]	1966	98					27	2,645	1,240	3.0	342
TU–154	1968	182					72	13,104	1,490	8.5	540
L–410	1969	14					19	266	124	2.0	236
TU–144	1969	13					140	1,820	4,040	15.5	1,550
IL–76 [1]	1971	2	145		290		([2])	([2])	2,700	40.0	523
AN–30	1973	7			([3])	([3])	([3])	([3])	1,616		323
AN–28	1974	2					15	30	560	1.6	205
YAK–42	1976	4					120	480	1,118	15.0	497
IL–86	1977	2					350	700	1,460	22.0	575
Total		1,650			56,684	10,464		120,085			

[1] Designated VTA reserve fleet.
[2] Cargo only.
[3] Photography and mapping only.
Data source: 1977.

Nevertheless, when these assets are considered in terms of their troop carrying capabilities, the threat potential is better realized. The six Aeroflot passenger aircraft types designated as VTA reserves in Table Two have a total lift capacity of over 56,000 troops—equivalent to the manpower of at least four Soviet motorized rifle divisions and additional support troops. Looking at the airlift capacity in a more probable situation, where only half the aircraft would be available, a realistic airlift of an equivalent two divisions is thus achieved.

Aeroflot's IL–14 and AN–12 aircraft also provide the VTA with the capability of carrying the equivalent of more than a division of paratroops (these planes are specially designed for paratroop drops). Aeroflot's 100 new IL–76s will dramatically increase that capabiltiy. The remaining 11 types of non-VTA reserve Aeroflot planes (shown without asterisks in Table Two) represent a backup pool which, if time is not critical, can be mobilized to carry an additional 120,000 personnel. If only 25 percent of these aircraft were available, an additional equipvalent of two divisions could be readily transported over comparatively shorter distances than the VTA-reserve aircraft.

Because of their shorter ranges, most Aeroflot aircraft would require additional refueling for operations in southern Africa, southeastern Asia, and the Western Hemisphere. In view of the fact that Aeroflot has already established terminals throughout northern and sub-Saharan Africa and Cuba, access to distant portions of Africa and Latin America should not prove too difficult a logistical problem. Perhaps the most serious constraint to long distance troop transport is the requirement for frequent crew changes, thus taxing the supply of trained crew personnel.

EVOLUTION AS AN INTERNATIONAL FORCE

From its inception following the Great Civil War in 1922, Aeroflot has been basically a domestic airline serving the needs of the various Soviet governmental agencies rather than the needs of the public, or for financial return. During World War II, Aeroflot was incorporated into the air force where it served with great distinction, performing tactical and transport missions and sustaining losses due to enemy action. Following World War II, Aeroflot extended its service to Eastern Europe, a move designed to affirm its political and economic control of that region.

It was not until after Stalin's death in 1953 that his successors felt secure enough to extend Aeroflot service beyond Eastern Europe with the realization that the Soviet Union would be opened to foreign non-Communist carriers. In light of the desire to extend Aeroflot routes beyond the Communist realm, the political advantages of this policy were not lost to the government leadership. In 1958, Pavel Zhigatev, then Minister of Civil Aviation, noted, "Aeroflot's equipment and route expansion program . . . is new and convincing evidence that the Communist Party and the Soviet government, true to their principles of peaceful coexistence among states with different political systems, are devoting an enormous amount of attention to the construction of aircraft for peaceful purposes, for expanding our economic and cultural ties with all states and peoples."

Beginning in 1955, Aeroflot began cautiously to expand into such "safe" places as Austria and the Scandinavian countries before heading into the rest of Western Europe and beyond.

Aeroflot's expansion worldwide is illustrated chronologically in Table Three. Immediately apparent is Aeroflot's entrance into various regions by stages beyond Europe, first into South Asia, and then into the Middle East, the remainder of Asia, Africa, and lastly North and South America. The singularly most important fact of Aeroflot's expansion into 70 countries is this: 28 of them (40 percent) became Marxist or Soviet client states immediately prior to or following the introduction of Aeroflot service. More impressive is the fact that if the countries of Western Europe, the United States, and Canada are not included, then the Marxist/client state total increases to over 50 percent of all the countries served. Half of them became Marxist or Soviet client states just before Aeroflot introduced service, half did so just after Aeroflot began operations there.

Table Four analyzes 101 critical historical events in 47 countries preceding, concurrent with, and following the introduction of Aeroflot service. The most significant results of the analysis of 101 critical events are as follows: (1) Soviet military assistance (human and materiel) follows the introduction of Aeroflot service (Critical Incident 3); (2) the support of terrorism and insurgency in countries adjacent to the country served by Aeroflot (Critical Incident 6); (3) the introduction of Aeroflot service immediately prior to, or concurrent with, political instability or Communist takeover (Critical Incident 6)—this has occurred especially in cases of Soviet support of insurgencies and terrorism in Africa and the Middle East; and (4) the large number of countries served by Aeroflot motivated by prestige and political/"show the flag" to counter influence of the West and the People's Republic of China (Critical Incident 1) and prestige flights to London, Tokyo, and Washington, for example.

It is thus reasonable to surmise that very little of Aeroflot's route structure could be rationalized on the basis of economic and commercial gain. Rather, the data relating to "critical events" in 47 of 70 countries served by Aeroflot suggest other than economic and commercial interests as the primary purpose for the initiation of that service.

Underlying these six observable motives and consequences following Aeroflot's route expansion are such less apparent, but ulterior, reasons as developing as infrastructure for political/ideological subversion, propaganda dissemination, and intelligence gathering.

THE AEROFLOT ROUTE NETWORK

First and foremost, the Aeroflot route network cannot be justified on the basis of financial gain or potential commercial enterprise. Above all else, Aeroflot, like all other organs of the Soviet government, exists for the sole purpose of carrying out whatever policy objective the Kremlin leadership determines. For its part, the Ministry of Civil Aviation is primarily concerned with the implementation of higher policy and the day-to-day operational aspects of Areoflot. It is highly likely, as in other matters, that the route expansion policy for Aeroflot is being determined by the Presidium of the Supreme

Soviet Union and executed by its executive arm, the Council of Ministers (Table One).

The objectives of Soviet foreign policy exert the greatest influence in the direction and timing of the development of the Aeroflot route network. For this reason, if for none other, most Aeroflot routes are economically infeasible, and would be abandoned by profit-motivated commercial air couriers (as indeed they have been).

The most profitable portion of Aeroflot's service (in terms of percentage of filled available seats) outside the Soviet Union is Eastern Europe. This is not surprising in view of Aeroflot's virtual monopoly on flights to the Soviet Union through various incentives to tourist groups and the party faithful. It is an absolute political necessity that the Aeroflot presence in Eastern Europe be omnipresent as a reminder of Russia's distant controlling authority.

Aeroflot service to Western Europe, Japan, and North America at best can be considered a financially marginal operation, but essential as a matter of prestige and manifestation as a "world aviation power." It is Aeroflot's operations and route selection in the Third World and developing nations which are driven by opportunism and strategic factors which override considerations of financial gain or loss. It is a common sight to see Aeroflot aircraft in many African cities empty except for debarking/embarking Soviet diplomatic and other government personnel.

Excluding the cities of Soviet-controlled Eastern Europe and Yugoslavia, Aeroflot flies to 84 other worldwide destinations, divided into nine geographically oriented "services." These "services" include (figure in parentheses indicates number of scheduled stops outside Soviet Union for each "service"): Transatlantic (7); Tokyo (2); Scandinavia (5); Western Europe (17); Southeast Asia (18); Northern Asia (3); Middle East (7); Northwest Africa (20); and East and Central Africa (10). Aeroflot, in addition, maintains a cargo flight service which serves four cities outside the Soviet Union and Eastern Europe.

Further analysis of the route structure outside the Soviet Union and Eastern Europe shows that nearly 200 weekly round trips are made to the above-mentioned 84 cities. Although it would be expected that London and Paris would receive frequent weekly Aeroflot flights, the high frequencies of Havana, Bombay, Cairo, and Tripoli reflect the strategic and political importance of the regions encompassing these cities, i.e., the Caribbean, the Indian Ocean, the central and eastern Mediterranean Seas, and their littorals.

Moreover, the numerous weekly flights into London, Paris, Frankfurt, Milan, (besides 13 other Western European cities) and Scandanavia, provide the Soviets extensive timely area coverage of vital regions of the West.

This continuous information source provides Soviet authorities with the most current and voluminous data source for critical intelligence information pertaining to such factors as weather, shipping, air/ground traffic flow, large-scale troop movement, and observation and monitoring of certain designated ground facilities.

Equally important to the Soviet information gathering apparatus and long-range strategic planners are the 30 scheduled weekly stops throughout the northern two-thirds of the African continent. Practically every important political center or strategically important region has been covered by Aeroflot's "services" to Africa, for the most part carried out in once a week round trip flights.

The Soviet Union maintains its political and strategic interests in Southeast and Northeastern Asia by weekly or twice-weekly flights to Vientiane, Phnom Penh, Hanoi, Saigon, Ulan Bator, and Pyongyang, besides some intermediate stops in neighboring countries where the Soviets maintain an active political interest.

It is only in the western hemisphere where the Aeroflot network could be considered "underdeveloped." Though it is in their strategic interests to expand in the Caribbean and South America, they are restricted to Havana, Mexico City, and Lima. Likely short-term targets for expansion are Managua, Panama City, Granada, and other politically opportune Caribbean countries.

The only regions of the world denied to Aeroflot are the larger portions of the western hemisphere, Australia and New Zealand, and the great Pacific Ocean basin. Most conservative and politically antagonistic regimes of the western hemisphere, including the United States and Canada, have denied or severely restricted Aeroflot service on the basis of mistrust, political leverage, and pure financial infeasibility. Australia and New Zealand have denied Aeroflot service simply because they have judged that there would be insufficient passenger traffic on Aeroflot, and that Qantas and Air New Zealand have no financial gain to be realized in service to Moscow.

It is acknowledged that various types of intelligence and political activities are conducted by other nations' flag carriers for their respective governments to some degree (including the United States), but hardly at the degree and intensity of Aeroflot and its surrogate airlines in Soviet client states. Furthermore, even though such activities are pursued by other foreign carriers, they do not pose a significant threat to the security interests of the United States or its allies. Aeroflot does pose such a threat.

THE AEROFLOT THREAT POTENTIAL: AEROFLOT AS AN ADJUNCT TO VTA

The greatest and most obvious threat posed by Aeroflot is its personnel and materiel transport capabilities as an adjunct to the VTA. The seven Aeroflot aircraft types designated as the VTA reserve fleet (AN–12; AN–24; IL–14; IL–62; Tu 124; IL–76; and AN–22), when combined with VTA assets for both personnel and materiel transport make a significant contribution. Tables Five and Six show the Aeroflot contribution, by military transport aircraft type, to the potential total lift capabilities for personnel and materiel. In personnel transport, Aeroflot's most significant contribution is in the long-range aircraft (Tu–124, IL–62, AN–22, and IL–76). Aeroflot can lift almost as many personnel as VTA over long ranges and about 70 percent as many over shorter ranges, as shown in Table Eight.

In the matter of materiel lift augmentation to VTA, except for a significant contribution of the long-range IL–62's limited payload capacity, a more modest contribution is made by the older, long-range AN–22. The most significant materiel transport augmentation is made by the short-range AN–24. These aircraft would be used as "work horses" in combat logistics environments such as Central Europe, Afghanistan, Iran, and the Middle East. The percentage augmentation for short- and long-range materiel transport is also shown in Table Eight. Aeroflot augmentation for long-range materiel transport (39 percent) is also significant. These long ranges (up to 4,000 miles) would apply most to African and western hemisphere missions.

Addition of the 100 IL–76s mentioned earlier would increase the long-range personnel transport capability by 45 percent and cargo capacity by over 50 percent by mid-1982.

TABLE 7.—FREQUENCY OF CRITICAL EVENTS AND COMMENCEMENT OF AEROFLOT SERVICE

Critical event number	Prior to Aeroflot service	Concurrent with Aeroflot service	Following Aeroflot service	Total
1—Prestige				[1] 24
2—Political instability	10	9	4	[2] 23
3—Military aid	4	10	20	34
4—Economic aid	1	5	9	15
5—Bases acquisition		2	6	8
6—Insurgency support	2	7	12	21
Total	17	33	51	101

[1] Critical event No. 1 not relevant to commencement of Aeroflot service, thus combined in total (not included in subtotals).
[2] Does not include Seven East European Communist states

TABLE 8.—AEROFLOT AUGMENTATION VTA AIRLIFT CAPABILITIES ACCORDING TO RANGE LIMITATIONS

Aircraft (range) (statute miles)	Total all aircraft	VTA	Aeroflot	Aeroflot as percentage of total
Personnel transport (thousands):				
Short range (less than 1,500)	149.5	94.1	55.4	37
Medium range (less than 2,500)	136.0	91.5	44.5	33
Long range (less than 4,000)	70.0	37.5	32.5	46
Materiel Transport (thousands of tons):				
Short range (less than 1,500)	43.0	26.0	17.0	40
Medium range (less than 2,500)	30.75	23.0	7.75	25
Long range (less than 4,000)	14.75	9.0	5.75	39

The AN–22, in service since 1965, has been the mainstay of the VTA because of its versatility in long-range personnel and materiel transport. For example, it is capable of carrying equipment ranging from large amounts of munitions to main battle tanks, missile launchers, and self-propelled artillery. Though it lacks the range and payload capacity of the American C–5, the AN–22's rear loading lets it handle large bulk cargo and most Soviet fighting vehicles.

In addition to the technical and functional capabilities of Aeroflot's reserve fleet, their value is enhanced by immediate to short-term availability of both aircraft and crew/maintenance personnel. Since most crew and key maintenance personnel are members of the Soviet Air Force Reserve, it would be a relatively simple matter to transfer them to active Air Force status with their aircraft. Moreover, a significant portion of Aeroflot's personnel and aircraft are frequently used for troop transport during Russia's routine, semiannual troop rotation in Eastern Europe

(April 1981 *AFJ*). This participation by Aeroflot provides crews and maintenance personnel with highly relevant practice and training in tactical troop movement procedures.

The use of Aeroflot assets in the semi-annual troop rotation program provides yet another potential threat, particularly to unsuspecting neighboring countries. During the troop rotation periods the troop-laden aircraft could easily be directed to seize or occupy a political/military objective from an unwary victim. The efficiency of utilizing Aeroflot assets for such purposes during the rotation period was made evident during the August, 1968 Soviet seizure of Prague's international airport and other key centers during its takeover of that country.

The use of Aeroflot aircraft and crews in the Soviet occupation of Afghanistan, and its utilization in logistical support for Soviet and surrogate forces in Angola, Ethiopia, and South Yemen are other examples of the value of Aeroflot as an adjunct to the VTA.

Aside from the transport aircraft, Aeroflot also maintains and operates a large fleet of specially designed aircraft used for crop dusting and other chemical spraying functions. These aircraft could easily be utilized for tactical employment of chemical and biological agents if the Soviets should consider these aircraft expendable, since few would likely survive the hazards of a combat environment.

Aeroflot's Intelligence Activites

That the Soivet Government uses the assets and designated routes of Aeroflot for general information and specific intelligence gathering is certain. Defense Department officials say. Periodically, members of Aeroflot's foreign airport ticket agencies and maintenance staffs have been arrested for illegal activities including espionage and attempts to gain access to security information through use of local nationals.

During 1980, for example, Aeroflot employees in Brussels and Madrid were expelled for undefined "illegal activities" and customs violations. Closer to home, three Cuban airline pilots were arrested last September as suspected espionage agents. An FBI agent, Arthur F. Nehrbass, of the Miami office, stated that the Cubans were arrested on "information we developed as an outgrowth of investigations into Cuban intelligence matters." In February of this year, Ricardo Escartin, who was First Secretary of the Cuban Interest Section and who functioned also as Cubana's representative in Washington, was expelled for "enticing illegal trade." The FBI also identified him as an intelligence agent.

Another interesting fact emerges from Cubana's operations in the United States. There are currently three Cuban "security agents" permanently residing in Miami ostensibly assigned to protect Cubana's single weekly chartered flight. DoD authorities who monitor Cubana's activities report these agents "are never to be found, even when the Cubana aircraft is at Miami." This was borne out several weeks ago when an anti-Castro agent attempted to drive a vehicle into a Cubana plane at Miami and none of the Cuban "security agents" were present to protect the aircraft.

Aeroflot's extensive network through Western Europe permits it to observe all aspects of commercial and, indeed, some important military installations lying along or adjacent to its flight paths. It is not unusual for Aeroflot (or its counterpart surrogates), to veer "accidentally" off its prescribed flight path to overfly troop movements and maneuvers in Western Europe and NATO naval exercises. This practice, however, is not limited to Europe; there are numerous incidents over the past 15 years of Aeroflot, Cubana, and other surrogate carriers straying off designated routes to observe events and places of interest in the United States.

The matter of Communist bloc illegal overflights over restricted areas in the United States caused the U.S. Air Force last summer to issue the following standing note of concern in a memorandum to all its designated critical installations:

"There are indications that Communist airlines have SIGNIT [signal intelligence] collection missions in Western Europe—there is no evidence to date that Aeroflot uses such collection capabilities in the United States' air space. However, the CONUS overflight capabilities of Aeroflot along with their unevaluated collection capabilities does present a threat of unknown dimensions. All recipients of this message are advised to take appropriate actions to safeguard sensitive communications and ongoing operations."

According to some Air Force authorities, there is reason to believe that Aeroflot has already engaged in some form of electronic intelligence, such as monitoring VHF and UHF at certain locales along their flight paths in the United States.

TABLE 9.—SOVIET AND BLOC COMMERCIAL FLIGHTS[1] TO THE UNITED STATES

	Scheduled		Other non-scheduled		Total	
	1979	1980	1979	1980	1979	1980
Soviet Union (Aeroflot)	344	172	62	6	406	178
Poland (Lot)	562	488	126	150	688	638
Romania (Tarom)	192	288	8	4	200	292
Czechoslovakia (CSA)	536	544	0	4	526	548
East Germany (Interflug)	0	0	6	12	6	12
Bulgaria (Balkan)	0	0	8	0	8	0
Cuba (Cubana)	[2] 288	[2] 284	488	186	776	470
Total	1,922	1,776	698	362	2,610	2,138

[1] Flight—a single transit, i.e., 1-way trip.
[2] Authorized overflights, Havana-Montreal.

Air Force liaison officers at FAA assigned to monitor Communist airline flights over the United States stated that the various air controllers covering the northeastern U.S. reported receiving requests at a rate of as much as four per month from Cubana, Lot, and CSA airlines to overfly the restricted regions of the Hudson Valley and Connecticut on their flights to and from Montreal. They requested these routes in order to "avoid the heavy traffic" of their authorized flight routes.

Perhaps the Watervliet Arsenal near Albany, the Knowles Atomic Power Laboratories, or the many electronic and naval facilities of the Hudson Valley and Connecticut are specially designated high priority targets for the Soviet intelligence data collection effort.

Aeroflot and surrogate airlines have requested transcontinental "charter" flights which have coincided with missile firings, troop maneuvers, and practice Strategic Air Command alerts. The continual desire of Aeroflot and surrogate carriers to establish scheduled or non-scheduled "courier" and "special" flights to southern California and the Seattle area, which would pass through some of the most sensitive defense-related facilities, is of great concern to Defense Department authorities. To date they have been successful in convincing the CAB and the State Department that it would be inimical to the security interests of the United States to authorize such flights. The denial of west coast landing rights has effectively denied the Soviets the routes which they desire across the Pacific.

Covert Operations

The use of legitimate Aeroflot operations for the insertion of undercover agents and clandestine forces into the designated target is a tactic repeatedly employed by the Soviets. It is highly likely that Aeroflot is the primary means of introducing Soviet intelligence agents and other covert operatives throughout the world, but especially in Africa and other less developed regions.

During the 1968 Czech crisis, an unusually large number of Soviet "government officials" were observed debarking Aeroflot planes at Prague; in fact, several accounts reported that Soviet "civilians" debarking at the Prague airport immediately seized the airport while being led by the former Director of Aeroflot operations there. At Kabul, Soviet commandos, ferried in an Aeroflot aircraft in a routine flight, reportedly seized that airport prior to the advance of the airborne forces. There is good reason to believe that most of the Soviet combat brigade elements recently introduced into Cuba were surreptitiously brought there by Aeroflot over an extended period of time so as not to arouse suspicion and alarm the United States.

"Showing the Flag" and Explicit Power Projection

The use of military and technological assets of one country to impress, or indeed, to intimidate another country in the guise of "showing the flag," or "gunboat diplomacy" is an ancient and accepted practice brought to its peak by the British in the 19th century.

Though a late arriver in the competition for global influence and power, the Soviets have, since World War II, more than made up for their tardiness. In particular, since the expansion of Aeroflot into the world's lesser developed regions in the '60s, that carrier has been effectively utilized by the Soviet government as an instrument of political influence and power projection. Throughout parts of Africa, Aeroflot is the only means for international travel. For example, Burundi and Rwanda have requested Aeroflot service since they lack access to regions beyond their own immediate environment, and desire the "prestige" of an international carrier arriving in their capitals. Whereas other commercial carriers will eschew service to unprofitable destinations, Aeroflot will not, if the venture is deemed potentially exploitable for political or military reasons.

The greatest concern for US security interests is the use of Aeroflot to acquire strategically located footholds in the Indian Ocean, Persian Gulf, and Caribbean/Central American regions. The lesser developed locales, unprofitable to commercially competitive air service, are the most vulnerable targets for Aeroflot political exploitation.

The success-proven approach of the Soviet government is to offer a targeted Third World country the benefit of Aeroflot service—including provision of maintenance and service personnel, ground control approach equipment, and other inducements which the host country would be incapable of providing. This, of course, permits the Soviets to place key intelligence and political operatives working as Aeroflot personnel throughout numerous countries in the Third World besides providing the Soviets with the requisite navigational aides, flight path and approach controls, and ground facilities for future covert or overt military operations.

Options for Countering the Aeroflot Threat

Aeroflot and its counterpart Communist national airlines currently operate 11 weekly flights to the United States—nine to New York and two to Washington, D.C. This does not include a scheduled Aeroflot flight to New York which labor action has precluded since the invasion of Afghanistan. These airlines and the number of weekly flights include: Aeroflot (Soviet) 1; Lot (Poland) 5; Tarom (Romania) 2; CSA (Czechoslovakia) 1; and CACC (People's Republic of China) 1. The CAAC flights to the United States will be increased to two weekly flights after May 2, 1981.

TABLE 10.—COMMUNIST BLOC CIVIL AVIATION INFORMATION

	Communist bloc state ICAO 2-LTR designator and state airline													
	Albania	Bulgaria—LZ, Balkan	Democratic Kampuchea (Cambodia)	China (PRC)—CA, CAAC	Cuba—CU, Cubana	Czechoslovakia—OK, CSA	East Germany (GDR)—IF, Interflug	Hungary—MA, Malev	North Korea—IS CAA of DPRK	Outer Mongolia	Poland—LO, Lot	Romania—RO, Tarom	U.S.S.R.—SU, Aeroflot	Vietnam—VN, Air Vietnam
ICAO member	No	July 8, 67	Yes	Feb. 15, 74.	June 10, 49.	Apr. 4, 47	No	Oct. 30, 69.	Sept. 15, 77.	No	Apr. 4, 47	May 30, 65.	Nov. 14, 70.	Apr. 12, 80.
IASTA member	No	Sept. 21, 70.	Feb. 15, 56.	No	June 20, 47.	Apr. 18, 45.	No	Jan. 15, 73.	No	No	Apr. 6, 45	No	No	No.
Diplomatic relations with United States.	No	Yes	No	Yes	No	Yes	Yes	Yes	No	No	Yes	Yes	Yes	No.
US CAB 402 permit	No	No	No	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	No.
Bilateral air transport agreement.	No	No	No	Yes	Yes	Yes	No	Yes	No	No	Yes	Yes	Yes	No.
FAA approved AIP's	No	Yes	No	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No.
Prior permission required for entry.		7 working days.		10 days	48 hrs O/F 10 days LNDG.	Yes[1]	Yes[2]	2 working days.			7 days O/F 14 days LNDG.	3 days 30 days series.	5 work days, 3 weeks suggested.	
Diplomatic clearance required for entry.		Yes		Yes								Yes	Yes	
Entry permit valid		48 hr												
Changes must be submitted		24 hr												
Void if aircraft does not enter		10 hr												
Escort crew required				Yes									Yes	
Flight plan required											48 hr	30 min		
Flight notification MSG required.												24 hr		

[1] Czechoslovakia requires: 72 hr advance notice for noncommercial flights with 6 or less people. 24 hr advance notice for noncommercial flights with more than 6 people. 18 working days notice for nonscheduled commercial flights.

[2] East Germany (GDR) requires: 48 hr advance notice. 15 days advance notice for aircraft remaining in GDR for extended period of time. 72 hr advance notice for series of 3 or more flights.

Source: FAA/AIA.

In addition to their scheduled flights, the Soviets and Bloc nations requested and received permission to operate hundreds of non-scheduled "special" flights, mainly carrying government-sponsored technical and trade groups, as shown in Table Nine. In 1979, 27 percent of the total sorties were non-scheduled "special flights." These were sharply reduced in 1980 to 17 percent of total flights, due mainly to the cutbacks forced on Soviet flights as a result of the Afghanistan invasion and reduction of Cubana's refugee flights following the refugee sealift operation.

Another important statistic is the number of authorized Cuban (Cubana Airlines) overflights permitted across US territory from Montreal to Havana. Cubana in particular has overflown restricted CONUS areas and offshore Atlantic fleet exercises. In addition, Cubana has regularly requested overflight authorization from Havana to southern California via the southwestern portions of the United States. Cubana Airlines has also requested non-scheduled flights to Dallas, Chicago, and New Jersey airports in the greater New York region. To date, these requests have been denied due to the insistence of Defense Department officials who are highly concerned about the potential espionage advantage presented to the Soviet surrogate. Except for Cubana, the majority of other surrogate "special" non-scheduled flights are to New York, but a few have been authorized to the west coast with flight paths routed around restricted areas. Cubana's non-scheduled destinations include both Miami and New York, but with every effort made to minimize overland flight paths.

As noted earlier, Cubana in the past has managed to "inadvertently" stray beyond its authorized flight path up the east coast of the United States—most notably over the restricted Patuxent River Naval Air Station and the Myrtle Beach Air Force Base. Defense Department officials estimate that these overflights reached a level of four per month before Cubana was finally forced to fly over-water routes to New York and Montreal.

The initiative to reestablish Cubana air service into and over the United States was undertaken by former State Department Cuban Desk Officer Wayne Smith, who now represents U.S. interests in Havana. According to Defense Department officials, Cubana's rights were granted without ever being channelled through—much less agreed to by—officials at DoD and other agencies, including Smith's compatriots at the Department of State.

Thus, although a strong effort has successfully been made to reduce the number of Communist air carrier flights over sensitive and restricted areas of the US, the 2,000-plus flights annually flown to US destinations do indeed provide these carriers ample opportunities for illegal activities on behalf of the Soviet Union.

While the various Communist carriers have generally been granted "special" and charter flight authorization to the United States, the Soviets deny US carriers the same rights. Furthermore, Pan American Airways was forced to abandon its Moscow flight because of unfavorable and non-reciprocal financial arrangements, and the Soviet government's refusal to let Pan American advertise and freely sell its tickets to Soviet citizens. Of course, Aeroflot advertises regularly in the America media and operates easily accessible ticket travel offices in Washington and New York.

Moreover, Pan American has been negotiating with the Soviet authorities for permission to fly from India to Europe over southwestern Russia and Afghanistan. This request has been made because of the closure of Iranian airspace to American carriers. To date, the Soviets have denied Pan American any overflight privileges.

The US operates internationally and permits foreign carriers into this country through bilateral agreements governed by US laws and international conventions. None of these arrangements provide for, nor condone, the illicit practices of Aeroflot and some of its surrogate partners. The US government has several means of countering the threats as set forth without too great a risk of exacerbating already strained relations with the Soviet Union, and, notably, Cuba. Secondly, none of these proposed corrective actions are hostile acts toward the Soviet Union or affected surrogates; rather, these recommended actions would be applied against any carrier, domestic or foreign, which violates standard international practice and national laws.

In light of the above premeditated violations by Communist carriers and the necessity for strict law enforcement, it is indeed surprising that neither the FAA nor the State Department has seen fit to impose meaningful penalties on the violators. The record shows that the most the United States government could do was issue a warning or "slap on the wrist." It is difficult to understand the Government's self-defeating policy unless it was done in the spirit of "detente" or fear of retaliation against U.S. carriers. Considering Afghanistan and the fact that no American carriers now service the Soviet Union, these explanations seem hardly tenable.

Authorities connected with DoD and the Air Force have suggested several courses of action designed to minimize the Soviet/surrogate espionage threat as well as keep the diplomatic "noise level" as low as possible. These options include:

Denial of Dulles ingress because of overflights of sensitive facilities in Washington, Ft. Meade, and Northeast corridor areas. Boston's Logan Airport should be used instead to preclude land overflight. On the other hand, if the Soviets take a more lenient policy and grant favorable reciprocal terms to U.S. carriers, Aeroflot could be permitted better access to the United States.

Cubana's routes from Havana/Montreal into JFK, New York should be confined to only over-water routes beyond the U.S. air defense zone.

No "charter flights" should be permitted until quid pro quo charter authorization (now denied U.S. carriers to the Soviet Union) is granted.

If charter flights are granted under quid pro quo conditions, a minimum of 15 days notification should be mandatory.

Perform rigorus and continual inspection of all communist Bloc aircraft in conformity with U.S. Government regulations and agreements and international conventions with the foreign carriers. International agreements provide for frequent and thorough inspections, some on a "no notice" basis. The Soviets used to conduct such inspections zealously when Pan Am was operating into Russia; the U.S. has not conducted any such inspections of Aeroflot planes operating in the U.S. during recent years.

TABLE 4.—INTRODUCTION OF AEROFLOT SERVICE AND RELATED CRITICAL EVENTS

Date introduced, Aeroflot service and country	Critical event	Remarks [1]
1956: Afghanistan	1956—Daoud receives military aid from Soviets; Army turns pro-Soviet.	F (1).
1958: Egypt	1957—Suez Crisis; 1958—Soviet rearmament program; introduction of Soviet advisers; by 1960's, attains status of client state.	F (?) (5)
India	Late 1950's/early 1960's—Under F.M. Krisha Menon assumes increasing anti-United States and anti-PRC policies; total support of Soviet Union in U.N.	F (3) (1).
	August 1962—Soviet-Indian Treaty to permit India to build Soviet military aircraft.	
	October 1962—Soviet Union supports India in border war with China.	
	1965—Soviets mediate Indo-Pakistan War at Tashkent; Soviets generally back Indian claims; India now a Soviet client.	
1960: Cuba	January 1959—Castro's revolutionaries overthrow Batista regine; July 1959—Castro manifests pro-Communist domestic policy.	P (2).
	February 1960—Cuban-Soviet aid agreement; July 1960—Khrushchev warns United States not to interfere militarily in Cuba.	C/F (3).
	October 1960—United States charges Cuba with receiving Soviet arms.	(4).
	January 1961—United States severs diplomatic relations; April 1961—Bay of Pigs; December 1961—Castro proclaims himself a Marxist and will bring Communism to Cuba.	(5).
	September-October 1962—The introduction of Soviet missiles/Cuban missile crisis.	(6).
1961: Indonesia	Early 1960's—Sukharno increasingly assumes pro-Soviet policy; intensifies campaign of subversion and terrorism against Malaysia; supports Malaysian Communist insurgents.	F/C (1), (3), (6).
	1965—Indonesia hosts Second Bandung Conference, although "nonaligned" is pro-Soviet and anit-United States and Chinese.	
1962:		
Iraq	July 1958—Overthrow of monarchy; establishment of radical revolutionary republic; Iraq withdraws from CENTO.	P (3).
	1959—Establishment of economic/military aid programs with Soviet Union.	(4).
	March 1961—Outbreak of Kurdish rebellion; Soviets send arms to aid Iraqis against Kurds.	
	1963–68—Army seizes power; suppression of Communists but Soviet military aid continues.	
Sudan	1960–61—Active in supporting black "liberation" movements throughout Africa.	F (2), (6).
	1964–65—Actively assisted rebels in Zaire against Mobuta's central government.	
	Late 1960's—increasing leftist agitation leading to coup of 1971.	
Syria	1956—Soviets begin massive arms shipments	P (3).
	1956–62—Continued political instability, coups/counter-coups.	
	1963—Formation of Ba'athist Revolutionary Socialist regime—increased Soviet presence and military assistance.	
	1963–69—Soviets furnish Syria with $2 5 million of military equipment.	
	1967—Soviets help instigate Arab-Israeli Six-Day War	F (6).
Ghana	Early 1960's—Nkrumah becomes increasingly pro-Soviet; Soviets give $10–50 million in military assistance; Soviet economic and military advisers in large numbers. Nkrumah sends Presidential Guard Regiment to train in Soviet Union.	C/F (3), (4).
	1965—Soviets provide aircraft for Ghana Airways	
Guinea	1959—Soviet military assistance program begun, followed by a military mission in 1960—status as Soviet client state.	P/C (3).
	1962—Soviets provide fighter aircraft and PT boats; Cuba sends economic and military aid mission.	(4).
	During the 1960's, Guinea served as base for insurgency against pro-Western governments of Ivory Coast, Upper Volta, Central African Republic, Cameroon, Dahomey, and Senegal.	C(6).
	Guinea has been a trans-shipment point for Soviet arms to insurgent groups in West Africa.	
	Conakry is utilized by Soviet Civil and Military aircraft as intermediary stop to Western hemisphere and southern Africa.	
Mali	1965—Military coup by leftist junior officers establishes leftist government, but not pro-Soviet or client state status.	F (3).
	Mid-1960's to 1971—Mali receives over $20 million in military equipment, including Mig–17 aircraft, T–54/55 tanks, APCs; Mali military personnel train in U.S.S.R. and Soviet military advisory groups established in Mali.	
1963:		
Pakistan	1965—Though pro-India, Soviet Union mediates Tashkent Agreement on Indonesian-Paskistan War.	F (1).
	1966—Soviets agree to sell Pakistan military trucks, helicopters, Mig interceptor aircraft and IL–28 bombers—these sales are an attempt to replace US position in Pakistan and to counter PRC influence in Pakistan.	(3).
Somalia	Although professed nonalined, Somalia through the 1960's becomes increasingly radical due in large part to its disputes with then pro-Western Ethiopia and Kenya—Soviets tacitly support Somalia.	F (2), (3).
	1969—Lefist Coup-Siad Bekre seizes power—turns to Soviet Union for military and economic assistance—Soviets indicate interest in military base at Berbera.	(5).
1964:		
Algeria	1963—Soviets grant loan of $100 million for arms purchase; by 1971, this total reaches $300 million.	P/F (3).
	Since 1964, over 3,000 Algerian military officers have trained in U.S.S.R.; over 1,000 Soviet military advisors in Algeria after 1964.	
	1964/65—Algeria supports rebel movements in Zaire—intelligence reports state Aeroflot used to transport Soviet arms to Algeria for Congolese rebels. During mid-1960's Soviets are in heavy competition with PRC for influence in Algeria—introduction of Aeroflot service as key element in maintaining visibility, presence and prestige, especially in view of Chou En-lai's visit in 1964.	F (6), (1).
Cyprus	December 1963—Fighting breaks out between Greeks and Turks.	F (3).
	1964—Soviets support position of Archbishop Makarios against Turks; Soviets supply Greek Cypriots with arms directly and through Egypt.	(1).
Iran	1964/65—Mutually beneficial trade relations established with Soviet Union.	F (1).
	1965—The Shah visits Moscow; era of good relations. Even though Iran was decideldy pro-Western, during 1960's Soviets continually attempted to gain some degree of presence and influence in Iran.	(4).
Burma	During early 1960's—increased Soviet support of General Ne Win's radical/leftist Burma Socialist Program Party (BSPP)—several Communist coups attempted but failed.	C/F (1).
	Mid-1960's—Civil war between Soviet-supported insurgents ("Red Flag") and PRC-supported insurgents ("White Flag").	(2).
Sri Lanka	1960—Leftist Sri Lanka Freedon Party under Mrs. Bandaranaike takes power—increased leftward shift of domestic and foreign policy, though professed nonalined policy by government.	C(1).
	1964—Premier Chou En-lai pays 3-day visit to gain support in border dispute with India; Soviets counter with anti-Chinese rhetoric.	
Congo (Brazzaville)	1963–68—Pro-Marxist civilian government in power; Cubans serve as cadre for training Presidential Guard and People's Militia—this situation produced conflict with the Army until it seized power in 1968.	P (2).
	After 1963, Congo has been a base for Communist and radical subversion in Zaire and southern Africa—arms very likely brought in on Aeroflot aircraft.	C/F (6).
1965:		
Senegal	Soviet interest mainly in acquiring strategically located base at Dakar for shorter route to Latin America.	F (1).
Tanzania	1965–70—PRC heavily involved in economic assistance and development of railroad to Zambian copper mines. Soviets, during 1960's, concerned about PRC influence in Tanzania and East Africa. Aeroflot base at Dar es Salaam important for political, intelligence, and strategic purposes.	F (1).
1966:		
Lebanon	1965—Intense anti-American and anti-West German disorders due to FRG recognition of Israel.	P (2).
	Late 1960's—Beginning of Soviet arms shipments to PLO, much of which was used against Jordan, Israel, and Christians in civil war.	F (6).
Japan	Although no political/military consequences, Aeroflot presence in Tokyo a matter of high prestige and visibility Soviets hope entre to Japan would present them with market for IL–62 aircraft.	F (1).
Canada	Soviets hope that route to Montreal would extend across Canada to give them access to Trans-Pacific route.	F (1).
United States	Aeroflot access to United States highly prestigious; symbol of "detente"; hopeful of extending to west coast and Trans-Pacific route.	F (1).
1967:		
Turkey	1967—Intense anti-American feelings, riots over United States opposition to Turkish occupation of portion of Cyprus—possible Soviet attempt to exploit anti-Americanism.	C (2).
North Yemen	Late 1966 resumption of civil war with Egypt (and Soviets) supporting rebels and Saudi Arabia supporting government/royalists.	P (2); F (4).
	Soviet economic aid to North Yemen including development of strategic port of Nudaydeh.	
Cameroon	Mid 1960s to 1970—Communist backed Union of Cameroon People's (UCP) insurgency.	P/C (2).
Nigeria	July 1967 to mid-1969—Nigerian civil war; Soviets supply Nigerian Government with aircraft and other arms against secessionist Biafra (Eastern Region).	L/F (3).
	Soviet Union and PRC in intense competition during 1960's for influence.	F (1).
1969: South Yemen	June 1969—Extreme Marxist wing of National Liberation Front seizes power in coup; internal conflict between pro-Moscow and pro-Peking factions, with pro-Moscow faction victorious.	C (2), F (3), (4).
	1975—South Yemen becomes Communist-dominated Yemen People's Democratic Republic.	(5).
	1970—Soviet influence increases; military aid and support of confrontation with North Yemen and Oman over Dhofar region.	(6).
1970:		
Jordan	1968–70—Increasing power of Soviet-supported PLO against monarchy creates "state within a state."	P/C (2).
	September 1970—"Black September"—Soviet and Syrian backed PLO attempt coup against monarchy.	

TABLE 4.—INTRODUCTION OF AERFLOT SERVICE AND RELATED CRITICAL EVENTS

Date introduced, Aeroflot service and country	Critical event	Remarks [1]
Libya	September 1969—Colonel Qaddafi leads radical coup against monarchy.	P (2).
	June 1970—United States evacuates Wheelus Airbase; British evacuate bases in eastern region at request of Qaddafi.	
	Mid-1970—First order for Soviet tanks negotiated	F (3).
	March 1972—Libya signs "technical" and economical aid agreement with Soviet Union; this agreement probably disguises secret arms deal.	(4).
Laos	1969/70—Intensive North Vietnamese and Communist guerrilla activities in north (Plain of Jars) results in loss of region to government.	P/C (2), (3), (6).
	February 1970—Souvanna calls for reconvening of 1962 Geneva signatories to halt Communist offensive—rejected by Soviet Union.	
	Late 1970—Beginning of Communist offensive which marks final effort to defeat royalist and Neutralist forces.	
1971: Thailand	1970—Height of Communist terrorism in northeast and great concern over North Vietnamese/Communist conquest of Laos and Cambodia.	P/C (2).
1972:		
Bang'adesh	Soviets support Bangladesh independence movements in early 1970's.	C/F (1).
	December 1971—14-day war of independence; Soviet Union supports India in war against Pakistan; Soviet support critical to India's alliance with Bangladesh independence movement. Soviet support of Bangladesh (and India) has virtually eliminated PRC influence in subcontinent.	
Chile	September 1970—Allende's Marxist-backed Popular Unity Coalition wins 36 percent of vote and is confirmed as President.	C/F (2), (1).
	1971—Municipal elections returned 50 percent of vote favoring Allende. August 1972—Anti-government riots; Army takes control.	
	October 1972—Riots over inflation and economic conditions; Army extends control to include most of country.	
	1973—Allende increases leftist political/economic policies.	
	August 1973—Continuing labor unrest/severe government crisis.	
	Sept. 12, 1973—Military coup, Allende overthrown, Aeroflot service to Chile suspended.	
Colombia	January 1972—Strong leftist guerrilla attack on town of San Pablo—Army begins counter-terror campaign. Throughout 1972 continued sporadic guerrilla activities in remote and rural regions. There is no known direct or indirect Soviet support for the insurgents though Soviet materiel may be passed through Cuban contacts.	C (2).
1973:		
Equatorial Guinea.	August 1972—President Marcias proclaimed "president for life"—establishes close contacts with Eastern Europe; receives some economic and military aid.	C/F (3), (4).
Peru	1970—Following earthquake, Soviets give substantial aid utilizing Aeroflot—since then, Soviets have persisted in establishing route to Lima via Havana.	C/F (2).
	August 1973—President Velasco overthrown in coup	(2).
	November 1976—Peru signs purchase agreement with Soviets for 22 aircraft, 200 T-62 tanks and other military equipment.	F (3).
	April 1978—Moscow reschedules 80 percent of payment due in 1980 to extend through 1988.	
	1978—6 AN-26 transport aircraft purchased from Soviet Union.	
	1980—Additional 16 Su-22 fighter aircraft purchased from Soviet Union.	
1975:		
Benin (formerly Dahomey).	October 1972—Military Revolutionary government under Colonel Kereku seizes power—increased radicalization.	P (2).
	November 1974—Kereku proclaims that a Marxist-Leninist course would be followed.	
	November 1974—People's Republic of Benin proclaimed.	
Guinea-Bissau	September 1974—Independence from Portugal—immediately afterwards, close ties established with Communist Bloc—small economic aid program from bloc established.	
1976:		
Angola	January 1975—Portugal attempts to establish independent Angola with all parties represented in transitional government—MPLA (supported by Soviet Union) attempts military seizure of power but is opposed by FNLA (supported by PRC and Zaire, and tacitly, the United States).	F (2), (3), (4), (6).
	July 1975—MPLA requests and receives Cuban troops and arms; United States begins supplying arms to FNLA and UNITA in August 1975.	
	October 1975—Aeroflot utilized in transporting much of 15,000 Cuban troops to Angola	C/F.
	By early 1976—Cuban forces defeat FNLA/UNITA in convention combat; FNLA/UNITA begin guerrilla operations.	
	Throughout 1976—Soviets rearm Cuban and MPLA forces; process still continuing.	
Mozambique	June 1975—Independence—Establishment of Marxist People's Republic.	F (3).
	April 1977—U.S. intelligence report sheavy influx of Soviet/East European arms—most likely destined for Rhodesian and South African black liberation forces—Aeroflot utilized for arms shipment.	(5).
Mexico	September 1977—President Portillo announces political reforms which permit Communists to form legal party and participate in elections.	F (1).
1977:		
Ethiopia	September 1974—Radical military junta overthrows monarchy of Haile Selassie.	P (2).
	January 1975/76—Civil war between government forces and Eritrean secessionists.	
	February 1977—Colonel Mengistu seizes power from Provisional Military Government—cuts ties with United States and West.	
	March 1977—Castro visits Ethiopia.	
	April 1977—200 Cuban military advisors airlifted to Ethiopia utilizing Aeroflot aircraft; U.S. facilities closed and military advisors expelled.	
	May 1977—Mengistu visits Moscow—series of military and economic agreements negotiated.	C/F (3).
	July 1977—Heavy fighting breaks out between Ethiopia and Somali "Liberation" forces.	
	September 1977—$500 million arms agreement signed with Soviet Union (48 MiG aircraft; 200 T-54/55; SAM and ATK missiles).	
	November 1977—Soviets begin large scale arms and personnel airlift—Aeroflot aircraft plays significant role in airlift; by January 1978, estimated 2,000 Soviet and surrogate advisers arrive.	
	May 1978—Ethiopia receives 224 MiG's—launches counteroffensive against Somali forces.	
	November 1978—U.S.S.R.-Ethiopia sign long term Treaty of Friendship.	C/F (5).
Zambia	Mid 1970's—Zambia accepts Soviet/East European military equipment for Rhodesian black liberation forces Soviet Aeroflot aircraft most likely utilized to transport arms to Zambia.	P/C, F. (6).
1978:		
Jamaica	December 1976—Leftist Premier Minister Manley assumes power with large majority.	F (1).
	April 1979—Manley flies to Moscow to establish closer trade and economic ties.	

[1] Critical event occurrence:
P—Prior to Aeroflot service;
C—Concurrent with Aeroflot service;
F—Following Aeroflot Service.

Type of critical event:
(1) Soviet: "Show the Flag:" political symbolism; prestige; power projection; presence/visibility; operations center (civil aircraft).
(2) In-country: revolution; coup; guerrilla/insurgency; violence; intense political instability/conditions of "near anarchy."
(3) Soviet: Military assistance (grants/purchase)—direct or indirect, overt/covert, to include materiel/personnel; military aid missions; surrogate forces; military production rights.
(4) Soviet: Economic aid; trade agreement; technical assistance programs; developmental programs.
(5) In-country base agreement: usage of facilities; establishment of monitoring facilities.
(6) In-country support of external insurgency/subversion and terrorism.●

RECESS RESOLUTION HELD AT DESK

Mr. TOWER. Mr. President, I ask unanimous consent that the recess resolution be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR THURSDAY

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I now have a further unanimous-consent request to make in respect to the business for tomorrow. This has been cleared with the distinguished minority leader and a greater number of Senators.

We will convene at 7 a.m. tomorrow. At approximately 7:02 a.m., but for the sake of assigning nominal time, I ask unanimous consent that at 7 a.m. the Senate proceed to the consideration of the Moynihan amendment on which there be a time limitation of 20 minutes to be equally divided, to be followed by the Heinz amendment on which there will be a 20-minute time limitation to be equally divided, to be followed by the Garn amendment on which there be a 20-minute time limitation equally divided, to be followed by a Proxmire amendment on which there be a 10-minute time limitation equally divided, to be followed by a Roth amendment on which there be a 30-minute time limitation equally divided, to be followed by a Glenn amendment on which there be a 1½-hour time limitation to be equally divided, to be followed by a DeConcini amendment on which there be a 20-minute time limitation equally divided, to be followed by a second DeConcini amendment on which there will also be a 20-minute time limitation to be equally divided.

Mr. President, I ask unanimous consent that in each case that the time be under the control of the mover of the amendment, the prime sponsor of the

amendment for the proponent and under the control of the distinguished manager of the bill on behalf of the majority in opposition.

The PRESIDING OFFICER. Without objection——

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, in the event that any of the aforementioned amendments is in the first degree, is it understood, may I ask the majority leader, that included in his order is the provision that second-degree amendments would not be locked out?

Mr. BAKER. Mr. President, if the amendment is to an amendment which is in the first degree, if it is a first-degree amendment, that is to say, it is an amendment to a committee amendment which can be treated as a first-degree amendment, this order will not apply to preclude second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, it seems to me as if the time here, including record votes, might take us up to the hour of 1 o'clock. Does that mean if that is the case that Senators who are not sequenced in here this evening will be barred from calling up their amendments and getting a vote on them?

Mr. BAKER. Mr. President, may I advise the Senator from Texas that that is not my intention. I believe there is already an order for a vote on the conference report at 11, and this listing is to approximate the time required to debate these amendments until approximately 11 o'clock.

It is my full intention tomorrow, when we meet at 7, to confer further with the distinguished minority leader and other Senators in an effort to sequence the other amendments with which the Senator from Texas is familiar, and to make provision for them to be sequenced in other ways. Many Senators who are not available at this time have to be consulted.

All I am attempting to do is to alternate a sequence of Republican and Democratic amendments to begin approximately at 7 o'clock and to continue until approximately 11 o'clock without prejudice to other amendments, to the remainder of the amendments.

Mr. TOWER. So those who are not sequenced here will be protected?

Mr. BAKER. Mr. President, I must say in all candor not necessarily. It is my hope that they will be protected, but I will also say to the Senator from Texas that nothing I am doing here I believe jeopardizes the rights of any Senator who wishes to proceed with his amendment past the hour of 11 o'clock. There will be no votes before 11 o'clock.

Mr. TOWER. The Senator from Texas is unclear as to whether or not there will be an opportunity for Senators who are sequenced, perhaps by subsequent agreement, to bring up their amendments if the hour of 1 o'clock arrives before any amendments have been disposed of other than two or three.

Mr. BAKER. Mr. President, it is my hope that the 1 o'clock problem can be disposed of tomorrow. It cannot be disposed of tonight. It is my hope as well that we can make provision tomorrow for the disposition of amendments which have not been dealt with by 2:30. But that also cannot be done tonight I am advised so I did not include those provisions in the unanimous-consent request that I have now put.

I understand the anxiety of the Senator from Texas, and I assure him I will do all in my power to see that his amendment and other amendments that have been listed are dealt with fairly and there is an opportunity to dispose of them, although in all frankness it may be without debate or with very limited time for debate. But I must tell my friend from Texas that it is not possible to make that arrangement this evening. I hope he will take a chance with me and others to make those arrangements tomorrow.

Mr. TOWER. The Senator from Texas would be happy to bring up his amendment tonight and not do any more about it, to be helpful to the Senator from Tennessee.

Mr. BAKER. I am aware of that, and I appreciate the offer. But the Senator from Texas may also be aware that certain other Senators would be very much opposed to this move at this time, and I am obligated to protect their interests as well.

So, Mr. President, I renew my request and I hope Senators will not object. This is the best we can do. While it is not perfect at least it is progress.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, some of the aforementioned amendments are subject to a point of order by virtue of the conference on the budget report not having been adopted. In view of the fact that the conference on the budget report will not be adopted until after the vote will have occurred under the order on some of the amendments, would those amendments in the meantime be subject to a point of order?

Mr. BAKER. Mr. President, might I respond to the minority leader by pointing out that the vote on these amendments will not occur until after the conference report has been disposed of. I suppose if there was a point of order that could be made against them that it could be made at any time, but I would be prepared to provide that if any point of order would lie or is asserted against any of these amendments that the point of order be deferred until after disposition of the conference report.

Mr. ROBERT C. BYRD. That would be agreeable.

Mr. BAKER. I amend my request in that respect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair. Mr. President, I thank all Senators. I will be here at 7 in the morning and we will try once again to see if we can arrange for the remainder of the day.

RECESS UNTIL TOMORROW, THURSDAY, MAY 21, 1981, AT 7 A.M.

Mr. TOWER. Mr. President, I ask unanimous consent that, pursuant to the previous order, the Senate stand in recess until 0700 hours tomorrow morning.

There being no objection, the Senate, at 9:50 p.m., recessed until tomorrow, Thursday, May 21, 1981, at 7 a.m.

NOMINATIONS

Executive nominations received by the Senate May 20, 1981:

INTERNATIONAL COMMUNICATION AGENCY

James B. Conkling, of California, to be an Associate Director of the International Communication Agency, vice Mary G. F. Bitterman, resigned.

COUNCIL OF ECONOMIC ADVISERS

William A. Niskanen, Jr., of California, to be a Member of the Council of Economic Advisers, vice George C. Eads, resigned.

DEPARTMENT OF STATE

The following-named persons for appointment as Foreign Service officers of class 2, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Kenneth W. Plummer, of Massachusetts.
Molly K. Williamson, of California.

For appointment as Foreign Service officers of class 3, Consular officers, and Secretaries in the Diplomatic Service of the United States of America:

Mirta Alvarez, of California.
Anita D. Banks, of Maryland.
Irene M. Barbeau, of Maryland.
Dalton C. Bohnet, of California.
Julee A. Brand, of Nevada.
Janet G. Buechel, of Washington.
Marie D. Burke, of New Jersey.
Thomas E. Cairns, of Louisiana.
Janet Lorraine Crist, of Illinois.
Michael G. Cutter, of Virginia.
Walter N. Davenport, Jr., of the District of Columbia.
Lyle A. Dittmer, of Washington.
Linda L. Donahue, of Florida.
James E. Flynn, of California.
Lino Gutierrez, of Florida.
Diana E. Henshaw, of Michigan.
James E. Horn, of Texas.
Sharon V. Hurley, of Kentucky.
Howard F. Jeter, of the District of Columbia.
David C. Joyce, of Pennsylvania.
Howard Charles Kavaler, of the District of Columbia.
George C. Lannon, of Texas.
Wayne K. Logsdon, of Washington.
Alphonse Lopez, of Iowa.
Gladys K. Lujan, of Virginia.
Donald J. Lynch, of Florida.
Vincent V. Mayer, Jr., of Utah.
Ward D. Morrow, of Pennsylvania.
Kathleen J. Mullen, of Pennsylvania.
Janet Petronis, of New Jersey.
Don Carlos Pierson, of Ohio.
Thomas Joseph Rice, of Washington.
Charles O. Skellenger, of Iowa.
Lorraine Takahashi, of California.
Eugene A. Trahan, Jr., of Louisiana.

For appointment as Foreign Service Information officers of class 3, Consular officers, and Secretaries in the Diplomatic Service of the United States of America:

Charlene Cecilia Duline, of Indiana.
Victoria Antoinette Rose, of California.

For appointment as Foreign Service officers of class 4, Consular officers, and Secretaries in the Diplomatic Service of the United States of America:

Philip Norman Antokol, of Maryland.
Barbara E. Belsito, of Florida.
Nancy Boshoven, of Michigan.
Warrington E. Brown, of New Jersey.
James Louis Bruno, of New York.
David R. Burnett, of Idaho.
Kathleen M. Daly, of Maryland.
Joyce A. DeShazo, of Maryland.

Lillian G. Dobsa, of California.
Ben Floyd Fairfax, of Virginia.
Thomas A. Farrell, of Rhode Island.
Michael Bart Flaherty, of Iowa.
William Henry Griffith, of West Virginia.
Marianne U. Gustafson, of the District of Columbia.
Charles Jamison Hall, of Florida.
Suneta L. Halliburton, of New York.
Cynthia G. Hanson, of California.
Allen Sung Hu Kong, of Nevada.
Roderick C. Mackler, of Virginia.
Sandra J. Marsden, of Florida.
Gail Dennise Thomas Mathieu, of New Jersey.
Gillian Arlette Milovanovic, of Pennsylvania.
Sterling Persons, of Illinois.
Thomas L. Price, of Missouri.
Gary C. Pritchard, of Ohio.
Lawrence Kerr Robinson, of Maryland.
Peter F. Romero, of the District of Columbia.
Bryant J. Salter, of Virginia.
Katherine A. Schwering, of Maryland.
Gail P. Scott, of Virginia.
Kenneth Shivers, of Michigan.
Stephanie A. Smith, of Florida.
Michael R. Strachan, of Florida.
Sandra E. Taylor, of the District of Columbia.
Joanne M. Thompson, of Illinois.
William Warren, of Virginia.
Stephanie A. Weston, of California.
Ernestine Wilson, of New York.

For appointment as Foreign Service Information officers of class 4, Consular officers, and Secretaries in the Diplomatic Service of the United States of America:

Charity C. Janerette, of Pennsylvania.
William Van Rensalier Parker, of the District of Columbia.

Members of the Foreign Service to be Consular officers and Secretaries in the Diplomatic Service of the United States of America:

Jacqueline P. Anderson, of Maryland.
Edward P. Arrizabalaga, of Idaho.
David Avery, of New Hampshire.
Gordon D. Barnes, of Virginia.
Jonathan S. Benton, of the District of Columbia.
John Morgan Bevan, Jr., of Virginia.
Robert H. Campbell, of Michigan.
Gerri M. Casse, of Georgia.
Jeffrey W. Castelli, of Virginia.
James T. Chiao, of Virginia.
Priscilla A. Clapp, of the District of Columbia.
Helen Marchand Collings, of Connecticut.
Patricia E. Cox, of Virginia.
Gene A. Cretz, of New York.
Paul Grady Degler, of California.
Robert William Dry, of the District of Columbia.
Sharon S. Durkee, of New York.
Victor C. Eissler, Jr., of Virginia.
Glenn E. Ettinger, of Virginia.
David J. Goldberger, of Maryland.
Peter T. Graham, of Florida.
Walter Hage, of the District of Columbia.
Linda C. Hammer, of Virginia.
Richard D. Harrington, of Maryland.
Brent R. Hartley, of Oregon.
Frederic Carl Hassani, of Maryland.
William F. Hasselberger, of the District of Columbia.
David H. Hiley, of Florida.
Frank Arthur Hofmann, of Oregon.
Philip P. Holts, of Maryland.
Carl R. Jacobsen, of Colorado.
Garrett R. Jones, Jr., of Florida.
Edward T. Kata, of New Jersey.
Brian Russell Kelsey, of Maryland.
William G. Kopp, of Virginia.
Lily Kosier, of California.
Josef J. Koza, of Maryland.
John E. Lange, of New York.
Michael L. Lanzing, of Virginia.
William S. Lofgren, of Virginia.
Siria Rosana Lopez, of Florida.
Janice J. Lyon, of Utah.
Michael Vincent McCabe, of Florida.
Peter C. McDevitt, of the District of Columbia.
John H. McGlosson, of Virginia.
Dennis E. McMahan, of Virginia.
Donald H. Miller, of Virginia.
Stephen D. Murchison, of Virginia.
Eric Neff, of Washington.
Roger D. Neff, of Virginia.
Elo-Kai Ojamaa, of New Jersey.
Michael Philip Oreste, of Georgia.
Michael J. O'Toole, of Virginia.
Elaine S. Papazian, of the District of Columbia.
David Peffer, of Texas.
Terry O. Percival, of California.
James D. Pettit, of Virginia.
Maureen Quinn, of New Jersey.
Adolfo Alfredo Ramirez III, of California.
Bernard J. Reneski, Jr., of Texas.
Robert F. Rinehart, of Maryland.
Clifton Roberson, Jr., of Maryland.
Steven Ferenc Sagi, of Hawaii.
John R. Sano, of Virginia.
Elizabeth Worth Shelton, of the District of Columbia.
Ravindar Kumar Sikand, of Florida.
Penelope Williams Snider, of Florida.
Edmund Keith Sutow, of Texas.
Donald M. Terry, of Virginia.
David A. Vanell, of Virginia.
Jack E. Wallace, of Michigan.
Timothy E. Wells, of Virginia.
Polly R. Whalen, of Virginia.
Gail R. White, of Virginia.
John E. Whitehead, of Virginia.
David L. Whitt, of Texas.
Ocassa L. Williams, of Virginia.

Members of the Foreign Service to be Consular officers of the United States of America:

Leonard J. Holsey, of Massachusetts.
Joseph H. Rinker, of Pennsylvania.
Robert J. Salazar, of Virginia.

Members of the Foreign Service to be Secretaries in the Diplomatic Service of the United States of America:

Nicholas G. Benigsen, of Virginia.
James T. Kelley, of Virginia.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 3962:

To be Lieutenant General

Lt. Gen. Charles Maurice Hall [redacted] (age 56), Army of the United States (major general, U.S. Army).

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be major

Berger, George W., [redacted].
Blenkush, Severin J., [redacted].
Jett, Edward C., Jr., [redacted].
Kirby, Alan B., [redacted].
Rogers, Gail D., [redacted].
Truesdale, Harry L., [redacted].
Vanhouten, Diether H., [redacted].

To be captain

Abner, Howard C., [redacted].
Albright, Robert L., [redacted].
Alford, Roger W., [redacted].
Allen, James R., Jr., [redacted].
Allen, William W., [redacted].
Almany, Robert J., [redacted].
Anderson, Paul H., [redacted].
Andrews, James H., [redacted].
Angley, Jerry C., [redacted].
Antilla, James A., [redacted].
Applegate, Marshall S., [redacted].
Arguin, Robert L., [redacted].
Askew, Benjamin E., [redacted].
Avery, Sanders L., [redacted].
Axelroth, Philip S., [redacted].
Babiarz, Anthony S., [redacted].
Bagby, William L., [redacted].
Bailey, Clarence E., [redacted].
Baker, David W., Jr., [redacted].
Balcom, Wayne E., [redacted].
Barbee, Larry D., [redacted].
Barker, Arthur J., [redacted].
Barth, Stephen R., [redacted].
Barthelmes, Paul M., [redacted].
Bazinet, Kenneth L., [redacted].
Beaulieu, Maurice, [redacted].
Becker, Robert A., [redacted].
Beeks, Donald R., [redacted].
Benson, Richard A., [redacted].
Bielstein, Carola J., [redacted].
Bielstein, Harold R., [redacted].
Bishop, Rene, [redacted].
Bishop, Stanley T., [redacted].
Bland, Jimmy W., [redacted].
Blankinship, Edwin A., Jr., [redacted].
Bluff, Ronald W., [redacted].
Boal, Harry S., III, [redacted].
Bohling, John W., [redacted].
Bonner, Richard E., [redacted].
Borland, Carter A., [redacted].
Boucher, Brian P., [redacted].
Boucher, Kenneth A., [redacted].
Bowman, Richard L., II, [redacted].
Bradshaw, Walter L., III, [redacted].
Brandt, Richard W., [redacted].
Braunhardt, Ronald N., [redacted].
Brigman, Marvin J., Jr., [redacted].
Brooks, Robert L., [redacted].
Brown, Ralph R., [redacted].
Brown, Thomas R., Jr., [redacted].
Brumbaugh, Edgar A., Jr., [redacted].
Burk, William H., Jr., [redacted].
Burnside, James M., [redacted].
Burt, William A., [redacted].
Byers, Steven A., [redacted].
Campbell, James E., [redacted].
Cannon, Terry A., [redacted].
Carnes, Daniel K., [redacted].
Carroll, Lynn A., [redacted].
Casasnovas, Miguel A., [redacted].
Casey, Edward P., [redacted].
Chamberlain, Robert A., [redacted].
Chambers, John E., Jr., [redacted].
Charter, David F., [redacted].
Cilmi, Vincent T., [redacted].
Clemons, Larry, [redacted].
Cleveland, John Y., [redacted].
Cline, Gerald L., [redacted].
Clingman, Richard G., [redacted].
Collette, William H., [redacted].
Collins, Richard C., [redacted].
Collins, Ronald L., [redacted].
Cooke, Gary W., [redacted].
Cooper, Dale S., [redacted].
Cope, Billy N., [redacted].
Cottenier, Michael F., [redacted].
Covrett, Ronald L., [redacted].
Crawford, Gary C., [redacted].
Crow, Jerold L., [redacted].
Cutter, Robert F., [redacted].
Dabbs, Roger A., [redacted].
Dailey, Dennis D., [redacted].
Dargavage, Francis J., [redacted].
Davis, John W., [redacted].
Davis, Ryan M., [redacted].
Davis, Thomas M., [redacted].
Degroot, Leonard J., [redacted].
Dehler, Robert J., [redacted].
Demore, Richard A., [redacted].
Derks, Paul V., [redacted].
Desmond, John P., [redacted].
Dillon, Thomas E., [redacted].
Dolter, Paul R., [redacted].
Downing, Dennis L., [redacted].
Downing, Douglas A., [redacted].
Doyle, James J., Jr., [redacted].
Dudley, Randolph F., [redacted].
Duncan, William B., [redacted].
Dutcher, James P., Jr., [redacted].
Earle, Bobby F., [redacted].
Eberhardt, Mervin J., II, [redacted].
Ederer, Robert E., [redacted].
Ellis, Roger F., [redacted].
Ely, John S., [redacted].

Engan, James A., xxx-xx-xxxx
Evans, Glenn A., xxx-xx-xxxx
Farley, Allison J., xxx-xx-xxxx
Ferguson, Grady E., xxx-xx-xxxx
Ferguson, Kent I., xxx-xx-xxxx
Fischer, Donald J., xxx-xx-xxxx
Fisher, Donald J., Jr., xxx-xx-xxxx
Fisher, James C., xxx-xx-xxxx
Fleig, Bernard, xxx-xx-xxxx
Foged, Erik L., xxx-xx-xxxx
Fowler, Donald R., xxx-xx-xxxx
Franko, Albert J., xxx-xx-xxxx
Frazer, Gary L., xxx-xx-xxxx
Frederick, Michael L., xxx-xx-xxxx
French, Robert L., xxx-xx-xxxx
Fulps, John W., III, xxx-xx-xxxx
Furedy, Clifton G., xxx-xx-xxxx
Gahr, William F., Jr., xxx-xx-xxxx
Ganger, Thomas J., xxx-xx-xxxx
Gast, Dale A., xxx-xx-xxxx
Gay, Philip H., xxx-xx-xxxx
Geary, Thomas W., xxx-xx-xxxx
Gentile, Anthony B., xxx-xx-xxxx
Glickman, Barry S., xxx-xx-xxxx
Godwin, Steven S., xxx-xx-xxxx
Goebel, Jonathan C., xxx-xx-xxxx
Gorman, David E., xxx-xx-xxxx
Grandy, Richard H., xxx-xx-xxxx
Green, Walter G., III, xxx-xx-xxxx
Greenmyer, Jo., C., xxx-xx-xxxx
Griffin, Stephen W., xxx-xx-xxxx
Grigsby, William H., II, xxx-xx-xxxx
Gurganus, Horace D., xxx-xx-xxxx
Haines, David E., xxx-xx-xxxx
Halcrow, Barry W., xxx-xx-xxxx
Hale, Joseph N., xxx-xx-xxxx
Hall, Joseph P., xxx-xx-xxxx
Hall, Robert L., Jr., xxx-xx-xxxx
Hampton, Horace P., xxx-xx-xxxx
Hanson, Dennis V., xxx-xx-xxxx
Hanson, Larry R., xxx-xx-xxxx
Hardzie, Dennis, xxx-xx-xxxx
Harp, John S., xxx-xx-xxxx
Harris, Douglas E., xxx-xx-xxxx
Harris, Richard L., xxx-xx-xxxx
Hartman, George H., II, xxx-xx-xxxx
Hecox, Glen D., xxx-xx-xxxx
Heenan, Timothy D., xxx-xx-xxxx
Henry, Edward A., xxx-xx-xxxx
Herrera, Ernest D., xxx-xx-xxxx
Hershberger, Robert W., xxx-xx-xxxx
Hibbert, Kenneth B., xxx-xx-xxxx
Higgins, Peter D., xxx-xx-xxxx
Hill, Hugh T., xxx-xx-xxxx
Hinkle, Ronald E., xxx-xx-xxxx
Hinshaw, David B., xxx-xx-xxxx
Hoggard, Douglas A., xxx-xx-xxxx
Hohman, Dennis N., xxx-xx-xxxx
Holloway, Donald R., xxx-xx-xxxx
Hoogstra, William R., xxx-xx-xxxx
Hoppmann, William F., xxx-xx-xxxx
Hoster, Robert L., xxx-xx-xxxx
Houldsworth, Gary L., xxx-xx-xxxx
Howe, John A., xxx-xx-xxxx
Hoy, Michael B., xxx-xx-xxxx
Hrebenuyuk, Boris, xxx-xx-xxxx
Hubbard, Gardiner G., xxx-xx-xxxx
Hughes, Edward W., xxx-xx-xxxx
Humphries, Wade C., xxx-xx-xxxx
Hunter, Hillard C., Jr., xxx-xx-xxxx
Irons, Charles R., II, xxx-xx-xxxx
Jackson. James L., xxx-xx-xxxx
James, Jesse L., xxx-xx-xxxx
Jedicke, Charles H., xxx-xx-xxxx
Jenkins, Edwin W., xxx-xx-xxxx
Jennings, Ernest R., xxx-xx-xxxx
Jessup, Theodore R., xxx-xx-xxxx
John, Angelo M., xxx-xx-xxxx
Johnson, Donald E., xxx-xx-xxxx
Karuzas, Dennis, xxx-xx-xxxx
Keahey, Danny T., xxx-xx-xxxx
Kean, Thomas R., xxx-xx-xxxx
Kearney, Thomas M., xxx-xx-xxxx
Keida, Richard P., xxx-xx-xxxx
Kelley, Augustus W., xxx-xx-xxxx
Kelly, John F., Jr., xxx-xx-xxxx
Kerr, Philip N., xxx-xx-xxxx
Ketcham, Henry E., xxx-xx-xxxx
Klovans, Juris, xxx-xx-xxxx
Knudsen, Paul J., xxx-xx-xxxx
Kodatt, George A., xxx-xx-xxxx
Lamb, Christopher J., xxx-xx-xxxx
Lambert, Kerrick B., xxx-xx-xxxx
Laska, Edward, Jr., xxx-xx-xxxx
Lemon, Robert F. Jr., xxx-xx-xxxx
Leonard, Harold T., xxx-xx-xxxx
Levendusky, Martin, xxx-xx-xxxx
Lewis, William E., xxx-xx-xxxx
Linck, Richard E., xxx-xx-xxxx
Lockett, Margaret L., xxx-xx-xxxx
Lockwood, Ernest L., xxx-xx-xxxx
Loeffler, Joseph B., xxx-xx-xxxx
Loeffler, Lawrence A., xxx-xx-xxxx
Long, Geral L., xxx-xx-xxxx
Looney, Robert B., xxx-xx-xxxx
Lowe, Morris C., xxx-xx-xxxx
Lowrey, Gerald W., xxx-xx-xxxx
Luers, Michael W., xxx-xx-xxxx
Lunn, Peter W., xxx-xx-xxxx
Machuca, Luis A., xxx-xx-xxxx
Maddox, Jerry L., xxx-xx-xxxx
Malanowski, Alexander J., xxx-xx-xxxx
Markus, Richard J., xxx-xx-xxxx
Masserano, James A., xxx-xx-xxxx
Matthews, Warren J., xxx-xx-xxxx
Mayer, Richard R., xxx-xx-xxxx
Mazzeo, George C., xxx-xx-xxxx
McAllister, Michael S., xxx-xx-xxxx
McAninch, David A., xxx-xx-xxxx
McBride, Marc A., xxx-xx-xxxx
McClure, Robert L., Jr., xxx-xx-xxxx
McCormick, James E., Jr., xxx-xx-xxxx
McElhoe, George C., Jr., xxx-xx-xxxx
McEvoy, James F., xxx-xx-xxxx
McGuire, James W., xxx-xx-xxxx
McMahon, James D., xxx-xx-xxxx
McMahon, Patrick M., xxx-xx-xxxx
McNeil, William R., xxx-xx-xxxx
McPeek, Robert E., xxx-xx-xxxx
Meckler, Dwayne D., xxx-xx-xxxx
Melchisedeck, Jerry L., xxx-xx-xxxx
Metzler, Russell K., xxx-xx-xxxx
Michel, Arthur C., xxx-xx-xxxx
Miller, John M., xxx-xx-xxxx
Miller, Marlyn R., xxx-xx-xxxx
Miller, Stephen A., xxx-xx-xxxx
Minton, Troy E., xxx-xx-xxxx
Minze, Larry D., xxx-xx-xxxx
Mollenkopf, Charles L., xxx-xx-xxxx
Monahan, Jon, xxx-xx-xxxx
Morgan, Richard A., xxx-xx-xxxx
Mullen, Steven R., xxx-xx-xxxx
Muller, Gregory R., xxx-xx-xxxx
Murphy, Kenneth W., xxx-xx-xxxx
Nereng, Norris J., xxx-xx-xxxx
Nettles, Irving, xxx-xx-xxxx
Newell, Thomas R., xxx-xx-xxxx
Nickerson, Timothy J., xxx-xx-xxxx
Nolte, William L., xxx-xx-xxxx
Norby, John I., xxx-xx-xxxx
Nordley, Gerald D., xxx-xx-xxxx
Nutter, Lester A., xxx-xx-xxxx
Olson, Gary A., xxx-xx-xxxx
Olson, Thomas H., xxx-xx-xxxx
O'Neal, Michael R., xxx-xx-xxxx
Ortego, Eddie L., xxx-xx-xxxx
Pack, Allen L., xxx-xx-xxxx
Park, Richard G., xxx-xx-xxxx
Parrish, John W., Jr., xxx-xx-xxxx
Patton, David O., xxx-xx-xxxx
Payton, Terrance L., xxx-xx-xxxx
Peck, George H., xxx-xx-xxxx
Pence, John A., xxx-xx-xxxx
Perry, Donald H., xxx-xx-xxxx
Peters, Eric A., xxx-xx-xxxx
Phillips, James D., xxx-xx-xxxx
Phinney, Gary A., xxx-xx-xxxx
Pierce, James E., xxx-xx-xxxx
Ponder, Judy L., xxx-xx-xxxx
Postell, David F., xxx-xx-xxxx
Price, Larry E., xxx-xx-xxxx
Proctor, Robert W., xxx-xx-xxxx
Pryor, Stephen P., xxx-xx-xxxx
Putnam, Burleigh J., III, xxx-xx-xxxx
Rachal, Leo F., Jr., xxx-xx-xxxx
Rackley, William G., xxx-xx-xxxx
Radcliffe, David P., xxx-xx-xxxx
Rawie, Michael E., xxx-xx-xxxx
Reeve, Daniel E., xxx-xx-xxxx
Reitz, Walter J., xxx-xx-xxxx
Richart, Alfred W., Jr., xxx-xx-xxxx
Roberts, William L., II, xxx-xx-xxxx
Roland, Ronnie D., xxx-xx-xxxx
Romaine, Theodore H., II, xxx-xx-xxxx
Romer, Irving F., xxx-xx-xxxx
Rosenbaum, Gene W., xxx-xx-xxxx
Routch, Jeffrey A., xxx-xx-xxxx
Ruttledge, Dwight C., xxx-xx-xxxx
Savage, Robert D., xxx-xx-xxxx
Saylor, Michael A., xxx-xx-xxxx
Scantlin, Larry W., xxx-xx-xxxx
Schedler, David W., xxx-xx-xxxx
Schliemann, Milford L., xxx-xx-xxxx
Schmidt, Bruce C., xxx-xx-xxxx
Schmidt, David J., xxx-xx-xxxx
Schmidt, Donald F., xxx-xx-xxxx
Schramski, Donald C., xxx-xx-xxxx
Schultz, Ernest W., Jr., xxx-xx-xxxx
Schultz, James T., xxx-xx-xxxx
Scott, Patrick J., xxx-xx-xxxx
Segall, Victor, xxx-xx-xxxx
Shaeffer, Randolph B., xxx-xx-xxxx
Shafer, Jack P., xxx-xx-xxxx
Shaklee, John M., xxx-xx-xxxx
Sharp, Quincy, xxx-xx-xxxx
Shaw, Mark E., xxx-xx-xxxx
Shea, William F., xxx-xx-xxxx
Shockey, Michael E., xxx-xx-xxxx
Shoemaker, David C., xxx-xx-xxxx
Shul, Brian, xxx-xx-xxxx
Sieverding, Michael J., xxx-xx-xxxx
Sievers, Stanley E., xxx-xx-xxxx
Silas, John W., xxx-xx-xxxx
Skinner, Wendell B., xxx-xx-xxxx
Slack, Howard L., xxx-xx-xxxx
Snelgrove, Claude J., xxx-xx-xxxx
Snell, Michael R., xxx-xx-xxxx
Snow, Russell E., Jr., xxx-xx-xxxx
Snowbarger, Wayne H., xxx-xx-xxxx
Sokolowski, Frank P., xxx-xx-xxxx
Spencer, William A., xxx-xx-xxxx
Spies, Charles F., xxx-xx-xxxx
Spisak, John S., xxx-xx-xxxx
Spivey, Cecil W., xxx-xx-xxxx
Steele, Richard H., xxx-xx-xxxx
Stiles, Wayne M., xxx-xx-xxxx
Stobbe, Roy G., xxx-xx-xxxx
Strelau, Lawrence H., xxx-xx-xxxx
Sullivan, John P., xxx-xx-xxxx
Summers, Larry P., xxx-xx-xxxx
Surguine, Freneau B., III, xxx-xx-xxxx
Swain, Robert L. B., xxx-xx-xxxx
Tamayo, Martin M., xxx-xx-xxxx
Tappero, Charles P., xxx-xx-xxxx
Thigpen, Jerry L., xxx-xx-xxxx
Thomas, Larry D., xxx-xx-xxxx
Thompson, James R., II, xxx-xx-xxxx
Thompson, Philip G., III, xxx-xx-xxxx
Thompson, William E., Jr., xxx-xx-xxxx
Thornburgh, Charles E., Jr., xxx-xx-xxxx
Tomich, Richard R., xxx-xx-xxxx
Townsend, Robert E., xxx-xx-xxxx
Traill, David G. B., xxx-xx-xxxx
Tramp, Arthur R., xxx-xx-xxxx
Tresemer, John T., xxx-xx-xxxx
Treubig, Ernest C., Jr., xxx-xx-xxxx
Tribe, Albert H., Jr., xxx-xx-xxxx
Tull, Edward R. S., IV, xxx-xx-xxxx
Tzareff, Donald F., xxx-xx-xxxx
Upton, Craig P., xxx-xx-xxxx
Vanamber, John C., xxx-xx-xxxx
Vanderheyden, Derek K., xxx-xx-xxxx
Vanpelt, David F., xxx-xx-xxxx
Varner, Larry D., xxx-xx-xxxx
Verdoorn, William J., xxx-xx-xxxx
Voss,Carl E., Jr., xxx-xx-xxxx
Vranek, Eric A., xxx-xx-xxxx
Walker, James D., xxx-xx-xxxx
Walker, Ronald P., xxx-xx-xxxx
Walsh, Frederic P., xxx-xx-xxxx
Walters, Robert L., xxx-xx-xxxx
Webb, Thomas M., xxx-xx-xxxx
Wells, Kristin L., xxx-xx-xxxx
Wells, Wesley D., xxx-xx-xxxx
Wheeler, Graydon S., xxx-xx-xxxx
Whinnery, Douglas R., xxx-xx-xxxx
White, Raymond D., xxx-xx-xxxx
Whitelaw, Mark C., xxx-xx-xxxx
Williams, Keith A., xxx-xx-xxxx
Willis, James D., Jr., xxx-xx-xxxx
Willis, James C., Jr., xxx-xx-xxxx
Womack, Eddie G., xxx-xx-xxxx
Wood, Marshall M., xxx-xx-xxxx

Wretschko, Brian W., xxx-xx-xxxx.
Wright, Steven E., xxx-xx-xxxx.
Yehl, Thomas J., xxx-xx-xxxx.
Youmans, Robert L., Jr., xxx-xx-xxxx.
Young, William L., Jr., xxx-xx-xxxx.
Yurchak, George Jr., xxx-xx-xxxx.
Zabel, Dale E., xxx-xx-xxxx.
Zaloudek, Michael D., xxx-xx-xxxx.
Zinke, Ronald R., xxx-xx-xxxx.
Zody, Roger W., xxx-xx-xxxx.

To be first lieutenant

Beckett, Mason H., Jr., xxx-xx-xxxx.
Blackburn, Thomas D., Jr., xxx-xx-xxxx.
Guffin, Robert A., xxx-xx-xxxx.
Kirkwood, John T., xxx-xx-xxxx.
Lester, Robert B., xxx-xx-xxxx.
Middendorf, John K., xxx-xx-xxxx.
Pietschman, Jonathan N., xxx-xx-xxxx.
Worden, Simon P., xxx-xx-xxxx.

The following officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, Title 10, United States Code, with a view to resignation under the provisions of section 8067, Title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

CHAPLAIN

To be Captain

Hawkins, Richard J., xxx-xx-xxxx.
Weaver, Billy H., xxx-xx-xxxx.

JUDGE ADVOCATE CORPS

To be Captain

Arnold, Dean A., xxx-xx-xxxx.
Barton, David F., xxx-xx-xxxx.
Bergan, Francis T., xxx-xx-xxxx.
Bresnick, William O., xxx-xx-xxxx.
Brown, Robert M., II, xxx-xx-xxxx.
Camp, John H. Jr., xxx-xx-xxxx.
Camp, William J., xxx-xx-xxxx.
Card, Larry D., xxx-xx-xxxx.
Chachula, Bernard M., xxx-xx-xxxx.
Chance, Philip C., xxx-xx-xxxx.
Enders, Gary A., xxx-xx-xxxx.
Euretig, Joseph G., xxx-xx-xxxx.
Gilley, Harold C. Jr., xxx-xx-xxxx.
Gunnison, Walter L. Jr., xxx-xx-xxxx.
Harley, James A., xxx-xx-xxxx.
Harte, John H., III, xxx-xx-xxxx.
Head, Craig L., xxx-xx-xxxx.
Hedlund, Stephen D., xxx-xx-xxxx.
Hill, James R., xxx-xx-xxxx.
Hipple, Richard D., xxx-xx-xxxx.
Hume, William D., xxx-xx-xxxx.
Hunn, David W., xxx-xx-xxxx.
Joiner, Michael C., xxx-xx-xxxx.
Jones, Wilbert, xxx-xx-xxxx.
Kingsford, Edward, xxx-xx-xxxx.
Lamb, William H., xxx-xx-xxxx.
Leeburg, Kenneth J., xxx-xx-xxxx.
Leta, David M., xxx-xx-xxxx.
McCormack, Michael G., xxx-xx-xxxx.
Miller, Richard H., xxx-xx-xxxx.
Morgan, Richard A., xxx-xx-xxxx.
Pedrotty, Francis W., III, xxx-xx-xxxx.
Poole, Harry P. Jr., xxx-xx-xxxx.
Reagan, Robert V. Jr., xxx-xx-xxxx.
Seybert, Janet R., xxx-xx-xxxx.
Spencer, Robert N., xxx-xx-xxxx.
Sprink, Jeffrey L., xxx-xx-xxxx.
Taffany, John M., xxx-xx-xxxx.
Tepfer, Robert A., xxx-xx-xxxx.
Thompson, John R., xxx-xx-xxxx.
Thorgren, Richard L., xxx-xx-xxxx.
Underwood, William K., xxx-xx-xxxx.
Vannorman, Beverly M., xxx-xx-xxxx.
Vento, John S., xxx-xx-xxxx.
Whittington, Michael C., xxx-xx-xxxx.
Wilcox, Charles H., II, xxx-xx-xxxx.
Williams, Charles H., xxx-xx-xxxx.
Woodhouse, Terry J., xxx-xx-xxxx.

NURSE CORPS

To be captain

Andrews, Betty J., xxx-xx-xxxx.
Bowser, Linda J., xxx-xx-xxxx.
Bryan, Anna A., xxx-xx-xxxx.
Damler, Patricia A., xxx-xx-xxxx.
Franklin, Kathleen S., xxx-xx-xxxx.
Hauke, Irene A., xxx-xx-xxxx.
Japar, Susan E., xxx-xx-xxxx.
Jensen, Marjorie R., xxx-xx-xxxx.
Latona, Catherine M., xxx-xx-xxxx.
Moll, Stephen C., xxx-xx-xxxx.
Sanker, Joseph H., xxx-xx-xxxx.
Sims, Sonia, xxx-xx-xxxx.
Sorensen, Dona K., xxx-xx-xxxx.
Warmington, Mary F., xxx-xx-xxxx.
Wyatt, Sarah L., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be captain

Gallman, James J., xxx-xx-xxxx.
Gath, Henry A., xxx-xx-xxxx.
Murray, Robert B., xxx-xx-xxxx.
Pearson, Curtis W., xxx-xx-xxxx.

BIOMEDICAL SCIENCES CORPS

To be captain

Arnold William R., xxx-xx-xxxx.
Cammack, Earl M., Jr., xxx-xx-xxxx.
Clewell, Harvey J., III, xxx-xx-xxxx.
Coates, Donald D., xxx-xx-xxxx.
Dean, David, xxx-xx-xxxx.
Dlugensky, Edmund L., Jr., xxx-xx-xxxx.
Dukes, William M., xxx-xx-xxxx.
Dumouchel, Bruce D., xxx-xx-xxxx.
Gilmartin, Michael E., xxx-xx-xxxx.
Hollowell, Morris L., xxx-xx-xxxx.
Kreager, Robert A., xxx-xx-xxxx.
Laird, Thomas B., xxx-xx-xxxx.
Meyer, Duane K., xxx-xx-xxxx.
Moore, William R., xxx-xx-xxxx.
Moyer, David A., xxx-xx-xxxx.
Scannell, Thomas J., xxx-xx-xxxx.
Stonecipher, Dale R., xxx-xx-xxxx.

To be first lieutenant

Martinez, Perez Roberto, xxx-xx-xxxx.
Sherer, Joel L., xxx-xx-xxxx.

CONFIRMATION

Executive nomination confirmed by the Senate May 20, 1981:

DEPARTMENT OF AGRICULTURE

John B. Crowell, Jr., of Oregon, to be an Assistant Secretary of Agriculture, vice Malcolm Rupert Cutler, resigned.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

INDUSTRIALIST ADVOCATES THAT BUSINESS, GOVERNMENT APPLY BASIC VALUE—JOHN LUKE ADDRESSES THE BOY SCOUTS OF AMERICA

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 20, 1981

● Mr. RANDOLPH. Mr. President, it is perhaps too easy these days to be pessimistic about the future. The repeated shock of headlines describing our inhumanity dampens the human spirit. It is necessary for us to keep a proper perspective on our daily lives, and to remember that many millions of people perform good deeds each day. Their performance does not secure headlines; their inherent goodness is unheralded and, too often, unappreciated.

We accept general conformance with society's code of conduct. There are many interpretations of what the unwritten code requires, but most of us intuitively recognize the difference between good and evil.

These points were clearly set forth in a challenging address recently by John A. Luke, president of Westvaco Corp. Speaking to the Potomac Council of the Boy Scouts of America at Cumberland, Md.

Mr. President, John Luke is one of our Nation's leading industrialists. He retains a love for the land and its people and a reverence for the nobility of nature. Westvaco owns more than 350,000 acres of West Virginia woodlands, and employs about 3,000 West Virginians in its operations.

Mr. President, I submit excerpts from Mr. Luke's remarks concerning the Boy Scouts of America and the new commitment to traditional values in America.

REMARKS BY JOHN A. LUKE, PRESIDENT, WESTVACO CORP.

I appreciate the opportunity you have given me to journey once again into the world of scouting. While my heart has never been far from scouting, as my children have grown and as other activities have captured my attention, I have not had as intimate a relationship with it as would have been my pleasure. But, in preparing my comments for this evening, I have had the chance to immerse myself in scouting—to reminisce and to get reacquainted. And, this has really been great.

I've thought about the days when my children were scouts right here in the Potomac Council and what that meant to them then and what that experience gave them for later life.

I've thought about the honor I had in serving with the Tri-Valley District of this council.

I've thought, too, about the many ways in which scouting is so important to a community and how fortunate this council is to have such outstanding volunteer involvement. Twelve hundred adult volunteers for 2,000 scouts is magnificent support. I am full of very sincere admiration.

I've also thought about how deeply interested Westvaco has always been in scouting and how very dedicated so many members of its organization have been—ever since scouting came to the Tri-Towns some 57 years ago, and beyond the Tri-Towns, wherever Westvaco has been located. Scouting and Westvaco seem to have a very special, mutual chemistry. And that genuinely pleases us.

We are proud that 26 of our Luke mill people are active in scouting today. Six are scout masters. Eight are present Tri-Valley District or former District chairmen, and four of the 26 have been accorded your highest honor to volunteers in scouting—the Silver Beaver Award. They are Pete Woy, Bill Gardner, Dave Young and Bob Bess. Westvaco stands taller because of these men and their three Luke mill predecessors—Julian Patrick, Harry Biggs, Alton Fortney. I am very proud to have known and worked closely with each of these seven men. As I journeyed back into scouting, I found the opportunity to look through four dog-eared, obviously well read copies of the Official Boy Scout Handbook—each from a different decade of the last 40 years—the war years of the forties, the growth years of the fifties, the years of turbulence and unrest in the sixties and seventies, and now the eighties. The thing that really struck me was how very little the manual has changed in its fundamentals and how constant its values have been. The campaign hat may be gone, but the real stuff of scouting is right there—as a source of strength for our time and for generations to follow.

Each of you is here tonight because you are doing something of very great importance for America. The traditions and values of scouting are truly foursquare with what has made our country great. You are perpetuating that American spirit for many years to come through what you are giving to today's youth. In my view, there is very little else which is more important in life than that.

Over the last 20 years, our society has gone through an exceedingly difficult period. We subjected ourselves and our institutions to a period of tremendous internal testing. In retrospect, it was a sort of intensified experience in evolution to see just which of our institutions and traditions were fit to survive.

We challenged almost everything—from family life to our flag, from our traditions of discipline and individual responsibility to free enterprise and business and labor and government, from our respect for the law to our role and responsibility in the free world. Nothing was overlooked.

Scouting was tested, too. Even the very elements of its spirit—duty, honor, God and country—came under question in various parts of the country and in various sectors of society. But all during this period, scouting stood resolute, doing a magnificent and very sensitive job of preserving the basic values which are at the heart of both its traditions and our country's heritage. Scouting was a tower of strength for the youth of this period when so many of the accepted values of earlier days appeared quite uncertain, when a whole array of new causes and choices abounded, and when conflicting views on right and wrong seemed to be the norm. We challenged ourselves as families and as a society to think very deeply about what we believed and what we were determined to preserve. In fact, we really put our national conscience through the wringer.

However, from this period of internal testing two conclusions seem to have emerged. The first, is simply that those institutions which have stood for high standards of integrity and which have kept faith with the principles on which this country was built—in reality, the principles of scouting interpreted for later life—have emerged stronger and even more highly respected by the very society which put them to their test.

The second conclusion is that out of the testing has developed a new national consensus as to our directions and our responsibilities. Our electorate sent a very strong message last fall—indeed a popular mandate for action and for change. And here I want to emphasize that, at least to me, the strength and conviction of that mandate is far more important than the political result itself.

This mandate for change appears to have more conviction than any we have seen in almost 50 years. It reflects the depth and consequence of our internal testing and our value analysis. It reflects a clear determination to once again put the traditional, basic, American values back into place—and that includes squarely facing up to our problems and doing something about them.

MANDATE FOR CHANGE

The mandate called for securing our national defenses and rebuilding a staunch leadership position in support of the free world. It called for less government and more individual and local responsibility and initiative. It called for action on the economy and on inflation.

If this interpretation of last fall's message is accurate, I believe it would then also be accurate to say that the mandate is not only fully consistent with the basic values of scouting, but that it also very eloquently reaffirms them. Scouting values are very much an ingrained part of our national character.

The mandate is very timely and appropriate, because just as we have gone through an extended period of predominantly self-imposed internal testing, we are now in a period which will be characterized predominantly by externally imposed testing. The stakes are, at the least, our country's economic well being and, at the most, the very security of the free world—our very way of life.

I'd like to talk a bit about the mandate and the new period of external testing.

First, our national security and our leadership position in the free world—the most basic external test. Without dwelling on this, I will just say that, in my view, the Soviet march and menace continues relentlessly. Its military arsenal is vast, and it is

growing. It is operative directly, or through surrogates, throughout the world and increasingly in this hemisphere. It is active in covert intelligence operations, in fomenting revolution and in teaching terrorism. Its basic objective has not changed. It remains, very simply, world domination.

The United States is the world's only country with the potential to confront this Communist thrust. I believe we need to develop this potential into reality—in our own self interest as well as that of the free world. Moscow respects only determination and strength. World peace will be preserved only as long as our national will and our military might are strong enough that they never need to be used.

It is very reassuring to me to see the priority and the determination being given to this fundamental issue by the new administration. It is fulfilling its pledge to the electorate. A new respect for America is being created abroad as well as at home. There is a growing readiness to believe that our policies will be consistent, and that we will once again be a reliable ally and friend.

Next, less government, the second part of the mandate. On the surface, this might not appear directly related to external testing, but in fact, it very much is. To the extent that a society burdens itself with a heavy yoke of government, it diminishes its competitive strength in direct proportion. Its initiatives, its efficiencies, and its productivity are suppressed. One of America's very great strengths has always been the innovative and self-reliant determination of its people. For our society to be most effective this national characteristic must be free to act, limited only by the modest constraints of a confident democracy. America cannot long afford either the cost or the regulatory power that feeds a voracious bureaucracy under the guise that government has wisdom and common sense beyond that of its citizens.

Scouting is a superb example of what we as citizens, on our own, can do for the very great good of the country. It presents a wonderful blend of community and national purpose, completely free of governmental support and influence. There is no way that government participation could improve upon this program. In fact, one could reasonably predict the exact opposite.

The new administration is off to a fast start in the reduction of Federal regulation and bureaucracy. It clearly means to make the progress which was promised and for which it was elected. Its consistent determination deserves the continued support of all who endorsed its proposals last fall.

MAJOR CHALLENGES AHEAD

This brings me to the third part of the mandate—the economy and inflation. This, obviously, is not solely a domestic problem. The day is gone when the United States was the world's most efficient and lowest cost producer—when it could readily protect its own—the largest market in the world. In that day, external competition was not a major factor. By and large, other industrial countries just couldn't compete with their products within our borders. Now they are major competitors, despite the immense natural advantages which we enjoy. We are faced with major economic challenges from the rest of the world—from countries such as Japan and Germany, which were flat on their backs industrially only 35 years ago, from the OPEC countries and, increasingly from other developing countries.

I believe that the essence of our economic challenge lies in the area of productivity—from first rate plants incorporating advanced technology and the best of organizational practice. Industrial productivity has been declining in this country while it has been increasing in countries with which we compete.

This does not reflect on either the will or the ability of the American worker. Rather, it is primarily the result of our tax laws which have not given high enough priority to investment in new plant so that full advantage could be taken of today's technology by the American work force. This cannot continue if we are to meet our external economic challenges.

Other countries have invested heavily in a modern industrial base in the last 35 years—putting a higher percentage of their national income to work in this area than we have. We have invested a larger share of our dollar in government and its programs with proportionately less in our country's productive base. The tax rates required to fund our out of control government spending, and inflation, which has been one of its most cruel consequences, have encouraged the flow of the taxpayers' remaining dollars into consumption and into nonproductive tax sheltered programs instead of into savings and investment in our country's productive base.

As with other parts of last fall's mandate, the new administration, has put forward a forceful and responsive program based on both reduced spending and reduced tax rates. It is a strong and determined plan and also a socially conscious one. It is the very program clearly spelled out before the election and then overwhelmingly adopted. It contains the basic elements necessary to direct the nation's activities toward investment and productivity, job creation, real growth in the standard of living and greater competitiveness abroad—and these are just exactly the ingredients required to meet both our external economic challenges and our internal inflation.

We need, as examples, only to look at autos, steel, televisions, baseball gloves and apparel to see the extent of the world's economic challenge. We may never, as a county, regain our former economic preeminence, but there is absolutely no reason why we can't regain the lion's share of it. The ability and the resources required to do so lie clearly within our borders—within our hearts.

As an encouraging contrast to some of our other industries, I'd like to comment on the paper industry—in part because I know it first hand and, in part, because our company's Luke mill has been a major factor in this area's economy for almost 100 years. But, most importantly, because it is an impressive story.

I am very happy to report that the paper industry is able to compete very effectively in the four corners of the world. It may be the only one of the country's basic industries that can do this. It is a major exporter to the world, and as such, it is a very valuable national asset.

COMPETITIVE STRENGTHS

Despite the burden of governmental regulation, the paper industry has achieved this position for several reasons: First, our country has vast natural resources; and, second, it has a very large domestic market. This market's growing demand for low cost, high quality paper products has, through fierce competition, developed the largest, lowest cost and most efficient manufacturing base in the world. The companies which are able to compete most successfully in this market are also able to compete anywhere in the world.

In summary, our country has undergone a period of severe internal testing out of which has come a powerful national consensus for action and change. This consensus is very timely as we are challenged by vigorous external world forces, and also very American as it reaffirms the traditional values on which this country was built. It cries out that we are regaining our national pride and confidence. It also tells the world that, once again, we're proud of our pride in America.

I'd like to close my remarks this evening by saying very sincerely, that I do not know of any institution that better represents the value system on which our country has been built, and on which its future rests, than does scouting. All Americans should be deeply grateful to each of you for your part in this very proud tradition.

Thank you.

WESTVACO,
New York, N.Y., May 13, 1981.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: I thought you might be interested in the enclosed copy of recent remarks by Westvaco President John L. Luke before the Potomac Council of the Boy Scouts of America in Cumberland, Maryland.

His comments are timely and reflect a businessman's point of view regarding traditional values important to us as a nation, the need for less government and our country's national security and leadership position in the free world.

Sincerely,

WILLIAM L. DAVIS,
Government Relations Manager.●

THE TIME BOMB IN THE GOVERNMENT'S RETIREMENT PROGRAM

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. CONABLE. Mr. Speaker, I recently discussed in the House (April 30) the enormous problems emanating from our national pension policies, particularly the retirement program for civil service employees. I pointed out that the cost of the system threatened to overwhelm the American taxpayers if we failed to make some basic changes in the program.

One of our former colleagues, Hastings Keith of Massachusetts, writing this month in Enterprise, the publication of the National Association of Manufacturers, has drawn upon his own experience to demonstrate the magnitude of this problem. He declares that the retirement system we have jerry built for Government retirees is far more costly than anyone imagines. He calls it a time bomb which could cause the cost of supporting Government to price us out of world markets.

Congressman Keith warns that Congress and the public ignore this issue at our peril. Mr. Speaker, it is a rapidly expanding burden which demands our attention; I hope we will not flinch from the unpleasant task. I recognize that we in Congress are happy at giving people benefits but recoil at imposing disadvantages. The crunch is real, however, and the consequences of the easy excesses of the past must be faced.

I submit for the information of all of us the article by former Congressman Hasting Keith, "Why Exempt Federal Pensions from the Anti-Inflation Drive?"

A "TROUBLED" GOVERNMENT RETIREE ASKS . . . WHY EXEMPT FEDERAL PENSIONS FROM THE ANTI-INFLATION DRIVE?

(By Hastings Keith)

President Reagan's budget revisions of March 10 indicated for the first time that his budget analysts were beginning to comprehend the potentially disastrous nature of cost-of-living adjustments (COLA) for federal retirees.

Administration officials are now asking Congress to replace the twice-a-year COLA for civil service and other federal pension beneficiaries with a single annual adjustment, at a savings approximately a whopping $900 million in 1982.

But Office of Management and Budget (OMB) Director David Stockman's budgeteers have thus far only scratched the surface of the federal pay problem. They have yet to confront the totality of the extraordinarily costly and exorbitantly generous federal pension systems. The long-range implications of these pensions may portend for the nation what New York's financial crisis was to that city and what Studebaker's and now Chrysler's crises are to the auto industry.

The federal pension systems are unique when contrasted with retirement systems for the rest of the nation's work force. We federal retirees are treated as sacred cows—protected by the same safety net that, properly for the most part, shelters Social Security beneficiaries.

FROM ONE WHO KNOWS

I am a prime example. I am one of more than 2.5 million federal retirees whose benefits have been increased as the result of cost-of-living adjustments. My federal pensions now total $1,000 a week.

Specifically, my pension as a retired congressman with both civil and military service has gone from $1,560 a month in 1973 to $3,420 as of March 1, 1981. I also get a military (reservist) pension which has gone up from about $600 per month in 1975 to $900 as of March 1, 1981. And, as of my 65th birthday, I am eligible for a tax-free Social Security check of about $600 per month. Because my military time counts twice—for both military and civil service pensions—I am what is known as a "double dipper." My pensions may not be typical but they are illustrative of flaws in the benefit formulas that are widespread in the civil service. They also reflect some of the logic behind the conclusions I have reached.

Frankly, my conscience troubles me. It troubles me because, as George Will implied in a recent syndicated column, we in the Congress, in voting for unlimited indexation of pensions—and then passing these costs on to future generations—have, in effect, been "mugging" our children and our grandchildren. Most of us did this innocently, thinking that our 7 or 8 percent contribution, when matched by the government, would be sufficient to support the benefits we would eventually get. This is not the case. Few members of Congress have such a sweet arrangement as I do. Reform could be helpful to those who will be bypassed by the present rules of eligibility, specifically five years of service.

The civil service retirement plan started off as a good plan but the increasingly liberal benefit formula ruined it. The early retirements, the double-dipper credits for military service in both military and civil service retirements, the liberal definition of disability (accounting for more than 30 percent of all civil service retirements), the twice-a-year indexation of the total annuity to the cost of living—all of these things, together with the unanticipated high rates of inflation, have had an explosive impact on costs. At the same time, the generous benefits are actually inducing civil servants to leave government early and take jobs in the private sector, thereby becoming eligible for Social Security benefits and often another pension as well.

Civil service pensions alone take from the taxpayer $4.50 for every dollar the civil servant puts in. Even so, the contributions for these two sources fall far short of funding the eventual benefits that the plan promises.

The unfunded liabilities for the civil service, according to the working papers of the President's Commission on Pension Policy, published in January 1981, were $403.1 billion as of Sept. 30, 1979. For the foreign service they were an additional $3.8 billion and for the military $444.6 billion. All three bring the total federal liability to close to a trillion dollars—in effect almost doubling the national debt! (These projections reflect the cost of pensions for those already retired and for the service to date of present employees.)

Another way to look at it is that for each participant, active and retired, there are unfunded liabilities of $237,000 for the foreign service, $103,000 for the military and $89,000 for the civil service.

And so I am extremely concerned that our economic recovery efforts will be flawed unless and until this most important issue of federal employee pensions is confronted.

SAVINGS IN THE BILLIONS

Modest reforms in the federal pension benefit formula—in addition to the once-a-year COLA—could, by the end of President Reagan's first term, save the nation's taxpayers as much as several billions of dollars a year. Such reforms would: (1) establish a ceiling beyond which the pension would not be indexed; (2) change the definition of civil service disability to conform to that of Social Security; (3) cut out from the civil service benefit formula all credit for years of service in the military; (4) provide, in the case of military retirees, a retirement supplement until Social Security begins, as is the case with many private plans (military retirees now get gratuitous add-ons to their regular pensions); and (5) remove the "socially-weighted" benefit portion of any Social Security pension paid to federal retirees whose pensions are above a specified minimum.

The federal employee with a relatively short Social Security earnings record gets a "socially weighted" benefit that was intended to take care of the poorer segments of our society. If the Social Security pension were actuarially computed, one would find many federal employees' contributions would be minimal, providing in most cases only a very small percentage of the funds required.

But major restructuring—integrating the three largest federal pension systems with Social Security—would lift many more billions from the backs of taxpayers of today and for generations yet unborn.

Fortunately, there are several federal systems that have gone this route. One, the Tennessee Valley Authority (TVA), is an excellent model in that its total benefits—except for early retirements—are quite comparable with those of the civil service. One difference is that, because of a belief that there should be an "incentive for continued work and contribution to society," the plan does permit long-service retirees to receive benefits that amount to more than 100 percent of final pay.

The TVA plan is unique among federal plans in that it funds benefits as they are earned. Also, its disability provisions, following the pattern imposed by the Social Security Administration, are more strictly administered. It gives no credit for military service; it discourages early retirements; and its pension plan costs only 11.5 percent of payroll. (To comply with the Employee Retirement Income Security Act—ERISA—would require 14.7 percent of payroll.) Adding the cost to the government of the Social Security pension benefit increases these totals another 5.35 percent.

What a difference it would make in the 1985 federal budget if the Congress would agree with the concept of the TVA plan and would require the civil service to integrate with Social Security. With a projected payroll of $74.4 billion in 1985, the savings in pension costs for the civil service alone would be $12.239 billion.

But that is not all. Rita Ricardo-Campbell, chairman of President Reagan's Task Force on Social Security, testified in February before the House Ways and Means Committee that mandatory coverage of all federal employees would yield an additional $11 billion for the Social Security funds next year and progressively higher amounts each successive year.

It is no surprise to me that Reps. J. J. Pickle (D.-Tex.) and Barber Conable (R.-N.Y.) have put these facts together, have seen the savings to the taxpayer of $25 billion, and are sponsoring bills calling for Social Security coverage for members of Congress and their staff and, in the case of Conable, all federal employees. They know that universal coverage must come, and that the question of the solvency of Social Security will loom as a big issue and come up for resolution perhaps later this year. They want their constitutents and their colleagues to be thinking about it and be ready for it.

NO WAY TO MATCH

There is no way that private sector retirement plans can be brought up to the levels of the civil service pensions—it's just too costly. Adding the cost of such pensions to the cost of production would price us out of the world market and subject us to a flood of imports. As a matter of fact, if one considers that taxes are part of the cost of doing business in this country, we have already, in the civil service pension programs alone, an overhead that is bound to adversely affect our ability to compete on the world scene.

And so reform of the civil service, foreign service and military pension systems is imperative if we are to save the entire nation from a fate similar to that which befell New York City. The essential difference between the situation in New York City in 1975 and the federal government's problems in 1981, of course, is that New York City had to balance its budget whereas the federal government, in effect, prints more money. It's a classic case of more money chasing fewer goods.

Although the president did not directly state or suggest that he had such reforms in mind, he did set the stage for pension reform when he said that the nation would no longer continue to subsidize individuals where real need could not be demonstrated, adding that only programs for the highly deserving would remain untouched. In all logic, I believe that the president should not ignore the clear evidence that the pension benefits of most federal employees far exceed the norm of private sector pension plans and that large numbers of public employees are getting what amounts to transfer payments. There is every reason for OMB's Stockman to set his budgeteers to researching this area. It is, as I have said, fertile ground.

Only a handful of members of Congress—or industry or labor leaders for that matter—are prepared to get out in front on this issue. Congressmen often find it difficult to vote for something that might appear to affect the federal pension systems adversely. But we know that the vast majority of the Members of Congress and the civil service place the public interest above personal interest and would support pension reform if they and their constituents had the facts.

In the final analysis, of course, it is the president who must take the lead in federal pension reform. My basic feeling is that Ronald Reagan was elected because the American people felt he stood for basic values, including the value of a healthy, stable currency. The best way to safeguard the dollar is to attack the psychology that breeds inflation, a psychology nurtured by the present federal pensions situation.

CAUSE TO RENEGE

President Reagan may feel constrained by campaign statements that indicated his administration would not tamper with federal pensions, especially as regards the twice-a-year indexing. However, new evidence has come to light which, in my view, frees the administration from any "commitment" not to act.

Included in this new evidence is a study by the Joint Economic Committee of Congress which warned that, based on 1975-78 projected inflationary growth rates, federal costs of the civil service pensions alone could reach a mind-boggling $80 billion a year by 1990, less that nine years away. Other evidence was provided by the President's Commission on Pension Policy. The commission noted that expected 1980 federal contributions were 30.8 percent of payroll for the civil service pension system and 83.5 percent for the foreign service systems. It went on to say that if these systems were funded on the same basis as private pension plans (according to ERISA minimum standards), costs last year would have been 79.8 percent and 107.1 percent of payroll respectively!

As these costs sink into the consciousness of those who only have Social Security, there will be strong public support for pension reform for the federal work force. This will be particularly true as arguments are advanced to have these taxpayers postpone their retirement to age 68 to allow the average civil servant to retire at 55.

Fresh data such as this has prompted distinguished citizens to organize for action. John Macy, the former Civil Service Commission chairman, and I are recruiting other former civil servants to rally around a "common sense in public compensation" banner that could lead to effective reforms. Former Undersecretary of Commerce Joseph Bartlett, who served as chairman of the Universal Social Security Study Group, strongly endorses Social Security for federal employees and joins Macy and me in this effort.

A similar response by the Reagan administration to the overwhelming and increasingly obvious case for federal pension reform would be a clear signal that the federal government is determined to put its own house in order and thereby honor commitments implied in the election sweep of last November. As longtime U.S. Comptroller General Elmer Staats wrote in a letter to the president, "Although congressional action will be required to effect most of the needed reforms, strong presidential support will be needed to bring them to fruition."

When the president acts, he will find many allies across the country, including rank-and-file federal civil servants, who will support the effort to restore common sense in public compensation through responsible reform of the present extravagant and inflation-fueling federal pensions system.●

HOLOCAUST

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. MAZZOLI. Mr. Speaker, I welcome this opportunity to join my colleagues in commemorating the holocaust.

To remember the holocaust is painful but necessary.

It is painful to realize that so heinous a crime against humanity could have been perpetrated in modern times.

It is painful to realize that the rest of the world stood by and did nothing.

Maybe because the holocaust was an atrocity so far beyond human comprehension even decent and compassionate people of the world would not believe such villainy and outrage could take place.

But, indeed, it did. And, to help insure that such a monstrous deed cannot take place again, we recognize the holocaust despite the pain this brings to each of us.●

INTRODUCING CREDIT UNION LEGISLATION

HON. DAVID W. EVANS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. EVANS of Indiana. Mr. Speaker, today I am introducing a bill which, when enacted, will become the Credit Union Modernization Act of 1981. The bill is technical in nature and clarifies several sections of the Federal Credit Union Act while making strides toward our ultimate goal of deregulation of the financial industry.

I expect my bill to readily win the support of my colleagues for several reasons. First, many of my ideas are supported by the credit union regulatory agency which is the National Credit Union Administration. Second, the bill is fully supported by the Credit Union National Association which represents 22,000 of this Nation's 23,000 credit unions. Third, my bill addresses the internal operational aspects of credit unions, and these changes have no competitive impact on the other segments of the financial community.

There is a fourth and possibly more important reason why I expect broad support. It is simply that many of the changes I proposed will reduce the constrictions of Government which have been imposed upon the daily operation of credit unions. I am sure that you share my interest in moving America's business community away from constraints imposed by Government, and it is my opinion that no entity should be more free from legislative or regulatory construction than the cooperative community.

America's credit unions have always been a pure example of democracy. Credit union members with excess capital invest in the shares of the credit union which are reinvested in the current needs of the members or in mediums which help meet the capital growth demands of this country. The depository members then share "pro rata" in the returns of the cooperative.

Throughout this entire process, each member who is a depositor or borrower influences the direction of the credit union through the elective process and often as a volunteer responsible for the implementation of the direction-setting policy of the elected board which represents the membership.

It is unwise for us to unduly constrict that process, for who knows better than the using member how the services of the credit union should be offered. Moreover, who knows better what policy and practices will best serve the needs of this select group.

Unquestionably, Congress recognizes its responsibility to provide for the uniform disclosure to the members of the policies selected and of the financial condition of the credit union, but our responsibility stops there; and it is with this in mind that some of my changes have been proposed.

My proposals are not dramatic. They are drafted to allow the members to decide how to set in motion the mechanics which best serve their needs.

This bill will allow credit union members, through the democratic process, to decide when to hold the annual meeting of shareholders, will allow them to decide whether a formal credit committee best meets their needs and will allow the members to decide what titles best befit their officers.

The bill also makes some other small changes which are needed to ease regulatory burdens, and it also makes numerous technical changes which, overall, improve the draftmanship of the Credit Union Act. Most importantly, this legislation will take some of Government out of the life of the cooperative members of Federal credit unions.

I ask the support of the leadership and my colleagues for this proposal.●

TAXATION OF EMPLOYEE FRINGE BENEFITS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. ROUSSELOT. Mr. Speaker, the Congress acted in 1978 to prohibit the Department of the Treasury from issuing final regulations that would relate to the tax treatment of employee fringe benefits and through Public Law 96-167, subsequently extended this moratorium to June 1, 1981.

As we draw near to the expiration date of May 31, controversy and emotions run rampant amidst various stories that rulings and proposed regulations are presently under consideration by the Internal Revenue Service to tax employee fringe benefits. It is essential that this dispute be settled as to whether a person's taxable income should properly include compensation for services paid for other than with money.

Mr. Speaker, I maintain, however, that now is not the proper time to address this issue by simply allowing the Congress to fail to act to extend the present moratorium. That is why today I am introducing legislation to extend the ban on taxation of employee fringe benefits through December 31, 1982. At a time when the Congress is attempting to address major tax revisions, I feel that an issue such as this should be postponed for a more complete review at a later, less hectic date.●

THE FUTURE OF SOCIAL SECURITY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. RAHALL. Mr. Speaker, recently the bipartisan, National Commission on Social Security completed its study. After a total review and investigation of all aspects of the social security system, the Commission concluded:

The social security system is sound in principle and, of all alternatives, is the best structure of income support for the United States.

The report went on to observe:

Of all sources of retirement, disability, or survivorship income, social security has the best potential for stable real income, especially in times of economic adversity.

On May 12, the Reagan administration announced its proposals to revise the social security system. The major elements of this plan would reduce benefits for those retiring before age 65, phase out current limitations on outside earnings, tighten up disability requirements, place a cap on benefits for families of retired and deceased workers, and delay the annual cost-of-living allowance scheduled for July 1982.

Now we all realize that it is imperative that the social security system be strengthened. Methods have been suggested to make the system solvent, without having to reduce benefits. However at the present time, the administration seems to want to take advantage of its victories in Congress, and push through a proposal that shakes the foundation of aid to America's older citizens.

"I pledge you, I pledge myself, to a new deal for the American people;" with these words Franklin Delano Roosevelt made a contract with this Nation, a contract which included a social security system.

I have no intention of breaching that contract, Mr. Speaker, and I am sure many of my colleagues will fight to maintain the principal and the integrity of the social security system. We will work to make it strong, we will work to make it effective, but we will not axe it.

From the beginning, social security has been an integral part of an American plan under which the Government and the private sector cooperate to replace lost income. Since the 1930's social security, private pension plans, and personal savings have, in concert, achieved an ever-increasing high level of security for the citizens of this Nation, while preserving its incentive for a productive life.

This concept must be maintained, for the good of this country, and for the good of its people.●

PULSE OF THE FUTURE

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. PANETTA. Mr. Speaker, I would like to insert in the RECORD an article written last year by a resident of the 16th District of California, Jeff Nelligan. Mr. Nelligan, who resides in Cambria, expresses concern about the drift in our Nation away from concern for the community and toward excessive self-interest. He points out the danger this holds for our future but also expresses confidence in the strength of the American people to cope with whatever the future may bring. I hope that my colleagues will take a moment to read this very interesting article:

PULSE OF THE FUTURE

(By Jeff Nelligan)

The passage of one decade into the next provides a convenient pause for speculation on what the past was, the present means, and above all, what the future will bring. Americans are impatient to know where they ar going and what they're getting before they arrive.

One group of people who might better understand what the future brings are those who have influenced, commented upon, or analyzed the past. These would include journalists who have reported on unfolding past events, writers who have tried to interpret past events, statesmen who have helped shape past events, and other public figures who, through action or words, profoundly affected the times.

It was a myriad of men and women who responded to questions put to them by a young journalist concerning problems, values, and past mirrors of the next two decades in America. The respondents differed vastly in terms of their personal ideologies, principles, backgrounds, and professions. But it was astonishing that despite the diversity of the figures, several themes ran through nearly every response, indicating perhaps that the American Experience, while not the same for everyone, has provided many with a singular view of the future.

Understandably, and no doubt owing to present jittery financial swings, domestic and global economics were a universal concern. Ezra Vogel, Harvard professor and author of the controversial book "Japan as No. 1" detailing the ascendancy of Japanese lifestyle and financial management over the once presumably invincible Americans, states that "the worst problem in the next decade is that the United States is going to find that it is not competitive in the international field and that America's declining industries, like steel and automobiles, will create such unemployment, political pressure from labor and pressures for protectionism that we will have very serious difficulties." George Bush, Republican Vice-Presidential nominee, writes that "the

greatest problem facing the U.S. is how to maintain economic progress at home."

The story is not new. For the first time in 50 years, this country faces serious economic difficulty, not easily solved by a healthy yanking on economic levers. Decreased productivity, government regulation, foreign competition and U.S. dependency, and disastrous short-term profit maximizing mindset management as opposed to more balanced long term investment, are some of the factors causing the turmoil. The result? "Future presidents," says Kennedy chronicler James MacGregor Burns, "will have the nearly impossible task of persuading Americans to have less and want less."

A second concern was America's role in the world. Alluding to the strength of American democracy in the past, many felt that America as a world power was in steady decline. Hedley Donovan, former Time Magazine editor and present White House aide, observed, "America lost—it had to happen—the virtual monopoly of military and financial power we held in the first years after World War II." Vogel believes that in the 1980s, America "for the first time as a declining power . . . will be overtaken by another power." TRB, the venerable columnist for the New Republic and the dean of American political writers, shares the same feeling but is fearful of something closer to home. "I have a pet private worry: That in about ten years some gang of terrorists will get an atomic bomb and blackmail the country, as the Iranians are doing now with the hostages."

Just as important to people as America abroad, was America at home. Barbara Tuchman, historian and author of "The Distant Mirror," a tract on 14th Century Europe, believes that the "salient issue for America in the next twenty years is retaining democracy according to American principles—and making it work—work better than it has in the last twenty." TRB was equally emphatic. "I am worried about the structure of our government . . . and I think our political system picks mediocre men for President rather than great leaders." H.R. "Bob" Haldeman, former Nixon aide, agrees: "The primary issue before America for the balance of this century will be leadership . . . internally in our own political affairs . . ."

Though the forces moving society, economics and politics, were seen to be changing, very few thought that present American attitudes and values would be altered in the next few decades. Respondents pointed to growing voter apathy and material accumulation as evidence of what Thomas Wolfe and Peter Marin identified as the indulgent 1970s "Me" decade. David Reisman, the eminent American sociologist, sees this "egocentrism" as he terms it, as a bastardization of American individualism, and drawing upon De Tocqueville (the 19th century French writer on America), Reisman explains that an ever-inward turning public lacks the voluntary association, comparative scarcity, and social controls that balanced the maverick, yet communal, American public that De Tocqueville saw.

Says Reisman, "in other words, without this associative tendency, Americans could become a collection of unrelated anomic persons or a homogenous and demagogically controlled superstate." What has happened now, observes Reisman, is that American society has grown to accept and even embrace egocentrism, the cult of candor, and that sadly, "people today lack a sense of curiosity and wonder about the world."

Reverend Billy Graham, internationally known evangelist, believes that the last few decades have seen a decline in moral standards, a growing disregard for the rights and privileges of other people, and a self-satisfaction of personal desires. "This has resulted in the weakening of the foundation on which the lifestyle of America has been built . . . (and) this trend will probably continue." Haldeman felt that although the basic values of Americans wouldn't change much, "the surface manifestations may—especially as distorted by the press."

Last, when asked about earlier decades possibly mirroring what the '80s will be like, most believe that our history follows an undulating pattern—each period reacts to the inadequacies of the previous period. Says Hedrick Smith, Washington Bureau Chief of the New York Times and Pulitzer Prize winner, "The rise of Ronald Reagan, for example, reflects a widespread disillusionment with the kinds of socio-political policies we pursued in the 1960s and tried to carry on into the 1970s, with the heavy use of federal funds to cope with urban or welfare problems. The new swing to the right on foreign policy and defense reflects a reaction to the neo-isolationism of the post-Vietnam period which was itself a reaction to the mistaken and excessive American intervention in Vietnam . . ."

TRB wrote that the "speed of change is accelerating." Ezra Vogel, noting America's only experience as a declining power, stated that to get a better view of such a transformation, "One should search, rather, for decades in English history when England when being overtaken by Germany or the United States."

Viewed together, the projections of these men and women are strikingly similar, as though the problems—while not easily solved are at least easily identified.

A single thread running throughout the responses was that of pessimism, not in America's ability to persevere, but in the bleak outlook of the future. Gradual long-term ailments, substantive and spiritual, have affected some of the foundations of American democracy: government credibility, competing pressures of productivity, changing social relationships between races, sexes, and age groups—the list goes on for a long time. Like American business, whose short term mentality has doomed survivability over the long haul, so is the American public guilty of a "here and now" attitude, sacrificing the future for today.

In human terms, the saddest and most poignant aspect of the Three Mile Island episode was not the lesson in the apocalyptic prophecy of nuclear power, but the reactions of those living near the plant when told their community would remain permanently radioactive for generations to come. Despite warnings about their health, and the health of their offspring, most people decided to stay where they lived and continue working rather than move somewhere else. These people were unable to look past the immediacy of their world—to even consider the long term agony of radiation poisoning.

"Decline," "retrenchment," "lowered expectations,"—these are words many Americans in the post-WWII era do not know. But these words make up the message we carry into the 80s. The idealistic "Lost Generation" of the 1960s fighting society's good fight was replaced by the over-materialistic "Me" generation of the 1970s. Both promised to be tempered by the 1980s. Says Cyra McFadden, author of The Serial, a parody of the moddish, self-indulged hip lifestyle in golden ghetto Marin County, "The future will force upon us some retreat from the way we have lived, and some new austerity, both material and in terms of the obsessive search for perfect happiness I wrote about in my book. I mean self-actualizing isn't cheap, man, check out the price of a weekend seminar in the New Age Yellow Pages."

The "American Character," a combination of fortitude, resourcefulness, and compassion—though today perhaps muted—has shown great resiliency under fire. It is that gray netherworld between increasing discomfort and profound crisis that gives rise to the apathy and egocentrism we see today in the American public. It is ironic that only when plunged into a national nightmare do the American people awaken to shoulder the burden of responsible citizenship; that catastrophe builds consensus.

Everyone is a prophet. And maybe it's good that self-actualizing isn't cheap. We've looked at ourselves long enough. Time now to care for the good of the Republic. It's a healthy sign that although our commentators questioned the strength of almost every aspect of American life—government, institutions, the economy, our world role, our leaders—no one doubted the strength of our people.●

THE SAVING OF A WHALE

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. JONES of North Carolina. Mr. Speaker, the United States has been a member of the International Convention for the Regulation of Whaling since December 2, 1946. As many of you know, the International Whaling Commission, which has the responsibility of carrying out the commitment of the convention—to protect the Earth's great whales from extinction—will meet this summer in Brighton, England. Recently on Fire Island, New York State barrier island protecting the southern shore of Long Island, a 25,000-pound sperm whale beached. Now, the beaching of a great whale is not itself newsworthy and would not be a matter of great moment to the International Whaling Commission. But on this occasion, due to the intervention of knowledgeable and concerned scientists, this beached leviathan was taken into a nearby boat basin and was there observed, cared for, and treated to full recovery. For those of you who remember Herman Melville's "Moby Dick," that story of an earlier great sperm whale, and would like to know more about what happended to Physty, the sperm whale which survived beaching on Fire Island, I recommend the reading of the following news article by Colman McCarthy:

[From the Washington Post, May 3, 1981]

THE SAVING OF A WHALE—FOR THE TIME BEING, AT LEAST

(By Colman McCarthy)

FIRE ISLAND, N.Y.—As drafts of steamy breath wafted up from the blowhole of Physty, a beached 25,000-pound sperm whale who was in its sixth day of sick leave, caring hands caressed the mammal's immense snout. Physty—pronounced "feisty" and taken from physeter macrocephalus, the Greek term for sperm whale—lay ill in the shallow waters of a boat basin at the western tip of this barrier island that protects the southern shore of Long Island.

After the mammal had been towed in, some marine veterinarians, whale lovers and citizens with secret reverence for God's largest creature convened as an amateur lifesaving crew. This was a moment not to be missed. Here was one whale, blessed by Jonah for sure, whose meeting with man would be through the laying on of hands, not the bloodying of harpoons. Although sperms are the best known of whales—Moby Dick was one—they are still creatures of leviathan mystery. Herman Melville wrote that the sperm "lives not complete in any literature. Far above all other hunted whales, his is an unwritten life."

On the afternoon I stopped by to catch Physty's rescue attempt, hope itself seemed to be drowning. The medicine—penicillin, injected with seven-inch needles and 100 times the dosage for a human being—was not taking. The whale floated motionless, listing on its left side. Among the several hundred spectators lining the dock, a sense emerged that this whale watch was becoming a death watch.

Despite that, the scientists were grateful: First, no other beached whale in America had ever been kept alive this long and, second, a fair amount of new information had been gathered.

One of the gatherers was Richard Ellis, the world-known artist who paints whales and travels the earth—Patagonia, Newfoundland, Hawaii, Japan—to dive into oceans to observe them close-up. Ellis, wearing a red diving suit, hovered over Physty and regularly placed his ear on the mammal's immense head.

He was taking soundings. The sperm whale has a highly developed internal sonar system known as echo-location. At times, Ellis reported a few days later, "the sounds were so strong that they literally popped my hands off the whale. This is important because we are still trying to learn about their biology to determine what we should do to protect them . . . All we've known about sperms in the past has been how to kill them."

With the outlook bleak and everyone far out to sea on how to cure a sick whale, no one was ready for Physty's sudden and amazing recovery. But even as plans were being made for an autopsy, the giant cetacean regained its health. After nine days, Physty, with a brain more complex than man's and perhaps a tougher spirit as well, returned to the open seas of the Atlantic.

Unless this sociable, intelligent and peaceful creature beaches itself again, this is a man-and-whale story that ends happily. Most others are the opposite. According to Save the Whales, a Washington group, "every day 50 whales die, their backs blown open by 150-lb. harpoons fired by cannons from high-speed catcher boats." Japanese whalers, subsidized by their government, are the high sea's most fanatic killers. "There are cheap, plentiful substitutes for all whale products," reports Save the Whales. "Several whale species have already been driven to the brink of extinction."

For a time in the early 1970s, the United States made some halting progress in becoming a world leader against the slaughter of whales. At home, the Marine Mammal Protection Act was enacted. Eight kinds of whales were put on the endangered species list. Abroad, Americans tried—with no success—to get the International Whaling Commission to impose a 10-year moratorium on all commercial whaling.

But now, the United States has backed off. At a recent meeting in India of 67 nations that had signed a 1973 treaty to protect endangered species, West Germany proposed to ban whale products from the international market. The U.S. delegation, along with the Soviet Union, objected.

As Physty eased out to sea after its miraculous recovery, an ominous question was raised: Was this gentle creature saved only to be blown apart one day by harpoonists?●

A SALUTE TO JOHN ELSWORTH

HON. JAMES A. COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. COURTER. Mr. Speaker, on behalf of his many close friends and associates, I have been asked to say a few words in honor of Mr. John R. Elsworth, who retired March 31 as the court administrator for Morris, Sussex, and Warren Counties after 10 years of dedicated service.

John Elsworth was appointed to his position as court administrator in 1971 by then Assignment Judge Alexander Waugh. As a lawyer by profession, I can appreciate the hard work and responsibility that comes with this important position. John Elsworth supervised court personnel, budgets, court assignments, and all administrative aspects of the three counties court systems. He was effective and widely respected as court administrator.

From 1961 to 1971, he also worked in conjunction with State and county judicial authorities to lend his expertise in special studies of various aspects of the court systems.

As a corporate employee of Prudential Insurance Co. in Newark for 36 years, John Elsworth functioned in an administrative capacity, specializing in systems and procedures analysis. In all his endeavors, he sought to do the best job possible.

John Elsworth has lived in Morris County for many years. He has made a meaningful contribution to the betterment of county and State court systems in New Jersey. And he has proved to be an outstanding and loyal citizen for whom we have much appreciation and affection.

I think it is appropriate now to take a moment to thank John Elsworth from all his friends, family, and colleagues. May the coming years be full of health and happiness for him.●

AUDIE L. MURPHY

HON. EUGENE V. ATKINSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. ATKINSON. Mr. Speaker, perhaps the most decorated military hero of our time was the late Maj. Audie L. Murphy. Major Murphy enlisted in World War II in the U.S. Army as a private. He then distinguished himself in numerous campaigns throughout World War II as one of the greatest heroes our country as ever known. Major Murphy reluctantly rose through the ranks collecting awards and battlefield commissions along the way. His career was marked by a humble, soft spoken patriotism and courage that every serviceman and civilian would do well to emulate. Major Murphy's modesty and views toward heroism were perhaps best expressed by him when he stated, "The only true heroes that I knew were those decorated with the wooden cross," never making mention of the countless lives he himself saved through his courageous actions.

The Maj. Audie L. Murphy National Memorial Tribute Committee was originally set up in New Castle, Pa., to remind people of the work of Audie Murphy and to uphold the values that he stood for: love of country and fellow man, courage, dedication, and service. As part of their efforts the Memorial Tribute Committee has over the years given out 15 ALM Patriotism Portrait Awards to individuals and organizations who they feel have reflected the values that Major Murphy stood for. Some of the past recipients have included: Gen. William C. Westmoreland, Gen. Louis H. Wilson, Gen. Omar Bradley, the Fourth Marine Division, the First Army, and the U.S. Army Parachute Team.

As part of each year's memorial tribute the various branches of the military have provided special parachute and drill teams, bands, honor guards, special flyovers, and distinguished representatives of each of the branches of the military.

This year for the 10th and final tribute to Maj. Audie L. Murphy the ALM National Memorial Tribute Committee is presenting its ALM Patriotism Portrait Award to those in the Department of Defense who have helped them over the years. The awardees are as follows:

The members of the Joint Chiefs of Staff; the U.S. Army; the U.S. Navy; the U.S. Air Force; and the U.S. Marine Corps.

Mr. Speaker, in recent years we have heard a great deal of criticism of those

who serve in our Armed Forces. We are told by their critics that our fighting men are illiterate, unmotivated, and poorly prepared to defend our country. I, for one, must differ with this view. From time to time I have the opportunity to meet with young men in the military and I am confident that when called to serve we will find that among our tens of thousands of volunteers there are many just like Audie Murphy. Quiet and soft spoken, not anxious to go to war but prepared none the less to do what must be done to keep this country free, asking no honors, just proud to serve this great Nation. That truly is what Maj. Audie L. Murphy represented and what being a hero is all about.●

HOW I WOULD HAVE VOTED

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. DIXON. Mr. Speaker, due to previous commitments in my congressional district, I was unable to be present during consideration of the conference report on House Concurrent Resolution 115, the first budget resolution. Had I been present, I would have voted "no" on the adoption of the conference report.●

ANDREI SAKHAROV'S BIRTHDAY

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mrs. HECKLER. Mr. Speaker, tomorrow marks the 60th birthday of one of this century's most extraordinary men—a man whose mind and strength and voice have helped to change the world we live in.

We should pause to reflect on this anniversary, because now it is up to us to help change the world he must live in.

Andrei Sakharov—the Soviet physicist and dissident who will mark his 60th birthday in exile tomorrow—has led a difficult yet extraordinary life.

He has earned undying fame by working to unlock the secrets of science, to revolutionize the lives of all men and women in this era.

He has earned undying honor by working to advance the doctrine of truth and freedom in a society that tries to deny those most basic concepts.

And he has earned the undying respect of all those who cherish peace and dignity: All who know that the message of peace for which he received his Nobel laurels, cannot be stilled even by his cruel forced exile in Gorky.

We know the ideal for which Andrei Sakharov has sacrificed and struggled—for we live each day in the freedom that he knows only in his heart.

And we know that this cause of freedom, for which he has offered of himself, is the cause that has the true momentum of history behind it. The dynamics of truth and justice are at work across the world, and ultimately freedom will triumph.

But we must work to continue that momentum. We must make sure that the message of Andrei Sakharov, and the thousands imprisoned with him, is heard in every land. Not only here—where freedom is a way of life—but especially in those nations where freedom is most rare.

Twenty-four centuries ago the great Athenian, Pericles, delivered a message that echoes today as we remember Andrei Sakharov, and those who share his plight:

> Their story is not graven only on stone over their native Earth, but lives on far away, without visible symbol, woven into the stuff of other men's lives. For you now it remains to rival what they have done and—knowing the secret of happiness to be freedom and the secret of freedom a brave heart—not idly to stand aside from the enemy's onset.

It is up to us now to match the bravery of Andrei Sakharov, and to stand fast against the enemies of freedom.

We must send a message to the Government of the Soviet Union, which for 60 years has tried to deny the ideal of freedom:

That in these Halls of Congress, and across the United States, concerned Americans—regardless of their cultural or religious heritage—know that the denial of Andrei Sakharov's freedom is a denial of our own.

We will not forget Andrei Sakharov, and those who share his fate.

And we will constantly remind the Soviet leaders that they cannot forever ignore the conscience of their own nation. And if they believe they can, we must confront them with the conscience of the world, and haunt them with the voice of all humanity.

We who have been part of this fight in the Congress—and indeed, Americans of all walks of life—must redouble our efforts now.

Mr. Speaker, we have no other choice. We cannot afford to stand idly by as Andrei Sakharov languishes; we must stand strong against the path of injustice, and lend strength to the beating of that one brave heart.

Thank you.●

A TRIBUTE TO RADIO STATION KALW(FM) ON ITS 40TH ANNIVERSARY

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. JOHN L. BURTON. Mr. Speaker, I am very pleased today to salute radio station KALW(FM) as it celebrates this month its 40th anniversary on the air. KALW is one of the oldest FM stations in the country. Its roots go back to a demonstration FM station which was on display at the 1939–40 San Francisco International Exposition on Treasure Island.

When the exposition closed in 1940, the San Francisco Unified School District purchased the equipment, moved it to the Samuel Gompers Trades School at 110 Bartlett Street in San Francisco and applied to the Federal Communications Commission for a license to broadcast at 42.1 megahertz.

The station then went on the air in 1941, bringing to it the following distinctions: The first FM station in San Francisco, the first educational FM station in the United States, the second noncommercial FM station in the Nation and the first noncommercial FM station west of the Mississippi River.

In 1953, the station's transmitter and studio equipment was moved to the John O'Connell School, where the FCC authorized it to broadcast on what was then called the new FM band at 91.7 megahertz, the frequency which the station continues to use today.

In 1954, the television training facilities at the station became the first broadcast studios of KQED-TV. The KALW staff and the students in the training program were an important part of the KQED operation until KQED moved to its own facility in 1956. From this solid foundation, KQED-TV has since gone on to become one of the finest and most widely acclaimed member stations of the Public Broadcasting System.

From 1956 to 1971, the training of students for careers in broadcasting remained the primary concern of KALW. However, by 1971, FM broadcasting in the San Francisco Bay area had reached a point where the operation of an FM station primarily to train students was no longer sufficient to maintain a license to broadcast.

The San Francisco Board of Education, therefore, added staff and other resources to KALW so that the station was able to meet all FCC requirements for an educational, noncommercial FM station.

In 1972, the staff and broadcast schedule of KALW had increased to a level which met the minimum grant

qualification criteria of the Corporation for Public Broadcasting (CPB). The station thus became a qualified public radio station.

In addition, the station also met the membership requirements of National Public Radio (NPR). With financial assistance from CPB and with access to programs from NPR, KALW took a major step toward becoming the quality, noncommercial broadcast service which it is today.

Until 1975, an unfavorable transmitter location handicapped KALW, in effect, limiting the coverage of the station. In December 1975, KALW purchased a new transmitter with funds from the Department of Health, Education, and Welfare and installed a new transmitter on Christmas Tree Point, Twin Peaks. Even though the station reduced its authorized power, the actual area covered more than doubled.

In 1980, construction of a satellite receive terminal by CPB was completed at KALW. This terminal is part of a national satellite distribution system which permits NPR and other radio producers to transmit multiple programs from as many as 16 locations around the United States to some 200 NPR member stations, with outstanding technical quality. KALW was the first noncommercial station in San Francisco to receive programs via the NPR satellite system.

Currently, the station is on the air 18 hours daily from 6:15 in the morning until 12:15 at night. During its broadcast day, KALW carries a number of excellent programs, including NPR's award-winning news and information program "All Things Considered," which is celebrating its 10th birthday this month.

This program, which I believe is the finest news broadcast in this Nation on radio or television, is aired on KALW from 6:30 to 8 p.m., Monday through Friday. Due to the great popularity of the program, KALW rebroadcasts "All Things Considered" from 6:30 to 8 a.m., Tuesday through Saturday.

On Monday, the station carries the tape-delayed 1-hour Sunday edition of "All Things Considered" from 6:30 to 7:30 a.m., followed by 1½ hours of another outstanding NPR news and information program "Morning Edition" from 7:30 to 9 a.m. From Tuesday through Friday, KALW airs 1 hour of "Morning Edition" from 8 to 9 a.m.

Beyond carrying these and other quality NPR programs, KALW also encourages students in the public schools to produce programs for broadcasting while at the same time carrying out a strong public access policy. The station provides its listeners with live coverage of San Francisco prep sports, thus giving these activities a measure of well deserved publicity.

KALW pioneered in live radio coverage of public boards and continues to broadcast in full all meetings of the board of education. In short, KALW remains a valuable source of quality, noncommercial, educational, informational, and cultural programs.

From its very inception, the station has been an important technical training center for persons interested in providing service in the technical aspects of broadcasting. To this day, the KALW training program is considered exemplary by members of the broadcast industry.

Mr. Speaker, I believe KALW has a 40-year record of distinguished service to the San Francisco public schools and the bay area community at large. Therefore, it is with great pleasure that I take this opportunity to recognize the achievements of KALW, which will be honored during its 40th anniversary week, May 25 through 31. Since 1941, KALW has remained a pioneer FM radio station.●

STUDENTS TOUR NATION'S CAPITAL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. LONG of Maryland. Mr. Speaker, on Wednesday, May 20, 1981, 45 young women from the Bais Yakov School for Girls in Baltimore, Md., journeyed to Washington for a firsthand look at their Nation's Capitol. Included in this group are several Russian students who have recently arrived in the United States.

These students, led by their principal, Rabbi Mendel Freeman, and teachers and parents, Mrs. Gilda Shapiro, Mrs. June Soud, Mrs. Irene Haendler, Mrs. Kristt, Mrs. Rubin Stein, and Mr. Mikhael Fisher, toured the Capitol Building and the Smithsonian National Air and Space Museum.

I am delighted they have taken this opportunity to visit with us, and hope their interest in our Nation's political process will continue.

Students recently arrived from Russia are: Susanna Cheryakhovsky, Alla Krutnik, Alexandra Gorelik, Svetlana Gorelik, Julia Gimelshteyn, Sima Kostovetsky, Sofia Teferi, Alya Ibadov, and Alexandra Schvarts.

Other students are: Aviva Goldstein, Melissa Hammond, Nechama Heinemann, Pesha Herskowitz, Alisa Kristt, Devorah Lichtman, Shoshana Mandelbaum, Neshie Nudell, Chaya Oberstein, Leah Roth, Randi Shimoff, and Frumi Shuman.

Also, Rochel Skaist, Sarah Tapper, Elka Verschleisser, Shterna Wolk, Michelle Baron, Yanina Benumov, Aviva Blass, Mariam Blumberg, Nova Cern, Devorah Firestone, Ilona Fisher, Rivka Fleischman, and Devra Glazer.

Chani Goldsein, Karen Lebovits, Judy Martsinovski, Marlene Messafi, Ali Newmark, Lisa Rosenbluth, Zina Sanders, Mariam Sher, Sara Shindman, Shifra Simon, Debra Wolpert, and Alana Jacobson.●

CRIMINAL PENALTIES

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Ms. FERRARO. Mr. Speaker, today I am introducing legislation which would make it a Federal crime to assault a Federal employee who is engaged in official duties. Currently, it is a Federal crime to assault certain Federal employees. In some cases entire agencies are covered, and in some cases only certain employees within those agencies. Surprisingly, some agencies are not covered at all.

This hodgepodge coverage could cause confusion in the aftermath of tragic attacks on Federal employees, and jurisdiction squabbles could interfere with prompt justice for the perpetrators of violent crimes.

My bill would provide an important protection for the many Federal employees who deal with the public on a daily basis, and who may be subjected to the violent acts of deranged individuals. Many times the claims examiner employed by the Veterans' Administration or Social Security Administration could be viewed as the one responsible for changes in eligibility criteria resulting in a claim denial. Although the employee is only administering a program according to the established rules, the frustration of a denied claimant is often directed toward the individual who processes the claim.

I believe that much crime can be deterred by clear warnings and swift justice. My bill would clear the way to post warnings at Federal facilities indicating that assaults on Federal employees would be investigated and prosecuted as Federal offenses. It would also eliminate the maze of jurisdictions which could frustrate investigations and prosecutions of criminal activities.

I believe it is the duty of the Federal Government to afford protection to all individuals who act officially on its behalf, and to insure that criminals are dealt with swiftly and efficiently. My bill would do exactly that.●

MX MISSILE BASING

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. DASCHLE. Mr. Speaker, I am inserting an article recently published in the New York Times that I believe highlights the need for a final decision to be reached as expeditiously as possible on the basing mode for the MX missile. There is considerable opposition to the present proposal adopted by former President Carter, which would deploy the MX missile in a series of multiple protective structures (MPS) or racetracks in the Nevada-Utah desert. His decision to advance the MPS basing mode was based on ratification of a SALT II treaty which is by all accounts now many months away from Senate approval. A number of Government research groups have recently come forward and voiced skepticism of the MPS basing mode. The Congressional Budget Office analyzed the cost implications of maintaining MX/MPS survivability without SALT II. CBO predicted that if the Soviets increase the number of missiles and warheads to keep pace with the development of the MX, the total cost to insure that the United States would retain an MX land force capable of retaliation could climb to $106 billion. The Office of Technology Assessment in a recent report reiterated these concerns about likely Soviet intentions and stated that the small-sub undersea mobile force (SUM) is more survivable, less expensive, and a less environmentally damaging alternative to the MPS. All things considered, the current administration has made a prudent move in delaying final approval of the MPS. It is essential in my opinion that the Department of Defense look further to the SUM system as an alternative and I am encouraged that a formal recommendation will be made by July. But as this article points out so well, time is of the essence and a decision cannot be delayed long as institutional factors are already taking hold which with every delay will make it all the more difficult to extricate ourselves from the MPS boondoggle. Following is the text of the article:

WORK ON MX SYSTEM SPEEDS ON THOUGH ITS BASE ISN'T YET PICKED

(By Philip Taubman)

VANDENBERG AIR FORCE BASE, CALIF.—For the construction crews pouring cement and erecting steel girders on this windswept strip of the Pacific Coast, there is no debate about the MX missile. They are building a complex that will be used for 20 test flights beginning in 1983.

At the Northrop Corporation in Los Angeles, executives are not concerned about where the new mobile missile should be based. They are too busy hiring new employees and expanding facilities to produce a key part of the MX guidance system.

At the Air Force's Ballistic Missile Office in San Bernardino, Calif., headquarters for the MX project, hundreds of officials are plunging ahead with development of the missile and a multiple-shelter basing system in Nevada and Utah.

10,000 WORKERS INVOLVED NOW

These and similar scenes from Massachusetts to California are evidence that while the Reagan Administration is reviewing the MX program, and Congress is debating how best to base the new missile, the Air Force and American industry have mobilizing to build the system approved by President Carter.

The need for the missile itself, divorced from consideration of where to base it, is generally accepted by defense planners. But the question of basing remains live.

The Federal Government, which has already invested more than $2 billion in the program, is spending $4 million a day to create that system. More than 10,000 workers employed at nearly 1,000 companies are involved.

"The MX program as approved by the last Administration has significant momentum," said Maj. Gen. Forrest S. McCartney, commander of the Ballistic Missile Office. He noted that the system that was approved was one designed to be launched from land.

The momentum he senses, judging from interviews with more than two dozen senior Government and industry officials involved, presents President Reagan and Congress with a difficult choice.

If they decide to change the plan and base the missile at sea or even base it on land in a system other than the one currently planned, much of the money and effort expended so far will be wasted. The program would also be delayed at least a year.

If they choose to proceed with the plan as it is, they will have to overlook a growing body of scientific, political and environmental opinion opposed to a land-based multiple-shelter system.

HOW THE SITUATION DEVELOPED

The choice, officials said, was not a product of poor management, cost overruns or some of the other problems that have plagued defense projects in the past. Rather, the MX dilemma appears to stem from the confluence of apparently benign institutional forces.

These include the Government's ways of making decisions about weapons development and procurement, the compromises that often develop between political and strategic interests when major weapons systems are proposed, and the traditional ways of doing business when the military and industrial sectors combined resources.

Defense Secretary Caspar W. Weinberger has ordered a high-level review of the plan and has told Congress he expects to make a final decision on where to base the missile by July.

Mr. Weinberger has privately expressed concern about the plan as it is, fearing that opposition from environmental groups in Nevada and Utah could mire the project in long litigation.

Senior Defense Department officials said Mr. Weinberger had an open mind on the basing issue, and was determined to give alternative basing proposals serious consideration, including one to put the missile out to sea in a new class of submarines.

The submarine option was supported in a Congressional report released earlier this month by the Office of Technology Assessment. Noting that the current land-basing plan could leave the MX missiles vulnerable to Soviet attack while also causing environmental and economic dislocation in Nevada and Utah, the report suggested basing the new missiles aboard submarines.

IMPACT ON ALLIES IS A FACTOR

Other top Administration officials, including Secretary of State Alexander M. Haig, Jr., support the current plan. They fear that yielding to the opponents of land-basing would undermine efforts to sustain NATO support for placing new medium-range missiles in Italy, West Germany and Britain.

Mr. Weinberger, among other defense planners and political leaders from both parties, concur that the missile itself is necessary.

A rapid improvement in the accuracy of Soviet missiles, combined with a Soviet advantage in missile size and the number of nuclear warheads each can carry, is considered to have made American land-based missiles vulnerable to attack, officials said. The ability to survive a first strike by the Soviet Union is considered essential to deterring that nation from launching such an attack.

The two other legs of the so-called triad of American nuclear forces are the B-52 bomber fleet and the Polaris and Poseidon missiles carried aboard submarines. Those systems are not considered as reliable or as accurate as the land-based ICBM's, or intercontinental ballistic missiles.

The MX missile was designed to reverse the apparent imbalance by giving the United States a new generation of ICBM's more powerful and more accurate than its predecessors, the liquid-fuel Titan and the solid-fuel Minuteman. The MX was designed to carry 10 to 12 independently targeted warheads rather than the maximum of three that existing missiles can deliver.

NETWORK OF SHELTERS ENVISIONED

To reduce the vulnerability of a land-based missile system, the Defense Department recommended basing the MX in a vast network of shelters in Nevada and Utah. By scattering 200 missiles among 4,600 shelters, the United States would theoretically leave the Soviet Union guessing which shelters contained missiles.

In June 1979, President Carter approved full-scale engineering and development of the missile. Three months later he approved basing the MX in a multiple-shelter system in Utah and Nevada.

The Defense Department estimated the cost at $33.8 billion. Accounting for inflation, the General Accounting Office said it could go as high as $70 billion. Opponents of the plan have predicted that it could go as high as $100 billion.

President Carter's decisions set in motion the military and industrial machinery that is now moving relentlessly toward the shelter system.

Parts of the MX system, such as launching technology, the missile itself and missile guidance, would be affected differently by a Reagan Administration decision to alter the basing, according to Air Force and industry officials.

Clearly, the basing engineering and development work would have to be abandoned if the Administration moved to a sea-based system. The work, involving design of the 4,600 horizontal shelters, a 7,800-mile network of roads connecting them and development of a vehicle to transport the missiles

from shelter to shelter would be useless, they said.

According to the Air Force, roughly 30 percent of the $2.3 billion spent on MX development through the fiscal year 1981, which ends Sept. 30, was earmarked for basing costs.

The Air Force, for example, has contracted with the Boeing Aerospace Corporation for $155 million to design the shelter system.

A shift to basing the missile in vertical silos like those used for the Titan and Minuteman would also preclude use of most of the basing work completed to date, officials said.

LAUNCHING WORK SALVAGEABLE

Launching technology would not be so adversely affected. The current system calls for the MX missile to be ejected from a launching canister by a cold-gas explosion. When the missile is expelled from the canister into the air, the first-stage engine would ignite.

This technology could be transferred with some modification to either a vertical silo system or even to basing at sea, officials said.

The missile itself is reasonably adaptable, according to Air Force officials, though its size precludes many basing options.

The four-stage MX missile, considerably larger than the Minuteman, will weight 190,000 pounds, have a 92-inch diameter, and be capable of delivering a re-entry capsule, including up to 12 warheads, that weigh 7,900 pounds. The comparable "throwweight" of a Minuteman 3 is 2,000 pounds.

Although this size and power would close the gap between American and Soviet missiles, it limits the new missiles' basing modes. The MX, for example, could not fit aboard any current American submarines.

There is little chance of scaling down the missile, officials said, both because its size is considered a critical factor and because development has passed the point at which redesigning is feasible.

The guidance system for the missile was designed for a ground-based system. Officials at Northrop said that a decision to based the missile at sea would require additional guidance equipment.

Taken together, the money, manpower and bureaucratic and corporate interests invested in building the MX missile and basing it on land in a multiple-shelter system create a formidable inertia.

WHICH SERVICE WOULD LOSE

The organization with the most to lost if the missile is based at sea is the Air Force. The Ballistic Missile Office, housed in a windowless former warehouse at Norton Air Force Base in San Bernardino, is a growing bureaucracy these days.

Under the direction of General McCartney, the office now employs 567 officials, divided between military personnel and civilians. Because of turnover and a shortage of engineers in the military, it took General McCartney and his predecessor several years to recruit a sufficient number of qualified people to manage the MX program.

The Ballistic Missile Office, which reports to the Air Force System Command, is broken into 36 divisions responsible for such matters as propulsion, guidance and control, financial management, contract review and safety.

All the financing for the MX program is funneled through the missile office. Its officials are, in turn, responsible for overseeing design, engineering and eventually production.

WORK DIVIDED AMONG TEAMS

Instead of turning the project over to a prime contractor, the missile office has retained control over the program by parceling out the work to corporations itself. Executives from the TRW corporation work with the missile office, helping to oversee its work.

The size of the MX program has strained the resources of the missile office. For example, the division responsible for negotiating contracts for missile development and engineering consists of four contract teams, according to the division head, Donald Robert. Each team has two or three negotiators and one procurement clerk.

These teams are responsible for handling multimillion-dollar contracts. Initially, according to Mr. Robert, the division lacked the manpower and expertise to cope with the volume of contracts generated by the program. He ended up recruiting young people from other military agencies, most of whom lacked experience in missile contracts.

Mr. Robert said that his people were sometimes outnumbered at the bargaining table by corporation executives and lawyers, but he insisted that his office was not at a competitive disadvantage.

As of early March, the missile office had awarded major contracts to more than 30 corporations. The biggest, totaling $588 million, went to Martin Marietta Aerospace in Denver for assembly and testing of the missile.

Other major recipients include: AVCO Systems Division, of Wilmington, Mass., ($175 million for re-entry systems); the Aerojet Strategic Propulsion Company, of Sacramento, Calif., ($152 million for stage 2); GTE Sylvania, of Waltham, Mass., ($325 million for command control and communications); Hercules Inc., of Magna, Utah, ($175 million for stage 3), Rockwell International Autonetics, of Anaheim, Calif., ($389 million for guidance and control); Rockwell International Rocketdyne, of Canoga Park, Calif., ($382 million for stage four); and the Thiokol Corporation, of Brigham City, Utah, ($162 million for stage 1).

When the President eventually approves production of the missile, these companies will receive multibillion-dollar contracts to produce their components.

The business means major expansion for these companies. At Northrop, for example, the company's electronics division holds a $238 million contract from the Air Force to design and engineer an inertial measurement device that will form the heart of the MX guidance system. If the missile is put into production as expected, the company will probably receive close to $1 billion.

David N. Ferguson, general manager of the division, supervises 800 employees working on the project at division office in Hawthorne, Calif., near Los Angeles. Before the MX work is done, he expects to recruit several thousand new employees.

The electronics division plant is being expanded and modified to handle the delicate work, giving the plan the appearance of a small boom town.

To build the guidance device, Northrop must assemble more than 2,100 parts. To get some of these, the company, in turn, has subcontracted with 34 other corporations.

TEST LAUNCHING COMPLEX GROWING

Here at Vandenburg Air Force Base, 170 miles north of Los Angeles, construction crews are working on a test-launching complex for the MX missile. According to Lieut. Col. Dennis Beebe, $85 million will be spent on 15 facilities.

Three of these are rising above the sandy hills on the base, identified by signs that read "MX Construction Area." One of these, a mechanical maintenance facility, would have to be substantially modified if the current basing system is changed. The building will cost $5 million.

Colonel Beebe said that "everything would have to be changed" if the MX's canister launching system was changed to a "hot" launching in which the missile engines fire in the shelter.

Col. Stanley D. Berry, vice commander of the missile office, said that a decision to base the MX in vertical silos would delay opening of the system by a year beyond the projected date of 1986.●

INTRODUCTION OF BIPARTISAN RESOLUTION DISAPPROVING THE SALE OF ARMS TO SAUDI ARABIA.

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. LENT. Mr. Speaker, I have today joined with the gentleman from Maryland (Mr. LONG) in introducing a bipartisan resolution of disapproval in the matter of the sale of additional equipment for the F-15 fighter planes, and the AWACS E-3C sentry planes to Saudi Arabia. We separately introduced identical resolutions on April 27 because of our concern for the security of Israel, and peace and stability in the Middle East. Since that time, the need to block this unfortunate action by the administration has become more apparent because of the deployment of Syrian surface-to-air missiles in Lebanon's Bekaa Valley. The placement of these threating missiles, the subsequent positions taken by the Israeli and Syrian Governments, and the heightening of tension on a global scale provide us with an important lesson as to the instability and political volatility the introduction of new weapons produces in this troubled region.

The balance of power in the Middle East is very fragile, and the introduction of new weapons system, like the Syrian missiles, or an advanced technology like the AWACS E-3CX sentry planes, can do great harm to the balance and stability we try so hard to maintain. This is the lesson of the Lebanon crisis for the United States. The sale of the AWACS and the additional equipment for the F-15 fighter planes will not guarantee the security of Saudi Arabia. On the other hand, if Saudi Arabia does acquire AWACS, the security of Israel is seriously threatened, and it is with good reason that the Israeli people oppose this sale. The delicate balance will be tilted

and stability threatened. No one nation or cause will beneift and all may well lose.

For these reasons, and because of our conviction that this sale will do great harm to the cause of peace in the Middle East, the gentleman from Maryland and I join together in offering this resolution of disapproval because we believe our joint, bipartisan effort will serve as a signal of our resolve and determination in this matter.

We encourage all Members of this House to consider this issue on merit alone. We believe that a hard, objective review of the facts in this case, particularly when considered in the light of recent developments, will lead each to conclude as we have, that this sale is not in the best interest of the United States or any of our allies. Please join us in this important effort to prevent a major foreign policy mistake.●

THE PUBLIC LAND REFORM ACT OF 1981

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. SANTINI. Mr. Speaker, I am proud to again bring the Sagebrush Rebellion to the U.S. House of Representatives as it has been brought recently to the White House. Today I am introducing legislation very similar to the bill I introduced last year, which provides a mechanism for transferring 460 million acres of Western public land back to the States. The bill I propose addresses the longstanding inequity imposed on Western States by Federal ownership of 63 percent of all Western lands. In my home State, Nevada, 87 percent of the State is under the Federal Government's jurisdiction. In some counties, Uncle Sam owns 99 percent of the land. In contrast, the Federal Government averages only about 5 percent ownership in States east of the 100th meridian. This injustice can no longer be tolerated.

Inequity today has its roots in yesterday. Instead of being admitted on an equal footing with the rest of the States in the Union, Congress said that public lands States could not be admitted to statehood unless they gave up all right and title to the vast majority of land within their borders. The price of statehood came very, very high to the West.

My bill would allow for the orderly transfer of Bureau of Land Management lands back to the States. Land transfers would not be automatic, and States would be required to enact laws to insure sound management. National parks, forest lands, wildlife sanctuaries, Indian reservations, and military installations would be exempt from the bill.

I feel that Secretary of Interior Watt's good neighbor policy will be a much-needed relief to the West, and we appreciate his efforts. However, we simply cannot rely on the good will of future administrations to continue his policies.

I urge my colleagues to give this bill careful consideration. Home rule for the West is long overdue. It is morally wrong for Uncle Sam to own one-third of the Nation.●

UNITED STATES NEEDS NATIONAL DAY OF PEACE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. MARKEY. Mr. Speaker, we are now experiencing a period of worldwide turmoil. Conflicts have arisen in Afghanistan, the Middle East, Ireland, El Salvador, and Africa over the last year and half. In these times of turmoil around the world, it is important for Americans, regardless of their personal opinions, to reaffirm the American ideal of peace around the world.

As national pride and spirit are on the upswing and confidence in American ideals is being revitalized, it is important that each American reflect on this country's history of peace and dedication to the preservation of peace.

It is my belief that the establishment of a National Day of Peace would encourage the American people to pause and reflect on the necessity of international peace throughout the world. Not only would the National Day of Peace be a symbol to the American people, but a symbol to the rest of the world as well. Mr. Speaker, in view of the turbulence around the world, I urge your support of the House Joint Resolution to establish a National Day of Peace on August 2, 1981. This day would serve as a reminder to us all of our desire to establish peace among the peoples of the world.●

TRIBUTE TO FATHER RAYMOND WALDRON

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. RINALDO. Mr. Speaker, parishioners and former members of St. Michael's Church in Union, N.J. will honor an extraordinary priest, Father Raymond Waldron, when he celebrates his 30th anniversary as a priest on May 29. The dinner also will be a farewell tribute to Father Waldron, who has been named pastor of St. James R.C. Church in neighboring Springfield.

For 30 years, Father Waldron has labored with good humor, compassion, intelligence, and enthusiasm in the service of God and man. He has earned the respect and affection of many families whose lives he has touched and inspired with a love of Christ, their country, and their fellow man.

A graduate of Seton Hall University, Father Waldron studied for the priesthood at Immaculate Conception Seminary, and was ordained at St. Patrick's Cathedral, Newark, on May 19, 1951. His first assignment was at St. Michael's Church in Jersey City, where his vibrant personality and educational ability motivated the children in the parish school. Like so many other parochial school teachers, he gave his free time after classes to youth work.

Since 1962, Father Waldron has been assigned to St. Michael's Church in Union as assistant pastor. He is the moderator of the Catholic Physicians Guild and Council of Catholic Nurses; chaplain to Court Immaculate Heart of Mary, Catholic Daughters of America; moderator of St. Michael's Home School Association, and the Holy Name Society. He is the dean of Deanery 23, Union County North, and a fourth degree member of the Knights of Columbus. Whether it was working with a boy scout or a member of the Teamsters Union, Father Waldron demonstrated a natural gift for relating to people in all walks of life.

His fellow priests, who know him perhaps better than anyone else after years of working side by side with Father Waldron, have expressed their admiration in the following testimonials:

He has made all of us feel better. He listened to our problems and difficulties. It is encouraging to hear him say that "everything would work out".

He is always available; it is nice to know that we are always welcome. He celebrates Mass in a manner that keeps our devotion alive. He makes us sense the holiness of what we are doing. In confession, he is kind and gentle. He makes us aware of Christ's love for sinners.

He is generous of his time. With those preparing for matrimony, he fills them with hope and optimism about their future lifetime relationship.

He is a tower of strength for those who mourn. It is good for them to know that somebody understands and shares their grief.

Most faithfully, he visits the sick at home and in the hospital. He lets them know that he cares and thinks of them. Teaching the word of God, he makes his listeners feel the beauty and worthwhileness of following Christ's way.

He brings joy and laughter. He is gifted with a tremendous sense of humor and can make us laugh at our own foibles. He is a treasure house of anecdotes and jokes that

make him a most enjoyable master of ceremonies.

He has a touch of class in the way he talks, acts and dresses. He is a gentleman among priests and a priest among men and women. He has a command of the English language.

Every day he does the New York Times crossword puzzle with the greatest of ease. He dresses not with sartorial splendor, but with good taste. When standards of class are waning, he is a constant reminder of the better choice.

Because of what he brings to the priesthood, because of what he gives to the people, because of the leadership he gives to his fellow priests, he was elected the dean of this area.

This is our Father Waldron.

This is the priest we love and admire.

This is the priest that we will miss. No other priest could have done more during 19 years at St. Michael's.

Mr. Speaker, I am happy to join with our pastor, priests, and my fellow parishioners at St. Michael's in Union, N.J., in expressing my friendship and admiration for Father Waldron, and in wishing him many blessings and much success in his new assignment as pastor of St. James' Church.●

HIGHER INTEREST NEEDED ON FEDERAL PHONE LOANS

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. EVANS of Iowa. Mr. Speaker, in an effort to contain the carryover advantage of lower interest Rural Telephone Bank loans at subsidized interest rates, I have introduced H.R. 3604 which permits the Rural Telephone Bank to require any subsidized loan to be paid off or refinanced at a higher rate of interest whenever a small phone company is sold to a large privately held telephone company. Currently, whenever a phone company operating under a subsidized rate of interest is sold the purchasing company is permitted to continue to benefit from the subsidized interest rate on the loan.

This legislation allows the RTB governor to refinance a loan at a higher interest rate or call in the loan if that is in the public interest. The governor would be given such power when a small telephone company is acquired through purchase of stock by a larger telephone company so that control of the company is transferred to the latter.

I feel that providing low-interest loans to small phone companies in rural areas is a reasonable approach to providing service in some parts of the country. However, there is no reason to continue the low-interest rate when a larger company feels the business is lucrative enough for it to take over.

In some cases it has been the low-interest loan that has made a small company attractive. As things now stand, companies can gain control of small telephone operations and at the same time avail themselves of some very cheap money at taxpayers' expense. I think we should hold to the purpose of the RTB and that is not to provide low-interest loans to large telephone companies.●

H.R. 1990: REAPPORTIONMENT AND THE 1980 CENSUS

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. FITHIAN. Mr. Speaker, I rise to discuss the importance of H.R. 1990, a bill to reform the present method of reapportionment. The existing method of equal proportions is both difficult to understand and inherently flawed with a built-in bias toward small States. I recommend that this formula be replaced with a more objective, impartial, and unbiased method of reapportionment—the Hamilton-Vinton method.

Under the Hamilton-Vinton formula each State's population is divided by the "ideal" size congressional district. In 1980 the ideal size is 519,234 which is the U.S. population divided by 435. States with fewer than 519,234 persons receive a seat because of the constitutional requirement that each State have at least one House seat. Each State receives the whole number of seats in its quota plus a fraction indicating the people not covered in its quota. The fractions of all the States are ranked, and the remaining seats are assigned in order of the largest remaining fractions, until all 435 seats are assigned. Some have called this approach the method of highest fractions. The highest fractions used to complete the House could be major or minor fractions (± 0.5).

There are many advantages to the Hamilton-Vinton method. Most importantly, it is a simple, easily understood concept. It honors the "quota" concept more often than do other apportionment methods. This method is not biased toward large or small States, as other formulas are, and has been used for more reapportionments than any other in American history. The method adheres more closely to the spirit of Baker against Carr, "one man, one vote." During the 19th century, two paradoxes were discovered—the Alabama paradox, which is irrelevant if the size of the House remains the same—and the population paradox, which rarely occurs. Under this method of apportionment Indiana and California would gain one seat each, while New Mexico and Montana would lose one seat each.

The merits of the Hamilton-Vinton formula gain importance when one considers the inherent weaknesses of the present formula. The equal proportions method is difficult to understand and based on complicated geometric theory. This method violates the concept of the true "quota" as has been demonstrated in the recent reapportionment of Indiana and California. In the 1980 reapportionment under equal proportions, other States with smaller fractions—Colorado, 5.564; Kansas, 4.552; Nevada, 1.540; Montana, 1.516; New Mexico, 2.504—were all "rounded" up while Indiana, with a larger fraction of 10.574, and California, with 45.584, were "rounded" down. A recent study by M. L. Balinski and H. P. Young concluded that the present method has a built-in bias toward small States of 3.4 percent when computed over the course of 19 censuses. In 1980, however, the present formula exhibited a bias of 7 percent—more than twice the average rate. The use of this method over the next 2 to 3 decades could result in an unfair shift of seats from the larger States in the Northeast and Middle West, such as Michigan and Ohio, to the sparsely populated States of the South and West, such as Nevada and Arkansas.

I urge your support of H.R. 1990. This bill would insure that the Secretary would submit to Congress an annual report on budget outlays and the amount of moneys received as reimbursement for services performed. It would also provide for the Secretary to submit a report to Congress on the accuracy of the decennial census, and a statistical analysis of the social and economic conditions of the American people. A congressional data book would be published setting forth the geographic boundaries of each congressional district and an annual report on the progress of the Bureau in developing techniques to improve the accuracy of the decennial census. The bill also requires that not later than 1 year before the decennial census date, the criteria for determining residency for purposes of counting will be completed, and that the census data be submitted to the various States by March 1, not April 1, so that State legislatures could have more time for redistricting. Under this legislation the Secretary shall maintain, if practicable, the same geographic boundaries. It also requires that the Secretary shall submit a new reapportionment plan by September 30, 1981, using the Hamilton-Vinton formula for the Twentieth Decennial Census and for all subsequent decennial censuses.

I am pleased to submit to our colleagues a copy of this bill as well as a section-by-section analysis. I look forward to your support of this legislation.

H.R. 1990

A bill to amend title 13, United States Code, to require the Secretary of Commerce to prepare certain reports with respect to census activities and the decennial census, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Census Data Reform Act of 1981".

SEC. 2. (a) Subchapter I of chapter 1 of title 13, United States Code, in amended by adding at the end thereof the following:

"§ 16. Annual report

"After the end of each fiscal year, the Secretary shall submit to the Congress a report on the activities of the Secretary carried out under this title during that fiscal year, including a summary of budget outlays and the amount of moneys received as reimbursement for services performed under section 8(b) of this title.".

(b) The table of sections of subchapter I of chapter 1 of such title is amended by adding at the end thereof the following:

"16. Annual report.".

SEC. 3. (a) Section 141 of title 13, United States Code, is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g)(1) As soon as practicable after each decennial census is conducted under subsection (a), the Secretary shall prepare and submit to the Congress—

"(A) a report evaluating the accuracy of that decennial census; and

"(B) a statistical analysis of the social and economic condition of the American people, based on the data collected in that decennial census.

"(2) As soon as practicable after all the States have established congressional districts pursuant to an apportionment of Representatives in Congress which is made on the basis of a decennial census, the Secretary shall publish a document setting forth the geographic boundaries of each such congressional district.

"(3) The Secretary shall submit to the Congress an annual report on the progress of the Bureau in developing techniques to improve the accuracy of the decennial census.".

(b) Such section 141 is further amended in subsection (f)—

(1) in paragraph (2) by striking out "and" after the semicolon;

(2) in paragraph (b) by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(4) with respect to the decennial census, not later than one year before the decennial census date, the criteria which will be applied to determine the residency of persons for purposes of counting those persons in the decennial census.".

(c) In order to maintain consistency when comparing and interpreting data gathered in successive decennial censuses conducted pursuant to section 141 of title 13, United States Code, the Secretary of Commerce, to the extent practicable, should define in the same manner, with the same geographic boundaries, any geographic unit established by the Secretary for purposes of conducting any decennial census as was defined for purposes of the preceding decennial census.

(d) Section 141 of title 13, United States Code, is further amended in the last sentence of subsection (c)—

(1) by striking out "one year" and inserting in lieu thereof "11 months"; and

(2) by inserting after "respective State" the following: ", and to the committees in Congress having legislative jurisdiction over the census,".

(e) Section 141(b) of such title is further amended—

(1) by inserting "(1)" immediately after "(b)"; and

(2) by adding at the end thereof the following:

"(2) Not later than September 30, 1981, in the case of the twentieth decennial census, and, in the case of each subsequent decennial census, on the first day, or within one week thereafter, of the first regular session of the One hundred and second Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the total population in each State, excluding Indians not taxed, in accordance with the tabulation reported by the Secretary pursuant to paragraph (1) of this subsection, and showing the number of Representatives in Congress to which each State would be entitled under an apportionment of the then existing number of Representatives by the Hamilton-Vinton formula, no State to receive less than one Member. For purposes of this paragraph, 'Hamilton-Vinton formula' means the method of apportionment, as applied to 435 seats in the House of Representatives, which is set forth in section 25 of the Act entitled 'An Act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the Members of the House of Representatives, and provide for their future apportionment among the several States', approved May 23, 1850.".

SEC. 4. (a) Section 22 of the Act of June 18, 1929 (2 U.S.C. 2a) is amended—

(1) by striking out subsection (a); and

(2) in subsection (b)—

(A) by striking out "Eighty-third" and inserting in lieu thereof "Ninety-eighth";

(B) by striking out "under this section or subsequent statute" and inserting in lieu thereof "under section 141(b)(2) of title 13, United States Code";

(C) by striking out "subsection (a) of this section" and inserting in lieu thereof "such section"; and

(D) by striking out "under this section" and inserting in lieu thereof "under this subsection".

(b) Section 2 of the Act of November 15, 1941 (2 U.S.C. 2b), is repealed.

(c) The second paragraph (relating to congressional redistricting) of the Act of December 14, 1967 (2 U.S.C. 2c), is amended—

(1) by striking out "Ninety-first" each place it appears and inserting in lieu thereof "Ninety-eighth"; and

(2) by striking out "subsection (a)" and all that follows through "as amended," and inserting in lieu thereof "section 141(b)(2) of title 13, United States Code,".

CENSUS DATA REFORM ACT OF 1981—SECTION-BY-SECTION ANALYSIS

Section 2. The Secretary shall submit to Congress an annual report on budget outlays and the amount of moneys received as reimbursement for services performed.

Section 3. Amendments to section 141 of title 13:

(1) Inserts a new subsection (g) requiring the Secretary to submit a report to Congress on the accuracy of the decennial census, and a statistical analysis of the social and economic conditions of the American people.

(2) Requires that the Secretary shall publish a Congressional Data Book setting forth the geographic boundaries of each congressional district.

(3) Requires that the Secretary submit to the Congress an annual report on the progress of the Bureau in developing techniques to improve the accuracy of the decennial census.

(4) Requires that not later than one year before the decennial census date, the criteria for determining residency for purposes of counting will be completed.

(5) Requires that the Secretary shall maintain, if practicable, the same geographic boundaries and geographic units.

(6) Requires that the census data be submitted to the various states by March 1, not April 1, so that state legislatures have more time for redistricting.

(7) Requires that Secretary shall submit a new reapportionment plan by September 30, 1981 using the Hamilton-Vinton formula (for the 20th decennial census), and for all subsequent decennial censuses. This subsection defines the Hamilton-Vinton formula.

Section 4. Amend section 22 of Title 2 by striking out the use of the present formula of equal proportions, and makes subsequent technical changes required to implement this shift.●

SAN PEDRO JAYCEES HONOR OUTGOING HONORARY MAYOR VINCE J. TRUDNICH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. ANDERSON. Mr. Speaker, on May 28, 1981, the San Pedro, Calif., Jaycees will honor a longtime and outstanding leader of the Los Angeles Harbor area, former Honorary Mayor Vince J. Trudnich.

Vince was born and raised in San Pedro, and has remained so local that the house he was born in is right across the street from his present business office. After attending San Pedro High School, he entered the U.S. Air Force, where he rose to the rank of staff sergeant. He married the former Lillie Mattlock in 1954, and soon after began attending courses at the University of California at Los Angeles. This education laid the foundation for an eventual career in real estate.

Vince has always had a love for his community, as is evidenced by his selfless commitment to over a dozen organizations including the Jaycees, the Retarded Children's Foundation, the Lions Club, the Elks Club, and the Boys Club. His love for young people led to his membership in the Boy Scouts of America before he even had a son. He joined the Yugoslav-American Club, where his father, Jack, was one of the charter members, because of his deep love of the customs, music, and friendship he had come to know at the Club's hall.

Vince's most unique quality is his ability to get along with people. He has an understanding for the concerns of a diverse and multiethnic communi-

ty that makes people reach out to him. But it is Vince who is the true giver: As his son puts it, "Dad, you spoil everybody."

A man who has been asked many times to run for public office, Vince has preferred his involvement with the many clubs to the sometimes confining structure of elective office. But he has been in every sense a leader, and the harbor area is lucky to receive his civic contribution.

Mr. Speaker, Vince's life has been like his love for gardening. Over the years, hard work has paid off, and many have shared in the fruits of his labor. His devotion to the growth of San Pedro clearly makes him most worthy of this occasion in his honor.

My wife, Lee, joins me in wishing continued success for Vince, his wife Lillie, and their children James, Larry David, and Mark.●

TURN THE COURTS AROUND

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. HUBBARD. Mr. Speaker, since the tragic attempted assassination of President Reagan, the debate over the merits of gun control has taken on increased impetus thoughout the Nation and in the Halls of Congress. Mr. Lloyd E. McKinney of Calvert City, Ky., a city that I represent in Congress, has written a very timely and thoughtful letter on the subject of gun control. Mr. McKinney and I agree that efforts should be made to strengthen our court system to deal with those who use guns in the commission of a crime, but it would be unconstitutional to further limit law abiding citizens from having guns to protect and defend themselves. I feel Mr. McKinney's letter is one which should be shared with my colleagues and I wish to do so at this time.

CONGRESSMAN HUBBARD: I would like to comment on gun control, a very controversial subject since the attempted assassination of President Reagan. The news media has continually aired different opinions pro and con on this subject. My firm conviction is gun control would be acceptable if we had no other alternative.

But, we do need a complete turnaround of all our courts, judges, and attorneys, so this lawless merry-go-round can be stopped. First, we have the police officer who arrests the law breaker. Then the law breaker receives an attorney appointed by the court who, in turn, gets him off free of any charges because of some technical detail completely above the comprehension of the average citizen. And around and around it goes!

I cannot even begin to count the times I have read in the newspapers of criminals being set free because they are insane, paroled, or not even convicted, and then return to the streets to commit the same crime again.

Congressman Hubbard, can you please tell me what we must do to turn our courts around so that the law abiding citizen will be protected from the lawlessness of our courts and judges in our nation?

Furthermore, on gun control, I feel the issue is quite clear. The enforcement of gun control would only be seen as another coercive act of the federal government, therefore, probably rejected by most American citizens.

To conclude, I would like to thank you for your time. And I hope and pray that you and your staff will support every opportunity to turn our courts around so that stiffer penalties are implemented and enforced against the criminal.

Thank you,

LLOYD E. MCKINNEY,
Calvert City, Ky.●

TRIBUTE TO TEXAS TRAIL BLAZERS OF CUERO, TEX.

HON. ABRAHAM KAZEN, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. KAZEN. Mr. Speaker, this coming Sunday, May 24, has been proclaimed Texas Trail Blazers Day by Hon. Ben Prause, mayor of the city of Cuero, Tex. The day might have been proclaimed as American Youth Day, for the young people of the Texas Trail Blazers symbolize the very best of the younger generation of American citizens.

The measure of the group's success is that it will receive the George Washington Honor Medal from the Freedoms Foundation at Valley Forge during ceremonies next Sunday in Cuero. This signifies that the Trail Blazers is 1 of the 10 most outstanding youth organizations in the United States.

The group was organized in 1976 by John C. Hamilton of Cuero, a member of the National Committee of the Boy Scouts, who decided that the best way to attract young men and women in our area of Texas to community service was through horsemanship.

Since they began, they have been very active in their community. They sponsor an annual summer youth trail ride and an annual city-wide Halloween Carnival for all the youth of the area; they assisted various civil defense officials during Hurricane Allen last summer; they sing Christmas carols for the elderly and give horseback and buggy rides to the mentally and physically handicapped; they organized a 100-mile hike to San Antonio during the Bicentennial, and they are the official turkey racers and handlers in the annual Cuero Turkey Trot Races.

Mayor Prause has called them Cuero's good will ambassadors. I believe they are also America's youth good will ambassadors. We all take pride in their accomplishments and wish them continued success in service to others.●

ISRAEL'S 33D ANNIVERSARY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. SMITH of New Jersey. Mr. Speaker, Israel has just finished celebrating its 33d anniversary as a nation. The Israelis have confounded all the doomsayers and pessimists who predicted the Jewish State would be swept into the sea long ago.

The modern State of Israel is a nation having no parallel in any time. There must be a special blessing of God on a people who recreate a nation after 2,000 years. When modern Israel was proclaimed on May 15, 1948, it was the first Jewish commonwealth to exist since the days of the Maccabees.

Several events brought this nation back into being. One was the Zionist movement, which came into being as a result of the European antisemitism that flourished after the Dreyfus case. Theodore Hertzl saw the public degradation of Alfred Dreyfus; he was horrified at the crowd that screamed "Down with the Jews." This led him to found the Zionist movement, to seek the creation of a Jewish homeland.

Another major event in the history of Israel's creation was the Holocaust, the greatest horror of this century. Suddenly the world found that 6 million men, women, and children had been murdered, not for crimes, but just for their race and religion. A great impetus was given the struggle to create a Jewish homeland.

Israel embodies the essentials of our Judeo-Christian civilization. With Lebanon caught up in civil war, Israel is the sole democracy in the Middle East. Alone among these nations Israel has a free press, free elections, and independent judiciary, and a democratically elected government. We have a great deal in common with Israel.

But Israel is more than that. The Israelis are our firm allies. They maintain their own defense. They have been willing to allow the United States to use Israeli territory to station our naval and air forces, if we wish to.

In a region of great instability, the Israelis have maintained a stable society and government. We are not faced with the violability that afflicts so much of the Islamic world—the violability that overthrew the Shah and may undermine the Saudi royal house. Israel is not threatened by coups or street violence, nor do we fear the Israelis switching sides.

Our commitment to Israel is a firm one. It is the commitment Americans

have to free societies all over the world.

Israel is faced today with many challenges. Yet we must know full well that Israel is not at the center of our problems in the Middle East.

There are many conflicts in the Middle East that have nothing to do with Israel. Iran and Iraq are not fighting because of Israel. Soviet and satellite troops are not in South Yemen because of Israel. Oman is not in danger of Soviet aggression because of Israel. The threat to Saudi Arabia has nothing to do with Israel.

Were Israel to disappear tomorrow—were the Palestinian problem to be solved—in that way, there would still be tensions in the Middle East.

This Nation will not establish respect or inspire confidence by betraying an ally. I hope we have learned that lesson.

Mr. Speaker, all of us wish Israel the greatest of blessings on this anniversary. We hope for many more years in which we can offer Israel our congratulations on its independence day. Knowing the strength and will of Israel's people, I have no doubt of her continued prosperity.●

PIKESVILLE STUDENTS VISIT CAPITOL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. LONG of Maryland. Mr. Speaker, on Friday, May 15, six young men and women from the Sudbrook Middle School in Pikesville, Md., journeyed to Washington for a firsthand look at their Nation's Capital as part of their studies of American Government.

These students, led by their teacher, Ms. Donna Sener, toured the Capitol Building, and visited my office.

I am delighted they have taken an interest in our Nation's political process, and hope their interest will continue.

Students who visited us Friday are: Darryl Gould, Floyd Brown, Carlos Callier, Anthony Holman, Michelle Everett, and LaChara Green.●

TAX BRACKET CREEP

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. RITTER. Mr. Speaker, shortly we will be engaged in debate over the President's tax reform proposals. Many opponents of income tax rate reductions claim they are inflationary. However, if we closely look at what these rate reductions mean to the average American wage earner, we clearly see these reductions only begin to offset past and future tax increases due to tax bracket creep.

Mr. Ernest Conine, in an editorial column for the Bethlehem Globe-Times, articulates a sound defense for the President's tax package. I urge my colleagues to carefully review the arguments posed by Mr. Conine as background for the coming debate.

[From the Bethlehem Globe-Times]

DEALING WITH BRACKET CREEP

(By Ernest Conine)

The Department of Labor reported the other day that an urban family of four that had an income of a little over $20,000 in 1979 needed over $23,000 last year to maintain the same intermediate standard of living.

Everything in the family budget cost more, of course. But the largest single increase in living costs for this average family was, the 25 percent jump in federal and state income taxes.

Now that members of Congress are streaming back into Washington from the Easter recess, the House Ways and Means Committee is about ready to begin drafting a tax bill.

That bill will almost certainly call for a "tax cut," but one smaller than the 10 percent across-the-board reduction proposed by President Reagan for each of the next three years.

But even if the Reagan plan was enacted as proposed, it would do little more than offset the bracket creep cited by Department of Labor. Most people would still find themselves paying out about the same proportion of their paychecks to the tax collector as they did a year earlier. Some middle-income Americans would actually pay a higher percentage.

If he keeps these realities in mind, the average citizen won't have to come down with a guilt complex over the modest, deceptively labled tax cut likely to emerge from Congress this year.

Ronald Reagan campaigned on a promise to cut personal income taxes by 10 percent in each of the next three years. But most economists, in a refrain that was quickly picked up by the Democrats, warned that personal income tax reductions of that magnitude would be dangerously inflationary.

If people get a break in their personal income taxes, it was explained, they would only spend the money instead of saving it. That would feed inflation while holding down the amount of money available for investment in the new equipment and technology that U.S. industry needs to regain its competitive standing in the world.

For anyone who is not burdened with a Ph. D. in economics, it is a little hard to understand why a tax cut that would leave most Americans with no more buying power than a year earlier would be inflationary.

But, no, that sort of thinking is out of style among mainstream economists. They argue that a tax reduction would offset the anti-inflationary benefits of prospective cuts in government spending an perpetuate high interest rates.

Maybe they are right. Certainly inflation is the No. 1 enemy of the American people right now, and controlling it is far more important than an ephemeral tax cut.

But it wasn't tax cuts that created double-digit inflation, and the evidence is far from clear that allowing effective income-tax rates to creep up and up without relief will help get us out of it.

It's sobering to look at what will happen to the average family if the tax laws remain as they are.

According to federal data compiled by Business Week, a family with an income of $30,000 now pays out 18.3 percent of those earnings for federal income taxes and Social Security. Assuming continued inflation and no tax relief, the effective tax rate will increase to 22.5 percent in 1984.

For a family in the $10,000 bracket, the tax burden will jump from 9.9 percent to 13.9 percent in the same period. For the $50,000-a-year family, the increase is from 21.8 percent to 26.8 percent.

If you look at the so-called marginal tax rate, the picture is even more dismal.

The marginal tax rate is the rate applied to the raise that you get or the extra pay that you receive for working overtime or on a second job. The higher the income, the higher the marginal tax rate, whether or not the extra income outpaces inflation.

In 1970 the marginal tax rate on a person earning $20,000 a year was 25 percent. That same person, if his pay increases have barely kept up with inflation, now pays a marginal tax rate of 37 percent.

By 1984, under present law, the same fellow will pay 49 percent tax on each extra dollar of income, even if the purchasing power of his paycheck is no greater than when he was earning $20,000 a year in 1970.●

CUBAN INDEPENDENCE DAY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. FASCELL. Mr. Speaker, 79 years ago the Cuban flag was proudly hoisted over a new nation, born of the ideals of such patriots as Jose Marti, Maximo Gomez, and Antonio Maceo, and reflective of the dream of independence shared by a proud and tenacious people for generations. This month again marks the anniversary of Cuba's triumph over Spain and its establishment as one of the world's free nations.

Independence was not easily gained. It was earned by the struggle and sacrifice of many Cuban people over a period of more than 30 years. The raising of the flag over Morro Castle, in Havana, was a stirring expression of the Cuban people,'s deep commitment to the principles of individual liberty and democratic government.

Never has it been so important to remember this anniversary and its meaning for the Cuban people, and indeed the free world. Hardly a day passes without further evidence of Fidel Castro's blatant attempts to undermine and destroy countries in the Caribbean and in Africa. The alliance of the Castro government with the principles of world domination espoused by the Soviet Union is a threat to national integrity around the globe.

Perhaps a more grievous crime is the open hostility of the Cuban Commu-

nist regime to the principles of human dignity and individual self-determination. This was seen dramatically just 1 year ago when thousands of Cuban nationals poured out of their country in stunning testimony to political and personal repression exercised by the Castro government. Just recently, a group of these refugees who tried to return to their families was maliciously set adrift by Castro without any provisions or apparent concern for human life. Most of them eventually were lost at sea.

Even in light of these horrors, the legacy of Marti and the thousands of Cuban patriots of 1902 lives on. The heritage of freedom, individual liberty and dignity is still seen in the Cuban people, so many of whom have had to forsake their native land to escape the tyranny of a government that exists as a direct threat to this heritage. Despite the efforts of Fidel Castro to bury the promise and the hope so kindled by the victory of the Cuban partiots 79 years ago, the future of the Cuban nation is kept alive in the hearts of her people. I join in saluting them today.●

WELCOME TO IOSIF MENDELEVICH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. DERWINSKI. Mr. Speaker, I am pleased to join with my colleagues in welcoming Iosif Mendelevich. For the more than 10 years that he was a prisoner in the Soviet prisons and forced labor camps, Mr. Mendelevich did not lose faith in his dream to one day enjoy the freedoms of his beloved homeland of Israel. Now it is a special honor for us to pay tribute to him on his visit to our country.

Iosif Mendelevich had the fortitude and perseverance to stand up to Soviet authorities in his efforts to gain his religious and political freedoms. Mr. Mendelevich was a key member of a group of Soviet Prisoners of Conscience who affixed their signatures to a document to draw attention to the tragic situation of the Jews in the U.S.S.R., in which they plotted to escape the country by airplane. Although this scheme failed, Mendelevich was the last of these Jewish conspirators to be released.

Mendelevich's religious fervor helped Mendelevich to live through his 12-year ordeal, and gave him added strength to speak out on behalf of the thousands of other Soviet Jews who remain separated from their families and relatives in Israel. Iosif Mendelevich stands as a symbol of an individual who made the world realize the many Soviet injustices—religious persecution, denial of freedom of speech, denial of freedom of press, denial of freedom of movement.

It is important that we emphasize the case of one outstanding victim who has escaped from Soviet captivity, but we must realize that there are many, many millions of people in the U.S.S.R. who are victimized day after day. The continued incarceration of Vladimir Kislik, who along with thousands of other Soviet Jews, was arrested on "hooliganism" charges and remains imprisoned in Kiev. The future of this courageous dissident is very bleak.

Expressions of concern are an important part of the effort to obtain the release of Vladimir Kislik and others who remain unjustly incarcerated for their yearning to exercise their right to choose Israel as their country of residence. This special order keeps the spotlight on our disapproval of the actions of the Soviet authorities, and reminds them that this most fundamental concern for Soviet Jews will not go away. We must continue to register our complaints against such injustices that exist in the U.S.S.R. and other countries held captive under Soviet rule. Today, we also pay tribute to the faith and courage of all Soviet Jews, whose uncompromising quest for freedom continues, despite threats, harassment, and brutal reprisals.

As we recall Iosif Mendelevich's courageous struggle, let us rededicate ourselves to the commitment of human liberty for Vladimir Kislik and all those held captive in the Soviet Union and throughout the world.●

CUTS THAT CRUSH HOPE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. CLAY. Mr. Speaker, today the House has taken action on the Federal budget for the 1982 fiscal year. I have already argued against the administration's budget plan because of its impact on vital social and domestic programs. I would like to take this opportunity to call special attention to the reduced appropriations for the National Endowment for the Arts and the National Endowment for the Humanities. In response to less public support, it can be expected that arts organizations will be forced to raise ticket prices, reduce free museum admissions and cancel special programs for the elderly, the young, and the disadvantaged. Middle-income earners will have less to do with the arts, and the rich, will be least affected. The administration appears to have left no stone unturned in their efforts to save pennies at the expense of the poor in our society.

Below are two editorials which recently appeared in the St. Louis Post Dispatch. I commend them to my colleagues as they spell out why there is no need to reduce Federal spending on the arts, and how this action will accomplish no good for our Nation.

CUTS THAT CRUSH HOPE

One of the results of the Reagan administration's push to slash by half the budgets for the Endowments for the Arts and for the Humanities is likely to be a prolonged dispute over what constitutes arts and humanities, and in this the proven artists, scholars and institutions will suffer less than those who might someday contribute to art and scholarship.

The great orchestras, museums and research institutions will continue to receive some assistance, as they should, for they set the standards for the nation's arts and humanities. But with less federal aid to go around, the losers will be the struggling smaller institutions and the artists and scholars who have not made a name for themselves, as well as the school programs that start children into music, the dance, plastic arts, writing and scholarship. And there will be losers in the ghettos where black and Hispanic art of varied distinction screams in often valid protest about the conditions of society.

Nobody now can tell whether those institutions, children or artists will ever reach a high plane of achievement. Perhaps nobody ever will know if the administration, in seeking to reduce the small funds given to such matters, is allowed to impose what it calls stricter "professional" standards. In order to reduce federal costs, it is taking sides in an old argument about artistic quality. But it also is reducing the opportunities to achieve quality. After the demonstrable achievements of federal assistance, that is the wrong code for government to play.

THE REAGAN REVOLUTION: COUNTER-REVOLUTION FOR THE ARTS

What we have called the Reagan Revolution, for its fiscal cutbacks in public services, comes close to a counterrevolution in the field of the arts and humanities. A burst of recent progress in federal assistance is threatened with a heavy-handed reverse.

The two National Endowments for the Arts and for the Humanities were created by Congress in 1965, marking the first time that the federal government in this country, in contrast with most in Europe, took an active role in helping to promote the nation's cultural interests. A Republican president, Richard Nixon, succeeded in getting the first big increases in funds—from $8 million for 1970 to $30 million for 1972. And as the programs enriched American life, they were expanded. For 1982 President Carter suggested $173 million for the arts and $165 million for the humanities, or a total of $338 million.

Now President Reagan wants to cut that figure to $172 million, or nearly in half. At the same time, he suggests reducing the budget for the Corporation for Public Broadcasting by a quarter, closing the valuable Institute for Museum Services, founded only four years ago, and eliminating some programs of the National Science Foundation.

The arts, humanities and sciences might be expected to bear a fair share of Mr. Reagan's budget-cutting effort, but 50 percent

cuts? What other agencies are targeted for such sharp reductions?

In recommending these lower amounts, the Office of Management and Budget advanced the idea of fighting inflation. Yet the sums taken from the arts and humanities would amount to only about one-tenth of 1 percent of the projected 1982 federal deficit. Their contribution to reducing inflation would be miniscule.

The OMB also contended that government support for the arts dries up private and corporate funding. That is totally untrue. American business increased its support of the arts from $21 million in 1965 to $469 million last year, partly in answer to the endowment's challenge to match federal grants. And OMB's other contention that corporations would take up the slack in governmental support certainly contradicts the record of corporate giving and also ignores the present discouraging effect of the sluggish economy on corporate donations.

Moreover, cutting federal spending on the humanities and arts will reverberate throughout the states, to which 20 percent of the federal funds go. The Missouri Arts Council, for example, may lose more than $300,000 of its state appropriation in the next fiscal year because of Missouri's precarious fiscal condition. Must it also lose half of its anticipated $442,577 federal grant? The effect would be serious for the St. Louis Symphony, Opera Theatre and Repertory Theatre here, and massive for other institutions in the state that have less private funding.

The fact of the matter is that federal funding for the arts and humanities has been a dramatic success; cultural organizations have grown, and so have the numbers of participants and audiences. More Americans are attending more theaters, concerts, museums and so on than ever before. This happened because the federal government finally recognized, as other nations had long ago, that private patronage by itself was no longer enough. And that was a real revolution in American attitudes.

Even so, where France spends $1.83 per capita on the arts and Britain spends $3.60, the United States spends 74 cents. That small sum hardly invites a drastic slash. The arts and humanities no doubt must share in efforts to reduce the budget, but Congress should insist on a more moderate reduction.●

COAST GUARD USER FEES

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. JONES of North Carolina. Mr. Speaker, one of the actions assumed by the reconciliation instructions in the conference report raises the most serious problems for the Committee on Merchant Marine and Fisheries and for the Congress. I wish to draw the attention of this body to the problem because I believe it will be of interest and concern to members of all other authorizing committees as well.

The conference report directs the Merchant Marine and Fisheries Committee not just to cut existing programs but it also assumes enactment of an entirely new law, one that will assess user fees for a variety of services the Coast Guard provides.

I question the authority of the Budget Committees to expect an authorizing committee to report legislation enacting a new program as part of the reconciliation process. I do not believe the authors of the Budget Act envisioned this kind of reconciliation action. I cannot find it provided for within the Budget Act nor included within the range of reconciliation actions contemplated by its legislative history. This has never been expected of any authorizing committee in the past and, to the best of my knowledge, it is not being requested of any other committee this year.

Very simply, reconciliation is intended to be used to curtail existing programs, not to create new programs.

The issue is not whether to consider user fees. At this minute the Coast Guard Subcommittee is holding a hearing on this subject—a hearing that had been scheduled long ago. We are addressing this issue not avoiding it. But full and proper consideration of user fees will be complicated and controversial. There is no way that the Merchant Marine and Fisheries Committee can draft, refine, and report out this bill by June 12, just a little over 3 weeks from today.

Incidentally, the Gramm-Latta budget proposal which was adopted by the House just a few days ago, did not contemplate Coast Guard user fees as part of the reconciliation process. This provision was contained in the Senate version and accepted by the conferees thus, up until today, the House has had no opportunity to consider the wisdom of imposing Coast Guard user fees as part of its reconciliation bill.

Legislation that is hastily drafted and hastily approved is likely to be bad legislation. It is likely to create more problems for the Congress and the public than it solves.

Including the establishment of Coast Guard user fees within reconciliation is a mistake. It is dangerous, unprecedented, and wrong.●

WOMEN OF ACHIEVEMENT—SYRACUSE, N.Y.

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. WORTLEY. Mr. Speaker, it is with the greatest of pleasure that I ask my colleagues to direct their attention for the next couple of minutes to the contributions of the women of achievement from Syracuse, N.Y. There are 10 of them—each very different from the other; but each has in common the desire to reach out to the community with helping hands.

Gladys McElroy, a lay minister of the Tucker Missionary Baptist Church, works full time at the cooperative extension as a supervising staff aide. In addition, she is president of the Visiting Nurses Association, secretary of the Transitional Living Services, and a board member of Home-Aides of Central New York. But perhaps most interesting is that Gladys McElroy does all this on top of caring for her seven children.

Lois Stuber Spitzer's parents, Dr. Stanley and Helen Stuber, instilled in her early in life a duty to human rights and an interest in the United Nations. As chairman of the Central New York UNICEF Committee in 1979, Lois headed the Year of the Child locally and worked to inform groups throughout the region about the plight of children around the world. Children closer to home have benefited from her efforts, too. Under her guidance on the board of the First Baptist Child Developmental Center, the center was the first day care facility in the city to volunteer to accept children with special needs. She is an active member of the First Baptist Church and serves on the church's board of Christian Education which assists the pastor in the worship service.

Thank heavens for Ann Biesemeyer or what else would Girl Scout cookie lovers do? For 23 years. Ann has been a leader of the Girl Scouts. As district chairwoman, a member of the Girl Scout Council Board and trainer of leaders, she has left her mark in the community. She has also put in 17 years of work with the student exchange program, the American Field Service.

Mrs. Deeds at Carrier Foundation—Patricia Gonzales, vice president of the Carrier Foundation, has the job of giving away $1.2 million annually to nonprofit organizations. Patricia Gonzales also was elected mayor of the village of Phoenix—the first woman to hold that post.

"A one-woman welcome wagon" is an apt description of Eunice Aikman, who is usually accompanied by her homemade peach marmalade or a casserole. Besides spreading Central New York good cooking around the neighborhood, Eunice Aikman has been involved with the New York State and Onondaga County Medical Society auxiliaries and the Girl Scouts.

Dr. Marie Blackman knows everything you would ever want to know about children since she is chief of pediatrics at Crouse Irving Memorial Hospital and chief of pediatric cardiology at the Upstate Medical Center. She has also developed an extensive pediatric cardiology research program at Upstate and established a fellowship for doctors.

Patricia Howard is the kind of teacher all parents wish their children could learn from. During her 4 years as prin-

cipal at Edward Smith Elementary School, Patricia Howard has been instrumental in developing a program for gifted children, a resource center for students and a learning disabilities team that has become a model for Syracuse city schools.

One of the six women in the United States to head a university press, Arpena Mesrobian is director and editor of the Syracuse University Press. Involved in both scholastic affairs and the community, she is acting as president of the Syracuse chapter of the Armenian Relief Society, and serves on the board of the Armenian Review.

The Florence Nightingale of Cazenovia, Orlette Vadeboncoeur worked in the victory center during World War II. Her philanthropic career includes being chairman of the women's division of the Community Chest, now the United Way; fundraiser for Van Duyn for almost 32 years; last year's chairman of Corinthian Club dinner which raised $10,000; chairman of the tribute to Margot Northrup which raised $100,000 for the Crouse-Irving Memorial Foundation; life member of the Community General Hospital Auxiliary; and life member of the Syracuse Boys' Club. She is indeed an alltime woman of achievement.

Ida Benderson's first career was spent at the Syracuse University library; her second career began in 1964 when she became director of adult and senior activities at the Jewish Community Center. Ida Benderson's activities have also included involvement with community development, the nurses' association, libraries, and religious classes at the temple. For her lifetime of contribution, the Ida Benderson Senior Center was given her name in 1975. Ida Benderson is an alltime woman of achievement.

I trust my colleagues will join me in saluting the myriad contributions these 10 women have made to the 32d Congressional District of New York. They have been recognized at home, but I wanted to share the personal histories of these women, a national treasure in their own right, with you today.●

DR. TEMPLE HONORED BY SICKLE CELL ORGANIZATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. BROWN of California. Mr. Speaker, I wish to share the inspiring story of Ruth Temple, M.D., who will be honored by the Sickle Cell Organization of Inland Counties, on May 23, 1981.

Ruth Temple moved to southern California when she was 10 years old. She graduated from Loma Linda University School of Medicine in 1918. At Loma Linda University there were several professors who made an impact on her and through her schooling she came to look upon healing as an actual ministry.

Following graduation, she joined the staff of Los Angeles City Health Department. Working in the city's poorer areas, she was the first black woman to practice medicine in the city of Los Angeles. From that experience she saw a desperate need for a program to educate the people of southeast Los Angeles in health concepts. With her husband, Otis Banks, she opened a small health clinic to attend to people's immediate physical needs and help them help themselves.

Dr. Temple began a health-study club with addresses by visiting professionals on hygiene, nutrition, family health, alcoholism, was held each month. Through the success of her clinic and health programs, Dr. Temple convinced the city fathers to sponsor a city health clinic in the southeast area of Los Angeles.

Later, Dr. Temple was appointed district health officer for the city of Los Angeles. Soon after, she left for Yale to study public health. Returning to Los Angeles as assistant city health officer, Dr. Temple expanded her health club idea to include a 9-block area around White Memorial Hospital, developing 17 health-study groups. She also coordinated continuing education classes on health for more than 250 teachers who spread the health programs to more than 11,000 students and adults.

In 1962 Dr. Temple became director of health services for the Southern California Conference of Seventh Day Adventists. From there, she began work with the Total Health Program and Community Health Association. Dr. Temple is still going strong at 88 years old, lecturing around the world for the cause of health.

Following Dr. Temple's inspired lead, I have recently formed a committee of health and nonhealth community leaders whose purpose will be to coordinate and focus the entire district's efforts in the area of health education. In this way it may be possible to extend and maintain the work begun by Dr. Temple and insure that those needing health services combine to receive them.

It is with great appreciation and admiration that I commend Dr. Temple for her dedication to health services and health education. This inspiring leader in the field of health care is a living example of God's message of love who has proven that healing truly is an actual ministry.●

TRIBUTE TO VINCENT F. ALBANO

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. GREEN. Mr. Speaker, I would like a moment to express my deep sadness and sense of loss at the passing last week of a New York City political figure who has left an indelible mark upon the careers of many elected and appointed officials of all major political parties.

I speak of the death, last week, of Vincent F. Albano, for two decades the chairman of the Manhattan Republican Party.

Mr. Albano was an ardent partisan leader when necessary, but his first concern throughout his 66 years was for the people and the city of New York. During a subway strike, for example, he organized free car service for senior citizens. When residents of the Tudor City apartment complex faced loss of their parkland, Vince fought to help preserve their parks.

In the political arena, Vincent Albano provided unique leadership, with party labels a secondary concern. He was the son of a Democratic party leader, but he became a Republican. He endorsed former Congressman John Lindsay for mayor of New York when Lindsay was on the Liberal Party line. This week, just before his death, Vince voted to have his local Republican organization endorse Mayor Ed Koch, a Democrat, for reelection.

It is able, vibrant people such as Vincent Albano that have made our country's political system strong and resilient. We shall miss him.●

DR. MILO JOHNSON RETIRES FROM PRESIDENCY OF MOUNT SAN JACINTO COMMUNITY COLLEGE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. LEWIS. Mr. Speaker, on May 29, the Mount San Jacinto Community College will hold a reception honoring Dr. Milo Johnson on the occasion of his retirement. He is the first president of the college and during his 18-year tenure has built it into a most respected educational institution. I am delighted to have the opportunity to join his many friends and admirers in wishing him well on this occasion.

Mount San Jacinto is not the first community college Dr. Johnson has founded. In fact, he was the first administrator of the Santa Monica City

College during the years 1942 to 1960. Upon leaving that post, he became the founder and first president of the Imperial Valley College, a position he held until 1963. At both Imperial Valley and Mount San Jacinto Colleges he was faced with the task of beginning a totally new institution. He pioneered the use of the lease-purchase of buildings and private sales of building bonds to accomplish that goal. Over the past almost 20 years, he has built Mount San Jacinto into an excellent educational plant.

Dr. Johnson is a respected leader within the California community college system. He served as chairman of the Committee on Instruction for the California Junior College Association from 1968 to 1972 and as president of region 9 of that association during 1972.

Neither has he been laggard about sharing his expertise with others in his field. He has participated in seminars and summer and extension class programs at several branches of the University of California, Los Angeles State College, the University of Ohio, and the University of Maryland. He has also coauthored several publications including "Polysensory Learning Through Multi Media," "Accountability in Occupational Education," and "Community College Management by Objectives." These represent truly major contributions from an educator who was, at the same time, working to build his own institution from the ground up.

During my tenure in the California Legislature and then in the Congress, I have had the opportunity to work with Dr. Johnson on a number of occasions. I have always found him both knowledgeable and able to translate his expertise into terms understandable to the layman. I am pleased to be able to wish him well on his retirement and want to express my hope that he will continue his many contributions to our community. We can ill afford to lose him.●

EMBARGO PROTECTION ACT

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. EVANS of Iowa. Mr. Speaker, as the breadbasket of the world, America has enjoyed great success in exporting agricultural products. We must remember, however, that we are not the only exporter of food, and competition from other nations, particularly Argentina, Brazil, and Australia, is severe.

Embargoes of American Agricultural products such as the 1980 embargo of grain to the Soviet Union, imposed by the previous administration, have called into question our reputation as a reliable source for agricultural commodities. When we fail to meet a commitment to supply grain we open the door to our competition, not only for the short term, but for the long term as well.

There are two types of export agreements for the sale of agricultural commodities. Those which evolve through commercial channels and those which are the result of a bilateral trade agreement. It is one thing to interrupt trade that has developed through normal commercial channels, but it is quite another to break a bilateral trade agreement. Breaking a bilateral trade agreement is much more serious and can do permanent damage to the United States as a grain exporting nation.

The most striking example of this in recent times has been the Russian grain embargo. In this instance we had given the U.S.S.R. guaranteed access to 8 million tons of grain each and agreed to an additional 17 million tons annually upon approval of our Government. Further, we had agreed that for the year 1980 the Soviets could have the additional 17 million tons and had actually approved contracts for a portion of that amount. But we then reneged on that agreement. This had been very damaging to our status as a reliable source for agricultural commodities.

Given the importance of maintaining a reputation as a reliable source, it seems appropriate that it should be much more difficult to suspend trade contrary to the terms of such a good-faith agreement.

To that end I am filing a bill which will require approval by concurrent resolution of both Houses of Congress of any proposal by the President to suspend export sales contrary to the provisions of such an agreement for a period of more than 30 days. This should do much to assure other nations that they will in fact have access to commercial sales of agricultural commodities when our Government has entered into an agreement or has approved an export arrangement with such nations.●

DEREGULATING THE FEDERAL BUREAUCRACY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. DERWINSKI. Mr. Speaker, Bob Wiedrich, a feature columnist with the Chicago Tribune, is extremely knowledgeable of the Washington scene. In his column of May 13, Mr. Wiedrich discusses the problems faced by the administration in deregulating the Federal bureaucracy and takes a first-hand look at one individual's experience within the bureaucracy. I wish to insert Bob Wiedrich's fine column as an example of the need for the streamlining of Federal departments and agencies.

HE'S DONE HIS CIVIC DUTY

(By Bob Wiedrich)

I recall a congressman some years ago who threw up his hands with a cry of anguish and declared, "Jesus Christ could become President tomorrow and the federal bureaucracy would frustrate him!"

Jimmy Carter found that out soon after he arrived in Washington with promises to turn the bureaucracy around. Ronald Reagan probably is on the verge of making the same discovery.

And Thomas P. Sullivan, the former United States attorney for Northern Illinois, makes no bones about the despair he suffered in dealing with some of the professional civil servants who administer the government.

"There is a serious problem in the federal bureaucracy," Sullivan said. "It has gotten too big. It is too cumbersome. And it is not subject to control of the administration.

"I'm asserting as a fact that it has become an entity unto itself. And it is seemingly impervious to criticism."

Sullivan was a highly successful defense attorney when he was appointed a federal prosecutor four years ago. He had no previous experience as a public servant. Now that he has stepped down, he intends to remain off the public payroll.

Thus, his perspective as an outsider suddenly thrust into the maelstrom of an entrenched bureaucracy is both unique and valuable. He is a trained observer, accustomed to dealing only in facts. As such, he carefully restrains his words.

But through that restraint emerges a pathetic story of people so schooled in spending tax dollars that a bloated budget is something to be treasured as an insurance policy for survival.

"As U.S. attorney, I dealt a great deal with such agencies as Housing and Urban Development, Health and Human Services, the Veterans Administration, the Federal Drug Administration, and the Social Security Administration," he explained.

"They are among the main arms of government, agencies that spend, in this region, billions of dollars and have massive numbers of people working for them. And they have extremely complicated regulations governing their operations.

"Repeatedly, it was reported to me that a great number of the people who work for these agencies have a mindset that is highly bureaucratic. They are greatly concerned about their own turf. They are not helpful. They have a negative, bureaucratic attitude.

"First of all, they represent tremendous payrolls that we should not have to support.

"In the Veterans Administration, for example, numerous violations of their own rules were discovered. When they found them out, they didn't want to report the violations to the U.S. attorney for fear of criticism of the way they were operating their administration.

"A lot of it, I believe, was not so much deliberate frustration of investigations, but sheer incompetence. There was terrible waste. These agencies have a layering of review levels and complex regulations that serve to disguise flaws in the system.

"Civil service was originally designed to protect employees from political hiring and firing. Now, it has the effect of freezing into positions a lot of people who aren't doing their jobs. For example, it is extremely difficult to terminate a person because of the whole, complicated bureaucracy that deals with such cases.

"One of the things I now have is sympathy for the businessmen who must comply with federal regulations and the people who administer them. The pendulum has swung too far. There has to be some middle ground that creates efficiency.

"There was a presidential commission some time ago that sought to analyze federal spending. The commission placed the blame on Congress for creating the programs rather than on the executive branch that administers them."

Sullivan charged that the confusing maze of internal rules and regulations is often outmoded, but has been retained because of inertia and tradition.

Federal law prohibits an Internal Revenue Service (IRS) agent from sharing information he may have developed about a non-tax crime with any agency outside the Treasury Department, Sullivan said.

Thus, an IRS agent who learns of a bribery incident is under pain of criminal penalties himself if he dares provide that information to the U.S. attorney. There is provision for achieving that end. But it is so highly involved as to impede the administration of justice, Sullivan asserted.

"There should be a free flow of information between IRS and the Justice Department," Sullivan said. "Instead, there is an iron curtain erected between the agencies in this respect."

TRIBUTE TO DR. RALPH RICHARDSON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. ANDERSON. Mr. Speaker, on May 27, 1981, the Los Angeles Community College District will host a dinner at the Los Angeles Biltmore Hotel to honor its retiring board of trustees president, Dr. Ralph Richardson.

Ralph was born in Thayer, Kans., on August 8, 1918. He obtained his B.A. from the University of Kansas, then went on to earn a master's degree from Pennsylvania State University and a Ph. D. at Northwestern University. He married Mary Louise Porter, and settled in California.

Ralph became an associate professor of speech and communicative studies at the University of California at Los Angeles and continues to hold this position. Former Governor of California Edmund G. Brown appointed Ralph as his planning and research secretary; the responsibilities of this job included speechwriting, inauguration planning, and service as education secretary.

Ralph served on the Board of Education of the Los Angeles Unified School District, and was three times elected to that board's presidency. Also elected to the board of trustees of the Los Angeles Community College District, he was eventually twice voted president of the board.

Mr. Speaker, Ralph's accomplishments listed thus far surely would make many men content. But Ralph has gone on to attain much more. He has authored a college text and several research articles, and he contributes articles to several popular magazines. In addition, he has found the time to serve on the following advisory boards and panels: The California Aviation Education Advisory Committee, the San Fernando Valley Child Guidance Clinic, the San Fernando Valley Symphony Association, and President Kennedy's Special White House Conference on Race Relations and Education.

My wife, Lee, joins me in wishing the very best in the years ahead for Dr. Richardson, his wife Mary, and their children Eric, Randy, Riley, and Roxanne.●

TRENDS IN LAW, THEORY GIVE SCHOOLBUSES BULLDOZER QUALITIES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. GAYDOS. Mr. Speaker, among the more noteworthy coincidences of our times is that bulldozers and federally ordered schoolbuses are about the same color and have the same capacity to leave a trail marked by devastation and disorder.

When the operator of either single-mindedly sets out from point A to point B, anything between the points can be crushed, knocked over, or shoved aside, no matter what the harm, what is disturbed, or what is broken.

This is the nature of bulldozers, but it ought not to be the nature of the law, or of the law as it is applied to schoolbuses.

Some very basic thoughts and concepts get broken when the law starts moving buses from point A to point B.

One of those concepts is the belief of people in their right to order their lives according to their judgment, and to try to influence the present and the future of their children.

But they are unfamiliar with the law, as it is developing.

The people believe in majority rule and in the wisdom of collective judgment.

But they are unschooled in the nuances of the law, as it is developing.

Moreover, their concept is that they have a say in their schools and that they support school systems to educate young people, to set for them a foundation of thought, fact, and skill on which to build productive lives.

But they are unfamiliar with the concepts that can be wrought by argument in the law, as it is developing.

We are a nation of laws, not of men. How many times does one Member or another take the floor to restate that fundamental principle?

But many of us fear that in some areas we are becoming a nation of much law and little justice, and the people do understand this: Justice ought to be the nature of the law, even as it develops.

Opposition to busing is not a matter of race or class, Mr. Speaker, and no amount of insightful analysis or intellectual repositioning will change that; poll after poll over the years has shown us that growing numbers of Americans of all races and classes reject the idea.

And the polls only reinforce what the people of the 20th Congressional District of Pennsylvania tell me first-hand in our day-to-day contact and in my congressional workshops.

The stated goal of busing is to give all Americans a good education and an equal start in life. It is a goal I support wholeheartedly, but, because the method is defective, the goal seems to have been forgotten.

Busing was in the nature of an experiment predicated in part on theories and findings put forward about 15 years ago by a University of Chicago professor, Dr. James Coleman.

Nine years later, in a scholarly revisitation, Dr. Coleman observed that things did not seem to be working out according to his theory for a variety of reasons.

What sometimes happened, he observed, is that certain characteristics—among them a high degree of disorder—were seen in the classrooms of schools involved in busing, and the theory was thwarted.

This year, Dr. Coleman caused another educational stir by concluding that private schools do a better job than public schools, in part because they are more orderly and disciplined.

Dr. Coleman closed his circle and got back approximately to point A in a proper scholarly fashion.

But those bulldozer colored, federally ordered school buses still are rolling toward point B.

Writing in a respected magazine, the Nation, a supporter of busing, commenting on low academic achievement in some areas, stated:

> The hope is that perhaps 12 years from now, when the present turmoil has subsided, black and white kindergarten children and first-graders will begin to go to school together in peace and begin to love and respect each other and to appreciate each other's diverse talents and contributions. Only then may those test scores start to improve.

Parents, black and white, are concerned about whether their children learn now, not 12 years from now.

They object because they do not want their children to be in the classes lost through the cracks during those 12 years introduced by the word "hope" and conditioned by the word "perhaps."

Theoreticians get many chances to consider and reconsider.

Kids have only one shot at school.

The people understand this, so it is no wonder they do not appreciate nuances.

The 10 years or so since busing came into wide use ought to have been time enough to gather a substantial body of evidence on which to judge the theory. But apparently there has been some neglect by the Federal agencies involved.

A news magazine, U.S. News & World Report, last year asked several Government agencies some questions about busing: How many children? In how many cities? At what cost?

And U.S. News had to report:

* * * the Federal agencies involved—the Department of Justice, the Department of Education and the U.S. Civil Rights Commission—all assert they do not keep such records. Officials argue it is not their job to do so. Their only duty, they say, is to enforce the court orders requiring the integration of schools.

The people tell me they prefer the neighborhood school concept and in many cases have ordered their lives around it. They want to deprive no one of anything, but they want their children prepared.

They say the turmoil of busing spreads bitterness, spawns defiance, and disrespect of the law and is midwife to across-the-board tensions. They argue that money and time spent on busing—one estimate is up to $3 million a year in some cities—is subtracted from available educational funds.

You see, in a way they never left point A, which the theoreticians are rediscovering—finally.

The people felt all along that the purpose of an education system is to educate. It is a fundamental idea. Since there is talk of going back to the basics in many areas, it is an idea we should use.

It is my duty as a public official to put on record my views on matters of public concern, and that is the reason for this discussion.

My unstinting support goes to legislation designed to improve the education and the opportunities of the disadvantaged, to eliminate ghettos by helping everyone in them move up and to provide equal, and good, education to all Americans.

In matters of busing, the courts have largely preempted Congress and are developing the law.

Yet the people, black and white, still stand at point A and do not want to climb aboard buses to leave it.

I stand with them because I represent them and because they are right. What they feel is based on experience, reason, and the sure knowledge that one chance per child is all life allots for education.

So, where Congress can act, the neighborhood school has found no stronger advocate than I, and it will find none stronger. And the bulldozer-colored buses will have no more determined opponent. Good neighborhood schools are not theory. They are a tested, proved, and productive way of educating our young people.

And if that is not the way the law is developing, I will do what I can to move it in that direction.●

FINANCIAL REPORT OF THE CONGRESSIONAL TEXTILE CAUCUS—QUARTERLY STATEMENT OF EXPENSES AND FUND BALANCE

HON. KEN HOLLAND

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. HOLLAND. Mr. Speaker, the chairman, vice chairman, and secretary-treasurer of the Congressional Textile Caucus have approved the quarterly financial statement for the quarter ending March 31, 1981. I am herewith submitting the statement for insertion into the CONGRESSIONAL RECORD so that all Members of Congress may review it.

The statement follows:

FINANCIAL REPORT OF THE CONGRESSIONAL TEXTILE CAUCUS

Quarterly statement of expenses and fund balance for the period ending March 31, 1981

Statement of expenses:	
Telephone	$80.86
Do	81.27
Do	81.43
Total	243.56
Office supplies	78.86
Copy machine rental	135.00
Do	135.00
Do	135.00
Do	135.00
Total	540.00
Typewriter rental	174.00
Do	11.60
Total	185.60
Publications	56.00
Do	45.00
Do	360.00
Total	461.00
Total expenditures	1,509.02
Fund balance:	
Fund balance, December 31, 1980	10,003.42
Total dues deposited this quarter	.....
Interest on account	147.20
Total balance	10,150.62
Less expenses	1,509.02
Balance—March 31, 1981	8,641.60

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HOSTILE FOREIGN ACQUISITIONS

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. BROWN of Ohio. Mr. Speaker, I wish to submit a letter that I have sent to Secretary of Energy James B. Edwards concerning the hostile bid by a Canadian company for a large share of Conoco, Inc. This same message has been conveyed to Secretary James Watt of the Interior Department and Secretary Alexander Haig of the State Department. I was joined in this effort by Congressman JIM WRIGHT, of Texas, who is equally concerned over the number of takeovers by foreign firms and the effect it could have on the American economy.

Initially, the issue of hostile foreign acquisitions was brought to my attention by the Hobart Corp., of Troy, Ohio, when a Canadian interest attempted to take over control of the company. This prompted a series of hearings by the Subcommittee on Telecommunications, Consumer Protection and Finance of the House Energy and Commerce Committee regarding the effect and equity of foreign takeovers. During that time, I submitted a proposal, House Concurrent Resolution 59, that requested the Securities and Exchange Commission and the Secretary of Commerce to study the entire problem.

Because of my serious reservations regarding this matter, I have forwarded the following letter:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 19, 1981.

SECRETARY JAMES B. EDWARDS,
Department of Energy,
Washington, D.C.

DEAR MR. SECRETARY: We know you are aware of Canada's policy toward U.S. ownership and investment in the energy field and appreciate your concern and attention to this question during the past several months. In light of the hostile tender bid by a Canadian company for a large interest in Conoco, Inc., we respectfully urge you to give the situation renewed consideration.

Canadian policy and practice under the Foreign Investment Review Act (FIRA) clearly demonstrates the restrictions it imposes on U.S. investment. News accounts have described examples of Canadian disapproval of U.S. acquisition or investment in Canadian companies. In addition, Parliament is currently considering the proposed National Energy Program (NEP) which contains further restrictions on U.S. investor activity and ownership. Although NEP is not even enacted, its imminent passage acts to give Canadian companies an unfair advantage and its adverse impact is already apparent.

These restrictions represent a major shift in Canadian investment policy which will deny the traditional reciprocity U.S. investors have relied on in the past. If NEP contains a proposed retroactive feature, it will

be particularly onerous and penalize investors who acted in good faith.

The value of Canadian assets owned by U.S. companies has been eroded as investors are forced to adjust to the realities of the circumstances—Canadian actions clearly diminish prospects for U.S.-controlled companies in Canada. The restrictions create an economic climate wherein Canadian investors and companies can bid—almost exclusively—for those assets under less than "fair market value" circumstances.

Canadian companies, secure in their knowledge that government policy protects them by greatly limiting U.S. acquisition or operating opportunities in Canada, are becoming more aggressive in their acquisitions and takeover of U.S. companies and resources. Although unsuccessful, the Seagrams attempt to take over St. Joe Minerals is a recent example. Another current example is the present effort by Dome Petroleum of Canada to acquire what would be the largest single interest in Conoco, Inc.—the 14th largest company in the United States.

Reciprocity is essential to the open and friendly relations we enjoy with Canada. We are concerned that recent actions by Canada have violated the principle of reciprocity and disadvantaged U.S. companies and investors in the area of energy and natural resources. This is particularly disturbing in light of our lack of a coherent national minerals policy and the need to evaluate foreign ownership and control of our vital domestic resources.

We urge you to act prompty in protecting full reciprocity with our important trading partner and neighbor to the North. If swift administrative and diplomatic efforts are not successful, we will be happy to work closely with you to find a necessary and timely solution.

In view of your separate responsbilities, and concerns, and the urgency of this matter, we are sending identical letters to Secretary Watt and Secretary Haig.

Sincerely,

CLARENCE BROWN.
JIM WRIGHT.●

A SALUTE TO BRUCE FOSTER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. STOKES. Mr. Speaker, thank you for providing me with this opportunity to salute a man who simultaneously is at the forefront of the mass transit labor movement in this country and is a leading community leader in Cleveland—Mr. Bruce Foster.

For my colleagues who are unfamiliar with him, Bruce Foster is the international vice president of the Amalgamated Transit Union and has been associated with the mass transit industry since 1944. At the same time, Bruce Foster has been a pillar of strength for the people, especially minorities and the disadvantaged, in the Cleveland metropolitan area for almost 40 years.

Mr. Speaker, as an expression of appreciation for the service Bruce Foster has rendered to both the transit union and the community, I would like to briefly recount his achievements for my colleagues. Mr. Speaker, Bruce Foster unequivocally has made an indelible mark on the lives of people he has come in contact with.

During his 37 years of service in the transit industry, Bruce Foster has been the eye of the storm in the sometime turbulent history of labor relations. But, he also has been an aggressive player in terms of securing due compensation and benefits for his members. Never divorcing himself from the needs of his fellow transit workers or mass transit patrons, Bruce Foster has earned the respect and admiration of people from various walks of life.

Mr. Speaker, I am sure that my good friend, Bruce Foster would agree that his career in the mass transit industry has spanned the heyday and the dark days of the industry. It undoubtedly is from these experiences that Bruce Foster has acquired a unique and uncanny perspective on the relationship of mass transportation and the transit union to this country. In my opinion, this perspective joined by the diminishing availability of energy places Bruce Foster as one of the authorities on mass transportation in this Nation.

Mr. Speaker, more important than his expertise on the role of the transit industry in this Nation has been his unswerving dedication to his union members. Since his early days as a streetcar motorman, he has been keenly aware of the hard times and needs of this group of workers. He has never forgotten from whence he came. Accordingly, he has always worked for and negotiated in the best interest of his membership. His record attests to this. It is not surprising that Bruce Foster has won reelection to his various union positions by substantial margins.

Mr. Speaker, Bruce Foster's concern for the well-being of individuals extends far beyond the parameters of the union bargaining table. In addition to his active role in the Amalgamated Transit Union, he has extended his dedication to fair play and justice to the community in Cleveland where he is an active member of the NAACP and was the founder of the Black Labor Leaders Caucus.

Mr. Speaker, in summation, Bruce Foster is a hard bargainer. He is a master of bargaining techniques and uses them effectively on the local, State, and national levels in terms of securing justice and equal opportunities for the disadvantaged and minorities as well as for his union members. I know that this cadre of skills which launched his career in the transit union will hold him in good stead in the future. At the same time, the commitment and sensitivity of Bruce Foster will continue to be a tower of strength among transit union members and in the community.

Mr. Speaker, at this time, I would like my colleagues to join me in saluting Bruce Foster for his exceptional work and achievements in the transit union and the community. I would like to insert in the RECORD an article which appeared in the Cleveland Press on Bruce Foster.

BRUCE FOSTER: TRANSIT UNION CHIEF STILL ON TRACK

(By Barbara Weiss)

The road may have been bumpy from the coal mines of West Virginia to the trolley tracks of Cleveland to the heady atmosphere of Washington, D.C.

But Bruce Foster traveled the distance, making it as far as Blair House in December to meet President-elect Ronald Reagan.

Foster, an international vice president of the Amalgamated Transit Union, was born in Cabin Creek, W. Va., 57 years ago. The town has produced not only coal, Foster will tell you, but basketball great Jerry West.

"Before I went into the service, I worked one summer in the mines," Foster said. "I decided then that I didn't want to work that hard. Besides, it's a dangerous occupation."

While he was in the Air Force, his mother moved to Cleveland, so Foster planned to resettle here. But first he took a train from Florida, where he had been discharged, back to Cabin Creek, where he had a girl friend.

"I met my wife-to-be for the first time on the train. It was September 1943 and she was on her way to West Virginia State College. The next time I saw her was in June 1944, when I went to Miami to marry her," Foster recalled.

He said many letters were exchanged between that first meeting and the marriage.

"We've been married 37 years, so it couldn't have been too bad," he said.

His first job in Cleveland was in a foundry. Foster was there a year, then applied for jobs with the Post Office, the police department and the old Cleveland Transit System. CTS hired him as a streetcar motorman, working out of the Woodhill Station.

"When I started with CTS in 1944, fares were a dime with a weekly pass going for $1. A Sunday pass was 25 cents," he recalled.

"On a holiday, when I worked the E. 105th St. route, there weren't enough vehicles to haul all the people and their picnic baskets to Garfield Park. It was the same to the Euclid Beach and Puritas Springs parks."

As the times changed, so did the mode of transportation. Foster operated trackless trolleys, and then buses, until 1968 when he was elected president of Local 268 of the Amalgamated Transit Union.

"I had no aspirations to be president but I got tired of getting a penny or a nickel at contract time," he said.

In 1944, he earned 79 cents an hour. When he quit driving in 1968, he was making $3.31. In August, he pointed out, drivers will be making $10.50.

Foster's rise to the presidency of his local wasn't an easy one. In 1964, he ran for first vice president.

"I got only 25 votes," he said.

In 1966, when he ran for president, he lost by 100 votes.

"About that time we started having trouble with robberies," Foster said. "In March 1968, a driver was killed during a robbery. In June, I was elected president, based on

campaign promises of better security and not making change for passengers."

He kept his promise on the last score, and Cleveland became the second city in the nation to adopt an exact-fare policy.

Although minorities comprised only 30 percent of the local membership, Foster said, he garnered 85 percent of the votes in the local's 1970 primary, thus automatically retaining his post.

In 1971, he became an international vice president of the parent organization, and in 1975 a member of its executive board as well. The union's membership in the United States and Canada consists of 180,000 transit workers.

Since 1970, Foster also has served as a vice president of the Cleveland Federation of Labor, acting as its interim president from August 1980 to last January.

In addition, Foster served as a member of the Cleveland Civil Service Commission, having been appointed by Mayor Ralph Perk in 1974. He resigned as president of the commission in 1976, and shortly after was named to the Ohio Lottery Commission by Gov. James A. Rhodes.

A role that Foster didn't relish but which he accepted was that of temporary overseer of Local 268, which is in trusteeship pending the outcome of an investigation into alleged misappropriation of funds.

Foster is optimistic about the future of low-cost public transportation.

"I think the federal government won't cut back on mass transit funds. If you look at it, mass transit is something people have to have because of the escalating cost of gasoline."

He said it would be a mistake to cut operating subsidies because the old and the poor—the so-called captive riders—cannot afford high bus fares.

He cited what happened in Birmingham, Ala., when transit officials were unable to get $800,000 that was needed to operate.

"The transit system closed down altogether on Feb. 28, affecting 34,000 regular riders, 187 operators and 50 mechanics."

Foster's job, which is to negotiate transit workers' contracts around the country, takes him away from Cleveland about one-third of the year.

But Cleveland is where his heart is. He and his wife, Lillie, have lived on Stockbridge Ave. since 1961. They are the parents of two sons, Claude and Stephen. Claude, 36, is a computer engineer in Dallas. Stephen, 33 is a drummer in Los Angeles.

"Many people who have made it leave Cleveland. But I feel I owe quite a bit to Cleveland," said Foster.

Although he hasn't driven a bus in 13 years, he said he still misses it.

"I never forget I was a bus driver first before becoming a union official," he said.

A member of the NAACP and the founder of the Black Labor Leaders Caucus, Foster was one of several black leaders who met with Reagan before his inauguration to learn about his programs.

"He was aware that people thought he would turn the clock back and he reassured us it wouldn't happen," said Foster.

If the president's programs don't work, said Foster, voters should hold him responsible at the next election.

Reagan should only fare as well as Foster ultimately did at the polls.●

SOCIAL SECURITY BENEFITS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. SCHUMER. Mr. Speaker, the administration that was mandated by the American people to eliminate wasteful spending and Federal programs of little value has abandoned that mandate in the increasing fury of its own program slashing. How else can we perceive the administration's proposals to take a knife to one of the most successful, citizen-supported programs to endure since the days of the New Deal: the social security system?

Income security for senior citizens originated as an American tradition in 1935. Since that time, the social security program has progressed and expanded to provide necessary, even life-saving benefits for 36 million Americans. Over half of all older Americans today depend on social security as their main source of income, and disabled persons and financially distressed surviving spouses have avoided economic disaster with social security income support and medical assistance.

The administration, however, in the name of saving a sinking ship, is pulling back the social security lifeline from the grasp of those most unable to stay afloat. Many older Americans today are forced from employment because of a disability or long-term illness, and they are able to receive 80 percent of the social security benefits that they would have received if they had retired at the age of 65. Can we in all conscience today tell the elderly and sickly who retire at the age of 62 after the first of next year that they will only be able to receive 55 percent of the beneifts they would receive at age 65—for the rest of their lives? In a time of spiraling inflation that threatens even the most wealthy, do we have the right to ask the most economically vulnerable to wait months for the basic cost-of-living increase in their social security benefits? The administration has consistently asserted that basic social security benefits will not be reduced, but those who reach retirement age within the next several years can expect up to 9 percent less in monthly benefits than retired workers receive now. The proposed changes in disability eligibility are unduly harsh, coldly discounting the needs of those who face long-term disability of a year or longer.

Salvaging the social security system is a difficult task that the 97th Congress confronts, but denying older Americans the security that they have worked their entire lives to earn only attests to congressional inability to revitalize the system through innovative legislation. A number of alternative financing proposals are being considered by the Subcommittee on Social Security, including the limited use of general revenues to help fund the program. Our responsibility is to examine critically these proposals, or explore viable new ones, not sacrifice the needs of the very people that the social security system was designed to protect.●

SMALL BUSINESS WEEK

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. SMITH of New Jersey. Mr. Speaker, last week was Small Business Week. This year, in light of all the challenges small business faces, I hope it is an occasion of more than lip service to the concept of small business.

Small business creates 87.6 percent of all jobs in the private sector. Small business employs over 100 million Americans. Small business contributes more than two-fifths of the gross national product.

Yet small business is under heavy strain. The failure rate among small businesses was some 57 percent in the period 1969 to 1976. Small business loans are almost impossible to get; if someone in small business is fortunate enough to otain such a loan, the interest rates are prohibitive.

Small business suffers heavy burdens from our tax system; it suffers heavy burdens from well-meant but ill-applied regulations; it suffers from the terrible ravages of inflation.

Mr. Speaker, our most recent census underlines what has been pretty well known. There is a movement in this country away from the great cities to the small towns of the United States. This, of course, is the reversal of an historic trend.

But what does this movement mean in economic terms? Mr. Speaker, it means small business will become more influential. Those living in the small towns and rural areas will buy and shop in smaller enterprises. This is very, very important. It may mean a small business economy.

Unhappily, we know all too well that small businesses are sometimes taken over by large businesses. According to the White House Conference on Small Business, held in January 1980, when a large corporation takes over a small business there is a severing of ties with local banks, local insurance firms, local merchants, local business. Small business is at the nexus of the small town economy. Frankly, it is healthy to have a variety of small entrepreneurs, working in their own businesses. It is healthy for the free enterprise system. We do not need giant corporate structures marching about our

economic landscape like dinosaurs. There is a role for the great corporation, but there must be a role for small business.

In this Small Business Week we should look at small business and try to determine what we can do to help. The White House conference on Small Business offered 60 recommendations, 15 of which they listed as major recommendations. Regrettably, the Carter administration, which set up this conference, did not see fit to accept many of the suggestions of its own conference. I am confident President Reagan feels differently. He has spoken, in his inaugural, of "the heroes on both sides of the counter." The President will aid the heroes of small business.

Much of what we can do for small business can be summed up in the Marriott-McDade bill, which I am cosponsoring. As a first step in correcting some of the inequities of the tax system, under which small business labors, the Marriott-McDade bill is valuable.

I trust we will do more than just say "Small Business is terrific" this week and let it go at that. We have to do a lot more.

As a member of the Committee on Small Business I know a great deal about the problems small business men are facing. We have to help. This Congress, which is doing so much to reshape American life, is the place to start.●

SOME THOUGHTS ON TELEVISION AND POLITICS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. HAMILTON. Mr. Speaker, I insert my Washington Report for Wednesday, May 20, 1981, into the CONGRESSIONAL RECORD:

SOME THOUGHTS ON TELEVISION AND POLITICS

With each passing year in public life I am more persuaded that television has a very powerful role in shaping the political views of Americans. It has become a pervasive force in the political life of the nation. It is quite rare for me to speak to any group of constituents without hearing some questions or comments from them based on their viewing of television. The mail that comes into my office also shows the strong influence of television on people. What citizens ask me about in public meetings, or what they write about in their letters to me, are things that have recently had prominence on television.

Television in fact is beginning to dominate American politics. The men and women who mold the news—who decide who gets on the air and for how long, who choose the events to be covered or left out, and who determine what emphasis to give events—also mold the political opinions of millions of Americans. It is not television which has adapted to politics, but politics which is adapting to television.

Since television is the medium through which the great majority of the people get their news, most political candidates know that they cannot be elected without adequate coverage. Television has certainly become an overriding factor in the election of the President. The day-to-day schedule of a candidate for the Presidency is fashioned around the effort to get him on the evening news. Campaign managers today are careful to cultivate one quality above all others in their candidate: the presidential "look" on television. There is an unwillingness to deal with the substance of problems; only the superficial aspects are touched on.

Throughout the last presidential campaign I was often distressed by the tendency of television news to feature the attack and counterattack of the candidates instead of their positions on the problems facing the nation. Several times I watched extended television interviews (four to five minutes) in which candidates were only occasionally asked questions on matters of substance. I began to wonder what the campaign was about.

In the world of television news, it is the personality that is stressed. Issues and ideas tend to be ignored. This emphasis is, of course, apparent in places other than the campaign trail. Chairmen of committees in Congress compete with one another for television coverage. The one certain device a chairman can use to ensure full attendance at a hearing is the promise to members of the committee that television will be there. Members will show up and then strive to do or say something that will draw the cameras.

Television can be quite unfair to the politician. A member of Congress will work for months on a complex bill, only to have a television newsman ask him to sum up his case for the bill in 20 seconds or less. I remember once when Senator Edward Kennedy was asked about Chappaquiddick at the end of a news program, with 40 seconds remaining. He started his response but was cut off in mid-sentence. Politicians understand that no speech can be carried for more than 30 seconds or so on a thirty-minute evening news program. He must therefore try to coin a catchy phrase. He cannot really expect to get a whole sentence in on television; a whole paragraph is out of the question. In part, the problem is that while politicians work with complex issues, television demands simple presentations. Politicians must play the game by the rules of television, so they cannot delve into the subtleties and nuances of issues.

Many politicians are critical of the tendency of television journalists to "go with the pack." At any given time a member of Congress is working with a full agenda, but the news media seem to be interested in only one or two items on it. I have never understood why all the stations follow the same handful of stories. It is hard for me to believe that they see the same stories in the same light. It is as if only one or two people are deciding at any moment what the news is. Uniformity does little more than compound the bad effect of superficiality. Many politicians also criticize the bias in television news, but my principal objection is that television is not beginning to realize its full potential as an educational instrument. Television news is so condensed that it is unable to convey much beyond the headlines.

All of this leaves me with some uneasy feelings about the impact of television on politics. Is politics becoming too much a matter of style? Does a candidate's ability to perform on television have anything to do with his skill as a consensus-builder or a legislator? Can Americans really understand enough of the complex issues of the day to vote intelligently if their data come mainly from television? I appreciate the fact that television, which employs many skillful and talented people does many things well. But for some reason it apparently does not have the capacity to cover in any complete way the multitude of issues which make up the national agenda.

A remedy, I think, lies in recognizing the limits of television and in remembering that broadcast journalism cannot be a good substitute for print journalism. Television takes the viewer a step closer to being well informed, but it does not have the depth to impact a comprehensive understanding of the world. In a sense, what we must do is learn to use television properly.●

RECOGNITION OF "SKINNY" D'AMATO

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. FOGLIETTA. Mr. Speaker, on Thursday, May 21, 1981, citizens of New Jersey will honor a man who has gone too long without receiving proper recognition for outstanding service to the community.

Paul "Skinny" D'Amato never wanted recognition for his contributions, that is the type of man he is. But now, a swell of voices call out to pay tribute to a man who dedicated his life to helping others.

"Skinny" D'Amato always answered the call when a charitable group needed help. Top performers appeared at countless events, because "Skinny" D'Amato asked them to.

It never mattered to "Skinny" what race or religion might be holding the event. He organized events for blacks, Jews, and Italians, for Israel and for our own country. What mattered to "Skinny" was that the event was for a good cause.

The Jewish community had a dream. That dream was to build a Hebrew academy in Atlantic County, and they called on Paul D'Amato for help. "Skinny" held a fund raising event some 20 years ago. He paid for all the expenses and brought in Jackie Mason to perform. And although the dream has become a reality and the Hebrew academy is now a mainstay in the community, "Skinny" never received the praises he so deserves.

Paul "Skinny" D'Amato is a humanitarian beyond the call of duty. On Thursday he will be honored as Humanitarian of the Year. In the hearts of the many lives he touched, "Skinny" D'Amato will always be remembered as the humanitarian of his generation.

I consider it a privilege to sing his praises before my colleagues today. Thank you.●

IT TOLLS FOR THEE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. PORTER. Mr. Speaker, I share with my colleagues today an important article from the May 14, 1981, New York Times on state oppression of the individual. With Anatoly Scharansky reportedly near death and thousands of others being denied basic human freedoms in country after country around this planet, we must recall the value of those rights we enjoy as Americans and remember, too, that neither we, as individuals, nor our country can long exist as islands of liberty in a sea of human slavery.

[From the New York Times, May 14, 1981]

IT TOLLS FOR THEE

(By Anthony Lewis)

BOSTON, May 13.—This is a column about two physicists, or more accurately about two human beings who happen to be physicists. They are from countries far apart in miles and in politics. They do not know each other. What they have in common, apart from their science, is their experience of that contemporary phenomenon: the terrorism of the state.

Vladimir Kislik comes from Kiev, in the Soviet Union. He is a Jew, and in 1973 he applied for an exit visa to emigrate to Israel. His wife and son were allowed to go. He was refused permission—and entered a nightmare life.

Mr. Kislik immediately lost his position at the Institute of Physics of the Ukranian Academy of Sciences. He took menial jobs and was fired from them. He was arrested for vagrancy. Foreign scientists who visited him at home were assaulted by ruffians on the street.

Last July, during the Olympics, he was put in jail for 15 days. There he had a heart attack. He was sent to a psychiatric hospital, where he was put in a ward with dangerous psychotics. Friends got word to the outside world, and groups in France and the United States sent strong protests to Soviet authorities. Mr. Kislik was released.

Recently he was arrested again. According to reports from Kiev, he is about to go on trial on a charge of "hooliganism." That carries a sentence of up to five years in a labor camp.

Elena Sevilla is a physicist from Argentina. She had a baby by Caesarean section in November 1975. Five days later she was arrested in her hospital bed. No charge was made, then or afterward. In January 1976, an Argentine judge ordered her released. But the authorities did not let her go, instead placing her under indefinite detention without charge. Her child was given to her parents. She was put under a strict prison regimen: allowed almost nothing to read, kept in her cell 23 hours a day.

There were protests from groups abroad, just as in Mr. Kislik's case: from the American Physical Society, the National Academy of Sciences, Amnesty International. Elena Sevilla was luckier than Mr. Kislik. After three years she was released and allowed to leave the country. She is now studying at Cornell.

Of course these two are not the only scientists who have been victims of their governments. In the Soviet Union, Anatoly Shcharansky is wasting away in solitary prison confinement, reportedly near death. Yuri Orlov is serving a seven-year sentence in a labor camp. Andrei Sakharov is in internal exile.

The scientist victims in Argentina are less familiar to us, but their stories are no less chilling. Federico Eduardo Alvarez Rojas, a well-known physicist, and his wife Hilda Graciela were seized by armed men in 1976 in front of their three young children; though once reported to have been seen in a prison, they have never been officially accounted for. American physicists know of at least 16 other of their Argentine colleagues who have similarly "disappeared."

The stories of Vladimir Kislik and Elena Sevilla and the others make a simple but fundamental point: the indivisibility of concern for humanity. State brutality and terrorism are evils—absolute evils—whether practiced in one corner of the world or another, one political system or another.

John Donne made the point to us as individuals 350 years ago. The passage best remembered is: "Never send to know for whom the bell tolls; it tolls for thee." But he also put it another way: "Any man's death diminishes me, because I am involved in mankind."

In today's world the point is not just individual or spirtual but political. If we close our eyes to official brutality here or there—in the Soviet Union or Argentina, in Uganda or Cambodia—we risk our own civilization. Scientists have tended to understand that, supporting their threatened colleagues everywhere. Governments are another question.

The question is especially acute now, as the new American Administration proposes what amounts to a double standard for human rights. It would focus attention on the cruelties of Communist governments and wink at the horrors done by "friendly" right-wing regimes.

Ironically, victims of Soviet repression—at least some of the more prominent among them—do not seem to want a one-dimensional American policy. Pavel Litvinov, a dissident who got out, said when I asked him that his attention naturally centered on events in the Soviet bloc, "but I believe very strongly in the principle of human rights everywhere. I care about Argentina."

Five years ago this week some brave Soviet citizens set up a Moscow group to monitor observance of the rights supposedly gained in the Helsinki agreements. Most are now in prison or forced exile. Their spokesman in America, Ludmilla Alexeyeva, said: "The United States has achieved respectability and credibility in speaking out publicly and forcefully against human rights violations around the world. A continuation of this universal policy is essential to the human rights movement in the Soviet Union."●

OVERSIGHT GIVES INSIGHT TO WORKER CONCERNS ON OSHA LABELING ACTION

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. GAYDOS. Mr. Speaker, insight is the primary function of oversight, and three steelworkers recently gave the Subcommittee on Health and Safety a basic understanding of the nature of one of the germinating controversies in regulation: The withdrawn labeling standards.

The insight came, as it often does, in the spontaneous exchanges that follow prepared statements, and these steelworkers were eloquent in their matter of factness and reasoned in their explanation of need.

What they said cut through the thicket of theory and penetrated the nature of the question.

"My father worked 44 years in the mill," said John Choinski, a third generation steelworker and chairman of the joint safety and health committee at his plant.

"He died of lung cancer.

"My grandfather worked 35 years. He died of lung cancer.

"I hope I don't suffer the same fate. I hope the guys that follow us don't suffer or don't die in the way my father and grandfather did, or the way I might die."

Mr. Choinski had told the subcommittee about some of the substances used in the mills, and of the difficulty of unmasking trade names to find out what is in them. He explained that miracle compounds and substances thought harmless today are being found very harmful as knowledge develops. And he gave us a case in point.

"In the early 1960's I worked with a lot of asbestos in the steel plant," he said. "We had a lot of it in there at times; at times we were covered with it; our faces, our hands, our clothing, my mustache had asbestos in it.

"We didn't know it was a hazard then.

"I know that some day down the road I can expect to have lung problems. There is no question in my mind * * *

"We owe it to the ones who follow us in the industry—a strong Federal right to know law."

What do workers expect from regulation, Mr. Speaker?

Joe Odorcich, vice president for administration, United Steel Workers of America, went right to the point when questioning turned to him.

"I want to draw a parallel," he said.

"Not too long ago we saw in Washington an attempted assassination * * * and it is a blot on this country's record.

"However, because we recognize there is a hazard of assassination, we provide the President and other dignitaries with protection * * * with their own form of OSHA, their right to know and their protection, which is the Secret Service.

"There is not a thing wrong with that.

"Anytime we know there is a hazard, we as responsible Americans, have got to devise some method, provide some means, to see that it does not take its full force and effect.

"This is the only thing we are trying to get for the workers: protection."

Mr. Speaker, the labeling of chemical compounds is an issue of long-range occupational health, and health care, because so many of the thousands of compounds and materials used hundreds of thousands of workplaces by millions of workers contain ingredients that we know, or suspect, can cause cancer 10, 20, and 30 years after exposure.

Workers we have heard say that they want the protection of being able to keep track of what they have worked with so it can be matched against the daily developing knowledge of dangerous substances and their personal histories.

Standards to accomplish this had been put up for comment and consideration by the former administration but were withdrawn for more study by the new administration in one of its first acts relating to the Occupational Safety and Health Administration (OSHA) of the Department of Labor. It was done even before anyone had been chosen to head OSHA and before anyone heard from the Task Force on Regulatory Reform.

With characteristic incisiveness, Jack Sheehan, legislative director and assistant to the president of the United Steelworkers, pinpointed for the subcommittee how the action on labeling and the vagueness of administration regulatory reform come together.

From OSHA trial balloons will emerge periodically and trail new concepts such as widespread use of labor-management health and safety committees in place of direct enforcement.

Of this concept, Mr. Sheehan noted, "There is a great deal of emphasis being put on joint labor-management as the wave of the future. * * *

"But it seems to slip one gear because the effectiveness of the system depends on information, and . . . they have pulled the information plank from under us.

"Therefore, committees are not effective."

Since labeling was one of the suggested responsibilities for OSHA when Congress passed the act over 10 years ago, the Subcommittee on Health and Safety is engaged now in oversight of the labeling action and will be for several months to come.

I expect the oversight to provide more insight, which will be reported in the RECORD from time to time for all who are interested in worker safety and health. And all of us should be, Mr. Speaker.●

FISCAL SERVICES DIRECTOR TO RETIRE

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. WILLIAMS of Ohio. Mr. Speaker, I would like to call the attention of the U.S. House of Representatives to Mr. Bernard H. Hunt. Mr. Hunt will retire next month as director of fiscal services for the Youngstown, Ohio, Hospital Association. Mr. Hunt is credited with bringing computer technology to the three fine hospitals operated by the Youngstown Hospital Association.

Mr. Hunt devoted 28 years of service to the U.S. Navy, serving in World War II and the Korean conflict. A native of Delevan, Wis., Mr. Hunt is a graduate of George Washington University in Washington, D.C.

Professionally, Mr. Hunt is a member of the American Hospital Association and the Hospital Financial Management Association.

Mr. Hunt's retirement will, it is to be hoped, be pleasant and long for him, but he will be missed by all of us who value excellence in the workplace.●

CONCERN OVER CANADIAN ACQUISITION IN CONOCO STOCK

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. LUJAN. Mr. Speaker, last April, I expressed my strong concern over attempts by Canadian companies to gain control of vast natural resources on our public lands. At the same time, the Canadian Government is actively restricting similar acquisition or operation by U.S. investors. I believe in the principle of reciprocity with our trading partners and neighbors and feel we should insist on the traditional investment comity we have shared with Canada.

Dome Petroleum of Canada is attempting to acquire effective control of Conoco, Inc.—the 14th largest corporation in America which has vast energy and mineral holdings on public lands. This aggressive acquisition posture is encouraged by Canadian Government policy and statute—specifically, the Foreign Investment Review Act (FIRA). In addition, Parliament is presently considering even more restrictive legislation.

I am including in this statement a copy of the letter I have sent today to the Secretaries of Interior, State, and Energy, expressing my continued concern. I believe that timely administrative and diplomatic efforts can solve this unfortunate problem with Canada. If not, I urge my colleagues in the Congress to join me in looking for appropriate legislative remedies.

The letter follows:

WASHINGTON, D.C., May 20, 1981.

Hon. ALEXANDER M. HAIG, Jr.,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I know you understand the deep concern in Congress over the restrictive trend by Canada toward U.S. investment and ownership of energy and natural resources. This is particularly disturbing when Canadian companies—apparently bolstered by their own government's protectionism—are aggressively seeking to takeover and control vast energy and natural resources in the United States.

I believe the time has come to get the attention of the Canadian government and to show our clear concern over their unilateral course of economic nationalism. We must demonstrate our determination now, before they enact even more restrictive laws and policies. At a minimum, a positive action now will strengthen our posture in the ongoing, but so far unsuccessful, talks with the Canadians. I am afraid that failure to send some kind of signal of our concern will be taken as acquiescence. We need more than bureaucratic hand-wringing if we are to show our good neighbor to the North that reciprocity does mean something and that it is a two way street.

I was disturbed by the recent, and fortunately unsuccessful, attempt by Seagrams to take over St. Joe Minerals. Now Dome Petroleum of Canada has made a hostile offer to purchase a block of stock in Conoco, Inc., which would give it effective control of Conoco. I find this latest effort extremely disconcerting and repeat my call for active study of the extent and desirability of foreign ownership or control of our vast resources on lands owned by the United States. As I said on April 1, 1981:

"My concern is that Canadian investors are seeking control over vast U.S. mineral resources at a time when Canada is denying the same right to our citizens. In addition, *our Government should consider the impact and effects of foreign control over our vital mineral resources. We currently have no facts on the extent of that ownership and would be unable to formulate any policy or action which may be warranted to preserve national interest.*" (Emphasis added.)

Canada's active policy of restricting U.S. investments is well established. I find it disappointing that Canada fosters a protective wall for its domestic energy companies and encourages economic conditions which artificially depress the value of U.S.-controlled assets in Canada. Government policies effectively "isolate" U.S. assets and give Canadian investors and companies tremendous advantages. One advantage is the almost exclusive opportunity to buy valuable foreign-held interests in Canada at depressed prices. Another is the protection Canadian companies have against foreign control while enjoying free rein to pursue aggressive acquisi-

tion efforts in the United States or elsewhere. One gets the feeling that Canadian companies are getting one last raid on the U.S. "cookie jar" before the proposed Canadian National Energy Program is enacted and we close the door for lack of reciprocity.

I do not favor any dramatic change in relations with Canada, and hope we can resolve this matter to the satisfaction of both countries. I also believe that we can take some action which will help maintain sound, reciprocal relations and allow U.S. companies to compete fairly and evenly. We are considering legislation regarding this question in the House. In the meantime, I will be happy to work with you in pursuing other constructive and timely solutions.

Sincerely,

MANUEL LUJAN, JR.●

CONSTITUTIONALITY OF THE HUMAN LIFE BILL

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. SEIBERLING. Mr. Speaker, the issue of abortion has been one of the most controversial, difficult, and divisive social issues to face Congress in the past decade. My own position has been one of support for the decision made by the Supreme Court in Roe against Wade. There, the Court, basing its decision on a practical synthesis of the Constitution, the common law, and scientific knowledge, recognized that in the first 3 months of pregnancy, when a properly supervised abortion is a relatively safe medical procedure, a woman has the right to choose to have an abortion free from interference by others. The Court held that in the second trimester, when an abortion can be much riskier, the State can regulate it for the sole purpose of protecting the woman's health. In the third trimester of pregnancy, when the fetus is sufficiently developed to be likely to live if separated from the mother, the Court ruled that the State may restrict abortions.

I believe that this decision was a reasonable effort to resolve a very difficult conflict between competing values, namely the protection of a potential person on the one hand, and on the other hand, the protection of the liberty of a person already fully in being.

Since that 1973 decision, antichoice activists have attempted to overturn Roe against Wade with a constitutional amendment to ban all abortions. They have had some success in restricting the availability of abortion through statutes and amendments to other legislation. However, primarily because of the continuing and increasing widespread public support of the right to obtain a legal abortion, the opponents of the right to choose have been unable to push the constitutional amendment through Congress.

But now there is a new twist in the abortion rights fight. Representatives HYDE and MAZZOLI have introduced bills, H.R. 900 and H.R. 3225, which declare, by Federal statute, that a human life begins at conception. This legislation would attempt to make aborting a fetus at any stage illegal. The woman involved, her doctor, her counselor, her friends and family could all be charged with criminal activity if these bills ever become law.

The constitutionality of such legislation is doubtful, to say the least. The crucial question is not when does human life begin but when does a fetus become a person, as that word is used in the 14th amendment. In Roe against Wade, the Supreme Court held that the word "person" as used in the 14th amendment does not include the unborn. But H.R. 900 and H.R. 3225 attempt to extend 14th amendment rights to the fetus from the moment of conception, when it is merely a developing aggregation of cells, with human potential but with no capability of existing except as a part of the woman's body. These bills try to establish rights of the unborn in direct conflict with other rights protected by the Constitution. Yet Congress cannot by legislation give to the States powers which the Court has held the Constitution prohibits them from exercising. In other words, if Congress desires to reverse a constitutional interpretation by the Supreme Court, it must do so by amending the Constitution, not by incorporating in a statute some new semantic approach to the same set of facts.

I recently received a brief constitutional law analysis of H.R. 900 released by an organization known as ARM—Abortion Rights Mobilization. While this is just a summary of the legal and policy arguments against the legislation, I think it well highlights the questions which Members of Congress ought to thoroughly consider when examining this legislation.

The analysis was prepared by Steven Delibert, Marshall Beil, and Lawrence Lader. Mr. Delibert is an attorney who is a member of ACLU's Committee on Church and State and has acted as counsel in numerous civil rights cases. Mr. Beil is an attorney who is a member of the New York Bar Association's Committee on Federal Legislation and of the ACLU's Due Process Committee. Mr. Lader is president of ARM and the author of "Abortion" and "Abortion II". He is also founding chair of the National Abortion Rights Action League (1969–75).

A copy of the analysis follows these remarks.

MEMORANDUM CONCERNING CONSTITUTIONALITY OF S. 158 AND H.R. 900

Two identical bills (S. 158; H.R. 900) have been introduced as attempts to overrule by statute the Supreme Court's constitutional decisions in Roe v. Wade, 410 U.S. 113 (1973), and Doe v. Bolton, 410 U.S. 179 (1973), the decision which drastically limited the power of the states to regulate abortions.

The proposed statute is clearly unconstitutional and unenforceable. It adopts standards so vague that they could not be enforced, even if a court wished to do so; it attempts by legislative fiat to overrule a constitutional decision of the Supreme Court, which is clearly beyond Congressional power; and it does so by plainly erroneous misreading of the Fourteenth Amendment and of Supreme Court precedent.

First, the bill seeks to establish a standard, of "conception," as the point from which human life begins. But there is no clear moment of "conception," nor any consensus at all in the medical community, or otherwise as to exactly when "conception" may be deemed to have occured.[1] No doctor, and no patient, faced with such a standard, could know what was made illegal or what conduct was forbidden; but particularly in an area touching upon rights so sensitive as those we here consider, the courts will not enforce such a vague statute.[2]

Second, the proposed bill is unconstitutional because it rests upon a clear and direct misreading of what the Supreme Court has already decided in *Roe* v. *Wade*. The central assumption of the bill is that Congress may act to define the moment at which human life commences, because the Supreme Court has supposedly announced itself—and the judiciary generally—incapable of reaching such a decision.[3] What the Supreme Court did in *Roe* v. *Wade*, however, was quite the contrary—it held clearly that in view of the innumerable conflicting, divergent, and everchanging and shifting views on the beginning of life, scientific, theological, dogmatic and otherwise, no governmental entity, judicial or legislative, could speculate as to which was correct, or could arbitrarily adopt one theory of life over another, to "override the rights of the pregnant woman that are at stake." [4]

In passing the proposed statute Congress would not be merely filling a void left by judicial decisions; it would be attempting directly to overrule a constitutional decision of the Supreme Court.[5]

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[1] Indeed, in *Roe* v. *Wade* itself, the Supreme Court explicitly noted the difficulties with adopting a standard of "conception" as the moment of life's beginning, noting the embryological data existing even then, suggesting "that conception is a 'process' over time, rather than an event . . ." *Roe* v. *Wade*, 410 U.S. at 161.

[2] The courts have made it patently clear that they will not enforce an abortion statute, which is insufficiently clear as to when in the course of a developing pregnancy it purports to become effective. See *Doe* v. *Zimmerman*, 405 F. supp. 534 (M.D. Pa. 1975) (3-Judge Court).

[3] The article introduced in the Congressional Record as legal support for S. 158 makes this assumption clear.

[4] 410 U.S. at 162. See *Doe* v. *Israel*, 358 F. Supp. 1193, 1199 (D.R.I. 1973) (Pettine, J.), cert. denied 416 U.S. 993 (1974), in which one of the most respected of District Judges considered a Rhode Island statute which purported to step into the breach allegedly left by the Supreme Court, by defining human life as beginning at conception. Such an effort, Judge Pettine held, was squarely at odds with the Supreme Court's decision, and unconstitutional.

[5] It could not do so, any more than a state legislature could do so. As a matter of constitutional law, Congressional fact-finding is treated in the same manner as that of the state legislatures. *Oregon* v. *Mitchell*, 400 U.S. 112, 207 (1970) (per Harlan, J., concurring in part and dissenting in part).

Finally, this legislation unconstitutionally seeks to reverse—by statute rather than constitutional amendment—a clear Supreme Court holding, in *Roe* v. *Wade*, that ". . . the word 'person' as used in the Fourteenth Amendment, does not include the unborn." 410 U.S. at 158. This direct challenge to the constitutional powers of a co-equal branch of government masquerades as a species of enforcement of the Fourteenth Amendment.

However, the proposed statute is not a means to enforce an acknowledged purpose of the Fourteenth Amendment; rather, it seeks in a wholly novel way to expand drastically the purposes of the Amendment itself, by dramatically expanding the class of "persons" whom the Amendment protects.

The Supreme Court, however, has never hesitated to review the question of whether the end sought by Congress—as opposed to the means selected—was one which was comprehended by the Constitution.[6] The Court would undoubtedly review Congress' decision on the reach of the Amendment; it would undoubtedly adhere to its prior decision in *Roe* v. *Wade*, that the unborn are not "persons" within the Fourteenth Amendment, and would accordingly hold the proposed statute unconstitutional.

Indeed, the very action of Congress in attempting to overrule by statute, a constitutional decision of the Supreme Court, would in itself violate the Constitution—and beyond that, it would represent a radical assault on the structure of our form of government that would be both foolish and dangerous.[7] If Congress were able to change the meaning of the Constitution by mere majority vote, there would be no need for the Constitution's careful amending provision, requiring a two-thirds vote by Congress and approval by three-fourths of the states.[8]

UNPREDICTABLE AND BIZARRE EFFECTS OF PROPOSED STATUTE

Unlike the laws existing prior to Roe v. Wade, this statute would outlaw all abortions: No exception could be allowed for pregnancies resulting from rape, or incest, or statutory rape; or for those threatening the health, or even the life, of the mother; or for any other circumstance. Further, many popular methods of contraception, like the IUD and birth control pill in some cases, would likewise be outlawed.

The statute's effects would not stop here. If fetal life is indistinguishable from a living person, then its extinction must also be punished. The doctor performing an operation, no matter how compelling the need, and no matter how grave the pregnancy's threat to the mother's life would be a murderer, and his patient an accessory; the friend who loaned a woman the money for an abortion would be a conspirator in murder. The patient herself would be the murderer, for the simple act of using an outlawed contraceptive.

The proposed statute, moreover, would intrude the federal courts into numerous areas traditionally reserved for regulation by the states. If a fetus is deemed to be human life from conception, the federal courts would compel the states to permit tort claims by or on behalf of the unborn, in exactly the same manner as by living human beings. The structure of insurance rates would be driven drastically upward. The impact upon inheritance and estate planning would be almost inconceivable; innumerable aspects of this area of the law are contingent upon existence of lives in being at various times, almost invariably measured from birth. What additional effects the bill might have upon rights of citizenship arising from birth, or upon the census, or upon revenue sharing, or upon countless other areas which have traditionally relied upon live birth as the touchstone of rights, would clearly be both dramatic and unwelcome.

In conclusion, then, S. 158 and H.R. 900 are ill-considered legislative proposals. They are not only unenforceable; the bills would also produce a clash of constitutional dimension between the courts and Congress, which would have consequences of the most dire nature. No legislator concerned for the well-being of this nation, liberal or conservative, pro-abortion or anti, should support this legislation.●

[6] See *South Carolina* v. *Katzenbach*, 383 U.S. 301, 326 (1966); *Jones* v. *Bowman*, 190 U.S. 127 (1903); *United States* v. *Reese*, 92 U.S. 214 (1876). See also *Doe* v. *Israel*, supra, 358 F. Supp. at 1201, making plain that it has always been the Supreme Court which has determined the reach of the protected classes under the Fourteenth Amendment.

[7] The portions of the proposed bill which seek to deprive the federal courts of jurisdiction over abortion cases, and limit the precedential value of any court holdings of unconstitutionality, are not discussed here, but are plainly equally drastic and dangerous assaults upon our traditional form of government.

[8] The late Mr. Justice Harlan in his concurring and dissenting opinion in *Oregon* v. *Mitchell*, 400 U.S. 112, 204-205 (1970), wrote: To allow a simple majority of Congress to have final say on matters of constitutional interpretation is . . . fundamentally out of keeping with the constitutional structure.

BEEFING UP RESERVE CALLED MORE VITAL THAN BIG BUDGETS

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. BEDELL. Mr. Speaker, earlier this year I introduced three bills—H.R. 1359, H.R. 1360, and H.R. 1361—to enhance the quality of recruitment and retention in our National Guard and Reserve Forces. Given the critical reliance that our Active Forces place on the Guard and Reserve units it is essential that these units have sufficient funding to meet their combat readiness goals.

The House will soon be considering administration proposals for the largest military budget increase in over a decade. I therefore wish to call my colleagues attention to an article in last Friday's Washington Post which stresses that the readiness of our Guard and Reserve units is more vital than simply the acquisition of sophisticated nuclear weaponry. This article, by Michael Getler, focuses on the views of a leading civil defense expert, William T. Kaufmann, currently at MIT and formerly the drafter of the Pentagon's annual defense posture statement to Congress.

Mr. Kaufmann argues that the primary dangers facing our military involve conventional, rather than nuclear, forces, the chief threats being in the Persian Gulf, central Europe, Korea, and the Caribbean. Faced with simultaneous challenges in these areas, the United States would find itself short by at least four divisions of ground troops and six tactical fighter wings. Army, Marine, and Air Force Reserves units could fill this gap, but given the equipment currently relegated to the Reserve, Mr. Kaufmann estimates it would take more than 90 days to bring them into action.

I urge my colleagues to take note of Mr. Kaufmann's views, the text of which follows:

[From the Washington Post, May 15, 1981]

BEEFING UP RESERVE CALLED MORE VITAL THAN BIG BUDGETS

(By Michael Getler)

A leading civilian defense expert says that unless the United States broadens its strategy and pays more attention to the reserves and the National Guard, even the big military budgets proposed by the Reagan administration may not prepare the nation for the kind of battles it may have to fight.

William T. Kaufmann, a professor of political science at the Massachusetts Institute of Technology and the drafter of the Pentagon's annual defense posture report to Congress during the Ford and Carter administrations, said that while the final Carter and the new Reagan defense budgets are a step toward meeting standard dangers, "they do relatively little to ensure against a more testing yet not implausible set of dangers."

Kaufmann argued that the real challenges to the U.S. military in the years ahead are more likely to involve conventional, rather than nuclear, forces.

The size of those forces and where they are stationed are still based on a strategy of having to deal with one major and one lesser confrontation simultaneously and being able to move troops, ships and planes around, Kaufmann said. This strategy, he said, is "open to question."

In a 50-page section of the new Brookings Institution analysis of the 1982 budget and national priorities, and during a meeting with reporters, Kaufmann argued that the most serious non-nuclear contingency facing the United States is the possibility of almost simultaneous military challenges in the Persian Gulf, central Europe and Korea.

Under those circumstances, Kaufmann said, the United States would find itself short by at least four divisions of ground troops and six tactical fighter wings. If the Caribbean erupted as well, he said, the deficit would be worse.

He said he believes, however, that those forces could be quickly supplied by three Army reserve divisions and one Marine reserve division, plus Air Force reserve squadrons, if the Army would bring those reserves to a high state of readiness and the Pentagon would buy better equipment for the highly trained air reserves.

As matters stand now, Kaufmann said, it would take the Pentagon more than 90 days to get any major organized unit out of the Army National Guard or reserve divisions, other than those reserve battalions already counted as part of active-duty divisions.

He said it is politically easier and less costly to get the extra forces from the reserves rather than from the draft. The United States is paying about $11 billion a

year for the reserves and not getting much for it at the moment, he said.

In laying out what he sees as U.S. options, Kaufmann argued that vast sums requested by the new administration for long-range spending, beyond the initial budgets now before Congress, are in effect "wedges," money in reserve for which no specific use has been identified.

"For those who must translate these various signals into programs," Kaufmann wrote, "a certain caution about defense needs is in order."●

"FOREIGN SOURCING" EVIDENT IN U.S. AUTOMOBILE PARTS

HON. DAVID W. EVANS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. EVANS of Indiana. Mr. Speaker, on April 24, the House Banking Subcommittee on Economic Stabilization conducted a daylong hearing in Indianapolis, Ind., concerning the degree of "foreign sourcing" now evident in the U.S. automobile parts and supply industry and the devastating effects of the industry's decline on some of our communities.

Foreign sources being used for the automotive parts and supply side of the industry is a growing problem for many of our small and midsize companies, and the effects of this trend have caused a painful slump in last year's sales figures and already indicate that 1981 will be even worse.

One of the witnesses heard by the subcommittee was James Harbour of Harbour Associates of Berkley, Mich. Mr. Harbour is a former executive with the Chrysler Corp. but more recently has been examining the problems of the auto industry at the grassroots level of its operations and particularly in the Midwestern United States. His testimony was most forcefully made to the point of identifying the sources of our problem and of suggesting some steps that might be taken to alleviate increasing community and economic distress in the area.

Mr. Speaker, I commend Mr. Harbour's statement to the attention of my colleagues and, in the hope that they will read and profit from it, I am inserting a copy of his text in full at this point in the RECORD.

Mr. Chairman, distinguished members of the committee, I welcome the opportunity to speak to you on the important U.S. automotive industry and related U.S. manufacturing industries in the context of international competition.

I would like to cover three broad topic areas including: The U.S. automotive industry, its scope and depth; international competitive issues; and implications for the broader U.S. industrial base in world competition.

I speak as a former member of the industry. My past experience spans 28 years as an executive in both manufacturing and financial disciplines. I have seen the industry at the very peak of its history and unfortunately in its darkest days. To the extent of my participation in the historic forces of the industry, I fully shoulder part of the blame for the events which have befallen it. I would also lay claim to my part of the industry's successes, of which there have indeed been many. I do not apologize for the industry, nor do I condemn it—I am here to help in whatever manner possible in the monumental efforts required to get our industrial base back on its feet.

First, let me briefly profile the North American automotive industry. It is not accurate to say "United States automotive industry." It is fully integrated across North America, including Canada.

The five major vehicle manufacturers operated 323 facilities before the 1970-80 shutdowns. There were 290 United States plants and 33 Canadian plants including:

Since 1979 25 of these have been closed or are scheduled to be closed. Ten of them have an annual assembly capacity of 1,600,000 vehicles.

Based purely on economics, many additional plants could have been closed; however, these plants are the single-source of still required components so they must stay open to support other plants. The result is that many open plants are operating at less than 60 percent of capacity.

Supplier companies located throughout the United States and Canada are absolutely critical to the viability of this industry. There are approximately 32,000 suppliers with 45,000 different plant locations of which 42,000 are in the United States. Sixty percent of all suppliers employ less than 500 workers.

These suppliers have also closed a major number of plants in 1979-80. I have with me only a partial listing of these closed plants and they are included in my written submission.

It is important to understand the workforce required to manufacture 13.5 million vehicles, in what used to be a normal production year.

In 1978 the prime manufacturers employed 950,000 workers; 65,000 of these were in Canada.

Component parts suppliers employed 610,000 workers, raw material supplies an additional 225,000 workers.

225,000 workers supplied non-productive materials.

Approximately 300,000 were employed in the transportation industry delivering materials and shipping finished vehicles.

The workers employed to provide tools and dies, perishable tools, and machine tools approximates 480,000.

There was a grand total of 2.8 million employed to produce a total of 13.5 million vehicles.

Currently a total of 625,000 of these workers are unemployed and the future outlook for their recall is slim to none.

These employment statistics were developed by the Transportation Systems Center, Department of Transportation, Cambridge, Mass. This Government center has a group of expert automotive industry manufacturing and financial analysts.

It must be understood that when one says "auto industry" one is describing a substantial part of the U.S. manufacturing base. Many other manufacturing sectors, often thought of as beyond the auto industry, would be difficult to support were it not for the high volume production foundation offered to these other industries by the core of auto production. For example, a steel mill might find it difficult to remain open if it were to lose 20 percent of its basic volume represented by automotive production. Likewise, machine tool or perishable tool manufacturers would have to retrench significantly if it were not for the volume of business they obtain for vehicle production changes.

The automotive industry is a large and in some cases the single largest consumer of many of our basic industries. As mighty as this industrial sector is, however, it is not alone in the world. I would like to now describe briefly the current dominant vehicle production base, located in Japan, and explain its meaning for our industries.

Japan was the first country to exceed U.S. automotive production by producing 11.0 million units in 1980 compared to our 8 million units. Japanese exports for 1980 totalled 6.0 million units or 54 percent of its production.

Automotive import sales in the United States in 1980 totalled 2.9 million units. Japan sold 2.4 million, West Germany 300,000 and all others 185,000.

Japanese imports were 22 percent of our cars and 19 percent of our trucks. There are eleven major automotive producers in Japan; two of them as large as Ford and two as large as Chrysler.

The total car and truck imports do not just represent 2,900,000 units and 625,000 lost jobs, it also means that the United States imported: 480,000 tons of iron, and 3,255,000 tons of steel. These imports have come at a time of crisis in our own industry.

The massive losses absorbed by our industry have resulted in an extreme shortage of cash necessary to facilitize for new products and component parts. Huge losses have also accounted for the significant layoffs of the engineers necessary to design and develop these new products and components. Cash shortages to buy tooling and facilities have dictated the present and future purchase of many major component parts and assemblies from foreign sources including: Constant velocity joints and half-shafts.

The automotive companies are also sourcing major components to their subsidiary locations in foreign countries because these countries have specific local content laws. Almost all countries, other than the United States, require a specific percentage of the car plus specific components such as engines and transmissions be built in the local country. Consequently the three major automobile companies are facilitizing new engines in Mexico and Brazil (except Chrysler) for local content purposes, however, since the efficient tooling capacity is in excess of local requirements the excess will be exported for installation in U.S. built cars and small trucks.

I would now like to address the subject of the "Japanese Landed Cost Advantage". First of all, I would like to note that I was associated with Mitsubishi Motors of Japan for about 10 years. I have also visited a number of plant facilities in Japan and we spent much of last year studying automotive productivity.

The results of our study on productivity and technology are published elsewhere and are being studied extensively by the automobile companies. Our findings indicate that contrary to many older published reports, productivity is the largest Japanese landed cost advantage.

This landed cost advantage, based on our study of the final 50 percent of the production system is $1,000 per car and it may be higher.

If the Japanese are as productive in the total car as in the half we studied, and our preliminary analysis indicates they are, then their advantage would be $1,500 per small car.

This $1,500 is made up of $420 in labor rates, $1,060 in labor productivity, $420 in other cost advantages (depreciation, taxes, warranty, interest), less $400 in Japanese shipping and duty penalties.

The Japanese automobile industry has achieved 10 percent annual productivity improvements as reported by their Dept. of Labor.

Now let me dispel another myth. It has often been asserted that Japanese technology is better than ours, machine-for-machine. But only in body stamping do the Japanese automotive manufacturers have better technology, facilities and tools than the U.S. manufacturers. In this case the Japanese manufacturers purchased U.S. designed and developed stamping presses and automation. This advanced American technology includes what is commonly referred to as rolling bolsters and automatic loaders and transfer equipment. The Japanese, other than body stamping, do not weld, paint, or assemble the car with any better technology and facilities than the U.S. Our engine and transmission testing technology is in fact currently superior to existing Japanese test equipment.

The blunt fact is that there is no amount of money that can be thrown blindly at the productivity problem in the U.S. Gentlemen, the $80 billion being spent by the U.S. manufacturers does not scare the Japanese at all.

The Japanese have achieved and will continue to realize high levels of productivity growth because of: Superior management systems; non-adversarial union relations; non-adversarial supplier relations; advantageous government policies; and employment of the total work force to identify and solve quality and productivity problems.

Their competitive position is greatly strengthened by wage and fringe costs that equal $12 per hour compared to $18 to $19 in the U.S.

The Japanese will only worry when the North American manufacturers start solving their management, labor and supplier problems with new management systems and a different working relationship.

The systems the Japanese employ and other factors that improve their productivity so substantially are:

"Just-in-time production system."

Their quality system is based on "defect prevention" not "defect detection" as practiced in the U.S.

Their quality circles system.

There are other contributing factors to their productivity growth including smaller plants, integrated plant complexes, better material handling engineering, different worker relief practices and allowances, very low absentees, and no non-working union representatives.

The subject of imported cars and trucks is not the whole problem in the U.S. nor is it simply a question of "free trade". I am not here, today, addressing import restrictions, but issues that are in fact much larger. We need to change our entire concept of business and the scale of industrial competition if we are to survive as an industrial power.

The real question is "how long will the United States continue to allow its industrial base to be eroded?" How many workers, collecting unemployment benefits, T.R.A. and welfare payments, will the United States allow to remain unemployed by its own industrial slippage? Where do these workers turn for future employment? How do imports contribute to our tax receipts? How many major industries is the United States willing to give up to imported products without an attempt to provide our own competitive product?

Our government, unions and management must realize that we are facing very intense international competition and that we cannot afford further slippage in any industry.

The Japanese currently own a substantial share of the United States and world markets in many industries. They do this with exports from Japan or their subsidiaries in other lower labor rate countries.

They do not seem content with the markets they already have, indeed the list continues:

They are the largest single producers of buses and have recently quoted supplying buses to New York City. If they get this bus order, it opens the door to the entire U.S. market and could mean at least 4,000 buses. Our bus market currenty stands at only about 4,000 units per year.

Japanese companies are among the major competition for several proposed U.S. railroads and transit systems. They not only want the rolling stock but have offered to provide all new rail lines.

It should be understood gentlemen, that in many cases, the lions share of these buses and railroads are paid for by Federal and State Governments or in fact taxpayers. Taxpayers would be paying taxes to increase U.S. unemployment.

Japan is the largest producer of robots in the world and they recently established a "cartel" to go after a major share of the world market.

Let me specifically review some selected industries that comprise our industrial base that are gradually being eroded by imports.

The steel industry is very basic to all industries. It is absolutely needed for commercial and military markets. In 1978, 1979 and 1980 16 percent of our consumption was imported. In addiiton, 3.8 million tons was imported in finished cars and trucks. Japanese imported steel was 8.2 percent of our usage.

How did these imports affect our steel making capacity? You need only to look at U.S. Steel and the nine major steel works it has or will close in 1979 through 1981. Others closed bring the total to 20 plants.

The copper industry has suffered the same fate. The import percentage has increased from 9.2 percent in 1975 to 27.3 percent in 1980. Zinc import share ranged as high as 61.3 percent.

The fastener industry is another where imports have all but destroyed our own industry. Imports account for 80 percent of the country's standard fasteners.

In the bearing industry the U.S. has exported 9 percent of its production, however, it has also imported 14 percent of its annual consumption. Approximately 40 percent of the United States imports are from Japan.

The machine tool industry, the backbone of the United States hard goods industry, is also under attack from imports. In 1979 machine tool imports, mostly from Japan, accounted for 20 percent of all U.S. purchases. I remember when the XM-1 main battle tank was tooled, the major hull welding facilities were purchased in Japan.

The electrical/electronics industry is currently being subjected to severe competition for integrated circuits, principally from Japan. The U.S. share of I.C.'s was 83 percent in 1963, down to 63 percent by 1977 and now approximately 60 percent. In four years from 1975 to 1979 the Japanese increased their share of the 16K random access memory chips from 2 to 35 percent.

This is the specific type of product that when supplied in its final finished product is not identifiable. The final customer never knows what the source of individual I.C.'s are—even the military.

Japan is a country with a national purpose. Japan is making strong inroads into not only the traditional industrial products like steel, cars, trucks and fasteners but also into the high value added portions of new technology—such as electronics and computers.

The Japanese are our strongest competitors for the hardgoods market of the world. This is because their unique position requires that they must export to survive, at the same time their only resource is people.

Lifetime employment guarantees, dictates that the Japan automobile industry increase exports every year in excess of ten percent or their annual productivity improvements would result in substantial layoffs.

The United States has never identified any such national purpose. We seem to be committed to inflexible textbook definitions of "free trade" and "anti-trust" and in fact it has been considered healthy to hold industry's "feet-to-the-fire".

The automotive industry is spending $80 billion on new plants, facilities and tools, and an estimated $40 billion is being spent by suppliers to produce new fuel efficient vehicles that are safer and meet rigid emissions requirements. Yet, no major recognition of these massive investments was ever incorporated in the tax laws that would have allowed for accelerated write-offs.

The Japanese automotive industry did not have to spend these enormous sums on new products since they already produce small cars and trucks, benefiting from protected markets and fast write-offs over many years.

The U.S. automotive industry was forced by court order to separately develop emissions and catalysts systems while the Japanese combined their research and development resources—then sat back and smiled at our stupidity.

We are not facing a question of "What is wrong" with the North American Automotive Industry. It is a question of "What is better" in the Japanese automotive industry and how can we change to match or even surpass them. The North American industry has had a very solid foundation on which to build, however, that foundation has been seriously weakened because of: Imported cars and trucks; inflation; Government laws and regulations; high labor costs; cash deficits; and falling rates of productivity as compared to Japan.

This industry can return to its prior position as one of the world's most productive and dominant industries by building on its present foundation, however, it can not be done overnight.

Given some years the industry can return to a healthy position by: Introduction of new smaller fuel efficient cars and trucks; purchase new, existing technology, stamping facilities; the introduction of new management systems and techniques; improvement of its management/union relations/negotiations; and gaining control over wages and working environment.

For several years everyone in America has been looking for villains to blame for our

problems. Naming and blaming victims wastes too much time and energy. We must deal with concrete, solvable problems with our limited time and energy.

It is more a people problem than a dollar problem. Workers are not totally to blame nor are unions. The American worker can be as productive as any worker in the world.

Replacing workers with robots is not the solution either. It is only a means of eliminating the need for management, unions and workers to work together in solving the total problem. Massive infusions of new money for new technology facilities will help, but only if coupled with new management systems, and union and employee cooperation as the added key ingredient.

Assuming the United States Automotive Manufacturers cannot substantially improve their productivity, get their wage and fringe rates in line, and benefit from a new cooperative government attitude then: The U.S. faces the real possibility the North American automotive industry will move off-shore to build its cars and trucks resulting in further erosion of this country's industrial base and another massive increase in unemployment.

In 1960-1961 I worked at the Chrysler Indianapolis Electric plant on Shadeland Avenue. The plant was then one of Chrysler's best plants producing power steering gears, electrical starters, the first alternators to be used in passenger cars and trucks, distributors and other parts. Today that plant is a skeleton of what it once was. Chrysler's new rack and pinion steering gears are all purchased, four cylinder engine starters are all imported, and alternators and distributors are being imported on engines from Japan. These actions all resulted from Chrysler's huge losses and lack of cash. Employment at the Shadeland plant is less than one-third of what it was then. It is a very sad commentary to a super work force, but only one minute example of the plant closings occurring regularly throughout the United States and particularly in the midwest. This same story is being repeated in the New Castle, Indiana plant I also worked in.

Probably the best statement I can make now is to repeat an old saying—which some may laugh at—"What is good for the automotive industries is good for the United States"—not the old automotive industries—not a substitute for inefficiency—what is good for the United States is an honest recognition that we have seriously underestimated the scope of world competition we face—that we have overestimated our past industrial strength—and that we may be fast becoming a second rate manufacturing nation. Furthermore, it is good for the United States that this trend can be reversed—and that in the emerging worldwide automotive sector we have the opportunity to once again regain a prominent position in world industrial markets.●

VISIT OF CARDINAL PAULO EVARISTO ARNS OF BRAZIL

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Ms. Oakar. Mr. Speaker, we wish to honor and celebrate the visit of an outstanding defender of human rights to the Congress today, Cardinal Paulo Evaristo Arns of Brazil.

As the archbishop of the largest diocese in the world, Sao Paulo, Brazil, a city of 12 million people, the cardinal comes to us as a man who in so many ways, symbolizes the irresistible energy of social change that is being born in our hemisphere today.

Repressive regimes know him well as an outspoken opponent of government policies that deprive citizens of their legal rights, that condone torture and murder. Prisoners know him as their liberator. Workers know him as a leader in their struggles for justice. The poor know him as a friend and advocate in efforts to improve the conditions of their lives. The wealthy know him as a formidable foe in opposing industrial development that comes at the expense of the poor and disenfranchised.

Cardinal Arns, a progressive and pastoral leader of the Latin American church, has extended his ministry far beyond the doors of the cathedral. He is representative of a church which has opted to stand with those who have nothing rather than with those who possess everything.

He has been an inspiring force behind the movement to form "base communities," which may regard as the embryonic form of the emerging social structure of Latin America.

Indeed, he is a symbol, a sign, and an ambassador of the future of Latin America, and of the hope of freedom and dignity for all humanity.

His accomplishments are awesome. But in the simple affection and friendship of Dom Paulo, we have discovered the source of his great compassion. His Franciscan spirit inspires us all. His courage should remind us, as legislators, that "peace is the work of justice."●

MANDATORY SENTENCES FOR ARMED FELONIES

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. HERTEL. Mr. Speaker, the time has come to deal aggressively with criminals who use firearms. Mandatory sentences for conviction of a felony committed with a firearm works.

As a member of the Michigan Legislature, I sponsored and secured passage of mandatory sentences for conviction of armed felonies. A study by Dr. Charles Lucas and Dr. Anna Ledgerwood of Wayne State University and Detroit General Hospital in the Journal of Trauma—attached—showed there was a 50-percent reduction in the number of patients requiring major operations for gunshot wounds coinciding with a 30-percent reduction in homicides in the city of Detroit during the study period. The study concludes there was "no known factor, other than this mandatory incarceration law, which brought about this drastic change."

The reign of terror caused by crime can be stopped. Mandatory sentences for armed felonies are an effective deterrent. I have introduced H.R. 3623 providing mandatory sentences without probation or parole for conviction of armed Federal felonies. This measure also addresses illegal trafficking in firearms. Illegal transfer of a firearm to an individual who commits an armed Federal felony would, upon conviction, result in a mandatory sentence for the illegal dealer. I assure you this is an effective deterrent to crimes committed with guns. A quick review of the following study by Doctors Lucas and Ledgerwood will remove any doubts.

[From the Journal of Trauma]

MANDATORY INCARCERATION FOR CONVICTED ARMED FELONS: A TRAUMA PROPHYLAXIS

Successful care of the injured patient has been assumed to revolve around a multi-disciplined team approach with great emphasis placed on early communication, rapid transit to a nearby well-equipped hospital, early diagnosis, and early effective operative intervention. These closely intertwined facets of trauma care have improved exponentially over the past few years. Unfortunately, this improvement has placed a significant financial load on the American taxpayer. The time has come for physicians and other paramedical personnel interested in trauma to strive for prevention as well as care. Several potentially preventive measures have been discussed: mandatory jail sentences for drunken drivers, legalization of narcotics to eliminate the profit motive, and a rational approach to the control of firearms. In 1977 the State of Michigan passed a law whereby any person convicted of a felony while in possession of a firearm automatically received a 2-year jail sentence without parole. This incarceration cannot be circumvented by the trial judge, and has been supported in the State Court of Appeals. This law became effective January 1, 1977. We investigated the effect of this legislative mandate on the incidence of major injuries caused by firearms as seen at Detroit General Hospital.

CLINICAL MATERIAL

The operative log for the two 6 month periods, 1 January 1976 through 30 June 1976, and 1 January 1977 through 30 June 1977 were reviewed to determine the number of patients who required operation for penetrating wounds due to either firearms or knives. The area of penetration was divided into face and head, neck, thorax, abdomen and flank, extremity, and more than one of the above. Patients with lacerations or gunshot wounds not requiring operation under general anesthesia in the operating room were not included. This latter group included patients with penetrating chest wounds requiring closed tube thoracostomy, since this procedure is normally done in the emergency room with local anesthesia.

The results show that in the 6-month period before mandatory incarceration of convicted armed felons there were 244 patients who had major surgery under general

anesthesia for gunshot or shotgun wounds and 143 patients who had major operations performed under general anesthesia for knife wounds. The number of operations performed for gunshot wounds and knife wounds was fairly evenly divided over a 6-month period (Table I). In contrast, after the law became effective, the number of patients requiring major operation for gunshot wounds decreased dramatically to 128 patients during the subsequent 6 months, and the number of patients requiring operation for knife wounds decreased minimally (Table I). The decreased number of operations performed for gunshot wounds occurred throughout the 6-month period; the decreased number of operations performed for knife wounds was restricted to February and early March when Detroit underwent its coldest period in history. During January, the latter part of March, and the last 3 months of the comparison period, the number of operations performed for knife wounds was comparable to the previous year. Finally, the decrease in number of operations performed for gunshot wounds was seen in most anatomic regions and for those patients with injuries in more than one anatomic region (Table II).

TABLE I.—OPERATIONS PERFORMED FOR PENETRATING WOUNDS

	Before mandatory incarceration 1976		After mandatory incarceration 1977	
	Gunshot	Knife	Gunshot	Knife
January	44	30	26	24
February	42	21	19	10
March	42	23	28	16
April	37	23	17	19
May	27	18	17	24
June	51	28	21	27
Totals	244	143	128	120

TABLE II.—REGIONAL DISTRIBUTION OF PENETRATING WOUNDS

	Before mandatory incarceration 1976		After mandatory incarceration 1977	
	Gunshot	Knife	Gunshot	Knife
Head & face	29	3	13	4
Neck	10	17	12	16
Thorax	18	9	4	9
Abdomen & flank	71	45	39	41
Extremity	56	50	44	40
More than one region	60	19	16	10
Totals	244	143	128	120

From the department of Surgery, Wayne State University, and the Emergency Surgical Service at Detroit General Hospital. Supported by the Detroit General Hospital Reserch Corp.

Address for reprints: Charles E. Lucas, M.D., Department of Surgery, Wayne State University, 540 East Canfield, Detroit, MI 48201.

COMMENT

These findings indicate that legislative efforts can be effective in reducing the number of injuries and deaths related to firearms. This 50% reduction in the number of patients requiring major operation for gunshot wounds coincided with a significant reduction (approximately 30%) in homicides in the City of Detroit. During this reporting period, there is no known factor, other than this mandatory incarceration law, which brought about this dramatic change. During the reporting periods, the Detroit Police Department was at comparable strength, the City of Detroit Emergency Medical Services were at comparable manpower, and the surgical residents and the surgical staff on the Detroit General Hospital Emergency Surgical Service followed the same guidelines for indications for operation in patients with penetrating wounds.

These findings present strong preliminary data in support of further legislative efforts in an attempt to decrease the magnitude of trauma currently being perpetrated by man upon his fellow man. The potential for life salvage, improved quality of life, and overall improvement in both individual and the national economy is monumental. The time appears right for other municipalities to implement the same type of mandatory incarceration law in order to see if the same beneficial results can be obtained. Further legislative efforts along the same line might include a scaled down mandatory incarceration of 30 days for individuals found to be carrying unregistered concealed firearms even though a felony was not convicted, mandatory incarceration for drunken driving, and legalization of narcotics in order to remove the profit motive from drug trafficking. Prevention is the key to a successful approach to the overall trauma problem. The medical community, paramedical community, and the consumer should join forces now and support passage of laws which will stress prevention rather than continuing to place most of our efforts on response time, categorization of emergency facilities, establishment of fully equipped trauma teams, and research.●

EDUCATION ACT REPLACES JERRY-BUILT PATCHWORK

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. ERLENBORN. Mr. Speaker, I am today introducing, together with Mr. MICHEL and five other colleagues, the administration's Elementary and Secondary Education Consolidation Act of 1981. It charts a new and better course in Federal aid for elementary and secondary schools, one which will restore the authority to make education decisions to the State and local level where it belongs. It provides a workable and rational structure for aid to our schools to replace the jerry-built patchwork of narrow-purpose categorical grant programs which has evolved over the past 25 years.

This proposal should be viewed against the background of the proliferation of Federal grant programs across a broad range of interests in the past decade. As a member of both the Committee on Education and Labor and the Committee on Government Operations I have watched this trend as it has affected the general operation of our Government and Federal-State relations, and as it has impacted particularly upon education.

The Advisory Commission on Intergovernmental Relations, which is charged with a continuing review of the operation of our federal system of government, in 1970 identified approximately 350 funded and operational Federal programs of grants to State and local governmental agencies; today there are over 600 such programs. Education has been a major contributor to this mushrooming of Federal programs with around 150 of them, and principally because of this the Federal voice in education is entirely disproportionate to the Federal financial contribution and the Federal role generally is very much at odds with the principle of State and local control of education. The Federal role is defined by the structure of Federal aid; it can be redefined only by changing the structure.

The existing structure has spawned a virtually impenetrable snarl of laws and regulations, sometimes conflicting, which has entangled our schools in an unbelievable mass of redtape. Education statutes take up almost 900 pages in the United States Code Annotated and some 1,200 pages of regulations in the Code of Federal Regulations. The paperwork required to comply with all this exceeds 10 million hours of work each year for elementary and secondary programs alone, at a cost which may well approach a quarter of a billion dollars. The cost in time and energy of administrators and teachers diverted from education tasks is beyond calculation, but it is known to be a factor in the loss to the profession of some of its most talented members.

Beyond the monetary cost and aggravation of meeting regulatory requirements lies the disproportionate authority in education which falls into Federal hands, an authority which far exceeds that necessary to insure that Federal funds are expended for purposes intended by the statutes. The laws themselves for the most part are written so as to prescribe in minute detail how education programs receiving Federal funds are to be conducted. Thus even more detailed regulations are necessary to insure compliance. Congressional excess, rather than bureaucratic excess, is the chief cause of a degree of regulation of educators which is both presumptous and preposterous.

Program consolidation is the only practical way to deal with the problem, because even if all the individual program authorizations were stripped of unnecessary requirements, you would still have an inflexible arrangement in which the amount of funds available for each separate purpose is determined in Washington in a mix that bears no relationship to the actual needs of education in any State at any point in time. This increases the Federal impact on the setting of priorities for funding education needs without consideration of what the actual needs may be, while making it impossible for States and local school boards to use Federal funds in a rational way.

It is incumbent upon the Congress to correct this situation and thereby

to restore a balance in making education decisions appropriate to the Federal financial contribution of about 8 percent of the cost of running public elementary and secondary education. The administration proposal would make that correction and restore that balance. It would be good for the concept of federalism, good for education, and a positive benefit to children with special needs who are the intended beneficiaries of a large percentage of Federal education funds.

The bill I have introduced would consolidate 44 existing categorical grant programs into 2—1 largely going to local educational agencies to replace 11 existing programs for special populations and needs (such as the disadvantaged, the handicapped, migratory children, and adults needing basic literacy education), and the other going to the States to replace 33 programs which are either more general in nature (such as the acquisition of instructional materials and resources, the basic skills program, and personnel development) or funded as special or demonstration projects.

The bill would keep intact the Federal commitment to assist financially in the education of the handicapped and disadvantaged, and to provide other assistance to improve the quality generally of elementary and secondary education, while removing the unnecessary burdens imposed by the existing structure of Federal aid. The proposal is not one for general aid to education, or for revenue sharing. In my judgment, it would provide far more effective assistance to education for the same purposes authorized by the programs it would consolidate.

Mr. Speaker, there are both proponents and opponents of Federal program consolidation who will view this proposal from a doctrinaire perspective—either as a solution for all the problems of education or as an effort to dismantle the Federal initiatives of the past 20 years. It is, of course, neither. It is simply a more rational way to assist our schools; a way which returns the responsibility for education decisionmaking to educators and school officials, which gives them the needed flexibility to use limited resources wisely, but which nevertheless insures that Federal funds will remain targeted on national concerns identified by the Congress.

The administration officials, and most prominently Secretary Bell, who put this proposal together are to be commended for moving forcefully in a direction we should have taken years ago. I trust that the Congress will act expeditiously on this welcome initiative.

There follows a fact sheet and a question-and-answer presentation prepared by the Department of Education which will be helpful to Members in understanding the details of the bill.

U.S. DEPARTMENT OF EDUCATION—FACT SHEET

Proposed legislation, submitted to the Congress on April 28, would transfer the responsibility for 44 elementary and secondary education programs currently administered by the U.S. Department of Education to States and local education agencies.

If enacted, the legislation would become effective during the 1982-83 school year with funds totalling approximately $4.4 billion.

The bill, which restructures the Federal role in education for the next 5 years, represents a significant change in Federal/State relationships. For the first time, States and localities would be allowed to use Federal funds in the way they believe best meet the educational needs of their children.

The proposal does not, however, retreat from present national objectives. It directs benefits to the same students with special needs as under present laws and limits use of funds to the same types of activities.

The proposed legislation would remove many of the procedural and reporting requirements that have for so long plagued local and state education officials. It would repeal existing grant authorizations and eliminate requirements that school districts maintain local expenditures for public education to qualify for Federal funding, match Federal dollars with State and local dollars, provide students in Federal programs for the disadvantaged with the same amount of services as those in nonparticipating programs, use Federal funds only for the excess costs necessary to maintain a Federal project, and not replace State and local funds for education with Federal dollars.

There would be no required applications, mandated lists of eligible schools or students, average daily attendance reports, or advisory committees to detract from the authority of responsible officials.

The bill establishes two key funding packages:

Programs that currently direct resources to States and to local educational agencies to help meet the special needs of educationally disadvantaged and handicapped children, youth and adults.

Programs that are intended, collectively, to strengthen the ability of States and local schools to improve educational services.

In both instances, Federal money will go to the States, but the largest share will be passed on to local school districts for education of children who have been assisted under previous Federal programs. One percent will, however, be reserved by the Secretary of Education for insular areas and Indian education programs operated by the Department of Interior.

Title I of the proposed legislation would provide financial assistance to improve educational achievement, especially in basic skills and career preparation, for: educationally deprived children now served under Title I of the Elementary and Secondary Education Act (ESEA), handicapped children under Public Law 94-142, The Education for All Handicapped Children Act, and children in desegregating schools now provided under the Emergency School Aid Act.

It would also consolidate services for State programs for: students in State-operated schools for the handicapped, neglected and delinquent now provided under Title I ESEA, children of migratory agricultural workers and fishermen now served under Title I ESEA, and adults lacking basic skills now provided by the Adult Education Act.

Approximately $3.8 billion will be available for these services—87 percent of which, or $3.3 billion, would move directly to local education agencies and 13 percent, or $500 million, would be administered by the States.

Seventy-five percent of the money going to local education agencies would be allocated on the basis of low-income children and State average per pupil expenditure; the other 25 percent on the basis of the State's share of school age population.

Funding to States for State services or support of grants and contracts would be divided as follows: 80 percent on the basis of children in State-operated or State-supported schools for handicapped, neglected and delinquent and migratory children multiplied by the State's average per pupil expenditure; 20 percent on the basis of adults lacking certificates of high school graduation.

Under Title II of the proposed legislation, States would receive financial assistance to encourage academic excellence, improve student achievement, increase opportunities for students with special needs, and strengthen their own management functions.

Slightly more than $565 million would be available. The money will be allotted on the basis of each State's share of the school age population. No State, however, would receive less than 0.6 percent of the total amount (about $3.4 million).

Thirty-three currently separate and diverse education programs will be folded into Title II. They are:

Grants for Disadvantaged (ESEA, Title I), State Administration (Section 194), Technical Assistance Centers (Section 183);

Improving Local Educational Practice (ESEA, Title IV-C),

Strengthening State Educational Management (ESEA, Title V-B),

Emergency School Aid (Emergency School Aid Act) Special Programs and Projects (Section 608(a)), Grants to Nonprofit Organizations (Section 608(b)). Educational Television and Radio (Section 611).

Training and Advisory Services (Civil Rights Act, Title IV);

Women's Educational Equity (ESEA, Title IX-C);

School Libraries and Instructional Resources (ESEA, Title IV-B);

Education for the Handicapped (Education for the Handicapped Act) Severely Handicapped (Part C, Sections 621 and 624), Early Childhood Education (Part C, Section 623), Regional Vocational, Adult, and Postsecondary, Programs (Part C, Section 625), Innovation and Development (Part E), Regional Resource Centers (Part C, Section 621), Special Education Personnel Development (Part D, Sections 631, 632, 634).

Career Education Incentives (P.L. 95-207, Section 4); Community Schools (ESEA, Title VIII, Sections 809, 810, & 812), Consumers' Education (ESEA, Title III-E), Law-related Education (ESEA, Title III-G), Basic Skills Improvement (ESEA, Title II), Follow Through (Headstart-Follow Through Act), Gifted and Talented (ESEA, Title IX-A), Alcohol and Drug Abuse Education (Alcohol and Drug Abuse Education Act), Arts in Education (ESEA, Title III-C), Metric Education (ESEA, Title III-B), Ethnic Heritage Studies (ESEA, Title IX-E), Cities in Schools (ESEA, Title III-A, Section 303(d)(1)), PUSH for Excellence (ESEA, Title III-A, Section 303(d)(1)).

Teacher Corps (Higher Education Act, Title V-A), Teacher Centers (Higher Education Act, Section 532), Pre-College Science

Teacher Training (National, Science Foundation Act of 1950).

ELEMENTARY AND SECONDARY EDUCATION CONSOLIDATION ACT OF 1981

Question: Won't the disadvantaged, handicapped, and other children who need extra educational services lose the protection they have now if Federal strings are removed as the Administration proposes?

Answer. The bill has several provisions that govern the use of Federal funds or establish clear accountability procedures.

FEDERAL SAFEGUARDS

Define children who are to benefit in the same or similar terms as present laws

Authorize funds for the same activities to serve these children as provided in current laws

Establish "achievement" as the purpose, which strengthens the educational goal for these students.

ACCOUNTABILITY OF STATES

Provides for a State plan describing the intended use of funds and characteristics of students to be served. The plan must be made public during its development to permit comment, one means to assure that States are accountable to the citizens they serve. The Federal government can also comment.

Calls for a transition year plan from the local education agency containing similar information which also will be available for public comment.

Provides for audits which are the mechanisms for after-the-fact discovery of violations of law.

COMPLAINT PROCEDURES

Sets up a complaint procedure for each State that gives advocacy groups and others the opportunity for presentation of evidence and questioning before an impartial hearing examiner. Complaint procedures must be completed within 120 days.

Draws on the "cease and desist" provision of the General Education Provisions Act that permits the Secretary to issue a stop order if Federal law is violated and to initiate a hearing.

Question: Title I of the consolidation legislation gives only a modest Federal mandate that certain groups—such as the disadvantaged, handicapped, and adults with literacy problems—shall be served. However, Title II seems to do away with special types of programs with its elimination of categorical identification. Does this mean the Federal government no longer is concerned with career education, metric education, women's educational equity, ethnic heritage?

Answer. The foundation stone of grants consolidation is the belief that the States and localities know best what their educational needs are and should be responsible for seeing that the needs and desires of their localities are met—within the Federal limitations purpose, beneficiaries and activities.

For Title II the consolidation legislation would authorize activities that cover all of those that could have been supported by the previous programs, such as curriculum improvement and professional development. The text includes examples taken from many previous programs (such as "basic skills" and "educational equity for women") that tie the bill to the present purposes. In the final analysis, however, the States rather than the Federal government will determine which activities and what former "categories" are appropriate for their needs.

Question: Will States and local school districts use consolidated funds to meet the needs of disadvantaged, handicapped, migrant, and other children with special needs when the record shows these children were not well served prior to enactment of major Federal aid programs in the 1960s?

Answer. States have come a long way in assuming responsibility for the education of these children in the last 16 years. Today many states have their own laws providing compensatory programs for disadvantaged children, competency-based education, and free appropriate education for the handicapped. States and communities clearly care about these children and will provide the best possible education for them. With consolidation of grants, States should have more flexibility in planning for these needs and should be able to avoid overlap or duplication in Federal and State funding.

Question: Would not conversion to consolidated grants be a backward step in the progress that has been made in the last 16 years in serving the disadvantaged and the handicapped?

Answer. This is not so. The Administration's bill requires that the same children—particularly the handicapped, disadvantaged, and those of migrant parents—be served as in the past. The bill also requires that money appropriated be used for the same kinds of activities as has been the case in the past. Federal money made available for education under consolidated grants cannot be used for general revenue sharing or tax relief; it must be used for education; and the States and localities will be the judges of where and how it shall be spent for education.

The mechanisms for requiring that the same children continue to be served are included in the statements of purpose in each title of the bill. They paraphrase permissible uses of money in existing law and contain allocations provisions that give weights to the various classes of students.

Question: Isn't the consolidation grant proposal really a device being used by the Administration to cut down on Federal education funds?

Answer. No. The consolidation proposal and the Administration's budget proposals are separate and distinct from each other. The budget is designed to improve the economy. Grants consolidation, on the other hand, is based on the assumption there is a need for a changing relationship between the Federal government and the States. Thus, in the Administration's effort to give the States and localities more decisionmaking authority, grants consolidation would have been proposed even if there were no effort to reduce the budget. Likewise, budget cuts would have been proposed even if there were no consolidation.

Question: The consolidation bill cites the State as the fund recipient. Does this mean funds will go to the Governor and not to the State education agency which has been the formal recipient for years?

Answer. The decision is up to the individual States and depends upon the governmental structure of the State. The Governor may make the determination in some States, the legislature in others. The bill contains teacher training authorities that require participation by colleges and universities, and in some States the education agency is not authorized to deal with higher education institutions. Only the State higher education agency has that authority. Similarly, some State institutions for the neglected and delinquent are operated by mental health agencies. So the States will have to decide the appropriate agency to handle funds covering all these services.

Question: Won't consolidation result in power plays at State and local levels among groups competing for Federal dollars? Advocates for disadvantaged children, who have no "non-discrimination" guarantees under Federal law, will surely fight for funds with advocates of handicapped children, who have such guarantees under Section 504 of the Rehabilitation Act of 1973.

Answer. States and communities have the responsibility to educate all these children and will have to make the determination about the best way to allocate funds to meet their needs. School boards and State agencies are in a better position to balance conflicting demands of various constituencies than are Federal officials.

Question: Why has the Administration cut funds for the programs going into the consolidated grant proposal one year prior to the effective date of the proposal, thereby eliminating any possible compensating savings resulting from greater flexibility and reduced regulatory burdens?

Answer. Again, the Administration's budget and consolidated grants proposal are separate initiatives.

The intent of consolidated grants is to minimize the Federal presence in education, thereby eliminating the mountains of paperwork and administrative control that go with Federal stewardship and returning control to the States and localities. The Administration would propose consolidation even if there were no need for funding reductions.

The Administration's economic reform budget calls for approximately 25 percent reductions for these elementary and secondary programs in 1981. Education would assume its fair share of the cuts in domestic programs. Under the budget reform program if inflation can be reduced by just 2 percent, the total savings to State and local school systems will equal the proposed reduction in the Federal contribution to education, which currently amounts to approximately 8 percent of the nation's elementary and secondary school funding.

Question: How will the consolidation save money?

Answer. A more appropriate distribution of authority among local, State, and Federal government is the real purpose of the consolidation. Saving money is secondary but will result from the elimination of paperwork—some 400,000 person-hours a year for required State reports alone—associated with decision making, reporting, and other procedures now required by the individual categorical programs. The bill will also eliminate the need for State and local specialists to keep abreast of requirements for 44 separate programs that fill 253 pages of law and 398 pages of Federal regulations.

Question: Assuming there will be less total Federal dollars per State under grants consolidation, how will the big cities be affected?

Answer. Consolidation should not be confused with the budget. The intent of the Administration's budget is to reduce inflation and speed the nation's economic recovery. The intent of consolidated grants is to withdraw the Federal presence from education and give fuller responsibility for education decisions to the States and localities.

If the Administration's request for a 25 percent reduction in Federal money for education is enacted for fiscal year 1981, school districts would receive pro-rata reductions under the larger Federal programs such as Title I and handicapped aid.

Turning to consolidation, it is not possible to say what the effect would be on big cities, rural areas, or suburbs because that would be determined by States.

However, States must distribute funds among districts on the basis of data that bear on needs of children, such as measures of poverty, educational deprivation, number of handicapped, etc.

Under the "hold harmless" provisions, local school districts are assured of receiving the same share of poverty-based funds in 1982 as they received under Title I of ESEA for fiscal 1981. They are guaranteed 75 percent of that amount the following year, after which the "hold harmless" disappears.

One effect of the change to consolidation will undoubtedly be an increased level of debate—and therefore of public awareness—as to how funds are allocated within States.

Plans published by the States will give the cities an opportunity to raise their objections, if any.

Question: What is the rationale for deleting the maintenance of effort and supplement-not-supplant requirements?

Answer: Maintenance of effort prohibits States from reducing their own levels of support for pupils; Federal funds must be used for extra services. With some States financially hard pressed, the maintenance of effort provision keeps them from effecting savings that could also trigger a cut-off of Federal funds. By deleting the requirement, the consolidation bill allows school districts to effect economies without the threat of losing Federal funds.

By eliminating the supplement-not-supplant requirement, the bill removes a needlessly vague requirement of the present law. The requirement is that children in Title I programs must receive the level of State and local funds they would have received if Title I did not exist. But it is nearly impossible to write regulations that give meaning to such a requirement, thus the requirement has been dropped in the consolidation bill.

Question: Will repeal of P.L. 94-142, (the Education of All Handicapped Children Act) under the consolidation proposal remove civil rights protection for the handicapped?

Answer. Civil rights protection for the handicapped will not in any way disappear even though the statutory requirement for Individualized Education Plans (IEPs) would be repealed. These matters would be handled under authority of Section 504 of the Rehabilitation Act. The 504 regulations now in effect require that handicapped children receive a free appropriate education and that programs be designed to meet individual needs (the 504 regulations identify IEPs as one permissible means to serve such needs).

Question: How will consolidation improve classroom instruction?

Answer. One important way is that the consolidation does not divide up children to keep track of Federal dollars but, instead, lets the school create the best learning environment to meet children's needs. Present fiscal requirements prevent commingling of Federal, State, and local funds. For example, remedial reading instructors hired under Title I of the Elementary and Secondary Education Act often pull children out of regular classrooms for special reading instruction to satisfy audit requirements, rather than for legitimate educational reasons. These children may well benefit more from an enriched classroom experience than from isolation with other slow readers. Consolidation eliminates fiscal limitations from Federal law. Therefore it permits States and localities to emphasize total educational services to children, rather than emphasize bookkeeping requirements.

Question: How do private school children receive their share of benefits under the consolidation bill?

Answer. Private school children continue to be eligible, as under present law, for the same services, materials, and equipment provided to public school children. Where the needs of private school children differ or services available from the public school districts are not feasible or not needed, other arrangements have to be made. If services are not provided through public channels, the Secretary of Education has "by-pass" authority to arrange for services to be paid from the State allotment.

Question: How will Indian children and those in Puerto Rico, Samoa and the other insular areas be served?

Answer. The Secretary of Education is authorized to reserve up to 1 percent of the total sum appropriated to provide payments to the insular areas and to the Secretary of the Interior for programs for eligible Indian children in Bureau of Indian Affairs schools.

Question: Why is adult education included in the consolidation bill when all other components have to do with the education of elementary and secondary school children?

Answer. Adult education programs primarily serve adult students from educationally deprived backgrounds, and schools provide these services through the secondary level. State education agencies and local school districts are in the best position to identify the needs of these adult students and provide appropriate education.●

TAKEOVER OF PUBLIC LANDS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. WALGREN. Mr. Speaker, the growing movement of States takeover of publicly owned Federal lands was described in detail recently in a Pittsburgh Press column by outdoors editor, Wyndle Watson. Mr. Watson suggests that the sagebrush rebellion may not be in the best interest of this country and in particular this country's natural resources. I recommend his column to my colleagues:

[From the Pittsburgh Press, Mar. 1, 1981]

SAGEBRUSH REBELLION PICKING UP STEAM

They call it the "Sagebrush Rebellion" but a land-grab is a more apt description of the growing movement in several western states to "take over" federally owned lands within those states.

Involved is about one-third of the land which is presently owned by all the people of the nation.

The ultimate fate of this public land, if the "rebellion" is successful, most observers believe, would be private ownership—probably by large livestock, mineral and lumbering interests.

Under state or private ownership it is very unlikely the lands in question would be managed in such a manner to be in the best interests of the nation as a whole. It would most certainly not be in the best interests of the nation's wildlife.

What we have is a movement that, should it spread to Pennsylvania, would have areas such as the Allegheny National Forest turned over to private timber companies or oil and mineral developers.

Some states, most notably Nevada, have already enacted legislation calling for state takeover of federally owned land within their boundaries.

The Wildlife Management Institute has prepared a state-by-state summary of actions by the western states relating to the so-called Sagebrush Rebellion.

The summary:

Arizona—legislation claiming state ownership of U.S. Bureau of Land Management lands passed early in 1980 over the governor's veto.

California—a bill calling for a study of the rebellion passed last year after a stronger version was vetoed by the governor. A transfer bill will likely be introduced this year.

Colorado—legislation has been introduced claiming state ownership of both BLM and national forest lands.

Idaho—legislation to amend the state constitution by removing the clause disclaiming the state's interest in federal public lands within its borders failed last year. It is expected to pass this year.

Montana—a bill to grab public lands in Montana was introduced this year. A poll by the governor-elect showed that two-thirds of the voters oppose the bill.

Nevada—the state legislature has approved $70,000 to pursue litigation of this state's federal land takeover.

New Mexico—legislation passed in 1980 claiming BLM lands.

Oregon—no legislation has been introduced in Oregon but likely sponsors of sagebrush bills have been identified in both houses. The Oregon situation is unique because of the tremendous timber revenues from the national forests and the Oregon and California railroad lands.

County governments seem unwilling to upset the lucrative status quo.

Utah—a bill claiming BLM land passed in 1980.

Washington—voters defeated the land-grab last November.

Wyoming—a bill claiming national forests and BLM lands passed in 1980.

The Nevada Chapter of the Wildlife Society recently evaluated that state's efforts to transfer public lands administered by the BLM to state government—and ultimately to private ownership.

The society came up with a list of 13 negative factors when it compared the state's record of managing the land it currently owns, the management of privately owned land and federal management of the federally owned acreage.

Some of the negative factors:

Nevada has no known state or private wilderness areas, areas which are keys to maintaining certain wilderness wildlife species.

Vegetation conversion from native to nonnative species is often harmful to wildlife.

The overwhelming majority of forage in Nevada is presently adjudicated to livestock—less than 10 percent is reserved for wildlife on public lands.

Pesticides are applied more often on private lands than on public lands, with obvious implications for wildlife.

Fences built to control livestock are often a problem for wildlife and generally are built with less regard for wildlife when erected on private land.

Access for recreational and economic uses is far more restricted on state and private land than on federal multiple-use lands.

Pay recreation for hunting and fishing is increasing on private lands while the public can visit multiple-use federal public lands without charge.

As you can see from this brief bit of background, the Sagebrush Rebellion is real and should be a cause for concern to all Americans, particularly who enjoy the outdoors.

Now is the time to write your federal legislators, letting them know your position on the matter.

If the rebellion spreads, and if it is successful, we could lose a major chunk of the lands which now belong to all Americans.

While most conservationists and sportsmen will agree that the federal government management of our federally owned lands is far from perfect, they will also agree that state or private management of the same lands would be far worse.●

WORLD BIKE FOR HOPE

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. COLEMAN. Mr. Speaker, I rise to offer both my congratulations and encouragement to the members of the World Bike for HOPE; David Duncan, Craig Blessing, Donald Duncan, Kristine Horne, and Laura Robertson.

These ambitious and enterprising young Americans plan to bike 12,000 miles through 18 nations in an effort to raise contributions for the international and domestic health education programs of Project HOPE.

These bikers, on a mission to convey what is best about American values to our neighbors around the globe are to be highly commended. I offer my full support and urge my colleagues in the House of Representatives to wish them well on their World Bike for HOPE.●

U.S. AID TO AFRICAN REFUGEES

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. GOODLING. Mr. Speaker, in recent weeks, the Committee on Foreign Affairs has been involved in the markup procedure of the fiscal year 1982 foreign assistance authorizing legislation. During debate on the bill, a number of Members sought to minimize the role played by the United States in providing for those in Third World countries facing starvation and deprivation.

I would submit that our Government has played—and continues to play—a very important role in bringing relief to the world's needy. Last month, I joined a number of our colleagues and a delegation of administration officials in attending a conference focusing on African refugee problems. The United States made a generous pledge of financial assistance at the conference. Although the cynics might contend that it was not enough, I would suggest that we, as Americans, have much to be proud of in this pledge, as well as in our annual and emergency foreign assistance measures. I, like the editors of the Washington Post, feel that our good-faith efforts should be measured against those who turn their backs on the world's deprived, and who indeed help to cause the very problems leading to their condition.

To quote from a Post editorial of April 15, 1981:

The West, especially the United States, is expected to respond with compassion, if not with guilt. The Soviet Union hides behind its Marxist cliches and sends in more guns, which create more refugees.

The editorial in its entirety follows:

THE CYNICS

With depressing regularity, the nations of the world are asked to band together and act as a "community" to care for the least fortunate among them. A few years ago it was Cambodians and Vietnamese, victims of separate Indochina outrages, for whom international relief was sought. Now it is the turn of the several million Africans turned into refugees by a combination of war, civil strife and economic calamity. Many lived harsh lives before they were uprooted. Their situation now is scarcely imaginable.

At a meeting in Geneva the other day on African refugees, the United States offered $285 million, more than half of what all the Western nations pledged. There are various ways to make this contribution look less generous than it is. It is said, for instance, that because the United States has more blacks, naturally it gives more. It is said that this country was looking to demonstrate that it is not neglectful of African refugees. It is said that the Reagan administration saw an opportunity to counter some of the bad publicity its African policy had otherwise been receiving. We suggest it would be fairer to say that the United States gave generously and that it did so because this administration, like many of its predecessors, recognizes the country's humanitarian obligations. Why must the motives of the most forthcoming donors be picked at?

Why not, instead, examine the motives of those who share in the responsibility for generating the refugees but who accept none of the responsibility for tending to their misery? The Soviet Union and its clients are deeply and directly involved in the conflicts whose human flotsam is now strewn across Africa. They shunned Geneva. It is bad enough that Moscow and its clients do not respond with human feeling and pick up their share of what ought to be regarded as a common international burden. What makes it sting is the readiness of so many Third World nations to let them get away with it. The West, especially the United States, is expected to respond with compassion, if not with guilt. The Soviet Union hides behind its Marxist clichés and sends in more guns, which create more refugees.●

JOINT MARITIME CONGRESS OBSERVES NATIONAL MARITIME DAY

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. JONES of North Carolina. Mr. Speaker, as this Congress began, I was granted the privilege to serve the House and the American people as chairman of the Merchant Marine and Fisheries Committee.

Shortly thereafter in a speech in New York, I declared in part:

We will not sit by and watch our maritime power dissolve. We will face the issues squarely and do our very best to resolve them in this Congress.

I am glad to report to my colleagues that the Merchant Marine Committee has completed its work on this year's maritime authorization bill, H.R. 2526, which soon will come before the House for consideration.

Work on the annual authorization bill is an important prelude to the work the Subcommittee on Merchant Marine and the full committee will undertake this year to develop various bills designed to revitalize our declining merchant marine.

We are, to be certain, looking to the White House to provide timely maritime policy leadership so that the Congress can meet its challenges of providing maritime regulatory reform and developing promotional policies.

The Nation needs updated maritime policies that will be in tune with the realities of today's governmental climate and international commercial realities.

The United States once possessed the largest commercial fleet in the world. Today, the United States is hardly a maritime power. If we allow our merchant fleet to continue its decline, we do so at the risk of completely losing our Nation's oceanborne supply line independence in times of peace and war.

The contributions of our merchant marine and the men and women who serve in the maritime industry on land and sea have long been recognized. This week, however, those contributions merit special recognition nationally under a Presidential proclamation which declares May 22 as National Maritime Day.

In observance of National Maritime Day, the Joint Maritime Congress, an association of oceangoing American ship-operating companies, has issued a "State of the Industry Report" which provides needed focus on the decline of the U.S. maritime industry. Only by recognizing the degree of decline can the Congress and the administration move forward to create initiatives that

will restore our Nation to a position of seapower superiority.

The "State of the Industry Report" follows:

THE U.S. MERCHANT MARINE: A STATE OF THE INDUSTRY REPORT, BY THE JOINT MARITIME CONGRESS

"America is a maritime nation. Yet our maritime industry is at a critical stage. . . . as the chief guarantor of freedom of the Western World, the United States is in dire need of a rational, reasonable and effective maritime policy. . . . Let's begin to move today. . . . to put America back in the captain's chair of the world maritime powers."—Ronald Reagan, August 19, 1980

National Maritime Day (May 22, 1981) commemorates the first transatlantic crossing of a steam-powered commercial ship, the 1819 voyage of the SS Savannah from the Georgia port of the same name.

Since the mid-1800's, the United States has led the world in the development of efficient ships to carry our Nation's trade with other countries.

Americans designed the great and fast Clipper ships which plied the oceans for decades in the 19th century.

The coal-fired Savannah showed the world that no longer would ocean trade be subject to the whims of the wind. Ships could meet time schedules, provide reliable service.

The American-built U.S.S. United States, which carried passengers on world cruises from 1952 to 1969, still holds a transatlantic speed record.

During the mid-1950's, U.S. ingenuity led the world again with the design of container ships that revolutionized cargo transportation. Cargo once stowed piecemeal in a ship's hold could now be packed in uniform containers for time-efficient loading and unloading in specially designed container ships.

Containerization had ripple effects throughout the transportation industries of the United States and other nations. Cargo at an inland manufacturing plant can now be loaded in a container and carried "piggyback" by rail and/or truck to a port for loading onboard ship. Without ever being unpacked en route, the container can be carried to an inland location overseas. With ocean carriage as its heart, U.S.-conceived intermodal cargo handling has improved transportation productivity and cargo security.

American imagination met a new challenge in the 1970's with the creation of safe and dependable liquid natural gas (LNG) carriers. Once safe passage is secured from the frozen Arctic, U.S.-flag LNG ships will provide year-round carriage of Alaskan North Slope natural gas that will aid the Nation in reaching long-sought energy independence.

For the future, American companies have taken a leading role in the development of ocean mining technology that will provide U.S. business and military with essential and strategic minerals from the ocean's floor that are now supplied by foreign sources, many of which are unreliable.

Active research is underway today by Americans to design and build floating plantships that will provide an unending source of pollution-free electrical energy created by generators powered by changing ocean temperatures.

U.S. innovation in ship design and productivity has been matched with gains in maritime labor. From often shaky beginnings during the last century, American maritime labor unions have gained sufficient strength to make certain that the men and women who sail the oceans under the U.S. flag receive pay and benefits commensurate with their landed counterparts. The result: a stable workforce of officers and crews to operate U.S.-flag ships.

The combined work of maritime labor and management, together with Government support has led to the development of the world's highest standards of ship safety and cargo security. The United States has created a body of law and regulations which forms the standards on which other nations and the world community have based many of their efforts to improve safety and health of seafaring personnel and provide for safe carriage of hazardous cargoes.

National Maritime Day also commemorates the contributions of the American Merchant Marine to our Nation during times of war. Since the Revolutionary War, American commercial vessels have provided essential sealift support in every conflict in which our Nation has been engaged. In each instance, the degree of that support has mirrored the condition of the Merchant Marine.

During World War II thousands of Americans manning commercial vessels lost their lives as they carried cargoes, first to a war-ravaged England and then in support of allied forces following Pearl Harbor. Indeed, Merchant Marine casualties were second only to those of the U.S. Marine Corps.

If there is one critical and singular thread which is woven into the fabric of our Nation's maritime heritage, it is our neglect of the Merchant Marine during times of peace, only to turn to it as one would a forgotten relative who is needed when a family crisis hits.

The crisis production of *Liberty* and *Victory* ships during World War II simply showed once again that the Nation had failed to maintain an adequate commercial fleet during peace to meet the needs of war. During Korea and Vietnam the U.S. commercial fleet was so decimated that the military had to press mothballed World War II cargo ships into service to carry essential cargoes to support our military forces in those conflicts.

As the 1980's open, raw statistics paint a chilling portrait of continued neglect that will see our Nation stripped almost bare of critical sealift capacity should Americans be called again to support our allies in armed conflict or shoulder the burden alone to preserve freedom.

As Europe and Asia recovered from World War II, and commodity-rich Third World nations developed their natural resources, world oceanborne trade exploded.

The United States, which has led the world in ship design and innovation, has permitted its merchant fleet to languish as other nations have captured cargo. Today, U.S.-flag ships carry little more than 4 percent of U.S. oceanborne trade.

In 1950, as now, the United States was the largest single generator of world trade. The Nation possessed a merchant fleet capable of carrying a sizable portion of its trade with other nations.

As the 1950's opened, the U.S. maritime fleet stood No. 1 in both fleet size and capacity. Today, the United States rests in 11th place in fleet size, and stands eighth in capacity.

Thirty years ago, the U.S.-flag fleet of commercial ocean-going vessels numbered 1,145 ships, representing 32.6 percent of the global merchant fleet. Today, the U.S.-flag fleet consists of 525 active vessels engaged in domestic and foreign trade, representing 3.4 percent of the world shipping capacity.

The United States has less than 20 dry-bulk carriers to transport agricultural commodities and minerals. The stark reality comes home as policymakers realize that the U.S.-flag merchant fleet is not of sufficient size to participate in the burgeoning coal export trade.

By contrast, the Soviet Union and other Eastern Bloc nations recognize the importance of a commercial maritime presence in the world to meet both economic and military goals. Paying substandard wages and often engaging in cutthroat competitive practices, the Soviets are vigorously expanding their merchant fleet at a rate unprecedented during peacetime for almost any nation.

The People's Republic of China clearly realizes the economic gains resulting from a large merchant fleet. In recent years the PRC has become the largest buyer of surplus ships on the world market.

As for developed nations, Norway, for example—with a fleet of modern ships and highly paid crews—earns approximately 22 percent of its precious foreign exchange income by placing approximately 92 percent of its fleet in the carriage of cargoes between ports of other nations.

Permitting ships of other nations to carry 96 percent of America's foreign trade erodes the value of U.S. currency, the soundness of which each American depends on. Preliminary data for 1979 shows that the balance-of-payment deficit for shipping services totaled more than $4 billion.

If National Maritime Day is to have any lasting meaning, it will lie in the recognition that just as the United States has allowed its merchant fleet to decline, it also has the will and capacity to "put America back in the captain's chair of the world maritime powers."●

PRISON CARE REIMBURSEMENT

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. HERTEL. Mr. Speaker, I have introduced H.R. 3624 and H.R. 3626 to authorize payment of social security benefits and veterans' compensation or pension benefits direct to States as reimbursement for costs incurred for care of confined or imprisoned inmates. Many States, including my own State of Michigan, have a statute providing for reimbursement by convicted prisoners for the cost of care during imprisonment. While most prisoners are unable to pay for their cost of care, some do have resources such as savings, property, pensions, and other benefits which would enable them to defray some of the cost of their imprisonment while paying their debt to society.

In my State, for example, a prisoner who has a large savings account or other regular source of income will come to the attention of prison officials. Application is made to the sen-

tencing court by prison officials that this prisoner is able to pay for his cost of care while incarcerated. A guardian is appointed by the court to make an investigation of the prisoner's assets and liabilities and report his findings to the court. The court then makes a determination that the prisoner's estate is subject to whatever portion the court equitably feels should be paid for his imprisonment.

Federal statutes prohibit the use of social security and veterans' benefits for this reimbursement. The U.S. Supreme Court in *Philpott* v. *Essex County Welfare Board* (409 U.S. 413) gave literal interpretation to the statute and put veteran and social security benefits beyond the reach of the State for cost of care of individuals. Consequently, many States are prevented from making any recovery for cost of keeping the prisoner and the prisoner can accumulate large amounts of money which are available to him upon release from prison.

A similar analysis can be made for other State wards confined in State institutions. With the present administration rapidly withdrawing funding from a variety of law enforcement activities, this is one small way to direct money to our Nation's beleaguered correctional facilities.●

SENIOR CITIZENS SPEAK THEIR MINDS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. GAYDOS. Mr. Speaker, I have a message for my colleagues from a nucleus of senior citizens in the 20th Congressional District of Pennsylvania. If their remarks are indicative of the views held by the elderly throughout the Nation, and I believe they are, it would behoove the Congress to give ear to their voice.

Showing no reluctance to speak their minds, more than 100 official representatives from at least 35 organizations met with me on Saturday, May 16, at the Senior Citizens' Center in Monroeville. It was a 2-hour, no-holds-barred session, and I came away with some very distinct impressions.

First, our senior citizens are concerned about their Government and, second, in some cases, they are angry at it. They are angry at what Congress has and has not done in the past. They are concerned over what it might and might not do in the future.

As expected, most of the topics discussed during our meeting dealt with programs and problems directly affecting the elderly, notably social security. But, there are other areas of Government involvement that are of great concern to the aged: health care, inflation, military spending, income taxes, and so forth. I would like to share some of their thoughts and recommendations with my colleagues.

SOCIAL SECURITY

Many of the elderly feel Congress erred in the past by expanding the coverage of social security to programs and individuals not included in the original concept. They foresee the need for some type of national health care, but they appear emphatic it should not be connected with the insurance aspect of social security.

There is concern over double dipping into the social security fund, particularly by former Federal employees who become short-time contributors with maximum benefits.

Opposition was expressed to the administration's proposal to reduce early retirement benefits and to eliminate the $255 death benefit.

Support was evident for the elimination of social security benefits for children of deceased beneficiaries attending college when the student is eligible for financial aid under other State and Federal programs.

It was suggested a national lottery be established with proceeds earmarked for senior citizen programs.

Strong opposition was voiced concerning any use of social security funds to aid mass immigration of aliens.

ENERGY

Is there an energy shortage and why has the Government been reluctant to build up strategic reserve supplies of oil? There appeared to be some doubt that Federal withdrawal from development of synfuels would lead to more intensive efforts in this area by privately owned energy companies. An acceleration in the decontrol of natural gas creates anxiety that many of the elderly will not be able to absorb an anticipated massive increase in heating costs.

INFLATION

The Federal Government was criticized for not doing more to control inflation. It was pointed out that prices on an individual item can vary 20-30 cents from store to store, and that something be done to establish a means of reducing costs of necessary products to senior citizens.

Satisfaction was voiced at the administration's decision not to postpone the annual cost-of-living adjustment this summer.

Questions were raised as to the justification for such a massive increase in Federal spending. And increase of that size could be averted, some believe, if Congress would enforce "sunset" legislation on ineffective program.

INCOME TAXES

The charge was heard that the Federal Government discriminates against widows who cannot qualify as head of household but pay taxes in the category of a single person.

The recommendation was made that the Government consider an across-the-board tax on all income. It also was noted that pensions, now considered as earned income and subject to taxation, be reclassified as unearned income, exempt from taxes.

Mr. Speaker, the above comments are just a cross-section of the many subjects discussed at my meeting with the senior citizens. There were other matters, far too numerous to mention in detail, but I promised our people their opinions would be brought to Washington and their voice hear in the Congress.

Our senior citizens are proud people. They do not want charity. They have paid their way in the past and all they ask now is the chance to be heard. This is their inalienable and constitutional right.●

SALUTE TO CHIEF OF POLICE ANTHONY MACKRON

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. COURTER. Mr. Speaker, I would like to rise and say a few words upon the retirement of one of Dover, New Jersey's most distinguished and respected citizens—Chief of Police Anthony Mackron. Chief Mackron's list of accomplishments and service to the Dover community is so long that I can scarcely do it justice in my brief remarks today.

Chief of Police Mackron will always be remembered for his 35 years of dedicated service to the Dover community. He has worked very hard to make Dover a safe place to live and work.

His career began upon his return from the Pacific theater during World War II, when Anthony Mackron was the first town employee hired under civil service by competitive examination. Upon successful completion of the police examination in 1947, he entered the police department and, in 1961, Anthony Mackron was promoted to sergeant. He developed an interest in investigative police work and went on to study for and receive a promotion to detective lieutenant in 1963, thus becoming Dover's first detective.

In addition, he established Dover's first detective bureau. From here, Mackron's outstanding record earned him promotions to captain, deputy police chief, and, in 1977, Anthony Mackron was appointed chief of police for the town of Dover.

Since joining the Dover Police Department 35 years ago, Mackron has been an active member of the Morris County chapter of the Police Benevolent Association (PBA). He organized the Dover local PBA and went on to be elected Vice President of the New

Jersey State PBA. He remains active in many community activities and plans to participate in police-related activities after his retirement.

Along with the residents of Dover, I would like to say thank you to Chief of Police Anthony Mackron for his many years of hard work in an oftentimes thankless job. We extend our warmest wishes for health and happiness.●

TRIBUTE TO FATHER WILLIAM J. REWAK

DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. EDWARDS of California. Mr. Speaker, on behalf of Congressman NORM MINETA and myself, it gives me great pleasure to bring to the attention of our colleagues the recognition being bestowed on the Very Reverend William J. Rewak of the Society of Jesus. On June 4, Father Rewak will be presented with the Brotherhood Award by the National Conference of Christians and Jews at a dinner in San Jose.

Bill Rewak and his family moved to the Santa Clara Valley at the age of 14. Bill attended Bellarmine College Preparatory and upon graduation entered the Society of Jesus at the Sacred Heart Novitiate in Los Gatos. He received his bachelor's and master's degrees from Gonzaga University. He also received a master's degree in theology from Regis College in Toronto, and a doctorate in English from the University of Minnesota.

On December 18, 1976, Father Rewak became the 26th president of the University of Santa Clara. Father Rewak has been superior of the Jesuit Community at Santa Clara, and has taught at Bellarmine as well as in the English department at the university.

He is a member of the Association of Independent California Colleges and Universities; on the board of directors of the Association of Catholic Colleges and Universities; on the board of directors of the Association of Jesuit Colleges and Universities; a director of the O'Connor Hospital Foundation; and a member of the board of governors of the National Conference of Christians and Jews.

As you can see, Bill Rewak is an outstanding educator, administrator, and, most importantly, a warm, compassionate, and caring man. He can always be counted on to add his time, voice, and prestige to any cause involving the rights of all of the people in our valley. The students and faculty at Santa Clara University, and the residents of Santa Clara County, are fortunate to have a man of the caliber of Bill Rewak living and working in our community. He touches many lives. He is indeed a brother to all.●

THE ADVERSE EFFECT WAGE RATE SYNDROME

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. DAN DANIEL. Mr. Speaker, on April 2 I introduced H.R. 2984 which would repeal the authority under which the adverse effect wage rates are set in various parts of the country.

Since that time, we have had a number of inquiries on the operation of the adverse effect wage rate procedure and many Members of this body have expressed surprise that such a regulation even exists.

Frankly, it is, on its face, rather difficult to believe that our Government would guarantee, to alien workers within our borders, a higher minimum wage than is provided for American workers. Nevertheless, this is the case.

The March 27 Federal Register carries the listings of adverse effect wage rates established for each of the States as follows:

States	1980 rates	1981 rates	Percentage changes
Arizona	$3.73	$3.87	+3.8
Colorado	3.79	3.93	+3.7
Connecticut	3.32	3.35	+0.9
Florida (sugar cane only)	4.09	4.69	+14.7
Maine	3.43	3.44	+0.4
Maryland	3.23	3.80	+17.6
Massachusetts	3.30	3.35	+1.5
New Hampshire	3.58	3.59	+0.4
New York	3.18	3.48	+9.4
Rhode Island	3.30	3.35	+1.5
Texas	3.54	3.97	+12.2
Vermont	3.53	3.54	+0.4
Virginia	3.51	3.81	+8.6
West Virginia	3.28	3.62	+10.6

Because there has been so much interest in this matter and because of our desire to enlighten those who are concerned, I would like to include herein with my remarks, a statement which has been prepared by Mr. Albert Misler, a prominent Washington attorney who has been working with this subject matter for many years. Mr. Misler is also a former Associate Solicitor in the Department of Labor and, as such, was there when this matter first arose in the late 1960's.

I commend his statement to the reading of the Members of the House.

The statement follows:

THE ADVERSE EFFECT WAGE RATE "AEWR" SYNDROME

The level at and the methodology by which the Department of Labor ("DOL") has fixed the AEWR has been the center of controversy for a number of years, in and out of the courts. It would, in these circumstances, be appropriate, at this time, for the Congress to examine the issues and to take appropriate steps to effectuate a legislative clarification of the scope of the DOL's authority in this area. To understand precisely what generates the problem requires a clear comprehension of what the AEWR is, the source of authority therefor and what, if any, limitations there are upon the DOL's exercise of that authority.

WHAT IS THE AEWR?

The AEWR is the wage rate fixed by the DOL which requires farmers who obtained supplementary labor from foreign sources for seasonal employment in agricultural to pay to such seasonal workers and to all U.S. workers employed by such farmers.

WHAT IS THE METHODOLOGY?

The formula which the DOL has devised for establishing the AEWR involves the averaging of all earnings of all agricultural field hands and livestock workers in each state in which foreign supplementary seasonal workers are used, and by this methodology, the DOL establishes in each state, on a state-by-state basis, a seasonal hourly wage rate as the AEWR.

WHAT IS THE LEGAL AUTHORITY FOR THE AEWR?

The authority for importing foreign temporary or seasonal workers for agricultural employment is contained in Section 214 of the Immigration and Naturalization Act enacted in 1952 ("INA"). By the express language of Section 214(c), the question of importing any such aliens is vested exclusively in the Attorney General of the United States after consultation with appropriate agencies. In the context of this controversy, it is important to understand that Section 214 makes no reference to, nor does it confer, directly or indirectly, any authority upon, the Secretary of Labor ("S/L") or the DOL.

To comply with the "consultation" requirement, the INS, to whom the Attorney General has delegated the authority to carry out the responsibilities under the INA, has promulgated a regulation (8 C.F.R. 214.2(h)(3)(i)) addressed not to the S/L or the DOL but rather to employers petitioning the Immigration and Naturalization Service for permission to contract seasonal workers from foreign sources. The regulation requires such employers to support their petitions with a certification from the S/L that qualified workers in the United States are not available and that the employment of such aliens will not adversely affect the wages and working conditions of workers in the United States similarly employed.

Under the specific language of this regulation, any AEWR fixed by the DOL must essentially relate only to those U.S. workers similarly employed in the work to be performed by the foreign workers. The methodology developed by the DOL blatantly disregards this limitation requiring the adverse effect findings to relate to workers similarly employed and extends its application to all agricultural and livestock workers without regard to the job content, the nature of the duties performed, the job requirements and the compensation system that prevails in a specific crop activity, that is, without regard to whether compensation in a specific crop has historically been paid on a piece-rate or on an hourly basis. There is no rational basis upon which these two systems of compensation can be merged or interrelated to produce a valid single AEWR. The underlying purpose of the piece-rate system is to compensate a worker strictly on the basis of the individual's production. It is basically an incentive system of compensation.

Earnings under this system vary widely depending upon the worker's application, experience, physical capabilities and other attributes that influence the earning capacity of individual workers. Thus, some workers may conceivably average $9.00 per hour, while others average $4.00 per hour. On the other hand, workers paid on an hourly basis receive the same compensation for each hour's work, irrespective of their productivity. Thus, it is apparent that merging the two systems to reach a single AEWR necessarily and unjustifiably introduces the $9.00 per hour earnings of a piece-rate worker into the adverse effect concept as it applies to an hourly worker.

Using this formula, the DOL fixed the AEWR for the State of Virginia for the 1980 crop season at $3.51 (45 Fed. Reg. 30733-34, published 5/9/80). This methodology involves a fundamental departure from the historic interpretation of the term similarly employed contained in other statutes administered by the DOL.

SIMILARLY EMPLOYED CONCEPT

The DOL's rationale for this aberration from long accepted traditional construction is premised upon the concept it has adopted in 1968 that all agricultural and livestock activities involve unskilled work and that there exists a common national pool of such workers who move from crop to crop. From this premise, right or wrong, the DOL proceeds to the unsupportable conclusion that all unskilled workers in agriculture are similarly employed within the meaning and intent of 8 C.F.R. 214.2(h)(3)(i) regardless of the variety of crops in which they are engaged or the diversity of the physical demands, experience, knowledge or other factors that may be peculiar to the planting, tending or harvesting of a particular crop or the feeding, tending and care of livestock.

Without conceding the validity of this concept that all agricultural work is unskilled, the equating of "unskilled work" with similar employment is a patent error. Historically, "similar employment" has been related to the job content, the nature of the duties performed and the job requirements. Because this is a concept that goes to the central issue in this case, it may be helpful to trace the historical application of the term similarly employed.

The term similarly employed in relation to findings of adverse effect had its genesis in Title V of the Agricultural Adjustment Act of 1949, Public Law 78, 82d Cong., 69 Stat. 119, enacted in 1951 to provide a statutory basis for the admission of Mexican nationals for seasonal agricultural employment in the U.S. pursuant to an International Migrant Labor Agreement with the Republic of Mexico.

In all substantive respects, in almost the identical language, the same safeguards against adversely affecting domestic agricultural workers similarly employed was written into Section 503 of the Act. The indisputable fact is that from 1951 to 1968, spanning a time period of 17 years, the term similarly employed was construed by the DOL to mean employment in the same crop activity with the result that the DOL made the AEWRs determinations on a crop-by-crop, area-by-area basis, fixing the prevailing wage rate in the specific crop in each area as the AEWR.

At no time from 1951 to 1968 did the DOL advance the theory or carry out its responsibilities under Section 503 or under 8 C.F.R. 214.2(h)(3)(i) on the premise that all agricultural and livestock workers were similarly employed. Neither the job content nor the physical or other performance requirements in the various crop activities have materially changed. The DOL has simply espoused this concept without offering any basis to support the validity of its contention that all agricultures are similarly employed regardless of the crop activity involved.

The concept that all agricultural work is similar employment is the linchpin in the AEWR formula adopted by the DOL. If all agricultural work is not in fact similar employment, the averaging of all earnings in all agricultural activities in a state would be patently disregarding the clear requirement in the INS regulation to relate the finding with respect to "adverse effect" to workers "similarly employed". The impact of the DOL's formula is highlighted by the fact that the prevailing wage rate in the tobacco harvest in the State of Virginia for the 1980 crop year was $3.10 per hour; the AEWR fixed by the DOL was $3.51 per hour or $.41 per hour above the prevailing wage level. The prevailing wage rate in the same crop activity for 1981 is $3.35 per hour; the AEWR as fixed by the DOL is $3.81 per hour or $.46 per hour above the prevailing wage level.

Despite the DOL's vigorous defense of the reasonableness of the AEWR methodology which it maintains it has used since 1968, in 1981 it abandoned this forumla. The $3.81 AEWR for 1981 was, strangely enough, fixed by a completely different formula. If the information furnished by the DOL has any validity, the $3.81 AEWR was arrived at by comparing the percentage increase in earnings between the 1979 and 1980 crop year and simply adding that percentage increase to arrive at the 1981 AEWR.

The anomaly that surfaces from these formulae—the formulae that disregards the "similar employment" reference—is that, of the 19,000 harvest hands employed in the Virginia tobacco harvest, only 1,100 were obtained from foreign sources. Thus, the overwhelming majority of the workers are engaged in the tobacco harvest in 1980 were paid $3.10 per hour and the AEWR fixed for the foreign workers and the approximately 2,500 U.S. workers employed by the users of foreign workers was $3.51. The same anomalous situation is present in the manner in which the AEWR is fixed for the 1981 crop season. In short, the result of the DOL's AEWR formula is that a comparatively few foreign workers are paid substantially more than U.S. workers performing precisely the same work in the same crop activity.

Moreover, the policies of the DOL as they pertain to the referral of farm workers to agricultural employers to the Public Employment Offices are in a sharp contradiction to the notion espoused by the DOL that all agricultural and livestock workers are similarly employed. Under the present system, all referrals of such workers are made through the State Public Employment Offices which are financed by grants made by the DOL. In Virginia, referrals are made by the Virginia Employment Commission ("VEC") on the basis of job orders filed by the respective farm employers. A farmer who makes no reference in his job order to foreign workers and who obtains all of his workers from domestic sources is required to pay the prevailing wage rate under the prevailing compensation system in the pertinent crop activity—the prevailing piece rate if the wages in that crop activity are normally paid on a piece-rate basis or the prevailing hourly wage rate if the wages are paid in that crop on an hourly basis. In short, the DOL does not establish a single state-wide hourly rate for farmers who do not indicate foreign sources as an alternate source if domestic workers cannot be obtained. In the tobacco harvest, that rate would be $3.35 per hour.

However, any farmer who does request foreign workers in the event that domestic workers cannot be obtained must pay the AEWR of $3.81 in Virginia, even though all of his required farm hands are actually supplied through domestic sources by the VEC. Thus, two tobacco farmers, both obtaining all their workers through the VEC, would be required to pay different rates due exclusively to the fact that one of the farmers indicated that if domestic workers cannot be obtained, he will petition for foreign workers. From this study in inconsistency, it becomes readily apparent that the DOL does not, in fact, consider all agricultural and livestock workers to be similarly employed within the contemplation of 8 C.F.R. 214.2(h)(3)(i). What flows from this is that the DOL interprets "similarly employed" differently in both of these circumstances, even though the work is the same and all of the workers obtained in both cases are from domestic sources. Apparently, without reasonable justification, the filing of an application for a labor certification for the employment of temporary foreign workers transforms, in the opinion of the DOL, the specific crop activity to work similar to all other agricultural work in the state.

JUDICIAL CONFLICT OF INTERPRETATION

Finally, the compelling need for legislative clarification of the scope of the DOL's authority arises out of the fact that there is a sharp dichotomy in the decisions rendered by the U.S. Court of Appeals for the Fifth Circuit and a decision very recently rendered by the U.S. Court of Appeals for the Fourth Circuit.

In 1976, in the case of *Williams* v. *Usery*, 531 F.2d 305 (1976), the DOL had hinged the AEWR in the sugar cane harvest in Florida to the wage fixed by the Secretary of Agriculture under the Sugar Act. The decision of the Court, in that case, involved a situation where the entire labor force engaged in that crop were foreign workers. Williams challenged the AEWR on the grounds that the employers are required to pay the prevailing wage rate or adverse effect wage rate, whichever the higher. The DOL had failed to determine the prevailing wage rate and, thus, could not ascertain which was higher. The Court embraced the DOL's contention that in such a situation where 100 percent of the labor force in the crop activity were foreign workers, no prevailing wage rate could realistically be found.

In rejecting Williams' position, the Court stated: "Williams had merely offered figures establishing the average earnings of Florida agricultural workers in general. Such non-crop specific data cannot substitute for the 'prevailing rate for a crop activity' ".

The decision of the Court is a clear repudiation of the DOL's methodology under which it does precisely what Williams had suggested but which the Court had rejected.

On May 23, 1980, the tobacco growers of Virginia brought a suit in the United States District Court for the Western District of Virginia seeking a declaratory judgment and injunctive relief to restrain the DOL from enforcing the adverse effect wage rate which it had fixed at $3.51. The trial court granted a permanent injunction holding that in failing to take into consideration the

prevailing wage rate in the tobacco harvest the DOL was arbitrary and capricious. At the same time in its findings of fact, the trial court found that the methodology used by the DOL was not arbitrary and capricious. What the court did not seem to realize was that this was a contradiction in terms. The methodology used by the DOL, the very methodology which the court found was not arbitrary and capricious, ignored or disregarded the prevailing wage rate in the tobacco harvest which the court on the other hand said was arbitrary and capricious on the part of the DOL.

An appeal was taken by the DOL and the U.S. Court of Appeals for the Fourth Circuit reversed the court below. The Appellate Court simply held that it could not find that the trial court was clearly wrong. It then proceeded to the conclusion that "the statute confers broad discretionary authority upon the Secretary of Labor."

Since Section 214 makes no reference to the Secretary of Labor nor does it in any respect, directly or indirectly confer any authority upon the Secretary of Labor, this finding is patently in error. It also is in direct contradiction to the decision of the Fifth Circuit in Williams v. Usery. The Fourth Circuit thus held that the Secretary of Labor could use a methodology which averages all of the earnings of agricultural and livestock workers in a state and determined the AEWR on that basis. The Fifth Circuit held, clearly and specifically, that the averaging of the wages of all agricultural workers in a state is beyond the scope of the Secretary's authority and such non-crop specific data could not be substituted for the prevailing wage rate.

Thus, we have a clear conflict between the two Circuits. For the reasons set forth above, it has become imperative that congressional consideration be given to some legislative clarification of the Secretary of Labor's authority in connection with the fixed rate of the AEWR.●

USED MACHINERY CREDIT FOR SMALL BUSINESS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. DOWNEY. Mr. Speaker, today I am introducing a bill which would allow small businesses to increase their productivity and to be more competitive during these very difficult times. It will help ameliorate at least one of the many tax code provisions which discriminates against or discourages small business expansion.

This bill is very simple and costs little. It increases to $300,000 the ceiling on the amount of used equipment eligible for the investment tax credit and provides a 3-year carryback and a 7-year carry-forward provision.

Today, a company buying new machines has an unlimited tax credit. If that company can afford only used equipment (usually because it is a small business), there is a $100,000 limitation.

My bill would go a long way toward eliminating this discrepancy.

As we all know, small businesses with less than 100 employees created 87 percent of the new jobs in our country during the past 20 years. This increase in the used machinery credit will help such businesses increase their productivity and therefore contribute more jobs.

In the machine shop business, the current $100,000 ceiling is not much help. The cost of basic, unsophisticated used equipment has increased about 500 percent over the past few years. The used equipment ceiling has been increased only once since being put into place at $50,000 in 1962. Today, an established manufacturer has hardly begun to retool before he realizes any benefit the current $100,000 ceiling offers. Remember, for new equipment, there is no limitation, and there already is a carryback/carry-forward provision.

This discriminatory tax treatment between used and new equipment impacts directly and primarily on small businesses which are already hindered by their inability to externally and internally generate the capital necessary to buy new equipment.

High interest rates, the restricted availability of credit, the Government's regulatory burdens and other tax provisions already provide disincentive enough for these businesses. This bill provides some relief. It is one of several tax measures targeted to small businesses which could enable them to retain a greater portion of their earnings for reinvestment and expansion.●

A TRIBUTE TO HENRY K. "HANK" TROBITZ

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. CLAUSEN. Mr. Speaker, one of the most respected men in northern California recently retired after 32 years of service to the people of the Redwood Empire and the Simpson Timber Co.

Henry K. "Hank" Trobitz is a man of great ability whose civic and professional accomplishments are most laudable. He is a very generous man in spirit and in fact—giving unstintingly of his time, energy, and personal resources in support of community projects. He served with distinction as a member of the St. Joseph's Hospital board of trustees and advisory board, the Humboldt State University advisory board, the Humboldt Bay Harbor Commission and the board of Redwoods United Workshop. Ever mindful of the needs of others he was a driving force in helping the community of Klamath recover from the floods of 1953 and 1955—I was there and saw, first hand, this man's total commitment to the concerns of others.

But Hank's most meaningful gift to the area was the professional and competent manner in which he dealt with the issues facing the Redwood Empire's most basic industry.

His leadership, intelligence, integrity, and high ideals have made him a most credible and respected spokesman. His strong beliefs in multiple use and sustained yields provided the stimulus for his pioneer activities in acquiring new lands for reforestation.

He had the knowledge, the wisdom, and the vision to see that America's long-range needs for forest products could be best met by expanded reforestation and he has become a world renowned authority in this field. His credentials are superb—a graduate of the University of California School of Forestry at Berkeley, where he studied under the brilliant Professor Emeritus Emmanuel Fritz—a stint in the U.S. Forest Service prior to World War II—a two-time member of the State Board of Forestry—twice president of the California Forest Protective Association—one of California's first registered professional foresters—and a former chairman of the northern California section of the Society of American Foresters. Like the well-known TV ad in investments, when Hank Trobitz speaks on forestry matters—people listen.

I know from personal experience, because I have so often sought his highly valued views. I treasured his sage advice and counsel in many of our common struggles to save jobs, maintain local economic stability and, most importantly, to expand on his ingenious commitment to reforestation and improved forestry management. His views were tremendously helpful to me in attempting to seek solutions to many of the problems faced by Humboldt and Del Norte Counties. We have fought side by side against our common adversaries—well intentioned but often uninformed people who felt they could preserve our forests by placing them in mothballs, rather than realize that all living things—redwoods included—must grow—mature—and ultimately die—only to be replaced by younger, faster growing, and more beautiful forests. Hank Trobitz is one of America's foremost advocates of the renewable resources of forestry.

We won some battles and we lost some. But I always felt that we did not lose any because we did not have the facts. Too often those we lost were lost before the battle was begun. Too often the testimony and wise counsel of truly knowledgeable experts like Hank Trobitz went unheeded because minds were already made up.

Mr. Speaker, the people of the redwood empire are very proud of their tall trees, but they are just as proud of

the accomplishments of the men and women who work with those trees to provide for current needs and insure the continuity of American forests for future generations. Hank Trobitz has made a unique contribution in this regard to and for the redwood empire, the State of California, and to our Nation. May I add that he has been ably assisted in these endeavors by his lovely wife, Mary and by his outstanding family, Mary, David, and Cynthia. They are truly a family of achievers. I know them well and was particularly pleased when their accomplishments in connection with 4-H activities earned them a trip to Washington, D.C., where they visited me. It is truly rewarding in these times when so many of our cherished institutions are under attack from all directions to witness how the Hank Trobitz family stays together, works together, and prays together. They really are an example for all of us to emulate. I am placing this tribute in the CONGRESSIONAL RECORD so that all may be aware of one of today's heroes—a man who has so generously given of his time, energy, and talents for the benefits of all Americans. Many people have committed the golden rule to memory—Henry Trobitz and his family have committed it to their lives.●

NORTHERN IRELAND—TENSION AND TRAGEDY CONTINUES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. BIAGGI. Mr. Speaker, as chairman of the bipartisan Ad Hoc Congressional Committee for Irish Affairs, I remain deeply concerned about the continuing troubles in Northern Ireland. The recent deaths of hunger strikers Bobby Sands and Francis Hughes shocked the world. The deteriorating states of two other hunger strike prisoners has Northern Ireland poised at the edge of a new wave of violence.

Throughout the current crisis, I have appealed for nonviolence—the type of nonviolence asked for by the brave mother of Bobby Sands. For the most part, violence had been relatively limited but yesterday a major act of violence occurred with the killing of five British soldiers in Newry. I repeat my appeal the violence be stopped on all sides so that a humanitarian resolution can be achieved before any other deaths must occur.

An unprecedented amount of American media attention has been focused on the current troubles in Northern Ireland. One of the more excellent articles was written by Beth Fallon of the New York Daily News. I wish to insert her entire column in the RECORD but call my colleagues attention especially to her discussion of the "special" judicial system which operates in Northern Ireland and which convicted men like Bobby Sands and Francis Hughes.

[From the New York Daily News]

A CRIME, YES—BUT IT WAS BRITAIN'S NOT BOBBY'S

(By Beth Fallon)

Bobby Sands has died. There will be a lot of noise over this, much of it pitiable. But for Americans there is really only one question, a question that is persistently shoved under the rug: What do you do when your friend does wrong?

Britain is America's staunchest friend in the world (not our oldest, of course; France helped us defeat Britain in 1783). But she has been closest to us for a long time. The ties of history and language and law and love do not need enumerating. But Britain is doing wrong in Northern Ireland, grave and demonstrable and provable wrong. She is breaking her own law, the law of which she is so justly proud.

Margaret Thatcher says Bobby Sands deserved no "special" treatment. "Crime is crime is crime," says the prime minister. That is not the truth. Bobby Sands got very special treatment from the moment of his arrest until he entered the Maze Prison. He was tried not under regular British law but under the infamous Diplock rules. These presume guilt. They deny habeas corpus. They deny jury trials. They permit seven days of interrogation without a lawyer, and then permit the coerced confessions which come out of them. According to the European Commission on Human Rights, the interrogation system used has frequently included torture, mental and physical. The conviction rate under this system is very high. And 90 percent are based solely on confessions obtained under the interrogation system, with no other evidence required.

If Bobby Sands, sentenced to 14 years on a weapons violation, had been treated like a common criminal before he got to the Maze, he would have had little excuse for starving to death. But he only became a "common" criminal when he entered the Maze. Now, with his corpse on their hands, the British will do what they have done so successfully in the past: They will blame the victim. And they will have plenty of help, in academia, in this government and the press.

I know many people who denounce the "terrorism" of the IRA but applaud the valor of the Irgun, for example, who did precisely the same things for Israel in 1946–48. Some of these people will write pained analyses now indicating that Sands has provoked violence by his death and added to Britain's crown of martyrdom in Northern Ireland. Learned articles will bemoan the senselessness of it all. They will applaud a Rhodesian nationalist, or my old friend Rosenfeld for what he did with the Irgun. But they will condemn Bobby Sands for the impudence of dying.

And Americans will read them, and be comforted, because they do not want to acknowledge the truth. Britain is committing crimes in Northern Ireland, violations of her own law so terrible that the barons once went after King John for some similar offenses and ran him down at a place called Runnymede. There a document called Magna Carta was forced out of him, a thing that established that there was a law above anybody, above everybody, even the king.

With the Diplock rules, Mrs. Thatcher is breaking that law. It is this tradition which the British have long abandoned, indeed never applied to Catholics in Ireland. It is a shame. It is an even greater shame to the politicians of Irish ancestry in America, who see it, and say nothing, or very little.

It would be easy to breathe fire on the heads of Sen. Kennedy and Sen. Moynihan, on Speaker O'Neill and Gov. Carey today. But it would be pointless. Their error is that they are trying for statecraft, for a careful policy of supporting our greatest ally while trying quietly to encourage peace, non-violence and a negotiated solution. Forget the derogatory adjectives. The very worst thing you can say about their approach is that it is not working. More than 2,000 people have died in Northern Ireland since they started using it. Nobody asked Margaret Thatcher uncomfortable questions about jury trials, or torture, while she was here. Ronald Reagan's representative curtsied to Prince Charles on American soil while Bobby Sands starved.

What do you do when your friends do wrong? That depends. If quiet counsel will work, that's first. It has been tried and failed. There comes a time in every political life when statecraft has to be abandoned for a simple attempt to do what is right. For many people, such a moment came in Nuremburg in 1935. Some things plainly must be opposed. That is what Rep. Mario Biaggi has been trying to do, and has been much maligned for. Put a light on it, is his theory, call it what it is. Try to stop it.

It is not very fashionable to deplore the oppression and torture of Irish Catholics. That the British set up the occupation of Northern Ireland by Protestant English and Scots, that the British encouraged their oppression of the native Irish on their own soil for Britain's own political ends right down to the present day is simply undeniable. It is history.

That the British would like to get out of it now is also undeniable, but they are riding the tiger they bred, and their true friends should be pressuring them hard to stop it, to fix a solution as in Rhodesia, and get out.

Mrs. Thatcher is quite right. Crime is crime is crime. And the crime is Britain's.●

WHITE OAKS SPECIAL SCHOOL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. LONG of Maryland. Mr. Speaker, on Wednesday, May 20, 1981, 28 young men and women from the White Oaks Special School in Baltimore, Md., journeyed to Washington for a firsthand look at their Nation's Capital.

These students, led by their teachers, Mrs. Joann Hollister, Mrs. Ann Herrold, and Mrs. Irene McLaughlin, and accompanied by parents, Mrs. Irene Fink, Mrs. Mary Pahl, Mrs. Corbi, Mrs. Elizabeth Kelly, Mrs. Jean Townsend, and Mrs. Rozek, toured the Capitol Building, and observed the House and Senate in session.

I am delighted these students are taking an interest in our Nation's po-

litical process, and hope their interest will continue.

Students who visited us Wednesday are:

Alicia Adams, Joseph Donato, Elvis Geissberger, Sean Kane, Michael Kelly, Scott Markel, Jeffrey Pahl, Robert Vovke, Michelle Woo, Thomas Cimino, Laurie Corbi, Edward Damiloski.

Tammy Hardwick, Frederick Kunter, Bruce Moore, Laura Sleigh, Steven Smith, Paul Vetter, Gregory Yeager, Natalie Denhardt, Mallisa Martin, Michael Raub, Charles Rozek, Christopher Sheffert, Brian Smith, Michael Smith, Roy Trageser, Marie McCollum.●

FRANK ZARB: A MESSAGE TO THE CONGRESS

HON. TOM LOEFFLER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. LOEFFLER. Mr. Speaker, as Administrator of the Federal Energy Administration from 1974 to 1977, Frank Zarb played a key role in developing and implementing energy policy during the Ford administration. Since that time, he has been an active and thoughtful advocate for limiting the role of the Federal Government in the production of America's energy resources.

While the crisis atmosphere in energy has dissipated somewhat, we continue to face the serious threat of uncertain foreign imports of oil from a very tenuous and unstable part of the world. It is critical, therefore, that this Congress continue to seek solutions to our energy problems, solutions which will insure a greater degree of energy self-sufficiency by encouraging the production of all domestic energy sources. We cannot afford to delay, or to legislate during a crisis.

This is a message which was echoed recently by Frank Zarb during an address to the National Association of Chain Drug Stores in Palm Beach, Fla. In his speech, Mr. Zarb, a veteran of more than 150 congressional appearances, offers some excellent advice in dealing with our national energy future. I urge my colleagues to review Mr. Zarb's remarks * * * and heed his advice.

SEVENTEEN "DON'T'S" TO GUIDE CONGRESSIONAL ENERGY POLICY

(By Frank G. Zarb)

The election is behind us, a new President has picked his team and is framing basic policy. It's a time for advice-giving—advice flowing from editorial writers, from politicians who survived the last election—and some who did not—from special interest groups, and groups which oppose special interest groups * * * in the great rush to influence the new administration we tend to forget that there is a second major principle in the making of national policy—the United States Congress * * * In some places it's not considered good form to lecture the Congress—but, the record shows that in a little over two years I was called on to testify before one committee or another more than 150 times.

Along with the scars left by that experience, they tell me that it also earned me the right to occasionally offer advice to the Congress—with all due respect, * * * of course.

With that in mind, I have organized my thoughts tonight into a message to the U.S. Congress I call:

Seventeen "don't's" in dealing with our national energy future.

DON'T NO. 1

Don't start with more reorganization. The Department of Energy was a mistake. * * * The Congress and the previous administration insisted on applying an organizational solution to a problem which had nothing to do with organization.

Concentrate first on substance. Build on the President's proposals to stimulate more energy production and further conservation. From that process will come a clearer definition of the Federal role—once we know the mission then the appropriate government organization may be designed. Don't resort to the old Congressional game of creating the optical illusion of constructive action through reorganization. It's too late, too obvious, and too dangerous.

DON'T NO. 2

Don't get lost in the useless debate that argues whether the world is running out of oil and gas. It is simple enough to understand that oil and gas are finite, and supply is being reduced. There will come a day when the remaining barrels of oil and the last MCF of gas will be in clear sight. All of that is only important because it means that oil and gas are very valuable. Value relates to price—and the price of both these commodities will continue to increase in real terms.

The current glut and price level of world oil is temporary and dangerously misleading. The world used more oil yesterday and today than it added to reserves. It will use more tomorrow than it will find. Don't be fooled by periodical supply and demand distortions.

DON'T NO. 3

Don't confuse oil availability from foreign producers with foreign policy. Foreign producers of oil and gas will continue to act in their best interests without special regard for our economic interests, just as we might in their place. It will do no good to tilt foreign policy in an attempt to seek concessions. The producers of the world are going to continue to take what the market will bear for their remaining supplies of oil. That is not a diplomatic judgment—it's their view of responsible handling of their natural resources. A sound mid-east foreign policy should stand on its own and a sound energy policy should stand on its own.

DON'T NO 4

Don't—absolutely don't—try to conserve energy with a broad range of non-price rationing programs. Government imposed restrictions will fail just as they have failed before. Further, they most often yield counter-productive results. Your last debate on a national gasoline rationing program was a great example of ideological wheelspinning. Except in urgent emergency, rationing, mandatory efficiency standards and most other fuel use regulatory restrictions are not sound policy tools.

DON'T NO. 5

The most important "don't" of them all is: Don't try to control fuel prices below real value levels. Past Government price controls on oil, natural gas have visited more damage to our national energy situation than has OPEC. Controls have increased consumption beyond realistic levels and slowed production, not only of oil and gas but all alternate renewable forms of fuel. Except in time of emergency shortage, price controls in the energy sector have absolutely no redeeming features.

DON'T NO. 6

Don't assume that the American people are wastrels. Consumers respond to the market measure of value—34-cent gasoline brought on the automobile of the 1960's, $1.45 a gallon gasoline is bringing us the automobile of the 1980's. If we continue to insist on placing realistic prices on our natural resources we will find that the market system will accommodate conservation just fine. As a direct result of economic forces, the U.S. energy rate of growth should decline to an average of 1½ percent a year by 1985. This compares to an historic 3½ percent a year rate of growth. The lesson here is clear. The change in market value of energy at present and predicted levels is pressing the industrial, transportation and residential sectors of our economy to make basic internal adjustments, therefore encouraging a result which will allow us, in 1985, to produce a unit of gross national product with 50 percent less energy than was needed in 1974.

DON'T NO. 7

Don't allow the existing price controls on natural gas to continue. All through the 1970s the Congress was paralyzed by the pricing issue, because of short-term political considerations. There will be an opportunity this year to eliminate completely price controls on natural gas * * * don't let it pass. Long-term inflation has been encouraged with an ineffective energy program, which included regulated prices. You will find that some groups in the private sector, who are otherwise strong supporters of the market system, will ask you to maintain selected controls to protect their so-called unusual situation. Don't listen—Price controls must go—lock stock and barrel.

DON'T NO. 8

Don't try to construct a program which attempts to convince Americans that we will produce our energy needs without costs and risks. It is not possible to produce the domestic energy required in appropriate quantities without some degradation to our environment and some risk to our safety. There must be more sensible compromise between energy production and environmental restrictions.

Don't try to avoid an open assessment of this issue because of the political heat from those who would accuse you of being anti clean-America. No one with good sense wants to return to the days when environmental needs were not properly in focus. But, we must put our needs for energy production into better balance with continued requirements for sensible environmental protection.

DON'T NO. 9

Don't underestimate the investment required to produce more American oil, gas and other forms of fuel. The increase in

production of oil and gas from domestic wells is a function of technology and investment. Secondary and tertiary recovery systems, deep-well drilling, exploration in hostile terrain are certain to bring some improvements in our domestic production picture. However, these sectors can be developed only if investments are made at levels substantially more sizable than historic standards would indicate. During your deliberation keep two facts in focus * * *. First—at best the United States has 20 to 30 years left of oil production at reasonable levels—second, in the year 2000, a barrel of oil will be priced at a level between $150 and $225, and a gallon of gasoline will cost more than $10 a gallon in 1981 dollars.

DON'T NO. 10

Don't fall into the old windfall profits trap. The term "obscene profits", presently applied to energy issues, is a political phrase and has no economic value. You will find any number of reasons to criticize the oil industry. However, to attack and manipulate profit through selected windfall tax systems without proper consideration for required energy investments works against the interests of the American people. Our program must encourage investment. The current windfall tax program does not—it must go—to be replaced with a system which encourages maximum investment in American energy.

DON'T NO. 11

Don't set out a meaningful program for coal production unless you are prepared to face the nasty questions of: outdated clean air formulae, an over-regulated strip mine situation, counter-productive "best available" technology regulations. In addition, price controls on natural gas often make it cheaper not to convert to coal. We can lift our coal production to 1,200,000 tons by 1985, but don't try to unless you are willing to come to grips with the same, very sensitive questions, which for four years have blunted an otherwise bright picture for coal production.

DON'T NO. 12

Don't use double talk when dealing with nuclear power questions. If a long-range U.S. energy policy is to have credibility, it must contain a thoughtful chapter dealing with the nuclear power component. The nation has not accepted the notion that nuclear power should be eliminated as an important power source. The country has also rejected the idea that a nonregulated, all-out nuclear power effort is the best answer.

Most Americans believe that, with sensible leadership, nuclear power can be expanded with acceptable safety and environmental risk. It is not the fuel of last resort—it is an essential component of our energy needs. The last Congress ducked decisions on nuclear waste disposal and acceptable safety standards. Their inability to come to grips with these issues was related to political considerations and not technological, scientific or financial causes. The United States Congress is the only forum through which this sector can be properly put into focus. If you avoid your responsibilities here, we will not have a national energy program.

DON'T NO. 13

Don't be misled into believing that the best way to influence international agreements on advanced nuclear systems is to set a noble example of delay. The strongest way to influence global standards for nuclear power is to own the best available technology. Development of a United States breeder reactor program and fuel-recycling system are essential for long-term energy requirements, and also important to our objectives to positively influence international safety standards. The policy adopted four years ago to put our breeder reactor development on a slow track, in order to set the example for the rest of the world, failed. We have lost four years and cannot afford any more delay.

DON'T NO. 14

Don't believe for a moment that we are not going to have another major oil cutoff from the Mideast. The next disruption will not be the result of actions taken by responsible Mideast governments—thus not controllable or predictable. It will produce results five times greater than the negative effects of the 1973/1974 experience. The only sensible embargo insurance available during the next fifteen years is to stockpile crude oil. During the last four years, the United States National Strategic Reserve Program became the victim of mismanagement and bad judgment. If the Government had followed the plan submitted by President Ford and passed by the Congress in 1976, we would have more than 350,000,000 barrels of oil in storage today instead of 100,000,000. The loss in added protection is obvious, but please note that the U. S. lost approximately $2 billion by not buying oil at the 1976/1980 prices. If a business was run that way the stockholders would fire the management!

Now I understand that the budget axe is threatening this program once again. Let me recommend one or two options:

1. Buy the oil off-balance-sheet and treat it as a capital investment; or
2. Add a 2-cent surcharge to each gallon of petroleum product consumed in America, until the stockpile is paid for.

The national security of this country is at risk—don't turn your back on it.

DON'T NO. 15

Don't over-promise that we can expect help from alternate sources of energy in the near term. It's just wrong to imply that salvation from advanced technology is at hand. In the years ahead, new energy sources will be developed at an increasing rate of speed, and that assumes that government gets out of the way. But please not: not more than 3 percent of our total energy requirements can be achieved with advancing technologies by 1990. The work now being done in solar, geothermal, shale, coal, gas, coal-liquids, gasohol; wind, waves, tidal change, biomass and others will result in the ultimate emergence of those technologies which will have the highest potential for commercial development. By the year 2000, we will begin producing measurable levels of synthetic and renewable fuel development. The important point to remember here is that, although some special risk protection and early financial assistance for first generation development may be required by the government, it will be the private marketplace which will sort out and best support growth of the best technologies.

DON'T NO. 16

Don't waste time telling us how serious the problem is—and how we must all reduce our hopes for the future. The American people and the American economy have the drive, ingenuity, financial and technical resources to eliminate our energy problem over a period of time. However, the basic American free-enterprise system, which produced our industrial development, is in disrepair * * * With a return to the basic market system, with a minimum of government interference, we will succeed in achieving our energy objectives and at the same time repair the damaged foundation of the American political and economic system.

DON'T NO. 17

If, four years from now, all we have are more words, government organizations, and not more production of American energy produced by American workers, don't—don't expect any sympathy from the American voter.●

CONGRESS MUST REJECT SOCIAL SECURITY CUTS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. OTTINGER. Mr. Speaker, I am adamantly opposed to the President's proposals to cut social security benefits. Everyone familiar with the social security program recognizes that we must do something this year to insure its stability in the future. Unfortunately, the President has proposed just the wrong thing. How can he expect to maintain the integrity of the program and at the same time cut promised benefits for workers and retirees?

These reductions would be a breach of faith with every American and they are totally unnecessary. Even the administration admits that these cuts are far in excess of what would be needed to rectify the short-term financing problem.

I believe it is absolutely critical that we do not allow our handling of the immediate problems of social security financing to undermine the public's confidence in the program or our commitment to fulfilling promises to future retirees by cutting benefits. We should look to other financing alternatives.

As I testified before the Social Security Subcommittee earlier this year, there are several other ways to secure the trust funds without raising taxes or cutting promised benefits. These include: Authorizing intertrust fund borrowing, authorizing at least limited use of general revenues, and increasing the incentives for Americans to continue working and delay their retirement.

I would like to take this opportunity to share my full statement before the Social Security Subcommittee with my colleagues.

The statement follows:

STATEMENT OF HON. RICHARD L. OTTINGER

Mr. Chairman, I appreciate the opportunity to appear before this Subcommittee this morning to share my views with you on Social Security financing. 1981 is a critical year for Social Security. We are facing both an immediate funding problem and the possibility of serious funding problems in the

future. While these problems have different causes and solutions, both demand our swift but careful consideration. How we react and the measures we enact will have an impact not only on the program's viability but also on the public's confidence in it and their willingness to continue to support it.

Because Social Security is funded on a pay-as-you-go basis—current contributions pay for current benefits—we cannot put off making decisions on the future financing and structure of the program. Any changes we make must be phased in gradually so that we do not disrupt retirement plans of working Americans, but it is imperative that we act now to avoid a crisis in the future.

IMMEDIATE ACTION NEEDED

We face an immediate shortfall in the retirement trust fund due to adverse economic conditions. While unemployment has cut down receipts, inflation has increased expenditures. If these conditions continue, the Old Age and Survivors' Insurance (OASI) trust fund will encounter financial difficulties during the latter part of this year. Fortunately, the other trust funds—the Disability Insurance trust fund and Health Insurance (Medicare) trust fund—are in reasonably good financial shape and this gives us some flexibility in dealing with the immediate OASI problem.

I believe the best course for now would be to authorize any Social Security trust fund to borrow from the others as the need arises. The borrowing fund would make repayment when it could. Under current economic assumptions, accounting changes such as this and the realignment of the tax rate would enable all cash benefits to continue into 1984 because the total amount on reserve in all three trust funds will be adequate until then.

I stress that this is a temporary solution. While it gives us time to consider further measures it does not allow us to put aside the tough decisions for the longer term.

SHORT-TERM MEASURES

Basically, we have three options available to ensure that the OASI trust fund has adequate reserves to meet its future obligations. We could (1) increase payroll taxes, (2) decrease benefits, or (3) find new sources of revenues. I favor the last alternative.

We followed the first course in 1977 and adopted substantial payroll tax increases. We thought we had ensured the fiscal viability of the Social Security system for the next thirty years. Yet, now we are facing a crisis similar to that we faced in 1977. I supported that legislation only because of the urgent need to ensure the viability of the system and guarantee benefits. I strongly opposed the increases in payroll taxes that are both regressive and inflationary. In 1981, it should be clear to all that the payroll tax mechanism alone cannot be relied upon to meet the financial needs of the Social Security system.

The second alternative—reducing benefits—is equally unacceptable in my mind, although it is getting more attention than the other alternatives. I think it is interesting to note that a nationwide survey conducted for the National Commission on Social Security found that given the choice between boosting Social Security taxes and reducing benefits, now or in the future, 63 percent favored higher taxes and only 15 percent favored reducing benefits.

President Reagan and others have suggested a number of cuts including:

Eliminating the $255 lump sum death benefit,

Eliminating the minimum benefit,

Ending benefits for students aged 18 to 22, and

Reducing the present cost-of-living adjustments.

I hope we will reject these proposals. It is absolutely critical that we do not allow our handling of the short-term financial problems to undermine the public's confidence in the Social Security program or our commitment to fulfilling our promises by cutting benefits without looking at other alternatives.

Furthermore, repeated proposals to reduce or eliminate benefits—whether or not they are ever actively pursued—have created a great deal of anxiety among both workers and beneficiaries. We saw this happen just last year after the Social Security Advisory Council recommended taxing Social Security benefits. Although no one in Congress introduced legislation to do this, the concern expressed by the public was overwhelming. To deal with this fear, I sponsored a "Sense-of-the-Congress-Resolution" stating that Social Security benefits should remain tax exempt. This resolution was adopted by a vote of 384 to 1.

Of particular concern among the suggested cuts is the proposal to limit the cost of living adjustments now provided to Social Security recipients. I agree that the present CPI doesn't accurately reflect the impact of inflation on the elderly—I believe it underestimates the impact. Rather than arbitrarily changing the formula or putting a cap on any adjustments, I believe we should establish a special CPI for the elderly which reflects their spending patterns. I hope we will not renege on our commitment to protect the elderly and disabled from the impact of inflation. Limiting the increases would put the burden of inflation on those least able to bear it. Instead we should be focusing our efforts on reducing inflation and putting together an accurate index.

Once we have taken care of the immediate danger, hopefully by authorizing inter-fund borrowing and similar accounting changes, we should look at structural changes that could put Social Security on a sounder footing in the future.

USE OF GENERAL REVENUES

Many senior citizen groups have pushed for the addition of general revenues to the Social Security trust funds. I strongly support the plan proposed by the former chairman of this subcommittee, Rep. James Burke, which would have made the Federal government an equal partner in supporting the system with the government, employers, and employees each contributing one-third of the cost of the program as was originally contemplated when the Act was passed.

An alternative would be a more limited use of general revenues. This could be done in several ways. One way would be to use general revenues to fund a portion of the Medicare program. This would allow a greater portion of the payroll tax to be directed into the retirement trust fund. This seems to be the most popular idea, because some Medicare benefits already are partly funded by general revenues and Medicare is not tied to past earnings as are other Social Security benefits.

However, I think this idea must be carefully examined. My fear is that if Medicare costs rise in the future, the Congress will be tempted to cut benefits or impose a needs test. Many senior citizen groups oppose this plan for this reason.

Another possible structural change that has not received as much attention is a plan to add general revenues to the trust funds when the unemployment rate is high. Basically the amount transferred would be equal to the difference between the payroll tax paid that year and the taxes that would have been collected if the unemployment rate had been no more than 6 percent, for example. As unemployment rates decrease any supplementing revenue coming in through this mechanism would be phased out automatically.

By authorizing at least limited use of general revenues, I believe we can secure the trust fund without eliminating promised benefits and causing workers to lose faith in the Social Security system as they perceive that their future benefit rights are being eroded.

LONG-TERM PROBLEMS AND SOLUTIONS

Additional measures may be needed to solve the long-term problem caused by changing demographic trends expected in the first part of the next century.

Pension policy will be profoundly affected by demographic changes including a declining birth rate, increasing numbers of individuals age 65 and older, and longer life expectancies.

Since Social Security was established in 1935, there has been a significant increase in life expectancy for both men and women. In spite of the longer life expectancy, people are not working longer. Early retirement means smaller contributions and longer benefit periods. As the baby boom generation reaches retirement age, the impact of this problem will multiply. Also, families are having fewer children, and if this trend continues, it will aggravate the imbalance. What we will have are fewer workers supporting more retirees. Our Social Security system as presently structured probably will not be able to meet the needs of the changing society in the 21st century.

Some people have suggested raising the normal retirement age from 65 to 68 and the early retirement age from 62 to 65. In light of the increased life expectancy I believe it makes sense for older people to continue working, but I would prefer to encourage this rather than require it. As the head of the National Council of Senior Citizens pointed out recently, "the suggestions for later retirement come from those who have never experienced the exhaustion of lifting 50 lb. boxes for 8 hours a day or continually operating a pneumatic press. Yet, they assume that 65 year old workers can continue to lift those weights and operate heavy machinery until they reach 68."

We need to encourage people to continue working in order to relieve the pressure on Social Security, but there are positive changes that could be made to achieve this result without cutting benefits to those who wish or need to retire.

ELIMINATE EARNINGS LIMIT

The first thing we should do is eliminate the obvious disincentives to work now in our public policies. Among these is the Social Security earnings limit, which I have opposed for a long time. I am convinced that eliminating the unfair earnings ceiling will generate additional revenues and offset much of the cost of removing it. These revenues will come from the millions of Americans who are now staying home in order to draw their full benefits, but who would return to work if the earnings test were repealed and would then resume paying Social Security and income taxes.

REPEAL PENSION OFFSET

In addition, we should eliminate all mandatory retirement policies and the present pension offset included in the unemployment compensation system. This offset is having a devastating impact on the older workers who must remain in the work force because his or her pension is inadequate. I have introduced H.R 1429 which would repeal this offset.

The earnings limit and the pension offset carry the same message to older Americans: don't work. Their repeal is essential if we are to meet the needs of a changing and much larger elderly population.

Not only should we remove obstacles to work, we should add incentives to continue working such as increasing the delayed retirement credit now available to those who choose to work and delay retirement past age 65.

In addition, we should explore plans such as sheltered workshops and phased-in retirement with partial Social Security benefits for those who work part-time between the ages of 65 and 68. Other countries are ahead of us in providing opportunities for part-time work, job sharing, and placement and retraining programs specifically targeted toward older workers.

MAKE SOCIAL SECURITY COVERAGE UNIVERSAL

To broaden the economic base of Social Security, everyone should contribute including Congressmen and municipal employees. As with recipients of other private pensions, this should be done only if pension rights under existing government pension plans are assured. Municipal workers, like private employees, should be entitled to their pensions plus earned Social Security benefits.

Finally, we must set a goal of a better balance between post-retirement income, Social Security, public pensions, private pensions and individual savings. Social Security will continue to provide a major portion of income for the elderly in the years to come, but greater emphasis on private pensions, earnings and savings would alleviate the pressure on Social Security while providing more adequate income for older Americans. We can do this by encouraging the maintenance and growth of private pensions, expanding the eligibility for Individual Retirement Accounts, and encouraging voluntary savings for retirement.

Mr. Chairman, in its 45 year history, Social Security has contributed significantly to the financial well-being of the nation's elderly. While we are now facing serious financial problems and will need to make changes in accordance with changing demographic trends, I believe we have the resources to ensure that Social Security continues to meet the needs of the American people for generations to come. Clearly, we must plan ahead and time is of the essence if we are to avert a crisis in the future. I commend you for holding these hearings and look forward to working with you to ensure the viability of the Social Security program into the next century.●

WELCOME TO IOSIF MENDELEVICH

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Ms. FERRARO. Mr. Speaker, I would like to take this opportunity to personally welcome Iosif Mendelevich to Washington. Just yesterday, the New York Women's Group for Soviet Jewry, recently formed by Carol Bellamy, president of the New York City Council and former State Senator Karen Burstein, held its first meeting and was honored to receive Iosif Mendelevich as a guest speaker. Iosif spoke of the importance of Western support for Soviet prisoners of conscience and the importance of public statements, as well as private diplomatic action. He spoke of how public support throughout the world gives strength to those who are victims of Soviet injustices and keeps Soviet officials aware of international attention to any violations of the Helsinki agreements.

Iosif also expressed his concern over my Prisoner of Conscience, Ida Nudel. While I have followed many cases of Soviet Prisoners of Conscience, I am most familiar with the hardships experienced by Ida in her exile in Siberia. Iosif Mendelevich's release from prison and emigration to Israel is proof that efforts to obtain justice for Soviet Prisoners of Conscience are not futile. His freedom to join his family in Israel gives others the courage to fight for their rights and the hope for success.●

PARISHIONERS DEDICATE NEW ASCENSION CHURCH

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. GAYDOS. Mr. Speaker, on Sunday, May 31, I will have the privilege of joining with the parishioners of the Ascension of Our Lord Byzantine Catholic Church of Clairton, Pa., in dedicating their new house of worship.

This beautiful new structure, constructed in less than 2 years, is a remarkable achievement and a glowing demonstration of the love and devotion the people of Ascension parish have for their church and their spiritual leader, Msgr. Michael Hrebin.

The effort put forth by Monsignor Hrebin and his parishioners has been duly recognized by the Byzantine Church and a number of high ranking officials of the rite have accepted invitations to participate in the blessing of this new shrine of Christendom.

Among the church leaders expected to attend are Metropolitan Archbishop Stephen J. Kocisko, D.D.; Bishop Daniel Kucera, D.D., of the Diocese of Salina, Kans.; Auxiliary Bishop John M. Bilock, D.D., of the Pittsburgh Byzantine Catholic Diocese; Auxiliary Bishop Thomas V. Dolinary of the Passaic Byzantine Catholic Diocese; the Very Reverend Donald S. Nesti, C.S.Sp., president of Duquesne University.

Msgr. George Billy, pastor of St. George's Church, Linden, N.J.; Msgr. Robert G. Moneta, pastor of St. George's Church, Newark, N.J.; and the Reverend Raymond A. Vollmer, pastor of St. Clare's Church in Clairton.

Lay people taking part in the dedication program include Mayor Rose Busch of the city of Clairton and Mr. John L. Monito, a member of Ascension parish.

Mr. Speaker, the dedication of the new Ascension Church marks yet another milestone in the ambitious program of development and rebuilding of the parish launched by Monsignor Hrebin nearly 17 years ago. His first undertaking was the building of a new auditorium that today still stands as one of the most striking works of architecture in western Pennsylvania—Ascension Hall.

Once that project reached completion, Monsignor Hrebin, a man of remarkable talents, boundless energy and blessed with the ability to inspire others in a cause, turned his attention to rebuilding the church itself. He celebrated his last mass in the old church on September 17, 1979, and on Saturday, August 30, 1980, Monsignor Hrebin performed the liturgical ceremonies prescribed for a simple blessing of the new church and mass was celebrated in the structure that evening.

During the rebuilding program, the men and women of Ascension parish gave unselfishly of their time and talent and they recognize their work is not finished. They will continue to extend themselves to refine and beautify their church, to enhance its role as a spiritual sanctuary for all and to make it a fitting home for their Lord.

The list of their sacrifices in this project is lengthy and involves so many people it would be extremely difficult to recognize individuals, but if one may serve as the symbol for all, that man would be Monsignor Hrebin, or "Father Mike" as he is known to his parishioners and the people of Clairton.

I know of no man, Mr. Speaker, whose friendship I cherish more or who is more loved by his people or his community. He is unique among men, warm, friendly, an inspiration to all who know him, and I pray God will continue to shine His face on Father Mike and Ascension Parish.●

INTERNATIONAL YEAR OF DISABLED PERSONS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. WINN. Mr. Speaker, as the International Year for Disabled Persons progresses, I am pleased to share the following two articles with my colleagues which appeared recently in the U.S. edition of ILO Information. The International Labor Office (ILO) is the permanent secretariat of the 145—member International Labor Organization, a specialized agency associated with the United Nations.

One purpose of the International Year for Disabled Persons is to focus attention on the situation of millions of handicapped and help remove the prejudice and discrimination which bar their way to "full participation and equality"—the U.N. theme for the year. The majority of the world's disabled—300 million—live in developing countries which also have a backlog of over 400 million jobless or underemployed citizens. An important objective of all ILO vocational rehabilitation projects in developing countries is to try to insure that the disabled become self-sufficient. Efforts are made to teach them practical skills for everyday life. The International Labor Organization's main efforts have been directed toward the setting up of production workshops on small-scale industry lines, small business cooperatives, and self-employment schemes for Third World disabled.

I refer the following two articles to my colleagues:

Declaration of ILO Director-General Francis Blanchard

One out of ten individuals among the world's population suffers from some form of physical or mental disablement. These people need training, retraining, specialized vocational guidance and opportunities to participate in useful work on an equal footing with the nondisabled.

The United Nations has declared 1981 the International Year of Disabled Persons, which will afford a golden opportunity not only to specialized agencies, but also to the world community to intensify efforts to prevent disability and to insure that those who are disabled have the right to economic and social security and to a decent standard of living. This can be done primarily by strengthening and developing occupational safety and health programs and by providing rehabilitation services which will enable the majority of the disabled to make a substantial contribution to their own, their families' and their countries' welfare.

Society cannot afford to lose or neglect these valuable human resources. Despite considerable achievement in the vocational rehabilitation of the disabled, the problem remains acute, especially in the developing world. Here, employment opportunities are either nonexistent or very limited for the countless victims of poliomyelitis, leprosy, blindness, malnutrition and many other scourges.

Providing appropriate assistance to mentally ill and retarded persons throughout the world presents challenging problems of vocational reintegration. In many countries drug addiction and alcoholism have become a disturbing social problem which call for new approaches to treatment and rehabilitation.

The International Labor Organization's special responsibility for the protection of workers includes safety and health at the workplace and its environment as well as insuring that, whenever possible, disabled persons should be provided with full opportunities for vocational rehabilitation. The International Year of Disabled Persons, with its theme, "Full participation and equality" and its emphasis on disability prevention and rehabilitation, is therefore of special significance to the ILO.

In close association with other UN agencies and non-governmental organizations, the ILO. has contributed to the steady growth of occupational health and safety programs as well as rehabilitation activity throughout the world. May our work for this important International Year and the succeeding years bring substantial and continued progress toward health and safety for all and the full integration of disabled persons everywhere.

I hereby declare the ILO's full endorsement of the aims and objectives of the International Year of Disabled Persons and pledge our full support and contribution to their achievement.

How The ILO Helps

(By Norman Cooper)

The first action undertaken by the International Labor Office in the field of vocational rehabilitation of the disabled was the publication in 1921 of a report on the compulsory employment of disabled ex-servicemen. The program for the disabled has come a long way since then, with the ILO's mandate now extended to assisting all physically and mentally disabled people as well as the socially maladjusted, including drug and alcohol dependent persons.

The International Year of Disabled Persons has highlighted the gravity of the disablement problem throughout the world—a problem which affects all creeds and colors and concerns 10 percent of the world's population.

ACCENT ON THIRD WORLD

The ILO's main efforts in recent years have been directed toward assisting Third World countries to establish basic vocational rehabilitation services. In some instances, it has been possible to incorporate such action in the context of larger development projects. For example, in Bahrain the government included a rehabilitation component in a large-scale labor administration project; in the neighboring United Arab Emirates a UNESCO project aimed at the education of handicapped children also has social, medical and vocational rehabilitation inputs in which the United Nations, the World Health Organization and the ILO are involved. In the Libyan Arab Jamahiriya an ILO project which will begin shortly involves the planning and development of a center sponsored by the Ministry of Social Security which combines preventive (occupational safety and health) treatment and vocational rehabilitation services.

In many countries of the Third World 90 percent of disabled persons live in isolated rural areas and the ILO is devoting more and more attention to their problems. In Ghana, Kenya, Malawi and Zambia the ILO has been associated with training schemes for the rural disabled which concentrate on training the handicapped in activities of daily rural living—thus enabling them eventually to make a contribution to the daily life and work of the community. In Uganada a mobile rehabilitation team provided services to disabled women, teaching them home economics and child care.

The ILO has found that the lack of trained staff is a great drawback to the full development of vocational rehabilitation services. Fellowships, regional training courses and seminars help to bridge the gap, but the shortfall is so great that other methods have to be devised. The ILO is advocating the use of aides and auxiliaries, the training of community health workers in basic rehabilitation techniques.

A project which may well have important and beneficial repercussions on ILO vocational rehabilitation policy in rural areas, recently became operative in Indonesia. The government of the country, faced with the problem of providing rehabilitation services for some 12 million of its people scattered over a large subregion in several thousand islands, recognized that the traditional institutionally based services would not provide the answer—to say nothing of the cost involved. They therefore devised a program whereby rehabilitation services would be developed and delivered at the community level—with the community itself mainly responsible for planning the necessary services. An ILO expert is assisting the project team and already several hundred community workers have been trained through basic rehabilitation courses. Handicrafts and cottage industry work will form the backbone of vocational rehabilitation activities.

A similar ILO-supported community-based program for the vocational rehabilitation of drug dependent persons is under way in Burma with volunteer social workers helping to identify those people who, after medical treatment, require vocational training as a means to successful reintegration in the community.

Blindness is still a scourge in Third World countries and nowhere is it more prevalent than in the seven countries bordering the Volta River Basin in West Africa. Onchocerciasis, or river blindness, affects 1 million of the population there and an ILO expert is actively engaged in the subregion in assisting organizations for the blind to promote and develop vocational rehabilitation services for victims of this dreaded disease.

A satisfactory avenue for the development of vocational rehabilitation services is through the medium of workmen's compensation schemes. In Zambia an ILO team has helped the Workmen's Compensation Board to establish a vocational training center for the physically disabled at Ndola, in the copper-belt area.

CREATING JOB OPPORTUNITIES

It is in the field of small-scale industry that the ILO has made its greatest impact in helping to create employment opportunities for the disabled. Profitmaking production workshops such as those making umbrellas and dry cell batteries in Ethiopia and employing several hundred disabled persons have attracted world-wide attention. Garment making on cooperative lines, for example in Iran and Colombia, has proved to be a useful and profitable means of employing disabled women and, for good measure, workshops of this kind often support homeworking schemes for the severely disabled who are house-bound.

Several of the above projects have been financed by ILO member states: Finland, the Federal Republic of Germany, Norway and Sweden. In addition, the government of Poland has supported a series of ILO training courses over the past 15 years, permitting groups from African, Asian and Middle Eastern countries to obtain a close insight into the Polish system of industrial cooperatives which provide employment and comprehensive rehabilitation services for some 200,000 disabled persons. The Danish International Development Agency (DANIDA) too has regularly provided funds for ILO regional seminars which have helped to provide a stimulus for further realistic development of rehabilitation services for the deaf, blind, mentally retarded, mentally ill and other disabled, as well as providing for the training of sheltered workshop managers.

Research too is an important aspect of the ILO's vocational rehabilitation program, resulting in publications on basic principles of vocational rehabilitation, ergonomics, selective placement, vocational assessment and work preparation centers for the disabled, cooperatives of the disabled, vocational rehabilitation of the mentally ill and production workshops for the disabled. Audiovisual material (films and sound-slide packages) have been produced for staff training and public information purposes while a special documentation service (BLINDOC) provides for world-wide dissemination of innovative techniques in the training and employment of the visually handicapped.

A major feature of the ILO's program of vocational rehabilitation is the extent to which it is developed in cooperation with other organizations. This cooperation has reflected not only the degree of world-wide interest in the subject but also the need for coordination of all aspects of the rehabilitation process—medical, social, educational and vocational—in which public and private agencies concerned have their respective part to play.

The main focal point for program coordination is the Inter-Agency Group on Disability Prevention and Rehabilitation composed of representatives of the United Nations and specialized agencies (ILO, WHO, UNESCO) as well as representatives of UNICEF, Office of the High Commissioner for Refugees and the Council of World Organizations Interested in the Handicapped. This working group meets regularly to discuss current and future programs and to examine how coordination and cooperation can best be achieved.

Close and cordial working relationships on vocational rehabilitation questions have also been established with leading inter-governmental and non-governmental organizations (such as the European Economic Community, Rehabilitation International, the World Council for the Welfare of the Blind, the World Federation of the Deaf, the World Rehabilitation Fund and Goodwill Industries International) as well as important national agencies such as the Polish Invalids' Cooperative Union, the Royal National Institute for the Blind in the United Kingdom and the U.S. President's Committee on Employment of the Handicapped.

In the immediate future, this closely coordinated and cooperative approach to the development of vocational rehabilitation activity on a global scale will have particular significance as the program of the United Nations International Year of Disabled Persons (1981) gets under way.●

WORLD POPULATION GROWTH AND ABORTION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. SEIBERLING. Mr. Speaker, what ever the specific outcome of the budget debate, Congress is about to take unparalleled action by significantly cutting back on Government-supported programs and services. It is the hope of everyone that this dramatic new spending policy will help slow inflation and encourage economic growth.

But Government spending is certainly not the sole cause of inflation. Inflation is worldwide, brought on primarily by the pressure of an expanding world population on ever scarcer resources. If we are ever to get a true grip on the problem, then we must look seriously at global population stabilization as an important first step toward effective control of inflation.

I recently came across a briefing paper prepared by the Population Crisis Committee in April 1979. It clearly lays out the role that abortion plays in worldwide family planning. According to this paper, entitled "World Abortion Trends," "few experts would deny the fact that widespread use of abortion—legal or illegal—has more immediate impact on birth rates than any other single factor." For instance, it is estimated that "one in four pregnancies worldwide is terminated by induced abortion, totaling roughly 40 million or more abortions annually worldwide."

Whether or not abortion is legal does not seem to be a big factor in the abortion rate. "In countries where restrictive laws are actually enforced," the report states, "women have not been deterred from seeking abortions, but rather they have resorted to various methods of self-induced abortion and abortion by untrained illegal practitioners." It is estimated that, worldwide, roughly half of all abortions occur illegally and represent a leading cause of death among women of childbearing age. But illegal abortions and accompanying deaths have declined in countries where abortion laws have been liberalized and where modern medical procedures have made early abortion nearly eight times less hazardous than childbirth.

The leading cause of abortion use is identified as lack of access to contraceptives. Most of the 360 million women who lack access to modern contraceptive methods live in developing countries "where commercial and public health networks for the delivery of family planning services are weak or nonexistent."

Far from advocating abortion as the ideal means for stabilizing the population, the study simply recognizes that abortion will probably continue as an important method of family planning. One reason for this is that in many countries family planning education and service programs receive minimial public support. As the paper points out, "unless family planning programs are pressed with additional vigor, the record suggests that there will be more rather than less demand for abortion in the future."

The study concludes by setting out the following recommendations to governments and private organizations seeking to reduce the human and societal costs of abortion:

First, make early abortion under safe, medically supervised conditions widely available;

Second, make modern contraceptives and voluntary sterilization universally available at a reasonable cost; and

Third, support research for safer, more effective contraceptives.

Mr. Speaker, I urge colleagues who are interested in tackling the worldwide problem of population growth and its effect on the global economy to read the study, which is reprinted following my remarks.

[From Population, April 1979]

WORLD ABORTION TRENDS

Historically, abortion has been the most common method of birth control throughout much of the world. In the last decade, with wider distribution of modern contraceptives, abortion has probably fallen into third place, behind voluntary sterilization (approximately 80 million users worldwide) and oral contraceptives (55 million users).

Still, experts estimate that today about one in four pregnancies worldwide is terminated by induced abortion, totaling roughly 40 million or more abortions annually worldwide. About half of these abortions occur illegally and now represent a leading cause of death among women of childbearing age. In Latin America, the Middle East and other areas where family planning services are scarce, the medical complications of illegal abortions are reaching epidemic dimensions.

ABORTION WORLDWIDE

In most parts of the world, the incidence of abortion is expected to grow as a result of wider preference for smaller families, lack of alternative family planning services, and an increase in the number of women of childbearing age. Other social and economic factors may also contribute to greater abortion demand, including a shift from rural to urban lifestyles, overcrowded housing conditions, high unemployment rates, and other factors raising the cost and lowering the perceived value of large families.

CURRENT LAW

As of 1978, about two-thirds of the world's people lived in countries that permitted abortion on request or under a broad range of social conditions. Between 1965 and 1978, almost 30 countries removed major restrictions on access to abortion. In the same period only five countries—Bulgaria, Czechoslovakia, Hungary, New Zealand and Romania—adopted slightly more restrictive laws. Most of the countries that permit abortion under a broad range of conditions

are located in Asia, Europe and North America. In most of Latin America and Africa, abortion is either completely illegal or permitted only to protect a woman's life or health, and countries with less restrictive policies include only Cuba, Uruguay, South Africa, Tunisia and Zambia.

LEGAL STATUS OF ABORTION—IN SELECTED COUNTRIES BY STATUTORY GROUNDS FOR ABORTION, MID-1978

	On request or for social indications [1]	Conditional (includes eugenic, rape, incest and/or broad health indications) [2]	Only life-threatening circumstances [3]	Illegal (no exceptions) [4]
Total population covered (in millions)	2,568.3	614.1	449.6	369.2
Total number of countries represented	27	36	30	15
Percentage of world population	61	15	11	9

[1] Major countries: Austria*, Bulgaria*, Czechoslovakia*, Denmark*, France*, German Democratic Republic*, German Federal Republic, Hungary*, India*, Italy*, Japan*, People's Republic of China*, Poland*, Romania*, Sweden*, Tunisia*, United Kingdom*, United States*, U.S.S.R.*, Yugoslavia*, Zambia.

[2] Major countries: Argentina*, Australia*, Brazil*, Cameroon, Canada, Chile*, Cuba*, Ecuador, Ethiopia, Ghana, Greece*, Kenya, Mexico*, Morocco, Nepal, Peru, Republic of Korea*, Rhodesia, South Africa*, Switzerland, Syria, Thailand, Turkey*, Uganda.

[3] Major countries: Algeria, Bangladesh, Cambodia, Guatemala*, Iraq*, Ivory Coast, Madagascar, Malawi, Malaysia, Netherlands, Nigeria, Pakistan, Senegal, Spain, Sri Lanka, Sudan, Upper Volta, Venezuela*.

[4] Major countries: Belgium*, Burma*, Colombia*, Dominican Republic, Egypt, Indonesia*, Philippines*, Portugal*, Taiwan*, Zaire.

This chart summarizes the total population covered by different types of laws in the 108 countries for which information is available. Information for the remaining countries (representing 5 percent of the world's population) is not available. The chart also categorizes the status of abortion law for 73 countries with populations of over 5 million; 35 smaller countries are included in the total population figures but are not listed individually.

The legal status of abortion does not always determine its incidence. In each column of the chart, countries with significant ratios of legal or illegal abortion (more than 1 abortion per 5 live births) are shown with an asterisk, including some countries where abortion is illegal under any circumstance.

Information on national laws and policies is principally based on Christopher Tietze's recent work; information on abortion ratios is based on estimates and country surveys by the International Planned Parenthood Federation and others. Population estimates are from the Population Reference Bureau's "Data Sheet" for mid-1978.

Because of wide variations in the interpretation and enforcement of abortion laws, however, the actual incidence of legal and illegal abortion is not always determined by the letter of the law. In countries with few restrictions, the distribution, quality and cost of abortion services are largely determined by government policymakers and health administrators. Even in the United States, for example, public assistance for abortion is largely unavailable to low-income women, and only one in five public hospitals and fewer than two in five private hospitals provide abortion services.

In developing countries with few legal prohibitions, conservative attitudes can also combine with shortages of trained personnel to severely limit the availability of legal abortion. In 1978, six years after the enactment of India's new abortion law, only an estimated one million legal abortions occurred, compared with as many as five million illegal abortions. In Tunisia, on the other hand, where the government has moved purposefully to expand legal services, local officials believe that abortion rates are dropping and that only one in three abortions is illegal.

On the other hand, some countries with restrictive abortion laws still on the books now have a form of *de facto* legalization. Non-enforcement of abortion laws in Korea, the Netherlands, and Taiwan, for example, has encouraged a substantial growth in abortion services, and safe abortions are widely available from private physicians. Abortion rates and associated complication rates are consequently comparable to those in the United States and other countries where abortion is legal.

In countries where restrictive laws are actually enforced, however, women have not been deterred from seeking abortions, but rather they have resorted to various methods of self-induced abortion and abortion by untrained illegal practitioners. The limited impact of restrictive laws on the demand for abortion is suggested by the Romanian experience. Following passage of a more restrictive abortion law in 1966, abortion-related deaths rose seven-fold over a decade, and illegal abortions reached the level of legal abortions.

PREVALENCE PATTERNS

Over the last several years, the highest abortion rates in the world—according to rough estimates—appear to have been in Italy, Portugal and Uruguay, which may have as many abortions as live births. Interestingly, most of the abortion in all three countries were illegal at the time. In Austria, Japan, and the Soviet Union, where abortion is legal, more than 1 in 2 pregnancies end in abortion. Japan and the U.S.S.R. share a heavy historical reliance on abortion as a method of family planning due to the lack of oral contraceptives, IUD's, and voluntary sterilization. In the middle range are Argentina, Bulgaria, Cuba, Hungary, Israel, Romania and Yugoslavia with one abortion for every three pregnancies. Countries with lower rates, where about one in four pregnancies ends in abortion, include Czechoslovakia, Denmark, East Germany, Finland, India, Korea, Poland, Singapore, Sweden, the United States, and, according to recent reports, Brazil, China, and El Salvador.

Generally, countries with the highest abortion rates—legal or illegal—fall into three major categories:

Affluent Western countries with predominately small families, childfree lifestyles, delayed childbearing, and adolescent sexuality, where abortion is heavily used as a backup for contraceptive failure or erratic contraceptive use;

Middle-income industrial countries where economic and social conditions discourage large families and where abortion is the main birth control method due to the unavailability of other effective contraceptive methods; and

Less developed countries experiencing rapid economic modernization, often including large-scale migration to the cities, but where contraceptive practice is not yet widespread.

In most countries where abortion laws have been liberalized, the incidence of illegal abortion has dropped dramatically, with a commensurate decline in abortion-related deaths. The rate of abortion-related complications has been further reduced as more procedures are performed early in the first trimester of pregnancy and as medical practitioners have gained greater access to specialized training and equipment. Additionally, the overall incidence of legal abortion, after rising slightly (compared with the estimated number of illegal abortions in previous years) has typically leveled off within several years. In many of the European countries with legal abortion, the incidence of abortion has now declined or stabilized.

CHARACTERISTICS OF ABORTION CLIENTS

Abortion occurs among nearly all social and economic groups. Although the typical age and marital characteristics of abortion clients vary from country to country, several patterns of unwanted pregnancy and abortion use can be identified for the world as a whole.

Lack of access to contraceptives is by far the leading cause of abortion use. Worldwide, more than two in three women at risk of pregnancy (about 360 million out of 560 million women worldwide) lack access to modern contraceptive methods. Most of these women are in developing countries where commercial and public health networks for the delivery of family planning services are weak or non-existent. However, adolescents and low-income couples in some developed countries also lack access to services.

Inconsistent contraceptive use accounts for another large portion of abortions. Many couples use contraception only sporadically: some misjudge the risk of pregnancy (for example, women approaching menopause may abandon regular contraception too early); some misunderstand contraceptive usage; and others may simply find contraceptives inconvenient or embarrassing to use. Young couples especially need time and experience to use contraceptives effectively, yet their natural fertility is highest during this experimental stage.

Contraceptive failure, while not a major cause of abortion worldwide, is nevertheless significant in countries with adequate family planning services because most couples who do practice contraception regularly are strongly enough motivated to avoid unwanted births that they will often choose abortion when contraception fails. Studies show that as many as one in three couples using modern reversible methods will have an unwanted pregnancy over five years' time. Although birth control pills are theoretically 99.7 percent effective, 4 to 10 percent of users worldwide become pregnant for each year of use, mainly as a result of human error.

Changes in personal circumstances occasionally lead to abortion when, as a result of desertion, widowhood, or family crisis, a wanted pregnancy becomes unwanted. Where consensual unions or male migration are common, women who are suddenly abandoned and left to support several existing children may feel compelled to avoid another birth at all costs.

Detection of fetal defects is now possible in some highly developed countries as a result of effective new tests performed after the 16th week of pregnancy. Most couples who learn of fetal defects (about 3 percent of the cases tested) opt for abortion and then try for a subsequent normal pregnan-

cy. Pregnant women exposed to rubella, X-rays, toxic chemicals or harmful drugs may automatically choose abortion rather than risk an abnormal birth.

Coupled with differences in cultural patterns of childbearing and marriage, the differential weight of these factors accounts for some of the variations among countries in patterns of abortion use. In developing countries, available data indicate that abortion clients tend to be in their 30's or older, married, and close to or past their desired family size. In Tunisia, for instance, three in five women obtaining legal abortions in 1976 had four or more prior births. In India and Singapore, over 90 percent of the legal abortion clients were married. In contrast, abortion clients in the United States, Canada and most Western Europe countries tend to be in their 20's or younger and are more often unmarried. In the United States, for example, 74 percent of the women seeking abortions in 1976 were unmarried and 46 percent were childless.

Because the patterns of abortion use vary so greatly from country to country, efforts to reduce the incidence of abortion must also vary. Since many women in developing countries who seek abortions already have all the children they want, expanding voluntary sterilization services may be an alternative. In developed countries, however, alternatives to abortion will have to include sex education and the provision of contraceptives to unmarried minors.

ABORTION AND HEALTH

During the 19th century, untrained and sometimes unscrupulous practitioners performed abortions throughout Europe and the United States. In order to curb such practices, a number of governments adopted restrictive abortion laws to protect women's health. Most of these older restrictive laws remained on the books until recently and were transferred to other countries around the world during the colonial period. Today, however, public health groups—far from favoring prohibitions on abortion—are among the strongest voices for wider access to abortion services. This is because modern medical procedures, which make early abortion nearly eight times less hazardous than childbirth, have dramatically reduced abortion-related deaths wherever legal abortion has been made fully available.

Illegal abortion, on the other hand, has become a leading cause of maternal mortality in many countries. In Latin America, where abortion is generally illegal and contraceptive services limited, medical treatment for abortion complications consumes a large proportion of hospital beds and blood bank supplies. As far back as 1969, Chilean government officials estimated that illegal abortions caused up to 35 percent of all maternal deaths and that up to 6 percent of Chile's annual health care budget was spent for treatment of abortion-related cases. Latin American health officials estimate that the average cost of treating an infected or incomplete abortion is 4.5 times the cost of a Caesarean operation and 9 times the cost of a normal birth. Illegal abortion and associated medical complications are also on the rise in the Middle East and parts of Africa, where some urban hospitals now report a ratio of one admission for the treatment of abortion complications to every two deliveries.

MORTALITY RISKS ASSOCIATED WITH VARIOUS OBSTETRICAL AND GYNECOLOGICAL PROCEDURES

Procedure	Deaths per 100,000 cases	
	United States	Developing countries (estimated)
Legal abortion	3	4–6
Female sterilization	5	10–100
Delivery of live births	15	250–800
Illegal abortion (non-medical)	50–150	100–1,000
Caesarean section	111	160–220
Hysterectomy	240	300–400

Source: U.S. data were provided by the Center for Disease Control, DHEW, and are for the most recent year available. Estimates for developing countries and illegal abortion are based on reports from a variety of health experts familiar with available maternal mortality data.

ABORTION AND POPULATION GROWTH RATES

Over the last century, abortion—legal and illegal—has been a major factor in the fertility declines experienced by industrialized countries. In a few cases, like Japan, abortion has been credited as a major factor in unusually rapid declines. Based on this experience a few countries have cited demographic impact as one of several reasons for legalizing abortion. While such justifications are atypical—given the human rights and public health emphasis of most abortion supporters—few experts would deny the fact that widespread use of abortion (legal or illegal) has a more immediate impact on birth rates than any other single factor.

Achieving the two-child family average needed for population stabilization probably requires some reliance on abortion in any case, since present contraceptive methods are neither totally effective nor universally available. Reducing fertility from an average of seven births per woman to two in the absence of contraceptives would require an average of nine or ten abortions per woman. But even if each woman used a 95 percent effective contraceptive method, seven in ten women would still require an abortion at some point during their reproductive lives. Studies made in several countries and recent reports from China demonstrate that while countries with falling birthrates can reduce abortion rates through intensive family planning programs, only universal use of a perfect contraceptive would largely eliminate the need for abortion services.

On the positive side, recent experience also indicates that the availability of abortion services may reinforce contraceptive practice. Women who have had an abortion are more likely to practice contraception than other women, and for many women the opportunity to exercise retroactive judgment about an unwanted pregnancy is the necessary first step to consistent contraceptive use. Even in countries where abortion is illegal, clinics and hospitals have increased contraceptive acceptance through family planning counseling programs for clients admitted for abortion-related complications. This positive association between abortion and contraception is most evident where legal abortion services are part of a comprehensive family planning program offering a full range of contraceptives and voluntary sterilization and where medical practioners are committed to preventive measures.

REDUCING ABORTION'S HUMAN COSTS

Few people view abortion as an optimal method of family planning for the individual or as an ideal means of reducing national birthrates. However, since both contraceptives and the people using them are subject to failure, it is unlikely that the practice, after many centuries of use, will soon disappear. Unless family planning programs are pressed with additional vigor, the record suggests that there will be more rather than less demand for abortion in the future. Illegal abortion takes a tremendous toll in human and social terms. So do legal abortions when they are performed late in pregnancy or when access to services is encumbered by excessive cost or red tape.

Governments and private organizations seeking to reduce the human and societal costs of abortion can make major contributions in three respects:

By making early abortion under safe, medically-supervised conditions widely available;

By making modern contraceptives and voluntary sterilization universally available at a reasonable cost; and

By supporting research for safer, more effective contraceptives.

Women seeking, abortion are demonstrating an intense desire to avoid unwanted births, and it is in the interest of governments from a social, health, and demographic perspective to assist them in meeting their family planning objectives in the most humane way possible.●

REAGAN'S BLOCK GRANT FOR EDUCATION: FACADE OF SIMPLIFICATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. BIAGGI. Mr. Speaker, for the benefit of my colleagues, I would like to draw attention to the proposal which has been received from the administration to consolidate 44 existing elementary and secondary education programs into two "block grants", one for services to disadvantaged children and the second for programs to improve school resources. After a careful look at this proposed legislation, I have concluded that its provisions are inequitable, unrealistic and woefully inadequate to insure even a minimal amount of service to children in need of compensatory educational services.

As New York's senior member of the House Education and Labor Committee since my election to Congress 13 years ago, I have been closely involved in many of our major elementary and secondary education programs. This "block grant" proposal, masquerading as an "education assistance measure", is nothing more than an attempt to withdraw all Federal support for education in this Nation. It would abrogate 15 years of social progress in a field which has witnessed the quality of education for disadvantaged students increase dramatically as a result of our Nation's commitment to these needy children.

This proposed legislation is divided into two titles. Title I of the bill would provide financial assistance to States to improve the achievement levels of special education populations, including the educational disadvantaged, the

handicapped, bilingual children and adults in need of basic education skills. Under this title, 87 percent of the funds would be directly appropriated to States for local educational agencies, 75 percent of this being distributed under the title I ESEA formula and 25 percent distributed on the basis of school-age population. The remaining 13 percent of the moneys in title I would be distributed to States on the basis of the subparts in title I ESEA which provide aid to the handicapped in institutions, neglected, delinquent and migratory children as well as adults served under the Adult Education Act.

Title II of the bill combines the various categorical programs which provide funds to improve or enhance local school services, which include ESEA titles IV B and C, basic skills under title II ESEA, the Woman's Educational Equity program under title IX-C ESEA, special programs under the Education of the Handicapped Act and part B of title V of the Economic Opportunity Act, which authorizes the Head Start program. Moneys under title II of this proposed bill would be based upon school-age population, with a hold harmless provision to insure that in fiscal year 1982, no State would receive any less than they received in fiscal year 1981 for these various categorical programs.

The third and final title of the bill provides for the preparation of a State plan for carrying out payments to LEA's under this act. It insures proper use of funds through audit provisons and also guarantees the participation of nonpublic schools in these programs. Finally, this section repeals current existing statutes which authorize these various programs:

Titles I, II, III (except part A), IV, V, VI, VIII and IX of the Elementary and Secondary Education Assistance Act of 1965;

The Education of the Handicapped Act (except sections 602, 622, 623, 624, 625, 627, 633, 635, 636 and parts E and F);

Part A and section 533 of title V of the Higher Education Act of 1965;

The Adult Education Act (except section 316);

The Career Education Incentive Act;

The Alcohol and Drug Abuse Education Act; and

Part B of title V of the Economic Opportunity Act.

The benefits of enactment of such a proposal are few in comparison to the long-range liabilities they will incur if we accept such an administrative alteration of the existing delivery service structure. A close examination of the long-range implications of such a change include:

OVERALL DRASTIC REDUCTION IN FUNDS FOR STATES AND LEA'S

The notion that this proposal would not reduce funding to States and local educational agencies is unfounded for there are no assurances that adequate funds can continue to be provided for the various programs under this proposal. In my own city of New York, we have been asked to bear a disproportionate share of these educational cuts already for fiscal year 1981. The cost of living as well as the cost of providing educational services in New York is substantially higher than in the rest of the Nation. To incur additional losses upon urban schools would virtually eliminate vital as well as mandated services, such as those to handicapped children, forcing State and local governments to make up the difference.

SHIFT TO STATE CONTROL FROM FEDERAL

I remain deeply concerned over the allocation of funds to LEA's in this proposal by the State agency. The State must develop the plan which will dictate how Federal funds will be spent, with no provision for Federal approval of this plan. In effect, the implications of such a proposal are the promotion of less local control of education, rather than the alleged more local control. There are no guarantees that LEA's must continue to receive a comparable amount of dollars as they had under the former structure, should this proposal be implemented.

PRIVATE SCHOOL PARTICIPATION

The required "equal project expenditures" provision in this legislation for private school students could easily exceed current requirements. In addition, I remain deeply concerned over the lack of monitoring and enforcement provisions which would insure proper use of these funds in participating private schools.

IMPLICATIONS OF SPECIAL EDUCATION POPULATIONS

The two largest groups of children served in our elementary and secondary education programs are those served under title I ESEA programs and those served under handicapped education programs. By placing these two major groups—both with special, and often separate, educational need, in direct competition for funds at the State and local level, would virtually assure that adequate funds would be provided for one group at the expense of another—or even worse, reduce funds for both groups to a level which would in effect eliminate services completely.

COMPLETE ABSENCE OF LOCAL DISTRIBUTION FORMULA

Provides no guarantees that urban school districts would receive the same amount of funds every year. The intra-State distribution formula could be revised every year, at the State's will, which would leave LEA's with little ability for advance planning.

LACK OF LOCAL ADMINISTRATIVE COSTS

In the proposed legislation, no reference is made to local administrative costs. The question remains that LEA's could be prohibited from using block grant moneys for indirect program costs, thereby placing a further drain on local dollars which must be used to administer Federal dollars.

NO MANDATED SERVICES TO SPECIAL POPULATIONS

Under this legislation, there are no guarantees that special populations would continue to receive services. This raises major problems in areas which are currently operating under court orders to provide services to children. For example, in New York City, a Federal judge ruled that handicapped children have to be evaluated and placed in special programs, yet we have insufficient Federal funds to carry out this Federal order. It currently costs approximately $8,500 a year to educate a handicapped child in New York City and we now receive less than $250 per child to provide these services. Under the block grant proposal, this dismally small amount could be even further reduced. The same problem is faced with bilingual children and refugee children. We have an obligation to provide educational services, largely due to established Federal policies, yet adequate funds to carry out these mandates will not be forthcoming.

These are but a few issues that must be raised with an initial examination of this education "block grant" proposal. With the adoption of the budget resolution—which I did not support—to reduce aid to education programs by at least 25 percent, education cannot afford to incur additional cuts. The House Appropriations and Budget Committees did not endorse this consolidation proposal in their reports to accompany the fiscal year 1981 supplemental appropriations bill and the fiscal year 1982 First Concurrent Budget Resolution, respectively. In addition, our Education and Labor Committee has proceeded with the reauthorization of various categorical programs under our jurisdiction in lieu of consideration of this consolidation proposal, including the Economic Opportunity Act and the Alcohol and Drug Abuse Education Act. These actions collectively signal the strong opposition of many in the Congress to lumping targeted moneys into a big pot which would be divided into 50 pieces, without any special consideration to earmarking of funds.

We must be firm in our efforts to oppose any proposal which seeks to restructure Federal aid to education programs as an entree to complete withdrawal from this responsibility. The so-called November mandate under which this administration operates is, in my belief, not as broad based nor as inequitable as we have been led to believe. A close scrutiny of my record indicates that I have supported well-

thought-out efforts to reduce Government spending, with due consideration to the short- and long-term implications. Today, we are faced with massive reductions in spending, with little, if any, hope of assessing the impact of these reductions upon the very people we, as a Nation, have historically helped; the poor, the disadvantaged and the handicappped. Consolidation for program simplification is one thing; complete elimination of programs in order to replace them with a single "block grant" in the name of administrative simplification and savings is quite another. I, for one, am unwilling to accept this concept to eliminate the educational foundations of support for so many needy children in this Nation. We have committed ourselves to these programs and they have worked. Accordingly, I urge rejection of this ill-founded proposal.●

A GIFT OF BLOOD IS A GIFT OF LIFE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. RALPH M. HALL. Mr. Speaker, it is my privilege to draw attention to the wonderful record set by two blood donors in Tyler, Tex., who have given a pint of blood over 100 times.

Jim Arnold and Chub Milner have donated over 12½ gallons of blood at Stewart Blood Center, the blood bank furnishing blood and blood components to hospitals in 31 counties in east Texas.

As volunteer donors, both of these men recognize the need for blood to sustain life of patients who cannot live without infusion of donor-given blood.

The marvelous record set by these two fine men serves as an example of true giving and an inspiration to other men and women in good health to take the time to share their life's blood with others.

This gesture is signficant, for truly a gift of blood is a gift of life.●

TAKING SCIENCE OUT OF SOCIAL SCIENCE

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1981

● Mr. WALGREN. Mr. Speaker, at a time when the administration and the Congress wrestle with ways to revitalize the U.S. economy, the proposed cuts in some National Science Foundation programs are both shortsighted and dangerous.

In an April 17, 1981, editorial in Science magazine, Dr. Frederick Mosteller, chairman of the board of the American Association for the Advancement of Science, points to the damage which could be caused by the proposed deep cuts in the social and economic sciences division. These sciences provide measurement and evaluation tools that help business and Government determine whether productivity programs work. To quote Dr. Mosteller, "When society's leaders plan to change the economy, they need also to know the effects of their changes."

The editorial follows:

TAKING SCIENCE OUT OF SOCIAL SCIENCE

The new Administration's goals of stabilizing the economy and revitalizing U.S. productivity are worthy of support. William D. Carey has pointed out that when national budgets are heavily cut, science and technology must expect to share in the reduction. Presumably the reasons arise more from equity than logic, since other developed countries that now surpass us in gains in productivity and compete with us for markets seem to be increasing their portion of the budget spent for R. & D. At the same time, the Administration clearly does appreciate the value of research and has retained the overall National Science Foundation (NSF) budget at a substantial level.

Given that cuts are to be made at the NSF, great care should be given to the allocation of research funds. Philip Handler's description of the cuts raises doubts about this care. Let me take up in detail one small but important division of NSF. Social and Economic Sciences (SES). Under the Administration's plan, SES funds in millions will drop from $31 to $24 to $10 from fiscal year 1980 to 1981 to 1982. Without even allowing for inflation, this gives a reduction of 68 percent in 2 years. Similar deep cuts have been planned for the smaller Behavioral Sciences program. Large cuts in social science research funds announced elsewhere, as at the National Institutes of Health and the Department of Defense, would add to the damage.

Much of social science research supported by NSF produces the methods of measurement and analysis and the concepts that make measurements possible in social, economic, and health problems. When society's leaders plan to change the economy, they need also to know the effects of their changes. We know that innovations, social, medical, and technological, often fail and that they therefore need evaluation. Social science research provides both the tools and the data for such evaluations. More constructively, it often also provides the research to improve the success rates of future innovations. This research frequently finds that the conventional wisdom has been mistaken, indeed that is a common characteristic of social science research which may not endear it to us. For example, Project Sappho found that variables often mentioned in business lore such as size of firm, being first to market, and structure of research did not explain why some companies succeeded and others failed in introducing the same technological innovation. For innovation to flourish, we need more research on innovation, in both science and technology.

Among the better known contributions of social science have been the research leading to the national accounts and gross national product estimates, the systematic development of scientific sampling for objects, people, institutions, and records, and methods of measuring unemployment, agricultural production, and the effectiveness of medical therapies.

Probably not many of us appreciate how extensively the work of social scientists finds uses in business and industry. Of the 285,000 science and engineering doctorates employed in 1977 in the United States, social scientists comprise 27 percent. About one-third of these social scientists have employment outside academia. Of all the scientists in business and industry, social scientists comprise 11 percent.

If we fail to invest in social science research, we can anticipate a drying up of that research among our younger scholars. Worse yet, the best will leave the field altogether or not take it up. With the opening of China to the world, we have seen what an interruption of research can do to a society. It produces a long and sorry period of playing catch-up. The research that we fail to do now will penalize our own generation with a lack of ideas in a decade or so. The NSF has responsibility for enhancing the scientific resources and capabilities of the nation. By withdrawing NSF and other support, we will gradually delete the science from research endeavors in social science.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 21, 1981, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 22

9:30 a.m.

Finance

Taxation and Debt Management Subcommittee

To hold hearings on S. 230, permitting the withholding of State income tax from certain seamen's wages on a voluntary basis, S. 644, liberalizing certain personal holding company provisions as applies to consumer finance companies, S. 978, permitting an employer to provide W-2 forms for terminated employees at the end of the year, S. 1039, making permanent the

exclusion from gross income of the value of employer contributions to or services provided by a qualified group legal services plan, and S. 450, providing that the investment tax credit apply to the acquisition of work and breeding horses.
5110 Dirksen Building

Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings to review the special prosecutor provisions of the Ethics in Government Act.
3302 Dirksen Building

10:00 a.m.
Judiciary
Separation of Powers Subcommittee
To hold hearings on S. 528, to prohibit a Federal Court from ordering any student to be assigned or transported to a public school other than that which is nearest to the student's residence.
2228 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on the nomination of Robert A. McConnell, of Arizona, to be Assistant Attorney General for Legislative Affairs, Department of Justice.
2228 Dirksen Building

JUNE 1

9:00 a.m.
Appropriations
*Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment, receiving testimony on overall intelligence matters.
1223 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of John V. Byrne, of Oregon, to be Administrator of the National Oceanic and Atmospheric Administration.
235 Russell Building

JUNE 2

9:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on proposed legislation modifying certain provisions of the Medicare and Federal Employees Health Benefits programs.
3302 Dirksen Building

9:30 a.m.
Appropriations
*HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1982 for the Department of Housing and Urban Development, and certain independent agencies.
1224 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.
235 Russell Building

Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings on S. 850, defining taxpayers' rights and providing for their protection against arbitrary actions by the Internal Revenue Service.
2221 Dirksen Building

Labor and Human Resources
To hold oversight hearings on the activities of the National Cancer Institute.
4232 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

Small Business
Business meeting, to consider proposed reconciliations in relation to cost-savings proposals which fall within the committee's jurisdiction.
424 Russell Building

JUNE 3

9:00 a.m.
Governmental Affairs
*Intergovernmental Relations Subcommittee
To hold oversight hearings on the implementation of community development block grants.
5110 Dirksen Building

9:15 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment, receiving testimony on programs of the Central Intelligence Agency.
1223 Dirksen Building

9:30 a.m.
Energy and Natural Resources
To resume oversight hearings on the implementation of standby oil controls.
3110 Dirksen Building

Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 550, providing a Federal income tax credit for tuition.
2221 Dirksen Building

Judiciary
Constitution Subcommittee
To resume oversight hearings to explore the state of the law with respect to school busing, and the constitutional and legal aspects of alternative remedies.
2228 Dirksen Building

Labor and Human Resources
*Employment and Productivity Subcommittee
To hold oversight hearings on the implementation of the Farm Labor Contractor Registration Act, and to hold hearings on S. 922, clarifying the meaning of "migrant worker", and to insure the proper administration and enforcement of the Farm Labor Contractor Registration Act.
4232 Dirksen Building

*Veterans' Affairs
Business meeting, to mark up numerous legislative proposals limiting funds of certain services and benefits for veterans, including S. 916, S. 918, S. 919, S. 920, S. 636, S. 1058, S. 1059, S. 1060, S. 1061, S. 1062, S. 1063, S. 1064, S. 1065, and S. 1066.
412 Russell Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider proposed reconciliations in relation to cost-savings proposals which fall within the committee's jurisdiction.
324 Russell Building

Commerce, Science, and Transportation
To hold hearings on the nomination of Frederick M. Bush, of Texas, to be Assistant Secretary of Commerce for Tourism.
235 Russell Building

Environment and Public Works
To continue oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

2:00 a.m.
Environment and Public Works
To continue oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JUNE 4

9:00 a.m.
Appropriations
*Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment, receiving testimony on programs of the National Security Agency.
1223 Dirksen Building

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To continue hearings on S. 550, providing a Federal income tax credit for tuition.
2221 Dirksen Building

Labor and Human Resources
*Employment and Productivity Subcommittee
To continue oversight hearings on the implementation of the Farm Labor Contractor Registration Act, and to hold hearings on S. 922, clarifying the meaning of "migrant worker", and to insure the proper administration and enforcement of the Farm Labor Contractor Registration Act.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
To continue oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JUNE 5

9:00 a.m.
Finance
Estate and Gift Taxation Subcommittee
To resume hearings on S. 404, S. 395, S. 858, S. 574, S. 23, S. 557, and S. 995, proposals to revise the estate and gift tax laws and minimize the burden on small and moderate-size estates.
2221 Dirksen Building.

JUNE 8

9:00 a.m.
Appropriations
*Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment, receiving testimony on defense intelligence programs.
1223 Dirksen Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year cer-

tain provisions of the Federal Water Pollution Control Act, and other related proposals.
4200 Dirksen Building

2:00 p.m.
Environment and Public works
Water Resources Subcommittee
To hold hearings on proposals for the development of water resources.
4200 Dirksen Building.

JUNE 9

9:00 a.m.
Office of Technology Assessment
The Board, to hold a business meeting on pending business matters.
EF-100, Capitol

9:30 a.m.
Labor and Human Resources
Business meeting, to consider proposed reconciliations in relation to proposals which fall within the committee's jurisdiction.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Reese H. Taylor, Jr., of Nevada, to be a member of the Interstate Commerce Commission.
235 Russell Building
Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JUNE 10

9:15 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment receiving testimony on special programs of the Air Force.
1223 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to continue consideration of proposed reconciliations in relation to proposals which fall within the committee's jurisdiction.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and other related proposals.
4200 Dirksen Building

2:00 p.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on S. 841 and S. 1024, bills authorizing funds through fiscal year 1986 for the construction and safety of Federal highways.
4200 Dirksen Building

JUNE 11

9:00 a.m.
Appropriations
*Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment, receiving testimony on command, control and communication programs and intelligence related activities of the Department of Defense.
1223 Dirksen Building
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on employment and training programs in the United States, focusing on objectives of employment and training policy and the relationship between Federal, State and local governments in the funding, design and administration of employment and training programs.
4232 Dirksen Building
*Veterans' Affairs
To hold hearings on S. 917, increasing the rates of disability compensation for disabled veterans, and the rates of dependency and indemnity compensation for their survivors, S. 911, authorizing the payment of a special pension to the survivor of persons awarded the Medal of Honor, and S. 915, S. 779 and S. 112, bills providing for memorials to honor the memory of certain deceased members of the Armed Forces.
412 Russell Building

9:30 a.m.
*Commerce, Science, and Transportation
To resume hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.
235 Russell Building

10:30 a.m.
Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JUNE 12

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To continue hearings on employment and training programs in the United States, focusing on objectives of employment and training policy and the relationship between Federal, State and local governments in the funding, design and administration of employment and training programs.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on proposals to provide for the development of ports and harbors and inland waterways in the United States, including S. 809, S. 810, S. 68, S. 202, S. 576, S. 828, and S. 1094.
4200 Dirksen Building

JUNE 15

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.
235 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and other related proposals.
4200 Dirksen Building

JUNE 16

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.
235 Russell Building

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 810, proposed Inland Waterway User Fee Act.
4200 Dirksen Building
Labor and Human Resources
Education Subcommittee
To resume hearings on S. 1103, authorizing funds through fiscal year 1986 for elementary and secondary education programs and providing educational support at the State and local level.
4232 Dirksen Building

JUNE 17

9:30 a.m.
Veterans' Affairs
To hold hearings on the substance of S. 266, implementing procedures and guidelines for the interagency sharing of health resources between the Department of Defense and the Veterans' Administration.
412 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and other related proposals.
4200 Dirksen Building
Labor and Human Resources
Education Subcommittee
To continue hearings on S. 1103, authorizing funds through fiscal year 1986 for elementary and secondary education programs, and providing educational support at the State and local level.
4232 Dirksen Building

JUNE 18

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on employment and training programs in the United States, focusing on objectives of employment and training policy and the relationship between Federal, State and local governments in the funding, design and administration of employment and training programs.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 621, authorizing funds for the development of certain water resources projects.
4200 Dirksen Building

JUNE 19

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To continue hearings on employment and training programs in the United States, focusing on objectives of employment and training policy and the relationship between Federal, State and local governments in the funding, design and administration of employment and training programs.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on S. 841 and S. 1024, bills authorizing funds through fiscal year 1986 for the construction and safety of Federal highways.
4200 Dirksen Building

JUNE 22

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and other related proposals.
4200 Dirksen Building

JUNE 23

9:30 a.m.
Commerce, Science, and Transportation
*Aviation Subcommittee
To hold hearings on proposed legislation to provide for an early phaseout of the Civil Aeronautics Board.
235 Russell Building

10:00 a.m.
Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JUNE 24

9:30 a.m.
Commerce, Science, and Transportation
*Aviation Subcommittee
To continue hearings on proposed legislation to provide for an early phaseout of the Civil Aeronautics Board.
357 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and other related measures.
4200 Dirksen Building

JUNE 25

9:00 a.m.
*Veterans' Affairs
Business meeting, to mark up S. 917, increasing the rates of disability compensation for disabled veterans, and the rates of dependency and indemnity compensation for their survivors, S. 911, authorizing the payment of a special pension to the survivors of persons awarded the Medal of Honor, and S. 915, S. 779, and S. 112, bills providing for memorials to honor the memory of certain deceased members of the Armed Forces, and the substance of S. 266, implementing procedures and guidelines for the interagency sharing of health resources between the Department of Defense and the Veterans' Administration.
412 Russell Building

10:00 a.m.
Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JULY 7

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the primary intervention in addressing societal problems.
4232 Dirksen Building

JULY 9

9:00 a.m.
*Veterans' Affairs
To hold hearings on the prospective nomination of Robert P. Nimmo, of California, to be Administrator of the Veterans' Administration.
412 Russell Building

JULY 15

9:30 a.m.
*Veterans' Affairs
To hold oversight hearings on procedures for the adjudication of certain claims, and to hold hearings on S. 349, to provide for limited judicial review of the administrative action of the Veterans' Administration, and providing reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

JULY 16

9:30 a.m.
*Veterans' Affairs
To continue oversight hearings on procedures for the adjudication of certain claims, and to hold hearings on S. 349, to provide for limited judicial review of the administrative action of the Veterans' Administration, and providing reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

JULY 22

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 5, S. 7, S. 25, S. 26, S. 48, S. 105, S. 248, S. 417, and S. 742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building

JULY 23

9:30 a.m.
*Veterans' Affairs
To continue hearings on S. 5, S. 7, S. 25, S. 26, S. 48, S. 105, S. 248, S. 417, and S. 742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building

JULY 28

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on adoption services in the United States.
4232 Dirksen Building

JULY 29

9:30 a.m.
*Veterans' Affairs
Business meeting to mark up S. 349, to provide for limited judicial review of the administrative action of the Veterans' Administration, and to provide reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

SEPTEMBER 16

9:30 a.m.
Veterans' Affairs
Business meeting, to mark up S. 5, S. 7, S. 25, S. 26, S. 48, S. 105, S. 248, S. 417, and S. 742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building

CANCELLATIONS

MAY 21

9:30 a.m.
Judiciary
Security and Terrorism Subcommittee
To hold hearings on S. 66, to include within the definition of a predatory act against the United States as contained in the Alien Enemy Act the seizure of a diplomatic mission, or the seizure of such premises together with the taking of diplomatic hostages.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the MX construction program.
1318 Dirksen Building

10:30 a.m.
Appropriations
*District of Columbia Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the government of the District of Columbia, receiving testimony on certain governmental direction and support programs.
1114 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the MX construction program.
1318 Dirksen Building

MAY 22

11:00 a.m.
Governmental Affairs
To hold hearings on proposed legislation providing for the collection of debts owed to the Federal Government.
1114 Dirksen Building

JUNE 9

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of family planning programs.
5110 Dirksen Building

Labor and Human Resources
*Labor Subcommittee
To hold oversight hearings on the implementation of the Longshoremen and Harbor Workers Compensation Act.
4232 Dirksen Building

JUNE 10

9:30 a.m.
Labor and Human Resources
*Labor Subcommittee
To continue oversight hearings on the implementation of the Longshoremen and Harbor Workers Compensation Act.
4232 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, May 21, 1981*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
May 20, 1981.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Thursday, May 21.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Reverend Sherman Howard, pastor, New Bethel Church of God in Christ, Washington, D.C., offered the following prayer:

Father, You have admonished us through Your word to acknowledge You in all our ways and that if we sincerely did this that You would direct our path. You have also stated that we should come boldly before the throne of grace in order to make our wants and petitions known. Today, I am complying with Your request. I am not using vain repetitious words, but I am humbly asking You to help those who comprise this great legislative body to effectively deal with the complex problems which they must tackle today and for days to come. Let the debates rage, but when all is said and done, let the decisions which result from those heated discussions be the best for all the people of this great Nation. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

DR. SHERMAN S. HOWARD

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAUNTROY. Mr. Speaker, let me say to the Members of the House of Representatives that it is an honor and high privilege that I have to introduce and present to you one of most distinguished religious leaders, not only in our Nation's Capital, but in our country.

Dr. Sherman S. Howard is founder and pastor of the New Bethel Church of God in Christ here in Washington, D.C. In fact this year marks his silver anniversary as leader of that church family.

Dr. Howard is a native of Roanoke, Va., where he completed his elementary and high school education. He later studied theology at Howard University School of Religion and earned his doctor of divinity degree from Trinity Hall College and Seminary in Springfield, Ill.

Sherman Howard has not only given the good news of the Gospel to those of us in Washington, D.C., area, but throughout America in his radio ministry entitled "Moments of Inspiration," which is heard in Florida, South Carolina, Georgia, Maryland, and Virginia.

I am sincerely proud to call him my brother in Christ and my good friend—Dr. Sherman S. Howard.

CONGRESSMAN TONY P. HALL INTRODUCES RESOLUTION TO CONVENE U.N. SPECIAL SESSION ON INTERNATIONAL TERRORISM

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALL of Ohio. Mr. Speaker, today I am introducing a resolution expressing the sense of Congress that the President should instruct the U.S. Ambassador to the United Nations to recommend the convening of a special session of the General Assembly of the United Nations with respect to combating and controlling international terrorism.

The attempt on the life of Pope John Paul II once again has focused world attention on the issue of international terrorism. Once again, a terrorist has crossed international borders to use violence to call attention to his political views.

This kind of activity is a shocking affront to all civilized nations and a threat to international peace and order. It is clear that international cooperation is needed to deal with such acts of terrorism.

The most appropriate forum for the development of an international response to the challenge of global terrorism is the United Nations. Over the past decade, the United Nations has examined several specific terrorism issues. It studied and made recommendations on the matter of international aircraft hijackings and drafted the International Convention Against the Taking of Hostages. Most recently, the Ad Hoc Committee on International Terrorism, which was created after the killing of 11 Israeli athletes by terrorists at the 1972 Munich Olympics, has made 11 general recommendations which call for increased international cooperation to combat terrorism. These recommendations will be on the provisional agenda of the upcoming 36th session of the United Nations General Assembly.

While the statements of principle set forth in the recommendations of the Ad Hoc Committee on International Terrorism certainly are a step in the right direction, I believe that the gravity of this issue requires a more visible and comprehensive response by the United Nations. The best way of bringing the fullest attention and resources of the United Nations to bear on the challenge of international terrorism is to convene a special session of the General Assembly on international terrorism.

In the recent past, special sessions of the U.N. General Assembly have been held on matters such as disarmament and international development. Such special sessions may be summoned either at the request of the Security Council or a majority of the members of the General Assembly. Individual member nations may request the Secretary General to convene a special session. The Secretary General then seeks the majority concurrence of the General Assembly.

The resolution I am introducing expresses the sense of Congress that the President should instruct the U.S. Ambassador to the United Nations to recommend, in accordance with appropriate procedures, that a special session of the General Assembly be convened on combating and controlling international terrorism. Through the mechanism of a special session, the United Nations could develop an agenda for global action against the terrorist threat. The action plan might include new international conventions to combat acts of terrorism, new proposals for antiterrorism cooperation among nations, and measures to address the causes and origins of terrorism.

It is my hope that the outrage of the civilized world over the attack on Pope John Paul II can be channeled into

the development of specific steps to eliminate international terrorism. I believe that a special session of the United Nations General Assembly on international terrorism could provide the impetus needed for nations of good will to pool their resources against this new form of international barbarism.

For the benefit of my colleagues, the text of the resolution follows:

H. CON. RES. —

Concurrent resolution expressing the sense of the Congress that the President should instruct the United States Ambassador to the United Nations to recommend that a special session of the General Assembly of the United Nations be convened on combating and controlling international terrorism

Whereas the attempt on the life of Pope John Paul II has focused world attention on the issue of international terrorism;

Whereas international terrorism involves the threat or use of violence for political purposes;

Whereas international terrorism violates the principles set forth in the United Nations charter and the Universal Declaration of Human Rights;

Whereas the United Nations is the appropriate international forum for the development of global policies to respond to the threat of international terrorism to international order; and

Whereas special sessions of the General Assembly of the United Nations have been convened to study and to recommend action on important international issues: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should instruct the United States Ambassador to the United Nations to recommend, in accordance with appropriate procedures, that a special session of the General Assembly of the United Nations be convened on combating and controlling international terrorism.

SOCIAL SECURITY LEGISLATION

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, over the past several days almost everyone has let the administration know of their concerns about the proposal for strict penalties for early retirees under social security beginning next year. Although it is apparent the President will not get his way, there is a temptation to try to turn this issue into a Holy Grail.

In the sobering light of tomorrow morning, however, the country knows, and we know that we still must act to save the social security system. That is a high charge and a heavy responsibility that lies on each one of us as well as on the President and his administration.

We cannot pass a social security bill by being totally negative. At some point we must come together and agree on a way to shore up this system for next year and to solve its problems for the years following.

I have offered one approach and the President has offered an approach. At some point we will have to choose, or come to some combination.

The gravest danger is that we will lack the courage to do enough because the people will not tolerate anything less than a full answer to social security's problems.

ANDERSON INTRODUCES REGULATORY REFORM BILLS ON INTERCITY BUS INDUSTRY

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, beginning next week, the Subcommittee on Surface Transportation will be holding hearings on the regulatory reform of the intercity bus industry. As a prelude to those hearings, and to assist those testifying before the Subcommittee in preparing themselves, I am today introducing two bills which may be seen as discussion vehicles.

One of these bills was submitted to me by the American Bus Association, an industry group, and the other was prepared by the Interstate Commerce Commission. I submit them for the RECORD without comment except for one; I do not endorse them, and neither do I oppose them. In some respects they are similar, in others they differ.

There are some who believe we must deregulate the intercity bus industry, while others feel that no action is necessary. I can say that my mind is open on the matter. The subcommittee will hold hearings on the subject, and then decide whether to write and mark up a bill of our own.

But for the convenience of interested Members and the general public, I am today introducing these two bills.

OPPOSITION TO WHITE HOUSE'S PROPOSALS ON EARLY RETIREMENT FOR SOCIAL SECURITY

(Mr. MOFFETT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MOFFETT. Mr. Speaker, I want to congratulate the gentleman from Texas (Mr. PICKLE), not only for his remarks about social security and for his obvious expertise in the area, but for his determination to address the system and its problems. We appreciate his work and the work of the Social Security Subcommittee.

But I wish that I were as confident as the gentleman from Texas. I wish that my colleagues and I, who have been hearing from so many people back home, were equally as certain that the President will not have his way on the early retirement proposal. The fact is that he might well have his way unless we speak out.

Yesterday the Democratic Caucus unanimously voiced its opposition to the President's proposal to institute what would amount to a savage cut in early retirement benefits. If 70 or 80 percent of the people might retire early, this would mean a 30-percent cut for most of those people, not only between the ages of 62 and 65 but for the rest of their lives.

The gentleman from Texas does not share the unfortunate lack of sensitivity displayed by the White House with regard to early retirement.

Mr. Speaker, we will continue to oppose the President's proposal strenuously, and we will be supporting reasonable and fair alternatives.

INTEGRITY OF SOCIAL SECURITY SYSTEM THREATENED

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the social security system is in trouble, grave trouble. If we do not help the system now—not years from now, but now—millions of Americans will be hurt.

This much is, I thought, self-evident. But such, apparently, is not the case.

If we are to judge from the political posturing and grandstanding we have around here in the past few days on this issue, the gravity of the situation has not yet impressed itself upon these Members.

It is understandable—although not particularly admirable—that representatives of the political and economic philosophy that has threatened the integrity of the social security system should try to hide their complicity in this disaster.

It is equally understandable—although not particularly admirable—that those who are envious of the President's ability to speak to and for the people, should take the first opportunity to lash out at him if they think they can do it with impunity.

I am not saying that all of the administration's social security proposals are necessarily correct. I am saying that they should be addressed on their merits and not used as a club to beat the President.

We are going to save this system despite these efforts to substitute demagoguery for courage.

Mr. Speaker, today, during the course of my special order, I expect to expand my remarks on the social security system.

ALLOWING SOCIAL SECURITY TO GO BANKRUPT WOULD BE HEARTLESS

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, for the last several days we have been hearing a tirade from certain Members about the President's social security proposals. We have heard the President being accused of breaking promises and being heartless. What we have not heard, Mr. Speaker, is any rational response to correct the sorry state of the social security trust fund.

I have some questions about certain aspects of the President's proposal but what is the solution proposed by those who oppose the President's ideas, Mr. Speaker? What is their plan for saving the current benefits of those now anxiously awaiting a solution to save a soon bankrupt social security trust fund?

Mr. Speaker, the broken promises come from those who imply to the old and aged that the day of reckoning will never come. It will come, Mr. Speaker, in fact it is here right now. What could be more heartless than allowing the social security system to go bankrupt. If we allow that to happen not only will a few lose some benefits, but everybody will loose their benefits and there will not be anything left for anybody.

Mr. Speaker, I anxiously await the proposals of those who denigrate the President's proposal. Let us stop the rhetoric and save the system for those now receiving benefits and those planning to rely on their benefits in the future. Let us stop shouting, Mr. Speaker, and start talking, and working toward solutions.

PLIGHT OF SOVIET UNION'S POLITICAL PRISONERS

(Mr. SMITH of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Alabama. Mr. Speaker, today I rise to bring to the attention of my colleagues and the American people the plight of the thousands of political prisoners in the Soviet Union.

Four years have now passed since Boris Ghinis, my adopted Soviet Prisoner of Conscience, first expressed his desire to leave the Soviet Union and was fired from his job at the Research Institute of the Ministry of Radio Industry in Moscow.

Since that November day in 1977, Mr. Ghinis, his wife Irina, whose parents now live in Birmingham, Ala., and their two children, Julia and Alla, ages 8 and 6 respectively, have submitted their application to leave the Soviet Union on four different occasions. Each time, their applications has been denied. "State secrets" was the trumped-up charge—the false accusation—that allowed Sovet authorities to keep the Ghinises in the U.S.S.R. in 1979.

In a country where the gift of freedom is taken largely for granted, it is difficult for us to understand the plight of politically oppressed people, much less conceive of individuals being threatened with loss of life, loved ones, employment, and imprisonment because of their religion, nationality, political affiliation or desire to live elsewhere.

Since making human rights a matter of international concern by signing the Helsinki accords in 1975, the Soviet Union has denied 235,900 emigration requests. The only way a Soviet citizen can leave the Soviet Union is at the invitation of a close relative outside the Soviet Union and even then the Soviet Union must agree to send emigration forms to the relative. According to the Commission on Security and Cooperation in Europe, since signing Helsinki in 1975, 381,700 invitations have been sent out but only 145,800 people have been allowed to leave.

The Ghinis family is a perfect example of how the Soviet Union fails to abide by its promise to respect "human contact," "freer movements of people," and "the right of the individual to know and act upon his rights." By preventing the Ghinises from leaving, the Soviet Union makes a mockery of its promises and continues to violate the Helsinki agreements.

As Members of Congress—the most direct representatives of the American people—we have the responsibility to speak out against tyranny in the Soviet Union and elsewhere in the world.

Someone once said that "Silence gives an unholy consent to the status quo." When we choose to remain silent, we not only condone Soviet repression, we make it more attractive. The United States must not ignore Soviet oppression. Indeed, it is our duty to speak out against oppression, whether it be in the Soviet Union or anywhere else.

I also believe it beyond our duty to exchange scientific information, transfer technology, and feed the Soviet Union while it, whether direct or through proxies rolls up Central America in our own backyard and violates the rights of families—basic human rights—to stay together or leave together.

Today, I ask that we take a few minutes from our hurried schedule to remember Boris Ghinis, his wife Irina and their children, Julia and Alla. I have written personally to President Brezhnev today urging him in the strongest possible terms to allow the Ghinis family to emigrate to America where they will share the God-given freedoms that our citizens have defended for so long.

As we remember this Soviet-Jewish family, and other families like the Ghinises, let us thank God that we are fortunate to live in this country we call America. Let us thank God for the great gift of freedom, for the love of liberty that God implanted in us, and may we never close our eyes or shut our lips to tyranny in any form, in any place.

When we have spoken out in the past, it has made a difference. Let us not forget this family and the thousands of other families separated by restrictive Soviet emigration policies.

□ 1015

CHALLENGE TO COMPLAINERS TO COME UP WITH SOLUTIONS TO SOCIAL SECURITY DILEMMAS

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Speaker, I wish to take this brief moment to compliment the President of the United States for focusing attention on the U.S. social security system which is about to go bankrupt. I am very disappointed that some of my colleagues have taken this time to attack the President's willingness to follow through on Chairman PICKLE's recommendation to come up with specific recommendations to save the social security system. The chairman of our Subcommittee on Social Security (Mr. PICKLE) has properly asked the President for his recommendations because our Subcommittee on Social Security was marking up a reform bill. The chairman said to President Reagan, "We need your input." The President gave our committee that input and suggestions.

Some of my colleagues took the opportunity to create the most arrogant display of partisan attack without offering real solutions to saving this almost bankrupt system. The whole Congress now knows that social security will go bankrupt in 1 year if we do not do something. I challenge my colleagues who have all filled the atmosphere with rhetoric about how wrong the President was in offering suggestions, to give specifics to the Social Security Subcommittee on how my colleagues intend to save the system from bankruptcy.

Congress has been responsible for accelerating the benefits far beyond the ability of the tax system to pay for it, and I challenge my colleagues to quit complaining so loudly and do something to correct it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will admonish those in the gallery that they are guests of the House and it is a violation of the rules of the House for any demonstrations to occur pro or con.

A GOLD MEDAL FOR JOE LOUIS

(Mr. FAUNTROY asked to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

The SPEAKER pro tempore. Without objection, the gentleman from the District of Columbia is recognized for 1 minute.

There was no objection.

Mr. FAUNTROY Mr. Speaker, I am pleased to introduce legislation which would recognize the achievements of the late Joe Louis who gave inspiration to our Nation. In winning the rematch against Max Schmeling, a 30-year-old former champ from Germany, he transcended the importance of winning the heavyweight crown. The inspiration he gave us in that athletic contest carried him and this Nation through the successful conclusion of World War II and remains as a symbol for hope to all Americans today.

Joe Louis was one of eight children. At the age of 2, when his father was committed to a mental hospital, the family moved to Detroit where he learned the skills of using a boxing glove. He worked his way up the amateur ranks and quickly achieved the reputation as a boxer who could knock out a rival with either hand.

Joe Louis was noted for his generosity and compassion. Louis earned almost $5 million in his career; he gave away most of it. During the Second World War, for example, Louis donated the proceeds from two of his fights to the Army and Navy relief funds.

Joe Louis never became bitter at his financial losses; he never lost faith in this country as he sought one and another comeback either as a boxer or as a wrestler or as a businessman. These efforts, hard as they must have been, "beats stealing," he said. He is a symbol of the American dream and of American perseverance. His life is a lesson to every young man and woman who seeks to achieve the goodness that this land has to offer.

His quiet faith, his friends, and his supporters will tell you that this man was a true patriot and a true leader of men and women in this Nation. It is a fact now recognized through the efforts of President Reagan who arranged for Joe Louis to be buried in Arlington Cemetery upon his death. It is a fact I hope this Congress will recognize by enacting this bill which would cast a gold medal in his memory and for his honor I have included a few news items that tell us about Joe Louis. I urge that Members read them as we give further consideration to a gold medal for this wonderful man.

[From the Washington Post, Apr. 22, 1981]

JOE LOUIS: THE CHAMP RESTS WITH U.S. HEROES

(By Barry Lorge and Donald Huff)

With tributes from the president of the United States and clergymen of many faiths, with military honors and an eloquent eulogy by his son, former heavyweight boxing champion Joe Louis was given a hero's burial yesterday at Arlington National Cemetery.

Nine days after he succumbed to a heart attack in Las Vegas at age 66, Louis was laid to rest in dignified ceremonies attended by public figures and curiosity seekers, the celebrated and the unknown. In death as in life, he was praised as an enduring champion by the powerful and the powerless alike.

"Our champion changes form, but keeps the crown," said Rev. Jesse Jackson, the civil rights leader, who recounted the social as well as the sporting impact Louis had in his 11-year reign as world champion, the longest in history. "Even today, he stands at center ring, without challenger or peer."

Secretary of Defense Caspar W. Weinberger read a message from President Reagan, who remained at the White House, convalescing from last month's assassination attempt. Reagan last week waived regulations and gave permission for Louis—an Army sergeant during World War II—to be buried at Arlington.

"This is a statement . . . which he very much wished to deliver in person today," Weinberger told approximately 600 mourners who attended funeral services in the Memorial Chapel at Fort Myer, before reading the president's remarks.

Reagan said he "was privileged and grateful to have had Joe Louis as my friend," and called him "one of the most unforgettable Americans of our time.

"Out of the ring, he was a considerate and softspoken man. Inside the ring, his courage, strength and confident skill wrote a unique and unforgettable chapter in sports history. But Joe Louis was more than a sports legend. His career was an indictment of racial bigotry, and a source of pride and inspiration to millions of white and black people around the world," Reagan's tribute said.

Louis was praised by Protestant, Catholic and Jewish clergymen during the interfaith service. He was lauded for his service during the war, when he fought 96 exhibitions around the world, boosting the morale of 2 million troops, and donated more than $100,000 in purses from two championship fights to Navy and Army relief efforts. He was cited for the dignity with which he held the title and became the first great black idol of a whole generation of Americans, white and black.

Jackson, who delivered the principal eulogy in an earlier funeral service in Las Vegas last week, said, "On April 12, 1945, Franklin D. Roosevelt died. On April 12, 1981, Joe Louis died. Each served his day, two champions of the people who died 36 years apart. Roosevelt was great because he served his day. His challenge was to revive the economy. Joe Louis was great because he served his day. His challenge . . . was to revive our national esteem, our emotional well-being, our self-confidence."

Jackson, a splendid orator, roused the congregation, but it was quiet and reserved Joe Louis Barrow Jr., the champion's son, who moved mourners most.

Like the other speakers, Barrow emphasized the brilliant light that made his father an authentic folk hero, not the dark shadows that made his illness- and debt-ridden later years the stuff of tragedy.

"We love you because of your grace, your warmth, the loving care which you provided all of us," said Barrow, who insists that his father was not a pitiable figure in his final years, because he chose and enjoyed his role as greeter in a Las Vegas casino. "You were a champion because you were accessible. People could walk up to Joe Louis . . . they could walk up to you, Dad . . . and they were able to shake your hand and they felt like they had known you many years. No one wanted to be your acquaintance, Dad. Everybody was your friend. They were your friends because you loved them as friends, and always gave them whatever they wanted, whenever they wanted."

Barrow expressed pride that, despite his father's long and unseemly battle with the U.S. government over back taxes he could not pay, he won the last decision from a grateful nation: an eternal resting place at Arlington, among heroes famous and little-known.

"It's wonderful that we're here at the National Cemetery, where you will finally rest, because you were a patriot, you served the country well, you provided it with the guidance and the faith it needed at a time when the country was down and the people needed a lift," Barrow said softly.

Barrow recalled that during the Vietnam War, when he and so many other Americans had doubts deep in their souls, he talked to his father about that war, and about America.

"You looked at me as you had never looked at me before," he said, glancing down at the flag-draped casket before him, "and you said, 'This is a beautiful country, Son, and it's most important that we stand by it. It may make its mistakes. It may not be exactly right, but we have to stand by it.'

"We are going to miss you an awful lot," Barrow said, his voice barely a whisper now, "because you were the greatest, truly the greatest."

A few minutes later, the congregation that included political and business leaders, Billy Conn (who lost two title fights to Louis), and former heavyweight champions Jersey Joe Walcott, Muhammad Ali and Joe Frazier, left the modern chapel with its wood-beamed ceiling, where television lights had glared and hundreds of cameras had taken final snapshots of Joe Louis. They went out into the sunshine of an idyllic spring afternoon, and joined a procession to Section 7A of Arlington National Cemetery, just down a slope from the Tomb of the Unknown Soldier.

There, on a tranquil plot shaded by majestic trees, with dogwood, magnolia and cherry blossoms in full bloom as a backdrop, Joe Louis was delivered to his final resting place by six Army pallbearers. At 2:40 p.m., Sgt. Washington James, an Army bugler, sounded "Taps." Maj. James Murray took the folded U.S. flag from the casket team and presented it to Martha Louis, the champion's wife.

Moments before, an Army firing party fired three volleys into the peaceful air, a

salute signaling the Brown Bomber's last round.

[From the Newsweek Magazine, Apr. 27, 1981]

JOE LOUIS, 1914-1981

(By Peter Bonentre)

He stalked an opponent on slow, flat feet in a style described as "creeping death." His left jab was an awesome weapon, an yet it was his straight right that they feared most. He won the heavyweight crown in 1937 and held it for twelve glorious years, defending his title a record 25 times. Throughout his reign, people cheered him as their champion, and radios echoed his victories through the summertime streets of America. When his heart gave out last week in a Las Vegas hospital, Joe Louis, 66, was mourned and eulogized as few sports heroes before him.

Louis was a man of almost mythic stature, beloved by millions who knew nothing about boxing. If Muhammand Ali represented the black athlete of the turbulent'60s, Louis was a symbol of the American Dream of 30 years earlier—a sharecropper's son who conquered poverty, illiteracy and bigotry to win a fortune in the ring. He worked hard and played hard, giving generously and demanding nothing. As the late columnist Jimmy Cannon wrote: "He's a credit to his race—the human race." To whites of the era, he was that rare black personality who was easily loved and admired, and he gave his own people a new pride.

The Brown Bomber also sparked a revival in boxing, and the sport began to thrive again after reaching its glittering peak in 1927 with the second Jack Dempsey-Gene Tunney fight. It wasn't until eight years later, when Louis fought against ex-champ Max Baer, that the $1 million gate returned to boxing. Louis himself made almost $5 million during his career, but he was the victim of his own weaknesses and the greed of his associates, an he was reduced to playing out his string as a shill for a Las Vegas hotel.

One of eight children, Joseph Louis Barrow was 2 years old when his father was committed to a mental institution, and his family eventually moved to Detroit. His mother wanted young Joe to take violin lessons, but he would sneak off to a gym instead, carrying his boxing gloves in his violin case. He worked his way up the amateur ranks and quickly gained a reputation as a ring rarity, a boxer-puncher who could take out a rival with either hand.

Stakes: Louis began making headlines in the summer of 1935, when he knocked out ex-champ Primo Carnera. But his string of pro victories was broken by Max Schmeling, a 30-year-old former champ from Germany. Louis waited two years for a rematch. In the meantime, he had beaten James J. Braddock for the championship, and the Nazis were moving the world toward the edge of war. By the summer of 1938 the stakes in the Louis-Schmeling rematch transcended the heavyweight crown. Never before had the American people felt so deeply involved in an athletic contest.

More than 70,000 people streamed into Yankee Stadium for the fight, and saw Louis land two jabs to Schmeling's head, then bang him against the ropes with a right cross. Louis finally was able to catch Schmeling with a right in the kidney area, shattering the German's third lumbar vertebra. Schmeling let out a cry of pain that could be heard four rows into the press section above the roar of the crowd. He was counted out in 2 minutes and 4 seconds of the first round.

Craftsman: Louis fought all comers for the title, and boxing writers referred to his procession of victims as "The Bum of the Month Club"—nonentities who flourished briefly as white hopes. He was such a superior craftsman that his fights held little suspense until he came up against Billy Conn in June of 1941. Conn was a flashy light heavyweight who used the ring like a dance floor, and he was ahead on points after twelve rounds. But then he stupidly decided to slug it out with the champ and landed on his back.

When the second world war broke out, Louis donated the purses from two of his fights to the Army and Navy relief funds, then joined the Army and fought exhibitions. (In an unusual gesture, President Ronald Reagan arranged for the former sergeant to be buried this week at Arlington National Cemetery.) The return match with Conn in 1946 was the first postwar sports spectacular. Conn predicted he'd dance around Louis and dodge his best shots, to which the champ replied, "He can run, but he can't hide." But the fight hardly justified its five-year buildup. Louis was rusty. Conn had nothing left—and he went down to a chorus of boos in the eighth round.

Comebacks: Nearing his 35th birthday, Louis announced his retirement in 1949. But his well-known weaknesses for the good life forced him to make demeaning comebacks both as a boxer (against a young brawler named Rocky Marciano) and a wrestler ("It beats stealin'," he philosophized). Business deals went sour, and by 1960 he owed $1.3 million in back taxes. The IRS later canceled the debt, but a growing sense of hopelessness had already driven the champ to cocaine and, finally, to a bizarre conviction that a vast Mafia network was trying to kill him with poison gas. In 1970 he ended up behind the wire-mesh windows of a Denver mental hospital.

With the help of his third wife, attorney Martha Jefferson Louis, he made a comeback and hooked up with Ceasars Palace. He earned a paycheck as a host of sorts, but it was painful to watch him shaking hands and posing for pictures with the turkeys of Las Vegas, a sad figure in a crumpled suit and golf cap. And yet, to the legion of friends and fans who never forgot his brilliance in the ring and the memories that he gave them, Joe Louis always will be The Champ.

[From the Washington Star, Apr. 22, 1981]

A NATION PAYS FINAL TRIBUTE TO JOE LOUIS

(By Marc Kaufman)

It was as soft a day as Arlington National Cemetery has seen in a long, long time.

The dogwoods were blooming, there was a gentle spring breeze and—to a chorus of praise from a president, champions and ordinary folk—Joe Louis was laid to rest.

The final interment took place on a grassy slope alongside the Tomb of the Unknown Soldier, with D.C. Delegate Walter Fauntroy officiating.

Surrounding the flag-draped casket were the members of Louis' large family, famous men from Muhammad Ali to Jesse Jackson and Sen. Paul Laxalt, and thousands of others celebrating the passing of an American folk hero.

And, with a three-shot gun volley and the playing of "Taps," they said their final goodbyes.

"This is a fitting place for a man who may be one of the most unforgettable Americans of our time," said President Reagan in a message, delivered by Defense Secretary Caspar Weinberger, that caught the spirit of the day. "I was privileged and always will be grateful to have had Joe Louis as my friend."

It was a special dispensation granted by President Reagan that allowed for the Arlington Cemetery burial.

Yesterday's ceremony was, despite Louis' passing, not a sad occasion.

Perhaps it was because this was but the last of many tributes given Louis since his death April 12, or perhaps it was because Louis had such an active 66 years of life. But whatever the reason, there were more smiles than tears, more a sense of triumph than sadness.

"Joe Louis was great, not just famous," said the Rev. Jesse Jackson at Arlington Memorial Chapel.

"He was powerful and he conducted himself with such magnificence. All champions are not heroes, but Joe is a hero to a nation. They stole his purse, but his name is unblemished."

The final reference was to the fact that although Louis won purses totaling more than $5 million in his boxing career, little of the money ever came to him. It was a loss that actually added to his legend in that he never complained about it or showed any particular bitterness.

To say it was not a sad day, however, does not mean that it wasn't emotional.

One man not at all afraid to cry was the fighter's son, Joe Louis Barrow, Jr.—a slight man compared to his father—who delivered a most moving farewell at the Chapel.

"Well, Dad, I think it's time to say goodbye," he said, his voice soft and gentle.

"Dad, . . . you were a champion because you were accessible," he said. "No one wanted to be your acquaintance, Dad, because they wanted to be your friend. People asked, and you gave."

There were tears in his eyes when he finished. Jackson, who was sitting next to him on the platform, put his arm around him and squeezed.

While Louis' appeal clearly reached Americans of different races and generations, it was largely a black crowd—and particularly an older crowd—that came for the service.

Many black dignitaries also came, people ranging from D.C. Mayor Marion Barry, former congressman Charles Diggs and Joseph Lowery of the Southern Christian Leadership Council, to such other heavyweight champions as Joe Frazier and Joe Walcott.

Among the others in attendence at the chapel, which was filled with some 600 people, were South Carolina Sen. Strom Thurmond and Michigan Sen. Carl Levin.

By the time the casket was taken from the chapel to the gravesite, the crowd had grown to between 3,000 and 4,000 people. Some were tourists visiting the cemetery, but many clearly had come specifically for the ceremony.

And while the respect for Louis was great, the crowd yesterday did not show the kind of emotional attachment that the "Brown Bomber" generated when he was in his prime.

So it was left up to one of his successors in the ring and in the heart of the country—Muhammad Ali—to show what it had been like.

At the close of the ceremony, the luminaries in attendance began moving toward their limousines, for the first time coming into

contact with the crowds. And although there were senators, mayors and civic leaders present, there was only one man the crowd wanted to see—Ali.

His car was surrounded by dozens of people, young and old, black and white, all trying to see him, touch him.

"Champ—we love you," they shouted. "You're the greatest."

Ali resisted for a time, and finally approached the crowd—shaking hands and smiling at the children. Guards had to be called before Ali could get back into the car.

After the limousine pulled away, the crowd remained in place for some minutes—buzzing.

Thomas Ives of Schenevus, N.Y., spoke for the group when he said, "There's only been one boxer as great or as loved as Muhammad Ali. And that's Joe Louis."

SOCIAL SECURITY CHANGES

(Mr. SAVAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAVAGE. Mr. Speaker, I am proud that yesterday House Democrats, encouraged by the Speaker, unanimously went on record in opposition to President Reagan's social security proposals, especially in regard to his proposal to cut benefits for early retirees. Mr. Speaker, yesterday the Senate, of all places, passed a sense of the Senate resolution in opposition to any proposal that would precipitously and unfairly penalize early retirees or reduce benefits to any level more than necessary to achieve a financially sound system.

Ever since the Republicans were swept into power back in November of last year, they have been harping on the theme that the American people want a change—a new beginning.

And President Reagan certainly has made some changes—although I am convinced that most of the American people will be the worse off because of his philosophy on the role of Government.

Only yesterday, the House approved the conference report to President Reagan's first budget devastation, thereby serving notice to the poor and ill placed that they will be shunted aside to dark and soon-to-be-forgotten terrain of the American landscape. Now, following on the heels of that debacle, the administration has turned its stoney glance in the direction of millions of Americans who either are receiving social security benefits or are potential beneficiaries.

While the plans that the administration has in store for social security have not yet been formally submitted to Congress, we do know what is blowing in the wind. And, what is blowing in the wind are proposed sweeping changes that amount to nothing less than abrogation of the tenets undergirding social security. What is being proposed by the administration amounts to a retreat from the firm pact first established by the Federal Government with the American people over 40 years ago as a guarantee that there would be a way to supplement their retirement income.

Every one of us here recognizes that some restructuring of the social security system is necessary to insure sound financial footing for the program in the future. However, this administration, with its usual blunderbuss approach to matters, has proposed a series of changes that, once again, demonstrates its lack of sensitivity and compassion for common folk.

Probably the most egregious example of President Reagan's lack of sensitivity for the plight of the average worker who is approaching age 62 and looking toward his retirement is the recommendation in regard to retirement and survivor's insurance. President Reagan has proposed reducing the percentage of benefits that persons who retire at age 62 can expect to receive, by some 25 percent of the current levels. This proposal would not only penalize those who are contemplating voluntarily retiring at age 62 but would also penalize those who involuntarily retire at this age because of job loss or crippling illness.

Early retirees cannot live on 80 percent now, so, how can they make it on social security?

Further, President Reagan wants to delay cost-of-living increases: Wants to manipulate the present index for determining recipients' initial benefits to reduce these benefits.

The touted "mandate for change" that the Republicans have been crowing about is starting to become a reality—but the reality is that there is already overwhelming opposition to President Reagan's social security recommendations. I submit that the tide is already beginning to shift—and that the American people will be totally disenchanted with the so-called mandate for change by the time the 1984 elections roll around.

In the days and weeks ahead I hope that we all can join hands and work out approaches to financing social security that are fair and equitable. We owe present recipients and future beneficiaries a better deal than what this administration has proposed in its package of misery proposals. We must stand firm to the principles that underlie the establishment of the social security system over 40 years ago.

Let us categorically reject Reagan's proposals and work to fashion solutions that are right by the American people.

We must not cut costs by reducing the value of life for our senior citizens, as well as for the needy.

As one distinguished colleague has observed, too many of us, Democrats and Republicans, know the cost of everything, but the value of nothing

AGRICULTURAL COMMODITIES STORAGE FACILITY BANKRUPTCY BILL

(Mr. ANTHONY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANTHONY. Mr. Speaker, I am introducing today a bill designed to provide relief to American farmers who may in the future have the misfortune to entrust the produce of their labors to local grain elevators or warehouse storage facilities that subsequently experience bankruptcy.

This is a growing problem that can encumber or tie down agricultural commodities that are farmer owned but held by the elevator awaiting more favorable prices. Farmers today have all the risk they can bear. In my State and district, farmers are still reeling from the combined effects of drought, low prices, high interest, and growing indebtedness. Their ability to continue to produce is in doubt in many cases.

At the same time, the increasing frequency of bankruptcy among agriculture storage facilities has added new fears and doubts about the ability of farmers to reclaim their commodities once they have entrusted them to local elevators for storage.

The Secretary of Agriculture has had an elevator task force at work on this problem for a number of months. They report that since 1975, there have been 177 grain elevator bankruptcies and more are apparently on the verge of bankruptcy, given the current state of the economy. High interest rates and the extremely risky nature of the grain business have combined to threaten even the best managed elevators.

When these economic conditions or poor management are combined with possible illegal activity, diversion of assets, or commodity futures speculation, the threat to the viability of the entire agricultural commodity storage system becomes very real—with farmers as the innocent victims.

I commend the Secretary for the tentative findings of the elevator task force. This report suggests that higher performance bonds, more stringent licensing, and closer supervision by the governmental agencies may reduce or prevent the problem in the future. I hope this is so. However, nothing in the USDA report addresses the problem of how to bring relief to farmers who have entrusted their grain to storage elevators but have retained title to it. If a bankruptcy occurs, they are the most immediate victims of the bankruptcy and an innocent party with little recourse but to await the lengthy bankruptcy procedure in order to

secure a return of their property. Having decided on a good-faith basis to store their grain in the elevator, they suddenly find their property encumbered by a bankruptcy proceeding that renders them powerless to reclaim their property.

My bill would assist in providing relief to these producers. It would offer an expedited process of separation of the commodities owned by producers that will occur prior to the disposal of assets of the bankrupt facility. Furthermore, it would place the holders of valid storage facility receipts in a preferred position for distribution of their property by the bankruptcy court by making those receipts prima facie evidence of a right to reclaim a pro rata share of whatever amount of commodity or cash remains at the time of bankruptcy. It would provide for distribution of that property within no more than 180 days unless the bankruptcy judge determined that the interests of justice or complexity of the case requires more time for its resolution.

I trust that my colleagues will give strong consideration to a closer examination of this problem. While my bill is not the total answer to the problem it is a means of providing some relief in an expedited process so that the degree of injury to agricultural producers can be minimized.

DEBT COLLECTIONS BY U.S. GOVERNMENT: A SMALL STEP FORWARD

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, I was pleased that the House, on Monday, May 18, 1981, passed H.R. 2811, the Debt Collection Act of 1981, but much more needs to be done. In fiscal year 1979, the American taxpayers paid more than $3 billion in interest costs for carrying the $25 billion in delinquent debts and accounts owed the U.S. Government.

I know that some people have suggested that the programs that generated these debts were ill conceived, poorly administered, and doomed to failure; and, therefore, they should be abolished with no second thoughts. I do not accept that description.

I would like to suggest that before we do any wholesale hacking and cutting of programs we look closely at them and do a little selective pruning first, because I, for one, am proud of the programs that this Congress had adopted over the years. I am particularly proud of those programs that were aimed at providing hundreds of thousands of our citizens with the tools to improve their lot in life and make a substantial contribution to our society. I believe that the adoption of these programs showed our abiding faith in the American people and our way of life.

These programs have given hundreds and thousands of veterans and needy students the opportunity to attend college with the aid of student loans. They have helped to create thousands of small businesses by providing small business opportunity grants to enterprising Americans who believe they have a better product or service to sell. They have provided help to farmers struck by drought and crop failures. They have rebuilt the homes and businesses of Americans who found themselves the victims of natural disasters. These programs have helped to make basic services available to all citizens, such as increasing the availability of health care facilities and providing electrification and phone service for rural communities. We undertook those programs with the belief that the benefits would accrue to our entire society, and I believe that we were correct in our judgment.

I do not believe that these programs were ill conceived nor do I believe they were poorly administered. The agencies did exactly what they were asked to do. they disbursed the money to those who qualified and demonstrated need. But we, and they, have failed to take adequate steps to provide for collection of these accounts once they have served their original purpose, and now we must correct the situation.

A recent publication by the Office of Management and Budget on strengthening Federal credit management pointed out that the agencies are lacking in the resources necessary for effective and aggressive debt-collection efforts. They have too few staff and little or no automation, and as a consequence backlogs become the rule rather than the exeception in attempts to service the loans and accounts receivable. To try to depend on manual tickler files to monitor the status of some 72,000 accounts in litigation or to assign 1 person to monitor 3,000 accounts totaling nearly $100 million in loans to individuals and international organizations and accounts receivable due from individuals, contractors, grantees, and international organizations is to ask for failure.

Without effective and aggressive debt servicing, it is no wonder that many recipients pay off their loans in the private sector first and then wait for the Government to get its act together before paying off their Government loan. I understand that many loan agreements fail to include default clauses and fail to specify that interest and penalties will be charged on delinquencies. Some bills have been sent to debtors that fail to specify what the bill is for, how much is due, or when it is due. You are not likely to have much success in collecting money due with such methods. The passage of the bill, H.R. 2811, the Debt Collection Act of 1981, is but one step along the way in building an effective debt servicing and collecting procedure for our Government.

Mr. Speaker, our Members should be interested in the recommendations of the Office of Management and Budget which were a part of its January 1981 report. They are as follows:

RECOMMENDATIONS FROM OMB REPORT ON STRENGTHENING FEDERAL CREDIT MANAGEMENT

DEBT COLLECTION PROJECT, OFFICE OF MANAGEMENT AND BUDGET, JANUARY 1981

1. An exemption to the Privacy Act to permit the use of credit bureaus.

2. An exemption to the Privacy Act to allow agencies to make it mandatory for credit applicants to furnish social security numbers, in the absence of specific legislation to the contrary.

3. Establishment of the formula for agencies to follow in charging interest and penalties on delinquent debts similar to that provided in the Internal Revenue Code.

4. Legislative authority to collect general debts owed the government by Federal employees by offset from the Federal employees' salary.

5. Removal of the restriction by IRS on the redisclosure by agencies for debt collection purposes of debtor addresses which have been obtained from IRS files.

6. Authority to offset delinquent and defaulted debts against tax refunds and other government payments after the debtor has been provided with due process. (This legislation must provide additional resources and funding for the IRS to administer the program.)

7. Authority for Justice Department to use mail, state and local law enforcement officials or private process servers to serve legal papers when litigating debts owed to the government.

8. An amendment to the Internal Revenue Code providing that forgiveness of debt owed to the government generates taxable income.

9. A provision that assaulting a collections agent of a Federal agency is a Federal offense.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE REPORT ON H.R. 3520, STEEL INDUSTRY COMPLIANCE EXTENSION ACT OF 1981

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce may have until midnight Friday, May 22, 1981, to file a report on the bill (H.R. 3520) the Steel Industry Compliance Extension Act of 1981.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CAUSES FOR SOCIAL SECURITY DIFFICULTIES

(Mr. SIMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIMON. Mr. Speaker, I had not intended to use 1 minute, but I heard the remarks on the social security system on both sides having a slightly partisan tinge to them.

I would point out two things that were not mentioned: First, the whole question of the correctness of indexing is being avoided by this administration, as it was by the past administration. One of these days we are going to have to take the advice of all economists and correct the indexing. That is a fundamental thing that has to be done.

Second, I would point out to my colleagues that we have to be very careful about what really causes the social security difficulties, and that is this inflation problem. One of the causes for inflation is that during the Vietnam war we had a 5-year period of defense increases with no tax increase to pay for it. I think all economists are pretty much in agreement that is one of the causes for our inflation today. We had an increase from 1965 to 1970 of $26.9 billion in defense expenditures. For the next 5 years, from 1981 to 1986, we are going to have an increase in defense expenditures projected by the administration of $197 billion with no tax increase.

I simply urge my colleagues, while this budget is history, we had better be careful or we are building in some major problems for social security long range.

EDUCATION: THE ULTIMATE WEAPON

(Mr. DENARDIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DENARDIS. Mr. Speaker, it is my pleasure and honor to bring a brilliant and witty address on the state of American education by my friend, Stephen Joel Trachtenberg, the distinguished president of the University of Hartford in Hartford, Conn., to the attention of the Members.

President Trachtenberg is one of the most astute and knowledgeable leaders in American higher education today, and his recent address to the Ninth Worldwide Armed Services Education Conference, sponsored by the Department of the Army and held recently at the University of Maryland, a speech entitled "Education: The Ultimate Weapon" deserves our scrutiny. He makes some rather important points about the connection between our Defense Establishment and our position in the world and the state of American education.

It is my pleasure to include the entire text of his speech for the RECORD.

EDUCATION: THE ULTIMATE WEAPON

(By Stephen Joel Trachtenberg)

I was a junior in college waiting for my history professor to arrive and begin his lecture on Oct. 4, 1957. When he rushed in, uncharacteristically late, he took the podium and asked us, "Well, gentlemen, how does it feel to be the citizens of a second-class power?" That was the way I learned that the Soviet Union had put Sputnik into space.

Without prior notice, the Russians had suddenly made it clear that the United States had neglected its educational and scientific affairs for altogether too long. A nation which, until 1917, had been ruled by a czar and which had to borrow armaments, food and other materiel from us in order to struggle through World War II, had abruptly stepped out in front.

We Americans rallied, joined forces, and threw ourselves into the competition with enthusiasm and a commitment of both spirit and resources. Before long our astronauts were orbiting the moon and then proudly planting the Stars and Stripes on its soil.

It seems extraordinary that some of our fellow Americans have forgotten, or have elected to ignore, the lessons of Sputnik. In an appropriate effort to eliminate excesses found in the national budget, the current Administration has proposed a variety of fiscal initiatives intended, among other things, to bring our expenditures into alignment with our income. Reasonable people can only wish that effort well.

Meeting needs at the least cost, doing more with less, is simply common sense. But it will not do for us to hold that every penny saved is a penny earned. In an effort to put our books in the black, we may push our society into the red.

I saw a bumper sticker the other afternoon which read, "If you think education is expensive, try ignorance." The truth of that slogan is underscored by the vast infusions of cash that it now takes to maintain the products of ignorance: our welfare systems, our prison systems and our reformatories. We are squandering our nation's "people potential." I am told that it costs more to keep a man in prison for a year than it would to pay his tuition and room and board fees for an equal amount of time at Harvard.

In what we boldly hail as the richest nation in the world, we have an embarrassingly low verbal and numerical literacy rate. A few years ago, the United States Office of Education, now the Department of Education, released a study reporting that one out of every five Americans is functionally illiterate, a term used to mean that a person is unable to read advertisements, add up bills, or write grocery lists.

There may be disagreement concerning the causes and solutions to our problems, but to all who believe that education is crucial to the survival and future of American democracy, the signal is "Mayday."

Where one looks at the struggling school systems of our large cities, or at our rural schools, or those in the suburbs, one is confronted with disagreeable news about conditions that deny our children excellence, competence and equality in education such as violence and drug abuse, lack of school safety, inadequate academic resources and support services, and overcrowded and unprofessional working conditions. The lists go on.

For the last fifteen years, College board scores and other standardized examinations, as well as college admissions officers and professors, have been telling us that young Americans read, write and figure less well than do their parents. Public perceptions of a high school education have been so downgraded that the term "high school graduate" is now as meaningful as "sound as a dollar."

We read of companies having to teach new employees elementary skills before they can put them to work. Even the Ivy League universities, whose rigorous selection criteria used to rival those of St. Peter, have begun remedial programs in order to bring their freshmen up to college level academic standing. One illiterate sailor in the U.S. Navy did a quarter of a million dollars worth of damage to an engine because he could not read the operating instructions. A study of 23,000 recruits at the San Diego Naval Base showed that 37% of them could not read at the 10th grade level.

Signs posted around Walter Reed Army Hospital have recently been re-written to a third-grade literacy level because too many of the enlisted men found them difficult to understand. Weapons manuals and other literature meant to convey information to military personnel are being similarly redrafted.

One-fourth of the freshmen class at Hartford Public High School was reading below the fifth grade level, it was reported. Similar statistics have been cited from nearly every major city and some smaller towns in Connecticut.

The expanding role of technology in every aspect of our society is creating a race to be won not by the swift but by the keen and the adaptable.

At a time when the budget of the Pentagon is being increased and Federal aid to education is being reduced, there's a growing belief that defense spending takes away from the education and training of America's young and inhibits the research and development on which future innovations are based. It sets a short-term agenda at the expense of unleashing problems which are contrary to long-term defense needs and which will come home to haunt us in the future.

The next decade will be critical. The most efficient energy source in an advanced, industrialized economy may be the midnight oil. Properly used, it fuels people to whom we look for skills, imagination, ideas, insights and productivity.

As a result of a diminished birth rate, the traditional college-age population will shrink by one-fourth between now and 1990. In Connecticut, we project a 43% decline in the number of high school seniors during that time. In the coming ten years the military may have to recruit one out of every three male high school graduates if it expects to maintain its projected manpower needs.

The armed services will require a larger percentage of the available young people at precisely the same time that colleges and universities will have to deal with the implications of a shrinking population, concurrent with escalating institutional operating cost.

Words like "retrenchment" and "no growth" are now on the lips of principals and school superintendents, deans and col-

lege presidents as frequently as "learning skills," "achievement" or "curriculum."

Elementary school administrators have had to lay off teachers, close schools, and diminish instructional programs. We now see a similar pattern developing at the high school level. Those of us in higher education look at our colleagues in the precollegiate sector, and we know that in the near future their present situation will become ours.

The National Association of Independent Colleges and Universities reports that more than 120 independent colleges have closed in the United States since 1970 and almost fifty other American post-secondary institutions have been obliged to merge. With the number of college students decreasing steadily over the next 15 years, there is every reason to believe that we will see more of that before the dust settles.

University admissions were once a relatively low-key enterprise in which as much time was devoted to telling some students why they were not acceptable as telling others why they were. Today, one finds admissions officers being replaced with recruitment officers. Some bring a hard-sell approach to their activities which parallels the stereotype of the door-to-door appliance salesman of a bygone era.

"Uncle Sam Wants You" could become a university recruiting slogan, and, indeed, there may be some validity to a variation on that theme which runs, "Defend Your Country, Go to School!"

Some of the most well-established institutions have sought the advice of management consulting firms and other professionals about how they might bolster their admissions departments. A glance at the Sunday issue of almost any large city newspaper reveals advertisements frequently costing thousands of dollars in which institutions of learning now hawk their wares in search of tuition-paying students. If sales and marketing become a significant part of the college admissions effort, one could some day see claims such as "$85.50 a credit" or "none priced lower" or "money back guarantee, full refund for courses and professors you do not like!"

Money alone will not earn an "A" for an academic institution; but without sufficient resources there is a darn good chance the grade will be "F".

The education community has many constructive things to learn from the profit-making sector of society. However, the commercial model has no place on the not-for-profit college campus, if it means compromising the education of the young people for whom it is responsible.

It seems to me imperative that in facing what that great contemporary philosopher, Pogo, would have called "insurmountable opportunities," administrators and the military come to see some of their concerns as mutually aligned. It's obvious that if we compete, rather than complement, neither one of us can fully succeed.

If the elementary and secondary schools continue to fail us, young recruits for the armed services will be burning more than that previously mentioned piece of expensive machinery. If our colleges and universities erode their standards in a pathetic effort to survive, neither they, the military nor the nation will benefit.

Education at every level, from kindergarten to post-doctorate, is an investment in our future. A failure to invest in education today will have serious repercussions for the quality of education and, ultimately, for the quality of our life in the future.

If we are allowed to believe, rightly or wrongly, that education is being cut so that we may devote more of our resources to national defense equipment, we run the risk of creating polarities between educators and the military. This should not and cannot be allowed to happen.

A failure to adequately support those seeking education, it seems to me, will inevitably weaken our society in general and the military in particular in the years to come.

It is imperative that we avoid the illusion that our national security can be preserved only by hardware. There are many lessons to be had from our involvement in Vietnam. One has to do with the continuing central role of the soldier. Buttons don't fight wars. Buttons don't make peace. People do. People matter.

We see further evidence of this in third world and developing countries. The Shah of Iran, with literally billions of dollars in state of the art armaments could not retain his Peacock Throne. And when he was gone and his technological infrastructure departed, the Iranians could not maintain and properly utilize the gear that had cost them so dearly. People matter.

Increasingly, political and other leaders share a concern that our schools be accountable; that social promotion be eliminated and minimum competency established. In state after state we see the introduction of examinations seeking to measure school achievement. This initiative is encouraged by those in business, the professions, and government. But accountability without support is a sham. We can only ask our schools to be as good as we are prepared to pay for.

I am a university president at an independent, modestly endowed university. I am obviously concerned with the future of higher education. But as an American, I think that we must first see to it that our primary and secondary schools give us citizens who understand democracy and are capable of defending it with their hearts and their minds, as civilians and as soldiers.

Vocational programs which help to prepare machinists and other skilled artisans, craftsmen and tradesmen may be as vital to the well-being of this land as our university-level programs which help to prepare engineers, physicists, philosophers and poets.

This audience is in the unique position of being able to communicate with credibility across the boundaries of the educational and military compounds. For example, it is one thing for someone in my role to point out that America's engineering schools are struggling with a shortage of faculty and obsolete facilities and equipment. It's another thing for you to speak up about that issue.

Engineering salaries in industry have gone up much faster than salaries for engineering faculty. Professors are regularly lured away from the campus to higher-paying opportunities in the profit sector that allow them to better house, clothe and feed their families in these inflationary times. At the same time obsolete, out-of-date laboratory equipment threatens the university research base.

I believe that if something is not done in the near future our engineering shortage will grow fluorescent and have an inimical effect on the defense industry and on national security.

There is much learned from farmers who understand that some portion of a crop must be put aside for seed. The seeds are then used in the following season to generate a new crop. If we eat the seed-corn today, there will be no crop tomorrow.

Without education we will not be able to defend ourselves and indeed there may not be much to defend. While joining forces under a single administrative agency may not be the answer, joining forces to achieve a common goal makes eminent good sense.

Education can respond to social needs, but it cannot do so alone. We must encourage a consensus in which it is agreed that education is the ultimate weapon. It will help to protect us from our enemies abroad, and it will help us in the war against poverty, racism, hunger and sickness as well.

One possible idea that may be worth exploring would be the indexing of the Federal contribution to America's schools to the defense budget. Precise formulas, ratios, the floors and caps, I would leave to another occasion. But there may be something to be learned from the scriptural lessons about tithing, or from the agricultural example which I mentioned above, by which farmers protect a portion of each crop as seed for the next.

We hear talk of the reindustrialization and the revitalization of America. Their time has come. Our schools are the place to start. They can be fixed. We can fix them with your help.

Thank you.

□ 1030

TWELVE HOUSE PAGES INDUCTED INTO NATIONAL HONOR SOCIETY

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I am pleased to advise the House that 12 House pages have been inducted into the National Honor Society.

I would like to offer congratulations on behalf of all my colleagues to: Lisa Capora, James Erskine, Andrew Glick, George Hanks, Kimberly Higgins, Steven Kaufman, David Levine, Colleen Morrow, Lacey Mullowney, Christopher Riley, Precious Thomas, and Anne Wilson.

As everyone knows, House pages head off to school before sunrise and face a very accelerated school program in order to be able to be on the floor ready for work before the House convenes. It is particularly difficult, under such high pressure conditions to maintain this kind of high level of scholarship and these students are to be commended for their efforts and accomplishments.

THE 1965 VOTING RIGHTS ACT HAS SERVED ITS PURPOSE AND NOW POSES A RESTRICTIVE BARRIER

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BLILEY. Mr. Speaker, I rise today to address the subject of the 1965 Voting Rights Act and its impact on the Commonwealth of Virginia. As many of my colleagues know, the sections that impact Virginia and certain other States most heavily are due to expire in August 1982.

The provisions requiring preclearance have served their purpose, and now pose a restrictive barrier to the States rather than an equalizer, as originally intended.

I would like to see these sections expire, for the reasons outlined in my testimony yesterday before the Judiciary Subcommittee on Civil and Constitutional Rights.

That testimony follows:

Mr. Chairman, members of the committee, I want to thank you for granting me the opportunity to appear before you today.

First, as you well know, the entire Voting Rights Act does not expire, only those sections establishing trigger mechanisms in section four and preclearance provisions in section 5. It is important to keep this fact in mind during the discussion. These provisions have served their purpose and should be allowed to expire. The remaining sections should be retained, and continue to apply to all States. Further, I would suggest that you consider expanding definitions of Federal offenses for interfering with a person's right to register or vote, and set forth stiffer penalties for such violations.

Sections 4 and 5, establishing and requiring preclearance, should be allowed to expire next year for the following reasons:

(1) Congress should never enact legislation dealing with such a basic right as a person's right to vote unless it applies universally. These sections as now written apply only to a limited number of States and communities. If it is a basic right, then it should be dealt with in such a way that the right is protected throughout the Nation.

(2) Once a State is covered there is almost no way to get out. Virginia has been under the act since its inception, some 17 years now. Yet there has not been one claim of a person being denied the right to register or vote since that time. Voter registration has consistently increased, as has the number of voters participating in elections.

(3) In 1965 when the act was passed into law, Congress did not realize it would be extended to cover annexations. Indeed it was not until the Supreme Court decided *Perkins* v. *Matthews* in January 1971, that it was established that annexations are covered by the act. In Virginia, cities are completely independent of counties and have been since the time of Thomas Jefferson. Likewise, until recently, cities such as Richmond have had the power to annex through the State courts. In the course of her 200-year history, Richmond has used the procedure more than 10 times. As recently as 1969, this procedure was used so that on January 1, 1970, Richmond acquired some 23 square miles of Chesterfield County. In May 1970, a council election was held on an at-large basis, with both old and new residents voting. In 1971, following *Perkins* v. *Matthews*, the city submitted the annexation to the Justice Department and the Justice Department noted an objection, instructing the city to go to a ward system, electing councilmen from single-member districts. The city objected, for also in 1971 the courts and the Justice Department approved a plan for electing five delegates to the General Assembly of Virginia from Richmond on an at-large basis. In addition they approved a floater seat for all of Richmond and all of an adjoining county. The city asked if the addition of new citizens is nondilutive in a general assembly election why should it be so in a councilmanic election. However, the Justice Department maintained its position, blocked an election scheduled for May 1972, and the matter was litigated for 5 years with no elections until it was settled in 1977.

My colleagues, I don't believe that the Congress ever intended for this situation to occur, but it has and is throughout the areas covered by the act. Richmond has had four forms of government: the Commission form; the strong mayor-bicameral council; the council-manager with nine councilmen elected at-large; and the council-manager with nine councilmen elected from single-member districts. Each of these was approved by the citizens of Richmond in referendum, except for the last, which was ordered by the Justice Department.

This country was founded on the principle of "government by the consent of the governed," and I think it is time we returned to that principle.

There may be some who claim that were Virginia let out of the act that Richmond would return to at-large elections. This is not necessarily so. Richmond and other cities do not have "home rule" and any change in city or town council elections is, as required by the Virginia General Assembly, subject to the approval of the voters of the locality in question.

No matter what improvements or internal controls are established, Virginia has virtually no opportunity to be bailed out of the Voting Rights Act preclearance provisions, until the applicable time period now 17 years, expires next August. I believe that Virginia has shown that the provisions which encumber her should indeed be allowed to expire.

I endorse the permanent provisions of the Voting Rights Act and applaud the significant role it has played in escalating the exercise of the franchise throughout the land. I appreciate that these provisions are applied nationally and equilaterally, and hope to continue its protections by enforcing our commitment to equality as a nation, by originating laws from Washington equitably and impartially in meting out justice throughout the United States.

Preclearance has served its purpose. It has erased the State-to-State differences in registration and voter turnout. The permanent provisions of the Voting Rights Act will continue to guarantee equal access to the ballot box, as provided in sections 2, 11, 12, et al. Indeed, violations of the act as defined in these sections are punishable as felonies. This provision should continue by all means. If the members of this committee desire to expand those penalties, I will be willing to work with the committee in that effort.

No less an instrument than the Constitution of the United States provides that: "The right of citizens of the United States to vote shall not be abridged by the United States or by any State on account of race, color, or previous condition of servitude." Let us carry forth this national commitment.

THE DEATH OF THE VERY REVEREND JAMES RAUSCH

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, it is with great sorrow that I inform the House of the death of the Very Reverend James Rausch, the Catholic bishop of Phoenix. Bishop Rausch was well known in Washington. He served here for some years as secretary of the Association of Catholic Bishops.

Since he has been in the State of Arizona, he has made many, many friends both in his church and among the Protestant community. He has endeared himself to many of our people mainly because of his great concern and his lifelong concern, I might say, for those who are less privileged than many of the other members of society.

He will be greatly missed. His passing at the age of 52, certainly in the minds of many, will leave many years blank in which he could have been of great service, but we are also sure that the good Lord in His wisdom has something greater in store for James Rausch.

NATIONAL MARITIME DAY— FRIDAY, MAY 22

(Mr. TRIBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRIBLE. Mr. Speaker, President Reagan has proclaimed Friday, May 22, as National Maritime Day. This observance commemorates the day in 1918 when the first coal-fired commercial ship, the *Savannah*, crossed the Atlantic and demonstrated to the world that no longer would ocean trade be subject to the whims of the wind.

This commemoration serves as a reminder to all of us of the enormous contribution the maritime industry has made to the economic strength and national security of our Nation. It is also a time to renew our efforts to revitalize America's merchant marine.

The United States is an island Nation heavily dependent on the world around us. Yet, we are forced to rely on foreign ships to carry critical and strategic raw materials to our shores and to carry our goods abroad.

U.S.-flag ships carry less than 5 percent of our oceanborne trade. There is no other major maritime nation whose fleet moves so little of its own commerce. The decline of our merchant marine has resulted in lost jobs, lost income, and a balance-of-payment deficit for shipping services alone in 1979 totaling more than $4 billion.

It is time that this Congress acts decisively to strengthen our merchant marine and shipbuilding base.

REQUEST FOR DESIGNATION OF WEDNESDAY, MAY 27, AS A SPECIAL SUSPENSION DAY

Mr. DANIELSON. Mr Speaker, I ask unanimous consent that a special suspension day be designated for next Wednesday, May 27.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentleman from California?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, is the gentleman willing to have all that done on Thursday on the basis that there will not be a lot of other activity on Wednesday, and maybe we can have just a pro forma session?

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I will be glad to yield to the gentleman.

Mr. DANIELSON. It is not a matter, of course, of my personal preference, but the leadership, after discussion with the other side, has come to this program, and Wednesday is the day that had been agreed upon for the Suspension Calendar.

Mr. ROUSSELOT. Further reserving the right to object, I notice that if we were to follow what is suggested here, those Members who may be very interested in these issues would then have to be here to hear the debate all day Wednesday and be here also for the vote on Thursday, which would put an extra demand on them. I understand that a couple of our chairmen cannot be here for all kinds of good reasons on Wednesday, so why do we not just do it all on Thursday?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I will be glad to yield to the distinguished majority leader.

Mr. WRIGHT. I would observe to my friend, the gentleman from California (Mr. ROUSSELOT) that we are just trying to expedite the President's program, and we intend to move along as fast as we can.

Mr. ROUSSELOT. I was looking at this list, and it would be terribly important to the Members to be here for their decision and voting. My suggestion is to do it all on the same day and give us all the opportunity not only to have the benefit of the outstanding arguments that will be made by the various chairmen who are bringing these up under suspension, but also vote on them on the same day.

Mr. WRIGHT. Mr Speaker, would the gentleman yield?

Mr. ROUSSELOT. I will be pleased to yield to the distinguished majority leader.

Mr. WRIGHT. I thank the gentleman for yielding. If the gentleman from California (Mr. ROUSSELOT) is prone to object, the gentleman realizes, of course, that by the terms of the joint resolution the House will be in session on Wednesday.

Mr. ROUSSELOT. I promise to be here Wednesday, and I am sure some of my colleagues will be here.

Mr. WRIGHT. I am sure the rest of the Members would be deeply disappointed if the gentleman were not here, and we find that vastly reassuring. If the gentleman is prone to object to having a special suspension day on Wednesday, we would then ask unanimous consent to have a special suspension day on Thursday.

Mr. ROUSSELOT. I appreciate that. Why do we not just ask unanimous consent to do it all on Thursday.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. Further reserving the right to object, I yield to my colleague.

Mr. TAYLOR. I thank the gentleman for yielding.

I would like to ask the distinguished majority leader if he has any indication about the status of the supplemental at this time.

Mr. WRIGHT. If the gentleman from California (Mr. ROUSSELOT) will yield further—both gentlemen from California (Mr. ROUSSELOT and Mr. DANIELSON), and the gentleman from Missouri (Mr. TAYLOR)—it is my understanding that the Senate expects to complete action on the supplemental today, it having only some 400 amendments from the Senate Appropriations Committee, some of them technical and some of them presumably to be considered en bloc. But the last information I received was that the Senate expects to complete action on that bill today.

Mr. TAYLOR. Will the gentleman yield further?

Mr. ROUSSELOT. Reserving the right to object further, I yield to my colleague from the great State of Missouri.

Mr. TAYLOR. I thank the gentleman for yielding. I wonder if there would be any possibility that we would take action on the supplemental next week in the House.

Mr. WRIGHT. Will both gentlemen from California yield?

Mr. ROUSSELOT. I will be glad to yield.

Mr. WRIGHT. To the gentleman from Missouri (Mr. TAYLOR) I will respond, all things are possible.

Mr. TAYLOR. If the gentleman would yield further, I would certainly support the suggestion made by my distinguished colleague, the gentleman from California (Mr. ROUSSELOT) on this side that it would seem appropriate that we could hear the debate and act on these very important suspensions on Thursday. That would give everyone an opportunity not only to hear the debate but to cast their votes in 1 day, and I believe that those could be handled on Thursday—the Youth Employment Demonstration Act, the Steel Industry Compliance Act, and the other two. I would certainly think that would a reasonable request, and I would certainly support the gentleman.

Mr. ROUSSELOT. Mr. Speaker, further reserving the right to object, I yield to my colleague, the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. I thank the gentleman for yielding.

Mr. Speaker, I ask unanimous consent to withdraw my previous request for unanimous consent to have a special suspension day on Wednesday, May 27, and I now make a unanimous-consent request to have a special suspension day on Thursday, May 28, 1981.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROUSSELOT. Reserving the right to object, and I will not, I want to compliment my good leadership on the other side for this wonderful decision.

Mr. DANIELSON. I know the leadership on this side is pleased to have the gentleman's support.

Mr. TAYLOR. If the gentleman from California (Mr. ROUSSELOT) will yield, we have won another leadership great battle.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, May 27, 1981, may be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND ALSO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. DANIELSON, Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, May 27, 1981, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING SPEAKER TO DECLARE RECESS TODAY

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the Chair be authorized to declare a recess today subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I take this time for the purpose of inquiring of the acting majority leader the program for next week.

Mr. DANIELSON. Mr. Speaker, will the distinguished minority leader yield?

Mr. MICHEL. I will be happy to yield to the gentleman.

Mr. DANIELSON. I thank the gentleman.

The program for next week, the week of May 25, 1981, is as follows:

On Monday and Tuesday, May 25 and May 26, the House will be in its Memorial Day district work period, and the House will not be in session.

On Wednesday, May 27, the House will meet at noon.

There will be a pro forma session.

On Thursday, May 28, the House will meet at 10 a.m. There will be a special suspensions day with four bills. Recorded votes on suspensions will be postponed until after debate on all suspensions. The suspensions are as follows:

H.R. 3337, the Youth Employment Demonstration Act amendments;

H.R. 3520, Steel Industry Compliance Extension Act of 1981;

H.R. 2957, amendments to Federal Water Pollution Control Act; and

H.R. 3537, the Disaster Relief Authorization Act.

On Friday, May 29, the House will not be in session.

Of course, conference reports may be brought up at any time, and any further program will be announced later.

Mr. MICHEL. I thank the distinguished gentleman and yield back the remainder of my time.

□ 1045

TERMS OF OFFICE FOR MEMBERS OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. McCOLLUM) is recognized for 15 minutes.

Mr. McCOLLUM. Mr. Speaker, this week I am introducing two separate and alternative resolutions proposing a constitutional amendment to change the terms of office for Members of Congress. The first resolution, which I have already introduced, limits Members of the U.S. House of Representatives to six 2-year terms and Members of the U.S. Senate to two 6-year terms. It is a companion bill to Senate Joint Resolution 25.

The second resolution, which I am introducing today, increases the length of terms of Members of the U.S. House of Representatives from 2 to 4 years, with staggered elections being held so that half of the House will be elected every 2 years and limits the number of terms which can be served by House and Senate Members. Due to the problems of reapportionment every 10 years this proposed constitutional amendment would require that every seat in the House be up for election each year ending in the number "2" and this provision, together with the system designed to have equal and staggered elections on all other occasions, results in one or two 2-year terms following each reapportionment. Because of this the proposed amendment would allow some Members to serve as long as 14 years in the U.S. House. As with the first resolution, Senators are limited to two 6-year terms.

My overriding concern in introducing two alternative resolutions is with gaining a reasonable limitation on terms of office in both Houses of Congress and stimulating the debate in the legislative process necessary to achieve this. My personal preference is for the amendment I am introducing today, which includes a modified form of lengthening the terms of office of House Members to 4 years.

The present 2-year term of Members of the U.S. House came from a compromise by those who wanted a 1-year term and those who wanted a 3-year term at the Constitutional Convention in 1787. When the 2-year term was approved on June 21, 1787, it was so much of a compromise that the only person who spoke in favor of it was George Mason.

During the first 39 Congresses there was little challenge to the 2-year term. In the 40th Congress on February 8, 1869, there was introduced the first recorded resolution to lengthen the House term and it provided for a term of 4 years. Since 1869, only five Congresses have not seen the introduction of at least one proposal to alter the House terms. Altogether, there have been over 200 constitutional amendments introduced to lengthen the House term. The closest Congress has come to such a decision was a vote in 1906 of 89 in favor to 86 opposed, but the effort to gain a 4-year House term failed to achieve the two-thirds majority required for passage.

In 1951, President Harry S. Truman proposed a 4-year term for Members of the House and later urged a limit of 12 years of service on each body of Congress. In 1955, President Dwight Eisenhower supported the 4-year term for House Members and also later advocated a limit of 12 years of service. In 1966, President Lyndon B. Johnson urged the lengthening of House terms to 4 years and in 1973, President Richard Nixon advocated the same. In 1979, the Subcommittee on the Constitution of the Senate Judiciary Committee held hearings on the subject, but no legislation was forthcoming.

The idea of limiting terms of Congressmen is not new either, but only modern political realities have made its enactment a necessity and sparked public and congressional interest. The earliest proposed constitutional amendment to limit terms was introduced in the First Congress in 1789. The resolution in that Congress stipulated that no person could serve more than 6 years in an 8-year period.

Actually the concept predated our Constitution. The Continental Congress adopted a proposal by John Dickinson of Delaware in 1777 limiting delegates under the Articles of Confederation to serving 3 years in any 6-year period. However, after the First Congress, the issue of limiting terms lay dormant until the mid-1940's. The primary reason for this dormancy was the tradition in the early years of our country to serve only two terms in the U.S. House and then retire. As late as the 1840's, 40 to 50 percent of the Congress left office at each election. From 1860 to 1920 the average length of service doubled from 4 to 8 years. By 1901, when the 57th Congress convened, for the first time less than 30 percent of its Members were freshmen. In 1981, when the 97th Congress convened, only 17 percent of the U.S. House of Representatives were freshmen.

Perhaps the most significant development in recent times has been the tremendous growth in public support for both lengthening terms of House Members to 4 years and limiting terms of all Members of Congress. A 1946 Gallup poll showed 40 percent of the American public favoring lengthening terms of House Members to 4 years. By 1961, 51 percent of the public supported 4-year terms and this was approximately the same in 1977. However, in the most recent Gallup poll published in the Washington Post on May 17, 1981, a clear 59 percent of the American people support the lengthening of terms of House Members to 4 years. That same poll shows that, by a margin of 2 to 1, the American public wants to limit U.S. Senators and Representatives to a maximum of 12 years in office. The degree of support was similar in all population groups studied by the poll, including both political parties and all levels of education.

The American people have spoken, and it is time to both limit terms of Congressmen and to lengthen the terms of House Members. The two go hand in hand. The simple fact is that the concern of most Congressmen for getting reelected causes them to spend a good deal of their time and energy on matters related to that and often influences their decision by taking away from what would otherwise be the course of their better judgment.

A limitation on terms would assure that a substantial portion of Congress at any one time would be ineligible for reelection and virtually unfettered by the constraints of reelection concerns. If, in addition to limiting terms, there were a lengthening of the terms of House Members from 2 to 4 years, there would be even more relief from the effects of reelection concerns on the actions, effectiveness and efficiency of individual Congressmen. At the present time a Member of the House feels compelled to almost literally start reelection efforts as soon as he is elected since, in the world of politics, 2 years go by very quickly.

Under those circumstances, the career politician is bound to be worried most of the time about reelection and this can easily be to the detriment of performing his legislative duties. The sensible thing to do is to free as many Congressmen from as much of these pressures as possible while still keeping them responsive to the public. The best way to do this is by limiting terms, and in the case of the House by lengthening the terms and staggering the elections so that half the Members of the House are on the ballots every even year general election. It is not enough to simply limit the terms.

Congress has become a career for many, which was never envisioned by our Founding Fathers. In the early days, Congress would meet for 2 months a year or so, and meeting for 3 months was a really big year. A Congressman was a citizen legislator who would go home after a session and spend most of his time running his business or practicing law or whatever. In modern times the sheer size and volume of the business of the Federal Government has made service in Congress a full-time job, and many who have come to Washington have given up their jobs back home and with each passing year of congressional service are more reluctant to go back home and reenter the job market. As a result, the tendency for a great many is to stay as long as possible, and they have been very successful, as evidenced by the fact that since World War II 93 percent of incumbents seeking reelection have been returned to Congress. In the process legislative involvement suffers as time is devoted constantly to reelection concerns to protect the career.

The result is an often stagnant and inefficient Congress. The result is many long-term legislators who have become "Washingtonians" who have a tendency to lose touch with life back home. The result is that the longer one remains in Washington, the more likely one becomes convinced that society's problems can or should be solved by the Federal Government. The result is many Members of Congress who are more interested in getting reelected than acting in the best interests of the country and devoting the time necessary to excel at public policymaking.

We need a much larger turnover in Congress on a regular basis to revitalize representative government, bringing into service men and women with more diverse backgrounds who have a fresh impression of what it is like living back home under the conditions created in large measure by the Federal Government and who have the fire burning in them to motivate Congress to make the changes necessary if the Federal Government is to work. Further, if terms were limited there would be created a perception among the people that one does not have to be in Congress for many years in order to play a significant role in the process, and undoubtedly more men and women would be willing to make the sacrifice of temporarily leaving careers in businesses and professions which hold the promise of great financial success to make a try for Congress, and the total number of high quality candidates and the level of debate of the issues for each office would improve.

There is little question that the constant concern of most Members over reelection causes them to spend a disproportionate amount of time fundraising and, in many cases, playing to the media.

One of the most time-consuming parts of the reelection campaign process for Members is fundraising. The cost and expense of running campaigns in the era of electronic media is staggering. To offset as much of the cost as possible, Members tend to play to both the print and electronic media on a regular basis during sessions of Congress in hopes of gaining such high name recognition among the voters that challengers will be few and far between and unsuccessful. Certainly the public needs a constant line of communication open to elected Representatives and no one advocates restricting this interplay in the print and electronic media. However, there needs to be a restriction on the motivating factors which cause too many Congressmen to spend too much time creating opportunities for media exposure, not to communicate but to insulate themselves from reelection challenges.

Then there is the work schedule dictated largely by reelection considerations which affects the efficiency of the individual Congressman. It is not uncommon for a Congressman to work until 9 or 10 o'clock each night, board a plane on Friday to go back to the district and work equally as hard meeting with groups and individuals throughout the district. He then flies back on Monday morning expected to be fit and ready for a serious hearing or the other important business of Congress. The workload is enormous, compounded with the relentless pressure of reelection considerations. This component of public service in Congress does not make for a very effective or efficient legislative body.

On the other side of the coin are those Congressmen who have been in office so long that they have truly insulated themselves from reelection challenges and only occasionally return to the district. They generally take legislative business seriously, but without the needed sense of urgency and without contact with the fresh ideas that come only from direct contact with the people. Both extremes are bad and both extremes are what dominate Congess today.

Now none of this is to say that we do not have good, talented men and women presently serving in Congress. We do. In fact, all that is accomplished, given the pressures involved, is a tribute to the exceptional quality of those serving in the House and Senate as a whole. But the system is riddled with problems that most Members of Congress will admit privately, if not publicly, which are in large measure derived from the forces at work when you have full-time career Congressmen constantly concerned with reelection to save those careers.

The essential constitutional duty of the Congress is the duty to legislate on behalf of the American people.

In his book, "Waging Peace," Dwight D. Eisenhower wrote that each person serving under term limitation—

> [W]ould tend to think of his congressional career as an important and exciting interlude in his life, a period dedicated to the entire public rather than as a way of making a living or making a career of exercising continuous political power. . . . More rapid turnover of the membership in both Houses, with its constant infusion of new blood, would largely eliminate the career politician in Congress, but I can see little damage that would result from such a change except possibly to the personal ambitions of particular individuals.

He went on to say that, "Experience may produce greater skill in political maneuvering in the legislative process, but does not necessarily produce better statesmen." Many of his observations apply as well to the need to lengthen terms of House Members.

The resolution I am introducing today comes the closest possible to

providing three 4-year terms for House Members under the staggered-term concept. In my judgment staggered terms, whereby as close as possible to half the membership of the House is up for election every 2 years, are essential to maintaining the House as that body of Congress closest to the people. If all House elections coincided with that of the President, there could very well form a pattern of greater straight ticket voting, and the voters would not have the opportunity to hold any portion of the House Members accountable for a course in Government which might be undertaken against the popular will. In this situation an important check in the great system of checks and balances created by our Founding Fathers would be lost.

Lengthening terms of House Members is an important supplement to limiting the terms to correct the problems which have clearly arisen, but it should not be done in a manner which could threaten the checks and balances system which forms the bulwark of our constitutional Goverment. Because reapportionment requires a redistribution of congressional seats among the States every 10 years and a redrawing of district lines, it is impossible to have a staggered system of electing House Members to three consecutive 4-year terms.

The resolution I have introduced takes this into account and provides for the election of all House Members once every 10 years following reapportionment and thereafter a resumption of staggered 4-year terms. As a result a Member could conceivably serve 2-year terms on two occasions and remain a Member for as long as 14 years, although 12 years is the common base of the limitation. The Senate elections do not pose this problem and the limitation is for two 6-year terms.

The price of a free society is the eternal vigilance of the people. As clearly stated in the recent Gallup poll, the people have spoken, and the cavalier manner with which the issues of limiting terms of Congressmen and lengthening House terms has been treated for the most part in past Congresses is directly contrary to the very essence of liberty and representative government upon which this Nation was founded.

I call upon my colleagues to join in a concerted effort to bring about the debate and hearings necessary to resolve the differences among the Members and the people and meld together an appropriate constitutional amendment that both limits terms of Congressmen and lengthens those of the House as well.

WORLD TRADE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 15 minutes.

● Mr. PEPPER. Mr. Speaker, as you know, the week of May 17 to 23 has been designated World Trade Week, in recognition of the tremendous importance of exports to the United States. In order to combat inflation and unemployment at home, to improve the value of the dollar abroad, and to help raise the standard of living of millions of people all over the world to that of a civilization free from fear and hunger, we must encourage productivity and efficient use of resources through the export of our goods to foreign nations.

As a representative from my area of Dade County in the great State of Florida, I am proud of the program my State has made in this last decade to increase its volume of trade, providing about half of last year's improvement in the balance of trade for the whole United States. While our imports of scarce energy forms have continued at scandalously high levels, while a shortage of water is threatening the capacity of the West to expand its industrial and agricultural base and while inflation has further eroded the declining industrial capacity of the Northeast, Florida has forged ahead with education, persistence, and drive, building its competitive capacity for trade during a decade of remarkable growth.

I would like to share with you some of the tremendous contributions Florida has made toward the goal of a more productive trade balance for the United States. In 1980, Florida exported a total of $10.3 billion worth of goods, an almost ninefold increase over the $1.2 billion of Florida exports we had in 1970. Total imports have increased from $1 billion in 1970 to $6.5 billion in 1980, which brings the total trade figure for 1980 to $16.8 billion, an increase of more than $14 billion, or about 700 percent since 1970.

While the U.S. balance of trade was still in the red at −$20 billion in 1980, Florida had a favorable balance of $3.8 billion. It is a fact that Florida contributed $2.2 billion, or half of the national trade balance improvement for 1980. In 1970, Florida provided 2.7 percent of the Nation's exports, which during the last decade has grown over 74 percent to a share of over 4.7 percent of U.S. exports.

Florida's strong areas have been as the world's leading exporter of grapefruit, exporting about 60 percent of the world's volume of that sun-ripened crop. Florida ranks second in the Nation in fruit exports, only behind California. We are the fifth largest exporter of vegetables and vegetable products in the Nation, as well as exporting vital resources such as phosphate and other chemicals. In recent years, Florida has broken ground in developing a fine manufacturing capability, adding to our State's exports of office equipment, computers, telecommunications equipment and other high technology items, as well as transportation equipment.

In the years ahead, we look toward Florida's human, educational, natural and technological resources as well as the cooperation of the Federal Government to continue expanding our State's production, tourism attractions, exporting capability and reputation as "America's Gateway to the Americas," including our neighbors to the north and south. Toward this end, I and several of my colleagues have been working both in our individual capacities and as members of the export task force of the U.S. Congress. I hope we shall soon see a successful conclusion to our decade-long efforts toward passage of a national tourism policy, and other equally important legislative efforts of which Florida and our delegation, myself included, have been a part. We pledge our continued work, as Floridians, for the good of the Nation as a whole and for the good of our people.●

SOCIAL SECURITY SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, I have asked for this time to speak frankly about where we are with respect to social security and the options open to use, when all too many of our colleagues seem to be scurrying for cover rather than facing up to reality. And I speak today as one of those Members who many years ago, when I was a junior Member, supported amending the Social Security Act to provide for cost-of-living increases pegged to the Consumer Price Index. Prior to that time each party used to bid, one against the other, over how much of a percentage increase we should vote for social security, whether it should be 5 percent or 6 percent, 1 year or 2, and so forth. It was a regular political football.

That is why we, a decade ago, moved toward the establishment of a cost-of-living index pegged to the Consumer Price Index.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague the minority leader again focusing appropriate attention on this issue and his willingness to discuss the many options that Congress has to save this system from bankruptcy. The social security system will surely go broke if we do not act this year.

The gentleman is correct in saying that we now have to face the issue

now, we should not wait until next year when it teeters, literally, on bankruptcy because the various trust funds will be totally out of money. The problem is inescapable. For solutions to these social security system problems we must act now to keep the system from going broke, to protect the basic benefit structure and to slow the increases in social security payments so as to help lighten the tax burden for people in the future, for both employees and employers. We must address the fact that the social security system has gone far beyond its original intent by duplicating many other Federal programs.

We must encourage workers through incentives to continue working until the traditional retirement age of 65.

We must change the overindexation which has occurred in the social security program.

We can be certain that no single solution will solve all of these problems of the social security system. A combination of actions and proposals are essential to resolving the current insolvency problems. But by enacting these and other proposals, social security will stand financially strong now and for the future.

I want to compliment my colleague for taking this time to make sure that our colleagues are aware of the nature of the system, what is happening, and the immediacy of the problem for Congress to act in a bipartisan way, as Chairman PICKLE of the Social Security Subcommittee on Ways and Means is trying to do.

Mr. MICHEL. Mr. Speaker, I want to thank the gentleman for his comments. The gentleman from California (Mr. ROUSSELOT) for the last several days has been making very appropriate comments on the floor of this House, as has the gentleman from Texas (Mr. PICKLE), whose subcommittee has been working very actively in this area.

Mr. Speaker, it was just 4 years ago that President Jimmy Carter told the American people the social security system was in dire financial trouble and that the only workable solution was the largest tax increase in the peacetime history of the Nation. Soon after the enactment of those tax increases in December of 1977, the Carter administration officials reported to the Congress that the new taxes "put the system's retirement and disability trust funds on sound footing until the early part of the 21st century."

Well, it is clear today that the heavy tax burden imposed in 1977 was not the answer. The social security system is in deeper trouble now than it was just 4 years ago, and the problems are many and complex. It is imperative that we all understand them before truly workable solutions can be found.

Since social security was enacted nearly 50 years ago, it has grown far beyond the intent of those who created it during the Great Depression. Major additions to the system were made in 1939, 1956, 1960, and 1965, through the enactment of survivor benefits, disability benefits, college benefits, vocational training, early retirement, and medicare. Today social security is as much a welfare program as it is an insurance program. It is an economic drain on the country and an unreliable reservoir for the needy. It is without a doubt virtually on the brink of collapse, as my colleague just alluded to.

The facts are clear. When social security became law in 1935, the maximum tax imposed on business and industrial workers was just $30. Today the maximum tax is $1,975. In 1950 the program served 2½ million people, at a cost of $522 million. Today it provides assistance for 36 million people, at a cost of $175 billion.

To finance social security in 1935 there were 11 adults in the labor force for every 1 person 65 years or older. Today there are only three workers for every one on retirement in the social security system. By the year 2020, the ratio will be 2 to 1; in other words, two people working for every one on some form of retirement.

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It is the younger age group, no longer growing as rapidly as before, which is having to pay an even larger tax as a means of providing for the benefit of those who have reached age 62 and beyond.

When social security was enacted, the life expectancy of the average American was 61 years of age. Now, today, it is 73.2 years. Those who do reach the age of 65 can expect to live an additional 14 years for males and 18.4 years for females, which suggests that the burden, the obligation on the part of the social security system is far beyond, because of life expectancy, what was ever originally conceived.

Today, despite the massive tax increases imposed 4 years ago, social security benefits are far outstripping the revenues that are coming in. The Reagan administration has estimated that under current conditions the retirement and survivor's portion of the system, which is the heart of the system, will go broke by next fall unless we take action now.

The problem is twofold. First, we must immediately take steps to make sure the system does not run out of money next year or the year after. Second, we must provide now for long-term reforms in the program that will prevent those sporadic crises from reoccurring and we must find these solutions without looking toward even higher taxes.

The Reagan administration has proposed a series of changes which it believes will resolve the financial crisis. However, these proposals are by no means the final word. I am firmly convinced that the administration is willing, even anxious, to work with the Congress on alternative solutions if they prove more effective. I am convinced that one reason the Reagan administration proposals were introduced was for the purpose of starting a national public debate on the issue of the system's financing and attracting the public's attention to the pending social security crisis we all face.

While I do not necessarily agree with all the changes proposed by the administration, I do believe that President Reagan exercised courage and foresight in addressing these critical problems directly and openly. It is reassuring to me to have a President who is willing to face controversial issues forthrightly and not shy away from the political consequences of a spirited public debate.

If nothing else, he has moved the Congress and the Nation to some action and that is the meaning of political leadership.

The list of alternative solutions, and I would emphasize again, the alternatives to the problems we face, is lengthy. The Congress has a wealth of proposals from which to select. Among them are:

First, revisions in the formula for the disbursement of disability benefits including the application of worker compensation benefits and a longer waiting period prior to eligibility for benefits.

Second, elimination of future student aid benefits or a reduction in those benefits.

Third, a gradual elevation of the full retirement age from 65 to 68 between now and the year 2000 or beyond. But if the retirement age is increased, it would not be done immediately, but gradually over a transition period.

Fourth, elimination of vocational rehabilitation funding; fifth, alterations in the computation of the cost-of-living allowances or a delay in those payments.

I made mention earlier of how this Member along with Mel Laird, a former Member of this House and Secretary of Defense, and Jack Betts, who was our ranking Republican on the Social Security Subcommittee for three Congresses, introduced legislation for years with no action until we finally got the Congress to move to provide for cost-of-living indexes pegged to the Consumer Price Index.

But at the time we enacted that, we did not conceive of inflation rates hitting the double-digit range, certainly not for several years running. In my opinion, if inflation does not come down, if we are locked into that kind

of inflation rate, there really ought to be a two-track system for that cost-of-living computation. But the President and the administration feel, and I would like to support them in this view, that inflation rates will subside, that when it comes back down to something more reasonable and normal, then, of course, there need not be a change in that cost-of-living computation.

As a matter of fact, the President specifically said in his campaign and again within the last week or so that under no circumstances would the 36 million people currently on social security have a diminution in their benefit, that he was locked into preserving that benefit which they had earned.

Sixth, now we could include the 2½ million Federal workers, including Members of the Congress, in the social security system. Here again, there are arguments pro and con. Those who oppose it say we are going to wipe away that Federal retirement system and deny someone a benefit. I say here again we will not do it immediately if we move in that direction. There will be a transition period. The carrot for the Federal workers would be that the social security benefit on the bottom is nontaxable and the retirement benefit is taxable.

So there is a benefit to be derived there. Why not have Federal workers and Members of the Congress treated like every other citizen as a base in the social security system. In the private sector you have a pension plan if your company is providing one. In the Federal service if you want a benefit over social security there would be that kind of ongoing program, but we would work it in in a transition period over the outyears.

Seventh, provision for the transfer of funds from one fund to the other. The system currently operates with three separate funds, retirement and survivor, disability, and medicare.

Eighth, financing of the medicare portion in whole or in part through general tax revenues and the shifting of medicare funds to the retirement and survivor's account. That is an option. I certainly do not support that, but there are those who would move in that direction.

Ninth, financing of the entire system through general tax revenues. There are proposals to do that. I would argue against it when the time comes, but it is an option.

Tenth, a reduction in the percentage of benefits received by those taking early retirement at the age of 62 with a gradual increase in the percentage between the ages of 62 and 65.

In this regard, when we made this change in 1962, we did not perceive that there were going to be as many people retiring at an early age as there are today. In those days we were talking about maybe a wife being somewhat ill, not up to par, or a husband for whatever reason wanting to take that option of retiring at 62 instead of 65.

But today you have 70 percent of the people retiring on social security availing themselves of the early option and why not? They are just looking at the figures. Last year we increased the cost-of-living payment by 14 percent. This year we are going to increase it 11 percent. If things do not improve drastically, it will be 10 percent next year. Social security benefits are going up faster than wages, and they are tax free. So no wonder people want to retire early.

So, times have changed from when we originally changed the law to provide for early retirement. Let me say that there is a lot of erroneous information circulating regarding the administration's proposal in this regard. The impression seems to be that everyone retiring before age 65 will automatically receive only 55 percent of their regular benefits.

In actuality, for every month beyond his or her 62d birthday that one waits to retire, his benefit would increase by 1¼ percent. So, if one decided to retire at the age of 63 years, the benefit level would be 70 percent.

If he decided to retire at the age of 63 years and 11 months, it would be 63¾ percent.

So it is not an absolute reduction from 80 percent to 55, but a graduation by month as a means of trying to discourage people from retiring early. I will be inserting a table in the RECORD at the conclusion of my remarks which shows this month-by-month breakdown.

Now here again we can make a change in the law, but we do not have to make it immediately. Admittedly, it would be unfair to people nearing their 62d birthday and are planning to retire then to suddenly change the rules. But for people down the road a way yet, a change could be taken into account in formulating their retirement plans.

I think there is a transition period here that could be taken into account and it could be worked out.

Now these are just some of the alternatives being talked about. Many experts are talking about others, including a change in the basic formula for the determination of retirement benefits. Others are discussing variations of the 10 which I have alluded to here. I personally am of the opinion that all the alternatives should be explored in depth, but that one important criteria for such consideration ought to be observed. I do not believe the Congress should or will enact any legislation that creates a hardship for those senior citizens who are depending on the social security system as their primary means of support.

Futhermore, the Congress should not consider legislation that will jeopardize those who have already based their plans in the near future on the benefits available under the current retirement system. It would be unconscionable for the Congress to pull the rug out from under those individuals and families who are economically locked into retirement years that depend on benefits derived from the social security system. It is only fair and just that we provide for changes that give all Americans the time and the opportunity to adjust to those changes.

The crises facing the social security system can be met. They can be overcome without damaging the basic fabric of the system and without going back on a 50-year commitment this Nation has to its senior citizens.

It can be done if we all work together deliberately, openly, and honestly and exercise the courage any difficult decision demands.

REAGAN ADMINISTRATION PROPOSAL—EARLY RETIREMENT

Under present law, workers electing early retirement at 62 receive benefits, over their entire retirement lifetime, equal to 80 percent of what they would receive if they delayed retirement to age 65.

Under the administration proposal, workers retiring on their 62d birthday would receive 55 percent of their regular benefits, but that percentage would increase by 1.25 percent every month. So workers who wait until they are 63 years old would receive 70 percent and those who wait until age 64 would receive 85 percent.

The following table provides a month-by-month breakdown in this regard.

Age of retirement and regular benefits received

	Percent
62 years:	
0 months	55.00
1 month	56.25
2 months	57.50
3 months	58.75
4 months	60.00
5 months	61.25
6 months	62.50
7 months	63.75
8 months	65.00
9 months	66.25
10 months	67.50
11 months	68.75
63 years:	
0 months	70.00
1 month	71.25
2 months	72.50
3 months	73.75
4 months	75.00
5 months	76.25
6 months	77.50
7 months	78.75
8 months	80.00
9 months	81.25
10 months	82.50
11 months	83.75
64 years:	
0 months	85.00

1 month	86.25
2 months	87.50
3 months	88.75
4 months	90.00
5 months	91.25
6 months	92.50
7 months	93.75
8 months	95.00
9 months	96.25
10 months	97.50
11 months	98.75
65 years: 0 months	100.00

PENTAGON'S FOREIGN PURCHASES

(Mr. HOPKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOPKINS. Mr. Speaker, I am going to offer an amendment to the Department of Defense authorization bill to prohibit the DOD from buying foreign-made vehicles.

The Pentagon is systematically buying foreign-made trucks and noncombat vehicles from England, West Germany, and Italy. In Europe, the Army and Air Force plan to replace their entire fleet of 20,000 pickups, vans, and similar vehicles with models made by Mercedes-Benz, Volkswagen, British Leyland—a company that is, incidentally, almost bankrupt—and Italian companies.

How can the Pentagon buy foreign vehicles when the administration is encouraging American consumers not to buy foreign? How can the administration ask foreign consumers to buy American when even the Pentagon does not buy American?

It looks to me as though they are talking out of both sides of their mouth. My amendment would take this option away.

Uncle Sam must give more than lip service to the American automobile industry, the American worker and the American taxpayer. And the American consumer should not have to bear the brunt of Government support for the failing U.S. automotive industry. Taxpayers should not have to bail out and compensate for sagging auto sales.

We cannot permit this "buy foreign" program in the Pentagon, not while the Government pays hundreds of millions of dollars in unemployment benefits, not when the Government loses billions of dollars in tax revenues, not when the unemployment rate climbs 1 percent with every 1 million people unemployed.

Whatever dollars-and-cents savings allegedly derived form buying foreign vehicles—when GM, Ford, and Mack Truck all have truck manufacturing capabilities in Europe—cannot offset the lack of Government support for America's own auto industry.

My amendment would prohibit the DOD from buying foreign-made vehicles—except in the rare case when a like or similar American-made vehicle is not manufactured. It would instill a policy of building America by buying American.

At a time when the American auto industry needs all the customers it can get, the Pentagon is passing it by in favor of its chief competition—foreign auto manufacturers.

The Pentagon has elected to spend $300 million or more to buy these trucks for Army and Air Force units in Europe from Mercedes-Benz, Volkswagen, British Leyland and Italian automakers.

During this fiscal year, the Army will spend about $29 million for light trucks made in Germany by Mercedes-Benz and Volkswagen. The Air Force will spend about $20 million for similar vehicles.

In fiscal year 1982 the Army and Air Force want to spend about $39 million for these foreign trucks.

All this foreign spending is happening at a time when this Government is also spending millions of dollars for benefits to unemployed autoworkers; at a time when the Government has poured billions of dollars into Chrysler Corp. to keep it from going under; and at a time when this Government was forced to go against its principles of free enterprise and persuade the Japanese to voluntarily limit their auto exports to this country.

The last time I heard, Mercedes-Benz and Volkswagen were in no danger of going under. I have not seen thousands of German auto workers out of work because of cheap imports, like I have in America.

On the other hand, while we have given Chrysler billions of dollars to keep it afloat, we are also helping keep a foreign car company from failing—or rather we are delaying its death.

When the Pentagon buys trucks from British Leyland, it is buying them from a company owned by the British Government; a company that is losing $2 million a day; a company that lost $793 million in 1980, despite a 3-year, $2 billion aid package from the British Government; a company that expects its losses to continue and faces total shutdown by 1984 if losses do not stop.

Why does the Pentagon choose these companies to equip the Army and Air Force with trucks when our Government already has a heavy stake—a stake to the tune of billions of dollars—in the American auto industry?

The Pentagon says it is a program begun in 1977 under Jimmy Carter to "standardize NATO interoperability" by issuing the same equipment to all the NATO allies.

But what the Pentagon says is a "shining example of cooperation," must not be that important at all—to date the trucks are the only major equipment bought for "interoperability."

What about cooperation between our Government and the American auto industry? The priority should be on this, at home. Whatever dollars-and-cents savings allegedly derived from buying foreign-made vehicles—when Ford, GM, and Mack Truck all have truck manufacturing capability in Europe—cannot offset the lack of support for America's own industry and workers.

This is a question of American jobs, increased unemployment, lost tax revenues. How can you put a price tag on these things?

I for one refuse to support this program on the backs of American workers. The Pentagon is chipping away at the administration's credibility, and hurting an industry that is already hurting badly.

To end this double standard, I will offer an amendment to the DOD authorization for fiscal year 1982 to prohibit DOD from buying these foreign-made vehicles when suitable American models are manufactured. Of course, in the rare case when suitable American vehicles are not made, the DOD could buy from foreign manufacturers.

The American consumer should not have to pay for sagging auto sales, or bail out failing auto makers when the Pentagon is going to go behind their backs and undo billions of dollars worth of support.

This idea already has support in the House. This Congress has power to approve or disapprove the appropriation for these trucks. I am going to do all I can to see we do not give the go-ahead to any plan that robs American workers for the sake of an apparently low priority program.

COMMENCEMENT ADDRESS OF HON. THOMAS P. O'NEILL AT BOSTON COLLEGE ON MAY 18, 1981

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 5 minutes.

● Mr. BOLAND. Mr. Speaker, on Monday May 18, 1981, commencement exercises were held at one of America's most venerable institutions of higher education, Boston College in Chestnut Hill, Mass. In addition to the 2,500 graduate and undergraduate degrees conferred, honorary degrees were bestowed upon 6 distinguished Americans.

Receiving honorary degrees were Rose Fitzgerald Kennedy, the mother of our late beloved President John Fitzgerald Kennedy, MARGARET M. HECKLER, our very distinguished colleague from Massachusetts, Rev. Joseph D. Gauthier, S.J., lecturer in romance languages at Boston College, Donald F. McHenry, former U.S. Ambassador to the United Nations,

Joseph H. Silverstein, first violinist and concertmaster of the Boston Symphony Orchestra, and Paul D. Sullivan, director of the Pine Street Inn, a shelter for the poor and homeless in Boston.

Perhaps the most significant award given by Boston College is the prestigious Ignatius Medal. This award is given each year to recognize individuals who endeavor, in the spirit of Saint Ignatius Loyola, to exercise their leadership to promote Christian principles and the well being of mankind. This year, Boston College has selected a particularly deserving national leader to receive the Ignatius Medal, the Speaker of the House of Representatives, the Honorable THOMAS P. O'NEILL, JR.

I know that all the Members of the House join me in congratulating the Speaker on his receipt of the Ignatius Medal. The Speaker, who graduated from Boston College in 1936, delivered the principal commencement address at Boston College this year, and I include his sage and timely remarks in the RECORD at this point:

COMMENCEMENT ADDRESS BOSTON COLLEGE, MAY 18, 1981, BY SPEAKER THOMAS P. O'NEILL, JR.

Thank you very much Father Monan, Bishop Daily, members of the clergy. Congresswoman Heckler, Ambassador McHenry, distinguished honorary degree recipients, members of the faculty, graduates of the class of 1981, parents, alumni and friends.

I have received many honorary degrees and awards and made a number of commencement addresses. At no previous commencement have I shared the platform with such a distinguished group of honorary degree recipients. Most of them are my friends and have my great respect. And let me say that no one has given more to this Nation, no one has set a better example for the people of this country as a wife, mother, catholic and public spirited citizen than Rose Fitzgerald Kennedy. I am deeply honored to share this occasion with her and her family.

Peg Heckler is my colleague and friend; a respected and influential Member of Congress, an outspoken advocate of women's rights and a real force for moderation and responsibility in her party. And I know once the gloss begins to wear off that former Democrat in the White House she will listen to her old friend Tip again.

Ambassador McHenry is a close friend and respected diplomat. His superb performance at the U.N. brought credit to him and more success to the United States in that body than we have had there in a long time. Not only did our country benefit from your service but mankind did as well.

Paul Sullivan's work among the homeless, sick and outcasts of Boston is as genuine a manifestation of true christian love and good works as any that I can imagine. We all are so appreciative of what he does for the unfortunate among us.

Father Gautier represents the truly great tradition of Jesuit instruction. Lately we have become so concerned at maintaining standards and quality in our academic institutions. Father Gautier and his order have set the standards by which academic excellence should be measured.

Joseph Silverstein represents what makes Boston different. Boston is not only a center of commerce but a center of culture as well. The Boston Symphony Orchestra brings Boston's culture to the world. Mr. Silverstein is the premier concertmaster and first violinist of the greatest symphony in the world.

I have received numerous honors from Boston College and served on a number of university boards. One of my greatest honors was the establishment of a chair in American politics in my name. I would like to congratulate the university for filling the chair with that distinguished scholar and fellow new dealer Sam Beer.

I am deeply honored to receive the Ignatius Medal from my alma mater Boston College and I am particularly pleased that Father Monan, one of this Nation's most distinguished, capable and brilliant university administrators presented it to me.

The Jesuit order following Saint Ignatius' example, has always seen the hand of God in lay as well as religious pursuits. And because of this, Jesuits have demanded a high standard of excellence and achievement from those whom they teach. In the United States that commitment to high standards has been of enormous benefit to those who were educated by Jesuits, and to society as a whole, which has been enriched by the contributions of graduates of Jesuit institutions.

I am truly honored to receive this medal from my alma mater because I genuinely appreciate what Jesuit expectations are in the religious as well as the secular life. This is a very special honor. Thank you, Father Monan, thank you, students, graduates and alumni of Boston College.

As I stand here speaking to this vast audience on this magnificent campus, I inevitably contrast the splendid circumstances of today's ceremony with my own graduation in 1936. Things were much different then.

The graduating class consisted of 261 males. There were many fewer buildings on campus. The law school was downtown at 11 Beacon Street. There was no business school. Our country was wracked by a Great Depression and our political institutions were being severely tested because 25 percent of our work force was unemployed. Access to higher education was limited to most high school graduates by economic circumstances. Yet we had a spirit and sense of purpose that I recognize here today.

Clearly as I look out today times have changed. Boston College is a national university. Its graduates are men and women of achievement and influence in all professions and in every field of endeavor. Thirteen thousand high school seniors competed for two thousand seats in the class of 1985. Our graduate schools are leaders in their respective professions.

A lot has happened to Boston College in a relatively brief period of time. Yes it has changed, but it has grown and prospered as well. To a great extent this has occurred because of the leadership of presidents like Father Monan; because of the firm foundation provided by the Jesuit order and the Jesuit tradition; and finally because of the achievements of its students and graduates.

There has been another factor in the success of this university and many other universities. It is the fact that following World War II, millions of Americans for whom higher education was only a dream, saw it become a reality. The G.I. bill of rights marked the beginning of an investment by the Government of this Nation, in the universities of this Nation. This was done by providing a helping hand to those 12 million veterans who sought a college education.

That commitment was sustained through later G.I. bills, national defense loans, basic educational opportunity grants and the middle income student assistance loans.

Government invested heavily in university-sponsored basic research to promote technological and economic progress in this Nation. For example, this university's Institute of Social Welfare Research recently received a $600,000 grant from the Department of Health and Human Services to develop a sophisticated economic forecasting model vitally needed by our Government.

American investment in education was made with the expectation that our economy would benefit from a pool of better educated people; our national security would be enhanced by our having more scientists and engineers and our public life would profit by having a more informed citizenry.

Has the investment of the past 30 years paid off? Yes, it has. The United States is a strong and stable democracy. The recent flight of the *Columbia* is evidence of our continued advantage in space exploration. The fact that our economy created over 10 million new jobs in the last decade in order to absorb the postwar generation is stunning evidence of the wisdom of that investment. Finally the new roles for women, minorities and the handicapped in the workforce could not have been achieved without the opportunities created by increasing access to higher education.

Our society is a dynamic society with enormous reserves available to withstand and to overcome social and economic dislocations. In the 1960's we suffered a series of social shocks; in the 1970's a series of economic shocks. Each shock sent strong waves through the political system. Yet despite these shocks today we as people look forward to a better America; a better future. The reason for this confidence is the fact that we know we have the people and the capital to solve our problems.

America's resiliency and flexibility is drawn from the responsiveness of its political system, its great base of natural resources, its tremendous financial reserves and finally and most importantly its people.

Just as we will be wasting the 1.2 trillion dollars the Reagan administration plans to spend on national defense if we don't improve the levels of achievement of those who serve in our military, so too will we be wasting our time trying to improve our economy if we fail to invest in the people we need to direct and run our Nation's businesses and institutions.

Speaking frankly I am concerned that as a nation our Government is beginning a retreat from that form of human investment that is so vital to a large, sophisticated and highly competitive economy such as ours.

If we are to compete in this post-industrial world and recognize that 20 percent of our GNP comes from exports then we need educated people. And I can assure you that the human factor is as important as any other in securing our Nation's future prosperity.

A few weeks ago, this State of Massachusetts was described in the Baltimore Sun as having the most prosperous private sector in the Northeast. Not so long ago it was suffering, but it has replaced a declining manufacturing base with expanding high technology and service firms. This happened because of the brainpower that was attracted to and nurtured by our universities. These institutions are this State's most precious

resource. They are also our Nation's most precious resource. America will not prosper in the last years of the twentieth century and the first years of the twenty-first century by withdrawing from its commitment to education. We cannot return to depending on private benefactors to endow colleges and assist our young people in securing an education.

The simple fact of the matter is that Government must carry the burden of investment in certain areas such as health, education, defense and space exploration.

Investment in education is an investment in the long-term health of our economy and our society. Education has made the American dream a reality for millions. Now is not the time to question that investment. Now is not the time for our leaders to expect that if the Federal Government doesn't do its share someone else will. Government regulation of education may be a problem; Government aid to education is not.

There is no question that a decade of inflation has fueled a tremendous increase in Government spending and deficits. But inflation fueled by rising energy costs has impacted severely on universities and their students. Colleges are vulnerable because education is people intensive causing pressure from rising payrolls and because residential campuses carry large overhead costs. Students are vulnerable because their tuitions carry most of the operating costs and their earning power is limited. In addition their families find that what they put aside is not adequate to meet the rising costs of education.

It is precisely at a time of inflation that Government support to college students is most needed. It would be shortsighted and unfair to withdraw that support now.

Furthermore the kind of cuts in student aid now advocated will surely impact more heavily on private, competitive universities like Boston College. This country will not be served by drastically cutting student financial aid and limiting opportunities for the hard pressed middle and lower income students to attend private colleges and universities.

Over a half million middle income students now eligible for "Pell" grants may not be eligible next year and more than one million students face being forced out of or denied participation in the guaranteed student loan program.

As a nation we are faced with increasing our military expenditures by nearly fifty percent between 1981 and 1983. We are trying to curb Federal spending to reduce Federal deficits and lower inflation. Naturally we face hard choices. One choice that we must avoid is that of crippling higher education and denying our youth equal access to educational opportunity.

To the graduates let me direct a few words. You are about to start your careers. Many of you will enter business, some law, others medicine, religion and social work. As you do so do not leave public affairs to others. Education has given you the opportunity to choose from a variety of careers and to avoid a narrowly defined job that inhibits individual growth. You will find as your careers develop that you will be respected, you will have influence and you will be listened to. Take the opportunity and become a participant in the public life of your community. To do so is in the best tradition of the Jesuits and it is in the best interests of the community.

Eighteen years ago President John Fitzgerald Kennedy spoke at the centennial convocation observing the 100th anniversary of the founding of Boston College. His brief Presidency stirred in young Americans a sense of idealism, a sense of commitment, a sense that working together we could make things better. Well make no mistake about it you can make things better. You can help turn America around. In fact it is not just an opportunity it is your duty. For our Nation's work is never complete. Our true destiny has yet to be realized. As a people we are preoccupied with the future not the past. You are going to shape that future. And when the echos ring again twenty-five years from now I know that those years will have been as good to Boston College and to you as the last twenty-five years have been to this college and its graduates. With confidence that what you do will be in the "greater honor and glory of God", good luck and God bless you all.●

ENERGY INDEPENDENCE: CONSEQUENCES FOR HUMAN HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 20 minutes.

● Mr. BROWN of California. Mr. Speaker, next week the American Association for the Advancement of Science (AAAS), together with the Western Center for Health Planning, the American Lung Association of California, the U.S. Department of Health and Human Services, the California Energy Commission, the Intermountain Consortium for Energy, the University of California and Sigma Xi, the Scientific Research Society, are cosponsoring a timely and important conference on "Energy Independence: Consequences for Human Health."

This conference is one of a series the AAAS has organized throughout the United States over the past 2 years to promote constructive dialog among leaders in government, industry, labor, community organizations, scientific organizations, and other groups, on aspects of our energy concerns. I am pleased to note that these activities were possible due to a grant from the U.S. Department of Energy, which clearly has a responsibility, under the law and by commonsense, to understand all the ramifications of various energy strategies. With better understanding of the potential impacts, Government policies can be modified to eliminate or mitigate the most serious problems.

The conference next week in many ways epitomizes the type of multiple concerns leaders in all fields must have. We can no longer look at health care planning separate from energy planning, educational planning, environmental planning, or economic planning. Similarly, we can no longer look at the issue of energy development in the West, or MX missile deployment in the West, in isolation from concerns about community development, water resources, labor availability, and similar factors, which have not traditionally been the concern of energy companies, or other institutions with a narrow goal or mission. We may try to proceed with a tunnel-vision approach to any one of these major developments, but that will only increase the ultimate costs and disruption which will follow.

Recent human history is replete with examples of instances where a major change in society is attempted indirectly through technological change, only to be thwarted by public protests or accomplished at great costs to the society that change was expected to help. Massive new energy projects have the potential for great social disruptions and strife. Conferences such as Energy Independence: Consequences for Human Health offer hope that these problems are being addressed in a timely fashion.

What are the human health problems associated with major energy developments? This is a question that several governmental agencies have been examining for many years. Thousands of researchers throughout the country are attempting to obtain answers, and millions of people are vitally concerned with the results.

No energy strategy or development is risk-free. Even energy conservation has the potential to impair human health through the increase in indoor air pollution. Some energy developments have even greater risks, however, and these adverse impacts must be minimized, as should indoor air pollution.

When looking at the human health effects of a particular energy strategy, it is important to consider the entire fuel cycle—from mining and manufacturing, through combustion or use, to permanent waste disposal. In the West, where both coal and uranium are mined, where much of the combustion will occur, and where the waste products will probably end up, the consequences of energy development may be much larger than in other parts of the country. However, long-range transport of pollutants, such as sulfates from coal combustion, make it unlikely that any region can be free of the pollution which escapes as we seek our goal of energy independence.

The environmental consequences of increased energy production do have health implications. Health care costs will increase if pollution is allowed to increase. This fact was the subject of a conference I was privileged to cosponsor in 1978 with former Congressman Paul G. Rogers, who was known as Mr. Health, and as an effective protector of the environment. That conference in 1978, the National Conference on the Environment and Health Care Costs, was conducted at a time when the Congress was being barraged by complaints that environmental protection costs too much. We demonstrated

then, and can demonstrate today, that the failure to have environmental protection has its own increased costs, such as that of increased health care costs.

We do have knowledge and information gaps. We do not know the most efficient means to control pollution. Industry and government can certainly improve the efficiency of pollution control, just as they can improve the efficiency of production. We do not know how to balance the risks of an expanded nuclear fuel cycle in comparison to an expanded fossil fuel cycle. We do not know if there is a threshold level of health effects from specific pollutants, or if a threshold level does exist, what that level might be. We do not know what the synergistic effects are of new combinations of pollutants. And finally, we do not know if we have enough time and money to find the answers to these questions before we make a terrible mistake.

These issues, I should note, have been the subject of hearings in the U.S. Congress for several years. This past week, both the House Science and Technology Committee and the House Energy and Commerce Committee held hearings on the relationship between energy development and the Clean Air Act, which is up for renewal this Congress. One of the witnesses before the House Science Committee hearing, which I chaired, was Dr. Daniel B. Menzel of the Duke University Medical Center. In his testimony, he made the following point, which I heartily endorse:

> Ignoring health effects does not make them go away. Being dissatisfied with the manner presently available for quantitating their effects on the U.S. economy also does not provide society with a wiser series of choices in regulations. I would suggest that the translation of basic health research into terms understandable by a broader public, including economists and regulators, should be a general goal in technology.

If it is not too much to ask, I would add, "making basic health research understandable to politicians" to this recommendation.

One way of moving in this direction is to make sense out of the various data collection and monitoring systems established in this country for a variety of different reasons. Increasingly large amounts of data will result from our efforts to become energy independent. This information will be added to an already burgeoning backlog, that if properly handled, could influence the energy decisions we make.

At present, health information is already suffering from an information explosion. Instead of using this wealth of data to make sound health policy decisions, we are underutilizing our existing data base, and making arbitrary decisions about particular health programs, such as health systems planning agencies or hospital cost containment. Professional groups, such as the American Medical Association and the American Hospital Association, have looked upon data reporting and collection requirements as simply more red-tape, rather than as a tool for policymaking. A more constructive approach would be to simplify data collection efforts, with an overarching health, environment, energy, and economic data needs plan as a guide, and use this information to help cut costs, improve health effects studies, establish a better cause and effect relationship, and improve our understanding of human health in general.

This issue is of such importance that I have convinced my colleagues on the Science and Technology Committee to hold hearings on the potential of information technologies to help solve health problems in the first week of June. With some help from people, such as those at the Energy Independence: Consequences for Human Health Conference, this Nation can move toward a concept of a coordinated health information system that could be used for research, education, health care delivery improvements, and policymaking, on issues like pollution control.

In conclusion, I wish to reinforce my main point. We no longer have the luxury of considering one issue in isolation of its interconnecting parts. We ignore the interconnections between health and energy development, or environment and health care costs, or the economy and energy, at our peril, and to our folly. I welcome the growing dialog on this fact of modern life.●

AILING FINANCIAL INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE is recognized for 5 minutes.

● Mr. LAFALCE. Mr. Speaker, I want to insert into the CONGRESSIONAL RECORD an article that best crystallizes the problems faced by the thrift industry today and the task that confronts the Government to deal with this problem.

The article, which appears in today's Wall Street Journal, presents alarming evidence that the growing insolvencies among savings institutions is reaching the point where Federal bank regulators and Congress must consider adopting major changes in the banking industry. The message of the Wall Street Journal article does not surprise me. I have felt for some time that the continued high interest rates and the severe disintermediation experienced by thrift institutions would eventually raise the possibility of failures by savings institutions.

In fact, Dr. Norman True, Under Secretary of the Treasury for Economic and Tax Policy, earlier this week told the House Small Business Oversight Subcommittee, which I chair, that current economic conditions were very precarious. "These are the most unsound, the most unstable conditions we have had in the financial markets since the crash," Dr. Ture said during an exchange on the state of the economy and the savings and loan industry.

I hope that the following article will be closely read because it demonstrates, in hard terms, the need for immediate and wide-ranging action to revamp the Nation's financial system to preserve its essential safety and soundness and to deal with the immediate pressing problems:

[From the Wall Street Journal, May 21, 1981]

SAVING PLAN: BILL TO AID SICK S. & L.'S COULD EVENTUALLY LEAD TO INTERSTATE BANKING

(By G. Christian Hill)

To handle growing insolvencies among savings institutions, uneasy federal regulators are seeking potentially radical changes in the way that they and the whole financial system operate.

From its founding during the Depression until last year, the Federal Saving & Loan Insurance Corp., the main insurer of deposits at savings and loan associations, had to deal with an average of about one thrift-institution failure a year. It did so either by liquidating the S&L and reimbursing depositors or by paying another S&L to take over part or all of the insolvent concern. Sometimes, the FSLIC itself would buy the loan assets of a failed thrift if their yields were so far below market rates that disposal of them would cost the agency a bundle.

But no longer is sole reliance on these tactics possible, because of the sheer number of S&Ls being endangered by high interest rates. In March alone, the FSLIC added 114 S&Ls to its problem list—increasing the total of troubled thrifts 86% to 246. The agency concedes that 120 may be left with little or no net worth by year-end and that another 100 could be in the same fix in 1982.

"The FSLIC is swamped," says a former offical of the Federal Home Loan Bank Board, the agency's parent body.

PROBLEM OF CONFIDENCE

Testifying before the Senate Banking Committee last month, Richard Pratt, new chairman of the Bank Board, acknowledged that the amount of the FSLIC's spending this year "could have an unsettling effect upon public confidence in the insurance fund." He added, "We are at the point . . . where truly significant increments of assistance must come from Congress."

The thrift regulators, including the Federal Deposit Insurance Corp., which insures commercial- and savings-bank deposits, formally asked for the help last week. To relieve the strain on their funds, they proposed a bill that would let them use new tactics, including a highly controversial plan to begin to permit some interstate mergers between and among banks and S&Ls.

The FSLIC would be able to auction off falling S&Ls to commercial banks or other thrifts eager to enter new markets, at prices that could cut its losses. The FDIC would be able to sell off failing banks with assets exceeding $2 billion. Conceivably, the plan

could eventualy pave the way for large-scale interstate banking.

"What they have in mind is the auctioning of market-entry rights," says an S&L economist privy to federal officials' thinking. "It will be the only way institutions that want new out-of-state markets can get them. They'll say to Citibank that you can enter this market for this price"—that is, at the price of acquiring a sick S&L.

KEEPING THEM GOING

The FSLIC also plans to let some S&Ls continue to operate with "essentially zero capital," it says. Mr. Pratt says the agency will infuse technically insolvent thrifts with enough capital to keep them going until interest rates fall and merger partners can be found. Federal regulators have never had a program for pumping money into failed financial institutions on a large scale, but internal studies indicated that the FSLIC couldn't afford another approach.

In the bill submitted to Congress, the FSLIC and FDIC sought other changes. The FSLIC asked for an increase in its line of credit from the U.S. Treasury to $3 billion from $750 million; its insurance fund totals about $6.5 billion, compared with the FDIC's $11.5 billion. Both the FSLIC and FDIC sought broader authority to lend money to troubled thrifts well before any collapse—thus perhaps avoiding or postponing an expensive liquidation. Down the road, the Reagan administration and the Bank Board are likely to push to give savings institutions the right to enter the most profitable kind of banking business—corporate loans and deposits, which now are reserved for commercial banks.

If these new strategies fail and the FSLIC runs out of cash, it still plans to pay off insured depositors with advances from the U.S. Treasury. Uninsured depositors may get hurt, however. In a liquidation of a Chicago S&L that began Monday, the FSLIC indicated that the uninsured depositors could lose one-fourth to one-third of their unprotected funds.

FIGHT ON CAPITOL HILL

The FSLIC will soon begin its plan to nurse a group of "essentially zero capital" S&Ls. But its plan for a distress auction through interstate banking faces a fight on Capitol Hill. Trade groups for thrifts and small banks oppose interstate banking, at least of the kind that would let money-center banks gobble up everybody in sight. Moreover, Congress is reluctant to face this contentious issue.

Faced with determined opposition by the trade groups, the regulators may see their bill significantly modified by Congress or even defeated. "I'm told it's a close call, 50-50," says one investment banker who has conferred with the FSLIC.

But the regulators have a powerful trump card: They can confidently say that if current interest rates persist a few more months, the FSLIC insurance fund will be hit with sizable losses or be tied up with below-market assets purchased from failed lenders to an extent that may jar public confidence in the financial system. "The current plight of the thrift industry is sufficiently severe, and the stakes sufficiently high, that interim action is imperative," Mr. Pratt told the Senate panel.

Last year alone, the FSLIC spent $1 billion of its $6.5 billion fund buying the assets of just three S&Ls. (The fund nevertheless grew because of premium payments, earned interest and maturing securities.) Now, the thrifts' problems are far worse. The recent surge in short-term interest rates has put the S&Ls' cost of funds even further out of line with the low returns from their many old mortgages and seems sure to devastate many of them.

The thrift industry already is locked into a first half loss of $1.5 billion to $1.75 billion, according to Dale Riordan, chief economist for the National Savings and Loan League. And Jonathan Gray, an S&L analyst for Sanford Bernstein & Co., a New York securities firm, believes that the red ink may run to $2.5 billion in the first half and, without a break in interest rates, to $6 billion to $8 billion for the year.

"Interest rates are literally crushing this $800 billion industry," Mr. Gray says. "The situation is without precedent in a half-century."

Interest rates may plunge this summer, of course, and avert a debacle. But many economists are betting against a sustained, sharp drop. Right now, the FSLIC must find more merger partners, and more willing ones, because it isn't practical or prudent to plan on liquidating or buying all the assets of the thrifts that may fail. Their mortgage portfolios average a yield of only about 9½% and would have to be discounted by roughly a third of their face value for sale on the open market.

POTENTIAL DAMAGE

The extent of the danger can be illustrated by noting the damage that could be inflicted if just one of the many big thrift institutions that are posting serious losses should fail. A collapse of the $2 billion West Side Federal Savings & Loan Association in New York City, for example, could cause FSLIC a $700 million loss, minus what another mutual S&L might pay for West Side's branches, real estate and deposits. Even in an assisted merger, the FSLIC would have to pay the acquiring company hundreds of millions of dollars in compensation for West Side's low-yielding assets. Under any circumstance, government officials say, West Side's depositors would be fully protected.

The regulators will tell Congress that commercial banks and other out-of-state institutions must be brought in as possible merger partners. In many states, few S&Ls are healthy enough to perform that role, they say, and out-of-staters might pay high premiums to the insurance funds for the right to enter new market—and thereby reduce the required FSLIC assistance. They will promise Congress that acquisitions of thrifts by banks across state lines will be cleared only as a last resort. The Bank Board already has authority to merge federally chartered S&Ls across state lines but hasn't yet used it.

"I think there is a substantial possibility that a regulators' bill with broad powers can be passed," Mr. Pratt says.

It is passed, the main question is whether it will lead to a "handful of interstate acquisitions or a new financial system," a Reagan administration economist says. For several reasons, some financial experts believe, the legislation would indeed accelerate the advent of full-scale interstate banking.

Money-center banks such as Citibank clearly want to establish nationwide networks of financial institutions in strong markets, and acquisitions of big, multi-branch thrifts would offer an opportunity. Under some circumstances, moreover, banks would be able to deduct from taxable income the huge losses involved in marking down S&L assets to market value from face value to reflect their low yields. Such tax benefits aren't available to the FSLIC. "The FSLIC has to find a way to use the tax advantages inherent in a takeover," one investment banker says.

Meanwhile, the agency is having difficulty finding thrifts within states such as New York to take over crippled S&Ls, with or without tax advantages. It has been trying to merge one New York City S&L for almost half a year and may have to buy $400 million of its below-market assets to close the deal.

So, if thrifts' losses keep growing, the market for interstate transactions seems likely to expand. Moreover, interstate auctions of failing financial institutions will probably get the support of the Reagan administration, which prefers private-market to taxpayer bailouts. "You can assume we would be very interested in providing the maximum opportunity for both intrastate and interstate acquisitions of S&Ls that might be in some financial difficulty," says R.T. McNamar, deputy secretary of the Treasury.

And once the door to interstate banking is opened a crack, it may be hard to stop it from swinging wide open. How can regulators logically argue that interstate acquisitions of sick institutions are healthy but that interstate acquisitions of healthy ones aren't?

"They can't," contends Mr. Riordan, the S&L economist. "There would be no justification for prohibiting healthy institutions from merging across state lines."

However, Saul Klaman, president of the National Association of Mutual Savings Banks, observes, "That is what many (bankers) are afraid of." He adds that the big banks will "use these critical situations to come through the back door" to interstate banking.

Interstate acquisitions of financial institutions still face legal and practical problems, though. State laws prohibit stockholder-owned companies from taking over mutual S&Ls and mutual savings banks, which make up 80% of the thrifts. The regulators, however, are planning to shape their bill to make it easier for mutuals to convert quickly to stock ownership and thus facilitate mergers.

SOLUTIONS SEEN POSSIBLE

"Acquisitions of mutuals by stock companies would be difficult but could be dealt with," says David L. Smith, a partner in Kaplan, Smith & Associates, a merger specialist and S&L consulting firm.

But even backers of interstate banking doubt that it would help failing S&Ls that are small or in weak markets. "How would you like to acquire an S&L in Newark, N.J.?" asks Ernest Leff, an S&L attorney and merger expert. "What will happen is two or three spectacular acquisitions, the easy kind. But the problem will still remain, by and large."

That is where the FSLIC's program for shoring up insolvent S&Ls comes in. As long as these thrifts can be kept going, the agency doesn't have to write down their assets. In effect, shoring them up is the cheapest maneuver until interest rates fall. But it could be dangerous or futile. "Such a plan just papers over the problem with money, but doesn't really solve anything," a former Bank Board examiner says. He suggests that, depending on future interest rates, losses could ultimately prove larger than if the insolvent S&Ls were just liquidated.

FEDERATION OF SOUTHERN COOPERATIVES

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DYMALLY. Mr. Speaker, I wish to bring to the attention of my colleagues a most distressing situation involving the Federation of Southern Cooperatives, an association of low-income cooperatives and credit unions in the rural South which seeks to improve the quality of life for poor and minority people through economic development.

Nearly 2 years ago, the Federation of Southern Cooperatives was the subject of an audit by the Government Accounting Office. In spite of the fact that this audit found no wrongdoing, the federation subsequently became the subject of a grand jury investigation by the U.S. Department of Justice. After nearly a year and a half, no charges have been brought. Yet, the financial costs of the legal defense and the damage to the federation's reputation as a consequence of this ongoing investigation threaten to put the federation out of business. Already, services have been effected, and many innocent and needy people, whose security and welfare depend on this program, are suffering.

Tragically, other minority-oriented self-help organizations throughout the South are having similar experiences. Indeed, we saw much the same pattern with the proverty programs of the sixties and early seventies. Minority elected officials also commonly are subjected to politically motivated law enforcement investigations, as was documented in a report issued in 1977 by the National Association of Human Rights Workers.

Members of the National Committee in Support of Community Based Organizations have publicly expressed their concern at these methods of inhibiting local efforts to achieve self-sufficiency through economic and political development.

I join with these voices in expressing concern that today's conservative climate not turn our attention from the unfinished task of assuring full participation and representation of all citizens in this democracy.

□ 1115

AMERICAN RED CROSS CENTENNIAL

Mr. BONKER. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 120) Commemorating the American Red Cross upon its centennial, and ask for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 120

Whereas in 1881 Clara Barton and her associates founded the American Red Cross to mitigate suffering from wars and disasters, in the spirit of the first Geneva Convention on humanitarian law which the United States ratified in 1882; and

Whereas because of the importance of that work the Congress later chartered the American Red Cross with the mandate to help our Government meet commitments under that and subsequent humanitarian treaties; the mandate to serve as an independent medium of communication between the American people and their Armed Forces; and the mandate to maintain a system of local, national, and international disaster preparedness and relief; and

Whereas the American Red Cross was thus established as an instrumentality of the United States to ensure the permanence of its work, public confidence in its integrity, and the support of the people; and

Whereas the American Red Cross has faithfully carried out those mandates and for one hundred years has gained the confidence, respect, and involvement of our people and Government, and through its development of nationwide volunteer blood services and other vital health, safety, and volunteer services in communities across our country has improved the quality of human life by helping people avoid emergencies, prepare for emergencies, and cope with them when they occur: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States, on behalf of the Government and its people, extends greetings to the American Red Cross upon its one hundredth anniversary, pays tribute for the century of services to people it has given, notes with gratitude its readiness for a second century of service, and urges all Americans to rededicate themselves to the ideals of voluntary service to mankind so evident in the work of the American Red Cross.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. LEACH of Iowa. Mr. Speaker, reserving the right to object, I take this time to ask for an explanation of the concurrent resolution from the subcommittee chairman.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Washington.

Mr. BONKER. Mr. Speaker, I rise in support of House Concurrent Resolution 120, commemorating the American Red Cross upon its centennial.

This week the American Red Cross is celebrating its 100th anniversary of humanitarian service to peoples who are the victims of disaster locally, nationally, and internationally.

Since the Congress chartered the American Red Cross pursuant to the first Geneva Convention on Humanitarian Law, the various chapters of the American Red Cross have faithfully carried out their mandate for 100 years by developing nationwide volunteer blood services and other vital health, safety, and voluntary services in communities across the United States and throughout the world by helping people avoid emergencies, preparing for emergencies, and coping with emergencies whenever they occur.

Whether the problem is a town destroyed by a tornado in the United States or in a refugee camp in Southeast Asia or, recently, the Horn of Africa, the members of the American Red Cross have shown time and time again that their organization is indispensible. The Subcommittee on Human Rights and International Organizations, which I chair, has oversight jurisdiction, and we have had an opportunity to observe the tremendous work that is being done by both the American chapters and the International Red Cross.

Mr. Speaker, this concurrent resolution extends the greetings of the Congress to the American Red Cross on its 100th anniversary and pays tribute for the century of service it has given to the people and urges all Americans to rededicate themselves to the ideals of voluntary service to mankind as exemplified by the American Red Cross.

Mr. Speaker, I want to take this opportunity to commend the author of the concurrent resolution, the gentleman from North Carolina (Mr. MARTIN) for his initiative in this matter and his commitment to this issue. I commend also the ranking minority member of the subcommittee, the gentleman from Iowa (Mr. LEACH), for his leadership in getting this resolution to the floor for today's action.

Mr. Speaker, I urge unanimous adoption of the concurrent resolution.

Mr. LEACH of Iowa. Mr. Speaker, further reserving the right to object, I yield briefly to the gentleman from North Carolina (Mr. MARTIN) who is the chief sponsor of this concurrent resolution.

Mr. MARTIN or North Carolina. Mr. Speaker, I want to express my appreciation both to the gentleman from Washington (Mr. BONKER) the distinguished chairman of the subcommittee, and his ranking Republican colleague, the gentleman from Iowa (Mr. LEACH) for their leadership in bringing this concurrent resolution to the floor today.

Mr. Speaker, on May 21, 1881, Clara Barton met with a small group of associates here in Washington to form what they called the American National Society of the Red Cross of Geneva. They sought to mitigate suffering from wars and disasters, in the spirit of the First Geneva Convention on Humanitarian Law which the United States ratified in 1882.

Because of the importance of that work, the Congress later, in 1905, char-

tered the American Red Cross with the mandate to help our Government meet commitments under that and subsequent humanitarian treaties; the mandate to serve as an independent medium of communication between the American people and their Armed Forces; and the mandate to maintain a system of local, national, and international disaster preparedness and relief.

The American Red Cross was thus established as an instrumentality of the United States to insure the permanence of its work, public confidence in its integrity, and the support of the people.

The American Red Cross has faithfully carried out those mandates and for 100 years has gained the confidence and respect of our people and Government, and through its development of nationwide volunteer blood services and other vital health, safety, and volunteer services in communities across our country has improved the quality of human life by helping people avoid emergencies, prepare for emergencies, and cope with them when they occur.

These past several weeks have seen a variety of local celebrations all across our land of the work of the 3,100 local chapters and 57 regional blood programs, as well as 240 offices on military bases and hospitals worldwide and 56 service units at Veterans' Administration offices.

The American Red Cross is currently the largest nonsectarian, private, voluntary health and welfare organization in this country. Its services are provided through 1,413,267 volunteers supported by 18,353 staff. These figures do not include 4,158,185 blood donor volunteers nor 4,196,113 students involved in elementary and secondary schools.

It was, therefore, a great pleasure, Mr. Speaker, for me to introduce this resolution (H. Con. Res. 120) to celebrate and to add our expression of gratitude and to bestow honor upon the American Red Cross for its work and to challenge this Nation to continue to follow its leadership and to support its endeavors in the years to come.

(Mr. LEACH of Iowa asked and was given permission to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, the American Red Cross is celebrating this year, its 100th anniversary. Operating under congressional charter with more volunteer participation than any organization in America, the Red Cross aids disaster victims in times of emergency at home and abroad and serves magnificently, members of the Armed Forces, veterans, and their families.

Founded by a brave and caring American woman, Clara Barton, and her associates in 1881, the humanitarian assistance which this organization has rendered over the past century is unparalleled and represents the best of our American traditions of compassion and voluntarism.

The Red Cross, on an international level, has become a universal symbol of humanitarian concern that rises above the political barriers which divide the people of this world. At home, the Red Cross provides crucial disaster services, operates a blood donor program, provides youth service opportunities for our young people, and is involved in a variety of important community health and safety programs.

House Concurrent Resolution 120, introduced by our esteemed colleague, Mr. MARTIN of North Carolina, is a timely and fitting tribute to the longstanding contribution which the American Red Cross has made to this Nation and the world.

I urge its adoption.

● Mr. ZABLOCKI. Mr. Speaker, I rise in support of House Concurrent Resolution 120, commemorating the American Red Cross upon its centennial.

I want to take this opportunity to commend the author of the resolution, the gentleman from North Carolina (Mr. MARTIN) for his initiative in this matter and also to commend the chairman of the Subcommittee on Human Rights and International Organizations, Mr. BONKER, and the ranking minority member of the subcommittee, Mr. LEACH, for their leadership in bringing this timely resolution to the floor today.

Mr. Speaker, as the distinguished chairman of the subcommittee stated, the American Red Cross is indeed an indispensable organization. Founded in 1881, the American Red Cross and its 60 chapters operate under a congressional charter and fulfill America's obligations under international treaties by serving members of the Armed Forces, veterans and their families, and assisting disaster victims and other Red Cross societies in times of emergency.

The American Red Cross is always present in time of need. In fact, it seems routine for the American Red Cross to appear on the scene after a natural or manmade calamity. Whether the disaster involves flood, tornado, hurricane, earthquake, or war, the members of the American Red Cross have come to the rescue.

I therefore join my colleagues in extending our greetings to the American Red Cross on its 100th anniversary and urge the adoption of this resolution.●

Mr. LEACH of Iowa. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington (Mr. BONKER)?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BONKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE REAGANOMICS "SINKHOLE"—II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, the day before yesterday, in the 1-minute section that is allotted customarily by the Speaker to those Members wishing to address the House for 1 minute, I addressed myself to what I called the Reaganomics Sinkhole, pointing out the use of some of the newly coined phrases so traditional in Washington: Credibility gap, Reaganomics, Nixonomics, Carternomics, and so forth. And then at the beginning of this session, I said that the President was beginning to open up the black book of Dave Stockman, the Director of the Office of Management and Budget, and was holding forth what was shaping up in what was already propagandized and, under very heavy political pressure, pushed sight unseen as the Reagan economic recovery plan.

Mr. Stockman was in fact part of a small group that was urging the President upon the assumption of his oath of office to declare a national emergency, an economic emergency, very much along the style of Franklin Roosevelt's. In fact, he even alluded in name and by name to that illustrious Democrat.

And then, for whatever reason, it was not done—I guess because it shocked even the most detached and partisan observer on either side, because obviously it was a travesty of commonsense in reality to say that the country was in that dire a situation; that is, a situation that could best be described as a depression. But apparently there was enough realism, and that was not done. Instead, we had the economic recovery plan.

Now, when we talk about economic recovery and we are assaulting the problem in the name of fighting inflation, then it seems to me that it is in order to define terms. What were they talking about? Were they talking about a depression, a depressed econo-

my, an inflated economy, or a deflated economy?

Well, the truth is that in order to conform with their interpretation as to the reasons for the results of the election last November 4, they had to, because, after all, one of the real reasons for the results on November 4 was that in the industrial economic underbelly of our country, which is the producing area, the manufacturing area, a terribly depressed situation confronted the Nation.

I do not see in retrospect how anybody, much less President Carter, could have expected any other result when the picture in the middle of October was that in the Detroit and surrounding areas there was an unemployment rate in excess of 20 percent. And as one of my colleagues from the Detroit area told me on October 2, when we adjourned for the election, about 80 percent of those workers unemployed—and by that time there were the 200,000-plus unemployed in the automobile and related industries; that meant that applied to more than the State of Michigan, to Illinois, Wisconsin, New York, the New England States, New Jersey, and Ohio, all of these were depressed areas with high unemployment—my colleague told me that 80 percent or better of those workers in the Michigan area would be running out of unemployment compensation on October 15.

Well, nobody has to be a political expert or seer or prophet to know that no man, no incumbent, could possibly hope to try and counter those circumstances. When the assumption of power of the new administration and President Reagan came about, then we had the initial unveiling, if you will recall, of the so-called economic recovery plan, which was tied in with so-called tax reduction and tax reform.

Mr. Speaker, it so happens that the last three tax bills and in fact the last four major tax bills that passed Congress and that administrations sweated over were all labeled "the tax reform and reduction bill." In fact, the one in 1978 was palmed off as a tax reform and reduction. I did not vote for a one of those because they were not reform and they were not reduction, and I think every taxpayer will testify to that.

So then we had at that point this unveiling of a so-called economic recovery plan, and it was then even in a state of process; that is, it had not really been shaped out, and it is not even now, because those Members who are on the Housing Subcommittee were facing that when the Secretary of HUD said that in the major assistance housing programs, which we are struggling to reaffirm or renew on a yearly basis, the decisions have not been made. Of course, the Members were still in the midst of that process, and he comes in and tells us they are still making decisions as to what will be their ultimate plans for such things as UDAG, the urban development action grant program, and even FHA, on which in effect we caused the administration and Dave Stockman to reverse themselves. They had marked FHA for extinction, and it was only after we summoned Mr. Stockman to the subcommittee and probed and challenged that changes were made.

□ 1130

In the beginning of the month of February, and it was not until then, Mr. Reagan and Mr. Stockman reversed themselves three times in 6 days on UDAG, and yet we did not succumb to the pressures in January and even in December by those who said you better back up, sight unseen, rubberstamp, do not ask questions, get in line and back up Reagan's economic recovery plan, the ERP.

The day before yesterday I pointed out that one of the phrases coined when the outcry arose after Mr. Stockman's black book was first opened up was that the poor, the needy, the handicapped, the blind, and the lame, were the ones that were going to be asked to sacrifice in order to resolve the terrible problem of inflation, and such things as were loudly pronounced during the campaign as "balancing the budget."

Lo and behold, in the middle of January, Mr. Stockman, Mr. KEMP, and Mr. ROTH said, "Oh, no, balancing the budget is not a priority, not any more. That will have to wait. No, that is not a priority, that is not essential," even though this is what the whole pitch of the campaign turned on, and such Members of the Congress and myself were attacked severely as spenders, as unrestrained spenders. Why? Because we have supported such things as UDAG, we had supported such things as FHA, we had supported such things as food stamps.

So, then, when these were under attack, and the outcry came, "Well, you are going to take it on the poor," the Reagan answer was: "Oh, no, we have a social safety net." That is the charm word. This is the famous word of 1981, a social safety network.

Well, it turned out, as I say, day before yesterday, that instead of a network it is a yawning sinkhole like the ones that are appearing over in Florida, and into that sinkhole goes all of the hopes and dreams and aspirations of the families that wish to be able to afford a home, a single-family dwelling unit, in the great promise of the 1937 and 1947 congressional expression that every American family should have an opportunity for a safe, decent, hygienic home.

That can wait. It has gone down the chasm of the Reaganomics sinkhole.

But I think that in order to really grasp from a perspective as to what is really happening, we have to look at a much broader picture and show some of the things that have been fundamentally erroneous, based on fallacious reasoning.

We learned in our schooldays in courses in logic that any syllogism, that is, any argument or thesis that was predicated on a false basis or assumption, could not possibly conclude in a sound or true conclusion.

The fallacy with the Reaganomics is that it is all based on two fallacious or actually mythical assumptions. One of them is that the Federal budget is out of control and has been, and the other is that 99 percent if not 100 percent of this thing they call inflation, but which really is more complicated than just inflation—there is such a thing as this phenomenon known as stagflation which they do not address—is the fault of the Federal Government, it is all due to Federal spending.

Well, not even their own economists agree to that. No economist worth his salt will tell you that, insofar as the inflationary heat and pressure which not only this Nation but the industrial nations of the world are facing.

So you have to remember you have countries like Israel that have 135-percent inflation. Our neighbor to the south, Mexico, has 40 percent inflationary pressures, almost a 50-percent unemployment rate, with 50 percent of the population averaging about 15 years of age.

The administration is not even offering any kind of a program with respect to the continuing problem of the influx of so-called undocumented workers.

In all fairness, neither did the previous administration, or the Congress—let me put it that way—because the previous administration did make efforts and attempts and the Congress and the administration did what this administration is now doing in such things as the field of housing. They appointed or called for the appointment of a study commission.

Whenever the Congress or any branch of the Government does not want to do anything, why, they appoint a commission; study the matter.

So the commission studied and reported this last March, and I have not seen one Member on either side of this aisle or the administration offer any kind of legislative suggestions based on the commission's recommendations.

So this is one part of the contributing factor that is not even taken into account in this complicated equation.

But let us ponder a little bit these two fallacious assumptions. First, that the Federal budget has been out of control because the liberals have had their day, November 4 was the resurgence of conservatism.

Well, I wish to heaven that this had been true. I wish characters like

myself, who are labeled and probably admit to being liberal, if you define the word as I would define it, I wish we had been in control. I will guarantee you the needs of this country would have been a lot more realistically met and less temporized with, as we have had to do all through the course of the last 20, 25, 30 years.

The truth is that you look at who has been in control of the Appropriations Committees. The longest time chairman of the Appropriations Committee was my illustrious colleague from Texas, the Honorable George Mahon, and if anybody dares call him a liberal I think he would go get his gun all the way from Lubbock and shoot you down.

They have been in control. It has been the conservatives and it has not been the liberals.

The idea that the Federal budget has been out of control is just absolutely not meeting square full the facts. In fact, Congresses have been relatively conservative, very conservative, and all through our history. In fact, that is one of the reasons why I believe that, looking at it even from a broader perspective, we have entered a very, very difficult period in our national history.

You know, when we had the onset of the Depression—and I am old enough to remember—it was not the Congress that rose to the occasion and it certainly was not the judiciary; it was the executive branch. It was the emergence of the Roosevelt period known as "the New Deal," and the New Deal was an administration program presented to the Congress. Every subsequent administration then had some kind of program.

There was a relaxation of that, of course, with President Eisenhower, but even he had some administrative presentations that were initiated from the executive branch.

For example, that which the Republican Convention repudiated last August or July, the multinational financial institutions program, were Eisenhower ideas and Eisenhower administration programs, and they were wise and they were good. They have served their purpose.

In fact, every President, including this one, is saying that they are essential to the carrying out of fundamental national foreign policy.

That is why I say that the whole picture has been very inconsistent because I might say, by way of explanation, that Mr. Reagan is insisting that in this same budget that he says more than 1 million recipients ought to be cut out of food stamps, social security beneficiaries ought to be cut down, he is saying that these multinational institutions that grant way below market rate interest rates, even as low in some cases as 3 percent, that we should at the same time appropriate over $3.5 billion, and you do not read about that. Why? Because this is a reversal of what our Republican Party colleagues have been doing to us when we had Presidents who said we have got to have this program for the viability of our foreign policy and the national interest of the country.

But you do not hear that now. This is why I say that the safety social network, whatever that is, is really just PR expression to hide the fact that the Reaganomics really means that what we are doing is cutting away one-half of the program developed beginning in the 1930's by the Roosevelt administration in an attempt to solve the depression, which, incidentally, I might remind my colleagues, never was really solved. It was temporized with.

But capitalism was saved by Franklin Roosevelt's ingenious programs which included a welfare state socialism for the poor and unemployed and welfare state socialism for the rich and the corporations. That is how capitalism was saved in the 1930's.

But had it not been for the advent of World War II there would not have been any such thing as full employment or a final resolution of that dilemma, basic dilemma confronting American society, and the American economic structure. It was just postponed, and today, having to face the renewal of the confrontation of that problem, Mr. Reagan's Reaganomics is saying, "Cut the welfare state for the poor but, by all means, strengthen the welfare state for the rich."

So that his tax program, by all admissions and the constant interpretations, does not mean 1 cent to the average taxpaper but if you are in the $50,000, $100,000 bracket, yes, it will mean a few hundred dollars, maybe a few thousand dollars that you will get by way of a tax reduction.

If you are the biggest of the corporate interests, well, you will get just that many more billion dollars of tax writeoffs which the Congress in the last 10 years has given to amount to more than $130 billion of tax reductions and writeoffs for those interests on the mythical theory that this will provide the wealth for the upper which will then trickle down to these lesser characters known as just the plain, ordinary folk.

This is the issue today. This is why I say that Reaganomics is a sinkhole and that far from being any kind of a social safety network it is a yawning chasm which involves the substantial reduction in the standard of living for the overwhelming proponderant number of Americans; that is the greatest number from the middle class on down.

□ 1145

The most horrible aspect of the period we are entering into is that for the first time we are being kidded into class against class. As I try to remind my ethnic brothers who in many instances are still reacting to the 1950's and even the 1960's, the so-called civil rights program, I point out that there is one, this great country of ours, still the last bastion of full individual personal liberty, standing out like a beacon light in the world, even in contrast to our mother country that has given us the heritage of democratic institutions such as England. Even there where they are getting the problems that they have so cavalierly looked down upon us when we were struggling with them, such as racial strife, I think it is significant to note that in England there is strong talk about maybe having a written constitution that would encase some of what we call our Bill of Rights.

As I remind my ethnic and other brothers in the Congress, they do not have the first amendment—only in America.

When some of my friends have gone over to Cuba and stroked Castro's beard and kissed his fanny, and the wives of industrialists have done the same thing and literally led a pilgrimage over to Havana and extolled their virtues, and asked me to go, I refused. I said it is a land of tyranny.

What is the difference—only in the outward nomenclature of the regime. But what is the difference, whether it is a Socialist, Nationalist, Communist, or a Fascist or whatever-you-want-to-call-it state, you do not have the first amendment—only in America. Do they have the first amendment? No, they do not.

Then I do not want to go. It is that simple. All of this is involved in the period that we are entering in America.

T. B. Macaulay, Thomas Babington Macaulay, in the last century a great thinker and writer, after having visited in America wrote and said, Oh, you boastful race. You chide us in Europe for your egalitarian—that is your equality—and your freedom and access to equality. Oh, yes, of course, you have the frontier. That is a safety latch, a safety catch, a safety valve. But I appeal to the 20th century when America has filled up, and you begin to have the teeming concentrated centers like in Europe, then I appeal to see how much better you resolve the question.

What they talk about is that we know, all of us that pride ourselves on our different ancestries, there was a good reason why our fathers came here, and that basic reason was opportunity, opportunity to work in peace and freedom, no matter it was from England which has been a relatively free country.

But when we consider the differences, I think that we should ponder the fact that if you are the son or

daughter of a laborer, a hod carrier, or a bootmaker or a barrelmaker in England or France or Germany and you want to be a doctor or a lawyer, the chances are very much against that happening. In America it still can be said we have that chance.

But this is what is at stake. This is what Reaganomics is all about. This is what the Reaganomics sinkhole offers these aspirations, because it is saying that, whether it is a tax policy calculated to ease the burden of taxation, for whatever purpose, or whether it is a reduction in the level of services and responsibilities.

Remember—and again I say by way of parentheses—that Mr. Stockman makes it clear what his philosophy is. His philosophy is not a throwback to Herbert Hoover; it is a throwback to Calvin Coolidge. Herbert Hoover at least on the eve of his departure in 1932 confronted the reality of the crisis and appointed commissions. In fact, he appointed a Housing Commission, and the recommendation of that Commission was what Franklin Roosevelt implemented shortly thereafter in what turned out to be the old HOLC, Home Owners Loan Corporation. Some of the other basic New Deal programs had first been prepared for study and recommendation by Herbert Hoover, who did not go so far as his predecessor Calvin Coolidge, who said there was absolutely no responsibility in any way on the part of any government. This is what Mr. Stockman said the other day on the Nation's TV. He said the Federal Government and government have no responsibility and should not have any.

This is a repudiation of national policy since the creation of the ICC 120 years ago. This is the other basic issue involved in the Reaganomics sinkhole.

I take the opportunity to say that this discussion this afternoon should be labeled as the "Reaganomics sinkhole No. 2, chapter 2." The Congress in the meanwhile is also at a very critical stage of development. It is very interesting to note the connections.

We have been affected by Abscam, and I have placed in the RECORD the shameful abdication of basic principles by the Congress, by the House specifically, in confronting the need to preserve above all its independence. After all, this is the first branch in article I of the Constitution, coequal and independent, contrary to the opinion loose in the land that the Presidency is omniscient and all powerful and first. It is not. It is coequal and independent. The Congress above all—in fact, in the first 10 years of our national existence, those great Americans who forged this Nation thought so little of this type of office that in the first 10 years of national existence they did not even bother to have the Office of the Presidency. All they had was the Congress, the Continental Congress.

Article I clearly shows what they felt was first and foremost. Yet because of their passion for freedom and because of the novelty and the revolutionary concept, our Government and our form is still the most revolutionary on Earth, as it was in 1789 when the Constitution was adopted.

The first words in the Constitution in the Preamble are the most revolutionary of all even today.

"We, the people of the United States, in order to form a more perfect union" et cetera, et cetera. It is not, "We, the Congress," or, "I, the President," or "We, the judges." It is, "We, the people." This is where all power comes from. This is where sovereignty resides. Those words in 1789 were absolutely radical and revolutionary in a world in which every country was ruled by a king, a divine right God-given sovereignty to that king. He transmitted it to his descendants. Or you had potentates or oligarchies. But the idea of the people was revolutionary, and it is revolutionary today, because as declared in the Declaration of Independence, all power that any government has or could have or could justly derive must come from the consent of the governed.

Sadly, nobody can say that holds forth in Russia or in Cuba or in the military regimes in other less happy lands, or even in some that have the trappings of parliamentary or representative government but which in effect do not give that sovereignty, that power, that ultimate residual power to the people. We do in America. This is what it is all about—people.

Whenever we have Presidents such as our present one, who reveals what he thinks of people when he says that we are like children, this is exactly the way Mussolini thought. This was the way Hitler thought. This is the way the Russian despots thought. People are children. He said in his first address on TV to the Nation, the first one, in February, "What do you do with children when they overspend their allowance?" You cut their food stamps, of course, or knock out their social security. But the concept is what do you do with spoiled children—children—we, the Americans are children. We in the Congress are children. We have not been restrained. We have not known how to control. Those are not the facts, of course. Maybe congressional actions have not been taken in keeping with those that have been against every one of the social programs in the last 40 years from social security to housing and medicare.

Let us look at the record.

So now when the Stockmans are in power, when they were Members of the House they could not succeed so now that they are out in power, they are trying to knock them out through indirect means known as budgetary and fiscal crises. Under the name of crisis, necessity—necessity is the argument of tyrants and the creed of slaves, and the worst of slaves are corrupted free men.

This is the first Congress elected by PAC's—$128 million worth of PAC money went into the elections last November just for the Congress. We heard our illustrious Speaker, Mr. O'NEILL, complain loudly and bitterly the other day that these contributors were calling their chips in order to demand rubberstamping—not deliberation, not debate, not reconsideration but rubberstamping the Reagan economic recovery plan, whatever that may be ultimately. But rubberstamp it now or else you are obstructing, and you are guilty of partisanship and, therefore, remember, we will not have that money we had for you last November this next one.

It is interesting to see what happens from here on out because we have entered the period of time in which we have million dollar budgets for House races. Even back home to become a mayor, which I think at the most would pay the great amount of about $50 a week at the most, the least amount of money spent for running for mayor in my hometown of San Antonio was $250,000. Somewhere, somehow we have got to pause and we have got to ask ourselves, Is this consistent with the preservation and the upkeep of our representative form of democracy—million dollar campaign budgets for a House seat?

□ 1200

Is the judgment clouded or not?

What does the scripture say? Accept no bribes, for it clouds the judgment and defies the cry of the righteous.

I do not know of anything that comes as near to a definition of a bribe than the kind of activity that is recorded—this is not hearsay—in the transaction of the PAC's last year. Somewhere, somehow, we have got to pause, we have got to ask ourselves: Have we lost, without realizing it, our virtue? Which means our fundamental liberty and what has always been at issue, our own self-determination, our own ability to govern ourselves. This has been the issue. When that Declaration said, "We, the people," they meant that the people had enough judgment, they had enough restraint, they had enough self-discipline to know how to govern themselves.

There are two basic schools, all the way back to Plato and Aristotle and all of the Greek thinkers, and that is that the people are wise enough, are smart enough, are self-disciplined enough to govern themselves; that in the long run, the people know what is best for themselves, that it is not true that it

takes a select few who are smarter or more able or more intelligent to tell the people what is best for them. Maybe in the short haul, but over the long course, the people do know what is best for themselves.

But when we cloud the judgment, is there or is there not, would you say, some impact on my thinking if I had taken a $3,000 or $5,000 or $10,000 contribution from any kind of a group or an individual who would have, somewhere down the line, some reason to have business with some activity of a committee that I belong to? Would any of you think that my judgment would be influenced or not?

Well, I think that that opportunity should not be there. But it shows up.

If I had $1 million today, maybe I would turn conservative because I would start worrying about how to keep it, how not to lose it, and automatically I would become very conservative. So I am not judging the rich. I am just saying that we as representatives attempting to represent the greatest interests of the greatest number and make the right decision in close cases should not be mindful of one group, whether it is the rich or the temporary all-powerful political.

Of course, that has always been the aspiration and the hope and the dream and, I am sure, every Member aspires to that. What I am saying is that I cannot accept that if I have had to work, and the basis of my income has been a salary check, and at the end of the month that salary check looks as if it might not be enough in order for me to go out and buy a couple pairs of shoes for a couple of kids, I think my thinking up here would be a little bit different than if I had never had that kind of an experience but came here young and fresh out of law school, with a good inheritance from papa, and having to decide whether or not there should be a business writeoff for a corporation, or a social security tax cut in the name of restraining these excesses. "The idea that anybody would want to retire at 62 instead of 65, why, that is just too young," even though this is what a lot of workers have banked on; and the idea, like in my home State of Texas, that if the income, total income, whether it is an inividual or a family, and maybe their sole source is social security, but if it reaches that "terrible amount" of $369 a month, why, the most they can hope to get in food stamps is $10.

This is a terrible, terrible corruption of the food stamp system, so they tell me. I have heard Members get up here and say they do not know how in the world they had ever voted for this.

Well, all I can tell you is that maybe in their State, their State is more liberal, more generous. In my State there is no such thing, that I have known of, either in my district or out, of welfare cheats of any consequence whatsoever, and I cannot see how they could. Eighty-seven and one-half percent of those on what we define as welfare, AFDC—assistance to families with dependent children—are children, not adults.

And so in the name of justice, in the name of commonsense, we have got to ponder all of these contributing factors before we allow ourselves to be compelled, robot-like and compelled under pressure or under fear of the loss of an election, to turn our back on those whom we represent who are the weakest, the poorest, the least able to fend for themselves.

I think, then, in my case, I am not worthy to hold this office; and, frankly, I would not want to aspire to hold it.

Thank goodness, and, fortunately for me, the people have never made that kind of a demand; and I have had to make harder choices than those in the past in my district. And I am proud to say that, when they talk about the mandate, this was the answer the Secretary of HUD gave us and Mr. Stockman gave us when he appeared before the subcommittee I chair, the mandate of November 4.

And I said, "What about our mandate?"

After all, I had a full slate of candidates against me, a Republican candidate, two minor party candidates on the ticket last November. And I am very grateful, with very limited resources even today, I am not the kind of candidate that is going to have the PAC's come falling over themselves to contribute, and I welcome that. That is fine. They would be limited, anyway. But I got just around 86 percent of favorable vote and Mr. Carter in my district got the highest vote of any that I know of up to now in any congressional district, including any in his State of Georgia, about 75 percent.

So what kind of a mandate am I to interpret that? Well, I interpret my mandate the same as I interpret the mandate all the time the minority party has been a minority; and that is that the people elected them, even though we were in the majority, so that they could watch out for the excesses of the majority.

And I demand the same outcrying protest that they registered when they interpreted the Democratic Presidents as demanding a rubberstamp Congress. I will say the same thing today. Do not ask us to forsake our independence of judgment and thought and defense, no matter how temporarily unpopular it may be, but let us all together in this House stand firmly for the full integrity of independence of the last bulwark of American democracy, the representative body.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the concurrent resolution (H. Con. Res. 115) entitled "Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1981 and setting forth the congressional budget for the U.S. Government for the fiscal years 1982, 1983, and 1984."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 156, 158, 161, 163, 164, 169, 170, 174, 177, 179, 182, 190, 191, and 199 to the above-entitled bill.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House previously granted, the House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1435

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 2:35 p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 138. Concurrent resolution providing for an adjournment of the House from May 21 to May 27, 1981, and an adjournment of the Senate from May 21 to June 1, 1981.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to rule XLIX, as a result of the adoption by the House and Senate of the conference report on House Concurrent Resolution 115, the Chair announces that House Joint Resolution 265, to provide for a temporary increase in the public debt limit, and House Joint Resolution 266, to provide for a temporary increase in the public debt limit, have been engrossed and are deemed to have been passed by the House.

The Clerk will notify the Senate of the action of the House.

COMMUNCIATION FROM CHAIRMAN OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Veterans' Affairs, which was read and referred to the Committee on Appropriations:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., May 15, 1981.

Hon. THOMAS P. O'NEILL,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: There is attached a resolution approving the major medical construction program for Fiscal Year 1982, the leases of property for medical facilities costing $500,000 or more per year, and a study of hospital and nursing care beds required in the State of Florida. This resolution is required by section 5004 of Title 38, United States Code.

Sincerely,
G. V. (SONNY) MONTGOMERY,
Chairman.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SHAMANSKY) is recognized for 5 minutes.

Mr. SHAMANSKY. Mr. Speaker, during the session on Tuesday, May 19, I was called off the floor during the vote on authorizing funds to implement the Crop Insurance Act of 1980. Had I been present I would have voted "yea."

TITLE I TODAY

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. MILLER of California. Mr. Speaker, I am pleased today to submit for the public record a timely and informative report on title I of the Elementary and Secondary Education Act, soon to be published by the National Advisory Council on the Education of Disadvantaged Children (NACEDC).

The NACEDC has completed this publication, "Title I, Today: A Factbook," as part of its forthcoming annual report. This factbook synthesizes the most recent and relevant research about title I, ESEA, its effectiveness, the programs it supports, and the participants in these programs.

At the Congress behest, the NACEDC is spending some $244,500 this year to make recommendations and to give us the best information on the title I program.

However, final printing of the Council's complete annual report has been delayed due to interim spending restrictions currently in force in the Department of Education. Because of this delay in producing a final report and because of the currency of much of the information contained in this factbook, I am submitting this report to become part of the public record and to better inform the present congressional deliberations on title I, ESEA:

TITLE I, TODAY: A FACTBOOK

MEMBERS OF THE NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

M. Hayes Mizell, Chairman, Director, Southeastern Public Education Program, American Friends Service Committee, Columbia, South Carolina.

Fred L. Banks, Jr., Attorney and Member, State House of Representatives, Jackson, Mississippi.

Don Davies, Director, Institute for Responsive Education, Boston, Massachusetts.

Annette Droz Fuentes, District Consultant, School District No. 4, New York, New York.

Constance E. Gomes, Public Education Specialist, Rhode Island Legal Services, Inc., Providence, Rhode Island.

Cleo Holt, Director, Title VI, Casey Junior High School, Mt. Vernon, Illinois.

J. L. Jones, Miami, Florida.

Robert H. Koff, Dean, School of Education, SUNY-Albany, Albany, New York.

Akiko Kurose, Teacher, Seattle, Washington.

Joseph P. McElligott,* Director, Division of Education, California Catholic Conference, Sacramento, California.

Winifred L. McPhedran, Health Education Coordinator, Superintendent's Office, Readfield, Maine.

Lucille L. Santos, Area Superintendent for Area No. 3, San Antonio Independent School District, San Antonio, Texas.

Richard St. Germaine, Tribal Chairman, Lac Courte Oreilles Tribe, Hayward, Wisconsin.

Rachel B. Tompkins, Director, Citizen's Council for Ohio Schools, Cleveland, Ohio.

Eliud Hector Zamorano, Counselor and Foreign Student Advisor, Richland College, Dallas County Community College District, Dallas, Texas.

Alice S. Baum, Executive Director, Washington, D.C.

TITLE I, TODAY: A FACTBOOK—SPRING 1981

(A descriptive summary of title I (Financial Assistance To Meet Special Educational Needs of Children) of the Elementary and Secondary Education Act)

(Prepared by Richard K. Jung, Director of Research, with assistance from Barbara Ann Buhl, National Advisory Council on the Education of Disadvantaged Children, U.S. Department of Education)

PREFACE

A major emphasis of federal education policy, especially over the last 16 years, has been to support programs for children who are in need of special assistance—limited-English speaking students, children of migrant families, the handicapped, ethnic minorities, and the poor.

Under the Congressional leadership of such individuals as Congressman Carl Perkins, Chairman of the House Education and Labor Committee and Senator Claiborne Pell, Chairman of the Senate Sub-Committee on Education, several landmark pieces of legislation have underscored the Federal commitment to promoting equal educational opportunities to these targeted groups of students.

By far the largest of these programs for elementary and secondary school students across the country is Title I of the Elementary and Secondary Education Act. Projects funded under this title are primarily designed to help children farthest behind in school catch up with other students in the basic subjects of reading, language, arts, and mathematics. The largest component of Title I is intended to provide extra and specially-designed services in schools that tranditionally receive the fewest resources—schools with high concentrations of poor students.

The next several years will be marked by considerable deliberation and possibly significant redirection of the federal role in education. Policymakers in the Executive Branch and Congress will need basic information about the purposes, services delivered, costs, and effectiveness of existing federally-sponsored education programs, as do the hundreds of thousands of teachers, administrators, and parents responsible for making Title I work.

The National Advisory Council on the Education of Disadvantaged Children (NACEDC) has a statutory mandate to "review and evaluate the administration and operation" of Title I and to report to the Congress and the President on the effectiveness of this and other programs aimed at improving the educational attainment of educationally deprived children.[1] Although the Council office is in Washington, D.C., its members are community and educational leaders from across the nation. Council members include a parent of Title I children, local Title I administrators and teachers, community and civil rights leaders, academicians, and representatives of Indian, Hispanic, Black, migrant, non-public, and other children eligible for Title I services.

The Council believes that the decisions made over the next few years about federally-sponsored education programs will be improved if decision-makers have access to a synthesis of recent information on existing programs, much of which is often reported only in disparate and voluminous documents in limited circulation. This factbook represents the Council's attempt to provide straight-forward answers to fundamental questions about Title I. It summarizes the most relevant existing information contained in detailed and technical reports and studies, and organizes this information around the most frequently asked questions about the program.

Readers who desire a more in-depth information on the issues and data summarized in this sourcebook will find a listing of major research and survey reports in the "Selected References" section at the end of this book.

TITLE I TODAY: SUMMARY FACT SHEET

Are title I school district programs effective?

Stable Title I programs which focus on improving reading and mathematics skills can result in dramatic achievement gains for Title I students.

Title I achievement data reported by states consistently show better than month-by-month test score gains for students who would otherwise be low achievers.

Title I has been effective in getting extra funds to poor school districts and schools, and also in serving as a model for states in

*Dissaproved this report and its publication.

Footnotes at end of article.

starting and designing their own programs for low achieving or poor students.

What do title I dollars buy?

Over 86 percent of all title I dollars is used by school districts to provide specially designed supplementary programs for educationally deprived children in poor schools.

Remedial reading and basic mathematics are, by far, the subject areas most frequently supported by title I funds.

Title I services involve smaller classes, more hours of instruction in reading and math, special teachers and aides, and more varied instructional approaches and materials.

In 1980, grants totaling $209.6 million were provided to SEAs to meet the special educational needs of the children of migrant farmworkers and fishermen.

Approximately 225,500 handicapped children in 3,900 state schools and 3,100 school districts received services funded by the Title I Program for Handicapped Children.

Who participates in title I school district programs?

Over 87 percent of the 16,000 school districts nationwide participate in the Title I program. More than 4.9 million public school children and 185,140 non-public school children, totaling approximately 5.2 million children received Title I services in school year 1979-80.

An equivalent of 241,827 full-time teachers, aides, administrators, and other professional and support staff were employed in Title I projects in fiscal year 1979.

In those schools with Title I programs, 34 percent of the compensatory education students are black, compared with 19 percent of the total enrollment; 54 percent are white, compared with 75 percent of the total enrollment; 10 percent are Spanish surnamed, compared with 5 percent of the total enrollment.

Title I teachers tend to have more specialized inservice training and more courses in instructional techniques than regular teachers in Title I schools.

Title I has led the way in recognizing the value of involving parents in the decision-making and instructional aspects of their children's education. In 1979, 265,755 Title I parents were members of the program's parent advisory councils and more than 431,000 participated in other Title I activities such as home tutors, in-class aides, and organizers of special events.

INTRODUCTION

Poverty and poor performance in school go hand in hand. They cause students to drop-out of school, and they foster unemployment, crime, and more poverty. Prior to the 1960's little was being done to break this so-called cycle of poverty. At that time, most children in the nation's poorest schools had two strikes against them. They suffered from the deprivations of growing up on poverty and when they entered school, they received fewer educational resources, were taught in larger classes by less experienced and less well-trained teachers, and had virtually no special programs to help them catch up with other children in basic academic skills.

In 1965 Congress passed what remains the largest program in this country to help low-achieving children in poor areas do better in school. This program, Title I of the Elementary and Secondary Education Act, funded in fiscal year 1980 at $3.2 billion, serves over 5.2 million elementary and secondary students in public and non-public schools. It pays for an equivalent of almost 100,000 full-time teachers and more than 100,000 educational aides in approximately 14,000 school districts nationwide. On average, Title I provides each child served an additional $436 in educational services which represents an increase of about 34 percent more than these students normally receive from state and local sources.[1]

A growing body of research demonstrates that low-achieving students who participate in Title I, on average, make greater academic gains than do similar types of students not receiving Title I or other compensatory services.

This factbook is organized around three questions frequently asked about this program:

Are Title I programs effective?

What do Title I dollars buy?

Who participates in Title I projects?

To better understand the answers to these questions it is helpful to know how Title I is administered.

In enacting Title I, Congress recognized that districts with concentrations of poor students usually do not have adequate resources from state and local sources to offer extra services for their lowest achieving students. Congress also recognized that rules are needed to ensure that states and school districts actually spend their Title I dollars on educationally disadvantaged children in the poorest schools and to increase the likelihood that Title I projects would be effective. Finally, Congress believed that federal, state, and local levels of government should share the responsibilities for Title I's administration.

Thus, the primary roles of the federal government are to (1) determine how much Title I money each state will receive and distribute the funds, (2) establish the rules under which the program operates, and (3) review and monitor the performance of the states and school districts to ensure that the rules are observed.

States are responsible for (1) helping school districts understand Title I rules, (2) ensuring that the districts use their Title I funds as intended by Congress, and (3) submitting to the Department of Education assurances which describe how the program funds were spent and reports which evaluate local programs.

School districts are responsible for (1) selecting Title I schools and students, (2) designing programs and delivering services to eligible students, and (3) submitting accounting reports and evaluation results to the state.

In practice, however, these administrative responsibilities are highly intertwined. The Department of Education allocates funds to the states, which in turn distribute funds to school districts. (The "Glossary" section of this factbook describes in more detail the rules or program requirements for Title I, and Appendix A presents a state-by-state list of Title I expenditures and enrollments.) School districts must first, however, submit an application for Title I funds. The requirements for spending Title I dollars are meant to increase the likelihood that Title I services supplement not substitute for local resources, are of the highest quality, and result in increased student achievement.

ARE TITLE I SCHOOL DISTRICT PROGRAMS EFFECTIVE?

The success of Title I is usually judged by examining test score gains in reading and mathematics. Judged by this criterion, Title I is a success. Recent national achievement score data from a number of scources consistently document gains for Title I students significantly exceeding those of other needy students not served by Title I.

Improving the academic achievement of title I students in basic skills

Early national evaluation (1965-1974) of Title I's impact on improving achievements gains in reading and mathematics were discouraging.[1] However, some of these early studies failed to take into account the frequent use of Title I funds for general aid in those early years and others were conducted with highly questionable methodologies. For example, the TEMPO study of 14 districts receiving Title I funds found no significant gains in student achievement when it compared the gains of the students in 1967 with Title I to the gains in the previous year, before Title I programs started in these schools. This study, however, used average classroom achievement of all students for the study's schools rather than focusing on the achievement of Title I participants.

Since 1975, carefully designed studies consistently report that Title I programs do improve students' performance in reading and math over the school year; moreover, the most recent study reports that students seem to maintain these increases when they "graduate" from Title I programs.

In 1977, the National Institute of Education reported on the reading and mathematics achievement of Title I students in 400 classrooms. Included in this study were classrooms with stable Title I programs which emphasized improving reading and mathematic skills of low-achieving students. While these classrooms were not randomly selected, the students came from a range of income levels and ethnic backgrounds, and the schools they attended were in urban, rural, and metropolitan areas in both the North and the South. The study found:

Title I students in first grade made an average gain of 12 months in reading and 11 months in mathematics in the seven-month period between the fall and spring testing.

Title I students in the third grade gained 8 months in reading and 12 months in mathematics over the same time period.[2]

Both of these results were higher than would be expected without the special services provided by the program. Iris Rothberg, Deputy Director of the study, notes, "While we cannot conclude from the results that all compensatory education students are gaining as much as those who participated in the study, the results indicate that school districts can and do create the conditions necessary to make compensatory instructional services effective."[3]

The National Diffusion Network's publication, Educational Programs That Work, provides one of the more detailed sources of information demonstrating that Title I promotes programs that result in marked achievement gains for educationally disadvantaged children. This catalog describes those "exemplary" projects approved by the Department of Education's Joint Dissemination Review Panel (JDRP) for national dissemination and replication. Each approved project must provide objective evidence of its effectiveness. Of the 140 projects listed and described in the Fall, 1980 edition, 53 were developed with Title I funds.[4] Appendix B presents a "Sampler" of these Title I-funded exemplary projects.

Other recent national surveys and studies that do not focus only on exemplary programs report higher achievement gains by Title I students than would be expected in

Footnotes at end of article.

the absence of the program. Stanford Research Institute collected and analyzed 283 state-level reports on Title I completed during the 1969-74 school years. In calculating average monthly gains from pre- and post-test data, the survey report determined:

"The average of the reported monthly gains are consistently near 1.1 month's gain for each month in Title I. . . . In terms of the unofficial standard of success, which is a month's gain for a month in the program, Title I must be judged a significant success." [5]

A February 1980 report from the Department of Education to Congress summarizes the reading achievement data from 23 states (representing about 14 percent of the Title I reading students) that had voluntarily used new standardized reporting procedures. Again, these data show a pattern of student improvement in reading and mathematics exceeding that expected in the absence of Title I services. The report also points out that these data should be interpreted cautiously since they were collected from different years and different sources for Title I/non-Title I comparisons, the reporting methods were new, and the sample was incomplete.[6] Nevertheless, these preliminary state survey data suggest that new standardized reporting procedures are beginning to pay off by providing comparable achievement data across states which closely correspond to national study findings.

One such analysis, the "Study of Compensatory Reading Programs" gathered reading achievement data for children in grades 2, 4, and 6 served by Title I and other compensatory education programs during the 1972-73 school year. The study employed six analytic techniques, five of which indicated that compensatory education students tend to catch up with non-compensatory education students when they received additional basic skills instruction. The sixth analytic method showed that compensatory education students made similar achievement gains to the gains of non-compensatory students.[7]

The most comprehensive federal study of Title I's achievement impacts is the Sustaining Effects Study. The recently released Interim Report of this study summarizes data collected in 250 public elementary schools in grades 1 through 6 during the 1976-77 school year and documents that:

Title I is effective in improving the reading achievement of students in the first, second, and third grades;

Title I is effective in improving the math performance of students in all elementary grades.[8]

The Sustaining Effects Study is the first large-scale study of Title I's impact on improving basic skills for the disadvantaged over more than one school year. When completed, the study will report growth over a three-year period for students receiving different types of Title I services over different time periods and the pattern of student performance after Title I services end for them. The Interim Report, which discusses the preliminary findings over a two year period, found that students who lose their Title I services because they "graduate" from Title I programs continue to perform at a relatively higher level than would be expected had they not received compensatory education services.[9]

Finally, the National Assessment of Educational Progress reports in 1981 that disadvantaged students' reading scores have increased rather dramatically over the last ten years. This study, sponsored by the National Institute of Education, first surveyed a nationally representative sample of elementary and secondary students in 1970, and repeated the reading skills survey in 1975 and again in 1980. Overall, the analysis concludes that elementary school students are reading better today than were elementary school children in 1970 and that junior and senior high school students are generally reading as well as their 1970 counterparts. However, those groups which traditionally scored below the national level showed the most impressive gains. Black elementary school students closed the gap between themselves and other elementary students by 6.0 percentage points. Although still scoring about 11 percentage points below the national average, black 13-year-olds narrowed the gap by 3.4 percentage points.

The National Assessment also asked a panel of reading experts to identify a number of specific activities that may have contributed to such gains. The panel of teachers, teacher trainers, and researchers cited federal aid for reading instruction in elementary schools as one of the primary factors.[10] Congressman Carl Perkins, chairman of the House Education and Labor Committee commented:

"I am extremely encouraged by the results of this third reading assessment, in particular the significant gains for nine-year-olds from rural and disadvantaged urban areas. To me these data strongly suggest that our Federal education programs, especially Title I, which is focused on elementary students from disadvantaged backgrounds, are working well." [11]

However, the success of Title I in increasing achievement as measured by test scores for participating students reflects only one of the several program objectives which have evolved gradually over time.

The evolving objectives of title I

When Title I was enacted in 1965, its architects and supporters had a variety of expectations for the program. Some say Title I as the first step toward federally-financed general aid for American schools. Others wanted and hoped for more. Some wanted to equalize per pupil expenditures across states as well as within school districts. Others were searching for a way to reform the nation's schools. And still others sought to help disadvantaged children escape the cycle of poverty.[12]

Since 1965, the original legislation has been expanded and refined through seven major revisions or reauthorizations. The last reauthorization in 1978 extended the program until 1983 (Public Law 95-561). The initial goals of the program have become considerably more defined through the debates accompanying these proceedings, the revisions themselves, and official legislative reports.

In conducting a compensatory education study in 1977, NIE identified three "clearly discernible" purpose of Title I from the legislation and other formal Congressional statements:

To provide supplementary funds to school districts and schools in relation to their numbers of low-income children;

To target specially-designed services to the lowest achieving students in these schools; and

Ultimately, to contribute to achievement goals for students who would otherwise be low achievers.[13]

The multiple and evolving goals of Title I require that the program's impact be assessed in the context of its other major purposes.

Providing supplementary funds for school districts and schools in low-income areas

Prior to the passage of Title I, there was almost no special funding for low-achieving students in poor schools. In fact, schools at that time with high numbers or percentages of students from poor families had lower per pupil expenditures, fewer and less qualified teachers and other professional staff, and fewer textbooks and other instructional materials. Both within and across school districts, children in poor schools were not receiving services comparable to students in wealthier attendance areas.[14]

Title I has not "solved" these fundamental educational inequities. It appears, however, that the program is far more effective in closing the funding gap between rich and poor school districts than other state and Federal programs. An NIE analysis, Title I Funds Allocation: The Current Formula, reported in 1977 that:

"Title I is markedly more redistributive than other state and Federal aid programs. . . . A recent study of aid programs in education, welfare, and other areas suggests that Title I might be the most redistributive of all Federal domestic programs providing funds to jurisdictions. . . . Only food stamp programs came close to equaling this apparent redistributive effect [of Title I]." [15]

Evidence also suggests that Title I has been influential in raising state and local awareness of the need for benefits of providing additional funds for basic skills instruction to educationally deprived children. For example, prior to 1965, only three states had small pilot compensatory education programs.[16] Since then, several states have begun or expanded their own programs for the disadvantaged. In 1976 sixteen states allocated approximately $364 million for educationally disadvantaged or poor children, increasing the level of support for compensatory education by 20 percent above Title I funding.[17] From extensive interviews, NIE reports that:

"The coordinators of state compensatory programs agreed that Title I was necessary for the success of their own efforts. Title I established the principle of special assistance to disadvantaged children and created a model that others followed. Without it, they argued, few States would have initiated, or would continue, funding for this special purpose." [18]

Title I, then, has been effective not only in providing extra funds to poor school districts and schools, but also in serving as a model for state programs for low-achieving or poor students.

Improved targeting of specially-designed services to low-achieving children

Congress has long recognized that Title I funds generally are not sufficient to serve all educationally deprived children in a school district. The Title I law stipulates, therefore, that projects be "of sufficient size, scope, and quality" to ensure that there is a reasonable chance for the projects to be successful.[19]

Over time, Title I has been increasingly successful at concentrating funds rather than spreading its limited resources as general aid. The cross-time data in Table I demonstrate this trend. Row I shows that approximately 5.5 million students met Title I's eligibility criteria for poverty in 1966; yet more than 8.2 million students actually participated in the program (Row II). This is

Footnotes at end of article.

almost one-and-a-half times the number of formula-eligible children and strongly suggests the general aid nature of Title I programs at that time (Row III). Indeed, studies of Title I's early years (especially between 1966 and 1970) document that many school districts were using Title I funds for general aid rather than for specially targeted programs for disadvantaged children.[20] In contrast, in 1978, while about 9 million students were counted in the Title I eligibility formula (Row I), only 5.1 million actually participated in the program (Row II) or about two-thirds of the formula-eligible students (Row III), indicating improved concentrating of limited Title I funds.

TABLE I.—TARGETING FIGURES FOR TITLE I FROM 1966 TO 1978 [1]

	1966	1970	1974	1978
I. Children counted for LEA entitlements (in millions) [2]	5,531	6,952	6,247	9,045
II. Participating	8,235	7,525	6,100	5,155
III. Percent participating of counted	149	108	98	57
IV. Per-Pupil expenditure (unadjusted)	$116.46	$161.98	$247.75	$378.52
V. Per-Pupil expenditure (adjusted for inflation)	$119.81	$139.82	$167.73	$193.71
VI. Total title I appropriation (in millions)	$1,193	$1,339	$1,653	$2,247
VII. Total title I appropriation, adjusted for inflation (in millions)	$1,217	$1,151	$1,232	$1,162

[1] Figures derived from tables provided by Department of Health, Education, and Welfare, Office of Education.

[2] Figures for Rows I and II include only "educationally disadvantaged" children, but do not include handicapped, juvenile delinquents, migrants, or children in agencies for the neglected.

Note: Adjusted figures are derived from the Bureau of Labor Statistics "Consumer Price Index for All Urban Consumers U.S. City Average" with 1967 as base year.

Source: Kirst, Michael and Richard Jung. "The Utility of a Longitudinal Approach in Assessing Implementation: A Thirteen year View of Title I, ESEA," Educational Evaluation and Policy Analysis, 2 (September–October 1980), p. 23.

The result of this improved concentration of funds is illustrated in Rows IV and V of Table I. Even allowing for the effects of inflation, Title I per pupil expenditures increased by over 60 percent during this period. An inspection of Row VII reveals that during the same time per-pupil expenditures were increasing, the total appropriation for Title I dollars adjusted for inflation actually declined by 5 percent. It appears, therefore, that the larger per-pupil expenditures were due to improved concentration of funds rather than additional appropriations.

Two other recent studies of Title I participants have found that, in terms of percentages, children with the lowest achievement scores in poor schools are the primary recipients of Title I services.[21] These services include extra hours of instruction in reading and math, smaller classes, more individual attention, specially designed materials, and teachers who have more inservice and college training in teaching reading and math.

In sum, Title I makes a difference. Over time, the program has been increasingly successful in targeting special services to low-achieving students. A growing body of studies show that Title I students can make better than month-by-month gains in reading and mathematics and that these gains often significantly exceed those of other needy students not served by the program.

WHAT DO TITLE I DOLLARS BUY?

In enacting Title I of the Elementary and Secondary Education Act, Congress recognized that children from low-income families have special educational needs and that school districts with concentrations of low-income families lacked the resources "to support adequate educational programs" to address these special needs. Congress, therefore, declared "it to be the policy of the United States to provide financial assistance . . . to local educational agencies serving areas with concentrations of children from low income families to expand and improve their educational programs" to meet "the special educational needs of educationally deprived children." Congress later added programs to serve the children of certian migrant parents, neglected or delinquent children, and handicapped children in state operated institutions, and Indian children.

To carry out Congressional policy, local school district and state educational departments design and operate programs funded under Title I to address the special needs of these disadvantaged children.

FIGURE I.—THE 1980 TITLE I DOLLAR—WHAT DOES IT BUY?

	Percent of total	Amount
Programs for educationally disadvantaged children run by school districts	86.4	[1] 2,776.5
State programs for migrant, handicapped, neglected, and delinquent [2]	11.7	[3] 377.2
State administration	1.5	[3] 48.5
Evaluation	.4	[3] 13.0
Total	100.0	3,215.2

[1] Includes basic and concentration grants.

[2] Subject to adjustments in migrant transfer record system.

[3] Set-asides.

Source: Based on allotment figures for fiscal year 1980 in unpublishd tables provided by U.S. Department of Education.

As illustrated in Figure I, over 86 percent of all Titles I dollars is used by school districts to provide specially designed supplementary programs for educationally deprived children in poor schools. Just under 12 percent is provided to states for targeted assistance to children of migratory farmers or fishermen, to handicapped children in state agencies, and to neglected or delinquent children. Of the remainder, 1.5 percent is set aside to reimburse states for performing the administrative functions connected with Title I, and .5 percent is reserved to improve local evaluations of Title I and to assess the program's effectiveness.[2]

I. Title I school district programs

Since school districts have considerable flexibility in how they use their Title I funds, there is no single example of a Title I program. Title I projects differ from district to district as do other educational programs.

School districts determine which schools will receive Title I funds and which students will receive what kind of services based on a local assessment of the specific needs of the children in each school. The law and regulations, require that programs be targeted to schools in the poorest neighborhoods, that the students in greatest educational need to be served first and that the services provided with Title I funds be in addition to the regular services provided to students from state and local sources. The law also stipulates that school districts establish advisory councils to encourage parent involvement in the planning, carrying out, and evaluating of Title I projects.

FIGURE II.—*What do title I funds buy at the school district level?*

	Percent
Instruction	74.28
Other	21.10
Auxiliary	4.62

Source: NIE, "Compensatory Education Services." 1977. p. 19.

Although each school district's Title I program is unique, some national patterns exist. Figure II illustrates that school districts use Title I funds primarily for direct instruction for participating students, spending, on average, three quarters of their Title I allotment on these classroom services. This instruction is most frequently in remedial reading and mathematics for elementary school students farthest behind. Another one-fifth of these Title I funds pay for other expenses directly related to classroom services; those expenses include salaries for support personnel, fringe benefits, equipment, building maintenance and capital outlays.

Less than 5 percent of the total school district Title I budget is used to fund auxiliary services such as parent involvement activities, libraries, health and nutritional services, and counseling. With the exception of expenditures for parent involvement activities, including parent advisory councils, the proportion of Title I monies spent on auxiliary services had declined by 20 percent from 1973 to 1978. Library services and guidance programs have been the first to be dropped or reduced.[3]

Since there are insufficient Title I funds to serve all eligible schools and students or provide compensatory instruction in every subject area and grade level, school districts must often select the subject areas and grade levels in which they will use their Title I funds.

Remedial reading and basic mathematics are the subject areas most frequently supported with Title I funds as Figure III demonstrates. Over 86 percent of Title I compensatory services are in those areas; remedial reading/language arts alone accounts for almost two-thirds of the Title I instructional programs. In 1977 the National Institute of Education reported that 95 percent of all Title I districts provide supplementary reading/language arts as part of their compensatory education offerings.[4] Other instructional areas funded in whole or in part by Title I include pre-school readiness programs, social studies/cultural awareness, science, vocational skills, services for handicapped children, and English as a second language (ESL) instruction.

FIGURE III.—COMPENSATORY INSTRUCTION RECEIVED BY TITLE I STUDENTS BY SUBJECT 1978–79

	Percent	Number of students
Remedial reading/language arts	60.6	3,522,325
Mathematics	26.1	1,513,623
Other subjects [1]	10.3	599,441
English as second language (E.S.L.)	3.0	173,480

[1] That is preschool readiness, science, etc.

Source: Figures derived from unpublished table fiscal year 1978 Number of Participants Who Received Instructional and Service Activities in Title I Programs: LEA Program Participants from Low-Income Areas", U.S. Department of Education.

Of the approximately 5.2 million students served in Title I programs in 1979, almost three-quarters were in grades 1–6 while a fifth were in grades 7–12, and less than 7 percent attended pre-K or kindergarten programs.[5]

Quality of Instructional Services in Title I School District Programs

While school districts design a variety of programs with Title I funds, overall, services received by Title I students differ in important ways from those received by non-compensatory students in the same school. On average, Title I services involve smaller classes, more hours of instruction in reading and math, special teachers and aides, and

Footnotes at end of article.

more varied instructional approaches and materials.

Class Size

The Sustaining Effects Study sponsored by the Department of Education found that while Title I students receive their instruction in classes smaller than ones for regular students, the major difference is that Title I students are taught in small group settings by special teachers and aides. The NIE Compensatory Education Study reported that the average class size for compensatory instruction is 9 students for remedial reading and 12 students for math. These class sizes are significantly smaller than an average homeroom size of 27 students in the Title I schools studied.[6]

Instructional Time

Even though the number of hours in a school day is fixed, Title I students receive considerably more hours of instruction, on the average, in the basic skills areas of reading and math than do regular students. These comparisons, however, seem to fluctuate according to grade level and subject area. For example, Title I and non-Title I students in first and second grades receive approximately the same amount of reading instruction. Beginning in the third grade and continuing through the sixth grade, Title I students have considerably more hours of reading instruction than do non-Title I students. On the other hand, compensatory education students receive much more instruction in mathematics in all of the first six grades. Overall, regular students receive about 4.8 hours of math instruction per week while compensatory students receive 5.8 hours per week or about 20 percent more.[7]

Content and Method of Instruction

According to teacher survey data, Title I students generally receive different and more varied content in their special instruction than they do in their regular classroom instruction. Especially in reading, Title I students are exposed to more basic or remedial content of instruction than are regular students. Although there are considerable differences across grades and programs, Title I students in grades 1-6, for example, more frequently practice writing letters or groups of letters, learn sight words, and read orally than do regular students. These differences in content and teaching methods become more pronounced in later grades.

Also, Title I teachers and aides more often attempt to individualize the type and content of instruction for their students than do regular teachers. And, Title I teachers more frequently design their curriculum on the basis of objective needs assessment data such as test scores rather than a standard, approved curriculum.

Instructional approaches, of course, vary widely in both regular and Title I classrooms. Nonetheless, in general, Title I students receive more instruction from teachers and aides who use a wider variety of instructional materials including individual viewing equipment, study carrels, learning centers, and special reading machine.[8]

Location of Instruction

Most students receive their compensatory instruction outside the regular classroom.[9] Thus, there is apparently a wide-spread but erroneous belief that the Title I law or regulations require pull-out programs—removing students from their regular classrooms for a part of the school day to obtain additional remedial instruction.

However, Title I services can and are given in regular classrooms, in small groups within a classroom, and in learning centers within the regular class, as well as in summer school, after school and in weekend programs. For example:

In the Personalized Instruction Program in Westminster, Colorado, specialists work with regular classroom teachers and aides in the classroom to create instructional activities individually tailored to each child's learning style and interests. These individualized activities are especially designed to reinforce the classroom teacher's language arts curriculum.

The Reading English Rotation Project in Thomson, Georgia relies on team teaching and a rotating classroom approach. Students are divided into small, flexible groups which move among the various learning stations within the classroom.

Teachers with Title I students in Warren, Michigan work with reading specialists and the principal within the classroom to develop a step-by-step program for selected students. The program, A Chance for Every Child, provides the student instruction at his/her individual level with high interest materials. The teacher retains primary responsibilty for putting the plan into action using materials developed by the specialists.[10]

Based on research which found that both approaches can be equally effective, Congress, in reauthorizing Title I in 1978, "emphasize[d] that Title I should not be considered to encourage or require any particular instructional strategy" and directed the Department of Education to "develop regulations which inform program administrators how to design 'in-class' as well as 'pull-out' programs for Title I."[11]

II. TITLE I, STATE AGENCY SET-ASIDE PROGRAMS

In addition to funding the supplemental services for low-achieving students in local school districts, almost 12 percent of the Title I funds are spent on three other programs operated by state educational agencies.

Title I Programs for Migratory Children

In school year 1980, the Federal government made grants totaling 209.6 million to state eduction departments to meet the special educational needs of children whose parents are migratory agricultural workers or migratory fishermen. With these funds and federal technical assistance, each participating state department (1) establishes or improves projects which serve migrant children, either directly or through local school districts, and (2) coordinates its programs with those in other states and arranges for the computerized transferral of school records of migratory students.

By 1980 the Title I Migrant Program offered educational and related services to over 520,000 migrant students in about 16,000 schools in 47 states and Puerto Rico. The largest of these grants went to Texas ($63 million), California ($54 million), Florida ($17 million), and Washington ($9 million).[12]

Migrant projects differ from state to state and district to district, just as the school district programs for educationally disadvantaged children do. However, most include remedial reading and writing in English and the students' home language.[13]

A major success of this program has been the development of a nationwide computerized communication system which permits rapid transmission of student background and achievement data. This Migrant Student Record Transfer System (MSRTS) allows schools receiving migrant children to more quickly and accurately find or establish proper educational programs for these students. A Coordinated Skills Information System (SIS) is now being added to MSRTS. Information about the reading and math skills which students have mastered are available to help teachers design appropriate educational programs.

Very few children of migrant workers graduate from high school. It is estimated that even in the early 1970's, 9 out of every 10 migrant children did not attend high school and only 3 out of 10 of those who did, graduated.[14] The MSRTS as well as the other special services of the Migrant program are designed to overcome obstacles contributing to this low high school completion rate. In addition, the Washington-Texas Secondary Credit Exchange project, funded by the Migrant program, is a successful pilot program which permits the transfer of credit for courses taken in one state to meet the graduation requirements in another state.

Since society has long overlooked the special needs of migratory workers and their families, drawing migrant children into the school system is itself a goal of the program. In 1978, the Department of Education began a major "child find" campaign to identify all eligible migrant children. The initial success of these efforts is suggested by the growth of this program from 121 projects in 1967 serving about 43,000 students to 3,000 project sites in 1979 serving approximately 522,000 students. The migrant child search, however, is far from complete; it was estimated in 1978 that approximately 500,000 children remained unserved.[15]

Title I Programs for Handicapped Children

In 1980 approximately 225,500 handicapped children in 3,900 state schools and 3,100 local educational agencies received services funded by this Title I program. The primary emphasis of this program is to provide special services to (1) handicapped students in full-time residential institutions supported with state funds, (2) handicapped students who are enrolled in a regular school but require additional assistance from itinerant specialists, and (3) handicapped children confined to their home because of the severity of their handicap.

Because these funds are used in a number of ways to supplement other state and federal resources for the handicapped, it is difficult to isolate and generalize about the services handicapped students receive under this one program. However, Title I generally funds (in whole or in part): speech, audiology, and psychological services; physical and occupational therapy; and counseling and medical services for diagnostic or evaluation purposes.

Title I Programs for Neglected or Delinquent Children?

The addition of this program to Title I in 1966 (P.L. 89-750) represented the first federal effort to improve educational experiences of children in institutions for neglected or delinquent youth or in adult correctional facilities. In 1980, funding for the Title I Neglected and Delinquent Program was $33.1 million.

Services funded by this program vary considerably from site to site depending on how a facility organizes its regular educational programs. Most minimum security facilities, where students can move from class to class, provide services in the same way regular

Footnotes at end of article.

schools do—in pull-out or in-class programs emphasizing basic reading and math skills. Other facilities hold Title I classes in one or two rooms with tight security. As Figure IV illustrates, approximately 80 percent of all Title I funds for neglected or delinquent children are spent on classroom personnel, primarily teachers and aides. Another 11 percent cover expenditures for other support staff such as teacher resource specialists, community/school liaisons, and evaluation and other technical assistance staff, while local administrative costs account for approximately 3 percent of the total allotment.

FIGURE IV.—*What title I funds for neglected and delinquent children buy*

	Percent
Classroom personnel	80
Other support staff[1]	11
Counselors	6
Administrators	3

[1] That is, teacher resource specialists, community/school liaisons, evaluation specialists.

Source: System Development Corporation. "National Evaluation of Title I Progress for Neglected or Delinquent Youth in State Institutions," Interim Report for Contract 300-76-0093 with U.S. Office of Education (Santa Monica, Calif., 1977).

WHO PARTICIPATES IN TITLE I SCHOOL DISTRICT PROGRAMS?

Title I is truly national in scope. Over 87 percent of the approximately 16,000 local school districts, nationwide, participate in the program. More than 4.9 million public school children and 185,140 non-public school children, or approximately 5.2 million, received Title I services in local school districts during school year 1979-80.[1] About 73 percent (or 3.8 million) of these children attended grades 1-6, representing almost 16 percent of the public and non-public school enrollment in these grades.

School districts employed an equivalent of 241,827 full-time teachers, aides, administrators, and other professional and support staff in Title I school district projects in fiscal year 1979.[2] The nation's six largest school districts use Title I dollars to fund about 5 percent of their teaching staff and over 40 percent of their educational aides. Almost 700,000 parents of Title I students serve on advisory councils and participate in other program activities.[3] This section describes some of the characteristics of these participants in Title I school district projects.

I. Title I students

There are not enough Title I funds to serve all the children performing below grade level in the country's schools. Thus, Congress decided to concentrate these limited resources on educationally deprived children attending the poorest schools. In general, only those schools in which the concentration of poor children is as large as the district's average are eligible for Title I projects. Usually, the poorest schools must be served first. However, to give districts flexibility to meet local circumstances, the law allows the use of other criteria for selecting schools under certain circumstances. For example, a school district may choose to maintain a Title I project for two years after a school loses its eligibility according to strict poverty rankings. The law also permits the use of a variety of poverty standards to rank schools, including census data, free lunch or breakfast counts, AFDC records, school surveys, or housing and employment statistics.

Once a school district selects its target schools, a pool of eligible children "having the greatest need" for remedial help are identified at each target school. In general, the students performing most poorly in school must be served first. Schools determine poor performance on the basis of standardized achievement scores, teacher judgments, or some combination of methods. In order to strengthen the program's continuity, the law allows school districts to continue services to children no longer in greatest need, but who are still educationally deprived. Title I gives school districts flexibility in other respects; it permits the districts to keep children in the program who are transferred to an ineligible school or to skip the lowest achieving students if they are receiving similar services from other state and local programs.

The most recent and comprehensive study of who participates in Title I school district programs reports that "[i]t is clear in terms of percentages, that poor children and educationally needy children are the principal recipients of Title I."[4] However, largely because of limited funding and flexible school/student selection procedures, almost half of the low achieving students in grades 1-6—or almost 3 million students—do not receive any compensatory education services. In junior and senior high schools even fewer educationally deprived students receive the services of Title I. The National Institute of Education's Compensatory Education Study reported in 1977 that in Title I districts with both elementary and secondary schools, only 1 percent of the secondary school students received Title I-funded services.[5]

TABLE II.—PERCENTAGE OF CHILDREN WHO RECEIVE TITLE I AND OTHER COMPENSATORY EDUCATION SERVICES BY FAMILY INCOME AND STUDENT ACHIEVEMENT LEVELS (GRADES 2-6)

	Poor/ low achiever	Nonpoor low achiever	Poor regular achiever	Non-poor/ regular achiever
Title I,[1] school district programs	40	26	22	8
Other compensatory services	14	16	8	9
No compensatory education	47	58	70	83
Total	[2]101	100	100	100

[1] Some title I students also receive compensatory services from other Federal, State, and local sources.
[2] Does not total to 100% due to rounding error.

Source: Adapted from "The Sustaining Effects Study: An Interim Report, 1980," p. 66: Table III-14.

An inspection of Table II shows that 40 percent of the children who are both poor and low achievers and 26 percent of the non-poor low achievers receive Title I services.[6] Another 30 percent of these students are enrolled in compensatory programs funded from other federal, state, and local sources. A large percentage of low achievers, both poor and non-poor receive no compensatory services. The data also indicate that some regular achievers are receiving Title I services, but this may be due to differences in how the study defined "regular achievers" and how districts actually identify participating students. The flexibility of the law's school/student selection requirements may also account for the presence of some of the "regular achievers." However, it also appears that some school districts are actually serving some ineligible students. Nonetheless, the percentages reported in this table show that low achievers are the primary recipients of Title I services and that Title I is much more targeted on these children than other compensatory education programs.

FIGURE V.—*A comparison of the racial/ethnic composition of compensatory education programs in title I districts to district averages*

Percent enrollment in compensatory education programs:	
White	54.0
Black	34.5
Spanish surnamed	9.8
Other[1]	1.6
Percent of total enrollment in title I districts:	
White	74.0
Black	19.5
Spanish surnamed	4.8
Other[1]	.8

[1] Other, i.e., American Indians, Asian, Pacific Islander.

Source: Adapted from figures in NIE. *Compensatory Education Services*, 1977, p. 14: Table 2 "Racial/Ethnic Composition of Title I Districts."

The most recent data available comparing the racial/ethnic background of compensatory education students, primarily Title I students, with the average racial composition of Title I school districts are presented in Figure V. These figures show that the concentration of minority students in compensatory programs in Title I districts is substantially higher than that in the districts as a whole: 34 percent of the compensatory education students are black, compared with 19 percent of the total enrollment; 10 percent are Spanish surnamed, compared with 5 percent of total enrollment; and 54 percent are white, compared with 75 percent of total enrollment.

Table III reports the most recent available data (FY 1979) on the age, sex, and language background of Title I participants in grades 1-6.

TABLE III.—*Characteristics of title I participants: Age, sex, language background percentages*

[Grades 1-6 only]

	Percentage
Age:	
5-6 years	12
7	17
8	18
9	17
10	17
11	14
12	4
Total	100
Sex:	
Female	44
Male	56
Total	100
Language background:	
English spoken at home	84
Spanish spoken at home	12
Other language spoken at home	4
Total	100

Source: ED, "Annual Evaluation Report on Education Programs," 1980 p. 14.

Title I in Non-Public Schools

In fiscal year 1980 an estimated 191,000 private school students participated in Title I school district programs. This represents about 4 percent of the over 5 million students enrolled in private schools.[7] Although non-public schools cannot receive Title I funds directly, eligible students attending non-public schools and living in Title I project areas must receive services comparable to those eligible public school students receive. The most frequently used methods for serving these students include mobile educational units and equipment, dual en-

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rollment, and the use of employees paid by public schools with Title I funds who work in non-public schools attended by eligible students.

In states where local districts substantially fail to provide Title I services to eligible non-public school children or when state statute prevents school districts from providing such services, the U.S. Secretary of Education may invoke what is called the bypass provision. That is, the Department of Education may contract with an independent agency to serve eligible students in non-public schools and may pay for these services with part of the state and school districts' Title I allotment.

Until recently, basic descriptive data on the participation rates of and services to eligible non-public school students have been limited. For example, prior to 1978, Title I school district grantees were not required to report separately: (1) benefits provided to non-public and public school students, or (2) the effectiveness of Title I for both types of students. Without such data it is impossible to determine if non-public school children are receiving equitable services.

Urban/rural participation in title I school district programs

Rural areas rank highest in terms of the number of Title I students served. Figure VI illustrates that there are approximately 1.78 million Title I students attending rural schools. Cities under 500,000 rank second with approximately 1.55 million Title I students. The smallest number of Title I students are enrolled in suburban schools.

FIGURE VI.—PERCENTAGE AND ESTIMATED NUMBER OF STUDENTS RECEIVING TITLE I SCHOOL DISTRICT SERVICES BY URBANICITY, FISCAL YEAR 1979 [8]

[Students in millions]

	Percent	Students
Rural	34.6	1.78
Cities over 200,000	24.1	1.24
Cities 50,000 to 200,000	5.7	.29
Cities under 50,000	30.1	1.55
Suburbs	5.5	.28

Almost 13 percent (or 650,994) of students in Title I school district programs are concentrated in 6 of the country's largest districts listed in Table IV.[9]

TABLE IV.—TITLE I PARTICIPATION IN THE NATION'S SIX LARGEST SCHOOL DISTRICTS (1980–81 SCHOOL YEAR)

City	Enrollment		Number of schools		Teachers (FTE)		Aides (FTE)	
	District	Title I	District	Title I	District	Title I	District	Title I
New York City	945,116	202,057	939	563	53,305	3,105	11,244	3,945
Los Angeles	538,596	221,936	666	227	[1] 20,552	[1] 1,075	.....	[1] 1,250
Chicago	458,497	64,147	626	300	24,562	1,157	.....	1,265
Philadelphia	228,971	92,867	512	224	12,331	569	2,532	1,258
Detroit	216,373	41,534	366	209	[1] 8,300	441	[1] 2,005	1,583
Dade County (Miami)	232,951	28,453	342	103	11,602	199	1,279	167
Total	2,620,504	[2] 650,994	3,451	1,626	130,652	6,546	.....	9,468

[1] Estimates.
[2] Only 3 of the districts were able to report public and nonpublic school title I students separately. In these 3 school districts, title I public school students represent 26 percent of the total public school enrollments in their districts. On the other hand, title I students (both public and private) in the 6 largest school districts represent 24 percent of the total public school enrollement in their districts.

Source: Telephone interviews with school district personnel, April 1981.

II. Title I school district staff

During the 1975–76 school year, approximately 111,000 full-time equivalent teachers provided compensatory education instruction in Title I districts. Largely because of higher educational costs, the number of full-time equivalent teachers paid with Title I funds dropped by more than 13,000 or 12.8 percent from 1975 to 1979.

In 1979, Title I paid the salaries of more educational aides than teachers; of the staff members assigned to Title I programs, 97,772 were teachers and 104,286 were educational aides.[10] The data reported by the 6 largest school districts reflect a similar pattern in school year 1980–81. These districts hired the equivalent of approximately 6,546 teachers and 9,468 instructional aides with Title I funds. The 4 districts reporting comparative staffing figures for Table IV, pay for over 40 percent of their instructional aides with Title I funds.

Educational aides generally provide extra attention to students either individually or in small groups. Teachers report that these aides provide individual instruction to students in 75 percent of the compensatory math classes; in 58 percent of the compensatory language arts classes; and in 42 percent of the compensatory reading classes. Students who obtain their compensatory reading instruction from an aide receive on average one hour more of reading instruction a week than do students taught by reading specialists.[11]

Title I teachers are usually highly qualified. Sixty-seven percent have graduate training beyond a bachelor's degree, and 62 percent specialize in one area.[12] As Table V illustrates, Title I teachers tend to have more specialized inservice training and more courses in instructional techniques than do regular teachers in Title I schools. Both groups have similar amounts of college training, but Title I teachers tend to have less teaching experience than regular teachers.

TABLE V.—COMPARING TITLE I AND NONTITLE I TEACHERS: AVERAGE TRAINING AND EXPERIENCE [1]

	Title I		Nontitle I	
	Reading	Mathematics	Reading	Mathematics
Hours of inservice training	14.3	8.2	10.9	6.9
Number of college courses in specialty area	1.9	0.9	1.2	0.6
Highest degree level	([2])	([2])	([2])	([2])
Number of years teacher training	10.3	9.3	11.9	11.9

[1] In title I schools.
[2] B.A. plus graduate hours.

Source: Adapted from "The Sustaining Effects Study: An Interim Report," 1980. p. 9: Table IV–2 "Average Experience and Training of Teachers."

Figure VII displays the most recent available data on the ethnic distribution of compensatory education teachers. Although this distribution is not representative of the ethnic distribution of compensatory education students, it does approximate that of the total enrollment of Title I districts.[13]

FIGURE VII.—*Racial/ethnic distribution of compensatory education teachers*

	Percent
White	76.8
Black	19.6
Other	3.6

Source: Adapted from NIE, *Compensatory Education Services.* 1977, p. 27: Table 9.

III. Parent involvement in title I school district programs

Title I has led the way in recognizing the value of involving parents in the decision-making and the instructional aspects of their children's education. Each school district receiving Title I funds must establish a district advisory council and an advisory council at each Title I school. In districts with small Title I project only a district advisory council is required.[14] A majority of the members on these councils must be parents of Title I children. Their functions are to advise the school officials on how to plan, carry out, and evaluate Title I projects.

Between the school years 1977–78 and 1979–80, the number of parents on Title I parent advisory councils increased by 28 percent from 207,345 to 265,755. The number of Title I parents who participated in other Title I activities such as home tutoring, working as in-class aides, and designing and evaluating program plans increased even more dramatically by 66 percent—from 258,763 to 431,166 from 1977 to 1980.[15]

Congress has long realized that active Title I parents are one of the crucial factors for improving the effectiveness of Title I programs. Thus, parents of Title I children are as integral a part of the program as teachers aides, administrators, and students.

TITLE I, TODAY AND BEYOND: IMPORTANT POLICY QUESTIONS

The major purpose of this report is to address three questions about Title I today. This section, on the other hand, identifies what the Council sees as important policy questions which need to be considered in order to continue improving services for educationally disadvantaged children in the 1980s and beyond.

1. The federal government, especially over the last 15 years, has assumed an active role in targeting supplemental services to traditionally underserved students, including poor children, ethnic minorities, migrants, Indians, students with limited English proficiency, handicapped children, and certain neglected or delinquent children. As Title I and other federal education programs have developed, the federal government has relied increasingly on extensive and intricate regulations to ensure that these students receive equitable services. On the other hand, local school officials, faced with a growing number of ever more complex regulations, have voiced strident opposition to what they perceive as federal intrusion in education. One of the key policy questions facing educational policymakers in the 1980's is: How can the federal government best accomplish its equity goals without creating undue burdens on local school districts?

2. Federal education programs have evolved in a patchwork fashion in response to particular demands rather than as a result of an overall plan. Until recently each program had its own set of rules, regulations, and guidelines. Each program assumed that the students it served were distinct from children receiving other forms of categorical assistance. In reality, many children are eligible for more than one categori-

Footnotes at end of article.

cal program. Serious consideration must be given to such questions as: How can schools best serve students who are eligible for more than one categorical program? How can parents best advise school officials in schools and school districts that receive funds from several federal and state programs? How can wider use of the schoolwide project concept in the 1978 revision of Title I be fostered?

3. Relatedly, the federal, and in most instances, state administration of Title I is separate from the administration of other federally-funded programs for handicapped children, for bilingual education, and for other civil rights programs and mandates. However, at the local level these programs are highly interdependent. Title I policy, therefore, must be decided in light of its relation to other federal and state categorical programs. Policy questions in need of further research are: What is the cumulative impact of the confluence of state and federal categorical programs on school principals and school district administrators? And, to what degree do school officials use Title I funds to accomplish other program requirements or civil rights mandates?

4. Title I serves very few secondary schools, especially high schools. This is at least partially due to limited Title I funding. There is, however, little systematic information on such questions as: What are barriers to Title I programs in secondary schools? How can these barriers be reduced or eliminated? Are there some particularly effective approaches to compensatory instruction at the secondary level?

GLOSSARY

Commonly used abbreviations

AFDC—Aid to Families with Dependent Children.

ED—United States Department of Education.

ESEA—Elementary and Secondary Education Act.

ESL—English as a Second Language.

FTE—Full Time Equivalent.

FY—Fiscal Year.

JDRP—Joint Dissemination and Review Panel.

LEA—Local Education Agency.

MSRTS—Migrant Student Record Transfer System.

NIE—National Institute of Education.

N & D—Neglected or Delinquent.

OCE—Office of Compensatory Education.

PAC—Parent Advisory Council.

SEA—State Education Agency.

TACs—Technical Assistance Centers.

TIERS—Title I Evaluation and Reporting System.

A summary of title I program requirements [1]

Title I is a categorical program which provides monies to school districts to meet the special educational needs of educationally disadvantaged children in poor schools. It is not intended to provide general funding to local school districts. Because Title I has never been fully funded, school districts generally must select the poorest schools in the districts as Title I schools and choose students farthest behind their peers in these schools as Title I students. To make sure that Title I is not used as general aid and to help ensure that school districts design quality projects, the program includes a number of program requirements. Each of these requirements are based on the program's "Declaration of Policy." (See back cover). The requirements are summarized below.

Funds Allocation Requirements

An interrelated set of requirements concerned with (1) the selection of schools and students who receive Title I funds or (2) with the use of Title I funds so that they provide special services for educationally deprived children.

Comparability generally requires that the level of local services in every Title I school be roughly equal to the average level in non-Title I schools. These requirements are designed to ensure that Federal assistance is not used to support a level of services already available in non-Title I schools in the district. It is generally measured in terms of two ratios: pupil to staff and expenditures per pupil for instructional salaries.

Eligibility criteria set standards for which school districts are eligible to receive Title I assistance, define eligible schools as those having high concentrations of children from low-income families, and identify the class of potential recipients as children who are educationally deprived.

Equitably provided regulations require that Title I children in Title I schools receive their fair share of specific services in comparison to children in non-Title I schools. These regulations are particularly useful when districts are introducing a new, locally provided service to some but not all children. If a district implements a limited new program to teach English as a second language, the equitably provided rule stipulates that Title I children be involved in the new program in relation to their proportion of the total number of children in the district.

Excess cost requirement clarifies the supplanting provisions by stipulating that Title I funds can pay only for the excess costs of Title I programs and projects. If, for example, a district is spending $1,000 per pupil, and the local Title I program is designed to provide the same program at a more intensive level, Title I may pay only for the costs of the program that are in excess of $1,000 per pupil. Therefore, the supplement-not-supplant and excess cost provisions are closely related. The supplanting provisions prevent local school districts from penalizing children in Title I programs when allocating state and local funds. The excess cost provision requires that Title I funds pay only the costs of services beyond normal instructional expenditures.

General aid provisions give broad direction to school districts requiring them to serve only "educationally deprived" children with Title I funds and not the student body at large.

Maintenance of effort provisions require that a district's funding from state and local sources does not decrease. Without such provisions, states or districts could substitute Title I dollars for local and state funds. Thus, the requirement is designed to ensure that Title I grantees do not shift ongoing financial responsibility for basic education programs to the federal government.

Supplement-Not-Supplant requirements are intended to ensure that Title I funds are added to, and not used to replace, state and local funds. Children in Title I programs must receive the level of state and local funds they would have received if Title I did not exist.

Targeting standards determine which of the eligible areas and children will in fact be served.

Program Development Requirements

Program development requirements establish the procedures that school districts must follow in designing and implementing Title I progams. These six major requirements are meant to ensure that the services provided are related to the needs of the children to be served and that they are carefully planned, implemented, and evaluated.

The complaint resolution requirements are intended to provide parents and other interested individuals procedural safeguards for resolving their complaints about Title I projects. The 1978 law stipulates that school districts, state departments, and the Department of Education develop procedures for investigating and resolving complaints.

The concentration requirement is intended to ensure that Title I funds provide services of sufficient size, scope, and quality to give reasonable promise of success. This requirement takes on added importance since Title I typically is not fully funded.

The coordination requirement is intended to prevent Title I from duplicating benefits provided to the target population by ensuring that Title I services are planned in conjunction with other federal and state agency programs.

The needs assessment requirement is the first step in the program development process and involves identifying educationally disadvantaged children and specifying their needs. This requirement is intended to ensure that all educationally disadvantaged children residing in low-income areas are identified.

The parent involvement requirement prescribes the nature and extent of parental involvement in the development and operation of Title I programs.

The program design regulation requires a formal plan establishing objectives for the Title I program and the specification of activities and services to accomplish the desired ends, based on the results of the needs assessment.

The program evaluation requirement provides that the effects of the Title I program be assessed. The results of these assessments should be used by school districts in the design of future Title I programs and must be reported to the state education agencies.

Other frequently used terms

Under the by-pass provision, the U.S. Secretary of Education withholds funds from any applicant, usually a public school, and arranges to provide Title I services directly to private school students.

Categorical grants are to be used for specially defined activities, certain categories of recipients, or legislatively established purposes.

Compensatory education—educational or support services intended to upgrade or compensate for skill deficiencies of children doing poorly in schools.

Educationally-deprived children—children whose educational attainment is below the level that is appropriate for children of their age.

Pull-out programs—programs in which students receive their compensatory instruction outside the regular classroom.

Footnotes at end of article.

APPENDIX A: A COMPARISON OF TITLE I EXPENDITURES AND ENROLLMENTS BY STATE

State	Expenditures			Enrollment		
	Total 1977 expenditures (in thousands)	1977 title I allotments [1]	Title I's percent of total	Total public [2] elementary/ secondary enrollment fall, 1978	Elementary/ secondary [3] title I students, 1978	Title I's percent of total
Alabama	$869,748	$46,856,194	5.4	761,666	132,836	17.4
Alaska	281,317	6,414,381	2.8	90,728	4,361	4.8
Arizona	735,562	20,785,846	2.8	509,830	62,354	12.2
Arkansas	466,185	29,388,487	6.3	456,698	76,080	16.7
California	7,509,475	171,556,617	2.3	4,187,967	568,271	13.6
Colorado	871,358	18,864,321	2.2	558,285	30,467	5.5
Connecticut	1,017,775	19,873,823	1.9	593,757	56,068	9.4
Delaware	213,513	5,989,339	2.8	111,034	10,314	9.3
D.C.	259,240	12,451,797	4.8	113,858	17,428	15.3
Florida	2,011,723	81,023,365	4.0	1,513,819	156,540	10.3
Georgia	1,300,517	51,701,581	3.9	[4] 1,093,256	142,505	.....
Hawaii	293,654	5,960,644	2.0	170,761	11,887	6.9
Idaho	220,694	6,916,580	3.1	203,022	14,989	7.4
Illinois	3,508,470	101,549,806	2.9	2,100,157	161,590	7.7
Indiana	1,435,803	27,114,681	1.9	1,113,331	116,111	10.4
Iowa	952,610	16,595,598	1.7	568,540	48,127	8.5
Kansas	639,317	15,377,971	2.4	433,547	28,380	6.5
Kentucky	719,821	38,187,889	5.3	692,999	112,790	16.3
Louisiana	1,006,845	56,061,676	5.7	816,669	155,811	19.1
Maine	294,991	8,662,288	2.9	240,016	33,032	13.8
Maryland	1,436,175	34,183,719	2.4	809,933	78,500	9.7
Massachusetts	2,170,829	42,268,394	1.9	1,081,464	59,621	5.5
Michigan	3,380,879	90,041,996	4.1	1,911,345	146,273	7.7
Minnesota	1,470,991	31,899,426	2.7	807,716	66,231	8.2
Mississippi	536,849	46,115,961	8.9	493,710	100,945	20.4
Missouri	1,167,463	34,678,447	3.0	900,002	91,291	10.1
Montana	276,664	7,440,778	2.7	164,326	11,881	7.2
Nebraska	476,120	10,024,081	2.1	297,796	30,636	10.3
Nevada	188,334	2,827,541	1.5	146,281	5,360	3.7
New Hampshire	226,714	3,715,312	1.6	172,389	8,000	4.6
New Jersey	2,753,830	58,033,106	2.1	1,337,327	97,354	7.3
New Mexico	368,023	18,951,500	5.1	279,249	27,133	9.7
New York	7,074,875	204,068,799	2.9	3,093,885	352,944	11.4
N. Carolina	1,373,365	59,582,110	4.3	1,162,810	139,106	11.9
N. Dakota	180,193	5,954,059	3.3	122,021	13,669	11.2
Ohio	2,952,327	59,937,461	2.0	2,102,440	126,216	6.0
Oklahoma	737,118	22,643,692	3.1	588,870	89,890	15.3
Oregon	819,785	20,939,866	2.6	471,374	34,930	7.4
Pennsylvania	3,708,810	94,121,451	2.5	2,046,746	272,381	13.3
Rhode Island	281,889	7,328,661	2.6	160,656	17,351	10.1
S. Carolina	682,387	36,992,607	5.4	624,931	113,002	18.1
S. Dakota	188,066	6,409,994	3.4	138,228	15,884	11.5
Tennessee	986,698	43,132,809	4.4	873,036	100,158	11.5
Texas	3,512,137	147,992,810	4.2	2,867,254	437,455	15.3
Utah	366,494	6,993,369	1.9	326,026	19,184	5.9
Vermont	149,017	4,843,103	3.2	101,292	10,713	10.6
Virginia	1,467,142	44,464,610	3.0	1,055,238	104,073	9.9
Washington	1,213,890	27,271,157	2.2	769,246	56,984	7.8
West Virginia	501,084	18,946,931	3.8	395,722	43,557	11.0
Wisconsin	1,409,191	32,782,836	2.3	886,419	63,090	7.1
Wyoming	149,880	3,252,910	2.1	94,328	4,794	5.1
American Samoa	.....	.....	.....	NA	2,302	.....
Guam	.....	.....	.....	NA	1,075	.....
Puerto Rico	.....	.....	.....	721,419	233,921	32.4
Trust Territory	.....	.....	.....	NA	7,987	.....
Virgin Islands	.....	.....	.....	25,138	1,128	4.5
Total	66,815,837	1,969,172,380	.....	42,611,000	4,955,283	.....
Average	1,310,114	38,611,223	.....	803,981	88,487	.....

[1] Source: Unpublished U.S. Department of Education tables.
[2] Source: U.S. Department of Health, Education, and Welfare, National Center for Education Statistics, Statistics of Public Elementary and Secondary Day Schools, Fall 1978, 1979.
[3] Source: U.S. Department of Health, Education, and Welfare, Office of Education, unpublished tabulations; includes children living in low-income areas and/or local institutions for neglected and delinquent children.
[4] Estimated.

APPENDIX B: A SAMPLER OF "EXEMPLARY" TITLE I-FUNDED PROJECTS

Educational Programs That Work, (Fall, 1980), prepared for ED's National Diffusion Network, lists and describes 140 "exemplary" projects. Fifty-three of these were developed with Title I funds. Among other requirements to attain "exemplary" status, each project must demonstrate to ED's Joint Dissemination and Review Panel (JDRP) its effectiveness with objective evidence. Space only permits a brief description of a handful of these projects. Copies of this catalog can be purchased for $5.50 (prepaid) from: Order Department, Far West Laboratory for Educational Research and Development, 1855 Folsom Street, San Francisco, CA 94103.

IRIT: Intensive reading instructional teams—Hartford, Connecticut

The IRIT program in Hartford, Connecticut is a highly-focused laboratory project for third and fourth grade students with reading problems. The program places emphasis on three areas: encoding/decoding, individualized reading, and vocabulary/comprehension. Students receive 3 hours of intensive instruction in these skills in the morning and return to the classroom teacher in the afternoon for instruction in other basic subjects. Test results indicate that students enrolled in the program show a seven-month gain for every ten weeks of the program.

Classroom intervention: Individualized basic skill reading program—Seattle, Washington

This program demonstrates that even in the inner city, Title I programs can achieve outstanding results. Classroom Intervention uses a system of continuous feedback and reinforcement, multiple basal materials, and, through the effective use of teachers and aides, provides individualized attention to students. It also offers a resource room for severely disadvantaged readers. Because of these built-in success factors, students have more than doubled their average reading gains.

Hawaii basic skills remediation project—Hilo, Hawaii

Parental involvement is key to the success of the Hawaii Basic Skills Remediation Project and has resulted in behavioral as well as academic improvement of students in grades 3 through 8. Along with aiding teachers in the selection of students for the program, parents work with their children in the evening, offer encouragement for good work, and sign all homework assignments. Within the classroom, students receive small prizes as incentives for good work and attendance. The program has almost doubled students' reading skills and math achievement scores.

Pre-Algebra development centers—Chicago, Illinois

This eight-week summer mathematics program for pre-high school students concentrates on five areas: ratios and proportions, fractions, decimals, percents, and metric education. It employs mathematic laboratory and regular classroom instruction, individualized diagnosis and remediation, cou-

pled with reading in mathematics. Longitudinal evidence shows that 95 percent of the participants pass algebra with a high degree of success and 85 percent take additional math courses beyond algebra.

FOOTNOTES

Preface

[1] P.L. 95-561, Section 196, 1978 (See inside back cover for text of this provision).

Introduction

[1] Based on most recent estimates for school year 1976-77 as reported in *the Sustaining Effects Study: An Interim Report* (Santa Monica, California: System Development Corporation, 1980), p. 10 and pp. 85-87.

Are Title I, LEA Programs Effective?

[1] See for example, Gene Glass, *Education of the Disadvantaged: An Evaluation Report for Title I, Elementary and Secondary Education Act for Fiscal Year 1969;* D. Hawkridge, *et al.,* "A Study of Selected Exemplary Programs for the Education of Disadvantaged Children," (Palo Alto, Calif.: American Institutes for Research, 1968), prepared for U.S. Office of Education, mimeo; Picariello, Harry, *et al.,* "Evaluation of Title I" (Washington, D.C.: U.S. Office of Program Planning and Evaluation, 1969), mimeo; E. J. Mosbaek, *et al.,* "Analysis of Compensatory Education in Five School Districts: Summary"; TEMPO, the General Electric Company, n.d.

[2] National Institute of Education, *The Effects of Services on Student Development* (Washington, D.C., 1977), p. 19.

[3] "A Title I Researcher Talks About Reexamining Federal Education Programs," *Education Times,* December 9, 1980, p. 2.

[4] See p. 13-6 of Seventh Education for complete listing of Title I—funded exemplary projects.

[5] *Patterns in ESEA Title I Reading Achievement Report* (Menlo Park, Calif., 1976), Report No. EPRC 4537-12, p. iii.

[6] U.S. Department of Education, "Annual Evaluation Report on Education Programs" (Washington, D.C., February 1980), p. 27.

[7] Donald Trisman *et al., Final Report on the Study of Compensatory Reading Programs* (Princeton, N.J., Educational Testing Service, 1976), prepared for U.S. Office of Education, Executive Summary, p. 3.

[8] *The Sustaining Effects Study: An Interim Report* (Santa Monica, Calif.; System Development Corporation, 1980), p. 2.

[9] *The Sustaining Effects Study: An Interim Report,* p. 2 and pp. 149-61.

[10] National Assessment of Educational Progress, *Three National Assessments of Reading: Changes in Performance, 1970-80* (Denver, Colo.: Education Commission of the States, April 1981), Report No. 11-R-01.

[11] "Reading Skills Up at Age 9; Warning Signs for Older Students," *NAEP Bulletin,* April 29, 1981.

[12] See for example: Stephen Bailey and Edith Mosher, *ESEA: The Office of Education Administers a Law* (Syracuse University Press, 1968); Jerome Murphy, "Title I of ESEA: The Politics of Implementing Federal Education Reform;" *Harvard Educational Review,* Vol. 41, No. 1, February 1971, pp. 35-63; Floyd Stoner, "The Implementation of Ambiguous Legislative Language: Title I of the Elementary and Secondary Education Act," unpublished doctoral dissertation (Madison, Wisconsin: University of Wisconsin-Madison, 1976).

[13] Adapted from National Institute of Education, *Administration of Compensatory Education* (Washington, D.C. 1977), p. xii.

[14] See for example: Stephen Barro, "Federal Education Goals and Policy Instruments: An Assessment of the 'Strings' Attached Categorical Grants in Education" in the *Federal Interest in Financing Schooling,* Michael Timpane (editor), (Cambridge, Mass.: Ballinger, 1979), p. 237 and fn. 3; A. Mundell, *Resource Distribution Inside School Districts* (Lexington, Mass.: Lexington Books, 1975); J. Owen, "The Distribution of Educational Resources in Large American Cities," *Journal of Human Resources,* Vol. 7, 1972, pp. 171-190.

[15] *Title I Funds Allocation: The Current Formula,* pp. 93-94, emphasis added.

[16] Jerome Murphy, "Title I of ESEA: The Politics of Implementing Federal Education Reform," *Harvard Educational Review,* vol. 41, No. 1, February 1971, p. 38.

[17] *Administration of Compensatory Education,* p. 57.

[18] *Administration of Compensatory Education,* p. 73, emphasis added; see also Stephen Barro, pp. 236-240.

[19] Section 124(d), P.L. 95-561, 20 USC 2734.

[20] Ruby Martin and Phyllis McClure, *Title I, ESEA: Is It Helping Poor Children?* (Washington, D.C.: The NAACP Legal Defense and Education Fund, 1970; SRI International: Harold Winslow with Thomas C. Thomas and Ann Heisberger, *Trends in Management of ESEA Title I: A Perspective from Compliance Reviews* (Menlo Park, Calif.: April, 1979); Michael Wargo, *et. al., ESEA Title I, A Reanalysis and Synthesis of the Evidence,* (Palo Alto, Calif.: American Institutes for Research, March, 1972), pp. 144-164.

[21] Vincent Breglio, *et al., Report #2: Students' Economic and Educational Status and Selection for Compensatory Education* (Santa Ana, Calif.: Decima Research, 1978), prepared for Office of Planning, Budgeting and Evaluation, U.S. Office of Education, pp. iv-v; see fn. 7.

What do title I dollars buy?

[1] Section 101 of P.L. 89-10 as amended by P.L. 95-561, 1978, 20 USC 2701. For Indian children, Title I school district funds are transferred to the Secretary of the Interior for payments to local educational agencies (P.L. 95-561, Section 111(d), 1978).

[2] In 1980, although the legislation set a ceiling of .5 percent for evaluation efforts, .4 percent was actually allocated for these activities.

[3] *NIE Compensatory Education Services,* p. 20.

[4] Two other data sources reveal very similar patterns in the instructional areas served by compensatory education programs, including Title I: NIE, *Compensatory Education Services,* 1977, pp. 19-22; Ming-Mei Wang, *et. al.,* "Report #5: The Nature and Recipients of Compensatory Education" (Santa Monica, Calif.: System Development Corporation, 1978), pp. 157-189. Also, the number of students receiving instructional services in different subject areas should be interpreted mindful that students receiving compensatory education services often receive instruction in more than one subject area; for instance, reading and mathematics. In fact, NIE reported in 1977 that approximately 45 percent of all compensatory education students, including those in Title I programs receive such services in more than one subject area. (*Compensatory Education Services,* p. 21.)

[5] "Children Living in Low Income Areas and/or Institutional (Local) for Neglected and Delinquent Children," U.S. Department of Education, unpublished table.

[6] See, NIE *Compensatory Education Services,* 1977, pp. vi-vii and 22-30 and *The Sustaining Effects Study: An Interim Report.* (Santa Monica, Calif.: System Development Corporation, 1980), pp. 1-2 and 81-119.

[7] *The Sustaining Effects Study: An Interim Report,* pp. 81 and 87-92.

[8] *The Sustaining Effects Study: An Interim Report,* pp. 108-118.

[9] *Compensatory Education Services,* pp. 30-34.

[10] See National Diffusion Network, *Educational Programs That Work,* Seventh Edition (Washington, D.C.: U.S. Department of Education, Fall 1980), pp. 9-47, 9-55, and 9-99.

[11] 95th Congress, 2nd Session, *House Report No. 1137 (Report of the Committee on Education and Labor, on the Education Amendments of 1978, H.R. 15,* pp. 26-27; 95th Congress, 2nd Session, *Senate Report No. 856 (Report of the Committee on Human Resources, on the Education Amendments of 1978: Report Accompanying S. 1753,* p. 14.

[12] As of 1980, there were no Title I-funded migrant programs in Hawaii, New Hampshire, Rhode Island, or the territories. "Annual Evaluation Report on Education Programs: Title I, ESEA, Migrant Education Program," U.S. Department of Education Report to Congress, November 1980.

[13] *1980 Annual Report: U.S. Department of Education* (Washington, D.C.: U.S. Government Printing Office), p. 23.

[14] "Title I Migrant Education Program," Education Briefing Paper (Washington, D.C.: U.S. Office of Education, August 1978), p. 1.

[15] "Title I Migrant Education Program," p. 2.

Who participates in title I, LEA programs?

[1] National Center for Education Statistics, *The Conditions of Education: 1980 Edition* (Washington, D.C.: U.S. Government Printing Office, 1980), pp. 60-61; U.S. Department of Education, "FY 79 Number of Children Who Participated in Title I Programs by Grades," unpublished table.

[2] U.S. Department of Education, "FY 79 Number (FTE) of Staff Members Assigned to Title I Programs for Which Salary Payments are Made From Title I, LEA Programs for Children in Low-Income Areas and/or Children in Local Institutions," unpublished table.

[3] U.S. Department of Education, "FY 70 Number of Parents (of Title I Participants) Who Participated in District and School Advisory Committees and in Title I Program Activities," unpublished table.

[4] *The Sustaining Effects Study: An Interim Report,* 1980, p. 1.

[5] National Institute of Education, *Compensatory Education Services,* 1977, pp. v-vi.

[6] As reported by the *Sustaining Effects Study: An Interim Report,* 1980, pp. 7-8, using the Orshansky index of poverty prescribed by Title I law. The Congressional Research Service reports that estimates of the number of children who apparently need compensatory instruction but who do not receive it range from one-third to 50 percent in "Compensatory Education: Title I of the Elementary and Secondary Education Act," Archived Brief #1B77107 (Washington, D.C.: Congressional Research Services, July 1980), p. 4.

[7] In preparing this factbook, a member of the NACEDC staff interviewed the then Assistant Secretary in the Office of Non-Public Education (ONPE), Al Senske. He felt the the 4 percent participation figure was probably more accurate than the previously-released figure of 5 percent (See NACEDC, 1980, p. 10), but indicated that

"solid" evidence of private school participation in federally funded education programs will not be available until 1982, when NCES Fast Response Survey data are expected to be reported. He reported, further, that there is presently detailed participation data for states operating under the by-pass provision, but that there is little reason to believe that these figures are representative of non-public school student participation nationwide.

[8] Percentages were derived from figures in *The Sustaining Effects Study: An Interim Report*, 1980, Table 111-4, "Percentage of Students Receiving Various CE Services by Family Economic Status and Urbanism," 1980, p. 52; actual numbers were then derived for each category of urbanicity using FY 79 student participation data reported by U.S. Department of Education. See fn. 1.

[9] The data reported in this table were collected from telephone interviews with school officials (including federal program and/or Title I coordinators, business managers, or public relations staff) in April 1981.

[10] See fn. 2.

[11] *Compensatory Education Services*, 1977, p. 25.

[12] *Compensatory Education Services*, 1977, p. vii.

[13] *Compensatory Education Services*, 1977, p. 27.

[14] The present interim final regulations for Title I (1/19/81) do not require school advisory councils if no more than one full-time equivalent staff member is paid with Title I funds and if no more than 40 students receive Title I services (Section 201.155(c)).

[15] U.S. Department of Education, unpublished tables: "1977 Parents Who Participate in District and School Advisory Committees and Program Activities [for Title I, ESEA]" and "FY 79 Number of Parents (of Title I Participants) Who Participated in District and School Advisory Committees and in Title I Program Activities."

Glossary

[1] For a more complete description of and rationale for Title I's program requirements, see: "The Title I Legal Framework" in *Who Benefits from Federal Education Dollars?*, edited by James Vanecko and Nancy Ames (Cambridge, Mass.: ABT Books, 1980), pp. 27-49; NIE, *Administration of Compensatory Education* (Washington, D.C., 1977), pp. 7-22. Most definitions used in this Glossary adapted from NIE study.

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TITLE I—FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN

"DECLARATION OF POLICY

"SEC. 101. In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in the following parts of this title) to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special educational needs of educationally deprived children. Further, in recognition of the special educational needs of children of certain migrant parents, of Indian children and of handicapped, neglected, and delinquent children, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in the following parts of this title) to help meet the special educational needs of such children."

TITLE I—AMENDMENTS TO TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SPECIAL EDUCATIONAL PROGRAMS AND PROJECTS FOR EDUCATIONALLY DEPRIVED CHILDREN

SEC. 101. (a) Title I of the Act entitled "An Act to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools", approved April 11, 1965, as amended (Public Law 89-19.0, also known as the Elementary and Secondary Education Act of 1965), is amended to read as follows:

NATIONAL ADVISORY COUNCIL

SEC. 196. (a) COUNCIL ESTABLISHED.—There shall be a National Advisory Council on the Education of Disadvantaged Children (hereinafter in this section referred to as the 'National Council') consisting of fifteen members appointed by the President, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, for terms of three years, except that (1) in the case of initial members, five shall be appointed for terms of one year each and five shall be appointed for terms of two years each, and (2) appointments to fill vacancies shall be only for such terms as remain unexpired. The National Council shall meet at the call of the Chairman.

"(b) FUNCTIONS.—The National Council shall review and evaluate the administration and operation of this title, including its

effectiveness in improving the educational attainment of educationally deprived children, including the effectiveness of programs to meet their occupational and career needs, and make recommendations for the improvement of this title and its administration and operations. These recommendations shall take into consideration experience gained under this and other Federal educational programs for disadvantaged children and, to the extent appropriate, experience gained under other public and private educational programs for disadvantaged children.

"(c) REPORTS.—The National Council shall make such reports of its activities, findings, and recommendations (including recommendations for changes in the provisions of this title) as it may deem appropriate and shall make an annual report to the President and the Congress not later than March 31 of each calendar year. Such annual report shall include a report specifically on which of the various compensatory education programs funded in whole or in part under the provisions of this title, and of other public and private educational programs for educationally deprived children, hold the highest promise for raising the educational attainment of these educationally deprived children. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report. Subject to section 448(b) of the General Educational Provisions Act, the National Council shall continue to exist until October 1, 1984.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MICHEL, for 60 minutes, today.

(The following Member (at the request of Mr. SENSENBRENNER) to revise and extend his remarks and to include extraneous matter:)

Mr. MOORHEAD, for 1 hour, on May 28.

(The following Members (at the request of Mr. DANIELSON) to revise and extend their remarks and to include extraneous matter:)

Mr. BOLAND, for 15 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BROWN of California, for 20 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. SHAMANSKY, at the request of Mr. MINETA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROUSSELOT, immediately following the remarks of Mr. MICHEL, today.

Mr. MILLER of California, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,840.

(The following Members (at the request of Mr. SENSENBRENNER) and to include extraneous matter:)

Mr. CARMAN.

Mr. MCKINNEY.

Mr. FRENZEL.

Mr. SHUSTER.

Mr. GREEN in two instances.

Mr. DREIER.

Mr. GILMAN.

Mr. TRIBLE.

Mr. FIELDS in two instances.

Mr. HOPKINS.

Mr. RAILSBACK.

Mr. EMERY.

Mr. MCEWEN.

Mr. ROBERT W. DANIEL, JR.

Mr. GOLDWATER.

Mr. SMITH of Oregon.

Mr. DORNAN of California.

Mr. CONABLE.

Mr. MARLENEE.

Mr. LUJAN.

Mr. PASHAYAN.

(The following Members (at the request of Mr. DANIELSON) and to include extraneous matter:)

Mr. FORD of Michigan.

Mr. SIMON.

Mr. MILLER of California.

Mr. HEFTEL.

Mr. RODINO in two instances.

Mr. STARK.

Mr. DONNELLY.

Mr. BRODHEAD.

Mr. EDWARDS of California in four instances.

Mr. WAXMAN in two instances.

Mr. WALGREN.

Mr. LAFALCE in two instances.

Ms. FERRARO.

Mr. SOLARZ.

Mr. STOKES.

Mr. LANTOS.

Mr. TAUZIN.

Mr. CONYERS.

ADJOURNMENT

Mr. MINETA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 138, 97th Congress, the House stands adjourned until 12 o'clock meridian, Wednesday, May 27, 1981.

Thereupon (at 2 o'clock and 37 minutes p.m.), pursuant to House Concurrent Resolution 138, the House adjourned until Wednesday, May 27, 1981, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1422. A letter from the Executive Associate Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Forest Service for "Construction and Land Acquisition" for fiscal year 1981 has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679(e)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

1423. A letter from the Acting General Counsel, U.S. General Accounting Office, transmitting a report on the status of budget authority that was proposed for rescission by the President, but rejected by the Congress; to the Committee on Appropriations.

1424. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the commissary shelfstocking and custodial services function at Mountain Home Air Force Base, Idaho, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1425. A letter from the Secretary of Transportation, transmitting a report on the effects of alternative rights-of-way ownership on railroad safety, pursuant to section 10(a)(2) of Public Law 95-574; to the Committee on Energy and Commerce.

1426. A letter from the Acting Chairman, Federal Trade Commission, transmitting a staff report on its investigation of cigarette advertising; to the Committee on Energy and Commerce.

1427. A letter from the Assistant Secretary of State for Congressional Relations, transmitting Presidential Determination No. 81-6 authorizing economic support fund assistance for Liberia, pursuant to section 614(a)(1) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1428. A letter from the Executive Director, National Capital Planning Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1980, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1429. A letter from the Acting Comptroller General of the United States, transmitting a summary of the 24 reports issued by the General Accounting Office on major weapons systems from September 1980 through April 1981 (MASAD-81-26, May 14, 1981); jointly, to the Committees on Government Operations and Armed Services.

1430. A letter from the Acting Comptroller General of the United States, transmitting a report assessing the Nuclear Non-Proliferation Act of 1978, (OCG-81-2, May 21, 1981); jointly, to the Committees on Government Operations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3399. A bill to amend titles XVIII and XIX of the Social Security Act with respect to payments to health maintenance organizations; with amendment (Rept. No. 97-119, Pt. 1). And ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 85. A bill to provide a comprehensive system of liability and compensation for oil spill damage and removal costs, and for other

purposes; with amendment (Rept. No. 97-120, Pt. 1). And ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[*Omitted from the Record of May 20, 1981*]

the bill, to provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes (H.R. 3603, as reported on May 20, 1981) was referred by the Speaker as follows:

The Committee of the Whole House on the State of the Union discharged, and referred to the Committee on Appropriations for a period not to exceed 15 legislative days with instructions to report back to the House as provided in section 401(b) of Public Law 93-344.

the bill, to increase the pay and allowances of members of the Armed Forces (H.R. 3380, as reported on May 20, 1981) was referred by the Speaker as follows:

The Committee of the Whole House on the State of the Union discharged; and referred to the Committee on Appropriations for a period not to exceed 15 legislative days with instructions to report back to the House as provided in section 401(b) of Public Law 93-344.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON (for himself and Mr. SHUSTER) (by request):

H.R. 3662. A bill to amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ANDERSON (for himself and Mr. SHUSTER):

H.R. 3663. A bill to amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers; to the Committee on Public Works and Transportation.

By Mr. ANTHONY:

H.R. 3664. A bill to amend title 11, United States Code, regarding claims with respect to agricultural commodities stored in agricultural commodity storage facilities operated by debtors in bankruptcy, and for other purposes; to the Committee on the Judiciary.

By Mr. ASHBROOK:

H.R. 3665. A bill to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition; to the Committee on Ways and Means.

By Mr. SHELBY (for himself and Mr. GRAMM):

H.R. 3666. A bill to repeal titles XV (relating to health planning) and XVI (relating to health resources development) of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. BREAUX (for himself, Mr. TAUZIN, Mr. CLAUSEN, and Mr. JONES of North Carolina):

H.R. 3667. A bill to improve the operation of the Fisherman's Contingency Fund established to compensate commercial fishermen for damages resulting from oil and gas exploration, development, and production in areas of the Outer Continental Shelf; to the Committee on Merchant Marine and Fisheries.

By Mr. BREAUX (for himself and Mr. FORSYTHE):

H.R. 3668. A bill to amend title VI of the Merchant Marine Act, 1936, in order to permit the establishment of capital construction funds for fishery facilities; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

By Mr. BROOMFIELD:

H.R. 3669. A bill to establish an improved program to support the price of peanuts that will benefit producers and consumers; to the Committee on Agriculture.

By Mr. DASCHLE:

H.R. 3670. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products be subject to certain examination, inspection, and labeling requirements, and to require that eating establishments serving imported meat or meat food products provide notice of that fact to their customers; to the Committee on Agriculture.

By Mr. EVANS of Iowa:

H.R. 3671. A bill to amend the Internal Revenue Code of 1954 to authorize the President to exempt from interest income, certain residential mortgages purchased from Federal and State chartered savings and loan institutions; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 3672. A bill to authorize the President of the United States to present a gold medal to the widow of Joe Louis; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FIELDS:

H.R. 3673. A bill to modify the project for navigation at Houston Ship Channel (Greens Bayou), Tex., to maintain a 40-foot depth in Greens Bayou; to the Committee on Public Works and Transportation.

H.R. 3674. A bill to modify the Houston Ship Channel navigation project to maintain a 40-foot project depth in the Barbour Terminal Channel; to the Committee on Public Works and Transportation.

H.R. 3675. A bill to declare the Port of Houston Authority Bridge over Greens Bayou, Tex., to be for all purposes a "lawful bridge" as defined in "An Act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes" approved June 21, 1940 (33 U.S.C. 511 et seq.); to the Committee on Public Works and Transportation.

By Mr. GREEN:

H.R. 3676. A bill to amend the Internal Revenue Code of 1954 to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns, and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

H.R. 3677. A bill to provide increased benefits under the medicare program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HANCE:

H.R. 3678. A bill to amend the Internal Revenue Code of 1954 to reduce to 6 months the holding period required for long-term capital gain treatment; to the Committee on Ways and Means.

H.R. 3679. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of real property; to the Committee on Ways and Means.

By Mr. HEFTEL:

H.R. 3680. A bill to reform the laws relating to the provision of Federal assistance in order to provide State and local governments with greater flexibility in managing programs and projects using such assistance; jointly, to the Committees on Government Operations and Rules.

By Mr. JENKINS:

H.R. 3681. A bill to amend the Internal Revenue Code of 1954 to increase to $900 the minimum amount a parent not having custody of a child must provide for the support of the child in certain cases in order to claim a personal exemption for the child; to the Committee on Ways and Means.

H.R. 3682. A bill to improve productivity and promote capital investment in small business and for other purposes; to the Committee on Ways and Means.

By Mr. McCURDY:

H.R. 3683. A bill to amend title II of the Social Security Act to increase the amount that a recipient may earn before being subject to a reduction in benefits on account of work; to the Committee on Ways and Means.

By Mr. PATTERSON:

H.R. 3684. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income interest earned on certain certificates of deposit in financial institutions; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 3685. A bill to amend chapter 44 of title 18 of the United States Code to limit the availability of guns not suitable for lawful sporting purposes; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 3686. A bill to establish the Civilian Conservation Corps II to perform such projects on public or Indian lands or waters as the Secretary of the Interior may authorize, and for other purposes; to the Committee on Education and Labor.

By Mr. STANGELAND (for himself and Mr. NAPIER):

H.R. 3687. A bill to amend the Internal Revenue Code of 1954 to provide an unlimited estate and gift tax marital deduction; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 3688. A bill to amend the Public Health Service Act to extend programs for comprehensive health services, for preventive health service programs for immunization of children, hypertension, and tuberculosis, and for the prevention and control of venereal disease; to the Committee on Energy and Commerce.

H.R. 3689. A bill to amend the Public Health Service Act to extend the program of assistance for community health centers and migrant health centers, and for other purposes; to the Committee on Energy and Commerce.

H.R. 3690. A bill to amend the Public Health Service Act to extend the program for health service research, health statistics, and health care technology and for medical libraries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WHITTEN:

H.R. 3691. A bill to amend the Federal Rules of Civil Procedure to restore the right to a jury trial in certain cases involving the exercise by the United States of the power

of eminent domain; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. GLICKMAN, Mr. LEATH of Texas, Mr. LEACH of Iowa, Mr. WINN, Mr. ROBERTS of South Dakota, Mr. COATS, Mr. BROWN of Colorado, Mr. EVANS of Iowa, Mr. HANSEN of Utah, Mr. HARTNETT, Mr. McEWEN, Mr. NAPIER, Mr. ERDAHL, Mr. MICA, Mr. SHUMWAY, and Mr. BEDELL):

H.J. Res. 267. Resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives and to limit the number of terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. HALL of Ohio:

H. Con. Res. 140. Resolution expressing the sense of the Congress that the President should instruct the United States Ambassador to the United Nations to recommend that a special session of the General Assembly of the United Nations be convened on combating and controlling international terrorism; to the Committee on Foreign Affairs.

By Mr. STARK:

H. Res. 143. Resolution to express the sense of the House that combating crime must be made a national priority; to the Committee on the Judiciary.

JOINT RESOLUTIONS ON DEBT LIMIT PASSED UNDER RULE XLIX

Under clause 1 of rule XLIX, joint resolutions of the following titles were engrossed and deemed passed:

H.J. Res. 265. Joint resolution to provide for a temporary increase in the public debt limit; engrossed and deemed passed.

H.J. Res. 266. Joint resolution to provide for a temporary increase in the public debt limit; engrossed and deemed passed.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

87. By the SPEAKER: Memorial of the House of Representatives, Commonwealth of Pennsylvania, relative to the backlog in Black Lung benefit claims; to the Committee on Education and Labor.

88. Also, memorial of the House of Representatives of the State of Hawaii, relative to automobile fuel efficiency standards; to the Committee on Energy and Commerce.

89. Also, memorial of the House of Representatives of the State of Hawaii, relative to community health centers; to the Committee on Energy and Commerce.

90. Also, memorial of the Legislature of the State of Alaska, relative to alleviating the effect of time zones on presidential elections; to the Committee on House Administration.

91. Also, memorial of the House of Representatives of the State of Hawaii, relative to changes in the blood quantum requirements for lessees of Hawaiian home lands; to the Committee on Interior and Insular Affairs.

92. Also, memorial of the Legislature of the State of California, relative to Hansen Dam; to the Committee on Public Works and Transportation.

93. Also, memorial of the Assembly of the State of New York, relative to transportation for the handicapped; to the Committee on Public Works and Transportation.

94. Also, memorial of the House of Representatives of the State of Hawaii, relative to funding for renewable alternate energy research and development projects; to the Committee on Science and Technology.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PHILLIP BURTON:

H.R. 3692. A bill for the relief of Maximiano Tamayo Lucero; to the Committee on the Judiciary.

By Mr. PETRI:

H.R. 3693. A bill for the relief of Fred L. Timm and Leona M. Timm; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. ANTHONY, Mr. BAFALIS, Mr. BAILEY of Missouri, Mr. BONER of Tennessee, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. CAMPBELL, Mr. CLAUSEN, Mr. CORRADA, Mr. COURTER, Mr. CROCKETT, Mr. DASCHLE, Mr. DAVIS, Mr. DONNELLY, Mr. DORNAN of California, Mr. DOWNEY, Mr. DUNCAN, Mr. DUNN, Mr. DWYER, Mr. DYSON, Mr. ECKART, Mr. EMERY, Mr. ERTEL, Mr. EVANS of Indiana, Mr. FINDLEY, Mr. FORSYTHE, Mr. GILMAN, Mr. GINN, Mr. GRADISON, Mr. GUNDERSON, Mr. HAGEDORN, Mr. SAM B. HALL, Jr., Mr. HAMILTON, Mr. HARKIN, Mr. HEFTEL, Mr. HERTEL, Mr. HOLLENBECK, Mr. HOPKINS, Mr. HUCKABY, Mr. LAGOMARSINO, Mr. LEVITAS, Mr. LONG of Maryland, Mr. McCOLLUM, Mr. McGRATH, Mr. McKINNEY, Mr. MAVROULES, Mr. MURPHY, Mr. NEAL, Ms. OAKAR, Mr. O'BRIEN, Mr. PASHAYAN, Mr. PATMAN, Mr. PATTERSON, Mr. PRICE, Mr. PRITCHARD, Mr. PURSELL, Mr. ROE, Mr. SANTINI, Mr. SHANNON, Mr. SOLOMON, Mr. WALKER, Mr. WEAVER, Mr. WOLPE, Mr. WON PAT, Mr. WYDEN, Mr. ZABLOCKI, and Mr. ZEFERETTI.

H.R. 177: Mr. McCOLLUM.

H.R. 188: Mr. MYERS, Mr. BURGENER, Mr. LOWERY of California, Mr. DORNAN of California, Mr. SENSENBRENNER, Mr. DREIER, Mr. GOLDWATER, and Ms. FIEDLER.

H.R. 217: Mr. LANTOS.

H.R. 835: Mr. OBERSTAR.

H.R. 852: Mr. YATES.

H.R. 861: Mrs. BYRON.

H.R. 911: Mr. BEARD.

H.R. 1005: Mr. AuCOIN, Mr. MILLER of Ohio, Mr. McCOLLUM, and Mr. WOLPE.

H.R. 1300: Mr. GILMAN.

H.R. 1364: Mr. GEPHARDT and Mr. MILLER of Ohio.

H.R. 1376: Mr. OTTINGER.

H.R. 1400: Mr. HYDE, Mr. RAHALL, Mr. DYMALLY, Mr. ZEFERETTI, Mr. RICHMOND, Mr. GONZALEZ, Mr. DOUGHERTY, Mr. STARK, Mr. BEDELL, Mr. BEVILL, Mr. CLAUSEN, Mr. BROWN of California, Mr. WEBER of Minnesota, and Mr. DUNCAN.

H.R. 1603: Mr. GOODLING, Mr. AuCOIN, Mr. HUCKABY, Mr. MOORHEAD, Mr. MARRIOTT, and Mr. RALPH M. HALL.

H.R. 1641: Mrs. SCHROEDER, Mr. WEAVER, Mr. PRITCHARD, Ms. OAKAR, Mr. OBERSTAR, and Mr. EDWARDS of California.

H.R. 1765: Mr. FIELDS.

H.R. 1776: Mr. PEPPER, Mr. ANDERSON, Mrs. COLLINS of Illinois, Mr. EMERY, Mr. FAZIO, Mr. FUQUA, Mr. GOODLING, Mr. GUNDERSON, Mr. HAGEDORN, Mr. LUKEN, Mr. MAVROULES, Mr. REGULA, Mr. SKEEN, Mr. SMITH of Alabama, Mr. SPENCE, Mr. WAMPLER, Mr. WILLIAMS of Ohio, Mr. ANTHONY, and Mr. WORTLEY.

H.R. 1914: Mr. HIGHTOWER, Mr. KOGOVSEK, Mr. RAHALL, and Mr. OTTINGER.

H.R. 1962: Mr. SIMON, Mr. EVANS of Delaware, Mr. GUNDERSON, and Mr. OBERSTAR.

H.R. 2124: Mrs. SCHNEIDER, Mr. MARTIN of New York, Mr. MINETA, and Mr. PATTERSON.

H.R. 2456: Mr. DAVIS, Mr. AKAKA, Mr. TAUZIN, and Mr. OBERSTAR.

H.R. 2533: Mr. McEWEN, Mr. BROWN of Colorado, Mr. LeBOUTILLIER, Mr. McCOLLUM, Mr. NAPIER, Mr. MYERS, and Mr. DORNAN of California.

H.R. 2637: Mr. MITCHELL of Maryland, Mr. CLAY, Mr. STOKES, Mr. EDGAR, Mr. NEAL, and Mr. FOGLIETTA.

H.R. 2640: Mrs. SCHNEIDER.

H.R. 2921: Mr. MARRIOTT.

H.R. 2949: Mr. WEBER of Minnesota, Mr. BAILEY of Pennsylvania, Mr. SIMON, Mr. BARNARD, Mr. BAFALIS, Mr. LaFALCE, Mr. McGRATH, Mr. RITTER, Mr. EVANS of Georgia, Mr. BEARD, Mr. STOKES, Mr. ECKART, Mr. GRAY, and Mr. LUKEN.

H.R. 2971: Mr. CONTE.

H.R. 3060: Mr. HEFTEL.

H.R. 3406: Mr. DOUGHERTY.

H.R. 3464: Mr. LONG of Maryland and Mr. STOKES.

H.R. 3471: Mr. WHITEHURST.

H.J. Res. 104: Mr. McGRATH.

H.J. Res. 128: Mr. LEHMAN, Mr. SAWYER, Mr. STUMP, and Mr. FAUNTROY.

H. Con. Res. 26: Mr. DE LUGO and Mr. GINGRICH.

H. Con. Res. 45: Mr. GUNDERSON, Mr. GARCIA, Mr. ERTEL, and Mr. BONIOR of Michigan.

H. Con. Res. 96: Mr. SEIBERLING, Mr. BARNES, Mr. BONIOR of Michigan, Mr. STARK, Mr. WYDEN, Mr. OTTINGER, Mr. PORTER, Mr. FORD of Michigan, Mr. SOLARZ, Mr. RODINO, Mr. MURPHY, Mr. WOLPE, Mr. FOGLIETTA, Mr. PEASE, Mr. MOAKLEY, Mr. MINETA, Mr. DYSON, Mr. BINGHAM, Mr. DE LUGO, Mr. CONYERS, Mr. WIRTH, Mr. LONG of Maryland, Mr. D'AMOURS, Mr. ROBERT W. DANIEL, JR., Mr. HUGHES, Mr. EVANS of Delaware, Mr. HALL of Ohio, Mr. PICKLE, Mr. GINGRICH, Mr. FRENZEL, Mr. LANTOS, and Mr. OBERSTAR.

H. Res. 122: Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. DeNARDIS, Mr. PANETTA, Mr. DONNELLY, Mr. MOTTL, Mr. DORNAN of California, Mr. JEFFORDS, Mr. DOUGHERTY, Mr. BEILENSON, Mr. McDADE, Mr. SCHUMER, Mr. OTTINGER, Mrs. FENWICK, Mr. FAUNTROY, Mrs. COLLINS of Illinois, Mr. STUDDS, Mr. STOKES, Mr. STARK, Mr. WIRTH, Mr. FARY, Mr. GEJDENSON, Mr. ECKART, Mrs. SCHNEIDER, Mr. CROCKETT, Mr. PURSELL, and Mr. AuCOIN.

H. Res. 124: Mr. BAFALIS, Mr. BARNES, Mr. BENJAMIN, Mr. BEREUTER, Mr. BLILEY, Mr. BROOMFIELD, Mr. COELHO, Mr. CORRADA, Mr. PHILIP M. CRANE, Mr. DANNEMEYER, Mr. DORNAN of California, Mr. DOUGHERTY, Mr. DUNN, Mr. EMERY, Mr. ERDAHL, Mr. EVANS of Iowa, Mr. FAUNTROY, Mr. FISH, Mr. FOGLIETTA, Mr. FORSYTHE, Mr. GILMAN, Mr. GINGRICH, Mr. GOLDWATER, Mrs. HECKLER, Mr. HENDON, Mr. HILER, Mr. HORTON, Mr. HUTTO, Mr. JOHNSTON, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Mr. LeBOUTILLIER, Mr. LENT, Mr. LOWERY of California, Mr. McEWEN, Mr. MARKS, Mr. MARRIOTT, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mr. MOLINARI, Mr. MONTGOMERY, Mr. MORRISON, Mr. OBERSTAR, Mr. OTTINGER, Mr.

PASHAYAN, Mr. PEASE, Mr. PRITCHARD, Mr. RINALDO, Mr. ROBERTS of South Dakota, Mr. ROGERS, Mr. SHAW, Mr. SMITH of Alabama, Mrs. SMITH of Nebraska, Mr. SOLOMON, Mr. STATON of West Virginia, Mr. STUDDS, Mr. TAUKE, Mr. WHITEHURST, Mr. WILLIAMS of Ohio, Mr. WOLF, Mr. WOLPE, and Mr. YATRON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

92. By the SPEAKER: Petition of the Massachusetts Institute of Technology General Assembly, Cambridge, relative to educational spending; to the Committee on Education and Labor.

93. Also, petition of Neil Glickman, Washington, D.C., and others, relative to the proposed inclusion of grants under the Rehabilitation Act of 1973 with other programs; to the Committee on Education and Labor.

SENATE—*Thursday, May 21, 1981*

(Legislative day of Monday, April 27, 1981)

The Senate met at 7 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., offered the following prayer:

Our Father in heaven, as this week comes to a close with its hard work under great pressure, grant that this coming week will provide for Senators and staffs times of refreshment and restoration for body, mind, and spirit—and especially for family.

Help the Members of the Senate to make the difficult adjustment from the Hill to the home. Help them to remember that they are not Senators there, but husbands and fathers, that the people there are not staff but family.

Father, public servants can never be entirely free from their responsibilities, but help them to take seriously the prior responsibility they have to their families. Grant that in addition to the work which demands attention during recess, there will be time for those to whom they owe a greater allegiance than to position, party, and politics. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have no need for the remaining minute allocated to the leadership on this side, and I yield it back.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. MOYNIHAN. Mr. President, I have no need for my time, either, save to express the appreciation that is continuously felt on this side for the courtesy of the majority leader and his indefatigable determination to see that the work of the Senate is done.

I suggest that we might follow the behest of the morning prayer, that we get back to our families next week and restore some of those relations.

Here we are at 7 o'clock in the morning, doing the work of the Senate, in response to a cheerful disciplinarian, and happy to submit to that.

Mr. BAKER. Mr. President, I observe that the Secretary of the Senate just commented that he would go for breakfast now if he did not just have dinner. [Laughter.]

Mr. MOYNIHAN. Mr. President, I yield back the remainder of my time.

SUPPLEMENTARY APPROPRIATIONS AND RESCISSION ACT, 1981

The PRESIDENT pro tempore. Under the previous order, the Senate will resume the consideration of H.R. 3512, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3512) making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes.

The PRESIDENT pro tempore. The Senator from New York is recognized.

UP AMENDMENT NO. 116

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes an unprinted amendment numbered 116.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

None of the funds made available pursuant to the provisions of this Act shall be used to formulate or carry out any policy, procedure, guideline, regulation, standard or measure which would cause in the Social Security program:

A change in the benefit computation point from age 62 to age 65;

A reduction in benefits for early retirement;

The requirement of "Medical Only" determinations of disability;

An increased waiting period for receipt of disability payments;

The requirement of a prognosis of 24-plus months of disability for receipt of disability payments;

An increased requirement for insured status to collect disability payments;

The elimination of children's benefits in early-retirement cases;

The extension of disability maximum family benefits to retirement and survivors' cases;

A change in the date for automatic benefit increases;

A change in the method of computing automatic benefit increases;

The extension of Social Security coverage to the first six months of sick pay.

Mr. MOYNIHAN. Mr. President, how much time is allotted to this amendment and how is it divided?

The PRESIDENT pro tempore. Twenty minutes, equally divided.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, as Senators know, yesterday was a momentous day in the Senate, when, as reported in the Washington Post this morning, the "Senate Unanimously Rebuffs President on Social Security."

I do not by any means suggest that there was a personal rebuff to the President. Rather, the administration's proposals, which had been received by us from the Secretary of Health and Human Services—Mr. Schweiker, a former colleague—as an agent of the President, as is any member of the Cabinet, did cause great concern in this body and even greater concern in the Nation.

The proposals that would have drastically changed the level of retirement benefits for those persons who choose an early retirement have disrupted the plans and the expectations of millions of Americans—not figuratively but literally.

More than half of those who retire under social security now retire early. One does not retire early when dependent upon social security because life in Palm Beach has proved irresistible as a year-round enterprise. If you are going to live on social security, it is because you cannot get work or you are ill, or for one reason or another it is no longer feasible for you to stay in the work force.

The purpose of this amendment, Mr. President, is to do what we have frequently done—what it will be later today insisted that we do—to say that if we are opposed to doing something, we should not use any Federal funds to plan doing it. This would put the cap on yesterday's unanimous decision to say that there will not be precipitous changes in retirement arrangements and similar matters.

We would say, simply stated,

None of the funds made available pursuant to the provisions of this act shall be used to formulate or carry out any policy, procedure, guideline, regulation, standard or measure which would cause in the social security program a change in the benefit computation point from age 62 to age 65.

As Senators know, the proposal we have received would assign no value to the age 62 to 64 period, resulting in lower benefits for early retirees.

With this amendment, no measures would be prepared to lead to a reduction in benefits for early retirement. That is

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

the largest concern in the Nation right now. I said yesterday that when this arrangement was introduced in 1962, the actuarial determination was made that benefit levels set at 80 percent at age 62, 85 percent at age 63, and 90 percent at age 64 in fact work out to be the equivalent of full benefits beginning at age 65. Early retirement in the end makes no difference to the fund and, in a sense, persons receive the same benefits they would if they retired at 65.

To change this would take away benefits from retired workers, benefits they had every reason to expect and which, for 18 years, they have been routinely guaranteed.

With this amendment, there would be no planning for the "medical only" determinations of disability. Workers now can qualify for disability benefits based on a combination of medical and nonmedical factors, the results of which make them, in effect, disabled—they are not able to work. To say that only medical factors may be considered is to thwart the purpose of the law, which is that people who are not able to work should not work and should instead be given disability benefits.

With this amendment there would be no provision for increasing the waiting period for the receipt of disability benefits. The administration would force those who are qualified to wait 6 months before collecting payments.

If you have a social insurance program and someone is entitled to benefits under it, they are entitled to benefits under it promptly. It is an elemental principle of social insurance. The requirement of a prognosis of 24 months of disability or eventual death is clearly inequitable.

A person may break a leg, not be able to work, have no other benefits, but may well be able to work before 24 months elapse. But the real disability would not matter now, in that circumstance.

Another provision would guard against increasing to 30 quarters the requirement for insured status to collect disability payments. The administration would require a worker to have worked 30 of the past 40 quarters to be eligible for disability benefits. The idea is that this change more nearly ties disability benefits to lost wages.

But it does not recognize that for a variety of reasons disabled workers may refrain from collecting benefits immediately upon leaving the work force. It happens all the time. And it does not recognize that workers who are laid off for reasons beyond their control are nonetheless legitimately entitled to the disability benefits that laid-off or part-time workers still need to replace lost wages. So if you have the combined circumstance of having lost your job and having become disabled our social insurance system fails you completely.

There is another device in the Secretary's package which is used to discourage early retirement. The administration would prohibit receipt of dependent benefits by children of workers who retire early.

This implies that early retirement is a frivolous choice. Yet nearly 60 percent of early retirees do so for health reasons. By age 62 a large number of people have become unable to work. They are sensitive that they have dependents, but they are not able to work except at their peril.

In an eighth proposal, whose implementation my amendment would prevent, the administration would extend the disability maximum family benefits to retirement and survivor cases. This would lower survivor and worker benefits, returning to what the administration says is the program's original purpose, "a floor of protection."

But the social security program, as we have known it and as Americans have for almost a half century known it, provides protection, not a minimum subsistence. The benefits are already small enough. The average is less than $300 a month. The average social security benefit is under $300 a month. But this $300 is not calculated as being the minimum possible subsistence allowance. This is a contributory insurance plan. It should be kept as such, and its benefits should reflect this too.

The date and methods of the cost-of-living adjustments are, of course, proposed to be changed in the administration's package. This is nothing short of a proposal to reduce the adjustment against inflation that older workers depend on.

As for sick pay, the proposal would extend the social security tax to sick pay, cutting the income upon which the ill depend. This is almost never equivalent to a normal salary. Once again we see what one would almost think is an effort to penalize those persons who have been misfortunate enough to need a system of social insurance. A system of social insurance that is designed not to penalize them. People do not get sick in order to draw social security benefits. People do not become disabled in order to avoid working.

One of the discouraging things about the Secretary's proposals is that they give you an image of America that is a caricature, a caricature presupposed by a great many fallacious propositions we hear from the political right. If Americans do not want to work, how come, after almost three-quarters of a century in which one of the given facts of the American economy was that the proportion of persons in the work force was just about 56 percent; has this proportion increased? In 1900, when women were only rarely in industrial or commercial employment, children went to work at age 10, most people were on farms, 56 percent of the population was in the work force. Fifty years later it remained 50 percent. Right up to when women were working and children no longer were working. Despite big transformations in the labor force composition, that ratio continued.

The PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. MOYNIHAN. Mr. President, will the Senator yield me 1 additional minute to conclude this thought?

Mr. HATFIELD. Mr. President, I am happy to yield 1 additional minute to the Senator from New York.

Mr. MOYNIHAN. I thank the Senator.

Mr. President, starting in the mid-1960's the ratio changed.

More and more people started entering the work force. The ratio is now about 64 percent. This is one of the big changes in the American population. Two-thirds of our people are in the work force.

This is not a malingering Nation—for heaven's sake. These proposals depict our social insurance system as something that somehow contributes to habits of lassitude. But ours is a society which, to the contrary, is beginning to see the social consequences that result from what might be termed excessive participation in the labor force. I will not elaborate on these remarks. I simply say the idea that people get sick or become disabled or retire early because they do not want to work is implicit in the administration's proposals. This idea is not worthy of the American work force. It is not worthy of the administration. My simple amendment would say, "Do not plan for what the Senate has unanimously rejected."

Mr. President, I ask unanimous consent to have printed in the RECORD the front page of the Washington Post today in this matter.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATE UNANIMOUSLY REBUFFS PRESIDENT ON SOCIAL SECURITY—REAGAN REBUFFED BY SENATE

(By Helen Dewar)

Led by its Republican majority, the Senate voted unanimously yesterday to spurn two critical aspects of President Reagan's new plan to cut Social Security benefits.

First rejecting by only a one-vote margin an even harsher repudiation proposed by the Democrats, the Senate went on record 96 to 0 against any proposal that would "precipitously and unfairly penalize early retirees" or reduce benefits more than "necessary to achieve a financially sound system and the well-being of all retired Americans."

Almost at the same time, House Democrats unanimously adopted a statement characterizing Reagan's proposals as an "unconscionable breach of faith," especially with early retirees.

These reversals for the president came even as the House was confirming his earlier budget victories by finally adopting, 244 to 155, the much-cut budget resolution he supported for next fiscal year. The Senate was expected to follow suit on the budget today.

Reagan last week proposed, on top of his first round of budget cuts, major new retrenchments in Social Security, the sharpest of which would affect those seeking in the future to retire before age 65. His recommendations would cut future benefits nearly twice as much as required to keep the Social Security system solvent, assuming the economy behaves as anticipated. Such cuts would serve not only to keep the system afloat without new increases in taxes, they would help reduce future budget deficits as well.

Jubilant Democrats said the Senate vote amounted to a repudiation of the scope of the proposed cuts, as well as the early retirement provision. Almost mischievously, they suggested that the Republicans merely copied the essence of their proposal, which had been tabled by a vote of 49 to 48, with Republicans Lowell P. Weicker Jr. (Conn.) and William V. Roth Jr. (Del.) joining all Democrats in support of it.

The Republican proposal on Social Secu-

rity, offered by Senate Finance Committee Chairman Robert J. Dole (R-Kan.), was "a rejection of those proposals, tacitly and inferentially," said Minority Leader Robert C. Byrd (D-W.Va.). "We won the point . . . ," claimed Sen. Daniel P. Moynihan (D-N.Y.).

The vote by the Republican-controlled Senate, although only hortatory in nature, amounted to the most important rebuff Reagan has received so far from Congress—although the White House itself has been backpedaling a little in recent days on the Social Security recommendations.

The Senate action came as the Democratic-dominated House gave final approval to a compromise version of Reagan's slashed-back 1982 spending targets that mandate more than $35 billion in actual program cuts.

But even as Reagan could by this vote claim victory in Phase One of his budget-cutting drive, House Speaker Thomas P. O'Neill Jr. (D-Mass.) plotted a strategy to salvage some of the threatened programs.

"If it breaks the budget, then that is the will of Congress," said O'Neill as he outlined a procedure under which the House can entertain second thoughts about actually approving the program cuts that it is instructing its legislative committees to draft.

Asked if he was proposing to unravel the whole austerity program, O'Neill smiled and said he was just "giving members of Congress a chance to vote for the programs that truly made America great."

The House vote was 244 to 155, with all but eight of the opposition votes coming from Democrats, to approve a House-Senate budget compromise totaling $695.5 billion, with a projected deficit of $37.7 billion.

The preliminary budget proposes to give Reagan virtually all the spending cuts he wants, along with room for the more than $50 billion, three-year, across-the-board tax cut that he has proposed.

But yesterday's action only completes the first, easiest phase of the protracted, complex budget process. The budget neither makes actual spending cuts nor binds Congress to the tax cut, which is considered unlikely to pass without modification. Actual tax and spending cuts will have to come later, which is what gives O'Neill an opportunity to try to restore some of the money that the first budget resolution proposes to cut.

The budget resolution approved yesterday also raises the spending ceiling to $661.4 billion for the 1981 fiscal year ending Sept. 30, enabling Congress to pass supplementary appropriations to carry the government through the rest of the fiscal year.

It was in connection with that money bill, which the House passed earlier this month and sent to the Senate, that the Senate adopted the statement of opposition to some of Reagan's proposed Social Security cuts.

Also as a part of the 1981 money bill, the Senate is expected to face today yet another of its periodic flareups over curbing federal funding of abortions.

The Senate Appropriations Committee voted to strip all House-approved anti-abortion "riders" from the bill on the theory that the Senate, now in Republican hands, will no longer block changes in laws dealing with abortion. The Senate Republican leadership, anxious to keep emotional social issues from tripping up Reagan's economic program, is backing the committee. But Sen. Jesse Helms (R-N.C.) has served notice he will try to restore the anti-abortion language.

Before the budget vote in the House, Budget Committee Chairman James R. Jones (D-Okla.), who failed in an earlier attempt to modify the document, delivered a blistering attack on it as a "politically convenient mirage for the time being."

But Jones voted for the compromise and pledged to enforce its spending cuts, which puts him at odds with O'Neill.

O'Neill would enforce the cuts in only a technical sense. He would have the committees meet their targets for program cuts but also encourage them to propose amendments to restore money for programs that they consider essential. Thus House members would be voting on specific program cuts rather than on generalities of the Reagan budget, which has proved to be prohibitively popular in Congress.

"We're not going to roll over and play dead and let them [the Republicans] stew in their own juice," said O'Neill, while insisting he was not being obstructionist.

But it was not clear that O'Neill will succeed in his strategy. "In the end, I am not sure you can restore any of them [the cuts]," said Rep. Leon E. Panetta (D-Calif.), a Budget Committee member. O'Neill did not say how much the Democrats might want to restore, but Panetta said it could be about $1 billion to $5 billion in subsidized housing, farm, alternative fuels, health, transportation, education and jobs programs.

Some committees, like Ways and Means, have met or nearly met their targets, although reluctantly. Others like Education and Labor, have indicated they cannot do so.

Mr. MOYNIHAN. Mr. President, by this simple act, we will realize the objective which we approved only yesterday.

I thank the Chair.

The PRESIDING OFFICER (Mr. MATTINGLY). The 1 additional minute yielded to the Senator from New York has expired.

The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I know that the Senator from New York has not probably intended to add to the woes of the appropriations process, but it looks as though we have now added one of those issues that does not belong on the appropriations process vehicle, and yet it rises like school prayer, busing, and abortion.

So now we are going to have social security every day we come into session, I suppose, with an appropriation measure. We are going to have another piggybacking of an issue that does not belong here.

We spent over 5 hours yesterday on social security. Yet here we come, the first thing this morning at 7 a.m., and we have another amendment on social security.

As I say, I do not assume that this is by strategy, but it does again make a ridiculous and utterly futile process out of the Appropriations Committee's efforts to try to be responsible and bring to this floor the kind of vehicle upon which we can make appropriations policy, rescission policy, and supplemental policy, all of the things that are incorporated in the appropriations.

Also I must add that I am a little bit amazed of one who has been in the academic field as I have been that we have sort of a revival of the Middle Ages concept here that we are not going to permit thinking or planning or even the word "formulate" includes investigation, assessment, the scientific process of gathering information, but we are going to prevent that. We are going to set up rigid guidelines here upon which there cannot be even any consideration given to this broad issue of social security.

So we are going to start now, I suppose, a censorship kind of an approach to this. We are going to set parameters of where the mind can wonder or the mind can investigate.

I must admit that coming out of an academic background I resist these efforts that have been made from time to time to limit people's vision, to limit people's thinking even to pursue those that may end up against a blank wall but then to back off and start in another direction.

Mr. President, I think whatever one's view is on the social security program, we have to let this thing be fully investigated, fully pursued, and to set up these rigid, straitjacket guidelines as far as the mental and the investigatory processes are concerned I think is a reaction, a reversal back to medieval thinking.

I know the Senator from New York is the man who has a great liberation of mind and likes to look into areas, but there are those who have risen in our society and said, "Oh, we cannot teach our children about sex. That is something that we just do not want them to be considering." So today we are saying, "Oh, it is not a sex issue but it is a social security issue." We cannot let them pursue anything that is going to lead to possible formulation of policy except as the dogma has stated is appropriate or the dogma has been approved.

Mr. President, this is not only bad legislation on appropriations but this is just bad planning to restrict the mental processes which are oftentimes considered rather limited in the bureaucracy of the Federal Government anyway, and I do not want to see this kind of an action taken here this morning.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. HEINZ. Mr. President, I thank the Senator for yielding, and I apologize for the sound of my voice because I am losing it today. But I rise in opposition to Senator MOYNIHAN's amendment. I feel rather comfortable in this having done it yesterday, and I hope it does not become a habit because I have great respect for the Senator from New York. I hate to keep rising and opposing his amendments but so I shall do as long as he offers amendments that are in this Senator's judgment without adequate merit.

It seems to this Senator that the issue was settled yesterday as to how the Senate stood on any precipitate changes in the social security program that would unfairly penalize or hurt social security recipients, present or future.

The amendment strikes me as a rather curious attempt to try to nail some kind of new set of thesis to the door of the

church which was closed yesterday, borrowing from medieval terminology already made popular by the Senator from Oregon.

This strikes me, in the way it attempts to close other doors on scientific inquiry, as the moral equivalent of book burning. Now this is ironic to me because one of the most scholarly Members of this body is the man who offers this amendment. He has worked in administrations, Republican and Democrat; he has formulated policies of every conceivable kind. I trust they have all been consistent. I cannot say that for sure, but were he to have to go down to the White House or to HHS and live under this new set of theses he has postulated, I doubt that he would find that he could operate very successfully.

I assume that in offering this amendment, the Senator from New York is absolutely opposed to any of the 11 things he has stated here. I assume, therefore, he believes that nobody should investigate, including himself, a case on the merits for any possible changes, even if it meant increasing social security benefits.

As I understand it, we could not increase social security benefits under the Senator's amendment. If it is the Senator's idea to prevent increases as well as decreases—and I have the funny feeling this was not at all his idea—he should make that clear.

Mr. President, this amendment really is not worthy of our further consideration.

Short-term financing problems in the social security system are critical. There are a number of options which the Senate can consider to resolve them and restore public confidence in our retirement income system. But precipitous action without careful and thoughtful consideration of the consequences—or the alternatives that are left to us after such action—cannot help in our efforts to assure current and future generations of older Americans an adequate retirement income.

Social security is filled with complicated issues. Piecemeal and thoughtless actions cannot resolve them. It was just these kinds of precipitous and ad hoc actions taken by Congress in the past that have brought us to the present crisis in social security. Enough is enough.

The amendment offered by my distinguished colleague from New York would close many of the options before they can be considered. This is a panic response to proposals that have not yet been formally presented to the Senate. I can only conclude that this is a political and blatantly partisan effort to stampede the Senate on issues which will have serious and long-term consequences for the economic well-being of older Americans.

I have already emphasized the need for an openminded and bipartisan effort to try to resolve for once and for all the serious problems in social security. Action on specific aspects of the program have no place on the floor of the Senate at this time.

This amendment regrettably is one of those riders of which we have seen too many, and I hope the Senate will unanimously reject it.

Mr. MOYNIHAN. Mr. President, will the Senator yield for a question?

Mr. HEINZ. At some peril, yes.

Mr. MOYNIHAN. I would like to ask the distinguished Senator from Pennsylvania if he would like us to redraft it and give it over to his side as we did yesterday? It is bad enough to be a minority in the body, but to become a drafting committee for the other side of the aisle is servitude which we had not anticipated. But I would be happy to redraft it, as we did with our amendment yesterday, and then, as yesterday, pass it unanimously.

Mr. HEINZ. I sincerely appreciate the goodwill of the Senator from New York. In the case of this amendment I cannot find any redeeming feature in it that we would want to plagiarize.

Mr. MOYNIHAN. It is without any redeeming social value, none whatever? [Laughter.]

Mr. LEAHY. Mr. President, I rose yesterday in support of the amendment offered by my distinguished colleague from New York, Mr. MOYNIHAN.

The President's recently announced proposal to further reduce social security benefits represents nothing less than a breach of contract with present and future retirees. In my home State of Vermont, 86,000 older Americans will be immediately affected, and thousands more will be affected in the future.

If these proposals are enacted, millions of older Americans who must retire early for health reasons, or who have planned their entire lives to retire early, will see their benefits slashed 31 percent. Are we asking these retirees to do without 31 percent of their health care? or their food? or the heat in their homes?

In addition, those who plan to retire at age 65 will see their benefits cut by 10 percent by 1987. Those already retired may lose needed benefits if the President's cost-of-living index formula change is adopted as proposed.

Mr. President, we all recognize that the social security system is facing financial difficulty. However, the precipitous and severe reductions proposed by the President are clearly not necessary. Sound alternatives exist. Options such as the infusion of general revenue funds, expanded social security coverage, interfund borrowing, or a reallocation of payroll tax receipts should be explored before we act in haste.

Mr. President, it is indeed unfortunate that the administration has chosen to go back on the promise it made just last February to this Nation's present and future retirees that it would not reduce social security benefits.

I will support reasonable efforts to insure the solvency of the social security trust funds. But I cannot and will not support efforts that abruptly deny benefits guaranteed to 86,000 Vermonters and millions of older Americans throughout the country.

Mr. HATFIELD. Mr. President, what is the time situation?

The PRESIDING OFFICER. Forty-two seconds.

Mr. HATFIELD. Mr. President, again I make a procedural motion here, not with any intent to comment further on the substance of the amendment, but merely to move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the vote will be postponed until after 11 a.m., the vote on the conference report.

The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, as chairman of the Senate Special Committee on Aging, I have reviewed the content of the fiscal year 1981 Supplemental Appropriations bill, H.R. 3512, to determine the impact it will have on our elderly citizens. In making this review I have remained mindful that rising rates of inflation and other economic ills profoundly affect the daily lives of every older American. Curing these ills will not be easy and will involve some reductions in Federal spending that will affect some elderly.

These necessary cuts in spending must be made in a fair and equitable manner, so that those in our society who are vulnerable and least able to sacrifice are not made to bear the burden of necessary reductions. While the Appropriations Committee recommends several rescissions affecting the elderly that I wish did not have to be made, I think that the committee has made responsible choices. I was particularly pleased that the committee did not recommend adoption of the administration's proposed $1.5 million rescission for the senior companion program.

There is one recommended appropriations rescission, $10 million in congregate housing services funding, that seriously concerns me. The Appropriations Committee not only recommended a rescission of fiscal year 1981 funds, it recommended that no further funding be provided for the program in future years. I am concerned because this program has clearly shown a potential to save Federal dollars.

In recommending the rescission the committee pointed out that of the $20 million provided in fiscal years 1979–80, $12.9 million remains unobligated and that once those funds are obligated, 65 projects supporting 2,500 residents will have been funded. It is their view that the potential usefulness of the program can be adequately demonstrated with a total of $20 million.

The slow pace with which the congregate housing services program funds were obligated, in conjunction with the pressure to reduce Federal spending, makes the decision to rescind the fiscal year 1981 appropriations understandable. However, I believe it is too early to make the judgment that no further funding, beyond the $20 million already provided, will be required.

The Congregate Housing Services Act was developed to assist the impaired elderly, handicapped or temporarily disabled residents of section 202 and public housing projects in living independently to prevent premature or unnecessary institutionalization. It was assumed that through this program effort, savings resulting from decreased institutionalization through the provision of congregate housing services would be demonstrated.

Although the law was passed in 1978, the congregate housing services program grants have only been operational since April 1980. Over 55 grant commitments have been announced. Approximately 28 projects are in full operation providing meals, personal assistance, homemaker and other services to assisted housing residents.

Funding already provided has been heavily focused on existing elderly and public housing projects. Little has been allocated to new construction projects, especially designed for the delivery of congregate services. To curtail funding of additional new construction projects would jeopardize the statistical validity of any evaluation of this phase of the program.

Initial operating statistics collected by HUD indicate that two areas of potential savings to the Federal Government have emerged. One area relates to individuals who have had a physical or mental crisis and, by virtue of this program's existence, have been able to remain in their own apartments. The other area relates to individuals released from an institutional setting, where they had been placed unnecessarily because of the lack of residential arrangements with supportive services. This latter trend has emerged primarily from newly constructed assisted housing projects which are specifically designed for such individuals.

Clearly, this program holds much promise for cost savings to the Federal Government, since the cost of institutionalization of low-income persons eligible for assisted housing is often borne by the Government. Nursing home care alone under the medicare and medicaid program cost the Federal Government $10.5 billion in fiscal year 1979. Equally as important, this program holds much promise for improving the quality of life for individuals in our society who undeniably fall into the truly needy category.

In our effort to reduce Federal spending we must be careful not to undermine the very goal of fiscal responsibility we have set out to achieve. Over the next few weeks I will be looking very closely at newly emerging congregate housing services program data. I hope the members of the Appropriations Committee will undertake a similar review and reconsider their decision to curtail future funding of this important effort.

UP AMENDMENT NO. 117

(Purpose: To assure that of the amounts rescinded for Human Development Services $2,800,000 will be taken from the amount appropriated for fiscal year 1981 under the Older American Act of 1965 and set-aside by the Secretary pursuant to section 207(g) of that Act for evaluation required by that Act)

Mr. HEINZ. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) for himself and others proposes an unprinted amendment numbered 117.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, line 5, before the period insert a colon and the following: *"Provided*, That of the amount rescinded by this paragraph, $2,800,000 shall be rescinded from the amount appropriated for fiscal year 1981 under the Older Americans Act of 1965 and set-aside by the Secretary pursuant to section 207(g) of that Act for evaluation required by that Act".

Mr. HEINZ. Mr. President, this amendment would transfer $2.8 million in the fiscal year 1981 rescission from one category to another. It is offered because we believe it is necessary to prevent the unintended disruption of funding for State offices on aging. Those joining me in offering his amendment include Senators CHILES, DENTON, PERCY, RIEGLE, KENNEDY, WARNER, and others.

I might say, Mr. President, that as chairman of the Senate Special Committee on Aging I am in agreement with the Appropriations Committee recommendation not to cut direct services to the elderly but rather to look to other program categories to help economize the 1981 budget. That I believe was the intent of the Appropriations Committee when it proposed a $2.8 million rescission from the fiscal 1981 supplemental for State agency activities under the Older Americans Act.

However, my concern is that the $2.8 million proposed rescission may seriously effect the very operation of some State agencies on aging and indirectly curtail the provision of services to the older citizens.

The intent of the committee's recommended rescission was to reduce State agency administrative funds in a way that would be shared evenly by all 57 State units on aging. The rescission was designed to effect a 12 percent across-the-board cut to force all State agencies on aging to reduce administrative overhead costs. These Federal funds provide 75 percent of the funding for most State offices.

A provision within the Older Americans Act, however, prevents an across-the-board cut and consequently places the major burden of the rescission upon the shoulders of 18 States. The statutory formula for the allocation of title III funds requires that each State be allocated a minimum base amount for State administration of the Older Americans Act. As a result of this provision—Older Americans Act, title III, section 304—the $2.8 million reduction would be borne by only 18 States, those which expect funding in excess of the statutory minimum.

I have a table I wish to make a part of the RECORD at this time and I ask unanimous consent that it be so printed.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

STATE ADMINISTRATION, FISCAL YEAR 1981 (4th QUARTER)

State	Full amount, $22,675,000	$2,800,000 rescission, $19,875,000	Loss to State	3d quarter deficit due from State
California	$1,599,454	$1,194,233	$405,221	$5,356
Florida	1,001,409	747,702	253,707	3,355
Georgia	329,803	300,000	29,803	
Illinois	833,311	622,192	211,119	2,791
Indiana	386,056	300,000	86,056	
Massachusetts	479,172	357,774	121,398	1,605
Michigan	611,125	456,297	154,828	2,047
Minnesota	310,368	300,000	10,368	
Missouri	412,301	307,845	104,456	1,381
New Jersey	585,570	437,216	148,354	1,962
New York	$1,437,866	$1,073,583	$364,283	$4,816
North Carolina	389,262	300,000	89,262	
Ohio	780,442	582,717	197,725	2,615
Pennsylvania	1,022,988	763,814	259,174	3,427
Tennessee	330,408	300,000	30,408	
Texas	879,431	656,627	222,804	2,946
Virginia	339,069	300,000	39,069	
Wisconsin	371,965	300,000	71,965	
Total			2,800,000	32,301

Source: Administration on Aging.

Mr. HEINZ. This table indicates at this point that 11 States will not receive fourth-quarter Federal funds, and on the eve of the fourth quarter some States will be in a deficit position should the rescission take place. In many instances this could mean the curtailment of operations in aging offices. I do not believe this was the intent of the Appropriations Committee.

My amendment would restore the $2.8 million in State administrative funds, and would instead reduce evaluation funds proportionally. I am informed that over $4 million in evaluation funds are not currently obligated by the Secretary and are therefore available to be reprogramed without affecting the evaluation of programs which serve older Americans.

This amendment does not ask for restoration of funds but only for a transfer from one category to another—a transfer which will not effect the overall appropriations level and will, at the same time, allow State offices on aging to continue their services to older people.

Mr. President, I would add one other thought. I have consulted with the chairman of the subcommittee of jurisdiction of the Human Resources Committee, Senator DENTON, who is not only a cosponsor of this but has participated actively in the drafting of this amendment, along with Senator CHILES, the minority, ranking minority, member on the Committee on Aging. Senator DENTON'S committee, of course, has jurisdiction over the Older Americans Act. He feels, and has felt, sufficiently strong about this problem that we not unfairly penalize some 18 States that he

has joined as a cosignatory of the letter we sent to our colleagues on May 19. Mr. President, I ask unanimous consent that our "Dear Colleague" letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SPECIAL COMMITTEE ON AGING,
Washington, D.C., May 19, 1981.

DEAR COLLEAGUE: When H.R. 3512, the Supplemental Appropriations and Rescission Bill, is considered in the Senate later this week we will offer an amendment to transfer a $2.8 million FY 1981 rescission from one category to another. This will prevent the unintended disruption of funding for State Offices on Aging.

The Committee on Appropriations recommended a rescission of $2.8 million from the State agency activities appropriation mark of $22.675 million. Neither the House nor the President has proposed any rescission of these funds.

In the Committee Report (S. 97-67) to accompany H.R. 3512, this rescission was explained as follows: ". . . rather than cut direct services to the elderly, the Administration on Aging should economize by reducing administrative overhead costs, which the recommended rescission of $2.8 million would serve to encourage."

We support the efforts of the Committee to encourage State and Federal government to reduce administrative overhead by every prudent means possible. When the Committee proposed the rescission, the intent was for each State to absorb a cut of approximately 12% in its administrative budget. However, the abrupt reduction of $2.8 million in State administrative funds on the eve of the fourth quarter would not be spread evenly across the 57 State and Territorial Offices on Aging as the Committee envisioned, but would instead take all fourth quarter funds from 11 States and seriously reduce funds available to 7 others. This result is due to a provision in the Older Americans Act which allots to each State a minimum base for administrative activities.

The unintended result of the proposed rescission is that larger states which receive funds over and above the minimum base would be required to absorb the entire $2.8 million rescission from what otherwise would have been their fourth quarter allotment. This loss of funding would directly threaten the ability of these offices to continue to function.

Our amendment would restore the $2.8 million in state administrative funds, and would instead reduce the Secretary's evaluation set-aside fund by the same $2.8 million. Over $4 million in evaluation funds are not currently obligated, and therefore are available to be reprogrammed without impairing the ability of the Department to perform program evaluations.

Our amendment asks not for a restoration of funds, but only for a transfer from one category to another—a transfer which will not affect the overall appropriations level and will, at the same time, allow State Offices on Aging to continue administering services to older Americans.

We invite your support of this amendment. Should you have further questions, please contact Joe Lydon at 4-5365 or Nell Ryan at 4-1467.

Warm regards,

JOHN HEINZ,
Chairman,
LAWTON CHILES,
Ranking Minority Member,
JEREMIAH DENTON,
Chairman, Subcommittee on Aging, Family and Human Services, Committee on Labor and Human Resources.

Mr. HEINZ. Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes.

Mr. HEINZ. Mr. President, I reserve the remainder of my time.

Mr. SCHMITT addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SCHMITT. Mr. President, I yield from the committee such time as I will require.

Mr. President, the distinguished Senator from Pennsylvania has read the mind of the Subcommittee on Appropriations that dealt with this matter, in that he has indicated by this amendment a very deep concern for the provisions of services under the Older Americans Act.

The package of recommendations that the subcommittee made and the full committee agreed to actually restore $5 million proposed to be cut by the administration from direct services to the elderly, direct services such as transportation to meal sites. We concluded that we could make offsetting reductions in the general bureaucratic overhead costs, such as the issue being debated here, specifically funds for State planning staffs.

It is true, as the Senator has indicated, that the recommended rescission of $2.8 million would come entirely from some of the most populous States, due to the provisions of the authorizing legislation which establishes a minimum amount to which every State is entitled.

However, I also feel two things: One, that if these State administration grants are truly essential, the States should be able to find some additional resources in order to bear at least part of the burden that almost all levels of government are going to bear in this effort to reduce the rate of growth of Federal spending.

In addition, what the Senator has proposed and the cosponsors have proposed under this amendment is already possible through a reprograming request.

It is our understanding, also, that there is as much as $4 million in the evaluation area—although we cannot find anybody awake yet down at the Department of Health and Human Services to ask for sure. But it does appear there is money there approximately in the amount suggested by the Senator from Pennsylvania.

However, the thing we do not know is just how much money each of the States may need in order to see their way clear for the remainder of the fiscal year.

So my suggestion to the Senator from Pennsylvania and his distinguished cosponsors is that we make use of the safety valve that already exists in the authorizing legislation, whereby the Commissioner on Aging can approve utilization of a portion of program funds for State administrative expenses.

Therefore, the safety valve is available to provide certain relief if certain States can justify to the Secretary any harm that might develop from the proposed cutback.

If the States have already diverted and spent funds intended for direct services for the elderly to cover administrative costs, then it is my guess that it may not be justified to get further relief. Although, on the other hand, if they could make a good case, the Department has the authority to do what the Senator and his cosponsors would like to have done through reprograming of funds.

It is apparently the Senator's feeling that we may end up with some unspent funds on evaluation. I have no idea whether that is going to be true or not. But, nevertheless, if there are, they could be used under existing law for direct services.

Mr. President, I have just been informed that the evaluation funds, although not a specific live item in the regular budget materials, amount to about $6 million, of which $3.2 million has been obligated or planned for certain purposes.

So, as it stands right now, there is about $2.8 million that could be utilized as justified by the individual States for the purposes that the Senator from Pennsylvania has requested.

So to whatever degree that the chairman of the subcommittee can influence and approve any reprograming required to make these funds available where the States can justify their need, I would be more than happy to do that. I suspect that the distinguished Senator from Wisconsin, the ranking minority member of the committee, would, I hope, be equally amenable to that kind of action should the States come forward with good justification for the necessary planning funds.

Mr. President, I yield to the Senator from Wisconsin for his comments.

Mr. PROXMIRE. Mr. President, my concern with this amendment is it does appear to rescind, on the one hand, and then to transfer the funds on the other. I am just wondering whether this is not legislation on an appropriation bill. I do not mean to oppose the substance of it, but I just want to clarify the situation.

Mr. SCHMITT. Mr. President, I think the Senator from Wisconsin does raise a valid point. I am not in any way undermining the good intentions of the sponsors of the amendment, but it does appear to this Senator that it is legislation in that it provides for a setaside by the Secretary.

But, if the Senator from Pennsylvania, rather than getting into some parliamentary wrangle, would accept my assurances that, first of all, the money appears to be there for reprograming—in fact, I think the Secretary has that authority even without coming to the committee. I am not sure, but we will investigate that.

But even if he does not, we will be more than happy to consider it as justified by the States if it turns out they are truly in need.

Mr. President, I reserve the remainder of my time.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I thank my colleague from New Mexico for his comments. I gather he agrees with the substance of what we are trying to do, which is to make sure that some 18 States would, because of the underlying authorizing legislation, not be unfairly penalized.

I do not wish to wrangle over matters of fact. I suspect that the Senator from New Mexico inadvertently made a mis-

take that he did not intend to make when he said that there were only $2.7 million in funds remaining in the evaluation. He cited a figure of $3.2 million versus a base of $5.9 million.

It is my understanding—and maybe the Senator will correct me if I am wrong—that, in fact, of the $3.2 million which he mentioned, a good deal of that, if not most, is planned evaluation and is not actually obligated at this time.

Notwithstanding that small footnote, which is a matter we can settle between our staffs at some point, he is right that there appears to be, even under his assumptions, approximately the same amount of money that I would transfer from evaluation to the State administration section.

Mr. President, I have listened carefully to what the Senator from New Mexico has proposed. As I understand it, he would have each of these 18 States come down to the agency involved, the Administration on Aging, and justify their need for this money.

He has used that word and he has also said that they should make a good case.

Here we are, all committed to the idea of less bureaucracy, less paperwork, block grants, to things that are good, we believe, and the Senator from New Mexico is proposing more paperwork. I know he does not mean it that way, but that is what it is going to result in.

Second, while we are talking about it, in the case of most States, it is as little as $40,000 and as much as $400,000. In the $100,000 range, somebody in some Governor's office will have to make a trip all the way to Washington, D.C. They are going to have to gather more papers together. They are going to have to send out questionnaires to all the area agencies on aging, just to get something that they really have a right to get.

Why do I say they have a right to get it? Because there are 32 other States, including New Mexico, that can get $300,000 even if they do not have the population to justify it. They get that $300,000 free and clear without any justification. It does not make any difference exactly how many people are in that State. If they are one of those 32 privileged States that get this special deal from the Federal Government, they are home free and clear.

Mr. President, it strikes me that this is the worst form of double standard. What we are doing is we are allowing the Congress, which decided this some years ago, to go ahead and give $300,000 minimum, to each of these 32 States. We do not question whether they need it or not. Some of them are very, very small. At the same time, we are coming down hard on the States that have the biggest populations, the biggest problems. We are coming down on States like Florida, with a huge senior citizen population, and like Wisconsin.

Like Wisconsin, like hard-pressed Michigan, and a variety of other States, and New York, with all of its financial trials and tribulations over the years.

Mr. President, we must have this amendment. It is fair.

Second, although I know the suggestion of the Senator from New Mexico is well meant, in this Senator's judgment it is really unfair to require that the States come down here and justify something just because the underlying authorizing legislation targets them for particular hardship.

Mr. President, I yield the floor.

Mr. CHILES. Mr. President, I rise to speak both as a cosponsor of this amendment and as a member of the Appropriations Committee.

During the Appropriations Committee's deliberations on H.R. 3512, we agreed on a general principle that rather than cut direct services to the elderly, we should economize by reducing administrative overhead costs. As a result of this agreement, the committee proposed a $2.8 million rescission in the fiscal year 1981 supplemental appropriation bill for State agency activities under the Older Americans Act.

Since the committee completed its action on May 14, 1981, additional information has come to our attention which indicates that the impact of the proposed rescission would seriously hamper the operation of some State offices on aging and therefore curtail the provision of services to older citizens.

The intent of the committee was that the reduction of State agency administrative funds would be shared across the board by all 57 State and territorial offices on aging. A provision within the Older Americans Act, however, prevents an across-the-board cut and places the burden of the rescission upon only 18 States.

As a result of this new information, my colleagues and I proposed this amendment to transfer the $2.8 million rescission from State agency administrative funds to evaluation funds.

We have been informed that several million in evaluation funds are not currently obligated and are therefore available to be reprogramed without threatening the evaluation of programs which serve older Americans.

Mr. President, this action would not fall into the category of "authorizing" on an appropriation bill but would merely be a "restrictive" action on the use of the Secretary's set-aside evaluation fund.

Mr. President, to make the rescission go across-the-board equally for the 57 State and territorial offices, it would have required language to override the statutory provision which requires a minimum base allocation for each State office on aging.

Since this amendment does not ask for a restoration of funds, nor does it tamper with our budget limits, I hope the Senate will adopt this technical transfer.

● Mr. DENTON. Mr. President, I rise in support of the Heinz-Denton-Chiles amendment to require that the $2.8-million rescission proposed for State administration money under the Older Americans Act be taken instead from program evaluation funds. If we do not adopt this amendment a substantial number of State offices on aging will be crippled. I am not a cosponsor of this amendment because my own State of Alabama is one of those; it is not.

However, as chairman of the Aging, Family and Human Services Subcommittee, which has jurisdiction over the Older Americans Act, I feel compelled to communicate the seriousness of the Appropriations Committee's proposal.

As my colleagues have so vividly stated, there are 18 States which would lose a sizable portion of their administrative funds during the fourth quarter of fiscal year 1981, and 11 of those States will actually have to return some funds to the Federal Treasury. The Appropriations Committee report reads as if this is good medicine. It states that "the Administration on Aging should economize by reducing administrative overhead costs." This rescission has nothing to do with the Federal agency's overhead; it falls squarely on the States.

The report also says that "States could, at their option pick up a greater share of the cost of maintaining State staff." Under this proposal, States have no option; they either must stop paying their staffs or find some discretionary State money to meet their payrolls. Most of us are aware that there are many competing demands for State discretionary funds and that special appropriations are unlikely because the majority of State legislatures are no longer in session.

I know the Appropriations Committee has had a number of difficult choices to make in trying to move forward with the President's program for economic recovery. By voting for this amendment, we can continue to support the committee's bottom line figures for the Older Americans Act, and minimize the impact of the rescission. I too am informed by the Administration on Aging that, most fortunately, there is approximately $2.8 million in unused program evaluation money which could absorb this rescission.

I want to acknowledge once again the difficult task which Senator HATFIELD and his committee have had to do. I hope they, and the rest of my colleagues, will see the wisdom in this amendment.●

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. SCHMITT. Mr. President, I really wish the Senator from Pennsylvania would take my suggestion that we handle this through administrative mechanisms. We are only talking about something on the order of $150,000 per State, on the average. I feel confident that the Secretary will consider these requests, even if they are made by telephone without any great expense to the State.

The Senator's problem is apparently with the underlying authorizing legislation. That legislation exists and he is trying to change the legislation on an appropriations bill. It would seem to me he ought to wait and take care of this problem, if he thinks it is a problem, in the authorizing legislation, and not continue this business that we are forever going to be subjected to of trying to legislate on an appropriations bill.

The mechanism exists to solve the problem that is bothering the Senator from Pennsylvania. It is in the authorizing legislation. The Secretary does have the authority to ask for reprograming of funds. He may, I believe, even have the authority to reprogram evaluation funds

without coming back to the Hill, except perhaps as a courtesy to inform us of his actions. There is no administrative overhead required for a phone call or to put something in the mail that justifies your position.

This was contemplated in the Older Americans Act when it created the safety valve, about which I spoke earlier.

The amendment that is being proposed here is legislation, and I would have to raise a point of order on it if the Senator insists on pushing this and not taking the suggestion of the Senator from New Mexico that we work it through administrative channels.

Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty-five seconds.

Mr. HEINZ. Mr. President, after the impassioned words of my colleague from New Mexico, I would prefer that the committee accept the amendment. We will try and redraft it so it is not legislation on an appropriation bill. I do not know whether or not we can do that.

Mr. SCHMITT. Mr. President, since the time has just about expired——

The PRESIDING OFFICER. The time has expired.

Mr. SCHMITT. I ask unanimous consent to proceed for 1 more minute.

Mr. HEINZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SCHMITT. I ask unanimous consent, Mr. President, to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHMITT. Mr. President, I make the point of order that this is legislation on an appropriations bill.

Mr. HATFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. When will the Chair rule on the question of the point of order?

The PRESIDING OFFICER. Under the agreement of last evening, the Chair is precluded from ruling until after the vote on the conference report.

Mr. HATFIELD. A further parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. Would the yeas and nays on the question of the point of order be had at the time of the appeal of the ruling of the Chair?

The PRESIDING OFFICER. On the point of order, the yeas and nays would only be had on an appeal when the Chair rules.

Mr. SCHMITT. The situation is in abeyance until after the vote on the conference report and at that point the next order of business would be a ruling on the point of order made by the Senator from New Mexico?

The PRESIDING OFFICER. The Senator is correct.

Mr. HEINZ. A further parliamentary inquiry, Mr. President. Can the ruling of the Chair at that point be submitted to the Senate?

The PRESIDING OFFICER. The Chair has the option of submitting the point of order.

Mr. HEINZ. A Senator may call up that question, may he?

The PRESIDING OFFICER. Any Senator may appeal the ruling of the Chair.

Mr. HEINZ. I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah (Mr. GARN) is recognized.

UP AMENDMENT NO. 118

(Purpose: Provide additional funding for VA readjustment benefits as per request)

Mr. GARN. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Utah (Mr. GARN) proposes an unprinted amendment numbered 118.

Mr. GARN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, line 21, strike "$217,000,000" and insert "$467,500,000".

Mr. GARN. Mr. President, I would like to bring to my colleagues' attention the fact that the committee included $217 million for VA readjustments benefits which is $500,000 less than the House. The reason we took this action was to keep the item open in anticipation of the receipt of a supplemental request. On Friday, May 15, the day after our full committee markup, OMB forwarded a request for $250 million. I would like to note, however, that this amount has been included in the current law base, as an entitlement, and therefore, will not affect the status of this bill relative to the budget resolution.

Therefore, Mr. President, I am now proposing an amendment to provide the required funding.

A fiscal year 1981 supplemental appropriation of $467,500,000 is requested to fund the greater than anticipated training load during the year, and to provide for increases in educational allowances as well as program enhancements authorized by recently enacted legislation.

The original 1981 budget request anticipated a training load of 953,200 trainees. It is now estimated that 1,096,325 veterans and dependents—an increase of 143,125—will train in one or more of the educational programs. Included in the above total are 1,400 additional vocational rehabilitation trainees who will train as a result of enhancements to that program made by Public Law 96-466, the Veteran's Rehabilitation and Education Amendments of 1980.

This law made other improvements to the vocational rehabilitation program including a 17-percent increase in educational assistance allowances. In addition the law included a two-step 10-percent increase in monthly assistance allowances for GI bill and dependent trainees. This law also permits Post-Vietnam era education program, chapter 32, contributors to make a lump-sum contribution into their account, subject to the maximum amount of $2,700.

Additional costs will be incurred as a result of Public Law 96-385, Veteran's disability compensation and housing benefits amendments of 1980, which extended the eligibility for specially adapted housing grants to veterans with service-connected blindness or who have lost or lost the use of both upper extremities. These veterans may receive up to $5,000 for a specially adapted housing grant.

Without this additional $250,000,000, the readjustment benefits program will be out funds in early August.

It is my understanding, Mr. President, that this amendment has been cleared on both sides and will be accepted.

Mr. PROXMIRE. Mr. President, if the Senator will yield, I agree that this is an amendment which is an entitlement. There is a request for it. It is within the budget limitation and, for that reason, of course, I am happy to accept it on behalf of the minority.

Mr. HATFIELD. Mr. President, I confirm the position just enunciated by the ranking minority member of the committee and say to the Senator from Utah that the amendment is acceptable.

Mr. GARN. I thank my colleagues, Mr. President. I yield back the remainder of my time.

Mr. HATFIELD. I yield back the remainder of our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PROXMIRE. Mr. President, I understand I am next.

The PRESIDING OFFICER (Mr. GOLDWATER). Does the Senator wish to dispose of the amendment by voice vote?

Mr. GARN. Mr. President, a voice vote will be satisfactory.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 118) was agreed to.

Mr. GARN. I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT 119

(Purpose: To prohibit annual leave in the course of official travel)

Mr. PROXMIRE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE) proposes an unprinted amendment numbered 119.

Mr. PROXMIRE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 166 after line 8 insert the following:

"SEC. 303. None of the funds provided in

this Act may be used to pay for employee travel involving the taking of annual leave while away from the official duty station."

Mr. PROXMIRE. Mr. President, this is an amendment to title III of the general provisions. It would prohibit Federal employees from taking annual leave when traveling at Government expense.

This amendment was first attached to the HUD-independent agencies appropriations bill back in 1979 but was stricken in conference.

For years, it has been common knowledge that one way to get the Government to pay for vacation travel is for a Federal worker to arrange to take a trip on official agency business to San Francisco, New York, or Paris and then take a week or two off to see the sights. The Government pays the round-trip travel costs and the employee only has to pay for meals and accommodations.

This sort of abuse has been a particularly serious problem for the Environmental Protection Agency. An investigative report made over 2 years ago disclosed a number of examples. In one case, an employee flew to Paris on October 15 to attend an industrial river basin management meeting and took annual leave from October 19 to October 31. He then flew home at Government expense. In another instance, an EPA employee left for Hawaii on official business on June 23, then flew to Menlo Park, Calif., on June 27 to visit an EPA contractor for 3 hours, went on annual leave from June 27 to July 28—more than a month—and finally traveled back to Washington, courtesy of the taxpayer.

In an attempt to halt this sort of waste, I proposed, and the Senate adopted, as I indicated, an amendment to the HUD-independent agencies appropriation bill in late July of 1979 which prohibited the use of appropriated funds to pay for the travel of Federal employees taking annual leave in the course of that travel. However, the amendment was dropped in conference with the House and replaced with conference report language calling on the agencies funded by the bill to prohibit employee from taking annual leave while on travel status except in unique or emergency situations.

Unfortunately, that report language simply has not done the job. On July 8, 1980, an EPA employee flew from Cincinnati, Ohio, to El Dorado Hills, Calif., on official business, spent 2 days meeting with some engineers to close out a project, and then took 21 days of annual leave, returning to Cincinnati on August 18, with the taxpayer footing the travel bill. On October 10 of last year, another EPA employee decided to go to Chicago to consult with some statisticians and to review the progress of a cooperative agreement. After 2 days on the job, he took 15 days of annual leave and returned to his home base at Research Triangle Park, N.C., on October 30. Again the Government paid the travel tab.

Clearly, the only way to stop this sort of abuse once and for all is to simply prohibit the use of any Federal funds to pay for travel involving annual leave, as my amendment would do. At a time when we are asking the American people to make substantial sacrifices in the name of controlling Federal spending, we should not permit Federal civil servants to continue to take vacations at the taxpayers' expense.

I hope my colleagues will support the amendment.

Mr. HATFIELD. Mr. President, I understand the concern of the Senator from Wisconsin. I think there has probably been abuse as he has outlined it. I am not sure this is the best way to correct that abuse, but I am willing to accept the amendment and take it to conference.

Mr. PROXMIRE. I thank my good friend.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 119) was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware (Mr. ROTH) is to be recognized. Is the Senator in the Chamber?

If not, I recognize the Senator from New Mexico.

Mr. SCHMITT. Mr. President, it is my understanding that the Senator from Delaware may wish only to discuss the issue with the committee. I believe he is going to withdraw his amendment. How much time is available to the Senator from Delaware on his amendment?

The PRESIDING OFFICER. Thirty minutes has been allowed.

Mr. SCHMITT. Mr. President, I suggest the absence of a quorum and we shall try to ascertain whether he wishes to present his amendment.

The PRESIDING OFFICER. The clerk will call the roll and the time will come out of the time of the Senator.

Mr. SCHMITT. Out of the time of the Senator from Delaware.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 120

(Purpose: To make technical corrections.)

Mr. HATFIELD. Mr. President, I send two committee technical amendments to the desk and ask that they be considered.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) for himself and Mr. SCHMITT, proposes unprinted amendments numbered 120.

Mr. HATFIELD. I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 76, line 14, strike out "$61,076,000" and insert in lieu thereof "$51,676,000".

On page 91, line 15, insert "and Public Law 89–555," after "amended,".

On page 92 line 11, strike out "title IV, section 418A" and insert in lieu thereof "title III, section 303(c)(2) of the Comprehensive Employment and Training Act of 1973, as amended,".

On page 92, line 17, line through "$18,000,000" and insert "$17,225,000".

On page 144, line 9, after the figure $22,116,000, add "to remain available until expended;"

Mr. SCHMITT. Mr. President, this amendment makes four technical corrections in the bill language in the Labor-HHS-Education chapter of H.R. 3512, the supplemental/rescission bill for fiscal 1981.

The first part of the amendment corrects an omission on the part of the Department of Education in submitting its request to rescind all of the fiscal 1981 budget authority for the college housing loan program. This program is funded in fiscal 1981 at $14,550,000—$14,271,000 in direct authority provided under the fiscal 1981 continuing resolution, and $279,000 in permanent, indefinite authority provided under Public Law 89–555, the Independent Offices Appropriation Act of 1967. The Department requested a rescission of the entire $14,550,000, but neglected to cite the authority of the permanent, indefinite appropriation of Public Law 89–555 in its rescission language. This amendment takes care of that oversight.

Mr. President, the second part of the amendment changes the citation in the bill for a rescission initiated by the committee. As part of its effort to spread the burden of budget cuts among all education programs, the committee recommended a rescission of $500,000 in the migrant high school equivalency program. In developing its provision, the committee relied upon language recommended by the Department. This language cited the education amendments of 1980, including section 418A of the Higher Education Act, as the appropriate authority to use. The Department has now reconsidered its recommendation and advises the committee to instead cite the authority of section 303(c)(2) of the Comprehensive Employment and Training Act, since this was the authority under which this appropriation was made last year. This amendment will correct the citation.

The third part of the amendment changes a rescission figure in the bill language for the Centers for Disease Control. Language cleared by the Department of Health and Human Services inadvertently has the effect of double-counting a rescission of $9,400,000 from prior year, unobligated swine flu funds. This error is corrected by the third part of the amendment.

The fourth part of the amendment merely shifts the rescission within the components of the basic skills account. This is necessary based on recent Department of Education information which indicates that funds in one of the components of the program have been completely obligated. The correction will assure that the reading-is-fundamental program will not have to absorb a bigger reduction than the committee intended for this highly successful and popular effort.

Mr. President, this amendment makes the necessary technical corrections in the bill and I ask for its adoption. The amendment has been cleared with the minority.

Mr. HATFIELD. Mr. President, this technical amendment on page 144, line 9, is necessary so that the bill language will coincide with the basic operations, research, and facilities account within the National Oceanic and Atmospheric Administration. Inadverently, the language, "to remain available until expended" in the House bill was stricken. This amendment would simply restore this language. Since this section of the bill funds supplemental pay obligations which have already occurred, the additional funding provided in this bill should be directed to the account which has already incurred that obligation, rather that create a new account.

Mr. PROXMIRE. Mr. President, we have had an opportunity to review the amendments. I am sure they are technical and I am happy to accept them.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

Mr. HATFIELD. Mr. President, is that both amendments?

The PRESIDING OFFICER. That is both amendments.

The amendment (UP No. 120) was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am advised now that we have another time agreement, on an amendment to be offered by the distinguished Senator from Virginia (Mr. WARNER), dealing with binary gas.

I ask unanimous consent that on that amendment there be a time limitation of 40 minutes to be equally divided, to be under the control of the mover of the amendment, Mr. WARNER, on the majority side, and the distinguished chairman of the committee or those in opposition.

I ask that the amendment be sequenced to follow after the last amendment previously sequenced under the order of last evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SCHOOL AID

Mr. ROTH. Mr. President, I had been prepared to offer an amendment today which would have restored funds under emergency school aid. I was concerned that the committee, by eliminating $107.8 million from basic grants, and thereby eliminating this program, would have placed too severe a restraint on funds for needed desegregation activity, arising from situations such as court ordered busing.

In Delaware where we are under a court order, the court imposed ancillary relief which required specified additional services at significant additional cost. The New Castle County school district needs Federal support to help defray this expense. I might point out that even with Federal funds in Delaware millions of additional State and local resources are required to meet the costs incurred in the busing order. I think the argument can be made that when action by the Federal Government results in additional expense in carrying out the activities prescribed to be in compliance that there is a legitimate need for the appropriation of Federal funds. Federal judges impose these requirements on localities, Federal departments impose these requirements on localities, and the Federal Government has a responsibility to help pay for these requirements imposed on localities by busing.

It is my understanding that the Appropriations Committee is willing to give an assurance that the needs of Delaware will be met under the existing provisions in the bill. I have no doubt that we will be hearing much more on the busing issue in this Congress. However, until Congress acts on the problem itself, I believe we must continue to provide relief for school districts suffering from the consequences and burdensome costs incurred in meeting required desegregation activity.

Mr. SCHMITT. Mr. President, the Senator from Delaware, as usual, has been very perceptive on this particular kind of problem.

I am very happy to inform him that not only can the committee agree to his last statement, that we will continue to help him and others with the very special problem that court-ordered desegregation creates in many parts of the country, including Delaware, but also that, being aware of that, in the emergency school aid special programs and projects, we preserve most of that funding, which I believe is the area of funding of particular concern to the Wilmington area.

In addition, the subcommittee, again looking at this very special problem of de facto, or general segregation, preserved the magnet school program and made no rescission in this valuable program.

We also will be going to conference on the basic State grant program, which is related to this problem.

So I believe it will be very easy for the committee to assist the Senator in his efforts and in his concern, because that concern is obviously shared by the committee in this very special area.

Mr. ROTH. I thank the distinguished Senator for his assurance and will continue to work with him in his subcommittee on this very critical problem.

I must say that it is not only a question of the heavy cost and burden on our people back home, but the impact on the quality of education has been extraordinarily serious as well.

I ask the distinguished Senator and the manager of the bill: We have taken care of my particular problem. As I mentioned, I had planned on bringing a special amendment up and had agreed with Senator COCHRAN that he would withdraw his and we would just offer one in the interest of time. Since my problem is taken care of I do feel an obligation to protect Senator COCHRAN and I ask the esteemed Senator if I could have that assurance.

Mr. HATFIELD. I assure the Senator from Delaware that we will seek to provide the opportunity, a time for Senator COCHRAN to either make a statement or to join the Senator from Delaware on this and by unanimous consent get his colloquy in the context with what has just occurred. We are now about 55 minutes ahead of schedule, so we will start moving other amendments up into this particular slot, but we will keep in mind so that when Senator COCHRAN arrives we will be able to work his statement in the RECORD.

Mr. ROTH. I point to the distinguished manager it is possible he may want to offer an amendment. I am not certain.

Mr. HATFIELD. We will just have to make that kind of provision in some way in the context of our time frame, and we will do our very best to accommodate the Senator from Mississippi.

Mr. ROTH. I appreciate the help and assistance. I say to the distinguished manager that I have 10 minutes for a colloquy. I am going to try to work that out where we can just put that in the RECORD and may save another 10 minutes there.

Mr. HATFIELD. We appreciate the cooperation of the Senator.

Mr. President, we, as I indicated, are facing now a timeslot where we have time to take out of context or out of the order in which we had agreed last night some of the amendments.

I would be very pleased if Senator THURMOND from South Carolina is prepared to take up his amendment that was scheduled for 12 o'clock with a 30-minute time agreement, with 15 minutes on each side, and proceed to that amendment.

The PRESIDING OFFICER. Will the Senator respond?

Mr. HATFIELD. Mr. President, I wonder if we could suspend on the Thurmond amendment for just a few minutes and return to the Heinz amendment to clear that from the deck for the moment. The question was raised earlier about a point of order on the Heinz amendment. I think we can resolve that with a colloquy at this time. So I yield the floor for that purpose.

Mr. BIDEN. I am pleased to join my senior colleague from Delaware (Mr. ROTH) in underscoring the importance of the emergency school aid program to the many school districts implementing court-ordered desegregation plans like Wilmington, Del. It is my understanding that the committee has only recommended a $5 million rescission for the special projects and programs component of ESAA and has proposed no rescission for the magnet schools program.

I wish it were not necessary to have programs like emergency school aid because I believe that court-ordered busing is wrong. But until Congress legislatively ends busing, these programs continue to be necessary. The imposition of busing on a community often forces school districts to raise taxes in order to pay ancillary costs ordered by Federal courts.

Although there are many school dis-

tricts who no longer need such assistance because desegregation occurred 10 years ago. Some districts like New Castle County are still attempting to cope with the massive changes caused as a result of court-ordered busing.

In Delaware, we have been able to minimize the violence and educational disruption of thousands of students because the Federal Government made funds available to hire special reading teachers and to make sure human relations counselors were on hand to defuse potentially violent situations.

Busing still has a negative impact on a child's ability to learn, but I do believe that emergency school aid programs prevent a very bad situation from becoming an unmitigated disaster.

I thank the distinguished Senator from New Mexico for his assurances that the committee's recommendations will take into account the special and continuing needs of school districts like New Castle County. I thank my senior colleague from Delaware for raising this issue and I will continue to work with him to see that Delaware receives sufficient funds to meet the educational needs of our children.

UP AMENDMENT NO. 117

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I have discussed our amendment with Senator HATFIELD and Senator SCHMITT.

We all agree that as the circumstances stand the amendment is subject to a point of order as legislation on an appropriations bill. Even if we were to withdraw the amendment and offer two amendments, that would not be subject singly to such a point of order, it would unnecessarily complicate the work of the Senate even though that would be a perfectly legitimate option, one to increase and one to decrease by $2.8 million.

So Senator SCHMITT, Senator HATFIELD, and I have discussed the position that the committee would take in conference with the House of Representatives. I hope my colleagues will correct me if I am wrong, but if I withdrew the amendment, it is my understanding that the parties here will strongly support the policy in the Heinz amendment and would hope and expect indeed to prevail in conference with the House of Representatives on the point.

Mr. SCHMITT. If the Senator will yield, Mr. President, the Senator from Pennsylvania once again has shown his tremendous grasp of the problems of the aging and the problems of administering the direct services that I think have very broad and increasing support within Congress.

He has with this amendment pointed out a very fundamental problem that may exist in the authorizing legislation, in that as we go into a more austere period, certainly little nuances within the authorizing legislation that were intended to insure equity before now tend to create some inequities that he has pointed out so eloquently earlier. Certainly through some mechanism, either through the arrangement that he suggests with respect to the conference, or through discussions with the Secretary to see just how complicated administratively it is for the States to achieve the end that the Senator from Pennsylvania has appropriately brought to the Senate's attention, we will solve the problem. I have no doubt about it, and thank the Senator from Pennsylvania for raising the issue.

I think we can assure everyone that one way or the other these States, at least up to the level originally contemplated, will have access to funds necessary for planning activities.

Mr. HEINZ. It is my understanding that the Senator from New Mexico is prepared to support a decision in the conference that will allow these States to get this $2.8 million without having to get into a lot of paperwork?

Mr. SCHMITT. Let me say I am willing to support a decision within the conference that makes the funds that they are going to require available. I frankly do not know whether it is $2.8 million. We wish to have a little time to study that and see just what those States will require.

In addition I say to the Senator I wish to spend a little time with Secretary to insure that there is not some simpler mechanism before we go to conference.

But I am very favorably inclined toward the solution proposed by the Senator from Pennsylvania. I think it is probably the one we will end up with. I wish, however, to have the option to come back to him and say here is another alternative that is simpler.

Mr. HEINZ. Let me ask the Senator from New Mexico, what information does he anticipate that he needs from the Secretary?

Mr. SCHMITT. We want to find out from him what the actual needs of the various States would be before we earmark evaluation money for administrative purposes. That evaluation money can also, if unspent, go to direct services and if we earmark it as has been proposed, then we may lose the availability of some money for direct services. All I am asking is for a little bit of flexibility. We are going to solve the Senator's problem, I can guarantee that. We just want a little bit of flexibility before we earmark the entire $2.8 million, some of which may not be necessary for the purposes that the Senator described, and which then could be available for direct services.

Mr. HEINZ. I am with the Senator right up until the point where he says that he has to determine need. That might be all right. It might not be all right. But what is going to be used as the definition of "need"?

Mr. SCHMITT. I hope that the 18 States that potentially are affected would know what they are going to need in the fourth quarter. The Senator has those figures. We would be happy to have them.

Mr. HEINZ. The Senator put them in the RECORD only a minute ago and a very efficient clerk took them off my desk and put them into the RECORD.

Mr. SCHMITT. It may well be that the total comes up to $2.8 million. I find that seems to be a fairly arbitrary figure. We just want and I think it is only right that we serve the Senate by doing a check with the agency as well as with the Senator from Pennsylvania to see if that $2.8 million is really the figure. It may turn out they are going to need more than that. We may have to look to this safety valve in order to provide that money. It may turn out less than that; $2.8 million was an arbitrary number.

Mr. HEINZ. The point I need to clarify and I think we are making some progress with the Senator is that when we say "need" we are not establishing an additional burden on the States other than they would normally have here to get this money.

All we are talking about is the States wanting it understood that indeed their program costs are such that this money will be spent.

Mr. SCHMITT. The Senator is entirely correct. We are not establishing any new bureaucratic procedure, it is just that the staff and I will verify the numbers, and make sure the Administration on Aging has in fact provided the Senate and the Congress as a whole with the correct numbers as to need. We are not establishing any new——

Mr. HEINZ. With that explicit understanding that neither the agency nor the Committee on Aging is going to establish some new standard of need in what exists as the present programmatic planning, which will not be additionally extended, on that basis, subject to any comments from the chairman of the committee or the ranking minority member of the full committee, I would be prepared to withdraw the amendment in view of the representations of my good friend from New Mexico.

Mr. SCHMITT. Mr. President, I think we have worked this out.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. HEINZ. Excuse me, I said I wanted to hear from the chairman and the ranking member on the committee as to whether they had any problems with what Senator SCHMITT and I have been discussing.

I said I would be willing to withdraw the amendment. I did not ask to withdraw it as yet. I thank the Chair for his hair-trigger reflexes at this hour of the morning. It is quite impressive.

Mr. SCHMITT. If I could say to the distinguished Senator from Oregon, I believe we have worked this out and that the only thing I would suggest the committee do is to go to the Administration on Aging and see that these figures, which appear to be allocations of a cut, do in fact reflect the particular planning needs of the States. It may turn out that the States are going to need more than that, and when we get to conference we are going to have to look to see that they do not go back to the evaluation fund for that purpose. I just do not know.

This appears to be the Administration on Aging's allocation of a $2.8 million rescission rather than a particular statement of what the needs of the States will be. So we will verify that.

Mr. HATFIELD. Mr. President, if the Senator will yield, I will associate myself with his assurances to the Senator from Pennsylvania. I appreciate very much his raising the issue, but I do feel that

rather than pursuing this in the present form through the point of order or through redrafting, I think we are all committed to the same basic objective the Senator seeks in this amendment, and perhaps we can best accomplish that objective through either going through the allocations as represented in the authorizing committee or with the agency, and getting this clarification.

We have the time to do that and we would welcome any further input between now and the time we move to conference with the House on this matter, and I urge the Senator from New Mexico to then withdraw the point of order and let it move along that line in order to accommodate and also to pursue the same common objective.

Mr. SCHMITT. Mr. President, I withdraw the point of order on the assumption that the Senator from Pennsylvania will also withdraw the amendment.

Mr. PROXMIRE. Mr. President, I would just like to say of course I agree wholeheartedly with the conclusions of the colloquy between the Senator from Pennsylvania and the Senator from New Mexico. I think the Senator from Pennsylvania deserves great credit for his bulldog tenacity and his determination. Of course, there is no one who pays more attention to detail than does the Senator from New Mexico.

Mr. HEINZ. Mr. President, I ask unanimous consent that the yeas and nays on my amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

UP AMENDMENT NO. 121

(Purpose: To eliminate certain restrictions on Veterans Administration employment of health care personnel)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND), for himself, Mr. CRANSTON, Mr. RANDOLPH, Mr. MATSUNAGA, Mr. DECONCINI, Mr. MITCHELL, and Mr. DENTON proposes an unprinted amendment numbered 121.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 158, beginning with the colon on line 9, strike out all through line 13 and insert in lieu thereof a semicolon.

Mr. THURMOND. Mr. President, the amendment I offer today will remove language from that portion of H.R. 3512, as reported, by the House and Senate Committees on Appropriations which places a personnel ceiling on part-time employees within the Department of Medicine and Surgery at the Veterans Administration.

The Department of Medicine and Surgery is assigned by the Office of Management and Budget two large classes of personnel—full time permanent, and all other (which is primarily part-time employees). Currently, OMB has an employment ceiling on these full-time employees, which began in 1978 under the former administration, and there is a ceiling on total employment within all departments of the VA. To place an additional ceiling on part-time employees would eliminate the needed flexibility that hospital directors have in hiring medical personnel, and it would prohibit the full use of appropriated dollars for medical personnel.

Mr. President, it is my understanding that individual hospital directors have been able to utilize these part-time employees for various jobs and projects within their facility. Typical examples include seasonal grounds work; special warehouse projects, such as moving and storing equipment; and one-time maintenance projects, such as painting and large repairs to such equipment as heating and cooling units. Also, when full-time positions such as doctors or nurses are vacant and recruitment is in process, a hospital director can use part-time employees to fill these positions. In addition, it could be argued that some positions could be filled just as well by a part-time employee, thereby resulting in a cost savings to the Federal Government.

Mr. President, I believe it is unwise to remove this managerial flexibility from these hospital directors by placing a ceiling on part-time employees.

Mr. President, I have here a letter from Dr. Donald L. Custis, the chief medical director of the department of medicine and surgery of the Veterans' Administration. The letter is addressed to me and it is dated May 20, 1981. The letter states:

The following is provided in response to your inquiry as to what effect the action taken by the House Appropriations Committee in the 1981 Supplemental Appropriation and Recession Bill would have on the Department of Medicine and Surgery of the Veterans Administration. The language of this bill would place a new ceiling on part-time, temporary and "all-other" categories of employees the Veterans Administration can hire. It would limit the flexibility that medical center directors have to manage, and it would put into law another unnecessary control on employment.

Concern was recently voiced by a majority of our medical center directors who believe that one of the most critical issues facing them is the current restriction on full-time employee equivalents. This restriction has caused them overwhelming frustration. The imposition of a ceiling on part-time, temporary, and "all-other" employment, on an already unnecessarily burdensome ceiling on full-time employment, will make the job of the medical center director almost impossible. It will further restrict the directors' ability to shift employment to meet the rapidly changing manpower needs and ultimately our ability to meet patient care needs will be severely compromised.

The mix of full-time, part-time, temporary, and "all-other" employees varies from medical center to medical center. This variance is created by specific needs based on factors such as special workload requirements, temporary changes in full-time staff, availability of trained specialists, seasonal availability of specialists graduating from training institutions, etc. The imposition of an "All Other" ceiling would virtually eliminate the flexibility necessary to accommodate for these periodic and emergency changes in staffing requirements. Enclosed are several examples to illustrate the problems that would be created by adding further employment ceilings on the other categories of employees and impact directly on the continuity of patient care.

We believe that the imposition of only one ceiling—the total FTEE ceiling would serve the Office of Management and Budget and the Congress' interest best and we recommend that the ceiling on FTPA and the new control proposal on temporary employees be eliminated. If we can be of any additional assistance in this critical matter, please do not hesitate to contact me.

Sincerely,

DONALD CUSTIS, M.D.,
Chief Medical Director.

Mr. President, that letter is followed by examples of adverse impacts of additional personnel control, which I ask unanimous consent be printed in the RECORD.

Mr. President, I have spoken to the chairman of the Senate Veterans' Affairs Committee, the distinguished AL SIMPSON, and he is not opposed to my amendment. Also, I have been contacted by the former chairman and now ranking minority member, the distinguished ALAN CRANSTON, and he supports my amendment. These colleagues are not opposed to my amendment and they are deeply involved in veterans matters, as I am. I welcome their support and cooperation in this matter and others who may wish to join in cosponsoring my amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXAMPLES OF ADVERSE IMPACT OF ADDITIONAL CONTROLS

1. Two outpatient pharmacists were involved in an accident and unable to work for an extended period. Pharmacy coverage is imperative. Temporary pharmacists can be hired, except if a ceiling is imposed. Temprorary positions are categorized as "All Other." Facility faces a dilemma if an "All Other" ceiling is imposed.

2. An anesthesiologist retired who was a full-time physician. No other full-time anesthesiologist is recruitable. However, two anesthesiologists in the community will accept half-time positions. The part-time positions are considered "All Other" category. With an "All Other" ceiling imposed, the two anesthesiologists cannot be hired, leaving the facility and that service unavailable.

3. X-ray technicians, medical technologists, licensed practical nurses and other shortage category health care personnel must be processed through OPM registers for competitive full-time permanent appointments which can take from four weeks to two months. To assure continuity of patient care in these demanding and busy services, it is imperative to fill these positions in a quick and timely manner. Temporary appointment is the only mechanism available to meet this need. A ceiling on All Other would eliminate this possibility.

4. A hospital has had one full-time neurosurgeon for a period of time, but changes in workload factors no longer justify this level of staffing and require only a half-time position. Under present procedures, this situation can be rectified by converting the full-time position to a part-time one. If now a ceiling is imposed upon part-time positions, the hospital will be faced with the decision to continue an uneconomical arrangement of overstaffing for a particular need or dis-

continuing the service entirely and thus depriving a segment of beneficiaries of access to this type of surgical care.

5. New nurse graduates must pass State Boards before they can receive full-time permanent appointments in the VA. To make employment opportunities immediately available to these candidates, they are employed as a graduate nurse technician and supervised by registered nurses until they are licensed. Inability to use the All Other appointment authority would seriously jeopardize our recruitment efforts.

6. An outpatient satellite clinic has a need for a part-time ophthalmologist, psychiatrist and cardiologist. When a full-time physician leaves, the availability of the three part-time physicians is confirmed. However, because a ceiling is imposed on All Other positions, the conversion cannot take place. Patients requiring the specialty services must be referred elsewhere.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, page 158 of the bill contains a provision limiting the use of fiscal year 1981 funds to hire over 19,381 other than full-time permanent staff years and not more than 1,401 nonceiling staff years. The House included this language because it was concerned about the restrictions imposed on hiring permanent full-time positions.

In 1980, because of a hiring limitation, the VA was forced to use its funds for about 5,000 more other than full-time permanent staff years than had been planned. A commensurate reduction occurred in full-time permanent employment. The number of nonceiling employment also increased about 750. The Congress had not intended the funds to be used in that manner when it added $76,380,000 for 3,800 additional health care personnel.

Arbitrarily requiring that other than full-time permanent employees be hired does not save money and does not promote good management. Again, it is certainly not what the Congress had in mind when it added 1,176 staff years in the 1981 HUD Act.

In fact, what we are doing is we are going to hire lawncutters and so on in the summer, temporary employees, instead of full-time nurses and people that are needed.

The Office of Management and Budget should remove or raise to an appropriate level the ceiling on full-time permanent positions. The language is included in the bill to achieve that end.

I would like to point out that the VA is now 995 positions below the ceilings contained in this bill. Furthermore, the VA did not notify this committee about their objection to the House language until the day of the full committee markup—which was last Thursday. We did not hear a word from the VA until then. Now if this is so important to the VA, I think it behooves them to be more timely with their comments.

I do not believe that this Congress can afford to make knee jerk responses to any request—VA or otherwise. The VA is, after all, part of the U.S. Government and it will have to function within the rules applied to other agencies. Those rules include a clear and timely justification of all requests for congressional action. In the future, as chairman of the HUD and Independent Agencies Subcommittee, I do not intend to support these last minute cries for help from the agencies downtown.

I understand my distinguished colleagues' concern and would, on this occasion, concur with striking the House language.

But I do that only as a courtesy, because I do not agree with it. It is time the VA learned to act responsibly and on time. There are proper procedures and proper times for considering this type of action.

The VA had more than 3 weeks to make the committee aware of their objection to the House language. I think they are incredibly shortsighted to go for these short-term temporary employees rather than full time.

It is also time—and I say this as a veteran myself and a member of most of the veterans organizations—that the Veterans' Administration should be no sacred cow. I am getting sick and tired of every time the VA asks for something we run out on the floor and approve the request without any due consideration.

Veterans are important, and I say that as being one of them. But I want this to go out as a message from the chairman of the subcommittee that the VA better do its job, they better do it on time, and they better get their work up here and justify it, rather than running up here and expecting anything they ask for to be approved on this floor. It will be accepted today, but that is the end of it. The VA better read this RECORD today and find out how they are going to operate in the future.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I think there is merit in the statement of the distinguished Senator from Utah. However, I do want to say that the VA does not have a Deputy Administrator at the present, and they have been handicapped in that the President's man at the VA has not been confirmed. However, a confirmation hearing for an Administrator is scheduled for July 9, and I am hopeful that some of the unfortunate administrative problems will cease. However, under the circumstances, my amendment is important and should be judged on its merits.

I appreciate the distinguished Senator from Utah and the distingushed chairman of the committee accepting this amendment and for their efforts on behalf of the Nation's veterans.

Mr. HATFIELD. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I share the views expressed by the Senator from Utah. The fact is that the Veterans' Administration should find a way of hiring permanent, full-time personnel. One of the reasons why there is complaint about veterans' care is that the feeling is that part-time people cannot provide the training, experience, and stability, and if there is not some kind of pressure on the VA to hire and hold full-time personnel, that care will not be as good as we all feel it should be.

I have no objection on the minority side. I understand Senator CRANSTON is a cosponsor of the amendment. Therefore, I have no objection to accepting the amendment.

Mr. THURMOND. Mr. President, in addition to Senator CRANSTON, I ask unanimous consent that the following Senators be added as cosponsors: Senators RANDOLPH, MATSUNAGA, DECONCINI, and MITCHELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I appreciate the Senator from South Carolina and the Senator from Utah in working out this amendment. I join in accepting the amendment.

Mr. CRANSTON. Mr. President, as the Senator from Wisconsin (Mr. PROXMIRE) noted, I am an original cosponsor of the amendment offered by my good friend and colleague on the Veterans' Affairs Committee, Senator THURMOND, as are Senators RANDOLPH, MATSUNAGA, DECONCINI, and MITCHELL. We are also most pleased to have the support of our distinguished committee chairman (Mr. SIMPSON).

I thank the Senator from South Carolina for taking the initiative in this very important matter for the VA health-care system and for his close cooperation with me in proceeding on this amendment. I think his remarks and the letter from the VA's Chief Medical Director, Dr. Custis, make it clear that imposing an absolute ceiling on employment of part-time permanent employees, temporary employees, and so-called "non-ceiling" employees would, in some circumstances, impair a cost-effective use of funds appropriated to operate the VA health-care system.

However, I want to make it clear, Mr. President, that I concur in the remarks made by my friends, the chairman of the Subcommittee on HUD-Independent Agencies (Mr. GARN) and the distinguished ranking Democratic member of the full Appropriations Committee and the former chairman of that subcommittee (Mr. PROXMIRE), that in striking this language from the bill, the Senate is in no way encouraging indiscriminant use of part-time or temporary employees in the VA health-care system. Both of my distinguished colleagues have accurately stated that the Congress intends the VA to make maximum use of full-time employees. I am sure that is the intention of the Chief Medical Director.

However, I do think that if, for example, full-time employees just cannot be recruited, despite the very best efforts to do so, or are injured and cannot be replaced on a full-time basis, the personnel resources available for that fiscal year—the money actually appropriated—should not be allowed to lapse when legitimate and, in many cases, vital jobs need to be done at VA medical centers. In short, I believe the VA ought to have the option to make use of part-time and temporary employees in its medical centers when it is absolutely necessary to do so and not be locked into an inflexible, absolute ceiling.

Mr. President, I also share Senator GARN's concern about the VA's delay in making known its objections in this matter. I would only echo the remarks of

Senator THURMOND in connection with the difficulties that result from the VA's lack of a Reagan-appointed Administrator, Deputy Administrator, and General Counsel. I agree with the Senator from Utah that, in this instance, the VA did not submit its appeal in a timely manner and that it should certainly do so in the future.

I am, therefore, very grateful to the distinguished subcommittee and full committee chairmen for accepting our amendment so as to preserve the VA's ability to provide necessary health-care services to veterans which the current deficiency in administrative coordination in the VA central office might otherwise have jeopardized.

I again thank the Senators from Utah, Oregon, and Wisconsin for their understanding of the immediate problem and for concurring in our amendment. I congratulate the Senator from South Carolina for offering it and I urge its adoption.

Finally, Mr. President, I strongly urge that the Senate stand firm in the conference on the position with respect to the deletion of this provision.

Mr. SIMPSON. Mr. President, I am pleased to join as a cosponsor of this amendment offered by my good friend and distinguished colleague on the Veterans' Affairs Committee, Senator THURMOND. We have only recently received from the VA materials that make every plain the negative impact of the provision that is subject to correction by Senator THURMOND's amendment. These materials, unfortunately and for reasons wholly unknown to me, were not offered by the VA at any earlier stage in the supplemental appropriations process, but upon careful consideration of them, I find it appropriate now to join in urging that the previous limitation be stricken.

The language in question in H.R. 3512 would impose a ceiling of 19,381 FTEE's on the number of part-time employees that the VA could hire during the remainder of fiscal year 1981. This is in addition to two existing ceilings on VA hiring—one on full-time employees and the other, a comprehensive ceiling, on all employees, whether full time or part time.

The problem with this additional ceiling is that it will deprive VA officials of some of the flexibility necessary to operate the largest health care delivery system in the country. It would also limit their flexibility to apportion the overall funds for medical care personnel between full-time and part-time positions in a manner that sound hospital management practices may dictate.

It is unnecessary, I believe, for us to restrict the use of FTEE funds for employment—that perhaps because of its seasonal nature or because it relates to certain temporary projects—can only be practically performed on a part-time basis.

Mr. President, it is important to stress that the removal of this condition will not in any way affect the amount of the VA budget. Whether or not there is a ceiling on part-time employment, the VA's funding level for FTEE's will remain the same. All that will be affected is the Administrator's freedom to determine which type of employment scheme will best advance the interests of the 30 million veterans that this massive health care delivery system was designed to serve.

I think it is especially important now, with a new Administrator and his team about to come on board, that we act with restraint in considering any new limitations on his authority which is yet untested.

For these reasons, Mr. President, I support Senator THURMOND's amendment and urge its prompt passage.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (UP No. 121) was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 122

(Purpose: To provide for additional appropriations for energy supply research and development and energy conservation)

Mr. GLENN. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. GLENN) proposes an unprinted amendment numbered 122.

Mr. GLENN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, line 22, strike "$172,673,000" and insert in lieu thereof "$134,225,000".

On page 33, line 16, strike out "$17,467,000" and insert in lieu thereof "$16,100,000".

On page 68, line 21, strike "$302,332,000" and insert in lieu thereof "$298,095,000".

Mr. GLENN. Mr. President, in the history of this country whenever we have had major problems we have almost, without fail, been able to work our way out of those problems by doing a proper amount of research and inquiry into the unknown and applying our inventiveness and innovativeness.

In almost anything that has come up in the physical sciences, we have leapfrogged ahead of other nations around the world because we were willing to put more of our effort into these areas to work our way around major problems.

Mr. President, in this time period which we find ourselves in today, we are strapped by energy cost increases. Depending upon which one of our economists we wish to listen to, they estimate that somewhere between 20 and 45 percent of the inflationary spiral in this country over the last several years has been caused by the rise in energy costs. We sent out somewhere over $80 billion last year to pay our OPEC oil bill—$80 billion outside this Nation.

So, Mr. President, what my amendment today addresses is a remedy to one of the biggest defects in what the administration has proposed in their revised budget for energy; namely, the very large cuts in energy research and development, and in solar and renewable energy R. & D., in particular.

This amendment will restore those rescissions in energy R. & D. in the areas of energy conservation and energy supply R. & D., where a small breakthrough could make a tremendous difference in our energy supplies in the future.

This Nation's dependency on imported oil continues to rock our economy. In addition, this dependency has grave national security implications, both at home and abroad. If imports of oil continue at the March rate of some 5.4 million barrels per day, and if, and this is a big if, prices remain reasonably stable, the Nation's oil import bill for this year of 1981 will be somewhat over $70 billion.

That represents a cash outflow, Mr. President, of more than $8 million every hour. Every hour of every day, $8 million, right around the calendar, going to pay our offshore oil bill.

Mr. President, my amendment seeks to help reduce our reliance on imports by providing additional appropriations of less than $38.5 million in energy supply research and development operating expenses, $1.4 million in energy supply R. & D. capital equipment, and $3.8 million for electric and hybrid vehicles in the Transportation Energy Conservation programs.

Just so we have some idea, Mr. President, of how much this would be, this addition total to less than $44 million and it represents less than 6 hours of oil imports, distributed as follows:

For energy supply R. & D. operating expenses, under energy storage systems, $19,333,000; under electric energy systems, $4,115,000; and under photovoltaic energy systems, $15 million. That totals up, for energy supply R. & D. operating expenses, to $38,448,000.

Under the general title of energy supply R. & D. plant and capital equipment: for energy storage systems, $767,000; and for electric energy systems, $600,000; for a subtotal on energy supply R. & D. plant and capital equipment of $1,367,000.

Under the general title of energy conservation: for electric and hybrid vehicles, $3,837,000. That is the total for that. All of these items I have read total up to $43,652,000.

Mr. President, I cannot think of any other areas where we would be better advised to spend this money.

Let me back up and go through again each of those items I have listed and explain what would be encompassed in each of those areas.

Under energy storage systems, we would restore the $19.333 million which has been rescinded. This program sponsors R. & D. in a number of areas which I would like to list. First, batteries; second, electrolytic technology; third, flywheels; fourth, hydrogen technologies

including electrolytic production, advanced production, transportation, use, and storage; fifth, fuel cells for vehicular use; sixth, chemical heat pumps; seventh, magnetic energy storage; eighth, underground energy storage, including seasonal acquifers and compressed air/underground pumped hydro storage for electric power; ninth, thermal energy storage; and tenth, basic research in electrochemistry and electrochemical engineering.

Mr. President, a major breakthrough in almost any of these 10 areas I have listed here could give us a major advantage in confronting the difficulties we face with regard to our energy supplies. I cannot think of another area that might have a better chance of achieving a breakthrough that would enhance our energy outlook than just those 10 items that I have listed. Energy storage is one area that I believe has long been seriously underfunded. These technologies act as bridges or buffers between energy supply systems and energy demand systems.

Economic energy storage would have a nearly incalculable impact on our long-term energy supply picture by allowing us to more readily substitute coal and nuclear energy for oil and natural gas. We could also take advantage of renewable and inexhaustible energy sources such as solar, wind, and tidal energy by spreading the supply of these intermittent sources over a 24-hour period.

Utilities could use their facilities much more efficiently and halt the current practice of building baseload electrical capacity to meet rising peak demand, which is an extravagant and inappropriate use of our scarce financial and technological resources, and a major contributor to the upward spiral of electricity rates.

Compact electrical energy storage, such as might be provided by advanced batteries would let us have the first practical electric vehicle—an electric car that could supply the market for that 92 percent of the noncommercial driving done within 20 miles of our home. A practical, economic electric car would greatly reduce our current dependence on petroleum-derived fuels which provide over 97 percent of our transportation needs. For this reason, my amendment restores full funding for electric and hybrid vehicle R.D.T. & E.

Electric energy systems is another program that would receive full funding with the adoption of this amendment. Our current nationwide electric energy systems are designed around central electric power generation stations. With the emergence of dispersed electric energy generation through new source technologies such as wind and solar photovoltaic, and the increased use of various energy storage devices, current electric systems must undergo radical design changes to meet future safety and reliability standards. This program is helping to develop the techniques and devices required to help incorporate these new technologies into the Nation's electric grid.

I might add, also, Mr. President, that if we can find sufficient storage capacity through some of these new devices, it means that remote cities in this country may not even have to rely on high-cost electrical transmission lines. Farms, perhaps, might be able to generate through wind and other forces of nature, sufficient electrical energy to be stored through some of these new techniques so that it would reduce the need for the very expensive long lines to isolated areas.

The final energy supply R. & D. area to receive additional support is the photovoltaic energy systems program. This amendment would restore $15 million of the $21 million rescinded by the Appropriations Committee. Photovoltaic energy systems provide a simple method for the direct conversion of solar energy into electricity.

Capturing, converting, and distributing this energy with about 10 percent end-use efficiency on less than 2 percent of the Nation's land would more than satisfy our total energy demand.

By achieving the goals established by the President's Domestic Policy Review on Solar Energy, photovoltaic energy systems could provide electricity to 22 million homes by the year 2000. Restoring a portion of the program's funding being rescinded will help us to meet this goal.

Mr. President, I think in times past, when we have had any difficulties in this country, as I indicated when I started out, we have always been able to come up with the research necessary in the physical sciences to enable us to work our way around specific problems. Books have been written about this. For example, "The American Challenge," written some years ago by the French author, Jean Jacques-Servan Schreiber, makes the case that America went ahead of the rest of the world in a tiny timeframe in history. America did this not just because of fields of waving grain and purple mountains' majesty, but because, at the beginning of our Nation, we were willing to put more money into research than any other nation. When we had major problems, we researched our way through them and we have been extremely successful.

Even today, we can do that with regard to our energy problems. We know the Japanese, for instance, are working on the world's first practical electric automobile. If we think we have problems with automobile imports right now, Mr. President, just wait until they beat us with that little jewel for sale around the world, because we shall then be worried about far more in Detroit and just whether we have bailout funds for Chrysler.

Yet we need to make some breakthroughs with research to produce the first practical cold weather battery storage system that can encapsulate enough electrical energy to let us drive a car with a range of 100 miles in the harsh winter months. That would mean, probably, by today's development standards, a car that could travel some 200 miles in warm weather.

We are not there yet. But I cannot think of anything that would give us a greater advantage toward controlling our energy needs than if we did have some breakthrough in that particular area.

The administration has said that private industry would undertake activities in these areas of research if it is worth doing. Yet, we know that private industry was not willing to take on the whole Manhattan project in World War II, to cite one example, even though there have been a number of beneficial commercial applications in the years since.

The things I have concentrated on today with this amendment are in those areas where a small breakthrough of one kind or another in one of these fields could make it possible to have practical electric cars or energy storage devices of one kind or another that might help reduce our dependence on imported oil.

Let me give another example of what I am thinking about. We put a few dollars into a system called the Redox system at the Lewis Laboratory in Cleveland. The Redox system is basically a new battery system. Instead of using a solid and a liquid as the pluses and minuses in a battery system, however, it uses two liquids. These two liquids then become the plus and the minus of the battery. As the liquid is flowed by a membrane, electricity is put into it, and when that liquid is reflowed, the electricity can be taken out. From all indications, it returns over 70 percent of the electricity put in.

What is the importance of this? Well, right now, we can hardly pick up a science magazine without seeing some illustration of wind energy, hydro-energy, tidal energy, and solar energy being converted into electricity.

Why are they not practical? Because we do not have the means now to store that electricity so that we can use it when and where we want.

The Redox system, as it is envisioned now, would enable us to store huge amounts of electricty from those sources. The people working on that system think it can be scaled up to take an output of a 1,000-megawatt powerplant during nonpeak hours.

We are building electric plants all over the country. We have both coal and nuclear generating plants. We need them just for peak loads basically, because, on the average in this country, our electricity consumption on a round-the-clock basis is only about 50 percent of the maximum generating capacity available.

In other words, during the daytime or the early morning hours, our electric generating plants are merely idling along. Yet, because of that peak load period in the evening from about 6:30 to 10, we are building new powerplants to meet that peak load demand and have to spend billions of dollars to do exactly that.

I believe the cost of a 1,000-megawatt powerplant runs about $1.2 billion for a coal-fired plant. I think it is now around $1.5 billion or $1.6 billion for the same capacity nuclear electric generating plant. Those costs, of course, are added to your electric bill and to mine each month.

So if we have a means of storing electricity, such as Redox may provide, we

probably will not have to build electric generating plants in this country for a decade or more.

It is that type of breakthrough that may give us the great step forward we need to come much closer to energy independence than we are today. That is precisely what this amendment concentrates on for these different fields of energy supply R. & D. It will provide the operating expenses and the capital equipment necessary to do this. Similarly, under the general title of energy conservation, it concentrates on electric and hybrid vehicles.

We can go into all sorts of detail on specific systems, but the point remains that for the comparatively few dollars we are discussing here, we stand a far greater chance of getting control of our energy situation than we have had in recent years.

No one wants to see us go into the future still dependent on the Strait of Hormuz remaining open for the whole industrial free world to keep functioning. Some 18 percent to 20 percent of our oil comes from that region. About 15 percent of Western Europe's oil comes from that area, as well as nearly 75 percent of Japan's oil.

In other speeches I have made, I have said that if someone gave you 5 square miles of world territory and you wanted to control the industrial free world, you would probably be well advised not to take Washington, D.C., or Paris or London or even the Soviet Union. I believe that the fortunes of the industrial free world for the next decade or 15 years will be in the hands of those who control that outlet of the Persian Gulf, the Strait of Hormuz—the 5 square miles that encompass the entrance and exit lanes for the world's tanker fleets that go through that strait, one every 9 minutes, day and night, year around.

Let me digress a moment on the subject of regenerative braking. Just think of the hundreds of millions of tons of automobiles around this country starting and stopping right now. We put big engines on them to accelerate them, and when you get them up to speed, you can keep them rolling along the highway at only 20 or 30 horsepower per car, and that is for a large sedan. Here is all this inertia, all this fuel we have expended, and then what do we do? We put the brakes on. We pay engineers to spend their lifetimes designing systems of how to absorb and dissipate back into the air that energy, and we make no effort to regain it and use it again. With electric automobiles, we can use regenerative braking.

The car I drove not long ago in Cleveland did regain about 12 percent of the regenerative braking and generating electricity to put the energy back into the power system.

What we have done with this amendment is the following: We have restored funding for a number of different energy storage systems—flywheels, hydrogen, geologic pressure, pumped hydro, regenerative braking—and a number of other areas that were cut including electric energy systems, photovoltaics, and electric and hybrid vehicles. I believe these areas are very critical to our achieving energy independence one of these days.

If anyone so wishes, we can go into more of the history of these systems. However, for the comparatively small number of dollars spent, I believe we are well advised to put this money back in.

Mr. President, I hope we can approve this amendment. I should like to get this back in the budget. I realize that there will be those who will say that we cannot afford this, but I do not think we can afford not to do this. It is a much-needed investment in our Nation's energy future.

We must take this step forward to even hope to have the same abundance and prosperity we have enjoyed in the past through our availability of adequate and cheap supplies of energy. The things I have mentioned are key toward developing that kind of energy independence in the future that we have had in the past.

I urge the support of all my colleagues for this measure.

I reserve the remainder of my time.

Mr. HATFIELD. Mr. President, I wonder if the Senator from Ohio will yield for a question on my time?

Mr. GLENN. I yield.

Mr. HATFIELD. I say to the Senator that I am a little confused here, I think, on the figures that he has in his amendment. I believe that there is a total of $4.2 million.

Mr. GLENN. If the Senator will yield for just one moment, I ask unanimous consent to change the figure in the third line on my amendment. Is that the one in question?

Mr. HATFIELD. Yes. That would be $298,495,000.

Mr. GLENN. That is correct.

I ask unanimous consent on my amendment to change the final figure in the bottom line there which now reads "$298,095,000" and that figure should be changed to "$298,495,000."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. I thank the Senator.

I wish very much to try to accommodate the points that he raises because I have myself been concerned and supportive of this kind of research and development over a long period of time.

I wish just for the RECORD to say to the Senator that the committee did restore $5.7 million for the electric and hybrid vehicle research, to indicate to the Senator that we are very empathetic and have done more than just talk about it, that we have actually taken that kind of action.

We are facing really a procedural question here, also, on a point of order. As the Senator knows, there is about a total of $38 million here, almost $40 million, that he is suggesting a restoration of money, and as our computation shows, this would have about a $25 million impact on outlays for fiscal year 1981. That is subject to a point of order that would not be ruled on or considered until it would be deferred if I were to raise it at this point on the basis of our unanimous-consent agreement.

But rather than going through that process and really not resolving the question, let me make this suggestion to the Senator: As he knows, the House of Representatives deferred these moneys; whereas, the Senate action was a rescission action. Actually, rather than to restore these funds, if we could agree to move from a rescission to a deferral, then what we would have is these moneys would be available October 1 that the Senator is seeking to restore.

If we went into a restoration action by a vote or agreement, whatever at this point, then we would have to go to conference with the House of Representatives, facing a deferral action, versus a budgetary item, and I do not think the Senator wants to go through this exercise really just for the basis of the record because his record and most of our records are pretty clear on this subject anyway, but it would be so easy for the conferees from the Senate to make the normal gesture representing the Senate position of a restored funding and then at some point yield to the House of Representatives and we would be right back to a deferral role; whereas, if both sides agree to a deferral status for these funds, then that would not be a point of conference.

I am only saying that we are facing not only the question of dollars here but also the procedural question or the procedural issue of a point of order, a less than fully enthusiastic group of Senate conferees going to conference with restored funds, and I just want to really be very open, very frank about it to the Senator from Ohio, because I am very sympathetic to his position, and I really feel that he has made a very strong case.

I also add one further comment, and if the Senator wishes to call a quorum and maybe pursue this thought a little bit further informally I would be very happy to do so, but let me make one additional observation, and that is that really the funds that were acted upon here were more short-term R. & D. The long-term R. & D. we preserved in pretty good order I believe. That was our intent. It was to preserve the long-term investments in the R. & D. field and to take the budgetary restriction action in the more short-term area.

There again let me just for the record recite in the electric energy systems the Senate reduced that by $4 million from a total of $38 million. So we still have $34 million in that particular category.

In the electric energy storage, the full figure was $70 million. We rescinded $19 million. These are the commensurate figures to the Senator from Ohio who wants to restore at the $4 million and $19 million level.

In the photovoltaic we had $153 million and we rescinded but $21 million.

So in effect what we did was we rescinded $44 million out of a total of $261 million of these three categories which is a nominal reduction in relation to the total figure and in the whole effort to try to bring some reductions to this budget in an orderly and intelligent fashion.

So first of all the Senator and I start from the same premise.

No. 2, we were trying to make short-term reductions.

No. 3, we were maintaining our long-term commitments.

No. 4, we felt the reductions were nominal without crippling the basic commitments.

So with those basic points in mind, I wonder if the cause and the issue could best be served by perhaps agreeing to a deferral action of these moneys which would then be available October 1 rather than the Senator pursuing the idea of restoring these funds which might survive conference but very frankly I would not wager a great deal of my money that we would survive conference on the basis of what we are faced with in the overall budget.

Mr. GLENN. I appreciate very much the Senator's comments, and I know of his leadership in this area and of his personal concern in some of these same areas about which I have been speaking this morning. So I know we are in agreement on the ultimate goal of where we hope to go with our energy research in this country.

As far as the point of order, I believe that same point of order if it were invoked here would lie against all the amendments that we considered yesterday also. Is that correct?

Mr. HATFIELD. If the Senator will yield, no. For instance, Senator TOWER'S amendments on the battleship and on the Navy pay bonus were accompanied by offsets. So there was no budget impact on the outlay side of the budget. These are not accompanied to my knowledge at least—if I am wrong let me know—but I do not see any offsetting features to this amendment but really these would be purely add-on features.

Mr. GLENN. It would be my understanding, and perhaps I am wrong and I wish to know if I am wrong on this, that those amendments were considered yesterday with the understanding that they would apply when the conference report was accepted. In other words, after we had the approximately $600 million against which those amendments could apply, and I thought the same understanding extended to this amendment.

We had originally drawn this up with a balancing reduction so that we did not exceed any other limitations. We presented it this way this morning because it was my understanding that everything we had done yesterday was being done pursuant to the assumption that the conference report would be approved.

Mr. HATFIELD. I think the Senator and I perhaps have a different view on that. Perhaps we best resolve that by asking the Chair for a clarification. I would be very happy to do so or the Senator may.

Mr. President, an inquiry of the Chair.

Mr. GLENN. Fine. Go ahead.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. I believe that yesterday as we pursued these various amendments that had in effect an add-on character there were with those amendments presented offsetting figures to negate any budgetary outlay impact that would go above the ceiling because we are operating under the ceiling established for fiscal year 1981.

A waiver of the Budget Act would have had to be obtained for each amendment except for the fact that there was this offset, and that last night there was a unanimous-consent agreement arrived at through the leadership that any point of order raised on an amendment that had the effect of violating the ceiling would be deferred, that point of order would be deferred, until we acted upon the conference report of the Budget Committee, which then, in effect, sets a new ceiling; is that correct?

The PRESIDING OFFICER. The Senator from Oregon is correct.

Mr. HATFIELD. So that I believe, Senator, that a point of order could be raised, say, at this time but would be deferred until the action on the continuing resolution and, therefore, we would, of course, be operating under that different circumstance.

As I say, it might be just another futile procedural move, but I think we could settle this pretty quickly on the proposal that I suggested, understanding that those moneys would not immediately be available but certainly by October 1 under deferral action rather than rescission.

Mr. GLENN. Let me respond to that also, and then we could have a quorum call to discuss this.

Many of us here, including the distinguished floor manager of the bill, had, I think, worked very hard to get some of these energy R. & D. figures up through the past 3 or 4 years. I know I had a couple of meetings with President Carter, trying to get the renewable energy R. & D. money very measurably increased from practically nothing at one time. We finally had in the initial fiscal year 1982 budget a little less than 1 percent of the amount that we are sending out to pay our OPEC oil bill of $80 billion, some $776 million, I think, in renewable energy R. & D. This covered solar R. & D. electrical energy storage and some of these other means of extracting energy from nature so that we would not have to face a future depending on oil and natural gas as our basic energy sources.

When the new administration came in they cut this area by some $483 million in their suggested budget, cut it by almost 60 percent. This really sent tremors throughout the whole physical sciences world. These cuts, along with those in NSF and NASA, all basically in the R. & D. area, really prompted some of our finest scientific personnel to start looking for other jobs.

I do not know what funding we are going to finally come out with, but I just think that we sent all the wrong signals to the scientific community with those proposals. While I know that some of these funds are being restored, I would hate to see us put a deferral in here that would, in effect, from now until October 1 continue what I see as a wrong message being sent to the scientific community.

This country needs these people working in energy R. & D. as never before, and I must say I was somewhat appalled at that $483 million cut. I just could not believe that in this time of, as I see it, almost a crisis period with regard to energy and at a time when about one-third of our inflation rate is attributable to energy cost increases over the past several years.

If we are going to really get control of inflation it is not going to come solely by a balanced budget but also because we exert some firm control over the energy cost increases that have plagued us for the past several years.

That has been a worldwide situation, I know. It is not peculiar to the United States, but I think the United States, with our rather unique and our tremendous research capability, can play a leading role for the whole free world in this. I just hate to see us cut back, hate to see us even defer this from now until October, a 5-month period, when just a few million dollars here can indicate our continuing support for the effort in some of these labs around the country.

Mr. HATFIELD. Again I would like to just put a ditto mark under what the Senator from Ohio has stated about his concerns in this area.

I would say to the Senator that we do have, perhaps, some offsetting signals as well that are happening today because only a few days ago—I think it was probably maybe 10 days ago—in the Energy and Natural Resources Authorizing Committee I was able to present an amendment, which was sponsored by, cosponsored by, both sides of the committee, both Democrats as well as Republicans, for the DOE 1982 Authorization Act which restored about $588 million—in excess of $500 million—to deal with not only conservation but also solar programs.

It was a very substantial vote from both sides of the political fence, which I felt was not only from the standpoint of the matter of money, the dollars, but also, as the Senator has so effectively stated, to send a signal that we were really not abandoning this commitment that we had worked diligently on, the Senator from Ohio being one of our very strong leaders, in building up this kind of commitment.

I would only add to his own argument by saying that if you look at some of our Western allies such as France and even Great Britain, which is under strenuous economic problems itself, they are increasing their commitments to these renewable sources of energy while, unfortunately, our signal was we were in the area of conservation decreasing it by 70 percent at a time when we should be increasing it.

I do not think I have to raise the other related issue, and that is not only are we dealing with an energy problem here but, Senator GLENN, we are dealing with one of the most explosive points on the globe that could trigger a great conflagration, a holocaust, over the question of imported Persian Gulf oil.

So I think it is far beyond just an energy question that the Senator raises. I think it is a question that deals with world peace and stability in the world.

As long as we are so dependent on Persian Gulf oil and we have committed ourselves to "defending our oil resources in

the Persian Gulf" we are risking all kinds of great dilemmas and problems in the future.

So all I am saying is I do want to seek to find a way out of our dilemma at the moment, and I really feel that the most effective way, the most realistic way, under the circumstances would be to try to remove this as an item for the conference by establishing the deferral status; in other words, we would rescind our rescissions in order to take this out of conference, and then we would face only these few months of delay as far as availability of funds is concerned, and then let me further assure the Senator that I will diligently pursue this same objective in the fiscal year 1982 budget.

As the Senator knows, we have that vehicle coming right down the track very shortly. We have pursued it. I have already indicated what we have done on the DOE authorization. But again on the appropriations vehicle as the chairman of that Subcommittee on Appropriations I would assure the Senator that I would be happy to work with him to try to see what we can do to strengthen these commitments on the fiscal year 1982 vehicle.

Mr. GLENN. Mr. President, when I have discussed with the administration or administration representatives their view on energy R. & D. and ask why on Earth they cut back as much as they did, their view, in general, has been that if the research is worth doing, commercial concerns will see that worth and will put money into that kind of research.

Just so none can misinterpret what I am trying to do here, I am talking about those very technical areas that we should be concentrating on where private concerns and commercial establishments and commercial R. & D. organizations are not exploring in much detail. The very basic areas of research are where we can possibly make some breakthroughs that will enable us to at least have a hope of energy independence somewhere in the future.

Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Chair would advise there are 22 minutes and 15 seconds remaining on the side of the Senator from Ohio and 24 minutes and 41 seconds remaining for the Senator from Oregon.

Mr. GLENN. Mr. President, we are about equal on time. I suggest the absence of a quorum to be charged equally against both sides.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, on my time, I yield 3 minutes to the Senator from Maine for the purposes of a colloquy. That will be deducted from my time.

Mr. GLENN. Mr. President, reserving the right to object, and I will not object, I do not think, this will not take the pending amendment off the floor?

Mr. HATFIELD. No. This will leave the pending amendment where it is, and I am yielding 3 minutes from my side of the controlled time to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

CETA TITLE III REDUCTIONS

Mr. COHEN. Mr. President, I would like to engage in a brief colloquy with Senator SCHMITT, the distinguished chairman of the Subcommittee on Labor, HHS, Education, and Related Agencies, concerning CETA title III reductions and their possible impact on the disabled veterans outreach program (DVOP).

I have received a letter from Doug Felton, State director of the Maine DVOP program, who wrote to say that he may be forced to close down operations "on approximately the 4th of July." The reason, he said, is that the Department of Labor had informed him that it was reducing funding for the Maine DVOP in fiscal year 1981 by $63,000. This reduction represents a 60-percent cut in the program's budget for the last 5 months of the fiscal year.

The Maine DVOP program is funded under CETA title III, and Mr. Felton was apparently informed that cuts in title III moneys had necessitated the Labor Department reductions in his budget. This has created a difficult situation for Maine DVOP. "Shortly, I must curtail Maine DVOP operations and inform employees of their loss of jobs," Mr. Felton told me. "Once again, those who served their country will bear the brunt of responsibility for all."

Termination of the program would cause real hardship for Maine veterans, and I am sure that my State and its veterans are not alone in receiving this bad news from the Labor Department. Maine DVOP has been operational since October 1977. Since its inception, Maine DVOP has helped over 8,000 veterans, with over 2,600 placed in jobs or training employment. As Mr. Felton told me, "they have moved from tax dollar users to tax dollar contributors."

The Maine DVOP has been the only nationwide program cited by the Assistant Secretary of Labor for its efficient operation and performance. I think it is safe to say that there should be no sentiment, either in the Labor Department or in Congress, for allowing this invaluable program to shut its doors.

The question I have is: Is it the intent of the Appropriations Committee to cut the disabled veterans outreach program funded under title III of CETA?

Mr. SCHMITT. Mr. President, I can say to the distinguished Senator from Maine the answer to his question is no, our cutback was in the Secretary's discretionary funds, other than the disabled veterans' outreach program which is funded under section 30 of the Comprehensive Employment and Training Act.

I will add that we have further checked with the Labor Department, and the project of concern to the Senator does appear to be funded through September 30. So I think one way or the other the problem has resolved itself. I want to thank the distinguished Senator for bringing it to our attention and, certainly for his leadership in looking into this matter. It is a very important area.

As I said, the cutback was in discretionary funds other than the disabled veterans' outreach program.

Mr. COHEN. I thank the Senator.

Mr. SCHMITT. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to the Senator from Ohio and the Senator from Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

UP AMENDMENT NO. 122 FURTHER MODIFIED

Mr. GLENN. Madam President, I send to the desk a modification of my amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The modification of the amendment will be stated.

Mr. GLENN. Madam President, I ask unanimous consent that reading of the modification be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as further modified, reads as follows:

On page 31, line 22, strike "$172,673,000" and insert in lieu thereof "$134,225,000" and $38,448,000 are deferred for obligation until October 1, 1981.

On page 33, line 16, strike out "$17,467,000 and insert in lieu thereof "$16,100,000" and $1,367,000 are deferred for obligation until October 1, 1981.

On page 68, line 17, strike "(RESCISSION)" and insert in lieu thereof: "(RESCISSION AND DEFERRAL)"

On page 68, line 20, strike "$302,332,000" and insert in lieu:

"3,837,000 shall not become available for obligation until October 1, 1981 and $298,-495,000"

On page 31, line 17, delete the line type and add the words "and Deferral" after the word "Rescission."

The PRESIDING OFFICER. Is there objection to the Senator from Ohio modifying his amendment? Without objection, the amendment is so modified.

Mr. GLENN. Madam President, I appreciate the usual comity and cooperation exhibited by the floor manager of the bill in helping work this out. I believe we have reached a satisfactory resolution along the lines that the floor manager described earlier. I will not repeat all that, since it is part of the record.

However, it involves the deferral as opposed to rescinding, as explained earlier in the debate today, and it is my understanding that the floor manager of the bill will accept this modification.

Mr. HATFIELD. Madam President, I am very happy to accept the modification of the Senator's amendment.

I believe it has been a very worthwhile exchange in making the record. Also, I think it will achieve more closely the objective the Senator from Ohio is seeking than any other method I can think of at this moment.

Madam President, I believe the Senator is amending the Senate amendment to the bill. Is that correct?

The PRESIDING OFFICER. Yes. The amendment proposed by the Senator from Ohio does propose to amend some remaining committee amendments.

Mr. HATFIELD. I thank the Chair.

Madam President, I am ready to vote on this amendment.

Mr. GLENN. I thank the distinguished floor manager.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HATFIELD. I yield back the remainder of my time.

Mr. GLENN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Ohio, as modified and as further modified.

The amendment, as further modified (UP No. 122), was agreed to.

Mr. HATFIELD. I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Madam President, I thank the Senator for his cooperation in this matter.

Mr. GLENN. I thank the distinguished floor manager very much for his cooperation.

Mr. HATFIELD. Madam President, I believe we have an amendment to be offered by the Senator from Arizona (Mr. DECONCINI).

The PRESIDING OFFICER. The Senator is correct. That would be the next amendment.

UP AMENDMENT NO. 123

(Purpose: To prohibit the use of appropriated money seeking the repayment of funds provided under title I of the Elementary and Secondary Education Act of 1965 for certain audit periods)

Mr. DECONCINI. Madam President, I send an unprinted amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI), for himself, Mr. GOLDWATER, and Mr. THURMOND, proposes an unprinted amendment numbered 123.

Mr. DECONCINI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

SEC . Notwithstanding any other provision of law, no funds provided in this Act or any other appropriations Act shall be expended by the Department of Education to seek the repayment of funds provided to State or local educational agencies under title I of the Elementary and Secondary Education Act of 1965 based on any audit period beginning prior to the date of enactment of the Education Amendments of 1978.

Mr. DECONCINI. Madam President, this amendment would stop the Department of Education from attempting to collect funds provided under title I of the Elementary and Secondary Education Act to State and local education agencies. Only those State and local agencies who had audits conducted by the Department beginning before the enactment of the 1978 Education Amendments would be impacted by this amendment. The Department would not be prohibited from seeking repayment of funds from State and local agencies if the audit began after enactment of the 1978 Education Amendments—November 1, 1978.

The Office of Education, now Department of Education, has been auditing State and local school districts regarding their use of ESEA title I funds almost since enactment of title I in 1965. Title I is the program which provides assistance to disadvantaged children. After the audit if the Department of Education believed that the local or State agency had not spent the funds according to the regulations it would issue a final determination letter which asked for the repayment of a certain amount of money. If the State or local agency believed that it had not misspent the money it could appeal to an entity within the Office of Education or Department of Education. Prior to the 1978 amendments that entity was called the Audit Hearing Board. The Audit Hearing Board was unauthorized by law. The 1978 amendments authorized the Education Appeal Board which supposedly retained jurisdiction of those appeals that were pending before it was authorized.

Since the 1978 authorized Education Appeal Board has rules and procedures significantly different from the old unauthorized Audit Hearing Board, it would be patently unfair to those State and local agencies that either had or were in the process of starting the appeals process to have to comply with an entirely different set of rules and regulations—this is the reason for using 1978 as the cut-off date.

Madam President, there are, as mentioned, a number of States affected. I will just read a few of them. Arizona; California, three districts; Colorado, two districts; Oregon, one district; New Mexico, one district; Nevada, two districts, and let me just give one example in the area of Arizona.

First, many of the audits on which the allegations are based are 10 to 15 years old. For example: One of the appeals that Arizona has pending is based on an audit that was conducted in the spring of 1970. The audit covered the period between August 10, 1965 and August 31, 1969—this period of time was just after enactment of title I when the program was first started. Because these events occurred so long ago, Arizona officials are placed in an untenable situation—over the years records have been destroyed, witnesses have died or become unavailable, making it impossible in some cases to provide documentation for what actually happened.

Second, the audit and appeals procedures in the Department of Education are a prime example of the Federal bureaucracy operating in its least effective manner. For example: State officials in Arizona received the report for the audit in the spring of 1970 in August of 1970, but to date no formal hearing has been scheduled. In 1973, Arizona requested a hearing before the Audit Hearing Board, which was responsible for considering such appeals. Four years later, the Office of Education, claiming that the State had never requested a hearing, directed the State to do so and also demanded a detailed response to the audit report issued in 1970. A response was submitted, along with a request for information needed to provide a factual basis for certain charges contained in the report. Additional requests for information were made by the State, but it did not receive a copy of the auditors' workpapers until June of 1980—a formal hearing has yet to be conducted.

Third, States are having to respond to frivolous charges made by the Department of Education. An example of such a charge is, "Were children who were not identified as 'educationally disadvantaged' permitted to view a film purchased with title I funds along with their 'educationally disadvantaged' classmates?"

Fourth, children in school today will in effect be paying for educational programs that were provided to children years ago. For if school districts ultimately have to repay funds to the Federal Government, reductions in existing programs would be required. It seems to me that this situation would be doubly penalizing today's schoolchildren because the bill we are considering today contains substantial cuts in education programs for the very same children.

Fifth, the potential for lost revenue to the Federal Government is not great. Approximately 23 States plus the District of Columbia and Puerto Rico would be relieved from Federal harrassment by this measure. The latest figures that I have shown that the Department alleges these entities to owe a little over $64 million. However, past history indicates that the Department usually collects about 6 percent of what it initially says it is owed. If this trend continues the Department would collect approximately $3.8 million in total from all of these States.

Sixth, the small amounts of repayments that the Department finally collects shows that its charges are weak and cannot be substantiated. The Department recently made an unofficial feeler to Arizona regarding the possibility of settling Arizona's largest appeal at 10 cents on the dollar. If this settlement were to occur you might be interested in knowing that Arizona would have spent more in legal fees defending itself than the Federal Government would collect.

The State has spent approximately $100,000 to date. This figure does not include the funds that Tucson No. 1 is expending for legal assistance. Tucson No. 1 has spent approximately $10,000.

Seventh, some of the audits are of questionable validity. For example, Cornelius Tierney, a partner in Arthur

Young & Co., a highly respected accounting firm here in Washington, D.C., has submitted an affidavit that severely critizes the auditing methods and conclusions reached by the Federal auditors regarding Arizona's first audit.

Eighth, it is absurd for the Department of Education to continue to seek these repayments resulting from audits conducted years ago when the amount of funds it may finally receive will be less than the defendants spent in legal fees. Further, I would not be surprised if the Department has spent more trying to collect these repayments than it will finally receive.

Ninth, we should dismiss these highly questionable audit appeals that occurred essentially before 1978 so that the Department of Education can expend its resources for investigating more recent matters—hopefully it has been able to build better cases for the charges it has leveled since 1978.

Madam President, I ask unanimous consent to have printed in the RECORD an itemized listing of the various school districts, State by State, and the amounts of each district that is involved in this particular area.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

State	*Amount*
Arizona	$230,723
Arizona	762,023
California	967,128
California	2,234,588
California	28,682,142
Colorado	6,000
Colorado	1,901
District of Columbia	416,019
Florida	618,151
Hawaii	398,495
Hawaii	1,711,123
Illinois	718,458
Indiana	1,635,958
Indiana	240,493
Kentucky	704,237
Maryland	1,476,910
Minnesota	207,900
Mississippi	1,363,665
Nebraska	61,382
New Jersey	1,161,917
New Mexico	639,042
Nevada	700,695
Nevada	640,699
North Dakota	117,030
Oklahoma	598,250
Oregon	148,555
Pennsylvania	4,636,118
Pennsylvania	422,424
Puerto Rico	1,000,000
Puerto Rico	12,300,000
South Carolina	469,423
Texas	350,151
Washington	30,340
West Virginia	63,026
West Virginia	125,000

The PRESIDING OFFICER. Who yields time?

Mr. DECONCINI. I yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Madam President, I rise as a cosponsor of this amendment offered by the distinguished Senator from Arizona to dismiss certain cases pending before the Educational Appeal Board.

These suits against our school districts were based on pre-1978 title I regulations which were vague and subject to different interpretations. In some cases, the Department of Education changed its own interpretation from time to time. Also, the audits conducted by the Department were full of errors and discrepancies.

The Horry County School District in South Carolina is being asked to reimburse approximately $470,000 to the Department of Education. The original audit occurred in 1975. Subsequent to that, the audit was redone several times. Each time, the Department came up with different figures and demands for varying amounts of repayment.

There has been no showing of bad faith or intentional misspending by these school districts. They were simply caught up in a bureaucratic tangle of massive regulations, forced to play a guessing game as to the meaning of these regulations.

We are finally beginning to put our country on the road to economic recovery by reducing Federal spending and lessening Federal regulation. Public education is being asked to absorb a large share of this reduction in funding. Yet, at the same time that our schools must conserve their financial resources, the Federal Government is causing a financial drain on these school districts by forcing them to continue to defend these cases and by asking for reimbursement.

This amendment would not increase fiscal year 1981 appropriations. These funds were appropriated several years ago, and were spent in the manner intended—educating our children.

Our public schools cannot afford to take money from educational programs to use for the defense of these suits or to make repayment. Nor can the Federal Government afford to continue to use taxpayers' money for the prosecution of these meritless claims. The total cost to all parties could well exceed any amount which might ever be received.

I believe this amendment would help in achieving the goals which our country is now seeking—reducing spending and regulation. Let us not force today's public school students to pay for the problems which were experienced years ago with the interpretation of these massive regulations. Let us allow the public schools to get back to the business of educating and out of the business of litigating.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Madam President, will the Senator yield me 1 minute?

Mr. DECONCINI. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DECONCINI. How much time remains?

The PRESIDING OFFICER. Two minutes and 28 seconds.

Mr. DECONCINI. I yield to the distinguished senior Senator from Mississippi.

Mr. STENNIS. Madam President, in this field there could not be a more important matter. This does not involve new money. This involves the forgiveness of money that was spent 2 or 3 years ago for the general purpose for which it was appropriated, but it said they got over the line a little. It is school money. This is title I funds.

They merely got over the line somewhat in the application of the special classes and special activities.

In my State there is only involved $1.3 million, but that is a good deal of money also in schools now, and it has to be paid back. It has to be paid back.

So it is taking it out of the future years.

I thank all Members for their earnest consideration of the entire list. My time is up.

The PRESIDING OFFICER. Who yields time?

Mr. DECONCINI. I yield.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, I yield to the Senator from New Mexico for the purpose of a comment.

Mr. SCHMITT. Thank you, Madam President.

Madam President, as I understand the Senator's amendment, it is to prohibit the spending of appropriated funds which are used to seek repayment on violations under title I or alleged violations under title I of ESEA for certain audit periods.

There are a number of problems with this amendment. It does represent legislation on an appropriations bill.

But I think the most significant argument is that it seems to represent a net potential loss to the budget of about $51 million which would be exempted from recovery if the amendment were agreed to.

This type of amendment as drafted does not distinguish between the minor and major violations.

So as a result there would be a significant revenue loss as a consequence of the agreement to the amendment.

In addition the selection of the 1978 date as a cutoff point is arbitrary. Obviously it penalizes those States and the District of Columbia which have in good faith paid back claims and rewards those States which have delayed.

We have a list of States in that regard which I will include in the RECORD. States that have paid back title I claims prior to 1978, based on the violations that were found in using the funds.

I ask unanimous consent to have that list printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

The following States have paid back title I claims—prior to 1978 based upon violations found in using funds (Estimated amounts)

Arkansas	$14,107
Arkansas	8,089
California	26,250
California	84,928
California	147,626
California	270,607
California	297,020
California	100,701
California	3,301
Connecticut	1,542
Delaware	5,100
District of Columbia	108,453
Florida	3,479
Florida	56,429
Florida	316,092
Florida	288,313

Georgia	$5,064
Idaho	129,572
Illinois	4,624
Illinois	30,496
Indiana	5,579
Missouri	5,920
Montana	5,326
Nebraska	61,382
Nevada	10,549
New Jersey	1,306
New Jersey	4,000
New Mexico	5,069
New Mexico	70,000
New Mexico	8,000
New York	21,843
North Carolina	1,243
North Carolina	6,000
Oregon	20,922
Rhode Island	7,793
South Carolina	7,517
Texas	15,183
Utah	1,713
Utah	26,000
Virginia	30,000
West Virginia	2,800
Wisconsin	43,653
Wisconsin	33,336
Wisconsin	157,490

Mr. SCHMITT. Madam President, literally the amendment ties the hands of the Department of Education. It wipes out claims without any look at the type or magnitude of the individual violations. Frankly, a number of States have brought their programs into compliance based on the audits of other States, and in cases where there are relatively minor violations the investigation would probably cost more than the claim and in those cases the Department does consider dropping the charges and not pursuing them.

I am certainly sympathetic to the problems that some school districts have run into and agree that legislative changes may be in order to ease the situation.

We had some of those problems in New Mexico. The Department of Education and the State are attempting to work them out. Certainly the Department should not be encouraged to pursue minor violations to the point of where the cost to the taxpayer in various ways is far greater than any return that might be reached.

Mr. DECONCINI. Madam President, will the Senator yield?

Mr. SCHMITT. I would be happy to yield to the Senator on the Senator's time.

Mr. DECONCINI. Is the Senator from New Mexico aware that New Mexico itself has outstanding $639,000 which is still due and actually only 6 percent of the $51 million the Senator mentioned is estimated to have been collected? We figure the maximum would be $64 million, and 6 percent of that is $3.8 million which is all that would be lost.

Mr. SCHMITT. I am aware of the situation in New Mexico, and it is my understanding that attempts are being made to work this situation out and I hope a satisfactory agreement will be reached.

I would remind the Senator that we did include language in our committee report in response to the issue raised by the Senator from Arizona. The language is as follows:

The Committee encourages the Department not to pursue claims for pre-1978 Title I Audit exceptions where the return does not justify the cost of recovery.

Frankly, I think that is about as far as we ought to go. Whether it is a 6-percent loss or whether it is the whole $51 million only time will tell.

Mr. STENNIS. Madam President, will the Senator yield to me quite briefly? I am impressed with the good faith of all of these claims so far as I know. Will not the Senator agree to let this go to conference and see if something further cannot be worked out there that would be fair and right and just and allow for living room for these future appropriations not to be taken out of the whole picture where good faith has been shown? If it was not shown they just could not get in whatever the conference does about it.

It seems that there is a chance to work out matters, and I hope there will be one more chance to get at it that way.

Mr. SCHMITT. I appreciate the remarks of the distinguished Senator from Mississippi and what he is advocating is that we go ahead and accept the amendment so it will be in conference.

Mr. STENNIS. Yes.

Mr. SCHMITT. But I think that is a very dangerous course to take in view of the potential revenue loss that such an amendment would result in if it was agreed to by the conference. I think the distinguished Senator from Wisconsin wanted to make a comment but he seems to have left the floor.

Does the Senator from Oregon wish to comment on it?

Mr. HATFIELD. Madam President, what is the time situation?

The PRESIDING OFFICER. The Senator from Oregon has 3 minutes and 40 seconds remaining of his time.

Mr. HATFIELD. Now, Madam President, there is no virtue in being consistent, but in the consistency of my position I have made very clear on the floor and I ask the Chair if this is not legislation on an appropriation bill. Does this amendment constitute legislation on an appropriation bill and, therefore, subject to a point of order?

The PRESIDING OFFICER. Although this is an inquiry of this nature, it is not subject to a point of order until the time has expired. I venture to suggest that this is a matter of inquiry?

Mr. HATFIELD. This is a matter of inquiry only.

The PRESIDING OFFICER. In the opinion of the Chair, the amendment does constitute legislation.

Mr. SCHMITT. Madam President, will the Senator from Oregon yield briefly in this regard? The Senator from Arizona, Senator DECONCINI, does have a bill he has introduced, as I understand it, to modify the authorizing language so that some of the problems that he and I are both aware of can be resolved, and I hope he would allow the authorizing process to run its course rather than force us to proceed to make a point of order against this amendment.

Mr. DECONCINI. Madam President, will the Senator yield?

Mr. SCHMITT. I yield on the Senator's time.

Mr. DECONCINI. I do not have any more time. If the Senator will yield me 30 seconds, in response to the inquiry, legislation has been introduced in exactly this form and, indeed, it is precisely what we are trying to do.

The point here is to stop it today, and I understand the chairman of the Appropriations Committee feels he has to go through his particular obligation. But I remind the Senator that we all have certain obligations here and we bend our ways now and then, and I hope the Senator from Oregon and the Senator from New Mexico feel they could bend their ways to help these school districts not to pay some of these things which are unconscionable, unfair and 10 years old.

Mr. SCHMITT. Madam President, the Senator from Oregon and I are both very sympathetic to the problems raised, but we also, even more than being consistent, have to someday get control of this problem of legislating on appropriations.

I thought finally with this Congress we were beginning to see the light on this issue. The Senator from Oregon in particular has taken a tremendously courageous stand on one issue that has tied up the Senate again and again. It seems to me we all must be equally courageous in trying to prevent this kind of action.

I yield to the Senator from Wisconsin who wanted to make some remarks.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Madam President, I would just like to say to my friend from Arizona that while this provision applies just to the States that have not made their payment, it does, in effect, penalize the States that did pay up, including Wisconsin and many other States as well. The citizens in those States that did repay their obligation are being asked to subsidize the citizens in those States that have refused to pay. That would apply to my State and to other States.

Furthermore, as I understand it, the DeConcini amendment requires the cancellation of all debts even those that are clear-cut violations. Also, it is the kind of an amendment that I think ought to be handled by the authorizing committee. I understand the distinguished Senator from Arizona has a bill before the authorizing committee, and the authorizing committee has not acted. and I think that would be the proper remedy.

Mr. DECONCINI. Madam President, will the Senator yield 30 seconds? First of all, there is a bill I have introduced.

Mr. PROXMIRE. First of all what?

Mr. DECONCINI. There is a bill that is before the committee, the authorizing committee, which is exactly the same as this.

Second, all of these cases are on appeal so every one of the districts, including the ones in Wisconsin, feel that it is an improper effort to collect. So it is not like dismissing a debt which has

never been considered by the Department or by the appeal. These are all on appeal today.

Mr. PROXMIRE. I think that is right. The Senator states the case exactly and I think he strengthens my position which is that the judicial processes ought to be able to work their way out, and if the courts decide that these payments should not have been made that would take care of the issue rather than have us intervene, particularly on an appropriation bill, before the authorizing committee has had a chance to act on the DeConcini bill which is before them. It seems to me it is premature.

Mr. DECONCINI. I do not know about the State of Wisconsin. The State of Arizona has spent more in legal fees than they are going to collect on this particular debt. How can we justify penalizing those schools, the ones in Wisconsin, New Mexico, Oregon, Mississippi, and others down the line spending those kinds of dollars, when these things are frivolous?

Mr. PROXMIRE. Wisconsin paid it back rather than to incur those legal fees.

Mr. DECONCINI. If Wisconsin does not mind being pressured into paying it back, the State of Arizona objects to it.

Mr. STENNIS. Madam President, will the Senator from Wisconsin yield to me?

Mr. DECONCINI. I yield.

Mr. STENNIS. Madam President, I rise today to support my colleague from Arizona in his effort to eliminate a serious problem in the title I program under the Department of Education. I am not asking the Senate to appropriate any great sum of money. As a matter of fact, this amendment will require no appropriation at all, but merely a forgiveness of funds that certain States supposedly owe the Department of Education for failure to follow title I guidelines.

The State of Mississippi is reported to owe the Department of Eductaion $1,363,665 for improper construction in the years between 1969 and 1973. During that time, the Mississippi State Department of Education in keeping with the U.S. Office of Education statutes concerning the title I program, authorized the construction of buildings for disadvantaged students in 12 school districts.

The State Department of Education was acting under the authority of the statute which says that:

Payment under this subchapter will be used for programs and projects (including the acquisition of equipment payments to teachers of amounts in excess of regular salary schedules as bonus for service in schools eligible for assistance under this section and, where necessary, the construction of school facilities and plans made or to be made for such programs, projects, and facilities) which are designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families.

The statutes say nothing about the type of construction that is allowable. However, after conducting its audit of Mississippi during those years, the Office of Education stated that the title I funds had been misused because the buildings were permanent and were being used by students who were not disadvantaged as well as those who were. Mr. President, these buildings are, to this very day, being used to serve every disadvantaged student in the school districts where they are located. I fail to see in this time when we are trying to make the most of our money, why we cannot get more out of our money and our buildings and serve others students as well.

As you can see, the case in Mississippi does not involve charges of fraud or other illegal uses of title I funds, but rather stems from a disagreement between the State department of education and the Federal officials over the interpretation of certain statutes regarding the use of title I funds for construction projects and other capital expenditures.

Mr. President, I know this is the case in Mississippi and, as I understand it, it is also the case in the other States involved. All of the States are serving title I students through their programs established with these funds. It would be a gross injustice to require the States to repay these funds because they would have to take the money from other education programs. In effect, the schoolchildren of today would be unfairly paying for the programs that were established before many of them even began school.

I trust that my colleagues in the Senate will consider the rights of today's schoolchildren and the rights of the States involved and will vote to take this financial pressure off the States so they can put their full efforts into providing a quality education for our children.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arizona.

Mr. HATFIELD. Madam President, do I understand that all time has now expired?

The PRESIDING OFFICER. All time has now expired.

Mr. HATFIELD. Madam President, I raise the point of order that this amendment constitutes legislation on an appropriation bill.

The PRESIDING OFFICER. Since the amendment proposes to supersede "any other provision of law," and to limit the expenditure of funds provided in "any other appropriation act," the amendment constitutes legislation and is not in order to a general appropriation bill. The point of order is sustained.

Mr. DECONCINI. Madam President, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the ruling of the Chair stand as the judgment of the Senate? The yeas and nays have been ordered and the clerk will call the roll.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Madam President, I wonder if it was not sort of a general understanding that the first vote would occur at 11 o'clock and that this amendment would take its place in sequence with other votes that are ordered, even though this is a vote on an appeal. It would seem to me that this now would be automatically put aside, as would any other amendment that was ordered by the Senate, to be in sequence and to take its place, as would any other amendment on which the yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from West Virginia is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

The PRESIDING OFFICER. The vote on the appeal will occur after the amendment of the Senator from New York.

Mr. HATFIELD. Madam President, I believe that, according to the unanimous-consent agreement, Senator DECONCINI is privileged to offer a second amendment.

The PRESIDING OFFICER. The Senator is correct.

UP AMENDMENT NO. 124

Mr. DECONCINI. Madam President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) proposes an unprinted amendment numbered 124.

Mr. DECONCINI. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 71, line 12, after the word "facilities" insert the following: : *Provided further*, That funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981 (Public Law 96-514) shall be available for the lease of 200 units of housing to be constructed at Chinle, Arizona, for the Chinle Hospital and at Inscription House, Arizona, for the Inscription House health center.

Mr. DECONCINI. Madam President, this amendment deals with the problem of a Navajo Indian reservation and a hospital that is about 70 percent completed. This would establish a lease agreement which would make private financing possible to build a housing unit that will be necessary when the hospital is completed. Otherwise, there will be a long distance of over 90 miles to the nearest area. It will save a great deal of money in capital outlays. The construction cost would be over $20 million and this would be done by private money.

Mr. HATFIELD. Madam President, this amendment has been reviewed by the subcommittee of the Appropriations Committee charged with this responsibility. It appears to be acceptable. There-

fore, I am ready, on behalf of the majority, to accept the amendment of the Senator from Arizona.

I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Madam President, I understand there is no money involved until 1983. As far as I know, the ranking minority member of the subcommittee does not object and so I do not object.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. HATFIELD. Madam President, I yield back the remainder of my time.

Mr. DECONCINI. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment of the Senator from Arizona (Mr. DECONCINI).

The amendment (UP No. 124) was agreed to.

Mr. DECONCINI. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, I believe, now that we have finished the two DeConcini amendments, it brings us to a unanimous-consent agreement that would bring up a Warner amendment next. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. And then to be followed by a Levin amendment, two Abdnor amendments, and a Warner-Tower amendment. Is that correct?

The PRESIDING OFFICER. There is no order to that effect.

Mr. HATFIELD. Madam President, we are at a point where we are ahead of our schedule.

I ask unanimous consent that the Senator from Mississippi, Mr. COCHRAN, be recognized to offer an amendment for a total of 20 minutes, equally divided, on one amendment, and on the second amendment, 10 minutes, equally divided.

Mr. PROXMIRE. Madam President, reserving the right to object.

Mr. HATFIELD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, has an order been entered now for the recognition of the Senator from Virginia (Mr. WARNER), for the next amendment?

The PRESIDING OFFICER. The order has been entered.

ORDER OF PROCEDURE

Mr. BAKER. Madam President, I ask unanimous consent, following the Warner amendment and the votes that are ordered to begin at 11 o'clock, that the Senator from Michigan (Mr. LEVIN) be recognized for the purpose of conducting a colloquy with other Senators or to make a statement on a matter; that after the conclusion of that colloquy or statement by the Senator from Michigan (Mr. LEVIN), the Senator from Mississippi (Mr. COCHRAN), be recognized to offer an amendment, on which there will be a time limitation of not more than 20 minutes, to be equally divided; that after the first Cochran amendment there be a second Cochran amendment and there be a time limitation of 10 minutes, to be equally divided; that following on after the second Cochran amendment, there will be two Abdnor amendments to be offered in sequence, with a time limitation of 10 minutes, equally divided, on each amendment; and that the control of the time be under the control of the principal author of the amendment for the proponents and the distinguished chairman of the Appropriations Committee for the time in opposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, I thank the Chair, I thank the minority leader, and I thank all Senators for permitting us to do this.

Mr. HATFIELD. Madam President, I understand there is an order entered for a vote to begin at 11, yet I believe the Warner amendment has 20 minutes on each side. The inquiry is: How will that time be allocated between now and the 11 o'clock order for voting?

The PRESIDING OFFICER. Time will be used by whichever Senator is controlling time and whichever Senator would yield time. There is no method of allocation of time between now and 11 o'clock.

Mr. BAKER. Madam President, what we are trying to do is have an equal break between sides. I wonder if the parties would be agreeable to this request.

Madam President, I ask unanimous consent that the time remaining now for debate on the Warner amendment until 11 o'clock be equally divided.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BAKER. I thank the Chair.

AMENDMENT NO. 56

(Purpose: To add $20 billion for a binary chemical munitions production facility and to reduce the Operation and Maintenance appropriation for the Army by $20 billion)

Mr. WARNER. Madam President, I call up my amendment No. 56 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Virginia (Mr. WARNER), for himself, Mr. NUNN, Mr. TOWER, Mr. HOLLINGS, Mr. THURMOND, Mr. CANNON, Mr. HEFLIN, Mr. ARMSTRONG, Mr. EXON, Mr. GOLDWATER, Mr. DENTON, and Mr. JOHNSTON, proposes amendment numbered 56.

Mr. WARNER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 21, strike out "$509,699,000" and insert in lieu thereof "$489,699,000".

On page 27, line 9, strike out "$37,160,000" and insert in lieu thereof "$57,160,000".

Mr. WARNER. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Madam President, it is the intention of the Senator from Virginia to move as expeditiously as possible on this amendment.

Madam President, I am joined in this amendment by Senator NUNN, Senator TOWER, Senator HOLLINGS and eight other Members of the Senate. This amendment restores the $20 million sought by the Reagan administration in its fiscal year 1981 defense supplemental request to provide equipment for a binary munitions facility in Pine Bluff, Ark.

I have taken the floor of the Senate several times before to discuss our national requirement for a modern chemical weapons production capability. I have discussed with my colleagues at considerable length the various important factors supporting this requirement: the ominous and growing threat of a Soviet first-use of these weapons; the increasingly unreliable and hazardous condition of our chemical deterrent; the absence of a real inducement to progress in a Soviet-American arms control negotiation regarding chemical warfare; and the need for the United States to replace its existing chemical arsenal before obsolescence and weapons unreliability becomes so prevalent as to result in effective unilateral chemical disarmament.

Madam President, the fact is that all of these arguments have been made previously. In four separate rollcall votes on two different occasions, the Senate took the position that this country must have a capability to produce modern chemical munitions. On those occasions, the issues were roundly debated; proponents and opponents took the floor and aired their respective views. In the end, the Senate joined the House of Representatives in giving approval to this construction project.

And so, while I believe it is unfortunate that the time of the Senate must be repeatedly taken up in second-guessing the decision arrived at previously, I am persuaded, as are my fellow cosponsors, that the issue of restoring credibility to our chemical deterrent is of sufficient importance that further debate, raising once again issues upon which our earlier action was based, can only reinforce and reconfirm the Senate's decision taken last fall.

Madam President, I submit that, if the Soviets had a weapon system—A tank, a bomber, or a ship which could, with high confidence incapacitate our forces, close essential air fields, and deny us use of key ports—we would regard it as a significant threat and danger to our national security and promptly prepare an adeuate deterrent.

Well, Madam President, the American people should understand that the So-

viet Union has deployed weaponry with the alarming capabilities I have described. Soviet armed forces equipped with chemical weapons are today capable of preventing key United States and allied command and control facilities from performing their missions. At this moment, they have the ability to prevent the timely use of pre-positioned stores necessary for the reinforcement of Europe in the event of war. The Soviet Union can right now deny to Europe-bound U.S. forces access to critical air field and port facilities. And, importantly, chemical weapons can accomplish these purposes with a modicum of physical destruction to ports and air fields which the Soviets may wish to use themselves after their capture.

The threat posed by Soviet chemical warfare capabilities is no less real or dramatic for its having existed for some time.

It is true that the Soviet Union has taken chemical warfare more seriously than has the United States for many years. They have maintained a large and capable production base; the United States has not produced any chemical agent in over a decade. The Soviets are believed to have from 4 to 10 times the quantity of toxic chemical agent in its stockpile compared with that held by the United States. The U.S.S.R. has approximately a 5-to-1 advantage over the United States in chemical agent-capable weaponry. The Soviet Union has integrated into the design of its tanks, infantry fighting vehicles and other equipment a chemical protective capability; the United States has not. The U.S.S.R. trains its forces extensively in a chemically contaminated environment; we do not.

These facts are not new. For much of the last 20 years the Soviet Union has made it quite clear through its doctrine, its training, its equipment development and procurement—that it believes chemical warfare is an important and legitimate form of warfare. What is more, recent instances of suspected Soviet or Soviet-proxy use of chemical agents in Afghanistan, have confirmed the espousal of this view by the U.S.S.R.

What is relatively new, however, Madam President, is the decline in chemical warfare capabilities on the part of the United States relative to those of the Soviet Union. Until fairly recently, little serious effort has been made to defend American military personnel against chemical attacks. Training in chemical operations is generally perfunctory at best. But perhaps of greatest concern is the fact that the U.S. stockpile of offensive chemical agents—widely recognized to be the cornerstone of our chemical deterrent posture—has been allowed to deteriorate and become obsolescent without offsetting improvements for over 10 years. Since the late 1960's, increasing numbers of our chemical munitions have developed leaks or become otherwise unreliable or unsafe.

In short, Madam President, as the Soviets have taken steps to improve steadily their capability to wage and win chemical war, the United States has allowed its deterrent to such a war to degrade significantly, while making only modest improvements to our chemical defensive posture.

We must reverse this serious deficiency as quickly as possible. The Soviet Union has a capability for chemical warfare which—should deterrence fail—would directly and adversely affect U.S. national security interests and those of our allies.

Too much time has been allowed to lapse already. The American people must be alerted to the danger we face and their representatives in the Senate must complete the first step taken last year toward restoring the credibility of our chemical deterrent.

I urge my colleagues to join me in supporting the administration's position by adopting this amendment. I would note that this amendment has been drawn so as to provide an offset against the $20 million we propose be added for binary chemical production equipment. The amendment reduces the Army operations and maintenance account by $20 million with the intention that the money be taken from nonfuel costs added by the committee.

Madam President, the issue which I think each Senator has to consider at the time they are called upon to vote is whether we can, in good conscience, send young men and women wearing the uniform of our country to forward-deployed areas knowing full well that the Soviets, if they were to initiate a strike, could utilize chemical weapons and our young men and women would be helpless to respond in kind.

That is the question each Senator must ask himself or herself at the time of voting.

Madam President, I ask unanimous consent that a letter signed by the Secretary of State, dated May 20, 1981, addressed to Senator TOWER be printed at this point in the RECORD, along with a letter from the Secretary of Defense, dated May 19, 1981, also addressed to Senator TOWER.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SECRETARY OF STATE,
Washington, D.C., May 20, 1981.

Hon. JOHN TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TOWER: The request made by the Administration for the necessary funds in FY 81 Supplemental Appropriations to equip a binary chemical weapons (CW) production facility in Pine Bluff, Arkansas, has my strong support.

This request is an important component of the Administration's overall defense program aimed at correcting the present imbalance caused by the Soviets' unrelenting military buildup of the last decade. It has long been United States, and NATO, policy to maintain a credible and effective CW deterrent as an important part of our overall defense posture. The purpose of this is to deter a Soviet or Warsaw Pact CW attack and, if deterrence should fail, to maintain a limited CW retaliatory capability.

As a party to the Geneva Protocol of 1925, the United States remains firmly committed to a policy of no first use of Chemical Weapons. However, the Soviet Union has long maintained a significant capability in this area, and extensive resources have been devoted by the Soviet Union to ensure that its forces are fully capable of operating in a chemical environment. Equally disturbing, we have continued to receive reports that the Soviets and their allies may be using chemical weapons in the conflicts in Afghanistan and Southeast Asia.

Given this continuing Soviet CW threat, the Administration considers it vital that the United States maintain the credibility of its chemical weapons deterrent. Since no steps have been taken since 1969 to ensure the continuing effectiveness of this deterrent, it is now in serious danger of deteriorating and of losing its credibility. Faced with this urgent need, we think it important to take advantage of the significant safety and environmental advantages offered by binary weapons.

The Administration's decision does not represent a new policy departure in the chemical weapons area, nor a decision to place greater emphasis upon chemical weapons in our overall national security policy. Rather, it represents a necessary step in maintaining the effectiveness of existing United States policy of no first use of chemical weapons and the maintenance of a limited (but effective) retaliatory capability. Moreover, this decision is fully consistent with the continued pursuit of a comprehensive and verifiable ban on chemical weapons.

Our European Allies are fully aware of the background to this decision and the serious threat which we face in the chemical weapons area. We have made it clear to our Allies that the decision to prepare this production facility was our responsibility, to meet the national seccrity needs of the United States. Any decision on overseas deployment of these weapons remains some years away. We have nevertheless assured our Allies that any eventual deployment decision would be the subject of close consultations with any Ally directly affected.

I hope that this letter is helpful to you in explaining my support for proceeding now in the preparation of this facility. If we can provide further information, please do not hesitate to call upon us.

Sincerely,

ALEXANDER M. HAIG, Jr.

THE SECRETARY OF DEFENSE,
Washington, D.C., May 19, 1981.

Hon. JOHN TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: As the Senate prepares to consider recommendations made by its Appropriations Committee on the FY 1981 Supplemental Appropriations measure, I wanted to take this opportunity to express formally the position of the Department of Defense and the Administration on the need for funds to prepare an Army facility for binary chemical agent production.

We support the initiative taken by the Congress in FY 1981 to approve funds needed for the construction of such a facility. It is absolutely essential for the United States to begin promptly the process of redressing the chemical imbalance between ourselves and the USSR. We need a greater retaliatory capability to defer the Soviet first use of chemicals. The Administration's request for $20 million to procure equipment for the previously approved Pine Bluff, Arkansas, facility is vital to our national security.

The Reagan Administration fully supports the development of binary production and believes that steps taken toward reacquiring a credible offensive chemical capability may promote progress in the arms control area by providing a further deterrent to the Soviets. In any event, the President and I believe further deferral of actions necessary to restore America's chemical deterrent posture is tantamount to unilateral disarmament, and is, consequently, an extraordinarily risky course to pursue.

The Administration fully supports the bi-

partisan effort to restore the $20 million required in FY 1981 for equipping the Pine Bluff Binary Chemical Facility.

Sincerely,

CASPAR W. WEINBERGER.

Mr. WARNER. Madam President, I yield such time as he may desire to the Senator from Alabama.

Mr. HEFLIN. Madam President, I rise today to give my wholehearted support to the Warner-Nunn amendment which would restore the $20 million administration request for the plant equipment needed to complete the phase 1 binary chemical munition's production facility which we authorized in the 96th Congress. I have been a strong advocate of the program to strengthen this Nation's CBR defense capability. I have spoken out on the floor of the Senate on this issue on several occasions and I was pleased to participate in the debate on this same issue last year. A year has now come and gone and here we are once again arguing about whether or not we should get on with the production of these binary chemical munitions.

Madam President, as I pointed out in the past, it is time to stop talking and start acting. Today, the Soviet Union has the best equipped and best trained forces in the world for conducting sustained operations on the chemical battlefield. For the Soviet Union, chemical weapons are an integral part of their battle plan and represent a significant portion of the combat power available to Soviet commanders in the field. Our intelligence estimates lead us to believe that the Soviet forces are capable of initiating and sustaining large scale use of chemical weapons either in a conventional or nuclear environment.

We know, Madam President, that Soviet chemical warfare specialists and forces are integrated into every level of their military structure. There are chemical brigades, chemical battalions, and chemical companies dispersed throughout the Soviet ground organization.

The extent of Soviet training and chemical warfare is unparalleled and examples are even known of Soviet troops being injured or killed by their own weapons used in training. This stress on realism is not without purpose. The individual Soviet soldier is well trained in the use of his protective clothing and equipment.

Madam President, no one today knows for sure just how large the Soviet's chemical stockpile is. There appears to be little doubt but that it is quite extensive. Estimates are that their stockpile is from 4 to 10 times larger than our own and, of course, most of our agents are of the older variety and have been in storage for many, many years. It is clear, Madam President, that today the United States and NATO forces are facing a chemical threat from an adversary which is the best prepared and best trained in the world in the use of chemical munitions. They have a large, well-equipped, dedicated chemical force of over 100,000 men and no country could commit such resources to a program without the intent to use it.

While this country actively seeks a verifiable treaty to someday ban the use of chemical weapons, still the only way we can make sure the Russians do not employ these weapons against us and our allies is to be prepared to retaliate in kind. If this Nation has no clear capability to respond in kind, then the Russians may not be deterred from using their weapons in a first strike scenario.

Madam President, our current chemical stockpile is totally inadequate and continues to deteriorate day by day. Unless our stockpile is modernized with the safer binary munitions, the result will be almost the same as a unilateral disarmament in the chemical area. The failure of this country to construct and equip the binary production facility would place an undue reliance on conventional and tactical nuclear forces and would invite the initiation of chemical warfare in any future conflict. In my judgment, Madam President, it would be irresponsible of forgo the significantly safety advantage of having binary munitions in our weapons stockpile.

Madam President, I really do not think that I can give my support to this amendment in any stronger terms. It seems to me absolutely necessary that we provide our troops in the field with every protection that we can and I think that history has shown that deterrence is by far the most effective defense against the use of chemical weapons. I think it is time the Congress got along with the business of providing this much-needed capability to our troops in the field and I urge the Senate to act favorably upon this amendment.

Mr. WARNER. Madam President, I yield to the Senator from Mississippi.

Mr. STENNIS. Madam President, the Senator from Wisconsin asked me to control the time in his absence. As I understand there are 20 minutes to a side.

Madam President, I yield 5 minutes, with the promise of additional time if he needs it, to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I thank the distinguished Senator from Mississippi for yielding to me.

Madam President, I have long stood in opposition to this country's resumption of the production of chemical weapons. I therefore oppose the amendment offered to provide $20 million to equip the nerve gas facility in Pine Bluff, Ark. I was against this production when I was Governor of the State. I was against it when the construction of a production facility in my State was considered last year. I remain opposed today. I would oppose it if it were in Dallas, Tex., or Sacramento, Calif., or in any city in any part of the country. And I will oppose it whenever it might be considered in the future.

It would be simple for me to support a project that would bring jobs and money to my home State. Estimates show that a total of about $170 million would eventually find its way into the facility. From $2 to $4 billion may be spent in the coming years, when the entire program is projected to be finished. There are people in Arkansas who would welcome an economic boost of this kind. Since representing Jefferson County as a Member of the House of Representatives and now in the Senate, I have consistently worked to bring jobs and promote progress to this part of Arkansas.

My opposition to this proposal is a deepseated point of view. It springs from a strong conviction that this is a mistaken course of action. And the people of my State will have to recognize this stand for what it is: A moral and principled defense of what I believe to be right.

My reasons for opposition remain essentially what they have been in the past. They result from a number of unanswered questions that, in my opinion, have never been adequately answered or addressed:

First, what is the condition of our present supply of chemical weapons? Is it adequate? Has it deteriorated to a serious degree? None of the figures I have seen convince me that we need additional supplies. What we have in stock, by all estimates, should be good for another 20 years, and longer if properly maintained. We have thousands of tons of chemical munitions, most of which is nerve gas, stored across the country and in other parts of the world.

My question is, How much more do we need? And why have our present stockpiles not been adequately maintained? Rust and paint problems badly in need of repair can and should be corrected. Some $5 million is in the budget for this. Safety and conditions for long-range use ought to be maintained. But additional production of chemical artillery shells is absolutely and totally unnecessary.

Second, Madam President, what about all the unknown factors in connection with this amendment? I find an impressive list of unanswered points:

What does the Department of Defense plan beyond its current proposals? If we are to spend $2 to $4 billion on what is described as a tentative proposal, should we not have a better idea of what lies beyond that expenditure?

What is the true state of chemical weapons in the Soviet Union? How sophisticated are they? How extensive are the stockpiles? I think we should have this information before we move in reaction to sheer supposition.

Has the U.S.S.R. employed nerve gas in Afghanistan and Laos, as some have suggested, or was it simply riot-control agents? Madam President, the best evidence I have seen shows that no lethal gas was used in either country. That is something we do not know. Once again, it us supposition.

Assuming binary gas was produced, would this create one iota of military advantage for the United States? We have no answer to this question, Madam President, because there have been no field tests of the proposed artillery shell, and there are no plans for making live tests in the future. And why are there no tests, Madam President? Because the risks are too great. All casualties in connection with existing stock have occurred at the testing and research stages, and none during storage and transportation.

Therefore, the reliability of these new binary weapons would be a matter of conjecture to an unacceptable degree.

Third, Madam President, what about the consensus of our allies in Europe—the West Germans, for instance, who would be most directly affected by this program upon which we are about to launch? Our friends in Europe have made it very clear that they will not store additional nerve gas, and that they will not train their people to use it. I quote from West Germany's White Paper of 1970:

> The Federal Republic neither possesses nor does she store any biological and chemical weapons; she does not seek possession of or control over weapons of that kind, she has made no preparation for using them, does not train military personnel for that purpose, and will abstain from doing so in the future.

What does this failure to consult our European allies demonstrate, Madam President? I fear it typifies the entire procedure currently under question. There is a lack of hearings, of debate, of open discussion, and of consultation with those affected by the proposal.

Here we are Madam President, in the U.S. Senate with 40 minutes of discussion and debate on an issue which is going to reverse the position of the past three administrations.

Fourth and finally, Madam President, what are the larger, philosophical implications of this proposal? I submit that if this amendment passes, the United States will find itself developing a nerve gas program that repeals the spirit of what the civilized world has been working toward since the Geneva agreements of 1925. Is it in any way consistent with present policy? On the contrary, it rolls back a 12-year commitment—made through three Presidents—not to resume nerve gas production.

When we strip away all the arguments pro and con, Madam President, what is finally left? We find ourselves facing the simple issue that nerve gas is inhumane. It does not kill soldiers. They are equipped with masks and with protective clothing that makes them almost invulnerable. Who, then, is affected directly by its use? Civilians—men, women, and children who would have no protection from aerosol clouds that cause fatalities many miles from their detonation points.

I suggest, Madam President, that this proposal goes against everything our country stands for. With its passage, we enter a race that has no finish line. I remain unalterably opposed to it.

Mr. HATFIELD. Madam President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Oregon has 2 minutes remaining, the Senator from Virginia has 4 minutes remaining.

Mr. HATFIELD. I yield myself 2 minutes.

Madam President, this is utterly ludicrous. In 14 years of being in the U.S. Senate, I think we have reached the all-time low in terms of any kind of real serious consideration being given to one of the most profound issues that has faced this Senate. It is not 40 minutes, I say to the Senator from Arkansas, it is 20 minutes.

My God, is there no limit to the voracious appetite of the military machine that wants to suck up every dollar that we have here and to launch a chemical weapons system with no public hearings, no public input, no commitment from our allies where this must be stored? And in 20 minutes, with no hearings in the Appropriations Committee, we are going to commit $20 million to a $4 billion project?

This is insane, Madam President. I cannot understand how people of logic or intelligence would be asking the American public to buy a weapons system in 20 minutes that could change the whole face of this Earth without any public hearings or input and without any hearings in the Appropriations Committee.

This is not an appropriations process, this is an exercise in total ridiculous futility. Madam President, I ask only for hearings, open hearings. I have a letter from the rabbis of this Nation, I have letters from the former director of this program, that say it is insane to launch this kind of a program under these circumstances. We yielded to the military machine twice yesterday. We have been run over twice. Can we not at least have a system of hearings on this whole issue today, have it assured to us by the Armed Services Committee and give the Appropriations Committee a chance to hold a hearing on this important issue?

Madam President, this is sheer madness, this is not legislation on appropriation. This is launching this country into a system that could bring disaster to this Earth, with no evidence that we have that there is any kind of adequacy of hearings or procedures.

Sending our boys to the foreign front? It is not sending our boys divested of protection. They will have protection. It is a targeting of civilians. That is what this whole program is. Therefore, we ought to have some input.

Mr. WARNER. Madam President, I yield such time to the Senator from Texas as he may need.

Mr. TOWER. Madam President, the most sure way to increase the danger of the use of chemical warfare is to accept the line pursued by the right honorable gentlemen from Arkansas and Oregon because doing so will result in a lowering of the risk to the Soviet Union of using chemical warfare. We are talking about chemical weapons as a deterrent. This country is committed to no first use. But no system has proven to be a better deterrent than the system that gives the capability to retaliate against chemical warfare.

Hitler ordered his generals in World War II not to use chemical warfare against the allies because he felt that we had the capacity to retaliate and would retaliate. It is a perfect example of deterrence. If we accept the position advocated by the two speakers who preceded me, what we are doing is accepting unilateral U.S. disarmament in the area of chemical warfare.

I do not know why the Appropriations Committee did not hold hearings on this matter. It has been in the budgetary authority. It was recommended by the administration. The Armed Services Committee has gone into it in great depth. Let me give some of our findings.

Expert testimony before the committee has indicated serious deficiencies exist in the U.S. chemical arsenal. It has not been added to or modernized in any significant way since 1969. No open-air agent or ballistic testing has been conducted for many years. Serious uncertainties about the reliability of our chemical arsenal have developed as a result. The Joint Chiefs have established a classified requirement for the U.S. chemical munitions stockpile and that stockpile today is significantly below what the JCS have established as a reasonable assurance of deterrence level.

Madam President, no amount of paint is going to make this weapon safe for servicemen to handle and store, let alone use in a wartime environment. We are proposing the production of a safe system that can be handled in complete safety because its component elements are not mixed to form a toxic substance or gas until the system has been fired.

I should like to read from a letter from the Secretary of Defense. He says:

> The Administration's request for $20 million to procure equipment for the previously approved Pine Bluff, Arkansas, facility is vital to our national security.

I ask unanimous consent that the entire letter from Secretary Weinberger be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, May 19, 1981.

Hon. JOHN TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: As the Senate prepares to consider recommendations made by its Appropriations Committee on the FY 1981 Supplemental Appropriations measure, I wanted to take this opportunity to express formally the position of the Department of Defense and the Administration on the need for funds to prepare an Army facility for binary chemical agent production.

We support the initiative taken by the Congress in FY 1981 to approve funds needed for the construction of such a facility. It is absolutely essential for the United States to begin promptly the process of redressing the chemical imbalance between ourselves and the USSR. We need a greater retaliatory capability to deter the Soviet first use of chemicals. The Administration's request for $20 million to procure equipment for the previously approved Pine Bluff, Arkansas, facility is vital to our national security.

The Reagan Administration fully supports the development of binary production and believes that steps taken toward reacquiring a credible offensive chemical capability may promote progress in the arms control area by providing a further deterrent to the Soviets. In any event, the President and I believe further deferral of actions necessary to restore America's chemical deterrent posture is tantamount to unilateral disarmament, and is, consequently, an extraordinarily risky course to pursue.

The Administration fully supports the bipartisan effort to restore the $20 million required in FY 1981 for equipping the Pine Bluff Binary Chemical Facility.

Sincerely,

CASPAR WEINBERGER.

Mr. TOWER. Madam President, this is from a letter from Secretary of State Haig:

This request is an important component of the Administration's overall defense program aimed at correcting the present imbalance caused by the Soviets' unrelenting military buildup of the last decade. It has long been United States, and NATO, policy to maintain a credible and effective CW deterrent as an important part of our overall defense posture. The purpose of this is to deter a Soviet or Warsaw Pact CW attack and, if deterrence should fail, to maintain a limited CW retaliatory capability.

Madam President, I ask unanimous consent that the entire letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, D.C., May 20, 1981.

Hon. JOHN TOWER,
U.S. Senate, Washington, D.C.

DEAR SENATOR TOWER: The request made by the Administration for the necessary funds in FY 81 Supplemental Appropriations to equip a binary chemical weapons (CW) production facility in Pine Bluff, Arkansas, has my strong support.

This request is an important component of the Administration's overall defense program aimed at correcting the present imbalance caused by the Soviets' unrelenting military buildup of the last decade. It has long been United States, and NATO, policy to maintain a credible and effective CW deterrent as an important part of our overall defense posture. The purpose of this is to deter a Soviet or Warsaw Pact CW attack and, if deterrence should fail, to maintain a limited CW retaliatory capability.

As a party to the Geneva Protocol of 1925, the United States remains firmly committed to a policy of no first use of Chemical Weapons. However, the Soviet Union has long maintained a significant capability in this area, and extensive resources have been devoted by the Soviet Union to ensure that its forces are fully capable of operating in a chemical environment. Equally disturbing, we have continued to receive reports that the Soviets and their allies may be using chemical weapons in the conflicts in Afghanistan and Southeast Asia.

Given this continuing Soviet CW threat, the Administration considers it vital that the United States maintain the credibility of its chemical weapons deterrent. Since no steps have been taken since 1969 to ensure the continuing effectiveness of this deterrent, it is now in serious danger of deteriorating and of losing its credibility. Faced with this urgent need, we think it important to take advantage of the significant safety and environmental advantages offered by binary weapons.

The Administration's decision does not represent a new policy departure in the chemical weapons area, nor a decision to place greater emphasis upon chemical weapons in our overall national security policy. Rather, it represents a necessary step in maintaining the effectiveness of existing United States policy of no first use of chemical weapons and the maintenance of a limited (but effective) retaliatory capability. Moreover, this decision is fully consistent with the continued pursuit of a comprehensive and verifiable ban on chemical weapons.

Our European Allies are fully aware of the background to this decision and the serious threat which we face in the chemical weapons area. We have made it clear to our Allies that the decision to prepare this production facility was our responsibility, to meet the national security needs of the United States. Any decision on overseas deployment of these weapons remains some years away. We have nevertheless assured our Allies that any eventual deployment decision would be the subject of close consultations with any Ally directly affected.

I hope that this letter is helpful to you in explaining my support for proceeding now in the preparation of this facility. If we can provide further information, please do not hesitate to call upon us.

Sincerely,

ALEXANDER M. HAIG, Jr.

Mr. HATFIELD. Mr. President, once again, the Senate is being asked to give its consent to a precipitous and ill-conceived effort to rush forward with the construction of new chemical weapons. Four assumptions, all of them inaccurate, underlie the basis of this call. I would like to briefly address these assumptions as the decision on this measure should be based on fact, not misguided enthusiasm.

First, Mr. President, it is widely assumed that the Soviet Union has used lethal chemical weapons in Afghanistan. While it appears that chemical weapons have been used in Afghanistan, there is no conclusive evidence that lethal chemical weapons were used. More likely, riot control agents or some variant of this substance has been used instead. I refer to the comments from a hearing before the House Foreign Affairs Committee in which Dr. Edward Collins, then Vice Director for Foreign Intelligence in the Defense Intelligence Agency, testified. The question posed to Mr. Collins was, do we have any information on the use of chemical warfare in Afghanistan, other than just rumors?

Mr. COLLINS. There is no confirmation at all that they have used chemical weapons.

Question. The common perception is that the Russians are using it there because there have been a lot of rumors in the papers.

CIA. I don't see anything wrong with letting that rumor run.

Similarly, no hard evidence exists to support the allegation that Soviet surrogates have used chemical weapons against Laotian tribesmen. According to Dr. Matthew Meselson of Harvard University, who is widely recognized as one of the foremost authorities on chemical and biological weapons, it appears that, again, a riot control agent was used. Dr. Meselson adds, however, that the particular type of chemical used in Laos may turn into cyanide when mixed with water and that this may have caused the deaths of many Laotians.

My purpose is not to defend the Soviet Union against allegations that they have been using chemical weapons. The fact is that the evidence is flimsy at best. I would not be shocked if new evidence confirmed such use. My purpose, Mr. President, is rather to insure that this decision is not based on emotionalism and unfounded allegations.

The second assumption is that the Soviet Union has been producing chemical weapons since the establishment of a U.S. moratorium on production by President Nixon in 1969. It is also said that the Soviet Union maintains a stockpile far in excess of our own. There is no reasonable estimate of the size of the Soviet stockpile. Former Defense Secretary Harold Brown testified last year that:

I am not trying to imply that the Soviets don't have any chemical warfare munitions. I am convinced that they do. And I think that they are probably substantially bigger than our stockpile. I am trying to introduce a proper note of caution into numerical estimates.

Similarly, Army Chemical Corps Col. Bobby Robinson pointed out in a Newsweek article that there is no reliable estimate of the size of the stockpile and that it is virtually impossible to determine its size due to impediments to our intelligence efforts in this area.

Estimates of the size of the U.S. stockpile are almost equally unclear. It is commonplace, however, to hear arguments made in favor of binary weapons which make it appear that we have virtually no chemical weapons capability of our own. This is far from the truth. According to Dr. Meselson, the United States has: "more than enough chemical artillery ammunition shells for 30 days of full-scale retaliatory use, firing at a rate of one chemical shell for every 10 to 15 rounds:

Senator LEVIN has informed the Senate from his observation of former Secretary Brown's testimony that, contrary to the overly pessimistic description of our present chemical weapons stockpile, Secretary of Defense Brown testified that these present stocks of chemical munitions still are a credible deterrent and that they could cause tremendous damage if actually used against Soviet troops.

The quantity of U.S. chemicals is estimated in military journals to be about 37,000 tons in both filled weapons and bulk storage. The stockpile of nerve gas weapons is about 130,000 tons. If all bulk chemicals were put into weapons, the total supply of chemical weapons would be about 400,000 tons, comparable to the total U.S. Army's stockpile of conventional ammunition in Europe.

The third assumption which underlies calls for binary nerve gas weapons is that they will be useful, even if not forwarly deployed, in Europe. This is totally false and, I might add, an assumption which is deeply resented by the Europeans because they are aware of the imminence of attempts to place binary shells on European soil. I have a statement from Mr. Saul Hormats, former Director of Development for the Department of Defense. Mr. Horowitz was responsible for developing the current chemical weapons stockpile. He states:

Originally, the reason for developing the binary systems was to avoid public concern on our storage of great quantities of the toxic round here and to permit deployment of the new, safer systems abroad. Is there any indication that this would be acceptable to, e.g., NATO? I doubt it. Of what value will these munitions be if they are not quickly available in the theater?

Mr. President, I also have a statement from the North Atlantic Assembly, a resolution adopted last year with the following recommendation on chemical warfare.

The Assembly:

Noting the recent action by the United States Congress in authorizing three million for the commencement of a facility to produce new binary chemical weapons;

Noting that to date there has been no formal consultation among the NATO allies concerning the development and deployment of new offensive chemical warfare weapons within the alliance;

Recognizing the existence of the Geneva protocol in which the United States and the Soviet Union have agreed not to be the first to use chemical weapons, and the ongoing bilateral negotiations to prohibit the development, production and stockpiling of any lethal chemical weapons;

Recognizing the thorough preparation of Soviet armed forces in defensive and protective chemical warfare measures;

Addressing the substantial political and military constraints that would inhibit the use of chemical warfare weapons;

Concerned about the prospect of an escalation in offensive chemical warfare weapons;

Convinced the proposals to deploy new offensive chemical weapons in Europe would provoke a strong public reaction among European public opinion; and

Urges that that North Atlantic Council consult urgently on the role of offensive chemical weapons in NATO strategy.

It is widely recognized, Mr. President, among observers of the European political scene, that the reaction to this move could be severe. Clearly, such a decision could jeopardize the administration's high priority of maintaining allied unity on the question of modernizing theater nuclear weapons.

Finally, Mr. President, it is critical that we go through a thorough hearing process involving outside witnesses and a sense of the position of our allies before we embark on such a program. I understand that the Armed Services Committee held a brief, closed hearing. It was highly classified. Last year the Armed Services Committee held another 2-hour closed hearing. This is not sufficient. An issue of this magnitude deserves the full consideration of Congress and the American people.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD at this point: A letter from the Central Conference of American Rabbis, dated April 21, 1981; a telegram received from the same organization, dated May 18, 1981; a recommendation on chemical warfare—CW—received from the North Atlantic Assembly; and a statement authorized by Mr. Saul Hormats, former Director of Development, Department of Defense.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CENTRAL CONFERENCE OF
AMERICAN RABBIS,
New York, N.Y., April 21, 1981.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR MR. HATFIELD: I am horrified to learn that twenty million dollars are being asked for nerve gas artillery shells.

I realize that killing people can be done in many ways, but somehow or other, gas has always seemed to be on the other side of that esoteric limit of "decency."

As thin a veneer of civilization as we of the human race possess, the use of gas appears to be a clear signal that we have lost all capacity to be civilized, and would also seem to me to be an indication to our potential foes that we are already to go all out.

I am pragmatic enough to know that I must be in favor of a strong military capacity in this troubled world in view of the real threats against us in the West, but gas is just going too far, and I urge you to vote against it when it comes before the Committee for an appropriation.

Sincerely yours,

Rabbi JOSEPH B. GLASER.

CENTRAL CONFERENCE
OF AMERICAN RABBIS,
New York, N.Y., May 18, 1981.

Senator MARK HATFIELD,
Senate Office Building,
Washington, D.C.

Our agreement with U.S. policy against the spread of terrorism leads to our opposition to the proposed production facility for binary nerve gas artillery shells since such weapons seem especially vulnerable to use by terrorists. The ease of production and storage of such weapons make them especially liable to terrorists of abuse.

NORTH ATLANTIC ASSEMBLY

RECOMMENDATION ON CHEMICAL WARFARE (CW)

The Assembly:

Noting the recent action by the United States Congress in authorizing $3.5 million for the commencement of a facility to produce new binary chemical weapons;

Noting that to date there has been no formal consultation among the NATO Allies concerning the development and deployment of new offensive chemical warfare weapons within the Alliance;

Recognising the existence of the Geneva protocol in which the United States and the Soviet Union have agreed not to be the first to use chemical weapons, and the on-going bilateral negotiations to prohibit the development, production and stockpiling of any lethal chemical weapons;

Recognising the thorough preparation of Soviet armed forces in defensive and protective warfare measures;

Stressing the substantial political and military constraints that would inhibit the use of chemical warfare weapons;

Concerned at the prospect of an escalation in offensive chemical warfare weapons;

Convinced that proposals to deploy new offensive chemical weapons in Europe would provoke a strong public reaction among European public opinion;

URGES the North Atlantic Council to consult urgently on the role of offensive chemical warfare weapons in NATO strategy.

STATEMENT

The following statement was authorized by Mr. Saul Hormats, former Director of Development, Department of Defense to be conveyed by Senator Mark O. Hatfield.

I would like to share with you my thoughts regarding the inadvisability of any move to fund production facilities for binary nerve gas artillery shells. My experience in this field dates back thirty-seven years. During this period I was Director of Development at the Edgewood arsenal. It was my responsibility to develop the current generation of chemical weapons in the U.S. stockpile.

The proposed binary munitions are not a simple change from other rounds, but are an entirely new design. Their functioning will be entirely different from their predecessors. Engineering data must be obtained on cloud size and shape, rate of formation, yield, droplet size distribution, persistency, etc., etc., statistically and dynamically, and in statistically significant numbers. These must be with live, not simulant, rounds. This is a large program; a few sub-rosa tests just will not do. Testing would have to be done in a variety of climates and terrains.

To embark on a multi-billion dollar production program without the above testing program would be a criminal waste of money. To supply production-line rounds to our forces on an unproved munitions system without confirmatory field trials would be worst. Congress must resolve this issue or risk having our troops do the real testing in the heat of combat. This, as you know, is totally unacceptable.

No field commander can ever be certain, in a chemical war, of the effectiveness of his chemical attack. This applies to both an offensive and a defensive posture. This uncertainty is greater by at least an order of magnitude than with any other weapon system. Field intelligence in a battle situation is most inadequate. All a field commander would have are target effect estimates. To ask him to base his next action on estimates derived from insufficient data is to ask him to court disaster. I doubt that the current proponents of chemical warfare are about to disillusion them. I am not, please, implying dishonesty here; rather, a disturbing overenthusiasm by people who know so little of a most difficult and complex subject.

When I developed and introduced into production the presently stockpiled chemical munitions, I modified the designs of existing suitable munitions, for which we had a very large amount of field test knowledge. Even so, we conducted a very large number of static and then dynamic trials. We had to make numerous design changes as these trials progressed, and in some cases, critically important changes they were. We would never have gone into production without all this engineering data, even on as simple an adaption program as we could devise. The use of computers in the design process is a useful tool but will not predict anticipated problems. There can be no substitute for actual experiments.

Originally, the reason for developing the binary systems was to avoid public concern on our storage of great quantities of the toxic rounds here and to permit deployment of the new safer systems abroad. Is there any indication that this could be acceptable to, e.g., NATO? I doubt it. Of what value will these munitions be if they are not quickly available in the theater?

I hope the above is of some value to you. I stand firmly opposed to the proposal for a binary production facility at this time. There are simply too many considerations which have not been adequately explored by Congress. Because our current stockpile is sufficient, there can be absolutely no justification for such a precarious move. Budget considerations alone would dictate a more considered approach. When the well-being of our soldiers is at stake, the responsibility is even greater. What we do now may well determine what the Soviets do shortly thereafter. Pelase let me know if I can be of any further assistance to the flow of information on this subject.

Mr. ARMSTRONG. Mr. President, I rise in reluctant, but very strong, support for the amendment to restore funding for construction of a binary nerve agent facility at the Pine Bluff Arsenal in Arkansas.

My reluctance stems from the abhorrence I feel about chemical and biological weapons, and their possible use in war. I know that my abhorrence of these weapons is shared by every Member of this body.

The question before us is not whether the United States should ever use such weapons, but how best to prevent their use—by any power, at any time, anywhere in the world.

My strong support for the Tower amendment to restore funding for the binary facility stems from my conviction that rebuilding our sadly depleted arsenal of chemical munitions is the only sure way of making certain that these

awful weapons never will be used, either by us, or against us.

Many of our colleagues believe, with great sincerity, that the best way to prevent the use of chemical munitions is for the United States to unilaterally disarm in this area, in the hope that the rest of the world, in particular the Soviet Union, will follow our example.

Unfortunately, the history of chemical munitions, and in particular the experience of the last 10 years, indicates this is a dangerously mistaken view.

Soviet military doctrine calls for employment of nerve gas in event of a war in Europe, and the Red Army has taken extensive steps to prepare its soldiers for a chemical war.

Any doubts we might have had about Soviet willingness to use their chemical arsenal in the event of war should have been dispelled by recent events in Indochina and Afghanistan. North Vietnamese and Pathet Lao forces, with Soviet adivsers at their side, used Soviet-supplied nerve gas in their campaign of extermination against the Hmuong—pronounced mung—tribesmen of Laos. Hundreds of refugees pouring into Pakistan have testified to Soviet gas attacks on defenseless Afghan villages.

In view of the enormous size of the stockpile of Soviet chemical weapons, and their chilling willingness to use it, I believe it is essential for the United States to rebuild its stockpile of chemical munitions to serve as a deterrent. We should never forget that Hitler was dissuaded from using his enormous stockpile of nerve gas not from any humanitarian consideration, but from his largely mistaken belief the allies possessed equal quantities of gas with which they could retaliate in kind.

The Soviet Union will be under no such illusions if we do not go ahead with construction of the Pine Bluff facility.

There is another reason why we should go ahead with the Pine Bluff facility: The safety of our servicemen and women, and the safety of our people.

The world's revulsion over the use of poison gas in the First World War led to the Geneva Protocol of 1925, under which the use of chemical or biological weapons was banned. But most nations continued to produce and store poison gas, just in case the other side in some future war might use it first.

At the outset of World War II, Nazi Germany possessed a huge stockpile of what was then the most sophisticated nerve agent, tabun, but refrained from using it, even in the last desperate days of the Third Reich.

In the view of Nazi behavior throughout the war, it is safe to conclude that Nazi restraint with regard to the use of chemical weapons stemmed from something other than humanitarian considerations.

The United States has worked industriously to secure the banishment of chemical weapons by diplomatic means. We began negotiations with the Soviet Union which resulted in a ban on biological weapons in 1972, and we have been working since 1975 to extend that ban to nerve gas and other chemical weapons.

Furthermore, we, for all practical purposes, took the step that many here are advocating: We unilaterally destroyed most of our stockpile of chemical munitions, and have manufactured no new ones since 1969.

The Soviet Union did not respond in kind to our unilateral disarmament initiative. On the contrary, the Soviets rapidly expanded the size and sophistication of their chemical arsenal. The Soviets now have somewhere between 300,000 and 700,000 tons of chemical munitions, enough to arm every third Soviet missile and rocket warhead, and every tenth Soviet artillery and mortar shell.

The small, aging, and obsolete stockpile of chemical munitions that we have at present is very dangerous for our soldiers to handle, and is stored in a way that can hardly be called conducive to the peace of mind of civilians who live in the vicinity of the storage depots.

At the Rocky Mountain Arsenal in the heart of metropolitan Denver, for instance, are stored hundreds of "wet-eye" nerve agent bombs for the Navy. The possibility of a catastrophic accident happening with regard to these munitions is remote, but the casualties that would result from such an accident would be immense.

Binary munitions, by contrast, are absolutely safe to manufacture, handle, and store, and become lethal only when they are fired at an enemy. The sooner we build the binary facility at Pine Bluff, the sooner we will be able to destroy the obsolete chemical munitions we otherwise must maintain, and the sooner we will remove an oppressive burden from the minds of our servicemen, and our citizens.

(Several Senators addressed the Chair.)

Mr. WARNER. Madam President, I yield to the Senator from South Carolina.

Mr. BAKER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ARMSTRONG). Without objection, it is so ordered.

Mr. BAKER. Mr. President, the hour of 11 o'clock has arrived, and a vote on the budget resolution conference report is about to occur.

I ask unanimous consent—and I have discussed this with the minority leader—that after we conclude the vote on the conference report and before we proceed to the other votes ordered. which are stacked back to back, the distinguished Senator from Kansas (Mr. DOLE) be recognized for 2 minutes, to talk about social security, and that there be 2 minutes under the control of the minority leader or his designee.

Mr. DOMENICI. Mr. President, reserving the right to object, will the majority leader include in that request that we will take up the amendments in disagreement?

Mr. BAKER. I inquire of the Chair: Was the order previously entered to the effect that at 11 o'clock we would proceed to the consideration of the conference report and matters related to the conference report?

The PRESIDING OFFICER. The order does so provide.

Mr. BAKER. Would that not include consideration of the items in disagreement?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The pending business is the unanimous-consent request of the majority leader. Is there objection to the request?

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there is some misunderstanding or confusion as to whether or not there is time remaining for debate on the binary chemicals amendment after the vote on the conference report and before the vote on the binary amendment. So that we eliminate that confusion, I ask unanimous consent that there be an additional 20 minutes of debate, to be equally divided, on the same conditions, on the binary amendment, to occur just before the vote ordered on the binary amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I renew my request with respect to the social security matter.

The PRESIDING OFFICER. Is there objection to the request of the majority leader? The Chair hears none, and it is so ordered.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST CONCURRENT RESOLUTION ON THE BUDGET—CONFERENCE REPORT

● Mr. CHAFEE. Mr. President, while I will vote for the resolution, I must express my deep regret about the funding level for function 500—education, training, employment, and social services.

The Senate passed budget resolution called for the fiscal year 1982 budget level in function 500 to be $26.2 billion in budget authority and $26.85 billion in budget outlays. While this may seem like a great deal of money, I am not confident that it will allow for adequate funding of education programs—especially for the elementary and secondary education programs. The budget level for function

500 in the conference report before us is $600 million in budget authority less and $550 million in outlays less than the Senate agreed to.

When the Senate considered the reconciliation bill, Senate Resolution 9, in March of this year, I offered an amendment to restore funds to a number of programs, including the elementary and secondary education program. Although my amendment had significant support, it failed to pass the Senate.

I am hopeful that this interest and support will be reflected when final funding decisions for the elementary and secondary education program are made later this year. The budget figures we are considering today are targets for spending in broad areas. Notwithstanding the spending targets included in this bill for function 500—including education—I hope that the elementary and secondary education program will be funded at a level which will present the least disruption in services in our schools and the most help for our young people.●

● Mr. PELL. Mr. President, I shall vote against the conference report on the first concurrent budget resolution for fiscal year 1982.

I do so with some reluctance because I support the objective of restraining Federal Government spending as an essential part of the effort to bring inflation under control. This resolution does provide for very significant restraints on Government spending and for actual reductions in many programs.

I remain concerned, however, that this resolution does not move strongly enough toward reducing the Federal Government deficit and balancing the budget. The resolution provides for a deficit of $37.6 billion, or $7.5 billion less than the deficit projected in the Senate version of the resolution.

This reduction, however, was not achieved by any substantive change in Government spending or revenues—instead it was achieved simply by assuming that the Federal Government will receive more tax revenues because the economy will grow faster than predicted by the President.

That is an unrealistic assumption which collides head on with the conference report assumption of a sharp decline in the inflation rate. Building a Federal budget on a foundation that assumes rapid economic growth and a simultaneous sharp decrease in inflation is like building a house of cards.

Even a breeze of economic reality will collapse this fragile structure, and out of the debris will arise another huge Federal Government deficit. This is simply not the way to build confidence in our economy, and not the way to reduce expectations of continued inflation.

Given our economic and budget problems, I believe it would have been wiser to move strongly and realistically toward a balanced budget by providing a somewhat smaller tax reduction and by providing for an increase in defense spending that is neither as large nor as inflationary as the increase provided by the resolution.●

● Mr. WEICKER. Mr. President, careful study of the conference report on the first concurrent budget resolution has led me to conclude that it is no different from the legislation passed by the Senate. I must, therefore, again vote in the negative. Wasteful Government spending is one thing. Good Government investments are another. Yet these budget cuts show little appreciation for the difference between the two. Social programs have been slashed and defense programs fattened with equal disregard for relevant detail. The 30-percent personal income tax this report assumes is in actuality fiscal irresponsibility on a par with the unbridled spending of previous administrations; it is simply masquerading in a new costume. Accordingly, Mr. President, I shall cast my vote against the conference report on the first concurrent budget resolution.●

Mr. DECONCINI. Mr. President, today I cast my vote against the Conference Report on the first concurrent budget resolution for 1982. I did so for the simple reason that I believe this budget resolution to be a fraud. It is part of a process by which the administration and its allies in Congress are attempting to persuade the American people that real progress is being made toward a balanced budget.

In fact, Mr. President, we are headed for budget deficits of astounding magnitude. Rather than achieve a balanced budget by fiscal year 1984, as the administration and the Senate Budget Committee would have us believe, we will achieve a deficit of close to $80 billion that year.

The administration, with the complicity of the Senate Budget Committee, is basing its budget forecasts on a series of economic assumptions which have little basis in reality. There is an "Alice in Wonderland" flavor to this entire process. Yesterday, the distinguished Senator from South Carolina placed, side by side, in the CONGRESSIONAL RECORD the economic assumptions underlying this preposterous budget and those developed by the Congressional Budget Office. Everyone who voted for the budget resolution today should read those two sets of assumptions, and they should be prepared to develop "excuses" why the budget will not live up to its promise. I am positive that they will be using those excuses before too long.

But we need to ask ourselves why all this economic and statistical sleight-of-hand was necessary. The answer is quite simple. The President made a campaign promise, and now he wants to keep it regardless of the havoc it may wreak on the economy.

A 30-percent across-the-board tax cut sounds awfully good on the hustings. Who among us would not want money back from the tax collector. But leadership requires that we manage the Nation's affairs responsibly.

Now the poor chairman of the Senate Budget Committee must find a way to make it appear that the President is capable of doing two irreconcilable things—cut taxes and balance the budget. Thus, he has had to resort to the use of economic assumptions that are wildly optimistic. The result is the budget resolution I voted against today.

To act in a truly responsible manner, this body should have gone ahead with the many cuts that were incorporated into the budget—and I praise the chairman of the Budget Committee for the skill and evenhandedness with which he presided over the cuts—and junked the idea of a 30-percent across-the-board tax.

American productivity has declined and new investment is needed if we are to overcome our present economic difficulties. We should approach the problem directly, passing tax incentives for savings and investment. But moving at this time in the direction of an across-the-board cut is irresponsible although politically appealing.

I hope that before we are confronted with the second budget resolution for fiscal year 1982 that the President can be persuaded that his tax package is folly. I pray that the Senate will redesign the package on the floor, if necessary. We can make it a tax cut for America, a cut that will increase the wealth of all Americans.

But if we follow the President's plan, we will be faced with huge deficits, mounting inflation, high unemployment, and a continued economic stagnation.

● Mr. HART. Mr. President, I oppose the 1982 budget resolution because it is not a politically honest measure. I cannot support it because it perpetuates high Federal deficits over the next few years, because it incorporates the highly inflationary and inequitable Kemp-Roth tax cut, and because it is based on fallacious assumptions about our economy's performance.

As I have said before, the level of budget cuts in this resolution are at roughly the level I could support, but I oppose several of the specific cuts assumed in the resolution. We should not make drastic reductions in programs which help our Nation's neediest people, in programs which add to our Nation's overall productivity, and in programs which contribute to our energy security. There are alternative cuts, and I intend to help restore the balance to the budget cuts as individual bills move through Congress this year.

The real test of this budget resolution is not today. The real test will come later—when we must make the hard decisions on individual programs, when we adopt a tax cut program, and when we see how the economy responds to the medicine provided in this adiministration's proposals.●

● Mr. MOYNIHAN. Mr. President, there is a simple issue before us in the first budget resolution: Are we to balance the budget in 1984? Are we indeed to balance the budget ever? Or is the budget process to become a vehicle for the transparent avoidance of fact?

The elemental fact we must face is that this budget is not balanced; indeed, it is in no prospect of being balanced. The conferees have approved false, meretricious, and unworthy revenue and outlay estimates which we know are not so.

There is no escaping this. We know them not to be so because we know, just as many of the administration's senior economic advisers know, that the assumptions embodied in this resolution are unduly optimistic.

The conference report claims a slight surplus of $1 billion in 1984. But, in fact, an analysis by the Senate Budget Committee minority staff using Congressional Budget Office economic assumptions—assumptions that command the respect and confidence of our economic and business communities—shows the President's proposal as approved by Congress to contain continual deficits in excess of $60 billion. Even more striking is the fact that in the 4-year period covered in this document, the largest deficit occurs not in the first year as one might reasonably expect, but rather in the last fiscal year, 1984. This resolution holds out the prospect of ever-increasing deficits. Granted they are concealed by tendentious figures, but this cannot comfort those who would wish it to. The facts are plain to all who take a careful look: This is not a balanced budget.

"Stretched, Bent, and Slightly Fake" is how a Washington Post editorial of Sunday last described this resolution. I was perhaps the first to make this very point in Congress when, in a Senate Budget Committee hearing on February 19, 1981—the day after President Reagan first unveiled his program for economic recovery—I asked Budget Director Stockman if he could seriously say that after a 1.1-percent increase in gross national product this year there would be a 4.2-percent increase next year, followed by a 5-percent rise in 1983. I also inquired of Mr. Stockman how it was that a tax cut as much directed toward consumption as that proposed by the administration could plausibly be expected to bring about such optimistic rates of real productivity growth in the economy. He answered bravely but unconvincingly.

And now, 3 months later, we find little has changed. The administration still clings to its economic claims, which have for the most part now been approved by a majority of the Congress. It is little surprise then, to read further in the Post editorial the charge that this resolution systematically understates the level of spending and the deficit, and the observation that "this kind of theater is not helpful to public confidence in the budget process."

But, at the same time, a transformation is underway. I note with interest that even the President's closest advisers are beginning to publicly state what they have for long been saying in private. In yesterday morning's New York Times, Leonard Silk reports in "Reagan versus Budget Reality," that former Chairman of the Council of Economic Advisers Alan Greenspan, who now is a member of the President's Economic Advisory Committee, is now advising his clients that the deficit in 1982 will be $23.3 billion higher than the President's forecast of $45 billion. This does not come as a great surprise to me. On March 5, 1981, speaking before the Economic Club of New York, I said there would be at least a $60 billion deficit in fiscal 1982. This may perhaps be clear to those of us on the Budget Committees and in the Congress, but I do not think many people know it. The Republicans are not balancing the budget.

We need not have arrived at this point. In the deliberations of the Budget Committee and on the Senate floor I offered a substitute tax bill—the one reported out of the Senate Finance Committee last September by a 19-to-1 vote. It was a good tax bill. It was a supply side tax bill by results. Half the money went to business institutions, half to individuals. It was carefully designed and it was targeted. Most importantly, it would have provided for a balanced budget in 1984. The following tables make this point explicitly:

FIRST BUDGET RESOLUTION FOR FISCAL YEAR 1982 CONFERENCE REPORT

[In billions of dollars]

	1981	1982	1983	1984
Outlays [1]	662.6	718.0	768.2	834.8
Revenues [1]	598.9	654.4	707.0	768.9
Def/Sur	−63.7	−63.6	−61.2	−65.9

[1] Senate Budget Committee minority staff, using Congressional Budget Office economic assumptions.

FIRST BUDGET RESOLUTION FOR FISCAL YEAR 1982 WITH MOYNIHAN REVENUE SUBSTITUTE

[In billions of dollars]

	1981	1982	1983	1984
Outlays [1]	662.6	718.0	768.2	834.8
Revenues [2]	598.5	650.4	738.3	839.2
Def/Sur	−64.1	−67.6	−29.9	+4.4

[1] Senate Budget Committee minority staff, using Congressional Budget Office economic assumptions.
[2] Joint Committee on Taxation, Mar. 25, 1981.

Can the point be made any more clearly?

This is not a question of giving the President an opportunity to have his economic program, it is a question of freeing the President from an inane economic proposition which got picked up in the political wars of the last 5 years and now hounds him to the very center of his Government. None of it do people believe in any longer.

Observe, almost daily one learns of another statement by a member of the administration to the effect that they are willing to restructure their tax proposal. They too wish to be freed from this temporary aberration, and I am for them. They are professional men and women; I say let them do their work the way professional and seriously committed men and women do.

And look what we have done to accommodate this tax proposal that declines in stature every moment it is studied. We have started to commence dismantling the social security system, to cut elementary and secondary education by a quarter, reduce preventive health services by a third, and abolish entirely mass transit operating assistance—not, I should add, without my vociferous opposition. Is this what the administration had in mind when it came to power promising modest cuts and efficiencies in Government?

There is no question that it is important to control the growth of Federal spending. I observe in this regard that outlays in 1980—$196.6 billion—were three times their 1970 level—$579.6 billion. But we ought to proceed carefully and intelligently, mindful of the special obligation the Federal Government owes to its citizens—especially those to whom it has made explicit commitments.

I would not vote for a budget that is not balanced. I would not vote for ideas that I feel would not work. And I most certainly would not vote for the wholesale dismantling of valuable social programs.

I ask that the Washington Post editorial and the article by Mr. Leonard Silk I mentioned earlier be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 17, 1981]

STRETCHED, BENT AND SLIGHTLY FAKE

While the budget resolution is something of a triumph for President Reagan, it is also a warning of the extraordinary difficulties ahead. Cutting the budget is turning out to be exactly as painful and difficult as everyone expected. To keep within Mr. Reagan's target figures for next year, Congress has had to pledge itself to severe cutbacks even in areas, such as nutrition and job training, that are hardly frivolous or marginal public responsibilities. Yet even the budget resolution, as it emerged from conference on a wave of votes supporting the president, is—using the conferees' figures—only 2 or 3 percent below present spending. If it were recomputed with less tendentious figures, it would show the same spending level as this year or perhaps a little higher.

By its decision to use the stretched, bent and slightly fake figures in this budget, Congress is steering itself toward serious trouble next fall. The temptation was, to be sure, extreme. A substantial majority in both houses, including some of the most adamant fiscal conservatives, felt it necessary to slip back a little of the money here and there that the administration had proposed to cut. But those large majorities also wanted to stay within the totals that the president had set and, in the case of the deficit, to go him one better.

For those who succumbed to the overwhelming desire to put a little of that education aid back into the Reagan budget without increasing the deficit, there was at least a temporary solution. Why not raise the revenue estimate by a few billion dollars? Those things are never entirely precise anyway. To get some of the food money back in, why not merely assume that interest rates are going to fall sharply next year? If spending is still several billion dollars too high, the next step is clearly to throw out the Strategic Petroleum Reserve and hope that it can eventually be financed by some route that won't show up in the budget. The budget resolution, as it now stands, sets a spending total of $695 billion that is understated by at least $15 billion. Next year's deficit is not the stated $38 billion, but $50-plus billion—better than this year's $60-plus billion, but only slightly better.

This resolution is, of course, only the first of two. This one sets limits for the congressional committees in the months ahead, but the second resolution, next September, sets legally binding limits on spending and the deficit. At that point, the practice of systematic understatement becomes much more difficult to maintain. Then Congress will feel another kind of temptation—to throw up its

hands, declare that the performance of the economy has been unexpectedly poor, and announce that the budget is out of control. That kind of theater is not helpful to public confidence in the budget process.

Speaking of confidence, the amount of arithmetical fudging in this budget resolution does not generate much confidence that Congress is prepared to continue the process of cutting these programs on a rigid schedule in the years ahead. The Reagan fiscal plan requires further large reductions there to keep step with increases in defense and the drop in the tax rates that the president seeks. But the message from the Capitol is that, while spending cuts are possible, they are getting progressively harder.

[From the New York Times, May 20, 1981]

ECONOMIC SCENE: REAGAN BUDGET VERSUS REALITY

(By Leonard Silk)

For the time being, President Reagan has got what he wanted from Congress: a $695.5 billion budget for the fiscal year 1982. This represents a cut of $43.8 billion below the Carter Administration's proposed budget for that year. But the Reagan budget figures are clearly wrong, even before the first Congressional budget resolution has been printed. Virtually no informed person in Congress or the White House believes that spending in the fiscal year 1982 will be anywhere near that low.

Next month the appropriations committees of Congress will start to wrestle with producing agency totals that stay within the $695.5 billion ceiling—a task made impossible by prices and interest rates that are higher than the Administration or Congress had assumed.

By the time the second budget resolution is voted in September, the $695.5 billion budget will have climbed by $20 billion or more.

Political speeches and newspaper editorials will then describe the budget as "out of control." Demands may follow for steeper cuts in programs or for new legislation mandating a balanced budget. Much of this outcry might be avoided if the Administration and Congress face up to reality now.

Private economists have already begun to do so. Alan Greenspan, who was chairman of President Ford's Council of Economic Advisers and who is now a member of Presidet Reagan's high-level economic advisory committee, has just advised the private clients of his economic consulting firm, Townsend-Greenspan Inc., that his own forecast for the 1982 budget total is $718.8 billion, which is $23.3 billion higher than the Administration's figure.

The major increases, Mr. Greenspan, said yesterday in an interview, stem from higher prices and higher interest rates. His own estimate of the Federal Government's interest bill in the fiscal year 1982 is $6 billion higher than that of the Administration or Congress.

A tractable Congress, eager to go along with President Reagan, has ignored the budget estimates of its own Congressional Budget Office, which has costed out the Reagan budget at $721 billion. The office estimated that interest charges on the public debt would likely be $8.6 billion above the Reagan figures. And the Congressional office also estimated that inflation and unemployment would raise the costs of a host of programs (ranging from Social Security to national defense) about $20 billion above the present budget ceiling.

The Congressional Budget Office estimates that defense spending will run $5.1 billion above the Reagan estimates in 1982. With Congress showing signs of balking at Mr. Reagan's proposed cuts in Social Security, Medicare and Medicaid, the defense budget, once considered sacrosanct, is likely to come under heavier pressure for reducing "waste."

Critics can cite such Defense Department extravagances as the outlay of $91 million on military bands, which is more than the entire amount proposed for the National Endowment for the Arts. Other possible cuts include the proposed expenditures of $860 million for de-mothballing the battleships *New Jersey* and *Iowa* and the aircraft carrier *Oriskany*.

But any really big savings in the defense area would involve strategic policy decisions. As it stands, the Reagan budget proposes to increase defense obligational authority from $178 billion in the fiscal year 1981 to $367.5 billion in 1986.

These increases include plans left behind by the Carter Administration for three major "conditions of deterrence" to counterbalance the Soviet Union: a modern second-strike strategic nuclear force, including the MX missile; a mixture of theater-based nuclear forces, which are now to include land-mobile delivery vehicles in Western Europe, and enough ready conventional forces and intercontinental mobility to enable the United States to win one major war and one lesser nonnuclear war.

William W. Kaufman of the Massachusetts Institute of Technology, in the Brookings Institution's new critique of the budget, "Setting National Priorities," notes that the base line for the defense buildup would be $1,085.2 billion in constant 1982 dollars.

The Reagan program, on top of this Carter proposal, would add $195 billion in total obligational authority, also measured in constant 1982 dollars. The Reagan Administration has not yet provided details for its defense program beyond the fiscal year 1982.

Because the Reagan budget programs have been based on what private economists, the Congressional Budget Office and the securities markets regard as overly optimistic assumptions about inflation and economic growth, the Administration may be compelled to face the necessity of cutting the "base" of its defense buildup and of compromising with Congress by scaling down its multiyear tax-cut program. The issue Mr. Reagan faces is whether to give the highest priority to checking inflation or to the rapid defense buildup.

The PRESIDING OFFICER. Under a previous order, the hour of 11 o'clock having arrived, the Senate will now vote on the conference report on House Concurrent Resolution 115.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the role.

Mr. STEVENS. I announce that the Senator from Iowa (Mr. GRASSLEY) and the Senator from Marvland (Mr. MATHIAS) are necessarily absent.

On this vote, the Senator from Iowa (Mr. GRASSLEY) is paired with the Senator from Connecticut (Mr. DODD).

If present and voting, the Senator from Iowa would vote "yea" and the Senator from Connecticut would vote "nay."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. LONG) would vote "yea."

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) would vote "nay."

The PRESIDING OFFICER. Have all Senators in the Chamber voted?

The result was announced—yeas 76, nays 20, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—76

Abdnor	East	Murkowski
Andrews	Ford	Nickles
Armstrong	Garn	Nunn
Baker	Goldwater	Packwood
Baucus	Gorton	Percy
Bentsen	Hatch	Pressler
Biden	Hatfield	Proxmire
Boren	Hawkins	Pryor
Boschwitz	Hayakawa	Quayle
Bumpers	Heflin	Randolph
Burdick	Heinz	Roth
Byrd, Harry F., Jr.	Helms	Rudman
	Huddleston	Sasser
Byrd, Robert C.	Inouye	Schmitt
Cannon	Jackson	Simpson
Chafee	Jepsen	Specter
Chiles	Johnston	Stafford
Cochran	Kassebaum	Stennis
Cohen	Kasten	Stevens
D'Amato	Laxalt	Symms
Danforth	Lugar	Thurmond
Denton	Matsunaga	Tower
Dixon	Mattingly	Wallop
Dole	McClure	Warner
Domenici	Melcher	Zorinsky
Durenberger	Mitchell	

NAYS—20

Bradley	Hollings	Pell
Cranston	Humphrey	Riegle
DeConcini	Kennedy	Sarbanes
Eagleton	Leahy	Tsongas
Exon	Levin	Weicker
Glenn	Metzenbaum	Williams
Hart	Moynihan	

NOT VOTING—4

Dodd	Long	Mathias
Grassley		

So the conference report was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will report the amendments in disagreement.

The legislative clerk proceeded to read the amendments in disagreement.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendments in disagreement be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments in disagreement are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 156 to the aforesaid resolution, and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment, insert: outlays as follows: $13,177,000,000 in budget authority and $640,000,000 in outlays for fiscal year 1982; $15,572,000,000 in budget authority and $1,398,000,000 in outlays for fiscal year 1983; and $17,827,000,000 in budget authority and $3,369,000,000 in outlays for fiscal year 1984;

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 158 to the aforesaid resolution, and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment, insert: $1,963,000,000 and outlays by $1,946,000,000 in fiscal year 1982; to reduce budget authority by $2,916,000,000 and outlays by $2,777,000,000 in fiscal year 1983; and to reduce budget authority by $3,995,000,000 and outlays by $3,801,000,000 in fiscal year 1984; and

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 161 to the aforesaid reso-

lution, and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment, insert: as follows: $4,598,000,000 in budget authority and $4,081,000,000 in outlays for fiscal year 1982; $4,898,000,000 in budget authority and $4,599,000,000 in outlays for fiscal year 1983; and $4,930,000,000 in budget authority and $4,789,000,000 in outlays for fiscal year 1984;

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 163 to the aforesaid resolution, and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment, insert:

(8) the House Committee on Interior and Insular Affairs shall report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays as follows: $755,000,000 in budget authority and $309,000,000 in outlays for fiscal year 1982; $736,000,000 in budget authority and $504,000,000 in outlays for fiscal year 1983; and $714,000,000 in budget authority and $594,000,000 in outlays for fiscal year 1984;

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 164 to the aforesaid resolution, and concur therein with amendments as follows:

Strike out the matter proposed to be inserted by the Senate amendment, omit the matter proposed to be stricken out by the Senate amendment, and strike out lines 14 through 18 on page 27 of the House engrossed concurrent resolution.

On page 27, line 24, of the House engrossed concurrent resolution, strike out (10) and insert: (9);

On page 28, line 21, of the House engrossed concurrent resolution, strike out (11) and insert: (10);

On page 29, line 17, of the House engrossed concurrent resolution, strike out (12) and insert: (11);

On page 30, line 14, of the House engrossed concurrent resolution, strike out (13) and insert: (12);

On page 31, line 1, of the House engrossed concurrent resolution, strike out (14) and insert: (13);

On page 31, line 12, of the House engrossed concurrent resolution, strike out (15) and insert: (14);

On page 31, line 22, of the House engrossed concurrent resolution, strike out (16) and insert: (15);

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 169, and concur therein with amendments as follows:

Restore the matter proposed to be stricken by the Senate amendment, and strike out the matter proposed to be inserted by the Senate amendment.

On page 29, line 20, of the House engrossed concurrent resolution, strike out [C].

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 170, and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment, insert outlays as follows: $6,346,000,000 in budget authority and $1,033,000,000 in outlays for fiscal year 1982; $5,122,000,000 in budget authority and $2,665,000,000 in outlays for fiscal year 1983; and $6,241,000,000 in budget authority and $4,355,000,000 in outlays for fiscal year 1984;

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 174, and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment, insert: $3,699,000,000 and outlays by $8,247,000,000 in fiscal year 1982; to reduce budget authority by $3,660,000,000 and outlays by $9,247,000,000 in fiscal year 1983; and to reduce budget authority by $3,511,000,000 and outlays by $9,573,000,000 in fiscal year 1984; and

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 177, and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment, insert:

"$140,000,000 in budget authority for fiscal year 1981; $3,193,000,000 in budget authority and $3,096,000,000 in outlays for fiscal year 1982; $3,961,000,000 in budget authority and $3,825,000,000 in outlays for fiscal year 1983; and $4,551,000,000 in budget authority and $4,451,000,000 in outlays for fiscal year 1984;".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 179, and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment, insert:

"thority and outlays as follows: $5,846,000,000 in budget authority and $133,000,000 in outlays for fiscal year 1981; $14,438,000,000 in budget authority and $840,000,000 in outlays for fiscal year 1982; $17,450,000,000 in budget authority and $2,133,000,000 in outlays for fiscal year 1983; and $20,341,000,000 in budget authority and $3,779,000,000 in outlays for fiscal year 1984;".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 182, and concur therein with amendments as follows:

Strike out the matter proposed to be stricken by the Senate amendment, and insert the matter proposed to be inserted by the Senate amendment.

On page 35, line 15, of the House engrossed concurrent resolution, strike out (C).

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 190, and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment, insert:

"thority by $39,000,000 and outlays by $49,000,000 in fiscal year 1981; to reduce budget authority by $596,000,000 and outlays by $575,000,000 in fiscal year 1982; to reduce budget authority by $1,481,000,000 and outlays by $1,395,000,000 in fiscal year 1983; and to reduce budget authority by $2,452,000,000 and outlays by $2,311,000,000 in fiscal year 1984; and".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 191, and concur therein with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment, insert: thority and outlays as follows: $2,388,000,000 in budget authority and $414,000,000 in outlays for fiscal year 1981; $10,492,000,000 in budget authority and $8,225,000,000 in outlays for fiscal year 1982; $12,539,000,000 in budget authority and $11,069,000,000 in outlays for fiscal year 1983; and $15,048,000,000 in budget authority and $13,746,000,000 in outlays for fiscal year 1984;

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 199, and concur therein with amendments as follows:

Strike out the matter proposed to be inserted by said amendment, and restore the matter proposed to be stricken by the Senate amendment.

On page 41, line 9, of the House engrossed concurrent resolution, strike out (Sec. 305 (a)) and insert: Sec. 305

On page 42 of the House engrossed concurrent resolution, strike out lines 1 through 3.

Mr. DOMENICI. Mr. President, I yield back the remainder of my time on the amendents in disagreement.

Mr. HOLLINGS. Mr. President, these are technical amendments and they are cleared on both sides. I yield back the remainder of my time.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the amendments in disagreement be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments in disagreement were agreed to en bloc.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendments in disagreement were agreed to en bloc.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT OF 1981

The Senate continued with the consideration of the bill (H.R. 3512).

The PRESIDING OFFICER. Under the previous order of the Senate, the Senator from Kansas (Mr. DOLE) is recognized for 2 minutes.

Mr. DOLE. Mr. President, may we have order? I ask that it not be charged against my time.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Kansas will withhold until the Senate is in order.

Mr. STEVENS. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from Alaska is correct. The Senate will be in order. All those who wish to converse, please retire from the Chamber. The Senate will be in order.

The Senator from Kansas is recognized.

UP AMENDMENT NO. 116

Mr. DOLE. Mr. President, the next vote, I understand, will be on an amendment offered earlier in the morning—in fact, hardly daylight—by the distinguished Senator from New York, who offered it at 7 a.m. I am sorry I could not be here.

Mr. MOYNIHAN. Mr. President, the Senator will admit, in the absence of an audience, it was not possible to be as persuasive as otherwise.

Mr. DOLE. Mr. President, the rest of us woke up to find this amendment on our doorstep. We learned very quickly that the thrust of it would prohibit anyone from doing anything about social security. What we would have, in effect, is a disastrous problem facing us this year and next year, as far as benefits are concerned and as far as the integrity of the system is concerned.

There are 11 different things that we would be precluded from doing if the Moynihan amendment is adopted. Four of those things, I might add, have been suggested by members of the other party. I just hope that we can table the amendment offered by the distinguished Senator from New York.

Yesterday we had a fairly good agreement on what we think might be the future of this system. This is total decapitation. There is no room for negotiation. There is no room to try to improve the system.

I would not suggest that the amendment—I am not going to try to characterize the amendment. I just think it goes too far. I hope that we would have a resounding vote on the motion to table.

I yield back the remainder of my time.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Mr. RIEGLE, Mr. BAUCUS, Mr. CANNON, and Mr. MELCHER be listed as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, we did end up unanimous in this matter and we agreed there had to be a bipartisan effort to bring the social security system into, at once, a condition of fiscal solvency while maintaining its purpose of social insurance.

If the distinguished chairman would hear me on this, I am the ranking member of the minority in the subcommittee that will have to deal with this.

And, as such, I would not characterize this amendment as the Senator from Kansas does. But if we are going to go forward in a bipartisan way to protect and sustain the system. I would be prepared to withdraw the amendment at this point. If the Senator wants to go forward to a vote, we can. If he wants to maintain the bipartisan policy of this enterprise, I am prepared to, in that spirit, withdraw the amendment and I ask unanimous consent that that be done.

Mr. DOLE. Mr. President, if the Senator will yield, I am normally willing to accommodate——

Mr. BRADLEY. Mr. President, may we have order?

Mr. DOLE. Mr. President, if the Senator will yield, I am normally willing to accommodate the Senator from New York. But I think, in this case, there should be an expression by Members of this body.

The amendment was offered, I know, in good faith. Maybe the prevailing mood in the Senate is that we should not do anything, just let the system go broke. That is, in essence, what the choice will be.

So I would object and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. The Chair will inform the Senator from Kansas that the yeas and nays have been previously ordered on the motion to table.

All time has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there may be an additional minute for each side.

The PRESIDING OFFICER. Is there objection to that request? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I hope that the Senate would allow any Senator who offers an amendment, on this side of the aisle or the other side of the aisle, if he wishes, to withdraw it and if he does so in the spirit that has been expressed by Mr. MOYNIHAN; namely, that we are going to have to approach this matter, as we indicated yesterday, in a bipartisan way. It is a problem that is going to require a bipartisan solution. Mr. MOYNIHAN, for that reason, who stated he is the ranking member of the subcommittee that will be dealing with this, wishes to withdraw his amendment. I hope that we would not object to his doing so.

Mr. DOLE. Will the Senator from New York yield to me?

Mr. MOYNIHAN. I am happy to yield.

Mr. DOLE. Mr. President, as I normally do, I want to cooperate with the distinguished Senator from New York. The distinguished Senator from West Virginia has indicated that the superior product we adopted yesterday does, in fact, indicate broad bipartisan support.

We have a real problem here. In spite of all the written reports this morning, it is not going to go away by this resolution or those tried yesterday.

I withdraw my objection. I thank the distinguished Senator from New York.

We do have a real problem and we should not fool the senior citizens. I commend the President for putting it out on the table. He is willing to work with us, with the Congress, with Congressman PICKLE, with Senator ARMSTRONG, Senator MOYNIHAN, the leadership on both sides of the aisle, and others who have a direct responsibility.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator.

Mr. MOYNIHAN. Mr. President, I withdraw the pending amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 123

The question is now on the appeal of the ruling of the Chair as to the legislative nature of the amendment of the Senator from Arizona (UP No. 123).

Mr. HATFIELD. Mr. President, I move to lay on the table the appeal of the Senator from Arizona and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to lay on the table the appeal of the ruling of the Chair. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Louisiana (Mr. LONG) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—60

Abdnor	Cohen	Glenn
Armstrong	D'Amato	Gorton
Baker	Danforth	Grassley
Baucus	Denton	Hart
Biden	Dodd	Hatch
Boschwitz	Dole	Hatfield
Byrd, Harry F., Jr.	Domenici	Heflin
Byrd, Robert C.	Durenberger	Helms
Chafee	East	Humphrey
Jepsen	Garn	Jackson
Johnston	Moynihan	Schmitt
Kassebaum	Murkowski	Simpson
Kasten	Nickles	Stafford
Kennedy	Nunn	Stevens
Leahy	Packwood	Symms
Mattingly	Peil	Tower
McClure	Pressler	Wallop
Melcher	Proxmire	Warner
Metzenbaum	Quayle	Weicker
Mitchell	Roth	
	Rudman	

NAYS—38

Andrews	Exon	Percy
Bentsen	Ford	Pryor
Boren	Goldwater	Randolph
Bradley	Hawkins	Riegle
Bumpers	Hayakawa	Sarbanes
Burdick	Heinz	Sasser
Cannon	Hollings	Specter
Chiles	Huddleston	Stennis
Cochran	Inouye	Thurmond
Cranston	Laxalt	Tsongas
DeConcini	Levin	Williams
Dixon	Lugar	Zorinsky
Eagleton	Matsunaga	

NOT VOTING—2

Long Mathias

So the motion to lay on the table the appeal of the ruling of the Chair was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senate will be in order. Will Senators who wish to converse please retire from the Chamber?

Mr. HATFIELD. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The point of order is well taken. The Senate will be in order.

AMENDMENT NO. 56

Mr. HATFIELD. Mr. President, I inquire as to what the pending business is.

The PRESIDING OFFICER. The business now pending before the Senate is the Warner amendment. Under the previous order of the Senate, 20 minutes of debate remain, equally divided.

Mr. HATFIELD. I yield 1 minute to the Senator from Alaska.

Mr. STEVENS. I thank the Senator from Oregon, the manager of the bill, the chairman of our committee.

I wish to state why I am going to oppose this amendment. It was my motion that deleted this money in the subcommittee and then in the full committee, although I support the binary proposal. We cut that out because I felt that the chairman of the full committee, Senator HATFIELD, would be in a position of trying to amend the bill he was managing on the floor.

The item is in the House bill. We notified the Armed Services Committee that we would put the money back into the bill in conference.

The reason I have asked to speak is that as a result of being unwilling to let us take this item to conference, the amendment before the Senate deletes $20 million from Army operation and maintenance. We increased the O. & M. account for the Army by $20 million.

What would happen in conference would be that the binary would have

come back and we would have been able to hold the $20 million for the Army O. & M. because we know that other adjustments will be made in conference.

Unfortunately, the binary account is only $1.7 million in outlays; the O. & M. account is $17 million in outlays. So the effect of the Senator's amendment is to decrease the readiness of the Army by $17 million this year—this year, before October.

It is very unfortunate that the Armed Services Committee will not give us the leeway to go to conference with a bill we know can improve the readiness of the military, rather than insisting, once again, on just getting their own way. If it keeps up, I am going to suggest that the Armed Services Committee go to the conference with the House Appropriations Committee on defense.

Mr. HATFIELD. I yield myself 3 minutes.

Mr. President, it is very interesting that we have asked some very legitimate questions of the proponents and those who have been advocates of this proposal for quite some time.

One simple question we have asked is this: What is the position of the allies? There is no reason to go ahead with this project if we are not going to have the adequacy of storage and the proper positioning of this material; and that, obviously, has to include our allies, because it must be prepositioned in Europe in order to be effective.

Let me recite briefly the testimony we had in the committee when Secretary Weinberger was before the committee on this subject. I read from the committee record. I asked this question:

Would you supply the Committee with all relevant information concerning each NATO Allies' reaction to this proposal and a country by country report on their position regarding chemical weaponry in general?

This is the answer of Mr. Weinberger:

As noted earlier, though we have not held formal consultations with the European Allies on CW issues, they appear generally sensitive to these issues. However, because of the lack of formal consultations, we are not able to provide their reactions to a potential U.S. production decision or to delineate individual government positions on chemical weapons.

So that has not been resolved.

No. 2, let me read from a statement by Saul Hormats—a copy of which has been placed on the desk of each Senator. He is the former Director of Development, Department of Defense, and his letter is on this subject.

The proposed binary munitions are not a simple change from other rounds, but are an entirely new design. Their functioning will be entirely different from their predecessors. Engineering data must be obtained on cloud size and shape, rate of formation, yield, droplets size distribution, persistency, etc., etc., statistically and dynamically, and in statistically significant numbers. These must be with live, not simultant, rounds.

Then he says:

To embark an a multi-billion dollar production program without the above testing program would be a criminal waste of money.

Mr. WARNER. Mr. President, will the Senator yield, on my time, so that I may answer the question?

Mr. HATFIELD. I have not finished the report. Then I will yield.

I continue reading from the letter:

When I developed and introduced into production the presently stockpiled chemical munitions, I modified the designs of existing suitable munitions, for which we had a very large amount of field test knowledge. Even so, we conducted a very large number of static and then dynamic trials. We had to make numerous design changes as these trials progressed, and in some cases, critically important changes they were. We would never have gone into production without all this engineering data, even on as simple an adaption program as we could devise. The use of computers in the design process is a useful tool but will not predict anticipated problems. There can be no substitute for actual experiments.

I urge Senators to read the entire statement made by Mr. Saul Hormats, who has been the director of the chemical weapon program at the Department of Defense and represents a greater authority than probably anybody in this Chamber.

One last comment on that, and then I will yield. He says:

No field commander can ever be certain, in a chemical war, of the effectiveness of his chemical attack. This applies to both an offensive and a defensive posture. This uncertainty is greater by at least an order of magnitude than with any other weapon system. Field intelligence in a battle situation is most inadequate. All a field commander would have are target effect estimates. To ask him to base his next action on estimates derived from insufficient data is to ask him to court disaster.

I yield, on the Senator's time.

Mr. WARNER. I thank the distinguished Senator from Oregon.

Quickly, I respond to the questions the Senator has mentioned, as I understand them.

First, what is the position of the allies? My response is that we have no guarantee that the only conflict in which we may have to send our troops some day will be in the NATO arena. Therefore, we cannot be controlled in making a preproduction decision on this important issue solely on the reluctance of the NATO allies at this time to agree several years from now to deployment of binary weapons on their soil. It may happen anywhere in the world.

Mr. HATFIELD. Do we have permission to store these any place in the world?

Mr. WARNER. The question of storage is secondary.

Mr. HATFIELD. Do we have permission from any friend or ally?

Mr. WARNER. That is a matter of classification. I am not at liberty to divulge that answer in this open Chamber.

Mr. HATFIELD. According to the Secretary of Defense, we do not have, so far as our allies are concerned. I would be rather surprised if we have permission from any other part of the world.

Mr. WARNER. I hasten to bring to the attention of the Senator from Oregon that the Senate Armed Services Committee, in particular, the subcommitee, which I chair, has conducted extensive hearings. The record is available to the Senator, and that answer is available in the record.

I read from the letter of the Secretary of State, a copy of which is on the desk of each Senator:

Our European Allies are fully aware of the background to this decision and the serious threat which we face in the chemical weapons area. We have made it clear to our Allies that the decision to prepare this production facility was our responsibility, to meet the national security needs of the United States.

Mr. JACKSON. Mr. President, will the Senator yield briefly?

Mr. QUAYLE assumed the chair.

Mr. WARNER. Just allow me to finish the second question that was raised on the issue of testing, which was a very good question. The Department of Defense is restricted from testing new chemical agents by Public Law 91-441, passed October 1970. This act, which limits transportation, open air testing, and disposal of these weapons, has already resulted in the uncertainties we face today about the reliability of our existing chemical weapon stockpile.

Mr. HATFIELD. Mr. President, then I suggest to the Senator that we better amend the law because we have the technical advice that this is all a fruitless effort if we do not have the possibility of testing. We are getting the cart before the horse to produce something we have not tested merely because there is a prohibition against the testing. Maybe we had better address that issue before we move ahead to start production.

Mr. WARNER. Mr. President, in view of the tightly controlled time I will ask the indulgence of the Senator from Washington. The Senator from South Carolina has been waiting for over an hour and a half. Then I will yield to the Senator from Georgia, the Senator from Washington, and the distinguished former chairman of the Armed Services Committee.

Mr. HATFIELD. Mr. President, I thought I had yielded for the purpose of a question.

Mr. WARNER. Mr. President, I beg the Senator's pardon. I thought he had yielded the floor.

Mr. HATFIELD. I am happy to yield the floor at this time.

Mr. WARNER. Mr. President, I now yield to the distinguished Senator from South Carolina for 3 minutes.

Mr. THURMOND. Mr. President, I rise in support of the amendment offered by the Senator from Virginia (Mr. WARNER) to restore the funding for the binary chemical production equipment.

A number of key government officials have supported the need for binary modernization. I would like to cite just a few, pointing out the serious deficiencies of our current chemical stockpile and the necessity for modernization.

In his overview of the military posture for fiscal year 1979, the then Chairman of the Joint Chiefs of Staff, Gen. George S. Brown, stated:

The Soviet Warsaw Pact forces continue to maintain a superior capability to survive and operate in a toxic environment and to employ chemical weapons . . . There is no evidence to suggest slowdown in Soviet efforts to improve their capability . . . Warsaw Pact doctrine clearly envisions the employment of chemical weapons in conjunction with either nuclear or conventional weapons.

The Chairman, Joint Chiefs of Staff, Gen. David C. Jones in his fiscal year 1980 posture statement said:

The Joint Chiefs of Staff support the modernization of the U.S. chemical munitions stockpile. The aims of chemical weapons modernization are to provide a sufficient stockpile, allow for rapid deployment of munitions from storage to theater locations, and provide greater employment flexibility through variations in delivery configurations. Modernization of the CW deterrent and retaliatory stockpile can best be accomplished by converting the stockpile to binary munitions. Binary munitions offer a feasible, economic, and safe alternative which would limit potential hazards to areas surrounding storage sites and would provide deployment flexibility.

In his fiscal year 1981 posture statement, Chairman Jones again stated:

The United States has only a marginal capability to retaliate in-kind to enemy first use of lethal chemical weapons. The serviceable munitions stockpile is decreasing through aging and obsolescence and will be unusable by the late 1980s unless improvements are made. An option for improving the chemical retaliatory force stockpile is the binary munition system, which would provide the proper carrier containers and chemical mix to counter the threat.

The United States continues to seek an agreement with the Soviet Union banning offensive chemical warfare (CW) weapons. In the absence of such an agreement, and in view of the Soviet Union's large and expanding CW capabilities, the United States must maintain a credible CW capability. A CW strategy of retaliation provides a nonnuclear alternative to deter a Warsaw Pact first use of CW or, if deterrence fails, to respond to such use. If there is no clear capability to respond to CW initiation, the enemy may not be deterred. Furthermore, the capability for a chemical retaliatory response must be of sufficient magnitude to discourage further use of chemicals and to neutralize or reverse any military advantage gained by the enemy through his initiative.

NATO doctrine calls for the retaliatory use of CW, yet NATO has only a limited offensive CW capability. The absence of an effective NATO CW retaliatory capability creates a gap in the spectrum of flexible response options, affording Soviet and Warsaw Pact Forces the potential for both battlefield CW advantages as well as advantages accruing from CW use on civilian populations critical to lines of communication (LOC) operations. Use of CW agents would favor the Warsaw Pact in either a conventional or a nuclear war until NATO retaliates in kind and intensity.

In his fiscal year 1979 Annual Report to Congress, the former Secretary of Defense, Hon. Harold Brown stated:

The vulnerability of United States . . . to chemical warfare attack and limitations on modernization of the U.S. chemical warfare retaliatory capability have resulted in a reduced deterrent stockpile . . . Principal developments include . . . binary munitions items to modernize the present retaliatory stockpile.

In Secretary Brown's fiscal year 1980 annual report he said:

In view of the impressive Soviet CW capabilities, it seems prudent to deploy and maintain a credible chemical warfare capability. We must insure that there are no real or Soviet-perceived military or political advantages in initiating chemical warfare. He goes on to say, We intend to maintain a stockpile that can be rapidly deployed and has a reasonable employment flexibility. Modernization of our chemical warfare retaliatory stockpile could be accomplished . . . by converting the stockpile to binary munitions.

Secretary Brown in his 1982 annual report to Congress included his concerns regarding the need for a credible chemical deterrent. He stated:

In the absence of adequate agreement with the Soviets to eliminate the threat of chemical warfare, and in view of the improving Soviet CW capabilities, we must also maintain a credible chemical warfare retaliatory capability to ensure that there are no real or perceived advantages to the Soviets in initiating a chemical attack.

Mr. President, the Supreme Allied Commander Europe has also expressed his concern. During hearings on the fiscal year 1981 DOD appropriations bill, Gen. Bernard Rogers stated:

Today, Allied Command Europe has no capable retaliatory ability against the Soviet Union in order to deter their use of CW.

Mr. President, I wish to inform the Senate that I have just returned from a trip to NATO where I visited with our soldiers, officers and enlisted men.

One comment that I heard consistently from these soldiers, both officers and enlisted men, was their concern that the Soviets would use chemical warfare against them. They were very concerned that the United States had no capability in this field and thus no deterrent against a Soviet attack.

Mr. President, I reported this finding to our committee and recommended that we take steps to correct it. A copy of my report to the Armed Services Committee is here on this desk.

Mr. President, I will also say that the need for chemical deterrent is clear.

Former Chairman of the Joint Chiefs of Staff, General George E. Brown, made this statement. I wish for the Senate to hear this.

Warsaw Pact doctrine clearly envisions the employment of chemical weapons in conjunction with either nuclear or conventional weapons.

That is the highest military man we had under President Carter and prior to then.

What does the present chairman of the Joint Chiefs of Staff, General Jones say?

The Joint Chiefs support the modernization of the U.S. chemical munitions stockpile.

Mr. President, that is the highest military officer we have today.

I remind the Senate that chemical weapons have been historically used against nations having no retalitatory capability.

They were used by Germany in World War I, by the Italians in Ethiopia in 1935, by the Japanese in China in 1937, by the U.A.R. in Yemen in 1967, by the Vietnamese in Laos and Kampuchea; and by the Soviets in Afghanistan in 1980.

The second point I make is that U.S. policy is one of deterrence and retaliation. We will not use gas first. But if the enemy uses it first, we should retaliate. We have to retaliate to save our own soldiers. However, there is a risk that inaction and the effects of deterioration and obsolesence will equate to unilateral chemical disarmament.

The third point I make is that bilateral negotiations with the Soviet Union have been going on since 1976 and we have been unable to reach any agreement with the Soviets and, therefore, we can see their intent. They plan to use this gas, and, therefore, we should be prepared to retaliate in the event they use it first.

Mr. President, in closing, I simply wish to say that this first-hand information from our soldiers in NATO seems to me should bear our strong support. They are the men over there. They are the ones who are going to have to fight the war. They are on the ground. They are right upon the border. I went up there and talked with them. They are deeply concerned that we do not have any retaliatory capability which will provide the deterrent we need to meet this threat. I hope the Senate will adopt this amendment of the distinguished Senator from Virginia because it is important to the national security of our Nation, it is important to saving the lives of our soldiers who are over there ready to fight and would have to fight if war comes.

Mr. President, many of us share these same concerns shown by some of our past and present top military and civilian leaders in the Defense Department. Binary modernization is critical for a credible chemical deterrent capability supportive of national policy. I join in the support of this amendment.

Mr. GLENN. Mr. President, will the Senator from Virginia yield for a question?

Mr. WARNER. Mr. President, I yield for a question from the Senator from Ohio.

Mr. GLENN. I thank the Senator for yielding for a question.

Mr. President, it has been my impression that one of the major advantages of the binary approach is that it is far, far safer.

I ask the Senator what his opinion of the safety aspects are of the binary approach as opposed to the chemical weapons we have now because it seems to me that is a very critical part of the whole thing.

Mr. WARNER. It is a critical part of it. The present inventory is leaking, it is unstable. The new weapons to be constructed are binary. There have two parts. Their components are nonlethal until such time as they are mated. That adds the safety feature.

Mr. GLENN. I thank the Senator. It seems to me that is a key element to the whole thing.

Mr. WARNER. Mr. President, I yield to the Senator from Washington.

Mr. JACKSON. Mr. President, I simply wish to make that point as strongly as I can. Members of this body who are opposed to the pending amendment should be the very people most concerned about our present chemical inventory. They should be trying to get rid of all the chemical munitions that we have because what we have are dangerous, they are leaking and obsolescent.

What we are trying to do by this amendment is to get rid of these dangerous unitary weapons and replace them with safe, binary systems which only have a toxic capability when their two units come together. The effect of the binary modernization programs will be to protect our own forces, our own troops, and it is the safest means of deploying chemical munitions.

Mr. President, the other point is that we have been quoting scientists here. I have here the recent Defense Science Board report on chemical warfare. The panel was unanimous in its conclusion that we must proceed with the binary modernization program. The panel's report is a classified document; I cannot put that in the RECORD. But Mr. President, I ask unanimous consent to have printed in the RECORD the names of the distinguished scientists and other members of the Defense Science Board on chemical warfare.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DSB CHEMICAL WARFARE STUDY MEMBERSHIP

Chairman: John Deutch.
Executive Secretary: Lt. Col. Carol Yarnall.

PROTECTION PANEL

Prof. Joshua Lederberg, Chairman.
Dr. Ivan Bennett.
Gen. George Blanchard.
Dr. Victoria Chan-Palay.
BG Niles Fulwyler.
Dr. Reuven Leopold.
Dr. Herbert Ley.
Dr. Raymond Murray.
RADM Harry Schrader.

WEAPONS DELIVERY

Adm. Isaac Kidd, Jr., Chairman.
Mr. Carl Feldbaum.
BG Harry Goodall.
Dr. Norman Hackerman.
Dr. Ivan Sutherland.
BG Gerald Watson.
Amb. Seymour Weiss.
Dr. Roberta Wohlstetter.

NATIONAL SECURITY POLICY AND ARMS CONTROL

Prof. Henry Rowen, Chairman.
Ms. Sheila Buckley.
BG Harry Goodall.
Ms. Amoretta Hoeber.
Amb. Thomas Pickering.
Col. John Tengler.

Mr. JACKSON. Mr. President, it was a unanimous report supporting going ahead with the binary program.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Washington.

I yield now to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I shall be quite brief.

Mr. President, like many other parts of our military program, I look upon this chiefly for its value as a deterrent, and the lack of it will bring about very serious consequences and unnecessary risks.

So I was for the authorization of these matters and particularly when it was cleared up as to safety and so forth by the binary features that has now been cranked into this ultramodern weapon, and I support it.

Mr. WARNER. I thank the Senator.

I yield now to the Senator from Georgia.

Mr. NUNN. Mr. President, I know the Senator from Virginia is just about out of time.

Mr. President, in the debate of the last 2 years in the Senate on this issue, the proponents and opponents have covered the spectrum of arguments in great detail with much emotion and disagreement. I have only two points to make.

There is one important fact on which there is no disagreement and, in my judgment, it may be the most important fact. In a military context in NATO, we have a monumental deficiency in both offensive and defensive chemical capability. There is no clearer fact, and I know of no rebuttal to this military analysis.

The second point is that the U.S. policy of unilateral restraint has done nothing to remedy these deficiencies—in fact, it has made them worse. There is absolutely no evidence or indication that unilateral restraint in this area is ever going to produce any kind of substantive, verifiable and equitable agreement.

I agree with those who abhor the use of chemical weapons and believe we should do everything possible to prohibit chemical warfare. However, it should be abundantly clear from history that the only way we can accomplish that goal is to demonstrate to the Soviet Union that they will not be in a posture of total, complete or even substantial dominance with their own chemical weapons due to the default of the United States and NATO.

I urge the Senate to support this amendment to begin the long, long path to correct an extremely significant and glaring military deficiency.

Mr. WARNER. Mr. President, I thank the Senator from Georgia.

Mr. President, I reserve the remainder of my time.

Mr. HART. Mr. President, I wonder if the Senator from Oregon will yield.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. HATFIELD. Mr. President, I yield 1 minute to the Senator because we only have 2½ minutes remaining.

Mr. HART. Mr. President, I rise in opposition to the amendment to add $20 million to this bill to equip the Pine Bluff Arsenal for production of new offensive chemical weapons.

My opposition is based on three grounds. First, despite congressional urging, the Department of Defense has not moved quickly or substantially enough to provide our own troops with sufficient defensive equipment to fight in a chemical atmosphere. If our forces are not prepared for chemical defense, it makes no sense to equip them with chemical weapons.

Second, we have not consulted in a substantive fashion at a high level with our allies who have, in the past, been most reluctant to address whether NATO should introduce new lethal chemical weapons on their soil. This should not be a unilateral issue which we decide without true consultation with our allies.

Finally, the administration has not yet fully articulated its chemical weapons policy nor formally informed Congress of it.

Mr. President, unlike nuclear warfare, chemical warfare can be countered with an effective defense. It is possible to equip and train troops to operate in a chemical environment. In fact, it is necessary to do so. Since the Soviet Union possesses an extensive supply of chemical weapons, any chemical warfare will involve Soviet attacks against our forces.

The Warsaw Pact forces are well prepared for chemical defense. They have extensive chemical defense equipment, and they train frequently under simulated chemical warfare conditions.

Unfortunately, the United States remains greatly deficient in chemical defense. Despite much recent talk of improvements, we have no effort underway which compares in scope to Soviet chemical defense. And our troops still train only infrequently under realistic chemical warfare conditions.

If the sponsors of the amendment would instead offer an amendment to provide the same increase in funds for chemical defense, I would happily join with them.

Before taking any steps to produce new chemical weapons, we must also consult closely with our allies, the nations on whose soil these weapons would most probably be used. What is the position of the Federal Republic of Germany on initiation of a U.S. binary program? If war came, it would be most intense on German soil. Chemical warfare would be more likely there than anywhere else.

We know the Germans have refused to develop, own, or use chemical weapons themselves. What is their view of Americans doing so? What is their position on this program? And how would the decision to move forward toward the production and deployment of binary chemical weapons affect the sensitive and controversial issue of the deployment of theater nuclear weapons in Europe?

This does not appear to have been a subject of high-level consultation. Yet it clearly should be, before any decision to build production facilities is made. Building new chemical weapons that would not be stored in Europe adds little to our deterrent force.

Mr. President, the Senate should not confuse a need for better capability in chemical warfare with a need for this facility. The most pressing need is better chemical defense, not offensive chemical weapons. Nor should we think this is a unilateral issue, an issue, which can be decided without consultation with our allies. Until we seriously address the chemical defense problem and until we have a NATO position on these weapons, it is premature to build new facilities to build offensive chemical weapons. This is a policy reversal too serious to make in the absence of thorough public debate.

Mr. President, let me add two other, more direct points.

First, a number of Senators have argued we need new chemical weapons because the current ones are deteriorating. That is not what the Army has told the citizens of Denver. A number of these chemical munitions have been stored in my home State at the Rocky Mountain Arsenal for 5, 10, 15 years. The Army has put forward a rather vast record as to how safe these weapons are, how they are not leaking, how they are secure, and how they are not deteriorating.

So to counter all these arguments today about how our chemical stockpile is in such bad shape, therefore, I could pro-

vide the whole record put forward by the U.S. Army that these weapons are not deteriorating. In fact, the Army says they are so safe they can be and have been stored at the end of a runway of an international airport for 15 or 20 years. That is how safe the Army says they are.

Second, Chancellor Schmidt is in town. Let us ask him if he wants these weapons stored in Germany, because that is where they are going to be stockpiled. What is the policy of our NATO allies on chemical weapons?

This could be an incident for NATO like the neutron bombs all over again. We are going forward with a weapon which is going to be put on their soil, yet we have not the foggiest idea how the NATO allies feel about it.

Let us ask Chancellor Schmidt.

Finally, our own troops are not equipped to fight in a chemical environment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. Mr. President, I yield 1 minute to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I thank the Senator from Oregon for yielding.

My position is slightly different from almost anything I heard here today. It is that I do not think we can beat something with nothing.

The Soviets obviously have a lot of chemical agents, and the Senator from Colorado just made a very impassioned argument which makes a lot of sense.

What we have is leaking; it is dangerous. But the binary system, of course, has two benign agents which never come together except when fired on the battlefield, and thus they will be infinitely safer that what we have now.

I may vote for this in the regular appropriations process, but I am on the Appropriations Committee and we took it off because we said the supplemental was no place to take up new projects such as this. Everybody knows what supplementals are for, and this has no place in this bill. Therefore, I intend to vote with the Senator from Oregon.

I would simply say I think everybody abhors the whole prospect of chemical warfare. Certainly under normal circumstances I would be most anxious to join my colleague, Senator PRYOR, in deploring the possibility of this being put in my State. But I do think there is a safety factor here which is important, and that is that these binary agents never are mixed, and they are totally benign until they are mixed. They are not mixed until they are actually fired on the battlefield.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. HATFIELD. Mr. President, for the remaining period of time, let me say there has been so much erroneous information before the Senate that we have no deterrent capability, and that is not true.

Let me not quote from the opinions of laymen, which is what we are, but let me quote from one of the experts, Dr. Meselson, who says we have:

More than enough chemical artillery ammunition shells for 30 days of full-scale retaliatory use, firing at a rate of one chemical shell for every 10 to 15 rounds.

Second, Senator LEVIN has informed the Senate from his observation of former Secretary Brown's testimony that, contrary to the overly pessimistic description of our present chemical weapons stockpile, Secretary of Defense Brown testified that these present stocks of chemical munitions still are a credible deterrent and that they could cause tremendous damage if actually used against Soviet troops.

Therefore, Mr. President, there is not the urgency, there is not the need. This will be considered during the fiscal year 1982 authorization. This is again one of those examples of where we perform amputation and major surgery against all the health, education, and welfare programs from the Appropriations Committee of $2.5 billion and merely turn around and let on the floor this be sucked up by these military expenditures and commitments.

At this time I move to table the Warner amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, will the Senator yield?

I have received a letter from Secretary of Defense Casper Weinberger outlining his views of the critical need for this amendment. I ask unanimous consent that this letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., May 19, 1981.

Hon. ERNEST HOLLINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: As the Senate prepares to consider recommendations made by its Appropriations Committee on the FY 1981 Supplemental Appropriations measure, I wanted to take this opportunity to express formally the position of the Department of Defense and the Administration on the need for funds to prepare an Army facility for binary chemical agent production.

We support the initiative taken by the Congress in FY 1981 to approve funds needed for the construction of such a facility. It is absolutely essential for the United States to begin promptly the process of redressing the chemical imbalance between ourselves and the USSR. We need a greater retaliatory capability to deter the Soviet first use of chemicals. The Administration's request for $20 million to procure equipment for the previously approved Pine Bluff, Arkansas, facility is vital to our national security.

The Reagan Administration fully supports the development of binary production and believes that steps taken toward reacquiring a credible offensive chemical capability may promote progress in the arms control area by providing a further deterrent to the Soviets. In any event, the President and I believe further deferral of actions necessary to restore America's chemical deterrent posture is tantamount to unilateral disarmament, and is, consequently, an extraordinarily risky course to pursue.

The Administration fully supports the bipartisan effort to restore the $20 million required in FY 1981 for equipping the Pine Bluff Binary Chemical Facility.

Sincerely,

CASPER WEINBERGER.

Mr. HOLLINGS. Mr. President, the issue here is not difficult and convoluted as many would have you believe. This is a simple one. Are we willing to take the necessary steps to remain competitive with our principal, potential adversary, the Soviets. There is no question about their ability and in my mind, willingness, to wage chemical warfare. Their training stressing individual and unit proficiency in offensive chemical operations is extensive. Offensive chemical units are integrated fully into Soviet battle formation. Decontamination equipment abounds in the Soviet force structure. And, their chemical stockpiles are believed to be vast.

When our own minimal efforts and capabilities are compared to that of the Soviets, one quickly sees that we will begin any potential conflict at a totally unacceptable disadvantage.

I urge the Senate to take this critical first step in providing our forces with the weapons which shall be necessary for survival on the chemical battlefield.

The PRESIDING OFFICER (Mr. HUMPHREY). The question is on agreeing to the motion of the Senator from Oregon to lay on the table Mr. WARNER's amendment (No. 56). The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS), is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Louisiana (Mr. LONG), is necessarily absent.

The PRESIDING OFFICER. Are there other Senators in the Chamber who wish to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—48

Andrews	Gorton	Packwood
Baker	Grassley	Pell
Baucus	Hart	Pressler
Biden	Hatfield	Proxmire
Boren	Heinz	Pryor
Bradley	Huddleston	Randolph
Bumpers	Inouye	Riegle
Burdick	Kassebaum	Roth
Chafee	Kennedy	Sarbanes
Cochran	Leahy	Sasser
Cranston	Levin	Specter
Danforth	Matsunaga	Stafford
Dodd	McClure	Stevens
Domenici	Metzenbaum	Tsongas
Durenberger	Mitchell	Weicker
Eagleton	Murkowski	Williams

NAYS—50

Abdnor	Ford	Mattingly
Armstrong	Garn	Melcher
Bentsen	Glenn	Moynihan
Boschwitz	Goldwater	Nickles
Byrd, Harry F., Jr.	Hatch	Nunn
	Hawkins	Percy
Byrd, Robert C.	Havakawa	Quayle
Cannon	Heflin	Rudman
Chiles	Helms	Schmitt
Cohen	Hollings	Simpson
D'Amato	Humphrey	Stennis
DeConcini	Jackson	Symms
Denton	Jepsen	Thurmond
Dixon	Johnston	Tower
Dole	Kasten	Wallop
East	Lavalt	Warner
Exon	Lugar	Zorinsky

NOT VOTING—2

Long Mathias

So the motion to lay on the table amendment No. 56 was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the motion to lay on the table was rejected.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, is the question now on the amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment (putting the question).

The amendment (No. 56) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, let me recite the situation as we now find it and make whatever provisions are necessary to expedite the business of the Senate this afternoon.

Mr. President, is there an order for the consideration of the Ashbrook amendment?

The PRESIDING OFFICER. Not in sequence. There is a time limit.

Mr. BAKER. Mr. President, I ask unanimous consent that we proceed to the consideration of the Ashbrook amendment no later than 1:30 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, I withdraw my request.

Mr. President, may I inquire of the Chair? Since the Ashbrook language is a committee amendment, after the disposition of the Hyde-Helms amendment at 4:30, will the Senate then, in the ordinary course of affairs and absent any other agreement, proceed to the consideration of the Ashbrook amendment?

The PRESIDING OFFICER. The Senate will proceed to the committee amendments in order. The 1 hour would no longer be applicable.

Mr. BAKER. The 1 hour would no longer be applicable?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

TIME LIMITATION AGREEMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the colloquy previously ordered on behalf of the distinguished Senator from Michigan may be limited to 2 minutes, 1 minute on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

DOMESTIC ADMINISTRATIVE-USE VEHICLES FOR THE ARMED FORCES

Mr. LEVIN. Mr. President, I wish to take a few moments to discuss with the distinguished Senator from Alaska, the chairman of the Defense Appropriations Subcommittee, an issue of some importance to me and to my State.

As the Senator knows, the House has approved the appropriation of $44 million, out of an $88 million administration request, for the purchase of administrative use vehicles for our Armed Forces. Of that $44 million in the House bill, it is my understanding that some $5 million or so will be spent in West Germany for the purchase of foreign-built vehicles.

I need not tell my friend from Alaska how the news that American tax dollars are going to be spent to buy foreign-built vehicles strikes the people of my home State of Michigan. They are shocked and they are angry and so am I. We have hundreds of thousands of American workers unemployed. We have domestic companies suffering record losses each quarter. We have the Federal Government spending billions of dollars to provide compensation to workers and communities hard hit by the slump in domestic car production and sales. At the same time, we have a House bill which appropriates money to buy foreign-built vehicles.

As the chairman well knows, the bill before us contains no appropriation for the purchase of any administrative-use vehicles. He and I have discussed that. I disagree with it—I tried to persuade the chairman to add some funds for that purpose—but the chairman saw his responsibilities differently than I did and I, of course, respect his decision. At least, the bill before us contains no money for the purchase of foreign-produced vehicles. I guess I have to be thankful for that, even while I regret our failure to buy any domestic vehicles.

But, Mr. President, my concern is that when this bill goes to conference, it is possible that some funds may yet be appropriated for administrative-use vehicles. I know the chairman will fight for the Senate position, but it is at least possible that we will need to reach a compromise with the House and appropriate some funds for such purchases. In that case, I am afraid that the final bill will come back to us and contain a smaller total buy, but still allow for some purchase of foreign-built vehicles. I wonder if the distinguished Senator from Alaska might share with us his feelings about such foreign purchases if, in fact, the conference bill does contain some money for administrative-use vehicle purchases.

Mr. STEVENS. Mr. President, I thank the Senator from Michigan for raising this concern. I know that he made a strong case for appropriating money for additional military purchases this year and I am sorry that I was unable to agree with him.

Obviously, I hope that in conference, we are able to persuade the other body to strike the $44 million appropriation that their bill contains. That is my goal and that is, I believe, the responsible position to take. But in the event, however unlikely, that some funds are approved in the conference, I do want to be sensitive to the Senator's concern about the purchase of foreign-built vehicles while our domestic industry and domestic workers are suffering economic setbacks.

Mr. LEVIN. I thank the chairman for that expression of concern and I wonder if we might be able to go a step or two further. As the Senator knows, there have been some questions raised about whether we can, consistent with our obligations under GATT and consistent with our understandings with West Germany, restrict the purchase of military administrative-use vehicles to those produced domestically. That is an issue which I am working hard on, along with Senator RIEGLE. I am wondering, in this context, if the Senator from Alaska could indicate whether—in the event that the conference agreement contains any funds for such purchases—he would be agreeable to trying to provide report language which would specify that, to the extent allowed by GATT and by our existing agreements with other countries, any funds appropriated for the purchase of administrative-use vehicles would be directed to purchasing such vehicles from domestic producers?

Mr. STEVENS. Mr. President, I, too, am concerned about whether GATT or existing agreements would preclude purely domestic purchases. That is certainly something we would need to look at very closely. Due to the extent that such obligations do not preclude domestic purchases, I am certainly sympathetic to the concerns raised by the Senator from Michigan and I would agree that the kind or report language he is describing would be desirable and I would certainly fight for its inclusion.

Mr. LEVIN. Mr. President, I thank my good friend from Alaska for that assurance. I think that is a positive step. It seems to me, Mr. President, that this issue is a significant one, certainly much larger than the $5 million which we are discussing now.

Mr. RIEGLE. Mr. President, I wonder if, in the context of developing the fiscal 1982 appropriation bill, the Senator would work with Senator LEVIN and me to try to develop a more rational and economically defensible approach to the purchase of foreign goods when our domestic industry is producing goods of equivalent costs and quality.

Mr. STEVENS. Mr. President, again, I share the concern of the Senator and I would be delighted to work with him, with Senator LEVIN, and with others in an attempt to develop a clearer policy

in this area in time for the fiscal year 1982 appropriation bill.

Mr. LEVIN. I appreciate that, Mr. President, and I again thank the Senator for his cooperation and assistance in dealing with this issue. Senator RIEGLE and I look forward to working with him in trying to resolve it more completely prior to the fiscal year 1982 appropriation bill.

ORDER OF PROCEDURE

Mr. HATFIELD. Mr. President, I believe that in the sequence of the unanimous-consent agreement, we are now ready for the first Cochran amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. And the time thereon is 20 minutes, 10 minutes to a side?

The PRESIDING OFFICER. That is correct.

UP AMENDMENT 125

Mr. COCHRAN. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) for himself, Mr. THURMOND, Mr. MATTINGLY, Mr. STENNIS, Mr. HEFLIN, Mr. ANDREWS, Mr. JOHNSTON, Mr. DENTON, and Mr. BUMPERS, proposes an unprinted amendment numbered 125.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 90, line 15 of the bill as reported by the Appropriations Committee, strike "$30,000,000 of the amount provided for title III,".

And, on page 43, line 18 of the bill as reported by the Appropriations Committee, strike "$17,500,000" and insert in lieu thereof "$47,500,000".

Mr. COCHRAN. Mr. President, the following Senators are joining me as cosponsors of this amendment: Senators THURMOND, MATTINGLY, STENNIS, HEFLIN, ANDREWS, JOHNSTON, DENTON, and BUMPERS.

The purpose of the amendment, Mr. President, is simply to restore in this bill $30 million that the administration did not request be rescinded. The Subcommittee on Labor, Health and Human Services, Education and Related Agencies of Appropriations Committee considered this matter very thoroughly. I know it has done a great job in trying to come to terms with the realities of budget constraint in this fiscal year and find places to trim our spending obligations for 1981. This program, however, Mr. President, involves developing institutions of higher education which serve largely minority and low-income students. This is title III of the Higher Education Act that was designed to benefit those small, struggling colleges that have a very difficult time making ends meet.

For the last several years, Mr. President, a number of very worthwhile grants have been made under this program to the small colleges and universities, public and private, throughout the United States, and these grants have made a great difference in the quality of instruction and in the ability of these universities and colleges to provide a most needed service. Most of the colleges are located in rural areas and small towns. Many of them are predominantly black institutions. Almost all, Mr. President, depend quite heavily on anticipated revenues under this title for their wellbeing. Some 800 universities eligible to participate in this grant program. There have been examples that specific programs, in my State and other States—in California, West Virginia, have been cited as exemplary programs and very essential to the increasing demands that are being made upon our small colleges.

In view of the fact that the President has made a commitment in his administration to support title III of the Higher Education Act and the colleges which depend so much on these revenues, it seems very unfortunate that the committee has chosen this program to single out for a cut of $30 million. The amendment is a proposal to restore that rescission and to take the $30 million from another title, which involves migration and refugee assistance.

It is unfortunate, Mr. President, that that has to be identified, too, for a cut. I support that program. But there is over $400 million in that item in the State Department account this year. Even with the reduction being suggested in my amendment, there will remain in that account about $100 million. It can get along without that $30 million, but this account, Mr. President, in the title III program, cannot get along without it. That is why we are so concerned and felt constrained to bring this to the attention of the Senate and ask that this proposal by the committee be turned down.

Mr. President, recently Vice President BUSH, was at Tuskegee Institute, in Alabama, talking about how this administration was requesting an increase in funding for the next fiscal year over and above what is allocated to the title III program now, because of the importance to the Government of these small and developing institutions. Now this committee just turns its back on commitments and statements of that kind and undercuts the administration in the carrying on of this important program.

Mr. President, President Reagan has stated his unequivocal support of the program. I certainly think we ought to support the effort that is being made to strengthen these institutions.

I reserve the remainder of my time.

Mr. SCHMITT. Mr. President, I ask the distinguished Senator from Oregon to yield me such time as I may require.

Mr. HATFIELD. I yield to the Senator whatever time he requires.

Mr. SCHMITT. Mr. President, the aim of the Subcommittee on Labor, Health, and Human Services and Education in preparing its recommendations to the full committee, which were accepted by the full committee, was to set certain priorities within the overall umbrella of funding cuts and supplementals that were proposed by the administration, and to spread the burden more broadly in the fight to beat inflation. The particular program that the Senator from Mississippi is concerned about has, since its inception, had more than $1 billion appropriated for strengthening these institutions.

Last year, Mr. President, the authorizing committee made changes in the program to try to reduce most of the abuse in this program that had been identified by a number of studies, including that of the GAO. They concluded that payments of large sums of money have been made to assisting agencies and consultants; that there was a lack of targeting in the program; and a lack of accountability for Government money spent in these programs.

The authorizing committee also tried to target the program's funds on improving the management capability of participating schools.

However, Mr. President, despite these changes, there still is little evidence that any of these colleges is graduating from the strengthening developing institution's programs.

The subcommittee, approved by the committee, felt that no major program in this bill should be totally exempt from cuts and that if we were going to provide the money necessary for high-priority education programs, other programs had to share in the burden of doing so, particularly programs that had demonstrated considerable inefficiency in their operations.

Therefore, Mr. President, I hope that the Senate will reject this amendment.

Mr. HATFIELD. Mr. President, I yield 2 minutes to the Senator from Wisconsin.

Mr. KASTEN. Mr. President, I hope very much that the Senate will reject this amendment.

The Senator from Mississippi is talking about a worthwhile program, but I bring to the attention of the Senate the fact that the effect of this amendment would be to cut by roughly 25 percent, one-quarter, the amount of dollars presently remaining in the U.S. migration and refugee program.

I also want to point out that these are not domestic programs, but most of the dollars that are spent overseas, to assist people who are escaping from Communist and other repressive governments.

If this amendment were to be adopted, it would affect an account which presently has only $128 million remaining, and such a cut would have a massive effect on a number of critical programs which I believe are vital to our overall foreign policy.

For example, there is the resettlement program for Soviet and Eastern European refugees in Israel, which the committee has considered in detail and unanimously approved. That would have to be cut back. So would refugee admissions for Indochinese and the Cambodian relief program. All these kinds of programs would be cut back, and I believe it would be devastating to our foreign policy as well as to these important refugee activities.

Mr. President, there may well be a need for more money in this account because of the current situation in Pakistan, where an increasing number of refugees are escaping from Afghanistan.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. DURENBERGER). The Senator will state it.

Mr. KASTEN. Would a point of order on this amendment, having to do with the fact that this amendment is affecting two parts of the appropriations bill, be appropriate at this time?

The PRESIDING OFFICER. Not until the time has expired.

Mr. KASTEN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. I yield 3 minutes to the Senator from Wyoming, assuming that I have 3 minutes remaining.

The PRESIDING OFFICER. The Senator has 5 minutes remaining, of which he yields 3 minutes to the Senator from Wyoming.

Mr. SIMPSON. I thank the Senator from Oregon.

Mr. President, I serve as chairman of the Subcommittee on Immigration and Refugee Policy. We are literally grappling with issues which could well overcome our country unless we get a proper handle on them.

I speak against the amendment of my good friend and colleague from Mississippi. There are unobligated funds in this function that he is seeking to recede as he supports higher education in the black colleges. It is a serious issue which puts us to the test of priorities which we have never faced before in this body, and that is why we are in this box. We used to find the good ones and fund them and hope something would come up during the course of the year so that we could pay for them all.

It is tough to take money from one remarkable segment of society and put it somewhere else.

The reason why the moneys were left in by the White House is that there is a feeling that there will be a surplus of some $30 million which might not be required for refugee admissions, but the principal use of the money and one of the significant things is the support of the Afghanistan refugees in Pakistan. Roughly 150,000 refugees per month are coming into Pakistan from Afghanistan.

When I visited with the U.S. High Commissioner about 2 months ago, he said that Pakistan had about 1.5 million refugees and now they have almost 2 million refugees.

Money is desperately needed to feed those refugees, to insure that Pakistan will keep taking them. By having this flow, it assists us greatly in the rebel situation in Afghanistan and protects the stability of our Pakistani friends.

Pakistan is now funding half the bill for all these refugees and is not asking anyone to take them for resettlement. But they have told the international community that they need this assistance in paying the bill for this remaining half, and we have led them to believe to this point that we will pick up 30 percent to 35 percent of the balance.

If they close the border to the refugees or we have further stability problems because of the financial burden, it will have a severe and adverse foreign policy impact for us, because we now consider Pakistan to be an important partner in that sphere of the world. It is very important to our interests in Southwest Asia.

Another possibility is that this will remove our ability to provide for Soviet Jewry immigration. Those things have been brought up. This is a test of priorities. It is tough. I do not like it any more than anyone else, but I do not see how we possibly can go forward with this amendment.

Mr. COCHRAN. I yield myself such time as I may consume.

Mr. President, in responding to the statements made by the distinguished chairman of the subcommitee, Senator SCHMITT, I point out that the title III higher education program came under the very closest scrutiny during the last Congress by a subcommittee of our Senate Committee on the Judiciary, on which I had the privilege to serve.

In that subcommittee, we looked into every aspect of the administration of this program and found that it was providing a very worthwhile and beneficial service to the small and srtuggling colleges in this country. We recognized the need for some legislative provisions to be made in the authorizing legislation.

Amendments were made in the authorizing legislation on the floor of the Senate. Emphasis was placed in that legislation on those who are most needy of those small colleges around the country. Specifically the Senate went on record in support of maintaining funding of the title III program at a high level.

We are not strangers to this program. The Senate is quite familiar with it. Neither are we insensitive to the needs of those persons who are in disadvantaged situations, in unfortunate situations, in foreign lands, who are attempting to remove themselves from those hostile conditions.

As a matter of fact, this Government earmarked more than $400 million this year for that kind of assistance. Approximately $100 million still remains for the last quarter of this fiscal year for use by these refugees and persons who are moving from one country to another.

We are advised that there may be some shortfall in that funding if this amendment is approved, but only as it relates to the movement of persons from Afghanistan to Pakistan. All other areas should be provided for fully in the funds that are available.

Mr. President, it pains me to make a choice between these two very worthwhile programs, but at this point we should not undercut this administration and turn our backs on a request for full funding of this money for the small colleges of the United States, where we need to improve our educational opportunities for our young citizens. The President and this new administration support Tuskegee Institute, Jackson State University, West Virginia Wesleyan, and East Los Angeles Community College, where Mexican Americans are learning to read and write and are given the skills by which they can apply for jobs in the community and get off the welfare rolls.

I have to come down on the side of the title III program.

I do not apologize for it. I suggest that we should just vote on it.

We had this committee looking very hard at the challenges that face us. But this is the time when we need to go on record in support of these small colleges.

I appreciate the support of the other distinguished Senators who are here. Senator STENNIS and Senator THURMOND are both interested in this program and at this point, Mr. President, I yield 1 minute to the distinguished Senator from Mississippi.

Mr. STENNIS. I thank my colleague very much. I say to the Members of the Senate there is no question about the facts on this matter.

They are like the Senator from Mississippi, my colleague, has said. These institutions are entitled to tremendous credit and they are entitled to encouragement. They are putting this money to good use.

So, it is the responsibility of us as Members of this body to make this judgment the very best we can and not be guided every time by someone who could not possibly know the facts as is true with some of these items that have been handled mighty well.

So I hope the body in its collective judgment can support the position of my colleague and, by summary, give us a chance, give these institutions a chance to continue to prove their worth, and they are using this money in a highly effective and satisfactory way.

I thank the Senator.

Mr. COCHRAN. I thank the Senator for his statement.

Mr. President, I yield 1 minute to the distinguished Senator from South Carolina, Senator THURMOND.

The PRESIDING OFFICER. The Senator has approximately 20 seconds remaining on his time.

Mr. THURMOND. Mr. President, I rise as a cosponsor of this amendment which would restore $30 million proposed to be rescinded by the Senate Appropriations Committee for developing institutions under title III of the Higher Education Act. Adoption of this amendment would maintain the full amount of $120 million previously appropriated for this important program.

Mr. President, I emphasize at the outset that neither the President nor the House recommended any rescission of previously appropriated funds for this program. The Senate Appropriations Committee, however, has proposed to reduce by 25 percent the available moneys for this higher education assistance program, an action that would be a severe financial blow to many institutions which are already struggling for survival.

Title III of the Higher Education Act is an effort by the Federal Government to strengthen colleges and universities which fall in a category called "developing institutions." Many, if not most, of the schools which have received financial help through this program in the past are predominantly black colleges. This program provides grants to eligible institutions for the purpose of developing academic programs, improving administration and financial operations, and broadening student services. Both 2-year and 4-year private and public colleges may compete for these funds.

Mr. President, the sustained high inflation rate in recent years, and, especially, huge increases in fuel costs, have brought many colleges and universities to the brink of financial disaster. Institutions which serve large numbers of minority, low-income students have been especially hard hit by operating cost increases, which have outstripped income from student fees, private contributions, and other available sources of support. It is apparent that the Reagan administration recognized the severity of the financial crunch facing these institutions and, therefore, did not ask for any reduction in Federal support for this program that provides essential support for developing schools of higher learning.

Mr. President, 2 months ago I had occasion to arrange and attend a meeting between the presidents of seven predominantly black colleges in my State and Secretary of Education Terrell Bell. At this meeting, the heads of these institutions were unanimous in their view which they communicated to Secretary Bell, that this particular Federal assistance program is vital to the financial stability and improvement of their schools.

I can report to the Senate that Secretary Bell was very understanding of their concerns and indicated then that he hoped the administration would not have to recommend any curtailment in Federal funding for the title III program. The administration has not requested any rescission in this program area. Thus, our amendment simply seeks to restore funding for these struggling institutions which serve low-income, minority students to the levels recommended by the President. I fully support the overall budget reductions recommended by the President, but since the administration did not recommend any reduction in this important program, I hope this amendment will be accepted by the managers of this bill and by the Senate.

Mr. President, I ask unanimous consent that two mailgrams I have received, relative to this matter, from the President and faculty at Voorhees College, a predominantly black institution in Denmark, S.C., be printed in the RECORD.

There being no objection, the mailgrams were ordered to be printed in the RECORD, as follows:

Senator STROM THURMOND,
Committee on the Judiciary,
Washington, D.C.

SENATOR THURMOND: Title 3 is essential to the viability and serviceability of Voorhees College and similar institutions. We urge your steadfast support of the current funding level of $120 million for this program. This program has enhanced the college's ability to meet the needs of its students and to provide greater opportunity for professional growth and development of its faculty. We strongly urge your affirmative support for full funding of this program.

GEORGE BELL THOMAS,
President, Voorhees College.

Senator STROM THURMOND,
Committee on the Judiciary, U.S. Senate, Washington, D.C.

We, the 51 member faculty of Voorhees College, are unanimously opposed to the recent action of the Senate Appropriations Subcommittee on Labor, Human Rights, and Education to rescind $30 million from title III for FY81. We strongly urge that these monies be restored.

THE FACULTY,
Voorhees College.

Mr. THURMOND. Mr. President, I want to say that I am deeply concerned if we do not do something about this problem.

Several weeks ago, seven presidents of predominantly black colleges in my State joined me in a meeting with the Secretary of Education. The colleges they represent are in a desperate situation. We need to keep them open and help them develop their programs. Many of their students will not go to any other institution, and if these colleges close, we are going to see many minority students who may not have the opportunity to go to college.

I hope this amendment will be adopted. I hope something can be worked out so that we can give these colleges the aid which the administration has recommended. The administration recommended $120 million. Now $30 million has been deducted by the committee. Let us give what the Reagan administration recommended for the predominantly black colleges of this country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SCHMITT. Mr. President, I believe I have 2 minutes remaining that have been yielded to me by the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. SCHMITT. Mr. President, I yield 30 seconds to the Senator from Rhode Island.

Mr. PELL. Mr. President, I thank the Senator from New Mexico very much. I have always believed in and supported the wonderful cause of this Nation's black colleges. In fact, as the distinguished Senator from Mississippi may know, just 3 days ago I received an honorary degree from Tougaloo College, a fine black college in Mississippi. Thus, I endorse wholeheartedly efforts to provide additional funding for such schools.

I am concerned, however, that moneys for this laudable purpose not be taken from the refugee and migration account. As the Reagan administration has recognized, those funds are needed at this time to assist Pakistan in meeting the needs of over 2-million refugees from the conflict in Afghanistan. Unlike many other nations, the Pakistanis have opened their doors and their hearts to the Afghan refugees, despite the potential destabilizing effects of such a large influx of refugees in a border area. Moreover, the crisis in Pakistan might become much worse if the United States fails to follow through with its promise to assist Pakistan in this humanitarian effort and Pakistan is forced to divert resources it needs for its own people and security to taking care of refugees instead.

Mr. SCHMITT. Mr. President, I have tried to work out a compromise position with the Senator. I have recommended cuts that would not reduce funding for the refugee program; these cuts add up to about $10 million, and I have of course indicated my willingness to bear the Senator's concern in mind during conference with the House. Unfortunately, the Senator from Mississippi and the cosponsors of this measure have decided they want a vote on the full $30 million. I think that is very unfortunate. It makes it very difficult for the Senate in conference on many other issues that the Senate is interested in, but that was the decision of the cosponsors of this amendment. I wish we could have worked something out.

I yield the remainder of the time to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I make the point of order that because this amendment amends the bill in two separate places this amendment is out of order.

The PRESIDING OFFICER. Under the precedent of the Senate, the amendment which amends the bill in more than one place is not in order and the amendment falls.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the amendment be considered as two amendments being considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. KASTEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COCHRAN. Mr. President, I ask unanimous consent that my amendment be divided, the part relating to the deletion of funds be considered as a separate amendment and the amendment related to the addition of funds for title III program be considered as an amendment that we have had under debate and is subject to a vote now.

The PRESIDING OFFICER. Is there objection?

Mr. SCHMITT. Mr. President, reserving the right to object, is this procedure in order?

A parliamentary inquiry.

The PRESIDING OFFICER. Had the Senator demanded a division before the Chair ruled, he would have had it by right. At this point it will take unanimous consent.

Mr. SCHMITT. Mr. President, I hate to object, but I do tell my colleagues that we have tried to work out a compromise in good faith, and this is the route that was chosen by the sponsor of the bill, and I have to protect the interests of the full committee and of the Senate in the conference, and the Senator from Oregon has the same responsibility, only greater, and we need to have some flexibility in how we work the total

bill in conference. So I have to object to a division at this point.

I yield again to the Senator from Wisconsin. He may want to reserve the right to object and discuss the issue.

Mr. KASTEN. The Senator has already objected, is that right?

Mr. SCHMITT. Yes, I have objected.

The PRESIDING OFFICER. Objection is heard.

Mr. SIMPSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SIMPSON. Does the situation now come to the approval of the Senator from Wisconsin? Is this the original object of his original proposal that the question be divided? Does the action of the Senator from Mississippi do what the Senator from Wisconsin had intended to do before the debate began?

Mr. KASTEN. My understanding, and I can make an inquiry of the Chair, is at this point the amendment and the amendment as divided have both been objected to, but my effort here was not directed at the particular issue of black colleges. I was particularly concerned, and I continue to be particularly concerned about maintaining the funds in the program for refugees because it is so critical to our foreign policy.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator will withhold. The question was never divided. The amendment was. And the ruling of the Chair came before there was a request for a division.

Mr. SIMPSON. My understanding, Mr. President, is that at the conclusion of the time agreement that a motion to divide the question would lie without the requirement of unanimous consent. Is that not correct?

The PRESIDING OFFICER. Even before the conclusion it would lie if such a motion were made.

Mr. SIMPSON. I thank the Chair.

The PRESIDING OFFICER. Under the previous order the Senator from Mississippi is recognized to offer an amendment.

UP AMENDMENT NO. 126

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN), for himself, Mr. THURMOND, Mr. MATTINGLY, Mr. STENNIS, Mr. HEFLIN, Mr. ANDREWS, Mr. JOHNSTON, Mr. DENTON, and Mr. BUMPERS, proposes an unprinted amendment numbered 126.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 90, line 15 of the bill as reported by the Appropriations Committee, strike "$30,000,000 of the amount provided for title III," and,

On page 43, line 18 of the bill as reported by the Appropriations Committee, strike "$17,500,000" and insert in lieu thereof "$47,500,000".

Mr. COCHRAN. Mr. President, I ask that the amendment be divided and that the second part of the amendment relating to a reduction in funds for migration and refugee assistance be deleted.

The PRESIDING OFFICER. Is there objection?

Mr. SCHMITT. Mr. President, reserving the right to object, does that require unanimous consent?

The PRESIDING OFFICER. The Senator has a right to divide his amendment but he has lost his right to modify it. The amendment will be divided.

Is there objection to the modification?

Mr. SCHMITT. Mr. President, could I ask the Senator again to give his modification?

Mr. COCHRAN. The modification, Mr. President, is designed to meet the objections that are paining the Senators from Wisconsin and Wyoming so greatly. We could have torn off a bottom half of the sheet and submitted it up but we thought that this would clearly indicate how ridiculous it is to continue to debate whether or not it is appropriate to have the amendment considered or voted on by the Senate.

We had an opportunity to offer a second amendment, we were going to offer an amendment, relating to another part of the bill. But we will do it in this fashion if that is what the choice is. We would propose then that this amendment relate only to the title III funds of the Higher Education Act.

Can we ask that it be modified accordingly?

Mr. SCHMITT. Mr. President, reserving the right to object can I ask the Senator if he would be willing to further modify the amendment dealing with developing institutions to take only a $10 million reduction in the committee's rescission, with an additional $5 million coming out of the concentration grant program, and $5 million out of the consumer and homemaking education so that you would have the rescission reduced by one-third, plus the matter would be in conference, and we could then have a chance to work the problem out?

Mr. COCHRAN. Mr. President, it is already in conference. The Senator can offer to amend the amendment if he likes, but for the reasons stated during the course of debate on the other amendment, we really feel very strongly that this money that has been arbitrarily taken out of the bill ought to be put back in.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. SCHMITT. Mr. President, further reserving the right to object——

The PRESIDING OFFICER. Is there objection?

Mr. SCHMITT. Mr. President, reserving the right to object——

Mr. THURMOND. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. THURMOND. I wanted to ask a question.

The PRESIDING OFFICER. The Chair makes the point that the unanimous-consent request is not debatable and the Chair is seeking to find out whether or not there is objection to the motion of the Senator from Mississippi.

Mr. SCHMITT. Mr. President, the Senator from New Mexico reserves the right to object and would make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. SCHMITT. If an amendment in the second degree is in order at this time to the amendment proposed to be modified by the Senator from Mississippi.

The PRESIDING OFFICER. The hour of 1 o'clock having passed, no further amendments except committee amendments are in order except for those that have been sequenced, so a further amendment would not be in order.

Is there objection to the request of the Senator from Mississippi?

Mr. SCHMITT. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The amendment is divided. The question is on agreeing to division 1. Who yields time?

Mr. COCHRAN. Mr. President, how much time is available under the order?

The PRESIDING OFFICER. Five minutes to each side.

Mr. COCHRAN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon has the other 5 minutes.

Mr. HATFIELD. Mr. President, parliamentary inquiry. What is the question or the pending issue before the Senate?

The PRESIDING OFFICER. The clerk will report division 1 for the information of the Senator.

The legislative clerk read as follows:

On page 90, line 15 of the bill as reported by the Appropriations Committee, strike "$30,000,000 of the amount provided for title III,".

Mr. HATFIELD. Mr. President, this is commonly known as the refugee fund of the bill?

Mr. SCHMITT. Senator, I believe the division has been allowed as requested. No modification was made, if I may be presumptuous, and the issue now before the Senate is the first portion of the amendment which is the deletion of the committee's rescission of $30 million from title III of developing institutions.

Mr. HATFIELD. My second inquiry: What is the second part of the question?

The PRESIDING OFFICER. The clerk will report division 2 for the information of Senators.

The legislative clerk read as follows:

On page 43, line 18 of the bill as reported by the Appropriations Committee, strike "$17,500,000" and insert in lieu thereof "$47,500,000".

Mr. HATFIELD. So then, Mr. President, yielding myself 1 minute, if the Senator from Mississippi will yield for a question, if I understand it clearly then the Senator from Mississippi is, in effect, striking the $30 million rescission which was made by the Senate as it relates to the small colleges, this general program, and is, in effect, adding back then the

restoration of the funding of that, whatever the figure is——

Mr. COCHRAN. The intent, Mr. President, of the Senator from Mississippi was to restore the $30 million rescinded in the title III college education funds and take that money from the section dealing with migration and refugee assistance of the State Department account.

Objection was heard to including that in the same amendment, so it is now divided, and the amendment that is now before the body, as I understand the ruling of the Chair, is the proposal to put back in the bill the $30 million rescinded by the committee for the title III Higher Education Act.

Mr. HATFIELD. It is a simple act then of restoring a rescission by the committee.

Mr. COCHRAN. The chairman is correct.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. I hope I am not on my time. I reserved the remainder of my time.

Mr. HATFIELD. I am on my time.

Does the Senator indicate or will he indicate whether or not there is an offset for this add-on of $30 million?

Mr. COCHRAN. The chairman is correct. It was attempted, but the chairman of the subcommittee identified some areas where some offsets would be permitted. Under the ruling of the Chair it was considered divided so we are not dealing with it in one amendment. That was considered out of order.

Mr. HATFIELD. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. SCHMITT. Mr. President, if the Senator from Oregon will yield 1 minute——

Mr. HATFIELD. I yield 1 minute.

Mr. SCHMITT. I would say again I hope the Senate will not approve this amendment. We have done our utmost to balance the various necessary rescissions throughout the appropriations bill and, in particular, the title to which this amendment is directed.

Everybody is being asked to share some of the burden of reduced spending. In the priorities established by the committee, and based on our research into this program as well as others, it seemed to us that a program that even the Education Department admits in hearings has a bad history, and that is a quote, can absorb this level of cut, and will use it as an incentive to improve its administration, so that they can, in fact, serve their students in the way the program was originally intended to serve.

I hope the Senate will reject the amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I would hope for 1 minute.

The PRESIDING OFFICER. Who yields time for the Senator from Wyoming?

Mr. SIMPSON. I hope for 1 minute from the Senator from Oregon.

Mr. HATFIELD I would be happy to yield 1 minute.

Mr. SIMPSON. I hope we will not approve this amendment or the second portion of the divided amendment. Here is a true test of where we are in the budget process, so very painful to us all, because for the first time we cannot sit here and say, "Give that group there $30 million and get them out of town." We have to go find the money when we try to raise some portion of a budget function.

It is very painful stuff. I do not enjoy it at all. But for the first time we have constituent groups fighting among themselves instead of our just meeting every request of the constituencies.

I hope we will not take any funds from migration and refugee assistance. I have outlined that. The reason is clear. It would take away the support we have now enjoyed from Pakistan as they take 2 million refugees from Afghanistan.

Mr. COCHRAN. Will the Senator yield, Mr. President?

Mr. SIMPSON. I have just 2 seconds left of my time. I say here is the test when we put this back in the hands of the authorizing committee. This is the issue.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Who yields time?

Mr. HATFIELD. I am ready to yield back the remaining part of my time.

Mr. COCHRAN. Mr. President, I yield 1 minute to the distinguished Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, the amendments are separated now. The only question before us is whether we are going to approve what the Reagan administration has recommended for the predominantly black colleges of this Nation. The administration recommended $120 million and the committee has cut out $30 million.

Now, this may force some predominantly black colleges in this country to close. The presidents of seven predominantly black colleges in my State came to Washington several weeks ago and met with Secretary Bell. I took them down to the Secretary's office. They told the Secretary and me that they just cannot survive these cuts.

Now, one might say, "Well, let their students to go to predominantly white colleges." Well, many of these students just will not do that. They want to attend these institutions.

We should take every reasonable step to assist these colleges. Out of a budget of billions of dollars, we should restore $30 million for the predominantly black colleges of this Nation.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I would like to point out that, in response to the statement from the distinguished Senator from Wyoming, we are now confronted with a single question, and that is: Do we support the suggestion of the President when he sent up this request and not rescind this $30 million?

This is a unilateral act by the Senate, if we approve the subcommittee's action in this regard. That is the issue before the Senate.

I urge my colleagues to look very carefully at this vote and not turn our backs on these small, struggling developing institutions that need this money and cannot stand this elimination of money that unilaterally has been proposed by this committee.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield the remaining part of my time to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I rise to speak in behalf of not moving money out of the refugee funds. I certainly believe that small colleges need assistance. I also understand that refugees need assistance. But if we begin to move funds from one place to another on the floor of the Senate, there will be no end to that procedure.

Without commenting on the needs of small black colleges, I do not want to move money out of the refugee account, because there are nearly 2 million refugees from Afghanistan, fighters against the imperialism of Russia, who are in camps where they need our help, where the help has been requested. It is just an inappropriate, inopportune time to move money out of the refugee funds.

The PRESIDING OFFICER. All of the time of the Senator from Oregon has expired.

Mr. COCHRAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to division 1 of the amendment offered by the Senator from Mississippi (Mr. COCHRAN). The yeas and nays have been ordered and the clerk will call the roll.

Mr. HATFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HATFIELD. Mr. President, we are now faced with a two-vote situation.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. Mr. President, the point of order having been made by the Senator from Wisconsin, if the Senator from Wisconsin withdrew that point of order, would this then be a single-vote matter?

The PRESIDING OFFICER. The point of order was with regard to the previous amendment. This amendment has been divided on the motion of the Senator from Mississippi.

Mr. KASTEN. Mr. President, I do not have a point of order on this amendment at all.

The PRESIDING OFFICER. That is correct.

Mr. HATFIELD. So there is no point of order at this point on this amendment?

The PRESIDING OFFICER. That is correct.

Mr. COCHRAN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. COCHRAN. Mr. President, this vote that occurs first, then, is on the proposed rescission relating to title III of the Higher Education Act and then, upon completion of that vote, there will be a second vote which will occur on the deletion of funds for migrant and refugee assistance, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KASTEN addressed the Chair.

Mr. KASTEN. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KASTEN. Mr. President, a rollcall vote has been requested on division 1. Is it possible to request a voice vote on division 2 after division 1 has been dealt with?

The PRESIDING OFFICER. The yeas and nays have not been ordered on division 2.

Mr. KASTEN. So the record vote has only ordered on division No. 1 at this time?

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to division 1 of the amendment offered by the Senator from Mississippi (Mr. COCHRAN). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Florida (Mrs. HAWKINS) and the Senator from Maryland (Mr. MATHIAS) the necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Alabama (Mr. HEFLIN), the Senator from Louisiana (Mr. LONG), and the Senator from Ohio (Mr. METZENBAUM) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 76, nays 19, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—76

Andrews	East	Moynihan
Armstrong	Exon	Murkowski
Baker	Ford	Nickles
Bentsen	Garn	Nunn
Biden	Glenn	Packwood
Boren	Gorton	Pell
Bradley	Hart	Pressler
Bumpers	Hatch	Pryor
Burdick	Heinz	Quayle
Byrd, Harry F., Jr.	Helms	Randolph
	Hollings	Riegle
Byrd, Robert C.	Huddleston	Roth
Cannon	Inouye	Sarbanes
Chiles	Jackson	Sasser
Cochran	Jepsen	Specter
Cohen	Johnston	Stafford
Cranston	Kassebaum	Stennis
D'Amato	Kennedy	Stevens
DeConcini	Lavalt	Thurmond
Denton	Leahy	Tower
Dixon	Levin	Tsongas
Dodd	Lugar	Warner
Dole	Matsunaga	Weicker
Domenici	Mattingly	Williams
Durenberger	Melcher	Zorinsky
Eagleton	Mitchell	

NAYS—19

Abdnor	Hatfield	Rudman
Baucus	Hayakawa	Schmitt
Boschwitz	Humphrey	Simpson
Chafee	Kasten	Symms
Danforth	McClure	Wallop
Goldwater	Percy	
Grassley	Proxmire	

NOT VOTING—5

Hawkins	Long	Metzenbaum
Heflin	Mathias	

On a division, the first part of the amendment (UP No. 126) was agreed to.

PROVISION FOR AN ADJOURNMENT OF THE HOUSE FROM MAY 21 TO MAY 27, 1981, AND AN ADJOURNMENT OF THE SENATE FROM MAY 21 TO JUNE 1, 1981

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order, notwithstanding the sequence of votes, to ask for immediate consideration of the adjournment resolution which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 138) providing for an adjournment of the House from May 21 to May 27, 1981, and an adjournment of the Senate from May 21 to June 1, 1981.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. BAKER. Mr. President, will the Chair please put the question on the resolution?

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The concurrent resolution reads as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, May 21, 1981, it stand adjourned until 12 o'clock meridian on Wednesday, May 27, 1981, and that when the Senate adjourns on Thursday, May 21, 1981, it stand adjourned until 12 o'clock meridian on Monday, June 1, 1981.

AUTHORITY FOR OFFICIALS OF THE SENATE TO TAKE CERTAIN ACTIONS

Mr. BAKER. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until June 1, 1981, messages from the President of the United States and the House of Representatives may be received by the Secretary of the Senate and appropriately referred, and that the Vice President, the President pro tempore, and the acting President pro tempore be permitted to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—ORDER OF BUSINESS ON JUNE 1, 1981

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate reconvenes on Monday, June 1, 1981, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the Calendar be dispensed with, and following the time allotted to the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 30 minutes, with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1981

The Senate continued with the consideration of the bill (H.R. 3512).

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which division 1 was agreed to.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

UP AMENDMENT NO. 126—DIVISION 2

Mr. HATFIELD. Will the Chair please define what the issue is which we are called upon to vote on at this time?

The PRESIDING OFFICER. The Chair does not interpret legislation, but division 2 can be read once again.

Mr. HATFIELD. What is the pending matter?

The PRESIDING OFFICER. The clerk will state division 2.

The assistant legislative clerk read as follows:

On page 43, line 18 of the bill as reported by the Appropriations Committee, strike "$17,500,000" and insert in lieu thereof "$47,500,000".

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to division 2 of the amendment by Senator COCHRAN (UP No. 126). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Louisiana (Mr. LONG) and the Senator from Alabama (Mr. HEFLIN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—39

Abdnor	Ford	Nickles
Baker	Garn	Proxmire
Bentsen	Goldwater	Pryor
Boren	Grassley	Quayle
Bumpers	Hatfield	Randolph
Burdick	Helms	Roth
Byrd, Harry F., Jr.	Hollings	Sasser
Byrd, Robert C.	Huddleston	Schmitt
Cochran	Humphrey	Stafford
DeConcini	Johnston	Stennis
Dixon	Mattingly	Stevens
East	McClure	Zorinsky
Exon	Melcher	
	Mitchell	

NAYS—57

Andrews	Glenn	Moynihan
Armstrong	Gorton	Murkowski
Baucus	Hart	Nunn
Biden	Hatch	Packwood
Boschwitz	Hawkins	Pell
Bradley	Hayakawa	Percy
Cannon	Heinz	Pressler
Chafee	Inouye	Riegle
Chiles	Jackson	Rudman
Cohen	Jepsen	Sarbanes
Cranston	Kassebaum	Simpson
D'Amato	Kasten	Specter
Danforth	Kennedy	Symms
Denton	Laxalt	Thurmond
Dodd	Leahy	Tsongas
Dole	Levin	Wallop
Domenici	Lugar	Warner
Durenberger	Matsunaga	Weicker
Eagleton	Metzenbaum	Williams

NOT VOTING—4

Heflin	Mathias	Tower
Long		

So division 2 of Senator COCHRAN's amendment (UP No. 126) was rejected.

(Later the following occurred:)

Mr. MATSUNAGA. Mr. President, on vote No. 130, division 2 of the Cochran amendment, I am recorded as having voted "aye." I meant to vote "nay." The vote was 40 to 55. The change will not affect the final result of the vote. I ask unanimous consent that my vote be recorded as "nay."

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. KASTEN. Mr. President, I move to reconsider the vote by which division 2 was rejected.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from South Dakota is recognized.

UP AMENDMENT NO. 127

Mr. ABDNOR. I send to the desk an amendment which was received by the Treasury Subcommittee too late to take action on prior to the full committee markup.

The PRESIDING OFFICER (Mr. NICKLES). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. ABDNOR) proposes an unprinted amendment numbered 127.

Mr. ABDNOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 11, page 125, strike "$9,250,000" and insert in lieu thereof, "$11,629,000".

Immediately following line 11, page 125, insert the following,

"BUREAU OF GOVERNMENT FINANCIAL OPERATIONS SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses', $7,563,000."

Mr. ABDNOR. The first part of the amendment pertains to a request of $7.6 million for increased postage costs by the Treasury Department's Bureau of Financial Operations. This request is needed by the Bureau to pay the Postal Service's March 22, 1981, increase of 3 cents per item for first class postage. Because of the increased rates, the Bureau will run out of postage funds in late August. Without this requested supplemental funding, money will not be available to mail 9 million social security checks in August and 23.8 million social security checks, as well as 14 million other items in September. This would clearly cause great hardship to many millions of Americans.

The second part of the amendment totals $2,379,000 necessary for additional White House complex security procedures. With these funds, the Service proposes to construct, equip, and staff a White House complex security system which has been recommended by the Service since 1973.

The White House complex must be provided with the very best security available.

Mr. President, I urge rapid approval of my amendment.

Mr. HATFIELD. Mr. President, will the Senator yield a minute?

The PRESIDING OFFICER. Who yields time?

Mr. ABDNOR. I yield 1 minute to the Senator.

Mr. HATFIELD. Mr. President, the Senator from South Dakota has very diligently pursued this matter before the full committee markup. I raised the objection to considering it at that time because the administration had failed to provide the material and the justification for this last-minute request and, therefore, it was set aside to be considered here on the floor at this time, and which gave the administration an opportunity then to fulfill what I thought were the minimum requirements for consideration of this matter.

I have been satisfied with that, and I recognize it is an emergency situation and, therefore, on behalf of the majority I am willing to accept the amendment of the Senator from South Dakota.

Mr. PROXMIRE. Mr. President, as far as I know on my side there is not substantial objection to this. It is $10 million, which is a lot of money, but compared to the amounts we have been acting on it is modest.

On the other hand, personally I want to make it clear—I am not going to ask for a rollcall. I object to this because there is no way for the Treasury coming up and saying they cannot find $7.5 million or that the White House cannot find $2.5 million for security procedures. The appropriations for the Treasury is $3.5 billion, and out of that they should be able to find $7.5 million. So although I am opposed to the amendment I will not object to having a voice vote on it.

Mr. ABDNOR. I yield back the remainder of my time.

Mr. PROXMIRE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is now on agreeing to the amendment of the Senator from South Dakota.

The amendment (UP No. 127) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 128

(Purpose: To provide additional funds for the Child Nutrition Program and the Food Stamp Program along with certain restrictions on the availability of funds)

Mr. ABDNOR. Mr. President, I have another amendment to offer which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. ABDNOR) proposes an unprinted amendment numbered 128.

Mr. ABDNOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, strike all material on line 2 through line 8 and insert in lieu thereof:

"CHILD NUTRITION PROGRAMS

"For an additional amount of 'Child Nutrition Programs', $109,875,000.

"FOOD STAMP PROGRAM

"For an additional amount for the 'Food Stamp Program', $1,742,600,000: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That of the amounts provided herein, $538,000,000 shall be withheld from obligation until the Secretary of Agriculture certifies to the Congress that the Department of Agriculture has utilized all regulatory and administrative methods available under law to curtail fraud, waste, error, and abuse in the program: *Provided further*, That the funds provided herein shall remain available until September 30, 1981."

Mr. ABDNOR. Mr. President, I yield to the distinguished chairman of the committee.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to make an inquiry as to what our time situation is for debate on this amendment so that we can divide it in some way to give equal time for those who are supportive and those who are opposed to it.

The PRESIDING OFFICER. The only time available is the time that now remains between now and 2:30 to be equally divided.

Mr. HATFIELD. Is there anyone else who wishes to speak on it? I yield 1 minute.

Mr. PROXMIRE. I oppose the amendment.

Mr. HATFIELD. I know the ranking minority member opposes it, and he and I will divide the time.

Mr. President, I would just like to say that this is an amendment to provide a supplemental appropriation of $110 million for the child nutrition programs and $538 million for the food stamp program. This is being offered at a time when the administration is in the process of sending up to the Hill a request for a supplemental for the food stamp program and the child nutrition programs.

We must be able to take this to conference, and by the time the conference meets the administration ought to have its data and material in hand. Otherwise we face the reality down the road of having this same item come up as an entirely new supplemental bill.

Therefore, I think it is much more expeditious and logical to handle it in this way at this time.

I yield a minute to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the subcommittee that had jurisdiction of the Department of Agriculture made this recommendation to the full Appropriations Committee, but we did not have sufficient opportunity for input from the Office of Management and Budget and other administration officials.

Mr. President, I am supporting this amendment to the food stamp appropriation as passed by the House and reported by the committee.

The amendment would provide an additional $538 million over the $1.2 billion supplemental approved by the House and places restrictions on the availability of these funds to assure that any sums provided are used only after the administration has done everything legally possible to eliminate fraud, error, waste, and abuse from the program. The amendment would also prohibit the carrying over of funds into the next fiscal year, so that funds not absolutely necessary for this year's program will lapse and revert to the Treasury.

I must confess that this is a very difficult amendment for me to offer. Like other Members of the Senate, I strongly believe that we must cut Federal expenditures in order to balance the budget and to restore the economic vitality of the Nation. I am also concerned over the reports of widespread fraud, waste, error, and abuse in this program. The Senate, however, should be aware that progress is being made. The Agriculture Committee has completed a week-long markup of the food stamp reform bill, in which numerous amendments which cut about $1.85 billion from program costs were adopted. I ask unanimous consent to insert a summary of the reform bill in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SENATE AGRICULTURE COMMITTEE REPORTED FOOD STAMP REFORM LEGISLATION

The Committee of Agriculture, Nutrition, and Forestry has marked up a resolution of the food stamp program which would set an authorizations ceiling for FY 1981 at $11,480,000,000. That Committee took this action after representatives of the Administration indicated that a formal message asking that the FY 1981 food stamp supplemental request be revised by $538 million was forthcoming. In order to offset this request, the administration recommended, and the Committee adopted, legislation which would reduce food stamp expenditures by this amount in the next four years.

This legislation will reduce the deduction allowed for work related expenses from 20% to 15%. This is in addition to large savings the Committee had already approved. Even without the reduction in the work related expense deduction, the Committee's actions will provide savings which exceeded the amounts proposed in the President's budget and that assumed in the Senate-passed budget reconciliation resolution. Over the next four years, food stamp benefits would be cut by over $8 billion.

Among the major reductions approved were: lowering the income eligibility limits, pro-rating benefits in the first month of eligibility; eliminating strikers from the program; freezing the standard and shelter deductions for 2½ years; delaying cost of living increases; and curtailing participation and costs in Puerto Rico.

The Committee also enacted a comprehensive set of proposals to tighten program management and address fraud, abuse, and costly loopholes.

Legislative provision:	*Millions*
Lower earned income deduction	$118
130 percent of Poverty	130
Delay Cost-of-Living Adjustment	250
Pro-rate benefits in first month	475
Eliminated strikers	50
Freeze deductions	130
Puerto Rico block grant	*200
Carter proposed reforms	460
Other reforms	37
Total reductions	1,850

*Annual savings when fully implemented. Prior to that time, $100,000,000 annually in savings are estimated.

Mr. COCHRAN. It is clear, however, that unless we provide the funding that my amendment contains, the food stamp program will either run out of funds in September, or pro rata reductions in benefit levels of about 25 percent will have to be ordered by August 1. Such actions will save some money, but they will mean that needy families, truly deserving people, will not have the wherewithal to obtain an adequate diet. These people include the elderly, the handicapped, the disabled, and those who because of circumstances out of their control cannot afford to purchase the food they need to survive.

These reductions will not distinguish between the truly needy and the welfare cheats; they will impact on all program participants. It will also lead, I believe, to massive confusion and misunderstanding as to the legislative package that Congress is acting on now to tighten up on program eligibility, and may jeopardize the quick enactment of these reforms.

Mr. President, I am well aware of the concern that the amount proposed to be added to this appropriations bill is not yet covered by an official budget request from the administration. I would like to reassure my colleagues that this is merely a timing problem, and as stated in the letter from the Secretary of the Department of Agriculture, the administration is working on sending to Congress the official request. It is just that our timetable is such that we have to take action on this matter now, before the administration has the chance to process the request. I request unanimous consent to have this letter printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 21, 1981.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COCHRAN: On May 18 I communicated to the Congress the status of food stamp funding, as the Secretary is required to do each month by Public Law 96-58. With this letter. I would like to clarify for you the current status of Administration thinking with respect to the need for a larger supplemental appropriation than is presently pending before the Senate.

The Congress has already appropriated $9.739 billion for the fiscal year 1981 Food Stamp Program. With the March 10 Budget Revisions we requested supplemental funding in the amount of $1.206 billion. We now believe that additional funds over and above the $1.206 billion will be necessary to fully fund the program this year, and prevent a benefit reduction under Section 18(b) of the Food Stamp Act. At this time, our analysis indicates that the amount required will be $538 million. Further analysis within the Administration is underway.

We are committed to the principle of full funding in fiscal year 1981. I want to assure you that the Administration will request the amount we feel will be required to prevent a benefit reduction from becoming necessary.

Sincerely,

JOHN R. BLOCK,
Secretary.

Mr. COCHRAN. I think it should be made clear that unless we provide the necessary funds in this bill, we may force across-the-board benefit reductions—that no one wants—because of our congressional schedule and the procedural delays inherent in moving a separate appropriations bill.

Mr. President, it will take at least 30 days to order a cutback in benefit levels, and in some States, it may require 45 days notice. This means that unless Congress can receive and pass an entirely new supplemental appropriations bill by the middle of June—just 26 days from now—the administration may be forced to move ahead with benefit reductions for the month of August. If the administration decided to hold off on benefit reductions until the month of September, we would have another month to take action, but any foulup in the consideration of the bill will require reductions of 50 percent in benefit allotments.

This is courting disaster for the billions of truly needy citizens who depended on this program to purchase

food they need. This is why it is so critically important to provide these additional sums now, in this bill, and not wait for another vehicle which may or may not be passed in time to prevent across-the-board benefit reductions.

Mr. President, for these reasons I believe that it is vitally necessary that we act favorably on these amendments.

Mr. President, the amendment also will provide a supplemental appropriation of $110 million for the child nutrition programs. These funds are required to maintain the program through the balance of the current fiscal year. Since these programs, which include school lunch, school breakfast, and child care are basically entitlements, failure to provide this appropriation will only result in the disruption of ongoing programs. Funds will ultimately have to be provided, either in this bill, or a later appropriations bill, or in the form of judgment on a legal claim against the Federal Government.

I received from the Department of Agriculture a letter which details the reason these funds are needed. I ask unanimous consent that this letter be printed in the RECORD at this point. I would like, however, to outline a little history behind this amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 5, 1981.

Hon. THAD COCHRAN,
Chairman, Subcommittee on Agriculture, Rural Development and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The answers to the questions in your letter of April 30, 1981 are as follows:

1. Our preliminary estimate of April 1981 food stamp program participation and benefit level is 23.2 million and $971 million respectively. We estimate that we will need a supplemental of $1,742,800,000 to maintain the program under current law at full benefit levels for the balance of the fiscal year.

2. The currently budgeted amount for the Food Stamp Program in fiscal year 1981 is $10,943,876,000. This includes a supplemental of $1,204,600,000 that was proposed in the March budget amendments. Our latest projections indicate that the supplemental should be increased by $538,200,000 to $1,742,800,000. The major factors contributing to the need for an amended supplemental include the following:

The increase in participation over earlier predictions. Previously, we had estimated that an average of 21.9 million persons would participate in the program this year. Based on the latest data reported by the States and participation trends, we now estimate that an average of 22.7 million persons will participate this year. This will increase program costs by about $321 million.

The coal strike which, if it continues to the end of the fiscal year, will add $90 million to program costs.

The reduced likelihood of legislative savings because of delays in the enactment of new legislation which will increase program costs by about $100 million.

The possible loss of cash-out status by California SSI recipients on July 1, which would add $7 million to program costs.

The phase-out of the Comprehensive Employment Training Act—Public Service Employment and other programs which are expected to increase food stamp costs by $20 million this year.

3. In addition to requesting an amended supplemental, the other alternative open to the Administration is the reduction of benefits under section 18(b) of the Food Stamp Act. This action could be taken on July 1 at the earliest, which would necessitate sending the benefit reduction notice to the States no later than May 15. Benefits would have to be reduced by about 17 percent. If we waited until August 1 or September 1 to begin reducing benefits, the reductions would be greater the longer we wait—August 1 about 25 percent and September 1 about 50 percent.

4. The Department of OMB is considering a revision in the supplemental for the additional $538 million. We are also accelerating our efforts to develop and implement regulations for prorating first-month benefits which could save about $50 million this year.

5. We had assumed a $145 million savings for the child nutrition programs this year as a result of the Administration's proposed legislation. This assumption was based on early enactment of the legislative package which now seems unlikely. Under current law we estimate that the needed funding for the programs this fiscal year, excluding the shortfall of $223 million for the accounting adjustment for September claims, is as follows:

[Dollar amounts in thousands]

	Appropriated to date	Additional funding needs	Total program level
School lunch program (sec. 4)	$753,500	$10,175	$763,675
Special assistance for free and reduced price meals (sec. 11)	1,557,598	64,300	1,621,898
School breakfast program	319,100	1,900	321,000
Equipment assistance	15,000	.....	15,000
State administrative expenses	38,226	.....	38,226
Summer food program	121,700	.....	121,700
Child care food program	269,800	20,700	290,500
Commodity procurement	273,500	12,800	286,300
Nutrition studies and surveys	3,450	.....	3,450
Nutrition education and training	15,000	.....	15,000
Less unobligated carry over balances	−13,098	.....	−13,098
Total budget authority	3,353,776	109,875	3,463,651

I will be happy to discuss any of these matters with you or your staff and to provide you with additional information that you might need in evaluating the funding needs for both the Food Stamp and Child Nutrition Programs.

G. WILLIAM HOAGLAND,
Administrator.

Mr. COCHRAN. The funding shortfall in the program was discovered by the executive branch last year. The Department of Agriculture requested a $90 million budget supplemental at that time; however, because of what has been explained as a "computer error," the item was not included in the January Carter budget request. In the March budgetary revisions submitted by President Reagan, again no supplemental was requested because although the funding shortfall had grown to $110 million, legislative changes were proposed which would save $145 million in this fiscal year. These savings, however, were predicated on a May 1 enactment date of the full legislative package. As you know, Congress has not only failed to pass the legislative package, but in the reconciliation resolution, agreed to earlier today, we have also deleted $300 million of the President's proposed savings. In other words, it is impossible to implement changes which yield savings to offset the expected shortfall in currently appropriated funds.

Unless these funds are provided, the school lunch programs may have to be terminated in the middle of September; child care feeding programs, and the school breakfast programs will also have to be closed. If schools and day care centers and other organizations authorized to serve meals do not halt their operations, it appears that they will have a strong legal case against the Federal Government for full restitution of the payments which are called for under current law.

For these reasons I believe that we have little recourse, other than to provide these needed funds.

Mr. President, last year the Department initiated a policy by which obligations for the child nutrition programs were delayed and entered only upon the receipt of claims from schools for meals already served. This accounting change meant that the Federal Government was sanctioning the service of meals for which the Government is required to reimburse schools, with no accounting on the books in advance of actual receipt of claims. I believe this is a very questionable procedure, and one which should not be allowed to continue. Unfortunately, it would require an appropriation of $223 million to correct this problem in addition to the $110 million needed to address a funding shortfall under the current appropriation for these programs.

In view of the severe budgetary constraints which have been imposed on the Federal Government, I believe it prudent to defer action of correcting the obligation procedures of the Department, however if neither of these additional items are provided the Department will have no choice but to further extend its use of this accounting change to defer obligations into the next fiscal year. This will not only mean that the fiscal year 1982 appropriation will have to be increased to bear these costs, but it will frustrate the policy that the Department has been promoting to encourage the States to file their claims promptly, as well as increase the cash-flow problems of States and school districts since Federal funds will not be immediately available to cover reimbursements for meals as they are served.

Mr. HATFIELD. I yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I support the program. Obviously we are going to need a food stamp supplemental. This is obviously the time to do it. Let it go to conference. Otherwise we will have the add-on with another supplemental.

Mr. President, I support this amendment.

It will add enough budget authority to this bill—$538 million—to cover the expected full cost of the food stamp program this year—fiscal year 1981.

If the Senate approves this amendment, it will cover the added costs of food stamps within the budget the Senate approved this morning.

If we wait until later to provide added money for food stamps, we will inevitably

face the same situation as last year—when the Senate had to waive the Budget Act to cover food stamp costs.

I am aware that the administration has not yet submitted a request for this money. I understand that OMB would prefer to wait for another month of cost data before pinning down the exact amount to be requested. I am afraid that is shortsighted, however, as we may not have any room in the budget if we wait another month.

I also want to state that this amendment is not in conflict with the reconciliation savings we expect to be made in the food stamp program.

The administration has made a commitment to fully fund food stamps in fiscal year 1981, with reconciliation savings to begin in fiscal year 1982.

Finally, let me say that I hope food stamp costs will run lower in fiscal year 1981 than USDA now predicts. CBO believes that the final costs will be somewhat lower than USDA projects.

As a result of CBO's lower estimate, only $365 million of outlays will be scored against the $538 million in the Budget Act.

I urge adoption of the amendment.

Mr. PROXMIRE. Mr. President, in the first place, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PROXMIRE. This amendment would cost $538 million. It is not requested by the administration. We have a letter from the Secretary of Agriculture but not from the administration. The administration may have different estimates of what this is going to cost. It is an enormously expensive and much abused program. It has exploded in costs, going from less than $1 billion in 1965 to $11 billion today.

It is going to some 10 million Americans who are eligible. It is the kind of program we should not act on without an official recommendation by the administration, and for this reason I hope the Senate will not approve the amendment.

The PRESIDING OFFICER. All time for the proponents has expired. The Senator from Wisconsin controls the remaining time.

Mr. HELMS. Mr. President, will the Senator yield me 1 minute?

Mr. PROXMIRE. Yes, I will yield to the Senator.

Mr. HELMS. I am chairman of the relevant committee. I was not consulted on this amendment. This is an unwise expenditure, and I am going to move to table at the appropriate time.

Mr. PROXMIRE. Mr. President, because of the situation I yield to the Senator from Kansas who, I understand, supports the amendment, but I think in fairness I should yield to him.

Mr. DOLE. Let me say very quickly that I support the amendment. It is not my amendment, but I support it because we have already taken steps in the Committee on Agriculture to compensate for this additional supplemental by taking more out of the program for the next 4 years than the $538 million asked for in the supplemental. The committee agreed to this exchange with the administration. We have acted to a responsible way. That authorization has not yet been adopted, but I think it will be in due time. I believe the Senator from North Carolina plans to bring it to the floor the week after we return.

I agree with the distinguished Senator from New Mexico and Oregon that we should proceed with this additional supplemental for food stamps at this time, in anticipation of the administration's forthcoming request.

I am pleased to see that the distinguished Senator from South Dakota has also included in his amendment an additional supplemental for child nutrition of about $110 million. We have known for some time that more funding would be necessary to bring these programs through this fiscal year.

There has always been strong bipartisan support for this area, and I see no reason for anyone to object to this additional funding. Senators on both sides of the aisle have always recognized how important programs like school lunch, school breakfast, WIC, and others have been to the nutritional well-being of our Nation's children. The Senator from Kansas certainly supports the investment of an additional $110 million in these worthwhile programs.

Mr. President, in the March 10 budget revisions, the administration requested supplemental funding for the food stamp program in the amount of $1.2 billion. The administration now believes that additional funds over and above this original amount will be necessary to fully fund the program through this fiscal year in order to prevent a benefit reduction under section 18(b) of the Food Stamp Act.

At this time, the best estimates from the Department of Agriculture indicate that the amount required will be $538 million. As a result of Cabinet action last week, the President has decided against a potential benefit reduction due to lack of funds for this essential nutrition program.

In a letter to both Senator COCHRAN and myself, delivered this morning, Secretary of Agriculture, John Block, has stated, "At this time, our analysis indicates that the amount required will be $538 million * * * We are committed to the principle of full funding in fiscal year 1981." I shall submit the full text of this letter for the RECORD following my statement.

DELAY IN SUPPLEMENTAL REQUEST

There continues to be an apparent hold-up in action on this supplemental request, even though we have had every indication that the administration intends to go for full funding. The Senator from Kansas sees no reason to cause Congress to go through last minute contortions to cause millions of food stamp recipients across the Nation to hold their breath in suspense and wonder where their next meal is going to come from under the imminent threat of a lack of funds to carry out program needs. We know from previous experience that we are going to have to request additional funds for this program, and it seems to the Senator from Kansas that this is the appropriate time to add in the necessary additional $538 million needed to fully fund the food stamp program through fiscal year 1981.

IMPLICATIONS OF DELAYED ACTION

In later weeks, we will have before us the same kind of situation that we have been faced with time and time again under the previous administration—a down to the wire race to act in time to prevent a suspension or reduction of benefits to food stamp recipients across the board. I think it is time that we convince the people of this country that we can act in a timely fashion—that we can act responsibly and keep our commitments to those who depend upon the Federal Government for survival.

LONG-TERM PROSPECTS FOR PROGRAM

Beginning in fiscal year 1982, we will see enacted into law many changes in the food stamp program that will constructively target benefits to the most needy individuals within our society. Both the Senate and the House committees have substantially cut back on the costs of the program, and the Senate has taken strong action to tighten up the program in efforts to address complaints of fraud and abuse. In future years, there will be reductions in benefits, and about a million people will no longer be eligible for benefits. We in both Houses of Congress have tried to act in a prudent, responsible manner in assuring that no one proposal will cut benefits across the board.

Already during the markup in committee, we endorsed additional savings for fiscal year 1982 and beyond in exchange for the supplemental in question here today. We voted to decrease the earned income disregard from 20 percent to 15 percent, thereby saving about $100 to $150 million a year for the life of the authorization.

The Senator from Kansas sees no reason why we cannot act upon this additional food stamp supplemental at this time. We have had a clarification of the situation from all directions, and I think that we have a realistic picture of what is needed. I believe that we would be acting responsibly and appropriately in this Chamber here today, if we support the additional funding we know will be requested later—how much later remains unknown—in order to fully fund the food stamp program for fiscal year 1981.

The letter follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 20, 1981.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: On May 18 I communicated to the Congress the status of food stamp funding, as the Secretary is required to do each month by Public Law 9658. With this letter, I would like to clarify for you the current status of Administration thinking with respect to the need for a larger supplemental appropriation than is presently pending before the Senate.

The Congress has already appropriated $9.739 billion for the fiscal year 1981 Food Stamp Program. With the March 10 Budget Revisions we requested supplemental funding in the amount of $1.206 billion. We now

believe that additional funds over and above the $1.206 billion will be necessary to fully fund the program this year, and prevent a benefit reduction under Section 18(b) of the Food Stamp Act. At this time, our analysis indicates that the amount required will be $538 million. Further analysis within the Administration is underway.

We are committed to the principle of full funding in fiscal year 1981. I want to assure you that the Administration will request the amount we feel will be required to prevent a benefit reduction from becoming necessary.

Sincerely,

JOHN R. BLOCK,
Secretary.

Mr. HATFIELD. Mr. President, I yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I rise in support of this amendment.

The bill now before the Senate contains the $1.2 billion supplemental officially requested by the administration to continue operation of the food stamp program until the end of this fiscal year. There is a problem with this, though. The administration, as well as everyone else who has estimated the likely fiscal year 1981 cost of the program, now believes this amount will be inadequate.

The alternatives available to the administration are clear. They either implement what is known as section 18(b) of the Food Stamp Act, requiring across-the-board benefit reductions to all recipients no matter what their income levels, or they can request the funds necessary to fully fund the program for this year.

Although not yet officially requesting additional money, the administration nonetheless indicates it will request additional money at a future time. Secretary Block has so indicated that intention to Senator COCHRAN in a recent letter, which I ask unanimous consent be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 20, 1981.

HON. THAD COCHRAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COCHRAN: On May 18 I communicated to the Congress the status of food stamp funding, as the Secretary is required to do each month by Public Law 96-58. With this letter, I would like to clarify for you the current status of Administration thinking with respect to the need for a larger supplemental appropriation than is presently pending before the Senate.

The Congress has already appropriated $9.739 billion for the fiscal year 1981 Food Stamp Program. With the March 10 Budget Revisions we requested supplemental funding in the amount of $1.206 billion. We now believe that additional funds over and above the $1.206 billion will be necessary to fully fund the program this year, and prevent a benefit reduction under Section 18(b) of the Food Stamp Act. At this time, our analysis indicates that the amount required will be $538 million. Further analysis within the Administration is underway.

We are committed to the principle of full funding in fiscal year 1981. I want to assure you that the Administration will request the amount we feel will be required to prevent a benefit reduction from becoming necessary.

Sincerely,

JOHN R. BLOCK,
Secretary.

Mr. EAGLETON. I am pleased that the administration has recognized the devastating effect benefit reductions would have on the elderly, the children, the handicapped, the very poor who make up the vast majority of this program's participants.

I believe it is clear that the Congress does not support such action and we should make sure that that message is clear in what we do here today.

There is no doubt in my mind that the food stamp program will be substantially reformed this year. The Senate Agriculture Committee has reported legislation which will selectively reduce the food stamp rolls and will save almost $2 billion next year. It would be absurd for us to accept across-the-board reductions which could reach as high as 50 percent of current benefit levels for the month of September while we are waiting for the reform legislation to take effect.

I urge that my colleagues support this amendment.

Mr. HATFIELD. Mr. President, I support the amendment offered by the Senator from South Dakota. There is little doubt that more funds will have to be appropriated for the food stamp program if across-the-board benefit reductions are to be avoided. The administration has made clear that it supports continuation of the program at full benefit levels for the balance of this year and that cost-saving measures will be implemented through enactment of reform proposals now being acted upon by Congress, rather than the arbitrary reductions which will occur under section 18 (b) of the Food Stamp Act, if sufficient funds are not provided.

I have discussed the budgetary impact of this amendment with the chairman of the Budget Committee, and he concurs with my assessment that there is room under the budget resolution, that we just adopted, for the item. I think some explanation is appropriate, however, since I did not support this amendment in the committee consideration of this bill. At that time, I argued that the additional amount would cause the bill total to exceed the amounts remaining within the resolution. Since that time, the budget resolution was considered in the joint conference committee in which revised economic assumptions were adopted that significantly increase the amounts of budget authority and outlays available for this bill.

Specifically, the conference committee revised the unemployment rate assumption from 7.8 percent down to 7.5 percent. The GNP deflator was also reduced from 9.9 percent in the Senate passed resolution to 9.7 percent in the conference agreement. Finally, the real GNP growth rate was increased from 1.1 percent to 2 percent. These changes have the effect of reducing the cost of current programs and to revise revenue assumptions, reducing the pressure on this committee's actions.

Mr. President, by no means am I implying that we are out of the woods when it comes to holding spending within the budgetary ceilings. In fact, I believe that we should be doing more to cut Federal spending. What is clear, however, is that programs such as the food stamp program, for which we have an underlying obligation, we should be providing the sum which the most realistic projections of cost indicate. I am aware that this program is technically no longer an "entitlement" program, but as the distinguished Senator from Mississippi points out, the program in all its characteristics and operations is virtually an entitlement to those that have been legislatively deemed needy. Furthermore, failure to provide this funding will only jeopardize timely enactment of the comprehensive food stamp reform measure which has been ordered reported by the Senate Agriculture Committee.

Mr. President, in light of these circumstances, I believe it only prudent that we adopt this amendment.

I believe that by taking this action, we keep the item open for conference action. The administration has indicated that they are now in the process of sharpening their estimates of the additional supplemental need. The administration will have the opportunity to advise us of any revision in their estimate prior to conference action on this bill, to assure that our appropriation is based on the latest estimates possible.

Mr HATFIELD. Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, even with this amendment, this appropriations bill will be under the budget resolution which we just adopted. I repeat, I think this is precisely the time to do it. It will avoid another opportunity to go through what we have gone through in the last few days on supplemental food stamps.

Mr. PROXMIRE. Mr. President, this could be handled in a supplemental. We have not received an official request from the administration.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. HELMS. Mr. President, I move that the amendment lay on the table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina (Mr. HELMS) to table the amendment of the Senator from South Dakota (Mr. ABDNOR). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Maryland (Mr. MATHIAS), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Alabama (Mr. HEFLIN), and the Senator from Louisiana (Mr. LONG), are necessarily absent.

Mr. HELMS. Regular order, Mr. President.

The PRESIDING OFFICER. Are there any other Senators wishing to vote?

The result was announced—yeas 38, nays 57, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—38

Armstrong	Garn	Murkowski
Bentsen	Grassley	Nickles
Biden	Hart	Nunn
Boren	Hatch	Percy
Bumpers	Hawkins	Proxmire
Byrd, Harry F., Jr.	Hayakawa	Pryor
	Helms	Quayle
Byrd, Robert C.	Humphrey	Roth
D'Amato	Jepsen	Sasser
DeConcini	Kassebaum	Stennis
Dodd	Lugar	Symms
East	Mattingly	Thurmond
Exon	McClure	Zorinsky

NAYS—57

Abdnor	Ford	Moynihan
Andrews	Glenn	Packwood
Baker	Gorton	Pell
Baucus	Hatfield	Pressler
Boschwitz	Heinz	Randolph
Bradley	Hollings	Riegle
Burdick	Huddleston	Rudman
Cannon	Inouye	Sarbanes
Chafee	Jackson	Schmitt
Chiles	Johnston	Simpson
Cochran	Kasten	Specter
Cohen	Kennedy	Stafford
Cranston	Laxalt	Stevens
Danforth	Leahy	Tower
Dixon	Levin	Tsongas
Dole	Matsunaga	Wallop
Domenici	Melcher	Warner
Durenberger	Metzenbaum	Weicker
Eagleton	Mitchell	Williams

NOT VOTING—5

Denton	Heflin	Mathias
Goldwater	Long	

So the motion to lay on the table UP amendment No. 128 was rejected.

HYDE-HELMS AMENDMENT

(BEGINNING ON PAGE 167, LINE 8)

The PRESIDING OFFICER. Under the previous order, the hour of 2:30 having arrived——

Mr. EAGLETON. Mr. President, do we not now proceed to vote on the amendment itself?

The PRESIDING OFFICER. Under the previous order, the hour of 2:30 having arrived, the Senate will now proceed to the consideration of the committee amendment beginning on page 167, line 8, known as the Hyde-Helms language. The clerk will state the amendment.

Mr. COCHRAN. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. COCHRAN. Has the previous amendment been disposed of or just the motion to table?

The PRESIDING OFFICER. The motion to lay on the table was defeated. The amendment itself will be disposed of following the disposition of the Hyde-Helms amendment.

Mr. COCHRAN. I thank the Chair.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 167, line 8, beginning with "Section" strike all through and including line 21, and insert in lieu thereof the following:

The joint resolution of December 16, 1980 (Public Law 96-536), is further amended by striking section 109: *Provided*, That section 118 of the joint resolution of October 12, 1979 (Public Law 96-86), and section 109 of the joint resolution of November 20, 1979 (Public Law 96-123), are stricken, and in addition, section 211, as passed by the House on June 28, 1979, and as the House insisted on its disagreement to the amendment of the Senate numbered 137 on August 2, 1979, to the Departments of Labor, Health, Education, Welfare and Related Agencies Appropriations Act, 1980 (H.R. 4389), as incorporated in section 101(j) of the joint resolution of October 12, 1979 (Public Law 96-86), and section 101(g) of the joint resolution of November 20, 1979 (Public Law 96-123), is hereby stricken.

On page 168, line 11, strike "3" and insert "403".

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, on my time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HATFIELD. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. MATSUNAGA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator has no time under his control on which a quorum call may be made. Only the Senators controlling time may suggest the absence of a quorum.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum to be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, is there anyone on the opposition side to the Helms amendment who would like to be heard?

Mr. PACKWOOD. Will the Senator yield me 6 minutes?

Mr. HATFIELD. I will, Mr. President, I shall yield to my colleague very shortly. Let me first indicate a basic position of the committee that took this position on the amendment which is now before this body on behalf of Senator HELMS who is asking that the committee amendment be struck.

The Committee on Appropriations has handled and wrestled with the problem of abortion for quite some time, in fact, for several years. It seems to me we have had this issue before us so frequently. We have voted on it, up or down, as an amendment or as a rider to the appropriations bill.

I might just say for the record that I cosponsored the first constitutional amendment in opposition to the matter of abortion that was made an issue by the Supreme Court ruling. I have voted for the Hyde amendment in every instance when I have been called upon to state my position. I have spoken frequently to right-to-life organizations and other such groups, establishing, I think, a pretty clear record that I oppose the use of abortion except in the case of saving the life of the mother.

I will not go into my philosophical background or my reasons for my opposition but will merely state that I am deeply concerned about the issue. In no way have I changed my position, nor have I in any way abandoned my battle on this question.

However, I want to remind the Senate that this is a different matter now; one that deals with the procedure of how to go about the orderly business of appropriating money for the operation of our Government.

We cannot tolerate the kind of excess baggage and the encumbrances that have been placed on the appropriations process over the years, with school prayer and OSHA and busing and abortion and all the other issues that are not germane to the appropriations vehicles.

Mr. President, this has happened in the past, in part, due to the fact that the authorizing committee chairmen and the authorizing committees generally have refused to deal with some of the controversial issues, particularly the issue of abortion.

I have sat in this Chamber when the Senator from North Carolina (Mr. HELMS) and others have said that their desire would have been to take up the issue in a full-fledged debate on an authorizing vehicle, that they were denied that opportunity, and that, therefore, they had only one alternative, and that was to use the appropriation vehicle as the way to develop the debate and to express their views. That situation has changed.

The authorizing committee already has before it an issue in the form of a bill to deal with the question of abortion. The majority leader, Mr. BAKER, has publicly given full assurance that not only will he support the right of Members of this body to be heard in the committee but also to have a debate on the floor.

Therefore, the situation which has prevailed in the past no longer prevails now, and we will have the opportunity to debate the issue up or down, as regular legislative question.

Second, I point out that we go to conference with the House of Representatives, and the Hyde amendment is in the House bill.

Therefore, by keeping our bill free from these encumbrances of legislating on an appropriation bill, in no way solves nor decides finally the abortion issue at this particular time; because our committee's conferees from the Senate, will meet the House conferees to resolve the differences between the two bills.

Therefore, I hope that the Senate will reject this amendment and permit the Senate Appropriations Committee to go to conference, for the first time in the memory of any Member here, with as little excess baggage as possible that relates to legislative action so we can deal with that subject in the conference committee.

Mr. President, let us not play games and let us not be misleading in any way. I believe it is very apparent, if one takes the time to look at the members of the Senate Appropriations Committee, who

will be conferees. We are going to follow tradition. The tradition is that the subcommittee chairmen will be the conferees, and the ranking minority members on each subcommittee will be conferees. That will be my recommendation to the Chair.

Any way you add it or subtract it or review it, if you just look at the past voting records of those who will be conferees on the Senate side, it is very likely that the votes are there to support the Hyde language in conference.

Let us assume that the House of Representatives, as it has in the past, holds firm to its position. We have sat through hours upon hours, of debate and the most the House of Representatives has ever yielded was to what we call the Senate compromise language on abortion. That, of course, has been the position, and that is the law. That is what is in the continuing resolution.

In spite of all the emotional outpouring—and I will not go into many more adjectives to describe the kind of uproar that has been created by my motion to strike the Hyde language in the amendment—I still want to make clear what my position is.

I believe that some of these people who are supposedly out here on the battleline do not know their friends from their enemies. I have been shot in the back so many times during the last 10 days or 2 weeks by my own troops, so to speak, that I know what it feels like to have the rug pulled out from under you. I understand that it is a complex situation and that people perhaps have not understood it as they could have.

However, I do not differ with my friend from North Carolina one iota on the substantive issue. What I am differing on with the Senator from North Carolina is that when we were in the process of markup, we had strong indications that we would have our subcommittee markup delayed unnecessarily by the tactics of those who did not support the Hyde language. It certainly is their legitimate and proper right to pursue their position at the various steps along the way.

We had strong signals that the full committee markup would be delayed inordinately if we brought the Hyde language into the full committee. We had signals pretty clearly established that if we brought that from the committee process to the floor, we would have faced a probable filibuster on that issue, which would have brought the whole appropriations process to a standstill.

Mr. President, let us bear in mind that, at that particular time, the rescissions were expiring; and by the time the full committee markup was held, all 122 rescissions, totaling some $15.3 billion, had expired, which meant that any agency of Government that had program recissions pending could have gone ahead and expended the money, regardless of the rescission language.

It would have meant that any citizen could have gone to a court and obtained a writ to force expenditure of those rescission moneys. It meant that the Comptroller General of the United States could have ordered the expenditure of those rescission moneys.

So we were faced with that problem. We were faced with a second problem, and it was this: If we did not finish this bill before the Memorial Day recess, we could not conceivably have obtained the compliance with the June 5 deadline, which meant the continuing resolution would have expired on June 5 and we would have been at a standstill so far as many programs and agencies of the Government were concerned.

In the past, the Appropriations Committee has been pushed up against that kind of deadline frequently.

Not only was I determined to keep the appropriations bill as clean as possible to go to conference and deal with the appropriations issues, but also, I was concerned and determined, if I possibly could achieve it, to keep the Appropriations Conference Committee from having to bear the full responsibility of holding up the affairs of Government because of deadlines. I wanted that full responsibility to be shared by the full Congress, both by the Senate and the House.

That would mean we would have the Senate leadership on our side in getting that continuing resolution passed without amendment and getting it completed before the deadline that we were trying to meet, in this instance, June 5.

So I hope that it is clearly understood that I have this kind of commitment to the issue, but I have to also exercise my responsibilities as chairman of the Appropriations Committee to make certain that we can meet the deadlines imposed by law, that the affairs of Government do not come to a standstill, and at the same time that we try to make the Appropriations Committee a far more viable process by throwing off the encumbrances of legislation on appropriations.

So that is where we are at this point. A vote for the Helms amendment would put us right back into the same old trough, and I, along with many of my colleagues on that committee, are trying to exercise a much more responsible role and leadership for that committee than perhaps we have been able to do in the past.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, under the unanimous-consent agreement I understand that the majority and minority leaders have control of the time. I am waiting a clearance with my leader as to how he wants to handle the time. I expect that we w'll yield all of the time to the distinguished Senator from North Carolina. It is his amendment. He should have control of the time. I will have to wait a few minutes and do that. Meanwhile I yield such time as the Senator may require to the Senator from North Carolina.

Mr. HELMS. I thank the Senator. Did the Senator from Mississippi desire some time?

Mr. STENNIS. I certainly appreciate the Senator from North Carolina yielding 1 minute.

Mr. HELMS. I yield.

Mr. STENNIS. I say to the Members of the Senate that I have been voting consistently for the Hyde amendment on this so-called issue on abortion. But I tell you the Senator from Oregon is working hard and doing a magnificent job in handling this appropriations bill, and others, and there needs to be something done for the sake of the Senate to drop as much as possible these riders on these appropriations bills.

I am a committee man in the Senate. I mean I lean with the committees. That is where the major work is accomplished. So I am going to change my position on this vote, not on abortion, but vote for what will make the Appropriations Committee more effective and move along.

I am doing this as a matter of trust, also, to the chairman of the committee. So I will vote with him on this matter, reserving on the next vote on abortion as I have voted before.

I thank the Senator.

Mr. HELMS. Mr. President, let us put the parliamentary situation into perspective. It did not matter one whit which way the Appropriations Committee went on this issue. Let us say hypothetically that the Hyde-Helms amendment had been included in the bill reported to the floor. Unless Senator WEICKER and Senator PACKWOOD have absolutely taken leave of their position, they would have been right in here on the floor with an amendment. So we were destined to have a vote one way or the other.

Mr. President, I do not quite follow the legislative logic of my dear friend from Oregon. The best thing that we could do for the Appropriations Committee in conference with the House of Representatives is to strike the committee amendment which eliminated the Hyde-Helms amendment. Then the matter will not be subject to debate in conference. Is that not correct? I ask the distinguished chairman.

Mr. HATFIELD. No, that is not precisely correct because there are too many assumptions that the Senator from North Carolina is making that are inaccurate assumptions.

The first assumption that the Senator is making is that we would have been able to move our subcommittee position onto a full committee markup, and that assumption is subject to challenge.

The second assumption that is in error is that in our full committee markup we would have been able to move the bill to the floor which is incorrect.

The third assumption of the Senator from North Carolina is that we would have gotten to an up-or-down vote on the issue on the floor and that assumption is incorrect.

Mr. HELMS. But I am speaking of the actions we are about to take on the floor in the existing legislative circumstances today.

Mr. HATFIELD. I say in response to the Senator that I do not have a crystal ball. I did not have one at the time this motion was made. I doubt if the Senator from North Carolina would have believed any more than I was able to believe that a 2-hour agreement would have been reached on the issue of abortion on this floor.

Mr. HELMS. That is probably correct. But I am saying under the existing circumstances the best thing that Senators who feel one way or another on the

abortion question should do is vote their convictions. This is not a procedural matter.

Now, before I go further, I will say to the distinguished chairman that if anyone has questioned his good faith I regret it and I deplore it. He is a squareshooter, Mr. President, and I hope that the distinguished Senator will refer to me anyone who even remotely questions his good faith in the procedure he attempted to follow on this issue. He has been a stalwart on the abortion issue at times, when I know it may have been uncomfortable for him on this issue.

Mr. PROXMIRE. Mr. President, will the Senator yield briefly?

Mr. HELMS. I yield.

Mr. PROXMIRE. Mr. President, I now have had an opportunity to clear with the minority leader, and I am happy to say that the Senator from North Carolina does have complete control of the time in support of his own amendment.

Mr. HELMS. I thank the distinguished Senator from Wisconsin, and I thank the distinguished minority leader.

But I say again, Mr. President, in the parameters of the existing legislative situation the finest thing we can do for Senator HATFIELD's Appropriations Committee, no matter who the conferees are, is to go ahead and in effect, maintain the Hyde-Helms, Helms-Hyde language, whichever way you want to identify it. Then that argument will be over in conference. It will not be "conferenceable."

Mr. President, I have many times been tempted to wish that my conscience could let me walk away from this issue. Many of my friends in North Carolina, some of my best friends, disagree with me. I have had many to say, "I agree with you on everything else or most everything else, but I do not agree with you on that," and they are sincere, I believe, however, they are sincerely wrong.

I have never questioned the good faith of anyone who disagrees with me, but holding the conviction that I do—that abortion is the deliberate termination of innocent human life—I do not see how we can as a Senate, as a Congress, and as a people, condone the use of the taxpayers' money for the deliberate termination of innocent human life.

I reflect on no one's sense of morality. But I am saying that this issue is the most fundamental of all.

Mr. President, again I say that I am perfectly willing to reduce substantially the amount of time provided under the unanimous-consent agreement on this question because there are not, I think, more than one or two Senators whose minds are not already made up. I think we can save the Senate a substantial amount of time if we later on in the debate agree to reduce the time allotted for this debate.

Mr. President, I intend at the appropriate time to move to table the committee amendment which would in effect restore the Hyde-Helms language to the bill. I ask unanimous consent that it be in order now for me to ask for the yeas and nays on that motion to table when made.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

Mr. President, the general history of the Hyde-Helms, Helms-Hyde amendment is well known, but the specific legislative history since it was first ordered in 1976, as I recall, has been quite complicated. One result of the long legislative history is that the issue is well known, as well as the impact. It has gone all the way to the Supreme Court, and has returned here to this floor year after year, as the distinguished Senator from Oregon has indicated earlier.

In order to clarify the legislative actions relating to this amendment, I asked the Senate Republican Policy Committee Director, Mr. Richard Thompson, to prepare a comprehensive legislative history for the benefit of all Senators.

As usual, the policy committee performed admirably, and in a very short time produced the study which all Members of the Senate have received. The study was prepared, I might add, by Mr. Lincoln C. Oliphant of the policy committee staff, and I certainly commend him for his excellent work.

Mr. President, in order that the legislative history may become itself part of the legislative history we are developing here today, I ask unanimous consent that this chronological study be printed at this point in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

THE HYDE AMENDMENT: A LEGISLATIVE HISTORY OF ABORTION FUNDING RESTRICTIONS ON THE LABOR-HEW APPROPRIATIONS BILL

1976: The first amendment restricting payments for abortion was adopted by the House of Representatives on June 24, 1976.[1] Congressman Henry J. Hyde (R-Ill.) offered an amendment to H.R. 14232, the Labor-H.E.W. appropriations bill, to add a new section 209:

None of the funds appropriated under this Act shall be used to pay for abortions or to promote or encourage abortions. 122 Cong. Rec. 20410 (1976).

In the Committee of the Whole House, the Hyde Amendment was adopted 207–167. A second vote was demanded after the Committe had risen and reported the bill to the House. On the second vote, Hyde prevailed 199–165. See, Cong. Rec. 20412 and 20425 (1976).

The same day, a motion to recommit was defeated and the bill passed (both by voice votes).

In the Senate, section 209 arrived intact on the floor. Senator Packwood moved to strike the section. Senator Bartlett moved to table the Packwood amendment but the Bartlett move was defeated 27–55. Senator Bartlett then offered an amendment in the nature of a substitute, proposing to add to the House text the following: "except such abortions as are necessary to save the life of the mother.".

The Chair ruled that the amendment was out of order because it was "legislation on an appropriation bill." The Packwood amendment was then agreed to on a 57–28 vote. See, 122 Cong. Rec. 20881–20895 (1976).

The conferees were unable to achieve a compromise. All other issues in disagreement between the two houses were resolved, but the abortion issue was not resolved and the conference committee reported the Hyde Amendment (for purposes of the conference, "Senate amendment No. 68") in disagreement. On August 10, 1976, the House refused to recede from its disagreement to Senate amendment No. 68. On the motion to recede the vote was 150–223. See, H. Rpt. 94–1384 and 122 Cong. Rec. 26781–26793 (1976).

The Senate also held to its position. On August 25, 1976, the Senate, by a vote of 35–53, rejected a motion by Senator Helms that the Senate recede from its position and concur in the House position. The Senate then adopted the Bayh motion that the Senate insist on its amendment and ask for further conference. The Bayh motion was agreed to 53–35. See, 122 Cong. Rec. 27672–27681 (1976).

The amendment in disagreement was returned to conference. (A good summary of the conference debate can be found at 1976 Congressional Quarterly Almanac 803.) The conference agreed to the following language:

Sec. 209. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

The House agreed to the proposed language on September 16, 1976, by a vote of 256–114. See, 122 Cong. Rec. 30895–30902 (1976). The following day, the Senate adopted the version of the Hyde Amendment above quoted. The Senate vote was 47–21. See, 122 Cong. Rec. 30988–30997 (1976).

The compromise Hyde language was contained in a second conference report, H. Rept. 94–1555. The conferees included in the report an explanation of the compromise language. The explanation follows (reprinted from 122 Cong. Rec. 30512 (1976)):

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion as follows:

Restore the matter stricken by said amendment amended to read as follows:

"SEC. 209. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term."

Section 209 of the House bill contained a prohibition against the use of funds contained in this Act to pay for or to promote or encourage abortions. The Senate bill deleted this provision.

Having met in further conference, agreement has been reached on the issue of whether or not Federal funds may be used to finance abortions. Most certainly, this is a difficult, emotionally-charged issue—one which many believe should be dealt with by the appropriate legislative committees.

Nevertheless, in an effort to resolve this issue and avoid further delay in meeting the vital needs addressed by programs in this bill, a majority of the Conferees have agreed to a modification of the House bill language.

It is the intent of the Conferees to limit the financing of abortions under the Medicaid program to instances where the performance of an abortion is deemed by a physician to be of medical necessity and to prohibit payment for abortions as a method of family planning, or for emotional or social convenience. It is not our intent to preclude payment for abortions when the life of the woman is clearly endangered, as in the case of multiple sclerosis or renal disease, if the pregnancy were carried to term. Nor is it the intent of the Conferees to prohibit medical procedures necessary for the termination of an ectopic pregnancy or for the treatment of rape or incest victims; nor is it intended to prohibit the use of drugs or devices to prevent implantation of the fertilized ovum.

Furthermore, the proposed language would not interfere with or limit Federal aid to medical schools conducting research into, or

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Footnotes at end of article.

teaching of, abortion procedures for therapeutic purposes.

The Congress is aware that there are three cases related to this issue to be heard by the Supreme Court this fall, and wishes to make clear that the Congress in its action upon this particular appropriations bill does not intend to prejudge any constitutional questions involved in those cases.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

On September 29, 1976, President Ford vetoed H.R. 14232. In his veto message, the President said, "I agree with the restriction on the use of Federal funds for abortion. My objection to this legislation is based purely and simply on the issue of fiscal integrity." 12 Weekly Compilation of Presidential Documents 1415 (Oct. 4, 1976). Both Houses of Congress overrode the veto on September 30, 1976, and the bill became Public Law 94–439 on that day.

1977: The abortion controversy in 1977 was considerably more difficult than in 1976. The regular FY '78 appropriations bill never was passed; a continuing resolution was passed in December after temporary funding authority was exhausted on November 30.

The House Appropriations Committee sent the Labor-H.E.W. bill to the floor with the 1976 Hyde Amendment language. Section 209 of the FY '78 bill (H.R. 7555) read

"None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term."

A point of order was raised against this language, and the point of order was sustained by the Chair. In explanation of the ruling, the Chair said,

". . . It is well established that a limitation is not in order on an appropriation bill if it requires new duties and determinations on the executive branch and requires investigations. Section 209 by its terms requires the Federal Government to determine, in each and every case where an abortion may be performed with Federal funds, whether the life of the mother was endangered. Whether or not such determinations are routinely made by practicing physicians on a voluntary basis, the language in the bill addresses determinations by the Federal Government and is not limited by its terms to determinations by individual physicians or by the respective States." 123 Cong. Rec. 19699 (1977).

When the committee-approved language was struck, Congressman Hyde proposed this substitute,

"Sec. 209. None of the funds appropriated under this Act shall be used to pay for abortions or to promote or encourage abortions, except where a physician has certified the abortion is necessary to save the life of the mother."

This Hyde provision was an attempt to eliminate the burden on the executive branch—the judgment or determination—under which the original language had been ruled out of order. However, the Chair again sustained the point of order.

"[F]orced into this position today by points of order," Congressman Hyde introduced another version of the amendment, and the one that would be adopted by the House:

"Sec. 209. None of the funds appropriated under this Act shall be used to pay for abortions or to promote or encourage abortions."

Hyde won on a 201–155 vote. See, 123 Cong. Rec. 19698–19715 (1977).

In the Senate, the changes began before the bill reached the floor. The version approved by the Appropriations Committee was

"Sec. 209. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term, or in the case of multiple sclerosis or renal disease, or other diseases which would seriously deform or debilitate the fetus, or for the termination of an ectopic pregnancy or for the treatment of rape or incest victims. This section does not prohibit the use of drugs or devices to prevent implantation of the fertilized ovum."

"H.R. 7555, 95th Cong., 1st Sess. § 209 (Reported by Mr. Magnuson, with amendments, June 21, 1977)."

On the floor, Senator Packwood moved to strike Section 209, i.e. to remove any reference to abortion from the Senate bill "so that if this amendment is successful, Federal funds will be available for use in abortions." 123 Cong. Rec. 21476 (1977).

Senator Helms moved an amendment in the nature of a substitute which would restore the language adopted by both Houses the preceding year, i.e. the "life of the mother" language. The Helms substitute was defeated 33–65, but the Packwood amendment was also defeated, 42–56. 123 Cong. Rec. 21492 & 21496 (1977).

Senator Brooke proposed a new Section 209 which would prevent the funding of abortions

". . . except where the life of the mother would be endangered if the fetus were carried to term, or where medically necessary, or for the treatment of rape or incest victims. This section does not prohibit the use of drugs or devices to prevent implantation of the fertilized ovum."

The Brooke amendment survived three challenges. Senator Domenici attempted to remove the phrase "or where medically necessary" but was defeated when his amendment was tabled 59–36. A point of order against the Brooke amendment (raised by Sen Goldwater) was not sustained when the Senate voted 74–21 that the Brooke amendment was germane. Next, Senator Schweiker moved to table the Brooke amendment; the motion to table was defeated 37–58. Finally, the Brooke amendment was adopted 56–39. See, 123 Cong. Rec. 21476–21502 (1977).

Noteworthy is the fact that during several hours of debate, and through six rollcall votes only one Democrat (Sen. Bayh) took an active part. All votes were on amendments or motions of Republicans: Helms, Packwood, Domenici, Goldwater, Schweiker, Brooke.

The Senate passed H.R. 7555 on June 29, 1977. There would be numerous votes on abortion funding during the next six months, but H.R. 7555 would never be enacted. In December, 1977, after needing two continuing resolutions, Congress would enact a third to provide funding for the departments for the remainder of FY '78.

The conferees were unable to agree on acceptable abortion language and the conference report was reported with Senate amendment No. 82 in disagreement. In the House, the blanket language to which Mr. Hyde had been pushed was replaced with the "life of the mother" language of the prior year. On a vote of 238–182 the House adopted:

"Sec. 209. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term." See, 123 Cong. Rec. 26206–26212 (1977).

Two days after the House action, the Senate re-endorsed its language. On August 4, 1977, the Senate by a vote of 34–59 refused to accept a Schweiker motion to concur in the (newly adopted) House "life of the mother" language. Then, by a vote of 60–33. the Senate agreed to a motion to disagree to the House language. 123 Cong. Rec. 26815–26823 (1977). See also, H. Rept. 95–338.

H.R. 7555 went back to conference with all issues settled except abortion.

Following the August recess, the conferees met. The Senate conferees insisted that the House take a vote on the Senate language, something the House had not done on August 2. On September 27, the Senate conferees saw such a vote. On that date H. Res. 780 was brought to the floor of the House. H. Res. 780 would instruct the managers of H.R. 7555 to recede from the House position and agree to the Senate amendment. The resolution was defeated 164–252. 123 Cong. Rec. 31033–31040 and 31076.

Both Houses took action on October 12, 1977. The House acted first: By a vote of 209–206 the Huse agreed to recede from the "life of the mother" position it had taken August 2. Then, by vote of 263–142, the House agreed to the following new language:

"Sec. 209. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term. This section does not prohibit payment for medical procedures, performed before the fact of pregnancy is established, necessary for the prompt treatment of the victims of forced rape or incest reported to a law enforcement agency. Nor are payments prohibited for drugs or devices to prevent implanation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy." 123 Cong. Rec. 33445–33455 (1977).

In the Senate, Senator Helms moved to adopt a position identical to the House position adopted the same day (the Helms amendment was worded slightly differently, but the abortion restrictions were identical). However, Senator Helms withdrew his amendment and a Magnuson amendment was adopted by voice vote. The Senate position was:

"Sec. 209. None of the funds in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest, or if the woman or fetus would suffer serious health damage. This section does not prohibit the use of drugs or devices to prevent implantation of the fertilized ovum." 123 Cong. Rec. 3364–33367 (1977).

The abortion language went back to conference.

With the failure of the two Houses to agree to a conference report on the appropriations bill, the departments were running out of money: on October 13, by voice votes, both Houses approved a continuing resolution to provide funds through October 31, The continuing resolution contained the 1976 abortion language. Pub. L. 95–130.

On October 27, 1977, at the request of the House conferees, the Senate took a vote on the House language. Senators Schweiker and Helms introduced and brought to a vote S. Res. 307 to instruct the Senate conferees to concur in the House amendment. A letter from Congressmen Flood and Michel (Chairman and Ranking Minority Member of the Labor-HEW Subcommittee of the House Appropriations Committee) was inserted in the Record. Flood and Michel wrote:

". . . [I]t is our impression that the language adopted by the House on October 12 might well be accepted by the Senate if it were put to a roll call vote. For that reason, we ask that the House of Representatives be extended the courtesy of a Senate roll call vote on the language adopted in the House. . . ."

S. Res. 307 was defeated on a 33–59 vote. 123 Cong. Rec. 35522–35525 (1977). (By voice vote on October 17, the Senate had insisted on its language. 123 Cong. Rec. 33848 (1976).)

In an attempt to avoid another continuing resolution, both Houses brought the issue to the floor on November 3, 1977.

In the Senate, new language was agreed to, then, within a matter of hours, slightly (but importantly) modified. By a vote of 59–29 the Senate agreed to the following language:

"Sec. 209. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term,

or except for medical procedures necessary for the victims of rape or incest, or except in those instances where severe or long-lasting physical health damage to the mother would result if the pregnancy were carried to term.

"Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

"The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced.

Shortly after agreeing to this language, the Senate agreed to reconsider its vote, and, by a vote of 62–27, changed the phrase "severe or long-lasting physical health damage" to "severe and long-lasting physical health damage." For Senate action, see 123 Con. Rec. 36738–36786 passim (1977).

The House promptly took up the modified Senate language (i.e. the "severe and long-lasting" version). On the House floor, Congressman Mahon, Chairman of the Appropriations Committee, managed the amendment. The Chairman said,

". . . I have the unpleasant duty of making this motion because we must establish the fact that our system of government can operate and that the Speaker and the leader and the committees and the Members of Congress can carry on the business of the session. Therefore, we have to make some concessions.

The House was in no mood for compromise, however. The new Senate language was rejected 172–193. By voice vote, the House adopted a motion disagreeing to the Senate amendment. 123 Cong. Rec. 36957–66 (1977).

The House then approved another continuing resolution providing funds through November 30. The next day the Senate approved the continuing resolution. Pub. L. 95–165.

(See also, the conference report filed in disagreement, H. Rept. 95–801)

On November 29, 1977, both Houses again considered the problem. The Senate voted first, adopting new language proposed by Senator Brooke:

"Sec. 209. None of the funds contained in this Act shall be used to perform abortions:

"Except where the life of the mother would be endangered if the fetus were carried to term;

"Or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported to a law enforcement agency or public health service or its equivalent;

"Or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term.

"Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

"The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced.

Before agreeing to the Brooke Amendment by a vote of 44–21, the Senate rejected two amendments by Mr. Helms. First, Senator Helms offered the language of the prior year's bill (and the language in the two continuing resolutions), i.e. the "life of the mother" language. This Helms amendment was defeated 21–42. Next, Senator Helms attempted to modify the Brooke amendment by inserting the word "promptly" in the third paragraph so that rape or incest would be excluded from the amendment's prohibitions only if "such rape or incest has been promptly reported." This amendment was defeated 23–42. See, 123 Cong. Rec. 37983–87 (1977).

A few hours later the House defeated the Brooke language. Congressman Hyde said:

"This language is a good-faith effort to compromise. I salute and commend and appreciate the efforts of everybody who has tried to work this out. Having said that, I cannot accept it. Personally, I reject it out of hand. . . ."

The House agreed with Congressman Hyde on a 183–205 vote rejecting the Brooke compromise. See, 123 Cong. Rec. 38034–42 (1977).

The votes on November 29, 1977, were the last votes on H.R. 7555. The abortion funding issue was finally resolved on the third continuing resolution, H.J. Res. 662. (The continuing resolution did, however, contain the funding levels of the H.R. 7555 conference report.)

The first votes on the third continuing resolution occurred in the House. On December 6, the House attached to H.J. Res. 662 (then, only providing continuing appropriations for the District of Columbia) continuing appropriations language for the Departments of Labor; Health, Education and Welfare; and related agencies. Mr. Michel proposed to add the following proviso to the Labor-H.E.W. language:

"*Provided*, That none of the funds provided for in this paragraph shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of forced rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term.

"Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

"The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced.

"Pro-choice" House Members who generally had supported the attempted compromises in the House now joined "pro-life" Members in defeating the Michel Amendment 170–200. Such members complained most about the requirement that rapes must be "forced", thereby excluding statutory rape, and the requirement for "prompt" reporting of rape and incest. The continuing resolution was sent to the Senate with the abortion language adopted by the House on August 2, i.e. the previous year's "life of the mother" language. See, 123 Cong. Rec. 38391–401 (1977).

Later that day the Senate passed the resolution after attaching (by voice vote) a modified Michel amendment. The Senate amendment differed from the Michel Amendment only by eliminating the word "forced" from before "rape." See, 123 Cong. Rec. 38597–99 (1977).

The resolution was sent promptly to the House: the next day the House defeated a motion to concur in the Senate amendment. The modified Michel Amendment failed 171–178. See, 123 Cong. Rec. 38722–38729 (1977). Later the same day, Congressman Michel returned to the floor with another proposal. This proposal passed the House by a vote of 181–167. The same day, the Senate concurred by voice vote. See, 123 Cong. Rec. 38780–84 and 38690–96 (1977).

More than five months after Senate passage of the appropriations bill, Congress agreed to the FY '78 version of the Hyde Amendment. By eliminating the requirement that rapes be "forced" (thereby eliminating statutory rape) and requiring that "two physicians determine" when the mother's health would be damaged the House was able to pass language which the Senate would agree to. The final language from H.J. Res. 662 (Pub. L. 95–205) is reprinted below:

"*Provided*, That none of the funds provided for in this paragraph shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians.

"Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

"The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced."

In mid-1977, the United States Supreme Court handed-down three abortion decisions directly relevant to the abortion freedom. Two of the decisions, *Beal* v. *Doe*, 432 U.S. 438 (1977) and *Maher* v. *Roe*, 432 U.S. 464 (1977) dealt directly with the issue of funding. In Beal, the Court held that the Social Security Act does not require states to pay for indigent women's non-therapeutic abortions. In Maher, the Court held that the Equal Protection Clause of the Constitution does not require such payments either.

Responding to a question about the Court's decisions, President Carter said he "did not think that the Federal Government should finance abortions except when the woman's life is threatened or when the pregnancy was a result of rape or incest." Then, in a press conference, this exchange took place:

"Question [from Judy Woodruff, NBC News]. Mr. President, how fair do you believe it is then, that women who can afford to get an abortion can go ahead and have one, and women who cannot afford to are precluded?

"The President. Well, as you know, there are many things in life that are not fair, that wealthy people can afford and poor people can't. But I don't believe that the Federal Government should take action to try to make these opportunities exactly equal, particularly when there is a moral factor involved.

Public Papers of the Presidents: Jimmy Carter, 1977, II, 1237."

The President's remarks about fairness were widely criticized, but the fact that the High Court had upheld certain legislative restrictions significantly changed the debate about the constitutionality of the Hyde Amendment.

1978: On June 1, 1978, the House Appropriations Committee reported H.R. 12929 (H. Rept. 95–1248), a bill making appropriations for the Labor and Health, Education, and Welfare Departments for FY '79. As reported to the House, the bill contained the original, life-of-the-mother Hyde Amendment:

"Sec. 209. None of the funds provided for in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term. H.R. 12929, 95th Cong., 2nd Sess. (June 1, 1978)."

The rule providing for the consideration of the bill allowed only two amendments regarding abortion: On June 13, Congressman Stokes moved to strike section 209. The motion to strike was defeated 122–287. 124 Cong. Rec. 17257–64 (June 13, 1978). The Majority Leader, Congressman Wright of Texas, then moved to replace the committee language with the wording finally agreed to by both Houses in 1977. The precise language can be

found at the top of p. 10 of this memorandum. The Majority Leader argued.

"I offer [this amendment] with the suggestion that Members of the Congress may desire to save the country the 6 months of delay that was caused by this issue last year and to save the Congress the agony of prolonged debate and bitter discussion which ultimately would result in something either identical or very similar to this language. We are, after all, the same Members; it is the very same Congress.

"Last year there were 28 separate votes on this single subject. There were 17 votes in the Senate and 11 in the House. . . . *Id.* at 17265."

The Wright Amendment was defeated 198–212. The measure was transferred to the Senate without any change in the language restricting abortion funding (the Hyde Amendment was renumbered as Section 210, however). See, 124 Cong. Rec. 17265–73 June 13, 1978) and H.R. 12929, 95th Cong. 2d Sess. (June 14, 1978).

The Senate Appropriations Committee removed the House-approved language and inserted new language:

"Sec. 210. None of the funds in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term, or where medically necessary, or for rape or incest victims. This section does not prohibit the use of drugs or devices to prevent implantation of the fertilized ovum. H.R. 12929, 95th Cong., 2d Sess. August 16, 1978, Reported by Mr. Magnuson, with amendments)."

The committee language was finally adopted on the Senate floor, after the Senate rejected two proposed amendments.

Senator Hatch (for Senator Schweiker) proposed to replace the Senate Committee language with the House language. The Hatch Amendment was defeated 30–55. See, 124 Cong. Rec. 31892–920 (Sept. 27, 1978).

Senator Thurmond then offered an amendment which was defeated 19–66. The Thurmond Amendment would limit abortion payments to the following circumstances:

"1. Where the life of the mother would be endangered if the fetus were carried to term.

"2. Rape when such crime is reported to law enforcement authorities within 48 hours after the incident unless due to physical impairment the victim is prevented from making such report.

"3. Incest, as that crime is defined by the law of the state where the offense occurred.

The Thurmond Amendment also had the standard language about not prohibiting payments for "drugs or devices to prevent the implantation of the fertilized ovum." 124 Cong. Rec. 31920–21 (Sept. 27, 1978).

On October 6, 1978, when the conference report was filed, the abortion language was reported in disagreement. See, H. Rpt. 95–1746, Amendment No. 103.

In the House, Chairman Mahon moved that the House recede from its position and adopt the 1977 language. This Mahon Amendment was identical to the 1977 language (printed at the top of p. 10, supra) except that the 1978 language omitted the final paragraph of the 1977 amendment requiring the Secretary to promptly issue regulations. The Mahon motion failed 188–216, and the House insisted on its amendment, 124 Cong. Rec. 36391–95 (Oct. 12, 1978).

The Congress was now in the final hours of the 95th Congress, and the lateness of the hour shows in the legislative history. In the Senate, the body receded from its position and agreed to the House bill with a further amendment. Although not printed in the Record, the Senate amendment (offered by Mr. Magnuson) was identical to the Mahon Amendment discussed in the paragraph immediately above. The Senate amendment was agreed to by voice vote. 124 Cong. Rec. (Oct. 12, 1978). (On the following day, the Senate asked the House to return H.R. 12929 and its accompanying papers because of a clerical error. Apparently, the Senate bill had two versions of the Hyde Amendment—and the versions were contradictory. The bill was returned to the Senate. See, 124 Cong. Rec. 36118–20 (Oct. 13, 1978).)

Back in the House, the Senate amendment was agreed to on October 14, 1978. The House approved the prior year's language by a narrow 198–195 vote. (The Senate language found on page 38231 of the Record is not the language the House approved.) See 124 Cong. Rec. 38230–36 (Oct. 14, 1978).

With House approval, the measure was cleared for the President. He signed the measure October 18, 1978, Pub. L. 95–480.

The final 1978 abortion language (for FY '79) is the modified 1977 language, as follows:

"Sec. 210. None of the funds provided for in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians.

"Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy. Pub. L. 95–480."

Actions in both Houses during late 1978 were influenced by the passage of a continuing appropriations bill, H.J. Res. 1139, Pub. L. 95–482. H.J. Res. 1139 passed the House September 26; passed the Senate amended October 15. The House concurred in the Senate amendments October 15. H.J. Res. 1139 contained continuing appropriations for those agencies (e.g. Labor, H.E.W., Defense) for which regular appropriations bills had not been cleared. The continuing resolution also contained money for various water projects—this in response to the veto of the regular water projects bill by President Carter on October 5, 1978. H.J. Res. 1139 contained the prior year's provisions regarding abortion. Hence, if H.R. 12929 had not been enacted, the departments would have been funded under the provisions of the continuing resolution and under the "continuing" abortion prohibitions of the prior year.

1979: The 1979 Hyde Amendment fight began in its usual way: the House Appropriations Committee reported a bill (H.R. 4389) containing the Congressman's original language prohibiting payment for abortion "except where the life of the mother would be endangered if the fetus were carried to term." In the Appropriations Committee, Congressman Obey twice failed by one vote to modify the Hyde language.[2]

On the floor (under a rule that allowed only amendments to strike the Hyde language or substitute the 1978 compromise language), Congressman Stokes's attempt to strike was defeated by voice vote. A record vote was demanded but refused when twenty-five Members would not agree to the demand. Mr. Obey moved that the House accept the 1978 language [shown at the top of this page]. The Obey Amendment was defeated 180–241. See, 125 Cong Rec. 17019–29 (June 27, 1979).

The House passed the Hyde Amendment without change (because of other amendments, it was renumbered Sec. 211).

As in 1976, the Senate Appropriations Committee did not change the House language. On July 13, 1979, the Committee reported H.R. 4389 to the floor with only the life-of-the-mother exception. The House/Senate Committee language did not survive the Senate floor, however.

The abortion language was considered on the Senate floor July 19, 1979 (final passage was the following day). Senator Packwood moved to strike the Hyde Amendment. Senator Magnuson then moved a substitute amendment, saying ". . . [I]n line with the committee's directive, under which we agreed to take this so-called Hyde amendment language to the floor and submit an amendment thereto, I send to the desk a substitute. . . ." Magnuson's substitute was a variation of the 1978 language:

"Section 209 [the Senate Committee had renumbered the abortion section]: None of the funds in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term, or where medically necessary or for the treatment of rape or incest. This section does not prohibit the use of drugs or devices to prevent implantation of the fertilized ovum." 125 Cong. Rec. 19430 (July 19, 1979).

It was language which the Senate had agreed to in past years.

Senator Helms then moved to modify the Magnuson amendment by striking the phrase "or where medically necessary." Said Helms,

". . . [I]f this amendment is rejected and the Magnuson amendment is adopted, then this Senate will be going on record as being in favor of abortion on demand. . . . I want the Senators to understand what the code word is and this amendment would strike the code word."

Senator Packwood moved to table the Helms amendment, but the motion to table was defeated, 46–53. Following the failure to table the Helms amendment. Senators Bayh and Magnuson spoke about the loss of Senate "bargaining power" if the Helms amendment were adopted. Senator Nunn and others asked what Senators should do who favored current law, and Senator Bayh offered to propose current language if Senators would vote against the Helms amendment. The Helms amendment was then defeated, 46–53.

Senator Bayh offered current language, and the Bayh amendment was agreed to, 57–43.[3] See, 125 Cong. Rec. 19426, 19429–19453 (July 19, 1979).

After action by both Houses, the House conferees had strict Hyde language, Senate conferees had the prior year's compromise.

On August 2, 1979, the House, by voice vote, insisted on its disagreement to the Senate abortion language (Senate amendment no. 137), 125 Cong. Rec. 22151 (Aug. 2, 1979).

On September 24, the Senate passed the conference report but did not solve the difference regarding abortion. Senator Schweiker moved to recede to the House position, but the motion was rejected 33–54. Mr. Magnuson's motion to insist on the Senate position was then agreed to, 57–31, 125 Cong. Rec. 25821–24 (Sept. 24, 1979).

On October 30, 1979, the final action on H.R. 4389 occurred. The Majority Leader, Mr. Wright, moved that the House recede from its position and agree to the following:

"None of the funds provided for in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or Public Health Service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of ectopic pregnancy."

Footnotes at end of article.

The Majority Leader pointed out that this language was "identical" to the language the House adopted "only . . . days ago" in the continuing resolution. (The continuing resolutions are discussed below.) But the House would not recede. After apparently winning on a voice vote, the Wright amendment was defeated 187–219 by roll call vote. 125 Cong. Rec. 3015–54 (Oct. 30, 1979).

No further action was taken on H.R. 4389; the abortion controversy had shifted to two continuing resolutions, primarily H.J. Res. 412 and H.J. Res. 440.

The House first considered H.J. Res. 399—which was rejected because of the issue of Congressional pay. On August 25, 1979, the House passed H.J. Res. 404, making continuing appropriations for FY '80. Sec. 101(b) of the resolution provided

"Such amounts as may be necessary for projects or activities provided for in [H.R. 4389], at a rate of operations, and to the extent and in the manner, provided for in such Act as adopted by the House of Representatives on August 2, 1979. . . ." See, 125 Cong. Rec. 26135 (Sept. 25, 1979).

On August 2, 1979, as noted at the top of this page, the House version of H.R. 4389 contained Congressman Hyde's original life-of-the-mother language.

In the Senate, the committee bill contained the compromise language from 1978 [page 13, supra]. See, Sec. 117, H.J. Res. 404, 125 Cong. Rec. 26428 (Sept. 27, 1979). Senator Jepsen moved to strike the Senate language, but his motion was tabled, 55–36. Id. at 26459–61. The measure passed the Senate with the 1978 language intact.

On September 28, the House passed the conference report and insisted on its abortion language. 125 Cong. Rec. 26859 (Sept. 28, 1979). No roll call vote was taken.

The Senate, miffed by the House's uncompromising views on abortion and a pay raise, and the fact that the House had recessed for ten days, rejected the conference report, 9–55. 125 Cong. Rec. 26776–83 (Sept. 28, 1979).

The Senate attached most, but not all, of the provisions of the conference agreement on H.J. Res. 404 to a bill providing continuing appropriations for the Federal Trade Commission, H.J. Res. 402. The measure passed the Senate October 1, but the House took no action on the measure.

On October 9, the House passed two continuing resolutions: H.J. Res. 412 providing for continuing appropriations for miscellaneous departments but not the Departments of Labor and Health, Education and Welfare, and H.J. Res. 413, providing continuing appropriations only for DOL and DHEW. H.J. Res. 413 (Sec. 101) provided for operation of the two departments at rates and in the manner provided by the House on August 2, 1979, when it adopted the conference report on H.R. 4389. The House took a separate vote on the abortion issue. It was moved that the prior year's compromise language be attached to the resolution, but the motion was defeated 162–234. See, 125 Cong. Rec. 27533–38 (Oct. 9, 1979).

Both resolutions were sent to the Senate. The Senate never acted on H.J. Res. 413, but combined the two House resolutions into H.J. Res. 412. The Senate Appropriations Committee recommended the prior year's abortion language, i.e., a prohibition on abortion funding except for mother's life, rape and incest when promptly reported, and severe and long-lasting physical health damage to the mother when determined by two physicians. (Also included, the language about drugs or devices affecting implantation and procedures for ectopic pregnancies.) There was no separate vote on the abortion, language; the Senate passed H.J. Res. 412 by vote of 81–15. See, 125 Cong. Rec. 27641–47 (Oct. 10, 1979).

When H.J. Res. 412 was returned to the House, a compromise position was agreed to by voice vote. On October 12, Congressman Wright proposed that the House recede from its disagreement with the Senate and adopt the following new language:

"Sec. 118. . . . [N]one of the Federal funds provided by this joint resolution for [various departments, including] the Departments of Labor and Health, Education, and Welfare . . . shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service.

"Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy."

The new House language omitted the exception for severe and long-lasting physical health damage. In urging the adoption of his amendment, the Majority Leader listed the kinds of checks that would not be mailed "unless this language is agreed to today." He cited 2 million federal employees checks, black lung benefits, veterans benefits, grants to states for special nutrition programs, defense procurement, and so on. No roll call vote was requested. See, 125 Cong. Rec. 28103–10 (Oct. 12, 1979).

In the Senate, also on October 12, the Members first rejected the conference report by a vote of 26–62, but then, by voice vote, agreed to reconsider the vote by which the conference report had failed. On reconsideration, the conference report was agreed to, 44–42. The amendment of the House on abortion was agreed to by a vote of 43–41 (the motion was made by Mr. Magnuson). See, Cong. Rec. 28018–33 (Oct. 12, 1979).

The President signed H.J. Res. 412 the same day, Pub. L. 96–86. So, the abortion controversy was "solved"—but for only six weeks. Under the express terms of Pub. L. 96–86, Sec. 102, the continuing resolution expired November 20, 1979. This expiration date in the first continuing resolution necessitated a second, whcih brings us to H.J. Res. 440.

On November 13, 1979, the House passed the second continuing appropriations bill for FY '80, H.J. Res. 440. The measure was passed by voice vote and contained the regular House language, i.e.

"Sec. 109. Notwithstanding any other provision of this joint resolution . . . , none of the funds provided by this joint resolution shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term." See, 125 Cong. Rec. 32178–87 (Nov. 13, 1979).

In the Senate, the resolution was taken up November 15, 1979. The Appropriations Committee had proposed the following language:

"Sec. 109. Notwithstanding any other provision of this joint resolution . . . , no provision relating to abortion shall apply with respect to any funds made available by this joint resolution.

"H.J. Res. 440, 96th Cong., 1st Sess., (Nov. 14, 1979, Reported by Mr. Magnuson, with amendments)."

Senator Hatfield said regarding the Committee amendment:

". . . [W]e have here a completely altered, completely new abortion position for the Senate . . . [f]rom anything that we have adopted in the past. . . . I think that everyone should be put on due notice that for the first time, the Senate, if adopting this language, is taking a position in favor of abortion on demand. And that is far different than the Senate language that we have voted on umpteen times in the past. . . ." 125 Cong. Rec. 32543 (Nov. 15, 1979)."

Senator Helms demanded a roll call vote on the committee amendment. This prompted Senator Magnuson to introduce an amendment containing the prior year's language (life of the mother, rape and incest when promptly reported, severe and long-lasting physical health damage to mother when so determined by two physicians; drugs or devices to prevent implantation; ectopic pregnancies). Senator Exon then moved a perfecting amendment containing the language of the first continuing resolution (omitting the severe and long-lasting physical health damage to the mother language from the prior year's amendment) and also without the sentence on implantation and ectopic pregnancies.

The Exon amendment failed, 44–49. The Magnuson amendment was then agreed to, 57–36. See, 125 Cong. Rec. 32532–52 passim (Nov. 15, 1979). Then, by a vote of 80–10, the joint resolution was passed.

The conference committee recommended a compromise position—this being one of the few times the committee of conference had not reported the abortion amendment in disagreement. The committee recommended that the House recede from its position and agree to the Senate position with an amendment, as follows:

"[N]one of the funds provided by this joint resolution shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest when such rape or incest has been reported promptly to a law enforcement agency or public health service;

"Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy." H. Rept. 96–646, Amendment No. 4.

The conference language was the language of the first continuing resolution.

In the debate on the conference report on the House floor, there was reference to an expectation that the conference committee would recommend a states rights amendment. Congressman Dougherty said:

". . . I would like to go on record . . . as saying we would have violently opposed the rape and incest amendment in the previous battle had we not had at least an understanding that some effort would be made to adopt a States rights amendment in the final conference committee report." 125 Cong. Rec. 32857 (Nov. 16, 1979).

The states rights amendment would arise the next year.

The House adopted the conference report (and therefore the abortion compromise) on a 155–63 standing vote. A record vote was demanded, but refused when not enough members supported the demand. 125 Cong. Rec. 32854–61 (Nov. 16, 1979).

In the Senate, the conference report was agreed to by a vote of 51–23. See. 125 Cong. Rec. 32966–70 (Nov. 16, 1979). The measure was therefore cleared for the President.

The President signed H.J. Res 440 on November 20, 1979, Pub. L. 96–123. Continuing appropriations were made available by the act for the Departments of Labor and Health, Education, and Welfare through September 30, 1980, i.e. through the fiscal year.

1980: On August 27, 1980, the House took up the FY '81 Labor, Health and Human Services, Education appropriations bill. The committee proposed the Hyde Amendment, which permits abortion funding only "where the life of the mother would be endangered if the fetus were carried to term." The entire House accepted the committee proposal without debate. (Sec. 205.)

Two amendments were added to the bill, however, which were abortion-related. By voice vote, the House adopted a Bauman amendment which changed the period at the end of the Hyde Amendment to a colon, and added

"*Provided, however,* That the several states are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate." 126 Cong. Rec. 23485–86 (Aug. 27, 1980).

Mr. Bauman explained that there was some disagreement about whether states could fund abortions according to their own statutes without regard to the provision of monies for abortions under certain circumstances as agreed at the national level. His amendment was to make clear that states could not fund abortions as they desired, without regard to Congress's abortion requirements. A similar amendment was adopted by the House December 11, 1979, by a vote of 235–155 (the amendment was to H.R. 4962, the Child Health Assurance Act of 1979).

Also by voice vote, the House agreed to an Ashbrook amendment prohibiting the expenditure of appropriated funds "pursuant to any order or injunction of any court of the United States" when such an expenditure had been "specifically prohibited by" Congress. 126 Cong. Rec. 23487–88 (Aug. 27, 1980). The Ashbrook amendment was offered in response to certain court decisions declaring the Hyde Amendment unconstitutional and ordering the expenditure of federal funds for abortions without regard to Hyde Amendment restrictions.

The House passed the regular appropriations bill, H.R. 7998, by 320–83, but the Senate never acted on the measure.

On September 18, 1980, the House passed the first continuing resolution, H.J. Res. 610. The House version contained the Hyde Amendment (life-of-the-mother only), the Bauman amendment (States rights), and the Ashbrook amendment (prohibiting courts from ordering expenditures which Congress has specifically prohibited). H.J. Res. 610, Secs. 110, 111, reprinted at 126 Cong. Rec. 26156 (Sept. 18, 1980). The House did not vote on or debate the abortion provisions; attention focused on the date the resolution would expire. Republicans sought to have Congress determine the appropriations levels before the elections. They failed.

In the Senate, Senator Weicker moved to strike the House language (both Secs. 110 and 111) and replace it with current law, i.e., life of the mother, rape or incest when promptly reported, drugs or devices to prevent implantation, and ectopic pregnancies. Mr. Helms moved to table the Weicker amendment, but the motion to table was defeated 34–45.

Senator Exon then moved to modify the Weicker amendment. The Exon modification provided for funding for life of the mother, and rape and incest when promptly reported. (The amendment omitted language about implantation and ectopic pregnancies.) The Exon amendment also contained the States rights language adopted by the House. The Exon amendment was agreed to 47–37. Then, by unanimous consent, Senator Weicker modified his amendment (as modified by the Exon amendment) to include language regarding drugs or devices affecting implantation and ectopic pregnancies. The Weicker amendment, as amended, was agreed to by voice vote. The Senate language was:

". . . [N]one of the funds made available by this joint resolution . . . shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy: *Provided, however,* That the several states are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate." Sec. 126 Cong. Rec. 27744–56 (Sept. 29, 1980). The first continuing resolution passed the Senate Sept. 29.

Both Houses passed the conference report October 1, 1980. The conferees recommended that the House recede from its position on abortion and accept the Senate amendment with an amendment. The conferees proposed that the Senate language be amended to require rape or incest to be "reported within forty-eight hours to a law enforcement agency or public health service." H. Rept. 96–1443, Amendment No. 24. The House accepted the conference abortion proposal by voice vote. See, 126 Cong. Rec. 28493–505 (Sept. 30, 1980).

At 2:00 a.m. the morning of October 1, the Senate rejected the House 48-hour requirement. Senator Stevens moved to amend the House language so that abortion payments for victims of rape or incest would be permitted "when such rape or incest has been reported promptly within forty-eight hours after the pregnancy has been confirmed to a law enforcement agency or public health service." The House required reporting the assault within 48 hours; the Senate was asked to amend that to require reporting within 48 hours after a pregnancy-caused-by-assault was confirmed. A motion to table the Stevens amendment was defeated 28–38. Then, at the suggestion of Senator Helms, the Stevens amendment was modified as follows:

". . . [N]one of the funds made available by this joint resolution . . . shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape has been reported within seventy-two hours to a law enforcement agency or public health service; [also included was language on implantation drugs and devices, ectopic pregnancies, and States rights identical to the House language printed above]. See, 126 Cong. Rec. S14178–85 (daily ed. Nov. 30, 1980 [sic])."

Note that the Stevens amendment as modified required the reporting of rapes (within 72 hours) but did not require any reporting of incest. The Stevens amendment, as modified, was adopted by voice vote, as was the conference report.

The House accepted the new Senate language by voice vote. 126 Cong. Rec. 28570–71 (Oct. 1, 1980).

The President signed the measure the same day, October 1, 1980, Pub. L. 96–369. The continuing resolution ran only to December 15, 1980, thereby requiring a second resolution. H.J. Res. 644 was that resolution.

H.J. Res. 644 "began" as H.J. Res. 637 which the House passed on December 3, 1980. The House committee proposed, and the full House accepted without debate, the original Hyde Amendment (life-of-the-mother only), the States rights language, and the prohibition on court ordered appropriations. H.J. Res. 637, Secs. 109, 110. See, 126 Cong. Rec. H11705–23 (daily ed. Dec. 3, 1980).

In the Senate, Senator Weicker succeeded in substituting the abortion language from the first continuing resolution. Said Senator Weicker,

"This amendment . . . does not satisfy me. It does not satisfy Senator Packwood. It does not satisfy Senator Helms. It probably satisfies nobody in this Chamber. Since it satisfies nobody, it should be adopted, and I recommend it. . . ."

The amendment was taken by voice vote. 126 Cong. Rec. S16222–23 (daily ed. Dec. 11, 1980).

The conferees reported the amendment in disagreement (Senate amendment no. 40). Mr. Whitten moved that the House insist on its disagreement to the Senate amendment; Mr. Duncan offered a preferential motion that the House recede and concur with the Senate amendment. The preferential motion was agreed to by voice vote. 126 Cong. Rec. H12406–13, 12441–42 (daily ed. Dec. 13, 1980).

The Senate rejected the conference report, then accepted it after putting a pay cap in it. (December 13.) With the two Houses refusing to compromise on the pay issue, H.J. Res. 637 died.

On December 13, 1980, the House took up "H.J. Res. —", designed to be something like a clean bill. The House retained its traditional position on abortion: life of the mother, plus State rights and a prohibition on judicial appropriations. (Secs. 109 and 110.) The measure was numbered H.J. Res. 644 and passed by voice vote. 126 Cong. Rec. H12512–16 (daily ed. Dec. 13, 1980).

The Senate adopted its own version of a "clean" bill, including abortion language (proposed by Senator Helms) that was identical to the language of the first continuing resolution. The Helms amendment provided:

"Sec. 109. . . . [N]one of the funds made available by this joint resolution for programs and activities for . . . the Departments of Labor, Health and Human Services, and Education . . . shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape has within seventy-two hours been reported to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy. *Provided, however,* That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate."

The Helms amendment and the resolution were adopted by voice votes. See, 126 Cong. Rec. S16585–89 (daily ed. Dec. 15, 1980).

Early in the morning of December 16, the House passed the Senate version, with an amendment. The House did, however, keep the Senate language on abortion. See, 126 Cong. Rec. H12537–47 passim (daily ed. Dec. 15, 1980 [sic]). The House vote was 177–26, standing vote.

The Senate worked on H.J. Res. 644 between 2 am and 5 am the morning of December 16, 1980. After tabling three amendments, none of which dealt with abortion, the Senate approved the second continuing resolution by a vote of 34–20. 126 Cong. Rec. S16726–45 (Dec. 15, 1980 [sic]).

The measure was cleared for the President who signed it the same day, December 16, 1980, Pub. L. 96–536. The law extends continuing appropriations from December 15, 1980.

". . . until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) June 5, 1981, whichever first occurs." Pub. L. 96–536, Sec. 102.

Therefore, the 1980 agreement expires June 5, 1981 (since a regular Labor, H.H.S., Education appropriations bill has not been, and will not be, enacted).

On June 30, 1980, the Supreme Court decided two cases, and by its decisions upheld the Hyde Amendment. In *Harris* v. *McRae*[4] and *Williams* v. *Zbaraz*[5] the Court held that neither the United States Constitution nor the Social Security Act requires the Congress of the United States nor the States to pay

Footnotes at end of article.

for medically necessary abortions. Both decisions were decided by votes of 5–to–4.

1981: On May 12, 1981, the House took up its continuing appropriations bill, H.R. 3512. The House Appropriations Committee had recommended the uncompromised Hyde Amendment and the States rights language. See, H.R. 3400, 97th Cong., 1st Sess. The House did not act on H.R. 3400, but substituted H.R. 3512; the substitute was necessary to avoid certain budgetary objections (created primarily by $500 million in defense spending) and avoid controversy on revised procedures of the Nuclear Regulatory Commission. H.R. 3512 passed the House May 13, 1981. The bill's abortion language is:

"TITLE IV

"SEC. 2. Section 109 of [the first continuing resolution] is amended to read as follows:

"SEC. 109. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term: *Provided, however,* That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.".

The House also added a provision (Sec. 305) prohibiting the use of federal funds for abortions or the administrative expenses of any insurance plan providing benefits or coverage for abortions "in connection with any health plan under the Federal employees health benefit program . . . after the last day of the contracts currently in force." The amendment was offered by Mr. Ashbrook, and adopted by roll call vote of 242–155. 127 Cong. Rec. H2200–2201 (daily ed. May 13, 1981). The House had adopted a similar amendment August 20, 1980, to H.R. 7583, the Treasury-Postal Service appropriations bill.

Senate floor action is scheduled for the week of May 17, 1981.

The Senate Appropriations Committee has removed the Ashbrook amendment regarding abortion payments under federal employees health benefit plans.

The Senate Appropriations Committee has also recommended that the Hyde Amendment (with the States rights proviso) be stricken and replaced with the following language:

"Sec. 402. The joint resolution of December 16, 1980 (Public Law 96–536), is further amended by striking section 109: *Provided,* That section 118 of the joint resolution of October 12, 1979 (Public Law 96–86), and section 109 of the joint resolution of November 20, 1979 (Public Law 96–123), are stricken, and in addition, section 211, as passed by the House on June 28, 1979, and as the House insisted on its disagreement to the amendment of the Senate numbered 137 on August 2, 1979, to the Departments of Labor, Health, Education, and Welfare and Related Agencies Appropriations Act, 1980 (H.R. 4389), as incorporated in section 101 (j) of the joint resolution of October 12, 1979 (Public Law 96–86), and section 101(g) of the joint resolution of November 20, 1979 (Public Law 96–123), is hereby stricken.

"H.R. 3512, Title IV, § 402, 97th Cong. 1st Sess. (Senate Appropriations Committee Committe Print: ordered reported May 14, 1981)."

The Senate Committee, therefore, proposes to strike the abortion language of the three preceding continuing resolutions:

The first continuing resolution for FY '81 (Pub. L. 96–536) restricting abortion payments to cases of life-of-the-mother, rape or incest when rapes are reported within 72 hours; devices or drugs preventing implantation were not prohibited; ectopic pregnancy terminations were not prohibited. States rights language was included. [Sec. 109 of Pub. L. 96–536, in relevant part, is printed at p. 23, supra.]

The second continuing resolution for FY '80 (Pub. L. 96–123) restricting abortion payments to cases of life-of-the-mother, rape or incest when such rape or incest has been promptly reported; devices or drugs preventing implantation were not prohibited; ectopic pregnancy terminations were not prohibited. [Sec. 109 of Pub. L. 96–123, in relevant part, is printed at p. 18, supra. §101(g) authorizes continuing appropriations for the Departments of Labor and H.E.W. subject to the limitation of §109 and to the extent and manner provided in H.R. 4389 as passed by the House August 2, 1979 (conference report).]

The first continuing resolution for FY '80 (Pub. L. 96–86), had an abortion restriction which was identical to the restriction in the second resolution discussed in the paragraph immediately above. [Sec. 118 of Pub. L. 96–86, in relevant part, is printed at p. 17, supra. The explanation of §101(g) in the paragraph immediately above applies to §101(j) of Pub. L. 96–86, also.]

FOOTNOTES

[1] This memorandum deals only with abortion amendments to the Labor-H.E.W. (later, Labor, H.H.S., Education) appropriations bills and only with those amendments that, in one form or another, found their way onto the final bill and were enacted into law. There were earlier attempts that succeeded (the first being on the Foreign Assistance Act of 1973, Pub. L. 93–189) and earlier attempts on Labor-H.E.W. appropriations that did not succeed. A good history of federal funds for abortion can be found at 1980 *Congressional Quarterly Almanac* 467–68, and Issue Brief no. IB74019, "Abortion: Judicial and Legislative Control" (Congressional Research Service).

[2] Congressman Obey failed by votes of 22–23 and 24–25. An interesting account of the vote changes can be found at *Congressional Quarterly Weekly Reports* 1108 (June 9, 1979).

[3] In addition to the language quoted in the middle of p. 14, the proposed Sec. 209 also had a final section directing the Secretary to issue regulations. See p. 10, *supra,* for identical language.

[4] —U.S.—, 100 S. Ct. 2671 (1980).

[5] —U.S.—, 100 S. Ct. 2694 (1980).

The plank on abortion adopted by the Republican Party at Detroit, Michigan, July 15, 1980, follows:

"ABORTION

"There can be no doubt that the question of abortion, despite the complex nature of its various issues, is ultimately concerned with equality of rights under the law. While we recognize differing views on this question among Americans in general—and in our Party—we affirm our support of a constitutional amendment to restore protection of the right to life for unborn children. We also support the Congressional efforts to restrict the use of taxpayers' dollars for abortion.

"We protest the Supreme Court's intrusion into the family structure through its denial of the parents' obligation and right to guide their minor children."

Mr. HELMS. May I ask, Mr. President, how much time I have remaining?

The PRESIDING OFFICER (Mr. COCHRAN). The Senator has 44 minutes and 47 seconds.

Mr. HELMS. I thank the Chair.

I now yield to the distinguished Senator from Iowa (Mr. JEPSEN).

The PRESIDING OFFICER. The Senator from Iowa.

Mr. JEPSEN. I thank the Chair.

First off, Mr. President, my good friend and distinguished colleague, Senator HATFIELD, whom I esteem, admire, and respect, and in addition to that I like him a lot, and as a former President of the Senate in my capacity as Lieutenant Governor of Iowa for 4 years and senate member of the legislative body prior to that, and somewhat as a student of the legislative procedure, let me say at the outset that I agree 100 percent and wholeheartedly with the effort and the proposition that we do no legislation on appropriation bills.

Now, having said that, it is unfortunate that on the 22d of January, 1973, the U.S. Supreme Court in its unfortunate decision essentially said that there is no life in an unborn baby.

Dr. Dennis L. Cuddy of Raleigh, N.C., said:

One of the fundamental reasons the U.S. Supreme Court has allowed abortion was their belief that anti abortionists should not be able to impose their morality upon the Nation. If that argument has any validity, then it is equally true that pro abortionists should not be able to impose their wish to fund elective abortions upon the people who oppose such funding.

That is what this fight is all about.

After extensive debate last August, the House passed an amendment to the Treasury Department appropriations bill for fiscal year 1981, and we find ourselves in this particular procedural situation today because this amendment, which prohibited the Government from paying for abortions with Federal funds, was passed by the House on the Treasury Department appropriations bill, but the Senate passed the continuing resolution rather than the Treasury appropriations bill.

So today we find that as a result of House activity and action last week, believing there was no need for extensive debate on the issue, the House passed the amendment sponsored by Mr. HYDE, and we have that then acted upon by the Senate Appropriations Committee with their amendment that struck the Hyde language.

Mr. President, I believe there is no need for extensive debate in this body either. Everyone knows how he or she stands on abortion. Either you think procured abortion is death and that in protecting the smallest, weakest, most defenseless human beings we are serving man, our society and our country or you do not. Congress has repeatedly restricted medicaid abortions for the poor not because they are poor but because the unborn are human beings and abortion violates the primary rights of man and the divine commandment "Thou shalt not kill." It is unconscionable that the Federal Government should continue to pay for abortions with Federal tax money.

For this reason I support Senator HELMS in his efforts to reinstate the

Hyde language in the Senate-reported appropriations bill.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. I think Senator HATFIELD has indicated that both Senator WEICKER and I could have 10 minutes. He is not here at the moment, but if I can yield it for him without objection——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I too do not plan to make a lengthy speech at this time. I do want to correct one misstatement of the Senator from North Carolina. I had agreed with Senator BAKER prior to knowing what the Appropriations Committee was going to do, not to offer—I am not speaking for Senator WEICKER, I do not know what his position was—an amendment if indeed the committee adopted the straight Hyde language, that language being no money shall be used for abortions except where the life of the woman is in danger.

But because the leader appealed to us on the basis of leadership that we wanted to move this bill cleanly, no amendments, it certainly gave the impression that the administration wanted a clean bill.

I know full well that Senator HATFIELD, my colleague from Oregon, whom I have known for 30 years, does not agree with me on the substance of abortion. He has made no pretense of what his position is other than what it is. I am on the other side of that issue.

I thought at one time in our policy meeting we had all agreed we were not going to offer an amendment on this, and it was in that spirit that I went ahead with the agreement. I just want to make the record clear.

Second, I want to respond to just one thing that the Senator from Iowa has said that we who support the right of a woman to make a choice as to whether or not she wants an abortion, that we are trying to force our view on the rest of the taxpayers, if the taxpayers have to pay for an abortion for that woman, and those taxpayers do not support that view, they do not support abortions.

Well, Mr. President, the way a democracy works, if it is a free government, is voting by majority vote, and majority vote in this body, and this body frequently votes money for things I do not agree with. It frequently votes money for things that many of the Senators do not agree with. It frequently votes money for things that a great portion of the public does not agree with. We do not have to go back very far in our recent history to remember a good portion of this Republic vehement in their opposition to the Vietnam war absolutely irate that their taxes were being used to further that war.

But you do not run a free government on the basis of "I will take back from the Government that portion of my tax money that they are spending for things I do not like." You cannot run a government on that basis.

There are many people—and I have heard them say it—who are opposed to public housing for the poor. And yet we vote taxpayer money for public housing, because we think it unfair that the poor be denied adequate housing. We provide them medical care, because we think in this country it is unseemly for the poor to be denied adequate medical care.

And there are those among the taxpayers who do not share the view that they should get money for health care.

We provide them education if they are too poor to pay for it themselves, because we think a person should not be denied an opportunity in this country to further themselves through education because they are poor.

And is it not ironic, there is not a constitutional right in this country to education or health care or housing. There is no Supreme Court decision that has ever guaranteed any of those services to the poor. The Supreme Court, however, has guaranteed that every woman in this country, rich or poor, can make a choice as to whether or not that woman wants an abortion. Only we effectively deny it to the poor if they cannot pay for it.

The only reason that this restriction is being put in the law is that there are some among us so opposed to a woman's right to choose that we are going to try to deny her that right, to snuff out her constitutional privilege, by denying her the money and, in essence, putting ourselves above the Supreme Court—we do not have to appropriate the money, that is clear—putting ourselves above the Court and because we do not agree with their decision, we will deny the privilege.

Mr. President, let us make it very clear what this bill is. It is a bill to run the Government from now until the end of September. It is a supplementary appropriation bill. That is why Senator HATFIELD wanted to keep it free of amendments. We are going to have—and Senator BAKER has promised us—a lengthy debate on the subject of abortion, not just shall we fund it, but shall we have a human life bill or a human life amendment. And my guess is that debate will take the better part of 2 or 3 weeks. Anybody who feels strongly about abortion will have plenty of opportunity to debate that subject at that time.

If we adopt the position of the Senator from North Carolina, if the committee amendment is tabled, if we adopt the Hyde amendment, then we are saying to those women who are poor: "If you become pregnant because you are raped, you will have no money to help you with an abortion." There are 250,000 to 300,000 rapes in this country every year and about 2 to 4 percent of those result in pregnancies; 5,000 to 10,000 women a year pregnant because of rape. And we are saying, "If you are poor and you are raped and you are pregnant, tough luck. You carry the baby to term and have it because you are too poor to pay for your own abortion." That I do not find a decent spirit of humanity.

Or, "If you are pregnant because of incest, tough luck, if you are too poor to pay for your own abortion."

That is why I very strongly oppose the Senator from North Carolina, not just on the procedure, but on the substance.

I find growing in this country—fortunately not among the Members of the Senate—but I find growing in this country a spirit of intolerance, of almost religious moralism, of a feeling that "God speaks to me and I will tell you what he says, and tough luck if you are not on the same wavelength."

There is growing in this country a Cotton Mather mentality that is trying to impose upon this country a Cotton Mather morality. And I had hoped we quit burning witches 300 years ago, but apparently not.

This bill is just the tip of the iceberg, because what those who want to deny funding to the poor for abortions really want is to deny it to all women or at least to deny it to you legally and force you back to where you were prior to the Supreme Court's decision that gave you the right to have an abortion, back to the butchers in the backrooms and back to the subsequent infections and deaths. All in a spirit of religious moralism. It is a religious moralism I cannot share and I find it narrow and unforgiving. But that debate is for another time.

At the moment, it is a very small and very narrow issue: Are we going to stand behind Senator HATFIELD and the Appropriations Committee in an effort to keep a money bill, which has barely 4 months to run, clean and not try to put on this bill—every one of us—put on this bill our idea of what morality should be.

I yield back the remainder of my time.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I yield myself such time as I may require.

Mr. President, I had hoped that we would not today again, go through the litany of charges and countercharges, such as the "Cotton Mather mentality," to which the distinguished Senator has referred. And I shall not.

I do think, however, that the Senator ought to wonder about his position when in fact he would impose his will upon millions of taxpayers who so strongly disagree with him.

Now we are not talking about a procedural question here. This vote will be seen as a vote on the substance of the issue and on whether Senators are willing to stand on this floor and say I favor the amendment or whether they will say I do not favor it.

I have said many times that I wish there was some way my conscience could let me walk away from this issue. My life would be a great deal more comfortable. But neither Senator PACKWOOD nor any other Senator has ever answered my repeated questions about the deliberate termination of innocent human life.

This is not a procedural issue, Mr. President. This is a substantive question as to whether we believe it is right or is it wrong to take money forcibly from taxpayers who cannot and will not condone the deliberate termination of innocent human life using their money.

As for this rape and incest argument that always comes up. Mr. President, this is a red herring. There have been

many studies, all lasting as I remember, over a period of years. One was in Buffalo, N.Y. and showed no pregnancy from confirmed rape in over 30 years. I believe another was in St. Paul, Minn., and showed no pregnancy from confirmed rape in 10 years. In a Chicago study, there was no pregnancy from confirmed rape in 9 years. So how many pregnancies result from rape, Mr. President? I will tell you. Zero in all these studies. This is a red herring, whereby people come in 4 months later and say, "Oh, by the way, I was raped 4 months ago." But even that goes beyond the issue of what we are talking about.

Let me say it again, Mr. President: We are talking about the deliberate termination of innocent human life. And if that is a "Cotton Mather mentality," Mr. President, so be it. There was a little set of instructions, 10 of them, that came down from Sinai about that—not my mentality, not my command. And one of them spoke to the deliberate termination of innocent human life.

That, Mr. President, is the way I feel about it, and as I said at the outset, I am perfectly willing to reduce the time allotted for this debate. I doubt that very many Senators, if any, are going to change their minds no matter how long we debate. I am willing to get on with the vote. Let Senators vote one way or another.

I have been asked two or three times today by the media, I will say to Senator HATFIELD, about my "head count." I have not even tried to ascertain how Senators will vote. Thus, I do not know how Senators will vote. They will have to vote their own consciences. But let them vote in the knowledge that this is not a procedural vote, this is a substantive vote.

Mr. PACKWOOD. Will the Senator yield for a question?

Mr. HELMS. Yes, I yield to my friend, of course.

Mr. PACKWOOD. I think the Senator may not have been in the room when we talked about this issue, taking money from people who do not approve of abortions. There is a perfectly legitimate philosophy. I do not adhere to it but a perfectly legitimate philosophy is passivism as opposed to war. They regard war as the deliberate termination of innocent human life. We take their money for the purpose of waging war from time to time, and I think the Senator supports the position that we are able to take their money and do that, over their will, over their objections. Is that not true?

Mr. HELMS. Well, I will ask the Senator a question in return. We are talking about terminating an unborn human life. People who are fighting wars, countries which defend themselves, is something separate and apart. We are talking about the deliberate termination of innocent human life.

Mr. PACKWOOD. We are also talking about taking money from taxpayers for purposes that they morally object to. The passivists morally object to the use of their money for war and we take it. The Senator from South Carolina supports that.

Mr. HELMS. I do. I believe in a strong national defense budget. But that is a question that is irrelevant to this point, I say to my friend.

Mr. PACKWOOD. I do not think so.

Mr. HELMS. I know he does not, but I do.

Mr. PACKWOOD. I find it very relevant that it is all right to take it from one group of people who regard war as the deliberate taking of innocent human life, which the Senator supports, but he will not take money from those taxpayers who are opposed to abortion because they regard it as the innocent taking of human life.

Mr. HELMS. Well, the best way to avoid a war is to have a strong national defense. That is the reason I support a strong national defense, and I think that is the reason the vast majority of American people support a strong national defense. I still say that is a strained relevancy at best.

Mr. PACKWOOD. I will say that I support a strong defense, too, but it has not worked very successfully over the years in stopping wars, so far.

Mr. HELMS. If we get into a national defense debate about how strong or not strong we are, I imagine that should be for another day.

Mr. President, I yield to the distinguished Senator from Oklahoma such time as he may require.

Mr. NICKLES. I thank the Senator for yielding.

I wish to echo comments made earlier. I certainly have a great deal of respect for Senator HATFIELD for his wisdom and his efforts in fighting this battle for so many years. I also would like to echo that for Senator HELMS, for the tremendous job he has done. Both of them have been stalwarts in their efforts to try to defend and protect the life of the unborn.

Likewise, looking back in history, I see that my former colleague, Senator Dewey Bartlett, in 1976, was one of the first leaders of the effort to prohibit government funding for abortions. I certainly have fond memories and respect for his efforts.

I wish to compliment Senator HATFIELD and the Appropriations Committee for getting this bill to us as rapidly as they did, including the $15 billion worth of rescissions. I think the Senator is to be complimented.

When we look at the debate today we have heard basically two things: One, the substance of the issue, and also the procedure: where is the best place to fight this; should it be fought in the conference committee; should we legislate on appropriations, and also should we pass this amendment on the substance?

Looking at the procedural questions, I understand full well and am convinced by Senator HATFIELD that I do not quite agree with him on how to handle it. I think we will have to handle this by legislation. Until we pass pro-life legislation, this is the only way we will keep from spending taxpayers' dollars to fund abortions. It is the only way. We will have 3 months in this legislation. If we do not pass legislation by appropriation, we are going to have Federal funds used to terminate the lives of innocent human beings. So I think it has to be as it is the only vehicle available. It might be done in conference committee, but we are all grown up and should have the courage to vote on it.

Th's is a very important issue. We should instruct the conferees on exactly where the Senate stands. I do not think we should wait and hope that possibly the conferees will pass whatever we hope they will, and then we can adopt it all en masse and forget that we have to vote on this issue.

It is an important issue. It is a critical issue, because we are talking about human beings. That is when we get into the real substance of the issue.

Earlier there was the question of what is the purpose of government? We should go back to what our forefathers indicated many years ago as they stated in the Declaration of Independence in 1776 that we were endowed by our Creator with certain inalienable rights, and among these are life, liberty, and the pursuit of happiness, and that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

That is the reason our Government was instituted, to secure our life, liberty, and freedom. Yet since the 1973 court decision, we find that our Government has not only secured life, we do not protect life, but now we even subsidize, we support, we finance the termination of unborn human beings.

The American taxpayer, not only the people in Oklahoma but throughout the Nation, are appalled and sickened by the moral decay which is evidenced by the fact that our Government would actually finance, would actually appropriate dollars—and it used to be in the millions of dollars—to terminate unborn children.

It is a very, very critical question. If we are going to be able to solve a lot of our economic problems, military problems, financial problems, as a country, as a government, we are going to have to make some headway as far as solving some of the moral problems that, in my opinion, have misled our country.

We have many, many serious problems.

I cannot believe that the United States, when we have all stated that we are a nation under God, could have fallen so far down that we would actually finance and appropriate funds for the destruction of unborn human beings. We have laws that protect the bald eagle or the unborn bald eagle, the snail darter, or grass on our sidewalks. We have Federal laws to protect these, but we do not have Federal laws to protect unborn children.

We have a long way to go. This is an important step. Procedurally it needs to be done. We need to guarantee that Government funds will not be used for these purposes. The only way that this body can automatically say, "Yes, we want to insure that Government funds are not used to finance abortions," is to pass this amendment.

It is a necessary and important thing. Hopefully, in the future it will not need to be done in this manner because we can, possibly, pass a right-to-life amendment and protect those unborn children,

giving them the protection that they deserve, as intended by our forefathers.

Mr. PACKWOOD. Will the Senator yield for a question?

Mr. NICKLES. Yes.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. HATFIELD. I yield to the distinguished majority leader.

Mr. BAKER. I thank the distinguished chairman of the committee.

LIMITATION OF TIME ON STACKED VOTES

Mr. BAKER. Mr. President, I ask unanimous consent that after the vote on the Hyde-Helms amendment, a 15-minute vote, that any votes ordered and stacked after that be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I yield to the distinguished minority leader.

Mr. ROBERT C. BYRD. I thank the majority leader. I hope both sides will insist on adhering to the time limits on the rollcalls.

Mr. BAKER. I agree entirely with that. I intend to ask the cloakroom on this side to notify Senators that the first vote will be a 15-minute vote and the remaining votes will be 10-minute votes. We will adhere strictly to the regular order of time on rollcall votes.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to suggest at this time to any of the offices of Senators listening to the proceedings on the floor, to indicate somehow by telephone or otherwise which Senators wish to be heard on this issue. I believe, after consultation with Senator HELMS and others interested in this issue, we soon could begin to think in terms of reducing the allotment of time, of 2 hours. By so doing, I think we can expedite the other business pending before the Senate. On this matter, I believe we have the strong urging and support of the leadership on both sides of the aisle. I would like to ask any Senator who wishes to be heard to communicate that to the floor as quickly as possible so we can ascertain about how much time will still be needed. One Senator has indicated to me that he would like to have a few minutes to speak in opposition to the amendment, and the Senator from Connecticut indicated he would like to have about 10 minutes. If there are others, I would like to know that as soon as possible.

Mr. EAGLETON. Mr. President, I know of no one on this side of the aisle who desires to speak on the issue other than myself.

Mr. President, the distinguished chairman of the Appropriations Committee has argued eloquently on the propriety of attaching legislative amendment to an appropriations bill. In general, I share his concern and respect his efforts to dissuade this body from adopting the practice of legislating on an appropriations bill. However, Mr. President, a procedural issue such as this one must be weighed against the substantive goals of the amendment in question. In this case, when we are talking about protecting human life, I am convinced we must make an exception.

The Senate has debated this issue many, many times. We are all cognizant of the fact that a 1973 Supreme Court decision upheld a woman's constitutional right to abortion. I cannot simply say that I disagree with the decision of the Supreme Court in Roe against Wade and let the matter rest there, as I might do in any other case where my opinion and that of a majority of the Court do not coincide. The result reached by the majority's opinion is so inimical to my view of the nature of life and of the fundamental role of Government that I am compelled by logic—not theology—to speak out in favor of an amendment to the Constitution.

But that is not the issue we are addressing today. At issue is the question of using tax dollars to finance that policy. The Supreme Court has clearly said we have a right to determine, as a matter of public policy, whether we should use Federal funds to pay for certain activities. Under the medicaid program, we now have a long list of medical procedures for which we do not allow reimbursement. That list of services which are covered, and those which are not, has evolved as a matter of public policy. As a matter of public policy, we should not sanction the expenditure of Federal funds for a practice so abhorrent to so many Americans.

As the supplemental approriations and rescissions bill stands before us, it contains absolutely no prohibition on the payment of Federal funds for abortion. The companion House bill has the so-called Hyde language, prohibiting Federal payments for abortion, except in cases where the mother's life would be endangered. If the Senate committee position is upheld by this body, we will go to conference with the House, with a wider philosophical and moral difference than we have had for 5 years, and there will be a strong temptation to compromise on the abortion restriction.

As far as compromising on this issue, my conscience will not allow me to do so. It is my profound belief that the primary responsibility of Government is to protect life and to create conditions which permit each person to flourish and to reach his or her fullest potential. Where there is a question concerning human life, this body must come down on the side of the ultimate responsibility of Government which is the protection of human life. I urge adoption of the Hyde-Helms amendment.

Mr. HATFIELD. Mr. President, I thank the Senator from Missouri for his comments.

I yield to the minority leader.

Mr. ROBERT C. BYRD. Mr. President, I wonder if we could, perhaps, agree to begin voting at 4:15 p.m.

Mr. BAKER. Mr. President, I wish to inquire on this side—I believe those most directly involved are here.

Mr. HATFIELD. The Senator from North Carolina is absent from the floor for the moment.

Mr. BAKER. The Senator from North Carolina had indicated to me earlier his willingness to reduce time. I see the Senator from Oklahoma nodding in the affirmative, so I am prepared to accept responsibility for that if the Senator from Oregon and the Senator from Connecticut are.

Mr. PACKWOOD. Mr. President, I should like to ask the Senator from Oklahoma a question or two and I have no intention of speaking further.

Mr. BAKER. I thank the Senator. Perhaps after that, we can reduce time and proceed to vote, Mr. President.

Mr. PACKWOOD. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. NICKLES. Yes, Mr. President, I yield.

Mr. PACKWOOD. As I understand his remarks, he spoke about the Declaration of Independence, life, liberty, and the pursuit of happiness, that he would like us to return to the morality of our forefathers.

Mr. NICKLES. That is correct.

Mr. PACKWOOD. The Senator is aware that at the time of the writing of the Declaration, abortion before quickening was not illegal? In common law, abortion before quickening was not illegal when this country was founded. Our forefathers were very familiar with abortion. It was commonly practiced then and they saw no need to outlaw it.

I should be perfectly happy to return to that morality of our forefathers.

Mr. NICKLES. Mr. President, I indicate to the Senator from Oregon that I think if we returned to the morality of the forefathers who actually built the foundation of this country, either through the Declaration of Independence or the Constitution, their morality would be a big step forward for this country. I think they took some positive measures.

If we look back to the real foundation, the Judeo-Christian heritage our country does have, I think we could certainly make some positive steps forward.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Mr. President, I am glad to see the distinguished Senator from North Carolina is back on the floor. In the course of my comments, I have several questions I should like to ask of him.

Let me, first of all, respond to the comment that has been made that "There really is no reason for debate; this is the same amendment; we have talked it over ad infinitum, ad nauseam." Mr. President, this is not the same amendment. The law of the land that we are now operating under by virtue of the last continuing resolution states as the exceptions "except where the life of the mother would be endangered if the fetus were carried to term or except where such medical procedure is necessary for the victims of rape or incest and such rape has been reported within 72 hours to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent fertilization of the implanted ovum; nor for ectopic pregnancy."

Of course, the language we are dealing with today has as the only exception the life of the mother. So we have not debated what is before us today. This is a ban in the extreme.

Mr. President, I think it is inconceivable that Senators on this floor are going to insist that a woman who has been raped carry that baby to full term. Yet that is exactly what will happen if the Hyde language is adopted as a part of this appropriations bill. Even in that regard, it is only those who are indigent or poor who will have to carry the baby to full term. I really do not care to hear anything about the Judeo-Christian ethic or morality when that kind of reasoning dominates this floor.

Mr. President, I have heard a great deal—I am going to use exact quotes from two of the speakers this afternoon. One referred to the fact that we are running the country by divine commandments. Somebody else referred to instructions from Sinai.

We are not running this country by divine commandments or instructions from Sinai. We are running this country by virtue of a constitutional process, which has nothing to do with any divine commandments or instructions from Sinai. That is the whole issue and it is one of the great issues before this body.

I care not a whit what any particular religion states, Mr. President, and neither should any of my colleagues. Our only duty is to make certain that every individual can believe anything that he or she wants and is free to practice the articles of their faith in this Nation without any interference from their Government. That is the only matter that is the proper concern of this body; not Judeo-Christian ethics or divine commandments or instructions from Sinai.

Neither is it a matter of what anybody thinks is right or wrong. It merely is a matter of what is legal. By virtue of our constitutional process, the fact remains that abortion in this country is legal.

Mr. President, my comments will end in a few minutes. The Senator from North Carolina is not on the floor. I do have a question or two to ask of him. I do not care to ask my questions without asking them face to face. I hope his staff might inform him that I would like to have his presence on the floor.

Mr. HATFIELD. If the Senator will yield, the Senator from North Carolina informed me that he is in consultation with the Secretary of Agriculture on other matters and he will not be able to be on the floor at this particular moment.

Mr. WEICKER. Then I shall have to ask my questions in his absence, in the hope that they will be responded to when he reaches the floor.

Mr. President, let me raise another point as to what happens under this type of legislation should a pregnant woman, through the amniocentesis process, discover that a child she is carrying has some birth defect or some genetic defect. Is she bound, then, to have that child? Is that a question, in other words, that anybody in this Chamber is going to respond to in the affirmative? Or does she have the right to make a choice at that point, both for herself and for whatever it is that might be born of her?

I heard the Senator from North Carolina refer to the deliberate termination of innocent human life. I wonder whether the Senator from North Carolina would like to make it a crime for a woman to smoke or for the sale of tobacco to a pregnant woman, because we now have conclusive scientific evidence that tobacco is responsible, in large measure, for birth defects and may cause the termination of innocent human life. So, with all this concern exhibited for the fetus, why not follow through on those scientific facts which we know, not those which a senatorial subcommittee is trying to establish, but those which science has already established as terminating innocent human life or deforming it or endowing it with birth defects?

Is the Senator from North Carolina willing to take that kind of step? I should like to have his response to that question, because I am not speculating. What I ask is a matter of fact.

I believe that the language as it is presently written suffices. I am not pleased even with the restrictions that presently exist in the law; but rape and incest are exceptions, the life of the mother is an exception, an ectopic pregnancy is an exception, birth control devices are an exception. The law has been set forth very clearly on the matter of abortion, and the public policy has been set forth with great clarity.

This little procedural end-run of legislating on this particular appropriations bill is meant to obviate all that public policy and all that law. The reason given is some sort of vague reference to orders from above as to what is right and what is wrong.

How well I recall the scene in the movie "Cromwell," more particularly the scene of the Battle of Naseby, where on one side sat the forces of Charles I, led by the King and by the Archbishop of Canterbury, invoking the Divine Being on their behalf, willing to do His cause in His name. Then the camera swings over the field to the forces of Cromwell, and there sits the lord protector on his horse, invoking the name of God in his behalf, to protect him and what it was that he was about ready to do in God's name.

That is what differentiates this Nation above all others. We do not legislate in God's name but in the name of the people of this country and its Constitution. That is the precept that is going to be violated by this type of legislation, and there will be no end to it.

Yes, the chronological procedure of this legislation has brought us to this point. But make no mistake: Should this be adopted—and the life of the mother is last exception on the books—it will not be long before that is gone. Then someone's religious belief will have been fulfilled.

There is the great error in what is being presented before this body today.

Whether in law, in the Constitution, or in science, the amendment of the distinguished Senator from North Carolina should fail.

Mr. HATFIELD. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, regardless of one's views on the substantive issue of abortion, I hope we will not make legislative history to the effect that we must not fund anything by Federal authorization with which some of our citizens and taxpayers may be in moral disagreement.

I believe that the Senator from Oregon (Mr. PACKWOOD) has made a very valid point when he notes that many people in this country are morally opposed to war, morally opposed to spending money for armaments. I would think that if we make that argument here, if we make that legislative history, which could be interpreted by the courts as the legislative intent by Congress in future litigation, precedents could obtain that might very well apply to individual citizens questioning whether or not the Federal Government can indeed spend money for armaments when substantial portions of the citizenry are in disagreement for moral reasons. I believe that would be a bad precedent to set.

I believe it is proper for us to argue whether or not it is right that the Government fund abortions. I do not believe it is proper for us to argue that we cannot fund anything with which some substantial portion of the citizenry may disagree.

Therefore, I hope we will not attempt to set the precedent here that it is the sense of the Senate or of Congress that in any area where there is substantial moral disagreement as to the course the Federal Government may take, the Federal Government is obligated not to fund any endeavors in that area.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I have had no notification of others who wish to speak on this issue so far as the opposition is concerned.

I note that the Senator from New York is in the Chamber. I inquire of the Senator from New York whether he wishes to be heard on this issue and how much time he would like.

Mr. D'AMATO. I would like 5 minutes.

Mr. HATFIELD. I believe I have freedom to offer 5 minutes on behalf of my good friend from North Carolina. If not, I will offer it on my behalf, in a few moments.

Does the Senator from Iowa wish to be heard further?

Mr. JEPSEN. No. That is perfectly all right. I am sure Senator HELMS could not possibly get mad at both of us. [Laughter.]

Mr. HATFIELD. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from North Carolina (Mr. HELMS) has 27 minutes and 41 seconds, and the Senator from Oregon (Mr. HATFIELD) has 18 minutes.

Mr. HATFIELD. Mr. President, at this time, on behalf of Senator HELMS, I yield 5 minutes to the Senator from New York.

Mr. JEPSEN. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. JEPSEN. With the Chair's indulgence, I should like to ask those in the Chamber now if anyone would like to speak on the Hyde amendment, on the time of Senator HELMS. Is there anyone besides the Senator from New York who desires time?

The PRESIDING OFFICER. Without objection, the Senator from New York is recognized for 5 minutes.

Mr. D'AMATO. Mr. President, today we have an opportunity to save an untold number of lives by supporting the amendment often referred to as the Hyde amendment. The right of the individual is often cited by so-called pro-choice proponents as a basis for their position. If they are truly concerned about the rights of individuals, then they must support this amendment. It protects the lives of those too young to protect themselves—the unborn.

This amendment is not an attempt to force unwanted pregnancies onto mothers. It does not preclude the availability of birth control devices or drugs. It does not deny the freedom to use contraceptive means. It will simply save lives by not trying to reverse a morally irreversible act—the creation of a human life.

This amendment is no stranger to this body. Since it was introduced 5 years ago, it and other amendments have been examined, redefined, reworded and rethought. Yet the goal has remained the same. It was and still is the preservation of human lives. Not only do millions of Americans support this proposal—this moral ideal—so does the Supreme Court. In Harris against McRae and Williams against Zbaraz, The Court held that neither the Constitution nor the Social Security Act require the Congress or the States to pay for medically necessary abortions. Those decisions followed the rulings 3 years earlier in two cases which held that the Social Security Act does not require States to pay for an indigent women's nontherapeutic abortion and that the equal protection clause of the Constitution does not require such payments.

My colleagues, this is an amendment which all Americans should endorse. It infringes on the rights of no one. It does not prevent a person from avoiding an unwanted pregnancy, just as it does not force a person to support something which he knows in his heart and soul to be wrong. That is what we are doing when the Federal Government pays for abortions. We are forcing those taxpayers who are morally opposed to abortion to nonetheless support this policy.

While this amendment does not impinge on the rights of Americans it does expand or more precisely, it recoups—the rights of the unborn. Rights that belong to us all, yet are being denied the most helpless among us. If some people decide that they have the right to take another human's life, then so be it. But do not expect others to be a party to and pay for these crimes.

Thank you. Mr. President.

Mr. HATFIELD. Mr. President, I wish to just make a statement relating to procedure.

We are going to vote, and I hope it will be very soon, on the Helms amendment. After we dispose of that amendment we will return to the committee amendments and we will face the situation in which there will be no time for debate on what will be referred to as the Ashbrook amendment. The Ashbrook amendment is a similar amendment dealing with the issue of abortion which was amended to the House bill on the floor of the House after the subcommittee markup. Therefore, it was not in the first House vehicle that we received for the Senate subcommittee markup so the subcommittee could not take action on the Ashbrook amendment.

We then had to deal with the Ashbrook amendment in full committee by deleting it.

I only indicate in all fairness that I think perhaps that there is a slight distinction as between the two amendments. I think those who are supporting the procedural arguments that have been made would support the same procedural arguments on the Ashbrook amendment as on the Helms amendment. But on the substantive question I would only state that the Ashbrook amendment makes no exceptions in terms of Federal funding for abortions under any circumstances, not even for the life of the mother.

I know that on that point there are some differences as in my own case where I support the Hyde amendment, but I cannot support the concept of the Ashbrook amendment because I do believe in an exception for the life of the mother, and I think that is a substantive difference.

Mr. McCLURE. Mr. President, will the Senator yield for a question in regard to procedure because I think maybe a number of Senators are confused about what our procedural situation is.

Mr. HATFIELD. I yield.

Mr. McCLURE. There has been some talk about the Helms amendment. Really the Senator from North Carolina is offering——

Mr. HATFIELD. The Helms motion.

Mr. McCLURE. A motion to table the committee amendment.

Mr. HATFIELD. That is correct. The Senator is correct and I appreciate his clarification. I referred to it as the Helms amendment. It is really at this moment the Helms motion to table the committee amendment, which is the Hyde-Helms amendment.

That is the confusing part about this whole procedure. I appreciate your clarification.

Mr. President, I notice the Senator from North Carolina has returned to the floor, and I am about ready to yield back the remaining part of my time. We have checked the Senate and received no additional requests to speak on this issue. That check has been made by the Senator from Iowa (Mr. JEPSEN) representing the supporters side of the motion, and he has not been able to ascertain any other Senators who wish to be heard.

I only want to inform the Senator from North Carolina that in about another minute or 2 after commenting on the wrap-up, I am willing to yield back the remainder of my time, which is about 16 minutes. I inquired and the Senator from North Carolina has about 24 minutes remaining.

Mr. HELMS. I say to my good friend that the Prince of Denmark once said, "That is the consummation of my wish." I think the sooner we have a vote on this the better. I said it before and I say it again.

Mr. HATFIELD. Mr. President, I appreciate the comment made by the Senator from North Carolina.

I stress again that this issue will not be finally decided at this point. Rather, this is a procedural question in the sense that those of us who oppose the Helms motion to table the committee amendment will be dealing with this issue in the conference with the House of Representatives and will be returning to the full Senate with a conference report. And on the basis of last year's votes for and against this issue, it is likely that we will, in all probability, include the Hyde amendment in the conference report. So this Senate will still deal with the abortion issue at that time as best as the human mind can predict anything in the future. I do not say that in any way to create a loophole or a caveat but merely to recognize reality of the legislative process. I am ready to yield back the remainder of my time.

Mr. HELMS. Mr. President, I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, once again the Senate finds itself embroiled in what is probably the most emotional issue of politics and morality facing our country today. Since the 1973 Supreme Court decision declaring that women have a constitutional right to an abortion for at least the first 6 months of pregnancy, the debate on this issue has been heated, passionate, and at often times bitter. Today, however, we are not faced with the question of whether abortions are a constitutional "right" as decided by the Court, but with the question of what role the Government should play in the exercise of that judicially mandated right.

The House of Representatives has adopted language that would allow for Federal funding of abortions only in cases where the life of the mother would be endangered if the fetus were carried to term, while the Senate Appropriations Committee has recommended that open or unrestricted Federal abortion funding be allowed. While I am generally opposed to the idea that the Federal Government should be involved in the financing of abortions, I do recognize that there may at times be such mitigating circumstances where abortions may be justified or necessary. I view such circumstances to be extremely limited, encompassing only those situations where abortion is necessary to save the life of the mother if the fetus was carried to term, or in cases of rape or incest. Language restricting the availability of Federal funds only to those cases where the life of the mother is in danger is, in my view, too narrow in scope.

While I had given some thought to offering an amendment of my own to allow for Federal funding in cases of rape and incest, I find that I am precluded from doing so by the present parliamentary situation. Therefore, under the present parliamentary situation it is impossible for my vote to accurately reflect my views on this complicated and con-

troversial issue. A vote in favor of the committee position will not take into account my feeling that the Federal Government should not be involved in the financing of abortions except in extremely limited circumstances, while a vote in favor of the motion offered by my good friend from North Carolina will not reflect my view that cases of rape and incest should be included with those cases where the life of the mother is in danger as circumstances where Federal funding should be allowed.

With these considerations in mind, I shall vote with the Senator from North Carolina, as I believe there is less danger in restricting Federal funds than in opening the door to abortions under unwarranted circumstances.

Mr. HATFIELD. Mr. President, I yield back the remainder of my time.

● Mr. HEINZ. Mr. President, I rise to discuss my position with respect to the Helms amendment, which would prohibit Federal funding for abortions except where the life of the mother would be endangered if the fetus were carried to term. Although I plan to vote for this amendment, Mr. President, I do so with reluctance.

Mr. President, since becoming a Member of this distinguished body in 1976, I have voted to provide Federal funds for abortion only in the well-defined instances: First, where the life of the mother is at stake, or second, when, in the opinion of two doctors, an abortion is necessary to prevent severe and long-lasting physical health damage to the mother, or third, in instances of incest or rape, where such cases have been reported to a law officer or public health official within 60 days.

And I remain committed to this position. I am reluctant, therefore, to vote in favor of the Helms amendment because it prohibits abortions in the instances of rape and incest, and when the mother's physical health is severely threatened. It is my belief that low-income women who are victims of these circumstances should not have the option denied to them.

However, to vote against the Helms amendment may mean that the law of the land would then permit unrestricted Federal funding for abortions. And this, Mr. President, is clearly the worst of the options before us. For this reason, I will vote in favor of the amendment offered by my distinguished colleague from North Carolina.

Mr. President, unfortunately, the legislative process does not always allow Senators to vote directly in a way that reflects in every detail their specific position on a complex issue. The necessity for compromise, and the technicalities of the legislative process, occasionally make it necessary for a Senator to cast a vote on an issue which is not presented in exactly the terms he would prefer. This is the case in this instance for me with respect to the Helms amendment.

I have made clear that, as long as Federal funding is to be allowed for abortions, that I support restrictions broader than just the life of the mother; yet, as I stated earlier, to vote against Helms could very well result in unrestricted Federal funding. Of the two possibilities, I find the possibility of unrestricted Federal funding to be the less desirable.

Therefore, I have reluctantly concluded that, consistent with my view that unrestricted abortion is not acceptable, I would vote in favor of the Helms amendment. It is my hope that, further on in the legislative process, it might be possible—as long as Federal funding continues—to devise a somewhat broader standard for such funding. In the long run, Mr. President, I will continue to work for the development of an overall approach which negates the wrongful 1973 Supreme Court decision which disallowed all constitutional protection to the unborn.●

Mr. HELMS. Mr. President, I will yield back the remainder of my time in just 2 or 3 minutes, perhaps less than that.

At this point I ask unanimous consent to have printed in the RECORD a portion of a book entitled "Sincerely, Ronald Reagan," and dealing with the subject of abortion.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT

Another issue involving life and death with which the governor struggled was abortion. In a letter to Charles Schulz, the creator of Peanuts, Governor Reagan explained his stand. He wrote, he said, because "of one of your strips a few weeks ago which continues to haunt me in a very nice way."

He went on: "Charlie was asking Lucy about what happens to a very nice baby waiting in heaven to be born when the mother and father decide they don't want it. Lucy of course put him down severely. Charlie finished simply remarking he still thought it was a good question.

"Perhaps my feeling for Charlie's question stems from the soul-searching I had to do a few years ago with regard to the liberalizing of our abortion laws. The author of the legislation wanted to go all the way and simply make it a matter of personal choice and wide open. I probably did more studying on that subject at that time than on anything else before or since and finally had to tell him I would veto such a bill. I could only reconcile abortion with the right of self-defense, namely the right of the mother to protect herself and her health against even her own unborn child if the birth of that child threatened her. It has been my feeling that our religion does justify the taking of life in self-defense. I cannot accept that simply on whim even a mother has the right to take the life of her unborn child simply because she thinks that child will be born less than perfect or because she just doesn't want to be bothered. Well, the bill was amended to meet my demands and I signed it into law. Now, however, I have discovered some of our psychiatrists are particularly willing to declare an unwed mother-to-be to have suicidal tendencies, and they do this on a five-minute diagnosis. The result is that our medical program will finance more than fifty thousand abortions of unwed mothers in the coming year on such flimsy diagnosis.

"Well, I didn't mean to let you in on all my problems but just to give the background of why you touched a nerve with your strip the other day. Thanks very much."

Another letter, this to William A. Barker, professor of physics at the University of California, attested to his strong feelings in this area: "I am deeply committed to a belief in the sacredness of human life. I share your revulsion for the view expressed by your dinner companion that the human fetus is no more than an appendage to be removed as you would an appendix.

"Right now a group of distinguished jurists in the Midwest are seeking a court decision to establish the rights of the unborn child. Their brief cites recent medical research to the effect that an individual, distinct life begins at the moment of conception at which time the genetic components that determine the characteristics of a person are established. Dr. H. M. I. Lilley is quoted as saying, 'The fetus is neither an acquiescent vegetable nor a witless tadpole as some have conceived it to be in the past, but rather is a tiny human being as independent as though lying in a crib with a blanket wrapped around him.'

"I realize there is a body of thought on the other side, but it should follow that where there is doubt as to the question of life or death, the benefit of the doubt should be given to life.

"The California abortion law is based on the Judeo-Christian tradition of self-defense—the right of a woman to take a life in defense of her own. It does not permit the taking of that unborn life simply on the whim of a mother unwilling to carry and bear that child or for fear the child might be born less than perfect.

"Unfortunately, there are those professionals in California, particularly in the field of psychiatry, who are abdicating their responsibility. They are permitting abortions by falsifying as to the mother's risk—claiming self-defense when, in fact, there is no danger. This is as false as claiming self-defense in the murder of a victim who was unarmed and who posed no threat to his killer. You are right to equate this with Hitlerism. How far are we from killing for convenience the unwanted among us if we accept killing them in the womb?"

The governor was dismayed at how the California abortion law was distorted and finally all but rendered void by a ruling of the state supreme court. A letter to Mrs. Win Robinson of Los Angeles displayed his feelings: "California's abortion law *was* based on the rule of self-defense—the right of a woman to protect herself from harm even at the hand of her own unborn child. Provisions for medical review were included in the act to make certain the abortion was necessary to the mother's safety. There is no question but that many, particularly in the field of psychiatry, failed in this responsibility.

"Now the Supreme Court of California has ruled such protective measures need not be applied. I personally think the decision was a license to murder and that we are committing murder on a wholesale scale."

Finally he wrote to Dr. Mildred F. Jefferson of Boston, Massachusetts, a strong opponent of abortion who had appeared on a television show, "The Advocates." "I am disturbed, as you may be, by public-opinion polls showing an almost equal division in the country on this subject. I find it hard to believe that the essentially moral people of this country could in such numbers support abortion on demand unless it is that they are tragically uninformed on the subject.

"I have been meeting with groups of young people in question-and-answer sessions hoping that by such a free exchange they could get a better understanding of government and many of the issues of our time. Invariably, this subject comes up; and here, too, I find that overwhelmingly these young people never give consideration to the human-life aspect but are convinced that abortion is a necessary aid in controlling the birth rate and preventing the birth of unwanted children who will then, according to their belief, live tragic lives.

"I had a touching experience in one such meeting with students from five high schools

who had come here to the capitol. One young lady spoke quite eloquently about the fate of the unwanted child after it had been born. I pointed out to them that there were literally millions of people in this country who could not have children and who were lined up waiting, many times for years, to adopt babies that are just not being born now.

"As the session ended, a very pretty, wholesome-looking, fresh-faced young lady sort of tentatively raised her hand; and I took her question as the last that we had time for—I'm glad I did. She said, 'I am adopted. I care very much for my folks; I'm sure they care for me.' And then she added this line. She said, 'I'm glad someone didn't kill me.' I wish we could have that particular little scene on television."

The subject of abortion brings up the subject of birth control and the controversial issue of whether teen-age girls should be prescribed birth control pills or contraceptive devices without parental consent. Here are excerpts of one letter Governor Reagan wrote on the subject to a woman who had told him, "when it comes to an issue such as illegitimacy and avoidance of abortions you make unfortunate decisions and veto legislation designed to lessen illegitimacy and abortions."

". . . what we are really at odds about," the governor responded, "is not finding the solution to the individual's personal tragedy after the mistake has been made and what is the proper course to reduce or hopefully eliminate this cause of the tragedy to begin with.

"I could not have worked in the motion picture industry for most of my adult life and been a 'blue-nose' or prude. Still I have to believe that all law is based on natural law.

Mr. HELMS. Mr. President, let me make as clear as I know how the legislative circumstance as I perceive it. This is not to say that Senator WEICKER or Senator HATFIELD or Senator MCCLURE or anyone else will agree with my perception. But we at this point with this bill, if we want to minimize the difficulty of the Appropriations Committee, then the vote will be "aye" on the Helms motion to table the committee amendment which struck the Hyde amendment, because then the issue will no longer be in conference. It will not even come up.

I will say to Senators who have in general supported the prolife movement that their votes will be attendant to their watch on this motion because this is a motion for or against the Hyde-Helms or Helms-Hyde amendment. This is not a procedural vote. It will not be perceived as such, and Senators, of course, are entitled to vote any way they wish.

With that, Mr. President, I yield back the remainder of my time and I move to table the committee amendment.

Mr. HATFIELD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. MURKOWSKI). The question is on agreeing to the motion of the Senator from North Carolina to lay on the table the committee amendment beginning on page 167, line 8, known as the Hyde-Helms language.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, may I ask that the well be cleared and that the Senate be in order? I doubt if Senators would want our visitors, very frankly, to see the conditions on the Senate floor.

The PRESIDING OFFICER. The Senate will come to order.

The assistant legislative clerk continued with the call of the roll.

Mr. FORD. Mr. President, is there any opportunity to bring order to the Senate? If the Presiding Officer will just observe the well, he will see the Senate is not in order.

The PRESIDING OFFICER. The Senate will please come to order.

The assistant legislative clerk continued with the call of the roll.

Mr. RANDOLPH. Mr. President, point of order.

We asked for order and the Presiding Officer asked that the well be cleared. The well is not cleared, and if it was cleared, in 20 seconds it was again occupied. I am very reluctant to say what I am saying, but I think we do have a Sergeant at Arms who at times might be used.

The PRESIDING OFFICER. The Chair recognizes the comments of the Senator from West Virginia. Will the Senate please clear the well so that the clerk may proceed. The clerk will continue with the call of the roll.

The assistant legislatve clerk continued and completed the call of the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Alabama (Mr. HEFLIN), the Senator from Louisiana (Mr. LONG), the Senator from California (Mr. CRANSTON), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that, if present and voting, on this vote, the Senator from Hawaii (Mr. INOUYE) is paired with the Senator from Louisiana (Mr. LONG).

If present and voting, the Senator from Hawaii would vote "nay" and the Senator from Louisiana would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—52

Abdnor	Eagleton	Lugar
Andrews	East	Mattingly
Armstrong	Evon	McClure
Bentsen	Ford	Melcher
Biden	Garn	Mitchell
Boren	Goldwater	Murkowski
Boschwitz	Gorton	Nickles
Byrd, Robert C.	Grassley	Pressler
Cannon	Hatch	Proxmire
Chiles	Hawkins	Quayle
D'Amato	Heinz	Randolph
Danforth	Helms	Roth
DeConcini	Huddleston	Sasser
Denton	Humphrey	Symms
Dixon	Jepsen	Thurmond
Dole	Johnston	Zorinsky
Domenici	Kasten	
Durenberger	Laxalt	

NAYS—43

Baker	Hollings	Rudman
Baucus	Jackson	Sarbanes
Bradley	Kassebaum	Schmitt
Bumpers	Kennedy	Simpson
Burdick	Leahy	Specter
Byrd, Harry F., Jr.	Levin	Stafford
Chafee	Matsunaga	Stennis
Cochran	Metzenbaum	Stevens
Cohen	Moynihan	Tower
Dodd	Nunn	Tsongas
Glenn	Packwood	Wallop
Hart	Pell	Warner
Hatfield	Percy	Weicker
Hayakawa	Pryor	Williams
	Riegle	

NOT VOTING—5

Cranston	Inouye	Mathias
Heflin	Long	

So Mr. HELMS' motion to lay on the table the committee amendment beginning on page 167, line 8, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. JEPSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, the remaining rollcall votes are 10-minute rollcall votes, are they not?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, both the majority leader and I have indicated, through our respective cloakrooms, that the time limitation will be honored.

Mr. BAKER. Mr. President, how many votes are now stacked back to back?

The PRESIDING OFFICER. Two votes.

Mr. BAKER. I thank the Chair.

UP AMENDMENT NO. 128

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Will Senators please be in order? The Senate is not in order. If Senators wish to converse, would they please retire to the cloakrooms?

Mr. BAKER. Mr. President, does this come out of the 10 minutes?

The PRESIDING OFFICER. It does.

Mr. BAKER. I ask the Chair to proceed.

The PRESIDING OFFICER. The clerk will continue with the call of the roll.

The legislative clerk resumed and concluded the call of the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from California (Mr. CRANSTON), the Senator from Alabama (Mr. HEFLIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—50

Abdnor	Durenberger	Mitchell
Andrews	Eagleton	Moynihan
Baker	Ford	Packwood
Baucus	Glenn	Pell
Boschwitz	Gorton	Pressler
Bradley	Hatfield	Randolph
Burdick	Heinz	Riegle
Cannon	Hollings	Rudman
Chafee	Jackson	Sarbanes
Chiles	Johnston	Schmitt
Cochran	Kasten	Specter
Cohen	Kennedy	Stafford
D'Amato	Leahy	Stevens
Danforth	Levin	Tsongas
Dixon	Matsunaga	Weicker
Dole	Melcher	Williams
Domenici	Metzenbaum	

NAYS—45

Armstrong	Hart	Percy
Bentsen	Hatch	Proxmire
Biden	Hawkins	Pryor
Boren	Hayakawa	Quayle
Bumpers	Helms	Roth
Byrd, Harry F., Jr.	Huddleston	Sasser
	Humphrey	Simpson
Byrd, Robert C.	Jepsen	Stennis
DeConcini	Kassebaum	Symms
Denton	Laxalt	Thurmond
Dodd	Lugar	Tower
East	Mattingly	Wallop
Exon	McClure	Warner
Garn	Murkowski	Zorinsky
Goldwater	Nickles	
Grassley	Nunn	

NOT VOTING—5

Cranston	Inouye	Mathias
Heflin	Long	

So Mr. ABDNOR'S amendment (UP No. 128) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

Mr. HATFIELD. Mr. President, I wish to make an inquiry of the Chair.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. Mr. President, I should like to have the attention of the Senate.

The PRESIDING OFFICER. The Senate will come to order.

Mr. HATFIELD. Mr. President, the inquiry I make through the Chair is about the remaining committee amendments. I am only aware that there is controversy, a desire to vote or to separate from this block of amendments two—one dealing with IDA and one dealing with the Ashbrook amendment. I should like to suggest to the leadership or inquire of the leadership, if there is no other controversial amendment, whether, perhaps, we could consider adopting the others en bloc, separating the other two and dealing with those separately.

(Mr. CHAFEE assumed the chair.)

Mr. BAKER. Mr. President, may I inquire if there is any Senator here who would have any objection to considering the balance of the committee amendments en bloc, with the exception of the Ashbrook amendment and the IDA amendment? I understand that there may be some willingness to have the Ashbrook amendment included in those considered en bloc.

Mr. President, I am told that the principal sponsor of the Ashbrook amendment on this side (Mr. JEPSEN) no longer requires a rollcall. The Senator from Oregon does not as well. If there are others who do, we are going to proceed with it separately. If not, I am going to proceed to ask for its consideration with the other committee amendments en bloc.

Mr. President, I now ask unanimous consent that the balance of the committee amendments be considered en bloc with the exception of the IDA amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HAYAKAWA. I object.

The PRESIDING OFFICER. The Senator from California objects.

Mr. BAKER. Mr. President, I believe the Senator from Iowa was seeking recognition. I urge the Chair to recognize him and then the Senator from California.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. JEPSEN. Mr. President, the Senator from Iowa advises the majority leader and the Chair that I was asked to sponsor the Ashbrook language. When I agreed to that, it was my understanding that the language did not provide an exception with respect to the life of the mother. I support the Hyde amendment, which says no funds will be appropriated except with respect to the life of the mother. I do not support the Ashbrook language, and I will vote against it if is brought up.

Mr. BAKER. The Senator does not object to this request?

Mr. JEPSEN. I do not.

Mr. BAKER. Mr. President, I put my request once more.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The remaining committee amendments, except the committee amendment relating to IDA, agreed to en bloc, are as follows:

On page 3, line 13, strike "$42,181,000", and insert "$28,181,000";

On page 31, line 17, strike "AND DEFERRAL";

On page 31, line 21, strike "$44,430,000", and insert "$172,673,000";

On page 31, line 22, beginning with "and", strike through and including line 23;

On page 33 line 11, strike "AND DEFERRAL";

On page 33, line 15, strike "$2,500,000", and insert "$17,467,000";

On page 33 line 16, strike "and", through and including line 17;

On page 68, strike line 16, "(DEFERRAL)", and insert "(RESCISSION)";

On page 68, line 20, beginning with "$230,930,000", strike through and including "1981," on line 21, and insert the following: "$302,332,000 are rescinded";

Mr. BAKER. Mr. President, is it necessary to proceed to the consideration of the committee amendments en bloc, as I have just identified?

The PRESIDING OFFICER. They already have been agreed to en bloc, with the exception of the IDA amendment.

IDA AMENDMENT—BEGINNING ON PAGE 40, LINE 4

Mr. BAKER. Is the IDA amendment the next pending amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I yield the floor, Mr. President.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 40, line 4, strike "$534,600,000", and insert "$408,000,000";

Mr. MOYNIHAN. May we have order, Mr. President?

The PRESIDING OFFICER. May we have order in the Chamber? Before we can proceed, it is necessary to have order. I ask Senators conversing in the aisles to please move to the cloakroom.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. No further debate is permitted on the amendment.

Mr. DANFORTH. Mr. President, I ask unanimous consent that it may be in order to debate this amendment for 10 minutes, equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment.

Mr. DANFORTH. Mr. President, I ask unanimous consent that it may in order to proceed for 6 minutes of debate, equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I wonder whether the Senator would not interpose an objection, and perhaps we could avoid a rollcall vote if the request were allowed.

Could we have a voice vote, rather than a rollcall vote, if the request is allowed?

Mr. DANFORTH. Yes.

Mr. DECONCINI. I withdraw the objection.

Mr. HARRY F. BYRD, JR. Mr. President, there may be a demand for a rollcall vote by others.

Mr. DECONCINI. Then, I object to the unanimous-consent request.

Mr. DANFORTH. Mr. President, I ask unanimous consent that I may proceed for 5 minutes on the IDA amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DANFORTH. Mr. President, I wish to express my opposition to the Appropriations Committee amendment that would cut 25 percent of the funding proposed by the administration for IDA VI, the sixth replenishment of the International Development Association. I oppose the reduction in our fiscal year 1981 contribution for three basic reasons:

First, the United States made a commitment in 1979 to contribute a specific amount to IDA. Our credibility is at stake. The administration has already proposed a major change in that commitment by stretching out our payments. Any further change to the initial install-

ment would bring into question our ability to live up to this international obligation.

Second, we must not lose sight of the facts and purpose behind the number being debated. We are talking about the U.S. contribution to an organization that we helped create over 20 years ago. An organization that loans money to the poorest of the world's poor so that they might develop, so that they might grow enough food to feed themselves.

Finally, the amendment runs counter to the wishes of the administration. These are not numbers that someone pulled out of a hat. These are the product of much thought and extended consultation with our allies.

Take a closer look at IDA.

A multilateral development bank, IDA offers low-interest loans to the world's poorest countries. Almost 75 percent of the lending now goes to countries with a per capita income of less than $360.

IDA loans are targeted to the lowest income groups within the recipient countries, aimed at increasing prospects for long-term self-sufficiency. The loans are repaid in full by borrowers and the money is recycled.

Almost one-half of the loans are used to advance agriculture and rural development and to increase badly needed food production.

More than 30 percent of IDA lending goes to African nations, with such important countries as Egypt, Kenya, Pakistan, and the Sudan highly dependent on the program.

It is important to note that IDA VI, the sixth replenishment of the International Development Association represents an international agreement, a commitment by our Government to 35 other donor countries. In December 1979, all of the donor countries agreed on a $12 billion replenishment for 3 years beginning July 1, 1980.

The U.S. share of the arrangement is $3.24 billion or 27 percent of the total. This is a decline from our 42-percent share at the inception of IDA.

IDA VI lending has been delayed for 1 year now, pending approval of the U S. commitment. Other participant countries have already finalized their offers and have even advanced IDA $1.9 billion. But IDA cannot begin lending without the first U.S. installment.

Here we have not only a funding gap, but a credibility gap as well.

The administration proposal of $540 million the first year is already half the amount proposed by the last administration. Instead of paying off our share in three equal installments of $1,080 million as originally anticipated, we will now be stretching our payments to $540, $850 and $1,850 million for fiscal year 1981, 1982, and 1983 respectively. This change has already led some to question our commitment. The reduction proposed by the Appropriations Committee could well be the straw that breaks the agreement wide open, forcing a renegotiation of the entire replenishment.

The United States has always prided itself for being a tried and true leader in the international economic scene. I simply cannot understand why the committee is willing to jeopardize that position.

In closing, I ask unanimous consent to have printed in the RECORD a letter I received from Secretary of Treasury Donald T. Regan, setting out the administration's support for the full $540 million requested in the fiscal year 1981 supplemental appropriation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., May 20, 1981.

Hon. JOHN C. DANFORTH,
U.S. Senate,
Washington, D.C.

DEAR JACK: The Administration has submitted a FY 1981 Supplemental Appropriations request of $540 million for a U.S. contribution to IDA VI, and $18 million for U.S. subscriptions to African Development Bank capital. We need Congressional approval of these amounts before the end of the current fiscal year in order to maintain cost-sharing arrangements already negotiated between ourselves and other donors, mainly our allies in Western Europe and Japan.

Earlier this year, in revising the budget for FY 1981 and FY 1982, we reduced the amount for the first installment to IDA VI to $540 million. This is one-half of the $1,080 million which had been requested by the previous Administration and one-half the $1,072 million actually appropriated by the Congress for IDA in FY 1980. Any additional reductions below this level could produce a very negative reaction from other donors with the possibility of serious implications for other aspects of our relations with them.

As you know, a U.S. contribution is required for implementation of the IDA VI replenishment. Lack of legislation authorizing a U.S. contribution and appropriating the first installment has already delayed the replenishment for nearly a year. Lending has gone forward on a temporary basis with advance contributions of $1.9 billion from other donors, including our NATO allies and Japan. However, these funds are exhausted and all new lending has now come to a complete stop.

Passage of this legislation is an important element of the Administration's foreign economic program. It is an integral part of our efforts to establish a strong and coherent foreign policy. The President believes it is necessary to take prompt action fulfilling the cost-sharing arrangements already negotiated.

I urge you to support the full amounts requested by the Administration for IDA VI and the African Development Bank.

Best wishes.

Sincerely,

DONALD T. REGAN.

Mr. DANFORTH. Mr. President, there are three reasons for opposing this committee amendment.

The first reason is that, in effect, it abrogates an international commitment which was made by this country in 1979 to replenish the IDA fund.

The second reason is that the funds made available by IDA go to the poorest of the poor countries. Some 75 percent of the funds go to countries which have per capita incomes of less than $360 per year. Much of that money is used for agricultural and rural development—much of it in Africa and in India and in places where there is now acute starvation.

The final reason, Mr. President, is that the Reagan administration strongly opposes this committee amendment, strongly believes that the amount in the House bill is a necessary part of the administration's foreign policy and a necessary part of its economic development policy.

For all those reasons, I believe it is a most unwise practice for the committee amendments to be adopted.

The PRESIDING OFFICER. Will the Senator suspend for a moment?

We must have order. It is impossible to hear. Will the aides and assistants and staff please keep the noise down?

The Senator may proceed.

Mr. DANFORTH. Mr. President, I do not intend to ask for a rollcall vote.

I should like to direct one question to the chairman of the Appropriations Committee or perhaps to the chairman of the subcommittee, Senator KASTEN.

It is the position of some people in the administration, Assistant Secretary of State Hormats, for one, that this committee amendment, if adopted, would kill IDA, in effect; that, at the very least, it would lead to a renegotiation of the sixth replenishment.

I should like to direct the question to the chairman of the committee: If that, in fact, appears to be the case, what would be the committee's position on this amendment in conference?

Mr. HATFIELD. I yield to the chairman of the subcommittee, Mr. KASTEN.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, it is not our purpose or intent to force a renegotiation of the sixth replenishment of the International Development Association. If the situation occurred as mentioned by the Senator from Missouri, that a renegotiation were forced, I believe that at that point the subcommittee would reconsider its position.

This recommendation is not a decrease over the last replenishment. The subcommittee's recommendation over the 3-year period from fiscal year 1981 through fiscal year 1983 would provide exactly the same as was provided under IDA V.

I also point out that this is not a precedent. The Foreign Operations Subcommittee has decided in the past to stretch out these payments.

Let me underscore that the committee's position does not mean that full funding of IDA VI will not be approved eventually. It is meant to signal the administration and those interested in the International Development Association that we feel that funding increases for this institution at this time are neither wise nor possible, especially given the requirement to cut important domestic programs.

I questioned the representatives of the State Department and the Treasury Department and asked them to point out the difference between the effect of an authorization of full level and an appropriation of a lesser level. They felt that the key in terms of negotiation or renegotiation would be authorization; and the Senate, on vote, authorized the full IDA amount. We are stretching out the payment level, but I do not believe this will force a renegotiation.

Mr. MOYNIHAN. Mr. President, will the Senator yield?

Mr. DANFORTH. I yield.

Mr. MOYNIHAN. Did the answer of the subcommittee chairman satisfy the Senator from Missouri with respect to the fundamental issues of our responsibility in that agreement? Is the Senator satisfied?

Mr. DANFORTH. I disagree with the committee amendment. I believe the administration's position is the minimum we should be doing. However, I am satisfied with the commitment by the Senator from Wisconsin, that at least we are not attempting to kill IDA or lead to the renegotiation of the sixth replenishment.

Mr. MOYNIHAN. I thank the Senator.

Mr. PERCY. Mr. President, the legislative record should show that in adopting the $408 million supplemental request for the IDA VI replenishment, the Senate is not prejudging the question of whether or not the entire $3.24 billion request for fiscal years 1981 to 1983 will be appropriated. The Senate will have the opportunity to add $132 million cut for fiscal year 1981 to the fiscal year 1982 appropriation request if it so desires. Does the chairman of the Foreign Operations Subcommittee, the distinguished Senator from Wisconsin, agree with that statement?

Mr. KASTEN. Yes; I do.

Mr. DECONCINI. Mr. President, I rise in support of the committee's amendment and in opposition to the proposal of the Senator from Missouri (Mr. DANFORTH).

The distinguished chairman of the Foreign Operations Subcommittee, Senator KASTEN, has already made a compelling case against restoring full funding for the administration's request for the first installment (tranche) of IDA VI. I just want to touch on several other points which at once reinforce his argument and help to put this issue in proper perspective.

First. The administration's request of $540 million would increase fiscal year 1981 funding for the international development grants by 2,700 percent. The subcommittee's recommendation—$408 million—represents an almost 2,000 fold increase over existing levels of funding for this item.

Second. This supplemental and rescission bill, as reported by the committee, makes deep, and some would say, retroactive cuts in programs that are important to millions of our fellow citizens. Many of these programs have helped to provide jobs, widen access to adequate medical care. improve the nutrition and general health of the population, expand educational opportunities at all levels, and, all in all, to build a more decent, equitable, and productive social order. Let me give you a few examples:

The committee bill rescinds $334.5 million from the Department of Labor, employment and training programs, which is $100 million more than the administration requested or the House allowed.

The committee bill rescinds $61 million from the preventive health services program of the Center for Disease Control, $11 million more than the administration requested.

The committee bill rescinds $54.9 million from the National Institutes of Health.

The committee bill rescinds $154.9 million from the Alcohol, Drug Abuse, and Mental Health Administration.

The committee bill rescinds a total of $805.7 million from Federal education programs including: $538.5 million from elementary and secondary programs; $131.7 million from equal educational opportunities program; $89.9 million from handicapped, gifted, and talented; $159.7 million from vocational and adult education; $74.9 million from higher and continuing education.

The committee bill rescinds $5.3 billion from annual contributions for assisted housing, $161.3 million more than requested.

The committee bill rescinds $10 million from the congregate services program for the elderly.

The committee bill rescinds $121 million from the Solar Energy and Energy Conservation Bank.

The committee bill rescinds $1.6 billion from a variety of EPA programs.

The committee bill defers $103.5 million in the SBA loan and investment fund.

Now, Mr. President, examples could be multiplied but the point should be clear. The committee bill represents a good faith effort to begin implementation of the President's economic plan.

But it makes substantial reductions in domestic programs of benefit to millions of Americans. At the same time, again in accordance with the administration's recommendations, it includes large increases in foreign assistance, most notably in the MDB accounts. And this holds even though the Foreign Operations Subcommittee, under the leadership of its able Chairman, Senator KASTEN, reduced the administration's request for IDA VI by a little over 25 percent.

This disparity between foreign aid and domestic programs, insofar as the imposition of budgetary discipline is concerned, raises serious issues, issues which should not and, indeed, cannot be ignored if the fiscal requirements of a rational economic policy are to be achieved and sustained.

Mr. President, the total U.S. share of the IDA VI replenishment, as it now stands, would be $3.24 billion. On April 29, I offered an amendment to reduce the authorization for the U.S. contribution by 25 percent or $810 million, an amount somewhat less than the total of the reductions in domestic programs I just outlined.

In the course of the debate, I argued that "to get a package of cuts of the magnitude necessary to support a realistic and workable economic recovery program, it is imperative that the costs and deprivations associated with those cuts be—to the maximum extent possible—equally shared."

Equity is indispensable, Mr. President, not just because anything less is unworthy of a great and decent society, but, because without it the bipartisan concensus necessary to frame and execute a genuinely effective national economic policy cannot be assured.

It is from this perspective, Mr. President, that Senator DANFORTH's proposal to restore the full $540 million for the initial IDA VI tranche should be viewed and, in my judgment, defeated.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment on page 40, line 4, was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HUD—INDEPENDENT AGENCIES

Mr. GARN. Mr. President, before going over the recommendations, I would like to make some introductory remarks. First and foremost, I am personally committed to achieve the aggregate savings requested by the administration. This commitment is reflected in the recommendation contained in chapter VI of this act.

The enormity of the task facing our subcommittee was indicated by the fact that $7,441,200,000 of the total Government-wide rescissions fell under the jurisdiction of this subcommittee. In addition, $220,137,000 in deferrals were transmitted for programs funded through the subcommittee.

In making our recommendation, we accepted the basic outlines of the administration's plan, but restructured it in those cases where we believed that certain items were of higher or lower priority. I was particularly concerned in those cases where the Federal Government made commitments to other countries, States, localities, or individuals to provide funds or services. This concern is reflected in the committee's recommendations.

The package before you represents a reduction of $6,144,021,322 in BA for title I, or $323,878,291 below the request. This is composed of a plus $1,468,772,000 in supplementals and a minus $7,621,793,322 in rescissions. It would not have been possible to achieve these savings without the advice and able assistance of the senior Senator from Kentucky (Mr. HUDDLESTON). I am sure this is the beginning of a very fruitful bipartisan relationship, as we all grapple with the problems facing this economy. The specific actions recommended by the committee are as follows:

HOUSING PROGRAMS—ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The committee recommended a rescission of $5,260,384,150. This is $161,280,000 more than the administration's request and $41,280,000 more than the House allowance.

Under the committee's recommendation, the planned number of assisted housing units would be reduced from 254,550 to 209,000. This is 1,000 below the administration and 1,604 above the House level. The level of funding for the public housing modernization program would be decreased by $300 million from the House level of $2 billion. While the

number of Indian housing units will be reduced from the administration's level of 5,000 to 4,000, the committee has increased the number of units by 1,604 from the House level.

HOUSING PAYMENTS

The committee recommended a supplemental appropriation of $256,966,000, which is the same as the budget estimate and the House allowance. The supplemental appropriation will be used to liquidate contract authority for various subsidized housing programs. Of the additional funds recommended, $43,966,000 will be used to meet unfunded fiscal year 1980 contractual obligations and $213 million will be used to meet higher than anticipated liquidation requirements in the current fiscal year.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

The committee recommended a supplemental appropriation of $100 million for additional payments to public housing authorities to cover the costs of increased utility charges that are substantially higher than originally estimated in the fiscal year 1981 budget. This recommendation is $100 million more than the budget estimate and the same as the House allowance.

CONGREGATE SERVICES PROGRAM

The committee recommended a rescission of $10 million which is the same as the rescission request and the House allowance. A total of $30 million has been appropriated for this program since fiscal year 1979. Enactment of the rescission will permit a total demonstration program of $20 million—including $12,870,000 currently unobligated. These remaining funds would support 2,500 residents in 65 projects.

LOW-RENT PUBLIC HOUSING—LOANS AND OTHER EXPENSES

PAYMENTS TO THE FEDERAL FINANCING BANK

The committee agreed with the administration's request and the House in recommending supplemental appropriation language to authorize the transfer of $1,060,422,303 in unobligated budget authority from "annual contributions for assisted housing" for payments to the Federal Financing Bank (FFB). The proposed transfer will facilitate the sale of long-term public housing bonds. The transfer is expected to support the total incremental costs required over a 40-year period on the sale of up to $1,302,600,000 in public housing permanent financing instruments to the FFB. Outstanding short-term public housing loans at the end of fiscal year 1982 is estimated to total $18,300 million.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION—GUARANTEE OF MORTGAGE-BACKED SECURITIES

The committee agreed with the administration's request and the House to increase the limitation of the mortgage-backed securities program by $11 billion to $64 billion. In the 1981 HUD-Independent Agencies Appropriation Act, a limit of $53 billion was established on commitments to issue guarantees in the mortgage-backed securities program. The limitation increase will provide adequate support to the Nation's secondary mortgage market for federally insured or guaranteed mortgage loans.

SOLAR ENERGY AND ENERGY CONSERVATION BANK—ASSISTANCE FOR SOLAR AND CONSERVATION IMPROVEMENTS

The committee recommended a rescission of $121 million. This is the same as the rescission request and $20 million more than the House allowance. The committee believes that current market factors and existing tax credits provide ample incentive for conservation and solar improvements. Energy tax credits in fiscal year 1981 alone are expected to cost the Federal Government $538 million in foregone revenue.

COMMUNITY PLANNING AND DEVELOPMENT—COMPREHENSIVE PLANNING GRANTS

The committee denied the administration's request to rescind the remaining $34,975,709 in comprehensive planning grant funds. The House recommended rescinding all but $2 million for the work study program. The restored funds will provide $5,200,000 for States; $16,800,000 for area-wide planning; $12,453,000 for nonmetro and local planning organizations; $523,000 for Indian tribes and $2,500,000 for work study programs.

REHABILITATION LOAN FUND

The committee recommended a rescission of $110,856,954 which is the same as the administration's request and the House allowance. The committee concurred with the House in not including bill language proposed by the administration which would prohibit the use of loan repayments for new commitments. Therefore, an estimated $62,283,000 from repayments and other income sources will be available in 1981 for new commitments.

NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION—HOUSING COUNSELING ASSISTANCE

The administration requested and the House agreed to rescind $6 million for the housing counseling assistance program. The committee denied the rescission. The proposed rescission would prevent approximately 70 counseling agencies from receiving funds in fiscal year 1981 and the remaining agencies would be restricted to homeownership default counseling. Funding would be restricted to eliminate prepurchase, delinquency, rehabilitation, prerental, displacement and energy conservation counseling. Counseling agencies have indicated that these services are highly cost-effective.

POLICY DEVELOPMENT RESEARCH—RESEARCH AND TECHNOLOGY

The administration proposed a $5 million deferral. The committee concurred with the House in recommending a rescission.

NEIGHBORHOOD SELF-HELP DEVELOPMENT PROGRAM

The committee agreed with the administration and the House in recommending a rescission of $8,118,534. The committee recognized that HUD entered into agreements with nine communities during fiscal year 1981 to fund self-help development projects. While HUD has provided approximately one-half of the funds for these grants, another $501,550 is needed to fully fund these projects. The committee included language in the bill earmarking funds within the Secretary's discretionary fund to complete these projects.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

The committee agreed with the administration's request to rescind $149,300 in consultant and equipment expenses from EPA's research and development. This recommendation is $700,000 less than the House allowance. The committee did not agree with the additional rescission of $700,000 taken by the House in the nonionizing radiation program, which is the only comprehensive Federal effort exploring the health effects of such radiation.

ABATEMENT, CONTROL, AND COMPLIANCE

The committee agreed with the administration's request to rescind $1,253,100 in consultant and equipment expenses from EPA's abatement, control, and compliance. This recommendation is $5,118,000 less than the House allowance. The committee did not agree with the additional rescission of $5,118,000 taken by the House. Of these additional funds, $3,700,000 would be taken from the radiation program and would not permit an orderly reduction of ongoing efforts. An additional $1,418,000 would come from the technical assistance activity which assists State and local governments in implementation of the hazardous waste program.

CONSTRUCTION GRANTS

The committee has recommended a rescission of $1,700,000,000 in the construction grants program. While the amount is the same as the administration's request and the House allowance, the committee has reconfigured the rescission. The committee denied the rescissions of Talmadge/Nunn funds and took $1,000,000,000 rather than $585,648,601 in fiscal year 1980 and $700,000,000, rather than $1,000,000,000 in fiscal year 1981. The effect of the recommendation is to permit the 27 States with Talmadge/Nunn funds to retain them and requires less of a rescission from the faster moving States.

PAYMENT TO THE HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

The committee agreed with the administration's request and the House in recommending a $9,000,000 supplemental appropriation for payment into the hazardous substance response trust fund. This represents the Federal payment into the trust fund.

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

The committee agreed with the administration's request and the House in recommending a $68,000,000 supplemental appropriation for the hazardous substance response trust fund. The Comprehensive Environmental Response, Compensation and Liability Act of 1980, which establishd a trust fund often referred to as "superfund," is designed to provide emergency responses to hazardous substance spills to dangerous uncontrolled and abandoned hazardous waste sites. Included within the $68.000,000 is funding for an estimated 142 permanent work-years which will be made available

to the program upon enactment of this bill.

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

The committee agreed with the administration's request and the House in recommending a rescission of $708,000. The committee's action would reduce the staff of the Council and supporting office from 32 permanent and 17 temporary positions to 16 permanent, as well as decrease personnel compensation by 50 percent and printing reproduction costs by 21 percent.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The committee agreed with the administration's request and the House in rescinding $595,000 of the $2,712,000 appropriated for the office in fiscal year 1981. The committee's action will result in a reduction in permanent staff from 24 to 12, a decrease in the number of external research and adviser positions.

FEDERAL EMERGENCY MANAGEMENT AGENCY
FUNDS APPROPRIATED TO THE PRESIDENT—
DISASTER RELIEF

The committee recommended a rescission of $20,000,000. This is $12,000,000 more than the rescission request and the House allowance. The committee increased the rescission due to information received in April when FEMA testified that there would be a carryover of approximately $20,000,000 in disaster relief in fiscal year 1982 and that there is approximately $534,000,000 in unobligated funds for disaster relief.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
RESEARCH AND DEVELOPMENT

The committee recommended a rescission of $37,900,000. This is $33,400,000 more than the administration's request and the House allowance. The committee's actions reflects the restoration of funds for the international solar polar mission (ISPM) and a two-spacecraft mission.

The committee also restored $3,000,000 of the $7,000,000 proposed for rescission by the administration and the House for the solar electric propulsion systems program. In the materials processing program, the committee restored the entire $3,000,000 proposed for rescission by the administration and the House. The committee also restored $2,000,000 of the $5,000,000 proposed for rescission by the administration and the House in the technology utilization program.

The entire $4,000,000 in the aeronautics program proposed for rescission by the administration and the House, was also restored by the committee. The committee denied the transfer of $60,000,000 of space science and application funds to the Space Shuttle.

NATIONAL CONSUMER COOPERATIVE BANK
INVESTMENT IN NATIONAL CONSUMER COOPERATIVE BANK

The committee agreed with the administration's request to rescind $59,849,284 and included bill language which would halt the bank's activity to make loans. The House denied the rescission and at the same time continued the bank's ability to make loans. The committee believes that the loan activities of the bank duplicate, at taxpayers expense, those available in the private sector.

SELF-HELP DEVELOPMENT

The committee agreed with the administration's request in rescinding $29,900,000 in self-help development, and reducing the 1981 loan limitation from $41,108,000 to $6,700,000. The House agreed to rescind $16,990,000 and reduce the loan limitation to $14,990,000. The committee's action is consistent with the decision to terminate the activities of the bank.

NATIONAL SCIENCE FOUNDATION
RESEARCH AND RELATED ACTIVITIES

The committee recommended a rescission of $37,500,000. This is $28,500,000 less than the rescission request and $16,500,000 less than the House allowance. The committee directed that of the $28,500,000 proposed for restoration, $8,860,000 shall be applied to mathematical and physical science; $3,000,000 for engineering; $8,140,000 for astronomical, atmospheric, Earth, and ocean science; $2,500,000 for the small business innovative grants program and $6,000,000 for the industry/university cooperative research program.

SCIENCE EDUCATION ACTIVITIES

The committee agreed with the administration's request to rescind $16,000,000. The House agreed to rescind $6,000,000 and urged NSF to allocate these funds for minority education programs. The committee's recommendation is based on the administration's intent to phase out science education in fiscal year 1982 and the lower levels of funding for this activity contained in the fiscal year 1982 authorization bills. The reductions taken in this program will help offset additions to NSF's "research and related activities" account, which is considered by NSF to be of higher priority.

SELECTIVE SERVICE SYSTEM
SALARIES AND EXPENSES

The committee agreed with the administration's request and the House in rescinding $1,940,000 of the $27,137,000 appropriated in fiscal year 1981. The Selective Service System intends to use terminals that the U.S. Army recruiting command plans to install in each of the recruiting offices. The rescinded funds were to be used for procurement of these telecommunications terminals.

VETERANS' ADMINISTRATION
COMPENSATION AND PENSIONS

The committee recommended a supplemental appropriation of $990,000,000 for the VA's compensation and pensions. This is $600,000 less than the budget estimate and $16,440,000 more than the House allowance. This supplemental appropriation is to cover increased compensation payments authorized by the Veterans' Disability Compensation and Housing Benefits Amendments of 1980 and higher than anticipated average case costs.

READJUSTMENT BENEFITS

The committee has recommended a supplemental appropriation of $217,000,000. This is $500,000 less than the administration's request and the House allowance. The additional appropriation is requested to fund the greater than anticipated training load during the year and to provide for increased educational allowances as well as recently authorized program enhancements.

OMB has just forwarded a request for an additional $250,000,000 supplemental appropriations for readjustment benefits, and I have already offered an amendment to provide these funds.

VETERANS INSURANCE AND INDEMNITIES

The committee recommended a supplemental appropriation of $3,555,000. This is $1,185,000 less than the administration's request and the House allowance. The amount recommended should cover the expected shortfall in the veterans insurance and indemnities account but will not provide funds for a reserve. The additional funds are needed for transfer to the service-disabled insurance fund. This fund experienced an unexpected drop in unobligated balances during fiscal year 1980 due to a large increase in policy loans, aggravated by increases in death claims, cash surrenders, and premium waivers.

MEDICAL CARE (SUPPLEMENTAL)

The committee agrees with the administration's request and the House in providing a supplemental appropriation of $79,967,000. This action will support implementation of the Veterans' Administration Health Care Amendments of 1980 and to provide additional resources for beneficiary travel.

MEDICAL CARE (PAY COSTS—DEFERRAL)

The administration requested a deferral of $29,389,000 to offset the requested pay supplemental. While the House disapproved the deferral, the committee recommended rescinding $25,789,000. The committee has determined that, due to the passage of time, no more than $7,200,000 would be required to provide funding for these 1,280 employees for the remainder of fiscal year 1981.

The entire $29,389,000 rescinded by the committee plus an additional $3,600,000 has been provided in title II of this bill to cover both the pay supplemental offset and the additional fiscal year 1981 cost for the 1,280 positions restored.

The committee denied the administration's proposals to defer $1,690,000 associated with 74 positions in "medical and prosthetic and research" account and the deferral of $515,000 and 14 positions in the "medical administration and miscellaneous operating expenses" account.

In both cases, the committee has included these additional amounts in Title II of the Act to provide funds to fill the positions associated with these two accounts.

CONSTRUCTION, MAJOR PROJECTS

The committee recommended a rescission of $165,760,000. This is $3,600,000 more than the administration's request and the House allowance. The committee agreed with the administration and the House in rescinding funds for the Camden and Baltimore hospitals. The committee also rescinded an additional $3,600,000 from the construction contingency fund in order to partially offset

the 1,280 medical care positions restored in the medical care account. The committee is concerned that the VA is planning the construction of a number of new hospitals while at the same time, the administration is recommending the cancellation of Baltimore and Camden facilities.

Consequently, the committee requested the VA to explicitly state the criteria used for determining the priority of hospital construction and apply these criteria to all hospitals, including the Baltimore and Camden hospitals, contained on the priority list in the VA's most recent 5-year plan.

VOCATIONAL REHABILITATION REVOLVING FUND

The committee agreed with the administration's request and the House in recommending a supplemental appropriation of $1,250,000. This action will fund anticipated increases in both the number and amount of loans resulting from the Veterans Rehabilitation and Education Amendments of 1980. This supplemental will allow the VA to increase the maximum loan to a disabled veteran from $200 to $564.

FEDERAL HOME LOAN BANK BOARD LIMITATION ON NONADMINISTRATIVE EXPENSES

The committee agreed with the administration's request and the House to increase by $930,000 the limitation on the nonadministrative expenses of the Federal Home Loan Bank Board. The limitation increase was requested by the administration to accommodate higher per diem and mileage allowances authorized by Public Law 96–346.

TITLE II—INCREASED PAY COSTS

The committee considered revised estimates of $315,005,000 in new budget authority for fiscal year 1981 for increased pay costs for the Department of Housing and Urban Development and other agencies. Excluding pay cost supplemental requests of the Veterans' Administration, the committee recommends reductions of $1,662,000 in various accounts based on more recent information available than at the time the requests were developed.

The committee also recommends an increase of $34,291,000 in the $248,834,000 total supplemental pay request of the Veterans' Administration, the reasons for which were addressed in the VA section of my statement.

Mr. CHAFEE. Mr. President, I would like to commend the chairman of the HUD-Independent Agencies Subcommittee, my distinguished colleague from Utah, for his leadership on chapter VI of this bill. He has done an excellent job and I would like to congratulate him for what I think is a splendid piece of work.

I would like to ask the Senator from Utah a question. Is my understanding correct that after May 18, 1981, the $1.7 billion the President has proposed for rescission in the EPA construction grants program will again be available for obligation?

Mr. GARN. Yes, the gentleman from Rhode Island is correct. The administration is obligated to release the construction grant funds which were frozen pending enactment of the President's rescission because the rescission request was not enacted within 45 days of their formal submission to the Congress.

Mr. CHAFEE. So, formal grant requests for funding from the $1.7 billion will be, or already have been, submitted to EPA for specific projects.

Mr. GARN. Yes, I believe that is so.

Mr. CHAFEE. Is EPA obliged or required to fund all requests?

Mr. GARN. Let me respond by saying that on May 15—that is last Friday—EPA's acting administrator notified the regions that all future obligations will require the new administrator's concurrence. In that notification, Mr. Barber states that this new procedure has been instituted to insure the cost effectiveness of the grant awards. I would, therefore, assume that EPA does not intend to approve every application submitted.

Mr. CHAFEE. I want to thank the Senator and let him and others know that my Subcommittee on Environmental Pollution is working on legislation that will provide for a more equitable distribution of funds in the future.

THE MILITARY CONSTRUCTION CHAPTER

Mr. LAXALT. Mr. President, I thank my colleagues for their support of the military construction chapter to this supplemental bill as reported.

Mr. President, the committee is recommending an appropriation of $232,262,000 for military construction and family housing and $17,938,000 for increased pay costs in the family housing account. Our recommendation is $102.1 million under the budget request and $10.8 million over the House allowance.

In addition, the committee has agreed with the deferral of $92 million for MX planning and design construction funds. This deferral was added by the House Appropriations Committee to stop planning on a specific basing mode for the MX until the President certifies to Congress his decision on the MX basing mode. While the committee supports the need to strengthen our current land-based intercontinental ballistic missile system, it would not seem prudent to enter into multimillion dollar contracts for planning and design of facilities at sites which have yet to be chosen.

Of the $232.3 million approved by the committee, $28.4 million is for the Army; $15.9 million for the Navy; $81.1 million for the Air Force; $16.4 million for Defense agencies; $6.5 million for the Air National Guard; and $84 million for family housing.

The committee carefully reviewed each individual project requested as a part of the supplemental. The reductions recommended were justified because the committee took the position of appropriating only those projects of an unusual or unique nature.

Again, I ask the support of my colleagues in approving this supplemental appropriation for military construction.

W. R. GRACE

Mr. HUDDLESTON. Mr. President, I want to commend the distinguished and able Senator from Idaho (Mr. McCLURE) for his very fine efforts regarding the Interior appropriations chapter. This chapter includes an amount for supplemental appropriations which is less than what the administration requested and includes an amount for rescission which is more than the President requested, so I want to commend him for his efforts at holding the line.

Mr. President, I would like to raise one item that is of particular concern to me and that relates to coal liquefaction. At my request, the committee included the following language in the report accompanying the fiscal year 1981 supplemental appropriations and rescission bill, and I quote:

> Although the Committee concurs in the rescission requests proposed by the administration, should unobligated funds remain available in the Fossil Energy Research and Development account, the Committee directs that up to $3,000,000 be made available to allow completion of preliminary design on the W. R. Grace project.

I would like to ask the distinguished manager of this chapter if it is not his understanding and intent that because of the lateness in the fiscal year and the explicit directive in the committee report that DOE would not need to follow the established reprograming guidelines but rather would follow the committee directive that up to $3 million of any unobligated funds in the fossil energy research and development account be made available to allow completion of preliminary design of the W. R. Grace project, and that the appropriate committees of the Congress should be notified of the action taken within 30 days after the end of the fiscal year.

Is this not the distinguished chairman's understanding and intent?

Mr. McCLURE. I thank the distinguished Senator for his very generous remarks and his understanding of the intent of the committee is correct.

REA AND RURAL TELEPHONE LOAN PROGRAMS

Mr. ANDREWS. Mr. President, a number of my colleagues are deeply concerned, as I am, about the proposed drastic changes in the REA and rural telephone loan programs.

While the administration has every right to submit legislation to the Congress which would substantially change the traditional loan program, I think most of us feel this should be done in an orderly legislative process, letting the proper authorizing committees hold hearings, hear witnesses and thoroughly examine the pros and cons of the proposals.

What bothers some of us on the Agriculture and Appropriations Committees—and certainly concerns the borrowers—is that the administration may have given orders to REA to slow up, or perhaps put on a firm hold, pending loan applications, looking toward the day that Congress may approve its requests.

Mr. President, both the House and the Senate, in the bill we are considering, have rejected most of the rescissions of funds for these loan programs. I think my colleagues have done this with the thought in mind that until the statutes are changed—and they may well be changed—there is no justification whatsoever for any unreasonable delay in the processing of these loans.

Mr. COCHRAN. Mr. President, I fully agree with my colleague from North Dakota. Several co-ops are currently affected by this loan embargo, and it is causing them some extremely difficult problems. If these projects are not allowed to move ahead on schedule, it simply means the cost of construction has nowhere to go but up.

When that happens, of course the rates have to go up, adding more and more unjustified costs to the production of food and fiber.

Our committee is advised that REA has stopped approving any loans, either insured or guaranteed, to electric distribution cooperatives where some transmission facilities are part of the application.

This is contrary to existing law, and should not be permitted by an administrative embargo on loan processing. This is not the intent of our subcommittee. If the law changes, by Act of Congress, this Senator will be satisfied, but I think we are breaking faith with those people who have made this most successful farm program in history to switch signals on them without legislative authority.

Mr. ANDREWS. I thank my chairman for his comments. I know of one cooperative which has had a loan pending for nearly 4 months now, and it has not even cleared the area office, for the next step, which is processing in the loans division of REA.

This is, no doubt, due to the fact that the $5 million loan they are seeking contains about $2.5 million worth of transmission facilities. There is nothing new or unusual about this loan. It is a very small cooperative that we are talking about—serving three very sparsely settled counties in my State. Its consumer-per-mile density is probably about 1½—which is darned few people to pay for that electricity.

Furthermore, in this particular loan, we are not even talking about miles and miles of high-voltage transmission line. The transmission element of this loan is just a "tap", or call it a tie-in, to an existing transmission line owned by another supplier, in this case a nearby private utility which works harmoniously with the rural electric.

Mr. President, there is just no justification for REA to stall on this loan, and loans like it, when the Congress has not authorized any change in the REA statute, and when Congress has restored the funds we appropriated last year for making these loans.

Mr. BURDICK. I agree fully with my colleague, Senator ANDREWS. A large number of co-ops in North Dakota are affected by the loan embargo and are experiencing undue financial consequences. The cost of the higher interest rates and delays will cause higher electric rates that will be borne by the farmers and other consumers in the sparsely settled rural areas. I urge REA to discontinue its current embargo on transmission loans and begin making them immediately.

A PROBLEM IN THE NAVY

Mr. HARRY F. BYRD, JR. Mr. President, I support the amendment to provide $55 million to the Department of Defense for aviation officer continuation pay. It does not add to the total as the $55 million will come from elsewhere within the Navy funds.

This $55 million will help in providing an incentive for stemming the loss of flying officers from the services.

The most serious shortages are in the naval service, and I would like to address that situation for a few moments.

Today there is a 22 percent shortage of naval aviators and an 8 percent shortage of naval flight officers. Projections indicate that these shortages will increase to 41 percent and 23 percent respectively by 1985, if positive action is not taken by Congress. The Navy plans to expend $38.5 million in fiscal year 1981 to retain the appropriate number of naval pilots and naval flight officers to meet its manning requirements.

The Navy utilizes the combat aircrew concept in the employment of naval pilots and naval flight officers. In all of the combat aircraft where two persons are required, the pilot and the flight officer are mandatory for mission accomplishment. In most aviation assignments, while not actually in flight, the assignments of these two categories of officers are interchangeable.

The expenditure of this $55 million will realize substantial savings in the long run. Navy estimates show that its $38.5 million expenditure will result in keeping 298 pilots and 60 flight officers on active duty this year. If this is correct, this will save $256 million in future training replacement costs. By 1985 the Navy anticipates the retention of 2,311 pilots and flight officers if this bonus is allowed. The training replacement costs for these 1,930 pilots and 381 flight officers would be $1.7 billion, the Navy states.

To replace one flightcrew of an F–14 fighter plane costs the American taxpayer $1.5 million, according to Navy estimates. This $1.5 million represents training cost only to squadron assignment; while estimates to attain readiness equivalent to that of the lost F–14 flightcrew run as high as $3 million per flightcrew.

Mr. President, assuming the accuracy of the Navy's figures, this motion represents a sound business expenditure and I urge its adoption. It does not add to the budget as the amendment provides that the funds come from other areas so the total is not increased.

● Mr. INOUYE. Mr. President, the Appropriations Committee has recommended, for Senate approval, supplemental appropriations for foreign assistance and related programs totaling $439,170,000 and rescissions totaling $66,370,900. For the most part, the committee recommendations are in accord with what I believe are reasonable and proper actions. I do have some continuing concerns, however, and I shall now address two of them.

On September 22, 1978, this body considered, amended, and passed the fiscal year 1979 foreign assistance and related programs appropriations bill. As passed by the Senate, that bill contained a sense of the Senate provision pertaining to future U.S. contributions to international financial institutions. In conference with the House, that sense of the Senate provision became a sense of the Congress provision and was so adopted by both Houses of the Congress. Specifically, that sense of the Congress provision read, "It is the sense of the Congress that the United States share of contributions to future replenishments of the International Financial Institutions should not exceed the percentages enumerated below for each of the respective accounts within these institutions." For the International Development Association, the stated percentage was 25 percent of future replenishments.

Mr. President, in September of 1978, the Congress made known its intentions with regard to funding of the sixth replenishment of resources for the International Development Association. After 19 months of detailed and delicate negotiations, U.S. negotiators achieved a reduced U.S. share in IDA VI. From the 31 percent share of IDA V, the U.S. share of IDA VI was reduced to 27 percent of total contributions.

Mr. President, I would suggest that U.S. negotiators acted in good faith. They heard the Congress, and they brought back from the IDA replenishment negotiations a fair proposal for funding. I believe the Congress must now support the result of these negotiations and fulfill the intent it expressed in 1978.

The committee report, however, carries the thinly veiled suggestion that total U.S. contributions to IDA VI be limited to the amount the United States provided to IDA V. To this end, the committee would reduce the President's request from $540 million to $408 million. I find this insupportable. I believe the Senate should appropriate the full $540 million requested and support the whole of the administration's request for funding of of IDA VI.

Mr. President, I would also like to address the question of funding for the Export-Import Bank of the United States.

Through a proposed change in the language which sets a limitation on Eximbank program activity, the administration proposed a rescission of $752 million in Eximbank lending authority. The House approved the restoration of one-half of this amount by changing the amount to be rescinded to $376 million. The committee would not restore as much as the House-passed measure, but recommends that an increased amount of $502 million be rescinded.

Mr. President, I would suggest that this is a false economy. The United States must expand its exports if economic recovery is to take place. The Export-Import Bank is a proven success; it does aid in export expansion.

I recognize the need for budgetary restraint, and I believe the House has taken the appropriate action. I hope the Senate will not accept the committee amendment and will restore adequate funding to the Eximbank.●

MHD RESEARCH A NATIONAL PRIORITY

● Mr. SASSER. Mr. President, I am pleased that the committee has rejected the proposed rescission of $6 million for magnetohydrodynamics research. By converting the proposed rescission into

a deferral, the committee has signaled the administration that the Congress does not fully support terminating this vital and important research.

The administration has indicated that Federal financial support for MHD research should be withdrawn in the next fiscal year. I consider this proposal—this departure from a 20-year policy—to be the height of folly. Approximately $400 million has already been invested in this program. Is it wise Government policy to halt this research at a time when we need to be exploiting every possible alternative energy source? I think not; $400 million has already been spent. I do not believe that the American people support halting this research at this time. We would be taking a great risk that this substantial investment would be lost.

The administration indicates that private industry should be paying for MHD research. But the only reason the Federal Government has been supporting this research in the first place is because private industry is not able to assume the entire research and development burden.

I believe it is an unwise policy especially with $400 million already invested—to halt Federal funding merely with the hope that the private sector will pick up where the Government left off.

Mr. President, MHD is a promising energy alternative. But it is not ready to be commercialized. The Federal Government should continue to support MHD until it is proven to be commercially feasible or until there is a clear signal that private industry is willing to provide the necessary funds to assure that MHD research goes forward.

Mr. President, MHD can revolutionize fossil fuel generation of electricity. It substantially reduces pollution in coal-fired generators and assures that powerplant efficiencies can be increased by 50 to 60 percent.

I am especially proud of the MHD research which is being carried out by the University of Tennessee Space Institute in my State. In 1972 UTSI was the first research installation to demonstrate MHD generation of electricity using coal as a fuel. Today some 250 talented engineers, scientists, and professional personnel are engaged in this program at UTSI. If the Federal Government withdraws support from MHD at this point, then this team will be split up and much of the MHD expertise will be lost forever.

Mr. President, I think we should take note that other nations are actively pursuing an aggressive MHD research program. The Soviet Union, for example, has a very active MHD research effort in support of military weapons applications.

So now is not the time for this country to halt this research. I want to encourage Senator McCLURE, the chairman of the Interior Subcommittee, to continue to support MHD funding when his subcommittee marks up the fiscal year 1982 appropriations bill later this year.

Mr. President, MHD is an investment in a better America—let us get on with the job that needs to be done. It is, in my opinion, a wise expenditure of the taxpayers money and should be supported by the Congress.●

PRESERVING THE LAND AND WATER CONSERVATION FUND

● Mr. BIDEN. Mr. President, since its inception in 1964 the land and water conservation fund (LWCF) has been the principal source of funds used by both the Federal and State Governments to protect our Nation's endangered natural resources. In addition, the fund has spawned historic preservation efforts and insured the availability of adequate recreational facilities throughout all regions of the Nation.

It has been particularly important to States such as mine which have few or no national parks or recreational facilities. Its source of funds are not Federal income tax receipts, but rather the revenues generated from the sale of oil and gas leases along the Outer Continental Shelf.

This financing method is particularly appropriate since through the depletion of one natural resource—oil and gas—the country is able to invest in others. We thereby can protect for our enjoyment and that of our children's a small portion of our Nation's undeveloped areas and the wildlife and other resources they contain.

Unfortunately, President Reagan has decided to make the fund, itself, an endangered species. The administration's proposal is extremely shortsighted.

In the name of fiscal austerity, the President, acting through Secretary of Interior James Watt, has proposed termination of the land and water conservation fund's State share as of September 30, 1981. This program allocates 60 percent of the fund's annual appropriation to the various States.

Each State, in turn, must match their allocation dollar for dollar. For the current fiscal year, for example, Delaware was allocated $2,123,890. As part of the President's proposed termination of the fund, Secretary Watt froze all unobligated allocations on February 18. Nationally, this meant that 58 percent of the money which had already been allocated to the States and was available to be obligated was frozen—an amount totaling $187.2 million. Since States are allowed up to 3 years to obligate their allotted funds, many States had all or most of their 1981 share frozen.

Delaware is 1 of 12 States which had yet to obligate any of this year's allotment. Therefore, Secretary Watt's action has had the effect of freezing Delaware's entire 1981 share of $2.1 million. While my State may not have obligated these funds prior to Secretary Watt's action, they certainly had already been targeted to specific projects.

After the freeze was announced, the President requested a rescission or permanent budget reduction of $145 million of the $187.2 million which had originally been allocated to the States to spend this year but had not been obligated by February 18.

In addition to the $145 million budget cut for the State share, the President and Secretary Watt have requested cutting the 1981 Federal share by $105 million—a 38-percent reduction of funds originally appropriated to be spent this fiscal year. The Federal portion of the fund finances all acquisitions of the National Park Service, the Forest Service, and the Fish and Wildlife Service. Looking ahead to next year, the administration has proposed spending only $45 million for land acquisition—an 87-percent cut.

While this action will generate short-term savings, it will result in much higher long-term costs. This occurs since there is already a $3.7 billion backlog in funds needed to acquire lands already authorized for existing national parks, wildlife refuges, and recreational areas. Many of these areas are located close to major population centers which presently lack such facilities. By postponing these acquisitions, their eventual cost to the Government will only increase since land values, particularly in urban areas, have been rising substantially faster than inflation.

Of course, one alternative would be to shut down existing park areas. This option is one which the administration claims it is not actively pursuing. Many who follow environmental issues, however, are quite concerned by this prospect as am I. I hope that the administration keeps it word on this issue.

I raise these issues today because the bill which we are debating, the Fiscal Year 1981 Supplemental Appropriations and Rescission Act, addresses the President's proposed $250 million cut in the land and water conservation fund. The House of Representatives rejected the President's cut on May 13. This action would permit the release of all the fiscal year 1981 funds frozen on February 18. Unfortunately, the Senate has not followed the House's lead.

The Interior Appropriations Subcommittee recommended to the entire Appropriations Committee approval of the President's $250 million budget cut. Fortunately, Senator BUMPERS was able to convince the committee to restore $100 million which would be split evenly between the Federal and State shares of the fund. While I am happy to see this partial restoration of the frozen 1981 funds, I would have preferred to see the Appropriations Committee reject the President's entire cut as did the House.

There had been some discussion prior to the adoption of Senator BUMPERS' amendment in committee of an attempt to restore the full funding here on the floor. I would have supported this higher funding level. However, in the absence of such an amendment, I urge my colleagues who will be on the joint House-Senate conference on this bill, to adopt the House position.

While it looks likely that at least some of the 1981 funds frozen by the President and Secretary Watt will eventually be released, it is still too early to know the fate of next year's allocation, if indeed there will even be an allocation at all. I intend to oppose the administration's attempt to eliminate the State share as well as their efforts to substantially reshape the Federal share of the program.

To propose gutting the land and wa-

ter conservation fund is especially objectionable at a time when Secretary Watt has announced his intention to substantially increase oil and gas leasing on public lands and waters, thereby increasing Federal receipts. It was my fear that Secretary Watt would advocate just such fundamental program shifts that led me to join with 11 other Senators in opposing his confirmation as Secretary of Interior. During the debate on his nomination on January 22, I expressed these fears as follows:

What I worry about, Mr. President, is whether this record (Mr. Watt's) of zeal and unyielding dedication to promoting greater exploitation of public lands will be adequately temptered with a dedication to moderation in the use of those lands; whether Mr. Watt will find an adequate middle ground between the developmental interests which he has so forcefully advocated and the equally valid goals of environmentalists whom he has labeled "extremists".

I believe the function of the Secretary of the Interior by historical precedent and legislative mandate is to balance these legitimate interests. Mr. Watt's one sided advocacy gives me sufficient doubt as to his willingness to construct the required balance among all groups who seek his attention and to realize all that a Secretary of Interior is obliged by law to uphold and defend. I do not believe Mr. Watt will uphold the intent of the law.

Mr. President, in the 4 months since his confirmation, Secretary Watt has unfortunately done little to disabuse me of my fears. In fact, the policy changes he has espoused, that is, the termination of the State share of the Land and Water Conservation Fund; the drastic realinement of the Federal portion and the acquisition programs it finances; and the freeze of this year's funding—give ample justification for such fears.

Much was said of Mr. Watt's desire for balanced management of the Interior Department's often conflicting goals. To date, little balance has emanated from the Department. Mr. President, I hope Secretary Watt and the President will reconsider their decision to terminate the Land and Water Conservation Fund's State share. Should they choose not to, I hope a majority of my colleagues will join with me to insure the fund's continued existence.●

● Mr. PELL. Mr. President, the supplemental appropriation bill being considered by the Senate today contains a rescission of approximately $60 million in funding for the National Consumer Cooperative Bank. I believe that it is a mistake to drastically cut funding for a Federal program which, in the short period since its authorization less than 3 years ago, has already demonstrated its value in helping to rebuild blighted rural and urban neighborhoods across our Nation.

The bank was created, under legislation sponsored by my colleague and good friend, Congressman FERNAND J. ST GERMAIN, to provide financial and technical assistance to nonprofit cooperatives, which have a long and successful history in our country as community builders. All of the financial assistance provided by the bank is ultimately repaid into what is essentially a revolving fund for helping cooperatives undertake neighborhood revitalization initiatives.

In my own State of Rhode Island, the bank has provided financial assistance to a cooperative for converting abandoned naval housing into new living facilities for low- and moderate-income citizens. Without the help from the Consumer Cooperative Bank, projects of this sort would not be possible. The bank does not duplicate loan activities available in the private sector, especially in periods when the high cost of borrowing money makes community revitalization projects a lesser priority.

The assistance provided by the Consumer Cooperative Bank is very much in the tradition of self-help that really built the economic base of our society. Continuing the repayable Government investment in the bank is an investment in people, neighborhoods, and encouraging our citizens to work together in building stronger communities. This program should be given the chance to continue to revitalize decaying urban and rural areas, and I very much hope that the conferees on this bill will restore the funding which is necessary to keep the Consumer Cooperative Bank alive.●

Mr. ROBERT C. BYRD. Mr. President, H.R. 3512, the supplemental appropriations and rescission bill for fiscal year 1981 affects virtually every Federal program. Defense, energy, health, and education—all are affected by this bill. As reported, the bill includes rescissions of $15.3 billion in budget authority and supplemental appropriations of $21 billion in BA.

H.R. 3512 includes supplementals for some very important programs—programs which I support. For example, it includes $1.3 billion for strategic petroleum reserve purchases, which I believe are necessary to our efforts to achieve billion for veterans' entitlement programs; $391 million for student financial assistance; and $300 million to continue operation of Conrail.

This bill represents a major step forward implementation of President Reagan's program for economic recovery. I have said that I support the President's goal of bringing the Federal budget under control. I agree that reducing Federal expenditures if necessary if that goal is to be realized. However, while I believe that President Reagan's economic recovery program should be given a chance, I am concerned, as I have stated before, about some of the specifics of his economic proposals. I am concerned about their impact on the Nation and on my own State of West Virginia.

This bill seeks to implement some of those proposals about which I have serious reservations. It makes major rescissions in economic development assistance programs; in Appalachian regional development programs; in EPA construction grants; in veterans medical care; in elementary and secondary education; in education for the handicapped; and in many other programs which are important to West Virginia and which, in many cases, are vital to its economy and growth.

In energy, the rescissions are large and numerous. For example, $505 million is rescinded from biomass energy development; $173 million is rescinded from energy supply research and development, which includes such important programs as solar application for building, industry, and power and geothermal R. & D. In fossil energy research and development, a $67 million rescission is proposed; in DOE alcohol fuel, biomass fuel, and urban waste loan guarantees, a $470 million rescission is proposed; and in HUD solar energy conservation, a $875 million rescission is proposed.

There are numerous other energy programs for which rescissions are proposed, and I am very concerned about their impact on our energy future. It is absolutely necessary that we achieve energy independence. These programs are moving us in that direction. If we dismantle them, as these proposed rescissions appear to do, we risk continued dependence on foreign oil.

While I intend to vote for this bill because it includes necessary and important supplementals and worthwhile rescissions which it would be irresponsible to oppose, I will continue to be concerned about some of the rescissions until their impact is assessed. I hope that my concerns will be proved unwarranted. If they are not, I hope that the Congress will reverse those decisions which cause serious problems for the Nation's economy or which jeopardize its energy independence.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from California (Mr. CRANSTON), the Senator from Alabama (Mr. HEFLIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

Mr. GOLDWATER. Mr. President, regular order.

The PRESIDING OFFICER. Is there any Senator in the Chamber who wishes to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—95

Abdnor	Bentsen	Bumpers
Andrews	Biden	Burdick
Armstrong	Boren	Byrd, Harry F., Jr.
Baker	Boschwitz	Byrd, Robert C.
Baucus	Bradley	

Cannon	Hayakawa	Pell
Chafee	Heinz	Percy
Chiles	Helms	Pressler
Cochran	Hollings	Proxmire
Cohen	Huddleston	Pryor
D'Amato	Humphrey	Quayle
Danforth	Jackson	Randolph
DeConcini	Jepsen	Riegle
Denton	Johnston	Roth
Dixon	Kassebaum	Rudman
Dodd	Kasten	Sarbanes
Dole	Kennedy	Sasser
Domenici	Laxalt	Schmitt
Durenberger	Leahy	Simpson
Eagleton	Levin	Specter
East	Lugar	Stafford
Exon	Matsunaga	Stennis
Ford	Mattingly	Stevens
Garn	McClure	Symms
Glenn	Melcher	Thurmond
Goldwater	Metzenbaum	Tower
Gorton	Mitchell	Tsongas
Grassley	Moynihan	Wallop
Hart	Murkowski	Warner
Hatch	Nickles	Weicker
Hatfield	Nunn	Williams
Hawkins	Packwood	Zorinsky

NOT VOTING—5

Cranston	Inouye	Mathias
Heflin	Long	

So the bill (H.R. 3512) was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. CHAFEE) appointed Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. MCCLURE, Mr. LAXALT, Mr. GARN, Mr. SCHMITT, Mr. COCHRAN, Mr. ANDREWS, Mr. ABDNOR, Mr. KASTEN, Mr. D'AMATO, Mr. MATTINGLY, Mr. RUDMAN, Mr. SPECTER, Mr. PROXMIRE, Mr. STENNIS, Mr. ROBERT C. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. EAGLETON, Mr. CHILES, Mr. JOHNSTON, Mr. HUDDLESTON, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, and Mr. BURDICK conferees on the part of the Senate.

Mr. BAKER. Mr. President, I would like to take this opportunity to pay my special compliments and respects to the distinguished Senator from Oregon, the chairman of the Appropriations Committee.

It is probably difficult for those who are not Members of the Senate to fully comprehend and understand the enormous responsibility that goes with the management of a bill of this sort not only because of the amount of money involved and the great number of subjects involved, the crosscurrents of conflict, dissent, and disagreement and various shades of agreement that manifest themselves in the debate on this measure, but also in the difficulty that the manager of a bill on behalf of the majority has in trying to make sure that the bill is considered in a regular way, in an orderly way, and in a way that is calculated to give the Senate an opportunity to work its will within a reasonable period of time.

I have been in the Senate now for a little while, as has the Senator from Oregon. We came here together on the same day a little over 14 years ago. What I am about to say in no way disparages the good services of other chairmen of the Appropriations Committee, but I am sure nobody will disagree either that I have never seen an appropriations bill managed with greater diligence, with greater understanding, with greater skill, and with greater dedication than this bill has been managed by the distinguished chairman of the Appropriations Committee, Senator MARK HATFIELD of Oregon.

Mr. President, it has been a pleasure to work with him and to make my minor contribution as a member of the leadership, and try to assist, as I was permitted to assist, in seeing that this bill reached this point.

ORDER IN THE SENATE

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. GOLDWATER. Mr. President, I hope the leader——

The PRESIDING OFFICER. We have got to have order. May we have order in the Chamber?

Mr. GOLDWATER. Faced with the constant problem of keeping order in the Chamber, I wonder if there is any precedent for the Chair calling the names for the RECORD of those Senators standing in the well to be printed in the RECORD and made knowledgeable at home? [Laughter.]

The PRESIDING OFFICER. The Chair will report that on occasions they have been made honorary sergeants at arms to assist in restoring order. The Chair is reluctant to use that power, however.

Mr. GOLDWATER. I did not get an answer to my question, because I have a feeling that if we start calling out the names of the different Senators and their States and they appear in the RECORD it might make them a little less comfortable at home when they are faced with the question of "Why don't you stay quiet in the Senate?"

Is there an answer to that?

Mr. BAKER. Mr. President, if the Senator will yield to me——

Mr. GOLDWATER. I wanted an answer from the Parliamentarian.

Mr. BAKER. I know the distinguished Senator from Arizona, who has graced the Chair with such style and eloquence, has done exactly that, and we have stood by in awe and intimidation as he not only identified those who are in the well or otherwise disturbing the decorum of the Senate but I must also say that he is probably the best Presiding Officer I ever saw. So I suspect we are moving toward that precedent, and the Senator from Arizona is making a major contribution in that respect.

Mr. GOLDWATER. I just wanted to feel free to do it if I am ever in the Chair again. I do not like to go against precedent or the rules, but I am tempted to call out the names and see that they are recorded in the RECORD.

With that assurance from my leader I look forward to occupying the Chair again.

Mr. BAKER. I look forward to the Senator's occupying the Chair again. I must only dissent in one respect. I have never known—and I have known him for many years—I have never known him to be reticent to break the rules or establish a new precedent.

I think most Members in the Senate would agree that when we first turned to the consideration of the supplemental appropriation bill, notwithstanding that we must deal with this measure very promptly such that previous continuing resolutions expire on June 5, notwithstanding that, the prospects of completing final action on this bill by 5 o'clock, or approximately 5 o'clock, today were very remote, indeed.

But the Senator from Oregon was a good steward, a good manager, a good chairman, and a good friend, and through his good offices we were able to arrive at a result that I think is little short of astonishing.

So I would like to pay my special respects to him and my special respects, of course, to the distinguished manager on behalf of the minority and all of the subcommittee chairmen and ranking subcommittee members and all Senators, indeed, who made it possible to do an extraordinary thing and to achieve a legislative accomplishment of major proportions in a very short period of time.

But I wanted to take this opportunity to especially single out the Senator from Oregon for commendation for his management of the first appropriation bill in his tenure as chairman of that committee and to express to him, as well, my deepest personal gratitude.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I am happy to yield to the distinguished minority leader.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I wish to join the distinguished majority leader in commending the distinguished Senator from Oregon (Mr. HATFIELD) the new chairman of the Appropriations Committee, who has shown a thorough understanding of and a very firm grasp of the appropriation process, as his handling of the bill clearly demonstrated.

Also, I would like to include Senator PROXMIRE, the ranking minority member on the committee, who has brought to the committee's deliberations his expert knowledge of and experience with the workings of the Government.

I thank the distinguished Senator for yielding.

Mr. HATFIELD. Will the Senator yield?

Mr. BAKER. Mr. President, before I yield to the Senator from Oregon, I yield to the Senator from Idaho.

Mr. MCCLURE. Mr. President. I thank the Senator for yielding. I wish to join in the comments that were made by our distinguished majority leader and to say, as one of the subcommittee chairmen, what a pleasure it has been for me to work with the Senator from Oregon in that regard and also to not only commend the Senator from Oregon but to indicate that, from my standpoint, it would have been impossible to do the

work that had to be done in my subcommittee without his assistance. I wish to also commend the professional help that we have on the committee and the staff that we have that made it possible for us to do what many of us never did before, and that is to chair that kind of action and be responsible for it.

The Senator from Oregon is entitled to the accommodations we have given him here today.

Mr. BAKER. Mr. President, I yield to the Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I join with the majority and minority leaders and the distinguished Senator from Idaho in commending the Senator from Oregon. These are particularly difficult types of bills.

I recall so vividly last year the final appropriation bills that we dealth with. There were 150 or 170 amendments, as I recall, and it went on for days and days.

We have dealt with extremely difficult subjects, and we have done it rapidly. It certainly is a great tribute to the distinguished chairman of the committee.

Mr. BAKER. Mr. President, I am pleased to yield to the distinguished Senator from Oregon, the chairman of the Appropriations Committee.

Mr. HATFIELD. Mr. President, to hear the fine words—and I know they are very sincere words—from my leader, the Senator from Tennessee, the minority leader, the Senator from West Virginia, my good friend on the committee, the Senator from Idaho, and my good friend, the Senator from Minnesota, reminds me of an observation made once by the late President Herbert Hoover. He had been given a number of flattering and very generous remarks in an introduction. He said that such remarks reminded him of fine cologne—the fragrance was delightful but was not to be taken internally.

So I accept these kind remarks, but I really accept them on behalf of the full committee, because without the support and the cooperation from our distinguished ranking minority leader of the committee, the Senator from Wisconsin, Senator PROXMIRE, and all the subcommittee chairmen and the ranking minority members, the full membership of the committee, and the extraordinary expert work of Keith Kennedy, the director of the minority staff of the committee, and Tom van der Voort, director of the minority staff of the committee, and all other professional staff of the Committee, both majority and minority, this could not have come along on time and within the framework in which we have offered it.

Mr. President, I am most grateful for these comments. As I say, I receive them not on my behalf, but only as the representative of all these people on the committee who have made this a rather successful beginning for this committee work under the majority leadership.

So I thank Senator Baker, particularly, for his most wonderful and kind remarks.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session to consider the nominations that I believe have been cleared on the minority side, on page 2 of today's calendar, beginning with International Communication Agency and continuing through nominations placed on the Secretary's desk.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I have no objection to going into executive session, but I would like for the majority leader to again state the nominees who are to be considered.

Mr. BAKER. I thank the minority leader.

Mr. President, my calendar shows clearance on the following nominations—and I misspoke the request I made and I appreciate the minority leader calling it to my attention.

I may say, by the way, for the benefit of my doctor, that I have new glasses and I cannot see.

But, in any event, I now ask unanimous consent that we go into executive session for the purpose of considering the nominations on page 2 of today's Executive Calendar, beginning with Department of State, James L. Malone, of Virginia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs; the Department of Justice, Henry Dargan McMaster; and the nominations placed on the Secretary's desk.

Mr. ROBERT C. BYRD. Mr. President, the nominations referred to have been cleared on this side of the aisle.

Mr. BAKER. I thank the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF STATE

The legislative clerk read the nomination of James L. Malone, of Virginia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

Mr. McCLURE. Mr. President, I rise in strong support for the nomination of James Malone to be Assistant Secretary of State for Oceans and International Environment and Scientific Affairs. The Committee on Foreign Relations favorably reported his nomination on May 5, 1981, and recommended that he be confirmed by the Senate.

Mr. Malone has broad experience in the areas over which the Bureau has jurisdiction, in government, private practice, and in academic life. He has worked, among other positions, as dean of the Willamette University College of Law, as general counsel for the Arms Control and Disarmament Agency, and as attorney in the Washington law firm of Doub and Muntzing. He has previously served as the U.S. representative to the Conference of the Committee on Disarmament in Geneva with the rank of Ambassador, as leader of the Reagan administration transition team at ACDA, and then as Acting Director of ACDA. He is currently the President's Special Representative to the United Nations Law of the Sea Conference.

The Assistant Secretary for Oceans, International Environmental and Scientific Affairs is the principal State Department official responsible for formulating and implementing policies relating to the scientific and technological aspects of U.S. foreign policy. His areas of responsibility include energy technology, polar issues, fisheries and other ocean matters, environmental affairs, Law of the Sea, and nonproliferation, nuclear export policy and other nuclear policies. The Assistant Secretary represents the Department of State in international negotiations and conferences, and chairs a number of interagency groups concerned with the OES Bureau's functional areas. In addition, he is cochairman of the United States-Spanish Joint Committee with responsibility for a 5-year U.S. grant fund totaling $23 million. He also coordinates and manages the Bureau itself, which has a staff of 160 and appropriations totaling approximately $16 million.

Mr. President, last March the Reagan administration acted decisively to redirect dramatically the direction of negotiations of the Law of the Sea Conference. His action would modify significantly the position of Law of the Sea of the Carter administration. A few weeks before the 10th session of the Conference convened in New York, the President ordered a thorough review of the draft text which had been produced by the previous session. He also appointed James Malone, who is his nominee for Assistant Secretary of State for Oceans, International Environmental and Scientific Affairs and whom we are considering today, to be his Special Representative and to lead the U.S. delegation in the difficult task of explaining the new administration's decision to review the text in the light of serious questions in areas which were expressed by all the concerned Federal agencies, by the Republican platform and in several statements of the President-elect, as well as by industry and by Congress.

At the time, Senator JACKSON and I announced our strong support for the administration's view on this floor (CONGRESSIONAL RECORD, March 10, 1981, S1964–70). We emphasized then that the administration's decision to review the text was a reflection of, and direct response to, strong bipartisan concerns expressed over the last several years in the Senate and the House of Representatives regarding the treaty.

In response to the administration's insistence that negotiations not end at the March session, there were premature and unfounded outcries for some of the domestic press and from some delegations, claiming that the United States had undermined the treaty negotiations and

destroyed the possibility of a final draft at the 10th session which would be acceptable to the rest of the participating nations. In particular, the Group of 77 nations complained about the delay, and threatened to retaliate by withdrawing their support for some sections of the draft acceptable to the United States. Thanks to the considerable efforts of Mr. Malone and the U.S. delegation, the 10th session did not turn into a fiasco, and, in fact, constructive drafting work and negotiation did occur. The 10th session will resume August 3 in Geneva and should proceed on a redirected path toward more realistic and positive negotiations as a result of the U.S. action in March.

Despite the complaints and threats, it is as clear now as it was in March that this administration could not accept the treaty text as it now stands. Of more critical significance is the fact that the Senate would not have ratified the treaty in the form in which it appeared after the 9th session. Consequently, the necessity for further negotiations was a reflection of the practical and political realities surrounding the draft treaty text as adopted in the ninth session. To justify this position was—needless to say—a difficult task in the face of the strong and often personal criticism directed against the administration, Secretary Haig, and Jim Malone at the Conference and in the domestic press.

It is the opinion of this Senator that the 10th session was a real test of the qualifications and qualities of Jim Malone for the position for which he has been nominated. He handled a delicate negotiating position not only with great diplomacy but also with the firmness necessary to advance the policies of the new administration and to reflect the certainty that the treaty as it stood would be rejected by the new Senate.

In addition, in his conduct at the Conference, he distinguished himself and his delegation for his success in refocusing the Conference delegations to concentrate on areas more appropriate for the projected future U.S. negotiating position in the resumed session in Geneva, thus improving the possibility of producing a text which would be satisfactory for the administration and which would have a realistic chance of ratification by the Senate. I can think of no higher commendation for a nominee than the meritorious way in which he has not only preserved and protected the interests of the United States in such a difficult diplomatic climate as that in New York this spring, but has advanced those interests to make a positive contribution to the dialog which will be necessary to refocus efforts of the 100-odd countries at the LOS Conference in August.

Jim Malone will also have important responsibilities in the policy area of nuclear nonproliferation. The strong interest this Senator has taken in the formulation of U.S. nonproliferation policy over the past few years is well known. The development and implementation of this policy is one of the prime responsibilities of the Assistant Secretary for Oceans, International Environmental and Scientific Affairs, and I am pleased to note that Jim Malone has broad experience in this area. He chaired the Nonproliferation Coordinating Committee for the Reagan transition team, and was instrumental in redirecting the focus of U.S. policy to reflect the philosophical differences between the previous administration and that of the President-elect.

It is vital that the administration take a clear and strong position on nonproliferation and nuclear export policy as quickly as possible, particularly as a full year has passed since the completion of the International Nuclear Fuel Cycle Evaluation, a conference which was called by the United States and to which it has not yet responded in a definitive manner. It is crucial that the United States reestablish its leading role in the development of nuclear nonproliferation aims and standards, as well as its position of leadership as a reliable supplier of nuclear materials and technology. To do that, the new U.S. nuclear policy must be premised on a practical and responsible understanding of the benefits and risks of nuclear development.

A critical element in that effort must be a significant reform of the Nuclear Nonproliferation Act of 1978. In the 3 years since the NNPA was passed, there have been significant events in the international nuclear scene which have demonstrated conclusively that a number of key assumptions underlying that act and several of the critical provisions in the act are fundamentally flawed. This Senator has been on record since we debated that act in March of 1978 with regard to many of those assumptions and provisions. It is clear now that we must act to restore a nonproliferation policy and an amended Nuclear Nonproliferation Act, which will return the United States to its pre-eminent position in this field. I am confident that James Malone, under Secretary Haig and other senior administration officials, can provide the leadership to accomplish that objective, just as he has done in the LOS field. I urge him to act with great dispatch to assert that leadership as soon as he is confirmed.

Mr. Malone's other responsibilities include formulation and implementation of policy on polar affairs, an area of vital strategic importance to the United States now. Another area of strategic importance, both now and in the future, are the new frontiers in space, with which the international forum will have to deal not only in technological matters, but also in legislative terms, such as in the so-called Moon Treaty. These areas also require the assertion of strong leadership by Mr. Malone and the administration to reestablish the vital interests of the United States in a responsible international forum. Obviously, there is a great deal to be done in Mr. Malone's Bureau. I have tremendous confidence in his ability to complete these tasks in the years ahead and I urge him to proceed with great speed to do so.

It is this Senator's belief that Mr. Malone has more than adequately satisfied concerns expressed by some Senators both in hearings for Mr. Malone's nomination and in questions submitted later for the record, on the possibility of conflict of interest or the appearance of conflict of interest arising from Mr. Malone's previous contacts and commitments. Mr. President, I have examined closely the supplementary material to the committee report (Exec. Rept. 97–11), which includes the series of letters which Mr. Malone sent to the Committee on Foreign Relations outlining his proposed procedures for determining when he would excuse himself from consideration of any particular request or application and naming specific entities for whom he would automatically delegate authority for decisionmaking. I am convinced that he has satisfied, by any test, all requirements to avoid completely the appearance of any conflict of interest or bias in his capacity as Assistant Secretary. I commend him for his responsiveness to the committee and his obvious and total commitment to avoiding any possibility of a conflict.

I would like to reiterate my strong support for James Malone to be Assistant Secretary of State for Oceans, International Environmental and Scientific Affairs, as a man both capable and experienced, who would be a valuable and effective representative of our country. Thank you, Mr. President.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Henry Dargan McMaster, of South Carolina, to be U.S. attorney for the district of South Carolina.

Mr. THURMOND. Mr. President, I rise to state my enthusiastic support for Henry Dargan McMaster to be the U.S. attorney for the district of South Carolina.

I have known Mr. McMaster for a number of years and consider him to be a fine American and a credit to South Carolina.

Mr. McMaster attended undergraduate school at the University of South Carolina and upon graduation in 1969, attended law school at the same institution. After he received his law degree, he served as my legislative assistant here in Washington. I was greatly impressed with his judgment, ability, and willingness to work.

Since 1974, Mr. McMaster has served with one of South Carolina's most distinguished law firms, Tompkins, McMas-

ter and Thomas of Columbia, S.C. In all of his undertakings, Mr. McMaster has proven himself to be an astute and capable lawyer. He is a man of courage and dedication, and I am sure he will bring these fine qualities to the position for which President Reagan nominated him. I urge my colleagues to support the nomination of Henry McMaster for the position of U.S. attorney for the district of South Carolina.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE

The legislative clerk read sundry nominations placed on the Secretary's desk in the Air Force.

The PRESIDING OFFICER. The nominations are considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT THE SENATE GO INTO EXECUTIVE SESSION AT 2 P.M. ON JUNE 2, 1981

Mr. BAKER. Mr. President, I believe this has been cleared on the minority side, as well. I ask unanimous consent that on Tuesday, June 2, at 2 p.m., the Senate go into executive session for the purpose of considering the nomination of R. Tenney Johnson, of Maryland, to be General Counsel of the Department of Energy; that there be a 1-hour time limitation on debate, to be equally divided, under the control of the chairman of the Energy Committee, the Senator from Idaho (Mr. McCLURE) and the distinguished minority leader or his designee; and that following on after the disposition of the nomination, the Senate then return to legislative session.

Mr. ROBERT C. BYRD. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend no longer than 6 p.m. in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF RAYMOND McCREESH IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, the death of Raymond McCreesh is another and an end to the killing and destruction in Northern Ireland.

I condemn the violence on all sides. I offer my sympathy and my prayers for the McCreesh family. And I also offer my sympathy and prayers for the families of all those who have died in the senseless violence in recent days during the continuation of the hunger strike.

Three hunger strikers have now died in the Maze Prison in the past 3 weeks. A fourth is rapidly approaching death, and a fifth is in extremely serious condition. Before more lives are lost, it is time for the Government of Great Britain, which has responsibility for prison administration in Northern Ireland, to end its unseemly posture of inflexibility and implement real measures of prison reform that offer genuine hope of ending this deadly stalemate.

Surely, it is possible to achieve reasonable compromise on issues of prison procedure, such as clothing, work, and association, without compromising in any way on the basic principle of opposition to violence.

I believe that the British Government has an urgent obligation to all the people on both sides of the community in Northern Ireland to do more than it is now doing to reach a satisfactory compromise. To do nothing in the face of this endless spiral of death is not enough.

At the very least, Britain should find a way to support the renewed involvement of the European Commission on Human Rights in the issue. Or it should invite the participation of an alternative impartial group of international experts to review the issue and to help resolve the crisis before more unnecessary deaths occur.

There are many possibilities for acceptable compromise. No stone should be left unturned in the effort to find them at once and implement them as soon as possible.

THE SITUATION IN LEBANON

Mr. MITCHELL. Despite the recent efforts of the President's Special Emissary Philip Habib, Lebanon continues to be the site of intense conflict between the Lebanese Resistance, and Syrian troops.

The crisis in Lebanon has been building since last December when Syrian occupation forces once again began shelling heavily the city of Zahle which sits in the Bakaa Valley of central Lebanon.

The largest Christian city in the Middle East, Zahle is the home of many Lebanese who have relatives here in this country. Until Syrian occupation forces entered Lebanon as the chief component of the Arab Deterrent Force (ADF), Zahle was a thriving urban center, an important part of a pro-Western democratic Lebanon.

Syrian forces now labor to achieve what Syria has desired for many years: to absorb the Lebanese state into a larger unit dominated by Damascus.

The Syrians have become the benefactors of the Palestine Liberation Organization and those pro-Soviet Lebanese who are seeking to undermine the ties of friendship and cooperation which have existed over the years between Lebanon and the United States.

When the Syrian Army entered Lebanon in 1976, it came ostensibly to prevent domestic strife. Now, in 1981, Syrian troops are a primary source of violence in Lebanon. Their continued presence within the country's borders constitutes a major obstacle to Lebanon's realizing a peaceful and pro-Western future.

Two weeks ago, Syria sought to solidify its control over central Lebanon by deploying Soviet-constructed surface-to-air (SAM) missiles in the region. To this, Israel has strenuously objected, citing its national security need to launch retaliatory and preemptive strikes against the guerrillas of the Palestine Liberation Organization (PLO) who take full advantage of the sanctuary which the Syrian troop presence in Lebanon affords. Israel has demanded that the missiles be withdrawn.

Perhaps more than any other area in the Middle East, Lebanon has become a gameboard at which competing states and factions plot strategies; on which non-Lebanese seek to resolve complex problems which have their origin elsewhere.

Lebanon has become the dumping ground for troubles in the Middle East. Certainly, the residents of Zahle—many of whom are refugees from other regions and are without shelter, adequate food or decent health facilities—do not want it this way. Neither do the citizens of Ashrafiyeh—East Beirut—who like their Zahle counterparts, are witnessing the steady destruction of their community with each passing day.

As an American of Lebanese descent, I have followed for many years events in the Middle East and especially in my mother's native Lebanon. In so doing, I am frequently reminded of how difficult it is to determine why—for what reasons—the lives and homes of innocent Lebanese must be sacrificed every 2 or 3 months.

While I certainly agree that a multilateral Middle East accord is desirable and should be a long-range objective of U.S. policy, I am also of the belief that with the support of other nations, the

killing and destruction currently occurring in Lebanon can be stopped.

What can Senators do to further restrain, and thereby promote, an environment in which a lasting Middle East peace plan can be developed?

First, we can insist that our Government do everything in its power to bring about an immediate cease-fire in Lebanon. Clearly, the United States should use every persuasive weapon in its diplomatic arsenal to encourage all non-Lebanese to quiet their forces before, once again, the entire Middle East is embroiled in war.

Second, we can seek ways in which Lebanon's central government may be strengthened. Surely, if in 1976 the Lebanese Government had possessed a capacity to resolve Lebanon's internal differences using nonviolent political means, and had possessed the power necessary to enforce the government's will, the Arab League might have avoided sending in Syrian troops to quell the mounting Lebanese war for which Syria in large part was responsible.

Lastly, Congress should insure that the Department of State presses for an expeditious withdrawal of the Syrian military force, the presence of which undermines Lebanese sovereignty. As long as the Syrians remain, true freedom does not exist for the Lebanese people and true independence of action cannot be enjoyed by the Lebanese leadership.

The experience of the last 5 years underscores Lebanon's need to plan its own future without outside interference or intimidation. Any attempt by outside forces to impose a solution on Lebanon will fail. Lebanon must be permitted—as are all sovereign nations—to chart its own course, freely elect its own leaders and do so without foreign forces present.

Over the past few days, there have been indications in the international press that neither Syria nor Israel perceive much to be gained from a new war over Lebanon. But the costs of waging such a conflict would be very great in terms of both lives and money.

Would not these precious resources be better spent building stable states with respected and secure borders? Would not a stable Lebanon, governed and controlled by the Lebanese, serve as an effective buffer between Israel and her Arab enemies?

A strong Lebanon would make the task of securing a lasting peace in the Middle East much easier to realize. And it would certainly be in the best interests of the Lebanese people. Moreover, efforts to promote restraint in the current crisis and a strengthening of Lebanon would promote global stability as well.

At the present time, naval vessels of both the United States and the Soviet Union sit in the Mediterranean off Beirut. The presence of these vessels testifies to the significance of the Lebanese difficulties and serves to remind us that a full-fledged Middle East conflict emanating from the current Lebanese turmoil has the potential to involve the super powers and their allies.

Mr. President, for many years Lebanon has been one of the Nation's closest friends and most supportive allies in the eastern Mediterranean area. We have cooperated closely with Lebanon on many regional and global issues. The people of Lebanon traditionally have considered the United States to be a nation to which they could turn in times of need. Indeed, many Lebanese, in search of greater opportunity over the years have left their homes and families and have come here to live.

This mutually-beneficial relationship has been severely weakened since Syrian troops have been present in Lebanon. We should not permit it to be eroded further. For strategic, humanitarian, and historical reasons, the United States must act firmly to insure that a strong United States-Lebanese relationship is restored and that Lebanon is reinstated as a vital and functioning friend of the West.

Mr. President, I urge every Member of this body to focus their attention on the situation in Lebanon, and to direct whatever influence they possess in support of efforts to promote restraint and a strengthening of a Lebanese state which represents its people. Until this dangerous situation is defused, until Lebanon's rightful autonomy is realized, other initiatives designed to build a lasting Middle East peace will have to be deferred.

THE 100TH ANNIVERSARY OF RED CROSS

Mr. HEINZ. Mr. President, today I take a few moments to congratulate the American Red Cross for a century of outstanding service. This week marks the 100th anniversary of an organization that has become a cornerstone of our national volunteer efforts.

Mr. President, I call to the attention of my colleagues the remarkable record compiled by the Red Cross. Throughout its national network of volunteers, the Red Cross has become a thread woven through the very fabric of our country. Every State, every county, every town has come to depend upon the good offices of the Red Cross volunteers. In times of natural disasters, the people of this Nation take solace from the generosity and selflessness of our Red Cross neighbors.

Pennsylvanians owe a special debt to the Red Cross. In 1889, Johnstown, Pa. suffered a flood which almost obliterated the town. Despite the disruption of local transportation, in the face of despair, the Red Cross responded speedily and compassionately to the calamity. In this first great test of her newly created organization, Clara Barton, the founder of the American Red Cross, was able to coordinate relief efforts vital to the citizens of Johnstown. Again in 1936 and 1977, Johnstown was beset by floods. To both emergencies, the Red Cross responded quickly and effectively. In 1974, when the severest snowstorm in the history of western Pennsylvania struck, the Red Cross helped over 3,000 motorists stranded in the Somerset area.

The quality and breadth of American Red Cross services extend beyond disaster relief assistance. To improve the quality of human life and enhance self-reliance and concern for others, the Red Cross provides numerous vital community services. These include providing volunteer blood services to the Department of Defense and hospitals, training children and adults in cardiopulmonary resuscitation, and conducting programs in prenuptial advice, child rearing, and health in the home. Perhaps most important, the Red Cross instructs many of our Nation's youth in a traditional American value: In the service of others we better ourselves.

Mr. President, there is no way adequately to express to the American Red Cross our appreciation. I simply hope that these words convey the gratitude of this Nation. We congratulate the American Red Cross for 100 years of service to the people of this country, and commend their neighbors who are the Red Cross for their continuing efforts as the organization begins its second century of service.

Thank you.

AMERICA'S SHAME: THE UNRATIFIED GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, throughout the many years that I have spoken out in favor of Senate ratification of the Genocide Convention, I have come across two articles in our Nation's periodicals that have most clearly captured the flavor of the fight for ratification or its importance to the country and the world.

The first article was written by Betty Kaye Taylor, the executive secretary of the Ad Hoc Committee for the Human Rights and Genocide Treaties, for the September 1977 issue of the Free Trade Union Press and I brought this article to my colleagues' attention at that time.

Today, nearly 4 years later, I am delighted to note another very important article on the Genocide Convention has just been published by Mainstream magazine in their March 1981 issue.

Written by William Korey, the director of International Policy Research for B'nai B'rith, this article reviews the entire history of the Genocide Convention: the post-war forces that shaped the very concept; the indefatigable efforts of Raphael Lempkin, the man who coined the term "genocide" and labored for so many years in its behalf; the hearings of the Foreign Relations Committee; the drama of the 1974 filibuster.

It is a compelling story, well told, and we are all in Mr. Korey's debt for his efforts. It is a story that he tells with the knowledge of an insider as well he might for Mr. Korey has been involved in the

struggle for ratification for many years now.

Mr. President, I urge my colleagues to review William Korey's article very carefully and join with me in securing ratification of the Genocide Convention this year.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICA'S SHAME: THE UNRATIFIED GENOCIDE TREATY

(By William Korey)

Senator William Proxmire recently reminded his colleagues that no subject has been pending before the Senate as long as the Genocide Convention. The treaty has in fact been accumulating dust on the Senate shelf for 32 years—a dismal record that has brought the United States little but embarrassment in international forums.

What makes the neglect especially anomalous is the fact that it stands in striking contrast with the emphasis given human rights in American foreign policy. The genocide treaty was the very first United Nations human rights treaty, preceding even the Universal Declaration of Human Rights. That it remains unratified ineluctably raises questions about the commitment of the United States to the principles it espouses. Besides, if human rights is declared to be the keystone of U.S. statecraft and that which distinguishes America's government from most other regimes, failure to ratify the genocide treaty suggests a reluctance to translate such self-proclaimed features into international obligations that would flow from accession to binding agreements.

The point about international obligations draws attention to a second, equally distressing anomaly. The United States has relied heavily upon international law in making its case against Iran concerning our embassy hostages. The World Court's decision on this issue validated both the code of civilized nations and America's advocacy of international law. Were the United States to have been as dilatory in ratifying the Vienna Convention as it has in ratifying the genocide treaty, it would have been deprived of the centerpiece of its judicial appeal. Significantly, it was U.S. ratification of the Vienna Convention on Diplomatic Relations nearly 20 years ago that enabled the State Department to bring the hostage issue before the bar of international legal and moral opinion. Appealing to international standards and the assumption of obligations flowing from them were deeply rooted in America's post-World War II policy.

The concept of a treaty making genocide a crime had its roots in the struggle against Hitlerism and the overpowering public awareness of what unrestrained racism had wrought. The horrors of the Nazi crematoria and the unprecedented Holocaust stirred a profound sense of guilt and pricked mankind's uneasy conscience. The inextricable linkage between internal racism and external aggression had never been so terrifyingly demonstrated.

Three post-war sources were to shape the concept, provide it with an international forum, and finally, clothe it with binding international law. The first source was the Nuremberg Tribunal, of which the United States was a principal architect. Through the Tribunal, the rule of law as applied to criminal violations of human rights was given a firm foundation. In November, 1946, President Harry Truman remarked that the "undisputed gain" of Nuremberg was precisely "the formal recognition that there are crimes against humanity." Recognized among the designated "crimes against humanity" were persecutions on political, racial, or religious grounds, whether or not sanctioned by domestic law.

The Tribunal, as one authority later noted, marked a "revolution in international criminal law" for it deeply eroded the earlier accepted principle of the exclusivity of domestic jurisdiction in the area of human rights. The second source was the United Nations General Assembly which, on December 11, 1946, legitimized the "revolution." Its famed Resolution 96(I) formally declared "that genocide is a crime under international law which the civilized world condemns and for the commission of which principals and accomplices are punishable." Again, the United States shepherded the resolution through the Assembly.

This Assembly decision and the far more important genocide treaty that emerged two years later would have been impossible without the intervention of the extraordinary "unofficial man," the self-defined description of Raphael Lemkin. Arriving at U.N. Headquarters in Lake Success during the fall of 1946, Lemkin became a one-man lobbyist who, with unflagging energy, zealous conviction, and persuasive logic expressed in a dozen different languages made genocide a household term in the international community and forced it to enact a treaty at its prevention and punishment.

By the time Lemkin appeared in New York he had already coined the word "genocide". As he himself defined it, "Genocide comes from the Greek *genos*, meaning race, and the Latin *cide*, meaning killing. It is the mass murder of people for religious or racial reasons."

Lemkin understood from personal experience what it meant. The large Polish Jewish Lemkin family, some 70 persons, were almost wiped out in the Nazi carnage: only Raphael and a brother survived. A brilliant legal scholar who also served as a public prosecutor in Warsaw long before his personal trauma, he began to outline at international legal meetings the conception that would lead to the Genocide Convention. The trauma simply gave the conception a sense of urgency, indeed, of necessity.

Representing no government and no organization, Lemkin was one of those rare individuals who by the force of his person dared to move and, indeed, succeeded in moving history. At the time, the intense, gaunt figure, with graying hair and thick spectacles, wearing shabby clothes, seemed just another Don Quixote tilting at political windmills. But he literally buttonholed every Assembly delegate, pressing his case with patience and determination. When U.S. Ambassador Warren R. Austin succumbed to his impeccably logical blandishments, the outcome was virtually predetermined: Austin led the Assembly to adopt Resolution 96(I).

For Lemkin, it was only the beginning. Tirelessly, for the next two years, he prodded, pleaded, and pressed for a genocide treaty, often volunteering to write, in appropriate languages, speeches for the delegates. When the Assembly finally adopted the convention, Lemkin desperately wanted the United States to be among the first contracting parties to the treaty. At his death in August, 1959, he was still waiting.

On December 9, 1948, things looked much more hopeful. The historic significance of the General Assembly action could not be doubted. It was the first human rights treaty of the United Nations, adopted one day before the Universal Declaration of Human Rights. The President of the General Assembly, Herbert V. Evatt, Foreign Minister of Australia, commented on the meaning of the event: "In this field, relating to the sacred right of existence of human groups, we are proclaiming today the supremacy of international law once and for all."

If the dream of an international treaty barring genocide was Lemkin's, the structure and form was largely the U.S.'s. Today, it is all but forgotten that the United States delegation to the U.N. played the key role in the actual drafting of the text. The irony is all the greater in that past and current opposition to ratification draws upon an assumption that the drafting of the treaty was done by foreigners or by U.N. officials. The assumption is without foundation. The text itself reflected the reality of American draftsmanship. Its sources were terms familiar in Anglo-American legal theory. And, indeed, the formulations were couched in the language of traditional common-law concepts, including the very precise wording of common-law crimes long accepted in American jurisprudence. Of critical importance, in this connection, was U.S. insistence that proof of intent to commit genocide must be clearly demonstrated before an offender can be punished.

Nor was American involvement limited to mere legal counseling and draftsmanship. It was the U.S. delegation at the General Assembly session in Paris that led the fight from the floor for its adoption. American lobbyists were everywhere promoting a positive vote at the Palais de Chaillot. The head of the delegation. Assistant Secretary of State Ernest A. Gross (a prominent attorney and churchman in private life) took a personal hand in the campaign: he demanded that "positive action . . . be taken now."

The U.S. efforts were impressively successful. Unanimous endorsement was won for the Genocide Convention; to testify to its commitment, the U.S. delegation rushed to affix the U.S. signature to the treaty. The signing of a treaty, in the context of international law, is a solemn and formal act by a government. It signifies both a commitment to fulfill the purpose of the treaty and an intent to ratify it. Nearly 32 years later, that intent is yet to be fulfilled.

For Raphael Lemkin, the Convention on the Prevention and Punishment of the Crime of Genocide was merely the formalization of an idea whose time had come. Neither he nor his supporters in the various U.N. delegations ever expected serious opposition, certainly not from the democratic world that had engaged in a massive effort to destroy Hitlerism.

The treaty contained 19 articles, the last 10 of which were procedural. The first nine articles were substantive, with Article I confirming that genocide is a crime under international law. The second article was the core of the convention. It outlawed "acts committed with an intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such." Delineated among the "acts" were killing, the causing of serious "mental harm," the inflicting of "conditions of life calculated" to lead to physical destruction, and the imposition of measures intended to prevent reproduction of a group.

The treaty specified actions that would be subjected to punishment: genocide; conspiracy or attempt to commit genocide; direct and public incitement to commit genocide; and complicity in the act of geno-

cide. The convention made clear that no one was immune from punishment—rulers, public officials, or private individuals. Persons charged with the crime of genocide were to be tried by a competent tribunal of the state in the territory in which the act was committed. This would require extradition; the convention stresses that genocide is not, under any circumstances, to be considered a political crime.

If the language of the text was drawn from traditional American jurisprudence, opposing arguments offered in various legal circles also had a uniquely American ring. One argument, taking its inspiration from Charles Evans Hughes's guideline that the treaty-making power must be used only "with regard to matters of international concern," contended that genocide, along with human rights generally, is essentially a domestic concern. To the extent that it was alleged to be a domestic matter, genocide, it was said, did not meet the relevant test of the Supreme Court as to whether the treaty is "properly the subject of negotiations with a foreign country."

In fact, human rights have been dealt with and protected by international treaties since the 16th century. During the 19th century, the United States itself was a party to dozens of treaties regulating the slave trade. Moreover, the U.S. has ratified treaties relating to the activities of its own citizens when those activities have a transnational character—narcotics, public health, natural conservation. Certainly the critical lesson of World War II, as the Nuremberg Tribunal demonstrated, was that genocide was quintessentially an international concern, far more so than even slavery during the 19th century.

A second objection sprang from the Federal character of the U.S. It was argued that ratification would create a Constitutional issue by tilting the balance of authority on criminal matters between the Federal government and the states to the former. (Murder, it was emphasized, is a state crime.) The argument failed, however, to take account of the specific constitutional provision that Congress has the power "to define and punish offenders against the law of Nations," and genocide has been firmly declared to be an offense against international law. Besides, as indicated in various civil rights statutes, which were adopted later on, Federal authority was recognized as having priority in various human rights fields.

Arguments were also advanced over certain ambiguities in the convention. What did "in whole or in part" mean in the crucial Article II of the convention? Fears were apparent in various segregationist circles that the reference to "in part" might be applied to a limited form of race violence, such as lynchings. The phrase "mental harm" also raised concern. Some who pointed to the centrality of civil liberties expressed doubts about reference to direct incitement even though Supreme Court decisions made clear that such activity was not protected by the First Amendment.

The ambiguities did not constitute insoluble problems, providing there was good will on the part of the critics. They could be handled by clarifications, called "understandings" or, more accurately, "reservations." And indeed, this is the way the matter would ultimately be handled. The Constitutional controversy, on the other hand, was a more serious obstacle.

The kind of resistance involving legitimate questions and concern was reinforced—and complicated—by extremist movements in the political Far Right. A dozen such organizations are capable of generating a substantial flow of mail and telegrams to the Senate. Among the groups that have led vehement campaigns against the Genocide Convention are the Liberty Lobby, which denounced the treaty as a "Communist hoax," the Christian Crusade, which dubbed the treaty "fraudulent," and the John Birch Society, which called it "pernicious" and a "surrender of the Constitutional rights of American citizens."

At the time, however, no serious difficulties were anticipated. After a short, appropriate interval of six months, President Truman transmitted the treaty to the Senate for its advice and consent. The Senate Foreign Relations Committee assigned a subcommittee the task of holding hearings. Promptly held in January and February, 1950, the hearings elicited a favorable response from representatives of most public, non-governmental organizations. And the spokesman for the government, Deputy Under-Secretary of State Dean Rusk, was unusually effective. He made two principal points: ratification was essential to "demonstrate to the rest of the world that the United States is determined to maintain its moral leadership in international affairs"; also, it would show that the U.S. intends "to participate in the development of international law on the basis of human justice."

The two themes—moral leadership and international law—echoed, of course, a distinctive strand in U.S. foreign policy, especially since the era of Woodrow Wilson's administration. The genocide convention reflected the twin features of the Wilson heritage: morality and law. The International Court of Justice appeared to make this point when it held that the convention "was manifestly adopted for a purely humanitarian purpose. It is indeed difficult to imagine a convention that might have this dual character to a greater degree, since its object on the one hand is to safeguard the very existence of certain human groups and on the other to confirm and endorse the most elementary principles of morality."

In May, 1950, the Senate subcommittee, only a few months after the hearings, reported favorably. Yet to meet the objections of the legal profession, the subcommittee recommended that four "understandings" and one "declaration" be embodied in the resolution consenting to ratification. One "understanding" (later termed "reservation") dealt with the phrase "in whole or in part." "In part" was interpreted to mean "a substantial portion of the group concerned." A second "understanding" defined "mental harm" as "permanent physical injury to mental faculties." A third understanding clarified "complicity in genocide" as meaning "participation before and after the facts and aiding and abetting in the commission of the crime of genocide." The last understanding was minor. The declaration dealt with the key federal-state balance issue by citing explicitly from the Constitution's Article I the right of Congress to punish "offenses against the law of Nations."

Significantly, the same clarifying statements would appear as "reservations" when the Senate Foreign Relations Committee approved the genocide treaty 21 years later. But in 1950, the entire Committee never got the opportunity to vote on the issue. A month after the subcommittee's recommendation, North Korea launched the invasion of South Korea; a new era was ushered in profoundly affecting the fabric of American society. The war unleashed powerful xenophobic forces that significantly bolstered the earlier anti-Communist witch hunt. The genocide convention was perceived in these quarters as undermining American sovereignty and serving the interests of Communism.

Paralysis set in among supporters of the genocide treaty. They were simply overwhelmed, less by the arguments of conservative spokesmen or ABA officials than by the resurgent home grown rightist forces. Formally, the treaty came into effect on January 12, 1951, but no action by the United States was even contemplated. Indeed, with the ascendancy of a kind of neo-isolationism, there would appear a movement both in and out of the Senate, under John Bricker's leadership, aimed at limiting the treaty-making authority of the Executive. Senator Bricker of Ohio, a pronounced enemy of international authority and of imagined forces threatening American sovereignty, was certain a new danger was beginning to emanate from the United Nations, where the drafting of international covenants on human rights had just started (not until December, 1966, would they be completed). Bricker proposed an amendment to the Constitution designed to preclude forever the possibility of the U.S. being "subverted" through the action of an administration representative at the U.N. Presidential authority to sign treaties dealing with human rights would simply be forbidden. That such an amendment challenged the intrinsic and traditional power of the President in foreign affairs was a matter of indifference to the powerful Ohio Senator.

The newly-elected Eisenhower administration, itself an expression, at least in part, of resurgent rightist tendencies, put an end to all further discussion of the genocide treaty and, indeed, of any human rights treaty. The official pronouncement came early in the administration—April 6, 1953—and was articulated by John Foster Dulles, Secretary of State. The occasion was hearing of the Senate Judiciary Committee, and Dulles, acutely conscious of the challenge to Presidential authority posed by the Bricker movement to deprive the movement of its raison d'ëtre. If firm commitments were given to the Senate that the administration would never contemplate signing a human rights treaty let alone transmitting it to the Senate for action, then the Bricker phenomenon might disintegrate for want of a rationale.

But the Secretary went even further. He gave formal expression to the very isolationist and xenophobic impulses that impinged on the administration from Right-wing sources. At the same time, the formulation was dressed up in the legal terminology advanced in principal arguments of the ABA. The administration, Dulles promised, would never "become a party to any [human rights] covenant or present it as a treaty for consideration by the Senate." If human rights were to be promoted by the United States, this would be accomplished by "methods of persuasion, education and example," and not by "formal undertakings" such as treaties. Indeed, the treaty-making power, Dulles assured the Senate, cannot and must not be used "as a way of effectuating reforms, particularly in relation to social matters." In his view, echoing the ABA and, at the same time satisfying Bricker, there were "traditional limits" of the exercise of treaty-making and those "limits" would be trespassed by striving to effect "internal social changes" through treaties.

If the Secretary's assurances caused the Bricker movement to disintegrate, they also erected a virtually impregnable obstacle for Senate action on any human rights treaty. His was, after all, a solemn commitment from the administration. Once formally articulated and accepted, the assurance took on a life of its own and, by force of inertia, prevented new legislative initiatives in the human rights field. Such efforts would inevitably take on a Sisyphean character. Ironically,

Dulles himself, as a member of the U.S. delegation to the U.N. General Assembly in 1948, had urged the drafting of a covenant that would translate human rights into law. In a rather pointed and effective address, he drew an analogy, on the one hand, between the Declaration of Independence and the Constitution, and on the other, the Universal Declaration of Human Rights and the International Covenants on Human Rights. Dulles had observed in 1948 that legally binding instruments followed and gave force to inspirational moral declarations. In 1953 this was conveniently forgotten.

The genocide treaty, to the extent that it, too, was a human rights treaty, was clearly living on borrowed time. Dulles was hesitant about declaring null and void a treaty in which the U.S. had invested so much and to which it had made the strongest commitments, including the formal signature. To avoid the embarrassment of previously-extended solemn obligations, Dulles noted that the USSR had not yet ratified the genocide convention and, therefore, it "could better be reconsidered at a later date." But when the USSR did ratify the treaty in 1954, no notice was taken of the action by the Eisenhower administration. The issue was dead, buried by the Dulles doctrine, which had also wrought the internment of those foreign policy goals, given emphasis during and after World War II, that underscored the necessity of extending the rule of law, including human rights law, to the world arena.

A glacial silence now settled upon international human rights undertakings generally and the genocide treaty specifically. If there were moments of awkwardness, that was the price that had to be paid for the new policy. How, for example, should a U.S. representative conduct himself in U.N. debates about individual articles of the draft covenants on human rights? No clear guidelines were possible since the U.S. had already prejudged the outcome so far as our own rejection of ratification was certain. Perhaps the better part of valor was non-participation—hardly a posture that could help shape effectively the character and language of the covenants or, for that matter, a favorable image of the United States.

Not until a decade later did cracks appear in the monolith of Washington indifference. President Kennedy sounded a renewed hope and vigor with respect to traditional obligations in the human rights field by his historic speech at American University on June 10, 1963. The powerful rhetoric of the address made human rights, a little more than 10 years after Dulles's commitment in the Senate, a critical feature of America's foreign policy thinking. Peace itself was declared to be "in the last analysis a matter of human rights."

Nor was it an uncertain trumpet that had sounded. A month after the American University speech, Kennedy, in a breakthrough move, sent to the Senate three international human rights treaties that had lain dormant for some time. One dealt with practices akin to slavery, a second with forced labor, and the last with the political rights of women. In his message asking for the Senate's consent to ratification, the President wrote: "The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny."

Yet the action scarcely exemplified unusual courage. Kennedy chose the least controversial of the international treaties. About the Genocide Convention, he did not urge action, although a White House spokesman publicly noted that "we share the views that prompted President Truman to urge consent of the Senate." The far more significant development, sparked by the new administration posture, was the creation in 1964 of a clearing house for public action by over 50 nongovernmental organizations. Called the Ad Hoc Committee on the Human Rights and Genocide Treaties, the coalition, drawn from religious, ethnic, and labor groups, initiated a major lobbying effort with the Senate.

The thrust of the Johnson administration paralleled its predecessor, particularly as the embarrassment of non-ratification became increasingly difficult to bear. The changed atmosphere was even beginning to erode support for the Dulles doctrine in the legal profession. Virtually every section and committee of the ABA with specialized competence in the area of human rights or the rule of law adopted resolutions calling for ratification of the genocide treaty. In 1968, a blue ribbon committee of lawyers, chaired by retired Supreme Court Justice Tom Clark, publicly denounced as "anachronistic" the standard argument of the ABA and its Senate supporters that the treaty-making power of the Executive should not be used for human rights purposes.

The year 1968 marked the 20th anniversary of the Universal Declaration of Human Rights (as well as the Genocide Convention). Commemoration activities brought to the fore a sense of shame and embarrassment surrounding the genocide treaty. Chief Justice Earl Warren captured the altered mood in an anniversary address in December: "We, as a nation should have been the first to ratify the genocide convention. . . . Instead, we may well be near the last."

Catharsis, through oratorical breast-beating, was undoubtedly helpful, but no meaningful change appeared to register in the Senate. What some diagnosed as a "lingering Brickeritis" continued to pervade the upper legislative chamber. In 1967 Senator Proxmire had initiated an educational campaign among his colleagues by delivering a daily appeal for ratification of human rights treaties. His appeal largely fell on deaf ears. The genocide treaty was tightly wrapped in Senate mothballs; hope for its removal appeared remote. Neither the Kennedy nor the Johnson administration dared to challenge Senate indifference to genocide.

It was left to a Republican administration, and a conservative one at that, to demand a reversal of the Dulles doctrine. On February 17, 1970, President Nixon, for the first time since Truman had called for legislative action 21 years earlier, formally asked the Senate "to consider anew this important convention." In his message, Nixon emphasized that ratification was necessary to "demonstrate unequivocally our country's desire to participate in the building of an international order based on law and justice." The language, strikingly, was almost an exact replica of that used by the spokesman of the Truman administration.

What prompted Nixon to break with the outlook of the Eisenhower administration is probably similar to what brought about the change with respect to recognition of Communist China. Alert and sensitive to emergent public attitudes, and not burdened by fears of possible charges from the Right of national "betrayal," the administration was keenly aware that the altered atmosphere made legitimate a complete break with an anachronistic past posture. Encouragement in this direction was provided by a young Republican lawyer from New York, Rita Hauser, whose service as a key member of the U.S. delegation to the U.N. convinced her that non-ratification only generated an attitude of disdain and contempt and evoked unnecessary criticism from friendly and neutral countries. Besides, a Republican championing ratification could not go unnoticed and unrewarded in liberal and intellectual circles. Her recommendation was politically useful and at the same time cloaked the administration in a statesmanlike garb.

The administration did make important inroads with the Senate Foreign Relations Committee. In 1971 that powerful body, which had failed to act upon the basis of recommendations of its sub-committee in 1950, moved to hold hearings and, in May of that year, to render a landmark rejection of the ABA decision. By a vote of 10–4, it announced that "we find no substantial merit in the arguments against the convention" and urged the Senate to "give its advice and consent to ratification of the genocide convention by an overwhelming vote."

The decisive Committee vote should have resolved the problem and ended a national embarrassment. Prior to the Committee action, Justice Arthur Goldberg, speaking on behalf of the Ad Hoc Committee on the Human Rights and Genocide Treaties, told the Senate body: "It is inconceivable that we should hesitate any longer in making an international commitment against mass murder." The statement failed to take account of technical or procedural considerations which, when buttressed by the usual legal opposition, by fierce resistance from extremist forces, and by the unanticipated and immeasurable force of inertia, became insuperable obstacles.

In December, 1971, Proxmire, joined by another intrepid advocate of ratification, Senator Jacob Javits, asked the Majority Leader, Senator Mike Mansfield, to put the treaty on the legislative calendar for action. Mansfield demurred on grounds that "a propitious time . . . has not arisen." He wanted evidence of "sufficient numbers" before he would place it before the Senate. There was some logic to this position, since a failure to win a two-thirds vote in the Senate—a form of overt rejection—could prove even more disastrous for America's image than the stigma of non-ratification.

What constituted "sufficient numbers"? It was known that various Senators were reluctant to tip their hands in advance lest they open themselves up to an endless mail barrage from extremists. The Senate leadership initially decided upon assurances by 50 Senators—a "Constitutional majority." To obtain a definitive list, Proxmire and Javits, along with Frank Church and Hugh Scott (the Chairman and the Minority Leader of the Foreign Relations Committee), on February 24, 1972, sent around a petition asking their colleagues to demonstrate a clear commitment to support ratification. The timing of the petition was deliberate. A week earlier, the Attorney-General had transmitted to Congress a formal legislative proposal designed to implement the Genocide Convention. Such implementing legislation is required by the act of ratification.

Despite the fact that the petition contained 53 signatures and several other Senators orally indicated a willingness to support it—by August, there were 60 definite votes available—a new bottleneck presented itself. A filibuster was threatened by a pillar of the Senate, Sam Ervin of North Carolina. With a determined adherence to the strict construction of the Constitution, Ervin found the arguments of the ABA valid, indeed, unassailable. A filibuster would tie up the Senate calendar and a cloture vote required the same two-thirds (later to be changed to three-fifths or 60). But a two-thirds vote on cloture was far more difficult to obtain as Senatorial courtesy was at stake. In the intimate Senate club, the shutting off of debate evoked the deepest kind of reluctance.

A kind of "Catch 22" now prevailed. The

Senate leadership would not move without assurances on ratification that in turn required assurances on cloture. But the leadership was profoundly reluctant to support cloture. The paralysis of the vicious circle had set in. Once again, in 1973, the Senate Foreign Relations Committee called for ratification. In 1974, two attempts at invoking cloture for ending the filibuster failed. To resolve the dilemma, the Senate leadership reached a decision that would reject all further debate, let alone action, on the Genocide Convention without absolute assurances of a two-thirds favorable vote on the treaty as well as a reasonable expectation for cloture. Since such preconditions, in the absence of strong leadership either in the Congress or the White House, were politically almost inconceivable, the question of ratification was back to square one.

Still, despite the dismal Congressional reality the year 1976 ushered in a new era of hope for the Genocide Convention. The House of Delegates of the ABA, meeting in Philadelphia, finally voted on February 17 to support ratification. The reversal, after more than a quarter of a century of willful intransigence and resistance, eliminated at long last the aura of respectability in which the opposition to ratification had been enveloped. Javits, in a joyous mood, rose in the Senate on March 4 to greet "the new propitious conditions" created by the ABA decision which would result in the Genocide Convention being "ratified as a treaty of the United States as well as of all those other countries in the world." At long last, he said, positive action was certain for "this terribly delayed, almost unbelievably delayed, simple statement of human truth and human decency." If the sharp indictment of the past had to be made—and it was done eloquently—it was deliberately subordinated to the glow of hope and optimism. Even The New York Times editorially was convinced that there could be no "doubt about the affirmative outcome of the next Senate vote".

The problem, however, was getting the Senate to vote. The filibuster obstacle remained, even if a significant procedural breakthrough now required only 60 votes for cloture, instead of the earlier two-thirds. More significantly, the residue of the long-time powerful ABA opposition constituted a serious hurdle. Its arguments would continue to be marshalled in various hostile quarters, particularly among fringe rightist elements who had a way of mobilizing intense vocal and letter opposition. Javits' hope for action in 1976 dwindled.

By the following year, two additional developments augured encouragement. Sam Ervin retired from the Senate race, removing the single most commanding presence of opposition. To that extent, the challenge of an effective filibuster diminished. And, into the White House moved Jimmy Carter whose verbal commitment to human rights was far greater than any previous President. It was to be the "soul" of his foreign policy which, in the Inaugural Address, was given powerful articulation. No President addressed himself to the genocide treaty ratification as often and as vigorously as Carter. Four times in the course of a three-year period he called for Senate action, the first time, in a major U.N. speech just two months after his inauguration and most recently in connection with a special and unusually impressive observance of the Holocaust. His Commission on the Holocaust, chaired by Elie Wiesel, on September 27, 1979 formally joined "in urging the Senate to ratify the Genocide Convention" on grounds that "the knowledge that perpetrators will be held responsible for the crime of genocide can play some role in preventing such acts in the future."

But the President's commitment did not translate itself into strong and effective leadership.

Informal polls of the Senate taken by human rights activists and by State Department specialists reveal that approximately 60 Senators were prepared to vote for the genocide treaty. This figure was but a few votes shy of the necessary two-thirds—67 votes—required for ratification. Few doubt that the balance could be obtained once the issue is directly confronted on the Senate floor, and the Senate leadership as well as the administration pull their respective weight.

The Senate leadership, however, may still be hesitant, and that hesitancy may constitute an obstacle. Confronted by a hesitant Senate leadership, and a zealous, if limited, opposition, most will opt for inertia, a do-nothing philosophy. For the average Senator, the genocide treaty offers little to attract voter support. Earlier voter constituencies on behalf of ratification have all but evaporated in the face of repeated failure, of apathy and frustration. On the other hand, open support for the genocide treaty in states with strong conservative tendencies can evoke powerful opposition.

Without a strong administration initiative and a willingness to invest political capital in lobbying and in making the necessary trade-offs, no progress will be made. Soundings by the Ad Hoc Committee in 1979 repeatedly elicited from White House sources that the SALT ratification issue, of necessity, must receive priority. SALT, of course, is no longer on the Senate agenda, having been removed by the administration as a response to the Soviet invasion of Afghanistan. Nonetheless, no indication had been signalled by the Carter White House that was now prepared to make the all-out fight. Nor has the Reagan administration made its position clear.

"Lingering Brickeritis" has been a costly malaise. The United States has found it difficult, if not impossible, to promote any meaningful human rights project in international forums. Non-ratification of the genocide treaty assures the U.S. of an extraordinary status, a kind of splendid isolation. All the other democratic countries have ratified it as have all the other Great Powers, all our allies, and virtually all of Europe and Latin America. Only in Africa, and among the new countries of Asia and the Caribbean, has there been a delay. In all, 83 countries have formally acceded to the treaty. Delegates at international forums find the U.S. posture inexplicable and indefensible. Even among our allies and friendly neutrals, there is a unanimity of dismay. Acute embarrassment is the U.S. delegate's lot when the issue is raised, as it often is, both in public and in private meetings. Arthur Goldberg, several years after he served as U.S. Ambassador to the U.N., recalled: "When I was United States Ambassador to the United Nations, I was often asked to explain our failure to ratify the genocide convention. Frankly, I never found a convincing answer. I doubt that anyone can."

The task of ratification remains unfulfilled. Nothing is more urgent. For genocide goes to the very heart of elemental human rights—the right to survive. It is time to end the shame and the embarrassment, and to consummate the dream of Raphael Lemkin. A conservative Reagan administration could conceivably complete the Nixon initiative by pursuing this goal.

MESSAGES FROM THE HOUSE

At 1:03 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 120. Concurrent resolution commemorating the American Red Cross upon its centennial.

At 2:43 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its clerks, announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 2098. An act to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments and agencies, and for other purposes.

H.J. Res. 265. Joint resolution to provide for a temporary increase in the public debt limit.

H.J. Res. 266. Joint resolution to provide for a temporary increase in the public debt limit.

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were read twice by unanimous consent, and referred as indicated:

H.R. 2098. An act to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments and agencies, and for other purposes; to the Committee on Governmental Affairs.

H.J. Res. 265. Joint resolution to provide for a temporary increase in the public debt limit; to the Committee on Finance.

H.J. Res. 266. Joint resolution to provide for a temporary increase in the public debt limit; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1234. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the status of certain budget authority proposed, but rejected for rescission; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC–1235. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 709 of title 32, United States Code, to eliminate the requirement that thirty days notice of termination be given a National Guard technician who serves under temporary appointment, or who voluntarily ceases to be a National Guard member; to the Committee on Armed Services.

EC–1236. A communication from the Acting Administrator of the Energy Information Administration, Department of Energy, transmitting pursuant to law, the third annual survey of the Nation's oil and gas proved reserves covering calendar year 1979; to the Committee on Energy and Natural Resources.

EC–1237. A communication from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the Act of October 20, 1976 as amended (31 U.S.C. 1601), to change the method by which payments are determined, and for other purposes; to the Committee on Energy and Natural Resources.

EC–1238. A communication from the Secretary of Transportation, transmitting, pursuant to law, the fifth annual report of the Department on the administration of title I of the Marine Protection, Research, and Sanctuaries Act, covering calendar year 1980; to the Committee on Environment and Public Works.

EC–1239. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Overweight Vehicle Penalties and Permits: An Inventory of State Practices"; to the Committee on Environment and Public Works.

EC–1240. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the Council on April 28, 1981; referred to the Committee on Governmental Affairs.

EC–1241. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1979 annual report on Federal Activities on Alcohol Abuse and Alcoholism; to the Committee on Labor and Human Resources.

EC–1242. A communication from the Architect of the Capitol, transmitting, pursuant to law, the report of expenditures from funds appropriated to the Architect during the period October 1, 1980 through March 31, 1981; ordered to lie on the table.

EC–1243. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to prevent the conduct of a wheat referendum on August 1, 1981, by the Department; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1244. A communication from the Executive Associate Director of the Office of Management and Budget, Executive Office of the President, transmitting a reapportionment of an appropriation necessitating a supplemental appropriation; to the Committee on Appropriations.

EC–1245. A communication from the Principal Deputy Assistant Secretary of Defense. (Comptroller), transmitting, pursuant to law, a listing of contract award dates for the period May 15 through August 15, 1981; to the Committee on Armed Services.

EC–1246. A communicatcn from the Under Secretary of the Navy transmitting notice of the decision by the Navy to contract for commercial tug services without a cost comparison at the Naval Air Station, Pensacola, Florida; to the Committee on Armed Services.

EC–1247. A communication from the Acting Chairman of the Federal Trade Commission transmitting, pursuant to law, a report on the Cigarette Advertising Investigation; to the Committee on Commerce, Science, and and Transportation.

EC–1248. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the effects of alternative rights-of-way ownership on railroad safety; to the Committee on Commerce, Science, and Transportation.

EC–1249. A communication from the Vice President, Government Affairs, AMTRAK, transmitting, pursuant to law, a report for March 1981 on itemized revenues and expenses of the system; to the Committee on Commerce, Science, and Transportation.

EC–1250. A communication from the Under Secretary of the Interior, transmitting, pursuant to law, receipt of a project proposal and application for a loan from the Ramona Municipal Water District, California; to the Committee on Energy and Natural Resources.

EC–1251. A communication from the Acting Administrator of the Energy Information Administration, transmitting, pursuant to law, reports on market shares of refined petroleum products and retail gasoline for February 1981; to the committee on Energy and Natural Resources.

EC–1252. A communication from the Secretary of the Department of the Interior, transmitting, pursuant to law, certification of certain expenditures relating to the Lowell National Historical Park in Massachusetts, July 1–December 31, 1980; to the Committee on Energy and Natural Resources.

EC–1253. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Nuclear Non-Proliferation Act of 1978 Should Be Selectively Modified"; to the Committee on Foreign Relations.

EC–1254. A communication from the Acting Commissioner of Immigration and Naturalization, transmitting, pursuant to law, 360 reports on visa petitions granted third and sixth preference; to the Committee on the Judiciary.

EC–1255. A communication from the D.C. representative of the Ladies of the Grand Army of the Republic, transmitting the audit of the organization, dated August 31, 1980, as required by the laws of the incorporated organization; to the Committee on the Judiciary.

EC–1256. A communication from the Acting Administrator of the Veterans Administration, transmitting a draft of proposed legislation entitled "The Veterans' Rehabilitation and Education Adjustment Act of 1981"; to the Committee on Veterans Affairs.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions; which were referred as indicated:

POM–111. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on Banking, Housing, and Urban Affairs:

"RESOLUTION 64

"Whereas, the 96th Congress enacted the Mortgage Subsidy Bond Tax Act of 1980, which was signed into law by President Carter on December 5, 1980, as Public Law 96–499; and

"Whereas, the Mortgage Subsidy Bond Tax Act of 1980, because of its 1 percent arbitrage limitation, unfairly discriminates against the Nebraska Mortgage Finance Fund which, unlike similar agencies in other states, has not been in existence long enough to accumulate a reserve fund; and

"Whereas, such provision of the Mortgage Subsidy Bond Tax Act of 1980, is so administratively burdensome as to nullify the action of the Nebraska Legislature in creating the Nebraska Mortgage Finance Fund.

"Now, therefore, be it resolved by the members of the Eighty-Seventh Legislature of Nebraska, first session:

"1. That the 97th Congress be urged to take prompt action in amending the Mortgage Subsidy Bond Tax Act of 1980 to remove this unnecessary and unwarranted restriction.

"2. That each member of the Nebraska Congressional delegation be urged to support the amendment in order that the fine record of the Nebraska Mortgage Finance Fund may be continued.

"3. That the Clerk of the Legislature forward a copy of this resolution to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, and each member of the Nebraska Congressional delegation."

POM–112. A resolution adopted by the House of Representatives, of the State of Hawaii; to the Committee on Commerce, Science, and Transportation:

"H.R. No. 582

"Whereas, the Federal Administration's proposed budget includes a recommendation that no funds be appropriated after Fiscal Year 1980–81 under Sections 306 and 308 of the National Coastal Zone Management (CZM) Act of 1972; and

"Whereas, the Act was a Congressional response to a proliferation of uncontrolled activities threatening irreparable damage to the economic, scenic, historic, recreational, ecological, and other valuable resources of the nation's coastal zone; and

"Whereas, the United States Congress, reaffirming the value of the Program, reauthorized the National CZM Program last year after two years of exhaustive debate, during which time there were no proposals brought forth for Program termination; and

"Whereas, the purpose of the National CZM Act is to encourage and assist coastal states in developing and implementing programs to protect, preserve, develop, and restore the nation's coastal resources; and

"Whereas, the National CZM Program, through its support of locally-developed resource management techniques and procedures, promotes State's rights and self-determination; and

"Whereas, the State of Hawaii, with support from the general public and special interest groups, determined that significant benefits would accrue to the local economy and residents alike by voluntarily participating in the National CZM Program; and

"Whereas, grant assistance to the State of Hawaii under Section 305 of the National CZM Act supported the groundwork necessary to enact the Hawaii CZM Act of 1977 and to formulate the Hawaii CZM Program, which was approved by the United States Department of Commerce in September 1978; and

"Whereas, amendments to the National CZM Act in 1976 expanded the National CZM Program by creating the Coastal Energy Impact Program (CEIP), which provides coastal states with the assistance needed to avoid and mitigate the impacts of coastal energy development in furtherance of the national policy of increased energy self-sufficiency; and

"Whereas, Hawaii chose also to participate in the CEIP inasmuch as the State is committed to aggressively pursuing increased energy self-sufficiency to reduce its current dependence on imported oil for over 90 percent of its energy needs and, therefore, anticipates accelerated development of local energy resources, as well as the potential adverse effects of such development; and

"Whereas, the Hawaii SZM Program impacts upon the entire geographic area and population of the Hawaiian archipelago, as well as its nearly 4 million annual visitors; and

"Whereas, the Hawaii CZM Program has provided the means to formulate, coordinate and implement Statewide coastal resource management activities through the development of a 5-year work program; and

"Whereas, each County of the State has been provided with the means to manage their respective Shoreline Management Areas and energy development activities, as well as implement other coastal-related projects of County importance; and

"Whereas, significant progress has already been made in the general areas of governmental administration, coastal resource assessment and management, and ocean management planning; and

"Whereas, administrative improvements resulting from implementation of the Hawaii CZM Program have been particularly effective in increasing government efficiency and planning and management capabilities through increased interagency communication; permit simplification and streamlining; the regulatory enforcement activities of the State Department of Land and Natural Resources; and the Department of Planning and Economic Development's monitoring of CZM Program implementation through the Hawaii Permit Application and Support System; and

"Whereas, the Hawaii CZM Program provided the basis and assistance needed to develop a comprehensive approach to coastal resource assessment and management to include beach erosion research, public access planning, cultural resources mapping, environmental and recreational baseline monitoring for energy facility siting, and the Kawainui Marsh Study; and

"Whereas, the ocean management planning project recently initiated by the Hawaii CZM Program is critical to the State of Hawaii, particularly with the increasing scope and magnitude of ocean-related activities encompassing shipping, research, fisheries, mariculture, energy production, manganese nodule mining, and military operations coupled with a need to maintain environmental integrity which is directly related to the continued health of the visitor industry; and

"Whereas, Hawaii's CZM Program has made significant progress in the short time it has existed toward achieving the objectives and policies of the National CZM Act of 1972 and the Hawaii CZM legislation comprising Chapter 205A of the Hawaii Revised Statutes; and

"Whereas, the beneficial effects of the Hawaii CZM Program, now in its third year of implementation, is directly attributable to the receipt of over $1 million in Federal grants annually for program administration and implementation; and

"Whereas, the activities of the Hawaii CZM Program will continue to have major implications for the State's well-being, but are dependent on continued Federal support; and

"Whereas, the National CZM Program also has significance for the Pacific Basin Development Council, which is comprised of the State of Hawaii and the American flag territories of American Samoa, the Commonwealth of the Northern Marianas, and Guam, and which has begun to establish and coordinate coastal resources development and management priorities within the Pacific Basin; now, therefore,

"Be it resolved by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, that the United States Congress is respectfully requested to reinstate all funds in the Federal budget for the National CZM Program; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the Secretary of Commerce, the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairman of the United States Senate Budget Committee, the Chairman of the United States House of Representatives Budget Committee, the Chairman of the United States Senate Appropriations Subcommittee on State, Justice, Commerce and Judiciary, the Chairman of the United States House of Representatives Appropriations Subcommittee on State, Justice, Commerce and Judiciary, the Chairman of the United States Senate Commerce Committee, the Chairman of the United States House of Representatives Subcommittee on Oceanography of the Committee on Merchant Marine and Fisheries, and to each member of Hawaii's Delegation to the United States Congress."

POM–113. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Commerce, Science, and Transportation:

"H.R. 538

"Whereas, in revisions to the FY 1981 and FY 1982 budgets, President Ronald Reagan proposes program reductions in the National Oceanic and Atmospheric Administration budget totaling about 63 million dollars in FY 1981 and an additional 251 million dollars in FY 1982; and

"Whereas, NOAA will compensate this budget reduction with the elimination of various part-time weather service offices throughout the nation, including the elimination of the Kahului Weather Service Office on Maui; and

"Whereas, the Kahului Weather Service Office's basic mission to Maui County is to provide warnings of storms, surf advisories, and recreational forecasts, thus preventing the loss of life and property; and

"Whereas, the objective of Kahului Weather Service Office is to contribute to the safety, health, welfare, comfort, and convenience of the public, and to meet the needs of all segments of Maui County for general weather information; and

"Whereas, specialized users of the General Weather Service hold principal interests in agriculture, manufacturing, business, marine, transportation, recreation, and commerce; and

"Whereas, presently, the Weather Service Office in Kahului is the only station in the State of Hawaii with a recorded recreational forecast for the various segments of the public; and

"Whereas, the WSO in Kahului is responsible to provide aviation weather briefing service to all pilots, preparing flight documentation folders for national and international flights, and alerting the WSO in Honolulu to terminal forecast amendments; and

"Whereas, the WSO in Kahului furnishes marine services to recreational boating, harbor facilities, and fishing in both the public and commercial sector; and

"Whereas, these services entail limited marine advisories and warning issuance responsibility, special Marine Warning Bulletin issuances, and the dissemination of marine advisories and warnings for coastal waters in our county warning area; now, therefore

"Be it resolved by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, that this body request the National Oceanic and Atmospheric Administration (NOAA) to continue funding of the Kahubu Weather Service Office on Maui; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the Vice-President of the United States, to each member of Hawaii's U.S. Congressional Delegation, to the Executive Director of the National Oceanic and Atmospheric Administration, to the Director of the National Oceanic and Atmospheric Administration, Pacific Region, to the Official in Charge, Weather Service Office, Kahului Airport, to the Mayor of the County of Maui, and to the Governor of the State of Hawaii."

POM–114. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Energy and Natural Resources:

"H.R. 583

"Where as, the citizens of the State of Hawaii are concerned about the proposed Federal budget for 1982 which drastically reduces funding for renewable energy resources by 68 per cent compared with the 1980 budget; and

"Whereas, under the new budget proposal, the energy research and development projects supported by major Federal funding (such as for geothermal, wind, photovoltaic, three farms, and ocean thermal energy conversion) which for nearly a decade have been the mainstay of Hawaii's statewide energy program will be adversely affected; and

"Whereas, Hawaii is particularly concerned with the proposed budget cuts because of the fact that of all fifty states, Hawaii is the most vulnerable to dislocations in the global energy market; and

"Whereas, Hawaii has no known fossil fuel reserves or offshore oil and because of the State's mid-Pacific location and distance from the continental United States, no coal can come into this State by rail, no natural gas can be brought into Hawaii by pipeline, and Hawaii cannot be tied into a regional electric grid to share peakloads with adjacent states; and

"Whereas, however, Hawaii is blessed with a variety and abundance of indigenous renewable energy resources, which collectively can serve as alternatives or substitutes for imported oil; and

"Whereas, with the help of Federal dollars during the past decade, Hawaii has embarked upon a vigorous campaign to develop its natural energy resources and to reduce the State's current 92 per cent dependence on imported petroleum; and

"Whereas, Hawaii has made excellent progress in the research, development, and demonstration of renewable energy resources with a major contributing factor to our success to date attributed to the high degree of cooperation exhibited by all segments of government and the private sector; and

"Whereas, while there now may be sufficient local interest and support to provide the momentum to carry some of these renewable alternate energy resources to full commercialization, still more government support needs to be provided to ensure such commercialization and to expedite the development of other alternate energy resources; and

"Whereas, the greatest impact of the proposed budget cuts to Hawaii's alternate energy program is the elimination of funds for ocean thermal energy conversion (OTEC) and for the development of an undersea cable to transmit surplus power from the 'energy rich' islands to the State's population center on Oahu; and

"Whereas, the proposed total elimination of OTEC funds does not recognize the importance of this resource to Hawaii, the nation, and the world as well; and

"Whereas, Hawaii has played a major role in OTEC development, with three of the nation's major sea water OTEC experiments located in the Islands; and

"Whereas, on August 2, 1979 one of the projects, called Mini-OTEC became the world's first at-sea closed-cycle OTEC plant to produce net energy and by proving the concept, Mini-OTEC has stimulated OTEC research programs throughout the world; and

"Whereas, by the complete deletion of OTEC funds the United States is certain to lose its leadership in the development of the technology for utilizing this vast renewable energy potential and the opportunity to manufacture OTEC plants that could be exported to other areas of the world; and

"Whereas, in view of the current administration's philosophy to support research and development projects which are 'geared to longer-term, high-risk efforts to expand future energy supplies that busineses are not likely to undertake', the citizens of the State of Hawaii believe that the proposed drastic curtailment of alternate energy research and development funds is inconsistent with such a philosophy; now, therefore,

"Be it resolved by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, that the President of the United States and the United States Congress are respectfully requested to reconsider the decision to drastically reduce funds for alternate energy research and development projects, particularly the complete elimination of OTEC funds and to reinstate such funds; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the Secretary of Energy, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of Hawaii's Delegation to the United States Congress."

POM–115. A joint resolution adopted by the Assembly of the State of California; to

the Committee on Environment and Public Works:

"ASSEMBLY JOINT RESOLUTION No. 14

"Whereas, Hansen Dam in the Northeast San Fernando Valley was constructed and is operated by the United States Army Corps of Engineers; and

"Whereas, This dam has provided important benefits to residents of the City of Los Angeles by controlling floods, by conserving storm runoff which becomes part of the city's water supply, and by serving as a source of water-oriented recreation in the San Fernando Valley; and

"Whereas, During the past few years a substantial amount of silt, sand, and gravel has accumulated behind Hansen Dam; and

"Whereas, This buildup of material behind the dam has almost eliminated its recreational value, has substantially interfered with water conservation efforts, and is now threatening flood control capability; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memoralizes the Congress of the United States to enact legislation which would add recreation and water conservation to the authorized purposes of Hansen Dam, and which would authorize a prompt cost estimate and feasibility study for the cleanout of silt, sand, and gravel of Hansen Dam by the Corps of Engineers; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM–116. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Foreign Relations:

"HOUSE CONCURRENT RESOLUTION No. 158

"Whereas, Japan, one of the primary users of nuclear energy in the Pacific rim, is proposing to dump radioactive waste into the Pacific Ocean in 1981; and

"Whereas, the initial ocean dumping program represents only the first step in what appears to be an opening of the Pacific for a massive, potentially dangerous program of low and high-level nuclear waste disposal; and

"Whereas, the people who live in the Pacific area are concerned that radioactivity leaking from the containers used in the dumping will have devastating consequences on their environment, their culture and their livehood; and

"Whereas, the Japanese dumping plan may be contrary to international law and may seriously impair international relations; and

"Whereas, the Commonwealth of the Northern Mariana Islands have prepared a Petition by and on behalf of citizens of Pacific Governments to request the Japanese Diet to hold a formal hearing and investigation into Japan's proposed nuclear dumping; and

"Whereas, Hawaii shares a firm belief with the other Pacific area residents that a degradation of any portion of the Pacific Ocean has an adverse effect on all the people of the area and strongly protests plans by the Japanese government to use the Pacific as a disposal site for unwanted nuclear waste and spent nuclear fuel; now, therefore,

"Be it resolved by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, the Senate concurring, that the House of Representatives and the Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, do hereby join in the Petition filed by and on behalf of Citizens of Pacific Islands, International Organizations and Pacific Governments concerning the Japanese Government's proposal for Pacific Ocean nuclear dumping; and

"Be it further resolved that duly certified copies of this Resolution be transmitted to the Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, the Governor, the Speaker of the House of Representatives, the President of the Senate and to the Honorable Carlos S. Camacho, Governor of the Commonwealth of the Northern Mariana Islands.

POM–117. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Governmental Affairs:

"SENATE JOINT RESOLUTION No. 22

"Whereas, The Congress of the United States, in making payments to or conferring other benefits upon the several states, occasionally imposes conditions which are not reasonably related to the purpose of the payments or benefits or which coerce a state into surrendering power reserved to it by the 10th Amendment to the Constitution of the United States; and

"Whereas, This legislature does not object to reasonable and noncoercive conditions attached to federal payments and benefits and believes Congress should enact legislation permitting such reasonable and noncoercive conditions, but the burden should be upon the Federal Government to show that a condition is reasonably related to the purpose of a payment or other benefit and upon a state to show that it is coerced into surrendering reserved power; now, therefore, be it

"Resolved, by the Senate and Assembly of the State of Nevada, jointly, That the legislature hereby urges the Congress of the United States to enact legislation, as follows:

"Every condition attached to payments made to or other benefits conferred upon the several States pursuant to the first clause in the eighth section of the first article must be reasonably related to the purpose for which the payments are made or benefits conferred, and must not coerce any State into surrendering any power reserved to it by the tenth article of amendment.

"If a condition is challenged in any court, the burden is upon the United States to demonstrate that the condition is reasonably related to the purpose of the payment or benefit, and upon the State to demonstrate coercion; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives, and to all members of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM–118. A resolution adopted by the City Council, of the City of Huntington Park, Calif. expressing its support of efforts by the Federal Administration to return powers to local entities and urging a careful implementation of those efforts in ways that will enhance, not further impede, home rule; to the Committee on Governmental Affairs.

POM–119. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Select Committee on Indian Affairs:

"HOUSE CONCURRENT MEMORIAL 2003

"Whereas, the State of Arizona provides funds for public education on Indian reservations; and

"Whereas, because of its trust relationship with the Indian people, the federal government is responsible for the education of Indian children pursuant to treaties, legislation, executive orders and other laws of the United States; and

"Whereas, Window Rock High School, which is on the Navajo Indian Reservation, was totally destroyed by fire on April 5, 1981; and

"Whereas, Apache County High School District submitted an application in 1980 for funds appropriated by Congress to the Department of Education of the United States for school construction in areas affected by federal activities for the construction of a new Window Rock High School; and

"Whereas, the Department of Education of the United States accorded Apache County High School District number one priority status on the basis of urgency of need for funds for construction of a new Window Rock High School; and

"Whereas, the Department of Education of the United States, on advice of legal council, has recently accorded Window Rock High School District a lower priority status, not on the basis of urgency of need, but on the basis of the dissolvement of Apache County High School District and the establishment of Window Rock High School District on July 1, 1980, the day after applications for funds were due; and

"Whereas, unless the Department of Education of the United States restores number one priority status to Window Rock High School District for funds for construction of a new high school no high school can be built because of lack of financial resources.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the President, the Congress and the Department of Education of the United States act as necessary to ensure that Window Rock High School District is accorded number one priority status on the basis of urgency of need for funds for school construction in areas affected by federal activities for the construction of a new high school.

"2. That the President, the Congress, the Department of Education, the Department of the Interior, the Bureau of Indian Affairs and other departments and agencies of the United States act as necessary to assist the Window Rock High School District and provide funds to address the emergency caused by the destruction of the Window Rock High School by fire and to ensure the continued education of the high school pupils without major disruption.

"3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, each Member of the Arizona Congressional Delegation, the Secretaries of the Departments of Education and of the Interior of the United States and the Commissioner of Indian Affairs."

POM–120. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Labor and Human Resources:

"H.R. No. 513

"Whereas, persons with low or fixed incomes experience difficulty in getting the medical attention and care they need to maintain an adequate level of health; and

"Whereas, community health centers (such as the Waianae Coast Comprehensive Health Center, the Kaiser Foundation Health Plan's prepaid medical plan Z5 and Y5 programs, and the Department of Health's Urban Health Initiative) provide necessary medical services of a high quality at a cost which persons with low or fixed incomes can afford and these services help reduce the need for more costly hospitalization; and

"Whereas, community health centers con-

tribute to the local economy by creating opportunities for employment, by patronizing local suppliers and hospitals, and by using the services of the private medical community; and

"Whereas, community health centers have demonstrated that they are in many other ways positive and constructive forces in their communities; and

"Whereas, the Congress of the United States has, through legislation and financing, shown strong support for community health centers; now, therefore,

"Be it resolved by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, that the Congress of the United States be commended for its past support of community health centers; and

"Be it further resolved that the Congress of the United States is requested to continue its support of community health centers both legislatively and fiscally; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Hawaii's delegation to the United States Congress.

POM-121. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Rules and Administration:

"HJR 42

"Whereas there are seven different time zones within the boundaries of the 50 states of the United States; and

"Whereas on the day of a presidential election the polls close on the east coast of the United States three hours before the polls on the west coast and six hours before the polls in western Alaska; and

"Whereas this variety of time zones has the capacity to seriously affect the outcome of a presidential election; and

"Whereas news coverage and projections of winners in eastern locations can substantially affect the voting decisions of voters in midwestern and western states; and

"Whereas the unhealthy political situation created by this time zone situation is nonpartisan in nature and represents a threat to the entire election process; and

"Whereas numerous proposals exist for rectifying the situation, including staggered voting hours under which all or most regions of the nation would vote at the same time;

"Be it resolved by the Alaska State Legislature that the State of Alaska respectfully requests the United States Congress and the executive branch of the United States Government to initiate studies for proposals to alleviate the effect of time zones on the outcome of presidential elections.

"Copies of this resolution shall be sent to the Honorable Ronald Reagan, President of the United States; and to all members of the United States Senate and the United States House of Representatives."

POM-122. A resolution adopted by the House of Representatives of Puerto Rico; ordered to lie on the table:

"RESOLUTION

"STATEMENT OF MOTIVES

"The international press has reported the attempt of which the President of the United States, Ronald Reagan, was a victim as he was leaving a hotel in the Nation's Capital.

"According to the information, the President was wounded, as well as his Press Secretary, James Brady; a member of his guard and a Secret Service Agent.

"In this moment of great anguish, the People of Puerto Rico joins the People of the United States, to which it is bound by ties of deep affection, in addition to the juridical bonds of our citizenship.

"The House of Representatives, on its own behalf and on behalf of the people it represents, wishes to express its most emphatic repudiation of this vile act which constitutes a denial of the Christian values, and the democratic principles which our countries uphold, and unite in a fervent prayer for the prompt recovery of the President and of the other persons who were wounded at that time.

"Be it resolved by the House of Representatives of Puerto Rico:

Section 1. To express, as it is stated in this Resolution, the consternation of the House of Representatives and the People of Puerto Rico, caused by the murderous attempt of which the President of the United States, the Honorable Ronald Reagan, has been a victim; to express our repudiation of that abominable act, and to unite in a fervent prayer for the prompt recovery of the President and of the other persons who were wounded in the attempt.

Section 2. A copy of this Resolution duly translated into the English language, shall be sent to the Honorable Ronald Reagan, President of the United States; to the Honorable George Bush, Vice-President of the United States; to the Honorable Alexander Haig, Secretary of State of the United States; to the Congress of the United States, and to the Press, for its general diffusion."

POM-123. A resolution adopted by the International Association of Ice Cream Manufacturers, supporting President Reagan's economic recovery program; ordered to lie on the table.

POM-124. A resolution adopted by the Jupiter-Tequesta Republican Club, supporting President Reagan's program of economic recovery; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 736. A bill to provide for the control of illegally taken fish and wildlife (Rept. No. 97-123); pursuant to the order of March 19, 1981, referred to the Committee on the Judiciary for not to exceed 30 calendar days.

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 799) to amend the Public Health Service Act to revise and extend titles VII and VIII of such act with regard to training in the health professions and nursing, and for other purposes (Rept. No. 97-124).

Report to accompany the bill (S. 801) to amend the Public Health Services Act to revise provisions relating to the National Health Service Corps (Rept. No. 97-125).

EXECUTIVE REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry:

Kenneth A. Gilles, of North Dakota, to be Administrator of the Federal Grain Inspection.

Philip F. Johnson, of Illinois, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 1984.

Philip F. Johnson, of Illinois, to be Chairman of the Commodity Futures Trading Commission.

(The above nominations, reported from the Committee on Agriculture, Nutrition, and Forestry with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. ROTH, from the Committee on Governmental Affairs.

Alex Kozinski, of California, to be Special Counsel of the Merit Systems Protection Board.

MEASURE PLACED ON CALENDAR

Pursuant to section 402(c) of the Congressional Budget Act of 1974, the following resolution was discharged from the Committee on the Budget, and placed on the calendar:

S. Res. 128. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of title IV of S. 1127, which authorizes supplemental appropriations for fiscal year 1981 for intelligence activities of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred to as indicated:

By Mr. THURMOND:

S. 1246. A bill to amend title 21 of the United States Code to increase the penalties for the trafficking in illegal drugs, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. HATCH, Mr. LAXALT, Mr. COCHRAN, Mr. LUGAR, Mr. SCHMITT, and Mr. DECONCINI):

S. 1247. A bill to amend the Freedom of Information Act to provide a hearing for persons objecting to disclosures of private confidential information, to preserve the confidential status of certain kinds of private information contained in Government records, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES (for himself, Mr. ARMSTRONG, Mrs. HAWKINS, Mr. D'AMATO, and Mr. COCHRAN):

S. 1248. A bill to repeal the Powerplant and Industrial Fuel Use Act of 1978; to the Committee on Environment and Public Works.

By Mr. PERCY (for himself, Mr. ANDREWS, Mr. ARMSTRONG, Mr. BOREN, Mr. CHAFEE, Mr. COHEN, Mr. DANFORTH, Mr. DECONCINI, Mr. DENTON, Mr. DOMENICI, Mr. GORTON, Mr. LUGAR, Mr. PACKWOOD, Mr. PROXMIRE, Mr. ROTH, Mr. RUDMAN, Mr. SASSER, Mr. THURMOND, Mr. TOWER, Mr. WALLOP, Mr. WARNER, Mr. PRYOR, and Mr. HAYAKAWA) (by request):

S. 1249. A bill to increase the efficiency of Government-wide efforts to collect debts owed the United States, to require the Office of Management and Budget to establish regulations for reporting on debts owed the United States, and to provide additional procedures for the collection of debts owed the United States; to the Committee on Governmental Affairs.

By Mr. BAUCUS:

S. 1250. A bill to amend title XI of the Social Security Act to make improvements in the professional standards review program; to the Committee on Finance.

By Mr. BOREN:

S. 1251. A bill to amend title II of the Social Security Act to increase the amount that a recipient may earn before being subject to a reduction in benefits on account of work; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. FORD, Mr. WARNER, Mr. DIXON, Mr. SPECTER, Mr. HUDDLESTON, and Mr. HEFLIN):

S. 1252. A bill to amend the Internal Revenue Code of 1954 to provide incentives for

the use of coal in lieu of imported energy, and for other purposes; to the Committee on Finance.

By Mr. CHILES (for himself, Mr. NUNN, and Mr. HOLLINGS):

S. 1253. A bill to tighten the conditions on bail for drug offenders; to the Committee on the Judiciary.

By Mr. HELMS:

S. 1254. A bill to improve the effectiveness and reduce the cost of programs under the National School Lunch Act and the Child Nutrition Act of 1966; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DODD:

S. 1255. A bill for the relief of Carlos C. Montanes; to the Committee on the Judiciary.

By Mr. EXON (for himself, Mr. FORD, Mr. CANNON, Mr. HEFLIN, and Mr. PRESSLER):

S. 1256. A bill to regulate interstate commerce by protecting the rights of consumer, dealers, and end-users; to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 1257. A bill to modify the Houston Ship Channel navigation project to maintain a forty-foot project depth in the Barbour Terminal Channel; to the Committee on Environment and Public Works.

S. 1258. A bill to modify the project for navigation at Houston Ship Channel (Greens Bayou), Texas, to maintain a forty-foot depth in Greens Bayou; to the Committee on Environment and Public Works.

S. 1259. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for flood control and recreation in the upper White Oak Bayou area, Texas; to the Committee on Environment and Public Works.

S. 1260. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for flood control on Boggy Creek in Austin, Texas; to the Committee on Environment and Public Works.

S. 1261. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for navigation improvement at Brazos Island Harbor, Texas; to the Committee on Environment and Public Works.

S. 1262. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for flood control on Lake Witchita, Holliday Creek, Texas; to the Committee on Environment and Public Works.

S. 1263. A bill to amend section 221 of the Flood Control Act of 1970; to the Committee on Environment and Public Works.

S. 1264. A bill to authorize water supply for the Brazos River Basin, Texas; to the Committee on Environment and Public Works.

S. 1265. A bill to authorize the investigation of water supply needs in Northeast Texas; to the Committee on Environment and Public Works.

S. 1266. A bill to modify the Galveston Bay at Baytown, Texas, project; to the Committee on Environment and Public Works.

S. 1267. A bill to provide for municipal use of storage water in Benbrook Dam, Texas, to the Committee on Environment and Public Works.

S. 1268. A bill to modify the Rio Grande Bank Projection Project, Texas; to the Committee on Environment and Public Works.

S. 1269. A bill to provide for possible hydropower development at Town Bluff Dam, Texas; to the Committee on Environment and Public Works.

S. 1270. A bill to declare the Port of Houston Authority Bridge over Greens Bayou, Texas, to be for all purposes "a lawful bridge", as defined in (An Act to provide for alteration of certain bridges over navigable water of the United States for apportionment of costs of such alternation between United States and owner of such bridge, and for other purposes) approved June 21, 1940; to the Committee on Environment and Public Works.

By Mr. RIEGLE:

S. 1271. A bill to amend title 5 of the United States Code to improve the second training program for air traffic controllers; to the Committee on Governmental Affairs.

By Mr. CANNON (for himself and Mrs. KASSEBAUM):

S. 1272. A bill to modify certain airport and airway user taxes to provide appropriate funding for the Airport and Airway Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. CHAFEE (for himself and Mr. GOLDWATER):

S. 1273. A bill to amend the Central Intelligence Agency Act of 1949, and for other purposes; to the Select Committee on Intelligence.

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. RANDOLPH, and Mr. ABDNOR):

S. 1274. A bill to amend the title II of the Clean Water Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SYMMS:

S. 1275. A bill for the relief of Maria Elba Leora Hernandez; to the Committee on the Judiciary.

By Mr. DURENBERGER (for himself, Mr. MELCHER, Mr. BOSCHWITZ, Mr. ZORINSKY, and Mr. GRASSLEY):

S. 1276. A bill to amend the Internal Revenue Code of 1954 to permit small businesses to reduce the value of excess inventory; to the Committee on Finance.

By Mr. HATCH:

S. 1277. A bill to restrict the authority of the Secretary of Health and Human Services with respect to the regulation of vitamin and mineral products for over-the-counter use; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. KENNEDY, and Mr. HAYAKAWA):

S. 1278. A bill entitled the "Saccharin Study and Labeling Act Amendment of 1981"; to the Committee on Labor and Human Resources.

By Mr. DANFORTH (for himself and Mr. PRYOR):

S. 1279. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income a certain amount of interest earned on the All Savers Certificate offered only at savings institutions; to the Committee on Finance.

By Mr. McCLURE (by request):

S. 1280. A bill to establish a revolving fund in the Department of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1281. A bill to reduce costs and the public reporting burden and increase the efficiency of the Energy Information Administration; to the Committee on Energy and Natural Resources.

S. 1282. A bill to amend the Act of October 20, 1976, as amended (31 U.S.C. 1601), to change the method by which payments are determined, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 1283. A bill to consolidate Federal assistance to States for health promotion and disease prevention, to provide greater flexibility to States in administering health promotion and disease prevention programs, and for other purposes; to the Committee on Labor and Human Resources.

S. 1284. A bill to amend provisions of law concerned with health professions personnel, and for other purposes; to the Committee on Labor and Human Resources.

S. 1285. A bill to extend and amend various health authorities, and for other purposes; to the Committee on Labor and Human Resources.

S. 1286. A bill to consolidate Federal assistance to States for health services, to provide greater flexibility to States in administering health services programs, and for other purposes; to the Committee on Labor and Human Resources.

S. 1287. A bill to eliminate free medical care for merchant seamen, to permit closure of Public Health Service hospitals, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DURENBERGER:

S. 1288. A bill to amend the Internal Revenue Code of 1954 to encourage greater energy conservation by commercial businesses, and for other purposes; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. BRADLEY, Mr. D'AMATO, Mr. MATSUNAGA, Mr. PELL, Mr. CHAFEE, Mr. BENTSEN, Mr. FORD, Mr. QUAYLE, Mr. TSONGAS, Mr. KASTEN, Mr. BUMPERS, Mr. MOYNIHAN, Mr. PACKWOOD, Mr. JOHNSTON, and Mr. GOLDWATER):

S.J. Res. 84. Joint resolution to proclaim March 18, 1982, as "National Energy Education Day"; to the Committee on the Judiciary.

By Mr. HATCH:

S.J. Res. 85. Joint resolution to designate June 30, 1981, as "National Drug Standards Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 1246. A bill to amend title 21 of the United States Code to increase the penalties for the trafficking in illegal drugs, and for other purposes; to the Committee on the Judiciary.

INCREASING THE PENALTIES FOR ILLEGAL DRUG TRAFFICKING

Mr. THURMOND. Mr. President, I am introducing today legislation to raise the penalties for the trafficking of illegal drugs in the United States. The bill would raise the period of imprisonment to a maximum of 25 years and the fine to a maximum of $100,000.

There is no question in my mind that the serious increase in violent crime in this country is related to the extent and nature of drug trafficking. The statistics are staggering. According to Drug Enforcement Administration figures for 1979, the most recent year for which data is available, between 3.1 and 4 tons of heroin were brought illegally into the United States. The retail value of this heroin is estimated to be up to $9.2 billion.

Cocaine entered the United States at an estimate level of 25 to 31 tons at a retail value of $24.2 billion. Between 10,000 and 13,000 tons of marihuana came in at a street value of $11.9 billion. Other categories of dangerous drugs totaled sales of close to $17 billion by DEA estimates. Again, all of these figures are for 1 year—1979.

Mr. President, there are serious side effects to the illegal importation of these dangerous drugs, most of which are too obvious to mention. Deaths, however, attributed to drug overdoses in 1979 were

3,500. Injuries reported to hospitals and clinics that were drug related were 114,000 in that same year. The toll on our society goes much deeper than these figures.

A study undertaken by the Temple University School of Medicine recently reported that a group of 243 addicts committed almost 500,000 crimes during an 11-year period while they were using drugs and out on the street. These statistics, compiled by Drs. Ball, Rosen, Flueck, and Nuraco at the school of medicine point out the direct relationship between drug use and the commission of crime.

Criminologists have been telling us for years that much of the property and stranger-to-stranger crime in the United States is related to drug use or drug trafficking. Surely, these statistics bear this out graphically.

Mr. President, the figures I have cited with regard to the amount of illegal drugs entering this country, as well as its impact on our society, support the legislation I am introducing today. Major traffickers of illegal drugs are not being punished sufficiently to deter drug trafficking. It is too profitable and until judges begin to give sentences, levy fines, and refuse to release drug traffickers on bail this problem will never go away.

Current section 960(b)(1) of the Controlled Substance Act carries penalties of up to 15 years and $25,000 for the violation of Federal laws relating to the trafficking of schedules I and II drugs. In my opinion, these penalties are not high enough.

The Committee on the Judiciary, in considering the criminal code reform bill, last year as S. 1722, recognized that the penalties for drug trafficking were too low and several amendments were offered during committee consideration to raise the penalty for dangerous drugs. The amendments to section 960(b)(1) of title 21 seek to approximate the increase in penalties then adopted by the committee.

The war on drugs can be won and we must start by putting in prison those who repeatedly beat the system because of low fine levels and low sentences. My bill is directed at these hardcore drug traffickers. The toll of their illegal activities is too high to ignore.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 960(b)(1) of title 21 of the United States Code is amended by striking the words "fifteen years, or fined not more than $25,000, or both", and inserting in lieu thereof the words "25 years, or fined not more than $100,000, or both".

By Mr. DOLE (for himself, Mr. HATCH, Mr. LAXALT, Mr. COCHRAN, Mr. LUGAR, Mr. SCHMITT, and Mr. DECONCINI):

S. 1247. A bill to amend the Freedom of Information Act to provide a hearing for persons objecting to disclosures of private confidential information, to preserve the confidential status of certain kinds of private information contained in Government records, and for other purposes; to the Committee on the Judiciary.

PRESERVATION OF CONFIDENTIAL INFORMATION ACT

● Mr. DOLE. Mr. President, I rise today on behalf of myself and Senators HATCH, LAXALT, COCHRAN, LUGAR, SCHMITT, and DECONCINI, to introduce legislation to amend the Freedom of Information Act. In April of 1979, when the Supreme Court handed down its decision in Chrysler Corp. against Brown, I expressed by concern that the FOIA had in certain ways been transformed from a mechanism by which citizens could learn about the operations of their Government into an instrument for industrial espionage.

This bill responds to that problem by amending the FOIA to give the person who submits private information to the Government notice when disclosure of that information is requested and to give the submitter an opportunity to voice his objections to the release of the information. Furthermore, this bill modifies the FOIA to reflect the original intention of Congress that information normally not disclosed by the submitter should not be released by the Government through the FOIA.

Congress never intended the FOIA to be used for unrestricted access to otherwise nonpublic information submitted by private citizens. The FOIA was originally an amendment to the public information provisions of the Administrative Procedure Act which narrowed the standards by which agencies could withhold Government information from the public and abolished the requirement that the requester had to show his direct interest in obtaining the requested records.

In enacting the FOIA, Congress did not anticipate what we have seen come to pass: the increased use of the FOIA to obtain private data from Government files. While the FOIA has opened Government files to an even greater extent, those same Government files have been absorbing an unprecedented amount of information from the private sector. Thus, Government files contain much valuable and sensitive information about private citizens and businesses; and the abuse of the FOIA can have dramatically harmful consequences.

This abuse has become widespread. As one informed witness described the situation in testimony before a subcommittee of the House Government Operations Committee:

Today, the FOIA is being utilized by an extremely diverse group as a means of obtaining . . . private data. The act has been employed by competitors, analysts, investors, disgruntled employees, potential and existing adverse litigants, self-styled "public interest" groups, foreign business and governments and a wide variety of others to obtain information concerning private businesses which, but for the FOIA, would not be available to them. Yet, now, for the price of a postage stamp, such persons can generally obtain such data from Federal agencies.

In short, as this expert explained:

While initially intended to serve as a means for the public to learn more about its Government, the act has increasingly become a vehicle for surveillance, at public expense, of the private affairs of commercial enterprises by their adversaries.

Small businesses, in particular, suffer severely from the constant espionage of their private data. This commercial spying, with the intention of pilfering inventions and innovations, tends to stifle growth of new enterprises, often the originators of significant technological advances.

The use of the FOIA as a tool for industrial espionage has reached such a level that businesses have been organized for the sole purpose of making blanket FOIA requests and selling the business information gleaned from the released records. Indeed, Prof. Allen Weinstein, an eminent historian and the author of a forthcoming report on the FOIA, has concluded that—

[M]ore than three out of every five FOIA requests are filed not by the scholars, crusading congressmen, public-interest advocates and enterprising journalists for whom the act was intended, but, rather, by the business community and the law firms that represent it.

One obvious reason for this problem is that the FOIA makes no provision for the rights of the submitter of private information contained in Government records. The FOIA sets out a detailed administrative and judicial procedure by which a requester can challenge an agency decision not to disclose particular records. Yet the statute provides no similar mechanism by which a submitter of confidential information can challenge a decision to release that information. And as the House Government Operations Committee concluded following its study of this problem during the 95th Congress:

Businesses have a strong and identifiable interest in maintaining the confidentiality of this information and have expressed great concern about the public release by the Government of information considered by the submitter to be confidential.

To afford the submitter some escape from this predicament, the courts over the last several years have recognized what has been called the reverse FOIA lawsuit by which submitters have been allowed to challenge in court an agency's decision to disclose confidential information. As many commentators have increasingly noted, this implied relief has been beset by a variety of practical and technical problems. However, the Supreme Court's decision in Chrysler Corp. versus Brown has undermined even this limited remedy. Simply put, in the words of the American Bar Association, the Supreme Court in Chrysler "denied the submitter of information standing to invoke the FOIA exemptions to prevent disclosure." The Court did offer a confused alternative remedy: A cause of action under the Administrative Procedure Act, with the substantive law provided by the Trade Secrets Act.

The Senator from Kansas believes that the Chrysler decision has left our freedom of information system with an inadequate and awkward mechanism for accommodating the interests of both requesters and submitters. Furthermore, the law as it has been interpreted in the

Chrysler decision may now operate in ways which are unfair to each of the interested parties: the requester, the submitter, and the agency.

Presently, submitters have no right to receive notice when their information is requested under the FOIA and have no rignt to be heard before an agency discloses the information. At the same time, the requester can appeal a decision not to disclose, first within the agency, and then to the courts.

It is unrealistic to assume that an agency, once it decides that no governmental interest prevents disclosure, will somehow act to protect the private interests of the submitter. Even if an agency wanted to protect these private interests, it is unlikely that it is equipped to do so. How can a bureaucrat in a Federal agency, inundated with thousands of FOIA requests, evaluate each piece of private information to determine whether it constitutes exempt confidential information, the disclosure of which could be harmful to a particular business?

This silence of the FOIA regarding submitters' rights has served only to produce litigation, as submitters have had no recourse, when they did have advance notice of an impending disclosure, but to leap into court to seek injunctions of contemplated FOIA disclosures. Such a lawsuit often puts the requester in an awkward position. The requester has an obvious interest in participating in such a suit, but the FOIA requires him to exhaust his administrative remedies before he goes into court. Thus, the requester ends up fighting on two fronts.

The bill the Senator from Kansas introduces today attempts to deal with these problems in two ways. First, a procedure is set up within an agency to allow a submitter to express his objections to the disclosure of confidential information. When an agency receives a FOIA request for a record containing such information, it is required to give the submitter notice of the request. The submitter then may submit written objections to disclosure of the information or request an informal hearing before the agency, or both. If still dissatisfied following these procedures, the submitter may appeal to the courts for de novo review of the case. This appeal to the courts is a mirror image of the judicial review now available to requesters.

The time periods set out for these various procedures have been determined in the spirit of accommodating the needs of the submitter in making a full presentation of his objections and the interest of the requester in receiving a prompt response to his request. Far from prolonging the resolution of FOIA controversies, it can be expected that these proceedings will expedite the workings of the whole FOIA mechanism. Under the provisions of this bill, a submitter is no longer forced into the time consuming and rigid procedure of the courts but may present his concerns in the relatively more expeditious context of an informal agency proceeding. It is likely that many submitters will feel no need to pursue their case to the courts. If a particular matter were carried to the courts, those proceedings would certainly take no longer than they do now.

Care has also been taken to include provisions in this bill to safeguard the interests of requesters. A requester is notified when the provisions of this bill apply to his request and is similarly notified of important steps in the proceedings, such as when the agency grants a submitter an informal hearing. If the time periods of the bill are not followed, or if the requester is not kept advised of the proceedings, he may proceed directly to court.

The second amendment made by this bill directly affects the so-called trade secrets exemption of the FOIA. In its present form, this provision exempts trade secrets and confidential commercial or financial information from the mandatory disclosure requirements of FOIA. To determine what is confidential, the courts have developed the "substantial competitive harm test" which characterizes information as confidential if its disclosure is likely to cause substantial harm to the competitive position of the submitter, or if such disclosure will impair the ability of the Government to obtain necessary infomation in the future. Because the application of this test requires a court to delve into the murky area of an individual business' "competitive position," this test has generated much confusion and litigation.

Yet this judicially created test is clearly at odds with the intentions of the Congress in enacting this exemption. The legislative history, in both the Senate and House reports, conclusively indicates that this exemption was intended to protect information which—and here I quote from the Senate Judiciary report—"would customarily not be released to the public by the person from whom it was obtained." This understanding requires no uncertain analysis of "competition," but relies on a more verifiable fact, the practice of the submitter.

This bill therefore amends the trade secrets exemption to specifically include in its scope information not customarily disclosed by the submitter. The Senator from Kansas believes that this change in the FOIA will increase the certainty in the application of this exemption, and thereby reduce the needless and costly litigation which has swirled around this statute in recent years.

Finally, the bill would make the trade secrets exemption mandatory unless either the submitter consented, or did not object, to disclosure, or the agency could demonstrate an overriding public interest in disclosure. This change responds to the holding in the Chrysler decision that the FOIA exemptions were only discretionary; that is, if an exemption applied in a particular case, the agency could still decide to disclose the requested information.

One can argue that the Government should be able to disclose information in this fashion where the information originated in the Government. Where a private party produces the information, however, none of the motivation behind the FOIA suggests that the Government should be able to disclose it at will. Thus, this bill would close off the discretion of agencies to release confidential commercial information.

In the extended effort of preparing this complicated legislation, my staff and I have had the assistance of several experts in this area. I would like to take this opportunity to publicly extend my thanks to Mr. Burt Braverman, one of the attorneys who argued the Chrysler case, Mr. Thomas Hussey, an attorney now in private practice who for a number of years served in the FOIA section of the Civil Division at the Department of Justice, and Mr. James O'Reilly, the author of perhaps the leading treatise on the FOIA. These gentlemen contributed great amounts of their valuable time and energy to insure that this bill responsibly addressed these significant problems surrounding our system for disclosure of Government information.

In sum, this bill is narrowly directed toward certain specific problems that have plagued the administration of the Freedom of Information Act. The resolution of these problems is long overdue. The drafters of the FOIA did not appreciate these defects in the statute, and this bill in no way undermines the purpose of the FOIA. The Senator from Kansas recommends this bill to his colleagues as a balanced piece of legislation worthy of their support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Preservation of Confidential Information Act."

NOTICE OF REQUEST FOR DISCLOSURE AND INFORMAL HEARING PROCEDURE

SEC. 2. Section 552(a) of title 5, United States Code, is amended by inserting immediately after paragraph (6) the following new paragraph:

"(7)(A)(i) Whenever an agency receives a request for records which contain or are based on information not already in the public domain which has been obtained from any private source or which concerns any individually identifiable private party, and the agency has not decided to withhold such records, the agency shall, within ten working days from the date of receipt of such request, give written notice to the submitter of the information contained in the record, or on which the record is based, of such request. This notice shall describe the nature and scope of the request and advise the submitter of his right to submit written objections and his right to an informal ex parte hearing pursuant to this paragraph.

"(ii) For the purposes of this section, the terms 'private source' and 'private party' refer to any person (as defined by section 551 of this title) who is not an agency (as defined by this section), an officer or employee of such agency, or any instrumentality, officer, or employee of a State or local government.

"(iii) For the purposes of this section, the term 'submitter' includes the private

source who provided the requested record, the information contained in the requested record or on which the requested record is based, the private proprietor of such information, and the individually identifiable private party who is the subject of such information.

"(B)(i) The submitter may, within ten working days after receipt of the notice, provide the agency with written objections to disclosure of the records requested, clearly and succinctly describing the factual and legal grounds for the objections.

(ii) Upon proper request by the submitter made within five working days after receipt of the notice, the agency shall provide the submitter with an opportunity for an informal ex parte hearing at a location suitable for the interests of the submitter and of the agency, except that the agency may deny a request for hearing upon a written determination that on the particular facts of the case the request is clearly frivolous, the requested hearing would severely prejudice specifically stated interests of the agency or identified third parties, or the requested hearing has been rendered unnecessary by virtue of a determination to deny the underlying request for disclosure. This hearing shall be held no later than thirty days after the agency receives the request for a hearing, but not earlier than a reasonable time for the submitter to prepare his presentation for the hearing.

"(iii) The time limits set forth in this subparagraph may be extended by the agency where required by the circumstances of the case to permit development of the evidence for the record or where required by other exceptional circumstances. When an agency extends such time limits, it shall make a written finding of such circumstances, specifically describing each such circumstance and why such circumstance justifies an extension of the applicable time limits. The agency shall send the submitter a copy of this finding by certified or registered mail.

"(C)(i) Within thirty days after the agency receives the written objections of the submitter, or, if an informal ex parte hearing was held, within thirty days after the conclusion of the hearing, the agency shall make a final decision regarding disclosure of the requested agency records, unless such time limitations are extended by the agency due to the existence of exceptional circumstances justifying such extension. When the agency extends such time limitations, it shall make a written finding of such circumstances, specifically describing each such circumstance and why such circumstance justifies an extension of the applicable time limits. The agency shall send the submitter a copy of this finding by certified or registered mail.

"(ii) When the agency makes its final decision, it shall give the submitter written notice of its decision by certified or registered mail. Where the agency has decided to disclose the records requested, this notice shall clearly describe the factual and legal grounds on which the agency based its decision.

"(D) An agency may not disclose records which are subject to the provisions of this paragraph unless—

"(i) more than ten working days have passed since the submitter received notice of the request for disclosure and the submitter has not provided the agency with written objections to the disclosure of the records requested or requested an informal ex parte hearing,

"(ii) more than ten working days have passed since the submitter received notice of the final decision of the agency following submission of written objections where the submitter has not requested an informal ex parte hearing, or where the request of the submitter for such hearing was denied, or

"(iii) more than ten working days have passed since the submitter received notice of the final decision of the agency following an informal ex parte hearing.

"(E)(i) Whenever an agency gives a submitter written notice of a request for agency records pursuant to this paragraph, the agency shall also give the requester written notice by certified or registered mail that the record requested is subject to the provisions of this paragraph and that notice of the request is being given to the submitter: *Provided, however,* That such notice shall not describe or identify in any way the information contained in the requested record, or on which the record is based, or identify the submitter of such information.

"(ii) Whenever an agency grants the request of a submitter for an informal ex parte hearing, the agency shall give the requester written notice, by certified or registered mail, that an informal hearing will be held pursuant to the provisions of this paragraph.

"(iii) At the same time the agency gives notice of its decision to the submitter, the agency shall give a similar written notice of its decision to the requester by certified or registered mail. Where the agency has decided not to disclose the requested record or part thereof, the notice shall be made in such a manner so as not to prejudice in any way the status of the record, or part thereof, as exempt from the disclosure provisions of this section.

"(iv) Whenever an agency extends the time limitations set forth in subparagraphs (B) or (C), the agency shall send a copy of the written findings of exceptional circumstances to the requester by certified or registered mail at the same time such finding is sent to the submitter: *Provided, however,* That the copy of such findings sent to the requester shall not prejudice in any way the status of the record, or part thereof, as exempt from the disclosure provisions of this section.

"(F) The requester may deem the request for disclosure of records denied if—

"(i) more than forty days after the requester received notice that the requested record was subject to the provisions of this paragraph, the requester has not received written notice that an informal ex parte hearing has been granted, written notice of the final decision of the agency, or a copy of the findings of exceptional circumstances requiring an extension of the time limits of subparagraphs (B) or (C); or

"(ii) more than sixty days after the requester received notice that an informal ex parte hearing has been granted, the requester has not received either written notice of the final decision of the agency or a copy of the findings of exceptional circumstances requiring an extension of the time limits of subparagraphs (B) or (C):

"(G) Any written finding made by an agency that exceptional circumstances require an extension of the time limits of subparagraphs (B) or (C) shall be subject to review in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are located, or in the District of Columbia. If the reviewing court finds the challenged extension to be unwarranted by the facts, it may declare such extension invalid and order such relief as it deems proper, including initiating de novo review of the request for disclosure and the related objections of the submitter, pursuant to subparagraph (H), and ordering the award of attorney fees, pursuant to subparagraph (4)(E) of this section.

"(H)(i) Any determination made by an agency following the procedures provided by this paragraph to disclose all or part of the records requested to be disclosed shall be subject to de novo review in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records containing the information are situated, or in the District of Columbia. The district court may examine the contents of such records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section. The burden is on the agency to sustain its action by a preponderance of the evidence.

"(ii) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this subsection, in which the complainant has substantially prevailed.

"(I) Nothing in this paragraph will be construed to be in derogation of any other rights established by law protecting the confidentiality of private information.".

CONFORMING AMENDMENTS

SEC. 3. (a) Section 552(a)(3) of title 5, United States Code, is amended by inserting "and except as provided in paragraph (7) of this subsection" immediately after "this subsection".

(b) Section 552(a)(4)(B) of title 5, United States Code, is amended by striking out "On" at the beginning of subparagraph (B) and inserting in lieu thereof "Subject to the provisions of paragraph (7) of this subsection, on".

(c) Section 552(a)(6)(A) of title 5, United States Code, is amended by striking out "Each" at the beginning of subparagraph (A) and inserting in lieu thereof "Subject to the provisions of paragraph (7) of this subsection, each".

(d) Section 552(a)(6)(B) of title 5, United States Code, is amended by striking out "In" at the beginning of subparagraph (B) and inserting in lieu thereof "Subject to the provisions of paragraph (7) of this subsection, in".

(e) Section 552(a)(6)(C) of title 5, United States Code, is amended by striking out "Any" at the beginning of subparagraph (C) and inserting in lieu thereof "Subject to the provisions of paragraph (7) of this subsection, any".

EXEMPTION FOR CONFIDENTIAL INFORMATION

SEC. 4. (a) Section 552(b) of title 5, United States Code, is amended by striking "This" at the beginning of subsection (b) and inserting in lieu thereof "The disclosure provisions of this".

(b) Section 552(b) of title 5, United States Code, is amended by striking paragraph (4) and inserting in lieu thereof the following:

"(4) subject to provisions of subsection (f), (A) trade secrets, (B) confidential or privileged commercial or financial information, (C) proprietary information which would not customarily be disclosed to the public by the person from whom it was obtained, or (D) information which the agency in good faith has obligated itself not to disclose;".

(c) Section 552 of title 5, United States Code, is amended by inserting immediately after subsection (e) the following new subsection:

"(f) An agency shall not disclose any records containing or based on, information described under subsection (b)(4) unless—

"(1) the submitter of such information consents in writing to its disclosure;

"(2) the submitter of such information did not make a timely objection to its disclosure pursuant to the provisions of this section; or

"(3) the agency can demonstrate by clear and convincing evidence that the failure of the agency to disclose the records would seriously injure an overriding public interest.".

SEC. 5. Section 1905 of title 18, United States Code, is amended by adding to the end thereof "This section shall be deemed to fall within the provisions of section 552(b)(3) of title 5, United States Code.".

APPLICATION

SEC. 6. The provisions of this Act shall apply to requests for disclosure of agency records submitted after the effective date of this Act.●

By Mr. NICKLES (for himself, Mr. ARMSTRONG, Mrs. HAWKINS, Mr. D'AMATO, and Mr. COCHRAN):

S. 1248. A bill to repeal the Powerplant and Industrial Fuel Use Act of 1978; to the Committee on Environment and Public Works.

REPEAL OF POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978

Mr. NICKLES. Mr. President, today I am introducing a bill that will provide for the repeal of the Powerplant and Industrial Fuel Use Act of 1978. This act has been and continues to be counterproductive to the energy and economic needs of the people of the United States. Although I am certain many of my colleagues are aware of the shortfalls of this act, I would like to address the more serious problems for the record at this time.

Presently, the United States imports 6 million barrels of crude oil and other hydrocarbon products daily. This dependence on imported oil has adversely affected our economy, strained our foreign policy, and endangered our industrial and military security. We can displace a large quantity of this imported oil with an alternate fuel, in this case natural gas. The gas pipelines and associated delivery systems are already in place and recent domestic exploration efforts have improved our supply to the point that gas is both plentiful and cost effective. But there is an impediment to this solution. The impediment is the Fuel Use Act that mandates that our gas-burning utilities and industries cease rather than increase their burning of gas by the year 1990. Such a mandate is clearly not in the best interests of the American people.

Second, the utilities of this country are experiencing severe economic hardships due in part to the high cost of capital.

The off-gas provisions of the Fuel Use Act would intensify those hardships by forcing utilities into the capital markets for the additional $50 to $60 billion that would be needed to make the mandated conversions of existsing facilities. Mr. President, these conversion costs would have to be passed on to the consumer in the form of tremendous rate escalations. But the true cost would not stop there. The upward pressure on interests that would come about because of this forced borrowing would impact every sector of the economy. In this way the Fuel Use Act actually impedes economic recovery efforts.

My last point is a philosophical one. If our free enterprise system is to continue its role in our society, Government must quit attempting to interfere with the supply/demand balance that so properly and efficiently allocates our resources. This act is a prime example of an inflexible law misallocating a valuable resource and causing the whole Nation to lose out in the bargain.

In summary, the Fuel Use Act is a wasteful, inflationary mistake that we need to correct. There can be no logic in replacing near-new generating capacity. We cannot justify importing oil unnecessarily and we certainly cannot with foreknowledge allow an unneeded law to push high interest rates yet higher. Mr. President, colleagues, for these reasons, I urge that we act to repeal the Powerplant and Industrial Fuel Use Act of 1978.

By Mr. PERCY (for himself, Mr. ANDREWS, Mr. ARMSTRONG, Mr. BOREN, Mr. CHAFEE, Mr. COHEN, Mr. DANFORTH, Mr. DECONCINI, Mr. DENTON, Mr. DOMENICI, Mr. GORTON, Mr. LUGAR, Mr. PACKWOOD, Mr. PROXMIRE, Mr. ROTH, Mr. RUDMAN, Mr. SASSER, Mr. THURMOND, Mr. TOWER, Mr. WALLOP, and Mr. WARNER) (by request):

S. 1249. A bill to increase the efficiency of Government-wide efforts to collect debts owed the United States, to require the Office of Management and Budget to establish regulations for reporting on debts owed the United States, and to provide additional procedures for the collection of debts owed the United States; to the Committee on Governmental Affairs.

DEBT COLLECTION ACT OF 1981

● Mr. PERCY. Mr. President, today I am introducing legislation, on behalf of President Reagan, which addresses the most shocking example of waste and mismanagement of public funds I have encountered in my 15 years as a U.S. Senator. I am happy to welcome 20 cosponsors on this legislation. The Federal Government's failure to collect billions of dollars in loans and other debts is a national outrage. Swift enactment of this legislation will give Uncle Sam new tools and incentives to put some teeth into debt collection. It will enable us to save the nearly $3.5 billion that President Reagan has assumed in his budget for the next 3 fiscal years from improved debt collection. These significant savings can be achieved merely by collecting what is already owed.

The Federal Government is the world's largest credit institution. It is now owed a staggering $175 billion. More than half of this is owed by students, farmers, small businesses and others who have borrowed from any of 358 Government long-term loan programs. The rest of the $175 billion is due from interest on delinquent loans, overpayments the Government has made to program beneficiaries, and unpaid taxes.

The Government's record in protecting the taxpayers' investment in Federal credit programs is shocking—a slap in the face to the taxpayers of this country. In fiscal year 1979 alone, over $25 billion, more than half of what was due to be repaid that year, was not collected. Losses from uncollected debts are increasing by 23 percent each year.

This situation simply must not be allowed to continue. If we do not crack down on those defaulting on a Government loan, how can we justify asking our honest constituents to make sacrifices to cut Federal spending?

What can we say to the straight-A student at the University of Illinois who is losing his student loan? Why should he sacrifice while those who are delinquent in paying back old student loans, an astonishing 81 percent of the borrowers, are not?

What can we tell the CETA worker in East St. Louis who is losing her job? Should she lose her paychecks while almost 80,000 Federal employees who have defaulted on Government debts cannot have even 1 cent of their paychecks set aside to recover the unpaid debt? I should add that some of these defaulting Federal workers make nearly $50,000 per year.

Finally, what can we say to the Chicago commuter whose subway tokens get more and more expensive every year? How can we cut Federal aid to mass transit when, last year alone, the U.S. Government lent $35,000 to 48 American travelers in Switzerland who needed cash to buy plane tickets home? Based on the history of this State Department loan program, we can expect less than half of this money to be repaid.

Let me mention one other consequence of allowing so many debtors, many of them young Americans, to ignore their obligation to repay their Government. How can we expect them to respect their Government? What kind of example are we setting for them? I can understand, but I cannot condone how we let this happen.

The Federal Government has been geared almost entirely toward getting the money out to the public as fast as possible. The attitude in Congress and the executive branch has been lend, lend, lend, with little concern for getting the money back. I am confident that this situation can be turned around. It can be solved with a new emphasis on collecting debts in the agencies. It can be solved because the new administration will provide the leadership needed in this area. We in Congress must also do our part to enact this legislation which will put some teeth into debt collection. If this is done, we will have a fighting chance of collecting these debts.

It is time to start running the business end of Government like a business. This legislation takes a major step in that direction. I am proud to be the sponsor of it.

I ask unanimous consent that the text of the letter from David Stockman, the section-by-section analysis, and the Debt Collection Act of 1981 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Debt Collection Act of 1981".

AMENDMENTS TO TITLE 5 OF THE UNITED STATES CODE

SEC. 2. (a) Section 552a of title 5 of the United States Code is amended in subsection (a) thereof—

(1) by striking out "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and", and by inserting after paragraph (7) the following new paragraph:

"(8) The term 'consumer reporting agency' means—

"(i) a consumer reporting agency as such term is defined in subsection (f) of section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), or

"(ii) any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of (I) obtaining credit or other information on consumers for the purpose of furnishing such information to consumer reporting agencies (as defined in clause (i) of this paragraph), or (II) serving as a marketing agent under arrangements enabling third parties to obtain such information from such reporting agencies.".

(b) section 552a of title 5 of the United States Code is further amended in subsection (b) thereof—

(1) in subsection (b)(10), by striking out "or";

(2) in subsection (b)(11), by striking out the period at the end thereof and inserting in lieu thereof "; or";

(3) by adding at the end thereof the following:

"(12) to a consumer reporting agency, consistent with the provisions of section 3 of this Debt Collection Act of 1981.".

(c) Section 552a of title 5 of the United States Code is further amended in subsection (m) thereof—

(1) by striking out "When an agency provides" and inserting in lieu thereof "(1) Except as provided in paragraph (2), when an agency provides"; and

(2) by adding at the end thereof the following:

"(2) A consumer reporting agency to which a record is disclosed under subsection (b)(12) of this section shall not be considered a contractor for the purposes of this section.".

DISCLOSURE TO A CONSUMER REPORTING AGENCY

SEC. 3. Whenever the head of an agency or his designee attempts to collect a claim of the United States under section 3(a) of the Federal Claims Collection Act of 1966 (31 U.S.C. 952(a)), or other statutory authority, the head of the agency or his designee—

(1) may notify a consumer reporting agency that a person is responsible for a claim if—

(A) the head of the agency or his designee has sent a written notice to the most recently available address for such person informing such person that the agency intends to notify a consumer reporting agency, in not less than sixty days after sending such notice, that the person is responsible for such claim;

(B) such notice includes the specific information intended to be released, and a statement of such person's right to a full explanation of the claim and to dispute any information concerning the claim in the records of the agency; and

(C) such person—

(i) has not repaid or agreed to repay such claim under a repayment plan which is agreeable to the head of the agency or his designee and is in a written form signed by such person, or

(ii) has not filed for review of such claim under paragraph (2) of this section; and

(2) shall provide, upon request of any person alleged by the agency to be responsible for such claim, for the review of the obligation of such person, with an opportunity for reconsideration of the initial decision upon review, and under such regulations and procedures as the head of the agency may provide, prior to the notification of any consumer reporting agency under paragraph (1) of this section and at such other times as may be permitted by law;

(3) shall, prior to the notification under paragraph (1), obtain satisfactory assurances from such consumer reporting agency concerning the compliance of the consumer reporting agency with the Fair Credit Reporting Act and any other Federal law governing the provision of consumer credit information; and,

(4) shall promptly notify the consumer reporting agency of any substantial change in the status or amount of such indebtedness and, upon the request of any such consumer reporting agency for verification of any or all information so released, promptly verify or correct, as appropriate, such information.

USE OF SOCIAL SECURITY NUMBERS

SEC. 4. (a) Departments and agencies shall require individuals applying for credit, financial assistance or payment which may result in an indebtedness to the United States or any agency thereof to furnish their social security number pursuant to the requirements outlined in paragraph (b) of this section.

(b) Social security numbers obtained under paragraph (a) of this section will be used for verification of applicant's identity in connection with credit management and debt collection purposes undertaken pursuant to the Federal Claims Collection Act of 1966 or other statutory authority.

SALARY OFFSET

SEC. 5. (a) The title and first sentence of section 5514(a) of title 5, United States Code, is amended to read as follows:

"§ 5514 Installment deduction for indebtedness to the United States

"(a)(1) When the head of an agency or his designee, or the head of the Postal Service or his designee, determines that an employee, member of the Armed Forces or Reserve of the Armed Forces, is indebted to the United States, or is so notified by the head of another agency or his designee, or the head of the Postal Service or his designee, the amount of indebtedness may be collected in monthly installments, or at officially established pay intervals, by deduction from the current pay account of the individual. The deductions may be made from basic pay, special pay, incentive pay, retired pay, retainer pay, or, in the case of an individual not entitled to basic pay, other authorized pay. The amount deducted for any period may not exceed twenty-five percent of disposable pay, unless the deduction of a greater amount is necessary to make the collection within the period of anticipated active duty or employment. If the individual retires or resigns, or if his employment or period of active duty otherwise ends, before collection of the amount of the indebtedness is completed, deduction shall be made from payments of any nature due the individual from the agency for their retirement or retired pay.".

(b) Such section is amended by adding at the end thereof the following new paragraph:

"(2) The collection of any amount under this section shall be in accordance with the standards promulgated pursuant to the Federal Claims Collection Act of 1966 or in accordance with any other statutory authority for the collection of claims of the United States or any agency thereof.".

Amendment to Title 18 of the United States Code:

PROTECTION OF FEDERAL DEBT COLLECTORS

SEC. 6. Section 1114 of title 18 of the United States Code is amended by adding at the end thereof the following:

"any officer or employee of the United States designated to collect or compromise a Federal claim in accordance with the Federal Claims Collection Act of 1966 or other statutory authority.".

Amendments to Title 26 of the United States Code:

SCREENING POTENTIAL DEBTORS

SEC. 7. (a) Section 6103 (l)(3) of the Internal Revenue Code of 1954 (relating to disclosure of returns and return information to the Privacy Protection Study Commission) is amended to read as follows:

"(3) Disclosure of certain return information to Federal lending agencies.

"(A) In general. Upon written request, the Secretary may disclose to officers and employees of a Federal agency return information relating to the amount, if any, of any outstanding liability of a Federal loan applicant for any tax, penalty, interest, fine, forfeiture, or other imposition under this title.

"(B) Restriction on disclosure. The Secretary shall disclose return information under subparagraph (A) only for purposes of, and to the extent necessary in, determining the outstanding liabilities of an applicant for a Federal loan.

"(C) Federal loan. For purposes of this paragraph, the term 'Federal loan' means a loan of money by, or guaranteed or insured by, the Federal Government or Federal agency to which a disclosure is authorized under this pararaph."

(b) Section 6103(p) of the Internal Revenue Code, relating to procedure and recordkeeping, is amended by

(1) striking out "or (l)(3) or (6)" in paragraph (3)(C)(i) and inserting in lieu thereof "or (l)(6)";

(2) striking out "(l), (3), (6), (7), or (8)" in paragraph (4) and inserting in lieu thereof "(l) (6), (7), or (8)"; and

(3) striking out "(l)(l), (2), or (5), or (o)(l), the commission described in (l)(3)" in paragraph (4)(F)(ii) and inserting in lieu thereof "(l) (l), (2), (3), or (5), or (o)(l),".

DEBTOR IDENTITY INFORMATION

(b) Section 6103(m)(2) of the Internal Revenue Code of 1954 relating to disclosure of taxpayer identity information, is amended to read as follows:

"(2) Federal claims. Upon written request, the Secretary may disclose the mailing address of a taxpayer for use officers, employees, or agents of a Federal agency for purposes of locating such taxpayer for purposes of collecting or compromising a Federal claim against the taxpayer in accord[illegible] with the provisions of section 3 of the Federal Claims Collection Act of 1966."

[illegible] Section 7213(a)(2) of the Internal Revenue Code of 1954, relating to unauthorized disclosure of information, is amended by striking out "or (m)(4)" and inserting in lieu thereof "or (m)(2) or (4)".

DETERMINATION OF RATE OF INTEREST

SEC. 8. Section 6621 of the Internal Revenue Code of 1954 is amended—

(a) Subsection (b) thereof is amended to read as follows:

"(b) Adjustment of interest rate

"The Secretary shall establish an adjusted rate of interest for the purpose of subsection (a) not later than October 15 of any year if the adjusted prime rate charged by banks for the 12 months ending with September of that year, rounded to the nearest full percent, is at least a full percentage point more or less than the interest rate which is then in effect. Any such adjusted rate of interest shall be equal to the adjusted prime rate charged by banks, rounded to the nearest full percent, and shall become effective on February 1 of the immediately succeeding year. An adjustment provided for under this subsection may not be made prior to the expiration of 11 months following the date of any preceding adjustment under this subsection which changes the rate of interest."

(b) Subsection (c) thereof is amended to read as follows:

"(C) Definition of prime rate

"For purposes of subsection (b), the term "adjusted prime rate charged by banks" means the average of the predominant prime rate for each of the 12 months ending with the month of September quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.

Amendments to Title 28 of the United States Code:

CLARIFICATION TO THE STATUTE OF LIMITATIONS FOR ADMINISTRATIVE OFFSET

SEC. 9. Section 2415 of title 28 of the United States Code is amended by adding the following subsection (1):

"(1) the provisions of this section shall not prevent the United States or an officer or agency thereof from collecting by means of administrative offset at any time, any claim of the United States or an officer or agency thereof from money payable to or held on behalf of an individual. Pursuant to standards promulgated under 5 USC 952 (a), the head of an agency or his designee, shall prescribe regulations and establish standards for the exercise of such administrative offset based on the best interest of the United States, the likelihood of collecting by such offset, and the cost effectiveness of carrying an open claim beyond six years.".

Amendments to Title 31 of the United States Code:

INTEREST AND PENALTY OF INDEBTEDNESS TO THE UNITED STATES

SEC. 10. Section 952 of title 31 of the United States Code is amended by adding the following subsection (d):

"(d) Interest and penalty

"(1) Except as provided in subsection (3), the head of an agency or his designee shall charge a minimum annual rate of interest on outstanding debts equal to the average investment rate for the Treasury tax and loan accounts for the 12 months ending with September each year, rounded to the nearest whole percent. The Secretary of the Treasury or his designee shall publish such rate each year not later than October 31 and shall become effective on the first day of the next calendar quarter. Quarterly revision of such rate is authorized when the average investment rate for the 12 months end of each calendar quarter, rounded to the nearest whole percent, is greater or less than the existing published rate by 200 basis points.

"(2) Except as provided in subsection (3), the head of an agency or his designee shall assess charges to cover the additional costs of processing and handling delinquent claims and shall assess a penalty charge, not to exceed 6 percent per annum, for failure to pay any debt more than 90 days past due.

"(3) Interest and penalty charges under subsections (1) and (2) do not apply if a statute, a provision of regulation required by statute, a loan agreement or contract either prohibit the charging of interest or penalty or explicitly fix the charges for interest or penalty. The head of an agency or his designee may promulgate regulations identifying circumstances appropriate to waive collection of interest and penalties charges in conformity with such standards as may be promulgated jointly by the Attorney General and the Comptroller General. Waivers in accordance with such regulations shall constitute compliance with the requirements of this subsection. This subsection shall not apply to any claim under a binding contract executed before the effective date of this subsection.".

SERVICE OF SUMMONS

SEC. 11. Chapter 18 of title 31 of the United States Code is amended by adding the following new section 954:

"§ Service of legal process

"Service of legal process brought for the collection of a debt due and owing to the United States in accordance with this statute or other statutory authority shall be accomplished in accordance with the Federal Rules of Civil Procedure by certified or registered mail, return receipt requested or in such manner as the court, upon motion without notice, directs if service is otherwise unpracticable under the Federal Rules of Civil Procedure or other provisions of statute.".

REPORT ON AGENCY DEBT COLLECTION ACTIVITIES

SEC. 12. (a) The Director of the Office of Management and Budget, in consultation with the Secretary of the Treasury and Comptroller General of the United States, shall establish regulations requiring each agency with outstanding debts to prepare and transmit to the Director and the Treasury at least once each year a report which summarizes the status of loans and accounts receivable managed by each agency. The report will contain sufficient detail to enable the Director to evaluate the effectiveness of the debt collection activity of each agency.

(b) The Director shall analyze the reports received by each agency under subsection (a) and shall report annually to the Congress on the management of agency debt collection activities, including the information provided to the Director under subsection (a) above.

DISCLOSURE TO A CONSUMER REPORTING AGENCY

Sections 2 and 3:

Section 552a of title 5, United States Code, as amended provides for the referral of credit information on delinquent debtors to credit bureaus and provides those debtors the same protection now provided private sector debtors under the Fair Credit Reporting Act.

Currently, delinquencies and defaults by debtors on their financial obligations to the government are not reflected in their credit records. Unlike debtors who do not pay their private sector debts, delinquent Government debtors' credit ratings remain unblemished and their ability to obtain additional Federal or private sector credit is unimpaired. This process not only encourages defaults on Government debts but also restricts the Government's ability to recover delinquent debt. Thus, the threat of having their credit rating adversely affected by a poor payment record for Government debts will provide both a deterrent to defaults by Government debtors and an incentive for many delinquent debtors to repay their Government debts in a more timely manner.

The major obstacle to the Government's use of credit bureaus has been the Privacy Act. The Justice Department has ruled that any credit bureau which receives data from a Federal agency must abide by the specific requirements of the Privacy Act in handling the data. Credit bureaus, already governed by the Fair Credit Reporting Act, will not accept Federal records under these conditions. The proposed revision to the Privacy Act relieves credit bureaus from the provisions of the Act in accepting information on delinquent Government debtors and subjects the process to the provisions of the Fair Credit Reporting Act.

USE OF SOCIAL SECURITY NUMBERS

Section 4:

The proposed amendment would require the furnishing of social security numbers by individuals who are applying for credit or any other type of financial assistance which would result in an indebtedness to the United States Government.

The Privacy Act prevents an agency from requiring an individual to include his social security number on the credit application. The exception is if a Federal statute or regulation enacted prior to the Privacy Act required the furnishing of the social security number by applicants.

The OMB Debt Collection Project found that without the social security number, program agencies are restricted in their ability to verify the identity of credit applicants and to locate delinquent debtors. Agencies often have to resort to other more costly, less effective, and time consuming means to accomplish these essential debt management functions. Often, the social security number is the only means of verifying the identity of or locating debtors.

SALARY OFFSET

Section 5:

Section 5514 of title 5, United States Code, as amended permits the offset of a Federal employee's salary to satisfy general debts owed to the Government.

Currently, a Federal employee's salary may be withheld only to satisfy erroneous payments the agency made to the employee for salary, travel, or moving expenses.

A Department of Education study has indicated that 18,000 Federal employees have defaulted on student loans totaling an estimated $18 million. A similar study by the Veterans Administration revealed that 66,000 Federal employees owed it $37 million in unpaid debts for benefit and educational assistance overpayments and defaults on education and home loans.

PROTECTION OF FEDERAL DEBT COLLECTORS

Section 6:

Section 1114 of title 18, United States Code, as amended would make it a Federal criminal offense to assault a Federal employee collecting debts owed the Government. Such protection for Federal employees carrying out debt collection responsibilities is already enjoyed by some agencies including Justice and the Internal Revenue Service. This legislation would extend the protection to all such Federal employees. An employee of the Small Business Administration and an auctioneer/appraiser were killed in the line of duty in Chicago, Illinois in 1977.

SCREENING POTENTIAL DEBTORS

Section 7:

Section 6103(1) of title 26, United States Code, as amended would require Federal agencies to screen credit applicants against Internal Revenue Service files of delinquent taxpayers to determine whether such applicants are indebted to the Government for unpaid taxes. When applicants are found to be delinquent in their tax payments, the Federal agency will be required to encourage such applicants to seek restitution with the Internal Revenue Service for such unpaid taxes as a condition of approving the credit application.

Currently, Federal agencies do not screen credit applicants to determine if they are delinquent on taxes owed the Internal Revenue Service. The fundamental question is whether someone who does not pay his taxes should be allowed to benefit from Federal credit programs, particularly if those programs are not essential to the immediate health and well being of the individuals.

This proposal, while not an absolute means of denying credit to delinquent taxpayers, certainly would subject such credit applicants to closer review so that the Government does not unknowingly extend credit to those not paying their taxes. The proposal also gives the Internal Revenue Service much needed support in collecting the $16 billion in overdue taxes, including a current address for the taxpayer if the Internal Revenue Service does not already have one.

DEBTOR IDENTITY INFORMATION

Section 7:

Section 6103(m)(8) of title 26, United States Code, as amended would allow Fed-

eral agencies to redisclose to private contractors, for debt collection purposes, addresses obtained from the Internal Revenue Service on delinquent debtors.

The current Internal Revenue Code permits the disclosure of the addresses to Federal agencies but does not allow agencies to redisclose addresses of debtors obtained from the Internal Revenue Service to third parties for debt collection purposes. Accordingly, significant losses occur when debtors default on their payments, relocate without providing a forwarding address, and the agency's only source of an accurate address is the Internal Revenue Service. The loss occurs when the agency is unsuccessful in collecting the delinquent debt administratively and is precluded from using the address in connection with outside contracts for collection services and/or litigation.

This amendment will permit the disclosure of the Internal Revenue Service address to contractors for the purpose of obtaining reports of debtor's financial status so that the Federal agency may determine the feasibility of continuing its collection efforts.

The authority to redisclose to private contractors will thus allow the Government to recover debt which would otherwise be uncollectible.

Redisclosure by the agencies or third parties of addresses obtained from the Internal Revenue Service for other than the foregoing debt collection purposes will be subject to the disclosure provisions of section 7213(a) of the Internal Revenue Code.

DETERMINATION OF RATE OF INTEREST

Section 8:

Section 6402 of title 26, United States Code, as amended would raise the rate of interest on delinquent taxes to 100 percent of the prime rate and provide for an annual adjustment to the rate. Current law establishes the rate at 90 percent of prime with a biennial adjustment. The current rate is 12 percent which is considerably lower than comparable private sector rates.

In order to encourage compliance with the filing payment requirements the Internal Revenue Code provides for payment of interest and penalties. In the 93rd Congress, PL 93–625 was enacted to amend title 28 to provide a procedure whereby the interest rate to be used in the future would be kept up to date with changes in the money market rate. At that time (1974), the annual fluctuation was only 3.5 percentage points. Therefore, for administrative expedience, the rate was to be adjusted not less frequently than every two years. For 1980 the fluctuation in the money market rate was approximately 9.25 percentage points, or more than two and a half times greater than the fluctuation occurring in 1974. Therefore, to keep up with the changes in the money market rates, an annual adjustment is needed instead of the biennial adjustment now authorized.

CLARIFICATION TO THE STATUTE OF LIMITATIONS FOR ADMINISTRATIVE OFFSET

Section 9:

Section 2415 of title 28, United States Code, as amended allows collection of delinquent debts owed the Government by administrative offset beyond the six year statute of limitations.

Many overdue debts owed the Government are now or will be six years old before offset becomes possible. The Justice Department has ruled that the 6-year statute of limitations prevents the Government from collecting debts over six years old by means of offset. The revision to Section 2415 would allow administrative offset of delinquent debts owed the Government against future payments, benefits, or non-tax refunds due the delinquent debtor in those instances when there is the likelihood of collecting by offset in a cost effective manner and is in the Government's interest.

INTEREST AND PENALTY ON INDEBTEDNESS TO THE UNITED STATES

Section 10:

Section 952 of title 30, United States Code as amended provides for the assessment of interest on debts owed the Government and penalty on those that are delinquent.

Generally, there is either no assessment for interest and penalty on contributions to the Government or the assessment is at rates that are considerably below market rates. This serves as a disincentive for the debtor to pay the Government since the debtor is in effect receiving an interest free or a reduced rate loan. To remedy this, the Administration is proposing an addition to 31 U.S.C. 952 that provides for the following:

"A recovery of the Government's cost of carrying the debt in terms of both the cost of money and the administrative cost of carrying and processing delinquent debts.

"An additional assessment, up to 6 percent per annum, on debts more than 90 days past due.

"A uniform and standard rate of interest nationwide in order that debtors of a particular program are treated equally, regardless of location.

"Exceptions where another statute, provision of regulations required by statute, a loan agreement or contract either prohibit or explicitly fix the charges for interest or penalty, or when the head of an agency or his designee waives the interest and/or penalty in accordance with standards published by the Comptroller General and Attorney General."

These provisions will generate an incentive for the debtor to pay while protecting the debtor and the social objective of the Government programs by allowing flexibility in the assessment of the interest and penalty charges.

SERVICE OF SUMMONS

Section 11:

Section 954 of title 31, United States Code, as added, would permit U.S. Attorneys to use the mail, State and local law enforcement officials, or private contractors to serve legal documents in the litigation of debt cases, including foreclosure actions.

There is a growing problem in obtaining timely service by the U.S. Marshals' offices of summons on Federal debt cases. This is due to an increasing workload of debt collection activities and other Marshal Service responsibilities. Necessarily, first priority must go to other matters in the workload such as criminal cases, protection of judges, and supporting other Federal agencies under special circumstances such as the recent influx of Cuban refugees.

The language in Section 954 would allow expediency considerations in providing for the use of special appointments and the mail to serve legal documents in the litigation of debt cases, including foreclosure actions. This will improve the ability of the U.S. Attorneys to litigate debts more expeditiously.

REPORT ON AGENCY DEBT COLLECTION ACTIVITIES

Section 12:

The proposed amendment would require reporting to Treasury, OMB and Congress on debt collection activities. The quality, form and timeliness of reports on debt collection activities in the Executive Branch has not been good. While the position of OMB is that this problem can be solved within current legislative authorities, it is recognized that Congressional needs and concerns for reporting on debt collection makes a compelling case for a specific legislative mandate. Therefore, we are supporting the provisions requiring the agency to report to OMB and Treasury annually and, in turn, OMB to make a report to Congress.

OMB and the Treasury are taking steps already to require the agency reporting effective September 30 of this year. These reports include information on debts outstanding, delinquencies, interest assessed and collected, debts rescheduled, debts referred to the GAO and Justice, write-ons and estimates of uncollectible accounts.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 15, 1981.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting for the consideration of the Congress a legislative proposal entitled the "Debt Collection Act of 1981." This legislative proposal provides needed authority to strengthen the Federal Government's ability to collect the billions of dollars in delinquent debts owed to it.

When the Administration began to assess the many major problems it faced in achieving economic reform, one of our first discoveries was the enormity of the amount overdue and uncollected debts owed the Government. Specifically, more than $25 billion of the $175 billion in debts owed the Government on September 30, 1979, were either delinquent or in default.

This legislative proposal will substantially strengthen the ability of the Government to recover these debts. Specifically, the proposal provides for (1) referring delinquent debtors to credit bureaus while providing those debtors the same protection now afforded the private sector under the Fair Credit Reporting Act, (2) requiring individuals to supply their social security number when applying for credit or financial assistance which would result in indebtedness to the Government, (3) offsetting a Federal employee's salary and certain benefits to satisfy general debts owed the Government, (4) making it a Federal penalty to assault Federal employees collecting debts owed the Government, (5) determining delinquent tax liability and seeking its resolution before extending Federal credit, (6) disclosing mailing addresses obtained from the Internal Revenue Service on delinquent debtors to private contractors for debt collection purposes, (7) increasing the interest rate charged on delinquent tax to 100 percent of the prime rate, currently 90 percent, and annual adjustment rather than the current biennial adjustment, (8) clarifying that administrative setoff of delinquent debts owed the Government exists beyond the six year statute of limitations, (9) assessing interest on debts owed the Government and penalties on those debts that are delinquent, (10) easing the requirements for serving summonses in order to litigate delinquent debt cases, and (11) reporting to Congress on debt collection activities.

I strong urge prompt and favorable consideration of this legislation. Its enactment would be in accord with the program of the President.

Sincerely,

DAVID A. STOCKMAN,
Director.●

● Mr. SASSER. Mr. President, effective credit management and debt collection policies by the Federal Government are one step closer today with the introduction of a new Debt Collection Act of 1981.

Every dollar spent or loaned by the Federal Government should be accountable. I have worked on this principle during the last three Congresses as I have sought—time after time—to convey the importance of comprehensive debt collection efforts in the overall battle against waste, fraud and mismanagement in the Federal Government.

I am pleased today to join Senator PERCY in sponsoring a measure which

shows that administration has invested its full faith and support in our initiatives in the area of debt collection legislation.

Part of the difficulty in the effort to generate support for this type of legislation lay in the immensity of the problem itself. Day after day, floods of data inundate the American people. Reports of billions lost here or wasted there begin to sound like faint, meaningless echoes to people grown inured to such figures.

Whether we hear them or not, the fact is that the data do not lie.

They show billions written off by Federal agencies in uncollectable loans. They show the billions it cost the Federal Government simply to carry the interest on delinquent debts. And they show the billions that stand to be lost this year—even if this legislation is enacted.

Right now, we are in the midst of legislating the most bracing economic recovery program ever contemplated by Congress in the past 50 years. Across the board, Americans are being told to make sacrifices.

Even the program designed to provide basic assistance to those Americans in the twilight of their lives—social security—is under rigorous scrutiny.

In this context, I ask my colleagues on both sides of the aisle: does it make sense to deny attempts to recover the billions of dollars that are being written off. And are going to be written off, as bad debts simply because the Government is unwilling and unable to collect them.

Of course, it does not but, as I have noted, progress on improved credit management and debt collection practices has been glacier-like.

Beyond the numbing sensation of the figures themselves, there was evidence, 3 years ago, that not even reliable figures were available. Federal agencies paid little attention to important debt reporting data—the aging of loan accounts, for instance—nor did they provide adequate resources to locate delinquent debtors or to recover debts.

The General Accounting Office, at my urging, initiated several studies detailing the need for better debt collection operations. Concern over GAO's various findings, by me and others, prompted the Office of Management and Budget to launch in August 1979 a massive debt collection project. That project's report, completed and submitted 4 months ago, is the principal basis for today's legislation. I am confident that everyone in this Chamber—aware of the depth of the problem and the absence heretofore of effective remedies—can support this legislation.

The House of Representatives, recognizing the urgency of this situation, earlier this week passed a debt collection bill. It contains the essential elements of the legislation introduced today.

I expect that the Senate Governmental Affairs Committee will move quickly to act on today's bill and report out a measure within months, if not weeks. So, in the normal course of action, we should have a debt collection law sometime this year.

Finally, I want to stress something that I have emphasized all along in the dialog over this legislation.

Certainly, it is important to cut Government costs by over a billion dollars a year—which this bill will do. But, more importantly, the American people should know that what we are doing in this bill is both right and just. Because every time someone cheats on a Government loan or program, they are cheating you and me and every American citizen.

It is time we in this Chamber and in the administration move to right this wrong.●

By Mr. BAUCUS:

S. 1250. A bill to amend title XI of the Social Security Act to make improvements in the professional standards review program; to the Committee on Finance.

PROFESSIONAL STANDARDS REVIEW ACT

● Mr. BAUCUS. Mr. President, I am introducing today a bill that is designed to make the medicare-medicaid PSRO program more cost effective. The PSRO program is intended to provide assurance that health care that is provided under medicare and medicaid meets acceptable standards and is delivered in an economical manner.

The administration has proposed that the PSRO program should be phased out during fiscal years 1982 and 1983. My experience with the Montana PSRO and the hearings that were held on March 23 by the Finance Committee's Health Subcommittee have convinced me that the PSRO program should be retained, but, as I shall explain later, in a somewhat modified, streamlined form.

NO SUBSTITUTE FOR PSRO'S

The first of the two reasons the administration cites in support of its proposed 2-year phase-out of PSRO's is that the PSRO program will no longer be necessary. It will, the administration says, be replaced by health care financing reforms which will promote competitive incentives to control utilization.

Whatever benefits we may ultimately gain from enhanced competition in the health care area, we can be sure that it will not provide a quick remedy. There is absolutely no reason to believe that such reforms could be fully realized in this decade, much less over the next 2 years.

Moreover, enhanced competition for patients, and the resulting pressure to keep prices low, could not help but prompt some of the competitors to cut corners in the medical care they offer. If the health and safety of the consumer is to be protected, a peer review mechanism such as PSRO's offer would be even more necessary in a competitive marketplace than it is now.

IMPACT OF COSTS

The second argument that the administration presents for elimination of PSRO's is that, while some have had a beneficial impact on hospital use, others have had little or no effect on utilization. The administration cites a CBO study that concluded that—

PSRO review does reduce medicare days of hospitalization by about 1¼ percent and saves the program more than it spends.

Since some of the medicare savings result in increased costs to other payors, PSRO review costs more than it saves society as a whole.

Mr. President, these conclusions suggest a degree of precision in measuring the impact of PSRO's that is simply not attainable given the statistical information that is at hand. As noted by OTA in commenting on the CBO study, there are a number of methodological problems that could shift the conclusion of the cost effectiveness of the PSRO program either to a net loss or to a net savings position, and the persuasiveness of either conclusion might well rest in the eye of the beholder.

A well-known and well-respected private firm of consulting actuaries came to this same conclusion on evaluating the PSRO program:

Because of our lack of confidence in the technique used and our inability at this time to recommend a quantitative technique which is appropriate, we believe that a critical analysis of the CBO study's assumptions and conclusions would not be productive. If we were to advise the appropriate committees of the Congress regarding a basis for making a decision as to the future of the PSRO or a successor program, we would have to recommend that they solicit the qualitative judgments of expert professionals in the health care delivery and financing fields, rather than to rely on numerical results from the sort of research underlying the HCFA or CBO studies.

It is also significant that private organizations have acknowledged that many PSRO's are effective by contracting with them to monitor the utilization of the patients whom they insure. As of February 1979, at least 49 PSRO's were performing private review. Some of these private organizations were in the process of increasing their use of PSRO's, while other organizations were negotiating PSRO agreements for the first time.

Organizations that had contracted for PSRO review by the beginning of 1979 ranged from self-insured corporations, such as John Deere, Caterpillar, and Continental Airlines, to local unions, to insurance carriers like Blue Cross, Blue Shield, State Farm, Prudential, Aetna, and so forth. In addition, Government-sponsored programs, such as CHAMPUS and the Indian Health Service, are contracting for PSRO review.

My own views on the value of PSRO's were stated very well by Mr. Greg Ahart when he testified for GAO before the Finance Committee's Health Subcommittee on March 23. It is noteworthy the GAO had not only reviewed the CBO study, but unlike CBO it had the benefit of the numerous PSRO site visits that GAO has made. Mr. Ahart stated:

Given that PSRO cost is such a small fraction of the cost of inpatient care, it seems to us that rather strong reasons can be offered for keeping the program in place. It is true that no one has a fully reliable measure of its effectiveness in holding down costs; but, conversely, no one is in a position to reliably predict whether and to what degree costs might increase if this and other utilization review requirements are discontinued.

Since the Congress, in enacting the PSRO legislation, acted in response to a determination that not only was utilization review warranted, but that the then-existing review mechanisms were not up to the job, and since considerable investment of time, energy, and money has been made to bring the PSRO program to where it is, it could be well argued that this investment should not be

scrapped until a better picture can be drawn of what the effects would be or some alternative is postulated which would clearly be more effective.

REPLACING POOR PERFORMERS

It seems to me that the PSRO concept has proved itself even if some PSRO's have not. Rather than eliminate them all, we should keep the effective PSRO's, and those that are not fully matured but are found to be willing and able to become effective, and replace the others.

Whatever the value of the cost-benefit analyses of PSRO's as a group may be, I do not believe that anyone believes that it is possible to evaluate the effectiveness of individual PSRO's through statistical means alone. An element of subjectivity and judgment is also required.

To facilitate PSRO-selection process, the bill directs HCFA (the Health Care Financing Administration) to establish an advisory group composed of 11 of the most experienced and most effective PSRO personnel and physicians. The group would work with HCFA in developing criteria to be used in deciding whether a PSRO should be eliminated and replaced and, where PSRO areas are consolidated, which of the existing PSRO's should be retained. The practical experience and expertise of the advisory group would also be used in applying the criteria to individual PSRO's.

To avoid protracted administrative and judicial reviews of decisions to terminate, or to not renew, a contract with a PSRO, the bill would eliminate these avenues of appeal. However, the Secretary would be required to give a 90-day notice of termination of funding and a dissatisfied PSRO could request the Secretary to reconsider his decision during this period.

CONSOLIDATION OF PSRO'S

Mr. President, the bill would also call for a substantial reduction in the number of PSRO's in order to make the program more cost effective. Although 32 PSRO service areas are statewide,[1] many of the other 162 PSRO areas are too small to be efficient.

Even the smallest PSRO's have their own administrative staffs and data systems. An October 1978 report by GAO estimated that the amounts paid to the administrative staff of a PSRO in salaries alone averaged about $250,000 per year at that time. Also, small PSRO's carry out various administrative activities—training, for example—that could be performed more effectively by a larger organization. Thus, significant overhead savings could be achieved if the total number of PSRO's were reduced through consolidation.

Consolidation of PSRO's need not mean a loss of the local flavor that a PSRO must have if practitioners are to have confidence in its familiarity with local conditions and standards of practice. As in the statewide PSRO's today, local physicians would retain responsibility for reviewing care in their communities even though the administrative activities would be carried out at a central location.

[1] Includes the District of Columbia, the Virgin Islands, and Puerto Rico.

Specifically, I am recommending that States generally should be served by only one PSRO. More than one PSRO would be permitted where, because of the volume of review activity or certain other considerations, the Secretary finds that PSRO review could be carried out with the same or greater efficiency by more than one PSRO.

As a general rule, States with more than 200,000 admissions subject to PSRO review could have more than one PSRO provided that each is responsible for no fewer than 100,000 medicare-medicaid admissions and covers a single, self-contained medical service area which has a full spectrum of services, including medical specialists' services.

Upon deciding that the number of PSRO's in a State is to be reduced, HCFA would invite the PSRO's to propose a consolidation plan for their State.

Consolidation of PSRO's would not only make the program more cost effective, but it would also provide an opportunity to eliminate the less effective PSRO management structures from the program.

BETTER FOCUS OF REVIEW EFFORTS

Under present law, a PSRO is required at a minimum to review the medical necessity for hospital admissions and lengths of stays of medicare and medicaid patients. Physicians and hospital people have complained that many hospitals are subject to PSRO review even though little or no overutilization is turned up. In most of these cases, the PSRO has delegated its review responsibilities to the hospital although sometimes they are performed by PSRO employees. It is argued, correctly I believe, that taxpayers' dollars are wasted in either case and that these reviews make unproductive demands on hospital space and personnel.

Initially, PSRO's reviewed almost all medicare-medicaid stays. However, the PSRO budget did not keep pace with the program's expansion, so that PSRO's have increasingly focused their attention on the kinds of cases where inappropriate utilization is more likely to occur, while rubberstamping their approval of the others. It is estimated that PSRO's now focus on fewer than one-half of the medicare-medicaid hospital stays. There is little information on the number of patients actually being reviewed, or the basis for their selection for review, nor is there any systematic evaluation of the efficiency of the focused review techniques now in use.

While focused review was born of expediency, it represents a significant improvement. The 100 percent review approach made sense when PSRO's were feeling their way and did not know that problems they might find in the hospitals they reviewed. But after a PSRO has had a year's experience in reviewing essentially all care in its hospitals, it should be in a position to make reasonably sound judgments about the areas where inappropriate utilization is most likely to occur.

My bill would change the PSRO statute so that it would explicitly direct PSRO's to select for review those types of cases where inappropriate utilization is mostly likely to occur. Since there is little data on which to draw conclusions as to what criteria PSRO's should use to identify areas of inappropriate hospital use, HCFA would be directed to review the focusing programs of the best PSRO's, test promising alternatives, and make recommendations on data analysis that PSRO's can follow.

Under this appproach, PSRO's would be expected to increasingly concentrate their day-to-day reviews on those hospitals, physicians, tests, procedures and types of patients which their data systems and other sources of information indicate to be questionable.

Hospitals and physicians that have good utilization records would be exempted from regular, on-site PSRO review, although they would often be subject to review by their own utilization review committee. Utilization statistics on the exempted hospitals would continue to be reported to the PSRO so that it could monitor the hospital and its physicians at a distance. In addition, the PSRO would perform periodic audits to assure that their continued exemption from review is appropriate.

The proposed approach would rid the PSRO program of many unnecessary areas of friction with hospitals and physicians. It would also be more cost-effective than 100-percent review or the current system of untested, improvised focused review.

DENIAL OF CLAIMS

Under the present PSRO policies, hospitals that have a record of proper utilization qualify for a "waiver of liability," which protects the hospital against being denied payment should it submit an occasional bill for unnecessary care. My bill would make this all-or-nothing waiver policy more flexible.

Some hospitals that have qualified for a "waiver of liability" may have an excellent record of utilization except for a few minor areas of abuse—for example, a physician who habitually orders the same extensive series of laboratory tests without regard to the patients' condition. Under the bill, a hospital that fails to correct such a problem after it has been identified by a PSRO would have its waiver of liability made inapplicable to the specific services being overutilized.

MEDICAID ALTERNATIVES TO PSRO'S

Finally, Mr. President, I propose that State medicaid programs should be given greater latitude in making their arrangement for peer review. The bill would give States three options. First, a State could continue to rely on the Federal PSRO program as it is required to do now. Alternatively, the State could make its own review arrangements with its PSRO's—for example, it could negotiate a somewhat different scope or type of review for medicaid patients and a different PSRO payment rate. A third option would be for the State to use an entirely different peer review mechanism of its choice. Whichever approach, or combination of approaches, the State chooses to follow, it would be reimbursed by the Federal Government for 75 percent of its costs.

The bill would not only enable States to experiment with new review techniques, but it would also provide a new incentive for PSRO's to perform effectively for the States that elect to retain them.

NEED TO DEFER ACTION

Mr. President, enactment of the proposed legislation would undoubtedly make PSRO's more effective. Moreover, I believe that serious consideration should also be given to proposals that would streamline the monitoring of PSRO's by the Federal Government and provide a more realistic basis for assuring PSRO's accountability. But, these matters are too important and too complex to dispose of within the time restraints imposed on us by the budget reconciliation process. I would hope, however, that we will be able to take up PSRO legislation after we have disposed of the reconciliation bill so that it can receive from the Finance Committee and the Senate the thorough attention it deserves.

I ask unanimous consent that the text of the Professional Standards Review Amendments of 1981 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

SECTION 1. This Act may be cited as the "Professional Standards Review Amendments of 1981".

CONSOLIDATION OF PROFESSIONAL STANDARDS REVIEW ORGANIZATION AREAS

SEC. 2. (a) Section 1152 of the Social Security Act is amended by striking out subsections (f) and (g), by redesignating subsection (h) as subsection (f), and by adding at the end thereof the following new subsection:

"(g) (1) As soon as practicable after the date of the enactment of this subsection, the Secretary shall undertake a consolidation of Professional Standards Review Organization areas, and shall enter into agreements with qualified organizations in accordance with subsection (a) to designate a Professional Standards Review Organization for each such consolidated area.

"(2) In carrying out the consolidation of Professional Standards Review Organization areas under this subsection, the Secretary shall take into account the following criteria:

"(A) Each State should generally be designated as a single statewide Professional Standards Review Organization area.

"(B) The Secretary shall designate local or regional areas rather than statewide areas only where the volume of review activity or other relevant factors (as determined by the Secretary) warrant such a designation, and the Secretary determines that review activity can be carried out with equal or greater efficiency by establishing such local or regional areas. In applying this subparagraph the Secretary shall take into account the number of hospital admissions within each State of which payment may be made under title XVIII or under a State plan approved under title XIX which is subject to the review requirements of this title, with any State having fewer than 200,000 such admissions annually being established as a single statewide area, and no local or regional area being established which has fewer than 100,000 such admissions annually, unless the Secretary determines that other relevant factors warrant otherwise.

"(C) No local or regional area should be designated which is not a self-contained medical service area, having a full spectrum of services including medical specialists' services.

"(D) Where the number of areas in a State is to be reduced, the existing Professional Standards Review Organizations within such State shall be invited to submit a consolidation plan which the Secretary shall take into account.

"(E) In designating a Professional Standards Review Organization for each area, organizations should be selected which will allow for local physicians to retain responsibility for reviewing care in their local areas, despite any centralization of administrative activity.

"(h) (1) For purposes of assisting the Secretary in developing criteria for consolidation under subsection (f), advising the Secretary in the selection of qualified organizations to serve as Professional Standards Review Organizations under subsection (b), and advising the Secretary with respect to termination of agreements under subsection (d), the Secretary shall establish a Professional Standards Review Organization Advisory Group (hereafter in this section referred to as the 'Advisory Group').

"(2) The Advisory Group shall consist of eleven individuals appointed by the Secretary, at least six of whom must be physicians (as defined in section 1861(r)(1)), who are selected on the basis of their demonstrated effectiveness and efficiency while serving as members of Professional Standards Review Organizations.

"(3) The Advisory Group is authorized to utilize, and the Secretary shall make available, or arrange for, such technical and professional consultative assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Advisory Group such secretarial, clerical, and other assistance and such pertinent data prepared by, for, or otherwise available to, the Department of Health and Human Services as the Advisory Group may require to carry out its functions.

"(4) Members of the Advisory Group, while serving on business of the Advisory Group, shall be entitled to receive compensation at a rate fixed by the Secretary (but not in excess of the daily rate paid under GS-18 of the General Schedule under section 5332 of title 5, United States Code), including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(5) Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Group.".

(b) Section 1152(d)(2) of such Act is amended to read as follows:

"(2) by the Secretary if he determines that such organization is not substantially complying with or effectively carrying out the provisions of such agreement, but only after notice of ninety days has been given to the organization of such termination (during which time the organization may request a reconsideration by the Secretary).".

(c) Sections 1152(d) and 1154(d) of such Act are each amended by adding at the end thereof the following sentence: "A termination by the Secretary under this subsection shall not be subject to judicial review.".

FOCUS OF REVIEW

SEC. 3. Section 1155(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(9)(A) For the purpose of more effectively carrying out its duties under this part, each Professional Standards Review Organization shall focus its review activity on those types of cases, and on those physicians, providers, procedures, and tests with respect to which inappropriate utilization is more likely to occur. To assist Professional Standards Review Organizations in carrying out such focused reviews, the Secretary shall develop recommendations for data analysis based upon (i) a review of the focusing efforts of those Professional Standards Review Organizations which have demonstrated successful programs of focused review of inappropriate utilization, and (ii) studies and demonstrations of possible alternatives.

"(B) Professional Standards Review Organizations shall continue to obtain and analyze utilization data for physicians and providers who, as a result of the focused review described in subparagraph (A), are exempted from direct review, and such organization shall perform periodic audits of such physicians and providers to determine if exemption from direct review continues to be appropriate for such physician or provider.".

WAIVER OF LIABILITY PROVISIONS

SEC. 4. (a) Section 1158 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(f) For purposes of subsection (a), no claimant shall be determined to be 'without fault' with respect to a particular claim if the case giving rise to such claim involves a case, physician, provider, procedure, or test with respect to which such claimant has been notified, by the Professional Standards Review Organization, that a pattern of inappropriate utilization has occurred in the past, and such claimant has been allowed a reasonable time to correct such inappropriate utilization.".

(b) The Secretary of Health and Human Services shall issue final regulations with respect to the implementation of section 1158(f) of the Social Security Act within 60 days after the date of the enactment of this Act.

PSRO REVIEW OF MEDICAID CLAIMS

SEC. 5. (a) Section 1155(a) of the Social Security Act is amended by adding after paragraph (9) (as added by section 3 of this Act) the following new paragraph:

"(10) The Secretary may, upon request by a State, provide that the review requirements under paragraph (1) shall not apply in a particular State (or in any one or more Professional Standards Review Organization areas within such State) to professional activities in such State (or area) in the provision of health care services and items for which payment is made under a State plan approved under title XIX, if such State chooses to use the Professional Standards Review Organizations designated under this part to implement a State review plan in effect in such State (or area), or such State has any other review plan in effect in such State (or area), under the State plan approved under title XIX.".

(b) Section 1155(a)(1) of such Act is amended by inserting "or paragraph (10)" after "except as provided in paragraph (7)".

(c) Section 1903(a)(2) of such Act is amended—

(1) by inserting "(A)" after "attributable to"; and

(2) by inserting before the semicolon at the end thereof the following: ", or (B) the implementation of a State review plan of

professional activities as provided under section 1155(a)(10)". ●

By Mr. BOREN:

S. 1251. A bill to amend title II of the Social Security Act to increase the amount that a recipient may earn before being subject to a reduction in benefits on account of work; to the Committee on Finance.

LEGISLATION RELATING TO SOCIAL SECURITY BENEFITS

● Mr. BOREN. Mr. President, I am today introducing legislation that will restore the opportunity for millions of elderly Americans to maintain dignity while drawing the full amount of their well-deserved social security benefits.

My bill will raise the outside earnings limit for social security recipients by approximately 30 percent. This proposal would allow beneficiaries between age 65 and 72 to receive $7,000 in outside earnings without penalty rather than the $5,500 provided for in current law.

In addition this legislation would allow recipients under 65 to draw as much as $5,200 penalty-free, an increase from $4,080.

Current law provides that if an individual between age 65 and 72 earns more than $5,500, the so-called annual exempt amount, his social security payment is reduced by $1 for every $2 he earns above this exempt amount. A similar "offset" applies to recipients under 65 who earn more than $4,080.

Fortunately, recipients over 72 are exempt under existing law from any earnings test, a provision not affected by my bill. (Next year this age of exemption will drop to 70.)

Recently, Mr. President, the administration proposed a series of drastic changes in social security benefits. Few of us would deny that modifications in the social security system must be made if the system is to remain solvent in the years to come.

I am convinced, as are many Americans, Mr. President, that the administration's proposals are too harsh; they treat unfairly those Americans who have paid into the social security system for years and have been counting on receiving the benefits they have earned.

The purpose of this bill is to offer a reasonable alternative to some of the administration's proposal. By not penalizing them for earnings below $7,000, the legislation I introduce today would provide elderly Americans with the opportunity to continue to make positive contributions to their communities throughout their lives. I urge its adoption.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 203(f)(8)(D) of the Social Security Act is amended by inserting "and" after the comma at the end of clause (iii), and by striking out clauses (iv) and (v) and inserting in lieu thereof the following:

"(vi) shall be $583.33⅓ for each month of any taxable year ending after 1980 and before 1983.".

(b)(1) Section 203(f)(8) of such Act is amended by adding at the end thereof the following new subparagraph:

"(E) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to individuals other than individuals described in subparagraph (D) shall be $433.33⅓ for each month of any taxable year ending after 1980 and before 1983.".

(2) Section 203(f)(8)(B) of such Act is amended in the matter preceding clause (i)—

(A) by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraphs (D) and (E)"; and

(B) by striking out "such subparagraph" and inserting in lieu thereof "subparagraph (D)".

(c) The amendments made by subsections (a) and (b) shall be effective with respect to taxable years ending after 1980. ●

By Mr. HEINZ (for himself, Mr. FORD, Mr. WARNER, Mr. DIXON, Mr. SPECTER, Mr. HUDDLESTON, and Mr. HEFLIN):

S. 1252. A bill to amend the Internal Revenue Code of 1954 to provide incentives for the use of coal in lieu of imported energy, and for other purposes; to the Committee on Finance.

COAL UTILIZATION INCENTIVES ACT OF 1981

Mr. HEINZ. Mr. President, I am today introducing the Coal Utilization Incentives Act of 1981, with Senators FORD, WARNER, DIXON, SPECTER, HUDDLESTON, and HEFLIN. This legislation is designed to provide certain tax incentives and regulatory reforms to encourage and accelerate the voluntary conversion and replacement of oil- and gas-fired powerplants and industrial facilities to the use of America's most abundant and available fuel—coal.

First let me explain what this legislation does not do.

This legislation does not mandate conversions; it does not provide direct subsidies to utilities; it does not shortchange the environment; and it will not cost the U.S. Treasury an inordinate amount. It merely uses well-established tax incentive mechanisms and recognized regulatory changes to eliminate a number of financial and regulatory hurdles which inhibit and, in some cases, prevent conversion to coal. I point this out because in each of these instances the bill is very different from last year's "oil backout" bill which passed the Senate.

This bill includes five basic tax provisions which encourage conversion to coal.

It permits utilities to utilize the tax exempt industrial development bond mechanism to finance conversions of existing powerplants from oil or gas or replacement of such plants with new coal-burning facilities;

It provides for an accelerated depreciation of 3 years for new or converted powerplants or industrial fuel-burning installations to the extent they displace oil or gas;

It grants to utilities and industrial concerns switching to coal the same 10 percent investment tax credits now afforded to companies installing solar facilities;

It provides for a 1-year amortization for pollution control equipment; and

It expands the ability of utilities to take advantage of tax credits for such conversion or replacement.

Mr. President, I also believe that it is necessary to reduce existing regulatory hurdles to conversion. For this reason, the bill would amend Federal law to provide utilities and major fuel-burning installations which voluntarily switch to coal with:

The same degree of relief from Clean Air Act "new source" type requirements, and

The same eligibility for delayed compliance orders as is presently provided to facilities ordered by the Department of Energy to convert to coal.

Mr. President, there already exists a strong incentive for utilities and industrial concerns to make the switch to coal. For utility plants and other major boilers, coal enjoys as much as a 3-to-1 advantage over oil in basic fuel costs. Even price-controlled natural gas is 50 percent per Btu more expensive than coal as a boiler fuel. Given the overwhelming price advantage of coal over these alternative fuels, one might ask why we need special tax incentives to lead company executives to so obvious a conclusion—that it is better to switch to coal. The answer is complex and differs from utility to utility.

The legislative consideration of the Powerplants Fuels Conservation Act of 1980, S. 2470, during the 96th Congress underscored one important and troubling fact about our Nation's utilities: That generally speaking, they are in sad financial condition. Many cannot afford to borrow the additional capital to finance conversions, although the ultimate savings to the consumer from switching to coal far outweigh the initial capital cost.

The causes for the general financial plight of our utilities are many: State and local rate-setting bodies unwilling to permit adequate rates of return; inflation in construction costs; high interest rates; uncertainty in the growth in demand; and high debt-equity ratios.

The bill I am introducing today does not attempt to deal with all of these causes.

Moreover, it does not interfere in any way with State and local ratemaking bodies. It does, however, provide some extra incentives—in terms of helping to attract capital or improve cash flows—which can make it possible for utilities which would not otherwise be in a position to convert to coal to do so. Again, I want to emphasize that this is a voluntary program.

What will the bill accomplish? Because it is a voluntary program, there is no way to accurately guage all that the bill will achieve in the way of oil savings. We do know that the program will require no additional bureaucratic apparatus and that its cost to the taxpayer—in terms of foregone tax revenues—will not appear until conversions have taken place. Hence, there is no wasted effort or money.

We also know that there are at least 13,000 megawatts of electric generating capacity suitable for quick conversion to coal. And we know from independent studies that another 60,000 to 75,000 megawatts of capacity could be converted or replaced, resulting in savings not only in oil and gas, but in the rates ultimately paid by electric utility customers.

Translated into potential oil savings or the equivalent in other fuels, between 250,000 and 1.25 million barrels per day of oil could be saved. That is the opportunity we seek to realize with this legislation.

Some of these savings will occur in any case, because of the overwhelming fuel cost advantage of coal over oil or gas. Nevertheless, I believe the straightforward voluntary incentives contained in the Coal Utilization Incentives Act will cause many units to be replaced or converted—units which would otherwise continue to burn oil or gas, and that our bill will achieve all conversions much faster than would otherwise be the case.

Mr. President, I ask unanimous consent that a description outlining the provisions of the bill in more detail, and the text of the bill itself, be printed in the RECORD.

There being no objection, the bill and description were ordered to be printed in the RECORD, as follows:

S. 1252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coal Utilization Incentives Act of 1981".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that the protection of public health and welfare, the preservation of national security, and the regulation of interstate commerce require the establishment of a program, to be carried out in compliance with applicable environmental requirements—

(1) for the increased use of coal as a primary energy source for electric powerplants and other major fuel-burning installations, and

(2) for encouraging conservation of petroleum and natural gas by powerplants and other major fuel-burning installations through the most cost-effective means for the Nation.

(b) PURPOSES.—The purposes of this Act, which shall be carried out in compliance with applicable environmental requirements, are—

(1) to reduce the domestic use of petroleum and natural gas and increase the Nation's capability to use indigenous energy resources, particularly coal, to the extent such reduction and use further the goal of national energy self-sufficiency and otherwise are in the best interests of the United States;

(2) to achieve significant savings for electric utility ratepayers and other consumers;

(3) to conserve petroleum and natural gas for uses, other than use by electric utilities and other major fuel-burning installations, for which there are no feasible alternative fuels or raw material substitutes;

(4) to encourage the conversion or replacement of existing powerplants and other major fuel-burning installations that now use petroleum and natural gas to the use of coal as a primary energy source; and

(5) to reduce the vulnerability of the United States to energy supply interruptions.

TITLE I—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

SEC. 101. AMORTIZATION OF COAL UTILIZATION PROPERTY.

(a) GENERAL RULE.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"SEC. 196. AMORTIZATION OF COAL UTILIZATION PROPERTY.

"(a) ALLOWANCE OF DEDUCTION.—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the amortizable basis of any coal utilization property (as defined in subsection (b)) based on a period of not less than 36 months.

"(b) COAL UTILIZATION PROPERTY DEFINED.—For purposes of this section, the term coal utilization property means tangible property of a character subject to the allowance for depreciation which is—

"(1) a boiler or burner—

"(A) the primary fuel for which will be coal (including lignite), and

"(B)) which replaces an existing boiler or burner—

"(i) which is part of a powerplant or major fuel-burning installation, and

"(ii) the primary fuel for which is oil or natural gas or any product thereof,

"(2) equipment for converting an existing boiler or burner described in paragraph (1) (B) to a boiler or burner the primary fuel for which will be coal (including lignite), or

"(3) qualified pollution control equipment installed in connection with equipment described in paragraph (1) or (2).

"(c) AMOUNT OF DEDUCTION.—

"(1)) IN GENERAL.—The amortization deduction for any coal utiliztion property shall be an amount, with respect to each month of the 36-month period within the taxable year, equal to the amortizable basis of the coal utilization property at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such amortizable basis at the end of the month shall be computed without regard to the amortization deduction for such month.

"(2) DEDUCTION IN LIEU OF DEPRECIATION.—The amortization deduction provided by this section with respect to any coal utilization property for any month shall be in lieu of the depreciation deduction with respect to such property for such month provided by section 167.

"(3) BEGINNING OF PERIOD.—The 36-month period referred to in paragraph (1) shall begin, as to any coal utilization property, at the election of the taxpaper, with the month following the month in which such property was placed in service or with the first month of the succeeding taxable year.

"(d) DEFINITIONS; SPECIAL RULES.—

"(1) AMORTIZABLE BASIS.—

"(A) IN GENERAL.—The term 'amortizable basis' means the adjusted basis of coal utilization property.

"(B) ADDITIONS AND IMPROVEMENTS NOT TAKEN INTO ACCOUNT.—For purposes of this paragraph, the adjusted basis of any coal utilization property with respect to which an election has been made under subsection (e) shall not be increased for amounts chargeable to capital account for additions for improvements after the amortization period has begun.

"(C) DEPRECIATION DEDUCTION.—The depreciation deduction provided by section 167 shall, notwithstanding subsection (c), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section.

"(2) QUALIFIED POLLUTION CONTROL EQUIPMENT.—

"(A) IN GENERAL.—The term 'qualified pollution control equipment' means equipment (including fluidized bed and coal cleaning equipment)—

"(i) which is used in connection with coal utilization property described in subsection (b) (1) or (2) to abate or control water or atmospheric pollution or contamination by removing, altering, disposing, storing or preventing the creation or emission of pollutants, contaminants, wastes, or heat, and

"(ii) with respect to which the State certifying authority (within the meaning of section 169(d)(2)) and Federal certifying authority have made the certifications described in subparagraphs (A) and (B) of section 169(d)(1), respectively.

"(B) FEDERAL CERTIFYING AUTHORITY.—The term 'Federal certifying authority' means the Administrator of the Environmental Protection Agency.

"(3) POWERPLANT AND MAJOR FUEL-BURNING INSTALLATION.—The terms 'powerplant' and 'major fuel-burning installation' have the meanings given such terms by paragraphs (7) and (10) of section 103(a) of the Powerplant and Industrial Fuel Use Act of 1978, respectively.

"(4) EXISTING BOILER OR BURNER.—The term 'existing boiler or burner' means a boiler or burner which was placed in service before January 1, 1981.

"(5) REPLACEMENT OF EXISTING BOILER OR BURNER.—A boiler or burner shall be treated as replacing a boiler or burner if the taxpayer certifies that the boiler or burner which is to be replaced—

"(A) was used during calendar year 1980 for more than 2,000 hours of full load peak use (or equivalent thereof), and

"(B) will not be used for more than 2,000 hours of such use during any 12-month period after the boiler or burner which is to replace such boiler or burner is placed in service.

"(6) LIMITATION IN THE CASE OF CERTAIN REGULATED COMPANIES.—Under regulations prescribed by the Secretary, rules similar to the rules of section 46(f) shall apply in the case of coal utilization property which is public utility property (within the meaning of section 45(f)(5)).

"(7) OPTIONAL 12-MONTH AMORTIZATION FOR POLLUTION CONTROL EQUIPMENT.—At the election of the taxpayer, subsections (a), (c), and (e) shall be applied with respect to coal utilization property described in subsection (b)(3) by substituting '12' for '36' each place it appears in such subsections.

"(8) APPLICATION WITH SECTION 169.—No election may be made under this section with respect to any amortizable basis for which an election has been made under section 169, and no election may be made under section 169 with respect to any amortizable basis for which an election has been made under this section.

"(e) ELECTION OF AMORTIZATION.—Any election under this section shall be made by filing with the Secretary, in such manner, in such form, and within such time as the Secretary may by regulations prescribe, a statement of such election.

"(f) TERMINATION OF ELECTION.—

"(1) BY THE TAXPAYER.—A taxpayer which has elected under subsection (e) to take the amortization deduction with respect to any coal utilization property may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization

deduction under this section with respect to such property.

"(2) CONSTRUCTIVE TERMINATION.—

"(A) CESSATION OF USE.—If at any time during the amortization period any coal utilization property ceases to meet the requirements of subsection (b), the taxpayer shall be deemed to have terminated under paragraph (1) his election under this section. Such termination shall be effective beginning with the month in which such cessation occurs.

"(B) EXCESSIVE USE OF REPLACED BOILER OR BURNER.—If during any 12-month period referred to in subsection (d)(5) a boiler or burner which was replaced by coal utilization property is used for more than 2,000 hours of full load peak use (or equivalent), the taxpayer shall be deemed to have terminated under paragraph (1) his election under this section. Such termination shall be effective beginning with the month preceding such 12-month period. In determining the number of hours of full load peak use, there shall be disregarded any hours the boiler or burner was used due to—

"(i) fire, storm, flood, or other casualty, or

"(ii) a labor dispute (including a dispute which prevents or significantly reduces delivery of coal to the coal utilization property).

"(g) LIFE TENANT AND REMAINDERMAN.—In the case of any coal utilization property held by one person for life with remainder to another person, the deduction under this section shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

"(h) APPLICATION OF SECTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amortization deduction provided by this section shall apply to property placed in service after December 31, 1980.

"(2) TRANSITIONAL RULE.—In the case of property the construction, reconstruction, or erection of which is begun by the taxpayer before January 1, 1981, the amortization deduction provided by this section shall only apply to that portion of the amortizable basis which is attributable to construction, reconstruction, or erection after December 31, 1980.

"(i) CROSS REFERENCE.—

"For treatment of certain gain derived from the disposition of property the adjusted basis of which is determined with regard to this section, see section 1245.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subsection (f) of section 642 of such Code (relating to amortization for estates and trusts) is amended by striking out "and 191" and inserting in lieu thereof "191, and 196".

(2) Subparagraph (B) of section 1082(a)(2) of such Code (relating to basis in certain exchanges) is amended by striking out "or 191" and inserting in lieu thereof "191, or 196".

(3)(A) Paragraphs (2)(D) and (3)(D) of section 1245(a) of such Code (relating to gain from dispositions of certain depreciable property) are each amended by striking out "or 194" and inserting in lieu thereof "194, or 196".

(B) Paragraph (2) of section 1245(a) of such Code is amended by striking out "193, 194" each place it appears and inserting in lieu thereof "193, 194, 196".

(4) Paragraph (3) of section 1250(b) of such Code (relating to depreciation adjustments) is amended by striking out "or 193" and inserting in lieu thereof "193, or 196".

(5) The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following:

"Sec. 196. Amortization of coal utilization property.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1980.

SEC. 102. ENERGY CREDIT ALLOWED TO PUBLIC UTILITIES FOR COAL UTILIZATION PROPERTY.

(a) IN GENERAL.—Paragraph (17) of section 48(l) of the Internal Revenue Code of 1954 (defining energy property) is amended by adding at the end thereof the following: "The preceding sentence shall not apply with respect to so much of the adjusted basis of coal utilization property (within the meaning of section 196(b)) as constitutes the amortizable basis for purposes of section 196.".

(b) PERIOD FOR APPLICATION OF ENERGY PERCENTAGE.—

(1) IN GENERAL.—The table contained in clause (i) of section 46(a)(2)(C) of such Code (defining energy percentage) is amended by adding at the end thereof the following new subclause:

"VII. Coal Utilization Property.—Energy property which is coal utilization property (within the meaning of 196(b)) 10 percent Jan. 1, 1980, Dec. 31, 1986.".

(2) LONG-TERM PROJECTS.—Section 46(a)(2)(C) of such Code is amended by adding at the end thereof the following new clause:

"(v) LONGER PERIOD FOR CERTAIN COAL UTILIZATION PROPERTY.—The provisions of clause (iii) shall apply to property described in subclause (VII) of clause (i) for purposes of applying the energy percentage contained in such subclause, except that '1994' shall be substituted for '1990', '1987' for '1982', '1987' for '1983', and '1990' for '1986'.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1980, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954.

SEC. 103. FULL INVESTMENT TAX CREDIT ALLOWABLE FOR COAL UTILIZATION PROPERTY.

(a) IN GENERAL.—Paragraph (5) of section 45(c) of the Internal Revenue Code of 1954 (defining qualified investment) is amended by adding at the end thereof the following new subparagraph:

"(C) APPLICATION TO COAL UTILIZATION PROPERTY.—Rules similar to the rules of subparagraphs (A) and (B) shall apply to coal utilization property (within the meaning of section 196(b)).".

(b) RECAPTURE FOR EXCESSIVE USE OF OLD BOILERS.—Subsection (a) of section 47 of such Code (relating to certain dispositions, etc. of section 38 property) is amended by adding at the end thereof the following new paragraph:

"(8) COAL UTILIZATION PROPERTY.—If a taxpayer is deemed under Section 196(f)(2)(B) to have terminated an election with respect to any coal utilization property (or would have been deemed to have terminated such election if the 36-month amortization period had not expired), then, for purposes of this section, the taxpayer shall be treated as having disposed of such property in the month in which the termination of the election becomes (or would become) effective.".

(c) CLERICAL AMENDMENT.—The paragraph heading of paragraph (5) of section 46(c) of such Code is amended by inserting "and coal utilization property" after "facilities".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1980, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954.

SEC. 104. INDUSTRIAL DEVELOPMENT BONDS FOR COAL CONVERSION AND USE.

(a) GENERAL RULE.—Paragraph (4) of section 103(b) of the Internal Revenue Code of 1954 (relating to certain exempt activities) is amended by striking out "or" at the end of subparagraph (G), by striking out the period at the end of subparagraph (H) and inserting in lieu thereof ", or" and by inserting after subparagraph (H) the following new subparagraph:

"(I) financing of powerplant coal utilization capital expenditures."

(b) DEFINITIONS.—Section 103 of such Code is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) POWERPLANT COAL UTILIZATION CAPITAL EXPENDITURES.—

"(1) IN GENERAL.—For purposes of subsection (b)(4)(I), the term 'powerplant coal utilization capital expenditures' means any capital expenditures which are qualified conversion costs, qualified sulfur removal system costs, or qualified coal preparation facility costs.

"(2) QUALIFIED CONVERSION COSTS.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'qualified conversion costs' means amounts which are paid or incurred for—

"(i) coal utilization property (within the meaning of section 196(b)); or

"(ii) fuel transportation, storage, processing, preparation, and handling equipment and facilities related to the conversion of any powerplant from the use of petroleum or natural gas to coal (including lignite).

"(B) Exceptions.—The term 'qualified conversion costs' does not include costs for—

"(i) real property acquisition; or

"(ii) facilities, equipment, or improvements which are not at the same site as the designated powerplant;

except as may be required for ash or other waste disposal, the transportation facilities related to such disposal, and coal storage or handling facilities.

"(3) QUALIFIED SULFUR REMOVAL SYSTEM COSTS.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'qualifying sulfur removal system costs' means the costs of design and installation of equipment and facilities for—

"(i) wet or dry scrubbing of flue gases;

"(ii) cleaning of coal (including lignite); or

"(iii) application of advanced combustion techniques for reduction of emissions; required for reducing the sulfur atmospheric pollutants emitted by any powerplant.

"(B) EXCEPTIONS.—The term 'qualified sulfur removal system costs' does not include costs—

"(i) for real property acquisition; or

"(ii) for facilities, equipment, or improvements which are not at the same site as the powerplant.

"(4) QUALIFYING COAL PREPARATION FACILITY COSTS.—For purposes of paragraph (1), the term 'qualifying coal preparation facility costs' means the costs of design and installation of equipment and facilities for reducing the sulfur content of coal (including lignite) a substantial portion of which is contracted for use in any powerplant. Such term does not include costs for the acquisition of real property.

"(5) POWERPLANT.—For purposes of this subsection, the term 'powerplant' has the same meaning given such term in section 103(7) of the Powerplant and Industrial Fuel Use Act of 1978.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

TITLE II—COAL CONVERSIONS UNDER THE CLEAN AIR ACT

SEC. 201. NEW SOURCE PERFORMANCE STANDARDS.

Section 111(a)(8) of the Clean Air Act is amended by inserting after "A conversion to coal" the following: ", whether or not required under any authority of law, including any conversion".

SEC. 202. FACILITIES CONVERTING TO COAL.

Section 113(d)(5)(A) of the Clean Air Act is amended by striking out "or" at the end of clause (1), inserting "or" at the end of

clause (ii), and inserting the following new clause after clause (ii):

"(iii) gives notice of an intent to voluntarily convert to the use of coal as a primary fuel.".

[*Description*]

TITLE—COAL UTILIZATION INCENTIVE ACT OF 1981

BACKGROUND

To reduce the Nation's dependence on expensive petroleum and precious natural gas, it is necessary that the utilities and industrial community be encouraged to voluntarily convert their coal-capable boilers to the use of coal, and be able to replace oil- and natural gas-fired boilers with boilers fired by the Nation's most abundant and available fuel—coal. Under present law there are a number of financial and regulatory hurdles which inhibit and, in some cases, prevent conversion to coal.

SUMMARY

This bill:

Includes a number of tax incentives to encourage utilities and industry to switch from oil and gas to coal; and

Includes several technical amendments to the Clean Air Act which provide utility and major industrial fuel-burning installations, voluntarily converting to coal, with the same degree of relief from certain of the Act's requirements as is presently provided to facilities "mandated" by the federal government to convert to coal.

The Financial Incentives for Conversion/Replacement:

A. Three-Year Amortization for Coal Utilization Property:

The bill would create a new Internal Revenue Code provision that would permit three-year amortization of coal utilization property (including coal-fired boilers, coal cleaning facilities, and pollution control equipment) for conversion or replacement of powerplants or industrial fuel-burning installations to the extent they displace oil or gas.

Under existing law, utility electric production facilities (other than nuclear or hydroelectric plants), may generally not be depreciated in less than 22½ years and industrial steam and electric generation systems may not be depreciated in less than 17½ years.

Drastically shortening the capital recovery period would ease cash flow constraints for those wishing to convert to coal.

Under the bill, existing oil- and gas-fired units being replaced by coal may continue to be used, but for peak load purposes only. In such cases, with some exceptions, if the existing unit is used more than 2,000 hours per year the new replacement unit would lose its eligibility for three-year amortization.

B. One-Year Amortization for Pollution Control Equipment:

The bill would also provide that pollution control equipment could be amortized over one year at the election of the taxpayer. Current law provides for five-year amortization of a narrower class of pollution control equipment.

C. Energy Tax Credit:

The bill would amend Section 48(1)(17) of the Internal Revenue Code of 1954 to allow public utilities switching to coal the same energy tax credit (10 percent) now provided for other industrial companies which convert or replace oil- or gas-fired installations with coal. The 10 percent energy tax credit for coal utilization property would also be extended through 1986.

D. Other Tax Credit Provisions:

The bill would amend Section 46(c)(5) of the Internal Revenue Code to allow a utility or other industrial company, which converts or replaces an oil- or gas-fired installation with coal to take the full investment tax credit (10 percent) and energy tax credit (10 percent), even though property is amortized over three years. A provision similar to this already exists in the Internal Revenue Code for five-year amortization of pollution control equipment.

Under existing law, property assumed to be "short-lived" and depreciated in three years is generally entitled to only ⅓ of the investment tax credit and energy tax credit. This change, which complements the bill's three-year depreciation provision, assumes for energy and investment tax credit purposes that property depreciated in three years because of a conversion or replacement is "long-lived." Thus, such conversion or replacement should get 100 percent of both the investment tax credit and the energy credit.

The bill would provide only 50 percent of the investment tax credit to "conversion" or "replacement" property to the extent such property is financed by proceeds from tax-exempt industrial development bonds. A provision similar to this already exists in the Internal Revenue Code for pollution control equipment.

E. Industrial Development Bonds:

The bill would amend Section 103(b)(4) of the Internal Revenue Code of 1954 to permit utilities to use the existing tax exempt industrial development bond mechanism to finance "powerplant coal utilization capital expenditures," including the conversion or replacement of existing powerplants from oil or gas with coal-fired powerplants.

Under this mechanism, a State or its political subdivision acting as an intermediary for a utility would issue bonds, the interest from which would be tax exempt. The utility would provide the security for the bonds and would receive the proceeds directly or indirectly to finance "powerplant coal utilization capital expenditures" (which the bill defines as qualified conversion or replacement costs, qualified sulfur removal system costs or qualified coal preparation facility costs).

Because industrial development bonds are exempt from Federal taxation, they can be offered at an interest rate much lower than the rate at which a utility can offer its own taxable bonds. This would greatly reduce the utility's cost of raising money for converting or replacing oil- or gas-fired powerplants with coal-fired powerplants.

The Regulatory Changes:

A. Relief from "New Source" Type Requirements:

The bill would amend Section 111(a)(8) of the Clean Air Act to provide existing utility powerplants and major industrial fuel-burning installations voluntarily converting to coal with the same degree of relief from Clean Air Act "new source" type requirements as is presently provided to facilities ordered to convert to coal by the Department of Energy under the Energy Supply and Environmental Coordination Act (ESECA) or the Powerplant and Industrial Fuel Use Act (PIFUA).

The Clean Air Act presently provides that a conversion mandated under ESECA or PIFUA will not be considered a "modification" of a powerplant or major industrial fuel-burning installation (MFBI) for purposes of the Clean Air Act. This prevents such powerplants or MFBI's converting to coal from being subjected to certain "new source" type regulations, such as the New Source Performance Standards, PSD and Nonattainment Area regulations.

This provision would eliminate the necessity of obtaining DOE conversion orders in order to obtain such relief.

B. Temporary Relief from State Implementation Plan Provisions:

The bill would amend Section 113(d)(5) of the Clean Air Act to provide utility powerplants and industrial major fuel-burning installations with the same eligibility for Delayed Compliance Orders as is presently provided to facilities to convert to coal by the Department of Energy under ESECA or PIFUA.

Under the Clean Air Act powerplants or MFBIs which are mandated under ESECA or PIFUA to "convert" to coal, and which as a result of such conversion would no longer be in compliance with an applicable state implementation plan (SIP) provision, could delay coming into compliance with such SIP provision, if EPA so orders, up to December 31, 1985, as long as the Primary Ambient Air Quality Standard for the area in which the facility was located is not violated.

This provision would eliminate the necessity of obtaining a DOE conversion order in order to obtain such a Delayed Compliance Order.

By Mr. CHILES (for himself, Mr. NUNN, and Mr. HOLLINGS):

S. 1253. A bill to tighten the conditions on bail for drug offenders; to the Committee on the Judiciary.

REFORM OF FEDERAL BAIL STATUTES

● Mr. CHILES. Mr. President, today I am introducing S. 1253, a bill to reform the Federal bail bond laws so as to make it more difficult for big time drug dealers to obtain release on bail. This bill is one more element in the fight against crime and drug smugglers. We have come to learn that drug dealing is an enterprise of massive proportions. In Florida alone estimates of revenues from drug dealing run to $7 billion each year. That makes drug smuggling one of the largest and most profitable activities in the State of Florida. Moreover, it is now estimated that 70 percent of the Nation's cocaine, 80 percent of the Nation's marihuana, and 90 percent of the Nation's illicit quaaludes flow into this country through Florida. Federal, State, and local law enforcement officials are being overwhelmed by this flood of illegal drugs.

It is not surprising that today's bail laws have proven inadequate in coping with an enterprise of this magnitude. Current law sets bail at a level which, in theory, is high enough to assure that the arrested person will appear at trial. It has become clear however, that in practice, it is impossible to set bail high enough to guarantee that drug dealers will appear at subsequent proceedings. The Attorney General recently reported that some 2,900 drug dealers who were arrested have jumped bail, and are now fugitives from justice. That figure means that for every two Federal narcotics agents, there are three dealers who have jumped bail and have not been apprehended. Some of the dealers who are at large today posted bail ranging as high as $1 million.

In Florida, this problem is acute. The U.S. Marshal for the Southern District of Florida currently has 369 "failure to appear" cases. Of those cases, fully 90 percent are narcotics related. One example underscores the severity of the problem and the amount of money drug dealers are willing to forfeit in order to avoid trial. Alfredo Gutierrez, a Bolivian, was arrested last May in connection with a $9 million downpayment in a cocaine deal which Drug Enforcement Administration officials valued at $200

million. Bail was originally set at $300,000 but was later reduced to $100,000. Gutierrez posted bail last July, was released, and has been a fugitive ever since then.

The nature of the illegal drug business, with its large amounts of cash, is the key to the revolving door situation we have with the current bail and bond statutes. A drug dealer who has been arrested has two options: He can either stay in jail until trial, or else he can post bail, forfeit the bond, and take the financial loss. For the vast majority of drug dealers, the first option simply is unacceptable. A trial and a conviction adds up to the prospect of a long prison term, especially since 96 percent of those arrested have prior criminal records.

The second option, on the other hand, translates into no more than a business loss. And with the estimates of individual dealer net revenues from drug operations running as high as from $250,000 to $500,000 each month, a drug dealer is in a position to make up the loss from bail forfeiture within a matter of weeks. It is easy to imagine the effect this revolving-door situation has on our law enforcement officials.

Agents can work for weeks, or even months on a case, carefully laying the groundwork and making the actual arrest. Then, before the ink on the arrest records is dry, the drug dealer is out on bail, never to be seen again. Our law enforcement officials must be asking themselves why they should work so hard when the bail statutes make their efforts futile.

Mr. President, the proposal I am introducing today would shut off this revolving door, and would make certain that drug dealers who are arrested will be brought to trail. The bill amends the Comprehensive Drug Abuse Prevention and Control Act of 1970 by setting special conditions for the consideration of release by bail. These special considerations would apply in addition to the Federal bail bond statute whenever a person is arrested for a narcotics violation if that person:

First, has previously been convicted of a felony narcotics offense in any jurisdiction; or

Second, is on parole or probation for a felony narcotics offense; or

Third, is an illegal alien; or

Fourth, is in possession of a false passport; or

Fifth, is a fugitive from justice.

The bill provides for expedited hearing procedures. At the hearing, the Government will have the burden of proving, by clear and convincing evidence, that the person arrested falls into one of the five categories mentioned above, and that there is a substantial probability that the person in fact committed the offense for which he was arrested. Once these evidentiary points are established, however, the arrested drug dealer would not be eligible for bail. Other provisions of the bill provide for appeal of rules denying release on bail, and for placing the trial of such persons on an expedited calendar.

Finally, the bill provides that, for those persons arrested for narcotics violations who do not fit into one of the five categories mentioned above, the judge shall nevertheless consider, in making a bail determination, the safety of the community, of witnesses to the offense, and the prevention of similar offenses in the future.

These factors are to be considered in addition to assuring that the accused will appear at subsequent proceedings.

Over the last several years, the Permanent Subcommittee on Investigations held a series of hearings on drug trafficking and organized crime. Senator NUNN and I, along with other members of the subcommittee, have come up with a package of proposals that would fight organized crime and major drug traffickers. The proposal I introduce today is another element of that package, one which I feel is essential if we are to assure that drug traffickers are brought to justice. To my way of thinking, fighting crime is an element of our national defense; its domestic defense. This bill would give our law enforcement officials another weapon in the fight.

Mr. President, I was happy to learn that the Attorney General shares my concern over the problem of bail jumping by drug dealers. Just this past weekend, he announced that one of his top priorities will be revising the Federal bail statutes as they apply to persons arrested for drug offenses. I would hope that the Congress could move swiftly to consider the proposal I am introducing today. The need to fight crime has never been more pressing, and we must move forward as quickly as we can.

Mr. President, I ask unanimous consent that the text of this bill, along with other related information, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841) is amended by adding at the end thereof the following new sections:

"RELEASE CONDITIONS

"SEC. 413. (a) In setting conditions of release under section 3146(a) of title 18, United States Code, for any person charged with an offense under section 401(a) of this title or section 1010(a) of title III with respect to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II, or charged under section 406 of this title with attempting or conspiring to commit an offense under section 401(a) of this title relating to an opiate, or charged under section 1013 of title III with attempting or conspiring to commit an offense under section 1010(a) of title III relating to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II, the judicial officer shall, in addition to determining which conditions will reasonably assure the appearance of such person for trial, consider which conditions will reasonably assure the safety of the community, the personal safety of persons in the community, including witnesses to the offense, and the prevention of similar offenses in the future by such person.

"(b) For purposes of this section and section 414, 'judicial officer' means any person or court authorized pursuant to section 3041 of title 18, United States Code, or the Federal Rules of Criminal Procedure, to admit to bail or otherwise to release a person before trial or sentencing or pending appeal, in a court of the United States and any judge of the Superior Court of the District of Columbia.

"DENIAL OF RELEASE PRIOR TO TRIAL

"SEC. 414. (a) Notwithstanding the provisions of section 3146 of title 18, United States Code, a judicial officer shall deny release of a person charged with a violation of section 401(a) of this title or section 1010(a) of title III with respect to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II, or charged under section 406 of this title with attempting or conspiring to commit an offense under section 401(a) relating to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II, or charged under section 1013 of title III with attempting or conspiring to commit an offense under section 1010(a) of title III relating to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II, who—

'(1) has previously been convicted of an offense under any provision of Federal, State, or foreign law, relating to a controlled substance in schedule I which is a narcotic drug or a controlled substance in schedule II which is punishable by a term of imprisonment of more than one year;

"(2) at the time of the alleged violation, is on parole, probation, or other conditional release in connection with a conviction for a pending charge of an offense under Federal or State law that is punishable by a term of imprisonment of more than one year;

"(3) is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act;

"(4) was arrested while in possession of a passport or other document of identity and nationality which incorrectly identifies such person or belongs to some other person; or

"(5) has been convicted of having been a fugitive from justice, an escapee, or for willfully failing to appear before any court or judicial officer under Federal or State law.

"(b) No person described in subsection (a) of this section shall be denied release unless the judicial officer—

"(1) holds a hearing in accordance with the provisions of subsection (c) of this section;

"(2) finds that—

"(A) there is clear and convincing evidence that such person is a person described in paragraph (1), (2), (3), (4), or (5) of subsection (a) of this section; and

"(B) on the basis of information presented to the judicial officer, there is a substantial probability that the person committed the offense for which he is present before such judicial officer.

Notwithstanding the requirements of subsection (a) of this section, a judicial officer may grant release to such a person who has not been previously convicted of a felony under Federal, State, or foreign law relating to a controlled substance in schedule I or a controlled substance in schedule II if such judicial officer finds special mitigating factors for granting release and he records such factors in writing as part of the court proceedings.

"(c) The following procedures shall apply to any hearing held pursuant to this section:

"(1) Whenever the person seeking release is before the judicial officer, such hearing may be initiated on oral motion of the United States attorney.

"(2) Whenever the person has been released pursuant to section 3146 of title 18, United States Code, and it subsequently appears that such person may be subject to an order denying release under this section, the United States attorney may initiate a

hearing by ex parte written motion. Upon such motion the judicial officer may issue a warrant for the arrest of the person.

"(3) The hearing shall be held immediately after such person is brought before the judicial officer for such hearing, unless such person or the United States attorney moves for a continuance. A continuance granted on motion of such person shall not exceed five calendar days, unless there are extenuating circumstances. A continuance or motion of the United States attorney shall be granted upon good cause shown and shall not exceed three calendar days. Such person may be detained pending the hearing.

"(4) Such person shall be entitled to representation by counsel and shall be entitled to present information, to testify, and to present witnesses in his own behalf.

"(5) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

"(6) Testimony of such person given during such hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but such testimony shall be admissible in proceedings under sections 3150 and 3151 of title 18, United States Code, in perjury proceedings, and for the purposes of impeachment in any subsequent proceedings.

"(7) Appeals from any order denying release may be taken pursuant to section 3147 of title 18, United States Code. The United States may appeal from any order granting release under this section.

"(d) The case of a person denied release pursuant to this section shall be placed on an expedited calendar and, consistent with the sound administration of justice, his trial shall be given priority.".

SEC. 2. The table of contents at the beginning of the Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end of the listing for part D of title II the following:

"Sec. 413. Release conditions.
"Sec. 414. Denial of release prior to trial.".

U.S. DEPARTMENT OF JUSTICE,
U.S. MARSHAL,
SOUTHERN DISTRICT OF FLORIDA,
Miami, Fla., March 13, 1981.

Hon. LAWTON CHILES,
U.S. Senator, New Senate Office Building, Washington, D.C.

DEAR SENATOR CHILES: This is in response to your request as to the type of persons we are experiencing as fugitives on the failure to appear cases in this district.

The following is an example of the failure to appear warrants:

Charles Kyle Gray—Black, male, date of birth—8/31/51, place of birth—Los Angeles, California, arrested in Southern Florida on narcotic violations. Gray was involved in one of the more significant narcotic cases in the U.S. He was arrested on 8/26/75 and bail was set at $250,000. Bond was reduced to $150,000. Gray was released on 8/26/75 and has been a fugitive since.

Alfredo Gutierrez—White, male, date of birth—3/17/36, place of birth—Bolivia, S.A., arrested 5/23/80, violation of narcotics, bail set at $300,000. Bond was reduced to $100,000. Gutierrez was released on 7/30/80 and has been a fugitive since.

Eduardo Otalvaro—White, male, date of birth—8/16/44, place of birth—Colombia, S.A., arrested 12/11/80, violation of the narcotic laws, bail set at $100,000. Otalvaro was released on 12/18/80 and has been a fugitive since.

Of the 369 failure to appear cases, 90% are narcotic related.

If I can be of further assistance, please contact me.

Sincerely,

DONALD D. FORSHT,
U.S. Marshal.●

By Mr. HELMS:

S. 1254. A bill to improve the effectiveness and reduce the cost of programs under the National School Lunch Act and the Child Nutrition Act of 1966; to the Committee on Agriculture, Nutrition, and Forestry.

CHILD NUTRITION AMENDMENTS OF 1981

● Mr. HELMS. Mr. President, I am today introducing legislation to achieve savings in child nutrition programs necessary to meet the spending reductions called for in both Senate Concurrent Resolution 9 and Senate Concurrent Resolution 19, the revised second concurrent budget resolution for fiscal year 1981, and the first concurrent budget resolution for fiscal year 1982.

In addition to reducing the Federal costs of operating these programs, I am proposing a number of reforms in burdensome and unnecessary regulatory requirements to help reduce local program costs. Such reforms should mitigate the impact of the spending reductions in a major degree.

As reported out of the Senate, both Senate Concurrent Resolution 9 and Senate Concurrent Resolution 19 direct the Senate Agriculture Committee to make changes in law to effect savings in budget authority of $645 million in fiscal year 1981, $3.7 billion in fiscal year 1982, $4.7 billion in fiscal year 1983, and $5.4 billion in fiscal year 1984. Similar savings must be made in outlays for those years.

It is assumed in Senate Concurrent Resolution 19 that for fiscal year 1982 alone, roughly $1.5 billion of those savings can be made in child nutrition programs; $1.5 billion is no small number. It represents an almost 30-percent reduction in estimated Federal expenditures for child nutrition in the next fiscal year. But the savings can be made—and I believe they must be made.

Mr. President, I will briefly summarize the major spending reductions. Then I will describe the better news of regulatory reforms.

SCHOOL LUNCH PROGRAM

Because the school lunch program is the largest of the child nutrition programs, this bill makes most of the savings in school lunch. However, reductions have been carefully drafted to minimize the cost impact and prevent school drop out.

In contrast to what the administration proposed, I am not completely eliminating the subsidy to the child from a family earning income above 185 percent of OMB's poverty guidelines. I am reducing the cash subsidy to that child by roughly 50 percent, however.

While I do not believe in the Federal Government subsidizing the meal of any child who is not needy, my friends from North Carolina who operate this program have made a persuasive argument on that point. They tell me that a sudden and total elimination of all support to the paying child would drive prices up so fast that students would drop out in large numbers and force the program to close in a number of places. Needy children in those areas would no longer be served, if that were to happen.

I am extending the 1-year provisions of the Public Law 96-499, the Omnibus Reconciliation Act of 1980, as both the Carter and Reagan administration's have proposed.

In addition, I am extending the 2½ cent cash reduction in that act to all schools, not just those with fewer than 60 percent of their students receiving free or reduced price lunches. The regulatory changes I am proposing should effect all schools; therefore the funding reductions should also.

In addition to last year's Reconciliation Act provisions, I am also proposing to lower by 2-cents across-the-board in cash and 2-cents across-the-board in commodities, the subsidy to all children in the lunch program. USDA estimates that meal pattern changes now under consideration will save 8 to 10 cents per lunch lead me to believe that the impact of these reductions will be minimal.

This legislation raises the price of the lunch for the child in the "reduced price" category—those with incomes between 130 and 185 percent of poverty under the new eligibility standards—to 40 cents from 20 to 40 cents. Children from families with incomes below 130 percent of poverty, the gross income limit for food stamps under the legislation recently reported out of the Senate Agriculture Committee, would receive free school lunches. Current law sets eligibility for free and reduced price meals at 125 percent and 195 percent of poverty respectively, plus a standard deduction.

RESIDENTIAL CHILD CARE INSTITUTIONS

Starting in fiscal year 1983, this bill excludes residential child care institutions from eligibility for the school lunch program. Residents of such institutions, including orphanges and homes for the mentally retarded, are generally wards of the States and should be funded by the State. They need not be subsidized by the Federal Government.

Mr. President, a number of provisions in my bill are identical to the President's proposal for reducing child nutrition expenditures. I introduced that legislation by request on April 8 as S. 946.

I will highlight a few of those common proposals.

SUMMER FEEDING

The first is the elimination of the summer food service program. For those who are not familiar with summer feeding, it is a program for handing out free meals in parks, playgrounds, and schools to any child who wishes to receive them. The child need not come from a low-income family at all. Any child living in an area in which a mere one-third or more of the residents earn income below double the poverty guidelines qualify for these free meals.

That is not what I call serving the truly needy. Low-income children are eligible for food stamps to take care of their summer food costs anyway. In addition, they can receive free meals in a day care center or summer school setting.

I have seen no evidence indicating that summer feeding has had any beneficial nutritional impact on its participants. Furthermore, the program has been plagued with waste and fraud since its inception. I see no reason to devote our limited Federal resources to keeping such a program alive.

SCHOOL BREAKFAST PROGRAM

This bill I am now introducing includes the administration's proposal to eliminate all subsidies to nonneedy children in the breakfast program. It would also establish the reduced price breakfast subsidy at one-half of the free level. The subsidy for free breakfasts is 52 cents for the period ending July 1, 1981.

In addition to what the President has proposed, my bill would eliminate severe need breakfast funding. This money allows some schools to receive a subsidy equal to the full cost of operating the breakfast programs in those schools. There is no such funding for the school lunch program, and I see no need for it in breakfast. If the Federal subsidy does not cover costs, then the States can contribute some financial support.

PRIVATE SCHOOLS AND EQUIPMENT ASSISTANCE

Like the President, I have proposed making ineligible all private schools with tuitions above $1,500. I have also proposed eliminating the food service equipment assistance program. Food service equipment assistance has already fulfilled its primary function of helping schools and day care centers to initiate programs. It is no longer a funding priority. States and local school governments can contribute to equipment assistance if this is necessary.

Mr. President, let me mention a few of the other changes this legislation makes in the child care food program and the special supplemental food program, commonly known as WIC.

CHILD CARE FOOD PROGRAM

In child care. I have proposed that a maximum of only three meals per day per child be subsidized, one of which must be a snack. Under current law, children in these day care centers and group homes may currently receive up to five subsidized meals per day.

I propose that all day care institutions, be they centers or programs run out of someone's private home, be eligible for subsidies only on the basis of the individual needs of participants. Current law provides that day care centers are reimbursed for meals served based on the aggregate income needs of all participants.

For example, if two-thirds or more of the participants are eligible for free or reduced priced school meals, then all participants receive all of their meals completely free. Yet a number of the participants might not be low income at all.

Family or group day care homes are reimbursed a full rate for all meals served, regardless of the incomes of any participants. I am proposing that family day care homes be treated just as centers are to be: The subsidy is based on individual need.

These changes make the child care food program comparable to the school lunch program in eligibility standards.

WIC

Mr. President, this legislation would also place a modified cap on the WIC program. It freezes funding at the fiscal year 1981 level, which is defined to include both budget authority and carryover funds from the prior fiscal year. This total amount is an estimated $945 million for fiscal year 1981. Any amount made available above that amount must be matched dollar for dollar with State appropriated funds.

For the coming fiscal year, I believe it is reasonable to assume that few States will choose to provide matching funds. Therefore, the reduced purchasing power of the limited Federal dollars will mean States must reduce their caseloads somewhat.

That is not unreasonable. WIC is the fastest growing of all of the child nutrition programs. Its monthly caseload has increased from 300,000 in 1975 to 2.2 million in 1981. Costs have increased nearly tenfold over that same period.

Although WIC is normally thought of as serving only infants and pregnant women, over half of its participants actually are children between the ages of 1 and 5 years. Many of these children have no measured nutritional or health deficiency, but have merely been certified as eligible based on poor diet. Such participants should not be a priority for costly Federal support.

VERIFICATION

Members of this Congress have expressed a great desire to crack down on all waste and abuse in Federal programs. Child nutrition clearly is ripe for such reform.

The Office of Inspector General at USDA released a report some months ago indicating that almost 30 percent of the applicants for free and reduced priced school meals misreport income and household information to such an extent as to qualify for a higher subsidy. Thirty percent translated into wasted Federal money of $23 million per month for the 1979–80 school year.

To eliminate this abuse, I am proposing a number of changes in current law.

First, all free and reduced priced meal applications must contain social security numbers of all adult household members.

Second, State and local school officials are allowed to verify the data on such applications. Current law does not even allow such verification, except for cause. In addition to allowing verification, this bill requires the schools to comply with any additional verification requirements the Secretary of Agriculture may prescribe.

Third, my bill requires that applicants for free or reduced priced meals produce appropriate documentation of income, as defined by the Secretary, as a condition for receipt of such meals. This is based on recommendations made by the Office of Inspector General.

Because this legislation establishes a gross income limit equivalent to what the administration proposed for food stamps—130 percent of poverty—verification of the incomes of the majority of the free lunch recipients would already have been performed at the food stamp office. Food stamp recipients need only receive a ticket certifying their participation in the food stamp program, and present that along with the application, to be eligible for free meals. This avoids duplication of verification efforts and takes the greatest part of the burden out of the hands of school officials. combining it with food stamp procedures already required by law.

I am also proposing, as did the administration, that the tables which specify the exact income a household of a given size may receive and still be eligible for free meals, be removed from the application form. These tables only invite fraud. The tables for reduced priced meal eligibility may be left on the application, but they need not be included.

REGULATORY REFORMS

Mr. President, I would now like to discuss the good news—regulatory reform. When Congress reduces spending in the magnitude we are doing today, it is imperative that it also relax burdensome requirements and increase State and local flexibility in allocating limited Federal resources.

The bill I am introducing today makes a number of such reforms.

First, it instructs the Secretary of Agriculture to make whatever changes in nutritional and other program requirements as are necessary to achieve definitive cost savings in local program operations—without endangering the nutritional integrity of the meal program.

Changes must be implemented at the earliest possible date, but no later than 90 days following enactment. The Department estimates that changes in meal specifications alone could save 8 to 10 cents per lunch.

Second, this legislation eliminates the requirement that schools send application forms for free and reduced priced lunches home with every single child. It merely specifies that the applications be readily available to those who need them.

Current regulations require that schools send applications home whether the children and parents want them or not—at untold cost to the schools. This should not be. Those who want the additional subsidy should make the effort to receive it. The burden should not be on the schools to make the outreach effort.

Fourth, I have proposed that all "State plan" requirements outside of those for the nutrition education and training program and State administrative expense funding be eliminated completely. Adequate reporting requirements already are built into current law.

Fifth, this legislation gives local school districts or nonprofit schools the option of not requiring elementary school children to take on their food tray every item of food served. Under current law, they do not have that option. These children must take the food whether they want it or not—even if they dump it straight into the garbage can. That is not what I call reasonable or cost effective.

Sixth, I am simplifying eligibility criteria for free and reduced priced meals by permanently eliminating special hardship deductions. These deductions are the nemesis of school officials who process applications.

Finally, I include an option useful for any school which might close down a lunch program due to the magnitude of the budget cuts. This is the "commodity only" option.

I will not dwell on the details here, as that is done in the accompanying section-by-section analysis. I will just mention that schools who choose this option will be required to receive, in place of their general cash reimburse-

ments, only donated commodities. They can also receive additional special assistance cash payments for students eligible for free and reduced priced lunches. In exchange for restrictions on cash assistance, such schools are bound by only minimal regulatory requirements.

Commodity-only schools are a little known program option already in existence. This legislation simply expands their scope and allows them to be eligible for cash assistance in addition to commodities.

Mr. President, I ask unanimous consent that a copy of the bill, followed by the section-by-section analysis be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Nutrition Amendments of 1981".

CHANGES IN REIMBURSEMENT FOR SCHOOL LUNCHES AND BREAKFASTS

SEC. 2. (a) Section 4 of the National School Lunch Act (42 U.S.C. 1753) is amended—

(1) by inserting "(a)" after "Sec. 4.";

(2) by striking out the second sentence of subsection (a), as designated by clause (1); and

(3) by adding at the end thereof the following new subsection:

"(b)(1) The Secretary shall make food assistance payments to each State educational agency each fiscal year, at such times as he may determine, from the sums appropriated for such purpose in a total amount equal to the product obtained by multiplying (A) the number of lunches (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary under section 9(a) of this Act) served during such fiscal year in schools in such State which participate in the school lunch program under this Act under agreements with such State educational agency by (B) the national average lunch payment prescribed in paragraph (2) of this subsection.

"(2) The national average lunch payment for each lunch served shall be 9.0851 cents, which payment shall be adjusted on July 1, 1981, and annually thereafter as provided in section 11(a) of this Act.".

(b) Section 11(a) of the National School Lunch Act (42 U.S.C. 1759a(a)) is amended—

(1) by striking out the fifth sentence and inserting in lieu thereof the following: "The special-assistance factor prescribed by the Secretary for free lunches shall be 88.6165 cents, adjusted on July 1, 1981, and annually thereafter as hereinafter provided in this subsection, and the special-assistance factor for reduced-price lunches shall be 48.6165 cents, adjusted on July 1, 1981, and annually thereafter as hereinafter provided in this subsection.";

(2) by striking out in the sixth sentence ", and on January 1, of each fiscal year, semiannual adjustments" and inserting in lieu thereof "an annual adjustment"; and

(3) by striking out the first proviso in the sixth sentence and inserting in lieu thereof the following: *Provided,* That each July 1 adjustment shall reflect the changes in the series for food away from home for the most recent twelve-month period for which such data are available:".

(c)(1) Subsection (b) of section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773 (b)) is amended to read as follows:

"(b)(1) The Secretary shall make breakfast assistance payments to each State educational agency each fiscal year, at such times as he may determine, from the sums appropriated for such purpose in a total amount equal to the product obtained by multiplying (A) the number of breakfasts (consisting of a combination of foods which meet the minimum nutritional requirements set forth in subsection (e) of this section) served during such fiscal year to children eligible for free or reduced-price breakfasts in schools in such States which participate in the School Breakfast Program under agreements with such State educational agency by (B) the national average breakfast payment for free or reduced-price breakfasts, as appropriate, prescribed in paragraphs (2) and (3) of this subsection.

"(2) The national average free breakfast payment for each free breakfast shall be 52.027 cents, adjusted on July 1, 1981, and annually thereafter, as provided in section 11(a) of the National School Lunch Act.

"(3) The national average reduced-price payment for each reduced-price breakfast shall be one-half of such national average free breakfast payment, adjusted to the nearest one-fourth cent.".

(2) Section 4 of such Act (42 U.S.C. 1773) is further amended by striking out subsection (d).

REDUCTION IN COMMODITY ASSISTANCE FOR LUNCHES

SEC. 3. The first sentence of section 6(e) of the National School Lunch Act (42 U.S.C. 1755(e)) is amended to read as follows: "The national average value as donated foods, or cash payments in lieu thereof, shall be 13.54 cents, adjusted on July 1, 1981, and each July 1 thereafter, to reflect changes in the Price Index for Food Used in Schools and Institutions.".

NUTRITIONAL REQUIREMENTS

SEC. 4. Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by inserting "(a)" after "Sec. 10."; and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary shall, at the earliest practicable date after the date of the enactment of this subsection, but not later than 90 days after such date of enactment, prescribe such changes in nutritional and other program requirements under this Act and the National School Lunch Act as may be necessary to achieve cost savings in the operation of child feeding programs at the local level without endangering the nutritional integrity of the lunches served by schools participating in the program.".

REVISION OF INCOME ELIGIBILITY GUIDELINES

SEC. 5. (a)(1) Paragraph (1) of section 9(b) of the National School Lunch Act (42 U.S.C. 1758(b)(1)) is amended to read as follows:

"(1)(A) No later than June 1 of each fiscal year, the Secretary shall prescribe income guidelines for determining eligibility for free and reduced-price lunches during the subsequent twelve-month period beginning July 1. The income guidelines for determining eligibility for free lunches in any fiscal year shall be 30 per centum above the applicable family-size income levels contained in the poverty guidelines prescribed by the Office of Management and Budget, except that beginning July 1, 1983, the income guidelines for determining eligibility for free lunches shall be the same as the gross income guidelines announced by the Secretary for such fiscal year for eligibility for participation in the food stamp program under the Food Stamp Act of 1977.

"(B) The income poverty guidelines for determining eligibility for reduced-price lunches in any fiscal year shall be 85 per centum above the applicable family-size income levels of income property guidelines prescribed by the Office of Management and Budget.".

(2) Section 9(b) of such Act is further amended by redesignating paragraph (2) as paragraph (4) and inserting after paragraph (1) the following two new paragraphs:

"(2) Following the announcement by the Secretary of the income eligibility guidelines for each twelve-month period, each State educational agency shall announce the income poverty guidelines, by family size, to be used by schools in the State in making determinations of eligibility for free and reduced-price lunches. Local school food authorities shall, each year, publicly announce the income poverty guidelines on or at the opening of school. Local school authorities shall make application forms for free and reduced-price lunches, and descriptive material, readily available to the parents of children in attendance at the school. Such application forms and descriptive material made available by school authorities may contain the family size income levels that are 185 per centum of the income poverty guidelines prescribed by the Office of Management and Budget and an explanation that households with incomes less than or equal to the applicable family size income levels prescribed are eligible for free or reduced-price lunches. Such forms and descriptive material may not contain the income levels for free lunches. Eligibility determinations shall be made on the basis of a completed application form executed by an adult member of the household. Such application form shall be in such form as the Secretary shall prescribe by regulation. The Secretary and State and local school authorities may seek verification of the data in such application. State and local school authorities shall undertake such other verification of the information contained in such applications as the Secretary may by regulation prescribe, and local school authorities shall, in accordance with such regulations, make appropriate changes in the eligibility determinations on the basis of such verification.

"(3) Any child who is a member of a household that has an annual income level equal to or less than the applicable family-size income level of the income poverty guidelines for free lunches, shall be served a free lunch. Any child who is a member of a household that has an annual income which falls between (A) the applicable family-size income level of the income eligibility guidelines for free lunches prescribed by the Secretary, and (B) the applicable family-size income level of the income eligibility guidelines for reduced-price lunches prescribed by the Secretary shall be served a reduced-price lunch. The price of the reduced-price lunch shall not be greater than the difference between the total Federal cash and commodity assistance for lunches served to children eligible for free meals and the total Federal cash and commodity assistance for lunches served to children eligible for reduced-price meals.".

(3) Paragraph (4) of section 9(b) of such Act, as redesignated by paragraph (2) of this subsection, is amended by striking out "solely" in the second sentence.

(4) Section 9 of such Act is further amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary shall require as a condition of eligibility for participation in the program that the member of the household who executes the application for participation must furnish the social security account numbers of all adult members of the household of which such person is a member.

"(2) No member of a household may be provided free or reduced-price lunches under this Act unless appropriate documentation, as prescribed by the Secretary of the income of such household has been provided to school authorities or unless appropriate documentation showing that such household is participating in the food stamp program under the Food Stamp Act of 1977 has been provided to school authorities.".

(b) Notwithstanding any other provision

of law, the Secretary shall conduct a pilot study to verify the data submitted on a sample of applications for free and reduced-price meals. In conducting the pilot study, the Secretary may require households included in the study to furnish social security numbers of all household members and such other information as the Secretary may require, including, but not limited to, pay stubs, documentation of the current status of household members who are recipients of public assistance, unemployment insurance documents, and written statements from employers, as a condition for receipt of free or reduced-price school meals.

(c) For the school year ending June 30, 1982, the Secretary may prescribe procedures for implementing the revisions in the income poverty guidelines for free and reduced-price lunches contained in the amendments made by this section that allow school food authorities to (1) use application forms distributed at the beginning of the school year when making eligibility determinations based on the revised income poverty guidelines, or (2) distribute new application forms containing the revised income poverty guidelines and make determinations on the basis of the new application forms.

REVISION OF STATE REVENUE MATCHING REQUIREMENTS

SEC. 6. (a) The text of section 7 of the National School Lunch Act (42 U.S.C. 1756) is amended to read as follows:

"SEC. 7. (a) Funds appropriated to carry out section 4 of this Act during any fiscal year shall be available for payment to the States for disbursement by State educational agencies, in accordance with such agreements, not inconsistent with the provisions of this Act, as may be entered into by the Secretary and such State educational agencies, for the purpose of assisting schools within the States in obtaining agricultural commodities and other foods for consumption by children in furtherance of the school lunch program authorized under this Act. In each of the school years beginning July 1, 1981, and July 1, 1982, such payments to any State shall be made upon condition that State revenues, other than revenues derived from the program, appropriated for or used in connection with food service in schools participating in the school lunch program under this Act, other than salaries and administrative expenses at the State level, shall be equal to at least 30 percent of the funds made available to such State pursuant to section 4 of this Act in the school year beginning July 1, 1980, decreased by the percentage, if any, by which the State per capita income is below the per capita income of the United States.

"(b) The State revenues provided by any State to meet the requirement of the preceding subsection shall, to the extent the State deems practicable, be disbursed to schools participating in the school lunch program under this Act. No State in which the State educational agency is prohibited by law from disbursing State appropriated funds to private schools shall be required to match Federal funds made available on the basis of meals served in such schools.

"(c) The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.".

(b) The text of section 10 of the National School Lunch Act (42 U.S.C. 1759) is amended to read as follows:

"SEC. 10. If, in any State, the State educational agency is not permitted by law to disburse the funds paid to it under this Act to any of the schools in the State, the Secretary shall disburse the funds directly to such schools within the State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursements to schools within the State by the State educational agency.".

TERMINATION OF FOOD SERVICE EQUIPMENT ASSISTANCE

SEC. 7. (a) Section 5 of the National School Lunch Act (42 U.S.C. 1754) is repealed.

(b) Section 5 of the Child Nurtition Act of 1966 (42 U.S.C. 1774) is repealed.

REVISION OF THE SPECIAL MILK PROGRAM

SEC. 8. Section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) is amended—

(1) by striking out the period at the end of the first sentence and inserting in lieu thereof the following: "who do not participate in a meal service program authorized under this Act or the National School Lunch Act.";

(2) by inserting in the fourth sentence "which does not participate in a meal service program authorized under this Act or the National School Lunch Act" after "institution"; and

(3) by striking out the eighth sentence.

LIMITATION ON PRIVATE SCHOOL PARTICIPATION

SEC. 9. (a) Section 12(d)(6) of the National School Lunch Act (42 U.S.C. 1760(d)(6)) is amended by inserting "other than a private school whose yearly tuition exceeds $1,500 per child," after "under," in clause (A) of the first sentence.

(b) Section 15(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1781) is amended by inserting "other than a private school whose yearly tuition exceeds $1,500 per child," after "such school," in clause (A) of the first sentence.

TERMINATION OF SUMMER FOOD SERVICE PROGRAM

SEC. 10. Section 13 of the National School Lunch Act (42 U.S.C. 1761) is repealed.

REVISION OF CHILD CARE FOOD PROGRAM

SEC. 11. (a) Section 17 of the National School Lunch Act (41 U.S.C. 1766) is amended—

(1) by inserting "not over twelve years of age" after "children" in the first sentence of subsection (a); and

(2) by striking out "served in the manner specified in subsection (c)" in subsection (b) and inserting in lieu thereof "as provided in subsection (f)";

(3) by striking out subsection (c) and inserting in lieu thereof "as provided in subsection (f)";

(3) by striking out subsection (c) and inserting in lieu thereof the following:

"(c)(1) For purposes of this section—

"(A) The national average payment rate for lunches and suppers, the national average payment rate for free lunches and suppers, and the national average payment rate for reduced-price lunches and suppers shall be the same as the national average payment rate for lunches, the national average payment rate for free lunches, and the national average payment rate for reduced-price lunches, respectively under sections 4 and 11 of this Act as appropriate.

"(B) The national average payment rate for free and reduced-price breakfasts shall be the same as the national average payment rate for free and reduced-price breakfasts under section 4(b) of the Child Nutrition Act of 1966.

"(C) The national average payment rate for free supplements shall be 27.50 cents and the national average payment rate for reduced-price supplements shall be one-half of the rate for free supplements.

"(2) The Secretary shall adjust the national average payment rate for free supplements on July 1 each year, beginning July 1, 1981, to reflect changes during the most recent twelve-month period, for which data are available, in the Consumer Price Index for all Urban Consumers. Such adjustments shall be computed to the nearest one-fourth cent."; and

(B) by striking out ", other than family or group day care home sponsoring organizations," in the first sentence of paragraph (3);

(C) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a comma and the following: "except that no reimbursement may be made to any institution for more than two meals and one supplement per day per child."; and

(D) by striking out the first sentence of paragraph (4) and inserting in lieu thereof the following: "Institutions that participate in the program under this section as family or group day care home sponsoring organizations shall be provided, within reimbursement levels prescribed in subsection (c) of this section, a maximum level for administrative expenses, as prescribed by the secretary.".

(b) Section 17 of such Act is further amended—

(1) by striking out subsection (l);

(2) by striking out subsection (n); and

(3) by striking out "the availability of food service equipment funds under the program," in the second sentence of subsection (o).

LIMITATIONS ON SECRETARY'S AUTHORITY TO DIRECTLY ADMINISTER PROGRAMS

SEC. 12. (a) Section 10 of the National School Lunch Act (42 U.S.C. 1759), as amended by adding at the end thereof the following: "To the extent the Secretary has continuously withheld and disbursed funds payable to a State under this Act since October 1, 1980, for the purpose of providing funds to schools, service institutions, or institutions, and only to that extent, the Secretary shall continue to withhold and disburse such funds which such State for the same purposes and subject to the same conditions as are applicable to a State disbursing funds made available under this Act. Any such State may, upon request to the Secretary, assume administration of any program authorized under this Act. Notwithstanding any other provision of this Act, the Secretary may not operate a program under section 17 of this Act in any State after September 30, 1982, except that in the case of any State in which the State legislature meets biennially, the Secretary may continue to operate such a program after such debate, but not after the beginning of the fiscal year which begins after the first session of the legislature of such state which convenes after the date of the enactment of the Child Nutrition Amendments of 1981".

(b) Section 17 of the National School Lunch Act (42 U.S.C. 1766), as amended by section 11, is further amended—

(1) by striking out subsection (m); and

(2) by redesignating subsections (j), (k), (l), (o), (p), (q), and (r) as subsections (i), (j), (k), (l), (m), (n), and (o), respectively.

(c) Section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) is further amended by adding at the end thereof the following: "To the extent the Secretary has continuously administered the program or any part thereof in any State since October 1, 1980, and only to that extent, the Secretary shall continue to administer the program for the same purposes and subject to the same conditions as are applicable to a State disbursing funds made available under this Act. Any such State may, upon request to the Secretary, assume administration of the program.".

(d) Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is further amended by striking out subsection (f) and redesignating subsection (g) as subsection (f).

(e) The Child Nutrition Act of 1966, as amended by section 7 of this Act, is amended by inserting after section 4 a new section 5 as follows:

"AUTHORITY OF SECRETARY TO WITHHOLD AND DISBURSE FUNDS

"SEC. 5. To the extent the Secretary has continuously withheld and disbursed funds payable to a State under this Act since October 1, 1980, for the purpose of providing funds to schools, and only to that extent, the Secretary shall continue to withhold and disburse such funds within such State for the same purposes and subject to the same conditions as are applicable to a State disbursing funds made available under this Act. Any such State may, upon request to the Secretary, assume administration of any program authorized under this Act.".

(f) Section 19(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(d)) is amended by striking out subparagraph (6).

REQUIREMENT TO ACCEPT FOOD NOT INTENDED TO BE CONSUMED

SEC. 13. The third sentence of section 9(a) of the National School Lunch Act (42 U.S.C. 1758(a)) is amended by striking out "in any junior high school or middle school".

REQUIREMENTS FOR STATE PLAN

SEC. 14. Section 11 of the National School Lunch Act (42 U.S.C. 1759a(e)) is further amended by striking out subsection (e).

ELIMINATION OF RESIDENTIAL CHILD CARE CENTERS FROM DEFINITION OF "SCHOOL"

SEC. 15. Effective October 1, 1982, the first sentence of paragraph (6) of section 12(d) of the National School Lunch Act (42 U.S.C. 1760(d)(6)) is amended—

(1) by striking out clause (B); and

(2) by striking out "(C)" and inserting in lieu thereof "and (B)".

COMMODITY ONLY SCHOOLS

SEC. 16. (a) Section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended by adding at the end thereof the following new subsection:

"(f) Commodity only schools shall be eligible to receive donated commodities equal in value to the sum of the national average value of donated foods established under section 6(e) of this Act and the national average payment established under section 4 of this Act. Such schools shall be eligible to receive up to five cents per meal of such value in cash for processing and handling expenses related to the use of such commodities.".

(b) Section 11 of the National School Lunch Act (42 U.S.C. 1759a), as amended by section 14, is amended by adding at the end thereof the following new subsection:

"(e) Commodity only schools shall also be eligible for special-assistance payments under this section.".

(c) Section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) is further amended by adding at the end thereof the following new sentence: "Commodity only schools shall not be eligible to participate in the special school milk program under this section. For the purposes of the preceding sentence, 'commodity only school' means a school which does not participate in the school lunch program under this Act, but receives commodities made available by the Secretary for use by such school in a nonprofit lunch program.".

(d) Section 12(d) of the National School Lunch Act (42 U.S.C. 1760(d)) is further amended by adding at the end thereof the following new paragraph:

"(8) 'Commodity only school' means a school which does not participate in the school lunch program under this Act, but receives commodities made available by the Secretary for use by such school in a nonprofit lunch program.".

CARRYOVER OF STATE ADMINISTRATIVE EXPENSES

SEC. 17. (a) Section 17(a)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(2)) is amended by striking out "September 30, 1978" in the second sentence and inserting in lieu thereof "September 30, 1981".

(b) Subsection (e) of section 7 of such Act (42 U.S.C. 1776(e)) is amended to read as follows:

"(e) Notwithstanding any other provision of law, funds made available to each State under this section shall remain available for obligation and expenditure by that State during the fiscal year immediately following the fiscal year for which such funds were made available. For each fiscal year the Secretary shall establish a date by which each State shall submit to the Secretary a plan for the disbursement of funds provided under this section for each such year, and the Secretary shall reallocate any unused funds, as evidenced by such plans, to other States as the Secretary considers appropriate.".

REQUIREMENT FOR STATE MATCHING IN WIC PROGRAM

SEC. . Section 17(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)) is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Except as provided in subparagraphs (B) and (C) of this paragraph, the Secretary shall require that any funds made available to any State under this section in the fiscal year ending September 30, 1982, or in any of the three subsequent fiscal years, in any amount greater than the amount made available to such State under this section in the fiscal year ending September 30, 1981, shall be matched by State appropriated funds on a dollar for dollar basis.

"(B) In computing the amount of funds made available to any State under this section in any fiscal year beginning after September 30, 1981, there shall be excluded any funds made available to such State under subsection (i) of this section as the result of a reallocation of funds from another State or States.

CONFORMING AND MISCELLANEOUS AMENDMENTS

SEC. 19. (a) Section 11 of the National School Lunch Act (42 U.S.C. 1759a) is amended—

(1) by striking out "financing the cost of" in the first sentence in subsection (b); and

(2) by striking out "or 5" in subsection (d).

(b) Section 4(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(c)) is amended by striking out "financing the costs of" in the first sentence.

(c) Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended—

(1) in subsection (d)—

(A) by striking out paragraph (3); and

(B) by redesignating paragraphs (4) through (8) (as amended by section 16(d)) as paragraphs (3) through (7), respectively; and

(2) by striking out subsection (h).

(d) Section 8 of the National School Lunch Act (42 U.S.C. 1757) is amended—

(1) by striking out "or 5" in the first sentence;

(2) by striking out "to finance the cost of obtaining" in the second sentence and inserting in lieu thereof "to obtain";

(3) by striking out "and food service equipment assistance in connection with such program" in the second sentence;

(4) by striking out the fourth sentence; and

(5) by striking out "Federal food-cost contribution rate" in the fifth and sixth sentences and inserting in lieu thereof "per meal reimbursement rate".

(e) Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended—

(1) by striking out "3, 4, and 5" in subsections (a)(1), (a)(2), and (b) and inserting in lieu thereof "3 and 4";

(2) by striking out "13 or" in the first sentence of subsection (a)(2);

(3) by striking out "and under section 13(k)(1) of the National School Lunch Act" in subsection (a)(5) and (a)(6); and

(4) by striking out "(except section 13 of that Act)" in subsection (h).

(f) Section 11(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1780(a)) is amended by striking out "section 3 through 5" and inserting in lieu thereof "sections 3 and 4".

(g) Section 4 of the National School Lunch Act (42 U.S.C. 1753) is amended by striking out ", excluding the sum specified in section 5," in the first sentence.

(h) Section 3 of the National School Lunch Act (42 U.S.C. 1752) is amended by striking out "13, 17," in the first sentence and inserting in lieu thereof "17".

(i) Section 6(a)(2) of the National School Lunch Act (42 U.S.C. 1755(a)(2)) is amended by striking out "sections 11 and 13" and inserting in lieu thereof "section 11".

(j) Section 15(f) of the National School Lunch Act (42 U.S.C. 1763(f)) is amended by striking out "annually" in the second sentence and inserting in lieu thereof "biannually".

(k) Section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended—

(1) by inserting ", subject to the second sentence of subsection (c) of this section," before "title VII of the Older Americans Act of 1965" in subsection (a)(1); and

(2) by inserting after the first sentence in subsection (c) the following new sentence: "The Secretary of Health and Human Services shall reimburse the Secretary for purchases made by the Secretary under subsection (a)(1) and this subsection for donations for programs carried out under title VII of the Older Americans Act of 1965.".

CLAIMS ADJUSTMENT AUTHORITY

SEC. 20. Section 16 of the Child Nutrition Act of 1966 (42 U.S.C. 1785) is amended by adding at the end thereof the following: "The Secretary shall have authority to determine the amount of and settle and adjust any claim and to compromise or deny all or part of any claim or claims arising under the provisions of this Act, the National School Lunch Act, or the regulations issued pursuant to such Acts, including the authority to waive any claim if he determines that to do so would serve the purposes of either such Act. The preceding sentence shall not diminish the existing authority of the Attorney General of the United States under section 516 of title 28, United States Code, to conduce litigation on behalf of the United States.".

EFFECTIVE DATES; REPEAL OF EXISTING LEGISLATION; REGULATIONS

SEC. 21. (a)(1) The provisions of sections 7, 10, 12, 19(a)(2), 19(a)(3), 19(c)(1), 19(d)(1), 19(d)(3), 19(e), 19(f), 19(g), 19(j), and 19(k) of this Act shall be effective October 1, 1981. The provisions of sections 8, 9, 11, 19(a)(1), 19(a)(4), 19(a)(5), 19(b), 19(c)(2), 19(d)(2), 19(d)(4), 19(d)(5), and 20 shall be effective July 1, 1981, or the first day of the second month following enactment, whichever is later.

(2) The provisions of section 4 of this Act shall be effective July 1, 1981, or 30 days after enactment, whichever is later.

(3) The provisions of sections 2, 3, 5, and 12 of this Act shall be effective July 1, 1981.

(b) The Omnibus Reconciliation Act of 1980 (Public Law 96-499) is amended—

(1) by striking out section 201(a) effective July 1, 1981, or the first day of the second month following enactment, whichever is later;

(2) by striking out section 202(a) effective July 1, 1981; and

(3) by striking out section 203(b) effective July 1, 1981, or 90 days after enactment, whichever is later.

(c) Regulations implementing the amendments made by this Act shall be issued no later than 60 days after the date of enactment.

SECTION-BY-SECTION ANALYSIS

Section 2: Changes in Reimbursement for School Lunches and Breakfasts.

P.L. 96-499, the Omnibus Reconciliation Act of 1980, reduced by 2.5 cents the section 4 reimbursement rate for all lunches served in school food authorities where less than 60 percent of the lunches were served free or at a reduced price during the second preceding school year. The reduction made by P.L. 96-499 was effective only for the fiscal year ending September 30, 1981. The amendments made by section 2 of this Act make permanent the 2.5 cent reduction in the section 4 reimbursement rate and extends it to all lunches served.

Subsections (a) and (b) of Section 2 amend Sections 4 and 11 of the National School Lunch Act to reduce by an additional 2 cents the cash subsidy for all children in the school lunch program. The cash subsidy for the child in the paying category is further reduced by an additional 5 cents, and the reduced price rate is lowered to make it 40 cents less than the free rate until July 1, 1981.

Until July 1, 1981, these changes bring the total cash subsidy under this Act to 97.7 cents for free lunches, 57.7 cents for reduced price lunches, and 9.1 cents for paid lunches.

The amendments contained in subsection (b) also eliminate the January 1 adjustments in the section 4 and 11 National School Lunch reimbursement rates and the School Breakfast reimbursement rates contained in section 4 of the Child Nutrition Act of 1966. Only July adjustments will be made in these rates.

Subsection (c)(1) amends section 4 of the Child Nutrition Act of 1966 to eliminate the reimbursement for breakfasts served to children ineligible for free and reduced price meals. The amendments do not change the current section 4 reimbursement rate for free breakfasts but lower the reimbursement for reduced price breakfasts to one-half the reimbursement rate for free breakfasts. Until July 1, 1981, the reimbursement rate for free breakfasts is 52.027 cents under this Act.

Subsection (c)(2) further amends Section 4 of the Child Nutrition Act to eliminate "severe need" funds for the breakfast program. Schools are currently eligible for "severe need" funds in addition to the basic breakfast reimbursement rates if, during the second preceding school year in which lunches were served, 40 percent or more of the lunches served were served free or at a reduced price, and the rate per meal established by the Secretary is insufficient to cover the costs of the breakfast problem. Upon presenting appropriate documentation, a school may receive up to 100 percent of the costs of operating the breakfast program.

Section 3: Reduction in Commodity Assistance for Lunches.

P.L. 96-499 reduced the commodity assistance level for all lunches served by 2 cents. The amendments made by this Act made permanent this 2 cent reduction, before adjustment for inflation, and then make a further reduction of an additional 2 cents. Until July 1, 1981, this makes the commodity or cash-in-lieu assistance 13.54 cents for all school lunches served under this Act. The rate is then adjusted July 1, 1981, and annually thereafter.

Section 4: Nutritional Requirements.

This section amends Section 9 of the National School Lunch Act to instruct the Secretary to make changes in meal pattern requirements and other school lunch regulations by no later than 90 days after date of enactment to effect cost savings in operating the school lunch program.

Section 5: Revision of Income Eligibility Guidelines.

Subsection (a): The amendments contained in this subsection—

(1) Set income eligibility for free meals at 130 percent of the OMB poverty guidelines. Current law sets eligibility at 125 percent plus a standard deduction. Beginning July 1, 1983, eligibility is tied to the gross income limits for the food stamp program. (Legislation ordered reported out of the Senate Agriculture Committee on May 12, would set a gross income limit of 130 percent of poverty for the food stamp program, but the inflation adjustment of that level will be made at a time other than July 1 until 1983);

(2) Require that eligibility for reduced price meals be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget instead of the Secretary's updated income poverty guidelines required under current law. (P.L. 96-499, the Omnibus Reconciliation Act of 1980, instituted use of the Office of Management and Budget's income poverty guidelines for fiscal year 1981 only). The income eligibility level for reduced price lunches is reduced from 195 to 185 percent of the poverty guidelines.

(3) Eliminate the currently authorized hardship deductions, as was done for one year under the Omnibus Reconciliation Act of 1980;

(4) Revise the current statutory language to make clear that the Secretary prescribes the income poverty guidelines and the State educational agencies announce the guidelines prescribed by the Secretary;

(5) Specify that the price charged for a reduced price lunch shall be no greater than the difference between the total Federal cash and commodity assistance for lunches served to children eligible for free lunches and the total Federal cash and commodity assistance for lunches served to children eligible for reduced price lunches. Current law sets the maximum charge at 20 cents. For the school year beginning July 1, 1981, the effective price of a reduced price lunch is 40 cents, according to this amendment, in combination with Sections 2 and 3 of this Act;

(6) Allow only the income scales for 185 percent of the poverty guidelines to be placed in the application and descriptive materials distributed to parents of students with an explanation that children from households with incomes lower than these values would be eligible for free meals or reduced price meals (without identifying which);

(7) Require that income guidelines for both free and reduced price meals be included in the public releases;

(8) Remove from current law the requirement that eligibility determinations be based solely on the statement of income signed by an adult member of the child's household, as well as eliminating the requirement that the verification of income be sought only for cause. The Secretary, State and local school authorities may verify the information submitted on such applications, and in addition must comply with any verification requirements the Secretary may by regulation prescribe;

(9) Require as a condition of eligibility for receipt of a free or reduced priced lunch that the application contain the social security numbers of all adult household members; and

(10) Require as a condition of eligibility for receipt of a free or reduced priced lunch that appropriate documentation of income, as defined by the Secretary, or documentation of participation in the food stamp program, be provided to school authorities.

Subsection (b) requires the Secretary to conduct a pilot study to verify the data submitted on a sample of free and reduced price lunch applications.

Subsection (c) authorizes the Secretary to prescribe procedures for the implementation of the revised income poverty guidelines if passage of this legislation necessitates a mid-school year change. School food authorities could be authorized to either reevaluate applications received at the beginning of the 1981-82 school year or distribute new applications and evaluate eligibility on the basis of those applications.

Section 6: Revision of State Matching Requirements.

The amendment contained in subsection (a) would revise section 7 of the National School Lunch Act to make the State matching requirements compatible with other program changes provided for by this bill. Under current legislation, each State must meet two matching requirements as a condition for receiving section 4 funds. Each section 4 dollar paid the State for paid lunches must be matched in the same fiscal year by 3 dollars from sources within the State; this is known as the "3-to-1 matching requirement". States meet the 3-to-1 matching requirement primarily through children's payments. If the State's per capita income is below that of the United States, the State's "matching factor: (i.e., 3) is proportionately reduced.

In addition to the 3-to-1 match, each State must meet the "State Revenue Matching Requirement" (SRMR). To comply, the State must appropriate from State revenues and expend for program purposes an amount equal to 10 percent of the product obtained by multiplying the total amount of section 4 funds received in the prior year by the State's 3-to-1 matching factor.

The amendment made by this section would eliminate the 3-to-1 matching requirement and reformulate the SRMR to ensure that State support of the programs would not be reduced because of the reduction in section 4 expenditures called for by section 2 of this bill for two years. For school years 1981-82 and 1982-83, States would be required to provide matching funds equal to 30 percent of the section 4 funds made available to the State in the 1980-81 school year.

Subsection (a) also eliminates the requirement that State revenues provided to meet the matching requirements be disbursed to schools in proportion to Federal funds received by those schools. In addition, schools would be allowed to use State revenue matching monies to support meal service for children ineligible for free and reduced price meals.

Subsection (a) and subsection (b) would also exempt from the SRMR all section 4 funds paid, with respect to lunches served in private schools, to those States whose State educational agencies are prohibited by State law from disbursing State appropriated funds to private schools.

Section 7: Termination of Food Service Equipment Assistance.

This section eliminates the Food Service Equipment Program by repealing section 5 of the National School Lunch Act and Section 5 of the Child Nutrition Act of 1966.

Section 8: Revision of the Special Milk Program.

This section amends Section 3 of the Child Nutrition Act of 1966 to limit the Special Milk Program to those schools and institutions which do not participate in one or more meal service programs authorized under the Child Nutrition Act of 1966 and the National School Lunch Act.

Section 9: Limitation on Private School Participation.

This section makes nonprofit private schools in which the yearly tuition exceeds $1,500 per child ineligible to participate in the school nutrition programs by amending

the definition of "school" in Sections 12 of the National School Lunch Act and 15(c) of the Child Nutrition Act of 1966.

Section 10: Repeal of Summer Food Service Program.

This section eliminates the Summer Food Service Program by repealing Section 13 of the National School Lunch Act.

Section 11: Revision of Child Care Program.

The amendments in subsection (a)—

(1) Lower age limit for eligibility for the child care food program from eighteen to twelve years of age;

(2) Require that eligibility for meal reimbursement be based on the income needs of the individual applicant, as in the school lunch program. Under current law, all students in the institution receive free meals if two thirds or more of the participants are eligible for free or reduced priced lunches under the school lunch program; all meals qualify for reduced price reimbursements if between one third and two thirds of the students are eligible for free or reduced priced lunches; and, if fewer than one third of the students are eligible for free or reduced priced school lunches, then all meals served in the institution qualify for the pair subsidy. Reimbursement rates would remain tied to those in the school lunch program, except for supplements, which would be reimbursed at a rate of 30.75 cents for free supplements and 15.38 cents for reduced price; and

(3) Require that family and group day care homes receive the same reimbursement rates as other child care institutions, and that eligibility be based on income. Under current law, all children, regardless of income, are eligible for the same subsidy if they participate in family or group day care homes.

The Amendments in subsection (b)—

(1) Eliminate the State plan requirements for the child care food program.

(2) Eliminate food service equipment assistance to child care institutions.

Section 12: Limitation on the Secretary's Authority to Directly Administer Programs.

The amendments in this section prohibit the Secretary from directly administering any child nutrition program, or any part thereof, in any State unless he has done so continuously since October 1, 1980. These amendments incorporate into the program authorizing legislation the prohibition imposed by P.L. 96-528.

Subsection further prohibits the Secretary from directly administering the child care food program under Section 17 of the National School Lunch Act at all, beginning September 30, 1982, except in the case of any State whose legislature meets biannually, the Secretary may not directly operate the program in the fiscal year following the first meeting of the legislature after enactment of this Act. A similar prohibition was adopted on the Senate floor as a provision of H.R. 7664, the Child Nutrition Amendments of 1980.

Section 13: Requirement To Accept Food Not Intended To Be Consumed.

This Section amends Section 9 of the National School Lunch Act to extend to elementary school students the option, when approved by the local school district or nonprofit schools, of not being required to accept every item of food served.

Section 14: Requirements for State Plan.

This section amends Section 11 of the National School Lunch Act to eliminate the requirement that States submit a State plan of child nutrition operations each year. States already must meet numerous other reporting requirements in order to qualify for funds under the National School Lunch and Child Nutrition Act. This amendment would not eliminate the State plan requirement for State Administrative Expense Funding or the Nutrition Education and Training Program.

Section 15: Elimination of Residential Child Care Institutions From Definition of Schools.

This Section amends Section 12 of the National School Lunch Act to exclude from the list of institutions eligible to participate in the school lunch program, beginning with fiscal year 1983, all residential child care institutions. These include orphanages and homes for the mentally retarded, among other State and privately funded institutions.

Section 16: Commodity Only Schools.

This section amends Section 14 of the National School Lunch Act to allow "commodity only" schools to receive, in addition to the commodities equal in value to the total of the commodity support and the Section 4 reimbursement established for the National School Lunch Program, cash support for free and reduced price lunches under Section 11 of the National School Lunch Act. These schools may also receive up to 5 cents of the per meal value of the commodities in cash, to pay for processing and handling of the commodities. "Commodity only schools" are currently defined by regulation as schools not participating in the National School Lunch Program, but which do enter into an agreement with FNS to receive commodities donated for the school lunch program. They do not currently receive any cash support, and therefore are bound by only minimal regulatory requirements. Such schools are only required to serve well-balanced nutritious lunches that contain, as a minimum, food components from the four basic food groups, as defined in the Department's Daily Food Guide. They must also report monthly on the total number of meals served, and the total number served free or at a reduced price.

Section 17: State Administrative Expenses.

This section amends section 7 of the Child Nutrition Act of 1966 to allow funds made available to States for State administrative expenses during one fiscal year to remain available during the next fiscal year.

This section also raises the minimum level of State administrative expense money, beginning September 30, 1983, to the level available during fiscal year 1981.

Section 18: WIC.

This section amends Section 17 of the Child Nutrition Act of 1966 to require that any funds made available to any State for WIC above and beyond the funds made available during fiscal year 1981 must be matched dollar for dollar by State appropriated funds. $937 million have been made available for fiscal year 1981, including carryover from the prior fiscal year.

Subsection (d) further prohibits the Secretary from directly administering any child care food program, beginning September 30, 1982, except that in a State in which the legislature meets binannually, the Secretary may not administer the program for the fiscal year beginning after the first meeting of the legislature after the enactment of the Act.

Section 19: Conforming and Miscellaneous Amendments.

Subsecion (a) of this section removes the reference in section 11(b) of the National School Lunch Act to cost-based accounting; eliminates the requirement that schools provide estimates on October 1 and March 1 of the number of students eligible for free and reduced price lunches; and makes conforming amendments for the termination of the Food Service Equipment Assistance Program and the Summer Food Service Program.

Subsection (b) eliminates a reference to cost-based accounting in section 4(c) of the Child Nutrition Act of 1966.

Subsection (c) eliminates in section 12 of the National School Lunch Act, a reference to the food service equipment assistance program and deletes a prohibition in current law concerning cost accounting. Because these amendments eliminate cost-based accounting as a basic requirement, this reference is superfluous.

Subsection (d) eliminates, in section 8 of the National School Lunch Act references to Food Service Equipment Assistance and cost-accounting requirements.

Subsections (e), (f), (g), (h) and (i), make necessary technical amendments.

Subsection (j) changes the frequency of the National Advisory Council on Child Nutrition's report from annual to biannual.

Subsection (k) requires that the Secretary of Health and Human Services reimburse the Secretary of USDA for any commodities purchased to carry out programs under Title VII of the Older Americans Act of 1965. Funds associated with this authority will be requested under the Department of Health and Human Services authority to finance nutrition services for the elderly as part of a proposed reauthorization of the Older Americans Act of 1965

Section 20: Claims Adjustment Authority.

This section amends section 16 of the Child Nutrition Act of 1966 to give the Secretary authority to determine, settle, adjust, compromise, waive or deny claims arising under the Child Nutrition Act of 1966 or the National School Lunch Act.

Section 21: Effective Dates; Repeal of Existing Legislation; Regulations.

This section prescribes effective dates, repeals provisions of the Omnibus Reconciliation Act of 1980 and mandates that requirements implementing the provisions of this legislation be issued no later than 60 days after enactment.●

By Mr. EXON (for himself, Mr. FORD, Mr. CANNON, Mr. HEFLIN, and Mr. PRESSLER):

S. 1256. A bill to regulate interstate commerce by protecting the rights of consumer, dealers, and end-users; to the Committee on the Judiciary.

RETAIL DEALERS AGREEMENT ACT

● Mr. EXON. Mr. President, there are some 30,000 small businesses in this country whose primary income comes from marketing and servicing office machines and other office products, products which are absolutely essential to today's sophisticated business environment. These companies are operated as independent dealers carrying a wide range of product lines manufactured by domestic and foreign manufacturers and sold locally to end-users in all industries and walks of life.

The dealers provide small business concerns and other consumers with such products as typewriters, copiers, electronic cash registers, dictating equipment, calculators, offset printers, letter openers and even computers and word processing equipment. In today's "service economy," these goods are important elements in the smooth functioning of our free market system. Likewise, the strength of the local dealer and his credibility in the marketplace is vitally important because the dealer, as a small businessman, comprises part of the very backbone of our capitalist society.

Today, I am introducing the Retail Dealers Agreement Act. The purpose of the bill is to strengthen the position of the small office machine dealer by mandating that all dealings with him be ruled by fairness and equity. This statute would be highly beneficial by removing the threat of large, especially foreign, office machine manufacturers,

whose abusive marketing practices have made it more and more difficult for dealerships to remain viable business establishments.

As a former office machine dealer myself in Lincoln, Nebr., let me say a few things about the special place the dealer occupies in the small business community. First, he is a sophisticated businessman bearing very little resemblance to the mom and pop operations of yesteryear. He has a firm understanding of all the phases of business, and boasts a proven track record managing a complex business in one of the most demanding, dynamic industries in the world.

Second, he has a vested interest in his company. With his own capital invested in his business, and this success can only be achieved if his customers are satisfied.

Third, he has a permanent commitment to his business and community, with acountability on the local level. The dealer represents a permanent contact for the customer, in contrast to the supplier, who has no contact with the end-user and leaves customer satisfaction to the independent dealer.

Fourth, he is personally committed and involved, knowing that he must relate to his customers on a person-to-person basis, as well as on a company-to-company level. Although the hardware and software in this system are important, it is the "peopleware" that determines the level at which the customers' needs are satisfied.

Fifth, the dealer is a problem solver, not a product provider. Rather than being married to one manufacturer's product, he represents a mix of manufacturers, prescreening and selection only those that can be blended to provide appropriate equipment for his customers' needs.

Sixth, he is flexible. The dealer does not have to adhere to rigid restrictions or firm policies established by the home office in some far away place. He makes all the decisions right at the local level, meaning that he can respond rapidly to changing market conditions or to specific customer needs.

Seventh, the independent dealer is a professional. He takes advantage of a wide variety of educational sources available to him; learns from the manufacturers he represents, attends trade shows, seminars, and conventions; and reads available trade publications. He is educated, not indoctrinated.

Mr. President, with these qualities in mind, let me take this opportunity to describe to you the typical office machine dealer. He is a small, independent businessman, probably carrying on in the footsteps of his father and his grandfather before him. He, through his business, has been in his community anywhere from 50 years onward. His typical gross volume averages in the range of $500 thousand to $1 million per year. The average organization is comprised of 10 employees, a few of which are devoted to the sales of the products, but the majority of which are dedicated to service and customer satisfaction for those products.

The independent dealer, in developing the right mix of manufacturers he wishes to represent, can choose from among many; but, increasingly, they are of foreign origin, particular Japanese. As far as the dealer is concerned, there are few U.S. companies producing office machines which are competitive with foreign firms in today's marketplace. Some of these foreign companies are European, including Adler-Royal, Facit, Hermes, Olivetti, and a few others. However, Japanese firms now provide the majority of dealers' product lines. These firms comprise such giant companies as: Canon, Konishiroku/Royal, Minolta, Ricoh/Savin, Sharp, Silver-Reed, Sony and Toshiba, just to name a few.

It may come as no surprise that the entry of the Japanese in the office machine industry has had the effect of virtually eliminating American sources of supply. Not unlike our country's dependence on foreign oil, dealers today must look beyond our borders for viable products to market. When these foreign products enter this country, they do so with totally new philosophies of marketing and business strategies. In 1979, imports of business machines and parts from Japan totaled more than $1 billion. Independent office machine dealers sell 70 percent of this amount in products such as photocopiers, duplicating machines, cash registers, electronic printing calculators, and nonportable typewriters.

In the case of photocopiers, like automobiles, the Japanese entry into the U.S. market was a direct result of a void created by the industry giants. Small businesses could not afford large volume, high cost copying machines for their minimal use. Realizing this vacuum, the Japanese firms began developing attractive, low-cost machines for small volume use. These foreign firms looked to the independent dealer as a low-cost, existing marketing arm in the United States, who had previously demonstrated his abilities with typewriters and calculators. In addition, dealers had already established service organizations, an extremely costly venture for a foreign manufacturer.

In summary, the asset position which the Japanese manufacturer has so firmly and so quickly established in the U.S. marketplace has been accomplished by means of a unique combination of product innovation, rapid introduction of products into the market, competitive pricing, and aggressive marketing by the independent dealer. The resulting dependence on foreign products without alternative sources of supply lends the manufacturer inordinate bargaining power. Herein lies the problem I bring before you today.

Mr. President, the incredible strength of the Japanese office machine manufacturers today, and the virtually total reliance of small, independent dealers in the United States on these firms, is turning a true marketing success story into a nightmare of bankruptcies, financial loss, and ruined livelihoods. Some estimates of loss go as high as $30 million annually and climbing. The problems run the gamut from inadequate parts supplies to abrupt contract terminations. They include: No dealer input into setting sales quota levels, no compensation for correcting design defects in new machines, false product claims by the manufacturer, unwarranted appointment of new dealers in a market area, and arbitrary cancellations of contracts.

Both individually and through their trade association, the National Office Machine Dealers Association (NOMDA), the dealers have tried a number of remedies to these terrible problems. They include good faith negotiations directly with the Japanese suppliers in Tokyo as well as in this country; attempts to diversify their product lines to escape the heavy hand of the foreign companies (in vain); lawsuits using existing, but ineffective, statutes; and finally legislation.

Mr. President, this country must do something to preserve and strengthen the small office machine dealer. The Retail Dealers Agreement Act would afford the dealer a remedy in Federal court to deal with abuses arising out of the dealership agreement. It would impose a standard of good faith on dealers and manufacturers and require that each act in a fair and equitable manner toward the other.

Mr. President, I ask unanimous consent that the bill and accompanying section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Retail Dealers' Agreement Act".

DEFINITIONS

SEC. 2. As used in this Act the term—

(1) "dealer" means any person, corporation, partnership, association of dealers, or other form of business enterprise resident in the United States or in any territory thereof operating under the terms of a dealer agreement and engaged in the business of selling the product of a supplier to consumers or other end-users in any office of business environment;

(2) "supplier" means a manufacturer, distributor, or wholesaler who enters into a dealer agreement with a dealer in order to supply the dealer with a product;

(3) "manufacturer" means any person, corporation, partnership, or other form of business enterprise engaged in the sale, consignment, exchange, or any other form of transfer of a product which it manufactures, assembles, constructs, or creates;

(4) "distributor" means any person, corporation, partnership, or other form of business enterprise engaged in the sale, consignment, exchange, or any other form of transfer of a product which it manufacturers, assembles, constructs, creates, or obtains in any manner from a manufacturer; and

(5) "wholesaler" means any person, corporation, partnership, or other form of business enterprise engaged in the sale, consignment, exchange, or any other form of transfer (primarily to dealers) of a product which it obtains from a manufacturer or distributor;

(6) "product" means any physical object, software, method, or service used in an office or business environment;

(7) "service" means installation and after-sales support;

(8) "dealer agreement" means any agreement or contract, written or oral, for a defi-

nite or indefinite period between any supplier engaged in commerce and any dealer which purports to fix the legal rights and liabilities of the parties to such agreement or contract;

(9) "United States" means the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands;

(10) "commerce" means commerce within the United States or between the United States and foreign nations, or in any territory of the United States, or in the District of Columbia, or among the territories or between any territory and any State or foreign nation or between the District of Columbia or any State or territory or foreign nation;

(11) "good faith" means the duty of each party to any dealer agreement, and all officers, employees, agents, or other representative thereof, to act in a fair, equitable manner toward each other so as to guarantee each party freedom from coercion, intimidation, threats of coercion or intimidation, fraud, or unconscionable conduct by the other party; and

(12) "market area" means the dealer's geographic selling area of responsibility as defined in a dealer agreement, or, if not defined in the dealer agreement, the geographic area, within 100 miles of the dealer's primary place of business in which the dealer principally conducts its business, including, selling the product, servicing the product, and in other ways satisfying the needs of the end-users of the product.

VIOLATIONS

SEC. 3. (a) It shall be a violation of this Act for any supplier—

(1) to induce a dealer to enter into a dealer agreement by fraud;

(2) to fail to act in good faith in performing or complying with any terms or provisions of a dealer agreement, including furnishing the dealer with products, parts, reference manuals, and schematics on a timely basics;

(3) to fail to act in good faith in terminating, counseling, or refusing to renew any dealer agreement; or

(4) to enter into a dealer agreement with a dealer whereby the dealer will conduct business in a market area which is already the market area of another dealer or dealers of the same product without providing 60 days notice of the proposed dealer agreement to the existing dealer or dealers of the same product in the relevant market area.

(b)(1) In the event the presently existing dealer or dealers object in a timely manner to the establishment of the proposed dealership, the propriety of the establishment of the proposed dealership shall be determined with reference to the guidelines set forth in paragraph (2). Nothing herein shall be construed to prevent a supplier from implementing affirmative action programs providing business opportunities for minorities or from complying with applicable Federal, State, and local law.

(2) In any proceeding in which a violation of paragraph (1) is claimed, the court shall consider all pertinent circumstances surrounding the establishment of a new dealership in the relevant market area, including—

(A) whether the establishment of such additional dealership is warranted by current economic and marketing conditions;

(B) the current and past volume of retail sales and service business for the product transacted in the relevant market;

(C) the effect the investment made and obligations incurred by the objecting dealer or dealers in the relevant market area would be diminished by the establishment of another dealership;

(D) the permanency of the investment of the objecting dealer or dealers in the relevant market area;

(E) whether the objecting dealer or dealers in the relevant market area are providing adequate competition, convenient end-user service, adequate sales, and service facilities, equipment, parts, and qualified personnel to reasonably provide for the needs of the end-user of the products sold and serviced in the relevant market area: *Provided, however,* That the desire for further market penetration, of itself, shall not serve as the justification for allowing the establishment of a new dealership in the relevant market area;

(F) the manufacturer's previous representations regarding future dealer establishment; and

(G) the ability of the objecting dealer or dealers to meet existing and future supplier quotas in light of the establishment of another dealer.

(3) In any action brought under this Act the dealer's lack of good faith may be raised as a defense.

(4) A supplier may terminate, cancel, or refuse to renew a dealer agreement by offering the dealer fair and reasonable compensation for the value of the dealer agreement to the dealership, including a reasonable amount for goodwill. Nothing in this section shall be construed to affect the right of a supplier to terminate a dealer agreement for just, good, and significant cause.

DEALER'S RIGHTS TO REPRESENTATION

SEC. 4. No supplier shall deny to any dealer or prospective dealer the right to be accompanied by counsel or a personal representative to any meeting between the parties for the purpose of discussing any matter regarding a dealership or a proposed dealer agreement.

FREE ASSOCIATION

SEC. 5. Every dealer shall have the right of free association with other dealers for any lawful purpose, and no supplier shall interfere in any way with any dealer's exercise of such right. Any dealer or groups of dealers whose right has been so violated may bring an action to enjoin such supplier from such action.

CIVIL ACTION

SEC. 6. Any dealer affected by a supplier's violation of this Act, may bring an action against such supplier in any district court of the United States in the district in which the supplier resides, is found, has an agent or does business, without respect to the amount in controversy, for damages, injunctive or other equitable relief, attorney's fees, and the costs of suit. If the court finds the violation was willful, the court may increase the amount recovered as damages to a total of three times the amount of actual damages.

LIMITATIONS

SEC. 7. Actions arising out of any provision of this Act shall be commenced not later than 4 years after the violation occurs. If a supplier liable hereunder conceals the cause of action from the knowledge of the person or entity entitled to bring it, the period prior to the discovery of the cause of action by the person or entity entitled shall be excluded in determining the time limited for the commencement of the action.

ANTITRUST LAWS

SEC. 8. Nothing in this Act shall be construed to repeal, modify, or supersede, directly or indirectly, any provision of the antitrust laws of the United States, as defined in section 1 of the Clayton Act (15 U.S.C. 12), and section 4 of the Federal Trade Commission Act (15 U.S.C. 44), and any State antitrust law.

EFFECT ON STATE LAW

SEC. 9. Nothing in this Act shall supersede the right of any State to enact or enforce any law which provides additional or stronger standards, criteria, or remedies than those provided in this Act.

EFFECT OF CONTRACT

SEC. 10. Any condition, stipulation, or provision purporting to bind any dealer or any person acquiring any dealership to waive compliance with any provision of this Act is void.

RETAIL DEALERS AGREEMENT ACT—SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title.

The "Short Title" of this act is the "Retail Dealers Agreement Act," reflecting the intrinsic goal that it seeks to achieve. The bill is designed to afford dealers a remedy in federal court for a wide range of abuses arising out of the dealership agreement and which the dealers are currently powerless to correct.

Sec. 2. Definitions.

(1) Dealer.—The dealer is the party entitled to bring an action under this act and is defined to include a business that sells to consumers and other end-users, the final step in the distribution process. For purposes of this act, a dealer is defined to include an "association of dealers," thereby authorizing an association to act on behalf of its members to correct a wrong affecting them.

(2) Supplier.—The supplier is by and large the party from whom a dealer obtains the product. Different steps in the distribution process are recognized (manufacturer, distributor or wholesaler), the initial language acknowledging that a dealer may obtain the dealership at different levels. The definitions are expansive in order to comprehend the widest variety of suppliers.

(3) Manufacturer.—This term refers to a supplier which manufactures or creates a product or which obtains the product from a manufacturer.

(4) Distributor.—This term means a supplier which manufactures or creates a product or which obtains the product from a manufacturer.

(5) Wholesaler.—The term refers to a supplier which obtains a product from a manufacturer or distributor for transfer to a retailer, primarily a dealer.

(6) Product.—This term applies to office machines and other equipment used in a business environment, as well as installation and after-sales service, including software.

(7) Service.—Referred to above, this term is defined as installation and after-sales service.

(8) Dealer Agreement.—This term means the nexus of the relationship between the dealer and the supplier, with only the basic element of agreement required.

(9) United States.—Included here are all fifty states as well as all territories of the United States.

(10) Commerce.—This term applies to commerce within and among all U.S. States and territories, as well as that between these entities and foreign countries.

(11) Good Faith.—This term, which is a significant aspect of the act, represents a standard for all dealer agreements to incorporate. It obligates each party to a dealer agreement to act in a fair, equitable and ethical manner towards each other. Undesirable conduct runs the spectrum from coercion to non-cooperation.

(12) Market Area.—This term represents the dealer's primary area of sales responsibility, which may or may not be defined in the dealer agreement.

Sec. 3. Violations.

(a) Lack of Good Faith. The violations enumerated in this section may occur at any stage of the dealership relationship. The language is clear and simple with words that convey specific legal meaning. Violations of this section will give rise to the majority of the causes of action under this act. The comprehensive definition of good faith protects

the dealer not only from such obvious breaches of good faith as coercion but also from less conspicuous ones such as arbitrary and unconscionable conduct, as well as noncooperation. This standard of fairness is imposed on each party's conduct from the inception of the dealer agreement to its termination, including their conduct during the life of the agreement. Thus, this act lends good faith the pervasive impact contemplated by the parties to a dealer agreement. Furthermore, the dealer's failure to act in good faith may be asserted as a defense.

The right of a supplier to choose its dealers is balanced against the financial interest, including goodwill, a dealer has developed by selling the product.

(b) Dealer Protection. Under this subsection, a supplier must give an existing dealer (dealers) sixty days notice of a dealer agreement with another dealer to sell the same product in his (their) market area. Furthermore, if a judicial proceeding ensues, certain specified issues must be considered by the court.

Sec. 4. Dealer's Right to Representation.—This section is intended to protect the dealer's right to be assisted by counsel or any other personal representative in its dealings with the supplier.

Sec. 5. Free Association.—This section gives dealers the right to associate with other dealers for lawful purposes, which right would include the right to form associations, free of a supplier's interference.

Sec. 6. Civil Action.—A civil action is authorized for any violation of this act. This would include the violations enumerated in Section 3 as well as interference with Section 4 or Section 5 rights. The variety of potential plaintiffs in such an action is as broad as the definition of dealer. This would include, of course, an association of dealers. Class actions are also provided for by this section.

The remedies available include injunctive and equitable relief as well as damages. The act also provides for the award of attorney's fees and costs to the party bringing the action. A finding of a willful violation could lead to an award of up to treble damages.

Sec. 7. Limitations.—The Statute of Limitations runs for four years from the time a violation was discovered.

Sec. 8. Antitrust Laws.—This section ensures that federal and state antitrust laws will not be undermined by the act.

Sec. 9. Effect on State Law.—This section allows States to enact or enforce laws with standards which are similar or stronger than those in the act.

Sec. 10. Effect on Contract.—This section binds any contract to the provisions of this act.●

By Mr. RIEGLE:

S. 1271. A bill to amend title 5 of the United States Code to improve the second career training program for air traffic controllers; to the Committee on Governmental Affairs.

SECOND CAREER TRAINING PROGRAM FOR AIR TRAFFIC CONTROLLERS

● Mr. RIEGLE. Mr. President, I am introducing today a bill that would improve the second career training program for air traffic controllers. The bill would implement improvements in the program that were recommended by the General Accounting Office in 1978. I ask that the text of the bill along with a section-by-section analysis be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3381 of title 5, United States Code, is amended to read as follows:

"§ 3381. Training.

"(a) Subject to the following provisions of this section, an air traffic controller is entitled to training under a program approved under this section, if the controller—

"(1) is not a supervisor (as defined in section 7103(a)(10) of this title);

"(2) has completed not less than 8 years of service as a controller;

"(3) is not eligible for immediate retirement under section 8336 of this title;

"(4) is to be removed as a controller because the Secretary of Transportation has determined that—

"(A) the controller is medically disqualified for duties as a controller;

"(B) the controller is unable to maintain technical proficiency as a controller; or

"(C) the removal is necessary for the preservation of the physical or mental health of the controller;

"(5) within 30 days after receipt by the controller of notice of the Secretary's determination under paragraph (4) of this subsection (or if a reconsideration is requested under section 3383 of this title, within 30 days after receipt of the findings of the board of review under subsection (c) of section 3383), has submitted to the appropriate regional review board written notice of the controller's intention to apply for training under this section;

"(6) submits to the appropriate regional review board an application—

"(A) which sets forth a proposed program for training of the controller under this section, and

"(B) which is accompanied by a certificate of a physician, selected from a list maintained under subsection (d)(4), which states that the physician has conducted a medical examination of the controller and the examination did not reveal any medical reason why the controller would not be able to complete the proposed training program; and

"(7) within 15 days after receipt by the controller of notice of approval of a training program for the controller, submits to the Secretary of Transportation written notice of the controller's intent to participate in the approved training program.

"(b) During a period of training under this section, a controller shall be—

"(1) retained at his last assigned grade and rate of basic pay as a controller;

"(2) entitled to each increase in rate of basic pay provided under law; and

"(3) excluded from staffing limitations otherwise applicable.

"(c) The Secretary of Transportation shall designate employees of the Department of Transportation to service as regional career counselors—

"(1) who shall be responsible for providing assistance to controllers in developing proposed training programs under this section, and

"(2) who are qualified on the basis of knowledge, training, and experience to provide that assistance.

"(d)(1) For purposes of this section, the Secretary of Transportation shall establish regional review boards. Each board shall be composed of three members, as follows:

"(A) an employee of the Department of Transportation, designated by the Secretary of Transportation;

"(B) an employee of the Department of Labor experienced in vocational counseling, designated by the Secretary of Labor; and

"(C) a representative of the exclusive representative (as defined in section 7103(a)(16) of this title) of the controller, designated by the exclusive representative.

Members of each board shall receive no additional pay by reason of their service on the board. The amount of time spent by an employee serving as a board member shall be considered as spent in the performance of the employee's official duties.

"(2) Each board shall promptly consider any application for training submitted to it and approve the application if the board determines the training program proposed in the application provides training objectives and courses of study reasonably likely to result in—

"(A) successful completion of the training program by the controller, and

"(B) appropriate job placement of the controller upon the completion of that program.

If the board finds that the proposed training program does not meet the requirements of subparagraphs (A) and (B), the board (in consultation with the controller) shall modify the proposed training program to the extent necessary to permit the board to find that those requirements are met, and shall approve the proposed training program as modified. The board shall promptly provide the Secretary and the controller written notice of its approval, together with any modifications of the training program.

"(3) The board may not approve any training program the duration of which exceeds two years.

"(4) Each board shall maintain a list of not fewer than five physicians who the board considers qualified to make the certification required under subsection (a)(6) of this section of the controller's intention to apply for training under this section. The board shall notify the Secretary of Labor of any such certification and request that the Secretary expedite any determination regarding any award of compensation under section 8124(a) of this title for which an application by the controller has been or may be made.

"(e) Upon completion of training under this section, a controller—

"(1) may be assigned to other duties in the Department of Transportation;

"(2) upon the controller's request, shall be accorded appropriate assistance for placement in vacant positions in other executive agencies; or

"(3) may be involuntarily separated from the service.

The involuntary separation of a controller under this subsection is not a removal for cause on charges of misconduct, delinquency, or inefficiency for purposes of section 5595 or section 8336(e) of this title.

"(f) The Secretary, without regard to section 529 of title 31, shall pay, or reimburse a controller for, the necessary expenses of training approved under this section, including expenses authorized to be paid under chapter 41 and subchapter I of chapter 57 of this title, and the costs of other services or facilities directly related to the training of a controller.

"(g) Except as provided by subsection (f) of this section, the provisions of chapter 41 of this title, other than sections 4105(a), 4107 (a) and (b), and 4111, shall not apply to training under this section.

"(h) The provisions of this section shall not otherwise affect the authority of the Secretary to provide training under chapter 41 of this title or under any other provision of law.".

SEC. 2. (a) Section 3382 of title 5, United States Code, is amended by striking out the last two sentences.

(b) Section 3383(a) of title 5, United States Code, is amended by striking out "3381(a)" and inserting in lieu thereof "3381(a)(4)".

SEC. 3. All regulations which have been issued by the Secretary of Transportation under section 3384 of title 5, United States Code, and which are in effect immediately before that date of enactment shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law or by operation of this Act or any other law.

SEC. 4. (a) The amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) The amendments made by this Act shall not apply with respect to individuals receiving training under subchapter VII of chapter 33 of title 5, United States Code, on or before the effective date of this Act.

AMENDMENTS TO THE SECOND CAREER TRAINING PROGRAM FOR AIR TRAFFIC CONTROLLERS—SECTION-BY-SECTION ANALYSIS

SECTION ONE

The existing Section deals with the eligibility for training of an air traffic controller who is to be removed. The Section deals with a controller's entitlements during a training period preceding a career shift and with certain career opportunity rights following the completion of this training. The Section also deals with the reimbursement to air controllers for this training and expenses which are to be provided by the Secretary of Transportation ("Secretary") and other matters.

The proposed section language would refine the definition of an air traffic controller who is eligible for such training, as well as continue the standards which constitute a basis for removal by the Secretary. The proposed amendatory language would require that the effected air traffic controller ("controller") not be a supervisor, have completed not less than eight years of service as a controller (as contrasted to the current Section language which specifies five years of service), and that the controller not be eligible for immediate retirement under other provisions of law which may be applicable.

Proposed Subsection (5) initiates a new requirement that the controller within thirty days of receipt of the Secretary's determination that the controller is to be removed, must submit written notice of his intention to apply for second career training under this section. This proposal initiates new procedures, and appears to have no precedent in this section or in existing practice. The various requirements for the submission of the displaced controller's application to the regional review board are set forth, and include a proposed training program and a medical certificate stating that a physician examined the controller and found no medical reason why the controller could not complete the proposed training program. After the controller receives approval for the training program, written notice of the controller's intent to participate in the training program must be filed within fifteen days with the Secretary.

The language of proposed subsection (b) relating to a controller's right during training is carried over intact from the existing Section. This provision retains the controller's grade and rate of basic pay as a controller, provides for increases of basic pay as provided by law and excludes the controller from staff limitations that might ordinarily be applicable.

Other new concepts are provided by the language that would require that the Secretary designate Department of Transportation ("DOT") employees to serve as regional career counselors for the controllers. These counselors, who are to be qualified and experienced, are to provide assistance to controllers in developing training programs.

Also to be set up as a new concept is the Secretary's establishment of regional review boards which are to be composed of three members: a DOT employee selected by the Secretary; a Department of Labor employee experienced in vocational counseling designated by the Secretary of Labor, and a representative of the controller's exclusive representative, designated by that exclusive representative.

Board members are not to receive additional pay because of their board service, as this service is to be considered part of the employee's official duties. The board is required to consider training applications promptly and approve the application if it appears likely that the controller will successfully complete the training program and that there will be appropriate job placement of the controller upon completing the program.

If the board does not believe that these objectives will be achieved, the board is empowered to modify the proposed training program to achieve these objectives. The board is required to notify in writing both the Secretary and the controller of the board's approval of the controller's proposed training program and any modifications that the board has made in the training program. Further guidelines for the board require that it cannot approve a training program which lasts for more than two years and that the board is required to keep a list of not fewer than five physicians to provide appropriate certification for the controller.

After a controller completes training under the proposed section, certain actions may take place. He may be assigned to other duties in the Department of Transportation which is a carryover of language from the existing Section. Existing Section language provides that the controller can be released for transfer to another Executive agency, but the proposed amendment states that upon the request of the controller, he will be given assistance for placement in vacant position in other Executive agencies.

The controller may be involuntarily separated from the service which carries over the existing language from the Section. The qualification that the involuntary separation of a controller is not a removal for cause on charges of misconduct, delinquency, or inefficiency for purposes of section 5595 or section 8336(c) of title 5 is carried over from existing Section language. The provisions regarding the Secretary's reimbursement for training expenses to the controller are carried forth from the existing Section language.

The language of the proposed provision stating that sections 4105(a), 4107 (a) and (b) and 4111 (provisions dealing more generally with Government training), are not applicable to training under this section is carryover language from the existing Section. Another instance of carryover language is the statement that the provisions of this Section shall not otherwise affect the authority of the Secretary to provide training under Chapter 41 of this title (general DOT training authority), or under any other provision of law.

The proposed legislation strikes out the last two sentences of Section 3382 of title 5, United States Code which language provides that a controller who is separated under section 3382 (involuntary separation for retirement) is entitled to receive training under Section 3381 and that separation of such a controller who elects to receive training under section 3381 shall not become final until the last day of the month following the completion of his training.

A technical change is instituted in the proposed legislation by providing that Section 3383(a) of title 5, United States Code, is amended by relocating the present provisions of this section in a new section 3381(a)(4).

The amendment language provides that all regulations that have been issued by the Secretary pursuant to section 3384 of title 5, United States Code, and which are in effect immediately before that date of enactment shall continue in effect according to their terms until modified, terminated, suspended, set aside, or revoked in accordance with law or by operation of this Act or by another law.

The proposed legislation states that any amendments made by this Act shall take effect on the date of the enactment of this Act. The provision is also made that the amendment shall not apply with respect to individuals already receiving training under Subchapter VII of Chapter 33 of title 5, United States Code (participants engaged in an existing training program) on or before the effective date of this Act.●

By Mr. CANNON (for himself and Mrs. KASSEBAUM):

S. 1272. A bill to modify certain airport and airway user taxes to provide appropriate funding for the airport and airway trust fund, and for other purposes; to the Committee on Finance.

AIRPORT AND AIRWAY REVENUE AMENDMENTS OF 1981

● Mr. CANNON. Mr. President, I am pleased to introduce, together with Aviation Subcommittee Chairman KASSEBAUM, the Airport and Airway Revenue Amendments of 1981.

This bill establishes tax levels which are appropriate, in fact generous, for meeting the expenditure levels reported by the Commerce Committee in S. 508. While these suggested tax levels are much lower than those proposed by the administration, the aviation trust fund will still contain a $1.3 billion surplus by the end of fiscal year 1985 if this bill is adopted.

The administration approach of drastic tax increases for the users of a program who have already been overtaxed by $3.7 billion is most difficult to understand. The users of aviation have already created the huge trust fund surplus, and I do not believe that it is responsible to talk about aviation user tax increases until that surplus is substantially reduced.

It is understandably difficult for these users to accept the Government's lectures on the merits of "user-pay" philosophy while the Government ignores their tax moneys already contributed.

Taxing users out of the market certainly will not increase user contributions. If there is a Laffer curve for income taxation, the same theory applies to overtaxing the users of the airport and airway system. Therefore, I do not believe the administration's proposal for aviation tax levels is either appropriate or fiscally justified.

The overriding issues for reauthorizing the airport and airway trust fund are to bring that fund into balance, meet the system's safety needs, and to provide tax levels which account for the overtaxation these users have endured in the past. This bill in combination with S. 508 meets those goals and I recommend its favorable consideration to the Finance Committee and the full Senate.●

● Mrs. KASSEBAUM. Mr. President, I am cosponsoring Senator CANNON's proposal because I believe the Senate Finance Committee should have before it a tax package that strikes a good balance between revenues and expenditures in the airport and airway trust fund.

The tax levels in this bill would adequately meet the trust fund expenditure program outlined in the Airport and Airway System Development Act (S. 508) as reported by the Commerce Committee.

This tax proposal would allow us to meet our goals of doubling the users' contribution to the costs of operating and maintaining the airport and airway system, increasing expenditures for needed safety equipment, and providing a reasonable level of capital development assistance.

The tax Senator CANNON is proposing would not, and should not, permit a continued use of the surplus in the airport and airway trust fund to reduce the general fund deficit. This practice, which has characterized the program in the past, is unwise.

It is unwise because it is a deceptive budget tactic. It is unwise because it is unfair to tax users for one purpose and then dedicate their money to another. It is unwise because there are airport and airway projects that need and deserve Federal assistance.

And, finally, it is unwise politically because it is impossible to explain to users why, if there is a surplus in the trust fund, they cannot get a project funded.

Now it may be that further deliberations on this issue will lead us to endorse higher tax levels than those proposed here.

I know that the administration will be arguing for higher levels, to fund even more FAA operations and maintenance than S. 508 provides, and they will argue that some surplus is necessary to meet air traffic control equipment demands in the post-1985 period.

I will continue to be open to their proposal before the Finance Committee as it begins deliberations on the issue. This provides room for negotiation and compromise, and I am confident that we can come up with a package that meets the legitimate concerns of all involved.●

By Mr. CHAFEE (for himself and Mr. GOLDWATER):

S. 1273. A bill to amend the Central Intelligence Agency Act of 1949, and for other purposes; to the Select Committee on Intelligence.

INTELLIGENCE REFORM ACT OF 1981

● Mr. CHAFEE. Mr. President, I rise today to introduce the Intelligence Reform Act of 1981.

The purpose of this legislation is to amend section 6 of the Central Intelligence Agency (CIA) Act of 1949 so that the CIA and other intelligence agencies and components of the U.S. Government are no longer subject to expensive and capricious requests for information under the provisions of the Freedom of Information Act (FOIA).

Basically, this bill will provide relief to the CIA and to other components of the intelligence community from the burden of responding to certain types of FOIA request. At the same time, it allows U.S. citizens and permanent resident aliens to request information on themselves.

The language of this bill is virtually the same as that in section 3 of S. 2216 which was introduced by a bipartisan group of Senators in January of last year. While I am not wedded to the specific language of this bill, I believe it is important for the Senate Intelligence Committee to continue the process of evaluating the impact of the FOIA on the intelligence community. It is my hope that this bill will give us a useful point from which to proceed on this important albeit controversial task.

In offering this bill, it should be clearly understood that I support openness in Government and public access to official information. However, 5 years of experience with the 1974 amendments to the FOIA have shown that the application of a statute to provide openness in Government to agencies whose work is necessarily secret has created problems which the Congress neither foresaw nor intended. Any act that permits the KGB to inquire about the CIA's activities and requires the CIA to respond, obviously needs some overhaul.

Why should Congress reconsider the existing Freedom of Information Act?

First, the mere existence of FOIA has had a negative effect on existing and potential sources of intelligence information both at home and abroad, and has led a number of allied intelligence organizations to reduce the flow of vital intelligence information to our own intelligence agencies. This point was made by Mr. Carlucci, Deputy Director of Central Intelligence, in testimony before the House Intelligence Committee, when he said in 1979:

> A foreign intelligence source from a communist country broke off a productive association with us specifically because of fear of the consequences of disclosure under the Freedom of Information Act. Subsequently he failed to use established means for reviving contact with the Agency despite the asset's renewed residence outside his native land. We can only assume that he is lost as a source of foreign intelligence.
>
> The FOIA also has had a negative effect on our relationships with foreign intelligence services. Recently, the chief of a major foreign intelligence service sat in my office and flatly stated that he could not fully cooperate as long as CIA is subject to the Freedom of Information Act. In another case, a major foreign intelligence service dispatched to Washington a high ranking official for the specific purpose of registering concern over the impact of FOIA on our relationship.

Second, the processing of FOIA requests in the intelligence community draws highly skilled officers and agents away from their primary intelligence tasks, and saddles them with a massive administrative burden which wastes their time, energies and skills.

Last year, FBI Director Webster testified that his Bureau employed approximately 300 persons in order to comply with FOIA requests, while Mr. Carlucci of the CIA stated that his organization devoted 115 man-years to this activity. I am told that the Defense Intelligence Agency required the use of nine people for 10 months on one FOIA request.

The FBI receives over 60 FOIA requests per day, while the CIA receives closer to 20 per day. The CIA has used a full-time employee for 17 months to respond to a single FOIA request, and they have spent over 4 man-years and $300,000 to respond to a series of requests from a single individual.

Mr. President, at a time when we are trying to reduce the costs, waste, and inefficiency of Government, I find it appalling that the American taxpayer is picking up the tab for these extravagant requests.

Third, the search of compartmented files, and the thorough review of sensitive information therein, of necessity breaks down the intelligence community's carefully constructed system of secure storage, and increases the risk of compromise of sensitive sources of methods.

The CIA, for example, has over 20 different records systems, each of which may be searched in order to respond to a single request. Bringing together information from these different compartmented systems defeats the very purpose for which the systems were set up—namely, to limit individual access to sensitive intelligence information.

Fourth, the FOIA of 1966 was amended into its current form by the Congress in 1974 in response to the perceived need for greater public accountability of all branches of the U.S. Government, to include the American intelligence community. The House and Senate Intelligence Committees were subsequently established in 1976 with a mission to provide congressional oversight of the various intelligence agencies of the Government. The establishment of these committees, and the requirement that they be kept "fully and currently informed" by the agencies they oversee has eliminated the need for the burdensome and expensive system of so-called public accountability provided by the POIA.

Furthermore, the experience of the last 5 years has shown that the broadly based provisions of the FOIA cannot be equally applied to the intelligence community as well as to other less-secretive and less-sensitive branches of the Government without substantial adverse effects.

Mr. President, one of the most difficult things a free and open society can do is to balance the need for an educated and informed public with the need for the Government to preserve and protect legitimate national security secrets.

There will always be tension between these two conflicting needs and, in my judgment, this tension is best maintained if there is an equitable balance between these two competing interests.

In recent years. I believe that this delicate balance has been upset. The American intelligence community has been subjected to an unprecedented and highly damaging publicity which threatens its effectiveness and security. Last year, for example, when a high-level Soviet defector was asked what his government thought of the restrictions which have been placed on U.S. intelligence agencies since 1974, he responded:

> They are most happy about it. The more U.S. intelligence is restricted, the more opportunities or possibilities the KGB or GRU have to do whatever they want because the only power in this country, or in any other country, to face the KGB are the intelligence agencies.

In the United States, this is either the CIA or the FBI. And the more they are restricted in their activities, the less they can do against the Soviets. So, Soviet intelligence was very happy to see that the image of the CIA went down because of a campaign against the CIA in the United States—(Chicago Tribune, November 8, 1980).

The idea of providing the intelligence community some sort of relief from the board provisions of the FOIA is not a new idea. The Carter administration supported this concept, and the Republican Party platform for 1980 called for an amendment to the FOIA "to reduce costly and capricious requests to the intelligence agencies."

My purpose in introducing this bill is to begin the process of examining the impact of the FOIA specifically on the intelligence community.

It is my hope that the Senate Intelligence Committee will soon hold hearings on the subject so that we can begin to develop a legislative formulation which will provide our intelligence agencies with some relief from the pernicious effects of the FOIA while, at the same time, meeting our own standards for public accountability and the rights of the individual citizen.●

By Mr. CHAFEE (for himself, Mr. STAFFORD, and Mr. RANDOLPH):

S. 1274. A bill to amend title II of the Clean Water Act, and for other purposes; to the Committee on Environment and Public Works.

CLEAN WATER ACT AMENDMENTS OF 1981

● Mr. CHAFEE. Mr. President, on April 9, I introduced, by request, the Reagan administration's amendments to the Clean Water Act's construction grants program. Those amendments, as I pointed out at the time, take a significant step in shaping this year's debate about the future of this troubled program.

Recent news articles have pointed out many of the ills that have plagued the construction grants over the last 10 years. This has been the second largest Federal public works program in history. Congress has appropriated more than $30 billion for this program, and more than $29 billion has been spent.

Where are we today?

We have had some successes. There is no doubt that the rivers of this country are being cleaned up as a result of both industrial and municipal efforts to clean up waste discharges.

But because of the fiscal situation of this country, clearly the time has come to reassess the construction grants effort.

As I said on April 9, this effort is at the crossroads. In the past, the program has not been clearly defined as public works or environmental improvement. If it is to continue, that uncertainty must be cleared away.

The amendments I am proposing today are simple and straight-forward, and provide the program with the stability it needs. Yet it trims the program so it will run smoother, allow States to be able to spend their money in a more orderly fashion, and assure that projects which will truly benefit water quality will be funded first.

The Clean Water Act Amendments of 1981 call for an extension of this program through fiscal year 1985 at the level equal of the administration—$2.4 billion per year. I am pleased to say that three-quarters of the administration's request have been incorporated into my legislation.

Under my amendments, the Federal Government would gradually reduce its commitment to this program by lowering the Federal share from its current 75 percent on traditional waste treatment facilities down to 55 percent by the end of this authorization. I do not enjoy doing this but the fact is that we have less money to deal with and we have to spread it just as far.

The impact of this will be great.

First, it will lower Federal exposure in terms of future funding of this program.

In addition, it will require the States and municipalities to take a harder look at the plans they are developing to meet their wastewater treatment needs.

The large Federal share has been in some cases, a villian. It has pushed some communities to bypass difficult decisions and to build expensive, oversized plants that now do not meet the specifications for which they were designed and have operation and maintenance costs which are stressing local budgets to the limit. These amendments should begin to cure that problem.

Another amendment that will assist that effort is the proposed termination of the Federal funding for the planning phases of waste-water treatment facilities.

Presently, grantees apply and receive funding quickly and rapidly for facilities that may or may not ever be built, but because the large Federal share—75 percent—is available, plans and studies are done.

In the future, if these amendments are enacted, only communities which receive a construction grant will be reimbursed for the Federal share of the planning phase of their project. As a result the Environmental Protection Agency must in turn, back off from the interference it makes in the local decisionmaking process.

It will be required to approve only the finished product. At the present time, there are too many steps in the process of building these facilities that slow it down to the point that from inception to completion, construction averages 9 full years. If these amendments are enacted, I would expect to see that time cut in half.

Other provisions of this legislation will also give us a better handle on where this program is going. Many communities have used this program not to clean up pollution but instead to build for future growth and economic development.

While these are important goals, I question whether a Federal pollution control program should be picking up the tab for them.

These amendments provide Federal reimbursement only to the extent that the facilities meet the needs of the 1980 population as defined in our recent census.

This restriction will eliminate costly sewerlines that stretch out into open areas for future subdivisions and shopping malls. Again, this provision is one which will have significant environmental benefits and also will reduce the future Federal budgetary exposure.

Another provision of these amendments requires that projects which will receive funding in the future shall be placed on a State's funding priority list based on their impact on water quality. At the present time, priority lists are a function more of construction schedules than water quality.

If this program is to continue and the Federal share is to be reduced, those projects which will have the greatest significant benefit on water quality should move to the top of the priority list in order to receive the largest Federal share possible.

In keeping with past traditions of the Environment and Public Works Committee, these amendments seek to encourage State and local governments to find innovative and alternative solutions to municipal pollution problems.

These amendments provide a significant incentive by allowing the Federal Government to pay for proportionally 20 percent more than a traditional facility if communities seek innovative and alternative solutions.

As I stated on April 9, we must not lose sight of the fact that this program will remain a water quality improvement program, and in many parts of the country traditional wastewater treatment facilities simply will not provide enough cleanup.

For that reason, I have included in these amendments discretionary authority for the EPA administrator to deal with the problem of combined storm and sanitary sewer overflows into ecologically critical bays and estuaries that will not otherwise be cleaned up by traditional treatment.

I feel very strongly that these bays and estuaries should receive a priority. I know in our part of the country—New England—Narragansett Bay and Boston Harbor, support thriving fishing and recreation industries. Without some attention being paid to the problems of combined sewer overflows, these great bays, which are environmental and economic resources to their States, will simply not receive the attention they should.

To provide just traditional waste treatment would be throwing good money at projects that will not show demonstrable gains in water quality. This is poor policy for the environment and poor policy for the budget. If we are going to spend limited Federal dollars, we should make sure we spend them correctly.

A new provision requires the engineers responsible for the design and construction of the treatment facilities to remain on the job after the end of construction and be liable for the plants meeting the specifications for which they were designed. This will protect communities having facilities which are costly to build, yet fail to live up to their promise.

Last, these amendments contemplate something I am not so sure anyone before has ever contemplated—completing the program. The amendments require the EPA Administrator to report to the Congress within 18 months on the impact of these amendments on completing this program. As I stated on April 9, when I

introduced the administration bill, the goal is two pronged—fiscal soundness and environmental improvement.

I share President Reagan's goal that the Federal exposure in this program should be reduced gradually over time. These amendments do that by anticipating the completion of this program and reducing Federal share.

States that have operated under the illusion that all projects will eventually be completed will have to make difficult choices about which projects will receive priority. It may not be easy, but it will be necessary.

What we accomplish this year will set the tone for the next decade. My goal is to trim the program, but at the same time make certain that whatever budget trimming is done also improves our Nation's water quality. These amendments, if enacted, will greatly address both those issues.

Hearings are scheduled in June, and we expect to complete action on this program by the end of this fiscal year in order to have appropriations for fiscal year 1982 in place so that States and local governments can plan accordingly.

At this point I would ask unanimous consent to print the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Water Act Amendments of 1981".

SEC. 2. Section 201 of the Clean Water Act is amended by adding a new subsection (l):

"(l)(1) After October 1, 1981, no Federal grants shall be made for the purpose of providing any assistance only for facility plans, or plans, specifications and estimates for any proposed project for the construction of treatment works. In the event that the proposed project receives a grant under this section for construction, non-Federal funds expended during the facility planning, and advanced engineering and design phase shall be reimbursed to the grantee at the prevailing Federal share under section 202(a) of this Act, for costs incurred for such purposes.

"(2) No grants shall be approved until the Administrator and the State have reviewed and approved plans, specifications, estimates, compliance with specific Federal laws, and a grant payment schedule between the Environmental Protection Agency and the grantee.".

SEC. 3. (a) Section 202(a)(1) of the Clean Water Act is amended by striking "shall be 75 per centum" and inserting in lieu thereof "and before September 30, 1981, shall be 75 per centum, for any fiscal year beginning after September 30, 1981, and before September 30, 1984, shall be 65 per centum, and for any fiscal year beginning after September 30, 1984, shall be 55 per centum".

(b) The amendment to section 202(a)(1) of the Clean Water Act made by subsection (a) of this section shall apply only to grants other than for projects which received grant approval to prepare construction plans and specifications before December 31, 1981.

SEC. 4. Paragraph (1) of section 202(a) of the Clean Water Act is amended by adding the following new sentence before the last sentence thereof: "Notwithstanding any other provision of this Act, for purposes of this section and section 201(g)(1) of this title, grants for treatment works shall be limited to the following categories of projects: secondary treatment or more stringent treatment, or any cost-effective alternative thereof, and new interceptors and appurtenances.".

SEC. 5. The first sentence of section 202(a)(2) of the Clean Water Act is amended to read as follows: "The amount of any grant made after September 30, 1978, for any eligible treatment works significant portion thereof utilizing innovative or alternative wastewater treatment processes and techniques referred to in section 201(g)(5) shall be a percentage rate of the cost of construction thereof 20 per centum greater than the rate established by paragraph (1) of this subsection or the modified uniform percentage rate in which the Administrator has concurred pursuant to such paragraph, but in no event greater than 80 per centum of the cost construction thereof.".

SEC. 6. Section 202(a)(4) of the Clean Water Act is amended by striking the words "in the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981."

SEC. 7. Section 202(a) of the Clean Water Act is amended by adding a new paragraph (5) as follows:

"(5) The Administrator shall have available $200,000,000 per fiscal year in addition to those funds authorized in section 207 of this Act to be utilized to address water quality problems of bays and estuaries subject to lower levels of water quality due to the impacts of discharges from combined storm water and sanitary sewer overflows, not otherwise eligible under this subsection. Such sums may be used as deemed appropriate by the Administrator as provided in paragraphs (1) and (2) of this subsection, upon the request of and demonstration of water quality benefits by the Governor of an affected State.".

SEC. 8. Section 204(a)(5) of the Clean Water Act is amended to read as follows:

"(5) that the size and capacity of such works relate to the needs to be served by such works, including sufficient reserve capacity, except that no grant, other than for facility planning and the preparation of construction plans and specifications (to the extent provided under section 202(l) of this Act), shall be made under this title to construct that portion of the treatment works providing reserve capacity. The size and capacity of the treatment works eligible for a grant under this title shall be determined by the Administrator based upon the 1980 population statistics as reported by the United States Department of Commerce; and".

SEC. 9. Section 204 of the Clean Water Act is amended by adding the following new subsection:

"(c)(1) An applicant proposing to construct treatment works with assistance under this title shall at the time the application is submitted identify the engineer or engineering firm responsible for the design, plans, specifications and estimates for such treatment works and for the supervision of or provision of architect-engineering services for the construction of such treatment works, and such engineer or engineering firm shall acknowledge in writing such responsibility.

"(2) Any grant for the construction of treatment works under this title shall be made on the condition that the engineer or engineering firm which has acknowledged responsibility pursuant to paragraph (1) of this subsection warrants to the applicant and the United States that such treatment works will perform according to design specifications as contained in the grant application and agreement, for a period of two years after the completion of construction and initial operation of such treatment works. Such warranty shall be in addition to any other obligation of such engineer or engineering firm.

"(3) Any dispute about the nature of the responsibility of an engineer or engineering firm under this subsection shall be resolved by binding arbitration of the interest of the parties, in accordance with the procedures of the American Arbitration Association.".

SEC. 10. (a) Section 205(c) of the Clean Water Act is amended by inserting "(1)" after "(c)" and by adding the following new paragraph:

"(2) Sums authorized to be appropriated pursuant to section 207 for the fiscal years 1982 and 1983 shall be allotted for each such year by the Administration not later than the tenth day which begins after the date of enactment of the Clean Water Act Amendments of 1981. Sums authorized to be appropriated pursuant to section 207 for the fiscal years 1984 and 1985 shall be allotted for each such year by the Administrator no later than September 30, 1983. Sums authorized for fiscal years 1982 and 1983 shall be allotted in accordance with the ratio the needs for eligible treatment works (including combined storm water and sanitary sewer problems) in each State bears to the total of such needs in all the States. Sums authorized for fiscal years 1984 and 1985 shall be allotted among the States in accordance with the relative effect of eligible publicly owned treatment works on water quality in each State, based on water quality standards and total maximum daily loads of pollutants established under section 303 of this Act and reports of water quality submitted under section 305(b) of this Act."

(b) Section 205(e) of the Clean Water Act is amended by striking "and 1981" each place it occurs and inserting in lieu thereof "1981, 1982, 1983, 1984, and 1985".

SEC. 11. Section 205(g) of the Clean Water Act is amended by adding the following new sentence after the first sentence of paragraph (1): "From sums authorized for each fiscal year beginning on or after October 1, 1981, the Administrator is authorized to reserve from the allotment for each State for each such fiscal year an amount not to exceed 1 per centum of the sum of the unexpended obligations and the unobligated allotment available to such State as of the first day of such fiscal year, or $400,000, whichever amount is the greater.".

SEC. 12. Section 205(g) of the Clean Water Act is amended by adding the following new paragraph:

"(3) The Administrator is authorized to reserve for each State each fiscal year an additional one-half of one percentum of the sum specified in the second sentence of paragraph (1) of this subsection, or $100,000, whichever amount is greater, which shall be available to the State and to such multijurisdictional agencies or local governments designated under section 208 (b) or (c) of this Act as the State may determine have continuing capability and interest in water quality management planning, for the purpose of (A) making water quality management decisions as to what publicly owned treatment works should be constructed with assistance under this title, in which areas and in what sequence, taking into account the relative degree of effluent reduction attained, the relative contributions to water quality of other point or nonpoint sources, and the consideration of alternatives to such construction, and (B) implementing section 303(e) of this Act.".

SEC. 13. Section 205(l) of the Clean Water Act is amended by—

(a) striking "and September 30, 1981," in the first sentence and inserting in lieu thereof "September 30, 1981, September 30, 1982, September 30, 1983, September 30, 1984 and September 30, 1985,";

(b) inserting before "a total of" in the second sentence the phrase "not less than";

(c) inserting after "September 30, 1981," in the second sentence the phrase "and 8 per centum for each fiscal year beginning after September 30, 1981,"; and

(d) striking "from 75 per centum to 85 per centum" each place it occurs.

SEC. 14. Section 207 of the Clean Water Act is amended by striking "September 30, 1981, and September 30, 1982, not to exceed $5,000,000,000 per fiscal year." and inserting in lieu thereof "and September 30, 1981, not to exceed $5,000,000,000 per fiscal year, and for the fiscal years ending September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985, not to exceed $2-400,000,000 per fiscal year."

SEC. 15. Section 216 of the Clean Water Act is amended to read as follows:

"SEC. 216. Notwithstanding any other provision of this Act, the determination of the priority to be given projects for construction of publicly owned treatment works within each State shall be made by that State, consistent with this title. Only projects eligible for funding under section 201 of this title, as defined in section 202, shall be included on a State's priority list. A State, in determining the priority to be given a project, shall give highest priority to projects which demonstrate that significant public health or water quality benefits will be achieved, and in particular to projects having the greatest effect on the improvement of water quality.".

SEC. 16. The review, revision, and adoption or promulgation of revised or new water quality standards pursuant to section 303(c) of this Act and, to the extent practicable, the establishment of total maximum daily loads of pollutants pursuant to section 303 (d) of this Act shall be completed by the date two years after the enactment of the Clean Water Act Amendments of 1981.

SEC. 17. Section 301(i) of the Clean Water Act is amended by striking "July 1, 1983," and inserting in lieu thereof "July 1, 1988,". The amendment made by this subsection shall not be interpreted or applied to extend the date for compliance with section 301(b)(1)(B) or (C) of the Clean Water Act beyond schedules for compliance in effect as of the enactment of this Act, except in cases where reductions in the amount of financial assistance under this Act or changed conditions affecting the rate of construction, the control of the owner or operator will make it impossible to complete construction by July 1, 1983.

(b) Section 301(b)(2) of the Clean Water Act is amended by striking subparagraph (B).

SEC. 18. Section 304(d) of the Clean Water Act is amended by adding the following new paragraph:

"(4) For the purposes of this subsection, such facilities as oxidation ponds, lagoons, and trickling filters shall be deemed the equivalent of secondary treatment when the owner or operator of a publicly owned treatment works makes a showing satisfactory to the Administrator that, taking into account local climate, the limited population served, and assurances as to the operation and maintenance of such facility, water quality will not be adversely affected by deeming such facilities as the equivalent of secondary tratment.".

SEC. 19. Section 516 of the Clean Water Act is amended by inserting a new paragraph (f):

"(f)(1) The Administrator, in cooperation with the States, shall submit to the Congress a report (A) identifying those publicly owned treatment works needed to comply with sections 301(b)(1)(B) or (C), 201(g)(2)(A), and 201(g)(5) of this Act and with water quality standards established pursuant to section 303 of this Act, and (B) taking into account all actions of the Administrator pursuant to section 301(h) of this Act and amendments to title II of this Act made by the Clean Water Act Amendments of 1980 and of 1981, estimating the total cost and the amount of Federal funds necessary for the construction of such publicly owned treatment facilities.

"(2) The report required by this subsection shall be submitted to the Congress not later than eighteen months after the enactment of the Clean Water Act Amendments of 1981.".●

By Mr. DURENBERGER (for himself, Mr. MELCHER, Mr. BOSCHWITZ, Mr. ZORINSKY, and Mr. GRASSLEY):

S. 1276. A bill to amend the Internal Revenue Code of 1954 to permit small businesses to reduce the value of excess inventory; to the Committee on Finance.

INVENTORY REDUCTION FOR SMALL BUSINESS

● Mr. DURENBERGER. Mr. President, the small businessmen and small businesswomen in this country are presently facing a very serious tax problem that stems from a decision by the U.S. Supreme Court in 1979, the so-called Thor Power decision. Briefly, the Court said that if a taxpayer continues to hold excess or obsolete inventory in the off chance that a customer might need it in later years to keep an old piece of machinery operating, for example, then the businessman must value that inventory at his cost or at its sales prices, whichever is lower.

This decision affects every imaginable type of business from the farm implement and automobile dealer to air conditioning contractors as well as almost every manufacturer.

In reaching its conclusion, the Court was simply enforcing the law, which unfortunately does not take cognizance of the realities of business operations. Consider for a moment the fact that a manufacturer or a dealer will stock many parts rather than sell them for salvage in order to better serve the customers. After a certain period of time the chances that someone will purchase a part from this obsolete inventory is remote indeed. However, if he does not maintain this stock of old parts, the customer will be forced to dispose of a piece of equipment that might have many years of life left in it except for a minor part that is no longer obtainable.

If the manufacturer or dealer does maintain a stock of outdated items, one can hardly argue that the entire inventory is worth its initial cost or even the aggregate sales price of the individual items. Nevertheless the law is such that the taxpayer cannot devalue these items in accordance with actual business experience. Moreover, the U.S. Supreme Court decision triggered reactions at the Internal Revenue Service that spell financial hardship, particularly for small businessmen. The IRS immediately issued proclamations requiring that any taxpayer who wrote down obsolete inventory to reflect its true value must now reverse that process and include the increased value in income. Obviously, no real dollars flow into income as a result of this process, the taxpayer simply has a bigger tax bill.

While the IRS permitted the taxpayer to spread this unrealized income over a 10-year period if it complied with the applicable procedures, most small businessmen did not have the sophistication, advice or the money to follow this procedure. In fact, we have heard of instances where individuals have been told by financial advisers that the Supreme Court decision does not apply to them because they are in a different line of business than the taxpayer in that case. It is arguable that having failed to comply with the pronouncements of the Service, the taxpayers could now be compelled to take into account all of the additional, unrealized income in 1 year.

Needless to say there is a great deal of confusion in this area, and small businessmen, many without even being aware of the fact, are in danger of being audited and presented with substantial tax bills simply because they kept their books and records in accordance with their sales patterns.

There is, however, another side to the story. The Internal Revenue Service is rightly concerned about those businessmen who juggle their inventory deductions from year to year to lower their taxable income. This is accomplished by taking a large deduction for excess or obsolete inventory in good years and little or no deduction in lean years. This practice cannot be condoned and to the extent that the Treasury was attempting to eliminate it by issuing regulations and procedures following the Thor Power decision, I applaud those efforts.

We can, I believe, achieve the legitimate goals of the Internal Revenue Service and at the same time provide a measure of relief and security to small businesses throughout the United States. The bill I am introducing today would wipe clean the slate for years prior to January 1, 1981. For years beginning after that date, a small business, which is defined as one with a net worth of less than $25 million, could elect to write off its excess or obsolete inventory in a prescribed, balanced manner. After an item has been in inventory for 4 years it is completely written off for tax purposes. The actual write off would not begin until the second year after the item is purchased, so that the deduction is taken in equal installments in the second, third, and fourth year.

The safety feature in the bill is the requirement that the taxpayer continue to use this procedure forever unless the Secretary of the Treasury permits the adoption of another accounting method. Thus, fluctuating inventory deductions will be eliminated.

The bill has several other appealing aspects. First, a taxpayer elects to use this method simply by adopting it and notifying the Internal Revenue Service. I would hope that a space could be provided on business returns for a check mark if the taxpayer elects the system. The actual application of the bill to inventory accounting is equally simple.

Additionally it provides a significant amount of certainty and security both to the taxpayer and to the agent who conducts an audit. No longer will there be the need for time-consuming reviews of sales practices and patterns to determine whether inventory accounting is accurate. No longer will the small businessman live in fear of being told by the Internal Revenue Service that he must change his entire inventory accounting

system and as an added disaster be handed a large tax bill.

In conclusion, Mr. President, I wish to note the cosponsorship of this bill by Senators of both parties. The gentleman from Montana has taken the lead on the other side of the aisle, and I wish to assure all of our colleagues that we are going to work together vigorously to make this bill a reality for the benefit of our small business community in this country.●

By Mr. HATCH:

S. 1277. A bill to restrict the authority of the Secretary of Health and Human Services with respect to the regulation of vitamin and mineral products for over-the-counter use; to the Committee on Labor and Human Resources.

VOLUNTARY VITAMINS ACT OF 1981

Mr. HATCH. Mr. President, one of the corollary rights we as Americans have the liberty of taking for granted, is the freedom to buy vitamins, minerals, and other food nutrients which in more regulated societies are only dispensed through doctors' prescriptions or are banned altogether. This basic American freedom has nonetheless been jeopardized several times during the past few years. The most recent danger came in the form of last year's initial plans by the Food and Drug Administration to regulate vitamins and minerals as over-the-counter drugs.

If labeled or promoted as preventing a vitamin or mineral deficiency, as for example is the case with "One-a-Day" brand vitamins or the other rival vitamin tablets we are able to buy in supermarkets or drugstores, the Federal Food and Drug Administration would have presumably required a doctor's prescription or some other form of market interference before we could purchase our bottles of Geritol or boxes of Total cereal. How ironic it is that at a time when States are making it easier to buy marihuana or alcohol, the FDA would lead a national Hallelujah Trail against our freedom to buy vitamins and minerals.

The most recent sighting of the FDA war against vitamins was on March 16 of last year, the date when the Federal Register published FDA's proposal to regulate vitamins and minerals as I have described it. It is not dissimilar from an FDA proposal issued in June 1962, intended to limit the sale of vitamins and minerals as Rx or prescription only drugs, and to outlaw the sale of vitamins altogether if sold in potencies or combinations FDA has arbitrarily set as too high.

In 1976, the U.S. Congress unanimously voted for the bill which has since been enacted into law as the Wilson-Proxmire Vitamin Act, signed into law by then President Ford on April 22, 1976. This statute spared us the imposition of FDA's requirement that we purchase vitamins as Rx drugs. But under the FDA regulations last threatened to be promulgated, this law would be circumvented, and we would be forced to purchase vitamins as over-the-counter drugs.

I do confess to taking a few vitamin pills now and then. I will even go further and admit that I am like millions of other American consumers who for various health reasons choose to supplement our diets with a wide variety of vitamins, minerals, and other so-called "health foods."

Every reasonable and informed American who cares about health issues appreciates and supports the critical mission of the Food and Drug Administration to preserve the safety and efficacy of pharmaceuticals. But we also recognize that with the excessive proposals such as last season's FDA plan to make it as difficult to get a bottle of vitamins as it is to buy a bottle of penicillin, the Agency is shooting itself in the foot. It is fortifying its self-image among all too many Americans as a harasser and belittler of American consumers. In time, the FDA would run the risk of being reviled as the OSHA of the culinary arts.

A FDA plan to tighten up restrictions on the sale and purchase of vitamins and minerals would be excessive. The nature of the marketplace requires some Government guarantees of the safety of the products we buy, but in this case the Food and Drug Administration would have gone beyond the brink.

I have described the worst of it. Now for the good news. One of the brightest days for both consumers and pharmacy people in our country occurred when President Reagan selected as the new Commissioner of the Food and Drug Administration, Dr. Arthur Hull Hayes. A distinguished academic, physician, and student of government, Dr. Hayes is one of the most knowledgeable pharmacological professionals in our country. Having shared conversation with him on several occasions, I additionally commend his practical knowledge of the practical problems daily plaguing American consumers, problems which more often than not have their source traced to previous legislative acts of this distinguished body. To be precise, I am talking about the misdeeds of past Congresses.

Confident as I am in the new administration of FDA under Commissioner Hayes, I am equally certain that we will not be forced to witness the varieties of regulatory imprudence to which I earlier referred. However, knowing that the FDA will soon have the responsibility of reviewing past and pending over-the-counter drug and food nutrient proposed regulations, I solicit the support of my colleagues supporting legislation I am today introducing, entitled "The Voluntary Vitamins Act of 1981."

Similar to legislation I introduced last year, as S. 2297, my bill leaves no doubt that the Congress intends and recognizes that vitamins, minerals, herbs, and enzymes will be advertised, labeled, promoted, and sold as foods for special dietary use rather than as Rx or OTC drugs when sold to consumers by the food supplement and health foods industry to prevent vitamin and mineral deficiency diseases or conditions.

I also encourage Commissioner Hayes to consider the letter and spirit of my bill. His administrative and deregulatory actions if taken would make the need for this legislation unnecessary, and no one would be more delighted than myself. In the meantime, the time for Congress to act is now. Now is the appropriate moment to make clear our legislative intent, and to encourage the FDA through the good offices of its promising new leadership to stay within the policy boundaries set by my legislation.

I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(s)) be amended so that (1) to section 201(s) shall be added a sixth exemption: "(6) the food itself, a combination of foods, or foods for special dietary use, or the ingredients thereof, unless being used as preservatives or flavors for a food"; and (2) to section 201(g) shall be added the words. "Foods for special dietary use, when offered or employed for purposes as defined in section 411(c)(3) of this act or for preeservation or treatment of dietary deficiency conditions shall not be classified as drugs."

By Mr. HATCH (for himself, Mr. KENNEDY, and Mr. HAYAKAWA):

S. 1278. A bill entitled the "Saccharin Study and Labeling Act Amendment of 1981"; to the Committee on Labor and Human Resources.

SACCHARIN STUDY AND LABELING ACT AMENDMENT OF 1981

Mr. HATCH. Mr. President, the subject of food safety and the problems surrounding the administration of the Food, Drug and Cosmetic Act have been brought to the attention of the Congress a number of times in recent years. Perhaps no other single issue demonstrated the problems inherent in food safety decisionmaking as vividly as the controversy surrounding saccharin.

The attempted banning of saccharin from the food supply by FDA in 1977 created an immense uproar and resulted in the FDA and the Congress being deluged with an unprecedented volume of mail questioning FDA's ability to make rational food safety decisions. The net result of this public outcry was the unfortunate loss of credibility suffered by FDA and the need for Congress to intervene in the decisionmaking process. Since that time, Congress acted twice—Public Law 95–203 and Public Law 96–345—to assure the continued availability of saccharin to the American public.

I believe that a review of the history of saccharin, the scientific studies conducted and now in progress, and a weighing of the consequences of keeping it on the market, will lead to the inescapable conclusion that saccharin should continue to be available to the American public for at least another 2 years. Thus I am introducing today legislation which would provide for a 24-month extension of the current moratorium on FDA action against saccharin, effective from the date of enactment. I am pleased to have

as initial cosponsors of this legislation, my colleague and the distinguished ranking minority member on the Committee on Labor and Human Resources, Senator KENNEDY, as well as the distinguished Senator from California during whose term on the committee had been very active on this issue, Senator SAM HAYAKAWA. This bill would continue to require the warning statement mandated by the Saccharin Study and Labeling Act (Public Law 96-203) and would allow the American public the option of using saccharin in their foods while at the same time provide the manufacturers of saccharin products with a degree of certainty in developing their marketing strategies.

Saccharin has been surrounded by controversy almost continually since its accidental discovery in 1879 by Dr. Constantin Fahlberg, who was working under the direction of Professor Ira Remsen at Johns Hopkins University. The initial controversy began with Fahlberg and Remsen themselves over the legal rights to saccharin. Remsen won a moral victory among his peers in the scientific community with an award from the Society of Chemical Industry, while Fahlberg won the legal rights by securing a patent on saccharin in 1895.

Shortly thereafter, saccharin found varied use as a sweetener in canned fruits and vegetables, baked goods and beverages, and in the therapeutic treatment of diabetes and obesity. It also began to stir up debate about its safety. Late 19th century tests in humans showed no apparent effects at daily doses of 5 grams. However, some investigators claimed adverse effects on digestion from saccharin. Then, as now, the primary attention was focused on the claims of adverse effects.

Two of the earliest combatants over saccharin were Dr. Harvey Wiley and President Teddy Roosevelt. Dr. Wiley objected to the use of the name saccharin feeling that it led consumers to believe they were eating sugar. He also considered saccharin-containing foods to be "adulterated" since saccharin, contributing no calories, was clearly not comparable to sugar. Dr. Wiley also objected to saccharin on health grounds. He apparently was quite concerned over reports that sufficiently high levels of saccharin fed over a long enough time resulted in gastro-intestinal disturbances.

The war between Dr. Wiley and proponents of saccharin escalated when President Teddy Roosevelt reacted with his timely observation that, "Anybody who says saccharin is injurious to health is an idiot." Dr. Wiley reacted at the time that he had become the first Government official to have his mental incompetency established by official pronouncement.

The saccharin controversy, of course, did not end with President Roosevelt's pronouncement. In fact, there was hardly a pause before a panel of scientists was established to review the safety of saccharin, an approach not unheard of today. This panel chaired by Professor Ira Remsen, concluded that although prolonged daily intake of large amounts—especially more than 1 gram—of saccharin could lead to disturbed digestion, daily intakes of up to 300 mg were apparently without effect.

Having received this favorable panel report on saccharin, the Federal Government nevertheless promptly issued an order prohibiting the use of saccharin in foods. Before the order was effective, its inconsistency with the panel report was highlighted and the effective date of the order was postponed. Saccharin was then referred back to the panel and a second report was issued leading to approval of its use in foods "intended for invalids."

Saccharin's use gradually increased in the early 1900's, continuing to grow with the scarcity of sugar at the time of World War I.

During this same period, toxicological attention on saccharin was also increasing with numerous tests in humans as well as a variety of animal species. The results continued to receive differing interpretations but a 1942 editorial in the Journal of the American Medical Association concluded that there was no reason why saccharin could not be used continuously in average sweetening doses for an indefinite period.

Saccharin's use grew significantly during World War II. In 1950 when cyclamates became available, the two sweeteners were used successful in combination. The first chronic test on saccharin was performed by Dr. Fittshugh and others in 1948-49 with the conclusion that saccharin was without effect at feeding levels up to 1 percent of the rat diet and was only slightly toxic at the 5-percent level.

The periodic review of saccharin which had been started in 1911 by Teddy Roosevelt was continued in 1955 with a review being made by the National Academy of Sciences. That review concluded that saccharin was relatively nontoxic and that the maximum tolerated dose was at least 1 gram per day. The Academy report also concluded that cyclamates alone or in combination with saccharin were safe for human use.

Consumer demand for low calorie and noncaloric foods and beverages increased significantly in the early 1960's, as did demand for saccharin and cyclamates. By then the 1958 food additives amendment to the Food, Drug and Cosmetic Act had been passed and saccharin and cyclamates were classified.

The increasing use of the artificial sweeteners led FDA to request another safety review by the National Academy of Sciences in 1967-68. The Academy again concluded that saccharin was safe at levels up to 1 gram daily but recommended additional testing. In 1968 the FAO/WHO Joint Expert Committee on Food Additives (JECFA) set an acceptable daily intake of 5 mg/kg for general consumption and 15 mg/kg for dietetic foods, for saccharin.

With the banning of cyclamates in 1969, saccharin became the only available noncaloric sweetener and FDA once again asked the National Academy of Sciences to review the safety of saccharin. In their 1970 report the Academy again concluded that saccharin was safe but again recommended additional testing.

FDA removed saccharin from the GRAS list in 1972 based on concern over results in a chronic rate feeding study conducted by the Wisconsin Alumni Research Foundation (WARF). FDA also imposed labeling requirements on saccharin-containing foods, advising consumers that such products should be used only by persons who must restrict their intake of ordinary sweets. Once again FDA asked the Academy to review the safety of saccharin which resulted in still another NAS report in 1974. The 1974 report essentially reiterated the 1970 conclusions but called for specific additional research including a study involving in utero exposure and investigation of the impurities in saccharin.

FDA subsequently decided that a Canadian Government study involving in utero exposure, a single dose level of 5-percent purified saccharin in the diet and a treatment group exposed to orthotoluenesulphonamide—OTS, the major impurity in commercial saccharin—met the testing recommendations of the NAS. Preliminary results from the Canadian study which became available in March 1977 indicated no effect associated with OTS but showed both benign and malignant bladder tumors in the second-generation male rats consuming 5-percent saccharin. FDA then announced its intention to ban saccharin. Acting Commissioner Sherwin Gardner stated that:

> We have no evidence that saccharin has ever caused cancer in human beings. But we do now have clear evidence that the safety of saccharin does not meet the standards for food additives established by Congress.

In other words, FDA took the position that the Canadian results would not legally permit approval of saccharin under either the Delaney clause or the food additive provisions of the act.

FDA's interpretation led eventually to the statutory moratorium (Public Law 95-203) on regulatory action against saccharin and to still another review of saccharin by the NAS, this time mandated by Congress. The NAS reports on saccharin, issued in November 1978, and on food safety policy, issued in March 1979, utilizing the Delaney clause definition of a carcinogen, concluded that saccharin was a weak animal carcinogen but that it should be regulated along with all food additives under a new food safety policy. That new policy would entail consideration of both the risks and the benefits associated with the use of food additives. About a year later the controversy surrounding saccharin was still as great as ever and Congress extended the moratorium against regulatory action.

In order to better understand the science surrounding the saccharin controversy, one must begin by reviewing the animal evidence. The basic problem there is one of definition. If we use the Delaney clause definition that a substance associated with an increased incidence of tumors in animals, regardless of the test conditions, is a carcinogen, then saccharin is indeed a carcinogen albeit a weak one, with an associated risk probably equivalent to something between the risk of death from lightning and the risk of death from an occasional airplane trip.

But such a black and white definition is not adequate to reflect the many complexities of what we simply call carcino-

genesis. Neither does it make good sense from a realistic public health point of view to ignore the clear differences between saccharin and the aflatoxins or nitrosamines, for example, by simply defining each as a carcinogen and letting it go at that.

It has been established that saccharin is not metabolized, does not bind to DNA, does not show other obvious biological activity, does not show any consistent genetic effect and produces chronic effects only in second generation male rats exposed in utero to high doses. I would also point out that it is ironic that saccharin is so innocuous that it can be fed at very high levels.

If saccharin were like most other test compounds it could not have been fed at such high levels, there would have been no indications of chronic effects, and we would not be here today talking about it. Nonetheless, we do need to know more scientifically about the mechanisms associated with saccharin toxicity—as well as the toxicity of other food ingredients—and one of the primary questions is that of dose dependence.

The questions of dose dependence with saccharin is important because there is considerable suspicion that the effects seen in the in utero, high-dose tests were due to the high dose rather than the saccharin itself. This is one of the questions being explored in an industry-sponsored, large-scale rat feeding study. This study is a two-generation study involving 2,500 animals and 6 saccharin dose levels ranging from 1 percent to 7½ percent in the diet. This study has been set up in accordance with FDA's good laboratory practices regulations and has been designed to answer some of the questions raised by evaluation of previous studies.

The effects of the sodium part of the sodium saccharin molecule are also being assessed as are the effects of the in utero exposure. Preliminary results from this study, which is about half completed, are very interesting. It appears that the higher feeding levels are impacting on food consumption, water consumption, weight gain, urinary pH, urine volume, and urine constituents; but the lowest dose level—which is still 100 to 200 times the equivalent normal human exposure—is not. Conceivably, these dose-dependent effects could ultimately contribute to tumor formation.

I am not suggesting that it can be proven that saccharin has a dose threshold below which there are no chronic effects, since scientists contend that it is impossible to prove the existence of a threshold. However, this study could demonstrate that there is a practical threshold below which any risk is practically negligible. In any event the study will provide data which will permit realistic risk estimates to be made and will contribute to the understanding of the high-dose mechanisms of toxicity. This study will not be completed until after the end of 1982.

Thus, the latest animal results are reassuring with respect to the relative safety of saccharin; but the real question is not rat safety, it is human safety. In this connection considerable information has become available in recent months from three new epidemiology studies.

The first and most important of these epidemiology studies is the National Cancer Institute study, the preliminary results of which became available last December. The NCI study, involving about 9,000 subjects in 10 areas throughout the country, looked at the consumption of artificial sweeteners—saccharin and cyclamate—relative to the incidences of bladder cancer. Since the results of this study have been, and continue to be, misinterpreted I would like to try to set the record straight. First of all, the data showed no association between the incidence of bladder cancer and consumption of artificial sweeteners in the over-all study population either for males, or females, or both sexes combined. Further this lack of association also held even for those persons who had used artificial sweeteners most frequently and for the longest periods of time.

There have been statements by the press and even by some Government officials that the NCI study showed increased risk of cancer with heavy or prolonged use of artificial sweeteners. Such statements are simply not factual. Anyone who examines the results carefully will find subgroups of subjects that have so-called "relative risk ratios" greater than 1—which mathematically would indicate an increased risk—as well as those with relative risk ratios less than 1—which mathematically would indicate a protective effect against cancer. However, in most cases these risk ratios involve too few subjects to be statistically significant and cannot be interpreted as showing either increased risks or protective effects.

Thus, the NCI study in general is reassuring relative to the human safety of saccharin. Furthermore, two more recent studies, although not as large, reached similar conclusions.

On March 6, 1980, the Harvard Epidemiology study of artificial sweeteners was reported in the New England Journal of Medicine. This was a case-control study of 592 patients with lower-urinary-tract cancer and 536 controls in the Greater Boston area. No association between artificial sweetener use and cancer was found for men, or women or both sexes combined. The authors also noted that:

> Increasing frequency or duration of use of artificial sweeteners was not consistently associated with increasing relative risk.

And concluded that:

> This study suggests that, as a group, users of artificial sweeteners have little or no excess risk of cancer of the lower urinary tract.

The Harvard report was followed a few days later by another study report in Science from the American Health Foundation (AHF). The AHF study involved 367 bladder cancer patients and the same number of matched controls. The authors of this study concluded that, no association was found between use of artificial sweeteners or diet beverages and bladder cancer. No dose-response was observed with respect to quantity or duration of use or the two combined. No evidence was found to suggest that artificial sweeteners or diet beverages promote the tumorigenic effect of tobacco smoking.

The NCI study and the 2 more recent studies brought to 12, the number of major epidemiology studies that have failed to show an association between the used of artificial sweeteners and bladder cancer. In most situations, that would be considered overwhelming evidence, but such is not the case with saccharin, partly because of the political emotionalism involved and partly because of the rigid regulatory framework to which saccharin and other food additives are currently subject.

Dr. Robert Hoover, director of the National Cancer Institute epidemiology study characterized the three most recent studies as follows. He first noted that the results could be interpreted as being consistent with saccharin as a weak carcinogen or on the other hand could also be interpreted as showing no effect. In fact, the results are also consistent with a third possibility, namely that saccharin has a weak protective effect against bladder cancer. I am not pushing saccharin as a cancer preventor; I merely point out the reservations that should be attached to such results.

Those possibilities illustrate the difficulty of once and for all scientifically resolving the saccharin controversy. We would all like black and white answers to food safety questions but unfortunately science rarely comes in other than various shades of grey.

Whether saccharin has slightly protective effects, slightly adverse effects or no effects at all apparently cannot be totally resolved by epidemiology and further studies would likely only confirm the mathematical lack of association between usage and bladder cancer, leaving us with the same trinity of possible interpretations. What is clear is that the increase in risk from normal usage of saccharin, if present at all, is indeed small and little if any cause for concern.

The industry-sponsored rat study may answer some of the questions about saccharin but I suspect that we will never have all of the answers. This is equally or even more true relative to other components of foods, be they naturally occurring or introduced by man. We must, therefore, get to the realization that absolute food safety is impossible, for no component of food is without some risk to some part of the population, and base food regulation in a priority way on the type and extent of risk involved. This requires appropriate modification of the FDC Act—a task which I intend to make a priority in this and future Congresses.

For these reasons as well as those enumerated in the Senate the report (96–175) from the Committee on Labor and Human Resources accompanying H.R. 4453, I believe the interest of the public will best be served by allowing saccharin to continue to be marketed for at least another 2 years, during which time the industry study will be completed and evaluated. We in Congress,

meanwhile, will have begun our deliberations on updating and revising the Nation's food safety laws to make them more responsive to today's increasingly sophisticated food safety testing technology.

Mr. President, I ask that a summary of the Senate report of the last Congress (96–715) and my bill, the Saccharin Study and Labeling Act Amendment of 1981, be included in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 1278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Saccharin Study and Labeling Act Amendment of 1981".

SEC. 2. The Saccharin Study and Labeling Act is amended by striking from section 3 "June 30, 1981" and inserting in lieu thereof "twenty-four months after the date of enactment of the Saccharin Study and Labeling Act Amendment of 1981".

SACCHARIN EXTENSION

I. SUMMARY OF LEGISLATION

H.R. 4453 amends section three of the Saccharin Study and Labeling Act (Public Law 95–203) to extend from May 23, 1979 to June 30, 1981, the prohibitions on actions by the Secretary of Health, Education, and Welfare respecting saccharin.

II. HISTORY OF H.R. 4453

On May 9, 1979, the Subcommittee on Health and Scientific Research held a hearing on saccharin. On July 24, 1979, the House passed H.R. 4453. The measure was referred to the Senate on July 27, 1979 and referred to the Committee on Labor and Human Resources. On September 10, 1979, it was referred to the Subcommittee on Health and Scientific Research. The Subcommittee considered the legislation on April 24, 1980 and ordered it reported to the Full Committee without amendments. On May 8, 1980, the Full Committee considered the legislation and ordered it reported favorably without amendments to the Senate.

III. BACKGROUND OF SACCHARIN ISSUE

Saccharin was first discovered in a Johns Hopkins University laboratory in 1879 and thus has been known for over 100 years. Almost immediately after its discovery, saccharin was the subject of scientific scrutiny for safety. In 1912, saccharin was banned from use in foods. During World War I, reduced sugar supplies prompted the lifting of that saccharin ban. In 1925, after a lengthy lawsuit, saccharin was once again allowed in foodstuffs.

Questions about the safety of saccharin have continued, and numerous scientific "blue ribbon" panels in 1911, 1955 and 1974 recommended maximum daily limits for human consumption.

In February 1974, the Canadian government initiated a two-generation animal study to evaluate the toxicity and carcinogenicity of OTS (orthotoluenesulfonamide), a common impurity found in saccharin, and OTS-free saccharin. The study on saccharin was the third experiment in which rats were exposed to saccharin during their period of development in the uterus and then throughout their entire life span.

The two previous studies, one performed by FDA and the other by the Wisconsin Alumni Research Foundation (WARF), had shown an increased incidence of bladder tumors in male rats, but had left unresolved the question of whether the tumors were caused by saccharin itself or by OTS. The Canadian study was designed to clarify this question by testing OTS by itself as well as by testing purified saccharin containing only minimal amounts of the impurity.

Six groups of 50 male and 50 female rats were included in the study: a control group; 3 groups receiving different dose levels of OTS (2.5, 25 and 250 milligrams per kilogram) per day; a group receiving 5 percent saccharin (2,500 milligrams per kilogram per day) in the diet; and a group receiving 250 milligrams of OTS per kilogram per day and 1 percent ammonium chloride in the drinking water.

The doses of OTS incorporated the amount of OTS, ranging from 0.6 to 25 milligrams per kilogram OTS per day, which may have been consumed by animals in the FDA and WARF studies on saccharin. OTS, a weak carbonic anhydrase inhibitor, may have a tendency to produce a slightly alkaline urine, possibly resulting in an increased incidence of bladder stones. Therefore, ammonium chloride was added to the drinking water of one ATS group to prevent this effect by producing a more acidic urine. The rats were observed daily, their weights and food consumption recorded weekly, and 20 males of each generation of controls, saccharin treated, and high-level OTS treated animals with and without ammonium chloride had urine examined at 6-month intervals for microscopic calculi and parasite eggs.

The results of the Canadian study have been evaluated by expert pathologists, including scientists from FDA and other institutions in the United States, Great Britain, and from other European countries, as well as from Canada.

The findings indicate that saccharin caused bladder tumors in test animals. Malignant bladder tumors were detected only in the saccharin tested rats, and the difference in incidence between first and second generation males and controls was statistically significant. Three tumors were found in first generation males, eight in second generation males and two in third generation males. In addition, eight benign bladder tumors were observed in saccharin-tested male rats, compared to a total of six benign tumors in the OTS group and one in the control group.

The low incidence of tumors in the animals fed OTS seemed to clearly resolve the earlier speculations, based on the FDA and WARF studies, that OTS and not saccharin may have been responsible for the cancers in the test animals. No evidence of bladder parasites was found in any of the rats. Microscopic crystals were found in the urine, but the distribution did not seem to be related to treatment. Two grossly visible bladder stones were found in rats bearing tumors, one receiving saccharin and the other receiving OTS, while six were found in animals of various groups without bladder tumors. There was no significant increase in bladder tumors in any of the groups tested with OTS.

Based on the Canadian study, on April 14, 1977, the FDA issued a detailed plan for ending the use of saccharin as a general food additive. The proposal included banning its use in foods and beverages, in cosmetics likely to be ingested, and as a non-medical ingredient in drugs. Also proposed was the continued marketing of saccharin as a single-ingredient drug for use by diabetics and others who need to restrict their sugar intake for medical reasons.

The proposed ban evoked a storm of public protest ranging from medical and scientific experts questioning the wisdom of removing saccharin from the marketplace, to some legislators, scientists and industry representatives questioning the validity of the scientific evidence. In addition, various consumer groups wanted "freedom of choice." Others supported the FDA action.

In order to clarify some of these issues, the Senate Subcommittee on Health and Scientific Research met shortly after publication of the proposed ban in executive session with a panel of scientists and representatives of the Office of Technology Assessment (OTA) to discuss the undertaking of a study of the scientific and technical issues surrounding the saccharin controversy.

On June 7, 1977, the Senate Subcommittee on Health and Scientific Research conducted a public hearing on the saccharin issue. Six members of the OTA panel testified at the hearings. Although points were presented where a consensus had been reached, (such as the ability of current testing methods to predict whether or not a substance is likely to cause cancer, and that animal tesing is valid and reliable in predicting that a substance will produce cancer in humans), there was also a split among the panel members over the FDA proposal to ban saccharin. Three supported the FDA decision, while three others supported continued marketing of the artificial sweetener as a food additive with warning labels.

The OTA panel published its report in October of 1977. In order to assess the current testing methodology, OTA commissioned 12 short-term animal tests to be performed on saccharin. The purpose was to demonstrate to Congress the nature of the tests, the speed in which they could be conducted and their usefulness in making regulatory decisions. The tests were also conducted to clarify some of the uncertainties regarding the carcinogenicity of saccharin. Positive results in short term tests would support the long-term tests which showed saccharin to be a carcinogen.

At the time of publication of the OTA report, 10 of the 12 studies were completed. Three of the 10 tests for mutagenicity were positive indicating that saccharin is a potential carcinogen. However, the report did indicate that the responses were weak, even with high dose levels of saccharin.

On November 23, 1977, the Saccharin Study and Labeling Act was enacted (P.L. 95–203). The law established a moratorium on the banning of saccharin for 18 months until May 23, 1979; requested the National Academy of Sciences to study the health risks and benefits associated with the consumption of saccharin and the more general issue of national food safety policy; and required warning labels on foods containing saccharin and warning notices about saccharin to be posted in retail food establishments.

The National Academy of Sciences released the first report required by the law on November 4, 1978. This report, "Saccharin: Technical Assessment of Risks and Benefits" was a comprehensive review of the available scientific information on the artificial sweetener. The study reaffirmed the previous conclusions of FDA and OTA that saccharin causes cancer in test animals and that it therefore poses a presumptive risk of cancer to humans.

Three new human epidemiology studies have recently been published. The results of the most elaborate study conducted by the National Cancer Institute and cosponsored by FDA, involving 9,000 people, are now available. Although no increased relative risk of bladder cancer as a whole from the use of artificial sweeteners was detected, certain subgroups showed increased risk:

"1. Heavy users of artificial sweeteners, particularly those who consumed both diet beverages and sugar substitutes, showed a 60 percent increase risk of bladder cancer. Heavy use was defined as six or more servings a day of a sugar substitute or two or more eight-ounce diet beverages a day.

"2. People who smoked cigarettes heavily and who also made heavy use of artificial sweeteners showed a higher risk of bladder cancer than heavy smokers who did not use artificial sweetners. Heavy cigarette smoking

was defined as more than two packs a day for men and more than one pack a day for women. Study authors noted that saccharin and cyclamates may enhance the cancer-causing effects of heavy cigarette smoking.

"3. Those women who normally would be at low risk for bladder cancer, but who consumed sugar substitutes or diet beverages twice or more a day, had a 60 percent greater risk of bladder cancer compared with similar women who never used artificial sweeteners. The risk increased with the amount of artificial sweeteners used.".

Based on these data, the authors estimated that low-risk women who never used artificial sweeteners had an estimated yearly rate of about five cases of bladder cancer per 100,000 while similar women who consumed sugar substitutes or diet beverages twice a day or more had an estimated yearly rate of an additional three cases per 100,000.

The authors of the study concluded that while the positive association in the study did not establish a causal link between artificial sweeteners and bladder cancer, saccharin and cyclamate should be regarded as potential risk factors for human bladder cancer based on the results of this study plus previous experiments in laboratory animals. They added, however, that the possibility could not be excluded that the positive associations found for certain subgroups represented chance variations.

They said the findings of this study appear consistent with the results of animal studies that concluded saccharin was a weak animal carcinogen when given alone and may also enhance the carcinogenic action of other chemicals.

One purpose of the study was to examine the conclusions of previous, smaller studies that found a 60 percent increased risk of bladder cancer among men who consume sugar substitutes. The NCI study did not confirm the 60 percent rate. The investigators said the increased risk of bladder cancer to males in the NCI study, from average use of sugar substitutes, would not exceed 18 percent.

The authors cautioned that further analysis of the preliminary data will be needed to separate with precision the effects of saccharin and cyclamate. Cyclamate was the predominant artificial sweetener used during the 1960's; after FDA banned its use in 1970, saccharin became the only artificial sweetener available in the United States. The authors also noted that the study could not assess the effects of consuming artificial sweeteners during pregnancy or in early childhood.

NCI's study, the largest of its type ever conducted, comprised interviews from March 1978 to June 1979, with more than 3,000 bladder cancer patients and almost 6,000 people from the general population who did not have cancer, but who were similar in age and sex. Three of every four persons in the study were men.

Bladder cancer is three times more common in men than in women, and is more common among cigarette smokers and among workers exposed to certain chemicals on the job.

A second study, published in the New England Journal of Medicine on March 6, 1980 and conducted at the Harvard School of Public Health, involved 592 cancer patients and 536 controls. The researchers said, "This study suggests that, as a group, users of artificial sweeteners have little or no excess risk of cancer of the lower urinary tract."

But they said three interpretations were consistent with the findings: that "the exposures that have been sustained to artificial sweeteners are not carcinogenic for the human bladder"; that "artificial sweeteners are carcinogens but weak enough for their effects to be difficult to perceive"; or that "sufficient time for an obvious carcinogenic effect to appear has not yet elapsed since relatively heavy exposure to artificial sweeteners began in the 1960's."

The third study, conducted by the American Health Foundation, involved 367 bladder cancer patients and 367 controls. The study found "no association * * * between use of artificial sweeteners or diet beverages and bladder cancer." Although the study's findings did not support the hypothesis that saccharin use causes bladder cancer, the authors state that it is possible that the absence of a demonstrable association may be due to insufficient sample size.

In an editorial in the New England Journal of Medicine, March 6, 1980, Dr. Robert Hoover, director of the Environmental Epidemiology Branch at NCI and author of the NCI–FDA study reported in December, commented on his and the Harvard study.

"The evidence is that little, if any, current bladder cancer is due to the consumption of artificial sweeteners at the doses and in the manner in which sweeteners were commonly consumed in the past. * * *

"The findings of these studies can be interpreted as being consistent with the laboratory (animal) evidence suggesting that saccharin is a weak carcinogen. On the other hand, the findings can also be interpreted as showing no evidence of carcinogenicity. * * * The correct or more prudent interpretation will probably be a matter for conjecture and debate for some time. * * *

"When all the evidence of toxicity is weighed against the lack of objective evidence of benefit, any use (of saccharin) by nondiabetic children or pregnant women, heavy use by young women of childbearing age, and excessive use by anyone are ill-advised and should be actively discouraged by the medical community."

FDA believes that the studies recently reported are consistent with the view, based on animal studies, that saccharin is a weak carcinogen and that saccharin may pose a risk to certain people such as women of childbearing age and children.

IV. HEARING

A hearing on saccharin was held by the Subcommittee on Health and Scientific Research on May 9, 1979. The witnesses appearing before the subcommittee were:

Robbins, Frederick C., M.D., dean, Case Western Reserve University, School of Medicine; T. Colin Campbell, professor of nutritional biochemistry, Cornell University; Emmanuel Farber, M.D., chairman, Department of Pathology, University of Toronto; and Joyce C. McCann, Ph.D., Department of Biochemistry, University of California at Berkeley.

Kennedy, Donald, Ph. D., Commissioner of the Food and Drug Administration, Public Health Service, Department of Health, Education, and Welfare.

Kellen, Robert H., president, Calorie Control Council; Ellen Haas, director, Consumer Division Community Nutrition Institute; William J. Gill, Ph. D., vice president, research and technical service, Pepsico., Inc.; William B. Schultz, Esquire; Public Citizen Litigation Group, Health Research Group; Grace Powers Monaco, Esquire, the Candlelighters; Fred W. Whitehouse, M.D., president, American Diabetes Association.

Harkins, Robert W., Ph. D., vice president—scientific affairs, Grocery Manufacturers of America, Inc., accompanied by Stephen A. Brown, vice president and general counsel, Grocery Manufacturers of America.

Numerous additional written statements were received for inclusion into the hearing record. Differing opinions on what to do about saccharin were presented.

V. COMMITTEE VIEWS

The Committee believes it is appropriate to extend until June 30, 1981 the moratorium on Food and Drug Administration regulatory efforts to remove saccharin from the market. Under current law, FDA is required to remove from the market any additive that is unsafe or is found to cause cancer in appropriate animal or human studies. Although the process of removing saccharin from the market would take at least 15 months to complete, the Committee's action to extend the moratorium makes it clear that this process should not begin at this time.

Although the Committee believes that the saccharin controversy is an important one, it should not be considered in isolation from overall food safety policy. The Congress should not be asked to intervene in the regulatory process and overrule existing statutes on a product-by-product basis as is currently the case. The Committee believes that if current regulatory statutes do not permit these issues to be fairly resolved, then those statutes should be reexamined.

The National Academy of Sciences has recently reviewed our food safety laws and concluded:

"The law has become complicated, inflexible and inconsistent in implementation. Although complex in itself, the law is inadequate to meet changing and increasing problems of food safety."

The Committee believes that this conclusion in light of the growing number of controversies about individual products argues for a thorough and complete congressional reexamination of the food safety laws. The extension of the moratorium until June 30, 1981 will give the Committee the time to complete such an examination. It is the Committee's intent to reach final resolution on saccharin in its proper perspective as part of overall food safety policy.

The Committee does not intend its action in extending the saccharin moratorium to be interpreted as an endorsement of the view that studies to date have proven saccharin is safe for human consumption. The Committee recognizes that many people, including diabetics and others on special diets, want a no-calorie or low-calorie substitute for sugar and that at the present time saccharin is the only noncaloric substance available.

The Committee believes that the American people would prefer an alternative nonnutritive sweetener, that is not subject to so many questions of safety and carcinogenicity. Therefore, the Committee hopes that in the next year industry will make a determined effort to develop a safe alternative to saccharin.

The Committee felt strongly that during the original 18-month moratorium that consumers should be afforded a reasonable opportunity to know which products contain saccharin so that they could make personal judgments concerning its use.

The Saccharin Study and Labeling Act, therefore, authorized Secretary to place warning labels on products containing saccharin and required retail establishments that sell saccharin or food containing saccharin to prominently display a notice of the risks to health that may be related to the use of saccharin. This requirement is unchanged and reflects the Committee's continued support of consumer choice in this matter.

VI. COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 9, 1980.

Hon. HARRISON A. WILLIAMS, JR.,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 4453, a bill to amend the Saccharin Study and Labeling Act, as ordered reported by the Senate Committee on Labor and Human Resources on May 8, 1980.

The bill extends to June 30, 1981 the ban

on actions by the Secretary of Health, Education, and Welfare to restrict saccharin use. Based on our review, it is expected that no additional cost to the government will be incurred as a result of enactment of this legislation.

Sincerely,

ROBERT D. REISCHAUER,
(For Alice M. Rivlin, Director).

VII. REGULATORY IMPACT STATEMENT

The Committee anticipates that there will be little if any additional regulatory impact because of this legislation. The bill merely extends the original moratorium as enacted under the Saccharin Study and Labeling Act (SSLA) (Public Law 95-203) which expired on May 23, 1979 to June 30, 1981. There are now new labeling or testing requirements in this bill only the effective date has been changed. Posters and notices will continue to be distributed by the manufacturers of the products or by their trade associations. There may be some minimal costs to industry for additional posters for display in retail stores, however, this should be incurred only where new stores are opened or existing posters need to be replaced because of damage or other similar reasons.

Manufacturers of products containing saccharin will not incur additional expenses related to labeling changes because the basic labeling requirements—prescribed by the law itself (section 4)—are unchanged and have been implemented during the initial moratorium.

VIII. VOTES IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1949, as amended, the following is a tabulation of votes in committee:

All members of the Committee voted to favorably report the bill except that Senator Nelson abstained.

IX. SECTION-BY-SECTION ANALYSIS

The bill contains one section.

The bill amends section 3 of the Saccharin Study and Labeling Act (Public Law 95-203) to extend the prohibition on actions by the Secretary of Health, Education, and Welfare, which is provided for in section 3, from May 23, 1979 until June 30, 1981.

X. CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted enclosed in light brackets; new matter printed in italic):

SECTION 3 OF THE SACCHARIN STUDY AND LABELING ACT

SEC. 3. During the [18-month] period beginning on the date of the enactment of this Act *and ending June 30, 1981;* the Secretary—

(1) may not amend or revoke the interim food additive regulation of the Food and Drug Administration of the Department of Health, Education, and Welfare applicable to saccharin and published on March 15, 1977 (section 180.37 of part 180, subchapter B, chapter 1, title 21, Code of Federal Regulations (42 Fed. Reg. 14638)), or

(2) may, except as provided in section 4 and the amendments made by such section, not take any other action under the Federal Food, Drug, and Cosmetic Act to prohibit or restrict the sale or distribution of saccharin, any food permitted by such interim food additive regulation to contain saccharin, or any drug or cosmetic containing saccharin, solely on the basis of the carcinogenic or other toxic effect of saccharin as determined by any study made available to the Secretary before the date of the enactment of this Act which involved human studies or animal testing, or both.

● Mr. KENNEDY. Mr. President, I am pleased to join the chairman of the committee in cosponsoring legislation to extend the saccharin ban moratorium until June 30, 1983.

In March 1977, more than 4 years ago, the Food and Drug Administration announced its intention to remove saccharin from the market. The provocation for FDA's announcement was a Canadian animal study that demonstrated that saccharin caused cancer in rats. Under the so-called Delaney clause of the Federal Food, Drug, and Cosmetic Act, any food additive found to cause cancer in humans or animals must be taken off the market.

All of us remember the public outcry over the FDA announcement. Initially, the American people reacted with shock and disbelief, ridiculing the decision and the regulatory agency that made it. Months later the controversy had not subsided but, rather, had broadened to the point where the scientific community was divided, the medical profession was divided, and the public remained deeply skeptical.

On November 23, 1977, after months of congressional deliberation, the Saccharin Study and Labeling Act was signed into law. Under the act, FDA was prohibited from taking any action to change the status of saccharin as a food additive for 18 months, or until June 23, 1979. A study was mandated to assess available information respecting the carcinogenicity or toxicity of saccharin. Finally, the legislation required warning labels be placed on saccharin-containing food products. Subsequent legislation, signed June 17, 1980, extended the moratorium to June 30, 1981.

A substantial amount of new and conflicting information has come to light over the past 4 years. The National Academy of Sciences confirmed that saccharin is a low-level animal carcinogen and advised that, almost without exception, animal carcinogens are human carcinogens. The Academy concluded, however, that—

> The (food) law has become complicated, inflexible and inconsistent in implementation. Although complex in itself, the law is inadequate to meet changing and increasing problems of food safety.

More than a dozen epidemiological studies have been conducted with varying results and interpretations.

But despite the activity of the past 4 years, we are really no closer to resolving the fundamental public health and publice policy dilemmas raised by the saccharin controversy.

How reliably can we predict whether chemicals have the potential to cause cancer in man? If a substance causes cancer in animals, does it cause cancer in man? Can we extrapolate the degree of human risk from animal studies? Should carcinogens be automatically removed from the market or should there be an analysis of benefits and risks? If a substance has both benefits and risks, who should decide whether the risk should be taken—the Federal Government or the individual? What is the appropriate role of a Federal health regulatory agency? Is it to provide individuals with sufficient information to enable them to make their own judgments, or is it to protect individuals on the basis of its best scientific evaluation? Can consumers be provided with sufficient information to make informed judgments on their own in public health matters? When is it appropriate for a regulatory agency to provide information and allow individual assumption of risk? When is it appropriate for the regulatory agency to act on behalf of the individual? What is meant by the term "safe"? Is there absolute safety? If not, how does the risk-benefit decision get made and by whom?

These are questions that will not be answered simply by extending the saccharin ban moratorium for an additional 2-year period. Instead, we must commit ourselves to an in-depth reexamination of this Nation's food policy and laws with the goal of making statutory revisions consistent with the changing and increasing problems of food safety. I am delighted that the Labor and Human Resources Committee shares that commitment and look forward to working with him in a cooperative effort to reach that goal.●

Mr. HAYAKAWA. Mr. President, today with Senators HATCH and KENNEDY, I am sponsoring a bill to extend for 2 years the prohibition against Government action to ban saccharin. Two years ago I introduced similar legislation which delayed the saccharin ban through June 1981. That legislation, Public Law 96-354, expires on June 30, 1981. I believe that Congress must take immediate action to keep saccharin on the market beyond that date. The legislation I am sponsoring today will be effective immediately upon enactment by the Congress.

The case of saccharin is unique. Today, the Reagan administration supports my belief that the benefits of saccharin far outweigh its risks. Just last Saturday, May 16, Secretary of Health and Human Services Richard Schweiker said that he is committed, as I am, to allowing our citizens freedom of choice in this matter. However, the controversy about public consumption of saccharin does not end with our agreement that it should be available on the market. It centers around the Delaney clause, an amendment to the 1958 Food. Drug, and Cosmetic Act, which would force the Food and Drug Administration to withdraw saccharin from the market. Until that amendment is repealed, the Congress must continue to enact legislation which legally extends a moratorium on the ban of saccharin.

We must weigh the risks of saccharin versus its benefits. I simply believe that scientists must determine with greater precision the cancer risk posed by saccharin before we impose a ban on it, as the Delaney clause requires. My constituents share this belief. They have written to me with penetrating candor which made me stop and think about this issue with great care.

What was so different about these letters is that often a Senator gets letters from industry sources or from organized groups, many of them form letters, and the rest merely unpredictable. However, these were from individuals who were either diabetic or had been dieting with

great difficulty. Products like diet colas, sugarless desserts, sugarless mints, and other similar foods helped them to have something sweet despite the fact that they wanted to stick to a rigid diet.

I would like to quote from a few of these letters because they are from individuals personally affected by the availability of saccharin. One lady wrote:

With the help of many products containing saccharin, I've lost 64 pounds. I still have to lose 100 more or I shall surely die. I am 34 years old and I'm doing everything in my power to avoid early death.

I know from reading this letter that it was genuine, and deserved my attention. This woman also wrote.

I've done all I can to avoid early death. One thing that I've done is to quit smoking. Smoking can cause cancer. But saccharin has never caused a single case of cancer in human beings. Please help me by changing the law.

I also received a most touching letter in scrawled handwriting from a little 12-year-old boy by the name of Kenny in Marysville, Calif., who wrote:

My best friend's little sister has diabetes and if a law is passed to get rid of saccharin, she will have no diet drinks for her or anybody else. Please change the law.

Another letter came from a young girl whose grandmother has diabetes. She wrote:

My grandmother is 92 years old and has diabetes. This disease has caused deterioration in her eyesight, leaving her unable to read or watch television. One of the few enjoyments she has now is the pleasure of food, and because her diet is so limited due to the diabetes, a true treat for her is sugarless ice cream and candy. It would be terrible if you took this pleasure away from her. Please change the law and protect her rights.

Everyone has known someone who, after a romantic breakup, has gained weight because they began to overeat. Candy is an assurance that someone loves you, approves of you. And the withdrawal of candy means disapproval, the withdrawal of love. Therefore, even if for medical reasons you must give up sweets, you need the taste of sweetness. Saccharin and its related products fill this need. Now that the Government has taken away cyclamates and saccharin is all that is left, there has been tremendous support from the public for saccharin to remain on the market.

Quite simply, I think people should be allowed greater freedom of choice than they now have. We in Congress have a strange inclination toward protectionism. We cannot protect people from everything. and presuming to think that we can is the utmost arrogance. I agree that there has to be some central vantage point from which to oversee the well-being of the general public, but I also believe that we carry this to extremes for too often. There are some serious dangers which have to be contained and/or eliminated, but for questionable substances such as saccharin, I say let the individual make the decision as to whether or not he consumes.

We are public servants, elected to serve the people, not regulate them. It certainly seems strange to me that we give people credit for being smart enough to elect every one of us, but question their judgment when it comes to taking care of themselves.

The main point I would like to stress is that we must allow people some freedom of choice. We cannot decide for them what is and what is not potentially harmful in every instance. Certainly, we have a responsibility to protect the public from absolutely dangerous products and situations, but we have no right to impose our judgments on them in every case. With saccharin, where its harmful effects have not been confirmed, we should not automatically prohibit its consumption. In short, we must act with reason and thoughtfulness.

Thank you.

By Mr. DANFORTH (for himself and Mr. PRYOR):

S. 1279. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income a certain amount of interest earned on the All Savers Certificate offered only at savings institutions; to the Committee on Finance.

TAX BREAK FOR SAVERS

o Mr. DANFORTH. Mr. President, our Nation's regulated financial institutions are continuing to suffer a massive outflow of deposits. While the thrift industry has borne the brunt of these withdrawals, many commercial banks and credit unions are also suffering substantial savings outflows. There are several reasons for this situation, not the least of which is an effort by savers to earn a fair rate of return on their savings in a period of inflation.

I believe that savers with a few dollars to invest should be entitled to the same rate of interest as savers with $10,000 or more to invest. I also believe that the rate of interest both types of savers can earn should be the highest rate of return possible, determined by a free marketplace.

Last year Congress passed the Depository Institutions Deregulation and Monetary Control Act of 1980 which phases out interest rate controls over the next 5 years. One of the primary reasons for this extended phase out period is that regulated financial institutions have lent out money at relatively low rates of interest for extended periods of time in reliance on interest rate controls. Many Members felt that these institutions should be provided a period of time in which to adjust their portfolios so that they could compete effectively in a free marketplace.

In hindsight, it is easy to say that interest rate controls were a mistake and that savers today should not be penalized for the Federal Government's past mistakes. I was not a Member of Congress when controls were imposed and although I voted to end controls, I believe that Congress has an obligation to stand by its commitments and not wreak financial ruin on citizens and institutions that find themselves in financial difficulty because they have done precisely what the Federal Government has directed them to do.

The legislation which I am introducing today will allow the Federal Government to achieve the dual goals of standing by its commitments and allowing savers to earn the highest after-tax rate of return possible on their savings. Under the All Savers Tax Act individuals would be allowed to exclude the Federal taxation $1,000—$2,000 on a joint return—of interest earned on a 1-year savings certificate established at a bank, credit union, or savings and loan institution between July 1, 1981, and June 30, 1982. In order to qualify for this exclusion the rate of return on the certificate could not exceed 70 percent of the average yield on 1-year Treasury bills.

Mr. President, let me briefly explain the reasons behind the various features of this proposal. In order to provide an incentive for substantial saving, but limit the revenue impact on the Treasury, the exclusion is limited both as to amount—$1,000/$2,000 on a joint return—and to time—1 year. Since the first of these certificates would not mature until July 1, 1982, the economy would have the benefit of this saving prior to the point in time the Treasury would incur any revenue loss.

In addition, the 1-year maturity will attract the type of stable savings which truly contributes to capital formation. A rate of return not in excess of 70 percent of the Treasury bill rate will attract lower cost lendable funds into institutions. Since no limit is placed on the uses to which these lower cost deposits can be put, they can be lent to small businesses, home purchasers, and farmers at affordable rates.

On the other hand, the combination of a $1,000/$2,000 exclusion limit and the 70-percent ceiling will mean that these accounts will be of greatest appeal to taxpayers in the 30-percent bracket and above. This would include a great many American taxpayers since the average marginal income tax rate for individuals in 1981 is estimated by the Joint Committee on Taxation staff to be 32.2 percent.

The United States League of Savings Associations estimates that as much as $180 billion in new savings could be attracted to banks, savings and loan associations, and credit unions as a result of this proposal. The league also estimates that perhaps as much as $80 billion of this could find its way into the housing-specialized savings and loan business.

As I stated earlier. I believe this proposal will help achieve two goals of paramount importance. First, it will give regulated depository institutions a competitive instrument with which to attract new savings and maintain their financial stability during the phaseout of Federal interest rate controls. Second, it provides savers who utilize the new certificate with an after tax rate of return which approximates a free market rate while helping assure those savers who do not utilize the new certificate that their rate of return will not be diminished through the enactment of new Federal interest limitations.●

By Mr. McCLURE (by request):

S. 1280. A bill to establish a revolving fund in the Department of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

DIGITAL CARTOGRAPHY FUND ACT OF 1981

Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to establish a revolving fund in the Department of the Interior, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill, the executive communication which accompanied the proposal from the Secretary, and a section-by-section analysis of the proposal prepared by the Department be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be referred to as the "Digital Cartography Fund Act of 1981".

SEC. 2. DIGITAL CARTOGRAPHY FUND.—(a) There is hereby established, in the Department of the Interior, a "Digital Cartography Fund" (hereafter referred to as the "Fund") to be used as a revolving fund. This Fund shall be available, without fiscal year limitation, for financing the production and distribution of digital cartographic data of uniform standards developed by the United States Geological Survey under the direction of the Secretary of the Interior.

(b) The Secretary of the Interior (hereafter referred to as "the Secretary") is hereby authorized to capitalize in the Fund, at cost less depreciation, any real and personal property which the Secretary determines is currently being used in connection with the functions to be carried out by the Fund.

(c) The Fund shall be credited with any appropriation made for the purpose of providing or increasing capital, and, notwithstanding the provisions of 31 U.S.C. 483a, with all collections from users of digital cartographic data, including any refunds, advance payments made for specific products and services, or other amounts received in connection with activities of the Fund. Amounts received in addition to those amounts which, in the opinion of the Secretary, are excess to the effective operation of the Fund shall be covered into miscellaneous receipts of the Treasury.

SEC. 3. DATA USERS' FEES.—(a) Notwithstanding the provisions of 5 U.S.C. 552 and 31 U.S.C. 483a, the Secretary is authorized to charge all users amounts sufficient to cover the cost of production and distribution of digital cartographic data, including depreciation of equipment and accrued annual leave.

(b) Notwithstanding the provisions of 5 U.S.C. 552, digital cartographic data shall be available only under the provisions of this Act. The Secretary is authorized to sell such data subject to agreements which preclude reproduction or further dissemination of the data.

SEC. 4. REGULATIONS FOR CARRYING OUT PROVISIONS.—The Secretary is authorized to make such rules and regulations as he deems necessary and proper for the purpose of carrying out the provisions of the Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated $6,034,000 for the fiscal year ending September 30, 1982, and such amounts as may be necessary in subsequent years for capital of the Fund until such time as the Fund becomes self-sustaining.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 13, 1981.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposal "To establish a revolving fund in the Department of the Interior", which would be cited as the "Digital Cartography Fund Act of 1981".

We recommend that the bill be referred to the appropriate Committee for consideration, and that it be enacted.

This proposal would establish a revolving fund, the Digital Cartography Fund (Fund), which would be available without fiscal year limitation for financing the production and distribution of digital cartographic data of uniform standards developed by the Geological Survey. Establishment of the Fund would enable the Department of the Interior, acting through the Geological Survey, to manage the costs and income related to the conduct of its ongoing Digital Mapping Program, which produces digital cartographic data from the Survey's maps and related products in formats suitable for computer-based analysis. The resulting Digital Cartographic Data Base includes categories of data common to many users' needs, such as elevation data, hydrography, transportation networks, and other base features. We note that thematic cartographic data developed by other agencies, which is specifically related to their missions, would not be affected by this legislation.

Throughout its history, cartographic surveys have been an integral part of the Geological Survey's activities for carrying out its basic mission. The Geological Survey's activities have previously been expanded by the Congress through annual appropriations for topographic surveys and mapping, and through specific assignments made by the Office of Management and Budget.

We believe that through establishment of a revolving fund, this proposal will ensure that the full costs of the Digital Mapping Program will be recovered. To that end, the proposal also authorizes the Secretary to charge all users of the digital cartographic data, and to preclude unauthorized use of that data. Appropriations will be needed only for initial capital of the Fund or to increase capitalization until the Fund is self-sustaining.

A section-by-section analysis of this proposal is enclosed.

We urge early and favorable consideration of this proposal, which we believe it is in the public interest of the United States.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely,

J. WATT,
Secretary.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Cites a short title, "Digital Cartography Fund Act of 1981", for the Act.

Sec. 2. Digital Cartography Fund—

Establishes the Fund without fiscal year limitation;

Allows assets to be capitalized in the Fund;

Establishes means by which monies can be credited to the Fund;

Allows assets to be capitalized in the Fund; and

Provides for deposit of excess monies to the miscellaneous receipts of the Treasury.

Sec. 3. Data Users' Fees—

Requires that pricing of data be designed to recover costs; and

Authorizes the sale of the data subject to agreements which preclude reproduction or further dissemination of the data.

Sec. 4. Regulations for Carrying Out Provisions—

Allows rules and regulations to be promulgated, as necessary, to carry out the provisions of the Act.

Sec. 5. Authorization of Appropriations—

Authorizes appropriations of $6,034,000 for initial capital of the Fund for the fiscal year ending September 30, 1982, and such amounts as may be necessary in subsequent years for capital of the Fund until such time as the Fund becomes self-sustaining.

By Mr. McCLURE (by request):

S. 1281. A bill to reduce costs and the public reporting burden and increase the efficiency of the Energy Information Administration; to the Committee on Energy and Natural Resources.

ENERGY INFORMATION ADMINISTRATION AMENDMENTS OF 1981

Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to reduce costs and the public reporting burden and increase the efficiency of the Energy Information Administration.

Mr. President, this draft legislation was submitted and recommended by the Department of Energy, and I ask unanimous consent that the bill, the executive communication which accompanied the proposal from the Acting General Counsel, and a section-by-sectiton analysis prepared by the Department be printed in the RECORD.

There being no objection, the bill and other material were ordered to be printed in the RECORD, as follows:

S. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Information Administration Amendments of 1981."

SEC. 2. Section 58 of the Federal Energy Administration Act of 1974 (15 U.S.C. 790g) is amended by—

(a) amending subsection (a)(2) to read as follows:

"(2) the disclosure of which by the Director under sections 205(f) and 407 of the Department of Energy Organization Act would, as determined by the agency head, impair significantly the discharge of authorities and responsibilities that have been delegated to, or vested by law, in the agency.";

(b) redesignating subsection (b) as subsection (c); and

(c) adding a new subsection (b) as follows:

"(b) The Director, on behalf of the Administrator, may provide the head of a Federal agency from which energy information is sought under subsection (a) of this section with a binding assurance that energy information received from that agency will not be disclosed to another administration, commission, or office of the Department of Energy as required by sections 205(f) and 407 of the Department of Energy Organization Act if the head of the agency from which the information is sought advises the Director that a determination has been made under subsection (a)(2) of this section and that the information will not be provided without a binding assurance of nondisclosure. Any statutory restrictions on or penalties for the disclosure of energy information received under this section shall apply to the Administration to the same extent as to the agency from which the energy information was received.".

SEC. 3. Section 407 of the Department of

Energy Organization Act (42 U.S.C. 7177) is amended by striking the period at the end of subsection (a) and inserting in its place ", except that the Administrator of the Energy Information Administration is not required to disclose to the Commission any energy information that was (1) obtained under a binding assurance of nondisclosure as provided for in section 58(b) of the Federal Energy Administration Act of 1974 or (2) gathered for statistical purposes under section 205(1).".

SEC. 4. Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by—

(a) striking the period at the end of subsection (f) and inserting in its place: ", except that the Administrator is not required to disclose to such administration, commission or office any energy information that was (1) obtained under a binding assurance of nondisclosure as provided for in section 58(b) of the Federal Energy Administration Act of 1974 or (2) gathered for statistical purposes under subsection (i) of this section."; and

(b) inserting after subsection (h) the following new subsection (i):

"(i)(1) The Administrator, before starting a data collection effort, shall determine whether the information is to be gathered for statistical purposes.

"(2) Data to be gathered for statistical purposes shall be made available in individually identifiable form to another office in the Department of Energy or to another Federal agency only upon receipt of a written request that contains—

"(A) a demonstration of need for the data in individually identifiable form by that office or agency for the fulfillment of its lawful duties and responsibilities, and

"(B) reasonable and binding assurances by the requesting office or agency that the information will be used solely for statistical purposes.

"(3) Notwithstanding any other law, section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 applies to any information obtained by the Administrator for other than statistical purposes under any law except section 17 of the Federal Nonnuclear Research and Development Act of 1974. Both section 1905 of title 18, United States Code, and any determination of confidentiality made by the Administrator under section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 apply to any redisclosure of energy information by an agency to whom it was disclosed under section 11(d)(2) of the Energy Supply and Environmental Coordination Act of 1974 except that an agency head may disclose energy information received under section 11(d)(2) of the Energy Supply and Environmental Coordination Act of 1974 in any proceeding if—

"(A) the agency is a party to the proceeding;

"(B) the agency head determines that disclosure of the information in the proceeding is essential to the agency's effective participation in the proceeding; and

"(C) the agency head seeks an order in the proceeding protecting against disclosure of the information beyond that necessary to the agency's effective participation in the proceeding.

"(4) For purposes of this section, "statistical purposes" means the use of information for developing or reporting aggregate or anonymous information not intended to be used, in whole or in part, in any way in which the specific identity of any person is material to the intended use of the information."

SEC. 5. Section 11 of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. § 796) is amended—

(a) by striking the last sentence of subsection (a); and

(b) in subsection (c)—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2);

"(3) by striking "shall" appearing immediately before "require" in redesignated paragraph (2) and inserting in its place "may"; and

(4) by amending the undesignated text following redesignated paragraph (2)(B) to read as follows: "The Administrator may tabulate and publish, on an annual basis, reports based on the energy information gathered under paragraphs (2)(A) and (B) of this subsection. These reports shall present energy information in the categories specified in section 503(c) of the Energy Policy and Conservation Act to the extent that energy information may be compiled from such accounts.".

SEC. 6. Section 25 of the Federal Energy Administration Act of 1974 (15 U.S.C. § 784) is repealed, and its catchline is stricken.

SEC. 7. (a) Section 205 of the Department of Energy Organization Act (42 U.S.C. § 7135) is amended by striking subsection (h).

(b) Notwithstanding subsection (a), the annual report required under section 205(h) of the Department of Energy Organization Act (42 U.S.C. § 7131(h)) for calendar year 1980 may be completed.

SEC. 8. (a) Section 801 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8481) is repealed.

(b) Section 101(b) of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8301 note) is amended by striking the item in the table of contents relating to section 801.

SEC. 9. (a) Section 242 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. § 8532) is repealed.

(b) Section 1(b) of the Emergency Energy Conservation Act of 1979 (42 U.S.C. § 8501 note) is amended by striking the item in the table of contents relating to section 242.

SEC. 10. This Act takes effect 30 days after enactment.

SECTIONAL ANALYSIS

Section 1 of the bill provides a short title.

Section 2 of the bill would amend section 58 of the FEA Act to authorize the EIA Administrator to provide an agency head with a binding assurance that information provided to DOE will not be disclosed in individually identifiable form to other components of the DOE.

Sections 3 and 4(a) of the bill would amend sections 205(f) and 407 of the DOE Act to permit the EIA Administrator to withhold from other DOE components information obtained under the revised section 58.

Section 4(b) would amend section 205 of the DOE Act by adding a new subsection (i), to require the EIA Administrator to determine, prior to implementing a data collection effort, whether or not the data are to be gathered for statistical purposes. The purpose of this new subsection is to preserve the integrity of statistical data while also providing for the intra-agency and inter-agency sharing of this information under conditions and terms that will assure that statistical data will be used solely for statistical purposes. The amendment also provides for a freer inter-agency exchange of information gathered for other than statistical purposes by providing for the sharing of such non-statistical information in accordance with section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA) (15 U.S.C. § 796(d)).

Section 5 of the bill would amend section 11 of ESECA by eliminating the requirement to gather information quarterly and produce reports quarterly to the Congress on domestic reserves and production, imports, and inventories of crude oil, residual fuel oil, refined petroleum products, natural gas, and coal and by changing a mandatory quarterly financial report to a discretionary annual report.

Section 6 would repeal section 25 of the FEA Act, thus eliminating the requirement for a system that tracks and reports every transaction, sale, exchange or shipment involving exports of coal and oil.

Section 7(a) would repeal section 205(h) of the DOE Act, thereby eliminating the mandatory requirement to establish and maintain a Financial Reporting System (FRS) containing detailed information on the structure of the energy industry.

Section 7(b) would permit analysis and reporting of calendar 1980 data from the Financial Reporting System that will have been collected by the time the bill is passed. The moneys spent on the collection will thus not be wasted.

Section 8 would repeal section 801 of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) (42 U.S.C. § 8481), in order to eliminate the requirement for an annual report on coal reserves disclosure.

Section 9 would repeal section 242 of the Emergency Energy Conservation Act of 1979 (EECA) (42 U.S.C. § 8532). Section 242 requires the development of a middle distillate monitoring system at the State level.

Section 10 provides that the bill would take effect 30 days after enactment.

DEPARTMENT OF ENERGY,
Washington, D.C., May 1, 1981.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is proposed legislation "[t]o reduce costs and the public reporting burden and to increase the efficiency of the Energy Information Administration." This proposal is part of the Department of Energy (DOE) legislative program for the 97th Congress. The Office of Management and Budget advises that the presentation of this proposal is in accord with the President's program.

PURPOSE OF THE LEGISLATION

The purpose of the proposal is to reduce costs and the public reporting burden of the Energy Information Administration (EIA) and thereby further the President's overall program of reducing the Federal budget. The proposal enables the EIA to reduce costs and eliminate burdensome, duplicative public reporting requirements by (1) allowing the EIA to obtain, on a confidential basis, energy information from other agencies; (2) allowing EIA to protect statistical energy information from disclosure for non-statistical purposes; (3) changing mandatory quarterly reports under the Energy Supply and Environmental Coordination Act to discretionary annual reports; and (4) eliminating completely several other reporting requirements.

The bill would amend section 58 of the Federal Energy Administration Act of 1974 (15 U.S.C. § 790g.) and sections 205(f) and 407 of the Department of Energy Organization Act (42 U.S.C. §§ 7135(f) and 7177) to permit the EIA to obtain energy information from other Federal agencies upon providing them with a binding assurance that the information will not be disclosed in individually identifiable form to other components of the DOE and to permit the EIA to withhold from other DOE components energy information obtained with such an assurance. The bill also would amend section 205 of the Department of Energy Organization Act (42 U.S.C. § 7135) to permit EIA to designate energy information that will be gathered for statistical purposes and then to protect that information from disclosure for non-statistical purposes.

The purpose of these amendments is to provide for greater sharing of energy information between the DOE and other Federal

agencies, so that duplicative and burdensome reporting requirements may be eliminated. Currently under section 58 of the Federal Energy Administration Act of 1974 (FEA Act) (15 U.S.C. § 790g), Federal agencies are required to make available to the Director of the FEA's Office of Energy Information and Analysis—the predecessor to the EIA Administrator—energy information in their possession, unless the head of the agency from whom the information was requested determines that the disclosure of the requested information would "significantly impair the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency." Under sections 205(f) and 407 of the Department of Energy Organization Act (DOE Act) (42 U.S.C. §§ 7135 and 7177), the EIA Administrator is required to make available to any "administration, commission, or office of the Department" and to the FERC any energy information or analysis in the Administrator's possession. The proposed bill would amend both the FEA Act and the DOE Act to provide that energy information obtained from other agencies may be withheld by the EIA from other parts of the DOE under certain circumstances.

This bill is not intended to change the role of the EIA as the central point within the DOE for the gathering, analysis, and dissemination of energy information or to deny support for other DOE components. It is intended, rather, to enhance the EIA's ability to perform that role in a more cost-effective manner by (1) making it possible for the EIA to obtain individually identifiable statistical information from other agencies that in the past denied this information to the EIA because of the possibility of redisclosure under the DOE Act and re-use of the information for non-statistical purposes, and (2) providing for the appropriate use and safeguarding of EIA's statistical information. It is estimated that $1.7 million can be saved during FY 82 by enactment of these provisions.

Sections 2–4 of the bill will increase the availability of statistical energy information from other Federal agencies and increase EIA's effectiveness and reduce costs in two ways. First, the cost to the public of duplicative, burdensome reporting requirements will be reduced. Second, the cost to the EIA of operating a data collection program, including survey design and frame development, as well as the actual costs of collecting data and enforcing reporting requirements, will be reduced.

Section 4(b) of the bill would allow EIA to provide assurances to respondents that information gathered for statistical purposes will not be used for regulatory or other nonstatistical purposes, and would accomplish three objectives. First, good information policy calls for revealing the intended uses of the information to respondents. Second, good information policy also calls for consistency and fairness in the treatment of industry-provided information. Sound statistical information can be gathered by sampling, thus saving the cost and respondent burden associated with broader, "universe" surveys. However, it would be unfair to a sampled respondent to provide his response to a regulatory body while similarly situated businesses avoid the regulators' scrutiny because they were not part of the sample. Third, data collection costs can and should be reduced by greater use of sampling techniques and a reduced need to enforce reporting requirements because of increased cooperation from respondents. Even when data are collected under mandatory authority, collection from unwilling respondents is expensive. Finally, it is an accepted principle among statisticians that information collected for statistical purposes should be used only for those purposes, and not for administrative or regulatory purposes.

The bill also would amend section 11 of the Energy Supply and Environmental Coordination Act of 1974, Pub. L. No. 93–319, to eliminate the requirement to gather information quarterly and produce reports quarterly to the Congress on domestic reserves and production, imports, and inventories of crude oil, residual fuel oil, refined petroluem products, natural gas and coal. The amendment would also provide for discretionary annual, rather than a more expensive and burdensome mandatory quarterly financial report now required. This amendment is intended to reduce the reporting burden on persons from whom information is obtained and to reduce the administrative burden on the EIA. The reporting of information on a quarterly basis is needlessly detailed and excessively burdensome, as well as duplicative of other EIA data series. Estimated cost avoidance resulting from this provision will be $2.6 million in FY 82.

Finally, the bill would repeal several statutory provisions that mandate detailed, expensive, and burdensome reports.

Repeal of section 25 of the FEA Act would eliminate a required system for tracking and reporting every transaction, sale, exchange or shipment involving exports of coal and oil. Continuation of the requirement is unjustifiable because sufficiently detailed data on the export of oil and coal currently is collected by the Department of Commerce. The report under section 25, if implemented, will cost an estimated $5 million, an unsupportable expenditure in view of the duplicative nature of the report.

Section 205(h) of the DOE Act, which requires establishment of a Financial Reporting System (FRS) containing detailed information on the structure of the energy industry, would be repealed by the bill. The FRS would cost an estimated $2.4 million in FY 82 and involves a high public reporting burden. The availability of related information from other sources within the outside of Government, coupled with the extensive burden associated with the FRS reporting form, call for the ending of this mandatory requirement.

Section 801 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8481) also would be repealed in order to eliminate the requirement for an annual report on coal reserves disclosure. The report, to carry out the requirement fully, would entail detailed information gathering at the individual mine level. The report as currently prepared has cost an estimated $50,000 annually; full implementation under current law would raise the cost to $5 million. This expense would be unwarranted, particularly in view of the fact that United States coal reserves are estimated to last in excess of 300 years.

Finally, section 242 of the Emergency Energy Conservation Act of 1979 (42 U.S.C. § 8532) would be repealed to eliminate the requirement to develop a State-level middle distillate monitoring system. This requirement conflicts with the Administration's intent to direct EIA efforts away from State-level toward national-level reporting. Further, the system would cost an estimated $8.6 million and have a high reporting burden.

COST AND BUDGET DATA

Enactment of this bill would reduce the budgetary requirements of the Department of Energy by $40 million over the next few fiscal years.

Sincerely,

ERIC J. FYGI,
Acting General Counsel.

By Mr. McCLURE (by request):

S. 1282. A bill to amend the Act of October 20, 1976, as amended (31 U.S.C. 1601), to change the method by which payments are determined, and for other purposes; to the Committee on Energy and Natural Resources.

LEGISLATION RELATING TO PAYMENTS TO LOCAL GOVERNMENTS

Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to amend the act of October 20, 1976, as amended (31 U.S.C. 1601), to change the method by which payments are determined, and for other purposes.

Mr. President, Public Law 94–565, the so-called Payments-in-Lieu-of-Taxes Act, was enacted in 1976. The purpose of the law was to compensate local governments for the burden of tax exempt Federal lands within their taxing jurisdiction.

Based on the present formula, PILT payments even now do not provide a true tax equivalency. Nationwide, counties only average about 15 cents an acre for the 700 million acres under the program.

One of the reasons that PILT was needed was that revenues generated from the public lands were not sufficient compensation to make up for the property and other forms of taxes foregone because of Federal ownership.

The Bureau of Land Management (BLM), which administers the program, estimated that funding be increased by $3 million every year. They estimate $114 million as necessary to fully fund the program for fiscal year 1982, $117 million for fiscal year 1983, $120 million for fiscal year 1984, et cetera.

The administration has proposed to amend the PILT formula in the legislation which I am introducing by request. I have concerns and reservations which I will ask the Energy and Natural Resources Committee to address in the consideration of these proposed amendments to the 1976 act.

The administration has proposed to amend the PILT formula so as to substantially reduce funding on a permanent basis. The department estimates that annual funding for PILT under its proposal would be approximately $45 million annually. This would be a substantial cut from what BLM estimates is necessary to adequately fund the program, including annual increases. The proposal also substantially reduces payments to counties under the Refuge Revenue Sharing Act Amendment of 1978.

The impact of the new formula on counties in States which receive large amounts of revenues under section 4 will be substantial. States like Colorado, Wyoming, Montana, and New Mexico receive larger Mineral Leasing Act revenues, and counties there will perpetually receive minimum PILT payments of 10 cents an acre.

Counties in States like Oregon and Washington with large timber receipts will also perpetually receive 10 cents an acre, because all the timber receipts going to those States will be subject to offset even if they pass straight through the counties to special road and school districts, and never go into county budgets.

Counties in States like Idaho which have both significant timber and mineral receipts will receive only 10 cents an acre as well.

The new formula for deducting section 4 payments is based upon the assumption that States will share these payments with the counties. In the case of the Mineral Leasing Act revenues—the largest of all the section 4 programs—this assumption is erroneous. Out of six States generating very high mineral revenues under the act, only three passed any funds back to their counties. Wyoming, which received $$65 million in revenues passed back $0.7 million, 1 percent; Colorado with $16 million passed back $2.4 million, 15 percent; and Utah with $9.6 million passed $1.2 million, 13 percent. New Mexico, $53 million; Montana, $7.1 million; and Nevada, $3.9 million passed nothing back.

Thus, under the proposed formula counties will lose PILT moneys as an offset against payments they do not now and will, probably, never receive. In effect, they may be penalized for payments that go to States and special districts.

If Congress desires to amend the formula for PILT, we should make sure the formula is equitable to all. If we decide to reduce the program, we must decide if we want to do it temporarily or permanently and how to fairly distribute the reduction. The Energy and Natural Resources Committee will consider these questions fully.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill and the executive communication which accompanied the proposal from the Secretary be printed in the RECORD.

There being no objection, the bill and other material were ordered to be printed in the RECORD, as follows:

S. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Act of October 2, 1976, as amended (31 U.S.C. 1602(a)) (hereinafter referred to as the Act) is amended to read as follows:

"SEC. 2(a). The amount of any payment made for any fiscal year to a unit of local government under section 1 of this Act shall be the greater of the following amounts—

(1) 75 cents for each acre of entitlement land located within the boundaries of such unit of local government (but not in excess of the population limitation determined under subsection (b)) reduced (but not below 0) by the amount obtained when the total amount of Federal payments made to a state and to units of local government within that state during the preceding Federal fiscal year under the statutes specified in section 4 is multiplied by the figure representing the ratio of entitlement land in the unit of local government to the total entitlement land in that state.

(2) the total of 10 cents for each acre of entitlement land located within the boundaries of such unit of local government (but not in excess of the population limitation determined in subsection (b)).

SEC. 2. Effective on and after the date of approval of this Act section 3 of the Act as amended is repealed.

SEC. 3. Section 4 of the Act is amended to include new paragraphs (11) through (17) as follows:

"(11) section 7 of the Act of August 18, 1941, entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes' (55 Stat. 650, as amended; 33 U.S.C. 701c–3);

"(12) section 1 of the Act of June 4, 1948, entitled 'An Act to provide adequate school facilities within the Yellowstone National Park, and for other purposes' (62 Stat. 338; 16 U.S.C. 40a);

"(13) section 5 of the Act of September 14, 1950, entitled 'An Act to establish a new Grand Teton National Park in the State of Wyoming, and for other purposes' (64 Stat. 851; 16 U.S.C. 406d–3);

"(14) section 3 of the Act of September 2, 1964, entitled 'An Act to promote the conservation of the Nation's wildlife resources on the Pacific flyway on Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project' (78 Stat. 850; 16 U.S.C. 695m);

"(15) section 2 of the Act of July 19, 1940, entitled 'An Act authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder Power Plant by the United States through its agents, and for other purposes' (54 Stat. 774, as amended; 43 U.S.C. 618a);

"(16) the Act of August 12, 1955, entitled 'An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Trinity River division, Central Valley project, California, under Federal reclamation laws' (69 Stat. 719); and

"(17) The Act of October 17, 1978, entitled 'An Act to provide for payments to local governments based upon the acreage of the National Wildlife Refuge System which is within their boundaries, and for other purposes' (92 Stat. 1319, as amended; 16 U.S.C. 715s)."

SEC. 4. In section 6 of the Act, subsections (a)(4) and (a)(5) are amended and a new subsection (a)(6) is added as follows:

"(4) lands on which are located semi-active or inactive installations, not including industrial installations, retained by the Army for mobilization purposes and for support of reserve component training;

"(5) dredge disposal areas owned by the United States under the jurisdiction of the Army Corps of Engineers; or

"(6) lands administered by the Secretary of the Interior through the U.S. Fish and Wildlife Service as such lands are defined in the Act of June 15, 1935 (16 U.S.C. 715s)."

SEC. 5. Section 401(c) of the Act of June 15, 1935 (commonly referred to as the Refuge Revenue Sharing Act, 16 U.S.C. 715s) is amended—

(1) by deleting paragraph (1);

(2) by amending paragraph (2) to read as follows:

"At the end of each fiscal year, the Secretary shall pay out of the fund for such fiscal year to each county in which any fee or reserve area is situated, an amount equal to 25 percent of the net receipts collected by the Secretary in connection with the operation and management of any such area during such fiscal year: *Provided,* That when any such area is situated in more than one county the distributive share to each county from the aforesaid receipts shall be proportional to its acreage of such fee or reserve area.";

(3) by deleting paragraph (4);

(4) by amending paragraph (5)(A) by striking out the phrase "paragraph (1) and (2)" wherever it appears and inserting in lieu thereof "paragraph (1)"; and

(5) by redesignating paragraphs (2), (3), and (5), as paragraphs (1), (2), and (3), respectively.

(b) Section 401 of such Act is amended by striking out subsection (d) and redesignating subsections (e) through (h) as subsections (d) through (g) respectively.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 13, 1981.

Hon. GEORGE BUSH,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill, "To amend the Act of October 20, 1976 as amended (31 U.S.C. 1601), to change the method by which payments are determined, and for other purposes."

We recommend that the draft bill be referred to the appropriate committee for consideration, and that it be enacted.

This Administration recognizes the continued need for a Payment-in-lieu-of-taxes (PILT) program and has requested funding of the program for fiscal year 1982 at a level of $45 million, as opposed to requesting no funding, which was the recommendation of the previous Administration. We are, however, recommending herein amendments to the 1976 Act that we believe will strengthen PILT and resolve some administrative problems the Department has experienced in carrying out the program.

The enclosed draft bill would:

Add 6 additional revenue-sharing programs to the list of programs in section 4 of the 1976 Act—payments made under section 4 programs are deducted from the PILT payment before they are made to local governments;

Include "fee lands" of the National Wildlife Refuge System (lands acquired for the Refuge System from the private domain) as "entitlement lands" for purposes of the PILT program;

Amend the Refuge Revenue Sharing Act (16 U.S.C. 715s) by deleting the authorization to make payments from appropriated funds for the fee lands in the Refuge System, thereby providing for the equal treatment of fee and reserve lands under the Refuge Revenue Sharing Act.

Require the deduction from the PILT payment of all revenues paid to a State under any of the programs listed in section 4, not just the deduction of payments "passed through" to local units of government, as the law now provides; and

Repeal section 3, which provides an additional payment to counties as compensations for lands acquired for the Redwood National Park, and additions to the National Park System and National Forest Wilderness Areas after December 31, 1970.

We believe that the PILT program should serve as an all-inclusive program for compensating local units of government for tax revenue lost as a result of Federal ownership of lands within their domains. Therefore it is essential that the 6 revenue-sharing programs we have identified in section 2 of our draft bill be included among the programs listed in section 4 of the 1976 Act. The present system of deducting payments made to local governments under the 11 programs now covered, but not deducting payments made under the 6 programs we have identified, results in an inequitable distribution of PILT funds.

In line with our belief that the PILT program must be more inclusive, we are recommending that "fee lands" in the National Wildlife Refuge System be considered as "entitlement lands" under the 1976 Act. This will make the treatment of all refuge lands equal to that of lands administered by the National Park Service, the Forest Service, and the Bureau of Land Management. Consistent with that inclusion, we recommend that the Refuge Revenue Sharing Act be amended to delete the direct payment provisions and to provide instead for a sharing with local governments of receipts received from refuge lands.

Another problem that has arisen in the course of our administration of the 1976 Act is the determination of how much of the funds received by a State under a revenue-sharing program listed in section 4 is passed through to local governments. Such a determination must be made in order to ascertain how much money should be deducted from the local government's section-1 PILT payment. This has caused the Department to rely on reports from the States that are often difficult to obtain and burdensome for the States to prepare.

A 1978 ruling by the Comptroller General has further added to this problem. The Comptroller General ruled that specialized local units, such as school districts or grazing districts, are not "local units of government" for purposes of the 1976 Act, and, therefore, that payments to such districts cannot be deducted from a local government's PILT payment.

In order to alleviate these problems, we are recommending that the deduction of funds received under the revenue-sharing programs listed in section 4 be based on the amount of funds received by both the State involved and units of local government within the State. The amount to be deducted from a unit of local government's PILT payment would be determined by a formula set forth in our proposed new section 2(a) of the Act which takes into consideration the amount of entitlement land within the unit, the population of the unit of local government, and the ratio of entitlement land within the unit of local government to the total entitlement land in that state.

Finally, we are concerned about the "double payment" aspect of section 3 payments. Section 3 provides for additional payments to local units for lands acquired since December 31, 1971, for either the Redwood National Park, the National Park System, or National Forest Wilderness. Such payments are also required for lands acquired in the Lake Tahoe basin pursuant to the Act of December 23, 1980 (94 Stat. 3381). The payments under section 3 are intended to compensate the units of local government for their loss of taxable land until the use of land as parks or wilderness generates sufficient revenue to allow such units to recover from the loss of property taxes. Under the present Act, a governmental unit can receive both general PILT payments (section 1) and Redwood-Lake Tahoe-Parks-Wilderness payments (section 3). Our draft bill would repeal section 3, and thus eliminate section 3 payments altogether. Section 3 was established during a period of expansion of the parks and wilderness areas. Since further acquisition is not in the program of the Administration, we believe section 3 is no longer useful.

In short, we believe that the amendments proposed in the enclosed draft bill would provide a viable, cost-effective method for calculating PILT payments, and allow continuation of the important benefits to local units of governments of the PILT program. We estimate that, under our revised formula, we will be required to make payments of about $44.4 million to units of local government in fiscal year 1982. However, should the figure for payments required to be made exceed the amount we have requested, we would prorate the payments under already-existing authority contained in section 7 of the 1976 Act. We urge you to consider this legislation promptly and to enact it in time for us to provide fiscal year 1982 payments under this revised formula.

The Office of Management and Budget has advised that there is no objection to this legislative proposal from the standpoint of the Administration's program, and that enactment of this proposal would be in accordance with the program of the President.

Sincerely,

JAMES G. WATT,
Secretary.

By Mr. HATCH:

S. 1283. A bill to consolidate Federal assistance to States for health promotion and disease prevention, to provide greater flexibility to States in administering health promotion and disease prevention programs, and for other purposes; to the Committee on Labor and Human Resources.

PREVENTIVE HEALTH BLOCK GRANT ACT

Mr. HATCH. Mr. President, I am today introducing the Preventive Health Block Grant Act which is similar to S. 1028, the Preventive Health Services Block Grant Act of 1981, which I introduced on April 29.

However, there are some differences between my bill and the administration's proposal. This preventive health block grant would include lead based paint poisoning prevention and genetic disease grant programs. These two programs are to be included in a separate maternal and child health block grant over which the Finance Committee would have jurisdiction.

In addition, the administration proposal does not include as much accountability by the States, does not provide an evaluation requirement, allows a 10-percent rather than a 5-percent transferability among block grants and does not have provisions for a transition to the block grant for those States not legally or administratively able to operate under the new system by October 1, 1981.

Mr. President, this draft legislation was submitted by the Department of Health and Human Services, and I ask unanimous consent that the text of the bill and the executive communication which accompanied the proposal from Secretary Schweiker, in which he thoughtfully articulates the purpose and rationale of this legislation, be printed in the RECORD.

There being no objection, the bill and the communication were ordered to be printed in the RECORD, as follows:

S. 1283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Preventive Health Block Grant Act".

FINDINGS AND DETERMINATIONS

SEC. 2. The Congress finds and determines that—

(1) during the past twenty years the Federal government has established numerous programs to assist States, local governments, and private organizations in promoting health and preventing disease,

(2) despite the growth in Federal funding for preventive health, State and local governments retain primary responsibility for preventive health,

(3) with the growth in the number of Federal assistance programs and in the associated requirements imposed on recipients, Federal decisions have replaced State and local determinations as to which preventive health activities need to be undertaken,

(4) the proliferation of Federal programs has resulted in substantial inefficiencies in the way preventive health activities are undertaken, in burdensome administrative costs, and in spending patterns that frequently do not reflect the priorities and health needs of the residents of each State,

(5) the best use of governmental health resources in meeting the nation's preventive health needs requires that the Federal government support and not displace the State role in determining which preventive health activities to support and how best to support them, and

(6) allowing the State substantial flexibility in the use of Federal financial assistance through consolidation of related assistance programs into a single grant with minimum requirements will help ensure a proper governmental balance, will permit coordinated planning at the State level, and will help ensure the effective use of the nation's resources in the health area.

PURPOSE OF ACT

SEC. 3. The purpose of this Act is to assist each State in—

(1) assuring access to preventive health services for its residents (in particular, individuals with limited means),

(2) providing comprehensive public health services, preventing lead-based paint poisoning, controlling rodents, fluoridating water supplies, undertaking hypertension activities, preventing and controlling venereal disease, preventing and controlling tuberculosis, providing family planning services, carrying out activities in relation to genetic diseases, deterring smoking and the use of alcohol among children and adolescents, and carrying out adolescent pregnancy activities, all of which were formerly supported by specific Federal assistance efforts, and

(3) otherwise undertaking health promotion and disease prevention efforts to reduce preventable morbidity and mortality and improve the quality of life.

PREVENTIVE HEALTH BLOCK GRANT

SEC. 4. Part B of title III of the Public Health Service Act is amended—

(1) by inserting the heading "Subpart I—Special Programs" after the heading to that part,

(2) by repealing sections 314 through 316 and section 318,

(3) by renumbering section 317 as 312 and section 320 as 313, and

(4) by adding the following after section 313:

"Subpart II—Preventive Health Block Grant

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 314. For the purpose of carrying out the provisions of this subpart, there are authorized to be appropriated $241,900,000 for fiscal year 1982 and for each of the three succeeding fiscal years.

"ALLOTMENTS

"SEC. 315. From the amounts appropriated under section 314 for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to the amounts appropriated under section 314 for that fiscal year as the amounts provided or allotted by the Secretary to the State and to entities in the State under former sections 314(d), 316, 317 for rodent control, hypertension, and fluoridation activities, 318, 1001, 1003, 1005 and 1101 of this Act and former sections 401 and 402 and title VI of the Health Services and Centers Amendments of 1978 bore to the amounts provided or allotted by the Secretary under those provisions to all States and to entities in all States from appropriations for fiscal year 1981.

"PAYMENTS TO STATES

"SEC. 316. (a) The Secretary shall make payments as provided by section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213) to each State from its allotment under section 315 from amounts appropriated for any fiscal year.

"(b) The Secretary, at the request of a State, may reduce the amount of payments under subsection (a) by—

"(1) the fair market value of any supplies (including vaccines and other preventive agents) or equipment furnished the State, and

"(2) the amount of the pay, allowances, and travel expenses of any officer or employee

of the Government when detailed to the State and the amount of any other costs incurred in connection with the detail of such officer or employee,

when the furnishing of supplies or equipment or the detail of an officer or employee is for the convenience of and at the request of the State and for the purpose of conducting activities described in section 317. The amount by which any payment is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based, and the amount shall be deemed to be part of the payment and shall be deemed to have been paid to the State.

"USE OF GRANT MONEY

"SEC. 317. (a) A State may use amounts paid to it by the Secretary under section 316 (and amounts transferred under other provisions of law for use under this subpart) for health promotion and disease prevention activities, including planning, administration, education, and evaluation, except as limited under subsection (b) or as provided under subsection (c).

"(b) Amounts described in subsection (a) may not be used for—

"(1) cash payments to intended recipients of health services,

"(2) the purchase or improvement of land, or the purchase, construction or permanent improvement (other than minor remodeling) of any building or other facility, or

"(3) satisfying any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

The Secretary may waive the limitation contained in paragraph (2) upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this subpart.

"(c) From the amounts paid to it under section 315 from amounts appropriated for a fiscal year, a State may transfer up to ten percent for use under other provisions of Federal law providing for support of health or social services, or for meeting home energy and emergency assistance needs. The State shall inform the Secretary of any such transfer of funds.

"(d) A state shall expend amounts described in subsection (a) by the end of the fiscal year following the fiscal year for which they were appropriated.

"(e) A State may use a portion of the amounts described in subsection (a) for the purpose of purchasing technical assistance from public or private entities if the State determines that such assistance is required in developing, implementing, and administering programs funded under this subpart.

"REPORT ON INTENDED EXPENDITURES

"SEC. 318. Prior to expenditures by a State of payments made to it under section 316 for any fiscal year, the chief executive officer of the State shall prepare a report on the intended use of payments the State is to receive under this subpart, including information on the types of activities to be supported and the categories or characteristics of individuals to be served. The report made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the report and after its completion. The report shall be revised throughout the year as may be necessary to reflect substantial changes in the activities assisted under this subpart, and any revision shall be subject to the requirements of the previous sentence.

"REPORTS AND AUDITS

"SEC. 319. (a) Each State shall prepare reports on its activities under this subpart. Reports shall be in such form, contain such information, and be of such frequency (not less often than every two years) as the State finds necessary to secure an accurate description of those activities, to secure a complete record of the purposes for which funds were spent, and to determine the extent to which funds were expended consistently with the reports required by section 318. The State shall make copies of the reports required by this section available for public inspection within the State. Copies shall also be provided, upon request, to any interested public agency, and each such agency may provide its views on these reports to the Congress.

"(b) Each State shall, not less often than every two years, audit its expenditures from amounts received under (or transferred to) this subpart. Such State audits shall be conducted by an entity independent of any agency administering a program funded under this subpart, in accordance with generally accepted accounting principles. Within 30 days following the completion of each audit, the chief executive officer of the State shall submit a copy of that audit to the legislature of the State and to the Secretary. Each State shall repay to the United States amounts found not to have been expended in accordance with this subpart or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this subpart.

"(c) For other provisions requiring States to account for Federal grants, see section 202 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4212).

"NONDISCRIMINATION PROVISION

"SEC. 320. (a) No person shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this subpart. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

"(b) Whenever the Secretary determines that a State that has received a payment under this subpart has failed to comply with subsection (a) of this section or an applicable regulation, he shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to (1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted, (2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable, or (3) take such other action as may be provided by law.

"(c) When a matter is referred to the Attorney General pursuant to subsection (b) of this section, or whenever he has reason to believe that the State is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.".

REPEALS AND CONFORMING AMENDMENTS

SEC. 5. (a) Title X and part A of title XI of the Public Health Service Act, and sections 401 and 402 and titles VI and VII of the Health Services and Centers Amendments of 1978 are repealed.

(b)(1) Section 2(f) of the Public Health Service Act is amended by striking out "314(g)(4)(B), 318(c)(1)," and "1002(c),".

(2)(A) The second sentence of section 311(a) of that Act is amended—

(i) by inserting "and with respect to other public health matters" after "diseases", and

(ii) by striking out "and in carrying out the purposes of section 314".

(B) The first sentence of section 311(b) of that Act is amended by striking out "the purposes of section 314" and inserting instead "public health activities".

(C) The first sentence of section 311(c)(1) of that Act is amended by striking out "or condition referred to in section 317(f)" and "involving or resulting from disasters or any such disease".

(D) The second sentence of section 311(c)(1) of that Act is amended by striking out "resulting from disasters or any disease or condition referred to in section 317(f)".

(3)(A) Section 312(a) of that Act (as renumbered by section 4(3) of this Act) of that Act is amended to read as follows:

"SEC. 312. (a) The Secretary may make grants to States and, in consultation with State authorities, to political subdivisions of States and to other public entities to assist them in meeting the costs of establishing and maintaining preventive health programs to immunize individuals against immunizable diseases.".

(B) Section 312(b)(3) of that Act is amended by striking out everything after "1524(c)" up to the semicolon.

(C) Section 312(h) of that Act is amended—

(i) by striking out "and conditions" each place it occurs, and

(ii) by striking out "for each of the programs listed in subsection (j)".

(D) Section 312(j) of that Act is amended by striking out paragraphs (2) through (5).

(E) The heading to section 312 of that Act is amended by striking out "Preventive Health Services" and inserting instead "Immunizations".

(4) The heading to title XI of that Act is amended by striking out "GENETIC DISEASES, HEMOPHILIA PROGRAMS," and inserting instead "HEMOPHILIA PROGRAMS AND".

EFFECTIVE DATE

SEC. 6. The amendments made by sections 4 and 5 do not apply to any grant made, or contract entered into, before October 1, 1981.

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, D.C., April 6, 1981

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for consideration by the Congress is a draft bill "To consolidate Federal assistance to States for health promotion and disease prevention, to provide greater flexibility to States in administering health promotion and disease prevention programs, and for other purposes".

The draft bill would provide the States and territories with resources and the appropriate control of those resources to conduct health promotion and disease prevention activities effectively. It would remove many of the current barriers which inhibit the transfer of resources from one problem area to another as needs dictate. It would promote efficiency and responsiveness by allowing States to undertake creative and cost-effective approaches for reducing preventable morbidity and mortality within their populations. The proposed legislation would also overcome several of the most serious problems in current Federal health promotion and disease prevention programs.

The current categorical project grants for preventive health have not adequately met State and local needs and priorities. They have not been well integrated with State preventive health activities and the categorical nature of the grants has limited the flexibility of States to respond to local conditions. States can best tailor programs and resources to meet their specific problems and needs.

The draft bill addresses this problem by granting funds to the States to assist them in undertaking health promotion and disease prevention activities as each State finds appropriate. Funds would be available for a wide range of preventive health activities such as—

Preventive health services for individuals and families, particularly those with limited means, and

Comprehensive public health services, prevention of lead-based paint poisoning, control of rodents, fluoridation of water supplies, hypertension activities, prevention and control of venereal disease, prevention and control of tuberculosis, family planning services, activities in relation to genetic diseases, deterrence of smoking and the use of alcohol among children and adolescents, and adolescent pregnancy activities, all of which are currently supported by specific Federal assistance efforts.

A State could transfer up to ten percent of the funds it received to our proposed health services, social services, and home energy and emergency assistance block grant programs, which we are transmitting to you separately.

The draft bill would eliminate Federal requirements that currently inhibit the effective undertaking of preventive health activities. The only limitations are that funds may not be used for cash payments, for construction, for the purchase of land or facilities, or to satisfy State matching requirements under other Federal programs. In addition, assistance under the draft bill would be subject to the nondiscrimination provisions now applicable to assistance provided under title I of the Housing and Community Development Act of 1974. A key feature of the enforcement mechanism in these provisions affords the Governor of each State the opportunity to secure compliance with the nondiscrimination requirements before Federal enforcement actions are taken.

States, their political subdivisions, and other grantees within a State's boundaries have experienced problems with unstable resource allocations. The consolidation of grants and vesting of responsibility with the States would effectively substitute stability of funding for the current uncertainty. Funds would be allocated among the States on the basis of a fixed proportion of the amount appropriated for any fiscal year equivalent to the proportionate share of Federal health prevention funds for each State and entities within the State for fiscal year 1981. Federal requirements for detailed State plans and lengthy reports would be eliminated. Audit requirements in the Intergovernmental Cooperation Act of 1968 would be carried out under governmentwide directives designed to ensure that duplicative Federal audit activities were not conducted in addition to State sponsored audits using generally accepted accounting principles. The Act would apply to grants under the draft bill in the same manner it applies to all other Federal grant programs.

Because of the efficiencies to be realized through the elimination of duplication in activities and administration and because of the reduction in unnecessary administrative requirements, significant cost savings would be possible. The draft bill would authorize appropriations for fiscal year 1982 and each of the next three fiscal years of $241.9 million, an amount equal to approximately 75 percent of the fiscal year 1981 current services level for the programs which would be replaced by the block grant. As an integral part of the President's Program for Economic Recovery, these expenditure restraints would contribute to ending inflation, which has severely eroded the resources available at the State and local level to provide needed services.

We are convinced that the significant change in approach to Federal-State relations, reflected both in this draft bill and in the companion bills that we are sending you for health services, social services, and home energy and emergency assistance, will result in improved programs and greater administrative efficiency at the State and local levels.

We urge the Congress to give the draft bill its prompt and favorable consideration.

We are advised by the Office of Management and Budget that enactment of the draft bill would be in accord with the program of the President.

Sincerely,

RICHARD S. SCHWEIKER,
Secretary.

By Mr. HATCH:

S. 1284. A bill to amend provisions of law concerned with health professions personnel, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH PROFESSIONS PERSONNEL AMENDMENTS OF 1981

Mr. HATCH. Mr. President, I am today introducing the Health Professions Personnel Amendments of 1981 which is similar to my bills, S. 799 and S. 801. The Health Profession Education Assistance and Nurse Training Assistance Act of 1981 and the National Health Service Corps, and the National Health Service Corps Amendments of 1981, respectively.

However, although this bill's intent is the same as my bill, there are some difference. My bill dealing with the National Health Service Corps, while restraining growth of the Corps also goes on to assure that only the most needy communities receive NHSC personnel.

The Health Profession Educational Assistance and Nurse Training Assistance Act, while targeting similar cuts in personnel health areas, makes different allocations of the money available in this area.

Mr. President, this draft legislation was submitted by the Department of Health and Human Services, and I ask unanimous consent that the text of the bill and the executive communication which accompanied the proposal from Secretary Schweiker, in which he thoughtfully articulates the purpose and rationale of this legislation, be printed in the RECORD.

There being no objection, the bill and communication were ordered to be printed in the RECORD, as follows:

S. 1284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Health Professions Personnel Amendments of 1981".

(b) Whenever in this Act an amendment is expressed in terms of an amendment to, or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act, unless otherwise specifically stated.

REPEAL OF CAPITATION AUTHORITIES

SEC. 2. (a)(1) Paragraph (2) of section 770(c) is amended—

(A) in the first sentence, by striking out "For purposes of this section, the" and inserting instead "The", and

(B) in the last sentence, by striking out "and for purposes of section 771, students enrolled in the first of the last four years of such program shall be considered as first-year students".

(2) That paragraph is renumbered as paragraph (11) and is transferred to the end of section 701.

(3) Section 731(a)(1)(A)(ii) is amended by striking out "770(c)(2)" and inserting instead "701(11)".

(b)(1) Subsection (b) of section 772 is amended by striking out "section 770 or subsection (a) or (b) of section 788" and inserting instead "subsection (a) or (b)".

(2) That subsection is redesignated as subsection (h) and is transferred to the end of section 788.

(c) Section 700(b), part E of title VII, and subpart II of part A of title VIII are repealed.

(d)(1) Sections 331(g) and 751(j) are repealed.

(2) Section 703 is amended—

(A) by striking out subsection (b), and

(B) by striking out the subsection designation "(a)".

(3) Section 708(c) is amended—

(A) by striking out the first sentence, and

(B) by striking out "additional" in the second sentence.

(4) Section 710(1) is amended by striking out "except for grants under section 770,".

(5) Section 737 is amended—

(A) by striking out paragraph (2), and

(B) by amending paragraph (1) to read as follows:

"(1) The term 'eligible institution' means, with respect to a fiscal year, a school of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, veterinary medicine, or public health within the United States that is accredited by a recognized body or bodies approved for such purpose by the Secretary of Education, except that a new school which (by reason of no, or an insufficient, period of operation) is not, at the time of application for insurance for a loan under this subpart, eligible for accreditation by such a recognized body or bodies, shall be deemed accredited for purposes of this part if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of the first entering class in such school.".

(6) The first sentence of section 853(6) is amended by striking out clause (B).

REPEAL OF CONSTRUCTION AUTHORITIES

SEC. 3. (a) Section 722 is amended to read as follows:

"PAYMENTS

"SEC. 722. The Secretary shall reserve, from any appropriation available for a grant for a construction project under this part, the amount of such grant; the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. The Secretary's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.".

(b) Section 803 is amended to read as follows:

"PAYMENTS

"SEC. 803. The Secretary shall reserve, from any appropriation available for a grant for a construction project under this subpart, the amount of such grant; the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. The Secretary's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.".

(c) Section 723 is amended—

(1) by inserting "former" before "section 720(a)(1)" and "section 720(a)(2)",

(2) by striking out "section 722" and inserting instead "former section 722(d)",

(3) in subsection (a)(2), by inserting "(including the lack of further need for the teaching, research, or other capacity") after "good cause", and

(4) in subsection (b)(2), by inserting "(including the lack of further need for the training capacity)" after "good cause".

(d) Section 804 is amended by inserting "(including the lack of further need for the training capacity)" after "good cause".

(e) Section 724 is amended to read as follows:

"REGULATIONS

"SEC. 724. The Secretary may make such regulations as he finds necessary to carry out the provisions of this part.".

(f) Sections 720, 721, 725, 801, and 802, subsections (a), (b), (c), and (f) of section 726, and subsections (a), (b), (c), and (f) of section 805 are repealed.

(g)(1) Section 701(3) is amended by striking out "which meets the eligibility conditions set forth in section 721(b)(1)".

(2) The first sentence of section 853(6) is amended by striking out clause (A).

(h)(1) No entity shall be required to continue to implement assurances given under former section 721(c)(2)(D).

(2) The Secretary may waive the enforcement of assurances given by any school under former section 802(b)(2)(D).

REPEAL OF START-UP ASSISTANCE AUTHORITY

SEC. 4. (a) Section 788(a) is repealed.

(b) Section 788(h) (as amended and redesignated by section 2(b) of this Act) is further amended—

(1) by striking out "subsection (a) or (b)" and inserting instead "subsection (b)",

(2) by striking out "(1)",

(3) by striking out ", and (2) be" and inserting instead "that is",

(4) by inserting ", or a public or other nonprofit school of nursing," after "Commissioner of Education,",

(5) by striking out "requirement of this clause" and inserting instead "accreditation requirements", and

(6) by striking out "(A)" and "(B)" and inserting instead "(1)" and "(2)", respectively.

(c) The heading to section 788 is amended by striking out "Start-up Assistance,".

(d) Section 788(e)(2) is repealed.

CONSOLIDATION AND EXTENSION OF FINANCIAL DISTRESS AUTHORITIES

Sec. 5. (a) Paragraphs (1) and (3) of section 788(b) are each amended by inserting "nursing," after "podiatry," each place it occurs.

(b) Section 788(b) is amended by subsituting for paragraph (5) the following paragraphs:

"(5) In the case of a school which has received a grant under this subsection in the immediately preceding fiscal year, the amount granted to that school under this subsection in any fiscal year may not exceed 75 percent of the amount granted to that school under this subsection in that immediately preceding fiscal year. No school may receive grants under this subsection in more than three fiscal years after fiscal year 1981.

"(6) There are authorized to be appropriated to carry out the provisions of this subsection $7,400,000 for fiscal year 1982 and such sums as may be necessary for each of the two succeeding fiscal years.".

(c) Section 788(e) and subpart III of part A of title VIII are repealed.

(d) Section 701 is amended by adding at the end the following paragraph:

"(12) The term 'school of nursing' has the meaning assigned by section 853(2).".

EXTENSION OF AND AMENDMENTS CONCERNING THE HEALTH EDUCATION ASSISTANCE LOANS PROGRAMS

SEC. 6. (a)(1) The first sentence of section 728(a) is amended—

(A) by striking out "and" after "1979;", and

(B) by inserting "; and $100,000,000 for the fiscal year ending September 30, 1982, and each of the two succeeding fiscal years" before the period.

(2) The second sentence of section 728(a) is amended by striking out "1982" and inserting instead "1986".

(b)(1) Section 729(a) is amended by inserting "or nursing" after "pharmacy" each place it occurs.

(2) The first sentence of section 701(11) (as amended and redesignated by section 2(a) of this Act) is further amended by inserting ", or to a degree, diploma, or equivalent in nursing" before the period.

(3) Section 737(1) (as amended by section 2(d) of this Act) is further amended by inserting "or a school of nursing," before "except".

(c)(1) The first sentence of section 729(a) is amended by striking out "$10,000" and all that follows up to the period and inserting instead the following: "$20,000 in the case of a student enrolled in a school of medicine, osteopathy, or dentistry, or $15,000 in the case of a student enrolled in a school of veterinary medicine, optometry, podiatry, public health, pharmacy, or nursing".

(2) The second sentence of section 729(a) is amended by striking out "$50,000" and all that follows up to the period and inserting instead the following: "$80,000 in the case of a borrower who is or was a student enrolled in a school of medicine, osteopathy, or dentistry, or $60,000 in the case of a borrower who is or was a student enrolled in a school of veterinary medicine, optometry, podiatry, public health, pharmacy, or nursing".

(d) Section 735 is amended by adding at the end the following:

"(d) Upon application by an individual who received and is under an obligation to repay, any loan made to him under this subpart, the Secretary may undertake to repay (without liability to the individual) all or any part of that loan, and any interest or portion thereof outstanding thereon, upon the Secretary's determination, pursuant to regulations establishing criteria therefor, that the applicant—

"(1) failed to complete his studies leading to his first professional degree,

"(2) is in exceptionally needy circumstances,

"(3) is from a low-income family as that term may be defined by those regulations, and

"(4) has not resumed, or cannot reasonably be expected to resume, his studies within two years following the date upon which he terminated the studies.".

(e) Section 735(c)(1) is amended by striking out "which is described in clauses (A) and (B) of section 753(a)(2)" and inserting instead "specified by the Secretary".

(f) Section 739(b) is amended to read as follows:

"(b) The Secretary shall by regulation require an eligible institution to record, and make available to a lender and to the Secretary upon request, the name, address, social security number, postgraduate destination, and other reasonable identifying information for each student of such institution who has a loan insured under this subpart.".

(g) The heading to subpart I of part C of title VII is amended to read as follows:

"Subpart I—Health Education Assistance Loans"

AMENDMENTS TO HEALTH PROFESSIONS SCHOOLS LOAN FUNDS AUTHORITIES

SEC. 7. (a)(1) Sections 740(a), 742, 835(a), 837, 838, and 841 are repealed.

(2) The first sentence of section 853(6) is amended by striking out ", except" and all that follows up to the period.

(b)(1) The matter in section 743(a) preceding paragraph (1) is amended to read as follows:

"SEC. 743. (a) Upon request of a school with which an agreement was entered into under section 740, there shall be a capital distribution of the balance of the loan fund established under that agreement as follows:".

(2) The matter in section 839(a) preceding paragraph (1) is amended to read as follows:

"SEC. 839. (a) Upon request of a school with which an agreement was entered into under 835, there shall be a capital distribution of the balance of the loan fund established under that agreement as follows:".

(3) Section 743(b) and 839(b) are each amended to read as follows:

"(b) The school shall subsequently pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school after the capital distribution in payment of principal or interest on loans made from the loan fund as was determined for the Secretary under subsection (a).".

(c)(1) Section 741(f)(1)(C) is amended—

(A) by striking out "who enters into an agreement with the Secretary" and inserting instead "with whom the Secretary chooses to enter into an agreement for the individual", and

(B) by striking out "designated under section 332" and inserting instead "(designated under section 332) specified by the Secretary".

(2) Section 741(f)(5) is repealed.

(3) Section 836(h)(1)(C) is amended to read as follows:

"(C) with whom the Secretary chooses to enter into an agreement for the individual to practice his profession (as a member of the National Health Service Corps or otherwise) for a period of at least two years in a health manpower shortage area (designated under section 332) specified by the Secretary);".

(4) Section 836(i) is repealed.

(d) Section 835(b)(4) is amended by striking out ", and that while the agreement remains in effect no such student who has attended such school before October 1, 1980, shall receive a loan from a loan fund established under section 204 of the National Defense Education Act of 1958".

(e)(1) Section 741 is amended by adding at the end the following:

"(m) The Secretary is authorized to attempt to collect any loan which was made under this subpart and which is in default, referred to him by a school with which he has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe, including reimbursement for expenses he may reasonably incur in attempting collection.".

(2) Section 836 is amended by adding at the end the following:

"(k) The Secretary is authorized to attempt to collect any loan which was made under this part and which is in default, referred to him by a school with which he has an agreement under this part, on behalf of that school under such terms and conditions as the Secretary may prescribe, including

reimbursement for expenses he may reasonably incur in attempting collection.".

(f) Section 741(e) and 836(b)(5) are repealed.

(g)(1) Section 741(a) is repealed.

(2) Section 836(a) is amended to read as follows:

"SEC. 836. (a) In granting of loans from a loan fund established pursuant to an agreement under this part, a school shall give preference to licensed practical nurses and to persons who enter as first-year students after enactment of this title.".

(h) The second sentence of section 741(j) and the second sentence of section 836(f) are each amended to read as follows: "The amount of any such charge may not exceed any limit prescribed by applicable State law.".

APPROPRIATION AUTHORIZATIONS FOR AND AMENDMENTS CONCERNING THE NATIONAL HEALTH SERVICE CORPS

SEC. 8. (a) Section 338(a) is amended—

(1) by striking out "and" after "1979;", and

(2) by inserting "; and $110,000,000 for the fiscal year ending September 30, 1982, and such sums as may be necessary for each of the two succeeding fiscal years" before the period.

(b) Section 331(c) is amended by inserting "or for a release under section 753" after "Corps."

(c) Subparagraphs (A) and (B) of section 334(a)(3) are amended to read as follows:

"(A) an amount calculated by the Secretary to reflect the average salary (including amounts paid in accordance with section 331(d)) and allowances of comparable Corps members for a calendar quarter (or other period);

"(B) that portion of an amount calculated by the Secretary to reflect the average amount paid under the Scholarship Program to or on behalf of comparable Corps members that bears the same ratio to the calculated amount as the number of days of service provided by the member during that quarter (or other period) bears to the number of days in his period of obligated service under the Program; and".

APPROPRIATION AUTHORIZATIONS FOR AND AMENDMENTS CONCERNING THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM

SEC. 9. (a)(1) The first sentence of section 756(a) is amended—

(A) by striking out "and" after "1979,", and

(B) by inserting ", $37,873,000 for the fiscal year ending September 30, 1982, and such sums as may be necessary for each of the two succeeding fiscal years" before the period.

(2) The second sentence of section 756(a) is amended—

(A) by striking out "1981" and inserting instead "1985", and

(B) by striking out "1980" and inserting instead "1984".

(b)(1) Section 752 is amended by adding at the end the following:

"(f) The Secretary may permit an individual to satisfy all or part of his service obligation under this subpart by engaging in the clinical practice of his profession in any location (whether or not in a health manpower shortage area as defined in section 332(a))—

"(1) for the Department of Health and Human Services,

"(2) for the Department of Defense,

"(3) for the Veterans' Administration, or

"(4) as may be requested by a State or local governmental entity

for a period of full-time practice equal to (or a longer period of other than full-time practice equivalent to) the remaining period of obligated service. Funds appropriated under this subpart may not be used to pay for services performed under this subsection.

"(g) The Secretary may from time to time release up to a specified number of individuals from their service obligation under this subpart who have reached the date described in section 752(b)(5) but who have not yet begun their period of obligated service. He shall require as a condition for a release that an individual agree to pay to the United States, within such time as the Secretary may specify, from one to three times, as uniformly specified by the Secretary at any one time, the amount which has been paid to the individual or on his behalf under a contract under section 751. If more eligible individuals apply for such a release than the number specified by the Secretary, the Secretary shall select by lottery those to be released.".

(2) Section 752(a) is amended by inserting "in subsection (e), (f), or (g) or" before "in section 753".

(3) Section 752(b)(4) is amended by striking out "and" and inserting instead ", in subsection (e), (f), or (g), or".

(4) Section 754(d) is amended by striking out "of damages" each place it occurs.

(c) Section 700 is repealed.

(d) Section 751(d) is amended to read as follows:

"(d) In determining which applications under the Scholarship Program to approve (and which contracts to accept), the Secretary shall give priority to applications made (and contracts submitted) by individuals who have previously received scholarships under the Scholarship Program.".

(e)(1) Section 753(a)(2) is amended by striking out "which has a priority for the assignment of Corps members under section 333(c)" and inserting instead "specified by the Secretary".

(2) Section 753 is amended by adding at the end the following:

"(c) The Secretary may pay an individual who has entered into an agreement with the Secretary under subsection (a) an amount to cover all or part of the individual's expenses reasonably incurred in transporting himself, his family, and his possessions to the location of his private clinical practice.".

(f)(1) The second sentence of section 754(c) is amended by inserting "(or such longer period as specified by the Secretary for good cause shown)" after "one year".

(2) Section 754(d)(2) is amended by inserting "partial or total" before "waiver".

(g) The Secretary may permit any individual with a service obligation under former section 225 of the Public Health Service Act to satisfy all or part of that obligation as provided by subsection (e) or (f) of section 752 or by section 753 of that Act.

(h)(1) Paragraphs (1) through (3) of section 752(b) are repealed.

(2) Paragraphs (4) and (5) of section 752(b) are renumbered as (1) and (2), respectively.

(3) Paragraph (1) (as renumbered by paragraph (2) of this subsection) of section 752(b) is amended to read as follows:

"(1) Except as provided in subsection (e), (f), or (g) or in section 753, the Secretary shall appoint each individual, as soon as possible after the date described in paragraph (2), to serve in the full-time clinical practice of his profession as a commissioned officer in the Regular or Reserve Corps of the Service or as a civilian member of the Corps, as specified by the Secretary."

(4) Paragraph (2) (as renumbered by paragraph (2) of this subsection) of section 752(b) is amended by striking out "paragraphs (1) through (4)" each place it occurs and inserting instead "paragraph (1)".

(5) The first sentence of subsection (g) (as added by subsection (b)(1) of this section) of section 752 is amended by striking out "752(b)(5)" and inserting instead "752(b)(2)".

REPEAL OF UNNEEDED SCHOLARSHIP AND TRAINEESHIP PROVISIONS

SEC. 10. (a) Subpart V of part C of title VII, section 783(c), and subparts I and III of part B of title VIII are repealed.

(b) Part B of title VIII is amended by striking out the subpart heading "Subpart II—Student Loans".

(c) Sections 836 and 840 are each amended by striking out "subpart" each place it occurs and inserting instead "part".

REPEAL OF UNNEEDED AND OBSOLETE ASSISTANCE AUTHORITIES

SEC. 11. (a) Section 701(8), part D of title VII, sections 782 and 785, subsections (b) and (c) of section 786, subsections (c), (d), (f), and (g) of section 788, sections 789 and 791, and subpart II of part G of title VII are repealed.

(b) The second sentence of section 702 is amended by striking out "and entities which may receive a grant under section 791,".

(c)(1) Section 783(a) is amended to read as follows:

"SEC. 783. (a) The Secretary may make grants to and enter into contracts with public or nonprofit private schools of medicine and osteopathy and other public or nonprofit private entities to meet the costs of projects to plan, develop, and operate or maintain programs for the training of physician assistants (as defined in section 701(7)).".

(2) Section 783(d) is amended by striking out "and expanded function dental auxiliaries".

(3) The heading to section 783 is amended by striking out ", Expanded Function Dental Auxiliaries and Dental Team Practice".

(d) The heading to section 786 is amended by striking out "and General Practice of Dentistry".

(e) The heading to section 788 is amended to read "Financial Distress Grants".

(f)(1) The heading to part G of title VII is amended by striking out "Allied" and inserting instead "Public".

(2) Part G of title VII is amended by striking out the subpart heading "Subpart I—Public Health".

SPECIAL GRANTS TO ENCOURAGE PRIVATE PRACTICE IN HEALTH MANPOWER SHORTAGE AREAS

SEC. 12. (a) Section 755(a) is amended to read as follows:

"SEC. 755. (a) The Secretary may make one grant to an individual who has agreed in writing—

"(1) to engage in the private full-time clinical practice of his profession in a health manpower shortage area (designated under section 332 which has a priority under section 333(c)) specified by the Secretary for a period of not less than two years,

"(2) to conduct such practice in accordance with the provisions of section 753(b)(1), and

"(3) to such additional conditions as the Secretary may require to carry out the purposes of this section,

to assist such individual in meeting the costs of beginning the practice of such individual's profession in accordance with such agreement, including the costs of acquiring equipment and renovating facilities for use in providing health services, and of hiring nurses and other personnel to assist in providing health services. Such grant may not be used for the purchase or construction of any building.".

(b) Section 755(b) is amended to read as follows:

"(b) The amount of a grant under subsection (a) to an individual shall be no greater than $25,000.".

(c) Section 755(c) is amended by adding at the end the following: "The Secretary shall give special consideration to applications submitted by individuals who enter into an agreement under section 753.".

(d) The heading to section 755 is amended to read as follows: "Special Grants to Encourage Private Practice in Health Manpower Shortage Areas".

(e) Section 755 is renumbered as section 782 and is inserted into part F of title VII after section 781.

EXTENSION AND CONSOLIDATION OF PUBLIC HEALTH AND HEALTH ADMINISTRATION AUTHORITIES

SEC. 13. (a) Section 792 is amended to read as follows:

"SPECIAL PROJECTS FOR GRADUATE OR SPECIALIZED TRAINING IN PUBLIC HEALTH OR HEALTH ADMINISTRATION

"SEC. 792. The Secretary may make grants to, or enter into contracts with, public or nonprofit private educational entities for strengthening or expanding graduate or specialized training in public health or health administration.".

(b)(1) Section 793 is renumbered as section 791 and is inserted at the beginning of part G of title VII.

(2) Part G of title VII is amended by adding at the end the following:

"TRAINEESHIPS

"SEC. 793. The Secretary may make grants to public or nonprofit private educational entities for traineeships for individuals in graduate or specialized training programs in public health and health administration.

"APPROPRIATION AUTHORIZATIONS

"SEC. 794. For payments under grants under this part there are authorized to be appropriated $6,000,000 for fiscal year 1982 and such sums as may be necessary for each of the two succeeding fiscal years.".

(c)(1) Sections 748 and 749 are repealed.

(2) Part C of title VII is amended by striking out the subpart heading "Subpart III—Traineeships for Students in Schools of Public Health and Other Graduate Programs".

APPROPRIATION AUTHORIZATIONS FOR AND AMENDMENT CONCERNING GRANTS FOR THE ESTABLISHMENT OF FAMILY MEDICINE DEPARTMENTS

SEC. 14. (a) Section 780(c) is amended—

(1) by striking out "and" after "1979,", and

(2) by inserting "$8,000,000 for the fiscal year ending September 30, 1982, and such sums as may be necessary for each of the two succeeding fiscal years" after "1980,".

(b) Section 780(b)(1)(D) is amended by inserting "(or, in the case of a school of osteopathy, have control over or be closely affiliated with)" after "have control over".

APPROPRIATIONS FOR AND AMENDMENTS CONCERNING ASSISTANCE FOR AREA HEALTH EDUCATION CENTERS

SEC. 15. (a) Section 781(g) is amended—

(1) by striking out "and" after "1979,", and

(2) by inserting ", $15,800,000 for the fiscal year ending September 30, 1982, and such sums as may be necessary for each of the two succeeding fiscal years" before the period.

(b) Section 781(c)(2) is amended by inserting ", except to the extent that the Secretary, for good cause shown, may modify or waive the requirement of this pargraph" before the semicolon.

(c) Section 781(d)(2)(E) is amended by inserting "educational" before "support".

(d)(1) Section 781(d)(2)(B) is amended to read as follows:

"(B) assist in the planning and development of training programs to meet the health manpower needs of the area served by the center;".

(2) Section 781(d) is amended by adding at the end the following:

"(3) Each area health education center program shall assist in the assessment of the health manpower needs of the area served by the program.".

(3) The first sentence of section 781(f) is amended by striking out "subsection (d)(2)" and inserting instead "paragraphs (2) and (3) of subsection (d)".

(e) The first sentence of section 781(e) is amended by inserting "and with health science centers that include medical or osteopathic schools" after "osteopathic schools".

(f)(1) Subsections (a) and (e) are each amended by inserting "or cooperative agreements" after "contracts" each place it occurs.

(2) Section 781(e)(3) is amended by inserting "or cooperative agreement" after "contract".

(g) The Secretary may vest title in an entity which before the date of enactment of this Act entered into a contract with the Secretary under section 781 of the Public Health Service Act to any property acquired on behalf of the Government by that entity (or furnished to that entity by the Government) under that contract.

APPROPRIATIONS AUTHORIZATIONS FOR PHYSICIAN ASSISTANT TRAINING PROGRAMS

SEC. 16. Section 783(e) is amended—

(1) by striking out "and" after "1979,", and

(2) by inserting ", $5,000,000 for the fiscal year ending September 30, 1982, and such sums as may be necessary for each of the two succeeding fiscal years" before the period.

EXTENSION AND CONSOLIDATION OF PRIMARY CARE TRAINING AUTHORITIES

SEC. 17. (a) Section 786(d) is amended—

(1) by striking out "and" after "1979,", and

(2) by inserting ", $36,000,000 for the fiscal year ending September 30, 1982, and such sums as may be necessary for each of the two succeeding fiscal year" before the period.

(b) Section 786(a) is amended by inserting ", general internal medicine, or general pediatrics" after "family medicine" each place it occurs.

(c) The heading to section 786 is amended to read "Training in Primary Care Medicine".

(d) Section 784 is repealed.

APPROPRIATION AUTHORIZATIONS FOR AND AMENDMENTS CONCERNING ASSISTANCE FOR INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS

SEC. 18. (a) Section 787(b) is amended—

(1) by striking out "and" after "1979,", and

(2) by inserting "$19,568,000 for the fiscal year ending September 30, 1982, and such sums as may be necessary for each of the two succeeding fiscal years" after "1980,".

(b) Section 787(a)(1) is amended by adding at the end the following: "The Secretary shall give special consideration to applications for projects to assist in the admission into or retention in health professions schools of such individuals or for projects to assist the recruitment activities for such individuals of entities with formal ties to health professions schools. No more than ten percent of the amounts appropriated for any fiscal year for grants or contracts under this section may be used to assist individuals to undertake education to enter the nursing or allied health professions.".

(c) Section 787(a)(2)(D) is amended by striking out "for a period prior to the entry of such individuals" and inserting instead "for such individuals who have demonstrated an ability to pursue successfully an undergraduate program and who have indicated an intention to pursue a health professions career, for a period prior to their entry".

APPROPRIATION AUTHORIZATIONS FOR AND AMENDMENT CONCERNING NURSING SPECIAL PROJECTS

SEC. 19. (a) The first sentence of section 820(d) is amended—

(1) by striking out "and" after "1978,", and

(2) by inserting ", and $6,432,000 for the fiscal year ending September 30, 1982, and such sums as may be necessary for each of the two succeeding fiscal years" before the period.

(b) Section 820(a) is amended to read as follows:

"SEC. 820. (a) The Secretary may make grants to public or nonprofit private schools of nursing and other public or nonprofit private entities, and enter into contracts with any public or private entity, to meet the costs of special projects for the training, education, or improved utilization of nursing personnel. The Secretary shall give special consideration to applications for projects to train, or increase the supply of, nurses in institutional bedside care.".

EXTENSION, CONSOLIDATION, AND AMENDMENT OF ADVANCED NURSE TRAINING AND NURSE PRACTITIONER AUTHORITIES

SEC. 20. (a) Subpart IV of part A of title VIII is amended by adding at the end the following:

"APPROPRIATION AUTHORIZATIONS FOR ADVANCED NURSE TRAINING AND NURSE PRACTITIONER PROGRAMS

"SEC. 823. For payments under grants and contracts under sections 821 and 822 there are authorized to be appropriated $7,800,000 for fiscal year 1982 and such sums as may be necessary for each of the two succeeding fiscal years.".

(b)(1) Section 822(a)(2)(A) is amended by striking out "primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities, and other health care institutions" and inserting instead "health care".

(2) The matter in section 822(a)(2)(B)(i) following subclause (II) is amended by striking out "primary".

(3) Section 822(b)(1) is amended by striking out "who are residents of a health manpower shortage area (designated under section 332)".

(4) Section 822(b)(3) is amended by striking out "in a health manpower shortage area (designated under section 332)".

PREVENTIVE MEDICINE PROGRAMS

SEC. 21. Title VII is amended by inserting the following after section 783:

"PREVENTIVE MEDICINE PROGRAMS

"SEC. 784. (a) The Secretary may make grants to, and enter into contracts with, schools of medicine, osteopathy, and public health for the planning, development, and support of departments of preventive medicine.

"(b) The Secretary may make grants to, and enter into contracts with, any public or nonprofit private entity for planning, developing, or supporting training programs in preventive medicine. Funds provided under such grants or contracts may be used for traineeships.

"(c) To carry out this section there are authorized to be appropriated $3,000,000 for fiscal year 1982 and such sums as may be necessary for each of the two succeeding fiscal years.".

REMOTE SITE TRAINING

SEC. 21. Title VII is amended by adding after section 784 the following:

"REMOTE SITE TRAINING

"SEC. 785. (a) The Secretary may make grants to, and enter into contracts with, schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, and pharmacy for providing clinical training to their students in areas both that are geographically remote from the main sites of the teaching facilities of the schools and in which there are medically underserved populations.

"(b) To carry out this section there are authorized to be appropriated $1,000,000 for fiscal year 1982 and such sums as may be necessary for each of the two succeeding fiscal years.".

ALLIED HEALTH DISEASE PREVENTION AND HEALTH PROMOTION CURRICULUM DEVELOPMENT

SEC. 23. (a) Title VII is amended by adding after section 788 the following section:

"ALLIED HEALTH DISEASE PREVENTION AND HEALTH PROMOTION CURRICULA

"SEC. 789. (a) The Secretary may make grants to, and enter into contracts with, public or nonprofit private educational entities for designating and implementing improved

curricula in disease prevention and health promotion for allied health professions personnel.

"(b) To carry out this section there are authorized to be appropriated $1,000,000 for fiscal year 1982 and such sums as may be necessary for each of the two succeeding fiscal years.".

VETERINARY MEDICINE CURRICULUM DEVELOPMENT

SEC. 24. Title VII is amended by adding after section 789 the following:

"VETERINARY MEDICINE CURRICULUM DEVELOPMENT

"SEC. 789A. (a) The Secretary may make grants to, and enter into contracts with, schools of veterinary medicine for designing and implementing improved clinical curricula relating to the care of food producing or fiber producing animals.

"(b) To carry out this section there are authorized to be appropriated $1,000,000 for fiscal year 1982 and such sums as may be necessary for each of the two succeeding fiscal years.".

SPECIAL PROJECTS FOR CONTINUING EDUCATION

SEC. 25. Title VII is amended by adding after section 789A the following:

"SPECIAL PROJECTS FOR CONTINUING EDUCATION

"SEC. 789B. (a) The Secretary may make grants to, and enter into contracts with, public or nonprofit private entities for—

"(1) evaluating the effectiveness of current efforts to assure the continuing competency of health professionals,

"(2) assessing future needs in the area of continuing education for health professionals,

"(3) developing innovative approaches to providing continuing education, or

"(4) providing continuing education programs to health professionals who do not otherwise have access to such programs.

"(b) To carry out this section there are authorized to be appropriated $1,000,000 for fiscal year 1982 and such sums as may be necessary for each of the two succeeding fiscal years.".

PODIATRY CURRICULUM DEVELOPMENT, TRAINING, EDUCATION, AND PLACEMENT

SEC. 26. (a) Title VII is amended by adding after section 789B the following:

"PODIATRY CURRICULUM DEVELOPMENT, TRAINING, EDUCATION, AND PLACEMENT

"SEC. 789C. (a) The Secretary may make grants to, and enter into contracts with, schools of podiatry—

"(1) for developing curricula concerning, or providing training to podiatry students in, methods to educate and screen the general public in relation to preventable or controllable foot diseases.

"(2) for meeting the foot care education needs of defined special populations such as diabetics, the handicapped, the elderly, and institutionalized children, or

"(3) for increasing the placement of podiatrists in underserved areas.

"(b) To carry out this section there are authorized to be appropriated $1,000,000 for fiscal year 1982 and such sums as may be necessary for each of the two succeeding fiscal years.".

CONSOLIDATION OF THE NATIONAL ADVISORY COUNCILS ON HEALTH PROFESSIONS EDUCATION, NURSE TRAINING, AND THE NATIONAL HEALTH SERVICE CORPS

SEC. 27. (a) Sections 337 and 851 are repealed.

(b)(1) The first sentence of section 702(a) is amended—

(A) by striking out "parts B, C, D, E, F, and G of" and

(B) by inserting ", title VIII, and subpart II of part D of title III" before the period.

(2) The second sentence of section 702(a) is amended—

(A) in clause (1), by (i) inserting "or title VIII" after "this title", and (ii) by inserting "nursing," after "podiatry,",

(B) by striking out "and" at the end of clause (2),

(C) in clause (3), by striking out "six" and inserting instead "four", and

(D) by inserting the following before the period: ", and (4) two shall be individuals who are knowledgeable about the National Health Service Corps and the National Health Service Corps Scholarship Program".

(3) Section 702(a) is amended by adding at the end the following: "Each member of the Council, while engaged in the performance of his duties while away from his home or regular place of business, shall be entitled to travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code. Each member of the Council who is not an employee of the United States shall receive compensation at a daily rate equivalent to the rate specified for grade GS–18 of the General Schedule under 5 U.S.C. 5332 for each day he is engaged in the performance of his duties (including traveltime).".

(4) Subsections (b) and (c) of section 702 are each amended by striking out "(other than subpart II of part G thereof)" and inserting instead ", title VIII, and subpart II of part D of title III".

(5) Subsections (b) and (c) of section 820 and section 856(1) are each amended by striking out "Nurse Training" and inserting instead "Health Professions Education".

REPEAL OF ADVISORY COUNCIL REVIEW REQUIREMENTS

SEC. 28. (a) Section 790(1) is amended by striking out the last sentence.

(b) Section 820(c) is amended by striking out the second sentence.

REPEAL OF REQUIREMENT FOR ESTABLISHING CRITERIA FOR ALLOWABLE INCREASES IN EDUCATIONAL COSTS

SEC. 29. Section 711 is repealed.

TECHNICAL ASSISTANCE

SEC. 30. Title VII is amended by adding after section 710 the following:

"TECHNICAL ASSISTANCE

"SEC. 711. Funds appropriated under this title or title VIII may be used to provide technical assistance in relation to any of the authorities under either of those titles.".

APPROPRIATE LENGTH OF STAY FOR FOREIGN PHYSICIAN EXCHANGE VISITORS

SEC. 31. (a) Section 212(j)(1)(D) of the Immigration and Nationality Act is amended to read as follows:

"(D) The duration of the alien's participation in the program for which he is coming to the United States is limited to the period normally required to complete the education or training for which the alien is coming to the United States.".

(b) Section 212(j)(1)(C) of that Act is amended by striking out "(including any extension of the duration thereof under subparagraph (D))".

(c) The Attorney General may extend the duration of a visa issued before the enactment of this Act so as to include the period specified in the amendment enacted by subsection (a) of this section.

DISCLOSURE OF LOCATION OF BORROWERS WHO HAVE DEFAULTED ON STUDENT LOANS

SEC. 32. Paragraph (4) of section 6103(m) of the Internal Revenue Code of 1954 is amended—

(1) by inserting "or the Secretary of Health and Human Services" after "Secretary of Education" in the matter in subparagraph (A) preceding clause (i) and in the matter in subparagraph (B) preceding clause (i),

(2) by striking out "or" at the end of clause (i) of subparagraph (A) and of subparagraph (B),

(3) by adding "or" at the end of clause (ii) of subparagraph (A) and of subparagraph (B),

(4) by inserting the following after clause (ii) of subparagraph (A):

"(iii) made under part C of title VII or part B of title VIII of the Public Health Service Act,",

(5) by inserting the following after clause (ii) of subparagraph (B):

"(iii) any lender participating under part C of title VII or part B of title VIII of the Public Health Service Act,", and

(6) by inserting "or the Department of Health and Human Services" after "Department of Education" in the matter in subparagraph (A) following clause (iii) (as added by paragraph (4) of this section).

ELIMINATION OF CERTAIN REQUIREMENTS FOR THE PROMULGATION OF REGULATIONS

SEC. 33. (a) Section 701(7) is amended to read as follows:

"(7) The term 'program for the training of physicial assistants' means an educational program which has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide effectively health care under the supervision of a physician.".

(b) Section 780(b)(2) is amended by striking out "by regulation".

(c) Section 781(f) is amended by striking out the last sentence.

(d) The second sentence of section 790(1) is amended by striking out "by regulation".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 34. (a)(1) Section 701 is amended—

(A) by striking out paragraph (9), and

(B) in paragraph (10), by striking out ", Education, and Welfare" and inserting instead "and Human Services".

(2) Section (2)(f) is amended by striking out "701(9),".

(b) The first sentence of section 704 is amended by inserting "nursing," after "podiatry,".

(c) The first sentence of section 735(c)(2) and 754(c) are each amended—

(1) by striking out "maximum legal prevailing rate" and inserting instead "private consumer rates of interest", and

(2) by striking out "Treasurer of the United States" and inserting instead "Secretary of the Treasury".

(d) Section 853 is amended by striking out paragraph (1).

(e)(1) Sections 753, 788(h) (as amended and redesignated by section 2(b) of this Act) and 853(6) are each amended by striking out "Commissioner of Education" each place it occurs and inserting instead "Secretary of Education".

(2) Section 788(h) (as amended by paragraph (1) of this section) is further amended by striking out "Commissioner" each place it occurs and inserting instead "Secretary of Education.".

(f) The heading to title VII is amended by striking out "HEALTH RESEARCH AND TEACHING FACILITIES AND".

(g) Section 403(f) of the Health Professions Educational Assistance Act of 1976 is—

(1) amended by striking out "section 741 of the Public Health Service Act" and inserting instead "this section",

(2) redesignated as subsection (m), and

(3) transferred to the end of section 741 of the Public Health Service Act.

(h)(1) Section 331(h) is amended by striking out paragraph (3).

(2) Section 2(f) is amended by striking out "331(h)(3),".

EFFECTIVE DATES

SEC. 35. (a) The amendments enacted by this Act shall not apply to appropriation

authorizations for any fiscal year before fiscal year 1982.

(b) The amendments enacted by this Act shall not adversely affect the contractual rights of any individual or other entity that has entered into an agreement before the date of enactment of this Act.

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, D.C., May 15, 1981.

Hon. GEORGE BUSH,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for consideration by the Congress is a draft bill "To amend provisions of law concerned with health professions personnel, and for other purposes".

The draft bill would authorize appropriations of $267,873,000 for fiscal year 1982, and "such sums as may be necessary" for fiscal years 1983 and 1984, for various health professions personnel authorities. A detailed summary of, and an authorizations table for, the draft bill are enclosed.

The primary objectives of the draft bill are to—

Eliminate incentives for continued expansion of the capacity for training health professionals,

Promote an increase in the supply of primary care practitioners,

Provide incentives for health professionals to locate in underserved areas,

Ensure adequate access to financial resources for all students seeking a health professions education, and

Target Federal resources on programs which promote other national priorities.

This draft bill is the result of a careful analysis of departmental programs within the context of restrained Federal spending. The role of the Federal government concerning health professions personnel must change from its previous focus on increasing the aggregate supply of health professionals to a better targeting of the allocation of funds to projects of high national priority. Past Federal efforts have been successful in expanding the health professions training capacity of the nation. As a result, the current and projected supply of most health professionals should be adequate to meet the needs for health care delivery.

We urge the Congress to give the draft bill its prompt and favorable consideration.

We are advised by the Office of Management and Budget that enactment of the draft bill would be in accord with the program of the President.

Sincerely,

RICHARD S. SCHWEIKER,
Secretary.

FISCAL YEAR 1982 APPROPRIATION AUTHORIZATIONS, PROPOSED HEALTH PROFESSIONS PERSONNEL AMENDMENTS OF 1981

[In thousands of dollars]

Financial distress	$7,400
National Health Service Corps	110,000
National Health Service Corps Scholarship Program	37,873
Public health and health administration training	6,000
Family medicine departments	8,000
Area Health Education Centers	15,800
Physician assistant training	5,000
Primary care training	36,000
Assistance to individuals from disadvantaged backgrounds	19,568
Nurse training special projects	6,432
Advanced nurse training and nurse practitioner programs	7,800
Preventive medicine departments and training	3,000
Remote site training	1,000
Allied health disease prevention and health promotion curriculum development	1,000
Veterinary medicine curriculum development	1,000
Continuing education special projects	1,000
Podiatry curriculum development, training, education, and placement	1,000
	267,873

SUMMARY OF PROPOSED HEALTH PROFESSIONS PERSONNEL AMENDMENTS OF 1981

Section 1 would assign the draft bill the short title "Health Professions Personnel Amendments of 1981."

Section 2 would repeal the authorities for making capitation payments to various health professions schools.

Section 3 would—

Repeal the authorities for health professions facilities construction grants, loan guarantees, and interest subsidies (but would not affect the authority of the Secretary of Health and Human Services to monitor the continued compliance with conditions associated with financial assistance previously received by health professions facilities, or to continue to pay interest subsidies with respect to loans previously made),

Eliminate the enrollment maintenance requirement for facilities (other than nursing facilities) which had previously received financial assistance, and

Permit the Secretary to waive the enrollment maintenance requirement for nursing facilities which had previously received financial assistance.

Section 4 would repeal the start-up assistance authority.

Section 5 would—

Consolidate the nursing and other health professions schools financial distress authorities,

Authorize appropriations of $7.4 million for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 to assist schools in financial distress,

Limit a grant to any school which had received a grant in the previous fiscal year to 75 percent of that former grant, and

Permit only three additional grants after fiscal year 1981 to any one school.

Section 6 would—

Authorize the Secretary to insure loans under the Health Education Assistance Loans (HEAL) Program totalling $100 million for each of the fiscal years 1982 through 1984, and to insure loans under the HEAL Program through 1986 for individuals who had previously received such loans,

Make nursing students eligible for loans under the HEAL Program,

Increase to $20,000 annually and $80,000 in the aggregate the limit on loans under the HEAL Program for medical, osteopathic, and dental students,

Increase to $15,000 annually and $60,000 in the aggregate the limit on loans under the HEAL Program to other health professions students,

Permit the Secretary to repay all or part of a loan made under the HEAL Program to a student from a low-income family who does not complete his studies,

Permit the Secretary to repay part of a HEAL Program loan for an individual practicing in any health manpower shortage area (not solely in a high priority area) specified by the Secretary,

Repeal the restriction that not more than 50 percent of the students in any class at a medical, osteopathic, or dental school may receive loans under the HEAL Program, and

Require HEAL Program loan recipients to provide their social security numbers.

Section 7 would—

Permit health professions schools with student loan funds to which the Federal government had previously made capital contributions to continue indefinitely to operate those funds (and recycle repayments of loans previously made),

Permit (rather than require) the Secretary to make loan repayments for service in health manpower shortage areas and allow the Secretary to specify the shortage areas,

Eliminate a restriction on education loans for nurses,

Permit the Secretary to assist in collecting loans in default,

Eliminate restrictions on the amount of, and interest on, loans from school loan funds, and

Eliminate Federal limits on penalties for late loan payments (applicable State limits would apply).

Section 8 would—

Authorize appropriations of $110 million for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for the National Health Service Corps (NHSC),

Permit the Secretary to pay the travel expenses of a NHSC scholarship recipient who wished to evaluate a site for the practice of his profession under the private practice option, and

Provide for the calculation of the cost sharing required of entities to which NHSC personnel are assigned on an average rather than individual basis.

Section 9 would—

Authorize appropriations of $37,873,000 for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for NHSC scholarships and authorize appropriations of "such sums as may be necessary" through fiscal year 1987 for NHSC scholarships for students who had previously enrolled in the NHSC Scholarship Program,

Allow the Secretary to release obligees under the NHSC Scholarship Program to the Department of Health and Human Services, the Department of Defense, the Veterans' Administration, or as requested by a State or local governmental entity, for clinical practice as a substitute for service in the NHSC,

Allow the Secretary to release obligees under the NHSC Scholarship Program on condition that the obligees pay the Secretary from one to three times (as specified by the Secretary) the scholarship funding they received, and require the Secretary to select by lottery obligees for such a release if there were more applicants than the number of obligees the Secretary chose at any one time to so release,

Repeal the restriction on the appropriation of any funds for health personnel training unless certain amounts are appropriated for NHSC scholarships,

Eliminate the priority for scholarships for freshman students,

Permit the private practice option to be exercised in any health manpower shortage area specified by the Secretary, not solely in high priority areas, and permit the Secretary to pay the transportation expenses of an individual electing the private practice option,

Give the Secretary greater flexibility in setting conditions for the payment of the penalty required if a scholarship recipient does not fulfill his service obligation.

Authorize the Secretary to permit obligees under the scholarship program in effect before October 1, 1977 to satisfy their service obligation through private practice in a health manpower shortage area, through research or teaching, or through release to the Department of Health and Human Services, the Department of Defense, the Veterans' Administration, or at the request of a State or local governmental entity, and

Eliminate the right of a scholarship obligee to serve as a commissioned officer rather than as a civilian employee.

Section 10 would repeal unneeded scholarship and traineeship authorities.

Section 11 would repeal unneeded or obsolete health professions personnel authorities.

Section 12 would—

Permit the Secretary to give startup grants for private practice in a health manpower shortage area to any health professional and would require the Secretary to give special consideration to applications from NHSC scholarship obligees electing the private practice option,

Restrict such grants to private practice in high priority health manpower shortage areas,

Require a minimum commitment of two years, and

Permit the Secretary to determine the amount of the grant, up to a maximum of $25,000.

Section 13 would broaden and consolidate public health and health administration training authorities and would authorize appropriations of $6 million for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 in this area.

Section 14 would authorize appropriations of $8 million for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for the establishment of family medicine departments.

Section 15 would authorize appropriations of $15.8 million for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for Area Health Education Centers (AHECs).

Section 16 would authorize appropriations of $5 million for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for physician assistant training programs.

Section 17 would authorize appropriations of $36 million for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for primary care (general internal medicine, general pediatrics, and family medicine) training.

Section 18 would—

Authorize appropriations of $19,568,000 for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 to assist students from disadvantaged backgrounds to undertake education to enter a health profession,

Require the Secretary to give special consideration to applications for projects to assist in the admission into or retention in health professions schools of such individuals, and for projects to assist in the recruitment activities for such individuals of entities with formal ties to health professions schools, and

Limit to 10 percent of the total appropriation for any fiscal year the amount that could be used to assist individuals seeking nursing or allied health professions careers.

Section 19 would make more general the nursing special projects authority, authorize appropriations of $6,432,000 for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for such projects, and require the Secretary to give special consideration to applications for projects to train, or increase the supply of, nurses in institutional bedside care.

Section 20 would authorize appropriations of $7.8 million for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for advanced nurse training and nurse practitioner programs and would eliminate requirements for nurse practitioner programs to focus on primary care.

Section 21 would authorize appropriations of $3 million for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for preventive medicine departments and training.

Section 22 would authorize appropriations of $1 million for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for remote site training.

Section 23 would authorize appropriations of $1 million for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for allied health disease prevention and health promotion curriculum development.

Section 24 would authorize appropriations of $1 million for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for veterinary medicine curriculum development.

Section 25 would authorize appropriations of $1 million for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for special projects for continuing education.

Section 26 would authorize appropriations of $1 million for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for podiatry curriculum development, training, education, and placement.

Section 27 would consolidate the National Advisory Councils on Health Professions Education, Nurse Training, and the National Health Service Corps.

Section 28 would repeal requirements for advisory council review of health professions personnel grants and contracts. The Department of Health and Human Services intends to establish appropriate peer review bodies and procedures to evaluate applications.

Section 29 would repeal a requirement that the Secretary establish criteria for allowable increases in educational costs.

Section 30 would permit the Secretary to use health professions funds to provide technical assistance.

Section 31 would permit a visa for a foreign exchange visitor seeking graduate medical education or training in the United States to cover the period of time normally required to complete the education or training that the foreigner was seeking. There would be no provision for visa extension. Current law provides for a two year period with an extension for an additional year permitted under certain circumstances.

Section 32 would permit the Secretary of the Treasury to disclose (from tax returns) the addresses of individuals who have defaulted on loans under the HEAL Program or on health professions schools' loans that have been supported with Federal funds.

Section 33 would eliminate certain requirements for the promulgation of regulations.

Section 34 would enact technical and conforming amendments.

Section 35 would provide for the provisions of the draft bill to apply to appropriations for fiscal year 1982 and later, and would make clear that the provisions would not adversely affect the contractual rights of any individual or other entity under an agreement entered into before the date of enactment of the draft bill.

By Mr. HATCH:

S. 1285. A bill to extend and amend various health authorities, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH AMENDMENTS OF 1981

Mr. HATCH. Mr. President, I am today introducing the Health Amendments Act of 1981. This bill is similar to my bill, S. 800.

This draft bill authorizes appropriations through fiscal year 1984 for health services research, health care technology activities, health statistics activities, National Research Services Awards, immunization programs and assistance to medical libraries, and would enact changes to provisions of law concerned with health emergencies to permit a rapid and effective response to such emergencies.

This bill would in addition promote improved efficiency and management of public health service programs, and would eliminate Federal payment for institutional support services in connection with National Research Service Awards.

Mr. President, this draft legislation was submitted by the Department of Health and Human Services, and I ask unanimous consent that the text of the bill and the executive communication which accompanied the proposal from Secretary Schweiker, in which he thoughtfully articulates the purpose and rationale of this legislation, be printed in the RECORD.

There being no objection, the bill and communication were ordered to be printed in the RECORD, as follows:

S. 1285

SHORT TITLE AND REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Health Amendments of 1981".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act unless otherwise specifically stated.

TRANSFER OF HEALTH CARE TECHNOLOGY ACTIVITIES TO THE NATIONAL CENTER FOR HEALTH CARE TECHNOLOGY AND HEALTH SERVICES RESEARCH

SEC. 2. (a) Section 309 is repealed.

(b) Section 305(b) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D),

(2) by inserting the paragraph designation "(1)" after the subsection designation "(b)", and

(3) by adding at the end the following paragraph:

"(2) In carrying out section 304(a), the Secretary, acting through the Center, may undertake and support research, evaluation, and demonstration projects respecting—

"(A) the factors that affect the use of health care technology in the United States;

"(B) methods for disseminating information on health care technologies; and

"(C) the effectiveness, cost effectiveness, and social, ethical, and economic impacts of particular medical technologies.".

(c)(1) Section 304 is amended by striking out "the National Center for Health Services Research, the National Center for Health Statistics, and the National Center for Health Care Technology" each place it occurs and inserting instead "the National Center for Health Care Technology and Health Services Research and the National Center for Health Statistics".

(2) Section 304(a)(3) is amended by striking out "305, 306, and 309" and inserting instead "305 and 306".

(3) Section 305(a) is amended by inserting "Health Care Technology and" after "National Center for".

(4) The first sentence of section 305(d)(1) is amended by striking out "health services," and inserting instead "health services and health care technology".

(5) The heading to section 305 is amended by inserting "Health Care Technology and" after "National Center for".

(6) Section 308(a)(1) is amended by striking out "and section 309".

(7) The matter in section 308(a)(2) preceding subparagraph (A) is amended by inserting "Health Care Technology and" before "Health Services Research".

(8) Section 308(b)(1) is amended by striking out "307, and 309" and inserting instead "and 307".

(9) The first sentence of section 308(b)(2) is amended by inserting "or health care technology" after "health services".

(10) Subsections (d) and (e) of section 308

are each amended by striking out "307, or 309" each place it occurs and inserting instead "or 307".

(11) Section 308(f) is amended by striking out "306, or 309" and inserting instead "or 306".

(12) Section 308(g)(2) is amended by striking out "306, and 309" and inserting instead "and 306".

(13) Section 308(h)(1) is amended by striking out "306, or 309" each place it occurs and inserting instead "or 306".

(14) The second sentence of section 308(i)(1) is amended—

(A) by inserting "and health care technology" after "health services", and

(B) by inserting "Health Care Technology and" after "National Center for".

(15) The heading to section 308 is amended by striking out "307, and 309" and inserting instead "and 307".

(c)(1) Section 307(a) is amended by striking out "and statistical" and inserting instead ", statistical, and health care technology".

(2) Section 307(b) is amended—

(A) in paragraph (5), by striking out "or health statistics" and inserting instead ", health statistics, or health care technology", and

(B) in paragraph (6), by striking out "and programs of biomedical research, health services research, and health statistical activities" and inserting instead "or programs of biomedical research, health services research, health statistical activities, or health care technology activities".

(d) Section 308(d)(2) is amended by inserting "or health care technology" after "health services".

APPROPRIATION AUTHORIZATIONS FOR HEALTH SERVICES RESEARCH AND HEALTH CARE TECHNOLOGY ACTIVITIES AND AMENDMENTS TO HEALTH SERVICES RESEARCH AUTHORITIES

SEC. 3. (a) The First sentence of section 308(i)(1) is amended to read as follows: 'For health services and health care technology research, demonstration, and evaluation activities undertaken or supported under section 304 or 305, there are authorized to be appropriated $13,449,000 for fiscal year 1982 and such sums as may be necessary for each of the two succeeding fiscal years.".

(b) Section 305(d)(1) is amended—

(1) in the first sentence, by striking out "shall" and inserting instead 'may", and

(2) by striking out the second sentence.

(c) Section 308(b)(2) is amended by striking out "$35,000" and inserting instead "$50,000".

APPROPRIATION AUTHORIZATION FOR AND AMENDMENTS CONCERNING HEALTH STATISTICS ACTIVITIES

SEC. 4. (a) Section 308(i)(2) is amended—

(1) by striking out "and" after "1980,", and

(2) by inserting ", $35,532,000 for the fiscal year ending September 30, 1982, and such sums as may be necessary for each of the two succeeding fiscal years" after "1981".

(b) The first sentence of section 304(d)(1) is amended—

(1) by striking out ", with funds appropriated under section 308(i)(2), ", and

(2) by striking out "the Council on Wage and Price Stability,".

(c)(1) Section 306(e) is repealed.

(2) Section 306(k)(4)(D) is amended by striking out ", with respect to the Cooperative Health Statistics System esablished under subsecion (e),".

(d)(1) Section 306(l) is repealed.

(2) The matter in section 308(d) preceding clause (1) is amended by striking out "by guidelines in effect under section 306(l)(2) or".

SECRETARIAL DISCRETION IN DETERMINING EXTENT AND MEANS TRAINING SUPPORT IN THE AREAS OF HEALTH STATISTICS, HEALTH SERVICES RESEARCH, AND HEALTH CARE TECHNOLOGY

SEC. 5. Section 304(a)(3) is amended—

(1) by striking out "shall" and inserting instead "may", and

(2) by striking out "and" the first three places it occurs and inserting instead "or".

INCREASED PROTECTION FOR HEALTH SERVICES RESEARCH, HEALTH CARE TECHNOLOGY, AND HEALTH STATISTICS INFORMATION

SEC. 6. The matter in section 308(d) preceding clause (1) (as amended by section 4(d)(2) of this Act) is amended by striping out "unless authorized under regulations of the Secretary".

APPROPRIATIONS AUTHORIZATIONS FOR AND AMENDMENTS CONCERNING NATIONAL RESEARCH SERVICE AWARDS

SEC. 7. (a) The first sentence of section 472(d) is amended—

(1) by striking out "and" after "1980,", and

(2) by inserting ", $147,321,000 for the fiscal year ending September 30, 1982, and such sums as may be necessary for each of the two succeeding fiscal years" after "1981".

(b)(1) Section 472(a)(3) is amended to read as follows:

"(3) In awarding National Research Service Awards under this section, the Secretary shall take account of the Nation's overall need for biomedical research personnel by giving special consideration to physicians who agree to undertake a minimum of two years of biomedical research.".

(2) Section 473 is repealed.

(c) The first sentence of section 472(b)(5) is amended by inserting ", tuition, fees," after "stipends".

(d) Section 472(b)(5) is amended by striking out the last two sentences.

(e) Paragraphs (1)(A) and (2) of section 472(c) are each amended by inserting "(other than for undergraduate training)" after "National Research Service Award".

(f)(1) Section 472(c)(1) is amended—

(A) in subparagraph (A)(ii), by striking out "serve as a member of the National Health Service Corps or serve in his specialty" and inserting instead "engage in full-time professional activities for any Federal agency, engage in the full-time clinical practice of his specialty as may be requested by a State or local governmental entity, or provide services in his specialty for a health maintenance organization", and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting "as specified" after "authorized",

(ii) by striking out the text of clause (i) and inserting instead "engage in full-time professional activities for any Federal agency, or engage in the full-time practice of his specialty as may be requested by a State or local governmental entity,",

(iii) by adding "or" at the end of clause (ii), and

(iv) by adding after clause (ii) the following clause:

"(iii) engage in the full-time private clinical practice (including service as a salaried employee in an entity directly providing health services) of his specialty in a health manpower shortage area designated under section 332 pursuant to a written agreement as specified in section 753(b),".

(2) Section 472(c)(2) is amended—

(A) in the matter preceding subparagraph (A), by striking out "or, if so authorized, serve as a member of the National Health Service Corps,".

(3) The second sentence of section 472(c)(3) is amended—

(A) by striking out "(A)",

(B) by striking out all that follows "he deems necessary" and inserting a period instead, and

(c) by striking out "(i)" and "(ii)" and inserting instead "(A)" and "(B)", respectively.

EMERGENCY AND OTHER PUBLIC HEALTH RESPONSIBILITIES OF THE SECRETARY OF HEALTH AND HUMAN SERVICES

SEC. 8. (a) Section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) in the matter preceding paragraph (1) in the third sentence, by striking out "said Administrator" and inserting instead "the Secretary",

(2) by striking out the last sentence, and

(3) by striking out the first two sentences and inserting instead the following: "The Secretary of Health and Human Services shall provide the Administrator technical assistance and advice as to the health matters involved in effectuating and implementing the provisions of this Act.".

(b)(1) The second sentence of section 311(a) is amended—

(A) by striking out "shall" the first place it occurs and inserting instead "may",

(B) by inserting "and other entities" after "political subdivisions",

(C) by inserting "and with respect to other public health matters" after "diseases", and

(D) by striking out "and in carrying out the purposes of section 314".

(2) The first sentence of section 311(b) is amended by striking out "the purposes of section 314" and inserting instead "public health activities".

(3) The first sentence of section 311(c)(1) is amended by striking out "or condition referred to in section 317(f)" and "involving or resulting from disasters or any such disease".

(4) The second sentence of section 311(c)(1) is amended by striking out "resulting from disasters or any disease or condition referred to in section 317(f)".

(c) Section 311(c)(2) is amended—

(1) in the first sentence, by striking out "forty-five days" and inserting instead "six months", and

(2) by inserting the following after the first sentence: "The Secretary, in determining the amount of such assistance to be provided, shall take into consideration State, local, and private resources which are (or could have been, with reasonable foresight) available for meeting the emergency.".

APPROPRIATION AUTHORIZATIONS FOR IMMUNIZATION PROGRAMS

SEC. 9. Section 317(j)(1)(A) is amended—

(1) by striking out "and" after "1980,", and

(2) by inserting ", $18,100,000 for the fiscal year ending September 30, 1982, and such sums as may be necessary for each of the two succeeding fiscal years" after "1981".

APPROPRIATION AUTHORIZATIONS FOR AND AMENDMENTS CONCERNING ASSISTANCE FOR MEDICAL LIBRARIES

SEC. 10. (a) Section 390(c) is amended—

(1) by striking out "and" after "1980,", and

(2) by inserting ", $8,925,000 for the fiscal year ending September 30, 1982, and such sums as may be necessary for each of the two succeeding fiscal years" after "1981".

(b)(1) Section 393(a) is amended to read as follows:

"SEC. 393. (a) To carry out the purposes of section 390(b)(1), the Secretary shall make grants to individuals or to public or private nonprofit institutions to assist in training individuals in information sciences related to health.".

(2) The heading to section 393 is amended by striking out "Medical Library" and inserting instead "Information".

(3) Section 390(b)(1) is amended by striking out "medical librarians and other information specalists in the health sciences" and inserting instead "individuals in information sciences as related to health".

(c) Section 394(b) and the first sentence of section 394(a) are each amended by striking out "shall" and inserting instead "may".

LIMITED APPLICABILITY OF CERTAIN ADDITIONAL SPECIAL PAY TO PHYSICIANS IN THE PUBLIC HEALTH SERVICE COMMISSIONED CORPS

SEC. 11. (a) Section 208(a) is amended—

(1) by inserting the subparagraph designation "(A)" after the paragraph designation "(2)",

(2) by inserting ", except as otherwise provided in subparagraph (B)" before the period, and

(3) by adding at the end the following:

"(B) A commissioned medical officer in the Regular or Reserve Corps may not receive additional special pay under paragraph (4) of 37 U.S.C. 302(a) for any period during which the officer is providing obligated service under section 752 (or under former section 225(e)). Such an officer serving during any other period may be provided additional special pay under that paragraph at the discretion of the Secretary up to the amounts described in that paragraph. The Secretary, in exercising his discretion under the preceding sentence, shall take into consideration the recruitment and retention problems of the Public Health Service, the level of performance of the officer concerned, and provisions of law relating to additional pay for Government physicians not in the uniformed services.".

(b) The amendments made by subsection (a) of this section do not apply to any period of service covered by an agreement entered into by an officer under 37 U.S.C. 302(c)(1) before the date of enactment of this Act.

HANSEN'S DISEASE PROGRAM

SEC. 12. Section 320 is amended to read as follows:

"HANSEN'S DISEASE PROGRAM

"SEC. 320. (a) The Secretary shall provide for the care and treatment without charge of any person suffering from Hansen's disease who requests care and treatment.

"(b) The Secretary shall make payments to the Board of Health of Hawaii for the care and treatment in its facilities of persons suffering from Hansen's disease at a per diem rate, determined from time to time by the Secretary, which shall, subject to the availability of appropriations, be approximately equal to the per diem operating cost per patient of those facilities, except that the per diem rate shall not be greater than the comparable per diem operating cost per Hansen's disease patient at the Public Health Service hospital in Carville, Louisiana.".

ELIMINATION OR DECREASED FREQUENCY OF CERTAIN REPORTS

SEC. 13. (a)(1) Sections 227, 316(f), 317(h), 336, 360D, 511, 751(l), 788(g)(4), 1106, 1210, and 1315; section 1200 of the Comprehensive Drug Abuse Prevention and Control Act of 1970; section 302 of the Health Planning and Resources Development Amendments of 1979; and the Marihuana and Health Reporting Act are repealed.

(2) Section 306(k)(4) is amended—

(A) by adding "and" at the end of subparagraph (E),

(B) by striking out "; and" at the end of subparagraph (F) and substituting a period, and

(C) by striking subparagraph (G).

(3) Section 308(a)(1) is amended—

(A) by striking out clause (A), and

(B) by striking out the clause designation "(B)".

(4) Section 329(f)(5) is amended by striking out the last sentence.

(5) Section 27 of the Toxic Substances Control Act is amended—

(A) by striking out paragraph (1),

(B) by striking out the paragraph designation "(2)", and

(C) in the side heading, by striking out "Annual".

(b)(1) The matter preceding subparagraph (A) of section 308(a)(2) is amended—

(A) by striking out "not later than September 1 of each year", and

(B) by inserting "biennially" after "submit".

(2) Section 434(e) is amended—

(A) in the first sentence—

(i) by striking out "each" and inserting instead "every other", and

(ii) by striking out "an annual" and inserting instead "a biennial", and

(B) in the second sentence, by striking out "annual" and inserting instead "biennial".

(3) Section 435(b) is amended—

(A) by striking out "an annual" and inserting instead "a biennial", and

(B) by striking out "each" and inserting instead "every other".

(4) Section 436(c) is amended—

(A) in the matter preceding paragraph (1), by striking out "an annual" and inserting instead "a biennial", and

(B) by striking out the last sentence.

(5) Section 437(j) is amended—

(A) in the matter preceding paragraph (1), by striking out "an annual" and inserting instead "a biennial", and

(B) by striking out "year" each place it occurs and inserting instead "years".

(6) Section 439(e) is amended—

(A) by striking out "an annual" and inserting instead "a biennial", and

(B) by striking out "each" and inserting instead "every other".

(7) Section 5(h) of the International Health Research Act of 1960 is amended by striking out "each" and inserting instead "every other".

(8) Section 8(a) of the Federal Cigarette Labeling and Advertising Act is amended by striking out "annually" and inserting instead "biennially".

(9) Section 305 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is amended by striking out "each" and inserting instead "every other".

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, D.C., May 15, 1981.

Hon. GEORGE BUSH,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for consideration by the Congress is a draft bill "To extend and amend various health authorities, and for other purposes."

The draft bill would authorize appropriations through fiscal year 1984 for health services research, health care technology activities, health statistics activities, National Research Service Awards, immunization programs, and assistance to medical libraries, and would enact changes to provisions of law concerned with health emergencies to permit a rapid and effective response to such emergencies.

The draft bill would in addition promote improved efficiency and management of Public Health Service programs. The draft bill would provide the Secretary of Health and Human Services with greater flexibility to provide additional special pay to Public Health Service Commissioned Corps physicians only if such pay were actually needed to recruit and retain physicians in certain specific locations and in certain specialties in which extraordinary recruitment and retention difficulties have been experienced. The Administration believes that Public Health Service physician requirements can be met under a more flexible and targeted approach and at less cost to the taxpayer than under the approach of current law, which maintains artificially high special pay levels for Commissioned Corps physicians. The draft bill would also eliminate Federal payment for institutional support services in connection with National Research Service Awards.

We estimate that total costs of $216,742,000 for fiscal year 1982 would result from the draft bill's enactment. Detailed cost estimates and a summary of the draft bill's provisions are enclosed.

We urge the Congress to give the draft bill its prompt and favorable consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

RICHARD S. SCHWEIKER,
Secretary.

COST ESTIMATES FOR FISCAL YEAR 1982 PROPOSED HEALTH AMENDMENTS OF 1981

[In thousands of dollars]

Health services research and health care technology	$13,449
Health statistics	35,532
National Research Service Awards	147,321
Health emergencies fund	*
Immunization programs	18,100
Assistance to medical libraries	8,925
Limitations on additional special pay for Commissioned Corps physicians	−6,585
	216,742

* Appropriation of $20 million is requested for fiscal year 1982 and is to be used only as needed in any fiscal year.

SUMMARY OF PROPOSED HEALTH AMENDMENTS OF 1981

Section 1 would assign the draft bill the short title "Health Amendments of 1981".

Section 2 would—

Eliminate as a separate entity the National Center for Health Care Technology,

Transfer health care technology activities to the renamed National Center for Health Care Technology and Health Services Research,

Authorize, rather than require, the Secretary of Health and Human Services to carry out health care technology activities,

Authorize the Secretary to participate in health care technology international cooperative endeavors, and

Apply to health care technology information the same requirements concerning consent for release of information as now apply to health services research information.

Section 3 would—

Authorize appropriations of $13,449,000 for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for health services research and health care technology activities,

Permit, rather than require, the Secretary to fund health services research centers, and

Permit approval without peer review of health services research and health care technology grants and contracts of $50,000 or less (rather than only grants and contracts of $35,000 or less).

Section 4 would—

Authorize appropriations of $35,532,000 for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for health statistics activities,

Eliminate the requirement that an ongoing study of pollution and other environmental conditions be funded solely from appropriations for health statistics activities,

Repeal the authority for support of the Cooperative Health Statistics System, and

Repeal the requirement that the Secre-

tary, acting through the National Center for Health Statistics, develop guidelines, to apply to each executive department, for statistics concerning the effect of employment conditions and the environment on the public health, and repeal a requirement that the Center act as a clearinghouse for statistics generated under the guidelines.

Section 5 would make clear that the Secretary has the authority to determine the extent to which and the appropriate means by which training support should be provided in the areas of health statistics, health services research, and health care technology assessment. Current law requires that training support be provided in these areas and requires use of National Research Service Awards.

Section 6 would eliminate the authority of the Secretary to release health statistics, health services research, and health care technology data for a purpose other than the purpose for which the data were supplied.

Section 7 would—

Authorize appropriations of $147,321,000 for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for National Research Service Awards,

Provide that the Secretary give special Service Awards, to physicians who agree to undertake a minimum of two years of biomedical research,

Repeal the requirement that National Research Service Awards be made only in those subject areas shown, by a continuing study of the National Academy of Sciences, to need personnel, and repeal the authority for continuing that study,

Permit an Award recipient to meet his service obligation, if authorized by the Secretary after a determination that there are no suitable teaching or research positions, by private clinical practice in a health manpower shortage area, by engaging in professional activities for any Federal agency, or by clinical practice at the request of a State or local governmental entity,

Make clear that National Research Service Awards cover tuition and fees,

Eliminate the provision that such awards made to individuals at non-Federal institutions cover the costs of support services,

Eliminate the service requirement for undergraduate recipients of such awards, and

Increase for more than three months to more than twelve months the minimum length of a National Research Service Award that carries a service obligation.

Section 8(a) would revise provisions of law recently enacted concerning health activities in relation to toxic substances. The requirement for the establishment of a new agency in the Public Health Service, the Agency for Toxic Substances and Disease Registry, would be eliminated, and the Public Health Service would not be required to effectuate certain vaguely defined "health related authorities". Instead, the Secretary would be required to provide technical assistance and advice to the Administrator of the Environmental Protection Agency (EPA) concerning health matters involved in EPA toxic substances activities.

Section 8(b) would provide broadened authority for the Secretary to engage in cooperative health endeavors.

Section 8(c) would increase from forty-five days to six months the maximum time period for which the Secretary could provide temporary assistance to States and localities in meeting a health emergency. The Secretary would also be required, in determining the amount (if any) of assistance to be provided in cash, supplies, or otherwise, to take into consideration State, local, and private resources which were (or could have been, with reasonable foresight) available for the emergency. The Department intends to establish a $20 million health emergency fund under this authority, to remain available until expended.

Section 9 would authorize appropriations of $18,100,000 for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for immunization programs.

Section 10 would—

Authorize appropriations of $8,925,000 for fiscal year 1982 and "such sums as may be necessary" for fiscal years 1983 and 1984 for assistance to medical libraries,

Replace the authority for the support of training in medical library sciences with an authority for the support of training in information sciences related to health, and

Permit (rather than require) the Secretary to make grants for special scientific projects and for research and development projects in medical library science and related fields.

Section 11 would give the Secretary the discretion to determine how much (if any) additional special pay (up to $9,000 annually, or up to $10,000 annually for physicians with ten or more years of service) to grant to Public Health Service Commissioned Corps physicians. Under current law, all physicians in the uniformed services not in training are entitled to this additional special pay. The Secretary would be required to take into consideration the recruitment and retention problems of the Public Health Service, the level of performance of the physician concerned, and provisions of law providing for additional pay for Government physicians not in the uniformed services. Commissioned Corps physicians fulfilling a service obligation under the National Health Service Corps Scholarship Program could not receive this additional special pay.

Section 12 would make clear that receipt of federal treatment for Hansen's disease is voluntary, would permit treatment outside of Public Health Service facilities, and would revise the archaic language of the current provisions concerned with this disease.

Section 13 would eliminate or reduce the frequency of various required reports in the field of health.

By Mr. HATCH:

S. 1286. A bill to consolidate Federal assistance to States for health services, to provide greater flexibility to States in administering health services programs, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH SERVICES BLOCK GRANT ACT

Mr. HATCH. Mr. President, I am today introducing the Health Services Block Grant Act, which is similar to S. 1027, the Health Services Block Grant Act of 1981, which I introduced on April 29.

However, there are some differences between my bill and the administration's proposal. This health services block grant would include material and child health, hemophilia, and sudden infant syndrome grants. These programs are to be included in a separate maternal and child health block grant over which the Finance Committee would have jurisdiction.

In addition, the administration proposal does not provide an evaluation requirement, allows a 10-percent rather than a 5-percent transferability among block grants, and does not have provisions for a transition to the block grant for those not legally or administratively able to operate under the new system by October 1, 1981.

Mr. President, this draft legislation was submitted by the Department of Health and Human Services, and I ask unanimous consent that the text of the bill and the executive communication which accompanied the proposal from Secretary Schweiker, in which he thoughtfully articulates the purpose and rationale of this legislation, be printed in the RECORD.

There being no objection, the bill and the communication were ordered to be printed in the RECORD, as follows:

S. 1286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Health Services Block Grant Act".

FINDINGS AND DETERMINATIONS

SEC. 2. The Congress finds and determines that—

(1) during the past twenty years the Federal government has established numerous programs to assist States, local governments, and private organizations in providing necessary health services.

(2) despite the growth in Federal funding of health services, State and local governments and private entities retain primary responsibility for ensuring adequate health care,

(3) with the growth in the number of Federal assistance programs and in the associated requirements imposed on recipients, Federal decisions have replaced State and local determinations of what health services should be made available through publicly financed programs.

(4) the proliferation of Federal programs has resulted in substantial inefficiencies in the way health services are provided, in burdensome administrative costs, and in spending patterns that frequently do not reflect the priorities and health service needs of the residents of each State,

(5) the best use of governmental health resources in meeting the Nation's health care needs requires that the Federal government support and not displace the State role in determining which health services to provide and how best to provide them, and

(6) allowing the States substantial flexibility in the use of Federal financial assistance through consolidation of related assistance programs into a single grant with minimum requirements will help ensure a proper governmental balance, will permit coordinated planning at the State level, and will help ensure the effective use of the Nation's resources in the health area.

PURPOSE OF ACT

SEC. 3 The purpose of this Act is to assist each State in—

(1) assuring its residents (in particular, individuals with limited means or in areas with limited availability of health services) access to quality health services at reasonable cost,

(2) encouraging the use of ambulatory health services,

(3) assuring the most appropriate, effective, and efficient utilization of health care facilities and personnel,

(4) exercising its health responsibilities in a flexible manner and with a minimum of Federal requirements, and

(5) providing health services to migratory and seasonal agricultural workers, medically underserved populations, mothers and children (including crippled children), coal miners, and individuals at home, and providing health services related to sudden infant death syndrome, hemophilia, medical emergencies, mental health, alcoholism and alcohol abuse, and drug abuse, all of which were formerly supported by specific Federal assistance efforts.

HEALTH SERVICES BLOCK GRANT

SEC. 4. (a) Subpart I of part D of title III of the Public Health Service Act is repealed and a new subpart I is enacted as follows:

"SUBPART I—HEALTH SERVICES BLOCK GRANT

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 328. For the purpose of carrying out the provisions of this subpart, there are authorized to be appropriated $1,137,600,000 for fiscal year 1982, and for each of the three succeeding fiscal years.

"ALLOTMENTS

"SEC. 329. From the amounts appropriated under section 328 for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to the amounts appropriated under section 328 for that fiscal year as the amounts provided or allotted by the Secretary to the State and to entities in the State under section 301 for State mental health services demonstrations and former sections 328, 329, 330, 339, 340, 340A, 1121, 1131, 1202, 1203, and 1204; former sections 302, 310, and 311 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970; former sections 409 and 410 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act; sections 202, 203, 204, and 211 of the former Community Mental Health Centers Act; former section 427(a) of the Federal Mine Safety and Health Act of 1977; and former title V and former section 1615 (e) of the Social Security Act bore to the amounts provided or allotted by the Secretary under those provisions to all States and to entities in all States from appropriations for fiscal year 1981.

"PAYMENTS TO STATES

"SEC. 330. The Secretary shall make payments as provided by section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213) to each State from its allotment under section 329 from amounts appropriated for any fiscal year.

"USE OF GRANT MONEY

"SEC. 330A. (a) A State may use amounts paid to it under section 330 (and amounts transferred under other provisions of law for the use under this subpart) for the provision of health services and related activities, including planning, administration, education, and evaluation, (except as limited under subsection (b) or as provided under subsection (c))—

"(1) for migratory and seasonal agricultural workers, medically underserved populations, mothers and children (including crippled children), coal miners, and individuals at home, and

"(2) related to sudden infant death syndrome, hemophilia, medical emergencies, mental health, alcoholism and alcohol abuse, and drug abuse.

"(b) Amounts described in subsection (a) may not be used for—

"(1) inpatient services, other than inpatient services prescribed by the Secretary,

"(2) cash payments to intended recipients of health services,

"(3) the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than minor remodeling) of any building or other facility, or

"(4) satisfying any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

The Secretary may waive the limitation contained in paragraph (3) upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this subpart.

"(c) From the amounts paid to it under section 330 from amounts appropriated for a fiscal year, a State may transfer up to 10 percent for use under other provisions of Federal law providing for support of health promotion and disease prevention or social services, or for meeting home energy and emergency assistance needs. The State shall inform the Secretary of any such transfer of funds.

"(d) A State shall expend amounts described in subsection (a) by the end of the fiscal year following the fiscal year for which they were appropriated.

"(e) A State may use a portion of the amounts described in subsection (a) for the purpose of purchasing technical assistance from public or private entities if the State determines that such assistance is required in developing, implementing, and administering programs funded under this subpart.

"REPORT ON INTENDED EXPENDITURES

"SEC. 330B. Prior to expenditure by a State of payments made to it under section 330 for any fiscal year, the chief executive officer of the State shall prepare a report on the intended use of payments the State is to receive under this subpart, including information on the types of services to be provided and the categories or characteristics of individuals to be served. The report shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the report and after its completion. The report shall be revised throughout the year as may be necessary to reflect substantial changes in the activities assisted under this subpart, and any revision shall be subject to the requirements of the preceding sentence.

"REPORTS AND AUDITS

"SEC. 330C. (a) Each State shall prepare reports on its activities under this subpart. Reports shall be in such form, contain such information, and be of such frequency (not less often than every two years) as the State finds necessary to secure an accurate description of those activities, to secure a complete record of the purposes for which funds were spent, and to determine the extent to which funds were expended consistently with the reports required by section 330B. The State shall make copies of the reports required by this section available for public inspection within the State. Copies shall also be provided, upon request, to any interested public agency, and each such agency may provide its views on these reports to the Congress.

"(b) Each State shall, not less often than every two years, audit its expenditures from amounts received under (or transferred to) this subpart. Such State audits shall be conducted by an entity independent of any agency administering a program funded under this subpart, in accordance with generally accepted accounting principles. Within 30 days following the completion of each audit, the chief executive officer of the State shall submit a copy of that audit to the legislature of the State and to the Secretary. Each State shall repay to the United States amounts found not to have been expended in accordance with this subpart or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this subpart.

"(c) For other provisions requiring States to account for Federal grants, see section 202 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4212).

"NONDISCRIMINATION PROVISION

"SEC. 330D. (a) No person shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this subpart. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

"(b) Whenever the Secretary determines that a State that has received a payment under this subpart has failed to comply with subsection (a) of this section or an applicable regulation, he shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to (1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted, (2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable, or (3) take such other action as may be provided by law.

"(c) When a matter is referred to the Attorney General pursuant to subsection (b) of this section, or whenever he has reason to believe that the State is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.".

REPEAL AND CONFORMING AMENDMENTS

SEC. 5. (a) Section 217(g), subparts III and IV of part D of title III, section 1121, part C of title XI, sections 1201, 1202, 1203, 1204, 1205(d), 1206, 1207(a), 1208, 1209, and 1210, and part B of title XII of the Public Health Service Act; title V and sections 1615 (b) and 1615(e) of the Social Security Act; section 427(a) of the Federal Mine Safety and Health Act of 1977; section 102 and parts A and B of title III of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970; sections 405, 409, 410, and 411 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act; the Community Mental Health Centers Act; section 101, part B of title I, titles II and III, and sections 502, 602, 801, and 806 of the Mental Health Systems Act are repealed.

(b)(1) Section 2(f) of the Public Health Service Act is amended by striking out "1201 (2),".

(2) The heading to title XI of that Act is amended by striking out ", HEMOPHILIA PROGRAMS,"

(3) Title XII of that Act is amended by striking out "Part A—Assistance for Emergency Medical Services Systems".

(4) The second sentence of section 455(a) of that Act is amended by striking out ", the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (other than part C of title II), and the Mental Health Systems Act".

(5) Section 507 of that Act is amended by striking out "appropriations available under the Community Mental Health Centers Act for construction and staffing of community mental health centers and alcoholism and narcotic addiction, drug abuse, and drug dependence facilities,".

(6) Section 513 of that Act is amended by striking out "the Mental Retardation Facilities Construction Act, the Community Mental Health Centers Act, the Mental Health Systems Act,".

(7) Section 1513(a)(1)(A)(i) of that Act is amended by striking out ", the Community Mental Health Centers Act, the Mental Health Systems Act, sections 409 and 410 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970".

(8) Section 1521(d)(2)(A) of that Act is amended—

(A) by striking out ", the Community Mental Health Centers Act," and inserting instead "or", and

(B) by striking out ", and the Drug Abuse Office and Treatment Act of 1972".

(9) Section 1524(c)(6)(A) of that Act is amended by striking out "the Community Mental Health Centers Act, section 409 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.".

(10) Section 427(c) of the Federal Mine Safety and Health Act of 1977 is amended by striking out the first sentence.

(11) Section 2(b)(1) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is amended by striking out "and direct Federal assistance to community-based programs to meet the urgent needs of special populations,".

(12) The first sentence of section 101(a) of that Act is amended by striking out "and part C of the Community Mental Health Centers Act".

(13) Section 201(b)(2) of that Act is amended—

(A) by striking out subparagraph (B), and

(B) by striking out the subparagraph designation "(A)".

(14) Section 102 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is amended—

(A) in paragraph (1), by striking out "and to community-based programs to meet the urgent needs of special populations", and

(B) by striking out paragraph (2).

(15) Section 406(a) of that Act is amended—

(A) by adding "and" at the end of paragraph (2),

(3) by striking out "; and" at the end of paragraph (3) and substituting a period, and

(C) by striking out paragraph (4).

(16) Section 413(b)(2) of that Act is amended—

(A) by striking out subparagraph (B), and

(B) by striking out the subparagraph designation "(A)".

(17) The table of sections of title IV of that Act is amended by striking out the listings for sections 405, 409, 410, and 411.

(18) Title I of the Mental Health Systems Act is amended—

(A) by striking out "Part A—Definitions",

(B) in the heading to section 102, by striking out "Other", and

(C) in section 102, by striking out paragraphs (3), (4), (6), and (7).

(19) Section 601(a) of that Act is amended—

(A) in paragraph (5), by striking out "community mental health centers and", and

(B) by striking out paragraph (6).

(20) Section 471(a)(8) of the Social Security Act is amended by striking out "V,".

(21) Section 1101(a)(1) of that Act is amended—

(A) in the first sentence, by striking out "V,", and

(B) by striking out the third sentence.

(22) Section 1101(a)(9)(D) of that Act is amended by striking out "V, XVIII, and XIX" and inserting instead "XVIII and XIX".

(23) Section 1108(d) of that Act is amended by striking out "section 502(a) and 512(a) of this Act, and the provisions of sections 421, 503(1), and 504(1)" and inserting instead "section 421".

(24) Section 1122 of that Act is amended—

(A) by striking out "V, XVIII, and XIX" each place it occurs and inserting instead "XVIII and XIX", and

(B) in subsection (d)(2), by striking out "V, XVIII, or X" and inserting instead "XVIII or XIX".

(25) Section 1124(a)(1) of that Act is amended by striking out "V," each place it occurs.

(26) Section 1124(a)(2)(B) of that Act is amended by striking out "pursuant to title V or".

(27) Section 1129(a) of that Act is amended by striking out "V or" each place it occurs.

(28) Section 1129(b)(2) of that Act is amended by striking out "V, XVIII, or" and inserting instead "XVIII or".

(29) Section 1132(a)(1) of that Act is amended by striking out "V,".

(30) Section 1134 of that Act is amended by striking out "V, XVIII," and inserting instead "XVIII".

(31) The matter in section 1158(a) of that Act preceding paragraph (1) is amended by striking out "(other than title V)".

(32) Section 1159(a) of that Act is amend

(32) Section 1159(a) of that Act is amended by striking out "(other than title V)".

(33) Section 1172(4) of that Act is amended by striking out "V,".

(34) Section 1615(a) of that Act is amended to read as follows:

"SEC. 1615. (a) In the case of any blind or disabled individual who—

"(1) has not attained age 65, and

"(2) is receiving benefits (or with respect to whom benefits are paid) under this title, the Secretary shall make provision for referral of such individual (if he is age 16 or over) to the appropriate State agency administering the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, and (except in such cases as the Secretary may determine) for a review not less often than quarterly of such individual's blindness or disability and (if he is age 16 or over) his need for and utilization of the services made available to him under such plan.".

(35) Section 1861(w)(2) of that Act is amended by striking out "V or".

(36) Section 1902(a)(11) of that Act is amended—

(A) by striking out ", and" at the end of clause (A),

(B) by striking out clause (B), and

(C) by striking out the clause designation "(A)".

(37) Section 222(a)(1) of the Social Security Amendments of 1972 is amended by striking out "titles XIX and V" and inserting instead "title XIX".

(38) The first sentence of section 222(a)(3) of that Act is amended by striking out ", XIX, and V" and inserting instead "and XIX".

(39) Section 222(a)(4) of that Act is amended by striking out "titles V and XIX" each place it occurs and inserting instead "title XIX".

(40) The matter in section 402(a)(1) of the Social Security Amendments of 1967 following paragraph (J) is amended—

(A) by striking out the second comma and inserting instead "and", and

(B) by striking out the third comma and everything following up to the period.

(41) Section 402(a)(2) of that Act is amended by striking out "titles V and XIX" each place it occurs and inserting instead "title XIX".

(42) Section 402(b) of that Act is amended by striking out ", XIX, and V" and inserting instead "and XIX".

(43) Section 914(d) of the Omnibus Reconciliation Act of 1980 is amended by striking out "V, XVIII," and inserting instead "XVIII".

EFFECTIVE DATE

SEC. 6. The amendments made by sections 4 and 5 do not apply to any grant made, or contract entered into, before October 1, 1981.

APRIL 6, 1981.

HON. GEORGE BUSH,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for consideration by the Congress is a draft bill "To consolidate Federal assistance to States for health services, to provide greater flexibility to States in administering health services programs, and for other purposes."

The draft bill would provide each of the States and territories with resources and the appropriate control of those resources to deliver health services effectively. It would promote efficiency and responsiveness, allow State and local determinations concerning targeting of resources, and eliminate unnecessary restrictions on the exercise of State responsibility. The proposed legislation would also overcome several of the most serious problems in current Federal health services programs.

The current categorical project and formula grants for health services have not adequately met State and local needs and priorities. The project grants in particular have not been well integrated with health services provided by States and the categorical nature of the grants has limited the flexibility of States to respond to local conditions. States can best tailor programs and resources to meet their specific problems and needs.

The draft bill addresses this problem by granting funds to the States to assist them in providing health services as each State finds appropriate. Funds could be used to promote accessibility to, and availability of, a wide range of ambulatory health services. Funds would be available for health services for migratory and seasonal agricultural workers, medically underserved populations, mothers and children (including crippled children), coal miners, and individuals at home, and health services related to sudden infant death syndrome, hemophilia, medical emergencies, mental health, alcoholism and alcohol abuse, and drug abuse, all of which are currently supported by specific Federal assistance efforts. A State could transfer up to ten percent of the funds it received to our proposed preventive health activities, social services, and home energy and emergency assistance block grant programs, which we are transmitting to you separately.

The draft bill would eliminate Federal requirements that currently inhibit the effective delivery of health services. The only limitations are that funds may not be used for cash payments, for construction, for the purchase of land or facilities, for inpatient services (except certain inpatient services to be specified by the Secretary, such as inpatient care for crippled children and partial hospitalization), or to satisfy State matching requirements under other Federal programs. In addition, assistance under the draft bill would be subject to the nondiscrimination provisions now applicable to assistance provided under title I of the Housing and Community Development Act of 1974. A key feature of the enforcement mechanism in these provisions affords the Governor of each State the opportunity to secure compliance with the nondiscrimination requirements before Federal enforcement actions are taken.

States, their political subdivisions, and other grantees within a State's boundaries have experienced problems with unstable resource allocations. The consolidation of project and formula grants and the vesting of responsibility with the States would effectively substitute stability of funding for the current uncertainty. Funds would be allocated among the States on the basis of a fixed proportion of the amount appropriated for any fiscal year equivalent to the proportionate share of Federal health services funds for each State and entities within the State for

fiscal year 1981. Federal requirements for detailed State plans and lengthy reports would be eliminated. Audit requirements in the Intergovernmental Cooperation Act of 1968 would be carried out under governmentwide directives designed to ensure that duplicative Federal audit activities were not conducted in addition to State sponsored audits using generally accepted accounting principles. The Act would apply to grants under the draft bill in the same manner it applies to all other Federal grant programs.

Because of the efficiencies to be realized through the elimination of duplication in services and administration and because of the reduction in unnecessary administrative requirements, significant cost savings would be possible. The draft bill would authorize appropriations for fiscal year 1982 and each of the next three fiscal years of $1,137.6 million, an amount equal to approximately 75 percent of the fiscal year 1981 current services level for the programs which would be replaced by the block grant. As an integral part of the President's Program for Economic Recovery, these expenditure restraints would contribute to ending inflation, which has severely eroded the resources available at the State and local levels to provide needed services.

We are convinced that the significant change in approach to Federal-State relations, reflected both in this draft bill and in the companion bills that we are sending you for preventive health activities, social services, and home energy and emergency assistance, will result in improved programs and greater administrative efficiency at the State and local levels.

We urge the Congress to give the draft bill its prompt and favorable consideration.

We are advised by the Office of Management and Budget that enactment of the draft bill would be in accord with the program of the President.

Sincerely,

RICHARD S. SCHWEIKER,
Secretary.

By Mr. HATCH:

S. 1287. A bill to eliminate free medical care for merchant seamen, to permit closure of Public Health Service hospitals, and for other purposes; to the Committee on Labor and Human Resources.

MERCHANT SEAMAN HEALTH SERVICES REPEAL ACT

Mr. HATCH. Mr. President, I am today introducing the Merchant Seamen Health Services Repeal Act.

The purpose of providing free medical care for merchant seamen in the late 1700's was to protect the new Nation from communicable diseases. This free care has continued ever since and is now provided through a system of 8 Public Health Service hospitals and 27 clinics, and the list of occupations which receive this special treatment at taxpayers' expense has grown to include tugboat operators, commercial fishermen, offshore drilling crewmen, and others.

Recognizing that it would be inequitable and no longer appropriate to continue this free Government health delivery system for selected classes of occupations, the administration proposes to eliminate this entitlement and to close the hospitals and clinics which provide the service. The hospitals are underutilized when compared to occupancy rates for other facilities and many are located in areas where there are excess hospital beds.

Mr. President, this draft legislation was submitted by the Department of Health and Human Services, and I ask unanimous consent that the text of the bill and the accompanying executive communication from Secretary Schweiker in which he thoughtfully articulates the purpose and rationals of this legislation be printed in the RECORD.

There being no objection, the bill and the letter were ordered to be printed in the RECORD, as follows:

S. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Merchant Seamen Health Services Repeal Act".

ELIMINATION OF ENTITLEMENT TO HEALTH SERVICES FOR MERCHANT SEAMEN

SEC. 2. (a)(1) Sections 2(h), 322(a), and 322(b) of the Public Health Service Act are repealed.

(2) Section 322(e) of that Act is amended by striking out "entitled to care and treatment under subsection (a) of this section and persons".

(3) The heading to section 322 of that Act is amended by striking out "Seamen" and inserting instead "Persons Under Quarantine".

(4) Section 332(a)(2)(C) of that Act is amended by striking out "seamen" and inserting instead "persons under quarantine".

(b) The amendments made by subsection (a) of this section are effective October 1, 1981.

ELIMINATION OF REQUIREMENT FOR MAINTAINING PUBLIC HEALTH SERVICE HOSPITALS

SEC. 3. Subsections (a) and (b) of section 818 of the Department of Defense Appropriation Authorization Act, 1974 are repealed.

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, D.C., April 2, 1981.

Hon. THOMAS P. O'NEILL,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Enclosed for consideration by the Congress is a draft bill "To eliminate free medical care for merchant seamen, to permit closure of Public Health Service hospitals, and for other purposes."

The entitlement merchant seamen now have to free medical care at Public Health Service hospitals, enacted in 1798, is an anachronism. The original purpose of the entitlement was to protect the Nation from communicable diseases that could be brought into the country from foreign ports at a time when there were few medical facilities in American port cities. Today, those cities have sufficient medical facilities. Moreover, through the years, this entitlement has been expanded from oceangoing seamen to tugboat operators, fishermen, off-shore drilling crewmen, and others. Thus, a program that was originally designed to provide occasional onshore benefits for seamen who spent most of their days at sea has become, in effect, a free Government health delivery program for a selected occupation.

The provision of free Government health care for this one group is unnecessary and unwarranted. Merchant seamen, as is the case for other employee groups, can and do obtain health care through non-Federal providers and health insurance through employer group plans or otherwise.

Moreover, the Public Health Service hospital and clinic system is under-used and all of the hospitals are located in cities with an adequate or excess supply of hospital beds. Thus, the draft bill would not appreciably affect merchant seamen's access to care.

The draft bill would repeal the entitlement of merchant seamen to free medical care, and in addition permit us to close down Public Health Service hospitals no longer needed for the care of merchant seamen.

We intend to permit States, local communities, and other governmental agencies that wish to assume responsibility for the continued operation of individual hospitals to submit to us a statement of intent and a plan by July. Upon approval of the plan, the hospital concerned would be permitted to continue to accept patients into fiscal year 1982 under existing facility and resource sharing arrangements, pending completion of the transfer of the hospital.

We estimate that enactment of this draft bill would eliminate departmental expenditures of $82 million for fiscal year 1982, $150 million for fiscal year 1983, $160 million for fiscal years 1984 through 1986, and comparable savings thereafter.

We urge the Congress to give the draft bill its prompt and favorable consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

RICHARD S. SCHWEIKER,
Secretary.

By Mr. DURENBERGER:

S. 1288. A bill to amend the Internal Revenue Code of 1954 to encourage greater energy conservation by commercial businesses, and for other purposes; to the Committee on Finance.

COMMERCIAL BUSINESS ENERGY TAX CREDIT ACT OF 1981

● Mr. DURENBERGER. Mr. President, today I am introducing the Commercial Business Energy Tax Credit Act of 1981. This legislation is designed to encourage commercial businesses to conserve energy in existing facilities. As you know, the Energy Tax Act of 1978 recognized the need for businesses, to invest in energy saving equipment and adopted credits for residential and industrial sectors. The commercial sector has not been provided comparable incentives and this legislation seeks to fill that void.

A major problem facing all Americans is the energy shortage. It is a major contributor to double-digit inflation. It is a catastrophe for the poor, many of whom cannot afford the spiraling costs of heating oil. It threatens our future standard of living. And the increasing dependence of the United States on other countries for its oil supplies jeopardizes the safety and well-being of our Nation.

Much is being done, but more has to be done if we are to solve our energy problem. Creating or discovering new sources of energy is a necessity ingredient of such a solution, and such efforts are being made—but this is not enough. Huge amounts of energy are being wasted. An important ingredient in solving our energy problem is a massive conservation program.

In recent years great strides have been made in discovering new methods of conserving energy. New energy conserving equipment today can do the job better and with less energy usage. Insulated buildings conserve energy and make our energy resources go further. Conserva-

tion of energy is in everyone's best interest.

Experts in the field say that we must encourage high users of energy to invest in energy conserving equipment. Energy tax credits encourage investment in new energy conserving equipment, thereby reducing energy consumption. Encouraging investment in energy saving equipment also encourages employment of those manufacturing such equipment. And reducing energy consumption is anti-inflationary, since it allows business to reduce the price of its product by reducing its energy overhead costs.

In February 1981, the Treasury Department issued final regulations to implement Public Law 95–618, the Energy Tax Act, which I believe incorrectly interpreted congressional intent with regard to automatic energy control systems. Both House and Senate reports clearly stated that automatic energy control systems used to manage a building's heating or cooling should be eligible for the energy tax credit for business property. However, under the Treasury Department regulations, automatic energy control systems installed in commercial buildings do not qualify for the energy credit for business property.

The commercial sector accounts for about 14.8 percent of the Nation's total annual energy consumption. The potential for energy savings is great because the means for improving energy efficiency in commercial operations and buildings are available. The Commercial Business Energy Tax Credit Act of 1981 includes the following provisions:

Add to the list of equipment qualifying as specially defined energy property. Commercial equipment such as energy management or control systems, energy redistribution systems, conversions to more energy efficient lighting systems, energy storage systems, devices for reducing energy consumed in refrigeration equipment, and several other types of equipment would all qualify for the business energy tax credit.

Clarify congressional intent with regard to the definition of an industrial or commercial "process" in the present law.

The energy percentage for specially defined property would be increased from the present 10 percent to 20 percent.

Eligibility for the 20-percent credit would require that specially defined equipment be placed in service after 1980 and before 1987.

Provide a 20 percent energy credit for installing insulation or a variety of other items designed to reduce heat loss or gain in an existing industrial, retail or commercial building or facility.

The energy tax credit can be a powerful incentive to reduce the amount of energy used in the United States. This incentive can be greatly enhanced in the commercial sector if the provisions in this legislation are adopted and previous congressional intent clarified. Energy saved in commercial buildings is an achievement that is worthy of national attention and encouragement.

Mr. President, I request that the complete text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Business Energy Tax Credit Act of 1981".

SEC. 2. SPECIALLY DEFINED ENERGY PROPERTY.

Paragraph (5) of section 48(1) of the Internal Revenue Code of 1954 (defining specially defined energy property) is amended—

(1) by striking out "or" at the end of subparagraph (L), and

(2) by striking out all that follows subparagraph (L) and inserting in lieu thereof the following:

"(M) an energy management or control system or device, including, but not limited to—

"(i) a mixed air, cooling coil discharge, and hot deck temperature reset device,

"(ii) any economizer or enthalpy controls,

"(iii) a thermostatic radiator valve,

"(iv) a computer or microprocessor control system which adjusts lighting, or which adjusts the supply of heating, cooling, and ventilation to meet illuminating or space conditioning requirements,

"(v) automatic equipment settings controls, load shedding devices and relay devices, including associated hardware,

"(vi) variable speed motor control packages combining a microcomputer with an alternating current inverter, and

"(vii) equipment required to operate or convert to variable energy supply systems,

"(N) a heat pump apparatus, cooling tower, condensed or evaporator which modifies or replaces existing components in heating, ventilating, air-conditioning or refrigeration systems,

"(O) an energy redistribution system, device or component for heating or cooling, including a duct, pipe, vent, pump or fan which exchanges the air, gas or fluids within or between rooms to increase or decrease temperature or humidity,

"(P) a furnace or boiler replacement burner designed to achieve a reduction in the amount of fuel consumed as a result of increased combustion efficiency.

"(Q) a device or control package retrofitted to an electric motor to improve its efficiency,

"(R) a mechanical or programable timer or motion detector to turn on or off energy using equipment,

"(S) a meter or submeter which displays or records the cost or quantity of energy usage,

"(T) a replacement, modification or conversion of a lighting system,

"(U) a device which modifies refrigeration equipment, including—

"(i) a compressor or humidity control,

"(ii) a device for automatically defrosting refrigerator or freezer equipment,

"(iii) a demand waste heat or ambient air defrost system,

"(iv) a heat reclaim coil,

"(v) a temperature compensated evaporator pressure regulator, and

"(vi) a refrigerator fixture cover or door,

"(V) an energy storage system, including a heat sink,

"(W) equipment used in the preparation, storage, cooking, display, or serving of food or cleaning of dishware which incorporates design features specifically engineered to reduce energy consumption, and which replaces similar equipment of the taxpayer purchased before January 1, 1976, or

"(X) any other property of a kind specified by the Secretary by regulations,

which is installed, and principal purpose of which is reducing the amount of energy consumed, in connection with any existing industrial, retail or commercial process, activity, facility, building or equipment. The Secretary shall not specify any property under subparagraph (W) unless he determines that such specification meets the requirements of paragraph (9) of section 44C (c) for specification of items under section 44C (c) (4) (A) (viii).".

SEC. 3. INSULATION PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(1)(2) (defining energy property) is amended—

(1) by striking out "or" at the end of clause (viii),

(2) by inserting "or" at the end of clause (ix), and

(3) by adding at the end thereof the following new clause:

"(x) insulation property,".

(b) INSULATION PROPERTY DEFINED.—Subsection (1) of section 48 of the Internal Revenue Code of 1954 (relating to energy property) is amended by adding after paragraph (17) the following new paragraph:

"(18) INSULATION PROPERTY.—The term 'insulation property' means property which is specifically and primarily designed to reduce when installed in or on an existing industrial, retail or commercial building or facility the heat loss or gain of such building or facility, including, but not limited to—

"(A) insulation materials installed as part of the building envelope including the wall, ceiling, floor, and roof,

"(B) insulation materials installed in connection with mechanical system equipment, ducts and piping,

"(C) heat reflecting and heat absorbing window and door materials and reflective and heat absorbing window and door films and coatings,

"(D) storm or thermal windows or doors for the exterior of a building,

"(E) thermal curtains which separate areas of different temperatures,

"(F) vestibules,

"(G) exterior skylights which have one or more sheets of glazing or other type of panel, and

"(H) caulkng or weatherstripping of an exterior door, window, or skylight.".

SEC. 4. CHANGES IN AMOUNT AND PERIOD OF ENERGY PERCENTAGE

The table contained in clause (1) of subparagraph (C) of section 46(a)(2) (relating to energy percentage) is amended by adding at the end thereof the following new subclauses:

"VII. Specially Defined Energy property.—Property described in section 48(1)(5).	22 percent.	Jan. 1, 1981.	Dec. 31, 1986.
"VIII. Insulation property.—Property described in section 48(1)(17).	20 percent.	Jan. 1, 1981.	Dec. 31, 1986".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to periods beginning after December 31, 1980, under rules similar to the rules contained in section 48(m) of the Internal Revenue Code of 1954.●

By Mr. DECONCINI (for himself, Mr. BRADLEY, Mr. D'AMATO, Mr. MATSUNAGA, Mr. PELL, Mr. CHAFEE, Mr. BENTSEN, Mr. FORD, Mr. QUAYLE, Mr. TSONGAS, Mr. KASTEN, Mr. BUMPERS, Mr. MOYNIHAN, Mr. PACKWOOD, Mr. JOHNSTON, and Mr. GOLDWATER):

S.J. Res. 84. Joint resolution to proclaim March 19, 1982, as "National Energy Education Day"; to the Committee on the Judiciary.

NATIONAL ENERGY EDUCATION DAY

Mr. DECONCINI. Mr. President, I am pleased to introduce legislation today, cosponsored by many of my colleagues, urging the President to proclaim March 19, 1982, as National Energy Education Day. As you may recall, a similar resolution was adopted by the Senate during the 96th Congress and resulted in a Presidential proclamation designating a National Energy Education Day in 1981.

Mr. President, the main purpose of this resolution is to stimulate increased public awareness on the critical role energy plays and no doubt will continue to play in the daily lives of all Americans. Our energy supplies are no longer being taken for granted; and, if we as a Nation intend to prosper and maintain a strong national security, our citizens must become more familiar with methods to curb energy consumption and they must better understand the economic, social, and political consequences of meeting our future energy needs. We have been surviving for several years now to establish a workable national energy policy which includes increasing domestic supplies, advancing the development of a wealth of energy alternatives, and creating incentives to make individuals and businesses conserve our precious energy resources.

Mr. President, the Government can talk energy issues and implement plans for eternity but if the American public is ill-informed on how our political stability is tied to energy self-sufficiency, all the talk in the world will never bring this country to meet our energy goals. I can think of no role in this process more important than that of our Nation's citizens and, particularly, of our youth who will be leading this fine country in the decades ahead. By educating the public and increasing energy awareness at all levels we can only help to bring this country closer to meeting our objectives.

March 20, 1981, marked our first energy education day. The Governors from 40 States, including my own, signed State proclamations and developed statewide plans to increase energy related activities in our communities and schools. Participation by producers, consumers, policymakers, and public officials in numerous events across the country demonstrated a real willingness to work together on mutually beneficial goals. We must continue to encourage this type of activity at all levels and, given existing economic constraints, I believe it is essential that information-type services which have been historically provided by the Federal Government continue to be made available. This can be assured through the National Energy Education Day process and our communities and schools can be the focal point for picking up where the Government may have to leave off.

Mr. President, the celebration of March 20, 1981, as National Energy Education Day was a major success and just the beginning of a decade-long effort to generate citizen participation in the energy education process. The resolution my colleagues and I are sponsoring can produce even better results, and I urge the Members of the Senate to join us in supporting the passage of this joint resolution during the current Congress.

By Mr. HATCH:

S.J. Res. 85. Joint resolution to designate June 30, 1981, as "National Drug Standards Day"; to the Committee on the Judiciary.

NATIONAL DRUG STANDARDS DAY

● Mr. HATCH. Mr. President, I am today introducing a joint resolution to commemorate the first 75 years of the Pure Food and Drug Act and to declare June 30, 1981, as "National Drug Standards Day" in honor of the safe and high drug standards provided with the enactment of this law.

Recognition of this act would not be complete without mentioning the great contribution to the work in this area made by the men and women of the U.S. Pharmacopeial Convention. The first convention assembled here in Washington on January 1, 1920, and in December of that year the first U.S. Pharmacopia was published. It was the objective of the Pharmacopeia to:

> Select from among substances which possess medicinal power, those, the utility of which is most fully established and best understood; and to form from them preparations and compositions, in which their powers may be exerted to the greatest advantage.—(Preface of the 1820 Pharmacopeia.)

Through their work tests and assays came about to set standards of strength and purity for drugs. With the enactment of the Pure Food and Drug Act in 1906 the authority for the Pharmacopeia was designated as the body to set—

> Standards of strength, quality and purity of medicinal products recognized therein when sold in interstate commerce for medicinal use.—(Pure Food and Drug Act of 1906.)

More than 300 elected representatives of medical and pharmacy schools and associations, plus representatives of nearly 2 dozen national scientific organizations and several Federal agencies today participate in the convention.

Drug standards writing is a continuous endeavor requiring the utmost knowledge and laboratory skill. Through hundreds of volunteer physicians, pharmacists, scientists, and other health professionals, the USPC publishes the U.S. Pharmacopeia and the National Formulary every 5 years with regular supplements as required.

In 1960, Dr. Arthur Fleming, then Secretary of HEW, commented on the USPC. He said:

> I think that it is fair to say that I do not know of any organization that has a more interesting and a more significant relationship to the government of the United States than your organizations. As a layman, I can't help but take note of the fact that your organization is almost as old as the Union itself. He further noted that the sole objective of the USPC was to assist in safeguarding the health of citizens of our nation, and in so doing, of course, helping to safeguard the health of citizens of all nations.

National Drug Standards Day will help us all, in some small way, give a warm thanks to those who have labored to produce our drug standards.

Mr. President, I ask unanimous consent that the text of my joint resolution be printed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 85

Whereas the United States Pharmacopeia and the National Formulary, published by the United States Pharmacopeial Convention, Inc., were recognized as containing "official" standards for drugs by the Federal Food and Drug Act of 1906;

Whereas the United States Pharmacopeial Convention, Inc., a nonprofit organization of physicians, pharmacists, and members of other health professions, associations, and governmental agencies, does its primary work of revising and publishing standards for drugs and drug information with the volunteer assistance of hundreds of physicians, pharmacists, and other health professionals;

Whereas such volunteers have freely given of their expertise, knowledge, and time since January 1, 1820, to assure that drug standards and drug information available to the people of the United States are the best possible;

Whereas the Pharmacopeial Convention, Inc. is an outstanding example of what can be accomplished by groups with special interests and expertise to contribute to the health and welfare of our citizens;

Whereas the United States Pharmacopeia and the National Formulary have been valued sources of drug standards and drug information for the drug industry, the Food and Drug Administration, and nearly all governments of the free world, especially since 1906; and

Whereas June 30, 1981, will mark the 75th anniversary of the enactment of the Federal Food and Drug Act of 1906: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 30, 1981, is designated as "National Drug Standards Day" and the President of the United States is authorized and requested to issue a proclamation calling upon Federal, State, and local government agencies, interested groups and organizations, and the people of the United States to observe that day by engaging in appropriate ceremonies, activities, and programs, thereby showing their support of the United States Pharmacopeia and the National Formulary and thanking the hundreds of volunteers who have contributed to the high drug standards of the United States.●

ADDITIONAL COSPONSORS

S. 43

At the request of Mr. SASSER, the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 43, a bill to amend the Congressional Budget Act of 1974 to require the Director of the Con-

gressional Budget Office to prepare and submit, for every bill or resolution reported in the House or the Senate which has certain specific economic consequences, an estimate of the cost which would be incurred by State and local governments in carrying out or complying with such bill or resolution.

S. 195

At the request of Mr. GOLDWATER, the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 195, a bill to incorporate the U.S. Submarine Veterans of World War II.

S. 330

At the request of Mr. DURENBERGER, the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 330, a bill entitled the "Investment Income Incentive Act of 1981."

S. 398

At the request of Mr. ARMSTRONG, the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 398, a bill to amend the Walsh-Healey Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a 4-day workweek, and for other purposes.

S. 468

At the request of Mr. THURMOND, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 468, a bill to amend title 38, United States Code, to expand the eligibility of former prisoners of war for certain health-care benefits provided by the Veterans' Aministration, and for other purposes.

S. 496

At the request of Mr. MELCHER, the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 496, a bill to amend the Federal Mine and Safety Health Act of 1977.

S. 664

At the request of Mr. CHILES, the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 664, a bill to amend section 481(d) of the Foreign Assistance Act of 1961.

S. 701

At the request of Mr. BENTSEN, the Senator from Texas (Mr. TOWER), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Tennessee (Mr. SASSER), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Michigan (Mr. LEVIN), the Senator from North Dakota (Mr. BURDICK), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Nevada (Mr. CANNON), the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. KASTEN), the Senator from North Dakota (Mr. ANDREWS), the Senator from Florida (Mr. CHILES), the Senator from Kentucky (Mr. FORD), the Senator from Maryland (Mr. MATHIAS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Maine (Mr. MITCHELL), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Illinois (Mr. DIXON), the Senator from Idaho (Mr. SYMMS), the Senator from Alabama (Mr. HEFLIN), the Senator from North Carolina (Mr. HELMS), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 701, a bill to amend the Internal Revenue Act of 1954 to provide for the exclusion from taxation of interest earned on deposits which are used for residential mortgage lending purposes.

S. 702

At the request of Mr. BAUCUS, the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of S. 702, a bill to allow an income deduction for certain motor carrier operating authorities to offset the impact of the Motor Carrier Reform Act of 1980.

S. 704

At the request of Mr. JEPSEN, the Senator from Delaware (Mr. ROTH), the Senator from Arkansas (Mr. PRYOR), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 704, a bill to amend the Commodity Credit Corporation Charter Act to establish a revolving fund to finance short-term export credit sales of agricultural commodities produced in the United States.

S. 750

At the request of Mr. WALLOP, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 750, a bill to amend the Internal Revenue Code of 1954 to provide nonrefundable tax credits for investments in qualified industrial energy efficiency and fuel conversion projects, and for other purposes.

S. 752

At the request of Mr. BAUCUS, the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 752, a bill to amend the Internal Revenue Code of 1954 to provide for the awarding of reasonable court costs and certain fees to prevailing parties in civil tax actions, and for other purposes.

S. 790

At the request of Mr. RIEGLE, the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 790, a bill to amend section 44 of the Internal Revenue Code of 1954 to allow a credit against tax for the purchase of certain new principal residences, and for other purposes.

S. 872

At the request of Mr. CHAFEE, the Senator from North Dakota (Mr. ANDREWS), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 872, a bill to amend title 38, United States Code, to extend the period of Vietnam-era veterans' eligibility for readjustment counseling and related mental health services.

S. 873

At the request of Mr. BENTSEN, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 873, a bill to strengthen Federal programs and policies for combating international and domestic terrorism.

S. 905

At the request of Mr. PRESSLER, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 905, a bill to require the inspection of imported meat and meat food products, to require the grading of meat and meat food products, to require the Secretary of Agriculture to establish a labeling system for meat and meat food products, and for other purposes.

S. 941

At the request of Mr. THURMOND, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 941, a bill to authorize the construction and maintenance of the General Draza Mihailovich Monument in Washington, D.C., in recognition of the role he played in saving the lives of approximately 500 U.S. airmen in Yugoslavia during World War II.

S. 1030

At the request of Mr. MCCLURE, the Senator from North Dakota (Mr. ANDREWS), and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of S. 1030, a bill to protect firearms owners constitutional rights, civil liberties and rights to privacy.

S. 1051

At the request of Mr. JEPSEN, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 1051, a bill to amend title 10, United States Code, to establish a policy for improved and more flexible contracting procedures for the Department of Defense, to allow the Department of Defense to use multiyear procurement contracts under less restrictive conditions, and for other purposes.

S. 1080

At the request of Mr. CANNON, his name was added as a cosponsor of S. 1080, a bill to amend the Administrative Procedures Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs; to provide for a periodic review of regulations; and for other purposes.

S. 1131

At the request of Mr. DANFORTH, the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1131, a bill to require the Federal Government to pay interest on overdue payments and to take early payment discounts only when payment is timely made, and for other purposes.

S. 1225

At the request of Mr. SPECTER, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1225, a bill to require Federal agencies to include in a notice of proposed rulemaking estimates of the costs to State and local governments resulting from a proposed rule, an identification of sources of funds to pay such costs and a statement requesting comments from State and local governments on the costs to such governments resulting from the proposed rule.

S. 1235

At the request of Mr. D'AMATO, the Senator from Oklahoma (Mr. NICKLES), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 1235, a bill to exempt certain matters relating to the Central Intelligence

Agency from the disclosure requirements of title 5, United States Code.

SENATE CONCURRENT RESOLUTION 18

At the request of Mr. GOLDWATER, the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of Senate Concurrent Resolution 18, a concurrent resolution relating to the free exercise of religion in the Ukraine.

SENATE RESOLUTION 65

At the request of Mr. DURENBERGER, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Resolution 65, a resolution to promote alternative nonanimal testing procedures.

SENATE RESOLUTION 120

At the request of Mr. CHILES, the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of Senate Resolution 120, a resolution disapproving the proposed deferral of budget authority for Veterans' Administration Medical Care.

SENATE RESOLUTION 143—RESOLUTION TO COMMEND SATCHEL PAIGE

Mr. PERCY (for himself and Mr. DIXON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 143

Whereas May 25, 1981, has been designated by the State of Illinois as "Satchel Paige Day";

Whereas Satchel Paige was one of the greatest baseball pitchers of all time;

Whereas Satchel Paige has attributed his long, successful, and happy life to his following six rules:

(1) Avoid fried foods which angry up the blood;

(2) If your stomach disputes you, lie down and pacify it with cool thoughts;

(3) Keep the juices flowing by jangling around gently as you move;

(4) Go very light on vices such as carrying on in society. The social ramble ain't restful;

(5) Avoid running at all times;

(6) Don't look back, something may be gaining on you;

Whereas Satchel Paige was elected to Baseball's Hall of Fame in 1971; and

Whereas the life story of Satchel Paige will be depicted in a movie "Don't Look Back", broadcast on national television on May 31, 1931: Now, therefore, be it

Resolved, That the Senate joins the State of Illinois in honoring and paying tribute to Satchel Paige for his outstanding achievements in a long and distinguished career in major league baseball.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Satchel Paige.

● Mr. PERCY. Mr. President, on May 25, the State of Illinois will recognize the outstanding baseball career of, perhaps the greatest baseball pitcher of all time. Satchel Paige. I, along with Senator DIXON, Governor Thompson, and the Illinois State Legislature will join in honoring this Hall of Famer on "Satchel Paige Day."

Though he no longer throws the fastball on the baseball diamond, his participation in baseball continues in another capacity. He is the vice president of the outstanding Springfield Red Birds, a major league farm club. His long, successful, and happy life story will be depicted in a movie, "Don't Look Back," which will be broadcast on national television on May 31.

I am honored to submit a resolution, with my colleague Senator DIXON, that the Senate join the State of Illinois in honoring and paying tribute to Satchel Paige.●

● Mr. DIXON. Mr. President, I am pleased to join with my senior colleague from Illinois, Mr. PERCY, in introducing a resolution honoring Satchel Paige—one of the greatest baseball players of all time.

I believe the Senate should join with the State of Illinois in paying tribute to Satchel Paige for his commitment to the great sport of baseball, his long-time support of the Springfield Red Birds baseball team and for his sage advice on how to live a long, happy life.

Mr. President, I stand in this body to salute Satchel Paige and ask that Americans nationwide join with the people of Illinois in honoring Satchel Paige May 25.●

SENATE RESOLUTION 144—RESOLUTION RELATING TO LEBANON

Mr. KENNEDY (for himself, Mr. JACKSON, Mr. CRANSTON, Mr. BIDEN, and Mr. TSONGAS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 144

Whereas the current situation in Lebanon has caused great human suffering and disruption of the economy of that country;

Whereas the presence of Syrian missiles threatens to further undermine the sovereignty of Lebanon and stability in the Middle East;

Whereas the removal of Syrian forces in Lebanon would significantly enhance the prospects of Lebanon once again becoming a peaceful, viable democracy;

Whereas a strong, pro-Western, democratic Lebanon would help promote stability in the region and serve the national interest of the United States; and

Whereas the Senate hopes for the success of diplomatic effort currently being carried out by special envoy Philip C. Habib.

Resolved That the Senate of the United States of America strongly supports diplomatic efforts to resolve the current crisis in Lebanon, and that the Government of the United States should continue to pursue a comprehensive and coordinated policy in Lebanon guided by the following principles:

1. Establishment of an immediate and effective ceasefire throughout Lebanon.

2. Removal of all Syrian missiles deployed in Lebanon.

3. Preservation of a free and secure Christian community as well as the Moslem, Druze, Armenian, and Jewish Communities in Lebanon.

4. Reaffirmation of the historic US-Lebanon relationship and strengthening the long-standing commitment of the United States to the independence, sovereignty and territorial integrity of Lebanon, free from terrorism, from outside military occupation, and from the influence of the Soviet Union or its surrogates.

5. Generous international support for relief, rehabilitation and humanitarian assistance for Lebanon, particularly for the residents of Zahle and East Beirut.

6. Restoration and respect for the authority of a Lebanese government based on free and open national elections, now scheduled for mid-1982.

Mr. KENNEDY. Mr. President, I rise to offer a resolution for peace, freedom, and security in Lebanon. Cosponsoring this resolution are: the senior Senator from Washington (Mr. JACKSON), the senior Senator from California (Mr. CRANSTON), the junior Senator from Delaware (Mr. BIDEN), and the junior Senator from Massachusetts (Mr. TSONGAS).

Mr. President, this resolution would offer the strong support of the U.S. Senate for diplomatic efforts now underway to resolve the crisis in Lebanon. It offers our strong support for the right of Lebanese Christian and other communities to live in freedom and security.

We all know and admire the intensive efforts of the administration's special envoy, Ambassador Philip C. Habib, to achieve a peaceful solution to the crisis. We all hope that these efforts will meet with early and complete success. Our resolution is offered in strong support of these efforts. It provides that the United States should pursue a comprehensive and coordinated policy in Lebanon, guided by the following six essential principles:

First, establishment of an immediate and effective cease-fire throughout Lebanon.

Second, removal of all Syrian missiles deployed in Lebanon.

Third, preservation of a free and secure Christian community as well as Moslem, Druze, Armenian, and Jewish communities in Lebanon.

Fourth, reaffirmation of the historic United States-Lebanon relationship and strengthening the long-standing commitment of the United States to the independence, sovereignty, and territorial integrity of Lebanon, free from terrorism, from outside military occupation, and from the influence of the Soviet Union or its surrogates.

Fifth, generous international support for relief, rehabilitation and humanitarian assistance for Lebanon, particularly for the residents of Zahle and East Beirut.

Sixth, restoration and respect for the authority of a Lebanese Government based on free and open national elections, now scheduled for mid-1982.

The first principle, an immediate and effective cease-fire throughout Lebanon, is essential to the prospects for a lasting political solution to this tragic conflict. And it is the minimum step necessary to protect the beleaguered Christian communities that have been subjected to ruthless bombardment from Syrian military forces. Those forces have joined with the PLO in a brutal assault on the very integrity of Lebanon and its people.

The second principle goes to the heart of the crisis. It calls on Syria to remove its missiles from Lebanon and thereby move toward restoring the situation which prevailed before this crisis.

The Syrians have violated the previous "red line" understandings by moving Soviet-supplied SAM missiles into Lebanese territory. These are not merely defensive missiles. They provide protection to the Syrian military forces which have attacked Lebanese Christians. They provide protection to the PLO forces which

use Lebanese territory as a base for terrorist attacks against the people and territory of Israel. They represent an unacceptable threat to Israel, our strongest ally and closest friend in the Middle East, and to the stability of the region as a whole.

The third principle recognizes explicitly the need to protect and pursue a free and secure Christian community, as well as all the other communities in Lebanon—Moslems, Druze, Armenians, and Jews. We must not tolerate the continued sacrifice of thousands of innocent Lebanese men, women, and children by events and forces beyond their control.

The fourth principle makes clear our continuing interest in a free, independent and pro-Western Lebanon. That nation must be free from terrorism of the PLO, free from the occupation of Syrian military forces, and free from the influence of the Soviet Union or its surrogates in the region.

The fifth principle looks beyond the current missile crisis in Lebanon to the welfare and well-being of all the Lebanese people. Our Nation must do all it can to achieve generous international assistance for this strifetorn country—in the fields of relief, rehabilitation and humanitarian assistance.

The sixth principle recognizes the need for a strong and respected Lebanese Government, based on the full support of the Lebanese people through free and open national elections. Lebanon is for the Lebanese—and not for Syrian military occupiers or PLO terrorists. We must pursue this step as a long-term political solution, in addition to providing the humanitarian assistance and take the other steps needed to end the immediate crisis.

Mr. President, the resolution we offer today is fully consistent with the letters sent to the President by both Republican and Democratic members of the Senate Foreign Relations Committee and the House Foreign Affairs Committee. It is consistent with a resolution adopted by Democrats and Republicans in the House committee. I believe it is important for the full Senate to express its own views on this issue as well.

The resolution is designed to give our strong support to the administration's current efforts to achieve a peaceful solution of the missile crisis in Lebanon. It is intended to encourage a generous humanitarian and political settlement which is in accord with our national interest in regional stability and in restoring a free, secure, prosperous pro-Western democracy in Lebanon. I hope that this resolution will receive the support of the Senate, and that it will contribute to the important work of Ambassador Habib, in the vital search for a just and lasting solution of this tragic conflict.

AMENDMENTS SUBMITTED FOR PRINTING

SUPPLEMENTAL AND CONTINUING APPROPRIATIONS AND RECISION, 1981

AMENDMENT NO. 57

(Ordered to be printed and to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to the bill (H.R. 3512) making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes.

● Mr. ROTH. Mr. President, on December 4, 1980, Public Law 96–496 was enacted reauthorizing the programs and activities of the National Endowment for the Humanities and the National Endowment for the Arts. This law changed the provisions of the challenge grant program from the 1976 authorization by allowing the grantee to be the direct recipient of funds to be matched. Subsequent to the enactment of Public Law 96–496 on December 4, the Interior and Related Agencies Appropriations Act was signed into law on December 12, 1980, Public Law 96–514; this law was not changed in the matching grant section for the National Endowment for the Humanities and the National Endowment for the Arts to reflect the change made in the authorizing language. It is my understanding that this was a technical and inadvertent error.

Currently there is a situation in Delaware where a humanities challenge grantee is being adversely affected by the strict adherence to the language in Public Law 96–514. A grant award in the amount of up to $40,000 was made to the Delaware Division of Libraries for the purposes of renovating a building to serve as the public library for Frankford, Del. The match for the Federal funds was to be in the form of a donation of real property. Following notification of their award on December 15, 1980, the donor of the building deeded the property to the grantee under the provisions of the reauthorization language. When the grantee requested the release of the challenge funds, they were told that this would be prohibited under the language contained in the appropriations bill. They were told that they would have to deed the property back to the donor, the donor would have to deed the property back to the endowment, and endowment would then have to deed the property back to the grantee after a review by the U.S. Attorney General. This is exactly the type of needless paperwork which the reauthorization was designed to change.

I have discussed this matter with Senator PELL and Senator STAFFORD who have both indicated that the reauthorization provisions governing the challenge grant programs of the National Endowments for the Arts and Humanities were changed specifically to provide for a grantee to be a direct recipient of funds to be matched—to prevent the needless paperwork of which the situation in Delaware is a prime example—and they are supportive of the small technical change which needs to be made in the appropriations language to allow for the release of matching funds when a grantee, as opposed to the chairman of either endowment, is the recipient of gifts, bequests, money, or other property to meet the requirements for the match. The Appropriations Committee has agreed as well to an amendment to correct this oversight.

Mr. STAFFORD. I thank Senator ROTH for bringing this matter to my attention. He is quite correct when he states that we did take action in the reauthorization bill to specifically provide for a grantee to be a direct recipient of gifts, bequests, money, or other property to be matched in a challenge grant. We took this action to avoid unnecessary paperwork in challenge grant awards. I am supportive of taking the action required to correct this oversight in the Interior and related agencies appropriations bill.

Mr. PELL. I would like to join Senator STAFFORD and Senator ROTH in offering my support to the effort to make the technical change in the appropriations bill which is required to allow the release of matching funds under the provisions of the authorizing legislation. The fact that the bill reauthorizing the endowments was not signed into law until December 4, 1980, prevented the Appropriations Committee from making conforming changes in their language due to the fact that the two bills were considered in such proximity. I support the change to prevent undo delay in the release of challenge grant funds for award recipients under the programs operated by both the National Endowment for the Arts and the National Endowment for the Humanities.●

CONTRACT HOSPITAL CARE AND MEDICAL SERVICES IN PUERTO RICO AND THE VIRGIN ISLANDS

AMENDMENT NO. 58

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to the bill (S. 921) to amend title 38, United States Code, to extend authority to provide contract hospital care and medical services in Puerto Rico and the Virgin Islands, and for other purposes.

Mr. CRANSTON. Mr. President, I am submitting for printing an amendment to S. 921 as reported by the Committee on Veterans' Affairs on May 15, the proposed Veterans' Programs Extension and Improvements Act of 1981. This amendment, in which I am joined by Senators RANDOLPH, MATSUNAGA, DECONCINI, and MITCHELL, would incorporate in S. 921 as reported the provisions of section 3(2) of S. 458, the proposed Vietnam Era Veterans' Readjustment Amendments of 1981, which I introduced on February 6, 1981, and which is cosponsored by Senators MATSUNAGA and DECONCINI, providing for an extension of the so-called delimiting period for the use of GI bill benefits. This extension would be targeted only on those most in need of assistance—that is, those Vietnam-era veterans who, even though they would have been out of the service for more than 10 years, do not have high school diplomas and those who could benefit from participation in apprenticeship or other on-job training programs. Our proposal would provide these veterans with up to an additional 2-year period—October 1, 1981, to September 30, 1983—in which to use their GI bill benefits for apprenticeship or OJT programs or, if they do not have high school diplomas or the equivalent, for

pursuit of a secondary education or vocational objective program of education.

The amendment is identical to one I offered during the Veterans' Affairs Committee consideration of S. 921 on May 13 that the committee, by a 5 to 7 vote, did not approve. It is also essentially the same proposal that the committee approved in the 96th Congress in connection with S. 870 in 1979 and that the Senate approved in January of last year, but to which the House would not agree.

TARGETED APPROACH

Under current law, veterans eligible for GI bill benefits generally have 10 years after their last discharge or release from active duty to utilize their benefits for pursuit of a variety of programs of education. The Veterans' Affairs Committee has on a number of occasions considered a variety of proposals designed to extend this 10-year delimiting period and has generally not been supportive of such extensions. However, that is not the case with the amendment I offered.

Mr. President, this amendment, is a modest effort to provide special assistance to veterans who have had the most difficulty in readjusting to civilian life following their service during the Vietnam era. It is significantly different from other proposals for general, across-the-board delimiting date extensions in that it is a one-time extension tightly targeted on those who are most in need of assistance and available only for certain kinds of education and training. It is designed to provide a limited extension to those very veterans who have never effectively utilized GI bill benefits to which they earned entitlement.

TARGET POPULATION

According to VA data, educationally disadvantaged Vietnam-era veterans—that is, those who were discharged from active duty without having ever obtained a high-school diploma or equivalency certificate—accounted for nearly 20 percent of the Vietnam-era veteran population, more than 1.7 million individuals. Compared with an overall utilization rate of more than 65 percent for the current GI bill, only 35 percent—or 599,000—of these educationally disadvantaged veterans have used any of their GI bill entitlement and, according to the VA's summary report on the 1979 National Survey of Veterans based on Census Bureau data, about half of them still do not have a high-school degree.

Similarly, Mr. President, the needs of unskilled, underemployed, and unemployed Vietnam-era veterans can be seen in the high rates of unemployment that continue to plague this segment of the labor force. In April, the rate of unemployment for Vietnam-era veterans was 10.4 percent higher than it was a year ago. Among those Vietnam-era veterans who are 30 to 35 years of age—and who comprise 44 percent of the total Vietnam-era veteran labor force—the April rate of unemployment was 21.6 percent higher than it was in April of 1980 and 8.8 percent higher than it was for non-veterans in the same age bracket. These veterans, too, have generally passed their delimiting periods.

It cannot be stressed too strongly that our proposal is not for a general extension for all veterans as they reach their delimiting dates. Rather, it is to provide a "one-shot" opportunity for reaching certain very deserving veterans—a final effort to help those whose problems persist to make a successful and complete transition to productive civilian lives.

ADJUNCT TO READJUSTMENT COUNSELING PROGRAM

In that sense, this proposal must be viewed as a logical adjunct to the readjustment counseling program extension of eligibility provided for in S. 921 as reported by the committee. The study prepared for the VA by the Center for Policy Research entitled, "Legacies of Vietnam: Comparative Adjustment of Veterans and their Peers," recently documented that Vietnam veterans have not achieved as high a level of education as their peers and hold jobs that are, on the average, at lower levels than those held by nonveterans. It further found that much of the occupational variation between veterans and nonveterans is due to educational differences. Finally, the study concluded that, when background differences are controlled, Vietnam-era veterans—and, to the greatest extent, those who served in Vietnam—still show "some residual disadvantage in educational and occupational attainment" and that "military duty in Vietnam had a negative effect upon postmilitary achievement."

Mr. President, at the committee's April 30 hearing, much testimony was received in support of the concept of a targeted extension of the delimiting period. Both the American Legion and the Veterans of Foreign Wars indicated in their testimony that they supported such extensions. The Disabled American Veterans responded to a question I submitted in writing that the approach I am proposing would "undoubtedly benefit" veterans utilizing the services at the vet centers. Max Cleland, the former VA Administrator, spoke eloquently about the need to couple the kind of support the vet centers are offering with the type of approach embodied in this proposal.

With respect to the need for this amendment, I want to underscore other very important testimony the committee received. First, Dr. Robert Laufer, a coprincipal investigator on the CPR study, stated:

> Occupational/educational programs and psychological problems have to some extent become intertwined over time. Therefore, it would be advisable to relate services to both psychological and educational/occupational problems.

In supporting the need for a targeted delimiting period extension as an adjunct to the readjustment counseling program, Dr. Laufer said:

> The lack of timely psychological support for Vietnam veterans after their release from the service we believe contributed to a delayed use of available benefits. Therefore, we think it is reasonable to make special efforts for the educationally disadvantaged and unskilled or unemployed veterans. . . . This would be a valuable adjunct to the VA's readjustment counseling program.

Dr. Arthur Arnold, chief of psychiatry at the VA Medical Center in Bay Pines, Fla., stated that it is "essential" that treatment of post-traumatic stress be coupled with employment and education assistance. "Otherwise," he said, "treatment does not necessarily result in any improvement in practical living."

The American Psychiatric Association witness, Dr. Stephen Sonnenberg, responded that the availability of employment, education, and training assistance is a "crucial component of a comprehensive human service effort."

COST AND BUDGET CONSIDERATIONS

Regarding cost, the Congressional Budget Office estimates that this proposal would have a first-year cost of $63 million and a second-year cost of $67 million. Thus, the total 5-year cost would be $130 million.

Mr. President, although I am fully appreciative of the chairman's concerns with respect to the budget constraints, on which his opposition to this proposal rested, it is clear now that the constraints which a few months ago we believed we would be facing are not going to be a reality. The budget levels for veterans' programs (function 700) in the Gramm-Latta version of the first budget resolution for fiscal year 1982—levels now approved by the Congress—are based squarely on the House Veterans' Affairs Committee's legislative assumptions, including expressly the enactment of a targeted delimiting date extension such as the one I am proposing. Thus, there is ample latitude for the Congress, within the limits of the budget resolution and the crosswalks to the Veterans' Affairs Committees, to enact this very useful and reasonable provision.

CHANGE IN HOUSE VETERANS' AFFAIRS COMMITTEE POSITION

Unlike last year when the House refused to agree to the extension in the context of the Veterans' Rehabilitation and Education Amendments of 1980, the House Veterans' Affairs Committee unanimously ordered reported on May 12 a similar extension provision in connection with H.R. 4233. So, now achievement of this opportunity is within our grasp, and I intend to continue to work to insure that it does not slip through our fingers.

CONCLUSION

It is all well and good to approve special days and special weeks in recognition of the sacrifices that Vietnam-era veterans have made, to construct new memorials, and to celebrate welcome homes that have been too long delayed. But, I believe, it is more important to provide concrete, positive assistance to those veterans who are just now beginning to take steps to readjust fully from their wartime experiences. When the Vietnam-era veteran who after years of frustrations and personal agonies seeks assistance at a vet center, it is critically important that he be provided the very kind of assistance that could be most valuable to him—and that is what this amendment would authorize.

Mr. President, as I indicated previously, I will offer my amendment as an amendment to S. 921 when it comes be-

fore the Senate. I urge my colleagues to join with me and support this effort to benefit those veterans of our Nation's longest conflict who continue to be very much in need of this kind of assistance.

Mr. President, I ask unanimous consent that the text of the amendment, followed by a document showing the changes it would make in existing law, be printed in the RECORD at this point.

There being no objection, the amendment and document were ordered to be printed in the RECORD, as follows:

On page 4, between lines 16 and 17, insert the following new section:

SEC. 6. Section 1662(a) is amended by adding at the end the following new paragraphs:

"(3) Notwithstanding the expiration of the applicable delimiting period under paragraph (1) of this subsection, any eligible veteran who served on active duty at any time during the Vietnam era may, effective October 1, 1981, be provided educational assistance under this chapter until September 30, 1983, for the purpose of permitting such veteran to pursue—

"(A) a program of apprenticeship or other on-job training; or

"(B) an approved vocational objective or secondary education course if such veteran does not have a secondary school diploma (or an equivalency certificate).

"(4) a program of education consisting exclusively of flight training may not be approved in the case of any veteran pursuing a program of education under paragraph (3) of this subsection.".

Redesignate sections 6, 7, 8, and 9 as sections 7, 8, 9, and 10, respectively.

CHANGES IN EXISTING LAW PROPOSED TO BE MADE BY AMDT. NO. 58

Changes in existing law made by the amendment are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, existing law in which no changes is proposed is shown in roman):

TITLE 38—UNITED STATES CODE

* * * * *

PART III—READJUSTMENT AND RELATED BENEFITS

* * * * *

CHAPTER 34—VETERANS' EDUCATIONAL ASSISTANCE

* * * * *

§ 1662. Time limitations for completing a program of education

DELIMITING PERIOD FOR COMPLETION

(a)(1) No educational assistance shall be afforded an eligible veteran under this chapter beyond the date 10 years after the veteran's last discharge or release from active duty after January 31, 1955; except that, in the case of any eligible veteran who was prevented from initiating or completing such veteran's chosen program of education within such time period because of a physical or mental disability which was not the result of such veteran's own willful misconduct, such veteran shall, upon application, made within one year after (A) the last date of the delimiting period otherwise applicable under this section, (B) the termination of the period of such mental or physical disability, or (C) the effective date of the Veterans' Rehabilitation and Education Amendments of 1980, whichever is the latest be granted an extension of the applicable delimiting period for such length of time as the Administrator determines, from the evidence, that such veteran was so prevented from initiating or completing such program of education. When an extension of the applicable delimiting period is granted a veteran under the preceding sentence, the delimiting period with respect to such veteran will again begin running on the first day following such veteran's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations which the Administrator shall prescribe, for such veteran to initiate or resume pursuit of a program of education with educational assistance under this chapter.

(2)(A) Notwithstanding the provisions of paragraph (1) of this subsection, any veteran shall be permitted to use any of such veteran's unused entitlement under section 1661 of this title for the purposes of eligibility for an education loan, pursuant to the provisions of subchapter III of chapter 36 of this title, after the delimiting date otherwise applicable to such veteran under such paragraph (1), if such veteran was pursuing an approved program of education on a full-time basis at this time of the expiration of such veteran's eligibility.

(B) Notwithstanding any other provision of this chapter or chapter 36 of this title, any veteran whose delimiting periods is extended under subparagraph (A) of this paragraph may continue to use any unused loan entitlement under this paragraph as long as the veteran continues to be enrolled on a full-time basis in pursuit of the approved program of education in which such veteran was enrolled at the time of expiration of such veteran's eligibility (i) until such entitlement is exhausted, (ii) until the expiration of two years after the date of enactment of this paragraph or the date of the delimiting date otherwise applicable to such veteran under paragraph (1) of this subsection, whichever is later, or (iii) until such veteran has completed the approved program of education in which such veteran was enrolled at the end of the delimiting period referred to in paragraph (1) of this subsection, whichever occurs first.

(3) Notwithstanding the expiration of the applicable delimiting period under paragraph (1) of this subsection, any eligible veteran who served on active duty at any time during the Vietnam era may, effective October 1, 1981, be provided educational assistance under this chapter until September 30, 1983, for the purpose of permitting such veteran to pursue—

(A) a program of apprenticeship or other on-job training; or

(B) an approved vocational objective or secondary education course if such veteran does not have a secondary school diploma (or an equivalency certificate).

(4) A program of education consisting exclusively of flight training may not be approved in the case of any veteran pursuing a program of education under paragraph (3) of this subsection.

AMENDMENT NO. 59

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to the bill S. 921, supra.

Mr. CRANSTON. Mr. President, on May 7 RECORD pages S4578–80 I submitted for printing my amendment No. 42 to address the health-care needs of veterans who are concerned that their exposure during service to dioxin—the highly toxic contaminant found in agent orange, a herbicide used by our Armed Forces in Vietnam—nuclear weapons test radiation, or other toxic substances or environmental hazards has resulted in health problems. On May 13, 1981, I offered my proposal during the Veterans' Affairs Committee's consideration of S. 921, as amended.

After some debate during that markup with respect to the desirability of including in the proposal the last, more general category relating to exposure to "other toxic substances and environmental hazards", I modified my amendment to include only veterans exposed to agent orange or radiation. However, my modified proposal failed on a 6 to 6 vote.

Mr. President, I strongly believe that veterans who were exposed in line of duty during military service to such hazards as dioxin and radiation should be provided basic VA health-care eligibility for disabilities and diseases that can be credibly linked to such exposure. Thus, as I said I would do in my additional views on S. 921, as reported—pages 50–56 of Senate Report No. 97–87—I am submitting a modified version of the amendent that was voted on in committee so that it will be available well in advance of the Senate's consideration of the reported bill. I am joined in sponsoring this amendment by Senators RANDOLPH, MATSUNAGA, and MITCHELL.

SCOPE OF AMENDEMENT

Mr. President, as so modified, the amendment would provide basic VA health-care eligibility to a veteran suffering from a disability as to which the Administrator of Veterans' Affairs, upon the recommendation of the Chief Medical Director, determines there is credible medical evidence linking it to human exposure to dioxin, or to any toxic substance other than dioxin but only if the VA finds that the substance was used in connection with military purposes in Vietnam and that the veteran in question was exposed to it, or to nuclear-test radiation. It does not—as I mentioned above—include the general category of other toxic substances or environmental hazards to which veterans may have been exposed during any period of service about which some members of the Veterans' Affairs Committee expressed reservations during the committee's markup of S. 921.

In modifying my amendment, however, I have expanded the category that relates specifically to the health concerns of Vietnam veterans to include—as my original amendment also would have included under category (C)—consideration of the toxic substances in addition to agent orange that were used in connection with military purposes in Vietnam and to which a veteran's exposure is conceded or otherwise can be demonstrated. My purpose in so doing is to assure that this amendment—which would make VA health-care eligibility available for such exposed veterans if a credible link exists—responds appropriately to the concerns which have been raised. For example, if the VA's mandated study—the scope of which section 8 of S. 921, as reported, would authorize the Administrator to expand—provides some credible medical information that exposure to any or all of the other toxic substances that were used in connection with military purposes in Vietnam in addition to dioxin may have had adverse effects on the health of veterans who served there, this modification would permit those study findings to be con-

sidered in addressing the current health-care needs of Vietnam veterans.

Under this amendment, certain Vietnam veterans and veterans who were nuclear test participants would—just as under my original proposal in amendment No. 42—be afforded general eligibility for hospital and nursing home care and limited eligibility for outpatient care at an appropriate level of priority, but only for conditions that can be linked by some credible medical evidence to the above described exposures, and it would provide such eligibility only with respect to those disabilities and diseases which the Administrator determines may be linked to the exposure of humans to dioxin, or to any other toxic substance used in connection with military purposes in Vietnam, or to nuclear-test radiation.

Mr. President, the amendment would specifically exclude eligibility where such exposure was the result of the veteran's willful misconduct or was otherwise not incurred in line of duty. Eligibility for health care services would also be denied if the Administrator, upon the recommendation of the Chief Medical Director, determines that, despite some credible evidence showing a link, other medical evidence clearly shows that exposure to dioxin or to any other toxic substance used in connection with military purposes in Vietnam or to nuclear-test radiation does not cause the disability involved.

COMMITTEE INVESTIGATIONS AND SCIENTIFIC INQUIRY

Mr. President, the Veterans' Affairs Committee—over the past 2 years—has received and reviewed a great deal of information regarding the inservice exposure of veterans to agent orange and radiation. The committee has assisted many individual veterans who, in addition to being unable to prove a connection strong enough to qualify for service-connected disability compensation, have experienced great difficulty in obtaining health care services from the VA. During the 96th Congress, the committee held 5 days of hearings on these matters, in which testimony was heard with respect to currently available scientific information on the possible long-term adverse health effects that these veterans may be experiencing and what information in that regard may be available in the future.

Recently, results of certain studies on the health of humans with respect to radiation exposure in the nuclear weapons test "SMOKY" and dioxin exposure in connection with railway workers in Sweden have become available and have been reviewed by various experts. According to many of these experts, these studies present significant medical information and thus, in my view, should be considered relevant to the availability of VA health care in connection with diseases identified in such studies.

Mr. President, I think we have a responsibility to respond to concerned veterans in light of those study findings now available, as we have often pledged to them we would do, and to provide a framework for an appropriate health care response to credible medical information that may become available in the future.

It seems very likely to me, now that we have available to us various creditable scientific studies that suggest—although not definitively—a link between exposure to certain substances and the subsequent development of specific diseases, that some of the problems Vietnam veterans and veterans who participated in nuclear weapons tests are experiencing today may well in the future be found to be related to inservice exposure. In my view, the veterans concerned should be assured access to the VA's health care system for health problems with such a credible linkage to service and for which hospitalization is or may be indicated. My amendment would provide that access.

Also, because of the more than speculative probability that certain of their health problems may ultimately be found to be service related, it seems fully warranted, in my view, that these veterans should have a higher priority, with respect to such problems, for using the VA's available outpatient resources than do veterans with no service-connected disabilities whose health problems have no such link to service. My amendment would provide for that priority.

This proposal also would provide the further, possibly significant, advantage of giving VA physicians more experience in treating more efficiently and effectively the specific diseases and disabilities involved. In some cases, this could contribute to advances in scientific knowledge about the nature and causes of such conditions.

EFFECT OF AMENDMENT

Mr. President, the practical effect of the amendment would be to ratify in part what the VA has indicated in testimony before this committee is its current policy, albeit one of questionable legal validity, with respect to health care for Vietnam veterans who claim their disabilities result from agent orange exposure. We would thereby assure consistent application of this policy and equitable application of it to veterans in very similar circumstances—those exposed to other toxic substances used in connection with military purposes in Vietnam and those exposed to radiation while participating in nuclear-weapons tests. It would thus relieve the veterans involved of the alternative requirements of obtaining a finding of service connection or signing an oath of inability to defray the costs of care, which, as a result of the enactment of section 401 of Public Law 96–330 last year, is now more difficult for some nonservice-connected disabled veterans to do. I do not believe these veterans should have to take a "pauper's oath" to become eligible for health care for conditions that may be linked to their service.

I want to emphasize that the amendment would not provide that a presumption of service connection be adopted in connection with eligibility for health care or any other VA benefits. Rather, it proposes that we provide "exposed" veterans—including those who served our country in Vietnam and in the atmospheric nuclear weapons tests—with appropriate access to health care from the Government that exposed them to those hazards.

Mr. President, as I have proposed it, this amendment would, in practice, involve no additional costs. What is involved here is not a proposal to add new services, facilities, or other resources. Rather the proposal is to adjust the manner in which available VA health care resources are utilized. Thus, if this amendment were enacted and the Administrator made the requisite finding with respect to linkage regarding certain disabilities, the veterans involved would receive care ahead of other veterans who have no service-connected disabilities and who, as a result, in some cases would experience a delay in receiving care or be referred to other sources of care. The result of the amendment would be to provide for an appropriate level of care for these "exposed" veterans ahead of those whose medical problems have no link whatsoever to their military service. This would be the same eligibility and priority that the committee recommended in section 6 of S. 468, as reported, for non-service-connected disabled former POW's, Senate Report No. 97–88.

SUPPORT FOR AMENDMENT

Mr. President, in connection with the committee's May 13 markup of S. 921, the Disabled American Veterans and the Vietnam Veterans of America wrote to me expressing their support for amendment No. 42 to provide VA health care eligibility to certain "exposed" veterans. In addition, I received a copy of a letter from The American Legion to Senator SIMPSON with that organization's view on amendment No. 42 which stated, in part—

> We believe . . . that VA should be further obligated to follow up that examination (of all veterans who claim to be suffering from the residuals of toxic substance exposure) by treating any condition which, based upon reasonable medical evidence, may be caused by such exposure.

I believe the amendment represents a fair middle ground pending the outcome of the various scientific inquiries that the committee is following so carefully, and I think it is time to undertake action in response to the information that now is available to us and will become available to us in the future. I urge all of my colleagues to support this proposal.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 2, between lines 19 and 20, insert the following new section:

SEC. 3. Chapter 17 of title 38, United States Code, is amended—

(1) by amending subsection (a) of section 610—

(A) by striking out "and" after clause (3);

(B) by inserting after clause (3) the following new clause:

"(4) any veteran for a disability which a physician employed by the Veterans' Administration determines (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement with the Administrator)

is a disability with respect to which the Administrator has found, upon the recommendation of the Chief Medical Director, there to be some credible medical evidence indicating that such disability may be caused by the exposure of humans—

"(A) to—

(i) dioxin, or

(ii) any other toxic substance which was used in connection with military purposes and to which the Administrator finds that such veteran was exposed while serving on active duty in the Republic of Vietnam, if the Administrator finds that such veteran served on active duty in the Republic of Vietnam during the Vietnam era, or

"(B) to radiation if the Administrator finds that such veteran was exposed to such radiation while participating in a nuclear weapons test while serving on active duty,

unless the Administrator determines (i) that such exposure was not incurred in line of duty or was the result of such veteran's willful misconduct, or (ii) upon the recommendation of the Chief Medical Director, that, despite such credible evidence, on the basis of clear and convincing medical evidence, such disability is not caused by such exposure; and"; and

(C) by redesignating clause (4) as clause (5); and

(2) by amending subsection (i) of section 612—

(A) by inserting after clause (3) the following new clause:

"(4) To any veteran described in section 610(a)(4) of this title."; and

(B) by redesignating clause (4) as clause (5).

Redesignate clauses (3) through (9) as clauses (4) through (10), respectively.

NOTICES OF HEARINGS

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT

Mr. PACKWOOD. Mr. President, the Subcommittee on Taxation and Debt Management of the Senate Finance Committee will hold a hearing at 9:30 a.m. on Friday, May 22, 1981. I have scheduled five bills for the hearing. The five bills are:

First, S. 230, introduced by Senator MATSUNAGA, to permit voluntary withholding of State income tax for seamen;

Second, S. 644, introduced by Senator JEPSEN, relating to the exemption for consumer finance companies from the personal holding company rules;

Third, S. 978, introduced by Senator DANFORTH, to simplify certain W–2 issuance requirements;

Fourth, S. 450, introduced by Senator MATSUNAGA, to extend the investment tax credit to the acquisition of work and breeding horses; and

Fifth, S. 1039, introduced by myself, to make permanent IRC sec. 120, providing an exclusion from wages for prepaid legal services provided by employers.

The purpose of this enactment is to briefly explain the issues raised by these bills. This may help you chart the progress of tax legislation before the Taxation Subcommittee. It helps assure greater public awareness of tax bills coming before hearings.

On April 29, 1980, the Internal Revenue Service proposed regulations for section 120. I believe that in many respects these proposed regulations contain needless restrictions, unjustified by the legislative history or public policy. As I indicated in my remarks introducing S. 1039 on April 29, 1981, I am optimistic that the final regulations will eliminate many of these proposed regulatory excesses. However, if this does not appear to be the case, I will suggest appropriate statutory changes to assure that the original Congressional intent behind section 120 can be realized.

VOLUNTARY WITHHOLDING OF STATE INCOME TAX FOR SEAMEN—S. 230

Mr. President, S. 230, introduced by Senator MATSUNAGA, permits certain seamen to elect to have State income taxes withheld by their employer.

Current law, bars States from withholding income taxes from seamen's wages. This provision is intended to block multiple withholding from wages of seamen working in ports for waters of more than one State.

S. 230 amends the law to create a limited exception to this provision. It provides that seamen sailing between ports within one State may elect to have State income taxes withheld from their wages. S. 230 also provides that the seaman may revoke the election.

FINANCE COMPANY EXEMPTION FROM PERSONAL HOLDING COMPANY RULES—S. 644

Mr. President, S. 644, introduced by Senator JEPSEN, modifies a provision which exempts lending and finance companies from the personal holding company rules.

On April 25, 1980, at hearings before this subcommittee, the Treasury Department indicated it had no objection to this provision. This provision was later approved by the Senate Finance Committee on November 20, 1980, as an amendment to H.R. 7117. The Senate passed H.R. 7117 containing this amendment on December 13, 1980. However, the House of Representatives deleted the amendment.

Under current law, personal holding companies are taxed at 70-percent rate on their undistributed income (IRC secs. 541–547). These rules discourage use of personal holding companies as a device to accumulate passive income free from current income taxation of a limited number of owners.

The personal holding company rules have traditionally not applied to lending and finance companies. This is because the conduct of these companies is not normally related to abuse toward which the personal holding rules are directed. Instead, they are an active business the income of which happens to be in the form of interest or dividend.

S. 644 modifies the lending and finance company exemption in the personal holding company rules so that it continues to reflect and apply to the changing circumstances in which these companies operate.

First, S. 644 increases the maturity limitation with which exempt lending and finance companies must comply from 60 months to 144 months. This recognizes the fact that personal finance companies are making loans of longer duration than in prior years.

Also, the bill exempts open and credit transaction (revolving credit) from the computation of average maturities.

In addition, S. 644 tightens the consumer finance company exclusion from the personal holding company definition. Currently, to be eligible for this exclusion, the sum of deductions directly allocable to the finance business must exceed 15 percent of the first $500,000 of ordinary gross income, and 5 percent of the second $500,000. S. 644 eliminates the $500,000 ceiling on the second category. This helps assure that the consumer finance company exclusion will not be used to circumvent the intent of the personal holding company rules.

SIMPLIFY CERTAIN W–2 ISSUANCE REQUIREMENTS IMPOSED ON EMPLOYEES—S. 978

Mr. President, S. 978, introduced by Senators DANFORTH and CHILES, simplifies certain W–2 filing requirements imposed on employers.

Under current law, an employer is required to issue a W–2 to an employee terminating employment on the last day of his or her employment.

However, the employee has no direct need for the W–2 until he prepares his or her income tax for the year, typically after the year is over. Senator DANFORTH has said that human nature being what it is, many employees loose these W–2's issued during the year and request a replacement from the employer.

S. 978 drops the requirement that an employer automatically issue a W–2 when the employee leaves his or her job. It replaces this with the requirement that the employer issue a W–2 within 30 days if requested by a terminating employee. If the employee does not request a W–2, the employer would automatically issue one by January 31 of the year following termination of employment.

INVESTMENT TAX CREDIT FOR WORK AND BREEDING HORSES—S. 450

Mr. President, S. 450, introduced by Senator MATSUNAGA, extends the investment tax credit to the acquisition of work and breeding horses, other than those used for racing or show purposes. The credit would apply up to $100,000 per horse per year.

Under current law, livestock other than horses is eligible for the investment tax credit. In 1978, the Senate approved a provision extending the investment tax credit to horses as a part of the Revenue Act of 1978. However, this provision was deleted by the conference committee on the Revenue Act of 1978.

S. 450 extends the investment tax credit up to $100,000 of costs per horse per year for working and breeding horses, other than those used for racing and show purposes. The credit would apply to riding and draft horses not used for racing or show purposes.

PREPAID LEGAL SERVICES—S. 1039

Mr. President, S. 1039, introduced by myself, makes permanent a provision of law enacted in 1976 which is designed to encourage employers to provide prepaid legal services for their employees.

In 1976, Congress enacted two tax provisions to encourage employers to provide group legal services for their employees. These changes were enacted with the Tax Reform Act of 1976.

One of these provisions, IRC section 120, expires on December 31, 1981. This section makes the value of legal service

benefits provided by an employer tax-free for an employee. This income tax exclusion is available if the legal service program complies with numerous detailed requirements. For example, legal service benefits must be provided to workers without discriminating in favor of highly paid employees, officers, or shareholders.

S. 1039 makes IRC section 120 permanent.

The other tax section enacted in 1976 was IRC section 501(c)(20). It exempts from tax funds that are used to hold contributions to be sued for qualified group legal service plans. That section was made permanent in 1976. This bill does not amend section 501(c)(20).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy be authorized to meet during the session of the Senate today to hold hearings on the nominations of Michael Butler to be Chairman of FERC and Georgianna Sheldon to be Commissioner of FERC.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SOCIAL SECURITY

● Mr. PELL. Mr. President, I am delighted that my colleagues have unanimously repudiated the administration's proposed reductions in social security. For the past 50 years this program has provided to American workers the security of knowing that they would be protected in case of disability and that they have the ability to retire before 65 if their medical condition or personal circumstances warrants it.

Yesterday's action has sent an unmistakable message to the administration that this body will not tolerate changes in social security that are unthoughtful, changes that are precipitous, changes that are unnecessary and changes that are made without regard and sensitivity to the needs of the American worker.

Mr. President, like other States the population in Rhode Island is aging rapidly and a great many of my constituents are looking forward to early retirement. Many of these individuals have worked in factories or done strenuous work since their teens. Every day they continue to work they increase their risk of developing chronic illness or dying. These citizens do not look forward to an active life of traveling or relaxation in retirement. In fact, many of these citizens will depend solely upon social security to pay the grocer, the rent, and their utility bills.

I am deeply disappointed that the administration proposes to deprive these individuals of the economic security that they were looking forward to and duly deserve. As it now stands, senior citizens who retire at 62 receive only 80 percent of their full retirement benefits. They usually make the choice to retire early because of benefits, although small, outweigh the costs in health terms of continuing to work. If the size of early retirement benefits were reduced to 55 percent of full retirement benefits, those citizens who must retire would suffer the agony of choosing among the basic necessities.

Virtually everyone recognizes that the social security system is in trouble and that an improved financing system must be developed. In my view, however, the administration is approaching this problem like a bull in the china shop. Changes have to be made in the system but they must be made carefully and methodically with sufficient opportunity for beneficiaries to participate in the process.

I sincerely hope that the Senate action has calmed the fears of all our citizens who are looking forward to early retirement. In recent days, after hearing the news of these rumored cuts, untold numbers of individuals have stormed local social security offices and experienced unnecessary stress.

Our senior citizens have enough pressure on them to make ends meet without facing the prospect of being unable to afford to retire even if their health requires it. The proposed cuts are much too arbitrary. They unfairly make present and future beneficiaries the victims of the financial condition of the social security trust fund, which has occurred because of the economic condition of our country and the aging of our population.

The social security system, like most Federal programs, needs a little medicine but the administration's proposal is enough to kill the patient.

I hope that my colleagues will continue this bipartisan spirit and work to solve this problem without sacrificing the security of our retirees.●

ERECTION OF PERMANENT IMPROVEMENTS ON GOVERNMENT HILL—S. 547

● Mr. HATFIELD. Mr. President, I rise today to encourage my colleagues to support S. 547, a bill which would enable the Department of Interior to erect permanent improvements for the Siletz Indian Tribe on a parcel of land known as Government Hill. This bill is noncontroversial and will remedy a problem for the Confederated Tribes of Siletz Indians of Oregon.

Signed into law on September 4, 1980, the Siletz Reservation Act established a reservation for the Siletz Tribe. Part of this reservation is an area known as Government Hill. It was once the site for all tribal activities until 1954, when the tribe was terminated from Federal recognition, at which time the land was given to the city of Siletz, Oreg. When planning for the reservation commenced, the city agreed to return Government Hill to the tribe with the condition that if the land should ever leave the hands of the tribe again, it would revert to the city. With the support of the Congress and the Bureau of Indian Affairs, the tribe plans to turn Government Hill into the tribal center, which would include tribal offices, a community center to be shared with the city and a health clinic.

It was the express congressional intent that the Siletz Tribe have the opportunity to construct these buildings on Government Hill. However, after enactment of the Siletz Reservation Act it was determined by the Attorney General that certain regulations prohibit the construction of permanent improvements on Federal lands which have a restricted title. The Attorney General determined that express authorization from the Congress to allow him to accept the title with city's reverter clause would alleviate the problem and S. 547 achieves that end.

This legislation would provide the necessary authorization to the Attorney General so that he "shall approve any deed or other instrument conveying to the United States" the land known as Government Hill. In addition, the bill would also provide the Department of Interior or the Siletz Tribe the authority to erect permanent improvements or improvements of a substantial value on this land. By passing this legislation the Senate would be removing an unnecessary obstacle for the tribe and fulfilling the intent of the Siletz Reservation Act.●

CENTRAL CONNECTICUT STATE COLLEGE

● Mr. DODD. Mr. President, I am very proud that Central Connecticut State College has received the 1980 G. Theodore Mitau Award, the Nation's only award for innovation in public higher education. The award is presented annually by the American Association of State Colleges and Universities. Central Connecticut was singled out for its "modes of thought" general education program. The program broadens the base of general education by increasing the number of required courses and exposes students to the fundamental areas of human thought. It also redresses deficiencies in communication and reasoning skills. Central's program is among the first in the Nation and is the first in Connecticut.

Central's curriculum revision came about because of concern on the part of faculty and administrators that students previously had too little involvement in many crucial areas of study. It is essential that students be exposed to science and mathematics, as well as literature, philosophy, and technology and this program assures that they will be.

Under the new program, every undergraduate receives a broad education drawing on the talents of the entire faculty. Within limits, students are allowed individual choices in the modes. In some instances, students attend search courses: small personalized classes for students seeking a greater depth of knowledge in a particular area of study.

The Central Connecticut program was selected by a committee of State college and university presidents because it exemplifies the kind of "painstaking examination and action that is required if colleges and universities are to continue to perform well and meet the changing educational needs of students."

The award for innovation and change was established by the American Association of State Colleges and Universi-

ties in 1979 in the name of G. Theodore Mitau, noted political scientist and educator who advocated the necessity of breaking with academic tradition in order to meet the emerging needs of new students.

The American Association of State Colleges and Universities is an organization of 340 State colleges and universities located throughout the United States and in Guam and the Virgin Islands. The member institutions enroll approximately 2½ million students.

Eleven other institutions were cited by AASCU for their successful initiatives in innovation and change. They are: Augusta College, Georgia; Ball State University, Indiana; Empire State College, New York; Frostburg State College, Maryland; Jersey City State College, New Jersey; Marshall University, West Virginia; Montana College of Mineral Science and Technology, Montana; Salem State College, Massachusetts; Stockton State College, New Jersey; the University of Akron, Ohio; and the University of Southern Mississippi, Mississippi.●

RENT CONTROL

● Mr. DODD. Mr. President, I am very concerned by the recent action of the Committee on Banking, Housing, and Urban Affairs in adopting an amendment to pending housing authorization legislation to deny Federal housing subsidies for new construction or substantial rehabilitation to localities which impose controls on new rental housing construction or continue to control rents in existing units which become vacant. I feel that this proposal represents an improper interference by the Federal Government into the political affairs of State and local jurisdictions and will exacerbate the housing affordability needs of lower and moderate income families and senior citizens who are currently paying excessive portions of their incomes for rent in often substandard units.

In many areas, production of rental housing is not keeping pace with current or projected demand. The shortage of supply results from uncertain and ineffective national economic policies which have inflated financing, land, and operating costs to prohibitive levels. Rent controls at the local level are most often an interim political consequence, and not the cause, of this situation. While it is assumed that the prolonged existence of rent control has an inhibiting influence on the future construction of rental housing, this is not borne out by experience and, at best, rent control is only a secondary, contributing factor to the increasing rental housing problem confronting this Nation. If we are unable to create the economic environment and provide the necessary incentives to increase supply, why should we penalize local officials for responding to the legitimate frustrations of their citizens as a result of circumstances largely beyond their control?

Further, I seriously question the approach of attempting to deal with the broader problem of the lack of rental housing construction by withholding a resource designed to address the housing affordability problems of our neediest citizens. I find it somewhat inconsistent to be asking local officials to remove rent controls so as to continue to receive the benefits of a housing subsidy program for which the Federal Government controls rents.

I submit that localities affected by this amendment will not remove controls in response to this amendment. The political dynamics at the local level which lead to this course of action are complex and most often respond to the demands of constituencies which do not necessarily benefit from subsidized housing. No one will benefit from this interference, but our lower and moderate income citizens have much to lose.

Although this amendment would not affect the communities in my State, I believe this proposal should be deleted from the final version of this legislation. If we at the Federal level are not prepared to be part of the solution to the rental housing crisis, then by all means let us not compound the situation further by bearing an increasing responsibility for the problem. At a time when most communities are easing controls and the public mood reflects the desire to return authority to governmental units closest to the people, I fail to see how Federal interference in this instance can be justified.●

THE REGULATORY REFORM ACT OF 1981

● Mr. HAYAKAWA. Mr. President, I am pleased to offer my support to Senator LAXALT's legislation, S. 1080, the Regulatory Reform Act of 1981. I believe it is timely to offer my comments on this legislation as it was recently the subject of hearings in the Governmental Affairs Committee and the Judiciary Committee.

Mr. President, I am most happy to express my enthusiasm for this legislation. It is a vitally needed measure that would be a major accomplishment of the Republican Senate if it is passed. I have supported several bills in the past which undoubtedly were positive steps in relieving the regulatory burden. However, the desperate need for these bills was overshadowed by partisan disputes. I am confident that this legislation, S. 1080, will not become another victim and will rescue our citizens from the increasing economic stress and pressure of regulations.

In my own State of California, the regulatory process unnecessarily has cost taxpayers millions of dollars. For example, Diablo Canyon nuclear powerplant, which could provide over 2 million kilowatts of nuclear power, has been prevented from beginning its operation since its initial completion in 1979. It has been estimated that this is costing ratepayers about $83 million each month. This figure also represents millions of barrels of oil that we must rely on each year as this plant sits unused due to overregulation. I need not remind my colleagues that this plant is just 1 of 11 nuclear plants which are being held hostage by the regulatory process.

Compliance with Federal regulations not only poses a problem for the nuclear power industry but also affects such groups as health maintenance organizations. In Emeryville, Calif., a health maintenance organization, known as HEALS, has been attempting to qualify for recognition by the Federal Office of Health Maintenance Organizations for over 7 years. In addition to giving HEALS increased credibility in their community, this Federal recognition would also encourage companies in the Emeryville area to offer HEALS as an employee health insurance option.

As a member of the Small Business Committee I have become aware of numerous examples of regulatory strangulation of the small business owner. The committee is concerned with compliance by Federal agencies with the Regulatory Flexibility Act which became effective January 1981. The combined efforts of this act with S. 1080 would insure that the needs of the small business sector would be taken into consideration when rules and regulations are written.

The wage regulations of the Davis-Bacon Act is one set of regulations which I know my colleagues would agree with me is the source of great frustration. These regulations have a severe impact on the public housing construction industry. The county of Tulare in California has seen this industry drop from substained levels of thousands of units to only hundreds of units. Therefore, unemployment is exceedingly high in the residential construction industry. Yet, the number of housing units built is reduced by the methods in which the prevailing wage rates are determined under the Davis-Bacon Act. The costs are up, fewer needy are housed and much fewer people are employed. This is just one of the many examples of the far reaching consequences overregulation can have on industry.

Mr. President, the Reagan administration has acted swiftly in these first few months to confront the regulatory problems facing the Nation. Initially a 60-day freeze was ordered to review the current situation and to ease the pressure of increasing regulations. The President then formed the administration's regulatory task force, headed by Vice President Bush, which has been targeting regulations for review and elimination. Most recently, the President issued Executive Order 12291 which requires a cost-benefit analysis of new regulations in order that the most efficient rules are implemented. S. 1080 embodies many of the provisions of Executive Order 12291 and includes other provisions which Congress has studied in the course of examining regulatory reform.

I support the cost-benefit analysis as a means of achieving efficient and streamlined regulations. In the past we have neglected to weigh the benefits of regulations with the costs. Not only should we examine the costs in dollars, we should also consider the cost in jobs and productivity, rising prices, loss of privacy, and loss of control over congressional decisionmaking.

We are public servants, elected to serve the people, not regulate them. It certainly seems strange to me that we give people credit for being smart enough to elect every one of us, but ques-

tion their judgment when it comes to taking care of themselves.

Mr. President, I commend Senator LAXALT, the Judiciary Committee, and the Governmental Affairs Committee for addressing this problem so early in the session. I expect there will be continued discussion of the specific provisions of this bill. However, I am certain this legislation will be adopted and Congress will be one step closer to fully implementing the President's program for economic recovery.●

REMARKS OF ELIE WIESEL ON THE HOLOCAUST

● Mr. DODD. Mr. President, on April 30 of this year, I attended a ceremony at the White House in remembrance of victims of the holocaust. As I listened to the speakers and heard the music of the shtetls and the death camps, I felt a deep sense of loss and anguish for the suffering of the millions who perished at the hands of the Nazis.

But my feeling of horror at the acts of degradation, dehumanization, and murder perpetrated by the authors of the "Final Solution" is insignificant beside the words of those who survived. The power of their voices invokes memories not only of death and despair but resistance as well. By speaking to us of their nightmare they act to prevent other tragedies and other genocides brought on by ignorance and complacency.

It is that nightmare that Elie Wiesel spoke of at the White House, and of his dream of a future free of unreasoning hatred. His words tell us that we are all potential victims of our own indifference. I am pleased to have the opportunity to submit Elie Wiesel's remarks for the RECORD, and for the benefit of my colleagues. The remarks follow:

REMARKS OF ELIE WIESEL, CHAIRMAN OF U.S. HOLOCAUST MEMORIAL COUNCIL

Mr. President, distinguished members of the Senate and House, of the diplomatic corps, honored guests, friends: about sadness later. First some words of gratitude. We thank you, Mr. President, for joining us and for participating in this solemn assembly of remembrance. Your presence here today, Mr. President, so soon after the senseless attack upon your person is a tribute to your understanding and concern for human values and is especially meaningful to us. We all know that you being here, Mr. President, is not a ceremonial gesture, but an expression of your sense of history and your dream of a future with hope and dignity for the American nation and for all mankind.

So, we thank you, Mr. President, and we thank our Father in heaven for having spared you. (Applause.) And now with your permission, Mr. President, I would like to read to you or rather to share with you some lines written first by an old Jewish poet and then by a young Jewish poet. The old Jewish poet was named Leivich(?) and he wrote Yiddish which was the language of the martyrs—the language of those who were killed in those days.

It reads: (Read in Yiddish). The other poem was written by a young boy in Theresienstadt named Mottele and he wrote in that ghetto in those days of awe and fear and sadness, he wrote a poem that reflects more than his own moods, more than his own fate, and I quote, "From tomorrow on I shall be sad. From tomorrow on, not today. What is the use of sadness, tell me? Because these evil winds begin to blow?

Why should I grieve for tomorrow today? Tomorrow may be good. Tomorrow the sun may shine for us again. We shall no longer need to be sad. From tomorrow on I shall be sad. From tomorrow on, not today. No, today I will be glad. And every day, no matter how bitter it may be, I will say from tomorrow on I shall be sad, not today."

Mr. President, how does one commemorate the million Motteles and Shloimeles and Leachles and Soreles? How does one commemorate six million victims all descendants of Abraham and Isaac and Jacob? What words does one use? What metaphors does one invoke to describe the brutal and unprecedented extinctions of a world—thousands and thousands of flourishing Jewish communities survive the fury of the crusades, the hatred of pogrom, the afflictions of wars and the misery, the shame, the despair of religious and social oppressions only to be swept away by the Holocaust? In all their chronicles and testaments, memoirs and prayers, litanies and poems, the victims stressed one single theme over and over again—remember, remember the horror, remember. Bear witness. And that is their legacy to us, the living.

Of course, there may be some who'll be asked, "Why remember at all? Why not allow the dead to bury the dead? Is it not in man's nature to push aside memories that hurt and disturb?" The more cruel the wound, the greater the effort to cover it. The more horrifying the nightmare, the more powerful the desire to exorcise it. Why then would anyone choose to cling to unbearable recollections of emaciated corpses or violations of every human law? Maybe we have not yet learned to cope with the events, intellectually, socially, philosophically, theologically. Perhaps we never will. The more we know, the less we understand. All we can do is remember. But how does one remember?

How does one remember and communicate an event filled with so much fear and darkness and mystery that it negates language and imagination? Auschwitz, Mr. President, and since history marks it with the burning seal. Our century, Mr. President, may well be remembered not only for the monuments it erected, or for the astonishing technological advances it made, but most of all for Treblinka and Majdanek, Belsen and Ponar, Auschwitz and Buchenwald. How is one to explain what happened? It could have been stopped or at least slowed down at various stages. One word, one statement, one move—it was not stopped. Why not?

I'm a teacher, Mr. President. And my students, young, fervent, compassionate American students, often express their puzzlement in my classroom—why the complacency? Why the tacit acquiescence? Why weren't the Hungarian Jews, for example, warned about their fate? When they arrived in Auschwitz at midnight they mistook it for a peaceful village. Why weren't the railways to Birkenau bombed by either the allies or the Russians? And the Russians were so close.

The calculated viciousness of the executioner, the helplessness of the doomed, the passivity of the bystander—all these lie beyond our comprehension—the killers' fascination with death, the victims with hope, the survivors' testimony. A new vocabulary needs to be invented to describe the event. Can you imagine the silence preceding a selection in a death count? The feel of a man who suddenly understands that he is the last of his family—the last of the line? Imagine? No, no one can imagine that kingdom. Only those who were there know what it meant to be there—theirs was the kingdom that will forever remain forbidden and forbidding.

And yet, and yet, we must tell the tale, we must bear witness. Not to do so would mean to render meaningless the years and the lives that we, those of us who survived, received as a gift, as an offering to be shared and redeemed.

We must tell the tale, Mr. President, and we want to tell it not to divide people but, on the contrary, to bring them together, not to inflict more suffering but, on the contrary, to diminish it, not to humiliate anyone but, on the contrary, to teach others to humiliate no one. This is why we bear witness, Mr. President and friends, not for the sake of the dead. It is too late for the dead. Not even for our own sake. It may be too late for us as well.

We speak for mankind. The universality of the Jewish tragedy lies in its uniqueness. Only the memory of what was done to the Jewish people and through it to others can save the world from indifference to the ultimate dangers that threaten its very existence.

Mr. President, that the survivors have not lost their sanity, their faith in God, or in man, that they decided to build on ruins in Israel or in the United States of America, that they decided to choose generosity instead of anger, hope instead of despair, is a mystery even to us. They had every reason to give up on life and its promise. They did not. Still at times, Mr. President, they are overcome by doubt and fear. The world has not learned its lesson. Anti-Semitic groups spring up more and more and some shamelessly, viciously, deny that the Holocaust ever occurred. In our lifetime fascist groups increase their membership and parade in the streets. Intolerance, bigotry, fanaticism, mass executions in some places, mass starvation in others, religious wars, quasi-medieval upheavals, and of course, ultimately, the nuclear menace and our indifference to it. What is to be done?

Though Jewish, profoundly Jewish in nature, the Holocaust has universal implications, and I believe, we believe; that the memory of what was done may shield us in the future.

Naturally, other nations were persecuted and even decimated by the Nazis and their allies and their collaborators, and we honor their memory. But the Jewish people represented a different target. For the first time in history being became a crime. Jews were destined for annihilation not because of what they said or proclaimed or did or possessed or created or destroyed, but because of who they were.

Is that why we survivors, we Jews, we human beings, are so concerned? And is that why we are so attached to a land where so many survivors have found a haven, pride and refuge and hope? Please understand us, Mr. President. We believe that the subject of the Holocaust must remain separate from politics, but if we plead so passionately for Israel's right not only to be secure but also to feel secure, it is because of Israel's nightmares which are also our nightmares.

Israel is threatened by a holy war, which means total war, which means total annihilation. Mr. President, some may say that these are words, words—yes, words. But we are a generation dramatized by experience. We take words seriously. The very idea of another Jewish catastrophe anywhere in our lifetime is quite simply unbearable to us.

Israel must never feel abandoned. Israel must never feel expendable, Mr. President. We plead with you because it is the dream of our dreams. It is perhaps the pain of our pain but the hope of our hopes. It's an ancient nation of 4,000 years that should not be judged in categories of one day or one incident. Only in its totality can we understand and perceive and love Israel.

We must believe so because there were times, 40 years ago, when Jewish communities felt abandoned and betrayed. In 1943

on April 16th the gallant, young commander in chief of the Warsaw ghetto uprising, Mordechai Anieleuits wrote to a friend, and I quote, "We are fighting. We shall not surrender. But as our last days are approaching remember that we have been betrayed." That is what he felt. That is what we all felt. They were betrayed then. To forget them now would mean to betray them again and we must not allow this to happen.

In the Jewish tradition, Mr. President, when a person dies we appoint him or her as our emissary in heaven to intercede in our behalf: Could it be that they, the 6 million Jews, were messengers? But then, then Mr. President and friends, whose messengers are we?

Thank you. (Applause.)●

A PERSONAL TRAGEDY TOUCHED RHODE ISLAND

● Mr. PELL. Mr. President, I would like to share with my colleagues news of a personal tragedy that touched Rhode Island—the death of Narragansett Police Detective Lt. Richard F. Zuercher, 40, a respected and exemplary police officer.

Lieutenant Zuercher, a 16-year veteran of this Rhode Island town's police force, died of an apparent heart attack May 7 in his home. He left a legacy of bravery and devotion to his work, which included handling the department's juvenile cases.

Those who knew him well described him as "an exceptional, well-rounded cop—one who would always try to give a kid a break and help straighten him out."

Two years ago Lieutenant Zuercher was commended by the Rhode Island Police Chiefs Association, the Rhode Island attorney general, and the Narragansett Town Council for his role in subduing an armed man.

The Rhode Island General Assembly and the Narragansett Town Council, after his death, approved measures to allow his wife, Mrs. Carol (Wheeler) Zuercher, to receive a widow's pension.

Literally hundreds of Rhode Islanders paid their respects to Lieutenant Zuercher and hundreds more, including an honor guard of 100 uniformed police and firemen from more than a dozen communities, were at his funeral last week.

The Narragansett (R.I.) Times of May 14, 1981, carried an account of his funeral that I would like to share with my colleagues. I ask that this article be printed in the RECORD.

The article follows:

LIEUTENANT ZUERCHER IS BURIED WITH FULL HONORS

(By Craig N. Berke)

Nearly 300 people, including 100 uniformed police and firemen, turned out for the funeral this week of Narragansett Police Det. Lt. Richard F. Zuercher, 40, who died of an apparent heart attack at his home last Thursday.

South Kingstown police blocked off Columbia Street in Wakefield to accommodate the funeral Monday at Forbes Funeral Home. More than 100 cars rode in the motorcade Monday morning from the funeral home to St. Francis Cemetery in Peace Dale.

Waiting at the cemetery were two Providence policemen on horseback to honor the veteran detective. His coffin was borne by six men, five current Narragansett police and one retired detective, who were led by Det. Capt. James M. Cook, Jr., Lieutenant Zuercher's commanding officer.

A police squad fired a nine-gun salute and a pair of trumpeters echoed "Taps" across the cemetery.

The 100-man honor guard included police from Narragansett, South Kingstown, North Kingstown, Jamestown, Westerly, the University of Rhode Island, Johnston, Cranston, East Providence, Pawtucket, Middletown, Woonsocket, Providence, Rhode Island State Police and Rhode Island Park Police.

The honor guard also consisted of a contingent from the Narragansett Fire Department and Narragansett Volunteer Rescue Corps. Also present were officials from the FBI, Federal Drug Enforcement Administration, Rhode Island Division of Drug Control, state fire marshal's office, U.S. Coast Guard and North Kingstown Fire Department.

The Narragansett Town Council this week unanimously approved a change to the town's police pension plan which will enable Mrs. Zuercher to receive a widow's pension.

In seeking the council's approval of the change, Councilman Joseph A. LaBelle Jr., a close personal friend of Lieutenant Zuercher and his family, described him as "one hell of a man and one hell of a cop," who had "a tremendous concern for the residents, the town and the police department."

The pension measure received quick approval last Friday by the state General Assembly after being introduced by Rep. Charles "Ted" Wright of Narragansett. The change, which will cover all police personnel with 15 years on the force (a change from 25 years), provides a pension equal to 67 percent of what the officer would have received on a disability pension.

Lieutenant Zuercher, a 16-year veteran of the police department, was the husband of Carol (Wheeler) Zuercher. He was vacationing at home last Thursday when a relative tried to awaken him. A state medical examiner was summoned and pronounced him dead at the scene.

Lieutenant Zuercher's latest promotion was last July. He was promoted to sergeant in 1977. He had handled the department's juvenile cases since 1975.

He was the Narragansett Police Department's appointee to the Attorney General's arson task force.

Two years ago, he was commended by the Rhode Island Police Chiefs Association, the Attorney General and the town council for his role in subduing a man who allegedly threatened to kill himself and police on Boon Street in September 1979.

"Dick was an exceptional well-rounded cop," Narragansett Police Chief James J. Martin said Tuesday. "But perhaps his greatest forte was with the kids in this town. He knew them all and never failed to go beyond his police duties to help a troubled kid.

"Dick Zuercher will be long remembered and much missed by this department. He was loved and respected as a family man, a friend and an outstanding police officer. It was obvious at the wake and funeral what kind of man he was. There was a steady flow of love and respect by all those who attended."

Chief Martin said Lieutenant Zuercher was "one who would always try to give a kid a break and help straighten him out. He diverted many kids out of the criminal justice system into a family-oriented situation."

Jerome R. McCarthy, principal of Narragansett High School, who occasionally worked with Lieutenant Zuercher, described the officer as "a man who cared about his town. I think in dealing with kids in school, he demonstrated that kind of care. He showed an understanding of adolescents in trouble, and tried to turn some troubled kids around by talking to them, seeing them around town and at ballgames, chatting with them."

The lieutenant, he said, had "a cool head" when it came to dealing with potential troublemakers at the school, both during and after school hours and at school athletic and social events.

Born March 20, 1941 in Providence, he was a son of Hans Zuercher of Providence and the late Marie (Reichert) Zuercher.

A Narragansett resident since moving from Providence in 1964, he joined the police department in Nov. 1965.

A graduate of many state and federal police programs, he attended the University of Rhode Island, Bryant College, Roger Williams College and the John Jay College in New York. He received several commendations for meritorious service during his career.

He was a member of the Fraternal Order of Police Lodge Number 12, the International Brotherhood of Police Officers, the Rhode Island Commissioned Officers Association and the URI Criminalistic Association, and was a former member of the Narragansett Lions Club. Lieutenant Zuercher was also the coach and manager of the police department's Little League team for 10 years.

In addition to his wife and father, he is survived by two sons, Richard F. Zuercher, Jr. and James R. Zuercher, and three daughters, Joanne Zuercher, Lynn A. Zuercher and Donna M. Zuercher, all at home; six brothers, Frederick H. Zuercher of Narragansett, Walter E. Zuercher of Richmond, Karl E. Zuercher of Providence and John A. Zuercher, Robert A. Zuercher and Albert L. Zuecher, all of Warwick, and three sisters, Mrs. Mary L. Abbenante of East Greenwich, Mrs. Margaret Z. Morris of Warwick, and Christine M. Zuercher of Providence.●

A WORKABLE PROGRAM TO PRESERVE CONRAIL

● Mr. METZENBAUM. Mr. President, President Reagan's proposal to abandon Conrail, regardless of the enormous social cost of depriving communities across large parts of the Nation of its services, was based on the premise that Conrail labor and management could not agree on necessary cost reductions. To the great credit of the railway unions and Conrail management, this premise can no longer stand examination.

A short time ago, the constituent unions of the Railway Labor Executives Association and the management of Conrail jointly announced agreement on deferral of wage increases. The sums involved are highly significant. They include $200 billion in future wage increases for union members and another $28 million to $29 million in executives' salary increases. The agreement provides a solid and substantial move toward freeing Conrail from dependence on Federal funds.

The Railway Labor Executives Association, under the leadership of Chairman Fred J. Kroll, and Conrail are to be congratulated for the responsible and public-spirited manner in which they approached the problem and reached agreement on a solution. They have shown once again that the American tradition of labor-management negotiation on problems of mutual concern provides benefits to the Nation as a whole.

Most importantly, this agreement negates the rationale advanced by the administration for depriving a large section of our Nation of the rail service on which so much of our economic life depends. I believe that we can now move forward expeditiously with a workable program to preserve Conrail.●

CAPITAL INVESTMENT INCENTIVES FOR SMALL BUSINESS

● Mr. DURENBERGER. Mr. President, I would like to share with the rest of my colleagues the remarks of Senator WEICKER and Senator NUNN before the Finance Committee this morning concerning capital investment incentives for small business. Their remarks address concisely and intelligently a topic that should be of the deepest concern to us all. The small business sector of our economy is struggling under the burden of high interest rates, a complicated and burdensome Tax Code, and a lack of access to capital. Their testimony outlines a number of thoughtful approachs to solving these problems. I ask that the statements by Senator WEICKER and Senator NUNN be placed in the RECORD.

The statements follow:

STATEMENT OF SENATOR LOWELL WEICKER, JR.

Mr. Chairman and members of the committee:

I am very happy to be here today with the ranking minority member of the Senate Small Business Committee, Senator Nunn, to present testimony on the importance of including capital investment incentives for small business in the tax bill to be considered by this committee and the Congress this year. Senator Nunn and I, along with Senator Durenberger, Senator Packwood, and Senator Baucus of this committee, are coauthors of Senate bill 360, the Omnibus Small Business Capital Formation Act of 1981, which now boasts 25 Senate cosponsors, from both sides of the aisle and from every region of our country. I note also that Senator Bentsen, along with Senators Danforth, Baucus, Mitchell, and Chafee, recently introduced Senate bill 1140, which includes some of the provisions of S. 360.

This committee will have major responsibility for the development of tax law and policy appropriate to our country's needs in this decade. Specifically: to stimulate now-stagnant U.S. productivity; to promote capital investment for the modernization of U.S. industry; to encourage greater personal savings and investment; and generally to spur economic growth from the supply-side—to decelerate rather than accelerate inflation.

I am convinced the President is right when he says we are in the worst economic mess since the great depression; but I am deeply concerned that things could get much worse before they get better. I believe there is a potential for an interest rate explosion in 1981 as a too-stimulative demand-side fiscal policy collides with a restrictive monetary policy and a major credit crunch ensues. I do not, as yet, see any sign that the inflationary spiral that has been gathering momentum since 1976 is about to recede. We could very well experience a high-speed stall, a high-inflation, high-interest burnout, precipitating a severe recession lasting into 1982.

This is why I believe there is such a grave responsibility on the members of this committee to write a tax bill that is properly tailored to fit the problems and poentials of our economy. There is a rare chance to correct the high-spending, low-investment imbalances that have plagued the economy for a decade or more, but the risk of fanning the flames of inflation is enormous. The economy is very brittle right now, and a grievous error in policy in 1981 could flaw the system for the rest of the decade. Like the Vietnam buildup period of 1965, 1981 could be the watershed year for the U.S. economy for 15–20 years.

For these reasons, Mr. Chairman, I have consistently expressed my opposition to enactment of the huge, 30 percent across-the-board personal income tax rate cut. In my judgment, this is not the time for such economic experimentation.

But, where there is risk, there is also opportunity. Our generation, in this Congress, can chart a new and vigorous course for our country—and we can begin to reverse an era of stagflation—of stagnation with inflation—if only we will have wisdom and discernment and resolve. In the area of tax policy, perhaps more so than in any other, we will need these qualities.

The tax bill reported by this committee must be right; it must be based not on good intentions but on a clear sense of where we are and have been, and where we must go, and how, in this decade. Tax reduction should be linked to achieved federal spending reduction, and within this limited framework—about $40 billion—it should be targeted to capital investment, saving and job creation.

In this connection, Mr. Chairman, I am here today to seek consideration of our recommendations for investment incentives for small business. The priorities I am about to lay before the committee meet the fundamental test I believe all tax proposals must meet for this bill: they are supply-side tax incentives for capital investment and productivity. Approval of these priority measures by the Finance Committee will enable one of the most productive sectors of the American economy to participate fully in our nation's economic recovery program.

The record is clear that small business is really the essence of supply-side economics:

Small business accounts for 90 percent of the new private sector jobs;

Small business is responsible for 43 percent of the gross national product;

Small businesses, according to the National Science Foundation, produce four times more innovations than medium-sized companies and 24 times more innovations than large companies, for every research and development dollar.

The White House Conference on Small Business, held in 1980, estimated that at projected labor force growth rates, the United States will need 11.8 million new jobs in the 1980's to accommodate net increases in the workforce. If the hiring contributions of Government and large companies continue at present levels (which is unlikely) about nine million new jobs will have to come from small business, an average of almost one million a year.

To accomplish this hiring requirement, the White House Conference concluded that small business would need three things:

(1) more external capital.
(2) greater retained earnings.
(3) better management.

I am here today to suggest a number of ways that tax incentives can answer these needs and unleash the tremendous productivity of small business.

As the administration bill now stands, small business would not be afforded sufficient opportunity or incentive to contribute fully in the planned U.S. economic revival. The 10–5–3 proposal is good so far as it goes, but it is aimed primarily at the larger capital intensive firms which invest in longer-lived assets, and thus does not really hit the small business sector—which tends to be somewhat more labor intensive and in corporate tax brackets where the benefit of depreciation deductions is relatively small.

I am not saying reject 10–5–3. Indeed, the "5–3" portion of 10–5–3 was a big part of S. 360, and I am still a strong supporter of simplified and accelerated depreciation as a priority item for small business. But, I am saying supplement 10–5–3—or whatever depreciation regime you adopt—with specific small business-oriented tax incentives.

On the basis of hearings held by the Small Business Committee on this subject on March 9, 1981, and a prodigious amount of committee work in considering the various proposals included in S. 360, I am prepared to recommend the following priorities for capital investment—and productivity-boosting tax incentives for small business. You will note that I list these priorities generically, because I understand that the committee will need to fill in the details based on revenue and other considerations:

(1) Further graduation and reduction of corporate income tax rates and an increase in the surtax exemption. This has been a principal element of every major small business tax bill in 1981 and is strongly supported by most small business associations.

(2) Capital gains "rollover"—Permitting an individual to sell an interest in a small business and defer any tax consequences so long as the proceeds are re-invested in another small business within a certain period of time.

(3) Estate and gift tax reforms—Certain changes are necessary to relieve the heavy burden of estate taxes upon the continuity of small business, especially the estate tax exemption (presently $150,000) and the marital deduction.

(4) Small business participating debenture—A new financial instrument, uniquely suited for smaller businesses, to enable them to have greater access to sources of external capital. Firms would be permitted to deduct from taxable income previously agreed-upon earnings distributions and investors would treat these as capital gains rather than ordinary income.

(5) Investment tax credit for used equipment—Presently, 10 percent credit applies only up to $100,000 worth of used equipment investment. This should be increased to no less than $250,000 and could be programmed to increase to $500,000 by 1985.

(6) Cash accounting for small business—Inflation has the effect of reducing the correspondence between "cost of goods sold" and actual replacement costs, particularly for small business. Inventory deductions are far less than inventory replacement costs, and the difference shows up as taxable "earnings." We must develop appropriate legislation to permit small business to make timely deductions for inventory costs.

Finally, Mr. Chairman, I wish to add to my list an item not aimed solely at small business, but which could be enormously beneficial to it: the employee stock option plan proposed in S. 360, and originally developed by the Senator from Oregon. This plan would offer important incentives to employees to exercise stock options, in particular the elimination of tax consequences on the spread between option price and market price, and thus help small business attract top management.

On the basis of cost estimates obtained from the Joint Committee on Taxation, I can state that this package would cost the treasury a total of $3 billion in FY 1982. Mr. Chairman, I have a table from the joint tax committee which contains updated revenue loss estimates of these and other provisions of S. 360 for FY 1982 and out years.

Mr. Chairman, I hope the committee will look favorably upon the priorities I have set forth. There is strong regional and small business organizational support for these proposals, and our country needs and deserves the contribution that small business is prepared to make in terms of capital investment and new job creation. I strongly urge the committee, in the interests of helping to spur economic growth from the supply side, not to overlook small business. In my judgment, not less than $3 billion of the 1981 tax bill ought to be designated specifically for small business tax incentives. And, if the committee decides to adopt our first priority, the corporate rate reduction and graduation measure—which, incident-

ally, was the top priority of the White House Conference on Small Business—I am sure you realize that the associated revenue loss would be attributed to firms of all sizes, even though its benefit would be most specifically felt by smaller firms. So $3 billion for small business is most appropriate, given its enormous role in our economy.

Finally, I would remind the committee, and I am aware of the overturn of November 1980, that several of the recommendations I put forward today were included in H.R. 5829, the tax bill reported by the committee last year, which the President-elect stated he could support. I do believe, therefore, that what I have recommended is entirely consistent with the President's overall approach and with the action of the the committee in approving the tax bill last year.

And, so, Mr. Chairman, I hope you will be able to find room in this tax bill for the one sector of our economy that is unequivocally suppy-side in nature, and which will surely generate in returns to the U.S. Treasury every penny, and more, that is temporarily foregone as a result of tax reduction.

The Small Business Committee staff and I look forward to working cooperatively with you and your staff in developing a truly balanced tax reduction /capital investment bill for our economy for the decade of the eighties.

Thank you very much.

TESTIMONY OF SENATOR SAM NUNN

Mr. Chairman, I am pleased to have this opportunity to present my views to the Committee on S. 360, the Omnibus Small Business Capital Formation Act, and small business tax relief.

Several months ago the Administration submitted a comprehensive economic package to Congress calling for a reduced rate of growth in federal spending and a reduction of government activity in credit markets, a multi-year tax cut, and more cost-effective regulations.

I support the general direction of the President's program because it takes the critical major step of shifting stimulus for economic growth from the public sector to the private sector. That is an essential adjustment for the future balance of economic growth. But, Congress needs to adjust and modify the Administration's tax proposals.

We need to embark on a policy path away from increased government spending toward more business investment. Simultaneously, we need to embark on a path which induces consumers to save more and spend less. Increasing the level of savings, the first step in the process of capital accumulation for productive investment, must be an equal partner with efforts to improve capital formation and retention as we seek a formula to revive the economy.

The President's proposal can be improved in several important ways. First, small business needs to be provided with a larger share of the tax cut than the Administration proposes so that needed investment in plant and equipment can get underway in earnest. Small businesses which provide over 80 percent of the new jobs in the economy need to have specific capital formation and retention tax provisions targeted to its needs so that the small business community can fully participate in the economic recovery.

Second, I firmly believe additional incentives for middle income taxpayers to increase savings must be put in place in conjunction with any multi-year tax cut. Such incentives will help provide the guarantee that reduced taxes in future years will result in increased savings.

I support a multi-year tax cut, but I also believe tax decreases in future years should be contingent upon further reductions in federal spending. Such a move would help insure fiscal discipline and a continued reliance on the private sector for economic growth.

Finally, I believe we need to reduce the federal deficit and federal borrowing more rapidly than the President has projected, even if that means reducing the size of the tax cut or spending it over more years.

Each of these factors—the level of savings, taxes, federal spending, and the deficit—is critical to small businesses because individually and through their interaction, they directly effect the level of interest rates and inflation. It is this two-edged sword of inflation and interest rates that is having a devastating effect on small business. Of the two evils, the most damaging to my constituents is interest rates. To thousands of small businesses and farmers in Georgia, a 10 percent tax cut will be irrelevant if we continue with 20 percent rates. They will owe no taxes because they will be bankrupt.

To provide small business tax relief to attack these twin evils, I urge the Committee to adopt several provisions from S. 360 which would assist small firms with their capital retention and formation efforts, and with improved business continuity. The Committee recognized the importance of several of these proposals and included them in the tax bill reported last year.

1. Corporate rate reduction: The number one recommendation of the White House Conference on Small Business and a top priority of witnesses testifying before the Small Business Committee, the reduction of corporate tax rates. Reducing corporate taxes is the fairest, most direct means of permitting small business to retain the internally-generated capital necessary for productive investment in new plant and equipment. Reducing corporate taxes and further graduating those taxes by broadening and increasing the number of brackets is an important step in providing small concerns with targeted tax relief.

2. Accelerated and simplified depreciation: Soaring inflation has too often made the timing of deductions, even when coupled with the investment credit, inadequate to reflect recovery of the original cost of an asset. This factor is seriously impairing the ability of business to finance the replacement of obsolete plant and equipment. It is important that a new accelerated and simplified depreciation system be adopted which is neutral and will lead to an efficient allocation of resources. Faster cost recovery would do no more than anything else as a general revitalize of the business continuity. I am not wedded to a particular formula here.

3. Estate tax reform: Estate taxes were originally conceived to prevent huge aggregations of wealth that could have adverse effects on society. But the estate tax law of today seriously imperils the transfer of family businesses and farms from one generation to the next. In some instances, current estate tax law actually promotes sellouts to larger corporations for inheritance tax purposes. To correct these problems, S. 360 proposes to:

Provide for an unlimited gift and estate tax marital deduction so that an entire estate can be passed on tax-free to a surviving spouse;

Raise the present estate tax exemption so that up to $600,000 of an estate can be passed on tax-free to a decedent's children; and

Increase the annual gift tax exclusion to $6,000.

Since 1970, the average value of an operating farm in Georgia has increased by more than 230 percent. The average value of an acre of farmland in the State has increased by nearly 300 percent. Similar increases in the values of small businesses and homes throughout the Nation has taken place.

Inflation is artificially distorting the value of estates by making them appear more and more valuable while taxes in turn are taking away a bigger and bigger piece of the estate. Estate tax law should be revised to compensate for this.

4. Increase the used qualified property tax credit ceiling from $100,000 to $250,000 so that small businesses, which often acquire significant amounts of used property, can better participate in the general upgrading of productive facilities.

5. Increase the minimum accumulated earnings credit from $150,000 to $300,000. Increased borrowing costs caused by stifling high interest rates has made small concerns rely more heavily upon the internal generation of capital for future needs. An increase in the credit not only adjusts for the rise in inflation but would also help reduce borrowing pressures.

6. Reinstitution of an incentive stock option provision so that small concerns can attract new management and retain the services of executives who might otherwise leave.

7. Capital gains "rollover" so that the tax on the proceeds from the sale of a small business are deferred if they are reinvested in another small business within 18 months. And,

8. Inventory accounting changes, including allowing firms with less than $1 million in sales to take an immediate deduction for the current value of their inventory, and allowing taxes due from shifting from "FIFO" accounting to "LIFO" accounting to be paid over a 10 year period instead of in one lump sum in the first year.

There are other provisions in S. 360, such as the proposed increase in the number of permissible Subchapter S shareholders and the Small Business Participating Debentures which would assist small businesses in their capital formation efforts and which deserve consideration by the Committee.

Mr. Chairman, a weakness of the 10% across the board tax cut plan is that it gambles that middle-income Americans will save more. I believe by taking a rifle rather than a shotgun approach and adopting specific new incentives for savings such as increased exemptions for savings and expanded IRA's, we can reduce the gamble and direct middle-income dollars into savings and investment.

Earlier this month, Senator Chafee held hearings on savings incentives such as that proposed in S. 819, the Savings Incentive Act, Senator Boren in S. 1072, the Residential Housing Tax Incentive Act, Senator Bentsen in S. 701, the Home Mortgage Incentive Act, and Senator Chafee in S. 243, the Savings and Retirement Income Incentive Act. Enactment of these types of measures would help reverse the "buy now, save later" philosophy by helping to make the tax code more neutral in its treatment of savings and consumption. They would help reduce demand-side inflation, provide a basis for the improvement in the capability and efficiency of the supply-side of the economy, and thus lead to lower interest rates and a reduction of inflation. Small businesses would directly benefit from these actions.

Mr. Chairman, since 1975 Congress has enacted $2 billion of small business tax cuts and the Nation has reaped tremendous benefits. For example, small concerns have since created more than 12½ million new jobs. I am confident that if small business receives a fair share of this year's tax bill, and if that bill helps provide a basis for lower interest rates and more savings, small business will make a similarly strong contribution to our Nation's economic recovery.

Again, I appreciate the opportunity to express my views to the Committee on small business tax relief. I encourage the Committee to act expeditiously on small business tax legislation and would be pleased to answer your questions.●

LONGSHORE LARGESS

● Mr. NICKLES. Mr. President, I would like to bring to the attention of the Senate an editorial printed in the Wall Street Journal, on May 21, 1981, that directly refers to the problems of the Longshoremen's and Harbor Workers' Compensation Act.

As most of my colleagues know, Senator NUNN and I introduced a bill, S. 1182, last week, which amends this costly and corrupted Longshore Act. I introduced this bill in order to clean up the many inequities brought about by the confusing 1972 amendments. The editorial points out some of these inequities by stating that—

Workers injured on the job are entitled to two-thirds of their gross wages, up to 200 percent of national average weekly wages, tax-free. . . . and these benefits, once begun, continue, if the injury is permanent, if the injured person goes on strike, goes to jail or even goes back to work at full pay.

The article goes on to say:

Skyrocketing benefits have meant skyrocketing expenses. In fact, over the past decade, costs to employers have gone up six times faster than wages. For shipped items, the costs of handling can add 25 percent to the wholesale price. The entire arrangement has become so expensive and unpredictable that many insurance companies have simply stopped writing longshore compensation policies.

It has also noted that—

Those companies who have passed insurance costs through to clients have found that clients take their business elsewhere—over the border to Mexico or Canada . . . the Department of Commerce estimates that in 1979 over a billion dollars of U.S. goods were exported via Canada instead of U.S. ports.

In order that my colleagues might have the benefit of this editorial, I ask that it be printed in the RECORD.

The editorial follows:

LONGSHORE LARGESS

Efforts by the Reagan administration to thresh out a trade policy are being accompanied by the usual warnings about declining U.S. competitiveness abroad. All sorts of presumed problems have been identified, including the prohibition against U.S. companies paying baksheesh.

While we might view some of these claims with skepticism, there is one trade problem that hardly anyone has talked about that is much in need of fixing. A little piece of legislation called the Longshoremen's and Harbor Workers' Compensation Act is making it ever more costly to ship from U.S. ports, thus pricing U.S. companies out of export markets.

The act was passed in 1927 to provide compensation for maritime workers injured on the job but not eligible for state compensation. A fine idea. But since its humble beginnings, the act has been puffed up through judicial rulings and congressional amendments until it now inflicts on affected employers, hands down, the most expensive workman's compensation program in the country.

The law now covers over a million people—not just longshore and harbor workers, either, but those working in shipyards, the pleasure boat industry, summer camps, marinas and even marine museums, among others. And what lucky workers they are.

Consider the following: Workers injured on the job are entitled to two-thirds of their gross wages, up to 200 percent of national average weekly wages, tax-free. The tax-free goody means, of course, that many workers can take home benefit checks which are larger than their regular working wage. And these benefits, once begun, continue, if the injury is "permanent," if the injured person goes on strike, goes to jail or even goes back to work at full pay. Not bad for starters.

Consider further: Say a hapless worker is hugged to death by a grizzly while hiking through Yellowstone. The surviving spouse collects death benefits until age 70 or remarriage, even though the death was unrelated to work. Payments in both disability and death categories have unlimited cost-of-living adjustments.

The disability itself is diagnosed by a physician of the worker's own choosing—a cozy situation which can lead to unsavory union practices. A 1976 investigation by the New York Waterfront Commission found that the Longshoremen's Association was shaking down employers by threatening them with avalanches of phony disability claims. Companies either paid up or went under—under a pile of claims.

Skyrocketing benefits have meant skyrocketing expenses. In fact, over the past decade, costs to employers have gone up six times faster than wages. For some shipped items, the costs of handling can add 25 percent to the wholesale price. The entire arrangement has become so expensive and unpredictable that many insurance companies have simply stopped writing longshore compensation policies. In fact, over the past 10 years, the nation's 16 largest shipyards have all been forced to become self-insured.

Those companies who have passed insurance costs through to clients have found that clients take their business elsewhere—over the border to Mexico or Canada. And why not? Canadian costs, for instance, run about 5 cents per $100 of payroll; in New York, companies pay up to $87 per $100 of payroll.

The Department of Commerce estimates that in 1979 over a billion dollars of U.S. goods were exported via Canada instead of U.S. ports. Thus, as shipping business is diverted to other ports and stevedoring companies fold, there are fewer and fewer shipyards and fewer and fewer jobs.

Help is on the way, however; last week, Senators Don Nickles and Sam Nunn introduced a bill which places a 3-percent cap on COLA increases, eliminates job-unrelated death benefits, clarifies and limits jurisdiction and junks the unsupervised choice of physicians.

It looks good to us. On June 9, the Senate Labor subcommittee begins hearings on this bill. We hope it looks as good to them.●

RECOGNITION OF THE STEIN GERONTOLOGICAL INSTITUTE

● Mr. CHILES. Mr. President, each year the month of May is traditionally designated as "Older Americans Month." It is a time when the Nation unites in acknowledgement of our older citizens and the distinguished contributions they have made, and continue to make, in the development of this great country.

The "Older Americans Month" also symbolizes our national commitment to older persons—a commitment which reaffirms the opportunities, social rewards, and economic securities that older citizens should be able to maintain or pursue in their latter years.

For those individuals who discover that the realities of advancing age sometimes become complicated by factors such as inflation, illness, or social isolation, the "Older Americans Month" also serves as a reminder for all of us of the strides that we have yet to make toward improving the lives of the elderly.

In our celebration of aging and in the quality of life we strive to guarantee for every older American, we must recognize that even in the healthiest of economic circumstances, few communities have been able to deal with the myriad of problems confronting the elderly without the help of those community members who have so generously contributed to and made such an impact on the lives of their fellow older citizens.

As the senior Senator from the State of Florida, I am proud to recognize and pay tribute to two outstanding Floridians, who, as senior citizens themselves and through their magnanimous human concern and financial generosity are principally responsible for the development of an innovative long-term care service project designed to benefit those elderly in need throughout the State.

In January of this year, Louis and Bessie Stein, private philanthropists and community leaders, endowed a gerontology institute at the Miami Jewish Home and Hospital for the Aged at Douglas Gardens. In honor of the depth and vision of this support, the program now bears the name "Stein Gerontological Institute." Leadership is a role the Steins have consistently and outstandingly assumed as demonstrated in the public sector as well as in Mr. Stein's position as president and chairman of the board of Food Fair, from which he retired in 1971.

The endowment of a research, training, and planning institute at the Miami Jewish Home and Hospital for the Aged provides specialized supports for the fields serving the elderly and in so doing, creates an increased awareness and understanding of the needs of that growing segment of our population. And yet, the establishment of this institute under the auspices of a direct service agency goes one step further in its potential to contribute to the body of gerontological knowledge. It also permits research and its utilization to mutually support each other in such a way that both scholarly efforts and critical service needs become enhanced.

The Stein Gerontological Institute focuses on critical issues in long-term care. Their agenda for the next 5 years includes a program of clinical, behavioral, economic and advanced systems' research all directed toward aging as a part of life, not a problem unto itself. Specific areas identified for investigation within its research program include bereavement; congregate living; economics of activities in long-term care; and product design to help maintain the highest levels of functioning of the elder. In addition, the essential dimensions of basic and continuing education for all disciplines, and planning provide a milieu in which to raise and answer questions aimed at improving the social, economic, environmental, and health conditions of the aged. Their goals are reflective of and consistent with areas that we, at the Federal level, have identified as critical concerns.

The example that the Steins have set is one to be duplicated as it marks a key partnership between the public, private, and corporate sectors. In these times of precious resources, it is especially important to seek creative means by which to continue this war we wage on behalf of the indigent and frail elder.

In commending Mr. and Mrs. Stein I would also like to congratulate their children who, on the occasion of the institute's dedication and Mr. Stein's 75th birthday, also have substantially supported this gerontological institute.

Today and in years to come, I believe we can continue to look toward the Stein Gerontological Institute and the Miami Jewish Home and Hospital for the Aged for leadership in the field of long-term care.●

JEANETTE PICCARD

● Mr. DURENBERGER. Mr. President, there are some people who spend their time on Earth combining their God-given talents with a passion that propels that life into special eminence. In the field of aviation alone we have seen this remarkable talent in such notable people as Amelia Earhart and Charles Lindbergh. Today, I would like to add another name to that list. It is the name of a woman who not only was a famous aviator, but the first ordained Episcopalian priest.

Last Sunday, Minnesota's pioneer aviatrix, Jeanette Piccard, died. Jeanette Piccard, at the age of 86, had more dreams, talent, compassion, and grace than most people are ever blessed with.

The story of this woman's life is one that serves as an inspiration to all. In her early teens, Jeanette Piccard decided she wanted to become an Episcopalian priest. When she attended Bryn Mawr College a few years later, she spoke of her wish to become a priest to her college president. But her goal had to be put aside for a time while she occupied the years pursuing advanced degrees, marriage, parenthood, and aviation.

In 1934, alongside her husband, she became famous by piloting an air balloon into the stratosphere, the first balloon over in the United States to remain under full control for the entire flight. She guided the balloon 57,579 feet above Lake Erie, while her husband, a Swiss scientist, studied cosmic rays and other elements of space.

Jeanette later earned a master's degree in chemistry, a Ph. D. in education from the University of Minnesota, and then went on to serve as a consultant to NASA, teaching professionals as the first woman pioneer of space travel.

However, Jeanette's dream of becoming a priest never died. It was not until her husband's death in 1969 that she devoted her full time to filling her dream. She was ordained a church deacon in 1971, and for 2 years attended General Theological Seminary in New York, and passed the ordination examination. It was not until 1973, after much controversy, that a segment of the church ordained the first 10 women priests. Jeanette Piccard was among them. It took 3 years before the church officially recognized these religious leaders and Dr. Piccard fulfilled her dream. She was 81 years old.

Jeanette Piccard spent her remaining years in service to her church and its people. She ministered the sick and the needy, and celebrated the Eucharist to those confined to nursing homes and other places.

She has received several honorary degrees for her work in aviation and as a priest. As she lay in her hospital bed only last week, State Episcopal church leaders made her an honorary canon of St. Mark's Cathedral in Minneapolis.

Dr. Piccard would not want us to mourn her death; rather celebrate her passing, as she, in her humble way, would comfort others in times of change. Minnesota will miss its first woman reverend and so will the Nation. Her life made living and achieving and committing ourselves to unthinkable endeavors respectable.

She has blessed with her wisdom the field of aviation, the field of teaching, the field of philosophy, the field of science, the advancement of women, and the list could go on. But the real benefit is to each of us who have dreams and goals and aspirations, both as individuals and as a country. Jeanette Piccard's life tells us that with persistence, patience, and a passion and vision for what we believe, we can fill this life with meaningful activity and face our Maker with a job well done.●

HON. TENNYSON GUYER

● Mr. ABDNOR. Mr. President, enthusiasm. Optimism. Integrity. Commonsense. Radiant good humor. These are words which come to my mind when I think back on my 8 years of friendship and service in the House of Representatives with Tennyson Guyer.

Tenny and I entered Congress together with the class of 1973. During all those years we served together on the House Veterans' Affairs Committee.

I do not recall ever seeing Tenny angry. Somehow, he managed to keep his perspective and find the proper, positive route out of any troubling situation. His broad smile, his vibrant personality, his unhesitating willingness to listen and to be of service disarmed potential adversaries at the outset.

Tenny knew every State of this Union from personal visits. He knew the towns—even the smallest. He knew the people. Because of this he could virtually put himself of his constituents—and ours—as he pondered their concerns and interests.

While we all use the phrase, "congressional courtesy," Tenny lived congressional courtesy in the fullest sense.

His untimely death leaves all of us a little diminished in no longer having him with us; but inestimably richer for having had the privilege of knowing and serving with him and, more importantly, having learned from him.●

PRESIDENT REAGAN PROCLAIMS NATIONAL MARITIME DAY

● Mr. MURKOWSKI. Mr. President, this Friday, May 22, has been proclaimed by President Reagan as National Maritime Day. I believe we should view the day as an opportunity to reflect upon and to celebrate the past achievements of the American Merchant Marine. More importantly, however, we must use this opportunity to rethink our Nation's maritime policies and priorities and renew our commitment to rebuild the American merchant fleet.

The President, on April 2, signed the following proclamation designating May 22 as National Maritime Day:

> The maritime industry has been a key contributor to our economic strength and security since our Nation was founded. Its continued growth and prosperity is necessary for the economic renewal we all seek.
>
> As the leader in world trade and the principal military power of the free world, the United States conveys goodwill through its Merchant Marine, serving the cause of international peace. The Merchant Marine also stands ready to provide logistical support in military emergencies.
>
> In recognition of the importance of the American Merchant Marine and the men and women serving aboard our merchant ships, Americans have observed National Maritime Day on May 22 for the last 49 years. This observance commemorates the same date in 1819, when the SS *Savannah* began the first steamship, transatlantic voyage from the port of Savannah, Georgia.
>
> *Now, therefore, I, Ronald Reagan,* President of the United States of America, do hereby urge the people of the United States to honor our American Merchant Marine on May 22, 1981, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships under the American flag dress ship on the day.

Clearly, the President is committed toward renewing the strength of the American merchant fleet. Congress must follow the administration's lead by providing maritime regulatory reform and developing promotional policies which reflect current international commercial conditions and realities.

The following facts about the maritime industry, provided by the Joint Maritime Congress, an association of oceangoing American ship-operating companies, engaged in oceanborne commerce, reveal the startling and precarious position of today's U.S.-flag oceangoing fleet:

> The share of gross tonnage carried by U.S.-flag ships declined from 32.6 percent of world tonnage in 1950 to 3.4 percent in 1980.
>
> In 1950 the U.S. ranked first in the number of oceangoing Merchant Marine vessels; by 1980 it ranked 11th.
>
> The number of active oceangoing vessels in the U.S. privately owned Merchant Marine declined from 1,050 in 1950 to 525 in 1980.
>
> In 1950 the U.S. ranked first in total tonnage capacity; by 1980 it ranked 8th, behind Liberia, Greece, the United Kingdom, Norway, Panama, and the U.S.S.R.
>
> Foreign flag cargo carrying vessels accounted for 30,876 U.S. port arrivals in 1979; U.S.-flag vessels accounted for only 5,127 arrivals.
>
> The value of commercial cargo carried on U.S.-flag Merchant Marine ships declined from 33.8 percent of the world total in 1956 to 14.4 percent in 1980.
>
> Employment on U.S.-flag Merchant Marine vessels has dropped from 54,000 in 1950 to 19,300 in 1980.
>
> Some 58 percent of U.S.-flag bulk carriers are more than 30 years old; there are no Soviet dry bulk carriers that old.
>
> Soviet dry bulk carriers under 5 years old account for 54 percent of the entire Soviet fleet; only 11 percent of the U.S. fleet is less than five years old.

Without a doubt, the United States must establish policies to revitalize the U.S. merchant fleet. It is clearly in our national interest to begin to do so now—we cannot afford either economically or strategically to let this vital industry decline further.

Hopefully, the positive actions of this Congress and administration coupled with the cooperation and innovation of labor and management will spur the revitalization of a strong merchant fleet. Such actions will allow the American people in the coming years to continue to look with pride at the accomplishments of the U.S.-flag fleet and look forward with eyes focused on a bright future for this essential industry●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. WALLOP. Mr. President, it is required by paragraph 4 of rule 35 that I place in the RECORD this notice of Senate employees who propose to participate in a program, the principal objective of which is educational, sponsored by a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign organization.

The Select Committee on Ethics has received requests for determinations under rule 35 which would permit Mr. Neil Messick of the staff of Senator ROTH, Mr. Denis Kanin of the staff of Senator TSONGAS, Mr. David M. Strauss of the staff of Senator BURDICK, Mr. Roger LeMaster of the staff of Senator HUDDLESTON, and Mr. James Arbury of the staff of Senator RIEGLE, to participate in a program sponsored by a foreign educational organization, Tunghai University in Taichung, Taiwan, from May 24 to June 1, 1981.

The committee has determined that their participation in the program in Taiwan, at the expense of Tunghai University, to discuss relations between the United States and the Republic of China, is in the interests of the Senate and the United States.●

REGULATORY REFORM—S. 1080

● Mr. CANNON. Mr. President, I have long been committed to regulatory reform. As chairman of the Senate Commerce Committee starting with deregulation of the airlines, continuing with the trucking industry and the railroads, as well as reform of the FTC, I have sought ways to ease the regulatory burdens imposed on consumers and industry by the Federal Government.

I am pleased today to cosponsor S. 1080, an omnibus regulatory reform bill which will carry this work even further.

Last year, the Senate Commerce Committee favorably reported a FTC authorization bill which contained many of the provisions I now see in S. 1080. For example, S. 1080 contains a provision requiring agencies to do cost-benefit analyeses, as was provided in the FTC bill. The legislation also includes a regulatory agenda and calendar, as did the FTC Act of 1980.

Further, the bill eliminates funds for public participation. I have been critical of the public participation program in place at the Federal Trade Commission. I found, during the oversight of the FTC, that public participation funds were almost always used to fund supporters of the agency's position.

Other provisions which I consider to be important measures to curb regulatory excesses are included. Agencies are required to review all their rules within 10 years with an eye toward revising or withdrawing rules that are no longer necessary. The bill would eliminate "races to the courthouse" by providing for random assignment of cases filed within 10 days of each other in different courts. The bill affords interested persons the opportunity to make oral presentations, with cross-examination allowed in certain circumstances.

It is with great pleasure that I join in cosponsoring S. 1080. While I applaud the bill as a major constructive effort toward comprehensive regulatory reform, I do have some reservations about certain language in the bill. I am certain, however, that the debate which introduction of this bill has generated will produce a solid bipartisan legislative package which will meet the public demand for reform of the regulatory process.

I commend the authors of S. 1080 and join them in their efforts to reduce unnecessary, burdensome and wasteful Federal action.●

THE NATIONAL MATERIALS AND MINERALS POLICY, RESEARCH AND DEVELOPMENT ACT 1 YEAR LATER

● Mr. CANNON. Mr. President, last year, Congress passed the National Materials and Minerals Policy, Research and Development Act. This act is a clear statement of congressional concern with the U.S. dependence on certain critical materials and nonfuel minerals, most of which we import. The act recognized that the United States is not fully prepared to deal with supply shortages of critical materials and the impact that supply disruptions or price fluctuations would have upon our economy and industrial base. I wish to take a moment at this time to review where we are.

When the Committee on Commerce, Science, and Transportation reported that bill last year, I felt that the legislation was only a first step. Congressional oversight and action as well as leadership by the administration will be essential.

In this Congress, the Commerce Committee has continued its interest in materials policy. The Subcommittee on Science, Technology, and Space held a hearing to review implementation of the act and other measures that could be taken to make the United States less vulnerable to minerals and materials shortages, both in the near and long term. I am in complete support of the committee's efforts and want to compliment the able and energetic chairman of the subcommittee, Senator JACK SCHMITT, for his efforts in this regard.

With regard to the administration's role, the Materials Policy Act calls upon the President to submit to the Congress by October of this year a program plan for Federal action. In reviewing this program plan, I will be paying close attention to the specific steps and actions this administration is prepared to take to:

Assure access to foreign sources of materials and minerals;

Utilize domestic sources, both virgin and recycled;

Provide incentives and streamline regulations for our extractive, processing, and reclaiming industries;

Stimulate R. & D. innovation to develop substitute materials as well as R. & D. that would lead to improvements in the efficient use of existing materials;

Evaluate our land use policies to consider the importance of strategic materials;

Determine the status of our defense stockpile;

Consider the merits of various economic-type stockpiles; and

Improve the Federal procurement process.

While the President's program plan is not due until October, I am encouraged by some of the steps this administration has already indicated it is pursuing in response to the Materials Policy Act.

At our hearing, we heard some strong and positive statements by Secretary of Interior James Watt regarding his personal commitment to this issue and the Department of Interior efforts. I am encouraged that the administration is making lands available for minerals exploration. I hope this review and release of mineralized lands in the West will continue.

Two months ago, the Federal Emergency Management Agency announced that, for the first time in 20 years, the Government will be purchasing materials for the defense stockpile. Cobalt will be the first material purchased.

Regarding national defense aspects of materials availability, the Defense Department's needs for strategic materials is clear. We need to determine whether the authorities contained in the Defense Production Act and other statutes are sufficient and what additional needs exist. I have written to Secretary of Defense Caspar Weinberger to gain an assessment of the Department of Defense's efforts to implement their responsibilities under the Materials Policy Act and to determine what specific steps they are taking to minimize risks to national security. I have encouraged him to expedite his Department's efforts in this area.

I also have written to Mr. Richard Allen regarding the National Security Council study of U.S. dependency on critical materials that was initiated by the previous administration. I am pleased that this administration is continuing that important review. The study will bring in defense, foreign policy and economic policy considerations. I urge that a set of options for consideration by the President be prepared as soon as possible.

In passing the materials policy legislation last year, the Commerce Committee found that the Federal Government was not organized effectively to

deal with the impact that material shortages and price fluctuations would have on our industrial base and economy. In particular, we perceived a gap in this regard and, therefore, assigned the Department of Commerce a specific role. That role, simply stated, is to assess where our industrial base and economy is vulnerable to materials and minerals shortages and determine what opportunities exist to strengthen our position. In effect, I had hoped that the Secretary of Commerce could serve as an advocate for innovation in the minerals and materials sector.

I cannot stress enough the importance I attach to having an aggressive and well organized capability in the Department of Commerce to deal with materials policy matters. I was pleased that during the change in administration that the able people at the National Bureau of Standards stepped in to initiate the industrial sector case study. I compliment the Department again for choosing the aerospace industry as the first case study. I think it is an excellent place to begin.

However, I am not at all certain that the importance of this issue is shared by all in the Department nor that its implication for our industrial productivity, economic health, trade balance, and science and technology is appreciated. I hope to hear more about the Department's overall perspective and initiatives and particularly that this matter has attracted the interest and energies of the Secretary.

Finally, I should note the important contribution that the President's science and technology adviser, through the Office of Science and Technology Policy, can make. It has been estimated that the Federal Government spends in excess of $1 billion on materials related research and development. As called for under the Materials Policy Act, OSTP coordination of these R. & D. efforts is needed, and OSTP should provide a long-term perspective of scientific and technological opportunities and needs. OSTP has been without a Director for several months. I understand the President has decided to nominate someone, and I look forward to working with him.

Mr. President, in the short time since passage of the Materials Policy Act, there have been some encouraging signs by the administration. I hope these will continue and others expand. Likewise there continues to be congressional attention to these matters. Without wanting to sound at all complacent. I think that, for the first time without the presence of a crisis, we are at the stage of taking some constructive steps toward making the United States less vulnerable to materials and minerals shortages. Congress has provided a framework for administration action, and this administration, on balance, is signaling that it has gotten the message. Let us all support these efforts.●

SOUTH DAKOTA CONFERENCE ON AGING

● Mr. PRESSLER. Mr. President, South Dakota recently held its 1981 State White House Conference on Aging in Mitchell, S. Dak. The 300 participants voted on 18 resolutions affecting the well-being of our elderly population in South Dakota.

As a member of the Senate Aging Committee, I find the resolutions reflect our elderly's major concerns. Transportation continues to be the major problem in the rural areas where access to medical care and other services is restricted by the lack of transportation. I am also pleased to see that high priority was given to the continuation of home health care and other programs which avoid institutionalized care for our elderly citizens. I have always supported these programs, for I believe it is important that older people be able to remain in their own home as long as possible.

Mr. President, I look forward to the national meeting of the White House Conference on Aging. Such a forum allows older Americans who are best acquainted with elderly issues to exchange ideas and share their expertise with the administration and Congress.

Mr. President, I submit the South Dakota resolutions for printing in the RECORD.

The resolutions are as follows:

THE SOUTH DAKOTA 1981 WHITE HOUSE CONFERENCE ON AGING RESOLVES

1. That communities provide and continue to provide transportation for medical services, food, visiting, church activities and leisure. Responsibility shall be shared by local, state and federal financing with emphasis on rural transportation.

2. That local and other governments shall provide, subsidize and increase funding as well as increase the types of housing available to seniors. This would include congregate housing for seniors and handicapped individuals.

3. That communities shall avoid institutionalization of senior citizens and handicapped persons by providing assistance through senior volunteers, meals on wheels (including weekends), homemaker services and by establishing and enhancing senior centers and social programs where needed.

4. That it be mandated that all workers, both public and private, be covered under Social Security.

5. That inexpensive legal aid for wills, estates, trusts and general legal needs be provided. Further, that paraprofessionals and attorneys sensitive to the special needs of the elderly be used.

6. That the surviving spouse be exempted from Federal inheritance tax.

7. That the experience and expertise of Older Americans be used in teaching and sharing knowledge of crafts, cultural values, recreational activities and facilitation of companionship programs.

8. That the public recognize Older Americans as a genuine natural resource.

9. That a theology of assertiveness be developed and disseminated so that Older Americans will be encouraged to state their needs and demand those needs be met.

10. That transportation be provided for health, nutrition and social activities with emphasis on rural transportation.

11. That emphasis be placed on preventive physical and mental health care, and wellness care.

12. That funding priorities be established to pay for in-home and community-based physical and mental health, with accessability for the handicapped, to prevent institutional care unless clinically indicated.

13. That agencies with programs in the areas of education, employment, recreation and housing, as well as churches, incorporate integrated activities into their annual plans.

14. That flexible IRS policies be developed which do not inhibit the exchange of human services between individuals and groups.

15. That attention be focused on the removal of barriers to communication and coordination at the local, state and Federal level.

16. That medical research be expanded in the areas served by the health care team (physicians, dentists, nurses, nutritionists, speech and language pathologists, audiologists, social workers, administrator, physical/occupational/recreational therapists, and other health professionals) focusing on the normal age-related changes and associated chronic conditions, both physical and psychosocial.

17. That there be research on economic and social factors that influence the dignity and health of older Americans.

18. That there be research on ways to permit all Older Americans to remain an integral part of American society including research on keeping the elderly out of institutions with emphasis on home care.●

NATIONAL CONSUMER COOPERATIVE BANK

● Mr. DOLE. Mr. President, I rise to comment on why the Senate should support the National Consumer Cooperative Bank. The supplemental bill we are considering today contains a recommendation to rescind the remaining funds for fiscal year 1981 for the Co-op Bank. As an original cosponsor of the bill that created the bank in 1978, I urge careful consideration of the contribution the Co-op Bank has already made and will continue to make in helping consumers help themselves.

As a member of the Agriculture Committee, I am intimately aware of the tremendous amount of good done by farmer cooperatives. I have long been a supporter of farm co-ops, which are no strangers to the State of Kansas. But the cooperative movement is not and should not be restricted to farmer co-ops. Consumers co-ops are a natural part of the cooperative idea.

The Co-op Bank has been asked to prove itself in little more than a year. Surely, our predecessors gave its successful parent, the farm credit system, more than a year to demonstrate its worth. I think we owe the same to our Consumer Co-op Bank.

All of us realize the state of our troubled economy and many of us gladly will tighten our belts in support of the basic tenets of the President's program. However, the elimination of the Consumer Co-op Bank will, in fact, be counterproductive to the goal of economic recovery. The Co-op Bank should not be a victim, but rather a partner in the President's program to cut inflation and provide alternatives to Government spending.

Mr. President, cooperatives have always played an important role in American life. Perhaps this is because co-ops have historically been developed in the best traditions of both the Republican and Democratic Parties. The cooperatives—farm marketing, farm supply, purchasing, farm credit, rural electrification, and credit unions—have long received bipartisan support in both the legislative and executive branches.

Practically every President since Ted-

dy Roosevelt has had a hand in encouraging the development of cooperatives in the American tradition of self-help. As the Senator from Ohio, Robert Taft, once said, cooperatives are "as American as apple pie."

At a time when more and more people are feeling the burden of Government, Mr. President the Co-op Bank provides the opportunity for consumers to get out on their own and solve their own problems. By continuing to support and encourage the National Consumer Cooperative Bank, we can help consumers help themselves.●

DRUG TRAFFICKING AND CRIME

● Mr. PELL. Mr. President, one of the most frequent complaints I hear from constituents is of the crime wave engulfing our society today. Last year, 24 million households—almost a third of all the households in the Nation—were touched by crime, in one form or another.

According to Justice Department officials, America in 1980 witnessed a crime epidemic in which both violent crime and property crime registered their largest jumps in a dozen years. The crime increase during 1980 was pervasive throughout every region of the country, and showed no barrier of race or economic status.

The effect of crime is not limited to its immediate victims. Families and friends share the pain, hardship and aftermath of fear that crime causes. A survey conducted recently by the Gallup organization reported that, in cities with a population of 1 million or more, half of those residents expressing a desire to leave their cities cited crime as the chief reason. In cities of 250,000 to 1 million population, 30 percent of those wanting to move said crime was the leading reason for dissatisfaction with their urban environment.

Clearly it is unacceptable for the residents of our largest cities to live in fear for their personal safety. It is past time for those of us in Government to ask whether we are doing enough to make the job easier for hard-pressed local law enforcement officials, who are faced with increasing demands for better crime prevention and control at a time of decreasing financial resources.

Much of the recent increase in crime, I believe, is attributable to the illicit drug trafficking industry which flourishes in America today. The Justice Department estimates that payments by users and traffickers for heroin, cocaine, hashish, and other dangerous drugs are between $54 and $73 billion annually. To place the financial rewards and extensive activities of the drug traffic in perspective, I point out that a "legitimate" sales enterprise of $50 billion a year requires 750,000 employees and $1.4 billion in working capital.

There is considerable evidence of the relationship between drug trafficking and crime. A recent study by the University of Delaware of hero'n users in Miami, Fla., showed that over 90 percent relied upon criminal activity as a means of income, and that only 1 in every 413 crimes committed resulted in an arrest. A similar study by Temple University of heroin addicts in Baltimore found that addicts are responsible for an inordinate amount of serious crime, but that once the addiction ceases, crime rates drop markedly.

These studies point up the very obvious fact that heroin users, as well as abusers of other dangerous drugs, are extensively involved in crime, and that controlling the supply of illicit drugs is a key to reducing criminal activity.

The General Accounting Office has found that, despite years of effort and the expenditure of billions of dollars, the Federal Government has made little real progress in the fight against drug trafficking. Notwithstanding the obstacles created by law enforcement, it is relatively easy to smuggle and distribute drugs in the United States today. The drug trade flourishes because it is relatively risk free, and affords the opportunity for tremendous profits in short periods of time.

Last year, the Coast Guard seized marihuana with a street value of a billion dollars; yet this figure was estimated to be only about 10 percent of the total amount of marihuana smuggled into the country. Other agencies, such as the Customs Service and the Border Patrol, also estimate that only 5 to 10 percent of the drugs coming into the country are seized.

According to the GAO and other critics of our efforts in this area, the single most important problem is that no one in the Federal Government has a clear mandate, or is exercising sufficient leadership to develop an integrated national strategy to deal with the drug problem. Efforts to develop a clear overall approach to this problem involve coordination among 17 Federal agencies—with programs in the area of drug supply or demand reductions—State and local agencies, and several foreign governments and international organizations.

Despite numerous past initiatives at improved coordination, our efforts to reduce the availability of illicit drugs are weakened by a number of longstanding problems. The Federal Government has failed to provide a clear overall direction to the numerous agencies involved in this area, resulting in inconsistent and sometimes conflicting drug policies. Organizational difficulties between the agencies have further diluted law enforcement efforts, as have unclear Federal, State and local enforcement roles.

An example of the lack of administrative coordination is the recent New York Times May 2, 1981, report that tens of thousands of people obtain U.S. passports under false identities each year largely for drug trafficking purposes. The fraudulent passport problem has soared with the drug trade, but little has been done about it because of lack of coordination between drug enforcement agencies and the State Department.

Over a year ago, the GAO noted that if any improvement is to be made in coordinating Federal drug control efforts, "someone is needed who has the clear delegation of authority from the President to monitor activities and demand corrective actions." This statment is especially true today, because the administration has proposed budget reductions for the agencies dealing with drug enforcement, in the absence of an overall strategy to deal with the problem.

Because of the inadequacy of our current efforts in this area, I am today requesting the President to designate a member of his Cabinet to personally oversee Federal drug enforcement policy, and insure that strategy implementation is successful. The Cabinet member who is selected should have a clear delegation of authority from the President to set overall national priorities and tell agencies what is expected of them. He should also be charged with the task of mobilizing State and local law enforcement resources for a coordinated nationwide attack on drug trafficking.

I have also urged the President to immediately fill several key vacancies in this area, such as the posts of Assistant Secretary of State for International Narcotics Matters, and Commissioner of the U.S. Customs Service. Finally, at a time when all evidence points to a strong relationship between the flow of illicit drugs into the country and the soaring crime rate, I have urged the President to review the funding requirements of the various drug enforcement agencies, and insure that we are giving them adequate resources to do the job.

The drug problem may never be totally solvable. According to the National Institute on Drug Abuse, an estimated 500,000 persons use heroin daily in this country. The use of other dangerous drugs, like the hallucinogen PCP and cocaine, has increased at an alarming rate in recent years. Our initial goal should be to reduce drug availability, by making illicit drugs difficult to obtain, and expensive and risky to possess, sell, or consume. Decreasing availability will result in fewer people experimenting with drugs, fewer experimental users advancing to the chronic, intensive use of drugs, and fewer introductions—all too often at an early age—to criminal patterns of behavior that are difficult if not impossible to break.

The United States must take a much tougher and consistent stance to make any real gains in reducing the availability of illicit drugs. The relationship of this problem to the crime epidemic in America is obvious, and requires nothing less than an all-out, national strategy to strengthen and better coordinate Federal law enforcement programs. In my view, the best assistance we can give to local law enforcement officials is to mount a national attack on drug trafficking, and give the highest priority to Federal efforts to prevent illegal drugs from entering the United States.●

COMMENCEMENT SPEECH OF CONGRESSMAN TOM BEVILL

● Mr. HEFLIN. Mr. President, it was my distinct honor to attend the graduation exercises at the University of Alabama on May 10, 1981. My dear friend and great Congressman from Alabama, the Honorable TOM BEVILL, received an honorary doctor of laws degree and gave the commencement speech. His speech was most timely and scholarly. I wish to share it

with the Members of the Senate and the readers of the RECORD. So I submit Mr. BEVILL's speech for the RECORD.

The speech follows:

THE DREAM THAT IS AMERICA

Congratulations graduates of the Class of 1981. Today we honor you for your meritorious achievements of earning a college degree. By this honor and distinction, you have joined a small percentage of the world's population, as college graduates. In fact, less than 15 percent of the people of the United States have earned college degrees.

However, with this honor comes an immense responsibility to yourselves and to your fellow man. You must now use the knowledge and skills you have acquired, and the reasoning you have developed to benefit society.

Your family, your state and your Nation have provided this fine university for you, where you have grown a great deal, both mentally and socially during these past few years.

Many critics of higher education and other modern day cynics would stand here today and tell you that your easy days are over. Now it's time to open your eyes to discover the world as it really is, away from the ivory towers of education.

I have some different advice to give to you. I want you to close your eyes to this "real world" which the cynics talk about. I don't mean that you should ignore life, but don't let your goals, desires and abilities be cut short by someone else's perception of reality. Don't accept someone else's limitations as your own. That would keep you from achieving the heights which you are capable of reaching.

Rather than opening your eyes to this "real world" of the cynic and negative thinker, I would urge you to close your eyes and dream the dream that is America.

Perhaps there is no time more suited to a discussion of the pursuit of idealism than during a commencement address. It is not a time to dwell on the depressing circumstances of the world as it often is, but rather a time to focus on the world as it could be, through your efforts.

Even though we are living a life that is far better than anywhere else in the world, there are some who would dwell only on the negative aspects of our society.

Close your eyes to those who point only to man's failures, to the cynics who tell you that it is only natural for a certain percentage of the world's population to starve to death each year. Close your eyes to those who would write off millions of people each year to the ravages of disease, and to those who believe that one person's contribution is meaningless in the vastness of world problems. Close your eyes and dream.

Dream the same dream that gave hope to the pilgrims as they embarked for a new world, free from religious persecution. Dream the dream that the colonists cherished as they fought the British imposition of taxation without representation. Dream the dream that fueled the pioneers as they set out to conquer the untamed west with little more than a covered wagon, a team of horses and raw courage.

Dream the dream that held this Nation together during a wrenching civil war, and which united our country during five bitter conflicts since then.

Dream the dreams of our physicists and engineers, who envisioned man walking on the moon and working in space. Their dreams of the past four decades are accepted as commonplace realities in today's space age.

Dream the dreams of our great statesmen who long for a society which provides its people with freedom, wealth, security and happiness.

Close your eyes and dream of a better life—and ways in which you can help to achieve it for yourself and for others.

We already know the bad news about the world. Now it is up to you to make the good news happen—to right the wrongs—to feed the hungry—to heal the sick—to achieve the unachievable.

Much already has been done. Those who have come before you have dreamed and achieved for you the best lifestyle in the world.

Their dreams and achievements of the past have made it possible for you to attend this prestigious university and attain, not only knowledge in a specific curriculum, but also the keys to a rich storehouse of previously discovered dreams.

You have prepared yourselves well. The groundwork is laid for your opportunity to participate in one of the most enviable activities in the world today. It is now your turn to dream the dream that is America.

It is your obligation to use your knowledge and ability to assess the needs of the particular area in which you have chosen to work. To accept its challenges to your career, and to defy the negative thinkers and cynics.

Whether your work will be in science, agriculture, sales, teaching, industry, communications or social services, you have a duty to us all. Your challenge is to dream of a better life and to make it happen.

At the beginning of this University, 150 years ago, the negative thinkers saw Alabama as not much more than a few cotton plantations, some rugged trails and a vast wilderness. But to the dreamer, Alabama was a virgin territory, fresh with opportunity and undiscovered treasures.

The state's many undeveloped rivers provided early settlers with a system of transportation. Towns quickly began to appear on the banks of the Cahaba, the Alabama, the Tennessee, the Warrior, the Coosa, and the Tombigbee Rivers. The land was rich for growing cotton, but most other crops remained untried.

Some saw this as sufficient, in itself. It was a good place for agriculture, and that was enough. But others dreamed that someday these rivers could be developed to help merge this great Nation into a truly united country. Their dreams are coming true as we continue to develop Alabama's waterway potential into an economic and energy-efficient water transportation network.

In those early days, two-thirds of the people of Alabama depended on agriculture, and most assumed it would remain that way. And why not? In 1816, cotton was selling for 30¢ a pound and there was money to be made. But by 1829, the price of cotton had plunged to 9¢ a pound, wiping out the life savings of many plantation owners, apparently ending the future of Alabama.

However, the early Alabamians who were unsuccessful in farming did not give in to defeat. Instead they began to dream, and soon their dreams developed into sawmills, cotton gins, printing shops and tin shops. Others started to search for the mineral treasures which our land held.

There were anxieties about the state's financial security when the new state bank teetered on the brink of collapse, due to the national depression. A yellow fever epidemic hit hard at the very lives of the people of our state.

A severe drought added to the problems of Alabama in the 1830's, and one of the state's most developed cities, Mobile, was nearly destroyed by a huge fire.

To the non-dreamers, Alabama 150 years ago was hardly the place of time to be starting a university. But to the dreamers of that day, the image was clear. This land and its people would succeed because they believed in themselves and in their dreams. It was a time to begin an educational institution to insure their future.

It was a meager beginning, to be sure, beset with financial problems, administrative headaches and student unrest. I'm sure that sounds quite familiar to university officials today.

The state prospered, as did the new University. Then came the Civil War, and the state was devastated. Only days before Lee's surrender to Grant, the University was all but destroyed by Union troops. The negative thinkers saw the end of the road, but the dreamers saw a new beginning.

It took time, effort and tears, but the state and the University were rebuilt. Their dream endured and it has become our dream. Today, our state and this fine educational institution are successful because of dreamers. Tomorrow they will be even greater because of you and your dreams.

Throughout the past 150 years, the pioneers of this land achieved greatness even though they started with precious little. Their health and wealth were spent quickly, and their achievements were slow to appear. But they persevered and they achieved.

About a century ago, two people were born whose accomplishments are especially significant to those of us in Alabama. They came from starkly different backgrounds, but both touched our lives profoundly.

One was a girl born to wealth, 100 years ago in Tuscumbia. She began to live a normal life. However, she was taken ill and lost her sight, her hearing and her chance to learn to speak. A normal person would have lost the will to live, but Helen Keller, robbed of three of life's most important gifts, still could dream. Her dreams and her achievements are an inspiration to us all.

The other child was born to slavery a little more than 110 years in Missouri. He and his mother were stolen by night raiders and he was brought back by his master for the price of a race horse. It was hardly an impressive beginning.

But George Washington Carver had a dream which he fulfilled by bringing improved agriculture to the South. Working at the Tuskegee Institute in Alabama, Carver pioneered many crops grown in Alabama today. These crops and their by-products, have made our state a rich and versatile agricultural producer and exporter. In fact, Alabama is the second largest producer of peanuts in the country.

Yes, one person with a dream can do a great deal to change life. And with each new generation come new challenges, new opportunities, and new people to meet them.

In the early days of this century, two young men entered this University seeking an opportunity to learn and to dream. Neither had any assurance of success, but both wanted to take a chance. Money was tight and their meager finances were soon spent.

Both sought work and found it, shoveling coal at the University's steam plant, beginning at 4:00 a.m. each day. They worked hard and studied harder. They received their diplomas and went their separate ways to tackle life's problems with ambition, desire, an education and their dreams.

One of them was John Sparkman, and his dream carried him to an illustrious career in Congress.

Of his many accomplishments, perhaps the most significant is that he refused to accept the fact that this Nation could not provide enough homes for its people. Instead, he worked to write legislation which would spur the housing industry, and which would make it easier for American families to purchase homes.

The other young man who shoveled coal along side John is now 80 years old, but he's not retired. In fact, he's not even slowing down. His name is Claude Pepper. For 14 years he served as a U.S. Senator from Florida. And for the past 18 years, he has represented

his Congressional District in the U.S. House of Representatives.

His career is equally impressive, and at an age when most people already have been retired for 15 years, Claude Pepper is still working hard to achieve his dream. As Chairman of the House Select Committee on Aging, he is helping this Nation make use of the tremendous potential which is to be found in our Older Americans.

Both of these men had dreams, and both dedicated themselves to seeing those dreams come true.

I am very honored to be among the fine men who are receiving honorary doctorates today. Their contributions to life have been very important to us all. I am especially pleased to share this honor with my good friend and colleague Howell Heflin. Since the days when we were classmates here at the University, I have always had the highest respect for Howell Heflin.

Graduates, your opportunities are boundless because of the achievements of those before you. And so, your responsibilities are even greater.

When this University was just beginning, in the 1830's, a Frenchman visited our young land, and observed these new people called Americans. His observations of our countrymen at that time are still quite applicable to Americans of the 1980's.

Michael Chevalier wrote of an American, that, "He is always in the mood to move on. . . . He must go and come, he must stretch his limbs and keep his muscles in play. When his feet are not in motion, his fingers must be in action. . . . He must be whittling a piece of wood, cutting the back of his chair, or notching the edge of the table, or his jaws must be at work grinding tobacco. He always has something to do."

The same is true of the men and women of America today. And it will be true 150 years from now, as well.

We have something to do. We have causes to fight for, and problems to solve. We have buildings to construct, discoveries to make, theories to prove and people to help.

And now you people are ready to start moving. You have dreams to dream so that we might go about making America what it will yet become.

Congratulations, and may all of your dreams come true.●

NATIONAL MARITIME DAY

● Mr. PACKWOOD. Mr. President, the United States will observe National Maritime Day this Friday, May 22. Only 30 years ago, we would have marked this day with a celebration.

Today, we must acknowledge with sadness that in just three decades, the world's largest merchant fleet has diminished to 11th in size and 8th in tonnage.

In my own State of Oregon, for example, the decline of the fleet is readily apparent. Most of the cargo that moves in and out of our ports is carried by ships of other nations.

These figures provided by the Maritime Administration for 1979 tell the story graphically:

Port	U.S.-flag	Foreign-flag
Portland	10	433
Astoria	23	27
Coos Bay	3	31

In proclaiming Maritime Day, President Reagan noted:

The maritime industry has been a key contributor to our economic strength and security since our Nation was founded. Its continued growth and prosperity is necessary for the economic renewal we all seek.

When we see figures such as those for my own State, we must acknowledge the magnitude of the task ahead of us. Ten years ago, I participated in the development of the Merchant Marine Act of 1970, which had as its goal the construction of 300 ships. The goal of building those ships in a decade has not been met. And today, foreign vessels with cargo enter our ports six times for every one entry by a U.S.-flag ship. Foreign ships now carry 96 percent of our oceanborne trade.

The news is not all bad, however. I am pleased to report that under the chairmanship of Senator SLADE GORTON, the Merchant Marine Subcommittee is moving forward to consider new initiatives to build our Nation's merchant fleet. Both the subcommittee and the full Committee on Commerce, Science, and Transportation have completed consideration of the fiscal 1982 maritime authorization bill which reflects the President's budgetary goals for the coming year. And we already have submitted a lengthy list of policy questions to the President. I hope the replies will assist the Congress in drafting new and constructive maritime policies.

Maritime Day commemorates the same date in 1819 when the SS *Savannah* began the first steamship trans-Atlantic voyage. It is my hope that the day is not far off when we can observe that voyage with pride in a merchant fleet restored to its former world status.

To mark National Maritime Day, the Joint Maritime Congress, an association of ship-operating companies engaged in oceanborne trade, has issued "A State of the Industry Report." The report provides the Congress with a substantive overview of the industry's condition, one that must be reversed if the United States is to remain a secure and economically strong Nation. I submit this report for the RECORD.

The report follows:

THE U.S. MERCHANT MARINE

["America is a maritime nation. Yet our maritime industry is at a critical stage . . . as the chief guarantor of freedom of the Western World, the U.S. is in dire need of a rational, reasonable and effective maritime policy. . . . Let's begin to move today . . . to put America back in the captain's chair of the world maritime powers."—Ronald Reagan, August 19, 1980.]

National Maritime Day (May 22, 1981) commemorates the first transatlantic crossing of a steam-powered commercial ship, the 1819 voyage of the SS *Savannah* from the Georgia port of the same name.

Since the mid-1800's, the United States has led the world in the development of efficient ships to carry our Nation's trade with other countries.

Americans designed the great and fast Clipper ships which plied the oceans for decades in the Nineteenth Century.

The coal-fired *Savannah* showed the world that no longer would ocean trade be subject to the whims of the wind. Ships could meet time schedules, provide reliable service.

The American-built USS *United States*, which carried passengers on world cruises from 1952 to 1969, still holds a transatlantic speed record.

During the mid-1950's U.S. ingenuity led the world again with the design of container ships that revolutionized cargo transportation. Cargo once stowed piecemeal in a ship's hold could now be packed in uniform containers for time-efficient loading and unloading in specially designed container ships.

Containerization had ripple effects throughout the transportation industries of the United States and other nations. Cargo at an inland manufacturing plant can now be loaded in a container and carried "piggyback" by rail and/or truck to a port for loading onboard ship. Without ever being unpacked en route, the container can be carried to an inland location overseas. With ocean carriage as its heart, U.S.-conceived intermodal cargo handling has improved transportation productivity and cargo security.

American imagination met a new challenge in the 1970's with the creation of safe and dependable liquid natural gas (LNG) carriers. Once safe passage is secured from the frozen Arctic, U.S.-flag LNG ships will provide year-round carriage of Alaskan North Slope natural gas that will aid the Nation in reaching long-sought energy independence.

For the future, American companies have taken a leading role in the development of ocean mining technology that will provide United States business and military with essential and strategic minerals from the ocean's floor that are now supplied by foreign sources, many of which are unreliable.

Active research is underway today by Americans to design and build floating plantships that will provide an unending source of pollution-free electrical energy created by generators powered by changing ocean temperatures.

U.S. innovation in ship design and productivity has been matched with gains in maritime labor. From often shaky beginnings during the last century, American maritime labor unions have gained sufficient strength to make certain that the men and women who sail the oceans under the U.S. flag receive pay and benefits commensurate with their landed counterparts. The result: a stable workforce of officers and crews to operate U.S.-flag ships.

The combined work of maritime labor and management, together with government support has led to the development of the world's highest standards of ship safety and cargo security. The United States has created a body of law and regulations which forms the standards on which other nations and the world community have based many of their efforts to improve safety and health of seafaring personnel and provide for safe carriage of hazardous cargoes.

National Maritime Day also commemorates the contributions of the American Merchant Marine to our nation during times of war. Since the Revolutionary War, American commercial vessels have provided essential sealift support in every conflict in which our Nation has been engaged. In each instance, the degree of that support has mirrored the condition of the Merchant Marine.

During World War II thousands of Americans manning commercial vessels lost their lives as they carried cargoes, first to a war-ravaged England and then in support of Allied forces following Pearl Harbor. Indeed, Merchant Marine casualties were second only to those of the United States Marine Corps.

If there is one critical and singular thread which is woven into the fabric of our Nation's maritime heritage, it is our neglect of the Merchant Marine during times of peace,

only to turn to it as one would a forgotten relative who is needed when a family crisis hits.

The crisis production of Liberty and Victory ships during World War II simply showed once again that the Nation had failed to maintain an adequate commercial fleet during peace to meet the needs of war. During Korea and Vietnam the U.S. commercial fleet was so decimated that the military had to press mothballed World War II cargo ships into service to carry essential cargoes to support our military forces in those conflicts.

As the 1980's open, raw statistics paint a chilling portrait of continued neglect that will see our Nation stripped almost bare of critical sealift capacity should Americans be called again to support our allies in armed conflict or shoulder the burden alone to preserve freedom.

As Europe and Asia recovered from World War II, and commodity-rich Third World nations developed their natural resources, world oceanborne trade exploded.

The United States, which has led the world in ship design and innovation, has permitted its merchant fleet to languish as other nations have captured cargo. Today, U.S.-flag ships carry little more than 4 percent of U.S. oceanborne trade.

In 1950, as now, the United States was the largest single generator of world trade. The Nation possessed a merchant fleet capable of carrying a sizeable portion of its trade with other nations.

As the 1950's opened, the U.S. maritime fleet stood number one in both fleet size and capacity. Today, the U.S. rests in 11th place in fleet size, and stands eighth in capacity.

Thirty years ago, the U.S.-flag fleet of commercial ocean-going vessels numbered 1,145 ships, representing 32.6 percent of the global merchant fleet. Today, the U.S.-flag fleet consists of 525 active vessels engaged in domestic and foreign trade, representing 3.4 percent of world shipping capacity.

The U.S. has less than 20 dry-bulk carriers to transport agricultural commodities and minerals. The stark reality comes home as policymakers realize that the U.S.-flag merchant fleet is not of sufficient size to participate in the burgeoning coal export trade.

By contrast, the Soviet Union and other Eastern Bloc nations recognize the importance of a commercial maritime presence in the world to meet both economic and military goals. Paying substandard wages and often engaging in cutthroat competitive practices, the Soviets are vigorously expanding their merchant fleet at a rate unprecedented during peacetime for almost any nation.

The People's Republic of China clearly realizes the economic gains resulting from a large merchant fleet. In recent years the PRC has become the largest buyer of surplus ships on the world market.

As for developed nations, Norway, for example—with a fleet of modern ships and highly-paid crews—earns approximately 22 percent of its precious foreign exchange income by placing approximately 92 percent of its fleet in the carriage of cargoes between ports of other nations.

Permitting ships of other nations to carry 96 percent of America's foreign trade erodes the value of U.S. currency, the soundness of which each American depends on. Preliminary data for 1979 shows that the balance-of-payments deficit for shipping services totaled more than $4 billion.

If National Maritime Day is to have any lasting meaning, it will lie in the recognition that just as the United States has allowed its merchant fleet to decline, it also has the will and capacity to "put America back in the captain's chair of the world maritime powers." ●

ESTATE AND GIFT TAX LAWS

● Mr. CHILES. Mr. President, it is a pleasure to add my name to the list of cosponsors of S. 395, introduced by Senator WALLOP. This legislation addresses some glaring problems and inequities in the estate and gift tax laws. These problems have been caused largely by inflation and they certainly threaten the very existence of many family-owned farms and small, family-owned businesses.

There is little doubt that these family-owned farms and businesses are a cornerstone of our economic system. They have proven their economic viability over the years and, in my opinion, must survive if we are to maintain economic growth and stability. In order to insure their survival, we must make sure that the estate tax laws do not make it impossible for them to be passed on from generation to generation.

With the spiralling inflation of recent years it is becoming more and more difficult to do this since heavy estate taxes often force small operations to sell out or liquidate part of their holdings just to make the tax payments when transfer occurs. In many cases, even if the farm or business is passed on the excessive taxation will financially drain the operation to the point where there is insufficient capital to continue a properous operation. This just does not make sense and I applaud the efforts of many of my colleagues to try and change these unfair and unjust laws.

The legislation I am cosponsoring will make it much easier and much more probable that family-owned farms and businesses will be passed on from one generation to the next. This will be accomplished by making several major changes in the existing estate and gift tax laws. First, S. 395 increases the amount of property that may pass free of Federal estate and gift taxes from the current $175,000 to $600,000 and makes a uniform 10-percent cut in estate tax rates.

These provisions reflect the fact that inflation has greatly increased the value of estates and hence the tax burdens on them. This is most easily seen in the case of family-owned farms where vastly inflated land prices make it almost impossible to meet estate tax responsibilities without selling part of the land.

The unfortunate spinoff of this is that often the liquidated land ends up in nonagricultural uses. Second, this legislation would eliminate the so-called widow's tax. Under existing law a surviving spouse is allowed an estate tax marital deduction of $250,000 or one-half the adjusted gross value of the estate, whichever is greater.

Also, a marital gift tax deduction is allowed for the first $100,000 in gifts. After that a 50-percent deduction is allowed for interspousal transfers over $200,000. This legislation would remove all limitations on the marital deductions for estate and gift tax purposes.

Consequently, the inherent unfairness in the existing law whereby spouses have to pay inheritance taxes on estates they helped to build and acquire would be eliminated. Third, S. 395 will increase the gift tax exclusion.

Current law dating back to 1943 allows only an annual $3,000 tax-free gift transfer. This bill will increase the annual gift tax exclusion to $10,000 per person.

Finally, S. 395 will provide for simplified special use valuation rules. Congress addressed this problem in 1976 and did take a step in the right direction by providing for the special use valuation for estate tax purposes in situations where property is used in farming or certain other businesses.

Unfortunately, these rules have not been of the benefit envisioned in 1976 largely because of interpretations and restrictions placed on them. This legislation removes these stumbling blocks and will allow the special use valuation rules approved in 1976 to be truly useful today.

I firmly believe that S. 395 will solve many of the problems created by excessive estate and gift taxation and regulation. It will guarantee easier transfer of family farms and businesses, insure agricultural use of agricultural lands, and spare surviving spouses the indignity of having to pay for their own hard work and efforts. I can only hope that Congress will act quickly on this measure. ●

MASS TRANSIT

● Mr. MOYNIHAN. Mr. President, we have heard a great deal lately about the value of mass transit operating assistance to our cities and to the vitality of the Nation's economy. Almost overlooked in these analyses has been the upward pressure that the elimination of such assistance would have on the Consumer Price Index and the resultant increased cost to the Federal Government caused by programs pegged to the CPI.

I have recently received a letter and memorandum from former Mayor Abraham D. Beame of New York City. Mayor Beame raises this issue in a characteristically cogent and straightforward fashion.

Mr. President, I believe we can all benefit from Mayor Beame's counsel. His is knowledge gained from over 33 years of public service, serving as the Nation's largest city's comptroller for 8 years until his election as mayor in 1973. The making of sound public policy has been a passion with Mayor Beame throughout his career. His memo reveals how actions taken in one area may have unintended effects in another. We will do well to heed his words.

Mr. President, I ask that Mayor Beame's letter of April 15, 1981, and its accompanying memo "Dropping Transit

Subsidies—A Penny Wise, Pound Foolish Policy" be printed in the RECORD.

The material follows:

ABRAHAM D. BEAME,
New York, N.Y., April 15, 1981.

Hon. PATRICK MOYNIHAN,
The Russell Office Building,
Washington, D.C.

DEAR PAT: I have been following the news reports of the various hearings on the proposed Reagan budget cuts affecting mass transit operating subsidies.

In none of these reports or hearings do I have a recollection of having read of the effect of the cut or elimination of operating subsidies on the increases it would cause in the federal budget. Because of the tie-in of the CPI and the indexed entitlement programs, I am attaching a memo on this subject outlining the thought that I had in mind. Perhaps it can be useful to you.

Sincerely,

ABRAHAM D. BEAME.

DROPPING TRANSIT OPERATING SUBSIDIES—A PENNY WISE, POUND FOOLISH POLICY

Will the proposed abandonment of transit operating subsidies by the Federal government result in a cut in the budget? I don't think so. On the contrary, it could even cause an increase in the budget.

How is this possible? The answer is simple. There is no disputing the fact that, unless states and local governments fill in the subsidy vacuum resulting from Federal withdrawal, there will have to be a substantial fare increase. Such increase will cause an important impact on the cost of transportation, and thus, an increase in the consumer price index (CPI).

Everyone knows that, when the CPI increases there is an automatic built-in increase in the Federal budget because of existing laws involving entitlement programs and requiring increased payments under such programs. These include social security, military pensions, etc. Furthermore, defense and other contracts contain escalation clauses tied into the CPI. These automatic increases can offset, and may even exceed, the savings from the dropping of transit operating subsidies. It has been estimated that about $200 billion in Federal spending is indexed to the CPI.

I have a hazy recollection that, in 1974, when I began a campaign for Federal subsidies for operating expenses (see below) it was estimated that an increase in New York City's fare alone would cost the Federal Government more in CPI increases than the cost of the subsidy.

Aside from the effect on the Federal budget, there are other disadvantageous effects of such a policy. Who is hit most by such action? The workers and the poor, who can least afford it. The workers cannot avoid this extra cost if they want to get to work and keep their jobs. The employer, too, is affected. Increased costs of getting to work stimulate demand for increased wages, which heats inflation.

In 1974, when the Ford Administration opposed the adoption of a policy of operating subsidies for mass transit, I initiated a campaign for a National Caucus of Business and Labor to get President Ford to change his mind. I began with a New York caucus, headed by co-chairmen, William Ellinghaus, then President of the New York Telephone Co., and Harry Van Arsdale, President of the Central Trades and Labor Council. More than 150 New York business and labor leaders joined this crusade. The U.S. Conference of Mayors wholeheartedly supported this effort. Among them was Mayor Neil Goldschmidt of Portland, Oregon, who became Secretary of Transportation in the Carter Administration. Mayor Coleman Young of Detroit enlisted the support of Henry Ford, who acted as Chairman of this caucus.

We, then, arranged a meeting with President Ford, at which were present the mayors of the the major cities, Henry Ford, Harry Van Arsdale, and others. After much discussion, in which Henry Ford made the presentation, the President expressed surprise at Mr. Ford's support of mass transit operating subsidies, apparently because of his automobile background. Henry Ford gave his reasons for doing so, among which were the reasons set forth above. There is no doubt that it had a great impact on the President. He changed his mind and supported operating subsidies.

A. D. BEAME.●

ADDRESS BY SENATOR BRADLEY

● Mr. MOYNIHAN. Mr. President, recently our colleague, the junior Senator from New Jersey, Senator BILL BRADLEY, addressed the national meeting of the American Israel Public Affairs Committee.

Senator BRADLEY cogently presented a concern shared by many of us that the administration has made a serious mistake in proposing the F–15 enhancement/AWACS package for Saudi Arabia.

Senator BRADLEY has, I believe, correctly defined American security interests in this region. I commend his comments to my colleagues and ask that his remarks be printed in the RECORD.

The remarks follow:

ADDRESS BY SENATOR BILL BRADLEY

A few years ago, before I was elected to the United States Senate, while I was still earning my living around drafty arenas in short pants across this country, I had three to four months of every year that were my own, with which I could do as I chose. And I remember one of those off-seasons not so long ago when I took a trip to Israel.

On this trip I was headed for a kibbutz up along the Lebanese border. I arrived in Israel on a Friday afternoon expecting to be greeted by some friends, but they didn't show up. Everything was closing down and I had to be there by evening so I rented a car. I began to drive up along the coastal highway, a road I am sure many of you have followed. And along that roadway there were soldiers hitch-hiking. I saw two soldiers, one man and one woman. I stopped and asked them to join me. They did and we headed further up the coast highway toward Haifa. We struck up a conversation. I asked the woman what she did and she said she was a singer in the Israeli army and that she went from base to base entertaining troops. And I asked the man what he did and he said he was in computers. I asked what kind. He said, "You don't need to know that." That set the tone of our conversation as we headed up toward Haifa along that coast highway.

We talked about America and about Israel: about the Middle East and about the future. It was growing dark. We passed through Haifa and headed north and east toward the Lebanese border. At a crossroads, they said "Stop! We get out here."

I said, "What?"

They said, "Well, we live up on the hill."

I said, "Fine, it's been great talking to you, but tell me, how do I get to the kibbutz?" And the man said, "That's easy: You go down the road about two and a half miles, and take the second left. Then you'll come around a big curve. Go past three roads to the right, and take the next left, and go up a big hill, and there'll be a tree. There aren't many around. Go down three more miles and take the second road to the right and go around the curve. There'll be an entry way. You enter and you'll be in the kibbutz."

And I said, "Well, I appreciate that. But tell me, could you do it again, could you tell me again? Are you sure this is the way?"

The man looked at me and said: "This time, you're the Israeli, and I'm the American. Trust me."

And as I drove on that night to the kibbutz, and in the years that followed, I came to understand what he meant by "trust me." First he meant that America must be worthy of Israel's trust. That means we must never forget Auschwitz, BabiYar, and Buchenwald—names that are seared into our consciences to remind us that there is an infinite capacity to man's irrationality and inhumanity. Names which have entered our imagination, no longer through statistics or pictures alone, but through literature, most recently through books like Badenheim or The White Hotel in which the names, the characters, and their stories become symbols of unspeakable and sometimes unfathomable evil.

Being worthy of truth also means never permit an Auschwitz or a BabiYar to happen again. Never. And by that I mean that we must deal directly with terrorism's threat to the world by stopping terrorists before they strike—giving no harbor or rest to those whose acts of violence split apart the seams of civilized society.

It also means knowing how quickly self-righteous conviction—anywhere—can turn into fanaticism and how, if unopposed, fanaticism can leave a trail of human destruction unthinkable in normal times.

It means that the failure to counter terrorism immediately is the beginning of a more profound terror.

It means having the awareness that those who are anti-science and anti-rational run the risk of being left with a jumble of emotions that practically any half-cocked demagogue can turn in his direction.

Finally, being worthy, means to recognize how important the existence of Israel is in preventing another holocaust and in curbing anti-semitism throughout the world.

Here I would mention Jacobo Timerman. For those of you who don't know of him, he is an Argentinean, an editor, a journalist, a Jew; who when his son said, "Come with me to Israel," he replied "No, I'll stay in Argentina. I'm an Argentinean." And as an editor he condemned terror on both the left and the right. He raised questions about people when they disappeared—asking where they went and why.

Jacobo Timerman was eventually deported by Argentinean authorities precisely because he raised questions about people who disappeared, yes, but also because he was a Jew.

So I say, without Israel, where would the Jacobo Timermans of the world be? Where would they go when anti-semitism raises its ugly head?

So, to be worthy of the trust expressed by the young Israeli soldier, we must never forget, never permit it to happen again, and never lose sight of Israel's power and purpose in our world.

But I think my young Israeli friend also had something else in mind when he said, "No, this time—I'm the American, and you're the Israeli. Trust me." I think that he meant that when it comes to the question of survival, Israel can't afford to trust anyone. Israel has to be ready to defend itself. As any Israeli general will tell you or as any American will know who has stood on the Golan Heights or driven from the Jordan River to the sea, Israelis are the ones with their lives on the line. And they're the ones who will feel secure. That means that we, the United States, can't and shouldn't push the Israelis to accept an outcome that they themselves don't feel secure in.

In particular, it means we shouldn't impose ourselves and our views, if unwanted, into a negotiating process in order to obtain a peace treaty in name only.

For here it's good to remember that just

a few years ago in 1975 the Shah and the President of Iraq signed a peace treaty for the control and disposition of the Shaht de L'Arab. That piece of paper worked—and gave peace to all parties—until Iraq decided to invade Iran. With Israel, it's not a waterway, but its very survival that is at stake.

So, just as the young Israeli's "trust me" means being worthy of trust and recognizing the need Israelis feel for ultimate self-reliance, so I think we should see our own interests clearly in the Middle East, a region—at least the Persian Gulf—that is inherently unstable and increasingly encircled by a Soviet power determined to alter the course of history—their way.

First, from our national security perspective, we should thank God for Israel: a staunch friend, a democracy with a sophisticated military in agreement with all our long-term strategic interests in the region.

We should keep those facts in mind when we consider such things as the sale of sophisticated weaponry to Saudi Arabia. We should keep it in mind when we think about the AWAC's and the F–15 enhancement equipment. You know, only the U.S. Air Force and NATO have AWAC's.

As most of you know, an AWAC is a large rotating radar antenna on the top of a Boeing 707 with a vast complex of computer systems inside which gives it unrivaled surveillance capability, viewing great distances and tracking all air activity within its purview. It has excellent capability—not only for early warning, but for offensive command and coordination. It can readily be turned against any future Israeli defense efforts.

AWAC's can view virtually all of Israel from 50 miles within Saudi Arabia, thereby stripping bare Israeli defenses. The fuel packs give the F–15's greater range, enabling a user of these enhanced F–15's to launch attacks on Israeli targets from bases deep within Saudi Arabia.

The F–15's, according to the agreement, will be also supplied with sidewinder missiles capable of head-on attack instead of only attack from behind. Combined with AWAC's F–15's, with enhanced distance capability and sidewinder missiles, are a formidable interceptor. F–15's so equipped challenge Israel's air superiority in the region, which is Israel's most important strategic advantage.

Why then are we considering the provision of these weapons to Saudi Arabia? What is the administration's rationale?

First, they say it increases regional stability but, is it really fostering stability to provide Saudi Arabia with these weapons against Israel, our most reliable ally in the Middle East?

Sure, I know the Administration says that we'll provide the Saudis with the AWAC's the F–15 and the enhancement, and then we'll allow Israel the opportunity to buy another 15 or 20 F–15's. With an inflation rate of 100 percent and an enormous percentage of their national budget already going to defense that move is no gift to Israel. More importantly an arms race is no recipe for regional stability.

Second, provision of these weapons will embolden Israel's enemies in their efforts to force their will on Israel. This will make them less amenable to a negotiated peace based on a reasonable compromise that assures Israeli survival.

As a result, confrontations such as the one the Ambassador described tonight in great detail, the confrontation that exists tonight over the Syrian missiles in Lebanon, will become more intractable and explosive. The current tensions all too clearly illustrate how quickly a single episode in the Middle East can escalate into a dangerous impasse. Imagine Israel's predicament today, if the Saudis or the Syrians had AWAC's and enhanced F–15 equipment.

Third, if we provide this equipment to Saudi Arabia, the very possession of this technology makes Saudi Arabia an even more attractive target for the Soviet Union.

U.S. arms sales will not successfully woo Saudi Arabia. And even if it did, pacification with arms is a poor arms policy for any superpower.

U.S. arms transfer should reflect specific U.S. interest in having the recipient possess them—as is the case with Israel—and not U.S. interest in having the recipient momentarily assuaged. It is the difference between a mature relationship between countries where you can draw a line and say, "no," and an adolescent relationship where you are afraid of what the response might be. In a mature relationship you can say no when interests don't coincide without unreal fears about the reaction of the other party. In an adolescent relationship you say yes always for fear that you'll lose a friend.

And, for what purpose? The Saudis give no indication that the arms transfer will win their cooperation in establishing a Persian Gulf security framework, or in helping to bring about a permanent Arab-Israeli peace—the two objectives which are central to U.S. interests in the region.

Quite the contrary, the Saudis have resisted all suggestions that their new air capabilities would be made fully available to the U.S. should we need them to protect our vital interests in the region. And they have denounced suggestions that the sales could persuade them to help resolve the Palestinian question within the Camp David framework. And, the real irony is that this sale doesn't truly offer the Saudis assurance about U.S. friendship, which it is purported to do. On the contrary, the message it sends is that the U.S. is an unreliable ally. Our actions would offer a disconcerting example of how cavalierly we regard the security interests of a major ally such as Israel. How could the Saudis expect to be treated any better?

Caving in to Saudi demands would repeat the weakness we showed two years ago concerning the Strategic Petroleum Reserve when the Saudis said don't fill and we stopped filling. By once again surrendering our own vital interest to the insistence of a dependent client, we would again undermine our credibility as their protector. We would again bring the disturbing news that they have a "bodyguard without a backbone".

Nor would this sale, or can this sale, or can these weapons, protect the Saudis against a Soviet assault—and the Saudis know that. If the Soviets moved in, we'd have to be there. Therefore, their sale is no more than a gesture, adding little to Saudi ability to defend itself against the most plausible threats to the country. And even worse, it could distract the Saudis from security efforts to protect against potential sources of tension within the country.

Finally, these gold-plated weapons won't buy oil the Saudis don't want to sell. Those who think that planes and missiles will entice more Saudi oil out of the ground are deluding themselves.

Saudi production rates are not determined by U.S. rewards or pleadings. They are determined by Saudi interests. Saudi Arabia is pumping over 10 million barrels a day because its leaders want to regain control over the OPEC pricing system, and because to pump considerably less could upset Saudi payments balances and development plans.

And even if today Saudi oil largesse was in some way related to U.S. military largesse, there can be no guarantee that once weapons contracts are signed, or these items are delivered, Saudi production levels will stay high. High pumping rates are reversible; destabilizing arms transfers are not.

Sure, I know what people are saying about the Saudis and oil production. I know that people say look at the spot prices—they've dropped from $40 to $33 per barrel. Look at the reduction in demand in Western Europe, the United States and Japan—down by 8%. Look at OPEC's share of the world production—down from 53% to 43%. And these facts, therefore, lead to the conclusion that the Saudis are losing their power within the world.

Well, that might be the trend. I'm not convinced, yet. But it doesn't mean that wars or other crises in the Middle East can no longer disrupt the free world economy. Our acute vulnerability to sudden supply disruption remains severe, and we must take every measure to protect ourselves against its damaging effects. Most importantly we should stockpile oil.

I am pleased to say, that after two long and hard years of struggling, I feel we have a commitment and money, now, to fill the Strategic Petroleum Reserve. It might not have been the way I would have done it; I would have preferred financing on budget. But clearly the oil is going to flow into salt domes in Louisiana and Texas. It will be available to cushion our economy against a disruption and the economic havoc it would create. And it will also be there to continue to assure that we have freedom in making our foreign policy. Rest assured I feel for U.S. security there is no better way to spend an energy dollar than to buy oil and stockpile it. I will continue my efforts to assure that the Administration keeps its commitment.

So I say that the U.S. must resist—and we in the Congress must strongly oppose—these arms sales. In the final analysis I will oppose the sale of AWAC's and F–15 enhancement equipment for all the reasons I've stated. Not simply because they are not in Israel's interest, but because these sales are fundamentally not in America's interest.

I think that is the clear conclusion to which sound logic leads. That is the basis on which U.S. policy should proceed, and that is the ultimate meaning that my young Israeli friend conveyed at the crossroads north and east of Haifa, when he said, "Trust me."●

AMENDMENTS TO CLEAN WATER ACT—S. 1274

● Mr. RANDOLPH. Mr. President, one of the most important and far reaching environmental programs of the Federal Government has been the construction grant program which assists States and communities in reducing the pollution of our Nation's waters. Since 1972 Congress has appropriated more than $31 billion for this purpose. Through the Environmental Protection Agency we have funded approximately 18,200 projects of all types, of which 6,800 have been completed.

Together with the great advances made by industry in assuming its share of our commitment to water quality improvement, we can now see significant reductions in pollution throughout the country. Rivers that once were considered too polluted to support life are again the homes of active sport fish. Lake Erie, at one time referred to as virtually a dead lake, has begun a dramatic comeback.

Much remains to be done, however, until our commitment to the American people is fulfilled. The continuation of this effort will require an ongoing Federal involvement but it also means that we must examine the Federal program and the way in which it is carried out.

The Committee on Environment and Public Works will begin this process next month with an extensive series of hearings. We want to examine objectives of

the program but we also want to make sure that it is functioning properly to meet these objectives. One has only to have read a recent series of articles in the Washington Post to know that there have been incorrect decisions, and miscaluations in the execution of the water pollution control program. Emphasis may have been placed on the defects in the program with little attention given to its positive achievements, but we know that there are real problems and we intend to work for their solution.

The administration of President Reagan shares our concern and has proposed legislation to bring about certain reforms. I am pleased to join today in the introduction of legislation prepared by the Committee on Environment and Public Works which also proposes modifications in the Clean Water Act. Together with Senator CHAFEE, the chairman of our Subcommittee on Environmental Pollution, and Senator STAFFORD, chairman of our committee, we present this proposal as a basis for legislative action to assure the continued integrity and progress of our clean water program.

Mr. President, I am pleased to join with my colleagues in introducing this legislation and I do so to bring these issues before the Congress and to provide us with a forum for action. I must state, however, that I have reservations about a limited number of the provisions of this bill and it is my intention to work within the committee to help resolve these and other issues in a fair and equitable manner.

I recognize the practical necessity to reduce the number of categories for which Federal assistance will be available. It is inevitable that less money will be available for the construction grant program in the years ahead. The President has proposed a funding level of $2.4 billion for fiscal year 1982. The bill we introduced provides that amount for each of the next 4 years.

If the overall program is to continue progress toward water quality goals, we must, therefore, reduce the number of eligible categories. I am very concerned, however, about the proposed elimination of collector sewers as a category eligible for Federal assistance. This eligibility was a major issue in development of the 1976 amendments and I anticipate that it will be so again. Many communities—in West Virginia and elsewhere—simply do not have the resources to build the collector systems to transport sewage to main lines and then to treatment plants. Without them there is no justification for communities to construct treatment plants. The cause of clean water is, therefore, retarded. I will raise this question when the committee considers this legislation and I am confident that, as we did in 1976, we will produce a workable compromise that meets the needs of the total program but does not restrict the ability of communities to participate in it.

I will also carefully explore the proposed changes in the financing of steps I and II planning for sewage treatment projects. In the past the Federal Government has provided these funds, but it is now proposed that they be the responsibility of the communities. Under the bill, these planning expenses would be reimbursed to the communities upon final approval of the budget. Again, we must not work a hardship on small communities and those with limited local resources.

I am pleased with and fully support provisions of the bill intended to encourage the use of innovative and alternative treatment systems. The committee has devoted considerable attention to this question in past years and I believe that the existing act provides a basis for progress in developing and installing systems adapted to the support needs of small communities or scattered populations. Unfortunately, there has not been as much use of this program as I had hoped for or anticipated. We must continue to encourage innovative and alternative systems, however, and the provisions of the bill as introduced are intended for this purpose.

Mr. President, I have said that it is important to maintain an on-going and productive construction grant program. The legislation introduced today will enable us to address the various features of this program and to develop helpful amendments to the Clean Water Act. I am glad to join in its sponsorship.●

STRENGTHENING ACCOUNTABILITY IN THE GRANT SYSTEM

● Mr. SASSER. Mr. President, today, the Governmental Affairs Committee reported S. 807, the Federal Assistance Improvement Act of 1981. This legislation lessens the paperwork burdens and offsets the high overhead costs associated with the grant system.

The impact of cuts in the Federal budget and the effects of inflation means that the issues of federalism addressed by this bill deserve our attention more than ever before. I think that it is safe to say that the amount of Federal aid to State and local governments is likely to be substantially reduced over the next few years. Potentially, S. 807 can give officials of State and localities some much needed flexibility in the use of those Federal resources that do remain available to them.

But we must not lose sight of the need for accountability for the efficient use of these funds as we increase grant-in-aid flexibility. One way to insure better accountability is through improvements in the procedures for auditing Federal grant programs.

That is why title II of S. 807 is so important to this bill and to the entire Federal grant system. This title requires a single audit, once every 2 years, of any State or local government which receives Federal financial assistance. The intended result is more efficient and useful audits.

Putting the single audit concept into effect depends on increased Federal Government reliance on State and local government audits of their own grant programs. The audit resources of the Federal Government alone just cannot stretch far enough to insure that every grant program is audited.

In fact, a lot of time and money is being wasted at the present time on grant audits that just do not do the job of protecting Federal funds. Each Federal agency audits only its own program, so that no clear picture of the financial management of the organization receiving the grant ever emerges.

However, this delegation of responsibility for the Federal audit depends on the capability of those who receive the grants to satisfy the Federal audit requirements. That is, the audits must be performed by professional auditors.

Assuring the accountability of State and local governments to the Federal agencies responsible for administering grant programs depends on the use of qualified auditors. By qualified I mean those who have met the most stringent requirements of the accounting profession by becoming certified public accountants.

Following is a letter from Theodore C. Barreaux, the vice president of the American Institute of Certified Public Accountants, to Senator DURENBERGER, chairman of the Senate Subcommittee on Intergovernmental Relations which discusses the definition of public accountant in S. 807, title II. This letter, with its attachments, sets forth the rationale for the use of this key definition.

I ask that the material be printed in the RECORD.

AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS,
Washington, D.C., April 28, 1981.

Hon. DAVID DURENBERGER,
Chairman, Subcommittee on Intergovernmental Relations, Committee on Governmental Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR DURENBERGER: The American Institute of Certified Public Accountants (AICPA), the national professional organization representing over 165,000 CPAs in the United States, is pleased to comment on S. 807, the "Federal Assistance Improvement Act of 1981" and S. 45, the "Federal Assistance Reform Act of 1981." The AICPA believes that the goals of these bills, designed to simplify and streamline the administration of approximately 500 Federal assistance programs, are important legislative initiatives and accordingly applaud and support your efforts.

We strongly endorse the current language dealing with who may perform audits, now contained in Title II of S. 807 and S. 45, specifically the GAO definition of public accountants: "The term public accountants means certified public accountants, or licensed public accountants licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State." This definition supported by Congress and the GAO for over ten years is identical to the definition contained in a similar grant reform legislation, S. 878, introduced by Senator William V. Roth in the 96th Congress and passed by the Senate.

The GAO, after extensive study and analysis, concluded that only independent public accountants who have demonstrated their competence by meeting the rigid requirements for becoming certified public accountants should be selected and utilized. They also concluded on grounds of equity, that certain noncertified public accountants already conducting such audits, would be permitted to continue provided in general that they were licensed by a regulatory authority of a State prior to December 31, 1970.

The issue of those best qualified to conduct these audits received substantial Congressional consideration and was fully debated by the 96th Congress. Former Comp-

troller General Elmer Staats in a November 19, 1980 letter to the Honorable James R. Sasser, reaffirmed the GAO position on the issue of "public accountants."

For your information, we are enclosing several pieces of related correspondence highlighting the need for consistent adherence to the highest standards of demonstrated competence to ensure accomplishment of the goals envisioned by this legislation.

Sincerely,

THEODORE C. BARREAUX,
Vice President—Washington.

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., May 21, 1970.

HEADS OF FEDERAL DEPARTMENTS AND AGENCIES

Subject: Qualifications of public accountants making audits of federally chartered, financed, or regulated private organizations

Since 1960 the position of the General Accounting Office with respect to the qualifications of public accountants making audits of federally chartered, financed, or regulated private organizations has been summarized in the following language.

"The accounts of the (enterprise) shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States."

"Generally accepted auditing standards," as used in the foregoing language, are the standards which have been adopted by the accounting profession to apply to audits of the accounts, financial transactions, and financial statements of an organization.

The effect of this language is to recognize the requirements established by the States when, through licensing or certification procedures, individuals or firms are qualified as certified public accountants or licensed public accountants and made subject to regulations, disciplinary measures, or codes of ethics prescribed by law. Although certification arrangements leading to the CPA certificate exists in all States, procedures for the continual licensing of public accountants have been established in only 11 States. These licensing requirements, varying considerably and not all of high quality, are shown in the attachment to this letter.

The above language, which has come to be known as the "General Accounting Office model audit language," has been included in several public laws and in many agency regulations. When this language was adopted in 1960, the number of organizations subject to these audit prescriptions was relatively small and the public's concern was not as great as it is today. Since that time, the number and size of such organizations have multiplied to the point where it is now estimated that public accountants are auditing 50,000 or more such audit organizations and the amounts of money involved are in tens of billions of dollars. The public's interest has become increasingly great and has caused us to review the position which our office recommended in 1960 setting forth minimum qualifications of public accountants whose audits, in many cases, are important means by which the public interest is protected.

Our deliberations led us to consider, first, the varying degrees of quality of the States' requirements for certifying or licensing public accountants and, second, the adequacy of the supply of qualified public accountants to take care of prospective work.

Our review of the various States' requirements disclosed a wide disparity in standards. The one common denominator we observed was the fact that all States provided for issuing CPA certificates to only those who passed rigid uniform examinations.

Our inquiries into the adequacy of the supply of public accountants was limited by the lack of data. We were able to obtain reasonable estimates of the number of certified public accountants in the United States, which indicated that the number was doubling approximately every 12 years. The estimated growth from 1960—from about 70,000 then to about 112,000 in 1969—is reflected in the following table.

Number of certified public accountants
1960–69 (estimated)

1960	70,000
1961	76,000
1962	79,000
1963	84,000
1964	88,000
1965	92,000
1966	98,000
1967	101,000
1968	107,000
1969	112,000

This relative increase is certainly as large as, if not larger than, that of the population, of the national economy, and of governmental expenditures—Federal, State, and local—during that period. There is every indication that the number of certified public accountants will continue to grow at an accelerated rate over the foreseeable future.

On the basis of these considerations, we have concluded that, as soon as practicable, only independent public accountants who have demonstrated their competence through meeting the rigid requirements for becoming certified public accountants should be selected to audit private organizations which are chartered, financed, or regulated by the Federal Government.

At the same time, we believe that the noncertified public accountants now making such audits should not summarily be deprived of this kind of work but should have a reasonable period of time in which to qualify themselves as certified public accountants. In our opinion, a reasonable period is 5 years.

During this period, the head of the agency responsible for the programs requiring audits by public accountants should have the authority to accept nonlicensed public accountants in those States which do not provide licensing individuals who meet the standards of education and experience representative of the highest standards prescribed by the licensing authorities of the several States which provide for the continuing licensing of public accounts. The head of the agency should also have the authority to require either certified public accountants or licensed public accountants, when deemed necessary to protect the public interest, to meet higher standards of education and experience than those required by the public accountancy regulatory authorities of the States.

We have recently recommended to the House Committee on Education and Labor the inclusion of the following language in a bill it is considering.

"Such audit shall be conducted in accordance with generally accepted auditing standards by independent Certified Public Accountants who are certified by a regulatory authority of a State: Except that for a period ending December 31, 1975, such audits may also be conducted by (1) independent public accountants who are not certified but who are licensed to practice by a regulatory authority of a State, or (2) by independent public accountants who, although not so licensed or certified, meet, in the opinion of the Secretary, standards of education and experience representative of the highest prescribed by the licensing authorities of the several States which provide for the continuing liecnsing of public accountants and which are prescribed by the Secretary in appropriate regulations: *Provided*, that if the Secretary deems it necessary in the public interest, he may prescribe by regulation higher standards than those required for the practice of public accountancy by the regulatory authorities of the States."

We recommend that the position relating to the qualifications of public accountants set for in this language be incorporated in regulations issued by departments and agencies prescribing the qualifications of public accountants selected to audit programs administered by the departments and agencies.

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., September 15, 1970.

HEADS OF FEDERAL DEPARTMENTS AND AGENCIES

Subject: Qualifications of public accountants making audits of federally chartered, financed, or regulated private organizations.

By our circular letter of May 12, 1970, (B-148144) we advised you of a change in our position regarding the qualifications of those who may be selected to audit federally chartered, financed or regulated private organizations. The major change from our previously announced position was that after December 31, 1975, only certified public accountants should be selected to make such audits.

Since announcing this revised position we have received information and have had consultations which convinced us of the desirability of making a further revision in our position. Instead of limiting such audits to only certified public accountants after December 31, 1975, we believe it equitable that those licensed public accountants who received their licenses on or before December 31, 1970, also be permitted to perform such audits after the December 31, 1975, cut off date. This has the effect of creating a terminating class of public accountants who throughout their active careers will continue to be eligible for such work.

In accordance with this revised position, we recommended to the House Committee on Education and Labor, in lieu of our previous proposal, the inclusion of the following language in a bill it is considering.

"Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants or by independent licensed public accountants, licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States: Except that independent public accountants licensed to practice by such regulatory authority after December 31, 1970, and persons who, although not so certified or licensed, meet, in the opinion of the Secretary, standards of education and experience representative of the highest prescribed by the licensing authorities of the several States which provide for the continuing licensing of public accountants and which are prescribed by the Secretary in appropriate regulations may perform such audits until December 31, 1975: Provided, that if the Secretary deems it necessary in the public interest, he may prescribe by regulation higher standards than those required for the practice of public accountancy by the regulatory authorities of the States."

We recommend that the position expressed in the above language, rather than that proposed in our May 12, 1970 letter, be incorporated in regulations issued by departments and agencies prescribing the qualifications of public accountants selected to audit programs administered by the departments and agencies.

ELMER B. STAATS,
Comptroller General of the United States.

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., May 28, 1975.

Hon. ABRAHAM RIBICOFF,
Chairman, Committee on Government Operations, U.S. Senate.

DEAR MR. CHAIRMAN: We are writing in response to the letter of February 20, 1974, from Senator Sam J. Ervin, Jr., then Chairman of the Committee on Government Operations and the joint letter of July 23, 1974, from Senator Ervin and Senator Lee Metcalf, Chairman, Subcommittee on Reports, Accounting and Management. Those letters expressed concern over our recommended policy issued in September 1970, which stated that after December 31, 1975, only certified public accountants (CPAs) and those public accountants licensed before December 31, 1970, should be engaged to make audits of federally chartered, financed, or regulated private organizations. In 1972 we included this policy in our "Standards for Audit of Governmental Organizations, Programs, Activities and Functions" and thereby gave it a broader application.

In making our recommendation on this matter, we were not unmindful that we are not specifically authorized to prescribe the professional qualifications for public accountants to do government work and that our recommendations was only advisory. The standards in our recommended policy become mandatory only when prescribed by a statute or incorporated in agency regulations, and then only if Federal funds are involved. However, we recognize that our recommendation is influential.

For the past few months we have been reconsidering the recommendation we made on this subject. We have now completed our reconsideration and are presenting our conclusion in this letter for your information. We reached our conclusion only after the most careful deliberations and after considering a great amount of material provided to us by the American Institute of Certified Public Accountants and the National Society of Public Accountants.

Because this is an important matter, we present below the more essential facts we considered and the bases for our conclusion.

REASONS FOR GAO'S INVOLVEMENT

Our statutory responsibilities include surveillance over the expenditures of Federal funds including those made available to State and local governments through grants and revenue sharing. Our responsibilities further include providing information on such expenditures to the Congress.

In carrying out these responsibilities, we use the work of other auditors, including that performed by public accountants; therefore we have a great interest in being sure that such auditors do satisfactory work for Federal agencies and for State and local governments involved in administering Federal programs.

By issuing the standards cited above, we hoped to encourage auditors who do work for all levels of government to perform audits that would be as useful as possible in aiding congressional oversight of the use of Federal funds and to increase Federal reliance on work done by or for State and local auditors. Achieving such objectives requires a high level of performance by auditors.

Governmental entities provide some of the most diverse and challenging work in the accounting and auditing field. Accordingly, Government departments and agencies need the best audit skills obtainable. Authorizing auditors who have not demonstrated that they possess such skills to render opinions on financial statements will not provide the public with the protection it needs.

THE ISSUE

The field of public accounting services is a broad one. Public accountants often provide bookkeeping services, assistance in income tax matters and expert accounting services, as well as perform audits that lead to rendering opinions on financial statements.

Our recommendation relates only to the latter; that is, the function of auditing financial accounts and transactions and expressing an opinion on whether an organization's financial statements fairly present its financial condition as of a given date and the results of its operations for an accounting period ended on that date in accordance with generally accepted accounting principles consistently applied or with other specified accounting principles applicable to the organization. Nothing in our recommendation would prohibit unlicensed or noncertified accountants from providing bookkeeping services, expert accounting services, or other services not requiring a financial audit leading to an opinion on financial statements, or from serving as employees of qualified public accountants who assume responsibility for opinions on financial statements, if the laws of their States permit them to do so.

The audit standards that we issued in 1972 provide not only for financial audits but also for audit work assessing whether desired results are attained under government programs and whether funds are used efficiently and economically. There is no profession which is, by statute, specifically authorized to, or precluded from, performing audits of efficiency and economy of operations or evaluating whether desired results have been achieved by governmental programs. Accordingly, non-certified accountants and CPAs alike may do such work, if otherwise qualified or capable.

Therefore there are many areas of accounting and auditing in which accountants may render to governmental clients. Our recommended policy applies to only one area—rendering opinions on financial statements. These opinions have special importance because third parties rely on the professional opinions in making investments, such as purchasing municipal bonds, and for other important financial decisions. The practice of establishing standards for those who perform this service is analogous to what States require in other professions, such as law, medicine, and nursing. The ultimate purpose of such professional standards is to protect the interest of the public who uses those services.

BASIS FOR OUR CONCLUSIONS

Few will dispute that governmental financial statements include many complex and complicated accounting transactions. It follows, therefore, that the highest type of skills are needed to audit and give opinions on these statements. To be sure that those who undertake such work possess such skills requires establishing criteria to measure competence.

The CPA uniform examination was established for this purpose. This examination is prepared by the American Institute of Certified Public Accountants and is given semiannually by each of the 50 States and the District of Columbia. State laws govern who shall be qualified to take the examination. It is graded centrally for the States by the American Institute.

State requirements for noncertified public accountants differ widely:

Seven States and the District of Columbia do not impose any requirement on persons practicing public accounting and rendering opinions on financial statements; they do, however, restrict the use of the title "certified public accountant" to those who have passed the examination.

Eleven other States license or register persons in addition to CPAs, on a continuing basis, to practice public accounting and render opinions on financial statements, if they meet certain requirements. These requirements differ widely from State to State, but none is as stringent as the requirements for becoming a CPA. However, only CPAs may use that title.

The remaining 32 States permit no one to practice public accounting except CPAs and those public accountants who were in practice or who met other stated requirements when legislation limiting the practice of public accounting was adopted.

Because of these divergent State requirements, the question is how the Federal Government can assure itself that those engaged to give opinions on financial statements possess the required skills. We believe that, to the maximum extent practicable, the Federal Government should rely on the standards and qualifications established by the individual State governments. However, for public accountants other than certified public accountants, there are no uniform requirements and no effective regulation in some States. For CPAs there is a uniform examination, a major portion of which is designed specifically to test the candidates' ability in precisely that area of accounting practice.

Even though other public accountants may be licensed or registered, there is no requirement for a uniform examination. As indicated previously, seven States and the District of Columbia permit individuals to practice without any requirements. Requirements in the 11 States that provide for registration and licensing of other public accountants vary from Ohio, which requires only that a licensee have a bachelor's degree in accounting, to Arizona, which requires that a licensee have a bachelor's degree and 2 years' experience in accounting and that he pass a portion of the CPA examination. In no case are the requirements as challenging as those required for the certified public accountant, and in no case is there as clear a focus on the candidate's ability to render opinions on financial statements.

It is interesting to note that Indiana, Iowa, New Hampshire, and South Carolina, which did not have a class of licensed or registered accountants, have, in the last 4 years, created one for accounting practitioners. However, none of these States permit these licensed or registered accountants to render opinions on financial statements. In fact, since September 1970, 11 State legislatures have rejected proposals which would have created a class of accountants, in addition to certified public accountants, which would have authority to render opinions on financial statements. Consequently, it appears that many States have reached conclusions similar to those we have reached on this matter.

About 15,000 public accountants belong to the National Society of Public Accountants. This organization has an accreditation program designed to establish the competence of its members. We have reviewed the examination used in that program and find that it is far less demanding than the CPA examination and far less useful as a test of the candidate's ability to render professional opinions on financial statements.

As we advised Senators Ervin and Metcalf in our letters dated August 7, 1974, we considered the possibility of GAO's giving an examination to test the competence of accountants and auditors to do government auditing. We have since concluded that the cost of such a program would be far greater than its benefits. The only function that our recommendation limits to certified public accountants is an audit leading to an opinion on financial statements. The CPA examination is designed to test an applicant's knowledge of accounting theory, auditing principles, and business law, as well as his ability to apply such knowledge to practical problems—all leading to the expertise needed to perform financial audits and render opinions on financial statements. If we did give an examination, it would be at least as difficult as the CPA examination. Since that

examination is available, it would be duplicative to create a separate examination for the same purpose.

A second issue brought to our attention was that there were not enough CPAs to do the necessary work. However, our information shows that there are 107,000 CPAs who are members of the American Institute. This is an increase of 32,000 since 1970. There are perhaps 45,000 additional CPAs who are not members of the Institute. (Records are not readily available on this, so the figure is estimated.) Institute records show that its members are widely dispersed throughout the United States, even in sparsely settled States. For example, there are 222 practicing CPAs in Montana, 235 in Idaho, and 83 in South Dakota. Moreover, CPAs are accustomed to traveling to do work for clients. Accordingly, we believe that any governmental unit that wishes to engage a certified public accountant to give an opinion on its financial statements will be able to find one without difficulty.

When we issued our recommended policy statement in 1970, we provided a 5-year grace period so that those noncertified accountants who wished to do Government work requiring opinions on financial statements could have an opportunity to pass the CPA examination. The National Society of Public Accountants advised us, however, that many of its members could not qualify for the examination because they could not meet the experience or education requirements of the States in which they resided or practiced.

We have looked into this and found that the education and experience requirements for taking the CPA examination and for obtaining a license to practice as a CPA vary greatly from State to State. In many States there are provisions for partially substituting experience for educational requirements and vice versa. In others there are provisions that the State accountancy board can waive some or all of the educational requirements on the basis of a special test or other demonstration of capability which meets the board's standards.

For example, in Arkansas a candidate may sit for the CPA examination if he has a college degree in accounting or its equivalent. However, the board may waive this educational requirement if the candidate passes a special written examination. To obtain a license to practice as a CPA after passing the examination, the candidate must have had 2 years' experience in public accounting or similar work; however, if he has a master's degree, only 1 year's experience is required.

A candidate who is a high school graduate with 3 years' public accounting experience may sit for the CPA examination in Oklahoma. If the candidate has a college degree in accounting or the equivalent he needs no experience to sit for the examination. Once the candidate passes the examination, he receives a CPA license. There are no further educational or experience requirements.

In its recently recommended "Model Accountancy Bill," the American Institute of Certified Public Accountants provides for an educational requirement of a college degree for the first 5 years of the act and for an additional 30 semester hours of study thereafter. However, the proposed act also provides that the board may waive the educational requirement on the basis of the result of a special written examination to ascertain that the candidate is educationally well equipped.

For those who meet the above educational requirement, the Institute's model act recommends that no qualifying experience be required. Forty-two States now have provisions which allow candidates without any experience to sit for the examination, if they meet specific educational requirements.

The American Institute developed the model accountancy bill for use in a new State legislative program which, we were informed, is being actively pursued by the Institute and State CPA organizations.

In view of the above, we believe that in most States an accountant who has sufficient knowledge and training will be able to sit for the CPA examination and, if he passes, be licensed as a certified public accountant. In addition, as cases are brought to its attention when candidates are unable to sit for the CPA examination or to be licensed as CPA's after passing the exmaination, the Institute replies to the candidates citing its position on educational and experience requirements and sends copies of the responses to the respective State boards. The Institute has informed us that it will continue to assist the individual candidates as much as possible.

CONCLUSION

We believe it is in the Government's interest that our recommendation remain unchanged. We believe also that, when the Government engages public accountants, it needs the best qualified ones it can get. It is clearly far less costly to the Federal Government to rely on the State-sponsored CPA examination as a means of testing competence to give opinions on financial statements than it would be for us or for any other Federal agency to administer a separate test. No other existing test seems as well suited to this purpose as the CPA examination.

Public accountants who do not meet the qualifications we recommend may do many other types of governmental accounting work, including, but not limited to, audits of efficiency and economy of operations, audits of effectiveness, and accounting systems design work.

We shall be pleased to discuss this matter with you or your staff if you desire.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.●

QUOTAS AND NUMERICAL RATIOS IN HIGHER EDUCATION ADMISSIONS

● Mr. HAYAKAWA. Mr. President, I believe in equal rights, but not special rights for any particular group of people. I hope that this year, with the increasing interest our taxpayers have shown in the legislative process, my colleagues will consider the implications of not supporting a measure to eliminate an arbitrary quota system within our largest Federal agencies, and join me in support of this idea.

I favor denying Federal funds for executive departments and agencies which give preferential treatment to minority groups. I point out that this idea was accepted by my colleagues on July 20, 1979. That vote showed the Senate's opposition to the use of these appropriations for enforcement of quotas related to race, creed, color, national origin, or sex, either in the administration of these departments or in higher education admissions policies. I propose that we prohibit not only the use of Government funds for quotas, as we did in 1979. But let us also look at goals, numerical representation, timetables, and minority ratio plans. All of these flowery labels boil down to one thing—treating some people more favorably and others less so because of their skin color, the nationality of their parents, or the gender of their chromosomes. I propose that we strike all numbers games in Government hiring that make some more equal than others.

I do not intend to destroy opportunities available to people who have suffered unfairly from discrimination in the past, but to keep these opportunities from being color-coded handouts. What gives our Government the right to decide which group is the most deserving of special treatment? And how do they make these decisions? Obviously, blacks have suffered in the past. I doubt that anyone would argue with this statement. But how does one decide that blacks need more special consideration than the Jews, who certainly have suffered outrageously, or the Italians, the Irish, or the Chinese? The list could go on and on. I would venture to say that virtually all of us can genuinely claim to have been discriminated against for some reason or other.

I hear from so many small businessmen who have trouble adhering to our Federal guidelines. They must hire so many of one group, so many of another type—and on and on. As if small businesses do not have a hard enough time coping with Government interference, we have the nerve to tell them whom to hire. One particularly interesting story came from a businessman who owns a small, say 30 employees, finance company here in Washington. He has told me that under Equal Employment Opportunity Commission regulations, he must hire a certain number of minority employees. Now, out of any number of people you hire, some will not work out. But he says as soon as he tries to fire a minority employee who is incompetent and simply is not doing the job, the EEOC starts an investigation. First you are forced to hire people who may or may not be qualified, he says; then, if you fire the incompetent employee, you will be charged with discrimination. Preposterous. If an employer is not made furious by the first mandate, certainly he is embittered by the second one.

I am not saying that our initial affirmative action plans were not needed. They were—if only to draw attention to a problem that existed and needed correction. But now I believe everyone is aware of the problem, and is doing his best to improve the situation. I believe that job applicants should be judged according to their qualifications, not their ethnic heritage. Congress has done its duty and done it well. But today, affirmative action is evolving into its own variety of discrimination against nonminorities. This amendment would stop this evolution, and help to preserve the original intent of affirmative action laws— to insure fair treatment of all applicants for employment and admission into institutions of higher education.

When I was president of San Francisco State University, I resented the Federal Government's interference with our process of selection.

For example, we were an urban university dealing with students, many of them working their way through college without the kind of help that we now offer them. HEW people had the nerve to come and tell us what social justice and racial equality mean in educational

terms. But we had been working on this for decades, since the very foundation of our State college in 1899.

We had always been weighing these problems in social justice and racial equality. Indeed, having gone through my younger years in Canada and later on here in the United States with a name like Hayakawa—I know a little about racial discrimination. Yet, I do not support this kind of preferential treatment. I use myself as an example because I truly believe that people have that right to strive without assistance if they so choose. I would not have had it any other way.

Professor Coleman said, as Senators know, in the Coleman report, many years ago, that there were advantages to blacks and whites studying together and so this gave great push to the mandated integration of schools. However, Professor Coleman more recently withdrew that statement and said that there does not seem to be the advantage that he originally thought there was in blacks and whites being in the same classroom.

The great error that our Government has committed for so long is enforcing, or trying to enforce, a social equality that can only develop naturally. I am pleased to report that the Reagan administration is attempting to reverse this error in its hiring and advise to institutions of higher education. But the laws remain on the books that require a quota system, and minority ratio plan, a goal, a timetable, or "numerical representation." What it boils down to is treating some people more favorably and others less so because of their skin color, the nationality of their parents, or the gender of their chromosomes. I personally believe that all numerical considerations and quotas should be banned from Government practices.

As you know, Senator HATFIELD has appealed to us to add only the most urgent amendments to the supplemental appropriations bill we are now considering. I agree with him that we must expedite the passage of H.R. 3217, and pass a bill with as few amendments as possible.

In accordance with that, I am not introducing an amendment at this time to prohibit use of Government funds for the enforcement of quotas and ratios. However, as we approach consideration of fiscal year 1982 appropriations, that we keep this issue in the forefront of our debate. It is simply not fair or equitable to allow Federal appropriations to be used for these discriminatory practices. Quotas and numerical plans affect hard-working Americans who are too often denied jobs because of arbitrary ratios and timetables.

President Reagan, himself, has assured us that his administration does not support racial or sexual quotas in employment or education. We should support him in prohibiting affirmative discrimination. Let us work together for fair treatment of all applicants for jobs and the chance to pursue a higher education.●

THE SERVICE ACADEMIES

● Mr. COHEN. Mr. President, I wish to bring an article from Parade magazine concerning service academies to the attention of my colleagues. I feel that it discusses some of the day-to-day activities at the academies that are not always brought to light before one enters, and could have a bearing on a youngster's final decision. I ask that the article be printed in the RECORD.

The article follows:

SHOULD YOUR SON OR DAUGHTER GO TO A SERVICE ACADEMY?

(By Peter J. Ognibene)

ANNAPOLIS, MD.—If you are a parent with children in college, no one needs to tell you about the skyrocketing costs of higher education.

There are, however, some 15,000 students at five schools who receive free tuition, housing and meals. In addition, students at four of the schools get a salary of some $4000 a year. Uncle Sam picks up the tab, which can run from $40,000 to $100,000 per graduate.

These are, of course, the cadets and midshipmen of the nation's five service academies. The Department of Defense is responsible for three; the Air Force Academy near Colorado Springs, Col.; the Military Academy at West Point, N.Y., and the Naval Academy here in Annapolis.

The Department of Transportation is responsible for the Coast Guard Academy at New London, Conn., and the Department of Commerce oversees the Merchant Marine Academy at Kings Point, N.Y.

At the end of four years, graduates are awarded bachelor of science degrees and launched into well-paid careers. Most alumni of Kings Point are hired by American shipping firms. Graduates of the other four academies become second lieutenants or ensigns in their services and are obliged to put in a five-year tour of active duty.

Cadets and midshipmen find nearly every aspect of their lives minutely regulated. They must be up at dawn; their academic, athletic and military duties usually keep them busy until late at night. They need permission to leave the campus even for a few hours; that permission, however, is rarely accorded freshmen.

Because the work is hard, generally one of every three quits before graduation. Some flunk out, but most leave of their own volition.

"Probably the bigest problem is parental pressure on a son or daughter to go to the academy," says Arthur Athens, a senior who commands Annapolis' Brigade of Midshipmen. "This place is not for everybody. It's a tough program, and you have to want to do it."

Rear Adm. Kinnaird R. McKee, Superintendent of the Naval Academy, told Parade: "The guy that we want, or the girl, has to have both the talent and the inclination to handle the core program in math, science and engineering . . . They also have to be pretty independent. We want to teach them how to live in this environment and yet keep that spark of independence.

"LOOK ELSEWHERE"

"The kind of guy we don't want is the one who doesn't want to be a line officer in the Navy or Marine Corps. We don't expect every young person at age 17 to have made up his mind, but the guy who's already made up his mind that he wants to be a doctor, lawyer, or veterinarian would do well to look elsewhere."

The admiral's remarks apply in general to the other academies.

Summer training of freshman year is as tough as any "boot camp." The Air Force Academy frankly warns prospective cadets what to expect:

"For each of the 42 days, there are about 15 hours of scheduled activity. Basic cadets have very little time to call their own. . . . [It] starts with lines. There's a line for everything: turning in money and personal possessions, filling out all sorts of forms, picking up uniforms, shoes and boots, and a rifle. There are more lines for physical examinations, weighing, haircuts, and shots. . . . Each new basic cadet is assigned to one of the [training] squadrons and is given a room with one or two cadets, probably total strangers. . . . The room is clean and well-equipped, but it's stark and with it come many rules on how to keep it looking spotless and military. . . . Tremendous physical exertion will be required of you. . . . Physical conditioning exercise, devised by officers and administered by the upperclass, increase in difficulty every day, pushing new cadets hard for maximum development. . . . Basic cadets run or march everywhere they go. You must undergo an obstacle course and a confidence course which are very tough and demanding physically. The academy is well over a mile above sea level and the air is thin and dry, which also takes a toll of your energy. Sometimes you may be so tired you hurt all over. . . ."

HONOR CODES DIFFER

All the service schools have honor codes. At Annapolis, New London and Kings Point, cadets will not lie, cheat or steal. Cadets at the concept is simply stated: midshipmen or the Military and Air Force academies have an additional requirement: they must report the honor code violations of their fellow cadets. Thus, the student who sees another cheating but fails to report it is considered to have breached the code himself. If caught, both would probably be expelled.

Lt. Gen. Andrew J. Goodpaster, the Superintendent of West Point, explains the rationale: "The honor code is not an all-inclusive prescription for moral behavior, but it does contain a hard core of irreducible standards central to honorable behavior—cadets will not lie, cheat or steal. Additionally, the code includes the fundamental tenet of self-enforcement—the requirement that cadets not tolerate actions of those who fail to adhere to the fundamental standards of conduct embodied in the honor code."

West Point suffered a cheating scandal in 1976 in which 152 cadets were found to have either cheated on a take-home exam or failed to report classmates who had. A national controversy arose not so much over the dismissal of those who cheated but over those who did not turn in the violators. Breaking with precedent, the Secretary of the Army permitted those dismissed for honor violations in 1976 to return to West Point last September; 98 accepted the second chance.

Rept. Thomas J. Downey (D., N.Y.), at 28 the second youngest member of Congress, has been serving on the Board of Visitors to West Point, which oversees the school's operation. He finds the differences between honor codes troubling. "Honor is not divisible," he says. "It is an ethic that must mean the same thing to the officers of each branch of the service. Desperate views about the nature of honor should not be nurtured at our academies."

In 1974, the Merchant Marine Academy admitted female students; the first will graduate next June. An act of Congress opened the other academies to women in 1976. So far, they seem to be doing every bit as well as their male counterparts. Academic standards are exactly the same for both sexes, but women are not permitted to play contact sports such as football or wrestling. They do compete with men in marksmanship, sailing and other sports. They are also developing their own intercollegiate teams to challenge other college women in volleyball, basketball, etc.

4000 GUYS, 80 GIRLS

Kathy Walsh of Corry, Pa., is a "youngster" (academy slang for sophomore) and a member of the first class of women to enter Annapolis. She says, "I didn't come here for

the guys, even though my friends back home said, 'Wow—4000 mids and only 80 women!' " In her first year Walsh proved to be an outstanding athlete ("the brigade jock," cracked one of her male classmates) on the women's volleyball and basketball teams. Her academic major is oceanography.

Sara Franke, a freshman or "plebe" from Santa Ana, Cal., has an older brother who was graduated from Annapolis last June. His experience convinced her to apply, and she is glad she did. Coming here you feel just like one of them," she says of her classmates, male and female.

Were there any differences in the treatment accorded male and female midshipmen? Franke thought for a moment and replied: "For the dances here, they import girls from the surrounding schools but not guys."

The service academies have much in common: a military atmosphere, a vigorous athletic program and a limited amount of freedom to choose academic courses. Curricula differ considerably.

Competition for academy appointments is keen, but students in the upper 40 percent of their high school class who enjoy sports and extra curricular activities stand a good chance. Political pull is not important. Although Congressional appointments are the primary means of gaining admission to all but the Coast Guard Academy, in practice most Senators and Representatives turn over the actual selection to the academies. (The Coast Guard Academy runs its own selection system.)

Should your son or daughter go to a service academy? That is, ultimately, a question that only he or she should answer. Everyone I spoke with about the academies stressed the importance of an individual commitment to succeed; the young person pushed by parents to go to an academy runs a high risk of becoming disillusioned and dropping out.●

NATIONAL CONSUMER COOPERATIVE BANK

○ Mr. HAYAKAWA. Mr. President, I commend my colleagues on the Appropriations Committee for reporting a supplemental appropriations bill that so clearly addresses our problems of excessive Government spending and inflation. However, there is one program in the bill which I would like to bring to your attention. It is the National Consumer Cooperative Bank.

The Co-op Bank was created to offer loans, not loan guarantees, to cooperatives. It is mandated to become a private stockholder-owned institution, repaying all Federal debt with interest.

By aiding the formation and continuation of cooperatives, the bank is in harmony, not conflict, with President Reagan's program. In the introductory remarks on his program for economic recovery, President Reagan stated that:

> The creativity and ambition of the American people are the vital forces of economic growth . . . the goal of this Administration is to nurture the strength and vitality of the American people by reducing the burdensome intrusive role of the Federal Government.

This goal is inherent in the principle of the Co-op Bank and cooperatives. Through my own experience in cooperatives, I know how beneficial they are to the people involved, consumers and the communities in which they are located. Cooperatives offer people a way to help themselves and others without the interference of Government. For many, co-ops offer an alternative to Government subsidized programs and allow them a way to enter the private free-enterprise system.

A report by the Neighborhood Advisory Group, under the direction of Dr. Robert Hawkins with John McClaughry—now Senior Policy Adviser to President Reagan—as staff coordinator, stated:

> We recommend that HUD promptly design and implement a program, using existing statutory authority, to convert selected public housing projects to individual and cooperative ownership.

The Housing Task Force, directed by Carla Hills—HUD Secretary under President Ford—recommended on November 21, 1980:

> . . . that the Administration explore ways of facilitating ownership of assisted housing projects by tenants. The most obvious form for low-income ownership is the cooperative.

Not only do cooperatives offer alternatives to Government programs, they are anti-inflationary, provide jobs and stimulate economic growth and competition.

In our efforts to lower Government spending and revitalize our economy, let us not forget the vital role the National Consumer Cooperative Bank and cooperatives can play.●

ECONOMIC ISSUES

● Mr. BUMPERS. Mr. President, I take this opportunity to make a few remarks about the spending reductions and tax cut proposed by President Reagan as part of his so-called economic recovery program. Economic issues will be the primary focus of our attention for the remainder of this session and the American people are vitally interested in our actions and are watching closely. Therefore, the actions we are about to undertake are extremely important and the task that lies ahead is a difficult one.

President Reagan was elected last November after campaigning on a pledge to balance the budget, substantially cut taxes, increase defense spending, and reduce governmental regulation. In his two speeches to the Congress, the President has presented his economic plan based on these campaign commitments. Parts of his plan are excellent and contain proposals with which I agree but in regard to the tax cut, for reasons I will explain later, the President and I have sharp disagreement.

First, Mr. President, let me say that I agree wholeheartedly with the President's plan to cut spending and I support many of the budget cuts he has proposed. The American people are extremely concerned about having budget deficits year in and year out and, as I have stated on many occasions, we will have very little credibility with the American people until we cut spending and balance the budget. I applaud the President's efforts and intend to support him.

I recently voted for both the budget reconciliation bill and the first budget resolution for fiscal year 1982 to show my committment to curbing spending. Although I had some severe reservations about the budget resolution, which I will detail, I supported it in a spirit of cooperation.

Although I support his budget cuts, Mr. President, there are several things about the President's budget and the budget resolution reported by the Senate Budget Committee that disturb me. First, the economic assumptions on which the budget is based are highly optimistic and, in my opinion, simply will not occur. The basic economic assumptions are:

	Calendar year—			
	1981	1982	1983	1984
Real growth GNP	1.1	4.2	5.0	4.5
CPI	11.1	8.3	6.2	5.5
Unemployment rate	7.8	7.2	6.6	6.4

These projections were used, along with some very questionable assumptions, to produce a balanced Federal budget in fiscal year 1984, the year President Reagan has pledged it will be balanced. However, his assumptions with regard to both the rate of inflation and the real growth rate are optimistic considering that last year the real growth rate of the GNP declined by 0.2 percent and the rate of inflation was in the area of 12.5 percent.

Mr. President, as we all know, these economic assumptions are based on the belief that American companies are going to rapidly expand and, also, that the money the American people will receive through a tax cut will be saved and invested.

We are, therefore, being asked to start down a road which is still untried and to accept many of these proposals on sheer faith. As I have stated earlier, while I will work with the President on his efforts to cut spending, I believe his economic assumptions are wrong and that his proposed tax package will lead to higher deficits, more inflation, and higher interest rates. The President has not dealt with our severe energy problem in all of his economic projections and the billions of dollars we send each year to the OPEC cartel—$100 billion in 1980—in all of his economic projections.

The energy shocks we experienced in 1973 and again in 1979 added to our inflationary problems and, in my opinion, were the major cause of our economic woes, and yet, when the President speaks of inflation and our economic situation, he ignores energy's contribution to that problem. I believe this is a serious mistake, Mr. President, and I do not see how the President can continue to ignore our dependence on OPEC.

Having said all of that, Mr. President, if you take the Reagan policies and then use the economic assumptions of the Congressional Budget Office, which have historically been the most reliable, you get a budget deficit of $60 billion in fiscal year 1982; $49 billion in fiscal year 1983; and $50.2 billion in fiscal year 1984. These deficits even take into account some very questionable savings assumed by the Senate Budget Committee to produce a so-called balanced budget in fiscal

year 1984. If we use the economic assumption of the Congressional Budget Office, the deficits will be $63.6 billion in 1982, $61.2 billion in 1983, and $65.9 billion in 1984.

However, after looking at two of the assumptions made by the Senate Budget Committee, one can see that the balanced budget in fiscal year 1984 is not balanced. These are:

	Savings in billions (fiscal years)	
	1983	1984
Additional "unspecified" cuts—not yet proposed	$15.4	$22.8
Legislation to increase the President's impoundment authority	5.0	5.0

Then using CBO's economic assumptions and not taking the "unspecified" cuts into account the budget deficit goes to $69 billion in 1983 and $78 billion in 1984. Therefore, Mr. President, while I support the budget cuts President Reagan has submitted, I seriously question whether the budget can be balanced by 1984 due to more realistic economic assumptions and the large tax cut he has proposed.

Turning to the issue of a tax cut, Mr. President, I think everyone should know that there will be a tax cut. The only questions are the size of the cut, the design, and its effective date, so the debate is not over whether or not taxes should be cut, but how.

I think by enacting Kemp-Roth and the so-called 10–5–3 accelerated depreciation bill we will have no chance of balancing the budget by fiscal year 1984. The only way the first budget resolution passed by the Senate was in balance by 1984 was through the use of the President's economic assumptions plus the "unspecified" cuts I mentioned earlier. Even in light of that, however, let us take a look at a 3-year net effect on the deficit using the President's policies. Here is how it looks:

	Totals over fiscal years 1982, 1983 and 1984
	(billions)
Kemp-Roth	$243.7
10–5–3 (accelerated depreciation)	58.4
Total	302.1
Increase in defense outlays over the Carter budget	45.0
Total drain on the budget	347.1
Increase in revenues	120.0
Total	227.1
Budget cuts submitted in April	197.0
Total addition to deficit	(30.1)

Therefore, using the President's numbers over the 3-year period from fiscal 1982 through 1984, we have added a net of $30.1 billion to the budget deficit, rather than move toward a balanced budget.

Second, I do not see how in the world the administration can assume that people will take their tax cut and save it. Under the President's program a family of four would get a tax cut of $114 in 1981, but during 1981 it is estimated that that family's expenses for food, energy, and social security taxes will have increased by approximately $500, a net loss to the taxpayer of $386. By 1984, under the President's plan, that same family would get a cut of $578, while a person earning $100,000 would get a tax cut of $6,869. Therefore, I think the tax cut needs to be changed and greater relief given to lower and middle-income taxpayers who are struggling to even purchase basic necessities at this time.

Finally, Mr. President, I am opposed to the Kemp-Roth and 10–5–3 bills reported by the President because I believe they will be inflationary. Only 20 percent of the tax proposals submitted by the President are for business, and the remaining 80 percent is a personal tax cut. With this massive tax cut coming so quickly and covering 3 years, we are kidding ourselves about balancing the budget, which I believe must be our No. 1 priority. Balancing the budget would send the correct signal to Wall Street and would bring interest rates down. Recent news accounts stated how Wall Street is not persuaded by the President's program thus far and I ask that an article from the Washington Post entitled "Financial Markets Uneasy Under Reagan Plan" be printed at the end of my remarks. I think it is interesting, Mr. President, that even conservative economists are questioning the need for the 3-year Kemp-Roth bill and are stating that balancing the budget is more important. Henry Kaufman of Salomon Bros. recently stated:

> To fight inflation head on, the need is for the Government to achieve a balanced budget in fiscal 1983. This would chop inflationary expectations, and, of equal importance, would reduce the role of Government as a powerful demander of credit, thereby freeing savings to finance the private sector. An across-the-board tax cut is inappropriate. A balanced budget achieved through selective tax cuts and tough controls on expenditures would reduce the chances of a credit clash.

In conclusion, Mr. President, I favor cutting taxes, not to the extent and form proposed by the President, but I cannot support a tax reduction which is as inflationary as the one proposed.

Mr. President, before I conclude I would like to make a few comments about defense spending. There is no question but that our national defense spending must be increased. I support this effort. However, I think everyone should be aware that we are in the process of starting a huge military buildup and we are going to commit enormous sums over the next 5 years to this effort. In fiscal year 1982 through fiscal year 1986 the budget authority for national defense contained in the Senate Budget Committee's report on the first budget resolution for fiscal year 1982 is $1,461,000,000,000. Outlays for that period are estimated to be $1,293,000,000,000.

There are a couple of points I would like to make about these figures. First, the outlay figures are too low and will be much higher. Cost overruns at the Pentagon are well known, and the projected inflation rate for defense procurement is much too low. The CBO has projected that defense outlays are underestimated.

As an example, in March the Pentagon issued a report noting that the difference between Government inflation projections and actual defense inflation was responsible for a $48 billion increase in the estimated cost of 47 major weapons systems that it purchased in the first quarter of fiscal year 1981. I am for a strong defense, but I do not think the Pentagon should be exempt from efforts to cut back on wasteful spending and I am afraid that with these huge sums being put into our defense, waste will inevitably result.

The second point I would like to make about our defense buildup is that the budget authority figures really tell where we are going. Consider the comparison between the defense budget figures of former President Carter and President Reagan:

[In billions of dollars]

Fiscal year	Carter	Reagan
1982	196.4	222.2
1983	224.0	254.8
1984	253.1	289.2
1985	284.3	326.5
1986	318.3	367.5

Since we all know defense money is not spent in the same year it is available for obligation, what we are doing is committing ourselves to at least a decade of significant defense spending. Further, I have my doubts as to whether or not we can sustain this enthusiasm for this amount of defense spending in peacetime. In the past we have not been able to go at this rate in peacetime for more than a couple of years and I hope we do not commit these huge sums and then lose our resolve in a couple of years. Finally, after we spend $1.3 trillion we will still have the same major problem we have now, and that is manpower.

In conclusion, Mr. President, I strongly support the President in his effort to cut Government spending. The President has a golden opportunity to get Government spending and regulation under control and I will help him. But his tax proposals will lead to more inflation and higher interest rates. Therefore, I think we should reduce the size of the tax cut, closely examine ways to save money in the Defense Department, and balance the budget as quickly as possible.

The article follows:

FINANCIAL MARKETS UNEASY OVER REAGAN PLAN

(By Robert G. Kaiser)

Even as Ronald Reagan is winning the battle in Congress over the first phase of his "economic recovery program," he is losing a struggle that his own senior aides consider at least as important: the struggle for hearts and minds on Wall Street.

The Reagan economic plan may be boffo in Washington, but in the financial markets of New York interest rates have soared and other signs of uneasiness abound. The long-term bond market is all but moribund, and the principal architect of the Reagan plan, budget director David A. Stockman, acknowledges that his earlier, rosy predictions for lower interest rates and revived bond markets have proven premature.

The new administration's failure to make

the impression on Wall Street it had hoped for is causing strain inside the White House and among some conservative Republican backers of "supply-side" economics on Capitol Hill.

One of those, Rep. Jack Kemp (R-N.Y.), blames much of what has gone wrong in financial markets on the Federal Reserve Board. "One has to question whether or not they know what they're doing," Kemp said of the Fed's governors. Unexpected growth in the money supply—which the administration and the Fed both agree publicly should be controlled—is one factor that has alarmed the financial markets, pushing down the bond market and propelling the prime rate to 19 percent.

Some administration officials also blame the Fed for mismanaging the money supply in a way that brought on the new interest-rate crunch. But on the record the White House has supported the Fed, and privately senior officials say that if the Fed did make a mistake, it was inadvertent and temporary.

"If we can't turn the financial markets around, then we can't succeed," Stockman said in an interview this week. "There's a much deeper skepticism in the markets than anyone expected," he added, speaking of Wall Street's attitude toward the Reagan economic program. "You can announce a policy, but the markets aren't going to respond until they see sustained action and some credible results."

As Stockman admitted, this is a substantial change in his own tune. Just a few months ago he was confident that when Wall Street realized how determined the administration was to cut the budget and taxes too, improvements in the investment markets would be dramatic, and interest rates would fall.

The bond market is crucial for the Reagan theorists because it mirrors what sophisticated investors think the long-term future will bring. For several years, those investors have signaled their belief that high inflation will continue. So far, nothing the Reagan administration has done has changed their minds. Without a change in outlook and a corresponding reduction in long-term interest rates, companies will continue to have trouble raising the capital for expansion—the economic growth President Reagan promises.

In the interview Stockman said emphatically that the markets still will improve, but that this will take longer than he originally hoped. Now, he said, Wall Street will be waiting for irrefutable evidence that Congress will go beyond the budget resolutions that outline cuts in many spending programs to the final legislative action that will secure the budget reductions.

But on Wall Street many money men say they are waiting for more than that. An influential school of Wall Street economists typified by Henry Kaufman of Salomon Brothers and Albert M. Wojnilower of the First Boston Corp. has encouraged deep skepticism about the Reagan plan's prospects.

Wojnilower made a speech to a private meeting of First Boston clients last month in which he predicted the latest rise in interest rates. It was "clearly indicated," Wojnilower said, because an expanding economy was on a "collison course" with the Federal Reserve Board's policy of restricting the growth of the supply of money.

Kaufman—who also predicted the recent rise in interest rates—and Wojnilower both regard the Reagan-Stockman budget proposals as essentially expansionary and thus inflationary. The economists say the administration's proposed reductions in domestic spending will be more than offset by its program for expanding defense spending and its tax-cutting plans. On balance, they say, the federal budget will continue to stimulate the national economy. If the Federal Reserve Board is simultaneously restricting growth of the money supply, demand for money will outpace supply and interest rates will rise according to both economists.

These two economists "have a very big following," according to one bond trader on Wall Street who handles hundreds of millions of dollars for regional banks. "If they [government officials] don't get it under control," this source added, "you can forget about balancing the budget. . . . The European philosophy is entering this marketplace," he added. And what is the European philosophy? "That anything over six months has got to float"—in other words, that fixed-interest, long-term bonds will disappear, to be replaced by short-term instruments whose interest rates are pegged to market conditions.

That prospect is anathema to Stockman and others in the Reagan administration who believe that a reliable, long-term capital market is crucial to the development of the American economy, and will be crucial to the kind of sustained growth they are hoping for. "You've had a total collapse of horizons" in the capital markets, one high official said this week.

Has the administration already lost its fight to win over Wall Street? Stockman and other officials refused to accept that proposition.

"We low-balled our political forecast a little bit and high-balled our economic forecast," one senior official said, referring to better-than-expected political results and worse-than-expected economic ones after 110 days of the new administration.

The administration hopes it can revive confidence by demonstrating its seriousness about cutting the budget, and by emphasizing how significantly its program would reduce the burden of federal taxes and the proportion of gross national product eaten up by government activity. Many on Wall Street, though, seem more concerned about the large tax cuts the White House wants. The tax-cut issue could turn out to be a critical one in the contest for Wall Street's hearts and minds, according to several Wall Street traders.

Kaufman has urged Congress not to endorse the Reagan tax cut. A more conservative tax cut—which would mean smaller budget deficits, its proponents say—would "absolutely" alter attitudes on Wall Street, according to a partner in one private investment banking firm.

Stockman expressed faith that a steadily shrinking rate of growth in the money supply would reduce inflation. The current rise in interest rates is just "a sharp bump on a downward-sloping plane," he said.

He noted that the capital markets have absorbed huge federal borrowings in the first half of the current fiscal year, now just over, and that the government won't have to borrow much more during the next six months, which may reduce the pressures forcing up interest rates. Treasury Department officials said the government will actually repay more than it borrows in the capital markets during the next three months.

Stockman's chief economist, Lawrence Kudlow, said the critics were misstating the true impact of Reagan's program. The tax proposals, he said, would reduce the overall level of federal taxation by less than 1 percent of GNP by 1985. "Now that's a very small tax reduction."

"I do concede there won't be any immediate improvement" in Wall Street's attitudes, Kudlow said, predicting that it will take several months for the administration (with the help of Congress) to make its points convincingly.●

A BALANCED FEDERAL BUDGET

● Mr. BAUCUS. Mr. President, I wish to discuss today a subject that has occupied our attention here in the Senate for several years: Balancing the Federal budget. I have supported a balanced budget throughout my career in the House and Senate because I believe we must encourage restraint in the growth of Federal spending.

This past November, voters sent a clear message: One that we who are their elected representatives should not—and must not—ignore.

They expect us to move expeditiously to balance the Federal budget. I share that concern and will continue my efforts toward that end.

Federal spending has tripled over the last 8 years. The rate of increase has been especially severe in the past 2 years. Even worse, this Nation is devoting an increasing share of our gross national product to Federal spending—over 23 percent in 1980.

Perhaps most critical, the Federal deficit grew at a rapid rate in the past decade. This Nation has suffered from deficits of some $400 billion over the past 10 years. Fully 12 percent of Federal spending is now financed by deficit spending.

This is not a partisan issue. Responsible officials from all political perspectives are concerned with the rapid growth in deficit spending. Republican and Democratic Presidents have used deficit spending—including Ronald Reagan.

Congress—under the Democrats and Republicans—has failed to balance the budget. Clearly, we must reverse our course.

Many Senators have endorsed the constitutional amendment to require balanced budgets. The Senate Judiciary Committee's action earlier this week is a show of their strength.

But I am not sure this is the best way to insure that we actually reach our goal.

Amending the Constitution is a time-consuming, cumbersome approach. It tampers with the fundamental law on an issue that could be handled very easily and simply through the exercise of discipline by Congress.

I voted against the constitutional amendment approach, but I do not oppose a balanced budget. I believe there is a better way to solve our fiscal problems.

Senator MATHIAS and I have introduced a bill—S. 526—that could be adopted in a matter of weeks or months. It would put into effect the provisions of the constitutional amendment immediately. It would not require us to wait the 3, 4, or 5 years necessary to ratify a constitutional amendment. And it would send the kind of clear, ringing signal that this Congress is prepared to exercise fiscal restraint.

The bill would require a three-fifths vote by Congress before the House and Senate could adopt a budget that is not balanced. It would require a specific separate vote by Congress before we could increase receipts or expenditures as a percentage of the gross national product.

So it accomplishes the same purposes as the constitutional amendment. In addition, however, it would insure that Congress receives better balanced budget information early in the budget process.

The President would be required to submit a balanced budget for our consideration—whether or not he favors such a budget.

If the budget actually supported by the President contained receipts or expenditures exceeding 21 percent of gross national product, the President would also have to submit an alternative budget in which these total less than 21 percent.

This mechanism is simple, responsible, and direct. It puts the onus where it belongs—on Congress and the President.

All of us recognize the importance of balancing the budget. Even those who support a constitutional amendment must realize that to do so will not balance the budget now. There is only one way to do that: Enact S. 526.

Finally, I want to note that at almost the same time 11 Senators on the Judiciary Committee were voting for a constitutional amendment to balance the budget, an overwhelming number of Republicans were also voting for a budget that included a $37 billion deficit, a figure which many estimate may rise to well over $50 billion by the end of fiscal year 1982.

It is very easy for politicians to decry budget deficits, but very difficult to make the kind of tough decisions required to balance the budget for real.

So far all we have seen are a lot of press releases about how bad deficit spending is. Let us stop passing the buck. In the long run, actions will speak louder than words.●

THE CALENDAR

Mr. BAKER. Mr. President, could I inquire of the distinguished minority leader if there are items on his calendar which we might consider today?

Mr. ROBERT C. BYRD. Mr. President, the following orders have been cleared: Order Nos. 124, 134, 135, and 136.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Senate proceed to the items identified by the minority leader and that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The Senate proceeded to consider the bill (S. 1098) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation with amendment, as follows:

On page 2, line 6, strike "$2,194,000,000", and insert "$2,189,000,000";

On page 2, line 8, strike "$910,900,000", and insert "$914,900,000";

On page 2, line 11, strike "$325,400,000", and insert "$333,400,000";

On page 2, line 15, strike "$372,900,000" and insert "$398,600,000";

On page 2, line 17, strike "$4,600,000", and insert "$12,600,000";

On page 2, line 20, strike "$125,300,000", and insert "$316,000,000";

On page 2, line 22, strike "$125,300,000", and insert "$130,300,000";

On page 4, line 22, strike "$1,114,300,000", and insert "$1,118,100,000";

On page 11 strike line 20, through and including line 7 on page 12;

On page 12, line 8, strike "10.", and insert "9.".

So as to make the bill read:

S. 1098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1981:

(a) For "Research and development", for the following programs—

(1) Space Shuttle, $2,189,000,000;

(2) Space flight operations, $914,900,000;

(3) Expendable launch vehicles, $31,200,000;

(4) Physics and astronomy, $333,400,000;

(5) Planetary exploration, $215,300,000;

(6) Life sciences, $43,500,000;

(7) Space applications, $398,600,000;

(8) Technology utilization, $12,600,000;

(9) Aeronautical research and technology, $316,000,000;

(10) Space research and technology, $130,300,000; and

(11) Tracking and data acquisitions, $415,200,000.

(b) For "construction of facilities," including land acquisition, as follows:

(1) Modification of 12-foot pressure wind tunnel, Ames Research Center, $18,500,000;

(2) Modifications to space flight operations facility, Jet Propulsion Laboratory, $9,300,000;

(3) Rehabilitation of utility control system, various buildings, Lyndon B. Johnson Space Center, $680,000;

(4) Construction of waste material incinerator, John F. Kennedy Space Center, $895,000;

(5) Repair of operations and checkout building roof, John F. Kennedy Space Center, $825,000;

(6) Modifications for enhanced 20-inch supersonic wind tunnel, Langley Research Center, $2,950,000;

(7) Modifications for high pressure turbine corrosion and thermal fatigue testing, Lewis Research Center, $1,200,000;

(8) Modification and relocation of 26-meter antenna, STDN, Goldstone, California, $4,700,000;

(9) Relocation of DSS–44 antenna to Tidbinbilla, Australia, $2,200,000;

(10) Space Shuttle facilities at various locations as follows:

(A) Construction of solid rocket booster processing and segment storage facilities, John F. Kennedy Space Center, $12,400,000;

(B) Modifications to firing rooms, John F. Kennedy Space Center, $3,100,000;

(C) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $2,785,000;

(D) Modifications to Building 30 for Shuttle operations, Lyndon B. Johnson Space Center, $650,000;

(E) Minor Shuttle-unique projects, various locations, $1,115,000;

(11) Repair of facilities at various locations, not in excess of $500,000 per project, $12,800,000;

(12) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $17,700,000;

(13) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $3,000,000; and

(14) Facility planning and design not otherwise provided for, $10,000,000.

(c) For "Research and program management", $1,118,100,000 and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection (g), appropriations hereby authorized for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, include collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection (c) may be used, but not to exceed $25,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections (a) and (c), not in excess of $75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection (a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (13), inclusive, of section 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 per centum, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 per centum;

to meet unusual cost variations, but the total cost of all work authorized under such

paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. (a) Not to exceed one-half of 1 per centum of the funds appropriated pursuant to section 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to section 1(b) (other than funds appropriated pursuant to paragraph (14) of such section) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in section 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization act would be inconsistent with the interest of the Nation in aeronautical and space activities.

(b) The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment.

(c) No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless—

(1) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (A) the nature of such construction, expansion, or modification; (B) the cost thereof, including the cost of any real estate action pertaining thereto; and (C) the reason why such construction, expansion, or modification is necessary in the national interest; or

(2) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation;

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c); and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee;

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. Section 7 of title 18, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(6) Any vehicle used or designed for flight or navigation in space and on the registry of the United States pursuant to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies and the Convention on Registration of Objects Launched into Outer Space, while that vehicle is in flight, which is from the moment when all external doors are closed on Earth following embarkation until the moment when one such door is opened on Earth for disembarkation or in the case of a forced landing, until the competent authorities take over the responsibility for the vehicle and for persons and property aboard.".

SEC. 7. Section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457) is amended by adding at the end thereof the following:

"(k) Any object intended for launch, launched, or assembled in outer space shall be considered a vehicle for the purpose of section 272 of title 35, United States Code.

"(l) The launch by the United State Government of a space vehicle for a person other than the United States shall not be considered to be a use or manufacture by or for the United States within the meaning of section 1498(a) of title 28, United States Code, unless the Administration gives an express authorization or consent to the manufacture or use of such space vehicle.".

SEC. 8. Section 6 of the National Aeronautics and Space Administration Authorization Act, 1970, as amended (42 U.S.C. 2462), is repealed.

SEC. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1982".

FISCAL YEAR 1982 NASA AUTHORIZATION BILL (S. 1098)

● Mr. CANNON. Mr. President, the bill, S. 1098, authorizes $6,222,900,000 for the National Aeronautics and Space Administration (NASA) for fiscal year 1982. This amount is $100.7 million above the revised budget request for NASA submitted by President Reagan on March 10, 1981, but is $502,800,000 below the original budget request for the agency submitted by President Carter on January 15.

The Commerce, Science and Transportation Committee's authorization in S. 1098 for NASA for fiscal year 1982 represents a net decrease compared to fiscal year 1981 in effective resources available due to current year inflation. As a result, NASA's work force will be reduced again, and its ability to maintain U.S. leadership in aeronautics and space will be further eroded.

Mr. President, this is not the way that an agency essential to the Nation's technological leadership should be supported; and if these were ordinary times, I would gladly request additional funding for NASA. But this is not a time of business as usual, and I believe that President Reagan should have the opportunity to put his program into effect, to see if it will reduce the current high rate of inflation, and revitalize the national economy. I believe that S. 1098 represents a reasonable compromise between the need for increased funding for NASA and the necessity to control inflation by lowering Federal spending. Therefore, I support it, and I urge my colleagues to support it as well.

In future years, however, NASA's budget should be increased to reverse its decline—a decline which began 15 years ago. NASA's budget has never been a large percentage of the overall Federal budget, and since 1976 it has been less than 1 percent. Surely the United States can afford to spend more in an area that has contributed so much to our economic well-being and national security, and also to our international prestige and national aspirations so dramatically uplifted by the shuttle Columbia's maiden flight.

Mr. President, science and technology have been important factors in our Nation's growth and prosperity during the past century. The increase in our scientific knowledge has improved our industrial base which, in turn, has led to a wide ranging improvement in the quality of life for our people. In order to sustain this, continued funding for research and development is required. This is particularly true for funding for aeronautics and space, two areas that are at the forefront of science and technology. Simply put, our continued support will provide us with the many benefits that we currently enjoy. If we lose this leadership, it will lead to further economic decline.

During 1980 the aviation industry's net contribution to the Nation's foreign trade balance was $13.3 billion. This exceeds the net contribution from any other industrial sector, including agriculture. The industry also provides a substantial number of jobs—it employs 1.3 million American workers in aircraft manufacturing and public air transportation.

For over half a century, our leadership in aviation, both military and commercial, has been attributable principally to the sustained research and development carried out by NASA and its predecessor NACA. To retain this leadership, the United States must continue its commitment to support research and development in aeronautics, since new technological advances in aerodynamics, structures and materials, electronics, and propulsion offer the potential for dramatic improvements in the efficiency of aircraft. Such improvements could make obsolete virtually all U.S. aircraft now in production or design.

A decade from now, world leadership in aeronautics will be achieved by the nation that seizes the initiative and moves the technological advances mentioned above from their present research status into the production of more efficient aircraft.

As a recognition of the vital importance that NASA's aeronautics program plays to future U.S. leadership in aviation, I am particularly pleased that the committee agreed to my amendment to restore $55 million for NASA's aeronautics program. This funding, while it does not support all of the worthy programs proposed by NASA, will help reverse the

steady erosion in recent years of funding support for the aeronautics program.

In comparison with aeronautics, the use of space for commercial and military ventures is still in its infancy, but even here the economic contribution has been substantial. The communications satellite industry, spawned by NASA research in the 1960's, is today a billion dollar enterprise, and it is expected to grow considerably during this decade. The United States will continue to dominate this market for the foreseeable future. However, it will be necessary for NASA to conduct research in the 30/20 GHz frequency range during the 1980's in order to maintain our leadership into the 1990's.

There are many other areas of the space program that must be pursued vigorously during this decade. The use of the Space Shuttle will revolutionize our use of space if we have the wisdom to seize the opportunities it offers. The Shuttle will provide routine access to space within several hundred miles of the Earth's surface at a cost that is lower than expendable launch vehicles.

NASA is developing preliminary plans to augment this capability in the early 1990's with a reusable orbital transfer vehicle which would be used to transport several astronauts or cargo from several hundred miles above the Earth to geosynchronous orbit, 22,300 miles above the Earth's surface.

NASA is also planning to increase an astronaut's stay time in space from several days with the Space Shuttle, to several weeks with Spacelab in the mid-1980's, and possibly to several months with a space operations center in the late 1980's.

We should consider these plans carefully along with NASA's other plans for terrestrial applications, such as remote sensing satellites and processing various materials in space, in order to optimize our economic return from these ventures. If we are to remain first in space, we have to move forward, or other nations will develop the capabilities that we should have developed.

Mr. President, S. 1098 is the best bill we could develop under these times of economic recovery. I urge my colleagues to support it.●

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF DOLLY AKERS

The Senate proceeded to consider the bill (S. 262) for the relief of Dolly Akers, Fort Peck Indian Reservation, Mont., which had been reported from the Select Committee on Indian Affairs with amendments, as follows:

On page 1, line 5, strike "$39,665", and insert "$55,305";

On page 2, after line 14, insert the following:

SEC. 4. As a condition precedent to receiving payment of compensation pursuant to this Act, the said Dolly Akers shall execute such releases and other documents as the Secretary of the Interior determines are necessary to fulfill the purpose of this Act and remove any cloud on the title of certain lands.

So as to make the bill read:

S. 262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $55,305 to Dolly Akers, Fort Peck Indian Reservation, Montana. Such sum shall be paid to Dolly Akers in full satisfaction of all her claims for damages, including claims for damages against the United States, sustained by her by reason of the loss of the use of certain lands through an administrative error on the part of the United States.

SEC. 2. All right, title, and interest of Dolly Akers in the certain lands is extinguished.

SEC. 3. No part of the amount appropriated by this Act in excess of 10 per centum thereof shall be paid to, or received by an agent or attorney on account of services rendered in connection with this claim. Any person violating the provisions of this section is guilty of a misdemeanor and may be fined in a sum not to exceed $1,000.

SEC. 4. As a condition precedent to receiving payment of compensation pursuant to this Act, the said Dolly Akers shall execute such releases and other documents as the Secretary of the Interior determines are necessary to fulfill the purpose of this Act and remove any cloud on the title of certain lands.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

PARTITIONING OF CERTAIN INDIAN LAND

The Senate proceeded to consider the bill (S. 478) to provide for the partitioning of certain restricted Indian land in the State of Kansas, which had been reported from the Select Committee on Indian Affairs with amendments, as follows:

On page 1, line 3, beginning with "that", strike through and including "206," on page 2, line 4, and insert the following: "lands derived from a patent under the Act of March 3, 1859 (11 Stat. 430)";

On page 2, line 9, after the period, insert the following: "Moneys resulting from a sale in lieu of partition shall be distributed and administered through trust accounts of the Bureau of Indian Affairs in the case of Indian heirs. Moneys of non-Indian heirs shall be turned over to the appropriate State court in Kansas for distribution and administration in accordance with the laws of Kansas."

On page 2, line 18, strike "proceeding.", and insert "proceedings.";

On page 2, line 19, strike "proceeding.", and insert "proceedings.";

So as to make the bill read:

S. 478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any owner of an interest in lands derived from a patent under the Act of March 3, 1859 (11 Stat. 430) may commence an action in the United States District Court for Kansas to partition the same in kind or for the sale of such land in accordance with the laws of the State of Kansas. Moneys resulting from a sale in lieu of partition shall be distributed and administered through trust accounts of the Bureau of Indian Affairs in the case of Indian heirs. Moneys of non-Indian heirs shall be turned over to the appropriate State court in Kansas for distribution and administration in accordance with the laws of Kansas. For the purpose of such action, the Indian owners shall be regarded as vested with an unrestricted fee simple title to their interests in the land and the United States shall be a necessary party to the proceedings. Any conveyance ordered by the court in such proceedings will be made in unrestricted fee simple to non-Indian grantees and in a restricted fee to Indian grantees.

● Mr. DOLE. Mr. President, S. 478 may be considered a bill for the relief of several Kansans, at no expense to the American taxpayer.

The Senator from Kansas introduced this legislation on February 16 to free a parcel of restricted Indian land in Kansas so that it could be put into productive use. This bill would do so by authorizing an action in the U.S. Court for the District of Kansas to partition or order the sale of the land which was originally deeded in 1859 in a restricted fee status to Newton McNeer, a Shawnee Indian. McNeer died in the 1860's, but the estate was not probated until 1920, when there were some 17 heirs having varied undivided interests in the land. This has resulted in a confused situation in which there are as many as 100 heirs to land over which they have no control.

The Newton McNeer Shawnee Reserve No. 206 was allotted in this restricted fee status under the provisions of an 1854 treaty between the United Tribe of Shawnee Indians and the United States and pursuant to the act of March 3, 1859 (11 Stat. 430). There are two other parcels of Kansas land which are now in virtually the same situation as the land this bill originally named. The Department of the Interior has suggested that those two allotments be included in this measure, and the bill has been amended to similarly solve the problem for the owners of those pieces of land.

Mr. President, the problem of fractionated ownership of Indian lands is not a new one, and it is not a simple one. My staff has worked closely on this matter with the Bureau of Indian Affairs, the field solicitor for the Department of the Interior in Anadarko, Okla., and staff members for the Senate Select Committee on Indian Affairs. The Senator from Kansas would especially like to thank the distinguished chairman of that committee, Mr. COHEN, for the way that he has managed to deal with this bill so quickly.

The problems that this bill would solve are unique to other situations of fractionated heirship. First and foremost is the fact that Shawnee Indians in the State of Kansas are not organized, and do not actually exist as a federally recognized tribe in the State.

Additionally, as I stated when I originally introduced this bill, the Newton McNeer land does not lie on a reservation, and it appears impossible to determine the heirs to the property. As there is no statutory authority for partitioning these interests, this private act of Congress seems to be the only method of solving this problem. The owners of the parcels of land in question would be allowed to commence an action in the U.S. District Court of Kansas to partition their land, or would allow for the sale of that land.

Mr. President, S. 478 would appear to be noncontroversial, and the Senator

from Kansas would urge its approval by this body.●

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

PERMANENT IMPROVEMENTS ON CERTAIN INDIAN LAND

The Senate proceeded to consider the bill (S. 547) to enable the Secretary of the Interior to erect permanent improvements on land acquired for the Confederated Tribes of Silitz Indians of Oregon, which had been reported from the Select Committee on Indian Affairs with an amendment to strike out all after the enacting clause, and insert the following:

That, notwithstanding any other provision of law or regulation, the Attorney General shall approve any deed or other instrument which—

(1) conveys to the United States the land described in section 2 of the Act entitled "An Act to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon", approved September 4, 1980 (94 Stat. 1073), and

(2) incorporates by reference the terms of the agreement entered into on September 18, 1980, by the city of Siletz, Oregon, the Confederated Tribes of Siletz Indians of Oregon, and the United States of America.

The Secretary of the Interior or the Confederated Tribes of Siletz Indians of Oregon may erect permanent improvements, improvements of a substantial value, or any other improvements authorized by law on such land after such land is conveyed to the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move en bloc to reconsider the votes by which the several bills were passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I believe these several requests have been cleared with the minority as well. Let me put the request at this time.

ORDER TO PRINT REPORT OF DELEGATION AS A SENATE DOCUMENT

Mr. BAKER. Mr. President, during the period April 10–18, 1981, I led a delegation of my colleagues to Spain and to certain countries in the Middle East. I ask unanimous consent that the report of the delegation be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING CONCERTS BY THE NATIONAL SYMPHONY ON CAPITOL GROUNDS.

Mr. BAKER. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of House Concurrent Resolution 133 "a bill to authorize National Symphony Orchestra concerts on Capitol grounds," and I ask that we proceed to the immediate consideration of that concurrent resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 133) authorizing concerts by the National Symphony on Capitol grounds.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the concurrent resolution was considered and agreed to.

The preamble was agreed to.

COMMEMORATING THE AMERICAN RED CROSS UPON ITS CENTENNIAL

Mr. BAKER. Mr. Preident, I ask that the Chair lay before the Senate a message from the House on House Concurrent Resolution 120.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 120) commemorating the American Red Cross upon its centennial.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution.

There being no objection, the concurrent resolution was considered and agreed to.

The preamble was agreed to.

SUBSEQUENT REFERRAL OF A NOMINATION

Mr. BAKER. Mr. President, as in executive session, I ask unanimous consent that the nomination of Paul Robert Boucher, of Virginia, to be Inspector General of the Small Business Administration be referred to the Committee on Small Business and if and when the Small Business Committee reports the nomination, it then be referred to the Committee on Governmental Affairs for 15 calendar days.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS ON WEDNESDAY, MAY 27, 1981 BETWEEN 9 A.M. AND 3 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that on Wednesday, May 27, 1981, committees be authorized to file reports between the hours of 9 a.m. and 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO VOTES ON MONDAY, JUNE 1, 1981

Mr. BAKER. Mr. President, we will reconvene at 12 noon on June 1. I expect the Senate will transact business on that day, but I ask unanimous consent that any votes ordered on Monday, June 1, be stacked and occur beginning after the conclusion of the Tenney Johnson nomination on Tuesday, June 2, and after the Senate returns to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the effect of that request, which the minority leader has graciously acceded to, would be that while we will be in session on Monday, June 1 there will be no votes on that day. Any votes ordered on Monday will be stacked on Tuesday.

POSTADJOURNMENT PROGRAM

Mr. BAKER. Mr. President, in a few moments, I intend to move that the Senate stand in adjournment pursuant to the resolution previously adopted. Before I do that, may I review briefly the program that will await us when we return?

According to the provisions of House Concurrent Resolution 138, the Senate will reconvene at 12 noon on Monday, June 1, 1981. After recognition of the two leaders under the standing order, I anticipate there will be a period for the transaction of routine morning business. At the close of morning business, it is the hope of the leadership on this side that we might be able to clear for action of the Senate certain bills reported by the Committee on Commerce. I believe there are six of them that may be dealt with, and also a number of bills from the Committee on Environment and Public Work which have been reported by that committee. It may be possible to do all or most of those bills by unanimous consent; it may be necessary to have votes on some of them. In the event votes are ordered on any measures that are taken up or any nominations that are taken up on Monday, they will be put over, according to the order already entered, until after the disposition of the Tenney Johnson nomination on Tuesday.

It is anticipated that there may be other items on the Calendar of General Orders or on the Executive Calendar that may be cleared and available for action of the Senate on Monday, but there will be no votes on Monday.

It is anticipated that the Senate will convene at a regular hour, to be determined on Monday, June 1—not an unduly early hour—on the subsequent date, June 2.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, may I inquire if there is further morning business to be transcated?

The PRESIDING OFFICER. If there is no further morning business, morning business is closed.

ADJOURNMENT UNTIL MONDAY, JUNE 1, 1981

Mr. BAKER. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 138, that the Senate stand in adjournment until Monday, June 1, 1981, at 12 noon.

The motion was agreed to; and at 5:59 p.m., the Senate adjourned until Monday, June 1, 1981, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 21, 1981:

DEPARTMENT OF STATE

James L. Malone, of Virginia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, vice Thomas R. Pickering, resigned.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

Henry Dargan McMaster, of South Carolina, to be U.S. attorney for the District of South Carolina for the term of 4 years, vice Thomas E. Lydon, Jr., deceased.

IN THE AIR FORCE

Air Force nominations beginning Robert J. Abraham, to be second lieutenant, and ending Robert J. Zyriek, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 29, 1981.

EXTENSIONS OF REMARKS

A SHORTER WORKWEEK IN THE 1980's

HON. JOHN CONYERS JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. CONYERS. Mr. Speaker, in the years I have been in Congress a great many proposals have surfaced for solving unemployment. Some merely have been cosmetic, while others have attempted to come to grips with the real, underlying causes and its true dimensions. There has always been broad support for the goals of a full employment economy, in which every individual who wanted to work could find work. Unfortunately, the strong rhetorical support in Congress for full employment never has been matched by a congressional commitment to the programs that actually could accomplish it.

Our failure as a society to create full employment is a major pubic calamity. The longer individuals are kept idle, the greater is the likelihood of conflict, turmoil, and violence. Without full employment, there is no hope for revitalizing the economy or rebuilding our communities. The price unemployment persons—and society as a whole—are paying for unemployment is intolerable.

We have on the books a basic law—the Full Employment and Balanced Growth Act—which commits the Federal Government to policies which will reduce the national jobless rate to 4 percent by 1983. Its implementation will require new ideas and bold policies. The realization of full employment also will require long-term national economic planning, so that all our resources, human and material, are decently, productively, and fully utilized. Among the innovative ideas that we should be exploring—an idea that is new for this era, but that was prominent for decades during the history of the labor movement—is the concept of a shorter workweek. One of the principal means, historically, for curbing unemployment and creating new jobs was a shorter workweek. The passage of the Fair Labor Standards Act of 1938, for instance, contributed a great deal to curbing joblessness during the Depression.

A shorter workweek in the 1980's would revive hope for a better economic life for all citizens. It also would be the appropriate response to the vast changes that already have taken place in the workplace—the growing participation of women; the increasing number of multiple-earner households; the strong need for more flexible working hours; and the need to make room for young people to enter the job market.

William McGaughey, Jr. recently published a book on the role of a shorter workweek in helping solve the problems of the economy. Entitled "A Shorter Workweek in the 1980's," (Thistlerose Publications, 1981) it meets head-on all the relevant issues and provides a much-needed rethinking of economic policy. I wish to share with my colleagues excerpts from Mr. McGaughey's new book, which follow:

Shorter Hours and the Commitment to Full Employment

During the Great Depression, the American people experienced mass unemployment, running as high as 25%, for a period of over ten years. This was a time of drastic experimentation, as the Federal government assumed and active responsibility for handling the unemployment problem. Policies and programs which were conceived during the Depression are at the foundation of our national economic system. Its experience shaped our thinking about unemployment and other problems. Ultimately, however, it was World War II, rather than any program developed by economists, which brought Depression-era joblessness to an end.

War is an effective manpower policy. A war, conscripting young men into military service, soaks up unemployed people, and gives them a useful and necessary, though destructive, job to perform. At the same time, it can lay the foundation for post-war prosperity in the work of rebuilding devastated factories and cities and by satisfying the unspent purchasing power of wartime workers. The offsetting cost of deficit financing seems much a secondary consideration amid patriotic appeals to "invest in U.S. savings bonds", "win the war", and "bring the boys back home."

World War II was a blockbuster of a war, and quite a cure for unemployment. Figure 1-1 indicated the extent of the manpower shifts between 1939 and 1947. A great build-up took place in military personnel and in defense-related employment between 1939 and 1945. More than 11 million Americans were added to the armed forces, and 7 million to non-military employment during this time. More than 6.8 million of the nation's unemployed thus found jobs between 1939 and 1942, and an additional 1.6 million people between 1942 and 1945. The remaining wartime workers were drawn mainly from the category, "not in the labor force"—mainly women who became employed in war-production industries—and from an expanding adult population.

Between 1945 and 1947, on the other hand, 9.8 million persons left military service. Unemployment, however, rose by only 1.1 million people. Most of the returning veterans found jobs in private nonagricultural industries, as the post-war economy expanded to meet pent-up consumer demand and many married women vacated jobs to become housewives again.

FIGURE 1-1.—CHANGES IN EMPLOYMENT STATUS OF AMERICANS, 1939 TO 1947

[In thousands]

Year	Unemployed	Military service	Not in the labor force	Nonmilitary employment
1939	9,480	370	44,760	45,750
1940	8,120	540	45,380	47,520
1941	5,560	1,620	45,170	50,350
1942	2,660	3,970	43,410	53,759
1943	1,070	9,020	40,280	54,470
1944	670	11,410	39,770	53,960
1945	1,040	11,430	41,410	52,820
1946	2,270	3,450	46,730	55,250
1947	2,142	1,590	47,027	58,026

Unlike World War I, there was no post-war surge in unemployment following World War II. Strong consumer demand was certainly one factor. Another was that the statutory 40-hour workweek was now in effect in manufacturing and other goods-producing industries. Although it is true that the Fair Labor Standards Act of 1938 did not cause hours to be reduced in most industries—because of the Depression, the average manufacturing workweek was already below 40 hours—this legislation did succeed in limiting the rise in hours after the war, so that more people were able to "share the prosperity."

During the Depression, economists had learned to associate unemployment with declines in the business cycle. This affected their attitude towards the shorter workweek as a policy recommendation. Shorter hours are, admittedly, not the best remedy for cyclical unemployment, but, rather, are designed to offset labor displacement, as "labor-saving" technology is applied. Therefore, the post-Depression economists have commonly rejected the shorter-workweek approach to solving unemployment, labeling this a "fallacy". Some have compared its job-creation claims to "carving a (same-sized or smaller) pie into more pieces." Instead, these economists turned to Keynesian economics, having seen in World War II the power of deficit spending.

Prior to the Great Depression, reduced work time was accepted as a legitimate tool for controlling unemployment. The average workweek of U.S. workers declined by approximately 10 hours during the first three decades of the 20th century. Six-day weeks and ten-hour days were prevalent at the turn of the century. Gradually, more workers won the eight-hour day. With the Depression, though, a preciptious decline in hours took place. A bill was introduced by Senator Hugo Black of Alabama during Roosevelt's "first hundred days" to establish a national 30-hour workweek. This bill passed the U.S. Senate by a comfortable margin in April 1933. However, the House Rules Committee buried it because of opposition from the new administration.

Since World War II, economists have recommended various policies with respect to the unemployment problem. The major avenues of approach may be summarized as follows:

(1) Ignore or minimize the problem.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

(2) Establish a goal of reaching full employment, and develop better techniques of measuring and reporting unemployment.
(3) Make unemployment financially less painful.
(4) Adopt monetary and fiscal policies which apply counter-cyclical stimulus to expand economic output.
(5) Restrain labor-force participation through prolonged education, liberalized disability, and earlier or more wide-spread retirement.
(6) Combat "structural unemployment" by job-training or retraining programs.
(7) Create jobs in the public sector.
(8) Redistribute the burden of unemployment in politically or socially more acceptable ways.
(9) Reduce the hours of work.

Let us consider what has been done in each area since the end of World War II.

REDUCE THE HOURS OF WORK

Historically, the shorter-workweek approach has been taken in industrial societies to keep unemployment in check as productivity rises. During this century, the average workweek of American workers declined quite rapidly for the first four decades. However, since 1940—which is the year that the Fair Labor Standards Act implemented the 40-hour standard in manufacturing industries—the decline has slowed considerably. The average went from 60.2 hours per week in 1900 to 49.7 hours in 1920, to 44.0 hours in 1940, to 41.7 hours in 1950, to 39.1 hours in 1970, and to 38.9 hours in 1979.

As it was mentioned earlier, a 30-hour workweek bill passed the U.S. Senate in April 1933, but it was opposed by the Roosevelt administration, and was killed in the House. Instead, President Franklin D. Roosevelt sought shorter hours as part of a comprehensive program of economic recovery under the National Industrial Recovery Act, passed several months later. The National Recovery Administration (NRA), its administrative arm, drew up industrial codes, which regulated wages and hours in the different industries. Under NRA codes, many workers received a reduction in their workweek to 44 or 40 hours, or even less. However, the U.S. Supreme Court declared the entire program unconstitutional in May 1935.

After an abortive attempt to upset this decision by "packing" the Supreme Court with additional justices, President Roosevelt instructed his Secretary of Labor, Frances Perkins, to prepare drafts for proposed legislation which would meet the test of constitutionality. In 1936, the Walsh-Healy Act was passed, which provided that contractors furnishing $10,000 or more in materials, supplies, articles, and equipment to the Federal government would be subject to the 40-hour standard. The Fair Labor Standards Act, passed in 1938, extended this practice to a broader segment of industry.

The Fair Labor Standards Act, apparently, has tended to stabilize weekly hours around the 40-hour mark. The "time-and-a-half" premium wages, originally meant to discourage the scheduling of overtime, have failed in that purpose, as the cost of fringe benefits has increased relative to straight-time pay, as well as the cost of hiring and training new employees.

From time to time, the trade unions have resolved to reduce the workweek to below 40 hours, either through collective-bargaining agreements or legislation. This demand has been raised especially by unions in industries where employment has declined because of automated equipment, and in times of high unemployment. Seldom has the issue been a priority, however. Although the national AFL-CIO has long been on record as favoring a reduced workweek, the last serious attempt it made to achieve this goal was in the early 1960s.

In August 1962, the AFL-CIO Executive Council announced that labor's top priority during the 1963 bargaining sessions, as well as in lobbying Congress, would be to establish a 35-hour workweek with no cut in weekly pay. To discourage employers from scheduling overtime, the unions proposed to raise the penalty rate from "time and one half" to "double time". This was a period of heady predictions about the progress towards leisure. The electricians' union in New York City, IBEW Local #3, had just signed a "breakthrough" contract, establishing a 25-hour week. David McDonald, president of the United Steelworkers of America, was proposing a 32-hour workweek in the steel industry. Walter Reuther of the United Automobile Workers was advocating a flexible workweek, geared to the level of unemployment. "Automation", many said, would necessitate such changes.

Most business leaders disagreed with these ideas. So, evidently, did the Kennedy administration. The Secretary of Labor, Arthur Goldberg, who had previously been general counsel of the United Steelworkers, made it clear that he would not support his former employer, where shorter hours were concerned. Mr. Goldberg declared: "Let me say categorically for the National Administration that the President and the Administration do not feel that reduction of hours will be a cure to our economic problem or to unemployment . . . It is my considered view that the effect of a general reduction in the workweek at the present time would be to impair adversely our present stable price structure by adding increased costs that industry as a whole cannot bear."

President Kennedy's own views were expressed in a speech delivered to the steelworkers during the 1960 campaign. He said: "In the face of the Communist challenge, a challenge of economic as well as military strength, we must meet today's problem of unemployment with greater production rather than by sharing the work."

The mood at the time was one of abounding self-confidence and optimism regarding technocratic solutions to human problems. The "New Frontier" was deeply committed to a policy of economic expansion. A larger GNP would finance our competition with the Russians in the arms race and in space, and also the various social programs contemplated in government. That, economists argued, was the only real way to achieve prosperity. Education was the key to solving "structural unemployment". Continued growth was essential. Work sharing, designed to meet a general insufficiency of jobs, seemed much too crude and old-fashioned to suit the economic experts.

A report of the Senate Subcommittee on Economic Statistics, issued in 1961, summarized the several arguments which were heard at the time: "In a world in which we have the immense and rapidly growing challenge of Communism to meet, a world in which human needs vastly outreach the maximum production of this nation for generations to come, and in a country in which the need for schools, hospitals, homes, and a myriad of other products is still enormous, it would seem a confession of defeat to reduce the hours of labor, when no case has been made that present hours involve an excessively exhausting burden or are destructive of useful leisure time . . . A shorter workweek or longer vacation would either reduce the standard of living of millions of wage earners as their weekly or annual pay dropped, or there would be a sharp increase in labor costs. With increasing productivity, these losses and costs might be temporary, but they would also be real and serious . . . But to solve the problem, increasing demand by constructive Government and private outlays and by restraining the labor force through effective opportunities to retire and secure adequate education, deserve higher priority."

Striving, then, to meet "the immense and rapidly growing challenge of Communism", the United States Government set about to conduct a limited, "brushfire" war against the Viet Cong guerrillas in South Vietnam. By 1975, when Saigon fell to the Communists, we had spent $140 billion trying to contain that brushfire. We had lost 46,000 American lives, sustained 300,000 wounded, and loss of inestimable prestige around the world. Meanwhile, the domestic "War on Poverty" was causing many able-bodied Americans to desert to the ranks of the poor. Schools were built in areas which, a decade or two later, faced declining enrollments. Hospital beds were added, only to learn years later from Ralph Nader's research associates that the excess hospital capacity was costing the nation $8 billion a year.

In 1957, a vice president of Inland Steel gazed far into the future, and reported back: "All the figures we have studied indicate that we will be short 2 million people in 1975, even if the workweek continues as it is. It seems to me that the fear should be whether our technology can keep pace with the demands on it—not whether the workweek will be shorter." There were, in fact, in 1975 an average of 7,830,000 Americans who were unemployed that year, representing 8.5% of the work force.

Lyndon Johnson had tipped his hand on the shorter-workweek issue, when, as a U.S. Senator, he remarked: "Candor and frankness compel me to tell you that, in my opinion, the 40 hour week will not produce missiles." So long as the war was raging in Vietnam and the unemployment rate was below 4%, there could be no thought of changing the workweek. In November 1963, hearings were held before the House Education and Labor Committee to consider legislation to reduce the standard workweek, but nothing came of them. Politically, the country became preoccupied with controversy over the Vietnam war, disturbances in the cities, and the Watergate scandal. The "work ethic" was proclaimed by President Nixon to be the bedrock of our nation's moral and economic strength.

Even so, some progress was made on the workweek front during the 1960s and 1970s. The Fair Labor Standards Act was amended several times. The 1961 amendments brought an additional 3.6 million workers under its jurisdiction, mainly in retail trade and in the service and construction industries. The 1966 amendments, which extended minimum-wage protection to farm workers and others, covered another 10.4 million people. There were also amendments in 1974 and 1977 covering government employees and hotel, motel, and restaurant workers. Yet after 1963, until recently, no serious effort was make to change the 40-hour standard or the penalty rate for overtime. However, a boom in alternative working hours began to build during this period.

Alternative workweeks enjoyed greater support from the business community, which, indeed, had initiated them in many instances. In the early 1970s, the new "4-day workweeks", remaining at 40 hours, appeared to be the coming thing. There were glowing reports of the increased productivity, reduced absenteeism, improved employee morale, and so forth. However, organized labor was opposed to the longer work days. Some problems were noted with scheduling and with fatigue brought on by the 10-hour days.

Later, the concept of "flexible working hours", which gave workers greater freedom to set their own hours, caught on with many business firms. This idea originated at the Messerschmitt plant in Ottobrunn, West Germany, as a means of reducing traffic congestion during the rush hour. Again, many advantages were cited. In 1978, the Federal government passed a law which required federal agencies to develop experimental "compressed workweek" or "flextime" schedules, which would be evaluated during a 3-year trial period. Another law passed at that time required that a certain percentage of federal jobs be set aside as "permanent part-time jobs", with benefits and staffing allocated on the basis of full-time equivalence.

In the mid 1970s, the more traditional "shorter-workweek" movement again began to stir. The 1974–75 recession, worst since the Great Depression, hit the Detroit automobile plants especially hard. As a result, the United Automobile Workers made reduced working hours its principal demand in the 1976 contract talks with Ford, General Motors, and Chrysler. The UAW raised this issue specifically for the purpose of preserving jobs. A month-long strike at Ford won union members 12 additional days of paid leisure over the contract period. These days, known as Paid Personal Holidays (PPH), were to be spread out evenly during the year, so that employers might hire additional workers without disrupting production. In the 1979 contract negotiations, which were concluded without a strike, the automobile workers gained a total of 26 PPH's over the three-year contact. Workers at all the "Big Three" automobile companies won such an agreement, although the Chrysler workers had to give up their personal holidays in connection with the Chrysler bailout legislation.

Following the 1976 strike at Ford, a group of local union leaders organized the "All Unions Committee to Shorten the Work Week" for the purpose of coordinating the shorter-workweek activities of unions around the country. Frank Runnels, president of UAW Local #22, was elected its leader. The All Unions Committee held a national rally in Dearborn, Michigan, on April 11, 1978, which attracted 700 participants. The UAW's international president, Douglas Fraser, and Congressman John Conyers of Detroit were among the featured speakers. Later in the year, a group was organized in Minnesota, known as "General Committee for a Shorter Workweek", which sought to arouse support for the shorter-workweek cause on a community-wide basis.

Although initially the All Unions Committee stressed collective-bargaining agreements, it also sought to reduce working hours through legislation. Rep. Conyers was persuaded to introduce a bill in Congress which would amend the Fair Labor Standards Act. The Conyers bill, introduced in April 1978 as HR–11784, proposed to amend this law in three respects: (1) to reduce the standard workweek to 37½ hours in two years, and to 35 hours after four years, (2) to increase the penalty rate for overtime from "time and one half" to "double time", and (3) to prohibit mandatory overtime.

HR–11784 attracted five co-sponsors in the 95th Congress. In the following session, the bill was resubmitted as HR–1784. On April 6, 1979, the All Unions Committee held a "Second National All-Unions Conference and Legislative Lobby" in Washington, D.C., which attracted several hundred delegates from around the country. It was announced then that hearings on the Conyers bill were scheduled in the House Education and Labor Committee during three days in late October. By the time of the hearings, thirteen members of Congress had become co-sponsors.

The hearings opened on October 23, 1979, in the Subcommittee on Labor Standards, chaired by Rep. Edward Beard of Rhode Island. On the first day, the AFL–CIO, UAW, UE, and other labor organizations sent representatives who testified in favor of the bill, as did Congressmen John Conyers and James Oberstar (from northern Minnesota). Mayor Coleman Young of Detroit paid a surprise visit to lend his support. On the second day, spokesmen for the U.S Chamber of Commerce and several trade associations, representing the restaurant and convenience-store industries, testified against. The third day featured testimony from academic experts, including Professor Wassily Leontief of NYU, winner of the 1973 Nobel Prize in economics, who supported the bill. Many of the others did not.

Rep. John Conyers, chairman of the House Judiciary Committee's subcommittee on crime and prominent member of the Congressional "black caucus", is currently serving his ninth term in Congress, having been re-elected by margins exceeding 90% of the vote in Michigan's First District. He has a particular interest in relating the problems of unemployment and crime. Rep. Conyers was one of the leaders in the struggle to enact the Humphrey-Hawkins bill. He and other supporters of a shorter workweek see the Conyers bill as a means of implementing the goal of Humphrey-Hawkins of reducing the general rate of unemployment to 4% by 1983, while simultaneously controlling inflation.

During the past several years, other concerns, such as those with energy and inflation, have tended to overshadow the unemployment problem. However, that situation is changing. As the nation moves through another period of economic decline, with more people out of work, it is anyone's guess whether the old ineffectual remedies—"pump priming", WPA—type projects, extended unemployment benefits, job-training programs, and the like—will be brought out of mothballs, repackaged, and put on the political market once again; or whether something more "radical", such as the Conyers bill. addressing itself to the fundamental relationships and causes of unemployment, will at last be considered.●

DINA G. BEAUMONT TO BE HONORED

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. ANDERSON. Mr. Speaker, on Friday, May 29, one of the labor movement's most outstanding representatives, Dina George Beaumont, the executive assistant to the president of the Communications Workers of America, AFL–CIO, will be honored by her many friends and coworkers at a dinner at the AMFAC Hotel in Los Angeles.

For more than 20 years now, Dina has worked in the labor field. She became vice president of the Federation of Women Telephone Workers in 1959; and was elected president 3 years later, a position she was to hold until 1974. In that year she resigned her presidency to accept the responsibilities of four different positions in the labor field: vice president of CWA district II, member of the CWA executive board, vice president of the Los Angeles County Federation of Labor, and chair of the CWA Concerned Women's Advancement Committee. A year later she added the vice presidency of the California State Federation of Labor to her responsibilities, and also became a member of the Trade Union Council for Histradrut. In 1980 she resigned all these positions except the latter to take on her present duties of executive assistant to the president of CWA.

Mr. Speaker, Dina is one of the most active and dedicated persons you could hope to find in any field, but her labor affiliations tell only half the story. She is committed to civil rights issues, and was honored as the 1975 Labor Woman of the Year by the American Civil Liberties Union. She has been active in the United Way, an organization that has also honored her with its United Way of America Joseph Anthony Beirne Community Services Award in 1977. Dina is interested in religious questions, serving on the board of the National Conference of Christians and Jews, and receiving the Distinguished Service Award in 1979 from the Catholic Labor Institute. Finally, she is an active member of the Democratic National Committee, and has been a delegate to several Democratic conventions and conferences. She maintains her membership in the Monterey Park, Calif., Democratic Club.

My wife, Lee, joins me in thanking Dina for her good work over the years, and wish her and her children, Walter and Madeleine, only the best in the years ahead.●

SUPPORT MODERATE HANDGUN LAW

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. RODINO. Mr. Speaker, the impersonal, passionless gunning down of our fellow citizens continues at a terrifying pace. Afraid that the Govern-

ment lacks the ability or the will to protect them, the law abiding are buying handguns in record numbers, perhaps with the hope of achieving an armed standoff with the criminals who threaten them. We in the Congress must make an effort to control this menace, so that we might be safer in our streets and our homes. That is what the people expect of us.

There is one step we can take quickly, one that costs little in terms of dollars and nothing in terms of liberties, but one that might save at least some of our citizens from deadly criminal assault.

What we need now is broad support for the moderate handgun law that I and 50 cosponsors have introduced. It is a modest proposal, and I make no extravagant claims as to what it might accomplish, I say only that it is a small step that we can take now without in any way trampling the rights of the millions and millions of honorable gun owners in our society.

Before outlining what my bill would do, let me state quite clearly what it would not do. It would not outlaw handguns, although it would keep those weapons out of the hands of some outlaws. It would not require registration. It would not require licensing. And it would not disarm the millions of sportsmen or those other honest citizens who believe they have a right and a necessity to have a handgun for protection.

Mr. Speaker, my bill would do two things. It would tell handgun owners that, if they commit a crime with a handgun, they will lose their freedom. And it would make it more difficult and expensive for a criminal to get a handgun.

It would accomplish these goals in several ways.

First. It would provide mandatory minimum sentences for anyone using or carrying a gun in the commission of a felony.

Second. It would totally ban Saturday night specials, those cheap, easy-to-hide pistols that are disdained by hunters, sportsmen, and collectors. As we recently were abruptly reminded by the attack on our President, those pistols have only one purpose—to kill a human being. Data from the U.S. International Trade Commission indicate that 10 percent of the approximately 2 million handguns produced annually in the United States are Saturday night specials, assembled from foreign parts to circumvent the import restrictions of the 1968 Gun Control Act. And make no mistake, this weapon is the favorite of felons. A recent study in Florida, where most Saturday night specials are assembled, concluded that only 12 percent of the handguns owned by law-abiding citizens could be classified as Saturday night specials. However, 68 percent of the handguns used in the commission of felonies were Saturday night specials.

Third. It would require a 21-day waiting period before the purchase of any other type handgun to allow the FBI or local police time to verify the eligibility of the purchaser. This provision can be crucial, as a recent study indicates. A review of 2,000 purchase forms in the files of 12 dealers in one State revealed that 187 purchasers—nearly 10 percent—would have been identified as felons by a simple FBI name check. Those 187 would not have been eligible to buy firearms.

Fourth. In addition, this legislation would ban the sale of handguns by pawnbrokers, would require better record keeping by the handgun industry, would require that the theft or loss of a handgun be reported, and would control multiple purchases of handguns.

Mr. Speaker, opponents of handgun legislation correctly point out that gun ownership is broad and that handguns used in crime are a fraction of that total ownership. My proposal recognizes this. It would simply reduce that fraction further by restricting the flow of handguns into the huge lethal pool that now exists.

Those who argue against a national law say we already have enough gun laws on the books—that the welter of 25,000 State and local statutes could reduce handgun violence if they were properly enforced. I agree that we need aggressive enforcement of those laws and that these laws should not be preempted by national legislation. But we must recognize that, as it is now, anyone with a few dollars can get a handgun, no questions asked, merely by crossing into a jurisdiction which does not control the sale of such deadly weapons. We need a national law to provide a uniform standard of accountability for the ownership, distribution and transportation of handguns.

We hear that the availability of handguns does not increase crime. That may be true, but the fact is that a gun is the most efficient death weapon. Handguns may not increase the incidence of crime, but they surely increase its severity. Studies in Massachusetts, which has a strict handgun law, suggest that, while the level of criminal activity has not declined since passage of the law, the offenses committed are less deadly. A national law that would supplement State and local laws surely could help reduce the number of deaths, even if violent attacks would not decrease.

Mr. Speaker, I fully realize that despite a national law criminals would continue to find some way to get these deadly weapons. But surely that realization is no argument for inaction on our part. Would any one of us suggest that we should have no controls on drugs because lawless persons find ways to obtain illicit drugs?

This issue is marked by deep, emotional divisions. Finding a solution to such issues, however, is the test of government. A civilized society demands that we embark on thoughtful discussions to find a compromise that could lead to the arrest of violence in our cities.

To me, the question is clear: Do the criminals, the addicts, the deranged have an unchecked right to handguns? Or do we begin those thoughtful deliberations that could lead to moderate, sensible, reasonable legislation to curb the criminal violence that snuffs out thousands of innocent lives each year and causes fearful citizens to arm themselves against those who would prey on them?

I do not believe that sportsmen, hunters, and gun collectors are unyielding foes of handgun legislation. They are good and reasonable citizens. I understand the culture and heritage that make their guns their most prized possessions. I would join in opposing any effort to separate them from their guns.

But can any of us oppose a law that would make it harder for the criminal, the sick, the would-be assassin to get a handgun?●

RETIREMENT PROGRAM COULD DOUBLE IN COST

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. CONABLE. Mr. Speaker, the Congressional Budget Office has recently submitted a report describing the financial problems afflicting the civil service retirement system and, of course, the taxpayers. If we do nothing to deal with the sharply rising costs, CBO warns, the cost will more than double in the next 5 years to $30 billion annually.

Mr. Speaker, when we are cutting countless Government programs in an effort to bring Federal spending under control and reduce our destructive deficits, there can be little justification for ignoring the costly, excessive provisions of the Government retirement programs. The CBO report merited the attention of Mike Causey, who identifies closely with the interests of Federal employees, and prompted him to write about it yesterday in the Washington Post. I submit his article for the information of all.

[From the Washington Post, May 20, 1981]

RETIREMENT PROGRAM COULD DOUBLE IN COST

(By Mike Causey)

The Congressional Budget Office says that if changes are not made the price tag

on the federal retirement program will more than double in the next five years to $2.5 billion a month because of inflation and the addition of 462,500 new retirees by 1986.

CBO has given Congress a series of options to cut retirement costs, now $14.7 billion a year, either by forcing employes to kick in more for their pension program or reducing both the size and frequency of future cost-of-living adjustments.

If the current system is left intact, the CBO says, the cost of the retirement program for U.S. aides will jump to $30 billion by 1986, and nearly 70 percent of the increase will result from twice-yearly COL raises retirees now get to keep pace with inflation.

The Senate and House are working on legislation that would limit federal, postal and military retirees to one inflation catch-up each year. Retirees now get COL adjustments each March and September.

CBO says the civil service retirement fund is in good financial shape. Its $73.6 billion in reserves is five times the annual payout. But it says the fund will continue to shrink over the years unless contributions (employes and the government each pay 7 percent of salary into the fund) are raised, or COL raises are held to one a year. One of the options identified includes limiting future COL raises to 70 percent of the inflation rate as measured by the Consumer Price Index.

CBO data given to Congress indicate that the federal retirement program is generally much more generous than pension systems for private workers under Social Security because federal employes can retire earlier and get two guaranteed COL raises each year. CBO says the true cost of the federal retirement program amounts to nearly 30 percent of payroll.

If Congress wants to change the federal retirement program, CBO lists the following options:

(1) Increase the amount of money that agencies contribute to the retirement fund. They now match employe contributions. CBO says the government contribution, to be borne by the agencies (and taxpayers) in this option, should be 29.5 percent of payroll, up from the current 7 percent.

(2) Increase contributions by employes and by agencies. Employes who now pay 7 percent into the fund would be required to pay 9 percent of their total salary for retirement benefits. Agency contributions would be raised to 27.5 percent.

(3) Keep the current contribution rate but limit retirees to one COL raise a year, with that increase being held to 70 percent of the rise in living costs as measured by the Consumer Price Index. This CBO option would penalize employes who retire before age 65, with a 10 percent annuity reduction for those retiring at age 60 and 20 percent for persons retiring at age 55. CBO says this should be phased in gradually over a 20-year period.

The Reagan administration, so far, has resisted plans to give retirees COL raises that are below the actual rate of inflation. But it is backing Senate and House legislation that would limit retirees to a single COL adjustment each year.●

HOUSTON NAVIGATION PROJECTS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. FIELDS. Mr. Speaker, as the congressional Representative for the area surrounding the Houston ship channel, I am pleased to introduce today three pieces of legislation to improve navigation along this vital waterway.

However, before discussing the specifics of these bills, I would like to share briefly with my colleagues the ship channel's importance to Houston's economy.

According to recent tonnage figures, the Houston ship channel is our Nation's third largest port, with its facilities receiving more foreign cargo and imported crude oil than any other domestic waterway.

It has been estimated that $1 of every $3 in the Houston economy can be attributed to the ship channel. Directly or indirectly, the channel provides employment to thousands of citizens in the Houston metropolitan area.

Nevertheless, in recent years, there has been a significant change in the type of vessels which are utilizing our port facilities. In an effort to reduce rising energy costs, companies now are shipping their products in so-called supertankers, many of which are larger than three football fields.

As a result of this movement to larger and larger vessels, several industries along the channel have found it necessary to spend large sums of money to deepen their port facilities in order to accommodate these supertankers.

The first of my three bills would require the Army Corps of Engineers to maintain a 40-foot depth at the Barbours Cut Terminal at Morgan's Point.

Private funds have already been expended to dredge this tributary of the ship channel from 16 to 40 feet. I believe that the corps should now assume responsibility for maintaining a 40-foot depth.

This responsibility is consistent with Congress mandate to the Army Corps of Engineers. I am convinced that such maintenance costs to the city of Houston and the Federal Government will be offset by the creation of new jobs and other types of positive economic activity.

It is interesting to note that the greatest amount of cargo growth along the channel last year occurred at the port's Barbours Cut multi-purpose intermodal terminal. Tonnage at the new facility increased by 35 percent from 1,701,586 tons during 1979 to 2,294,727 tons in 1980. The number of ship-carried barges handled at the terminal increased from 1,294 to 1,563.

The second bill I am introducing is similar to the first in that it requires the Army Corps of Engineers to maintain a 40-foot depth at Greens Bayou, which is also a tributary of the Houston ship channel.

This bill, which is identical to provisions incorporated within the Water Resource Development Acts of 1977 and 1979, as passed by the House of Representatives, amends section 301 of the River and Harbor Act of 1965 to authorize that the corps maintain the depth of this section of Greens Bayou at 40 feet rather than the present 36 feet.

As my colleagues on the Water Resources Subcommittee may well recall, when the Houston ship channel depth was increased to 40 feet in 1958, the Port of Houston Authority deepened, at its own expense, this portion of Greens Bayou.

Unfortunately, however, because the 1965 act authorizes the corps to maintain the depth at only 36 feet, the port authority has borne the cost of keeping this section free of silt and debris to 40 feet.

Once again, I believe that this is contrary to Congress mandate to the Corps of Engineers, and I believe that we must eliminate the present technical limitation of 36 feet. By doing so, there will be no appreciable additional cost to the corps to maintain it at 40 feet since once the initial dredging has been completed, a similar amount of silt and debris must be removed to maintain the channel's depth.

The third and final bill I am introducing today will allow the Port of Houston Authority to receive Federal reimbursement for the raising of a railroad bridge which the Coast Guard ruled an obstruction to navigation over Greens Bayou.

While the actual modifications were completed in November 1980, I believe the Federal Government should provide partial reimbursement for these repairs which became necessary, through no fault of it own, because of severe land subsidence in this areas.

Regrettably, however, like so many other worthwhile projects, funding for this project was included in the last two water resource development authorizations, both of which failed to become law.

While the Port of Houston Authority has spent in excess of $1 million to make the necessary modifications, I am hopeful this Congress will provide to it a portion of the costs in the form of a reimbursement.

Let me also say in closing, Mr. Speaker, that I would like to urge my colleagues to join with me in requesting early action on a Water Resources Development Act which will continue

the process of developing a comprehensive water policy for this Nation.

Thank you, Mr. Speaker.●

NSF HELPS UNITED STATES STAY TECHNOLOGICALLY AND SCIENTIFICALLY AHEAD

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. WALGREN. Mr. Speaker, the administration's proposed deep cuts in selected National Science Foundation programs has been a matter of great concern to my Subcommittee on Science, Research, and Technology. Keeping in mind the need for budget restraints, the subcommittee sought to keep some scientific research and education programs from obliteration. The subcommittee heard strong testimony on the effects the drastic reductions would have on scientific enterprise as a whole, and after careful deliberation restored partial funding in some of the most crucial areas. This was sustained in the full committee.

Since we will be debating the Foundation's fiscal year 1982 authorization shortly, I would like to call the attention of my colleagues to a statement by the American Chemical Society in support of the committee's action. The ACS urges the Congress to take similar action to keep the United States in its position of world leadership in scientific and technological creativity.

The statement follows:

STATEMENT OF THE AMERICAN CHEMICAL SOCIETY

The American Chemical Society generally supports an equitable reduction in governmental spending. Nevertheless, we are concerned about the impact of proposed cuts in the National Science Foundation's budget for fiscal year 1982. Such a plan, if carried out, would deal a severe setback to U.S. science and technology, and to the country's industrial, commercial and military strengths.

The ACS, therefore, applauds and supports the restoration of the funding of several scientific research and education programs of the Foundation by the House Subcommittee on Science, Research and Technology in its authorization bill. This action is wholly consistent with the foundation's mandate "to initiate and support basic scientific research, and programs to strengthen scientific research potential and science education programs . . ."

We urge the Congress to take similar action to maintain the U.S. science enterprise which has made us the world leader in scientific and technological creativity and invention.

The national interest requires that high priorities be given to scientific research, both pure and applied, and to education. It is unthinkable that our nation should eliminate or diminish its scientific and technological resources, especially its human potential, in an age when the atom is split, the gene decoded, the laser developed, and the computer is a household tool. These, and many other scientific and technical achievements, have helped produce and sustain a standard of living unmatched in history. An explicit national commitment to strong support of the discovery and development of new knowledge and new technology is required in order to maintain this position.

Scientific education is the foundation of the entire scientific enterprise, and also must have the support commensurate with this commitment. This nation could not have attained its present position in science and technology without the strong support by the National Science Foundation of science education programs. Not only do we need scientifically and technically qualified professional men and women, we also must have scientifically and technically literate lay men and women.

Each day, every citizen is faced with energy, environmental, computational, and other scientifically-related problems of increasing complexity. The majority of the nation's regulatory and policy decisions that set directions for scientific inquiry and technological developments are made by people who frequently have no direct involvement in science and technology. It is, however, essential that they, and those who elect and support them, make these important and vital decisions on the basis of knowledge and understanding. These people need to know and understand science sufficiently, and have problem-solving skills, so they can function intelligently as involved citizens in a world being continually changed by science and technology.

The Federal role in scientific research and education, exemplified by the National Science Foundation, has been constructive and productive. The Federal role has been appropriately supportive without being prescriptive.

Considering the critical importance to the nation's welfare of fully developing both material and human resources in science and engineering, the nation needs the widest possible range of advice in their development. We recommend that the Foundation and the National Science Board call upon the Congressionally-chartered scientific societies such as the American Chemical Society, and other scientific, engineering, and professional societies, for information and advice when priorities and directions for scientific research and education programs are determined.●

H.R. 900 CANNOT WITHSTAND CONSTITUTIONAL SCRUTINY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. EDWARDS of California. Mr. Speaker, to the list of eminent legal scholars who have provided me with their opinion that the "Human Life" bill is unconstitutional, can be added Prof. Telford Taylor and Louis Henkin, of the Columbia University School of Law. Their views are provided below:

COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, SCHOOL OF LAW,
New York, N.Y., May 7, 1981.

DON EDWARDS,
Chairman, Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN EDWARDS: This will acknowledge your letter of April 24, 1981, requesting my opinion on the constitutionality of bills such as S. 158 and H.R. 900, which undertake to define "person" as used in the Fourteenth Amendment to the Constitution as including the human fetus from the moment of conception. It is understood that the purpose of these bills is to override the Supreme Court's rulings in *Roe* v. *Wade*, 410 U.S. 113 (1973) and subsequent decisions based on the principles of that case. Since those decisions are based on the Constitution itself, it appears that the purpose of these bills is to bring about a change in the scope and effect of the relevant Constitutional provisions by statutory means, rather than by amendment of the Constitution in accordance with the procedures prescribed in Article V.

The bills in question rely explicitly on the power of Congress under Section 5 of the Fourteenth Amendment as the constitutional basis of their provisions. The scope of this power, during the last fifteen years, has been the subject of at least four significant Supreme Court decisions. *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966); *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966); *Oregon* v. *Mitchell*, 400 U.S. 112 (1970); *Rome* v. *United States*, 446 U.S. 156 (1980); see also *Fullilove* v. *Klutznick*, 448 U.S. (1980). In all these cases except the first, the Court was divided in opinion on the governing principles, and professional comment on the problem has reflected its controversial nature.

Despite this division of opinion, I believe it to be clear that the bills in question are unconstitutional. The majority opinion in the *Morgan* case goes further than any other in giving scope to Congressional power under Section 5 of the Fourteenth Amendment, but in that opinion it was categorically stated that Section 5 gives Congress no power "to restrict, abrogate, or dilute" constitutional guarantees. *Katzenbach* v. *Morgan*, 384 U.S. at 651 n.10. There can be no doubt that the purpose and purport of the bills in question is to "restrict, abrogate, or dilute" the constitutional rights of pregnant women as established in *Roe* v. *Wade*.

As for the members of the Court who do not share the expansive views of Congressional power under Section 5 articulated by the majority in the *Morgan* case, it is my belief that, regardless of their agreement or disagreement with *Roe* v. *Wade*, they would conclude that the constitutional principles it established cannot be nullified by statutory action.

For the foregoing reasons, stated above in summary form, it is my opinion that the bills you have called to my attention are unconstitutional.

Sincerely yours,

TELFORD TAYLOR,
Nash Professor of Law, Emeritus.

COLUMBIA UNIVERSITY IN THE
CITY OF NEW YORK, SCHOOL OF LAW,
New York, N.Y., April 3, 1981.

Rep. DON EDWARDS,
Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE EDWARDS: I have your invitation to comment on the constitutionality of H.R. 900, the "Human Life Statute." In my view, the proposed declaration would not be effective to achieve its apparent design: if adopted, a state abortion statute would face essentially the same constitutional obstacles as if Congress had not spoken.

In *Roe* v. *Wade* the Supreme Court held that a state cannot interfere with a woman's right to have an abortion except at certain limited times and in certain limited circumstances. That determination by the court in effect held that the woman's liberty outweighed any rights the foetus may have, or any interest the state may have in protecting the fetus. Congress, authorized to carry out the provisions of the Fourteenth Amendment, cannot deprive the woman of rights which she has under the Amendment by setting up new countervailing rights under it in the guise of interpreting the Amendment.

I add that if Congress could impose this definition of "person" on the states, the consequences might be far-reaching and baneful in other respects. For example, it might result in states having to treat every accidental miscarriage as a form of homicide as well as a tort. It might give the foetus a "right to be born" with claims against parents, doctors, the state, strangers, who might interfere with it. It might vest property interests in every foetus, which the parents, others and the state itself could not modify.

Congress should not enact H.R. 900.

Sincerely,

LOUIS HENKIN.●

VIETNAM VETERANS: AN UNFINISHED AGENDA

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. RATCHFORD. Mr. Speaker, on the eve of Memorial Day, it is important that the Nation pause to mourn our countrymen who sacrificed their lives in defense of our great and free Nation, to express our gratitude to the thousands of living veterans who have served their Nation with distinction, but also to consider to what extent we have met our commitment to provide for the special needs of some 2.7 million men and women that served in a distant conflict that few understood and a Nation was so willing to forget.

Only recently have we come to recognize the breadth of their unique experience—from the frightening stories of torture and grueling battle during service, to a homecoming characterized by rancor and slight, and to a civilian life for many that is filled with self-doubt, stress, and physical suffering. Once the Nation was willing to trade insults with gratitude, the Congress moved with unusual speed to provide for the construction of what will be a truly beautiful and lasting memorial to pay tribute to those that served and who gave their lives in Southeast Asia.

Once the Nation was able to understand the special problems that Vietnam veterans experience in readjusting to civilian life, Congress, in 1979, established the very successful Operation Outreach program to provide critical counseling and related mental health services. Once the Nation learned of a killer chemical herbicide used throughout the Vietnam countryside during the sixties, and its frightening effects for many exposed to it, the Congress ordered a thorough study of agent orange and the hundreds of cases of cancer, birth defects, miscarriages, skin eruptions, ulcers, nerve damage, and depression that have been linked to it.

As we observe Memorial Day of 1981, Mr. Speaker, I hope that we will redouble our efforts to complete consideration of an unfinished agenda for our veterans of the Vietnam conflict. To offer reassurance to our Vietnam vets that indeed their sacrifice and their suffering holds a special place in our hearts, we must give swift approval to reauthorization legislation pending that would extend the Operation Outreach program for an additional 3 years and that would provide medical care for those exposed to agent orange. To do less in the name of budget austerity would be a tremendous disservice to these honorable Americans who have endured so much pain and anguish since their unheralded return home.●

FREE ENTERPRISE—THE FREEDOM TO CHOOSE

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. BREAUX. Mr. Speaker, I include the winning essay from Louisiana's statewide high school free enterprise essay competition:

FREE ENTERPRISE—THE FREEDOM TO CHOOSE

(By Lisa Gaye Weber, Carencro High School, Lafayette, La.)

In the Soviet Union, unless one is found at an early age by the "state" to be of exceptional intelligence or capabilities and placed in special "state" schools, chances are one will utimately be condemned to be what one's father or mother was (farmer, housewife, etc.). Even those who are given "opportunities" by the "state" do not have the freedom to choose what they will do in life as a livelihood. That is determined by the "state."

Olga Korbut, the international darling of the gymnastic world, appears to be, at first glance, a successful "enterprise" in her own right. Not so. She did not have the freedom of choice. The state perceived her gymnastic talent when she was but a young girl. Therefore, the "state" decided for her what her "enterprise" in life would be.

With that as a background and point of comparison, consider the story of John Adams. (The name of the real-life party is to remain anonymous for the purposes of this essay.) He is a local man who grew up with my dad under our system of free enterprise and who, because of the American freedom of choice, "did well for himself" in a business of his own.

John was born of poor parents some thirty-two years ago. His dad earned a meager living by driving a truck for a local shipping firm. His mother's mission was that of a housewife, trying to make ends meet while raising a son. John decided upon completing high school that college was not for him. (And that was easy to understand when one considers the limited financial means of his family and the absence of a "go-to-college-son" push in his home as compared to what might have otherwise been the case in the home of a college-trained doctor or lawyer.)

After making his decision, John took a job with a local machine shop. The booming oil industry in Lafayette and its needs made it rather easy for any young high school graduate to find a job just out of school—whether as a roughneck or a pipeline laborer, etc.

A short few years later, after seeing the demand for machinist work in Lafayette and particularly in the area of the Oil Patch, the dream of "free enterprise" and the feeling of "the freedom to choose" came to John.

Acknowledging the risk involved in the venture but moved by the vision of profit and self-employment, John "made the break" and, in partnership with two of his fellow machinists, borrowed money for the construction of a new machinist shop and the purchase of new equipment and all other essentials to begin that new enterprise.

There was a little bit of the man who said way back when "there can be no freedom without responsibility" in that John knew full well of the responsibilities that came with the risk he was taking.

If the new shop did not work out, how would he meet his house payment, car payment, food bills? Could he then find another job? What volume of business would it take to pay back that large amount of money he and his partners borrowed? All of this concerned John.

On the other hand, if the new venture "worked out," maybe he could build that nice new home he dreamed of. If things worked out, he would be his own boss and could take time to do the things he wanted to do—when he wanted to do them. Maybe he could provide jobs for other people.

The bottom line: John chose to take the risk and personally became an active (with potential of loss) participant in the free enterprise system.

That was some fourteen or so years ago. The formerly low-paid John who returned home each afternoon in dirty uniforms and went to bed each night under sufferance of the dream of owning his own business today has one of the largest, if not largest, machine shops in Lafayette with computerized equipment and more people working for him than he ever dreamed of. The trips to

Europe and new market places, the direct dealings with the OPEC nations, the nice home with the swimming pool and tennis courts, the many jobs which he has personally caused to be created, and the impact of his business on the economic cycle of his community are all testimony to the viability of the free enterprise system, revealing what can be achieved in a system where one has the "freedom to choose" whatever he or even she wishes to do.

Olga Korbut, the internationally acclaimed gymnast, was never more excited then when she was allowed the freedom to buy Levi jeans in one of her trips to America. And you know what? My dad's friend, John, and many other Americans who dared to exercise the freedom to choose through the free enterprise system collectively made that delightful moment possible for Olga!●

VETERANS OF FOREIGN WARS VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM 1980-81 STATE OF MAINE WINNER—GILBERT JAMES GASTON, JR.

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. EMERY. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a "voice of democracy" contest. This year more than 250,000 secondary school students participated in the contest competition for the five national scholarships which are awarded as top prizes.

The topic for the contest in 1980-81 was "My Commitment to my Country." The winner of the State of Maine contest was Mr. Gilbert J. Gaston, Jr., a senior at Yarmouth Junior-Senior High School, Yarmouth, Maine. Because of the importance of youth in America to realize that they have a commitment to their Nation, I take great pride in placing his speech in the CONGRESSIONAL RECORD:

MY COMMITMENT TO MY COUNTRY

(By Gilbert James Gaston, Jr.)

Many people talk of joining one of the armed services, but when a conflict turns to war, they're nowhere to be found. Many people say that Americans should take more pride in their country, yet most of these same people cannot even sing half of our national anthem. In times when elections are held, many people complain about the faults in our governmental system which need correction, but yet these people don't exercise their right to vote.

A country can only be as strong as its people make it. If the inhabitants of a country don't take any pride in their heritage and are unconcerned about the well-being and survival of their government, the country will most assuredly disperse into insignificant, unorganized factions. But if a country's people are united and they are willing to make sacrifices to ensure their country's future and prosperity, the country, and as a result, its people, will flourish. A country needs the support of a united people to make certain that its ideals will continue to grow and prosper. But a government also needs an individual commitment from each of its inhabitants to remain strong and stable. No two people are willing to make the same commitment, and the sacrifice a person is willing to make, is a decision which must be deliberated with great thought and concentration. It must not be a whimsical idea or fancy, but a goal which is in the best interest of the country and its people. For some people, it is a decision that takes years to make. For others, such as myself, the decision is obvious. My commitment to my country is this:

I will give what is needed. I will do what needs to be done. I will serve in public office if that is the way in which I am best able to serve my country. And, if the need should arise, I will give my life in battle to ensure the safety and survival of this great land.

To merely state one's objectives is of little significance. The idea must be brought to life through action. Wherever I travel, I try to convey my enthusiasm to the people around me. If people speak harshly about this country, I remind them of the bounty which we have reaped for over two centuries. If they say people have lost their pride, I give myself as an example of renewed trust. So many people speak of what they wish they had when they already have so much. To these people I say this, "It is not important to have what you want, but to want what you already have". I am proud to be an American, and as long as I live, I will continue to spread my faith in our way of life.

For mine is an endless commitment to service, but the sacrifices made by others, no matter how small they may seem, are equally important. For a commitment to service is a statement of faith. A country cannot survive or prosper if its people do not believe in the fundamental values for which their government stands.

I challenge each of you here today. If you have not yet decided on some goal to complete which will benefit this country, do it now. It does not have to be some monumental accomplishment, for the successful completion of any task is a tribute to the spirit of perseverance which has made this country great.●

EXPORT TRADING COMPANY ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. LaFALCE. Mr. Speaker, one of the most pressing challenges confronting the Congress is the need to boost U.S. exports in order to eliminate our staggering balance of trade deficits. Increased exports means a sounder dollar, less inflation, and the creation of new employment opportunities in this country.

One of the most important and effective ways of boosting exports is through the creation of U.S. export trading companies which could provide a wide variety of export services to small- and medium-sized companies which do not export at the present time. Export trading companies could market financial, commercial, and informational services to the 20,000 small- and medium-size companies which have the potential to export, although these companies do not do so at the present time.

In order to achieve this goal, I have introduced H.R. 1648, the Export Trading Company Act of 1981 which has received the enthusiastic endorsement of the Reagan administration and the broad bipartisan cosponsorship by more than 80 of my colleagues. The companion bill in the Senate passed by a remarkable 93-0 margin.

Although Commerce Department studies have clearly indicated the imperative need for this bill, I recently received confirmation of those findings in a letter from the Committee of Publicly Owned Companies which is an organization of primarily medium-sized companies that are not presently engaged in the export business. Mr. C. V. Wood, Jr., chairman of the committee, strongly endorsed H.R. 1648 and explained why it would help boost exports from medium-sized businesses. Since Mr. Wood represents those who would benefit most from the bill, I hope that all of my colleagues will carefully read his letter and support this important export bill. In light of the fact that this is World Trade Week, this bill's prompt passage would be particularly timely and appropriate.

The letter follows:

THE COMMITTEE OF PUBLICLY OWNED COMPANIES,
New York, N.Y., May 12, 1981.

Hon. JOHN J. LAFALCE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN LAFALCE: The Committee of Publicly Owned Companies (COPOC) on behalf of its 700 chief executive officer members across the country, heartily applauds your efforts to secure the establishment of American export trading companies.

COPOC, founded in 1973, is a nationwide association of chief executive officers united behind a legislative and regulatory program to stimulate capital formation, create jobs, trim overregulation and promote exports. COPOC members are listed on the New York Stock Exchange, the American Stock Exchange or traded on NASDAQ.

In our view, were the LaFalce bill (H.R. 1648) the law of the land, a substantial portion of our nation's $32 billion trade deficit last year would have evaporated.

Only a small number of our members are among the 100 elite American companies which accounted for almost 50% of U.S. exports last year. Almost all of our members are, however, among the 20,000 American companies which the Commerce Department estimates could export profitably but presently do not.

Why don't more companies export? For one thing, the government imposes antitrust, financing and other restrictions which impede the outflow of American goods and services. Also, unlike our leading trading competitors such as Japan and West Germany, there is no coherent policy in place to reduce the risks and overcome the complexities involved in exporting.

Until recently, American export policy adhered to the quaint view that our huge domestic market was a vast, limitless, private preserve to be serviced by American industry, labor and enterprise. Foreign markets for our goods and services were a marginal factor and foreign efforts to penetrate our market were not be to taken seriously. After all, not too many years ago the imprint "Made in Japan" on a product met with considerable resistance from the quality-conscious American consumer.

In today's global marketplace, of course, all that has dramatically changed. As you correctly concluded: "The United States has marked time while out trading competitors have marched forward into the rapidly growing markets of the world." Yet in many fields, such as agriculture, financial services, biogenetics, energy exploration and semiconductors, America is still the technological leader of the world.

This country must swiftly develop a foreign trade policy to maximize the potential advantages of a bountiful nation, an enterprising work force and a skilled and innovative private sector. The centerpiece of such a policy is the immediate formation of export trading companies to enable small and midranged as well as large American corporations to have access, under one roof, to the necessary financial, technical, legal, marketing, informational and research services to seize overseas trading opportunities. This would provide American goods and services ready access to foreign markets and build long term relationships between American producers and foreign consumers.

Passage of H.R. 1648, in our view, would reduce the balance-of-payments deficit, strengthen the dollar and vastly increase employment opportunities at home. Just one billion dollars of additional exports would create 40,000 new jobs.

Secretary of Commerce Malcolm Baldrige recently stated that the Reagan Administration "acknowledges the responsibility of the goverment to create a legal and economic atmosphere conducive to exporting . . . The proposed Export Trading Companies Act is especially important for small- and medium-sized firms, to which we should increasingly look for increased export activity." With this bipartisan approach, we are confident that the sleeping American economic giant will take its place as the preeminent player in the world market of the future.

Sincerely,

C.V. WOOD, Jr., *Chairman.*●

LONG BEACH JUNIOR CHAMBER OF COMMERCE CELEBRATES 50TH ANNIVERSARY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. ANDERSON. Mr. Speaker, from May 20 until May 30, 1981, the Long Beach Junior Chamber of Commerce will celebrate its 50th anniversary as an organization of service to our community.

The Jaycees organization was founded in 1931; a multifaceted organization, its membership comprised of young men between 21 and 35 who are committed to its political, civic, and charitable goals.

The list of notable accomplishments that this organization has contributed to Long Beach includes some of the city's most famous projects. The Jaycees have been the driving force behind the Long Beach Marine Stadium, the Long Beach Airport, and the Downtown Marine Development.

The junior chamber of commerce has also done wonders for the charitable organizations of Long Beach. In its 50-year history, the junior chamber has raised and donated over $1 million.

Mr. Speaker, the Long Beach Junior Chamber of Commerce is a service club that has bettered community life on all fronts. Its members have gone on to become some of the more notable public and private figures in southern California. The Jaycees have truly made a reality of the motto: "Service to humanity is the best work of life." My wife, Lee, joins me in saluting this fine service organization for its first 50 years in Long Beach, and we have every confidence that the Jaycees will continue to hold its place in the forefront of our community.●

REAGAN-STOCKMAN-GILDER ECONOMICS KEEP WOMEN IN THEIR PLACE

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Ms. FERRARO. Mr. Speaker, one of the many causes for concern that I have with the Reagan budget is its treatment of programs of importance to the women of America. Programs that are of special benefit to women—such as assistance to day care centers and the WIC program—have been subjected to the budget-cutter's meat ax, and I think the cuts are critically damaging to the struggle to improve the condition of women in our country.

Besides the damage that will be done by the cuts themselves, however, what concerns me is the underlying rationale. One writer has said that there is more philosophy than economics in the Reagan budget. I am inclined to agree, and I think the philosophy with regard to women's issues is right out of the 19th century.

In a recent column in the Washington Post, Ellen Goodman recalled an interview she conducted several years ago with George Gilder, the author of "Wealth and Poverty" and a man greatly admired for his economic views by the Reagan administration. Ms. Goodman notes that in the interview, and in the book, Gilder argues the importance of women remaining in a completely dependent state for the advancement of society.

I think that any thinking American who is concerned about the well-being of women will find the column frightening. I recommend it to my colleagues.

GEORGE GILDER HASN'T CHANGED A BIT

(By Ellen Goodman)

BOSTON.—I met George Gilder before he had become the author most in demand by the supply-siders, before "Wealth and Poverty" had hit the best-seller lists.

In those days, David Stockman was an ex-divinity student. Ronald Reagan was an ex-governor and George was a bachelor.

This last fact was not, I hasten to add, extraneous. George had just finished a dreadful little book called "Naked Nomads," a postscript to "Sexual Suicide" in which he set out to prove how miserable single men were. They were prone to everything from poverty to pornography, psychosis to syphilis. Those who were not violent to others were likely to inflict violence on themselves.

What I remember most about our interview was that George arrived wounded. He had cut his unwed chin while shaving. As he talked about the self-destructiveness of single men, a small piece of Kleenex kept jiggling ominously along his wound.

George was ardent in his belief that women should devote their lives to rescuing poor needful men. Jiggle, jiggle. He maintained that if only women would stop being so damnably independent and would follow nature—see Lionel Tiger—all would be right with the world. Jiggle, jiggle.

Frankly, I thought Gilder was a bit dippy. By then, as I recall, I had already heard the stories. Heard about his uncanny ability to lose overcoats. Heard about the time he had driven to Philadelphia to see a track meet, flown back to Boston and gone looking for his car. It never passed my mind that he would become a darling of presidents. I mean, who would trust the economic philosophy of a man who cannot keep track of his overcoat?

But I must be kind about this. I chauvinistically assumed that Bachelor George would do what he said all men do: straighten out as soon as he got married.

However, here he is six years, one wife and two children later, and lordy, the man is still at it. Once again in his book about hope, faith, charity and the capitalist system, he bases his beliefs on some mysterious, mystical sexual powers.

"Civilized society is dependent upon the submission of the short-term sexuality of young men to the extended maternal horizons of women," he writes.

This time, capitalism, as well as mental health and crime prevention, rest on the ability of a woman to get her man and keep his nose to the grindstone. "This is what happens in a monogamous marriage: The man disciplines his sexuality and extends it into the future through the womb of a woman. The woman gives him access to his children, otherwise forever denied him; and he gives her the product of his labor, otherwise dissipated on temporary pleasures. The woman gives him a unique link to the future and a vision of it; he gives her faithfulness and a commitment to a lifetime of hard work."

Gilder identifies the enemies of this blissful romantic-capitalistic union as (1) women who allow sex without marriage, (2) working wives, (3) women with independent means, (4) government programs that in any way support (1), (2) or (3).

The basic point about family and the economy is that a man needs a thoroughly

dependent wife and needful children to become a dependable, upwardly mobile worker. The woman (or government) who undercuts the male role as provider merely produces another naked nomad, as the capitalist system goes kapooey.

Jiggle, jiggle.

Gilder is blissfully unconcerned about what happens to the dependent wife and children when a man's nose is not permanently attached to the grindstone, or when it is not permanently attached to a wife. He's blissfully unconcerned about women who are not wives and mothers.

Under his plan for fun and profit, the only decent thing for a woman to harbor is a fund of trust for her man, rather than, say, a trust fund. Under his plan a woman is supposed to provide, rather than to have, a meaning for life.

All this would be amusing, in a dippy sort of way, except for the fact that Gilder's mystical philosophy has been officially dubbed "Promethean in power and insight" by David Stockman. The ideas underlie the budget plans of the former divinity student and the former governor.

It is no accident that the Reagan cuts are aimed at any programs—welfare, child nutrition, food stamps—that would "undermine the motivation of men" by helping women and children. It was all in the works years ago, in the mind of the man with the Kleenex on his chinny, chin, chin.●

THE CANADIAN ENERGY PLAN

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. APPLEGATE. Mr. Speaker, I believe the time has come for the United States to take a long, hard look at our relations with Canada. Recent moves by the Canadian Government indicate that Canada is in the process of replacing the trust and cooperation which have marked Canadian-United States relations in the past with a new spirit of confrontation. This spirit of confrontation is particularly evident in the new Canadian national energy plan which grants special incentives to Canadian-owned energy firms, while denying those incentives to American firms.

Because the Canadian national energy plan discriminates against U.S. companies and their subsidiaries operating in Canada, the value of these U.S. firms and their Canadian holdings has declined. This loss of value of U.S. energy holdings in Canada can be likened to a form of expropriation without compensation because Canada has reduced the value of these companies while offering nothing in return. Because the Canadian national energy plan has reduced the value of U.S. energy companies operating in Canada, these companies are now vulnerable to takeover at prices far below their real worth. The current attempt by Dome Petroleum to buy stock in Conoco, Inc., and force Conoco to sell Hudson's Bay Oil & Gas is an example. Because the eventual result of this Canadian national energy plan could be complete elimination of American participation in Canadian energy investments, I recommend that we begin to examine the impact that this new Canadian energy policy may have on the whole range of United States-Canadian cooperation.

At the very least, I recommend the State Department examine the degree to which the Canadian national energy plan violates international agreements that prohibit artificial constraints on investment flows. In particular, I am concerned that the Canadian program violates OECD guidelines designed to encourage the equal treatment in member countries of both foreign and domestic investments.

I am equally concerned that the new Canadian national energy plan may affect other areas of United States-Canadian cooperation. If the plan is likely to limit the amount of additional oil and gas that U.S. companies can produce in Canada, then the United States should be particularly concerned about any United States-Canadian programs that would force the United States to consume additional amounts of oil and gas. A case in point is Canadian concern over acid precipitation and the potential for this concern to increase the demand for oil and gas in the United States. If in fact Canadian demand for control of U.S. coal combustion results in increased U.S. demand of oil and gas, it would seem reasonable for the Canadian Government to encourage the production of additional gas and oil. Because the new Canadian national energy plan is likely to have the opposite effect, I would urge that both the Department of State and the Environmental Protection Agency examine this interrelationship in any future discussion about controls on acid precipitation.

A final area of concern is the degree to which the Canadian Government is demanding access to prospective areas for oil and gas off the coast of the United States, while at the same time denying similar access to American firms with the new Canadian national energy plan. This issue is particularly relevant as negotiations proceed to determine the boundary line between United States and Canadian waters in the North Atlantic off the coast of Maine and Massachusetts and in the Pacific off the coast of Washington and Alaska. I would recommend that both the Department of Interior and the Department of State consider the impact of the Canadian national energy plan on any agreement to determine these boundaries and I would recommend that my House colleagues review any agreements with the Canadian Government carefully to determine whether American firms have been fairly treated.

Mr. Speaker, these are only a few areas in cooperation between Canada and the United States that are being jeopardized by the new Canadian national energy plan. Before any additional damage is done to United States-Canadian cooperation, I would hope that Canada would reconsider those parts of its national energy plan that have put U.S. firms at such a disadvantage.●

A "SHELL GAME" WITH MONTANA'S RURAL LIFE

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. MARLENEE. Mr. Speaker, I would like to express concern today regarding a problem that could destroy the small town concept in Montana and drastically alter rural life in my home State.

Burlington Northern, one of the world's largest railroads, has developed a master scheme that proposes to abandon branch lines in Montana. This plan would completely reverse the priorities of Montana's grain transportation system, and would terribly hurt transportation in an area that is already transportation poor.

Burlington Northern's plan is nothing short of corporate terrorism. It is a "shell game" where towns disappear and profits show up in boardrooms.

Burlington Northern has not been honest with the people of Montana. They have devised their master scheme in secret, behind closed doors, and is now waiting to unleash their plan of Montana's rural demise.

A newspaper in Montana, a new statewide weekly newspaper called the Montana Eagle, has clearly written the facts, and I present the story here for my colleagues:

THE OCTOPUS: BURLINGTON NORTHERN

(By T. J. Gilles)

When they were first laying track in Montana more than a century ago, railroad publicist Sam Wilkerson wrote home to his boss proclaiming that the region was destined to become "the chained slave of the Northern Pacific Railroad."

Imagine how ecstatic Wilkerson might have been had he envisioned Northern Pacific as only a part of a one-railroad monopoly over Montana and other grain-belt states. Eventually, the NP merged with two other railroads to become the Burlington Northern.

Governor Ted Schwinden has referred to the Burlington Northern as "the Octopus." But on further study of BN, one gets a picture of an entity even more powerful than the grain shipping, land-hungry railroad depicted in the Frank Norris novel of the same name.

Norris's railroad has a puny monopoly compared to Burlington Northern, which is

the country's largest railroad. It is also, with NP's land grant holdings and millions of acres of former Anaconda Co. timberlands purchased after the merger, the state's largest private landowner. It joins the federal government and the Crow Tribe as leaders in ownership of Montana's coal reserves and, of course, it has a monopoly on shipping the very coal and timber it owns.

But it is Burlington Northern's monopoly on grain shipping which, in a dramatic way, will do more than make the railroad money. BN is about to restructure Montana's economy and agriculture industry significantly. It is about to create the biggest changes since the droughts and depression of the 1920's and 1930's, which drove tens of thousands of homesteaders from their farms.

The word has come down from BN itself. What the state needs to do to ship out all of the grain it can export is construct a mere 15 giant loading points, each shipping 52-car unit trains of the same type and protein of wheat, three trains per month.

Many small towns will be handed their death warrants next June when BN publishes its color map of Montana showing which branch lines will be abandoned immediately, which lines are in jeopardy and which have a reasonably good future.

For years Montana farmers have accused BN of pushing them around. Because the railroad handled 80 percent of the state's grain, farmers claimed, it was gouging Montanans. It was cheaper for farmers in Nebraska to ship their grain to Portland than it was for farmers in Montana to ship to Portland, about half the distance.

There is a competing railroad in Nebraska, the railroad men tactfully replied. But after years of listening to the complaints of farmers with stone ears, and coinciding with the collapse of the Milwaukee Road, BN suddenly began offering discounts to grain shippers.

The discounts were small if you were shipping one car or a dozen at a time. They were considerably larger if you could ship 52 cars, fill them with the same class and protein of wheat, load them and send them on their way within a 24 hour period.

Elevator operators noted there were no Montana facilities set up to load such a volume of wheat in so little time and said remodeling and retracking elevators would cost in the neighborhood of $300,000 apiece. BN said fine, the elevators could do 26-car trains instead, just to practice. Some guys, the railroad said, were trying 52-car trains and making it.

I was at a farmers meeting in Shelby a couple of weeks ago and the Big Question everyone wanted answered was whether the local elevators would be shut off by BN. No, the railroad said, chances were good for Shelby's elevators. The town is in the middle of a big grain area, on the main line and the elevators aren't locked in by the city and have plenty of room to expand.

But if Shelby survives, the town of Conrad won't. Conrad, 24 miles south, is off the main line and isn't going to be one of the 15 loading points, not with competition so close.

If Shelby survives as a loading terminal, almost everybody will have to haul farther to sell. "The 15-cent discount we've got on unit trains is not going to make farmers rich," GTA Cooperative Chairman Gordon Matheson said at the Shelby meeting. "We're going to have to pay more. A lot of our local elevators, I suspect, can't survive."

The scenario is set. Branch lines will be abandoned with small and once-mighty elevators relegated to mere collection points for trucking to the shrinking number of terminals loading 52-car trains on main lines.

The high cost of trucking grain to ever more distant terminals, and only when the elevator manager requests a load, will break some farmers, retire others, and cause some to turn all their cropland back to grass if their wheat can't compete with closer, lower cost shipping points.

And the new rates, with which the trucking industry can't compete, may shatter the state's grain trucking industry, the last remaining shred of competition for the railroad.

With elevators selling only three times per month and filling with uniform grain, a farmer's marketing options are limited. With distance dictating hauling semi-loads, outlying smaller farmers who may grow only two or three semi-tractor trailers full have two or three opportunities to market, period. They will have to store the grain on their farms at their expense while waiting for the call that says the one buyer within reasonable distance is finally taking No. 1 ordinary hard red winter wheat.

The bonus for higher protein wheats may be eliminated as the elevator man informs the farmer that his wheat had better meet certain protein levels, period, or it won't make the train.

As the smaller towns farther from the terminals begin to go to grass or be swallowed up by burgeoning grain giants, many of the small towns of Montana will accelerate their trip to the grave as businesses beside the elevator board up.

Terminal towns, of course, will prosper as smalltime trade centers. All 15 of them.●

DEFENSE DEPARTMENT ACCOUNTABILITY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. GILMAN. Mr. Speaker, I want to take this opportunity to address an issue that is timely and critical for our Nation.

Mr. Speaker, the administration is calling upon the people of our great Nation to support and cooperate with the President in his economic reforms. Obviously, those reforms will necessitate sacrifices which all segments of our Federal structure will have to share in and which will have to be of an equitable nature as we seek to gain grassroots support for a balanced budget. Accordingly, along with many other Members of Congress, I have expressed concern with the financial accountability and spending methods of the Department of Defense. While we recognize the need for increasing defense spending, we firmly believe that it should be a cost-effective investment and not fraught with waste, fraud, and abuse. Toward that end we have written to the Secretary of Defense, requesting the Defense Department to find ways to save money by initiating a review of their procurement and spending procedures.

Mr. Speaker, for the benefit of our colleagues, I am inserting at this point in the RECORD, a full copy of our joint letter to Secretary Weinberger, and urge my colleagues to take a close look at ths issue in the hopes of not only assisting in the administration's economic recovery plan, but also to help mold a more effective and better organized Defense Establishment for the 1980's:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 7, 1981.

Hon. CASPAR W. WEINBERGER,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: At home and abroad, our nation is faced with many serious challenges. While our adversaries around the globe have pushed forward in their efforts to expand their power and influence, we have fallen further behind. At the same time, our economic lifeline has come under serious attack by inflation, over-spending and world economic trends beyond our control. The question we now face is not merely a choice of more guns or butter, but how we can address and balance both of these critical interests.

The American people have demonstrated an understanding of our nation's problems and a willingness to share the burden of our necessary reform efforts. It is vital, therefore, that as they make the needed economic sacrifices, we demonstrate a sense of shared responsibility and accountability across the board, including the Department of Defense.

For this reason, we urge you to vigorously pursue all efforts and programs designed to eliminate waste and to improve cost effectiveness throughout our Armed Services. Furthermore, we believe that more public information is needed to demonstrate your commitment to this effort and to help build a consensus that all sectors of our government are full participants in the Administration's economic recovery plan. We also believe that an economic analysis of major programs by an independent body, outside of the Department, would lend credence to such an economization effort.

In your search for ways to bring about savings in our defense expenditures, we call your attention to the recent report by the House Republican Research Committee's Task Force on Defense, entitled "Can The Pentagon Save Money," dated April 7, 1981, which concluded:

". . . there are many ways for the Pentagon to reduce unnecessary disbursements. Limiting these expenses is not an easy matter, but with the utilization of a carefully considered plan, reductions can take place, without affecting military readiness or capabilities. An overall strategy should be developed which considers programmatic reductions; waste, fraud and abuse; and a restructuring of the procurement process. In addition, cooperation with and from the Congress and Administration is necessary for developing a comprehensive spending reduction strategy. If such an effort is successful, the ensuing monetary savings, as much as $25 billion, will benefit the Pentagon and further the Administration's fiscal austerity plan as well."

We share the views of the President concerning the challenges that our nation faces and the need to increase our defensive capability to address those challenges. We are certain that you also recognize the econom-

ic burdens we are asking the American people to share in order to meet these challenges and that these concerns are linked together. A weak economy only increases our vulnerability abroad and decreases our ability at home to provide for the common defense.

Sincerely,

Larry Winn, Jr.; Robert Lagomarsino; Joel Pritchard; Toby Roth; Benjamin A. Gilman; William Broomfield; Olympia Snowe; Jim Leach; Robert Walker; Virginia Smith; Clint Roberts; Marc Marks; Christopher Smith; Daniel Crane; Philip Crane; Arlen Erdahl; Pat Roberts; Don Clausen; Manuel Lujan; Bobbi Fiedler; William F. Goodling; John J. Duncan; John Rousselot; Don Young; David Staton; Tom Corcoran; Marjorie Holt; Matthew Rinaldo; Gene Taylor; Don Ritter; Daniel Lundgren; Jerry Lewis; Paul Findley; Harold C. Hollenbeck; David O'B. Martin; Norman Lent; William Dannemeyer; Hamilton Fish, Jr.; Frank Horton; Raymond McGrath; Gregory Carman; Lawrence DeNardis; Edward Derwinski; John LeBoutillier; James Jeffords; Elwood Hillis; Paul McCloskey; Gary Lee; Carl Pursell; Robert Dornan; Edwin Forsythe; Millicent Fenwick; William Carney; Marge Roukema; Steve Gunderson; Guy Molinari; Clarence Miller; John Myers; George Hansen; Larry E. Craig.●

PEGGY BRACY BROWN HONORED

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. FIELDS. Mr. Speaker, a constituent of mine, Peggy Bracy Brown, of 8407 Rinn Street in Houston, recently was honored by both the Texas Federation of Republican Women and the National Federation of Republican Women. The federation honored Peggy Brown for her outstanding service to her party, the federations and her community.

I would like to take this opportunity here and now to add my commendations to those already paid to Peggy for her unselfish dedication to serving others. Peggy currently serves as president of the Black Republican Woman's Federation of Houston-Harris County. Last year, she worked as a volunteer in both the Reagan-Bush Presidential campaign and in my own campaign.

On April 29, Peggy was honored by former Texas first lady Nellie Connally, national committeewoman Fran Chiles, National Federation of Republican Women President Betty Rendel, and Texas Federation of Republican Women President Cathy Smyth, Texas Secretary of State George Strake added his voice to those recognizing Peggy for her extraordinary civic involvement.

In addition to her involvement in the political arena, Peggy has volunteered her time to a number of local charitable organizations in Houston and she serves as secretary of the Women's Council of Realtors.

Peggy is deeply involved in her community in other ways, too. She has worked to set up a number of community meetings to discuss improvements in northeast Houston. On May 9, she spoke to a "jobs search seminar" I held in my district, and she is scheduled to appear at a second such seminar May 23, there, she will share with young people her knowledge of how and where to seek employment in the private sector in Houston.

Mr. Speaker, Peggy Bracy Brown is a woman of virtually limitless energy and commitment. She has inspired other Houstonians to become more involved in their neighborhoods, and she has been a source of inspiration as well to those of us who have had occasion to work with her in any number of projects. I commend her for that energy and that commitment—two commodities that are all too rare these days.

Thank you, Mr. Speaker.●

FUNDS FOR FUEL-EFFICIENT VEHICLES

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mrs. SCHNEIDER. Mr. President, considerable discussion lately has focused on whether to impose import quotas on Japanese automobiles. While 200,000 U.S. autoworkers have been laid off, Japanese auto companies have witnessed a phenomenal growth in U.S. auto sales. Between 1976 and 1980, Japanese imports have climbed from 900,000 to 1.9 million. The American public is clearly indicating their preferences for fuel-efficient vehicles.

At the same time, the U.S. Synthetic Fuels Corporation is embarking upon the first phase of funding that will ultimately mean perhaps as much as $88 billion spent on underwriting 2 million barrels of oil per day to be developed from shale, tar sands, and coal. The delivered cost to the consumer will be much higher than today's gas, even discounting the effects of inflation.

Mr. President, the SFC was enacted last session in an attempt to wean the United States from foreign oil imports. This costly piece of legislation, however, will do very little to accomplish that goal. And if it does ever accomplish that goal, it will come at a time long after this country may have suffered the consequences of severe oil disruptions and economic dislocations.

It would seem that these several issues—foreign car imports, unemployed autoworkers, a public demanding fuel efficient cars, and a massive Federal spending program to reduce oil imports—could be approached simultaneously from a more cost-effective angle: retooling Detroit.

Detroit has gone from the world's leader in automotive production to a sagging giant. It could, once again, compete against all comers if it were to pursue an extensive accelerated renovation that would result in the output of highly efficient vehicles.

Such a move could reduce oil imports by as much as three-fifths over the next decade, put auto employees back to work, and revive the competive edge of the U.S. auto industry. Such a plan has been advocated by several prescient thinkers. I would like to share with my colleagues a memorandum that was sent to OMB Director David Stockman by Amory Lovins, coauthor of the recent book, "Energy/War," and consultant physicist on DOE's Energy Research Advisory Board.

The ideas detailed in this memorandum provide a new slant to the debate on how best to resolve the complex energy issues besetting our Nation.

I submit the memorandum for the RECORD:

JANUARY 1, 1981.

Hon. DAVID STOCKMAN,

Director-Designate, Office of Management and Budget, Executive Office of the President, Old Executive Office Building, Washington, D.C.

DEAR CONGRESSMAN STOCKMAN: Having detected in your remarks on natural gas pricing on "Sixty Minutes" last week signs of a fellow economic conservative (as described in our enclosed Washington Post op-ed), I should like to share with you some business arithmetic relevant to oil imports, synfuels, and Chrysler.

Let me start with these simple assumptions:

It is technologically straightforward to make marketable cars with a composite efficiency around 50 mi/gal. (A diesel Rabbit, with 10 percent less interior space than the average domestic car made in 1978, gets 42 mi/gal. Its turbocharged version gets 60–65. VW has tested a larger advanced diesel at 70–80 mi/gal, and DOT is testing a clean 60 mi/gal VW prototype which does well in a 40 mi/h head-on. With a series diesel-electric hybrid prototype using off-the-shelf components, VW exceeded 80 mi/gal—still composite—in a big, 3500-lb car. Optimized, it would have done better.)

The average car today gets about 15 mi/gal and is driven about 10,000 mi/yr. It thus consumes 667 gal/yr, or about 17 barrels of crude oil per year.

To first order, the 10,000 mi/yr figure will not vary much with gasoline price, because other cost components—depreciation, maintenance, insurance, etc.—dominate, and people do not want to spend much more than the present average of nearly an hour per day sitting in their cars.

Retail synthetic motor fuels will be priced at $40/bbl or more (1980 $ throughout) in crude-oil-equivalent terms.

The most powerful way to save oil is to scrap gas-guzzlers to get them off the road. Today, however, their residence time in the

car fleet is increasing as they trickle down to poor people who can least afford to run them or (owing to their low trade-in value) to replace them. What is it worth paying to scrap them?

An average 15-mi/gal car lasting for an average 10 years will use in its lifetime some 170 bbl crude oil equivalent. A 50-mi/gal version would use only 51 bbl. The 119 bbl saved would be worth over $3800 at present OPEC prices and over $4700 at synfuel prices (ignoring the niceties of discounting and escalation). Thus compared with synfuels, we can save oil cheaper and faster by using the same Federal money to pay upwards of half of the price of giving people a 50-mi/gal car provided they would scrap their Brontomobile.

As a rough approximation, a marginal 1-mi/gal saving in an average 15-mi/gal car will save 1 bbl/yr. Thus offering people a $200 grant for every mi/gal by which a new car improves on a scrapped Petropig would give an average 5-yr payback against synfuels. (Worse-than-average cars would pay back faster, better ones slower.)

Suppose that an immediate leapfrog straight to 50-mi/gal designs would cost Detroit an extra $100 billion, in addition to the $50-odd billion they're planning to spend anyhow for retooling in the 1980s. If that implausibly high $100 billion were spread over a complete new fleet of cars and light trucks, it would raise their price by an average $769 per vehicle. That investment would save an average of 467 gallons of gasoline per car per year (a little more for light trucks) worth, at the present average gasoline price of $1.25 per gallon, about $584 per car per year. Thus the payback time for the retooling cost would be about 16 months. (This is reasonable enough, since we spent this year over $70 billion to import a quantity of oil roughly equal to the consumption of our cars and light trucks.) The actual retooling cost would be far smaller than $100 billion.

The balance-of-trade and national-security benefits of accelerated scrappage of gas-guzzlers could be enormous. For example, a 50-mi/gal fleet would save about 3.3 million barrels of crude oil per day for cars plus another 1.1 for light trucks. This 4.4 million barrels per day could, with prompt action, be achieved by about 1990. (Note that, since fleet efficiency is a harmonic average, scrapping the worst cars has a disproportionate benefit.) The Santa Cruz workshop last August, organized by Jack Hollander at Lawrence Berkeley National Lab, showed persuasively from empirical data how to save 2.5 million barrels per day through highly cost-effective weatherization by 1990. Thus just the two largest oil-saving measures, pursued over the next decade to a level well short of what is economically optimal or technically feasible, could together save more oil (6.9 million barrels per day) than our present total oil imports (about 6.2)—before a synfuel plant ordered now could deliver anything, and at a small fraction of its cost per barrel. (Weatherization in well-designed programs is about $6.7/bbl; my notional $200/mpg grants, at a real fixed charge rate of 10 percent a year, correspond to about $20/bbl. Both generate an immediate cashflow from savings.)

Please note several reservations about the foregoing argument:

A policy to this end would of course have to work out such details as a death certificate for scrapped (preferably recycled) cars to ensure that someone isn't still driving them, the effect of putting a floor price on old cars, and safeguards against resurrecting wrecks to collect the bounty on them. These things are not unduly difficult, but would have to be thought through.

The arithmetic above is illustrative. It could of course be done in far more sophisticated ways which would, I think, yield broadly the same conclusions more persuasively.

I am not endorsing subsidies: as the enclosed op-ed says, I want to see the whole energy system desubsidized so the cheapest options can win. But subsidizing scrappage of gas-guzzlers, if we are going to subsidize something because of the high social cost of oil imports, is a much better deal than $20b subsidies for synfuels. The argument here is not for subsidies but for capital transfers to enable capital-short people to scrap their cars—just as utility loans for efficiency improvements can simultaneously remove the capital burden on consumers and help keep utilities solvent by saving them capital and greatly increasing their velocity of cashflow. Deregulation and gasoline taxes increase incentive to scrap without creating opportunity.

You will probably share my ideological bias that a market-pull strategy (which, incidentally, can obviate the need for mandated car efficiency standards) would be nicer—and more politically attractive to the car, coal, and steel industries—than simply pouring more money into Chrysler. And you will probably not be surprised to hear that, on inquiring in my capacity as a member of DOE's Energy Research Advisory Board last November, I was unable to find any DOE analysis of accelerated scrappage on the lines I've described: one contractor report skated nearby but used assumptions so restrictive as to eliminate the potential benefits.

Please let me know if I can help further to advance these concepts or in any other way to introduce economic priorities, genuine competition, and least-cost calculations into Federal energy policy.

Sincerely,

AMORY B. LOVINS.●

THE AMERICAN HOUSING INDUSTRY MUST BE SAVED

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. LANTOS. Mr. Speaker, sky high interest rates are destroying our savings and loan institutions—an $800 billion industry. During the first half of this year, their losses will exceed $1½ billion.

The Federal Savings and Loan Insurance Corporation—the principal insurer of deposits of savings and loan associations—is literally swamped by the mushrooming number of savings and loans which are on the ropes. During March alone, 114 savings and loans were added to the sick list, increasing in one single month the total number of thrift institutions in trouble by 86 percent.

In addition to mergers and capital infusions, what the savings and loans—and more importantly our housing industry need—is a new mechanism to give strong, new, permanent lifeblood for housing in America.

In order to achieve this goal, I am about to introduce comprehensive legislation to provide for tax-exempt housing savings certificates that will rescue the savings and loans, reinvigorate the building industry, and give millions of Americans an opportunity for homeownership.●

U.S. RESPONSE TO NAMIBIA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. EDWARDS of California. Mr. Speaker, South Africa has twice recently thrown down the gauntlet on Namibia. The question is how the United States should respond.

In January this year South Africa at Geneva disappointed any lingering hopes that its earlier acceptance of the plan of the five Western members of the U.N. Security Council for implementation of Senate Concurrent Resolution 435 afforded a reliable basis for belief that Namibian independence could be achieved without further sacrifice of life or of the principle of self-determination, freely arrived at. More recently, in Washington, P. K. Botha, South Africa's Foreign Minister, publicly stated that UNTAG (the multinational United Nations Transition Assistance Group)—a carefully negotiated kingpin of the plan—was no longer acceptable.

It is instructive to note an editorial comment on the January development in the March issue of the South African journal, Reality. A well-known member of Reality's multiracial editorial board is its vice chairman, Alan Paton. The editorial commences with the statement: "Perhaps the most extraordinary thing about the failure of the Geneva talks on Namibian independence is that hardly anyone in South Africa seems particularly concerned. Yet, as far as we can see, unless the negotiating process can soon be going again, and successfully concluded, the long-term results for South Africa will be disastrous. And not only for her. The long-term interests in this part of the world of South Africa's Western friends could also be in jeopardy." However muted may have been popular concern in South Africa, both American and worldwide concern will be shown when the Nobel Prize Winning Amnesty International schedules a weeklong series of public speeches and films on the human rights deprivations affect-

ing Prisoners of Conscience in Namibia and South Africa which will commence next Tuesday, May 26, in Washington, D.C.

Botha's recent announcement reinforces informed speculation that the Nationalist Government of South Africa is unlikely to heed Reality's editorial advice. It tends also to reinforce informed opinion here that any pulling back by the West from forthright opposition to South Africa's continued illegal occupation of the territory of Namibia and violations of the human rights of its people would not be in the interest of those who value freedom and democracy, whether in southern Africa or elsewhere.

The response of the outside world should be firmly based on the law, as stated in the 1971 Advisory Opinion of the International Court of Justice. South Africa's presence in Namibia is illegal. South Africa must withdraw. Nothing should be done to support its presence and further to procrastinate its withdrawal.

[From Reality, March 1981]

1. THE PRICE OF PROCRASTINATION

Perhaps the most extraordinary thing about the failure of the Geneva talks on Namibian independence is that hardly anyone in South Africa seems particularly concerned. Yet, as far as we can see, unless the negotiating process can soon be got going again, and successfully concluded, the long-term results for South Africa will be disastrous. And not only for her. The long-term interests in this part of the world of South Africa's western "friends" could also be in jeopardy.

It is a long way from the antiseptic atmosphere of Geneva to the squalor of Cape Town's Guguletu, but there is a relevance between the collapse of the talks and what happened in Guguletu a few hours later. That night, in Guguletu, a mob of hundreds of black school-children besieged the home of Gerry Magobolok, a nineteen-year-old schoolboy, and frightened the wits out of him and his family, threatening to burn their home down and kill them.

The reason for their terrifying experience? Gerry had been offered, and was on the point of accepting, an athletics scholarship to the United States—something which, not long ago, would have won him the approval and envy of his peers.

Why the change?

There are probably two reasons for it, both of which have to do with procrastination.

The first is local and concerns the dilatory manner in which the people who run black education in our country have responded to the mood and demands of black schoolchildren since 1976. In 1976 the substance of those demands was for full integration into the same education system as that provided for white children, and no discrimination within it. Nothing has been done to meet that basic demand, in what is now going on for five years. And now the emphasis of the demand is beginning to change, in some quarters at least. Where swift action five years ago might have left us with much of the anger of black educational protest defused, there are signs now that, by the time white South Africa gets round to thinking about an integrated educational system, black children may no longer want it. For, if the reports are correct, what that Guguletu mob was asking Gerry Magobolo to do was to turn down his scholarship and, by so doing, dissociate himself from a "white" education, even if it was in the United States.

During this past year of the Cape school boycotts a growing number of black children and educationists seemed to be bent on rejecting even an integrated education system if it was to be one committed to the inculcation of the "white man's values" and to what they see as an education which prepares them for willing absorption into an economic system primarily designed to serve white interests and not theirs.

Would the fury of the Guguletu demonstration have been so intense if Gerry had won a scholarship to Moscow, "white" though the education there might also be? We suspect not. Which brings us back to the failure in Geneva.

The West, through its historical and economic ties with the South African "establishment" has allowed itself to be maneuvered into a position where it is seen by radical black South Africa as a prop to and an extension of the system which dehumanises and exploits them here. When it comes to taking a stand on apartheid it will invariably procrastinate, its critics say.

This assessment may not be altogether fair but if it is to change the West will have to do something dramatic to convince radical black South Africans that they are wrong. One way to start such a reassessment would be for the West to be seen to have been a decisive influence in bringing about acceptable elections in Namibia. For the moment they have failed to do so. They will have to try harder than ever in 1981. In particular the Western Europeans must try to ensure that the conservative instincts of the Reagan administration do not persuade it to do as little as possible about Namibia, hoping the problem will solve itself. It won't. Violent conflict will escalate and spread.

In our view the major obstacle to an agreement in Geneva, although it was never publicly stated, was the ill-founded belief in South African circles that their military capacity meant that there was no need to hurry over a settlement. This was an illusion shared by the Rhodesian Front for many years. The trouble with this reliance on force of arms to keep oneself in power is that it eventually persuades one's opponents that violence is their only answer to it, the only thing which brings results. It is an insidious doctrine which it is not easy to refute because it does often seem to work. It seemed to work in Guguletu. There the threat of violence made Gerry Magobolo abandon his American scholarship.

The price of procrastination in Zimbabwe was increasing violence. The price of procrastination in the black education system has been increasing violence. The price of procrastination in Namibia will be increasing violence there.

If the West wants to arrest the continuing decline in its credibility in many black South African eyes, of which the Guguletu demonstration was such a vivid illustration, a Namibian settlement should be a top priority for 1981.●

NATIONAL HIGH BLOOD PRESSURE MONTH

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. STOKES. Mr. Speaker, May is National Blood Pressure Month. During National High Blood Pressure Month, many professional and lay groups interested in health make a special effort to promote the cause of high blood pressure detection, treatment, and control. High Blood Pressure Month represents a massive community organizational effort beginning in the early 1970's involving organization such as the regional medical programs, American Red Cross, American Heart Association, and later the national high blood pressure education program.

This malady, high blood pressure, affects some 60 million people, costs the society over $8 billion a year through loss of production, wages, and medical and hospital costs. Although high blood pressure contributes significantly to the No. 1 and No. 3 cause of death in the United States, remarkable progress has been made in the area of high blood pressure control since the early 1970's.

Progress in reducing the difference in the fatality rates of stroke, renal and heart disease between blacks and whites has as yet not occurred. The discrepancy between stroke death alone contributes to over 7,000 excess lives lost per year in the black community. Most of these lost lives come from the 35- to 54-year-age group. These people are contributing significantly to the gross national product, raising children, and providing leadership and role models which are so desperately needed in the black community.

Extensive recommendations with respect to this problem have been developed by the Black Health Providers Task Force on High Blood Pressure Education and Control. Last year, the Appropriations Committee commended the Heart Lung Blood Institute for sponsoring this task force and urged the Secretary of the Department of Health and Human Services to develop a Department-wide special initiative utilizing the recommendations of this task force. The Appropriations Committee is looking forward to the Secretary's response to this important, cost-effective, lifesaving program.

One of the most exciting possibilities of this program involves the possible coordination of effort between the Department, major voluntary organizations such as the American Red Cross, with major national black organizations already involved with the task force process. These activities should

attract and obtain cooperation from foundations, corporate entities, and other funding institutions. It is hoped that entities representing the black community, voluntary organizations, private sector, along with the Department can work together to get maximum effectiveness and efficiency from this new collaboration through a coordination, working group mechanism.

One of the most exciting possibilities for collaboration rests within the millions of black Americans who are members of the black church family. These organizations have an enormous capacity to reach on a regular basis millions of people within the black community.

This approach is not to exclude the research and demonstration to be carried on through the National Heart Lung and Blood Institute in the areas of community demonstration, behavioral and collaborative international research. All of these areas are vital to the acceleration of blood pressure control so desperately needed in the black community. My colleagues and I look forward to a thoughtful and sensitive implementation of this very exciting program.●

U.S. POLICY TOWARD EL SALVADOR AFFIRMED BY FIGUERES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. PORTER. Mr. Speaker, an interview in the Chicago Tribune with Jose Figueres, three-time president of Costa Rica and an architect of the 1948 democratic revolution in that Central American country, sheds some light on the problems the United States faces in El Salvador. Figueres, a Latin American patriot, strongly opposes communism as a solution to his region's economic problems yet has an equally long history of opposition to fascistic governments in the area. Now an elder statesman with a good deal of wisdom and a sense of history about his region's politics, Figueres has a great deal of significance to say about U.S. policy in El Salvador.

LATIN LEADER HAILS UNITED STATES ON EL SALVADOR

(By Mark Starr)

Jose Figueres, three-time president of Costa Rica and the architect of the 1948 revolution that preserved democracy there, supports the current United States policy in El Salvador, he told The Tribune in an interview.

Figueres, now 74 and last elected president in 1970, is an avowed antifascist who sold arms to Fidel Castro before he toppled Fulgencio Batista, and long plotted against Anastasio Somoza in Nicaragua before assisting the Sandinista revolution. Yet, as an equally fervent anti-Communist, he has remained a staunch friend of the U.S., albeit a critical one.

Recently, he visited the University of Chicago and discussed Central American and U.S. policy there in an interview. An edited transcript follows.

Q—What is your reaction to the current U.S. policy in El Salvador?

A—Now that for the first time in a long time the U.S. has finally taken an interest in what's going on down in Central America, I think it would be to our disadvantage if it stopped. The U.S. has intervened down there all the time either by commission or omission, unfortunately mostly by omission or not caring. So I would prefer to have an American presence.

Look, the U.S. is practically at war with the Soviet Union and what you are seeing is the possibility of a government that will be friendly to the Soviet Union. So I don't blame the U.S. I approve of the shipment of arms, but only to the extent necessary to stop the shipment of arms from Cuba.

Q—Yet isn't the U.S. again in the position of supporting a right-wing regime?

A—Many contend that President (Jose Napoleon) Duarte and the U.S.' centrist option is a charade. But of course the Salvadoran oligarchy, the traditional right-wing, says just the opposite thing. They say the government has taken their property, and they're spending a lot of money and have a lot of machinery in Miami to fight this present government. Of course, as so often happens, what they're doing is financing pro-communist ideas unknowingly.

The military in El Salvador simply isn't the military of the past. If it were, there wouldn't even have been an attempt at agrarian reform, they would have been against expropriations, and there would have been no nationalization of the banks. Contrary to what American liberals want to believe, the military in El Salvador today, and even for the past 15 years, has been deserting the oligarchy and has stopped being a force for them.

Q—This puts you at odds with most of your fellow Socialists, liberals, and democrats throughout the world.

A—I'm used to being in disagreement with many people. I have a serious suspicion that in the great confrontation between the U.S. and the Soviet Union, the Soviet Union has the advantage of having an international party working for it, particularly in Europe. I've too often seen pro-Soviet views turn up in the pages of the New York Times and other American (media) because there was a parade in Paris.

Take, for example, when my dear friend, Salvador Allende, was overthrown (in Chile): 100,000 marched and protested in Paris. Now the Europeans have never cared less for Latin America, so who mobilized the Parisian crowds? The international communist movement. I have a feeling that my friends, the liberals here, are indirectly influenced by the communists. Now I don't fear communism as an ideology, only as a military competitor of the U.S.

Q—What do you see as the solution for El Salvador?

A—If the U.S. succeeds in stopping the flow of arms from the enemy, which is Cuba, then they (Salvadorans) will straighten out their own situation. All the democratic forces will eventually have to get together. The Social Democrats and the Christian Democrats now are rivals for power, but they're all democrats.

Q—Aren't you disappointed in how the U.S. seems to have backed off the human rights issue while pushing for resumption of aid to right-wing regimes like Argentina, Chile, and Guatemala?

A—So much is just words and political gimmicks. Of course, the U.S. should stand for human rights, but only to the extent that it doesn't create serious problems for the U.S. Remember, it's just words. The Carter administration couldn't go half as far as it wanted, and the Reagan administration won't be able to go back half as far as it wants. U.S. politicians are subject to the pressures of politics so much that it has gotten out of hand.

When we were in the struggle to change the Panama Canal contract, I spoke to a lot of senators who said, "We think Panama is right, but I cannot afford to say so because my constituents are not so enlightened." Politicians here seem to always vote like their constituents are right, which is seldom so. The only U.S. political figure who would take a stand on most issues was Adlai Stevenson, but the business community decided he was too idealistic and he'd never win and they ruined him.

Q—How do you feel about the U.S. backing away from the Nicaraguan government?

A—This is not the U.S.' fault. The U.S. has made all the overtures and done everything possible to make friends with the Sandinistas. But it is the Sandinistas who, under the influence of the Cubans, would like to have the U.S. aid without being friends. During the war I operated Radio Sandino for them, and I begged them not to make those recordings about 'Yankee imperialism.' Now I beg them not to fight the U.S. I tell them the Soviet Union cannot give them large amounts of aid. But they won't listen. They're young. It is not hard to see how they think they will get all they want, through Marxism.

Q—Yet you still support them? In fact, you call yourself a Sandinista.

A—Most of the people in Costa Rica who supported them now oppose them. But (not) me; they are my babies. I'd been fighting Somoza for 35 years, and they come along with a little heroism and a great deal of idealism and oust him. Still, I would like to give them a spanking for being so anti-U.S. I do love them, but none of them is a great leader.That's why they have collective leadership. But they haven't yet succeeded in making me an enemy.

Q—Do you now regret aiding Fidel Castro?

A—I fought with all my might (against) the Batista dictatorship, and I don't regret it. I would rather have Castro's kind of dictatorship, which has a dose of idealism, than a stupid kind of military dictatorship like Batista.

Of course, Fidel's a psychopath. He is competent, but he has had enormous advantages by converting himself into a tool of the Soviet Union so that he has received more foreign aid than all the rest of Latin America. So when I hear people talk about how great he is, I remember the amount of aid he receives and the amount of authority he wields. If I could wield one-tenth the authority he does, well, I'm not short of ideas about what to do in handling the economy of Costa Rica. But I have always faced the limitations of the law and democratic principles.●

EVANGEL CHRISTIAN ACADEMY GRADUATES FIRST STUDENTS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. LONG of Maryland. Mr. Speaker, on Sunday, May 24, the Evangel Christian Academy in Middle River, Md., will honor its first graduates. This academy, founded 3 years ago, is an independent Christian school affiliated with the Church of God.

Graduating this Sunday will be Norma Jean Landis and Gerald Eugene Blosser. Miss Landis, who previously attended Christiansburg Christian School in Christiansburg, Va., enjoys photography and music in addition to her scholastic studies. Mr. Blosser, who previously studied at Kenwood Senior High School, has maintained interests in fishing, gardening, and cooking as well as in his schoolwork.

This first graduation marks a gala day for the school, which includes kindergarten through 12th grades and presently has 65 students. The founder and principal is Dr. E. Lamar McDaniel, who is also pastor of the Evangel Temple Church of God. Vice principal of the academy is Mrs. Ardys McDaniel. Mr. William Pratt supervises the junior-senior high school.

It will be my privilege, Mr. Speaker, to give the first commencement address on Sunday.●

UPLAND, CALIF., CELEBRATES DIAMOND JUBILEE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. DREIER. Mr. Speaker, I want to take this opportunity to join with the residents of Upland, Calif. in celebrating their diamond jubilee. I am proud to represent the city of Upland in Congress and it was a great honor for me to be a part of the festivities which commemorated the city's 75th year.

The city of Upland, nestled at the base of the majestic San Gabriel Mountains, proudly claims the historic honor of being the last leg of the trail taken by westward-bound pioneers as they headed toward what is now Los Angeles. The Madonna of the Trail stands gracefully on the lush green median of Euclid Avenue, "a memorial to the pioneer mothers of the covered wagon days." This Madonna is one of 12 cast in St. Louis, Mo., in 1929, to mark the pioneers' trail.

Upland is a thriving community that exemplifies the success of individual efforts by many dedicated citizens in the true pioneer spirit. Through hard work and a strong commitment toward building a cohesive community, citizens of Upland have developed the city into one of the most prosperous and vibrant communities in southern California.

Today, Upland is indeed a city of "gracious living" as envisioned by the pioneers of the late 1800's. The warm contagious spirit of its residents and its prime location in the midst of southern California's cultural and recreational offerings make it an ideal place to live and a thoroughly enjoyable city to visit.

On Saturday, May 16, 1981, the city of Upland culminated a week-long celebration of its 75th anniversary. Last Saturday's festivities began with a preparade breakfast at the home of Mr. and Mrs. George Kunde. The grand marshal was Dr. George Fishbeck and resident grant marshal was Nedra Volz.

Mayor and Mrs. John McCarthy were gracious hosts. General Brainer represented the Armed Forces. Jean Raymond, Miss Upland, was accompanied by her court. Council members Frank Carpenter, Frank Hoover, Al Canestro, and Mayor pro tem Ina Petokas, all joined the McCarthys in welcoming State Senator Ruben Ayala, Assemblyman Jim Cramer, Supervisor Cal McElwain. Special presentations were given by sister city mayors, Lloyd Pebeasy of Mildura, Australia and Horacio Montiel of Caborca, Mexico.

Mayors Larry Walker of Chino, Harold Hayes of Montclair, Adrian Wright of Pomona, Robert Ellingwood of Ontario, and Phillip Schlosser of Rancho Cucamonga all joined in honoring the great city of Upland. Former mayors of Upland, George Gibson, Abner Halderman, and Donald Carr also helped the city celebrate its anniversary.

It was indeed a tremendous week of celebrating the outstanding achievements of the city of Upland. I am sure that my colleagues will join me in applauding the fine efforts of the city fathers.

We are all anticipating another 75 years of progress and accomplishment for the city of Upland.●

INTERCITY BUS DEREGULATION

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. SHUSTER. Mr. Speaker, today I will be introducing two pieces of legislation, the Motor Bus Act of 1981, endorsed by the Interstate Commerce Commission, and the Bus Regulatory Modernization and Improvement Act of 1981, endorsed by the American Bus Association. I am joined in this effort by my distinguished colleague, Mr. ANDERSON, of California.

We are introducing these two bills at the request of the ICC and the ABA so that an opportunity will be given for interested parties to comment on these and other approaches.

The Surface Transportation Subcommittee of the Committee on Public Works and Transportation will begin hearings on May 27 to receive testimony on the reform of Federal regulation of motor carriers of passengers. This is in keeping with efforts during the past two Congresses where we have reformed Federal regulations for airlines, railroads, and motor carriers of freight. Hopefully our efforts will lead to a constructive reform of Federal regulation for the intercity bus mode, so that all modes of passenger transportation will be better equipped to deal with the transportation challenges that must be faced during the remainder of this century.●

IN RECOGNITION OF ETIQUETTE EXPERT, MARJABELLE YOUNG STEWART, OF KEWANEE, ILL.

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. RAILSBACK. Mr. Speaker, I would like to take this opportunity to share with my colleagues the achievements of one of my constituents, Mrs. Marjabelle Young Stewart, of Kewanee, Ill.

Mrs. Stewart is an etiquette expert whose latest book was published in March 1981 by St. Martin's Press. Entitled "Marjabelle Stewart's Book of Modern Table Manners," the book provides helpful information on proper etiquette at corporate dinners and restaurants, both here in Washington and around the world. The book is also a very helpful guide for teaching proper table manners to children.

Mrs. Stewart will be discussing her book and her career tomorrow, May 22, on the television program, "Good Morning, Washington," ABC channel WJLA-TV, beginning at 9:30 a.m.

Mrs. Stewart's career is certainly an interesting one. At the age of 20, she was originator and first president of Shadel, Hinson & Young, a modeling corporation located in Washington, D.C. The same year she produced and narrated her own television show, "Meet the Models," for WMAL-TV in Washington.

In 1954, Mrs. Stewart was selected businesswoman of the year by the National Junior Chamber of Commerce. In 1964, she was appointed to the Commissioner's Youth Council for the District of Columbia. Soon after the birth of her daughter, Jacqueline,

Mrs. Stewart opened her own School for Young Ladies in Silver Spring, Md.

In 1965, Marjabelle wrote her first etiquette book with Ann Buchwald, wife of columnist Art Buchwald, entitled "White Gloves and Party Manners." This book gave Mrs. Stewart the idea to form her own company of the same title. Marjabelle is now president of this successful corporation, which provides classes on manners for young boys and girls. Mrs. Stewart also developed and franchised etiquette classes sponsored by department stores across the country.

Mrs. Stewart has been featured in such magazines as Life, Look, and the Ladies' Home Journal, as well as over 75 major newspapers. She has appeared on many major national television shows, including "The Dinah Shore Show," "Phil Donahue," "Mike Douglas," and "Merv Griffin."

Mrs. Stewart is the author of several books: "Stand-Up—Shake Hands," "Say How Do You Do," "What To Do—When and Why," and "Your Complete Wedding Planner." Her most recent books dealing with matters of modern etiquette are: "Executive Etiquette" (with Marian Faux), and "The New Etiquette Guide to Getting Married Again."

Marjabelle Young Stewart has become one of America's leading authorities on etiquette and style. I hope my colleagues will find her work useful and enjoyable.●

THE WORTHY LAWYER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. RODINO. Mr. Speaker, last Saturday I was fortunate to share the platform with Securities and Exchange Commission member Stephen J. Friedman at the Columbus School of Law's commencement exercises in Washington, D.C. Commissioner Friedman's address to the graduating law school class posed serious questions for all lawyers to consider as they seek to serve the cause of justice in our society. I recommend the speech to my colleagues:

THE WORTHY LAWYER

I would like to share with you two alternative scenarios for your future as lawyers—indeed, alternative scenarios for the legal profession itself. While history and tradition are powerful shaping forces for the bar, it is in a constant process of re-creation and reformulation. In a far greater sense than you can appreciate today, you hold the future of the legal profession in your hands. Years from now, that profession will be the sum total of what you and your colleagues have become.

In its most fundamental sense, law is the basic instrument for ordering human affairs. It allocates power and responsibilities among people and among institutions of government. It sets the ground rules which constrain and direct liberty, self-expression, innovation, and the forces that drive men and women to place their imprint on the world. This is not mere rhetoric. Taxes and torts, securities law, energy law and antitrust are only subsets of the attempt to impose order in ways consistent with the general welfare and individual liberty.

The law is truly a noble undertaking, and lawyers have played a special role in the history of this country and the evolution of its political institutions. While planters dominated the contributions of Virginia to our Founding Fathers, in the Northeast it was the legal profession that played the major role. That role has continued and has been pre-eminent in our public life in this century, particularly since the 1930's. As such, the legal profession should deserve the respect of the whole society. But it does not do so today to a degree that I find satisfactory. Whether it will do so in the future rests with you.

There are two major sources of the current public views about lawyers. The first is a natural by-product of the commanding role played by lawyers in the New Deal and in the evolution of the institutions it generated. Social and political institutions often have a relatively short life cycle (unlike social and political values). Precisely because they represent an attempt to control human conduct in a highly diverse and complex society, all but the most fundamental are doomed to failure—or at least ossification—over the longer term.

The Carter Administration's dismantling of so much economic regulation in the airline, trucking, communications and banking industries is the last stage of those regulatory experiments. The current Administration is carrying deregulation forward. New institutions will take the place of the old. A similar pattern is discernible in the flowering in the 1970's of the seeds of social welfare that were planted in the 1930's. Some of the limitations of those experiments are becoming sharply visible and the process of reassessment is in train.

Those instruments of social control and income redistribution depended very heavily on the law and the adoption and enforcement of rules—rather than incentives. As history exposed some of the limitations and excesses inherent in government by prescription, Americans began to lose respect for the rules and the people who wrote and enforced them.

The debates about the efficacy of price controls in dealing with inflation are a microcosm of this development. If the evil of inflation is excessive price increases, there is a compelling directness in saying that we can stop inflation by commanding prices to stand still. Quite apart from the fact that price controls do not deal with the underlying reasons for inflation, and thus are of only limited usefulness, price decisions are made by millions of people every day. Although the system always begins with promises to keep it "limited and sensible," conventional considerations of uniformity and equity produce powerful forces to extend controls to as many of those price decisions as possible. The system is drawn inexorably to seeking to control more and more transactions until it reaches the price of paper clips in the corner stationery store. The result can only be contempt for the law and for the people who insist upon rules that reach down into the details of everyday life.

I trust that this experience is running its course, and that the legal profession will have the ability to step back and consider with clear eyes some of the infirmities of the old ways of dealing with social and economic issues. There is a critical role for lawyers to play in the creation of new approaches and the design of new institutions, for the underlying social problems will not disappear.

I can think of no better example of this role than an article written last year for Foreign Affairs by Lloyd Cutler, a distinguished Washington lawyer who was serving as the President's Counsel. He focussed on the sharp limitations on Presidential leadership created by our constitutional system of checks and balances. Instead of suggesting a radical change to a parliamentary system—which would be quite unworkable in this country—he proposed some far more modest changes to tie the political fortunes of legislators more closely to those of the President. It was, in my mind, a classic example of the lawyer's public role in America.

The second reason for some loss of the respect the legal profession enjoys is both more fundamental and more within the control of individual lawyers. It reflects a diminished institutional identity of lawyers as members of an ancient and noble profession as opposed to a service business whose sole function is to serve the interests of clients. It represents the carrying to a debilitating extreme of the principle that a lawyer's primary duty is to his client, and that both inside the courtroom and around the conference table, a lawyer's job is to represent his client's interests within the restrictions of the law and the Code of Professional Responsibility. That conventional wisdom is true, but not the whole truth. No person can live a worthy life and observe only the written rules. No professional can represent the best in his profession and be governed only by the Code of Professional Responsibility.

There has been much confusion in recent years about the ethical problems which face lawyers. For many, that question has become one of the propriety of a lawyer's bending his talents to serve a client of whose business or practices the lawyer disapproves: for example, a company that pollutes the environment or does business with authoritarian regimes in other countries. You may view this as splitting hairs, but while I recognize the legitimacy of those questions, they strike me as issues that are common to all men and do not arise out of the lawyer's special role. They simply ask the question, "Do I want to be associated with this kind of a person or company?"

There are, however, a unique set of ethical problems which lawyers face every day. They can be summed up with the question, "how far do I pursue the interests of my client?"

That is a question that becomes more difficult as the lawyers come increasingly to view their responsibilities as congruent with their clients' interests. There are structural changes occuring in the bar that increase that sense of identity of interests. The enormous growth of corporate law offices deepens the identification between corporate counsel and their employer-client. The very size and scope of the largest law firms creates institutional imperatives for management techniques and business-like behavior that, in a subtle way, alters the lawyer's self-image.

The question of a lawyer's standards is involved in a hundred small ways countless times each month:

Is it appropriate to try to impeach a witness whose testimony you know to be true?

Is it proper to use the discovery system to drag out a litigation because time redounds to the benefit of your client?

How far do you push an ambiguity in the tax law in claiming favorable tax treatment in a system that depends upon voluntary compliance?

In making a difficult judgement about the materiality of unfavorable information that has not yet been disclosed to the securities markets, how much weight do you give to your client's desire to remain silent?

Before adoption of the Foreign Corrupt Practices Act, what should you have done upon discovery that your client is bribing foreign government officials, in violation of their law?

I could multiply the examples, but the nature of the problem is very clear. On the one hand, it is not appropriate for you to substitute your ethical judgment for that of your client. But you are clearly a participant in the judgment your client makes. And you are the primary actor in the legal judgment. The law is necessarily broad, and if you interpret your mandate as pressing that vagueness as far as it will go in the interests of your client, then the sum total of all your efforts will not be worthy of this great profession. Your professional life will be best characterized by having achieved the lowest common denominator.

Nor will you earn the respect of your clients. Whatever their desire to come out on top in a particular litigation or negotiation, they will not think much of a legal system that appears capable of being bent in a way that defeats its own objectives. It is here that a lawyer's relationship with his client is most subtle and important. A businessman who asks for an opinion that a proposed course of conduct is legal is doing more than seeking protection from a later claim that he engaged in it knowing it to be wrong. No matter how aggressively he deals with his lawyer, he is ordinarily seeking independence of judgment as well as analytical skill in thinking up "arguments" that can be made to justify the proposal.

Moreover, losing your independence is not in the best interests of your client. A tax lawyer who influenced heavily my early years as a lawyer always counselled his clients about the dangers of "putting both feet in the trough." Harold Williams made the same point more formally when he said that "conduct which is fashioned to comply only nominally with the law merely invites, if the public's expectations are breached, more detailed and prescriptive law and regulation describing what is, and what is not, permissible behavior."

When all is said and done, however, more is involved than the interests of your client. The decision on each of these small issues, in total, represents the success or failure of our legal system.●

ALAMEDA MEALS ON WHEELS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. STARK. Mr. Speaker, on January 28, 1981, I submitted for publication in the CONGRESSIONAL RECORD an article on a very special project in my district, known as Meals on Wheels. Meals on Wheels provides hot meals for senior citizens in Alameda County. These meals are delivered to the homes of the recipients, and the program is staffed by an entirely volunteer staff.

I want to take this opportunity to express my thanks to Abe Koffman for his unending support of this wonderful program. Mr. Koffman is the editor of the Alameda Times Star and has been a supporter of Meals on Wheels from the beginning. Through his column he generated approximately $18,000 in contributions in 1980, and as of April 30 of this year, contributions have reached $3,400.

I want to express again my support for this invaluable program and my thanks to all those who help make it possible. I take great pride in knowing that the people of Alameda really care.●

TRAGIC SITUATION IN EAST TIMOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. EDWARDS of California. Mr. Speaker, several recent press articles regarding the tragic situation in the former Portuguese colony of East Timor are of particular cause for concern, and I would like to commend them to my colleagues' attention.

These articles, however, are not from the American press, but from the Indonesian press, including an army newspaper. They describe massive military maneuvers carried out in East Timor in late March by over 10,000 troops. These exercises included simulated bombing attacks with American equipment notably Rockwell OV-10 "Bronco" counterinsurgency aircraft.

While the Indonesian press articles contain no evidence that the military exercises have extended to actual military operations against Timorese nationalists who are resisting the illegal Indonesian occupation of their homeland, I find it significant that the exercises were carried out in areas where nationalist resistance is reported to be heaviest.

Should Indonesian military operations be taking place at this time—as refugees assert they are—they should be condemned in the strongest possible terms. The Indonesians invaded East Timor 5 years ago and remain there today in violation of international law. Indeed, whether or not they culminated in combat operations, the March military maneuvers are in themselves a further violation of East Timor's territorial integrity and in contravention of United Nations resolutions on the issue. It is regrettable that U.S. policy, which stands firm against aggression in Cambodia and Afghanistan and the Soviet threat to Poland, continues to acquiesce in Indonesia's brutal occupation of East Timor.

The human costs of the Indonesian occupation should be made clear. American press reports give an East Timorese death toll of up to 200,000 out of a population of 650,000. Last October, before the United Nations, Amnesty International described reports of large scale summary executions of surrendered Timorese guerrillas—who are entitled to humane treatment under the terms of the Geneva Conventions—and the "disappearance" of those whose only "crime" was peaceful opposition to the Indonesian occupation. Reports from recent refugees state that the violence is far from over, that thousands of Timorese have been imprisoned on nearby islands. Thus far, the International Committee of the Red Cross (ICRC) has not had access to these or any other East Timor prisons.

It is clear that an equitable political solution that provides the East Timorese with their internationally recognized right to self-determination is the only long-term solution to this tragic situation. I would like to associate myself with comments on this subject by Senator PAUL TSONGAS in a recent letter to the New York Times Magazine.

A recent article in the Australian press provides further information on the role of Portugal, which is still recognized by the United Nations as the legal sovereign of East Timor. The Portuguese Government has reportedly asked United Nations Secretary General Waldheim to form a special commission to study the East Timor question. It is possible that such a commission could eventually provide a framework for a just diplomatic settlement. As such, it deserves our full support.

[From KOMPAS, Mar. 28, 1981]

EXCERPTS FROM ARTICLE

The exercises involved more than 10,000 troops, 90 percent of them young graduates from military school.

Operations were also conducted in Biak (West Irian) and Maluku. The whole program of exercises will finish on April 1, 1981.

New FNC weapons will replace the M-16 weapons currently used by the special units.

Modern French made AMX tanks, of greater capacity and range, will replace the obsolete Russian tanks now in service.

The exercises were followed by a meeting of Armed Forces heads in Ambon.

[From KOMPAS, Mar. 26, 1981]

ARMED FORCES JOINT EXERCISES 1981

Wednesday was the first day of the Armed Force Joint Exercises 1981 held in Baucau and Los Palos. In Baucau the exercises took the form of an assualt on enemy occupied Baucau using airborne Kopassandha units dropped from helicopters in the wake of a rocket bombardment by counter-insurgency

OV-10 "Broncos". After the seizure of Baucau, further exercises were undertaken by Kopasgat troops landed from the air. In Los Palos, exercises were carried out by airborne Kostrad troops. At 8:00 a.m. one battalion was dropped simultaneously from eight Hercules aircraft backed up by counter-insurgency OV-10 "Broncos" pouring in fire-power for "mopping-up" purposes. Today, Thursday, the exercises will take the form of amphibious landings in Laga, also in East Timor. The picture shows troops being dropped during the airborne operation at Los Palos.

[Newspaper of Indonesian Army, AB, Mar. 26, 1981]

THE RE-OCCUPATION OF BAUCAU, EAST TIMOR

BAUCAU.—At dawn on Wednesday, March 25, the Armed Forces Joint Exercises '81 were launched with an attack on Baucau which for the purposes was considered occupied by the enemy. The event was witnessed by the Minister for Defence and Armed Forces Commander, M. Jusuf accompanied by observers comprising senior officials of Hankam, Pangkowilhan, members of Parliament, the local Governor, editors, PWI, journalists, the Head of Dharma Pertiwi, Mrs. E. Jusuf, and other Armed Forces leaders. The attack on Baucau was carried out by an airborne invasion of a paracommando unit dropped by helicopter following a rocket bombardment on the target below by counter-insurgency OV-10, "Broncos" which continued to provide air cover. Meanwhile Karsa Yudha conducted an offensive smashing enemy positions around Baucau with a view to preparing an area for an airborne landing. In a short time Baucau was secured and the Indonesian flag successfully hoisted in place of the enemy flag. After the capture of Baucau a 'rapid-strike' company flown in from Dili conducted an airborne landing to occupy positions around Baucau. During the morning airborne battalion 502 also landed following an air strike into the paratroopers landing target. After the successful capture of the target area, forward enemy positions around Los Palos were smashed. Los Palos was successfully seized and occupied. An operation designed to coordinate Sandhi Yudha troops and the local territorial apparatus followed resulting in the formation of the Udara Tahap I base.

The Armed Forces Joint Exercises '81 covered two-thirds of our country and served to evaluate the Minister of Defence's policy of forming a strong, preventative force.

The Armed Forces Joint Exercises '81 provided a means of measuring the capacity, skills and integrity of troops as well as testing the supply of equipment and new Armed Forces weapons.

Today, Thursday, the Armed Forces Joint Exercises '81 will be continued with amphibious landings in Laga, East Timor.

[From the New York Times Magazine, Mar. 15, 1981]

TRAGEDY OF EAST TIMOR

As one member of Congress who has long been concerned with the tremendous suffering that has occurred in East Timor, I found Henry Kamm's article "The Silent Suffering of East Timor" (Feb. 15) a fine essay on this sadly overlooked situation. Mr. Kamm has provided us all with needed information on this subject. But, however difficult the situation many now appear, it would compound this tragedy for the world to accept Indonesia's annexation of East Timor as final. As The New York Times has pointed out in its editorials on East Timor, a diplomatic solution to end the unwanted Indonesian occupation is still a possibility. In the interest of preserving American ideals and the rule of law in international affairs, the United States should lend its weight to such an effort.

PAUL E. TSONGAS,
U.S. Senate,
Committee on Foreign Relations.

STATEMENT ON BEHALF OF AMNESTY INTERNATIONAL TO THE FOURTH COMMITTEE OF THE 35TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY IN CONNECTION WITH THE QUESTION OF EAST TIMOR

On behalf of Amnesty International, I thank you for the opportunity to appear before you in connection with the question of East Timor.

I would like to draw to your attention at the outset that Amnesty International's mandate is specific. It seeks the release of "Prisoners of Conscience"—persons who have been imprisoned for the non-violent exercise of their beliefs, for their ethnic origin, colour, sex, language or religion. It works for fair and early trials for all political prisoners detained without charge or trial. It opposes without reservation the death penalty and torture or other cruel, inhuman or degrading treatment or punishment. These are the areas that are addressed in this statement in the belief they are relevant to your present consideration of the question of East Timor.

Since December 1975, after the Indonesian invasion, there have been persistent reports of violations of human rights in East Timor relating to imprisonment and execution without trial of both civilians and former combatants. Amnesty International has encountered considerable difficulty in establishing their veracity primarily because of a strict prohibition imposed by the Indonesian occupation forces which has prevented unhindered access to the territory and the free flow of information out of it.

However, on the basis of what it considers to be reliable reports received in recent months, Amnesty International is particularly concerned about:

Timorese who, having surrendered under the terms of an amnesty guaranteeing their personal safety or who were captured, have subsequently disappeared without trace;

Summary executions of persons who have surrendered to or been captured by Indonesian forces;

The large number of persons who have been held in prisons without trial since the invasion and who, as they took no part in the fighting, must be regarded as political prisoners and, in some cases, as Prisoners of Conscience since they neither used nor advocated violence;

Harsh prison conditions which constitute cruel, inhuman and degrading treatment or punishment.

In August 1977, President Suharto offered an amnesty to all "Fretilin remnants" who surrendered to Indonesian forces. The offer initially ran until 31 December 1977, but was renewed. In the past three years, and particularly since mid-1978, large numbers of East Timorese have surrendered, including a number of Fretilin leaders and fighters. Others during this same period were captured. Amnesty International is gravely concerned about the safety of these persons.

During 1979, there were a number of reports of persons "disappearing" after surrender or capture by Indonesian forces. Their present whereabouts remain unknown and there are fears they may have been executed. In February 1980, Amnesty International compiled a list of 22 such individuals. Some were reportedly killed immediately after surrender, but most simply "disappeared", either while in detention or, in some cases, after release. These persons were taken from their places of detention or picked up from their homes and have not been seen since. For example, in early 1978 Leopoldo Joaquim, a member of the Fretilin Central Committee, surrendered, was detained for several months and upon release was required to report daily to the local military command. In April 1979 he was escorted to the house of his niece Maria Gorete Joaquim. Both were taken away, purportedly to Baucau. Neither has been seen or traced since. In March 1979, Dulce Maria da Cruz, who was also a member of the Fretilin Central Committee, was captured with her three year old child. She was taken to Dili and detained. Nothing has been heard of her since.

Amnesty International has urged a full investigation into the present whereabouts of these as well as of others said to have "disappeared" after surrender or capture. To its knowledge this has not been done. Amnesty International continues to receive reports of new cases. It is not, however, in a position to estimate the total number of "disappearances" in East Timor in view of the obstacles to gaining access to the true situation.

In some situations the dividing line between "disappearance" and murder or execution is slender and this apparently is true of the situtation in East Timor.

Reports received by Amnesty International in 1979 and in 1980, the most recent being August 1980, allege large scale summary executions of persons who surrendered under the terms of the amnesty or were captured. Futhermore, there are allegations that persons who surrendered four years ago are now being executed for having assisted Fretilin. Reports also indicate that the East Timorese in general have been victims of reprisals, interrogation and arbitrary imprisonment. Amnesty International has also received reports of beatings of prisoners and persistent allegations of the use of torture to gain information.

According to information received by Amnesty International, Comarca prison, which in Portuguese times was the Dili district prison, holds the largest number of those detained by the Indonesian forces for alleged pro-Fretilin sympathies. At the end of 1979, approximately 700 East Timorese were detained there. Conditions in the Comarca are believed to be harsh. A person who visited the prison late last year reports it was overcrowded and many prisoners appeared to be seriously under-nourished, their basic diet consisting of rice and kankung. In addition to malnutrition, tuberculosis is rampant in the prison. Prisoners are forced to sleep in close proximity one to another on stone floors. Adjacent to the prison is a swamp which seeps into the lower cells aggravating physical and health conditions.

Mr. Chairman, disturbed by continuing reports of the grave violations referred to here, Amnesty International in April 1980 wrote to President Suharto to draw his attention to these concerns. In its letter, Amnesty International:

i. Urged the Indonesian government to carry out its own investigation into the

present whereabouts of persons who had "disappeared" after surrender or capture;

ii. Appealed to the Indonesian government to co-operate in ensuring the International Committee of the Red Cross be permitted to expand its activities in East Timor beyond the provision of relief so as to include its other internationally-recognized functions of tracing missing persons and visiting prisons;

iii. Requested President Suharto to instruct Indonesian forces in the territory of East Timor to ensure the physical safety of former Fretilin supporters in compliance with the terms of the amnesty originally offered by the President;

iv. Urged an investigation into the conditions in which several hundred East Timorese are being imprisoned; and asked for public assurance that prisoners would be treated in accordance with international standards governing the rights of persons held in detention.

In the light of the information Amnesty International had received, it considered such steps to be the minimum required. The minimum standards for the treatment of prisoners as set forth in the Geneva Conventions of 1949 governing areas of armed conflict prohibit torture and murder. According to internationally-recognized principles of law, all persons alleged to have committeed crimes are to be treated, judged and punished within a framework of legality which is consistent with respect for and protection of human rights.

No reply to this letter has been received to date by Amnesty International, nor has there been any evidence that the steps urged on the Indonesian government have been implemented. In view of the lack of assurance from the government that these findings would be investigated; and in view of the reports of violations that continue to be received, Amnesty International's concern has intensified. Accordingly, Amnesty International felt this Committee should be and would wish to be informed of its concerns in connection with its present consideration of the question of East Timor.

[From Melbourne Age, Apr. 28, 1981]

NEW TIMOR MOVE

LISBON, April 27.—Portugal is to make a new bid to resolve the problem of East Timor. The Government has asked the United Nations Secretary-General, Dr. Waldheim, to form a special commission to examine the question, and has invited him to discuss the move in Portugal next month, according to reliable diplomatic sources.

The initiative follows the breakdown of a proposal made last year by then Prime Minister Francisco Sa Carneiro, killed in December in an air crash, to involve Indonesia in talks on East Timor. The territory has remained under military occupation since 1975 despite UN resolutions calling on Indonesia to withdraw. Sporadic resistance is continuing from Fretilin guerrilla forces, according to Timor refugees arriving in Portugal.

The Leftist weekly, "Jornal", also citing diplomatic sources, said Dr. Waldheim had already accepted the Portuguese invitation and was expected in Lisbon in the first fortnight of May.

Last September Dr. Sa Carneiro proposed talks between "all interested parties" over the future of Timor. These were specified as Portugal, Indonesia, Australia, the ASEAN countries, the United States, Japan, EEC countries and Portugal's former African colonies. Indonesia never officially responded, and Portugal failed to win support from any senior Western nation.●

THE WORLD GATHERING OF JEWISH HOLOCAUST SURVIVORS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. WAXMAN. Mr. Speaker, the world gathering of Jewish Holocaust survivors will be held in Israel from June 14 to 18, 1981. More than 300 representatives from southern California, survivors and children of survivors, plan to attend.

Irving Peters of Beverly Hills is chairman of the Southern California Committee for the World Gathering. He is founder and president since its inception of the Southern California Council of Jewish Survivors of the Nazi Holocaust, a member of the national executive committee and of the international steering committee for the world gathering. He is a survivor of slave labor camps, was a member of Jewish community councils in displaced persons camps, and lived through the days of the Berlin blockade.

The world gathering is a dramatic testimonial to the survival of the Jewish people through centuries of imprisonment, slavery, and genocide. The southern California delegation will join thousands of others from around the world and 5,000 now living in Israel, to represent the 6 million who perished in the Nazi Holocaust. The world gathering is dedicated to the causes of freedom and liberty. The year 1981 marks 36 years of freedom since the liberation of the Nazi concentration camps. It is the "double chai" anniversary—meaning "double life." "Chai" is 18 in the Hebrew language and means "life" in the Jewish tradition.

In these days, when we are again having to fight terrorism, prejudices of many kinds, and even attempts on the part of pseudohistorical groups to rewrite history, to claim that the Holocaust never existed, we must recognize that attacks on any of us are attacks on all of us. The preservation of human liberty is an unending struggle which involves everyone.

I ask my fellow members to join with me in observing the occasion of the world gathering of Jewish Holocaust survivors and in pledging our unceasing dedication to the struggle against any form of bigotry and hatred.●

AMERICAN JEWISH COMMITTEE STATEMENT ON THE PROPOSED SALE OF WEAPONS TO SAUDI ARABIA

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. LEHMAN. Mr. Speaker, a strong signal has been sent to the Reagan administration concerning the wisdom of supplying to Saudi Arabia five airborne warning and control surveillance aircraft (AWACS) and offensive equipment for Saudi F-15 fighters. As a sponsor of House Concurrent Resolution 118, a resolution of disapproval of the proposed sale, I believe that the Congress will succeed in disapproving this sale should Congress receive formal notification from the Department of Defense.

As deliberation on this controversial issue continues, I would like to bring my colleagues' attention to a statement in opposition to the proposed sale of weaponry to Saudi Arabia recently issued by the American Jewish Committee. As the statement indicates, these weapons in the hands of Israel's professed enemies would pose a real threat not only to the security of Israel, but also to the interests of the United States in the region. The statement follows:

AMERICAN JEWISH COMMITTEE STATEMENT ON THE PROPOSED SALE OF WEAPONS TO SAUDI ARABIA

The proposed sale by the Administration of highly sensitive AWACS aircraft to Saudi Arabia and of add-on equipment for Saudi Arabia's F-15 planes endangers American interests and prospects for peace in the Middle East.

We are opposed to these sales. We strongly urge the Administration to withdraw its proposals. Should the Administration persist, we urge both Houses of Congress to vote resolutions of disapproval.

Development of U.S. strategy for countering the threat of Soviet expansion in the Middle East and for defense of key Gulf states is essential and merits support. This is quite different, however, from selling the Saudis advanced weaponry such as the Airborne Warning and Control Systems aircraft, which will then be outside American control; different from giving the Saudis the extra fuel pods, potent Sidewinder missiles, fuel tankers and, eventually, bomb racks that transform their F-15 planes into weapons of attack.

To ensure this would not happen, Congress sought and received a specific commitment that no F-15 add-on equipment would be furnished when it approved the original plane sale to the Saudis in 1978. This commitment must be honored.

The sales now proposed are clearly contrary to American interests:

Events in Iran should have taught us the danger of putting sensitive weaponry into the hands of undemocratic regimes threatened from within. Radical forces already have sought to overthrow the Saudi ruling monarchy. Should a future coup succeed, as

in Iran, these arms would then be available for use against U.S. forces, directly or indirectly. There is no need to take this risk.

Furnishing offensive weaponry to States like Saudi Arabia and now, in addition, to Iraq, is a temptation for them to go to war or extend existing conflicts. Escalating the Middle East arms race in this fashion is to increase the likelihood of upheaval in the very area where our goal is stability.

The surest way to protect American interests in the Gulf area is to keep sensitive weaponry in the hands of the United States. U.S.-manned AWACS presently operating in Saudi Arabia are now able to give that country advance warning of any attack that may be launched against it. Keeping these under U.S. control assures that they cannot be used for any mischievous goal.

The possibility that the Saudis will use its F-15s and AWACS for potentially tragic purposes is a real one. Saudi Arabia makes no secret of its intentions toward Israel. At the Taif gathering of Moslem states just a few weeks ago it called for a jihad, a holy war, by Moslems against Israel. To give the Saudis AWACS and aircraft that can penetrate Israeli defenses is to jeopardize Israel's security. The United States is pledged to protect Israel's basic security, not to weaken it.

Saudi Arabia now repeatedly seeks to dictate terms to the United States, as a condition of its cooperation and friendship. That the United States has an interest in Saudi stability is undeniable. That the Saudis have even more need of the United States if their country is not to fall prey to external threats is likewise evident. There is good reason to deal with the Saudis on the basis of mutual respect and obligation. But the dealing thus far has been very much one-sided. The Saudis set their oil prices strictly on a self-profit basis. They have impeded, not helped, the Camp David process. They pay tribute money to the PLO and thus help support terrorism the United States seeks to check. They refuse U.S. bases on Saudi soil. It is time the United States made its own demands on Saudi Arabia rather than yield to Saudi blackmail.

The Saudi request for offensive weaponry must be firmly rejected.●

SOUTH SHORE ECONOMIC DEVELOPMENT CORP.

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. DONNELLY. Mr. Speaker, today I would like to call my colleagues' attention to an organization in my district that sets an example for the Nation.

The South Shore Economic Development Corp., based in Quincy, Mass., is an organization of business professionals who have contributed their services to enhance the economic vitality of southeastern Massachusetts.

Since the corporation was formed in 1974 under the auspices of the South Shore Chamber of Commerce, it has packaged 571 loans to small business. The $22 million in Small Business Administration loans has been translated into 2,500 new permanent jobs. Not one single loan has been defaulted.

In January, the Small Business Administration began its 503 loan program. Community groups have been designed to plan and promote economic growth for their communities and to act as a conduit for loans to eligible small businesses. The South Shore Economic Development Corp. promptly put its considerable skills to work to utilize this program to the best advantage of our community. Their success record is already impressive, and it has been recognized by the SBA as the best in the Nation.

In less than 5 months, the corporation has made nine loans worth $3.5 million. No other group in the country has close to that. This investment will create 96 new jobs within 1 year, and an additional 125 jobs within 3 years.

At a time when it has become fashionable to point to Federal programs that have been mismanaged, inefficient, or otherwise disappointing, it is with considerable pride that I point to a sterling example of the opposite. The South Shore Economic Development Corp. demonstrates how much can be accomplished in a community when a group of dedicated and resourceful business people work together actively to improve their local economy.●

WHAT THE AMERICAN FREE ENTERPRISE SYSTEM MEANS TO ME

HON. JOHN BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. BREAUX. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the winning essay from Louisiana's statewide junior high school free enterprise essay competiton:

WHAT THE AMERICAN FREE ENTERPRISE SYSTEM MEANS TO ME

(By Julie Boultinghouse)

The free enterprise system by definition is an economic system based upon private ownership and operation of business. The system is based on individual economic freedom. No one person, organization, or government decides what or how much should be produced, how much money should be charged for goods or services, or how individuals will earn and spend their incomes.

All over the world, even in America, there is a scarcity of resources relative to human wants. This scarcity of resources creates the problem of choice. People must decide which of the many things they want are the most important to them and who shall have them. In other words, everyone, private producer and consumer, must economize in the use of these scarce resources if the most is to be obtained from them.

Individuals or private producers are the ones who own most of the natural resources, factories, and other means of production. Under the free enterprise system, these people or groups have the freedom to use their property any way they want and profit from it within certain limits.

The decisions of the economy are made in the market. The supply and demand for a good or service operate together and determine the market price. The private producer tries to get the highest possible price for his goods or services while the consumer tries to buy the best quality at the lowest price. The producer strives to be efficient so he may maximize profits or minimize losses. The consumer also strives to be efficient so his satisfactions may be maximized. The end product in the private and public economy is the same, satisfaction of human wants.

If the private businesses have the freedom to decide what prices should be charged for goods and services, then what stops them from raising prices and limiting quality and quantity? One force which stops this is the consumer. The consumer is only going to buy the best quality and quantity at the lowest price. The free enterprise system gives out signals of what should and should not be produced, from what people are willing and able to buy. Also, the United States federal and state governments have laws and regulations to keep the competition between private businesses free and fair.

Our society has grown so complex that we require all kinds of services that only government at various levels can supply us. If we were to restrict the government services below the necessary minimum, we would make the expansion of the private part of our economy almost impossible. Since the private and public economy are heavily dependent on one another, the government's help is sometimes needed because if anything happens to one side the total system is involved.

The free enterprise system is one of the most productive economic systems yet devised by man. It has produced the highest standards of living in history and at the same time it has given people the freedom to make their own decisions about the economy. I am glad we have a free enterprise system because I can not help but think of how much better my life is now compared to my parents and grandparents. Also, I feel so much freer than the people living in Russia or China who don't live in a country as wonderful as America.●

WORLD TRADE WEEK

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. MOAKLEY. Mr. Speaker, I would like to join with my colleagues in the observance of World Trade Week, May 17 through 23.

World Trade Week entails the gathering of government and business interests in our major commercial centers for the opportunity to improve communication and discuss the importance of a strong exporting economy in the United States.

Exports already play an ever-increasing role in the U.S. economy and will only become more so in the years to come. U.S. merchandise exports alone are now running at about 8.5 percent of our gross national product,

twice the ratio of 10 years ago. The most rapidly expanding markets for many U.S. goods are export markets and a majority of economists feel that the growth of the world economy will be less than it has been in the last decade. Therefore, the competition for the availability for world export markets will increase substantially.

If we fall behind in this export race, it will be U.S. jobs which suffer most because exports preserve and create jobs in the United States. In essence, U.S. exports pay for our imports of oil and other relished commodities.

More and more, export trade has become an important ingredient in creating a healthy economy for New England. Legislation passed dealing with U.S. exports could have a great impact upon New England for a number of reasons.

New England relies upon sources outside the United States for 70 percent of her energy, and since our exports pay for our imports of oil, New England will continue to need the exchange of foreign funds to finance her economic growth.

Although the indicators for New England's economy throughout the seventies have not been productive, the export sector of the region has been expanding. From 1972 to 1976, the expansion involved a 172-percent increase. A reason for this is the products developed in New England's export sector include aerospace and aircraft, computers and electronic equipment, chemicals, consulting and service industries, which are products that possess a large potential for expansion. This export sector also includes approximately 20 percent of the available jobs in New England, therefore any fluctuation in the export capabilities will greatly influence the region's employment levels.

Mr. Speaker, in conclusion, I feel we should all take the opportunity presented by World Trade Week to create a better atmosphere both politically and economically for exports.●

MENACHEM ROSENSAFT REMEMBERS JANUSZ KORCZAK

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. GREEN. Mr. Speaker, I am very pleased to share with my colleagues in the House of Representatives a speech given by Menachem Rosensaft at the presentation of the awards to the winners of the 1980 Janusz Korczak International Literary Competition last November at the New York headquarters of the Anti-Defamation Leagues of B'nai B'rith. I was privileged to be among those present at that occasion, and thought that Mr. Rosensaft's speech deserved to be heard by a wider audience.

Mr. Rosensaft, the son of Holocaust survivors, is a lawyer and a constituent of my congressional district. I have come to know him and his family through my work on the U.S. Holocaust Council and its predecessor Presidential Commission. In his speech, he reminds us of the legacy of this compassionate and proud Polish Jew, who devoted his life, and ultimately gave it, to caring for orphan children. Janusz Korczak's story, these words remind us, contains a message of the meaning of the Holocaust.

In addition to Mr. Rosensaft's remarks, I am also pleased to insert in the RECORD a copy of an article about him which appeared in the March 24, 1981 New York Law Journal.

[From the New York Law Journal, Mar. 24, 1981]

JUDGE'S CLERK IN LEADING ROLE FOR HOLOCAUST COMMEMORATION

(By Alan Kohn)

When the State of Connecticut holds a ceremony April 27 to commemorate the Holocaust—the murder of an estimated 6 million Jews by the Nazis—the main speaker will be not a politician or celebrity but a law clerk to a Federal judge.

The man selected, Menachem Z. Rosensaft, a clerk to Judge Whitman Knapp, of the U.S. District Court for the Southern District of New York, although born in 1948, has an unfortunate intimate acquaintanceship with that monument to bestiality.

CHILD OF BERGEN-BELSEN

His parents survived the concentration camps at Auschwitz and Bergen-Belsen, near Hanover in West Germany. Mr. Rosensaft was born in the displaced persons' camp at Bergen-Belsen, on the site of the concentration camp.

Until his death in 1975, Mr. Rosensaft's father was head of the World Federation of Bergen-Belsen Associations. His mother, a dentist, who has not practiced in the United States, was a member of the President's Commission on the Holocaust and is a member of the United States Holocaust Memorial Council.

With this background and a fluency in seven languages, Menachem Rosensaft appeared headed for an academic career, going so far as to obtain master's degrees in creative writing and modern European history, write numerous articles, most of them related to the Holocaust, publish three books, including a volume of poetry, and begin work toward his Ph. D.

"CANNOT SEE BEING PAID"

But, then Mr. Rosensaft stopped and turned to law. He explained why in an interview.

"I felt very troubled," he stated, "at having my livelihood and my career Holocaust oriented. I felt very uneasy. I could not justify being paid for talking about or writing about the Holocaust, about the death of my grandparents and the suffering of my parents. I could not see being paid for that."

Because he felt he could be more "useful" as a lawyer and wanted a "more active environment where I could work with people." Mr. Rosensaft entered the Columbia University School of Law, obtaining his degree in 1979 and becoming a clerk for Judge Knapp.

He will complete two years with the judge this summer and then become an associate in the litigation department of Proskauer Rose Goetz & Mendelsohn.

NO COMMUNITY ACTIVIST

Mr. Rosensalft said he did not intend to become a "part-time lawyer and a full-time community activist" but that if he have any "opportunity" to do pro-bono work, it would be in the area of Jewish communal activity, "where I have a strong interest."

Before joining Proskauer Rose, however, Mr. Rosensaft will go to Israel in June for the first world gathering of Holocaust survivors, where at least 3,000 survivors and their children are expected. He is a member of the steering committee that is planning the program.

In addition, he is a member of the four-person steering committee of Second Generation: Children of Holocaust Survivors, which has more than 500 members.

Mr. Rosensaft's ties to the Holocaust are reinforced by his wife, Jean, who is coordinator of private-school education for the Museum of Modern Art. She, too, is a child of survivors of the Holocaust.

A CHRISTIAN DUTY

The survival of her parents illustrtates two facts that are sometimes forgotten when considering the Holocaust. Mrs. Rosensaft's father fought with Jewish partisans during World War II, keeping his mother and a younger brother with him. Her mother and her mother's parents survived because a Ukranian farmer, who was a Christian, hide them during the war.

Although Mr. Rosensaft is beginning a career in law and has a three-year-old daughter, he is haunted by the memory of his brother, Benjamin, who was born in 1937 of his mother's first marriage. Benjamin, his father, and other relatives perished in Auschwitz.

"I would have a brother who today would have been forty-three-years old," Mr. Rosensaft said, "and I owe it to him to always carry his image before my eyes. He was killed as a six-year-old child. He never grew up. He never had a chance to have a life.

"My brother was gassed for no other reason than that he was a Jewish child. If I have any goal in life, it is to make sure that no child, Jewish or otherwise, should be killed that way and that people like my parents should not be persecuted or annihilated for racial reasons."

REMEMBERING JANUSZ KORCZAK

(By Menachem Z. Rosensaft)

It is a great privilege for me, the son of Polish Jews who went through and survived the Holocaust, to participate in tonight's proceedings. For us children of Holocaust survivors, Janusz Korczak has a special significance. He is a central part of our collective being. A European Jew, like our parents, he was murdered together with our grandparents by the Nazis and their multinational accomplices, and the two hundred children in his charge are symbolic of the 1,000,000 annihilated Jewish children.

According to what is perhaps the most beautiful of all Jewish legends, each generation contains at least thirty-six anonymous righteous individuals who ensure the continued existence of the world. These lamedvovniks, as they are called, remain hidden throughout their lives, their divine qualities, power and purity concealed even from

themselves by a cloak of genuine humility. Only at a moment of direst crisis will a lamedvovnik become known to the world, and then he will only remain in the arena until his particular mission is accomplished. Thereafter he—or, for that matter, she—will disappear once again into the shadows from whence he—or she—came.

While we do not know the identities of the other thirty-five lamedvovniks who prevented the destruction of the entire universe during the dark years of the Holocaust, there can be no doubt that one of them was Dr. Janusz Korczak.

Janusz Korczak; or Henryk Goldszmit—his true name; or Zvi-Hirsh ben Yosef—his Hebrew name. Unquestionably, he was among the most inspiring, most original pedagogues and humanitarians of pre-World War II Europe. He founded and directed what had to be one of the most interesting educational experiments of the century: his Jewish orphanage at 92 Krochmalna Street in Warsaw which he turned into an authentic "children's republic". The author of unique works for and about children, he devoted his entire adult life to the well-being of children, primarily Jewish children but Non-Jewish ones as well.

After Poland was occupied by the Germans in 1939, he continued to run his orphanage, first at Krochmalna 92 and, after it was moved into the Ghetto, at Chlodna 33 and at Sienna 16, with the single-minded determination and defiance of a Biblical prophet. Whether consciously or subconsciously, he understood the true moral imperative of the verse from the Book of Hoseah, "When Israel was a child, then I loved him. . ." For it was to the children of Israel, to the abandoned orphans of the Warsaw Ghetto, that Korczak gave all his love, all his energy, and all his devotion. He cared for his children with the genuineness of all the most doting parents combined. His days were spent demanding, begging, pleading and cajoling in order to bring some bread, soup or milk back to the orphanage. And he did everything in his powers to keep the children in the best possible spirits despite the horrible circumstances.

But his noblest hour came on August 5, 1942 when his children were deported to Treblinka. Korczak easily could have saved himself. Some of his Polish friends outside the Ghetto had been urging him for a long time to agree to let them hide him, but he had always refused. Igor Newerly, who was responsible for preserving Korczak's Ghetto Diary, visited the doctor inside the Ghetto as late as July of 1942 in a last attempt to rescue him. Newerly implored him to accept a German identity card in assumed name he had brought with him and to escape. Again, Korczak refused to go. As before, his simple answer was, "And what of the children?" Even on the day of the deportation, the members of the Warsaw Ghetto Judenrat apparently arranged in vain to have Korczak spared. Instead, he defiantly led his two hundred children and the other members of the orphange staff through the streets of the Ghetto to the trains which were waiting to take them to the gas chambers.

True, Korczak was a Polish patriot—but he was not murdered because he was a Polish patriot.

True, he was a great humanist whose humanitarianism and idealism were universalist in nature—but he was not murdered because he was a humanist.

Like all 6,000,000 Jews who perished during the Holocaust, Janusz Korczak was murdered exclusively because he was a Jew. And he died as he had lived, a proud, conscious Jew.

While Korczak was never an active Zionist, he was close to the progressive labor Zionist movement. Twice during the mid-1930's, he visited Palestine. The Jewish homeland attracted him, and he openly considered settling there to live out his remaining years in solitude. However, that would have meant abandoning his children, something he could never have done. And with the outbreak of the war, he never waivered in his selfless dedication to these children. It is a sad reflection on mankind in general that Korczak, the universalist human being, did not desert his children the way the entire world abandoned European Jewry.

Thus, Korczak looms as a reminder of what the world should have been like, of how man should have acted. And one knows intuitively that had the persecuted children been Polish Catholics, or South African Blacks, or Cambodians, Janusz Korczak would have remained with them as well and, if necessary, would have died with them.

Furthermore, Korczak's historical presence constitutes a repudiation of the despicable charge of cowardice that has been leveled against the millions of Jews who where annihilated. A strange, immoral dichotomy has been retroactively fabricated in this connection during the past forty years. Those who perished in the extermination and concentration camps and the survivors of those camps are placed in a different category than the ghetto fighters and Jewish partisans. The implication is that on the one hand there was a Holocaust, with passive victims, but that on the other there was resistance, with active heroes. Somehow, the attempt is made to distinguish between these two concepts, with the latter supposedly on a higher level, deserving greater respect. One does not ask the murderers, "Why did you kill?" Rather, one asks the victims, "How could you not resist?" Thus, the erroneous impression is created that these were not facets of a single, indivisible tragedy. The truth of the matter, of course, is that the differentiation is as artificial as it is ignominious. Those Jews who resisted and perished were victims of the Holocaust, and all the Jews who perished during the Holocaust resisted, whether it be physically or spiritually.

Let me make myself clear: I do not mean to diminish in any way the central role played by those who took part in the armed resistance movements in the ghettos and camps, or by the Jewish partisans who fought in the forests. They are the modern day successors of Bar Kokhba and of the fighters of Masada. No one, however, would presume even to suggest that these heroes of ancient Jewish history were any more valorous, any more deserving of eternal reverence that a Rabbi Akiva who was tortured to death for this faith by the Romans, or that they occupy a more significant place in the Jewish national heritage. Similarly, the bravery of a Mordechai Anielewicz, the leader of the Warsaw Ghetto Uprising, cannot be held to be superior to that of a Janusz Korczak, or to that of any other of the 6,000,000. They were equal, for they all perished together in the same cataclysm, engulfed by the same cosmic flames. Anielewicz knew precisely what his fate would be when he initiated the uprising, just as Korczak fully understood the implications of choosing to remain with his orphans. In this context, Korczak represents every parent who did not abandon a child, just as he is the symbol of every child that did not abandon a parent. No one has the right to cast doubts or aspersions of any kind on such moral courage.

Finally, Janusz Korczak and his orphans successfully defy all those who maintain that God was somehow present during the Holocaust. If ever there was a repudiation of the theological conjecturing that has taken place in this regard in recent years, it is the haunting image of Korczak leading his children in silence through the streets of the Warsaw Ghetto, to the Umschlagsplatz, to the trains, to Treblinka, into the gas, and beyond. Abandoned by man, they were abandoned by God as well. To build a theology on their ashes is more than mere exploitation. It is a desecration of their memory as well as an act of blasphemy against God.

According to the legend, a lamedvovnik has a mission to perform on earth. By perishing with his children, Janusz Korczak perished together with 1,000,000 Jewish children. But what was his mission? Perhaps it was to remind the world that no child should ever have to live alone, and, even more important, that no child should ever be allowed to die alone.●

STUDENTS VISIT WASHINGTON

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. LONG of Maryland. Mr. Speaker, on Friday, May 22, 1981, 65 young men from Calvert Hall College High School in Towson, Md., will journey to Washington for a firsthand look at their Nation's Capital.

These students will tour the Capitol Building, the Supreme Court, and many of the Smithsonian Institution's museums as part of their day's activities.

They are led by their history teacher, Mr. David P. Shannon.

I am delighted these students have taken the opportunity to visit their Nation's Capital, and hope their interest in the political process will continue.

Students who are visiting us are: Joseph Banick, William Becker, John Berg, Jeffrey Branflick, Robert Burkinoine, Christopher Carney, James Choplick, Andrew Donelson, David Hanley, Craig Herron, Raymond Infussi, Kenneth Jones, Thomas Long, Bernard Maygers, Timothy Ross, Timothy Strauch, Peter Teluk, Bradley Wist, Troy Young.

Michael Attar, Joseph Bruno, John Carlineo, Albert Ferro, Robert Gresdo, Paul Joyne, William McFaul, Charles Napier, Sean Sands, David Thorpe, William Bennett, David Bondura, Sam Gompers, Joseph Krastel, Michael Lochte, Edward McNamara, Benjamin Meli, Mark Mutschler, Richard Naill, Matthew Oakey, Matt Rockstroh, Martin Slodzinski, Mark Snyder, Carlos Stecco, Karl Walinskas.

Timothy Burton, Daniel Caldwell, Vincent Cafozza, Michael Dreisch,

David Fuller, Thomas Hartka, Donald Haskell, David Johnson, Joseph Kozlowski, William Link, Paul Macek, Stephen Martin, John Mentzer, Sean Moran, Francis Murphy, Michael Novak, Robert Rinaldi, Michael Slawinski, Stephen Strauch, Dennis Sweeney, and Mark Taylor.●

WORLD TRADE WEEK

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. EDWARDS of California. Mr. Speaker, as this is World Trade Week, I would like to take this opportunity to express my support for attempts to improve the environment for export promotion in our country.

Exports have a great importance to my home State of California. The State's highly diversified economy has placed it in a leading role on the national and world scene. California is the Nation's leading producer of electronics, agricultural, aerospace, and entertainment services products. If the State were an independent nation, it would rank 5th in terms of per capita gross domestic product, 8th in terms of gross domestic product, and 13th in terms of international trade value.

California's diversified economy has produced highly marketable commodities for the international marketplace. In addition to its own leading role as an exporter and importer of a wide array of products, the State also acts as gateway for commodities traded between the Pacific rim countries and the rest of the United States.

The importance of trade to California is indicated by the fact that the State's three custom districts accounted for 12 percent of the U.S. total international trade and 60 percent of the west coast's during the first 6 months of 1980.

Recognizing the importance of exports to California and the Nation, I am encouraging my colleagues from the State to join me in cosponsoring H.R. 2326, the Foreign Trade Antitrust Improvement Act of 1981. The bill was introduced by Chairman RODINO of the Judiciary Committee and the ranking minority member, Representative MCCLORY.

H.R. 2326 would help boost exports by clearing up some of the confusion pertaining to our antitrust standards as they are applied to international trade.

Business representatives frequently claim that the uncertain international reach of the antitrust laws has prevented desirable participation of American producers in the export market. Specific complaints identify the uncertain status of joint ventures and the failure of the Webb-Pomerene Act to exempt export trade associations providing services as significant problems. This bill will resolve those difficulties.

I think this is a good bill and deserves our support. However, I would caution my colleagues that it is unrealistic to expect any modification of the antitrust laws to expand dramatically the U.S. export trade. No antitrust exemption can eliminate the added costs and risks of dealing in foreign markets. Ultimately, only increased productivity and efficiency will insure American producers a significant role as competitors in the international marketplace. At the same time, the uncertainty of antitrust constraints has remained a strong concern to potential exporters; that concern is remedied by this bill. Those engaged solely in export trading activities need not be concerned about the antitrust laws so long as their activities do not have a substantial adverse effect on domestic commerce or competitors.

OBSERVANCE OF WORLD TRADE WEEK

DEAR EXPORT TASK FORCE MEMBER:

You should know that May 17 through 23 has been designated World Trade Week.

Across the country, government and business interests in our major commercial centers will be gathering together for seminars and forums to improve communication and discuss incentives and disincentives to export trade.

World Trade Week represents an excellent opportunity for member of Congress, particularly those on the Export Task Force, to reaffirm their support for a strong exporting economy in the United States.

I urge you to take this opportunity to submit a statement for the Congressional Record, expressing the sense of Congress regarding the need for enhancing our export potential as a nation.

I know you share my commitment to create a better atmosphere politically and economically for exports. We should all take the opportunity of World Trade Week to express that common goal.

Sincerely,

DON BONKER,

Chairman, House Export Task Force.●

THE OIL FAIR PRICING ACT OF 1981

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. CONYERS. Mr. Speaker, today I am introducing the Oil Fair Pricing Act of 1981 (H.R. 3634), which would establish a system for the fair pricing of oil sold in the United States. The legislation creates a Federal Oil Trading Corporation, that would purchase all oil produced in, or imported into, the United States, and then resell the oil at uniform prices to domestic refiners.

The decision of June 1979, to phase out price controls on domestic crude oil, followed by the January 28, 1981 decision by the Reagan administration to abolish controls altogether, have been the single biggest causes behind the inflationary spiral during the past few years.

With the removal of controls on domestic oil prices, U.S. prices now are totally pegged to the world oil price set by the OPEC cartel. Thus we have relinquished control over domestic energy prices, as well as the means to remedy the ongoing economic damage that OPEC price fixing has done. The current softening of world oil prices is likely to be a temporary situation. The basic problems of American dependence on OPEC oil, vulnerability to supply interruptions, collusion between the multinational oil companies and foreign oil producers, and the still overwhelming reliance on an oil-based economy remain as acute as ever.

The legislation I am introducing would remove from the OPEC cartel the ability to set the price of domestic oil. It would weaken the community of interest that exists between the multinational oil companies and foreign producers—specifically, the privileged access, discounts, and tax advantages the companies derive from OPEC markets, their incentive to push for higher world prices that boosts the value of their domestic oil reserves, and their disincentive to promote new oil development outside of OPEC countries—that is the driving force behind runaway world oil prices. The bill also would foster competition within the oil industry by equalizing the access of independent refiners and multinational refiners to domestic and foreign crude oil.

In 1979 and 1980 energy price increases, due to domestic oil decontrol and rising world prices, accounted for roughly 38 percent of the inflation increase in the United States. It is estimated that the pretax income of domestic oil and gas producers will more than double in the period of 1979–1982. As a result, more than $50 billion will shift from consumers to the oil companies.

Last year oil company profits accounted for 40 percent of the total profits among all U.S. manufacturing industries. These profits will enable the multinationals to tighten their control over future domestic investment decisions and the entire economy. The oil companies are entitled to a fair and reasonable return on investment. They should not be allowed, however, to reap unrestrained profits at the expense of consumers and other domestic industries.

The legislation I am introducing replaces the existing regulatory concept of telling the oil industry how to conduct its business. Under the bill the Federal Oil Trading Corporation would acquire actual title to the oil it trades and it would be responsible for

the purchase and sale of all crude oil in the United States. It would eliminate the need for vertical divestiture of the integrated oil companies, since it would place all producers and refiners, integrated and nonintegrated, on an equal footing. It would cancel out the advantages that the integrated companies now enjoy with respect to in-house oil transfers and oil swapping.

The Oil Fair Pricing Act would enhance competition and place a lid on oil price increases. Consumer also would be protected from inordinate profit taking at the oil product-end of the industry. DOE's Economic Regulatory Administration would establish maximum wholesale and retail prices for oil products, and these ceiling prices would be enforced by the Energy Regulatory Commission.

In summary, the Oil Fair Pricing Act of 1981 would:

Place a temporary freeze on crude oil prices, pegged to existing market prices, retroactive to the date of the bill's introduction.

Establish the Federal Oil Trading Corporation as the exclusive buyer and reseller of all domestic and imported crude oil.

Establish well-head crude oil prices at levels that provide just and reasonable returns to producers, coupled with uniform crude oil prices to refiners.

Direct DOE's Economic Regulatory Administration to conduct a study of the unit profitabilities of crude oil production, the unit profitabilities at refineries, and the unit profitabilities at the marketing level, as the basis for establishing oil price controls.

On that basis, determine refiners' and marketers' maximum margins that would yield just and reasonable returns, and make the Federal Energy Regulatory Commission responsible for enforcing the margins.

Authorize the Federal Oil Trading Corporation to allocate crude oil and oil products in the event of a critical shortfall or interruption of supply.●

COMMUNITY HEALTH DAY—JUNE 12, 1981

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. WAXMAN. Mr. Speaker, on June 12, throughout the State of California, the California Association of Primary Care Clinics will sponsor Community Health Friday. This day has been set aside to recognize the contributions that community-based health programs have made to health care delivery in California and across the Nation through a variety of services, including rural and urban health projects, migrant health centers, Indian health projects, county primary care clinics, and community health centers. They serve an indispensable function to the medically underserved, particularly noninsured, low-income individuals and families.

There exists today in this country a fundamental commitment to provide basic health care to those who do not have access to it, to those who need medical attention and cannot receive it, to those who require preventive health care but cannot afford it. This is a moral and social obligation which the people of the United States have come to expect over the past two decades.

But today, that commitment and that obligation are under attack from the Reagan administration. Its budget proposals for health care go beyond prudent fiscal restraint. Rather, they strike at the heart of our ability to provide basic health care services.

To take our categorical health programs, shift them entirely to the States, and cut their budget by fully 25 percent will irreparably deprive those who need health care from receiving it. It is important that we all understand exactly how much is at stake in this fight.

The California Association of Primary Care Clinics is seeking to focus attention on these crucial issues. Its activities on Community Health Friday will help inform consumers about the choices we face in health care policy.

I applaud the efforts of the association, and its distinguished president, Mimi West, representing almost 200 clinics statewide, and want to extend my best wishes for the success of Community Health Friday. Mr. Speaker, I am pleased to attach a proclamation issued by the Governor of California designating last May 7 as Community Health Day in California. I want to assure the association that all of us in Congress will follow closely the events of June 12.

PROCLAMATION OF THE STATE OF CALIFORNIA

Whereas the Health Center concept for the delivery of preventive and acute health care has proven to be a successful approach to providing health services to people who otherwise would not be able to afford health care; and

Whereas representatives from community health centers, community and free clinics, migrant health centers, rural health centers, women's clinics, Indian health clinics, community mental health centers, county sponsored primary care programs, public health clinics, and other community health organizations will convene in Sacramento, May 7, 1981, in recognition of the progress made by these programs in the past 12 years; and

Whereas the Western Association of Community Health Centers, Inc. and co-sponsors: Alameda Health Consortium, Association of Free and Community Clinics of Los Angeles County, California Association of Primary Care Clinics, California Rural Health Federation, California Urban Indian Health, San Diego Council of Community Clinics, Health Coalition for the "Truly Needy", Association of California Rural Health Centers, Inc., and the National Health Law Program, Inc. have as its main objective the promotion and implementation of health plans and programs designed to improve the physical and emotional health and socio-economic conditions of communities served by these organizations;

Now, therefore, I, Edmund G. Brown, Jr., Governor of the State of California, do hereby proclaim Thursday, May 7, 1981, as "Community Health Day in California", and commend these organizations for their community spirit, dedication, and interest in working towards making the availability of health care a reality for every American citizen.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of May 1981.

EDMUND G. BROWN, Jr.,
Governor of California.

ATTEST:

MARCH FONG EU,
Secretary of State.●

CAR PRICES RISE AFTER RESTRICTIONS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. FRENZEL. Mr. Speaker, according to the Washington Star in an article in its issue of May 19, the first three paragraphs of which follow, the prices of Japanese cars to American consumers are already starting to rise.

The prices of American made cars will rise net. Prices in GM J models have been announced at higher levels than were in effect for the models the J car will replace.

The quota self imposed by Japan has already cost American consumers big money. By the time it expires in 2 years, it will probably have cost us hundreds of millions of dollars in extra costs.

Because Congress forced the Japanese quota by threatening to pass even more restriction quotas, it is surely responsible for the extra costs and inflation that resulted.

The Washington Star article follows:

U.S. CAR DEALERS LIFTING PRICES ON JAPANESE MAKES

While Japanese car manufacturers say they expect to hold down list prices, some U.S. dealers of Japanese cars already have raised the real prices in anticipation of shortages under the new restrictions on shipments, industry representatives have reported.

Robert M. McElwaine, president of the American International Automobile Dealers Association, said yesterday in an interview that at many dealerships the "discounts on Japanese cars have essentially disappeared."

Dealers generally have offered customers discounts ranging from $100 to $1,000 on some models, the auto import industry offi-

cials said. A few very popular models have been able to list prices or even premiums.●

CANADIAN INVESTMENT LIMITS

HON. W. J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. TAUZIN. Mr. Speaker, I would like to call the attention of my colleagues to the announced policy of the Canadian Government to restrict the access of the U.S. firms to prospective oil and gas acreage in Canada. These restrictions take the form of a differential set of incentives for Canadian and non-Canadian firms in the new Canadian national energy plan. By offering special incentives to Canadian firms and denying those incentives to non-Canadian firms, the Canadian national energy plan not only gives the Canadian firms a competitive advantage but it decreases the value of non-Canadian firms as well.

As a result of this policy, U.S. oil companies and their Canadian subsidiaries have been forced to reduce their exploration effort in Canada. Instead of increasing Canada's ability to find additional oil and gas, the plan would appear to be having just the opposite effect and its impact is important to the United States for two reasons. In the first place, if Canadian energy policy diminishes the amount of oil and gas that is found in Canada, additional pressure will be placed on the OPEC nations to supply the oil that has not been found. As a result of this increased demand for OPEC oil, oil prices throughout the world are likely to be higher than they otherwise would be.

The second concern is that by discriminating against U.S. firms and their subsidiaries operating in Canada, the Canadian national energy plan has lowered the value of these firms and made them vulnerable to takeover. The current attempt by Dome Petroleum to secure a substantial number of shares in Conoco, Inc. and force the sale of its Canadian subsidiary, Hudson's Bay Oil and Gas, is a case in point and could be the start of a trend. These takeover attempts will merely divert investment away from opportunities to produce more oil and gas and into the pursuit of American firms whose value has been depressed by Canadian Government action. This diversion of investment funds will further depress Canadian energy production and increase world oil prices by an additional amount.

Because of the effect that the Canadian national energy plan is likely to have on the United States, it would seem reasonable for the United States to reconsider some of its own energy relationships with Canada. An obvious place to begin is with the question of Canadian access to United States oil and gas exploration opportunities. Currently, Canada is on a list of preferred nations which are granted access to U.S. Federal lands for oil and gas exploration. Because of the new Canadian restrictions that have been placed on U.S. firms and their subsidiaries operating in Canada, I propose that the Department of the Interior begin immediately to consider the question of whether Canada deserves this preferred access or whether some U.S. restrictions on Canadian access to Federal lands are in order.

An additional component of the question of access to Federal lands is the demarkation of the United States-Canadian boundary in the offshore waters off the coast of Maine and Massachusetts in the North Atlantic and off the coasts of Washington and Alaska in the Pacific. Where these demarkation lines should be drawn is an interesting question and the new Canadian national energy plan restrictions on U.S. firms and their subsidiaries operating in Canada add a new dimension to the boundary line discussion. I propose that the Department of State and the Department of the Interior take this fact into account in any new boundary line discussion and I would urge my colleagues in the Senate to carefully review any new United States-Canadian boundary line treaty to be sure that U.S. interests are adequately protected.●

TOWARD A REFINED SMALL BUSINESS EXPORT POLICY

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. WYDEN. Mr. Speaker, I would like to mark this week as World Trade Week and urge Congress and the administration to work together to develop an aggressive export policy, especially to involve small business.

THE NEGLECT OF SMALL BUSINESS IN EXPORT POLICY

Small business has been neglected in development of our export policy. Only 6 percent of small businesses in the United States participate in export activity even though small business is the major source of new product innovation and the major employer of our work force. Small businesses that become a success do so in spite of, rather than with the assistance of, the Federal Government.

Compare our situation with that of Germany. While we have allowed our small businesses to remain on the fringes of our export initiatives, West Germany has developed a program for small- and medium-sized businesses which dates back to the late 1940's and now leads the European Economic Community. Our other chief export competitor, Japan, considers 99 percent of its business small business and uses a substantial low interest and interest free loan program to assist small business export marketing efforts.

THE TASK AHEAD

The task ahead for U.S. policymakers is to include small business in the discussion of export disincentives, particularly regarding the reduction of Export-Import Bank financing and U.S. antitrust provisions, including the reform of Webb-Pomerene Act. In the area of incentives: We need coordination of Federal efforts of the finance agencies with the promotion outreach efforts of the Department of Commerce, the International Trade Representatives Office, and the Small Business Administration. The passage of an effective Export Trading Company Act linking this legislation with the administration's efforts to expand service companies' role in international trade. Finally, I also think State and local government efforts must also be coordinated with these Federal initiatives.

A REVIEW OF THE DISINCENTIVES AND LEGISLATIVE ACTION IN THE 97TH CONGRESS TO CORRECT THEM

EXIMBANK FINANCING

The administration's policy to reduce by 50 percent loan and loan guarantee outlays for the Export-Import Bank is a blow to small business.

In Portland, my office recently conducted a survey of district recipients of Eximbank loans and found that most were small businesses. These 26 businesses received 59 loans in excess of $80 million in a variety of loans or loan guarantees, creating some 7,000 jobs. There was also a significant amount of subcontracting opportunities for small specialty firms. The lack of financing for Eximbank and the Small Business Administration will hurt small business export efforts.

EXPORT INSURANCE PROGRAMS

The Overseas Private Investment Corporation's and Eximbank's Federal Credit Insurance Association's recent efforts to remove the disincentives to participation by small businesses must be applauded and strengthened.

FOREIGN CORRUPT PRACTICES ACT

This law must be streamlined and clarified for small businesses who refrain from engaging in export activities because they cannot afford the legal costs of violating FCPA. A recent GAO survey found that the costs of the act outweigh the benefits and that its slow investigation procedure discourages small business activity. I am reviewing H.R. 2530, the Business Accounting and Foreign Trade Simplification Act introduced by Representative RINALDO, which would revise

FCPA to give enforcement authority to the Department of Justice and accounting jurisdiction to the Securities and Exchange Commission.

COMMERCE'S FOREIGN BUYER PROGRAM

Domestic trade shows have been criticized by small business because these companies have not received trade show information in a timely enough fashion to exhibit products and services and because some of the shows were not product specific enough to attract potential foreign customers.

Small business organizations want more information on these shows and to have product/market-specific shows where they can exhibit their products before a captive market of foreign buyers. There is no legislation to address this problem.

EXPORT PROMOTION INCENTIVES FOR SMALL EXPORTERS

EXPORT TRADING COMPANIES

I am a cosponsor of the Export Trading Company Act (H.R. 1648) introduced by Representative LAFALCE. I believe strongly in the need for provisions which would allow SBA and EDA to assist small- and medium-sized businesses. However, the language in the bill authorizing funds for these agencies, runs counter to the administration's proposal to reduce outlays for both agencies.

Export trading companies, for example, will address problems small business encounters in attempting to form consortiums for exporting services. Last year, service exports accounted for $45 billion in revenue and they are growing at an annual rate of 15 percent. In order to be more productive, the Sherman Act and section 7 of the Clayton Act must be revised.

I hope the Small Business Subcommittee on Export Opportunities will hold hearings to convince the administration that our mutual interest will be better served by allowing more outlays in H.R. 1648 to fund SBA's management assistance program in the area of export counseling and revolving loan programs for small exporters, and Commerce's foreign buyer program to develop trade shows allowing greater small business participation.

EDA's funding responsibilities should be given to Eximbank's small business assistance programs with a similar provision dealing with the Overseas Private Insurance Corporation's and the Federal Credit Insurance Association's small business insurance programs.

Even though this effort would slow the progress of the bill through Congress, I feel that any ETC legislation must also advance the promotion of small business export development.

I believe we must continue the discussion of these issues and move toward a substantive long-term resolution of the disincentives improving our export program so that small businesses can participate fully in America's effort to access these world trade opportunities and improve our balance of trade.●

THE IMMACULATE HEART OF MARY SCHOOL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. LONG of Maryland. Mr. Speaker, on Tuesday, May 19, 115 young men and women from the Immaculate Heart of Mary School in Parkville, Md., journeyed to Washington for a firsthand look at their Nation's Capital as part of their studies of American Government.

These students toured the Capitol Building and the Smithsonian National Air and Space Museum as part of their day's activities.

They were led by the following teachers and parents: Mrs. Michelle Naish, Mrs. Betty Jankalski, Mrs. Patricia Fuelager, Mrs. Katherine Bellistri, Mrs. Joyce Weibler, Mrs. Carol Ryan, Mrs. Phyllis Walstrum, Mrs. Frances Andreone, Mrs. Mary Cox, Mrs. Margaret Kordecki, Mrs. Barbara McIntyre, Mrs. Kathleen Connor, Mr. Harry Gaffney, Mrs. Patricia Linnehan, Mrs. Geraldine Taylor, Mrs. Carolyn Yori, Mrs. Regina Hampshire, Mr. Charles Jacobs, Mrs. Virginia Leidig, Mrs. Marie Murphy, and Mrs. Jean Stamm.

Students who visited us Tuesday are:

Michael Adams, Eileen Cassady, Raymond Chang, Matthew Cooper, Colleen Cox, Randy D'Amico, Karen DeSantis, Lauren Franzoni, Gregory Fuller, Maureen Gross, James Harper, Mary Fran Hiebler, James Jester, David Knight, Michael McGeehan, Erin Murphy, Heather Myers, Cheryl Reider, Jeffery Reese, Mark Ross, Thomas Ryan, Stacey Schultz, David Spicer, Kimberly Uzarowski, Bernard Walstrum, Michelle Williams, and Thomas Zinkand.

Valerie Smith, Laura Taylor, Gerard Tignall, Tammy Yori, Colleen Bowman, Wayne Clifford, Annette Coady, Daniel Connolly, Patrick Coyle, David Dvorak, Joy Farmer, Thomas Fidler, Robin Gnidziejko, Woody Hampshire, Charles Jacobs, Jennifer Kruchko, Lisa Leidig, Matthew Lochte, Dimitrios Manolis, Connie Marconi, Carol Michaud, Christopher Murphy, Michael O'Connor, Christine Petryszak, Luke Reeder, and Jill Scarpello.

Michael Balog, Christopher Barranco, Rodney Benny, Julie Bottinger, Mary Carol Ceselsky, Brian Connor, Erin Finley, Kevin Flynn, David Frick, Kelly Gaffney, Mary Ann Gurney, Lisa Hladky, Steven Hodneth, Victor Konopik, Lauren Langis, Jamison LeBorys, Tara Linnehan, David Lorighran, Kelly Meyers, Michelle Morrison, Mark Nugent, Michael Plott, Josie Quijada, Rachelle Retoma, David Rittmeyer, and Marguerite Schultz.

Stephen Abrams, Gina Andreone, Lisa Barnes, Kimberly Brady, Vicki Cox, Darren Curry, Maria Freeburger, Edward Gross, Erin Hata, Katie Henneman, Joseph Kehoe, Kelly Kilroy, Robert Kordecki, Timothy McIntyre, Laura Michaud, Bradley Moore, Michelle Mullen, Beth Plecker, Thomas Raynor, John Rolfes, Laura Sadowski, Beth Sheppard, Thomas Slonim, Johnathan Thompson, Renee Valsamaski, Wendy Wilson, and Laurie Yori.

Catherine Simons, Lori Stamm, Michael Strakes, Blake Taylor, Sara Tortora, Christine Vondersmith, Sande Weininger, Wayne Wilson, and Kathleen Young.●

SUBCOMMITTEE ON CRIME TO HOLD HEARING ON H.R. 3359, FEDERAL CRIME-FIGHTING INITIATIVE

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. HUGHES. Mr. Speaker, next Tuesday, May 26, the Subcommittee on Crime will be holding its third hearing on H.R. 3359, a bill to provide a limited replacement for LEAA, but only for programs that have been tested and shown effective in fighting crime. The hearing will be held in Atlantic City at 9:30 a.m. in the city hall commission chambers, second floor.

H.R. 3359 would provide up to $150 million in assistance to States and local governments, and would thus enable them to implement a specific list of 12 crime-fighting programs, such as arson, career criminals, and organized crime. These programs have a demonstrated track record of success in fighting crime. The Federal funds would have to be matched dollar for dollar by the State or local area.

The bill would also establish a Federal rapid deployment mechanism to help State and local governments, such as Atlanta and Miami, when they do not have sufficient resources to combat a specific crime problem by themselves.

The subcommittee has already held two hearings on H.R. 3359, and has heard from those whose experience with these kinds of programs is on the Federal level. The third hearing, next Tuesday, will give the subcommittee the opportunity to hear from State and local officials, including the attorney general of the State of New Jersey, the Atlantic City chief of police, the assignment judge for the Atlantic City area, four local prosecu-

tors, the chairman of the casino control commission, and representatives of the office of the commissioner of public safety and the office of the State police commissioner.

Individuals wishing to submit a statement for the record should address their requests to the Subcommittee on Crime, House Committee on the Judiciary, 207 Cannon House Office Building, Washington, D.C. 20515 or telephone (202) 225-1695.●

ILL-ADVISED CUTS WILL HURT ECONOMY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. BROWN of California. Mr. Speaker, the Subcommittee on Science, Research and Technology on which I serve has heard much concern voiced with respect to the administration's deep cuts in selected National Science Foundation programs. At a time when the new administration is embarking on a major effort toward increased innovation and productivity, the social and economic sciences have been so severely cut as to make their important job of measuring and evaluating innovations and their effect on the economy virtually impossible.

Dr. Philip Handler, president of the National Academy of Sciences, and others appearing at the subcommittee's recent NSF budget authorization hearings expressed alarm that cuts in the Federal science budget were made without input from scientists and others knowledgeable in the sciences involved. I should like to call my colleagues attention to pertinent excerpts from Dr. Handler's report to the Academy's annual meeting in April. These appeared on the editor's page of the May 4, 1981, Chemical and Engineering News:

WHO WILL BE NEXT?

Philip Handler is president of the National Academy of Sciences. The following are some verbatim excerpts from his annual report prepared for the academy's annual meeting in Washington, D.C., late last month.

Given the magnitude of reductions in federal expenditures proposed for all agencies but Defense, the overall science budget was treated quite fairly; what is troublesome is not the magnitude but the highly specific nature of certain reductions and how they were made.

A substantial increment is proposed for relevant basic and applied research funded by the Department of Defense, in line with the general increase in the Defense budget. These funds should be welcomed as should the expanded pool of scientists who will become somewhat knowledgeable of the problems of the Defense Department, perhaps the final stage of our post-Vietnam reconciliation. The recommendations of the Carter budget with respect to increased research in the natural sciences to be funded by the National Science Foundation remain essentially intact.

It is the Office of Management and Budget proposals for major reductions in the [total] National Science Foundation budget that are particularly troublesome. It is not the total reduction that is disturbing; it is the nature of the individual actions and the manner of their doing. And the very limited reprograming authority of the foundation is insufficient to undo the damage.

The considerable reduction in the program in behavioral science at NSF and the National Institute of Mental Health strikes one as peculiarly ill-advised, in that the recent successes of neurobiology have opened one of the most exciting frontiers of all of science. The profoundly reduced support of social science in the NSF and NIMH budgets seems interpretable only as a deliberate ideological action, for which the overall program of general reduction in federal expenditures affords an opportune "cover."

It is now evident in the national debate concerning the validity of supply-side economics, in the confusion as to the possible consequences of alternative schemes for reduction of taxes, and in the general uncertainty concerning the social and economic consequences of reductions in federal social programs, that the current state of understanding of our society is insufficient for confidence in any specific social and economic policy. The Administration is about to launch us on a large experiment, in the belief that increased technological vitality and increased innovation and productivity will correct our economic and social woes and that this can be achieved by tax reductions that will increase the availability of investment capital while industry is unfettered of excessive regulation. I most fervently hope so. But this vast experiment can be appraised only if those trained in such skills—however unscientific they may appear to "hard" scientists—are afforded the means and given the opportunity so that, however it all turns out, we may learn by the experience.

I hope that that was a persuasive, rational argument. Be that as it may, on a quite different level I must confess a sense of outrage with the notion that OMB, rather than appropriate scientists, may dictate which fields of scholarly endeavor are acceptable or important at NSF.

Moreover, we natural scientists would be ill-advised to stand aside and allow the social scientists to carry that battle. The entirety of science is a "seamless web." If the government's science budget can be fashioned by such ideological behavior, which field of science will next suffer political attack? There are indications.

If social science can be ordained by OMB to be outside the federal ken, then the way is paved. Creationists and Right to Lifers and the Moral Majority will seek to have education concerning evolution and human reproduction expunged from the secondary schools while exercising pressure to secure removal from the appropriations to NSF and NIH of any funds that might be used for research on evolution or reproductive biology. And if the physical scientists are feeling relaxed—I remind them of Galileo. Again, one must hope that Congress will reverse this decision.●

SETBACK IN RELATIONSHIP WITH DEVELOPING NATIONS

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. BRODHEAD. Mr. Speaker, by planning to vote against the World Health Organization's proposed code regarding the marketing of infant formula in developing countries, the administration is contemplating an action which is both inhumane and contrary to the interests of the United States.

There is little serious debate over the harmful effects of persuading mothers in developing countries to give up breast feeding in favor of commerical infant formula. The incidence of disease and infant mortality in areas where infant formula has been heavily promoted indicates conclusively that the unchecked, unethical advertising of this product leads to tragic results. The seriousness of this problem, which has evoked almost universal concern, has been challenged only by those who benefit financially from the continuation of these practices. At last, an international organization has developed a reasonable solution to this problem, yet all reports are that the President will instruct our delegation in Geneva to oppose the code, and that he will not consider the matter further.

It is no secret that the United States has suffered setbacks in its relationships with developing nations. In spite of massive support for governments which supposedly have represented our interests, we have watched these governments fall and be replaced by ones hostile to our country. Surely, one reason why this has occurred is because the United States has been perceived as insensitive to the needs of Third World nations. We have been seen as more interested in our own short-term economic gain than in developing mutually cooperative and beneficial relationships. Our active opposition to the infant formula marketing code can only be viewed around the world as a continuation of this type of insensitivity and selfishness. Our country is heavily dependent upon developing nations, especially as sources for the raw materials our industries need. How can we expect them to cooperate with us if we oppose their interests on an issue as basic as infant health? The answer is that we cannot. Instead, we will be opening the door to acceptance in these countries of the doctrines promoted by the Soviet Union, Cuba, and other regimes that prey on internal dissatisfaction within developing countries.

In my view, if the administration persists in following this unwise course, it will have itself to blame for continued high infant mortality and suffering in the Third World, and for heightened resistance to U.S. foreign policy intiatives. It is my hope that the administration will reconsider its position before it is too late.●

BILL GREEN INTRODUCES MEDICARE REFORM BILL

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. GREEN. Mr. Speaker, today I am introducing the Medicare Reform Act of 1981, which seeks to extend coverage under the medicare program. I am pleased to be the sponsor of this bill, which is aimed at providing more services to senior citizens and designed to reduce the cost of the program by including some preventive measures. I am hopeful that my colleagues in the House will give this legislation serious and thoughtful consideration. In the past, I have introduced and seen passed provisions of my bill to extend coverage under the program, and this bill is a continued effort to enact reforms in our system.

I realize that many of us here today are concerned about the Federal budget and are watching out to make sure that we do not spend where we do not have to. However, I feel that health care for seniors is not an area in which we are spending unnecessarily. Our seniors are a resource and, as their numbers grow with our demographic changes, are an active and important part of our Nation. Because their health is vital to them and to their participation in all sectors of society, I think it is important for us to aid seniors in paying for health care, and cost of which is increasing at a rate more rapid than the general inflation rate. My bill would include coverage under the program for the fitting, prescribing, and cost of eyeglasses, hearing aids, and dentures. It also provides coverage for dental work, annual physical examinations, and routine foot care. It liberalizes the requirement for reimbursement for home health care and includes "routine chore services" as part of a home health program, as well as eliminating the $60 deductible under part B of the program and authorizing reimbursement for orthopedic shoes.

Over the long term, many of my proposals would decrease costs for the program by decreasing the need for hospitalization. For instance, if the program covered annual physical exams, beneficiaries would be more likely to go have the exam, which would result in inexpensive early detection and treatment of a problem instead of more serious and extensive treatment later. We would keep the program from institutionalizing people who do not have the capacity to live totally independently but who do not need the 24-hour care of a costly institution by liberalizing home health requirements. Coverage for routine foot care and orthopedic shoes could, again, reduce costs over the long run by preventing the occurrence of problems which have the potential to become more serious later in life and, in the end, put more financial strain on the system.

I do feel that this is an area in which we have a responsibility to provide support, and I am hopeful that we shall give some time to discussing this issue during the 97th Congress.●

OREGON'S VFW VOICE OF DEMOCRACY WINNER

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. SMITH of Oregon. Mr. Speaker, it is a great honor for me today to read to the U.S. House of Representatives the remarks of a special constituent of mine, Sally Louise Pederson of Klamath Falls, Oreg. Miss Pederson is Oregon's VFW voice of democracy winner and represented the Beaver State in recent national competition here in Washington, D.C.

Her speech is a reflection of the growing patriotism among our youth in America. It shines with a new hope for a better future and an understanding of the commitment necessary to make that hope, that dream of so many, come true.

Now to quote Miss Pederson:

"God Bless America, land that I love." Have you ever thought to yourself, "I love America?" Most Americans take for granted the liberty and freedoms that our country gives us. Indeed, most of us take America for granted.

With the first breath an American takes, he has an inherent commitment to America. We have been furnished with so many freedoms and privileges. Freedom of speech isn't an intrinsic right in the Soviet Union. People oppressed by communism aren't given the right to vote. Orderly assemblies of people opposed to the Nazi Regime were not tolerated in Nazi Germany. Surely every American has, at the very least, an inherent commitment to preserve the freedom that Americans share.

This means that we have several intrinsic commitments to our country. One of which is a commitment to fight for our country if our liberty is threatened. Of course, war frightens us all, but not everyone need fight, people are always needed behind the lines, and those who are killed, die to insure an untrammeled existence for their families and their countrymen. It means that we have a commitment to create a better government that will uphold our liberty. In the last election, many people didn't vote because the President accepted defeat before they got to the polls. Just because that race was already decided doesn't mean they shouldn't go ahead and vote on the other issues in the election. Why allow other people to dictate the outcome of issues that will affect you?

The only way that we have to create a better government is by voting, and every vote does count. But these commitments to our country are not only those of our society at large, but they are my commitments. All young Americans must fulfill our commitments, for it is we who will shape the texture and destiny of our country through the things we do. It is we who will insure this nation's continued security and honor.

A great undercurrent of apathy is swelling up among our people, washing away our motivation, and taking with it the initiative to care enough about our country to try to change it. People feel as though they've been beaten by the system, and are powerless to stop the decay of our society. I say they're wrong. Our system of government can be changed by working with it. Our laws and our constitution were created with adaptability in mind. Consideration was given to the fact that the times and governmental needs change, and the key that unlocks the door to modification of our form of government is within our grasp. We have a living government that can conform to our needs if only we make it do so.

So, my commitment is also one to institute changes that will benefit us all. It is part of my inherent commitment to insure that America's prospects for the future grow even brighter.

"God Bless America, land that I love. Stand beside her, and guide her."

The Veterans of Foreign Wars are to be congratulated for their strong support over the last 34 years for the voice of democracy scholarship program. During the past 19 years under VFW sponsorship, the annual national scholarships have been increased to five, totaling $31,500 with the first place winner currently receiving a $14,000 scholarship to the school of his or her choice.

This past year, more than one-quarter million students participated. More than 8,000 schools, 4,400 VFW posts and 3,600 auxiliaries sponsored the program in cooperation with more than 2,400 radio and television stations.

It is vital for us, the leaders of this Nation, to encourage programs such as this; to encourage our youth to take a more active, positive role in our Government; and to give credence and recognition to those young people in America whose names never appear in the media because they obey the laws and support our way of life. The Congress should take pride in persons such as Sally Pederson.●

DANGER TO DRUGGISTS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. LaFALCE. Mr. Speaker, for several years I have been committed to efforts which seek to stem the terrible increase of drug abuse in our country. Not only is the abuse of drugs a problem which saps the human resources or our Nation—particularly our youth—but the exploding drug abuse problem has had another very serious impact: The dangers posed by the robberies of pharmacies for the purpose of obtaining controlled substances.

Naturally, pharmacies are the likeliest targets for obtaining drugs and, not surprisingly, pharmacists, employees, and patrons of pharmacies run a special risk of being assaulted or even killed in the course of a robbery. This continuing menace to persons who take pride in their jobs as dispensers of lifesaving drugs demands attention by the Congress. I have cosponsored legislation which is aimed at providing stiff penalties for persons who take controlled substances, by force or intimidation, which are under the control, or on the premises of any pharmacy. I also commend to my colleagues the following statement of the National Association of Retail Druggists (NARD), which further demonstrates the need for decisive action to be taken on this most serious issue facing our Nation and the dedicated pharmacists who serve our communities:

ROBBERY OF CONTROLLED SUBSTANCES

Since 1969, the National Association of Retail Druggists (NARD) has supported legislation which would make the robbery of a pharmacy to obtain a controlled substance a felony under Federal law.

During this period, there has been an escalating number of violent crimes committed by criminals searching for narcotics and other dangerous drugs. Studies demonstrate that a majority of the nation's retail pharmacies have been robbed or burglarized at least once during the past five years.

In many of these violent crimes, pharmacists, attendants, and customers have been assaulted, injured, and even murdered.

One study shows that pharmacists are subject to robbery and physical violence three times more often than other businesses. Pharmacists, who are licensed to distribute lifesaving drugs to the public, have become the target: sitting ducks.

The current Federal statute on controlled substances was passed in 1970 with strong support by the NARD to stop drug abuse and to dry up sources for diversion of these products. It has, but the drug traffickers are now robbing retail pharmacists and their customers in dramatic daylight attempts to obtain these dangerous substances.

In 1978 the Senate voted—Criminal Code Reform Act—to extend Federal jurisdiction over some pharmacy robberies: when the value of the substance is in excess of $500 and the offense is part of a pattern of robberies in the locality. This effort and similar attempts in 1980 died because of opposition within the House Committee on the Judiciary.

While NARD supports the thrust of these and similar efforts, it believes that provisions requiring a minimum value miss the mark. Pharmacists are not concerned with the loss of the drug product; it is their safety and lives and those of their staff and customers that are at stake.

NARD's Pharmacy Protection and Violent Offender Control Act of 1981, provides still mandatory penalties for pharmacy crime:

Minimum fines of not more than $5,000 and imprisonment for not less than five years, or both.

For armed robbery or assault, fines of not more than $10,000 or imprisonment for not less than 10 years, or both.

For an offender killing or maiming any other person, imprisonment for not less than 20 years.

Repeat offenders would face additional sentences "at least equivalent" to those imposed for their second offenses.

The bill also seeks "priority" designation on court calendars for pharmacy crimes, eliminates the possibility of probation or suspended sentence, and requires that NARD and other members of JCPP be consulted regarding its implementation.

The National Association of Retail Druggists represents the owners of more than 30,000 independent pharmacies, employing more than 75,000 pharmacists. NARD members dispense approximately 70 percent of all prescription drugs sold in the United States and serve 18 million consumers daily.●

CALL TO CONSCIENCE VIGIL 1981—THE TRIALS OF ANATOLY SHCHARANSKY

HON. RAY KOGOVSEK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. KOGOVSEK. Mr. Speaker, the continued imprisonment of the Soviet Prisoner of Conscience, Anatoly Shcharansky, reminds us of the lack of true freedom of thought and speech in the Soviet Union and the barbarity of their justice. Last year marked a time of rapidly deteriorating conditions for Jewish citizens of the Soviet Union. Numerous cases of investigations, detentions, arrests, trials, and anti-Zionist propaganda have been documented. Only 58 percent of the Jews allowed to emigrate in 1979 were granted permission in 1980. In 1979, approximately 50,000 Soviet Jews were allowed to leave, while in 1980, only 21,000 persons emigrated. This has occurred primarily because of the recently initiated "first degree relative" requirement. As you know, this obstacle is a policy employed by many emigration offices, which requires that the visa applicant receive an invitation from a parent, spouse, or child in Israel. This is just one of the delay tactics utilized by emigration officials.

Mr. Shcharansky sought only to insure that the guarantees of the Helsinki final act be carried out in his homeland. With 10 others, he founded a group to promote observance of the Helsinki agreements. His first formal application for a visa to Israel was submitted in 1973. However, not only has he been denied the right to move freely, but he has also been denied the freedom to join his wife, Avital. Avital was forced to leave for Israel the day after they were married. She last saw him on July 5, 1974. For these "crimes," he was arrested in March 1977, and held for 16 months before being tried. After trial for charges of espionage, treason, and dissidence, he was sentenced to 3 years in prison and 10 years in a Soviet labor camp.

Reports from the Soviet Union are not promising. Mr. Shcharansky has lost approximately 38 pounds from his frail 5-foot 6-inch frame. He is confined to a dark, solitary punishment cell until November or December. Because of this dark confinement, his eyesight is failing. He is almost totally isolated from the world. The last person allowed to visit him was his mother, in September 1980.

Even though he is in solitary confinement in a labor camp, the world will not forget Anatoly Shcharansky. He has become the symbol of honesty and integrity for those struggling for the right of Soviet Jews to emigrate. He is an example to us all that the human desire for freedom cannot be broken. His suffering is our triumph, and his triumph will be our triumph.

The sentence of this true example of freedom is truly a barbarous act. The trial was a sham. The only crime Anatoly Shcharansky is guilty of is the belief in the inherent right to live his own life, and not be directed by the state on the way to think, behave, and live. If this is a crime, then we, too, are guilty. But it is a crime all men should be proud of.

Unfortunately, another month passes and Anatoly Shcharansky is not free. But his determination to survive these trials should not only make us proud to be Americans, but more willing to help others obtain that freedom that is ours. We are fortunate to have been born free in a free country. Let us help others to gain what we have never been without.●

WAS THEIR SACRIFICE WORTH IT?

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. GOLDWATER. Mr. Speaker, there are two national holidays during which I am especially proud to be an American, and serving in the U.S. Congress: Memorial Day and the Fourth of July. This year, on Memorial Day, I

was honored to be asked to give the memorial address at Harbor Lawn in Costa Mesa, Calif., to the South Coast Veterans.

I would like to share my thoughts with my colleagues.

MEMORIAL DAY ADDRESS BY CONGRESSMAN BARRY M. GOLDWATER, JR., COSTA MESA, CALIF., MONDAY, MAY 25, 1981

WAS THEIR SACRIFICE WORTH IT?

Twenty-five years ago, a newly naturalized American citizen wrote: "You who have been born in America, I wish I could make you understand what it is like not to be an American—not to have been an American all your life—and then suddenly, with the words of a man in flowing robes, to be one, for that moment and forever after * * * one moment, you belong with your fathers to a million dead yesterdays. The next, you belong with America to a million unborn tomorrows."*

We are here today to remember those who gave their lives for our unborn tomorrows. They were our parents, grandparents, our children, sisters, and brothers.

They looked like us, and had hopes like ours, and dreamed as we dream.

And they died too soon, mostly too young, and it is still hard to understand sometimes.

Oh yes, they died for America. But what does that mean? Was their sacrifice worth it?

If they could see us, speak to us, what would they say?

The young farmer-turned-soldier who fell in his own field near Lexington, Massachusetts in 1776 might look down the tunnel of years with some satisfaction.

After all, he played a part in the first real step toward freedom from tyranny—a step that began the long American walk toward independence.

At the time our young farmer fell, William Pitt across the ocean was telling his colleagues in the House of Commons, "You cannot conquer America."

He was right. We turned our plowshares into swords, and then back again.

We were to do it again, and again, most tragically when we turned inward against ourselves.

In the stone foundation remains of a house in Gettysburg, Pennsylvania, a guide explains that here, real brother met real brother, one in gray, one in blue. History does not record the outcome of their unexpected reunion.

And yet, it was from this most painful of wars—a foregin critic called our Civil War "a dirty chimney on fire"—that our strongest national bonds were forged.

Far from permanently splintering the Union of States, it drew them ultimately together.

But it took row upon row of brothers to do it.

From their vantage point, looking down through the years, the end of the debacle of human slavery, and the determination of the Union not to be split again might seem worth the price.

Fifty-three years later, the symbol of American fighting spirit was written on a tent near the General Expeditionary Force in France—

It simply said, "Heaven, Hell, or Hoboken by Christmas."

It was probably written by one of the men under Gunnery Sgt. Dan Daly, who some months earlier in the Belleau Wood shouted to his troops: "Come on, you S-O-B's!! Do you want to live forever???"

Those doughboys saw their duty and wrote their names in honor on our national pride.

But you and I know there is more.

Big number II rolled around, and took many Americans with it.

Even more did not come home. Was it worth it? S-H-H-H-H! Down the tunnel of years I hear—

Commander Howard Gilmore, mortally wounded on the deck of his submarine—the Growler—telling his crew to "take her down!" to avoid further attack, though he knew he would die,

Do you hear Commander Bob Dixon, from his plane to his carrier on the Coral Sea, "scratch one flat-top"—one less Japanese carrier to kill American GI's,

And, of course, everywhere you looked in Europe, "Kilroy was here,"

And in true American spirit, when General Anthony McAuliffe received a German surrender demand at Bastogne, Belgium right before Christmas of 1944, he replied eloquently and articulately: "Nuts!!"

Too soon on the heels of the big war, which was to be the war to end all wars, a small but nasty conflict erupted in Northeast Asia.

"Retreat, hell!" said General O. P. Smith at Changjin Reservoir. "We're just fighting in another direction!"

Was it worth it? After 20 years, South Korea is still South Korea, and the South Koreans I know cherish their freedom. And they know where it came from.

The only real question mark in this chronology is our involvement in Viet Nam—the Non-War War.

When Dien Bien Phu feel in 1954 and the decimated French finally beat a hasty retreat, that part of Southeast Asia had been at war with itself for years.

Ten years after the French left, our military advisors were up to their necks in trouble—largely because for the first time in our history, we had a nondeclared war with our military completely subservient to a civilian chain of command.

We all know the outcome. Whether or not it was worth it is up to each person to decide.

But I believe we sacrificed 50,000 good men and women on the altar of civilian incompetence, lousy judgment, and no understanding at all of guerrilla warfare.

So here we find ourselves, on this calm day in May of 1981. To honor so many Americans who are gone.

Gone. That's hard to get in focus. No more twinkle in blue eyes or brown. No more quick grins, or little pats on their children's heads. No more soft words at twilight.

Gone.

We remember them in a special and singular way. They died for the promise of America. They died so that you and I might, simply, live.

So that you may continue to be a Protestant or Catholic or Jew, or whatever you choose.

So that you and I may continue to read any book printed, espouse any opinion, challenge any authority, say yes or no as our own conscience dictates.

They died so that you may vote, not vote, demonstrate, stay home, work on Saturday and go to church or picnic on Sunday.

In dying, they set us free.

Think of it! We are the only nation in history intentionally founded on the principle that people should be free.

The United States of America is the only nation in history that works toward peace, freedom, and opportunity as every-day goals. Other nations call it a dream.

They are right. It is the American dream.

Was it worth it? Was their sacrifice worth it? Listen and decide:

Like a distant rumble of thunder,
Like a roll or old war drums,
The voice of America's fallen,
Fills the valleys and mountains and comes
To tell you an old-time story,
One that you've known all along:
The you are America's promise,
That you are America's song.

Stand up straight now, and proudly listen
While that clear voice swells in your chest,
You are worth what they each gave you,
And my friend, they gave you their best.●

*George M. Mardikian, "Song of America," 1956.

PERSONAL FINANCES

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. SIMON. Mr. Speaker, each year I have held public office I have made public my personal finances in detail. I have continued that practice and last week sent the news media in my district the attached:

SIMON DISCLOSES FINANCES FOR 26TH CONSECUTIVE YEAR AS A PUBLIC OFFICIAL

WASHINGTON.—For the 26th consecutive year that he has held public office, Representative Paul Simon, D-Ill., has released a detailed description of his and his family's income, assets and liabilities.

Simon's personal staff members who earned more than $20,000 in 1980 also released financial statements.

The Illinois congressman's statement lists income for 1980 for himself and his wife, Jeanne, totaling $98,533.18. The figure includes his House salary, reimbursement for travel and other expenses, rental income, interest and dividend income honoraria for appearances, book royalties and miscellaneous items. Mrs. Simon earned $12,180.81 as a consultant for the National Advisory Council on Women's Educational Programs.

The Simons had assets of $336,167.93 and liabilities of $172,067.56 for a net worth of $164,100.37.

Simon has been making voluntary financial statements since he became a state representative in 1955. He followed the practice during eight years in the state House, six years in the state Senate, four years as lieutenant governor, and six years in Congress.

The staff members who disclosed their finances are Ray Johnsen, Office Manager; Vickie Otten, Legislative Director; and Steve Hull, Press Secretary.

Income of Paul and Jeanne Simon, 1980

Salary, U.S. House of Representatives	$60,662.50
Rental income	1,893.80
Book royalties	524.35
U.S. House of Representatives, expense reimbursement	1,931.45
Paul Simon for Congress Committee, expense reimbursement	8,755.19

Income of Paul and Jeanne Simon, 1980—Continued

Travel allowance, National Advisory Council on Women's Educational Programs (Jeanne)	$268.00
Advisory Committee on White House Conference on Libraries (Jeanne)	304.57
Salary, National Advisory Council on Women's Educational Programs (Jeanne)	12,180.81
Washington Post, Jeanne's article	100.00
1980 honoraria and travel reimbursement for appearances:	
Adlai E. Stevenson Lecture, Bloomington, Ill	1,000.00
American Association of School Administrators	876.40
American Council of Life Insurance	207.00
Association of Lutheran College Faculties	350.00
Brookings Institution	200.00
College Entrance Exam Board	359.23
Concordia College, Portland, Oreg	1,043.00
Council for the Development of French in Louisiana	250.00
Dixon for U.S. Senate, reimbursement	40.00
Earlham College	664.00
Hawaiian Association of Language Teachers	1,000.00
Education Commission of the States	950.98
Illinois Foreign Language Teachers Association	100.00
International Council for Educational Development	70.12
Illinois State University	500.00
University of Illinois	350.00
Lutheran Church in America—South Carolina Synod	500.00
Lutheran Human Relations Association	200.00
Monmouth College	500.00
National Humanities Center	321.00
State of Illinois	543.77
Washington University	500.00
Dividends:	
Adams Express	246.06
AT & T	8.00
Bethlehem Steel	8.00
Borg-Warner	46.90
Borman's	1.60
Brunswick	.88
Chock Full of Nuts	2.00
Crown Zellerbach	13.20
Fairchild Industries	13.80
Fruehauf Corp	9.60
General Motors, Inc	83.50
Gulf & Western	.38
Hardees	12.80
Harper & Row	43.20
International Harvester	75.00
Lear Siegler	18.00
Massachusetts Investors Growth	45.07
Mutual Real Estate	3.75
National Steel	3.70
Norton Simon	13.15
Norton Simon	1.60
Pacific Gas & Electric	128.00
Pepsico	14.64

Income of Paul and Jeanne Simon, 1980—Continued

Ralston Purina	$7.68
Southwestern Life Corp	25.00
Scott Paper	4.00
Texaco	34.30
Warner Lambert	5.28
Westinghouse	5.60
Polish Alliance of North America	26.15
Interest:	
Dreyfus Fund	154.31
University Bank, Carbondale	2.05
Ellis First National Bank	13.67
Mid-America Bank, Carbondale	33.19
Mobil Corp	8.50
Fairfield Communities, Inc	195.00
Citizens Savings & Loan	47.42
Internal Revenue Service	17.48
General American Life	14.55
Total 1980 income	98,533.18

INCOME OF CHILDREN, SHEILA AND MARTIN SIMON

SHEILA. Total of $1,819.71, including—interest from Maryland National Bank, $113.32; interest from United Savings & Loan of Troy, Ill., $62.68; dividends from General Motors, $18.00; dividends from Ford Motor Co., $2.60; AT&T, $8.00; and Fabric Tree Group, wages, $1,615.11.

MARTIN. Total of $1,761.96, including—interest from Citizens Savings & Loan of Potomac, Md., $20.02; interest from United Savings & Loan of Troy, Ill., $26.27; dividends from Ford Motor Company, $2.60; dividends from General Motors, $18.00; AT&T, $8.00; Bert's Exxon, wages, $1,687.07.

STAFF DISCLOSURES (SUBMITTED TO PAUL SIMON MAY 1981)

Steve Hull, Press Secretary

1980 income other than government: Southeastern Hockey Officials Association, $200; (Spouse, Renee Tackett-Hull, is an Environmental Policy Analyst with the Government Research Corporation.)

Sources and amounts in indebtedness over $500: None.

Stocks and Bonds owned: None.

Other property owned: 1978 Ford Fiesta, $4,000; 1979 Sunfish Sailboat, $850.

Ray Johnsen, Office Manager

1980 income other than government: Rental income, $7,818; Metropolitan Life, interest, $35.41; General American Life, interest, $202.88; Cottonwood Junction, interest, $1,500; Mo. Portland Cement, interest, $507; Wright Patman Cong. Fed. Credit Union, interest, $16.40; Christ Lutheran Church, interest, $70; General Motors, Inc., dividends, $85.93; Roodhouse Record, dividends, $234; Alpha Portland Cement, dividends, $16.56; Internal Revenue Service, $47.23.

Sources and amounts of indebtedness over $500: Washington and Lee Savings & Loan, $20,479; Illinois Federal Savings & Loan, $25,928.

Stocks and Bonds owned: Wright Patman Cong. Fed. Credit Union, shares, $250; Cottonwood Junction, 175 shares, $17,775; U.S. Bonds, Series E, $1,256.25; Mo. Portland Cement bonds, $5,000; Laclede Steel, 400 shares, $4,000; Alpha Portland Cement, 24 shares, $348; General Motors, 21 shares, $966; Christ Lutheran Church, Orange, California, bond, $1,000.

Other property owned: State of Illinois Employees Retirement System, $1,772.01; residence, Arlington, Virginia, $95,000; home and apartment, Troy, Illinois, $30,000; duplex, Troy, Illinois, $37,000; household furnishings, $15,000; 1978 Chevrolet, $4,000; 1975 Volkswagen, $1,000.

Victoria Otten, Legislative Director

1980 income other than government: Commonwealth Edison Stock, dividends, $130; Perpetual American Savings & Loan and National Permanent Savings & Loan, savings account, $500; (Spouse, William H. Barringer, is an attorney with Arter, Hadden and Hemmindinger, practicing international law. The firm is a registered foreign agent for Japan Iron and Steel Exporters Association, Japan Wire Products Exporters Association, Japan Stainless Steel Exporters Association, Japan Galvanized Iron Exporters Association, Fuji Heavy Industries Limited and El Banco de Brazil.)

Sources and amounts of indebtedness over $500: First Federal Savings & Loan, mortgage, $119,000.

Stocks and Bonds owned: Commonwealth Edison, 50 shares, $1,190; Wright Patman Cong. Fed. Credit Union, shares, $114.

Other property owned: Home in Washington, purchased in 1980 for $195,000; 1977 Toyota Celica, purchased in 1977 for $5,800; 1969 VW Bug, purchased in 1970 for $800.

Net Worth Statement—Paul and Jeanne Simon, as of January 1, 1981

Assets:	
Bank of Maryland, savings account	$260.00
Bank of Maryland checking account balance	125.00
House of Representatives checking account balance	275.65
University Bank of Carbondale savings account balance	78.92
Citizens Savings & Loan, Potomac, savings balance	545.47
Mid-America National Bank of Carbondale, savings balance	657.28
Ellis First National Bank, savings balance	269.17
U.S. savings bonds	1,331.25
General American Life Insurance, cash value	2,891.80
Polish National Alliance Insurance, cash value	1,171.45
Congressional Retirement System, cash value	25,130.93
Illinois General Assembly Retirement System, cash value	16,233.00
Condominium, Tarpon Springs, Fla. 1979 purchase	81,000.00
Residence, 11421 Falls Road, Potomac, Md., 1974 purchase price	126,000.00
1976, 1977, 1978, 1980 improvements to Potomac home	17,684.45
11.8 acres near Makanda, purchased November 24, 1978, on which we are building a home	21,500.00
1980 improvements on property	1,027.06

Net Worth Statement—Paul and Jeanne Simon, as of January 1, 1981—Continued

Furniture and Presidential autograph collection	$15,000.00
1965 Ford Mustang	150.00
1980 Chevrolet	6,875.00
Stock and Bond Holdings with number of shares:	
Adams Express, 175	2,876.00
AT&T, Preferred, 2	102.00
Bethlehem Steel, 5	131.00
Borg-Warner, 20	855.00
Borman's, 8	27.00
Brunswick, 1	15.50
Chock Full O' Nuts, 10	70.00
Chrysler, 2	10.50
Crown Zellerbach, 6	292.50
Dreyfus Fund, 163	1,742.00
Fairchild Industries, 18	589.50
Fairfield Communities	2,000.00
Fruehauf, 4	100.50
General Motors, 40	1,825.00
Gulf & Western, 1	16.00
Hardees, 40	108.00
Harper & Row, 110	1,100.00
Lear Siegler, 8	784.00
International Harvester, 60	1,537.50
Mass. Inv. Growth, 33	437.00
Mutual Real Estate, 25	150.00
National Steel, 2	51.00
Norton Simon, 10	157.00
Norton Simon, Preferred, 1	33.00
Pepsico, 12	330.00
Pacific Gas & Electric Co., 50	1,044.00
Ralston-Purina, 12	126.00
Rohr Industries, 3	43.00
Scott Paper, 4	83.50
Texaco, 14	688.00
United M&M, 8	39.00
Warner Lambert, 4	81.00
Westinghouse, 4	117.00
Jet-Lite, 120 (Appx. value)	300.00
Mobil Debenture Bond, $100, 8½%	100.00
Total assets	336,167.93
Liabilities:[1]	
University Bank, Carbondale, personal notes	7,500.00
National Bank of Washington, personal note	2,200.00
First National Bank of Collinsville, personal note	15,190.00
National Savings & Trust, mortgage	86,886.11
Franklin Federal Savings & Loan Association	60,291.45
Total liabilities	172,067.56
Assets	336,167.93
Liabilities	172,067.56
Net worth	164,100.37
Assets of children, Sheila and Martin Simon:	
Sheila:	
General Motors, 10 shares	456.25
AT&T, 2 shares	102.00
Ford Motor Co., 1 share	20.63
United Savings & Loan, Troy	679.46

Net Worth Statement—Paul and Jeanne Simon, as of January 1, 1981—Continued

Maryland National Bank, savings	$1,805.65
Mutual Real Estate Trust, 10 shares	60.00
Maryland National Bank, checking	113.32
Total	3,237.32
Martin:	
AT&T, 2 shares	102.00
Ford Motor Company, 1 share	20.63
Citizens Savings & Loan, Potomac	294.82
Mutual Real Estate Trust, 10 shares	60.00
General Motors, 10 shares	456.25
Total	933.70

[1] In addition to these obligations, there is approximately $7,000 per year obligation to Wittenberg University in Springfield, Ohio, for Sheila's educational expenses.●

FIRST MEMORIAL DAY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. McEWEN. Mr. Speaker, America's first Memorial Day in 1868 honored the thousands who fell in the War Between the States. In the 113 years since that conflict, well over 1,215,000 service men and women have given their lives in struggles from the fields of France to the jungles of Vietnam to the deserts of Iran.

This memorial week we remember those brave men and women, citizens of all races and creeds, who once followed the flag and now lie beneath it.

We remember, and are grateful to those who lost their lives in our defense. We remember the veterans who today bear the physical and emotional scars of battle, and who themselves remember the hardships, and the friendships they develop with comrades at arms who are no longer with us.

We remember the families of our fallen heroes and we grieve for their losses. We remember the dedicated men and women now serving to protect us in our Armed Forces.

Finally, we remember that together as a Nation we have faced many dangers, but we and our precious form of government have survived because of the sacrifices our soldiers have been prepared to make.

In the coming years we will continue to be challenged, and so the remembrance of those hundreds of thousands who have served, and who have died in our defense, must strengthen our resolve to keep this country a bastion of freedom of which we all can be proud.

We must not let the sacrifices of our courageous protectors pass in vain. It is our duty to keep this country strong and free; we must use our hard-won freedoms wisely in the knowledge that freedom without compassion and honor is not freedom at all.

And we must strive to make this country better, knowing that no matter how far we have gone on the road to equality and justice for all citizens, we have much farther to go before we rest.

It is this legacy and challenge that our veterans leave with us on this Memorial Day weekend.●

FEDERAL ASSISTANCE REFORM

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. HEFTEL. Mr. Speaker, I am pleased to join with my distinguished colleague, Mr. MOFFETT, in introducing legislation which will consolidate and streamline Federal assistance programs to the States, and encourage the long-term cost effectiveness of these programs.

This bill, the Federal Assistance Reform Act of 1981, was introduced during the 96th Congress by my distinguished colleague from Tennessee, Senator JIM SASSER. The legislation was unanimously approved by the Senate Governmental Affairs Committee last September and was passed by the Senate on December 1. Unfortunately, however, the press of business prevented its being considered in the House.

Mr. Speaker, this bill is introduced at a time when we are all concerned with the rising cost and growth of Government, which is exacerbated by ineffective and uncoordinated planning, and overlapping and duplicative regulations. The Federal Assistance Reform Act will go far in alleviating some of these burdens by proposing procedural changes in the administration of the categorical grant system. These procedural changes will encourage the consolidation of grant programs and simplify the regulations associated with them. Essentially, this legislation recognizes the increasing complexity of the Federal grant system and creates mechanisms to improve the management of these programs.

If enacted, this legislation would encourage timely congressional consideration of Presidential grant consolidation proposals. Hence, many of the paperwork burdens arising in the Federal assistance would be partially removed or corrected. Rather than requiring each of the categorical grants to follow separate reporting and regulatory requirements for each

program, a procedure designed to encourage more timely Presidential and congressional consideration of consolidation plans would be established.

Additionally, this bill is intended to reduce the burden of an unnecessary number of audits of grant recipients. Increased Federal reliance on State and local audits is encouraged in order to reduce confusion and needless duplication in the auditing process. Audits would be performed on an organization-wide scale rather than on a grant-by-grant basis.

The Federal Assistance Reform Act also mandates that Federal agencies work with their counterparts on the State and local level to develop grant procedures which would be mutually compatible and would allow several grants to be combined into one administrative package. By allowing a number of separate categorical programs to be used by a recipient as if they were a single program on a case-by-case basis, it becomes possible for State and local governments to fill out one application, to deal with one agency, and to comply with one set of rules rather than having to fight several agencies and many rules to obtain grants meant for one integrated project.

Additionally, reducing the paperwork resulting from conflicting national policy standards and cross-cutting requirements in the Federal assistance system, is a major objective of this bill. By requiring the President to specifically designate agencies in various policy areas to be responsible for one or more cross-cutting statutes, this bill will be able to alleviate some of the paperwork burden.

Finally, this bill contains several provisions intended to allow State or local recipients to manage Federal assistance programs more effectively and with fewer Federal restraints. These provisions insure that State or local recipients of Federal assistance are given some protection from unexpected policy changes or administrative revisions implemented by Federal agencies.

Ultimately, the provisions of this bill will result in a reduction of Federal spending. If the Congress combines multiple and related categorical grant programs into a single block grant and appropriates a new total that is less than the sum of the parts, definite outlay savings will be achieved. The cost effectiveness of this legislation, then, is obvious.

Research developed by the General Accounting Office (GAO) over a number of years is fully supportive of the concepts presented in this legislation. Essentially, their reports recommended the consolidation of Federal grants in order to promote increased efficiency and effectiveness in the delivery of Federal assistance, and greater adaptability of Federal assistance to the requirements of recipients.

Mr. Speaker, reform of the intergovernmental grant system is needed now more than ever. The Reagan administration's proposed budgetary cuts for fiscal year 1982, and its recommendations for the consolidation of Federal grants, make this bill even more necessary. I therefore look forward to working with the administration and my fellow colleagues to bring about grant consolidation and encourage more cost-effective provision of Federal assistance.●

RETIREMENT OF A. OAKLEY HUNTER FROM FANNIE MAE

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. PASHAYAN. Mr. Speaker, today A. Oakley Hunter steps aside as President and Chairman of the Board of the Federal National Mortgage Association, known to all as Fannie Mae.

Mr. Hunter, a former attorney in Fresno as well as a former Member of Congress, was responsible for transferring Fannie Mae from a basic Federal agency to a shareholder corporation, and he did it well.

On behalf of the millions of homeowners around this country we represent I feel it is incumbent that we take a moment to commend him for his contributions in helping meet the housing needs of this Nation.

During his 10 years as Chairman and 11 years as President of Fannie Mae, the corporation became the Nation's largest single source of residential mortgage funds and provided financing for 3 million housing units. Fannie Mae's leadership in the housing field, under Oakley Hunter's guidance, however, is more significant than even those numbers imply.

During the last decade and largely as a result of Mr. Hunter's personal convictions, the corporation led the housing finance industry back into our cities by developing innovative urban lending programs and investing heavily in center city neighborhoods.

Similarly, the corporation reached out into rural areas, to assure that home buyers there had access to mortgage money on the same terms available to those in more highly developed communities. In all communities, Fannie Mae served the needs of moderate- and middle-income home buyers, including those of first-time purchasers. Fannie Mae was the first to establish national lending and consumer protection standards for condominiums and planned unit developments.

In addition to confronting the demands of a changing population and society, the housing industry—and Fannie Mae—have been faced with a changing and often tumultuous economy. Over the last decade, three severe credit cycles have wrenched the housing and mortgage markets. Throughout each of these periods, Fannie Mae remained a source—in some instances and in some communities the source—of mortgage funds. These were difficult times for Fannie Mae as well, but it persevered even so in fulfilling its congressionally chartered purpose.

Perhaps most significantly of all, Oakley Hunter, during his years as head of Fannie Mae, demonstrated that the private sector has the capacity—and the conscience—to address the Nation's housing needs. At a time in our Nation's history when a consensus has been reached that Government cannot provide the answers to all our problems, the accomplishments of Oakley Hunter and Fannie Mae give us confidence that our recognized reliance on private enterprise is well founded.

Even more so because the shareholders of Fannie Mae have voted to keep Oakley Hunter on the board of directors even after his retirement as chief executive.

I felt it would be appropriate to include in this salute a newspaper article which gives us a glimpse at some of Mr. Hunter's thoughts on the future.

[From the Fresno Bee]

HUNTER SEES SMALLER HOMES, BIGGER PRICES

(By Richard D. Hall)

Washington—Home buyers soon will pay more for smaller quarters in more crowded surroundings, says a former Fresnan who directs the nation's biggest "bank" for home mortgage funds.

He is A. Oakley Hunter, and he'll retire May 21 after a decade as president and board chirman of the Federal National Mortgage Association, known as Fannie Mae.

The association buys home mortgages from local lenders, thus supplying banks and savings and loan associations with mortgage money.

Hunter has seen a lot of changes at Fannie Mae in his time there—some of his own making. And he predicts other changes in the national housing market.

"There will still be single-family houses, detached," Hunter said, "but not to the same extent as there has been in the past. People are having to settle for less in quality and size."

And for more money.

The old rule of thumb was to pay no more than 25 percent of a person's income for housing, he said. "Now it's close to one-third, and it's becoming one-third of two incomes."

Hunter, who will be 65 in June, is relinquishing his $225,000-a-year job but not his position on the board. He serves on other boards, as well, and said he is considering returning to private law practice. He opened a practice in Fresno in 1947.

He does not mention retirement, only that he is "shifting gears again."

A shift toward Washington occurred in 1951 when Hunter a Repbulican, was elected to the first of two terms in Congress.

From there, he built a career in housing and real estate development. Hunter was involved as an attorney and consultant with low- and moderate-income housing through the Fresno Housing Development Corp.

Projects included federally financed housing for the elderly in Fresno, Modesto, Sacramento, other parts of California and in Arizona, and such urban renewal housing as Huntington-Holmes in Fresno and Capitol Mall in Sacramento.

Hunter turned down an assistant secretary's job at the Department of Housing and Urban Development in the Nixon administration.

But in 1970, he accepted an offer to head Fannie Mae and transform it from a federal agency into a shareholder-owned and privately managed corporation.

"To me, this was a challenge," Hunter said.

Hunter wasn't shuffled out when the Democrats regained power under the Carter administration. But he did make it clear just who was in charge of Fannie Mae and that it was going to operate as a private corporation.

The challenge began with an attempt by Democratic Sens. Alan Cranston of California and William Proxmire of Wisconsin to pass a bill that would expand the Fannie Mae board and authorize the president to appoint more of the directors.

Hunter said business interests rallied behind him, and the bill died in committee. Fannie Mae continues to have five directors appointed by the president and 10 elected annually by stockholders.

(Its stock is traded on the New York Stock Exchange and closed Friday down ⅛ at 92.)

Then Carter's HUD secretary, Patricia Harris, raised the issue of whether Fannie Mae should do more to meet housing needs in inner cities.

She contended that tended to buy the most desirable conventional mortgages in appreciating suburban neighborhoods and to avoid inner-city properties.

A Fannie Mae spokesman said then that 25 percent of the conventional loans were in urban areas. Hunter testified that "realistic limits" must be placed on underwriting the loans.

The conflict raised an issue that still is being debated—federal government guarantees to Fannie Mae.

"We have no recourse to the government for money," Hunter said. "We have to go out and borrow it."

"In the final analysis," said Cranston, "federal money is there if need be."

Cranston said Fannie Mae has done more for central-city housing since the congressional hearings in the late 1970s.

However, he said, "I've also felt over the years that Fannie Mae has overemphasized paying dividends to its stockholders and underemphasized doing everything possible to promote housing in America.

"Since it's an independent corporation but has behind it the full faith and credit of the U.S. Treasury," Cranston said, "I feel it has an obligation to fulfill a public service and meet a public need."

"I believe that that should take priority over dividends to its stockholders," he said. "That has not been the case and is not now the case."

The issue of how much Fannie Mae could or should do for inner-city areas "will always be controversial," said Raymond H. Lapin, Hunter's predecessor at Fannie Mae.

"By law, the corporation must devote part of its resources to low- and moderate-income housing," he said, "but no percentage is spelled out."

The Treasury Department is authorized to use up to $2.25 billion as a "backstop" for Fannie Mae, but that's a small amount compared with the nearly $60 billion in mortgages the corporation owns, said Lapin, who owns a mortgage company in San Francisco.

Fannie Mae has never had to turn to the government since it became independent. If it did, Lapin said, Congress could consider emergency legislation to keep it solvent.

Fannie Mae has suffered quarterly losses twice, last year and in the first quarter of this year. Its problem, Lapin said, is the same as that facing local lenders—comparatively low-yield assets in the face of soaring interest rates. Most of Fannie Mae's income is based on a return from its acquired mortgages.

But Lapin, whose term as a board member ends in May, said, "The organization is efficient. All in all, it's been completely successful."

Lapin, who began the process that led to the corporation's independent status, also credits Hunter with having "removed (Fannie Mae) from politics. I think it's quite an achievement."

A test came last year when Hunter announced his intention to step down, Lapin said. The White House wanted to name a successor, but the board hired a research firm to seek candidates and wound up selecting David Maxwell, 50, a founder and chairman of Tycor Mortgage Insurance Co. of Los Angeles.

Maxwell will take over at the board's annual meeting May 21.●

SOCIAL SECURITY CUTS—THE BROKEN PROMISE

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. DE LUGO. Mr. Speaker, just a few months ago, President Reagan unveiled his new economic plan for America which called for, among other things, drastic cutbacks in Federal spending. Incorporated into that proposal was the so-called safety net, which essentially was a promise to our senior citizens and those living on marginal incomes that they would not suffer from the proposed cuts. They were assured that "* * * the social security net of programs the elderly depend on are exempt from cuts." And with that assurance, millions of Americans who were understandably concerned about their retirement benefits breathed a collective sigh of relief.

Unfortunately, the safety net has been unraveling little by little and it came apart totally last week when the administration proposed cutting certain social security benefits for future beneficiaries.

If the administration's proposals are accepted—and I hope that they are not—future retirees would face the prospect of receiving less benefits than they had been expecting all these years. Others will be forced to postpone their long-awaited retirement.

I believe that the senior citizens of this Nation, who are our most precious natural resource, deserve better treatment than this. To suddenly cut the safety net is unconscionable. It is a cruel hoax which must be rejected by the Congress.

Instead of looking at this proposal from an accountant's point of view, let us examine what it would mean to people:

The poverty rate for the aged is 15 percent, compared with the overall poverty rate of 11 percent. It is estimated that one-quarter of the elderly population is located within $50 a month of the poverty line, and over 41 percent attempt to survive on incomes within $200 a month of the poverty line.

Inflation continues to rise at double-digit rates, taking its most severe toll on those people living on fixed incomes. For the senior citizens residing in the U.S. Virgin Islands, where the cost of living is approximately 25 percent higher than on the mainland, the rising cost of food, clothing, energy, and housing is particularly burdensome.

Meanwhile, Federal programs that are so important to many of these people, such as food stamps and legal services, are being slashed.

Now, the administration wants us to ask our senior citizens to make do with even less, to make even more sacrifices.

It is unfair to ask these people to incur such burden. It is unfair to tell them that we would like to take away some of their hard-earned retirement benefits, while we continue to subsidize the businessman's three-martini lunch. It is unfair to ask them to tighten their belts even further when billions of dollars are wasted yearly in the Department of Defense.

Mr. Speaker, as the Congressman from the U.S. Virgin Islands, I can tell you that our senior citizens are up in arms. Many of them have been paying into the social security system all these years expecting a certain level of benefits. They entered into a contract with the Federal Government years ago and now the administration is suggesting changing the terms of that contract. For example, under current law, those retiring at 62 have their benefits permanently cut to 80 percent of what they would be at the normal retirement age of 65. The administration's proposal would pay a person who retires in the future at 62 only 55 percent of the age-65 amount. The spouse's benefit would be half of this, 27.5 percent instead of the current 40 percent. Today, a person who had an average income throughout their lifetime and retired at the age of 62 in 1987 could expect approximately $580

a month in benefits. Under the Reagan proposal, that same person would receive approximately $348 a month.

Other examples of the injustices inherent in this proposal abound.

I would just like to share with the committee the feelings of one of my constituents, Mr. Victor Giandana of St. Thomas, on what the cuts mean to him; "I do not look with favor on a 'free lunch' attitude that prevails in many areas of our society," he wrote, "however, where benefits have been earned they should be rewarded."

I believe his comments tell the whole story—the argument against the proposed cuts could not be made better—and I hope the Congress listens to his words.●

REPUBLICAN TIDEWATER CONFERENCE UNITY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. KEMP. Mr. Speaker, the purpose of a political party is to offer ideas and leadership. In recent years, the Republican Party has dominated the American political market for ideas. Bringing Federal finances under control, restoring incentives for labor and capital, rolling back the excessive burden of Government regulation—all of these Republican ideas are on their way to being implemented by the administration of President Reagan.

I believe that the central issue of the coming decade will be the reforms which are necessary to end inflation. In fact, without them, the success of the entire Reagan economic program is in jeopardy. Continued inflation will surely swell Federal spending, destroy economic incentives, and dwarf the benefits of deregulation.

Recent experience in Great Britain, France, and in this country, has shown that Thatcher-type austerity and monetarism are inadequate to the task of ending inflation. Attempts to fine-tune the economy through the money supply are as futile and as destructive as attempts to do so with fiscal policy. The recent crisis in the financial markets only underlines the fact.

The runup of interest rates which sent the markets tumbling was the result of two factors. First, net Treasury borrowing in the first half of fiscal 1981 was $56.8 billion—an all-time record. And total Federal and federally sponsored borrowing this year is expected to hit more than $140 billion. Current, not anticipated future deficits, are the problem. Second, the Federal Reserve has lost control of its balance sheet. The growth of the monetary base, which had been an annual rate of 1.8 percent during the 2 months ended February 25, more than quadrupled to 7.8 percent in the 2 months ended April 22. In addition, during the last week in April, the Federal Reserve lent the commercial banks a staggering $8.5 billion in reserves at the discount window, at a below-market subsidized rate of 13 percent. Inflation will not end until the Federal Reserve gets its balance sheet under control. And that process will not be pleasant unless Congress does the same with its budget.

Runaway inflation of the sort witnessed in the past decade is unprecedented in American peacetime history. It is no accident that this was also the first peacetime period since 1792 in which the dollar was not defined in terms of a real commodity, such as gold or silver. For the first 140 years of this country, there was no net upward or downward movement of prices. Even after the dollar was devalued in 1934, inflation remained low during peacetime until the last link between the dollar and gold was severed in 1971. In a world which has been on a dollar standard since World War II, the subsequent depreciation of the dollar has unleashed a devastating worldwide inflation.

The advantage of a commodity-based monetary standard is that it provides a firm discipline on monetary and budget policy. With a finite reserve of, say, gold, there is a limit to the amount of gold-convertible money and credit which the Federal Reserve can create. And when the Government can no longer finance its spending by creating money, it must order its finances so that it repays its debts in real terms; to maintain its credit, the sum of all current and future deficits and surpluses must balance. In addition, the acceptance of a common standard has always proven a tremendous boon to the growth of world trade.

The Republican Party's 1980 national platform said:

Ultimately, inflation is a decline in the value of the dollar, the monetary standard, in terms of the goods it can buy. Until the decade of the 1970s, monetary policy was automatically linked to the overriding objective of maintaining a stable dollar value. The severing of the dollar's link with real commodities in the 1960s and 1970s, in order to pursue economic goals other than dollar stability, has unleashed hyper-inflationary forces at home and monetary disorder abroad, without bringing any of the desired economic benefits. One of the most urgent tasks in the period ahead will be the restoration of a dependable monetary standard that is, an end to inflation.

This past weekend I urged the Tidewater Conference of Republicans to reaffirm the 1980 platform and recognize as a central issue for the coming decade the need to restore a stable monetary standard, domestically and internationally. The conference unanimously agreed on the following resolution:

TIDEWATER RESOLUTION

Whereas, the central problem in our economy today is stagflation, i.e., the simultaneous effects of high inflation and high interest rates with low productivity and high unemployment and,

Whereas, stagflation is caused in large part of overborrowing by government and a decline in the value of our currency colliding with steeply graduated tax rates on workers and savers and,

Whereas, one of the greatest needs in our economy today is the creation and availability of investment capital and,

Whereas, the future prosperity, output, production, jobs and enterprise of America depends on rebuilding incentives for labor and capital to expand their savings, investment and production, therefore,

Resolved, We reaffirm our Party's pledge to the American people as outlined in our platform in Detroit, as well as at Tidewater I, 1978, and in the Republican Congressional statement on the Capitol steps on September 15, 1980, in which we support substantial permanent reductions in federal income and capital gains tax rates and reform of business depreciation schedules so as to encourage the modernization of plant machinery and equipment, both of which were proposed by President Reagan in order to restore incentives, encourage real economic growth, and expand the regard for working, saving, and investing. These tax reforms and further incentives for private economic growth, and, with a reduction in government spending, will help achieve a balanced Budget. There are additional tax and regulatory reform measures which should and will be addressed by Republicans before the end of this Congress.

We further reaffirm our pledge in the 1980 Republican national platform to restore a dependable currency and bring an end to inflation so that we simultaneously move our nation toward the goal of prosperity, full employment, and price stability.●

MONEY MARKET MUTUAL FUNDS: A COMPLEX ISSUE

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. McKINNEY. Mr. Speaker, recently my office has been inundated by mail in support of money market mutual funds. Although it was expressed in many ways, I read one clear message in all of the correspondence: This level of inflation is intolerable. Since I agree with that, I strongly support President Reagan's budget-cutting efforts. As I said during the House debate on the budget, without improvement and without change in the direction of our economy, we—this country—will collapse.

In my opinion individuals should have the right to choose where to put their money to get the highest rate of return. This choice should be available to all investors. For the 10 years that I

have served on the Banking Committee I have argued that we should remove arbitrary ceilings on interest rates and allow banks and thrift institutions to compete for deposits on equal terms. In passing the Depository Institution Deregulation and Monetary Control Act of 1980, Congress took a major step in that direction by mandating that interest ceilings must be eliminated.

In order to retain some stability in the monetary system the bank regulators were given until 1986 to achieve this competitive equity between the banks and thrifts institutions. This period was intended to allow a readjustment of loan portfolios as well as a review of other unprofitable practices. To strengthen our central banking system the act also extended reserve requirements to all depository institutions, such as credit unions, savings and loans, and banks that were not members of the Federal Reserve System. The Federal regulators of the depository institutions have taken steps to comply with the intent of Congress. Immediate and total deregulation of financial institutions would be neither a responsible act nor a solution to the present problems of depository institutions; more financial industry troubles would result.

Lending practices of banks and thrift institutions were influenced to a great extent by the Federal Government over many decades. Loans for housing construction and mortgages, consumer loans, education loans, and small business loans were encouraged as a matter of national policy. For example, thrift institutions were allowed to pay higher interest on savings accounts than commercial banks to encourage continued lending support to the housing industry. As a result, savings and loans and savings banks are now locked in to $387 billion of low-interest mortgages. Ironically, many of those mortgage loans were probably made to shareholders of money market mutual funds.

I think the depository institutions have performed a vitally important function in the economic development of our society. Congress should address the problems of those institutions and devise solutions that are consistent with our goals of decent housing and a strong economy. Minimal direct intervention should be a primary objective, but in all honesty the Federal Government will have to be involved to some degree.

Now I would like to discuss my feelings about the money market mutual funds—MMF's. Conceptually I think these funds are fine. As I said above, all investors should have the freedom to choose where to put their money. Not all investments, however, are suitable for every individual.

I have been very distressed by the number of letters from retired people or others living on a fixed income who say they have put every cent of their savings in a money market fund. Federal insurance for savings accounts was a direct result of the bank failures in the thirties when individual's savings were literally wiped out overnight. Suddenly that lesson has been forgotten and insured savings accounts are being converted into uninsured money market funds. I think that the Securities and Exchange Commission—which has oversight jurisdiction for the MMF's—and the Investment Company Institute—which lobbies for the mutual funds—have a responsibility to make the public aware of the risks involved in these investments. While they should not be considered speculative investments, MMF's are not riskless and some discretion should be used by the shareholders.

Regarding reserve requirements for money market funds, I oppose the imposition of requirements to lower shareholder yields. This would not result in increased assets for depository institutions as some contend. It would be a discriminatory use of power which I could not support. For those money market funds that choose to act like banks—specifically, check-writing authority—I think they should be required to maintain reserves under the provisions of the Monetary Control Act cited above. Although some would want you to believe this is aimed at individual shareholders, it is corporate accounts that are taking advantage of the check-writing privileges according to my information. In addition to being an equitable policy, the maintenance of reserves by those funds would contribute to a more stable monetary policy and reduce the risk element for these investments. Obviously the funds have another choice—eliminate check-writing privileges.

I should point out that some funds and fund salesmen have gone so far as to term investments as deposits and dividends or capital gains as interest. The Investment Management Division of the SEC has told my staff that such funds should be regulated as banks since they are representing themselves to be banks. I would hope that stronger SEC supervision in this area might resolve that problem.

Before closing I would like to point out some other concerns that I have about the meteoric increase in money market fund assets. These are focused primarily on matters of public policy. I have mentioned already the risk element for certain classes of investors, housing policy and monetary policy. Also, I think attention should be focused on the economic impact of these short-term, high-yield investments which may be inconsistent with the Reagan economic policy; I think more attention should be given to the foreign investments by these funds; and I definitely think the risk factor associated with the quality of investment made by some funds has risen in direct proportion to asset growth. As Financial World said in an April 1, 1981, article about the risks of MMF's: "And perhaps—the fund manager—has to lower his quality standards as well. After all, the supply of money market instruments is not growing as fast as the assets of money market mutual funds." I would like to paraphrase a leading economist who said that we all catch up on inflation by taking it out of someone else's hide. The next time we complain about high interest rates on loans, credit cards or any other financing, it is important to remember that we cannot have high yields without high costs for borrowing, too.

I have devoted a substantial amount of my time to this issue and I strongly believe that we first must reduce inflation which in itself will lead to more equitable competition between money market funds and depository institutions. The various policy issues I mentioned should be weighed, for example, if savings are needed for housing, should tax incentives be increased for certain types of savings accounts. Also, I suggest that the distinctions between investment vehicles and depository institution authorities are clearly delineated and should be enforced; the SEC should monitor more closely the suitability of MMF's for certain classes of investors; the sales promotions of the MMF's should emphasize the nonbank nature of these investments; and, more attention should be given by the SEC and the Federal Reserve to the type, quality, and amount of investments made by the MMF's.

Personally I prefer investments that benefit our society and our economy, but I appreciate the appeal of the money market funds. The solution I advocate is the best of all worlds: less inflation, a strong economy, equitable competition for savings. I shall continue working with my colleagues in Congress, the various regulators, and the industry people to arrive at a solution that will be in the best interest of all parties.●

SOCIAL SECURITY COVERAGE

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. LUJAN. Mr. Speaker, I would like to take a moment today to discuss social security coverage.

Let me first say that unless some changes are made, I am aware that the social security program will go broke

in 1982. The social security retirement and survivor's trust fund will become unable to pay benefits sometime in mid-1982. Even if the assets of the disability fund were added in, the two funds together would still be insufficient late in 1982.

I believe that we should not reduce the amount of benefits that someone now on social security is receiving. I also believe that an abrupt change for individuals close to eligibility would be unfair. I think that whatever changes are made should be gradual and phased in over several years.

For example, under current law, an individual can retire at age 62 and take a benefit reduction that would provide 80 percent of the amount that individual would receive if he or she would retire at age 65. Rather than dropping the early retirement rate down to 55 percent of that amount effective immediately, I would phase in over several years a smaller reduction. Doing it this way, people who have counted on early retirement in the near future with 80 percent benefits would not be affected, and people who would be affected would have time to plan for the change. Conversely, if someone wanted to wait longer to retire, that person should receive increased benefits.

These are just a couple of ideas, and I really am not sure how they would work out, but I can guarantee this much. I used to be in the insurance business, and I look at social security as being similar to an insurance policy that has been purchased. The Government has an obligation to honor its commitment, and I am committed to that obligation.

I am including with these remarks information on the administration's social security proposals. It is, of course, impossible to predict what will be in the final bill, but I am sure that these proposals, together with those included in the bill contemplated by Chairman PICKLE of the Social Security Subcommittee, will form the basis of the new legislation.

Thank you.

PROVISIONS OF THE SOCIAL SECURITY PROPOSAL

I. CHANGES TO ENCOURAGE WORK BETWEEN 62-65

Change benefit computation point from age 62 to 65

The benefit formula treats early retirement the same as waiting until age 65. After 65, there is an annual incentive to continue working. Early retirees at 62 get 80% of what they would get at 65.

Proposal would discourage early retirement by assigning zero value to the age 62-64 period, thus reducing benefits in such cases while rewarding those who elect to work until age 65. This returns the program to the formula used before the age of retirement for women was lowered to 62 in 1956.

Reduce benefits for early retirement

Workers electing early retirement at 62 now receive benefits equal to 80 percent of what they would receive if they delayed retirement to age 65.

Proposal would reduce early retirement benefits to 55 percent of the maximum, thus strongly encouraging workers to remain in the work force until age 65.

II. CHANGE TO REDUCE OPPORTUNITY FOR "WINDFALL" BENEFITS

Eliminate "windfall" benefits for non-covered employment

The benefit formula now makes it possible for a person, such as a retired Federal employee, who enters Social Security-covered employment for only a few years to receive disproportionately high benefits, in some cases exceeding those paid to low-wage earners who have spent a lifetime in covered employment.

Proposal would have formula take pension resources from non-covered employment into account in such cases, thus sharply lowering the Social Security benefit in such cases.

III. CHANGES TO RELATE DISABILITY INSURANCE CLOSER TO WORK HISTORY AND MEDICAL CONDITION

Require "medical only" determination of disability

Workers can now qualify for disability benefits on combinations of medical and non-medical factors, such as age, education and work experience. More than one-third of disability cases age 60 to 65 involve non-medical factors.

Proposal would limit qualification to medical factors alone, thus restoring program to original purposes.

Increase waiting period to 6 months

Under a 1972 liberalization of the program, the waiting period for disability benefits was reduced from six to five months on the assumption that ample funds would be available.

Proposal would restore the six-month waiting period previously in law. This conforms to the terms of most private disability insurance programs.

Require prognosis of 24-plus months of disability

Workers now seeking disability benefits must show only that disability claimed will exceed 12 months or will result in death. The 12-month test, enacted in 1965, replaced a test of "long-continued and indefinite duration" in prior law.

Proposal would restore the original intent of the law, requiring that the prognosis of disability be of long duration, at least 24 months, a more reasonable definition of disability.

Increase requirement for insured status to 30 quarters

Workers may now qualify for disability benefits even if they have been in the work force only 20 out of the past 40 quarters. Therefore a person could be out of covered employment for 5 years and still qualify.

Proposal would set the minimum at 30 out of the past 40 quarters, thus more closely tying benefits to the principle that they are replacement for wages recently lost.

IV. CHANGES TO REDUCE WELFARE ELEMENTS

Eliminate childen's benefits in early-retirement cases

Children under 18 or under 22 if in school are now eligible for benefits on the basis of a retired parent's wage record. Thus a retiree with a child receives a dependent's benefit, whereas a retiree with no children gets only his own benefit.

Proposal would end this inequity in early-retirement cases and thus encourage the worker to continue work until 65.

Extend disability maximum family benefit to retirement and survivors cases

Benefits for families of retired and deceased workers can now actually exceed that worker's net take-home pay.

Proposal would extend the maximum limitation on benefits to families in disability cases enacted in 1980 to retirement and survivor cases. This would return the program closer to its original purpose as a "floor" of protection.

V. OTHER AMENDMENTS FOR SHORT-TERM

Increase bend points by 50 percent instead of 100 percent of wage increases for 1982-87

In 1977, the "bend points" (dollar amounts referred to in the weighted benefit formula) were made subject to automatic wage indexing. This change was adopted in legislation intended in part to offset the cost impact of earlier legislation and the faulty benefit computation procedure adopted in the 1972 amendments. However, benefit levels today remain disproportionately high (by about 10 percent) compared with the pre-1972 levels.

Proposal would restore the traditional relative benefit levels for future beneficiaries by increasing the "bend points" by 50% (instead of 100%) of increases in average wage earnings for the years 1982-87, after which the 100% factor would be restored to the formula.

Move date for automatic benefit increases from June to September and use 12-month CPI average

Under the 1972 amendments (as modified in 1974), annual Social Security benefit increases have been automatic each June (payable beginning in July). The increase is based on changes in the Consumer Price Index as measured between the first quarter of the current calendar year and the corresponding quarter of the preceding year, a provision which can unduly inflate or deflate the increase, depending on economic conditions in those quarters.

Proposal would correct the anomaly of having benefit increases initiated on the pre-1976 Federal Fiscal Year basis and change the CPI computation to cover a full year (July-June) period, thus making the measurement a more accurate reflection of economic trends and measuring living costs in a period ending closer to the initiation of benefit increases.

VI. CHANGE IN COVERAGE

Extend coverage to first six months of sick pay

Most sick pay is not taxed due to complex exclusion which forces employers to track sick pay on daily, even hourly basis, and leads some to unwittingly break the law.

Proposal would extend tax to all sick pay during first six months of an employee's illness. This would eliminate the administra-

tive burden and would treat sick pay in the same way as vacation pay.

VII. PHASE OUT RETIREMENT EARNINGS TEST BY 1986

Under current law, 1981 Social Security benefits payable to persons age 65 through 71 are reduced by $1 for each $2 of annual earnings in excess of $5,500, a level which rises each year in relation to average wage earnings. However, benefits are not reduced for those aged 72 and over (70 and over beginning in 1982).

Proposal would phase out the retirement test over a three-year period, permitting $10,000 in earnings in 1983, $15,000 in 1984, $20,000 in 1985 and unlimited earnings thereafter.

VIII. REDUCE LONG-RANGE SOCIAL SECURITY TAXES

Assuming enactment of these proposals, and those introduced in the Administration's Budget proposals, it will be possible to lessen the Social Security tax increase now scheduled for 1985 and to actually decrease Social Security taxes below the current level in 1990. (See chart below). Note that while an increase will again become necessary in 2020 due to the aging of the population, the rate will still be lower than the 1990-and-after rate scheduled under current law.

SOCIAL SECURITY TAX RATES UNDER PROPOSAL

[Tax schedule]

Period	Present law (percent)	Proposal	
		Under budget assumptions (percent)	Under worst-case assumptions (percent)
1981	6.65	6.65	6.65
1982–84	6.70	6.60	6.70
1985	7.05	6.45	6.95
1986–89	7.15	6.45	7.05
1990–2019	7.65	6.45	6.45
2020 and after	7.65	7.55	7.55

COST ANALYSIS OF EFFECT OF VARIOUS SOCIAL SECURITY OPTIONS

[Positive numbers indicate savings; negative numbers indicate added costs or amounts needed to meet cost of present program]

Item	Short-range effect for calendar year 1982–86 [1]	Long-range effect [2]
A. Status of present system deficit	−$11.0(−110.8)	[3] −1.52(100)
Effect of budget proposal	35.5(36.8)	0.20(15)
Status of program after budget proposal enacted	(−74.0)	[3] −1.32(87)
B. Proposal:		
(1) Cover sick pay in first 6 months	2.6(2.6)	.02(1)
(2) Change computation points for average indexed monthly earnings from age 62 to age 65	1.3(1.4)	.39(26)
(3) Increase bend points in primary benefit formula by 50 percent (instead of 100 percent) of wage increases, 1982–87	4.2(4.7)	1.30(86)
(4) Benefit rate of 55 percent of primary benefit for retired workers (and 27½ percent for spouses) at age 62	17.6(20.3)	.85(56)
(5) Eliminate benefits for children of retired workers aged 62–64	1.9(2.0)	.02(1)
(6) Disability maximum family benefit applicable to survivor and retirement cases	2.9(3.3)	.10(7)
(7) Eliminate windfall portion of benefits for persons with pensions from noncovered employment	.6(0.6)	.10(7)
(8) Require "medical only" determination of disability (i.e., exclude vocational factors)	7.7(9.0)	.06(4)
(9) Increase disability waiting period from 5 months to 6 months	1.4(1.5)	.03(2)
(10) Require disability prognosis of 24+ months duration (instead of 12+ months)	2.8(3.4)	.07(5)
(11) Require 30 quarters out of last 40 quarters for disability benefits (instead of 20/40)	10.0(11.5)	.21(14)
(12) Move date for automatic benefit increases from June to September (and use 12-month average)	6.3(27.8)	.14(9)
(13) Raise retirement-test exemption for age 65+ to $10,000 in 1983, $15,000 in 1984, $20,000 in 1985, and eliminate test in 1986	−6.5(−7.4)	−.14(−9)
Total effect	[4] 46.4(75.0)	2.86(188)

[1] In billions. Figures in parentheses are based on "worst case" assumptions; other figures are based on the expected economic assumptions (those in the President's budget).
[2] Average-cost over 75-year period, in percentage of taxable payroll. Figure in parentheses is long-range effect of this item as percentage of actuarial deficiency of present program.
[3] Amount necessary to restore financial soundness of program over the long range.
[4] Including effect of additional net income to hospital insurance program.

ESTIMATED SHORT-RANGE EFFECT OF PROPOSAL AS COMPARED WITH PRESENT LAW, FUND RATIOS AT START OF YEAR[1]

Calendar year	Expected economic conditions		Worst-case economic conditions	
	Present law	Proposal	Present law	Proposal
1981	23	23	23	23
1982	21	22	21	22
1983	18	23	16	22
1984	16	25	[2] 6	19
1985	14	28	([3])	17
1986	16	30	([3])	18
1987	22	[4] 35	([3])	[5] 21

[1] Balance in combined old-age and survivors insurance trust fund, disability insurance trust fund, and hospital insurance trust fund at beginning of year as percentage of outgo from trust funds in coming year (i.e., assumes availability of inter-fund borrowing).
[2] Funds have insufficient balance to pay monthly benefits (actually, this situation would occur several months earlier).
[3] Funds exhausted.
[4] By 1990, the fund ratio would be about 50 percent.
[5] By 1990, the fund ratio would be about 30 percent, and by 1995 it would be about 50 percent.

YEAR-BY-YEAR COST ANALYSIS OF PROPOSAL

[In billions of dollars]

Calendar year	Proposal	
	Under expected economic assumptions	Under worst-case economic assumptions
1981	0.9	0.9
1982	9.1	11.3
1983	11.8	16.2
1984	15.7	21.7
1985	20.5	28.1
1986	23.9	33.6
1981–86	81.9	111.8

ILLUSTRATIVE BENEFITS FOR WORKERS RETIRING AT AGES 62 AND 65 UNDER PROPOSAL AND UNDER PRESENT LAW[1]

Earnings category [2]	Present law	Proposal
Age 62 at retirement in January 1982:		
Low	$247.60	$163.90
Average	372.80	246.80
Maximum	469.60	310.50
Age 65 at retirement in January 1982:		
Low	$355.30	$355.30
Average	535.40	535.40
Maximum	679.30	679.30
Age 62 at retirement in January 1987:		
Low	$384.40	$225.20
Average	580.70	348.30
Maximum	755.60	430.00
Age 65 at retirement in January 1987:		
Low	$477.10	$447.40
Average	719.00	691.90
Maximum	942.80	860.30

[1] Includes effect of (1) 55 percent benefit rate (instead of 80 percent) for retirement at age 62, (2) age-65 computation point (instead of age 62) for all ages at retirement, and (3) increasing bend points in primary-benefit formula by 50 percent (instead of 100 percent) of wage increases in 1982–87. Benefit amounts are for worker only. Worker is assumed to reach exact age shown in January.
[2] "Low earnings" are defined at the Federal Minimum Wage in each past year, and the 1981 Minimum increased by the change in average wages in future years. "Average earnings" are defined as the average wage for indexing purposes in each year. "Maximum earnings" denote the contribution and benefit base in each year.

Assumptions

(1) Worker entered covered employment in 1956 and worked steadily thereafter.

(2) Future earnings (for retirement in January 1987) follow trend under intermediate assumptions in 1980 trustees report.●

LAND AND WATER CONSERVATION FUND

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. MARKEY. Mr. Speaker, the land and water conservation fund is in serious jeopardy of being eliminated by this administration. As the House and Senate prepare for conference on the 1981 rescission request, it is essential that the consequences of these actions be fully understood.

An article has come to my attention about the proposed cuts which will appear in the July issue of National Parks, a publication of the National Parks & Conservation Association. It is written by Meg Maguire, former Deputy Director of the Heritage Conservation and Recreation Service which Secretary Watt will formally abolish on May 31.

I call the attention of my colleagues to this important subject.

RUNNING ON EMPTY: THE LAND AND WATER CONSERVATION FUND AT ZERO

(By Meg Maguire)

Zero. That is the figure the Administration has recommended to Congress for state and local projects funding by the Land and Water Conservation Fund and the Urban Park and Recreation Recovery Program

(UPARR) for fiscal year 1982. The Administration is also proposing to rescind most of the remaining fiscal year 1981 funds as well.

On the federal side, the Administration has placed a moratorium on land acquisitions for the National Park System and requested an amendment to allow the Fund to be used for maintenance work on federal

This stunning and unexpected departure from a sixteen-year history of growing funding for recreation land acquisition, development, and renovation represents a dollar loss to state and local governments in fiscal years 1981 and 1982 of $440 million—$330 million for LWCF and $110 for UPARR.

The Administration has not claimed that America's demand for public recreation opportunities has been met. Nor has the Administration presented an alternative approach; the vague "block grants" now being sold as substitutes for dismantled individual programs do not include recreation. Nor is it clear what realistic role the private sector is expected to play in the absence of all federal interest or support. Given this dramatic policy shift, one looks for some analysis of the impacts, some justification for repealing federal statutes, some presentation of alternatives. No, zero on that score too.

THE RESCISSION AND STATE NEEDS

The most serious impacts of the proposed rescission for 1981 will fall on states that had not spent or obligated their share of the funds before the freeze on February 20, 1981. Of the $228,745,000 on the state side of the LWCF, only about $73,305,000 had been obligated. Twelve states (Delaware, Florida, Georgia, Maine, Massachusetts, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, and Vermont) and all the territories had obligated no funds at all; twenty-three had obligated less than half of their apportionment; and only sixteen had obligated more than half. The states could lose all unobligated funds. One state official from Michigan said, "The LWCF used to be a reliable source of funds. Now it is highly unstable. The concept of using the Fund as seed money to spur local initiative is a good one, but it can't be effective if it is unpredictable." As of this writing, moves were being made in Congress to restore some funding so that each state would receive at least a small amount to cover some administrative expenses.

A February 1981 survey developed by the National Park and Recreation Association found that estimates for local and state recreation and park capital improvements for five years came to more than $11.5 billion. Of this total amount, about one-third or $4.1 billion was anticipated from federal sources, principally the LWCF and UPARR. Although these figures appear to be high, together the two grants programs (LWCF and UPARR) might have yielded $3.325 billion over five years for a variety of state and local park needs. Because the Administration is proposing no funding in either account, the actual federal contribution will probably be zero.

Because no one has assembled detailed information on the effect of the cuts, it is impossible to provide a thorough view of the national impact.

Phone interviews with officials in six states—California, Washington, Michigan, Pennsylvania, Virginia, and South Carolina supplement existing written information about the impact of the cuts on planning, acquisition, development, and relations with the private sector. These interviews clearly show the extent of the irretrievable opportunities that will be lost.

PLANNING

To receive LWCF a state must prepare a comprehensive outdoor recreation plan (SCORP) that surveys attitudes, preferences, behavior, and competing demands. Although the SCORPs have come under sharp attack, most recently in General Accounting Office report, they have improved substantially in recent years. Often they are used as a vehicle for introducing new ideas and approaches that might otherwise be politically unacceptable. Recent changes in the guidelines have encouraged states to use their planning funds to develop action-oriented plans emphasizing public participation. The guidelines also permit for the first time special land use studies to identify and plan for the use of important natural and recreation areas including river corridors and trails, islands and beaches and other complex landscapes. Additional planning emphases during the last Administration included urban recreation, urban waterfront revitalization, access for the handicapped, and natural area preservation.

Most states have used the LWCF to support some or all of their recreation planning staffs. A recent survey of the states by the Heritage Conservation and Recreation Service indicated that eleven would maintain a high level of planning in spite of the cut; sixteen would greatly reduce their current planning effort; twenty-four would drastically curtail or abolish efforts; and four were unable to assess the probable impact. The six states interviewed all reported some adverse consequences. Pennsylvania anticipates losing five planners; abandoning preliminary work on a statewide network of urban cultural parks; and halting the state's involvement in a comprehensive natural diversity survey for all public and private lands. Michigan will curtail or end special studies on the potential of tourism to help diversify that state's economy, and management studies for snowmobiles and off-road vehicles.

The impact on local planning will also be severe. In states such as Michigan, which require local governments to maintain a plan to be eligible for state and federal financial assistance, the message is clear; if we're not doing it, we can't make you do it. Most states interviewed said they would fall back to the minimal state requirement of developing state park master plans. "The attitude and philosophy of the federal government trickles straight down to the state and local governments. And we are already seeing an alarming tendency to save money by abolishing planning," said one official.

Perhaps the worst consequence of shrinking the institutional capacity to think, study, survey and strategize—that is, to plan—is that lost opportunities are never identified. Who will miss a statewide urban cultural park system if it is never conceived? And who will remember that once there were clear, unobstructed views of some lovely stream that have now been obscured by development.

ACQUISITION AND DEVELOPMENT

Most difficult for state and local government is the loss of funding to carry out projects that have resulted from years of planning. The LWCF has been an important catalyst for acquiring, developing, and redeveloping outdoor recreation facilities. Corporations and individuals have found it attractive to donate land for public use when the LWCF provides development money as a match to their gift. Because most LWCF dollars received by the states are for acquisition and development projects, the cutback will result in a substantial number of aborted efforts:

Washington State, for example, has scheduled one and one-half miles of choice property on the Green River in the Seattle-King County area for purchase. This land is threatened by private development but without the LWCF to match state funds, it may not be purchased at all.

Pennsylvania reports a number of land purchases that will be impossible: the new Swatara Gap State Park; Allegheny River property in Pittburgh that was to have stimulated neighborhood and economic development; and various game lands and park inholdings.

South Carolina will be unable to complete its plans on the Charleston and Columbia riverfronts. Both projects were anticipated to have a substantial positive impact on the local economies.

THE NEXT 4 YEARS

The Administration's attitude toward park and open space is not yet clear. By emphasizing renovation and maintenance of national parks, Secretary Watt has focused attention on a serious problem. But there have been no signs that anyone in the Administration understands either the history of accomplishments of the LWCF or the substantial agenda that remains.

An unproven tenet of Reagan's economic plan is that as the economy becomes healthier the private sector will donate substantially more services and dollars to help fill the gap left by the withdrawal of public dollars. One can predict that there will continue to be land and occasionally services donated to local and state agencies. But will the land be where it is needed most? Will it be accompanied by a development or maintenance endowment? Or will the public end up subsidizing business and wealthy individuals through taxes foregone on donated property which may only be a drain on local agencies to manage?

"Working more with the private sector will be tough," said Rob Blackmore of Virginia, former President of the National Association of State Outdoor Recreation Liaison Officers. "Everyone is hitting the foundations and corporations from all angles—the educators, the artists, the handicapped, the elderly and the poor. We have worked a lot in the past with these sources and have benefitted from sustantial private gifts. But these were not a substitute for what we did as a public agency. It was precisely because the Feds and the state were leading the way, because we had a plan and a framework for action, that the private sector wanted to get involved. Right now we're informing a large well-intentioned clothing manufacturer that has several plants in the state that we can't deliver on our commitment to provide capital to match their investment in a number of community recreation facilities. I expect the whole deal will collapse."

FUNDING THE AGENDA

All of us—and future generations as well—will be worse off if we fail to preserve this country's special places for public enjoyment. The question is not if we can or will do it, but how we will do it.

The agenda for the next four years requires at least two simultaneous activities on funding: first, restoring present cuts in the two programs already in place—LWCF and UPARR; and second, fashioning more flexible funding tools for the future. New appropriations might include a conservation and restoration block grant; a trust fund from Outer-Continental Shelf revenues to back state and local bond issues; or a revolving loan fund for acquisition and development projects likely to generate income from tourism or other economic development. Successful bond issues must be analyzed to determine how they were packaged and sold and efforts made to get them passed in other states.

A serious handicap in making the case for future funding is that there is no on-going, updated list of what needs to be done nationwide: projects to be planned; land to be purchased; parks to be restored. In the absence of this site specific information it is difficult to communicate to decisionmakers that irretrievable opportunities are being forever lost. Further, measuring our progress in meeting critical needs is more difficult.

The LWCF is one of the best examples of America doing something right and doing it well. State and local governments are pressing well defined needs for land acquisition and development. Now, it is up to Congress to reverse the searing consequences of the Administration's zeros.

Funding for the Land and Water Conservation Fund was established in 1964 as a direct result of the recommendations of the Outdoor Recreation Resources Review Commission. The ORRRC Report concluded that because the opportunities for outdoor recreation varied greatly from state to state, the federal government's most appropriate role was to stimulate planning, acquisition, and development through seed money to the state and local governments.

Revenues for LWCF are derived from the sale of federal surplus real property, the proceeds from the motorboat fuel tax, and Outer Continental Shelf (OCS) mineral leasing revenues. The LWCF reinvests OCS revenues (which account for approximately 90 percent of the LWCF authorization) in park lands for the future.

The current authorized level of funding for LWCF is $900 million through 1989. Approximately 60 percent of the funds authorized in any given year are distributed to state and local governments; the law requires that not less than 40 percent be used for the purchase of federal lands for parks, river access, trails, recreation areas, and endangered species habitat. A 50-percent match is required for all Fund projects from state and local governments. Some other sources of federal funds such as a community development block grant may be used as part of the match.

Accomplishments of the LWCF at the state and local levels have been impressive by any standard. Since 1965 $2.5 billion have gone to the states for planning, acquiring, and developing more than 27,000 parks and outdoor recreation facilities in 14,000 communities.

The Heritage Conservation and Recreation Service has been the planning, grants, and technical assistance organization administering the LWCF as well as the Urban Park and Recreation Recovery Program and the Historic Preservation Fund. Through its eight regional offices, it worked very closely with state and local governments, national conservation organizations, and community groups. On May 31, 1981 the agency was formally abolished. Some of the programs including the LWCF have been transferred to the National Park Service.●

FREEDOM OF THE PRESS: UNESCO

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1981

● Mr. BONKER. Mr. Speaker, the United Nations Educational Scientific and Cultural Organization has been considering for several years a statement of principle for freedom of the press throughout the world.

However, the UNESCO-proposed "New World Information Order" contains provisions that would represent a setback for a free and independent press as we know it in the United States. This freedom is integral to human rights worldwide.

The Society of Professional Journalists, Sigma Delta Chi, has prepared an incisive report on the UNESCO proposal which I recommend to my colleagues.

REPORT AND RECOMMENDATIONS ON THE UNESCO PROPOSAL FOR A NEW WORLD INFORMATION ORDER

I. INTRODUCTION

The Society of Professional Journalists, Sigma Delta Chi ("the Society") wishes to add its voice to the ongoing international debate over the proposals for a New World Information Order ("NWIO") developed through the efforts of the United Nations' educational and cultural entity, UNESCO. This statement addresses several of the issues raised by the NWIO, in particular those that may undermine the operations of a free press or implicitly denigrate its value to the peoples of developed and developing nations alike.

The Society is a voluntary, not-for-profit organization of 25,000 members representing every branch and rank of print and broadcast journalism.

The NWIO proposals include much that the Society finds consistent with its own goals. The MacBride Commission report asserts as its premise a commitment to a free press. The report calls for free access for reporters "to the entire spectrum of opinion" in any nation. It states that "freedom of information, more specifically the right to seek, receive and impart information, is a basic fundamental human right, indeed a prerequisite for many others." However, the recommendations were not in all details consistent with the principles set forth in the MacBride Commission report, and in those cases, the Society takes exception to the UNESCO recommendations.

In addition, there are many instances throughout the MacBride Commission report and the UNESCO recommendations in which proposals are made that may well be intended to protect journalists and their ability to disseminate news. However, the implementation of many of these proposals presents numerous opportunities for abuse, with the likely result that free and fair reporting will be suppressed. There is evidence, too, in the NWIO proposals, of a serious misunderstanding of the relationship between the news media and government.

II. THE VALUE OF A FREE PRESS

Freedom of the press has long been a hallmark of the overall system of freedom of expression in the United States and in many other countries characterized by a democratic form of government. A free press has value not just to democratic nations, but to all countries, for only through a free press can citizens examine, judge, and internalize the many ideas and principles that will enable them to support those who would govern them.

There is support for the idea of a free press throughout religious and philosophical thought. Evidence of the value placed on a free press or on free speech—the precursor to a free press—can be found in the writings of many civilizations throughout history. These threads can be discerned in ancient Egyptian thought:

"Be a craftsman in speech that thou mayest be strong, for the strength of one is the tongue, and speech is mightier than all fighting."— Maxims of Ptahhotep (c. 3400 B.C.),

And in Chinese philosophy:

"When the people of the world all know beauty as beauty,
"There arises the recognition of ugliness.
"When they all know the good as good,
"There arises the recognition of evil."—2 The Way of Lao Tzu (6th century B.C.)

There is much support in early Greek literature for the notion that freedom of speech has value:

"Not mine the skill—far from me be the quest—to say wherein thou speakest not aright; and yet another man, too, might have some useful thought."—Sophocles, Antigone (Haemon speaking to his father, Creon), (c. 442 B.C.).

Herodotus wrote:

"Attabanus * * * was bold to speak: O King" he said, " 'it is impossible, if no more than one opinion is uttered, to make choice of the best: a man is forced then to follow whatever advice may have been given him; but if opposite speeches are delivered, then choice can be exercised. In like manner pure gold is not recognized by itself; but when we test it along with baser ore, we perceive which is the better.' "—Herodotus, 7 "Histories:" Polymnia, Ch. 10, Sec. 1 (5th century B.C.).

The Koran, in its statement of tolerance for more than one religion, suggests an acceptance of the principle underlying a free press:

"O unbelievers, I will not worship that which ye worship; nor will ye worship that which I worship * * * Ye have your religion, and I my religion."—The Koran, Ch. 109 (A.D. c. 610-632).

Philosophers of modern times have continued to write of the value of a free press:

"Allow your opponent to say what he thinks reasonable, and combat him only with the weapon of reason."

It is true of course, that there are costs associated with a free press:

"In this question, therefore, there is no medium between servitude and license; in order to enjoy the inestimable benefits that the liberty of the press ensures, it is neces-

sary to submit to the inevitable evils it creates."

2 A. de Tocqueville, "Democracy in America" (P. Bradley ed. 1945) (1st ed. Paris 1835). However, the response to these costs should not be repression or regulation of the press.

"There is only one cure for the evils which newly acquired freedom produces, and that is more freedom."

T. Macauley, "Essay on Milton" (1825).

The American experiment with democracy may serve as an example to other nations. The United States has survived a revolution, a civil war, and numerous other upheavals, and has continued to flourish. A free press has made the United States stronger by allowing all groups to voice their opinions and desires and to allow all others to respond.

"Every man has a right to utter what he thinks truth, and every other man has a right to knock him down for it."

Boswell, "Life of Dr. Johnson" (Everyman ed. 1791). There is no reason that this experience should remain unique to the United States and other Western nations. Nations throughout the world should not fear the debates that may take place in a free press, but should welcome the potential of such debate to strengthen and contribute to stability throughout the world.

III. AREAS OF CONCERN

The three major categories in the NWIO proposals of special concern to the Society are as follows:

1. Proposals to regulate journalists;

2. Proposals to equalize in some way the quantity of reporting about various nations;

3. Presumptions which misapprehend the nature of the proper relationship between government and the media.

A. Licensing of Journalists: The Society is opposed to any proposal—direct or indirect—to license journalists. Although the Society appreciates the expressed concern for the safety of journalists, we oppose efforts to protect them through an accreditation or licensing process, either under the auspices of UNESCO or under the auspices of individual governments or groups of governments.

Licensing can lead to censorship and curtailment of journalists' freedom through any of a number of abuses of the licensing system. For example, such a system might be used to deny some or all journalists access to a specific country or region through confiscation of licenses. The effect would be to silence journalists whose reporting causes discomfort to certain governments. The Society notes that the MacBride Commission report opposes the licensing of journalists, subsequent discussion at UNESCO conferences notwithstanding.

B. Efforts to tie press freedom to journalists' responsibilities: The stated basis of the NWIO proposals is "the freedom of journalists and all professionals in the communications media, a freedom inseparable from responsibility." The Society opposes efforts to establish standards of "international press responsibility" to determine whether journalists, individually or collectively, are worthy of access to a nation, of freedom of movement within that nation, and of the right to report the news.

The Society maintaind that "responsibility" cannot be mandated externally but must remain with the individual. Journalists who are not responsible rapidly lose credibility and, as a result, their livelihood. We recommend that media organizations promote high professional and ethical standards. For example, the Society has voluntarily adopted a code of ethics. The MacBride Commission report recognizes, consistent with the positions of many media organizations, that codes of ethics are valuable only when adopted voluntarily. Allowing governments or UNESCO to define and mandate the scope of "responsibility" in journalism can only damage a free press.

C. Special training for journalists: The NWIO proposals suggest examination of "how UNESCO could help professional journalists to acquire a better knowledge of the cultures and of the economic, political and social realities of different member states, for instance by holding seminars for journalists on the cultures, societies and history of these countries."

As an organization rooted in promoting professionalism, the Society fully endorses the concept of continuing education for journalists to help them report on an increasingly complex world. However, the UNESCO proposal raises important questions relative to implementation of the proposal. For example, a nation could use this "credentialing" system to deny journalists access of freedom of movement until they have completed "training programs" of a particular nature. Such training programs could also be used as a facade behind which governments might detain or "brainwash" journalists who report news or express opinions in ways at odds with official government policy.

D. Efforts through a NWIO to Redress "Current Imbalances and Inequities": An underlying theme of the NWIO proposals is the desire to eliminate "imbalances and inequalities which characterize the present situation in international communication." It is true, of course, that the developed nations have had an advantage over the less-developed countries in communications matters, as in other matters. It is possible, too, that the United States and other Western media have failed adequately to report on the numerous and complex issues confronting the Third-World nations. But these inadequacies resulted not by design or for "imperialistic" gain.

Media organizations have taken steps in recent years to improve their coverage of other nations and to assist their associates in less-well-off nations. For example, the World Press Freedom Committee, comprising journalists and organizations from North America, Asia, Europe, Latin America, and elsewhere, has provided funds for training, textbooks, workshops, and other programs in the Third World and other less-industrialized nations.

We oppose efforts by UNESCO, by blocs of nations, or by individual nations to redress any imbalances through regulation of the media. Deficiencies in media coverage are best handled through cooperative efforts by journalists and media organizations working with UNESCO or individual governments to develop improved and independent communications media.

E. "More equitable utilization of limited natural resources such as the electromagnetic spectrum and geostationary orbits": This proposal, encompassing issues similar to those addressed in D, above, suggests limitations on the freedom of activity of international broadcasters. This proposal represents a misguided effort to equalize among nations the ability to present their views via the broadcast media. Such government-sponsored efforts, however, endanger a free press by providing opportunities to deny certain journalists or media organizations the ability to broadcast.

F. Efforts of "each nation to inform the world public about its interests, its aspirations and its social and cultural values": The goal expressed in this portion of the NWIO proposals is, in fact, consistent with the goals of a free press. However, institutionalized governmental efforts to implement this goal can easily be abused to thwart freedom of the press. For example, under the guise of increased efforts to disseminate information about itself, it is conceivable that a government might seize control of communications media in order to dictate the flow of "news" to the rest of the world. The goal described in this part of the proposal could easily and inappropriately be cited as justification for repressing the operations of independent news media.

G. Provisions in the UNESCO budget and work plan to improve the communication capabilities of national liberation movements: In its efforts to promote better world communications, it is extremely dangerous for UNESCO to support, financially or otherwise, the propaganda activities of any particular "cause," regardless of its political affiliation or tactics. The role of reporting on and disseminating information about various political developments in the world must remain with the independent media. Confidence in information disseminated is essential to world stability, and that confidence derives from the independence of those who report. Governmental or other "official" interference with the reporting process can only undermine that confidence.

H. Attitudes equating the media with governments: There is, throughout the NWIO discussions and proposals, a tendency to equate the media—especially the Western media—with the governments of the nations in which they are based. It is true that numerous governments throughout the world do control the media in their countries, thereby making the voice of the media and of the government one and the same.

However, in the United States, Canada, Western Europe, Japan, Australia, New Zealand, and other nations, this is emphatically not the case. We detect in certain UNESCO proposals an attack on the West, mounted through an attack on Western news organizations. This clouding of issues is inappropriate.

We urge greater efforts by UNESCO to emphasize that in nations characterized by a free press, the media operate independently of government and in fact serve as a check upon government and a challenger of its actions. The fact that government in democratic nations is not synonymous with the press must not be overlooked in international discussions.

IV. CONCLUSION

We note with approval that many of the MacBride report recommendations and the UNESCO proposals seem to be based on an underlying premise that the media should be free and independent. It is reassuring that some UNESCO participants seem eager to develop such independent media systems in their own nations and regions. We caution, however, that this laudable goal can become obscured in rhetoric and in abuses arising out of implementation of the proposals.

We respectfully suggest that UNESCO's attention might better be focused on those authoritarian and totalitarian regimes that disavow freedom of the press and expression. UNESCO should explore ways in

which these nations can be encouraged to appreciate free and open communications worldwide.

The Belgrade General Conference resolution states that the NWIO should be based on "plurality of sources and channels of information" and "freedom of the press and information." Interestingly, these assertions appear in the same section that recommends elimination of "imbalances" and promotion of journalists' "responsibility." Similarly, the Belgrade General Conference resolution invites professional organizations and other non-governmental groups to study the various NWIO recommendations and to voice their opinions to UNESCO. It is ironic then, that in February, 1981, an attempt was made to exclude United States and other Western media from a UNESCO meeting at which licensure of journalists was discussed.

In conclusion, the Society supports efforts to base the NWIO proposals on freedom of expression. The positive aspects of these proposals augur well for the world's communication systems. It is essential, however, that all proposals, no matter how well-intentioned, be carefully scrutinized for opportunities for abuse by those who place less value on a free press. The focus of the proposals must move away from regulation and toward freedom and independence for journalists and media organizations.●

HOUSE OF REPRESENTATIVES—*Wednesday, May 27, 1981*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
May 20, 1981.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on May 27, 1981.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

Rev. Charles Mallon, permanent deacon, Holy Family Church, Mitchellville, Md., offered the following prayer:

May God be gracious to us and bless us and make His face to shine upon us.

That Thy way may be known upon Earth, Thy saving power among all nations.

Let the people praise Thee, O God; let all the people praise Thee.—Psalms 67: 1-4.

Father, we believe the free world depends on our Nation's strength and character for its security and protection. We have recently commemorated the memory of those service men and women who have given their lives in our Nation's struggle to keep freedom and justice secure from oppression and tyranny. Allow this legislative body, its Members and staff, along with all public servants and military personnel to demonstrate this same heroism.

You have shown us, through the example of Your Son, that no greater love has any man than to lay down one's life for another. Continue to allow this example to surface in our lives.

And may the souls of all those who have given their lives in the defense of this Nation rest in peace. We ask this through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3512. An act making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3512) entitled "An act making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. MCCLURE, Mr. LAXALT, Mr. GARN, Mr. SCHMITT, Mr. COCHRAN, Mr. ANDREWS, Mr. ABDNOR, Mr. KASTEN, Mr. D'AMATO, Mr. MATTINGLY, Mr. RUDMAN, Mr. SPECTER, Mr. PROXMIRE, Mr. STENNIS, Mr. ROBERT C. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. EAGLETON, Mr. CHILES, Mr. JOHNSTON, Mr. HUDDLESTON, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, and Mr. BURDICK to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 262. An act for the relief of Dolly Akers, Fort Peck Indian Reservation, Mont.;

S. 478. An act to provide for the partitioning of certain restricted Indian land in the State of Kansas;

S. 547. An act to enable the Secretary of the Interior to erect permanent improvements on land acquired for the Confederated Tribes of Siletz of Oregon; and

S. 1098. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
May 26, 1981.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, the Clerk received on Friday, May 22, 1981, the following messages from the Secretary of the Senate:

(1) That the Senate passed without amendment House Concurrent Resolution 133.

(2) That the Senate passed without amendment House Concurrent Resolution 120.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.
BY W. RAYMOND COLLEY,
Deputy Clerk.

LEGISLATION INTRODUCED TO INSURE CONTINUED CONSTRUCTION OF WASHINGTON METRO SYSTEM

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. WOLF. Mr. Speaker, the new administration has called for reducing the amount of Federal funds for mass transit capital grants as a part of the overall effort to reduce Federal expenditures. The plan is to achieve most of the savings in mass transit construction through reducing the amount of funds for constructing new rail transit systems and extending existing systems. Escalating costs is among the reasons given for the need to revise budget funding levels for mass transit capital grants.

I fully support our administration in the effort to restore our economy to its full vigor, and I favor reducing Federal spending in all possible areas. I wish to make it clear however that I am firmly committed to the completion of the Washington Metro—all 101 miles of it. I believe that our rapid rail system is a boon to the entire metropolitan area, and that its completion is a social and economic must.

It is, of course, imperative that any project which uses Federal moneys be closely examined to assure that those funds are used in the most efficient and effective ways possible, and that there be no stone left unturned in our search for ways to effect responsible cost savings. That is the reason I am introducing this legislation today.

The bill that I am introducing today, along with Congressmen PARRIS, ASH-

BROOK, ERLENBORN, and HAGEDORN, will help save a good deal of Federal funds without in any way reducing the amount of planned Metro construction, and without reducing the length of the system by 1 mile. In describing the need for reducing Federal funding levels for mass transit capital expenditures, the President's budget plan released on February 18 stated that in addition to other problems construction wages paid are sometimes excessively high due to Federal laws. This refers, of course, to the Davis-Bacon Act, a law which sets a super minimum wage for construction workers in Federal or federally assisted projects. The General Accounting Office together with many of my colleagues are calling for the law's outright repeal. They are convinced that it is outdated, unnecessary, inflationary, and unfair. My bill would waive Davis-Bacon restrictions as they apply to the Washington area Metro project.

As many of you know, the GAO has made a review to determine whether the Davis-Bacon Act has an inflationary impact and increases costs on Metro construction. Their interim report, dated October 2, 1980, indicates that construction costs for Metro may indeed be increased due to the application of the Davis-Bacon Act provisions. Preliminary findings indicate that prevailing wage rates set by the Department of Labor may be as much as 30 percent higher than wages paid by the private sector on similar projects which are not subject to the Davis-Bacon requirements.

For 11 of the 13 classifications surveyed by GAO, the prevailing wage rates prescribed by Labor were higher than those they found to prevail on similar private construction in Montgomery County. For example:

For a laborer, the prevailing rate was $6.05, while Labor's prescribed rate was $10.95—$4.90 higher.

For a carpenter, the prevailing rate was $9.24, while Labor's rate was $13.56—$4.32 higher.

For a power equipment operator—bulldozer—the prevailing rate was $8.99, while Labor's rate was $13.72—$4.73 higher.

It is said that labor costs account for around 20 percent of the cost of a Metro construction project. Based on assumptions and determinations made in this study, the GAO found that "Metro costs would be increased by about $149 million" over what it might cost if Davis-Bacon did not apply. My bill is meant to avoid this excess cost while maintaining my commitment for completion of the 101-mile system.

After reviewing the GAO's report concerning the impact of the Davis-Bacon Act on Metro construction costs, the Northern Virginia Transportation Commission, at its May 6, 1981, meeting, passed a resolution which states the commission's support for repeal of the Davis-Bacon Act provisions concerning prevailing wage rates as applied to the Washington Metropolitan Area Transit Authority. The Northern Virginia Transportation Commission was established as a result of the Transportation District Act of 1964—Virginia General Assembly—to coordinate transportation problems in the northern Virginia area. The commission comprises the areas of Alexandria, Arlington, Falls Church, Fairfax County, and Fairfax City.

Mr. Speaker, I insert at this point the text of a letter from Mr. Jack Herrity, chairman, board of supervisors, County of Fairfax, and the text of the resolution of the Northern Virginia Transportation Commission:

COUNTY OF FAIRFAX,
BOARD OF SUPERVISORS,
Fairfax, Va., May 19, 1981.

Hon. FRANK WOLF,
U.S. House of Representatives, Cannon House Building, Washington, D.C.

DEAR REPRESENTATIVE WOLF: As I am sure you are aware, the governments in this region have been greatly concerned at the impact of the Davis-Bacon Act and the Worker Compensation Laws on the cost of constructing and operating transit facilities and services in the Washington metropolitan area.

The prevailing wage rates established pursuant to the Davis-Bacon Act are expected to increase future metrorail construction costs by approximately $149 million according to a recent GAO study; this does not include the impact this law already has had to date. With anticipated reductions in federal funds for WMATA's rail capital program, it is obvious that the continued application of this Act not only would further delay timely completion of the metrorail system but continue an inflationary regulation at a time when the Administration is trying to overcome such regulations. It is my understanding that the U.S. Senate's Labor Committee is currently holding hearings on the impact of this Act. The Board of Supervisors on May 11, 1981 adopted a motion which endorsed a resolution adopted on May 3, 1981 by the Northern Virginia Transportation Commission seeking your assistance in providing relief from the costly provisions of the Davis-Bacon Act.

Another matter addressed in the Northern Virginia Transportation Commission (NVTC) resolution pertains to the impact on transit operating costs of the District of Columbia's Worker Compensation Laws (Chapter 18 of Title 33, U.S. Code—Longshoremen's and Harbor Workers' Compensation Act, adopted by Washington, D.C., 36-501, D.C. Code). This law provides for worker's compensation according to this Act in a manner and at levels significantly higher than those applicable in Virginia and is applied irrespective of whether the injured WMATA employee is a Virginia resident and/or was working in Virginia at the time of the incident. The Attorney General of Virginia in 1976 issued an opinion on this matter (enclosed) in which he reaffirmed the applicability of the D.C. Worker's Compensation Laws irrespective of the residence, injury or work location of a WMATA employee. Because of the Interstate nature of the WMATA Compact, the U.S. Congress can play a significant role in providing benefits clearly in excess of those available to other local governmental and private sector employees.

On behalf of the Fairfax County Board of Supervisors, I urge you to consider the matters covered heretofore and seek the actions necessary to provide fiscal relief to the taxpayers in these inflationary times.

With best regards,

JOHN F. HERRITY.

NORTHERN VIRGINIA
TRANSPORTATION COMMISSION,
Arlington, Va., May 11, 1981.

Mr. JOSEPH ALEXANDER,
Chairman, Washington Metropolitan Area Transit Authority, 600 Fifth Street, NW., Washington, D.C.

DEAR MR. ALEXANDER: After reviewing an October 2, 1980 report of the United States General Accounting Office concerning the impact of the Davis-Bacon Act on Metro construction costs, the Northern Virginia Transportation Commission, at its May 6, 1981 meeting, passed the attached resolution which states the Commission's support for repeal of the Davis-Bacon Act provisions concerning prevailing wage rates as applied to the Washington Metropolitan Area Transit Authority.

The Commission further authorized me to forward a copy of this resolution to you and to the members of the Virginia Congressional delegation.

Yours truly,

JAMES M. SCOTT,
Chairman.

RESOLUTION No. 189

Whereas the Davis-Bacon Act requires that each contract over $2,000 to which the United States is a party provide to various classes of laborers and mechanics minimum wages based on the prevailing wages in the area for comparable work, as determined by the Secretary of Labor; and

Whereas the Davis-Bacon Act provisions currently apply to all projects of the Washington Metropolitan Area Transit Authority; and

Whereas an October 2, 1980 report of the United States General Accounting Office has found that the Davis-Bacon Act provisions which set prevailing wages for Metro construction may increase construction costs by about 6.8 percent, which could increase future Metro construction costs by about $149 million: Now, therefore, be it

Resolved, That the Northern Virginia Transportation Commission, in its offical monthly meeting on May 6, 1981 at the Commission office in Arlington County, Virginia, does hereby go on record supporting repeal of the Davis-Bacon Act provisions concerning prevailing wage rates as applied to the Washington Metropolitan Area Transit Authority; and be it further

Resolved, That the Chairman of the Northern Virginia Transportation Commission be authorized to forward a copy of this resolution to the Washington Metropolitan Area Transit Authority and to members of the Virginia Congressional delegation.

AMERICAN PEOPLE CONVINCED THAT DEMOCRATIC LEADERSHIP HAS RUN OUT OF ANSWERS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, President Reagan has been in office just 4

months. But judging by the harshness of the criticism which you and the Democratic leadership have leveled on him I would say the 6-month honeymoon you promised the President has ended a bit prematurely. To say the least.

But please, Mr. Speaker, I urge you and the Democratic leadership to go right on talking because the more you defend the economic policies of the past—big spending, high taxes, greater deficits—the more the American people are convinced that you have run out of answers.

According to a recent national opinion survey, which I am sure the Speaker took note of, the American people, by a margin of 43 to 37 percent, now plan to vote Republican in the upcoming congressional elections. That is the first time in decades that we have seen this kind of response.

So, please Mr. Speaker, keep making those speeches and statements.

TRIBUTE TO CREW OF U.S.S. "NIMITZ"

(Mr. HOPKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOPKINS. Mr. Speaker, I was shocked and grieved to learn of the airplane crash on board the U.S.S. *Nimitz*—the world's largest nuclear-powered aircraft carrier—and the resulting death of 14 brave sailors and the injury to 45 more. Less than 2 weeks ago, I stood on the deck of the *Nimitz*, with its flight deck of 4½ acres and 1,000 feet long, and personally saw the constant danger there. I came away with three distinct impressions.

First, the average age of the crew is 19—so young and yet so competent to perform the critical tasks of launching and retrieving aircraft.

Second, the noise on the deck is so great that you absolutely cannot hear anything. Those sailors survive only by their own eyes. If anything goes wrong, you cannot call to someone and warn them.

And finally, the danger is something we cannot appreciate. If an arresting cable breaks, it will kill, without warning, everyone in its destructive path.

When I stood on this huge carrier, a deck officer told me:

> If a plane cracks up, there won't be anything but flame and shrapnel coming toward us. If that hapens, I'm going to push you over the side. It's our only chance.

Well, it happened, and I grieve for those who died in the performance of their duty.

I cannot reiterate enough how well these young men on the *Nimitz* perform these critical, but so dangerous tasks. They are professionals in every sense of the word who risk their lives every day they work to insure the viability of our airpower at sea. I feel as if I know every member of the 6,000-man crew, and I know I shall never forget their courage. To those who died, to those who were injured, to the families of these brave men, and to the entire crew of the *Nimitz*, I pass my personal gratitude for your service and dedication to our country. God bless each of you.

DR. ERNEST LEFEVER SHOULD BE CONFIRMED AS ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, the Senate Committee on Foreign Relations will soon vote on the nomination of Dr. Ernest Lefever as Assistant Secretary of State for Human Rights and Humanitarian Affairs. Much has been said as to whether or not he should be confirmed. In a development rich in irony, certain members of the Senate committee, according to the press, "have accused the nominee of using the human rights issue to attack the Soviet Union and its allies while ignoring violations by rightwing regimes friendly to the United States." Perish the thought that we should be critical of the Soviet Union and its allies on human rights.

For the past 4 years, many of us have labored mightily, with only modest success, to make the point that the really massive human rights violations in the world were inflicted by precisely those Communist regimes. It was those violations which were often ignored by the previous administration while militant attention was lavished on a dwindling list of America's friends and allies.

In any case, this is a new administration. This noble administration is planning to upgrade human rights by including in its consideration all assaults on human dignity and freedom. It plans to be evenhanded by not neglecting concerns for human rights in the case of friend, foe, or neutral. The question as to whether public condemnation or private diplomacy will be employed will depend on the circumstances of each case.

The outstanding fact, after days of hearings and months of excitable press treatment, is that Dr. Lefever's views are compatible with the new administration. No one has shown the contrary. The Secretary of State, the Vice President, and the President are firmly committed to the nominee. Dr Lefever should be confirmed.

SOCIAL SECURITY STATEMENT

(Mr. WALGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALGREN. Mr. Speaker, I want to register a strong objection to the administration's proposals regarding social security. When I was home over the Memorial Day weekend, I heard from one constituent after another about the devastating impact the proposed changes in social security will have on their lives. Many of them voted for and supported President Reagan—and feel he has betrayed their trust. They are looking to the Congress for help.

You could not help but see the irony of the April-May Republican National Committee Newsletter which proclaimed: "President Reagan Keeps Promise, Retirement Benefits Go Untouched." That message was a bit premature.

The President's proposals are to:

Cut retirement benefits for those retiring after January 1982. Once the President's plan is fully phased in, benefits would be 25 percent less than under current law;

Reduce the amount of benefits that an individual can receive at age 62 from 80 to 55 percent of the benefit they would have received at age 65. Nearly 70 percent of all workers now file for benefits at age 62; and

Delay the full cost-of-living increase scheduled for July 1982 until October 1982.

We all know that the social security system is in financial trouble. It is true the trust fund could run out of money sometime next year with no change. But it is neither necessary nor fair to drastically reduce benefits for those already receiving social security or those nearing retirement age. As the Chairman of the 1979 Advisory Council on Social Security has stated, the social security reductions sought by the administration would reduce benefits by over 23 percent. This is more than twice as large as necessary to close the longrun deficit under current law. It seems to me that the administration wants to cut social security benefits in order to offset the tremendous deficit in the overall Federal budget recently submitted by President Reagan.

I am especially concerned about the proposed reduction in benefits for early retirees. If accepted, this change will leave many on the eve of their long-planned retirement not knowing where living expenses will come from. These people have planned and paid for their retirements—many down to the last penny—and the Congress must not let this administration break our national commitment to them.

There are better, more equitable ways to solve both the shortrun and longrun problems of social security. We do not have to drastically cut benefits as the administration sug-

gests. We do not have to raise taxes further. Use of general revenue to pay for part of medicare, as urged by the last two Advisory Councils as well as the National Commission on Social Security, a gradual increase in the age at which unreduced benefits are paid starting in the year 2000, universal coverage of all employees, including Federal employees and Members of Congress—all these would improve the structure of social security, give beneficiaries fair warning of planned changes, and put the system on sound financial footing.

I hope that the President is willing to work with the Congress on his social security proposals. I want to do my part in devising a solution that is fair and equitable.

I would like to share with my colleagues the following view of the Reagan proposal from Scripps-Howard columnist Ted Knap, which appeared in the Pittsburgh Press of May 18:

SOCIAL SECURITY FIGHT ENDANGERS REAGAN

Although Health and Human Services Secretary Richard Schweiker keeps saying Social Security would go "bankrupt" in 1982 if left alone, that is essentially a false alarm.

Henry Aaron of the Brookings Institution, who headed the latest presidential advisory council on Social Security, said the Reagan proposals are much more drastic than needed.

The old-age fund could be kept solvent by borrowing from another Social Security fund which has a surplus; by adjusting the cost-of-living index to more accurately reflect the impact of inflation on retirees, and by proceeding with the minor changes recommended by former President Jimmy Carter as well as Mr. Reagan.

Those painless adjustments would get the fund over the hump it faces from 1982 to 1985, after which it will begin to show healthy surpluses until the year 2010.

Apparently the Reagan administration decided to cut deeper than necessary into Social Security benefits in order to reduce the overall budget deficit while pushing for big cuts in income taxes.

TIGHT MONEY IN ARKANSAS SQUEEZES SMALL BUSINESS

The SPEAKER pro tempore (Mr. FOLEY). Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, I want to take this time to brief my colleagues on the current condition of the economy in the State of Arkansas as businesses and retailers attempt to survive the economic policies of high interest and tight money.

As many of my colleagues may be unaware of the particular plight of small businesses in Arkansas, I want to submit for the RECORD a copy of an article that appeared on the front page of the Wall Street Journal last Friday, May 22.

The article describes in vivid detail how the Arkansas usury law, which is a provision of the State's constitution, has acted to dampen and constrain economic development in the State. The State constitution mandates an interest ceiling of 10 percent on consumer and business loans, while a merchant or businessman may be required to finance his inventory with a national supplier at rates as much as 24 percent. The merchant is in a losing situation if he sells that merchandise to a consumer on a credit basis. His only recourse is to price the item much higher than would otherwise be justified. That action is inflationary—yet it is a direct result of tight money policies adopted in the belief that they will restrain inflation. One study mentioned in the Wall Street Journal article found prices in Arkansas for furniture and appliances to be as much as 11 percent higher than identical merchandise in surrounding States.

However, this survival tactic of the small retailer is limited. It produces a situation in which those customers who pay cash for merchandise are subsidizing those who buy on credit, and it has not prevented a marked increase in bankruptcies of local businesses. Last year, only 9 of 390 automobile dealers closed, but this year, there have already been 17 auto dealers who have gone out of business or changed ownership due to economic conditions.

The situation cries out for a solution and that solution must come from both State and national policies that ultimately produce interest rates that are manageable by manufacturers, retailers, and consumers.

In the interval, I have offered a proposal which is found in H.R. 3172, which I introduced on April 9, to authorize the issuance of loans in excess of State usury ceiling. My bill would authorize loans at not more than 1 percent in excess of the discount rate on 90-day commercial paper of the Federal Reserve, thus overriding State usury limits such as the 10-percent limitation in Arkansas.

If adopted, this provision could alleviate the untenable situation described in the Wall Street Journal article and allow retailers and small businesses in Arkansas to weather the current economic crunch. I urge my colleagues to give it the serious consideration it deserves.

ARKANSAS RETAILERS SAY USURY LAW THREATENS WHOLESALE CLOSEDOWNS

(By Brenton R. Schlender)

LITTLE ROCK, ARK.—When C. Bernie Allen first got into the record and home-entertainment business here 17 years ago, he never dreamed that his fate as a business man would be determined by Arkansas voters.

But on the day following the election last November, he watched the choir of demonstrator television sets in one of this four suburban stores flash voting returns that confirmed his fears with chilling redundancy. Arkansas voters, fed up with inflation, higher taxes and steep mortgage interest rates, had chosen to retain the state's century-old 10 percent interest rate ceiling on consumer loans. Mr. Allen, who had been paying some out-of-state lenders more than 20 percent in interest to finance his stores' operations for several months, knew that he faced more red ink and possibly his day in bankruptcy court.

Sure enough, in early March his company, Moses Melody Shops Inc., filed for reorganization in federal bankruptcy court here, despite record Christmas sales and the layoff of half of his 72 employees. Now, Mr. Allen adds, the company is being liquidated.

"The load of carrying the difference between what we had to pay for money and what we could charge our customers for credit just got to heavy," the 49-year-old former minor-league third baseman explains. "The atmosphere for retail business in this state is like a morgue now."

VARIED COUNTERMEASURES

Hundreds of other furniture, appliance, soft-goods and automobile retailers in Arkansas also are being cramped by the lowest usury ceiling—and the stiffest penalties for violations—in the nation. To preserve profits, they have had to raise prices, tighten customer credit requirements, shorten repayment periods, lay off employes and discontinue free delivery and other services.

Federal legislation has taken Arkansas banks and savings and loan associations off the hook somewhat by allowing them to charge up to 15 percent on consumer loans and 23 percent on business and farm loans. But even the 15 percent limit is so low that many banks have nearly halted consumer lending; they prefer to divert funds to higher-yielding money-market certificates and other investments outside Arkansas.

"There's no other state quite like it," says Robert Devine, national coordinator for credit legislation for J.C. Penney Co. Not only is the Arkansas ceiling the nation's lowest, but Arkansas is the only state where interest rates are governed by the state constitution and not the legislature, he says. "In other words, it's just about impossible for retailers to operate there," he adds.

DEVELOPMENT HURT

Moreover, experts say the strict ceiling and stiff penalties have compounded an historically stagnant state economy and thereby have dampened economic development in Arkansas. Others blame the usury ceiling at least in part for a recent spate of business bankruptcies and higher retail prices statewide. "It's hard to quantify exactly what the usury ceiling has done to harm Arkansas, but you know it has," says Jim Guy Tucker, a former congressman and currently an attorney for the Arkansas Bankers Association. "It's just that a lot of the bodies haven't floated to the surface yet."

As the election last fall demonstrated, however, lots of people in Arkansas like the usury ceiling. That was the third time since 1968 that voters rejected proposed constitutional amendments, sponsored by a coalition of bankers, retailers and auto dealers, that would have allowed the legislature to set the interest-rate ceiling and reduce usury penalties.

The staunchest opponents of the proposals have been organized labor and consumer groups. They cite many reasons. They don't want to give legislators, many of whom have ties with banks, the authority to set the ceiling. And they don't want to dilute the penalty for making a usurious loan—complete forgiveness of all principal and interest.

THE PRINCIPAL ARGUMENT

Mainly, however, "We don't think it's right for retailers to make money on money," says J. Bill Becker, Arkansas AFL-CIO president. He also sees "nothing wrong with tight money," He contends that federal economic-growth barometers show that Arkansas, whose population grew 18.8 percent in the 1970s, "has done pretty darn good" even with the ceiling.

But signs of the ceiling's effects are all over Arkansas's retailing industry—from the small-town mom-and-pop furniture stores all the way up to big car dealers and department stores. Mr. Allen, for example, was able to carry $2 million in customer paper" only by borrowing at high interest rates (up to 23 percent at some out-of-state finance companies), or by paying reluctant applicance finance companies such as Westinghouse Credit Corp. and General Electric Credit Corp to back his credit customers. The most he could charge his customers, however, was 10 percent simple annual interest with the debt to be paid in no more than 12 monthly installments.

"Most of those accounts were for about $50, and the customer would send you $5 a month," he moans. "That's almost as much as it cost us to mail out the monthly statements."

All those debt problems just to keep merchandise moving ultimately combined with the recession to run Mr. Allen out of business. Like Mr. Allen, his banker, William Bowen, chairman of Commercial National Bank here, blames Mr. Allen's troubles on the usury ceiling. "Bernie Allen played a good game," Mr. Bowen says, "but he got caught in the trap."

Also being hurt is Dillard's Department Stores Inc., which is headquartered in Little Rock and operates seven of its 40 large stores in Arkansas. The company estimates that it lost $1.2 million in 1980 alone through borrowing from banks to cover its Arkansas credit customers. (Dillard's as a whole, however, earned $8.5 million up from $8.3 million in 1979.) According to E. Ray Kemp, Dillard's vice chairman, 52 percent of the company's $35 million in sales in Arkansas are on credit, and "for every $1 we got back in interest and service charges, we spent $1.80." He adds, "Arkansas never was a normal place to do business, but now it's getting even worse."

Part of the problem, Mr. Kemp asserts, is that Arkansans are "taking advantage of any cheap credit they can get." He notes that Dillard's stores outside Arkansas average only 45 percent in charge sales and those customers generally pay about 18 percent annual interest.

Over the years, Arkansas retailers have found a few ways to offset the costs of extending credit. Dillard's, for example, has cut its pay period for credit purchases to six months from the 18 months allowed two years ago. Other retailers have quit extending their own credit altogether or encourage the use of bank credit cards, which can charge 15 percent in annual interest because of the federal bank laws.

Many retailers say they are operating with fewer clerks than ever before and have put off remodeling plans or moves to larger quarters. Others have simply trimmed inventories and discontinued free services.

HIGHER PRICES

However, the easiest way to recoup the built-in credit losses is to raise merchandise prices, and studies show that, except in border areas, Arkansas retailers have done just that. According to Gene Lynch, professor of finance at the University of Arkansas in Fayetteville, prices for furniture and appliances in Little Rock run as much as 11 percent higher than prices for identical merchandise in surrounding states—a difference he blames solely on the usury ceiling. That finding indicates that "cash customers are subsidizing every credit purchase in the state" by paying higher prices themselves, he contends. "There's no free lunch for anybody."

But in border towns such as Texarkana, which lies smack on the Texas-Arkansas line, Arkansas retailers can't raise prices and still compete with rivals across town. Consequently, most furniture and appliance dealers and all 15 franchised new-car dealers have set up shop on the Texas side of State Line Avenue, which bisects the central business district. There, they can charge up to 24 percent for consumer credit.

Melvin Kusin, owner of Kusin's Texas Furniture Store in Texarkana, knows what it's like to do business in both states because he owns another furniture store in nearby Hope, Ark. Mr. Kusin says the Texas store has "subsidized" the Hope store since consumer lending was "flat cut off" by Arkansas banks last summer. "Without the Texas store, we'd have to add 8 percent to 10 percent to our prices across the board just to cover interest expenses."

The few furniture dealers staying in Arkansas have been fixtures there for nearly half a century. "Sure we'd be better off in Texas, but we own our own property here," says R. J. McNatt, whose Moore Furniture Store has been in business "within spittin' distance of Texas" for more than 40 years. "Sometimes, when I get to thinking about it, I get a little mad that they don't have my problems down the street," adds the unperturbable Mr. McNatt. "But it's too late to move now."

The new-car dealers in Texarkana are lucky that, by the early 1970s, they all had moved to the Texas side. "Arkansas has practically been cut out of the map" as far as the auto makers' finance companies are concerned, says Dennis Jungmeyer, executive director of the Arkansas Automobile Dealers Association.

In the past year, General Motors Acceptance Corp., Ford Motor Credit Corp. and Chrysler Credit Corp.—all bound to the 10% interest ceiling for consumer car loans—have imposed on Arkansas dealers restrictions unheard of in the other 49 states. For example, GMAC and Ford Motor Credit don't extend wholesale or retail credit on new non-GM and non-Ford products, and GMAC finances the sale of a used car only if it is traded in on a new GM model. Unlike elsewhere, all dealers in Arkansas have to pay for insurance on cars in transit to their showrooms, and they have to pick up the full tab when a vehicle is repossessed. They also must pay market rates—as much as 23% lately—to finance their own inventories.

TOLL OF AUTO DEALERS

The Arkansas dealers, accustomed for years to tight financing, have still found ways to stay in business. Last year, only nine dealerships folded or changed hands out of 390, according to Mr. Jungmeyer. But so far this year, 17 dealers have already gone out of business or changed hands, even though sales have improved somewhat.

For a while, some dealers managed to turn the disadvantage of 10% credit into a marketing tool: They advertised their cheap credit to customers in surrounding states. But now some finance companies refuse to grant 10% credit to anyone but an Arkansas resident.

Normally, the dealers would rely on local banks to lend the money to customers turned down by finance companies. But even with the federal law allowing banks to charge 15%, they aren't making many auto loans. Several Little Rock banks say they grant consumer loans only to their best customers and only in amounts exceeding $3,000.

"With consumer loans, you have to be sparing and lend only to stay in touch with your good customers," says Mr. Bowen of Commercial National Bank. And Joseph Ford, a vice president at First National Bank in Little Rock, adds, "We just plain can't afford to loan out money" even at 15%. Since last June, Mr. Ford has seen First National's outstanding consumer loans drop to less than $13 million from $17 million. "This lack of credit has got to hurt the young people and little people of Arkansas as well as the businesses," he observes.

In the wake of failures at the ballot boxes, bankers, retailers and car dealers are beginning to hope for help from higher, and previously unmentionable, places. "Nobody likes the idea of the federal government meddling with our business," says David Kilborn, general manager of Cliff Peck Chevrolet in Little Rock. "But that's about our last hope now." Several Arkansas legislators in Washington have introduced a bill that would provide federal interest-rate relief to retailers, and a New York congressman has proposed creation of a national usury ceiling that would override state-imposed limits.

If retailers and auto dealers in Arkansas can hang on until November 1982, however, federal help may not be needed. In March, the Arkansas legislature voted to put on the 1982 ballot yet another constitutional amendment that would raise the consumer loan ceiling to 17 percent which still would be the nation's lowest—while retaining the current penalty for violations.

But even the amendment's proponents aren't very optimistic that it will fare any better than the last three proposals. "It's pretty hard to convince a voter that 17 percent or 18 percent interest will end up costing him no more than the 10 percent he's paying now. " Mr. Kemp of Dillard's says.

Others aren't sure that the proposed amendment will offer enough relief. "My worst fear is that the new amendment will be as obsolete as the old law by the time we get around to vote on it" says Jackson Stephens, chairman of Stephens Inc., a Little Rock investment banking firm. "But by that time," he adds, "things might be so bad that the people will demand a cure."

□ 1215

THE WORLD BANK FROM THE SOVIET PERSPECTIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York, (Mr. LAFALCE) is recognized for 20 minutes.

● Mr. LAFALCE. Mr. Speaker, opponents of U.S. contributions to the international financial institutions have attacked those contributions on two grounds. First, they claim that the IFI's provide assistance to Communist governments and other un-American regimes. Second, they say they under-

mine the evolution of a healthy free market system in those countries through artificial development.

I believe that these charges are very troubling and need to be addressed in an effective manner. Perhaps the most objective and fruitful observer would be a nonmember of the IFI's, because such a person would not be biased about the operations of these international institutions. Fortunately, such an observer does exist; and he has done an analysis of the International Bank for Reconstruction and Development (IBRD) which is the hard-loan window of the World Bank. His conclusion was as follows:

The facts concerning IBRD's real activities, however, show that the Bank has always been and remains, a staunch defender of the capitalist economic system, is an important weapon of neo-colonialism, and assists in establishing a private enterprise sector in the economies of developing countries.

That analysis should allay the fears of my more conservative colleagues about the IFI's, since the analysis comes from an impeccable source who is no friend of the IFI's. The author was V. Zholobov; the analysis appeared in an article from the official Soviet publication "Economic Gazette"; and the article was entitled "IBRD—The Servant of Monopoly Capital."

I want to share the entire article with all of my colleagues, because it is a refreshing approach to these often misunderstood and ill-characterized institutions and because if the Soviets condemn them for being too capitalist, they can not be all bad.

The article follows:

IBRD—THE SERVANT OF MONOPOLY CAPITAL

The International Bank for Reconstruction and Development (IBRD) is taking an ever-increasing share in the neo-colonialist expansion of imperialism. Bourgeois apologists seek to prove that the institution renders effective help in the social and economic development of newly independent countries. In particular, IBRD's President, Mr. Robert McNamara, has regularly called upon his hearers in numerous international forums to provide "assistance" to the developing countries in solving their far-from-easy financial problems. The facts concerning IBRD's real activities, however, show that the Bank has always been, and remains, a staunch defender of the capitalist economic system, is an important weapon of neo-colonialism, and assists in establishing a private-enterprise sector in the economies of developing countries.

DISCRIMINATORY APPROACH

The official purpose of the Bank and its affiliates—the International Development Association (IDA) and the International Finance Corporation (IFC)—is the financing of social and economic measures taken by their member countries, primarily the developing countries, in order to overcome their economic backwardness. This does not mean, however, that if any of those countries applies to the Bank for help, the latter will willingly accede to that request. The structure of IBRD is such that the Bank's final word is spoken by the United States, which can block any decision that it does not like, and compel the Bank to refuse help if the country applying for assistance is not acceptable, for some reason or other, to the ruling circles in America. It is in the light of this that the true purpose of IBRD's activity must be examined.

Figures depicting the activities of the "World Bank", the term by which IBRD is often referred to in the press of Western countries, may make a certain impression on the uninitiated reader. At the present time, 132 countries are members if IBRD, and the Bank's capital, which is made up of their contributions, amounts to 41 billion dollars. The total amount of loans granted by the institution in 1978 reached a figure of 9.8 billion dollars.

What is obvious, however, is the peculiar geographical distribution of the Bank's funds. As of June 30, 1979, three of the 132 countries belonging to it (Brazil, Indonesia and South Korea) had received about 20% of all the loans granted by the institution during the almost 30 years of its existence. During 1978, apart from the almost traditional loans made to these three, IBRD supplied a number of Latin-American capitalist countries, as also Morocco and the Philippines, with large funds. And this is understandable, for the countries mentioned act as bulwarks of private capital, particularly foreign capital.

The Bank does not even try to hide its discriminatory approach. IBRD's lending policy is aimed at shackling the newly-independent countries with a type of development that suits the purposes of international and national monopoly capital. On the hypocritical plea of "safeguarding the Bank's funds" its officials give preference to countries with "stable political regimes", a term that, more often than not, implies military regimes.

One of the affiliates of the World Bank Group—IFC—proclaims its basic object to be the financing of industrial undertakings in the private sector, and says so in its very Articles of Agreement.

The question of providing funds for undertakings in the public sector is, however, passed over because of their alleged unprofitability, and the high lending risk associated with them. During 1978, the majority of countries with a socialist philosophy—Ethiopia, Afghanistan and the People's Democratic Republic of Yemen, plus a number of others that seek primarily to develop the public sector of their economies—did not receive a single loan from IBRD or its affiliates.

Speaking before the U.N. General Assembly on behalf of the participants in the Havana Conference of Heads of State and Governments of the Non-Aligned States, Mr. Fidel Castro drew attention to the fundamental difference between the development assistance furnished to the newly-independent countries by the Socialist countries and the "help" provided by the imperialist States and their international organizations. Although the Socialist countries bore no responsibility for the economic backwardness of the developing countries, Mr. Castro emphasized, they were taking upon themselves the duty of assisting those countries in overcoming it, basing such actions on one of the underlying principles of their Socialist system—international solidarity.

OPPONENTS OF INDUSTRIALIZATION

The political prejudice displayed by the Bank is only one feature of its operations. Another is shown by the fact that even those recipients of IBRD loans which are well-regarded by the Bank are not allowed to make independent use of the funds they receive to meet the needs of their national economies and populations, and achieve social and economic progress in overcoming age-old backwardness. In the case of these countries IBRD pursues a policy designed to keep them dependent on the world capital market, and sets its face against any progressive initiatives in the social and economic sphere.

A typical example in this respect is provided by the International Development Association (IDA). A great deal is said and written about the activities of this most important affiliate of IBRD, so far as its outwardly concessionary terms of lending are concerned. The way in which IDA credits are allotted by branch of activities, however, by no means attests to a wish on the part of the Bank to promote an increase in the rate of economic growth of the newly-independent States.

According to the data available, the funding of industrial undertakings constitutes less than 10 percent of all the loan operations engaged in by IDA. At the same time, about 20 percent of the Association's funds are invested in agriculture and more than a third in so-called infrastructure projects, mainly in the building of roads and the provision of means of communication. Here too the egotistical interests of imperialism show through most clearly—an undeveloped infrastructure, particularly the absence of roads and means of communication, presents the international monopolies with fewer opportunities for plundering, on neo-colonial lines, the economy of a developing country. The Bank comes to the aid of the monopoly corporations and out of its funds provides a basic infrastructure in economically backward countries.

IBRD tries to give a "theoretical" justification for its negative attitude towards the industrial development of the newly-independent States. The Bank's last report on World development (August 1979) contains, for example, the following frank admission: "Industrialization will not, on its own, provide a solution to the problems of the developing World. A more appropriate means of achieving the aims of national regeneration is to be found in the stimulation of the agrarian sector." Later in the report it is asserted that the only way of combatting rising unemployment may be merely to develop agriculture at a more rapid pace.

Regarded objectively, this new "theory" of IBRD's experts is designed to counteract the efforts of the developing countries to achieve economic independence. A faster rate of growth of the Gross National Product (GNP) and, on the basis of this, a rise in the standard of living are possible only by means of industrialization. By blocking the efforts of the developing countries to diversify their national economies, the "World Bank" is again compelling them to concentrate on supplying raw materials and agricultural products, with all the unfavorable results that this procedure entails, including a dependence on unstable trading conditions on the World market that provide opportunities for these countries' exploitation by the monopoly concerns of the West.

Meanwhile, an exceedingly serious situation prevails in these branches of activity. For example, small peasant holdings, employing primitive methods of cultivating the soil, are hardly able to furnish a means of livelihood. Such farms are suitable only for

simple reproductive techniques; they cannot have incomes of any size, least of all when measured in foreign currency.

IBRD's attitude to this largest category of the populations of developing countries amounts to only one thing, a refusal to grant these countries loans calculated to improve the conditions of life of hundreds of millions of small peasants. The Bank's financial support is forthcoming only to benefit large landowners and farmers who are able to produce significant production surpluses. For example, rich stockraisers in Latin-American countries (Argentina, Uruguay and others) have received more than 70% of all the loans made by the Bank to assist the continent's agriculture.

THE MYTH OF "HELPING THE POOR"

According to IBRD's official returns, during the period from 1975 to 1979, 60 million people were covered by the Bank's lending programs drawn up under the slogan of the "Fight against Poverty". This apparently impressive figure, however, begins to melt away as soon as one takes a closer look at this total. It turns out that, in calculating the number of its "beneficiaries", the Bank bases itself on the aggregate population of the regions in which the projects financed by the Bank are located. In this connection the French periodical "Le Monde diplomatique" has said, not without sarcasm: "The use of this method of calculation may well result in making the overall figure of poor peasants benefiting from the Bank's projects exceed that of all the poor peasants in the World."

In practical terms, however, the Bank's attitude to the loan applications of the newly-independent States diverges radically from the widely-proclaimed aims of the "Fight against Poverty". When analyzing one or other of the projects proposed for financing, the Bank's experts show a marked tendency to consider the statistical and technical data involved before the social aspects of that project. Poverty is subjected, before all else, to a quantitative appraisal, its social roots not receiving their proper share of attention. The developing countries themselves, which might change this state of affairs, do not participate in the preparation of the project (for this purpose there are "Special Missions" from the Bank), although it concerns them first and foremost.

Such an approach on the part of the IBRD gives rise to criticism even in Western countries: "Distributing funds to stimulate investment while seeking to leave undisturbed the social structure in which lie concealed the basic causes of poverty, means conducting a policy that is calculated to reinforce the hegemony of an elite", remarks, with fully justified emphasis, "Le Monde diplomatique".

It is not surprising that the results of such a method of lending should be in direct contradiction to the declared aims of IBRD policy. The Bank's experts consider, for example, that irrigation projects increase employment in agriculture and serve to benefit small farmers and landless peasants. Under the conditions prevailing in the developing countries, however, such projects are of advantage only to the large landowners and produce an intensification of capitalist stresses in the countryside, where they polarize relationships, with a concentration of wealth on the one hand, and a sea of poverty on the other, the upshot of which is the ruin of the smallest farmers.

The following case is typical. A project in Bangladesh provided, apart from solutions to other problems, for the setting up of a cooperative of landless peasants. The Bank agreed to make a loan for the whole project, but the funds originally proposed for the organization of the cooperative were, in the end, converted into loans to well-to-do farmers, so as to enable them to pay wages to their workers. This can hardly be regarded as "Fighting Poverty".

If IBRD has done nothing to eradicate poverty, one can say quite definitely that, by means of its loans, the Bank does facilitate the enrichment, including the illegal enrichment, of the top echelons in the developing countries. Thus the "Wall Street Journal" has stated that, in Indonesia, between 10% and 15% of the funds received as loans from the Bank (at the present time more than $500,000,000 a year) are embezzled.

The actual social effects of IBRD's activities are well demonstrated by taking the example of Brazil—a country that is a privileged customer of the Bank. According to data published in the British "Economist" the polarization of Brazilian society became sharply exacerbated between 1960 and 1977, i.e., over a period when relations between Brazil and IBRD were particularly close. This is evident from the changes that occurred in the distribution of combined personal incomes. The share received by the richest 5% of the population increased during these years from 27.7% to 39% of the whole, while that of the poorest 50% of the population fell from 17.7% to 11.8%. Thus, not without assistance from IBRD, the poor become poorer still and there are ever more of them.●

THE "AMERICAN DREAM ACT"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, today I am introducing the American Dream Act, legislation which I feel will not only help struggling financial institutions in this country, but will put the construction industry back on its feet and will enable millions of Americans to realize the American dream of owning their own home.

I have always been a believer in the free enterprise system and the will of the marketplace. But the marketplace has shown it does not care about housing. And because of that it is necessary to adopt another approach. What we need is long-term low-interest deposits at financial institutions which can be lent on a long-term basis for home mortgages. My bill will establish a 1-year maturity tax-exempt savings account at all regulated financial institutions that are engaged in long-term home lending. There would be no minimum or maximum on the amount of money a depositor could place in such an account. The interest rate on these accounts would be set by a committee composed of the Secretary of the Treasury, Chairman of the Federal Home Loan Bank Board, and the Chairman of the Federal Deposit Insurance Corporation. A unanimous vote by the committee would be required to adopt a rate.

In order to be eligible for such accounts a financial institution would have to agree to place 75 percent of the money obtained in these accounts in long-term home mortgages at an interest rate of no more than 2 percent above the rate paid to the saver. For example, if the interest rate paid on the tax-exempt savings was 7 percent the home mortgages could not be at a rate above 9 percent. The legislation would also specify that the rate paid to savers would be substantially below that earned on 6-month money instruments.

It is my belief that this legislation will encourage people seeking a tax shelter to take their money out of high yield investments which are fully taxable and to place the funds in the tax-exempt savings accounts, which of course would produce a much lower yield but would offset the loss of income with a tax deduction. By not having a ceiling on the amount of money that a person may place in such an account, it will be an incentive for big depositors to shift their accounts.

NOT A BONANZA FOR RICH

Some may charge that this is a bonanza to the wealthy, but if I can get the wealthy to take their money out of the higher yielding accounts and put it where it will be used for long-term low-interest rates then I want every dime of that money that I can obtain.

There will be a tax loss under this program. But the loss will be far less than would be achieved by the Kemp-Roth proposal which is the keystone to the Reagan tax program. That proposal calls for a 30-percent cut spread over 3 years. It has been estimated that the Kemp-Roth program will provide the average taxpayer with a cut of only a few hundred dollars a year. Surveys have shown that most taxpayers would not save that money but would use it to pay off bills or to make purchases. Such a cut could have a devastating effect on making inflation even worse because, while it would not help individual taxpayers greatly, it would pump billions of dollars into an already overheated economy.

My bill would not heat up the economy. It would not cost as much in lost tax revenue and would have a beneficial effect of bringing interest rates down and putting the home construction industry back on its feet. It will make taxpayers out of unemployed construction workers, and it could within 6 months put the entire construction industry including the home lending industry back on its feet.

The Reagan administration has promised help for the savings and loan industry and I suggest that the best way to help the industry is through an endorsement of tax-exempt savings programs such as mine.

I am genuinely worried that the administration is not going to take action in time to assist savings and loans. A few weeks ago one of the President's leading economic advisers, Alan Greenspan, told a business group that the Reagan administration "will not let savings and loans fail." I suggest to Mr. Greenspan that the industry cannot wait much longer. I sincerely hope that the administration is not planning to step in only after the industry does fail. That would be like a lifeguard telling a swimmer that he will be saved but only after he drowns.

HELP NEEDED IMMEDIATELY

I also hope that the administration's plan to save the savings and loan industry is far more broad based than merely allowing the acquisition of failing institutions across State lines. I am totally opposed to the acquisition of failing institutions across State lines because I want to take action to save these institutions before they fail.

I realize that there are numerous other bills which would provide tax exemptions for savers but I do not want anyone to think that I am a Johnny-come-lately to this issue. In my 17 years in the House, I have been involved in every one of the savings account tax battles. And I would remind Members that in November of 1974 legislation, which I sponsored along with other Members, was reported from the Ways and Means Committee to the floor allowing a $500 deduction of savings account interest. Unfortunately, Congress adjourned before action could be taken on that legislation.

Presently, we have a savings-tax deduction law on the books which will go into effect for the current taxable year. I am told, however, that the Reagan administration is advocating a repeal of this law, even though it has only a meager tax break for the average saver.

COALITION MUST BE FORMED

We need a strong tax-incentive savings program. And I am calling today for a nationwide coalition of financial institutions, homebuilders, labor organizations, and consumer groups to unite and push for a strong tax-incentive savers program.

I am not worried about pride of authorship; it does not have to be my bill that they support, but unless these groups ban together and for once fight on a common front, we may well see the end of the American dream of homeownership before the cherry blossoms bloom at the Tidal Basin again.

A copy of the legislation and summary of the bill follow:

H.R. 3694

A bill to amend the Internal Revenue Code of 1954 to permit banks, savings and loan institutions, and similar financial institutions to issue tax-exempt certificates of deposit for housing purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "American Dream Act".

SEC. 2. (a) Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 128 as section 129 and by inserting after section 127 the following new section:

"SEC. 128. INTEREST ON CERTAIN CERTIFICATES OF DEPOSIT IN FINANCIAL INSTITUTIONS.

"(a) GENERAL RULE.—In the case of an individual, gross income does not include interest on a qualified housing certificate of deposit.

"(b) QUALIFIED HOUSING CERTIFICATE OF DEPOSIT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified housing certificate of deposit' means any certificate of deposit issued by a qualified financial institution if—

"(A) at least 75 percent of the amount of the deposit is used to provide qualified owner-financing,

"(B) the certificate matures 1 year after the date on which it is issued, and

"(C) the interest rate on the certificate does not exceed the rate established under subsection (c) for the month in which the certificate was issued.

"(2) QUALIFIED OWNER-FINANCING.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'qualified owner-financing' means any financing if—

"(i) such financing is provided in connection with the acquisition of a single family residence (or of stock in a cooperative housing corporation which entitles the individual to occupy a residence) which can reasonably be expected to become the principal residence of the individual to whom the financing is provided within a reasonable time after the financing is provided,

"(ii) such financing is secured by a first lien on the residence (or the stock in the cooperative housing corporation) being acquired with such financing,

"(iii) the effective rate of interest on the financing does not exceed the interest rate on the certificate of deposit by more than 2 percentage points, and

"(iv) such financing is repayable over a fixed term of at least 25 years with equal monthly payments on a self-amortizable basis.

"(B) VARIABLE-RATE FINANCING NOT PERMITTED.—The term 'qualified owner-financing' shall not include financing under which the interest rate may be adjusted during the term of the financing.

"(C) EFFECTIVE RATE.—The effective rate on interest on any financing shall be determined under rules similar to the rules of section 103A(i)(2)(B).

"(c) ESTABLISHMENT OF INTEREST RATE.—

"(1) IN GENERAL.—For purposes of subsection (b)(1)(C), the Board shall establish an interest rate for each month beginning after the date of the enactment of this section. Such rate shall be established—

"(A) by a unanimous vote of the Board, and

"(B) by taking into account the prevailing interest rates on certificates of deposit having a 1-year maturity and by making appropriate adjustments for the tax exemption provided by this section.

"(2) BOARD.—For purposes of paragraph (1), the term 'Board' means the Secretary of the Treasury, the Chairman of the Federal Home Loan Bank Board, and the Chairman of the Federal Deposit Insurance Corporation.

"(d) QUALIFIED FINANCING INSTITUTION.—For purposes of this section, the term 'qualified financial institution' means—

"(1) a bank (as defined in section 581),

"(2) any mutual savings bank, cooperative bank, domestic building and loan association, and any other savings institution chartered and supervised as a savings and loan or similar institution under Federal or State law, and

"(3) a credit union, the deposits or accounts in which are insured under Federal or State law.

"(e) AUTHORIZATION TO ISSUE CERTIFICATES. Notwithstanding any other provision of law, any qualified financial institution (otherwise authorized to finance the acquisition of personal residences) is hereby authorized to issue certificates of deposit which satisfy the requirements for a qualified housing certificate of deposit.".

(b) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 128. Interest on certain certificates of deposit in financial institutions.

"Sec. 129. Cross references to other Acts."

(c) The amendments made by this section shall apply to certificates of deposit issued during months beginning after the date of the enactment of this Act.

SUMMARY OF THE AMERICAN DREAM ACT

This bill amends the Internal Revenue Code to permit financial institutions to issue one year tax-exempt certificates of deposit to provide financing for affordable fixed-rate home mortgages for consumers.

A financial institution must apply 75 percent of the certificate toward conventional home mortgages whose interest rate may not be more than two percent above the interest rate on the certificate of deposit.

Such home mortgages must be for a term of at least 25 years and be on property that will be the principal residence of the consumer.

The rate of interest on the certificates of deposit will be set monthly by the unanimous vote of a Board composed of the Secretary of the Treasury, the Chairman of the Federal Home Loan Bank Board and the Chairman of the Federal Deposit Insurance Corporation.

Financial institutions may issue the certificates of deposit only to individuals and may determine any minimum or maximum amount requirements.●

THE 250TH ANNIVERSARY OF SAN JUAN CAPISTRANO MISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

● Mr. GONZALEZ. Mr. Speaker, on Sunday, May 24, there was a celebration of the 250th anniversary of San Juan Capistrano Mission in San Antonio, Tex. It was a joyous day, marking service to San Antonio that dates back to 1731. The energy and importance of the mission is greater today than ever before.

San Juan Capistrano is one of a series of missions strung out along the San Antonio River. There are missions of greater renown, like the Alamo, and there are missions of more size and grandeur, like San Jose—but none more vital than San Juan Capistrano. The anniversary celebration last Sunday was a day of special pride to everyone, and I was privileged to share in the celebration by way of this message to the celebrants:

Two hundred and fifty years ago, this place was consecrated by people whom we do not know. We do not know how they looked, or who all of them were, or even why they came to be here. But across all those years, and through all those generations, has flowed the common power that we feel here today. The spiritual power of those who consecrated this mission lives on, undiminished—it is the same for us as it was for them. We living here today are united in the spirit with those servants of God, long since vanished from earth, whose prayers rose from here.

The life we live is short. The life of a nation is short. Indeed, the United States itself is not nearly as old as this holy place. But the power of God is timeless, and that is why we can be here today and feel the same spirit, unchanged and unchanging, that moved the people who built this mission. This was, and is, the same power that all the generations who followed have felt and shared.

San Juan Capistrano was established as a light, and it brought life here. It was the light of faith, and that faith brought life to this community, life that still lives and grows.

Who could have known what this community would be like in 1981? How can we know what it will be like a hundred years hence?

It did not matter. What mattered was that the light of faith was brought here. What matters today is that light still shines with the same power that it did then. And we know that no matter what happens to us, or even to this place, that light will live on.

How can it be that we are united with people long since gone, and even people yet to come? Through our common faith, through our knowledge that in the Spirit we are all one. God is timeless, and this mission is a testament to that.

I thank God for this mission, and for the happiness and joy this 250th anniversary brings to all of us—the joy that in faith we find freedom, freedom for all time. Did it take courage to build this place? No, it took faith. Will this place still stand generations from now? It does not matter. What matters is that the faith endure. And without question, it will.●

BILL INTRODUCED TO MAKE TECHNICAL CORRECTIONS IN COMPREHENSIVE BANKRUPTCY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, today I am introducing a bill to make technical corrections in the comprehensive bankruptcy legislation which was passed in the 95th Congress. In contrast to a so-called technical amendments bill introduced in the 96th Congress which grew into a massive and unmanageable measure containing numerous substantive and many controversial provisions on which no hearings were ever held, this legislation is a truly technical bill. This technical amendments bill will remedy errors in printing, spelling, punctuation, grammar, and numeration that occurred in Public Law 95-598 and make other necessary stylistic and clarifying changes in the bankruptcy code of a technical nature.●

VIETNAM VETERANS AND AGENT ORANGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

● Mr. KASTENMEIER. Mr. Speaker, one of the great traditions of our American democracy is the right of citizens to petition the Government for a redress of grievances. I recently was presented with a petition from the Vietnam Veterans Against the War regarding agent orange. The petition was signed by 554 citizens, most of whom reside in the Second District of Wisconsin which I represent.

The issues listed in the petition are as follows:

That the VA inform Vietnam veterans of the potential dangers they face from exposure to the defoliant.

That the VA develop a test to find out if vets have residual effects of agent orange, and that this test be given to all Vietnam vets.

That the VA provide treatment for those affected, and that agent orange poisoning be declared a "service-connected disability."

That the VA or Pentagon (or whatever is the appropriate agency) contact the Vietnamese for help in finding tests and treatment for agent orange poisoning.

That the VA pay compensation and/or disability to veterans and their families who have been affected by the defoliant.

Mr. Speaker, the agent orange issue has been with us for quite some time. Under current law, service-connected benefits can only be granted for a chronic disease which manifests itself within 1 year of the veteran's date of discharge. But, agent orange exposure, I understand, rarely leads to immediate symptoms. Tens of thousands of Vietnam vets are unaware of the effects of agent orange. These veterans should be encouraged to seek medical advice and be counseled on the genetic alterations they might have to face as a result of exposure to agent orange and other herbicides during their service in Vietnam.

In addition, there are those veterans and their children who are suffering the medical side effects of exposure to agent orange. They should be compensated for their disabilities.

For whatever reason, the Veterans' Administration has persisted in refusing to acknowledge its reponsibility toward these veterans and their families. This disgraceful situation must come to an end. If the Veterans' Administration refuses to act with compassion, then it becomes the responsibility of the Congress to resolve these problems so that our Vietnam veterans and their families can receive proper medical care and compensation.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MORRISON), to revise and extend his remarks and include extraneous material:)

Mr. DORNAN of California, for 1 hour, on June 4.

(The following Members (at the request of Mr. ALEXANDER), to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 5 minutes, today.
Mr. LAFALCE, for 20 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 15 minutes, today.
Mr. RODINO, for 5 minutes, today.
Mr. KASTENMEIER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MORRISON), and to include extraneous matter:)

Mr. LEBOUTILLIER in three instances.
Mr. COUGHLIN.
Mr. CORCORAN.
Mr. NELLIGAN.
Mr. FINDLEY.
Mr. MCCLORY.
Mr. GRADISON.
Mr. MCGRATH.

(The following Members (at the request of Mr. ALEXANDER), and to include extraneous matter:)

Mr. HAMILTON in two instances.
Mr. BOLAND.
Mr. MAZZOLI.
Mr. VOLKMER.
Ms. OAKAR.
Mr. MURTHA.
Mr. LONG of Louisiana.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. WILSON.
Mr. EDWARDS of California.
Mr. STARK.
Mr. FAUNTROY.
Mr. WAXMAN.
Mr. RATCHFORD.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 262. An act for the relief of Dolly Akers, Fort Peck Indian Reservation, Mont.; to the Committee on the Judiciary;

S. 478. An act to provide for the partitioning of certain restricted Indian land in the State of Kansas; to the Committee on Interior and Insular Affairs; and

S. 547. An act to enable the Secretary of the Interior to erect permanent improvements on land acquired for the Confederated Tribes of Siletz Indians of Oregon; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, May 28, 1981, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1431. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1982; to the Committee on Agriculture.

1432. A letter from the Architect of the Capitol, transmitting a report of all expenditures during the period October 1, 1980, through March 31, 1981, from moneys appropriated to the Architect of the Capitol, pursuant to section 105(b) of Public Law 88-454, as amended; to the Committee on Appropriations.

1433. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to exempt certain physicians from the requirement for Senate confirmation prior to initial appointment as medical officers in the Armed Forces; to the Committee on Armed Services.

1434. A letter from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period May 15 through August 15, 1981, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

1435. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the commissary shelf-stocking and custodial services function at Ellsworth Air Force Base, S. Dak., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1436. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 81-7, finding that it is in the national interest for the Export-Import Bank to extend credit in connection with trade with the Socialist Republic of Romania, pursuant to section 2(b)(2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

1437. A letter from the Director, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction exceeding $100 million and involving nuclear facilities with the Government of Romania, pursuant to section 2(b)(3) (i) and (iii) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

1438. A letter from the Chairman, National Credit Union Administration, transmitting the first annual report on the Depository Institutions Deregulation Committee, pursuant to section 206 of Public Law 96-221; to the Committee on Banking, Finance and Urban Affairs.

1439. A letter from the Secretary of Education, transmitting proposed regulations to establish priorities for fiscal year 1981 for the international understanding program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1440. A letter from the Chairman, Commission of Fine Arts, transmitting a draft of proposed legislation to authorize the Commission of Fine Arts to accept private donations of money to finance the activities of the Commission; to the Committee on Education and Labor.

1441. A letter from the Chairman, Minimum Wage Study Commission, transmitting the final report of the Commission, pursuant to section 2(e)(3) of Public Law 95-15; to the Committee on Education and Labor.

1442. A letter from the Chairman, National Advisory Council on the Education of Disadvantaged Children, transmitting a part of the Council's forthcoming annual report, entitled "Title I Today: A Factbook;" to the Committee on Education and Labor.

1443. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting reports covering the month of February 1981 on petroleum market shares of refined petroleum products and retail gasoline, pursuant to section 4(c)(2)(A) of the Emergency Petroleum Allocation Act of 1973; to the Committee on Energy and Commerce.

1444. A letter from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1445. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment to Venezuela (Transmittal No. 81-55) pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1446. A letter from the Under Secretary of the Interior, transmitting notice of the receipt of an application for a loan under the Small Reclamation Projects Act of 1956 from the Ramona Municipal Water District, California, pursuant to section 10 of the act; to the Committee on Interior and Insular Affairs.

1447. A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to provide for the use and distribution of Clallam judgment funds in docket No. 134 before the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

1448. A letter from the Secretary of Health and Human Services, transmitting the annual report of the refugee resettlement program, pursuant to section 413(a) of the Immigration and Nationality Act as amended; to the Committee on the Judiciary.

1449. A letter from the Acting Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to make adjustments and improvements in the vocational rehabilitation and education programs administered by the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

1450. A letter from the Acting Comptroller General of the United States, transmitting a report on financial savings through waivers of coastal wastewater treatment plants (CED-81-68, May 22, 1981); jointly, to the Committees on Government Operations and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Filed May 22, 1981*]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3520. A bill to amend the Clean Air Act to provide compliance date extensions for steelmaking facilities on a case-by-case basis to facilitate modernization (Rept. No. 97-121). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 3694. A bill to amend the Internal Revenue Code of 1954 to permit banks, savings and loan institutions, and similar financial institutions to issue tax-exempt certificates of deposit for housing purposes; to the Committee on Ways and Means.

By MR. FINDLEY:

H.R. 3695. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. FLORIO:

H.R. 3696. A bill to amend title 4 of the United States Code to restrict the authority of any State or political subdivision to impose any income tax on any compensa-

tion paid to any individual who is not a domiciliary or resident of such State or political subdivision; to the Committee on the Judiciary.

H.R. 3697. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for one-third of the amount of certain local wage taxes paid by individuals who are not residents of the local governmental area; to the Committee on Ways and Means.

By Mr. HANCE:

H.R. 3698. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for expenses of certain postsecondary education; to the Committee on Ways and Means.

By Mr. HOWARD (for himself, Mr. CLAUSEN, Mr. ROE, and Mr. HAMMERSCHMIDT) (by request):

H.R. 3699. A bill to amend the Disaster Relief Act of 1974, as amended; to the Committee on Public Works and Transportation.

By Mr. FORD of Michigan:

H.R. 3700. A bill to amend title 5 of the United States Code to improve the second career training program for air traffic controllers; to the Committee on Post Office and Civil Service.

By Mr. HOWARD (for himself, Mr. CLAUSEN, Mr. ROE, and Mr. HAMMERSCHMIDT) (by request):

H.R. 3701. A bill to authorize the necessary funds for the completion of certain comprehensive river basin plans for flood control, navigation, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HOWARD (for himself, Mr. CLAUSEN, Mr. ANDERSON, and Mr. SHUSTER) (by request):

H.R. 3702. A bill to amend the Urban Mass Transportation Act of 1964 to provide authorizations for appropriations, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HOWARD (for himself and Mr. CLAUSEN) (by request):

H.R. 3703. A bill to revise and extend certain provisions of the Federal Water Pollution Control Act, as amended, for 1 year, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. NELSON:

H.R. 3704. A bill to require the Secretary of Energy to submit a plan to Congress concerning sabotage of electric power facilities; to the Committee on Energy and Commerce.

By Mr. RODINO:

H.R. 3705. A bill to amend title 11, United States Code, to make technical corrections, and for other purposes; to the Committee on the Judiciary.

By Mr. STATON of West Virginia:

H.R. 3706. A bill to direct the Secretary of the Army and the Secretary of the Navy to convey certain real property owned by the United States in South Charleston, W. Va., to the State of West Virginia; to the Committee on Armed Services.

By Mr. SYNAR:

H.R. 3707. A bill to amend title XIX of the Social Security Act to provide for the reform of financing of health care services provided under the medicaid program, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. WOLF (for himself, Mr. PARRIS, Mr. ASHBROOK, Mr. HAGEDORN, and Mr. ERLENBORN):

H.R. 3708. A bill to amend the Urban Mass Transportation Act of 1964 concerning the applicability of the Davis-Bacon Act to construction contracts financed with the assistance of loan or grants made to the Washington Metropolitan Area Transit Authority under the Urban Mass Transportation Act of 1964; to the Committee on Public Works and Transportation.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

95. By the SPEAKER: A memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the missing American servicemen in Vietnam, Laos, and Cambodia; to the Committee on Foreign Affairs.

96. Also, a memorial of the Assembly of the State of New York, relative to the sale of the Airborne Warning and Control System to Saudi Arabia; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 374: Mr. LEACH of Iowa, Mr. ROYBAL, Mr. BLANCHARD, Mr. BEILENSON, Mr. MAVROULES, Mr. GIBBONS, and Mrs. ROUKEMA.

H.R. 375: Mr. WEAVER, Mr. ROE, and Mr. MURPHY.

H.R. 1005: Mr. SMITH of Oregon and Mr. HUBBARD.

H.R. 2451: Mr. ARCHER and Mr. STANTON of Ohio.

H.R. 3456: Mr. GUARINI, Mr. HEFTEL, Mr. DUNCAN, Mr. BAFALIS, Mr. ROUSSELOT, Mr. PATTERSON, Mr. GLICKMAN, and Mr. WHITTAKER.

H.R. 3613: Mr. MILLER of California.

H.J. Res. 68: Mr. FINDLEY.

H.J. Res. 233: Mr. GOODLING, Mr. RITTER, and Mr. MCCOLLUM.

H. Con. Res. 118: Mr. LENT, Mr. ANDERSON, Mr. BEILENSON, Mr. BENJAMIN, Mr. BINGHAM, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BROWN of California, Mr. PHILLIP BURTON, Mr. CARMAN, Mrs. CHISHOLM, Mrs. COLLINS of Illinois, Mr. COURTER, Mr. DENARDIS, Mr. DORNAN of California, Mr. DWYER, Mr. DYMALLY, Mr. DYSON, Mr. ECKART, Mr. FASCELL, Mr. FAZIO, Ms. FERRARO, Mr. FORD of Tennessee, Mr. FOWLER, Mr. GEJDENSON, Mr. GILMAN, Mr. GORE, Mr. GREEN, Mr. HALL of Ohio, Mr. HENDON, Mr. HOWARD, Mr. JACOBS, Mr. KILDEE, Mr. LEVITAS, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MCGRATH, Mr. MCHUGH, Mr. MATSUI, Mr. MATTOX, Mr. MINISH, Mr. MOAKLEY, Mr. OBERSTAR, Mr. PANETTA, Mr. PEYSER, Mr. RATCHFORD, Mr. RINALDO, Mr. ROE, Mr. ROYBAL, Mr. SCHUMER, Mr. SENSENBRENNER, Mr. SHANNON, Mr. SYNAR, Mr. SABO, Mrs. SCHROEDER, Mr. UDALL, Mr. VENTO, Mr. WIRTH, Mr. YATRON, and Mr. YOUNG of Missouri.

H. Con. Res. 139: Mr. MURPHY, Mr. MCCOLLUM, Mr. KILDEE Mr. LAGOMARSINO, Mr. PEYSER, Mr. CORRADA, Mr. VENTO, and Mr. FORSYTHE.

H. Res. 138: Mr. LOWRY of Washington.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

94. By the SPEAKER: Petition of the Oregon Association of the Deaf, Inc., Salem, relative to the proposed inclusion of grants under the Rehabilitation Act of 1973 with other programs; to the Committee on Education and Labor.

95. Also, petition of Helen Migut, Chisopee, Mass., relative to the retirement age for social security; to the Committee on Ways and Means.

96. Also, Petition of Lexden Seniors Club, Franklin Park, Ill., relative to social security payments to the elderly; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

COMMENCEMENT ADDRESS DELIVERED BY PRESIDENT MICHAEL I. SOVERN OF COLUMBIA UNIVERSITY

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. ST GERMAIN. Mr. Speaker, I was recently in attendance at the 223d commencement of graduates from Columbia University where my daughter received her masters in English and was privileged to hear one of the most inspiring and though provoking commencement addresses I have ever heard. Following is the text of a letter which I sent to President Michael I. Sovern, who delivered that address, as well as the text of his remarks:

DEAR MR. PRESIDENT: On Wednesday, May 13th, 1981, my daughter, Laurene, received her Masters degree in English and Comparative Literature from Columbia.

My wife was unable to attend and so Laurene's sister Lisette and I were privileged to be with you. I stood with the masses and my daughter, Lisette, sat on the brick wall. It was indeed worth my standing and Lisette's sitting on the brick wall to be with Laurene, but also to hear one of the most basic and enlightening commencement addresses I have ever listened to. I say this as one who has been in the Congress 21 years and who has suffered through many commencement addresses that were positive and absolute disasters.

Your presentation was though provoking, forthright, courageous and I must say extremely accurate. I would appreciate a copy of the address so that I might insert it in the Congressional Record and hope that I can bring it to the attention of many of my colleagues who seem to have lost sight of the fact that the most precious renewable resources we have in this nation is a well educated citizenry. We cannot afford to allow our research and development efforts to diminish to nothingness. We must provide the necessary technical and scientific equipment to our institutions of higher learning.

Again my sincere congratulations. Many thanks for the wonderful educational experience my daughter, Laurene, received at Columbia this past year.

COMMENCEMENT, MAY 13, 1981

Congratulations. You made it.

I known you will understand how much I envy you as I end my first year as President. In a few moments you will become alumni; I shall become a sophomore.

You are an extraordinarily diverse group and this day has different meanings for you. Many of you are marking the end of your careers as undergraduates but not your time as students: professional or graduate school awaits. Others are making the great change from dependence to independence. Your formal education is over. (Sometimes I wish you didn't feel quite so elated about that.) As your parents breathe a sigh of relief, you are going off the family payroll and embarking, at last, on gainful employment.

But we and, I hope, you will not be content if you are merely prodigious breadwinners. We expect you to be uncommonly skillful at your callings, but we ask for more. We want you to be caring doctors; fair-minded journalists; architects and planners of vision and discipline; inspiring ministers and teachers; business leaders who understand that the good bottom line, though indispensable, is insufficient by itself. We seek commitment and creativity from our artists and scholars, yes—but also from our librarians and dentists, our engineers and social workers, our diplomats, nurses and therapists. And, I have not forgotten you, we want lawyers with a passion for justice.

Whether these next years are spent as an advanced student or as a beginning professional, they are still years of preparation. They will seem painfully long as you live them, cruelly swift as you look back on them, but one day you will be ready, and an amazingly large proportion of you will ascend to important positions of leadership. On average, you will get there around the year 2001.

Parents, I want you to take good care of yourselves so that you will be around to savor the moment. It will be almost as good as today.

It would be foolish to claim that we have trained you for that day, particularly since no one has a very clear idea what the world will look like in the next millenium. Still, I hope we have prepared you so that you can continue to prepare yourselves. We are seekers at Columbia, students and teachers alike. Wanting to know, needing to know is our passion, our mission. Omniscience is not open to us, but greater understanding is. So, too, is an appreciation of the joy of the quest. That, I hope, you will take with you. If we have helped you to kindle the fire of exploration, do not bank it now. Keep on stretching and growing.

Much of what you will face is captured in a quotation from Harper's: "It is a gloomy moment in the history of our country * * * never has the future seemed so incalculable as at this time. The domestic economic situation is in chaos.* * * Prices are so high as to be utterly impossible. The political caldron seethes and bubbles with uncertainty. Russia hangs as usual, like a cloud, dark and silent upon the horizon. It is a solemn moment. Of our troubles no man can see the end."

As you undoubtedly guessed, that was from Harper's Weekly, October 1857.

The message is clear. The world has looked gloomy before. To some, it has always looked gloomy. Life is difficult business under the best of circumstances. And the best of circumstances exist only in the past or in the future, the stuff of nostalgia or hope. We must make do with something less than the best of circumstances. Today that means, perhaps above all else, uncertainty. What makes the world into which you are graduating different is that no one with any sense can claim to know what lies ahead for you. That degree of uncertainty is rare, perhaps unique, in history.

Until the American Revolution, people knew in broad outline what the future held for them—more of the same. There were harbingers of a radically different world—Gutenberg and Galileo, Luther and Lavoisier—but, measured by our standards, the pace of change was glacial.

With the American, French and Industrial Revolutions, the pace picked up; but even so, the handful of New Yorkers who graduated from young Columbia College at the beginning of the nineteenth century had a foreseeable future. Fifty years later, slavery would still be flourishing, the trip from New York to Washington would still be a journey of several days, and the survivors could do no more than hope that the next influenza epidemic would spare them again.

In our own century, change moved into high gear, yet a Commencement speaker in the first decade of the 1900's would have foreseen relatively little of it. He would have talked confidently of the Brave New World ahead—full of spiritual well being and material progress, fueled by inexhaustible minerals and man's limitless ability to cope.

We know better. If ignorance is the beginning of wisdom, we are beginning to be wise. If the strong know their weaknesses, we are beginning to be strong. We are learning about our limitations—nature is not subject to infinite manipulation by man; we cannot influence other people as much as we thought we could; we cannot even shape ourselves as much as we would like.

Understanding these limitations is part of the essence of leadership. As leaders, you must carry your share of the burden of leading from illusion to reality without losing your way in disillusion and abandoning the journey in cynicism.

These are testing days. Our national government makes cynicism seductive as it maintains subsidies for tobacco growers while proposing budget rescissions for cancer researchers; laments our poor productivity and eliminates the National Science Foundation's program for training scientists and engineers; continues cost-of-living increases to its retired federal employees but denies them to students on financial aid. But we err if we assume that these are the works of malevolence. Ironically, an Administration that would subscribe to the proposition that solutions are the chief cause of problems, is offering solutions at a rate that may well exceed even the early days of the New Deal. Inevitably, they are making mistakes.

I applaud the President's determination to roll back inflation. It is an insidious plague and we have been among those seriously hurt by it. The President has shown rare political courage in proposing to bring under control such extravagant, unproductive programs as dairy price supports and trade adjustment assistance. I applaud too the urgings to put aside narrowly partisan differences, to forego special interests. I believe deeply in the virtue of subordinating selfish claims to the common good. But I do not believe in suspending judgment as to where the common good lies.

We expect an administration to make its own, earnest search for the common good,

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

using the best information available, filtering that information through its own predispositions and making whatever political compromises it must to come as close as it can to its goals. All of us have a role in that process—both as sources of information and as elements in the political balance. It we keep silent when we see gross error, we fail in our responsibilities.

And I do see gross error in the way the Reagan Administration is proposing to deal with basic research and student aid.

It would be hyperbole to say that we are embarking on our own Cultural Revolution. I do not foresee in America the wasteland of China's laboratories and classrooms. But I can well imagine a news story datelined Washington, D.C., January 21, 1989, which reads: "In her State of the Union Message, the President called for a multibillion dollar crash program of federal and private investment in America's university research base. She asserted that radical action is critical to meet the problems posed by the greatest shortage of scientists and scholars in our history. Without it, she said, we have no hope of returning to our rightful place as tenth most productive nation in the world."

That is nor hyperbole. America's per capita gross national product has slipped to tenth in the world. Tenth.

America's private universities have led the way in scientific innovation—the lion's share of the ground-breaking research has been done in our laboratories and the majority of America's leading scientists have trained with us, hardly a startling congruence. Recognizing the critical importance of keeping American science in the forefront, the previous Administration recommended the expenditure of seventy-five million dollars for advanced scientific instrumentation—the tools of state-of-the-art research and training. This entire item has been stricken from the budget. Private universities cannot assume these costs. The result will be an inexorable reduction in the effectiveness of both research and training, a further erosion of America's ability to compete.

You know of the Administration's widely shared concern for productivity, its proposals for accelerated depreciation of plant and equipment, its hopes for increased rates of savings and investment. But buildings and machinery are not the fundamental answer to America's productivity problem. We must be concerned more with people than we are with things.

As our colleague, Professor Eli Ginzberg, has pointed out, "(H)uman capital, defined as the 'skill, dexterity, and knowledge' of the population, has become the critical input that determines the rate of growth of the economy * * *."

But what is the Administration doing? Just look at the federal budgets, if you have a spare month or two. Since 1965, the federal government has provided nearly $20 billion in loan guarantees and interest subsidies for college and university students. It has disbursed billions more in direct financial aid to those most in need. I know of no wiser, fairer, more fruitful investment in America's people and America's future. We here have a high responsibility to that future: we must not stand by in silence and timidity while it is bargained away.

Surely, at this critical time, our nation should not be so shortsighted as to embark on the false economy of cutting financial aid to students.

Yet that is precisely what the national Administration is proposing. It wants to cut Pell grants, the program that some of you have known as BEOGs. Pell grants provide a maximum of $1,800 a year in support of students demonstrating serious need. As you know all too painfully, no student eligible even for a maximum Pell grant of $1,800 can attend an Ivy League college without holding down a part-time job, taking out a loan and receiving addition scholarship help from the college itself. That program should not be cut; it should be increased.

It should be increased because fair play calls for allowing those able enough to go to the best colleges to attend them. It should be increased because we have a vital economic stake in not wasting valuable human resources.

The budget-cutters would also shrink the Guaranteed Student Loan Program. These loans are made by private capital, not the government, and the repayment obligation is that of the student. The Guaranteed Student Loan Program makes it possible for private lenders to help students willing to bear major costs to finance their own education. Improvements in the program are needed: some who don't need the loans have taken advantage of the favorable rate to turn an arbitrager's profit at public expense, and some have defaulted on their repayment obligation. Those failings can be corrected, and they will be. But let us be careful not to damage a critically important and extraordinarily fruitful program in the process.

To give you a rough idea of the importance of Pell grants and the Guaranteed Student Loan Program to American higher education, last year Columbia alone disbursed 22 million dollars in financial aid; our students borrowed 37 million more, 30 million of it under the Guaranteed Student Loan Program.

There are still other examples of unwise cuts in research support and aid to students, but they all add up to the same sum: we are risking waste of our most precious national resource, stunting of individuals and serious damage to independent colleges and universities—all for savings that amount to a fraction of one percent of the federal budget.

One of the afflictions of our society is a widespread unwillingness to choose. Where, then, can federal expenditures be reduced to make up for the cuts I oppose? Former Secretary of Commerce Peter Peterson has calculated that if the highly inflationary indexation of many federal programs were cut to 85 percent of the Consumer Price Index, instead of the current 100 percent, the savings would amount to three billion dollars in fiscal year 1982 alone. That is substantially more than all of the damaging cuts I have been talking about.

Adlai Stevenson once observed: "The human animal is peculiar—it seems unable to read the handwriting on the wall until its back is against it." I believe the handwriting is on the wall, that the budget-cutters are being profligate with our most precious national resource, and I hope America won't wait until our backs are against the wall to do something about it.

If one needed proof of the value of student aid, today would be proof enough. You are the best evidence of the magnificent results of student aid. You are America's future. As the door of opportunity was opened to me here, as it was opened to so many of you, let us work together to ensure that it will be opened to those who follow.

Those who do come in that door will discover that at Columbia we are embarked on a wonderful renaissance. Three weeks from today we shall formally dedicate the East Campus Residence Hall; the renovated Hartley and Livingston Halls will reopen on schedule in the fall; and we shall open the new Humanities Center later this year. A new biology library and new undergraduate laboratories are now ready in the Sherman Fairchild Life Sciences Center and plans are already in the works for a new chemistry building. In addition to our bustling new cafe in Ferris Booth Hall, we shall have a thoroughly refurbished John Jay Dining Hall in September.

More important than these tangible improvements has been our commitment to intellectual renewal. The Marcus Commission Report has pointed the way to heightened excellence in the Arts and Sciences. While other American colleges are reconsidering their abandonment of demanding curricular requirements—a task we have been spared since we never lost faith in ours—we are free to think about how to make the superb even better, and we are doing that, emphasizing new writing programs and working on a solution to the problem of scientific illiteracy. Though our professional schools have never been stronger, I see in them not complacency, but a healthy restlessness, a spirit of self-examination that augurs well for the future.

A new spirit animates relations between the University and our neighbors. We have begun to work together to our mutual benefit.

And I note with special pleasure that alumni giving to the University has more than doubled this year. Let that be a lesson to you.

For while we need all the help we can get from government, our very existence depends on the generosity of our alumni who believe, rightly, of course, that they got more than they paid for; the wisdom of friends and business leaders who understand the importance of investing in human capital; and, above all, the faith of our students and their families who pay the bills.

The special quality of the Columbia student has been demonstrated, generation after generation, by the distinction of our alumni. As you join their ranks today, the Latin phrase you have seen on the sundial assumes new meaning: Horam Expecta Veniet. Await the hour; it will come.

Your hour has come. I wish you joy in your work, love in your life, happiness in your heart. Good luck and Godspeed. Columbia is very proud of you.●

CONGRESS AND THE ECONOMY/ UPDATE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. MURTHA. Mr. Speaker, with the first round of the budget debate completed in Congress, I wanted to review the status of various key economic steps.

BUDGET

Congress has approved a budget target of $695 billion for the coming fiscal year, basically adopting the budget principles proposed by President Reagan.

I voted against this budget guideline because I thought the alternative drafted by the House Budget Committee was preferable on three key points: First, it had a smaller budget deficit this year; second, it contained funding for key programs in the Northeast and Pennsylvania; third, it moved more quickly toward a balanced budget.

I felt the key to the entire budget debate, however, was the general agreement on budget goals. While there was a disagreement on specific numbers, these general goals emerged in agreement:

First, we will be approving a significant increase in defense spending, and taking the strongest military steps since the Second World War

Second, there is agreement that we must move quickly toward a balanced Federal budget; in fact, I think this is the primary economic contribution Congress can make. The budget resolution I supported aimed for that by 1983; the Reagan administration has predicted 1984, but we should certainly do it as quickly as possible.

Third, there is agreement on the need to control Federal spending. While total spending will increase this year, we will likely be making the largest cuts in proposed spending in history.

LOOKING AHEAD

The budget resolution sets guidelines, but the actual budget debate continues through the summer. There are some key steps I believe must be taken.

For one thing, I am hopeful we will reach bipartisan agreement on a tax cut. The American people want economic solutions, not political debate. Personally, I favor a 1-year tax cut to stimulate business investment, help create jobs, and correct some tax unfairness for individuals. We may be able to reach agreement on longer term tax cuts, and I am certainly willing to review all options. My concern is that we must be very careful not to take any tax action that would refuel inflation and add to the budget deficit.

On another front, we will be examining the actual budget levels. I believe there is some funding we need to increase from our initial decisions, including such areas as Conrail, student loans, REA, economic development programs, and several community and personal assistance programs. We can stay within the general budget goals of controlling spending and still replace some of this money that I believe is essential to fight economic decline and unemployment throughout the Northeast.

REMEMBERING

I also believe that as the summer develops we must remember a problem we have overlooked—unemployment. We have almost come to casually accept the 7 million unemployed persons reflected in the figures released each month.

We are going to have to get Americans back to work by such steps as controlling foreign imports, targeting tax incentives toward hard-hit industries such as the auto and steel industries, and using our domestic energy supplies to continue reductions of foreign oil.

As the uncertainty in recent economic figures and developments has shown, no single bill passed or step announced will solve the economic problems facing our Nation. We must continue to chart a firm course and work diligently toward economic goals in order to stabilize the American economy.●

BUCHWALD COLUMN COMMENDED

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. LONG of Louisiana. Mr. Speaker, I commend the following Art Buchwald column to my colleagues as food for thought along two lines. First, we have a great need to get our own house in order in terms of productivity, investment, and a concerted export effort. Second, when we ask a very competitive company into a new area of production, maybe we should ask Lockheed first.

The article follows:

[From the Washington Post, May 7, 1981]

UP IN ARMS

(By Art Buchwald)

It seems like only yesterday that we signed a peace treaty with the Japanese aboard the battleship Missouri, and told them they would never be allowed to make arms again.

"What should we do instead?" a defeated Japanese admiral asked.

"Why don't you make automobiles?" one of Gen. MacArthur's advisers suggested.

"Ah so. But Americans make automobiles. How can a poor defeated country like Japan hope to compete with your wonderful cars?"

"Well, of course you can't compete in the United States because Americans would never buy a Japanese automobile after what you did to Pearl Harbor. But perhaps you could make something that could be sold in Southeast Asia and other markets where people don't care about quality."

"Ah so. How do you build an automobile?"

"It sounds hard, but I'm sure you people can get the hang of it. Here's a book with the instructions. You see, you put the engine up here and then seats here, and wrap a body around it, paint it a nice color, and you have yourself a car."

"Can I keep the book?"

"Why not? Now that you are a poor defeated country we have no secrets."

"You are kind, sir."

A year later, the first Japanese car came off a jerry-built assembly line. The Japanese admiral, who was now in charge of Tojo Motors, showed it to the American aide.

The ex-admiral bowed. "Forgive us for this unworthy thing we call an automobile, but we do not have much to work with."

The aide slapped the ex-admiral on the back. "Don't apologize. You did right well with what you had available. I'll tell you what I'll do; I'll bring some of our boys over from Detroit, and they'll give you a list of things you'll need to build a decent vehicle. We'll also send over some of your designers and engineers to the United States so they can get the hang of American know-how."

"Ah so? You would do that for a poor little struggling Japanese automobile company?"

"Why not? It isn't as if you're ever going to be able to sell any of those rickshaws in the States."

Several years later, the MacArthur aide, who was now working for a large New York bank, bumped into the ex-admiral in the Waldorf Astoria. "What brings you to New York?" he asked jovially.

"I am arranging dealerships all over America for our four-cylinder Kamikaze 3x2. It gets 24 miles to the gallon and has front-wheel drive, disc brakes, and a rear defrosting window. Here is a photo of it."

The American looked at it and shook his head. "You're wasting your time, admiral. Americans will never buy a small car, particularly one with front-wheel drive."

"Ah so, but we ony hope to take one percent of the market among the teen-agers and college students."

"It won't work. We have a love affair in this country with gas guzzlers and big fenders. As a friend, I'm telling you to save your money, and try to sell your product to the Third World. They will drive anything they can get their hands on."

The ex-admiral bowed and said, "Perhaps you are right. But as long as I am here maybe I will find someone who is interested."

It was 1981, and both the American ex-aide and the Japanese ex-admiral had aged considerably. When the American walked into the luxurious offices of the ex-admiral, the Japanese stood up slowly and bowed.

"Ah so. And what brings you to Tokyo, my good friend?"

"I've been sent by the President of the United States," the American said. "He knows we go way back, and felt I should bring his message personally."

"What message?"

"He wants you to stop making so many damn Japanese cars."

"But if we can't make cars, what else can we make?"

"He wants you to start making arms."

"But we don't know how to make arms."

"The president told me to give you this."

"What is it?"

"A book of instructions."●

VIOLENCE AGAINST AND OPPRESSION OF CATHOLIC MINORITY IN NORTHERN IRELAND

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. McGRATH. Mr. Speaker, I rise to urge the support of my colleagues and the assistance of our President in an effort to halt the continuing vio-

lence and oppression of the Catholic minority in Northern Ireland. The refusal of the British Government to carry on good faith negotiations with the IRA prisoners has not only led to the deaths of several protesters, but to many more killings and further outbreaks of terrorism and violence throughout the counties of Northern Ireland. The British policy of colonial rule and the presence of British troops has also contributed to the atmosphere of conflict and confrontation.

The international audience afforded a small group of terrorists could quite possibly gain them support from the numerous groups responsible for campaigns of terror in other parts of the world. We have witnessed similar scenarios in recent history which have caused untold death and suffering. I do not condone the means used by the prisoners now held in Ireland, but there is no doubt the motivations of their offenses were political. The majority of those incarcerated are young men with little prior criminal background. They have endured a lifetime of discrimination and abuse because of their religious beliefs. Many prisoners are destined to serve extremely harsh sentences for their crimes and thus have little to lose in continuing their hunger strikes to protest British policies.

Continued intransigence on the part of the British Goverment will only lead to more violence, imprisonment, and a deepening of divisions which have torn Ireland for much of this century. The breakdown of Government authority in Northern Ireland is a disgrace to the civilized Western World which has prided itself on peace, freedom, and respect for human rights. Greater support for those who favor solutions through terror and violence will create a larger group of hardened criminals capable of perpetuating the horrors which citizens of Northern Ireland have already experienced for far too long.

I would ask that all who cherish the peace we enjoy to join me in calling upon officials of our Government and the British Government to make every effort to halt the continued bloodshed in Northern Ireland. The apparent lack of concern of British leaders must be met with strong protest from Americans.●

ERNEST LEFEVER: THE WRONG MAN FOR THE JOB

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. BROWN of California. Mr. Speaker, while the Senate has the constitutional role to advise and consent on Presidential appointees, the House, and indeed all Americans, have a role in establishing the laws under which any Presidential appointee must operate. I think it is entirely proper for those of us who care about the laws of this land, and the role of the United States in the world, to comment on the pending nomination of Ernest Lefever to be the Assistant Secretary of State for Human Rights and Humanitarian Affairs.

Mr. Speaker, I think it should be obvious to any objective observer that Ernest Lefever is the wrong person for this job. Even if one gave him all the benefit of any doubts about his qualifications and intentions in this sensitive and highly visible post, one must recognize that his effectiveness is destroyed before he would begin.

The President would be well served by Mr. Lefever's withdrawal of himself from consideration. Otherwise, the President should withdraw this nomination. If neither of these steps are taken, I urge my colleagues in the Senate to reject this nomination.

Mr. Speaker, at this time I wish to share with my colleagues an editorial from the Los Angeles Times urging the rejection of Ernest Lefever for the human rights post.

The editorial follows:

[From the Los Angeles Times, May 25, 1981]

WRONG MAN FOR RIGHTS

In fooling around with the nation's human-rights policy, the Reagan Administration has made a serious mistake. Its selection of Ernest W. Lefever, to direct that policy, is an unfortunate choice; the sooner his nomination is withdrawn, the better.

What Lefever himself has said on the issue of human rights in the past condemns and disqualifies him from serving as the assistant secretary of state for human rights and humanitarian affairs. He has suggested the need for more tolerance of human-rights violations by right-wing non-Marxist nations, argued that all human-rights laws should be "removed from the statute books," particularly those setting conditions on aid to other countries, and, thereby, opposed all legislation he would oversee. In short, a curious rhetorical history.

Last week, he had his chance to explain it all in an appearance before the Senate Foreign Relations Committee, which is considering his nomination. Lefever flunked the test. Despite his insistence that he would pursue the cause of human rights, his comment that he "goofed" in advocating repeal of human-rights laws, he was not reassuring. Even the Republican chairman of the committee, Sen. Charles H. Percy of Illinois, was moved to call the White House afterward to urge withdrawal of the nominee's name.

Lefever, the founder of a conservative research group, did himself no good by denying that he had said the opposition to his nomination was Communist-inspired, because Percy quicky retorted that he had heard the nominee say it. Lefever talked openly of human-rights violations by the Soviet Union but he declined to cite other violators because it was not in good taste to "identify friendly and allied nations." The impression, intended or not, was again that of a man who would condone acts of repression by non-Marxist countries while focusing on the Soviet Union.

Democrats charged him with providing misleading and evasive testimony and suggested that the real trouble with the nomination was the "symbolism." Not a bad point.

For American human-rights policy should focus on violations in all countries. To stress repression in the Soviet bloc, and not elsewhere, leaves the whole policy without credibility. People are tortured, killed and jailed without trial all over the world, in Marxist and non-Marxist countries, in nations friendly and unfriendly to the United States. The open association of this country with the idea of fundamental human rights everywhere—not just in some places—is basic.

The official who sets the tone on human rights for the United States should be sensitive to the importance of the task. It is a post that requires a deep understanding of the world as it is, inside and outside the Soviet bloc, and a strong commitment to combat human-rights violations wherever they occur. Lefever is not the man to do that, if his nomination is not withdrawn, it should be rejected by the Senate.●

THOMAS CALHOON, LIBERTY, TEX., POSTMASTER RETIREMENT

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. WILSON. Mr. Speaker, it is certainly not unusual to hear of someone who has made a career of public service, but when such a career becomes a family tradition I think it is noteworthy. The retirement May 30 of the postmaster in Liberty, Tex., marks the end of such a tradition.

Thomas Calhoon, who began his career with the Liberty Post Office while still a student at Liberty High School, retired on his 55th birthday after 40 years' service with the U.S. Postal Service.

Thomas Calhoon, who served as postmaster in Liberty from 1961 to 1981, was appointed to that post upon the death of his father, Tom Calhoon, who was postmaster from 1934 until his death, a span of 27 years. From 1941 to 1961, Thomas Calhoon worked for his father as a postal clerk in the Liberty Post Office.

Together, father and son served 47 consecutive years as postmaster. But the legacy did not begin there. The retired postmaster's grandfather, Thomas F. Calhoon, was Liberty's postmaster from 1897 to 1914, making a total of 64 years as postmaster served by father, son, and grandson—all named Thomas Calhoon.

The first Thomas Calhoon served by appointment under Presidents William McKinley, Theodore Roosevelt, and William Howard Taft. The second Tom Calhoon was appointed postmaster in 1934 by President Franklin D.

Roosevelt. He was reappointed by Roosevelt in 1936, and thereafter served as postmaster under civil service during the tenure of Presidents Harry S. Truman, Dwight D. Eisenhower, and John F. Kennedy.

The third Thomas Calhoon took the helm after his father's death in 1961 and subsequently served as postmaster under Presidents Lyndon B. Johnson, Richard M. Nixon, Gerald Ford, Jimmy Carter, and Ronald Reagan.

Three generations of the Calhoon family, accounting for a total of 84 years of postal service, have served the citizens of Liberty well. As the final chapter in that long history of public service closes, I would congratulate the Calhoons on a legacy of which they may be extraordinarily proud.●

THE INFLATIONARY TAX CUT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. LaFALCE. Mr. Speaker, according to every major national pollster, the American people correctly view inflation as this country's No. 1 economic problem. Those polls also indicate that the American people do not want an inflationary tax cut.

These two findings must be remembered, as the Congress approaches the omnibus tax reduction bill later this year. If a tax cut proposal will have an inflationary effect, it should be rejected; and an alternative should be found, which will boost savings, investments, and productivity without doing the equivalent of pouring gas on a fire to inflation.

Prof. Gardner Ackley, Chairman of the Council of Economic Advisors under President Johnson, has analyzed the administration's personal income tax proposal and has determined that it would be an inflationary tax cut. Professor Ackley is well qualified to discuss this issue, because he was a strong proponent of the Kennedy tax cuts which are often cited as proof for the validity of the administration's approach. The article appeared in "Dun's Review" under the title of "A 30-Percent Slash in Individual Tax Rates Is Bound To Be Inflationary."

The article emphasizes the inappropriateness of the Kennedy analogy and the largely demand-side nature of the administration's proposal. I hope that all of my colleagues will carefully read this enlightening article.

The article follows:

A 30 PERCENT SLASH IN INDIVIDUAL TAX RATES IS BOUND TO BE INFLATIONARY

(By Gardner Ackley)

My column in the August 1978 "Dun's Review" dealt with the "Laffer Plan"—the notion that a tax cut will actually increase federal revenues. I concluded that the idea was "no laughing matter." It never occurred to me—nor, I am sure, to my readers—that the entire economic program of an American President would soon be built around this idea, now described more soberly as "supply-side economics."

Laffer's contentions are the basis of the Reagan Administration's claim that proposed tax cuts greatly in excess of expenditure cuts will not be inflationary. The reductions will allegedly stimulate an expansion of supply at least as great as (or possibly even greater than) the expansion of demand that the tax cuts will create.

As a Keynesian, I have always argued that, in an economy with substantial idle capacity, expanded demand will almost automatically be matched by expanded supply, at least up to the point at which further expansion of production is restrained by bottlenecks of labor supply, plant and equipment, imported materials, agricultural land, energy or transportation.

Almost twenty years ago, I was among the economists urging President Kennedy to propose, and then Congress to enact, major tax reductions. We were confident that the resulting expansion of demand would absorb the existing large margin of idle labor and capital. Some of us thought that lower tax rates might also contribute to expansion of supply capabilities—especially of capital facilities, for which we proposed liberalized depreciation, lower corporate tax rates and an investment tax credit.

The 1962 and 1964 tax cuts surely did achieve a substantial absorption of already available, but idle, resources. As a consequence, the tax reductions stimulated a remarkable growth of production and real incomes, without inflation. The Kennedy tax cuts may also have encouraged some net expansion of total labor supply, work effort, capital stock and innovation. But that is impossible to prove.

Now, as in 1961, there are appreciable idle resources of labor and capital. A moderate tax cut can well be defended as providing the additional demand needed to absorb some of these currently idle resources, as well as some of the additional productive resources that will be released by promised net cuts of federal purchases of goods and services.

Therefore, I can easily defend the first 10% of the proposed tax cut (although I might prefer to structure the cut somewhat differently). But I do have severe problems with enacting now a 30% tax cut over three years—an amount well in excess of proposed expenditure reductions. I am especially nervous about it when there is no guarantee that all or even most of the expenditure cuts will materialize. Other Presidents have promised big spending slashes that never occurred.

SUPPLY-SIDE RESPONSE

To justify the 30% tax cut also requires confidence—which I do not share—that the "supply-side" response to tax cuts will not only be positive, but nearly as great as the "demand-side" response. Economists have long known that there is not *a priori* argument that available supplies of labor hours, work effort, saving and risk-taking will expand rather than contract in response to higher after-tax income. The "substitution effects" of the higher prices will tend to enlarge supplies, but this may well be outweighed by "income effects" that contract supplies. The net impact can only be discovered empirically.

We know that if the interest rate paid by one borrower (or financial institution) rises relative to rates paid by others, more savings will flow to the borrower that pays more. But does total savings increase if the average price paid by all borrowers rises? We don't know.

My Michigan colleagues, Professors Saul H. Hymans and Philip Howrey, in what I think is the most careful study yet made of that question, concluded that it does not. Other studies suggest a positive response, but very small. The same is true of the response of labor supply to higher after-tax wage rates. As best we can interpret the evidence, a 10% increase in the average net real wage rate may increase the supply of labor (mostly by "secondary earners") by between 0% and 2%.

However, there is no doubt at all that tax cuts increase consumer demand. A large body of careful research agrees that between 60% and 95% of a tax cut will be used to increase consumer spending, the exact fraction depending on which consumers get most of the benefits, whether the cut is perceived as temporary or permanent, and on consumers' attitudes and expectations about inflation, jobs and a variety of other things.

The 5%-to-40% of the tax cut that is saved is surely much smaller than the part that is spent. More important, the part that is saved does not instantaneously and automatically expand capital facilities, thus permitting enlarged production of goods and services. Rather, even if we assume that this 5%-to-40% is all invested, it can increase the aggregate supply of goods and services only through financing the production of more new machines, equipment, factories and office buildings. Increased production of such capital goods requires more labor, materials and management—exactly as production of more consumer goods does.

Unless the immediate response of potential suppliers of productive resources—labor, savings, management and risk-taking—is several times as large as the highest estimates based on previous economic research, it is surely not safe to cut taxes by 30%.

I cannot believe that such a policy would quickly and effectively reduce inflation. It is more plausible that it would cause inflation to increase.●

THE AWACS DEAL: NEW YORK SPEAKS OUT

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. LeBOUTILLIER. Mr. Speaker, the political maxim states that any politician can comment ad nauseam, but that the only comment that has great weight are ones issued by the people themselves.

The New York Legislature is closely in touch with the people on a day-to-day basis. A groundswell of concern prompted the legislature to adopt legislative resolution No. 553 on May 4. Thirty-two cosponsors propelled this local expression of concern over an international issue through the legislature.

The resolution urged Congress to disapprove of the sale of AWACS to Saudi Arabia which would "* * *

extend the range of (the) F-15 bomber and constitute a threat to the safety of Israel."

I believe that this resolution should be heard by those who it is addressed to. Therefore, Mr. Speaker, I would like to bring New York's resolution protesting the AWACS sale to the attention of the rest of the country through the pages of the CONGRESSIONAL RECORD. I urge my colleagues to read this sense of concern. I urge this body to heed the will of New York's legislature—and of a large segment of national public opinion—and reject this sale.

Whereas, The President of the United States has announced the administration's intention to sell Airborne Warning and Control System (AWACS) aircraft to Saudi Arabia; and

Whereas, In nineteen hundred seventy-eight the United States agreed to sell F-15 fighter bombers to Saudi Arabia; and

Whereas, As a condition for approval by the Congress of the United States of that sale, a commitment was made that external fuel tanks and late-model Sidewinder air-to-air missiles, which would extend the effective combat range of these aircraft, would never be provided to the Saudis; and

Whereas, The Government of Israel was likewise given a commitment by the United States Government that such auxiliary F-15 equipment would never be provided to the Saudis; and

Whereas, The sale of the AWACS and the auxiliary F-15 equipment will constitute a severe danger to the security of Israel, our staunchest ally in the Middle East by opening to Saudi surveillance all of Israel's air defense dispositions and by giving the Saudi F-15s a formidable offensive capability against Israel; and

Whereas, Completion of the sales will greatly exacerbate the Middle East arms race; and

Whereas, Saudi Arabia has persisted in rejecting the Camp David peace process, denouncing Egypt for signing a peace agreement with Israel, subsidizing terrorist organizations, and has recently called for a "holy war" against Israel; and

Whereas, The administration now intends, in spite of these considerations and of solemn commitments to the government of Israel and the Congress to sell AWACS aircraft and auxiliary F-15 equipment to Saudi Arabia; and

Whereas, The presence in Saudi Arabia of the AWACS aircraft and the auxiliary F-15 equipment, which represents some of the most advanced American military equipment, presents a grave danger of this equipment falling into the hands of unfriendly powers; and

Whereas, A resolution has recently been introduced in Congress to disapprove these sales; now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to memorialize the Congress of the United States to disapprove the sale to Saudi Arabia of the Airborne Warning and Control System aircraft and the auxiliary F-15 equipment; and be it further

Resolved, That a copy of this Resolution, suitably engrossed, be transmitted to the President Pro Tem of the Senate, to the Speaker of the House of Representatives and to each member of Congress from the State of New York.●

ARMY-CIVILIAN COOPERATION

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. DYSON. Mr. Speaker, the following editorial by J. Wilmer Cronin in the May 20, 1981, edition of the Harford Democrat and Aberdeen Enterprise is indicative of the support and cooperation that has existed between the U.S. Army's Aberdeen Proving Ground and the people of Harford County. The 64 years that have passed since the Army first proposed the Aberdeen area as an artillery testing site have been beneficial for the well-being of the people of Harford County and the State of Maryland. At a time when the Federal Government has had to reevaluate numerous programs it is fortunate that A.P.G. has coexisted so well with its civilian neighbors.

The editorial follows:

ARMY-CIVILIAN COOPERATION

It has been 64 years since Harford County, and particularly the Eastern area, first experienced the exciting rumor and later confirmation that the U.S. Army representatives reported that an area bordering the Chesapeake Bay, and Bush River, was being considered as a site for a new artillery testing area. It became official and a number of farmers and other property owners gave up their farms, some willingly and others very reluctantly and construction was started. What has been one of the most productive farm areas of the state, was soon having its surface rudely disturbed. Many newcomers moved into the area under the direction of Army officers and a branch of the Arundel Corporation. Farmers who had moved away and retained their farming machinery, and many of the other neighbors who were not disturbed by the taking of their property, immediately moved into the area with their teams of horses and mules, their wagons and other material to develop the largest ammunition and gun testing area in the world. Fifty dollar bills flowed around Aberdeen to the astonishment of its only bank and the few retail merchants.

The town and surrounding area grew as rapidly as did the construction. Many local people profited; others, particularly the elderly, were saddened by the loss of their pleasant homes along the area of the Pennsylvania Railroad, south along Bush River. Later other areas of land were acquired in the remaining area along Bush and Gunpowder Rivers.

Then the Army moved in and local girls soon found there were dates available with the soldiers and a number of Harford County girls became Army brides.

Many Harford men and women became employees in the new world, something they had never imagined during their childhoods.

The contacts between the Army personnel with local civilians has, in general, been extremely friendly and even more so today. The local Susquehanna Chapter of the Association of the United States Army (AUSA) and the APG joint military-civilian Advisory Committee, both operated by joint Army and civilian personnel has aided in keeping the close contacts and cooperation between military leaders and the personnel of the county, Aberdeen, Havre de Grace and Bel Air governments, working together.

Last week members of the AUSA met in one of its regular meetings, to hear one of the most gifted Generals of the Army. On June 1, the members of the Advisory Committee will hold its regular meeting at the Officer's Club, which as usual, will consider discussions of mutual interest. In particular, the initiation of a long-term firing test involving the adaptation of a 120 mm gun for the Abrams M-1 tank, will be explained by Col. Charles W. Binney who heads the Materiel Testing Directorate who will discuss the timetable. He will review the daily precautions to be taken at the Post to preclude attendant ammunition and weapons testing noises from causing any undue annoyance to the neighborhood.

Also to speak will be Mr. Charles Shadle, a former officer stationed at the Post and now Director of Administration for Harford County. He will review how some of the budgetary restrictions will affect the county. Other specialists will discuss the changes which will occur at the Post. Also under discussion will be the future operation of the Marylander, which is undergoing a new tenant arrangement.

And so the friendly relations have continued through the years, and will undoubtedly continue in future years; an unusually good "neighbor" relationship.●

RESULTS OF ANNUAL 15TH DISTRICT QUESTIONNAIRE

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. CORCORAN. Mr. Speaker, nearly 8,000 of my constituents in north-central Illinois took the time to complete and return my annual citizen questionnaire. The results have been tallied, and the responses were, as always, of great interest to me. They may well be of interest to others as well, and I would like to share some of them with you.

As I reviewed the responses, it became apparent that the people of my part of the country generally support President Reagan's economic recovery program. Inflation remains the top concern, and many of the respondents expect it to worsen. Inflation was cited by respondents as "the single most serious problem" facing their families today, with high taxes ranking second. Since 1977, inflation has headed the list of prime concerns in my questionnaires, though in the past the question asked for the "most serious problem facing the United States today."

Two-thirds believe reducing Federal spending should be Congress' first priority in the economic area. Making across-the-board cuts in Federal spending was supported by 83.6 percent, even if those who responded were affected by loss of services. This is only slightly different from the 85.3-percent level of support expressed for

this action in last year's questionnaire, though much more attention has been given to the effects of the broad cuts proposed by the administration and approved by Congress.

Asked what the inflation rate will be 1 year hence after being given the figure of 11.7 percent as the rate for the previous year, over half who made a prediction selected an inflation rate higher than that figure. A rate of 12 percent or above was chosen by 47 percent, 41 percent thought 11 percent or lower, while 12 percent did not know.

Nuclear power was the subject of another question which lent itself to analysis over time. In this year's results, 55.6 percent believed that nuclear power should be utilized more. Last year, 55.9 percent held that belief. In 1979, following the accident at Three Mile Island, 49 percent said they "favor an increase in the development and construction of nuclear power facilities".

I insert the complete tabulation of this year's questionnaire responses in the RECORD at this point:

1981 QUESTIONNAIRE

1. Nuclear energy accounts for nearly 11 percent of the nation's electrical energy supply. Do you believe that nuclear power should be utilized more, less or the same in the production of electricity in the United States in the future?
More 55.6 percent.
Less 24.1 percent.
Same 14.4 percent.
Don't Know 5.9 percent.

2. Much of Congress' attention in coming months will be focused on economic policy. While all are important, which of the following should be the first priority?
Reducing taxes 14.2 percent.
Reducing federal spending 66.6 percent.
Reducing unemployment 18.5 percent.
Don't Know 1.0 percent.

3. Please answer both of the following questions. Household answer:
a. Do you have a need for day care services while you work?
Yes: 7.1 percent.
No: 92.9 percent.
b. Some say federal help for day care services does not go far enough. This issue may confront Congress this year. At present, if you have in your home a child under the age of 15 or your spouse or a dependent who could not care for himself or herself, the federal government provides financial assistance by allowing you to reduce by up to 20 percent the amount of your federal income tax through a tax credit based on the cost of day care for those dependents while you work. What should be the policy on the 20 percent limit?
The limit of 20 percent of taxes owed is higher than reasonable 26 percent.
The limit of 20 percent is reasonable 36.3 percent.
The limit of 20 percent is lower than reasonable 13.2 percent.
Don't Know 24.4 percent.

4. The inflation rate was 11.7 percent over the past year. What do you think the annual inflation rate will be a year from now?
15 percent or above 11.3 percent.
14 percent 7.1 percent.
13 percent 10.4 percent.
12 percent 18.2 percent.
11 percent 7.3 percent.
10 percent 21.4 percent.
9 percent or below 12.6 percent.
Don't Know 11.7 percent.

5. Please answer both of the following questions. My membership on the House Energy Conservation and Power Subcommittee will involve reviewing federal programs on energy conservation and solar energy.
a. Federal income tax credits are available to those who make energy conservation (like weatherstripping and storm window) or solar energy improvements to their home. When completing your tax return for 1980, did you or do you plan to take advantage of these credits? (Household answer):
Conservation credit 28 percent.
Solar credit 1.2 percent.
Both credits 5.2 percent.
Neither credit 65.6 percent.
b. If you did *not* use the *energy conservation* tax credit, please indicate why or why not (select one). Household answer:
The energy savings would not have offset the investment 36.2 percent.
Even with the prospect of reduced taxes, the initial investment was too high to make 51.4 percent.
Wasn't aware of the credit 10.9 percent.
Other (please specify) 1.4 percent.

6. Would you support across-the-board spending cuts in federal programs in an effort to balance the budget even if it meant a loss of service from programs through which you might benefit?
Yes: 83.6 percent.
No: 10.8 percent.
Don't Know: 5.6 percent.

7. If you could save one cent on each stamp for a letter through the elimination of one day of delivery during a week, would you favor five-day delivery?
Yes: 41.2 percent.
No: 55.0 percent.
Don't Know: 3.7 percent.

8. In your opinion, what is the single most serious problem facing you and your family today? (Top responses, in declining order) Inflation: Taxes; Government spending; cost of utilities; crime, including drugs and gun control.●

"THE WIZ"

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. GRADISON. Mr. Speaker, I was recently delighted to learn that students from Cincinnati's School for Creative and Performing Arts have been selected to perform "The Wiz" at the National Theatre, June 4 through 7.

Cincinnati's School for Creative and Performing Arts is a very unusual and successful public school alternative. The students, who are in grades 4 through 12, are not only trained in the arts, but also are provided with a broad intercultural general education.

This school is the first school selected to perform in what Maurice Tobin, chairman of the National Theatre, hopes will become a program to showcase performing arts schools. A number of Cincinnati corporations are helping sponsor the trip to Washington for the 300 students who make up the cast and technical crew. Proceeds from the ticket sales will be used to further defray the costs of this extraordinary experience. Tickets are $5 and are on sale now at the National Theatre, telephone number 628-3393.

I sincerely hope that members of the Capitol Hill community will have the opportunity to enjoy the exuberant and excellent performance of these talented young people.●

DEFENSE SPENDING

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. MAZZOLI. Mr. Speaker, the ability of our Nation to properly defend itself is of utmost importance to every American. Yet, even military spending must pass a cash-benefit analysis.

Sometimes, a lot is not enough. Sometimes, a little less is enough.

For this reason, I urge all my colleagues to read the following article which appeared recently in the New York Times.

It cites a Brookings Institute study developed by William W. Kaufmann, an authority on military budgeting, to the effect that current military expenditures could be reduced without any harm to the national security.

The article follows:

BROOKINGS STUDY URGES CUT OF 4.3 PERCENT IN REAGAN PLAN ON MILITARY OUTLAY

(By Richard Halloran)

WASHINGTON, May 15.—A leading authority on military budgets, William W. Kaufmann of the Massachusetts Institute of Technology, asserted today that the Reagan Administration's five-year military program could be cut by the equivalent of 4.3 percent without harming national security.

While agreeing with both the Carter Administration and the Reagan Administration on the need for larger military budgets, Mr. Kaufmann contended that "calculated underfunding of United States Military programs in the past is no excuse for overfunding them in the future."

In a study published today by the Brookings Institution, a Washington-based research center that generally takes liberal positions on major issues, Mr. Kaufman said: "The United States can afford whatever is necessary for a prudent defense. It cannot afford to overshoot the mark."

He said that $55 billion could be cut from the Reagan plan to spend $1,280 billion for the fiscal years 1982 through 1986.

AUTHOR OF PENTAGON REPORT

Mr. Kaufman, a political scientist who for years was the principal author of the Pentagon's annual report to Congress on the nation's military posture, said, "Aside from the undesirability of provoking an even greater arms race, the expansion of defense

spending must be tempered by budgetary and economic considerations."

Mr. Kaufmann's article, entitled "Setting National Priorities," appeared in a Brookings review of President Reagan's proposed budget for the fiscal year 1982. Other sections analyzed the social welfare, economic and political aspects of the new budget.

The analysis of the military budget started with the baseline proposed by President Carter shortly before he left office last January. That plan called for military spending totaling $1,085 billion over the next five years, figured in constant dollars, or without regard to inflation. That was raised to $1,280 billion by President Reagan last March.

Mr. Kaufmann contended that "at least $55 billion would be saved for other purposes over the five-year period without any noticeable reduction in the security of the nation" by financing two priorities and dropping two others.

QUICK DEPLOYMENT SOUGHT

In Mr. Kaufmann's view, top priority should be given to bringing three Army Reserve divisions and a Marine Reserve division to nearly full strength in personnel and equipment so that they could be mobilized and deployed overseas quickly in an emergency.

He also advocated the permanent assignment of a Marine Corps brigade of 6,000 men to ships in the Indian Ocean as a quick reaction force to threats against United States interests in the Persian Gulf region. The United States now has a reinforced battalion of 1,800 men who are rotated in and out of the region.

In addition, Mr. Kaufmann called for fully equipping 15 Air Force Reserve fighter squadrons and a Marine Reserve air wing.

To move these and existing forces, Mr. Kaufmann proposed that 48 fast transport ships be built and recommended the cancellation of the CX air transport, a proposed long-range transport plane, contending that sea transport was cheaper and easier to manage.

The cost of achieving the first priority would add $21 billion to the military budget proposed by Mr. Carter over the next five years, Mr. Kaufmann said.

The second priority, and the most expensive at $70 billion over five years, would involve the construction of amphibious ships to carry a Marine division, 60 frigates to protect convoys, and 100 additional fighter planes each for the Navy and the Air Force.

Mr. Kaufmann also recommended that the Pentagon recruit the personnel and buy the equipment and munitions necessary to fill out nine more Army Reserve divisions and 27 Air Force squadrons.

As his third level of priority, Mr. Kaufmann would revive the CX transport, position equipment for five Army divisions in Western Europe and add 21 fighter squadrons to the Air Force. That would cost $21 billion over five years.

The lowest priority assigned by Mr. Kaufmann was to nuclear forces, for which he would add only $11 billion in the five-year period. That would include increasing the B-52 bomber alert force from 30 percent at any given time to 50 percent.

Mr. Kaufmann would proceed with the construction of the MX missile system but would not build the B-1 bomber that the Reagan Administration is reportedly about to propose. Instead, he would proceed on the development of the advanced Stealth bomber.●

A TRIBUTE TO DR. M. EUGENE HENDERSON

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. VOLKMER. Mr. Speaker, at this time of the year, as we look around our Nation's Capital, we see thousands of schoolchildren who have come to Washington, D.C. to see the sights and watch our Government in action. This annual pilgrimage is a highlight in the lives of thousands of our schoolchildren. In the background, but accompanying and chaperoning those children are some of the unsung heroes of our society, the American schoolteacher.

Today I would like to pay tribute to one of those educators, Dr. M. Eugene Henderson, superintendent, Francis Howell School District, St. Charles County, Mo., who early in his career accompanied and chaperoned a group of students on their trip to our Nation's Capital.

Dr. Henderson is retiring after serving the public schools of Missouri as a teacher and administrator for 32 years. Among his many notable accomplishments during those years is the establishment of the year-round school plan for the Francis Howell School District in St. Charles County, Mo.

Dr. Henderson pioneered this innovative education concept in 1968. It was a first for the State of Missouri and around the Nation, school boards adopted the 45-15 day plan to accommodate increasing enrollments in school districts which were financially hard pressed.

Dr. Henderson began his teaching career in 1949 and served as a classroom teacher in the frontlines of education. Since then he worked as band director and later as superintendent of schools for Martinsville, Chamois, and most recently, at Francis Howell School District in St. Charles County, Mo.

Needless to say, Dr. Henderson will be pleasantly remembered by the thousands of students, their parents and teachers, and the business and labor leaders of the community whose lives he has touched and whose careers he has helped to shape.

Along with his friends and neighbors, I would like to say "thank you" to Dr. M. Eugene Henderson, superintendent of the Francis Howell School District, for the many years of hard work on our behalf. We extend our warmest wishes for health and happiness at his retirement.●

THE FATALLY FLAWED CONSUMER PRICE INDEX

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. LaFALCE. Mr. Speaker, every month, the Bureau of Labor Statistics issues the Consumer Price Index (CPI) for the previous month that forms the basis for our measurement of inflation. The CPI not only measures the rate of inflation, but it also determines how large an increase will be given on federally indexed spending programs.

In recent years, a large number of economists and statisticians have become troubled by possible built-in errors in the CPI, which can distort its measurement of inflation. The major problem with the CPI is its misleading way of measuring housing costs, because it treats housing costs in a way that assumes that a homeowner pays for his or her house in 1 year, which is patently ridiculous. There are additional causes for the CPI's exaggerated estimates for the rate of inflation.

If the CPI were merely an academic exercise, its errors would be bad enough; but its importance as a way to set the level of Government spending makes those errors a matter of fiscal significance. Thus, the CPI not only measures inflation; it also causes inflation.

Fortunately, the Wall Street Journal in its May 13 edition analyzed the problems with the CPI and the ramifications of those problems. I hope that the Reagan administration takes the editorial's advice and subjects the CPI to serious scrutiny. Making the necessary changes may not be politically popular, but they are necessary for the battle against inflation and excessive Government spending.

The editorial follows:

THE CONFOUNDED PRICE INDEX

A rags to riches story: The consumer price index, a once homely measure liked only by textbook writers, is now glamourous, with appearances on network news and headlines on front pages, and debates in the U.S. Congress. And why not? Over the past couple of decades a lot of checkbook activity has come to depend on every rustle of its bustle—from Social Security all the way down to royalty payments. If glamour comes from power, then the CPI ranks with Miss Piggy.

Amid all this public attention, however, the voices of criticism grow louder, criticism that seems to us particularly relevant to the current concern over federal spending and runaway budgets. The CPI, after all, supplies much of the power behind those accelerating outlays: Over half the federal budget is indexed and 92 percent of those indexed programs are tied to the CPI.

The CPI is supposed to function as a thermometer of inflation: A base year is chosen as "normal" and temperature change is charted from that year. Normal is, at present, 1972-73. The market basket charted represents the goods and services

purchased in 1972-73 by an "average, urban family"; so many lamb chops, so many trips to the dentist, etc.

That's fine. But prices have changed a lot in 10 years, thus changing buying habits; the average family, for example, buys less gasoline, sirloin, or even housing. But, no matter, the CPI just keeps recording the huge price effects from the run-up in the costs of gasoline, sirloin and houses.

Then, there is the investment goods problem. The index purports to measure things consumed over the year. Yet the market basket includes durables, like television sets and diamond rings, which are not consumed in a year. In fact, many durables are a form of investment. This confusion becomes blatantly troublesome in the CPI's treatment of housing.

Housing constitutes 40 percent of the market basket. The share seems reasonable enough, but the evaluation of it does not. The index considers a house as a consumption good—price and mortgage payments are toted up as if they all occurred over one year. Of course people do not "consume" their homes in a year; they invest in their homes and then pay their mortgages for years and years. Thus the CPI's emphasis on current costs has magnified the recent bulges in prices and rates by ignoring the substantial portion of people still paying at low rates.

There are other problems coming from those cost bulges. Some of the increase in prices is due to the increase in capital gains, realized or expected, from homeowning. This type of capital appreciation is also embedded in mortgage, insurance and property tax costs. But the CPI makes no attempt to net out the capital gains. Similarly, since mortgage costs are tax deductible, the index ought to use the net cost—not the gross. Housing expenses, thus, go full tilt into the CPI at magnitudes well beyond real costs.

These problems exaggerate the CPI's rate of inflation. For housing, alone, it's estimated that the bias sped the measured rate of growth by 1.6 percent in 1980. The exaggerations are bad news by themselves, but when they show up in indexed programs, the news gets worse. Take the federal government. A 1 percent increase in the CPI mandates $2 billion more in direct transfer payments; over the past five years, about $22 billion has been shelled out in "extra" payments arising from CPI distortions. In short, the inflation index builds inflation pressure.

The greater costs of the distortions are, however, equity costs. Why should retired government workers be more than fully protected from the rate of inflation when the vast majority of taxpayers—who pick up the tab—have only minimal protection? Or why should Social Security recipients receive better than the true rate of inflation when workers fall far short?

A tougher equity question is posed when the CPI is used for price changes which reflect changes in real national income. Oil price increases have reduced our national income and—in all fairness—everybody should experience a lower standard of living. But by allowing the OPEC price rise full translation into the CPI, those with indexed benefits can shift the burden to those without such protection.

Is this any way to run an index? We wonder. Now, with every device, operation and goal of government undergoing serious scrutiny, the time is nigh to give such scrutiny to the index that calibrates so much of our economy.●

TITLE I: ONE WHO MUST COMPLY SPEAKS OUT

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. LEBOUTILLIER. Mr. Speaker, those of us in Congress who strongly support efforts to curtail the issuance of complex, duplicative, time consuming, and costly regulatory and programmatic procedures are often accused of being heartless. We are cited as being insincere when we speak of preserving educational, social service, and employment safeguards. We are told that we lack compassion for people needing educational and other forms of essential assistance. What I have tried to make clear is that we are not firmly opposed to provision of aid, but rather, we are critical of the processes for delivery of these aids. We are critical of these processes when we believe that the costs of compliance or the demands placed upon administrators for receipts of program aid sap the distributor's ability to effectively deliver vital services. When a nation as complex as ours develops important Federal programs, the minute details, costs, and other burdens can come to outweigh the envisioned benefits.

It is important for us—as creators and reappropriators of these programs—to know just how they are implemented, and just what the "online" administrators are faced with when they work with them. The "human interest" must be understood by Congress when general and obtuse programs are spelled out on paper. What Congress puts on paper must be put into action by administrators who are faced with a multiplicity of problems which Washington seems to be unaware of.

Frederick Bement is the superintendent of the small Shelter Island, N.Y., Union Free School District, Shelter Island is a very small entity that must deal with generalized title I rules that are geared for use by school districts much larger than their's is. Bement described the title I application procedure as "* * * a good example of needless, senseless, Federal bureaucratic paperwork."

Shelter Island, which is a 300-pupil kindergarten-through-12th grade school district, is required to follow the same application procedures for a simple $1,000 grant that New York City must follow for a grant involving millions of dollars. Hearing from Mr. Bement himself will teach us in Congress more about the consequences of program approval than any graphs, testimonies, booklets, or studies can ever provide.

I wish to bring a letter describing this application procedure that was written to the editor of Long Island's Newsday to the attention of my colleagues.

TITLE I: BUREAUCRATIC NIGHTMARE

Shelter Island is a small, 300-pupil, K-12 school district on eastern Long Island. One of the first tasks I faced as the new superintendent of schools this past September was to apply for federal government money under the Elementary and Secondary Education Act—Title I.

Shelter Island qualified for $1,235 in funds. A quick review of the application procedures confirmed my earlier suspicions, that Title I application procedure is a good example of needless, senseless, federal bureaucratic paperwork. Shelter Island was expected to follow the same procedures for a thousand-dollar grant that New York City follows for millions.

I sent a note to the assistant commissioner of education in Albany and asked if she couldn't develop a simple, one-page application form. A sympathetic letter came back, saying, "This issue has been a dilemma for us since 1965. However, our continued appeals to federal officials to resolve this problem have been ineffective."

At that point I considered following the path of my predecessor: let the money go by the board and turn my attention to more important issues. But my Yankee stubborn streak set in, and I decided to go ahead with the Title I application.

The development of the project included reading 220 pages of instructions, regulations and advice. A Title I project requires 12 copies (God only knows who reads them) of a series of forms that finally totaled 47 pages. The mailing costs alone were $4.97. A breakdown of the costs to develop the project for $1,235 is as follows:

Administrative time, 31½ hours at $25 per hour, $945; teacher time, 5 hours at $20 per hour, $100; clerical time, 9 hours at $8 per hour, $72; state education department, 4 hours at $20 per hour, $80; 10 phone calls, $8.50; mailing costs, $5.57; copy machine costs, 658 at 10 cents a copy, $65.80. The total cost is $1,276.87.

We had a cost greater than the project grant to develop the project! This is just the beginning. The 12 copies have to be evaluated and approved. A separate set of ledgers must be set up. The program itself has to be evaluated, and a series of reports delivered to the state education department.

In all, I estimate that the administrative paper work for the project will surely exceed $10,000. Ten thousand dollars just to deliver $1,000 in services to students! This crushing burden, this mountain of paper, regulation and procedure should be of vital concern to our elected officials.

On Jan. 6 I wrote to our newly elected Sen. Alfonse D'Amato concerning the Title I paper blizzard. So far, D'Amato hasn't answered my letter. He's probably bogged down with paper work.

My request to the state education department still stands. Develop a simple, one-page application form for Title I. I'm not overly enthusiastic about the prospects of success.

In the future, if the present regulations exist, Shelter Island will not participate in the federal aid to education program. Our time will be spent teaching children.

FREDERICK BEMENT,
Superintendent, Shelter Island Union Free School District.●

DEREGULATION IN CALIFORNIA HAS LESSONS FOR CONGRESS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. BROWN of California. Mr. Speaker, as we examine regulation, and in this Congress the process of deregulation, it is important to learn lessons from those who have gone before us. California, as in so many other areas, is a national leader in this field, and well worth examining.

We all know that regulation can be a two-edged sword, as can be deregulation. All, or even most, regulations do not help or hinder business development. All, or even most, regulations do not protect the public health and safety. And certainly many, and maybe even most, regulations can be revised or eliminated without dire consequences for the Nation.

Mr. Speaker, as we approach the issue of regulatory reform, we need to keep the purpose of those regulations in mind. The lessons in California are a useful example to explore. At this time, I wish to insert in the CONGRESSIONAL RECORD a news article on this subject.

[From the Christian Science Monitor, May 22, 1981]

CALIFORNIA—NATURALLY—SHOWING WAY IN DEREGULATION

(By Sara Terry)

New government regulations cut back by more than half. Thousands of old regulations reviewed, and streamlined or tossed out. Bureaucrats warned to write clearly—or else.

While President Reagan has made a start on regulatory reform in Washington, the state he once governed is well into a program of weeding out unnecessary rules and paper work.

Just over 10 months ago, California became the first state in the nation to establish an executive branch office to review all government regulations—30,000 pages worth, in this state's case, created by 123 state agencies over nearly four decades.

In the first nine months of its existence, the Office of Administrative Law (OAL) has cut the approval of new government regulations by 54 percent—compared with the same period one year earlier—from 719 regulations to 331. And it has set the guidelines for a two-year public review and overhaul of the thousands of regulations that now make up the state's Administrative Code.

Created under the Administrative Procedure Act passed by the state legislature in 1979, OAL has already attracted the attention of Reagan deputies in the Office of Management and Budget who are charged with implementing federal regulatory reform, according to Gene Livingston, director of the state office.

"The state agencies went up the wall when the bill was introduced," says Mr. Livingston of the bureaucratic battle waged against the legislation, which eventually passed both houses with almost unanimous bipartisan support. "In the past, new regulations would just be adopted. Now we're asking, 'Do we really need this?' "

"The most significant change brought about," he continues, "is that the burden of proof in adopting a regulation has been shifted from the public to the agency. Before the public had to prove why (a proposed regulation) wasn't necessary. Today the agency has to prove why it is."

Under the 1979 act, OAL must consider five standards in reviewing all proposed or existing regulations: necessity—should government be involved?; authority—is the agency authorized to propose the regulation in question?; consistency—is it consistent with existing law?; clarity—is it written so it can be easily understood?; reference—is an accurate reference to a specific statute or court decision included?

Although OAL has enjoyed a large measure of across-the-board approval from business organizations and consumer unions, newspapers and politicians, in its early work, the office has crossed regulatory swords with a handful of bureaucrats. For example:

In turning down a regulation proposed by the state Athletic Commission that dealt with a pension plan for boxers, OAL questioned the clarity of the regulation and the commission's authority to pass such a regulation. In a written response, the Athletic Commission charged the OAL with impudence, and warned it would seek judicial clarification of the office's decisions on a case by case basis. After lengthy negotiations, however, a compromise was reached, and OAL approved the rewritten regulation.

One disgruntled ex-bureaucrat has filed a lawsuit challenging the constitutional authority of OAL to function with the broad powers outlined in the legislation which established the office. The suit, which is still in its early stages was filed by a former member of the California Horseracing Board, who sat on the board when a complicated regulation involving the administration of medication to horses was rejected by the OAL.

Although OAL's decisions have prompted only three appeals to Gov. Edmund G. Brown Jr., who has in each case upheld OAL, director Livingston warns that as his office cuts deeper into the bureaucratic bulge, there is likely to be more resistance to OAL's work.

One sensitive area, he predicts, will include revision of regulations which he claims are designed not to hamper business, but to protect it. As an example of such protections he cites California's 40 agricultural boards, which set size and quality standards for produce—at the consumer's expense he claims.

"Let me tell you something about Republicans, business, and regulations," Livingston says. "A tremendous portion of the regulations on the books are there to benefit business."●

WHO NEEDS STUDENT LOANS?

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. RATCHFORD. Mr. Speaker, we are all aware of the proposals advanced by the administration to alter the guaranteed student loan program and to reduce Federal support for other forms of student financial aid. In recent weeks, Education Secretary Terrel Bell has repeatedly testified before House and Senate committees that these student aid changes will not affect those students truly in need, and will not prevent students from pursuing a college education.

I regret to share with my colleagues in the House the observation that the Secretary's views are not shared by education officials in my home State of Connecticut. Based on the administration's proposed reductions in the Pell grant—BEOG—program, the Connecticut Board of Higher Education estimates that some 12,000 Connecticut students would have their education grants reduced or eliminated in fiscal year 1982. In addition, a major portion of the more than 80,000 students in Connecticut receiving guaranteed student loans would have their access to loan assistance restricted or eliminated under the administration's program.

Yet the most moving and persuasive evidence of the importance of these student aid programs comes not from education officials, but from concerned parents and students who do not know how they will finance a college education. I have received hundreds of letters from constituents of the Fifth District in Connecticut expressing concern and opposition to the proposed student aid cuts, but one in particular was so compelling that I wanted to share it with my colleagues in the House. The letter, from a woman in Meriden, Conn., reads as follows:

DEAR MR. RATCHFORD: Several months back I spoke with a lady from your office at City Hall in Meriden. My problem and concern deals with college costs. After our initial conversation, your office mailed me literature on possible areas of money, in addition to phone calls from your staff to me.

Mr. Ratchford, I sit here in tears—I looked into possible avenues that apply to my family . . . All I get for answers is: "There are student loans for your daughter, for you, and the BEOG." I feel we should be honest and realistic. These are areas which are being cut by the Reagan Administration. My daughter has a total of $3,200 in loans thus far. This next year at college will be about $8,500—where is the money to come from? We don't have it! We are middle class people! No matter how you slice it we are getting the brunt of the entire economy.

I am so behind in my bills, utility just to name a few, am tired of serving hamburg, chicken and chuck to my family. My daughter is in an allied health field at Northeastern University majoring in Physical Therapy. If we don't find/obtain monies for her, she and thousands of other well-deserving, middle class young adults will be forced to leave college. . . .

Our country is rapidly going backwards and downhill.

A discouraged mother and citizen of a once wonderful United States of America.

Mr. Speaker, we have some difficult decisions ahead of us. With the budget resolution adopted by the Congress last week, we will be forced to consider

some major spending cuts in Federal support for education, and it is hard to know how they will be achieved without dramatically reducing the availability of Federal student financial aid.

Ultimately, my colleagues in the House may choose to believe Secretary Bell when he tells us that the student aid cuts will not put a college education out of reach for deserving students. Yet there are thousands of parents and students who are necessarily more skeptical. I can only hope we ask ourselves some hard and realistic questions before we slash the Federal student loan and grant programs.●

THE SOCIAL SECURITY DEBATE

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. COUGHLIN. Mr. Speaker, the President's proposals to prevent the social security fund from going broke in the next year or so should be viewed not as the final word but as a basis for consideration by Congress of the difficult questions of equity and financing which must be addressed. While details of the President's recommendations are still being analyzed, it appears that the proposed changes may be more extensive than are necessary to insure solvency of the social security fund.

Because millions of Americans have long planned their retirement on the basis of present benefits, I have serious questions about the fairness of making abrupt changes in the present system. This concern has also been expressed by the Republican-dominated Senate which unanimously adopted a resolution opposing any proposal that would precipitously and unfairly penalize early retirees.

I look forward to consideration of alternatives to the President's proposals, and I commend the administration for the openness it has shown to such consideration. There will, no doubt, be amendments, compromises, and counterproposals as the Reagan plan moves through the legislative process.

Unfortunately, the changing demographics of our Nation and the gradual addition of generous nonretirement benefits to the social security system have created a very real challenge. To do nothing is to stand by while the system runs dry, leaving millions of Americans with no benefits at all.

I have long advocated some parts of the President's recommendations such as phasing out the earnings limitation and decreasing the onerous payroll tax. However, I am concerned about the proposals to reduce substantially early retirement benefits, to lower the replacement ratio for benefits paid at age 65, and to penalize workers drawing pensions from noncovered employment as well as social security. Serious questions of fairness are raised by these proposals, and I would be opposed to any precipitous action that did not fully address them. Although no solution to the social security financing dilemma can be entirely painless, I believe that both short- and long-range steps can be taken which will insure promised benefits to those close to retiring and which will protect the retirement plans of millions of workers.●

UNITED STATES-WESTERN EUROPEAN RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a speech I delivered May 18, 1981 before a group of retired Members of Congress and a delegation of visiting West German parliamentarians.

It is clear that the Western Alliance faces a series of fundamental challenges in the coming decade. Our ability to deal effectively with these challenges and try to devise solutions to the problems we jointly confront will depend in large part on how we and our allies are able to discuss common problems and implement agreed upon policies.

The speech follows:

UNITED STATES-WESTERN EUROPEAN RELATIONS

(By Hon. LEE H. HAMILTON)

I. INTRODUCTION

For over 35 years, the U.S. and its allies have sought world stability and peace.

But we live in a world of shocks: regional conflicts; international terrorism; economic strains; internal revolution; and political and economic totalitarianism.

The basic challenge of the Atlantic Alliance is to understand that solutions to problems cannot be implemented by any one country alone. We will not find solutions to the challenges which confront us unless we find the solutions together.

Benjamin Franklin said at the time the 13 states joined to form the federal union: "We must all hang together or, most assuredly, we will all hang separately." What he said of the U.S. in its infancy can be said of the U.S. and the countries of Western Europe today.

II. STATUS OF THE ALLIANCE

1. The Soundness of the Alliance. The Alliance of the U.S.-Western European countries is fundamentally sound.

The strength and cohesion of that alliance remain indispensable. It has provided the framework for the Western industrialized world to respond to many of the problems and specific challenges posed by the Soviet Union and its Warsaw Pact allies:

The Western Alliance has demonstrated that it can act to counter threats to Western security: The dual decision on Long-Range Theater Nuclear Force (LRTNF) modernization and arms control, taken in December 1979; Western actions vis-a-vis Iran and Afghanistan; the actions of the NATO allies concerning Poland.

But while the Alliance is sound, its functioning is never smooth. Over the past year and a half, political leaders, journalists and others have pictured the Atlantic Alliance as fragmented, in disarray, in need of repair, revitalization and even institutional reform, and unable to respond effectively to external and internal threats.

Personally, I avoid the word "crisis" in describing the status of the alliance. I have observed the course of that alliance long enough to believe that these disagreements and differences, which always exist, are not "crises".

The Alliance endures and survives these challenges because fundamental common interests overshadow difference. Our debates and disagreements are a natural condition of an association of democratic states with different political and competing economic interests, yet similar and common strategic goals.

2. The continuing problems of the Atlantic Alliance. U.S.-Western European relations are not trouble-free because several problems endure:

A. Structure. Its structure of one superpower and a number of middle and small powers, several of which are experimenting in economic and political integrations, is in itself a prescription for difficulties.

B. Consultation. Consultation is always a headache.

I am not sure I can recall a meeting with our European friends during which the subject of consultations and how to improve them did not arise. Mutual recriminations about the timing and amount of consultation have been part and parcel of successive alliance debates. Consultation among the allies is usually inadequate and always in need of improvement.

No perfect mechanism exists for insuring proper and timely consultation. It remains an elusive goal of the Atlantic partners.

Consultation, however, will not solve all the ills of the Alliance.

In some cases, no amount of timely consultation will help achieve a common view on what to do about a particular problem.

The importance of consultation, however, is that it builds mutual trust and creates a climate in which common ground can be found and differences minimized prior to the enactment of policies.

C. The American nuclear guarantee is another enduring problem. Another continuing problem is the American nuclear guarantee to Western Europe.

Dependence on the American nuclear guarantee makes Europeans uneasy about American intentions.

This dependence on the American nuclear guarantee and the anxiety it creates about the credibility of the American deterrent is a continuing source of tension in the Alliance.

D. Regional versus global preoccupations. So is another basic problem: the difficulty in reconciling the essentially global view of the United States with the basically regional view of the European allies.

Americans dwell on matters related to the world balance of power and world strategy. It is natural that Europe's immediate preoccupations tend to be with problems closer to home.

With Europeans believing that the risks and responsibilities of world power rest on Washington, and Americans pressing Europeans to take upon themselves more of these risks and responsibilities, there is another source of tension among the allies.

E. Economic interdependence between United States and Western Europe: Still another condition—our multi-faceted and extensive economic relations—creates problems among us.

European success in the economic sphere, and the intense economic interdependence between Europe and the U.S. creates all kinds of dissatisfaction among us. It simply is not easy, and takes constant adjustment, consultations, and coordination to sort out those problems.

These permanent problems, together with the current problems of the day (to which I will return in a moment), must be dealt with in the context of the central realities of our time.

III. THE REALITIES FACING THE ALLIANCE TODAY

Before turning to a quick overview of the main challenges facing the Alliance let me just mention a few of the central realities of the world in which the Alliance operates. The Alliance both shapes and is shaped by these realities.

The lesson of these realities is that unity in Europe alone may not be enough to meet the challenges before us.

The realities are: 1. The essential parity of military power between the United States and the Soviet Union. The Soviet Union, with vastly improved logistics, now has the ability to strike effectively in most areas of the developing world; 2. Our vulnerability to, and dependence on, foreign sources of oil and other raw materials; 3. The instability in the Third World and its regional conflicts. The Third World is an arena where, unlike Europe, there are few accepted rules of the game and little understanding between great powers, or acceptance of each other's legitimate role.

IV. CHALLENGES TO THE WEST

These realities form the backdrop for a discussion of several current challenges confronting the Alliance. These challenges include:

1. The conduct of East-West relations. The paramount challenge is the conduct of East-West relations.

Different perspectives in Europe and America on how to conduct these relations create challenges, strains, and potential opportunities for the Alliance.

The central question is what type of relations we want with the Soviet Union.

The United States today is putting priority in real increases in defense spending. Our allies less so.

We have a fundamental difference on arms control. It is a top priority for Europe and it apparently is not for the Reagan Administration, even though there are good intentions to start an arms control process with the Soviets by the end of the year.

In the United States, from the time détente developed as a central element of our foreign policy in the early 1970s to its slow demise at the end of the decade, it was assumed that détente, while contributing to a relaxation of tensions, would also moderate Soviet behavior.

Most Americans thought that aggressive Soviet policies in the Third World, coupled with increasing Soviet military power, could not be reconciled with détente. Détente, then, for most Americans has been perceived as a failure since it did not produce Soviet moderation.

In Europe, détente is seen as having brought an easing of tension and daily economic and personal benefits to the people of Europe, particularly in the Federal Republic of Germany. For them, détente has built a network of interests, tying them to Moscow and to the countries of Eastern Europe. Millions of people have been positively affected by the opening of the borders between East and West, through family reunifications and cross-border visits, by expanding trade and economic cooperation. Western Europeans remain convinced of the mutual benefits of trade with the East. They reject the current American view that transfers of credit, trade and technology only strengthen the Soviet Union.

They remain far more convinced than Americans of the possibility of influencing Soviet behavior.

In America, concern arises that economic ties with the East can loosen alliance ties. We hear with apprehension about the growing dependency of some European nations on Soviet energy supplies, for example.

Thus, many Americans, with less direct experience of the benefits of detente, and with a global perspective that sees Soviet expansionism, do not fully understand the European view of detente in Europe.

2. Economic Challenges. A series of economic problems must be dealt with by the Alliance.

Economic issues both unite and divide the alliance. They will certainly be a major factor in shaping the alliance in the years ahead.

The European Community is now larger than the United States in terms of population (260 million to 220 million) and Gross National Product. With the addition of Greece, Portugal and Spain the EEC will clearly emerge as the largest economic unit in the world.

The two areas are closely tied together by bonds of trade and investment.

We also share a broad range of economic problems: (a) Since the oil shock in 1973, we have both suffered from higher unemployment, slower growth, slower productivity increases and nagging inflation; (b) We both share a common interest in revitalizing the traditional manufacturing sector; (c) We both are attempting to adapt to the competitive challenge of Japan and a number of the advanced developing countries.

Despite the growing closeness of the industrial economies, there are several areas where tensions are likely to persist throughout the next several years:

A. Trade Disputes. The United States is likely to look at Europe as the home of mercantilism, the creator of the common agricultural policy (CAP), and the originator of the modern industrial cartel.

In fact, the common agricultural policy does not keep out American agricultural goods. At times, the CAP surplus affects our ability to export to third country markets.

From the American viewpoint, the restructuring of European industry often involves the use of government subsidies, trade restrictions, or tax incentives, which affect the pattern of trade.

To the American eye, Europeans have kept their borders largely closed to Japanese goods, putting greater pressure on the American market. Cars are a case in point. France limited imports to 3 percent of the domestic market, Italy restricted the number of Japanese car imports to 3,000, and Britain established a voluntary limit of about 10 percent of the domestic market. The pattern of European protectionism was one important factor that led to the imposition of restraints by Japan on auto exports to the United States.

The European view of trade has not been the same as the American view. It notes that in 1980, the United States had a $20 billion surplus in trade with Western Europe. It sees the American decision on automobiles as deflecting Japanese exports away from inefficient American producers and toward the much more energy efficient European manufacturers.

It has been critical of U.S. energy policy for keeping imports and therefore world prices high. Low U.S. energy prices have also played a role in boosting U.S. exports of manmade fibres to Europe.

B. The search for energy: The U.S. speaks of energy independence.

Europe does not. It has little hope of supplying all its energy needs from domestic sources anytime in this century. Even for the fortunate few such as Norway or Britain, energy independence ignores the interdependence of virtually every aspect of American-European relations.

With an eye on diversifying their sources of imported energy, the Europeans have expressed a strong interest in the Yamal pipeline that would bring Soviet natural gas to Western Europe. If completed, the pipeline would supply 5 percent of Western Europe's total energy demand and some 30 percent of the natural gas used to heat European homes.

There are many factors that contribute to the differing U.S. and European approaches to the Middle East, but surely one of them is the relative importance of Middle East oil to the European economies.

C. International Money Markets, Exchange Rates and Interest Rates: Today Europe is concerned about the strength of the U.S. dollar and high U.S. interest rates. To a number of European governments, U.S. policy simultaneously contributes to European inflation (dollar denominated imports become more expensive) and stagnation (high interest rates choke off investment).

Europeans have felt that the United States has not been doing enough to control a domestic inflation that was bound to affect Europe. The 'talking down of the dollar' in 1980 was viewed in many European capitals as an attempt to make U.S. goods more competitive in international markets.

There is in America today a pre-occupation with the domestic economy. This determination to put our own house in order is perfectly understandable to Americans; but Europeans worry that we are paying insufficient attention to what is happening elsewhere in the world.

D. Relations with Developing Countries: Another economic challenge is our overall approach to the developing world.

The Reagan administration wants to move away from multilateral development institutions and spend less on economic foreign aid. The Europeans do not share this view.

The Reagan administration believes that world markets and private enterprise can play a larger role in the developing world. While the developing countries have become more receptive to the multinational corporation and more pragmatic in their approach. I suspect that the Europeans share this view.

The large OPEC surplus on top of the debt burden in the developing world could create problems for the private commercial banks in the United States and Europe.

Unless some other channel of recycling funds is found, it will also affect the export markets of Europe and America. Europe may be more aware of this problem than we are.

3. Challenges in the Third World: Our greatest challenges may be in the Third World, where regional conflicts and instability present constant dangers to Western interests.

In the Persian Gulf, the Middle East, and Latin America, we are confronted with a host of policy problems to which there are not simple solutions.

How to deal with the challenges in areas outside the geographical zone covered by the NATO Treaty is becoming a major concern of the Alliance.

The United States does not always like or appreciate European initiatives outside Europe. These initiatives come as European states are groping for a role outside Europe.

The United States responses to the challenges of the Third World have focussed more on security and military issues. The Europeans feel that the United States is giving insufficient attention to economic and political problems.

In the Persian Gulf, many Europeans see the Carter Doctrine and the U.S. quest for bases as a simplistic military response to an area where the social, economic and political problems simply will not yield to force alone.

In general, Europeans also tend to attach more significance to the North-South dialogue than does the United States.

V. DEALING WITH THE CHALLENGES

1. Opportunities for agreement and cooperation. How, then, do we deal with these challenges that confront the alliance?

First, we note the progress on some tough issues. In recent months, through bilateral and multilateral discussions with our allies, we have moved to greater appreciation of each other's perspectives and to more of a shared assessment; in the nature of the threat to Central America; on the necessity of pursuing arms control talks on theater nuclear systems; and on the implications of a Soviet military intervention in Poland.

Talking through problems can reduce tensions, enhance policy reconciliation, and help produce a more unified approach to the challenges before us. Several examples of the need for intensified conversations are on the current agenda:

A. Middle East: While the United States has misgivings about the European Middle East peace initiative, close consultations between the United States and European leaders can help insure that American and European steps to achieve peace in the Middle East are complementary and not contradictory.

B. Persian Gulf: While our allies are unlikely to play an exposed military role in areas outside Europe, they have sought to emphasize political and economic measures to demonstrate support for Persian Gulf states and they have been supportive of our own steps to increase the U.S. physical military presence in the area.

C. Burden-sharing: While an extensive European military presence outside Europe may not be supported, Europe is making an active contribution to the defense of areas of common and vital concern.

In Southwest Asia, this objective can be achieved by: maintaining the present French and British military capabilities in the region and coordinating those activities with the United States; providing staging facilities for U.S. rapid deployment forces en route to the area; increasing defense expenditures and assuming greater defense responsibilities in NATO theaters of operation, thereby freeing U.S. resources for use in the Middle East and the Persian Gulf area.

In the United States, including the Congress, there has developed the perception that our European allies have not done their share in responding to Soviet challenges.

There is concern that some European NATO members may not be willing to meet fully their defense spending and improvement commitments as pledged at the Washington summit in May, 1978. Some Americans talk of increasing pacifism and even neutralism in Europe.

But, we Americans should note the progress by the Federal Republic of Germany: for example, the extent of West Germany's role in providing military assets in central Europe, economic assistance to southern European nations, such as Turkey, and strategically located Third World countries, such as Pakistan.

Many of us do not recognize the measured forcefulness of Germany's relationship with the Soviet Union, a relationship premised on both dialogue and military balance.

Americans were gratified by the decision by the West German government and Olympic Committee not to attend the Olympic games in Moscow.

We in the United States should remember that Western Europe's contribution to Western defense efforts has been extensive and of high quality over the past decade. In the decade of the 1970s, for example, West German defense spending increased by 30 percent in real terms. In spite of domestic political difficulties, the West German government has sought to increase spending and continues to undertake major weapons modernization programs.

In spite of growing opposition in Europe to the deployment of additional theater nuclear weapons, the Federal Republic has continued to be a steadfast advocate of the decision to deploy long-range theater nuclear in its soil. West Germany's leadership role in the NATO decision is a strong indication of her commitment to achieve a military balance in Europe, which the United States deems essential to the security of the Western world.

D. Arms Control: Western Europe has provided leadership in insuring that arms control remains a vital element of Western security policy.

Europeans are insisting that the question of arms control must be coupled with any consideration of improving the West's defense capabilities. They believe that concerted Western efforts for a military buildup must be combined with a dialogue on arms control.

Partly as a result from intensified conversations with our European friends, the United States has recently indicated that it will begin a process of negotiations on theater systems with the Soviet Union before the end of 1981.

2. Improved Consultation: These specific challenges suggest that improved, intensified consultations can work. Certainly we need to devise more effective ways of discussing and trying to coordinate plans for dealing with Third World contingencies that impact upon collective Western interests.

The alliance probably has appropriate mechanisms for consultations. What may be needed is to develop within the alliance a core group which can serve as a focal point for frequent, high-level, prior consultations on critical problems confronting the alliance. Such a group would debate contentious issues out of the limelight, narrow differences, and provide the leadership and coordination necessary to address common challenges.

IV. THE ROLE OF PARLIAMENTS IN FOREIGN POLICY

Finally, parliamentarians and members of Congress in the states of the alliance not only are critical actors in the conduct of foreign policy, but also can and do play a significant role in the consultation process. They help build better dialogues on contentious issues.

We in the U.S. Congress believe that our system of government demands a role for Congress in the formulation of foreign policy. An activist and accessible legislature is a vital element of our democratic process. This activism has been spurred, in part, by the growing interest of Members of Congress in foreign affairs and by fears about leaving vital issues of war and peace exclusively in the hands of the President.

In European nations, the parliamentary system of government affords members of parliament the opportunity of serving in their country's executive branch while retaining their seat in the legislature.

Among all parliamentarians, interest in foreign affairs is keen, judging from the numerous conversations I have had with visiting parliamentarians from the nations of the Atlantic Alliance.

I view the activism and assertiveness of parliamentarians positively. In the U.S., the Congressional role is vital. No foreign policy is sustainable, even in the short term, unless it has the support of the people and their representatives.

It strikes me that parliamentarians have a major role to play in the conduct of foreign policy. We are not the principal actors, but we can: help formulate policies; act to check and advise the executive; support the executive in his foreign policy initiatives; monitor the attitudes of the people; and assist in informing and educating the people on foreign policy issues.

Parliamentarians from both sides of the Atlantic, as full participants in the public policy process, have a responsibility to remain informed in international affairs in order to make the policy choices and cast an informed vote when called upon to do so. We owe it to ourselves and to our constituents to pursue a continuous and intensive exchange of views, of give-and-take, developed at the parliamentary level on both sides of the Atlantic.

In no area of foreign policy is the need of mutual understanding so great as in United States-Western European relations. The misperceptions about intentions and actions on both sides of the Alliance can only be solved if we all emphasize our capacity to communicate with one another, to know each other.

VII. CONCLUSION

All of us believe that the Atlantic Alliance can work through its problems and achieve the internal consensus necessary for effectively meeting the challenges of the 1980s.

We do not expect miracles. We know that its problems cannot be resolved easily. As we search for a consensus on how to deal with foreign policy challenges, we must demonstrate the will and sensitivity to conduct a genuine transatlantic dialogue with-

out which the achievement of consensus is impossible.

We must adjust to the realities of the American-European partnership, and meet the challenges before us.

The friendship of the American people for the German people and for the other peoples of Europe endures throughout these troubled times. The Atlantic partners share common values such as commitment to civil liberties and democratic government. This is ultimately what unites us and strengthens our relationship.●

ASHAR HONORS RABBI NACHUM MUSCHEL ON HIS 25TH ANNIVERSARY AS ITS DEAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. GILMAN. Mr. Speaker, this Sunday, May 31, the Adolph Schreiber Hebrew Academy of Rockland (ASHAR) will honor its dean of 25 years, Rabbi Nachum Muschel, at its 27th anniversary dinner.

Rabbi Muschel has been with the Hebrew Academy of Rockland almost since its inception, and has inspired and supervised its growth from a fledgling institution to one which is known widely for the quality of its instruction.

The school's dinner this year coincides with "Yom Yerushalayim," the anniversary of the reunification of Jerusalem in 1967. The school has chosen this day to honor Rabbi Muschel because of the close connection between the school's commitment to the values of sanctity which Jerusalem represents and because of the school's dedication to the welfare of the State of Israel, whose capital is Jerusalem.

ASHAR's student body of 450 students, ranging from nursery to eighth grade, are fortunate to receive a quality religious education under inspired of professional and lay leadership.

Rabbi Muschel is being honored, together with his wife, Sarah, for their important part in making that education possible. I join with the many admirers of ASHAR, in paying tribute to this important institution and its dean.●

UNCONSTITUTIONALITY OF H.R. 900

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. EDWARDS of California. Mr. Speaker, I am pleased to submit today the views of professor of law, C. Thomas Dienes, of the George Washington University. His view on H.R. 900, like those of other leading American constitutional scholars of all political persuasions, is that this bill would and should be held to be unconstitutional.

GEORGE WASHINGTON UNIVERSITY,
THE NATIONAL LAW CENTER,
Washington, D.C., May 20, 1981.

Hon. DON EDWARDS,
Chairman, Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN EDWARDS: I apologize for the delay in responding to your request for my opinion concerning HR 900, "The Human Life Statute." Your request was forwarded to me in the last part of the semester, a period of maximum confusion and minimal available time. Since my response is so late, I will limit the scope of my remarks concerning the constitutional issue. If you feel any additional commentary is necessary, please feel free to contact me. I might note at the outset, that like most students of constitutional law, I believe the proposed legislation to be unconstitutional. But as is true of most constitutional issues, such a determination is not self-evident.

It is important at the outset to be clear regarding what the Court said in *Roe* v. *Wade* regarding fetal life. The Court's determination that a fetus is not a "person" within the meaning of the fourteenth amendment was based on an historical and textual foundation. Simply, the Court found no basis for concluding that the framers intended to include the fetus as beneficiary of the fourteenth amendment guarantees. On the other hand, the Court's comments concerning the lack of agreement on when human life begins were included only on the question of when the state could be said to have a compelling interest in the potentiality of life, not on the question of whether the fetus is a person.

This distinction is important in appreciating the nature of the proposed legislation. The Act does not merely correct the Court's fact-finding regarding when human life is sufficiently well developed to be considered compelling for constitutional purposes. Rather, the statute undertake to revise and overturn the Court's interpretation of the constitutional text itself. It is this distinction, I believe, that provided the basis for Professor Gordon's conclusion that the proposed Human Life Act would be unconstitutional. Gordon, The Nature and Uses of Congressional Power Under Section 5 of the Fourteenth Amendment to Overcome Decisions of the Supreme Court, 72 Nw. U.L. Rev. 656 (1977). Whatever the congressional power to inform the judicial fact-finding on when an interest becomes compelling, the proposed legislation is not drafted in that form. It is a direct rejection of the judicial interpretation of the meaning of "person" within the fourteenth amendment.

Understood in this light, the proper question to be asked is whether Congress can overturn a decision of the Supreme Court concerning the meaning of "person" within the fourteenth amendment. In the Civil Rights' Cases, the Court held that the congressional power under section 5 of the fourteenth amendment was remedial—Congress could legislate to correct state action violating section 1 of the fourteenth amendment. The Court rejected the proposition that Congress had power under the fourteenth amendment, §5 to define the substantive scope of the fourteenth amendment, §1. This approach to congressional power under §5 was adopted by Justice Harlan in his dissent in *Katzenbach* v. *Morgan*. For Justice Harlan, §5 gives Congress "wide powers in the field of devising remedial legislation to effectuate the Amendment's prohibition on arbitrary state action," but the "substantive scope" of the amendment was "one for the judicial branch ultimately to determine." Simply, under §5 Congress has power to enforce and provide remedies for the substantive rights in §1 as those rights are defined by the courts. This approach to the enforcement powers of Congress under §5 has most recently been adopted by Justice Stewart and Rehnquist, dissenting in *City of Rome* v. *United States*, 100 S. Ct. 1548 (1980). Justice Rehnquist characterized the Court's holding in that case as establishing "that Congress effectively has the power to determine for itself that [particular] conduct violates the Constitution." But he argued: "This result violates previously well-established distinctions between the Judicial Branch and Legislative or Executive Branches of the Federal Government."

For those Justices adopting this remedial position regarding Congress' enforcement powers under §5, the Human Life Statute is almost certainly unconstitutional. Congress would not be exercising remedial powers but would actually be undertaking to define the substantive scope of section 1 of the fourteenth amendment. For such Justices, this would be an impermissible confusion of the proper role of Congress and the courts in enforcing the fourteenth amendment guarantees.

The view that congressional enforcement power under §5 of the fourteenth amendment is limited to remedial, corrective legislation is, however, a minority position. In *Katzenbach* v. *Morgan* Justice Brennan, for the Court stated: "Correctly viewed, §5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment." Citing *McCulloch*, v. *Maryland*, the Court adopted a broad perspective on Congress' enforcement powers under §5, including the power to define the substantive scope of the fourteenth amendment, §1, guarantees. Congress is not, therefore, limited to remedial legislation but may in fact enlarge and expand the substantive scope of the constitutional guarantees. This perspective on the nature of congressional power under the Civil War Amendments was subsequently accepted in *Jones* v. *Mayer* and *Runyon* v. *McCrary* (interpreting the thirteenth amendment, §2 congressional power) and *Oregon* v. *Mitchell* and *City of Rome* v. *United States* (interpreting the power of Congress under the fifteenth amendment, §2).

City of Rome, the Courts most recent pronouncement on the congressional enforcement power, recognized congressional power under the fifteenth amendment, §2 to prohibit state voting practices that have discriminatory effects on the exercise of the franchise even though the section 1 guarantee, as interpreted by the Court, prohibits only purposeful discrimination. "It is a clear. . . that under §2 of the Fifteenth Amendment Congress may prohibit practices that in and of themselves do not violate §1 of the Amendment, so long as the prohibitions attacking racial discrimination in voting are 'appropriate', as that term is defined in *McCulloch* v. *Maryland*."

The Court's emphasis on "appropriate" in *City of Rome* is crucial. In all of the Court's decisions interpreting congressional enforce-

ment powers under the enabling clauses of the Civil War Amendments, the Court has emphasized that Congress can enact "appropriate" legislation to "enforce" the guarantees in § 1 of the Amendments. The Court has emphasized that this does not give Congress the power to dilute those guarantees as they have been established by the Supreme Court. Indeed, the danger of such dilution was stressed by Justice Harlan in his dissent in *Katzenbach* v. *Morgan*. He warned that if the Court recognized congressional power to expand the equal protection and due process guarantees, he could not "see why Congress should not be able as well to exercise its § 5 'discretion' by enacting statutes so as in effect to dilute equal protection and due process decisions of this Court." But the majority in *Katzenbach* answered this charge in an extremely important footnote. "Contrary to the suggestion of the dissent, § 5 does not grant Congress power to exercise discretion in the other direction and to enact 'statutes so as in effect to dilute equal protection and due process decisions of this court.' We emphasize that Congress' power under § 5 is limited to adopting measures to enforce the guarantees of Amendment; § 5 grants Congress no power to restrict, abrogate, or dilute these guarantees. Thus, for example, an enactment authorizing the States to establish racially segregated systems of education would not be—as required by § 5—a measure 'to enforce' the Equal Protection Clause since that clause of its own force prohibits such states laws." This position has never been repudiated by the Court, and indeed, has either been expressly or implicitly affirmed in subsequent decisions.

In this regard, the Human Life Statute fails the constitutional test. Both in purpose and necessary effect the statute is designed to dilute or abrogate the right of the pregnant woman to choose whether or not to terminate her pregnancy which was recognized in *Roe* v. *Wade*. This Congress cannot do even under the broad view of the congressional enforcement power. We could, of course, blind our eyes to the purpose and necessary affect of the law and view it as simply a benign measure expanding the class of beneficiaries under the fourteenth amendment, § 1. But the statute involves fundamental personal rights of the woman and such an approach would be unconscionable. The clear intendment of the measure and its practical effect is to undermine the constitutional rights established in *Roe*.

It is my belief that members of the Court such as Justices Brennan, Marshall, Blackman and White, who dissented so vigorously in the abortion funding cases claiming a dilution of the rights recognized in *Roe*, would characterize the proposed legislation as an effort to undercut constitutional rights established by the Court. Thus, the very Justices who have been primarily responsible for a broad perspective of the congressional enforcement power under the Civil Rights Amendments, would, in my judgment, not view the proposed legislation as consistent with prior decisions. They would not view the Human Life Statute as an enforcement of the due process guarantee or as appropriate legislation to implement that right.

It is, of course, impossible to forecast with complete accuracy what the Court would do on any constitutional issue. Constitutional law is necessarily highly subjective and indefinite. Nevertheless, combining the view that congressional enforcement power is limited to corrective remedial legislation with the view that Congress, while having power to define the substantive guarantees cannot dilute or abrogate rights recognized by the Court, would be determinative that the human life statute is unconstitutional.

This is my own personal conclusion as well. While I do believe that Congress has broad substantive powers under the Civil War Amendments, I do not believe that this is a carte blanche for Congress to undercut personal rights established by judicial decision. To allow the Congress to undertake this type of rewriting of the Constitution is to ignore the amendment process and undermine the judicial role in interpreting the Constitution as it has developed since *Marbury* v. *Madison*. If we recognize congressional power to rewrite the Constitution as it has been interpreted through Supreme Court decisions by ordinary legislation, we invite a significant restructuring of congressional and judicial roles in constitutional interpretation. While I do not always agree with Supreme Court decisions, I would hate to think that they could be overturned by a simple majority vote in the Congress. While I might be happy today with some of the results achieved by this congressional amendment process, there is no assurance that such "favorable" legislation would continue in the future. I would not at this stage in our constitutional development be willing to turn over the job of constitutional interpretation to the Congress.

I hope some of the above views are helpful. As I indicated at the outset, the limited time available necessitated a rather summary statement of my views and the basis for them. Again, if you feel additional explanation is called for, I will be pleased to do anything that I can.

Sincerely yours,

C. THOMAS DIENES,
Professor of Law.●

SCOTT MASCIOLI, DAVE POPSON CITED

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. NELLIGAN. Mr. Speaker, I want to bring to the attention of my colleagues the achievements of Scott Mascioli and Dave Popson, two of the finest basketball players in the history of Pennsylvania's Wyoming Valley.

Mascioli, a senior at Wyoming Valley West High School, has been hailed as one of the classiest players ever developed in the State. Scores of colleges have sought him, and he will attend the University of Pennsylvania, a major basketball power in the East. His 2,069 career points ranks him among the State's all-time leaders, with the likes of the legendary Wilt Chamberlain. His career total reflects the fact that he led the Wyoming Valley conference as a senior (23.1 points per game average) and junior (26.2 average), and finished second as a sophomore with a 20.2 point average. Mascioli has made the conference All-Star team in each of his high school years, the last three as a first team selection. This year, he was selected to UPI's All-State team. Mascioli has demonstrated great leadership qualities on and off the court during his high school years.

Popson, 6 feet, 10 inches tall, was an Associated Press All-State selection as a sophomore this year at Bishop O'Reilly High School in Kingston. He was also named the most valuable player in the Wyoming Valley Conference after averaging more than 20 points per game and pulling down 435 rebounds—tops in the conference. Popson was described by the widely read Sunday Independent of Wilkes-Barre in this way:

It's predicted, by most, that the giant center will become a legend of sorts on the cage court before he leaves the high school ranks . . .

It is a privilege to cite the accomplishments of these two fine young men who are contributing so much to athletics in the State of Pennsylvania.●

MANAGERS AND PRODUCTIVITY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. LAFALCE. Mr. Speaker, a solution to this country's serious productivity problems must include cooperation by Government, labor, management, and academe. Without that cooperation, there can be little progress made toward restoring a healthy growth of productivity.

No party has done their appropriate part in the struggle for higher productivity. The Federal Government has certainly shirked its responsibility to provide meaningful and concerned leadership for a national effort, as the General Accounting Office has determined. Some academicians have been too prone to ignore the problems of the real world, while they reside in their ivory towers. Some labor groups have not accorded the problem of productivity enough emphasis, and have frequently denied that there is a serious problem, despite consistently bad statistics on productivity.

Managers' role is a key one, because they are the ones who must make the long-term economic decisions in individual firms; and, unfortunately, many American managers are not doing their jobs correctly. A little constructive criticism might help solve this problem.

Therefore, I want to share with all of my colleagues an excellent article which appeared in the May edition of "Enterprise," a publication of the National Association of Manufacturers. The article was entitled "People: The Key to Productivity," and the author was James J. Renier, president of control systems at Honeywell, Inc. In his article, Mr. Renier makes a number of

positive suggestions to American management concerning the proper way to motivate today's worker. If all managers followed his suggestions, considerable progress could be made to reverse declining productivity and restore healthy economic growth.

The article follows:

PEOPLE: THE KEY TO PRODUCTIVITY

(By James J. Renier)

Most of the prescriptions for curing our current economic ills will take years to work out. But there is one measure that we can apply immediately. We can resolve, today, to make better use of the most valuable resource we have—our human resource. As always, the final answer is people—what they are able to contribute, what they want to contribute, and what they are allowed to contribute.

Jackson Grayson, a leading analyst of productivity, has said that our greatest gains in productivity will not come through capital investments, but by making better use of information technology and developing new ways of working with employees. He says that when managers comment that sounds too soft, he tells them to look at the way Japanese managers behave toward employees—then look at their productivity figures. We already know something about the employee relationships that have helped the Japanese excel. But we need to learn a great deal more and apply the lessons more vigorously. The learning process starts with the recognition of some basic truths about people, how they feel and what makes them want to contribute.

SUPPLYING MOTIVATION

Employees want more than good pay and benefits. Fair and adequate compensation, for them, goes without saying. They never knew the Depression of the 1930s. They grew up in a climate in which adequate income is normal and expected. If pay is inadequate or inequitable, it can be a demotivator. But, above that level, pay itself is not motivation.

Today, employees have an acute sense of their own worth as individuals. Most of them were growing up and maturing in the '60s and '70s, the period when the individual was rediscovered. The slogan of those years was "Do your own thing." Midlife career changes became more common and women took up careers as a route to self-fulfillment. For 20 years, society has emphasized that individual wants and needs are the absolute measuring stick. And employees insist that a good business deal must be a good deal for both the employee and the company.

Well, then, what is a good deal? What do employees want today? What turns them on? How do you motivate the workers of the '80s?

First of all, motivating this sophisticated and well-educated workforce demands the recognition by management that employees are intelligent, dignified and responsible. They are able to contribute and they want to contribute. On the job, they are looking for self-fulfillment—and by that I mean the realization that they are making a real difference, that their best talents are being used, and that they can leave work at the end of the day with the good feeling that they accomplished something worthwhile. These values are the ingredients of self-esteem, which we will do almost anything to achieve.

The need for self-esteem means that smart managers today don't have to motivate people—all they have to do is create the working conditions and climate that will permit people to motivate themselves.

THE WINNING EDGE

To create a productive climate at Honeywell, I started a communications program we call "The Winning Edge." The program, now in its third year, lets Honeywell people all over the world know that they are our winning edge. If you ask most of our people, they'll tell you that it is an employee motivation program. But in a real sense, it's a management motivation program. Its real purpose is to motivate managers to meet with people of their organization at every level, to talk with them, to get to know them. Probably the most important thing the program is doing is getting top division management down into the factory to meet the people who wire the circuits, run machines and sweep the floor. And if the program didn't accomplish one more thing than that, it would still be worth many times its cost.

The program is not designed to communicate to employees all kinds of management guff about themselves, or the company, or pie in the sky. What the program does communicate is plain truths. It says: Each employee is doing an important job. Every employee can help make his department successful by doing his job smarter. Each one of us can make a real difference. If we work together, we accomplish more. Managers need and appreciate all the help that each employee can offer. Good ideas can come from anyone. And, if we work smarter and if we're successful, our jobs are more fun for each of us.

There's nothing fanciful or artificial about these statements. They are simple facts. But they're not stated often enough. We must remind employees of these truths and then back them up with actions. Let me give you a checklist of the actions I think are most important:

(1) Generate realistic, challenging and interesting assignments;

(2) Involve subordinates in making decisions that affect their work;

(3) Tell people the reasons they are asked to do particular tasks or follow certain procedures;

(4) Exchange ideas with employees at every level;

(5) Help employees develop professionally and personally;

(6) Let every employee know exactly what is expected of him or her on every job; and

(7) Provide the proper feedback on job performance.

And, perhaps most important of all, give people information—facts and figures on how the department and the division are doing, how well the products are selling, whether production is up or down, how costs are running.

Sharing information does two things. First, it tells people what they need to know to make good decisions about their work. And, second, it lets them know they are respected members of the team. It sounds easy to do, but it isn't. Many managers seem to feel that sharing information shares power. It doesn't. It makes everyone a smarter contributor.

MAKING IT WORK

Management has to look at people in a new way. Most workers are capable of contributing much more thought toward improving production efficiencies than they normally do. And most of them are eager to make a contribution. But they are seldom told that their ideas are wanted. We should recognize that a production problem is first of all the employee's problem. If something isn't going right on his job, it's his responsibility to find an answer. He will not consider that a burden—in fact, if that responsibility is not regarded as part of the job, it demeans the work and demeans the worker. On the other hand, if the employee owns the problem, he also owns the solution. He feels the self-esteem that comes from working out his own answers and from increasing his personal participation.

These are the kinds of actions that American management will have to take, as I see it, if we are going to regain our ascendancy in the world economy. I've talked about them in simple terms, but they are not simple to perform. They require long-term, deep-seated changes in the way we deal with people. We're not talking just about changing behavior, but attitudes and personalities, too. It's not simply a matter of new techniques; it's new philosophies.

It's up to all of us to see that our people get the quality leadership that they deserve. We owe it to them and to our industries.●

THE TRAGIC SITUATION IN LEBANON

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. FAUNTROY. Mr. Speaker, Mr. Theodore A. Adams, Jr., the president of Unified Industries Inc., has written me and expressed his views on the tragic situation in Lebanon. I think his views are of such worth that I wish to bring them before my colleagues:

The United States and Lebanon have a long-standing friendly relationship. During this period the United States has been strongly committed to the freedom, sovereignty, and integrity of Lebanon. This strong commitment is being challenged daily by the fighting that is going on between the peace-keeping forces and various military factions aided and abetted by others in the area. If the fighting is allowed to continue, that entire area of the world, which is of such vital interest to the United States, could be the fuze that ignites a conflagration that could have dire consequences for the entire world.

It is the policy of this administration to assist our friends that are in need. The Lebanese Government and its army are worthy recipients of this support. Up to this time verbal support has had little effect. It is time now for more definitive steps to be taken. A call for an immediate cease fire is long overdue, and action must be taken to thwart external forces in the region from impeding a solution.

Unfortunately, the solution to the problem of Lebanon will not be the cessation of current hostilities, as much as this is desired. The solution rests in the larger context of the Palestinian problem. Just as this administration is committed to the sovereignty and integrity of Lebanon, it must also be committed to the resolution of the Palestinian problem. An integral part of the solution to this problem is a homeland for the Palestinian people. It is hoped that this vital and strategic issue will be solved through the good offices of the Govern-

ment of the United States, as it resumes its leadership in international affairs.●

STERLING INCORPORATION DAY CEREMONY

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. BOLAND. Mr. Speaker, on April 25, 1981, I had the good fortune of participating in the observance of the bicentennial of the incorporation of the beautiful New England town of Sterling, Mass. Small New England towns like Sterling played an important part in the early history of our Nation and remain an important part of American life today.

The ceremony in Sterling was marked by oration, music, and spirit. It was an extremely well-organized celebration that seemed to involve everyone in attendance. I would like to thank the Sterling Bicentennial Committee for inviting me to offer some remarks at the ceremony, and congratulate them on the success of the festivities on April 25.

At this point I would like to insert in the RECORD a program from the Sterling Incorporation Day ceremony. I have also inserted my remarks from that memorable occasion:

APRIL 1981—200TH ANNIVERSARY OF STERLING

The histories of the States of this Union are replete with examples of towns that were established, prospered for a while—and then withered and died.

They were places to which people came with a view to what they could take from them, not what they could build in them. They were towns that were not created on the essential foundation of a sense of community.

The early settlers of this place; the Beamans, Houghtons, Osgoods, the Sawyers—a host of others, came with a commitment to make this land their home.

Thus, Sterling's beginnings were built on solid human values.

The values which have sustained Sterling over more than two centuries, flourish today. These values are not hard to recognize. A concern about what happens to your neighbor, about what happens on your street, a concern about the kind of town in which you raise your children and which you will leave to them—without these values, a town can never be accurately termed a community.

Sterling exists today because it is built on those shared values. The United States, in turn, is built upon thousands and thousands of Sterlings. Our strength as a nation, has always been in our belief, that, by acting together, we can overcome any obstacle. Unity of purpose was essential, if the colonists, including those who left this town in 1775 under the command of Colonel Asa Whitcomb, were to triumph over the more numerous and better equipped British forces.

The sense of national unity that was created with our nation's birth, has been our strength over the last 205 years. Its source is people like those right here in Sterling, that understand that there are times when they must see themselves as part of a larger picture, when they must be willing to subordinate personal convenience to the good of others. Without that understanding, and the self-discipline which it demands, towns and nations do not survive for very long.

Alistair Cooke in his book "America" wrote about the future of the United States. "What is fiercely in dispute, between the communist and non-communist nations today, is the quality and staying power of American civilization. There is a true basis for this debate, and it is whether America is in its ascendant or its decline. . . . I can only recall the saying of a wise Frenchman that 'liberty is the luxury of self-discipline.'

"Historically, those peoples that did not discipline themselves had discipline trust on them from outside. That is why the normal cycle of great nations has been, first, a powerful tyranny broken by revolt, the enjoyment of liberty—the abuse of liberty—and back to tyranny again. As I see it, in this country—a land of the most persistent idealism and the blandest cynicism—the race is on between its decadence and its vitality."

I have no doubt that the race Cooke describes can be won by our nation's vitality as long as we remember to nourish the source of that vitality—our shared commitment to a national quest for freedom, for justice and for peace. The people of Sterling can be justifiably proud that the history of this town reflects the strength of their commitment to these goals.

You should never underestimate how important a role you play in the national quest to realize those goals by your daily efforts in your community. The race of which Cooke writes, will not be won by any pronouncements from Washington. It will be won by the preservation and promotion of shared values in towns like Sterling, throughout this country. May your town, through the efforts of each one of you, stay the course of success of which it has traveled since 1781.

I am pleased to bring you my personal congratulations on the bicentennial of Sterling's incorporation, and the thanks and gratitude of the government of the United States as well.

INCORPORATION DAY PROGRAM

Master of Ceremonies: Everett G. Pierce.

Santee Sioux Pipe Ceremony: Chief Silver Cloud, Chief at Large of the State of Massachusetts (Herbert Johnson).

Westminster Brass Ensemble. Selections of 16th and 17th century brass: Two Tudor Canzonas, by Pilasso; Rondeau (the B.B.C. "Masterpiece" theme) by J. J. Mouret; Chester (a New England colonial hymn), by William Billings; Sonata from "Die Bankelsangerlieder", Anonymous; Bourree and Minuet (from the "Royal Fireworks Music"), by G. F. Handel; Two Ayres for Cornetts and Sagbuts, by John Adson; and Two Fantasias, by A. Bianchieri.

Dedication of Flag and Flagpole: Hiram O. Taylor American Legion, Post #189, American Legion Baton Corps.

Star-Spangled Banner: Westminster Brass Ensemble.

Opening Prayer: Dr. Jonathan Gray, First Church of Sterling.

Welcome to the Bicentennial: Walton F. Stockwell, Chairman, Sterling Bicentennial Committee.

Hymn: "Our God Our Help in Ages Past".

Our God, our help in ages past, Our hope for years to come
Our shelter from the stormy blast, And our eternal home!
Under the shadow of Thy throne Thy saints have dwelt secure;
Sufficient is Thine arm alone, And our defence is sure
Time like an ever rolling stream, Bears all its sons away;
They fly, forgotten as a dream Dies at the opening day.
Our God, our help in ages past, Our hope for years to come,
Be Thou, our guard while life shall last, And our eternal home!

Welcome to Incorporation Day: Richard Conley, Chairman, Sterling Board of Selectmen.

Introductions of United States Representitive Edward Boland, State Senator Robert Hall, State Representative Thomas Fallon, Lancaster Board of Selectmen: Paul Constantino, Chairman; Edward Valley, Anthony Pirro.

Song: "Let There Be Peace on Earth"

Let there be peace on earth And let it begin with me;
Let there be peace on earth, The peace that was meant to be,
With God as our Father, Brothers all are we.
Let me walk with my brother In perfect harmony.
Let peace begin with me, Let this be the moment now
With every step I take, Let this be my solemn vow:
To take each moment and live each moment in peace eternally.
Let there be peace on earth and let it begin with me.

Dedication of the Memorial Area: Selma Wheaton, Memorial Area Committee.

Raising of the Sterling Flag: June Williams, Patricia Doherty, American Association of University Women, Sterling Branch.

Song: "Auld Lang Syne"

Should auld acquaintance be forgot And never brought to mind
Should auld acquaintance be forgot And Days of Auld Lang Syne
For Auld Lang Syne, my dear For Auld Lang Syne
We'll take a cup of kindness yet for Auld Lang Syne.

A Dramatic Reading, "An Account of the Events Leading Up to the Act of Incorporation". Participants: Town Crier, Robert Kneeland; Narrator, Janet Baker; Gamaliel Beaman; Anthony Listowich; Captain Benjamin Richardson; Walton F. Stockwell; John Prescott; Stuart Johnson; Town Clerk, Lois Seifert.

ACT OF INCORPORATION

Commonwealth of Massachusetts. In the year of our Lord one thousand seven hundred and eighty one. An act for incorporating the second precinct of the Town of Lancaster into a Town by the name of Sterling.

Whereas from the extended situation and an increased population of the Town of Lancaster, many difficulties and inconveniences have arisen to the inhabitants of said Town; and whereas the inhabitants thereof have petitioned this court and earnestly requested that the second precinct of said Town may be incorporated into a Town.

Be it therefore enacted by the Senate and House of Representatives in general court assembled and by the authority of the same, that the said second precinct of Lancaster in the county of Worcester, bounded as follows, viz. Beginning upon the southeast corner of Leominster, and from thence to run a line east twenty one degrees south one

hundred and sixty perch and from thence to run south eight degrees west two miles and an half and twenty perch, which distance will be due west from Jonas Fairbanks House, and from thence to run south eighteen degrees west to a certain place called the foot of the scar, and extending on said line until it shall strike the line of the town of Shrewsbury, be, and hereby is erected into a town by the name of Sterling, and that the inhabitants thereof be, and they hereby are invested with all power, privileges and immunities which the inhabitants of towns within this commonwealth do or may, by law, enjoy. Provided that the inhabitants of said Sterling shall pay their proportion of the several taxes already assessed upon them by the said town of Lancaster, be equally divided and supported between and by the said towns of Lancaster and Sterling.

And be it further enacted, that Josiah Wilder Esq be, and he is hereby empowered and directed to issue his warrant to some principal inhabitant of said town of Sterling, requiring him to warn the inhabitants thereof to meet at such a time and place as shall be therein set forth to choose all such officers as towns are, by law, required to choose in the month of March annually; at which meeting all the male inhabitants present, which are the age of twenty one years, or upwards, and free, shall be admitted to vote.

Signed: Caleb Davis, Speaker of the House of Representatives; Jeremiah Powell, President of the Senate.

Approved: John Hancock, Governor.

Benediction: Father Francis J. Carberry, St. Richard of Chichester.

American Brass Band Journal: Westminster Brass Ensemble.

Proclamation of Celebration: Walton F. Stockwell.

Bus tours, craft demonstrations, an Old Time Food Fair, a band concert, and slide shows are happening in Sterling Center from noon to four o'clock. Plan to spend an entertaining and informative afternoon.

A program was given to you this morning by members of Mrs. Kathy Dill's third grade class: Jason Sargent, Shawn Magaw, Donald Kipp, Kristen Sullivan, Becky Murray, Tara Andrews, and Kim Lucht.

Cover designed and lettered by Ann McDougle.

Bicentennial Incorporation Day Committee: Janet Baker, Chairman, Ceremony and Dramatic Reading; Rita Tuttle, Invitations; Susan Protano, Food Fair; Maureen Shaugnessy and Mary Pierce, Printed Programs; Sterling Snow Blazers and Joan Strang, Procession; Jeanne Doyle and Charlotte Gildutis, Bus Tours; Marianne Bedard, Events and Exhibits.●

A LOSS TO THE HILL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. ANDERSON. Mr. Speaker, those of us who have been around Congress as long as you and I have, fully appreciate the almost continual turmoil which our offices undergo as staff persons arrive, receive training in varying degrees, begin to make a contribution, and then, lured by higher salaries than we can pay, leave to accept more profitable jobs on the "outside" or on a committee staff. It is this turbulence that causes correspondence to be misplaced, voting records to be confused, and responses to constituent demands delayed.

But every once in a while, one of us is blessed to have someone in our office remain to provide continuity, to conduct staff training, and to avoid as much as possible mishaps caused by a rapid turnover of staff. In my case, this person has been Edna May D. Curran, who has been my office manager for 11 long and arduous years.

Edna May is a very quiet person. She pads about like a little mouse, but yet she is at the same time everywhere and in every place. She knows what is going on in the office, what needs to be done, and in a very quiet way, provides advice and guidance to those needing it. She is truly a jack-of-all-trades, but unlike the usual ending of that proverb, she is "a master of many."

In her years on the Hill, she has made many friends and learned many connections. Regardless of what the occasion demands, or what requests are made of her, she knows where to go to get the job done as quickly and efficiently as possible. I do not know how many other Members' offices she has helped out by providing the right number to call or the right person to see to get something done. But I know the number is high.

I also know that she has been my strong right arm over the years in permitting me to devote my energies and whatever talent I possess to legislative affairs, rather than worrying about what time my plane leaves, who is going to meet me, or where the entry for the CONGRESSIONAL RECORD is that should have been put in this morning. If I were asked to write a detailed job description of what Edna May does in my office, I think I would respond by one word—"Everything!"

I suppose there is a time in everyone's life when eventually they must make the decision to retire. Edna May has, much to my regret, made that decision. She wants to leave the continual pressures of the Hill and be able to devote time to traveling, artistic endeavors, and just plain "getting her house in order." I cannot but respect that decision, as sorry as I am to see her make it. Over the years, as a military wife, as a Federal civil servant, and as a congressional staffer, she has certainly made more than anyone's fair share of contribution to the functioning of our Government. She has done so without complaint as to long hours, or for the tasks that were asked of her. I would like those who complain about lazy congressional staffs and underworked bureaucrats to see Edna May in action for just 24 hours! I am sure that they would be exhausted after this tour of observation.

At any rate, Mr. Speaker, the "Ms. Continuity" in my office is leaving the end of this month. I will miss her greatly, as will all the members of my staff and the many others she has helped and been kind to. And I did not want to her to depart from the Hill without her very significant contributions being recognized.

My wife, Lee, and I, in the sincerest manner possible, wish Edna May good health, and the best of luck in everything she attempts in what we hope will be many pleasurable years ahead. And we hope that her daughter Louise and her son-in-law Peter Winterble will enjoy those happy years with her.●

SECOND CAREER TRAINING FOR AIR TRAFFIC CONTROLLERS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. FORD of Michigan. Mr. Speaker, I have introduced legislation today to remedy a situation which is both a danger to our Nation's air safety and a serious injustice to the Nation's air traffic controllers. The legislation would reshape the current second career training programs for air traffic controllers and allow it to be funded.

Under existing law, an employee of the Department of Transportation who has been engaged in the separation and control of aircraft for at least 5 years is entitled to training for different employment if he is removed from his position by the Secretary of Transportation on a finding that the removal is necessary to preserve the controller's health or to protect the public safety. This "second career" training program, established by Public Law 92-297, provides an opportunity for controllers to continue to receive their regular pay for up to 2 years while pursuing training for other employment. Congress enacted the second career program because evidence demonstrated that air traffic controllers usually need additional training in order to pursue employment in occupations other than controlling aircraft. The primary purpose of the 1972 law was to insure aviation safety by providing a means for removing controllers who were no longer proficient in their duties without subjecting them to a sudden loss of earnings.

The occupation of controlling aircraft requires intelligence, quick reactions, alertness, and mental and physical vitality. But except for education relating to the occupation itself, controlling aircraft does not require an extensive educational background. Controllers are frequently trained after service in the military and, in the

ordinary course of employment, will devote 15 to 20 years exclusively to the job of directing air traffic movement at regional control centers utilizing radar instruments or in airport towers utilizing both radar and visual control of air traffic. As controllers reach middle age, medical evidence demonstrates that their proficiency generally declines. In many instances it is in the best interest of aviation safety and the controller's personal health to remove him from his position.

Under existing law, also enacted in 1972, a controller who has 20 years of service as an air traffic controller and has reached age 50, or who has completed 25 years of controller service regardless of age may retire voluntarily and receive an annuity of at least 50 percent of his average salary "high 3". A controller with at least 5 years' service may also, upon removal from his position, undergo training in a program designed to prepare him for other employment. For instance, if a controller faces removal from his job as a GS-13, step 5 employee earning $36,320, his opportunities for employment at that salary level ordinarily would be extremely limited. In the private sector, there is no similar occupation and the limited number of positions in the Department of Transportation for which a controller would qualify would usually require him to enter at a much lower grade level—perhaps GS-7 or GS-9. Since controllers, like other people in the midforty age range, have significant financial responsibilities, they may feel compelled to stay on the job, even when their proficiency is not what it should be, rather than retire at half pay or resign without any economic protection. Congress recognized this difficult problem and proposed to remedy it by enacting the early retirement and second career training program in 1972.

The FAA's initial experience with the second career training program was disappointing. In a report to the Congress dated June 29, 1978, the Comptroller General recommended that the program be discontinued. About half of the 2,580 controllers eligible for second career training between 1972 and 1977 whose cases were reviewed by the General Accounting Office either declined or withdrew from second career training. The average cost for each participant who completed training was extremely high. A significant number of controllers withdrew from the second career training program when their applications for disability compensation under the Federal Employees Compensation Act were approved. This caused some critics of the program to suggest that some controllers enrolled in the program simply to maintain their salaries until the lengthy process for receiving disability compensation was completed.

For this and other reasons, Congress has, in each of the past 3 fiscal years, approved a restriction prohibiting the use of prohibited funds for new entries into the second career training program. Last year's House Report on the Department of Transportation appropriations bill (Report 96-272) recommended that the program not be funded again "until such time as a substantially modified program is enacted by Congress." The legislation I have introduced today, which is identical to a bill reported from the Post Office and Civil Service Committee in the last Congress, embodies those substantial modifications.

This legislation addresses each of the three major objections to the second career program identified by the 1978 GAO report: That most of the trainees were medically unable to complete the program; other Federal income security programs were more attractive to the controllers than training; and that the FAA's vocational counseling and program administration were totally inadequate. The bill would make the following changes:

First. Employees eligible to retire under the civil service retirement system will no longer be eligible for second career training. This change would prevent any controllers from taking advantage of the second career program at full pay for 2 years and then retiring on half-pay (or more).

Second. A review board will be established in each region of the Federal Aviation Administration to review second career training program applications. Each board will be made up of three members: One designated by the Secretary of Transportation, one experienced in vocational counseling designated by the Secretary of Labor, and one representing the employee, designated by the exclusive collective bargaining representative. Each board will review applications for training and determine whether the proposed programs for training meet established criteria for successful completion and appropriate job placement.

Third. Each employee applying for training will provide the review board with a physician's certification that the physician has examined the employee and has discovered no medical reason why the employee should not be able to complete the proposed training program. Physicians selected to examine employees will be chosen from a list of physicians maintained by the board.

Fourth. Supervisors of air traffic controllers will no longer be eligible for second career training. By moving from the full-time controller position to a supervisory position, these employees have already achieved a second career, in effect, and have no legitimate need for second career training.

Fifth. The minimum number of years of service as a controller required for eligibility for second career training will be increased from 5 to 8 years.

Sixth. In the administration of the program, the Federal Aviation Administration will be required to insure that individuals designated to assist controllers in pursuing second career training be professionally qualified. A principal criticism of the program has been the failure of the FAA to provide effective guidance and counseling for controllers. No counselor in the program during its last years of funding had a professional background qualifying him for this kind of work. Each regional board of review must develop continuous programs in assisting controllers to select and pursue second career training.

The Subcommittee on Compensation and Employee Benefits learned in recent hearings that 89 percent of air traffic controllers leave their profession before reaching retirement age, despite early out retirement provisions designed to account for the extraordinary stress of their jobs. There is no excuse for our continuing neglect of these invaluable civil servants. We can no longer continue to exploit the minds and bodies of these people for 20 years and then simply throw them into the boneyard.

I hope that the entire House will join with me in cosponsoring and voting for this legislation.●

A LOT OF PEOPLE DO NOT KNOW WHAT FREEDOM IS UNLESS THEY HAVE LOST IT

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. LEBOUTILLIER. Mr. Speaker, Du Kien Hoa and the six members of his family knew seemingly endless suffering until they successfuly settled in Port Washington, N.Y. The ordeal that Mr. Du and his family underwent was one of grueling terror, enraging encroachments by a cruel state, and extreme physical risk. Their ordeal was frightening, but the outcome of it all was triumphant. The Dus and an idealistic community that cared set out to reaffirm that the American ideal of welcoming the victimized and harassed from communism's foul shores still endures.

St. Stephen's Episcopal Church in Port Washington sponsored the Dus arrival and resettlement.

Real estate developer Bucky Walker helped to smooth the roughest immediate issue facing the Dus—the one of housing.

The Reverend Kurt Von Roeschlaub led his parishioners and the community at large in an interested and unflagging effort on behalf of the Dus.

Finally, the people of Port Washington—especially the congregants of St. Stephen's—reached out to the Dus, and welcomed them as valuable and dynamic community members.

I have every reason to believe that the long and arduous journey made by the Dus will not be one they will have regretted making. Their arrival is a wonderful addition to the Port Washington community.

I would like to share a report of the Du family ordeal as well as the supportive work of St. Stephen's Church with my colleagues. I would like to bring the following article which appeared in the May 14, 1981, edition of the Port Washington News so that my colleagues can read of this important saga.

Welcome to our shores, Mr. and Mrs. Du and family. I hope that the ideals for which you risked so much to partake in remain firm.

"A lot of people don't know what freedom is unless they've lost it . . . unless they've lost it." Hoa Du—April, 1981.

The long sad ordeal that began in Saigon in September, 1975, for Du Kien Hoa and six members of his family ended happily last month in Port Washington, the new home of a dauntless ethnic Chinese family, refugees from Vietnam.

In March, 1980, almost five years after the Communists took over his father's business, Hoa Du, as his U.S. friends call him; his wife, Linh; and their daughter, Hon Hon, arrived in Port Washington sponsored by the refugee committee of St. Stephen's Episcopal Church. Their new home on South Washington Street was made available to the committee at a modest rent through Bucky Walker of the Hyde Agency.

The refugee committee also provided food, clothing, and all other necessities to the Du Family. Equally important, Hoa Du was immediately enrolled in BOCES English classes and from there proceeded into accounting training.

In late March of this year, Hoa's father, Du Hieu; his sister, Du Thu Van, and brother, Du Nghe Duc, reached Port and rejoined their family two and a half years after fleeing their home in Saigon.

It all started in September, 1975, when Du Hieu's steel business in Saigon was taken over by the Communists.

"My father was no longer in charge of his business," said Hoa when reminiscing about the chaotic years before finding refuge in this country. "All the merchandise immediately belonged to the government—they just allowed my family a small amount of money each month—and it wasn't enough, barely enough to survive."

"That was the first step."

Then the Communists invaded their home, counted all their belongings—clothing, jewelry, furniture. "There was a limit on everything. Whenever you exceeded the limit, they took it away."

Many times the Dus planned to escape; in fact, Duc, then 16 years old, attempted an escape but was caught and jailed for over a month. The only other way, before 1978, to leave the country was to forfeit all your property and pay the Communists a ransom in gold.

In June of 1978, according to Hoa, the Communists "opened the door" for Vietnamese to leave their country, but not without forcing them to forfeit even the few possessions they had clung to. For the Du family, leaving Saigon was truly a horrifying experience. They were able to board a 100-foot craft on which the greedy skipper had loaded 700 people. Said Hoa:

"The boat was just too heavy; it capsized and sank. That is when my mother was drowned. Few people could swim. When the boat turned over I had Hon Hon in my arms and jumped through a window. I told Linh to jump, too, even though she doesn't swim as well as I do."

By a miracle Linh was saved while Hoa was nearly drowned because other refugees who couldn't swim grabbed him in the water while he was trying to save his baby's life. "They almost dragged me under. Half the people on the boat—350—died in the water. Linh's mother and father survived, but her younger brother drowned."

After another few weeks on a farm near Saigon, the six Dus embarked once again, this time on a Hong Kong freighter with 200 refugees on board.

Time after time the ship was turned away from ports. The "boat people" were not welcome in Malaysia, Indonesia or Brunei where "they cut our anchor rope" and set the ship adrift. The refugees had only rice and water for the 16 day trip that ended in Manila. "There we had to stay on the ship for eight months and at the refugee camp for seven more months," he said.

Because of a bureaucratic mixup, Hoa's father, sister, and brother could not leave the Philippines when Hoa, Linh, and their daughter got clearance to come to the U.S. in February, 1980. Arranged by the Church World Service Immigration and Refugee Program Committee, the Dus' journey to Port Washington took them to Los Angeles, Seattle, Minneapolis, Newark, and finally La Guardia Airport where they were met by new friends from St. Stephen's.●

WORLD HEALTH ORGANIZATION IGNORES FREE WORLD PREROGATIVES

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. McCLORY. Mr. Speaker, many emotional words have been uttered regarding the recent resolution adopted by the World Health Organization seeking to censor or banish certain advertising of American companies and those of other nations which manufacture and market infant formula products.

Even some of our colleagues have fallen for the WHO line and its antibusiness and antimultinational actions.

An editorial in the Chicago Tribune of Tuesday, May 20, 1981, puts the WHO code in reasoned perspective and articulates a philosophy which is basic to our political and economic systems which some would sacrifice in bowing to the vindictiveness of some Third World leaders.

Mr. Speaker, the Tribune editorial speaks for itself and is as follows:

THE POLITICS OF BREAST FEEDING

It's inevitable that the United States will be tarred as a sort of heartless Uncle Son of Sam killer of Third World babies for its vote against the adoption by the World Health Organization of a code to ban promotion of infant formulas.

The American delegation stood alone in opposing the code, except for Chad and Bangladesh, whose delegates later explained their vote was a protest against curtailing debate on the bitter issue.

But it's not just a matter of the U.S. callously supporting exploitive multinational formula manufacturers who want to push an expensive product on poor Third World mothers whose babies die because they lack the sanitation, clean water, and money to use formula safely and in adequate amounts, as supporters of the WHO code protest. There are some good reasons for the unpopular American stand.

The code, which is voluntary but which WHO wants all nations to incorporate into their laws and regulations, sharply curtails the way baby formula can be advertised and marketed. For example, it would prohibit health care workers from telling women about using formula except when medically necessary. Such restrictions on business and on free speech aren't acceptable in the United States, especially when the product involved is safely and widely used here. The U.S. is right to vote against a code it would not incorporate into American law—and right to oppose this initial adventure into the regulation of international marketing of products.

The hundreds of protest groups which have urged boycotting the baby formula manufacturers over this issue say from 1 to 10 million babies a year die because the companies persuade mothers to abandon breast-feeding. But the statistics are unsubstantiated. And they ignore the fact that infant morbidity and mortality are high in Third World countries. They are high because breast-feeding by malnourished mothers may be inadequate, because sanitation is poor, and because mothers are often forced to use such locally-available milk-substitutes as rice gruel. Rather than restrict the availability and knowledge of commercial formulas, WHO might do better by finding ways to make such products safely and affordably available to mothers whose infants they could help.

It's surprising that women's groups have not protested against the WHO code. In one light, it can be seen as an attempt by a mostly male organization to dictate to women on an international scale how they must use their bodies—by restricting access to information that would permit them to make their own choices and in effect by limiting their ability to hold jobs until their babies are weaned. Many American women would be furious if the U.S. passed a law saying no one could tell them about baby formula or how to get it or how to use it unless a doctor (most of whom are male) decided it was medically necessary. Yet this is what the WHO code prescribes.

Breast-feeding is best for babies. The WHO code affirms it. Formula makers concur. In a voluntary agreement worked out with WHO in 1979, the companies pledged to end objectionable sales promotion to consumers; while there have been

some violations of the accord, it remains preferable to the new, much more restrictive code. Gerald B. Helman, who represents the U.S., emphasized after the WHO vote that the Reagan administration endorses "efforts to promote and protect breast-feeding as the ideal form of infant nutrition." But women are entitled to an informed choice in the matter, which the WHO code will not give them.●

BURTON S. LEVINSON

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. WAXMAN. Mr. Speaker, on Sunday evening, June 14, 1981, the Soviet Jewry Commission and the Community Relations Committee of the Jewish Federation of Greater Los Angeles will sponsor a dinner dance to honor one of their most renowned and respected members—Burton S. Levinson.

Burton Levinson is completing his term of office as the chairman of the New York/Washington-based National Conference on Soviet Jewry. Burt Levinson has given many years of service to the Jewish community through his dedicated involvement in the Anti-Defamation League of B'nai B'rith and the Jewish Federation Council. He has traveled to many parts of the world as special emissary of the Anti-Defamation League. The itinerary of this mission is impressive: He has traveled six times to Latin America and met with former President Allende of Chile, with President Echeverria and Lopez Portillo of Mexico as well as with leading government officials in all the countries he visited. In October of 1974, Burt Levinson traveled to Moscow, and through his efforts, became one of only two lawyers of the West to witness a political Soviet trial in more than 30 years. On September 28, 1976, Mr. Levinson, as chairman of the ADL's Latin American Affairs Committee, testified before the House Subcommittee on International Organizations on the subject of anti-Semitism in Argentina; he has visited the Jewish communities in Poland, and in January 1980 attended a special meeting convened by President Carter at the White House, Secretary of State Cyrus Vance, Dr. Brzezinski, and other Cabinet officials, to discuss the crisis situations in Afghanistan and Iran.

Burton Levinson practices law in Beverly Hills as the senior partner of the firm of Levinson & Lieberman, Inc. He has managed to devote much of his time and effort to countless committees and organizations which look to his expertise and counsel in their undertakings. He now serves as the national chairman of the Community Service Division which oversees the 26 regional offices of the ADL. He is now the retiring national chairman of the National Conference on Soviet Jewry. Previously, he served as national chairman of the ADL's Latin American Affairs Committee. He is also an officer of the Community Relations Committee, Jewish Federation Council of Greater Los Angeles and has served previously as chairman of the Community Relations Committee for the San Fernando Valley. He is a member of the board of directors of the Jewish Federation Council of Greater Los Angeles, a member of the board of directors of the Jewish Telegraphic Agency, Inc., a member of the executive committee of the American Israel Public Affairs Committee (AIPAC), and a member of the Board of Directors of the Hebrew Immigrant Aid Society (HIAS). One of the highlights of his term as chairman of the National Conference on Soviet Jewry was his leadership of the Soviet Jewry Commission. With his guidance and support the counter exhibit to the Soviet Trade Fair, "Six Decades of Oppression," was organized. This exhibit received national acclaim and was a poignant reminder that the massive propaganda efforts of the U.S.S.R. could be effectively challenged by portrayal of the realities of life under Communist rule.

The celebration on June 14 will bring together Burton Levinson's friends and colleagues as well as a representation of "refuseniks" whose cause he has so diligently served.

I ask the Members to join with me in saluting Burton Levinson's magnificent contribution to the cause of human rights. His efforts should inspire all of us who view individual freedom as the real basis of world understanding and unity.●

PALESTINIAN ISSUE MUST BE ADDRESSED

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. FINDLEY. Mr. Speaker, a week ago Saturday, at the height of the latest crisis in Lebanon, the Washington Post sounded a warning that should put all friends of Israel on notice. The main thrust of the editorial was that it is time for a direct focus on the Palestinian problem by the United States. After decades of fighting, that should be clear to everyone.

In recent months the Post and other prestigious publications have been taking a thoughtful look at U.S. interests which may not always be parallel to positions of the Israel Government. It is a sign that American policymaking as it concerns the Middle East is maturing. Americans are recognizing that we have broader obligation in the Middle East than just to a single country, and that first and foremost our responsibility is to protect our own Nation's interests.

All supporters of Israel—and I am one—should recognize the shift that is occurring and urge a policy of moderation and restraint not only upon the present Government of Israel, but upon the government that is to follow, whether it is the Likud or Labor. The United States and the world need a strong Israel in the Middle East, but only Israel itself can insure its strength by recognizing its responsibility to work with all parties toward a comprehensive peace.

[From the Washington Post, May 16, 1981]

BACK TO THE PALESTINIANS

Philip Habib's presence in the Mideast may be just about all that is keeping Israel and Syria from going to war over Lebanon. While he shuttles around, neither side—and especially Israel, whose court the ball is in—wants to invite the charge that it foreclosed American diplomacy. Also while he shuttles around, Israel and Syria build up their forces, ensuring that any war that comes will be a more deadly one. Mr. Habib cannot shuttle forever. Then what?

We have a suggestion—but first a brief review. Perhaps the jostling of Lebanese partisans would itself have collapsed Lebanon's five-year relative truce and triggered this crisis. It is likely nonetheless that Israel's encouragement of the Christian Phalangists had something to do with it. In any event, Mr. Begin has since played his hand clumsily. To this day he has not satisfactorily explained, to Israelis or others, what his objectives in Lebanon are and how his policies are intended to serve them. He waited a strangely long time, until after Syria had taken the crucial Sannin peaks, to react militarily, and he then chose to shoot down two Syrian helicopters, which led predictably to the introduction of the missiles. His most recent step was a tension-heightening testing of the missiles with a drone, which was shot down. Now he asks in effect that the United States pull his chestnuts out of the fire. Syria, which is in Lebanon by invitation, smiles on all this. The Soviet Union sits on its hands.

The United States has a strong claim on Israel to let it do what it can to resolve the crisis. The Americans can argue, after all, that they are working to stop a war, to prevent Israeli casualties, to keep the Camp David process healthy and to impede further Soviet encroachment. The question is, however, how well the apparent Reagan approach will go down in Israel. For the Israelis, the effect seems to have been to force their government to choose between getting rid of the missiles and maintaining what it considers its "right" to fly over Lebanon and attack Palestinian military positions. Either way, Israel faces a serious loss of credibility and security position. It is very difficult to see how either the government or the opposition can accept it. This would be so even if Israel were not in the midst of an election campaign.

To heighten the chances of Israel acceptance, the Americans must consider adding an element that has yet to be mentioned in public accounts. That is a Syrian commitment to keep Palestinians under its control in Lebanon from hitting at Israel. This is nothing new for Syria: it would merely extend to Palestinians in Lebanon the same

leash it already applies to Palestinians at home. At the same time, to make this politically feasible for the Palestinians and their supporters, the United States must accept a parallel commitment for its own direct focus on the Palestinian problem.

The Reagan administration had put the Palestinian problem on hold, hoping to get on with building a "strategic consensus." But the Lebanese conflict reminds everyone, or it should, that the Palestinian issue comes first, not just in the minds and preferences of Arabs but in reality. Regardless of whether Israel and Syria have themselves another war now, that issue must be addressed head on.●

AMENDMENTS TO SOCIAL SECURITY ACT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. SYNAR. Mr. Speaker, I am introducing today three amendments to the medicaid and medicare portions of the Social Security Act. These amendments are in response to the savings mandated by the recently approved first concurrent budget resolution. As you know, the magnitude of those savings presents us with a difficult task: Curbing the growth of Federal health costs while standing behind our commitment to the poor and elderly in need of health care. Bold and prompt action is needed to meet this challenge successfully and to allow the States sufficient time to prepare for the changes.

These amendments are designed to allow States the flexibility they need to reduce costs and improve the efficiency of Government-financed health care for the poor and the elderly while maintaining essential services. These measures are intended for consideration in conjunction with various other proposals that are being advanced to achieve this goal.

The first of the proposed amendments would allow States to begin acting as prudent buyers of medicaid services by employing more efficient means of procuring medical goods and services. This approach has recently been endorsed by the National Governors' Association as a major area of urgently needed reform.

Under existing law States cannot act as prudent buyers since States are required to reimburse medicaid providers without regard to the cost effectiveness of a provider's operations or delivery system. By contrast, my amendment would give the States the latitude to discourage utilization of excessively expensive providers under medicaid and the authority to use competitive bidding or negotiated rates for standardized services or products. Also, the proposed amendment includes provisions that guarantee medicaid recipients reasonable access to properly qualified providers of medical services.

The second proposed amendment makes a significant start on including medicare, which is a larger program than medicaid, in the current effort to contain inflationary increases in health care costs. This can readily be done by requiring that medicare, in those States that have adopted federally approved prospective reimbursement systems for medicaid, follow the medicaid methodology in reimbursing hospitals. Currently, nearly a dozen States, including a number of the larger States, have adopted approved prospective reimbursement systems under medicaid. Prospective systems in general have proven significantly more cost efficient than the medicare retroactive reimbursement system so that immediate and substantial savings can be expected from this approach. Also, the broader question of extending prospective reimbursement generally to medicare has been recognized by the National Governors' Association as a priority matter for congressional action.

Enacting this second amendment would yield the additional benefit of eliminating the bureaucratic burden of the dual reimbursement system that now exists for hospitals in those States that have adopted approved alternative reimbursement methods. Also, since those approved prospective systems are already in place, this proposal would be easy to implement. Let me add, this amendment shall not affect ongoing demonstration projects which currently have waiver of existing medicaid reimbursement requirements.

The third and last proposal would authorize the Secretary of Health and Human Services, on an interim basis and within certain well defined limits, to grant waivers of requirements in the medicaid law and regulations that impede cost effective and efficient program operations. This waiver authority would presumably complement other specific proposals for medicaid reform now pending before the Congress by giving individual States a short term means of obtaining Federal approval for program changes that are tailored to the particular needs and circumstances of the State seeking the waiver.

This waiver authority can only have a meaningful impact if it is clear that waivers are to be granted in a timely fashion upon an appropriate submission by the State unless there is a substantial and compelling reason for not doing so. Accordingly, the proposed amendment has been drafted to insure that the Secretary of Health and Human Services will act promptly on waiver requests and evaluate such requests with the understanding that the Congress intends that the presumption should be in favor of granting waivers to the States. On the other hand, this waiver authority would be limited in specific respects that would preclude inappropriate modifications in basic eligibility requirements, life and safety protections, and provisions for fair administrative process to applicants for and recipients of medical assistance. Also, waivers could not be granted that would weaken Federal controls in fraud and abuse.

The waiver approach is an interim step that would allow States to begin taking action in the immediate future to limit growth in program costs. This added flexibility will be essential for States to cope with impending fund reductions that will seriously strain State systems in the coming months. However, I am proposing only interim authority since I am anticipating that there will be substantial revision of the medicaid law later in this Congress that would supersede the waiver authority.

The urgency of the crisis facing the States and the interim nature of the waiver authority also require that judicial review of agency action relating to these waivers be carefully limited. If the States' proposals that receive approval for implementation were generally open to challenge in the courts, costly delays would be unavoidable. The challenged proposals could not be put into effect in sufficient time to allow the States to modify their programs appropriately in response to the major new fiscal restraints that will be imposed at the beginning of the coming fiscal year.

On the other hand, the limitations on judicial review would not operate to prevent needy persons from pursuing their individual rights to medical assistance since the laws and regulations relating to fair administrative process on behalf of claimants and recipients are not subject to the waiver authority.

In sum, these three amendments, along with other measures now under consideration, will give the States vitally needed capabilities to continue financing quality medical care for the elderly and poor while adapting to the more stringent budget constraints that are now being imposed on both State governments and the Federal Government.●

PRESIDENT REAGAN LOOKS AT SOCIAL SECURITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. HAMILTON. Mr. Speaker, I insert my Washington report for Wednesday, May 27, 1981, into the CONGRESSIONAL RECORD:

PRESIDENT REAGAN LOOKS AT SOCIAL SECURITY

President Reagan has proposed the first significant cut in social security benefits since the system was set up 46 years ago. His proposal has unleashed a wide storm of protest. My impression is that the proposal seems unlikely to win approval, at least in its present form. These are the things the President would do:

CALCULATION OF BENEFITS

Mr. Reagan would alter the formula under which initial benefits are calculated for those who retire at 65 years of age or later. The change would mean that the average worker retiring at age 65 would receive about 9 percent less each month than he would get if the law were not altered. Instead of getting a pension equal to 41 percent of prior earnings, the average worker would get 38 percent of prior earnings.

EARLY RETIREMENT

Workers can now retire at the age of 62 and receive 80 percent of the benefits they would have been entitled to had they retired at 65 years of age. The President would reduce that proportion to 55 percent, so that workers who retired at age 62 would receive an average of $126 less per month than they would get under current law. About 70 percent of all workers begin drawing their benefits before they reach 65 years of age.

EARNINGS IN RETIREMENT

Until they are 72 years old, workers who remain employed after age 65 have their benefits reduced by $1 for each $2 they earn in excess of $5,500 per year. Mr. Reagan would lift the ceiling on earnings in stages and then eliminate it altogether after 1983.

EMPLOYEES OF GOVERNMENT

Federal and state workers are not covered by social security, but have their own systems of retirement. Under current law they can retire from government employment, begin drawing a pension, work for a few years in a job covered by social security, and then draw social security benefits in addition to the other pension. The President would ease the financial impact of this practice by taking the other pension into account when calculating social security benefits for former employees of government.

TAX RATE

The social security tax is 6.65 percent of the first $29,700 of earned income. The rate is scheduled to increase gradually until it reaches 7.65 percent in 1990. Mr. Reagan would lower the rate if and when the money in the social security trust funds amounted to 50 percent of that which would have to be paid out in the following year.

DISABILITY

At the present time, disability is defined not just in terms of the applicant's medical condition, but also on the basis of his prospects for a new job in view of his age and experience. The President would consider medical condition alone. Also, he would lengthen from five to six months the period during which the applicant must wait to get benefits.

COST-OF-LIVING INCREASES

Although Mr. Reagan would not change the manner in which cost-of-living increases are paid, he would shift the date of payment from July 1 to October 1, beginning in 1982. This is the only part of his proposal that would affect the 36 million Americans who are now retired and are drawing benefits.

My first comment on the President's plan is that some reform of social security is inevitable. The question is not whether the system will be reformed, but how. The "senior boom" has put the social security trust funds at risk, and there may well be a problem of "cash flow" as early as next year. It seems to me that Mr. Reagan must be given credit for tackling the problem. He has created the opportunity for a change that all of us know must come.

My second comment, however, is that the President has engaged in "overkill." He has overreacted with a proposal that may not be necessary to solve the problems of social security. Mr. Reagan has moved not only to eliminate the near-term deficit in the system, but also to produce a surplus large enough to permit a cut in the payroll tax. In fact, he wishes to reduce benefits by $70 billion over the next five years, a total amount far in excess of the $11 billion deficit expected for that period. Moreover, he has recommended that those who choose to retire early be very stiffly penalized. It seems to me that we break faith with these people if we act without warning to cut them off by suddenly changing what they can hope for when they stop work. Finally, it must be noted that disability benefits were tightened up just last year. It is not at all obvious that there is any need for the changes the President suggests.

The importance of social security in this country is becoming clear to everyone. The system is not unassailable, but any change in it must be approached with great care. One reform that appears worthwhile to me is correction of the cost-of-living index so that it reflects the real rate of inflation. A proposal pending in Congress would limit cost-of-living adjustments to wage increases or price increase, whichever were smaller. As I see it, basic fairness demands that sacrifices be spread more or less evenly across all beneficiaries and not be concentrated on a few.

I believe that social security reform is a bipartisan issue. Without bipartisan effort, I suspect not much will be done. In response to criticism of his plan, Mr. Reagan has shown that he may compromise. An agreement may now be possible.●

THE ANTI-ARSON ACT OF 1981

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. SEIBERLING. Mr. Speaker, in the 95th and 96th Congresses I introduced antiarson legislation. Today, I would like to offer my support to the efforts of my colleague, Representative JOE MOAKLEY, who has introduced similar legislation this year. His bill, the Anti-Arson Act of 1981, is identical to that of Senator JOHN GLENN, who wrote the bill and has been very actively pursuing it. The Glenn bill, S. 294, and the Moakley bill, H.R. 1506, which I have cosponsored, constitute a major step in combating the arson epidemic.

The purpose of this legislation is to establish a federally-based strategy that will assist localities throughout the United States to coordinate antiarson programs. It is clear that this sort of strategy is needed because arson has virtually overwhelmed the resources of State and local agencies who are desperately trying to defend against it.

In the past decade, arson has increased to 400 percent. In 1978, the National Fire Protection Association reported 222,378 arsons and fires of suspicious origin resulting in over 1,000 deaths. It is now the cause of one out of every four fires in the United States. Over 15,000 totally innocent individuals are seriously injured because of arson each year. Annual property losses are estimated in the vicinity of $6 billion with indirect losses ranging as high as $13 billion.

In the Akron, area alone, over $1.5 million was lost due to arson in 1980. In conversation with the director of the arson division of the Akron Fire Department, lieutenant Harold Park, my staff learned that out of 340 fires investigated in 1980, 280 were definitely arson. Reports indicate that 1981 will be no different.

Lieutenant Park described how a typical case of arson occurs. An abandoned rundown building is purchased for $1,000, for example. The purchaser calls an insurance agent saying that he would like to put $30,000 or $40,000 worth of coverage on a building he just bought. So the agreement is made over the phone. There is often no inspection of the building, no investigation made of the owners financial background or present state of affairs. The owner then hires someone to spill gasoline throughout the building—or he does it himself. The torch is lit, perhaps at the end of a saturated rope in the basement, or a small fire is set right in the furnace. By the time the explosion occurs, the arsonist is long gone. Later he files his claim with the insurance company, and the check covering the losses is sent.

According to insurance experts, these losses are eventually passed along to homeowners and taxpayers in general. One fourth of every home insurance policy premium dollar goes to pay for arson, which explains why this crime has become the major reason for today's rising costs of home fire insurance.

Social disparities, urban decay and downward economic trends contribute to the making of this criminal fraud against society. To the extent that those problems can be lessened, the occurence of arson will probably decrease. But in the meantime, other measures must be taken if we are ever going to halt the rising spiral of this crime.

Congressional efforts to combat arson were initiated in 1977 by Senator JOHN GLENN of Ohio when he introduced the Arson Control Assistance Act of 1977, to provide Federal leader-

ship for antiarson efforts. I introduced this same bill in the House. The Senate Committee on Governmental Affairs Permanent Subcommittee on Investigations, held hearings and published testimony on arson, drawing national attention to the seriousness of the crime. The General Accounting Office and the Law Enforcement Assistance Administration—LEAA—published various reports on arson for profit schemes and their effect on and relationship to the insurance industry.

Senator GLENN's legislation mandated the reclassifiction of arson as a part I crime along with seven major crimes in the FBI uniform crime reports. Offered this one provision as an amendment to the Justice Department Authorization bill and it was accepted. As a result, arson is now reported as a part I crime. This was an important first step but permanent legislation such as H.R. 1506, the Anti-Arson Act of 1981, is still necessary.

The bill has four major provisions:

First, it would create an interagency committee to coordinate antiarson efforts at the Federal level. The committee would include the Director of the Bureau of Alcohol, Tobacco and Firearms, the Director of LEAA, The Attorney General, and the Administrator of the FBI, among others. The committee's function would be to assist State and local governments by coordinating strategy, training, and research to local public officials and law enforcement personnel.

Second, it would mandate permanent classification of arson as a part I crime insuring that it would always be treated as a major crime.

Third, it would require the U.S. Fire Administration to make antiarson research and training a permanent and intergral part of its program.

Fourth, it would require property owners in areas covered by Government guaranteed insurance programs—FAIR plans—to provide complete lists of properties they own and disclose whether destruction of properties they owned in the past stemmed from fires of suspicious origin. FAIR plans were designed to help low-income property owners to obtain insurance in areas where insurance companies were reluctant to write policies. However, FAIR has been used at times by absentee speculators and real estate hustlers who hire professionals to burn structures purposely so policyholders can collect insurance money. The requirement for disclosure of properties that have been destroyed by fire means that those people who honestly need FAIR insurance will get it and those who may have insurance fraud in mind will have a harder time taking advantage of it.

Mr. Speaker, I am concerned about the rising incidence of arson and the great losses it is continuing to cause—not only monetary losses but human losses as well.

Arson is an economic crime and it is a violent crime. It can be stopped only through coordinated efforts by Federal, State, and local fire and law enforcement authorities and the insurance industry. It is time we made a major assault on the arson epidemic. I urge my colleagues to support H.R. 1506, the Anti-Arson Act of 1981.●

NOT IN THE CONSUMERS' INTEREST

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1981

● Mr. LaFALCE. Mr. Speaker, the Wall Street Journal carried an article last week that points up the need for congressional action to lift usury ceilings on consumer loans. The front-page article, which appeared on May 22, 1981, focused on the case of Arkansas where a constitutionally imposed 10-percent interest rate cap on consumer loans is depressing the State's economy.

Not only are retailers being driven out of business by the disparity between the interest they can charge consumers and the interest they pay to borrow money but consumers end up paying higher prices to subsidize low- interest rates or find themselves being denied credit. This is a disastrous situation. As the article points out, Arkansas is an extreme case because of the electorate's continued refusal to acknowledge the realities of these inflationary times.

Nevertheless, the problems experienced by businessmen, lenders and consumers in Arkansas represent a clear reminder of what could happen in other States with low usury ceilings on consumer loans as long as inflation remains a serious economic problem. I urge all Members to read this article closely and then take a serious look at H.R. 2501 which I have introduced. H.R. 2501 would deal with the usury problem on consumer loans on a nationwide basis by providing for Federal preemption of State usury ceilings on consumer loans.

ARKANSAS RETAILERS SAY USURY LAW THREATENS WHOLESALE CLOSEDOWNS

(By Brenton R. Schlender)

LITTLE ROCK, ARK.—When C. Bernie Allen first got into the record and home-entertainment business here 17 years ago, he never dreamed that his fate as a businessman would be determined by Arkansas voters.

But on the day following the election last November, he watched the choir of demonstrator television sets in one of his four suburban stores flash voting returns that confirmed his fears with chilling redundancy. Arkansas voters, fed up with inflation, higher taxes and steep mortgage interest rates, had chosen to retain the state's century-old 10 percent interest rate ceiling on consumer loans. Mr. Allen, who had been paying some out-of-state lenders more than 20 percent in interest to finance his stores' operations for several months, knew that he faced more red ink and possibly his day in bankruptcy court.

Sure enough, in early March his company, Moses Melody Shops Inc., filed for reorganization in federal bankruptcy court here, despite record Christmas sales and the layoff of half of his 72 employes. Now, Mr. Allen adds, the company is being liquidated.

"The load of carrying the difference between what we had to pay for money and what we could charge our customers for credit just got too heavy," the 49-year-old former minor-league third baseman explains. "The atmosphere for retail business in this state is like a morgue now."

VARIED COUNTERMEASURES

Hundreds of other furniture, appliance, soft-goods and automobile retailers in Arkansas also are being cramped by the lowest usury ceiling—and the stiffest penalties for violations—in the nation. To preserve profits, they have had to raise prices, tighten customer credit requirements, shorten repayment periods, lay off employes and discontinue free delivery and other services.

Federal legislation has taken Arkansas banks and savings and loan associations off the hook somewhat by allowing them to charge up to 15 percent on consumer loans and 23 percent on business and farm loans. But even the 15 percent limit is so low that many banks have nearly halted consumer lending; they prefer to divert funds to higher-yielding money-market certificates and other investments outside Arkansas.

There's no other state quite like it." says Robert Devine, national coordinator for credit legislation for J.C. Penny Co. Not only is the Arkansas ceiling the nation's lowest, but Arkansas is the only state where interest rates are governed by the state constitution and not the legislature, he says, "In other words, its just about impossible for retailers to operate there" he adds.

DEVELOPMENT HURT

Moreover, experts say the strict ceiling and stiff penalties have compounded an historically stagnant state economy and thereby have damped economic development in Arkansas. Others blame the usury ceiling at least in part for a recent spate of business bankruptcies and higher retail prices statewide. "It's hard to quantify exactly what the usury ceiling has done to harm Arkansas, but you know it has," says Jim Guy Tucker, former congressman and currently an attorney for the Arkansas Bankers Association. It's just that a lot of the bodies haven't floated to the surface yet."

As the election last fall demonstrated, however, lots of people in Arkansas like the usury ceiling. That was the third time since 1968 that voters rejected proposed constitutional amendments, sponsored by a coalition of bankers, retailes and auto dealers, that would have allowed the legislature to set the interest-rate ceiling and reduce usury penalties.

The staunches opponents of the proposals have been organized labor and consumer groups. They cite many reasons. They don't want to give legislators, many of whom have ties with banks, the authority to set the ceiling. And they don't want to dilute the penalty for making a usurious loan—complete forgiveness of all principal and interest.

THE PRINCIPAL ARGUMENT

Mainly however, "We don't think it's right for retailers to make money on money," says J. Bill Becker, Arkansas AFL-CIO president. He also sees "nothing wrong with tight money." He contends that federal economic-growth barometers show that Arkansas, whose population grew 18.8% in the 1970s, "has done pretty darn good" even with the ceiling.

But signs of the ceiling's effects are all over Arkansas's retailing industry—from the small-town mom-and-pop furniture stores all the way up to big car dealers and department stores. Mr. Allen, for example, was able to carry $2 million in "customer paper" only by borrowing at high interest rates (up to 23 percent at some out of state finance companies), or by paying reluctant appliance finance companies such as Westinghouse Credit Corp. and General Electric Credit Corp. to back his credit customers. The most he could charge his customers, however, was 10 percent simple annual interest, with the debt to be paid in no more than 12 monthly installments.

"Most of those accounts were for about $50, and the customer would send you $5 a month," he moans. "That's almost as much as it cost us to mail out the monthly statements."

All those debt problems just to keep merchandise moving ultimately combined with the recession to run Mr. Allen out of business. Like Mr. Allen, his banker, William Bowen, chairman of Commercial National Bank here, blames Mr. Allen's troubles on the usury ceiling. "Bernie Allen played a good game," Mr. Bowen says, "but he got caught in the trap."

Also being hurt is Dillard's Department Stores Inc., which is headquartered in Little Rock and operates seven of its 40 large stores in Arkansas. The company estimates that it lost $1.2 million in 1980 alone through borrowing from banks to cover its Arkansas credit customers. (Dillard's as a whole, however, earned $8.5 million, up from $8.3 million in 1979.) According to E. Ray Kemp, Dillard's vice chairman, 52 percent of the company's $35 million in sales in Arkansas are on credit, and "for every $1 we got back in interest and service charges, we spent $1.80." He adds, "Arkansas never was a normal place to do business, but now it's getting even worse."

Part of the problem, Mr. Kemp asserts, is that Arkansans are "taking advantage of any cheap credit they can get." He notes that Dillard's stores outside Arkansas average only 45 percent in charge sales, and those customers generally pay about 18 percent annual interest.

Over the years, Arkansas retailers have found a few ways to offset the costs of extending credit. Dillard's, for example, has cut its pay period for credit purchases to six months from the 18 months allowed two years ago. Other retailers have quit extending their own credit altogether or encourage the use of bank credit cards, which can charge 15 percent in annual interest because of the federal bank laws.

Many retailers say they are operating with fewer clerks than ever before and have put off remodeling plans or moves to larger quarters. Others have simply trimmed inventories and discontinued free services.

HIGHER PRICES

However, the easiest way to recoup the built-in credit losses is to raise merchandise prices, and studies show that, except in border areas, Arkansas retailers have done just that. According to Gene Lynch, professor of finance at the University of Arkansas in Fayetteville, prices for furniture and appliances in Little Rock run as much as 11 percent higher than prices for identical merchandise in surrounding states—a difference he blames solely on the usury ceiling. That finding indicates that "cash customers are subsidizing every credit purchase in the state" by paying higher prices themselves, he contends. "There's no free lunch for anybody."

But in border towns such as Texarkana, which lies smack on the Texas-Arkansas line, Arkansas retailers can't raise prices and still compete with rivals across town. Consequently, most furniture and appliance dealers and all 15 franchised new-car dealers have set up shop on the Texas side of State Line Avenue, which bisects the central business district. There, they can charge up to 24 percent for consumer credit.

Melvin Kusin, owner of Kusin's Texas Furniture Store in Texarkana, knows what it's like to do business in both states because he owns another furniture store in nearby Hope, Ark. Mr. Kusin says the Texas store has "subsidized" the Hope store since consumer lending was "flat cut off" by Arkansas banks last summer. "Without the Texas store, we'd have to add 8 percent to 10 percent to our prices across the board just to cover interest expenses."

The few furniture dealers staying in Arkansas have been fixtures there for nearly half a century. "Sure we'd be better off in Texas, but we own our own property here," says R. J. McNatt, whose Moore Furniture Store has been in business "within spittin' distance of Texas" for more than 40 years. "Sometimes, when I get to thinking about it, I get a little mad that they don't have my problems down the street," adds the unperturbable Mr. McNatt. "But it's too late to move now."

The new-car dealers in Texarkana are lucky that, by the early 1970s, they all had moved to the Texas side. "Arkansas has practically been cut out of the map" as far as the auto makers' finance companies are concerned, says Dennis Jungmeyer, executive director of the Arkansas Automobile Dealers Association.

In the past year, General Motors Acceptance Corp., Ford Motor Credit Corp. and Chrysler Credit Corp.—all bound to the 10 percent interest ceiling for consumer car loans—have imposed on Arkansas dealers restrictions unheard of in the other 49 states. For example, GMAC and Ford Motor Credit don't extend wholesale or retail credit on new non-GM and non-Ford products, and GMAC finances the sale of a used car only if it is traded in on a new GM model. Unlike elsewhere, all dealers in Arkansas have to pay for insurance on cars in transit to their showrooms, and they have to pick up the full tab when a vehicle is repossessed. They also must pay market rates—as much as 23 percent lately—to finance their own inventories.

TOLL OF AUTO DEALERS

The Arkansas dealers, accustomed for years to tight financing, have still found ways to stay in business. Last year, only nine dealerships folded or changed hands out of 390, according to Mr. Jungmeyer. But so far this year, 17 dealers have already gone out of business or changed hands, even though sales have improved somewhat.

For a while, some dealers managed to turn the disadvantage of 10 percent credit into a marketing tool: They advertised their cheap credit to customers in surrounding states. But now some finance companies refuse to grant 10 percent credit to anyone but an Arkansas resident.

Normally, the dealers would rely on local banks to lend the money to customers turned down by finance companies. But even with the federal law allowing banks to charge 15 percent they aren't making many auto loans. Several Little Rock banks say they grant consumer loans only to their best customers and only in amounts exceeding $3,000.

"With consumer loans, you have to be sparing and lend only to stay in touch with your good customers," says Mr. Bowen of Commercial National Bank. And Joseph Ford, a vice president at First National Bank in Little Rock, adds, "We just plain can't afford to loan out money" even at 15 percent. Since last June, Mr. Ford has seen First National's outstanding consumer loans drop to less than $13 million from $17 million. "This lack of credit has got to hurt the young people and little people of Arkansas as well as the business," he observes.

In the wake of failures at the ballot boxes, bankers, retailers and car dealers are beginning to hope for help from higher, and previously unmentionable, places. "Nobody likes the idea of the federal government meddling with our business," says David Kilborn, general manager of Cliff Peck Chevrolet in Little Rock. "But that's about our last hope now." Several Arkansas legislators in Washington have introduced a bill that would provide federal interest-rate relief to retailers, and a new York congressman has proposed creation of a national usury ceiling that would override state-imposed limits.

If retailers and auto dealers in Arkansas can hang on until November 1982, however, federal help may not be needed. In March, the Arkansas legislature voted to put on the 1982 ballot yet-another constitutional amendment that would raise the consumer-loan ceiling to 17 percent—which still would be the nation's lowest—while retaining the current penalty for violations.

But even the amendment's proponents aren't very optimistic that it will fare any better than the last three proposals. "It's pretty hard to convince a voter that 17 percent or 18 percent interest will end up costing him no more than the 10 percent he's paying now," Mr. Kemp of Dillard's says.

Others aren't sure that the proposed amendment will offer enough relief. "My worst fear is that the new amendment will be as obsolete as the old law by the time we get around to vote on it," says Jackson Stephens, chairman of Stephens Inc., a Little Rock investment banking firm. But by that time," he adds, "things might be so bad that the people will demand a cure."●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 28, 1981, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 1

9:00 a.m.
Appropriations
*Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the defense establishment, receiving testimony on overall intelligence matters.
1223 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation/National Ocean Policy Study
To hold hearings on the nomination of John V. Byrne, of Oregon, to be Administrator of the National Oceanic and Atmospheric Administration.
235 Russell Building

Judiciary
Separation of Powers Subcommittee
To resume hearings on S. 158, establishing a congressional finding and declaration that human life begins at conception.
2228 Dirksen Building

2:00 p.m.
Joint Economic
To resume hearings on the effect of certain business practices on productivity of the American economy.
2154 Rayburn Building

JUNE 2

9:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on proposed legislation modifying certain provisions of the Medicare and Federal Employees Health Benefits programs.
3302 Dirksen Building

9:30 a.m.
Appropriations
*HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1982 for the Department of Housing and Urban Development, and certain independent agencies, receiving testimony from public witnesses.
1224 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.
235 Russell Building

Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings on S. 850, defining taxpayers' rights and providing for their protection against arbitrary actions by the Internal Revenue Service.
2221 Dirksen Building

Labor and Human Resources
To hold oversight hearings on the activities of the National Cancer Institute.
4232 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

Foreign Relations
Business meeting, to consider pending nominations.
4221 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

Small Business
Business meeting, to consider proposed reconciliations in relation to cost-savings proposals which fall within the committee's jurisdiction.
424 Russell Building

Joint Economic
To hold hearings on a comparative analysis of income policy between Austria and the United States.
2128 Rayburn Building

JUNE 3

9:00 a.m.
Governmental Affairs
*Intergovernmental Relations Subcommittee
To hold oversight hearings on the implementation of community development block grants.
5110 Dirksen Building

9:15 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment, receiving testimony on programs of the Central Intelligence Agency.
1223 Dirksen Building

9:30 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the Department of Housing and Urban Development and certain independent agencies, receiving testimony from public witnesses.
1224 Dirksen Building

Energy and Natural Resources
To resume oversight hearings on the implementation of standby oil controls.
3110 Dirksen Building

Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 550, providing a Federal income tax credit for tuition.
2221 Dirksen Building

Judiciary
Constitution Subcommittee
To resume oversight hearings to explore the state of the law with respect to school busing, and the constitutional and legal aspects of alternative remedies.
2228 Dirksen Building

Labor and Human Resources
*Employment and Productivity Subcommittee
To hold oversight hearings on the implementation of the Farm Labor Contractor Registration Act, and to hold hearings on S. 922, clarifying the meaning of "migrant worker", and insuring the proper administration and enforcement of the Farm Labor Contractor Registration Act.
4232 Dirksen Building

*Veterans' Affairs
Business meeting, to mark up numerous legislative proposals limiting funds of certain services and benefits for veterans, including S. 916, S. 918, S. 919, S. 920, S. 936, S. 1058, S. 1059, S. 1060, S. 1061, S. 1062, S. 1063, S. 1064, S. 1065, and S. 1066
412 Dirksen Building

10:00 a.m.
Agricultural, Nutrition, and Forestry
Business meeting, to consider proposed reconciliations in relation to cost-savings proposals which fall within the committee's jurisdiction.
324 Russell Building

Commerce, Science, and Transportation
To hold hearings on the nomination of Frederick M. Bush, of Texas, to be Assistant Secretary of Commerce for Tourism.
235 Russell Building

Environment and Public Works
To continue oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

2:00 p.m.
Environment and Public Works
To continue oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

Judiciary
Constitution Subcommittee
To hold hearings on proposed legislation authorizing funds for the U.S. Commission on Civil Rights.
2228 Dirksen Building

JUNE 4

9:00 a.m.
Appropriations
*Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment, receiving testimony on programs of the National Security Agency.
1223 Dirksen Building

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To continue hearings on S. 550, providing a Federal income tax credit for tuition.
2221 Dirksen Building

Labor and Human Resources
*Employment and Productivity Subcommittee
To continue oversight hearings on the implementation of the Farm Labor Contractor Registration Act, and to hold hearings on S. 922, clarifying the meaning of "migrant worker", and insuring the proper administration and enforcement of the Farm Labor Contractor Registration Act.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
To continue oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JUNE 5

9:00 a.m.
Finance
Estate and Gift Taxation Subcommittee
To resume hearings on S. 404, S. 395, S. 858, S. 574, S. 23, S. 557, and S. 995, proposals to revise the estate and gift tax laws and minimize the burden on small and moderate-size estates.
2221 Dirksen Building

JUNE 8

9:00 a.m.
Appropriations
*Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the defense establishment, receiving testimony on defense intelligence programs.
1223 Dirksen Building

9:30 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 448, exempting fuels used by intercity, local and school buses from the Federal motor fuel excise tax, S. 307, exempting interests held by residential child care agencies from the windfall profit tax, S. 498, providing a tax credit to home builders for the construction of residences containing passive solar energy systems, and S. 725, expanding the category of shale oil property eligible for the energy investment credit.
2221 Dirksen Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the municipal waste water treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and on other related proposals.
4200 Dirksen Building

2:00 p.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on proposals for the development of water resources.
4200 Dirksen Building

JUNE 9

9:00 a.m.
Office of Technology Assessment
The Board, to hold a business meeting on pending business matters.
EF-100, Capitol

9:30 a.m.
Labor and Human Resources
Business meeting, to consider proposed reconciliations in relation to proposals which fall within the committee's jurisdiction.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Reese H. Taylor, Jr., of Nevada, to be a Member of the Interstate Commerce Commission.
235 Russell Building

Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JUNE 10

9:15 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the defense establishment receiving testimony on special programs of the Air Force.
1223 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to continue consideration of proposed reconciliations in relation to proposals which fall within the committee's jurisdiction.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and on other related proposals.
4200 Dirksen Building

2:00 p.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on S. 841 and S. 1024, bills authorizing funds through fiscal year 1986 for the construction and safety of Federal highways.
4200 Dirksen Building

JUNE 11

9:00 a.m.
Appropriations
*Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the defense establishment, receiving testimony on command, control and communication programs and intelligence related activities of the Department of Defense.
1223 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on employment and training programs in the United States, focusing on objectives of employment and training policy and the relationship between Federal, State and local governments in the funding, design and administration of employment and training programs.
4232 Dirksen Building

*Veterans' Affairs
To hold hearings on S. 917, increasing the rates of disability compensation for disabled veterans, and the rates of dependency and indemnity compensation for their survivors, S. 911, authorizing the payment of a special pension to the survivor of persons awarded the Medal of Honor, and S. 915, S. 779 and S. 112, bills providing for memorials to honor the memory of certain deceased members of the Armed Forces.
412 Russell Building

9:30 a.m.
*Commerce, Science, and Transportation
To resume hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.
235 Russell Building

10:30 a.m.
Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

2:00 p.m.
Labor and Human Resources
To hold hearings on the nominations of Vincent E. Reed, of the District of Columbia, to be Assistant Secretary for Elementary and Secondary Education, Department of Education, William C. Clohan, Jr., of West Virginia, to be Under Secretary of Education, Daniel Oliver, of Connecticut, to be General Counsel, Department of Education, Winifred A. Pizzano, of Virginia, to be Deputy Director of the ACTION Agency, and Lawrence F. Davenport, of California, to be an Associate Director of the ACTION Agency.
4232 Dirksen Building

JUNE 12

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on proposals to provide for the development of ports and harbors and inland waterways in the United States, including S. 809, S. 810, S. 68, S. 202, S. 576, S. 828, and S. 1094.
4200 Dirksen Building

JUNE 15

9:00 a.m.
Labor and Human Resources
*Employment and Productivity Subcommittee
To continue hearings on employment and training programs in the United States, focusing on objectives of employment and training policy and the relationship between Federal, State and local governments in the funding, design and administration of employment and training programs.
4232 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.
235 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and on other related proposals.
4200 Dirksen Building

JUNE 16

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.
235 Russell Building

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1182, improving the administration of the Longshoremen's and Harbor Workers' Compensation Act by removing certain inequities, reducing incentives for fraud and abuse, and assuring immediate com-

pensation benefits and competent medical treatment for injured employees.
3110 Dirksen Building

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 810, proposed Inland Waterway User Fee Act.
4200 Dirksen Building

Labor and Human Resources
Education Subcommittee
To resume hearings on S. 1103, authorizing funds through fiscal year 1986 for elementary and secondary education programs and providing educational support at the State and local level.
4232 Dirksen Building

JUNE 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To continue hearings on S. 1182, improving the administration of the Longshoremen's and Harbor Workers' Compensation Act by removing certain inequities, reducing incentives for fraud and abuse, and assuring immediate compensation benefits and competent medical treatment for injured employees.
1318 Dirksen Building

Labor and Human Resources
*Education, Arts and Humanities Subcommittee
To continue hearings on S. 1103, authorizing funds through fiscal year 1986 for elementary and secondary education programs, and providing educational support at the State and local level.
4232 Dirksen Building

Veterans' Affairs
To hold hearings on the substance of S. 266, implementing procedures and guidelines for the interagency sharing of health resources between the Department of Defense and the Veterans' Administration.
412 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and on other related proposals.
4200 Dirksen Building

JUNE 18

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on employment and training programs in the United States, focusing on objectives of employment and training policy and the relationship between Federal, State and local governments in the funding, design and administration of employment and training programs.
4232 Dirksen Building

9:30 a.m.
Labor and Human Resources
Education, Arts and Humanities Subcommittee
To continue hearings on S. 1103, authorizing funds through fiscal year 1986 for elementary and secondary education programs, and providing educational support at the State and local level.
5110 Dirksen Building

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 621, authorizing funds for the development of certain water resources projects.
4200 Dirksen Building

JUNE 19

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To continue hearings on employment and training programs in the United States, focusing on objectives of employment and training policy and the relationship between Federal, State and local governments in the funding, design and administration of employment and training programs.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on S. 841 and S. 1024, bills authorizing funds through fiscal year 1986 for the construction and safety of Federal highways.
4200 Dirksen Building

JUNE 22

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and on other related proposals.
4200 Dirksen Building

JUNE 23

9:30 a.m.
Commerce, Science, and Transportation
*Aviation Subcommittee
To hold hearings on proposed legislation to provide for an early phase out of the Civil Aeronautics Board.
235 Russell Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the role of the Federal Government in family planning programs of title X of the Public Health Services Act.
6226 Dirksen Building

Labor and Human Resources
Labor Subcommittee
Business meeting, to mark up S. 398, permitting certain employees to work a 10-hour day in the case of a 4-day workweek.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JUNE 24

9:30 a.m.
Commerce, Science, and Transportation
*Aviation Subcommittee
To continue hearings on proposed legislation to provide for an early phase out of the Civil Aeronautics Board.
357 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and on other related measures.
4200 Dirksen Building

Labor and Human Resources
Education, Arts and the Humanities Subcommittee
To resume hearings on S. 1103, authorizing funds through fiscal year 1986 for elementary and secondary education programs, and providing educational support at the State and local level.
4232 Dirksen Building

JUNE 25

9:00 a.m.
*Veterans' Affairs
Business meeting, to mark up S. 917, increasing the rates of disability compensation for disabled veterans, and the rates of dependency and indemnity compensation for their survivors, S. 911, authorizing the payment of a special pension to the survivors of persons awarded the Medal of Honor, and S. 915, S. 779, and S. 112, bills providing for memorials to honor the memory of certain deceased members of the Armed Forces, and the substance of S. 266, implementing procedures and guidelines for the interagency sharing of health resources between the Department of Defense and the Veterans' Administration.
412 Russell Building

10:00 a.m.
Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

JULY 7

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the primary intervention in addressing societal problems.
4232 Dirksen Building

JULY 9

9:00 a.m.
*Veterans' Affairs
To hold hearings on the prospective nomination of Robert P. Nimmo, of

California, to be Administrator of the Veterans' Administration.
412 Russell Building

JULY 15

9:30 a.m.
*Veterans' Affairs
To hold oversight hearings on procedures for the adjudication of certain claims, and to hold hearings on S. 349, providing for limited judicial review of the administrative action of the Veterans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

JULY 16

9:30 a.m.
*Veterans' Affairs
To continue oversight hearings on procedures for the adjudication of certain claims, and to hold hearings on S. 349, providing for limited judical review of the administrative action of the Veterans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

JULY 22

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 5, S. 7, S. 25, S. 26, S. 48, S. 105, S. 248, S. 417, and S. 742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building

JULY 23

9:30 a.m.
*Veterans' Affairs
To continue hearings on S. 5, S. 7, S. 25, S. 26, S. 48, S. 105, S. 248, S. 417, and S. 742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building

JULY 28

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on adoption services in the United States.
4232 Dirksen Building

JULY 29

9:30 a.m.
*Veterans' Affairs
Business meeting, to mark up S. 349, providing for limited judicial review of the administrative action of the Veterans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

SEPTEMBER 16

9:30 a.m.
Veterans' Affairs
Business meeting, to mark up S. 5, S. 7, S. 25, S. 26, S. 48, S. 105, S. 248, S. 417, and S. 742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building

CANCELLATIONS

JUNE 9

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of family planning programs.
5110 Dirksen Building
Labor and Human Resources
*Labor Subcommittee
To hold oversight hearings on the implementation of the Longshoremen and Harbor Workers Compensation Act.
4232 Dirksen Building

JUNE 10

9:30 a.m.
Labor and Human Resources
*Labor Subcommittee
To continue oversight hearings on the implementation of the Longshoremen and Harbor Workers Compensation Act.
4232 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, May 28, 1981*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O Lord, for all of the gifts and goodness we have received—for home and family, for the bounty of harvest, for labor and leisure, and for the freedom to speak and the joy of learning. Make us aware of our daily blessings and our lives will be enriched by the awareness of Your providence. We thank You for this day, O Lord, and may our actions and thoughts reflect our appreciations of the opportunities we have to live and love and be of service to others. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. ASHBROOK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 278, nays 8, present 1, not voting 143, as follows:

[Roll No. 52]

YEAS—278

Akaka	Blanchard	Clausen
Alexander	Bliley	Clinger
Anderson	Bolling	Coats
Andrews	Boner	Coelho
Annunzio	Bonior	Collins (TX)
Anthony	Bowen	Conable
Archer	Breaux	Conte
Ashbrook	Brinkley	Conyers
Atkinson	Brodhead	Corcoran
Bailey (MO)	Brooks	Courter
Bailey (PA)	Broomfield	Coyne, James
Barnes	Brown (CO)	Coyne, William
Beard	Brown (OH)	Craig
Bedell	Broyhill	Crockett
Beilenson	Burgener	D'Amours
Benjamin	Burton, John	Daniel, Dan
Bennett	Burton, Phillip	Daniel, R. W.
Bereuter	Carman	Daschle
Bethune	Chappell	Daub
Bevill	Cheney	Davis
Biaggi	Chisholm	de la Garza
Deckard	Johnston	Rahall
DeNardis	Jones (NC)	Railsback
Derrick	Kastenmeier	Rangel
Dingell	Kazen	Ratchford
Dorgan	Kildee	Regula
Downey	Kogovsek	Rhodes
Dreier	Kramer	Richmond
Duncan	LaFalce	Roberts (KS)
Dunn	Lagomarsino	Roberts (SD)
Dwyer	Lantos	Rogers
Dyson	Latta	Rose
Early	Leach	Rosenthal
Edgar	Leath	Rostenkowski
Edwards (CA)	LeBoutillier	Roth
Emerson	Lehman	Roukema
Emery	Leland	Rousselot
English	Lent	Roybal
Erdahl	Levitas	Russo
Erlenborn	Lewis	Savage
Ertel	Livingston	Sawyer
Evans (DE)	Loeffler	Scheuer
Evans (GA)	Long (MD)	Schneider
Fascell	Lott	Schumer
Fazio	Luken	Sensenbrenner
Fenwick	Madigan	Shamansky
Fiedler	Marks	Shannon
Fish	Martin (IL)	Sharp
Fithian	Martin (NC)	Shumway
Flippo	Martin (NY)	Shuster
Foglietta	Matsui	Siljander
Foley	Mazzoli	Skeen
Ford (MI)	McClory	Skelton
Ford (TN)	McCurdy	Smith (NE)
Fowler	McGrath	Snowe
Frenzel	McHugh	Snyder
Garcia	McKinney	Solarz
Gaydos	Mica	Solomon
Gejdenson	Michel	Spence
Gephardt	Mikulski	Stanton
Gilman	Miller (CA)	Staton
Glickman	Miller (OH)	Stenholm
Gonzalez	Mineta	Stokes
Gore	Minish	Studds
Gradison	Moakley	Swift
Gramm	Moffett	Tauke
Green	Molinari	Tauzin
Gregg	Montgomery	Taylor
Guarini	Moore	Thomas
Gunderson	Moorhead	Vento
Hall (OH)	Morrison	Volkmer
Hamilton	Mottl	Walgren
Hammerschmidt	Murphy	Wampler
Hance	Murtha	Watkins
Hawkins	Myers	Waxman
Heckler	Napier	Weber (OH)
Hefner	Natcher	Weiss
Hendon	Nelligan	Whitehurst
Hertel	Nelson	Whitley
Hiler	Nichols	Whittaker
Holland	Nowak	Whitten
Hollenbeck	O'Brien	Williams (MT)
Hopkins	Oakar	Williams (OH)
Horton	Oberstar	Winn
Howard	Obey	Wirth
Hubbard	Panetta	Wolf
Hughes	Parris	Wortley
Hunter	Paul	Wright
Hutto	Pease	Wyden
Hyde	Pepper	Wylie
Ireland	Perkins	Yates
Jeffries	Peyser	Young (MO)
Jenkins	Pickle	

NAYS—8

Evans (IA)	Harkin	Sabo
Forsythe	Holt	Schroeder
Goodling	Jones (OK)	

ANSWERED "PRESENT"—1

Collins (IL)

NOT VOTING—143

Addabbo	Aspin	Bafalis
Albosta	AuCoin	Barnard
Applegate	Badham	Benedict
Bingham	Gray	Price
Boggs	Grisham	Pritchard
Boland	Hagedorn	Pursell
Bonker	Hall, Ralph	Quillen
Bouquard	Hall, Sam	Reuss
Brown (CA)	Hansen (ID)	Rinaldo
Butler	Hansen (UT)	Ritter
Byron	Hartnett	Robinson
Campbell	Hatcher	Rodino
Carney	Heftel	Roe
Chappie	Hightower	Roemer
Clay	Hillis	Rudd
Coleman	Huckaby	Santini
Cotter	Jacobs	Schulze
Coughlin	Jeffords	Seiberling
Crane, Daniel	Jones (TN)	Shaw
Crane, Philip	Kemp	Shelby
Danielson	Kindness	Simon
Dannemeyer	Lee	Smith (AL)
Dellums	Long (LA)	Smith (IA)
Derwinski	Lowery	Smith (NJ)
Dickinson	Lowry	Smith (OR)
Dicks	Lujan	St Germain
Dixon	Lundine	Stangeland
Donnelly	Lungren	Stark
Dornan	Markey	Stratton
Dougherty	Marlenee	Stump
Dymally	Marriott	Synar
Eckart	Mattox	Traxler
Edwards (AL)	Mavroules	Trible
Edwards (OK)	McCloskey	Udall
Evans (IN)	McCollum	Vander Jagt
Fary	McDade	Walker
Ferraro	McDonald	Washington
Fields	McEwen	Weaver
Findley	Mitchell (MD)	Weber (MN)
Florio	Mitchell (NY)	White
Fountain	Mollohan	Wilson
Frank	Neal	Wolpe
Frost	Ottinger	Yatron
Fuqua	Pashayan	Young (AK)
Gibbons	Patman	Young (FL)
Gingrich	Patterson	Zablocki
Ginn	Petri	Zeferetti
Goldwater	Porter	

□ 1015

Mr. WHITTEN and Mr. MARTIN of New York changed their votes from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

LET THE FANS IN FREE—UNTIL THE BASEBALL STRIKE IS OVER

(Mr. JOHN L. BURTON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. JOHN L. BURTON. Mr. Speaker, unless something happens, this Nation will be faced with a baseball strike in what is really "America's game."

My solution to this problem is the following. The owners should let all the fans in for free and the players should play all the games for free until the strike is settled. This would be a way to repay the fans for their loyalty. If both sides are willing to do this play for free for the fans, then

the strike would really be over a matter of principle and not money.

UPCOMING VOTES OF GRAMM-LATTA SUPPORTERS AWAITED

(Mr. MOFFETT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MOFFETT. Mr. Speaker, during the recent time we spent back home, many of us were treated to radio interviews and talk shows by some of our colleagues who voted for the Gramm-Latta proposal and the Reagan budget.

"Yes, I voted for the Reagan budget," commented many of them. "But do not worry, I am really for restoring student financial aid funds and money for environmental protection. Yes, I voted for the Reagan budget, but I am really for restoring money for solar energy. Oh, yes, I voted for Gramm-Latta, but do not worry, I will be with you and with your people when we vote to restore funds for Conrail and for mass transit. Oh, yes, I voted for Gramm-Latta, but I will be there when the additional rural electrification funding comes up for a vote. Do not worry about me, I am with you on that program."

Mr. Speaker, I ask my colleagues to examine their consciences; I say to them, to those who voted for the Reagan budget: "The majority of us on this side of the aisle are anxiously awaiting your votes on those matters, and I hope you will be true to your principles and your ideals."

REAGAN REAFFIRMS SUPPORT OF VOLUNTEER ARMY CONCEPT

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, I commend the President for his continued support of the Volunteer Army.

President Reagan has long been an eloquent supporter of a volunteer military. He knows that the draft violates the principles of freedom that our Armed Forces exist to defend.

As he noted 2 years ago, "Voluntary support and participation have a lot to do with the greatness of our Nation. We should continue to rely on them," and not reinstitute the draft, which he called "an alien idea."

Yesterday, in another great speech, at West Point, the President reaffirmed these principles:

> The cry for the draft has risen to a crescendo, but I believe there is another way, one more in keeping with our system of rewarding those who work and serve, on a scale commensurate with what we ask of them.
>
> I do not suppose we can put an exact price on the sacrifice we ask of those who guarantee our safety. But one thing is certain—they deserve better than a bare subsistence level.

Congress should heed the President's call for decent pay for our Armed Forces, and his call for the traditional American method of recruitment—volunteerism.

The draft is not compatible with our Constitution or the American concept of liberty. The President's speech should end all agitation for this "alien idea."

□ 1030

RESTORING CAPITAL PUNISHMENT FOR CERTAIN FEDERAL CRIMES

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, I have requested a special order this afternoon to discuss H.R. 3541, a bill I have recently filed to reinstitute the death penalty for specific Federal crimes.

The fact that we came very close to losing a second President in 20 years to an assassin's bullet fills all Americans with anger and outrage. To think that had the assassin succeeded in his vile objective, he would not have been subject to possible death sentence is unacceptable.

Assassination attempts, terrorism, and violent crime imposed on innocent victims constitute an evil that we as representatives of the people must do our utmost to combat. If one innocent life is wasted and we have not done all in our power to prevent the loss, then we stand accountable for our inaction.

Mr. Speaker, the people of this country want the return of capital punishment as a possible sentence for the perpetrators of heinous crimes, and it is our duty to pass it into law.

FIGHT FOR FAIR COMPENSATION

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, on Tuesday, May 26, the U.S. Supreme Court invalidated the Louisiana first use tax affecting OCS produced natural gas processed in Louisiana. The decision turned on features of the act which conflicted with FERC authority and which the court said, incorrectly granted credits or exemptions to citizens in Louisiana, principally oil and gas companies.

I think you might be interested in why Louisiana has and will continue to press this attempt to require some contribution from those who benefit from the OCS production. In regard to Louisiana OCS gas, we are the have-not State. Almost all of the gas produced from the Federal OCS off the Louisiana coast is reserved at the lowest Federal regulated price for consumers in other States of our Union. Louisiana is permitted to use less than 2 percent of this resource, produced primarily by our own people.

This year and every year 40 more square miles of Louisiana's coast will slip quietly away into the Gulf of Mexico and millions of dollars of impact will be incurred related to the OCS development, which development will yield billions to the U.S. Treasury. Were those billions derived from Federal lands within interior States, those States would have received under congressional act, fully one-half of those billions to help meet the local impacts and associated costs of development. Louisiana, absent the first use tax, receives not one dime of those revenues, and even the minimal CEIP funds have been terminated.

Louisiana is proud of its role in producing energy for our Nation. We will also persist in our fight for fair compensation for the costs and impacts of that great effort—an effort many coastal States continue to be reluctant to make for themselves.

TIP OF THE ICEBERG

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, what is going on here? Before the House vote on the Gramm-Latta budget substitute you indicated that if it passed you would hold our feet to the fire on its proposed budget cuts. Now, lo and behold, you have cooled your rhetoric by saying that the Democrats reserve the right to restore funds for certain pet programs. Your fire has turned to ice. Could this icy treatment of the budget ceiling be the tip of the iceberg? If you are going to start condoning certain exemptions here and certain exemptions there from the spending cuts directed by the budget resolution, can there be any doubt that the iceberg lying below the tip will take the form of a chilling new deficit?

What does it all portend for the future of the budget process? Are you saying that the budget resolution means nothing and committees now have a license from the leadership to freely ignore the budget resolution's directives? If so, then the Budget Act is the *Titanic* on collision course.

THE FUTURE FOR GRADUATES

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, yesterday I had the privilege of being at the grad-

uation ceremonies at West Point. The enthusiasm was contagious.

As we witness the graduation of young people throughout the country, their accomplishments, their hopes, of all of our young citizens, I think we should renew our efforts to pass the President's tax proposal so we can rejuvenate this economy and provide jobs for our young people so that they can have a secure and happy future.

APPOINTMENT OF CONFEREES ON H.R. 3512, SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1981

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3512) making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? The Chair hears none, and appoints the following conferees: Messrs. WHITTEN, BOLAND, NATCHER, SMITH of Iowa, ADDABBO, LONG of Maryland, YATES, ROYBAL, BEVILL, BENJAMIN, GINN, DIXON, FAZIO, CONTE, MCDADE, EDWARDS of Alabama, MYERS, ROBINSON, MILLER of Ohio, COUGHLIN, and YOUNG of Florida.

SOLIDARITY SUNDAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from the further consideration of the Resolution (H. Res. 85) to express the sense of the House of Representatives in support of "Solidarity Sunday" and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. ASHBROOK. Mr. Speaker, reserving the right to object, under my reservation I would merely ask one question. I guess I say this with a smile on my face. As an ardent reader of the Daily Worker I always resisted a little bit the use of the word "solidarity." Where does the gentleman come up with this "solidarity"? Do we not have a more American word we can use?

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I will be glad to yield.

Mr. GARCIA. The term is one that we have used traditionally, the gentleman from New York, my colleague (Mr. BIAGGI), in the plight of the Soviet Jews. Therefore, we have taken that title which is the title that has been used from the first day that this issue has come before the House.

Mr. ASHBROOK. Further reserving the right to object, my colleague says they use it traditionally. I know he does not mean himself.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. Further reserving the right to object, I would be glad to yield. I will not object, but I would point out to the gentleman I would think he could find a little better word.

I yield to the gentleman.

Mr. BIAGGI. Mr. Speaker, I would say to the gentleman initially when I heard the word a number of years ago I reacted in the same fashion as the gentleman has just reacted and expressed this morning. But over the years the term "solidarity" has broadened in its application, especially with relation to the condition in the Soviet Union and the Greater Conference of Soviet Jewry and the Greater City of New York has constantly used that word.

I think the gentleman should be comforted by the notion that the solidarity that was so prominent among the Communists in the past decades seems to be waning and the word has taken on a more lofty and a more positive complexion. Ordinarily, however, I would have shared the same concern but have long since come to understand its true meaning.

Mr. ASHBROOK. Mr. Speaker, with that assurance and the comfort that we are winning the war in the battle of words, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BIAGGI. Mr. Speaker, reserving the right to object, and I do not intend to object, I would like to indicate the purpose of this resolution.

As the author of the pending resolution, I appreciate the gentleman from New York yielding to me. House Resolution 85, expresses the sense of the House that the Congress supports Solidarity Sunday which will be observed this coming Sunday May 31. Let me add for the record at this point that my resolution is cosponsored by many of my colleagues.

On Sunday, in my home city of New York, the Greater New York Conference of Soviet Jewry will conduct its 10th annual Solidarity Sunday observance. Solidarity Sunday is a day when Americans of all faiths demonstrate their solidarity with the Soviet Union's 3 million oppressed Jews.

This year's gathering in New York will have special significance, for in this past year the Soviet Union has stepped up their campaign of harassment and intimidation of Soviet Jews. This is probably best reflected in their newly established emigration laws which have dramatically reduced the number of Jews permitted to emigrate. In 1980, only 21,000 Jews were allowed to leave the U.S.S.R. as compared with 52,000 in 1979—a startling 58-percent reduction. Thus far in 1981, we find little improvement.

In addition, the resolution cites a number of specific human rights violations against the Soviet Union's 3 million Jews, they include:

The denial of free emigration;

The prohibition of Jewish cultural and religious activities;

The arrest of leading Soviet Jewish activist and cultural figure, Dr. Viktor Brailovsky;

A virulent anti-Semitic campaign in the Soviet press; and

The persecution of thousands of Jews who have applied to leave the Soviet Union.

The measure also calls on the Soviet Union to insure the free exercise of religious beliefs and cultural expression.

Simply stated, this resolution seeks to focus much needed attention on the distressing plight of Soviet Jews. Sadly, the problem is not a new one, nor is it any less severe. While we have demonstrated our full support for Soviet Jews on many occasions, the timing of this particular resolution is particularly critical for two very important reasons.

First, over 100,000 people are expected to participate in the May 31, Solidarity Sunday observance. While that alone is a firm indication of America's continued and special concern for Soviet Jews, we can go one step further by expressing full congressional support for the rally on Sunday. It should be noted that the Senate unanimously approved an identical resolution last week.

Second, the Reagan administration is taking a no-nonsense approach in dealing with the Soviet Union, a position which has received overwhelming support from the American people. Passage of this resolution would be a complement to the administration's efforts. It would sent a clear message to Moscow that we do care about human rights; we do remember names like Shcharansky, Sakharov, Brailovsky, and Kislik.

Mr. Speaker, just last week the galleries of this distinguished body were graced by a visit from famed Soviet dissident Iosif Mendelevich. I joined a number of my colleagues in paying a richly deserved tribute to Mr. Mendelevich, who had been imprisoned for over 10 years in the Soviet Union for his desperate attempts to seek freedom. During that time he was forced to endure especially harsh treatment for his strict Jewish beliefs. The intent of this resolution is to help insure that

such grave injustice is halted now and forever.

In conclusion, the treatment of Jews in the Soviet Union is a disgrace that this Nation will never accept. Passage of my resolution will show this in a concrete way.

At this point, Mr. Speaker, I wish to insert the list of cosponsors of House Resolution 85:

Mr. Addabbo, Mr. Albosta, Mr. AuCoin, Mr. Beard, Mr. Bingham, Mr. Blanchard, Mr. Brodhead, Mr. James M. Collins, and Mr. Corrada.

Mr. James K. Coyne, Mr. Downey, Mr. Edgar, Mr. Don Edwards, Mr. Fascell, and Mr. Fauntroy.

Ms. Fiedler, Mr. Florio, Mr. Foglietta, Mr. Forsythe, Mr. Frank, Mr. Frenzel, Mr. Frost, Mr. Garcia, Mr. Goldwater, Mr. Gore, Mr. Guarini, Mr. Guyer, Mr. Hertel, Mr. Hollenbeck, and Mr. Hughes.

Mr. Jeffords, Mr. Kemp, Mr. Kildee, Mr. Kramer, Mr. Lagomarsino, Mr. Lantos, Mr. Lehman, Mr. Lent, Mr. Levitas, Mr. Lowery, Mr. McDade, Mr. McGrath, Mr. Marks, Mr. Murphy, and Mr. Pepper.

Mr. Ritter, Mr. Rosenthal, Mrs. Roukema, Mr. Scheuer, Mr. Christopher Smith, Mr. Solarz, Mr. Washington, Mr. Waxman, Mr. Vin Weber, Mr. Weiss, Mr. Wilson, Mr. Wirth, Mr. Won Pat, Mr. Wortley, and Mr. Yates.

Mr. Robert Young, Mr. Green, Mr. Fazio, Mr. Conte, Mr. Atkinson, Mr. Courter, Mr. Dougherty, Mr. Dwyer, Ms. Ferraro, Mr. Kogovsek, Mr. Clarence Long, Mr. McHugh, Mr. Ottinger, Mr. Peyser, and Mr. Porter.

Mr. Ratchford, Mr. Schumer, Mr. Wyden, Mr. Zeferetti, Mr. Gray, Mr. Rinaldo, Mr. LeBoutillier, Mr. Wolpe, Mr. Archer, Mr. Oberstar, Mr. Patterson, Mr. Moakley, Mr. Fish, Mr. LaFalce, and Mr. Winn.

Mr. Rousselot, Mr. Beilenson, Mr. Harold Ford, Mr. Molinari, Mr. Don Bailey, Mr. Petri, Mr. Dornan, Ms. Mikulski, Mr. Bonior, Mr. Traxler, Mr. Sabo, Mr. Eckart, Mr. Rudd, Mr. Phillip Burton, and Mr. Donnelly.

Mr. Shaw, Mr. Lewis, Mr. Rangel, Mr. Glickman, Mr. Jim Leach, Mrs. Lynn Martin, Mr. Stokes, Mr. Mickey Edwards, Mr. Moffett, Mr. McCollum, Mr. Vento, and Mr. Simon.

Mr. Roe, Mr. Paul, Mr. Lyle Williams, Mr. Richmond, Mrs. Holt, Mr. Broomfield, Mr. Barnes. Mr. Howard, Mr. Mavroules, Mrs. Chisholm, Mr. Derwinski, and Mr. Gejdenson.

Mr. Speaker, I withdraw my reservation of objection.

● Mr. McGRATH. Mr. Speaker, once again I rise to speak in support of efforts to free thousands of Soviet Jews from the grip of Communist oppression. This coming Sunday, May 31, many Americans will gather to demonstrate their concern for those who are unable to practice their faith and express themselves in freedom. The observance of Solidarity Sunday is another important symbol of hope for Soviet Jews who have endured untold hardship in their struggle for religious freedom.

Imprisonment, separation of families, and many other forms of offical persecution are practiced by the Communist government of the U.S.S.R., and only a deep faith and tremendous courage aid Soviet Jews in their struggle. Those who have been fortunate to escape the brutal Soviet regime have told us of the encouragement provided by voices outside the Soviet Union speaking out against government policy there.

As Americans, we can easily exercise what is perhaps our greatest strength, the freedom to openly discuss issues such as treatment of Soviet Jews. As long as we continue to bring Soviet policy to the attention of the entire international community, we keep alive the dream of freedom for thousands of brave Soviet citizens.

This Sunday, I would ask that we pause for a moment and offer a prayer that those seeking the liberties we enjoy might some day share them with us.●

● Mr. SCHUMER. Mr. Speaker, it gives me great pride to express my support for House Resolution 85 which criticizes the treatment of Soviet Jews and voices congressional support for Solidarity Sunday. For those unfamiliar with this great event, Solidarity Sunday is a unique, powerful outcry against religious repression—an event that will celebrate its 10th anniversary this Sunday, May 31. For the past decade, over 100,000 people of all faiths and backgrounds have united for one Sunday in New York City to emphatically proclaim 100 percent American solidarity with the Soviet Union's 3 million repressed Jews.

House Resolution 85 not only expresses support for Solidarity Sunday but also calls on the Soviet Union to remove all emigration barriers and to guarantee free expression of religious beliefs and cultural traditions—a guarantee that the Soviet Union itself endorsed as a signatory of the Helsinki accords. Despite that endorsement, however, the Soviet Union has continued, and in some instances, accelerated, its harsh policies of harassment and repression of Jewish efforts to retain cultural dignity and religious traditions. Not only has the Soviet Union consistently denied Jewish people their basic human right to religious expression, it has also cruelly tightened its emigration policy and intimidated those who wish to join relatives and loved ones in the homeland of Israel. The tightening of emigration has become so extreme that the number of Soviet Jews permitted to emigrate in 1980 was almost 60 percent lower than in 1979.

Must the United States sit quietly while this well-known repression continues, terrorizing the lives of millions who only seek to live their chosen lifestyle in peace? The answer is a resounding "No"; we can and should support resolutions such as House Resolution 85. Solidarity Sunday, a symbolic event whose potent significance is felt around the world, is an effort to achieve the goals of religious and cultural freedom for Soviet Jews. This event, as it marks an exemplary 10-year history, deserves a resounding statement of congressional support.●

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 85

Whereas on May 31, 1981, the eighty-five constituent agencies of the Greater New York Conference on Soviet Jewry will sponsor "Solidarity Sunday" to reaffirm our resolve to secure freedom for Soviet Jews and beleaguered people everywhere; and

Whereas Americans of all faiths will participate with the conference in a number of activities on that day seeking to express their solidarity with the almost three million Jews in the Soviet Union; and

Whereas the right to emigrate freely and to be reunited with their families abroad is being denied Soviet Jews and others; and

Whereas the Declaration of Human Rights adopted by the General Assembly of the United Nations, the Soviet Constitution, and the Final Act of the Helsinki Accords clearly guarantee those rights; and

Whereas the Government of the Soviet Union has recently implemented additional restrictive measures sharply reducing the number of people eligible to emigrate; and

Whereas the Government of the Soviet Union is persecuting its Jewish citizens and denying them even those rights and privileges accorded other recognized religions in the Soviet Union; and

Whereas the Government of the Soviet Union discriminates against Jewish cultural activities by banning and suspending Hebrew and Jewish culture classes, and legal and scientific seminars, by threatening Hebrew teachers, and by closing the Jewish kindergarten called the Gan; and

Whereas leading Soviet Jewish activist and cultural figure, Dr. Viktor Brailovsky, was arrested in November 1980 and charged with slandering the Soviet State; and

Whereas a virulent anti-Semitic campaign continues unabated in the Soviet press and Soviet Jews are increasingly deprived of job and educational opportunities; and

Whereas thousands of innocent Jews and other persons, after applying to leave the Soviet Union, have been subjected to illegal induction into the armed forces, incarceration in mental institutions, expulsion from school, and constant surveillance and harassment; and

Whereas the Government of the Soviet Union will not succeed in isolating Soviet Jews from their friends in the West so long as those of us who cherish liberty will continue to speak out on behalf of beleaguered people everywhere; and

Whereas "Solidarity Sunday" will serve as an expression of determination to continue efforts to secure freedom for the Soviet Jewish Prisoners of Conscience incarcerated solely because of their desire to emigrate, and the veteran refusniks who have awaited exit visas for up to twelve years; and

Whereas the Government of the Soviet Union refuses to remove all obstacles to the free emigration of their Jewish citizens and others who wish to leave and live in other countries, and insure the free exercise of religious beliefs and cultural expression: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Congress supports "Solidarity Sunday" in an effort to achieve these goals.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL POW-MIA RECOGNITION DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 50) designating July 17, 1981, as "National POW-MIA Recognition Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. HOLLENBECK. Mr. Speaker, reserving the right to object, I would under the reservation ask the mover of the Senate joint resolution to explain to the House the contents of the resolution.

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

Mr. HOLLENBECK. I yield to the gentleman from New York.

Mr. GARCIA. Mr. Speaker, Senate Joint Resolution 50 designates July 17 as "National POW-MIA Recognition Day." This day is to recognize thousands of Americans who served in many wars and who were captured by the enemy or were missing in action. My colleagues and I know the sacrifices of American POW's and Americans missing in action and their families are truly deserving of this type recognition. That is the purpose of the resolution.

Mr. HOLLENBECK. Mr. Speaker, further reserving the right to object, I want to commend the gentleman from New York (Mr. GARCIA) for bringing this resolution before the House.

Mr. Speaker, I rise today to urge my colleagues to support Senate Joint Resolution 50, which would establish July 17, 1981, as "National POW-MIA Recognition Day."

Our Nation has endured the hardships of four major conflicts in this century to preserve America's freedom and ideals at home and abroad. During the course of these hostilities, 142,000 of our citizens were confined by enemies of the United States as prisoners of war. They are deserving of our highest accolades for their bravery and perseverance in the face of the perils and pressures of weeks and, often, years of captivity.

This national day of recognition, Mr. Speaker, would also serve as an appropriate forum to focus attention on those members of our Armed Forces who served in the Vietnam conflict and remain missing in action. During my tenure in Congress, I have had the occasion to review reports from refugees who indicate that Americans remain captive in Southeast Asia, and I have received assurances that the Defense Intelligence Agency is making every effort to investigate these reports. We must continue to impress upon the governments involved that this is an issue which all Americans view with utmost importance.

The day of recognition would say to the brave men and women who so admirably served this country that we do remember the frustration of not being able to reach out and help; that we remember the nagging suspicions caused by not knowing; and that we remember the joy and pride our country experienced upon their return. It would say to the families who remain in doubt as to whether their loved ones are dead or alive that we will not waver in our resolve to obtain a full and accurate accounting of their whereabouts.

I urge my colleagues to join me in support of this resolution and to work with me to assure that the day of recognition includes appropriate observances throughout the Nation.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. HOLLENBECK. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I rise in support of the resolution proclaiming July 17 as "National POW-MIA Day." I commend the gentleman fron New York (Mr. GARCIA) and the gentleman from New Jersey (Mr. HOLLENBECK) for their support of this important measure. Our prisoners of war and missing in action have given the ultimate sacrifice for our Nation—and their families and loved ones have contributed to our Nation in an unprecedented fashion.

There are over 2,500 Americans whose fates have not been ascertained. It is fitting and appropriate for our Nation to pay tribute to those servicemen who have given so much for our Nation. The issue of missing in action has caused great pain and frustration to those whose loved ones are still missing. The Vietnamese, Laotian, and Cambodian Governments have not been forthcoming with information that could lead to a full resolution of this issue. It is not possible to allay the grief and frustration of the families without cooperative action between our Government and the others in Southeast Asia.

POW-MIA Day is an appropriate occasion for further committing our Nation to the resolution of this issue, and to galvanize our actions toward a satisfactory accounting of our missing. Hopefully, through widespread public awareness and participation, this issue will receive the attention and action it so rightly deserves.

I commend the gentleman from New York (Mr. GARCIA) and the gentleman from New Jersey (Mr. HOLLENBECK) for having brought this measure to the floor at this time.

□ 1045

Mr. HOLLENBECK. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York (Mr. GARCIA)?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 50

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 17, 1981, is designated as "National P.O.W.-M.I.A. Recognition Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 85 and Senate Joint Resolution 50.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated, and after those motions to be determined by nonrecord votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

STEEL INDUSTRY COMPLIANCE EXTENSION ACT OF 1981

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3520) to amend the Clean Air Act to provide compliance date extensions for steelmaking facilities on a case-by-case basis to facilitate modernization.

The Clerk read as follows:

H.R. 3520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Steel Industry Compliance Extension Act of 1981".

SEC. 2. Section 113 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(e)(1) The Administrator may, in his discretion, in the case of any person which is the owner or operator of a stationary source in an iron- and steel-producing operation not in compliance with the emission limitation requirements of an applicable implementation plan, consent to entry of a Federal judicial decree, or to the modification of an existing Federal judicial decree, with such person establishing a schedule for compliance for such source extending beyond December 31, 1982, but ending not later than December 31, 1985, on the following conditions:

"(A) the Administrator finds, on the basis of information submitted by the applicant and other information available to him, that such extension of compliance is necessary to allow such person to make capital investments in its iron- and steel-producing operations to improve their efficiency and productivity;

"(B) the Administrator finds, on the basis of information submitted by the applicant and other information available to him, that an amount equal to the funds the expenditure of which would have been required to comply by December 31, 1982, with those requirements of an applicable implementation plan for which such extensions of compliance are granted and whose expenditures for such purposes are being deferred until after December 31, 1982, pursuant to such extensions will be invested prior to two years from the date of enactment of this subsection in additional capital investments in the iron- and steel-producing operations owned or operated by such person, and located in communities which already contain iron- and steel-producing operations, to improve their efficiency and productivity;

"(C) the Administrator and such person consent to entry of Federal judicial decree(s) establishing a phased program of compliance to bring stationary source at all of such person's iron- and steel-producing operations into compliance with the emission limitation requirements of applicable implementation plans (or, with respect to existing stationary sources located in any nonattainment area for which no implementation plan has been approved as meeting the requirements of part D and subject to implementation plan(s) which do not require compliance with emission limitations which represent at least reasonably available control technology, compliance with emission limitations which represent reasonably available control technology) as expeditiously as practicable but no later than December 31, 1982, or, in the case of sources for which extensions of compliance have been granted, no later than December 31, 1985; such decree(s) shall also contain, at a minimum, (i) requirements for interim controls (which may include operation and maintenance procedures); (ii) increments of compliance sufficient to assure compliance by the final compliance deadlines; (iii) requirement(s) that the amount referred to in subparagraph (B) above, is to be invested in projects representing additional capital investments in the iron- and steel-producing operations owned or operated by such persons for the purposes specified in such subparagraph and shall contain schedule(s) specifying when each such project (or specified alternative project) is to be commenced and completed, as well as increments of progress toward completion; (iv) stipulated monetary penalties covering completion of the air pollution control projects required by the decree, the projects referred to under (iii) above, and such other items as appropriate; (v) monitoring requirements; (vi) reporting requirements (including provision for periodic reports to be filed with the court); and (vii) provisions for preventing increases of emissions from each stationary source;

"(D) the Administrator finds, on the basis of information submitted by the applicant and other information available to him, that such person will have sufficient funds to comply with all applicable requirements by the times set forth in the judicial decree(s) entered into pursuant to subparagraph (C) of this subsection;

"(E) the Administrator finds, on the basis of information submitted by the applicant and other information available to him, that the applicant is in compliance with existing Federal judicial decrees (if any) entered under section 113 of this Act applicable to its iron- and steel-producing operations or that any violations of such decrees are de minimus in nature; and

"(F) the Administrator finds, on the basis of information submitted by the applicant and other information available to him, that any extension of compliance granted pursuant to this subsection will not result in degradation of air quality during the term of the extension.

"(2) For the purpose of this subsection, 'iron- and steel-producing operations' include production facilities for iron and steel, as well as associated processing, coke making and sintering facilities. For the purpose of this subsection, 'phased program of compliance' means a program assuring, to the extent possible, that capital expenditures for achieving compliance at all sources owned or operated by such person in iron- and steel-producing operations must be made during the second and each succeeding year of the period covered by the decree(s) in an amount such that at the end of each such year the cumulative expenditures under the decree(s) will be at least equal to the amount which would have been spent if the total expenditures to be made under the decree(s) were made in equal increments during each year of the decree(s). For the purpose of this subsection, 'additional capital investments in iron- and steel-producing operations' means investments which the Administrator finds would not be made during the same time period if extension(s) of time for compliance with clean air requirements were not granted under this subsection. The decree entered into pursuant to subparagraph (C) of paragraph (1) of this subsection shall specify the projects which represent additional capital investment in iron- and steel-producing operations, but may also contain specified alternative projects. The decree may also be modified to substitute equivalent projects for those specified. The owner or operator of iron- and steel-producing operations seeking an extension of compliance under this subsection has the burden of satisfying the Administrator with regard to the findings required in paragraphs (A), (B), (D), (E), and (F). A person which is subject to a judicial decree entered or modified pursuant to this section shall not be assessed a noncompliance penalty under section 120 of the Act for any source with an extension of compliance under such decree for the period of time covered by the decree: *Provided,* That such source remains in compliance with all provisions and requirements of such decree.

"(3) Any records, reports, or information obtained by the Administrator under this subsection shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof (other than emission data) to which the Administrator has access under this section if made public, is likely to cause substantial harm to the persons's competitive position, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act. Any regulations promulgated under section 114 of this Act apply with equal force to this subsection subject, however, to any changes that the Administrator shall determine are necessary. This paragraph does not constitute authority to withhold records, reports, or information from Congress.

"(4) Nothing in this subsection shall preclude or deny the right of any State or political subdivision to enforce any air pollution requirements in any State judicial or administrative forum.

"(5) The provisions of this subsection shall be self-executing, and no implementing regulations shall be required.

"(6) Upon receipt of an application for an extension of time under this subsection with respect to any stationary source the Administrator shall promptly—

"(i) publish notice of such receipt in the Federal Register,

"(ii) notify the Governor of the State in which the stationary source is located; and

"(iii) notify the chief elected official of the political subdivision in which the source is located.

"(7)(A) The Administrator shall publish in the Federal Register notice of any finding made, or other action taken, by him in connection with the entry of any consent decree or modification of an existing consent decree pursuant to this subsection or in connection with the Administrator's failure or refusal to consent to such a decree.

"(B)(i) Except as provided in clause (ii), any finding or other action of the Administrator under this subsection with respect to any stationary source, and any failure or refusal of the Administrator to make any such finding or to take any such action, shall be reviewable only by a court in which a civil action under section 113 of this Act is brought against the owner or operator of such stationary source.

"(ii) Where, before the date of the enactment of the Steel Industry Compliance Extension Act of 1981, a civil action was brought under this Act against the owner or operator of such stationary source, any finding or other action of the Administrator under this subsection with respect to such stationary source, and any failure or refusal of the Administrator to make any such finding or to take any such action, shall be reviewable only by the court in which the civil action was brought.".

SEC. 3. Section 110(a)(3)(C) of the Clean Air Act is amended to read as follows:

"(C) Neither the State, in the case of a plan (or portion thereof) approved under this subsection, nor the Administrator, in the case of a plan (or portion thereof) promulgated under subsection (c), shall be required to revise an applicable implementation plan because one or more exemptions under section 118 (relating to Federal facilities), enforcement orders under section 113(d), suspensions under section 110(f) or (g) (relating to temporary energy or economic authority), orders under section 119 (relating to primary nonferrous smelters), or extensions of compliance in decrees entered under section 113(e) (relating to iron-and steel-producing operations) have been granted, if such plan would have met the requirements of the section if no such exemptions, orders, or extensions had been granted.".

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. WAXMAN) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. MADIGAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 3520 is to facilitate modernization of the steel industry by providing compliance date extensions under certain conditions for steelmaking facilities.

Under the present law, the Clean Air Act Amendments of 1977, the deadline for compliance with pollution control requirements affecting the steel industry is December 31, 1982. This bill would extend or stretch out the compliance date for the steel industry on a case-by-case basis for a period of up to 3 years. The extensions of time will provide the steel industry with the opportunity to invest additional capital in steelmaking facilities for improved productivity and efficiency.

The bill also insures adequate protection of the public health and the environment during the period of the extension. Air quality will not be degraded at any facility during the 3-year period. As a condition for receiving an extension, the steel industry is required to make continual progress toward achieving clean air requirements by 1985, and to continue the installation of pollution control technology on all existing sources.

The bill is largely the product of the Steel Tripartite Committee formed over 2 years ago to advise the President and the administration on matters related to steel. In September 1980, the committee, comprised of representatives from Government, management, and labor, made recommendations which addressed the fundamental problems of the steel industry. Five areas were determined to be in need of review: capital formation, trade, environmental and regulatory matters, worker and community adjustment, and technology.

As part of the overall package of revitalization of the steel industry, the concept of an amendment to the Clean Air Act was endorsed to promote modernization while maintaining environmental protection. The Steel Tripartite Committee proposed legislation providing a case-by-case stretch-out of clean air requirements affecting the steel industry.

The Committee on Energy and Commerce is proposing that the extension be limited solely to the steel industry since no other industry is experiencing such unique hardships. The steel industry must devote a greater percent of its capital to pollution control than any other major industry, including chemicals and allied products, paper, petroleum and coal products, nonferrous metals, automobiles or electric utilities. It is less able to raise capital than most of them, and is less able to raise prices to cover pollution control costs than many others. This combination of factors makes the steel industry's situation truly unique.

The committee believes that the steel industry cannot await reauthorization of the Clean Air Act later this year for a solution to its problems. Companies must make commitments in the next several months for the purchase of pollution control equipment. Thus the proposal is needed in advance of considering other amendments to the Clean Air Act.

H.R. 3520, as reported by the Committee on Energy and Commerce, consists of two sections amending section 110 and 113 of the Clean Air Act. Section 2 amends section 113 of the Clean Air Act by adding a new subsection (e) allowing the Administrator of the Environmental Protection Agency to grant, under certain conditions, one or more steel sources an extension for a period of up to 3 years from the December 31, 1982, deadline date for compliance with applicable clear air requirements. Section 3 amends section 110(a)(3)(C) of the act by specifying that a State need not revise a State implementation plan because of extensions of compliance granted under this bill.

I am pleased to report that the bill, cosponsored by 74 Members of the House, also enjoys broad support from the steel industry, steel workers, environmental groups and the Reagan administration.

I therefore urge favorable consideration of this legislation.

Mr. Speaker, I now yield such time as she may require to a very distinguished member of our subcommittee, the gentlewoman from Maryland (Ms. MIKULSKI).

Ms. MIKULSKI. I thank the gentleman very much.

Mr. Speaker, I rise to state my support of the steel industry compliance extension, H.R. 3520. This bill is a product of an unusual consensus and collaboration among representatives of industry, labor, environmental organizations, and the Environmental Protection Agency. The extension conditionally allows the Environmental Protection Agency to grant an extension for up to 3 years from the December 31, 1982, deadline date for steel mills to comply with clean air requirements.

The steel industry, a major component of our economy, must devote a greater percentage of its capital than any other major industry to pollution control. The extension will only be granted if it will not result in air quality degradation; the extension is necessary to allow the company to modernize its facilities; and money saved from pollution control expenditures must be devoted to modernization.

If this legislation is not adopted now, the delay will result in the loss of millions of dollars to the steel industry and the concomitant loss of many jobs.

I urge my colleagues to join me in support of the passage of these steel industry compliance extension amendments to the Clean Air Act.

Mr. WAXMAN. Mr. Speaker, I yield such time as he may require to a very distinguished member of our subcommittee, the gentleman from Pennsylvania (Mr. WALGREN), who has played a leading role in getting these amendments adopted in time for the steel industry to make the important decisions they must make.

Mr. WALGREN. Mr. Speaker, I appreciate the opportunity to urge my colleagues to support H.R. 3520, the Steel Industry Compliance Extension Act of 1981. Some allege that this legislation may be special legislation for the steel industry. The truth is that the steel industry is a unique industry and special considerations must apply if we are to act in the national interest. The steel industry has unique capital-formation problems.

The Steel Industry Compliance Extension Act carries out the recommendations of the Steel Tripartite Advisory Committee, a group formed by the Carter administration over 2 years ago and composed of representatives of Government, labor, management, and environmental groups. The Tripartite Committee was formed to make recommendations addressing the fundamental problems of the steel industry. One of those recommendations was to stretch out or extend the 1982 deadlines for compliance under the Clean Air Act to 1985, on a case-by-case basis and on certain conditions. This bill would allow for extensions if the industries receiving the extensions meet certain environmental responsibilities.

The Tripartite Committee report concluded that $6.1 billion per year is needed to modernize the steel industry

between 1980 and 1984. The committee also found that during that same period capital available to the industry will range from $4.1 to $4.4 billion per year. This results in a shortfall of $1.7 to $2.0 billion per year. To make up a portion of this shortfall and provide additional funds for modernization, the Tripartite Committee recommended a 3-year stretchout of air and water deadlines.

Under this legislation, the same environmental goals will be met as under the present law but the investment required will be able to be coordinated with new production facilities. Therefore, there is no loss whatsoever from an environmental viewpoint.

The steel industry is also unique in being the "butt," in a sense, of several major forces in our society. No other industry has been under the continual Government pressure to hold down prices that began with the "jawboning" of John Kennedy's confrontation with the chairman of United States Steel, Roger Blough, in 1962. With profit margins artificially reduced, the steel industry has been unable to recover and build the capital necessary to reinvest in their facilities to the degree other industries have.

At the same time, it has been unstated Government policy to look the other way on imports, allowing the industry to suffer from unfair foreign competition. Ever since World War II, administrations have traded our strength in the steel economy to European nations because, as a matter of international policy, we wanted to build up the economies of Western Europe. As a result, we have further handicapped the steel industry in the normal profitmaking function of the private sector.

For those reasons the steel industry is unique and does deserve special consideration in the application of the environmental laws.

I appreciate the chairman's expediting of this legislation. It is, I think, a measure of the ability of the Congress to respond responsibly. We know that when we write environmental legislation, we can create difficulties for the private sector, but it is the responsibility of the Congress to draw fine lines in difficult areas in order that all things will work out in a balance that is productive and constructive for the country as a whole; this legislation certainly does that.

WHY IS A STRETCHOUT NEEDED?

Mr. Speaker, underlying this bill are a basic set of facts. Iron- and steelmaking are inherently hot, dirty, and noisy processes that generate large amounts of air pollution; and pollution controls require unusually large capital expenditures. Full compliance by 1982 will require large additional expenditures at a time when the industry must make heavy investments in modernizing its plants and equipment.

Thus, the purpose of this bill is to facilitate the modernization of U.S. steel plants and steel operations so that American steel can be produced at a price that meets world competition.

Equally important, modernization will mean preserving and creating steel and steel-related jobs. The steel industry is plagued by threats of slowdowns and even closedowns in some areas; 54,000 steelworkers are jobless nationally; my own area of western Pennsylvania has lost 15,000 steel jobs in the last year. The industry predicts that, without this legislation, there will be another 9,000 steel jobs lost and another 25,000 losses in steel-related jobs such as construction and automobile manufacturing. And so the issue here is not a question of bailing out an industry; it is keeping people on the job. Giving plants the incentive to modernize means keeping jobs in communities like my own in Pittsburgh.

My bill, H.R. 2219, included a provision requiring companies receiving a stretchout to invest funds saved by the extension in the local community or labor market in which the funds were generated. I believe that this provision would have strengthened the stretchout legislation and would have given workers the security of knowing their jobs would not be moved. Though the committee did not add this provision to the bill, I am pleased that the industry told the subcommittee in our hearings that there are no plans to make major location changes in the near future.

THE STEEL INDUSTRY IS UNIQUE

The steel industry's unique need to modernize facilities and make productive investments has been cited by several organizations. The Steel Tripartite Advisory Committee put it this way:

No other industry is so capital intensive and so in need of capital intensive modernization. Because of the nature and quantity of uncontrolled steel wastes and the physical magnitude of corrective actions needed, no industry has made or continues to face capital expenditures of such a magnitude and representing so great a percentage of its capital needs. As a result, the industry's ability to invest in environmental controls and other forms of modernization is closely related to its capital position. The industry anticipates a 4 percent annual replacement rate and expenditures of $4.7 billion a year for modernization and is now facing one of the most severe capital shortfalls in its history. For all of these reasons, across-the-board adherence to the current deadline has the potential for delaying modernization plans.

In testimony before our committee, industry representatives estimated that if there is no stretchout in air-control deadlines, and if the requirements are unchanged, the industry will have to spend an additional $3.6 billion for air and water quality control over the next 4 years. This $3.6 billion will increase air controls from 96 to 97 percent.

The Office of Technology Assessment says that there will be a capital shortfall of at least $600 million per year through 1988. OTA concludes that the most cost-effective way to revitalize the technological base of the industry is through expansion of capacity at existing integrated plants and to construct more electric furnace facilities.

The Environmental Protection Agency has described the steel industry's capital situation as follows:

According to the consensus report of the Steel Tripartite Committee, the steel industry cannot fund for the 1979 to 1983 period the modernization expenditures necessary to maintain a competitive industry. According to the Committee's analysis, the steel industry will need approximately $26.1 billion to make necessary capital expenditures, pay dividends, and make adjustments to its working capital. The industry's sources of funds, including both internal and external sources, and an estimate of surplus funds available from nonsteel activities, is approximately $19.5 billion. The resultant shortfall range is approximately $6.6 billion in 1978 dollars.

We have compared the steel industry's financial condition with that of the chemicals, electric utility, nonferrous smelting, petroleum, and pulp and paper industries. The steel industry's situation is unique. The steel industry must devote a greater percentage of its capital to pollution control than any of these industries except for nonferrous smelting. The steel industry's ability to raise capital is worse than the other industries, as reflected by their bond ratings and debt to equity ratios. Its ability to increase prices to cover pollution control costs is worse than the other industries. Only the nonferrous smelting industry can say it has problems of a similar nature and their difficulties have already been addressed through the provision for nonferrous smelter orders in the Clean Air Act.

Thus, the steel industry is experiencing financial hardships that are severe and not found in other industries. The steel industry must devote more of its capital to pollution control than any other major industry, including chemicals, paper, petroleum, coal, nonferrous metals, automobiles, or electric utilities. The industry is less able to raise capital than others and less able to raise prices to cover pollution control costs than many others.

The steel industry is unique in several other ways. Steel is critical to our Nation's defense, since iron and steel are major components of military hardware. Finally, the Federal Government has treated steel as a pawn in our dealings with foreign countries. We have had trade policies that sacrificed our domestic steel industry to the economic and political needs of our Western allies.

Since World War II, unconsciously or not, we slipped into a trade-off policy where, in exchange for Western allied support, we built up foreign steelmaking operations and then

turned a blind eye when our foreign competitors proceeded to dump their steel at illegal prices in our domestic market. Rather than let our allies suffer unemployment or the political instability caused by steel riots like those in France in the 1970's our Government permitted illegal foreign steel to cripple our home industry.

In sum, the steel industry is basic to our economy and has experienced problems found in no other industry. The Office of Technology Assessment says that foreign steel will account for 40 percent of our domestic market by 1990 unless we change directions fast. The impact of that 40 percent foreign control becomes clear when we remember that a foreign oil cartel now controls over 40 percent of our oil market. We cannot become dependent on foreign steel.

STRETCHOUT WILL NOT DEGRADE AIR

Enactment of this bill will not sacrifice the advances we have made in cleaning up our air. The steel industry has made significant investments in pollution controls and has made considerable progress in controlling pollution since 1975, when the industry testified before our subcommittee that no plants were in compliance with the Clean Air Act. This bill does not let the industry off the hook environmentally; it will not result in further degradation of the air.

The bill does not grant blanket extensions; rather, EPA could, through judicial consent decrees, grant extensions to individual plants if they meet certain conditions stipulated by this bill. An extension could be granted if—

It will not result in air quality degradation;

The company is in compliance with existing air quality consent decrees, and will consent to additional decrees which establish schedules for air quality compliance and modernization;

The extension is necessary to allow the company to modernize its facilities; and

Funds saved from pollution control expenditures are devoted to such modernization.

In summary, the industry would have to continue to make advances in controlling and curtailing pollution. In the words of one steel industry executive, "The thrust of the steel stretchout proposal is modernization of the industry, but it should carry with it an environmental payoff."

AN UNUSUAL CONSENSUS; THE CHALLENGE AHEAD

As I mentioned earlier, Mr. Speaker, the steel stretchout bill represents an unusual consensus among all affected parties. The bill represents an unprecedented, bipartisan, and reasonable effort to insure the viability of the industry and industry jobs, while preserving our achievements in cleaning up our air. I hope the House will concur with me and my committee today.

We must also immediately address two other major problems related to this bill. First, we must undertake a thorough examination of the total Clean Air Act, all of its requirements and all of the industries and communities affected by it. I am pleased that Mr. WAXMAN, chairman of our Subcommittee on Health and the Environment, on which I serve, has begun hearings on reauthorization of the act. I understand that the administration is preparing a proposal, and I hope their recommendations will be sent to the Congress soon so that our work will not be delayed.

Second, we must take a hard look at methods to revitalize the steel industry and other industries, from tax policies to trade policies. I commend Mr. DINGELL, chairman of the Energy and Commerce Committee and the Subcommittee on Oversight and Investigations, on which I also serve, for hearings he has begun on the problems of capital formation in the steel and other industries. Efforts like these must be accelerated to get true economic recovery underway.

The Steel Industry Compliance Extension Act represents a carefully crafted agreement reached by industry, labor, environmental groups, and EPA. It addresses a unique problem in a very reasonable way. I will make every effort to see that this important legislation becomes law promptly.

The SPEAKER pro tempore (Mr. FOLEY). The Chair recognizes the gentleman from Illinois (Mr. MADIGAN).

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 3520, the Steel Industry Compliance Extension Act.

Our steel industry faces enormous obstacles in regaining its competitive edge in world markets. No other domestic industry is undergoing the unique hardships experienced by steel. No other industry is as capital intensive or as badly in need of capital-intensive modernization as steel.

The steel industry's economic woes are caused in part by deteriorating production facilities. While the industry as a whole is profitable, it is losing ground to other major steel producing countries such as Japan, West Germany, France, and the United Kingdom, which have invested more on new plant capacity in recent years. A productive, cost effective steel industry is vital to the reindustrialization of America.

As the producer of the world's most important industrial material, the U.S. steel industry is vital to our economic health and to our national security. With domestic production capacity shrinking relative to U.S. demand, we now import a large share of our domestic needs. Not only does this further adversely impact our international trade picture, but predicted worldwide steel shortages in the mid- to late-1980's could make this dependence critical.

I believe the plight of the steel industry epitomizes the plight of our economy in general. We have lost our productivity dividend that enabled this country to have strong economic growth, including substantial increases in real incomes, with a relatively low inflation. If we want to continue having the ability as a nation to meet the aspirations of our people, we must have a productive economy. We need the investment capital to make this possible. We must reverse this downward productivity trend and recapture that productivity dividend.

In the next few months, individual steel companies must commit themselves to the purchase and installation of costly air-cleaning equipment in order to meet EPA standards. The steel industry must spend more than any other industry on pollution control equipment, yet it is less able—compared to others—to raise prices to cover these increased costs. Without a stretchout of these costs, the industry will be unable to raise capital sufficient to finance modernization needed to maintain and create American jobs and retain and improve the competitive position of our domestic steel producers. We must act promptly to extend the Clean Air Act deadlines for the steel industry, rather than wait for the inevitable protracted and controversial consideration of the entire act.

A number of points about this legislation are worth highlighting. First, the bill is the product of 4 years of studies and conferences involving Government, the steel industry, unions, and environmentalists, which concluded that the industry urgently needed legislative relief from the costly regulatory requirements imposed by the Clean Air Act.

Second, the steel industry has met most of the Clean Air Act requirements and EPA acknowledges that the steel industry's reputation as a serious polluter is no longer deserved. Moreover, the bill does not exempt the steel industry from Clean Air Act requirements, but rather allows EPA to grant a 3-year extension, on a case-by-case basis, of the deadlines to comply with pollution control standards. It is estimated that this would generate $1 billion for modernization of steel facilities and would greatly increase steel and steel-related jobs. The money saved by delaying purchase of antipollution equipment must be invested in modernization within 2 years. Companies could not put off pollution control expenditures until 1985, but must space them out over the 5-year period

under compliance schedules mandated by the bill.

Finally, EPA may not grant an extension if doing so would result in lowered air quality.

I urge my colleagues to act now to pass this bill to increase productivity and create American jobs.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. O'BRIEN), who along with the gentleman from Indiana (Mr. BENJAMIN), were the original sponsors of this bill and have both worked very hard for its passage.

Mr. O'BRIEN. I thank the gentleman.

Mr. Speaker, H.R. 3520, the Steel Industry Compliance Extension Act, would allow this financially troubled industry to defer millions of dollars in pollution control expenditures for 3 years, until 1985, provided the money saved would be used to modernize aging plants. There are no Federal costs associated with this bill.

The steel stretchout would give the steel industry an opportunity to revitalize itself—an opportunity that rarely lends itself another chance. Let me illustrate from another point of view.

In the tradition of the Old and New Testament, let us apply to the present the ancient parable of the "talents"—a talent being the coin of the realm used in ancient times. There once was a master who gave an equal number of talents to his three stewards, each of whom could take whatever opportunity he had to spend or to invest his money.

The first steward invested wisely and doubled his talents—that is the Japanese steel industry.

The second steward made a marginal profit, but still did well—that is the European steel industry.

Then there was the third steward who had buried his talents and got back no return. That is the United States.

We should learn from this tale and apply its wisdom to the current problems. If we do not act now and vote to support H.R. 3520, our steel talents may well have been buried forever.

By giving the Administrator of the Environmental Protection Agency the authority to grant on a case-by-case basis a Clean Air Act extension of deadlines, we, the Government and industry, can work cooperatively in providing an atmosphere conducive toward a more productive and efficient industry.

Steel is not just of modest significance. It has always been and continues to be the backbone of the Nation.

If we fail to provide a more suitable climate, we will have sacrificed the skeleton of our Nation.

Representatives from industry, labor, and environmental groups and the administration all agree that this is the time to take advantage of the opportunity presented to us.

Mr. Speaker, now is the time for Congress to get the job done.

Mr. WAXMAN. Mr. Speaker, I yield such time as he may consume to the chairman of the Steel Caucus, the gentleman from Indiana (Mr. BENJAMIN), one of those individuals who diligently urged upon us the legislation.

Mr. BENJAMIN. I thank the chairman for yielding.

Mr. Speaker, I rise to support H.R. 3520, the Steel Industry Compliance Extension Act of 1981. This legislation is critical to the economy of northwest Indiana and the Nation and I commend Chairmen DINGELL and WAXMAN for its production and development.

The steel industry experienced tremendous difficulties in 1977. The Youngstown plant closing focused national attention on its deep-rooted problems. Bethlehem and United States Steel, the Nation's leaders, rationalized older facilities. The obvious trend demanded action.

In short, the industry was retrenching because of losses and threats of more on the horizon. Former Treasury Under Secretary Anthony Solomon recommended the establishment of the Steel Tripartite Committee with representatives from the industry, labor, and Government.

The stretchout proposal of H.R. 3520 is a major development of the Tripartite Committee. The proposal has been agreed to by the EPA, United Steelworkers of America, natural resources defense council, and several steel companies.

The steel industry's capital position matched to environmental requirements is unique. No other industry is so capital intensive or in need of capital-intensive modernization. A study by Arthur D. Little & Associates forecasted annual capital requirements of $7 billion for the industry.

Unfortunately, the industry is only expected to generate $3.5 billion annually for such purposes—consequently, a significant capital shortfall. At the same time, pollution abatement costs for the industry are estimated to be $1.4 billion by 1982, or $700 million annually. These estimates are shared or supported by the Council on Wage and Price Control, General Accounting Office and the Office of Technology Assessment.

H.R. 3520 stretches out the $1.4 billion over 5 years, for a savings to the industry of more than $400 million a year.

The savings are to be used for modernization. The modernization will increase productivity. Productivity will assure competitiveness. Competitiveness will assure jobs. Jobs will mean taxes. In short, we are talking economics, employment and survivability of the industry with due consideration of energy and environmental concerns.

Inland Steel Co. in northwest Indiana would have saved approximately $100 million in environmental expenditures over the past 3 years if it had been able to utilize the stretchout. This capital would have allowed construction of a new continuous caster. The caster would have increased production and productivity in recent years.

Essentially, the cost savings of the missing caster over the past 3 years and costs related to the operation of substituted environmental equipment would have saved Inland Steel $50 million in current year dollars. This capital would have invoked further modernization or been used to reduce the cost of steel products to compete more effectively with foreign steel producers.

Please note that the unaltered air quality standards must be met no later than December 31, 1985, under H.R. 3520. The stretchout may only be granted in the areas where it will not significantly reduce air quality and must be accompanied by modernization of the industry.

This legislation does not alter any OSHA regulations which protect the workers health and safety. An enforcable schedule of compliance deadlines is mandated by this legislation. Coke ovens, along with all other facilities, must attain 40 percent of total compliance by the end of 1982 and 100 percent by the end of 1985.

This legislation will encourage and facilitate the modernization or replacement of coke ovens, which will actually assist the workers and improve the community's environment.

It is imperative that the Congress act in an expeditious manner on this legislation. The steel industry must make commitments of finances on a long-term basis. If the industry is to be allowed to modernize utilizing capital gained through stretchout legislation, passage must be immediate—before commitments are made for the 1982 deadlines.

If we fail to act, it is conceivable that this industry will not be sufficiently solvent to meet the full requirements of the law, which may, of course, benefit the environment by inactivity but will dramatically and equally impair the economy and the self-sufficiency of the steel production for our Nation.

I am proud to join in the sponsorship of H.R. 3520—the first leg of economic incentives to be considered by the 97th Congress—and hopefully a bellringer for domestic steelmaking in the 1980's.

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Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the very distinguished gentleman from

Ohio (Mr. BROWN), a member of the Energy and Commerce Committee.

Mr. BROWN of Ohio. Mr. Speaker, in making changes to the Clean Air Act, we must protect its basic goals of clean and healthy air. However, we must also recognize that Government regulations pose a significant problem for capital-short industries which find declining capital resources being directed by Government into projects which do not improve productive capacity.

As ranking House Republican on the Joint Economic Committee, I have been concerned for some time about the declining productivity that has led to reduced competitiveness in the world's marketplace of many of America's basic industries. Without investment for productivity improvements, the standard of living for all Americans will decline and we will be jeopardizing the welfare of our people that is fundamental to our security and stability as a free nation.

One of the major Government programs which diverts limited capital away from productivity investments is the Clean Air Act. It requires massive investment in pollution control technology to improve air quality but does not improve the output of goods or reduce their costs.

The Congress, in dealing with the Clean Air Act, has not been able to accurately predict the ease of difficulty with which industries will be able to meet the arbitrary deadlines imposed by the act.

The steel industry has had particular difficulty meeting the requirements of the Clean Air Act while trying to remain competitive with foreign manufacturers. The steel industry is of vital importance to my State of Ohio and the economic vigor and security of the Nation. However, many of America's most vital industrial segments are facing similar conflicts.

I wholeheartedly support H.R. 3520, the Steel Industry Compliance Act of 1981, to allow the steel industry up to December 31, 1985, to meet the standards. As recommended by industry, the EPA, steelworkers, and environmentalists, the bill would require each company to sign a consent decree allowing the modernization of facilities using funds that would have been needed to comply with the deadlines. At the same time, there must be no decrease in the existing air quality and States would not be required to change their implementation plans for areas where steel facilities have been granted extensions.

As the Energy and Commerce Committee proceeds with its consideration of the reauthorization of the Clean Air Act, I will work to see that consideration be given to the stretchout amendments to delay arbitrary compliance deadlines so as to allow steel and other affected industries to make rational national interest choices between investment of limited funds in improvements in productivity versus those in pollution abatement.

We must recognize that our clean air goals are important but that economic revitalization needs are of equal significance. With commonsense approaches that take into account the conflicting goals of a healthy environment, a vigorous economy and energy development, we can have a better, safer future for all Americans.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Michigan (Mr. DINGELL), chairman of the Energy and Commerce Committee.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 3520—the Steel Industry Compliance Extension Act of 1981. The bill is the product of extensive consideration and careful scrutiny by our committee, particularly the Subcommittee on Health and the Environment chaired by the distinguished gentleman from California (Mr. WAXMAN).

I commend Chairman WAXMAN for his successful efforts in moving this needed legislation expeditiously through the subcommittee and full committee with strong bipartisan support. I also commend the able ranking minority member of the subcommittee, Mr. MADIGAN, for his cooperation in support of the legislation. I particularly wish to express my appreciation to Congressman WALGREN of our committee who has played a leading role, along with Congressmen LUKEN, MOTTL, RITTER, BROWN of Ohio, MARKS, and Congresswoman MIKULSKI, in crafting the legislation so as to insure that it fully meets the needs of this industry and, most importantly, its workers, the United Steel Workers of America.

Special appreciation and thanks is deserving of the House Steel Caucus, particularly its chairman, Mr. GAYDOS, and Congressmen BENJAMIN and O'BRIEN of Illinois. They worked hard to urge quick enactment and develop support for the bill.

The bill reflects an historic agreement hammered out last September between representatives of the steel companies, the steelworkers union, led by its very able president, Mr. McBride, the environmental groups, and the Environmental Protection Agency.

The remarkable character of the agreement is proven by the endorsement of both President Carter and Reagan during the recent election campaign. More recently, Vice President BUSH endorsed the need for this legislation.

The bill would provide for a 3-year stretchout of the Clean Air Act deadlines for steel, but the industry would still have to meet existing requirements.

It is not a bill that will sacrifice cleaner air for our citizens. It is environmentally safe and absolutely necessary for economic stability in the steel industry and to protect steelworkers' jobs. We have 54,000 steelworkers unemployed now. The steel industry does not have sufficient capital to reinvest, modernize its facilities and meet the current deadlines in the Clean Air Act and in court orders.

Current timetables for steel to comply with the act and court orders are very short. This dictates prompt action by Congress to legislate the change in law since there is no other authority for the administration to provide regulatory relief on the schedule affecting steel.

If this legislation, which fortunately has widespread support, does not pass, the penalties that would be applied against the steel companies under the Clean Air Act would be horrendous, unaffordable, and gain no benefit for cleaner air. The penalties would result in further downturns and lost productivity in the steel industry. There would be even greater losses in steelworker jobs. The bill will prevent this.

The bill contains the substance of the historic agreement drafted by the parties. It does not deviate from it, although it includes two technical changes concerning notice and judicial review. The agreement requires that each company apply for the extension for its facilities, that EPA make certain findings indicating that the conditions of the agreement have been or will be met, and that the money saved will be used for capital investment in existing steel and iron producing facilities. The agreement assumes that all the parties will act promptly and in good faith. I intend that all parties live up to their commitments fully.

I intend also that EPA shall act expeditiously on all applications and grant the needed extensions unless it is clear that EPA cannot make the required findings.

In regard to the technical amendments, I want to observe that the additional notice requirements were adopted at the urging of Mr. WALGREN of Pennsylvania who was particularly concerned that local and State interests received notice, as well as the workers. The second amendment regarding judicial review is clarifying and designed to avoid forum shopping.

Mr. Speaker, I want to commend the parties themselves, including Ms. Dubrowski, of the Natural Resources Defense Counsel and Mr. Sheehan of the steelworkers, who worked hard to keep the agreement intact in the House. They joined in this effort with the several representatives of the steel companies in the same cooperative way as they worked together to reach this historic agreement last year.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. COATS).

Mr. COATS. Mr. Speaker, I am pleased to rise in support of H.R. 3520, the Steel Industry Compliance Extension Act of 1981. The steel industry is an integral part of our society. Through it we are able to enjoy and take part in a variety of activities that our ancestors could only have dreamed or imagined. Yet this industry today is threatened by a possible loss of its competitive position in the world market. The American steel industry is clearly at a crossroads. If we are to remain an economic world leader, and if we are to continue to compete on a worldwide basis, it is essential that we have a healthy and competitive steel industry.

H.R. 3520 is necessary because it would provide the capital necessary to make the steel industry competitive. It would double the amount of capital available for needed capital improvements.

H.R. 3520 would also insure that modernization projects are carried out without jeopardizing public health and the environment by preventing any increase in emissions and by maintaining existing pollution controls.

A healthy steel industry is vital to both the economic health of this Nation and of the State of Indiana. The increase in productivity and employment opportunities that will result from enactment of H.R. 3520 will be an important step in the economic recovery of this country.

In order for the steel industry to regain its strength, steelmaking facilities require updated equipment. The Steel Industry Compliance Extension Act of 1981 will provide the capital necessary to obtain these improvements while still maintaining our commitment to health and environmental concerns. I believe this bill strikes a reasonable balance between necessary environmental consideration and the critical need for capital and as such deserves the full support of this body.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SCHEUER), a distinguished member of our subcommittee.

Mr. SCHEUER. Mr. Speaker, I join with my colleagues in supporting this legislation.

We do have a problem of productivity in our country today, and it is urgent that we make whatever changes in the regulatory environment and the tax environment and the tariff environment and the patent environment that will help our industries sell our goods and services around the world. Most of them are not able to do so, conspicuously among them the steel industry.

But I think there ought to be a footnote that elaborates the consensus we have achieved today, for the benefit of history and people who follow us. I think it deserves to be said, in all fairness, that the steel industry today finds itself in the position of being unable to compete with Swedish Steel and German Steel and Japanese Steel; even f.o.b. Pittsburgh, they cannot produce steel in Pittsburgh and put it on a railroad car on a siding in Pittsburgh, next to a car of Japanese steel or German steel or Swedish steel, and compete. That is not just a matter of environment requirements that necessitate significant capital investment. We are trying to mitigate that today, and I think we are doing that rightly. The basic condition of the steel industry results from a generation of disinvestment in their plant and equipment, a generation in which most of the steel companies most of the time ate into capital and sat by, watching their plant and equipment become obsolete and inefficient and costly, while their competitors around the world made enormous investments in research and development and in plant and equipment and, finally, now after decades of this, really since World War II, we find our steel industry in a very real sense with long outdated and inefficient equipment that does not enable them to compete.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 3520, the Steel Industry Compliance Extension Act of 1981. I was an original cosponsor, along with our distinguished colleague, the gentleman from Illinois (Mr. O'BRIEN), of H.R. 1817, and I continue my support for this clean bill which was just recently reported out of the Energy and Commerce Committee.

The legislation has a unique bipartisan consensus, something that is unusual in the area of environmental legislation. I congratulate the chairman of the subcommittee, the gentleman from California (Mr. WAXMAN), the chairman of the full committee, the gentleman from Michigan (Mr. DINGELL), and of course the entire Congressional Steel Caucus, which has worked very vigorously on this legislation.

The Steel Tripartite Committee, established under the Carter administration and comprised of representatives from the Federal Government, steel industry management, and labor represented by United Steelworkers of America, recommended the extension last September. The recommendation then received the strong backing of President Carter, the Environmental Protection Agency, and then-candidate Ronald Reagan. President Reagan has indicated his continued support.

The steel industry has been experiencing a severe capital investment shortage. That shortfall amounts to some $2 to $3 billion required for adequate plant modernization and to put the industry on equal footing with foreign competitors. Timing is a critical factor. Within the next several months, many firms will have to make important long-term investment decisions which impact on future steel productivity. For many companies it would be difficult, if not impossible, to wait until the complete Clean Air Act reauthorization later this year.

Since 1970, steel firms have spent over $4.3 billion on air pollution controls, devoting a greater percentage of its capital than any other industry. Steel officials estimate that another $1.2 billion would be needed to meet current pollution standards. H.R. 3520 would stretch out these environmental costs from 1 to 4 years releasing an extra $400 million for capital investment.

The bill would let steel companies negotiate on a case-by-case basis for extension to 1985 the Air Act compliance requirements. The law now requires compliance by 1982. In exchange for the time extension, firms would spend the money they will save by deferring pollution control devices, on updating production facilities. The burden falls upon the company to offer proof that the extension will not result in degradation of air quality.

H.R. 3520 has adequate safeguards to protect against any environmental damage, but provides enough moderation to infuse new life into the industry. The steel industry is a very special case with a unique problem. No other industry is as capital dependent and as vital to our national economy. I urge my colleagues to join with me in support of H.R. 3520.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. BROYHILL), the ranking minority member of the Committee on Energy and Commerce.

Mr. BROYHILL. Mr. Speaker, I thank the gentleman from Illinois for yielding.

I rise in opposition to this legislation. I object to this bill which grants special privileges to one industry and denies those same privileges to all other industries in this country.

Now, the arguments are made that this industry had special problems, and I do not deny that. The argument is made that this industry is having difficulty meeting various deadlines that are mandated under the Clean Air Act, and that they need more time in order to meet those deadlines. The argument is also made that this industry had need for enormous amounts of capital in the next few years and that the regulatory burdens and the capital needs that are required by the Clean

Air Act are such that they need this relief granted in this bill.

Mr. Speaker, I think the same arguments can be made with respect to all other industries that are regulated by the Clean Air Act in this country. I can ask the question: What is the Congress doing to write legislation to give that kind of relief to other industries which have the same kinds of problems that are faced by the steel industry?

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The problem is that the regulatory relief is being granted to one industry today and not any others that are burdened by the same provisions of the Clean Air Act. I do not see how we could deny those benefits to those industries that would increase their ability to compete in the world marketplace, to increase employment in those other industries, to increase our balance of payments.

Yet, H.R. 3520 would deny all of those benefits to all but the steel industry.

I would like to have the attention of the gentleman from California (Mr. WAXMAN) and see if he would give us some assurances of the expeditious consideration of the amendments to the Clean Air Act so that we could see if the Members of the House would consider the same type of amendments to that as we are giving here today in H.R. 3520.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I am delighted to yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

We are in the process of holding hearings in our subcommittee on the Clean Air Act, looking at proposals for revision of the act. We have scheduled before us this year the reauthorization of the Clean Air Act.

It is my intention that we will keep to that time schedule. What is now holding up our deliberations is the administration which has told us that they will not have their recommendations until June 30. Thereafter, we will look at the recommendations they send to us and all the other recommendations we have been receiving with the members of the subcommittee and hopefully move into a deliberation to mark up reauthorization for changes in the act.

Mr. BROYHILL. As the gentleman knows, I have introduced H.R. 3471 along with other members of the committee that would address the problems that are faced by not only industries, but by States, municipalities, as well as industries, as they struggle to comply with the very onerous and burdensome requirements of the Clean Air Act.

I would urge that the chairman of the committee proceed expeditiously with the consideration of that legislation. I do not really anticipate the administration coming up with anything very different than that bill. If they do, I will be surprised.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I will be delighted to yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding.

I thank the distinguished gentleman from North Carolina and commend him for his leadership in this matter. The gentleman, I think, has provided a very important focus by moving the concern over clean air and the extension of the Clean Air Act forward. In that he has provided enormously valuable service. I have spoken on a number of occasions to the chairman of the subcommittee, the gentleman from California (Mr. WAXMAN), who so ably deals with this matter and both he and I are determined that we will move as expeditiously as we possibly can toward enactment of the clean air legislation.

However, as the gentleman is aware, earlier last week I sent a letter to the President urging him to submit the administration's recommendations on this matter prior to June 30, pointing out that if the Congress is compelled to wait for the administration's recommendations as late as June 30, it is not inconceivable that the schedule of the Congress during the closing days will jeopardize enactment of legislation in the clean air area and cause immense hardship to industries and affected citizens with regard to clean air. My letter of May 21, 1981, follows:

COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., May 21, 1981.

Hon. RONALD W. REAGAN,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A few days ago the Acting Administrator of the Environmental Protection Agency, Mr. Walter C. Barber, Jr., informed the Committee that the Administration has set June 30, 1981 as the target date for submission to Congress of proposed legislation to amend titles I, II, and III of the Clean Air Act.

While I appreciate the need for the new EPA Administrator and other top officials in the Administration to have time to acquaint themselves with the Act, implementing regulations, and the program in general, delaying the submission of the Administration's legislative recommendations until June 30 gives me great concern. Vice President Bush's March 4 letter to Congressman Clarence J. Brown concerning the steel tripartite legislation states that the Administration was at that time "in the process of preparing legislation." My impression was that it would be ready in a manner of weeks, not months.

In the first place, the House will be the middle of the Independence Day recess on June 30 and will not return until July 7. Thus, hearings on the Administration's proposals could not begin until after July 7. They will certainly require several days. This delay will put off Subcommittee markup until mid-July or later and would probably ensure that full Committee markup would not occur until after Labor Day.

This is unfortunate because at the urging of the Ranking Minority Members of the Committee and the Subcommittee on Health and the Environment a hearing schedule has been initiated which I support that in general contemplates completion of hearings in June. Such hearings have already begun. Adhering to this schedule would permit markup to begin early in the summer and make it possible to move the needed legislation through the House this year.

At the Joint House-Senate hearing in March on the National Commission on Air Quality's report, Senator Stafford, the Chairman of the Senate Committee on Environment and Public Works, expressed the desire to adhere to a similar schedule.

The Administration's announcement jeopardizes that House-Senate schedule and makes it difficult to act "expeditiously" on its proposals as urged on March 4 by the Vice President.

Clearly, such a delay is not in the interests of the affected industries, their workers, or the public in general. Indeed, it may prove very detrimental to the environment and the economy. Both stationary and mobile source industries have serious time constraints placed on them which affect manufacturing and construction planning and costs and, of course, jobs.

I strongly urge that the Administration revise its schedule and transmit its proposals to Congress early in June. Such an acceleration should not be difficult, particularly now that the new EPA Administrator has been confirmed.

I am also concerned about reports that the Administration's legislative proposals regarding the Clean Air Act and the policies on which those proposals are based are being developed by the Secretary of the Interior and his Council on Natural Resources and Environment and not the EPA Administrator, who lacks cabinet status. She is not even a member of equal status on that Council. Recent Adminstration memoranda indicate that even at the working level the Office of Management and Budget and the Cabinet Council's Executive Secretary, Mr. Danny J. Boggs, apparently are having a greater input into the development of these legislative proposals than the EPA Administrator.

Clearly, the President is free to seek advice from his Cabinet and other Administration officials. However, responsibility for the administration of the EPA and the Clean Air Act is vested in the head of EPA, not Secretary Watt and his Cabinet Council. It is my hope that with Administrator Gorsuch confirmed, our Committee can look to her as the principal architect of the Administration's proposals and not be required to question Secretary Watt and the full Cabinet Council as well when the Administration's proposal is finally available.

I would appreciate your providing to me by June 1, 1981 assurances that the schedule will be significantly accelerated and that the EPA Administrator, not Secretary Watt, will have the lead role in developing Administration proposals.

With best wishes,
Sincerely,

JOHN D. DINGELL,
Chairman.

I do urge the gentleman to persist in his efforts with the administration to move this cause forward because we have to consider this matter this year. There are billions of dollars at stake and enormous investments which must be made and great penalties in productivity which flow from the delays on getting clean air. I am sure the gentleman knows that it would ill serve the Congress to initiate a course of action with regard to clean air and then find at a subsequent time that the administration would take a different position on this matter.

The very reason that we are working today on H.R. 3520 is that the administration has delayed considering proposals for Clean Air Act changes. When the National Commission on Air Quality reported to the joint House-Senate committee in early March, I noted that clean air legislation would be delayed until a new EPA administrator was confirmed and the Reagan proposals were submitted. Two days later, on March 4, Vice President Bush said that the administration was preparing legislative proposals. Nearly 3 months have passed, the administrator was only recently named and confirmed. No legislative proposals are ready. Recent rumors are that the administration will not meet the June 30 deadline.

I do not like the piecemeal approach. Other industries, like autos and utilities, need legislative certainty and predictability. Our polluted cities and the public want certainty and assurance of clean air. No one likes to wait the uncertainties of legislative change. The health of people and billions of dollars are in the balance, while the administration tries to develop a legislative position relative to a law that they so roundly criticized during recent election campaigns.

The delay lies at the doorstep of the administration. So long as it continues, industry and the public will suffer.

Even if the administration submits legislation early in June, the chance of moving legislation through the committee and the House this year is chancy. Waiting until June 30 or later severely diminishes the chances for this session.

I commend the gentleman from North Carolina for addressing the issue and, indirectly at least, gently prodding the administration to act quickly to endorse his bill or some other bill in a few days, not weeks or months.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. Mr. Speaker, I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am disappointed the gentleman from North Carolina is not willing to yield on his point.

Mr. MADIGAN. Mr. Speaker, if the gentleman would allow me to reclaim the time, I rise only for the purpose of determining the amount of the time remaining.

The SPEAKER pro tempore (Mr. PANETTA). The gentleman from Illinois (Mr. MADIGAN) has 7 minutes remaining.

Mr. MADIGAN. Mr. Speaker, I would raise absolutely no objection to a colloquy continuing for a period of time sufficient to conclude, with the understanding that as the minority member handling the bill I have not yet had the opportunity to say anything about it.

Mr. BROYHILL. Mr. Speaker, I am finished and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself 2 minutes to comment at this time on the remarks just addressed to the House by the distinguished minority leader of the Committee on Energy and Commerce, the gentleman from North Carolina (Mr. BROYHILL).

The gentleman has introduced a bill over which we have had some discussion in our hearings in our subcommittee. As far as I know, the gentleman's bill has not been endorsed by the administration. If it has been endorsed by the administration, then we can consider that bill as their recommendation and make decisions with that in mind.

I would also point out that the problems that we have to deal with in the Clean Air Act this year have somewhat been addressed by this bill introduced by a number of members of our subcommittee in their attempt to lift the burdens that the Clean Air Act has placed on a number of industries in this country.

But the Clean Air Act has additional purposes, and the revisions of the Clean Air Act will involve other considerations than simply lifting the burdens on industry. The Clean Air Act is an act to protect the health of the American people. I would not want us to forget that and to ignore the fact that if we lift some burdens on some industries then we may well be sentencing the people in the urban areas of this country to breathing air that is unhealthy for them to breathe.

We will want to look at all these issues and weigh the different balances that we will have to consider. I hope when we do that we will then come up with a Clean Air Act reauthorization that takes care of real world problems but still keeps the commitment that this Congress has made to having clean air for people everywhere in this country to breathe.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. WILLIAM J. COYNE) for any comments he wishes to make on this legislation.

Mr. WILLIAM J. COYNE. Mr. Speaker, I rise today to join my fellow colleagues from Pennsylvania in support of legislation which is very important to the steel industry and economy of Pittsburgh and western Pennsylvania. H.R. 3520 amends the Clean Air Act so as to provide compliance date extensions for steelmaking facilities.

The American steel industry is beset by serious financial difficulties. U.S. plants are in need of modernization, face unfair foreign competition, do not have adequate capital, and experience all of this when the economy is so uncertain. The industry, however, has the potential to overcome these problems and emerge healthy, strong, and vigorous. Given this set of circumstances, members of labor, the steel industry, environmentalists, and the administration came together to form the Steel Tripartite Committee. Their goal was to find ways to redirect Government policy so as to maximize the modernization potential of the steel industry.

This legislation that is before us today is the result of the hard work and dedication of the Steel Tripartite Committee. These divergent groups were able to meet and find workable solutions which were in the best interests of all involved, a feat that I commend.

H.R. 3520 provides for an extension of the Clean Air Act, with a commitment by the steel industry to modernize. As each company begins to modernize its facilities, the overall productivity rate will rise. Each company, therefore, will be able to sustain less productive facilities until such time as they, too, are replaced. Companywide modernization programs will be financed by company financial stretchout of abatement obligations. Air quality standards will not be affected by the stretchout.

The 14th District of Pennsylvania, which I represent in Congress, is one of the largest steel-producing centers in our country. This legislation is crucial for the revitalization and stimulation of the steel industry in our country and I urge my colleagues to support H.R. 3520.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we applaud the efforts of environmentalists, union members, and industry in addressing the problems faced by the steel industry. Unfortunately, H.R. 3520 provides regulatory relief for only one industry. It does not provide relief to other industries or municipalities from the provisions of the Clean Air Act.

The problems that plague the steel industry are not restricted to that industry. In every industrial sector, in every State and municipality, the irrational regulatory programs and rigidity in the present Clean Air Act have

imposed unnecessary economic burdens. I hope that this Congress will expeditiously address the systemic problems with the Clean Air Act. The existing Clean Air Act needs to be amended to provide rational standards, based on the best science; and certainty in the permitting process; and to provide States increasing responsibility in air quality management.

On May 6, 1981, Mr. BROYHILL, Mr. GRAMM, Mr. CLARENCE BROWN, and I introduced H.R. 3471, a bill designed to correct many of the problems that environmental agencies and industry have experienced in their decade-long endeavor to comply with congressional intent as embodied in the Clean Air Act. Our bill attempts to rectify many of the problems that have resulted from court interpretations of the intent of Congress. It is an attempt to balance legitimate concern for air quality with the multitude of competing factors that comprise our diverse society. I am sorry that Congress is not assessing the merits of H.R. 3471 today.

Our desire to help the steel industry is only exceeded by our desire to create a healthy business environment and healthy environment for all of our country. While we can argue over the degree of help needed, many American businesses need relief from stifling Government regulations. The problems of the steel industry with the Clean Air Act are only part of the problems that need to be addressed by an intelligent review of the 1971 act which would take into account the accumulation of scientific evidence that has developed over the past 10 years.

There is an apparent inequity involved in giving relief to only one industry. I would not do that except for the commitment from our subcommittee chairman, Mr. WAXMAN, that we proceed with the consideration of the reauthorization of the Clean Air Act in our subcommittee. That commitment serves to satisfy all that we will have the opportunity to review this act with regard to taking into account everything we have learned since 1971.●

● Mr. MURTHA. Mr. Speaker, one of the areas of greatest progress in the last two decades has been the environment. It was with great enthusiasm 20 years ago that America set an ambitious program to clean its air and water, and preserve its land.

The early gains came easily. The environment had been neglected for so long that results were immediate. But in a few years the results started to come more slowly and the problems became more difficult. On top of that, the economy started to slide backward. Suddenly there were major conflicts between the environment and progress on industrial growth, economic goals, and energy development. We entered into a period when every environmental issue seemed controversial; when progress came to an almost total halt.

This week in Congress, the House and Senate begin debate on a bill that may prove to be a milestone in the environmental battle. The bill itself is simple. It states that in enforcing clean air laws, the Federal Government may provide steel companies with up to 3 additional years to meet clean air standards. In no case would the standards be weakened. The company would simply have longer to reach it. Also, the Government would consider cases on a 1-by-1 basis. No steel company would automatically qualify for the extension, but would have to prove its need for an extension.

What is significant about this bill is the support for it. It has the support of steel companies. But it also has the support of environmentalists. Instead of the atmosphere of recent years where environmentalists and industrialists hurled charges at one another, both sides sat down together, negotiated, and developed a solution that satisfied everyone.

The result of that negotiation and compromise is significant benefit for the public. Some ailing steel companies will have more time to meet environmental goals. Some communities will be able to keep steel plants open because companies can put money into modernization instead of putting it all into environmental apparatus. And the public gains because clean air standards will be met. In none of these cases will the air quality be allowed to decline during the 3 years, and in all cases the clean air targets must still be met.

This confirms for me the point I have made for several years: Energy development, economic growth, and environmental improvements do not need to be in conflict. We can make progress in all three. The debate of recent years has been marked by extremists on both sides. Too many environmentalists have not wanted to give a single inch to development. That is unrealistic given the economic and energy condition of our Nation. Similarly, too many developers and businessmen have ignored the law and simply wanted to wipe out the Clean Air Act or clean water goals. We can not afford to go back to the days prior to those laws, and no one should want to.

As this agreement on the steel plants and the Clean Air Act shows, we can reach agreements that allow policies in all areas to go forward. This will be important because Congress faces a number of environmental issues over the coming year. The entire clean air law will be reviewed. The air pollution requirements on automobiles will be studied. The laws affecting energy development will be debated. In all these cases, it is clear that some changes are needed. We must insure that jobs are protected, that plants remain open, and that energy is produced. But it is clear that these goals can be met while still improving the environmental situation.

And that is the type of debate we need during the coming years. We have had enough conflict and controversy on the environmental rules and regulations. It is time for some commonsense and some reasonable compromise. Only in that way can we insure progress in all the areas, and insure that the public's wishes are translated into Government policy.

I congratulate the environmentalists and the steel industry for working out the agreement we are now debating in Congress. I believe it is a model for what we can accomplish by acting with reason and a concern for the entire Nation. I hope it is a model for the debate to come later this year. We need not fight over environmental progress versus economic and energy development. We can have progress in all three areas as long as we are willing to work for reasonable solutions.●

● Mr. FRENZEL. Mr. Speaker, H.R. 3520 is a pretty good idea, but it represents another ad hoc attempt to solve a part of a larger problem.

Deferring air quality deadlines for the steel industry is an obvious need. But, while the steel industry's need is unquestioned, other industries need similar relief, too. Instead of looking at the problems of all industries, the committee chose to concentrate its relief on the industry with the greatest political clout. The committee has chosen to grease the squeakiest wheel.

I am disappointed that the committee chose a political solution rather than a wholesale revision of what has proved to be a cumbersome body of law. Nevertheless, I am hopeful that this body will have a chance to make some more general changes this summer or fall when the Clean Air Act must be extended.

In the meantime, even though I believe special legislation for a particular industry is not a good way to legislate, I do support the passage of H.R. 3520. It is only a partial solution, but it is a badly needed partial solution.●

● Mr. DERWINSKI. Mr. Speaker, I urge approval by the House of this legislation to extend the compliance date on a case-by-case basis for a period of up to 3 years for the steel industry to comply with pollution control requirements.

As the cosponsor of H.R. 1817, introduced earlier for this purpose, I believe that the steel industry should be given the chance to invest additional capital in facilities for improved productivity and efficiency while insuring adequate protection of the environ-

ment and health of the public during the extension period.

Therefore, I support passage of H.R. 3520.●

● Mr. MOFFETT. Mr. Speaker, as a cosponsor of this important legislation designed to balance the steel industry's need for capital with our environmental requirements, I rise in support of this bill.

As has been described, H.R. 3520 permits the steel industry to take 3 additional years to comply with the Clean Air Act deadlines for stationary sources. This extension will permit the industry to invest funds it would have otherwise used for pollution control for steel plant modernization. Central to the agreement are two conditions: First, the industry must spend some moneys on pollution abatement each year. Second, that once the 3-year extension expired in 1985, the industry would have to be in full compliance with the 1982 standards. These conditions will be judicially enforceable because the stretchout can only be obtained by individual steel plants seeking consent decrees which will lock them into these conditional agreements.

The legislation is based on the so-called tripartite steel agreement which was fashioned by the steel industry, the steelworker's union, and by the environmental community. In 1979, the previous administration convened a committee of steel, labor, and Government officials to examine those issues which had led to the decline of our domestic steelmaking capacity. Part of their investigation was devoted to the problem of capital utilization. The committee found that environmental controls were costly and drew upon the industry's capital at a time when funds were needed for modernization. The steel industry, labor unions, and EPA officials suggested the stretchout as a means for creating additional funds for the industry. The environmental community was called upon to review the stretchout and suggested the conditions cited above to insure that, ultimately, environmental standards would be achieved by the industry. An amendment to the Clean Air Act was required to codify this agreement. H.R. 3520 fits the bill.

Unfortunately, this creative agreement is under fire. Some Members of Congress have referred to the legislation as ratification of a backroom, political deal. This characterization is immensely unfair. Congress was not bound by the agreement. The House Committee on Commerce and Energy has endorsed the legislation because it balances so well the economic and environmental burdens being shouldered by the industry. But more important, this legislation represents a symbolic victory which will have a wide application in the environmental field and in other areas of legislative importance as well.

Government and society make decisions about the distribution of income every day. In 1981, Ronald Reagan made the decision to hasten the decontrol of energy prices in the belief that the market, and not the Federal Government, should determine the price of energy. This decision may be the most efficient way to price energy, to encourage domestic production, and to discipline consumers into wasting less energy. But it has significant drawbacks in terms of inflation, in terms of forcing the poor or the elderly to chose between heating and eating, and in terms of centralizing the flow of capital toward the energy industry. No Member of Congress and certainly no average citizen was able to influence this decision. Billions of dollars hung in the balance; yet, no one was able to raise questions: Is this fair? Is this equitable? Will my income increase? Will my income go down? Billions were at stake and these questions could not be asked.

The concept behind this legislation speaks to the essential unfairness of the decisionmaking process which resulted in energy price decontrol. The steel industry regarded itself as a victim of the Government's environmental regulations. Yet, the industry was willing to support strict compliance with the Clean Air Act by 1985 if the Congress provided a 3-year stretchout of the environmental deadlines. Environmentalists were equally amenable in supporting a 3-year delay in steel's compliance with the Clean Air Act because they knew first, of the positive economic benefits and, second, that compliance would be assured, just 3 years late.

This concept—tripartitism, if you will—reduces the controversy inherent in problems which overlap economic and environmental issues. The use of tripartitism was effective during the consideration of the Chrysler legislation. Industry and labor were forced to make significant concessions in order to achieve their desired goal: Federal loan guarantees for the corporation. Shortly, the House will consider legislation reauthorizing Conrail which contains major concessions required of labor, local transit authorities, and shippers to maintain the railroad's operations. The tripartite concept should be applied to more issues, particularly those which will be debated during the Clean Air Act authorization later this year. It is in this arena where the economic, environmental, and energy goals of our country appear to be in greatest conflict.

As Lester Thurow points out in his outstanding book "Zero Sum Society," we have used economic growth, in the past, to avoid disadvantaging certain segments of society when allocating economic goods. In the environmental sphere, we could pay both for additional investment in production and investment in pollution control. Economic growth, as Thurow indicates, was the social lubricant that kept groups working together. Without economic growth, the decisionmaking process devoted to the question of balancing economic and environmental needs could degenerate into controversy. Environmentalists and consumers do not want to give up clean air. The steel industry and labor do not want to give up their plants in order to satisfy environmental laws. Rather than forcing these groups to use the political process to stifle the dreams of their opponents, the tripartite formula was used to accommodate everyone's interests. Concessions were made for the common good and as a result of this bill, everyone will be better off.

Ultimately, the best formula on which we can rely is sustained economic growth. We need tax reform, moderate energy prices, and a commitment to a full employment economy. Nothing short of these three objectives will be sufficient to enable our society to advance and flourish. Until that time, we need to continue to rely on processes like tripartitism to encourage shared sacrifices on behalf of shared goals.●

● Mr. GAYDOS. Mr. Speaker, if there is one thing American workers want of the 97th Congress it is revitalization and rehabilitation of our industry so they will have jobs doing productive work at fair pay.

And this bill to allow case-by-case stretchout of the Clean Air Act compliance deadlines specifically in the steel industry is the first piece of legislation to reach the House that will signal our intent to do that.

Passage is very necessary and very important.

The bill is in the nature of first aid for the most basic and one of the more seriously injured of our industries.

It is nothing more than a tourniquet meant to stem the hemorrhage of jobs and stabilize the patient so it can gather strength and become once again whole and competitive under the comprehensive, longer range treatment that will be applied to the whole economy.

And that is all it is.

It is not abandonment of clean air or betrayal of that cause. It provides there will be no backsliding from improvements that have been made.

The case-by-case feature means there can be no wholesale disregard of the environment. And the 3-year limit means the push for cleaner air will resume in 1985. It is not overly generous. It is tailored snugly to meet a need.

For those who are doubtful about the necessity, I point to a headline that appeared earlier this year.

It said, "Japanese Pass United States in Crude Steel Production for First Time in 1980."

And I suggest a look at the chart contained in the committee report on this bill.

It lists major steel production facilities in the United States and the almost immediate capital spending requirements the Clean Air Act places on them.

But 13 listed operations will require no additional capital.

They are closed, and the workers in Youngstown, Johnstown, and Massillon are jobless.

The purpose of this bill is to keep that list from growing. It will temporarily—and only temporarily—suspend required clean air spending and allow diversion of that scarce capital into production.

It involves about $800 million.

Even at that, it will free up only 11.5 to 14 percent of the capital needed for just 1 year if this industry, foundation of our strength and prosperity, is to survive.

Our factfinding, judgment-making arm, the General Accounting Office, has put capital investment requirements at $5.7 billion a year through 1988 if the industry is to regain its competitiveness. Industry estimates are higher—$7 billion.

Some argue this is a special privilege for a politically powerful industry.

It is cement to hold the keystone in place.

The GAO made several judgments on steel.

In one it said, "Steel is one of the largest industries in the Nation, exceeded only by automotive, petroleum, and food industries."

It easily could have added as I do, none of the other industries would function without it.

Steel is so basic we forget about it.

We shave with it in the morning. We drill for oil with it and mine coal. We plow and harvest with it. It holds together our houses, roads, bridges, and office buildings. We transport our goods in it and on it.

We ride in it, on it, and over it to work and play whether by car, plane, train, or boat.

We use it to defend ourselves.

Do we need it?

We would perish without it.

No other major industry could function without it, and the Nation will not function if our steel industry fails and we turn to imports. The flow of dollars under those conditions could dwarf what OPEC has done.

Furthermore, 1 million tons of imported steel means 5,000 lost American jobs. More steel sold at home and abroad means more jobs.

In the aggregate, America makes its industry carry burdens no other nation imposes, particularly those who want to build their steelmaking capacity.

Nevertheless, our workers and producers have not done a bad job in keeping up.

The GAO found our aging plants close to the highly modern Japanese in man hours per ton and output per hour. However, we are doing fewer things, not doing them as well, and not at all preparing for the future.

You see, in recent years Government policies have kept steel profits low and directed most of the available investment capital into capabilities other than production.

The result: American companies are not equipped to produce what the new industrial world will require of them at levels of quality the world is coming to demand.

For example, we will be turning to nuclear power along with the rest of the world.

But the GAO cited one user who said he will have to deal with French companies for suitable nuclear grade plate. We are not equipped.

Synfuels will be coming into use, calling for even better plate. The GAO cited a major buyer who had strong doubts U.S. companies could move into that market while expressing faith the Japanese would rapidly develop the capacity.

The GAO found a direct relationship between quality, productivity, and modern plant. Modernization cannot be accomplished without capital.

The GAO pointed to 10-percent increases in the yield of steel, and significant energy savings, if capital demanded by ever-tightening environmental requirements could be diverted into productivity in some cases.

Further, the GAO found 25 percent of America's capacity too old to compete with foreign producers, and I believe that.

But it concluded, the American industry is potentially competitive with foreign producers. It said the potential is great enough to warrant a Government-led revitalization program, and I embrace that.

Mr. Speaker, I support passage of this measure in four ways—as chairman of the Steel Caucus, as a father of the bill, and as a Congressman whose district makes 25 percent of America's steel.

But my strongest support goes to it as a citizen who does not want to see the U.S. economy getting by only on the export of raw material and agricultural goods.

The stretchout represents a strength-gathering pause, not a retreat.

And we need it.●

● Mr. KEMP. Mr. Speaker, I represent some real experts on the crisis in America's steel industry—my steelworker constituents in western New York. Since 1970 the Buffalo area has lost some 18,000 jobs, almost half its steel work force. Production is currently at one-third its 1970 level. Currently unemployment among hourly steelworkers is even higher than the Buffalo area's general unemployment rate—which at over 10 percent, is one of the highest in the Nation.

While older industrial centers like Buffalo suffer most from this decline, the debacle is nationwide. In the past decade the United States has lost 85,000 basic steel jobs, not counting jobs in related industries. Total raw steel production declined 14 percent since 1973, while foreign steel's share of the American market rose to nearly 20 percent. Steel profits remain low, and, at a time when the industry desperately needs a new infusion of investment capital the real value of steel stock has declined significantly.

The steel industry is the industrial heart of our economy; and its decline threatens American jobs and American national security. We must develop a new strategy for revitalizing the steel industry, a strategy based on a clear understanding of the role of labor, capital, and the Federal Government.

The bill before the House of Representatives today is an important element of a new steel policy. While none of us argues with the goal of protecting the environment, I believe we also agree that the ultimate cost of regulations in jobs and economic growth should also be measured. H.R. 3520, the Steel Industry Compliance Extension Act, does not compromise our long-term clean air goals, but it does establish a more realistic timetable for meeting them.

In 1977, 20 percent of all scarce steel industry capital investments went to meet environmental regulations. What is more, the cost of this pollution control equipment in constant dollars is expected to triple by 1983. The high cost of compliance with these regulations makes it unlikely that the steel industry will be able to compete in the next decade.

These regulations do not just deplete steel capital, however; they also speed plant shutdowns in the industrial Northeast. Stringent areawide emissions standards and uniform standards for new and old plants make it uneconomic to operate, much less modernize, marginal plants. Modernization plans for the Lackawanna Bethlehem Steel plant, which employs many steelworkers from my district, have, for instance, been severely set back by emissions standards for coking operations. Even though demand for coke is projected to surge in the next few years, failure to comply with pollution regulations may force shutdowns of the Lackawanna plant's biggest and best coke oven. This could well be the death blow for a plant that has suffered major layoffs since 1977.

We need a regulatory policy which recognizes the importance of both a clean and safe environment and productive jobs for all Americans. Current regulations should be carefully examined according to a strict cost-effectiveness standard, and those mandated requirements that have not been scientifically proven necessary for a healthy environment should be revised. Regulations should also take into consideration the age and estimated lifespan of plants, and the desirability of keeping older but still profitable plants in operation. The impact of regulations on regional employment should also be carefully weighed.

I believe that H.R. 3520 represents a step toward this new regulatory policy, and a saner steel strategy. I urge my colleagues to support passage of the bill.●

Mr. MADIGAN. Mr. Speaker, I yield back the balance of my time.

Mr. WAXMAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 3520.

The question was taken.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ELIMINATION OF THE LIMITATION ON INDUSTRIAL WASTE TREATMENT

Mr. EDGAR. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 2957, to amend the Federal Water Pollution Control Act to delete the limitation on the use of public treatment works grants for treating, storing, or conveying the flow of industrial users into treatment works, as amended.

The Clerk read as follows:

H.R. 2957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(k) of the Federal Water Pollution Control Act (33 U.S.C. 1281(k)) is hereby repealed.

SEC. 2. (a) Section 205(c) of the Federal Water Pollution Control Act is amended by striking out "ending September 30, 1981," and inserting in lieu thereof "ending September 30, 1982," and by striking out "and September 30, 1981," and inserting in lieu thereof "September 30, 1981, and September 30, 1982,".

(b) Section 205(e) of the Federal Water Pollution Control Act is amended by striking out "and 1981" each of the two places it appears and inserting in lieu thereof at each such place "1981, and 1982".

SEC. 3. (a) Section 202(a)(2) of the Federal Water Pollution Control Act is amended by striking out "1981" and inserting in lieu thereof "1982".

(b) Section 202(a)(4) of the Federal Water Pollution Control Act is amended by striking out "and September 30, 1981." and inserting in lieu thereof "September 30, 1981, and September 30, 1982.".

(c) Section 205(i) of the Federal Water Pollution Control Act is amended by striking out "and September 30, 1981," and inserting in lieu thereof "September 30, 1981, and September 30, 1982," and by striking out "fiscal year ending September 30, 1981," and inserting in lieu thereof "fiscal years ending September 30, 1981, and September 30, 1982,".

SEC. 4. Section 205 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

"(j) The Administrator shall allot to the State of New York from sums authorized to be appropriated for the fiscal year ending September 30, 1982, an amount necessary to pay the entire cost of conveying sewage from the Convention Center of the city of New York to the Newtown sewage treatment plant, Brooklyn-Queens area, New York. The amount allotted under this subsection shall be in addition to and not in lieu of any other amounts authorized to be allotted to such State under this Act.".

SEC. 5. This Act, and the amendments made by this Act, shall not apply to any fiscal year which begins before October 1, 1981.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Pennsylvania (Mr. EDGAR) will be recognized for 20 minutes and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2957, as reported, repeals the so-called industrial cost exclusion provision of the Federal Water Pollution Control Act which was added to the law by Congress last year. The industrial cost exclusion provides that Federal construction grant funds cannot be spent on those portions of publicly owned wastewater treatment works which provide industrial users with treatment capacity. H.R. 2957 would restore grant eligibility for this portion of the construction grants program.

The industrial cost exclusion section in the legislation last year was the result of a compromise. Because we wished to give Congress another chance to look at the provision, we delayed its effective date until November 15, 1981. Thus, after November 15, 1981, no grant funds may be used to finance the physical construction of that part of a publicly owned treatment works that treats, stores, or conveys wastes from industries which discharge into the system more than 50,000 gallons per day of sanitary waste equivalent. In the interim, we required the Environmental Protection Agency to do a study of the effects of the industrial cost exclusion.

While the EPA study does not make specific recommendations, its findings point out the potential burden of the provision on industries and municipalities. The study shows that there are a large number of communities which would find portions of planned projects suddenly ineligible for grant funds. This would increase the local costs of completing these projects, sometimes drastically. Nationwide, the non-Federal share of projects in these communities which might have been built in the next few years would increase an estimated 61 percent. In many cases, communities and industries may not be able to raise the money necessary to finance this increased local share. The study suggests that in this situation many communities will simply do nothing and await possible enforcement actions. Furthermore, the study suggests that the costs of delay—caused by the need for cities to renegotiate their agreements with their industries—are likely in the near term to exceed the amount of grant funds which are made ineligible under the industrial cost exclusion. In the opinion of community and industry leaders surveyed by EPA, the industrial cost exclusion, even though it does not go into effect until November 15, is already causing an "impasse" in many communities, causing some to hold back on their projects and thus delay realization of our Nation's clean water goals. These findings were supported by testimony received at our hearings.

H.R. 2957, as reported, also contains two other sections extending provisions of the Federal Water Pollution Control Act that will expire this year without congressional action. Section 2 of the bill extends the existing allotment formula for distributing construction grants funds to the States. Section 3 extends the existing setaside of 3 percent of each State's allotment for use on systems incorporating innovative and alternative technologies. Inclusion of these provisions in this bill establishes the basis for our further consideration of these and other matters concerning the construction grants program this year. We intend to hold further hearings on the construction grants program soon with a view toward making changes in these and other provisions governing the program which will insure that the greatest possible amount of pollution reduction will be achieved for every Federal dollar spent.

□ 1130

Mr. Speaker, I yield such time as he may consume to the chairman of the full Committee on Public works and Transportation, the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, I wish to commend this bill to the Members of the House. I wish to thank the gentleman from Pennsylvania (Mr. EDGAR), who is handling this bill today in behalf of the chairman of the Subcommittee on Water Resources; the gentleman from New Jersey (Mr. ROE), who is unable to be with us today; and to thank the ranking minority member, the gentleman from Arkansas (Mr. HAMMERSCHMIDT). I wish to thank all the members of the subcommittee and their staffs for their work in preparing this legislation for the House today.

I wish also to extend my thanks to the ranking minority member of the full committee, the gentleman from California (Mr. CLAUSEN) for his usual helpful cooperation.

The Water Resources Subcommittee recently held hearings on the industrial cost exclusion, during which a large number of cities, industries, trade and professional associations, and the Environmental Protection Agency were heard. The overwhelming consensus of those who appeared is that the industrial cost exclusion should be repealed. With the study which we required the Environmental Protection Agency to prepare for us, and the other information we have received since last year, we now have a good idea of the impact of the exclusion upon the industries and cities which find themselves partners in the task of upgrading our Nation's waters.

I will not attempt to summarize the total factual record in support of repeal. It is too vast. I will only cite three facts which to me are central. First, the industrial cost exclusion will work a real financial hardship on many communities, which suddenly, contrary to all previous planning, will now have to raise the money to replace the funds which are to be excluded. Second, something worse than just hardship is a reality for several communities. For them, particularly some small communities with marginal industries, the industries have indicated they will be forced to close down or move away. Third, the EPA study shows that we will not likely be saving any money with industrial cost exclusion. This is because, by requiring cities to go back to their industries and renegotiate their treatment agreements, redesign projects, and raise new revenues, we are causing delays which will because of inflation, eliminate any savings anticipated from industrial cost exclusion.

Mr. Speaker, all of the information we have leads to only one conclusion. The industrial cost exclusion provision is disruptive, ineffective, and is not economical, and I urge passage of the bill.

Mr. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. I am happy to yield to the ranking minority member of the full committee, the gentleman from California (Mr. CLAUSEN) for a short colloquy.

Mr. CLAUSEN. Mr. Speaker, I would like to commend the distinguished chairman of the Committee on Public Works and Transportation for his work on this Clean Water Act legislation. I would like to ask the gentleman from New Jersey a question concerning the relationship of this bill to the pressing need for reform of the EPA construction grants program.

The gentleman is aware that the administration will not request appropriations for this program in fiscal year 1982 unless the Congress acts on reform. Funds must be directed where they are needed most. Our committee has been holding, and will continue to hold extensive hearings on construction grants problems. Can you tell me your timetable for addressing the relevant reform issues from a legislative perspective?

Mr. HOWARD. I do share the gentleman's concern, and I would like to state very clearly that this legislation is not the end of water pollution control legislation in this Congress or possibly in this session of the Congress. As the gentleman is aware, our Oversight and Review Subcommittee has already held hearings to get information as to how we could improve this program in its entirety; and also the gentleman and I together have introduced by request the administration's legislation on the construction grant program referred to as H.R. 3703.

I share the gentleman's concern. Let me assure the gentleman that passage of this bill does not, and will not, preclude us from acting further on this matter. It has been our intention for some time to hold extensive legislative hearings on the construction grants program and we plan to start these hearings very soon. We will exert every effort to report legislation, get it through the House, and reach an agreement with the other body in time to insure that funding for this program will be considered for fiscal year 1982. It is our goal to develop legislation which will make the construction grants program more efficient and cost effective so that the maximum amount of pollution control is achieved with the resources which will be available.

Mr. CLAUSEN. I thank the gentleman, because the faster we can achieve reform, in my view, the sooner additional funds will be available for the construction grant program which many people are looking for.

Mr. Speaker, I rise in support of H.R. 2957 and urge my colleagues on the floor of the House to join me in sending this legislation to the Senate.

The bill before us has a history which goes back more than 5 years to the original industrial cost recovery, or ICR, provision of the Clean Water Act. I will not dwell on that history except to say that last Congress we repealed the industrial cost recovery provisions of the Clean Water Act because of overwhelming evidence that they were not effective in accomplishing their legislative objectives.

The ICE provision we address today was adopted as part of the compromise that was struck in order to remove the ICR provision from the law. Many of us in the House, at the time the ICE provision was passed last October, expressed our serious reservations about the adverse effects that it was likely to have on our Nation's clean water program. Unfortunately, I am afraid that the events of the ensuing months have proven that the reservations we raised last year were probably well-founded.

We have had the benefit of an in-depth study performed by the Environmental Protection Agency on the likely effects that ICE will produce on our construction grants program. EPA's study provides overwhelming evidence to support repeal of the ICE provision. Similar strong evidence was received in 2 days of hearings held by our Subcommittee on Water Resources, during which virtually unanimous testimony—not just from industries, but also from municipalities and States and professional organizations—was presented in favor of repealing ICE.

Allow me to emphasize just two points.

The first is that repeal of ICE is not something supported only by industry. Of the more than 120 comments that EPA received on its ICE study, 95 percent opposed implementation of ICE. Only six of the comments could be characterized as favorable toward ICE, and not all of these went so far as to actually endorse the concept.

Let me give a sample of who the nonindustry organizations are that support repeal of the ICE provision:

The National League of Cities; Association of Metropolitan Sewerage Agencies; New York State Department of Environmental Conservation; National Association of Counties; the Governor of the State of North Carolina; Water Pollution Control Federation; State of New Jersey Department of Environmental Protection; city of Houston, Tex.; county sanitation districts of Los Angeles County; and the Denver Regional Council of Governments.

Many others are listed beginning on page 311 of EPA's ICE report. Imposition of ICE hurts our State and local governments as well as our industries.

The second point I would like to make is that, with only the few exceptions already mentioned, those who commented to EPA on the ICE study and those who testified before our

Water Resources Subcommittee believed that ICE was not good for our clean water program and that it should not be allowed to go into effect. Each has his or her own reasons, but the feeling was overwhelmingly in favor of our repeal provision. Here are just some of the comments that are part of the record:

State of New Jersey, Department of Environmental Protection:

The State of New Jersey strongly recommends repeal of that portion of the amendment that excludes eligibility of industrial flows. Failure to do so will delay the clean water program and seriously jeopardize the economic well-being of the State.

New York State Department of Environmental Conservation:

(We) believe that it would be in the best interest of the program and the tax-paying population if ICE were repealed. Not only will such a significant change in funding criteria delay ongoing projects needed for water pollution control, but this delay will also require expenditure of more public funds than if we were to proceed using existing funding criteria.

Chamber of Commerce of the United States:

The U.S. Chamber strongly believes that ICE will frustrate our national water quality improvement goals as expressed in the Clean Water Act.

Water Pollution Control Federation:

* * * The practical effect of ICE will work against the streamlining of the grants program overall. If the purpose of our legislative reform of construction grants is to move money faster and to build those projects which contribute the most to solving local water pollution control problems, then I think that EPA's own ICE report clearly demonstrates that this particular provision will be a counterproductive force at the local level.

National Association of Counties:

The National Association of Counties would probably endorse a reduced Federal share of wastewater construction grants before it would concur with the intent of the (ICE) amendment.

National League of Cities:

Because of the potential hardships and inequitable treatment imposed on municipalities by the elimination of assistance to that portion of a POTW designed to serve major industrial users, the National League of Cities opposes the (ICE) provision, and will advocate its repeal * * *

County Sanitation Districts of Los Angeles County:

Implementation of the (ICE) amendment could result in considerably more administrative and financial problems for municipal sewerage agencies than the ICR it replaces. The sanitation districts, therefore, strongly recommend * * * the elimination of the Stafford amendment from the Federal Water Pollution Control Act.

Denver Regional Council of Governments:

The Denver Regional Council of Governments does not support the (ICE) amendment * * *. (It) will impose a tremendous administrative burden on the Denver region, and consequently, should not be required.

Mr. Speaker, I could go on, but I think the point is made. Based on the information developed thus far, it seems clear that repeal of ICE is more likely to lead to a more cost-effective, environmentally sound clean water program than is retention of ICE.

Therefore, Mr. Speaker, I think it is entirely proper that we take this action today because I believe it is in the best interests of our clean water program for us to do so.

One other point bears emphasis. The action we take today in extending the innovative and alternative provisions and the allotment formula in the Clean Water Act should not be misinterpreted as being an indication that the Committee on Public Works and Transportation does not intend to move quickly on Clean Water Act legislative reforms. Exactly the opposite is the case. We will be addressing necessary reforms, including the proposals that have been made by the administration, in an effort to produce reform legislation in time for fiscal year 1982 funding for the construction grants program.

Mr. Speaker, with these thoughts in mind, I congratulate the chairman and the ranking member of the Water Resources Subcommittee for developing this legislation and I urge my colleagues on the floor to support its passage here this morning.

● Mr. ROE. Mr. Speaker, H.R. 2957, as reported, repeals the so-called industrial cost exclusion which was added to the law by Congress last year. The provision has a long history behind it, but the facts are really quite simple. The Environmental Protection Agency administers a grants program which provides 75 percent of the costs to municipalities for the construction or upgrading of their wastewater treatment plants. In a very large number of cases, probably the majority, there are industries located in and around the city which hook into the city's sewer system. In many cases, the city and its industries grew up together, and the industries have been using the city's sewer lines and treatment system for many years. Up until last year, the construction grants program recognized this reality and allowed for funding of these joint treatment plants. Last year's legislation, however, excluded funding of the industrial portion.

This bill would restore grant eligibility for that industrial capacity. It is unrealistic to suppose that we can construct new sewer systems or upgrade existing systems by ignoring the existing partnership and forcing the municipal and industrial portions in a joint treatment system to be handled separately. Information from many communities that are in various stages of the construction grants process shows the very disruptive results of the existing provision going into effect.

The industrial cost exclusion was linked with repeal of another requirement called industrial cost recovery. Under the industrial cost recovery, industries were to pay back the grant assisted capital costs associated with the treatment they receive by hooking into a municipal system. The payments were to be made to the city, which would in turn send half of them back to the Federal Treasury, and retain half to administer this requirement and to finance future expansion and reconstruction of the sewer system.

The industrial cost recovery system never got off the ground. Very little money was ever collected. In many instances the costs of administering the system exceeded the amount of money that was taken in. It also threatened to drive industries away from regional treatment systems. Everybody agreed that the provision was no good and in Public Law 96-483 last year Congress did away with it. At the same time, we wished to have more information on the possible effects of the industrial cost exclusion. We added to the law a provision requiring EPA to do a study which would be reported to Congress during the interim before the exclusion went into effect.

We now have that study, and it shows that the industrial cost exclusion will cause, and in fact already is causing delays, because industries and cities now must renegotiate their agreements about upgrading their treatment systems. Already many projects have been slowed down while the parties wait to see what is going to happen, whether they will have to go back to the drawing board. As these projects are delayed, inflation pushes up the costs, causing the Federal Government as well as those paying the local share to lose money. In addition, alternative financing arrangements will have to be made. In many cases, cities will not have sufficient resources to pick up the costs now excluded from grant eligibility. Industries faced with new up-front costs in this situation may close down, move away from the city and self-treat, or move to another city with excess capacity. Cities which do obtain necessary financing will find the costs per household increasing drastically in many cases—particularly in the small cities where sewerage costs are already highest.

We recognize that the construction grants program may have to be scaled back, particularly in times of austere Federal budgets. However, the task ought to be undertaken in a careful and systematic way, so that the reductions in scope of the program actually result in the most good being done with the remaining dollars. Instead, we have arbitrarily singled out one type of project—systems which jointly treat both industrial and residential

wastes—and chopped off funding without any sense of the realities of how treatment systems are funded and operate. Instead of saving money, we are creating havoc.

Many of the arbitrary results of the industrial cost exclusion noted by witnesses at our hearings are the result of this creation of a wholesale, categorical exclusion without accommodating the realities among the cities across the country that are, in good faith, attempting to upgrade their joint treatment systems. The categorical exclusion was made without any examination of other categories of grants. Furthermore, it makes no meaningful distinctions as to the extent of previous planning and commitments by communities. Instead, the law simply sets a termination date for step 3 grants for industrial capacity. Because of the present administration's rescissions, many of the projects which might have been able to meet the November 15 deadline will now be unable to do so. Similarly, capacity for dischargers of less than an arbitrary 50,000 gallons per day of sanitary waste equivalent remains grant eligible. As a result, a community with a large number of small dischargers could have a large percentage of its industrial capacity funded, but a city with one large discharger could be excluded from funding of a lower percentage of industrial capacity. This is just an example of the arbitrary and inequitable results of trying conceptually to separate what in reality is physically joined.

We should not allow the issue of scaling back the construction grants program to confuse us. Repealing the industrial cost exclusion does not mean that we are expanding the size of the program. What determines how much the Federal Government spends on the construction grants program is the level of appropriations for that program. All we are talking about here is how that money can be distributed among different types of projects given a certain level of appropriation. We would rather see a scheme for dividing up construction grant funds that reflects reality than one that splits communities and their industries apart and creates havoc. We would also rather divide up scarce construction grants funds in a way that will allow those funds to be spent than allow those limited funds to be eaten up by the costs of delay and inflation.

I urge passage of the bill.●

GENERAL LEAVE

Mr. EDGAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in most strong support of H.R. 2957. The bill provides several amendments to the Clean Water Act. These include repeal of the industrial cost exclusion provision of the act, 1-year extension of portions of the act expiring this year, and a special provision to provide interim transport of effluent in New York City.

Section 1 of H.R. 2957, as reported, repeals section 201(k) of the Federal Water Pollution Control Act, which eliminated construction grant funding of industrial capacity over 50,000 gallons per day sanitary waste equivalent after November 15, 1981.

Section 2 extends the present allotment formula for the construction grants program through fiscal year 1982. Subsection (B) extends for a like period the provision that no State shall receive less than one-half of 1 percent of the total allotment—not more than thirty-three one-hundredths of 1 percent in the aggregate to Guam, the Virgin Islands, American Samoa, and the trust territories. An additional $75 million per year is provided for this purpose in the basic act.

Section 3 extends for 1 year through fiscal year 1982 the innovative and alternative technology provisions of the Federal Water Pollution Control Act. These provisions set an 85-percent Federal share of the construction costs of treatment works using innovative or alternative wastewater treatment processes and techniques. Not less than 3 percent of the funds allotted to a State must be expended only for increasing the Federal share of grants for these treatment works from 75 to 85 percent.

Section 4 directs the Administrator of the Environmental Protection Agency to allot to the State of New York from fiscal year 1982 appropriations an amount necessary to pay the entire cost of conveying sewage from the New York City convention center to the Newton sewer treatment plant in Brooklyn. The convention center, expected to be completed in 1983, will discharge raw sewage into the Hudson River until completion of the Newton waste treatment facility which is scheduled for 1988. The amendment will insure that this sewage from the convention center is treated at an alternative facility in the interim.

Section 5 provides that the amendments made by this legislation shall not apply to any fiscal year which begins before October 1, 1981.

It must be clearly understood by all that action on this legislation does not in any way diminish the resolve that I personally feel to move as soon as possible with reforms to the Clean Water Act. This is especially important with regard to the issues addressed by the administration in its construction grants reform proposals. I know my determination to move forward is shared by my colleagues on the committee and that we will indeed act on reforms to the program.

I will concentrate my remarks today on the industrial cost exclusion repeal provision. The overwhelming evidence, based on hearings and a report by the Environmental Protection Agency, confirmed our fears that the provision does serious economic, environmental, and social harm. Witness after witness provided a litany of financial, environmental, and social problems which industrial cost exclusion would create. ICE had the appearance of creating savings by excluding selected groups from construction grants eligibility. According to EPA's report and those testifying at our hearings, inflation due to delays in construction and higher finance charges would increase costs more than the amount supposedly saved. In addition, delays in the program will delay attaining water quality goals. Many also testified about the arbitrary levels of flow to which the provision would apply. We asked EPA if they had a formal position regarding industrial cost exclusion, and they did not yet have one. Almost everyone else we heard from was in favor of repeal immediately. This ICE provision of the Clean Water Act was, I am sure, well intentioned and had good motivations. Nonetheless, we cannot ignore the vast body of evidence which necessitates our taking action to repeal it.

I would like to summarize the background on industrial cost exclusion, which derived from the earlier industrial cost recovery provision of the Clean Water Act.

Section 204 of Public Law 92-500—Water Pollution Control Act Amendments of 1972—provided that the cost of treating industrial waste water in publicly owned treatment plants should be recovered from the industries. In 1977, concerns with the implementation and effects of ICR led to our suspending collection of ICR payments and directing a study of the efficiency of, and need for, ICR—section 75 of the Clean Water Act of 1977, Public Law 95-217. Also, we excluded small industrial facilities discharging 25,000 gallons per day or less.

The report, compiled under contract, was completed late in 1978. The findings were very negative toward ICR. EPA and OMB were reticent to recommend repeal of ICR and therefore submitted, in January 1979, a report with conclusions only. Some of the conclusions were:

Tax law changes had virtually eliminated the issue of subsidy to industries by their use of publicly owned works;

ICR had little or no impact on water conservation or industrial decisionmaking;

ICR was extremely difficult to manage; it was a burden on small communities; and

The user-charge system was the best system to accomplish the aims of ICR.

In an effort to stem growing pressure to repeal ICR, EPA filed another report in May 1980. Several options were put forward to modify ICR in order to make it more effective.

Momentum was toward elimination of ICR. There still existed, however, concern to prevent what was perceived to be an unfair subsidy of industry. Thus ICE was proposed to replace ICR—section 3 of Public Law 96-483. Under ICE, no EPA grants can be made after November 15, 1981, for construction of that portion of publicly owned works designed to serve major industrial users.

Section 4 of Public Law 96-483 directed EPA to study the effect of this approach and report to Congress by March 15, 1981. The report, which was submitted on schedule, concentrates on factual analysis, such as how many communities would be affected and the costs to be borne by localities or industry, depending on who gets the burden. Despite the report's apparent attempt to avoid a position, the objectionable aspects of ICE and its far-reaching negative impacts are clear. Up to 1985, some of the potential effects discussed in the report are:

Four hundred and two communities are affected, mostly older cities and small towns;

Food and kindred products is the major industry affected;

The potential non-Federal share increases by 60 percent on average;

Instead of eliminating inequities, the ICE provision creates new or worsens existing inequities; and

Small communities will likely suffer the greatest ICE-induced financial burdens.

EPA concludes that ICE will delay construction of wastewater treatment facilities from 1 to 3 years to permit replanning and new financing and that any delay beyond 2 years will result in cost increases greater than the amount which might be saved through ICE. Comments received by EPA on ICE from industries, municipalities, and others have been almost totally—approximately 95 percent—against retaining ICE.

As I mentioned previously, the administration has taken no position on repeal or retention of ICE. The longer we delay, the longer planning and construction of municipal plants will be delayed and the longer industries will delay decisions on treatment. It is clear that ICE will increase the cost of wastewater treatment facilities because of these delays. At least as important, ICE will probably further delay meeting water quality objectives.

During our 2 days of hearings, witnesses from municipalities, industries, and organizations provided further substantiation of negative effects of the provision. I am particularly concerned by the fact that it is smaller communities which are most severely harmed. These are communities least able to take on this burden.

I would like to provide a couple of examples from Arkansas, where the potential negative impacts are greater than the national average. The EPA report on ICE notes an $89 per household cost average for taking over the industrial cost burden. In Arkansas the average is $137 per household. In some communities it is much higher. Fayetteville would have a $255 per household burden. In Clinton the burden would be more than $2,000 per household, and this is in a community which has an unemployment rate higher than both the State and National rate. Clearly, this burden cannot be tolerated.

In conclusion, it must be emphasized that the great preponderance of evidence that we have received indicates that not repealing ICE will cost Federal, State, and local communities more than it would save. Not repealing ICE creates numerous inequities because municipalities and industries already having joint treatment facilities are not affected by ICE. Not repealing ICE will delay attaining water quality goals. Based on EPA's own report and the extensive testimony our subcommittee received, repeal of ICE is, therefore, in the best interest of the clean water program.

I ask my colleagues to join me in supporting H.R. 2957.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SOLOMON), a very able member of our committee and a prime sponsor of this legislation, a member who has made a great contribution to it.

Mr. SOLOMON. Mr. Speaker, thank you for providing me with this opportunity to express my support for H.R. 2957, to repeal industrial cost exclusion. I would also like to briefly outline the chronology of my own activity with respect to this issue.

On May 15, 1980, the bill H.R. 6667, the Federal Water Pollution Control Act extension, was reported by the Committee on Public Works and Transportation. It was intended to repeal the industrial cost recovery program, which program required industrial users of publicly owned waste water treatment systems to repay that portion of the Federal grant dedicated to facilities for industrial users.

I agree with the general thrust of this program repeal.

However, the companion bill, S. 2725, which passed the Senate on June 25, 1980, also included section 5, the provision that no grant made after September 1980 to a publicly owned treatment works may be used to treat the waste of any industrial user if the amount of the waste exceeds a minimum daily flow. The legislation which was approved by Congress shifted this date to November 15, 1981.

Upon learning of the passage of the bill in the Senate, I asked the Water Resources Subcommittee staff to prepare an analysis of the probable effects of the provision.

On August 15, the staff gave me a report which made it clear that the amendment would have a serious impact on a planned water treatment facility in my district, and would likewise have a detrimental effect on similar projects across the country.

On September 19, I sent a letter to all Members of Congress, warning them to carefully review this section to see how it might impact on their districts. In that letter I stated "Before the House-Senate conferees consider this provision—ICE—the consequences of this provision must be clearly understood." That was 11 days before the 96th Congress approved ICE.

Nine days later, on September 28, I sent a letter to the New York congressional delegation, outlining the various concerns over ICE and highlighting the view of New York's environmental commissioner, Robert Flacke, who pointed out that the construction grants program had proved to be sound and in the best interests of pollution abatement, and that a major change, that is, industrial cost exclusion, would severely hamper the goals of the Clean Water Act.

Despite these efforts, Congress approved S. 2725, which included industrial cost exclusion, on October 1, 1980.

During the first week of the 97th Congress—January 22, 1981—I introduced legislation to repeal industrial cost exclusion.

On February 9, 1981, I again contacted my colleagues from New York, requesting additional support. In that letter I pointed out the findings of a report released by the New York State Department of Environmental Conservation. The report, entitled "An Analysis of the Construction Grants Program for the Purpose of Assessing the Potential Effects of Section 3 of Public Law 96-483," concluded that industrial cost exclusion is much too major a change to make at this late date in the program. From a dollar standpoint, the reduction in expenditures of public funds resulting from ICE will be negated by increased public cost due to project delay. From a grantee standpoint, the report said, it is just one more unnecessary delay, and in some cases, a hardship caused by a retroactive change in Government policy.

Finally, on March 4, 1981, I alerted all Members of Congress to important information from the draft EPA anal-

ysis of the effects of ICE. Here again, I believe that the information from that report is worth mentioning, and I quote:

This information is particularly important in light of the statement made by the industries and communities describing the devastating effect of ICE. The industries would either close permanently or move to other municipalities which have suitable publicly owned treatment works. The loss of these industries would have serious consequences on the already high unemployment rates in these communities. In addition to increased unemployment, the residents and industries remaining in these cities would have to contribute to the construction and maintenance of publicly owned treatment works through increased property taxes.

Mr. Speaker, I would conclude by saying that for several years I have witnessed cooperation between industry, local, State, and Federal Government in an effort to help clean our waterways and environment. Now many of the other partners believe that the Federal Government, through the passage of ICE is attempting to pull the rug right out from under them. I totally support the efforts of Mr. HOWARD, Mr. CLAUSEN, Mr. ROE, Mr. HAMMERSCHMIDT, and Mr. YOUNG of Missouri to repeal industrial cost exclusion and wish to thank you for allowing me the opportunity to testify.

Mr. EDGAR. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. YOUNG).

Mr. YOUNG of Missouri. Mr. Speaker, I rise in support of H.R. 2957, legislation to amend the Federal Water Pollution Control Act to delete the limitation on the use of grants for publicly owned treatment works for treatment, storage, or conveyance of industrial wastes.

Mr. Speaker, I am pleased to join the distinguished chairman of our Committee on Public Works and Transportation in supporting the enactment of H.R. 2957. My purpose here today is to briefly: First, review the history of the industrial cost exclusion (ICE) provision of the Federal Water Pollution Control Act (Public Law 96-483) and second, urge my colleagues in the House of Representatives to delete the industrial cost exclusion requirement without further delay.

The reasons for repeal of industrial cost exclusion are well documented in an EPA report on the impact of ICE sent to Congress in March of 1981.

In the report, EPA concludes that ICE will have a negative effect on the EPA grants program. The report also states that important national water cleanup projects will be delayed from 1 to 3 years. EPA states that these delays are environmentally undesirable.

LEGISLATIVE HISTORY

In 1972 the Congress passed the Nation's landmark water pollution control law, the Clean Water Act (Public Law 92-500). The Clean Water Act set ambitious goals for cleaning up our Nation's waterways by 1985. The Congress recognized that these goals would not be achievable without substantial financial assistance to municipalities and treatment authorities to enable them to construct the new and upgraded treatment facilities needed to meet the act's stringent treatment requirements. While the construction of new treatment facilities under the section 201 grants program has not proceeded as fast as we all wish, there have been remarkable improvements in our rivers and lakes since 1972. These improvements would not have occurred without Federal assistance.

As the members of the Committee on Public Works and Transportation are well aware, industrial cost exclusion—ICE—was adopted in the closing days of the 96th Congress as a short-term substitute for another mechanism contained in the original Clean Water Act—industrial cost recovery—ICR.

The members of this committee, as well as our colleagues in the Senate, voted to eliminate industrial cost recovery, because we concluded that our purpose in establishing industrial cost recovery was not being achieved.

Unfortunately, ICE is worse than the ICR provisions if replaced.

Stated briefly, the industrial cost exclusion requirement prohibits the use of Federal construction money to treat industrial discharges in excess of a flow equivalent to 50,000 gallons per day.

I believe industrial cost exclusion is a flawed concept for several reasons:

The committee held hearings on H.R. 2957 and received testimony and other material from a large number of industries, cities, trade and professional associations, and the Environmental Protection Agency. Testimony was overwhelmingly in favor of repealing the industrial cost exclusion provision. On the basis of the EPA study, the testimony of all those concerned, and our own examination of the issue, the committee concluded that the industrial cost exclusion should be repealed. All available evidence indicates that it is arbitrary, inequitable, and not likely to produce significant cost savings to the Federal Government.

ICE will discourage joint industrial municipal sewage treatment. The original Clean Water Act was grounded on the concept of joint-treatment facilities. Such joint treatment has long been considered the most sound from both an environmental and cost-effective point of view. We believe the new law will have a damaging effect on the environment since ICE separates industrial and municipal users into arbitrary classifications. Joint treatment facilities provide for more efficient and ultimately lower use of resources. Less land, energy, and fewer people are required in continued operation of joint treatment facilities. Also, fewer larger facilities are easier and less costly to manage, operate, and enforce than a large number of small treatment facilities. Since continuing annual costs associated with the above factors are ultimately greater than the initial construction cost, we should strive to control these at the lowest possible level. ICE would favor nonregional facilities and the aforementioned benefits could not be realized.

The 50,000 gallons per day cutoff stipulated under ICE is discriminatory in that it has no rational basis. For example, Federal funds will continue to be available for small industries dry industries, and residential users, but not for wet industries such as brewers and food processors with a waste flow in excess of 50,000 gallons per day.

Despite what many would have you believe, industrial cost exclusion is not necessary to achieve a level of parity between industries using publicly owned treatment works and those using self-treatment facilities. Various tax credits already achieve this result.

IMPACT ON MAJOR INDUSTRY

I believe it is worthwhile to review the impact of industrial cost exclusion on selected major industrial users.

In St. Louis, near my own congressional district, Anheuser-Busch, Inc., is a major water user and as a consequence, the brewery discharges over 12,700,000 gallons per day into the Bissell Point treatment plant of the Metropolitan St. Louis Sewer District—MSD.

The impact of ICE on MSD, Anheuser-Busch and other industries could be serious and far-reaching.

Other St. Louis firms, such as Pet, Inc., Ralston Purina, Chrysler, Monsanto, and over a dozen hospitals with daily flows in excess of 50,000 gallons including the Veterans Memorial Hospital have told me of the financial burdens presented by ICE.

The St. Louis brewery of Anheuser-Busch is the firm's oldest plant and already has the highest manufacturing costs of any brewery in the system.

The operating costs of this St. Louis facility are substantial. These costs, however, will be increased dramatically when industrial cost exclusion goes into effect. It should also be pointed out that ICE will adversely affect MSD's new Meramec River plant for which step 2 funds will not be available until 1982.

In urban areas such as St. Louis, these older plants provide needed jobs and tax revenue. I believe the potential costs of industrial cost exclusion will weigh heavily in any future expansion or modernization decision. With respect to shifting production capabilities out of the older, urban areas of the Midwest and Northeast into the Nation's Sun Belt, it can be safely as-

sumed that today's corporate leadership will consider locating new production facilities in areas of the country where such disincentives do not exist.

Officials of the Metropolitan St. Louis Sewer District informed me that ICE could be so costly as to force many large industries to build their own treatment facilities resulting in substantial losses of revenue to the sewer district which help pay for the operation and maintenance of treatment facilities. As a result of the loss of revenue from major industries, the costs of operation of MSD's facilities will have to be borne by the residential and small commercial users, which in turn, will result in an increase of sewer bills.

MSD officials also feel that to force industries to build their own facilities would result in an impossible job of policing discharges from those industries and could result in serious spills directly into the waters of the Nation and certainly would not be as efficient as regional facilities treating all wastes.

Another example in my district is the Monsanto Chemical Co. Monsanto Co. operates several major facilities within the St. Louis MSD system. In fact, one of these plants is the oldest operation within the company. Imposition of ICE would have a substantial negative effect on this operation. ICE would result in an inequity at this site compared to other companies who are serviced by municipal treatment facilities funded by the Clean Water Act to date. It seems illogical to penalize industries using municipal treatment plants that have not been constructed due to low priority within an overall State needs list, and/or the absence of sufficient Federal funding in the past. This inequity seems even more illogical where treatment plants are low on State priorities because there is no compelling water quality improvement need.

I believe it would be shortsighted for this Congress—already well aware of the inequities of Federal support between the Frost Belt and Sun Belt—to further aggravate the imbalance by allowing Federal policy to again penalize our older urban areas.

CONCLUSION

The most important aspect of H.R. 2957, however, will be to maintain the vital, forward progress of the Nation's clean water effort.

Pollutants which could have been removed from our Nation's rivers, lakes, and streams will continue to enter our waterways unless H.R. 2957 is quickly enacted into law.

Chairman HOWARD introduced H.R. 2957 immediately prior to the Easter recess and I want to take this opportunity to applaud the chairman's interest in this important issue.

It is in the best interests of all the Members of the House of Representatives that we expedite the passage of ICE repeal.

I urge enactment of H.R. 2957.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to one of our most able and distinguished Members, who had an interest in this legislation way back in the 95th Congress when she introduced a bill to exclude industrial cost recovery, the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER. Mr. Speaker, I rise in support of H.R. 2957, legislation to repeal the industrial cost exclusion provisions enacted by the Congress last year. I congratulate my colleagues, Congressman JIM HOWARD, chairman of the Committee on Public Works and Transportation, the ranking member Congressman DON CLAUSEN who has worked so closely on this issue over a period of years, and Congressman JOHN PAUL HAMMERSCHMIDT, the ranking member of the Water Resources Subcommittee who understands the broad ramifications of ICE and has fought to see the charge eliminated. Their leadership has been instrumental.

Today's House consideration of H.R. 2957 may be the beginning of the last chapter of a sorry tale of Government overregulation and negative cost-benefit analysis—a tale that I hope the Congress will close with the elimination of the ICE charge.

The bill pending before the House of Representatives, H.R. 2957, is the natural extension of legislation I first introduced over 4 years ago. In 1977 I introduced a bill to eliminate the industrial cost recovery (ICR) charge on industry, a charge designed for those industries which tie into a publicly owned treatment works (POTW's) to pay for a portion of the capital construction costs of the facility, in addition to the user fees which would be charged of them for everyday use. Having discussed the issue at length with industry representatives and city officials, it became evident to me then that full implementation of ICR in Fall River, Mass., the largest city in my congressional district, would be a microcosm of its effects nationwide—in short, it would have a devastating impact on older, industrialized areas—jobs would be lost, plants could cancel expansion plans or move elsewhere to localities which had an operational POTW with excess capacity and the move out of the Northeast and upper Midwest would be further accelerated. I have been fighting to eliminate ICR ever since.

Last year the House passed H.R. 6667, the key provision of which was the elimination of the ICR fee. I might add that this move had been preceded by a 2½-year moratorium on the collection of the charge during which time the Environmental Protection Agency conducted a series of regional hearings on the impact of ICR—eight volumes explained the impact, several thousand pages outlined the technical detail which led the agency to conclude that ICR was not effective and did not accomplish that which it had been designed to do. The evidence in favor of repeal of ICR was overwhelming and in fact much of it could have been translated to the similar ICE fee.

Though the House version of last session's bill eliminated the ICR charge outright with no substitute charge, the Senate provisions eliminated from grant funds eligibility the treatment of the wastewater flow of any industry using more than 50,000 gallons per day. The discussions preceding the conference committee on this legislation were extensive as both sides attempted to reach agreement. The compromise reached was the retention of the Senate provision but with a delayed effective date of November 15, 1981. In addition, the language required the Environmental Protection Agency to prepare and submit to the Congress a report on the effect of the ICE provision.

EPA's most recent study concluded that the charge was inequitable, would result in delayed construction of POTW's which in turn would lead to increased costs and would force affected industries to seek alternative systems of financing which could lead to severe budgetary restraints on older cities and small towns, both of which can least afford smaller tax bases. The House Public Works and Transportation Committee reviewed the EPA study and complemented it with extensive outside testimony. In its wisdom the committee concurred with EPA on the need for repeal of ICE.

Thus we reach today's chapter. The EPA's study of the short term impact of ICE on over 400 communities is a litany of the increased cost the charge will impose on individual households. In my home State of Massachusetts the impact ranges from a low of $21 per household in Boston to an estimated cost of $62 per household for Taunton in my congressional district to a figure of over $1,450 per household in Webster. EPA's study uses a host of unflattering phrases to describe its impact—uneven application, would result in rising construction costs and additional financing charges, would hit most heavily small and older communities, would result in delay, increased planning time for POTW's would be required and finally, the recognition that industry closings are a distinct possibility.

It is the Congress which, with all good intention, imposed the ICR charge as part of the Federal Water Pollution Control Act Amendments of 1972. And, it must be the Congress which has the objectivity and the benefit of hindsight analysis to recog-

nize that the charge and its present substitute would not work and must be eliminated.

I urge my colleagues to vote in favor of H.R. 2957. More importantly, perhaps, I urge the members of the Senate Environment and Public Works Committee to read the record. It is a complete analysis and yet its conclusions are an unwavering list of criticisms of the charge and its impact. It is the U.S. Senate which will determine the future of ICE after today's expected House action. In closing, a government which recognizes its own shortcomings and seeks to correct them, swiftly and equitably, is truly a government of the people.

□ 1145

Mr. EDGAR. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Minnesota (Mr. OBERSTAR), who is cochairman with me of the Northeast-Midwest Congressional Caucus.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am very pleased to see this legislation finally make its way to the House floor. I support the repeal of the industrial cost exclusion provision in the current Water Pollution Control Act. When it originally appeared in the Federal Water Pollution Control Act of 1972 as industrial cost recovery, it was a mistake. It is a mistake today as industrial cost exclusion.

I am glad we have come to the point that, instead of doing as we have done in years past, amending it or trying to make it better, we are repealing it. We can now make changes in the fundamental act necessary to improve it and make it a stronger program.

In the years since ICR has been in the water pollution control program, and now ICE, many industries have been either discouraged from participating in publicly owned treatment works or have been forced out of their current participation in such treatment works. The effect has been to shift the cost of operation and maintenance and of replacement of those facilities onto small business and, worst of all, residential users who are going to have to pay higher costs.

Mr. Speaker, by repealing ICE we will encourage major users to remain within the system, spread the cost more equitably across the entire community, and have a stronger water pollution control program. I urge passage of this legislation.

● Mr. CORRADA. Mr. Speaker, I rise in support of the general goals of H.R. 2957, legislation to amend the Federal Water Pollution Control Act.

The legislation before the House today amends existing legislation and alters the existing and major Environmental Protection Agency program which provides local communities funds for the construction of waste treatment plants.

It does so by removing a burdensome provision whose original intent was to help industry pay for part of the costs of constructing waste treatment plants. That provision proved costly and unworkable.

This provision, referred to as the industrial cost exclusion, was later shown by many municipalities to be a complex mechanism and one that did not allow easy recovery of charges from industries using the waste treatment plants.

The legislation before the House today may be considered a minor bill, but I wish to commend the Committee on Public Works and Transportation for their thorough review of the problem which developed after we passed the previous Federal Water Pollution Control Act and for the committee's oversight and review of existing programs. Such a review and modification are extremely helpful to a more efficient program operation.

This legislation, which extends the present allotment formula while simultaneously refining the legislation, is an important vehicle for States, and Puerto Rico, to provide the facilities for preservation of the environment through proper antipollution procedure.

It deserves our support.●

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. EDGAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PANETTA). The question is on the motion offered by the gentleman from Pennsylvania (Mr. EDGAR) that the House suspend the rules and pass the bill, H.R. 2957, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STEEL INDUSTRY COMPLIANCE EXTENSION ACT OF 1981

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3520.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 3520, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 322, nays 3, not voting 105, as follows:

[Roll No. 53]

YEAS—322

Akaka	Evans (IA)	Martin (IL)
Alexander	Evans (IN)	Martin (NC)
Anderson	Fascell	Martin (NY)
Andrews	Fazio	Matsui
Annunzio	Fenwick	Mazzoli
Anthony	Ferraro	McClory
Applegate	Fiedler	McCurdy
Archer	Findley	McDonald
Ashbrook	Fish	McEwen
Atkinson	Fithian	McGrath
Bafalis	Flippo	McHugh
Bailey (MO)	Foglietta	McKinney
Bailey (PA)	Foley	Mica
Barnes	Forsythe	Michel
Beard	Fountain	Mikulski
Bedell	Fowler	Miller (CA)
Beilenson	Garcia	Miller (OH)
Benedict	Gaydos	Mineta
Benjamin	Gejdenson	Mitchell (MD)
Bennett	Gephardt	Moakley
Bereuter	Gibbons	Moffett
Bethune	Gilman	Molinari
Bevill	Glickman	Montgomery
Biaggi	Gonzalez	Moore
Blanchard	Goodling	Moorhead
Boggs	Gore	Morrison
Boland	Gradison	Mottl
Bolling	Green	Murphy
Boner	Gregg	Murtha
Bonior	Guarini	Myers
Brinkley	Gunderson	Napier
Brodhead	Hagedorn	Natcher
Brooks	Hall (OH)	Neal
Broomfield	Hall, Ralph	Nelligan
Brown (CA)	Hall, Sam	Nelson
Brown (CO)	Hamilton	Nichols
Brown (OH)	Hammerschmidt	Nowak
Burgener	Hance	O'Brien
Burton, John	Hansen (ID)	Oakar
Burton, Phillip	Harkin	Oberstar
Byron	Hawkins	Obey
Carman	Heckler	Ottinger
Chappell	Hefner	Panetta
Chappie	Hendon	Parris
Cheney	Hertel	Paul
Chisholm	Hiler	Pease
Clausen	Holland	Perkins
Clinger	Hollenbeck	Peyser
Coats	Holt	Pickle
Coelho	Hopkins	Porter
Collins (IL)	Horton	Rahall
Collins (TX)	Howard	Railsback
Conable	Hubbard	Rangel
Conte	Hughes	Ratchford
Conyers	Hunter	Regula
Corcoran	Hutto	Rhodes
Courter	Hyde	Richmond
Coyne, James	Ireland	Rinaldo
Coyne, William	Jacobs	Ritter
Craig	Jeffries	Roberts (KS)
Crockett	Jenkins	Roberts (SD)
D'Amours	Johnston	Roemer
Daniel, Dan	Jones (NC)	Rogers
Daniel, R. W.	Jones (OK)	Rose
Daschle	Kastenmeier	Rosenthal
Daub	Kazen	Rostenkowski
Davis	Kildee	Roth
de la Garza	Kogovsek	Roukema
Deckard	Kramer	Rousselot
DeNardis	LaFalce	Roybal
Derrick	Lagomarsino	Russo
Dingell	Lantos	Sabo
Dixon	Latta	Savage
Dorgan	Leach	Sawyer
Downey	Leath	Scheuer
Dreier	LeBoutillier	Schneider
Duncan	Lee	Schroeder
Dunn	Lehman	Schumer
Dwyer	Leland	Seiberling
Dyson	Lent	Sensenbrenner
Early	Levitas	Shamansky
Edgar	Lewis	Shannon
Edwards (AL)	Livingston	Sharp
Edwards (CA)	Loeffler	Shaw
Edwards (OK)	Long (MD)	Shumway
Emerson	Lott	Shuster
Emery	Lowery	Siljander
English	Lowry	Skeen
Erdahl	Luken	Skelton
Erlenborn	Lundine	Smith (AL)
Ertel	Madigan	Smith (IA)
Evans (DE)	Markey	Smith (NE)
Evans (GA)	Marks	Smith (NJ)

Snowe	Thomas	Whitten
Snyder	Udall	Williams (MT)
Solarz	Vander Jagt	Williams (OH)
Solomon	Vento	Winn
Spence	Volkmer	Wirth
St Germain	Walgren	Wolf
Stanton	Wampler	Wolpe
Staton	Washington	Wright
Stenholm	Watkins	Wyden
Stokes	Waxman	Wylie
Studds	Weber (OH)	Yates
Swift	Weiss	Yatron
Tauke	Whitehurst	Young (MO)
Tauzin	Whitley	
Taylor	Whittaker	

NAYS—3

Bliley	Broyhill	Gramm

NOT VOTING—105

Addabbo	Ford (TN)	Patman
Albosta	Frank	Patterson
Aspin	Frenzel	Pepper
AuCoin	Frost	Petri
Badham	Fuqua	Price
Barnard	Gingrich	Pritchard
Bingham	Ginn	Pursell
Bonker	Goldwater	Quillen
Bouquard	Gray	Reuss
Bowen	Grisham	Robinson
Breaux	Hansen (UT)	Rodino
Butler	Hartnett	Roe
Campbell	Hatcher	Rudd
Carney	Heftel	Santini
Clay	Hightower	Schulze
Coleman	Hillis	Shelby
Cotter	Huckaby	Simon
Coughlin	Jeffords	Smith (OR)
Crane, Daniel	Jones (TN)	Stangeland
Crane, Philip	Kemp	Stark
Danielson	Kindness	Stratton
Dannemeyer	Long (LA)	Stump
Dellums	Lujan	Synar
Derwinski	Lungren	Traxler
Dickinson	Marlenee	Trible
Dicks	Marriott	Walker
Donnelly	Mattox	Weaver
Dornan	Mavroules	Weber (MN)
Dougherty	McCloskey	White
Dymally	McCollum	Wilson
Eckart	McDade	Wortley
Fary	Minish	Young (AK)
Fields	Mitchell (NY)	Young (FL)
Florio	Mollohan	Zablocki
Ford (MI)	Pashayan	Zeferetti

□ 1200

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Quillen.
Mr. Mollohan with Mr. Rudd.
Mr. Rodino with Mr. Stangeland.
Mrs. Bouquard with Mr. Trible.
Mr. Eckart with Mr. Weber of Minnesota.
Mr. Fary with Mr. Young of Alaska.
Mr. Mattox with Mr. Pashayan.
Mr. Jones of Tennessee with Mr. Walker.
Mr. Pepper with Mr. Butler.
Mr. Reuss with Mr. Dougherty.
Mr. Fuqua with Mr. Carney.
Mr. Florio with Mr. Dornan of California.
Mr. Dicks with Mr. Badham.
Mr. Long of Louisiana with Mr. Grisham.
Mr. White with Mr. Coleman.
Mr. Stump with Mr. Jeffords.
Mr. Albosta with Mr. Marlenee.
Mr. Ginn with Mr. McDade.
Mr. Frank with Mr. Schulze.
Mr. Shelby with Mr. Smith of Oregon.
Mr. Traxler with Mr. Petri.
Mr. Gray with Mr. Lungren.
Mr. Santini with Mr. Pritchard.
Mr. Synar with Mr. McCloskey.
Mr. Stark with Mr. Pursell.
Mr. Dellums with Mr. Mitchell of New York.
Mr. Roe with Mr. Lujan.
Mr. Danielson with Mr. McCollum.
Mr. Simon with Mr. Hillis.
Mr. Weaver with Mr. Goldwater.
Mr. Donnelly with Mr. Gingrich.
Mr. Mavroules with Mr. Marriott.
Mr. Huckaby with Mr. Kindness.
Mr. Dymally with Mr. Hartnett.
Mr. Heftel with Mr. Kemp.
Mr. Stratton with Mr. Derwinski.
Mr. Hatcher with Mr. Frenzel.
Mr. Clay with Mr. Hansen of Utah.
Mr. Hightower with Mr. Dannemeyer.
Mr. Bingham with Mr. Campbell.
Mr. Bonker with Mr. Daniel B. Crane.
Mr. Barnard with Mr. Dickinson.
Mr. Patman with Mr. Philip M. Crane.
Mr. Minish with Mr. Fields.
Mr. Patterson with Mr. Robinson.
Mr. Wilson with Mr. Coughlin.
Mr. Zablocki with Mr. Wortley.
Mr. Zeferetti with Mr. Young of Florida.
Mr. Price with Mr. Breaux.
Mr. Frost with Mr. Ford of Tennessee.
Mr. Ford of Michigan with Mr. Bowen.
Mr. AuCoin with Mr. Aspin.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 3455, MILITARY CONSTRUCTION AUTHORIZATION ACT, 1982

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 97-122) on the bill (H.R. 3455) to authorize certain construction at military installations for fiscal year 1982, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION TO PRINT IN RECORD TABLES SHOWING CROSSWALK TO HOUSE COMMITTEES

Mr. PANETTA. Mr. Speaker, I ask unanimous consent to print in the RECORD tables showing the crosswalk to House committees pursuant to section 302(a) of the Congressional Budget Act reflecting the agreements reached under the conference report on the first budget resolution for fiscal year 1982 adopted by the House on May 20, 1981. In addition, I ask unanimous consent that these tables be considered as meeting the requirements of section 302(a) of the Budget Act.

The SPEAKER pro tempore. Is there objection to the requests of the gentleman from California?

There was no objection.

The tables are as follows:

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT

[In millions of dollars]

		Fiscal year 1982		
		Budget authority	Outlays	Entitlement authority
	APPROPRIATIONS			
	Current Level			
050	National defense	16,031	68,984	0
150	International affairs	600	6,634	0
250	General science, space, and technology	0	2,117	0
270	Energy	1	7,177	0
300	Natural resources and environment	74	7,479	0
350	Agriculture	2	390	0
370	Commerce and housing credit	0	1,244	0
400	Transportation	346	14,306	0
450	Community and regional development	28	6,688	0
500	Education, training, employment, and social services	6,352	18,193	0
550	Health	33,710	37,260	0
600	Income security	26,914	37,026	0
700	Veterans benefits and services	14,537	15,589	0
750	Administration of Justice	90	843	0
800	General government	3,982	4,346	0
850	General purpose fiscal assistance	4,570	4,602	0
	Subtotal	107,236	232,878	0
	Discretionary Appropriations Action			
050	National defense	206,117	115,720	0
150	International affairs	15,947	6,205	0
250	General science, space, and technology	7,199	4,882	0
270	Energy	6,021	371	0
300	Natural resources and environment	10,955	7,760	0
350	Agriculture	5,226	1,566	0
370	Commerce and housing credit	4,843	2,253	0
400	Transportation	12,068	6,753	0
450	Community and regional development	6,829	1,568	0
500	Education, training, employment, and social services	20,394	9,814	0
550	Health	8,613	5,658	0
600	Income security	34,498	18,996	0
700	Veterans benefits and services	8,525	7,237	0
750	Administration of Justice	4,213	3,615	0
800	General government	4,460	4,036	0
850	General purpose fiscal assistance	655	534	0
900	Interest	4	4	0
920	Allowances	−799	−771	
	Subtotal	355,770	196,200	0
	Discretionary Action by Other Committees			
050	National defense	5,487	5,429	0
350	Agriculture	−1	0	0
400	Transportation	−9	−9	0
500	Education, training, employment, and social services	−1,259	−1,138	0
550	Health	−563	−927	0
600	Income security	−3,839	−3,896	0
700	Veterans benefits and services	1,007	933	0
920	Allowances	799	771	0
	Subtotal	1,621	1,163	0
	Committee total	464,627	430,241	0
	AGRICULTURE			
	Current Level			
300	Natural resources and environment	318	321	0
350	Agriculture	402	1,719	817
450	Community and regional development	1	372	0
850	General purpose fiscal assistance	275	275	275
	Subtotals	996	2,687	1,092
	Discretionary Action			
350	Agriculture	−52	902	1,309
450	Community and regional development	0	−21	0
	Subtotal	−52	881	1,309
	Committee total	944	3,569	2,401
	ARMED SERVICES			
	Current Level			
050	National defense	10	12	15,944
400	Transportation	[1]0	[1]0	0
700	Veterans benefits and services	[1]0	[1]0	[1]0
	Subtotal	10	12	15,944
	Discretionary Action			
050	National defense	−726	−726	−24
	Subtotal	−726	−726	−24
	Committee total	−716	−714	15,920

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT—Continued

[In millions of dollars]

		Fiscal year 1982		
		Budget authority	Outlays	Entitlement authority
	BANKING, FINANCE AND URBAN AFFAIRS			
	Current Level			
150	International affairs	0	−421	0
370	Commerce and housing credit	2,829	474	−108
450	Community and regional development	66	43	0
500	Education, training, employment, and social services	0	[1]0	0
550	Health	0	[2]0	0
600	Income security	30	0	0
700	Veterans benefits and services	0	−6	0
800	General government	5	5	0
900	Interest	11	11	0
	Committee total	2,941	105	−108
	HOUSE DISTRICT OF COLUMBIA COMMITTEE			
	Current Level			
750	Administration of justice	9	9	9
	Committee total	9	9	9
	EDUCATION AND LABOR			
	Current Level			
500	Education, training, employment, and social services	13	12	3,083
600	Income security	15	15	3,849
	Subtotal	29	27	6,931
	Discretionary Action			
500	Education, training, employment, and social services	0	0	−504
600	Income security	0	0	−1,519
	Subtotal	0	0	−2,023
	Committee total	29	27	4,908
	ENERGY AND COMMERCE			
	Current Level			
300	Natural resources and environment	0	[1]0	0
370	Commerce and housing credit	28	28	0
400	Transportation	[1]0	[1]0	0
550	Health	5	5	18,621
600	Income security	5,371	5,991	5,991
850	General purpose fiscal assistance	5	5	5
	Subtotal	5,409	6,028	24,617
	Discretionary Action			
550	Health	0	0	−655
600	Income security	340	−80	−40
	Subtotal	340	−80	−695
	Committee total	5,749	5,948	23,922
	FOREIGN AFFAIRS			
	Current Level			
150	International affairs	12,798	10,999	672
370	Commerce and housing credit	11	11	0
600	Income security	382	200	200
	Subtotal	13,191	11,209	872
	Discretionary Action			
050	National defense	342	342	0
150	International affairs	0	−321	0
600	Income security	0	−5	0
	Subtotal	342	16	0
	Committee total	13,533	11,225	872
	GOVERNMENT OPERATIONS			
	Current Level			
800	General government	1	[1]0	0
850	General purpose fiscal assistance	4,570	4,559	4,559
	Committee total	4,571	4,559	4,559
	ADMINISTRATION			
	Current Level			
250	General science, space, and technology	[1]0	[1]0	0
500	Education, training, employment, and social services	5	6	0
800	General government	38	0	67
	Committee total	44	6	67
	INTERIOR AND INSULAR AFFAIRS			
	Current Level			
270	Energy	13	13	0
300	Natural resources and environment	43	16	74
450	Community and regional development	461	318	0
800	General government	[1]0	[2]0	0
850	General purpose fiscal assistance	697	697	697
	Subtotal	1,214	1,043	771
	Discretionary Action			
300	Natural resources and environment	−30	0	0
	Subtotal	−30	0	0
	Committee total	1,184	1,043	771
	JUDICIARY			
	Current Level			
300	Natural resources and environment	[1]0	[1]0	0
370	Commerce and housing credit	18	17	0
600	Income security	10	2	2
750	Administration of justice	0	−5	90
800	General government	378	378	378
	Committee total	406	392	469
	MERCHANT MARINE AND FISHERIES			
	Current Level			
300	Natural resources and environment	166	146	0
370	Commerce and housing credit	10	12	0
400	Transportation	415	−52	288
850	General purpose fiscal assistance	4	4	0
	Subtotal	595	110	288
	Discretionary Action			
400	Transportation	−100	−100	−9
550	Health	0	0	−92
	Subtotal	−100	−100	−101
	Committee total	495	10	187
	POST OFFICE AND CIVIL SERVICE			
	Current Level			
370	Commerce and housing credit	8	8	0
550	Health	0	−134	658
600	Income security	30,107	19,589	19,589
800	General government	10,644	10,644	10,652
	Subtotal	40,758	30,106	30,900
	Discretionary Action			
050	National defense	0	0	−1,616
600	Income security	558	510	513
920	Allowances	0	0	−2,165
	Subtotal	−558	−510	−4,294
	Committee total	40,201	29,596	26,606
	PUBLIC WORKS AND TRANSPORTATION			
	Current Level			
270	Energy	2,026	2,000	0
300	Natural resources and environment	49	52	0
400	Transportation	8,500	−2	58
450	Community and regional development	0	18	0
	Subtotal	10,575	2,069	58
	Discretionary Action			
400	Transportation	476	0	1
	Subtotal	476	0	1
	Committee total	11,051	2,069	59
	Current Level			
250	General science, space, and technology	5	5	0
270	Energy	27	27	0
300	Natural resources and environment	14	14	0
370	Commerce and housing credit	[1]0	[1]0	0
800	General government	[1]0	[1]0	0
	Committee total	46	46	0
	VETERANS' AFFAIRS			
	Current Level			
700	Veterans benefits and services	1,337	903	15,660
	Subtotal	1,337	903	15,660
	Discretionary Action			
700	Veterans benefits and services	0	0	861
	Subtotal	0	0	861
	Committee total	1,337	903	16,521
	WAYS AND MEANS			
	Current Level			
270	Energy	0	0	1
500	Education, training, employment, and social services	730	0	3,098
550	Health	56,339	47,141	47,141
600	Income security	176,639	175,212	193,550
800	General government	7	7	0
850	General purpose fiscal assistance	322	322	322
900	Interest	102,400	102,400	102,400
	Subtotal	336,438	325,082	346,512
	Discretionary Action			
500	Education, training, employment, and social services	0	0	−755
550	Health	−300	−1,348	−1,408
600	Income security	−600	−6,229	−6,364
	Subtotal	−900	−7,577	−8,527
	Committee total	335,538	317,506	337,985
	NOT ALLOCATED TO COMMITTEES			
050	National defense	−961	−961	0
150	International affairs	−11,945	−11,945	0
250	General science, space, and technology	−4	−4	0
270	Energy	−3,587	−3,587	0
300	Natural resources and environment	−3,389	−3,389	0
350	Agriculture	−77	−77	0
370	Commerce and housing credit	−46	−46	0
400	Transportation	−497	−497	0
450	Community and regional development	−285	−285	0
500	Education, training, employment, and social services	−36	−36	0
550	Health	−14,304	−14,304	0
600	Income security	−6,611	−6,611	0
700	Veterans benefits and services	−606	−606	0
750	Administration of justice	−12	−12	0
800	General government	−14,516	−14,516	0
850	General purpose fiscal assistance	−4,598	−4,598	0
900	Interest	−16,715	−16,715	0
950	Undistributed offsetting receipts	−32,900	−32,900	0
	Total	−111,090	−111,090	0
	Grand total	770,900	695,450	435,147

[1] Less than $500,000.
[2] Less than negative $500,000.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the majority whip the program for next week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. FOLEY. Mr. Speaker, first of all, today's business having been con-

cluded, it will be the intention to adjourn to Monday next and the House will meet on Monday at noon to consider eight bills under the suspension of the rules: H.R. 3567, the Export Administration authorization for fiscal 1982 and 1983; H.R. 3467, the Arms Control and Disarmament Act authorization; H.R. 3337, Youth Employment Demonstration Act amendments; H.R. 3420, the Natural Gas Pipeline Safety Act and Hazardous Liquid Pipeline Safety Act authorizations; H.R. 1100, Prisoner of War Benefits and Health Care Services Act of 1981; H.R. 3423, Veterans Training and Business Loan Act of 1981; H.R. 2039, Veterans Home Loan Guarantees; and House Concurrent Resolution 76, expressing the sense of Congress for Secretary of the Army to place a plaque in Arlington Cemetery for Armed Forces members who died in Iranian hostage rescue attempt.

On Tuesday the House will meet at noon to consider the Private Calendar and five bills under suspension. Recorded votes from Monday will be postponed until Tuesday so there will be no recorded votes on the suspensions on Monday.

On Tuesday, in addition to the recorded votes postponed from Monday, will be the following suspensions:

H.R. 2540, the U.S. International Trade Commission and Customs Service authorization;

H.R. 2156, extend funds for Veterans' Administration support of State and medical schools;

H.R. 3499, Veterans Health Care Act of 1981;

H.R. 2136, construction and acquisition of national cemeteries; and

H.R. 1714, veterans memorial headstones and markers.

On Wednesday and the balance of the week the House will meet at noon. On Wednesday it would be my intention to ask unanimous consent for the House to meet at noon. We will consider H.R. 3455, the military construction authorizations for fiscal year 1982, with an open rule, 2 hours of general debate; and the conference report on H.R. 3512, supplemental appropriations for fiscal year 1981, as soon as that becomes available.

The House will adjourn by 3 p.m. on Friday and 5:30 on all other days except Wednesday.

This is obviously subject to the usual reservation that conference reports may be brought up at any time and a further program may be announced later.

Mr. MICHEL. Might I inquire of the distinguished majority whip if we do get the supplemental appropriation conference report disposed of on Thursday, would it not be the intent of the leadership to have no session then on Friday?

Mr. FOLEY. Yes; it would be the intention to do that if we conclude all of the business, and particularly the adoption of the supplemental appropriation conference report. But Members should be advised that the continuing resolution expires on the 5th of June, on Friday, and if we have not concluded the supplemental appropriation conference report on Thursday we will have a Friday session.

Mr. MICHEL. I understand.

One further clarification. Since the many votes on suspension on Monday will be put off until Tuesday, do I understand that we would then, on Tuesday, debate the suspensions scheduled for Tuesday, vote on them first, and then those that might be carried over from Monday?

Mr. FOLEY. Yes; the gentleman is correct. We will debate and vote first on the Tuesday schedule of suspensions following which any votes postponed from Monday will be taken.

Mr. MICHEL. I thank the gentleman and yield back the balance of my time.

ADJOURNMENT TO MONDAY, JUNE 1, 1981

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, June 1, 1981.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1215

HOUR OF MEETING ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the House convene at noon on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PENDING LEGISLATION ADDRESSES VIETNAM-ERA VETERANS

(Mr. EDGAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDGAR. Mr. Speaker, on May 19, the House Committee on Veterans' Affairs approved two major bills, H.R. 3423 and H.R. 3499 designed to extend and expand valuable medical readjustment, employment, and vocational services for Vietnam-era veterans. These bills should be on the House floor early next week.

H.R. 3499, introduced by my colleague RON MOTTL of Ohio and supported by the full committee, would extend for 3 years the valuable storefront readjustment counseling program, Operation Outreach. The bill would also authorize medical treatment for Vietnam veterans exposed to agent orange and other defoliants used during the war in Southeast Asia.

H.R. 3423, which I introduced along with committee Chairman "SONNY" MONTGOMERY and TOM DASCHLE of South Dakota would authorize extended vocational training, small business loans, and Federal employment to thousands of Vietnam-era and disabled veterans. These are all reasonable proposals, targeted to those who still suffer or continue to need assistance from our Government because of their service during our last and longest war. However, support for this legislation, strangely enough, is not universal, either within the Congress, or within the VA and the Office of Managment and Budget. The VA, having reversed its original decision to terminate the program completely if an extension is mandated by the Congress, still continues to look at readjustment counseling with a cool eye. OMB continues to oppose the targeted extension of vocational training for Vietnam veterans and the modest small business loan program as well, not necessarily because of a lack of need, which can be documented, but because of a lack of will. The administration has yet to appoint an Assistant Secretary of Labor for Veterans' Employment as mandated by the Congress, while valuable employment programs specifically earmarked for Vietnam-era veterans are being scaled down or eliminated entirely. The VA itself still lacks a confirmed Administrator.

Mr. Speaker, I plan to place in the RECORD today an article by Lance Morrow from the June 1, 1981, issue of Time magazine. This statement joins mine to say that the plight of the Vietnam veteran, long ignored, is not something we can merely sweep under

the rug in the face of either new budgets or new ideas.

I find it ironic, as the Time article states, with the force of support and recognition growing across the county acknowledging the debt we owe the Vietnam veteran, that certain elements within the Government stand ready to abandon the progress we have already achieved and block further passage or implementation of this legislation. Funds are already included in our budget targets. However, we also need the concurrence of the Senate. We will need the signature of the President and the willingness of OMB and the Veterans' Administration to fully implement these programs and to administer them humanely and completely if mandated by the Congress. However, their past record is not very clear on this point.

For example, I hope the House will approve a 3-year extension of eligibility for readjustment counseling. The Senate Veterans' Affairs Committee has approved a 2-year extension. However, at this time the Veterans' Administration has yet to be allowed by the Office of Management and Budget to implement that program fully even though additional staff and funds were authorized by the Congress last year. Those same funds for expansion were approved by the House and the Senate again this year. Expansion would place additional Vet Center teams in scores of sorely needed storefront counseling sites in cities and towns across the United States.

While we wait for a resolution of this issue and other issues of great concern to these veterans, Vietnam veterans continue to walk the streets angry and frustrated. Others have even submitted to hunger strikes in protest for not being heard or understood. I share that frustration.

I trust, on the readjustment counseling issue, pending court action against the Office of Management and Budget can and should release those personnel and funds and elicit a response from the Veterans' Administration.

But quite frankly, Mr. Speaker, we should not have to sue to see that the Vietnam veteran, or any other veteran, can receive adequate assistance from the Federal Government. We should not have to go to court to welcome the Vietnam veteran home again at full potential or to provide treatment or compensation for agent orange related disabilities or needed readjustment assistance and vocational training.

The legislation we will be voting on next week is modest in cost and scope. It cannot solve all the programs. It cannot repay the entire debt. But it is a start. It can help. It can help those veterans who truly need, and most importantly, have truly earned our help. I believe the American people are with us in that effort. I believe it is time to follow their lead.

THE ESTATE TAX AND FAMILY ENTERPRISES: TIME FOR REFORM

(Mr. LOEFFLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOEFFLER. Mr. Speaker, as inflation drives real property values ever higher, the very critical distinction between fair market value and productive value looms over estates which include family-owned farms and ranches. As I have traveled throughout my district in Texas, the damage inflicted by the narrow, restrictive, and onerous Federal estate tax has been brought home to me repeatedly.

I would like to share with you an example in which the estate tax wreaked havoc on an unsuspecting family with a real and active agricultural enterprise.

One of my constituents attempted to help his elderly mother manager her ranch, which had been actively ranched by their family for more than a century. As she grew older, in order to meet her extensive medical bills, the son bought his mother's cattle one by one, until finally he had purchased the entire herd.

The IRS ruled that the mother had become merely a landlord, leasing her ranchland to her son for the purpose of running his cattle. According to the IRS she was no longer in the ranching business herself and therefore her estate did not qualify for special use valuation, the special estate tax treatment available for farm and ranchland. The result—considerable portions of the ranch which had been passed on from one generation to another had to be sold to pay the estate tax.

This case is but one of the estate tax horror stories. And they are common. My mother and father, who own a ranch in Mason, Tex., and are with us today, could match the example I have with more.

The IRS has been insensitive to the fact that farmers and ranchers make a livelihood based on what the soil will produce, not what it will sell for if put up for sale to the public on the open market. The production of food and fiber is one of this Nation's greatest strengths. If we continue to levy this devastating and confiscatory tax, we will destroy America's ability to be a major producer of food and fiber, not only for ourselves but for the entire world.

I will soon be introducing legislation which will address the estate tax issue and expand the restrictive definition and application of special-use valuation as it relates to the distribution of active farms and ranches.

RECONCILIATION UPDATE

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PANETTA. Mr. Speaker, currently 15 House committees are preparing legislation to comply with reconciliation instructions adopted by the House as part of the first budget resolution. The deadline for submission of this legislation to the House Budget Committee is June 12, 1981.

Obviously the committees involved in reconciliation face a tremendous task in completing action on legislation before the June 12 deadline. The program-by-program baseline from which cuts will be made has been delivered to majority and minority staff directors, and all committees are currently in the process of preparing legislation to comply with the reconciliation instructions. For example, the House Education and Labor Committee held hearings last week to receive testimony from administration officials on where cuts could be made under reconciliation. Also, the Ways and Means Committee has already acted to approve a substantial portion of the cuts required under reconciliation.

Since reconciliation is only in its second year and has been expanded to include authorization programs, questions and problems will inevitably arise over the next 2½ weeks. The House Budget Committee and its reconciliation task force have a special responsibility to make sure this difficult and complex stage of reconciliation is undertaken effectively and fairly. All members and staff persons involved with committees directed under reconciliation are strongly encouraged to contact members and staff of the House Budget Committee for clarification of reconciliation requirements.

The following is a table that lists committees involved in reconciliation, the fiscal year 1982 budget authority and outlay reductions assigned to them—fiscal year 1983 and fiscal year 1984 reductions are also required—and a brief summary of committee action that has taken place as of this date. This table will be updated over the next 2½ weeks for your benefit.

RECONCILIATION UPDATE

House Committee	Reductions directed under reconciliation fiscal year 1982 (In millions of dollars)		Committee action
	Budget authority	Outlay	
Agriculture	2,208	2,521	The committee will probably meet sometime during the week of June 1 to consider reconciliation measures.
Armed Services	966	966	Hearings on programs that may be involved in reconciliation are planned for June 2 and 4.
Banking, Finance and Urban Affairs	13,177	640	Options for achieving reconciliation targets are being prepared by staff.
District of Columbia	39	40	Staff is preparing for reconciliation action.
Education and Labor	12,099	10,084	Hearings on programs affected by reconciliation were held last week.
Energy and Commerce	5,385	5,184	Transportation Subcommittee has been marking up reconciliation legislation.
Foreign Affairs	250	130	Committee staff is calculating reductions achieved in reported authorization bills and is preparing alternatives for achieving the balance.
Interior and Insular Affairs	755	309	Options for achieving reconciliation targets are being prepared by staff.
Merchant Marine and Fisheries	399	207	Options for achieving reconciliation targets are being prepared by staff.
Post Office and Civil Service	4,737	5,163	Options for achieving reconciliation targets are being prepared by staff.
Public Works and Transportation	6,346	1,218	Options for achieving reconciliation targets are being prepared by staff.
Science and Technology	78	39	Options for achieving reconciliation targets are being prepared by staff.
Small Business	526	390	Options for achieving reconciliation targets are being prepared by staff.
Veterans' Affairs	110	110	Committee staff is preparing language to accompany savings legislation being drafted by Legislative Counsel.
Ways and Means	4,677	9,241	Agreement in markup to a substantial portion of the reductions directed under reconciliation.

PROPOSED REAGAN SOCIAL SECURITY CUTS CALLOUS

(Mr. HERTEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERTEL. Mr. Speaker, as a new Congressman sworn in only 5 months ago, I must say I was shocked an appalled by the callousness of the Reagan administration's social security cuts. In yesterday's Detroit News I read that the Reagan administration was only worried about the timing and not the substance of their social security cutbacks. These cuts are aimed at the very people who have made this country great—the men and women who fought two World Wars at home and abroad, who lived through the worst depression in this Nation's history, and who have suffered the most incredible inflation. These are the people who made this Nation great by their hard work and sacrifices, and most importantly, their ability and success to instill values that have nurtured succeeding generations. Now the administration moves to cut cost of living allowances for all social security recipients and payments to those who retire at the age of 62 by 25 percent. These people, who would be cut, are the ones who have paid into the system the longest, from the days of their very first job, with every paycheck spanning as long as 45 years. I love and respect these older Americans. While I have the energy to fight and stand on this floor, I will work to protect the benefits that these people were promised by the Federal Government; the benefits that they earned and paid for through the social security fund over these many years. It is important that we work to protect and adequately fund the social security system. There are many sensible ways to do this, but the Reagan administration has proposed that we protect the system by cheating the very people who have paid into it with their own money the longest. This cannot and shall not be allowed.

BASIC REFORM IN SOCIAL SECURITY NEEDED

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, the administration's recent proposals to cut social security benefits have focused national attention on the complexities of this issue. While many aspects of the administration's proposals are deeply disturbing to me, I think it is imperative that we use this opportunity to reach a clear understanding of the problems the system is facing, and seek viable solutions to them. Four major areas stand out as important to the current debate on social security: the role of social security in our society and its importance for Americans; the stresses being placed on the system and its financial status; possible solutions to the instability of the system; and questions regarding the basic structure and scope of the social security system in the long term.

IMPORTANCE OF SOCIAL SECURITY

The social security system originally framed in 1935 was quite limited in its scope, providing the promise of benefits upon retirement to workers who had contributed to the system for a set number of years which would supplement other sources of retirement income. In 1939, survivor and spouse benefits were provided to the families of workers. In 1956 and 1965, disability and health care protection were enacted into law. In 1972, various State and Federal welfare programs were consolidated into the supplemental security income (SSI) program, which is administered by the Social Security Administration (SSA), but funded through general revenues and not through the social security trust funds.

Not only have the benefits available under social security been expanded, but so have the number of citizens who participate in it. In 1940, the program covered roughly 55 percent of all workers. Today, the percentage has grown to 90 percent with almost 40 million Americans receiving social security benefits of some kind, and 130 million workers contributing to the system through payroll taxes.

The increase in social security benefits over the years has in part been a response to the changing needs and expectations of older Americans. The Nation's change from a largely rural to largely urban society and the onslaught of the Depression made it increasingly difficult for disabled or retired workers to depend on their children as had been the case in the past. Only in the latter half of the 20th century has independent retirement living supported by pension benefits become a possibility for the majority of those who reach retirement age.

Even with the benefits of this system, however, over 15 percent of the elderly are officially living below the poverty line, with 60 percent of the elderly who live alone receiving annual incomes below $15,000, and one-quarter of aged persons living as couples receiving below $3,000 per year. Social security benefits constitute the sole source of retirement income for 28 percent of our senior population. For two-thirds of our senior citizens, social security benefits are the main source of retirement income. Incredibly, only about one in five elderly persons receive a private pension at all, and this situation is not anticipated to improve much over the next few years, as workers often will not stay in one job long enough to become vested and qualify for benefits, if they are among those workers who even have a private pension plan available to them.

So it is clear that for millions of the elderly, as well as the disabled and their dependents, social security benefits have become an integral part of economic survival.

FINANCIAL PROBLEMS FACING SOCIAL SECURITY

The social security system is facing a short-term crisis which experts predict will totally drain the Old Age and Survivors Insurance Fund (OASI) of the system by the end of 1982 unless immediate steps are taken. Even if the

revenues of the OASI trust fund are combined with the other two funds of the system, the disability insurance (DI) and hospital insurance (HI) funds, the system will be totally depleted by the end of 1984. The reasons for this crisis lie in part in the large increases and liberalizations in benefit and cost-of-living amounts the Congress has voted into effect in recent years, in part in the ever-increasing percentage of senior citizens relative to young workers, in part in the changing work habits of our citizens and in part in our economic situation.

While workers are tending to enter the work force later—after postsecondary education—and leave the work force earlier through early retirement plans, high unemployment rates have reduced even further the amount of revenues accruing to the system through the payroll tax. Inflation has caused benefits, which are indexed to the Consumer Price Index (CPI) to increase drastically each year, causing a huge drain on the system. While the short-term crisis will probably be allayed soon through remedial measures, a longer-term crisis also threatens the system. The predicted drastic rise in the percentage of persons over 65 relative to younger persons paying into the system will have a devastating effect on the trust funds by the beginning of the next century. It is predicted, in fact, that the percentage of persons over 65 will rise from 10.7 percent today to 12 percent by 2000, 15 percent by 2015, and 18 percent by the year 2035. Because of this change, there will be almost twice as many retirees per worker as at present, placing a severe strain on social security's pay-as-you-go payroll tax financial base.

PROPOSED SOLUTIONS

Various solutions to the problems facing social security have been put forward in recent years. The administration's recent proposal is drastic in its effects on benefits, and includes the following major recommendations:

First. A large change would be made in the way future retirees' benefits are calculated, so that the replacement ratio—the amount of income social security benefits are expected to replace—will fall from 42 percent to 38 percent of the average worker's earnings. This change will be phased in over the course of 6 years, so that by 1987 new retirees would receive an average monthly benefit of $691.90, compared to the $719 they would receive under current law. Lower income persons would receive a $447.40 benefit instead of $477.10.

Second. Effective immediately in 1982, retirees who are forced or choose to retire early will receive drastically reduced benefits—55 percent of the maximum benefit at 65 if they retire at age 62. Spouses of such retirees would receive a 27 percent benefit, and children of early retirees would receive no benefits whatsoever.

Third. Persons suffering from a disability would, in addition to waiting 6 months before receiving their first check, have to first prove that their disability would last 2 entire years or result in death, as opposed to the 1-year disability duration currently required.

Fourth. To qualify for disability, individuals would be required to have 30 quarters of covered employment out of the previous 40 quarters, as opposed to the current requirement of 20 quarters of covered employment out of the last 40.

Fifth. The cost-of-living increase scheduled for July 1982, would be moved from July to October of that year, in a one-time change moving the system onto the fiscal year calendar.

Sixth. The cost-of-living increases for beneficiaries would be based on calculations of the Consumer Price Index (CPI) over a year-long period, rather than the first quarter of the year, and probably result in slightly lower increases for inflation.

Seventh. The outside earnings limitation, or retirement test, would be phased out by 1986, so that retired workers could receive benefits without reductions for earnings acquired above the limit.

The administration's proposal basically addresses the short- and long-term problems of the system through reductions in the type and level of benefits available to beneficiaries. It is estimated that these proposals, combined with the elimination of the minimum benefit and student benefits already proposed by the administration, will decrease outlays in the social security system by 10 percent in the immediate future, and even more over the long term. Other approaches to the problems facing the system fall into either the category or reducing benefits or increasing revenues to the system. Major alternative proposals include:

First. Financing the short-term deficit of the system through allowing the three trust funds to borrow funds from each other, which would allow the system to stay solvent through 1984, and beginning in 1990 slowly phasing in an older retirement age of 68, to be fully operational by 2000.

Second. Financing the deficit of the system through an increase in payroll taxes levied on workers and employers.

Third. Financing the short- and long-term deficits of the system through an infusion of general revenues into part or all of the system's trust funds. Some feel that the hospital insurance (HI) trust fund of the system should be paid for out of general tax revenues, as its benefits, medicare hospital insurance—part A, are generally unrelated to the amount of funds paid into the system by the beneficiary.

BASIC REFORM

Clearly, if basic changes are to be made in the social security system, and they must be, those who depend on these benefits will have to bear some of the burden of change. However, I am very concerned that the proposals of the administration, as well as many other recommendations in this area, would cause severe hardship for the elderly and disabled persons who rely on social security, and would not address the fundamental questions we must answer before such reform is undertaken. While the administration would lead us to believe that its proposals would eliminate only the welfare aspects of the social security system, the fact is that these reductions cut most severely into the retirement and disability benefits which our Nation's workers depend on. Beyond the suffering these proposals would cause in any case, the added suffering of immediate effectiveness has been added. Persons who have already made plans to retire early, and perhaps have already retired on private pensions or are unable due to a minor disability to continue to work, would be irrevocably forced by the administration's plan to receive benefits almost 50 percent lower than what they had been counting on. This low benefit rate would continue for the rest of their lives, and drastically reduce the standard of living for those who are already struggling to maintain a subsistence level income.

Likewise, proposals to raise payroll tax rates to meet the needs of the system would place an unfair burden on the young workers of today, and provide no guarantees that the system would still be available upon their retirement. Recommendations to raise the retirement age under social security run counter to our traditional view that 65 represents an appropriate age to retire. Proposals to infuse general revenues into the system will inevitably lead to an increased burden on our overall budget, which is already overextended.

In what way, then, can Congress fulfill its responsibility to ensure the solvency of the system, and carry through with the promises the social security system has offered the American people? I think the time has come to examine the programs we have included under the social security system, determine which fulfill its main purpose and which do not, and separate out those programs which do not belong under the social security umbrella. While the nonretirement programs which have been included in the social security system are important and necessary, in many cases the benefits paid out through disability or hospital insurance are not directly re-

lated to the amount of funds the recipient has paid into the system. Americans count on social security for many types of benefits, but I think most would agree that its main purpose should be to provide a pension for retired workers, and insurance for their families in case of their early death. If people are to continue to believe in the social security system, and if it is to survive the effects of the "greying" of the baby boom generation, the system must be returned to its original purpose, and benefits must be brought under control.

I feel that the best hope for the social security system lies in the gradual phasing in of the funding of nonretirement programs through general revenues. Through a very slow and gradual process, the programs which have been added to the social security system over the years can be funded like other Federal programs, included in the overall Federal budget, and tighter controls can be maintained.

The payroll tax burden can be decreased, so that workers have the capital to invest in savings and other investments. The security of the system will be guaranteed, as benefits paid out will be more directly related to benefits paid in to the system. Workers who have counted on receiving full retirement benefits will not have to face the sudden and drastic reductions in benefits included in the administration's proposal, and those who have the misfortune to become disabled or require hospitalization can count on funds for disability and medicare to be available.

Finally, a close look at the effects of indexation on the social security funds should be taken, and benefits should be tightened so that individuals who have just arrived in this country or have contributed little to the system do not automatically qualify for benefits. While it is imperative that social security benefits be indexed to inflation, it may be that the Consumer Price Index (CPI) has resulted in benefits slightly higher than is justifiable by the overall economy. The indexation of benefits to wage inflation rates rather than price inflation rates could provide the measure of funds necessary to see the system through the next century, in combination with eliminating nonretirement programs from the system. If it is determined that changes in benefits must be made, though, it is terribly unfair to impose them arbitrarily on those about to retire, and impose no changes whatsoever on those already retired. The administration's proposal would have this effect, and could lead to a situation where someone retiring 1 day or 1 week later than another would receive a reduced benefit for life; while the person fortunate enough to retire earlier would receive the full benefits promised them.

The problem with the administration's approach is that it does not address in a comprehensive way all of the issues underlying the social security system's instability, but instead has simply chopped benefits while retaining all of the structural redresses in the system itself. I am concerned that this choice will result in a furthering of the long-term instability of the system, and urge the President and my colleagues in Congress to examine the social security system in detail, to reach conclusions regarding what its role should be in our Nation, and to take responsible action so that its long-term stability will be insured. I think the American people are willing to sacrifice in order to help insure the system's stability. However, I think they expect and deserve a comprehensive, responsible and humane approach to the solution of social security's problems, and feel we should act swiftly to provide such an approach.

TO REINSTITUTE THE DEATH PENALTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. LIVINGSTON) is recognized for 60 minutes.

Mr. LIVINGSTON. Mr. Speaker, the world has become a very unsafe place to live. Terrorism and violent crime ravage every nation and people.

In the past 60 days alone, we have witnessed assassination attempts on two of the most revered of world leaders—President Ronald Reagan and Pope John Paul II. In the same space of time we have seen countless bombings, and of course, coldblooded murders go on throughout the world every day.

All of Europe, the Middle East, and South America live under the constant threat of terrorist attacks.

And let us make no mistake, the wave of terrorism is sounding loudly on our own shores. Just last week a terrorist's bomb destroyed the innocent life of a young man in New York's Kennedy Airport. Three other bombs had to be removed from the United Nations, the Honduran Consulate, and a crowded bus terminal in Boston. As of today, there have been a total of seven bombs removed in the city of New York in the last 2 weeks.

The Nation screams with violent crime. More than 400 Americans are murdered every week.

Mr. Speaker, these violent crimes of murder, assassination, and terrorism demand our most urgent attention. For they strike not only the immediate victim and his family, but also against the entire community of law-abiding citizens, indeed, at the very framework of a peaceful society.

In a democracy such as ours, our leaders are chosen by the people, and as such, they embody the ideals and hopes of the people. To assassinate them, is to wipe out those ideals, those hopes, those dreams. Acts of terrorism against our leaders, and against any of our people, threaten the fiber of civilized order. They vulgarize and trample the rights of all of us, particularly our right to live, and to live without fear.

We must, Mr. Speaker, begin taking steps to combat this senseless brutality, and as representatives of the American people, we must enact measures which express their strong sense of moral outrage and heartfelt anger at the perpetrators of such heinous, insidious acts.

To this end, earlier this month, I introduced a bill, H.R. 3541, which I feel the American people will strongly support, to reinstitute the death penalty as a punishment for Federal capital crimes.

There is no question, Mr. Speaker, that the majority of the American public favors the imposition of such a measure. On November 13, 1980, a Los Angeles Times poll found 62 percent of all Americans approving capital punishment; similarly, a February 2, 1981, Time magazine poll and a March 23, 1981, Newsweek poll found 65 percent and 68 percent, respectively, of citizens nationwide favoring death sentences.

In my own home State of Louisiana, a Baton Rouge Morning Advocate poll on January 8, 1980, found 70.7 percent of statewide registered voters favored capital punishment—only 17.7 percent of Louisianians were opposed.

We have, indeed, a very powerful national consensus favoring the reinstitution of capital punishment.

However, since 1972, when the U.S. Supreme Court held in Furman against Georgia that the death penalty, as it was being applied, constituted cruel and unusual punishment in violation of the Constitution, we as a Congress have been remiss in our duties.

Our duty is to follow the will of our constituents; we are elected to represent them in this body. And yet, while 37 States have rewritten their death penalty codes, and while two-thirds of our constituents ardently support capital punishment, we have allowed the Federal statute to remain in its fallen, useless state.

Mr. Speaker, I can find no satisfactory reason why we have not joined our counterparts in the States and said, Where we are responsible for making the law, that murderers, kidnapers, traitors, and felons who cause the death of others in the commission of their crimes should also be exposed to the penalty of death.

The fact remains, though, that the perpetrators of even the most heinous Federal crimes need not worry that their willfully oppressive acts are tan-

tamount to signing their own death warrants, as well as those of their victims.

I believe that we must now go forward and reinstate capital punishment because it is morally required as the only appropriate punishment for some crimes, and because it is the most effective deterrent available to us in the war against violent crime.

The propriety, indeed the moral necessity, for capital punishment has been recognized in this country since its inception. The due process clauses incorporated into the 5th and 14th amendments specifically prohibit the State from depriving any person of life without due process of law, implying that with due process of law, life may be deprived.

And indeed, the Supreme Court, in its 1976 Gregg against Georgia decision ruled the death penalty does not per se constitute "cruel and unusual punishment."

We in America have traditionally recognized that when people choose to live together in a society, their written law and their legal system must make their respect for life unequivocally clear by assuring through law, that convicted murderers can be permanently removed from society for their crimes.

Where the law is the peoples' voice and says, "We will imprison or fine those who illegally take property," it must also speak for the people's respect for life by promising to execute those who, through malice and forethought, willfully take the life of another.

But in spite of this popular and constitutional consensus, there are those who argue against capital punishment because its deterrent value cannot be empirically proven. Perhaps this is true. Perhaps there is no method of scientifically proving a statistical deterrent basis.

One who murders, automatically creates and becomes a statistic. But those who are deterred from murdering never show up in statistics.

The studies on both sides of capital punishment's deterrence argument may be attacked as flawed, and none of the conclusions thus far reached may be relied upon with absolute certainty. But, Mr. Speaker, if empirically proven effectiveness as a deterrent is necessary for the imposition of a death sentence, then all punishments come into jeopardy. For it is no more difficult to prove the exact deterrent value of the death penalty as opposed to life imprisonment, than it is to prove the deterrent effect of a 4-year, rather than a 2-year sentence for burglary.

I would submit, however, that were we of a mind to toy in the realm of social experiment, there would be one way to adequately gage the death penalty's deterrent value. Suppose we in Congress enacted a law instituting the death penalty for capital offenses committed on Tuesdays, Thursdays, and Saturdays, but not on the other days. I leave it to my colleagues to determine on which days we would be more vulnerable to the scourge of capital crimes.

This suggestion is not intended to make light of a subject which I regard as gravely serious. It is only an effort to highlight a fact which law enforcement officers have professed for years.

Under the threat of an effective death penalty, criminals may refrain from carrying deadly weapons; a rapist may refrain from killing his victim; a burglar may refrain from killing his pursuers; lives of innocent persons may be saved.

Beyond this intuitive deterrence, of course, is the very tangible deterrent in the sense that a convicted killer who is executed will never kill again.

So, in terms of deterrence, Mr. Speaker, the overriding moral imperative for us as a representative body is to institute the death penalty on the grounds that it might save the life of an innocent victim; the alternative is to let convicted killers survive—at the possible and probable expense of other innocent lives.

The reinstitution of the death penalty is also morally imperative in terms of justice. It crashes against our moral sensibilities to think that a man who, had he succeeded in killing our President, could still someday go free on parole. We must reinstitute justly severe punishments or lose our claim to justice. There is no getting around it, Mr. Speaker, in some cases of a vicious and heinous nature, death is the only appropriate punishment, and the punishment must be made to fit the crime.

In the face of an insidiously violent crime, of terrorism or of assassination, a healthy society can only react with righteous anger and outrage. Those who reject the sentence of capital punishment may call it retribution, and retribution it may be. But there are some crimes that cry out for vengeance, and nothing short of the death of the perpetrator will begin to compensate for the evil that he has brought on all society.

Mr. Speaker, I firmly believe society has the right, and the duty to express in this manner its concern for the victims of capital crimes.

The time has come when we must cease to beat our breasts and blame ourselves for the evil that men do. We must realize that sometimes, as much as we would have it otherwise, evil exists for evil's sake. And, Mr. Speaker, there is no greater evil than the willful taking of the innocent life of another.

Only if civilized men and women of good faith and respect for one another join to fight and repel that evil will we keep it from overwhelming our lives.

I would fight that evil, Mr. Speaker. I will fight it, and I will do my part to eradicate it from the face of the Earth.

Mr. Speaker, with the exception of the statute pertaining to rape, for which the Supreme Court has since ruled the death penalty unconstitutional, H.R. 3541 reinstates all Federal statutes where the death penalty was available before 1972 and amends them to provide for a separate sentencing hearing where the trier of fact must consider certain aggravating and mitigating factors in determining if the death sentence should be imposed. This will satisfy the Supreme Court's requirement that arbitrary and capricious sentencing be eliminated.

I would like to mention at this point the specific crimes for which a death sentence could be issued under H.R. 3541:

First, killing the President, President-elect, Vice President, Vice President-elect, and any person serving in those offices; kidnaping any of them where death results; or conspiring to do any of these;

Second, killing any member of the Cabinet;

Third, killing a Member of Congress, kidnaping a Member if death results, and conspiracy to commit either offense—applies to Member-elect, too;

Fourth, killing a foreign official, official guest, internationally protected person, or their families if in the United States because of official duties;

Fifth, killing a Federal judge, U.S. attorney or assistant, U.S. Marshal or deputy, FBI agent, Department of Justice official, Postal Service employee, DEA agent, Coast Guard personnel, Federal prison official or employee—and other people engaged in jobs where Federal jurisdiction attaches;

Sixth, premeditated killing of any person within the special maritime and territorial jurisdiction of the United States—any murder in the first degree where the Federal Government has jurisdiction;

Seventh, any Federal kidnaping where death results;

Eighth, killing a person while robbing a bank or escaping after a bank robbery;

Ninth, taking a hostage in the course of bank robbery or escaping after a bank robbery;

Tenth, hijacking if a death results;

Eleventh, treason—giving aid and comfort to the enemy;

Twelfth, giving away defense or military secrets to a foreign government or the enemy—espionage;

Thirteenth, transporting or receiving explosives in interstate commerce with knowledge or intent that it will be used to kill, if death results;

Fourteenth, maliciously using explosives to damage Federal property, if death results;

Fifteenth, mailing dangerous materials where death results, if done knowingly and with intent to kill or injure;

Sixteenth, willfully wrecking trains or train appurtenances, if death results;

Seventeenth, willfully destroying aircraft, motor vehicles, or their appurtenances, if death results.

In each of these capital offenses, the trier of fact could recommend the death penalty by a majority vote, and the presiding judge would make the final decision. The alternative sentence would be life imprisonment without benefit of parole.

In arriving at its decision, the jury, or the judge alone if the prosecutor approves the defendant's choice to waive a jury, would be compelled to weigh the following aggravating and mitigating circumstances surrounding the crime, or any other mitigating factors the defendant raises:

If the defendant is found guilty of any offense involving the killing or death of another, for which one of the sentences provided is death, the following are aggravating factors:

First, the offense was committed by a person under sentence of imprisonment;

Second, the defendant was previously convicted of another offense or of a felony involving the use or threat of violence to an individual;

Third, the defendant knowingly created a great risk of death to many individuals;

Fourth, the offense was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, a robbery, rape, arson, burglary, kidnaping, or aircraft piracy or the unlawful throwing, placing, or discharging of a destructive device or bomb;

Fifth, the offense was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody;

Sixth, the offense was committed for pecuniary gain;

Seventh, the offense was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws;

Eighth, the offense was especially heinous, atrocious, or cruel;

Ninth, the offense committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification; and

Tenth, the offense the defendant committed was an offense:

Against a Member of Congress, the Cabinet, or the President or Vice President;

Against a chief of state, head of government, or the political equivalent, of a foreign nation;

Against a foreign official, if such official is in the United States because of such official's official duties; and

Against a Federal judge, a Federal public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense, or an employee of a U.S. penal or correctional institution, while performing that judge's, public servant's, or employee's official duties or because of that judge's, public servant's, or employee's status.

If the defendant is found guilty of espionage or treason, the following are aggravating factors:

First, the defendant has been convicted of another offense involving espionage or treason for which either a sentence of life imprisonment or death was authorized by statute;

Second, in the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security; and

Third, in the commission of the offense the defendant knowingly created a grave risk of death to another person.

If the defendant is found guilty of any offense covered under the terms of this bill, the following are to be considered as mitigating circumstances:

First, the defendant has no significant history of prior criminal activity;

Second, the defendant was youthful at the time of the offense;

Third, the defendant's capacity to appreciate the criminality of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired;

Fourth, the defendant was under unusual and substantial duress or extreme mental or emotional disturbance;

Fifth, the defendant's participation was relatively minor;

Sixth, the defendant could not reasonably have foreseen that the defendant's conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person; and

Seventh, the victim was a participant in the defendant's offense or consented to the conduct constituting the offense.

Mr. Speaker, I hope every Member of this body will follow the lead of the American people and support H.R. 3541, and I will welcome any cosponsors.

● Mr. PORTER. Mr. Speaker, it is a sad but true fact that as capital punishment has ceased to be applied in our country violent crime has increased dramatically. In areas where the penalty for murder has not been vastly different than for armed robbery, witnesses in some cases have simply been lined up and executed.

The recent shootings of John Lennon, President Reagan, and Pope John Paul II have only dramatized the wave of violent crime that has virtually submerged our society. While we are telling the world we are its most civilized nation, the people of other countries, along with our own, are aghast at our murder carnage. The elderly live in constant fear. There are areas where people who do not live there would simply never go. The inner-city central business areas are abandoned after dark, dying an economic death because of the threat to people of a physical one.

No Government official that I know wants to have anyone forfeit his life. But one of the highest responsibilities of office is to protect society from those who would violate the rule of law, and most especially from those who would, with intent, take another's life. Whether death—carried out as a sentence only after the most stringent protections of the law have been applied—will deter the violent crimes that threaten our people is not known. What is known, however, is that none of the other prescriptions have provided that deterrent and as death has receded as a threat to the intending murderer, the incidence of this heinous crime has rocketed upward.

I supported a limited death penalty bill when I served in the Illinois General Assembly. The measure applied only to murder and only to cases of premeditated or wanton murder—felony murder, murder for hire, mass murder, murder of a policeman or fireman in the line of duty—not to crimes of passion. I supported this legislation with great reluctance and with the understanding that its adoption represents in some unmeasurable way a failure of law and of society to solve the deep and pervasive problem of violent crime in any other way.

Yet, at least for the present, such measures seem necessary in all our jurisdictions—necessary until such time as we as a people have fully embraced the rule of law in our dealings with one another. How long this will be, what will be the results of our search for new directions in addressing this deep and unsolved problem cannot be ascertained. But for now we must live up to one of our most basic responsibilities—to protect the people of our society from wanton crime—and this choice of death for premeditated murder—is, in my judgment, a necessary one.●

● Mr. MOTTL. Mr. Speaker, I add my voice to those of my colleagues to urge for the enactment of statutes allowing for the imposition of capital punishment. We find ourselves faced with a wave of deviant criminal behavior that is surging out of control. Throughout our country, violent crime has increased in phenomenal proportions in

the past decade, and the greatest criminal atrocity, murder, has increased 7 percent in the past year alone. We can no longer stand idly by, deluding ourselves with the belief that crime will subside and criminals will reform—we have a responsibility to take affirmative action to protect our citizenry. The crime statistics we face daily in black and white print are testimony that our present means of criminal treatment, repentance, and rehabilitation are ineffective. Hopes that these practices will provide deterrence now seem too extravagant to be indulged. It is time we stop protecting and rehabilitating the criminal, and start protecting and rehabilitating a society crippled by crime.

The idea of punishment for some unknown reason has fallen into disrepute. Why, with commission of crimes occurring in greater proportion than ever before, are there fewer persons in Federal and State prisons today than a decade ago? Have we become so morally ambivalent and so guilt ridden that we cannot in good conscience punish anyone, and cannot conceive of putting a convicted murderer to death? Those that stand against the death penalty cry out that imposition of a death sentence is unconscionable. But, I ask you, how in good conscience can we continue to risk the safety of our citizenry and look to the welfare of the individual criminal rather than the welfare of the individual?

An examination of criminal history shows that opposition to capital punishment is a modern phenomenon—a product of contemporary criminological thought that shows more compassion to the criminal than the victim. We continue to listen to the voices of those who cry out for a compassionate punitive system that is not working, while our constituents plead for protection. The public, in its demand for the death penalty, knows that more than a law has been violated by the likes of James Earl Ray, Mark Chapman, and John Hinckley. Only if we enforce capital punishment against those who, like these men, attempt to rob our society of valuable members through their heinous behavior, can we prevent the untimely death of other blameless innocents.

It is not my intent to deprive or deny accused criminals of every consideration provided by our system of justice. It is my intent to insure that justice is delivered. Let us halt the philosophy of protecting rather than punishing, of giving compassion rather than conviction. Law and order will never exist until people are held individually responsible for their actions and are subject to the control of punishment if they fail to obey the law. The punitive arm of justice is weakening. It is time for it to be strengthened.●

□1230

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order of today.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

FRANK DEXTER LANTERMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MOORHEAD) is recognized for 60 minutes.

Mr. MOORHEAD. Mr. Speaker, I have requested this special order as a remembrance to Frank Dexter Lanterman, a very dear friend of mine who died recently at the age of 79.

Mr. Lanterman passed away on April 27, 2 years after retiring from a distinguished and illustrious career of 28 years in the California State Assembly.

Without exaggeration, he was a legend in the State legislature and one of the great men in the history of California politics.

He was a unique man with unique gifts. He pursued his public career with uncommon dedication and vigor. He had a gift for communication and a genuine flair for the dramatic. He was a man of complete and unquestioned honesty. He had a captivating personality and enlightened and unquenchable sense of humor.

This wonderful combination of virtues meshed in the portly bachelor and created the legend he became.

Frank Lanterman was born in Los Angeles on November 4, 1901, the son of Dr. Jacob Lanterman, who moved to Los Angeles with his father in 1875. In 1914, the Lanterman family moved again, this time onto the grandfather's 6,000-acre, land-grant estate in La Canada, where Frank remained for the rest of his life.

After studying music at University of Southern California, Mr. Lanterman went to work in movie theaters in Los Angeles, playing the great Wurlitzer organs to give the then silent movies added drama and excitement.

Once movies had found their voice, he intended to provide and create musical score for films, but he was sidetracked by the demands of the family's vast estate. He managed the family's holding until he was 49 when a legal dispute over water rights arose. To solve this problem he ran for the assembly and won. His first piece of legislation was the Municipal Water District Act that made possible the establishment of municipal water districts that service portions of my district to this day.

Frank fell in love with the legislature and stayed on for many years solving problem after problem. One of his most praiseworthy accomplishments was the passage of the Lanterman-Petris-Short Act, a bill that extended constitutional guarantees to emotionally disturbed individuals. Before the Lanterman legislation, an individual could be consigned to a mental insitution for life based on a 5-minute hearing. This landmark legislation put a stop to the warehousing of mental patients. The Lanterman-Petris-Short Act has been copied again and again by State after State.

Before his exemplary career was over, Mr. Lanterman put his name on more than 400 pieces of legislation. When he retired 2 years ago, he was correctly called the acknowledged champion of independent higher education, the benefactor of the handicapped, and the ever-vigilant representative of the taxpayer.

But most of all he was the beloved "Uncle Frank" and the "Grand Old Man of the Assembly." Most of all, he was a true original, totally candid, very effective, and greatly loved and admired.

Through his music, which weaved a rich thread throughout his entire live, through his kindness and compassion for his fellow man, and because of his affection for the political process, he enriched the lives of hundreds and hundreds of persons. I was most fortunate to have been one of them.

Mr. JOHN L. BURTON. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from California.

Mr. JOHN L. BURTON. I thank my distinguished colleague and friend, CARLOS MOORHEAD, for having this special order for Frank Lanterman. He was a sweet old guy.

When I was first elected to the State legislature, I thought of him as nothing more than an archconservative curmudgeon who cared nothing about people. I think it is fair to say that if it was not for Uncle Frank during an 8-year period we had out in California, when he was the one person between the mentally ill and mentally retarded and the forces of oppression, the programs that he had worked and fought so long for would not have survived. I think these years actually did take a toll on him, if anything could. He was a very indestructible person.

I had the honor of serving under him when he was chairman of ways and means, when we used to have shouting matches about certain pieces of legislation. I served under him when he was chairman of the health and welfare committee, and he taught me more about the problems and the programs on mental health than I

ever thought was possible to learn. It was through his efforts that we were able to get a program passed in our State for autistic children. I will never forget that, as long as I live. I had gone down to a mental health meeting in Marin County, when I first heard that it might be a new congressional district, A parent of an autistic child talked to me there for about 45 minutes, telling me the problems and how the head doctors would say it is a physiological problem, the medical doctors would say it is a psychological problem, and nobody wanted to deal with the children's problem.

I remember driving up to Sacramento, walking into Frank Fats, and Uncle Frank would be sitting there in what was his new corner, after they shut down the bar at the Senator Hotel, and I said, "Uncle Frank, what are we going to do about autistic children?" And he looked up to me and he said, "Burton, you give them a brush and some paint, and they just go on their way."

I said, "Frank, this is serious." He said, "Now, John, just sit down, have yourself a little drink, and we will discuss this."

Within about 15 minutes we came up with a solution. We came up with a bill that passed both Houses and was on the desk of Governor Reagan—who is now President—and because it was my bill, he was not quite sure whether it was a Communist plot or not. It took Uncle Frank and Lloyd Nolan, who was a movie star with Governor Reagan, who had an autistic child himself, to convince the Governor that this was a good piece of legislation. And he signed it.

We went on to work with Frank very closely on a piece of legislation that, actually, he supported in his heart but he said that he could not support it on the floor of the assembly. That was legislation to keep the mental institutions open until they implemented the LPS bill, so that there were programs available in the local community. The Governor vetoed this bill. We had to override the veto, and Frank, of course, gave a strong speech against the override and sat down and smiled as the votes ran up on the tally board because, as he said, in good conscience he could not support the bill, but we knew where he was in his heart.

It is safe to say that the people of California, especially those who had no champions but for two very stern, hard-rock conservatives, such as our late colleague, Bill Ketchum, and Frank Lanterman, would have gone down the tube, but for two people who prided themselves in being conservative, who had compassion. And Uncle Frank had a heart as big as the organ that he took from the Fox Theater in San Francisco.

I loved him dearly. I will miss him. The last time I saw him—and I think you were there, CARLOS—was at the farewell dinner they had for him in Sacramento. I know he will be missed in Sacramento, and the people in this body just have no idea what a wonderful thing they have missed in their lives when they did not have the pleasure of knowing Uncle Frank Lanterman.

Mr. MOORHEAD. I thank the gentleman for his remarks.

Mr. BURGENER. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from California.

Mr. BURGENER. I thank my colleague in the well for yielding.

Mr. Speaker, I want to commend the gentleman for taking this time to honor a very dear friend of many, many people, including this Member. The gentleman in the well had the privilege of not only having Mr. Lanterman for a constituent for many years, but as a very close personal friend. As a close personal friend and as a colleague was how I knew Frank Lanterman.

I had the privilege of serving with him for 10 years in the State legislature. The gentleman in the well has discussed frank Lanterman in terms of the whole man, his musical talents, his contributions to the community in general, his family, his early California history. I would just like to comment very briefly about his immeasurable contribution to all of the handicapped in the State of California.

I think it is reasonable to say, and I fear no contradiction, that no one person in or out of the legislature in the State of California did more to affect the lives and to improve the lives and to enrich the lives of children, youth, and adults who somehow were different than what you and I would choose to call normal. This includes a broad range of people, the mentally retarded, the developmentally disabled, the physically handicapped, the emotionally disturbed, the neurologically handicapped, those with any kind of a disability which made them require special care, special recognition, special education, and special training.

Frank was there, and he was in a unique position to help, always in a high position of responsibility, whether his party was in the majority or whether it was in the minority. It made no difference.

As the former speaker indicated, he was chairman at one time of the ways and means committee, a very influential position in the assembly. When he was not chairman, he was what we call the vice chairman, which would correspond in this body to the ranking member. But always he was there with immense influence and with an even greater heart to help.

Just as an example, it was Frank Lanterman who guided through the legislature the system in California known as the regional diagnostic centers for the developmentally disabled and the mentally retarded. It was he who went into the State hospitals, hospitals which were indeed warehousing many of our severely handicapped and mentally retarded, and changed that system and changed it dramatically—first to take many of those out of the hospital who could function in the community and could be mainstreamed and, for those who had to remain, immensely improved their environment.

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I just know of no one who had more heart, more compassion, and was in the unique position where he could do something about it. Frank Lanterman was that man. We shall miss him. He lived a long and useful and a rich life. In addition to all of that, he was just plain fun to be around. There were many and many an evening session where "Uncle Frank," as he was affectionately known, would gather around, particularly with newer members and hold court and tell tales, about things of the past and things of the present. He was very, very willing to share his experience, to give advice and counsel and guidance to those of us who knew less than he did about the massive subject of the State legislature and the people of California.

We shall all miss him. I do indeed commend the gentleman in the well, the gentleman from California (Mr. MOORHEAD) for giving us this opportunity to honor a great friend.

Mr. MOORHEAD. Mr. Speaker, I recognize the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON. I thank the gentleman for yielding and I, too, want to congratulate him for taking this time.

Mr. Speaker, I mourn the passing of Frank D. Lanterman. I mourn the final loss of a great public servant, as any citizen who has known him and his work in the California State Assembly would mourn. I mourn the loss, also, of a good man. Rarely in public life does one encounter a man who combines the public and private sides of his life so easily, and to such good purpose, as Frank Lanterman.

I suppose Frank's outstanding quality was his bluntness. When he saw good he praised it and left it alone. And when he saw bad he did not engage in political sophistries to justify it, but roared as loudly as he knew how and acted swiftly to change it. A powerful and very capable assemblyman, Frank worked most energetically to protect those least able to care for themselves, the mentally ill. He was, of course, responsible for much of the legislation protecting their constitutional rights in the State of California.

Frank Lanterman is gone. We shall miss him, and so shall our State.

Mr. MOORHEAD. I recognize the gentleman from California (Mr. LEWIS).

Mr. LEWIS. I thank my colleague for yielding and especially want to express my personal appreciation for the gentleman's effort to put this special order together, not only a constituent but a dear friend and supporter and follower of Frank Lanterman.

Thinking about what one might say about the life of a man such as Frank Lanterman, I could not help but be reminded of a small group of students in 1957, a group of interns who were studying public affairs, traveling from San Francisco to Sacramento to spend a few days to demonstrate their knowledge and expertise about public affairs.

One of those days they had the occasion of sitting on the floor of assembly and watching that body carry on its deliberations. That group of bright young people with many, many answers such as most young people have, looking at the floor, expressed in many ways the thought, who are those crazy people out there, that unbelievable cross section of humanity that makes up a public body, critical of those elected officials. One of those young people particularly focused on a symbol to him of what should not be a part of public affairs, for there was an old, chubby, obviously less than intelligent fellow as they watched him bluster around the floor.

It was 12 years later that one of those young interns came back to Sacramento as a member of the State legislature himself and that individual was amazed to find that that same rather chubby blustering old man was still a member of the legislature.

As I watched my colleague, Frank Lanterman, I could not help but reflect upon that time not so long before when I had so many answers. As the years passed in my early service in the California Legislature, I could not help but be overwhelmed by the incredible contribution that was being made by that man, Frank Lanterman, a guy who came from Pasadena with no need for a job, a base of independence like most of us would hope to have, a conservative who described himself as an economic conservative; a man with a heart like you rarely see, a man who if he faulted at all faulted most because he almost cared for people too much.

Frank Lanterman literally brought many of the poor, the disabled, the mentally disturbed of our State and in many ways the country, out of the dark ages. He committed himself to helping those people who were unable to help themselves. Frank served as an inspiration for those of us who believe that there is a reason to participate in public affairs.

If you are willing to concentrate on areas of importance, if you are willing to work hard enough, if you are willing to care, indeed you can change the scene of public affairs.

In this age where people so often tend to respond to a headline which is negative about politics, which would suggest that public affairs is a place for those who have nothing better to do with their lives, Frank serves as a symbol of just the reverse, a man who had so many things to do with his life. Instead he chose to serve. I watched him in those years during the seventies advancing in age. I would come to my office once in a while at 7 o'clock in the morning. Frank's office was always open. I would leave my office once in a while at 7 o'clock in the evening and Frank was back at work once again, tireless in his energy, his capacity, his willingness to give.

I have from time to time found it a pleasure to repeat a thought that to me is important and that is that perhaps the most sophisticated form of selfishness is giving, indeed if that is selfishness, then Frank Lanterman was certainly the most giving of human beings that I have known in my life. He has made a great contribution to humanity but perhaps just as significant, he does serve as a symbol and has made a great, great contribution to public affairs.

I thank my colleague for this time. I appreciate the effort he has made here and I join with him in paying tribute to our friend.

Mr. MOORHEAD. I thank the gentleman.

In closing, I think that some of our feelings that we have gotten from Frank through the years we like to express. In the years that I knew Frank he always hated to have anyone think that he had a big heart. Yet he was the principal supporter of his church. He gave to all kinds of charitable organizations, but he did not want people to know that he was giving. He did it quietly and silently. He lived a very humble life, spending very little money on himself and though he was very wealthy to begin with, he sold property, he gave money away to others that he felt were in need.

He could not stand hypocrisy. If anybody would give a statement showing that he was a hypocrite in front of Frank, they would get put down in no uncertain words and immediately. Frank liked people who were true and honest and lived up to the word that they gave. If Frank gave his word on something, believe me you could put it in the bank because he would stand behind it from then on. He supported his legislation. If anyone wanted to attack his mental health bills or his bills to help the handicapped children in California, he would be alert to every single piece of legislation that came along that would affect it and would be ready to oppose it on the floor.

He had strong ideas, strong beliefs. He believed in his country. He believed in his fellow man. I think that we can all learn a lot from the life of Frank Dexter Lanterman.

Mr. FAZIO. Mr. Speaker, there are many great legislators who have served in the Congress, but there are many others whose service is rendered at the State level. In California there are few who rank with the late Frank Lanterman as a symbol of hardheaded conservatism tempered with compassion. Frank Lanterman was the proverbial Tory man with liberal principles.

A true fiscal conservative, he spent his career in the legislature, one that spanned much of the State's post-World War II era when the State underwent tremendous growth, dedicated to the needs of those who in many cases were born to a life restricted by physical and mental handicaps.

Frank Lanterman's career was crowned by the legislative success that he attained in the Lanterman-Petris-Short Act which allowed a more humane community-based approach to mental illness to prevail over a top-heavy, State-hospital-oriented, bureaucratic approach and to the passage of the special education legislation which provided a means for the disabled to attain a degree of education commensurate with their rights as now interpeted under the U.S. and State constitutions.

Frank was a fatherly man; grandfatherly in his later years. A man with tremendous rapport among the many excellent staff people who have so ably served the California Legislature. He hired many without regard to partisanship. He taught many the skills of the legislative process and an awareness of the many interests that he personally had. My wife, in fact, worked for him during her early years as an employee at the California Legislature. My appreciation for Frank Lanterman as a man is consistent with my appreciation of him as a legislator.

A bachelor all his life, he had many, many friends who saw him as someone of great solidity and stability. He was always available to offer a kind, friendly word of advice to people in need. Even though he was a successful private entrepreneur and developer he never sought the kind of wealth that he could have easily attained in the growth areas of Los Angeles County that he represented.

He dedicated his life to public service in a whole range of areas, most notably an ongoing battle to end the surge of air pollution which so infected the Pasadena area which he represented for so many years.

Frank Lanterman, like so many who retire from an active public life lived

all too briefly in retirement. He might have contributed a great deal more in the private life that came deservedly after so many years in the public eye. But Frank Lanterman was typical of those who made their major contribution in the legislation body. It is where he found a home. It is where he found it possible to make the kind of contribution that only those of us who have had the privilege of public service can understand.

He was beloved by so many Californians that I am particularly proud today to offer a few words on his passing. And, I wish at this time to commend my colleague Mr. MOORHEAD, who took this special order in order to honor the memory of this truly great American, a man who will rank among the greatest of the California legislators and truly among the greatest legislators to serve anywhere in this country.

● Mr. CHAPPIE. Mr. Speaker, I would like to commend my thoughtful colleague from California, CARLOS MOORHEAD, for requesting a special order in memory of California State Assemblyman Frank Lanterman. I appreciate the opportunity to join with other Californians in paying tribute to a man who served our State so well.

Frank Lanterman spent 28 years representing the interests and concerns of his constituency in the California State Assembly. He was a man of many interests, and was very much in tune with the folks he served who returned him time and time again to the State capitol.

Frank Lanterman was a legislator who was sensitive to people's problems, understood the root of those problems, and was willing to do battle for an effective solution. This was particularly true when it came to improving the lives of those who are emotionally and physically handicapped. Frank was a champion of human rights, and I do not think the handicapped ever had a better advocate in the California State Legislature. He leaves behind an impressive legacy of work on behalf of handicapped people, and his leadership in this regard will be difficult to replace.

Geographically, Frank's district in southern California and my district in northern California were about as far apart in the State as you can get. However, I came to know and enjoy Frank as a true friend during our sessions in Sacramento. It was my pleasure and honor to serve with him for 14 of the 28 years he spent in the State assembly, and I will miss him. Without doubt, Frank Lanterman's friendship and work will also be missed by those he cared for most; emotionally troubled children and their families.●

● Mr. ROUSSELOT. Mr. Speaker, former California Assemblyman Frank D. Lanterman died of heart failure on April 27, 1981, at the age of 79. We will never again see a man like Frank. He will be missed, along with his sharp wit and political wisdom.

Frank Lanterman was a veteran of nearly three decades as a Republican member of the California State Assembly. He was ranking Republican for 12 years on the ways and means committee and as chairman of the panel for 2 of those years, he was responsible for steering Gov. Ronald Reagan's budget through.

Although Frank retired from the State assembly 2 years ago, he was never forgotten in that chamber. Frank once said, "They will be a long time forgetting me * * * you do not forget the wolf that bites you * * *"

And, as many of us from the California delegation know, Frank Lanterman bit.

A native Californian from Los Angeles, Frank attended the University of Southern California, but left when he was not allowed to postpone a required musical recital which conflicted with a glee club engagement. After leaving college, Frank, a talented musician, played musical accompaniment on theater organs, matching music to the action on the silent movie screens. He had planned to move into the scoring of motion pictures, but family obligations led him to take over the management of their vast landholdings.

It was only when Frank was 49 years of age, and after proving himself a most successful businessman, that he ran for the California Assembly. It was a legal dispute over a water rights issue that provoked him to campaign—and campaign he did. He won the election by a handy majority—the first of what would become 14 consecutive terms.

Author of the Municipal Water District Act, he made possible the creation of the Foothill Municipal Water District serving the communities of La Canada, La Crescenta, and Altadena.

After passage of this measure, Frank said:

> That is what I went to Sacramento to do. And maybe I should have stopped there. But I did not. Once I was up there, I found a lot of other things that needed fixing . . .

Frank will be remembered especially for the historic Lanterman-Petris-Short Act that ended the warehousing of mental patients and provided community based treatment of people with mental disorders. This was a big fight—and one of the many he won.

During his career in the assembly, Frank authored almost 400 bills that were enacted into law, including acts to preserve home rule for local government and several establishing community treatment centers for retarded children and educational services for the handicapped. He was successful in gaining Federal funds for the completion of the 210 Foothill Freeway and the Graduate Fellowship Act.

But, I will remember Frank as a truly unforgettable and unique man. He was the grand old man of the assembly. Asked why he never married, Frank said:

> A man cannot love the legislature and a wife at the same time . . . I was married to the government of California, and I have never been sorry. Hell—I chose my life and I have no regrets . . .

I certainly do not regret having known such a lively, outspoken, colorful, honest, and sincere legislator. He will be missed as an active Republican, an able legislator, and a true friend.●

● Mr. WAXMAN. Mr. Speaker, former Assemblyman Frank Lanterman of Pasadena died recently at the age of 79. To people outside the fields of politics and mental health, Lanterman's passing was of no special significance. To those of us intimately acquainted with both the man and his accomplishments, Lanterman's death was an occasion for nostalgia, reminiscence, and profound gratitude.

I served in the California State Assembly with Frank Lanterman for 6 years. I have never seen a man so universally respected. I have yet to see anyone in Sacramento or Washington as down to earth and utterly devoid of pretensions or tendencies to deception.

During his 28 years in the California State Legislature, Frank Lanterman's greatest accomplishment was the exhaustive reorganization of State policy toward the mentally ill. Emotionally disturbed people subject to abuse and contempt from just about everyone found in Frank Lanterman a tenacious and effective champion.

The landmark Lanterman-Petris-Short Act was nothing less than a bill of rights for the mentally ill. It was a creative expression of the utter outrage Lanterman felt when he learned that the majority of mentally ill people in State hospitals had been shoved into those institutions in violation of the Constitution and every precept of human rights. Before Lanterman's law was enacted, people were often committed to State hospitals after a hearing that lasted only a few minutes. Many were simply dumped into mental hospitals because greedy relatives wanted to grab their assets, because cruel relatives wanted to avoid their responsibilities or, perhaps most often, simply because the individual was troubled and also alone in the world.

In the pre-Lanterman days, mental hospital patients were confined for as long as the institution wanted to hold them. One could suffer a life-sentence without breaking any law, endangering any person or being given a chance to give one's own account of the situation.

Though a Republican, Frank Lanterman was progressive in outlook and nonpartisan in spirit. As an assembly-

man I frequently sought his support for bills I had authored. He did not always agree with me but he always gave me a swift, honest and lucid response.

Frank Lanterman had a unique lack of interest in receiving public acclaim for his work. Unlike most politicians, he was indifferent to whose name was on the bill or whether the Governor gave him due honor when the legislation was signed. He sought legislation, not personal glory.

How thankful we should be—especially those of us in politics—that Frank Lanterman made government his life's work. How thankful we should be that he proved a person can be an effective politician without being dishonest, duplicitous, or egomaniacal. I thank God I had the honor of knowing and working with him.●

● Mr. DIXON. Mr. Speaker, on April 27, 1981, a friend and colleague of mine from our days in the California State Legislature passed away. I would like today to pay tribute to Frank Lanterman, a member of the California State Assembly for 28 years.

He was a man respected by his colleagues in both parties and in both the assembly and the State senate. Loved by his constituents and feared by all those who chose personal gain at the expense of public welfare, Frank fought and won many battles for the underprivileged.

Although responsible for some of the most innovative and significant legislation in the State of California in many areas, Frank's most outstanding contribution lay in the field of mental health, where he devoted time, effort, and love to improving not only the institutions within the State, but improving the attitudes that people had about mental problems and their treatment.

With his retirement in 1978, the 42d Assembly District in California may have lost its long-term representative, but he continued his interest and involvement in community affairs and State problems. Only with his recent passing did they lose a friend and advocate. His mark, however, has been left on the world, and his contributions toward making our world a better one will not be forgotten.●

● Mr. GOLDWATER. Mr. Speaker, I would like to join my colleagues in paying tribute to the late California State Assemblyman, Frank Lanterman, who will be sincerely missed by his colleagues in the State legislature and the people of his district.

Frank Lanterman served in the California State Legislature from 1950 to 1978, representing La Canada and Pasadena.

A native Californian and long-time resident of La Canada, Lanterman belonged to various community groups including the La Canada Rotary Club, La Canada Church of the Lighted Window and the Pasadena Tournament of Roses Association.

He was a graduate of the University of Southern California; College of Music. As an accomplished organist, Lanterman bought the classic pipe organ from the torn down San Francisco Box Theatre to put in his La Canada home.

Affectionately known by his colleagues as "Uncle Frank", Lanterman was a jolly, outspoken member of the assembly. Having a strong compassion for the mentally retarded and developmentally disabled, he authored most of the major legislation to help the mentally disabled people in California. His strong interest in the area was evidenced in 1978 when the Los Angeles County Metropolitan Hospital was renamed the Frank Lanterman Hospital.

As a man of many interests and deep devotion to the 42d Assembly District and the State of California, Frank Lanterman is remembered with great respect by all those who had the privilege of knowing him.●

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SOVIET EVIDENCE IS A FRAUD, SHOULD NOT BE USED IN U.S. COURTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 15 minutes.

● Mr. ASHBROOK. Mr. Speaker, World War II ended 36 years ago but many of us still remember its horrors. We should never forgive and never forget the atrocities committed by the Nazis against the Jews.

The Nazi murders of 6 million Jews and millions of Christians are crimes that require punishment of all who are guilty. At the same time, we must not forget the Communist murders of even greater millions of Christians, Jews, and Moslems. And we cannot forgive these crimes. Hitler and Stalin and most of their top henchmen are dead. But, the present leadership in the Soviet Union were all part of the Stalin murder machine.

They never changed. They never repented. Some of Hitler's criminals still function as Communist leaders in East Germany. A war criminal named Herbert Kroeger served in the SS Security Service. In recent years, he has been a member of the East German puppet parliament, the People's Chamber, and a member of the editorial board of the Socialist Unity (Communist) Party theoretical magazine Einheit.

Another war criminal, Kurt Lange, had served Hitler in the SS Security Service and had brutally interrogated those arrested in the July 20 plot against Hitler. After the war he helped the Communists establish the East German State Security Service and became a member of the staff of the Ministry of State Security.

Nazi Ernst Grossman served as an SS guard at Sachsenhausen concentration camp. This member of the SS "Deathshead" unit rose to membership in the central committee of the East German Socialist Unity Party, the Communist Party. When his war crimes were revealed by the West Germans, the Communists quietly removed him from the central committee and put him in charge of a collective farm. There was no punishment for his crimes.

We cannot forgive the Nazi criminals who threw thousands of Soviet Jews to their deaths in the pit at Baba Yar. Nor can we forgive the Communist criminals who murdered at least 11,000 Polish officers and buried their bodies in Katyn Forest in 1940–41.

Nor can we forgive the Communist murderers who buried between 11,000 and 12,000 Ukrainian victims of their atrocities at Vynnytsia during 1937–38. Nor the Chinese Communists who exterminated more than 20 million of their countrymen.

For the past few years, the U.S. Government has been searching for Nazi war criminals who may have come here after World War II. It is right that we should do this. We do not want war criminals in our country. But we must make sure that no innocent persons are wrongly accused. Evidence from Soviet sources is tainted by the Communist history of lies and forgeries.

As the CIA told the House Intelligence Committee on February 6, 1980:

> It is an established Soviet practice to employ forgeries in covert action and psychological warfare operations against the United States.

Some 30 years ago the Soviet Government sent witnesses to Paris to perjure themselves at a trial to try to disprove the information on Soviet slave labor camps revealed by Victor Kravchenko. The French courts believed Kravchenko, not the Soviet perjurers. Forgeries and lies are the usual weapons of the Communists. To them these things are not violations of morality. As Lenin said, Communist morality is anything that advances Communist goals.

On May 10, 1981, the Washington Post printed a lengthy story on the ordeal of Frank Walus, who was false-

ly accused of being a Nazi war criminal. After spending $60,000 to defend himself, finally documents were found in the West German archives that proved that he could not have taken part on the atrocities. Witnesses who claimed to remember him, after more than 35 years, were clearly mistaken. They saw what they wanted to see. The face of the real criminal buried in the back of their minds became the face of the innocent Frank Walus.

This case ended well. Others may not. Soviet produced forgeries and false witnesses; used against refugees from communism because they are enemies of the Soviet regime would cause severe damage to innocent people.

We cannot condemn anyone based on Soviet evidence but we must make sure that no Nazi or Communist criminal should receive sanctuary here. We can be sure of this by using our basic American laws of evidence. Soviet evidence is tainted and should not be utilized in American courts.

We will not forgive Nazi Germany or Soviet Russia for their crimes. The policy of our Government must be based on this moral principle.●

THE SOCIAL SECURITY SYSTEM IS IN DANGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 60 minutes.

Mr. BEDELL. Mr. Speaker, over the past 46 years the social security system has grown into the central feature of the way Americans plan their financial futures. We depend on social security. We depend on it being there when our time comes to need it. And we depend on it to provide us with our fair share of benefits after we have helped the system by paying into it during our working lives. Social security benefits are an earned right for eligible workers.

Now we are told that the social security system is in danger. We are told that the old-age and survivors insurance funds will not have enough on hand to pay benefits through 1982.

I firmly believe that we can remove the system from danger without breaking faith with present and future social security recipients.

There is no doubt that we must address the solvency problem facing the system. But the proposed cuts the administration has put forth are extremely unfair. I believe the Government must honor its promise to the American worker who has paid for 30 or 40 years into the social security system. I am committed to seeing that these people—millions of Americans who have paid into social security in good faith—receive every dollar of assistance to which they are entitled. I am committed to insuring that this Nation's elderly live in dignity. I will strongly oppose any attempt to weaken this longstanding national priority.

The fact is that if the administration is allowed to implement their proposals, over 35 million retirees currently on the social security rolls will lose about an average of $100 next year because of the 3-month delay in the annual cost-of-living adjustment. And their benefits will be reduced by about 4 percent for all succeeding years.

The fact is that over 18 million people who are now between the ages of 56 and 61 years retiring over the next 5 years would receive phased in cuts from 4 to 13 percent, averaging 10 percent, because of the change the administration will make in the formula used to calculate social security benefits.

The fact is that 7 million workers and their spouses who will retire early over the next 5 years will receive cuts equal to nearly one-third of their promised benefits under the administration's proposal.

The fact is that over 1 million workers who have become eligible for disability benefits under current law, over the next 5 years will be told that they are no longer eligible.

The impact of these proposed cuts is harsh. The burden of these cuts will fall primarily on women, minorities, low-income workers, large families, and those who are unable to continue working to age 65. Social security is the only income for 7 million of our older citizens and the primary source of income for another 15 million out of 25 million older Americans. The U.S. Government is honorbound to the 115 million contributors and over 35 million current recipients to protect the integrity of the social security system. I contend that we must do all we can to maintain the integrity of the system without unfairness.

The Reagan administration has offered proposals that they claim will solve the financial problems of the system. While their intention of solving the crisis is one that all Americans share, their methods, in my opinion, are unjust and a slap in the face of millions of present and especially future retirees.

Over the past few weeks, I have received a firestorm of mail and phone calls in my Washington and district offices from people who are shocked and scared by the President's proposals and are asking for advice on their retirement plans. Clearly, the northwest Iowans I represent in Congress are as outraged as I am.

Mr. Speaker, I would like to take this opportunity to summarize my strong objections to the following specific proposals put forth by the administration.

THE EARLY RETIREMENT PENALTY

I take issue with this part of the proposal which discourages early retirement at age 62 by reducing the early retirement benefits to 55 percent of the maximum, down from the present 80 percent. This means that in 1982, 1.4 million social security early beneficiaries can expect to receive up to nearly one-third in cuts from their monthly benefits. The administration is incorrectly assuming that people who retire at age 62 do so by choice—voluntarily—and that they are all actually healthy enough to continue working until age 65 and that they can find jobs or keep their present jobs. However, the health and labor statistics presented by the House Committee on Aging paint a very different picture, one that clearly shows that most early retirements are not voluntary. According to a survey conducted by the Social Security Administration and the Department of Labor, only 22 percent of early retirees retire voluntarily.

Eliminating the earnings test: The administration would phase out the earnings test over the next 3 years, permitting $10,000 in earnings in 1983, $15,000 in 1984, and an unlimited earnings after 1985. This means that the Reagan administration would allow recipients to earn an unlimited outside salary and still receive social security benefits. The problem is that this unlimited outside earnings would allow recipients earning huge salaries to collect monthly social security checks while still working. For example, Members of Congress who earn about $61,000 a year and are over 62 years will be able to collect monthly social security benefits while in Congress, if they had previous work covered by social security. Presently, there are 47 Members of Congress who are over 62 and may also qualify for social security benefits.

The same goes for seven out of nine Supreme Court Justices who earn about $89,000 a year and are over 62 years of age. And, of course, the President himself, at 70 years old, earning $200,000 a year could qualify. This is obviously unfair. It permits people earning high salaries to collect social security benefits, which they do not even need, while still working and receiving these large salaries.

Changing the future retirees' benefit formula: The administration wants to change what is called the replacement ratio, which is the way social security benefits are calculated. Instead of getting a pension of 41 percent of their prior earnings—which retirees now get—the administration would give the future retiring worker only 38 percent of his prior earnings. This would mean that people retiring over the next 5 years would receive an average of nearly 10 percent less in benefits.

These cuts add up to a major breach of faith on the part of the Government. If this proposal is accepted, the U.S. Government would have to tell the worker who has contributed to the social security system for his entire working life that he now cannot have the benefits the Government told him he would get all these years.

Delaying the cost-of-living adjustments to present recipients: The administration is proposing to push back the date for paying the automatic cost-of-living increases, for those who are now on the rolls of social security, from July to October of each year beginning in 1982. They claim that these recipients will be virtually unaffected. What they fail to mention and what this really means is that current beneficiaries will be very definitely affected. The delay in the July cost-of-living adjustment (COLA) to October would affect all current beneficiaries by an average of about $100 through a subtle, but permanent, reduction in future COLA beginning next year. I spoke to an administration official about this specific proposal. I asked him if the 1982 COLA would be calculated for the entire 15 months that recipients would have to wait until their next increase. Under my questioning, he admitted that the administration has no intention of calculating the COLA increase for 15 months and that the adjustment would be based on a 12-month increase in the Consumer Price Index only. This means that men and women currently receiving social security benefits would receive a smaller adjustment than they deserve, which will never be regained.

Keeping people off the disability insurance program: I am also troubled by the provisions of this plan which would keep many deserving people from being eligible for disability insurance. First, this proposal would require a "medical only" determination of disability. All consideration of vocational factors—age, education, and work experience—would be eliminated. This definition of disability would, I believe, unfairly discriminate against those individuals who should be considered disabled based on the nature of their jobs, but who could not qualify under the rigid "medical only" system. According to the findings of the House Committee on Aging, about 35 percent of those people between the ages of 60 and 65 would lose their eligibility each year.

Second, I must take issue with the administration's proposal requiring that a person's disability must last, or be expected to last, for 2 years before he or she could receive disability insurance.

Third, workers would be required to have worked in covered employment in 30 out of 40 quarters—instead of 20 out of the last 40 as is currently required—in order to be eligible for disability insurance. This means that someone will have to have worked 7½ out of the last 10 years in covered employment. I believe this will be seriously unfair to our disabled workers and will cause especially serious problems for the working women of northwest Iowa and elsewhere. This proposal, if the administration were to have its way, would discriminate unfairly against women who take time out of the paid work force to raise their families.

As I have said, Mr. Speaker, I strongly believe that we must put the social security system back on firm footing. Since so many of the administration's proposals are unfair, it must be the job of Congress to substitute for them evenhanded and sensible solutions. I believe that we must start by restoring the social security system's financial integrity and by redirecting the system back to its original purpose—which is to serve as a stable base around which working men and women can plan their retirement years. To do this, we must reduce welfare-oriented parts of the system which duplicate benefits or are excessive and have been overemphasized in recent years.

I would like to offer what I feel are good starting points for rebuilding the stable base of the social security in a fair way.

First, instead of penalizing those who retire before age 65, I would support removing disability and medicare from the social security payroll taxes in order to restore financial stability to the old-age and survivors insurance program. Since these programs are not an integral part of the original purpose of the system—providing protection against the loss of earnings stemming from retirement or death—and since their purposes are more socially oriented than those of the old-age and survivors program, I believe they are better suited for support from general revenues.

Second, instead of penalizing present and future retirees by cutting the benefits they have earned, I would support eliminating social security benefits to convicted criminals and also eliminating student benefits from the system. In fact, I have joined as a sponsor of legislation introduced by my colleague, Mr. COLLINS, which would close a loophole in present law which now allows convicted criminals to collect monthly social security checks.

Finally, Mr. Speaker, we must face the fact that more and more Americans will be retiring in the coming years and fewer and fewer workers will be paying into the system to support retirees. The need is clear and strong for a solution that will close this gap and restore the system to a strong and stable financial base.

But, in saving the social security system, we do not have to break faith with present and future social security recipients. We can save the system by adopting solutions that are fair and sensible.

I cannot in good conscience support proposals that I feel are unjust to millions of retired Americans and other millions who will retire in the coming years. But I will give my wholehearted support to plans for saving and strengthening the social security system that are genuinely fair to all Americans now and in the future.

□ 1300

TEAMSTERS' ELECTION

The SPEAKER pro tempore (Mr. RALPH M. HALL). Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 60 minutes.

Mr. BONIOR of Michigan. Mr. Speaker, I rise today to voice my opposition to Mr. Roy Williams' candidacy for the presidency of the International Brotherhood of Teamsters.

I do not expect that my remarks will be well-received by Mr. Williams or the Teamster executive board which appointed him to be interim president and presumably endorses his candidacy. However, at a time when the relationship between Government and labor is tenuous, at best, I cannot allow the candidacy of one man to mortgage the future of the entire labor movement.

I was born and raised in the Detroit area where the dignity of the worker was elevated, not just through the hard work of union organizers, but by the spilling of their blood at factory gates by hired gangsters seeking to deny workers that dignity. Nowhere are the benefits of organized labor more evident than in the factories of Detroit, and I am, therefore, very sensitive to the maintenance of its integrity and the attacks of its detractors.

Opponents of labor never miss an opportunity to point to the wages and benefits of our auto workers, truck drivers, and other union members as if they had reached beyond their capabilities, seemingly indignant that people who work by the sweat of their brow and the skill of their hands would have the audacity to demand a decent share of the standard of living they create. The election of corrupt officers will do nothing—do nothing—to blunt these attacks or reinforce those marginally committed to worker protection.

These will not be easy times for our labor unions under the Reagan administration, a Republican Senate, and a more conservative House. Winston Churchill once said:

I have heard of people beating their heads against a wall, but I have never known them

to create a wall specifically for that purpose.

Labor will face hard enough times in the next few years without, of their own volition, providing the tools for their discreditation.

For that reason, I am greatly heartened by the remarks of United Auto Workers President Douglas Fraser yesterday opposing the candidacy of Mr. Williams until all the charges are cleared. Mr. Fraser also called upon the unions to establish an internal policy body to root out the internal corruption before Congress imposes possibly adverse legislation upon them.

I am well aware that the several labor unions have heretofore been reluctant to involve themselves in each other's internal affairs, but these are extraordinary times, requiring extraordinary measures, propelled by extraordinary courage, I would call upon all of our labor unions to stand up and fight this threat to their very existence.

The problems of the Teamsters, occurring as they do at a unique and critical time politically in our country, cannot be viewed as parochial to the Teamsters, but must be viewed as having ramifications for all of organized labor.

Mr. Williams has been indicted before and finds himself in that situation, regrettably, again. Like every American, he is entitled to due process.

□ 1315

However, the indictment of an individual is made on the basis of a reasonable belief of criminal wrongdoing. As such, it creates an atmosphere of uncertainty, apprehension, and caution, although actual conviction may be months away, if ever.

Concern exists over Mr. Williams' past handling of union funds, bribery of a U.S. Senator, and his connection to organized crime. It is, therefore, the responsibility of the Department of Justice and the Department of Labor to expeditiously resolve these concerns, using the authority provided them.

Finally, I would call upon Mr. Williams to abandon his candidacy until he is cleared of those charges and placed above suspicion. The personal ambition of a single individual, no matter how well grounded or intended, cannot be allowed to be the dissolution of hard-won protection for millions of workers in this country.

I would like to take a few minutes at this time to review in more detail the situation that labor will face in this Congress and the history of Mr. Williams' involvement with the Teamsters Union. But before I do, I think it appropriate for me to say that most of the working people in this country, 99 percent of the Teamsters, 99 percent of the Auto Workers, and 99 percent of those people in the construction labor market are hard-working, decent people who want hard-working and decent leadership.

It has been brought to my attention that those people who have the fiduciary responsibility to guard union funds, and dues, and pension plans are considered by the bonding institutions of this country to be the best of risks, better than those in the business community and the legal community.

Let me point out at this time in our history the dichotomy between what is happening to the labor movement in this country in respect to dignity and freedom and what is happening in Poland. It seems to me that the labor movement in the world, especially in Eastern Europe, is starting to focus on the needs of workers. It is starting to bloom and is starting to stand for the things the labor movement in this country stood for 20, 30, and 40 years ago. We need a renewed faith by the leaders of the labor movement in all of our unions to take upon themselves those values, those feelings, and those initiatives that we are witnessing in Poland and other countries that are struggling for their freedom and their economic health and dignity.

Let me turn now, if I may, to Mr. Roy Williams and talk about the individual to whom I address my comments this afternoon.

The law grants every man the benefit of the doubt, it makes every man innocent until proven guilty, and Mr. Williams is no exception, nor should he be. But the President of the Nation's largest union must stand not merely above criminal conviction, he must stand above reproach, and Mr. Williams cannot meet that standard.

Here are his previous indictments: In 1962 he was charged, along with six other Teamster officials, with conspiracy to steal union funds by inflating expenses. Four subordinates were convicted, but Mr. Williams was acquitted.

In 1972 he was charged with embezzling from the union, allegedly by paying himself, without proper authorization, a $16,000 bonus. He was acquitted of these charges.

In 1974 he was indicted on a charge of fabricating minutes of a union meeting approving an increase in dues for his local union. The Government alleged the meeting never occurred. The case was dismissed.

Here is the pension fund history: Mr. Williams is president of Teamster Local 41, Kansas City, Mo., and a vice president of the Teamsters International. He is secretary-treasurer and director of the Central Conference of Teamsters, which has 700,000 members.

I should also point out at this point that we are talking about the largest labor union in the country, with a membership of around 2 million workers. It is a labor union that not only represents truck drivers and hospital workers but represents police union members throughout this country.

Mr. Williams was also a labor representative on the board of trustees of the Central State pension fund from 1955 to 1977. The fund has some $1.4 billion to $2 billion in assets. In 1976 some trustees of the Central State pension fund were forced to resign because of Labor Department action, but Mr. Williams survived that original cut. In April 1977, Mr. Williams, along with the remaining three members of the board, was forced to resign.

Here are the present problems: On May 25, Roy Williams and four others were indicted by a Federal grand jury in Chicago on charges of conspiring to bribe Senator HOWARD CANNON. The 11-count indictment followed his appointment as interim president of the Teamsters. The indictment alleges that the five defendants conspired to give Senator CANNON the exclusive rights to purchase 5.8 acres of land in Las Vegas in return for his aid in defeating the trucking deregulation bill that was passed by Congress and signed into law by President Carter last year.

Here are the details on the pension investigations: In January 1975 the investigation provisions of the recently enacted ERISA became effective. In the summer of 1975, Jimmy Hoffa disappeared. In the fall of 1975, a joint Labor-Justice investigation began. A separate IRS investigation was already under way and coordination with that investigation was established.

In June 1976, the IRS revoked the fund's tax qualifications. In July and August of 1976, Labor subpenaed and deposed several fund trustees. In September and October 1976, 12 of the original 16 trustees resigned.

In November 1976, Carter was elected, and Ray Marshall became Secretary of Labor. In February 1977 Labor told the Union they are prepared to go to court to accomplish three objectives: First, that the four remaining trustees resign; second, that the day-to-day operations be removed from the trustees; and third, that certain changes be made in the plan's structure.

On February 23, fund representatives informed Labor that the trustees refused to obtain the resignation of the four holdover trustees, including Roy Williams. On February 26, Labor announced publicly that they are prepared to take appropriate remedial action.

On March 11, the trustees agreed to comply with the Government's demands. In return for labor compliance, completed by September 1977, the Labor Department agreed to drop that aspect of their case surrounding investment management practices.

Other aspects of the investigation, however, continued, and these other aspects of the investigation surround the liabilities of individuals like Mr. Williams for their fiduciary violations after January 1, 1975, the effective date of the relevant sections of the ERISA act.

Here are examples of alleged substantive management of the pension fund: Some 70 percent of the funds are in real estate-related investments, and so, perhaps, not properly diversified. There are some 600 such real estate loans, and while the Labor Department has not yet reviewed all of them, they have found that some of the funds are neither current nor trouble free.

The General Accounting Office found a manipulation of the fund designed to bring about a $91 million loan from the fund to a Mr. Morris Shenker, the manipulation occurring in the benefits and administration. FBI wiretaps found Mr. Williams involved in the manipulation.

Here are the alleged underworld entanglements: Over and above the Cannon indictment and the continuing pension fund indictment, questions exist surrounding Mr. Williams' general involvement with the underworld. Problems surround Mr. Williams' involvement with Nick Civella, a Kansas City underworld overlord. The Nunn hearings produced a Justice memorandum linking Civella to a health plan forced on the union, and Kansas City mobsters to the murder of Williams' predecessor in the union, Floyd Hayes.

The Nunn subcommittee presented evidence found by Federal agents of Williams' involvement in alleged financial links between Las Vegas casinos and the Kansas City crime syndicate.

Let me just quote from the Nunn committee report:

> Bonadonna (whose father was a member of the Kansas City organized crime network) told (the subcommittee staff) that he had known Roy Williams since Williams and he were boys. Bonadonna said the young Roy Williams ran errands for the "outfit." Williams, Bonadonna said, would play an Italian card game called Pitch with mob members.
>
> Bonadonna told (the subcommittee staff) that as a boy he heard his father . . . and other mob members say that the Kansas City "outfit" was grooming Williams to become a Teamster Union leader.

As one looks at the report that was put forward by Senator NUNN's committee in the Senate, one has to wonder why the Teamsters would entrust such assets and such responsibility to a man with a record such as Roy Williams has.

Let me turn now to the legislative climate in which labor finds itself. It is no secret around this place that labor is trying to hang on for its life. Forty years of hard-won legislation could perhaps go down the drain within the next two Congresses. They are fighting for their life on OSHA, they are fighting to save black lung disease benefits, they are fighting to save brown lung benefits, they are fighting the issue of Davis-Bacon, they are fighting to save the minimum wage bill that was fought for so very, very hard in previous Congresses, and they are fighting to save the food stamp program. While still a long way away from passage, the National Right to Work laws are very visible and prominent in these legislative halls, and labor is ever on the alert for erosion of its benefits in this area.

It is my view that labor cannot remain silent any longer about the current troubles in the Teamsters Union, and that Members of this body and political people all over the country who believe in the labor movement cannot remain silent any longer while this type of activity goes on and while, it seems to me, the margin of victory for the programs I have just described that are maintained by this Congress depends upon the integrity of the labor movement itself.

Labor cannot wait for the Congress or the Executive or the courts to police itself. They must establish now that labor does represent the workers of this country who can depend on its own integrity. They must establish now that the Nation can give its trust to labor because labor is prepared to police itself.

That is why I welcome so very much the comments made yesterday by Douglas Fraser in an effort to revitalize the ethics and the Ethical Practices Committee of the AFL-CIO, when Doug Fraser said, "Roy Williams could not be president of our union or hold any other official capacity."

I do not think he should be a candidate until he is cleared of charges. We need more people to stand up and say that, because until they do I am afraid the people of this country who do not know the intricate nature and the web that holds labor together will lump Teamsters with Auto Workers and Teamsters' leadership with the leadership of the AFL-CIO. That would be most regrettable at this time.

Mr. Speaker, I am just going to conclude by suggesting that labor should certainly get its house in order in terms of what is happening within the Teamsters, and that those people who assemble in Las Vegas next week to elect a full-time president should be cognizant of the fact that there will be people speaking out in the future with respect to the Teamsters' leadership.

I do not expect much to happen. I suspect that Mr. Williams will be nominated and elected overwhelmingly in Las Vegas, for no other reason than the fact that less than 300 members will be there to represent people who sent them there from the rank and file out of 2,100 who will vote. It is important to understand that the leadership of the Teamsters has such a cozy situation that it is not unusual for some of them to have salaries of $120,000 and $150,000, and when we are talking about salaries of that magnitude, there is an internal interest in economic survival. It is important to understand that people at the top go along with people at the top, and that people at the bottom do not have much to say about exactly who gets to the top and how things are governed at the top.

So I would call upon this Government to act responsibly in ferreting out the evils within that particular union and the leadership of Mr. Williams.

With that, Mr. Speaker, I thank the Chair and the Members of the House for time to discuss the issue.

ARMY NATIONAL GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 15 minutes.

Mr. SKELTON. Mr. Speaker, I wish to address this body about the importance of and the problems found in the Army National Guard.

One-third of the Army's combat divisions are in the Army National Guard. When all infantry battalions are considered, including mechanized, the Army National Guard represents over half of the total, as well as half of the artillery battalions, 29 percent of the standard aviation assets, over 70 percent of the separate brigades, about 60 percent of the armored cavalry regiments, and one-third of the special forces groups.

Manning the force and maintaining its strength has been the primary concern of the Army National Guard since the end of the draft. From fiscal year 1974 to 1978, strength declined from 411,000 to 344,000. This delcine has ended, and manning figures are now on the upswing. Despite this encouraging trend, the actual fiscal year 1980 end strength was 53,000 below peacetime objectives and 69,000 below wartime requirements.

Many of the problems perceived as inherent in the All-Volunteer Force today are reflected in the Army National Guard. Closely related to the question of sheer numbers of people is the lack of a skill and grade mix compatible with combat requirements. Attrition rates are high. Further, the quality of recruits, as defined by those possessing a high school diploma, has declined substantially since the end of the draft. There is a growing concern in some quarters that the All-Volunteer Force and its Reserve spinoffs, particularly the Army Reserve and the Army National Guard, do not reflect the basic framework of American soci-

ety and have a disproportionate percentage of the socially and eocnomically disadvantaged.

Army National Guard officials point out that all is not gloomy. The minimum standard of not enlisting more than 18 percent of non-prior-service personnel in test category IV has been met with actual enlistments averaging less than 10 percent since fiscal year 1978. Concurrently, test categories I and II have shown steady increases. The number of high school seniors has continued to increase, so that high school seniors and high school graduates totaled 61 percent of non-prior-service accessions. The Army National Guard has also maintained the minimum standard of enlisting not more than 45 percent nonhigh school graduates. For fiscal year 1981, the goal for high school graduates and seniors has been raised to 60 percent of all non-prior-service enlistments.

In addition to manpower uncertainties, the other ominous cloud on the horizon is the equipment situation. The Army National Guard has on hand only 69 percent of its wartime inventory in terms of dollar value. If further resources are allocated to filling POMCUS sets, there will be an even greater deterioration of readiness capability. The Army National Guard is short 1,400 2½-ton trucks, 1,900 5-ton trucks, 3,400 armored personnel carriers, and 300 artillery pieces. Serious shortfalls also exist in areas such as organizational and protective clothing, spare parts, and logistics support equipment. In Army Guard aviation, 345 of 357 attack helicopters in the inventory are nondeployable, as well as 392 of 884 observation helicopters. This calls into serious question whether these Guard units, despite their programed combat role in defense planning scenarios, can deploy and fight.

Further compounding the situation is the lack of compatibility. Equipment in a sufficient state of repair to be usable is often not compatible with equipment in the active components. In combat, this could result in severe operational and support problems. Additionally, it greatly reduces the effectiveness of joint active/Reserve component exercises, which Guard and Reserve leaders have found to be one of the most productive sources of both morale and readiness.

The Reserve Forces Policy Board in its "Readiness Assessment" of the Reserve components for fiscal year 1980 rates the overall readiness level of the Army National Guard on a steady increase, despite the manning and equipment caveats previously outlined. The Board also emphasizes that the shortage of medical personnel remains a critical problem for mobilization. Twenty-one percent of the Army's medical units are in the Army National Guard; they would be urgently needed in support of the Guard's combat role upon mobilization. By 1976, as the last of the Vietnam-era draftees were completing their periods of obligated service, all health care specialties in the Army National Guard were seriously undermanned. Army Guard officials have directed considerable attention to medical recruiting since that time, so that the trend has been gradually reversed over the past few years.

The Nurse and Dental Corps have reached their authorized levels; innovative training programs are increasing the numbers of physicians assistants and practical nurses. Physicians remain the most nagging problem. Despite improvements, the Army National Guard had only 46.7 percent of its authorized requirement of doctors at the end of fiscal year 1980. The Army Guard has intensified doctor recruiting, and additional progress is anticipated this year. Nonetheless, the medical situation further degrades the already tenuous readiness capabilities of the Army National Guard.

In the days ahead, we should be mindful of the great importance to our national security the Army National Guard plays. If the Guard is to fulfill its mission in future years, we must address its mobilization problems.

CAPITAL GAINS SHOULD BE ROLLED OVER; IT WILL MEAN JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 5 minutes.

● Mr. GLICKMAN. Mr. Speaker, there is general ageement that we need to follow up on the reduction in the capital gains tax we enacted a few years ago by further reducing the impact of that tax. Given the obvious need to encourage capital formation if we are serious about reindustrializing America and creating much-needed new jobs, I am certainly supportive of responsible reductions in the capital gains tax. We need the economic expansion which will result. We need the expanded employment opportunities that will be created.

But we need to do more than simply reduce the capital gains tax rate if we want to achieve those important goals. In legislation I have introduced today, I propose that we amend the Internal Revenue Code to exclude from capital gains taxation altogether any gains which are rolled over into other productive assets within 1 year of realizing the gain. Making this change will encourage investing Americans to keep their money invested in productive ways instead of taking the gain and running with it. It will keep capital at work for all Americans.

As my colleagues know, provisions of the Tax Code presently allow individuals selling a personal residence to avoid the capital gains tax by purchasing another home of at least equal value within 18 months. That provision has certainly encouraged Americans to keep those funds invested in housing. At a time when we are talking about encouraging expanded capital investment so that we can get on with building up American productivity and competitiveness in world markets, does it not make sense for us to provide similar encouragement so that capital will be reinvested in expanding our Nation's economic capacity? I think it does.

Specifically, my bill would allow individuals who realize capital gains from investments in productive assets to avoid a capital gains tax provided the gain is reinvested by replacing the asset sold with another productive asset. The replacement would have to occur not more than a year from the date of sale of the asset. The exclusion would be limited to reinvestment in productive assets, basically, assets which would enhance our economic position. For example, stocks and bonds, property used in a business or trade including raw materials and inventories, and rental properties would be allowable reinvestments. Mere speculative investments in gold and silver or acquisition of art and antiques would not be allowable.

Yes, we need to encourage expanded capital formation, but we first need to make sure that the capital which is already invested continues to be invested. This legislation will encourage just that by allowing a rollover. Of course, at such time as an investor makes a decision not to reinvest a gain in a productive asset, the gain would be subjected to the capital gains tax in effect at that time. So, in effect, this legislation merely would defer the tax until that point in time. In the meantime, the gain would be reinvested in improving our productivity, in supporting productive work in the private sector. It would not end up in the Federal till.●

REAGANOMICS SINKHOLE—II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, it is certainly not my intention at this time to take the full 15 minutes, but for the purpose of this special order to enlarge upon a discussion that I began in the last week's special order with respect to the so-called Reagan economic recovery plan and the fact that on close analysis, and only after close analysis, the results showing that it is totally contrary and contradictory and

abhorrent to what I would consider the best interests of the greatest number of Americans. I enlarged upon it last week by pointing out the fallacy of the so-called social economic safety net which, as I said, turned out to be a Florida-like sinkhole instead of a safety net.

With respect to the overall presentation of the economic recovery plan, exclusive of its partner, which the President says is indispensable for his total package of the so-called tax program, I find that it is necessary that we take time and analyze point by point the unstated aspects that have everything to do with the lack of success that I predict, even if the Congress were to adopt that program, questions unasked and unanswered, sight unseen, just rubberstamp it today, the promised recovery, and I imagine that by recovery is meant the defeat of inflation, a happy position for all taxpayers where their payments would be at a minimum, and that equal tax justice would be brought about. I find the absence of all of this and the possibility of it occurring, even if we were to rubberstamp that program today. I find unfortunately with everybody almost mindlessly and heedlessly running in, the process of slow economic death has already begun to set in.

I see nothing but a very unfortunate and an unhappy conclusion unless this great equal and coindependent body, the legislative and the policymaking body, which it ought to be, rises to the occasion and takes time, and ponders, and analyzes instead of rushing, as we have up to now.

I find rather than an economic recovery plan or Reaganomics, it is Reaganomics rigor mortis. The death process is beginning to be evidenced and set in. It is not being too much reported. I think this administration has been most fortunate in having not only a friendly press but a protective press. I find that some of the developments, in effect, have inured to the temporary protection of the confrontation of the reality of the economic picture that is confronting many, many Americans, and particularly small businesses and individual families that, far from being protected from the gale winds of the inflationary pressures, or the phenomena of stagflation, where if not beset in this case by their income, by inflation, it is certainly beset by unemployment and all that that means.

The hundreds of thousands of automobile workers; for example, that still have not found employment, still that problem is unresolved and has not even been addressed in any part that I can see in a direct way by the so-called economic recovery plan.

You will recall that the Reagan program predicted with utter clarity that its budget was sound and solid, built on tough and realistic assessments.

One of the predictions was that interest rates on 91-day Treasury bills would be just 11.1 percent this year. But only hours after the House adopted the Gramm-Latta budget, anonymous sources at the Treasury admitted that this estimate was wrong. The Secretary of the Treasury himself admitted that fact a few days later.

Today the yield on Treasury notes stood at 16.8 percent.

One thing that we did not hear about was that the Reagan plan calls for tight money and high-interest rates. It is strange that so few asked what would happen if those rates would in fact be higher than the administration so rosily predicted.

I have asked the Congressional Budget Office to recalculate the Reagan budget on the basis of a 15-percent interest rate this year. The CBO tells me that if short-term interest rates do average out at 15 percent, which certainly seems reasonable, this would add $8.3 billion to the deficit.

And this is only interest costs. It does not take into account the fact that interest rates at such a level would almost certainly slow the economy, which in budget terms means lower receipts and a higher deficit still. Nor does it take into account the human costs of such interest rates.

And that is just one example of the shifting sands on which the Reagan program is built.

As I said last week, there is no way that any man can end up being right, and truthful, and correct if he promises whatever it is he is trying to erect or conclude on a fallacy or a myth, or an untruth, and this is what I would like to go into in greater detail.

JUDGE ANTHONY J. CELEBREZZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise to bring the attention of my colleagues to the retirement of the Honorable Anthony J. Celebrezze from full-time duties of the U.S. Court of Appeals for the Sixth Circuit.

Judge Celebrezze, who was born in Italy and became an immigrant to this country at the age of 2, has been named "the most distinguished alumnus of the Ohio Northern University, Pettit College of Law." He served as mayor of Cleveland, as Secretary of the Department of Health, Education, and Welfare in the Kennedy administration, and then served for 15 years as judge of the Court of Appeals, Sixth Circuit.

Judge Anthony J. Celebrezze is a dedicated and devoted American, a public servant of outstanding ability, deep compassion, and courage, and I extend to him my best wishes for many more years of good health and happiness, and service to his fellow man in devotion to the highest principles.

Mr. Speaker, a statement by the Honorable George Edwards, chief judge, U.S. Court of Appeals for the Sixth Circuit, in appreciation of the service of Judge Celebrezze follows as it appeared in the Ohio Northern University Law Review:

[From the Ohio Northern University Law Review]

HONORABLE ANTHONY J. CELEBREZZE—APPRECIATION

(By George Edwards, Chief Judge, U.S. Court of Appeals for the Sixth Circuit)

It gives me genuine pleasure to join the Ohio Northern University Law Review in honoring my colleague, Judge Anthony J. Celebrezze on the occasion of his retirement from full-time duties on the United States Court of Appeals for the Sixth Circuit. Judge Celebrezze, who has been with me on the bench for the past fifteen years, took senior status on October 1, 1980. He will, however, be continuing on the court for what he terms "limited duty."

Anthony Celebrezze was born in Anzi, Italy on September 4, 1910, one of thirteen children. At the age of two he was brought to this country, and later attended public schools in Cleveland, and John Carroll University. He earned his LL.B. degree from Ohio Northern University in 1936, and almost immediately began his activities in public affairs by doing legal work for the Ohio Bureau of Unemployment Compensation. He began the general practice of law in 1939, and practiced law for many years.

During the Second World War, he served this country in the United States Navy. Within a few years after that war, Judge Celebrezze began a nearly full-time devotion to public service with his election to the Ohio Senate in 1950, where he served for two terms on many important committees, and was twice voted one of the top senators. As a member of the Bureau of Code Revision, he helped rewrite Ohio's laws.

In 1953, the citizens of Cleveland recalled him to their city by electing him mayor, and continued to elect him their mayor for a recordbreaking five consecutive terms, the last in 1961, by an unprecedented 73.8 percent of the vote. During his time as mayor of Cleveland, Judge Celebrezze was elected President of the American Municipal Association (now the National League of Cities), and he served as President of the United Stated Conference of Mayors in 1962. Obviously, he held not only the respect of the voting citizens of Cleveland, but also that of his peers.

Anthony Celebrezze never completed his fifth term as mayor. While on a fishing trip in the summer of 1962, he was chosen by President John F. Kennedy to become Secretary of the Department of Health, Education and Welfare. Judge Celebrezze remained in that position during the remainder of President Kennedy's administration and through August, 1965 of President Johnson's term in office.

On September 1, 1965, Judge Anthony J. Celebrezze was sworn in as Judge of the United States Court of Appeals for the Sixth Circuit. He was the first member of any nationality group to be appointed Judge of the United States Court of Appeals, just

as he was also the first to be so appointed to the Cabinet of the United States.

During his years on this court, Judge Celebrezze authored a number of distinguished opinions. In *Beasley* v. *United States*, 491 F.2d 687 (1974), he established a fair and progressive standard of "effective assistance of counsel" under the sixth amendment. In *Hill* v. *Tennessee Valley Authority*, 549 F.2d 1064 (1977), Judge Celebrezze held that the district court had erred in its refusal to issue an injunction against building a dam over a river in which an endangered species, the snail darter, was found. The opinion stated that Endangered Species act violations must be enjoined despite strong equitable arguments to the contrary in special instances, such as in the *Hill* case. The Tennessee Valley Authority was directed to seek any exemption from the restrictions within the Act by an appeal to the Congress, if TVA so desired. In *Gabriele* v. *Chrysler Corp.*, 573 F.2d 949 (1978), Judge Celebrezze held that an aggrieved person need not resort to state agencies prior to commencing an Age Discrimination in Employment Act lawsuit in federal court.

In dissent, too, Judge Celebrezze has made law. In *Krause* v. *Rhodes*, 471 F.2d 430 (1973), this court held that executive immunity is absolute, thereby barring suit by injured Kent State students against various state officials. In dissenting, Judge Celebrezze held executive immunity to be relative, dependent on the actor's state of mind. The Supreme Court reversed the sixth circuit, adopting the dissent's reasoning, in 416 U.S. 232 (1974). And in the area of criminal law, the sixth circuit held that mere possession of a firearm by a previously convicted felon is a federal offense, in violation of 18 U.S.C. § 1202(a)(1). Judge Celebrezze, in dissent, argued that the government must also prove that the firearm in question was "in commerce or affecting commerce." *Stevens* v. *United States*, 440 F.2d 144 (1971). The Supreme Court, in *United States* v. *Bass*, 404 U.S. 336 (1971), adopted Judge Celebrezze's view.

Tony and Anne have also contributed much to the social life of our court—he with a sly and ready wit and she with warmth and charm.

During his many years of serving the public, Judge Celebrezze has garnered many honors and awards. Among them are honorary degrees from Wilberforce, Miami, Cleveland State, John Carroll, and Ohio Northern Universities, and from Fenn, Boston, LaSalle and Rhode Island Colleges. Among far too many awards and honors to mention, a sampling includes both the Brotherhood Award and the National Human Relations Award of the National Conference of Christians and Jews, the Order of Merit of the Republic of Italy, Distinguished Service Award of the American Municipal Association, the Peter Canisius Medal of Fordham University, the Eleanor Roosevelt Humanities Award, United Negro College Fund Award, Award of Merit of the National Council of Senior Citizens, and the Distinguished Service Award of the National Italian American Foundation. He was appointed by both President Eisenhower and President Kennedy to serve as a member of the Advisory Commission in Intergovernmental Relations.

By Act of Congress, on July 20, 1973, the new Federal Building in Cleveland was named the Anthony J. Celebrezze Federal Building.

Judge Celebrezze's wife Anne, and their three children, Anthony Jr., Secretary of State of Ohio; Jean Anne Porto, of Washington, D.C.; and Susan Marie, Librarian, House of Representatives, Washington, D.C.; are justly proud of him. And well they should be. This quiet-spoken man from Italian peasant parentage has accomplished a great deal in his seventy years, contributing much more than his share of time, energy, and good deeds to his country.

We salute you, Tony, and all our brethren on this court join this tribute to your accomplishments.●

EXPLANATION OF CONGRESSIONAL SCOREKEEPING BY THE HOUSE BUDGET COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, it is the responsibility of the Budget Committee to keep score for Congress. This year scorekeeping will involve two separate elements: First, the reconciliation process; and second, all legislation (including but not limited to reconciliation) in comparison to the targets set in the first budget resolution for fiscal year 1982. This discussion focuses on scorekeeping against the resolution targets and explains the new element which has been added this year to tighten enforcement. Scorekeeping against a budget resolution requires common definitions and practices if it is to be understood by, and useful to, Members of Congress and the public. In 1976 representatives of the House and Senate Budget Committee, House and Senate Appropriations Committees, and the Congressional Budget Office jointly decided on scorekeeping procedures and conventions, which have been used ever since.

This year the Budget Committee intends to take major steps to enhance its scorekeeping. It is especially important that Congress hold itself accountable for its own spending actions—otherwise, the spending restraint that has been overwhelmingly endorsed by both bodies and by the President will be eroded. The goal of Budget Committee scorekeeping will accordingly be accountability.

Under the Budget Act, scorekeeping takes place on a committee-by-committee basis, not on a function-by-function basis. In other words, committees will be responsible for their own spending actions, but not for the actions of other committees. For this reason it is necessary to "crosswalk" the budget resolution totals, which are divided among functions, into totals that are divided among committees.

KEY TERMS IN THE PROCESS

At this point it is necessary to define the terms used in the scorekeeping system.

First. Crosswalk: The allocation of the total amounts of budget authority, outlays, and entitlement authority in the budget resolution by committee of spending jurisdiction. This crosswalk is required to be printed in the statement of managers on the conference report, pursuant to section 302(a) of the Budget Act.

Second. 302(a) allocation: The allocation of budget authority, outlays, and entitlement authority printed in the statement of managers on the conference report. These amounts have been allocated to each committee of the House. "Crosswalk" is a synonymous term.

Third. 302(b) subdivision: The 302(a) allocation of budget authority, outlays, and entitlement authority are further subdivided by each committee among either subcommittees or programs. The Appropriations Committee must subdivide among subcommittees.

Fourth. Budget authority: The dollar level of new commitments that an agency may enter into in a fiscal year. Budget authority is usually thought of as the funding level provided in an appropriation bill.

Fifth. Outlays: The amount of money estimated to flow from the Treasury during a fiscal year. Outlays result from budget authority that is appropriated in the fiscal year in question, and also from budget authority that was enacted in prior fiscal years. These latter outlays are called prior year outlays.

Sixth. Permanent and Current Appropriations: Some programs are funded automatically by virtue of legislation enacted in a prior year. Such programs do not require any current action by the Appropriations Committee—money is available without any congressional action, usually but not always from trust funds. These "permanent appropriations" are in contrast to "current appropriations" which fund programs through one of the 13 annual appropriations bills. Some "permanent appropriations" actually expire in a future year.

Seventh. Spending jurisdiction: Permanent budget authority and outlays are under the spending jurisdiction of the authorizing committee that established the permanent funding mechanism. Current budget authority and outlays are under the spending jurisdiction of the Appropriations Committee. The 302(a) allocation divides budget authority and outlays among committees according to their spending jurisdiction.

Eighth. Entitlement authority: Certain laws mandate that specified persons or governments are entitled to benefit payments in specified amounts. These entitlement programs are usually funded from permanent budget authority (though not all permanents are entitlements)—examples are social security, unemployment compensation, and interest on the

debt. Some require annual funding in appropriation bills—examples are medicaid, veterans compensation and pensions, and child nutrition. These latter programs are known as appropriated entitlements. The amount of entitlement authority included in a committee's 302(a) allocation therefore may reflect part or all of the funds in its spending jurisdiction, and also some funds in the spending jurisdiction of the Appropriations Committee. The level of entitlement authority is defined to equal the level of outlays in a trust or revolving fund, but to equal the level of budget authority in a Federal fund.

Ninth. Spending bill: A bill that changes the amount of spending that would take place under existing law. For authorizing committees, such a bill would increase or decrease the level of exisiting permanent appropriations (including permanent entitlements) in that committee's spending jurisdiction, and/or would change the benefit levels of exisiting appropriated entitlements. For the Appropriations Committee, a spending bill is one that provides new budget authority or outlays under the discretionary control of that committee. Note that a bill that changes the authorized level of a program subject to discretionary appropriation action is not a spending bill; it is a simple authorization. While reconciliation scorekeeping will address both certain spending bills and simple authorizations, the congressional scorekeeping system focuses on all spending bills but not on simple authorizations.

Tenth. Direct spending: Used as part of the reconciliation process, "direct spending" as applied to an authorizing committee means all the budget authority and outlays in that committee's spending jurisdiction, plus the appropriated entitlements that the committee authorizes. The term is thus broader than "spending jurisdiction" with regard to the authorizing committees, since it includes appropriate entitlements.

Eleventh. Current level and discretionary action: The term "current level" applies to all amounts already effectively provided under existing law: all existing direct spending (including amounts that must be funded in appropriated entitlements) plus all "prior-year outlays." In contrast are amounts that are proposed, or assumed in the budget resolution, to be enacted for fiscal year 1982. In other words, discretionary action that is assumed for fiscal year 1982 is synonymous with the amount in spending bills assumed to be, but not yet, enacted.

SCOREKEEPING AND ACCOUNTABILITY

The Budget Committee's scorekeeping system works on the following premise: First, all amounts of budget authority, outlays, and entitlement authority in the budget resolution are divided between current level and discretionary action. Second, these two categories of spending are then "crosswalked"—they are allocated to the committees of spending jurisdiction pursuant to section 302(a) of the act. This crosswalk was approved in the conference report (97-46) for the first resolution. Due to a number of typographical errors which appeared in the RECORD, each committee chairman is receiving a revised allocation and that revised allocation appears at the end of this statement. Thus, each committee is presented with the existing estimate for amounts already enacted (current level), and a target for spending bills. That target must be achieved if the policies in the budget resolution are to be met. Third, the committees then file their 302(b) subdivision, the key purpose of which is to subdivide their allocation of new (discretionary action) budget authority, new outlays, and new entitlement authority among subcommittees or programs. This 302(a) subdivision of new spending legislation sets the targets against which all spending legislation that is considered this session will be measured.

The 302(a) allocation to the Appropriations Committee is unique in one respect; their target for discretionary action (spending bills) is further divided into two parts. First, are new budget authority and outlays under the discretionary control of the Appropriations Committee; that is, their target for discretionary programs for fiscal year 1982. Second, are new budget authority and outlays resulting from discretionary actions of other committees; that is, changes to existing law levels for appropriated entitlements. The Appropriations Committee only has control over the first of these two categories, so it is the 302(b) subdivision by subcommittee of those amounts of budget authority and outlays that will be the targets against which appropriation bills will be measured.

It is the intent of the Budget Committee to keep the House fully informed of the impact of all spending legislation that is brought to the floor this session. Therefore, the staff has been instructed to prepare "Early Warning" reports on all spending legislation. Each week a package of early warnings covering spending bills scheduled for floor action will be made available to the House. Each early warning on the committee's spending bill will show the amount of new budget authority, new outlays, or new entitlement authority contained in the reported bill, add it to any other amounts the committee has already reported, and compare that sum to the 302(b) targets for spending bills that have been filed by the committee. CBO cost estimates will be the basis for the figures in these reports. The level of new budget authority, new outlays, or new entitlement authority will be updated for House floor action or conference action. Any spending bill that causes the 302(b) targets to be breached is a budget buster; a subcommittee that reports such a budget-busting spending bill is using up funds allocated to another subcommittee. Whether that spending bill is endorsed or opposed by the administration is not relevant, since it is Congress itself that has approved the budget resolution, and the House committees themselves which will subdivide the amounts in the budget resolution.

Scorekeeping of revenue legislation works similarly: the Ways and Means Committee has a target of legislated revenue changes, −$51.3 billion as specified in section 201(1) of the first budget resolution for fiscal year 1982. Early warnings on revenue legislation will compare the amount of tax changes in such bills with the target of −$51.3 billion.

ENFORCEMENT PROCEDURES

There are three restraints on budget-busting legislation. First, the Budget Committee, and one hopes a majority of the House, will oppose it. If Congress does not have the willpower to vote "no" when politically attractive budget busters are on the floor, the votes on the budget resolution will be nothing but show. Second, pursuant to section 305 of the first budget resolution for fiscal year 1982, if a conference report on a spending bill causes the 302(b) targets of new budget authority or new entitlement authority to be breached, that bill cannot be sent to the President for his signature—it will be held at the desk until a second budget resolution is agreed upon, giving Congress both time and a vehicle to undo the excess spending. Third, pursuant to section 401(b) of the Congressional Budget Act, if a reported spending bill would breach the 302(b) targets for new entitlement authority, the bill must be referred to the Appropriations Committee for 15 days, and that committee can prepare amendments limiting the amounts provided in the bill.

DIFFERENCES FROM PREVIOUS SCOREKEEPING SYSTEMS

The Budget Committee's scorekeeping system as described above differs from that used in the past in two major respects. First, in previous years the 302(a) allocation and 302(b) subdivision of budget authority and outlays did not distinguish between current level amounts and new spending bills. Thus each subcommittee had one target combining the current law estimate with any new spending assumed in the budget resolution. Since current law estimates are subject to fluctuation as demographic and economic data change, committees often found

their scorekeeping totals jumping around erratically, and in response only to reestimates rather than legislative action. The option of ignoring reestimates; that is, reality for an entire session has not been considered acceptable.

Under the new system this problem is minimized, since current law estimates are not part of the scorekeeping of spending bills. The problem does not entirely disappear, as spending bills themselves are subject to reestimate during the course of their consideration. The new system has another advantage in that it focuses attention on the targets for spending bills—Congress can see clearly the spending legislation it will have to enact if it is to meet the targets in the budget resolution. The targets for congressional action are not obscured within larger totals.

The second major difference from previous scorekeeping involves the allocation of new entitlement authority. In the past, new entitlement authority was allocated to committees for all entitlement changes except for changes to programs exempted from section 401(b) referral to the Appropriations Committee. As long as those programs were exempt from referral, it did not matter in a procedural sense whether entitlement legislation affecting such programs conformed to, or exceeded, the assumptions in the budget resolution.

Section 305 of the fiscal year 1982 budget resolution necessitates a change in this practice. That section provides that any entitlement bill—whether exempt from 401(b) referral or not—shall be held at the desk if it breaches the target for new entitlement authority. It is thus necessary to create a target for new entitlement authority that includes both "exempt" and "nonexempt" entitlement legislation.●

A TRIBUTE TO CARDINAL WYSZYNSKI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes.

● Mr. ZABLOCKI. Mr. Speaker, the death of Poland's primate, Stefan Cardinal Wyszynski, should be met with sadness by all peace-loving people. For if ever there was an individual who tried to bring the peace of Christ to his people in an untiring, dedicated manner, it was Cardinal Wyszynski.

In crucial moments of Poland's history, the Catholic Church has not hesitated to assume what it considers to be its difficult mission. This was never more clear than under the leadership of Cardinal Wyszynski. His eminence recognized the just and legitimate struggle of the Polish people "for their daily bread and inalienable human rights"; he also challenged the present Polish Government to meet the religious, political, and economic need of its people.

In all his efforts, Cardinal Wyszynski stressed the need for honest work, professional ethics, and gradual change, without which no prosperity would be possible for Poland. He also emphasized that the best way to defend oneself from tyranny was to fulfill one's duties; and the better these duties were accomplished, the more legitimate would be the demands for more rights. The rare combination of support for legitimate demands for change while stressing the need for Christian values and political pragmatism earned for Cardinal Wyszynski the title "worker-priest."

I have had the personal honor of having met with Cardinal Wyszynski on different occasions. Two of those encounters stand out in my memory distinctly, perhaps because they reflect so accurately the symbolic range of this extraordinary man and the importance of his role as the spritual leader of Poland.

One of those visits necessitated extremely quiet and private circumstances since the visit occurred at a time of high sensitivity in United States/Polish relations. By stark contrast, the other was conducted in a highly visible ceremonial profile befitting another time and circumstance. In that visit I rode in a car to Cardinal Wyszynski's residence accompanied by then U.S. Ambassador Walter J. Stoessel—the American flag on the front fender snapping briskly as we rode through the streets.

Whatever the time and circumstance, however, Cardinal Wyszynski was always a humble man of warmth and wisdom that the Poles had come to love and trust.

In recent months as a result of worker unrest caused by Government repression, mismanagement, and corruption, Poland's primate faced new challenges to his vision of Poland. Putting all of his personal resources to bear, His Eminence has played a key role in providing the moral and spiritual leadership necessary to bring about peaceful political reform in Poland.

His efforts were successful in preserving the objectives of a Polish solution to Polish problems. The powerful presence, prestige, and influence of Cardinal Wyszynski will be sorely missed as events unfold in Poland.

My deep and heartfelt sympathy goes to his "family"—the entire nation of Poland. I also extend my best wishes for a sustained and vibrant Catholic Church in Poland to the successor of Stefan Cardinal Wyszynski.●

CALL TO CONSCIENCE VIGIL, 1981—BERNARD AND ZINA SHURAVIETSKY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DWYER) is recognized for 5 minutes.

● Mr. DWYER. Mr. Speaker, I speak today both with a sense of honor and sadness; honor, that I have the privilege of representing the case of another brave family held captive in the Soviet Union, and sadness, that they have been denied their fundamental human liberties for so long.

Bernard and Zina Shuravietsky committed no crime other than a desire to visit their family. For this, they have lost their jobs, and now Bernard is in prison, serving 1½ years at hard labor. He was forcibly arrested in January by Soviet authorities without any charge.

Soviet emigration policy has become increasingly more repressive since Zina Shuravietsky's parents obtained permission to come to the United States in 1976. When Zina sought to visit them on three separate occasions, she was unconditionally refused.

While she must suffer the indignity and harassment of her refusnik status, her husband is in prison, unable to assist her in her quest to join her elderly, and now ailing, parents.

This is not Bernard's first time in Soviet incarceration. He was convicted for being a Zionist in the Stalin era and he served from 1949 until the death of Stalin in 1953, when he was cleared of all charges.

That events of this kind are common occurrences in the U.S.S.R. does not make them any more understandable or forgivable. There is no justification for the inhumanity Bernard and Zina Shuravietsky, and their two children, Yaroslav and Nadia, have suffered at the hands of the repressive Soviet regime.

My interest in this particular case was prompted by an appeal from residents of my district, cousins of Zina. They concluded their letter with this entreaty: "Your vigil holds out a glimmer of hope * * * ."

It is for that reason and with a deep commitment to the cause of human rights that we in the Congress formed this Call to Conscience Vigil. The bravery and perseverance of the Shuravietskys and their family reinforces that commitment and I hope that they, and those others who share their plight, will soon be free.●

MAY IS OLDER AMERICANS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEISS) is recognized for 5 minutes.

● Mr. WEISS. Mr. Speaker, more than 25 million Americans are 65 years or

older, or about 1 out of every 9 persons living in the United States.

One of the clearly discernible trends in our society today is the graying of our population.

At the beginning of this century, only 3 million U.S. inhabitants were 65 or older.

In recent years, the senior citizen population has increased markedly. Approximately 5,000 persons in the United States celebrate their 65th birthday each day, and about 3,400 older Americans die each day. This translates to a net increase in the aged population of 1,600 per day or almost 600,000 per year.

Our population will become decidedly older in the years ahead. Nearly 32 million Americans will be 65 or older in the year 2000, or 1 out of every 8 persons in the United States. Within the next half century, more than 55 million Americans will be senior citizens, or 1 out of every 6 individuals in the United States.

These demographic changes have enormous implications for our society. They clearly will affect our retirement policies, social services strategy, work patterns, and other aspects of our lifestyle.

It is appropriate that our Nation plan now and in the future for these potentially far-reaching changes.

In a few months our Nation will hold its third White House Conference to chart a comprehensive aging policy.

May is also Older Americans Month to commemorate the contributions that senior citizens have made to our society. Much of the progress that we now enjoy is because of the earlier labors of our parents and grandparents.

In addition, this commemorative event provides an opportunity for our Nation to take stock of the well-being of our elderly population. Unfortunately, we seem to be going backward in some key respects.

More than 400,000 persons 65 or older, for example, were added to the poverty rolls in 1979. This represents the sharpest increase since poverty statistics were first tabulated nearly 20 years ago.

But perhaps the most disturbing development for older Americans is the administration's proposals to slash social security for present and future beneficiaries. It is ironic that President Reagan chose to announce his proposals to cut the heart out of the single most important program for older Americans in the month designated to honor their many contributions.

These recommendations will only intensify the retirement income crisis affecting millions of older Americans and threatening to engulf many more. The proposed one-third cut for early retirees is one of the most punitive measures ever advanced by any administration.

The proposed reductions for disabled workers and their families are unfair, unwise, and unworkable. They should be rejected immediately.

In addition, the administration is calling for sharp cutbacks in medicaid, food stamps, and other services for older persons.

However, there is some good news on the horizon for elderly persons. The House Education and Labor Committee, of which I am a member, recently voted to extend the Older Americans Act for 3 years and make other improvements in this legislation.

The value and worth of the Older Americans Act have been amply demonstrated during its 16 years of existence for the elderly and our Nation.

Many older Americans are able to live independently in their own homes—instead of being placed in a nursing home at a much higher public cost—because of the valuable services provided under the Older Americans Act.

Nearly 52,250 persons, 55 or older, engage in a wide variety of useful and fulfilling activities in the senior community service employment program. Their services have benefited the communities in which they reside, as well as their economic well-being.

About 611,000 older persons receive nutritious meals each weekday in a wide range of settings—senior centers, schools, churches, and other convenient settings.

The reauthorization of the Older Americans Act is both timely and appropriate now because May is Older Americans Month. This action also signifies appreciation for our senior citizens.

The historian, Toynbee, once remarked that the test of a great nation is the compassion and respect it shows to its elderly. Our Nation can clearly improve its record. The commemorative events during May can help to sensitize our Nation to the need to do more for older Americans. They can also serve to mobilize the American people in opposition to the President's cruel assault on the social security system.●

RACIALLY MOTIVATED VIOLENCE AGAINST MINORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

● Mr. CONYERS. Mr. Speaker, I wish to announce that the Subcommittee on Criminal Justice will hold the third in a series of congressional hearings, on Wednesday, June 3, 1981, to study the nature, extent, and causes of racial violence.

The hearing will be held in room 2237, Rayburn House Office Building, and will commence at 9:30 a.m.

Testimony will be received from the following witnesses: Dr. Mary F. Berry, Vice Chairperson, U.S. Commission on Civil Rights, Washington, D.C.; Prof. Denise Carty-Bennia, professor of law, Northeastern University Law School, Boston, Mass.; Mr. Tom Atkins, Esq., general counsel, NAACP, New York, N.Y.; Mr. Victor Goode, Esq., national director, National Conference of Black Lawyers, New York, N.Y.; Mr. Steve Winter, Esq., NAACP Legal Defense and Educational Fund, Inc., New York, N.Y.; and Dr. Arthur Green, director, Connecticut Commission on Human Rights and Opportunities, Hartford, Conn., and Federal liaison, International Association of Official Human Rights Agencies.●

LEGISLATION REQUIRING DOE TO DEVELOP ELECTRIC EMERGENCY PREPAREDNESS PLANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. NELSON) is recognized for 5 minutes.

● Mr. NELSON. Mr. Speaker, on May 12, 1981, the General Accounting Office issued a "Report to the Congress" which began with a chilling sentence:

> The Federal Government is not now prepared to handle a long-term national or regional disruption in electric power, from an act of war, sabotage, or terrorism.

I need not point out the devastating results of such an event. Virtually no segment of activity in the United States is free from reliance on electric power. To put the impact of such an outage in perspective, GAO examined a specific region of the United States. In that region, it found that—

> (Rifle) damage to a single (utility) substation could leave a key military facility without power;
>
> Damage to just four substations could disrupt power to one city for up to a year; and
>
> An attack on just eight substations could disrupt power to an entire region for a long time.

The crucial factor here, beyond our obvious dependence on electric power, is the decentralized nature of the electric power generation and distribution system in this country. Some 3,500 utility companies produce electricity at almost 11,000 generating facilities in the United States. Thus, the number of potential targets, many with minimal or no security, is staggering.

Further, these many companies are interconnected in three primary grid systems. This interconnected system permits utilities to assist each other in meeting temporary demand peaks. However, the same grid system can serve to spread the disaster, at least temporarily. For example, the 1980

Utah blackout, which was caused by a minor fire, cascaded through parts of the grid and resulted in loss of power in the major population centers of the State and spread to parts of nearby States as well.

Imagine the impact of a terrorist act specifically designed to do permanent damage. Repairs or reconstruction of even minor damage could take days according to the GAO. Serious damage to a major generation facility could take considerably longer to repair.

Not much is secret in the public utility industry. Security is minimal. The number of targets is enormous.

Now consider that of late terrorist activity again seems to be on the rise. Acts designed to shock and gain notoriety seem all too common—an assault on the most visible religious figure in the world, the Pope; increasing terrorist bombings and threats against diplomatic missions in New York; the murder of Aldo Moro in Italy and a recent similar political kidnaping there.

Perhaps we have been fortunate that an attack on our electric facilities has not occurred.

How long shall we continue to press our luck?

We have developed contingency plans for a response to terrorists assaults on the oil facilities in the Persian Gulf. What if the assault were to come instead against Commonwealth Edison, Florida Power & Light, or Pepco here in Washington? Would the effect be any less disastrous while the outage continued?

I believe strongly that we simply cannot refuse to address this issue any longer. The Department of Energy has apparently chosen to ignore the sentiment of the Congress after the 1977 New York blackout. In the 3 years since, no adequate planning has been done.

Mr. Speaker, seldom are issues so clearly delineated. Seldom are the consequences of inaction so chilling. Seldom is Federal participation so urgently needed.

Therefore, I have introduced legislation, H.R. 3704, which has been referred to our Committee on Energy and Commerce. This simple bill will require the Department of Energy, in consultation with the Federal Emergency Management Agency, to develop electric emergency preparedness plans to meet this threat and submit the plan to the Congress within 180 days.

With the increase in terrorist activity, we can delay no longer.

This legislation will create no new agency. It will create no new Federal spending program. It levies no new tax. It simply requires the Federal Government to be prepared to meet a threat to the Nation's security by a terrorist attack on our electrical system.

Only the Federal Government can prepare such plans on an interstate basis. In such an emergency, States could be expected to be parochial in their view. Utilities would have as their first concern the needs of their customers and stockholders, not those of a neighboring utility.

Terrorism is not a State issue. Interstate emergency planning cannot be left to 50 public utility commissions. Yet, DOE has failed to act.

It is time Congress required that the public interest be protected with adequate planning for such an emergency. H.R. 3704 does that, and I welcome the support and cosponsorship of my colleagues who share my belief that we can delay this planning no longer.●

SMALL COMMUNITY LIBRARY SERVICES ASSISTANCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, today I am reintroducing legislation which I introduced last year to assist counties in providing public library services in small communities. There is a great need for this assistance, and I urge all Members of the House to support this bill.

We all realize the important role which public libraries play in the educational and cultural enrichment of our people. The recent observance of National Library Week and the White House Conference on Library and Information Services has helped to focus public and congressional attention on issues related to library services. Because of the importance of libraries in the education or our people, I believe that the Congress should begin to define the nature and extent of public support for libraries.

Part of that effort must be dedicated to supporting the small community library which has been strapped by limited resources and ignored by existing Federal assistance efforts. The goal of my legislation is to insure adequate support directly from the Federal Government to eligible libraries in small communities across the country. Over the years since the enactment in 1956 of the Library Services Act, the Federal Government has been helping to support libraries. However, the reality has been that large libraries in major metropolitan areas have tended to obtain the bulk of Federal assistance available to libraries. This emphasis on assisting the larger libraries has caused an imbalance in the Federal library assistance program which must be redressed in the interest of equity and fair play.

A key reason for this imbalance is that Federal assistance is made available through State library agencies in accordance with comprehensive State library service plans. While I fully recognize the need for adequate planning to strengthen statewide library networks, I sympathize with the many smaller communities that do not fit into these elaborate schemes and end up without assistance. My legislation would avoid this problem by allowing county governments to apply directly for Federal assistance on behalf of its smaller communities.

The text of my legislation is reproduced below for your convenience. This bill is identical to last year's bill (H.R. 4234), except that all references to the Office of Education have been updated to reflect the establishment of the Department of Education. Again, I welcome your support for this bill.

The text of the bill follows:

H.R. 3727

A bill to assist counties in providing public library services in small communities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Small Community Library Services Assistance Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to assist counties in providing public library services in small communities by—

(1) providing public library personnel and facilities in small communities;

(2) strengthening public library programs in small communities; and

(3) constructing, renovating, and expanding public libraries in small communities.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "Secretary" means the Secretary of Education;

(2) the term "county" means (A) a county or parish within a State, (B) in an area of a State which is not within a county or parish, the unit of government which constitutes the next level of government below the State government, or (C) the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, the Trust Territory of the Pacific Islands, or the Northern Mariana Islands;

(3) the term "small community" shall mean—

(A) any city or village having a population of less than fifty thousand inhabitants; and

(B) any city having a population of between fifty thousand and seventy thousand inhabitants, if the immediately adjacent areas of that city have a population density of not more than one hundred persons per square mile.

(4) the term "State" means a State of the United States.

APPLICATIONS

SEC. 4. Any county may submit an application to the Secretary for a grant under this Act. Such application shall be made at such time and in such manner as the Secretary considers necessary, and it shall contain—

(1) a description of the proposal for which the grant is requested;

(2) a justification of the amount of grant funds requested;

(3) the portion of the cost to be borne by the county;

(4) such fiscal control and accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the county under this Act; and

(5) such other information as the Secretary considers necessary.

APPROVAL

SEC. 5. Within sixty days after the date of submission of an application for a grant under this Act, the Secretary shall review such application and, if such application is consistent with the requirements of section 4 and the statement of purposes set forth in section 2, he shall, within such sixty-day period, approve such application.

PAYMENTS

SEC. 6. The Secretary shall make a grant to each county which has submitted an application approved under section 5. Payment of grants may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

RECORDS

SEC. 7. (a) Each county which receives funds under this Act shall keep records which fully disclose the amount and the disposition of the proceeds of the funds, the total cost of the activities, programs, and projects which involve the use of such funds, and the amount and nature of that portion of such cost which is supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records of a county which receives funds under this Act.

WITHHOLDING

SEC. 8. Whenever the Secretary, after reasonable notice and opportunity for a hearing to a county receiving funds under this Act, finds that there is a failure to meet the requirements of this Act, the Secretary shall notify such county that it may not receive further payments under this Act until it has demonstrated, to the satisfaction of the Secretary, that there is no longer any such failure.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.●

CLASSIFIED ANNEX TO INTELLIGENGE BUDGET BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 5 minutes.

● Mr. BOLAND. Mr. Speaker, I would like to announce that the classified annex to the report of the Permanent Select Committee on Intelligence (H. Rept. 97-101, part I) to accompany H.R. 3454, the Intelligence Authorization Act for fiscal year 1982, will be available to all Members of the House henceforth at the offices of the committee, room H-405 of the Capitol, from 9 a.m. to 5 p.m., Monday through Friday, until consideration of the bill by the House.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. DANIELSON (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. YOUNG of Alaska (at the request of Mr. MICHEL), for today, on account of official business.

Mr. DERWINSKI (at the request of Mr. MICHEL), for today, on account of hospitalization.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the rquest of Mr. MOLINARI) to revise and extend their remarks and include extraneous matter to:)

Mr. ASHBROOK, for 15 minutes, today.

(The following Members (at the request of Mr. HALL of Ohio) to revise and extend their remarks and include extraneous matter to:)

Mr. BEDELL, for 60 minutes, today.

Mr. BONIOR of Michigan, for 60 minutes, today.

Mr. SKELTON, for 15 minutes, today.

Mr. BROWN, of California, for 15 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. JONES of Oklahoma, for 5 minutes, today.

Mr. ZABLOCKI, for 5 minutes, today.

Mr. DWYER, for 5 minutes, today.

Mr. WEISS, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. LAFALCE, for 20 minutes, today.

Mr. NELSON, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

(The following Member (at the request of Mr. BONIOR of Michigan), to revise and extend his remarks, and to include extraneous matter to:)

Mr. BOLAND, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MOLINARI), and to include extraneous matter:)

Mr. RUDD in two instances.

Mr. SHAW.

Mr. PARRIS.

Mrs. HECKLER.

Mr. MADIGAN in three instances.

Mr. FRENZEL.

Mr. LEBOUTILLIER in two instances.

Mr. EVANS of Iowa.

Mr. COLLINS of Texas in two instances.

Mr. MICHEL in three instances.

Mr. JAMES K. COYNE in two instances.

Mrs. SNOWE.

Mr. KRAMER.

Mr. JEFFRIES.

Mr. JEFFORDS.

Mr. MCGRATH.

(The following Members (at the request of Mr. HALL of Ohio) and to include extraneous matter:)

Ms. OAKAR in two instances.

Mr. PHILLLIP BURTON.

Mr. DE LUGO.

Mr. OTTINGER in five instances.

Mr. MOFFETT in two instances.

Mr. FORD of Tennessee.

Mr. MAZZOLI.

Mr. LEVITAS.

Mr. WEISS in five instances.

Mr. EDGAR.

Mr. BRODHEAD.

Mr. SKELTON in two instances.

Mr. GEJDENSON.

Mr. STARK in two instances.

Mr. ST GERMAIN.

Mr. BONER of Tennessee.

Mr. GAYDOS.

Mr. HAMILTON in two instances.

Mr. LEHMAN.

Mr. LONG of Maryland in three instances.

Mr. DINGELL in two instances.

Mr. SOLARZ.

Mr. GORE.

Mr. HALL of Ohio.

Mr. STUDDS.

Mr. RATCHFORD.

Mr. MCDONALD in five instances.

Mr. DIXON.

Mr. BEDELL.

Mr. EVANS of Indiana.

Mr. MAVROULES.

Mr. MILLER of California in two instances.

Mr. ECKART.

Mr. STOKES in three instances.

Mr. RAHALL in two instances.

ADJOURNMENT

Mr. BONIOR of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until Monday, June 1, 1981, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1451. A letter from the Acting General Counsel, General Accounting Office, transmitting a report on the status of budget authority that was proposed for rescission, but for which Congress failed to pass a rescission bill; to the Committee on Appropriations.

1452. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance of the housing management activity at Fort Eustis, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1453. A letter from the Acting Assistant Secretary of the Army (Research, Development and Acquisition), transmitting a report on Army research and development contracts of $50,000 or more which were awarded during the period October 1, 1980, through March 31, 1981, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

1454. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 4-31, "To authorize the Mayor to prescribe fees for the handling and collection of dishonored checks, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1455. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 4-32, "To enter the District of Columbia as a party member in the Multistate Tax Compact, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1456. A letter from the Secretary of Health and Human Services, transmitting a report on the impact of the change in the definition of "developmental disabilities", pursuant to section 502(b)(2) of Public Law 95-602; to the Committee on Education and Labor.

1457. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of March 1981, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

1458. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system for the Department of the Navy, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1459. A letter from the Acting Inspector General, Department of Health and Human Services, transmitting a report on a proposed match of Department of Health and Human Services payroll records against social security numbers for the purpose of reviewing the integrity of the HHS payroll processing procedures; to the Committee on Government Operations.

1460. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to improve the Federal jury system by extending the work injury coverage of the Federal Employees' Compensation Acts, title 5, United States Code, to petit and grand jurors in the U.S. district courts, clarifying the compensation of attorneys for jurors to protect their employment rights, and authorizing the service of jury summonses by ordinary mail; to the Committee on the Judiciary.

1461. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1462. A letter from the Acting Comptroller General of the United States, transmitting a report on the Defense Department's industrial preparedness planning program (PLRD-81-22, May 27, 1981); jointly, to the Committees on Government Operations and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALL of Ohio: Committee on Rules. House Resolution 144. Resolution providing for the consideration of H.R. 3455. A bill to authorize certain construction at military installations for fiscal year 1982, and for other purposes (Rept. No. 97-122). Referred to the House Calendar.

Mr. BROOKS: Committee on Government Operations. Report on oversight of the Energy Security Act: Implementation of the Synthetic Fuels Corporation (Rept. No. 97-123). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDGAR:

H.R. 3709. A bill to amend the Internal Revenue Code of 1954 to provide for a $250,000 estate tax deduction for property passing to a disabled individual who is a child of the decedent; to the Committee on Ways and Means.

By Mr. ATKINSON:

H.R. 3710. A bill to amend title II of the Social Security Act to set the contribution and benefit base at an amount not less than $60,000; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 3711. A bill to provide for the sharing of timber revenue received by the United States from Federal military installations with State and local governments; to the Committee on Armed Services.

By Mr. BROWN of California:

H.R. 3712. A bill to establish the national space policy of the United States, to declare the goals of the Nation's space program (both in terms of space and terrestrial applications and in space science), and to provide for the planning and implementation of such program; to the Committee on Science and Technology.

By Mr. CLAUSEN:

H.R. 3713. A bill to amend title 38, United States Code, to establish new educational assistance programs for veterans and for members of the Armed Forces; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Mr. DELLUMS:

H.R. 3714. A bill to change the procedure for granting special exemptions from, and exceptions to, the zoning regulations of the District of Columbia for embassies and chanceries; to the Committee on the District of Columbia.

By Mr. FLORIO:

H.R. 3715. A bill to amend section 5901 of title 5, United States Code, to increase the authorized maximum uniform allowance for Federal employees to $400 a year; to the Committee on Post Office and Civil Service.

By Mr. FOLEY (for himself and Mr. FINDLEY):

H.R. 3716. A bill to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1982, and to eliminate the requirement that the Secretary of Agriculture waive interest on loans made on 1980 and 1981 crops of wheat and feed grains placed in the farmer-held grain reserve program; to the Committee on Agriculture.

By Mr. FORSYTHE (for himself and Mr. BREAUX):

H.R. 3717. A bill to provide additional funds for certain projects relating to fish restoration, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

By Mr. GUARINI (for himself and Mr. DUNCAN):

H.R. 3718. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of incentive stock option; to the Committee on Ways and Means.

By Mr. GLICKMAN:

H.R. 3719. A bill to amend the Internal Revenue Code of 1954 to provide for the nonrecognition of gain on sales and exchanges of productive assets; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 3720. A bill to amend the Office of Federal Procurement Policy Act to require the Administrator for Federal Procurement Policy to establish procedures to insure that property and services are not procured from persons recommending such procurement in reports or studies funded by the Federal Government; to the Committee on Government Operations.

H.R. 3721. A bill to defer the effective date of section 414(m) of the Internal Revenue Code of 1954 until after the issuance of final regulation under that section; to the Committee on Ways and Means.

By Mr. LUKEN (for himself and Mr. LEE):

H.R. 3722. A bill to place a moratorium on activity of the Federal Trade Commission with respect to certain professions and professional associations until the Congress expressly authorizes such activity; to the Committee on Energy and Commerce.

By Mr. MADIGAN (for himself and Mr. BROYHILL):

H.R. 3723. A bill to amend provisions of law concerned with health professions personnel, and for other purposes; to the Committee on Energy and Commerce.

H.R. 3724. A bill to extend and amend various health authorities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MADIGAN (for himself and Mr. BROYHILL) (by request):

H.R. 3725. A bill to provide a ceiling on Federal expenditures for medicaid, to increase States' flexibility to determine the scope of their medicaid programs, to make other amendments to the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. NOWAK (for himself and Mr. MARRIOTT):

H.R. 3726. A bill to amend the Internal Revenue Code of 1954 to provide a credit for the employment of new employees and to incorporate in such credit a 40-percent addi-

tional credit for wages paid for service during the first 2 years to employees from distressed areas and employees of industries experiencing a shortage of skilled labor; to the Committee on Ways and Means.

By Mr. PANETTA:

H.R. 3727. A bill to assist counties in providing public library services in small communities; to the Committee on Education and Labor.

By Mr. PARRIS (for himself, Mr. WOLF, and Mr. ROBINSON):

H.R. 3728. A bill to direct the Administrator of the Environmental Protection Agency to make grants to the Upper Occoquan Sewage Authority to reimburse such authority for a portion of the costs incurred by such authority in constructing its advanced waste water treatment plant in the Occoquan Reservoir watershed area in Fairfax County, Va.; to the Committee on Public Works and Transportation.

By Mr. RICHMOND (for himself and Mr. WALGREN):

H.R. 3729. A bill to amend the Rehabilitation Act of 1973 to require that rehabilitation counselors hired under State plans approved under such act have certain minimum qualifications; to the Committee on Education and Labor.

By Mr. ROE:

H.R. 3730. A bill to prohibit permanently the issuance of regulations on the taxation of fringe benefits; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 3731. A bill to amend the act of October 19, 1973 (87 Stat. 466), relating to the use or distribution of certain judgment funds awarded by the Indian Claims Commission or the Court of Claims; to the Committee on Interior and Insular Affairs.

By Mr. WAXMAN (for himself and Mr. LELAND):

H.R. 3732. A bill to consolidate Federal assistance to States for maternal and child health related services, to provide greater flexibility to States in administering programs providing these services, and for other purposes; jointly, to the Committees on Energy and Commerce, and Ways and Means.

By Mr. WEISS:

H.R. 3733. A bill to amend the Internal Revenue Code of 1954 to increase to $1,000 the amount of interest paid by financial institutions which may be excluded from gross income by individuals and to make such exclusion permanent; to the Committee on Ways and Means.

By Mr. WORTLEY:

H.R. 3734. A bill to amend the Internal Revenue Code of 1954 to allow certain individuals who have attained age 65 or who are disabled a refundable tax credit for property taxes paid by them on their principal residences or for a certain portion of the rent they pay for their principal residences; to the Committee on Ways and Means.

By Mrs. FENWICK (for herself and Mr. LANTOS):

H.J. Res. 268. Joint resolution to designate October 23, 1981 as "Hungarian Freedom Fighters Day"; to the Committee on Post Office and Civil Service.

By Mr. MAVROULES:

H.J. Res. 269. Joint resolution proposing an amendment to the Constitution of the United States to provide for a single 6-year term of office for the President and Vice President, to provide for a 4-year term of office for Members of the House of Representatives, to provide that no person may serve as a Member of the House of Representatives for more than three terms, to provide that no person may serve as a Senator for more than two terms, and for other purposes; to the Committee on the Judiciary.

By Mr. NAPIER (for himself, Mr. MCCOLLUM, Mr. HARTNETT, Mr. WOLPE, and Mr. COATS):

H.J. Res. 270. Joint resolution proposing an amendment to the Constitution of the United States forbidding any person from holding the office of Senator or the office of Representative for more than 12 consecutive calendar years; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BADHAM:

H.R. 3735. A bill to direct the Army Board for Correction of Military Records to review the application of Herman Miller for the Congressional Medal of Honor; to the Committee on Armed Services.

By Mr. BAILEY of Pennsylvania:

H.R. 3736. A bill for the relief of Yang Mi Hoffer; to the Committee on the Judiciary.

By Mr. PHILLIP BURTON:

H.R. 3737. A bill for the relief of Demetrios Theodoropulos; to the Committee on the Judiciary.

By Mr. EVANS of Iowa:

H.R. 3738. A bill for the relief of Delbert E. Lawless; to the Committee on the Judiciary.

By Mr. MOTTL:

H.R. 3739. A bill for the relief of Milton Karchin; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. GARCIA, Mr. SYNAR, Mr. RATCHFORD, Mr. PERKINS, and Mr. NAPIER.

H.R. 269: Mrs. BYRON.

H.R. 635: Mr. LEBOUTILLIER.

H.R. 741: Mr. LIVINGSTON, Mr. SANTINI, Mr. HYDE, Mr. BROWN of Colorado, Mr. JOHNSTON, Mr. HAGEDORN, Mr. WILLIAMS of Ohio, Mr. LAGOMARSINO, Mr. STUMP, Mr. DAUB, Mr. HORTON, Mr. FORSYTHE, Mr. SHAW, Mr. HUNTER, Mr. CHENEY, Mr. GINN, Mr. GREGG, Mr. MCDONALD, Mr. LEE, Mr. STANGELAND, Mr. SHUMWAY, Mr. JEFFRIES, Mr. HARTNETT, Mr. PARRIS, Mr. RAILSBACK, Mr. LOTT, Mr. LEATH of Texas, Mr. SMITH of Oregon, Mr. YOUNG of Alaska, Mr. FLIPPO, Mr. MCGRATH, Mr. BEVILL, Mr. KOGOVSEK, Mr. MOLLOHAN, Mr. MOTTL, and Mr. PAUL.

H.R. 747: Mr. GOODLING.

H.R. 748: Mr. JOHN L. BURTON.

H.R. 878: Mr. MILLER of California and Mr. OBERSTAR.

H.R. 881: Mr. DUNCAN, Mrs. COLLINS of Illinois, Mr. CLINGER, Mr. HYDE, and Mr. WILSON.

H.R. 917: Mr. ROBERTS of Kansas, Mr. DAUB, Ms. FERRARO, Mr. HOLLAND, Mr. BETHUNE, Mr. QUILLEN, Mr. DUNCAN, Mr. PURSELL, Mr. WOLF, Mr. WAMPLER, Mr. SKEEN, Mr. WHITTAKER, Ms. FIEDLER, Ms. OAKAR, Mrs. SNOWE, Mr. LEWIS, Mr. MARTIN of North Carolina, Mr. MONTGOMERY, Mr. RUDD, Mr. WILLIAMS of Ohio, Mrs. HECKLER, Mrs. SCHNEIDER, Mr. HANSEN of Idaho, Mr. NEAL, Mr. YOUNG of Alaska, Mr. JOHNSTON, Mr. BROWN of Ohio, Mr. TAUKE, Mr. ROBERT W. DANIEL, JR., Mr. MARLENEE, Mr. WALKER, Mr. STENHOLM, Mr. MCCOLLUM, Mr. JONES of North Carolina, Mr. CHENEY, Mr. MILLER of Ohio, Mrs. FENWICK, Mr. SHUSTER, Mr. REGULA, Mr. COUGHLIN, Mr. BURGENER, Mr. LEACH of Iowa, Mrs. BYRON, Mr. HOLLENBECK, Mr. O'BRIEN, Mr. SENSENBRENNER, Mr. EDWARDS of Oklahoma, Mrs. BOUQUARD, Mr. PRICE, Mr. WINN, Mrs. MARTIN of Illinois, and Mr. BEREUTER.

H.R. 1007: Mr. LANTOS.

H.R. 1250: Mr. ROGERS, Mr. FOLEY, Mr. FUQUA, Mr. DANIEL B. CRANE, Mr. FORSYTHE, Mr. BROWN of Colorado, Mr. LUJAN, Mr. HUTTO, Mr. SAM B. HALL, JR., Mr. KEMP, Mr. OTTINGER, Mr. WILLIAMS of Ohio, Mr. BENEDICT, Mr. LUNGREN, Mr. GOLDWATER, Mr. WORTLEY, Mr. NELLIGAN, Mrs. FENWICK, Mrs. HOLT, Mr. MONTGOMERY, Mr. RITTER, Mr. REGULA, Mr. GUNDERSON, Mr. SMITH of Alabama, Mr. LENT, Mr. SAWYER, Mr. MCKINNEY, Mr. CAMPBELL, Mr. EDWARDS of Oklahoma, Mr. GREGG, Mr. DAVIS, and Mrs. ROUKEMA.

H.R. 1270: Mr. OTTINGER, Mr. STOKES, Ms. FERRARO, and Mr. SAVAGE.

H.R. 1297: Mr. EMERSON and Mr. FINDLEY.

H.R. 1400: Mr. JONES of North Carolina, Mr. EDWARDS of Oklahoma, Mr. MCDADE, Mr. KILDEE, Mr. NEAL, Mr. HUNTER, Mr. DERWINSKI, Mr. ERDAHL, Mr. GLICKMAN, Mr. JEFFORDS, Mr. LAFALCE, Mr. ANDREWS, Mr. FROST, and Mr. BONIOR of Michigan.

H.R. 1605: Mr. DELLUMS.

H.R. 1649: Mr. MCCOLLUM.

H.R. 1765: Mr. WYDEN and Mr. DE LA GARZA.

H.R. 1806: Mr. BAFALIS, Mr. DICKINSON, Mr. BENNETT, Mr. ENGLISH, Mr. BAILEY of Missouri, Mr. JOHNSTON, Mr. GINN, Mr. LAGOMARSINO, Mr. BOWEN, Mr. HYDE, Mr. BRINKLEY, Mr. HOWARD, Mr. MCDONALD, Mr. GINGRICH, Mr. ATKINSON, Mr. LAFALCE, Mr. COLLINS of Texas, Mr. IRELAND, Mr. BEARD, Mr. STENHOLM, Mr. SHAW, Mr. WYLIE, Mrs. BOUQUARD, Mr. STANGELAND, Mr. PORTER, Mr. MARTIN of North Carolina, Mr. SIMON, Mr. RAILSBACK, Mr. PATTERSON, Mr. GRADISON, Mr. LUNGREN, Mr. CHAPPELL, Mr. ZEFERETTI, Mr. GILMAN, Mr. HAMILTON, and Mr. HUTTO.

H.R. 1817: Mr. ALBOSTA.

H.R. 1854: Mr. RATCHFORD.

H.R. 1906: Mr. MARKS.

H.R. 1919: Ms. OAKAR.

H.R. 1964: Mr. BAILEY of Pennsylvania, Mr. MARTIN of North Carolina, Mr. FOWLER, and Mr. MATSUI.

H.R. 2129: Mr. DANIEL B. CRANE, Mr. DUNCAN, Mr. HYDE, and Mr. WILSON.

H.R. 2319: Mr. YOUNG of Alaska, Mr. BENJAMIN, Mr. WEBER of Minnesota, Mr. MILLER of California, Mr. TAUKE, Mr. FOUNTAIN, Mr. BROWN of Ohio, Mr. SUNIA, Mr. WOLPE, Mr. FOGLIETTA, and Mr. COLLINS of Texas.

H.R. 2325: Mr. LUKEN, Mr. MYERS, Mr. ERTEL, Mr. PRICE, and Mr. NELLIGAN.

H.R. 2396: Mr. COLLINS of Texas and Mr. HAMMERSCHMIDT.

H.R. 2414: Mr. CORCORAN, Mr. GINGRICH, and Mr. MINETA.

H.R. 2420: Mr. DERWINSKI, Mr. BURGENER, Mr. ENGLISH, Mr. CORRADA, Mr. BADHAM, Mr. JACOBS, Mr. DENARDIS, Mr. SUNIA, Mr. HANSEN of Utah, Mr. KEMP, Mr. LIVINGSTON, Mr. HAMILTON, Mrs. BOUQUARD, Mr. MARTIN of North Carolina, and Mr. NAPIER.

H.R. 2451: Mr. MCEWEN, Mr. MARKS, and Mr. JONES of Tennessee.

H.R. 2642: Mr. HAMMERSCHMIDT.

H.R. 2791: Mr. BEARD, Mr. MCDONALD, Mr. DORNAN of California, and Mr. JOHNSTON.

H.R. 2807: Mr. MCCLOSKEY.

H.R. 2964: Mr. WEISS and Mr. STOKES.

H.R. 3091: Mr. COELHO, Mr. SUNIA, Mr. BROWN of Ohio, Mr. WOLPE, Mr. STANGELAND, Mr. NEAL, Mr. DASCHLE, Mr. WORTLEY, Mr. KILDEE, Mr. FOGLIETTA, and Mr. SEIBERLING.

H.R. 3227: Mr. NELLIGAN, Mr. GRAY, Mr. FORD of Michigan, and Mr. STOKES.

H.R. 3267: Mr. PANETTA, Mr. CROCKETT, Mr. GUARINI, Mr. OBERSTAR, Mr. BARNES, Mr. FAZIO, and Mr. BINGHAM.

H.R. 3312: Mr. LEBOUTILLIER, Mr. DICKINSON, Mr. WHITEHURST, Mr. LUJAN, Mr. O'BRIEN, Mr. HANSEN of Utah, Mr. SHELBY, Mr. EDWARDS of Oklahoma, Mr. LOWERY of California, and Mr. MCDONALD.

H.R. 3576: Mr. YOUNG of Alaska.

H.R. 3637: Ms. MIKULSKI, Mr. DONNELLY, Mr. FOGLIETTA, Mr. SUNIA, and Mr. HERTEL.

H.R. 3680: Mr. AUCOIN.

H.J. Res. 128: Mr. LONG of Maryland and Mr. NELLIGAN.

H.J. Res. 141: Mr. CONYERS, Mr. ERTEL, Mr. DASCHLE, Mr. GILMAN, and Mr. BEARD.

H.J. Res. 145: Mr. ALBOSTA, Mr. GOODLING, Mr. SIMON, Mr. LUKEN, Mr. CONTE, and Mr. LANTOS.

H.J. Res. 178: Mr. CRAIG, Mr. DOUGHERTY, Mr. OTTINGER, Mr. LEBOUTILLIER, Mr. HUNTER, and Mr. NAPIER.

H.J. Res. 214: Mr. BETHUNE, Mrs. BOUQUARD, Mr. BROWN of California, Mr. EARLY, Mr. FOUNTAIN, Mr. FRENZEL, Mr. GOLDWATER, Mr. GOODLING, Mr. GUARINI, Mr. HANSEN of Idaho, Mr. IRELAND, Mr. JONES of North Carolina, Mr. LAFALCE, Mr. LUNGREN, Mr. SMITH of Alabama, Mr. SOLOMON, Mr. SYNAR, Mr. TAUKE, and Mr. YATRON.

H. Con. Res. 27: Mr. EDGAR.

H. Con. Res. 64: Mr. GINN, Mr. RICHMOND, Mr. LAFALCE, Mr. ROBINSON, Mr. YOUNG of Alaska, Mr. BARNARD, Mr. PATTERSON, Mr. ROUSSELOT, Mr. DORNAN of California, Mr. LEBOUTILLIER, Mr. WEBER of Ohio, Mr. MATSUI, Mr. LAGOMARSINO, Mr. SAVAGE, Mr. AKAKA, Mr. CORCORAN, Mr. ROBERTS of Kansas, Mr. LEWIS, Ms. MIKULSKI, Mr. FOGLIETTA, Mr. ZABLOCKI, Mr. WON PAT, Mr. BONKER, Mr. MAZZOLI, and Mr. FRENZEL.

H. Res. 85: Mr. GEJDENSON.

H. Res. 100: Mr. MARRIOTT.

EXTENSIONS OF REMARKS

THE GREAT ORANGE SQUEEZE: "FORBIDDEN FRUIT"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. MILLER of California. Mr. Speaker, I have introduced H.R. 3022, to reform the Agricultural Marketing Adjustment Act in order to better protect the interests of independent growers and packers and consumers.

This program is a perfect example of the kind of Federal regulation gone wild which President Reagan, most Members of this Congress, and the public have decried. A policy intended some 40 years ago to aid farmers now oppresses independent growers, enhances absentee speculators, encourages inefficiency and bleeds consumers.

MEMBERS ENJOY ORANGES

This year, millions of pounds of perfectly edible navel oranges are being withheld from the national market because of Marketing Order 907. Several hundred pieces of this condemned citrus were enjoyed by all of us in the Members' dining room a few weeks ago. Consumers will not be able to enjoy fruit exactly as good as that, however, because of the unfair way the marketing order operates.

H.R. 3022 would not eliminate the orders, but it would end the unjustifiable situation in which the Government has given broad regulatory powers over an entire industry to one segment of that industry, to the detriment of competitors and consumers alike.

USDA REVIEW

I am pleased that the Department of Agriculture has initiated a thorough review of marketing orders which I am hopeful will result in support for modifications along the lines of H.R. 3022, and I look forward to public hearings this summer.

CONGRESSIONAL CONCERN

I am also pleased that Members of Congress have joined in the call for a study of these orders by cosponsoring H.R. 3022.

INDUSTRY SUPPORT

Industry, too, supports reviewing the marketing orders. It is very important to note that much of the displeasure with the current progress emanates from the agricultural community itself—from growers, packers and handlers, large and small, who resent the orders' unwarranted interference in their right to do business competitively.

PRESS SUPPORT

Newspapers, too, are calling for a study of the program. The Fresno Bee, the major newspaper of central California's agricultural region, in a March 18, 1981, editorial, called the program outdated and lamented the unfairness to small farmers and the waste of food. The San Francisco Examiner editorialized, "The regulations run counter to commonsense • • • They provide an excellent example of what President Reagan means when he speaks of government grown too large in its power."

The industry press has joined the call for a public hearing. The Packer, a major agriculture trade paper, noted, "If the prorate system [the marketing order] is a godsend for growers, shippers, and consumers alike, it should be able to withstand a public debate and a vote by the industry."

An article in a recent issue of Inquiry magazine did an excellent job of outlining the issues in this debate, and I want to share that article with my colleagues.

The article follows:

FORBIDDEN FRUIT

(By Doug Foster)

SAN JOAQUIN VALLEY, CALIFORNIA—Along the "Famoso Drag Strip," oranges are piled in hillocks more than eight feet high, expanses of bright, round fruit stamped with the Sunkist label and left to rot in the sun. Rivers of orange juice wind off the pavement and soak into the soil. The smell is alternately sweet and putrid at the site of this tremendous orange dump made necessary by a raft of regulations governing agriculture, regulations that have become a source of fierce contention this year.

Forty miles away from the drag-strip dump a major California citrus grower motions toward a bookcase full of files and reports amassed in his battle against these rules, shakes his head, and frowns:

"They say these regulations are democratic. Yes, as democratic as the Kremlin. In fact, we call them the Red Menace. On second thought, I wish you wouldn't use that analogy because I don't believe communist Russia would ever allow this kind of waste of food. It's not even a good socialistic system. I don't know what it is."

The farmer is Carl Pescosolido, a Harvard-educated former oil marketer from Massachusetts who "fell in love with this greenhouse called the San Joaquin Valley" on a business trip west. Pescosolido bought into a 3600-acre citrus operation, became part owner of Exeter Orange Company, and settled in for a taste of rural life.

His first few years were pleasant enough. Pescosolido guided Exeter Orange Company out of the Sunkist orbit, and business boomed. But then the company hit a stone wall of government resistance to further expansion: a federal "marketing order" established by Sunkist attorneys in 1953. The order controls how many oranges each grower will send to market during the season, how many of those will be shipped during any given week, and what size oranges will be allowed. Depending on the need to restrict supplies, golfball-sized oranges might be illegal this week but okay next month, when the softball sizes have been eliminated. The cops remain the same—inspectors for the federal and state governments—but the laws they enforce shift with the speed of a ferret.

Pescosolido quickly discovered that his problems with the navel orange marketing order were simply one piece of a regulatory puzzle established by the Agricultural Marketing Agreement Act of 1937, a bill setting up legalized agricultural cartels that could constrict production and inflate food prices. When the bill passed in a Depression economy, American agriculture was on the ropes, milk was being dumped on the highways, and fields went unpicked because wholesale prices were so low. Legislators believed that overproduction and gluts hurt farmers and that the resulting shortages hurt consumers. So the bill they designed allowed the creation of agricultural trusts; herky-jerky fluctuations were out, stability was in.

As a result of the statute, more than half of all domestically grown fruits, vegetables, and nuts are covered by forty-eight federal marketing orders, separate state marketing orders for thirty-six additional crops in California, and eleven similar programs in other states. The orders cover crops as diverse as Idaho potatoes, winter tomatoes, Hawaiian papayas, and Florida grapefruit; and include nearly all of the nation's supply of citrus fruit, pears, nectarines, raisins, prunes, walnuts, almonds, filberts, hops, dates, and peanuts. Under those orders most rigorously enforced—and oranges are a prime example—the regulations are so restrictive that up to half the crop will be diverted from the fresh market; in this case to be mashed into frozen concentrate, dried, and turned to cattle feed, or simply left to rot. In California this year alone, an estimated 3.5 million pounds of oranges—enough to fill 1750 one-ton trucks—will be held off the open market. As though wasted food were not bad enough, the forty-eight existing marketing orders cost consumers more than $10 million, from the nation's general fund, for the federal government's participation in enforcing these orders.

Pescosolido and like-minded farmers have just begun to rail against the entire marketing order system. They have targeted a dozen of the orders for legal challenges. But nowhere is the debate hotter than in oranges. Pitted against Pescosolido is the mammoth Sunkist Growers, Inc., the eighty-five-year-old cooperative whose employees wrote the original marketing order almost fifty years ago. The U.S. Department of Agriculture has also lined up against him, along with a considerable number of farmers afraid of any sudden change in what amounts to government-sponsored control of the market. Meanwhile Pescosolido has assembled as unlikely alliance, including other agribusiness entrepreneurs, Consumers Union, organic farmers who are placed at a disadvantage by produce quality stand-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ards that favor heavy pesticide users, and poor people's self-help groups.

The pressure will be on the White House to referee the coming war between these two sides. Although Reagan has often talked about getting government off our backs, it will take some political guts to stand on this principle when the largest corporation in an industry bends over and lays out a welcome mat. "Philosophically the Reagan people are receptive to the arguments against these marketing orders," one lobbyist says, "but politically, a lot of pressure is being brought by Sunkist and others. It will be interesting to see whether their principles rise above the politics of the situation."

The fight over agricultural production was recently dramatized when frustrated growers attempted to give fruit that had been diverted from the fresh market to inner city organizations. When Pescosolido turned over two million boxes of oranges to poor people's organizations in California and Massachusetts, he was threatened by a hefty fine from the Navel Orange Administrative Committee, the group of industry representatives—five of the ten chosen by Sunkist—which can sting rebellious farmers with fines equal to the value of produce they ship above quotas set by the committee. The threat handed Prescosolido a public relations windfall. "I went to East Oakland, and I'll admit something to you," Pescosolido says quietly, palms turned up. "I had never been there before. I'll never forget it the rest of my life. The horror of the place, in a physical sense, is what stays with you. But the scene I'll remember is seeing these little kids walking in to the West Oakland Food Coop and paying a nickel and taking away a pound of oranges. . . . I thought it was beautiful. It's that goddamn simple."

Beauty, however, was not an issue when Sunkist, then in control of 87 percent of the crop in California and Arizona, drafted the original order establishing the Navel Orange Administrative Committee. Sunkist gave itself majority control of the committee with five votes; two votes went to a competing cooperative, and three votes to the independent farmers. Sunkist's share of the orange market has dropped considerably during the past three decades, but it remains a hearty supporter of the order's continued existence. Indeed Sunkist has gone to some lengths to discredit Pescosolido, insisting that he simply wants to have the gloves taken off and the government's referee role eliminated so that he can drive small farmers out of business. "The average holding in this crop is from thirty-four to forty acres," Sunkist spokeswoman Ann Warring says. "Mr. Pescosolido has in excess of 3000 acres. His motives may not be all they seem to be."

Pescosolido angrily dismisses Sunkist's argument. "The small farmer doesn't exist. He hasn't existed for twenty-five years or more," he says flatly. Pescosolido and other marketing order critics believe government regulation hands supermarket chains an incentive for holding prices high instead of letting them fluctuate according to supply, rewards land speculators who need money-losing citrus groves as tax shelters despite the long-run folly of overproduction, and works largely to protect the interests of the largest corporations controlling production of a particular crop. "The marketing order was drafted by Sunkist lawyers. They created it to legalize their cartel," Pescosolido says.

At western regional offices of Consumers Union in San Francisco, researchers have prepared documentation supporting Pescosolido's position. Union spokesman Carl Oshira reviewed the history of marketing orders and found they hewed fairly closely to the orange model. "Where you have a dominant co-op, you usually have a marketing order. Otherwise if Sunkist and Pure Gold [the other citrus cooperative] sat down together and said, 'What are we going to ship next week?' It would be an antitrust violation." Consumers Union, a lobbying group, first joined the battle over government regulation of agriculture five years ago, during a tough exchange over inflated milk prices. Oshira believes the successful campaign against milk price increases has saved consumer $80 million a year, and the experience led the organization to probe regulation of produce sales.

During their probe, Consumers Union found that during the fifty years since marketing order became possible, conditions have changed radically in agriculture. In 1937, 25 percent of the population was engaged in agricultural production and racked up only 7 percent of the gross national product. Now, only 3 percent of the country's population works in agriculture but hauls in a bigger share of the nation's wealth. That shift means that marketing orders serve as a reverse Robin Hood, taking pennies from the pockets of the urban poor, who spend proportionately more on food than does the rest of the population, and turning over the money to the largest agribusiness concerns. "Now the marketing order transfers income from poorer people in the inner cities to richer people in the country," Oshira argues.

Oshira cites orange prices as a prime example. Despite a bumper crop in California's lush San Joaquin Valley this year, diversion of fruit from the fresh market has caused up to a 26 percent increase in prices over last year's sales tag. Pescosolido contends that diversion of fruit from the fresh market by the Navel Orange Administrative Committee plays into the hands of supermarket chain managers, who never have to worry about small-time jobbers undercutting high prices; this results in a 200 to 300 percent retail markup in orange prices. "We're driving the consumer away from our commodity with those kinds of prices," he says.

Independent agricultural economists have found at least a kernel of truth in Pescosolido's argument. In a report to the Federal Trade Commission in 1976, staff researcher Alice Masson wrote that "If price competition were to develop, it is probable that the result would be a lower fresh fruit price and a larger quantity sold." In an internal memorandum in 1974 to then President Gerald Ford's Cost of Living Council, researchers found that the diversion of fresh oranges off the market was "economically wasteful and deprives American consumers of significant food supplies at a time when most consumers are facing rising prices and shrinking supplies of many food products."

Even statistics kept by the Navel Orange Administrative Committee itself seem to support his speculation. The marketing of fresh oranges in 1980 was below that of 1945, despite the protections of the marketing order, increases in population, and a surge of food faddism favoring fresh produce. Overall consumption of fresh citrus products has declined nearly 30 percent in the past twenty years, from an average per capital consumption of 32.5 pounds in 1960 to 24 pounds in 1979.

Pescosolido argues that the constraints of the marketing order, which predetermine how much fruit each grower can sell, destroy all incentive for producing particularly good fruit, marketing ingeniously, or farming efficiently. "Without the order, there would be a much more aggressive marketing program nationally," Pescosolido says. "Right now there's no reason to do it. If you strengthen your label and create more demand, you won't benefit from that."

Pescosolido has tried to make a profitable end run around the marketing order restrictions by building a large export business. The export market is not covered by the marketing order, and last March his block-long packing house hummed with the sounds of peak-season production. The tangerines being packed that day were headed for Germany. At a time when the tangerine, orange, and lemon industries are shipping 5 percent overseas, one of every four pieces of fruit in Pescosolido's operation is headed to foreign countries.

Rhetoric in the Great Orange Debate of 1981 has intensified recently, since Pescosolido filed a formal demand with the Department of Agriculture seeking to overturn the marketing order. Included in his supporting documents was a copy of a letter from one of the administrative committee's representatives, requesting payment of $1 for every carload of oranges shipped from the Exeter Orange Company. Growers rarely wash their dirty linen in public, and submission of the letter helped turn the fight over the orange marketing order into an exchange of insults.

Pescosolido refused to make the payments. He points to the request as an example of the kind of corruption, albeit small-time, that the order encourages. "This representative was soliciting payment for service on the committee. You have the representatives from Sunkist and Pure Gold accepting compensation for their services. How can that committee serve in the industry's best interest? If some growers pay and others don't, can we expect to be treated equally?"

John Wollenman, a farmer with 500 acres in oranges, was the representative who solicited payment from Pescosolido and others. Wollenman is executive chairman of the executive committees covering regulation of both navel and valencia oranges, and he explains that since the law provides only $25 per weekly meeting plus some minimal expense money, it has been necessary to raise more funds on the side. "Gasoline is very expensive now, you know," Wollenman complains. He acknowledges receiving $3400 in payments from two orange packing houses this season, but denies that the payments influenced his votes on the committees.

In any case, the Department of Agriculture has advised Wollenman and other committee representatives to stop asking for extra compensation for their services. Donald Kuryloski, deputy director of the department's Food and Vegetable Division, says, "We don't condone that at all. You don't do anything that gives even an appearance of a conflict of interest. You just don't."

Sunkist spokesmen, members of the administrative committees, and federal officials all deny that the effect of marketing orders is to waste millions of tons of produce each year. The drag strip near the Kern-Tulare county line, where thousands of pounds of oranges are now rotting, is officially classified as one of fifty-five approved "processors"—including dairies, livestock

yards, trucking companies, and even a Litter Container Company—where fresh produce above a farmer's quota can be diverted. "That's not a dump. That's a dryin' area," Wollenman drawls. "This is not the first year we've sent fruit to the dryin' area." Wollenman says that after the fruit rots and the juice runs off, the leavings are mashed into cattle feed.

Sunkist has felt "quite frustrated" with the focus on waste in the fight over the orange marketing order. Says spokeswoman Ann Warring, "There's been a statement made that half of the crop will not make it to the consumer. Well, Sunkist has been processing all of its products." Nonetheless, even Sunkist acknowledges that navel oranges are ill suited for "processing" into frozen concentrate. The fruit is so tart that it must be mixed at a ratio of ten to one and, as a consequence, the return to farmers is below the cost of production. Consummers Union spokesman Oshira believes the diversion of table oranges to frozen concentrate and cattle feed is an overall waste of scarce resources: "We have a situation that's an outrage. Think of the land, the energy, the water, the capital used to grow that fruit. Think of the people who should love to buy that fruit at a price they could afford."

In San Francisco, USDA official Ben Darling scoffed at the picture Oshira drew of hungry consumers being denied produce because of the operation of marketing orders. Darling said his position would be altered if oranges were needed for survival. But, he allows: "Oranges are not an essential food. People don't need oranges. They can take vitamins."

Carl Pescosolido has been struggling to avoid dumping his oranges on the ground, but that task was made more difficult when the juice processing plant that normally handles diverted fruit from Exeter Orange—controlled by John Wollenman's brother, G. A. Wollenman—expelled Pescosolido's company from the facility. Pescosolido also endured a twelve-day "audit" by administrative committee investigators pursuing a possible fine against Exeter Orange. As if to underscore the risk of his rebelliousness, Pescosolido has only to reflect on the experience of his friend, former farmer Jacques Giddens, who defied administrative committee regulations in 1976 and was fined $12,620 and driven out of business. Pescosolido knows he has a serious fight on his hands, and already he has plowed $250,000 in legal fees into the effort. He's determined to continue his battle in the courts, and both his defenders and detractors see that as the first step in a radical new appraisal of agricultural regulation.

When hundreds of thousands of farmers in the Dust Bowl watched their topsoil blow away in the twenties and thirties and other farmers across the country were caught in the crossfire of overproduction and poor prices, John Steinbeck wrote about the tandem hunger and waste that resulted—twin poxes of a volatile economy. In "The Grapes of Wrath," published the same year the Agricultural Marketing Agreement Act became the centerpiece of government control in agriculture, Steinbeck wrote: "Men who have created new fruits in the world cannot create a system whereby their fruits may be eaten. And the failure hangs over the State like a great sorrow.

"The works of the roots of the vines, of the trees, must be destroyed to keep up the price, and this is the saddest bitterest thing of all. Carloads of oranges dumped on the ground. . . . A million people hungry, needing the fruit—and kerosene sprayed over the golden mounds.

"There is a crime here that goes beyond denunciation. There is a sorrow here that weeping cannot symbolize. There is a failure here that topples all our success."

Pescosolido reads through that passage in his office, and sinks back into his chair. "That's beautiful, that's exactly it," he says as he prepares for another round in the slugfest over government regulations originally imposed to prevent waste and curb the farmers' hardship and the consumers' uncertainty. The new alliance Pescosolido has joined, a coalition of independent farmers and consumer lobbyists, believes the government regulations only deepen the evil they were designed to cure.●

IN RECOGNITION OF ALAMEDA EDUCATOR, MR. ARTHUR LEYDECKER

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. STARK. Mr. Speaker, I would like to take this opportunity to share with my colleagues the achievements of one of my constitutents, Mr. Arthur Leydecker.

Mr. Leydecker is retiring this year after 30 years as an educator in the city of Alameda, Calif.

In addition to his responsibilities as a teacher and as an administrator, he has devoted much of his time to civic duties. He is past president of the Alameda Girls' Club, he is on the board of directors of the Alameda Boys' Club and the Rotary International. He has served on the Alameda Council, the Boy Scouts of America, and the Century Club. He received the Honorary Life Service Award of the PTA and the leadership award of ACSA.

It is indeed appropriate that we add our commendations to Mr. Leydecker upon his retirement and for his outstanding service to the youth and community of Alameda.●

BURGER'S COMMENTS ON PRISON REFORM

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. MAZZOLI. Mr. Speaker, we can all be proud of the way American justice operates. Yet, improvements can always be made in the system.

I wish to congratulate the Chief Justice of the United States, Warren E. Burger, on his remarks to the law graduates at George Washington University recently.

Excerpts of those remarks were carried in the May 26 Washington Post.

His proposals for a cost-effective method to improve the penal system and increase the rate of prisoner rehabilitation merits the concerns of the Congress and the country.

The article follows:

A MORAL OBLIGATION TO PRISONERS

No one questions that a criminal conviction should always be open to correct a miscarriage of justice. But no other system in the world invites our kind of never-ending warfare with society, long after criminal guilt has been established, beyond reasonable doubt, with all the safeguards of due process. Our system has moved thoughtful, sensitive observers who are dedicated to individual liberty to ask: "Is guilt irrelevant?"

Looking back, we see that over the past half century we have indulged in a certain amount of self-deception with euphemisms, sometimes perhaps to sugar-coat the acid pills of reality, and sometimes to express our humane aspirations for those who break our laws. Prisons became "penitentiaries"—places of penitence—juvenile prisons became "reform schools" and, more recently, we have begun "halfway houses" without being quite sure halfway from what to what.

I have long believed—and I have frequently said—that when society places a person behind walls and bars it has a moral obligation to take some steps to try to render him or her better equipped to return to a useful life a a member of society. Now, I say "try," and I use the term moral obligation, not legal, not constitutional. The Constitution properly mandates dues process and it mandates certain protective guarantees, but it mandates nothing concerning the subject of punishments except that they not be "cruel and unusual." To make these people good citizens is also for our own proper self-interest.

To do all the things that might have some chance of changing persons convicted of serious crimes will cost a great deal of money, and 1981, if you have listened to talk shows, is hardly the year in which to propose large public expenditures for new programs to change the physical plants and internal programs of penal institutions. So what I am about to propose are programs of relatively modest fiscal dimensions that I believe will help—but with no guaranteed results.

Two steps could reasonably be taken within the range of affordable expenditure. I relate them chiefly because they are affordable in an economic sense—and feasible in terms of the psychology and the political and economic realities of 1981. These proposals are closely related. Each bears on training and education—training of the inmates and training of the keepers.

In all too many state penal institutions, the personnel—the attendants and guards—are poorly trained and some are not trained at all for the sensitive role they should perform. A fairly recent study shows an astonishing rate of turnover of guards and correctional personnel.

An important and lasting consequence of lack of trained personnel is the impact on the inmate—the individual inmate—who continues his hostility toward society, toward fellow inmates and prison personnel. The keepers come to be the immediate symbols of the society that keeps them confined. Unfortunately, judicial holdings have not always discouraged this warfare. More often than not, and I emphasize this, inmates go back into society worse for their confinement.

The best of prison administrators cannot change some of the negative conditions

unless those in the high-turnover, lower-echelon categories are carefully screened, well-trained and reasonably paid. Psychological testing of applicants is imperative to screen out people with latent tendencies of hostility. The existing prohibitions on psychological screening must be reexamined. Today, those lower positions in most of the states are generally not paid adequately enough to get even minimally qualified people.

The time is ripe to extend the fine work begun in 1972 by the National Institute of Corrections, and we should proceed at once to create a national academy of corrections to train personnel much as the FBI has trained local and state police. This is especially needed for the states, which have no real training resources available. The academy should also provide technical assistance to state and local institutions.

The second step for which I would urge consideration is one that would need to be over a longer period of time. We should introduce or expand two kinds of educational programs in the prisons.

The first would be to make certain that every inmate who cannot read, write, spell and do simple arithmetic would be given that training—not as an optional matter but as a mandatory requirement. The number of young, functional illiterates in our institutions is appalling. Without these basic skills, what chance does any person have of securing a gainful occupation when that person is released and begins the search for employment—with the built-in handicap of a criminal conviction?

Focusing on the longer-term prisoner, the second phase of this educational program would require a large expansion of vocational training in the skilled and semi-skilled crafts. The objective would be that a prisoner would not leave the institution without some qualifications for employment in the construction, manufacturing or service industries. These vocational training programs should also be mandatory. An inmate who declines to cooperate must be motivated to do so by incentives including shortening the sentence. Just as good behavior credit is now allowed to reduce sentences, we should allow credit on sentences for those who cooperate by learning. We should help them to learn their way out of prison.

Even in this day of necessary budget austerity, I hope that the President and Congress, in whose hands such matters must rest, will be willing to consider these two modest, but important steps. No one can guarantee results, but if we accept the moral proposition that we are our brothers' keepers and the moral proposition that there is a divine spark in every human being—hard as that is to believe sometimes—we must try.●

ISLANDER TEAM COMMENDED

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. McGRATH. Mr. Speaker, I rise to express great pride in the performance of the New York Islanders whose home ice is in the Nassau County Coliseum in New York's Fifth Congressional District. The Islanders' recent five-game victory over the Minnesota Northstars in the Stanley Cup finals marks their second straight championship, an accomplishment which was only a dream to team members and their loyal fans a few short years ago. As the only major professional team on Long Island, the Islanders have given nearly 3 million residents of Nassau and Suffolk Counties a great sense of identity.

General Manager Bill Torrey, Coach Al Arbour, and the strong and skillful members of the Islander team are to be commended for their tremendous effort over a long and demanding season. Their work has provided wholesome entertainment for thousands of people and inspiration for many youngsters who participate in hockey and other team sports.

On behalf of many Islander fans in my district, I would like to take this opportunity to extend to the team and its management heartfelt congratulations and best wishes for future success. Finally, no expression of appreciation would be complete without recognizing the fine play of the Minnesota Northstars, who also put forth a gallant effort to participate in the Stanley Cup finals.●

PRESERVING THE MEMORY OF THE HOLOCAUST CAN PREVENT ITS REPETITION

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. SOLARZ. Mr. Speaker, I would like to bring to the attention of my colleagues a very moving address on the meaning of the Holocaust to the younger generation which was delivered by Steven Kaiser, a member of the board of directors of Second Generation, a New York organization of children of Holocaust survivors.

Mr. Kaiser, a social worker and adviser to students at New York Institute of Technology and Nassau Community College, delivered this speech at the 38th anniversary of the Warsaw ghetto uprising. In it he pays tribute to the courage, tenacity, and spirit of the Jewish people.

Mr. Speaker, I submit this moving and insightful address to be reprinted in the CONGRESSIONAL RECORD.

THE HOLOCAUST CANNOT BE FORGOTTEN

(By Steven Kaiser)

It is a truly great honor and a privilege for me to address you today to commemorate the 38th anniversary of the heroic Warsaw Ghetto Uprising, and to memorialize those millions of Jewish men, women and children who perished at the hand of the Nazis.

It is an honor for me to speak before this audience, the majority of whom are survivors of the Holocaust, including my Uncle, and to share with all of you my thoughts about the responsibilities of the children of survivors of the Holocaust.

And, finally, as a member of the Second Generation it is a great privilege for me to participate in this commemoration with a man deeply committed to the well being of the Jewish people, a leader in the struggle to combat and prevent anti-Semitism, and a person of international stature, as a champion of human, civil and individual rights: Congressman Steven Solarz.

Both my parents survived the Holocaust. At age 16 my mother was incarcerated at Bergen-Belsen, living under sub-human conditions, and, amidst death, disease and destruction, she wrote plays, shared her food and thus preserved her humanity. My father is the lone survivor from a family of four. In 1942 his parents were deported to Treblinka. Later that year he received false identification papers, and posing as a non-Jew fought with the Polish underground. He participated in the Warsaw Ghetto uprising in 1943, the Warsaw uprising of 1944, and then served as an intelligence officer for the Allies.

As a child I denied my unique background. I was not interested in concentration camps, the Warsaw Ghetto, nor any other aspect of the Holocaust. I wanted to be like everyone else: a normal American child. Despite my denial, I knew there was a difference between myself and other children. It was a feeling I could not articulate nor define, but it was all-pervasive!

A few years ago I was able to accept my unique background and the strength and responsibility which came from being a child of survivors.

I frequently ask myself: What are my responsibilities as a child of survivors? What should my concerns be? These are questions which all children of survivors ask themselves.

As you probably know, our main concern is that the world never forget the sufferings of our parents nor the tragedies of the Holocaust.

There is a movement today among certain scholars and intellectuals to, as Elie Wiesel states, "de-Judasize" the Holocaust, and even among some, to deny its actual occurrence.

Can any rational person really think that our people did not suffer precisely because they were Jews? Or that they were simply few among many whom the Nazis thought undeserving of life? We cannot allow this insidious denial, if not perversion, of history!

I frequently ask myself: How will my children learn about the Holocaust? Who will be presented as the true Holocaust Historians? The survivors are the witnesses to the Holocaust. The survivors are the true Holocaust Historians. It is a responsibility as children of survivors, as witnesses to the witnesses, to ensure that the survivors' experiences are recorded and stand as the true history of the Holocaust.

It is not enough just to remember the suffering, the humiliation, the tragedy of 15 million Jews! It is imperative to remember the courage, heroism, resistance, creativity and humanity of our people, struggling against not only the insane ambitions of the Third Reich, but also the passive acceptance of its principles by the peoples of Europe.

We are all aware of the heroic resistance of the Warsaw Ghetto fighters. But it is not widely known that in every Ghetto, in every labor camp, and in every concentration camp there existed a Jewish Underground that committed acts of sabotage, organized armed revolts, and helped reduce physical and emotional suffering. Even in Treblinka, an uprising occurred against this massive death machine.

In addition to armed resistance, we must not forget how even in the death camps, Jews valorously maintained what shreds they could of civilization and humanity.

In the midst of starvation people shared their meager rations. In the midst of barbarism writers produced poetry and plays. In the very midst of hell Jews celebrated their covenant by holding Passover seders.

The tremendous courage and tenacity of the Jewish people needs to be told, and passed on from generation to generation. This is one of the primary responsibilities of children of survivors!

Some of us here today are children of survivors of the Holocaust. Others personally suffered its horrors. Still others may not have been directly touched. But no Jew can say he was spared. All of us bear the scars of the Holocaust. And these scars make us acutely sensitive to oppression and tyranny wherever they are found.

In Cambodia, hundreds of thousands have been slain or starved to death because of their resistance to the new regime. In South Africa, the system of Apartheid exists which constantly violates peoples' human rights.

In the Soviet Union, the Government promotes lies about Jews, curtails their emigration and has systematically suspended the human, civil and individual rights of its Jewish citizens.

Recent history gives us many examples of the question of anti-Semitism and other violations of human rights. In the General Assembly of the United Nations a resolution to equate Zionism with Racism was passed by unanimous vote of the Communist and third world blocks.

In many Arab countries Jews are constantly terrorized and denied their religious and civil rights. Even in western countries, terrorism against Jews is becoming more prevalent. And in France after the bombing of a synagogue, the Minister of Interior stated he was sorry that innocent non-Jews were killed.

We, children of the survivors of the Holocaust, with our great compassion for suffering and injustice, are especially concerned about the persecution of Jews. We are outraged at the recent rise in anti-Semitic activity, including instances in our own country.

It is our responsibility as children of survivors, our moral obligation, to identify, challenge, and vanquish those who would suppress human rights, liberties and values.

To conclude, as children of survivors, it is our solemn responsibility to preserve the memory of the Holocaust, and to ensure that it never reoccurs.●

OIL TAKES BACK SEAT TO NUCLEAR ELECTRICITY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. McDONALD. Mr. Speaker, there is some good news on the energy front. Industry Week in its May 18, 1981, issue reports the following item:

Although coal still remains king, for the first time the nation's utilities last year generated more electricity with nuclear energy than with oil, the Department of Energy reports. Coal fueled 50.8 percent of all electric power generated. Nuclear energy produced 11 percent, just surpassing oil's 10.8 percent. Other major sources of electricity were natural gas (15.1 percent), hydropower (12.1 percent), and geothermal, wood, and waste (0.2 percent).●

BELL SYSTEM MINORITY BUSINESS ENTERPRISE

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. MITCHELL of Maryland. Mr. Speaker, I am very proud to share with my colleagues the following synopsis of the Bell System's efforts in utilizing minority firms and affording these firms an equitable opportunity to compete for Bell System business. It is not very often that I have the pleasure of pointing to concerted efforts by established private entities to move minorities one step closer to economic parity. However, Mr. W. Orville Wright, division staff manager, government and community relations, has worked arduously in this area, and graciously consented to outline the Bell System minority business enterprise (MBE) program for my perusal. Through the efforts of Mr. Wright and others, this program has become a part of the Bell System's overall affirmative action program, and I pledge my support for it. A brief review of Bell System's historical involvement with minority businesses follows:

The Bell System has a long history of involvement with minority businesses. In 1968, the Western Electric Hawthorne Works (near Chicago) held the first minority trade fair, "Suppliers Opportunity Day." Western Electric organized and chaired the same event the following year, and the fair later evolved into the Chicago Purchasing Council, itself the forerunner to the National Minority Purchasing Council.

In 1972, then AT&T Chairman John D. deButts was the principal speaker at the Chicago Minority Opportunity Fair. He encouraged American industry to become involved in the minority business movement.

Over the years Bell companies have become involved in and have supported regional minority purchasing councils. Such involvement includes sponsoring local trade fairs, holding elective offices, volunteering time, and providing office space and clerical support.

In 1976, AT&T issued the Bell System's first model Minority Business Enterprise (MBE) Program. Among the recommended components were:

A statement of corporate policy to insure that maximum practicable opportunity be given to minority business enterprises to participate as suppliers and contractors to our business.

To see that fair and impartial consideration is given to each of the enterprises.

Definitions of minority group members, suppliers and contractors.

A methodology for providing maximum practicable opportunity to minority suppliers to be considered on an equal basis with other enterprises.

The major objective of the Bell System Model Program each year is to surpass the previous year's dollar amount spent with minority suppliers and contractors.

Early in the development of the Model Program it became apparent that each of the Bell System companies should have corporate MBE coordinators. These coordinators would facilitate contracts between their companies and minority suppliers, and be responsible for the implementation of the program in their companies. Therefore, AT&T established corporate and local MBE coordinators. Although these people are not buyers themselves, they are in a position to direct suppliers to those who serve in that capacity in their companies. AT&T issued guidelines to aid coordinators in determining the effectiveness of their programs.

Each company MBE coordinator summarizes expenditures and issues quarterly reports that are sent to the department heads of each company. In order to insure that the MBE Program continues to obtain top level attention, each year AT&T provides company presidents their MBE expenditures for goods and services as compared to the other companies in the Bell System. Also included are recommendations which may be helpful in administering the program in each company.

Since 1975, Bell System expenditures for goods and services from minority suppliers are as follows:

1975, $65 million; 1976, $85 million; 1977, $124 million; 1978, $166 million; and 1979, $212 million.

In 1979, expenditures with minority firms for construction and related professional services totaled $27.6 million, compared to $16.7 million in 1978.

Gross premiums of $4.2 million were made to minority insurance companies participating under the Bell System Group Life Insurance Re-Insurance Program.

Bell System 1979 activity with minority banks was:

Total tax deposits, $294 million; average on deposit per day, $2 million; and total loans, $7 million.

In 1978, the Bell System issued the first MBE booklet which contained a summary of system policy, objectives, activities of the MBE coordinator, a listing of all MBE coordinators in the System and a listing of what the Bell System purchases. This publication has been distributed to thousands of minority vendors at minority trade shows all over the country. In addition, each associated company has a more detailed booklet describing the individual company's needs. These booklets have been an excellent tool for bringing minority vendors together with our buyers in the associated companies.

An AT&T MBE Steering Committee was established in 1978 to expand awareness of the program on a departmental basis both at AT&T and in the associated companies. This group has sponsored a Bell System membership in the National Minority Supplier Development Council.

The Bell System believes that the success of our program cannot be measured in dollars alone. It can be measured by the commitment the Bell System has towards the program and by the Bell System people who spend immeasurable hours in aiding minority firms to become viable in the community.●

NASSAU COUNTY'S SENIOR CITIZEN OF THE YEAR, 1981

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. LEBOUTILLIER. Mr. Speaker, it is most appropriate that during the month of May, which is Senior Citizen Month in Nassau County, that special recognition be extended to those seniors who have excelled on behalf of senior citizens causes and the community as a whole.

I am, therefore, extremely honored to note that this year's Nassau County Senior Citizen of the Year is Mr. Harry Griffin of 2 Hidden Lane, Westbury.

Mr. Griffin is a 30-year resident of Nassau County, having served numerious charitable and volunteer activities over the years. Among his many accomplishments, Mr. Griffin has recorded over 14,000 hours of volunteer service to the A. Holly Patterson Home. He has a excellent understanding of government, the private and voluntary sectors, and has demonstrated a superb willingness to bring people and services together.

I am equally pleased to note that Mr. Griffin has been nominated for the New York State Senior Citizen of the Year Award. Given the extent of his most impressive accomplishments, I extend him every best wish in his pursuit of this honored award.

The senior citizen occupies a very special place in our society today. More and more we younger Americans will look to those who have lived life so completely, and seek to benefit from their wisdom and experience.

Among the many who have honored Mr. Harry Griffin—I am honored to join in offering sincerest recognition to a man who has earned the respect and love of so many by doing for others.●

SALLY K. GRISWOLD

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Ms. OAKAR. Mr. Speaker, one of our outstanding citizens, Mrs. Sally K. Griswold, mirrors the extraordinary work being done throughout the country, and I know all my colleagues will be interested in her efforts as described in the article below which appeared in the Cleveland Plain Dealer.

THIS GRANDMOTHER IS PEOPLE PROBLEM-SOLVER

"There is a time when one must decide either to risk everything to fulfill one's dream or sit for the rest of one's life in the back yard."

Sally K. Griswold is not risking everything. But neither is she spending her life sitting in her back yard.

Quite the contrary. She is perpetual human motion and emotion, a member of almost every blue-ribbon organization in Greater Cleveland that deals with seeking solutions to the problems of people.

Griswold is on the distribution committee of the Cleveland Foundation and the board of trustees of the Benjamin Rose Institute and Golden Age Centers.

She chairs the trustees of John Carroll University, is on the board of overseers of Case Western Reserve University, belongs to the Growth Association's board of directors and co-chairs the Commission on Social Concerns of the Federation for Community Planning.

Griswold also is a member of the planning division of United Way, and is an advisory director of the Cleveland-area BancOhio National Bank. The latter is a paid position.

Despite all this, Griswold emphasizes that she has been, first and foremost, a mother and a housewife. She has four children.

She was PTA president while teaching at Mercer Elementary School in Shaker Heights. She served eight years on the Shaker Heights school board. A lover of the outdoors, she is a trustee of the Shaker Lakes Regional Nature Center.

Griswold's vitality and verve belie the fact that at least numerically, she qualifies as a senior citizen; she was born May 28, 1917, in Lakewood.

She received a bachelor's degree in education from the University of Michigan in 1938, after graduation from Heights High School. She obtained a master's degree in guidance and counseling from John Carroll in 1976.

The green-eyed grandmother of five likes to play golf, even though she has trouble finding time for the sport. She enjoys cooking, reading fiction and spending time with her family. Her husband, Bruce, is a member of the law firm of Calfee Halter & Griswold.

How does she find time for all her duties? Her answer is practical. "Well," she said, "not all boards and commissions meet at once. And a lot of work is done by paid staff members who make you look good."

Griswold is putting much of her energy into a few areas of concern: making day care available to children and the elderly, cutting health care costs and working with the Council on Mental Health to insure that the rights of the mentally ill and retarded are represented in the courts.

"We are working to place health care in reach of every segment of the population, and costs are escalating," she noted. "One way we can cut these costs is to care for the elderly's health needs in their homes as long as possible. Another way is to establish day care centers. We are also working to enact legislation for the state licensing of day care centers for children."

Of President Reagan's budget cuts, Griswold said, "Federal programs can't keep printing money. Too much money goes into administrative overhead, and our goal is to get money directly to the people."

The Cleveland area, she said, is "blessed by a wealth of volunteers. Volunteers work in a learning, educational experience which broadens your horizon.

"Sometimes we get a little satisfaction and a great deal of frustration. We keep seeing the same problems cropping up year after year. Solutions aren't always lasting. When you are involved you hope you could have more impact on problems, but changes take place very slowly," she added.

Despite the frustrations and the snail-like pace of change, Griswold summed up her life cheerfully: "I give a little and get a lot back."●

STEEL INDUSTRY COMPLIANCE EXTENSION ACT

HON. GUS SAVAGE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. SAVAGE. Mr. Speaker, today I was one of the Members who both supported and voted for passage of H.R. 3520, commonly known as the Steel Industry Compliance Extension Act.

As a member of the Congressional Steel Caucus and as a cosponsor of H.R. 1817, legislation similar in purpose and intent to this bill we passed under suspension of the rules today, I am pleased that Members from both sides of the aisle could join forces to lend the steel industry a helping hand. The action we took today should help insure that many presently employed steelworkers in my district will not be forced to join the thousands of laid-off Wisconsin steelworkers, also in my district, who have been victimized, in part by Government insensitivity. This legislation will give the steel industry some breathing room to come into compliance with requirements of the Clean Air Act respecting installation of pollution control equipment. If no action had been taken to relax the compliance deadline of December 31, 1982, I am afraid my district and others as well, would have come face to face with yet other heart-renching tragedies, the proportions of which would rival that of Wisconsin steel.

Further, as one who has always been a champion of the environment I am pleased that this legislation does not downgrade existing air quality standards. I have always insisted that concern for economic growth and concern for the environment need not be mutually exclusive goals.

The bill we passed grants the Environmental Protection Agency the authority, on a case-by-case basis, to stretch out the time within which a company has to meet air quality standards in those instances where demonstrable need is sufficiently proved. Finally, I take this occasion to say that the action we took today gives me some reason to hope that Members from both political camps will, in the ensuing months, increasingly show a compassion for people in other areas as well.●

THE SASOL LESSON

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. RAHALL. Mr. Speaker, recently I was invited to address the Metals and Minerals Conference in a World Context in South Africa as chairman of the House Coal Group and as a member of the Mines and Mining Subcommittee of the House Interior Committee. Besides joining in on the discussion of nonfuel minerals, their importance to national security and technologies involved in their extraction, I had an opportunity to tour several coal mining operations in that country. South Africa is a major coal exporter. In addition, it is a world leader in the production and use of synthetic fuels derived from coal. The largest coal liquefaction facility in the world, Sasol, is in South Africa. It is a profitable operation and has drastically reduced that country's dependence on foreign oil.

The Sasol project began in 1950. Last year, due to the production of synthetic fuels from Sasol 1, only about 25 percent of South Africa's energy requirements were met by imported crude oil. With the completion of Sasol 2 and 3, that country's dependence on foreign oil will drop to less than 15 percent.

With the Sasol technology, South Africa has made an investment in the future. Thus, it was with some chagrin that I read an article in the Star, South Africa's largest daily newspaper, which led with this paragraph:

> Like a piece of soft coal, the U.S. synthetic fuels programme has begun to crumble around the edges now that the Reagan administration has started handling it. And, as with the piece of coal, the projects under scrutiny are leaving a residue even after they are scrubbed.

It is the residue of this country's synthetic fuel efforts that I would like to address. It is the scrubbing of a project forged with international cooperation that I would like to decry. Among the synthetic fuel demonstration projects slated to be cut by the Reagan administration, SRC-II in Morgantown, W. Va., represented a commitment by the U.S. Government, the private sector and two of our allies, Germany and Japan, to jointly cooperate in reducing foreign oil imports by developing synthetics from coal. However, due to the administration's proposal to cut the Federal share of this project, West Germany seems ready to give up on it; Japan feels cheated; and, Gulf Oil, which is carrying the private share of costs, cannot continue its work.

It is strange that this administration is so shortsighted as to not realize the implications of its actions in this area. It is also discouraging that this Nation is 30 years behind South Africa in synthetic fuel technology.

With just a small degree of fortitude, we could reverse this tide and in a few years be in the enviable position of South Africa as far as reducing oil dependence goes. Yet, in its urgency to cut the Federal budget, the administration has not only reneged on commitments made to our allies, but has seriously damaged our efforts toward energy independence.

The SRC-II project calls for the conversion of 6,000 tons of coal into 20,000 barrels of oil per day during the demonstration phase. It would be the largest construction project in West Virginia's history. Moreover, it would provide the basis for future commercial-scale projects which were to produce the equivalent of 500,000 barrels of oil per day by 1987 and 2 million barrels per day by 1992.

Today, these goals are in jeopardy.

At present, the administration is negotiating the future of SRC-II with Japan, West Germany, and Gulf Oil. I would suggest that during these talks the administration stand by agreements which were signed in the Rose Garden last year by President Carter. I would urge the administration not to instill an element of distrust in our international allies by eroding this Nation's commitment to leading the way toward increased energy security. The technology being developed at the SCR-II plant is but one building block toward the creation of an entire industry. But, it is a very important building block as it is part of the foundation of an international effort among our allies, the Federal Government, and the private sector to jointly tackle the problems we all face in meeting the energy challenges of today and of those that will be faced by future generations.●

TRIBUTE TO WESLEY SANDERS, JR.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. ANDERSON. Mr. Speaker, on June 6, 1981, the Brothers 3 will host a dinner at the Coconut Grove in Los Angeles Ambassador Hotel to honor Compton City Treasurer Wesley Sanders, Jr. This occasion is one more honor in Wesley's already distinguished life, for he has always excelled in both private and public ventures.

Wesley was born in Los Angeles on February 7, 1933. He attended Jordan High School, entered Harbor Community College to major in business administration, and graduated from the University of California at Santa Cruz in 1977. In 1952 he entered the U.S. Air Force, eventually reaching the rank of staff sergeant. After leaving the Air Force, Wesley became involved in the meat and grocery packaging industries, becoming owner and operator of Triple Quality Meats in 1961. Wesley's 17 years in the industry were successful ones, as is evidenced by his selection as the Morrell Meat Packers' outstanding salesman of the year.

Succeeding in private business, Wesley has turned to public service in later years. He was a member of Compton Union High School's Personnel Commission, and advanced to serve on the personnel commission for the Compton Unified School District. In 1973, he was elected Compton city treasurer and has held that office since. As treasurer, he has guided the city's successful efforts toward urban revitalization, earning more interest income for the city than any other treasurer in Compton's history. Further proof of his effectiveness as treasurer lies in the fact that he ran unopposed in the last election.

Mr. Speaker, this is a man of talent and energy who continues to give his all to his community. Wesley belongs to over a dozen civic organizations, including the Compton Chamber of Commerce, the Young Men's Christian Association, the National Association for the Advancement of Colored People, the Central Democratic Committee, and the Compton Police Officers' Reserve Corps. A man who has given so much of his time and energy to the growth of our area is deserving of this dinner in his honor.

My wife, Lee, joins me in wishing the very best for Wesley, who we know will continue his high level of excellence in the years ahead.●

SOCIAL SECURITY CUTBACKS

HON. DAVID W. EVANS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. EVANS of Indiana. Mr. Speaker, because of my interest in and advocacy of the social security retirement system and as a member of the House Aging Committee, I wish to state my opposition to several of the administration's proposals to reduce certain social security benefits beginning January 1, 1982. I consider the administration's proposals to be an overreaction to the critical need to correct the many problems associated with the social security system.

Major elements of the administration's plan would reduce benefits for those persons retiring before age 65 and delay for 3 months an annual

cost-of-living allowance (COLA) scheduled for July 1982. Legislation already moving through Congress would raise the full benefit retirement age from 65 to 68 and eliminate the $122 minimum monthly benefit as of January 1982, among other provisions. Enactment of all the social security proposals could save $81.9 billion by the end of 1986. That seems good, yet, President Reagan's overall cut is three times greater than necessary to make the system financially sound and it ignores the recommendation of three major Presidential study commissions. I suggest the President read some of those studies.

Since social security is the principal source of income for most retirees the proposed cuts would be especially devastating to persons forced to take an early retirement because of poor health or unemployment. Recipients of social security benefit checks have already had their payments eroded by inflation and should not be asked to wait an additional 3 months for their adjustments. While I firmly believe we must reduce the Federal deficit, I am skeptical of measures that call for the deepest sacrifices to be made by the poor, the aged, and the disabled. The administration's proposal reflects a basic and deep misunderstanding of what the social security system is about. Social security is a long-term compact between its contributers and the Federal Government; contribute during your working years and the Government will pay you and your dependents what has been promised when you are retired, disabled, or dead. The public cannot maintain faith in the system if that system is subject to changes because of short-term political or economic goals.

Among the most criticized proposals in the President's package is a plan to reduce benefits for those who elect to retire early, starting January 1982. Under the current system, those who retire at age 62 receive 80 percent of the benefits they would be entitled to if they had retired at age 65. President Reagan wants those early benefits reduced to 55 percent of full benefits to encourage people to remain in the work force longer.

By the administration's own calculations, a worker entitled to the maximum social security benefit who retired next January would receive $159 a month less than under present law—$310.50 under the Reagan plan as compared with $469.60. Under the administration's proposal, the early retirement benefit would not even be high enough for a single person to reach the poverty level.

The disability proposals of the plan are especially hard on women. A woman who is pregnant and wants to stay at home with her child for 3 years would not be eligibile for disability benefits until after she had rejoined the work force and worked steadily for an additional 7 years should she become disabled on the job.

Tightening the social security bureaucracy is a more reasonable and acceptable goal that could result in much needed savings. Also, under legislation I am cosponsoring, certain aliens would not be able to obtain social security until they have been in this country at least 5 years.

The controversy over proposed social security benefit cutbacks is one that will receive considerable attention. As a member of the House Aging Committee and its Subcommittee on Retirement Income, I will continue to support reasonable and equitable alternatives to the administration plan to reduce earned retirement income.●

PRAISING THE MOUNT ST. CHARLES ACADEMY HOCKEY TEAM

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. ST GERMAIN. Mr. Speaker, one of the most often used phrases to describe the unlikelihood of the unusual occurring twice is "lightning striking twice in the same place." In a way, however, the most extraordinary has taken place in the town of Woonsocket, R.I., where I have lived my entire life. Though unlike lightning which is directed by chance, the reoccurrence of an event which has taken place in Woonsocket has been the result of hard work, commitment, talent, desire, and a bit of genius.

For the Mount St. Charles hockey team to have been cited as the No. 1 team in all the Nation is a tremendous honor and achievement. For the same school to have been chosen as the Nation's top hockey team for the second year in a row is a feat that is unmatched in the history of high school athletics and truly stands as one of the most outstanding efforts imaginable.

The Mount St. Charles team has played flawlessly in the past two seasons finishing with an undefeated record and the Nation's highest honor. Their coach Bill Belisle has led his teams to an equally amazing 157 victories in 163 matches over the past 5 years.

I believe the excellence of the Mount St. Charles hockey team is of such an outstanding and unusual nature that I felt compelled to share their achievements with you. They are the pride of not only Woonsocket but of all Rhode Island. They are truly champions in the highest form and just the sort of sportsmen who could make the unusual happen—twice.●

A SALUTE TO SAC'S BEST

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. SKELTON. Mr. Speaker, Whiteman Air Force Base, located in the Fourth Congressional District of Missouri, had good news recently when its 351st Strategic Missile Wing won the coveted Blanchard Trophy. This is the fourth time they have achieved this distinction. The wing commander, Col. Norman Miner, Jr., and all of the 351st should be congratulated. The following is an editorial by Avis G. Tucker, editor of the Warrensburg Daily Star Journal, concerning this distinction:

A SALUTE TO SAC'S BEST

News of Whiteman's 351st Strategic Missile Wing capturing the victory in "Olympic Arena '81" competiton was met yesterday with excitement and a surge of pride in the home area of Whiteman Air Force Base.

Winning this year was made extra-special, for it marked the fourth time WAFB has gained possession of the prized Blanchard Trophy—something no other missile team in the country has ever achieved.

There was also the added exhilarating feature of rolling into first place from behind, even though there was only a very small margin of points between the competing teams. The first eight were separated by only 47 points out of a possible 3,000, and a slim 14 points between the top four, as it came down to the finish line.

In each of the five categories—operations, maintenance, security police, communications and civil engineering—experts are pitted against experts.

Team members from the SAC missile bases who converge on Vandenberg Air Force Base for the annual Olympic Arena competition are tops in their skills. Put to a rigid test is their technological expertise coupled with team spirit. The intensity of the latter is often the difference between winning and losing.

The happy wing commander, Col. Norman Miner, Jr., put the winning performance in perspective when he said, "We didn't have a single first place winner anywhere, but a good solid performance took it all."

Whiteman went into the competition with the motto, "Showing Them How It's Done in '81," and they turned it into reality. In executing their sharpness, they came out of the keen competition with the enviable reputation of being the best in SAC.

As these fine competitors make their triumphant return, we salute them and extend

sincere, hearty congratulations. They bring with them a well-deserved honor, recognition to their wing and to themselves and distinction for the entire WAFB area to enjoy.●

INTO THE HALL OF FAME

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. DE LUGO. Mr. Speaker, it gives me great pleasure to bring to your attention the fact that Emile Griffith of the Virgin Islands has been inducted into the Boxing Hall of Fame.

Emile Griffith has had an illustrious and brilliant career in the boxing ring which started in 1957 when he won both the New York Golden Gloves and the intercity titles in this weight class. He went on to win in the welterweight and later the middleweight classes a total of five titles—a feat matched only by Sugar Ray Robinson. It was an extraordinary achievement which displays the determination, dedication, and personal fortitude of Emile Griffith.

It also bespeaks of the same qualities in the people of the Virgin Islands—the small islands in the Caribbean which have produced an extraordinary number of world renowned athletes: Alvin McBean, the famous relief pitcher for the Pittsburgh Pirates; Elrod Hendricks, a catcher with the championship Baltimore Orioles team and now a coach with that club; Valmy Thomas, a catcher with the then New York Giants; Horace Clarke, a second baseman with the Yankees; Elmo Plaskett, a pitcher with the Pittsburgh Pirates, and Joe Christopher, an outfielder with that team; Jose Morales, an outfielder with the Baltimore Orioles; Jose Cruz, an infielder with the Chicago Cubs; Carl Plaskett of track and field fame; also in boxing, Olympic Bronze Medal winner in the junior welterweight division and now professional, Sugar Ray Sealey; and in basketball, Glen Williams of St. John University and Butch Lee of the Los Angeles Lakers, and upcoming Michigan State college star, Ronald Charles; recordbreaking swimming star Shelley Cramer; and many, many more. The number and the quality of athletes emanating from the Virgin Islands is truly remarkable. Their success is an inspiration to all Americans and it is only fitting and proper that their achievements are recognized, as has now been done with Emile Griffith's well-deserved induction to the Boxing Hall of Fame. I join with the people of the Virgin Islands in congratulating him.●

GALBRAITH ON IMPERIALISM: PART III

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. STUDDS. Mr. Speaker, on April 8, I inserted the first two parts of a three-part series authored by John Kenneth Galbraith on the decline of both United States and Russian imperialism during the past two decades. Today, I submit the third segment describing the enormous differences between classical imperialism and the pale substitute which goes by the same name today. This article, like the two preceding it, makes what I believe is an enormously logical case for a foreign policy almost entirely different from the one on which the Reagan administration presently appears to be embarked.

[From the Washington Post, Mar. 31, 1981]

THINKING ABOUT IMPERIALISM (III)

(By John Kenneth Galbraith)

In earlier articles, I've noted the promiscuous way in which we and the Soviets trade charges of imperialism in these days and the way, also, that what is so characterized has been for both powers a drastic retreat. For the Soviets, having regard for their position in China, Eastern Europe, Indonesia, Egypt and Algeria and various Western Communist parties, the loss of external influence in the last two decades has been enormous. That there have been gains of a sort in Afghanistan, Angola and Ethiopia, countries in which there is only a tenuous relationship between government and the governed, can hardly seem from Moscow to be compensation. Our experience has been much less drastic. But we have had the exceedingly painful reverses in Vietnam and Iran, and neither among the other industrial countries nor in Latin America and elsewhere do we have the all-but-automatic support that we took for granted 20 years back. So it comes about that each power now accuses the other of practicing something that is wonderfully in reverse. The reasons for this retreat, I would like to urge, are much the same for both countries, although they work more strongly against the Soviets than against ourselves.

Perception begins with the careless fashion in which the word imperialism is thrown around—in the delight that all foreign policy commentators, American, Russian and no doubt Papuan and Lebanese, have in giving substance to shadow, making concrete the subjective. What the word imperialism now describes bears no appreciable relationship to the practice of the last century and for centuries before. Then the imperial power governed with its own people, and it backed its government with its own soldiers or those sufficiently subject to its discipline. So it was in the Spanish, British, French, Portuguese and the more exiguous American empires and, of course, in the great eastern and southern reaches of Imperial Russia.

Where this imposed government and military power was weak, it was thrown out, and it did not matter that those so governed were culturally and ethically identical with their imperial masters. It was Spaniards who threw the Spanish out of New Spain, English who threw the English out of the North American colonies. The instinct for national identity, autonomy and self-government is one of the great constants of history. The real imperialism suppressed it but only because it brought its authority directly, comprehensively and obtrusively to bear.

The case of India is instructive. The British were greatly aided in conquest—a point conscientiously neglected by Indian historians—because they were in orderly contrast with the anarchic, rapacious and incompetent despots they displaced. They were, in the beginning, a liberating force. But by the middle of the last century their rule would not have lasted a month in the absence of a competent corps of British administrators backed by British and British-led troops. The mutiny of the Bengal Army in 1857 and the consequent (if temporary) collapse of British authority showed everyone where the real source of power lay. In the princely states, the Raj did govern through the prince and his public apparatus. But no one was in doubt that the true authority rested with the British resident and the armed force on which he could call. All knew that the prince could be superseded, i.e., sacked, if he did not conform; it happened not rarely, and one prince in western India was thrown out for staging an unduly expensive wedding between his favorite dogs.

In French, Portuguese and British Africa the same forthright principles were in effect; the ultimate British reliance in Africa was expressed in verse: "Whatever happens, we have got/The Maxim gun and they have not."

That is what true imperialism involved. And, in the end, it was not enough. Everywhere, contending with the urge for national self-identity, it collapsed.

The external influence that we or the Russians seek to exercise is, by comparison with the real imperialism, a pallid thing. To send in administrators is unthinkable; at most there may be technicians and advisers. And while, as in Afghanistan, Vietnam, the Dominican Republic and one hopes not Poland, troops have been dispatched, this is deeply against the conscience of the age. Government, in any case, must be by local politicians, and this ensures, as we learned in Vietnam and the Soviets are almost certainly discovering in Afghanistan, their discredit. There are, in fact, only two possibilites in such rule. If it is good and independent and has the confidence of its people, it will not long tolerate foreign guidance. If it is pliable and cooperative and accepts foreign domination, it will not long have the confidence of its people.

There is another fatal difference from the 19th century. Then there was no real thought of imposing an economic and social system; what was found in Asia and Africa was accepted. The only intrusion on the indigenous culture came from the trading and plantation enterprises, and while this on occasion, as in the sugar colonies, could be great, it reflected no systematic design. The missionaries did make an effort to alter the local culture and institutions; for this reason there was almost always friction between them and the colonial administrators.

In recent times, an avowed purpose of the great powers in extending their influence has been to preserve free enterprise, sometimes called free institutions, or to bring the liberating miracle of modern socialism. This compulsion is irrelevant and damaging, and especially so for the Soviets. The difference between capitalism and communism is rele-

vant only after there is capitalism. No one viewing a jungle, a tribal economy or a simple village society can tell whether it is capitalist or socialist because it is neither. The effort to extend a system causes more difficulties for the Soviets than for the United States because socialism is a definite, structured thing. When tried in the poor countries, it places a heavy demand on the scarcest of all resources, namely administrative capacity. Free enterprise, in contrast, is anything, however primitive, that happens to exist.

It is something of a puzzle, incidentally, as to why Soviet policy fails to recognize the extensive irrelevance of socialist development in the more elementary reaches of the Third World. Nothing was so clear in the mind of Marx; socialism must come after the organizing and socializing experience of capitalism. (He would have had grave doubts as to its feasibility even in a country anciently so talented in organization as China.) But we should not doubt that rhetoric about protecting free enterprise can be damaging; it suggests some dubious capitalist design; it is admirably useful to critics; and since the controlling influence on the economic system is not ideological choice but the stage of development, it does not make any difference.

There are other reasons why our influence and that of the Soviets are in retreat. Neither the economic system of the United States nor that of the Soviet Union has, in these last few years, been turning in the kind of performance that would make it a lodestar for the rest of the world. Both are highly organized systems; both could be showing the sclerotic tendencies that are inherent in all organization, public or private, socialist or non-socialist. But the main reason for the shared decline in influence is, without question, the unbounded determination of people to govern themselves and the contradiction in any surrogate effort from the outside that causes the good and strong leader to assert his independence, the compliant and weak one to sacrifice the confidence of his own people.

Two thoughts remain. I have spoken of decline; that is not synonymous with loss. One cannot suppose that we are worse off from living in a world of self-confident, self-assertive states. It does less for our national ego; but with the negotiation it requires, it could be a useful restraint on hasty or foolish action. Our heaviest reverse in these last 20 years was in South Vietnam. Can anyone suppose that we are economically, politically, culturally or militarily less well off because that unhappy peninsula has been returned to the obscurity for which one can only assume nature intended it? The dominoes, Thailand, Malaysia, Singapore—the main case for our intervention in Indochina—stand as upright as ever before.

What is dangerous is not the decline in influence but the misperception of it. Nations as now constituted can act dangerously out of an exuberant sense of their strength. But they can also act dangerously (or unwisely) out of the fear of seeming weak. It was such a fear that sent us into and kept us in Vietnam. It was the weakness of a client state and the fear of having this revealed that sent the Soviets into Afghanistan and could be the cause of action in Poland. We need to see, and must hope others can see, that what is called weakness is, in fact, an accommodation to the times—to the powerful instinct that causes people the world over to resist influence from the outside and to resist all the more strongly the tighter the embrace.●

HONORING HENRY F. MOZELL

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. STARK. Mr. Speaker, on June 26, 1981, at a testimonial dinner to be held in Oakland, Calif., one of my good friends and a respected member of the Oakland community will be honored for his many years of service to the people of the East Bay. I will be unable to attend the dinner honoring Mr. Mozell, but I want to pay tribute to him nonetheless.

Mr. Henry Mozell is the executive director and founder of the Oakland/Alameda County Consumer Council, and has been an effective leader in organizing advocacy groups and developing outreach programs on consumer issues. My staff and I have worked closely with him on a variety of consumer concerns, and his help has been invaluable.

So I join with those who are honoring Mr. Mozell in paying tribute to a man whose tireless efforts have helped many people in the Oakland area, and whose continued dedication is a source of inspiration to us all.●

H.R. 1776 HONOR ROLL—MORE THAN A MAJORITY

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. LEVITAS. Mr. Speaker, I rise today to inform the Nation and the leadership of this House that, after less than 5 months of the 1st session of the 97th Congress, more than a majority of the Members of the House have now become cosponsors of H.R. 1776, the Administrative Rule-Making Control Act. Specifically, 220 of our colleagues have thus far joined the H.R. 1776 honor roll. By doing so, these Members have signaled their intention to help reaffirm the authority of the Congress to write our laws.

A veritable tidal wave of support is now overwhelming the opposition to the legislative veto.

I believe that the citizens of our country will be pleased to learn that they have now been joined by a majority of the Members of this body in the effort to restore to the Congress its lawmaking authority. Our constituents have been the ones who have suffered under the laws written and imposed by unelected bureaucrats, and they have made it clear that they want this situation to end. They want their laws made by people they can see, talk to and vote for or against; they want their laws made by the Congress. And now they have new hope because more than a majority of the House have joined in this effort.

This fact should also be noted by the leadership of the House. It should serve as a signal that the time has come to take action, not just talk, on H.R. 1776.

The legislative veto is already contained in approximately 200 laws, but this piecemeal, albeit essential, approach leaves us with a hodgepodge of authority when uniformity is needed. The Congress should have the power to review and consider all of our laws, both the statutes themselves and the regulations written under them. H.R. 1776 will give Congress that authority.

The question is still a simple one but a fundamental one: Who makes the laws in this country, the elected Congress or the unelected bureaucracy?

The legislative veto, as embodied in H.R. 1776 would simply allow the elected Congress to review and, if necessary, veto any rule or regulation, having the force of law, issued by the unelected bureaucracy.

The administration and the House leadership must now recognize the wide base of support for H.R. 1776. Both in the House and with the public at large, this support crosses regional, ideological, and partisan lines. We cannot and should not ignore the will of a majority of our people or the will or a majority of our colleagues. It is time to put an end to legislating by administrative fiat.

It is time to act on H.R. 1776. We will be watching what happens. The American people will be looking to see the dispatch with which their desires and those of a majority of the House are given effect under our system of representative government.

H.R. 1776 HONOR ROLL

Mr. Albosta, Mr. Alexander, Mr. Anderson, Mr. Andrews, Mr. Anthony, Mr. Applegate, Mr. Archer, Mr. Atkinson, Mr. AuCoin, Mr. Badham, Mr. Bafalis, Mr. Bailey of Missouri, Mr. Bailey of Pennsylvania, Mr. Barnard, Mr. Beard, Mr. Benjamin, Mr. Bennett, Mr. Bereuter.

Mr. Bethune, Mr. Bevill, Mr. Blanchard, Mr. Boner of Tennessee, Mrs. Bouquard, Mr. Bowen, Mr. Breaux, Mr. Brinkley, Mr. Brown of Ohio, Mr. Burgener, Mr. Butler, Mrs. Byron, Mr. Campbell, Mr. Chappell, Mr. Clausen, Mr. Clinger, Mr. Coats, Mr. Coelho.

Mr. Coleman, Mrs. Collins of Illinois, Mr. Collins of Texas, Mr. Corcoran, Mr. Coughlin, Mr. Courter, Mr. Daniel B. Crane, Mr. Philip M. Crane, Mr. D'Amours, Mr. Dan Daniel, Mr. Robert W. Daniel, Jr., Mr. Dannemeyer, Mr. Daschle, Mr. Daub, Mr. Derwinski, Mr. Dickinson, Mr. Donnelly, Mr. Dougherty.

Mr. Dornan of California, Mr. Dreier, Mr. Duncan, Mr. Edwards of Oklahoma, Mr. English, Mr. Emery, Mr. Erlenborn, Mr. Evans of Georgia, Mr. Evans of Delaware, Mr. Evans of Indiana, Mr. Evans of Iowa, Mr. Fazio, Mrs. Fenwick, Ms. Ferraro, Mr.

Findley, Mr. Fish, Mr. Flippo, Mr. Forsythe, Mr. Fountain.

Mr. Fowler, Mr. Frenzel, Mr. Frost, Mr. Fuqua, Mr. Gilman, Mr. Gingrich, Mr. Ginn, Mr. Goldwater, Mr. Goodling, Mr. Gradison, Mr. Gramm, Mr. Gregg, Mr. Grisham, Mr. Gunderson, Mr. Hagedorn, Mr. Sam B. Hall, Jr., Mr. Hamilton, Mr. Hance, Mr. Hansen of Idaho.

Mr. Hatcher, Mr. Hefner, Mr. Heftel, Mr. Hendon, Mr. Hightower, Mr. Hiler, Mr. Holland, Mrs. Holt, Mr. Hopkins, Mr. Horton, Mr. Hubbard, Mr. Huckaby, Mr. Hughes, Mr. Hutto, Mr. Hyde, Mr. Ireland, Mr. Jacobs, Mr. Jeffries, Mr. Jenkins.

Mr. Johnston, Mr. Jones of North Carolina, Mr. Jones of Oklahoma, Mr. Jones of Tennessee, Mr. Kazen, Mr. Kemp, Mr. Kildee, Mr. Kindness, Mr. Kogovsek, Mr. Kramer, Mr. Lagomarsino, Mr. Leath of Texas, Mr. LeBoutillier, Mr. Lee, Mr. Lent, Mr. Lewis, Mr. Livingston, Mr. Loeffler, Mr. Long of Maryland.

Mr. Lott, Mr. Lowery of California, Mr. Luken, Mr. Lujan, Mr. Lungren, Mr. McDonald, Mr. McGrath, Mr. McKinney, Mr. Madigan, Mr. Marlenee, Mr. Marriott, Mr. Martin of North Carolina, Mr. Mattox, Mr. Mavroules, Mr. Mazzoli, Ms. Mikulski, Mr. Miller of Ohio, Mr. Mineta, Mr. Mitchell of New York.

Mr. Montgomery, Mr. Moore, Mr. Morrison, Mr. Mottl, Mr. Murphy, Mr. Myers, Mr. Neal, Mr. Nelson, Mr. Nichols, Mr. Nowak, Mr. O'Brien, Mr. Panetta, Mr. Parris, Mr. Pashayan, Mr. Patterson, Mr. Pepper, Mr. Petri, Mr. Price, Mr. Pritchard, Mr. Pursell.

Mr. Rahall, Mr. Ratchford, Mr. Regula, Mr. Ritter, Mr. Roberts of South Dakota, Mr. Robinson, Mr. Roe, Mr. Rose, Mr. Roth, Mr. Rousselot, Mr. Rudd, Mr. Russo, Mr. Santini, Mr. Sawyer, Mrs. Schroeder, Mr. Sensenbrenner, Mr. Sharp.

Mr. Shelby, Mr. Shumway, Mr. Skeen, Mr. Smith of New Jersey, Mr. Smith of Oregon, Mr. Smith of Alabama, Mrs. Snowe, Mr. Solomon, Mr. Spence, Mr. Stangeland, Mr. Stump, Mr. Synar, Mr. Tauke, Mr. Thomas, Mr. Trible, Mr. Volkmer.

Mr. Walker, Mr. Wampler, Mr. Watkins, Mr. Weber of Minnesota, Mr. White, Mr. Whitehurst, Mr. Whitley, Mr. Whittaker, Mr. Williams of Ohio, Mr. Wilson, Mr. Winn, Mr. Wolf, Mr. Wolpe, Mr. Won Pat, Mr. Wortley, Mr. Yatron, Mr. Young of Missouri, and Mr. Zeferetti.●

PERSONAL EXPLANATION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. McDONALD. Mr. Speaker, on May 19-20, 1981, I unavoidably missed five votes due to a prior commitment. I was paired on each vote but only received a live pair on rollcall No. 51. The following indicates how I would have voted had I been present.

"No " on rollcall No. 47—House Resolution 133, expressing the sense of the House of Representatives that the lifting of martial law in the Philippines is a positive development and that this step should be followed by further progress toward the restoration of democracy in that nation.

"No" on rollcall No. 48—S. 730, to insure necessary funds for the implementation of the Federal Crop Insurance Act of 1980.

"No" on rollcall No. 49—H.R. 2098, to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments and agencies.

"No" on rollcall No. 50—H.R. 2979, to extend the authorization of appropriations for the National Historical Publications and Records Commission for fiscal years 1982-83.

"No" on rollcall No. 51—Conference report to House Concurrent Resolution 115, first concurrent resolution on the budget, fiscal year 1982.●

BRINGING THE VIETNAM VETS HOME

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. EDGAR. Mr. Speaker, earlier today I referred on the floor to an article which appeared in the June 1 issue of Time magazine. I believe this essay, by Lance Morrow, clearly describes the current mood of the country, the plight of the Vietnam veteran and the continuing need for support from the Congress for those who served during our last and longest war.

BRINGING THE VIETNAM VETS HOME

(By Lance Morrow)

For a long time now, the chief ceremonial function of Memorial Day has been simply to inform Americans that their summer has begun. Of course, residual touches of drumthumping Americana still cling to the occasion—men in deep middle age parading up and down the holiday, strutting the flag. It is a formal rite of remembering, but remembering at a major distance. In their V.F.W. or American Legion caps the old soldiers have long since made peace with their generation's war. They have worn their memories of combat smooth with the retelling. They have grown easy with what they did for their country as young men; they won, and they are proud of it. The horrors that they saw—or performed—so long ago in other countries have been effaced by time, by the approval of history and of the nation they fought for.

The soldiers who fought America's latest and longest war, in Viet Nam, do not participate very often in Memorial Day parades. The U.S. has not developed a moral context for them yet, and no one parades without a moral context. A nation does not fondly celebrate the memory of its convulsions.

Viet Nam arrived in the American mind like some strange, violent hallucination, just when the nation was most prosperous and ambitious, shooting spaceships at the moon. Sweet America cracked open like a geode. The bizarre catastrophe of that war shattered so much in American life (pride in country, faith in government, the idea of manhood and the worth of the dollar, to begin the list) that even now the damage has not yet been properly assessed. When the country came to, some time in the mid-'70s, it was stunned. In moral recoil from the military failure and the huge, lurid futility of the excursion, Americans did a humanly understandable thing: they suppressed the memory of Viet Nam. They tried to recover from the wound by denying it.

But of course the veterans of Viet Nam were tangible evidence, the breathing testimony, that it had all been humiliatingly real. Whether walking straight or riding wheelchairs, whether prospering at their work or glaring out at the rest of the nation from a daze of rage and drugs and night sweats, they reminded America that the war had cost and that it had hurt. For years, at least some part of every Viet Nam veteran has inhabited a limbo of denial—the nation's or his own—often overcome by guilt and shame, and almost always by anger. Among other things, he has tended to think of himself as an awful sucker to have risked so much for so little. Most veterans (contrary to stereotype) have readjusted reasonably well to the civilian world. But many found that coming home was harder than fighting the war.

After World War I and World War II, the soldiers returned together with their units; they had the long trip back in which to hear each other's confessions and apologies. And of course the piers in New York or San Francisco were crammed with waiting wives and children, the grateful nation craning to get a look at its boys, its heroes. During Viet Nam, in keeping with an almost sinister Government tendency to treat the war as an elaborate bureaucratic illusion, the military shipped people out alone and brought them back alone. The process caused surreal dislocations: one day in a firefight in I Corps, the next day standing on the American tarmac somewhere, as if nothing had happened. One veteran remembers the awful solitude of homecoming: "They let us off on the Oakland side of the Bay Bridge. I had to hitchhike to the San Francisco airport because of a transit strike." The Americans who fought in Viet Nam responded when their country asked them to give up their freedom and possibly their lives to do violence in the name of something the Government deemed right. Veteran Ron Kovic's painful book "Born on the Fourth of July" described how the image of John Wayne unreeling in the adolescent mind functioned as recruiting poster and subliminal role model. In any case, they went. But psychically at least, the country did not want them back.

Now that may be changing. A new attitude seems to be developing, in both Viet Nam veterans and the nation at large. Americans seem more disposed than at any time in the 13 years since the Tet offensive to admit that the Viet Nam veterans have borne too much of the moral burden for a war that went all wrong. If there is a burden to be carried, it should be assigned to the men who conceived and directed the war; or, more broadly, it should be shared—in the most profound exploration of which they are capable—by all Americans, including those who went to Canada.

The denial has been peeling away slowly for several years. An odd breakthrough occurred last January after the extravagantly emotional, almost giddy welcome home that America staged for the 52 hostages from Iran. The nation was an orgy of yellow ribbons and misting eyes. But then, a few days later, a countertheme surfaced. Viet Nam veterans watched the spectacle of welcome (the routes of motorcades lined with cheering, weeping Americans, the nation glued to its TV sets, the new President doing the hostages proud in the Rose Garden), and their years of bitterness boiled up to a

choked cry: "Where the hell is my parade?" The nation, flushed from its somewhat too easy outpouring over the hostages, began acquiring the grace to admit that the Viet Nam veterans had a point.

Perhaps, too, enough history has passed to allow the country to proceed to the next stage, to acknowledge the Viet Nam veterans without setting off a civil war or a national nervous breakdown. Fresh history has added a few new perspectives. Ronald Reagan, who last August described Viet Nam as a "noble cause," nonetheless proposed to eliminate $691 million in benefits for the Viet Nam veterans, including $30 million for the 91 valuable and even lifesaving storefront veterans' counseling centers around the country. Congress will probably save the counseling centers and some other benefits, and lobbying groups like the Viet Nam Veterans of America may find allies now among the voters who were not there before.

It is difficult to generalize about the Viet Nam veteran. The TV scriptwriter's vision in the '70s pictured him as a damply sweating crazo-junkie who would erupt toward the end of the plot line and grease half of Southern California. A veteran named Glen Young took an elevator to a job interview recently and had a fellow passenger ask: "Are you one of the baby killers?"

A comprehensive group portrait of the veterans has become available in the past few weeks. The Veterans Administration has published a five-volume study of Viet Nam veterans by the Center for Policy Research in New York City. Viet Nam veterans, the study concluded, have been paying a disproportionate social price for their experience. The war tore loose the wiring in many of their lives.

But it is a mistake to view all Viet Nam veterans as profoundly troubled, as walking wounded. About half of the veterans, the study found, still carry disturbing, unsettling psychic baggage from Viet Nam. Even so, most cope pretty well. Americans may now be too quick to indulge in a "Lo, the Poor Vet" rhetoric. Dr. Arthur Egendorf, a Viet Nam veteran and a psychologist who was a principal author of the study, points out that those who pity Viet Nam veterans simply relegate them to the role of victim (which is not much help to the veterans). Liberals use their pity to help prove that the war was wrong. Some veterans, denied respect, make do with pity, and even trade on it. But that is sad.

Was the Viet Nam experience unique for those who fought it? History would have to go on a manically inventive jag to top Viet Nam for wild, lethal ironies and stage effects—"a black looneytune," writer Michael Herr called it in his Viet Nam masterpiece "Dispatches." Indochina became the demented intersection of a bizarrely inventive killer technology (all of those "daisy cutters" and carpet-laying B-52s and mad swarms of choppers and infra-red nightscopes) with a tunnel-digging peasantry in rubber-tire sandals: the amazing, night-dwelling Victor Charlie.

Still, Viet Nam was not unique in its effects upon the men who fought there. From Odysseus onward, almost all soldiers have come back angry from war. And they have had problems. In Elizabethan England, a disbandment of armies automatically meant a major increase in the number of thieves and highwaymen preying on civilians. In fact, veterans are almost always treated badly after a war, even if the brass bands do turn out for a ceremonial welcome home. During the '20s, the windows of the nation's pawnshops were filled with soldiers' medals for heroism from the Great War. Catiline, Hitler and Mussolini constructed their sinister power bases upon the grievances of veterans.

The fact is that fighting a war, any war, is a grisly, shattering business. Many men take years to recover from it; many never do. Curiously, societies almost always neglect their veterans for the first ten years after a war. Then the veterans get themselves organized into a political force (like the Grand Army of the Republic after the Civil War or the V.F.W. and American Legion after World War I) and politically extract the benefits and pensions that civilian gratitude or pity never got around to bestowing.

But Viet Nam was different from other American wars in one crucial respect: the U.S. lost it. When a man soldiers on the winning side, the social contract of arms holds up; the young conscript is asked to endure all discomforts of the field, including death, but if he returns, the grateful nation (though it may soon grow indifferent) promises at least a banal ration of glory, a ceremonious welcome, the admiring opinion of his fellow citizens. Sometime between Tet and the last helicopter off the embassy roof in 1975, America threw away its social contract with the soldiers and left them to straggle back into the society as best they could. A lot of them have still not made it.

But Americans can renegotiate the contract, can extract lessons and meaning from the disaster. They might begin by trying to help Viet Nam veterans restore their lives. Many veterans say that it is too late for rhetoric, too late for symbols such as the Viet Nam Veterans Memorial that will be built not far from the Lincoln Memorial next year. Such vets want concrete help: more assistance finding jobs, more time to use the G.I. Bill. They should get it. There is something notably irresponsible about a Government that dispatches its young to be chewed up in an obscure land and then does not know their names when it all goes bad. Among other things, that sort of disloyalty may make it difficult to recruit the young for future military enterprises.

But symbols and rhetoric are also incalculably important. The hostages' return last January, with its powerful, complex effects, was all ceremony and TV. Many veterans want chiefly to be thanked for what they did, for doing as their nation asked. They crave an acknowledgment, a respect from their fellow Americans that they have never had and may never get. The victor always gets respect, even if it is of a shallow and predictable kind. The veterans of Viet Nam are entitled to a deeper, different respect: the kind that goes to someone who has endured deep anguish, even failure, and survived.

Viet Nam still chokes Americans. The nation will not recover from it, or learn from all of that slaughter and guilt, until it acknowledges that the men who fought the nation's first teenage war (average age: 19.2 years) did not cook up that war themselves in a mischievous moment. That was all of America out there. "It was a collective enterprise," says Dr. Egendorf, "and we were all damaged by it. A family melodrama is still going on. Sometimes a psychologist cannot treat the individual alone; he must see the whole family together."

America lost 56,480 men in Viet Nam, the last irreclaimable body count. The nation also misplaced many thousands of men and women who did make it home. To embrace them now may be a complicated, belated and awkward exercise, but it should be done—done with a clear historical eye, without pity or jingo or other illusions. It would mitigate an injustice and might even improve the nation's collective mental health. It would help to settle America's tedious quarrel with itself. Americans should be able to repeat Robert Lowell's line in a calm inward murmur: "My eyes have seen what my hand did."●

CHARLES A. COLLIS: A TRIBUTE FOR SERVICE IN THE AMERICAN SPIRIT

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mrs. HECKLER. Mr. Speaker, I would like to acknowledge a very special honor being conferred upon Mr. Charles A. Collis, a constituent, and generous benefactor to his native city, Taunton, Mass. On Tuesday, June 2, 1981, Mr. Collis is being inducted into the Direct Selling Hall of Fame, the highest honor the National Direct Selling Association can bestow on an individual in the direct selling industry.

Recognition is based on an individual's contributions to the industry and the association; personal achievement, stature and reputation; business and civic accomplishments, and overall leadership and inspirational qualities. Mr. Collis is being honored for his high level of achievement in all of these areas.

Held in the highest esteem by his colleagues, Mr. Collis exemplifies the best of the direct selling industry: he is an American entrepreneur in the truest sense of the term. In 1963 he founded Princess House, Inc., a North Dighton, Mass., firm which manufactures decorative accessories marketed by independent salespeople. Mr. Collis' corporate accomplishments are impressive. In 15 years he built Princess House into a multimillion-dollar firm which Colgate-Palmolive Cos. purchased in 1978. Princess House continues to grow and prosper, reflecting Mr. Collis' lasting legacy to the firm.

While at Princess House, Mr. Collis fostered a family atmosphere among his employees, gaining their respect and admiration. In gratitude for his concern and caring, his employees contacted his alma mater, Dartmouth College, and established a scholarship fund in his name. Although no longer associated with Princess House, his longtime employees continue to contribute to the fund, demonstrating their continuing admiration for his generosity and good will.

Mr. Collis has great affection for his employees, the direct selling industry and its independent sales force, and American consumers. His concern,

however, reaches beyond these groups. Interested in the future of the country's youth, Mr. Collis contributed $5 million to Dartmouth College in 1979. Part of that sum is being used to rebuild an undergraduate social center and to endow a professorship in history. The remainder will be used primarily for scholarships.

Mr. Collis' induction into the prestigious Direct Selling Hall of Fame acknowledges his spirit of American entrepreneurship, his stance for ethics and honesty in the marketplace, and his concern for his fellow man—all qualities held in high regard by the direct selling industry, which offers some 4 million income-earning opportunities to Americans each year and contributes $9 billion annually to the national economy.●

A TRIBUTE TO JOE McCAFFREY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. MICHEL. Mr. Speaker, anyone who has worked on Capitol Hill in any capacity during the last quarter century is aware of the fine work done by Joe McCaffrey. As a reporter he has distinguished his profession; as a human being he has been a consistent source of wit and wisdom; and as a student of the Congress as an institution, he has diligently, accurately, and, at times, almost singlehandedly recorded the follies and failures, victories and successes, and day-to-day activities of the Congress.

What a great reporter he is. He has never fallen victim to the temptation to place himself either in or in front of his own news stories. When Joe is reporting news, you know it is news; when he is making personal commentary you know it is commentary. He is, to use one word I know he admires, a professional.

For these and many other reasons, Joe was recently awarded the Congressional Merit Award by Roll Call, the newspaper of Capitol Hill. In the past 20 years, this prestigious award has been presented only twice—in 1962 to the great satirist Mark Russell and in 1974 to the equally admirable Dev O'Neill, the well-known photographer-humanitarian.

It has been said of Joe that he does not simply read the news—he gets it, writes it, and loves it. My congratulations go to this old pro. When the fashionable excesses of what is called the new journalism are long forgotten, the professional integrity of Joe McCaffrey will be long remembered.●

WESTCHESTER COUNTY, N.Y., PROCLAIMS PRISONER OF CONSCIENCE DAY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. OTTINGER. Mr. Speaker, I am pleased to announce that today has been proclaimed as Prisoner of Conscience Day in Westchester County, N.Y. Today the people of Westchester are joining in expressing concern for the countless victims of human rights abuses around the world. Three Westchester chapters of Amnesty International actively work for the release of these Prisoners of Conscience, and I applaud this great humanitarian effort.

I commend to the attention of my colleagues Westchester County Executive Alfred DelBello's proclamation for Prisoner of Conscience Day, and a statement issued by the Westchester Chapters of Amnesty International:

PROCLAMATION

Whereas the principles of social justice and personal freedom are both basic and essential to the survival of all people, and;

Whereas countless individuals throughout the world are now denied these simple rights solely on the basis of their religious or political convictions, and;

Whereas dedicated members of Amnesty International are generously rendering their talents and abilities in a concerted effort to secure the release of these prisoners of conscience, and;

Whereas the citizens of Westchester are both pleased and honored to unite in commending the members of Amnesty International for their individual and collective contributions.

Now, therefore, I, Alfred B. DelBello, County Executive of Westchester County, do hereby proclaim Thursday, May 28, 1981 to be Prisoner of Conscience Day in Westchester, and join all who live and work within this County in expressing heartfelt concern for these gallant victims.

STATEMENT ISSUED BY THE WESTCHESTER CHAPTERS OF AMNESTY INTERNATIONAL

The Honorable Alfred DelBello has proclaimed Thursday, May 28, 1981, Prisoner of Conscience Day in Westchester County.

Although this is the 20th Anniversary of Amnesty International, the three Westchester Groups are not celebrating. There is much work to be done.

Group 125—The Hudson Valley Group has two Prisoners of Conscience. Juan Solorich Skriller, a lathe operator in Uruguay was arrested 11/75 and sentenced to five years, the charges are not known, but probably because he was a member of an outlawed political party. He is believed to be in his 50's and his health is poor. Rikhard Spalin from the Soviet Union, a Seventh Day Adventist was arrested 9/78 tried 6/79 and sentenced to seven years in a labor camp. He was convicted of "anti-Soviet slander". Spalin is in his 40's and has some serious health problems. Amnesty International believes he is being punished for his religious convictions.

Group 154—Mid Westchester Group has one Prisoner of Conscience, Leon Yelome from Benin, West Africa. He is now 21 years old, a law student arrested 8/79 and is being held without charge nor trial. Conditions in prisons are poor and unsanitary. Amnesty International believes he was arrested because he expressed his views that were critical of the government of Benin.

Group 42—The Lower Westchester Group has two Prisoners of Conscience. Kang Eun Gi a South Korean printer arrested 3/80 tried and sentenced 5/80 to three years for printing a book about Kim Jae-Kyn who was the head of the KCIA who assassinated President Park. Conditions in South Korean prisons are not good. Mr. Kang, 39 years old now has frostbite on one foot. He is married and has two young children. Gintautas Lesmantas from the Soviet Union is a 51 year old journalist in Lithuania. He was arrested 3/80 tried and sentenced 12/80 to 6 years imprisonment in a severe corrective labor and five years internal exile for "anti-Soviet agitation and propaganda". Amnesty International believes he has been imprisoned for exercising his right to freedom of expression.

More than 120 Westchesterites receive one of the three group's mailings monthly. We are reminded daily that people suffer because of their human rights, and our faith calls upon us to affirm the dignity and worth of every human being. We hope more people become interested and have compassion, that some individuals, perhaps may have their freedom restored as a result of the continued efforts of Amnesty International.

In the past two years, there have been some successes. The Westchester Chapters of Amnesty International have helped to secure the release of Prisoners of Conscience from Argentina, Mali, South Africa, Syria and Yugoslavia. Anyone interested and wanting to help, please contact:

Group 154—Mid Westchester Amnesty International, c/o Mr. R. Millette, 40 Moore Avenue, Mt. Kisco, NY 10549.

Group 125—Hudson Valley Amnesty International, c/o Mr. Meyher, 293 Benedict Avenue, Tarrytown, NY 10591.

Group 42—Lower Westchester Amnesty International, Community Unitarian Church, 468 Rosedale Avenue, White Plains, NY 10605.●

LIMITING THE SERVICE OF PRESIDENT AND HOUSE MEMBERS

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. MAVROULES. Mr. Speaker, I have introduced legislation that would amend the Constitution, limiting the President and Vice President to one 6-year term, House Members to three 4-year terms, and Senators to two 6-year terms.

This concept is hardly new. In fact, the idea was first raised at the Constitutional Convention in 1787, and has been debated more or less regularly ever since. Our Founding Fathers, Mr. Speaker, never intended for congressional service to become a career. As

late as the mid-1980's, nearly half of all Members of the House retired after a single term. But this tradition is now dead. Today, only 17 percent of my distinguished colleagues are freshmen. I would like to see that figure substantially increased, for I believe that a regular infusion of new blood, and new ideas, would be more in keeping with what the authors of our Constitution had in mind.

Members of the Constitutional Convention also debated a proposal to limit the President to a single 6-year term. Although the idea was not then adopted, it has been suggested at intervals ever since. I believe that this proposal would remove political considerations from many Presidential decisions, since incumbents would not constantly be running for reelection.

Public opinion polls show, Mr. Speaker, that the idea of limiting Presidential and congressional terms continues to interest a large segment of the American people. And yet the Judiciary Committee has scheduled no hearings on any of these proposals. In fact, when my staff contacted the Subcommittee on Civil and Constitutional Rights, which theoretically has jurisdiction in this area, staff members there could not even remember when hearings were last held on this subject.

My question, Mr. Speaker, is a simple one: When are we going to act? How much longer can we ignore this issue? I call on the Judiciary Committee to conduct a comprehensive study of this question. We have talked long enough. Now is the time to act.●

GUARANTEED STUDENT LOAN PROGRAM IN PERIL: EMERGENCY LEGISLATION INTRODUCED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. BIAGGI. Mr. Speaker, the guaranteed student loan program, a major source of college financial aid to millions of students in this country, is in danger of collapsing unless measures are taken to delay any changes in the program until October 1, 1981, instead of the proposed July 1, 1981, being pushed by the administration.

This student loan program today provides one out of every four college students with assistance and has opened the door to educational opportunity for countless citizens since 1978 when Congress expanded the program to allow all students to be eligible for aid, regardless of their income. Today, nearly 3 million students are borrowing under this program which provides interest-free loans to borrowers while they are in school at below-market interest rates of 9 percent for borrowers after January 1 of this year.

As New York's senior member of the House Education and Labor Committee where this program originates, I have been an original cosponsor of all legislation effecting this program since my election to Congress in 1969. I have seen this program grow particularly since 1978, when income eligiblity for loans was removed and lending jumped from $2 billion to upward of $7 billion today.

The unique nature of this program stems from its voluntary nature of participation by lending institutions. Congress has carefully built upon this program, most recently during its reauthorization through 1985 last year, to insure that lenders keep their doors open to students. In 1979, I introduced similar emergency legislation which removed the "cap" placed upon the subsidy paid to lenders by the Federal Government when skyrocketing interest rates threatened to close down the program. Today, we are faced with a similar emergency situation: The need to postpone changes in this program to insure lender participation during the busiest period of the year; the quarter before students return to school for the coming academic year.

Under the provisions in the budget, approved by Congress and which I strongly opposed, we are required to effect substantial savings in the programs under the jurisdiction of our committee. One of the largest of these is the guaranteed student loan program. While we are deliberating savings for this program which would be the least damaging to both lenders and students in the long run, we need to provide assurances to the lending community that they can continue to process loans without fearing changes in the program before October 1 of this year at the earliest.

The need to delay these changes has been echoed by the higher education community in testifying before a Senate subcommittee last week on the implications for the program if changes occur before October 1. Their comments on this subject all reflect identical concerns: History has proven that such short notice for such vast changes in a program the size of the student loan program would be administratively impossible, like our experience in 1972 which resulted in a near-closure of the program.

In the weeks ahead, we on the Education and Labor Committee will be facing the painful task of reducing the costs of the guaranteed student loan program while at the same time preserving the function of the program: To provide financial aid to students who truly need it in order to complete their education.

This bill, House Joint Resolution 259, is an important step in preserving this vital program and I urge my colleagues to join in support. For the benefit of my colleagues, I wish to insert the text of this bill into the RECORD.

H.J. RES. 259

Joint resolution to express the intention of Congress to make no legislative changes in the Guaranteed Student Loan Program which would be effective prior to October 1, 1981, and to prohibit the Secretary of Education from taking any action to make any administrative changes in that program prior to such date.

Whereas the applications for the Guaranteed Student Loan Program for fall semester of 1981 are currently being processed;

Whereas banks and other lending institutions that participate in the Guaranteed Student Loan Program do so on an entirely voluntary basis and reduce their participation in the program when Government red-tape increases;

Whereas changes in the Guaranteed Student Loan Program which might retroactively affect loan guarantees for loans currently being processed will drive lenders from the program and delay disbursements to students and their families during the critical summer and early fall periods when the greatest volume of applications for student loans under the Guaranteed Student Loan Program occurs;

Whereas the steps necessary to make any significant changes in the Guaranteed Student Loan Program effective (including revision of regulations, publication and comment, reprinting of forms, changes in administrative procedures, and notification of all parties of legislative modification) precludes implementation of changes in the program before October 1, 1981, at the earliest;

Whereas in 1972, Congress attempted to impose immediate program changes in the Guaranteed Student Loan Program which resulted in a near total shutdown of the program because most lenders simply withdrew from participation, requiring emergency legislation to delay the effective date of the changes; and

Whereas, to prevent a repeat of the 1972 shutdown of the Guaranteed Student Loan Program, the lending community must be assured that such changes will not be effective before October 1, 1982; Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) it is the sense of Congress that no legislation that would make changes in operations of the Guaranteed Student Loan Program before October 1, 1981, should or will be enacted; and

(2) the Secretary of Education shall not promulgate any rule, regulation, order, schedule, or amendment thereof which has the effect of making changes in the operations of the Guaranteed Student Loan Program before October 1, 1981.●

MR. CHARLIE TILLMAN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. STARK. Mr. Speaker, on May 19, 1981, Mr. Charlie Tillman ended

his 4-year term on the Alameda, Calif., City Council. Mr. Tillman, retiring at the age of 74, has been both an inspiration and a driving force behind innumerable projects started and completed in Alameda in the last 4 years.

But Charlie Tillman does not end his years of dedicated service by his retirement last week. He will, for the next 3 years, serve on the California Commission on Aging, appointed by California Assembly Speaker Willie Brown. And I am honored to say that he will also serve as my appointee to the White House Commission on Aging to be held here in Washington next November.

Mr. Charlie Tillman's unending dedication and enthusiasm should serve as an example to us all. He has done more for the city of Alameda than any could imagine, and he will be greatly missed. It has been my privilege to know Charlie, and I know of a great many others who share my sentiments in wishing him well.●

THE CLEAN AIR ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. DINGELL. Mr. Speaker, while the administration's concerns on domestic affairs are directed to improving the Nation's economy, there is a major centerpiece of the Nation's environmental law—the Clean Air Act—which demands the attention of this administration. The Clean Air Act expires September 30, 1981. There is no question that this act has a profound effect on the Nation's economy, jobs, energy production and, of course, the need to protect the environment and public health of the American people.

I wish my colleagues to be aware of concerns I have as expressed in my letter to President Reagan regarding both the question of timing by the administration in transmitting its proposal to Congress and the question of who within the administration is preparing his recommendations on the act. The letter follows:

Hon. RONALD W. REAGAN,
The President, the White House, Washington, D.C.

DEAR MR. PRESIDENT: A few days ago the Acting Administrator of the Environmental Protection Agency, Mr. Walter C. Barber, Jr., informed the Committee that the Administration has set June 30, 1981 as the target date for submission to Congress of proposed legislation to amend titles I, II, and III of the Clean Air Act.

While I appreciate the need for the new EPA Administrator and other top officials in the Administration to have time to acquaint themselves with the Act, implementing regulations, and the program in general, delaying the submission of the Administration's legislative recommendations until June 30 gives me great concern. Vice President Bush's March 4 letter to Congressman Clarence J. Brown concerning the steel tripartite legislation states that the Administration was at that time "in the process of preparing legislation." My impression was that it would be ready in a manner of weeks, not months.

In the first place, the House will be in the middle of the Independence Day recess on June 30 and will not return until July 7. Thus, hearings on the Administration's proposals could not begin until after July 7. They will certainly require several days. This delay will put off Subcommittee markup until mid-July or later and would probably ensure that full Committee markup would not occur until after Labor Day.

This is unfortunate because at the urging of the Ranking Minority Members of the Committee and the Subcommittee on Health and the Environment a hearing schedule has been initiated which I support that in general contemplates completion of hearings in June. Such hearings have already begun. Adhering to this schedule would permit markup to begin early in the summer and make it possible to move the needed legislation through the House this year.

At the Joint House-Senate hearing in March on the National Commission on Air Quality's report, Senator Stafford, the Chairman of the Senate Committee on Environment and Public Works, expressed the desire to adhere to a similar schedule.

The Administration's announcement jeopardizes that House-Senate schedule and makes it difficult to act "expeditiously" on its proposals as urged on March 4 by the Vice President.

Clearly, such a delay is not in the interests of the affected industries, their workers, or the public in general. Indeed, it may prove very detrimental to the environment and the economy. Both stationary and mobile source industries have serious time constraints placed on them which affect manufacturing and construction planning and costs and, of course, jobs.

I strongly urge that the Administration revise its schedule and transmit its proposals to Congress early in June. Such an acceleration should not be difficult, particularly now that the new EPA Administrator has been confirmed.

I am also concerned about reports that the Administration's legislative proposals regarding the Clean Air Act and the policies on which those proposals are based are being developed by the Secretary of the Interior and his Council on Natural Resources and Environment and not the EPA Administrator, who lacks cabinet status. She is not even a member of equal status on that Council. Recent Administration memoranda indicate that even at the working level the Office of Management and Budget and the Cabinet Council's Executive Secretary, Mr. Danny J. Boggs, apparently are having a greater input into the development of these legislative proposals than the EPA Administrator.

Clearly, the President is free to seek advice from his Cabinet and other Administration officials. However, responsibility for the administration of the EPA and the Clean Air Act is vested in the head of EPA, not Secretary Watt and his Cabinet Council. It is my hope that with Administrator Gorsuch confirmed, our Committee can look to her as the principal architect of the Administration's proposals and not be required to question Secretary Watt and the full Cabinet Council as well when the Administration's proposal is finally available.

I would appreciate your providing to me by June 1, 1981 assurances that the schedule will be significantly accelerated and that the EPA Administrator, not Secretary Watt, will have the lead role in developing Administration proposals.

With best wishes,

Sincerely,

JOHN D. DINGELL,
Chairman.●

CONGRESSIONAL VIGIL ON SOVIET JEWRY

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. PHILLIP BURTON. Mr. Speaker, as part of the Congressional Vigil on Soviet Jewry I should like to call to the attention of my colleagues the plight of Eitan and Alexandra Finkelshtein and their young daughter, Miriam.

Eitan Finkelshtein is a physicist and Alexandra is a biologist—oceanography. They are residents of Vilnius, Lithuanian SSR, U.S.S.R. They have been waiting for over 9 years to emigrate to Israel.

Eitan Finkelshtein, a member of the Lithuanian Helsinki monitoring group, has been trying to emigrate to Israel since 1971. He has not only been denied an exit visa but he has not been allowed to work in his professional field, physics, since he first applied for an exit visa.

The Finkelshteins are reported to be under constant surveillance, their telephone conversations monitored, and interrupted and their mail cut off.

Eitan has been active in the human rights movement and a contributor to the journal, Jews in the U.S.S.R.

Because of his concerns for human rights, because of his own desire to exercise the right to emigrate to Israel, Eitan Finkelshtein has lost his profession, been fired from even short-term menial jobs, and he and his family must live in virtual isolation.

This gross violation of human rights is the concern of all persons of good will the world over.

Whenever the free movement of people is denied, wherever the human spirit and free expression are restricted, in each instance that human dignity is degraded, then it is our obligation to speak out and to call attention to these violations of basic justice.

I do so today in behalf of the Finkelshtein family knowing full well that they are but one concrete example of an injustice which is repeated in other places and to other people.●

INTRODUCTION OF ADMINISTRATION LEGISLATION ON HEALTH MANPOWER PROGRAMS

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. MADIGAN. Mr. Speaker, today I am pleased to introduce H.R. 3723, the administration bill "to amend provisions of law concerned with health professions personnel, and for other purposes." Mr. BROYHILL, the distinguished ranking minority member of the Energy and Commerce Committee, joins me as a cosponsor. while we are in general support of the administration's budgetary bottom line, we do realize that some worthy programs will be severely impacted by the proposal. Thus, we veiw the administration's bill as a starting point for discussions with all affected principals whose concerns are entitled to be heard.

The administration's rationale for the bill's enactment is embodied in Secretary Schweiker's May 15, 1981, letter of transmittal to the Speaker. The Secretary's analysis follows:

The draft bill would authorize appropriations of $267,873,000 for fiscal year 1982, and "such sums as may be necessary" for fiscal years 1983 and 1984, for various health professions personnel authorities. A detailed summary of, and an authorizations table for, the draft bill are enclosed.

The primary objectives of the draft bill are to eliminate incentives for continued expansion of the capacity for training health professionals; promote an increase in the supply of primary care practitioners, provide incentives for health professionals to locate in underserved areas; ensure adequate access to financial resources for all students seeking a health professions education, and; target Federal resources on programs which promote other national priorities.

This draft bill is the result of a careful analysis of departmental programs within the context of restrained Federal spending. The role of the Federal Government concerning health professions personnel must change from its previous focus on increasing the aggregate supply of health professionals to a better targeting of the allocation of funds to projects of high national priority. Past Federal efforts have been successful in expanding the health professions training capacity of the nation. As a result, the current and projected supply of most health professionals should be adequate to meet the needs for health care delivery.

First, termination of capitation grants, and elimination of general construction grants and start-up assistance, would eliminate incentives for continued expansion of our health professions training capacity. However, short-term financial distress assistance would continue to provide grants to institutions experiencing serious financial difficulties and requiring assistance for achieving fiscal stability and managerial reforms.

Second, targeted support for primary care training (family medicine, general internal medicine, and general pediatrics) would continue to promote increases in the supply of primary care practitioners. The location patterns of primary care practitioners approximate those of the general population. Training more primary care practitioners will therefore enhance our efforts to ensure adequate access to health care services.

Third, the expansion of the National Health Service Corps (NHSC) field strength to 2500 and maintenance of that level in the future would assist in meeting the health care needs of the most severely underserved areas. While new NHSC scholarships would not be awarded in fiscal years 1981 and 1982 (to slow the growth of the pipeline), new scholarships would be awarded in fiscal year 1983 to ensure a steady field size in the future. Continued support for the Area Health Education Center Program would encourage health professionals to locate in underserved areas and would provide them with the training necessary to provide services in those areas.

Fourth, the Health Education Assistance Loan (HEAL) Program would be continued with modifications to ensure the availability of loan funds for all health professions students in the future. In addition, while no new capital contributions would be made by the Federal Government, health professions schools would be allowed to retain their Health Professions Student Loan (HPSL) and nursing student loan funds. These funds can be used by schools to meet the needs of students otherwise unable to obtain loans.

Fifth, a variety of other programs would be authorized to meet areas of high national priority including: preventive medicine departments and training, remote site training, allied health disease prevention and health promotion projects, veterinary medicine curriculum development, special projects for continuing education, and podiatry special projects. Support for nurse practitioner and advanced nurse training would be continued along with physician assistant training. The draft bill would also provide funding for nursing special projects.

We urge the Congress to give the draft bill its prompt and favorable consideration.

We are advised by the Office of Management and Budget that enactment of the draft bill would be in accord with the program of the President.●

NASSAU COUNTY'S 1980 SENIOR CITIZEN SPECIAL CONTRIBUTION AWARD WINNER

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. LeBOUTILLIER. Mr. Speaker, this past year, the Nassau County Department of Senior Citizens Affairs named Mr. Robert F. Bonner of Syosset as the recipient of the Nassau County Senior Citizen Special Contribution in 1980 Award.

Mr. Bonner has demonstrated an outstanding career in human and volunteer services. Since 1975, he has served as chairman of the advisory council to the Nassau County Department of Senior Citizens Affairs. His other activities include past involvement in the town of Oyster Bay senior citizens program and numerous other volunteer organizations.

As May is the month during which Nassau County traditionally celebrates Senior Citizens Recognition Day, I am honored to join in acknowledging Mr. Bonner's glowing record of community service.

At this time, I would also like to take the opportunity to note that Mr. Bonner has been nominated for the New York State Senior Citizen Special Contribution in 1980 Award. His extraordinary efforts of the past year in behalf of others, most certainly justify his nomination, and I extend every best wish for success in his pursuit on still higher honors.

Mr. Robert F. Bonner has done all Long Island citizens a great service through the example he has set. He has shown that, at any age, effort extended for the benefit of the community and individuals is exemplary and deserving of imitation.

I extend my sincerest congratulations to Mr. Bonner in fitting recognition of his many accomplishments, and I urge all citizens to share his philosophy of service and community involvement.●

CHALLENGES TO OUR NATIONAL SECURITY IN THE EIGHTIES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. SKELTON. Mr. Speaker, recently, Lt. Gen. William R. Richardson, Commandant of the Army's Command and General Staff College, addressed the Midwest Research Institute as part of a series of lectures that it sponsors for the Kansas City metropolitan area. His topic was "Challenges to Our National Security in the 1980's". I found his talk to be an excellent review of our needs and goals for our national defense. His comments are helpful to us in our duties as Members of this body.

CHALLENGES TO OUR NATIONAL SECURITY IN THE EIGHTIES

Ladies and Gentlemen, it is a distinct pleasure and an honor to have been invited to speak to you today. It is important that we in the military take opportunities such as this to inform interested groups of the status of our Armed Forces.

Since World War II, the United States and the free nations of the world have been faced by a formidable and expanding Soviet war machine. In recent years western intelligence analysts have observed with increasing concern that the Russian armaments buildup has exceeded any possible need for defensive purposes. The invasion of Afghanistan a year ago has dispelled any doubts as to the motive for the Soviet actions and the aggressive nature of their foreign policy. It is clear that the Soviet Union now has the capability and the will to project power beyond its borders and even

the borders of the Warsaw Pact. A look at some force comparisons will amplify this:

On manpower, the Soviets have about twice as many men under arms as we do—about 5 million men, backed up by a trained reserve force of at least another 5 million who have served on active duty within the past five years.

The Soviet Army is comprised of 173 ground force divisions of which 97 are available within days to fight in Central Europe. Although our divisions are slightly larger, we have the equivalent of only five divisions in Europe. And even if all NATO forces were counted, the Warsaw Pact would outnumber us 2 to 1 in combat divisions, 3 to 1 in tanks, and 2 to 1 in combat aircraft. Additionally, the Soviets can concentrate at the time and place of attack, while NATO forces are spread from Norway to Turkey.

The Soviets have been able to achieve that advantage in numbers because their annual budget allocates about $60 billion more to the military than does ours—more than double the percentage of GNP that we spend.

For many years we discounted the Soviets' growing superior numbers with the comforting thesis that the United States possessed overwhelming technological superiority and that Soviet quantity was offset by American quality. There is clear evidence that this is no longer true. In virtually every area of ground combat, the Soviets have fielded major materiel systems which equal or exceed the technological quality of our systems or those of our Allies. This is particularly the case in chemical warfare and tactical nuclear warfare capabilities.

While a direct confrontation and conflict with the Soviet Union is the most dangerous threat to our national security, it is not necessarily the one our Armed Forces will most likely have to fight. We live in a world which grows ever smaller and more dangerous. It is a world which has seen the emergence of Soviet surrogates and other Third World nation states whose economic and ideological interests run counter to our own—nations whose armed forces have been equipped with highly sophisticated weapons systems made possible by the sale of oil or other scarce natural resources. These weapons in the hands of intractable nations could pose a more immediate and less predictable threat than those of the Warsaw Pact in Central Europe.

In short, the challenges for the 1980's are unprecedented. We face a decade of potential conflict, and we in the Army must be prepared to meet those challenges.

To be effective in the decade ahead, we must accomplish four tasks, and they apply to the other Services as well. We must: man the force; modernize the force; train the force; and we must be prepared to mobilize for war. I will address each of these tasks in turn.

Manning the force is a major challenge today. As a people we have decided that our Nation will be defended by volunteers. The All Volunteer Force was begun with the assumption that if soldiering were to be made competitive with employment in the civilian job market, military pay and benefits would have to be increased and maintained at commensurate levels. While pay inequities today are the major concern, other significant recruiting depressants exist.

In 1976, Congress eliminated the GI Bill, an attractive package of education benefits. This was accompanied by an increase in government funded educational programs with no military service obligation.

Equal in importance to manning the Army is the critical task of modernizing the force to enable it to fight and win on the battlefield of the 1980's. The Army is now on the brink of the greatest modernization effort since World War II—the largest in our peacetime history. It is intended to achieve at least technological equivalence with the Soviets in fielded systems by 1985, and superiority by 1990.

Because our most dangerous potential adversaries have predominantly mechanized and armored units, much of our modernization effort has been designed to defeat that threat. I am speaking of such weapons systems as the XM1 Main Battle Tank which has demonstrated high cross-country mobility, the ability to shoot on the move with increased lethality, and superior crew protection. The companion Infantry Fighting Vehicle, which can itself defeat other armored vehicles, has mobility comparable to the XM1 tank and gives infantry the option to fight mounted or in the traditional dismounted role.

The division Air Defense Gun will replace today's totally inadequate systems. The Advanced Attack Helicopter is an all weather airborne tank-destroyer of unsurpassed quality. And the Blackhawk Utility Helicopter will improve tactical troop lift even in low density air environments like the Middle East.

Improvements in weapons systems are being accompanied by more versatile and lethal munitions for delivery by direct support field artillery.

We have a great potential for improving our battlefield performance through what is called Electronic Warfare. This can be a potent force multiplier. By that I mean an element of warfare which increases the combat effectiveness of a force by several times its normal value.

Advanced command and control radio equipment is being introduced into our tactical units. Aerial and ground mounted intelligence gathering and target acquisition sensors have greater accuracy and real-time data outposts.

As you can imagine, the bill for the modernization program the Army is undertaking will be substantial. Planned procurement for modernization during the 1981-1985 period is about $33 billion, and an additional $50 billion is required for full modernization.

To attain the best possible battlefield payoff for the dollars we are given, the Army is adopting a strategy of selective modernization. We are assessing which systems provide the best force multiplier effect and buying more of those or accelerating their development and production.

In addressing Army modernization to this point I have stressed the need for better materiel systems, but there are other dimensions to modernization. Prior to defining equipment and system requirements, there must be a concept of what is to be accomplished on the future battlefield and how that is to be done. Once that is established, then organizations to accomplish these tasks can be designed and necessary materiel systems can be indentified, designed, and procured.

Recently, the Army has completed an effort of several years' duration to redesign the tactical forces to fight on potential battlefields in the coming decade. Because our potential adversaries are strongest in Europe, that war is the most dangerous scenario in which our Army might have to fight. Given America's global interest, however, there are many other places, in the world where we may have to fight on short notice.

We must, therefore, design flexible forces able to reinforce Europe or to respond to threats in Southwest Asia or elsewhere. Because of the distance from developed U.S. bases, rapid deployment can best be accomplish by air. The urgency of being able to respond to such a contingency has spurred the Army's effort to improve the force effectiveness of our light infantry divisions by still keep them air transportable.

Here again, technology is seen as offering the most promise in providing lightweight anti-armor systems, light high mobility vehicles, enhanced survivability, and new electronic warfare opportunities. This must be done without heavily mechanized units, which are difficult to transport quickly over long distances.

Modernization by the accession of new systems must be accompanied by a continuous program of maintenance of existing systems and the training and support facilities needed to sustain the forces which use them. In addition, we must provide our deployed forces with adequate stocks of ammunition, equipment to replace combat losses, and an adequate stockage of repair parts. Current levels in all three areas are woefully short today. For years, budget cutbacks have adversely affected these levels. This trend must be reversed and funding increased. Unless this is done, neither the present nor the future Army will be able to sustain itself in combat.

This brings me to the third major task facing our Army: Training the force. The main function of the Army in peacetime is the training of soldiers and units in the skills of combat so that when war comes we will be prepared to fight and win. The training of our soldiers begins on induction. In the Training Centers, the object is to convert a civilian into a motivated, disciplined, and physically fit soldier equipped with the skills needed to fight and survive in combat. The soldier must be shown that military service is an arduous and demanding experience in which success in battle can come only through each individual knowing how to do his job as a member of a team. The new soldier must be challenged to give his best, and higher standards are being required to make basic training tougher.

Upon graduation from the Training Center the soldier is assigned to a fighting unit either here in the United States or overseas. In the unit, individual skills are sharpened and more emphasis is placed on teaching the soldier how those skills must be integrated into the unit's mission as it prepares for combat. It is in our combat units that cohesion and stability become so important.

The ambitious modernization program I outlined previously carries with it some potential pitfalls in the area of training. Revolutionary technological advancements often outpace the ability of the human mind to control them. The potential for this exists in tomorrow's Army, where highly sophisticated weapons systems, electronic sensors and jammers, and necessary support equipment will be in the hands of the average soldier, nearly half of whom did not graduate from high school. Some of this problem can be engineered away. Still, there remains a substantial training challenge in mating man with machine in a way that allows the machine to be employed to its full effectiveness. We believe we are meeting this challenge quite well.

An associated problem is the expense and cost to the environment involved in unit training. Fuel and vehicular maintenance costs attendant to training have escalated sharply in recent years as has the cost of conventional ammunition. It is evident that new training techniques are necessary. The Army is placing greater emphasis on the use of training devices and simulations which may be as complex as a guided missile trainer or as simple as plastic ammunition which can be used close to troop living areas, thereby saving the cost of moving to remote ranges for small arms qualification. Simulations for unit commanders and staffs have also been developed. These are generally war games played on a mapboard in which the commander and staff are given a scenario and specific situation and mission. They are then required to perform the necessary estimates, analyses, and decision-making to conduct the battle.

Even with these advanced techniques, actual field training will still be the ultimate test short of war, and the Army must make the most of field training opportunities. The pinnacle of each mechanized and tank battalion's field training will be a trip every two years to the National Training Center, currently under development at Fort Irwin, California.

At the National Training Center a battalion task force will be able to draw equipment as though on a NATO deployment, then move into the field to perform tactical missions. There it will fight against a well trained force using Soviet tactics and replicated equipment. In live fire exercises the battalion will be able to maneuver against a moving target array which will also be designed to represent a Soviet force. By 1984 it is anticipated that 42 battalions per year will rotate through the National Training Center.

Our task to train the Army will provide one of our toughest but most exciting challenges. With proper leadership, it can have a big payoff. But an adequately manned force which has been properly trained and equipped with modern weapons is of limited value if it cannot be deployed to a theater of operations in a timely manner and sustained once there. This task is mobilization of the force, the fourth and last of the critical challenges.

Whenever we may be called upon to fight there will be some warning time. Initially, our response to either a reinforcement of NATO or deployment to a contingency area would be met with active forces now stationed in the United States. Because of the short warning time, force deployment will be by airlift, with the initial divisions going to Europe and drawing from pre-positioned equipment. If they deploy for actual combat, their home station set of equipment would be reallocated to Reserve units when they are mobilized.

Presently, most of our forward deployed forces have insufficient support structure to sustain themselves while fighting a high intensity war. Consequently, Reserve Component combat service support units must be quickly activated and deployed to provide the necessary wartime sustainment. The National Guard and Army Reserve are now more closely involved in national contingency planning than ever before. Nearly 60 percent of all Army units scheduled for deployment will come from the Reserve Components. To further compound the matter, our Navy and Air Force presently have insufficient assets to support a prolonged ground war in Europe, and recent events in Southwest Asia have aggravated this shortfall. Because of the absence of pre-positioned stocks and equipment in such areas as the Persian Gulf, increased reliance on airlift and fast shipping will be required to alleviate this problem.

Thus far I have spoken about mobilization in terms of raising and deploying forces. Of equal importance is the mobilization of the industrial base, both the government owned factories and ancillary demands.

The Soviets maintain an active production base by turning out thousands of planes and armored vehicles every year. Ours is considerably less active and does not have the capability to ramp up quickly.

A collateral problem is the aging of the Army's industrial plant equipment, where metal cutting and forming tools are exceeding their useful service life. Limited suppliers for large forgings and castings, the shortage of components such as bearings and integrated circuits, and a scarcity of critical raw materials all detract from what little industrial capacity exists. The nation's transportation system also must be revitalized in order to quickly move troops and material to sea and aerial ports of debarkation.

These, then, are the four major tasks which must be accomplished in this decade if we are to have an Army capable of defending this nation's interests throughout the world. We are a proud Army willing to face the challenges ahead, but these challenges are not the private domain of the armed forces. They are challenges which demand a national consensus.

As George F. Will has said, "Armies don't fight wars, nations fight wars." A fighting force with a will to win springs from a collective national will. The preparation needed to win future conflicts will demand a sense of national purpose and a willingness by our citizens to make sacrifices for the betterment of our collective security.

You and I and our government must be willing to sacrifice something today to ensure our security tomorrow. British Air Marshal, Sir John Slesser, put it best some years ago when he said, "It is customary in the democratic countries to deplore expenditures on armaments as conflicting with the requirements of social services. There is a tendency to forget that the most important social service a government can do for its people is to keep them alive and free."●

TRIBUTE TO REESE WALTON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. ANDERSON. Mr. Speaker, in August of this year, the city of Hawthorne, Calif., loses one of its most dedicated public servants, as Hawthorne School Superintendent Reese Walton retires after 34 years in the city's school district.

Reese is in a rare position to understand the critical importance the public school system has in today's society, for he has had experience in all levels of the educational process, from student to superintendent. After graduating with a B.A. in history from Centenary College in Shreveport, La., Reese headed west to teach seventh and eighth graders at Hawthorne Intermediate School. Three years later he moved on to become principal of Hawthorne's Washington Elementary School, and in 1952 he was promoted to the position of administrative assistant for the Hawthorne School District. Although busy with his career, Reese still found the time to complete a master's program in education administration at the University of Southern California in Los Angeles, receiving his M.S. in 1955. The previous year he had received yet another promotion, this time to assistant superintendent of the Hawthorne School District. He held this position until 1961, when he obtained his present position—superintendent.

Mr. Speaker, Reese has been an extraordinary asset to the Hawthorne School District; however, aside from the significance his public role has for society's welfare, the private Reese Walton has been an exemplary citizen of his community. Let me list a few of his activities and achievements: member of the Centinela Valley YMCA Board of Directors, president 1962–63; member of the Rotary Club of Hawthorne, president 1967–68; member of the Southwest Community Health Clinic Association Board of Directors; member of the Hawthorne Chamber of Commerce; permanent director of the Oliver McCammon Memorial Scholarship Foundation; member of the Hawthorne Art and Cultural Society Board of Directors; member of the Hawthorne Memorial Center Corporation Board of Directors.

He has also been the recipient of several honors and awards, including the Hawthorne Junior Chamber of Commerce Distinguished Service Award for Outstanding Community Service in 1955; the Centinela Valley YMCA Man of the Year Award in 1960; and the Hawthorne Chamber of Commerce Citizen of the Year Award in 1975. The citizens of Hawthorne are certainly fortunate that Reese is staying in the city following his retirement, so that they will be able to continue to benefit from his service.

My wife, Lee, joins me in congratulating and thanking Reese, along with his wife, Jo, their children, Mary Ann Martin and Betty Walton, and their grandchildren, David and Steven.●

VELMA GREEN AND TENNESSEE VOLUNTEER GIRLS' STATE PROGRAM

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. BONER of Tennessee. Mr. Speaker, on Saturday, May 30, the 35th annual Volunteer Girls' State program, held under the auspices of

Tennessee's American Legion Auxiliary, will convene and will run through June 5, 1981. Approximately 500 young women who are seniors in high schools from across Tennessee will gather for the instructional week which will focus on the development of a more effective government, the promotion of good citizenship, and the importance of leadership. The delegates from all 95 Tennessee counties are selected on the basis of interest in government, character, scholarship, leadership, and community participation. The girls will elect officials on the city, county, and State levels with the election of a Girls' State governor as a high point of the week.

Mrs. William Edgar (Velma) Green has served untiringly and unselfishly as director of Tennessee's Girls' State for the past 25 years. Mrs. Green serves as an outstanding role model for some 10,000 young women who have graduated from Tennessee's Girls State under her direction. She has demonstrated to them by her own community involvement, optimism, joy in living, assertiveness, leadership qualities, and success that women can and must strive for the betterment of their government, their lives, and their community, State, and Nation. In addition to her year-round work with Girls' State, Mrs. Green continues to be active in numerous other volunteer and community service projects. Mrs. Green is currently the president of the Lewisburg, Tenn., Pilot Club, president of the Marshall County Home Demonstration Club, and she serves as executive secretary for the Marshall County Red Cross, a position which she has held for over 20 years. She is active in the American Legion Auxiliary and has served as past president of Tennessee's State American Legion Auxiliary. In addition, she has served as president of the Lewisburg Garden Club and the Marshall County Women's Club. Mrs. Green has been an involved supporter of the PTA for over 40 years and has held both State and national offices. She is also a member of the Town and Country Home Demonstration Club, the Federation of Garden Clubs, and the Lewisburg Music Club.

Mrs. Green is married to William Edgar Green, Sr., and is the mother of two sons, Tom and William Edgar, Jr. She has five grandsons, and one granddaughter who will be a Volunteer Girls' State delegate this year. The achievements, activities, and leadership demonstrated by Mrs. Velma Green are exemplary of the attributes Girls' State tries to teach its citizens and she is to be commended for her service.●

AID FOR THE STEEL INDUSTRY

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. ECKART. Mr. Speaker, today the House is scheduled to consider H.R. 3520, the Steel Industry Compliance Extension Act. I wholeheartedly support this legislation, for I believe that it will provide a much-needed boost to our beleaguered steel industry.

The effect of H.R. 3520 is to free up capital that steel companies would otherwise have to spend for pollution abatement. These funds can now be used for the modernization of plants and equipment. The bottom line, of course, is that this will result in more efficient plants and more American jobs.

Mr. Speaker, this legislation is the product of a coalition of representatives from industry, labor, and environmental organizations. These groups succeeded in reaching a consensus as to the best method of aiding the steel industry without undermining the intent of the Clean Air Act. I sincerely hope that this cooperation continues, for without it, the difficulties that U.S. steel producers are experiencing in their competition with Japanese and European steelmakers will continue.●

FEDERAL AID TO MASS TRANSIT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. OTTINGER. Mr. Speaker, over the years I have addressed my colleagues on the subject of mass transit and the desperate need for increased Federal commitment to our public transportation network. Such an investment by the Federal Government means jobs, increased mobility for all Americans, improved quality of the environment, a healthier economy, and energy conservation.

The fiscal year 1982 budget revisions submitted by the President propose a drastic Federal retrenchment in the area of mass transit, especially with regard to operating assistance. The administration has proposed that by 1985, mass transit operating assistance will be eliminated.

I submitted the following statement to the Appropriations Subcommittee on Transportation during its deliberations on the fiscal year 1982 budget for the Urban Mass Transportation Administration. The statement indicates my concerns about the administration's cuts in mass transit aid and the devastating effects which these budget reductions will have on the New York metropolitan commuter rail, bus, and subway systems as well as other systems across the country. I urge my colleagues to consider the grave consequences of these budget cuts during upcoming deliberations on the critical mass transit programs.

STATEMENT OF HON. RICHARD L. OTTINGER

Mr. Chairman, I appreciate this opportunity to submit a statement on the fiscal year 1982 budget for the programs of the Urban Mass Transportation Administration.

I represent Westchester County, New York. One-hundred and sixty-six thousand Westchester residents travel the 224-mile Hudson, Harlem, and New Haven commuter rail lines each day. My district is served by the Metropolitan Transportation Authority, the largest public transit system in the country. The health of that transit system will dictate the economic health of my communities and of New York City as a whole.

SECTION 5 OPERATING ASSISTANCE

The fiscal year 1982 budget revisions submitted by the President propose drastic and disastrous changes in the Section 5 operating assistance program—changes which will be devastating for the MTA system and for virtually all transit systems across the country. The President has proposed that beginning in 1983, operating assistance funds will be phased out until 1985 when they will be eliminated—a $1.5 billion reduction in Federal spending. This action by the Federal Government will result in increased fares, reduced services, increased State and local taxes, deterioration of the physical condition of our transit systems, traffic congestion, pollution, oil import increases and urban decay.

The Federal retrenchment in this vital area will force some transit systems to close down altogether. For many commuters, this drastic change in Federal policy will force them back to their cars. For those who continue to ride mass transit—many by necessity—the President's program will mean at the very least higher transportation costs and less convenience.

If $1 billion of the President's cut in operating assistance for mass transit had to be recovered in the fare box, fares would jump an average of 37 percent nationwide, according to a study of the Regional Plan Association. The Regional Plan Association projected that fare increases would be roughly 15 percent in New York and more than three times that amount in small cities across the country contributing to hardship and inflation. The New York Metropolitan Transportation Authority is now projecting fare increases for this summer between 20 and 40 percent! Just this year, fares have already jumped in Chicago, Dallas, Miami, Milwaukee, Salt Lake City, Toledo, and Washington, D.C.

The same study by the Regional Plan Association indicates that if fares rose to cover the loss of Federal operating assistance, transit ridership across the country would drop by 11 percent, and 80 percent of these former riders would switch to the car. This would mean an added 2.4 billion miles per year in car travel and the burning of 167 million extra gallons of gasoline. U.S. payments abroad for oil would rise between $445 million and $650 million annually and the GNP woud drop by as much a $1.1 billion.

The Metropolitan Transportation Authority, which serves the New York metropoli-

tan area and my constituents, will receive $207.9 million this year in Federal operating assistance, accounting for 7 percent of the MTA's annual operating budget. Faced with shrinking budgets and rapidly deteriorating equipment, facilities, and shops, the MTA must turn to the transit rider and to the local and State governments to help cover Federal cuts in operating assistance. There are few other alternatives if the system has a chance of survival.

In a press conference on May 14 in which the Chairman of the Metropolitan Transportation Authority, Richard Ravitch, released the contents of a letter to Governor Carey, Mayor Koch and legislative leaders, the Chairman set forth the grim realities of MTA's operating deficit. The Chairman's letter noted:

"Without regard to capital financing, the size of MTA's operating deficits is staggering. I have attached a memo showing that under the circumstances assumed therein, our operating deficit could be as much as $383 million for the next Transit Authority fiscal year, and $68 million for the commuter railroads, this year.

"This grim set of numbers reflects not only inflation, but unexpected revenue shortfalls, new maintenance and power expenses, and the apparent phase-out of Federal operating assistance.

"But let us look beyond our current fiscal predicament and place the growth of operating expenses and revenues in long-term perspective. MTA's basic operating budget, including both the Transit Authority and the commuter railroads, has grown to over $2.5 billion annually.

With an assumed 10 percent inflation rate, MTA's operating costs will initially increase by $250 million a year. In the absence of additional subsidies, our inflation-driven deficit would, through this decade, require automatic fare increases of approximately 20 percent a year—or twice the rate of inflation. This result is not only economically unacceptable, but socially unjust."

Seventeen years ago, in response to a perceived need to promote mass transportation and in the wake of failing private transit systems, Congress enacted the Urban Mass Transportation Act. This act was legislated to:

"* * * assist in the development of improved mass transportation facilities, equipment, techniques and methods * * * to encourage the planning and establishment of areawide urban mass transportation systems needed for economical and desirable urban development * * * and to provide assistance to State and local governments and their instrumentalities in financing such systems, to be operated by public or private mass transportation companies as determined by local needs."

Today, with the President's proposal to eliminate the Section 5 operating assistance program, the Federal government is preparing to abandon its operating support of public transit systems, thereby severing a major part of its commitment to foster public transportation. This action will cripple urban economies across the nation. To quote, again, the words of the Chairman of the New York Metropolitan Transportation Authority, "The transit situation * * * represents an equally grave threat to our economy, the social equilibrium and the survival of the greatest city in the world."

I respectfully request the subcommittee to reject all proposals to eliminate Section 5 operating assistance and to support levels of funding which encourage and sustain the operation and growth of our cities' mass transportation networks.

SECTION 3 DISCRETIONARY CAPITAL ASSISTANCE

It is my understanding that the Administration has proposed reduced levels of funding for the Section 3 program, to be achieved primarily by cutting the amount of Section 3 funds allocated for the construction of new rail transit systems and extending existing systems. Further, the President has indicated in his fiscal year 1982 budget revisions that the "central focus of the Federal transit assistance program in the future will be on the maintenance and improvement of existing, proven transit systems."

I have been advised that the President's proposed actions with regard to the Section 3 program will not adversely affect capital assistance to the Metropolitan Transportation Authority and to its commuter rail system which serves Westchester County. I am very pleased by this information since Westchester County has benefited immensely from the Section 3 program. The critical Upper Harlem electrification project, on which I have addressed this committee in the past, is being funded with $40 million in Section 3 money. The urban areas of White Plains and Mount Vernon, New York, are depending on federal mass transit capital assistance for the construction of critical downtown mass transportation facilities.

While I am relieved that the President's decimation of the federal budget will not take its toll on capital assistance to my area, I must raise my opposition to the proposed reductions in Section 3 because the Administration's action to halt the construction of new rail systems and the extension of existing systems means a drastic federal retrenchment in an area so crucial to the future of our national economy and the environment of this entire nation. It is another step by the Administration in the destruction of the social fabric of this country.

I thank the subcommittee for allowing me to express my strong feelings on the subject of Federal assistance for urban mass transportation. I urge the subcommittee to do whatever it can to maintain the Federal commitment to mass transit.

Thank you.●

SETTING THE RECORD STRAIGHT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. MICHEL. Mr. Speaker, on April 22, 1979, I inserted in the CONGRESSIONAL RECORD remarks entitled "Paging Rube Goldberg." My remarks were directed at the energy policies of President Jimmy Carter which I said looked like one of those wonderfully zany contraptions created by cartoonist Rube Goldberg of happy memory. In the midst of those remarks I stated:

And what about this Central Intelligence Agency study the President refers to and which has been used to back up his fundamental thesis which is that we are running out of energy? For years now we have been hearing criticism of CIA studies on subjects in which that organization presumably has competence—but now we are asked to swallow a study in a subject about which the CIA has as little expertise as any non-energy-related organization.

As I recall, my criticism of the Central Intelligence Agency report was viewed with alarm by members of the majority who ordinarily wouldn't say a pleasant word about that organization. After all, the CIA study was bolstering the President's scarcity psychology. So anyone who criticized the CIA's findings must be wrong.

It turns out that my criticism was correct and the CIA has finally admitted it. As the Wall Street Journal noted on May 21, 1981:

An honest mistake—The CIA has finally revised its 1977 estimate of Soviet oil production, conceding that it was too pessimistic back then when it predicted that the Russians would be net oil importers on a sizable scale by 1985. It seems now that the Soviets won't be out competing with other buyers on the world market for several more years yet. The 1977 estimates, widely challenged by independent experts at the time, did not enhance the CIA's credibility, coming, as they did, when President Carter was trying to scare Congress into adopting his grandiose energy program. But if the error then was more than just mathematical, we assume the CIA has reviewed that as well.

Mr. Speaker, the record is now set straight. President Carter's policies rested on a foundation of sand. But we already know that, do we not?●

OLDER AMERICANS MONTH—1981

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. BIAGGI. Mr. Speaker, May is Older Americans month. As we approach the midpoint of this month which pays special tribute to this country's great national resource—its older people—whose wisdom, experience, and knowledge could be of immeasurable benefit to the service of humanity, we should note that older people are one of this country's few valuable resources which is increasing instead of decreasing in supply. Longer life has become a visible fact of everyday life. Today, America can boast of 35 million people aged 60 and over. Moreover, as a group, older Americans are increasing in numbers at a rate much greater than that of children and youth groups. Accordingly, aging in America has become a success story: the product of tremendous improvements in health conditions and medical technology. But, as with most success stories, there is another side of the picture. The demographic shift has resulted in short-sighted policies and practices which often stereotype and segregate older Americans.

Service programs have been established which do not adequately meet their needs, and age discrimination still exists which leaves this valuable resource underutilized and at times purposely avoided.

Age 65 is not synonymous with old. Today, age 65 is seen as one of the several stages of chronological evolution. The stage of "senior adulthood" begins at about 65 and may last 15 years; this is followed by a period of "elderhood" which may continue into the eighties or nineties, even indefinitely, if aging is ovecome. The many accomplishments and contributions of older Americans, both known and unknown, serve as a continuing reminder that age need not signify decline and dependence. Alexander Fleming developed penicillin between the ages of 60 and 70 and thereafter provided humanity with the information for utilizing antibiotics. Winston Churchill, at the age of 67, carried on the business of government during the height of World War II, by consistently working until 3 a.m. and rising at 8 a.m. Konrad Adenauer was well into his eighties when he engaged in the difficult task of redirecting postwar Germany. Harriet Tubman, the black abolitionist, continued her freedom fight until her death at 93. Albert Schweitzer continued his dedicated and strenuous practice of medicine until shortly prior to his death at age 90.

As a member of the House Select Committee on Aging since its inception in 1974, chairman of the Subcommittee on Federal, State and Community Services whose primary responsibility is the continuous study of the effectiveness of services to the elderly, and a member of the Select Education Subcommittee which has legislative jurisdiction over the only Federal social services statute designed exclusively for the elderly, the Older Americans Act, I feel a special pride in Older Americans Month.

It is not sufficient to pay tribute to great older Americans of accomplishment. It is also necessary to provide legislation, adequate funding levels, and service programs to insure that both our Nation and our older population can benefit from technological advances which have given them longevity. For this reason, I am proud to have played a key role on May 5, in the House Education and Labor Committee's reauthorization hearings which not only continued the act's programs and services at a funding level of about $1.4 billion, but also developed the strongest possible bill. The importance of the Older Americans Act cannot be minimized. The act mandates the goal providing the elderly with access to the social and human services they need to remain independent. In addition, the act is directed to provide senior citizens with opportunities for full participation in the benefits of our democratic society. As the population in our maturing society shifts from younger to older, the demands on social service dollars will increase, thereby compelling Federal programs to be responsive to the social and human needs of our aging population. Increased longevity has resulted in both positive and negative implications for society. A twentieth century variation of the "fountain of youth" has been created by enhanced physical and intellectual longevity. However, major problems have been created which gerontologists and policymakers must face. We must now solve the problems of how to improve the lives of older Americans and to correspondingly insure that these demographic shifts are accurately reflected in the educational, economic, political, and human services systems.●

SILVER-HAIRED LEGISLATURE

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. RAHALL. Mr. Speaker, the West Virginia Commission on Aging is in the process of setting up a unique opportunity for senior citizens in my State. In November, the first silver-haired legislature will convene in Charleston, W.Va.

This legislature will be a model 3-day session, and will be comprised of 134 representatives, age 60 and over, elected throughout the State by their peers.

The silver-haired legislature will provide these individuals with an understanding of the legislature process. It will allow them to devlop a forum for senior citizens to set their own legislative priorities, and it will educate the public and Government officials on the issues and concerns that affect West Virginia's older population.

The silver-haired legislature concept has already proven to be a success in eight States, and in some cases, silver-haired legislative bills have served as a basis for new State laws. For this reason, I would like to thank and commend the West Virginia Commission on Aging for organizing the silver-haired legislature so that senior citizens in West Virginia can have a similar experience.

The silver-haired legislature concept is an excellant forum for elderly citizens from diverse social, economic, and geographic backgrounds to determine their legislative priorities. Because they receive training and firsthand experience in drafting bills, determining costs, hearing testimony and floor debate, the bills tend to be reasonable, realistic, and feasible responses to the needs of the elderly.

At a time when older Americans are facing severe hardships due to inflation and the elimination of important assistance programs, this silver-haired legislature will allow them to voice their opinions and to make their voices heard.●

NEW YORK COUNTY SURROGATE SPEAKS OUT ON CRIMINAL LAWS

HON. JIM JEFFRIES

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. JEFFRIES. Mr. Speaker, Marie M. Lambert, surrogate of New York County, New York, delivered a speech at the Annual Rapallo Award Luncheon in New York City on May 9, 1981. Miss Lambert has established herself in her profession with many noteworthy honors. She graduated from the New York University Law School not only first in her class but with one of the highest averages ever achieved at the school. She is past president of the New York State Trial Lawyers Association, associate editor of the Trial Lawyers Quarterly and Trial Lawyers News and a member of the board of governors of the Association of Trial Lawyers of America. Miss Lambert has been honored by AMITA as the woman who contributed the most to the field of law in the United States in 1975, Woman of Achievement by NYU Alumnae Club in 1976 and received the Award of Merit from the New York State Trial Lawyers. With this background and experience, here remarks about our criminal laws are especially noteworthy and I would like to commend her words to my colleagues' attention.

Not only do we celebrate the Rapallo Award today but we also pay tribute to the State of Israel on the anniversary of its establishment. It is fitting that I should be honored today on Israel's anniversary day by the Columbian lawyers further establishing the solidarity between the Jewish and Italian community.

I am deeply honored today to be in such distinguished company and to be the recipient of this award named after one of our great Italian-American jurists. I am particularly honored because I am the first woman to receive it.

A look at the roster of previous recipients of this award constitutes a who's who of American jurisprudence and reflects the impact which Italian-Americans have had on the formulation of law and legal concepts. That impact is not surprising when one considers that centuries ago, Rome stood as the wellspring of legal precepts and theory. In the case of Italian-American contributions to law, the past is clearly prologue. I stand before you as one of a multitude of Italian-American jurists who wish to offer a new preception and direction to the

way in which the law, specifically our criminal laws, are both interpreted and applied.

In my brief tenure as surrogate, I have been witness to a countless number of probate proceedings which indicate the cause of death as homicide. In several instances, the legend "multiple stabbing" or "multiple gunshot wounds" stand as a grim reminder that the constitutional promise of life and liberty have, for many individuals, been rendered meaningless. It is undeniable that the primary purpose of government is to provide physical safety of its populace and that in this task, it has failed miserably. Tne newspapers and telecommunications media are daily testaments to the assaults and injuries which are inflicted on our citizenry. Each new assault brings with it details which were previously thought to be too gruesome and too horrible for us to contemplate.

The fear etched on the faces of the children of Atlanta is but a composite photograph of the fear which pervades the daily life of each American. Each mugging, rape, robbery and murder strikes not only the victim but the society at large which sees its fundamental principles violated and shattered.

As members of the bar and bench, it is our responsibility to define the problem and to propose a solution. In that regard, it is important to note that our fellow citizens view us, the lawyers and judiciary, as part of the problem. At no time in the history of our republic have lawyers and the legal profession been held in such low regard and esteem. While some may shrug this off as the mere whimperings of a pampered populace, others will recognize it for what it is—a damning rebuke to the rule of law as we have fashioned it. Rightly or not the public at large holds our profession responsible for the construction of a criminal justice system which they view as criminally lacking in justice. Certainly, many of the theoretical underpinnings used to justify our present system must be re-examined. The first underpinning which must be re-examined is our overwhelming preoccupation with protecting the rights of the violent criminal. Each police activity, whether it includes the right to stop and frisk a subject, the right to make searches or the right to take a confession has been circumscribed by rules and procedures which extend beyond the protection afforded by the constitution. The right to counsel, for example, has been extended beyond the accusatory stage of a criminal proceeding and has been held to apply to administrative correctional proceedings. Justice Holmes observed in a 1904 dissent case, "at the present time in this country there is more danger that criminals will escape justice then that they will be subjected to tyranny." While some may argue that it is better to allow ten guilty men to go free than to convict one innocent person, others may ask how many additional crimes those ten men will inflict on an already suffering public. What is undeniable is that our preoccupation with the rights of criminals has led to both justice delayed and justice denied. Innumerable delays and adjournments have often resulted in either the disappearance or death of crucial witnesses. A strict application of the exclusionary rule has resulted in the inadmissibility of evidence which could have been gathered by other sources. Lenient bail policies have returned to the streets those violent individuals who use them as stalking grounds in search of another victim. Lenient sentencing decisions have allowed convicted murderers to walk out of the courthouse with nothing more than the imposition of probation. Just this week, despite the pleas of the prosecutor, a 15-year-old received only three years probation for the murder of a child, recently, a man convicted of manslaughter was given only five years probation because he was in the judge's words, "a fruitful member of society." And six months later this same man brutally assaulted, maimed and almost killed another young man. As Justice Cardozo said in Synder v. Massachusetts, "Justice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament, we are to keep the balance true."

For those accountants who wish to view only the bottom line, the figures reveal that 100,000 felony arrests were made in New York City last year. With a population of approximately seven million people, that means that one out of every seventy citizens is the yearly victim of a felony. When you extrapolate those figures to the longevity tables, each person in this room would theoretically have one felony committed upon them during their lifetime. If those numbers are not disturbing enough, you should be aware that these numbers take into account only reported crimes and arrests actually made. Countless rapes and robberies are not reported because the victims are too ashamed or do not wish to be bothered anymore with making endless trips to court. What is equally depressing is that only 5,000 indictments and approximately 1,000 convictions have resulted from the yearly criminal onslaught.

The second underpinning which we need to re-examine is the belief that all crime should be pursued and prosecuted with the same vigor. In order to make a dramatic impact on crime, we must set priorities and vigorously pursue those crimes which we view as most heinous. Each passing day recounts in detail the time, attention and dollars spent to apprehend the perpetrators of non-violent infractions of the law. While the enforcement of securities laws, the antitrust laws and the Foreign Corrupt Practices Act are important, they pale in insignificance besides the need to protect our citizenry from murder, rape and robbery. Under previous administrations, the FBI took an active role in the apprehension of bank robbers and car thieves. Today, it is the avowed policy of that agency to focus on "white collar" crime. Some individuals, after viewing the recent abscam convictions, might even argue that the FBI is in the business of inducing crime. Our resources and our efforts should be focused on the elimination of violent crime. In a society where limited resources have been allocated to the fighting of crime, we cannot afford the luxury of spending vast sums of money on nonviolent crimes or infractions of the law.

Finally, we need to re-examine the philosophies which have guided our theories of punishment. In the past, our correctional policies have been shaped in the belief that rehabilitation of the criminal is the most important goal. Educational programs, better facilities and the development of psychological and sociological counseling programs have been designed with an eye toward turning the criminal into a useful member of society. Any review of the figures concerning recidivist crime (that is, repeat offenders) shows that these policies are not working. While there may be a few criminals who can be reclaimed from the junkheap of humanity, the focus of our correctional policies must be on deterrence and, even retribution. Why is it wrong to say that certain crimes are so heinous that society does not have the right to exact retribution? Is the death penalty so inappropriate when one considers the crimes that Richard Speck, John Gacy, Charles Manson, David Berkowitz and Sirhan Sirhan committed? I, for one, am appalled to see the killer of Robert F. Kennedy, a man who has changed the course of history, get ready to walk the streets after a mere fifteen years in jail. I am also appalled to see certain criminals achieve celebrity status as the press and media vie for their attention. Why should any individual be allowed a public stage to recount, gory by gory detail, the acts which resulted in their prosecution? Why must so many of our criminals be glorified and the victims vilified? A recent example being the late Allard Lowenstein whose memory has been defiled by a certain press columnist in order to glorify and justify the act of the perpetrator. Even the dead victim is not free of vilification.

If we are to achieve change in our criminal justice system, it is clear that we must re-examine the attitudes upon which many of our policies have been founded. No amount of money can correct a system which places such emphasis on the rights of criminals rather than victims. Like Gresham's Law, any new infusion of funds will throw good money down a system which neither prosecutes effectively nor punishes adequately. After guilt has been established, it is time to discard the traditional responses offered by many that crime is a circumstance which results from individuals being trapped in a cycle of poverty. Many, if not most, of us present here today are only one or two generations removed from foreign soil. Many, like me, can remember eating a boiled potato or an onion sandwich for dinner during the depression. Yet, the result of our deprivations was education and hard work, not crime. It is time for our society to stop uttering mea culpas and to start placing the blame where it belongs—on the criminal. It is time for our lawmakers to stop proposing symbolic change and to start addressing the fundamental problems. In that regard, the reimposition of the death penalty for the murder of our protectors would be both a substantive and constructive first step. Finally, it is time for all of us, the leaders of the legal community to lend every effort in support of those who seek to reorient our priorities and reestablish our goals. Our Nation is the greatest Nation on the face of the earth. Its history is marked by the fulfillment of principles which we hold dear. The first and foremost such principle is the right to life and to liberty. What is liberty if our storekeepers must close their doors before sundown and our citizens must bolt themselves inside their apartments? What is liberty if a casual word or glance can anger some psychopath into setting a token booth ablaze or shoving some helpless victim under the wheels of an oncoming train? What is liberty when every article of clothing or property which we don must be scrutinized so that it will not make us an alluring target to some criminal? The ability to live life and to exercise our liberties must be viewed through the prism of our right to have freedom from fear.●

RAY D. NIXON POWERPLANT

HON. KEM KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. KRAMER. Mr. Speaker, today, concern for clean air and clean water is a greater factor than ever before in the design and operation of electric power generation facilities, particularly coal-fired plants.

In this light, I would like to call the Ray D. Nixon Powerplant, owned and operated by the city of Colorado Springs, to the attention of the House.

The Nixon plant attacks the problem of both scarce water and discharge problems with a recycling system, designed by the engineering firm of CH2M Hill, that first purifies brackish water and then uses the water in the generation process; 95 percent of the water is recycled through a continuous loop system.

For a 200 megawatt plant, this is a substantial achievement, and one which resulted in the engineering firm of CH2M Hill receiving an honor award in the 1981 American Consulting Engineers' Council's Engineering Excellence Awards Competition.

For the West particularly, where water is scarce, this accomplishment may well promise a new approach to water use in power generation, and I wanted to share this achievement with my colleagues.●

CAP ON MEDICAID EXPENDITURES

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. MADIGAN. Mr. Speaker, the gentleman from North Carolina (Mr. BROYHILL) and I have introduced the Reagan administration's bill to cap medicaid expenditures and further amend the medicaid and medicare programs. This legislation, the Health Care Financing Amendments of 1981, is designed to slow the growth of medicaid, provide needed flexibility in State program management and make other necessary changes.

A copy of Secretary Schweiker's transmittal letter appears below. We believe that this communication ably describes the thrust of the bill, and commend it to our colleagues' attention.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, D.C., May 15, 1981.

Hon. THOMAS P. O'NEILL,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Enclosed for consideration by the Congress is a draft bill "To provide a ceiling on Federal expenditures for Medicaid, to increase States' flexibility to determine the scope of their Medicaid programs, to make other amendments to the Medicare and Medicaid programs, and for other purposes." When enacted, the bill would be cited as the "Health Care Financing Amendments of 1981".

The draft bill would set a ceiling on Federal expenditures for Medicaid for fiscal year 1981 and succeeding fiscal years. Federal financial assistance for Medicaid would be limited to $16,399,914,000 for fiscal year 1981, and $16,995,308,000 for fiscal year 1982. For succeeding fiscal years, Federal funding for Medicaid would change by a factor equal to the Gross National Product Deflator. Federal funding for automated eligibility determination and Medicaid management information systems would be subject to a separate ceiling. Funds for State fraud control units, and funds to reimburse States' claims for program costs incurred before fiscal year 1981, would be outside the ceiling.

In order to enable States to control costs to the fullest extent consistent with maintenance of program quality, and to assure that States would not be forced because of the ceiling on Federal payments to absorb a greater share of Medicaid costs than under present law, the draft bill would repeal or modify many State plan and other statutory requirements. In addition, the Secretary would be authorized to waive other State plan requirements where he found that the waivers sought would be consistent with program goals.

The amendments proposed by this draft bill would greatly increase States' flexibility to determine the scope of their Medicaid programs and to assure that services are provided in an efficient and cost-effective manner, while continuing to safeguard the access of beneficiaries to an adequate supply of quality health services. States would be able to tailor their eligibility criteria, benefit packages, reimbursement methods, and plan administration to make the best use of the resources available to meet the needs of their population. To cite only a few examples, these amendments would permit States to reimburse hospitals, physicians, and other providers of services in a more prudent manner, to use competitive bidding to obtain the most economical services, and to limit coverage of optional benefits to certain groups most in need of them (for example by providing influenza immunizations only to those groups most at risk).

In addition, the draft bill would enact reimbursement and systems reforms to allow more efficient and economical administration of the Medicare and Medicaid programs, and would enact amendments designed to reduce fraud and abuse in these programs.

The draft bill's provisions are described in detail in the enclosed sectional summary. We estimate that a net cost of $201,000,000 for fiscal year 1981 and a net savings of $2,133,000,000 for fiscal year 1982 would result from enactment of the draft bill. A net cost, rather than net savings, for fiscal year 1981 results solely from repeal of the postponement (enacted by the last Congress) from fiscal year 1981 to fiscal year 1982 of certain periodic Medicare payments to hospitals. An estimate of savings and costs (by section) for fiscal years 1981 through 1986 is enclosed.

We urge that the Congress give the draft bill its prompt and favorable consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

RICHARD S. SCHWEIKER,
Secretary.●

SCOTTS BRANCH ELEMENTARY SCHOOL OF RANDALLSTOWN, MD., VISITS NATION'S CAPITAL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. LONG of Maryland. Mr. Speaker, on Wednesday, May 27, 1981, 74 young men and women from the Scotts Branch Elementary School in Randallstown, Md., journeyed to Washington for a firsthand look at their Nation's Capital.

These students toured the Capitol Building, the Federal Bureau of Investigation, and the Smithsonian museums.

They were led by the following teachers and parents: Mr. Eugene Langbehn, Mrs. Janet Steinbach, Mrs. Beverly Matthews, Mrs. Jacqueline Foote, Mrs. Kathleen Kemp, Mrs. Susan Rubin, Ms. Elen Kline, Ms. Ruby Darby, Ms. Mae Williams, Ms. Foyce Foust, Ms. Esther Finkelstein, Mrs. Rona Schrum, Ms. Sharon Attaway, Ms. Shirley Prostic, Ms. Elaine Harrison, Ms. Marie A. Penn.

I am delighted these students have taken an interest in our Nation's political process, and I hope their interest will continue.

Students who visited us Wednesday are: Elwood Agent, Diane Arnold, Davia Bailey, Sharon Butler, Gennady Elgart, Jora Foote, Gary Gardner, Edward Heard, Adam Henderson, Frank Holquist, Gary Hurst, Carla Jones, Robert Kemp, Debbie Kushner, Kobi Logan, Dean Martin, Janisha Matthews, Janisha McDowell, Kim Murray, Kelly Nisbet, Larry Perrin, Laurie Rubin, Hope Schachter, Stephanie Smith, Jason Steinhorn, Michael Wells, Rochelle White, Jowanda Wright.

Other students are: Jin Bahk, Anthony Bush, Patrick Goonan, Paul Harrison, Rufus Heath, Carlos Jones, Dwayne Mitchess, Greg Ruck, Scott Stansell, Troy Harris, Richard Sheppy, Kim Brice, Kim Bridgeforth, Trina Brown, Wendy Chatman, Yun Cho, Desrie Darby, Erin Fishman, Kristie Mathews, Tara Roberson, Sherri Hendrix, Rita Lambert, Bernard Battte, Michael Brown, Naron Bryant, Jimmy Dodson, Timothy Gerald, Brian Hargest, Bruce Hendricks, Artie Pacheco, Stuart Rubin, Jacques Smith, Constantine Spivak, Shawn Wagner, Edward Watlers, Linwood Franklin, Yolanda Bell, Yolanda Budd, Katasha Davis, Peggy Holtz, Nichele Penn, Emily Prostic, Melissa

Ruck, Laura Schrum, Echelle Rouzer, Shallimara Perry.●

UOSA BILL TO HELP CONSUMERS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. PARRIS. Mr. Speaker, I am today introducing legislation which will correct a situation which plagues many of my constituents.

In the early seventies the Environmental Protection Agency promulgated standards for the construction of waste water treatment plants. These standards which were issued during the construction of the Upper Occoquan Sewage Authority's treatment plant in Prince William County led to over $30 million in cost overruns. Of this amount $12 million has not yet been reimbursed by EPA and is directly attributable to a burdensome and excessive EPA regulation—which has now been removed from the books.

The tremendous cost of the debt service associated with this project continues to burden the consumers served by the Upper Occoquan Sewage Authority plant and passage of this legislation will benefit those citizens by reducing a portion of their water bill now being consumed by the costs of debt service.

These people are not seeking any extraordinary assistance from the Federal Government. Rather they are simply asking the Government to pay for that part of the cost of construction directly attributable to the actions of the Federal Government through the EPA.

I am most pleased to be joined by my colleagues from Virginia, FRANK WOLF and J. KENNETH ROBINSON in this effort. This legislation has received the unanimous endorsement of all the governing bodies of the political jurisdiction within the Upper Occoquan Sewage Authority. I trust this legislation will receive the early and favorable attention of the Congress.

A copy of the bill follows:

H.R. 3728

A bill to direct the Administrator of the Environmental Protection Agency to make grants to the Upper Occoquan Sewage Authority to reimburse such Authority for a portion of the costs incurred by such Authority in constructing its advanced waste water treatment plant in the Occoquan Reservoir watershed area in Fairfax County, Virginia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Administrator of the Environmental Protection Agency (hereinafter in this Act referred to as the "Administrator") shall make grants to the Upper Occoquan Sewage Authority (hereinafter in this Act referred to as the "Authority") to reimburse the Authority for 50 per centum of the costs incurred by the Authority in constructing the advanced waste water treatment plant in the Occoquan Reservoir watershed area in Fairfax County, Virginia, and not otherwise reimbursed or paid by the United States or the State of Virginia.

(b) The total amount of Federal assistance provided to the Authority under this section may not exceed $12,000,000.

SEC. 2. No grant may be made under this Act unless the Administrator receives such reasonable assurances as the Administrator may require to insure that the Authority will use all Federal assistance provided under such grant to reduce the sewer rates charged by the Authority to its customers in Fairfax and Prince William Counties, Virginia, and the cities of Manassas and Manassas Park, Virginia.

SEC. 3. Grants made under this Act may be subject to such terms and conditions as the Administrator may require to carry out the provisions of this Act.●

"THANK GOD! THEY'RE FREE AT LAST"

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. FRENZEL. Mr. Speaker, I would like to take a moment to remind my colleagues of the deep relief we all felt when the 52 former hostages were freed this past January. It is too soon to forget the emotional high that our country experienced following their safe return.

Mr. Kenneth Mutchler of Plymouth, Minn., wrote a touching poem commemorating the sense of pride millions of Americans experienced at that time. The poem calls attention to the former hostages plight and celebrates their release. I would like to share this poem with all of my colleagues here in the House of Representatives:

THANK GOD! THEY'RE FREE AT LAST!

They kept our 52 fellow Americans
For more than four hundred days.
They were held in abject contempt
And mistreated in dastardly ways.

They said they rubbed America's nose
In their Iranian mud and grime,
But those brave hostages stood fast
Time . . . after time . . . after time!

They knew in their hearts that we
Were close and never too far away,
As they suffered trying humiliation
Day . . . after day . . . after day!

They were kicked and oft times beaten
And otherwise very brutally cowed,
But they remained true Americans
And still stood tall and proud!

They were simply innocent pawns
In a struggle of will and power,
But they made all America feel proud
By standing fast in their finest hour!●

A POLICEMAN'S PLEA FOR HANDGUN CONTROL

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD a letter to the editor which recently appeared in the Herald Statesmen, Yonkers, N.Y. Written by New York City police officer Edward J. Lorch, Jr., this letter is a plea for effective Federal handgun control laws. Perhaps such laws might have helped save the life of his colleague, Officer John Scarangella, who was the 22d police officer killed in the line of duty in the last 3 years in New York City.

I am appalled at efforts to relax the 1968 Gun Control Act, particularly in light of the tragic rise in violent crimes and the shootings we have witnessed in past months. Indeed, the 1968 law needs to be strenghtened. Under its provisions, to buy a handgun a person merely has to walk into any one of 170,000 handgun dealers, fill out a Federal form on which he places his name, address, and claims that he is of sufficient age, not an ex-felon, drug addict or mentally incompetent, and purchase the handgun. The ease with which one can purchase a concealable handgun has clearly contributed to the handgun deaths of over 11,000 Americans in 1980.

I fully agree with Mr. Lorch's assessment of the debate over handgun control:

The supporters of the "right" to go armed claim that people, not guns, kill people. Can they look a police widow in the eye and say that an effective gun control law couldn't possibly have saved her husband's life? I ask of the gun lobby one question: If people kill people, why give them the means to do it?

I commend Mr. Lorch's letter to the attention of my colleagues:

PEOPLE KILL WITH GUNS

On May 5, my brother and the brother of the thousands who attended his funeral was laid to rest. He was New York City Police Officer John Scarangella. Officer Scarangella was the 22nd police officer killed in the line of duty in the last three years in New York City alone. If his death and the death of all of the others are to have any meaning at all perhaps that meaning may be found in an open discussion of the subjects which somehow seem most relevant to their sacrifices.

Leading law enforcement officials have long called for the kind of effective gun control which can only be the product of federal legislation. That their cries have fallen on seemingly deaf ears would seem to be due to the lack of any real understanding of the scope of the problem by both the Congress and the people.

It is apparent that there is no real appreciation of just how readily available handguns have become. Nor is there an awareness of how our society has increasingly turned to violence to solve its problems, as

evidenced by the ever-increasing number of stranger-to-stranger homicides, sometimes the result of no more than a minor traffic incident.

The supporters of the "right" to go armed claim that people, not guns, kill people, but can they really explain away 2,000 deaths, triple the number of not many years ago? Can they look a police widow in the eye and say that an effective gun law couldn't possibly have saved her husband's life? I ask of the gun lobby one question: If people kill people, why give them the means to do it?

I realize that many supporters of gun control also support the death penalty. This is particularly true in the law enforcement community. I believe this to be unworthy of anyone who truly believes in the sanctity of human life. Let it be clear that this is not a statement to be construed as in any way supportive of concern for the lives of those heinous murders now occupying death row. I would march in no demonstration for them, their crimes put them in that horrifying place and their plight is of little consequence to me.

However, the brutalization of society, be it through the proliferation of weapons or through the use of the death penalty as a simplistic answer to much more complex problems, easily denied by the throwing of a switch or the dropping of a gas pellet, is my real concern. Throw the murderers into a prison fitting their crime, let them dwell on the reasons for their miserable existence all the long days of their lives, but let us not justify their actions by destroying any life, even theirs. Let us not defiantly usurp powers which do not belong to man.

Finally, can we not, as rational human beings, simply refrain from killing, just today. Perhaps then we will not kill tomorrow and the day after, until today's violence becomes nothing more than an historical footnote in a society that reveres life.●

BEN GILMAN: PATRIOT OF THE YEAR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. MICHEL. Mr. Speaker, I was delighted to learn that our friend and colleague, BEN GILMAN, has been presented with the prestigious Patriot of the Year Award by the Department of New York, Reserve Officers Association of the United States.

This award was given to BEN GILMAN for his advocacy of a strong, adequate military posture for the United States in the interest of national defense and national security and for his support of a well-trained, adequately equipped Reserve as an integral part of the total force policy of our Nation.

Congressman GILMAN represents the 26th Congressional District, State of New York, and serves as a member of the House Foreign Affairs Committee and the House Post Office and Civil Service Committee.

Prior to his election to the House of Representatives, November 7, 1972, Congressman GILMAN served for three terms in the New York State Assembly.

During World War II, he served with the 20th Air Force, 19th Bomb Group and was awarded the Distinguished Flying Cross and Air Medal for 35 missions over Japan.

My congratulations go to BEN GILMAN for the years of service to his country, in and out of uniform.●

THE ABORTION DILEMMA

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. LEHMAN. Mr. Speaker, the questions raised by the abortion debate were pondered, in this fashion, by Aristotle. Though the ancient Greeks expounded on the properties of potentiality versus actuality, present-day philosophers, when bored with easy answers, still lapse into a discussion of "chicken and egg" metaphysics.

Scientific knowledge has solved many questions that have persisted throughout history, and much past controversy has been satisfactorily laid to rest. The question of when life begins or even when life ends, however, is not a simple one, and the answers cannot merely be proclaimed by institutional or individual authority. In pursuit of adequate answers to the difficult question of abortion, I believe we must listen to people from every perspective—we must hear from religious leaders, from those who care for unwanted children in institutions, and from women whose rights to determine questions about their own bodies may be frustrated by antiabortion laws, but who in the end are really not denied a choice.

I recently received a letter from Rev. Father John W. Tucker of St. Margaret's Episcopal Church in Miami Lakes, Fla., along with a letter from a member of his congregation, Mrs. Susan Connelly, expressing their views on this issue. Reverend Tucker stated his view that:

> The Right to Life issue has many moral questions. However, I feel that the woman has the constitutional rights to determine questions about her body. I oppose the antiabortion constitutional amendment movement. A woman should have the right of choice. As it now stands, the law gives the woman the right of choice without becoming an outlaw.

Mrs. Connelly wrote about the harmful effect that the Reagan administration's budget cuts will have on unwanted children who depend upon public funds for their physical, mental, and social health. She stated in her letter:

> What quality of life will these unwanted children have and what services could we offer in the future with the tremendous cutbacks in all social programs * * * I cannot see bringing more unwanted children into our society when our society has not accepted the responsibility for what we already have, and on the policies clearly delineated by the present administration, the social welfare programs in this particular area will be even more greatly diminished.

It is extremely important for those of us who make public policy to not only understand what the consequences of our policymaking will be, but also to strive for some reasonable consistency when one policy decision has implications and perhaps some unintended consequences as suggested by Mrs. Connelly's insightful comments.●

HISTORIC SUMMERSEAT

HON. JAMES K. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. JAMES K. COYNE. Mr. Speaker, precious few historic buildings in this country can match the distinctive beauty and rich legacy of Summerseat in Morrisville, Pa.

Summerseat served as an important headquarters for the Colonial Army during the crucial early days in the Revolutionary War. General Washington personally chose Summerseat for his headquarters in December of 1776.

Later in its history, Summerseat was owned by both Robert Morris and George Clymer, each of whom signed the Declaration of Independence. According to legend, Summerseat also served as the site of a ball honoring Marquis de Lafayette.

A group of distinguished constituents—the Historic Morrisville Society—will be honoring Summerseat and its heritage on Patriots' Day, June 6. Mr. Speaker, it is an honor to represent such a unique institution as Summerseat in Washington. And it is equally gratifying to represent the Historic Morrisville Society. They deserve much commendation for their tireless work on behalf of historic preservation.●

TREASURY SECRETARY REGAN ON U.S. CONTRIBUTIONS TO MULTILATERAL DEVELOPMENT BANKS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. LaFALCE. Mr. Speaker, the Congress will soon have to consider new legislation to authorize the new U.S. contributions to the multilateral development banks—MDB's. Although the MDB's are of invaluable assistance in helping Third World countries become economically developed and in furthering this country's strategic for-

eign policy, support for contributions to MDB's has always been lukewarm.

I believe that the administration's position will be crucial for the ultimate disposition of the development bill, because it has considerable influence over conservatives on this side of the aisle and for those on the other side of the aisle. Therefore, I want to share with all of my colleagues the testimony of Treasury Secretary Donald Regan before the Appropriations Subcommittee on Foreign Operations, in which the Secretary registered the administration's strong support for continued U.S. participation in the MDB's. As the Secretary emphasized:

The banks are primarily the result of U.S. policy initiatives and they have functioned successfully for many years—since 1945 in the case of the World Bank. During that period, they have had bipartisan support in the Congress and under both Democratic and Republican Presidents. A withdrawal of U.S. support would be irresponsible and damaging to our national interest.

I hope that all of my colleagues will ponder the Secretary's eloquent words and approach this question in a truly bipartisan manner, because the administration's position is very worthy of support.

The testimony follows:

STATEMENT OF HON. DONALD T. REGAN, SECRETARY OF THE TREASURY

INTRODUCTION

Mr. Chairman, I appreciate the opportunity to speak to the Committee today on the Administration's appropriations request for U.S. subscriptions and contributions to the multilateral development banks. I understand that the Subcommittee voted yesterday in favor of the Administration's supplemental request for fiscal year 1981. We appreciate this bipartisan display of support for the Administration on these foreign policy issues.

With the Committee's permission I would like to summarize the Administration's request orally and to provide—for the record—a more detailed description.

The Administration's first priority has been to develop a comprehensive domestic program to address our own economic requirements. The most important contribution we can make to the international economy at this time is to provide the basis for healthy, non-inflationary growth in the U.S. economy.

Reductions in the Federal Budget for fiscal year 1981 and fiscal year 1982 represent a vital part of the President's Economic Recovery Program. The recommendations sent to the Congress on March 10 represent a practical and realistic basis on which to begin our fight against inflation and to reduce the role of government in the economy.

Foreign assistance programs have not been spared from the President's budget review. Overall these programs have been cut back by 26 percent in fiscal year 1982 from the levels proposed by the previous Administration. On this basis, the request for budget authority for the multilateral development banks has been reduced by 34 percent for fiscal year 1981 and by 38 percent in fiscal year 1982. These reductions in requests for the banks will be accomplished by deferring a very substantial portion of our subscriptions and contributions to future fiscal years.

At the same time, however, we are mindful that the banks are common multinational endeavors, initiated, in most cases, by the United States. We, therefore, intend to meet our existing responsibilities to the institutions and to our fellow members. To lessen the serious concern which has been expressed by developed and developing member countries about U.S. intentions, we have tried to structure the reductions in requested budget authority in a way which permits bank replenishments to continue within their general negotiated framework.

The United States should play a constructive and responsible role in the banks and in other international economic organizations. To do so, the Administration needs your support for the full multilateral development bank request for fiscal years 1981 and 1982.

THE APPROPRIATIONS REQUEST

The Administration's supplemental request for fiscal year 1918 is for $558 million in budget authority and $53.9 million in program limitations for callable capital subscriptions which do not result in outlays of funds. This is $540 million less than the amount recommended for budget authority in January. The request for fiscal year 1982 calls for $1.5 billion in budget authority and $2.6 billion in program limitations for callable capital. This is $936 million less than the amount recommended for budget authority in January. Our requests will fulfill already negotiated international agreements.

The outlays resulting from budget authority enacted in fiscal years 1981 and 1982 will occur over the next ten years. Only 4.28 percent of the budget authority request for fiscal year 1982 will result in outlays in fiscal year 1982.

THE FISCAL YEAR 1981 SUPPLEMENTAL REQUEST

I would like to mention briefly the exceptional circumstances which necessitate the supplemental request for fiscal year 1981, which the Subcommittee has approved. For the Sixth Replenishment of the International Development Association—IDA VI—we are seeking $540 million in budget authority. To subscribe initially to the African Development Bank we propose $18 million in budget authority and $53.9 million in program limitations for callable capital.

The circumstances are particularly critical in the case if IDA VI. The failure of the United States to agree to participate in the replenishment and to make its first installment available has already delayed activation of the replenishment by nine months. Other donor countries have made advance contributions, which were fully committed by the end of March, but they indicated they will not provide additional support until U.S. participation is assured after the necessary authorization and appropriations are obtained.

In the case of the African Development Bank, the opening for accession to membership by the United States and other non-regional countries is expected to occur this spring. Much of the political benefit would be lost, if we were to accede months after most of the other non-regional members had done so. Moreover, our ability to select a U.S. Executive Director could be lost if there were a delay until fiscal year 1982.

Because of these exceptional circumstances, we are requesting supplemental appropriations for fiscal year 1981 for these two institutions.

ADMINISTRATION VIEW OF THE BANKS

Over the years the banks have been important financial institutions and they will remain so in the future. As we see it, the issue for the United States is not whether we will continue to participate but rather the level of future U.S. support and the nature of U.S. participation in the various programs. A decision to continue U.S. participation in the banks, including IDA VI, the World Bank General Capital Increase and the African Development Bank, is consistent with this framework and it is based on the following considerations:

The banks are primarily the result of U.S. policy initiatives and they have functioned successfully for many years—since 1945 in the case of the World Bank. During that period, they have had bipartisan support in the Congress and under both Democratic and Republican Presidents. A withdrawal of U.S. support would be irresponsible and damaging to our national interest.

The banks are common endeavors. Their operations are shaped through intensive consultation among member countries, including the United States and our major allies who are the principal financial supporters. Cooperation in these banks is a key aspect of our overall relations with Europe, Japan and Canada.

There is also a humanitarian aspect to our participation in the banks. Willingness to help the needy has been an enduring American tradition. The banks provide a cost-effective way for us to continue that tradition in concert with other countries.

Leveraging of relatively small paid-in subscriptions with bank borrowings from private capital markets multiplies economic assistance which can be channelled through the banks. Put another way, the program pay-out for each budgetary dollar paid into the hard windows can be very high.

The programs of the institutions require advance planning and continuity. Disruptions in our subscriptions and contributions and those of other countries would entail high program costs for the banks and diminish their institutional effectiveness.

In addition, there are very practical commercial reasons for continuing our participation as negotiated. Last year U.S. firms received MDB contracts totalling about $960 million.

These considerations have led us to conclude that participation in these institutions is in our national interest and that we should proceed in an orderly way with replenishments which have already been negotiated.

The Administration fully recognizes the important support that the banks can provide for the orderly, market-oriented economic development of a large number of developing countries. The Administration also recognizes that the multilateral character of the banks and the substantial resources at their command make these institutions well positioned to help promote growth-spurring economic policies in the developing world.

The economic well-being of the developing countries has a significant impact on both the international economy and on the U.S. economy. While these countries still confront formidable economic problems, nonetheless, they are presently a major source of world economic growth. Their growth immediately generates increased imports, and the non-oil developing countries take more than a fourth of our exports of goods and services.

I also want to touch on the benefits that continued U.S. participation in these institutions provides to our foreign policy and national security interests. The banks operate in countries throughout the developing world, very notably in areas of strategic concern to us:

The U.S. has mutual defense relationships with seven of the top ten IBRD recipients: Brazil, Turkey, Korea, Thailand, Colombia, the Philippines and Mexico. These countries alone borrowed $3.6 billion from the IBRD in 1980 or nearly half of all new lending that year. The cost to the U.S. budget, over the years that these loans are disbursed, will be about $70 million.

Seven of the top ten IDA recipients are on the periphery of the Indian Ocean: Tanzania, Kenya, Sri Lanka, Pakistan, Sudan, Egypt and India. All have been subject to Soviet efforts to expand influence. The 30 percent share of IDA lending going to the African continent (approximately $1.1 billion in 1980) also complements our objectives in that volatile region. In particular, we strongly support IDA programs in Egypt, Sudan and Kenya which provided $500 million in 1980.

Three of the eight Asian Development Bank borrowers have mutual defense relationships with the United States: Philippines, Korea, and Thailand. They collectively borrowed nearly $520 million from the ADB in 1979, the last year for which we have complete data. This amounted to almost 62 percent of total ADB lending in that year.

Six of the top ten African Development Bank borrowers maintain important military supply relationships with the United States: Tunisia, Morocco, Kenya, Zaire, Gabon and Egypt. More than one third of new loans from the AFDB went to these countries in 1979.

The top three Inter-American Development Bank recipients—Mexico, Brazil and Argentina—have important commercial and financial links with us. In 1980 the IDB made two-thirds of its loans to these three countries. Improving U.S. relations throughout Latin America and the Caribbean is an important policy objective of this Administration.

In their most recent fiscal years, these MDBs channelled $7.7 billion in loan commitments to the countries I have cited. An increase of our bilateral aid program of that size is unrealistic. These sums are far higher than could have been provided by the U.S. alone—or even with its allies—in the absence of the cost sharing and financial leveraging possible only through the banks.

FUTURE U.S. PARTICIPATION IN THE BANKS

The long-term nature of the development process, the importance of the U.S. position in the banks to other countries and institutions, the wide ranging public and Congressional commentary on the role and activities of the banks and the serious nature of our own budget situation have reinforced our view that the United States needs to develop a long term policy and planning perspective for the banks. It is our intention to establish an effective overall policy framework for future U.S. participation in the banks and to identify the major policy objectives which should be pursued in any future replenishment negotiation. I note that the Committee has itself called for a thorough assessment in its report on the fiscal year 1981 appropriations legislation last year.

Accordingly, the Administration is conducting such an assessment of all the various factors which should bear on U.S. participation in the banks. No decisions will be taken on any of the pending replenishments until the Administration's policy review is complete.

The assessment will take into account the full range of views that have been expressed about the banks in the past. This Committee has been an active commentator on the activities of the multilateral development banks for many years and has requested reports on MDB activities in specific areas of concern. You have expressed consistent concern that economic assistance through the development banks reach the poor, with particular emphasis on direct participation of local groups, which represent the poor, in the planning and execution of development projects. The Committee has stressed the use of appropriate, capital saving technology in labor surplus countries. These are important development issues, which will be considered carefully in the course of our assessment.

We look forward to discussing the results of the assessment with the Committee and we will welcome your views.

CONCLUSION

This then is the program we set before you. It is a program balancing fiscal integrity with international responsibility. Our cuts have been deep in both fiscal year 1981 and fiscal year 1982, but we are fulfilling our international pledges. We seek your support for passage of this program.●

WHAT $100 BILLION BUYS FOR DEFENSE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. RUDD. Mr. Speaker, our Nation has suffered a severe decline in defense preparedness over the last decade, as the gap between the Soviet Union's defense commitment and our own has widened. President Reagan and this Congress, by substantially increasing our defense budget, have begun to reverse this decline and remedy this dangerous situation.

A recent editorial in the Phoenix Gazette sheds startling light on the net value of this spending gap in terms of our own national security. I would like to share this very relevant perspective with my colleagues:

[From the Phoenix Gazette, May 18, 1981]

WHAT $100 BILLION BUYS FOR DEFENSE

Since 1973, the Soviet Union's military expenditures have exceeded U.S. defense spending by $100 billion. By itself, the figure may not mean much, and critics of increased national defense spending poohpooh such comparisons as meaningless.

Gen. Bryce Poe II, commander of the Air Force Logistics Command, put the spending gap into some stark perspective, however, by making a list of the weaponry the United States could have added to its arsenal by matching the Soviet spending.

With $100 billion, the United States could have purchased:

The B-1 bomber fleet of 241 aircraft.

The entire MX missile system.

Thirteen Trident submarines with associated missiles.

Seven thousand new XM-1 main battle tanks.

Five hundred advanced attack helicopters.

Seven hundred infantry vehicles.

Three hundred tactical airlift planes and 1,200 new fighter aircraft for the Navy or 1,800 new fighters for the Air Force.

Of course, some trade-offs might have produced other results. American military forces surely would not have lost so many skilled personnel if pay had been increased during those years so that middle-ranking enlisted personnel did not have to rely on food stamps to keep families fed.

Congress is going along with hefty increases in defense spending proposed by President Reagan. Better late than never; the United States obviously has some catching up to do.●

SALUTE TO LABOR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. BIAGGI. Mr. Speaker, I have on many occasions addressed this body about the many good things that are happening in my home district of Bronx County. I have on occasions entered into the RECORD the accomplishment of various individuals who have distinguished themselves in the areas of education, business, politics, government, and many other endeavors. Recently I spoke on the heroism of the individuals caught up in the attempted assassination of our President. Today, I wish to comment and salute a more subtle heroism, a heroism that happens many times in my beloved city but goes unmentioned, and unheralded, the heroism of the unpaid, overworked hospital employees of New York.

I especially want to point out the members of local 1199 of Bronx Lebanon Hospital who recently, because of the deadlock of the State legislature over the budget for this fiscal year, went unpaid for 2 weeks but stayed at their posts and administered to the needs of the thousands of sick people who depended upon them as their only source for medical services. These hard working men and women who depend on their weekly pay for all of their needs, had to sacrifice necessities because they have no savings or extras to carry them over during hard times, yet, in spite of these adversities they thought only of the help needed by their fellow man. My good friend Leon Davis, president of 1199 is also to be congratulated because of the leadership, patience, and concern exercised by him and his capable assistants in seeing this continuing emergency through.

Bronx-Lebanon Hospital, which dispenses quality health services for this

district, could not have endured were it not for the unstinting and dedicated services of a young, dedicated, and most energetic director, Mr. Fred Silverman. Mr. Silverman for the past several years has kept this institution afloat on the heavy seas of financial distress. He has done this through hard work, his conviction of the hospital's need, and by establishing a good working relationship with all of the diverse compartments of his institution and the people it serves. All have heard of the difficulties experienced by the people of the South Bronx of New York City, these problems experienced every day by the workers of 1199 and other professionals such as Fred Silverman.

It is because of people like the workers of 1199, Leon Davis, Fred Silverman, and so many other unsung heroes that the South Bronx like the majestic mystical bird phoenix shall rise again and regain its place in the history of our great city.●

REAL CUTS AND REAL PAIN

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. RATCHFORD. Mr. Speaker, there have been dazzling arguments on both sides of the social security revisions presented 2 weeks ago by the administration. Proponents of the cutback plan say it is the strong medicine an ailing retirement program needs; opponents say it is the wrong medicine, in the wrong dosage, at the wrong time, and that it will abruptly and unfairly affect the life plans of millions of older Americans.

To keep the arguments from becoming too cold and statistical, I ask my colleagues to take a moment to read the following letter I received the other day from Mrs. Evelyn Bobenski, a woman who lives in my district, and who speaks in the clearest voice of the real pain these proposed cuts would bring. There can be no plainer argument against the proposed drastic reduction next year in early retirement benefits.

This is what Mrs. Bobenski wrote:

I have paid social security since 1936—worked to help pay for a house we bought; worked to help put two boys through college.

My husband has heart trouble, so I have to work.

I will be 62 July 27, 1982.

I stand at a machine all day, for $3.75 an hour, waiting for the day to collect social security.

How do you think I feel?●

PLASTIC BOTTLE WAR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. HALL of Ohio. Mr. Speaker, I thought the Members of the House would be interested in seeing an informative article that appeared in the March 1981 issue of Business Week relating to the metric packaging of soft drinks.

I believe this article clearly demonstrates that some companies, especially in the soft drink industry, are finding it to their economic advantage to make the conversion to metric.

The article follows:

PLASTIC'S NEW ENTRY IN THE BOTTLE WARS

A new generation of machines that make plastic bottles will start bringing soft drinks to market in half-liter (16.9-oz.) size later this year, touching off a fresh round of competition in the huge market for containers. The prospect of big new inroads for plastic already has can makers laying defensive strategies, while plastic makers are predicting a turnaround for their depressed business and glassmakers are worried about a price war.

The half-liter soft drink bottle is made of the same polyethylene terephthalate (PET) as is the successful 2-liter bottle already on supermarket shelves. Coca-Cola Co. has been testing the half-liter size in four Ohio markets since November. "This little baby is dynamite," says a spokesman. Adds John Sculley, president of Pepsi-Cola Co.: "Everything we learned from the 2-liter suggests that the half-liter will be just as successful." A huge market. By June both Cincinnati Milacron Inc. and Van Dorn Co. will be shipping machines that at least triple the running speed of blow-molding equipment which can now turn out 2,400 2-liter bottles an hour. Japan's Nissei ASB Machine Co. is already shipping a slower machine. According to machinery makers, the new machines cut costs to the point at which half-liter plastic bottles can compete with 16-oz. nonreturnable glass bottles, which cost about 8.5¢.

The market is huge. For soft drinks alone, glass-bottle makers shipped 3.8 billion 16-oz. nonreturnables last year and the market for returnables is even larger. Dwarfing glass, however, is the 12-oz. soft-drink can market of 26 billion units. A 50 percent operating rate last year has producers awash in excess PET resin capacity, but both Celanese Corp. and Goodyear Tire & Rubber Co. predict that plastic's ability to expand into these new markets could balance demand for their resin with its supply.

A price war? "There could be some impact on the can share" of the market by plastic bottles, concedes Jay R. Gottlieb, managing director of beverage metal packaging for American Can Co. But the immediate target of the plastic bottles would appear to be glass. Says one glass company official: "I think you're going to see a price war. I don't think the glass industry is going to give up this market without a substantial fight." Responds John E. Maczko, marketing supervisor of PET bottle resin for Celanese Plastics & Specialties Co.: "There is no doubt that the half-liter PET bottle is here; it's going to stay, and no matter what glass does, it's unlikely to stop it."

Still, some container-industry executives believe that rising resin costs and more efficient glassmaking machinery will make it hard for PET to compete. The half-liter bottles will only nick the market this year. Executives at Owens-Illinois Inc., the largest U.S. glass-bottle maker and a leader in plastics as well, believe that the new container has yet to prove itself. There is a problem with carbonation retention, and the light weight and durability that brought consumers flocking to the 2-liter PET bottle are less important for smaller sizes.

"There's a lot of [development] work being done," says Charles K. Sewell, president of Dorsey Corp.'s Sewell Plastics Inc., a major bottle molder. "We expect to be in the marketplace with a lot of bottles sometime in 1981."●

UNITED STATES CASTS VOTE FOR PROFIT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. GEJDENSON. Mr. Speaker, I find it deeply disturbing that the administration decided to vote against a United Nations' code which would set guidelines on the marketing of infant food formula. The United States was nearly the only country to vote against this code at the U.N. World Health Assembly this week in Geneva.

Millions of infants every year suffer from malnutrition and disease—and many die—from the improper use of breast milk substitutes. Mothers in poor, developing countries are led to believe by aggressive advertising techniques that infant formulas are better for their babies than their own milk. For instance, one company employs salespeople in white uniforms to distribute free samples to pregnant women. After using the samples, these women can no longer produce their own milk and must purchase the substitute.

Unable to afford sufficient amounts of the formula, poor women often dilute the powder. Infants become malnourished and often develop serious complications from the use of contaminated water. The U.N. code recommends that countries outlaw direct advertising, prohibit distribution of free samples and limit exaggerated claims. However, the code is only a recommendation and would leave each nation free to develop its own appropriate regulations. The code in no way attempts to interfere with free trade and the rights of these companies to sell this product—it only attempts to set up guidelines on the marketing of infant formulas.

Three American manufacturers have lobbied fiercely against this code, arguing that there is no direct link between bottle formulas and disease. They say that mothers in the Third World Countries—of whom many are

illiterate—are not following the directions carefully.

I think the administration, by this action, is sending a very negative message to the Third World. It is a message which says to the world that the United States is more concerned about the profits of three companies than the lives of millions of children.●

INTRODUCTION OF ADMINISTRATION OMNIBUS LEGISLATION ON VARIOUS HEALTH PROGRAMS

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. MADIGAN. Mr. Speaker, today I am pleased to introduce H.R. 3724, the administration bill "to extend and amend various health authorities, and for other purposes." Mr. BROYHILL, the distinguished ranking minority member on the Energy and Commerce Committee, joins me as a cosponsor. Because the administration's proposal provides for several substantive changes to existing law, we would expect that some opposition will surface. Accordingly, we view the bill as a starting point for discussions with the various affected principals whose concerns are entitled to be heard.

An explanation of the bill, which is comprehensive in scope, is embodied in Secretary Schweiker's May 15, 1981, letter of transmittal to the Speaker. The Secretary's explanation follows:

The draft bill would authorize appropriations through fiscal year 1984 for health services research, health care technology activities, health statistics activities, National Research Service Awards, immunization programs, and assistance to medical libraries, and would enact changes to provisions of law concerned with health emergencies to permit a rapid and effective response to such emergencies.

The draft bill would in addition promote improved efficiency and management of Public Health Service programs. The draft bill would provide the Secretary of Health and Human Services with greater flexibility to provide additional special pay to Public Health Service Commissioned Corps physicians only if such pay were actually needed to recruit and retain physicians in certain specific locations and in certain specialties in which extraordinary recruitment and retention difficulties have been experienced. The Administration believes that Public Health Service physician requirements can be met under a more flexible and targeted approach and at less cost to the taxpayer than under the approach of current law, which maintains artificially high special pay levels for Commissioned Corps physicians. The draft bill would also eliminate Federal payment for institutional support services in connection with National Research Service Awards.

We estimate that total costs of $216,742,000 for fiscal year 1982 would result from the draft bill's enactment. Detailed cost estimates and summary of the draft bill's provisions are enclosed.

We urge the Congress to give the draft bill its prompt and favorable consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.●

HUMAN RIGHTS IN ARGENTINA AND U.S. POLICY

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. BRODHEAD. Mr. Speaker, the attention given recently to the case of Jacobo Timerman points up the seriousness of the human rights situation facing Jews in Argentina, and it also demonstrates how dramatically U.S. policies on human rights have shifted since the current administration took office.

There is compelling evidence that the Argentine Government has grossly violated the human rights of its citizens, such as Jacobo Timerman, who dared to disagree with its policies and decrees. In his recent book, Timerman has pointed to another aspect of repression in Argentina which has been less widely known—the fact that is peculiarly anti-Semitic. This was a factor in the vicious treatment of Timerman himself, and he and others have testified that anti-Semitism is widespread in Argentine society. I and many of my colleagues have spoken out against anti-Semitism and repression wherever they occur. Jacobo Timerman's account of the situation in Argentina should cause us to pay particular attention to these problems in that country.

It is especially ironic that just as public awareness of this situation is increasing, the administration has come forward and requested that the current prohibition against U.S. arms sales to Argentina be repealed. One justification for the request, offered by Secretary of State Alexander Haig, has been that the United States and Argentina share common values. There is no question that Argentine society is very advanced in many respects, and there is no question that the Government of Argentina, like our own, is opposed to Soviet-inspired turmoil in the Western Hemisphere. However, it is difficult to see how much further the similarities extend. Literally thousands of Argentine citizens have disappeared without explanation over the past 5 years. My own efforts to obtain information from the Argentine Government about two young Jewish citizens, Ruben Haber and Deborah Benshoam, who have been imprisoned but never formally charged with any crime, have met with no cooperation. It is clearly wrong to say that a government which has regularly abused those rights which are the foundation of our own society has values in common with ours. Certainly, there is no justification for providing that government with the arms that will help it perpetuate the vicious practices which have made life a nightmare for so many people.

Jacobo Timerman has stated that the outspoken human rights policy of the previous administration was responsible for saving thousands of lives in South America. He has said of the anti-Semitism in Argentina that "nothing equal to it has taken place in the Western world since 1945." The United States should not even appear to condone such a situation. In my view, the administration's apparent willingness to turn away from a policy of attempting to promote human rights in countries that wish to obtain assistance from the United States will not serve our foreign policy interests in the long term, and the cost in human terms to those whose rights are abused cannot be calculated. I hope that the message Jacobo Timerman has brought will not be lost on those formulating foreign policy for the administration.●

THE RE-EMERGENCE OF SWEATSHOPS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. MILLER of California. Mr. Speaker, no feature of our modern industrial system has been more abhorrent than the notorious garment sweatshops which flourished in the early years of this century. Through Federal and State fair labor laws, we thought that we had ridded our cities of this scourge. Tragically, we are now learning that the sweatshop has returned. Once again, tens of thousands of workers—especially women and children, and particularly undocumented aliens—are suffering the kinds of exploitation which we thought we had relegated to the history books.

The revival of sweatshops in the needle trades has been condemned by responsible garment manufacturers, trade unions, and public officials, including Secretary of Labor Raymond Donovan. But Mr. Donovan has, in a unilateral and thoroughly unjustified action, announced his intention to eliminate one of the key regulatory provisions against sweatshops—the prohibition on industrial homework.

At hearings last week conducted by the Subcommittee on Labor Standards, of which I am the chairman, we heard industry, labor, and consumers alike denounce this proposal. No one—not industry or labor—had advocated such a sweeping abolition of labor pro-

tections at the very time that sweatshops are reviving.

No one—not industry or labor—believes, as the Secretary contends, that abolition of the homework restriction will enhance the Government ability to enforce the law.

Every witness who testified, with the single exception of the departmental representatives, argued strenuously that removal of the homework ban would, in fact, stimulate the proliferation of sweatshops, a view endorsed by departmental experts with whom my office has spoken. The Secretary's proposed action, in the words of Kurt Barnard, spokesman for the 5,500-member Federated Apparel Manufacturers, will guarantee "the uncontrolled proliferation of at-home sweatshops [which will] foster the exploitation of unregistered aliens and adversely affect every American taxpayer * * * [It] would literally pull the rug out from under the entire American apparel industry—union and nonunion alike."

Much of the public attention which has been focused on the revival of sweatshops is due to the outstanding series by Merle Linda Wolin, "Sweatshop," published earlier this year in the Los Angeles Herald-Examiner. Ms. Wolin's 16-part story was the result of an 8-month investigation, including undercover work as a Brazilian seamstress.

Ms. Wolin's series has already won two major journalism awards, the Mark Twain prize, and the Associated Press regional award for investigative reporting in class I newspapers. She deserves much more, because her series has achieved one of the highest goals of responsible journalism—enlightening the public about an inhuman and intolerable situation which demands change. That process of change has already begun with last week's hearings, and I want to credit Merle Wolin with providing a major stimulus to that action.

I want to share one segment of this series which summarizes many of the problems and the players in this crisis.

The article follows:

PROBLEMS IN THE GARMENT INDUSTRY

(By Merle Linda Wolin)

What stands in the way of cleaning up California's rapidly growing $3.5 billion garment industry, centered in Los Angeles and officially recognized as "the dirtiest in the state"?

After an intensive eight-month investigation, which included a month's undercover work posing as an illegal garment worker, the Herald Examiner discovered that the garment industry's major problems revolve around the manufacturers, not the contractors. These people, the manufacturers, control the purse strings of the industry yet are not held legally accountable for the health and labor conditions under which their garments are made.

But the manufacturers are not the sole cause of all the problems. Everyone contributes to them—from the workers, contractors and retailers to the regulatory agencies, prosecutors, judges and the unions.

Also not to be forgotten are the effects of imports, organized crime and the recession.

Here is a quick rundown of the problems in the industry, some structural, some economic, some attudinal. Taken together, these elements make it nearly impossible for the business to run lawfully without violations. The human degradation and economic injustices call out for solution—drastic and immediate.

THE WORKERS

The backbone of the work force—an estimated 90 percent of the 125,000 workers in greater Los Angeles (which is 75 percent of the estimated total number of workers in California)—is undocumented labor, easily exploited illegal workers who are unfamiliar with U.S. laws and afraid to fight back.

Out of 20 basic non-agricultural industries in California, this worker earns conservatively 30 to 400 percent less than employees in other industries.

THE CONTRACTORS

An estimated 3,500 in the state. It is easy to go into business: all that is needed is a $21 business tax and registration permit, a few machines and a roof overhead.

In sewing factories, most of which are small and employ less than 50, contractors, known as "glorified workers," do the bidding for manufacturers. They hire workers and run the operations where garments are sewn. They alone bear the burden of labor and health code violations. (More than 80 percent of them are in violation.)

There is a surplus of contractors. Many are undercapitalized. In the words of state Labor Commissioner James Quillen, many are "flakes" unfamiliar with U.S. law and the garment business. They see engaging in unfair competition (a direct result of hiring undocumented workers) as the only way to keep their shops afloat. They regularly undercut legitimate shop owners, often forcing them out of business. The attitude: anything to get the work.

The most frequent complaint of contractors is that manufacturers do not pay them enough to cover costs and make a profit. After they complete a job, they often find there is little money left to pay themselves a decent wage and, the way it goes, even less for the workers.

An estimated 30 percent of contractors go out of business each year.

MANUFACTURERS

There are approximately 600 in the state, 400 in Los Angeles. This group designs garments, cuts cloth, hires sewing contractors and sells the product. Once the garment is delivered to them, manufacturers ship it, on order, to retailers.

Manufacturers are not legally held accountable in any way for what goes on in their contractors' shops. Unlike other industries where the person who provides the service negotiates price with his potential client, here it's the other way around. The price is dictated by the manufacturer, who takes full advantage of the unfair competition.

The bulk of the profits in the industry is believed to be made by the manufacturers. Double-digit profits are the rule; a triple-digit markup is not uncommon on imports.

This group has been under some competitive pressure from imports—valued by the U.S. Department of Commerce at nearly $6 billion in 1979 and growing—though no one seriously believes they are forced to underpay contractors to keep pace with foreign apparel makers. (And certainly there seems to be no difference in price between foreign-made apparel and that made in the United States.)

RETAILERS

Everyone who sells garments to the public, from the owner of the local boutique to the corporate presidents of enormous department stores. Most claim they know nothing about the violations other than what they read in newspapers.

Retailers believe they are far too removed from the production end of the industry to get involved with what they call "policing." Their buyers shop the world from fancy showrooms. Though they are required to make sure all purchases meet the standards of the Federal Trade Commission, none are required to ask about the conditions under which the garments were made.

This group also makes handsome profits, though usually not as much as the manufacturers. Uniformly, they claim they want greater local and state enforcement of the health and labor codes.

REGULATORY AGENCIES

State and federal labor departments, county health departments, city fire departments, city building and safety departments, and the state agency administering the Occupational Safety and Health Act—all entrusted, among their many duties, with keeping the law in the garment industry.

California's most active agency, the $1.2 million Concentrated Enforcement Program of the state's Department of Industrial Relations, focuses on violations of wage and hour, worker's compensation insurance, and industrial homework in "marginal" industries, like this one. Under federal and state law, their jurisdiction extends only to the relationship between employer-employee, not between employer-employer, which is considered to be the legal relationship between a manufacturer and a contractor.

The CEP is therefore, legally unable to hold manufacturers responsible for unfair business dealings with and by contractors. (This is ironic, however, since the National Labor Relations Act recognizes the dependence of contractors on manufacturers in certain situations, such as collective bargaining.)

The CEP's work, impressive as it is, is extremely limited by a shortage of investigators—30 for the entire state. These is no realistic way they can police violations. Officials complain about a lack of support from the courts—there are inordinate delays in prosecution; deals worked out with prosecutors frequently result in both "slap on the wrist" fines, and grace periods of up to two years for employers to pay back wages.

Since the program began in 1978, officials have collected nearly $5 million in fines and back wages for workers, an amount they believe is only a fraction of what workers are actually due.

Officials at the CEP believe a legislative restructuring of the industry is the only way to actually stop violations.

The county Health Department, with only six full-time investigators, also is limited in its ability to clean up the industry. Since October 1979, officials have been vigorously issuing health licenses to all the shops they can find. By the end of October they had found 2,746 shops. Of an estimated 1,500 that have been investigated, 1,187 have been cited for one or more violations. Seventy-three cases have made it to the city attorney's office for adjudication.

Health officials claim the garment industry is "dirtier" than any other in the state.

The U.S. Department of Labor's Employment Standards Administration in Los Angeles coordinates the work of at least six compliance officers, an educational program, and since 1974, three task-force investigations in the industry.

In practice, they only go after contractors although federal law does allow them to obtain an injunction against a manufacturer to prohibit the shipment of goods out of state.

Since last year, this federal agency has cited at least 64 shops, and is now in the process of collecting $658,000 for 1,372 workers in federal court.

All other agencies, those of the city and Cal-OSHA, maintain a relatively low profile in the industry. Why? The fire, building and safety departments believe the violations under their jurisdiction are not inordinate or "life-threatening." Cal-OSHA believes it, too. Though mandated by federal law to investigate health and safety hazards in all industries, this agency gives first priority to construction and heavy manufacturing, the industries with the highest percentage of lethal hazards complaints.

PROSECUTORS AND THE JUDICIARY

The city attorney, the state labor commissioner and federal attorneys under the solicitor of labor all prosecute in the garment industry. Cases are heard either in municipal or superior courts or in federal district courts.

Since September 1979, in response to a major exposé of the industry which was televised here by KNXT, the city attorney has given special priority to garment cases.

Today, the city attorney's office prosecutes 100 percent of the cases referred to them by the regulatory agencies. In the last year, the office obtained convictions on more than 95 percent of all cases: 38 health and safety, 20 homework and 116 minimum wage.

City attorneys say they have the laws but, unfortunately, they are dependent on investigators to bring them cases—and there are severe shortages of investigators. City Attorney Burt Pines said, "If (they) referred 10 times as many cases, we would prosecute them."

These lawyers also complain that local judges do not mete out stiff sentences in white collar crime cases. Only rarely will a judge impose jail time.

Judges, according to the lawyers, are equally reluctant to severely penalize contractors who appear indigent.

Other major sources of aggravation for city attorneys: Their star witnesses, the victims, frequently do not show up at trials because they are undocumented workers afraid to testify. Also, under the law, manufacturers go scot-free.

At the federal level, the four attorneys who work for the solicitor of labor prosecute cases involving the industry. Since October 1979, they have obtained court orders against defendants in 15 of 17 cases heard.

Besides a shortage of investigators, their major complaints stem from the attitudes of federal judges who seem unwilling to impose business sanctions against manufacturers. For example, the "hot goods" injunction, mandated by law in 1938, has never been used in California. And today it takes judges so long to issue temporary restraining orders against the shipment of illegally made goods going out of state that by the time an order arrives, the garments have disappeared.

UNIONS

Three try to organize in the garment industry: the International Ladies' Garment Workers Union, the Amalgamated Clothing and Textile Workers Union, and United Garment Workers Union. Their presence is barely felt—only 20 percent of all garment workers in the state work under a union contract.

Union officials cite several basic reasons for this:

It is difficult to organize the large pool of ethnically divided surplus labor, most of which is comprised of undocumented workers afraid of losing their jobs and being deported.

The National Labor Relations Board delays the adjudication of disputes. These delays work to the advantage of the employer and make it difficult for workers to organize.

Anti-union sentiment in Los Angeles as manifested by the police and the courts. Union officials often complain about the intimidating effects of what they call the pro-employer "labor liaison squad" of the Los Angeles Police Department and the local judiciary's use of temporary restraining orders to effectively halt union activity.

IMPORTS

Apparel imports compete directly with California-manufactured goods. In 1979, $5.876 billion worth of foreign-made goods were sold in the U.S., a whopping 426 percent increase over 1969, though the average rate of annual growth of imports in the last four years was only 4.7 percent.

Since 1973, the U.S. Labor Department's office of foreign economic policy estimates that 125,000 jobs have been lost in the apparel industry, a 10 percent decrease in the industry's employment.

Why are jobs being lost? Economists in Washington said it is both because U.S. manufacturers are doing business "offshore," and because of competition from what they call "low wage" countries. (Hourly wage in the Korean apparel industry, for example, is approximately 55 cents, including all benefits.)

Surprisingly, some of the regulations of the Federal Tariff Commission seem to encourage U.S. manufacturers to go abroad. Under section 807, manufacturers who cut their garments and then send them offshore to be sewn are exempt by two-thirds from paying the regular tariff on imported goods. In 1979, the U.S. government lost approximately $90 million from this tariff "discount" given to manufacturers whose dollar volume of imports under this section was up more than 14,000 percent in the last nine years.

Though many manufacturers claim that rising prices in the United States make it increasingly difficult to compete with imports, the fact is most garments sold in this country are still made domestically and that California's garment business is one of the fastest growing industries in the country, expanding at an annual rate of 13.9 precent.

The volume of the apparel business in California increased 120 percent between 1970 and 1977. Within years, the industry here is expected to surpass that of the $13 billion New York industry, the largest in the United States, whose annual growth rate is only 8 percent.

ORGANIZED CRIME

It is difficult to ascertain to what extent the Mafia has infiltrated the garment industry in California. FBI officials here believe the industry is rife with mob activity, a pattern long observed in the industry in New York.

During the recent federal trial of five reputed leaders of the Los Angeles Mafia, informant Aladena "Jimmy the Weasel" Fratianno revealed that the mob considered a plan to extort money from Los Angeles business owners in the garment industry.

One of the men on trial was Louis Tom Dragna, 61, owner of Roberta's Manufacturing located in the industry's California Mart. He is said to be a longtime mafioso whose uncle, Jack Dragna, was the boss of the family in the 1940s and '50s.

In November, Dragna was convicted in U.S. District Court in connection with a scheme to shake down pornographers in the city.

Another figure mentioned during the trial, but only accused of associating with the mob, was Vic Werber, owner of Vic Werber Associates, a ladies' sportswear firm also located in the California Mart.

The 1978 report on organized crime by the state attorney general listed Werber, convicted in 1976 of loan sharking, as a crony of mobsters.

THE RECESSION

Business has been affected in the garment industry—though not as badly as other industries.

The California Employment Development Department reported that from their sample of garment industry employers who gave estimates of employment from January to December 1980, 6,300 fewer workers had jobs in the Los Angeles County garment industry than in 1979, the year of the lowest rate of increase in employment since the recession in 1974. One CEDD analyst called this slump "a significant decline, not the highest, but right up there with the top five losers in the (county's) manufacturing sector: automobiles, lumber, primary metals and rubber and plastic products."

Dun and Bradstreet, the leading international credit rating bureau, keeps records of all U.S. apparel manufacturers who have gone bankrupt or lost creditors—records that provide another indicator of the recession's possible effects.

Rowena Wyant, a vice president in the firm's New York business economic division, explained in a telephone interview that from January through July 1980 there was a 23.9 percent increase in failures of apparel and textile manufacturers over corresponding months in 1979. She said the increase of failures was the highest since the 1974 recession but noted that the nation's apparel manufacturers were not as hard hit as other manufacturers. (Transportation equipment and metals suffered rises of failure of 148 percent and 90 percent respectively.)●

FREEDOM

HON. JAMES K. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. JAMES K. COYNE. Mr. Speaker, it is indeed my privilege, Mr. Speaker, to rise today on behalf of a patriotic American, a distinguished constituent, and an inspired poet—Mrs. Dolores A. Tull of Middletown Township, Pa.

Mr. Speaker, like every American, Mrs. Tull was awed by the return of our hostages from Iran several months ago. Mrs. Tull was so moved, in fact, that she dedicated a poem to the return of the hostages and their legacy. It is a lovely, powerful poem, Mr. Speaker; every American should cherish its words. That is why I am including it into today's RECORD.

FREEDOM

(By D. A. Tull)

Freedom's habor is anchored in men's souls,
Freedom's voice is a living sound,
Freedom's heart beat is endless,
Freedom is not Free.

Freedom's fire is disciplined by obedience,
Freedom's way of life is treasured,
Freedom's price is untold,
Freedom requires: respect, honor and is submissive,
Freedom is not Free.

Freedom's blood is noble,
Freedom's enemies are torture, hate and envy,
Freedom's cost is daily paid,
Freedom is not Free.

Freedom is Liberty's grace,
Freedom is spring's waters,
Freedom is restrained by caring love,
Freedom's will is to live strong with justice,
Freedom's land is at HOME in AMERICA,
Freedom is an attribute bestowed by GOD,
Freedom is not Free but is freely given.●

REAGAN'S SOCIAL SECURITY PLAN

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. MOFFETT. Mr. Speaker, all responsible Members of the House of Representatives recognize the need for reforming our Nation's social security system; and, the President should be congratulated for addressing this very complicated and difficult issue. However, President Reagan's proposed changes to the social security system may be an example of the cure being worse than the disease. Alternative cures are available which will keep the social security system solvent without causing the enormous economic damage to retirees that would occur if the Reagan proposals were adopted.

Last Wednesday, the House Democratic Caucus adopted the following resolution, which I drafted, that expresses the concerns and guiding principles of those of us who will be working against the Reagan social security proposals while trying to construct fairer, more reasonable alternatives:

Resolved, That President Reagan's proposals regarding social security benefits for workers who retire at age 62 represent an unconscionable breach of faith with the first generation of workers that had contributed to social security for their whole lives. These proposals would immediately reduce benefits to workers who retire at age 62. Many have worked at back-breaking jobs and have made irreversible plans to retire and begin a new phase of their lives.

It is simply not fair to change the rules without notice. Our Speaker has promised to do everything in his power to see that these rules are not broken, so that those on the verge of retirement can be assured that they will receive their full benefits.

We express our appreciation to Representative Jake Pickle and the Democrats on his Social Security Subcommittee for their attention to this matter.

We will support reasonable and fair actions to protect the solvency of the social security system, but we will not destroy the program or a generation of retirees in the process.

I am happy to see that the Reagan social security reform package has already come under careful scrutiny by both the Congress and the American public, and I recommend the following article for those who desire more information on the issue. The article clearly points out that, while there is a crucial need for reforming the social security system, the Reagan proposals are needlessly extreme and punishing, and better alternatives exist.

[From The Washington Post, May 17, 1981]

REAGAN'S SOCIAL SECURITY PLAN: LESS FOR MORE

The first thing to be said about Social Security reform is that it is inevitable. The second thing is that President Reagan's proposed Social Security cuts are a serious mistake—grossly inequitable, larger than necessary and not even consistent with his own "supplyside" economics.

The most blatant flaw in the proposal is its punitive treatment of future retirees. The proposal amounts to a whopping 30 percent benefit cut for those who will retire between ages 62 and 65. That does not mean a 30 percent cut merely for three years, but for the rest of their lives.

One reason these early retirees now get only 80 percent of "normal" payments is to spread the benefits over their longer average retirement. The Reagan proposal would slash this to 55 percent, from the current average of $370 a month to $250.

As is now the case, benefits would stay at this much lower level throughout the retirement years. The accumulated loss to an average worker retiring at 62 would amount to $23,000 in today's dollars.

Another reason for reduced early retirement benefits is to discourage early exits from the labor force. This hasn't worked very well; at present, 70 percent of all people who retire do so between 62 and 65. The Reagan proposal could well stem this early retirement tide, as it is intended to do.

Few older persons can afford to absorb income losses of the magnitude he is suggesting. Even under current standards, 14 percent of all older persons live in poverty. Millions more are kept out of poverty only by Social Security benefits. Many such people, therefore, would be forced to stay at jobs—if they are still able to hold jobs.

The inequity of all this is striking. Nobody else is being asked to take a financial cut of this scope in the name of fiscal austerity. Why should those retiring next year get far smaller benefits than those retiring this year? Both groups worked just as long and paid roughly the same payroll taxes. Indeed, future retirees will have paid much higher taxes than today's retirees because of continually rising Social Security tax rates. What we end up with is this: The generation that has paid the highest taxes in history is left with the lowest benefits.

President Reagan, of course, has vowed not to cut benefits of retired persons; they were to be regarded as among the "truly needy." That promise has now been interpreted, in very literal terms, to refer only to those already retired. The disingenuity of classifying today's retirees as "truly needy" and tomorrow's as not so is self-evident.

Nor are the Reagan arguments for this attack on future retirees very compelling. the administration is quick to point out, for example, that life expectancy has increased since 1935. In 1935, a 62-year-old had a life expectancy of 14 years; today it is 16 years. Hence, today's workers allegedly can postpone retirement for a couple of years without shortening their retirement.

But longer life expectancies are a potential source of extended retirement as well as of additional work. There is no reason to deny older persons either option. The Reagan proposal, in fact, effectively compels people to overcompensate for increased life expectancy and accept shorter retirement.

The president's benefit cuts are also defended on the basis of increased work incentives. Under present law, workers aged 65 and over lost 50 cents in Social Security benefits for every dollar they earn above $5,500 a year. This 50 percent marginal tax on earnings, added to normal income and payroll taxes, leaves older workers facing some of the highest tax rates in the country. The administration proposes to phase out this "earnings limitation," thereby providing greater incentives to continued employment.

Strangely, its incentives for continued employment are not extended to those 62 to 64. Under present law, such persons lose 50 cents in benefits for every dollar earned in excess of $4,800 a year. Yet the administration has not proposed to end this stringent earnings limitation. Potential early retirees confront only the stick, not the carrot.

Even if better incentives were available to those 62 to 64, though, not all of them could work. Job loss, long-term unemployment and declining health are also important factors in early retirement. These people would be left out in the cold by the Administration proposal. Whatever the merits of denying a viable retirement option to people who can continue working, they don't apply to older persons without employment possibilities.

The question here is not whether Social Security must be reformed. The Social Security Trust Fund will be overwhelmed by the coming "senior's boom." This is not a forecast; it is a demographic certainty. The post-war "baby boom" will start retiring after the year 2010. By the year 2025 the aged population will be twice as large as it is today. If the Social Security system is to survive, either benefits must be reduced or early retirement trends changed.

But the president's proposal, while responding to both short-term budget pressures and long-term Social Security deficits, is not the way to go. The price it exacts is too high in terms of intergenerational inequity, increased hardship among the poor and insufficient work incentives.

At a minimum, any benefit reductions must be spread more evenly. There is no reason to hold tomorrow's retirees hostage to Reagan's campaign promises. There are more equitable ways of sharing the budget-cutting burden, including across-the-board reductions in Social Security's cost-of-living adjustment and smaller penalties for early retirement.

Alternative mechanisms for encouraging delayed retirement should also be explored. At a minimum, the earnings limitation should be lifted for workers 62 to 64 so that they, too, have an incentive to continue working. This kind of voluntary, "supply-side" approach would certainly be more consistent with the president's economic philosophy than the punitive reforms now proposed.

Finally, the administration and the Congress should consider permanently distinguishing older workers from actual retirees. One-fifth of all "retirement" benefits now go to older persons still working. Should they really be included on the roster of Social Security beneficiaries? If we restricted retirement benefits to retired persons, there would be no Social Security crisis.

Older workers could be compensated for their lost benefits with general employment tax credits. This clear separation of workers and retirees would allow us to respond to the unique needs of each group. We could provide increased incentives for workers without sacrificing the economic security of retirees.

Although the president's proposals are deeply flawed—and poorly timed, because they will deflect debate from his broader economic program—they do have some merit. Until now, few politicians have been willing to "take on" Social Security reform. The president's initiatives will embolden Congress to debate this difficult issue. Hopefully, the debate will result in reforms that both encourage employment of older workers and minimize inequities.●

THE SENSELESS LOSS OF LIFE IN NORTHERN IRELAND

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. OTTINGER. Mr. Speaker, I rise to protest the failure of the British Government to initiate steps that may have prevented the deaths of four hunger strikers in Northern Ireland. The intransigence of the British Government in this matter clearly led to this senseless loss of life. Also, regretably, despite President Reagan's own St. Patrick's Day message, in which he offered "the good offices of the United States to those who wish fervently for peace" in Northern Ireland, our Government has done nothing to urge the British to seek a humanitarian resolution in this matter.

As a member of the Ad Hoc Congressional Committee for Irish Affairs, I joined several of my colleagues in contacting Prime Minister Thatcher and President Reagan to urge actions to save the lives of these hunger strikers. I protest their failure to even attempt to work for a peaceful outcome.

These deaths have sparked a new wave of violence in Northern Ireland—violence that could have been averted. At the same time, other hunger strikers have replaced the original four in protesting conditions in Belfast jails. Before another must die, and before the violence spreads even more, I call again on the British Government to renew its efforts to develop a framework for lasting peace in Northern Ireland. I also call on our Government to work actively toward peaceful resolution of the critical situation in Northern Ireland.●

SOCIAL SECURITY REFORM

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mrs. SNOWE. Mr. Speaker, we must now confront one of the most pressing and most difficult issues which the 97th Congress must face—social security reform. The social security system has contributed substantially to the financial well-being of the Nation's elderly, but there is no doubt it is in peril and it is imperative that we act soon to meet the program's short-term financing requirements.

We have an immediate problem in meeting projected benefits in the next 2 years. In 1978, the old age and survivors insurance (OASI) fund paid out $5 billion more than it received, and in 1979, $2.8 billion more than it received. If we do nothing, the system could go broke as early as fall 1982. The decreasing ratio of workers to retirees, which is now 3.25 to 1, is expected to decrease to 2 to 1 by the years 2000 to 2010. Therefore, we must also consider long-term financing problems, as we study for financing the program.

President Reagan has proposed a number of changes to the social security program which will affect retirement, survivor, and disability benefits, and change certain technicalities in the program. There are three major proposals. One, delay the indexing of benefits to the cost of living from July 1982 until October 1982, and continue to index benefits in October in future years. Two, the President has proposed substantially reducing benefits for people who retire before age 65. Currently, a worker who retires at age 65 receives 100 percent of the primary insurance amount (PIA), and a worker who retires at age 62 receives 80 percent of the PIA. Under the President's plan, a person retiring at age 62 would receive only 55 percent of the PIA, to encourage people to remain in the work force longer. Three, the President has proposed a reduction in the replacement ratios used to compute a worker's benefit. This means that all future retirees would receive a smaller benefit in relation to earnings, or that their benefits would be reduced an average of 7 percent.

We should not further reduce benefits for those who retire early, and we should oppose any changes which would affect workers who are near retirement age who cannot change their plans, like those who are already locked into contracts which set a retirement age for them in advance.

The proposals to substantially reduce benefits for early retirees and to encourage workers to delay early retirement would certainly affect the majority of workers in my State of Maine. Maine is made up primarily of blue-collar workers who perform physically demanding work for below average wages. Lobstermen, woodcutters, papermill workers, shipbuilders, and people in other popular Maine vocations retire earlier than white-collar workers, due to the arduous physical strains of their jobs. The majority of workers in Maine elect early retirement and accept the reduced benefit. There were 168,494 old age and survivor beneficiaries in Maine as of December 31, 1979, and the average monthly benefit was $248.20—close to the State's SSI benefit. A further reduction of benefits for early retirees would either force these people to work longer and endanger their health, or would force them to accept inadequate benefits which would push them below the poverty level, requiring many of these proud people to apply for public assistance.

Many Maine workers try to return to less physical jobs to supplement their social security benefits, but the jobs are few, and we are all familiar with the problem of age discrimination which older workers face. For these reasons, I do not think it is fair to use the social security program to bring about changes in the work patterns of our citizens. I do not think it is fair to penalize working class citizens who have spent the greater part of their lives paying into the program by forcing them to choose between more work or inadequate benefits. Any action taken toward encouraging people to work longer should be part of a long-range plan that would not affect those who are already in the system, as we should not jeopardize their future well-being.

Of course this issue deserves careful attention because we do face a crisis. All options to slow the growth of the program and secure the financial status of the trust funds must be examined closely. Reforming social security in an equitable manner is a difficult task, and we must realize that whatever changes Congress approves will probably meet with some criticism from certain sectors of the population. While we must face the fact that the program is due for reform, we must also keep our promise to current recipients who depend on their benefits and cannot plan for new sources of income, and to those who are quickly approaching retirement age. We must be sure that any action we take will be fair and equitable to all participants.

We must not abandon the social security program and its past years of success in the midst of our current economic problems, but must work harder to assure its continued success in the future.●

FORT GARRISON ELEMENTARY SCHOOL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. LONG of Maryland. Mr. Speaker, on Thursday, May 28, 1981, 80 young men and women from the Fort Garrison Elementary School in Pikesville, will journey to Washington for a firsthand look at their Nation's Capital.

These students, lead by their teachers, Mrs. Carolyn Hubberman, Mrs. Anita Rozenel, and Mr. Ted Antonakos, will tour the Capitol Building, the Library of Congress, the National Archives, the Federal Bureau of Investigation, and the Bureau of Printing and Engraving.

I am delighted these students have taken the opportunity to visit with us, and I hope their interest in our Nation's political process will continue.

Students who will visit us Thursday are: David Ash, John Crain, Brian Fruman, Jonathan Guth, Stephen Hettleman, David Jacob, Jordan Kroop, Gregg Levin, John Morrow, Mark Mower, Steven Sackey, Jonathan Seaman, Kenneth Tepper, Hatim Youssef, Kimberly Adams, Joanne Bass, Jennifer Becker, Leslie David, Robin Margolis, Edana Menkes, Karen Oppel, Mary Rottenberg, Emily Serpick, Jody Spector, Michele Uhlfelder, Jennifer Wunder, Monica Sanches, Richard Barnstein, Robert Bowman, Jeffrey Greenebaum, Gil Grodzinsky, Brain Kowitz, Eric Kronthal, Jon Lefko, Alan Moskowitz, Jonas Needleman, Jeffrey Rosenfeld, Keith Simon, Andrew Trivas, David Weinstock, Jason Wexler, Lynn Berkowitz, Jill Green, Amy Grossblatt, Heather Hoover, Wendi Kellman, Carol Kennedy, Lisa Koenigsberg, Elizabeth Reamer, Lisa Silverstein, Elise Song, Stacey Steinhorn, Lori Wasserman, Bruce Auslander, Michael Bennet, Michael Caplan, Craig Diamond, Scott Ferber, Kevin Grodnitzky, Duane Masimore, Brian Nelson, Jason Oletsky, Matt O'Mansky, Carl Schwartzman, Jordan Segall, Allan Siegel, Joshua Wolfe, Deborah Abosch, Deborah Cohen, Karen Finkelstein, Julie Freeman, Jennifer Goodman, Pam Hameroff, Karen Hofkin, Lauren Mills, Linda Needle, Michele Schwartz, Jill Sirody, Inci Ulgur, and Caroline Baker●

REFORM OF FEDERAL REGULATORY PROCESS

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. LUKEN. Mr. Speaker, over the past few years, each of us in the House of Representatives has become increasingly aware of the urgent need for congressional oversight and reform of the Federal regulatory process. Nowhere in the vast realm of the Federal bureaucracy is the need for congressional scrutiny better illustrated than with respect to the Federal Trade Commission.

During the discussions and hearings on the FTC authorization bill in the 96th Congress, I, as a member of the House Subcommittee on Consumer Protection and Finance, became acutely aware of the unprecedented attempts of the FTC to extend its regulatory activities, particularly with respect to its rulemaking proceedings, into areas that are and have been regulated at the State and Federal level.

One of the most questionable and controversial areas of expansion by the FTC in recent years has been its involvement in activities of State regulated professions. Even though it has never been given express authority by Congress to do so, it has increasingly sought to usurp State responsibility, override State laws, and preempt State regulation of State regulated professions.

The Commission has even gone one step further in assuming jurisdiction over nonprofit professional associations related to those same professions, totally disregarding a rejection by both the House and Senate Commerce Committees during the 95th Congress of their attempt to enact a specific statutory mandate for such authority.

Today Mr. Lee and I are introducing a bill to temporarily restrain such unauthorized activities, through the imposition of a moratorium, until Congress determines what appropriate role, if any, the Commission should have with respect to State regulated professions.

This proposed legislation represents a necessary, rational and moderate approach to resolving the problem of FTC intervention into traditionally State-oriented policy and enforcement activities. Although the legislation would apply to only a limited number of professions—specifically those which have a generally higher standard of self-regulation in the public interest and for only a limited period of time—I consider it a fair and effective middle ground between those who would write the Commission out of the profession regulation business and those who would allow it to go along as it has been unchallenged.

Mr. Speaker, the Congress most certainly has a duty to define the parameters of FTC authority with respect to State regulated professions. but absent the specific granting of any such authority, it has a corresponding duty to allow the States and the professions involved from continued interference while hearings are held in both houses of Congress and a judgment is made. I strongly urge that this crucial issue receive a complete hearing before Senator KASTEN's Subcommittee on Consumer of the Senate Commerce, Science, and Transportation Committee and Chairman Jim Florio's Subcommittee on Commerce, Transportation, and Tourism of the House Energy and Commerce Committee.

I think it is important to point out to my colleagues that this issue has been considered before, in the form of an amendment to the FTC authorization bill a year ago February. While that Senate floor effort fell two votes short of being agreed to, it did succeed in demonstrating substantial degree of interest in and concern over the FTC/State-regulated professions matter.

It is my hope that this bill can serve as a vehicle for the House of Representatives to now address that same issue. Indeed, we have the obligation and responsibility to resolve such fundamental questions of State-Federal jurisdiction, particularly when there has been such a sweeping assertion of Federal dominance without any real clear authority to justify it.

Mr. Speaker, the Congress is not the only one concerned about this unauthorized expansion of FTC jurisdiction and authority. Several State attorneys general and even the U.S. Court of Appeals in the District of Columbia have voiced concern about the FTC regulatory overriding efforts. In a case relating to an FTC opthalmic goods and services rulemaking, the U.S. Court of Appeals remanded a trade regulation rule to the Commission stating that "The FTC's proposed preemption of State law is almost as thorough as human ingenuity could make it."

And in referring to its "enforcement of the State's power, the Court reprimanded the Commission for" * * * asking it to assume that despite recent decisions of the Supreme Court, States will act against the interests of their citizens and in defiance of the dictates of the Constitution."

I do not know who is right absolutely or what the final resolution might be. But I do know that the FTC has, understandably, been "backing off" on its own in this area recently—which ought to suggest something—and that some awfully convincing arguments have been made to demonstrate a pattern of overzealous activity in the immediate past.

In my capacity as a member of the Energy and Commerce Committee—and as chairman of the Small Business Subcommittee with jurisdiction over the FTC—I have a genuine personal interest in taking the leadership initiative in this important area. And together with Mr. Lee as a member of the relevant Energy and Commerce Authorizing Subcommittee, I want to encourage my colleagues to join in the effort to fully examine the relationship between the States, the professions and the FTC.

As an interim measure, it seems to me that a moratorium approach makes sense and should be tried to give someone other than the regulatory bureaucracy the benefit of the doubt for a change. I want to stress to my colleagues that this bill is simply a vehicle for Congress to work its will and, if enacted, would operate only until Congress reaches a substantive determination. In the meantime, more than adequate regulatory and enforcement functions relative to the professions would continue by the States themselves, the Justice Department (as spelled out specifically in the legislation) and, of course, through private actions.

So, Mr. Speaker, I would welcome the comments and support of other Members who share my concern over congressional responsibility to clarify the FTC's role in this manner. I look forward, in fact, to the opportunity to assist in fashioning that clarification once a moratorium is in place and we can move ahead unencumbered by the emotions which have accompanied this issue previously. If that can happen, then this bill will have served an extremely worthwhile purpose.

Mr. Speaker, for the convenience of my colleagues I am inserting the text of this proposal in the RECORD following my remarks.

H.R. —

A BILL To place a moratorium on activity of the Federal Trade Commission with respect to certain professions and professional associations until the Congress expressly authorizes such activity

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Federal Trade Commission shall not investigate, issue any order concerning, prescribe any rule or regulation with respect to, or take any other action against any State regulated profession until the Congress takes the actions specified in subsection (b).

(b) The prohibition established in subsection (a) shall apply until the Congress enacts legislation which expressly provides that—

(1) the Commission has jurisdictional authority with respect to professions; and

(2) the authority of the Commission preempts the authority of States to regulate professions.

SEC. 2. Any decision, finding, or other administrative action made or taken by the Commission which—

(1) occurs during the period beginning on May 28, 1981, and ending on the date of enactment of this Act; and

(2) is based in whole or in part on any activity specified in subsection (a) of the first section of this Act;

shall, upon the enactment of this Act, be vacated and have no force or effect.

SEC. 3. Nothing in this Act shall be construed as placing a moratorium upon, or otherwise affecting, the enforcement of any cause of action by the Attorney General of the United States arising under the Sherman Act (15 U.S.C. 1 et seq.) or the Clayton Act (15 U.S.C. 12 et seq.)

SEC. 4. For purposes of this Act:

(1) The term "Commission" means the Federal Trade Commission.

(2) The term "professions" means organizations, associations, or other categories of professionals.

(3) The term "professional" means any individual engaged in the performance of work—

(A) requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning (as distinguished from knowledge acquired by a general academic education, from an apprenticeship, or from training in the performance of routine mental, manual, mechanical, or physical activities);

(B) requiring the consistent exercise of discretion and judgment in its performance;

(C) which is predominantly intellectual and varied in character (as distinguished from routine mental, manual, mechanical, or physical work); and

(D) which is of such character that the output produced or the result accomplished by such work cannot be standardized in relation to a given period of time.

(4) The term "State regulated profession" means any profession which is subject to any licensure, certification, or regulation by a State.

SEC. 5. Provisions of this Act shall take effect on the date of enactment of this Act.●

LEV GENDIN—REFUSENIK

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. SHAW. Mr. Speaker, a man named Lev Gendin turned 40 last week in a country he has been trying to depart for the last decade—the Soviet Union. Lev lives, as best he can, in Moscow, but his wife, Aviva, lives in Israel. She fled the Soviet Union in 1972, 4 months after they were married. Aviva has not seen her husband since then, but she has worked tirelessly for his freedom.

Lev was dismissed from his job in an agency of the tractor machine-building industry in November of 1971, on the objectionable grounds that he had applied for permission to emigrate to Israel. From then on, Lev has not been able to find work in his area of expertise, engineering, but has found employment only in menial jobs. He has continued to apply for permission to emigrate, and each request has been denied. His last denial brought with it the threat that he would be sent to Siberia, not Israel.

In May 1974, Lev was attacked and beaten into unconsciousness by strangers. Later that year, he was arrested in a train station, jailed on a pretext, and incarcerated in a solitary cell. He is the subject of frequent surveillance and persecution by the KGB, the Soviet's secret police, and has spent a total of 160 days behind bars. What is his crime? He wanted to go to Israel.

Lev Gendin is one example of the thousands of refuseniks in the Soviet Union, Jews denied permission to leave the country and then penalized for even expressing the interest.

We must not allow this callous disregard for individual rights and human dignity to continue in the Soviet Union. We must constantly apply pressure on behalf of Lev Gendin and all the other oppressed refuseniks who share his desire for freedom●

STRATEGIC PETROLEUM RESERVE

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. GORE. Mr. Speaker, the strategic petroleum reserve is a vital national security asset. Unfortunately, Congress and the administration have dropped SPR into a budgetary quagmire that threatens to seriously damage the program. The Senate believes it has found a way out by enacting an off-budget approach that is nearly identical to current SPR funding. The difference is that the SPR account would be disguised off budget. It is a sleight-of-hand approach that misrepresents the amount of total Federal spending.

This view was recently buttressed in two distinguished journals in an article for U.S. News & World Report by Marvin Stone and in the Oil and Gas Journal. I commend these articles to the attention of my colleagues:

[From U.S. News & World Report, June 1, 1981]

$3 BILLION WELL SPENT

(By Marvin Stone)

It's time to stop playing politics with the nation's Strategic Petroleum Reserve.

This costly but vital project is supposed to protect the U.S. against a sudden cutoff of foreign oil by stockpiling enough to tide us over an emergency. The danger of such a cutoff is very real, especially if the tension now building between Israel and Syria flares into a new Mideast war.

Despite compelling reasons, neither Congress nor the White House seems willing to spend the 3 billion dollars needed to purchase oil for the reserve in 1982. Unless the nation's leaders show more resolve, the oil-

stockpiling program—already lagging badly—will fall further behind schedule.

The idea of a Strategic Petroleum Reserve grew out of the 1973-74 Arab oil embargo that forced American motorists to line up for gasoline and left the U.S. economy in shambles. In 1975, President Ford asked Congress to approve a billion-barrel stockpile, enough oil to replace the nation's import needs for 90 days. The first 500 million barrels were to be stored by 1982.

So far, only 135 million barrels have been stored in salt-dome caverns along the Louisiana-Texas coast. That would be about a month's supply if all imports were halted. The delays have been blamed on oil shortages, bureaucratic mismanagement and opposition from foreign oil producers.

Perhaps the most important reason, however, is the escalating cost of oil. The price of a 42-gallon barrel of oil has risen from $10.38 in 1975 to around $36 today. In 1975, a billion-barrel reserve was estimated to cost 6 billion dollars. Now, the estimate is 47 billion dollars for a scaled-down reserve of 750,000 barrels.

President Reagan, attempting to keep a campaign promise to build up the reserve, asked for 3.9 billion dollars for the program in 1982. That would have enabled the government to buy about 230,000 barrels a day.

However, under pressure to trim federal spending and move toward a balanced budget, both the House and Senate have voted to reduce appropriations for the reserve by 3 billion dollars next year on the assumption that members will agree on some other financing method.

There is a wide variety of alternate plans now floating around on Capitol Hil.

The Senate Energy Committee has voted to borrow the money by selling government bonds, a bookkeeping gimmick that would not show up in the regular budget.

Senator Nancy Kassebaum (R-Kans.) wants to force major oil importers to contribute five days' worth of imports each year to the reserve in exchange for a 10 percent fee.

Representative Phil Gramm (D-Tex.) has introduced legislation that would allow the government to sell "oil bonds" to private investors. Each bond would be worth the price of a barrel of oil and could be redeemed at the end of 10 years or during an emergency at the then-prevailing price of oil.

Another scheme would allow the government to borrow the 3 billion dollars from the 17 billion earmarked for the new U.S. Synthetic Fuels Corporation.

Although both Treasury Secretary Donald Regan and Budget Director David Stockman have testified that a straightforward appropriation would be the best way to fund the reserve, the White House has remained strangely silent. Without leadership from President Reagan, there is a real danger that Congress will not be able to reach agreement on a plan for financing the reserve.

It may take a certain amount of political courage to spend 3 billion dollars on oil that may never be needed at a time when programs such a Social Security, school lunches and prenatal care are facing sharp cuts. But the consequences could be much worse—for the administration and Congress—if another catastrophic oil shortage ever sends Americans back to the gasoline lines.

[From Oil and Gas Journal, May 11, 1981]

GET SPR OFF DEAD CENTER

"The U.S. Strategic Petroleum Reserve appears to be the only element of national energy policy enthusiastically endorsed by both political parties, conservatives and liberals, all segments of the petroleum industry, and the public.

"But despite all this support, the program is bogging down and the fill rate threatens to dwindle to a trickle if not to zero. The SPR is in dire danger of a crippling blow from budget-cutting axes wielded by Congress and the administration.

"Both the Senate and the House appear set either on chopping appropriations for the SPR to a sadly inadequate level or adopting one of many schemes for private or federal off-budget financing.

"There are lots of good reasons why direct, on-budget funding of SPR oil purchases should continue—even though it might make the worthy and difficult budget-cutting efforts still tougher. Foremost is that the SPR is vital to U.S. defense and national security. That is why it was created. We have no quarrel with those who contend that the existence of an adequate strategic reserve of oil would contribute more to U.S. security and defense posture than some of the costly military items which *will* be funded in the budget. And there's no question that U.S. diplomatic and political independence would be enhanced in dealings with producing countries which will be supplying U.S. oil imports.

"Off-budget financing schemes, on the other hand, tend to mask the value and the costs of any given program. They would disguise—but not reduce—the costs to the country. They would tend to add to regulatory complexity while undermining economic and market efficiency. And finally they would tend to uncouple the important connections between government control and government responsibility.

"And then there are the proposals in Congress that the SPR be funded in some way by the private sector—in this case, the oil industry. That's about like asking the steel industry to finance the military's tank-production program or the electronics industry to fund U.S. space ventures. And it ignores the staggering contribution the oil industry already is making to the U.S. Treasury.

"One of these proposals, a bill introduced by Sen. Nancy Kassebaum (R-Kan.), veils its impact on the industry with a proviso for 'paying back' firms contributing to the reserve.

"Her proposal would require importers of 75,000 b/d or more of crude to contribute oil to the reserve at the annual rate of five times their daily average imports. The government would pay these firms 10% a year for 11 years for the contributed oil or until the oil were withdrawn. This proposal has been flayed by oilmen as discriminating against large importers, confiscatory, and as a means of forcing some companies to make interest-free loans to the government.

"Union Oil Co. of California correctly deduces that the Kassebaum bill would provide incentives to evade and would foster inefficiency. If it became law, Union says, the government could expect a 'proliferation of 74,000 b/d broker/importers' who would suddenly get rich.

"Union contends with much logic that payment for the SPR fill should come from general fund revenues provided by the so-called windfall profits tax on crude oil. Congress bought the WPT in part on grounds it would provide greater energy security, paying both for development of synfuels and the SPR. The Reagan administration, convinced that huge block grants isn't the way to go on synfuels (we agree), will spend relatively little of the WPT proceeds for synfuels development. The administration wants the SPR filled but is waffling on how to fund it—declining so far to take a position in committee hearings. The funding should be from WPT revenues, and this should be nailed down quickly.

"Crude prices are soft, OPEC resistance to a U.S. SPR is evaporating, and no one knows when the next world crude crisis might come. It's time to get off dead-center."●

SUPPORT FOR PAYMENT-IN-LIEU OF TAXES PROGRAM

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. RUDD. Mr. Speaker, when this body recently passed legislation amending appropriations for the balance of fiscal year 1981, $108 million were rescinded from the payment-in-lieu of taxes program. The full House did not have the opportunity to debate this matter which will substantially affect counties deprived of a property tax base by Federal lands. In my State of Arizona, where more than 70 percent of the land is federally owned, many counties will be financially devastated by this rescission because these funds have already been budgeted for this year.

I wish to share with my colleagues the resolutions of the Pinal County Board of Supervisors in support of the program, and urge the House conferees to restore the funds and fulfull the commitment which the Federal Government has made to these local governments.

A RESOLUTION IN SUPPORT OF PAYMENTS-IN-LIEU OF TAXES ENTITLEMENT LEGISLATION

Whereas a payments-in-lieu of taxes program, to recognize the tax immunity of Federal lands, has been recommended by the Public Land Law Review Commission, the Advisory Commission on Intergovernmental Relations and the National Association of Counties; and

Whereas the Congress has stated its intention to make payments-in-lieu of taxes as a policy in the Federal Land Planning and Management Act of 1976; and

Whereas the Congress enacted Public Law 94-565 to provide a fair and equitable formula for payments-in-lieu of taxes after thorough study and hearings; and

Whereas rescissions and appropriation cuts that have been proposed or enacted virtually every year have jeopardized the effectiveness of this important program, with the effect that the Federal Government is not fully honoring its property tax commitment as other landowners must; and

Whereas sufficient funds are available from royalties and revenues derived from the tax exempt public lands to provide secure funding for the payments-in-lieu of taxes program: Now, therefore, be it

Resolved, That the Pinal County Board of Supervisors, Florence, Arizona, in Regular Continued Session, this 18th day of May, 1981, supports legislation to provide pay-

ments-in-lieu of taxes funding as an entitlement program utilizing mineral leasing royalties and revenues derived from the public lands; and be it further

Resolved, That the National Association of Counties is hereby requested to actively pursue such entitlement legislation.

JAMES J. KARAM, JR.,
Chairman.
JIMMIE B. KERR,
Member.
WM. "BILL" MATHIESON,
Member.

Attest:

CHARLES A. GUINN,
Clerk.●

SMALL TOWNS AND BIG COMPANIES

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. BEDELL. Mr. Speaker, last Friday the Wall Street Journal ran a very interesting article entitled "Managers Find Move to Cities Hard to Take." The point of the article is that large corporations increasingly are finding that their middle-level managers do not want to be transferred from plants in smaller towns to corporate headquarters in big cities.

This article is of particular interest to me for two reasons.

First, the Journal chose as its focus the case of a constituent of mine, Mr. Ronald Bauermeister. When Land O'Lakes decided to close up an executive office it had in my district in Spencer, Iowa, Ron turned down an option to relocate to corporate headquarters in Minneapolis-St. Paul. The article notes Ron's ties to the local community and his involvement in a number of local organizations in Spencer.

The second reason this article interests me is because it presents another aspect of an issue explored by the House Small Business Committee in hearings I chaired last year. The Small Business Subcommittee on Antitrust examined conglomerate mergers and their effects on small business and local communities.

One matter that we examined in the course of our hearings was the adverse impact on smaller communities of large corporations moving executives in and out of town. We looked at this problem from the community's perspective, but the Journal article raises the equally valid issue of the strains this puts on the managers.

At this point in the RECORD, Mr. Speaker, I wish to insert the full text of the Journal's article and an excerpt from the report of the House Small Business Committee:

[From the Wall Street Journal, May 22, 1981]

MANAGERS FIND MOVE TO CITIES HARD TO TAKE

(By Lawrence Ingrassia)

For Ronald Bauermeister, living in Spencer, Iowa, is more important than continuing his corporate career.

So this summer, when Land O'Lakes Inc. moves the executive offices of its Spencer Beef division to corporate headquarters near Minneapolis-St. Paul, the vice president of finance will resign and stay behind.

Others will leave the northwest Iowa town to stay with Land O'Lakes, but many will be doing so reluctantly. "We aren't ready to move to a big town, but the job situation here is almost nil," a middle-level manager says.

With companies opening and closing offices all the time, the unwanted transfer is an occupational hazard for a lot of employes. But the problem is especially vexing for small-town executives, who often grow roots in a community that are deeper than their ties to a corporation. The roots such managers put down can make the transfer problem equally vexing for their employers.

FIVE MINUTES FROM WORK

In the close-knit society of a town such as Spencer (population 12,000), executives are apt to be on a first-name basis with much of the community, and they often help run the town as well as their company. Mr. Bauermeister, for instance, is a director of a savings and loan association and has been active in the YMCA, the Rotary Club and his church council. His house is a five-minute drive from his office. Going to the city would mean saying goodbye not only to long-time friends but a way of life.

It also would mean a lot more expense. The Spencer Beef middle manager who is reluctantly transferring to the Twin Cities area will have a smaller house than his Spencer home, at a $20,000 higher cost. His auto insurance bill will rise $600 a year.

Transferring to a metropolis also can be ego-shattering for a middle manager. "In a small- or medium-sized town, he's Mr. Industry; his family is treated that way, and he is treated that way," says a spokesman for Union Carbide Corp. "In Manhattan, he gets lost on the commuter train with guys making four or five times as much as he is, riding a dirty car."

I LEAVE NEW YORK

Union Carbide is well-acquainted with the problem. It has had so much trouble getting managers to transfer from small-town plants to corporate headquarters in New York City that it is moving its head office to Danbury, Conn.

"Carbide has plants scattered around the country, and many Carbide employes tend to be small-town persons," says Robert Stahl, a relocation consultant whose clients include the chemicals company. "As they move up the corporate ladder, they're asked to move to the Big Apple. Many don't want to, so Carbide ends up transferring its fifth choice instead of its first."

Land O'Lakes, which will keep a slaughtering plant in Spencer, has offered transfers to all 68 employes of the unit's executive office. Just 41 have agreed to move, including 30 of the 39 management people. Management people usually are more willing to transfer, in part because it is harder for them to find a comparable job at home.

THE WRITING ON THE WALL

Mr. Bauermeister, who is 45 years old, is staying behind even though "the job I have is the best job I've ever had." A trip to Minneapolis-St. Paul convinced him and his wife that Spencer is a better place to raise their three sons. "I know they have good schools," he says, "but some people visited one and there was graffiti on the walls. There's nothing wrong with that, but it doesn't exist in Spencer, Iowa."

Mr. Bauermeister grew up in a small town, and 14 years ago he left an Omaha accounting firm for Spencer Beef because he wanted to live in a small town again. He is a CPA, so to stay in Spencer, he will go to work for a local accounting firm or set up his own office. He expects his income to drop as much as 25%. But, he says, "our family sat down and talked it over. We came to the realization that money isn't the most important thing in life to us."

To overcome such resistance when closing an office, some corporations offer special compensation to small-town employes who will transfer to a big city. One that does so is Champlin Petroleum Co., a subsidiary of Union Pacific Corp. Champlin is moving its accounting and data-processing offices from Enid, Okla., (population about 50,000) to headquarters in Fort Worth, texas (population 382,000).

Besides its standard benefits for all transferred workers, Champlin has arranged for a bank to make mortgage loans at 11⅞% to transferring employes, well below the going rate of 14%. And for the next three years, transferees will get a mortgage differential payment on the entire amount of their new-home loan instead of just on the amount of principal they owed on their Enid house. All 270 workers at Enid were offered transfers, and 150, including about 75% of managers and professionals, agreed to move.

But like most companies, Champlin isn't offering a cost-of-living equalizer. As Dale Schueffner, manager of the Minneapolis office of Peat, Marwick, Mitchell & Co.'s executive-search practice, explains, "Companies can't disrupt their internal salary structures by paying a premium to get somebody to move in from a small town. If they did, they'd have mutiny on their hands from present employees."

Besides employes and their employers, the small towns themselves can find a mass transfer wrenching. Pillsbury has begun moving some offices of Green Giant Co., which it bought in 1979, from Green Giant's hometown of Le seur, Minn., to Minneapolis. With such a transfer, says Bruce Olness, president of Le Seur State Bank, "what you really lose is way beyond salaries. You lose the ability to get things done and your brain trust."

[Excerpts from Report of the Committee on Small Business]

CONGLOMERATE MERGERS—THEIR EFFECTS ON SMALL BUSINESS AND LOCAL COMMUNITIES

A. THE CONGLOMERATE AND THE COMMUNITY

"Absentee control changed the corporation's view of the surrounding community. Communities were viewed as locations for plants which were appropriate only so long as the location provided economic advantages. When such a location was no longer economically rational, the plant was closed and facilities built elsewhere.

"This economic calculation creates a fundamental conflict between the calculus of corporate welfare and local community welfare. Local municipalities are viewed as potential obstacles to the free flow of capital and use of productive resources. Thus, companies with little or no stake in the mainte-

nance of community life will see local governments as entities which may provide facilitating actions for the company or set up constraints which are perceived as nuisances for the business.

"Prof. ROBERT STERN."

The Subcommittee heard testimony about five communities that experienced the takeover of a major local business by a conglomerate corporation. This testimony provided the members of the Subcommittee with information and insight that laid the foundation for discussions with subsequent witnesses. The following sections will summarize the testimony from community witnesses as well as the thoughts of others on the effects of conglomerate mergers upon the local community.

The conflict between the conglomerate corporate structure and a community stems from their differing economic and social requirements.

Local business and civic leaders view their primary function as facilitating a strong, diversified economy that provides jobs and a secure tax base to assure the public services, such as a school system, a sanitation system and recreational facilities that enhance the quality of community life. When a community's economy is controlled by leaders who live in the community, the balance between social and economic requirements is determined by those with vested interests in the community.

The process by which a large conglomerate corporation allocates its resources conflicts with the structure that determines resource utilization at the community level. Conglomerate corporations find themselves involved in a number of diverse activities at a large number of locations. Because of this, large conglomerates have a high degree of capital mobility. That is, they have many choices between types of activities and communities in which to invest their capital.

Large conglomerate corporations admittedly attempt to allocate their capital and management resources in a manner that seeks to maximize their shareholders' return on investment. This pressure towards profit maximization requires conglomerate managers to play their many investment options off against each other. Within a conglomerate, product lines, production facilities and even communities compete for the attention and resources of the parent corporation. The conglomerate corporation tends only to allocate resources and attention to those units that best serve its own self-interests. Sociologist Robert Stern of Cornell University told the Subcommittee:

"There are many places in which you find that corporations make decisions without very much concern about the impact on the local community. The communities are simply viewed as locations, and as soon as the economic advantage of locating there disappears, the plant also disappears, or at least the corporation begins to consider moving the facility."

Alfred Dougherty, director of the Federal Trade Commission's Bureau of Competition, told the Subcommittee that conglomerate corporations have created a new set of rules for an investment game that is played solely for their own benefit:

"A conglomerate—lacking community loyalty and playing an investment game with rules different from those that non-conglomerate companies have traditionally followed—can simply write off a line of business, a plant, a work force, or a whole community and can turn its attention elsewhere, leaving others to pick up the pieces."

Mr. Dougherty's comments take on added significance as it becomes apparent that many of the country's largest corporations are playing the "conglomerate game." Harold Williams, chairman of the Securities and Exchange Commission, told the Subcommittee:

"It has become acceptable to treat corporations as the sum of their properties and to assume that corporate control may change hands with no greater concern about the consequences that accompanies an exchange of property deeds in a game of monopoly.

"But, a corporation is more than the aggregate of its tangible assets—and more than the equity of its current shareholders—it is an institution with a complex of interpersonal and contractural relationships that create legitimate interests in the corporation among employees, suppliers, customers, communities, and the economy at large."●

A TRIP TO THE NATION'S CAPITAL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. LONG of Maryland. Mr. Speaker, on Wednesday, May 27, 1981, 58 young men and women from Dundalk Elementary School in Dundalk, Md., journeyed to Washington for a first-hand look at their Nation's Capital.

The students, led by teachers and parents, Mrs. Shepherd, Mrs. Medura, Mrs. Strine, Mrs. Ewing, Mr. Streckfus, Mrs. Minor, Mrs. Denny, and Mrs. Logston, toured the Capitol Building and visited the Federal Bureau of Investigation or the Smithsonian Museum of Natural History.

I am delighted these students have taken an interest in our Nation's political process, and I hope their interest will continue.

Students who visited us Wednesday are Robert Amon, Mark Bergamy, David Chapman, Kenneth Ewing, John Haites, Patrick McKay, Josef Morales, Solamon Speed, Lawrence Rao, Gary Young, William Lock, Jennifer Asplen, Wendy Bean, Victoria Denny, Christy Doonan, Lisa Flemming, Chonte Harris, Jennifer McBrayer, Nicole Medura, Angela Minor, Renee Moor, Lisa Shell, Melissa Shepherd, Sandi Smith, Mary Lou Streckfus, Lisa Strine, Jeanette Wilson, Tami Wlajnity, Torrell Allen, Ralph Baker, Scott Brady, James Browne, Brian Burke, Mark Davis, Brain Dillow, Stephen Makres, Michael Minutelli, Kenneth Mondie, Harry Respass, Scott Stulich, Adam Sonntag, Melanie Avig, Michelle Barnett, Paula Eckloff, Stephanie Freeman, Sharonda Gardner, Wendy Hurst, Leslie Lating, Victoria Parrish, Rhonda Reynolds, Tiffany Sewell, Gina Shipp, Barbara Smith, Sindi Smith, Kristine Sutterfield, Johnnie Tracey, Crystal Watson, Macella Wright.●

THE CONTINUING REPORTS ON WISE SOCIAL INVESTMENTS

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. MOFFETT. Mr. Speaker, I rise in support of continued full funding, as a separate function, for title I of the Elementary and Secondary Eduction Act. Recent reports indicate that title I has been a significant factor in the growing educational successes of disadvantaged children. The success of this vital education program is a prime example of the kind of wise social investment the Federal Government makes in its greatest natural resource, the youth of America.

As we all know, the administration intends to cut education programs by at least 25 percent—local officials respond that the impact of these cuts will be much greater then the administration percentages. President Reagan had made our economic woes a No. 1 priority, which every one of my colleagues must agree is justified. The administration wants to reinvigorate the economy, spur development, and control inflation. We all agree that this is essential for the stability of the United States. In addition, the administration wants a strong national defense. Again, we all concur that this must be so. What the administration fails to see, or to understand, is that a well-educated population is the very backbone of a stable economy and a stong national defense. And, a firm foundation for a successful education begins at the nursery school and elementary school level.

Title I serves disadvantaged children who might otherwise not receive the attention they need to build that firm educational foundation. As the following New York Times article points out, "there is a growing body of evidence that early intervention can reverse declines and lead to dramatic increases in the achievement levels of disadvantaged pupils."

I believe that Federal dollars spent on programs such as title I are a real investment in the health and stability of this Nation and I urge my colleagues, on both sides of the aisle, to read the following article and well consider their ax-wielding approach to putting our economy back on the track.

EARLY REMEDIAL TEACHING CITED AS A SUCCESS

(By Gene I. Maeroff)

Sixteen years after the passage of Title I of the Elementary and Secondary Education Act, a law that has fundamentally altered attitudes and practices in remedial

education, there is a growing body of evidence that early intervention can reverse declines and lead to dramatic increases in the achievement levels of disadvantaged pupils.

The latest indication of a breakthrough came from the National Assessment of Educational Progress, the federally sponsored monitor of changes and trends in the nation's schools. It disclosed last month that large gains in reading were made in the 1970's among 9-year-old black students across the country, and the improvement was attributed to compensatory education programs of the sort financed through Title I. This finding echoed earlier reports favorable to Operation Head Start and other projects aimed at preschool children.

Studies favorable to Title I have been completed recently by the National Institute of Education, the Educational Testing Service and Stanford Research Institute. In Ypsilanti, Mich., a continuing study sponsored by the Carnegie Corporation has demonstrated the value of preschool education for the disadvantaged and in some urban school systems, including New York City, compensatory programs have reduced the proportion of children reading two or more years below grade level.

Carried through Congress on the wave of euphoria that surrounded the Johnson Administration's Great Society, Title I has poured $29.5 billion into elementary and secondary education, providing the personnel and materials for the neediest students to get extra attention in the basics, particularly in reading.

BUDGET CUTS PROPOSED

Now, however, as part of its budgetary retrenchment, the Reagan Administration proposes to reduce Federal expenditures for elementary and secondary education, including those provided by Title I, by 25 percent. Moreover, the Government would eliminate the requirement that Title I funds be used only to supplement and not replace local dollars. In fact, under the proposed block grant approach, state agencies would not have to spend the money on poor children.

Education Secretary T. H. Bell said that the proposed budget cuts were based "on a belief that educators will by and large try their best to serve students well rather than a belief that such officials are not to be trusted or that their views have not been affected by Federal goals over the last 15 years."

Remedial education has now demonstrated, according to many authorities, that progress in reading is possible among disadvantaged pupils if enough time is spent on the task in the formative years, particularly when students are instructed individually and in small groups. Title I has been the prod in persuading educators to give priority to reading, providing a proving ground for theories and techniques that are now accepted features in most of the nation's schools.

With Title I as the centerpiece, a growing assortment of Federal, state and local programs has been assembled to concentrate on ameliorating learning deficiencies before their cumulative effect become irreversible, which sometimes seems to happen by the time students reach high school. The record of remedial education at the secondary level has been far less satisfactory.

Sixteen states have created their own remedial education programs, many of which have been extended to all students who are lagging, regardless of economic background, which is the criterion by which the Federal Government distributes Title I funds.

The public schools in New York City, for instance, annually get $163 million in Title I funds and $60 million from a state program. Pupils with Special Educational Needs. There are 4,693 teachers and 4,785 paraprofessionals in the city working exclusively in remedial education with their salaries paid entirely by the two remedial programs.

The effects of budget cuts could be far-reaching because Title I has affected not only students who are directly involved but virtually all pupils as a result of changes it has inspired.

Reading instruction was once almost entirely in the hands of generalists—classroom teachers responsible for the teaching of reading along with all other subjects. Now, there are thousands of specialists, experts who augment the work of the regular teachers to give designated children up to an hour a day of additional attention in reading.

ANNUAL MONITORING REQUIRED

In addition, the diagnostic-prescriptive methods that experts have developed to analyze reading ability and to aid remedial students have now spread to the teaching of all youngsters. A host of new materials has emerged to assist teachers in tailoring instruction around the strengths and weaknesses of pupils, often breaking the reading process into separate parts so that students can work on their particular deficiencies.

The Title I mandate calling for the monitoring of programs has led to testing at the beginning and end of the school year, which has provided a kind of accountability not always present in regular programs, though there is concern about narrowing the curriculum too closely to boost test scores.

In addition, the hiring of paraprofessional aides to help teachers, a feature of many Title I projects, has spread beyond remedial education, as has the use of the parent advisory councils that are required for Title I programs.

A typical remedial classroom is run by Marie O'Neill and her two aides, Doris Silverstein and Ruby Giles, at Public School 173 in Washington Heights, a neighborhood at the northern tip of Manhattan. They see 80 children a day, all first graders, who come in groups of about 15 from their regular classes to receive 45 minutes of reading instruction to supplement the 45 minutes of reading that they get in their home room.

AN INDIVIDUAL APPROACH

During an afternoon last week, Mrs. O'Neill wheeled a portable blackboard into the long, narrow room, a converted storage closet now painted a bright yellow, and began drilling 10 of the children on phonics. She asked the pupils to pronounce the sound of each letter of every word as she printed it, then asked them to blend the sounds into words and finally to read the sentences.

Meanwhile, Mrs. Silverstein had taken three other youngsters into the hall, where she was pronouncing words and asking them to print the letters that created the sounds. Mrs. Giles was absent this particular day.

After 20 minutes, the three children returned to the room and Miss O'Neill had all the pupils work in small groups as she and Mrs. Silverstein circulated among them, providing individual attention.

Three of the pupils put on earphones, sitting silently around a tiny table listening to a cassette and following the story in their books. Four others worked in pairs, facing each other, taking turns showing flash cards on which they had to pronounce the sounds of the letters. Two sprawled on the floor, arranging cards with pictures and sentences so that they could get a better understanding of what educators call "sequencing," the ability to recognize logical order. Another child assembled a puzzle in which each piece was keyed to the first letter in an animal's name.

"Many of our children come to school with limited backgrounds," said Mrs. O'Neill, who began her career in 1959 as a first-grade teacher and shifted into her specialty after extensive graduate study in the teaching of reading. "Most of the children have had no nursery school, and 31 of the 80 first graders in this program did not even attend kindergarten."

Statistics from big-city school systems show that many of the remedial students never make up the disadvantages in their background, but for those who do, Title I and other compensatory education programs are apparently the key experiences in bridging the gap.●

INTRODUCTION OF H.R. 3671

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. EVANS of Iowa. Mr. Speaker, last week I introduced a bill (H.R. 3671) which would give the President the emergency powers to deal with what is becoming a serious problem to this country's economy; namely, the disintegration of the savings and loan industry. As I know my colleagues are aware, this problem is a complex one and there have been many proposed remedies such as placing reserve requirements on money market funds and the lifting of interest ceilings on savings accounts. While these actions may help alleviate the situation, I do not believe they go to the heart of the problem. Reserve requirements on money market funds will not provide enough incentive to get savers to put their money back in savings accounts, and raising the interest on savings will create a hardship on savings institutions that have long-term, low-interest loans on their books.

Why should the Federal Government be in the position of giving emergency assistance to the savings and loan industry? The answer is that we need to keep this industry viable because it is a primary source of residential mortgage money in this country. Without these institutions, the economic crunch on our housing industry will worsen and the dream of homeownership will all but disappear.

The problem facing the savings and loan industry is not simply that savers are putting their money in higher yielding money market certificates. Savings institutions are operating at a severe deficit because of the combined effect of the decline in savings along

with their increasingly unprofitable long-term mortgage portfolios. In my own district, the cash growth in savings at savings and loans has experienced a drop of 91 percent between the fourth quarter of 1980 and the first quarter of 1981. The average cost of money to the savings and loans has risen from 9.32 to 10.38 percent while the average mortgage portfolio yield has increased from 9.49 percent to 9.56 percent. As a result, these institutions are consistently posting losses, and mortgage money is virtually nonexistent in my district. I do not believe that this example is unique, but rather it is the norm throughout the country. We may well be approaching a crisis of unprecedented proportions in the savings and loan industry.

I believe that an effective way to give some relief to the industry and stimulate housing at the same time is to allow the savings and loans to dispose of their low-interest rate mortgages. To do this there must be an incentive for someone to buy these unprofitable long-term obligations. Giving a tax break to purchasers of these mortgages would provide them with the incentive they need to buy the mortgages and it would provide an influx of badly needed cash to the savings and loans which they in turn could use for making new mortgage loans at current market rates.

My bill does not mandate any financial assistance to the savings and loan industry. It allows the President, upon his determination that the industry is in such need of emergency assistance, to permit investors in the secondary mortgage market to purchase residential mortgages from savings and loans and not to be taxed on the interest received from these mortgages. The President would also have the authority to determine limits on the interest rates and maturity dates of the mortgages that could be purchased under this program. The legislation limits the effectiveness of this program to a period of 6 months, commencing on the date that the President puts it into effect. It further limits this authority to a one-time use. If the President were to activate this program, it would expire at the end of 6 months and Congress would have to authorize any further action.

I realize that there is no perfect solution to the problems facing the savings and loan industry. My bill, if enacted and implemented, would cost the Federal Government more than $1 billion in lost revenues. That is why I have sought to make this an emergency power of the President rather than having Congress mandate the program. In this era of reduced Government spending, such an action would not be popular and would only be taken as a measure of last resort to help the troubled savings and housing industries. I would urge my colleagues to consider this or some other form of emergency measure before it is too late.●

PEGGY STUART-COOLIDGE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Ms. OAKAR. Mr. Speaker, this past May 7, a great and talented woman, Peggy Stuart-Coolidge, passed away. Peggy Stuart-Coolidge is the only woman composer from the United States to be honored abroad. Aram Khachaturian invited her to send some of her music to Russia and then invited her to be present when the Moscow Symphony performed her work. Instead of one piece, the full 1½ hours were devoted to her music alone and people from the American Embassy in Moscow were special guests.

She was honored by the Polish and Soviet Composers Society. Prince Bernhard of the Netherlands selected her work from international competition for the World Wild Life Society and honored her when the work was presented in London.

Ms. Coolidge had works presented and performed in Italy, the Netherlands, Great Britain, Norway, Sweden, Poland, Hungary, Germany, Austria, Canada, and Japan and given awards in all of these countries, but never once received one here in her own country.

As a special contribution to world understanding she did a documentary on communication through music in Japan, Hong Kong, Thailand, and India.

It is an honor and pleasure for me to share the following article outlining some of the accomplishments of this brilliant American composer:

PEGGY STUART-COOLIDGE

Peggy Stuart-Coolidge is believed to be the first American woman composer of symphonic works to be heralded by an album devoted solely to her own compositions. Entitled "American Reflections," the recording was released by Vox Productions in June 1976.

The former Peggy Stuart of Boston, Massachusetts, began composing at the age of nine. She is now one of the few American women composers with international standing, since her works have been performed in Italy, the Netherlands, Great Britain, Norway, Sweden, Poland, Hungary, Germany, Austria, Canada, and Japan. At the invitation of the Union of Soviet Composers, Miss Coolidge was invited to Moscow in 1970, where her works, submitted to the Union, resulted in a concert devoted exclusively to her compositions, introduced by Aram Khachaturian. The Coolidges were later advised that no other American composer had been accorded the honor of a one-composer concert in the Soviet Union. She was awarded the Medal of the Soviet House of Workers in Art. From 1970 on, performances of her works multiplied over Western Europe, including East Berlin.

She is unique in the fact that while she was in these countries for performances of her music, she was continually assimilating their musical attitudes and absorbing their culture. This is clearly visualized in the documentary film that was made of her experiences with the musical communities of Tokyo, Hong Kong, Thailand and India. The sequences include visits to a narcotic rehabilitation center orchestra, playing and singing for children at a convalescent home in Hong Kong, attending performances by refugees from the Peking Opera and folk dances performed in the foothills of the Himalayas, as well as a performance of an orchestra of Tibetan lamas accompanying prayer chants.

Married to Joseph R. Coolidge, a writer and editor, Miss Coolidge has pursued with her husband their dedication to conservation and the environment as members of the World Wildlife Fund. At the request of the president of the organization, Prince Bernhard of the Netherlands, the Coolidges created a narrative composition entitled "The Blue Planet" which was first presented at the International Congress of the World Wildlife Fund in Bonn in 1972. The ten minute composition has become the musical motto for the organization. The theme was subsequently performed in San Francisco in November 1976 as part of the program of the Fourth International Congress of the World Wildlife Fund.

Miss Coolidge was represented on the first program of the Eleventh Annual American Music Festival at the National Gallery of Art in Washington in April 1977. Conductor Richard Bales selected Miss Coolidge's "Pioneer Dances" for the program.

Miss Coolidge's most ambitious achievement is the completion of a full length ballet, "An Evening in New Orleans," with a fictional scenario by Joseph Coolidge, based on the historical hero Jim Bowie in the year 1832.

In May of 1978 Miss Coolidge's "American Mosaic" was performed by the American Wind Symphony Orchestra of Western Pennsylvania, Robert Austin Boudreau, conductor. The overture, commissioned by the orchestra, had its premiere performance in Pittsburgh and remains a part of the orchestra's standard repertoire.

Miss Coolidge studied with one of the last pupils of Leschetizky, Heinrich Gebhard, teacher also of Leonard Bernstein. She studied composition privately with Raymond Robinson, then head of Boston University's Music Department and with Quincy Porter of the New England Conservatory.

Highlights of Miss Coolidge's career include:

Presented symposia for the Polish and Soviet Composers' Society in Warsaw and Moscow on the subject of the overlap of serious and popular music.

Composition of a film score for "A Silken Affair," starring David Niven.

Incidental music for a New York production of Sean O'Casey's "Red Roses for Me," starring Martyn Green, and incidental music for Richard Lortz's Broadway play "Voices," starring Julie Harris and Richard Kiley.

"Pioneer Dances" heard in the album of Miss Coolidge's compositions is included in the repertoire of the United States Marine Orchestra for performance at the White House.

As an unofficial cultural ambassador in other countries, she has been praised on the

floor of the Senate by former Congresswoman Margaret Chase Smith. Senator Tom McIntyre of New Hampshire arranged for a flag to be flown for a day over the National Capitol in her honor with the citation ". . . for furthering better understanding among nations through the universal language of music".

"Pioneer Dances" performed at Carnegie Hall in 1975 in celebration of the 15th anniversary of Norwegian Immigration, King Olaf present.

"American Mosaic" commissioned by the American Wind Symphony Orchestra of Western Pennsylvania, Robert Austin Boudreau, conductor, premiered on May 20th 1978 in Pittsburgh, Pennsylvania.

REVIEWS

"I consider her one of the most brilliant composers in America."—Aram Khachaturian, September 14, 1977.

"Richly melodic, brightly orchestrated music, expertly written in the American idioms pioneered by Copland and Gershwin and immediately enjoyable on first hearing for anyone who likes those composers. There are touches of jazz in the 'Rhapsody' and the 'Spirituals,' a charming folk-music flavor on the 'Pioneer Dances', a haunting evocation of mountain landscapes and a lively depiction of a county fair in 'New England Autumn.' "—Joseph McLellan, Washington Post, May 22, 1977.

"Brilliant orchestration, slightly modal harmonies and rhythmic insistence . . . Coolidge's 'Pioneer Dances'—a rollicking stomp, a quiet dreamy piece, and a fiddle tune—are spirited, nicely worked out pieces."—Joan Reinthaler, Washington Post, April 18, 1977.

"Also bears strong affinities to the serious contributions of Morton Gould . . . strongly appealing . . . intriguingly orchestrated."—Paul Kresh, Stage Review, January 1977.

"Here she has recorded her 1965 piece 'Rhapsody': many moods mostly as mellow as a ripe pineapple and with just that touch of tang, realized in full orchestral sound. 'New England Autumn' advances mellow into nostalgia although injected with a measure of gaiety. 'Pioneer Dances' continues the folk flavor of bygone times still fresh in memory. And then there are Miss Coolidges's own 'Spirituals' (1969) at times yearning, at times triumphant, which fit into the complimentary texture of this collection."—Christian Science Monitor, August 20, 1976.

"Bright, optimistic . . . plainly the work of a practiced professional."—Irving Lowens, Washington Star, April 4, 1977.●

THE SPREAD OF ATOMIC BOMBS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. MARKEY. Mr. Speaker, one of the most pressing problems facing mankind is the spread of atomic bombs to a multitude of countries around the world. I am extremely concerned about the direct link between commercial nuclear power technology and the ability to acquire an atomic bomb. I would like to insert in the RECORD for the benefit of my colleagues a recent editorial in the Wall Street Journal which articulates the dilemma which nuclear trade and commerce in the peaceful atom has created for world security.

[From the Wall Street Journal, May 11, 1981]

NUCLEAR CURRY

The Reagan administration, with good reason, is striving for a rapprochement with Pakistan by offering that country a hefty, long-term package of military and economic assistance in order to counterpoise the Soviet threat in Southwest Asia. What, however, should be the U.S. response if, as seems likely, Pakistan detonates a nuclear bomb?

Sen. Alan Cranston recently disclosed U.S. intelligence information that Pakistan is building a horizontal tunnel in the Baluchistan Mountains near Afghanistan for a probable test of a nuclear warhead "by the end of the year, most likely by the end of 1982." Other intelligence information and news reports reveal that Pakistani physicists, while working in European nuclear-energy programs, acquired knowledge to produce plutonium—the essential component of a nuclear bomb. French and Swiss companies have supplied the necessary technical hardware, and Libya's col. Khadafy has provided funding for the project and subsidized the purchase of uranium supplies from Niger.

Pakistan's zeal for a nuclear bomb is the consequence of the "peaceful" nuclear bomb exploded by its neighboring adversary, India, in 1974. At that time, India used a Canadian reactor and U.S. heavy water to produce its bomb. Unlike Canada, which immediately cut off nuclear trade with India after the 1974 explosion, the U.S. has continued to supply India with nuclear fuel despite its refusal to permit international inspection of all its nuclear facilities and to disavow further fabrication of nuclear weapons. According to intelligence sources, India is poised to explode another nuclear device at its Pikaran test site, and the Reagan administration is considering curtailment of additional fuel shipments to India, though there is no guarantee that India will not use the U.S.-supplied fuel in its possession to construct additional bombs.

The U.S. should not send any additional uranium to India until it accepts "full-scope safeguards" and ends its bomb program. But it should be made plain that the U.S. is not abrogating its agreement, but that India has violated our mutual contracts. The U.S., which is India's largest trading partner, could use economic leverage to dissuade India from pursuing its nuclear program by holding back this year's $250 million in economic assistance and by seeking similar prohibitions from such international organizations as the World Bank.

As for Pakistan, the U.S. should of course try to preserve that nation's nuclear-weapons virginity, but it is rather late in the game considering the lack of sanctions against India. It is not clear whether we could do more to contain the spread of nuclear weapons by ostracizing Pakistan than not doing so. It already has the money, technology and uranium to produce a bomb, plus the incentive of the Indian program. And the biggest danger is not a Pakistani bomb but an "Islamic bomb," with Pakistan sharing its technology with its Libyan bankrollers, who in turn might pass it along to the Palestine Liberation Organization.

Thus the U.S. faces difficult and painful choices in its anti-proliferation policy, choices that might have been avoided if the U.S. had not set out on its Atoms for Peace Program, had imposed sanctions promptly after the Indian explosion, and had otherwise conducted anti-proliferation policy with a seriousness that has been sadly lacking.●

YOU'RE IN GOOD HANDS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1981

● Mr. OTTINGER. Mr. Speaker, I would like to insert into the RECORD the following article written by Loren Stell for the Westchester Gannett Newspaper chain which appeared on Sunday, May 10, 1981.

The article, an interview with Dr. Barry Commoner, reveals Dr. Commoner's great wisdom and provides important insights to solving our energy problems.

I offer this article for my colleagues' attention:

BARRY COMMONER WANTS THE POWER IN YOUR HANDS

(By Loren Stell)

Up to now, money-saving solar energy has been directed at people who can afford a $25,000 mortgage increase. But many lower-income families have an option they haven't heard about.

There are millions of row-houses up and down the East Coast that could take advantage of cogeneration and solar energy. What we're going to do is develop an optimal energy system.

Before deciding to run for president last year, Dr. Barry Commoner took a long survey of the political thicket. He saw Jimmy Carter wandering, lost. He feared the havoc of Ronald Reagan's budget machete and military spending. Only a new party, he believed, could begin the natural process that would return the nation to its place in the sun.

That he captured less than 1 percent of the vote doesn't bother him. He says his campaign firmly established the Citizens Party, dedicated to the proposition that Americans don't have to be impoverished by the high cost of energy or by the mistakes of reckless corporations chasing profits.

As Reagan arrived in Washington, the energetic Commoner, now 63, bobbed up in his native New York city, where he has begun to offer new prescriptions for our energy ills.

The engine for change is the sun, now the only feasible long-term hope, according to Commoner. He says the nation—and the world—must make the "solar transition" to renewable fuels. He is opposed to the alternative offered by nuclear proponents: breeder reactors that are supposed to make more nuclear fuel than they burn. Such reactors, Commoner says, are too expensive, too complicated, too unreliable and too dangerous.

A biologist, Commoner has long been an environmentalist leader, having started his Center for the Biology of Natural Systems in 1966 at St. Louis' Washington University. His book, "The Closing Circle," sums up many of the findings of his early work.

The environmental studies led to Commoner's interest in the energy crisis, which

resulted in his most recent volume, "The Politics of Energy."

Commoner didn't get much coverage in last year's campaign until he used barnyard terms in a radio spot to criticize Reagan and Carter policies. That was too bad, because his views are startling in their commonsense simplicity.

Working out of his center, now based at Queens College, Commoner plans to apply the "solar transition" to a block of row houses. He will first install a cogenerator—an engine that can provide space heat while making electricity—and later add solar panels and photovoltaic cells.

The implications of the project are broad. If it is practical on a wide scale, the nation would have to burn less of its scarcest fuels. In addition, each American family would gain far more control over its energy production and costs. Commoner's ideas could, in short, truly return power to the people, as he explains:

Question. Can New York really cut down its appetite for energy?

Answer. Absolutely. In Queens, we are introducing energy-saving and solar processes into areas where poor people live—because the poor suffer most in the energy crisis. Up to now, steps taken to introduce money-saving solar energy have been directed at people who can afford a $25,000 increase on their mortgage. But thousands of lower-income families have an option they haven't yet heard about.

Question. To make the "solar transition?"

Answer. Right. Cogeneration—the production of electricity without throwing away the heat made in the process—is the key to an energy-efficient system.

People can form small energy co-operatives out of a group of row houses. In a row house, you've got a group of houses with just one wall between their basements. Our idea is to put a cogenerator in one building that would produce electricity and heat for the entire row-house block, delivered by a single pipe driven through the interconnecting walls.

Once that's set up, the savings start immediately, because in generating your own electricity, you are also producing free heat. Then you can begin to introduce solar savings in three different ways: by putting heat collectors on the roof and adding it into the circulating hot water from the cogenerator, installing photovoltaic cells when the price comes down, and finally by the substitution of methane produced from garbage or sewage for the natural gas burned in your cogenerators.

Question. These cogenerators are just converted auto engines?

Answer. Yes, four-cylinder Fiat engines, which have been converted to burn natural gas instead of gasoline. In Europe, they're very popular and are often used banded together. There is no reason why such units couldn't be made in the U.S. You would have to design the whole thing, but it's not terribly complicated.

Question. Why did you pick row houses, rather than high-rises?

Answer. The practicality of cogeneration in high-rise apartment buildings is known in Europe and here. Several huge complexes in Brooklyn and Queens already have cogeneration units. But you have more difficulty introducing solar energy, because tall buildings have relatively little roof space.

There are millions of row houses up and down the East Coast that could take advantage of cogeneration and solar energy. What we're going to do is develop on optimal energy system—and also a way of evaluating any given set of row houses with respect to their structure—so that any metropolitan homeowner group can compute how big a cogenerator has to go in, what the relative advantages would be, what value solar heaters would add, and so on . . .

Row houses are ideal in the city. In the suburbs, one-family houses in small neighborhoods could be connected by pipes in ditches. Although no one I know of in the suburbs has built such a district-heating system, neighborhood cogeneration will eventually be economical too, especially because suburban houses have more roof area available for solar devices.

Question. If everyone begins producing his own electricity, how would that affect the utility companies?

Answer. Wall Street is no longer looking at utilities as a good investment and very soon neighborhoods might start out-competing them in producing cheap energy. In a solar transition, of course, utilities everywhere are going to be in trouble. It is very unlikely that they can maintain a centralized power grid as a private enterprise. They probably should all go into public ownership.

Question. Until that happens, how would your row-house cogenerators hook up to the utility system?

Answer. The mathematics will have to be worked out. You could keep the size of the row-house cogenerator down, and when there is a peak demand for the use of electricity—in the middle of the summer—you may buy some from Con Edison.

On the other hand, you may choose to have a congenerator big enough so that you could always meet your peak demand. Then you're bound to have extra electricity in the winter. So you'd sell it. Con Edison wouldn't like that, but they'd have to buy it. There are rules about that now.

Question. What other projects are underway at the center?

Answer. We have come up with a method of analyzing urine to determine whether a person has been exposed to carcinogens. Here we hope to test childrens' urine—since they are not industrially exposed and not smoking—in order to get a picture of the distribution of carcinogens in the general environment.

We plan to test kids in the city and the suburbs, particularly northern New Jersey where there are heavy levels of pollution.

Also, we are trying to research whether it's possible to pump up the sludge that's been dumped offshore all these years in the New York Bight and convert it into methane.

Question. Aren't you going to have to sign up a billionaire to help you get these projects off the ground?

Answer. It's going to be very hard, because the research money we have been using has largely depended on the federal government. Now Reagan has decided that the Department of Energy should be reduced to exploring nuclear power—precisely the wrong thing to do.

Question. Would you say that you hope to make New York self-reliant?

Answer. Certainly not. It's out of the question. Self-reliance is a trap in some ways. When I testified before Congress, I calculated that there just isn't enough solar area in Manhattan to support the people who live there. New York will always have to depend on imported energy.

Question. That might take a whole Middle East oil field.

Answer. Not necessarily. The imported energy should be solar energy. The important thing to do now in New York and other big cities is to set up systems that will readily accept imported solar energy. That's why natural gas is so important. Because the natural-gas pipe system can also accept methane gas from biomass, such as farmers' compost or garbage. There is a plan to pipe methane from the Pelham Bay Park landfill to Co-Op City, for instance. This is a form of renewable solar energy. Our studies have shown that the most efficient and economical way to cogenerate electricity and heat locally is with methane gas.

Question. Why not generate electricity centrally as we do now?

Answer. The main reason is that the most energetic way to transmit energy—that is, with the least loss—is by piping gas. Transmitting electricity over distance is very wasteful. It has to overcome resistance in the lines. More, when you conduct electricity from a central power plant, you are producing an awful lot of heat at one place and it's difficult to get enough people to live around a plant to make efficient use of that heat. Beyond that, the biggest expense is the amount of capital needed for central plants, especially for nuclear-produced electricity.

Question. Not a lot of people are heading to Three Mile Island.

Answer. That's right. When people learn that decentralized production of electricity—through cogenerators—makes sense, then the need for methane and natural gas becomes obvious.

With people living close together, you have to have a fuel for their cogenerators that won't pollute. And natural gas and methane do not pollute—back to the row-house project.

What we are doing makes sense today simply based on the economics of cogeneration. Eventually, my idea is that surplus methane produced from biomass plants above ground could be pumped the other way back underground into natural gas tanks.

Question. You've come a long way from where your started—with air, earth and water—to this overriding concern about energy.

Answer. Our environmental research led us to energy. The pollution problems came about because of faults in our production system—the way in which we produce cars, fabrics and food. In many ways, energy is the most crucial element in redesigning our system of production. Without energy, no production takes place. If you reduce my concern to one central theme, it's not pollution or energy. It's reorganizing the system of production. That explains why I went into politics. We will need profound political reorganization to confront the problems of energy and pollution.

Question. Besides talking about corporate mismanagment due to the goals of simply making profits, you've written that pollution—and the huge debt it's incurred—also makes political reorganization a necessity.

Answer. Absolutely. Take the business of toxic wastes. There are at least 5,000 Love Canals all over the country. How large a problem they present can be seen from the superfund Congress voted to begin the cleanup. A lot of taxpayers' money has been unnecessarily wasted. How did this happen?

Basically it happened because of the development of the petrochemical industry after World War II, which proceeded to put a burden on the environment. It was

cheaper for the companies to just dump waste, rather than to detoxify the poisons. But cleaning it up now is a lot more expensive than preventing it in the first place would have been.

The question has never been asked, when these decisions are made, "Is this going to be good for the people of the country?"

No, the essential decision is made by a corporation asking only one question, "Is this good for our corporation, for our profits? And if it is, we'll do it." Then later we discover whether it is good or bad for the country.

In "The Closing Circle" I wrote that a series of decisions made by the auto companies, the utilities and the petrochemical industry—decisions good for short-term profits—were bad and unprofitable for the country. This raises the basic issue: How do we prevent such corporate short-sightedness?

Question. This was part of your concern when you were campaigning for the Citizens Party?

Answer. Right. We are heading for very serious economic problems. We've got an auto industry that is deteriorating; we've got a subway system in New York—and mass transit all over—that's in bad shape; we've got inflation and unemployment. Clearly, we have to rebuild the economy.

The energy crisis leads to various opportunities to rebuild in a much more efficient way. For example, we could have our auto system on alcohol, as in Brazil, which is moving into total alcohol fuel. The Ford factory there is building 100 percent alcohol-fueled cars. People are buying them as fast as they can build them. Imagine if we did that here?

Question. Then the energy crisis may actually lead to an economic upswing?

Answer. Perhaps. But it's going to take major capital investment, and I don't see any way of getting the capital unless we cut drastically the capital we're wasting in military production.

There's a very simple, fundamental point that's very hard to get across to the pundits and the media. It is that the rate of inflation—the ability of an economy to grow—is directly releated to the percent of the economy that goes into military production.

It's no accident that the highest rate of inflation in any industrialized country is in Israel, because the Israeli economy has been so heavily turned toward the military. Among the large countries, the U.S. has the highest rate of inflation. And, of the large countries, the U.S. has the highest percentage of its budget going into the military.

At the other end of the scale are Japan and West Germany. They're in great economic shape because they cleverly lost World War II and for many years were held back by the treaties from investing in the military. This simple fact—that big increases in unproductive military spending pushes inflation higher—is being ignored totally by the Reagan administration.

Question. How did your campaign audiences respond when you spoke this way?

Answer. A lot of them would say at first: "My God, the Russians will overrun us if you take this stance. The huge military expense is justified, because we are in danger."

I'd tell them another way to look at it is to remember what we were told by the administration at the time of the Vietnam War—that we had to get involved because of this threat to the U.S. because of Soviet and Chinese expansion. We listened, got involved and lost. And even though we lost, we haven't been threatened. If it's true, as any objective military expert will tell you, that the government in Vietnam is not a threat to the U.S., it means the entire tragedy—the huge expenditure in Vietnam—served no purpose relative to our security.

Question. Estimates range as high as $200 billion, I believe.

Answer. And thousands of lives. And, in some ways even more importantly, Vietnam destroyed the credibility of the government so much so that the people have now elected a president who is basically an anarchist.

Question. How are you defining anarchist?

Answer. Reagan I consider to be, in a sense, an anarchist. He tells us the big problem is the government. That's what anarchy is about. Anarchists claim that if you do away with the government, everything will be all right. And, as you might imagine, I consider that bad, because government allows us to improve civilized life.

Question. Out in the hustings when you were trying to get elected . . .

Answer. I wasn't trying to get elected. That was not my mandate or intention. We were organizing a party . . . And the Citizens Party is established now. Of course, the election was very strange in many ways. Nationally we received .27 percent of the vote. You say that's very little. But it's not an accurate measure of our constituency.

Wherever we had a local candidate, the vote was enormously higher. In Missouri, where we had write-in campaigns, two local candidates ran. One got 10 percent of the vote and the other got 19. This makes me believe that our true constituency is about 10 percent.

Question. What are some of the issues that the Citizens Party will be keeping alive?

Answer. Well, expenditures on public enterprises—water, sanitation, garbage—have been neglected. The propaganda against public expenditures has had a disastrous effect on the quality of these systems and therefore on the quality of life. There is no way we're going to have a decent standard of living without paying attention to these things. For example, maintenance and development of the whole New York City water supply has been neglected, as has been the mass-transit system.

Question. Have you a vision of what a solar New York would be like?

Answer. One of the things that would be immediately apparent would be the neighborhoodness of the city. Clearly what would be happening would be the establishment of local co-operatives. They would begin initially around the business of producing energy and you can see how the thing would spin out.

You might have a row-house cooperative or a block association covering one block or 10 square blocks. An issue in the neighborhood newsletter might be, since there would likely be an excess of energy generated at the co-op power stations, "Hey why don't we buy some electric cars for the neighborhood that all members could use to go shopping?" The batteries would sop up the extra electricity and members would be provided with a convenient service.

The cars and the generating plant would provide jobs for local people. And out of that might come the notion of also buying an electric truck to go outside the city to a farmers' co-operative to pick up food where it's freshest.

Eventually, perhaps, some food co-ops might link up with the energy co-ops. These new associations of consumers would invade the territory which is now thought to be the province of the utilities and the supermarkets. Maybe a few windmills would whirl and garbage collection would gain in status—it would be an important resource for methane for the cogenerators.

Question. Is it possible, using some of the logic in The Closing Circle, to say our government has to learn to close its own circle?

Answer. I don't usually equate bilogical and social issues. Science deals with molecules, not people. . . . What I was talking about in the book was the origin of life. The way in which it happened was that we had organic matter laid down chemically on the surface of the earth. The first living things arose as users of the organic matter. That's where they got their energy from. And if nothing else had happened, life would very soon have gone right down the drain—using up all the earth's organic matter.

But photosynthesis arose, a natural means of constantly re-creating organic matter, as in plants, through solar energy—thus closing the circle. If it weren't for that closed circle, we wouldn't be here today . . . Our system of production is now dealing with our resources in this unilateral way—burning up non-renewable organic matter like oil—and failing to recognize the need to fit into this balanced system. We now have to restore the integrity of the system.

Question. I still wonder if you can't extend your metaphor? If the profit motive can be seen as a linear kind of phenomenon—unwittingly using up the earth's resources without replacing them—then shouldn't enlightened government "close the circle" and create a kind of "human photosynthesis"?

Answer. It's not inevitable that we will succeed as nature does. But I would agree; what we must have is a government that recognizes the need for concerted social action as a way of sustaining individual human lives.●

SENATE—*Monday, June 1, 1981*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., offered the following prayer:

Father in heaven, we are grateful for the respite which recess provided and for the renewal with which we begin the hard work ahead. As the Senators deal with specific, controversial details of legislation, grant special energy, insight, and patience. Strengthen them against relentless pressure from constituents, lobbyists, and special interests. Help them to resolve differences without rancor and bitterness. Lead them in the way of compromise that does not sacrifice principle or self-respect and that preserves which are just, equitable, and serve the common good.

We thank Thee for the long life and faithful public service of Carl Vinson and commend to Thee his loved ones and friends who mourn his loss.

Thank You, God, for dedicated men and women who manage the cloak rooms, who do the business of the Sergeant at Arms, the Secretary of the Senate, and the Senators' offices. Thank You for doorkeepers and security personnel who are always there. Thank You for elevator operators and pages who respond faithfully to constant demands. Thank You for cooks, waiters, and waitresses in the restaurants and for those who care for buildings, grounds, and facilities.

Dear God, teach us to appreciate each other, to respect and honor each other—to love each other as Thou dost love us in Christ. Amen.

ORDER OF PROCEDURE

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, will the Chair please advise me of the order of business of the Senate pursuant to the unanimous-consent agreement entered into at the time of our adjournment for the Memorial Day recess?

The PRESIDENT pro tempore. The Senate adjourned for the Memorial Day recess under an order that provided that the reading of the Journal would be dispensed with, that there would be no call of the Calendar, and that no matter would come over under the rule.

Mr. BAKER. I thank the Chair.

Mr. President, is there now time allocated to the two leaders under the standing order?

The PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. I thank the Chair.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I have no need for my time under the standing order. I am prepared to yield to any Senator any portion of it, or to the distinguished acting minority leader, or to yield back the time, depending on the needs and requirements of my colleagues.

RECOGNITION OF THE ACTING MINORITY LEADER

Mr. EXON. Mr. President, we are advised that the Senator from Georgia (Mr. NUNN) is on his way to the Chamber and wishes some time, under the time allocated to the leader on this side. Other than that, I know of no pending business at this moment on this side of the aisle, and I so advise the distinguished majority leader.

If he has no further business to transact, it might be appropriate for either of us to suggest the absence of a quorum. However, before I do that, I yield to the distinguished majority leader.

Mr. BAKER. I thank the distinguished acting minority leader.

Mr. President, I yield back my time under the standing order. Does the Senator yield back his time under the standing order?

Mr. EXON. So long as it is understood that we will have time for morning business, so that the Senator from Georgia can deliver his statement, in accordance with his request for time.

Mr. BAKER. Mr. President, has not a period been ordered for the transaction of morning business?

The PRESIDENT pro tempore. A period has been ordered for the transaction of morning business.

Mr. EXON. With that understanding, I yield back the time on this side under the standing order.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 5 minutes each.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

TRIBUTE TO CHARLES W. YOST

Mr. MATHIAS. Mr. President, with the death of Charles W. Yost on May 21, 1981, the United States lost a wise counselor and our fragile planet lost a staunch defender. Ambassador Yost devoted his life and his many talents, as diplomat, writer, and teacher, to the simple proposition that man, as a rational being, could be persuaded to deal rationally with the great problems that confront humanity. Ambassador Yost's dedication to this principle—so simple, yet so elusive—distinguished him as a diplomat and imparted to his writing a quality of sane dispassion too seldom found in this or any other age.

Ambassador Yost did not advocate causes and crusades; he advocated reason. He was deeply involved in the search for solutions to the most complex international questions of our times—north-south imbalances; the nuclear arms race; continuing Arab-Israeli tension—but where others often brought only heat to a problem, he brought light.

The death of a person of Charles Yost's qualities of mind and heart is always untimely. His place will not soon nor easily be filled. But if his death can serve any useful purpose, it will be to give resonance to his quietly spoken advice to us over many troubled decades.

I will conclude these remarks by quoting from the rich legacy of advice Charles Yost left us. Characteristically, although he appreciates the enormity of the problems that challenge us, he believes we can surmount them. If we listen carefully, perhaps we can.

Ambassador Yost concluded his last book, "History and Memory," with these words:

> Our age seems to be suddenly encountering, indeed creating, more discontinuities than history can recall since the transition from the Middle Ages to the Renaissance.
>
> It is possible that in the 1980's and 1990's men and women may find themselves in an environment in some respects as inhospitable as that of some science fiction Mars. If they do, it will be an environment they themselves have made.
>
> Any such deterioration would be quite unnecessary. Neither East nor West could defeat the other in war without destroying itself, but the two together could put away their unusable weapons and grudgingly coexist. Neither can dominate or manipulate the Third World, but both could join with

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

it in managing their interdependence to common advantage.

None of the works of man, including himself, can be allowed to grow exponentially and indefinitely without running out of space and air, but all of them could be prudently programmed, like man himself, to grow to an optimum size for survival and well-being. . . .

If we can be persuaded that self-interest now demands much more sophisticated, forbearing, and harmonious accommodations with nature and with our fellow men of all colors and creeds than has been necessary in the past, there is no reason why we and our civilization should not go on to develop the almost magical capacities science promises.

If, however, we persist in defining self-interest and national interest in terms relevant to more primitive eras, but incompatible with our own, we risk creating a world in which, not some distant generation, but our own grandchildren will become an endangered species.

I have no doubt we are capable of the bold effort of will and imagination which is required, but I wake at night wondering if we realize how fast the hands of the clock are moving.

Mrs. Mathias joins me in sending deepest sympathy to Mrs. Yost and their children in their great loss.

I ask unanimous consent that the obituary of Ambassador Yost, published in the Washington Post on May 23, 1981, be printed at this point in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

CHARLES YOST, EX-AMBASSADOR TO U.N., WRITER, TEACHER ON FOREIGN AFFAIRS, DIES

(By J. Y. Smith)

Charles W. Yost, 73, a former U.S. ambassador to the United Nations and a career diplomat whose foreign posts took him to the Middle East, Europe and Southeast Asia, died of cancer Thursday at Georgtown University Hospital.

Mr. Yost joined the Foreign Service in 1930 and was sent to Alexandria, Egypt, as a consular officer. His next assignment was Warsaw. After a brief period in private life, he joined the State Department in Washington. He attended the Dumbarton Oaks Conference in 1944, the San Francisco Conference in 1945, where the United Nations was organized, and the Potsdam Conference shortly after the end of World War II in Europe.

In the late 1940s and early 1950s, he served in Czechoslovakia, Austria and Greece at times when these countries were under intense pressure from the Soviet Union or just emerging from it. In 1954, he was named U.S. minister to Laos and then became the first U.S. ambassador to that nation. In 1957, he was the minister counselor, or second-in-command, of the American Embassy in Paris. At the end of that year, he was named U.S. ambassador to Syria. Shortly after his appointment, Syria and Egypt formed the United Arab Republic. Mr. Yost was named ambassador to Morocco in 1958.

In 1961, he began his first assignment at the United Nations as the deputy to Adlai E. Stevenson. Following Stevenson's death in 1965, Mr. Yost stayed on to be deputy to Arthur Goldberg. He resigned from the Foreign Service in 1966 to begin a career as a writer and teacher on foreign affairs.

In 1969, president Richard Nixon nominated Mr. Yost as the permanent U.S. representative to the United Nations, the official title of the U.S. ambassador there. He resigned in 1971 and returned to writing and teaching. Mr. Yost held the rank of career ambassador, the highest a member of the professional Foreign Service can reach.

As his career progressed, Mr. Yost developed a reputation for a balanced and even-handed approach to international questions. In the tradition of classical diplomacy, he went about his work quietly. His style contrasted sharply with the high public profile kept by such predecessors at the United Nations as Henry Cabot Lodge, Stevenson, Goldberg and his successor, George W. Bush, now the Vice President. He believed that if force should replace the political process, it should be used with care and in pursuit of limited objectives. He was a critic of the massive U.S. intervention in Vietnam that began in 1965 under President Johnson, stating that no American interest was in jeopardy that would justify such an effort.

During his years as head of the U.S. mission to the United Nations, Mr. Yost was chairman of a four-power committee—the other members were Britain, France and the Soviet Union—whose purpose was to achieve a ceasefire in the smoldering war between Egypt and Israel. At the time of his resignation, some news reports said the Nixon administration had come to doubt that his support of Israel in the face of Arab claims was unqualified. Mr. Yost denied that he had had any policy differences with the administration in carrying out his duties.

At the same time, however, he developed an increasingly pessimistic view of the world. He was concerned, among other things, about population, pollution and the environment, the continuing poverty of the Third World, and the unequal distribution of wealth in the developed nations.

Mr. Yost set these views forth in a syndicated newspaper column and in three books that he wrote. The most recent is "History and Memory," which appeared last year. His earlier books were "The Insecurity of Nations" and "The Conduct and Misconduct of Foreign Relations." He also taught at the Columbia University School of International Affairs and the Georgetown University School of Foreign Service.

In 1979, Mr. Yost was cochairman of Americans for SALT, a group that lobbied the Senate for passage of the second Strategic Arms Limitation Treaty. He was a trustee of the American University in Cairo, Egypt, and director of the Aspen Institute program for cultural exchanges with Iran. He took part in several unofficial conferences between U.S. and Soviet scholars. In 1973, he was named head of the National Committee on U.S.-China Relations and visited the People's Republic of China in 1973 and 1977.

Charles Woodruff Yost was born in Watertown, N.Y. He was educated at the Hotchkiss School and at Princeton University, from which he graduated in 1928. He spent a year studying at the University of Paris before joining the Foreign Service.

Survivors include his wife, the former Irena Oldakawska, whom he met while serving in Poland, of Washington; three children, Nicholas and Casimir, of Washington, and Felicity, of New York City, and three grandchildren.

The family suggests that expressions of sympathy be in the form of contributions to the DACOR Educational and Welfare Foundation, Washington.

MARYLAND'S ECONOMIC REVIVAL

Mr. MATHIAS. Mr. President, the Congress and the administration have spent much of this year deliberating about how to reinvigorate the American economy and we have made some decisions which should help us achieve this goal. But nothing we do here in Washington can have the immediate impact that an enterprising State can have when it sets about with will and imagination to infuse new life into its economy.

It will surprise none of my colleagues to hear me identify Maryland as such a State. They are use to me singing the praises of the great "Free State" of Maryland. Indeed, I sometimes suspect they think I am partial.

Today, to dispel that illusion, I present supporting evidence from one of the most prestigious of all financial journals, the London Financial Times. On May 1, this dean of financial publications reported in near rhapsodic terms about the revival of Maryland's economic fortunes at a time of national recession. In a full-page article, the Financial Times Survey reports on Maryland's "buoyant and diverse economy," calling it "a success story against the odds."

I commend this article to other States which want to beat the odds. As is so often the case, they can learn from Maryland. I ask unanimous consent that the London Financial Times article be printed in he RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Financial Times Survey, May 1, 1981]

MARYLAND: A SUCCESS STORY AGAINST THE ODDS

(By David Buchan)

Maryland, this historic state named after Henrietta Maria, sad spouse of the unfortunate King Charles I, is staging a vigorous comeback. With above average investment and below average unemployment, it is gaining (or regaining) a reputation under Governor Harry Hughes as one of the better-managed states in the Union. Central to this happy trend is the remarkable upturn in the fortunes of its largest city, Baltimore, and the restoration of probity among its politicians in Annapolis, the state's picturesque capital.

For all its relative antiquity, Maryland looks like the leftover after the other states were carved out. The image its geography most resembles is a roughly hewn key, inserted from the Atlantic with a deep incision for the Chesapeake Bay and tapering west into Appalachia. The key can serve exporter and importer to unlock a large portion of the country, for Maryland is plumb in the middle of the eastern seaboard and reaches quite far towards the industrial mid west.

Many states claim to be America in microcosm and Maryland can lay claim to the cliché with as much justice as any. It spans from the rich, alluvial farmland of the "eastern shore" of the Chesapeake, with its big landholdings and Deep South roots and politics, to the hills of Western Maryland that shelter coal (and periodically Presidents at Camp David).

RECREATIONS

This gives Maryland a diversity enabling it to weather hard economic times. Unemployment in the state is around 6 per cent,

more than a percentage point below the national average. It also gives Marylanders a tremendous range of recreations, from skiing in the west to surfing in the east, as well as perhaps the world's tastiest and cheapest crustaceans out of the Chesapeake.

The heart of Maryland's renaissance is taking place in its centre, in, around and between two cities: Baltimore and Washington, D.C. This is where the overwhelming proportion of new investment is being sunk. The Hughes administration is rightly proud that whereas companies announced investment in new or existing Maryland plant of only $265m in 1978 (the year Mr. Hughes won the election), this rose to $1.1bn in 1979 and $1.2bn last year. That 1979–80 investment increase is expected to create more than 30,000 jobs in the five to seven years it takes to carry the projects out.

Of course, some of this is due to plain old market forces and has nothing to do with promotion by the state. Maryland does not give any exemptions to its taxes (which are about average among states—5 per cent sales tax, 7.5 per cent corporation tax and 2–5 per cent income tax), reasoning that one company's tax holiday would wind up as another's added burden. Nor, except in the case of the farm and service sectors is investing in Maryland likely to bring escape from trade unions.

Nevertheless, other states might do well to imitate Maryland's aggressive example in scouting for business. The state's officials claim that recent success will bring a return of $6 in state and local taxes paid for every dollar spent on promotion.

The reversal in Baltimore's fortunes has turned carping by other Marylanders at its decline into pride at its renaissance. Under the balkanised U.S. banking system, every U.S. state has its own financial centre, and Baltimore is Maryland's, but Baltimore (pronounced "Balawmer") started life, and has always been, a brawny blue collar city, attracting polyglot communities—Irish, Italian, Greek, Polish, German—as ports have done. The improvement in mainstream Baltimore and its downtown has been dramatic, with much credit due to its mayor, Mr. William Donald Schaefer.

IMAGINATIVE

The drain in manufacturing jobs has been stemmed. General Motors is modernising its Baltimore plant to the tune of $450m (one-third of all new investment announced for the state last year) to produce small cars. An imaginative housing policy is helping renovate the once-decrepit inner city, and the inner harbour is being spruced up into a big tourist attraction. The result is that, Lazarus-like, the city centre is coming alive again, as was obvious last autumn when the spotlight of national media attention focused on the city for the first of the presidential campaign television debates (between Messrs. Reagan and Anderson).

The brightest spot in Baltimore's industrial future is its potential as a coal port. It is already only second to Hampton Roads, on the Virginia coast, in handling coal exports, and has plans to expand loading facilities and dredge the upper Chesapeake to take bigger ships. At present, it cannot meet demand. Anyone crossing the bay bridge sees a veritable armada of empty freighters waiting to get into the coal bunkers. In these circumstances, a brief coal strike might even come as some relief.

A totally different area of Maryland's development is Washington, or rather its suburbs on the Maryland side. Maryland is in the happy position of having its cake and eating it too, with respect to the Washington suburbs. It does not fork out for District of Columbia services but reaps the benefit of taxing a generally stable and relatively well-paid work force of federal civil servants.

Proximity to the Federal Government brings other benefits, on which Governor Hughes and his staff are trying to capitalise. In their promotion efforts, which include opening an office in Tokyo as well as one in Brussels and trips to the Far East, Europe and California, they are making a special play for high-technology electronics and medical equipment—high-paying, high-value industries. The Federal Government is a prime customer of both these growth sectors—in the case of electronics Washington, chiefly the Defense Department, is the largest buyer and major source of research funds. Virtually the same goes for the health industry in Maryland. In Maryland it gets more federal money than any other state, and has eminent institutions such as the Johns Hopkins hospital in Baltimore.

Maryland gives these industries immediate access to the Government and to officials and congressmen who need to be lobbied, the state's salesmen are saying. Last year they went to Silicon Valley in California to persuade companies there that the quality of life could be the same in Maryland and that Maryland had plenty of scientific and engineering talent ready and waiting. A handful of these companies are said to be actively considering whether to branch out in Maryland.

POLLUTION CONTROL

Interest in these sectors also stems from the fact they create rather less pollution than some of Maryland's more traditional industries (it still has one of the country's biggest steel mills, the Bethlehem Steel plant in Baltimore). Partly out of awareness of what pollution can do to neighboring states (chemicals in New Jersey and Delaware, the Three Mile Island nuclear plant on the Susquehanna river which flows out of Pennsylvania and into the Chesapeake), Governor Hughes has made pollution control a particular concern. He has taken steps to allow disposal of low-level nuclear waste in Maryland, as well as directing his staff to work out more flexible approaches to environmental law with the aim of permitting more industry with less air pollution.

Maryland is thus becoming buoyant enough to ride out the vagaries of the national economy. Whether it is as well placed to changes in federal policy by the Reagan Administration is another matter.

Maryland has reckoned that the Reagan budget cuts—still, of course, to pass Congress—would cost it some $170m in 1980–81. That compares with a state surplus of some $110m in 1979–80. Many states like Maryland have a constitutional obligation to balance their budgets and cannot, unlike the profligate feds, go into the red. They have only two options: cut programmes or raise taxes, but the latter is no more popular than it is at the Federal level. The Maryland General Assembly this month rebuffed Governor Hughes's proposal for a modest one-cent-a-gallon increase in the state petrol tax.

In view of the impending Reagan federal budget cuts, such a tax increase was more vital than ever, but it is also an issue that probably will not be tackled until 1983, since next year is an election year for Governor Hughes and all state legislators.

SURPLUS

A few years ago, states would have been better placed to take up the slack in social programmes created by the Reagan Administration. In 1977 the states' overall surplus was more than $10bn; last year it had shrunk to $800m.

President Reagan has promised to cut the federal red tape on how states spend what money Washington gives them. But, as Governor Hughes gloomily notes, this would just pass the hard allocation decisions on to states, making state governors and legislators all the more prey to lobbying from single or special interest groups. For Mr. Hughes this might compound his political problem of being viewed as indecisive. No one disputes he is a better manager than his predecessors, Spiro Agnew and Marvin Mandel, both convicted of felonies, but if he wants of win re-election and keep the Governor's yacht, he will have to brush up his image as a leader.

PAUL R. POFFENBERGER

Mr. MATHIAS. Mr. President, I would like to ask my colleagues to join me in paying tribute to a distinguished educator, Dr. Paul R. Poffenberger, who is retiring as Associate Dean of the University of Maryland's College of Agriculture. Dr. Poffenberger has been associated with the University of Maryland in one capacity or another for the past 50 years. Beginning in 1931 as an outstanding student, he went on to become a professor and for the past 25 years he has served as an administrator.

In the course of his career at Maryland, Dr. Poffenberger has personally advised 3,689 agricultural students. He has received wide recognition and honors from local, State, and national groups. He served as a naval officer in World War II and as a national officer of the resident instruction committee of organization and policy for the land grant colleges. He has also been a commission member of the National Academy of Science.

Dr. Poffenberger is no stranger to Capitol Hill. He has frequently provided valuable testimony to congressional committees which has enriched their deliberations. I am sure my colleagues join me in wishing a rich and satisfying retirement to this outstanding educator, citizen of Maryland, and the United States.

THE DEATH OF FORMER REPRESENTATIVE CARL VINSON OF GEORGIA

Mr. NUNN. Mr. President, it is with great sadness that I advise the Senate of the death early this morning of the Honorable Carl Vinson, who represented the State of Georgia in Congress for over 50 years. Mr. Vinson was my great uncle, but was also one of the most distinguished individuals to ever serve in the Congress.

A giant oak has fallen in the forest.

Carl Vinson lived productively for many years, and made an indelible contribution to his community, his State, his Nation, and the free world.

The memory of Carl Vinson's contributions to our national security will live on in the aircraft carrier that bears his name, and also will live on in the hearts and minds of all those conscious of the history of our Nation's defense.

Carl Vinson possessed a tough dis-

ciplined mind, but all who knew him recognized his kind and loving heart.

His advice and counsel were invaluable to me personally. His example has been and will continue to be a guiding light for all aspiring to public service.

Georgia and America will miss this gentleman who enriched all he touched, but his indomitable spirit will always remain with us.

God granted his rich blessing on Uncle Carl, a man greatly honored and revered in his own lifetime. God blessed us all by placing Carl Vinson among us.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. NUNN. I am glad to yield.

Mr. MATHIAS. Mr. President, it was my great privilege to have served in the other body with Carl Vinson, and when I say it was a great privilege, it was truly that because he was a person of remarkable character and qualities.

He felt very strongly about economy in the Federal budget long before that became the fashion that it is today. He was scrupulous about his own expenditures, although he occupied a position of such power and such elevation that he could have arrogated unto himself enormous perquisites of office. For example, he meticulously took out a little case with postage stamps in it and put the stamps on his correspondence which he deemed to be personal or political in nature so that it would not ride on the frank at the taxpayers' expense.

Although he presided over a military empire of enormous proportions at the very apex of American global influence, I do not believe that Carl Vinson ever left the continental limits of the United States. He never took a trip. He felt that he could depend upon the advice and information given him by subordinates, by officers of the armed services, and he was always seeking to get the advice and counsel of senior officers of the armed services. But he was not afraid to demand the unvarnished truth. One of his greetings to a witness was "sit down, Admiral, and take off your muzzle."

With all the emphasis that has been placed upon his role as one who did so much to provide for the national defense, it should not be forgotten that he did not overlook the interests of his constituents.

Every now and then he would have to have a meeting of Members of the other body. Representatives of the districts in which the textile industry was important, and he would grab me by the lapel and say, "Now, son, you represent the largest manmade fiber plant in the country and we need to have you at this meeting." And when Carl Vinson made that clear, let me tell you I turned up at the meeting. It was a kind of a personal dedication and a personal leadership for not only on behalf of the people of his own congressional district but people who shared similar concerns across the country.

He was a great Member of Congress, a fine American and an example to all of us, and I am happy that the U.S. Navy made the decision before his death to name one of our principal men of war the U.S.S. *Carl Vinson*.

Through that ship the name Carl Vinson will continue to sail out into the future with pride and confidence as Carl Vinson carried himself through the Halls of Congress for longer than any other Member had served.

I thank the Senator from Georgia for yielding.

Mr. NUNN. I thank my colleague and friend from Maryland. Those words I am sure will be appreciated by all who knew and loved Carl Vinson, certainly by the family.

I know, in talking to him many times, what high regard he had for the Senator from Maryland. So I appreciate very much those kind remarks.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. NUNN. I yield.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I was indeed sorry to hear of the death of former Congressman Carl Vinson of Georgia. Congressman Vinson was one of the most able Congressmen who has served in Congress, certainly since I have been a Member of this body. We are very proud that his great nephew is now the distinguished senior Senator from Georgia, Senator SAM NUNN.

I had the pleasure of working with Congressman Vinson on numerous occasions. He was chairman of the House Armed Services Committee for many years. Prior to that he was chairman of the Naval Affairs Committee, and on conference committees I had the pleasure of working with him. I do not think I have ever known a more dedicated man, a man who had a higher sense of honor and a man who was more fair in every way.

He was truly a great American. I am very pleased I had the pleasure of serving with him in Congress, and I shall never forget him and I shall never forget the great service he rendered to this country. He passed away at the age of 98, a remarkable age. I understand he was in possession of his faculties during that period up until shortly before his death.

This country has produced many great men, and Congressman Carl Vinson was one of those men. We can truly be proud of his accomplishments, his achievements, on behalf of this Nation, on behalf of the great State of Georgia.

I further wish to say that his great-nephew, the distinguished senior Senator from Georgia (Mr. NUNN), is carrying on in his fine tradition. We predict that he, too, will make an outstanding record in Congress as did his great-uncle, Carl Vinson.

Mr. NUNN. I thank the Senator from South Carolina for his kind remarks. I also know Congressman Vinson thought the world of Senator THURMOND. For years and years I know they were on the conference committees together. In fact, I remember when I came up here right after law school I was working on the House side as a young lawyer, and I walked over across the Capitol Grounds with Congressman Vinson. I came over to the Senate Armed Services Committee. We sat at one end of the table and at the other end of the table were Senator Russell from Georgia and Senator THURMOND, who was sitting right by him, and Carl Vinson made a presentation of the House position on a conference report to the conferees of the full Senate Armed Services Committee. I remember thinking to myself then as a young law student what a memory that was to be sitting in the presence of all those great, tall timbers of our legislative body, including the Senator from South Carolina.

So I thank the Senator from South Carolina for his remarks. I assure him that it will be appreciated by all who knew Carl Vinson, particularly his family.

Mr. MATTINGLY. Mr. President, I would like to say a few words in praise of one of the finest men ever to serve in Congress. Carl Vinson died last night, but the legacy of his record 50 years in Congress lives on. He understood that America can only have peace through a strong national defense. That was true in 1915 when he first went to Congress, it was true when he retired in 1965, and it is just as true today.

In his 50 years on Capitol Hill, Representative Vinson served nine Presidents from Woodrow Wilson to Lyndon Johnson. Johnson, in fact, was placed on Vinson's committee when he first arrived in Washington in 1937. Johnson always credited Vinson with teaching him the ways of Congress, something that served him well when he became majority leader of the Senate.

As chairman of the House Armed Services Committee from 1946 to 1965, Vinson fought to further strengthen our military forces. But the little man from Milledgeville was not awed by Army or Navy brass. He always demanded a dollar's worth of defense for every dollar appropriated. But it was through Representative Vinson's efforts that America did not totally dismantle its Navy during the Great Depression. As chairman of the Navy Affairs Committee from 1931 to 1946, he fought for a modern Navy. In October 1962, Vinson wrote:

> Mistakes have been made, and more mistakes are to be expected. We have not, however, made the mistake of doing nothing.

This is advice we should heed in 1981.

Of all the great Georgians who have served in Congress, I would put Representative Vinson at the top with the legendary Senator Richard Russell. We remember his contributions to our Nation and praise them. We also pledge to follow his example of service.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF A COMMITTEE

The following reports of a committee were submitted on May 27, 1981, during the adjournment of the Senate, under authority of the order of the Senate of May 21, 1981:

By Mr. DOLE, Committee on Finance:

Robert J. Rubin to be an Assistant Secretary of Health and Human Services;

Pamela Needham Bailey to be an Assistant Secretary of Health and Human Services;

Richard P. Kusserow to be Inspector General, Department of Health and Human Services;

David R. MacDonald to be a Deputy U.S. Trade Representative with the rank of ambassador; and

Lawrence J. Brady to be an Assistant Secretary of Commerce.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of May 21, 1981, the Secretary of the Senate on May 22, 27, 28, and 29, 1981, received messages from the President of the United States submitting sundry nominations; which were referred to the appropriate committees.

(The nominations received on May 22, 27, 28, and 29, 1981, are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON THE ADMINISTRATION OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 54

Under the authority of the order of the Senate of May 21, 1981, the Secretary of the Senate on May 28, 1981, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

Pursuant to the requirements of Section 360D of the Public Health Service Act (42 U.S.C. 263 1), I hereby transmit the 1980 Annual Report on the Administration of the Radiation Control for Health and Safety Act. The period covered by the report precedes my term of office.

RONALD REAGAN.

THE WHITE HOUSE, *May 28, 1981.*

EXTENSION OF VETERANS' EDUCATIONAL ASSISTANCE PROGRAM—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE AJOURNMENT—PM 55

Under the authority of the order of the Senate of May 21, 1981, the Secretary of the Senate on June 1, 1981, received the following message from the President of the United States; which was referred to the Committee on Veterans' Affairs:

To the Congress of the United States:

In 1976, the Congress established, in P.L. 94–502, a new contributory education program under which individuals entering military service on and after January 1, 1977, would, on a voluntary basis, have funds withheld from their military pay for their future education. These contributions would, under the law, be matched by the Veterans Administration on a $2 for $1 basis.

The law provides for this Veterans' Education Assistance Program (VEAP) to be conducted on a test basis and requires termination of new enrollments by service personnel after December 31, 1981, unless I recommend continuation of the program before June 1, 1981.

Last year, the Congress enacted the Department of Defense Authorization Act, 1981, and the Veterans' Rehabilitation and Education Amendments of 1980. These two laws included revisions to the VEAP program and established a new, second test program under which service personnel, who enlist or reenlist after September 30, 1980, and before October 1, 1981, may be eligible for education benefits after serving for a specified period of time.

The conference report on the Department of Defense Authorization Act, 1981, recommended that the VEAP program be extended to June 30, 1982, in order to provide sufficient time for the Department of Defense to test and evaluate the new pilot program. That program is currently undergoing testing and evaluation.

As of the end of February 1981, a total of 3,872 individuals had commenced education training under the VEAP program. The relatively low training rate reflects, in part, the fact that under the law an individual may not begin to use his or her educational entitlement until completion of the first obligated period of active duty or 6 years of active duty, whichever period is less. Since the law did not become effective until January 1, 1977, the number of persons eligible to pursue training has thus far been minimal.

Over the next several months the Administration will be continuing its evaluation and review of both the VEAP and Department of Defense test programs, with a view towards developing legislative recommendations regarding education programs for servicemembers and veterans. In view of this effort, I am recommending that the VEAP program be continued beyond its current termination date of December 31, 1981. This will permit the Administration to complete its review and will provide time for submission of legislative recommendations that I anticipate will be submitted in early 1982.

Recently, the Veterans Administration submitted legislation to the Congress that would authorize a 1-year extension of the Veterans' Educational Assistance Program and make certain other adjustments in Public Law 94–502. I urge the Congress to enact this legislation.

RONALD REAGAN.

THE WHITE HOUSE, *May 30, 1981.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:05 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 50. Joint resolution designating July 17, 1981, as "National POW-MIA Recognition Day."

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3512) making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. WHITTEN, Mr. BOLAND Mr. NATCHER, Mr. SMITH of Iowa, Mr. ADDABBO, Mr. LONG of Maryland, Mr. YATES, Mr. ROYBAL, Mr. BEVILL, Mr. BENJAMIN, Mr. GINN, Mr. DIXON, Mr. FAZIO, Mr. CONTE, Mr. MCDADE, Mr. EDWARDS of Alabama, Mr. MYERS, Mr. ROBINSON, Mr. MILLER of Ohio, Mr. COUGHLIN, and Mr. YOUNG of Florida as managers of the conference on the part of the House.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2957. An act to amend the Federal Water Pollution Control Act to delete the limitation in the use of public treatment works grants for treating, storing, or conveying the flow of industrial users into treatment works.

H.R. 3520. An act to amend the Clean Air Act to provide compliance date extensions for steelmaking facilities on a case-by-case basis to facilitate modernization.

HOUSE BILLS REFERRED

The following bills were read twice by unanimous consent, and referred as indicated:

H.R. 2957. An act at amend the Federal Water Pollution Control Act to delete the limitation in use of public treatment works

grants for treating, storing, or conveying the flow of industrial users into treatment works; to the Committee on Environment and Public Works.

H.R. 3520. An act to amend the Clean Air Act to provide compliance date extensions for steelmaking facilities on a case-by-case basis to facilitate modernization; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of May 21, 1981, the following reports of committees were submitted on May 27, 1981, during the adjournment of the Senate:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment (in the nature of a substitute):

S. 884. A bill to revise and extend programs to provide price support and production incentives for farmers to assure an abundance of food and fiber, and for other purposes (with additional and minority views) (Rept. No. 97–126).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 145. A resolution waiving sections 303(a)(4) and 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 884; referred to the Committee on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MATHIAS:

S. 1289. A bill to provide that legislation appropriating funds for payment of pay to Federal employees shall be enacted separately from other legislation; to the Committee on Rules and Administration.

S. 1290. A bill for the relief of Dr. Rose Gustilo; to the Committee on the Judiciary.

By Mr. DOLE (by request):

S. 1291. A bill to provide a ceiling on Federal expenditures for medicaid, to increase States' flexibility to determine the scope of their medicaid programs, to make other amendments to the medicare and medicaid programs, and for other purposes; to the Committee on Finance.

S. 1292. A bill to amend title II of the Social Security Act, and related provisions of that act to improve the program of Old-Age, Suriviors, and Disability Insurance, and for other purposes; to the Committee on Finance.

S. 1293. A bill to amend the Social Security Act to increase the effectiveness and improve the administration of certain programs under the act, and for other purposes; to the Committee on Finance.

S. 1294. A bill to consolidate Federal grants to States for social services, to eliminate unnecessary restrictions on those programs and increase flexibility in a State's exercise of its responsibility for program administration, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATHIAS:

S. 1289. A bill to provide that legislation appropriating funds for payment of pay to Federal employees shall be enacted separately from other legislation; to the Committee on Rules and Administration.

SALARY SAFETY ACT

● Mr. MATHIAS. Mr. President, too often the Congress has pushed to the brink of financial disaster the millions of Americans who are employed in Federal service and the Armed Forces.

Just because Congress does not always enact appropriations legislation on time, Government employees, military personnel, the judiciary and their families ought not to face the prospect of payless paydays.

Over the last several years the Congress has failed to meet its own deadlines to assure continuous funding of the Federal Government. Far too frequently, when spending authorities have expired, we have not completed action on the new money bills or resolutions that would continue Government services and activities.

Many of us anticipated that after Congress adopted the Budget and Impoundment Control Act of 1974, Congress would adhere to a firm budgetary timetable. I had hoped that we would minimize delays for appropriations bills and sharply reduce the need for continuing resolutions. This simply has not occurred.

Every year since the Congressional Budget Act was fully implemented in 1976, final action on the first continuing resolution for a fiscal year has been delayed past the start of that fiscal year. The first continuing resolution for fiscal 1977 was not approved until the 11th day of the fiscal year; for fiscal 1978 not until the 13th day; for fiscal 1979 not until the 14th day; for fiscal 1980 not until the 12th day; and for fiscal 1981 not until late in the first day of the fiscal year. Thus a gap in Government funding has apparently become an annual step in the appropriations process.

Lengthy and heated debates over amendments and protracted controversy with the other body caused the delays. Never has there been controversy over continuing the basic services of the Government of the United States for 226 million people. But congressional inaction, indecision, and disagreement have cut off the paychecks of the very workers who provide the American people with those services.

Whenever Government employees and military personnel face payless paydays, partial paychecks or late payrolls, the whole Nation loses. The distress caused by a lapse in pay is destructive to employee morale and Government productivity.

Washington Post columnist Mike Causey recently explained how funding gaps jeopardize Federal Government operations.

A pay delay or a partial check can cause real personal hardships, especially for those in lower and middle grades who often live from paycheck to paycheck. Rents, mortgages, and other bills must be paid on time to avoid late fees, interest charges or bad credit ratings.

In the case of the armed services, uncertainty and delay in meeting payrolls not only lower morale, but also discourage reenlistments and actually constitute a risk and danger to national security.

When Federal paychecks stop flowing, communities with Government offices, military installations, and Federal research facilities feel the impact immediately. Local businesses, financial institutions, and providers of services suffer temporary economic dislocation.

It is unacceptable for congressional procedures to allow this sort of distress to continue. Under the Civil Service Reform Act of 1978, we set high standards of job performance and productivity for Federal employees. In return, we at the very least owe them their paychecks in full and on time.

The 97th Congress will face many controversial issues and undoubtedly many will be considered in the context of appropriations measures. If the past is a guide, most civil servants and military personnel might now anticipate deferred wages and salaries every year unless the Congress changes its procedures to insulate the Government payroll from appropriations delays.

Enactment of my salary safety bill would remedy the situation once and for all. It simply requires that legislation appropriating funds for payment of Federal employees be enacted separately from other legislation.

The procedure established by my bill would not require the expenditure of any additional tax dollars. It merely assures that the Federal executive departments and agencies, the judiciary, and the legislative branch would be able to meet on a timely basis commitments which would eventually be met in any event. The inflationary impact of this bill would be negligible.

Mr. President, it is time for Congress to relieve the unintended, but widespread anxiety and hardship which Congress has generated by the all too frequent late enactment of appropriations measures. The right of an employee to be paid for his work is so fundamental that no one should be insensitive to the need to correct this injustice.

I ask unanimous consent that the text of the bill and the "Federal Diary" column "When the Government Comes to a Standstill," be printed in the RECORD.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 1289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no bill or joint resolution providing an appropriation for any agency for payment by such agency of any pay to employees of such agency shall be in order in either the House of Representatives or the Senate unless such bill or joint resolution, or each section of such bill or joint resolution, reads after the

enacting or resolving clause, as the case may be, only as follows: "There is appropriated for , out of any money in the Treasury not otherwise appropriated, for payment of pay to employees thereof, for a period , .": the first blank being filled only with the name of the agency for which an amount is appropriated, the second blank being filled only with the period of time for which the amount is appropriated, and the third blank being filled with the budgetary amount appropriated.

(b) An amendment to any bill or joint resolution described in subsection (a) shall not be in order in either the House of Representatives or the Senate unless such amendment only strikes out the monetary amount to be appropriated by such bill or joint resolution and inserts in lieu thereof another monetary amount or unless such amendment provides for the appropriation of an amount for any office or unit of an agency which was not included in the offices or units of the agency for which amounts were appropriated under the bill or resolution.

SEC. 2. For purposes of this Act—

(a) "agency" means—

(1) an Executive agency under section 105 of title 5, United States Code;

(2) the judicial branch;

(3) the Library of Congress;

(4) the Government Printing Office;

(5) the legislative branch (except to the extent covered under the preceding subparagraphs); and

(6) the government of the District of Columbia;

(b) "employee" means an individual employed (or holding office) in or under an agency; and

(c) "pay" means basic and premium pay, allowances, agency contributions for retirement and life and health insurance, and other related expenses as the President shall prescribe in the case of Executive agencies, and as the head of the agency concerned shall prescribe in the case of any other agency.

SEC. 3. The provisions of the first section of this Act are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 4. The provisions of the first section of this Act shall apply only with respect to bills or joint resolutions appropriating funds for periods beginning on or after October 1, 1981.

WHEN THE GOVERNMENT COMES TO A STANDSTILL

(By Mike Causey)

The U.S. Government almost went out of business last year—no Social Security checks, disband the Army, ground all air traffic, that sort of thing—because Congress couldn't decide how much money, if any, it should spend to find ways to get the sucking aphid to lay off the asparagus.

Thousands of feds got half paychecks as the government was technically broke since the Senate and House couldn't decide whether Zip codes should be five digits or nine.

Debate over a congressional pay raise (for 600 people) bottled up operations in many federal agencies, some of them rather important to the way we all live. It happened.

Uncle Sam is still living on borrowed time—and money—with many agencies due to run out of funds again the first week in June.

The problem is "riders," the nickname given to unrelated, often off-the-wall, items that are stuck on "must" appropriations bills Congress "must" but doesn't always approve on time.

The government can't spend money unless Congress says okay. If spending authority expires, the only functions feds can legally perform deal with closing down their offices and answering the phones to tell taxpayers they aren't supposed to be answering the phones. The number of rider-related budget delays is growing.

The General Accounting Office, the congressional watchdog agency, says (respectfully) that Congress better watch it! GAO has studied congressional budget delays, and come up with a scenario for future shock that could make it as a made-for-TV-thriller, maybe "The Day Nothing Happened And Kept On Not Happening."

There have been "major" delays in approving funds for all or parts of government operations every year—except 1976—since 1972. Last year there was a 16-hour gap before funds were approved, not enough time to bring the government to a halt but enough time to cause chaos in many agencies, delayed payments or half-checks to workers, and the like. In Washington, a government company town, the story was about payless paydays, fear of benefit losses, and how the congressional logjam affected federal operations here. It could be much worse, GAO says, in the future if the delays—which were once unthinkable—keep happening and if agencies are without funds for longer periods.

If the next budget flap lasts a while, this is what GAO says it might look like:

Day One—Callers to government offices are told all nonemergency services are suspended pending congressional approval of budgets or spending authority.

Air traffic controllers get planes already in the air to their destinations. But no new flights (there are 193,000 each day) are allowed. All incoming air traffic from Europe and overseas is turned back. Customs agents seal the borders and Coast Guard aircraft and ships (which handle 277 calls on a typical day) are kept home, except for life-threatening emergencies.

About 400,000 federal workers—one in every five—are furloughed.

Burials in all federal and VA cemeteries stop.

Day Seven—By the end of the first week about 570,000 federal workers are jobless. Skeleton staff stay on to provide security and take care of health and hospital services. Social Security offices are closed (they handle 1,700 new beneficiaries each day). Black lung payments ($60 million a month) to 71,200 miners and survivors are stopped.

Treasury Department stops redeeming securities, Housing and Urban Development stalls the 25,000 housing assistance applications it gets each month from the poor.

Second Week—Most government employes are on unemployment, military personnel are having paycheck problems, veterans benefits, civil service retirement checks, food stamps, child nutrition programs are suspended. Emergency medical treatment could continue (kidney machines at federal hospitals) but government lawyers doubt it would be legal, for instance, to feed or water monkeys and mice in federal cancer research labs.

It is unthinkable that Congress would let things go that long. But it was unthinkable, until recently, that Congress would be late, 85 percent of the time, doing what people elect it to do: help run, not stop, the government.●

By Mr. DOLE (by request):

S. 1291. A bill to provide a ceiling on Federal expenditures for medicaid, to increase States' flexibility to determine the scope of their medicaid programs, to make other amendments to the medicare and medicaid programs, and for other purposes; to the Committee on Finance.

S. 1292. A bill to amend title II of the Social Security Act, and related provisions of that act to improve the program of old-age survivors, and a bill to amend title II of the Social Security Act, and related provisions of that act to improve the program of old-age, survivors, and disability insurance, and for other purposes; to the Committee on Finance.

S. 1293. A bill to amend the Social Security Act to increase the effectiveness and improve the administration of certain programs under the act, and for other purposes; to the Committee on Finance.

S. 1294. A bill to consolidate Federal grants to States for social services, to eliminate unnecessary restrictions on those programs and increase flexibility in a State's exercise of its responsibility for program administration, and for other purposes; to the Committee on Finance.

LEGISLATION RELATED TO MEDICAID, THE SOCIAL SECURITY ACT, AND CERTAIN FEDERAL GRANTS

● Mr. DOLE. Mr. President, I am introducing today four bills at the request of the President. The first bill would establish the social services block grant. The second contains the changes in the aid to families with dependent children program that the administration recommends. The third bill contains the administration's expenditure reduction proposals in the social security program. It is not the much discussed social security financing package that was unveiled last month. The final bill would make several cost-saving changes in medicare and medicaid. Many parts of these bills have been included in the material that the Finance Committee will send to the Budget Committee responding to the reconciliation instruction. I do not necessarily endorse every part of every bill. Some parts can be improved, and in fact have been improved in the Finance Committee package.●

ADDITIONAL COSPONSORS

S. 255

At the request of Mr. MATHIAS, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 255, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 395

At the request of Mr. WALLOP, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 395, a bill to amend the Internal Revenue Code of 1954 to provide estate and gift tax equity for family enterprises, and for other purposes.

S. 636

At the request of Mr. CRANSTON, the Senator from West Virginia (Mr. ROBERT C. BYRD) was added as a cosponsor of S. 636, a bill to clarify the Veterans' Administration's authority to recover certain health-care costs, to extend the period of availability of funds committed under the Veterans' Administration program of assistance to new State medical schools, to authorize expansion of the scope of and epidemiological study regarding veterans exposed to agent orange, and for other purposes.

S. 725

At the request of Mr. WALLOP, the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 725, a bill to amend the Internal Revenue Code of 1954 with respect to the treatment of certain shale property for the purposes of the energy investment credit.

S. 811

At the request of Mr. DOLE, the Senator from Missouri (Mr. DANFORTH), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of S. 811, a bill to amend the Powerplant and Industrial Fuel Act Use of 1978 to permit local distribution companies to continue natural gas service to residential customers for outdoor lighting fixtures for which natural gas was provided on the date of enactment of such act, and for other purposes.

S. 1043

At the request of Mr. PRYOR, the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 1043, a bill to prohibit the drugging or numbing of racehorses and related practices, and to amend title 18, United States Code, to prohibit certain activities conducted in interstate or foreign commerce relating to such practices.

S. 1120

At the request of Mr. KASTEN, the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1120, a bill to reduce the amount of funds available to an agency unless the agency has reduced waste, fraud, and abuse to the maximum extent feasible or demonstrates that no waste, fraud, or abuse exists in the administration of programs, and for other purposes.

S. 1131

At the request of Mr. DANFORTH, the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of S. 1131, a bill to require the Federal Government to pay interest on overdue payments and to take early payment discounts only when payment is timely made, and for other purposes.

S. 1215

At the request of Mr. KASTEN, the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1245

At the request of Mr. HATCH, the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1245, a bill to provide for the cession and conveyance to the States of federally owned unreserved, unappropriated lands, and to establish policy, methods, procedures, schedules, and criteria for such transfers.

SENATE JOINT RESOLUTION 62

At the request of Mr. DOLE, the Senator from North Carolina (Mr. EAST), the Senator from Kentucky (Mr. FORD), the Senator from Washington (Mr. JACKSON), the Senator from New York (Mr. MOYNIHAN), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of Senate Joint Resolution 62, a joint resolution to authorize and request the President to designate the week of September 20 through 26, 1981, as "National Cystic Fibrosis Week."

SENATE JOINT RESOLUTION 74

At the request of Mr. MATHIAS, the Senator from Alabama (Mr. HEFLIN), the Senator from Utah (Mr. GARN), the Senator from Georgia (Mr. NUNN), the Senator from Indiana (Mr. LUGAR), the Senator from California (Mr. CRANSTON), the Senator from Texas (Mr. TOWER), the Senator from Texas (Mr. BENTSEN), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of Senate Joint Resolution 74, a joint resolution designating the week of October 4 through October 10, 1981, as "National Diabetes Week."

SENATE RESOLUTION 146—RESOLUTION RELATING TO THE SENATE YOUTH PROGRAM

Mr. MATHIAS (for himself and Mr. FORD) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 146

Resolved, That Senate Resolution 324, Eighty-seventh Congress, agreed to May 17, 1962, is amended by adding at the end thereof the following new section:

SEC. 3. For the purpose of this resolution, the term "State" includes the Department of Defense education system for dependents in overseas areas.

U.S. SENATE YOUTH PROGRAM

● Mr. MATHIAS. Mr. President, since 1962 the William Randolph Hearst Foundation has sponsored and funded the U.S. Senate youth program. This program annually brings to Washington 102 of the Nation's brightest high school students for a week of study of how our system of government works.

This program, authorized by the Senate in 1962 in Senate Resolution 324, is coordinated and funded by the Hearst Foundation. The foundation not only pays for all travel, housing, meals, and incidentals, but also provides each student a scholarship for his or her further college education. This year the amount of each scholarship will be increased from $1,500 to $2,000.

Since the program began, two students have been selected from each of the 50 States and the District of Columbia for a total of 102 students annually.

The Hearst Foundation has now requested that the Department of Defense school system outside the United States be made eligible to participate in the Senate youth program and to choose two students annually to participate in the program. The Hearst Foundation is willing to provide the additional funds to cover the two students from Department of Defense schools.

Mr. President, I think all of us in the Senate owe a debt of gratitude to the Hearst Foundation for sponsoring this most worthwhile program. The extension of the Senate youth program to Department of Defense overseas schools will enable students who are currently ineligible to participate.

I am honored to introduce a Senate resolution today along with Senator FORD to allow participation by the Department of Defense overseas schools in the U.S. Senate youth program. The resolution amends Senate Resolution 324 of 1962 by stating that the term "State" includes the Department of Defense education system for dependents in overseas areas.

Mr. President, I ask that the resolution be appropriately referred.●

SENATE RESOLUTION 147—RESOLUTION CALLING FOR A MORATORIUM ON THE COMMERCIAL KILLING OF WHALES

Mr. PACKWOOD submtted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 147

Whereas whales are a unique marine resource of great esthetic and scientific interest to mankind and are a vital part of the marine ecosystem; and

Whereas the protection and conservation of whales are a particular interest to citizens of the United States; and

Whereas the United States, which effectively banned all commercial whaling by United States nationals in December 1971, has sought an international moratorium through the International Whaling Commission on the commercial killing of whales since 1972; and

Whereas in 1971, the Congress, enacted the Pelly Amendment to the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)), giving the President of the United States the right to embargo the fishery products of foreign nations whose nationals have conducted whaling operations that interfere with international conservation programs; and

Whereas in 1979 the Congress enacted the Packwood-Magnuson Amendment to the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1824(b)(6)(A)), which limits access to the U.S. Fishery Conservation Zone to any nation found by the Secretary of Commerce to be in violation of whale conservation programs; and

Whereas in 1979 the Congress enacted a provision urging the International Whaling Commission to agree to a moratorium on the commercial killing of whales (Pub. L. 96-60, Title IV, § 405, Aug. 15, 1979); and

Whereas, the management regime established by the International Convention for the Regulation of Whaling, signed in 1946 and implemented by the International Whaling Commission, is not providing adequate protection to the world's whale populations: Now, therefore, be it

Resolved by the Senate of the United States, That it is the sense of the Senate that the United States Delegation to the International Whaling Commission is urged to

work toward the adoption of a moratorium of indefinite duration on the commercial killing of whales at all upcoming meetings of the International Whaling Commission.

PRINTED AMENDMENTS ON VA HEALTH CARE FOR AGENT ORANGE AND RADIATION EXPOSURE (NO. 59) AND TARGETED DELIMITING PERIOD EXTENSION FOR GI BILL BENEFITS (NO. 58)

Mr. CRANSTON. Mr. President, on Thursday, May 21, 1981, on behalf of myself and a number of other Senators, I submitted for printing two amendments—pages 10774–78 of the RECORD. One—No. 59—would provide access to the VA health-care system for veterans exposed during service to radiation or agent orange or to any toxic substance used in connection with military purposes in Vietnam. The other—No. 58—would provide for a targeted extension of the so-called delimiting period for use of GI bill benefits.

These amendments were submitted to S. 921—the proposed "Veterans' Program Extension and Improvement Act of 1981"—as reported by the Committee on Veterans' Affairs on May 15. The caption that appeared on page 10774 mistakenly made reference only to the long title of S. 921 as introduced—now but a minor purpose of S. 921 as reported; namely, authorizing an extension of the VA's authority to provide contract hospital and medical services in Puerto Rico and the Virgin Islands. No reference was made to the purposes of the amendments themselves.

Mr. President, I am bringing this matter to the attention of other Senators today so that this inappropriate heading will not deter them from locating these important amendments in the RECORD and carefully reviewing the explanatory statements that accompany them.

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Budget Committee will hold a hearing on Wednesday, June 3, 1981, at 10 a.m. in room 6202 of the Dirksen Senate Office Building to hear testimony on American and foreign attitudes on productivity. Witnesses scheduled to appear are Lou Harris and his associate, Dr. Amitoi Etzioni. Dr. Howard Woodside, vice president of Sentry Insurance, will introduce the witnesses to members of the committee. For further information, contact Bill Stringer of the Budget Committee staff at 224–0538.

SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Labor Subcommittee of the Committee on Labor and Human Resources has changed the dates for the legislative hearings on S. 1182, a bill amending the Longshoremen's and Harbor Workers' Compensation Act, from June 9 and 10 to June 16 in room 3110 Dirksen, June 17 in room 1318 Dirksen, and June 23 in room 4232 Dirksen.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, June 2, to hold oversight hearings on the National Cancer Institute contracting and grant procedures.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, June 3, to hold hearings on clear air legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, June 4, to mark up the budget reconciliation legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RETIREMENT INCOME PROVISIONS: THE ROLE OF SMALL BUSINESS

● Mr. GORTON. Mr. President, the importance of small business in our society is most significant. Small organizations provide two-thirds of the total jobs generated in this country. Small firms are easily adaptable to new innovations and introduce fresh ideas which are examined and often imitated by large business. Small business' role as a provider of retirement income is also steadily increasing.

We as legislators must recognize the importance of small business' creation of additional private retirement programs. Today we face renewed but over due interest in retirement income policy and the need to resolve problems facing the social security system and other federally sponsored income transfer programs designed for the aged.

As we develop retirement income policy, it is important to remember that small business-sponsored retirement plans account for nearly 97 percent of the total universe of private pension plans. With proper incentives the role allow small business to prosper, however, we must control mandated expenses for social security and avoid mandating new programs.

Recently I participated in a policy forum which addressed policy directions for the 1980's regarding retirement income and the economy. The forum's sponsor, the Employee Benefit Research Institute, Education and Research Fund, is a nonprofit education and research organization dedicated to meeting the growing need for professional analysis and comprehensive, practical, objective research on employee benefits. At the forum I presented a paper, "Retirement Income, the Budget and Small Business: Conflict or Harmony," a copy of which I submit to be printed at this point in the RECORD.

The presentation follows:

RETIREMENT INCOME, THE BUDGET AND SMALL BUSINESS: CONFLICT OR HARMONY

(By SLADE GORTON)

The United States faces many challenges during the 80s. Among the most severe is the provision of income security for a growing elderly population. Maintaining a balance between meeting needs and wants on the one hand and affordability criteria on the other will not be easy. Retirement income issues are inseparable from an overall consideration of the economy and the strength of American business—especially small business.

The economy was the key to the results of the 1980 Presidential and Congressional elections. Double-digit inflation and soaring interest rates have caused large corporations, small businesses, families and individuals to step back and to reevaluate their economic planning. The cost of maintaining a business and the cost of living have reached rates unequaled in any other period during the last 60 years. The Reagan Administration and the 97th Congress are currently charting a new course for the federal budget in hopes that a projected total national debt of one trillion dollars can be brought under control. The sins of budgets past—increased deficits, rising taxes and the slow-to-improve Gross National Product—must give way to stringent evaluation and reform. The pressures to produce working remedies are intense. These remedies must be found or retirement income will become a secondary issue.

The time has come for a revitalization of our economy, a reduction in federal regulations, and an increase in incentives in order to encourage individuals and businesses to participate more fully in planning for retirement futures. Inflation needs to be controlled and reduced. Productivity must be raised. Unemployment most be lessened.

Due to their claims on the federal budget, income security programs are at the heart of any effort to control federal spending. Pursuant to the current budget for fiscal year 1981, an estimated $219.9 billion will go to income security programs; $137 billion of which is allocated to Social Security, $9.6 billion to food stamp and $18.7 billion to unemployment compensation.

While working to preserve the "safety net" that income security programs provide, efficiencies must be sought. Depending on economic developments, the retirement and disability trust funds may be as much as $71 billion short through 1990 if decisive action is not taken. Changing demographics place added pressures on tax rates as a smaller number of workers support a larger number of retirees from the baby boom generation of the 1950s. There are short-term proposals that can help the situation: one, to include new federal workers in the Social Security System; and two, to provide current beneficiaries with an annual cost of living increase based on the rise in either prices or wages, whichever is lower. Should inflation not be brought under control, absolute reductions in indexing, however undesirable, may be essential.

Other income transfer budget issues subject to future debate include the status of minimum benefits, death benefits and student benefits. The Administration proposes to eliminate the Social Security minimum benefit and payments to adult students—a potential savings of $1.7 billion. Medicaid

spending will also be controlled with reductions up to $1 billion, reducing its current $15.5 billion budget to $14.5 billion. These reductions will only represent a beginning if the economy is not revitalized.

Private pension funds and individual savings, ravaged by inflation's insatiable appetite, are also damaged by our current economic situation. While every individual American, and every business are affected, the impact on small business is particularly harsh. Rising Social Security payroll taxes adversely affect small business. Employers have historically made up for payroll tax increases by charging consumers higher prices, suffering reduced profits, giving fewer and lower pay raises, eliminating certain employee benefits, or by avoiding the addition of new benefits. Couple this payroll tax effect with inflation, higher labor costs and lower productivity gains and the result could be devastating to the survival of small business and its competitive position. Any other mandated cost increases could have the same effect.

Small business' role in the total economic scheme is significant. Small business helps to achieve a desirable competitive balance, as there is less for it to protect and more room for innovation. The National Science Foundation found that between 1953 and 1973, small firms produced 23 times as many innovations per research dollar as large firms. It is small business which prods the "giants" in terms of technological innovation, marketing initiatives and price competitions. Desirable qualities of small business are its high degree of personalization, and its adaptation to innovation with little protection of the status quo. Mobilizing the capital necessary to create a small business and to sustain its growth, however, is a challenge of the greatest difficulty.

Firms with fewer than 250 workers provided 90 percent of the 6.8 million jobs created from 1969 to 1976. Companies with less than 20 employees accounted for two-thirds of new jobs and the majority of these jobs were in firms less than three years old.

The role of small business as a provider of retirement is growing steadily. Almost 70 percent of prime age, full-time private-sector wage and salary workers participate in a pension plan.

The growth of private pension plans among small employers covering ten or fewer participants has risen dramatically in recent years. In recent years the number of small defined benefit plans has increased by 78 percent and defined contribution plans have risen by 43 percent. Plans covering between 10 and 30 participants have also increased: a 36-percent gain in the defined benefit plans and a 111-percent gain in defined contribution plans. These statistics indicate that small business represents the main opportunity for increasing the number of career workers who can participate in pension plans.

While net plan formation has been positive and can be expected to continue, it is held back by a number of conditions. The first is the impact of the Employee Retirement Income Security Act (ERISA).

That Act has a beneficial purpose, but it is in need of revision for small business. There is compelling reason to believe that ERISA has significantly impacted the costs of establishing and operating private pension plans. There is also a growing concern over the impact of ERISA on the administrative costs of small plans, as well as the effect of these costs on the future benefit levels, operation and growth of the private plan sector.

Tax incentives have usually encouraged the development of private retirement income programs. But, for the small employer, the incentive is not so clear. Small businesses generally have lower corporate income tax rates than larger businesses.

Some suggest that tax incentives should include tax credits for small business contributions to qualified retirement income plans to mitigate adverse cost consequences. But in 1978, over 200,000 small businesses paid no taxes against which a credit could be applied. Due to the nature of small businesses, present tax incentives cannot be viewed as being strong incentives.

The policies of the 80s must encourage small business plans to increase productivity without harming competition. More incentives need to be implemented. Serious consideration must be given to providing additional tax incentives attractive to the small employer, possibly making employee contributions to pension plans tax deductible, and increasing IRS and Keogh limits.

The private sector can meet the retirement income challenge for career workers if given the opportunity.

First, we must bring the federal budget under control. Second, we must make the tax changes that will help to rebuild the economy. Third, we must stabilize the Social Security system, and many other income transfer programs. Fourth, we must provide an environment in which small business can prosper—adding new jobs, improve productivity, enhancing competition, and continuing to create additional private retirement income programs. Fifth, we must reassess some of our basic assumptions in the retirement area which have long-term economic implications, including retirement ages and work opportunities for older Americans.

The strength of the economy during the 80s will be a principal determinant of the future of employee benefits. Continued high inflation would jeopardize Social Security and private pensions. The fact that one system is indexed and the other is not does not represent a statement of success and failure. Over the long-term, society cannot afford the luxury of full indexing if high rates of inflation persist.

Further, we must carefully assess how best to accommodate various segments of the population in providing retirement income. Only through such careful treatment can we develop the appropriate roles for public programs versus private initiative. For example, a significant portion of the "working population" (45 percent) has a tenuous relationship with the workforce. These persons are either very young, very old, or spend very little time with any one employer. Private pensions should not be expected to accommodate this group and should not be judged on a full workforce basis. Public assistance programs and the redistributional components of Social Security are the vehicles meant to accommodate noncareer workers.

Provisions for the aged population represents one of the nation's great success stories. When all support is considered, 4 percent of the aged now live in poverty, a rate much lower than the total population. There is more to accomplish but we must not lose sight of our historical success!

The period ahead will hold the promise of challenge and change for the economy, small business, and retirement income programs. They are intertwined and will rise or fall together, such that great care must be taken.

The combined effects of economic, political and population changes will not and cannot be ignored. America will remain a land in which promises are kept.●

DEDICATION OF SATELLITE COMMUNICATIONS ANTENNA AT ETAM STATION SIGNALS NEWEST LEAP INTO SPACE

● Mr. RANDOLPH. Mr. President, last month I had the pleasure of attending a dedication ceremony at an important, high technology facility located in our home State of West Virginia.

The ceremony was for the dedication of a new antenna at the Earth Station complex at Etam, Preston County, which is operated by the Communications Satellite Corp. (COMSAT). This new antenna is evidence of the continuing progress and achievement in American space technology, an area of great interest to me.

A little over a month ago, America forged a new era in space technology when the Space Shuttle *Columbia* roared off the launch pad at the Kennedy Space Center. It returned to Earth at Edwards Air Force Base 2 days later. I witnessed the takeoff and the landing, the only U.S. Senator to attend both events. But I am aware that perhaps hundreds of millions of people around the Earth watched the same spectacular flight, and thanks to the global satellite communications system operated by the International Telecommunications Satellite Organization (INTELSAT), these viewers probably had a better grandstand view of the *Columbia* than I did.

At the Etam Station, receiving and relaying the excellent television coverage of *Columbia's* flight represents another triumph of American technology. The 23-acre site is located in Preston County, 200 miles west of Washington, in a "radio quiet" valley, an area providing natural shielding from many sources of radio interference. The landmarks of Etam are its three disk-shaped antennas, two of which stand taller than a 10-story building.

The role of the Etam Earth Station is to process communications signals which it sends to or receives from satellites stationed in geostationary orbit over the Atlantic Ocean 22,240 miles above the Equator. It is the U.S. hub for COMSAT satellite communications in the Atlantic Ocean region utilizing INTELSAT satellites.

The INTELSAT global system of satellites operating over the Atlantic, Pacific, and Indian Oceans carries a major portion of all international communications and more than two-thirds of all transoceanic communications. Through its three antennas, Etam handles a larger volume of communications traffic than any other station in the worldwide network of some 325 antennas, at over 260 station sites, in more than 130 countries. Etam is quite properly called the "communications crossroads to the world." I commend the skilled COMSAT staff for providing the most advanced technology for bringing the peoples of this planet closer together.

As part of his welcoming address during the dedication ceremony, Mr. Harper said:

It is fitting that on such an occasion as the dedication of Etam's third antenna we recall the tremendous progress which has been made with the advent of satellite communications. In less than twenty years we have seen the establishment of a global satellite system which provides rapid, economic and high quality communications between over 130 nations. We have seen the establishment of maritime mobile satellite communications, domestic satellite communications, and the utilization of satellites in other applications such as meteorology and remote sensing. These accomplishments, many of which were in no small measure achieved by COMSAT through its team of bright, dedi-

cated professionals, have demonstrated the many and varied benefits which are available through the use of space system.

Present for the dedication ceremony were: Mr. John Harper, chairman of the board of Communications Satellite Corp.; Dr. Joseph V. Charyk, COMSAT's president and chief executive officer; Mr. Robert E. Lee, Chairman of the Federal Communications Commission; and James R. Warren, manager of the Etam Earth Station. The Rev. John Negley, pastor of the United Methodist Church at Kingwood, gave the invocation.

During his dedication address, Dr. Charyk said:

From its beginning in 1968, the Etam Earth Station has served as the pioneer in the advancement of satellite communications technology. Etam was the first U.S. station to operate with the INTELSAT III satellites which, for the first time, had sufficient power to relay all forms of communication simultaneously and which established the global satellite system in July 1969. Etam was also the first U.S. station to introduce, in 1973, the SPADE system wherein a pool of frequencies is kept available for users on an as-needed basis, permitting one country to "call up" another as the occasion demands without establishing a full-time circuit. In 1973 Etam was also the first U.S. station to be equipped in the Atlantic region for high-speed digital data service to Europe.

The INTELSAT IV–A satellites achieved a significant increase in communications capacity and flexibility by introducing frequency re-use through beam separation. Use of this technique by the Etam station represented the first commercial application of this concept in satellite communications. Through the INTELSAT IV–A and the new INTELSAT V satellites, with a capacity for 12,000 simultaneous telephone calls plus two television channels, Etam provides direct lines of communication between the U.S. and Latin America, Europe, Africa and the Middle East.

Dr. Charyk also indicated that:

Expansion is the watchword for satellite communications of the future. In March of this year COMSAT leased its 10,000th international satellite communications circuit, a significant achievement. To add perspective to this number, consider that it represents nearly two-thirds of all overseas communications to and from the United States. It is roughly equivalent to the satellite circuits of Great Britain, Canada, Japan and West Germany combined! It represents almost one-fourth of all circuits now in use in the entire INTELSAT global system. Yet we expect that this number of circuits—as large as it seems now—will double in the next four to five years.

This expansion is occurring around the globe, both in terms of circuits and satellite systems. In total, there are over 60 operating communications satellites in geostationary orbit, and some 50 additional communications satellites are now being planned worldwide. The INTELSAT growth rate continues at greater than 20 percent per year compounded. To meet this increasing demand we have developed, and will continue to develop, facilities such as Etam's new antenna to help meet this burgeoning growth.

It is truly remarkable that during a period of rampant inflation within the United States and throughout the world, the cost of communications via satellite has been substantially reduced. The successive rate cuts made over the past several years have produced a cumulative rate reduction of 66 percent to the carriers which we serve. This represents a considerably important benefit to the public as a result of advanced communications satellite technology and systems.

COMSAT is also moving into new satellite communications-related areas. They have been at the forefront of the use of satellites in the distribution of hydrologic data from remote data collection platforms, an activity which anticipates substantial public benefits in environmental and resource management. Furthermore, COMSAT's bold and innovative plan to develop a direct satellite-to-home television system is yet another example of our commitment to bring the benefits of satellite technology to the public.

Dr. Charyk, Dr. Harper and I agree on the importance and relevance of space technology. History illustrates that this is an era of rapid and dramatic growth in this field.

On December 12, 1901, Marconi's marvelous high-frequency wireless telegraph signaled the letter "S" across the Atlantic Ocean from Cornwall, England. That was 2 months before I was born. And 21 months later the Wright Brothers flew at Kitty Hawk. I have seen many sweeping technological developments since that time, but none to compare with the changes wrought by these two events in the beginning of this century.

The *Columbia* flight and the Etam Earth Station stem directly from Cornwall and Kitty Hawk—a historical extension of man's genius and restless search for new scientific worlds to conquer. As Charles Kettering said:

I am interested in the future because I will spend the rest of my life there.

We look with awe and envy to the young people today, who will work to create even more amazing systems for the future. Let us pray for a peaceful future.●

STATUS REPORT ON THE BUDGET FOR FISCAL YEAR 1981

● Mr. DOMENICI. Mr. President, I submit to the Senate a status report on the budget for fiscal year 1981 pursuant to section 311 of the Congressional Budget Act.

This report reflects the effects of the revised second budget resolution (H. Con. Res. 115), approved by the Congress on May 21, 1981.

It should be noted that if the pending supplemental appropriations and rescission bill for fiscal year 1981 (H.R. 3512) were enacted into law as passed by the Senate on May 21, the current level for budget authority would be $715,042 million and the current level for outlays would be $661,153 million, which would leave $2,458 million in budget authority and $197 million in outlays remaining compared to the revised second budget resolution levels.

The report follows:

REPORT TO THE PRESIDENT OF THE U.S. SENATE REFLECTING COMPLETED ACTION AS OF MAY 21, 1981

[In millions of dollars]

	Budget authority	Outlays	Revenues
Revised second budget resolution level	717,500	661,350	603,300
Current level	717,932	657,609	611,900
Amount remaining	0	3,741	8,600

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $0 million for fiscal year 1981, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 115 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $3,741 million for fiscal year 1981, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 115 to be exceeded.

REVENUES

Any measure that would result in revenue loss exceeding $8,600 million for fiscal year 1981, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 115.●

TRIBUTE TO DR. LOLA C. YOUNG

● Mr. METZENBAUM. Mr. President, I would like to take this opportunity to call to this body's attention a very important event that will take place June 10–13 in Cincinnati, Ohio.

On these days, members of the Ohio north jurisdiction of the Churches of God in Christ, Ohio State Women's Convention, will gather together for the 28th time in that many years to give special recognition to the achievement of an outstanding member of the religious community who has given unselfishly to others.

This year, Mr. President, members of the convention will pay tribute to Dr. Lola C. Young—a devoted and articulate woman who has devoted her life to humanitarian work in the tradition of her faith. The convention also will launch at this time a campaign to raise $100,000 to establish the Dr. Lola C. Young Foundation for Social Work.

Dr. Young is one of those rare individuals who feels the needs of others as if they were her own. She translates those feelings into concrete, everyday actions to bring practical help to the needy and inspiration and encouragement to people who need it the most.

Dr. Young's commitment goes back more than half a century. She first came to Ohio in 1918 and began work with Elder Mack E. Jonas whose total church membership at that time numbered only eight. After returning for a time to do church work in her native Georgia, she once again put her enormous energies in the service of her church in Ohio.

She was appointed State mother of the State of Ohio in 1945. She has worked with the late Bishop Mack E. Jonas, the late Bishop Riley Williams, the late Bishop U. E. Miller and now with Bishop Robert S. Fields.

Throughout this country, Mr. President, there is in each community a handful of individuals who give completely of themselves for the benefit of all. Dr. Young is one of these.

I ask all here today to join with me in paying tribute to this outstanding woman.●

WHAT TO DO ABOUT SMALL AND INDEPENDENT REFINERS

● Mr. WALLOP. Mr. President, one of the most pressing questions arising out of our energy problem is what should our domestic refining policy be. As a part of this issue Congress must ask what should we do about small and independent refiners? Should they be subsidized? Should they be helped in other ways? Should their voices be ignored? My answer is that the free market mechanisms should regulate domestic refining in general.

Nothing to distort free market forces should be done about small and independent refiners. Their greatest problem in the wake of decontrol of oil prices is that they are relatively small, and the solution to this lies with themselves.

At hearings I recently held in the Finance Committee Subcommittee on Energy and Agricultural Taxation that I chair, I listened to the administration and the industry discuss their views. Having reviewed their testimony and the many studies on this subject, I have reached certain tentative conclusions.

Congress and the President will help the refining industry, along with other industries, with a revision of the tax depreciation rules. Perhaps a case for limited special treatment for refiners that are modernizing and upgrading can be made.

Refiners would also justifiably benefit from the Industrial Energy Security Tax Incentive Act from which provides additional tax credits for energy conservation equipment.

But these tax proposals will not address the most immediate problem facing small independent refiners. The real problem facing the small and independent segment of the refining industry is access to crude oil supplies. The major oil companies own or control approximately 70 percent of domestic crude production. They also—by virtue of their size and historic relationships—have the ability to purchase crude from foreign producers.

And the majors, together with the giant oil trading firms and State-controlled oil traders, and able to buy and swap oil in the international crude oil market. This market is open only in the sense that anyone with hundreds of millions of dollars can participate. Even large indepedent refiners find it difficult to play at this table.

On the basis of the testimony presented to the Finance Committee the best suggested recourse to the crude access problem is to encourage these refiners to join forces in a crude oil purchasing cooperative owned and controlled by small and independent refining companies.

Clearly this is a solution that lies within the grasp of the small refiners. It may be possible for Congress to pass legislation that would assist the independent refiners in establishing crude oil purchasing cooperative, but the decision to cooperate between themselves, and complete with the large international oil corporations, is one that must be addressed by the small refiners.

I expect that the members of such a cooperative would not look to the cooperative for all the crude they need, but only as a source to try to make up the shortfall in crude supplies that they face. The cooperative might be a federated cooperative with several regional or other cooperatives owning shares in it.

The organizational framework could insure that members of no one group—such as, large independents, refiners with access to waterways, sweet crude refiners would hold sway. The members might view the cooperative as a means not only of acquiring crude but also trading crude. A cooperative for small and independent refiners need not cost taxpayers and the Federal Government anything in lost revenues. Instead, by helping some refiners stay in business, it will preserve tax revenues and employment.

The central point now is that such a cooperative would be as well-run, innovative an deffective as its members made it. It is up to the small and independent refiners to save the day for themselves. This administration is cutting free the energy markets.

The crude oil purchasing cooperative is a fine idea, some say, but the drawback is that smaller refiners have difficulty working together. They are fiercely independent or they would not be in the business. This remark calls to mind the situation confronting small farmers at the turn of the century. When faced with withering competition from large corporate farmers, the small farmers joined together in government sanctioned agricultural cooperatives.

It is generally recognized that agricultural cooperatives helped the family farm from extinction. Some agricultural cooperatives, incidentally, in addition to marketing crops and purchasing seed and equipment, operate their own refineries. Cooperative refiners have existed in this country since the late 1920's.

It is up to the small and independent refiners to act on their own behalf. If they want encouragement, Congress, will provide this modest measure of assistance. I am examining legislation that would allow a crude oil purchasing cooperative to be formed under the tax laws. Such a cooperative enjoy nearly the same status as an agricultural cooperative.

Some minor changes will have to be made in the model to allow for differences in crude purchasing as opposed to seed and equipment purchasing.

However, I intend to take this step only if small and independent refiners want a cooperative. It is clear that no one can help the small independent refiners unless they act together to help themselves.●

ANNUAL FINANCIAL DISCLOSURE OF SENATOR STAFFORD

● Mr. STAFFORD. Mr. President, in each of the last 7 years, I have made public disclosures of my financial holdings, along with summaries of my Federal income tax returns.

I have pledged that I would issue a similar financial report to the citizens of Vermont each year for the remainder of my time in public office.

In keeping with that promise, I am once again issuing a public statement of financial disclosure.

The financial statement shows that my wife, Helen, and I had net assets of nearly $531,000 as of May 15 of this year, when the evaluation was made.

The statement I am making public lists details of our holdings—including bank accounts, cash value of life insurance and Federal retirement fund, real and personal property we own, and stocks and bonds.

The majority of the stocks and bonds listed were owned by us before I entered public office and there has been little change in our financial condition in terms of real dollars since I entered public office in Vermont 27 years ago. Like most Americans, the Staffords have felt the impact of inflation.

The summary of our joint Federal income tax return shows that Mrs. Stafford and I had an adjusted gross income last year of slightly less than $79,000, about $3,000 more than in 1979. Of that total, $60,663 came from my salary as a U.S. Senator.

Our taxable income was slightly more than $73,000.

We paid more than $25,000 in Federal income taxes for the year, and more than $5,000 in Vermont State income taxes. Our total of Federal and State income tax payments was $30,184—more than 36 percent of our gross income.

Details of our financial statement will be printed in the CONGRESSIONAL RECORD, as in the past. And, as I have done in each of the last 7 years, I am making copies of the statments available to newspapers, radio stations, and other news services in Vermont.

This information is being made public because I remain convinced that those who serve in Government, as well as Government itself, must be as open and candid as possible with the public.

The net worth of the Staffords increased by about $72,000 last year, one of the biggest increases we have experienced. Most of that increase, I must explain, is chalked up to inflation and estimated increases in the value of property we own.

The value of our stock portfolio increased by less than $6,000, but inflation increased the value of our real estate by $35,000.

We were able to increase our savings by $30,000 and nearly $6,000 was added to my Federal retirement fund. Cash in our checking accounts was down by $5,000, however.

Our total assets were nearly $537,000 and our total liabilities, which consist entirely of a $6,000 mortgage remaining on our home in Virginia, reduced our assets to a net of $531,000.

The best way to enable Americans to judge whether their Government and

their officials are acting properly is to provide full disclosure of all interests of Government and of those who make decisions in Government.

Thus, I invite all Vermonters—and all other Americans—to examine my financial interests and to match those interests with my record as a public official.

For some time, I have been concerned over the loss of public confidence in Government and politics. I believe one of the reasons for public suspicion is that so much of the activity of Government and politics takes place away from public view.

I had hoped that, by this time, the Congress would have enacted legislation requiring detailed public financial disclosure by Members of Congress and other senior officials of Government.

Some progress has been made in this direction. But, not enough. And, there are some indications that the Congress may be urged to draw back from the small advances that have been made toward more disclosure.

In any event, the financial disclosures I have been making public each year continue to go far beyond that required by law or Senate rules.

I shall continue to support legislation that provides greater disclosure of Government and of activities of those in Government.

In the meantime, I shall continue to make my own full disclosure to my fellow Vermonters.

I ask that the financial statement and the Federal income tax return summary referred to above be printed in the RECORD.

The information follows:

SUMMARY OF 1980 JOINT FEDERAL INCOME TAX RETURN, ROBERT T. AND HELEN K. STAFFORD

	Amount
Income:	
Salary	$60,663
Interest	2,924
Dividends (less $200 exclusion)	4,176
Other	14,281
Total income	82,044
Adjustments to income: Allowable congressional expenses not reimbursed	3,409
Total adjustments to income	3,409
Adjusted gross income	78,635
Itemized deductions:	
Medical	1
Taxes	7,025
Interest	394
Contributions	744
Miscellaneous	476
Total deductions	8,789
Less zero bracket amount	3,400
Taxable income	73,246
Federal income tax due and paid	25,140

STATEMENT OF FINANCIAL CONDITION, SENATOR AND MRS. ROBERT T. STAFFORD, MAY 15, 1981

	Amount
Savings accounts:	
Bellows Falls Trust Co	$5,000.00
Burlington Federal Savings & Loan	5,000.00
Burlington Savings Bank	5,000.00
The Howard Bank	5,000.00
Rutland Savings Bank	5,000.00
Total	25,000.00
Certificates of deposit:	
First Vermont Bank	$10,000.00
Howard Bank	10,000.00
Marble Savings Bank	10,000.00
Proctor Trust Co	10,000.00
Total	40,000.00
Checking accounts:	
First Virginia Bank	694.00
Howard Bank	300.00
Riggs National Bank	6,000.00
Total	6,994.00
Life insurance: Connecticut General, MONY, NSLI, NYLIC, Travelers total cash value	18,194.00
Real estate (estimated market value):	
3541 Devon Dr., Falls Church, Va. (house)	125,000.00
27 Howard Ave., Rutland, Vt. (house)	50,000.00
64 Litchfield Ave., Rutland, Vt. (house)	100,000.00
Total	275,000.00
Additional assets:	
Contributions to Federal retirement (Dec. 31, 1980)	61,323.00
Law library and office furniture (27 South Main St., Rutland)	2,000.00
Boat and 2 cars	24,000.00
Personal property	25,000.00
Total	112,323.00
Stocks:	
A. T. & T. (100 shares at 58)	5,800.00
Bellows Falls Trust Co. (80 shares at 60)	4,800.00
Cluett Peabody (20 shares at 13⅝)	272.50
Con Edison of N.Y. (100 shares at 28¼)	2,825.00
Gillette Co. (20 shares at 31⅜)	627.50
Greyhound (20 shares at 19)	380.00
Howard Bank (1,172 shares at 12)	14,064.00
International Harvester (20 shares at 17½)	350.00
Manufacturers Hanover Trust (664 shares at 32⅝)	21,663.00
Monsanto (40 shares at 72⅝)	2,905.00
N.L. Industries (40 shares at 37½)	1,500.00
National Distillers (40 shares at 26¼)	1,045.00
Outboard Marine (20 shares at 18⅞)	377.50
Security Pacific Corp. (16 shares at 38)	608.00
Time, Inc. (30 shares at 73⅝)	2,208.75
Vendo (10 shares at 3)	30.00
Total	59,456.25
Liabilities: Eastern Liberty Federal Savings & Loan Association—First Mortgage, Devon Drive, (April 1981)	6,034.89
Recapitulation:	
Total assets	536,967.25
Total liabilities	6,034.89
Net assets	530,932.36

CLOSE UP'S TENTH ANNIVERSARY

● Mr. JOHNSTON. Mr. President, I rise today on behalf of many of my colleagues in the Senate and the House to recognize a program that occupies a unique place in the educational life of our Nation. The Close Up Foundation, which conducts the country's largest Government studies program, this year is celebrating its 10th anniversary of truly remarkable achievement in the area of citizenship education.

For the past 10 years, the nonprofit, nonpartisan Close Up Foundation has been providing students and teachers with an unparalleled opportunity to examine, understand, and participate in our governmental process. During this time, more than 92,000 students and teachers have come to our Nation's capital for a firsthand experience in American Government. They return to their communities with a better understanding and appreciation of their legacy as American citizens.

Close Up is for all kinds of students—the affluent, the needy, the handicapped, the student leader, the disaffected, the middle-of-the-road student. It is a program that works and works well, both in terms of its educational benefits and in creating a better sense of community and country. The impact of Close Up reaches thousands of additional students and teachers who are not able to participate in the Washington experience through State and local Close Up programs and through extensive use of live cable television programing.

Much of the success of the Close Up story is directly attributable to a dynamic partnership among Government, the private sector, and education. The Allen J. Ellender Fellowships, established by Congress to be administered by the Close Up Foundation, provide initial support in every Close Up community for needy students and their teachers to participate. This seed effort is built upon by business and philanthropy through matching fellowship programs that create a strong and increasing multiplier effect.

Vital to Close Up's second decade has been the establishment in 1980 of the National Development Council of the Close Up Foundation. Designed to help plan new dimensions of growth and to broaden the citizenship outreach of the foundation, the Council includes: Mr. Ralph E. Bailey, chairman and chief executive officer, Conoco, Inc.; Mr. W. D. Conley, vice president, public affairs, Honeywell, Inc.; Dr. Armand Hammer, chairman and chief executive officer, Occidental Petroleum Corp.; Mr. Thomas L. Holton, chief executive, Peat, Marwick, Mitchell & Co.; Mr. William Lane, president, Dunspaugh-Dalton Foundation; Mr. Sidney R. Petersen, chairman of the board, Getty Oil Co.; Mr. David Packard, chairman of the board, Hewlett-Packard Co.; Mr. J. Paul Sticht, chief executive officer, R. J. Reynolds Industries, Inc.

Their work, in partnership with many of us in the Congress and other leaders of the educational, corporate, and philanthropic communities, is truly appreciated. As our country faces the promising and challenging years ahead, the work of the council will help prepare our young people for the individual responsibilities of citizenship. I know my colleagues in the Congress would join me in congratulating Close Up for its decade of accomplishment and saluting the members of its National Development Council for their outstanding commitment to citizenship education.●

CONGRESS URGED TO ENACT THE PRESIDENT'S ECONOMIC RECOVERY PROGRAM

● Mr. ARMSTRONG. Mr. President, I submit for the RECORD a copy of Senate Joint Resolution No. 7 adopted by the 53d General Assembly of the State of Colorado.

In this resolution, the Colorado General Assembly encourages the Congress of the United States to support and to enact the President's economic recovery program including the proposed 3-year tax cut and budget cuts at least equal to the amount recommended by the President.

The resolution follows:

SENATE JOINT MEMORIAL NO. 7

Whereas, The condition of our nation's economy demands that dramatic, sweeping steps be taken by the administration and the Congress to improve America's economic health; and

Whereas, President Reagan, in his address to the nation of February 18, outlined a wide range of proposals designed to reduce inflation, to provide jobs, and to promote economic growth; and

Whereas, Among those proposals are a three-year tax cut and a series of across-the-board budget cuts for the 1982 fiscal year totalling $41.4 billion which, if enacted in their entirety, would still permit increased expenditures of 6.2% over those of the 1981 fiscal year; and

Whereas, The proposed tax and budget cuts were arrived at in an equitable, even-handed manner and will be further examined by the Congress in order to help insure that such cuts do not weigh down in an unfair way on those least able to bear them, especially the poor and the handicapped, the very young, and the very old; and

Whereas, The future economic health and stability of this nation depend on policies of government restraint in spending and taxing; and

Whereas, Budget reductions of the magnitude proposed by the President are an achievable goal deserving the support of all Americans; and

Whereas, President Reagan's proposals are a significant first step on the road to the recovery of national economic health; now, therefore,

Be it resolved by the Senate of the Fifty-third General Assembly of the State of Colorado, the House of Representatives concurring herein: That the Congress of the United States is hereby memorialized to support and to enact the President's economic recovery program including the proposed three-year tax cut and budget cuts totalling at least $41.4 billion.

Be it further resolved, That copies of this Memorial be sent to the President of the Senate and the Speaker of the House of Representatives of the United States, to each member of the Congress of the United States from Colorado, and to the President of the United States.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. WALLOP. Mr. President, it is required by paragraph 4 of rule 35 that I place in the RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign organization.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Rick Graser, of the staff of Senator DENTON, to participate in a program sponsored by a foreign educational organization, Tunghai University in Taichung, Taiwan, from May 24 to June 1, 1981.

The committee has determined that his participation in the program in Taiwan, at the expense of Tunghai University, to discuss relations between the United States and the Republic of China, is in the interests of the Senate and the United States.●

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, has morning business been closed?

The PRESIDING OFFICER. Morning business has not yet been closed.

Is there further morning business? If not, morning business is closed.

RECESS UNTIL 2 P.M.

Mr. BAKER. Mr. President, there are certain meetings going on both here in the Capitol and away from the Capitol involving Senators in the leadership on both sides of the aisle.

It appears to me that no good purpose will be served by keeping the Senate in session while we await the conclusion of those meetings.

Therefore, I ask unanimous consent that the Senate now stand in recess until the hour of 2 p.m. today.

There being no objection, the Senate, at 12:29 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

ORDER OF PROCEDURE

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I believe that most of the work I had thought the Senate might be able to do today will have to be postponed until tomorrow, for a variety of reasons.

I observe that the minority leader is in the Chamber, and I inquire of him if there is any calendar business that we might be able to do today.

Mr. ROBERT C. BYRD. Mr. President, the item on page 19, Calendar No. 149, at the head of the Calendar, is one that is cleared on this side of the aisle.

Mr. BAKER. I thank the minority leader.

As luck would have it, I have to report to my friend and colleague that that item is not cleared on this side. So I suppose we are out of business on that.

I advise the minority leader that while I cannot clear that item on the Calendar of General Orders, those items appearing on the Executive Calendar under "New Reports," beginning on page 2, Department of Agriculture, are cleared on this side. I should like very much to proceed to their consideration, if they are cleared on the other side as well.

Mr. ROBERT C. BYRD. Mr. President, I shall attempt to inform the distinguished majority leader momentarily as to whether or not those items are cleared on this side.

Mr. BAKER. I thank the Senator.

Mr. President, I have a number of unanimous-consent requests which I understand have been cleared on the other side, and I will present them now.

RECORD OPEN UNTIL 5 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD remain open until 5 p.m. today for the introduction of bills, resolutions, and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO FILE REPORTS UNTIL 5 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that committees be authorized to file reports until 5 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session.

There being no objection, the Senate proceeded to the consideration of executive business.

JOINT REFERRAL OF CERTAIN NOMINATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the nomination of Charles L. Dempsey, of Virginia, to be Inspector General, Department of Housing and Urban Development, be jointly referred to the Committee on Banking, Housing and Urban Affairs and the Committee on Governmental Affairs.

The PRESIDING OFFICER (Mr. ANDREWS). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the nomination of Frank Suburo Sato, of Virginia, to be Inspector General, Veterans Administration, be jointly referred to the Committee on Veterans' Affairs and the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the nomination of James Bert Thomas, of Virginia, to be Inspector General, Department of Education, be jointly referred to the Committee on Labor and Human Resources and the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the nomination of Thomas F. McBride, of the District of Columbia, to be Inspector General, Department of Labor, be jointly referred to the Committee on Labor and Human Resources and the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 97-7

Mr. BAKER. Mr. President, I ask unanimous consent that the injunction

of secrecy be removed from an Extradition Treaty with the Netherlands (Treaty Document No. 97-7) and an Extradition Treaty with Colombia (Treaty Document No. 97-8), both of which were transmitted to the Senate by the President of the United States on May 28, 1981.

I also ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty of Extradition between the United States of America and the Kingdom of the Netherlands, signed at The Hague on June 24, 1980.

I transmit also, for the information of the Senate, the report of the Department of State with respect to the treaty.

The treaty is one of a series of modern extradition treaties being negotiated by the United States. It expands the list of extraditable offenses to include narcotics violations, aircraft hijacking, bribery, and obstruction of justice, as well as many other offenses not covered by our existing extradition treaty with the Netherlands. Upon entry into force, it will terminate and supersede the existing Extradition Treaty and Supplementary Treaty between the United States and the Netherlands.

This treaty will make a significant contribution to international cooperation in law enforcement. I recommend that the Senate give early and favorable consideration to the treaty and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *May 28, 1981.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty of Extradition between the United States of America and the Republic of Colombia, signed at Washington on September 14, 1979.

I transmit also, for the information of the Senate, the report of the Department of State with respect to the treaty.

The treaty is one of a series of modern extradition treaties being negotiated by the United States. It expands the list of extraditable offenses to include narcotics violations, aircraft hijacking, bribery, and obstruction of justice, as well as many other offenses not covered by our existing extradition treaty with Colombia. Upon entry into force, it will terminate and supersede the existing Extradition Treaty and Supplementary Convention between the United States and Colombia.

This treaty will make a significant contribution to international cooperation in law enforcement. I recommend that the Senate give early and favorable consideration to the treaty and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *May 28, 1981.*

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I inquire of the distinguished minority leader if he is able to advise me as to clearance on all or any portion of the Executive Calendar for today.

Mr. ROBERT C. BYRD. Yes. The two nominations under Department of Health and Human Resources, Calendar Nos. 183 and 184, and the nomination under Office of U.S. Trade Representative have been cleared on this side.

Mr. BAKER. I thank the minority leader.

Mr. President, in view of that, I ask unanimous consent that the Senate proceed to the consideration of the three nominations just identified by the distinguished minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations will be stated.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The assistant legislative clerk read the nomination of Pamela Needham Bailey, of Virginia, to be an Assistant Secretary of Health and Human Resources.

Mr. DOLE. Mr. President, on May 22, 1981, the Committee on Finance held a hearing on the nomination of Pamela Needham Bailey to be Assistant Secretary of Health and Human Services. As chairman of the committee, it is a privilege and a pleasure to report the committee's decision by a unanimous vote to report favorably the recommendation of Ms. Bailey.

Mr. President, the Committee on Finance has reviewed Ms. Bailey's financial position, the results of the investigation by the FBI, and the report of the Office of Government Ethics. We are confident that there are no problems in any of these areas.

Ms. Bailey has been nominated to fill a very important position in the administration. The position of Assistant Secretary of Health and Human Services for Public Affairs for which Ms. Bailey has been nominated is responsible for the development and coordination of public affairs policy for the Department of Health and Human Services. Ms. Bailey will also serve as principal public information officer for the Department of Health and Human Services and is responsible for providing advice to the Secretary on all departmental policy decisions related to the administration of the Freedom of Information Act.

Ms. Bailey has had a distinguished public and private career, providing her with an excellent background and experience for the position to which she has been nominated. From 1975 to the present Ms. Bailey has been with the American Hospital Supply Corp., and responsible for the direction of international, Federal, State, and local government relations for this international manufacturer and distributor of health care products and services.

From February of 1974 through August of 1975 Ms. Bailey was on the staff of the White House Domestic Council and worked with Cabinet-level officials in the identification and recommendation of policy options for Presidential decisionmaking in the areas of health, welfare, and social security. Prior to 1974 Ms. Bailey worked at the White House in a number of research-related positions.

Ms. Bailey is a graduate of Mount Holyoke College.

Mr. President, Ms. Bailey is well qualified to serve in this important position. I urge that the Senate approve her nomination.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The assistant legislative clerk read the nomination of Richard P. Kusserow, of Illinois, to be Inspector General, Department of Health and Human Services.

Mr. DOLE. Mr. President, on May 22, 1981, the Committee on Finance held a hearing on the nomination of Richard P. Kusserow to be Inspector General, Department of Health and Human Services. As chairman of the committee, it is a privilege and a pleasure to report the committee's decision by a unanimous vote to report favorably the nomination of Mr. Kusserow.

Mr. President, the Committee on Finance has reviewed Mr. Kusserow's financial position, the results of the investigation by the FBI and the report of the Office of Government Ethics. We are confident that there are no problems in any of these areas.

Mr. Kusserow has been nominated to fill a very important position in the administration. The Inspector General of the Department of Health and Human Services has the responsibility for conducting audits and investigations and for coordinating other activities designed to promote economy and efficiency and to prevent and detect fraud and abuse, including relationships between the Department and other Federal agencies, State and local governmental agencies, and nongovernmental entities with respect to such matters.

Mr. Kusserow would also have specific responsibility for recommending corrective action concerning fraud and other serious problems, abuses, and deficiencies and for reporting to the Secretary and the Congress on the progress made in implementing such corrective action.

From 1970 to the present, Mr. Kusserow was a special agent, Chicago divi-

sion, Federal Bureau of Investigation, specializing in white-collar crime: Embezzlement, bribery, and public corruption.

From 1969 to 1970, Mr. Kusserow worked as a special agent in the Pittsburgh division office of the FBI.

From 1967 to 1968, Mr. Kusserow was an intelligence officer with the Central Intelligence Agency. Immdeiately prior to this position Mr. Kusserow was a captain in the U.S. Marine Corps.

Mr. President, Mr. Kusserow is well qualified to serve in this important position. I urge that the Senate approve his nomination.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OFFICE OF THE U.S. TRADE REPRESENTATIVE

The assistant legislative clerk read the nomination of David R. MacDonald, of Illinois, to be a Deputy U.S. Trade Representative with the rank of Ambassador.

Mr. DOLE. Mr. President, on May 22, 1981, the Committee on Finance held a hearing on the nomination of David R. MacDonald to be Deputy U.S. Trade Representative. As chairman of the committee, it is a privilege and a pleasure to report the committee's decision by a unanimous vote to report favorably the recommendation of Mr. MacDonald.

Mr. President, the Committee on Finance has reviewed Mr. MacDonald's financial position, the results of the investigation by the FBI and the report of the Office of Government Ethics. We are confident that there are no problems in any of these areas.

Mr. MacDonald has been nominated to fill a very important position in the administration. The position of Deputy U.S. Trade Representative for which Mr. MacDonald has been nominated is responsible for the day-to-day operation of the USTR offices, including interagency policy coordination and international trade matters affecting trade negotiations, bilateral trade and commodity issues, international trade issues involving energy, trade-related direct investment issues and protection of U.S. rights under trade agreements.

Mr. MacDonald has had a distinguished public and private career, providing him with an excellent background and experience for the position to which he has been nominated. From 1977 to the present, Mr. MacDonald was in practice in Chicago, Ill. as an attorney, counseling clients in the areas of international trade, taxation and corporate matters.

In May 1974, Mr. MacDonald was appointed Assistant Secretary of the Treasury for Enforcement, Operations, and Tariff Affairs, where he was awarded the Treasury Department's Exceptional Service Award. In that position he supervised the administration of the countervailing duty law, the Antidumping Act, and other international trade statutes, as well as supervising the Secret Service, the Customs Service, the Bureau of Alcohol, Tobacco, and Firearms, the Mint and the Bureau of Engraving and Printing.

In September 1976, he was nominated by President Ford to be Undersecretary of the Navy, and served in the position until February 1977. In that position he was awarded the Defense Department's Medal for Distinguished Public Service.

Mr. MacDonald is a graduate of Cornell University, and has a law degree from the University of Michigan. He is a member of the Illinois Bar and served as cochairman of the Taxes Subcommittee of the Republican National Committee's Economic Affairs Counsel from 1979 to 1981.

Mr. President, Mr. MacDonald is well qualified to serve in this important position. I urge that the Senate approve his nomination.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business, not to exceed 10 minutes, in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ELIZABETH LEE SCULL

Mr. MATHIAS. Mr. President, the stories that have appeared about Elizabeth Scull since her death last week have frequently pointed out that she had a Republican and a Democratic phase. I knew her well during all those years and, candidly, she was very much the same throughout her whole period of public service.

She was never motivated by rigidly partisan feelings, but rather, by a desire to be of practical service. If she could be more helpful at one time in a given place, then neither pride nor sentiment stood in her way. Instead she lived by the admonition that of those to whom much is given, much shall be required.

Betty and David Scull made a remarkable team. Together they possessed a wide array of talent and the vigor and drive to use all of it. They helped to forge a workable and viable coalition of interests in Maryland that continues to have force and influence through the years. And even more important they showed through example that worthwhile public goals and important public issues were worth the sacrifice of petty personal and partisan prejudices. In this as in many things they were my mentors. Throughout our association they were fast friends of my wife Ann's and mine.

Sir Wilfred Grenfell once said that "The service we render to others is really the rent we pay for our room on Earth."

Elizabeth Scull leaves us with her rent paid in advance.

I ask unanimous consent that the obituary of Mrs. Scull and the editorial tribute which appeared in the Washington Post on Saturday, May 30, 1981, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MONTGOMERY'S ELIZABETH LEE SCULL DIES—DAUGHTER OF COUNTY'S PATRIARCH WORKED FOR MANY LIBERAL CAUSES

(By Kathryn Tolbert)

Elizabeth Lee Scull, a scion of one of Montgomery County's most prominent families who became a political force in her own right and the County Council's liberal conscience, died of cancer yesterday at the age of 57.

The daughter of Col. E. Brooke Lee, a gentleman farmer who for a generation reigned as the unchallenged patriarch of Montgomery County, Mrs. Scull entered politics in 1970 and earned a reputation as a champion of low-income housing and controlled growth.

Although she was diagnosed last August as having cancer of the colon, Mrs. Scull continued to work on council issues until her death. She underwent surgery and chemotherapy treatment but still attended many of the meetings and followed council business.

Her energy for council work was unflagging. Three days ago she was on the telephone submitting amendments to a package of condominium bills.

"Her doctor said, 'Would you please start acting more like a patient and less like a dynamo?' " said her son, Maryland Del. David L. Scull.

Two months ago, Mrs. Scull moved from Silver Spring to her son's home in Chevy Chase, and it was there that she died.

"Her lifetime service and dedication to the principles in which she believed placed all of us in her debt," said County Executive Charles W. Gilchrist. "Betty was a warm friend, a strong ally, a resolute fighter and a wise counselor."

"This is a sad day for Montgomery County," said Joyce Siegel, an official of the Housing Opportunities Commission who worked with Mrs. Scull on housing legislation.

Mrs. Scull was born into a family whose ties to Silver Spring go back to 1836, when Francis Blair began a farm there and called the spring on his proeprty "Silver Spring." She was a descendant of both Robert E. Lee and Henry "Light-Horse Harry" Lee, a general in George Washington's Revolutionary Army. Her grandfather, Blair Lee, was a U.S.

Senator from Maryland and her brother, Blair Lee III, served as acting governor.

Although born to great wealth, Mrs. Scull did not live a life of leisure, becoming instead an activitist in community affairs and a family maverick.

Her father, Col. E. Brooke Lee, was chairman of the county's Democratic Party and a successful developer who gave his children stock now worth millions of dollars. Elizabeth Scull, or "Betty," as she was called, dared switch from the Democratic to the Republican Party when she married David Scull, former county and state chairman for the Republican party. Later, she publicly opposed her father over issues of land use and low income housing.

Mrs. Scull worked closely on those issues with her husband. He died in 1968, a year and three months after his election to the Montgomery County Council. Mrs. Scull sought his seat.

When local Republican Party leaders supported James Gleason for the vacant seat instead of her, Mrs. Scull returned to the Democratic Party.

Two years later, she was elected for the first of three terms, and each time she was the top vote-getter.

The County Council will appoint someone to Mrs. Scull's seat on June 19.

Mrs. Scull's vigorous support of low-cost housing made her a formidable opponent to no-growth advocates among the county's civic groups.

"She was very strong, forceful and politically shrewd as all get out. She was an effective proponent of the issues she cared about," said Peg McRory, who was Mrs. Scull's aide on the Council before becoming a housing consultant.

Mrs. Scull worked to get improved housing for the black community in Tobytown and helped shape laws such as the Moderately Priced Dwelling Unit legislation that requires a minimum number of affordable apartments or homes in new developments of 50 units or more.

"I am Elizabeth Lee," Mrs. Scull told an interviewer last year. "That has meant that people have made assumptions all my life that I'm part of one big family political machine."

Besides her father and son, she is survived by her mother, Elizabeth Aspinwall of Washington; a daughter, Elizabeth S. Oelhaf of Chatham, N.Y.; two brothers, Blair Lee III of Silver Spring, and E. Brooke Lee Jr. of Falmouth, Maine; a half-brother, Bruce Lee of New York City; and three grandchildren.

ELIZABETH LEE SCULL

It is no accident that there has long existed throughout this region a strong strain of enlightened public service—a tradition of civic contribution and cooperative vision that has enriched the quality of local government. Call it good fortune, perhaps, but it stems in no small way from the achievements of a remarkable Maryland family, whose tree has had its roots in Montgomery County for the last 140 years: the Blairs and the Lees, who saw—and guided—the evolution of Montgomery from lush rural countryside to model suburban county. A special champion in this long line of exceptional achievers was Elizabeth L. Scull, who died yesterday of cancer at the age of 57.

While devoted to her famous family, Mrs. Scull, was not blindly loyal to her heritage as she moved through a lifetime of non-stop public service. On the contrary her sense of good, suburban politics and regional cooperation took her across partisan lines and predictable alliances to independent, thoughtful efforts to improve the living conditions of everyone in general and the poor in particular.

With her husband, the late David H. Scull, she took the best of her family tradition, long steeped in Democratic politics, to a then-minuscule Republican Party, which the two of them developed into an organization singularly adapted to the suburban politics of thankless civic work; the endless meetings, squalid quarrels and collisions of greed from which would eventually emerge a civic commitment to highly democratic, responsive government equipped to establish and maintain strong systems of schools, parks and planning.

After her husband's death, and after the Republicans rejected her in favor of someone else to complete Mr. Scull's term on the county council, Mrs. Scull returned to the Democratic Party, won election in 1970 with overwhelming support—and never lost again. Housing would remain her special concern during service on the council, as member of subcommittees and as a leader in the Metropolitan Washington Council of Governments—where her contributions to regional government approaches won her areawide respect and affection.

As COG president Stephen H. Detwiler, chairman of the Arlington County Board, said yesterday, Betty Scull "was forceful yet gentle, farsighted yet practical, a political leader in the noblest sense of that term."

NEED A LIFT?

Mr. STEVENS. Mr. President, "An Investment in Education Pays Good Dividends." These words of wisdom are contained in the motto on a valuable handbook available through the American Legion.

Aside from the many public and individual services provided by the American Legion—over the past 30 years this outstanding organization has provided a great service to the youth, parents, counselors, and military personnel of our Nation. This service is in the form of a book called, "Need a Lift?" The publication has become the No. 1 scholarship and career handbook available today.

Initially the book was established to help the children of deceased and disabled American veterans. However, the publication and service became so popular that the American Legion later made it available for wide distribution.

I ask unanimous consent to have two sections from the 1981 edition of "Need a Lift?", "Sources of Career Information," and "Sources of Scholarships and Other Forms of Financial Aid Available to all Students," printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEED A LIFT?

SOURCES OF CAREER INFORMATION

The American Legion believes that many more students will continue their education if they are given the opportunity to learn about careers and to select a field of interest during their first two years in high school. Where students are in doubt about the career they wish to follow, the organizations listed below, which represent over 300 careers, will provide helpful information about where to study, courses to select, job opportunities, pay, etc.

The National Association of Trade and Technical Schools, 2021 K Street, N.W., Washington, DC 20003, has available free upon request, an updated Handbook of over 400 accredited trade and technical schools and the courses being offered. Schools are listed geographically with a career cross-reference.

The National Home Study Council, 1601–18th Street, N.W., Washington, DC 20009, will mail, upon request, a directory of accredited home study schools and the subjects offered by the schools.

The Association of Independent Colleges and Schools has many member schools which offer general work or service, and funded scholarships to eligible students-subject to the controls of the Association. Some member schools also offer work-study programs. For a list of the approximately 500 AICS schools and for further information, please write to the Guidance Department, Association of Independent Colleges and Schools, 1730 M Street, N.W., Washington, DC 20036.

State private school associations have been established in most states to provide information concerning schools, details of course offerings, schedules, tuition and fee payments. For further information and address of your state association, contact your school counselor.

Accounting, Administration, Economics & Statistics: U.S. Department of Agriculture, Economic Research and Statistics Service, Personnel Division, Room 1459 South Building, 14th & Independence Ave., S.W., Washington, D.C. 20250.

Accounting: Amer. Inst. of Certified Public Acc'ts, Attn: Mrs. Beatrice Sanders, 1211 Avenue of the Americas, New York, N.Y. 10036.

Accounting: Assoc. of Independent Colleges & Schools, 1730 M Street, N.W., Washington, D.C. 20036.

Accounting: National Society of Public Accountants, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

*Accounts Receivable Clerk: Hospital Financial Management Assoc., 666 North Lake Shore Drive, Chicago, Illinois 60611.

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Advertising Design: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Aeronautical Technology: Academy of Aeronautics, LaGuardia Airport Station, Flushing, New York 11371.

Aerospace Engineering: American Institute of Aeronautics and Astronautics, Director of Students Programs, 1290 Avenue of the Americas, New York, New York 10019.

Agricultural Engineering: American Society of Agric. Eng., Box 410, St. Joseph, Mich. 49085.

Agricultural Management: Farmers Home Administration, U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Agriculture: U.S. Department of Agriculture, Office of Personnel, Room 1087–S, 14th & Independence Avenue, S.W., Washington, D.C., 20250.

Agricultural Commodity Grader: U.S. Department of Agriculture, Food Safety and Quality Service, 123 East Grant Street, Minneapolis, Minnesota 55403.

Agricultural Marketing Service: U.S. Department of Agriculture, Personnel Division, Room 1726–S, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Agricultural Stabilization & Conservation Service: U.S. Department of Agriculture, Personnel Division, Room 4752–S, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

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*Based on 1979 Information.

Agronomy: The American Society of Agronomy, Inc.: 677 South Segoe Road, Madison, Wisconsin 53711.

Air Conditioning, Refrigeration and Heating, Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Aircraft (A & P) Mechanic: Braniff Education Systems, Inc., P.O. Box 45174, Dallas, Texas 75245.

Air Transport Rating: Braniff Education Systems, Inc., P.O. Box 45174, Dallas, Texas 75245.

Anthropology: American Anthropological Association, 1703 New Hampshire Avenue, N.W., Washington, D.C. 20009.

Animal Biology: The American Society of Zoologists, Box 2739, California Lutheran College, Thousand Oaks, California 91360 (self-addressed, postage-paid envelope).

Apparel Industry: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Apparel Production Management: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Appliance Service Technician: Association of Home Appliance Manufacturers, 20 North Wacker Drive, Chicago, Illinois 60606.

Appliance Service Technician: Practical Schools, 1650 Babbitt, Anaheim, California 92805.

Apprenticeship: Bureau of Apprenticeship and Training, U.S. Department of Labor, 601 D Street, N.W., Room 5000, Washington, D.C. 20213.

Archaeology: Society for American Archaeology, 1703 New Hampshire Avenue, N.W., Washington, DC 20009.

Architecture:

Careers: American Institute of Architects.

Schools: Association of Collegiate Schools of Architecture.

Registration: National Council of Architectural Registration Boards.

Accreditation: National Architectural Accrediting Board, 1735 New York Avenue, N.W., Washington, DC 20006.

Artificial Insemination: National Association of Animal Breeders, Inc., 401 Bernadette Drive, P.O. Box 1033, Columbia, Missouri 65205.

Astronomy: American Astronomical Society, Education Office, Sharp Laboratory, University of Delaware, Newark, Delaware 19711.

Audiology: American Speech-Language-Hearing Association, 10801 Rockville Pike, Rockville, Maryland 20852.

*Audit Clerk: Hospital Financial Management Association, 666 North Lake Shore Drive, Chicago, Illinois 60611.

Auto Mechanics: Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Automotive Engineering: Land, Air, Sea and Space, The Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pennsylvania 15096.

Avionics: Academy of Aeronautics, LaGuardia Airport Station, Flushing, New York 11371.

Banking: American Bankers Association, Bank Personnel Division, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

Barber: National Association of Barber Schools, Inc., 304 South 11th Street, Lincoln, Nebraska 68508.

Barber: National Barber-Styling Career Center, 3839 White Plains Road, Bronx, New York 10467.

Body and Fender Repair: Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

*Bookkeeper: Hospital Financial Management Association, 666 North Lake Shore Drive, Chicago, Illinois, 60611.

Boys' Clubs: Recruitment & Placement Service, Boys' Clubs of America, 771 First Avenue, New York, N.Y. 10017.

Bricklaying: Brick Institute of America, 1750 Old Meadow Road, McLean, Virginia 22101.

Business: Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

*Business Office Manager: Hospital Financial Management Association, 666 North Lake Shore Drive, Chicago, Illinois 60611.

Business Schools: Assoc. of Independent Colleges & Schools, 1730 M Street, N.W., Washington, D.C. 20036.

Camp Fire: Camp Fire, Inc., 4601 Madison Avenue, Kansas City, Missouri 64112.

Carpentry: United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue, N.W., Washington, D.C. 20001.

Cartography: American Congress on Surveying and Mapping, 210 Little Falls Street, Falls Church, Virginia 22046.

Cartoonists: The Newspaper Comics Council, Inc., 260 Madison Avenue, New York, New York 10016.

Chamber of Commerce Management: American Chamber of Commerce Executive, 1133 15th St., N.W., Suite 620, Washington, D.C. 20005.

Chemical Industries: Chemical Manufacturers Association, Manager of Education, 1825 Connecticut Avenue, N.W., Washington, D.C. 20009.

Chemistry: American Chemical Society, Educational Activities Department, 1155 16th Street, N.W., Washington, D.C. 20036.

Chiropractic: American Chiropractic Association, Public Affairs Department, 2200 Grand Avenue, Des Moines, Iowa 50312.

Chiropractic: International Chiropractors Association, Education Commission, 1901 L Street, N.W., Suite 800, Washington, D.C. 20036.

Church Occupations: National Council of the Churches of Christ in U.S.A., Professional Church Leadership, 475 Riverside Drive, Room 770, New York, New York 10027.

Serra International: Catholic Priestly and Religious Vocations, 22 W. Monroe Street, Chicago, Illinois 60603.

Clerical: Assoc. of Independent Colleges & Schools, 1730 M Street, N.W., Washington, D.C. 20036.

Club Management: Club Managers Assn. of America, 7615 Winterberry Place, Washington, D.C. 20034.

Coal Industry: Education Division, National Coal Association, Coal Building, 1130 17th St., N.W., Washington, D.C. 20036.

Commercial and Domestic Air Conditioning, Heating and Refrigeration: Education Dynamics Institute, 2635 North Decatur Boulevard, Las Vegas, Nevada 89108.

Commercial and Domestic Air Conditioning, Heating and Refrigeration: Practical Schools, 1650 Babbitt, Anaheim, California 92805.

Community Organization: United Way of America, 801 North Fairfax Street, Alexandria, Virginia 22314.

Computer Programming: American Federation of Information Processing Societies, Inc., Public Information Department, 1815 North Lynn Street, Suite 800, P.O. Box 9657, Arlington, Virginia 22209.

Computer Programming: Empire Technical Schools, Inc., 576 Central Avenue, East Orange, New Jersey 07018

Computer Programming and Technology: Control Data Institute—HQA02J, Corporate Headquarters, 8100 34th Avenue South, Box O, Minneapolis, Minnesota 55440.

Construction Opportunities: Associated General Contractors of America, Construction Education Services, 1957 E Street, N.W., Washington, D.C. 20006.

Cosmetics Marketing: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Cosmetology: Naitonal Association of Cosmetology Schools, 808 Main Street, Boonton, Ney Jersey 07005.

Cosmetology: National Beauty Career Center, 3839 White Plains Road, Bronx, New York 10467.

Court Reporting: Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Crime and Delinquency: National Council on Crime and Delinquency, Continental Plaza, 411 Hackensack Avenue, Hackensack, New Jersey 07601.

Crop Science: Crop Science Society of America, Inc., 677 South Segoe Road, Madison, Wisconsin 53711.

Customer Engineering for Electric Typewriters: Empire Technical Schools, Inc., 576 Central Avenue, East Orange, New Jersey 07018.

Dairy Industry: Dairy Research, Inc., 6300 North River Road, Rosemont, Illinois 60018.

Data Processing: American Federation of Information Processing Societies, Inc., 1815 North Lynn Street, Suite 800, P.O. Box 9657, Arlintgon, Virginia 22209.

Demography: The Population Association of America, Inc., P.O. 14182, Benjamin Franklin Station, Washington, DC 20044.

Dental Assistants: American Dental Assistants Assn., 666 North Lake Shore Drive, Suite 1130, Chicago, Illinois 60611.

Dental Hygiene: American Dental Hygienists' Assn., 4442, North Michigan Avenue, Suite 3400, Chicago, Illinois 60611.

Dental Laboratory Technology: National Association of Dental Laboratories. 3801 Mt Vernon Avenue, Alexandria, Va. 22305.

Dentistry: American Association of Dental Schools, 1625 Massachusetts Ave., N.W., Washington, D.C. 20036.

Dentistry: American Dental Association, Division of Educational Measurements, Council on Dental Education, 211 East Chicago Avenue, Chicago, Illinois 60611.

Diesel: Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Dietetics: The American Dietetic Association, 430 N. Michigan Ave., Chicago, Illinois 60611.

Digital Electronics Technician: Practical Schools, 1650 Babbitt, Anaheim, California 92805.

Display and Exhibit Design: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Domestic Refrigeration: Practical Schools, 1650 Babbitt, Anaheim, California 92805.

Draftsman: Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey, 07052.

Driving Occupations: American Trucking Associations, Inc., Educational Services, 1616 P Street, N.W., Washington, D.C. 20036.

Drycleaning and Laundry: The Registrar, International Fabricare Institute, 12251 Tech Road, Montgomery Industrial Park, Silver Spring, Maryland 20904.

Ecology: Ecological Society of America, Department of Botany/Microbiology, Arizona State University, Tempe, Arizona 85281.

Electronic Data Processing: American Federation of Information Processing Societies, Inc., 1815 North Lynn Street, Suite 800, P.O. Box 9657, Arlington, Virginia 22209.

*Electronic Data Processing Management: Hospital Financial Management Association, 666 North Lake Shore Drive, Chicago, Illinois 60611.

Electronics: Bell & Howell Education Group, Inc., Administrative Offices, 2201 West Howard Street, Evanston, Illinois 60202.

Electronics: Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Electronics: United Electronics Institute, Director of Admissions, 3950 Dixie Highway, Louisville, Kentucky 40216.

Energy: American Gas Association, 1515 Wilson Boulevard, Arlington, Virginia 22209.

Engineering (Consulting): American Consulting Engineers Council, 1015 Fifteenth Street, N.W., Washington, D.C. 20005.

Engineering: Accreditation Board for Engineering and Technology, 345 East Forty-Seventh Street, New York, New York 10017.

Engineering: National Society of Professional Engineers, 2029 K Street, N.W., Washington, D.C. 20006.

English: Occupational Outlook Service, U.S. Department of Labor, 441 G Street N.W., Room 2916, Washington, D.C. 20212.

Entomology: Entomological Society of America, 4603 Calvert Road, College Park, Maryland 20740.

Fashion Buying & Merchandising: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Fashion Design: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Fashion Industry: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

F.B.I.: Federal Bureau of Investigation, Department of Justice, Washington, D.C. 20535.

Federal Civil Service Careers, Job Information Center, Washington Area Office, U.S. Office of Personnel Management, Washington, D.C. 20415.

Fine Arts: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Fire Protection Engineering: Society of Fire Protection Engineers, 60 Batterymarch Street, Boston, Massachusetts 02110.

Flight Engineer: Braniff Education Systems, Inc., P.O. Box 45174, Dallas, Texas 75245.

Floristry: Society of American Florists, 901 North Washington Street, Alexandria, Virginia 22314.

Food and Nutrition Service: U.S. Department of Agriculture, Food and Nutrition Service, Employment and Employees Relations Branch, Room 711 GHI, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Food Retailing: Food Marketing Institute, 1750 K Street, NW., Suite 700, Washington, D.C. 20006

Food Inspection: U.S. Department of Agriculture Food Safety and Quality Service, 123 East Grant Street, Minneapolis, Minnesota 55403.

Food Service Careers, Scholarships, Courses: Natl. Institute for the Foodservice Industry, 20 North Wacker Drive, Suite 2620, Chicago, Illinois 60606.

Food Service Management: Educational Institute of the Hotel and Motel Association, Stephen S. Nisbet Building, 1407 South Harrison Road, Michigan State University, East Landsing, Michigan 48823.

Food Technology: Institute of Food Technologists, Scholarship Center, 221 North LaSalle Street, Chicago, Illinois 60601.

Foreign Agricultural Service: U.S. Department of Agriculture, Personnel Division, Room 5627-S, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Foreign Languages: Occupational Outlook Service, U.S. Department of Labor, 441 G Street N.W., Room 2916, Washington, D.C. 20212.

Foreign Service: Department of State, Board of Examiners, Washington, D.C. 20520.

Forester: Society of American Foresters, Wild Acres, 5400 Grosvenor Lane, Bethesda, Maryland 20014.

Forest Service: U.S. Department of Agriculture, Personnel Division, Room 801 RPE, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Funeral Directors: National Funeral Directors Association, 135 West Wells Street, Milwaukee, Wisconsin 53203.

Gemology: Gemological Institute of America, 1660 Stewart Street, Santa Monica, California 90406.

Geography: The Association of American Geographers, 1710 Sixteenth Street, N.W. Washington, D.C. 20009.

Geological Sciences, American Geological Institute, 5205 Leesburg Pike, Falls Church, Virginia 22041.

Geophysics: American Geophysical Union, 2000 Florida Avenue, N.W., Washington, D.C. 20009.

Geophysics: Society of Exploration Geophysicists P.O. oBx 3098, Tulsa, Oklahoma 74101.

Girl Scouting: Girl Scouts of the U.S.A., Human Resources Department, 830 Third Avenue, New York, New York 10022.

Grain Inspection and Weighing, U.S. Department of Agriculture, Federal Grain Inspection Service, Personnel Division, Room 1721–S, 14th & Independence Avenue, S.W. Washington, D.C. 20250.

Health Fields: National Health Council, Inc. 70 West 40th Street, New York, New York 10018.

Home Economics: American Home Economics Association, 2010 Massachusetts Avenue, N.W., Washington, D.C. 20036.

Horticulture: American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005, (send stamped, self-addressed envelope).

*Hospital Accountant, Hospital Financial Management Association, 666 North Lake Shore Drive, Chicago, Illinois 60611.

Hospital Administration: American College of Hospital Adm., 840 North Lake Shore Drive, Chicago, Illinois 60611.

*Hospital Admitting Clerk: Hospital Financial Management Association, 666 North Lake Shore Drive, Chicago, Illinois 60611.

*Hospital Controller: Hospital Financial Management Association, 666 North Lake Shore Drive, Chicago, Illinois 60611.

*Hospital Financial Management: Hospital Financial Management Association, 666 North Lake Shore Drive, Chicago, Illinois 60611.

Hotel and Motel Administration: Educational Institute of the Hotel and Motel Association, Stephen S. Nisbet Building, 1407 South Harrison Road, Michigan State University, East Lansing, Michigan 48823.

Illuminating Engineering: Illuminating Engineering Society of North America, 345 East 47th Street, New York, N.Y. 10017.

Illustration: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

*Insurance Clerk: Hospital Financial Management Association, 666 North Lake Shore Drive, Chicago, Illinois 60611.

Interior Design: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Internal Revenue: Accounting, Law, Law Enforcement, Treasury Enforcement Agent, (Contact local address listed in yellow pages of your telephone book).

Jewelry Design: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Journalism: The Newspaper Fund, Inc., P.O. Box 300, Princeton, New Jersey 08540.

Landscape Architect: The American Society of Landscape Architects, 1900 M Street, N.W., Suite 750, Washington, D.C. 20036.

Law: American Bar Association, Information Services, 1155 East 60th Street, Chicago, Illinois 60637.

Law Enforcement: Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C. 20531.

Law Librarian: American Association of Law Libraries, Secretary, 53 West Jackson Boulevard, Chicago, Illinois 60604.

Librarian: American Library Association, Office for Library Personnel Resources, 50 East Huron Street, Chicago, Illinois 60611.

Life & Health Insurance: American Council of Life Insurance, 1850 K Street, N.W., Washington, D.C. 20006.

Loss Prevention Security: Empire Technical Schools, Inc., 576 Central Avenue, East Orange, New Jersey 07018.

Machinist: National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Virginia 22102.

Machinist: National Tooling and Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

Management: Association of Independent Colleges and Schools, 1730 M Street, N.W., Washington, D.C. 20036.

Marine Science and Technology: Marine Technology Society, 1730 M Street, N.W., Washington, D.C. 20036.

Material Handling: The Material Handling Education Foundation, Inc., 1326 Freeport Road, Pittsburgh, Pennsylvania 15238.

Mathematics: Occupational Outlook Service, U.S. Department of Labor, 441 G Street N.W., Room 2916, Washington, D.C. 20212.

Mathematics Teacher: National Council of Teachers of Mathematics, 1906 Association Drive, Reston, Virginia 22091.

Medical Laboratory: Certified Laboratory Assistant, Medical Laboratory Technician, Medical Technologist, Histologic Technician, Histotechnologist, Cytotechnologist, Nuclear Medicine Technologist, Specialist in Blood Banking, Specialist in Chemistry, Specialist in Hematology, Specialist in Immunology, Specialist in Microbiology, Technologist in Chemistry, Technologist in Hematology, Technologist in Immunology, Technologist in Microbiology, Board of Registry, P.O. Box 12270, Chicago, Illinois 60612.

Medical Record Administrator: American Medical Record Association, 875 N. Michigan Ave., Suite 1850 Chicago, Illinois 60611.

Medical Record Technician: American Medical Record Association, 875 N. Michigan Ave., Suite 1850, Chicago, Illinois 60611.

Medical Transcription: American Medical Record Association, 875 N. Michigan Ave., Suite 1850, Chicago, Illinois 60611.

Medical Secretary/Transcription: Empire Technical Schools, Inc., 576 Central Avenue, East Orange, New Jersey 07018.

Medicine: American Medical Association, Health Manpower, 535 N. Dearborn Street, Chicago, Illinois 60610.

Meanswear Design and Marketing: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Metallurgy: American Society for Metals, Metals Park, Ohio 44073.

Microbiology: American Socitey for Microbiology, 1913 I Street, N.W., Washington, D.C. 20006.

Mortgage Banking: Mortgage Bankers Association of America, 1125 Fifteenth Street, N.W., Washington, D.C. 20005.

Morticians: National Foundation of Funeral Services, 1614 Central Street, Evanston, Illinois 60201.

Music: Music Educators National Conference, 1902 Association Drive Reston, Virginia 22091.

Music Therapy: National Association for Music Therapy, Inc., P.O. Box 610, Lawrence, Kansas 66044.

National Park Service: Department of the Interior, Career Employment, National Park Service, 18th and C Streets, N.W., Washington, D.C. 20240.

Naval Architecture and Marine Engineering: The Society of Naval Architects and Marine Engineers, One World Trade Center, Suite 1369, New York, New York 10048.

Nurse Anesthetist: American Association of Nurse Anesthetists, 216 Higgins Road, Park Ridge, Illinois 60068.

Nursing: National League of Nursing, Inc., 10 Columbus Circle, New York, New York 10019.

Nursing-Practical: National Association for Practical Nurse Education and Service,

Inc., 122 East 42nd Street, New York, New York 10017.

Occupational Therapy: American Occupational Therapy Association, Inc., 1383 Piccard Drive, Rockville, Maryland 20850.

Oceanography: Marine Technology Society, 1730 M Street, N.W., Washington, D.C. 20036.

Optometric Assistant/Technician: American Optometric Association, Paraoptometric Program, 243 North Lindbergh Boulevard, St. Louis, Missouri 63141.

Optometry: American Optometric Association, Career Guidance, 243 North Lindbergh Boulevard, St. Louis, Missouri 63141.

Osteopathic Medicine: American Osteopathic Association, Office of Osteopathic Education, 212 East Ohio Street, Chicago, Illinois 60611.

Packinghouse Worker: United Food and Commercial Workers International Union, Office of Education, 1775 K Street, N.W., Washington, D.C. 20006.

Palentology: The Paleontological Society, Attn.: Dr. Walter C. Sweet, Department of Geology and Mineralology, Ohio State University, 125 South Oval Mall, Columbus, Ohio 43210. (Send self-addressed, stamped envelope with your request.)

Paperhanging: United States School of Professional Paperhanging, Inc., 16 Chaplin Avenue, Rutland, Vermont 05701.

Paper Industry: American Paper Institute, 260 Madison Avenue, New York, New York 10016.

Park Police: Department of the Interior, National Park Service, and National Capital Region, 1100 Ohio Drive, S.W., Washington, D.C. 20242.

Pathologist: Intersociety Committee on Pathology Information, 4733 Bethesda Avenue, Suite 735, Bethesda, Maryland 20014.

Pattern Making Technology: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

*Payroll Clerk: Hospital Financial Management Association, 666 North Lake Shore Drive, Chicago, Illinois 60611.

Petroleum Engineering: Society of Petroleum Engineers of Aime, 6200 North Central Expressway, Dallas, Texas 75206.

Pharmacology: American Society for Pharmacology and Experimental Therapeutics, Inc., 9650 Rockville Pike, Bethesda, Maryland 20014.

Pharmacy: American Association of Colleges of Pharmacy, Office of Students Affairs, 4630 Montgomery Avenue, Suite 201, Bethesda, Maryland 20014.

Photography: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Physical Therapist: American Physical Therapy Association, 1156 15th Street, N.W., Washington, D.C. 20005.

Physical Therapist Assistant: American Physical Therapy Association, 1156 15th Street, N.W., Washington, D.C. 20005.

Physics: American Institute of Physics, 335 East 45th Street, New York, New York 10017.

Physiology: The American Physiological Society, 9650 Rockville Pike, Bethesda, Maryland 10014.

Plant Quarantine & Pest Control: U.S. Department of Agriculture, Animal & Plant Health Inspection Service, Room 514, Presidential Building CB-3, Hyattsville, Maryland 20782.

Plastering: National Plastering Industry's Joint Apprenticeship Trust Fund, 1000 Vermont Avenue, N.W., Washington, D.C. 20005.

Podiatry: American Podiatry Ass'n., 20 Chevy Chase Circle, N.W., Washington, D.C. 20015.

Power System Engineering: University of Illinois, 112 Engineering Hall, Urbana, Illinois 61801.

Printing Industry: Education Council of the Graphic Arts, Inc., 4615 Forbes Ave., Pittsburgh, Pa. 15213.

Process Measurement & Control: Process Measurement & Control Section (SAMA), 1101 Sixteenth Street, N.W., Washington, D.C. 20036.

Professional Chefs and Cooks, The Culinary Institute of America, Placement Office, North Road, Hyde Park, N.Y. 12538.

Property and Liability Insurance, Insurance Information Institute, 110 William Street, New York, New York 10038.

Psychiatry: American Psychiatric Association, Joint Information Service, Washington, D.C. 20009.

Psychology: American Psychological Ass'n., Educational Affairs Office, 1200 17th St., N.W., Washington, D.C. 20036.

Public Accounting: National Society of Public Accountants, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

Public Health: Commissioned Personnel, Operations Division, Parklawn Building, 5600 Fishers Lane, Room 4-35, Rockville, Maryland 20857.

Public Relations: Public Relations Society of America, Career Information Service, 845 Third Avenue, New York, N.Y. 10022 (Single copies $0.50. Bulk rates available on request.)

Purchasing Management: National Association of Purchasing Management, Inc., 11 Park Place, New York, New York 10007.

Radio: National Assn. of Broadcasters, 1771 N Street, N.W., Washington, D.C. 20036.

Real Estate Principles and Practices: Education Dynamics Institute, 2635 North Decatur Boulevard, Las Vegas, Nevada 89108.

Recreation, Parks & Leisure Services: National Recreation & Park Association, 1601 N Kent Street, Arlington, Virginia 22209.

Reservations/Ticketing: Braniff Education Systems, P.O. Box 45174, Dallas, Texas 75245.

Respiratory Therapy: American Association for Respiratory Therapy, 1720 Regal Row, Dallas, Texas 75235.

Retail Meat Cutter: United Food and Commercial Workers International Union, Office of Education, 1775 K Street, N.W., Washington, D.C. 20006.

Roadbuilding: American Road and Transportation Builders Association, 525 School Street, S.W., Washington, D.C. 20024.

Rural Electrification: U.S. Department of Agriculture, Rural Electrification Administration, Personnel Division, Room 4072-S, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Safety Professional: American Society of Safety Engineers, 850 Busse Highway, Park Ridge, Illinois 60068.

Sales and Marketing: Sales and Marketing, Executives-International, Career Education Division, 380 Lexington Avenue, New York, N.Y. 10017.

Science: Scientific Manpower Commission, 1776 Massachusetts Avenue, N.W., Washington, D.C. 20036.

Science: Occupational Outlook Service, U.S. Dept. of Labor, 441 G St., N.W., Room 2916, Washington, D.C. 20212.

Science and Education Administration: U.S. Department of Agriculture, Science and Education Administration, Personnel Division, Room 560, Center Building No. 1, Hyattsville, Maryland 20784.

Science Teaching: Nat'l. Science Teachers Ass'n., 1742 Connecticut Avenue, N.W., Washington, D.C. 20009.

Secretarial: Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Secretary: Assoc. of Independent Colleges & Schools, 1730 M Street, N.W., Washington, D.C. 20036.

Shorthand Reporting: Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Shorthand Reporting: National Shorthand Reporters Association, 118 Park Street, S.E., Vienna, Virginia 22180.

Social Science: Occupational Outlook Service, U.S. Department of Labor, 441 G Street, N.W., Room 2916, Washington, D.C. 20212.

Social Security Administration: College Relations Officer, Special Careers and Recruitment Branch, 6401 Security Boulevard, Baltimore, Maryland 21235.

Social Work: National Association of Social Workers, Social Work Career Information Service, 1425 H Street, N.W., Suite 600, Washington, D.C. 20005.

Soil Conservation: U.S. Department of Agriculture, Soil Conservation Service, Personnel Division, Room 6219-S, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Soil Science: Soil Science of America, Inc., 677 South Segoe Road, Madison, Wisconsin 53711.

Speech Communication: Speech Communication Association, 5205 Leesburg Pike, Falls Church, Virginia 22041. ($0.50 per copy)

Speech Language Pathology: American Speech—Language—Hearing Association, 10801 Rockville, Pike, Rockville, Maryland 20852.

Statistics: American Statistical Assn., Suite 640, 806-15th St., N.W., Washington, D.C. 20005.

Student Research Participation: U.S. Department of Energy, Oak Ridge Associated Universities, University Programs, P.O. Box 117, Oak Ridge, Tennessee 37830.

Surveying: American Congress on Surveying and Mapping, 210 Little Falls Street, Falls Church, Virignia 22046.

*Systems Analyst: Hospital Financial Management Association, 666 North Lake Shore Drive, Chicago, Illinois 60611.

Teaching Retarded Students: Association for Retarded Citizens, National Headquarters, 2709 Avenue E East, P.O. Box 6109, Arlington, Texas 76011.

Television: National Assn. of Broadcasters, 1771 N Street, N.W., Washington, D.C. 20036.

Textile Design: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Textile Technology: Fashion Institute of Technology, 227 West 27th Street, New York, New York 10001.

Tool and Die: National Tooling and Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

Traffic Management: Academy of Advanced Traffic, Inc., One World Trade Center, Room 5457, New York, New York 10048.

Translators: American Translators Association, 109 Croton Avenue, Ossinging, New York 10562.

Travel Agent: Braniff Education Systems, Inc., P.O. Box 45174, Dallas, Texas 75245.

Truck and Bus Mechanics, American Trucking Associations, Inc., Education Services, 1616 P Street, N.W., Washingon, D.C. 20036.

Truck and Bus Mechanics: Lincoln Technical Institute, Inc., 10 Rooney Circle, West Orange, New Jersey 07052.

Trucking Industry: American Trucking Associations, Inc., Educational Services, 1616 P Street, N.W., Washington, D.C. 20036.

United States Air Force Academy, Director of Admissions Liaison, USAF Academy, Colorado 80840.

U.S. Air Force Careers, Air Force Liaison Representative, Air Force Opportunities Center, Box 800, Valley Forge, Pennsylvania 19481.

U.S. Air Force Community College (CCAF): Air Force Liaison Representative, Air Force Opportunities Center, Box 800, Valley Forge, Pennsylvania 19481.

U.S. Air Force Nurse: Air Force Liaison Representative, Air Force Opportunities Center, Box 800, Valley Forge, Pennsylvania 19481.

U.S. Air Force ROTC: Air Force ROTC, Advisory Service, Maxwell AFB, Alabama 35112.

U.S. Department of the Army, Commander,

U.S. Army Recruiting Command, Attn: USARCASP–E, Fort Sheridan, Illinois 60037.

U.S. Army ROTC: DCSROTC, U.S. Army Training & Doctrine Command, Fort Monroe, Virginia 23651.

U.S. Army Military Occupational Specialties, U.S. Army Recruiting Command, Attn: USARCSTP–E, Fort Sheridan, Illinois 60037.

U.S. Army Nurse Corps: U.S. Army Recruiting Command, Attn: USARCRO–N, Fort Sheridan, Illinois 60037.

U.S. Army Medical Corps: Surgeon General's Office, Attn: SGPE–PDO, Washington, D.C. 20324.

U.S. Army Judge Advocate General Corps (Army Law Careers): Headquarters, Department of the Army, Attn: DAJA–PT, The Pentagon, Washington, D.C. 20310.

United States Coast Guard Officer: United States Coast Guard Academy, Director of Admissions, New London, Connecticut 06320.

United States Marine Corps Officer: Headquarters, Marine Corps, (Code MRRO), Washington, D.C. 20380.

United States Merchant Marine Officer: Admissions Officer, U.S.M.M. Academy, Kings Point, N.Y. 11024.

United States Military Academy: Director of Admissions, United States Military Academy, West Point, N.Y. 10996.

United States Naval Academy: Candidate Guidance Office, (SIC–85), U.S. Naval Academy, Annapolis, Maryland 21402.

U.S. Navy Officer: Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203, NROTC (Code 314), Medical Programs (Code 315), Officer Candidate School (Code 312), Enlisted Programs (Code 33), Aviation Programs (Code 311), Nuclear Power Programs (Code 312).

Veterans Administration: Personnel Office of any VA Medical Center or Regional Office.

Veterinarian: American Veterinary Medical Association, 930 North Meacham Road, Schaumburg, Illinois 60196.

Veterinarian: U.S. Department of Agriculture, Food Safety and Quality Service, 123 East Grant Street, Minneapolis, Minnesota 55403.

Watch Repairing: American Watchmakers Institute, Box 11011, Cincinnati, Ohio 45211.

Welding: American Welding Society, 2501 N.W. 7th St., Miami, Florida 33125.

Welding and Welding Technology: Hobart School of Welding Technology, Trade Square East, Troy, Ohio 45373.

Youth Services: Boy Scouts of America, Professional Recruiting, P.O. Box 61030, Irving, Texas 75261.

SOURCES OF SCHOLARSHIPS AND OTHER FORMS OF FINANCIAL AID AVAILABLE TO ALL STUDENTS

For undergraduates only

The basic educational opportunity grant program (Basic Grants) makes funds available to eligible students attending approved colleges, community/junior colleges, vocational schools, technical institutes, hospital schools of nursing, correspondence schools and other post-high school institutions. In 1980–81 award period (July 1, 1980-June 30, 1981), you may apply for a Basic Grant if you are an undergraduate student and are enrolling on at least a half-time basis. Awards in 1980–81 may range from $200 to $1,800 for a full school year. To apply for a Basic Grant, you may complete the Federal form called "Basic Grant Application Form," or one of several private or State need analysis applications which are used to determine eligibility for other sources of student aid. Check with your postsecondary school to see if they require the Financial Aid Form (FAF), the Family Financial Statement (FFS), the Pennsylvania Higher Education Assistance Agency (PHEAA) form, or the Student Aid Application for California (SAAC). You do not need to fill out the "Application for Determination of Basic Grant Eligibility" if you will fill out any of these forms. You may obtain copies of the forms that apply to you from postsecondary schools, high schools and public libraries. You may also receive a "Basic Grant formula, 1980–81" by writing to BEOG, P.O. Box 84, Washington, D.C. 20044. It is very important that you fill out the form you use as accurately as possible. If you fill out the form carelessly or inaccurately, you will be required to provide more accurate information before the Office of Education will tell you whether you are eligible for a Basic Grant.

The supplemental educational opportunity grant (SEOG) program is for students of exceptional financial need who, without the grant, would be unable to continue their education. You are eligible to apply if you are enrolled at least half-time as an undergraduate or vocational student in an educational institution participating in the program. Graduate students are not eligible. If you receive an SEOG, it cannot be less than $200 or more than $1,500 a year. Normally, an SEOG may be received for up to four years. However, the grant may be received for five years when the course of study requires the extra time. The total that may be awarded is $4,000 for a four year course of study or $5,000 for a five year course. Contact the Director of Financial Aid at the institution you wish to attend.

The U.S. Coast Guard Academy educates young men and women for careers as commissioned officers in the U.S. Coast Guard. Appointments are made on the basis of an annual nationwide competition. The competitive test consists of the College Board Scholastic Aptitude Tests (SAT) or the American College Testing Assessment (ACT). There are no Congressional appointments and no geographical limitations. Graduates receive a commission as Ensign, U.S. Coast Guard and a Bachelor of Science degree. For detailed information, interested students should write to Director of Admissions, U.S. Coast Guard Academy, New London, Conn. 06320. Applications should be submitted prior to 15 December of the candidate's senior year in high school.

Air Force ROTC is conducted at colleges and universities located throughout the United States, Puerto Rico and the District of Columbia. Students may earn a commission by successfully completing either the Air Force ROTC Four-Year Program or the Air Force ROTC Two-Year Program. Air Force ROTC offers Four, Three, and Two-Year Scholarships on a competitive basis to both men and women students. The scholarships cover full tuition, certain fees and expenses associated with required courses, cost of curriculum-required textbooks, and a $100 nontaxable allowance each month during the school year. Scholarships are available in several categories to qualified applicants. However, we should inform you that as the needs of the Air Force change, scholarship offerings will be changed accordingly. Applications (DD Form 1893) for the Four-Year Scholarships are contained in the brochure Scholarship Applicant Booklet. Send directly to Air Force ROTC, Selections Division, Maxwell AFB, Alabama 36112. Deadline date for submitting applications for the Four-Year Scholarships is January 15 of the school year in which the student plans to enter college. Applicants for Four-Year Scholarships must take either the SAT or the ACT Tests. Deadline date can be no later than the December test cycle. Applications for the Three and Two-Year Scholarships should be made to the Professor of Aerospace Studies at the hosting institution during the students' freshman or sophomore year of college respectively. Application forms will be furnished by the Professor of Aerospace Studies at the Air Force ROTC detachment. Information can be obtained by contacting the Air Force ROTC detachment on campus or by writing to Air Force ROTC, Advisory Service, Maxwell Air Force Base, Alabama 36112.

Army ROTC offers a college student the opportunity to earn a commission as a second lieutenant in the U.S. Army at the same time he or she earns a baccalaureate degree. Army ROTC is offered at over 250 colleges and universities across the Country. Four-year scholarships are awarded competitively to outstanding high school students who enter college as freshmen at any of the institutions hosting Army ROTC. Request for application packets must be submitted to Army ROTC, P.O. Box 7000, Larchmont, New York 10538 between April 1 and November 15. Three- and two-year scholarships are awarded competitively to students already enrolled in college and application for these awards are made through the Professor of Military Science. Scholarship cadets receive tuition, textbooks, lab fees and certain other educational expenses, plus a living allowance of up to $1,000 each school year the scholarship is in effect. Non-scholarship cadets in the Advanced Course (final two years) also receive this same living allowance for the last two years in the program. For further information, write Army ROTC, Fort Monroe, Virginia 23651.

Naval ROTC is conducted at 55 colleges and universities located throughout the United States. Students may earn a commission as Ensign, U.S. Navy or Second Lieutenant, U.S. Marine Corps by successfully completing the NROTC Navy-Marine Corps Scholarship Program. Naval ROTC offers Four- Three- and Two-Year scholarships to both men and women candidates. Scholarships cover full tuition, educational fees, books, uniforms and a $100 non-taxable subsistence allowance per month (maximum 40 months). Applicants for the Four-and Three-Year Scholarship Program must make application during the period March 1-December 1 of the year prior to desired enrollment and take either the SAT or the ACT Tests and arrange with the appropriate testing agency to forward test results to NROTC Scholarship Program (release code 0656) by December 31. Information and applications are available from Navy or Marine Corps recruiting stations, from high school/college counselors, NROTC units and the Commander, Navy Recruiting Command (Code 314), 4015 Wilson Boulevard, Arlington, Virginia 22203. Two-Year NROTC Scholarship Program applicants must enter one of the 55 NROTC host institutions with junior status at the time of enrollment in the program. Application period is June 1 to April 1 of the year of anticipated enrollment. Information concerning the Two-Year NROTC Scholarship Program may be obtained from Navy recruiting district offices, NROTC units and address above.

The United States Merchant Marine Academy prepares selected young men and women for positions of leadership in the Maritime industry. Applicants must be high school graduates. A background in Mathematics and the Sciences is important. Graduates receive a Bachelor of Science Degree, a commission as Ensign in the Naval Reserve and a license as a Merchant Marine officer. Entrance requirements are similar to those of the other Federal academies. Information may be obtained by writing to the: Director of Admissions, U.S. Merchant Marine Academy, Kings Point, NY 11024.

The New Mexico Military Institute is now offering a $2,000 ($1,000 per year) scholarship available to members of the National Eagle Scout Association who enroll as full-time students at New Mexico Military Institute. This program has been coordinated through the offices of National Eagle Scout Association and Director Education Relationships. Applications and information can be obtained by writing the Director of Admissions or the Assistant Dean, New Mexico Military Institute, Roswell, New Mexico 88201. Application deadline is April 15. Awards made by May 1.

Extension of social security benefits to

students attending school after reaching age 18 and up to age 22. The American Legion and its Auxiliary initiated and supported legislation to extend benefits under Title II of the Social Security Act, to unmarried sons and daughters of a deceased, disabled or retired parent and in some instances, grandsons and granddaughters who continue their education on a full-time basis beyond age 18. The legislation adopted by the 89th Congress, 1st Session, provides for the continuance of child's Social Security benefits beyond the age of 18 if the student is in full-time attendance at an accredited educational institution (including a vocational school). As of the end of April 1980, 879,580 students, age 18–22, received benefit payments at an annual rate of approximately $1.7 billion. For further information, see your guidance counselor or contact the representative of the Social Security Office serving your community. This source represents nearly as much funds to assist students to further their education as all the public and private scholarships at all colleges and universities in the United States.

The Railroad Retirement Act provides monthly benefits for the student children of deceased railroaders who were insured under the Act at death. Dependent grandchildren of deceased railroaders may also be eligible if both their natural parents are deceased or disabled. To qualify, you must be single and attending a public or private accredited high school, vocational school, college or university on a full-time basis. Benefits continue until age 22 or until the end of the school semester after you attain age 22. If you are not attending school when you reach 18, you can still qualify for some benefits if you become a full-time student before age 22. Student children of retired railroad workers cannot qualify for benefits directly. However, a retired worker's benefit may be increased under a special guarantee provision of the Railroad Retirement Act if he or she has any children age 18–22 who attend school full-time. Further information may be obtained from the nearest Railroad Retirement Board Office. Address can be found in the telephone directory or by asking at any post office.

Bell & Howell schools scholarship program. Fifty-five full tuition scholarships in Electronics Engineering Technology will be awarded to high school graduates from the United States who wish to attend one of the U.S. Bell & Howell schools. Scholarships are divided among Bell & Howell schools in proportion to the number of scholarship applications submitted to each schcol. Finalists selected on basis of performance on SAT or ACT programs. Winners determined on basis of an essay and applicant's high school academic record. For application forms and further information, write: Bell & Howell Education Group, Inc., Administrative Offices, 2201 West Howard Street, Evanston, Illinois 60202.

U.S. Department of Education, Bureau of Education for the Handicapped Public Law 91–230, Part D, as amended, authorizes the Secretary of Education to make grants to public or other non-profit institutions of higher learning, State education agencies, and on a discretionary basis, to certain other public or private non-profit agencies for preparing personnel to work with handicapped children. Students committed to a career involving the education of the handicapped may, upon acceptance to a preparation program, receive financial support for academic study. The amount of financial support will vary for level of study, and at the discretion of the agency. Grants are made directly to the agencies described above. Students seeking awards under this program, should apply directly to the higher education institution of their choice, or their respective state education agencies. Information regarding these awards may be obtained from the Director, Division of Personnel Preparation, Bureau of Education for the Handicapped, U.S. Department of Education, Washington, D.C. 20202.

The Clairol Loving Care Scholarship Program, a $50,000 annual program, is the only nationwide company-sponsored fund for a women 30 or over who are continuing on a post-secondary education to achieve career goals. Grants up to $1,000 are awarded for full or part-time study. No restrictions on marital status. Contact Business and Professional Women's Foundation, 2012 Massachusetts Avenue, NW, Washington, DC 20036.

National Achievement Scholarship Program for Outstanding Negro Students, a compensatory activity, created in 1964, is conducted by National Merit Scholarship Corporation (NMSC) which also administers the National Merit Scholarship Program (described in the next entry). All grants to the Achievement Program are specified for the purposes of honoring academically able black students and awarding them college undergraduate scholarships. Currently, about 650 Achievement Scholarships worth $2 million are awarded in each annual competition.

To enter the Achievement Program, black high school students must take the PSAT/NMSQT (which simultaneously makes them participants in the Merit Program), mark a space on their answer sheets requesting consideration in the Achievement Program and meet NMSC eligibility requirements.

About 1,500 of the highest scoring eligible black students are designated Semifinalists in each Achievement Program. To ensure nationwide representation, a number are named in each of several U.S. geographic regions, proportionate to each region's Negro population.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Achievement Scholarship competition. Every Finalist is considered for one of the scholarships, and all winners are chosen from the Achievement Program Finalist group. The selection of winners includes an evaluation of each Finalist's academic record and test scores, extracurricular activities and attainments, and the endorsement and recommendation of the student's school.

Three types of Achievement Scholarships are awarded annually: At least 325 are National Achievement $1,000 Scholarships that are single-payment awards allocated to winners on a regional representation basis; about 200 are corporate-sponsored four-year Achievement Scholarships for which winners must meet preferential criteria specified by the grantor organization, and that are worth between $1,000 and $8,000 over the four college years; and about 125 are college-sponsored Achievement Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

The PSAT/NMSQT Student Bulletin gives requirements students must meet to be eligible to participate in Achievement Program and also lists sponsor organizations that currently provide support for Achievement Scholarships. A copy can often be obtained from the student's high school. Questions should be directed to: National Achievement Scholarship Program for Outstanding Negro Students, One American Plaza, Evanston, Illinois 60201 (phone: 312/866–5100).

National Merit Scholarship Program is a nationwide competition for college undergraduate scholarships. The Merit Program is conducted by National Merit Scholarship Corporation (NMSC), an independent nonprofit organization, established in 1955 to administer this annual competition. About 4,500 Merit Scholarships, valued at about $13 million, have been awarded each year in recent programs.

Secondary school students throughout the U.S. enter the competition by taking the Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test (PSAT/NMSQT) given by their schools in October. To participate, students must meet published eligibility requirements established by NMSC.

About 15,000 top-scoring students are designated in each Merit Program. The highest scorers in each state are named Semifinalists in numbers proportionate to the state's percentage of the Nation's total of graduating high school seniors.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Merit Scholarship competition. Every Finalist is considered for one of the scholarships, and all Merit Scholars are chosen from the Finalist group. The selection of winners includes an evaluation of each Finalist's test scores, academic and extracurricular achievements, and the endorsement and recommendation of the student's school.

Three types of Merit Scholarships are awarded annually: At least 1,000 are National Merit $1,000 Scholarships that are single-payment awards allocated to winners on a state representational basis; over 1,500 are corporate-sponsored four-year Merit Scholarships for which winners must meet preferential criteria specified by the grantor organization providing funding for the award, and that are worth between $1,000 and $8,000 over the four college years; and about 2,000 are college-sponsored, four-year Merit Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

Details concerning eligibility and the Merit Scholarships offered are published annually in the PSAT/NMSQT Student Bulletin, sent to high schools. Question and requests for additional information should be sent to: National Merit Scholarship Program, One American Plaza, Evanston, Illinois 60201 (phone: 312/866–5100).

National 4–H Council, through some 60 business corporations and foundations, offers more than 270 4–H college scholarships with total value of more than $250,000 and range from $500–$1,000. The majority are open only to current 4–H members who have won state honors in specific 4–H projects. Other college scholarships, ranging in value from $500 to $1,000, are available to present or former 4–H members now enrolled in college. Applicants for the latter should have an interest in one of the following fields: (1) animal science; (2) veterinary medicine; (3) forestry; or, agricultural business, economics and marketing. For further information on eligibility requirements, write to State 4–H Leader at the State Land-Grant University. A list of these leaders may be obtained from the National 4–H Council, 7100 Connecticut Avenue, Washington, DC 20015.

The American Society for Metals Foundation for Education and Research sponsors twenty $500 undergraduate scholarships for students in metallurgy that are attending colleges or universities in and are citizens of the United States, Canada or Mexico. Selection is based on interest in metallurgy, motivation, achievement, potential and scholarship. In addition, some individual A.S.M. chapters sponsor programs on a local or regional basis. ASMFER also supports scholarships through the National Merit Scholarship Program and the National Merit Achievement Scholarship Program for Outstanding Negro Students. For further information write: Career Guidance Coordinator, American Society for Metals, Metals Park, Ohio 44073.

The National Scholarship Service and Fund for Negro Students (NSSFNS) maintains a free college counseling and referral service for Black and other minority and

low-income high school students and also sponsors Student-College Interview Sessions in New Orleans, Louisiana; Detroit, Michigan; Houston, Texas; Atlanta, Georgia; Cleveland, Ohio; Chicago, Illinois; Richmond, Virginia; Boston, Massachusetts; Philadelphia, Pennsylvania; Philadelphia Area Office (PAO), 1616 Walnut Street, Suite 809, Philadelphia, Pennsylvania 19103; New York City for all minority and low-income students with college representatives. Additional cities may be added or deleted each year. Limited scholarship fund for NSSFNS counselees. For further information, write: NSSFNS, 1501 Broadway, New York, New York 10036 or NSSFNS-SERO, 965 Martin Luther King, Jr. Drive, N.W., Atlanta, Georgia 30314.

The National Association of Secondary School Principals and the National Honor Society estimates that they will provide $300,000 in scholarships in the amount of $1,000 each to high school seniors who are members of the National Honor Society. Application is made through local chapters in February. Awards are announced in May. Scholarships may be used in any accredited college, university or school offering a degree. Applications are mailed to chapter in late December. Also available is the Century III Leaders Program which provides 102-$1,500 scholarships and 102-$500 awards (2 each per state or D.C.) and one 10,000 national award to high school seniors who are selected by their schools. For information, contact the school principal in September or write to: The National Association of Secondary School Principals, 1904 Association Drive, Reston, Virginia 22091.

The Association of Independent Colleges and Schools has many member schools which offer general work or service, and funded scholarships to eligible students, subject to the controls of the Association. Some member schools also offer work-study programs. For a list of the approximately 500 AICS schools and for further information, please write to the Guidance Department, Association of Independent Colleges and Schools, 1730 M Street, N.W., Washington, DC 20036.

Science Talent Search, conducted by Science Service, sponsored by Westinghouse Electric Corporation and the Westinghouse Educational Foundation each year, offers scholarships for boys and girls in their last year of high school. Awards are based on high school record and national test scores, recommendations of high school teachers, a thousand-word report on an independent science research project by the student and interviews of forty finalists by judges at the Science Talent Institute in Washington, D.C. Awards include 10 scholarships of one $12,000, two $10,000, three $7,500 and four $5,000. The remaining 30 each receive Westinghouse Science Awards of $500. State Science Talent Searches are conducted currently with the National Competition in 40 states and the District of Columbia. Detailed information is available from Science Service, 1719 N Street, N.W., Washington, D.C. 20036. Entry deadline date December 15, 1980.

The General Motors Institute has a cooperative program in engineering which includes paid employment. It is carried on in cooperation with the plants and divisions of General Motors Corporation, which are the exclusive sponsors of the students in the program. Additional features which distinguish this program from others operated on the cooperative educational plan are: all students are on the cooperative plan; the cooperative phase starts on entrance into the program and continues through four years with alternating six week periods of instruction and work experience, and the fifth year during which the student works full-time in his sponsoring firm, but at the same time conducts a project study which forms the basis of an acceptable report in the form of a thesis to earn a degree. Training is offered in Mechanical, Industrial, Electrical Engineering and Industrial Administration. Baccalaureate degrees are offered in these fields. For further information, write to Admissions Officer, General Motors Institute, Flint, Michigan 48502.

Amoco Foundation, Inc. offers scholarships to students who plan to study Petroleum Engineering, Geophysics, Geology or Engineering. Awards start at $700 for freshmen and progress $100 each year providing $3,400 for the four-year period. Further information may be obtained by writing to: Amoco Foundation, Inc., 200 East Randolph Drive, Chicago, Illinois 60601. Final decisions will be made by participating colleges.

The College of Insurance has a cooperative program in business administration/insurance and in actuarial mathematics. Both run on a five year plan of alternating trimesters (four month terms) of work and study, the first leading to a B.B.A. degree, the latter to a B.S. Each undergraduate upon being accepted by a sponsoring organization, will return to that organization every other trimester for paid work experience. While in school, the sponsor subsidizes two-thirds of the tuition and other returns the other third in the form of two annual bonuses if the student elects to stay with the sponsoring firm upon graduation. Cooperating sponsors include over 50 major life and property-liability insurance companies, brokerages, agencies and service organizations. The co-op starts in the freshmen year with students typically rotating through major departments of the sponsoring firm in progressive work periods; total earnings over the five years average at least $13,000. The College is accredited by the New York State Board of Regents and the Middle States Association of Colleges and Secondary Schools. For further information, write to: Dir. of Cooperative Education, The College of Insurance, 123 William Street, New York, N.Y. 10038.

*The Elks Foundation Scholarship Awards, for 50 years have made it possible for many students to attend college. For the 1979-80 school year, $840,000 in scholarships were awarded to 1,156 students ranging from $500.00 to $3,000.00. Any student in the graduating class of a high school or its equivalent, who is a citizen of the U.S.A. and resident within the jurisdiction of the Benevolent & Protective Order of Elks, may file an application. Scholarship, leadership, and financial need are the criteria by which applicants will be judged. Application blanks should be obtained from an officer of the local Elk Lodge or the Secretary of the State Elks Association and must be filed on or before February 10th with the Secretary or Lodge Foundation Chairman of the B.P.O. Elks Lodge in the city in which the applicant is a resident.

The Shell Companies Foundation, Incorporated, Two Shell Plaza, P.O. Box 2099, Houston, Texas 77001, supports scholarships through the National Merit Scholarship Program and the National Achievement Scholarship Program for Outstanding Negro Students. Further information on both programs can be obtained by writing the National Merit Scholarship Corporation or by contacting high school guidance counselors or principals.

Western Golf Association, Golf, Illinois, sponsors the Evans Scholars Foundation, which annually awards approximately 240 four-year scholarships to qualified caddies. Eligibility for Evans Scholarship: (1) Candidates must have completed junior year in high school and rank in upper 25 percent of class; (2) must have caddied for a minimum of two years; and, (3) must require financial assistance in order to attend college. The Evans Scholars program provides scholarships for approximately 900 caddies annually.

College Work-Study Program provides part-time on and off campus employment to students enrolled on at least a half-time basis in colleges and eligible post-secondary institutions, to assist in paying college expenses. Special attention to students' major interests or career goals may be given in assigning jobs. For further information, students should contact the Director of Financial Aid or Student Employment Office of the school they select.

The Westinghouse Educational Foundation sponsors five merit scholarships annually.

1. The Westinghouse Family Scholarship—four $10,000 and forty $1,500 scholarships. Information on the Westinghouse Family Scholarship may be obtained from the Personnel Relations where the student's parent is or was (if deceased, retired or permanently disabled) employed.

2. The Science Talent Search—forty awards. The student should request his science teacher to write to Science Clubs of America, 1719 N Street, N.W., Washington, D.C. 20036 to obtain information and application forms.

3. 4-H Electric Program—4-H Club members should contact their local 4-H leader or County Extension Agent for information and application.

4. Bertha Lamme Scholarship—three $1,000 scholarships awarded to young women entering engineering as freshmen. For information write: Society of Women Engineers, United Engineering Center, Room 305, 345 East 47th Street, New York, N.Y. 10017.

5. National Achievement Scholarship Program for Outstanding Negro Students—five $1,000 scholarships. Information may be obtained through the National Merit Scholarship Corp., One American Plaza, Evanston, Ill. 60201.

Eligibility for each of these scholarships is limited to students residing in the United States. The Family Scholarship, The Science Talent Search, The Bertha Lamme and The National Achievement Scholarship Program require that the applicant be in his or her last year of high school and applications must be submitted during the Fall months of their Senior year. Students aged 14 through 19 are eligible for the 4-H Electric Program.

The Education Council of the Graphic Arts Industry, Inc., 4615 Forbes Ave., Pittsburgh, Pa. 15213 offers upon request a summary of scholarships made available by the Graphic Arts Industry, and an excellent description of the career opportunities in this field. Inquiries should be directed to the address indicated above. The Council's National Scholarship Trust Fund has awarded scholarships during the past 23 years for studies in printing management, printing technology and graphic arts education. For the school year beginning 1980-81, the Council has 35 new scholarships already available in the fields of printing management, engineering and teaching. Applications must be filed by January 31.

Club Managers Association of America maintains undergraduate scholarships for students enrolled at colleges and universities offering courses in Hotel, Restaurant and Institutional Management. These scholarships, normally made available to students who have completed at least one year of undergraduate work, are awarded on the basis of scholastic ability, financial need and interest in private club management. Information on high school, college or university training in preparation for a club industry position can be obtained by writing the Club Managers Association of America, 7615 Winterberry Place, Washington, D.C. 20034.

The Colgate University Alumni Memorial Scholarships offers 30 National four-year scholarships with yearly stipends varying

*Based on 1979 information.

from $100 to $5,000 depending on need as determined by an analysis of the Financial Aid Form of the College Scholarship Service. Awarded annually to freshmen entering Colgate University. The deadline filing date is February 1. For additional information write: Director of Admissions, Colgate University, Hamilton, N.Y. 13346.

Aid Association for Lutherans awards at least 200 renewable and 100 non-renewable all college scholarships and 25 competitive nursing scholarships annually. Each applicant must be a high school senior holding an AAL certificate of membership and insurance in his or her own name. The CEEB SAT must be taken no later than December of the high school senior year. The American College Test (ACT), will be accepted under certain circumstances. Individual stipends are from $500-$1,750. The 100 non-renewable awards are for $500 each. Financial need is not considered until winners have definitely been selected. All college scholarships are renewable for three additional years or until the requirements for a bachelor's degree are met, whichever is earlier. Renewal is based on satisfactory academic progress, school recommendation and continuing AAL membership. Applications may be secured by writing: Educational Benevolence, Aid Association for Lutherans, Appleton, Wisconsin 54919. Completed AAL applications must be submitted to College Scholarship Service/Sponsored Scholarship Programs by December 1.

National Presbyterian College Scholarships are offered by the United Presbyterian Church U.S.A. to qualified Presbyterian young people entering as freshmen any of the participating United Presbyterian church-related colleges in the fall of each year. There are approximately 80 awards ranging from $100 to $1,400. There are honorary awards with no stipend where no need is shown. To qualify, applicants must be members of the United Presbyterian Church U.S.A. Applications and information may be secured by writing: National Presbyterian College Scholarships, Vocation Agency United Presbyterian Church U.S.A., 475 Riverside Drive, New York, New York 10027, after mid-August. Deadline: December 1.

Samuel Robinson Scholarships. For undergraduate students enrolled in one of the United Presbyterian-related colleges. No one may receive the scholarship more than once. Applicants must successfully recite the answers of the Westminister Shorter Catechism, and write a 2,000-word original essay on an assigned topic related to the Shorter Catechism. Amount of Award: $500. Deadline: April 14. For information, inquire of your financial aid officer at United Presbyterian-related colleges.

Knights of Columbus "Pro Deo and Pro Patria Scholarship Trust" for undergraduate scholarships. The Knights of Columbus has an established trust fund which will provide annually $1000 scholarships to members, to sons and daughters of living or deceased members. The fund will also annually provide two $1000 scholarships to Columbian Squires. Awards will be made on the basis of academic excellence regardless of need, and may be renewed annually subject to satisfactory academic performance. Five of these scholarships, and one for the Columbian Squire, are placed at the Catholic University of America. Students admitted to the freshman class may apply for these scholarships through the Director of Financial Aid, Catholic University of America, Washington, D.C. 20064. Final filing date of applications is February 1. Five of these scholarships, and one for the Columbian Squire, may be used at a Catholic college of student's choice. Applications for these scholarships may be obtained from the Director of Scholarship Aid, Knights of Columbus, Supreme Council, Columbus Plaza, (P.O. Drawer 1670), New Haven, Connecticut 06507. Final filing date for these applications is March 1.

Student Opportunity Scholarships. For young persons of limited opportunities, members of racial/ethnic groups, related to the United Presbyterian Church in the U.S.A. Must be entering college as an incoming freshman and must apply to the college for financial aid. Amount of Award: $100 to $1,400. Those meeting requirements should write between January 15 and March 15 to: Student Opportunity Scholarships, United Presbyterian Church in the U.S.A., 475 Riverside Drive, Room 430, New York, New York 10027, for name of Area Representative who recommends nominees for scholarships.

The International Chiropractors Association provides funds directly to its approved colleges for their distribution of scholarships and educational assistance to students desiring to pursue chiropractic as a career. Additional information may be obtained by corresponding with International Chiropractors Association, Commission on Education, 1901 "L" Street, N.W., Suite 800, Washington, DC 20036 or from the Director of Admissions of the following approved chiropractic colleges: Cleveland Chiropractic College of Kansas City, 6401 Rockhill Road, Kansas City, Missouri 64131; Cleveland Chiropractic College of Los Angeles, 590 North Vermont Ave., Los Angeles, CA 90004; New York Chiropractic College, Post Office Box 167, Glen Head, NY 11545; Palmer College of Chiropractic, 1000 Brady Street, Davenport, Iowa 52808; Logan College of Chiropractic, 430 Schoettler Road, P.O. Box 100, Chesterfield, MO 63017; Sherman College of Chiropractic, P.O. Box 1452, 555 Reidville Road, Spartanburg, SC 29304; Life Chiropractic College, 1269 Barclay Circle, Marietta, GA 20060.

American Medical Technologists' Scholarship Program offers six scholarships of $250 each to high school graduates interested in pursuing medical technology or medical assisting studies. Awards are based primarily on need, with consideration given to goals, school grades, activities, experience and personal references. Applicants must be enrolled, or contemplate enrolling in a school accredited by the Accrediting Bureau of Health Education Schools (list available by contacting the ABHES, 29089 U.S. 20 West, Elkhart, Indiana 46514), or enrolled or contemplate enrolling in a college, university or junior college medical technology or medical assisting program. May 20 is the filing deadline for applications and supporting documents. For additional information, contact AMT, 710 Higgins Road, Park Ridge, Illinois 60068.

The Nursing Student Scholarship Program. Under this program, Federally-supported scholarships are available through participating schools of professional nursing for students of exceptional financial need to pursue full-time or half-time study leading to a diploma in nursing, an associate degree in nursing or a baccalaureate with a major in nursing. The amount of the individual scholarship will depend on the general availability of student aid funds and on need as determined by the student's school. No scholarship may exceed $2,000 a year per academic year. Nursing students and potential students may obtain further information and scholarship application forms from the school of their choice.

Professional Nurse Traineeship Program. Professional nurse traineeships are available through participating training institutions to help registered nurses prepare to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, to serve as nurse practitioners, or to serve in other professional nursing specialties requiring advanced training. Traineeships provide a living stipend up to $3,900 per annum, and tuition and fees as set by the participating training institution. Trainees are selected by the training institutions. Further information and a list of participating institutions are available from the: Division of Nursing, Bureau of Health Manpower, Health Resources Administration, 3700 East-West Highway, Hyattsville, Maryland 20782.

Soroptimist International of the Americas Youth Citizenship Award of $1,000 per Soroptimist region and a finalist award of $1,500 offered to high school seniors demonstrating good citizenship qualities. Citizenship includes integrity, worth and ability, encourage youth to develop highest concept of patriotism and effective cooperation in home and community affairs. Contact Soroptimist International of the Americas, 1616 Walnut Street, Philadelphia, Pennsylvania 19103. Deadline for submission of application, January 1, 1981.

RCA Corporation maintains one or more undergraduate scholarships at over 30 colleges and universities. These scholarships, normally made available to students who have completed at least one year of undergraduate work, are available in the fields of physical science, engineering, broadcast journalism, business economics, telecommunications and Procurement/Materials Management as specified at each institution. The selection of scholars is made by the college or university in each case and students already enrolled should apply to the Scholarship or Financial Aid Officer for further information. Also, up to 25 2-year vocational/technical career scholarships are awarded. Graduate fellowships are maintained in journalism, electrical engineering, electronics and physics at eight universities and are open to any qualfied graduate student enrolled at the institutions which select the Fellow and administer the grants. RCA also supports scholarship throughout the National Merit Scholarship Program and the National Achievement Scholarship Program for Outstanding Negro Students.

Commissioned Officer Student Training and Extern Program (COSTEP). College students who have successfully completed a minimum of one year of study in medical, dental or veterinary school prior to assignment, and students who have completed a minimum of two years of a baccalaureate program prior to assignment in dietetics-nutrition, engineering, nursing, pharmacy, therapy, sanitory science of medical record administration are eligible to participate in the COSTEP program. COSTEP assignments fall into two major categories: Medical and Hospital Services, Research and Public Health Practice. Successful candidates are commissioned as reserve officers in the Commissioned Corps of the Public Health Service and called to active duty during vacation periods. Applications must be received (1) not later than October 1, 1979, for positions during the period January through April, 1980; (2) not later than February 1, 1980 for positions during the period May through August 1980; (3) not later than April 1, 1980 for positions during the period September through December, 1980. For further information, write to COSTEP, Commissioned Personnel Operations Division, OPM/OM/PHS-Room 4-35, 5600 Fishers Lane, Rockville, Maryland 20857.

Educational Communications, Inc. Scholarship Foundation provides a minimum of 50 awards annually of $1000 each. Approximately 500 semi-finalists are selected on the basis of achievement test scores, grade point averages and leadership activities. Finalists are required to write an essay which is evaluated by committee. Some consideration is given for need for financial aid but this is not a major factor. Application may be obtained in most high school guidance offices or write direct to: Educational Communications Sholarship Foundation, 3105 MacArthur Boulevard, Northbrook, II 60062. Application must be submitted by June 1st.

Health Professions Scholarship Program. For students of exceptional financial need. Purpose is to encourage students to pursue careers in medicine, osteopathy, dentistry, optometery, pharmacy, podiatry or veterinary medicine. Citizens or Nationals of the United States may apply as well as lawful permanent residents of Puerto Rico, Virgin Islands, Guam, the trust territory, or the North Mariana Islands. Scholarship will cover cost of tuition for school year and other reasonable educational expenses plus a stipend of $400 per month for 12 consecutive months. Contact the: Director of Student Financial Aid at the school where you intend to apply or where you are enrolled.

FOR GRADUATES ONLY

The Knights of Columbus Bishop Charles P. Greco Graduate Fellowships, established in 1973, for members, their wives, sons and daughters and for the widow and children of a deceased member. These fellowships are for full-time graduate study leading to a Master's degree in a program designed for the preparation of classroom teachers of mentally retarded children. The fellowship is granted to a candidate at the beginning of his program of study and offers financial assistance for the educational costs at the graduate school up to a maximum of $500 a semester. The grant is renewable each succeeding semester of the program to a maximum of four semesters upon evidence of satisfactory performance. Application forms may be obtained from the Committee on Fellowships, Knights of Columbus, P.O. Drawer 1670, New Haven, Connecticut 06507.

Foreign area programs of the Social Science Research Council and the American Council of Learned Societies offer a limited number of fellowships for doctoral dissertation research in social science and humanistic fields related to certain foreign areas. Since the purposes for each of these programs reflect the distinctive needs and character of the area, a general account of terms and conditions cannot be offered here. Inquiries should be directed to Social Science Research Council, Fellowships and Grants, 605 Third Avenue, New York, New York 10016.

The National Easter Seal Society has available the following scholarships for specialized training for work with the physically handicapped: Speech Pathology and Audiology — Graduate Level — co-sponsored with Alpha Chi Omega National Women's Fraternity. Contact department heads at the schools offering this training. Additional information may be secured from the Scholarship Coordinator, National Easter Seal Society, 2023 Ogden Avenue, Chicago, Illinois 60612.

The Institute of International Education offers American college graduates approximately 550 scholarships for study in 50 foreign countries, about 300 of which are provided under the Fulbright Program. Over two hundred of the scholarships are financed by various foreign governments, foreign universities and private donors. In most cases, the scholarships provide travel expenses and partial or complete tuition and maintenance for a full academic year. Further information and application forms are available from the Institute of International Education, Division of Study Abroad Programs, 809 United Nations Plaza, New York, New York 10017, or from any of the Institute's regional officers in Chicago, Denver, Atlanta, Houston, San Francisco and Washington, D.C. Students now enrolled in colleges or universities should first consult with their campus Fulbright Program Advisers. Deadline is October 31, 1980.

The National Wildlife Federation annually awards a limited number of graduate fellowships of up to $4,000 for study at an accredited college or university in the field of natural resources conservation. Research which is carried out as part of a research program may be considered within this fellowship program. For further information write to: The Executive Vice President, National Wildlife Federation, 1412 Sixteenth St., N.W., Washington, D.C. 20036.

The National Research Council, Fellowship Office, has prepared under contract with the National Science Foundation, a booklet entitled: "A Selected List of Fellowship Opportunities and Aids to Advanced Education—For United States Citizens and Foreign Nationals." Copies are available upon request from: Publications Office, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

The Daniel and Florence Guggenheim Foundation offers Fellowships each year to approximately 10 young scientists and engineers for graduate study in energy conversion, transportation, jet propulsion, space flight, and flight structures. The fellowships provide stipends ranging up to $5,000 depending on the level of advancement of the student, plus tuition. They are open to qualified science and engineering students who are residents of the United States or Canada. Students graduating in aerodynamics, fluid mechanics, engineering sciences, physics, physical chemistry, applied physics, applied mathematics, or aeronautical, mechanical, chemical or civil engineering are sought. The Fellowships will be used for study at The Daniel and Florence Guggenheim Laboratories at Princeton University, the Daniel and Florence Guggenheim Jet Propulsion Center at California Institute of Technology and the Daniel and Florence Guggenheim Institute of Flight Structures at Columbia University. Applications and additional information should be obtained directly from Princeton, California Institute of Technology or Columbia. The Fellowships are open to women as well as men.

The School of Social Service Administration, the University of Chicago may offer its masters students graduate fellowships and scholarships ranging from $1,000 to $5,280 and up to $6,780 for Ph.D. students. The school offers a two-year program leading to the A.M. degree with concentrations in advanced clinical social work practice, social planning, community work, policy analysis for social welfare and survey methods for policy research. Special learning opportunities are available in the area of child welfare, community mental health, corrections, health and medical care, work with the Spanish speaking community and the aged. The Ph.D. program, designed for students preparing for research or teaching, offers specialized study on an advanced level in two areas of concentration: social treatment and social welfare policy, planning and administration. Application for admission and scholarship may be obtained by writing the Dean of Students, School of Social Service Administration, The University of Chicago, 969 East 60th Street, Chicago, Illinois 60637.

The Center for Safety, New York University offers financial assistance to *NYU candidates* for the master's and doctor's degrees in occupational safety and health. Grants-in-aid provide full tuition and stipends for full-time students and tuition support for part-time students. Applicants are judged on demonstrated ability, on professional and personal qualifications and on interests exhibited in the field of occupational safety and health. The necessary forms may be obtained from Dr. Lawrence Slote, Director, The Center for Safety, New York University, 715 Broadway, New York, N.Y. 10003, if at all possible before February 15 of any year. Awards are generally made in June for the academic year starting that Fall.

The American Congress on Surveying and Mapping administers two fellowships for graduate students interested in continuing their education. The awards are: (1) Keuffel and Esser Fellowship in Surveying and Cartography—$2,000; (2) Wild Heerbrugg Geodetic Fellowship—$3,000. Deadline for all applications is January 15. For further information and applications, contact Executive Director, American Congress on Surveying and Mapping, 210 Little Falls Street, Falls Church, Virginia 22046.

The American Podiatry Association annually offers fellowships for graduate study leading to an advanced degree in a field related to podiatry. Areas of specialization include public health, education and the basic sciences. Fellowships are awarded for one academic year of full-time study. The fellowships are renewable for two additional years of full-time study. Information, with respect to scholarships and student aid, is available at the colleges of Podiatric Medicine. For information on fellowship grants, write the APA Committee on Fellowships, 20 Chevy Chase Circle, N.W., Washington, D.C. 20015.

Dental Teacher Training Fellowships are available through a program established by the American Fund for Dental Health to develop more dental school teachers. The majority of the recipients under this program take a two year course beyond dental school leading to a Master's degree. For complete information regarding eligibility, selection and application forms, direct your correspondence to: American Fund for Dental Health, Attn: John Klyop, Suite 1630, 211 East Chicago Avenue, Chicago, IL 60611 prior to February 1.

Dental Scholarships for Minority Students are available through the American Fund for Dental Health. Students selected under this program may receive up to $2,000 for their first year of dental school. Upon reapplication and report of satisfactory progress, a grant for $2,000 may be renewed for the second year of dental studies. A maximum of $4,000 may be paid over a two-year period. To be eligible, students must be U.S. citizens from the following minority groups under-represented in the dental profession—American Indians, Blacks, Mexican-Americans and Puerto Ricans. They must be entering their first year of dental school. Applications are available from the Student Affairs or Financial Aid Office of the dental school they plan to attend. Application deadline is May 1.

Dental Laboratory Technology Scholarships are available on application to the American Fund for Dental Health. These are one-year scholarships, ranging from $500 to $600. Upon reapplication, a scholarship may be renewed for a second year by the Selection Committee if the student satisfactorily completes the first year and funding is available. Deadline date is June 1. For full information, write to: American Fund for Dental Health, Attn: John Klyop, Suite 1630, 211 East Chicago Avenue, Chicago, Illinois 60611.

Dentistry. Most of the Nation's 60 dental schools offer scholarships and loans to their students. Information and application forms can be obtained by writing to the schools in which a student is interested. Information on the schools is published annually in Admission Requirements of United States and Canadian Dental Schools, copies of which are available for $7.50 each ($6.00 each for orders of ten or more) from the American Association of Dental Schools, 1625 Massachusetts Avenue, N.W., Washington, DC 20036. In addition to the above, American Association of Dental Schools Application Service (AADSAS) offers a fee waiver program. This service allows applicants to 45 of the Nation's dental schools to file a single, standard application rather than multiple forms during the dental school application process. Every AADSAS applicant will receive a description of the fee waiver program as part of the application package.

National Medical Fellowships, Inc., provides financial assistance to Black, mainland Puerto Ricans, Mexican American and American Indian students who are citizens of the U.S., for first or second year study in U.S. medical schools. Application and informa-

tion may be secured by writing to Room 1820, 250 West 57th Street, New York, New York 10019.

The American Osteopathic Association, through the Auxiliary to the American Osteopathic Association, annually awards one National Osteopathic College Scholarship of $4,000 and additional scholarships of $2,000. These scholarships cover freshmen and sophomore years of medical training. Awards are based on scholarship (minimum of three years undergraduate college or university), financial need, good moral character, acceptance to the entering first year class at a college of osteopathic medicine, motivation and aptitude for the osteopathic medical profession and citizenship in the U.S. or Canada. Apply prior to May 1. The National Osteopathic Foundation, individual Colleges of Osteopathic Medicine and other osteopathic state organizations administer loan funds. For application and other information regarding entrance requirements, loans and scholarships, write: Scholarship Chairman, American Osteopathic Association, 212 East Ohio Street, Chicago, Illinois 60611.

Nurses' Educational Funds. An organization which grants scholarships and fellowships to graduate nurses to equip them for advancement in nursing. Men and women who are members of American Nurses Association and who qualify for these awards study in nursing programs accredited by the National League for Nursing in colleges and universities of their choice. Funds are contributed by nurses, business and industrial firms, organizations and individuals. The executive committee determines the amount and number of awards each year on the basis of availability of funds and the nature of applications. Deadline for applications is January 15 preceding the fall for which award is made. Write for application forms or additional information to Nurses' Educational Funds, 555 West 57th Street, New York, N.Y. 10019.

The American Association of University Women Educational Foundation awards approximately 70 fellowships annually ranging from $3500 to $7000 to women of the United States who have completed all requirements for the doctorate except the writing of the dissertation. Awards are also made to women for postdoctoral research and for the final year of study in the fields of law, dentistry, medicine, veterinary medicine and architecture. Deadline for application is December 15. For further information, write to: the Director of Educational Foundation Programs, AAUW, 2401 Virginia Avenue, N.W., Washington, DC 20037. Applications are available after August 1 of each year.

The American College of Hospital Administrators, 840 North Lake Shore Drive, Chicago, Ill. 60611, through its educational fund, has established a limited number of scholarship loans to assist worthy students to continue their professional education and training towards careers in hospital administration. Loans are available to students, accepted by, or presently enrolled in a graduate program in hospital or health services administration accredited by the Accrediting Commission on Education for Health Services Administration and acceptable to the American College of Hospital Administrators. Applications must be endorsed by the University Program Course Director prior to submission to the College's special Scholarship Committee.

The Allstate Foundation provides nursing education scholarships annually to approximately 300 young persons. Awarded through various schools of nursing and through some constituent leagues for nursing. Consult your constituent league (Addresses are available from Allstate Foundation, Allstate Plaza, Northbrook, Ill. 60062) or the director of the school of nursing you have been accepted. Scholarships provide funds to meet tuition charges in hospital and college schools of nursing; and nursing scholarships for American Indian students administered by the American Indian Nurses Association, 231 South Peter's, Norman, OK 73070. The Allstate Foundation also provides 15 scholarships annually each with a total value of $3,200 to deserving members of the Chicago Boys Clubs. Winners of these scholarships, valued at $800 a year for each of four years, are chosen by the Chicago Boys Clubs at 304 West Randolph Street, Chicago, Ill. Allstate also provides Human Care Services Awards at George Williams College, 555 31st Street, Downers Grove, Ill. 60515.

Teacher Exchange Program. Under the Mutual Educational and Cultural Exchange Act of 1961, the Government offers opportunities for qualified American educators to work in elementary and secondary schools abroad and in some instances, institutions of higher education. To be eligible, an applicant must be teaching currently as an elementary or secondary school teacher, college instructor, assistant, associate or full professor. Candidates must have at least a bachelor's degree, be a U.S. citizen at the time of application and have at least three years of successful full-time teaching experience. Two years are required for participation in summer seminars for teachers of Italian, the classics, German and World, Asian or Middle Eastern History and area studies; three years for a summer seminar for social studies supervisors, curriculum directors, teacher educators and school administrators responsible for curriculum development. Evidence of good health and emotional maturity and stability also is required. The Government provides round-trip transportation to some countries for those selected to participate but no transportation is provided for dependents or for teachers going to Canada, Great Britain or Switzerland. A maintenance allowance, paid in the currency of the host country is based upon that country's cost of living. For teachers going to Canada, France, Germany, Great Britain, or Switzerland, the successful applicant's U.S. salary is continued by the participant's own school. Seminar grants usually include round-trip transportation, tuition costs but for some, the participants are responsible for their own maintenance expenses. Application forms can be obtained from and then submitted to the Teacher Exchange Section, Division of International Education, U.S. Department of Education, Room 3069 ROB–3, 7th and D Streets, S.W., Washington, DC 20202. Regional interviewing committees conduct preliminary screening of applicants. Annual recruitment dates are September 1–November 11.

NRA/NIFI Teacher Work-Study Grants is open to teachers and administrators of foodservice career programs. Thirty grants in the amounts of $1,500 each will be awarded to teachers and administrators on a competitive basis to enable them to obtain work experience in the foodservice industry which will enrich and update their knowledge of the industry and will increase capability to relate their knowledge to students. Application deadline: April 1. For application and further information, contact the National Institute for the Foodservice Industry, 20 North Wacker Drive, Suite 2620, Chicago, Illinois 60606.

FOR GRADUATES AND UNDERGRADUATES ONLY

The Harry S Truman Memorial Scholarship Program enacted by Public Law 93–642, is authorized to award scholarships, through nationwide competition, to persons who demonstrate outstanding potential for and who plan to pursue a career in public service. Scholarships awarded under this Act shall not exceed four academic years; neither shall they exceed the cost of tuition, fees, books, room and board, or $5,000 whichever is less for each year of study. Recipients must be college juniors in the initial year of the award. Each state shall be assured at least one recipient each year and the scholarship may apply to any institution of higher education offering courses of study or training to prepare persons for a career in public service. For further information, contact: Truman Scholarship Foundation, 712 Jackson Place, N.W., Washington, DC 20006.

Federal Government Employment for Cooperative Education Students. Federal agencies provide opportunities for over 12,000 college students to alternate periods of paid work with periods of study. To be eligible, a student must be enrolled in a college that has a cooperative education program. He must also meet civil service requirements. These Government job assignments allow the student to relate studies to career interests and to test occupational choices before graduating. Information is available at U.S. Office of Personnel Management offices (formerly known as the U.S. Civil Service Commission), which may be located through checking the United States Government section in most metropolitan telephone directories.

The Veterans Administration, as an agency administers the "GI Bill" for education, training, and other benefits which are described elsewhere in NEED A LIFT? As an employer, it does not sponsor educational grants, scholarships or fellowships in the usual sense; however, it is indirectly involved in these programs with similar objectives:

(1) Student employment, in limited numbers, is available at many of its more than 220 field establishments—particularly at VA Medical Centers. Positions available range from the Federally sponsored programs at the high school level where financial need is a prerequisite to undergraduate and graduate students where priority is given to those whose curriculum leads to degrees in fields where the VA is a substantial employer. These include medicine, dietetics, nursing, pharmacy, psychology, social work, the therapies, and biological sciences. This category of employment is greatest during the summer months.

(2) VA Medical Centers are engaged in a variety of university-affiliated training programs—particularly in the health fields. In most cases, the individual or student involved is a part-time or temporary full-time paid employee of the VA; one who is normally enrolled on a concurrent or intermittent basis in a post graduate educational program.

Specific information may be obtained by contacting the Personnel Officer of the nearest VA Medical Center or Regional Office.

The National Board of Civil Air Patrol has authorized scholarships to be awarded to Civil Air Patrol members and cadets each year in the following categories: Undergraduate, Advanced Undergraduate, Graduate and Technical/Vocation Scholarships. Information and forms may be secured from: Civil Air Patrol unit commanders or from National Headquarters, Civil Air Patrol/TT, Maxwell AFB AL 36112. Deadline date is April 1.

The Rotary Foundation Scholarships are available to graduate or undergraduate students, journalists, or teachers of the handicapped. Vocational scholarships are also available for artisans, technicians and professions who have been employed in a technical or professional field for at least 2 years. Age limit requirements vary with each award. All awards are for one academic year in a country other than the recipient's own and they provide for all school fees, room and board, transportation and expenses for limited travel during the year. Contact your local Rotary Club for details. Applications are due March 1.

National Health Service Corps Scholarship Program is a competitive, support-for-service Fed. Grant Prog., from the Depart. of HEW,

for students of medicine, osteopathy or dentistry (M.D., D.O., D.D.S. or D.M.D.). Limited numbers of awards for students in other health-related disciplines may be included as needed each year. (For 1980–81, these other disciplines included, doctoral programs of podiatry, master's degree programs of nurse practitioner education, nurse-midwifery, community health nursing, public health nutrition and baccalaureate-level nursing programs.) Benefits include monthly stipend for living expenses of at least $485, an additional amount to cover all other reasonable educational expenses and payment of tuition and required fees. For each year of support, recipients are obligated to serve one year in full-time clinical practice of their profession employed by National Health Service Corps, a component of the U.S. Public Health Service. The minimum service obligation is 2 years. Assignments will be in eligible health manpower shortage areas in the United States serving populations which seriously lack access to quality health care. For the latest information, call toll-free (800)–638–0824 at any time. From Maryland, or outside the 48 states, call collect (301)–436–6453 or write, giving name, address and health discipline being studied. Calls received during office hours (8:30 a.m. to 5:00 p.m., Monday through Friday, Eastern Time) will reach a Scholarship Counselor who can offer further assistance. Address: NHSC Scholarship Program, Center Building, Room G–15, 3700 East-West Highway, Hyattsville, Maryland 20782.

National Institute for the Foodservice Industry administers the following scholarship programs for students who are interested in a management career in the foodservice industry including hotel, restaurant and institutional management:

1. H. J. Heinz Company Scholarship Program

A. Junior/Community College Scholarship Award. For high school graduates enrolled or planning to enroll in a program leading to an associate degree in foodservice management at a junior/community college. Three scholarships at $1,900 each awarded annually. Basic amount of $950 per year is given for two years. Winners are expected to find summer employment related to foodservice management.

B. Senior College Scholarship Award. For students completing their second year in foodservice education in a four-year institution or those in a two-year program who wish to continue at a four-year institution. Seven scholarships at $2,600 each awarded annually. Basic amount of $1,300 is given for two years. Winners are expected to find summer employment related to foodservice management.

C. Graduate Degree Fellowship. One fellowship at $2,000, one fellowship at $1,200, and five fellowships at $1,000 each are awarded on a competitive basis to teachers and administrators enrolled in academic programs leading to a master's or doctorate degree to improve skills in teaching or administering foodservice career education.

2. Golden Plate Scholarship Program—Sponsored by International Foodservice Manufacturers Association—offers approximately 100 awards to students enrolled or planning to enroll in a foodservice program in a junior/community, senior college or graduate school. The amount of each scholarship is $800. Awards are for one academic year.

Deadline filing date is April 1. Further information and applications may be obtained from: National Institute for the Foodservice Industry, 20 North Wacker Drive, Suite 2620, Chicago, Illinois 60606.

The Material Handling Education Foundation, Inc. Awards scholarships, varying in number and amounts, to students enrolled in an accredited program that includes an emphasis in material handling through direct and related courses and through independent study. Also, to be eligible, students must be beyond their second year of a Bachelor's program or beginning graduate study, U.S. citizens and maintaining at least a "B" average. Applications may be secured from the office of The Material Handling Education Foundation, Inc., 1326 Freeport Road, Pittsburgh, PA 15238. Application deadline date is February 1.

The Department of the Interior, Bureau of Indian Affairs, Higher Education Assistance program, administers a higher education assistance program for students who are ¼ or more degree Indian, Eskimo, or Aleut of a tribal group being served by the Bureau and who are enrolled in accredited institutions of their choice in pursuit of a regular or graduate degree. Must have financial need established by institution they are attending or plan to attend. In addition to grants offered by the Bureau, students may also receive assistance from approximately 100 sources, listed in a booklet entitled "Career Development Opportunities for Native Americans," available free from any Bureau of Indian Affairs Field Office or through the Central Office at 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

The National Science Foundation (NSF), an independent agency of the Federal government, supports various programs to strengthen education in the sciences, engineering and mathematics. Of particular interest, are graduate fellowships for students seeking a master's or Ph.D. degrees, research participation for college undergraduates, and the summer programs for high school students. NSF does not have scholarship or loan programs. NSF awarded 360 graduate fellowships in March, 1980. Awards were made in all fields of science, including the social sciences, mathematics, engineering and interdisciplinary fields. During the summer, about 1,000 undergraduates participated in the Foundation's Undergraduate Research Participation Program. Programs for high ability high school students provided about 3,100 opportunities for scientific training during the summer of 1980. For further information, contact: Public Information Branch, National Science Foundation, Washington, D.C. 20550.

National Congress of Parents and Teachers does not have a scholarship and loan program at national level. A large number of state congresses have such programs, and others are encouraging scholarship grants at council and local levels. Awards are made possible by fees received for honorary state life memberships, memorial gifts, and/or voluntary contributions from PTA's. Most are for preteaching education, but some are for family life education, guidance and counseling instruction, librarianship, teachers of exceptional children, and in-service teachers' summer term work. Special fellowships offered. Inquires sent to National Office at 700 North Rush Street, Chicago, Illinois 60611 are forwarded to the state congress.

Kappa Kappa Gamma Fraternity annually offers scholarships to women students who are juniors or seniors in college or graduate students working towards a degree in the field of Rehabilitation. Applicants must have completed two years of study on a campus where there is a chapter or be a graduate student on a campus where there is a chapter. Scholarships for both members and nonmembers are granted to assist in preparation for work with the mentally retarded, physically handicapped, socially deprived, emotionally disturbed and the aged. All applicants must be citizens of the U.S. or Canada. Undergraduate awards are for $300–$500. Graduate awards are for $300–$1,000. Graduate fellowships are also offered for members and non-members with high academic standing in fields other than Rehabilitation. The same qualifications are required as with the Rehabilitation scholarships. Details and forms may be obtained from Kappa Kappa Gamma Fraternity Headquarters, P.O. Box 2079, Columbus, OH 43216. Deadline is February 15.

The American Institute of Architects. Application to AIA Student Scholarship Program places an individual in competition for an award from any one of the Foundation funds. Scholarships are available to the first professional degree candidate, to a graduate student in architecture, to enable them to pursue an original investigation into human needs and requirements in low-income housing. A fellowship is available for better communications, better research community and the practicing architect. Graduate scholarships available for one academic year to study health facility design. Finally, a scholarship program is available for students from the minority or disadvantaged backgrounds. Further information write Dir., Education Programs, The American Institute of Architects, 1735 New York Ave., N.W., Washington D.C. 20006.

The Newspaper Fund, Inc. is an organization to encourage talented young people to enter the newspaper profession. The Journalism Career and Scholarship Guide, published by the Fund, provides information on what to study in college, where to study journalism and communications and where the jobs are and how to find them. It also lists more than $2.2 million in financial aid from universities and colleges, newspapers, professional societies and journalism-related organizations for students who want to study journalism or communications. Single copies of the Guide are available at no charge to interested individuals. The Fund operates two internship programs; the Editing Internship Program for college juniors, and the Minority Internship Program for college seniors planning to enter graduate school following the internship and graduate studies. The internships offer students the opportunity to earn scholarships after successfully completing a summer of employment on a daily newspaper. The Fund's Urban Journalism Workshops are designed for inner-city minority high school students and encourage journalistic participation on school newspapers and make students aware of journalism careers. Other programs sponsored by the Fund are fellowships for high school journalism teachers and publications advisers with little or no formal training in the journalism field, and a Special Awards Program for high school journalism teachers and publications advisers ending in the naming of the High School Journalism Teacher of the Year. An Editor-in-Residents Program is operated in cooperation with the Association Society of Newspaper Editors to send professional newspeople to college and university campuses. For information on these programs, as well as copies of journalism career information, write: The Newspaper Fund, P.O. Box 300, Princeton, New Jersey 08540.

Institute of Food Technologists administers fellowships and scholarships to students pursuing a program leading to a degree in the general field of Food Technology or Food Science. During the tenure of a scholarship, winners must be enrolled in an IFT approved U.S. or Canadian educational institution. Graduate fellowship winners may be enrolled in any U.S. or Canadian educational institution that is conducting fundamental research in food science or technology. Twenty-one freshman, sophomore; and 34 junior and senior scholarships of $500 to $1000. Nineteen graduate Fellowships up to $4000. Booklet, IFT Scholarship Fellowship Program and applications are available after September 15 from IFT Scholarship Department, 221 N. LaSalle Street, Chicago, Illinois 60601, or, from Department Head of approved institution.

The Cooper Union for the Advancement of

Science and Art annually awards approximately 230 free tuition scholarships, each valued at $4,000 per year, to applicants who have successfully competed for admission to its School of Art, The School of Architecture or its School of Engineering. Any resident of the United States who has a superior high school record and obtains a sufficiently high score in the Scholastic Aptitude Test is eligible to apply to the Engineering School. Any student who is highly talented in art design is eligible to apply to the Art and Architecture Schools. Cut-off points in mathematical and verbal SAT scores vary according to the discipline applied for. Selection of students is based on additional competitive tests at The Cooper Union. The free tuition scholarships continue to graduation or as long as the student maintains required academic standards. Living costs are not included and The Cooper Union does not provide dormitory facilities. The School of Art and The School of Architecture offer four and five-year courses leading to the Bachelor of Fine Arts and Bachelor of Architecture degrees and four-year part-time courses leading to a certificate in fine and graphic arts. The School of Engineering offers four-year courses leading to the degree of Bachelor of Engineering (chemical, civil, electrical, mechanical or interdisciplinary). Also a 5-year program leading to the Master of Engineering degree is offered. Full information may be obtained by writing to Dean of Admissions, The Cooper Union, Cooper Square, New York, N.Y. 10003.

The Society of Exploration Geophysicists Foundation offers numerous scholarship opportunities to students who intend to pursue a college course directed toward a career in Geophysics. Scholarships ranging from $750 to $1,000 annually are available to students wishing to enter college, already in college and at the graduate level. Applications and further information may be secured from the Society's Scholarship Committee, P.O. Box 3098, Tulsa, Oklahoma 74101. Applications must be filed prior to March 1.

United Methodist Scholarships offers between five and six hundred awards to outstanding United Methodist students in more than one hundred accredited United Methodist institutions. Awards are granted for one year only; but reapplication for a second year is possible. Awarded in amounts up to $500 per year for payment of tuition and general academic fees only. Students may secure loans from the United Methodist Student Loan Fund up to $700–$800 per year. $1,000 may be obtained for Graduate level. The total amount that can be borrowed is $5,000. Qualified United Methodist students may borrow from this fund while attending any institution of higher education which is accredited by its regional accrediting association. For further information, write: United Methodist Church, Office of Loans and Scholarships, P.O. Box 871, Nashville, Tennessee 37202.

The American Dental Hygienists' Association Foundation offers the following scholarships: Certificate Scholarship Program to students who are in a certificate/associate degree or bachelor's degree dental hygiene program, will be entering the final year of the curriculum in the fall and have a minimum grade point average of 2.50 (on a 4.00 scale). Post Certificate Dental Hygiene Scholarship Program to students who are enrolled in the final year of a certificate/associate degree dental hygiene program, or are a graduate of a certificate/associate degree dental hygiene program, have a minimum grade point average of 2.50 (on a 4.00 scale) and can provide evidence of acceptance as a full-time bachelor's degree candidate in an accredited four-year college or university. Post Certificate Dental Hygiene Fellowship Program-Masters Degree to students who can provide evidence of a full-time masters degree candidate in a university program, are a graduate of a certificate/associate dental hygiene program, baccalaureate program and are licensed Dental Hygienists or will receive a bachelor's degree at the end of the current academic year. While being enrolled in a dental hygiene curriculum, must maintain a minimum grade point average of 2.50 (on a 4.00 scale). The scholarships may range from $300 to $1,500, depending on need. Deadline for applications is April 15. Information and application may be obtained by writing: American Dental Hygienists' Association, 444 North Michigan Avenue, Suite 3400, Chicago, Ill. 60611.

ASMT Education & Research Fund, Inc. Medical technology students enrolled in a medical technology baccalaureate degree college program and who have completed the first semester of their sophomore year, may apply for a $3,000 Fisher Scientific Company Undergraduate scholarship offered, to be paid in equal installments to one recipient for their junior and senior year. Payments will be made for each term of the junior and senior years. Graduate student scholarships are also offered by the Fund, for interested students continuing their education beyond the baccalaureate degree in certain specialty fields. Applications for the Fisher Scholarship and the graduate Specialty Scholarships available from the ASMT Education & Research Fund, 330 Meadow Fern Drive, Houston, Texas 77067. Deadline March 1 of year applying.

The Diuguid (pronounced "Do-Good") Fellowship Program. Administered by the Council of Southern Universities, this program makes funds available to "mature women" (although any woman over 21 may apply) for one year of formal study. Special consideration is given to women whose career and professional goals have been deferred because of marriage, children, etc. Applicants must live in the South and submit application by December 1. Grants range from $3,600 to $8,000. Contact: Executive Director, Council of Southern Universities, Inc., 795 Peachtree Street, N.E., Suite 484, Atlanta, Ga. 30308.

THE OLYMPIC COIN ACT OF 1981

Mr. STEVENS. Mr. President, I welcome and intend to support the Olympic Coin Act of 1981 which will assist the U.S. Olympic Committee in raising funds for the 1984 Olympic games scheduled to be held in Los Angeles, Calif.

As the host country to the 1984 games, the United States has the great opportunity to bring together the finest amateur athletes in the world. The Olympic Coin Act of 1981 will greatly assist the Los Angeles Olympic Organizing Committee (LAOOC) in its effort to bring the games to fruition.

The LAOOC is a tax exempt, nonprofit organization that receives no Federal or State funds and does not accept private contributions that would put it in competition with charities or educational institutions. The income from the sale of these coins will be divided equally among the LAOOC and the U.S. Olympic Committee.

In addition, the revenues will provide a stable source of funding for the games without any expense to the taxpayer. In fact, the Federal Government will receive funds in excess of its direct cost for printing the coins.

The value of the Olympic games in establishing personal bonds among the nations of the world is well known. I urge our immediate review of this measure to insure the success of the 1984 Olympic games in Los Angeles.

QUORUM CALL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have three routine requests that I believe have been cleared on the other side and after we dispose of these matters I know of no further business that can be transacted by the Senate this afternoon and I will shortly ask consent to go over until tomorrow.

(Mr. BAKER's requests for authorization for certain committees to meet are printed under routine morning business.)

THE SENATE'S AGENDA

Mr. BAKER. Mr. President, I once again point out that the business I had thought we might be able to transact today is not available.

It is my expectation, however, that the remainder of the week will be a relatively busy week with matters such as possibly the consideration of the reauthorization of the Federal Election Commission, which is an expiring authorization. I hope we will be able to deal with a number of bills from the Commerce Committee. There are other bills from the Agriculture Committee and other matters which I hope will develop on the calendar of General Orders and on the Executive Calendar.

I expect that the Senate will have a busy time Tuesday, Wednesday, Thursday, and Friday.

I point out that the conference on the supplemental appropriations bill will begin at 10 a.m. in the morning. It is my hope that that conference will be concluded promptly and that the House of Representatives, which must act first, will do so promptly and permit us to act well in advance of the June 5 deadline. June 5 is on Friday and all Members should be on notice that there is a great likelihood that the Senate will be busily engaged in both legislative and executive business for the remainder of this week, including Friday of this week.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate finishes its business today it stand in recess until the hour of 11 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order just granted, that the Senate stand in recess until the hour of 11 a.m. on June 2.

The motion was agreed to; and at 2:12 p.m. the Senate recessed until Tuesday, June 2, 1981, at 11 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate May 22, 1981, under authority of the order of the Senate of May 21, 1981:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Eugene Victor Rostow, of Connecticut, to be Director of the U.S. Arms Control and Disarmament Agency, vice Ralph Earle II, resigned.

DEPARTMENT OF DEFENSE

Joel E. Bonner, Jr., of Virginia, to be an Assistant Secretary of the Army, vice Alan J. Gibbs.

William R. Gianelli, of California, to be an Assistant Secretary of the Army, vice Michael Blumenfeld, resigned.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Warren Roger King, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for a term of 15 years, vice Fred L. McIntyre, retired.

Richard Stephen Salzman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for a term of 15 years, vice William S. Thompson.

Reggie Barnett Walton, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for a term of 15 years, vice Leonard Braman.

DEPARTMENT OF THE INTERIOR

Daniel N. Miller, Jr., of Wyoming, to be an Assistant Secretary of the Interior, vice Joan Mariarenee Davenport.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Judith L. Tardy, of Virginia, to be an Assistant Secretary of Housing and Urban Development, vice William Antonio Medina, resigned.

FEDERAL MARITIME COMMISSION

Alan Green, Jr., of Oregon, to be a Federal Maritime Commissioner for the term of 5 years expiring June 30, 1986, vice Leslie Lazar Kanuk, term expiring.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

James Montgomery Beggs, of Missouri, to be Administrator of the National Aeronautics and Space Administration, vice Robert Alan Frosch, resigned.

COUNCIL ON ENVIRONMENTAL QUALITY

A. Alan Hill, of California, to be a Member of the Council on Environmental Quality, vice James Gustave Speth, resigned.

IN THE AIR FORCE

The following named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. James E. Dalton [redacted] FR, United States Air Force.

IN THE NAVY

Adm. Alfred J. Whittle, Jr., U.S. Navy (age 57), for appointment to the grade of admiral on the retired list, pursuant to the provisions of title 10, United States Code, section 5233.

Executive nominations received by the Secretary of the Senate May 27, 1981, under authority of the order of the Senate of May 21, 1981:

ORGANIZATION OF AMERICAN STATES

J. William Middendorf II, of Virginia, to be the permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

UNITED NATIONS

Jose S. Sorzano, of Virginia, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

DEPARTMENT OF STATE

Ernest Henry Preeg, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Haiti.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Charles L. Dempsey, of Virginia, to be Inspector General, Department of Housing and Urban Development (reappointment).

DEPARTMENT OF EDUCATION

Kent Lloyd, of California, to be Deputy Under Secretary for Management, Department of Education, vice John B. Gabusi.

James Bert Thomas, Jr., of Virginia, to be Inspector General, Department of Education (reappointment).

INTERNATIONAL COMMUNICATION AGENCY

James T. Hackett, of Virginia, to be an Associate Director of the International Communication Agency, vice James David Isbister, resigned.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Oren Edwin DeHaven, [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. John Winn McEnery, [redacted] U.S. Army.

IN THE U.S. NAVY

The following-named officer, having been designated for command and other duties of great importance and responsibility in the grade of vice admiral within the contemplation of title 10, United States Code, section 5231, for appointment while so serving as follows:

To be vice admiral

Rear Adm. James A. Lyons, Jr., U.S. Navy.

IN THE MARINE CORPS

The following named officer under the provisions of title 10, United States Code, section 5202, to be assigned to a position of importance and responsibility designated by the President, in grade as follows:

To be general

Lt. Gen. Paul X. Kelley [redacted], U.S. Marine Corps.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under provisions of title 10, United States Code, sections 3284, 3299, and 3305:

ARMY PROMOTION LIST

To be colonel

Ballard, Lowell L., Jr. [redacted].
DeShields, Charles E. [redacted].
Howell, Leamon E., [redacted].
McGraw, John F. [redacted].

To be lieutenant colonel

Disney, Robert C. [redacted].
Guarino, Harold B. [redacted].
Littlewood, Arthur R., III [redacted].
McNee, William S., [redacted].
Moore, Charles L., [redacted].
Soper, Robert L., Jr. [redacted].
Tracy, Lawrence L. [redacted].
Williams, David K. [redacted].

To be first lieutenant

Lee, Stella W., [redacted].
Ortman, John L. [redacted].

CHAPLAINS CORPS

To be lieutenant colonel

Harano, Roger D. [redacted].

ARMY PROMOTION LIST

To be major

Stephens, Quewanncoii C. [redacted]

CHAPLAINS CORPS

To be major

Aplet, Robin L. [redacted].

MEDICAL CORPS

To be captain

Tripp, Glenn C. [redacted].

MEDICAL SERVICE CORPS

To be captain

Jakubowski, Jacob A. [redacted].

The following-named officers for promotion in the Army of the United States, under provisions of title 10, United States Code, sections 3442 and 3447:

ARMY PROMOTION LIST

To be colonel

Collins, Billy C., [redacted].
Densford, Charles F., Jr. [redacted].
Lehrfeld, William R. [redacted].
Marnon, Donald J. [redacted].
Moore, Charles L., [redacted].
Schultz, Edward E. [redacted].
Scott, William A., [redacted].

MEDICAL SERVICE CORPS

To be colonel

Cygan, Herbert E. [redacted].
Haswell, Edward A., [redacted].

ARMY NURSE CORPS

To be colonel

Kalandros, Konstantine E. [redacted].

ARMY PROMOTION LIST

To be lieutenant colonel

Bell, Richard A., II [redacted].
Drees, Donald B., [redacted].
Frank Robert T. [redacted].
Jandreau, James L. [redacted].
Letterie, Carl A., Jr. [redacted].
Longshaw, Clifton V., Jr. [redacted].
Shoemaker, Charles P. [redacted].
Thompson, Clark J. [redacted].

CHAPLAINS CORPS

To be lieutenant colonel

Johnson, James D., [redacted].
Park, Richard L. [redacted].
Pierce, Henry F., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Echeverria, Peter D., [redacted].
McDonald, John A. [redacted].

Reed, Larry D., xxx-xx-xxxx.
VanNostrand, Douglas xxx-xx-xxxx.

DENTAL CORPS

To be lieutenant colonel

Campbell, Donald J. xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be lieutenant colonel

Keel, Hugh N., III, xxx-xx-xxxx.
Mazur, John F. xxx-xx-xxxx.
Rachfal, John R. xxx-xx-xxxx.
Walsh, James A., xxx-xx-xxxx.
Zalkalns, Gundars xxx-xx-xxxx.

ARMY NURSE CORPS

To be lieutenant colonel

Parr, Thomas E. xxx-xx-xxxx.
Sherrod, Susie M., xxx-xx-xxxx.

Executive nominations received by the Secretary of the Senate May 28, 1981, under authority of the order of the Senate of May 21, 1981:

DEPARTMENT OF STATE

Theodore E. Cummings, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

DEPARTMENT OF EDUCATION

Clarence Thomas, of Maryland, to be Assistant Secretary for Civil Rights, Department of Education, vice Cynthia G. Brown, resigned.

DEPARTMENT OF JUSTICE

O. Evans Denny, of Delaware, to be U.S. marshal for the district of Delaware for the term of 4 years, vice Irvin B. Smith, Jr., resigning.

Executive nominations received by the Secretary of the Senate May 29, 1981, under authority of the order of the Senate of May 21, 1981:

DEPARTMENT OF STATE

Edward D. Rowny, of Virginia, to be Special Representative for Arms Control and Disarmament Negotiations, and to have the rank of Ambassador while so serving, vice Ralph Earle II, resigned.

INTERNATIONAL MONETARY FUND

Richard D. Erb, of Virginia, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years, vice Sam Young Cross, Jr., resigned.

DEPARTMENT OF DEFENSE

Harry N. Walters, of New York, to be an Assistant Secretary of the Army, vice William Eldred Peacock, resigned.

DEPARTMENT OF COMMERCE

Robert G. Dederick, of Illinois, to be an Assistant Secretary of Commerce, vice Robert Thallon Hall, resigned.

Bernard J. Wunder, Jr., of Virginia, to be Assistant Secretary of Commerce for Communications and Information, vice Henry Geller, resigned.

DEPARTMENT OF TRANSPORTATION

Joseph P. Welsch, of Virginia, to be Inspector General, Department of Transportation, vice Frank Saburo Sato.

DEPARTMENT OF EDUCATION

Robert Melvin Worthington, of Utah, to be Assistant Secretary for Vocational and Adult Education, Department of Education, vice Daniel B. Taylor, resigned.

COMMUNITY SERVICES ADMINISTRATION

Dwight A. Ink, of Maryland, to be Director of the Community Services Administration, vice Richard John Rios.

VETERANS' ADMINISTRATION

Frank Saburo Sato, of Virginia, to be Inspector General, Veterans' Administration, vice Allan L. Reynolds.

Executive nominations received by the Senate June 1, 1981:

DEPARTMENT OF STATE

Charles W. Bray III, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal.

Jane Abell Coon, of New Hampshire, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Robert Sherwood Dillon, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Charles H. Price II, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Maxwell M. Rabb, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

DEPARTMENT OF THE INTERIOR

Richard Mulberry, of Texas, to be Inspector General, Department of the Interior, vice June Gibbs Brown.

DEPARTMENT OF COMMERCE

Sherman Maxwell Funk, of Maryland, to be Inspector General, Department of Commerce, vice Mary P. Bass.

DEPARTMENT OF LABOR

Thomas F. McBride, of the District of Columbia, to be Inspector General, Department of Labor, vice Marjorie Fine Knowles, resigned.

GENERAL SERVICES ADMINISTRATION

Joseph A. Sickon, of Virginia, to be Inspector General, General Services Administration, vice Kurt W. Muellenberg.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 3962:

To be a lieutenant general

Lt. Gen. Arthur James Gregg xxx-xx-xxxx, (Age 53), Army of the United States (major general, U.S. Army).

The following-named officer to be assigned to a position of importance and responsibility designated by the President under the provisions of title 10, United States Code, section 3066(a) in the grade as follows:

To be lieutenant general

Maj. Gen. Richard Horner Thompson, xxx-xx-xxxx U.S. Army.

IN THE NAVY

The following-named chief warrant officers, W–2 of the U.S. Navy for temporary promotion to the grade of chief warrant officer, W–3, pursuant to title 10, United States Code, sections 5787c and 5791, subject to qualification therefor as provided by law:

Abshear, James D.
Adams, John N.
Adams, Richard L.
Aguinaldo, Jerry M.
Alexander, Carl T.
Allen, Clifford P.
Allen, Glenn H.
Allen, Robert E.
Allison, James C
Allred, John E.
Almaraz, Vito G.
Almond, Dannie K.
Andaya, Carlos D.
Anderson, Gerold B.
Andies, Robert B.
Andrzejewski, Rich J.
Arens, Dennis L.
Arezzini, John E.
Argilan, John D.
Armao, Thomas J., Jr.
Armbruster, Terrence D.
Armstrong, Kenny E.
Arnold, Harlon R.
Ashcraft, Harvey C.
Aucoin, Dennis G.
August, Charles G., Jr.
Austin, Harold T.
Aydelott, Charles R.
Ayre, Durward C.
Bachman, Lawrence J.
Badnek, Joseph S.
Bailey, Don F.
Baisey Kenneth R.
Baja, Benildo S.
Baker, Jess K.
Baker, Larry E.
Baker, Michael W.
Baker, William W.
Balderrama, Jose A
Baldwin, Patrick L.
Balinas, Jose C.
Ball, Gerald W.
Ball, Maurice E.
Balog, Waite W.
Banks, John M.
Barba, Thomas S.
Barber, Charles B.
Barbra, William R.
Barcus, William A., Jr.
Barker, Billy L.
Barnes, Stanley L.
Barnhart, John A.
Barr, Luther G.
Barreras, Charles
Bartlett, Francis I.
Bartlow, Jack D.
Bauman, William J.
Bautista, Rodolfo R.
Bayne, Paul H.
Becken, Bryan A.
Beesley, Dennis D.
Bell, James J.
Benfer, Robert J.
Benjamin, Michael A.
Bennett, Gregor F.
Bergeron, Frederic J.
Berkley, Erik E.
Berry, Thomas J., Jr.
Besser, Ronald N.
Bickel, James G.
Bildhauer Fred A.
Bird, Melvin C., Jr.
Bishop, Henry A.
Bishop, Raymond L.
Blake, Robert E.
Blount, Karl S.
Bojo, Rudy Q.
Boley, Gary G.
Bolick, Richard L.
Bondzio, Donald J.
Book, Lawrence J.
Botts, Roy L.
Boudreau, Denis R.
Bowman, Richard L.
Boyd, Frank J.
Braccio, James R.
Brack, Edwin D.
Bradley, Donald F.
Brandon, Johnny L.
Brantley, Hugh
Braxton, William W.
Bredemeyer, Albert M.
Breslin, Charle J., Jr.
Briggs, James A.
Bright, Michael D.
Briglin, Joseph R.
Brinkley, Roy E.
Bristol, Robert G.
Britt, Dale R.
Brooks, James R.
Broussard, Wilfred
Brown, Ernest W.
Brown, Horace J.
Brown, Mark N.
Bruce, Wardee R., Jr.
Brustol, John L.
Bryan, Thomas J.
Buck, Kenneth C.
Buckman, John A.
Burkhart, Roger A.
Burton, Wilfred R.
Bush, James P.
Bush, Ronald G.
Butler, Michael E.
Buttrum, Ronald L.
Buzzard, Robert J.
Byers, Harold D.
Byrd, Ralph, Jr.
Cadorette, Edward M., Jr.
Cain, Robert, Jr.
Callahan, Edward T. J.
Callahan, Frederick N.
Camacho, Donald L.
Canino, Lind A.
Cannon, Richard D.
Cantu, Sandra
Carlson, Lawrence R.
Carrington, Matthew
Carson, Jeffrey A.
Carsten Thomas E.
Carter, Joseph M.
Carter, Nelson R.
Carter, William M.
Case, George S.
Casey, George J.
Castle, Edwin H., Jr.
Casucci, Michael J.
Celi, Andres P.
Chambers, James T.
Chapman, Walter W.
Cheesebrew, Tony M.
Chesnut, Harry W.
Childers, David P.
Chinery, Percy H., III
Chiong, Mel D.
Chmelarsky, Joseph E.
Chrisohon, Christopher M.
Church, James E.
Ciborowski, Virgin B.
Ciron, Mariano F., Jr.
Cirucci, Edward J.
Clark, Jimmy C.
Clark, Joseph B.
Clark, Robert B.
Clayton, Thomas S.
Clemente, Philip L.
Clifton, Harry V.
Clifton, James R.
Cloninger, Lee A.
Clouser, Clifford
Cochran, Jimmy R.
Cochran, Raymond A.
Coers, John H.
Coffield, David R., Jr.
Coffin, Robert J.
Cole, Danny D.
Collier, Reuben W., Jr.
Collins, Daniel J.
Commons, Charles A.
Conder, Howard E.
Condon, Gerald E.
Conlon, James A.
Cook, Clifford T.
Cooks, Chandler, Jr.
Cooper Henry D.
Cooper, Robert E.
Cooper, Roger J.
Copeland, Melvin E.
Copes, George T.
Corder, Fred, Jr. II
Corliss, Albert L., Jr.
Cortese, Charles A.
Cote, Robert C.
Craig, Byron F.
Craig, Earl W., Jr.
Crawford, Richard J.
Creed, David L.
Cross, Roger W.
Crownover, Jerry
Crowson, John M.
Cunningham, James L.
Curran, Richard C.
Curry, Sheldon G.
Curtis, Harry A., Jr.
Darrigo, Thomas F.
Daugherty, Larry R.
Davis, James E.
Davis, James R.
Davis, John W.
Davis, Mars F.
Davis, Orville C.
Day, Dickie J.
Day, James L.
Deas, James D.
Debona, Robert B.
Deck, Larry E.
Decker, Raymond E.
Defrees, James R.
Derricote, Dale A.
Desmond, David W.
Diaz, Robert J.

Dicanio, James V., Jr.
Dickenson, John W.
Dickson, Mack, Jr.
Dickson, William G.
Dill, Ronald P.
Dixon, Frederick R.
Dobbins, John W.
Dobson, Jimmie L.
Doemel, Douglas A.
Domondon, Benjamin A.
Donnelly, Douglas W.
Douglas, Robert M.
Dove, Ronald M.
Downs, James F.
Drahos, Daniel D.
Drewry, Douglas L.
Dulin, Robert H.
Dunbar, Frederick C.
Dunlap, Samuel N.
Dunn, Thomas R., Jr.
Dupalo, Robert J.
Durham, Randall E.
Dye, James E., Jr.
Earl, Billy B.
Eck, Thomas P., Jr.
Edgar, Leonard J.
Edwards, Ralph D.
Edwards, William N.
Eget, John F., Jr.
Eggleton, William W.
Eichelberger, Cheyenne
Elchlepp, Beaudwyn P.
Ellis, Elton E.
Ellis, Roger A.
Epperson, Donald M.
Erker, John W.
Estes, George W.
Estrada, Ronald M.
Evans, Gary L.
Everly, James R.
Ewashko, William S.
Falco, Harry W.
Fales, Harold L.
Faloon, Robert D.
Fegarido, Virgil C.
Fenwick, James J., Jr.
Fernandez, Leonardo G.
Fertig, Norman R.
Finch, Gaylord R.
Finch, William F.
Finley, Terry R.
Finn, Michael R.
Fisher, William L.
Fitch, John A.
Fleischer, Douglas W.
Fletcher, James M.
Flood, William E.
Flynn, Gary E.
Ford, Joseph C.
Ford, Ralph E.
Forrey, Roderick A.
Forthun, David C.
Fortner, Elton C.
Fountain, Gerald T.
Fowler, Ronald L.
Fraher, Dennis E.
Francis, James E.
Franklin, Claude I.
Fraser, Lloyd C.
Frisko, John R.
Fritz, James H.
Frye, Dock H., Jr.
Fugich, Jerry M.
Funk, Jeffrey L.
Fyfe, Douglas J.
Gabaldon, George E.
Gac, Jesse J.
Galanides, Antonio M.
Galer, Dennis C.
Garcia, Patrick, Jr.
Gardenhire, Wil J., Jr.
Garland, Fernald T.
Garrett, Talmadge C.
Gates, John E.
Gavin, Daniel J.
Gee, Grant W.
Geihl, Robert F.
George, Charles R.
Geres, Hans F.
Getty, David R.
Gibson, Richard
Gibson, Wesley A.
Giddings, Joseph E., III
Gilchrist, William R.
Giffin, Robert T.
Gilbert, Phillip G.
Gilchrist, William R.
Giles, Henry E.
Gilles, Leonard F.
Gilliland, Freddie H.
Gillip, Raymond R.
Ginn, Aaron C.
Girouard, Francis H., Jr.
Giroux, David L.
Glascock, Dwain E.
Glenn, Bedford D.
Gloria, Rodolfo V.
Glover, Clarence B.
Gomez, Jose G.
Gonzales, Gilbert M.
Gork, William J.
Gottschalk, William
Grady, Charles D.
Grant, John I., Jr.
Green, Donn E.
Greene, Theodore F.
Greenwood, Ernest L.
Gregory, Robert L.
Greiner, Michael L.
Grey, Robert P.
Grider, James L., Jr.
Griffin, Clyde C.
Gripon, Ronald G.
Grizzard, William A.
Groff, Francis M., Jr.
Grogg, Farrell J.
Grout, Donald E.
Guffey, Lloyd L.
Gullett, John N., Jr.
Gumbayan, Gregorioe
Gurney, Dale J.
Gustafson, Dennis M.
Haberman, Leonard R.
Hacker, Paul D.
Hahn, Robert A.
Haldeman, John D.
Hall, Douglas J.
Hallmark, William D.
Hamel, John P.
Hammer, Charles F.
Haney, Edward P.
Hankins, Michael H.
Hanna, Rudolph M.
Hannah, James M.
Hanson, George A.
Hard, Robert F., Jr.
Harden, Lawrence E.
Harm, John W., III
Harman, James A., Jr.
Harmon, Joseph P.
Harper, Franklyn K.
Harper, Randolph A.
Harrell, Hubert F.
Harris, James L.
Hart, Joseph M.
Hart, Vernon L.
Hastings, Robert O.
Hatfield, Gary L.
Hayden, Robert M.
Hayes, Robert P.
Heath, Robert M.
Heiney, Charles E.
Helm, Jack L., Sr.
Helms, Frank E.
Helwick, David L.
Henderson, Thomas R.
Hennessy, Peter F.
Henson, Roy D.
Heriford, David S.
Herman, Charles N.
Herrick, Richard G.
Herzog, James E.
Hestand, Edgar B.
Hickey, Jimmy R.
Higley, George F., Jr.
Hill, George C.
Hill, Jeffery D.
Hill, Richard A.
Hinds, William J.
Hinton, Edward L.
Hipskind, Larry G.
Hoder, Sidney W.
Hoffman, John J.
Hogg, Edward E.
Holder, Philip.
Holland, Michael E.
Hooker, Manning A.
Houlette, James F.
Houston, Robert E.
Howes, Robert C., Jr.
Hubner, Jon R.
Huffman, Albert J.
Huggins, Gary W.
Hughes, Kenneth L.
Hundley, John D.
Hunley, Billie S.
Hunter, Tommy G.
Hurley, Charles M.
Hyman, Bobby E.
Inglis, Merrill W.
Ingram, James R.
Ingram, Michael R.
Iovanna William R.
Isola, Andrew J.
Jackson, Auston M.
Jackson, Ronald C.
Jacobs, Michael L.
James, Robert C.
Jaquith, Philip A.
Jellison, James A.
Jenkins, Danny T.
Jennings, Gaile B.
Jennings, John S.
Jiles, Elvin, Jr.
Johnson, Herbert A.
Johnson, Larry D.
Johnson, Clarence O.
Johnson, Lawrence J.
Johnson, William M.
Jondahl, Del G.
Jones, Bobby L.
Jones, Gerald E.
Jones, Gilbert H., Jr.
Jones, Johnny L.
Jones, Johnny R.
Jones, Ronny G.
Jordan, James J., Jr.
Jung, Dale C.
Kehr, Bruce D.
Keiser, James H.
Keller, Clyde W., Jr.
Keller, Francis G.
Kelley, John S.
Kelly, Sean T.
Kemp, Thermon R., Jr.
Kennedy, Barry.
Kermon, Robert H., Jr.
Keys, Royd
Killingbeck, David A.
Kimball, Raymond J.
King, John P., Jr.
King, Thomas M., Jr.
Kinshofer, George H.
Kirk, Kilfton K.
Kite, John B.
Klein, William R., Jr.
Kline, David L.
Koester, William E.
Kohlbeck, James L.
Kohler, William G.
Kolenda, John H.
Kopp, Philip A.
Kornegay, Thomas S.
Korntop, Paul H.
Kretzschmar, Arno A.
Krohn, Thomas H.
Kurz, Dennis L.
Lacko, John D.
Lacoe, Paul D.
Ladow, Louis P.
Laduke, Robert C.
Lake, Kenneth D.
Lane, Donald W.
Lanear, Edward A., Jr.
Lang, Gary L.
Laplante, Kevin J.
Lardner, John M.
Larson, Raymond D.
Lasater, Eugene R.
Lascelle, William A.
Laue, George M.
Lawrence, Carol L.
Lawson, Charles E.
Lawson, James C., Jr.
Lawson, Shirley W.
Leatherwood, Don A. L.
Ledford, Robert H.
Lee, Richard D.
Leindecker, John E.
Lenartz, John E.
Leong, Francis A.
Lestage, Clement J.
Lewin, Antonie R.
Lewis, James M.
Ley, John L., III
Lins, Donald E.
Little, James S.
Lloyd, James J., Jr.
Lloyd, John T.
Locklair, John L.
Loe, Michael M.
Lomenick, John A.
Long, Cecil J.
Long, James J.
Long, Lawrence H. E.
Long, Thomas J.
Longmire, Gary G.
Ludrick, Jess E., Jr.
Lundy, Charles P., Jr.
Lunsford, Jay W.
Lusk, Sherman H.
Lussier, William A.
Lutz, Garry D.
Lutz, Robert E.
Lynch, James J.
Lynch, Raymond R.
Lyon, Paul D.
Lytle, John D.
Lytle, Preston O.
Maley, John T.
Mangel, Edward L.
Marple, Robert A.
Marquette, Jerry L.
Marshall, Dewey D.
Martin, David P.
Martin, John L.
Martin, Lawrence E.
Martin, Michael P.
Marx, Raymond J.
Massey, Anthony H., Jr.
Mathisen, Tim I.
Mattson, Kenneth L.
Maultsby, Rustic A., Jr.
Maxaner, Bruce
Maxey, Jack E.
Mayberry, Donald R.
McBee, Ronald E.
McCallum, David L.
McCarthy, John P., Jr.
McCowan, Charles F.
McCurdy, Harold D.
McDonald, Bruce
McGhee, O. D.
McGlynn, Michael J.
McGrew, Ralph R.
McGurr, Albert F.
McKee, Karen M.
McKee, Larry J.
McMahon, Larry S.
McNealy, John M., Jr.
McNulty, Larry A.
McQuade, George J.
McWane, Gilbert J.
Medina, Genelito V.
Medved, Nicholas S.
Micklich, Richard L.
Mihok, Richard J.
Miller, Charles E.
Miller, Charles K.
Miller, Glenn E.
Miller, Hershel M.
Miller, Merle J.
Miller, Ralph F.
Miller, Randy S.
Miller, Robert B., Jr.
Miller, Samuel T.
Miller, Victor E.
Miller, William L.
Mobley, Ronald
Moffett, Martin C.
Mohan, George V.
Montgomery, James J., Jr.
Moody, Robert E.
Moore, Joseph M.
More, Paul A.
Moore, Robert W.
Moore, Ronald J.
Mora, Stephen M.
Moran, Daniel, III
Morgan, Suzanne
Morris, Daniel G.
Morris, James L.
Morris, Terry L.
Moser, Leroy R.
Mularchuk, Peter
Mulder, George K.
Mullins, Noah T.
Murphy, Larry R.
Murphy, Michael E.
Murray, Max E.
Muth, Lee R.
Narlock, Charles R.
Nauta, Raleigh J.
Nelson, Donald F.
Ness, John L.
Newbold, Philip G.
Nichols, Leo G.
Nicholson, James A.
Niebler, George H., Jr.
Niemann, Gerald W.
Nishnick, Peter A.
Nocella, Francis P.
Ocker, Kenneth R.
Ogletree, James D.
Ohalloran, Francis E.
Olcott, John H.
Olsen, Glen S.
Oltman, Carl E.
Ord, John M.
Osterfeld, Leroy A.
Otto, Mark H.
Owens, Raymond W.
Pace, William S.
Pacetti, Frank O.
Padula, Gerald J.
Pagano, Robert M.
Palmer, Bruce E.
Palmer, Robert D.
Pankiewicz, John, Jr.
Paoletti, Michael J.
Pash, Marvin F.
Pate, James E.
Patterson, Dale J.
Paul, George D.
Payne, Francis, H., Jr.
Pearsall, James E., Jr.
Pearson, Sherman J.
Pechon, Louis F., Jr.
Pelis, Thomas F.
Pemberton, Lawrence A.
Penner, John E.
Peplinski, Dieter
Perlas, Nazario D., Jr.
Peterson, Philip T.
Pfau, Edward A. R.
Phillips, Blaine H.
Phillips, Lee B.
Pincek, William R.
Piper, Harold L.
Pittman, Robert L.
Pohly, B. Jeffrey
Pokrant, Frederic P.
Ponder, William F.
Popovich, Michael L.
Porter Lawrence K.
Posey, Donald R.
Potter, Charles E.
Potter, Robert E.
Powell, Jeffrey L.
Pratt, Elwood S.
Prendergast, Michael P.
Provost, Robert G. A.
Pryor, Glenn K.
Pryor, Wade T.
Purden, Harry B. III
Pursley, Donald H.
Putman, Donald W.
Putz, Hans L.
Quaschnick, David L.
Raby, Gary W.
Rambo, Charles W.
Randle, George P. E.
Raney, David E.
Rapalee, Raymond N.
Ray, Billy M.
Raybourn, Stephen A.
Rayburn, Harold L.
Reece, Donald L.
Reigottie, Ronald L., Jr.
Reiterman, Philip E.
Repak, George E.
Retterer, William A.
Reyes, Medardo P.
Reyes, Ponciano L.
Reyes, Raphael O.
Rhodes, Roy M.
Rial, John S.
Rice, Jerry L.
Rice, Robert E.
Richardson, Don D. II
Richardson, Gary L.
Riddle, Jerry A.
Ridley, John D.
Rinacke, James C.
Ringressy, Dean P.
Ritter, Kenneth J.
Robinson, Tommy L.
Roe, Ronald R.
Romig, James F.
Rominger, Gerald R.
Ronquillo, Marcelino
Rougeau, Anice J.
Rowe, Bernard C.
Ruiz, Augusto D.
Russman, Mark E., Jr.
Russow, Claud F.
Saguinsin, Timoteo M.
Saine, Paul M.
Salisbury, Thomas B.
Salonga, Cipriano C.
Salvato, Giacomo W.
Sanders, James C.
Sanders, John W.
Saunders, Maryu O., Jr.
Savino, Oronzo J.
Sawicki, Gerald S.
Schaeffer, John P., III
Schaeffer, Lester M.
Schell, Edward G.
Schmidt, Keith L.
Schmitt, Gerard J.
Schneider, Franz C.
Schooler, Donald R
Schuck, Jerry L.
Schultz, Ray
Schwab, Frederick A.
Scott, Edward C.
Scott, John L.
Scott, Richard B.
Sedlevicius, John J., Jr.
Seitz, Michael W.
Selover, Earl H., Jr.
Shafer, Gerald T.
Shaffer, Ivan L.
Shanklin, Terry W.
Sharp, Floyd G.
Sharp, Larry W.
Shaw, George L.
Shaw, Harvey J.
Shawn, Rodney A.
Shell, Gerald B.
Shemanski, Ronald J.
Shephard, Robert D.
Shepherd, Danny K.
Sherman, Cornelius A., II
Shields, Joseph N., II
Shinkle, Leroy K.
Shope, Merrill E., Jr.
Shotts, Gerald D., Jr.
Shoultz, Larry D.
Shumaker, Leo O.
Siems, Roger W.
Sieruta, David W.
Silvers, Samuel L.
Simmons, Donald B., Jr.
Simpson, Frank L.
Simpson, Leonard W.

Sipes, Jerry K.
Sitte, Francis C.
Sizemore, Austin L.
Skinder, John S.
Sloan, David
Slupski, Edward L.
Smith, James L.
Smith, Richard E.
Smith, Sidney E.
Snodgrass, Samuel B., Jr.
Soldo, Terrence L.
Sommer, Robert J., Jr.
Sopha, Robert E.
Soto, Paulino, Jr.
Spellman, Frank R., Jr.
Spencer, Ronald C.
Spurlock, Jimmy R.
Stalnaker, Charles G.
Standridge, Roy L.
Stanfield, Clyde R.
StClair, Dennis B.
Stephens, Richard J
Stephens, Wesley C.
Stevens, Richard A.
Stokely, John W.
Stoops, Lewis E.
Story, Robert S.
Strange, Jack D.
Straw, James R.
Stribling, James M.
Strickland, McCoy O.
Stringer, Charles L., Jr.
Strong, Richard L.
Sturgis, Russell
Sully, Jerry R.
Swift, Arthur H.
Skyes, Joe T.
Taglioli, George E.
Taijito, Juan M.
Tankersley, Billy A.
Tayag, Aureo S.
Tato, Maligi F.
Taylor, Cecil C.
Taylor, Glenn E.
Taylorbrown, Marvin D.
Teegarden, Dennis D.
Tennis, Walter F.
Terry, Wayne G.
Tesnow, Ronald L.
Thatcher, Carl G.
Thayer, Michael W.
Theberge, Marcel C.
Theriault, Stephen E.
Thomas, David R.
Thomas, Juan A.
Thompson, Harold J.
Thompson, Thomas, Jr.
Thompson, Tommy
Thorn, Raymond E.
Thorp, Donald M.
Tigert, John A.
Tilton, William E.
Tines, John H.
Tingle, Charles W.
Tognazzini, James T
Tolentino, Ruben G.
Tom, Daniel, Jr.
Towery, Travis W.
Trapp, James E.
Treloar, Alan F.
Treme, James W.
Tremont, Francis, Jr.
Trent, Richard H.
Truett, Clyde D.
Tucker, Daniel W.
Turner, Ashley E.
Ulp, Richard B.
Untied, Richard A.
Vanausdal, William R.
Vance, Jerry W.
Vanderbrink, Charl G.
Vannostran, Clifford
Vargas, Kenneth L.
Veliz, Jose
Vigil, John G., Jr.
Vinke, Gerald L.
Vogan, Francis J., Jr.
Waddell, Kenneth R.
Wagner, Thomas G.
Waite, Robert A.
Walden, James E.
Walker, Charles
Walker, Charles A.
Wallen, Ramon G.
Wallis, Joseph D.
Walls, Rex E.
Wandel, Lawrence P.
Ward, Francis P., Jr.
Ward, James W.
Ward, Joseph E.
Wariner, Arnold R.
Wasson, Gary W.
Wells, Bert H.
Wentela, Lyle E.
Wentworth, Ralph H.
Werre, Vernon S.
Westermeyer, Edward J.
Whitaker, Larry H.
White, Allan F.
Whitney, William C.
Whittingham, James D.
Williams, Billy J.
Williams, James C.
Williams, James H.
Williams, Luther O.
Williams, Richard A.
Wilson, Edward L., Jr.
Wilson, Ted L.
Wilson, Wayne A.
Winslow, Buddy V.
Wise, Orville G., Jr
Wood, Leonard E.
Wood, Ronald L.
Woodruff, Ronald R.
Worthen, Thomas L.
Ybanez, Jesse A.
Yeager, Harvey L.
Yeager, William P.
Yoder, Cecil L.
Young, Allan G.
Young, Dennis C., Jr.
Young, Douglas Q.
Zablocki, Richard M.
Ziegenbein, Alva V.
Ziegler, Marion D., III
Zupinski, Edwin F.

The following-named chief warrant officer, W–3 of the U.S. Navy for temporary promotion to the grade of chief warrant officer, W–4, pursuant to title 10, United States Code, section 5787c and 5791, subject to qualification therefor as provided by law:

Albury, Merrill C.
Aldaz, Edmundo
Addison, Leroy E., II
Adkins, James M., Jr.
Alexander, Jose A.
Allen, Merrile J., Jr.
Anderson, Kenneth S.
Anderson, Milburn M.
Arsenault, Raymond T.
Arthur, Joseph H.
Baldwin, William J.
Ballew, Neil G.
Bampfield, James R.
Barrow, Maxie R.
Bartleman, James P.
Beach, Frank A.
Beatty, Jonathan T.
Beavers, Elton R.
Beavers, Harvie D., Jr.
Beavers, James E.
Bennett, Donald S.
Bennett, Rex G.
Beyer, Donald J., Jr.
Birr, Donald K.
Black, Gerald R.
Blausey, Arthur E.
Bocchino, Alfred J.
Bodkin, David M.
Boley, James M.
Bonilla, Samuel R.
Bonnett, William R.
Bonette, John E.
Boothe, John P.
Borszich, Everett P.
Bowen, James C., III
Boyce, Richard A.
Bregg, Gerald B. W.
Breland, Don
Breunig, John V.
Brinley, Laird E.
Browning, Harold D.
Bryce, Francis P.
Buckley, Thomas F.
Budway, Edward J.
Bullock, Lawrence G.
Burdette, William M., Jr.
Burke, Virgil G., Jr.
Butler, Dorniece
Butler, Louis E.
Cagle, Donald J.
Cain, James M.
Caley, James D. C.
Campbell, David B.
Candanoza, Jose R.
Caponis, John A.
Carpenter, William A.
Carson, Bill
Carter, Lorenza
Casteen, John D., Jr.
Chambers, James D.
Chilton, Harry R.
Christman, Peter T., Jr.
Clapham, Charles W.
Clark, James W.
Clark, Richard O.
Clark, Robert L.
Cleghorn, John T.
Clements, Jerry E.
Coarsey, John R., Jr.
Colon, Pedro A.
Contreras, Gregorio A.
Cornwell, William J.
Costa, Joseph E.
Coward, Noel T.
Craig, Lewis J.
Crawford, Frank L., Jr.
Crist, Howard R.
Crossland, Joseph L., Jr.
Crossman, David C.
Crouch, Thomas H.
Crowhorn, James R.
Cruz, Adelbert, Jr.
Cullison, Richard C.
Cutter, Arthur E., Jr.
Daharsh, Robert E.
Dalrymple, John E.
Darling, Peter L.
Datson, Dick
Davis, Clayton R.
Dean, Theodore P.
Delorme, John M.
Demers, Robert P.
Deutsch, John T.
Devine, Arthur W.
Doolittle, Richard F.
Doss, Larry W.
Doyle, William T.
Drewes, Kenneth N.
Dungca, Patricio P.
Dunlap, Robert B.
Dzergoski, Leonard T.
Eastman, Guy W.
Elliott, Boyce W.
Elliott, James A.
Ellsworth, Richard H.
Elrod, Albert W., Jr.
Ephraim, Richard
Fahrenkrug, Thomas P.
Fiery, John M., Jr.
Fisher, Michael J.
Fleming, Kenneth R.
Flint, Robert C.
Foley, Lee M.
Folkenroth, Jan P.
Foreman, Hennin D.
Foster, John W.
Fowler, William B.
Fowler, William S.
Francis, Clayton A.
Francis, Sidney K.
Franzen, Gerald J.
Gaiennie, Louis R.
Gardner, Timothy L.
Gatewood, Larry E.
Gearo, Benjamin A.
Geary, John R.
Glencoe, Thomas M.
Goldin, Milton, Jr.
Gore, William L.
Gosselin, Charles L., Jr.
Grant, Joseph
Graves, Robert L.
Greer, Bernard
Griffin, James K.
Grosz, Gary D.
Gunn, Kent H.
Hadel, Paul J., Jr.
Hamilton, Edward P., Jr.
Handy, Christopher C.
Hansen, Gary M.
Hardy, Michael C.
Harritt, John D.
Hartman, Thomas T.
Hatcher, Billy G.
Hawkins, Billy R.
Hernandez, Steve J.
Hewitt, Jack L.
Hickson, Dewey W.
Hildreth, Billy J.
Hill, Lamar K.
Holkum, John V.
Hollaway, Billy D.
Houston, Grady
Howard, Stanley E.
Howard, William J.
Hudgen, Earther L.
Hulsing, Russell D.
Hummel, Robert W., Jr.
Hunt, John H., Jr.
Iliff, John C.
Ivie, Perry G.
Jemison, Walter L.
Jobb, Francis E., Jr.
Johnson, Lynn N.
Johnson, Sidney E.
Johnson, Warren P.
Johnson, William I.
Jolly, Edward G.
Jones, Ronald D.
Jordan, Austin T.
Kanning, Diederick E.
Kantirakis, Johnnie N.
Kelley, Steven J.
Kelly, James R.
Kelsey, Diane M.
Kennedy, James V.
Kennedy, Robert L.
Kenney, William P.
Kessens, Gerard R.
Knutson, Thomas E.
Komzelman, Edward E.
Kreis, Jack A.
Krieg, Donald W.
Krull, Robert J.
Krumreich, Uwe H. K.
Kulhanek, Darrell L.
Kunkle, Gailard L.
Lane, Benjamin C.
Law, Roger D.
Lawrence, Paul L.
Lecompte, Timothy E.
Leroy, John W.
Lichty, Gary L.
Lightfoot, Bernard, Sr.
Lindquist, Jack D.
Lively, Ronnie W.
Locke, Dudley B., Jr.
Loomis, Larry L.
Loveless, Paul F., Jr.
Ludwig, James W. S.
Mackie, James P.
Malone, Henry B.
Mammen, Lesley F.
Maples, Gene D.
Mara, George
Mariani, Stephen R.
Martin, Arthur J.
Martin, Brain J.
Martin, John K.
Matzke, William A., Jr.
Mayfield, James
Maynard, Paul
McAvoy, Arthur R.
McGrath, Michael S.
McGuire, Eldon K.
McKillips, Lester T.
McKinney, Frank A., III
McKnight, Rhodus
McLamb, Thomas E.
McLauchlan, George C.
McMillan, Charles L.
Metheny, Marvin D., II
Mikesell, Richard N.
Milan, Frederick T.
Miller, Charles R.
Milne, George G., III
Modrell, Michael J.
Monroe, Gregory E.
Moon, Edward M., Jr.
Moore, Robert C.
Morgan, Franklin H.
Morris, Charles J.
Morse, Richard B.
Moulis, Charles L.
Moultrie, Freddie, Jr.
Mueller, John H.
Murdoff, Gerald D.
Nashif, Ronald A.
Newton, Howard W.
Noell, Harold L.
Norton, James L.
Nuss, Jimmie L.
Odonski, Ronald V.
Ogden, Charles T.
O'Hara, Vincent B.
O'Leary, John T.
Oliver, Ronald C.
Orrick, Clarence W.
Pauls, Thomas E.
Pehl, Thomas L., Jr.
Perry, Harry M.
Philbrook, Keith A.
Pitcher, Gary L.
Poppe, Gilbert C.
Poutree, Douglas R.
Pulley, Alvin B.
Queck, Ernest E., II
Raley, James R.
Rathbun, Dewitt
Rector, Dolphus C.
Reeves, Richard D.
Reiter, Muchael L.
Risk, Jerry D.
Ritchie, Donald D.
Robbins, Johnny G.
Robinson, Gerald L.
Roby, David A.
Rodriguez, Jose P.
Rogers, William E.
Rohlf, Dale M., Jr.
Roles, James R.
Root, James G.
Rosenboom, Roger D.
Rossi, Michael A.
Rundall, Stanley R.
Rushing, Harry F.
Sanders, Stanley G.
Scarbrough, Travis E.
Schlatter, Ronald K.
Schmidt, Stanley L.
Schneider, Norma N. J
Scott, Daniel D.
Scott, Phillip C.
Shutters, William D., II
Singer, Larry
Sisemore, Marion R.
Skiba, Edward J.
Skinner, Tommie W.
Skrapits, Anthony A.
Slade, George W.
Smiley, Dalbert F.
Smith, Carl H.
Smith, George W.
Smith, James H.
Smith, Malcolm E.
Snock, Maxmillion R.
Sorensen, Robert E.
Spangler, Ercell D.
Spillers, Jerry W.
Spoor, Allan K.
Sprys, James M.
Squier, David W.
Steely, Herbert E.
Steffens, Bobby D.
Steiner, Michael B.
Stephens, Arnold D.
Stiles, Kenneth R.
Swecker, Joseph B., Jr
Syrovatka, Vladimir
Taylor, Walter T.
Temer, Paul L.
Thomas, Stephen G.
Timmons, Ronald.
Tinney, Thomas G.
Tissot, John E.
Topping, Robert M.
Turner, Raymond T., Jr.
Underwood, Foy C.
Vanhook, Keith C.
Verhage, Lloyd K.
Vick, Roger L.
Wall, Floyd A.
Walsh, Jon A.
Waters, Allan R.
Webb, Alvin C.
Weber, John W., III
White, William R.
Whiting, Daniel E.
Wild, Lawrence A.
Wildey, Gary R.
Williams, Samuel S.
Winter, Daniel R.
Witkowski, John A.
Woodward, Curtis B.
Worman, Richard T.
Worrell, Darrell A.
Wright, David J.
Yatsko, George P.
Young, David E.
Young, John W.
Young, William R.
Youngblood, Adrian C.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 1, 1981:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Pamela Needham Bailey, of Virginia, to be an Assistant Secretary of Health and Human Services, vice Billy M. Wise, resigned.

OFFICE OF THE U.S. TRADE REPRESENTATIVE

David R. MacDonald, of Illinois, to be a Deputy U.S. Trade Representative, with the rank of Ambassador, vice Robert D. Hormats.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Richard P. Kusserow, of Illinois, to be Inspector General, Department of Health and Human Services, vice Thomas D. Morris, resigned.

HOUSE OF REPRESENTATIVES—*Monday, June 1, 1981*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
June 1, 1981.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on Monday, June 1, 1981.

THOMAS P. O'NEILL, JR.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty God, whose creation is without limit and whose boundless love is from generation to generation, bless the people of our Nation and their representatives in this assembly. May Your grace be sufficient for the needs of each day and may Your vision of a society of justice and compassion inspire us to use our talents and abilities to promote good will and peace in the lives of those near us and throughout the world. Leave us not comfortless, O God, but may Your spirit give us strength and courage until our final day. This we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

BENBROOK LAKE, TEX.

The Clerk called the bill (H.R. 779) to authorize the Secretary of the Army to contract with the Tarrant County Water Control and Improvement District No. 1 and the city of Weatherford, Tex, for the use of water supply storage in Benbrook Lake, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas" approved July 24, 1956 (70 Stat. 632) (as amended by section 6 of Public Law 91-282 (84 Stat. 312) and section 9 of Public Law 92-222 (85 Stat. 799)), is amended—

(1) in the first sentence, by inserting "and with the Tarrant County Water Control and Improvement District Numbered 1, and with the city of Weatherford," after "Benbrook Water and Sewer Authority,";

(2) in the second sentence, by inserting "or the Tarrant County Water Control and Improvement District Numbered 1 or the city of Weatherford" after "Benbrook Water and Sewer Authority"; and

(3) by adding at the end thereof the following new sentence: "The Secretary of the Army is authorized to contract with the Tarrant County Water Control and Improvement District Numbered 1 to provide for the use by such district of terminal storage in the Benbrook Reservoir for water of such district delivered into the Benbrook Reservoir from other sources.".

With the following committee amendment:

Committee amendment: Strike out all after the enacting clause and insert the following:

That the Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas" approved July 24, 1956 (70 Stat. 632) (as amended by section 6 of Public Law 91-282 (84 Stat. 312) and section 9 of Public Law 92-222 (85 Stat. 799)), is amended—

(1) in the first sentence, by inserting "and with the Tarrant County Water Control and Improvement District Numbered 1, the city of Granbury, and with the city of Weatherford," after "Benbrook Water and Sewer Authority,";

(2) in the second sentence, by inserting "or the Tarrant County Water Control and Improvement District Numbered 1, the city of Granbury, or the city of Weatherford" after "Benbrook Water and Sewer Authority"; and

(3) by adding at the end thereof the following new sentence: "To the extent consistent with the authorized purposes of the project, the Secretary of the Army is authorized to contract with the Tarrant County Water Control and Improvement District Numbered 1 to provide for the use by such district of terminal storage in the Benbrook Reservoir for water of such district delivered into the Benbrook Reservoir from other sources.".

● Mr. EDGAR. Mr. Speaker, quite simply, this bill would authorize the Corps of Engineers to contract with Tarrant County and the cities of Weatherford and Granbury, Tex., to provide municipal water supply storage space in Benbrook Lake, an existing corps reservoir. It would also permit Tarrant County to use the lake as a terminal storage facility—that is, as a facility in which to store water that is pumped in from alternate sources.

Benbrook Lake was originally authorized for flood control, navigation, and allied purposes; however, the navigation purpose has never been realized. This bill would allow three nearby communities to utilize the storage space which was allocated for navigation purposes and which is presently surplus to project needs. There would be no cost to the United States in providing this storage space, and the bill provides that the use of the lake for municipal water supply purposes must not interfere with other project purposes.

It is my understanding that nothing in H.R. 779 would prohibit Hood County, Tex., from contracting with Tarrant County Water Control and Improvement District No. 1 for purchase of water which the water district is storing at Benbrook Lake. I thank the gentleman from Texas (Mr. LEATH) for his interest in this issue.●

● Mr. ROE. Mr. Speaker, H.R. 779 would authorize the Corps of Engineers to contract with Tarrant County and the cities of Weatherford and Granbury, Tex., for the use of water supply storage in Benbrook Lake.

The construction of Benbrook Lake was authorized by the River and Harbor Act of 1945 to serve flood control, navigation, and allied purposes. Because the navigation purpose has not yet been realized, the 72,500 acre-feet of storage in the project for navigation is surplus until such time as the need for navigation storage may arise.

The basic authorization has already been modified three times to meet the needs of several Texas communities. Public Law 84-782 permitted the city of Fort Worth to purchase conservation storage space in Benbrook Lake which is surplus to current project operation needs. Public Law 91-282 added a similar authority for the Benbrook Water and Sewer Authority. And Public Law 92-222 authorized the Secretary of the Army to contract with the city of Arlington for municipal water storage in any storage space in Benbrook Lake not used by the city of Fort Worth or the Benbrook Water and Sewer Authority for a period of up to 4 years, or until such time as the water supply is needed for navigation. Pursuant to these amendments, the Corps of Engineers has contracted

with the city of Fort Worth to provide 7,250 acre-feet of municipal water supply storage and with the Benbrook Water and Sewer Authority to provide 16,458 acre-feet of municipal water supply storage. The city of Arlington has not yet contracted with the Corps of Engineers for any of its authorized water supply storage space. At this time additional surplus storage space is still available in Benbrook Lake.

As reported, H.R. 779 would authorize the Corps of Engineers to contract with Tarrant County and the cities of Weatherford and Granbury, Tex., for water supply which is surplus to present project needs. Testimony received at our Water Resources Subcommittee hearing from Tarrant County and from the city of Weatherford revealed that, while these communities have been diligent in providing for their own water supply needs, their rapidly increasing populations threaten the adequacy of their existing water supplies. The present surplus of water supply storage space in nearby Benbrook Lake could economically be used to alleviate the potential water shortage for those communities over the short term. Testimony provided at the hearing also indicated that the joint plan of the affected communities is that Tarrant County would use water from Benbrook Lake in the early years, during which time the county would work to develop alternate water supplies; the county would then gradually relinquish water from Benbrook Lake to the city of Weatherford as the city's needs increased.

H.R. 779 would also provide for the use of Benbrook Lake by Tarrant County for terminal storage of water delivered from other sources. Under this authority, the county would pump water from alternative sources during off-peak energy periods and would store that water in Benbrook Lake, using the lake as a terminal storage facility, and thereby avoiding the extremely high energy cost of pumping water at high peak rates. H.R. 779 insures that this use of Benbrook Lake by Tarrant County for terminal storage would not interfere with other project purposes—including navigation, flood control, and water supply—because the corps would only be allowed to contract with Tarrant County to provide terminal storage to the extent consistent with the other authorized purposes of the project.

Mr. Speaker, this bill will help alleviate some of the water supply problems in a 3-county area of Texas at no expense to the Federal Government, and it contains provisions to insure that the water supply use will be consistent with other project purposes. I urge its adoption.●

● Mr. CLAUSEN. Mr. Speaker, I rise in strong support of H.R. 779 and urge its adoption.

The chairman of the Committee on Public Works and Transportation (Mr. HOWARD) as well as our Water Resources Subcommittee chairman (Mr. ROE) and ranking Republican (Mr. HAMMERSCHMIDT) are to be congratulated for bringing this bill to the House floor today. Special recognition should also be given to the gentleman from Texas, the distinguished majority leader (Mr. WRIGHT), for bringing this important matter to the attention of our committee.

Mr. Speaker, Benbrook Lake was authorized by the Congress in 1945 as a multipurpose, flood control and navigation project. Because the navigation purpose has never been realized, the 72,500 acre-feet of storage in the project for navigation is surplus until such time as the need arises.

H.R. 779 modifies the existing authority in three respects. It would:

First, authorize the Secretary of the Army to contract with Tarrant County, the city of Granbury, and the city of Weatherford for water supply which is surplus to project needs;

Second, reduce the water supply storage available for contract to the city of Arlington by the amount of storage providing surplus water for the county and the city of Weatherford; and

Third, provide for the use of the project by Tarrant County for terminal storage of water delivered from other sources.

This bill represents no cost to the Federal Government. What it does is allow the remaining storage capacity in Benbrook Lake to be used by these local jurisdictions until such time as it is needed for navigation purposes.

This bill is completely without controversy as far as we have been informed. It permits more economical and cost-effective use of the water resources associated with the Benbrook Lake project. I believe it is an important piece of legislation, one that we can all support, and I urge its adoption.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 779. This bill is doubly beneficial: it provides for wise use of our water resources and it will not cost the Federal Government anything.

Benbrook Lake is an existing multipurpose project in Texas authorized in 1945 for flood control and navigation. The navigation purpose has not yet been realized. Therefore, the 72,500 acre-feet of storage in the project is surplus until a navigation need develops.

The authorization has been modified three times, in each case to allow use of the surplus storage for water supply purposes. There still remains additional surplus storage in Benbrook Lake.

H.R. 779 allows three entities to contract with the Federal Government to use the surplus storage for water supply purposes. Tarrant County, the city of Weatherford and the city of Granbury would be authorized to contract with the Secretary of the Army for storage. In addition, Tarrant County would be authorized to use Benbrook Lake for terminal storage of its water from other sources so long as such storage is consistent with other project purposes.

I am pleased to be able to state that there is no cost to the Federal Government for this arrangement. H.R. 779, in addition to not creating any additional Federal burden, provides for wise use of our existing water resources. Therefore, I am happy to urge my colleagues to join me in approving this measure.●

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDGAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 779, just passed under the Consent Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONTRACT DISPUTES ACT

The Clerk called the bill (H.R. 1371) to amend section 12 of the Contract Disputes Act of 1978.

There being no objection, the Clerk read the bill, as follows:

H.R. 1371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Contract Disputes Act of 1978 (92 Stat. 2389) is amended to read as follows:

"SEC. 12. Interest on amounts found due contractors on claims shall be paid to the contractor from the date the contracting officer receives the claim pursuant to section 6(a) from the contractor until payment thereof. The interest provided for in this section shall be paid at a rate which the Secretary of the Treasury shall specify as applicable to the period beginning on July 1, 1979, and ending on December 31, 1979, and to each six-month period thereafter. Such rate shall be determined by the Secretary of the Treasury, taking into consideration current private commercial rates of interest for new loans maturing in approximately five years. The Secretary of the Treasury shall publish each such rate in the Federal Register. Interest with respect to a particular claim shall be paid at the rate determined pursuant to this section for the period which includes the date on which interest begins to run.".

With the following committee amendments:

Page 2, lines 7 and 8: Strike "July 1, 1979, and ending on December 31, 1979," and insert "January 1, 1981, and ending on June 30, 1981,".

Page 2, line 15: Strike "rate" and insert "rates".

Page 2, line 17: After "run", insert "and each six month period thereafter".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALTERNATIVE TO KEMP-ROTH TAX BILL URGED

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, I was amused yesterday at the remarks of the Secretary of the Treasury, Mr. Donald Regan, when he said that the Republicans are willing to abandon the Kemp-Roth tax bill in the "spirit of compromise;" but, that he added that the Democrats are "unreasonable" and should remember who won the election last year in devising a tax bill for the 97th Congress.

The reason that the Republicans are anxious to abandon the Kemp-Roth tax bill is because Wall Street has responded to the President's tax proposals giving the President a resounding vote of no confidence. In the wake of passage of the budget resolution, which includes Kemp-Roth, the stock market dived, the prime rate leaped and the bond market slipped into a coma. The problem lies in that the President's plan cuts taxes more than spending, thus creating a huge deficit. The plan is therefore inflationary.

I, too, hope that a compromise can be reached between Democrats and Republicans on a reasonable tax bill that is not inflationary because it will be in the best interest of the Nation to find an alternative to the economic disaster of the Kemp-Roth tax bill.

Also, I include a copy of an editorial from the Washington Post, June 1, 1981, which contributes to this issue:

INFLATION AND THE TAX BILL

When President Reagan signs that tax cut later this year, how much will you increase your savings in response to it? The administration argues—vigorously—that you will save more of your income—and this assertion is central to its whole tax strategy. The future savings rate is crucial to the president's claim that his tax cut—despite the large budget deficit that would continue next year—can encourage investment without increasing inflation. In our own view, the president is mistaken. With the negotiations between the White House and Congress now apparently approaching a climax, the underlying issues of savings and investment require careful attention.

Saving equals investment, the textbook equation says. But the term "savings" is not quite so simple as it looks. The money that you put in the teapot is certainly savings. The profits that corporations reinvest are also savings. The country's net imports, oddly, count as savings. And most emphatically, a government budget surplus—if there were one—would be savings. The present deficit is negative savings.

The point here is that increasing any category of savings is the same as increasing any other, in its effect on investment and the financial markets. Specifically, an increase of $1 in your savings has the same effect for investment as a decrease of $1 in the federal deficit.

Americans currently save about 5 percent of their after-tax income. A rise of only one percentage point next year would mean an additional $23 billion in personal savings—with the same meaning for the nervous financial markets and investors as reducing the federal deficit almost by half. The Reagan administration is telling the business and financial crowd not to get obsessed with the federal deficit because, even though the tax cut will keep it high, relief is coming from another direction.

That's why it is essential for the administration to show that a tax cut will actually increase personal savings. Donald Regan, the secretary of the Treasury, returned to this argument again yesterday when he appeared on "Issues and Answers." On the opposite page today, Charles E. Walker ably summarizes the evidence to support this proposition.

Should you be persuaded? It's quite true that the famous 1964 tax cut increased the rate of saving. The country was in the third year of a tremendous boom that was rapidly raising incomes. Inflation was low and the tax cut was, as economists say, real; even after inflation, tax rates were sharply lower. But at the inflation rates that the administration itself foresees, the Reagan tax bill would offer substantial real cuts only to a small minority of wealthy taxpayers. For everyone else, it would provide very little change. Inflation would keep pushing them up into higher tax brackets nearly as fast as the Reagan bill reduced the rates for each bracket.

If there is little real tax cut for the vast majority of people, savings rates won't rise. If savings don't rise, there's nothing to offset the financial pressure of continuing budget deficits. The tax cut will merely feed consumer demand, with the usual acceleration of inflation. The famous 1964 tax cut, incidentally, not only increased savings. It also pushed up interest rates—and inflation as well.

DEMOCRATIC LEADERSHIP SHOULD TRY SAYING "YES"

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, last week the Democratic leadership said no again to the latest efforts to reach consensus on a tax bill. I hope that after the meeting at the White House this morning the leadership will have broadened its vocabulary. In all the years the Democrats have controlled the House, "no" seems to be about the only word that has ever been directed at the minority.

I realize that we are still in the minority, but "no" is just not good enough any more. Not for us. Not for the other body, not the President, and certainly not for a nation waiting desperately for us to act on economic recovery.

I would suggest that the Democratic leadership try some other words, fully approved and sanctioned by Webster's dictionary. They may be new words, but they are not hard to say. They might include "maybe," or "if," or "possibly," or "conceivably," or "could," or even that magic heretofore unheard from, "yes."

Our economy thirsts for tax relief. It is as dry and parched and barren as the Mohave Desert. The drought must end, and it will not end with simple, old-fashioned, one-shot election-year tax cuts or goodie bags full of tax reductions designed to do no more than please every special interest known to politics.

"Yes," Mr. Speaker, it is a word that flows from the lips rather easily, why not try it.

LEGISLATIVE VETO COMPROMISE

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, today I am introducing the Regulatory Control Act of 1981, a good faith effort to find some middle ground between the administration's opposition to most bills giving Congress veto power over Federal regulations and a popular House bill that would permit one or both Houses to block proposed regulations without Presidential approval.

Mr. Speaker, while the administration has expressed support for congressional disapproval resolutions for executive agency regulations, provided the resolutions are submitted to the President for his approval or veto, and has indicated that it may support concurrent resolutions of disapproval for independent agencies, I do not think this House will accept such a weak alternative to the Levitas bill. The bill I am introducing today would not only permit the disapproval of independent agency regulations by both Houses, without the President's approval, but also of those executive agency regulations which Congress finds are contrary to law or the intent of Congress. These latter vetoes would be subject to review and reversal by the courts if they find the agency acted within its authority and had no alternative means of implementing or enforcing the statute. My bill also provides for the congressional veto of executive agency regulations by joint resolution for other reasons, and of existing regulations by joint resolution as well.

Mr. Speaker, the Congress and administration are on a collision course

over the legislative veto issue. A compromise is clearly called for. I invite the administration's support.

ADMINISTRATION POSITION ON LEGISLATIVE VETO

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, I was most pleased to hear the most distinguished gentleman from Mississippi, the Republican whip, talk about legislative veto a few minutes ago. Inasmuch as he is a very important part of the present administration, I would like to remind him that the administration has taken a position against what is known as legislative veto.

As the gentleman will recall, the subcommittee of the Judiciary Committee of which I have the honor of being chairman has been working on the subject of regulatory reform for quite a long time, and legislative veto is one of the subjects encompassed within that subject.

Just a few days ago, we had the honor of hearing from our Attorney General on the subject of legislative veto, and I was interested to note that in addition to the constitutional questions that are associated with that subject, he just feels it would not be a very good idea.

I just think the Republican whip should know that the Republican administration is not enthusiastic about the remedy he seeks to have.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I want to congratulate the gentleman for his leadership in regulatory reform, and I am confident that with the statement of the minority whip, who has recognized that leadership and who wishes to cooperate, we will achieve that objective in the 97th Congress.

WAYS AND MEANS COMMITTEE DEMOCRATS DO NOT SPEAK FOR FULL HOUSE ON KEMP-ROTH

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, a little earlier we heard from one of the Representatives on the other side of the aisle suggesting that Kemp-Roth was disastrous. I would just point out to my friend that the only thing I know that has been disastrous has been the taxing policy of the democratically controlled Congresses over the last decade.

I recently returned from a visit to my own district, and while speaking with groups there, I asked everybody from every group, if those who thought they were undertaxed would hold up their hands. It probably does not surprise you, Mr. Speaker, that no one really felt that he or she was undertaxed.

In fact, what this administration has been trying to do is get the tax rates down to where they are reasonable, and not a disincentive for this economy to move. The fact of the matter is that we have, Mr. Speaker, by your decision, stacked the Ways and Means Committee such that 23 members voting behind closed doors can meet together, make their decision, have their vote, then announce to the rest of us that the President of the United States, who was elected by a majority of the people overwhelmingly, is on the wrong track and they are on the right track.

Well, Mr. Speaker, those 23 members do not speak for me nor for my constituents. All we are asking is to give us an opportunity on the floor of the House to vote on Kemp-Roth, and we will see if it is good or bad.

OMB POSITION ON EXPANDED ZIP CODE

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, it appears that the Office of Management and Budget, in at least one area of Government, is intent on snatching defeat from the jaws of victory. I refer to its ill-advised involvement with plans for an expanded postal ZIP code program. It is an area where the OMB has no expertise or input. Unfortunately, that has not deterred the OMB bureaucrats from reaching out for more power.

Under the Postal Reorganization Act of 1970, the U.S. Postal Service was made an independent Government agency deliberately designed to be free of political pressure. OMB's only legitimate connection with the Postal Service is on postal subsidies which already have been targeted for reductions. If OMB Director David Stockman and his bureaucrats want to interfere in postal affairs, they must be prepared to take responsibility for postal rates, pay and fringe benefits, and a universal mail service for the mail-using public. Frankly, I think it is too big a job for the current "Whiz Kid."

If the Postal Service is to absorb OMB-recommended reductions in subsidies, it must increase productivity. The only way to do that is to move to an expanded ZIP code program which will permit the switch to automation. The program, when fully implemented, will save $600 million a year and stabilize postal rates.

Instead of aiding and abetting an agency which is making a determined effort to live within its operating revenues, the OMB seems more interested in reaching out for more power and throwing up senseless roadblocks in the path of postal progress. The OMB has enough trouble with its budget-cutting proposals in areas where it has legitimate input. It should not concern itself with an operation it does not understand.

The ZIP code program deserves to proceed on schedule. I am not aware of any postal options coming from the OMB which would save money, increase productivity and stabilize rates.

COLUMNIST JACK ANDERSON RECOGNIZES PARAMOUNT IMPORTANCE OF SMALL BUSINESS

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, in Friday's Post, the columnist Jack Anderson, recognizing the paramount importance of the small business community offered a series of suggestions that would constitute a "small business bill of rights."

I believe that not only has Mr. Anderson put his finger on a number of areas that this Congress ought to address promptly—including the ability of the small businessman to bequeath the concern to his children and to be free of onerous regulation and inequitable taxation, but he has made a rare contribution to increasing the awareness of our society of the importance of small businesses.

In our society, the media possess the important role of highlighting the agenda for public discussion, and because we often act in response to that agenda, the subject of small business must be present or too little consideration is given to it. Our financial pages are full of the economic tribulations of Chrysler and the automakers or Exxon and the energy giants but much less often do we read of the problems of small business and what those problems mean.

As Mr. Anderson points out, the small business sector employs 58 percent of all private sector workers and provides an even higher percentage of newly created jobs. Ought we then to be at least as concerned when high interest rates threaten to reduce the level of new jobs in the entire small business sector as when Japanese imports threaten the jobs of auto workers?

We in this body have an obligation to listen to those who because they lack the resources or the public profile have difficulty having their voices heard in these halls. I commend Mr.

Anderson for his willingness to use his forum to illustrate the problems and importance of small business. But the responsibility to respond is ours. We will have opportunities in this Congress to address these issues and if we recognize their importance, this country will reap the benefits of increased employment, greater productivity, and a stronger economy.

Our future as a nation rests on the continuing viability of our basic institutions. The small business community is a most vital institution that we ignore at our own peril. The small businessman is the creative center of our system and our role is to encourage his participation or at the very least, remove the roadblocks that have all too often been put there by Government.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. BROWN of California) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
June 1, 1981.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 2:30 p.m. on Thursday, May 28, 1981 and said to contain a message from the President wherein he transmits the 1980 Annual Report on the Administration of the Radiation Control for Health and Safety Act.

(2) At 9:35 a.m. on Monday, June 1, 1981 and said to contain a message from the President concerning the extension of the Veterans' Educational Assistance Program beyond December 31, 1981.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

□ 1215

THE 1980 ANNUAL REPORT ON THE ADMINISTRATION OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, June 1, 1981.)

VETERANS' EDUCATIONAL ASSISTANCE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Armed Services and the Committee on Veterans' Affairs:

(For message, see proceedings of the Senate of today, June 1, 1981.)

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, D.C., May 19, 1981.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on May 19, 1981:

LEASES

Portland, Oregon, U.S. Corps of Engineers, U.S. Forest Service.

New Orleans, Louisiana, Plaza Tower, 1001 Howard Avenue.

The original and one copy of the authorizing resolutions are enclosed.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

All votes will be taken on Tuesday, June 2, following any record votes which may be ordered on suspension motions considered on that day.

THE PIPELINE SAFETY AUTHORIZATION ACT OF 1981

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3420) to authorize appropriations for fiscal year 1982 for carrying out the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes.

The Clerk read as follows:

H.R. 3420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Pipeline Safety Authorization Act of 1981".

NATURAL GAS PIPELINE SAFETY ACT OF 1968

SEC. 2. (a)(1) Subsection (a) of section 17 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1684(a)) is amended by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting "; and" in lieu thereof, and by inserting after paragraph (2) the following new paragraph:

"(3) $3,446,000 for the fiscal year ending September 30, 1982.".

(2) Subsection (b) of section 17 of such Act (49 U.S.C. 1684(b)) is amended by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting "; and" in lieu thereof, and by inserting after paragraph (2) the following new paragraph:

"(3) $3,618,000 for the fiscal year ending September 30, 1982.".

(b)(1) The next to the last sentence of section 4(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1673(b)) is amended by striking out "not less frequently than once every 6 months" and inserting in lieu thereof "not less frequently than twice each calendar year".

(2) Subsection (a) of section 8 of such Act (49 U.S.C. 1675(a)) is amended in the first sentence by striking out "at any time prior to the sixtieth day after such regulation or order is issued" and inserting in lieu thereof "at any time prior to the 90th day after such regulation or order is issued".

HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979

SEC. 3. (a) Subsection (a) of section 214 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2013(a)) is amended by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting "; and" in lieu thereof, and by inserting after paragraph (2) the following new paragraph:

"(3) $1,000,000 for the fiscal year ending September 30, 1982.".

(b)(1) The next to the last sentence of section 204(b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2003(b)) is amended by striking out "not less frequently than once every 6 months" and inserting in lieu thereof "not less frequently than twice each calendar year".

(2) Subsection (a) of section 206 of such Act (42 U.S.C. 2005(a)) is amended in the first sentence by striking out "at any time prior to the 60th day after such regulation or order is issued" and inserting in lieu thereof "at any time prior to the 90th day after such regulation or order is issued".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Illinois (Mr. SHARP) will be recognized for 20 minutes, and the gentleman from Texas (Mr. COLLINS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SHARP).

Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us now, H.R. 3420, is the joint responsibility of the Energy and Commerce Committee and the Public Works and Transportation Committee. This bill provides fiscal year 1982 authorization for the Federal pipeline safety program for both liquid and gas pipelines, as provided by the Pipeline Safety Act of 1968 and 1979. These two laws serve as landmark pieces or regulatory legislation by giving the State governments, through their regulatory utility commissions, the unique new opportunity to develop and administer a pipeline safety program. Under this Federal-State partnership, any participating State may assume safety regulation over gas facilities in its State.

In 1980 49 States, Puerto Rico, and the District of Columbia participated. For fiscal year 1982, out of a total of $8 million, $3.1 million for State grants-in-aid for gas pipeline safety is requested. This $3.1 million will go directly to the States. The remaining funding is for administration, enforcement, monitoring, research, and development related to pipeline safety.

Although the State grant-in-aid program is working well for gas pipeline safety, I must note that the responsible agency, the Department of Transportation, has not yet implemented a similar grant-in-aid program for hazardous liquids as required by the 1979 Hazardous Liquid Pipeline Safety Act. I urge DOT to expedite the startup of such a program.

The pipeline safety regulatory program is working well on both the Federal and State levels. As regulatory programs go, this is truly a barebones, low-funded program when considered against the background of more than 2,300 operators and over 1.1 million miles of gathering, transmission, and distribution piping. These pipeline safety programs enjoy a level of broad-based support that is probably unique to any regulatory process.

During our deliberations over the authorization, all major industry organizations stepped forward to express support for the total program, as well as the fiscal year 1982 funding levels. This bill has the support of DOT, since it provides the authorization levels they requested for fiscal year 1982.

This is a Federal program that works—a program the public supports because the danger of a pipeline explosion is so real in so many communities throughout this country. In my own congressional district, 41 people were killed and hundreds were injured on April 6, 1968, when a pipe leak from the local gas company was believed to be the cause of explosions and fires that tore through the core of Richmond, Ind. The explosions centered in a sporting goods store where large quantities of gun powder were stored in the basement. Richmond has since rebuilt. But the citizens of that community, and the citizens of every community, have the right to expect that such a tragedy will never happen again.

This bill was jointly considered by the Energy and Commerce and the Public Works and Transportation Committees.

The members and staff of the Public Works Committee have been very helpful and cooperative during the deliberations over this bill. I personally look forward to working with them on future legislation.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. SHARP. I am happy to yield to the gentleman from the other committee.

Mr. EDGAR. Mr. Speaker, I thank the gentleman for yielding and commend the gentleman for calling up H.R. 3420.

Mr. Speaker, I rise in support of H.R. 3420.

The Pipeline Safety Authorization Act of 1981 does three things. First, it authorizes appropriations of $3,446,000 for carrying out the Natural Gas Pipeline Safety Act and $1,000,000 for carrying out the Hazardous Liquid Pipeline Act during fiscal year 1982. Second, it authorizes $3,618,000 for carrying out the State grants-in-aid for gas pipeline safety. Third, it makes two identical minor changes in both pipeline acts which provide more flexibility in the scheduling of meetings for the Technical Advisory Committees and more time for filing for judicial review from administrative decisions.

The Department of Transportation regulates safety for the pipeline transportation of gas and hazardous liquids. The Department requested authorizations at the funding levels contained in H.R. 3420. These funding levels have been approved by the administration and, in my opinion, are adequate to carry out the Department's pertinent safety programs.

H.R. 3420 was referred jointly to the Committee on Energy and Commerce and to the Committee on Public Works and Transportation. Both committees have reported identical bills. We have worked closely with the Committee on Energy and Commerce in formulating the provisions of H.R. 3420, and on behalf of myself and the chairman of the subcommittee, I wish to thank my colleagues on that committee for the cooperation and fine work.

Mr. Speaker, I believe that H.R. 3420 provides sufficient funds for maintaining a very good safety program, that it provides some needed flexibility for administering the program, and that the House should act favorably upon H.R. 3420.

Mr. SHARP. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Energy and Commerce, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I rise in support of the bill H.R. 3420, to authorize appropriations for carrying out the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act. I would like at this time to commend the gentleman from Indiana (Mr. SHARP) for his fine work as chairman of the Subcommittee on Fossil and Synthetic Fuels and also to express my appreciation to the members of the Committee on Public Works for their efforts. The degree of cooperation on this legislation between the two committees was excellent.

This Nation now has more than 1 million miles of pipelines carrying natural gas and many miles of pipelines which carry hazardous liquids. These are dangerous materials, with highly explosive characteristics. I am firmly convinced that the Materials Transportation Bureau of the Department of Transportation has succeeded in limiting the number of accidents to occur with these substances in our pipeline transportation network. It was clear to the Congress in 1968 when we passed the Natural Gas Pipeline Safety Act, and clear to us again in 1979 when we passed the hazardous Liquid Pipeline Safety Act, that there was a serious public need for regulation of pipelines operating in interstate commerce in order to protect public health and safety. The inspection program carried out by the Materials Transportation Bureau, and the efforts of the States—with assistance provided under these two statutes—have improved overall pipeline safety in measurable ways. More remains to be done, and vigorous implementation of the law as intended by the Congress is now being better approached by the Department of Transportation. That Agency, as my colleagues are aware, was properly criticized by our Committee on Energy and Commerce during and before the last Congress for its failure to adequately enforce the law on pipeline safety. For example, the number of person years devoted to pipeline inspections and safety evaluations has increased by 500 percent at the State level over the past 14 years.

In sum, I think this legislation is responsible, that the safety efforts undertaken through programs authorized herein are essential to insure protection of the public, and I urge my colleagues to support the bill.

Mr. COLLINS of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Speaker, I want to join in with the statement of the

gentleman from Michigan (Mr. DINGELL) in commending the two committees, Interstate and Foreign Commerce, now Energy and Commerce, and the Committee on Public Works and Transportation, for what I think is an excellent bipartisan and an intercommittee working relationship that has brought about a very sensitive issue to a point where we can advance it now here on the floor.

The pipeline transportation of natural gas and hazardous liquids has achieved a very fine safety record over the years. In today's deregulatory climate, there is one aspect which the people of this country are not asking to deregulate, and that is the area of safety. In order to maintain the high safety record of the pipeline transportation industry, it is important that the House pass the Pipeline Safety Authorizations Act of 1981.

As my colleagues from Texas are stating, neither the authorizations nor the amendments in this bill are controversial. We would be passing a 1-year authorization bill which will continue Federal monitoring of the more than 1.5 million mile gas pipeline network, and the more than 200,000 mile hazardous liquid pipeline network. In addition, the State grant program under the Natural Gas Pipeline Safety Act will continue to be funded.

So, Mr. Speaker, this bill is necessary in order to continue the exceptional safety record of this industry. I urge the House to pass the bill in this form.

Mr. COLLINS of Texas. Mr. Speaker, I yield 5 minutes to my colleague, the gentleman from Texas (Mr. FIELDS).

Mr. FIELDS. Mr. Speaker, I rise in support of H.R. 3420, the Pipeline Safety Authorization Act of 1981. This bill authorizes appropriations for fiscal year 1982 for programs under both the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979.

The Committee on Public Works and Transportation has reviewed the activities of the Department of Transportation's Materials Transportation Bureau and is satisfied that the funding levels contained in the bill will be sufficient to allow the agency to discharge its statutory responsibilities. The Bureau will be authorized at a funding level of $3.446 million for carrying out its function under the Natural Gas Pipeline Safety Act and $1 million under the Hazardous Liquid Pipeline Safety Act. This will allow the continued Federal monitoring of the more than 1.5 million-mile gas pipeline network and the more than 200,000-mile hazardous liquid pipeline network. In addition, $3.618 million is authorized for the State grant program under the Natural Gas Pipeline Safety Act. These authorization levels are in accord with the Reagan administration budget request.

Both of these acts provide an overall scheme for the regulation of gas and hazardous liquids. The acts require establishment of minimum Federal safety standards, which are exclusive for interstate pipelines and facilities. Legitimate State interests are recognized in that States may impose additional or more stringent standards for intrastate pipelines and facilities as long as they are consistent with the minimum Federal standards.

From the testimony received by the Committee on Public Works and Transportation, it appears that the 1979 amendments are bringing about a satisfactory improvement in our Nation's safety capabilities. No one urged any drastic modification of the regulatory scheme put in place. The only changes requested were minor technical corrections which the department proposed and in which both industry and State regulatory authorities concur. These amendments, which run parallel in both the Gas Pipeline and Hazardous Liquid Pipeline Acts, change the requirement for the Technical Pipeline Safety Standards Committee and the Technical Hazardous Safety Standards Committee to meet not less frequently than twice a year instead of mandating a meeting every 6 months.

The second amendment modifies the filing date requirement for judicial review of a proposed final rule. It was pointed out that the agency's provision for administrative reconsideration allows up to 90 days after the issuance of the final rule before the agency must respond. By changing the final date for filing a judicial review from the 60th to the 90th day, it is believed that the expense and time involved in seeking a judicial review prior to a final administrative determination on reconsideration could be avoided. Nothing in this amendment precludes a party from seeking judicial review earlier.

I am delighted to be standing for a bill where neither the authorizations nor the amendments are controversial. The 1-year authorization is sufficient to maintain current levels and at the same time requires the Department to come back next year, insuring continued monitoring of both of these very important programs.

Mr. Speaker, this is a good bill. It continues the improved protections for all of our citizens provided in the Pipeline Safety Act Amendments of 1979. I urge the House to pass it.

□ 1230

Mr. COLLINS of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DANNEMEYER), a member of our committee who has worked the hardest on this bill.

Mr. DANNEMEYER. Mr. Speaker, I rise in support of H.R. 3420, the Pipeline Safety Authorization Act of 1981. This bill contains an authorization of $8.1 million for fiscal year 1982 for the pipeline safety programs of the Department of Transportation, the exact sum requested by President Reagan for the 1982 fiscal year. This 1982 authorization is roughly 7 percent higher than the fiscal year 1981 authorization.

The bill also adds two technical amendments to the Natural Gas Pipeline Safety Act of 1968 and to the Hazardous Liquid Pipeline Safety Act of 1979, which are supported by the administration as well.

The first amendment changes the statutory meeting schedule for the Pipeline Technical Advisory Committee, from the present requirement to convene once every 6 months to a new schedule to convene at least twice each year. The Department requested this change to avoid the burden and expense of holding unnecessary meetings of the committees.

The second amendment extends the statutory deadline for filing for judicial appeal of the Department's regulations from the present requirement of filing within 60 days of final issuance of regulations to within 90 days of final issuance. The intention of this amendment is to avoid the judicial appeal deadline conflicting with Department's 90-day administrative appeal process. This change was requested by both the industry and the Department in order to reduce the costs of resolving any disputes between the two over the Department's regulations.

Mr. Speaker, H.R. 3420 reauthorizes the U.S. Department of Transportation to continue its regulatory and grant programs for an additional fiscal year. Under authority in the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, this agency of the Federal Government is granted exclusive jurisdiction over the design, construction, testing, operation, and maintenance of interstate natural gas pipelines and of hazardous liquid pipelines. These statutes also grant the Federal Government regulatory authority over intrastate natural gas pipelines and over intrastate hazardous liquid pipelines, allowing for State agency assumption of regulatory activities in conformance with Federal standards.

If and when a particular State does adopt the Federal standards and agrees to enforce them, that State then becomes eligible for a Federal grant-in-aid for up to 50 percent of the cost to the State of administering the programs. So far, some 48 States have requested grants-in-aid under the program for natural gas pipelines. A total of $3.618 million is provided in H.R.

3420 for funding the grant-in-aid program for natural gas pipelines in fiscal year 1982.

A similar program exists for hazardous liquid pipelines, but this program has not yet been implemented. Accordingly, no authorization is provided.

Mr. Speaker, these programs are typical of the Federal Government's regulatory itch approach to our economy. A worthy cause—such as safely built and operated pipelines—is provided for through regulation. The States are brought in as partners, and paid grants-in-aid for going along.

But, while the Republicans on the House Energy and Commerce Committee support H.R. 3420, we believe that these programs—as all others—should be held to a tougher test than congressional business as usual usually provides.

For this reason, Mr. Speaker, we support this 1-year reauthorization. This provides our committee and the administration with the sufficient time to examine whether or not these programs can be transferred to the pipeline companies or to the States. It seems to me that the responsbility for safe pipelines ought to belong to the companies which own and operate them, and the expense of delivering their products safely ought to be borne by the product user, rather than the general taxpayer. After all, no program should be overlooked in our efforts to cut the Federal budget and to cut the Federal regulatory reach.

Thank you, Mr. Speaker.

Mr. COLLINS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this bill. I rise in opposition because I wonder if this country needs all of the safety that we are giving it.

I have checked OSHA, the occupational safety and health bill through the years. As near as I can see, the accident rate is the same. We have not saved anybody anything. All we have done is made American industry less competitive than it used to be. More safety rules and heavy expenses. We have added more costs to American industry.

Now, in this particular pipeline bill we have carried it a step further. We not only have an occupational safety and health agency, we have formed our own little agency to look after pipeline safety.

One of the easiest things to check for safety is a pipeline. A person can get in an airplane and just fly down through the country and if they will look down on the pipeline right-of-way they do not need to be too high in that plane, 1,000 feet, 2,000 feet, they can look down and whenever there is a gas leak the gas leak comes up and it burns the grass on the ground. It is visible and this will leave a brown spot just like this brown table. Anyone with normal intelligence riding in that plane can see we have a gas leak here, let us go fix it.

One thing that ought to occur to most people is that these gas companies are very much concerned about having any gas leak. My colleagues all know what gas costs. The companies are working every minute. They are very diligent. They have these control stations up and down along the pipeline where, if the pressure falls down, indicating there is a leak, they can see that pressure drop and they will automatically start checking.

I would like to refer to what has happened since we voted in this pipeline safety. We have some 225,000 miles of pipelines. That is a lot of pipeline, 225,000 miles of pipeline. Gas and oil liquids are moving all the time.

We put this bill in 5 years ago, and in 1975, when we first got started, we had five fatalities. That is, we just wanted to have a yardstick to see how much safety we could do with this. We hate to see any American lose his life. We lost five when we put this bill in, and we are now down to four. Apparently there is not much difference because what happened is that half of these fatalities were due to someone just making an error in judgment. In other words, someone goes out there with a bulldozer, and it is marked up and down the clearance that this is a gas pipeline, and that guy starts cutting with the dozer and cuts down deep into the earth and hits that pipeline. Anybody knows you do not take a bulldozer and go running up and down in the ground when there is a gas pipeline underneath. There is nothing we can do to take care of those unfortunate situations.

As we look at this bill, we ought to ask ourselves is this where we need to be working on safety. Did my colleagues know that last year 30,000 Americans killed themselves, 30,000 suicides in this country? We do not have any bill for suicide and I certainly hope that no one gets so excited about this that they start a suicide bill here, because I am not sure we can do anything about that anyhow.

I found out that 3,000 people in this country last year took poison. There are a lot of ways people are going to die. When we have 225 million people in this country, they are going to die different ways.

But I will tell my colleagues one way we are going to all die, and that is if we keep on building in too much Government, then we are going to have this Government so thick that we cannot compete with anybody anywhere. We have more Government now than we need and we have more regulations than the American people want.

As the gentleman from California said, he said he hopes that when we take this 1-year bill, if we do pass it today, that at the end of this year we do away with this particular safety program because there are many more intelligent people out there running those oil and gas companies than we have in bureaucrats up here in Washington trying to issue more and more regulations. Let us eliminate excessive regulation.

We oppose H.R. 3420 because this bill would continue regulatory programs that have proven to be ineffectual, overly intrusive, and an undue burden on American taxpayers.

The committee passage of H.R. 3420, the gas and liquid pipeline safety regulatory program, leaves some important things to be desired. Chief among them is a thorough evaluation of whether the Federal pipeline safety program is still needed or not. We suggest that this expensive Federal program is simply not giving an adequate return for such a large fiscal expenditure. Responsibility for maintaining and accounting for pipeline safety should rest with the private pipeline companies with a minimum of governmental oversight.

First, we are endorsing the expenditure of over $8 million for inspection and compliance programs in an industry that has an outstanding safety record. In 1979, there were only 4 fatalities and 13 injuries that resulted from liquid pipeline failures in the United States. Any loss of life and property is too much, but in an industry where there are more than 225,000 miles of pipelines that are maintained by 230 carriers which together transport about one-half of the Nation's energy supply, this seems like an outstanding safety record.

Federal regulation prescribing design and operation standards to pipeline companies cannot, by definition, arrest interference with pipelines by third parties. And yet, the greatest single danger to pipelines seems to come from outside forces, such as construction and excavation. In 1979, almost 50 percent of pipeline accidents were caused by outside forces. No pipeline can be fully protected from an excavator severing a pipeline. Pipeline operators take special care to avoid accidents such as this by encasing the actual pipeline in a larger pipe to help prevent breakage in the event of contact.

A regulatory program that is successful should show a trend of increased safety over time. Pipeline safety programs do not appear to show strong safety improvement. In 1975, there were 254 liquid pipeline failures, 5 deaths, 17 injuries, and a commodity loss of 318,278 barrels. In 1979, the figures were not really different: there were 251 failures, 4 deaths, and 13 injuries; 584,669 barrels of commodity were lost. It is true that the quantity of pipeline activity has increased, but

the supposed safety standards that are applied to old and new pipeline facilities should, if beneficial, make them all safer, not merely allow the status quo or let safety slide. In fact, the industry is doing a good job of policing itself; additional regulations will not add to the safety of our Nation's pipelines.

We think it should be added that the Government may have a legitimate role, in a very limited way, to respond to trends that may indicate the pipeline industry is not being accountable to the public's demand for safety. People do face some small degree of risk from the transportation of hazardous materials in pipelines just as many other aspects of an advanced, industrialized society impose some risks. But we must put behind us the notion that Federal intervention necessarily makes pipelines, or for that matter life itself, safer.

We urge our colleagues to consider if Federal intervention in the area of motor vehicle safety has made auto travel really safe. To some extent, safety has been improved. Yet, 49,710 people were killed in motor vehicle accidents in 1977. We have tried to keep people from killing themselves on toxic substances by putting "better" labels on packages. Even so, 3,093 people lost their lives through poisoning in 1977. We spend great amounts of money on mental health in this country, yet almost 30,000 people killed themselves in 1977.

The point is that putting Federal money toward a desirable goal does not insure beneficial results. We should compare the relatively few fatalities in pipeline-related accidents and the huge amount of money we are spending to insure the safety of an industry that is already heavily and well self-policed with the high number of losses that occurred in other areas where we have made large regulatory expenditures. We conclude from this that the pipeline safety programs are of dubious value and an unnecessary regulatory burden we can safely do without.

● Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 3420, A bill to authorize appropriations for carrying out the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act.

The bill was jointly referred to the Committee on Public Works and Transportation and the Committee on Energy and Commerce. Both committees have worked together very closely on this legislation, and both have reported the same bill. I wish to thank my colleagues on the Committee on Energy and Commerce for their cooperation and for their excellent work on this bill.

Mr. Speaker, the bill provides the funds that are necessary for the Department of Transportation to carry out the safety programs for the transportation of gas and hazardous liquids. H.R. 3420 is supported by both committees and the administration; therefore. I urge my House colleagues to support this legislation.●

Mr. SHARP. Mr. Speaker, I have no further requests for time.

I would urge my colleagues to pass this bill which has strong bipartisan support in two congressional committees and the endorsement of the present administration and the past administration. I think it is worthy of our rapid passage today.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SHARP) that the House suspend the rules and pass the bill, H.R. 3420.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

RE-REFERRAL OF EXECUTIVE COMMUNICATION NO. 1456 TO COMMITTEE ON ENERGY AND COMMERCE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from the further consideration of Executive Communication No. 1456 and that it be re-referred to the Committee on Energy and Commerce.

Mr. Speaker, this merely corrects a reference of a communication.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

YOUTH EMPLOYMENT DEMONSTRATION AMENDMENTS OF 1981

Mr. HAWKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3337) to extend the authorization for youth employment and demonstration programs, and for other purposes.

The Clerk read as follows:

H.R. 3337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Youth Employment Demonstration Amendments of 1981".

SEC. 2. Section 112(a)(4) of the Comprehensive Employment and Training Act is amended by adding at the end thereof the following new subparagraph:

"(D) There are authorized to be appropriated such sums as may be necessary for the fiscal year 1982 to carry out part A of title IV.".

SEC. 3. Section 441 of the Comprehensive Employment and Training Act is repealed.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. HAWKINS) will be recognized for 20 minutes, and the gentleman from Vermont (Mr. JEFFORDS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Speaker, I yield myself such time as I may consume.

On May 5, 1981, by unanimous voice vote, the Committee on Education and Labor reported H.R. 3337, which extends the authorization for the youth employment and demonstration programs under title IV-A of CETA through fiscal year 1982. The legislation is needed because the authorization of appropriations for youth programs under part A of title IV of CETA expired September 30, 1980. The programs are currently funded under the resolution continuing appropriations for fiscal year 1981. A 1-year extension, which would coincide with the expiration of the other titles of CETA, will enable the committee to make a detailed study of the efficacy of a separately funded youth program in the context of the CETA reauthorization.

H.R. 3337 also repeals section 441 of CETA which mandates the distribution of funds appropriated for part A of title IV among the three subparts.

With respect to the probable level of funding for these programs, the conference agreement on the first budget resolution included $1.6 billion over the House level for function 500. This amount included $500 million recommended for education and training funding. While it is not possible to predict the exact amount which will be made available for title IV-A programs as the Education and Labor Committee has not acted on the reconciliation instructions and the Appropriations Committee has not reported its recommendations for specific program levels, it is likely that some of the additional funds in function 500 will be directed to the youth programs.

On May 12, under unanimous consent, the Senate passed S. 1070, an identical version of H.R. 3337. Historically, the youth employment and training programs now authorized under title IV-A have enjoyed broad bipartisan support in the Congress as well as strong endorsements from the

business community, labor organizations and public interest groups.

At a time when overall youth unemployment is 19 percent nationally and 36.1 percent of minorities, the Congress cannot and must not abandon the young people of this country. Studies have shown that youth unemployment is directly related to crime. The 1979 Uniform Crime Report indicates that 72 percent of all serious crime is committed by youth under the age of 25. Unless these youth can successfully enter the labor force, they will be doomed to lives of joblessness, poverty, and perhaps crime. If the future of this Nation is to belong to our youth, then we must act responsibly to insure their futures.

Mr. Speaker, I urge my colleagues to support H.R. 3337.

Mr. JEFFORDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. I would like to refresh Members that 1 year ago this body passed a youth bill which would have taken care of the extension of these programs and given us some new direction in the youth employment area. However, that bill did not pass the other body.

This bill merely extends, until such time as it may be appropriate to consider, along with such changes as may come about in the CETA programs generally, the youth programs. The administration's view is that the passage of this bill, as would be demonstrated by the vote in the other body, is not inconsistent with their desires.

□ 1245

Just to refresh this body's minds and tack at this point, I speak on title VI and title II-D of the CETA program; but the administration is desirous to consolidate youth programs, probably within title II-A, B, and C, so the passage of this bill is not at all inconsistent with the desires of the administration, assuming that levels meet whatever guidelines may be finally put together.

This body has shown its concern for youth last year and in the past and knows that one of the major goals and purposes of the new administration and of this body is to provide for the kind of productivity this Nation needs to remain competitive, and a great deal has to be done with our youth in order to give them the education in order to have the incentive and the desire to be able to assist themselves and the country in these areas.

We have spent a great deal of time over the past years in designing and evaluating youth programs. It would be very inappropriate if we did not carry these programs forward until such time as we can decide as to what to do with our general youth programs and what the future ought to be for youth employment training. I would hope that the body will see fit to pass the bill in its present form, and not only that, but look forward to taking the learning that we have had in the youth employment area and molding a new and better approach toward youth training next year.

Mr. Speaker, I speak today in strong support of H.R. 3337, a bill to extend the youth programs under title IV-A of the Comprehensive Employment and Training Act (CETA) through 1982. It has been my pleasure to work again with Mr. HAWKINS, Mr. PERKINS, and Mr. ASHBROOK on this bill which continues authorization for programs that have historically enjoyed overwhelming bipartisan support in the House.

The Congress has worked for a decade toward the resolution of the chronic problem of youth unemployment. With this bill, we will be able to review as a comprehensive package, the overall system for employment and training during CETA reauthorization along with the private sector initiative programs, and vocational education programs, all of which fall under the jurisdiction of the Education and Labor Committee. Without it, the Congress will not have the opportunity nor the flexibility, to examine the role of youth programs in its employment and training efforts. To allow the youth programs to expire is to foresake our leadership role in this area.

The question of how best to resolve the critical issue of youth unemployment is still ahead of us. This extension is a step that will allow, the Congress to look at the accomplishments of these programs, to review their potential, and to maximize the benefits of these programs for our youth and our economy. The administration's economic package requires a skilled labor force—and all our young people should have the opportunity to become prepared for those jobs. Youth who do not develop an early attachment to the labor force tend to rely on the Government for their future support and do not become contributing, productive adults to the economy.

As a point of clarification, I must address the budget estimate made by the Congressional Budget Office for this bill. My Republican colleagues and I support the overall intent of the President's economic package and the budget limitations that must be faced. For this reason, the budget cost estimate supplied by the Congressional Budget Office for H.R. 3337 must be placed in its proper perspective. The assumptions used by the CBO in providing this estimate need to be questioned.

No specific authorization levels are established in this bill. The CBO estimates for fiscal year 1982 are based on projected cost increases for grants to State and local governments in the 1981 budget authority and on historical spendout rates for current youth programs. That is, the sum of current costs plus an inflationary factor. We are aware of no other domestic program that will be funded in this way and do not understand why CBO continues to project on the basis of assumptions that may have been valid in previous years, but are out-of-step with current budget practices and developments.

Additionally, the Congress is required to fund programs within its own established budget limits for each function. Once these limits are determined, H.R. 3337 will have to fit into this overall budget target figure. The intent never was to adjust the budget figures, but rather to redistribute the appropriations within the function. What also should be kept in mind is that without this authorization, the option to fund these programs at all does not exist.

Youth employment is not a problem that will simply disappear. The Congress needs to retain its proactive position and determine the best alternatives to prepare our youth as productive citizens so that the waste in human potential and scarce financial resources created by youth unemployment can be eliminated. I strongly urge that each of you vote affirmatively for this bill.

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 3337, the Youth Employment Demonstration Amendments of 1981, which provides a 1-year extension for programs under title VI-A of the Comprehensive Employment and Training Act.

The problems of youth employment are severe and growing worse with every day. In an economy plagued with high unemployment, minority and disadvantaged young persons are the last to be hired, first to be fired, and have the lowest expectations of becoming productive, tax-paying citizens. The youth employment and demonstration project was created to directly address this situation and to explore a variety of approaches to alleviate youth unemployment. Since mid-1978, when YEDPA became operational, the impacts on youth unemployability of the various programs under its mandate have been studied and analyzed. Although we have only preliminary data at this point, it is generally felt that YEDPA has been successful and that our Nation's young people have benefited from its implementation. The investments we are making in human capital through youth programs can only increase the productivity of our country by providing the labor market with better skilled, more efficient workers.

The Education and Labor Committee, under the leadership of my colleague GUS HAWKINS, has wisely recommended the extension of YEDPA through 1982, at which time the other titles of CETA will expire. It is the committee's view that these youth programs have proven too valuable to be lost in a melange of all-purpose training programs, and that the special problems experienced by youth in entering the job market must be addressed through a separate emphasis.

I would urge my colleagues to support this simple extension of YEDPA, recognizing that the amounts available for its continuation will be subject to ceilings established through the budget reconciliation process. I am sure you will agree that a 30-35 percent unemployment rate for disadvantaged youths merits Federal attention, and I suggest that Congress show its concern by agreeing to H.R. 3337.●

● Mr. PERKINS. Mr. Speaker, on May 5, 1981, by unanimous voice vote, the Committee on Education and Labor ordered reported the bill H.R. 3337, which extends the authorization for the youth employment and demonstration programs under title IV-A of the Comprehensive Employment and Training Act through fiscal year 1982 (H. Rept. 97-36). Since the authorization of appropriations for the youth programs expired last September, these programs are currently funded under the resolution continuing appropriations for fiscal year 1981. On May 12, the Senate passed S. 1070, an identical version of H.R. 3337, under unanimous consent.

H.R. 3337 was authored by Congressman AUGUSTUS F. HAWKINS, chairman of our Subcommittee on Employment Opportunities which has jurisdiction over the CETA program; the ranking minority member of that subcommittee, Mr. JEFFORDS, and myself. At the time that the committee ordered H.R. 3337 reported, Mr. ASHBROOK, the ranking minority member of the committee, and Mr. JEFFORDS requested that the bill be brought to the floor as quickly as possible under suspension of the rules.

Historically, the youth employment and training programs now authorized under title IV-A have enjoyed broad bipartisan support in the Congress as well as strong endorsements from the business community, labor organizations, and public interest groups. While the committee has not received any formal comments on this legislation from the administration, it is our understanding that they do not oppose this reauthorization of title IV-A.

The committee's bill authorizes such sums as may be necessary for title IV-A of CETA for fiscal year 1982, leaving the amount to be funded in the discretion of the Appropriations Committee and the appropriations process. The amount available for youth programs under CETA will ultimately be subject to the budget ceiling for function 500, as finally adopted by the Congress, and the recommendation of the Appropriations Committee for the level of funding for the respective programs, including youth employment, under that function.

I urge my colleagues to suspend the rules and adopt H.R. 3337. The programs which this bill reauthorizes have served over 1,060,000 disadvantaged youth from their inception in fiscal year 1978 through the end of fiscal year 1980. With youth unemployment consistently hovering at or just below 20 percent—or in excess of 50 percent for inner city minority youth—we cannot allow these programs of demonstrated effectiveness to expire next year. The Senate realized this when they adopted the identical bill S. 1070 several weeks ago. It is my sincere hope that we in the House do likewise today.●

● Mr. DIXON. Mr. Speaker, I rise in strong support of H.R. 3337, a bill authored by my distinguished colleague, AUGUSTUS HAWKINS, chairman of the Subcommittee on Employment Opportunities, of the House Committee on Education and Labor. We all know that this gentleman has authored this Nation's most important laws to address the critical problems of unemployment and joblessness. His accomplishments have seen millions of Americans provided with training and more importantly job opportunity making the difference between punching a clock and wasting time on a street corner.

As you know, during the 96th Congress the House moved with deliberate speed to approve H.R. 6711, the Youth Act of 1980. Since it was not possible for the Senate to consider its bill before adjournment, H.R. 3337 is necessary to extend the authorization for youth employment and demonstration programs through 1982.

The extension of title IV gives the Congress the much needed time to develop a comprehensive youth employment bill. Our youth unemployment rate is an alarming 16 percent and among our Nation's minority youth it stands at 40 percent. We cannot stand idly by and let our Nation's most valuable resources—our youths—waste away.

As summer approaches, Congress should give special attention to the plight of our Nation's inner-city youths. We should keep the present youth employment mechanism in place for now, so that our Nation's disadvantaged youths may use their unlimited energy developing resourceful and constructive job skills to help themselves as well as their communities. If we fail to act on this measure, we may see countless idle young people on the streets of our cities in 1982. We should not allow this to happen.

I strongly urge my colleagues to support this measure.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HAWKINS) that the House suspend the rules and pass the bill, H.R. 3337.

The question was taken.

Mr. LOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

PRISONER-OF-WAR BENEFITS AND HEALTH-CARE SERVICES ACT OF 1981

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1100) to amend title 38, United States Code, to expand eligibility of former prisoners of war for certain health-care benefits provided by the Veterans' Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Prisoner of War Benefits and Health-Care Services Act of 1981".

SEC. 2. (a) Subchapter II of chapter 3 of title 38, United States Code, is amended by inserting after section 220 the following new section:

"§ 221. Authority to establish advisory committee on former prisoners of war

"(a) The Administrator may establish an advisory committee to assess new medical and other information concerning former prisoners of war and to advise the Administrator on appropriate Veterans' Administration policies and procedures with respect to former prisoners of war.

"(b) The Administrator shall include in the membership of any such advisory committee individuals who were prisoners of war during World War II, the Korean conflict, and the Vietnam era and individuals who are recognized authorities in such fields as psychiatry, psychology, internal medicine, nutrition, and epidemiology. The Administrator may include in the membership officials of other executive departments and agencies.

"(c) Any such committee shall meet on a regular basis, as prescribed by the Administrator, and shall submit a report on its activities to the Administrator at least once every two years.

"(d) The Administrator shall determine the number, terms of service, and pay and allowances of members of any such committee."

"(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 220 the following new item:

"221. Authority to establish advisory committee on former prisoners of war.".

SEC. 3. (a) Subsection (b) of section 312 of title 38, United States Code, is amended by striking out "six months" and inserting in lieu thereof "sixty days".

(b) Clause (2) of subsection (c) of such section is amended to read as follows:

"(2) A psychosis, psychoneurotic disorder, or psychophysiologic disorder which became manifest to a degree of 10 per centum or more after such service;".

SEC. 4. Section 610(a)(4) of title 38, United States Code, is amended by inserting "or is a veteran of World War I, World War II, the Korean conflict, or the Vietnam era and was held as a prisoner of war" after "older".

SEC. 5. (a) Subsection (f) of section 612 of title 38, United States Code, is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(3) by inserting after clause (2) the following new clause:

"(3) to any veteran of World War I, World War II, the Korean conflict, or the Vietnam era who was held as a prisoner of war.".

(b) Subsection (i)(3) of such section is amended by inserting before the period the following: "and to any veteran of World War I, World War II, the Korean conflict, or the Vietnam era who was held as a prisoner of war."

SEC. 6. The amendments made by sections 3, 4, and 5 shall take effect on October 1, 1981.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi (Mr. MONTGOMERY) will be recognized for 20 minutes, and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, last month there was widespread news coverage of 70 World War II Stalag 17 former prisoners of war. During their reunion, they pleaded for better compensation for medical problems relating to their imprisonment. These ex-POW's have lived with these terrible war experiences for well over 35 years. It is, therefore, Mr. Speaker, that we are considering a bill to enhance their lives during the later years of their lives.

Mr. Speaker, Americans as prisoners of war have faced many hardships. Though the nature of capture and internment can vary within any period of war, from camp to camp, and even for the individual prisoner of war, from guard to guard, the prisoner of war experience is characterized by executions, torture, and a crushing sense of doom and loss of hope through a starvation diet, poor quality or nonexistent medical care, and "death marches."

Former prisoners of war suffer a higher incidence of physical and psychological disorders related to the conditions of their imprisonment by enemy forces. Statistics based on comparisons of veterans and former prisoners of war on VA compensation rolls show that less than 10 percent of war veterans receive compensation compared with 43.6 percent for former prisoners of war. Existing data also shows that a significantly higher proportion of living prisoners of war are more severely disabled—50 percent or greater, than other living veterans.

The War Claims Commission in 1950 found widespread evidence of the after effects of imprisonment from their sampling of World War II POW's and studies released by the VA in 1956 and 1980 also acknowledge this. In fact, psychological and physical disabilities as related to imprisonment are recognized by nations around the world, including our former enemies.

Although the Congress has on several occasions enacted laws liberalizing eligibility requirements for VA benefits for this most deserving class of veterans—especially by the creation of presumptions of service connection with respect to certain nutritional disorders—there remains concern as to the problems encountered by former prisoners of war in their efforts to prove service connection for disabilities attributable to the conditions of their capture and imprisonment. Some claim that their ability to prove service connection for disabilities is hampered because of inadequate medical records and that certain disabilities which were originally considered to be minor at the time of release from service are now becoming more serious.

Mr. Speaker, H.R. 1100 is based, in part, on the findings, conclusion and recommendations for legislative action made by the VA in its report entitled, "Study of Former Prisoners of War," which was submitted to the Congress on May 30, 1980, pursuant to section 305 of the Veterans' Disability Compensation and Survivors Benefits Act of 1978, Public Law 95-479.

As specified in the law, the areas of the study included:

Descriptions and analyses of the repatriation procedures, including physical examinations, for former prisoners of war and the adequacy of such procedures and the resultant medical records of former prisoners of war;

The types and severity of disabilities that are particularly prevalent among former prisoners of war in various theaters of operation at various times;

A description and analysis of procedures used with respect to former prisoners of war in determining eligibility for health care benefits and in adjudicating claims for disability compensation, including an analysis of the current use of statutory and regulatory provisions specifically relating to former prisoners of war; and

A survey and analysis of the medical literature on the health related problems of former prisoners of war.

There follows a summary of the findings and legislative recommendations contained in the study:

SUMMARY

The major finding derived from the description and analysis of repatriation procedures was that the comprehensive administrative and medical repatriation procedures written for World War II and Korea POWs were not fully implemented in the medical area. Evidence of this comes from a physician review of a representative sample of former World War II POW claims folders, which revealed that many of these records lacked repatriation examinations. Thus, the Congressional concern about the lack of repatriation examinations and resultant medical records among these former POWs is well founded. The claims folder review also demonstrated that while the medical processing of Korea POWs, as indicated by their repatriation examinations, was better than that of former World War II POWs, it was still not completely adequate. The inadequate medical processing which apparently characterized the repatriation of former World War II and Korea POWs is not an issue among former Vietnam POWs, as they received the most thorough repatriation medical examinations and follow-up care of any POW group.

The principal finding from the review of the types and severity of former POW disabilities is that former POWs have a significantly higher incidence of service-connected disability. The data comparison demonstrated that former Pacific Theater POWs are the most disabled of the POW groups under study, followed closely by former Korea POWs. While not as disabled as Pacific and Korea ex-POWs, former European Theater POWs are still significantly more disabled than other World War II veterans. While conclusions about the relative disability of former Vietnam POWs must await the outcome of currently ongoing studies, it is apparent from the available morbidity and mortality data on World War II and Korea POWs that those POWs interned by an Asian captor generally received harsher treatment and suffered from more disabilities than other POWs.

The review of the types and severity of former POW disabilities also points out that the most prevalent service-connected condition of the former POWs under study, from the time of their repatriation to the present, is anxiety neurosis. A comparison of service-connected anxiety neurosis among former European Theater POWs with length of internment revealed that anxiety neurosis appears in a significantly greater amount among these former POWs than among other service-connected wartime veterans. This relationship persists regardless of the length of time in captivity.

The central finding of the analysis of law and procedures concerning former POWs is that in determining eligibility for health care benefits or in adjudicating disability compensation claims, the VA generally accords former POWs the special consideration to which they are entitled under current statutory and regulatory provisions.

The survey of the medical literature used a wide variety of sources such as national and international medical journals, follow-up epidemiological studies, personal accounts, and discussions of family and social issues to point out that the POW experience affects their current health status. The published medical literature indicates that many of the present physical problems of

former POWs may be attributed to the malnutrition and brutality suffered during captivity, just as many of their present psychological problems can be attributed to the stress of internment. The medical literature review points out that psychological problems, in the form of anxiety neurosis and psychosis, are particularly prevalent among former POWs.

The conclusions presented below are based on the above mentioned principal findings. Each conclusion provides the supporting rationale for a corresponding recommendation. The recommendations include both legislative and administrative actions considered necessary to assure that former POWs receive compensation and health care benefits for all disabilities which may reasonably be attributed to their internment.

RECOMMENDED LEGISLATIVE ACTIONS

Expanded eligibility for VA health care

All of the information and data analyzed in this study show that a significantly greater proportion of former POWs have service-connected disabilities than other veterans who served during the same periods. The former POW has also been shown to be more severely disabled than non-POW veterans. Despite this, two factors make the adjudication decisions extremely difficult: one is the frequent absence of medical information at the time of repatriation and second is that medical science cannot, at this time, conclusively determine on an individual basis the origins of some disabilities particularly prevalent among former POWs.

In recognition of the higher incidence of disability among former POWs, the VA Department of Medicine and Surgery recommends that former POWs be authorized eligibility for VA hospital care and medical services (other than dental care) for any disease or neuropsychiatric disability, with the same priority as is granted a service-connected veteran seeking care for a non-service-connected disability. This would assure that former POWs receive health care benefits for all disabilities which may be attributable to their internment.

Recommendation: That title 38 U.S.C. be amended to authorize eligibility to former POWs for VA hospital care and medical services for any disease or neuropsychiatric disability.

Service-connection for psychosis at any time after service

Public Law 91-376 grants a presumption of service-connection for a POW related psychosis which becomes manifest to a degree of 10 percent or more within two years from the date of separation from service. The evidence presented in this study's medical literature review indicates that pyschosis related to the POW experience frequently appears years after service, and not just immediately after separation. This is understandable in view of the psychological torture and "brainwashing" to which POWs were subjected.

Recommendation: That title 38 be amended to eliminate the requirement that psychoses suffered by POWs must become manifest within two years following service separation before the rebuttable presumption of service-connection arises.

Mr. Speaker, The VA study coalesces existing studies and adds to an increasing body of medical knowledge which is necessary to the resolution of the special and little understood needs of former POW's.

There is cause for concern that some disabilities of ex-POW's which may very well be a direct result of their captivity are not considered to be service connected. It must be emphasized that the long-term effects of the POW experience may not be totally identifiable and subsequently might never be diagnosed as related to internment. It should also be kept in mind that most American physicians would have difficulty in recognizing the residuals of malnutrition.

Prisoners of war have the least documentation of injury or illness during military service and many did not receive repatriation examinations. Of those POW's who did receive repatriation examinations, over half had inadequate medical histories for the period prior to release from captivity. Although lay evidence may be used in the consideration of all procurable and assembled data in support of a veteran's claim, the VA study shows that less than 10 percent of the reviewed sample had submitted buddy statements.

Mr. Speaker, in view of the facts reflected in the study regarding the long term and/or latent physical and psychological effects of malnutrition, wounds, serious physical abuse, and apprehension—all as a result of prolonged imprisonment and common to all POW groupings—the expansion of existing eligibility for veterans' medical care and compensation for former prisoners of war seems not only reasonable but necessary.

Enactment of H.R. 1100 would respond to the needs of former prisoners of war. Not only does the bill recognize that POW's have unique medical problems but it also recognizes that there has been an apparent conflict in the treatment of these problems.

Mr. Speaker, the bill, as reported, has four major provisions:

POW ADVISORY COMMISSION

The first provision provides the authority to establish an Advisory Committee on Former Prisoner of War. The review of the literature on the health related problems of former POW's indicates that there are still unanswered questions on the service-connected nature of many alleged POW disabilities. The committee, therefore, would serve to advise the Administrator on issues concerning policy and procedure relating to former prisoners of war. Membership would consist of World War II, Korean conflict, and Vietnam-era prisoner of war, as well as recognized authorities in fields related to the types of disabilities prevalent among former POW's. The committee would be required to meet on a regular basis with the Administrator and submit a report to him at least once every 2 years.

DIETARY PRESUMPTIONS

Another provision would reduce the requisite prisoner of war incarceration period from 6 months to 60 days for presumption relating to certain disabilities and diseases, particularly those incurred as a result of malnutrition such as avitaminosis, beriberi, including beriberi heart disease, chronic dysentery, helminthiasis, optic atrophy associated with malnutrition, pellagra, and so forth.

Epidemiological followup studies of former prisoners of war indicate that the residuals of these and other disabilities have persisted among prisoners of war until the present time, accounting for significantly higher post-repatriation mortality and morbidity rates among former POW's relative to other veterans. Though dietary deficiencies are clearly a function of time and malnourishment, medical evidence reveals that a person can suffer from malnutrition in less than 6 months.

PRESUMPTIONS FOR PSYCHOSIS, PSYCHONEUROTIC DISORDER OR PSYCHOPHYSIOLOGIC DISORDERS

In addition, this measure would provide service-connected benefits for former prisoners of war for psychosis, psychoneurotic or psychophysiological disorders regardless of when the condition is first shown.

Of the 35 most common diagnostic conditions for which former prisoners of war have been rated, the single most prevelant condition is anxiety neurosis which accounts for 12.7 percent of all service-connected conditions of former prisoners of war. This is three times the rate for all veterans receiving compensation. While former prisoners of war make up only 1.4 percent of the veterans on the compensation rolls and their total diagnostic conditions form only 1.7 percent of all service-connected diagnosis, the diagnosis of service-connected anxiety neurosis for former POW's constitutes 5 percent of all service-connected anxiety neurosis conditions for all veterans on the compensation rolls.

Prior to 1980, former POW's with mental disorders were not entitled to service-connected benefits unless the condition was either shown in service or within 2 years after discharge. The VA changed its policy last year for combat veterans, including POW's. The agency will grant service connection for posttraumatic stress neurosis if that specific disorder is diagnosed by a psychiatrist. Absent that specific diagnosis, a former POW cannot be compensated for a neurosis unless it was shown to exist at the time of discharge.

The stress and psychological trauma suffered in captivity, especially by those World War II prisoners from the Pacific theater, is well documented. The VA study confirmed that the most prevalent conditions of former POW's are psychoneurotic disorders which involve high levels of anxiety. It has been said that any POW with a

psychoneurotic disorder would come under a newly established diagnosis of posttraumatic stress disorder. It should be kept in mind that psychoneurosis is a specific disorder with very specific symptoms which must be identified before the clinical diagnosis can be made. This so-called solution to the problem of mental disorders shown by a significant number of former POW's is just that—a nonsolution to a very serious problem. Because it is documented that this group of veterans has a much higher than normal incidence of psychoneurotic disorders, the committee feels that it is just and reasonable that we recognize the relationship between the hardships of internment, physical torture and malnutrition, and the subsequent mental disorders.

This provision of the bill would grant service-connected benefits for most mental conditions for former POW's unless an intercurrent organic or traumatic cause is shown.

ELIGIBILITY FOR MEDICAL TREATMENT

Finally, the bill provides eligibility for medical treatment—inpatient and outpatient—on a priority basis to former prisoners of war. Eligibility and priority for health care benefits under chapter 17 of title 38 rests in large measure on a veteran's status as service-connected or non-service-connected disabled. The primary mission of the health care system is the provision of medical care to the service-connected veteran. The VA is authorized to furnish on a priority basis such hospital care or outpatient treatment as a veteran requires for a service-connected disability. The non-service-connected veteran under age 65 is eligible for care, and then on a space available basis only if unable to defray the expense.

Chapter 17 eligibility provisions single out the former prisoners of war in only limited instances—expanded outpatient dental care eligibility as authorized in Public Law 96-22 and the special liberalizing presumptions under chapter 11 of title 38 as authorized in Public Law 91-376, which facilitate the former prisoner's task of establishing service connection for certain dietary conditions.

Many prisoners of war who apply to the VA for treatment must be routinely deferred because they have not established that their medical problems are service connected. These veterans especially those who suffered starvation and torture at the hands of the Japanese during World War II, believe that the hardships they endured then may well be the cause of their bad health today and it has often been demonstrated that many of these conditions appearing later in life are found to be service connected, either through the operation of presumptions or simply based upon the facts of the situation.

This provision therefore would provide prima facie entitlement to such medical care and services such as delays in treatment could be prejudicial to these individuals' health.

Mr. Speaker, the committee realizes the situation we face with the budget and we are very concerned with increasing Federal outlays, It seems clear, however, that some type of definitive POW bill is called for and this proposal calls for very modest outlays from the Federal Government. This measure is estimated to cost $9.6 million for fiscal year 1982—very reasonable indeed when one considers how many people will be benefited.

The cost of H.R. 1100 is well within the ceilings established by the first concurrent budget resolution recently adopted by the House.

Mr. Speaker, I want to thank the members of the committee for all their hard work in expediting the reporting of this bill. I also wish to thank all 47 cosponsors.

As I stated on January 19 when I introduced H.R 1100, the expansion of eligibility criteria to certain benefits and health care for former prisoners of war is of utmost priority.

The diverse testimony we heard from several of the veterans organizations was most helpful to us in formulating H.R. 1100 as reported. We are particularly appreciative of the testimony and assistance received from Lt. Gen. John P. Flynn who was a prisoner of war in Vietnam for 5½ years.

Also, the comprehensive information furnished by Mr. Stanley G. Sommers, the national commander of the American Ex-Prisoners of War Association, was truly invaluable in our efforts to come up with a measure which would redress the serious problems experienced by former prisoners of war.

Mr. Speaker, we owe a very special debt of gratitude to all those who have suffered the injustice and deprivation of imprisonment while in service to this country.

Today and tomorrow the House will consider seven bills and one resolution reported by our committee. It should be noted, Mr. Speaker, that we had 100-percent attendance in committee when the measures were considered. I deeply appreciate the interest of all our members, which I think, reflects the interest of the entire House.

H.R. 1100 is a measure which recognizes that very special sacrifice and I urge that its provisions be favorably considered.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. EDGAR), a member of the committee.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Speaker, I would just like to take a moment to commend the chairman, the gentleman from Mississippi (Mr. MONTGOMERY) for his work on this bill and several other pieces of legislation that we will be dealing with in the next 2 days.

Mr. Speaker, I join my colleague from Mississippi, the Honorable SONNY MONTGOMERY in support of H.R. 1100, the Prisoner of War Benefits and Health Care Services Act of 1981.

In particular, I would like to thank Chairman MONTGOMERY for his leadership on this issue. He has long been a strong and persistent advocate for improved benefits and services to compensate the unique service and sacrifice this particular group of veterans has endured. No one can doubt the long-term adverse effects of internment currently experienced by former POW's. However, a survey of the 100,000 living former prisoners of war, mandated by the Congress and released in May 1980 clearly showed these improved benefits to be warranted and long overdue.

However, I feel one provision, in particular to be especially significant. The legislation would provide service-connected medical and compensation benefits for psychosis, psychoneurotic and related disorders for these veterans regardless of when the condition first appeared. There has been substantial evidence both among former prisoners of war and, even more recently, among Vietnam veterans of the delayed mental health effects of wartime service. These disabilities often appear and have worsened years after the veteran has returned home. The stress of combat or the physical and mental insult of imprisonment under wartime conditions know no time limit. The long-term effects of this special service and sacrifice can and has taken a heavy toll on the lives of those who have endured these hardships while in service to their country. Such disabilitites have not only resulted in personal or individual tragedies, but have affected the lives and well-being of the veterans' family

I feel it is only compassionate and right that we should recognize this expanded presumption based on sound research and modern psychiatric analysis.

We have a special obligation to continue to remember all those who have served their country in time of war. However, we owe a special debt of gratitude for those who have been imprisoned or interned while in defense of this Nation. They went to fight for their country on the battlefield and were forced to wage another battle in prison against hunger, disease, isolation, fear, and the constant threat of death itself. They kept faith with us. Now it is our turn to keep faith with them.

Mr. MONTGOMERY. I thank the gentleman for his comments.

Mr. Speaker, I reserve the remainder of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1100, the Prisoner of War Benefits and Health-Care Services Act of 1981. This is comprehensive legislation that will correct many deficiencies that now exist in health care and compensatory programs for former prisoners of war.

I was pleased to be an original sponsor of this legislation, and I would like to congratulate our distinguished chairman, SONNY MONTGOMERY, for the important role he played in its development. Additionally, I would like to thank all the members of the committee for their concern and support in this matter.

H.R. 1100 is definitive legislation, crafted with precision and specificity, that goes a long way toward meeting the needs of a special group of veterans that have served their country under unique and extremely trying circumstances.

The physical and psychic wounds these veterans suffered vary, and the long term effects are sometimes difficult to assess. We know, however, that as prisoners of war, these veterans have particular and previously little understood needs that warrant this legislation.

The bill draws upon exhaustive studies and compelling information that documents the fact that prisoners of war suffer from disabilities of a unique nature. Many provisions contained in H.R. 1100 resulted from findings of the Veterans-Administration's 1980, "Study of Former Prisoners of War," conducted pursuant to Public Law 95-479.

A great deal of new information emerged from these studies and subsequent testimony before the Committee on Veterans' Affairs. We now have a vivid picture of the long-term effects of malnutrition, injury, physical abuse, and anxiety that are common to all prisoners of war groups even though the conditions of their captivity and interment differ with periods of war and theaters of operation.

Former prisoners of war suffer a higher incidence of physical and psychological disorders related to circumstances of imprisonment, and current data indicates a higher proportion of war prisoners are more severely disabled—50 percent or greater—than other living veterans.

The bill provides for a number of significant changes that will benefit former prisoners of war:

It establishes a committee made up of former prisoners of war from World War II, the Korean conflict, and the Vietnam era, as well as recognized authorities in fields germane to those disabilities that are prevalent among former prisoners of war.

Thus, we can bring to bear firsthand experience and the best professional guidance in assisting former prisoners of war. I might add that the cost of establishing this committee would not be significant.

Also, this legislation reduces the length of time a prisoner of war must have been interned from 6 months to 60 days and provides for the presumption of service connection for disabilities and disease incurred as a result of malnutrition.

In addition, service-connection is also presumed for disorders of a psychotic, psychoneurotic or psychophysiologic nature regardless of when the condition is first manifested.

This section of the bill removes the previously restrictive time period during which an illness had to manifest itself before service-connection could be established.

The legislation would also provide for inpatient and outpatient medical treatment, on a priority basis, to former prisoners of war regardless of their length of internment. A significant body of evidence indicates that many former prisoners of war often experience poor health in later life that relates to suffering endured during captivity. This provision would entitle these veterans to medical care and services that are not provided for under existing laws.

The cost estimates of the bill have been prepared by the Congressional Budget Office and total $9.4 million in budget authority and $11.8 million in outlays for fiscal year 1982. Importantly, the bill has been determined to have no inflationary impact, and is a budgeted item.

It is important to remember that H.R. 1100 provides former prisoners of war with greater opportunities to more effectively contribute to society.

The laws this Nation has enacted on behalf of its veterans are ones that reflect a compassion and sense of obligation felt by the American people toward those who serve the cause of liberty.

This legislation speaks to the special needs of former prisoners of war to whom—I believe—we owe a special debt.

□ 1300

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield back the balance of my time.

● Mr. OBERSTAR. Mr. Speaker, I would like to commend Chairman MONTGOMERY and the members of the House Veterans' Affairs Committee for the prompt and favorable attention given to H.R. 1100, which is before us today.

Over and over again, in my experience in attempting to assist former prisoners of war, I have come face to face with the twin insurmountable problems which this legislation addresses: One, the absence of medical evidence during or immediately after the period of incarceration, and, two, onset of a disease or disorder after the statutory time limit for presumption of service connection. When prisoners held in Korea were coming home after suffering severe malnutrition during even 2 or 3 years of incarceration, we still had no hard evidence from the World War II experience to help us understand the nature and extent of long-term mental and physical problems which would arise. Korean war veterans, like their counterparts of World War II, were frequently told "All you need is a good meal."

I only wish that were so.

Research now demonstrates that starvation disease leaves physical weaknesses from which the individual never fully recovers. We also know now that mental anxiety is as commonplace as physical problems and even less likely to be service connected because the condition was not timely reported or diagnosed.

To ask why former prisoners of war did not document their illnesses during incarceration, did not fully report the real extent to which they were suffering at the time of their repatriation physical and did not seek help after discharge is to show our own lack of understanding of the POW experience. The answer, to a great extent, is that these men suffered mental and physical abuse of such serious proportions that their postservice aches and pains were not considered worth mentioning. Sad to report, in other cases, real physical complaints which we now recognize as symptoms of starvation disease, were attributed to mental distress and disregarded by treating physicians.

For a good many years, I have worked with veterans' organizations and county veterans service officers in Minnesota in attempting to establish service connection for the multiple problems suffered by former prisoners. Repeatedly, I suffered frustration and failure. When studies of morbidity and mortality of former prisoners were undertaken, I urged all former prisoners in my district to contact me so that I could bring their cases to the attention of Veterans' Administration officials. That study confirmed the higher incidence of disease and disability among this particular group of veterans. In particular, it was learned that mental disorders related to the prisoner of war experience could occur at any time in later life. The bill we have before us today recognizes that problem and removes the 2-year time limit on psychoses, psychoneurotic disorders, or psychophysiologic disorders.

Nothing we do here can make up for years of physical and emotional dis-

tress. We, however, can insure the availability of medical care in the future for any and all conditions. We can promise these former prisoners we will continue to study the frequency and severity of their mental and physical disabilities so that a presumption of service connection can be made automatically when accumulated evidence supports such a finding. And, we can overwhelmingly pass this legislation as a promise both to veterans and to present and future members of the Armed Forces that this country will never breach its promise to care for those who have honorably served their country in time of war.●

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 1100, as amended.

Mr. HAMMERSCHMIDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill, H.R. 1100, just considered.

The SPEAKER pro tempore (Mr. PEYSER). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VETERANS' TRAINING AND BUSINESS LOAN ACT OF 1981

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3423) to amend title 38, United States Code, to provide vocational education and training opportunities for certain Vietnam-era veterans, to establish a small business loan program for Vietnam-era veterans and disabled veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Training and Business Loan Act of 1981".

TITLE I—VOCATIONAL TRAINING

VOCATIONAL EDUCATION AND TRAINING FOR VIETNAM-ERA VETERANS

SEC. 101. (a) Subchapter IV of chapter 34 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1687. Vocational training programs for veterans of the Vietnam era

"(a) Subject to subsection (b) of this section, any eligible veteran who served on active duty during the Vietnam era may be provided educational assistance under this chapter for the purpose of pursuing (1) a program of onjob training (other than apprenticeship), or (2) a program of education with a vocational objective (other than flight training) without regard to the provisions of section 1662(a)(1) of this title. Upon completion of a program provided by virtue of this section, the Administrator shall provide the veteran with such employment counseling as may be necessary to assist the veteran in obtaining employment consistent with the veteran's abilities, aptitudes, and interests.

"(b) Educational assistance may be provided by virtue of this section only if the veteran has been determined by a counselor at a readjustment counseling center established under section 612A of this title, a State employment office, a veterans' assistance office, or a Veterans' Administration medical facility as being in need of a program or course described in subsection (a) of this section. Any such determination shall be made in accordance with regulations which the Administrator shall prescribe.

"(c) Assistance may not be provided by virtue of this section after December 31, 1983.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1686 the following new item:

"1687. Vocational training programs for veterans of the Vietnam era.".

EFFECTIVE DATE

SEC. 102. The amendments made by section 101 shall take effect on January 1, 1982.

TITLE II—SMALL BUSINESS LOANS

SHORT TITLES

SEC. 201. This title may be cited as the "Veterans' Business Loan Act of 1981".

DISABLED VETERANS' AND VIETNAM-ERA VETERANS' BUSINESS LOAN PROGRAM

SEC. 202. (a) Chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

"Subchapter IV—Small Business Loans

"§ 1841. Definitions

"For the purposes of this subchapter—

"(1) The term 'disabled veteran' means (A) a veteran who is entitled to compensation under laws administered by the Veterans' Administration for a disability rated at 30 percent or more, or (B) a veteran whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

"(2) The term 'veteran of the Vietnam era' means a person (A) who served on active duty for a period of more than one hundred and eighty days, any part of which occurred during the Vietnam era, and who was discharged or released therefrom with other than a dishonorable discharge, or (B) who was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era.

"§ 1842. Small business loan program

"(a)(1) Subject to subsection (b) of this section, the Administrator may provide financial assistance to veterans' small business concerns for the purpose of (A) financing plant construction, conversion, or expansion (including the acquisition of land), (B) financing the acquisition of equipment, facilities, machinery, supplies, or materials, or (C) supplying such concerns with working capital.

"(2) Financial assistance under this section may be provided in the form of (A) loan guarantees, or (B) direct loans.

"(3) The Administrator shall define by regulation what business concerns qualify as veterans' small business concerns for the purpose of this subchapter. Such regulations shall provide that to qualify as a veteran's small business concern—

"(A) at least 51 percent of a business concern must be owned by individuals who are veterans of the Vietnam era or disabled veterans; and

"(B) the management and daily business operations of the concern must be controlled by the veterans who are considered under clause (A) of this paragraph as owners of the concern.

"(b) The availability of financial assistance under subsection (a) of this section is subject to the following limitations:

"(1) The Administrator may not make a direct loan under this section unless the veterans' small business concern applying for the loan shows to the satisfaction of the Administrator that the concern is unable to obtain a loan guaranteed by the Veterans' Administration under this section.

"(2) The Administrator may not guarantee a loan under this section if the loan bears a rate of interest in excess of the maximum rate of interest prescribed under section 1845 of this title.

"(3) The Administrator may not make or guarantee a loan under this section for an amount in excess of $200,000.

"(4) The original liability of the Administrator on any loan guaranteed under this section may not exceed 90 per centum of the amount of the loan, and such liability shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the loan, but such liability may not exceed $180,000.

"(c) Each loan made or guaranteed under this subchapter shall be of such sound value or so secured as reasonably to assure payment.

"(d)(1) Except as provided in paragraph (2) of this subsection, the Administrator may not make or guarantee a loan under this subchapter a veterans' small business concern in which an ownership interest is held by a veteran who also has an ownership interest in another veterans' small business concern if such ownership interest was considered in qualifying the concern for an outstanding business loan made or guaranteed under this subchapter.

"(2) Paragraph (1) of this subsection shall not apply if 51 percent or more of the business concern seeking a guaranteed or direct business loan under this subchapter is owned by veterans of the Vietnam era or disabled veterans without including the ownership interest of the veteran whose ownership interest in another veterans' small business concern was previously considered in qualifying that concern for an outstanding guaranteed or direct business loan under this subchapter.

"§ 1843. Liability for business loans

"Each individual who has an ownership interest in a veterans' small business concern that is provided a direct loan under this subchapter, or that obtains a business

loan guaranteed under this subchapter, shall execute a note or other document evidencing the direct or guaranteed business loan, and such individuals shall be jointly and severally liable to the Administrator for any amount paid by the Administrator on account of such loan.

"§ 1844. Approval of loans by the Administrator

"(a) Except as provided under subsection (b) of this section, each loan guaranteed under this subchapter shall be approved by the Administrator before the closing of the loan.

"(b) The Administrator, under regulations prescribed by the Administrator, may exempt certain classes of lenders from this section.

"§ 1845. Interest on loans

"(a) The Administrator shall from time to time prescribe the maximum rate of interest a loan may bear for the Administrator to guarantee the loan under this subchapter. Such rate shall be prescribed based upon the rate of interest that the Administrator from time to time finds that the loan market currently demands.

"(b) The rate of interest on any direct loan made by the Administrator under this subchapter may not exceed the maximum rate in effect under subsection (a) of this section at the time the direct loan is made.

"§ 1846. Terms of loans

"The maturity of a loan made or guaranteed under this subchapter that is used in whole or in part for the construction, conversion, or expansion of facilities or for acquisition of real property may not exceed twenty years plus such additional reasonable time as the Administrator may determine at the time the loan is made is required to complete construction, acquisition, or expansion of such facilities. The maturity of any other loan made or guaranteed under this subchapter may not exceed ten years.

"§ 1847. Eligible financial institutions

"The Administrator may not guarantee under this subchapter any loan made by an entity not subject to examination and supervision by an agency of the United States or of any State.

"§ 1848. Preference for disabled veterans

"In the extension of financial assistance under this subchapter, the Administrator shall give preference to veterans' small business concerns in which disabled veterans have a significant ownership interest.

"§ 1849. Business loan revolving fund

"(a) There is hereby established in the Treasury a revolving fund to be known as the 'Veterans' Administration Business Loan Revolving Fund' (hereinafter in this section referred to as the 'fund').

"(b) Amounts in the fund shall be available to the Administrator without fiscal year limitation for all loan guaranty and direct loan operations under this subchapter other than administrative expenses and may not be used for any other purpose.

"(c)(1) Effective for fiscal year 1982 and fiscal years thereafter, there is authorized to be appropriated to the fund a total of $25,000,000.

"(2) There shall be deposited into the fund all amounts received by the Administrator derived from business loan operations under this subchapter, including all collection of principal and interest and the proceeds from the use of property held or of property sold.

"(d) The Administrator shall determine annually whether there has developed in the fund a surplus which, in the Administrator's judgment, is more than necessary to meet the needs of the fund. Any such surplus shall immediately be transferred into the general fund of the Treasury.

"(e) Not later than two years after the termination of the authority of the Administrator to make new commitments for financial assistance under this subchapter, the Administrator shall transfer into the general fund of the Treasury all amounts in the fund except those that the Administrator determines may be required for the liquidation of obligations under this subchapter. All amounts received thereafter derived from loan operations under this subchapter, except so much thereof as the Administrator may determine to be necessary for liquidating outstanding obligations under this subchapter, shall also be so deposited.

"§ 1850. Additional powers of the Administrator

"(a) In carrying out this subchapter, the Administrator shall have such powers and responsibilities with respect to matters arising under this subchapter as the Administrator has with respect to loans made or guaranteed under other provisions of this chapter.

"(b) The Administrator may specify which provisions of other sections of this chapter the Administrator determines should be applicable to loans guaranteed or made under this subchapter and may take any action with respect to a loan made or guaranteed under this subchapter that the Administrator may take with respect to loans made or guaranteed under other provisions of this chapter.

"§ 1851. Termination of program

"The Administrator may not make commitments for financial assistance under this subchapter after September 30, 1991.".

(b)(1) The title of such chapter is amended to read as follows:

"CHAPTER 37—HOUSING AND BUSINESS LOANS".

(2) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part III of such title, are each amended by striking out the item relating to chapter 37 and inserting in lieu thereof the following:

"37. Housing and Business Loans ... 1801".

(3) The table of sections at the beginning of chapter 37 of such title is amended by adding at the end thereof the following:

"SUBCHAPTER IV—SMALL BUSINESS LOANS

"Sec.
"1841. Definitions.
"1842. Small business loan program.
"1843. Liability for business loans.
"1844. Approval of loans by the Administrator.
"1845. Interest on loans.
"1846. Terms of loans.
"1847. Eligible financial institutions.
"1848. Preference for disabled veterans.
"1849. Business loan revolving fund.
"1850. Additional powers of the Administrator.
"1851. Termination of program.".

CONFORMING AMENDMENTS

SEC. 203. (a) Section 1801 of title 38, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(2) by inserting before subsection (b) (as redesignated by clause (1)) the following new subsection:

"(a) For the purpose of this chapter—

"(1) The term 'business loan' means a loan guaranteed or made by the Administrator under subchapter IV of this chapter.

"(2) The term 'housing loan' means a loan for any of the purposes specified by sections 1810(a) and 1819(a)(1) of this title.";

(3) by striking out "this chapter—" in subsection (b) (as redesignated by clause (1)) and inserting in lieu thereof "housing loans under this chapter—"; and

(4) by striking out "Coast and Geodetic Survey" in subsection (c) (as redesignated by clause (1)) and inserting in lieu thereof "National Oceanic and Atmospheric Administration (or predecessor entity)".

(b) Section 1802 of such title is amended—

(1) by inserting "housing loan" in subsection (a) before "benefits" both places it appears;

(2) by inserting "housing" in subsection (a) after insured";

(3) by inserting "housing loan" in subsection (b) after "insurance" both places it appears;

(4) by striking out "Loans" in the first sentence of subsection (d) and inserting in lieu thereof "Housing loans"; and

(5) by inserting "housing" in the second sentence of subsection (d) after "Any".

(c) Section 1803(d) of such title is amended—

(1) by inserting "housing" in clause (1) after "any"; and

(2) by inserting "housing" in the first sentence of clause (3) after "real estate".

(d) Section 1807 of such title is amended by inserting "housing loan" after "eligible for".

(e) Section 1815(a) of such title is amended by inserting "housing" after "Any".

(f) Section 1817 of such title is amended—

(1) by inserting "housing" in subsection (a) after "direct" the first place it appears; and

(2) by inserting "housing" in the first sentence of subsection (b) "direct".

(g) Section 1818(a) of such title is amended by inserting "housing loan" after "eligible for the".

(h) Section 1819(a)(1) of such title is amended by inserting "housing loan" after "eligible for the".

(i) Section 1819(b)(2) of such title is amended by striking out "loan guaranty" and inserting in lieu thereof "housing loan".

(j) Section 1824 of such title is amended—

(1) by inserting "housing" in subsection (b) after "for all"; and

(2) by inserting "housing" in subsection (c) after "incident to".

AUTHORIZATION OF APPROPRIATIONS FOR ESTABLISHMENT OF PROGRAM

SEC. 204. There is hereby authorized to be appropriated for fiscal year 1982 $750,000 for use by the Administrator of Veterans' Affairs for expenses incidental to the establishment of the business loan program prescribed by subchapter IV of chapter 37 of title 38, United States Code (as added by section 202).

EFFECTIVE DATE

SEC. 205. The amendments made by this title shall take effect at the end of the one hundred and eighty-day period beginning on the date of the enactment of this title, except that the authority of the Administrator of Veterans' Affairs to promulgate regulations under subchapter IV of chapter 37 of title 38, United States Code (as added

by section 202), shall take effect on such date of enactment.

TITLE III—MISCELLANEOUS AMENDMENTS

VETERANS' READJUSTMENT APPOINTMENTS IN THE CIVIL SERVICE

SEC. 301. Section 2014(b)(2) of title 38, United States Code, is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1983".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi (Mr. MONTGOMERY) will be recognized for 20 minutes, and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reported bill, H.R. 3423, is a measure to provide benefits and services for Vietnam and disabled veterans and I want to compliment the distinguished gentleman from Pennsylvania, the very able chairman of our Subcommittee on Education, Training and Employment, BOB EDGAR, for bringing this bill to the floor of the House. Members of this body know the strong feelings which the gentleman from Pennsylvania has for our Nation's veterans since he first came to Congress in 1975. BOB EDGAR is known for his fighting spirit in behalf of our Nation's veterans, but especially in behalf of those veterans who fought so bravely in Vietnam. He has established a well-deserved reputation as a strong advocate for our Nation's veterans.

Mr. Speaker, I am delighted that the gentleman and his subcommittee included in this bill a provision which I introduced earlier this year to establish a small business loan program for Vietnam-era and disabled veterans. I appreciate his cooperation in including my measure as a part of this bill.

I now yield to the distinguished gentleman from Pennsylvania such time as he may consume to explain the major provisions of H.R. 3423, as amended.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Speaker, I thank the chairman, and I appreciate his kind remarks.

The Veterans' Affairs Committee on which I serve this year, I think, has had a marked change in philosophy and attitude, particularly as a result of the needs of Vietnam-era veterans.

Mr. Speaker, H.R. 3423 includes the provisions of three bills which were originally introduced as separate measures. Title I of the bill includes the provisions of H.R. 2391, which was introduced by a distinguished member of our subcommittee, Mr. TOM DASCHLE. Titles II and III include the provisions of H.R. 1138 and H.R. 1139, which were introduced by the distinguished chairman of our committee, Mr. MONTGOMERY.

Title I relates to the veterans outreach centers which the Subcommittee on Hospitals and Health Care favorably recommended be extended for an additional 3 years as provided in H.R. 3499, which is scheduled for consideration by the House tomorrow. Title I relates to the vet centers in this way. Visits by members and the staff to vet centers have revealed that more than 60 percent of the veterans visiting a vet center have employment-related problems.

Staff investigations have revealed that approximately 60 percent of those Vietnam-era veterans seeking assistance at the Veterans' Administration's readjustment counseling centers describe difficulties with employment among the various concerns that brought them to the center. On May 12, 1981, the committee ordered reported legislation extending this psychological readjustment counseling program until September 30, 1984. This highly successful program has assisted almost 50,000 Vietnam-era veterans since its inception in 1979. It was noted that many of these Vietnam-era veterans utilizing the readjustment counseling centers are those who have been reluctant in the past to seek assistance from the Veterans' Administration and other governmental agencies, and consequently are among those most likely to have never utilized their educational benefits and to be more in need of further training. Therefore, the committee believes the one-time 2-year extension will be an important supplement to the psychological readjustment counseling program.

In his Presidential Review Memorandum, referred to earlier in this report, President Carter noted that the key to making veterans' programs successful and efficient is to target them carefully to those who need help. The committee agrees with this concept and has incorporated it in the reported bill. After careful consideration, the committee has adopted a delimiting date extension tightly focused on those Vietnam-era veterans most in need of employment assistance. The assistance provided by the reported bill is limited to a program of on-job-training—other than apprenticeship—or a program of education with a vocational objective—other than flight training—job training opportunities the committee believes are likely to lead to full-time employment. In addition, this delimiting date extension is a one-time, 2-year extension. It is also targeted only to those veterans who have been determined by a counselor at a Veterans' Administration readjustment counseling center, a Veterans' Administration medical center, a State employment office or a U.S. veterans assistance center as being in need of a program or course of training or education as provided by the reported bill.

In the study, "Legacies of Vietnam: Comparative Adjustment of Veterans and their Peers," prepared for the Veterans' Administration pursuant to Public Law 95-202, it was concluded that veterans in general have less education and hold lower paying jobs than nonveterans and that a significant portion of the disadvantage for the overall veteran group was a result of the impact of military service. It was further stated in the report that the negative impact of military service is much greater for those who served in Vietnam than for other veterans.

In view of these findings, the study recommended that the period of eligibility for GI education and training benefits be extended and that manpower training programs be targeted to reach the chronically unemployed veteran. The committee, in response to these and other observations and recommendations, designed the reported bill as a means to isolate and target job training and placement for those veterans of the Vietnam era who are still experiencing employment problems.

Title I, therefore, would provide 2 years of additional employment and training assistance for veterans who seek counseling at a vet center, State employment office, VA regional office or VA medical centers. Title I requires that counselors must determine that such veterans are in need of on-the-job and vocational training. Eligibility would be for Vietnam-era veterans beginning January 1, 1982, even though a veteran's 10-year delimiting period may have expired.

Title II of the bill would establish a veteran's business loan program in the Veterans' Administration.

The original GI bill of World War II and the Korean conflict GI bill authorized a small business loan program under which the Veterans' Administration guaranteed certain business loans for veterans. However, there was no provision in the Vietnam-era GI bill for business loans for veterans. Public Law 93-237, a law relating to small business loans includes a provision which mandates special consideration to veterans in obtaining direct and guaranteed small business loans as adminstered by the Small Business Administration. Over the years, this committee has heard an increasing number of complaints that the special consideration provision for veterans in Public Law 93-237 was being ignored. Consequently, during the 96th Congress, the Special Investigations Subcommittee of this committee held oversight hearings on June 18 and

September 10, 1980. Veterans representatives at these hearings made it abundantly clear that the Small Business Administration has done practically nothing to implement the special consideration provision for veterans seeking small business loans.

Title II, therefore, of the bill would establish a small business loan program in the Veterans' Administration. It would be a modest program. Veterans would be eligible for a business loan, either direct or guaranteed by the Veterans' Administration, of up to $200,000. Only disabled veterans with a 30 percent or more service-connected disability and Vietnam-era veterans who have served at least 6 months in the Armed Forces would be eligible for a loan under this program.

Title III of the bill relates to a very successful civil service program for veterans which was authorized by Executive order in 1970, incorporated into law in 1974 (Public Law 93-508) and extended to September 30, 1981, by Public Law 95-520. It is called the veterans readjustment appointment program. Basically, under existing authority, a department or agency of the executive branch may hire a nondisabled Vietnam-era veteran up to grade GS-7 or its equivalent, who has completed no more than 14 years of education without going through the usual requirements of the veterans taking a regular civil service examination and competing with other applicants. The 14 years of education restriction does not apply to a veteran who is receiving compensation payments from the Veterans' Administration.

The veterans readjustment appointment program has been a success. During the first 8-year period that the program has been in effect, over 160,000 educationally disadvantaged veterans have been hired under this authority. The Director of the Office of Personnel Management, Donald Devine, told our subcommittee when he testified on this program on April 2, 1981, that in the most recent fiscal year, 21,700 VRA hires were made. This represents the highest number of VRA hires for any fiscal year period and a 37-percent increase over the 15,800 VRA hires made in the preceding year. Extension of this authority for 2 additional years is strongly supported by the Veterans' Administration and veterans organizations.

I want to thank the chairman of the full committee, Mr. MONTGOMERY, for his cooperation and assistance in helping to bring this bill to the floor today. I want to also thank the distinguished ranking minority member of the full committee, the gentleman from Arkansas (Mr. HAMMERSCHMIDT), for his work and cooperation on this legislation. I also want to thank and commend the ranking minority member of the subcommittee, the gentlewoman from Massachusetts (Mrs. HECKLER), whose efforts in support of this legislation have been most helpful, and all other members of our committee who have participated in developing and bringing H.R. 3423 to the floor today.

Lastly, I want to indicate that this bill is within the limitations imposed by the first concurrent budget resolution and the estimated cost of the bill is within the limits established by the budget resolution. The Congressional Budget Office has estimated that the bill will cost $52 million in required budget authority, and $51 million in outlays for fiscal year 1982.

H.R. 3423 was unanimously reported by the full committee. H.R. 3423 is a meritorious bill. I urge that the bill be adopted.

Mr. Speaker, there follows a section-by-section analysis of H.R. 3423:

SECTION-BY-SECTION ANALYSIS OF H.R. 3423

The first section of the reported bill provides that the Act may be cited as the "Veterans' Training and Business Loan Act of 1981".

Title I, section 101(a), provides for the insertion of a new section 1687 in chapter 34, title 38, United States Code. The following is an analysis of the proposed new section.

Subsection (a) of proposed section 1687 sets forth that, subject to subsection (b) of the new section, any eligible veteran with service during the Vietnam era (August 5, 1964-May 7, 1975) may be provided educational assistance under chapter 34 for the pursuit of on-job (other than apprenticeship) or vocational (other than flight) training, notwithstanding the provisions of 38 U.S.C. § 1662(a)(1). That section limits eligibility for educational assistance under chapter 34 to 10 years following a veteran's discharge or release from active duty, except in certain disability cases.

In addition to making benefits available for the on-job and vocational training described above, subsection (a) would require the Administrator to provide to veterans completing such training the employment counseling deemed necessary to aid the veteran to obtain employment consistent with the veteran's abilities, aptitudes, and interests.

Subsection (b) of proposed section 1687 sets forth conditions on the provision of educational assistance under subsection (a). The assistance will be provided only if the veteran has been determined by a VA readjustment counseling center counselor, or a State employment office, or a U.S. Veterans' Assistance Center or a VA medical facility, as being in need of the program of on-job or vocational training described in subsection (a). Further, the determinations on need must be made according to regulations prescribed by the Administrator.

Subsection (c) provides that no assistance may be provided after December 31, 1983.

Section 101(b) of the bill provides for inserting in the table of sections for chapter 34 the following new item:

"1687. Vocational training programs for veterans of the Vietnam era."

Section 102 sets forth that the amendments made by section 101 shall take effect on January 1, 1982.

Title II of the bill would create a small business loan program for disabled veterans and veterans of the Vietnam-era.

Section 201 of the bill provides that the Act may be cited as the "Veterans Business Loan Act of 1981".

Section 202(a) establishes a new subchapter IV, entitled "Small Business Loans", to be included in chapter 37 of title 38, United States Code. Following is an analysis of the proposed new program which adds new sections 1841-1851.

Proposed section 1841 defines the terms disabled veteran and veteran of the Vietnam-era.

Section 1842 sets forth the criteria which must be met in order for a small business to qualify for a VA small business loan, and the form of available assistance.

The loan must be to acquire, expand or start a small business as defined by the Administrator.

Financial assistance is limited to loan guarantees or direct loans.

The interest rate chargeable on such loans may not exceed that established by the Administrator; the maximum loan amount may not exceed $200,000; the loan guaranty is limited to 90 percent of the loan amount not to exceed $180,000; and a loan must be of sound value and adequately secured.

A small business, as defined by the Administrator, must be at least 51 percent owned by individuals who are veterans of the Vietnam-era or disabled veterans. Daily operation of the business must be under the control of such veteran owners.

A veteran with an outstanding VA small business loan may not qualify for another loan under this subchapter.

Section 1843 establishes the requirement that all owners of a small business seeking a VA small business loan must agree to be personally liable to the Administrator for any amounts paid by VA as a claim under such loan.

Section 1844 provides that the Administrator may authorize certain financial institutions to close small business loans on an automatic basis without prior VA approval.

Section 1845 establishes the Administrator's interest rate setting authority.

Section 1846 sets the terms of loans to be guaranteed by VA.

Section 1847 identifies the financial institutions which may participate in the VA small business loan program.

Section 1848 provides that veterans with service-connected disabilities shall be given preference under this program.

Section 1849 establishes a $25,000,000 business loan revolving fund.

Section 1850 recites additional powers granted to the Administrator to carry out the program.

Section 1851 establishes a termination date of the business loan program of September 30, 1991.

Section 202(b) of the bill provides for certain technical amendments to include the business loan program in the table of sections.

Section 203 provides for technical amendments to chapter 37 in order to include reference to the business loan program.

Section 204 authorizes the appropriation of $750,000 for use by the Administrator for expenses incidental to the establishment of the business loan program.

Section 205 provides that the provisions of this bill shall be effective 180 days following enactment.

Section 301 of the bill would extend the time period within which a Vietnam-era veteran may receive a readjustment appointment from September 30, 1981, to September 30, 1983.

Technical Service—Section 301 of the bill would amend section 2014(b)(3) by changing the expiration date for readjustment appointment authority to September 30, 1983. Section 2014(b)(3) was redesignated as section 2014(b)(2) by Pub. L. No. 96-466, § 801(1) (2).

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. BONIOR).

I might say, Mr. Speaker, that I would like to thank the gentleman from Pennsylvania (Mr. EDGAR), the gentleman from Michigan (Mr. BONIOR), the gentleman from South Dakota (Mr. DASCHLE), and Mr. HAMMERSCHMIDT on the other side of the aisle for their work toward the legislation and recognition to the Vietnam-era veterans.

The gentleman from Michigan (Mr. BONIOR) has certainly cooperated with this committee. I do feel we are on the right track and we appreciate the gentleman's help and counsel.

Mr. BONIOR of Michigan. Mr. Speaker, I rise in support of H.R. 3423, the Veterans Training and Business Loan Act of 1981.

Today and tomorrow the House will pass two pieces of legislation that will mark an important milestone in the history of Vietnam veteran legislation. Today's measure will create or extend important employment and small business programs. Tomorrow's H.R. 3499, Veterans Health Care Act of 1981, will match that action with important health care measures.

The importance of what we will do today and tomorrow could be documented out of the unemployment and underemployment figures for Vietnam veterans. It could be documented out of the continuing readjustment problems that face so many veterans. It could be documented out of the roles of agent orange cases.

But the importance of what we do today can also be suggested through the long efforts that culminate, in part, in today's action. For we will act this week to fulfill promises too long unkept. We will act this week to meet a decade of dreams.

Unfortunately, as we act today to fulfill, in part, these dreams, we must be honest and note the barriers ahead. The action we take will not be the final action. While we will almost certainly act today to extend long-needed employment and business help to Vietnam veterans, it is clear that the Senate may reject all but one of the proposals we consider. When we act tomorrow to extend health care benefits to veterans exposed to agent orange, we all know that in a closely divided vote the Senate Veterans' Affairs Committee has already rejected the measure.

And in this, the Senate mirrors the White House. At each step of the way, most of the vital measures we will pass this week will face the committed opposition of the administration.

Nor is that the only problem. As we act this week to continue and create important programs for Vietnam veterans, we must all recognize that a broad range of Vietnam veteran programs are facing the budget ax. While the action we take will protect some programs, the truth is that others will not survive.

When I came to Congress in 1977, the unemployment needs of Vietnam veterans, especially those who had seen combat in Vietnam, had long been suspected. But every assertion that problems existed was met only with the demand for more proof. And proof was hard to find.

For the Department of Labor did not then, as it does not now, regularly report the unemployment rate of Vietnam theater veterans. Vietnam veterans and Members of this Congress could not turn there for a deeper understanding of the problem. And despite a distinguished body of commited, but underfunded private research suggesting the depth of readjustment counseling problems facing Vietnam veterans, the VA had never even committed to a full-scale independent empiricle study of the needs of Vietnam veterans. Vietnam veterans and Members of this Congress could not turn there either.

It took an act of Congress to do the obvious—to force basic research. My colleagues will be familiar with the final results of that study, which were released earlier this year and have provided such a graphic picture of the need. My colleague may not remember that the final results released this year were preceeded in 1979 by an exhaustive provisional study which documented the same problems.

What was the VA's response back then in 1979, when finally, after a decade we had some serious data? Their response was to claim that the data was not yet final enough. That we had to wait some more. That we had to answer every methodological objection, rule out every possibility that the problem might not conceivably be there, before we could act.

As the House acts today, then, we should remember that for Vietnam veterans, even proving the existence of the problem required a major political battle. Before they could fight for programs, Vietnam veterans had to fight just to get the facts.

In many ways, what we do today is not just to pass a bill, but to say that Congress understands that it has failed to act, and is trying, belatedly, to right the balance.

And that is as it should be. And that is the importance of what we do today. For today, we as a House, try to reach out across the years to Vietnam veterans and begin to speak to them—beginning, as we must, by showing that we are prepared not only to talk, but to act—even in a time of tight budgets, and fiscal restraint.

The fact that today we can begin such positive action is the result of the strong leadership of the Committee on Veterans' Affairs: the new chairman of the Subcommittee on Education and Training, Mr. EDGAR, and its ranking minority member, Mrs. HECKLER. I join my other colleagues in extending my thanks to them for their extraordinary work. What we do today is also the result of the leadership of the gentleman from South Dakota (Mr. DASCHLE) who cannot be with us today because he is at veteran field hearings in South Dakota. As the present chairman of the Vietnam Veterans in Congress, and a member of the House Veterans' Affairs Committee, Mr. DASCHLE has been a crucial ambassador for the needs of Vietnam veterans. What we do this week is the result of the leadership of the new chairman of the full committee, Mr. MONTGOMERY and Representative HAMMERSCHMIDT, who in a time of tight budgets, has helped to secure the funding for these programs.

But to understand how Vietnam veterans will perceive what we do this week, we must also remember the other side, the barriers that lie ahead.

The new employment eligibility we create today for Vietnam veterans is not a new concept. It was sponsored, in essence, last Congress by the White House, and had then the support of the Senate and the VA, but not the House. That lone dissent prevented passage. Now the dissenter is prepared to act, the House will support the measure, but just as the House changes side, so does the White House, the VA and the Senate Veterans' Affairs Committee, who are expected to oppose today's action.

For Vietnam veterans the lesson is clear. One step forward is matched by one step backward. The magical moment of consensus seems always to be just within grasp, and turns out always to lie just beyond their reach.

If we are to understand, then, that this week's action holds out new hope, we should also understand that it activates old frustrations.

And as we signal the creation of new programs and new opportunities for Vietnam veterans this week, we should pause a moment to play taps for dying opportunities.

The new employment program we create today is a serious answer to one of the most compelling needs of the readjustment counseling program—the need to be able to help the estimated 60 percent of their clientele facing employment problems. But the readjustment counseling program is only one of several places Vietnam veterans go when they face employment problems. One of the others, the disabled veterans outreach program, may never have

the indirect benefit of the new eligibility we create today, for it faces an uncertain fate as the administration moves to lump it together in a block grant. And at the same time, a small, but exceptionally promising effort to help encourage direct services to Vietnam veterans, the so-called targeted technical assistance program, is already dead.

Let us be honest then with Vietnam veterans. Let us try to say that we are prepared to meet our commitments, to right the balance. But let us acknowledge that we act within limitations, and that the hope we offer has limits too.

But let us not forget. Let us carry the history with us, and from the history take the resolve we need to insist that at least now, that at least here, we will commit all our energies to one victory, one sign to Vietnam veterans that we care.

At least this time, at least this place, let the debt be paid.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman in the well for his leadership on Vietnam-era issues. I think the gentleman recognizes that throughout the United States there are a number of Vietnam veterans who feel as though the United States has forgotten them, that the U.S. Government does not care any more, the U.S. Government may be terminating programs like readjustment counseling centers and other things that will in many respects act as a negative impact rather than a positive impact.

In the next 2 days, with the legislation we are passing today and the legislation dealing with readjustment counseling centers tomorrow, I think we are beginning to send a new signal to these Vietnam-era veterans. Clearly, not all has been done, but I think that there are members of the Veterans' Affairs Committee who are beginning to listen to the unique problems, problems of delayed stress syndrome, problems that have been articulated by many people—scholars and others—who have been researching the unique problems of Vietnam-era veterans.

I think a great number of the pieces of legislation that will focus on that are the result of the work of the Vietnam Caucus here on Capitol Hill and the renewed sensitivity on the part of Members of Congress to try to focus in and care for those veterans who served this Nation, served this Nation well, and who served in a troubled time in our history.

I would like to thank the gentleman for his comments and congratulate the gentleman for his leadership in that area.

Mr. BONIOR of Michigan. Mr. Speaker, I thank the gentleman for his comments. I think the gentleman expresses well the needs of those veterans.

I would like to make one further point: That as we consider in this Congress the needs of our military and the manpower requirements of our military, that what we do this week is going to play an important role in helping to, I believe, deal with those severe shortages we have and incompetency problems we have within the military.

I have different options, I suspect, than my friend, the gentleman from Pennsylvania (Mr. EDGAR) on what we should do with respect to that issue.

I am not opposed to conscription. In fact, the more I discuss this issue and look at it, the more I feel conscription may indeed be the necessary way to go, but I think what we do today with respect to Vietnam veterans will send the clear signal to those people in the country that we will treat our military with compassion, with feeling, with honor when they return, and that in turn will help, irrespective of what way we go on conscription or volunteer service. It will help the service in developing the competency that is needed to function well in these times.

So I thank the gentleman from Pennsylvania very much.

Mr. MONTGOMERY. Mr. Speaker, I reserve the balance of my time.

□ 1315

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3423, the Veterans' Training and Business Loan Act of 1981, which provides for a number of programs for certain Vietnam-era veterans such as vocational education and training opportunities as well as access to business loans through the establishment of a small business loan program for veterans and disabled veterans.

I would like to congratulate our distinguished chairman, SONNY MONTGOMERY, for his diligent efforts on behalf of this legislation as well as commend Mr. EDGAR, Mrs. HECKLER, and all the members of the Veterans' Committee who contributed their considerable talents toward the drafting of this important legislation.

The bill encompasses and combines previous legislation; H.R. 1138, H.R. 1139, and H.R. 2391, as amended, has been combined into H.R. 3423, the legislation before us.

Title I of this bill will provide 2 years of additional eligibility for on-the-job and vocational training assistance for veterans in need of such training as determined by a counselor at a veterans' readjustment counseling center, State employment office, U.S. Veterans Assistance Center, or Veterans' Administration Medical Center.

In the drafting of this provision, the Veterans' Committee was mindful of the fact that many veterans of the Vietnam era are still in need of readjustment and many are frequently unskilled, unemployed, or underemployed. This provision gives these deserving veterans a greater opportunity to alleviate these difficulties.

Under this proposal, eligibility for Vietnam-era veterans would begin on January 1, 1982, even though the veterans' 10-year delimiting period may have expired. Thus, title I of this legislation will authorize a 2-year program for a targeted group of veterans who still are experiencing employment related problems.

Title II of the bill establishes a veterans' business loan program in the Veterans' Administration for service-connected disabled veterans rated at 30 percent or more and Vietnam-era veterans. Veterans would be eligible for either a direct or guaranteed loan by the Veterans' Administration up to $200,000.

A $25 million revolving fund to carry out the veterans' business loan program is also authorized by this legislation.

Title III of the bill would extend for an additional 2 years the veterans' readjustment appointments program, the VRA, which is scheduled to terminate September 30, 1981. Under this program, a department or agency of the executive branch may hire, noncompetitively, a Vietnam veteran up to the GS-7 level, or its equivalent, who has completed no more than 14 years of education. The 14-year education restriction does not apply, however, to a service-connected disabled veteran receiving VA compensation payments.

The cost estimate submitted by the Congressional Budget Office is much higher than that submitted by the Veterans' Administration, Mr. Speaker, but I believe it is important to emphasize that under either estimate, this bill is within the budget parameters set down by the Congress. As such, I strongly support the legislation, and recommend it to my colleagues.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding.

I notice in the description of this bill it is stated that the VA may make direct loans of up to $200,000 to a total maximum of $25 million over a 2-year period. But it also says that the VA may guarantee loans up to 90 percent of the loan amount not to exceed $180,000.

Is there any limitation on the amount of loan guarantee that the VA can issue in the aggregate?

Mr. HAMMERSCHMIDT. There is a $25 million revolving fund.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Speaker, I thank the gentleman for yielding.

As the gentleman from Arkansas was saying, there is a $25 million revolving fund, but I think in direct answer to the gentleman's question the limit on the direct loan and the guaranteed loan is $200,000.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Minnesota.

Mr. FRENZEL. That does not quite answer my question. I want to know how many projects. What is the aggregate amount of guarantee? I think the aggregate amount of loan authority is $25 million. But as the gentleman knows, in many of our programs we are able to make loan guarantees that create an enormous liability for the Federal Government well beyond any of our appropriations or authorizations.

What bothers me here is that it looks to me as though there is no limit to the guarantee, although there is a limit to the direct loan. If the gentleman would yield to the subcommittee chairman, maybe he could be more subjective.

Mr. HAMMERSCHMIDT. I yield to the subcommittee chairman, the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. I thank the gentleman for yielding.

I am trying to be as specific as I can. During World War II and the Korean-era GI bills, there were provisions made for loan programs that are identical to the one we are dealing with today to make eligible the Vietnam-era veteran for those same loans. The estimate is that maybe 90 to 100 loans would be granted. They have to stay within the $25 million revolving loan fund area. They can be either direct or guaranteed loans, but have to stay within the money that is authorized and then appropriated.

This particular issue was dealt with fully in hearings that were held before our Veterans' Affairs Committee both last year and again this year. We discovered that the Small Business Administration, which was supposed to provide these kinds of direct or guaranteed loans to Vietnam-era veterans simply have muddied the waters and have not provided that kind of leadership.

This provision, we believe, is not going to cost the Federal Government very much money in the revolving nature of the program. We think that the administration can handle it through the Veterans' Administration in a very positive way similar to what they did with the World War II and Korean-era veterans' programs.

Mr. HAMMERSCHMIDT. I may say further that according to the Congressional Budget Office it is assumed that $16 million of the initial appropriation would be reserved for direct loans and the remaining $9 million for guaranteed loans.

Mr. FRENZEL. If the gentleman would yield further, I hate to be obtuse on this matter, but I really still am not understanding what the aggregate amount of Federal guarantees is going to be when we are all done using up our direct loan authority. My guess is that it will be significantly greater than $25 million.

Can the gentleman assure me that the total Government obligation for guarantees and direct loans will not exceed $25 million?

Mr. EDGAR. If the gentleman will yield at that point, I can assure the gentleman that the amount will not exceed $25 million. I draw the gentleman's attention to the report of this particular bill on page 13 where the Acting Director of Budget Analysis, James Blum, of the Congressional Budget Office, goes into some detail about the loans. It is estimated that the average amount of the loans would be in the neighborhood of $100,000 in the first year and that there will be 90 to 100 loans guaranteed each year.

There is some detail listed there, but it is the intention of this subcommittee chairman that both direct and guaranteed loans will live within the $25 million of revolving funds and be very targeted in that respect.

Mr. HAMMERSCHMIDT. I might say further that while this is a little off the point, it might bring some satisfaction to the gentleman to know that it has a 10-year sunset provision in the bill where the termination takes place September 30, 1991, where the Administrator may not make commitments for financial assistance in that program after that time.

Mr. FRENZEL. If the gentleman will yield further, I thank the distinguished ranking member and the subcommittee chairman. I feel somewhat comforted that the loan guarantee and the direct loan aggregate total combined will not exceed the $25 million within the authorization period.

I thank the gentlemen.

● Mr. DASCHLE. Mr. Speaker, I rise in support of H.R. 3423, the Veterans Training and Business Loan Act of 1981. This legislation will go far to help Vietnam veterans in need of employment assistance or desiring to start their own business. Department of Labor figures show that over 500,000 Vietnam-era veterans are now unemployed, a figure that is significantly higher than nonveterans in this same age group. I am pleased that the chairman of the Subcommittee on Education, Training, and Employment, Mr. EDGAR, and the chairman of the full committee, Mr. MONTGOMERY, have recognized this situation and seen fit to support and pass this legislation out of our committee. It certainly proves their commitment toward helping Vietnam veterans.

Title I of H.R. 3423, which I originally introduced as H.R. 2391, will provide a 2-year opportunity for Vietnam veterans in need of employment assistance to pursue a program of on-the-job training or a program with a vocational objective. The veterans this program will primarily be targeted to are those who visit the Vietnam veterans outreach centers and are in need of employment assistance. VA statistics have shown that the number one problem of Vietnam veterans visiting the outreach centers is employment related. Over 40 percent of the veterans visiting the outreach centers have this problem and thus have an urgent need for this type of assistance. Altogether, title I of H.R. 3423 is expected to help 38,880 veterans in the first year and 44,550 veterans in the second year of its operation.

The second title of H.R. 3423 establishes $25 million revolving loan program in the VA. Veterans disabled over 30 percent or in the Armed Forces for more than 180 days will be eligible for either direct or guaranteed loans up to $200,000. This legislation is necessary to remedy the fact that the Small Business Administration was not providing veterans special consideration as called for in Public Law 93-237. The Special Investigations Subcommittee—now Oversight and Investigations—first held hearings on this problem in June 1980. As of September 1980, little progress was seen of SBA providing this special consideration as mandated in Public Law 93-237. The Veterans' Committee was thus quite properly justified in taking this action to insure that Vietnam-era and disabled veterans are afforded an opportunity to start their own business.

Title III of this legislation will extend the veterans readjustment appointments hiring program for an additional 2 years. This law now allows a Federal agency to hire a veteran noncompetitively up to a GS-7. A disabled veteran may be hired without regard to educational background. Dr. Donald Devine, Director of the Office of Personnel Management (OPM) testified before the Subcommittee on Education, Training, and Employment that in fiscal year 1980, 21,672 Vietnam-era veterans were hired under this special program, the largest number of hires since the program's inception in 1970. Altogether, veterans now comprise 44

percent of the Federal work force, a figure comparable to the percentage of veterans in the general population. The success of this program is well documented and unquestioned. It should thus be continued, especially to help disabled veterans who have the greatest employment needs.

In conclusion, I would like to thank all of the committee members for their support of this legislation. I am convinced that passage of this legislation will send an important signal to Vietnam veterans that the Congress is willing and able to address their employment needs.●

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 3423, legislation which grants additional benefits to service-connected disabled and Vietnam-era veterans. As a society, we have not paid enough in the enormous debt we owe to the Vietnam veterans after their great war efforts and sacrifices for this country. Neither have we come close to substantially mitigate the damages caused by different wars to many of today's disabled Americans.

I can attest to the strong support of all island veterans' organizations for this important bill.

The bill has three main purposes: The first is to provide Vietnam-era veterans with 2 years of additional eligibility for on-the-job training and for vocational education. Eligibility would begin on January 1, 1982, even if the 10-year period in which a veteran must take advantage of his benefits has already expired.

The second purpose is to establish a veterans business loan program in the Veterans' Administration for service-connected disabled veterans and Vietnam-era veterans. It authorizes $25 million for a revolving fund to finance it. Disabled veterans with a 30 percent or more service-connected disability and Vietnam-era veterans who have served more than 180 days in the Armed Forces would be eligible for a loan under this program. It grants direct or guaranteed loans of up to $200,000.

The third purpose is to extend the Veterans' Readjustment Appointments (VRA) authority for 2 more years.

The VRA program provides improved Federal employment opportunities along with training or education for certain Vietnam-era veterans, a group more likely to experience difficulty in obtaining employment because of inadequate education, skills, training, and work experience. It also allows executive departments and agencies to hire qualifying Vietnam-era veterans without competition on civil service examinations and subsequently to convert them to career-conditional appointments after 2 years of satisfactory employment and training. The program otherwise would expire at the end of fiscal year 1981.

There have been innumerable studies about the Vietnam war and its effects on the over 9 million servicemen that participated in it. They show that the lingering effects on them, years after they served, are serious and deep. With this fact in mind, it comes as no surprise that the unemployment among Vietnam veterans continues to be higher than for nonveterans in the same group. The readjustment to civilian life has been difficult for a substantial number of them. During the first quarter of calendar year 1981, the unemployment rate for Vietnam veterans, ages 25–29, was 10.9 percent. For minority veterans in the same age group, the unemployment rate was 16 percent. In the case of disabled veterans, the need and the impact is even more dramatic.

We, as a nation, must maintain our efforts in helping these veterans in their readjustment process. It is now up to the Congress to lend a hand. The Congress can do no less and the American people expect no less.

I urge all my colleagues to vote in favor of this important legislation.●

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill H.R. 3423, as amended.

The question was taken.

Mr. HAMMERSCHMIDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill just considered, H.R. 3423.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VETERANS' HOME LOAN GUARANTEES

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 2039, to amend chapter 37 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to guarantee home loans with provisions for variable-payment plans, as amended.

The Clerk read as follows:

H.R. 2039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1803(d)(2) of title 38, United States Code, is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following new subparagraphs:

"(B) The Administrator may guarantee loans with provisions for various rates of amortization corresponding to anticipated variations in family income. With respect to any loan guaranteed under this subparagraph—

"(i) the initial principal amount of the loan may not exceed the reasonable value of the property as of the time the loan is made; and

"(ii) the principal amount of the loan thereafter (including the amount of all interest to be deferred and added to principal) may not at any time be scheduled to exceed the projected value of the property.

"(C) For the purposes of subparagraph (B) of this paragraph, the projected value of the property shall be calculated by the Administrator by increasing the reasonable value of the property as of the time the loan is made at a rate not in excess of 2.5 percent per year, but in no event may the projected value of the property for the purposes of such subparagraph exceed 115 percent of such reasonable value. A loan may not be guaranteed under such subparagraph for a purpose other than the acquisition of a single-family dwelling unit.".

SEC. 2. Section 1828 of title 38, United States Code, is amended—

(1) by inserting "(1)" after "constitution or law"; and

(2) by inserting "(2) restricting the manner of calculating such interest (including prohibition of the charging of interest on interest), or (3) requiring a minimum amortization of principal," after "lenders,".

SEC. 3. The amendments made by this Act shall take effect on October 1, 1981.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi (Mr. MONTGOMERY) will be recognized for 20 minutes, and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished gentleman from Texas, Mr. MARVIN LEATH, is the new chairman of our Subcommittee on Housing and Memorial Affairs. Although the gentleman from Texas is just beginning to serve in his third year as a Member of this body, he has already distinguished himself as a leader in military affairs and also for our Nation's veterans. He was elected by his colleagues unanimously to serve as chairman of this

subcommittee when we did organize earlier this year.

I consider it a great pleasure to work with the gentleman from Texas (Mr. LEATH), not only in the Committee on Veterans' Affairs, but as I said earlier, on the Committee on Armed Services.

I think it truly can be stated that the gentleman from Texas (Mr. LEATH) will be a leading advocate in the House for many years in the future in seeking to enhance the lives of our military personnel while they serve on active duty and to assist them to the maximum degree possible when they return to civilian life.

Mr. Speaker, I am pleased to yield to the gentleman from Texas (Mr. LEATH), the new distinguished chairman of our subcommittee, such time as he may consume, to explain H.R. 2039.

Mr. LEATH of Texas. I thank the gentleman for yielding.

Mr. Speaker, I would like to say at this time that I want to commend the gentleman from Mississippi, our distinguished chairman, "General" MONTGOMERY, and of course our ranking minority member, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) for continuing the great tradition of this outstanding committee for having the most nonpartisan committee in the Congress, and commend the gentleman from Pennsylvania (Mr. EDGAR) for the fine job that he has done on the bills that are before us today.

Mr. Speaker, I rise in support of H.R. 2039. H.R. 2039 as reported is a bill to amend chapter 37 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to guarantee home loans with provisions for variable payment plans. The loans would be limited to the acquisition of one-family dwelling units, which include condominiums and mobile homes. The maximum loan principal (including all interest to be deferred and added thereto) would be based on the projected value of the property calculated by adding an amount up to 2.5 percent per year, but not to exceed 115 percent, to the reasonable value of the property as determined by the Administrator. The reported bill contains exception from any State law prohibiting interest on interest, or requiring minimum amortization.

Mr. Speaker, the objective of the loan guaranty program is to facilitate and encourage the extension of credit on favorable terms by private lenders, to eligible veterans for the purchase, construction, repair, alteration, or improvement of homes to be occupied by veteran purchasers. With the current rate of interest that must be paid on VA home loans, it is my hope and belief that H.R. 2039 will provide some relief for young veterans who would otherwise be unable to purchase homes.

Mr. Speaker, I urge the adoption of H.R. 2039.

Mr. MONTGOMERY. Mr. Speaker, I would like to thank the chairman of the subcommittee.

I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 2039.

Mr. Speaker, I yield 3 minutes to the distinguished ranking minority member of the subcommittee, the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 2039, a bill to authorize the Veterans' Administration to guarantee home loans with provisions for variable payment plans.

The Congress in 1944 made it possible for the young servicemen returning from World War II to realize the American dream of homeownership. Amendments to the law from time to time made this benefit available to Korean conflict and Vietnam-era veterans.

This basic benefit, Mr. Speaker, has made it possible for thousands of young veterans to enter the home buying market.

Today's spiraling mortgage interests rates and the inflated price of housing, however, have virtually eliminated the GI home loan program and its availability to young Vietnam veterans.

If the Nation's veterans are to have any hope of becoming homeowners as intended by Congress, then it is necessary that we embrace alternative methods of financing.

The bill before us authorizes the Veterans' Administration to guarantee home loans that are financed in the same manner as the Department of HUD's graduated payment mortgage.

This program as set forth in the bill before us will allow a veteran to purchase a house with a reasonable downpayment and lower initial monthly payments in the early years of his loan.

The mortgage payments rise gradually for a certain number of years and then level off and remain constant for the balance of the mortgage. It will enable the young veteran to tailor his monthly payments to meet his increasing income.

Mr. Speaker, this bill is necessary if today's young veteran is to be able to buy a home under the GI bill. I urge its approval.

□ 1330

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my very able colleagues in support of H.R. 2039, a bill which would authorize the Administrator of Veterans' Affairs to guarantee home loans with provisions for variable-payment plans.

Since 1944, when the Veterans' Administration loan guaranty program was established as part of the original GI bill, eligible veterans have been able to finance home purchases even though they may not have had the resources to qualify for conventional loans. Their commitment to military service and consequent delay in establishing income-producing careers in civilian life were often the reasons why some of these veterans did not have sufficient resources to meet conventional mortgage loan requirements.

From the inception of this program, until December of 1980, the Veterans' Administration guaranteed more than 10.7 million home loans valued at more than $188 billion. However, because of the decline in fixed long-term credit availability in the conventional mortgage market, in recent times veterans have experienced difficulty acquiring home loan financing.

In this regard, Mr. Speaker, I might compare figures for 1979, when 364,656 home loans were guaranteed, to 1980, when 274,193 loans were guaranteed. This represents a startling decline of 90,463 loans for veterans, and gives some indication of the need for legislation to meet the needs of veterans wishing to purchase their own homes.

H.R. 2039, the veterans' home loan guarantees legislation, authorizes the Administrator of Veterans' Affairs to guarantee home loans which have provisions for graduated payment plans. The loans would be limited to the purchase of one-family dwelling units, including condominiums and mobile homes.

The legislation specifies that the maximum loan principal—including all interest to be deferred and added thereto—would be based on the projected value of the property calculated by adding an amount not to exceed 2.5 percent per year to the initial reasonable value of the property as determined by the Administration. The bill also contains exemption from any State law prohibiting interest on interest, or requiring minimum amortization.

The Congressional Budget Office has advised the Veterans' Committee that the provisions of the bill would have no significant budgetary impact nor would its enactment carry any inflationary impact.

After hearing testimony from leading authorities in the field of home loan financing as well as learning the views of veterans' groups concerned about this issue, the committee members concluded that this proposed change in the law was necessitated by the current rate of interest that must be paid on VA home loans and would provide needed relief for young veterans who would otherwise be unable to purchase a home.

I would like to commend the distinguished chairmen of the Veterans' Committee, SONNY MONTGOMERY, Mr. LEATH, and Mr. SAWYER, as well as all the members of the committee for their strong support and effort on behalf of this timely legislation.

Clearly, those Americans who serve their country by protecting its citizens are among those most deserving of the opportunity to realize the traditional American dream of homeownership. Thank you.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 2039, legislation which would allow the Veterans' Affairs Administration to guarantee home loans which have provisions for graduated payment plans. The object of the loan guarantee program is to facilitate and encourage the extension of credit by private lenders on favorable terms to eligible veterans for the purchase, construction, repair, alteration, or improvement of their homes.

The bill authorizes the administration to guarantee loans with provisions for various rates of amortization corresponding to anticipated variations in family income. The loans would be limited to the acquisition of one family dwelling unit, including condominiums and mobile homes. The maximum loan principal would be based on the projected value of the property calculated by adding an amount not to exceed 2.5 percent per year to the initial reasonable value of the property as determined by the administration. The bill contains exemption from any State law prohibiting interest on interest, or requiring minimum amortization.

These graduated payment mortgages allow young people to purchase homes by structuring mortgage payments so that they are low during the early years of the mortgage and increased in later years as the individual's income and thus ability to pay a higher mortgage, increases. GPM's provide for annual increases in monthly mortgage payments over the first 5 years of a mortgage after which they are fixed for the remainder of the mortgage. In the early years, the borrower's monthly payments are slightly less than the interest due on the principal. This unpaid interest is deferred and added to the principal until the monthly payment increases above the interest due each month, and payments on the principal begin.

It has been forecasted that this bill will have no inflationary impact nor does the Congressional Budget Offices believe that it would have any significant budgetary impact. But it will definitely have a positive impact on young veterans trying to purchase their homes. This bill is a simple way to help pay back, part of the indebtedness which we have with our fellow American veterans.

I trust my colleagues will vote to enact this legislation.●

Mr. MONTGOMERY. Mr. Speaker, I will be very brief. I would like to again thank the chairman of the subcommittee for bringing this bill out, and thank the ranking minority member on the other side, Mr. HAMMERSCHMIDT, and also the ranking minority member of the subcommittee on that side, Mr. SAWYER, for their support of this bill. It makes a lot of sense, and I hope it will be adopted unanimously.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 2039, as amended.

The question was taken.

Mr. HAMMERSCHMIDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous matter on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SENSE OF CONGRESS FOR SECRETARY OF ARMY TO PLACE PLAQUE IN ARLINGTON NATIONAL CEMETERY FOR ARMED FORCES MEMBERS WHO DIED IN IRANIAN HOSTAGE RESCUE ATTEMPT

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 76) expressing the sense of the Congress that the Secretary of the Army should place a plaque in Arlington National Cemetery honoring members of the U.S. Armed Forces who died during an attempt to rescue American hostages held in Iran.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 76

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Secretary of the Army should construct and place in Arlington National Cemetery a plaque honoring the eight members of the United States Armed Forces who died on April 25, 1980, during an attempt to rescue the American hostages then being held in Iran.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi (Mr. MONTGOMERY) will be recognized for 20 minutes, and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support House Concurrent Resolution 76, and I want to thank the distinguished gentleman from Tennessee (Mr. BONER), for having the foresight to introduce this concurrent resolution. I certainly feel that it is appropriate to place a plaque at Arlington National Cemetery in honor of the eight young men who died in attempting the rescue of our former hostages held in Iran.

Mr. Speaker, I would like to yield to the gentleman from Texas (Mr. LEATH), from whose subcommittee this concurrent resolution was reported.

Mr. LEATH of Texas. Mr. Speaker, I rise in support of House Concurrent Resolution 76. House Concurrent Resolution 76 expresses the sense of the Congress that the Secretary of the Army should place a plaque in Arlington National Cemetery honoring members of the U.S. armed services who died during an attempt to rescue American hostages held in Iran.

This resolution was introduced by our distinguished colleague from Tennessee, the Honorable BILL BONER. The Department of the Army has no objection to this resolution.

Mr. Speaker, we are eternally grateful that our former hostages have returned home and that they are safe. However, we must not forget those brave members of the U.S. Armed Forces who gave their lives for this country.

The eight servicemen are: Air Force Capt. Richard L. Bakke, from Long Beach, Calif.; Marine Corps Sgt. John D. Harvey, Roanoke, Va.; Marine Corps Cpl. George N. Holmes, Jr., from Pine Bluff, Ark.; Marine Corps S. Sgt. Dewey L. Johnson, from Jacksonville, N.C.; Air Force Capt. Harold L. Lewis, from Mansfield, Conn.; Air Force T. Sgt. Joel C. Mayo, from Bonifay, Fla.; Air Force Capt. Lyn D. McIntosh, from Valdosta, Ga.; and Air Force Capt. Charles T. McMillan II, from Corrytown, Tenn.

Mr. Speaker, I feel honoring these brave men who paid the supreme sacrifice is entirely appropriate, and I urge the adoption of this resolution.

Mr. MONTGOMERY. Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the distinguished ranking minority member of the subcommittee, the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I rise in support of this resolution expressing the sense of Congress that a plaque honoring the brave men who died in the attempt to rescue our hostages held in Iran be placed in Arlington National Cemetery.

Nothing can detract from the long ordeal endured and the sacrifices made by the Americans held in captivity in Iran. The unsung heroes of this most unfortunate episode in our Nation's history, however, are the eight brave American marines and Air Force servicemen who gave their lives in an ill-fated attempt to rescue the hostages.

No monument or memorial can allay the sorrow or the deep personal loss sustained by the bereaved relatives of these brave Americans. The plaque suggested by this resolution will, however, insure that this Nation forever remembers the supreme sacrifice made by these brave servicemen.

Mr. Speaker, I urge that the resolution be approved.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 76, which expresses the sense of the Congress that the Secretary of the Army should place a plaque in Arlington National Cemetery honoring members of the U.S. Armed Forces who died during an attempt to rescue American hostages held in Iran.

I wish to commend our distinguished chairman, SONNY MONTGOMERY, as well as Mr. LEATH of Texas and Mr. SAWYER for their support for this honorable resolution, and WILLIAM H. BONER of Tennessee, a distinguished member of the committee, for his introduction of this resolution, and all the members of the Veterans' Committee for their unanimous approval of this legislation.

During hearings before the Subcommittee on Housing and Memorial Affairs, held on April 7, 1981, my distinguished colleague, Mr. BONER of Tennessee, eloquently conveyed the sense that underlies this resolution when he said:

> Now that the excitement and the emotion surrounding the safe return of all of our hostages has begun to die down, I believe it is important for us to remember those who will not be coming home. The former hostages have returned safely from Iran and much of the attention focused on their plight has dissipated, but we must not forget those who gave their lives for this country.

I would also like to name the eight servicemen who willingly laid down their lives in an attempt to help their fellow countrymen: Air Force Capt. Richard L. Bakke, Marine Corps Sgt. John D. Harvey, Marine Corps S. Sgt. Dewey L. Johnson, Air Force Capt. Harold L. Lewis, Air Force T. Sgt. Joel C. Mayo, Air Force Capt. Lyn D. McIntosh, Air Force Capt. Charles T. McMillan, and Marine Corps Cpl. George N. Holmes, Jr.

It is with a personal pride and a continuing sense of loss that I read the name of Cpl. George N. Holmes, Jr., as he is from my home State of Arkansas. Corporal Holmes was from Pine Bluff, Ark., and he and the other servicemen who died in this rescue attempt truly deserve the honor and respect our Nation will confer upon them through this resolution.

The English Statesman and Prime Minister David Lloyd George once said, "Liberty has restraints but no frontiers." It is an honor for me to support this legislation for it recognizes eight brave men who journeyed toward an alien and hostile frontier in order to liberate their countrymen.

Mr. Speaker, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I certainly feel that the adoption of this concurrent resolution is an excellent expression of thanks and gratitude to the families of these fine Americans, and I feel that there will be unanimous support of this resolution.

● Mr. BONER of Tennessee. Mr. Speaker, it is an honor to appear today before my colleagues on the floor of the House of Representatives to have the opportunity to show my strong commitment to House Concurrent Resolution 76. This legislation calls for the creation of a permanent memorial plaque at Arlington National Cemetery for the eight American servicemen who lost their lives in the ill-fated Iranian rescue mission.

Now that the excitement and the emotion surrounding the safe return of all of our hostages has begun to die down, I believe that it is important for us to remember those who will not be coming home. The former hostages have returned safely from Iran and much of the attention focused on their plight has dissipated, but we must not forget those who gave their lives for this country.

The eight servicemen are Air Force Capt. Richard Bakke, 33, from Long Beach, Calif.; Marine Corps Sgt. John D. Harvey, 21, from Roanoke, Va.; Marine Corps Cpl. George Holmes, Jr., 22, from Pine Bluff, Ark.; Marine Corps S. Sgt. Dewey Johnson, 31, from Jacksonville, N.C.; Air Force Capt. Harold L. Lewis, 35, from Mansfield, Conn.; Air Force T. Sgt. Joel C. Mayo, 34, from Bonifay, Fla.; Air Force Capt. Lyn D. McIntosh, 33, from Valdosta, Ga.; and Air Force Capt. Charles T. McMillan II, 28, from Corrytown, Tenn.

These eight young Americans are heroes in the truest sense of the word. They willingly laid down their lives trying to help their fellow countrymen, and this is in the highest tradition of valor.

The original idea for a memorial was first suggested to me in a letter from Mrs. Mary V. Cunningham of Nashville.

In her letter, Mrs. Cunningham said:

> Dear Congressman Boner: I think it would be a good idea to institute a motion to have erected in Washington a memorial plaque with the names of the servicemen who gave their lives in the rescue attempt of our hostages. God bless them.

I suspect that Mrs. Cunningham's letter is representative of a great number of people all throughout the country. This legislation would not only be a lasting tribute to the eight servicemen who gave their lives but would also be fitting recognition for the partriotism and pride in our Nation that I feel is so prevalent among all strata of today's society.

All too often we only hear from the critics who constantly find fault with America and her actions. Very rarely do we have the opportunity to hear from those millions of Americans who are proud of their country and what it stands for. I hope that this piece of legislation will show those people that we in Congress share their sentiments and will take the time to show honor and respect to those who have given their lives in the service of this country.

This legislation itself is quite simple and straightforward. It simply calls upon the Secretary of the Army to place a suitable memorial in Arlington National Cemetery. The cost would be a minimal, one-time expenditure. This would be an opportunity to keep alive the spirit of heroism which we all hold.

We have an overriding moral obligation to memorialize those eight men who exemplify the true meaning of the word American. I would like to think that Mrs. Cunningham's views on this issue are representative of most, and I would like to think perhaps all, of the citizens of this Nation. This legislation is for them too. I hope they will feel as much a part of this bill as she does.

These eight men committed themselves to the principles and ideals that made this country first among nations. We now have a commitment to keep. A commitment to the families, to the fine men and women in our military, and to the great people of this country who stood by us in a time of frustration: A frustration that brought us closer together as a nation. A commitment that can be recognized by placing this plaque in Arlington National Cemetery.

I wish to thank my chairman, Mr. MONTGOMERY; subcommittee chairman, Mr. LEATH; House Veterans' Affairs Committee Staff Director and Chief Counsel Mr. Fleming and all of my colleagues who have given their time and effort and have been so instrumental in the movement of this legislation.●

● Mr. CORRADA. Mr. Speaker, I rise in support of House Concurrent Resolution 76, legislation expressing the sense of the Congress that the Secretary of the Army should place a plaque in Arlington National Cemetery honoring members of the U.S. Armed Forces who died during an attempt to rescue American hostages held in Iran.

The men who served in that attempt, but never came home, deserve a recognition for their sacrifice and loss. Their commitment to help their fellow Americans and their answer to the call of duty was unquestionable. It is only fitting that they be honored and remembered with a plaque in Arlington National Cemetery where some of our brave soldiers rest in peace.

By approving this concurrent resolution, we can provide a living memorial in honor of these brave men who died, in order that their fellow citizens held captive by a hostile country, might be freed.●

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 76.

The question was taken.

Mr. HAMMERSCHMIDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I , and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection the the request of the gentleman from Mississippi?

There was no objection.

THE CALL TO CONSCIENCE VIGIL FOR VLADIMIR AND MARIA SLEPAK

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, I am glad to have the opportunity to join our colleagues in the call to conscience vigil for Soviet Jewry, which has been ably organized by Representative BARNES. Every year for the past 5 years, the Congress has kept the vigil for refuseniks and Jewish Prisoners of Conscience. By now, their names are sadly familiar. The litany of their names gets longer each year as more Jews are denied the right to emigrate and more refuseniks are transformed by the vindictive Soviet authorities into Prisoners of Conscience. Such recently has been the tragic fate of Vladimir Kislik, Stanislav Zubko, Kim Fridman, Mikhail Salman, Viktor Brailovsky, and Evgeny Lein. The call of our conscience to protest these arrogant violations of basic human rights and freedoms by the Soviet Government grows more insistent with the passage of time. Of course, it is easy for us in the West to heed the call. We speak out in the Congress in a sympathetic forum; we stand up proudly to be counted by a concerned American public.

Vladimir and Maria Slepak also heard the voice of conscience and stepped forward to be counted. In 1970, following their inner calling, the Slepak family embarked upon a long and bitter road, hoping that it would eventually lead to the land of milk and honey. Along the way, the Slepaks encountered other people who had set out to follow their conscience despite the personal hardship they knew they would have to endure. In 1976, Vladimir joined the principled men and women of the Moscow Helsinki Monitoring Group, whose collective voice speaks in defense of Soviet citizens whose rights are denied or violated. For taking a stand, Vladimir and Maria can be counted among the righteous. They were also counted by the KGB.

By June 1978, the Slepak's situation had become intolerable. The elder Slepak son, Aleksandr, had finally joined his wife in Israel, but the younger son, Leonid, was in hiding to avoid conscription—an attempt by the Soviet authorities to further frustrate his chances to emigrate. Out of desperation and frustration, 3 years ago to this day, the parents boldly hung a banner from the balcony of their Moscow apartment saying, "Let Us Go to Our Son in Israel." For this nonviolent act, Maria and Vladimir were arrested and charged with "malicious hooliganism." Maria got a suspended sentence, but Vladimir was consigned to 5 years of Siberian exile. His enforced isolation made it impossible for Vladimir to continue as the virtual leader of the Soviet emigration movement and as its representative in the Moscow Helsinki Monitoring Group—roles that Vladimir assumed following the arrest and imprisonment of his close friend, Anatloy Shcharansky, in March 1977. Thus, Vladimir became the 13th Soviet Helsinki monitor to be sentenced; the total number of monitors presently in confinement or internal exile has swelled to a staggering 48.

The Slepak's two sons, their grandchildren and Maria's mother are now in Israel. The conditions of Vladimir's exile aggravate his chronic chest ailment. It is increasingly difficult for Maria to make the arduous journey between the Slepak apartment in Moscow and her husband's place of banishment. They wait and dream of Israel.

But Vladimir and Maria must know that theirs is not a lonely vigil. They must know that the free world has not forgotten them, nor abandoned the principles for which they stood up and were counted. We must be worthy of the faith the Slepaks have put in us. This is the call to our collective conscience today.

Thank you, Mr. Speaker.

□ 1345

THE REGULATORY CONTROL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. LOTT) is recognized for 15 minutes.

● Mr. LOTT. Mr. Speaker, today I am introducing the Regulatory Control Act of 1981, a good faith effort to find some middle ground between the administration's opposition to most bills giving Congress veto authority over Federal regulations, and a popular House bill, Congressman LEVITAS' H.R. 1776, which would permit one or both Houses to block a proposed regulation without Presidential approval.

Let me make it clear at the outset, Mr. Speaker, that I am under no illusion that the legislative veto is any panacea for the problem of regulatory excess and abuse. But I am strongly convinced that it can be one effective weapon in the congressional oversight arsenal, both as a deterrent and corrective remedy. The American people have rightfully demanded that the Congress regain control over the regulatory bureaucracy it has created, and make it more responsible and responsive. For that reason I am a cosponsor of the Levitas bill and the Laxalt-McClory regulatory reform bill. And for that reason I am today introducing a proposed legislative veto compromise bill.

ADMINISTRATION POSITION

The administration has indicated that it could accept a joint resolution of disapproval of executive agency regulations, which would be subject to Presidential approval or veto; and perhaps a concurrent resolution of disapproval for proposed regulations of selected independent agencies.

But, like its predecessors, this administration has maintained that the Levitas-type veto by concurrent resolution for all regulations is unconstitutional because it violates the constitutional requirement that all bills, resolutions, votes, and orders having legislative effect must not only receive the concurrence of both Houses, but be presented to the President (article I, section 7, clauses 2 and 3).

Mr. Speaker, I do not find the administration's constitutional arguments persuasive. Instead, I find myself in agreement with the conclusions of Rules Subcommittee Chairman JOE MOAKLEY, as contained in a 96th Congress rules committee print, that a simple or concurrent resolution disapproving a proposed rule does not have the legislative effect of changing existing law or making new law: it simply preserves the status quo.

Since Congress by law has delegated to an agency the authority to issue regulations, subject to certain conditions, which include congressional review and possible veto of any proposed rule, then congressional disapproval of a proposed rule does not have the legislative effect of changing existing law; instead, it simply conforms to the requirements of existing law. The agency is not relieved of its responsibility under law to issue regulations, nor is it prevented by the congressional disapproval action from doing so by another means. But, since a rule does not have the force and effect of law until that rule is actually in effect, congressional disapproval of a proposed rule, not yet in effect, cannot be said to have the legislative effect of changing existing law, especially since that disapproval action is taken pursuant to existing law.

PROVISIONS OF COMPROMISE

Nevertheless, in drafting my proposed compromise bill, I have attempted to meet many, if not all, of the objections raised by the administration. Under my bill, four forms of legislative veto would be put in place for all major and significant Federal regulations as defined by the bill, and these would supersede all existing forms of congressional vetoes to the extent that they are inconsistent.

First, Congress could veto a proposed executive agency regulation by concurrent resolution if the committee reporting the resolution determines that the proposed regulation is, "contrary to law, inconsistent with the intent of Congress, or exceeds the jurisdiction, authority or limitations of the statute under which the rule is promulgated." The agency in turn could appeal the disapproval action to the U.S. District Court for the District of Columbia, which could reverse the action and order that the rule be put into effect if it finds that the rule is within the statute and that the agency has no alternative means available to implement or enforce the law under which the rule was issued.

Second, the Congress could disapprove a proposed executive rule by joint resolution for any other reason, meaning the disapproval action could be reversed by Presidential veto if it is not then overriden by a two-thirds vote of both Houses of Congress.

Third, the Congress could disapprove any proposed independent agency rule by concurrent resolution for any reason. There would be no appeal to the courts of any such disapproval action.

And fourth, all agencies would be required to review all major, existing rules, within 10 years, and such additional existing rules as may be directed by the Director of OMB, or, in the case of any rule in effect for 2 or more years, by a resolution adopted by either House of Congress. Such rules would have to be renewed, rescinded, or modified by the agency, and any of these actions would be subject to the congressional review process and could be disapproved by enactment of a joint resolution of the Congress. However, unlike the Levitas bill, such rules would not automatically lapse if not repromulgated within 180 days. But, judicial review is implicit in the event of noncompliance with the repromulgation requirement.

My bill also differs from the Levitas-type veto bill in that it would require that any resolution of disapproval be reported from a committee in the first House to act, together with an appropriate report. The Levitas bill would permit an expedited discharge procedure for a resolution not reported by any committee within a specified period. I think it is important, especially for judicial review purposes, that a report on any such resolution be available from a committee of at least one House, stating its reasons for recommending disapproval. However, my bill would permit an expedited discharge procedure for resolutions not reported from a committee in the second House to act, 15 days after its referral.

THE ALTERNATIVES

Mr. Speaker, a House Judiciary Subcommittee is about to mark up the regulatory reform bill introduced by its chairman, Congressman DANIELSON, H.R. 746, which includes a legislative veto by joint resolution of all major rules—those which would cost the economy $100 million or more in any year. A similar bill, H.R. 1, introduced by Congressman MOAKLEY, which would also create a House Select Committee on Regulatory Affairs with jurisdiction over some disapproval resolutions, is currently pending in the Rules Committee. While subcommittee chairmen DANIELSON and MOAKLEY are to be commended on recognizing the need for greater congressional control over the rulemaking process, I do not think their Levin-Boren-type joint resolutions of disapproval will be acceptable to a majority of the House.

While such joint veto mechanisms may be acceptable to the administration, I do not think the administration's position sufficiently addresses the very legitimate institutional concerns this Congress has about instances in which any agency, whether executive or independent, oversteps its legal authority in carrying out its rulemaking functions which Congress has delegated to it. For that reason, I think it is essential that the Congress be permitted to disapprove executive agency rules by concurrent resolution in such limited situations, without possible reversal by the President.

DISCUSSION

The main argument raised by some against such a limited-scope congressional veto is that it violates the separation of powers doctrine by empowering the Congress to assume what is essentially a judicial function—determining whether rules are within the scope of the law they are intended to implement. I would concede that one Congress cannot pass final judgment on what may have been intended by a previous Congress in passing a law under which a rule is promulgated. For that reason, my bill makes it possible for an agency to appeal such a disapproval action in the courts. And, if a court finds that the agency did act within its statutory authority, and has no alternative means of implementing or enforcing the statute, the court could issue an order putting the rule into effect. Only the Congress and agency involved would have standing in any appeals of the order.

This provision is especially sensitive to the argument that the President is charged by the Constitution to "take care that the laws be faithfully executed." Obviously, if a court finds that the agency has acted within its statutory authority in issuing a rule and has no alternative means of carrying out the law it is charged with executing, then the court should permit the agency to put the rule into effect. Without such relief, the congressional disapproval action could be construed to be an unwarranted intrusion into a legitimate executive function, and, as such, a violation of the separation of powers doctrine.

CONGRESSIONAL CREDITS

Mr. Speaker, while several of the key provisions of my bill are original, I

am also heavily indebted to several Members of both bodies who have labored long and hard in the regulatory reform vineyards over the years, and from whose bills I have drawn generously in drafting this proposed compromise. First and foremost I want to give proper credit to Congressman LEVITAS who has waged a tireless and relentless campaign on behalf of the legislative veto for several years now, and who has been successful in appending such provisions to numerous laws. His current bill, H.R. 1776, enjoys the cosponsorship of some 220 House Members, including me.

As a cosponsor of his bill I am especially grateful for his leadership and inspiration in insisting on greater congressional control over the regulatory process. His efforts have been responsive to a growing public demand that we make the regulatory agencies more accountable and reasonable in their actions. The legislative veto concept is a vital element in regaining that control and insuring that accountability. It has previously been endorsed by our House Republican Conference in the last Congress, in the 1980 Republican platform, and was one of the most frequently cited solutions to regulatory abuses in countless campaigns last fall. A similar legislative veto effort has been waged in the other body by Senator SCHMITT. His veto bill, S. 890, will soon be moving to markup in the Senate Judiciary Committee and an effort will be made to append it to the Laxalt regulatory reform bill.

I am also indebted to Congressman MOORHEAD who, for several years now, has introduced a veto bill limited to those regulations which are contrary to law and congressional intent. Several other House Members have introduced similar limited-scope veto bills, including Congressmen ASHBROOK, LAGOMARSINO, WHITE, and YOUNG of Florida.

I also want to pay tribute to the principal authors of the major regulatory reform bills pending in both bodies, Congressman DANIELSON in the House and Senator LAXALT in the Senate. As a cosponsor of a House companion bill to the Laxalt bill, Congressman MCCLORY's H.R. 3339, I have drawn on some of its provisions in my bill, particularly the concept of a calendar for proposed regulations, and schedule for review of existing regulations. But, I have attempted to supplement these with a greater degree of congressional involvement and oversight through the congressional review process.

Congressman MOAKLEY and his Subcommittee on Rules, of which I am now a member, have also contributed significantly to the legislative veto debate through extensive hearings and a report issued in the last Congress.

CONCLUSION

As we approach final congressional action on regulatory reform, and the legislative veto as one component of that effort, I am hopeful that we can draw on the most meritorious provisions of the various bills which have been introduced in this area. With the "Regulatory Control Act" I am introducing today, I have attempted to bring some of these elements together in what I hope can lead to a meaningful and acceptable compromise that will avoid a collision between the two branches over the legislative veto issue. I think my bill meets the administration more than halfway and I invite its support for this bill.

At this point in the RECORD, Mr. Speaker, I include a brief summary of my bill. The summary follows:

BRIEF SUMMARY OF CONGRESSMAN LOTT'S REGULATORY CONTROL ACT

TITLE

SEC. 1. This Act may be cited as the Regulatory Control Act of 1981.

RULEMAKING PROCEDURES

SEC. 2. This section would amend section 553, title 5, U.S. Code, which governs rulemaking. Among other things it would require a public comment period of at least 60-days for any proposed rulemaking, and would narrow the scope of the proprietary and interpretative exemptions from rulemaking. This section is nearly identical to the provisions of section 201 of the Danielson Regulatory Procedure Act, H.R. 746, 97th Congress.

CONGRESSIONAL REVIEW

SEC. 3. This section would add a new chapter 8 to title 5, U.S. Code, "Congressional Review of Agency Rulemaking."

Definitions.—While the terms "agency" and "rule" would conform, for the most part, to the definitions contained in section 551, the terms "major rule" and "significant rule" would be added, both subject to guidelines established by OMB. A "major rule" would be one an agency determines would have an annual effect on the economy of $100 million or more in any year, would substantially increase costs or prices for consumers, industries, geographic regions or levels of government, or would have significant adverse impact on competition, employment, investment, productivity, innovation or U.S. trade. The term "significant rule" would mean one which an agency determines would have significant impact, taking into account certain specified factors.

Congressional review of agency rules.—Each agency would prepare in April and October of each year a calendar of all major and significant rules it intends to issue in the next year, and a copy would be transmitted to the Congress.

On the day an agency forwards to the Federal Register for publication a final major or significant rule, it would also transmit the rule to Congress for referral to the committees having primary jurisdiction. The rule could not take effect for 30 days after submission to Congress, and, if a committee of either House reports an appropriate disapproval resolution within that period, the rule could not take effect within an additional 60-days unless either House rejects a disapproval resolution at an earlier date. If both Houses adopt an appropriate disapproval resolution within the 60-day period, the rule may not take effect.

Resolutions of disapproval.—An appropriate resolution of disapproval shall be: (1) a concurrent resolution with respect to an Executive agency rule which a committee finds is, "contrary to law, inconsistent with the intent of Congress, or exceeds the jurisdiction, authority, or limitations of the statute under which the rule is promulgated;" (2) a joint resolution with respect to any Executive agency rule which a committee determines should be disapproved for any other reason; (3) a concurrent resolution with respect to a rule proposed by an independent agency which a committee determines should be disapproved for any reason. All such resolutions must be accompanied by a committee report stating the committee's reasons for recommending disapproval, and, in the case of a report on a concurrent resolution disapproving an Executive agency rule, a finding that the rule is contrary to law, etc., and a documented support for such finding. The Comptroller General shall assist committees with opinions on the legality of proposed rules.

Procedure for consideration of resolutions.—Resolutions reported by committees shall be privileged and subject to two hours of debate. If a committee of one House has not reported a resolution within 15 days after its adoption and referral by the other House, it shall be in order to move to discharge the committee from further consideration of the resolution, and such motion must be supported by one-fifth of the members of that House to be considered.

Reconsideration of existing rules.—Each agency shall establish a schedule for review of major rules over a ten-year period, as well as for any new major rule issued. The schedule may be amended to include additional rules by direction of the Director of OMB or by resolution adopted by either House of Congress. For each rule reviewed, an agency must determine whether the rule is to be renewed, amended or rescinded, and any such action shall be subject to the congressional review process and possible disapproval by joint resolution.

JUDICIAL REVIEW

SEC. 4. An Executive agency may appeal any disapproval action by concurrent resolution to the U.S. District Court for the District of Columbia which may issue an order putting the rule into effect if it finds that the agency did act within its statutory authority and had no alternative means available of implementing or enforcing the statute. Only the agency and Congress would have standing as parties in any appeal of the order.

MISCELLANEOUS

SEC. 5. This Act shall supersede any existing congressional review procedures which are inconsistent with it. The invalidation of any part of the Act shall not invalidate the entire Act. The Act shall take effect at the beginning of the 98th Congress and expire at the end of the 100th Congress.

COMPARATIVE SUMMARY OF LEGISLATIVE VETO PROVISIONS OF LEVITAS-LOTT-SCHMITT-DANIELSON BILLS

Provision	Levitas (H.R. 1776)	Lott (H.R. 3740)	Schmitt (S. 890)	Danielson (H.R. 746)
(1) Coverage	All proposed and existing rules (with specified exceptions).	All "major" and "significant" proposed rules, "major" existing rules, and such others as directed by OMB or either House (with specified exceptions).	All proposed and existing rules (with specified exceptions).	All "major" proposed rules.
(2) Submission	Simultaneous to promulgation or repromulgation, agency would submit rule to Congress.	Day rule is submitted to Federal Register for publication, it shall also be submitted to Congress.	On day rule is published in Federal Register, it shall be transmitted to Congress.	On day rule is submitted to Federal Register for publication, it shall be transmitted to Congress.
(3) Referral	No provision for referral of rules to committees, but resolutions of disapproval shall be referred to committees "having oversight and legislative responsibility for promulgating agency.	Rules shall be referred to the committee of each House which has primary legislative jurisdiction over the statute under which the rule is promulgated.	Rules shall be referred to each committee having legislative jurisdiction over the subject matter of the rule.	Agencies would trasmit rules to Congress and the "appropriate" committees.
(4) Time limits	Rule may not become effective for 60 days after promulgation, and an additional 30 days if a resolution is reported, discharged, or adopted in either House.	Rule may not become effective until 30 days after its transmittal, and an additional 60 days if a resolution is reported from committee.	A rule may not become effective for 60 days after promulgation, and an additional 30 days if one House adopts a disapproval resolution.	Rule may not become effective for 30 days, and an additional 60 days if resolution is reported from committee.
(5) Forms of disapproval	Concurrent resolution for all rules, either passed by both Houses, or passed by one House and not disapproved by the other; same for repromulgated existing rules.	(a) Concurrent resolution for all independent agency regulations; (b) concurrent resolution for Executive agency regulations Congress finds contrary to law; (c) joint resolution for Executive agency regulations disapproved for other reasons; (d) joint resolution for repromulgated existing rules.	Simple resolution adopted by one House and not disapproved by a resolution for the other House; same for repromulgated existing rule pursuant to adoption of reconsideration resolution.	Joint resolution.
(6) Committee report	Understood; subject to House and Senate rules for resolutions reported.	Must accompany resolution in at least first House to act, and contain certain specified information.	Committee must determine whether rule contains provisions which offend for any of a number of specified reasons, but may recommend disapproval anyway, as it deems appropriate.	Resolution shall be accompanied by report specifying reasons for committee's action.
(7) Special discharge	If committee has not reported resolution within 45 days after referral, motion to discharge in order if supported by one-fifth of Members.	Discharge motion in order only in second House to act if committee has not reported within 15 days after referral.	Same as Levitas	No special discharge procedure.
(8) Floor consideration	Resolutions privileged, subject to 2 hours of debate, divided between proponents and opponents, not subject to amendment or recommital.	Same	Same	Resolutions not privileged; subject to normal House and Senate rules of procedure.
(9) Effect on statutory time limits	Disapproval would not relieve ageny of responsibility to issue rule, but any statutory time limit on issuing rule would start again from date of disapproval.	Same	Same	No comparable provision.
(10) Reconsideration of rules	Either House of Congress may, by simple resolution, direct reconsideration of pending or existing rules. Repromulgated rules would be subject to same veto process as new rules. Resolutions of reconsideration subject to special discharge procedure. Rule lapses in 180 days if not repromulgated.	Each agency shall establish an agenda for review of major existing rules, to which additional rules may be added by OMB or either House of Congress; all such rules must be renewed, rescinded or modified, and subject to a joint resolution of disapproval. Resolutions of reconsideration not subject to special discharge. Rules does not lapse if not repromulgated.	Same as Levitas only applicable only to existing rule, and committee must determine rule requires reconsideration according to certain specified criteria, or if it deems it appropriate.	No provision for reconsideration of rules.
(11) Effect on judicial review	Congressional inaction on or rejection of disapproval resolution shall not be deemed an expression of approval of rule.	Same	Same	Same, but also, compliance of any agency with the requirements of this review process shall not be subject to judicial review.
(12) Appeal of disapproval action	None	Executive agencies could appeal concurrent resolution action and court could reverse on finding agency acted within law and had no alternative means of implementation.	None	None.
(13) Effect on existing veto laws	This act shall supersede other review/veto laws to extent they are inconsistent.	Same	Same	This shall not apply to rules proposed or issued pursuant to a statute which expressly provides for congressional review or veto of laws.
(14) Effective/expiration dates	90 days after enactment/end of 99th Congress	Beginning of 98th Congress/end of 100th Congress.	Two years after enactment/none	Date of enactment Jan. 1, 1987.

IN TRIBUTE TO STEFAN CARDINAL WYSZYNSKI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to a great man, Stefan Cardinal Wyszynski, the primate of Poland. His passing is a great loss to the people of Poland and to freedom-loving people all over the world, for he had dedicated his entire life to the well-being of the long-suffering Polish people.

During the investiture of Pope John Paul II in 1978, I had the high honor to be a part of the American delegation representing our President, and at that time, I was privileged to meet with Cardinal Wyszynski at the Polish College in Rome. Affectionately called the "worker priest" by his people, this loving human being radiated the compassion and understanding which exemplified his entire life.

I also had the privilege of nominating Cardinal Wyszynski for the Nobel Peace Prize because of his dedication to the cause of peace and the principles of human dignity despite personal danger, imprisonment, and threats on his life. Through pastoral letters, sermons, and books, including "The Spirit of Human Work," the Cardinal has influenced millions of people, both in Poland and abroad, by preaching respect for the value of the individual human being and the need for forgiveness and understanding.

In 1946, Stefan Wyszynski became bishop of Lublin and the chancellor of the Catholic University. He became primate of Poland in 1949, and in 1953 he was made a cardinal. After 3 years of imprisonment by the Communists, 1953–56, Cardinal Wyszynski courageously proceeded to resume his work, without fear or favor, urging the spirit of peace and cooperation between different races, classes, and nations in Poland and abroad.

In his 1966 letter "Urbi et Orbi," on the subject of the historic distrust and hatred between Germany and Poland, Cardinal Wyszynski, delared, "We forgive and we request to be forgiven." This theme of forgiveness and peace is found throughout the Cardinal's life and work, and he repeated it not only for the benefit of individuals but also for the benefit of nations at odds with their neighbors the world over.

Cardinal Wyszynski was not merely an armchair peacemaker, but always followed up his words with deeds, often at high risk to his own security and well-being. In 1954, while in prison, the Cardinal secretly sent his pastoral letter to all of Poland's churches strongly condemning the Polish security forces for opening fire

and killing hundreds of workers in Poznan. In 1956, he proclaimed his solidarity with the movement of intellectuals, writers, and scientists, who were demanding freedom of speech, freedom of the press, and freedom in scientific inquiry, and again in 1968, condemned the brutality of the Communists against students and university professors.

To the university students of Poland, Cardinal Wyszynski said:

We are not enemies of anyone, but if the Soviets decide to attack us with their tanks, we shall face them with honor and courage . . . and if necessary, we shall not hesitate to sacrifice our lives.

To the university professors, he said:

We have no feelings of hatred for anyone, but we have the right to demand, according to the commandments of God, our human right to live free, religious, and moral . . .

Cardinal Wyszynski told Polish workers:

In our society, men of work are badly treated. Their social status and their salaries are decided not by hard and successful work, but by blind obedience and membership in the party. This is strong evidence of exploitation of some by others. . . . How painful it is to see everywhere that religious fidelity provokes discrimination and deprivation of the right to work. One must state with regret, that against the rules of the Constitution of Civil Rights, many places of work are absolutely restricted to those who have declared themselves atheists. In almost every place of work, one's career and advancement is dependent on party membership and religion, attendance in church, and religious education of children is prohibited. Even the entrance to some schools or universities is dependent on a declaration of atheism.

The Communist government of Poland, under the direction of the Kremlin in Moscow, began a campaign in 1968 to force all the Jews living in Poland to leave by any means, including the poisoning of the social atmosphere with anti-Semitism and hatred. Stefan Cardinal Wyszynski publicly condemned this hate campaign, and in his sermons, he paid tribute to the Mosaic monotheistic religious tradition which led to Christianity, and expressed sympathy for the State of Israel.

Mr. Speaker, the world has lost a great and splendid man, and Cardinal Wyszynski's high standards of excellence, his noble examples of service, and his dedication to the highest principles of spiritual and moral growth in service to God will continue to inspire us all.

NATIONAL SPACE POLICY—ITS TIME HAS COME

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. BROWN of California. Mr. Speaker, the success of our Nation's Space Shuttle test flight has once again demonstrated that this country can accomplish great feats if it wants to. Space offers more than dreams and a demonstration of competence to those of us on Earth. It offers new opportunities for economic development, international cooperation, and human development. Unless we turn space into a battleground, it will remain a sanctuary for peaceful development and openness.

The exploration of deep space, and the development of near-Earth applications of space, will continue regardless of what our Government chooses to do. However, that development can be accelerated and conducted in an orderly fashion if we choose to proceed in a conscious, deliberate manner. I believe it is time for the United States to end its space policy drift, and firmly chart a new course for the future. For this reason, I am today introducing the National Space Policy Act of 1981 to establish a national space policy of the United States, to declare the goals of the Nation's space program—both in terms of space and terrestrial applications and in space science—and to provide for the planning and implementation of this program.

This legislation, I should note, is not entirely new. During the last Congress, I introduced a similar bill, and attempted, along with many of my colleagues, to convince the Carter administration to develop a coherent, long-range national space policy. Modest steps were taken, under the constant urging of Senators Adlai Stevenson and HARRISON SCHMITT, as well as Congressmen DON FUQUA and RONNIE FLIPPO. The Reagan administration is still new, and its posture is not yet clear, except in regard to its serious, and I believe, unwise budget cuts.

Last month, the Subcommittee on Space Science and Applications of the Committee on Science and Technology, on which I serve, issued an excellent oversight report on U.S. civilian space policy, which was based on hearings held last year. The conclusions and recommendations of that report are worth citing here:

U.S. CIVILIAN SPACE POLICY

(Report prepared by the Subcommittee on Space Science and Applications)

CONCLUSIONS AND RECOMMENDATIONS

1. Successive administrations have failed to establish long term goals for the civil space program.

2. This lack of goals has been responsible for an indifferent attitude on the part of the public. The circular argument has then been made that there is little public support for space goals.

Recommendation: NASA should propose to the Congress a set of long term goals which will reflect a balance between space science, applications, and space transportation activities. NASA should strengthen the agency-wide planning process.

3. Lessons learned from the Apollo and Space Shuttle programs that can be applied to future programs include:

A. Space programs benefit from vision, leadership and continuity of commitment.

B. Post-development "dividends" cannot be counted on as the source of funds for deferred new projects.

C. When funding profiles for large programs are manipulated for political reasons, the programs cannot be expected to operate at optimum efficiency.

4. Failure to exploit the Apollo and Skylab experiment through the establishment of a permanent presence in space and the upcoming hiatus during which no imaging data will be returned from other planets via United States spacecraft reflect a national loss of vision, leadership and resolution.

5. Commitment to a major, high-challenge space engineering initiative is both technically feasible and desirable.

Recommendation: The Administration should commit a major, high-challenge space engineering initiative. One candidate initiative is a manned, multi-purpose, open-ended space operating base in low earth orbit.

NASA should reaffirm the Nation's commitment for continued exploration of our solar system through intensive investigation of other planets including a Mars sample return mission.

6. Solutions to many global concerns such as threats to the ozone layer, the carbon dioxide problem, and global air and water pollution, as well as global mineral and energy exploration would benefit from the existence of a Global Resource Information System. A system tying all the relevant data bases into an interactive network would likely be superior to a single organization responsible for acquiring and holding all the information.

Recommendation: NASA should submit to the Congress within 12 months a preliminary program plan for a Global Resource Information System utilizing an interactive network of relevant data bases including program scope, technology needs, and resource requirements.

7. The Administration needs to develop and follow a long-term investment philosophy for the space program which recognizes that program payoffs will include not only scientific knowledge but also improved economic capacity and jobs.

Recommendation: NASA should undertake studies to analyze the economic benefits of space activities through a better understanding of the linkage between NASA spending and economic returns including new products, increased productivity, and new jobs.

8. NASA's legislative charter has been selectively amended to include various expanded research roles and to support and contribute to other agency missions. As amended the National Aeronautics and Space Act of 1958 provides an adequate charter for civil space activities.

9. Continued viligance is needed to assure that year-to-year budget pressures do not erode our national technological base and capabilities.

10. Reducing near term costs at the expense of total program cost increases is shortsighted. Further, terminating ongoing work damages the Nation's ability to conduct future high technology work by disrupting institutions and careers.

11. NASA has not proposed enough new programs to maintain a healthy institutional and industrial base.

12. Sharing of technology, data, and hardware between civilian and military programs can benefit both without compromising security.

13. National security related space programs have received substantial increases in their budgets due to the recognition that both national defense and strategic arms limitation agreements require extensive

space-based surveillance and verification systems.

14. Growth in the military space program should not occur at the expense of NASA programs.

Recommendation: The civil and military space programs should be examined separately and their funding adjusted according to the requirements developed for each program.

15. Although numerous treaties have been signed which recognize the peaceful aspect of space, the potential for hostilities in space is increasing.

Recommendation: The Administration should reaffirm the need for separate civil and military space programs and exploit the space environment for peaceful uses.

Mr. Speaker, the bill I introduce today, if enacted, would support the recommendations of this report. Later this year, the Space Science and Applications Subcommittee will hold hearings on civil space policy legislation where this important issue will be examined. I hope that by that time the Reagan administration is prepared to endorse legislation similar to that which I have offered.

President Reagan, I should add, has always expressed his personal support for the space program. President Carter, before him, did the same. The difficulty has always been in translating generalized support into concrete policies and programs that accomplish a goal, or vision, which we all can share. A few weeks ago, I was impressed with the President's use of the Space Shuttle success to rearticulate his vision of America. As President, Ronald Reagan can see his dreams of space exploration fulfilled.

The May 15, 1981, issue of the Washington Star made this point nicely in the following editorial:

[From the Washington Star, May 15, 1981]

THE PRESIDENT'S VISION

When the president spoke to Congress on behalf of his economic program, his closing remarks went oddly unnoticed. We say oddly because it was then that Mr. Reagan spoke at length of American genius and quoted Carl Sandburg on the American dream. He spoke in particular of the journey of the space shuttle, which "did more than prove our technological abilities. It raised our expectations once more. It started us dreaming again."

Such remarks may tell us more about the president's vision than this year's budget cuts.

Those who care about America's space program—and the president counts himself among them—wonder where those dreams will lead. The shuttle and its crew performed brilliantly. But Columbia's flight a month ago cannot hide the fact that NASA's budget, this year and next, will be nearly 50 per cent less than it was when Apollo 11 landed on the moon. Nor can it hide the fact that, apart from the shuttle, the U.S. civilian space program is almost dormant. The next major planetary venture is Galileo, an orbiter-probe to Jupiter in 1985. Its success depends upon the shuttle which will launch it.

The importance of the space program is, like space itself, immeasurable. Its rewards may not be immediate, but they will surely become as real as those which followed the voyages of Columbus. Mr. Reagan, more than any president since John Kennedy, seems to sense this, although not yet to the point of asking for more money. But there will be other years and other budgets, and Mr. Reagan knows that too.

For other years and budgets, space scientists have some surprisingly modest proposals. There have long been plans, but no money, to study the origins of plasma in the earth's neighborhood, to map Venus by radar, to study the gravity waves Einstein theorized were present, to explore Titan, the most intriguing moon of Saturn. It remains something of a scandal in the international scientific community that a mission to intercept Halley's comet, which passes once every 76 years, will be carried out by the European Space Agency and the U.S.S.R., with technology vastly inferior to what could have been employed in a U.S. mission.

In this decade, less modestly, it would be possible to send a manned mission to Mars, a goal some expect the Soviet Union to announce shortly. But before that, the U.S. space agency must follow up on the enormously valuable Viking missions with more unmanned probes, perhaps a "rover" and sample retriever. The 5-year-old Viking now represents the beginning—and end—of America's exploration of Mars.

Sen. John Glenn recently said that "the loss of our once commanding lead in space should both embarrass and frighten us." Exactly so. The Soviets plan to orbit a permanent 12-man space station by 1985. In the six years between the last Apollo mission and the shuttle, when no Americans were in space, the Soviets had 21 manned flights and accumulated over two years of spaceflight time. Still, said Mr. Glenn, we have the illusion that the space program can be turned on and off, that "crash programs" will see us through. Yet crash programs fail "because they are based on the theory that with nine women pregnant, you can produce a baby a month."

The shuttle represents the best of America. As a visible example of what U.S. society can do, it was stunning—and it stunned the world. But it—and Viking, Voyager, Apollo and the rest—are only possible in a society which is eager to maintain its lead in research, development, science and technology. Such commitments are vital to a society, and all are now at risk.

President Reagan told Congress that the shuttle "tested our ingenuity once again—moving beyond the accomplishments of the past into the promise and uncertainty of the future." Space exploration probably does not depend on the U.S.—it is inevitable. But Mr. Reagan seems to understand the adventure of it all, that what he called "magic historical moments" happen only when a nation is determined to make them happen, and that a nation's greatness and survival spring from such things. If that is what the president meant, it is of far more importance than the budget message that preceded it.

Mr. Speaker, the time is now for a new, bold national space policy. The text of my legislation follows:

H.R. 3712

A bill to establish the national space policy of the United States, to declare the goals of the Nation's space program (both in terms of space and terrestrial applications and in space science), and to provide for the planning and implementation of such program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Space Policy Act of 1981".

PURPOSE

SEC. 2. It is the purpose of this Act to establish a national space policy and program direction that will enable the United States—

(1) to maintain leadership in space science and technology;

(2) in collaboration, where appropriate, with other countries and international entities, to develop and use the space environment for the benefit of humanity; and

(3) to develop and demonstrate advanced technology capabilities in open and imaginative ways for the benefit of developing as well as developed countries.

FINDINGS

SEC. 3. The Congress finds that—

(1) the United States space program has challenged mankind to travel beyond our planet and has provided the opportunity to expand human knowledge, to extend the limits of our consciousness, and to improve the human condition;

(2) the United States space program has established the scientific and technological leadership of the United States in space activities devoted to peaceful purposes for the benefit of all mankind;

(3) evolving space transportation capabilities will permit the confident placement of facilities and people in orbit, and thereby produce new opportunities for developing and using the space environment;

(4) the development of economical and flexible space transportation systems will make possible productive, cost-effective, and routine uses of the space environment that can materially assist the United States and other nations in the solution, control, and management of problems on Earth;

(5) the technological challenges and advances of space research and development contribute to the vitality and competitiveness of the economy of the United States;

(6) further exploration and study of the solar system will promote understanding of the Earth and its environment and their evolution;

(7) progress in data processing and analysis, together with enhanced methods of acquiring and transmitting data from space, provide new opportunities for developing useful information and services in such areas as climate and weather research and prediction, environmental and pollution monitoring, crop forecasting, plant disease control, drought and flood control, mineral and natural resource exploration and management, land use planning, geodesy, mapping, soil and water conservation, and earthquake research and prediction;

(8) advanced satellite communications technology can provide new commercial and public services in such areas as personal communications, data transmission, education, delivery of health care services, access to governmental institutions, traffic control, emergency services, search and rescue missions, and navigation;

(9) space activities provide new opportunities for international cooperation in the realization of benefits for humanity;

(10) the successful development and use of the space environment for scientific and applied purposes depends on continued research and development efforts conducted by the government and private sector; and

(11) the productive development and use of the space environment requires new policies, procedures, and institutional arrange-

ments that encourage initiative by, and use the innovative capabilities of, the private sector.

POLICY

SEC. 4. The Congress declares it to be the policy of the United States that—

(1) the United States is committed to the exploration and use of outer space by all nations for peaceful purposes and for the benefit of mankind;

(2) the United States is committed to the exploration and use of outer space in support of its national well-being;

(3) the space programs of the United States will be conducted to increase scientific knowledge about the Earth and the universe, to develop and use space technology, and to maintain United States leadership in space science and technology;

(4) the United States rejects any claims of sovereignty over outer space or over natural celestial bodies or any portion thereof;

(5) the United States considers that the space systems of all nations and international organizations are the property of such nations and international organizations, respectively, that space systems for peaceful purposes have the right of passage through, and operation in space without interference, and that interference with space systems will be viewed as an infringement on sovereign rights;

(6) the United States will continue to foster cooperation in international space activities by conducting joint programs;

(7) close coordination will be maintained among the space activities of the various departments and agencies of the United States Government to promote integration of programs and technology transfer and to allow optimal use of all resources;

(8) data and information from the space program of the United States will, to the extent practical and consistent with Government policy on cost recovery, be fully disseminated;

(9) the benefits of space program research to terrestrial applications will be maximized by rapid dissemination of information concerning such programs to appropriate public and private bodies; and

(10) the development of space capabilites and systems by the private sector to produce economic benefits to, and to enhance the technological position of, the United States, will be encouraged.

PROGRAM

SEC. 5. (a) consistent with the provisions of this Act, the President shall assure that the space program of the United States will proceed toward the achievement of the goals in space and terrestrial applications, and the goals in space science, which are described in subsections (b) and (c).

(b) The goals in space and terrestrial applications to be achieved, as soon as possible consistent with the efficient and prudent use of public funds, are—

(1) the pursuit of scientific and technical knowledge and experience to support the continued leadership of the United States in the development and use of space for peaceful purposes and for the benefit of mankind;

(2) the establishment and operation, in collaboration with the private sector as appropriate, of a system of high-resolution remote sensing of the Earth's resources and environment;

(3) the development of improved capability for the interpretation and rapid utilization of remote sensing data;

(4) the investigation and determination of institutional arrangements for international cooperation in the use of remote sensing systems, including the fullest possible declassification of satellite monitoring and surveillance data, and provision for increased training in data interpretation;

(5) the design and development of advanced satellite communications systems, providing increased capabilities for frequency and orbit utilization;

(6) the establishment, in collaboration with the private sector as appropriate, of satellite communications systems in space to meet public needs in emergency services, health care delivery, education, teleconferencing, and other public services and activities deemed appropriate; and

(7) the design and testing of technologies and procedures to determine the technological and economic feasibility of space-based manufacturing of products such as materials and pharmaceuticals, as well as the creation of new and useful goods, services, and markets.

(c) The goals in space science to be achieved, as soon as possible consistent with sound scientific procedures and the prudent use of public funds, are—

(1) the continued United States leadership in the extension of scientific and cultural knowledge through experimentation in and from the environment of space;

(2) the expansion of our international planning and coordinating effort in order to maximize scientific potential;

(3) the pursuit of a vigorous program of planetary and lunar science and exploration, including reconnaissance of the outer planets and comparative studies of celestial bodies, to understand the origin and evolution of the solar system, and to better understand the Earth and its space environment;

(4) the development of increased understanding of the Sun, its interaction with the terrestrial environment, and basic atmospheric processes;

(5) the utilization of advanced technology, including orbiting astronomical observation facilities and free-flying satellites, to investigate and better understand the origin and evolution of the cosmos and the fundamental laws of physics that govern cosmic phenomena;

(6) the continuation of research in the life sciences to insure human health, safety, and effective performance in space flight, to further use the space environment and space technology in the advancement of knowledge in medicine and biology, and to understand the evolution and distribution of life in the universe; and

(7) the interpretation and application of these advances in scientific knowledge to the preservation of the Earth and its environment and to meeting related human needs.

PROGRAM PLANNING, IMPLEMENTATION, AND REPORTING

SEC. 6. (a) The President shall, to the extent practical, carry out the program described in section 5 through the National Aeronautics and Space Administration. The resources of other agencies and departments, including but not limited to the National Oceanic and Atmospheric Administration, the Federal Emergency Management Agency, the defense and intelligence organizations, and the Departments of State, Energy, Education, Agriculture, Interior, and Commerce, shall be utilized as appropriate in research, development, and demonstration, dissemination of information, and industrial or commercial development.

(b) The President shall report to the Congress on the progress of the space program as follows:

(1) Not later than one year following the date of the enactment of this Act, the President shall prepare and submit to the Congress a five-year plan which shall establish priorities for the space program over the succeeding five-year period, and which shall contain details regarding—

(A) the role of each federal agency and department in the program;

(B) proposed annual outlays over the five-year period; and

(C) specific missions, projects, or programs to be undertaken in achieving the goals set forth in subsections (b) and (c) of section 5.

(2) The President shall annually revise the plan to reflect the progress that has been achieved in meeting the scientific and technological goals specified in subsections (b) and (c) of section 5. The revisions shall be submitted to the Congress as part of the annual budget message.

(c) Not later than one year following the date of the enactment of this Act, the President shall prepare and submit to the Congress proposed goals for the space program over the succeeding twenty-year period.

AUTHORIZATION

SEC. 7. There are authorized to be appropriated to carry out this Act such sums as may be specified for that purpose in annual authorization Acts hereafter enacted.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NELLIGAN) to revise and extend their remarks and include extraneous material:)

Mr. DOUGHERTY, for 1 hour, on June 11, 1981.

Mr. LOTT, for 15 minutes, today.

(The following Members (at the request of Mr. LEATH of Texas) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GLICKMAN, for 60 minutes, June 8, 1981.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BROWN of California, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,200.

(The following Members (at the request of Mr. NELLIGAN) and to include extraneous matter:)

Mr. TAUKE.

Mr. KRAMER.

Mr. DERWINSKI in two instances.

Mr. ROTH in two instances.

Mrs. FENWICK.

Mr. COLLINS of Texas in two instances.
Mr. DORNAN of California in four instances.
Mr. FINDLEY in two instances.
Mr. FIELDS.
Mr. MICHEL in three instances.
(The following Members (at the request of Mr. LEATH of Texas) and to include extraneous matter:)
Mr. RICHMOND.
Mr. VENTO in two instances.
Mr. HAMILTON in 10 instances.
Mr. FITHIAN.
Mr. GAYDOS in two instances.
Mr. STOKES in three instances.
Mr. MINETA in two instances.
Mr. MAZZOLI in two instances.
Mr. BARNES in two instances.
Mr. ANDERSON in 10 instances.
Mr. FRANK.
Mr. NOWAK.
Mr. GONZALEZ in 10 instances.
Mr. ROSENTHAL in 10 instances.
Mrs. BOUQUARD in five instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. WEAVER.
Mr. EDWARDS of California.
Mr. BRINKLEY.
Mr. HAWKINS in two instances.
Mr. COTTER.
Mr. MARKEY.

ADJOURNMENT

Mr. LEATH of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 2, 1981, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1463. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to repeal sections which impose certain restrictions on enlisted members of the armed forces and on members of military bands; to the Committee on Armed Services.

1464. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to eliminate the requirement that nominations of persons for appointment to the U.S. Naval Academy must be made not later than March 4 of each year; to the Committee on Armed Services.

1465. A letter from the Under Secretary of the Navy, transmitting notice of the proposed conversion to contractor performance of the service support craft at the Naval Air Station, Pensacola, Fla., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1466. A letter from the Secretary of Housing and Urban Development, transmitting the third annual report on the urban development action grant program, pursuant to section 113(a)(3) of the Housing and Community Development Act of 1974, as amended; to the Committee on Banking, Finance and Urban Affairs.

1467. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1979 on the runaway youth program, pursuant to section 315 of Public Law 95-115; to the Committee on Education and Labor.

1468. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting the 1979 annual report on U.S. crude oil, natural gas, and natural gas liquids reserves, pursuant to section 657(2) of Public Law 95-91; to the Committee on Energy and Commerce.

1469. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1470. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a list of training requirements for fiscal year 1981 under the international military education and training program scheduled to be conducted outside the United States, pursuant to section 542 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1471. A letter from the Under Secretary of State for Management, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1472. A letter from the Deputy Assistant Secretary of Defense for Administration), transmitting notice of a proposed new records system, pursuant to U.S.C. 552a(o); to the Committee on Government Operations.

1473. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1474. A letter from the Chairwoman, Merit Systems Protection Board, transmitting notice of proposd new records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1475. A letter from the Secretary of Education, transmitting the semiannual report of the Department's Inspector General, covering the period ended March 31, 1981, pursuant to section 5 of Public Law 95-452; to the Committee on Government Operations.

1476. A letter from the Acting Inspector General, Community Service Administration, transmitting the semiannual report of her office, covering the period ended March 31, 1981, pursuant to section 5 of Public Law 95-452; to the Committee on Government Operations.

1477. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of NASA's Inspector General, covering the period ended March 31, 1981, pursuant to section 5 of Public Law 95-452; to the Committee on Government Operations.

1478. A letter from the Chairman, Federal Election Commission, transmitting the 1980 annual report of the Commission, pursuant to section 311(a)(9) of the Federal Election Campaign Act, as amended; to the Committee on House Administration.

1479. A letter from the Secretary of the Interior, transmitting a report on amounts expended by the city of Lowell and the Northern Middlesex Area Commission in furtherance of the Lowell Historical Park, pursuant to section 103(d) of Public Law 95-290; to the Committee on Interior and Insular Affairs.

1480. A letter from the Under Secretary of the Interior, transmitting notice of the bidding systems to be used in oil and gas Lease Sale No. RS-1, Gulf of Alaska, scheduled to be held on June 30, 1981, pursuant to section 8(a)(8) of the Outer Continental Shelf Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

1481. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

1482. A letter from the Director, National Legislative Commission, The American Legion, transmitting the audit report of the organization for calendar year 1980, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

1483. A letter from the Controller, Boys Clubs of America, transmitting the audit report of the organization for calendar year 1980, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

1484. A letter from the Executive Director, U.S. Naval Sea Cadet Corps, transmitting the audit report of the organization for the year ended March 31, 1981, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

1485. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting notice of the proposed use of $750,000 of "Research and development" funds appropriated to NASA for fiscal year 1981 to provide for the addition of a motion generation system to the manvehicle systems research facility at Ames Research Center, pursuant to section 3 of Public Law 96-316; to the Committee on Science and Technology.

1486. A letter from the Acting Comptroller General of the United States, transmitting a report on administering the Fair Labors Standards Act (HRD-81-60, May 28, 1981); jointly, to the Committees on Government Operations, and Education and Labor.

1487. A letter from the Acting Comptroller General of the United States, transmitting a report on the River Basin Commissions, (CED-81-69, May 28, 1981); jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Public Works and Transportation.

1488. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a report covering the fourth quarter of calendar year 1980 on abnormal occurrences at licensed nuclear facilities, pursuant to section 208 of Public Law 93-438; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

1489. A letter from the Director, Administrative Office of the United States Court, transmitting a draft of proposed legislation to establish a commission to recommend the salary and benefits of judges and judicial officers, and for other purposes; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LOTT:

H.R. 3740. A bill to amend section 553 of title 5, United States Code, relating to rulemaking proceedings, and to provide for congressional review of agency rulemaking; jointly, to the Committees on the Judiciary and Rules.

By Mr. DANIELSON:

H.R. 3741. A bill to increase the efficiency of Government-wide efforts to collect debts owed the United States, to require the Office of Management and Budget to establish regulations for reporting on debts owed the United States, and to provide additional procedures for the collection of debts owed the United States; jointly, to the Committees on Government Operations, Post Office and Civil Service, the Judiciary, and Ways and Means.

By Mr. FIELDS:

H.R. 3742. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for flood control and recreation in the Upper White Oak Bayou area, Tex.; to the Committee on Public Works and Transportation.

By Mr. HEFTEL (for himself, Mr. FRENZEL, and Mr. MCCLOSKEY):

H.R. 3743. A bill to amend the Internal Revenue Code of 1954 to increase the amount of certain moving expenses allowable as a deduction; to the Committee on Ways and Means.

By Mr. HEFTEL (for himself, Mr. FRENZEL, Mr. DUNCAN, Mr. GUARINI, Mr. SCHULZE, Mr. BAFALIS, Mr. MATSUI, Mr. LANTOS, and Mr. BAILEY of Pennsylvania):

H.R. 3744. A bill to continue through May 31, 1983, the existing prohibition on the issuance of fringe benefit income tax regulations; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. SCHEUER, Mr. MOFFETT, Mr. GRAMM, and Mr. BROYHILL):

H.R. 3745. A bill to revise and extend the Consumer Product Safety Act, and for other purposes; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

97. By the SPEAKER: A memorial of the Legislature of the State of New Hampshire, relative to regulation of intrastate utility rates; to the Committee on Energy and Commerce.

98. Also, a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to issuance of a commemorative postage stamp in honor of Roberto Clemente; to the Committee on Post Office and Civil Service.

99. Also, a memorial of the Legislature of the State of Nevada, relative to use of the Nevada test site for the development of solar and other renewable sources of energy; to the Committee on Science and Technology.

100. Also, a memorial of the Legislature of the State of New Hampshire, relative to regulation of nuclear energy; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 3746. A bill for the relief of Maria Yasay; to the Committee on the Judiciary.

By Mr. DORGAN of North Dakota:

H.R. 3747. A bill for the relief of certain employees at antiballistic missile sites; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 269: Mr. NAPIER.

H.R. 484: Mr. GOODLING.

H.R. 1313: Mr. RANGEL, Mr. WOLPE, Mr. VANDER JAGT, Mr. BAILEY of Pennsylvania, and Mr. HANCE.

H.R. 1339: Mrs. SMITH of Nebraska.

H.R. 1340: Mrs. SMITH of Nebraska.

H.R. 1400: Mr. NAPIER, Mr. EVANS of Delaware, Mr. RALPH M. HALL, Mr. OTTINGER, Mr. WOLF, Mr. CLINGER, and Mr. HOLLENBECK.

H.R. 1718: Mr. WALGREN, Mr. TRAXLER, Mr. STOKES, Mr. GINGRICH, Mr. WEAVER, Mr. LUKEN, Mr. HYDE, Mr. LENT, Mr. LEHMAN, Mr. PORTER, Mr. LOWERY of California, Mr. WOLPE, Mr. PERKINS, Mr. JEFFRIES, Mr. MCKINNEY, Mr. RATCHFORD, Mr. COURTER, Mr. CROCKETT, Mr. JAMES K. COYNE, Ms. OAKAR, Mr. RAILSBACK, Mr. SIMON, Mr. EDWARDS of Oklahoma, Mr. GARCIA, Mr. FORSYTHE, Mr. LEWIS, Mr. GOODLING, Mr. HAMMERSCHMIDT, Mr. NAPIER, and Mr. DORNAN of California.

H.R. 1765: Mr. MONTGOMERY.

H.R. 2019: Mr. COLLINS of Texas.

H.R. 2255: Mr. KILDEE.

H.R. 2331: Mr. RAHALL.

H.R. 2560: Mr. SMITH of New Jersey.

H.R. 3075: Mr. LAFALCE.

H.R. 3117: Mr. MITCHELL of Maryland, Mr. VENTO, Mr. FROST, Mr. LAFALCE, Mr. HERTEL, Mr. LEHMAN, Mr. FRENZEL, Mr. MOFFETT, Mr. FAZIO, Mr. CROCKETT, Mr. AKAKA, Mr. FOGLIETTA, and Mr. SIMON.

H.R. 3268: Mr. PEPPER, Mr. DOWNEY, Mr. BEVILL, Mr. IRELAND, Mr. WHITEHURST, Mr. BAFALIS, Mr. LEHMAN, and Mr. GLICKMAN.

H.R. 3300: Mr. DERRICK, Mr. SHAW, Mr. JONES of North Carolina, Mr. LOEFFLER, Mr. DREIER, Mr. GRISHAM, Mr. SPENCE, Mr. DAN DANIEL, Mr. CARNEY, Mr. NAPIER, Mr. BAILEY of Pennsylvania, Mr. SKELTON, Mr. WILSON, Mr. HIGHTOWER, Mr. GINN, Mr. HUNTER, Mr. AUCOIN, Mrs. SMITH of Nebraska, Mr. STENHOLM, Mr. MOLLOHAN, Mr. BONER of Tennessee, Mr. SMITH of Alabama, Mr. DORNAN of California, Mr. JONES of Tennessee, Mr. BREAUX, Mr. GAYDOS, Mr. SAM B. HALL JR., Mr. FOUNTAIN, and Mr. ROSE.

H.R. 3393: Mr. BROWN of California, Mr. BINGHAM, and Mr. GUARINI.

H.R. 3394: Mr. BROWN of California.

H.R. 3395: Mr. BROWN of California.

H.R. 3396: Mr. BROWN of California.

H.R. 3397: Mr. BROWN of California.

H.R. 3485: Mr. ADDABBO, Mr. LAGOMARSINO, Mr. FORSYTHE, Mr. GINN, Mr. FOUNTAIN, Mr. EVANS of Georgia, Mr. EDWARDS of Oklahoma, Mr. PEPPER, Mr. ENGLISH, Mr. BURGENER, Mr. BEVILL, Mrs. HOLT, Mr. FRENZEL, Mr. WOLF, Mr. MINISH, Mr. MURPHY, Mr. NAPIER, Mr. PICKLE, Mr. WILSON, Mr. DERWINSKI, Mr. O'BRIEN, Mr. HUTTO, Mr. STENHOLM, Mr. IRELAND, Mr. FOGLIETTA, and Mr. MILLER of Ohio.

H.R. 3613: Mr. WIRTH.

H. Con. Res. 88: Mr. JAMES K. COYNE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

97. By the SPEAKER: Petition of Rachel E. Rosenbaum, Newton, Mass., and others, relative to the proposed inclusion of grants under the Rehabilitation Act of 1973 with other programs; to the Committee on Education and Labor.

98. Also, petition of Clyde R. Ketchum, Seattle, Wash., and others, relative to the proposed inclusion of grants under the Rehabilitation Act of 1973 with other programs; to the Committee on Education and Labor.

99. Also, petition of the city council, Virginia Beach, Va., relative to the proposed closing of the Public Health Service Hospital, Norfolk, Va.; to the Committee on Energy and Commerce.

100. Also, petition of the Embassy of the People's Republic of China, Washington, relative to the death of Soong Ching Ling, Honorary President of the People's Republic of China and Vice-Chairman of the Standing Committee of the National People's Congress of the People's Republic; to the Committee on Foreign Affairs.

101. Also, petition of Lillian R. Coon, Bal Harbour, Fla., and others, relative to gun control; to the Committee on the Judiciary.

102. Also, petition of the West Central Wardens and Superintendents Association, Jefferson City, Mo., relative to funding for the upgrading of correctional services; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PLIGHT OF THE AMERICAS

HON. TOBY ROTH
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. ROTH. Mr. Speaker, on Friday, May 1, 1981, the Capitol Hill First Friday Club was privileged to host His Excellency Jose Echeverria, the Ambassador of Costa Rica to the United States, Canada, and the Organization of American States, and to hear him give an address. He spoke about the unique conditions and qualities of his country that have made it a bastion of peace in troubled Central America during the last 40 years—and the site for a new University of Peace, approved by the General Assembly of the United Nations. While some of the views expressed in the following edited version of his remarks would undoubtedly provoke some spirited disagreement, they are part of a profound and insightful look at the plight of the Americas from a global point of view. It is therefore a pleasure for me to share them with my colleagues.

The address follows:

PLIGHT OF THE AMERICAS

I wish to acknowledge my sincere thanks for the honor you bestow upon me as your guest on this occasion. Sam Rayburn, the man after whom this building is named, is well known in political circles in Costa Rica for his indisputable reputation as a Representative and Speaker of the House. I would like to take this opportunity to honor this prominent and worthy leader who served this country well in his chosen field of action.

As you know, Costa Rica is a country which enjoys a model democracy, an enviable freedom, justice in the full sense of the word, and, above all, peace—a peace which is the result of determination and effort of the Costa Rican people. We are convinced that without peace all other values lose their meaning. The origins of these gifts which all the Costa Rican people appreciate well, are amply discussed and debated by the historians and avid researchers into the events of our small country.

In the first place, we can note several significant factors in the formation of Costa Rica:

Individualism caused by the isolated mountain existence which carried into the small towns. As the saying goes: "Each in his house, and God in them all."

Topography and climate have had significant influence. We are bordered by the Pacific and Caribbean Oceans and are not limited in access to the sea. We boast all types of weather from heat in the lowlands to moderate temperatures in the highlands, to the excellent and stable climate in the central plateau.

These factors have formed a very special country. Costa Rica is a country which does not have a standing army by public opinion and constitutional mandate, which is inclined by custom and tradition to civilized routines and which finds absurd and lacking in sensitivity the thought that significant amounts should be spent in the acquisition of arms and munitions, especially to defend a country of limited resources, whose square mileage is under 50,000 kilometers, and which has decided to provide its people with education, health and social security.

Costa Rica depends on resources from coffee and banana crops and these prices are determined by the large international conglomerates. I am here establishing in general terms a basic problem: although Costa Rica is proud to be the first producer in the world of coffee per hectare, as well as that of bananas, and although there is a yearly increase in exports of these products, at the present time, the situation is extremely serious due to the imbalance between its international trade and the downward deterioration of the terms of trade.

It is a source of real concern that some highly industrialized and developed countries do not seem to understand the situation of countries like mine which are faced with a devastating economic and social challenge, and that this is the time, and not when it is too late, to set up a cooperative economic policy. It is my opinion that the United States as a democratic country should encourage those countries which fight to achieve, promote, or improve their democratic system and the level of life of their inhabitants.

I have always endorsed the idea that it is more constructive to encourage than to punish. One should not punish countries which, often for complex reasons have not been successful in promoting a Democracy. One should encourage those countries which have managed to develop a Democracy and these latter should serve as an example for others who seek a political formula.

If those countries which do not produce oil and yet which work prodigiously to increase the production of their international export products are not helped when prices decline, logically doctrines foreign to their nature find a favorable environment for their expansion and diffusion.

I ask you forgiveness in using this opportunity to talk to these matters, but I believe I would not be fulfilling my mandate if I did otherwise. Any one of you can become knowledgable of the geography and physical attributes of Costa Rica by reading an encyclopedia. But I am sure that it has not occurred to you that the signficant gains communism has made in America is due to the fact that the United States has not studied in detail the problematic effect on our poor societies of the low prices paid for export products and the consequences of this, especially for the poorer people.

Economic problems for developing countries, and particularly for Costa Rica, revolve around the adverse terms of trade for basic export products and imported manufactured goods. This has been aggravated in recent years by the extreme increase in energy products, especially oil.

Costa Rica exported to the world market one billion dollars in 1980 of which fifty percent (50 percent) were additional crops such as coffee, banana, sugar, meat, and cacao, and the other half to the Central American and some Caribbean countries in manufactured light products such as beverages, foods, clothing, leather goods, etc.

Imports in Costa Rica for 1980 reached 1.6 billion dollars, producing a deficit in current account of 600 million dollars. As a possible solution to the balance of payments problem, Costa Rica has considered the following measures:

1. To impose restrictions on domestic credits for non-essential purposes;
2. To reduce public expenditures under public investment programs;
3. To promote non-traditional exports, especially to third world countries outside the Central American market;
4. To restructure the energy infrastructure.

In considering the promotion of exports and imports it is important to count on the collaboration of industrialized countries such as the United States, by means of a larger opening in the North American market for Latin American products, through mechanisms such as the enhancement of existing system of preferences, reduction of tariffs for textile and electronic products, and, in general, trade liberalization within the provisions of the OAS Charter which was ratified in this country, but which unfortunately sometimes is not adhered to.

In addition, Latin America and Costa Rica need a special economic, trade, and financial treatment from our largest customer in the American continent, for reasons which are of great interest for the peaceful coexistence of nations, the mutual respect, national and continental security of America and the growing interdependence between Latin American countries and the United States.

I think it is time the United States give greater attention to the problems of the Continent, not necessarily adopting a hegemonous stance within the East-West political frame, but rather seeking to help solve the problems of our Continent.

The United States is a country which has been able to homogenize its population in which the majority (the great Middle Class), is the principal mover in the economy through its high level of buying power. The true goal of the Latin American people is to have the necessary things to live in dignity, without oppression or persecution, and with economic and political independence of the ruling groups (military, oligarchy, etc.).

But this requires a change in attitude at the international level: it is necessary therefore that developing countries such as Costa Rica be paid more for their coffee, more equitably bringing into line stabilizing mechanisms of the International Coffee Agreement. The same should be done for other basic export products, using such mechanisms as avoid prices which fluctuate to the advantage of stronger countries as has always happened in the past.

We believe that one has to see socio-economic relations from the global point of view, where all the countries are the protagonists, as well as the beneficiaries. If there were greater equity in international commercial relations between rich and poor

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

countries, we would not have the bitter problems which leave us with balance of payments deficits. I do not mean that deficits should disappear, but that they become manageable from the financial point of view, and permit countries to continue growing in a dynamic way through buying machinery and capital goods in industrial countries, and at the same time be the recipient of a transfer of technology and other resources for developing "know how."

Within the concepts I have indicated, the United States is in a position to promote justice and inter-American and international peace as outlined in the commitments of the OAS Charter. We cannot continue to ignore the truth, the reality that the peoples of America need one another, and that commitments should be fulfilled and made firm in order to insure that outside forces foreign to our continental interests do not make inroads in the daily life and common goals of peace, democracy, liberty, and social justice for all inhabitants.

With your permission, it is important to speak a few minutes to the topic of social justice. There has been in Costa Rica a concern on the part of most of its leaders for social problems but since they have not been extensive, it is only fair to say that since 1940 during the administration of Dr. Rafael Angel Calderón, Guardia a more effective legislation in favor of limited resource classes has been implemented. The work code, social guarantees, social security, and other institutions were consolidated and expanded afterwards by José Figures and others who occupied the presidency after the revolution of 1948.

No one can be unfairly dismissed from his work in Costa Rica without paying him compensation benefits which are calculated on the years of service. Social security is obligatory, as are free primary and secondary education sponsored and funded by the state.

The State invests large sums in housing for low income groups. It spends a great percentage of its budget in health and the education of the people. It is notable that the most extensive coffee plantations do not exceed 500 hectares and that the number of such farms is quite few. Costa Rica is one of the countries in the Continent whose farms are administered by their owners.

Through ITCO (Land and Settlers Institute), land has been divided among real farms who have also received credit and technical assistance in order to find a market for their crops.

You can see from the above that Costa Rica, called by many the Switzerland of Central America, is one country which has acted with sensitivity in the family of nations. It has known how to fight Communism in time, and advanced to achieve conquests for the most deserving classes and developed in a few years a dominant middle class which is increasing each day through the equitable distribution of the nation's wealth.

Elected by the people for a period of four years, Costa Rican presidents have the full knowledge that they are true servants of the people, that their office is transitional and that they definitely cannot run for reelection. This, and the intrinsic freedom which exists in the communication media, are additional characteristics which enshrine our Democracy.

On the 27th of September 1978, Rodrigo Carazo, President of Costa Rica, personally proposed before the General Assembly of the United Nations, the creation of a University for Peace in Costa Rica. The proposal to establish this institute of higher learning was duly approved.

When the President offered his proposal to the United Nations he did it with the idea that Costa Rica would be an ideal place because of its demilitarized status, its generous social justice and respect for human rights, and also because President Carazo, like all others in the world who are concerned about peace, was hurt to see billions of dollars spent in armaments instead of education. Peace is indispensable for developing education.

The Universal Declaration of Human Rights says: "Each individual has the right to life, liberty, and personal security." The political constitution of Costa Rica also says that every man is free and cannot be a slave. Costa Rica wishes, with the creation of the University for Peace, that its benefits reach to the corners of the earth. By means of mutual agreement tolerance can be achieved, we can control violence, see racial, religious, or ideological discrimination can be eliminated, and social and economic differences can be bridged. These are the tenets of the University for Peace, aimed at attaining a more just and worthy society for all.

Distinguished Ladies and Gentlemen, I do not want to end my talk without calling strongly upon all of you to help us think how Costa Rica can come out ahead in this extremely difficult future which approaches. The Embassy of Costa Rica would be most pleased with whatever initiative you could make to solve the serious economic problem which runs throughout our country. We also request your cooperation in an analysis of our ideas.

Thank you.●

UNTIL JUSTICE PREVAILS

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. HOLLENBECK. Mr. Speaker, Thursday marked the 63d anniversary of Armenian independence. On this day each year, people of an Armenian ancestry contemplate their past and redouble their efforts to secure freedom and independence for all Armenians.

This anniversary should encourage sober reflection. On May 28, 1918, spurred by Woodrow Wilson's 14 points and motivated by their respect for human rights, the people of Armenia declared their independence. This action demonstrated how relentless struggle can surmount oppression and secure liberty. In our contemporary society, where I regard human rights as a prominent issue, we would be wise to remember the struggle for Armenian independence and learn from their spirited determination. Like our Armenian friends, we should share their remembrance and rededicate ourselves to the ideals in which they believe.

Because of the persecution they have experienced, Armenians possess an inherent respect for freedom and human dignity. Armenian Americans have been second to none in their support of this Nation and the ideals upon which it was built. Their unselfish motivation drives them to seek the implementation of these values throughout the world.

Despite suffering centuries of persecution, the Armenians continue to nurture and augment their religious, cultural, and linguistic identity. This in itself is a testimony to their national character. Hopefully this persistent dedication to national self-determination will reward them with the satisfaction of restoring freedom to the people of Armenia and to the land which is their historic birthright.

Armenians worldwide have suffered the depths of human cruelty and I believe it is time that we recognize their right to independence. I only hope that their courage persists until justice prevails and independence arrives with the guarantee of freedom for their people.●

REAGAN AND SYNFUELS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. MARKEY. Mr. Speaker, a glaring example of a program that escaped the Reagan budget ax is the U.S. Synthetic Fuels Corporation. John A. Hill, in an article that appeared in the May 31, 1981, New York Times, points out the ideological conflict between the Synfuels Corporation and President Reagan's stated political philosophy. Mr. Hill's article, follows:

WHY DIDN'T REAGAN SIMPLY KILL SYNFUELS?

President Reagan's decision, apparently upon the advice of David A. Stockman, his budget director, to keep Jimmy Carter's Synthetic Fuels Corporation, stands out as a glaring anomaly and as a potential threat to his Administration's ability to claim (as it must) that all sectors are being treated equitably in the effort to reduce the impact of government. This decision is even more curious when one examines the history of this program and the views regarding a government synfuels effort that such officials as Mr. Stockman have expressed before.

The synfuels corporation has its roots in Senator Henry Jackson's efforts in the early 1970's to establish the Federal Oil and Gas Corporation, which he considered necessary not only to develop "accurate" data on the cost and profitability of oil and gas exploration and development (i.e., to keep the oil companies honest) but also to assume the financial risks associated with the more exotic, still commercially untested sources of energy, such as shale and the coal-based synfuels. This effort was successfuly opposed by the Nixon and Ford Administrations on grounds that accurate data were available and that the private sector should incur the financial risks of synthetic fuel development with only modest Federal help.

The next round came with Vice President Nelson A. Rockefeller's plan in 1976 "to marshal industrial American behind energy self-sufficiency" by providing up to $100 billion in loans, loan guarantees, price supports, grants, etc., for major but economically risky energy projects such as synfuels, nuclear reprocessing facilities, energy parks, solar installations and so forth. This effort was initially held in check by the Federal Energy Administration, which strongly opposed the concept in memorandums to President Gerald R. Ford and even refused the Vice President's request to undertake the staff work to develop the concept.

Mr. Rockefeller overcame the opposition of the F.E.A. bureaucracy by bringing in William H. Donaldson from Wall Street to design the program and build a cadre of business supporters for the Energy Resources Financing Corporation. President Ford eventually approved the notion for submission to Congress (largely as a political favor to Mr. Rockefeller). But the push soon died when President Ford's true feelings were made known to key Republicans in the Congress.

The major push behind synfuels as we know it today did not occur until the Carter Administration, when the President "came down from the mountain" (i.e., Camp David) to try to salvage his failing Presidency with a new energy drama involving (a) a so-called "windfall profits tax" on crude oil; (b) the use of some proceeds from the tax to subsidize an incredible array of alternatives to imported oil (including conservation, solar energy and synthetic fuels), and (c) two new energy bureaucracies: the Energy Mobilization Board to help overcome obstacles to energy development created by other Federal agencies, and the Synthetic Fuels Corporation, to provide up to $88 billion in loans, loan guarantees, price supports, grants, etc. for the development of synthetic fuels by a domestic energy industry that President Carter, curiously, had attacked earlier as having too much capital!

As we know, Mr. Carter did not get his entire package, but he did get the crude oil tax and many of the subsidies, including the synfuels corporation.

The fate of the corporation was a major question mark in the early days of the Reagan Administration. Ronald Reagan, the candidate, had made statements suggesting that the corporation was headed for elimination once he was in the White House, but, to my knowledge, he never flatly indicated that he would abolish it. Although Mr. Stockman had indicated in an astonishingly creative energy-policy article in Public Interest in 1977 that the nation's energy situation "cannot be improved upon by deliberate energy policy actions on the part of the U.S. or any other government," his now famous (leaked) "economic Dunkirk" memorandum did not recommend elimination. Mr. Reagan's energy transition team ducked the issue.

The recent nomination of Edward E. Noble to head the synfuels corporation appears finally to answer the question of its fate. The President intends to keep the corporation and utilize its authorities to assist the synfuels effort in the United States. This curious outcome raises a number of questions. Why, for example, did the President decide to retain a program that is not only inconsistent with his own philosophy but is also one that could be terminated so easily in its embryonic state? What did the conservative Ronald Reagan find attractive about a program that a more moderate Republican President, Mr. Ford, found objectionable on conservative grounds and which took a more liberal Democratic President to get through the Congress?

Answers to these questions are not easy to find. They certainly have nothing to do with need, at least on any rational, analytical basis. Although Washington frequently makes the mistake of believing that markets and market participants only respond to its initiative or dictates. the city and its mandarins generally lag the marketplace, and the synfuels corporation is no exception.

The domestic energy industry was beginning to make major investments in synthetic fuels long before the corporation was established. In addition, experts indicate that the synfuels industry, which has been under development for a decade or so, will eventually require at least $500 billion in capital investment. A commitment of this size obviously would not be affected one way or the other by the existence of the synfuels corporation and its various subsidies and supports.

Mr. Stockman himself must surely concede the lack of any economic justification for the corporation. As he argued in the Public Interest article in 1977, "the global potential to supply such hydrocarbons from unconventional sources (such as gas from coal) is simply mind-boggling. No major breakthroughs in science, engineering or technology would be required, and the price of such supplies would be perhaps not more than double the current price of oil." When that article was written, the price of oil was about $13 a barrel. Today, oil at $38 a barrel is not double but almost triple the then "current price of oil."

If Mr. Stockman was right about price being the constraint in 1977 (and he probably was), then there is no need for the synfuels corporation. If he was wrong—if synfuel projects are not economic at $38 a barrel—then we should forgo the synfuels enterprise altogether in light of the fact that we have an abundant (for all practical purposes, perhaps infinite) supply of lower cost, even domestic, alternatives, principally coal and conservation. To pay significantly more for synfuels than we would for coal or conservation borders, to put it mildly, on economic insanity.

Nor is an explanation of the President's decision to be found in the political arena. There has been no sustained lobbying effort by anyone in support of the synfuels corporation since Mr. Reagan took office.

Although some companies have synfuels projects that are decidedly uneconomic without a government subsidy, such situations are limited or have more to do with the economics of those particular projects or the existence of the subsidy itself than with the economics of legitimate synthetic fuels projects.

There is no evidence to suggest that the President decided to keep the corporation because of the rather lucrative patronage opportunities offered by the corporation. The President could have offered Mr. Noble any number of jobs, and Mr. Noble, with his apparently conservative outlook, would probably have found any one of them more satisfying than the chairmanship of the corporation.

The only answer to this question that I can find is that Mr. Stockman may have decided that he could not fight every battle at once and that the corporation was the least harmful of the budgetary evils since it threatened no near-term outlays. These arguments have obvious flaws.

First, as suggested above, there is virtually no one to fight in the synfuels corporation area. Second, the argument on budget outlays is also dubious. Virtually every Federal program that Mr. Stockman is now trying to reduce or eliminate once was justified on grounds that the potential outlays of the those programs would be relatively small or unimportant.

Whatever the reasons, Mr. Stockman's apparent unwillingness to take on the corporation may be the straw that breaks the camel's back in terms of President Reagan's ability to maintain the critically necessary stance of equitable treatment across all governmental programs in his budget-reduction effort.●

CANADIAN GOVERNMENT'S ONE WAY APPROACH TO ENERGY DEVELOPMENT

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. KRAMER. Mr. Speaker, although the United States and Canada have had a long and traditionally friendly relationship, recent steps by the Canadian Government and by Canadian corporations could lead to a departure from what has been a mutually beneficial policy of cooperation.

These changes are particularly evident in the area of energy development. Under the Canada Oil and Gas Act, recently passed by the Canadian House as part of the Canadian national energy policy, oil and gas licenses for Canadian Government-owned lands could be granted only to corporations with a Canadian ownership of more than 50 percent, effectively blocking much U.S. development of Canadian oil and gas.

Under the Foreign Investment Review Act of 1973, the Canadian Government already has the authority to review any purchase of more than 5 percent in a Canadian company, and, if it feels that such a purchase is against Canada's interest, to block the acquisition. In recent years, the Canadian Government has blocked various takeovers of Canadian firms by Gannet newspapers, Mobil Oil, and by Getty Oil.

As a result of these actions and of other sections of the national energy policy, the actions of U.S. firms have been restricted, and their assets in Canada and the value of their stock based on such assets have been reduced.

On top of these actions, the Canadian Government has also been lobbying the United States to press for stricter air pollution controls on U.S. coal burning utilities in order to reduce acid rain which impacts both Eastern Canada and the Eastern United States. the effect of this action is to increase costs of U.S. electricity and

limit U.S. participation in finding additional fossil fuels with which to replace high-sulfur coal which causes such air pollution.

As a practical matter, then, the actions of the Canadian Government, whether intentional or not, have had the actual impact of hurting U.S. companies who have already invested in Canada and benefiting Canadian companies who may be interested in taking over U.S. companies or investing in U.S. property.

In one case in point, on May 5, Dome Petroleum Co. of Canada made a tender offer for 14 to 22 percent of the outstanding stock in Conoco, a U.S. company more than 15 times the size of Dome. Yet because of the depressed value of Conoco's shares due in part to Canadian Government action, and the diluted nature of the holdings of Conoco's stock, the tender offer could end up with control of a U.S. corporation in Canadian hands.

What is more, because of the Canadian Foreign Investment Review Act (FIRA), Conoco cannot make a counteroffer to take over Dome. Dome has indicated that one of its reasons for the tender offer may be to force Conoco to sell to Dome Conoco's present controlling interest in Hudson's Bay Oil & Gas.

Such policies can only lead to growing resentment and a breakdown in what has heretofore been a remarkable degree of economic cooperation between the United States and Canada.

Because this is an area of increasing concern, Mr. Speaker, I did want to bring these circumstances to your attention and to the attention of my colleagues.

Thank you.●

SPANISH NEWS NETWORK SHOW MAKES ITS DEBUT

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. GARCIA. Mr. Speaker, I rise today in tribute to the Noticiero Nacional Spanish International Network (SIN), the first American nightly network news show entirely in Spanish. This is a historic moment for the Nation's 20 million Hispanics as issues of concern to the Hispanic community such as immigration and bilingual education will finally merit the national media attention they so rarely obtain. On behalf of the Congressional Hispanic Caucus, I would like to congratulate Rene Anselmo, president of the Spanish International Network, and the Noticiero Nacional SIN production chief, Frank Marrero. In addition, I would like to extend my congratulations to the entire news team and staff for making this a reality. Also, I, therefore, would like to share with my colleagues an article that appeared in the May 31, 1981, issue of the Washington Post heralding the June 1 debut of these Spanish newscasts in the Washington area and all over the country.

The article follows:

SPANISH NEWSCASTS DEBUTS

(By Lloyd Grove)

News program or pep rally? Either way, "Noticiero Nacional SIN," America's first Spanish-language nightly network news show, will accentuate the positive when it debuts Monday (6:30 on Channel 56).

"The only time we ever hear about anything Hispanic, it's about a military coup or an earthquake," complains Frank Marrero, head of production for the SIN National Spanish Television Network, which boasts 100 stations serving 2.6 million Hispanic households nationwide.

"We'll have to report everything that's newsworthy, but we'll also try to end up on a positive note. One of this show's objectives is to keep up the self-esteem of our people."

A Latino answer to "World News Tonight," etc., the show is the brainchild of Rene Anselmo, founder and president of the 20-year-old network. As Anselmo and company see it, "Noticiero Nacional SIN"—which translates, prosaically, to "SIN National News"—will focus on such issues as bilingual education, immigration policy and public housing: matters rarely tackled by the Big Three.

SIN, though, must make do with considerably less money than big-time television.

Marrero, who's in charge of developing the program, says SIN has earmarked about $2 million, or 2% of what the majors spend each year, for starting the national news operation. Its annual budget will remain in the neighborhood of $1.5 million.

"Some people may look at that as a very modest figure," he says, "but for us, it represents a very big commitment."

For Marrero, 43, a native of Puerto Rico, the show is a maiden voyage into the wonderful world of news. He studied film at UCLA and spent most of his career producing television commercials before coming to SIN in 1979.

"I feel some trepidation, but if Roone Arledge can do it," Marrero says, "then I guess I can, too. I've made a point of surrounding myself with some very good news people."

Anchoring the broadcast from Washington, where SIN leases the facilities of Howard University's WHMM-TV, will be Guillermo Restrepo, 38, who began his career at age 13, writing sports for his hometown paper in Colombia. At KMEX-TV in Los Angeles, he was part of the news crew that received the prestigious Peabody Award for an investigation into the death of Ruben Salazar, a prominent Mexican-American who was killed during the 1971 riots. Most recently, he has been news director of WXTV, SIN's New York affiliate.

Guillermo Descalzi, a 34-year-old native of Peru who's based in Washington, will be the national correspondent. A naturalized American like Restrepo, he's a relative newcomer to journalism, having taught English as a second language in Buffalo public schools until he snagged a job in 1975 at KDTV, SIN's San Francisco affiliate.

"I've always thought the mass media was the best way for disseminating thought," says Descalzi, who has a master's in education from the State University of New York. "Television has always been my ultimate goal, because it seemed the best way for me to have a positive effect on the world."

Says Restrepo, who sees anchoring as tantamount to managing the broadcast, "We want to put a lot of emphasis on things that are directly connected to the Hispanic community, and we also want to help that community by establishing a contact point between the people and the government."

Ironically, the show will be produced in a city where most people can't receive it. To the chagrin of all concerned, the signal of Channel 56, SIN's year-old Washington affiliate, is of such low power that it shows up as a ghost on most local sets. "That bothers us a lot," Marrero says of the experimental station, "but we're applying to the FCC for a more powerful signal."

Marrero says the show will use reporters and camera crews at 11 affiliate stations nationwide, as well as stringers in Latin America. He also promises staff-produced special reports on doings in El Salvador and other hot spots. The broadcast will not, however, use imported material from Mexico's Televisa network, which dominates the rest of SIN's programming.

"As a news show, we want to be totally independent," Restrepo says.

Monday's broadcast, by the way, will begin with a videotaped statement from President Reagan, captioned in Spanish for the voters at home. The Gipper, no doubt, will find something postive to say.●

MR. CARL VINSON

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. BRINKLEY. Mr. Speaker, as I returned from Georgia, I brought sad tidings. We are all diminished by the death early this morning of Carl Vinson, who lived and worked among Members of this body for more than 50 years.

But it was not only the years Mr. Vinson put in up here, it was what he put in those years that set him apart as an uncommon American.

His stately portrait hangs in the Armed Services Committee room, appropriately named the Carl Vinson Room and his inspiration remains there. His commitment to a strong Navy and to a strong national defense was symbolized last year in the christening of the nuclear-powered aircraft carrier, U.S.S. *Carl Vinson.* This will be a tangible reminder to all who love and serve this great Republic of Mr. Vinson's leadership and wise counsel—that strength is essential to freedom.

I make this announcement on behalf of myself and our colleague, Mr. BILLY EVANS of Georgia, in whose district Mr. Vinson resided. Funeral arrangements are incomplete.

Shortly Mr. EVANS will arrange a special order on the life and service of this remarkable man whose length of service, though unequalled, is far outshone by its quality.●

MESSAGE TO THE SUPERPOWERS ON EL SALVADOR

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. BARNES. Mr. Speaker, last month the Miami Herald carried an editorial on El Salvador that made a lot of sense. The editorial pointed out the importance to the United States of working with our democratic friends in the region, Mexico and Venezuela, to seek a political solution in El Salvador, rather than seeking a military victory for our own geopolitical purposes. The latter course, while perhaps tempting to a new administration trying to flex its muscles, would be self-defeating in the long run.

The administration has yet clearly to indicate which course it favors. Because an isolationist, go-it-alone policy of military victory in El Salvador would be so damaging to our interests and our leadership in Latin America, I am submitting the Miami Herald editorial in the hopes that it will be read and pondered by everyone responsible for our El Salvador policy.

The editorial follows:

[From the Miami Herald, Apr. 15, 1981]

MESSAGE TO THE SUPERPOWERS

The message from, Mexico City could not have been more clear; Superpowers, stay out of Central America, Americans and Soviets, this means you!

To anyone who hopes sincerely for an end to the killing in El Salvador, it was a welcome joint communique from the presidents of Venezuela and Mexico. Those two oilrich democracies anchor the southeastern and northwestern corners of the Caribbean. When they speak in unison on matters of regional interest, their voice demands attention.

Presidents Luis Herrera Campins of Venezuela and Jose Lopez Portillo of Mexico have not always agreed on how best to resolve the bloody and bitter Salvadoran conflict. However, they recently concluded a three-day meeting with a forceful joint statement calling for a negotiated political solution in El Salvador, offered their nations' joint efforts to achieve that solution, and warned both the Soviet bloc and the United States to stop "internationalizing" the conflict.

This is a message Washington should heed carefully. Nothing would be more damaging to U.S. prestige than barging ahead paternalistically in Central American in opposition to a united course offered by the region's own prominent democracies.

Until the unsuccessful January guerrilla offensive in El Savador, which preceded the Reagan Administration's saber-rattling. Caracas and Mexico City had different views on the civil war. Mexico, which Administration officials like to characterize as the ultimate domino in the path of spreading Central American revolution, was not acting like a domino. Instead, it was supporting the opposition factions and maintaining its warm relationship with Cuba.

Venezuela, in contrast, was backing the civilian-military junta supported by the United States and describes its relations with Havana as "very cold." When the January offensive failed, however, it became clear that no quick end to the war was likely. Venezuela and Mexico now are agreed that a negotiated settlement among all the factions should be pursued strenuously. They are prepared to do so.

It is critical that the United States join the hemisphere's democracies in seeking a just political—and therefore Salvadorean—solution for El Salvador. If the United States unilaterally prolongs the conflict by holding out for a military victory at the cost of thousands of Savadorean lives, it will sacrifice its potential for leadership in the New World for years to come.●

UNION OF COUNCILS FOR SOVIET JEWS OPPOSES LEFEVER NOMINATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. FRANK. Mr. Speaker, opposition to the nomination of Dr. Ernest Lefever for Assistant Secretary of State for Human Rights and Humanitarian Affairs is growing. Today, the Union of Councils for Soviet Jews, a grassroots organization with chapters in cities across the country, added its name to the list of groups active in the human rights area who oppose Lefever.

Robert Gordon, president of the Union of Councils for Soviet Jews, remarked today that it is unacceptable to advocate a forceful human rights policy in Communist countries while turning a blind eye toward human rights abuses in friendly nations. Lefever, who has been nominated by the administration to symbolize U.S. human rights efforts, advocates a policy of selectively injecting human rights concerns into our foreign policy. The Union of Councils for Soviet Jews, argues Gordon, believes that the best interests of Soviet Jews can be served by a forthright and consistent advocacy of human rights abuses wherever they may occur.

Robert Gordon's remarks follow:

UNION OF COUNCILS FOR SOVIET JEWS OPPOSES LEFEVER NOMINATION

The Union of Councils for Soviet Jews is the oldest national organization concerned with Soviet Jewry, being comprised of 28 councils in 35 states.

The Union of Councils for Soviet Jews, after carefully considering the testimony of Dr. Ernest Lefever before the Senate Foreign Relations Committee, as well as his other recent statements, is announcing today its determined opposition to Dr. Lefever's nomination to be Assistant Secretary of State for Human Rights and Humanitarian Affairs.

Dr. Lefever has fostered the perception that human rights abuses in "authoritarian", non-communist regimes would be subject to less rigorous examination and criticism than those violations perpetrated by "totalitarian", communist states.

The Union of Councils for Soviet Jews is primarily concerned with human rights in a leading totalitarian country, the USSR. To Soviet Jews, the United States' support of human rights is a moral obligation and a practical matter. It is not something which can be employed solely as a stick for attacking the Soviet government without a corresponding effort to promote a dialogue which can lead to the improvement of conditions in the Soviet bloc.

In our view, Dr. Lefever's drawing of an authoritarian-totalitarian distinction impairs his credibility as a spokesman for and symbol of the United States' commitment to human rights as both an underlying principle and fundamental goal of foreign policy.

Dr. Lefever has given no indication that he would use the advocacy of human rights as a tool for combatting abuses throughout the world. On the contrary, his testimony creates the impression that the purpose of human rights is to criticize our adversaries, while having doubts about the legitimacy of human rights as a component of foreign policy.

There can be different approaches to improving human rights conditions. However, the Union of Councils for Soviet Jews is uncertain about Dr. Lefever's genuine commitment to even continuing the United States' traditional advocacy of human rights.

It is for this reason that the Union of Councils for Soviet Jews joins with the Ad Hoc Committee of the Human Rights Community and other groups which have previously announced their opposition to Dr. Ernest Lefever's nomination.●

THE 150TH ANNIVERSARY OF BETHEL A.M.E. CHURCH

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. NOWAK. Mr. Speaker, this year marks the 150th anniversary of the Bethel A.M.E. Church, located at Michigan Avenue and East Ferry Street in Buffalo, N.Y., which I am privileged to represent.

The oldest black congregation established in Buffalo, Bethel A.M.E. was an outgrowth of the church started by Bishop Richard Allen in 1787 in Philadelphia, Pa.

During the mid-19th century, the Buffalo church's facilities played an important role as a way-station for slaves riding the underground railroad between the South and their final destinations in Canada.

Today, Bethel A.M.E. Church continues to add to its traditional record of community service, including the operation of Head Start and tutorial programs and a broad range of services for senior citizens and the needy. It also maintains a missionary program to assist worthy causes in rural America and overseas.

I would like to thank Mr. General Bass, the chairman of the church's board of trustees, and Mrs. Beulah L. Jones, a member of the congregation,

for bringing this significant anniversary to my attention.

At this point in the RECORD, I would like to insert the following brief historical sketch of Bethel A.M.E. Church.

HISTORY

The African Methodist Episcopal Church recognizes "God as our Father, Christ as our Redeemer and man as our Brother."

Bethel A.M.E. Church was organized on April 28, 1831. This was one year before Buffalo became an incorporated village.

The Honorable Enos J. Troop was Governor of the State of New York, which had a population of 1,918,000. His Excellency Andrew Jackson was President of the United States of America.

The first church was a little frame humble meeting place on Washington and Carroll Street. The Rev. Williams was the pastor in charge.

The original meeting place was replaced in 1845 by a brick edifice at 17 Vine Street, built at a fabulous cost, for that time of $3,000.00. The church was first known as Vine Street Colored Methodist Episcopal Church. Later it assumed the name of Bethel African Methodist Episcopal Church, which name it has kept until the present time.

Both buildings were used as underground railroad stations for slaves fleeing from the South to Canada. Blacks coming north were brought in from Rochester and hidden in the Church cellar. Later at night small groups went down to Ferry Street where sympathizers rowed them to the Canadian shores.

The Bethel Congregation worshipped in the Vine Street Church for eighty-two years. On January 1, 1928, they moved into a church building at 551 Eagle Street, purchased from the Atonement Lutheran Church under the pastorate of Rev. M. E. Jackson.

After worshipping on Eagle Street for twenty-five years the congregation decided to purchase the former Covenant Presbyterian Church at 1525 Michigan Avenue in 1953 under the leadership of the Rev. Harry J. White.

This Historic Church is the Oldest Black Congregation in Buffalo, our present pastor is the Rev. Eugene E. McAshan who came to Buffalo in November 1980 from Brooklyn, New York. Under his leadership we are planning many improvements.

"We've come this far by faith trusting in the Lord."

Mr. Speaker, I would like to join the many other well wishers in congratulating the congregation of Bethel A.M.E. Church on its century and half of service to the community.

Those well wishes include the fond hope that it will continue this tradition of community service for many decades to come.●

SUPPORT OF BIOMEDICAL RESEARCH PROGRAMS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. STOKES. Mr. Speaker, I wish to take this opportunity to bring to the attention of my distinguished colleagues of this body the benefits of two major programs initiated by the National Institutes of Health as the result of the recognition of the underrepresentation of minorities in the sciences and biomedical fields. These two programs are the minority biomedical support program (MBS) initiated by the Division of Research Resources; and the minority access to research careers programs (MARC) initiated by the National Institutes of General Medical Sciences. The combined efforts of the MBS and MARC programs have strengthened institutional research and research training capabilities in colleges, universities, and health professional schools that enroll a significant number of minority students. The activities of these two programs for the past 8 years have led to an enhanced awareness among minority students for opportunities in science and research, and in addition, resulted in an increased preparedness of these young students for graduate science and biomedical training programs.

I am sure that we all are aware of the severe paucity of blacks and Americans of Hispanic descent in the natural and physical sciences. This underrepresentation has resulted in a severe underutilization of human resources that this country can draw upon for the development of solutions to societal problems. In the words of the United Negro College Fund, I quote for you, "A mind is a terrible thing to waste," and I submit to you Mr. Speaker, that there are thousands of blacks and Chicano minds that are not meeting their full potential because they are not exposed to the great opportunities that our technological society offers. I wish to bring to your attention the accomplishments of the MBS and MARC programs because, if this country is to provide for all its young people the opportunity to achieve to their maximum and accomplish career goals with their greatest potential, then we must continue to seek out those that are underrepresented in our scientific communities and provide to and for them challenging and rewarding experiences. Because of the current low enrollment of all minority students in science graduate programs, I suggest Mr. Speaker, that we must indeed enhance our efforts in these areas. A 1980 report by J. R. Mingle of the Southern Regional Educational Board of Atlanta, Ga., points out that black students constitute only 6 percent of total graduate enrollment in all programs and only 2 percent in life and physical sciences programs. Thus we must put forth a conscience and positive effort to encourage more minority young people to pursue the challenging and rewarding opportunities available in the biomedical sciencies. To demonstrate to you the impact of our allocated moneys for these types of programs, I submit to you the following evidence.

From a modest beginning in 1972 with awards to 38 institutions that affected some 300 to 400 students, the MBS program had increased by 1980 to a level of 80 awards to 80 institutions and contains 660 participating faculty members and over 1,400 students, at both the undergraduate and graduate levels. These students and faculty are pursuing research problems that are at the forefront of scientific investigation. For example, investigators at Howard University are studying the effects of hormones on the growth of breast tumors. Investigators at Medgar Evers College in New York are studying the chemistry of drug addiction by examining opium receptors in model living systems. Students who participate in these programs are preparing for leadership roles in tomorrow's world. Of the more than 4,000 minority students, who have graduated from MBS institutions in the 8-year history of the program, approximately 50 percent of these have pursued advance degrees in the health profession. Another 40 percent have pursued Ph. D. degrees in biomedical sciences.

The MARC program at the National Institute of General Medical Sciences, also initiated in 1972, was designed to strengthen the faculty at minority institutions. The MARC program has provided financial support for pre- and post-doctoral training of faculty from these institutions. In 1977, the MARC program initiated an undergraduate training component, to provide support for undergraduate students committed to biomedical science careers. Through MARC funding, 151 faculty members have been supported in pre- or post-doctoral training and a total of 423 undergraduate students have received support for their biomedical training. As you can discern, the MARC program has deveolped a continuum of interaction between faculty and students at undergraduate and graduate education, as well as postgraduate education. To accomplish the program goals, it will be necessary for the National Institutes of Health to make a long-term commitment to each component of MARC activities.

Mr. Speaker, in my opinion, the National Institutes of Health has initiated a productive and successful beginning to increase the number of minority biomedical scientists. I hope that my colleagues will continue to support the goals and objectives of the MARC and MBS programs and, as recently voiced by Vice President BUSH at Tuskegee Institute and Howard University, maintain a commitment that will allow black colleges to continue to produce much needed manpower for today's job market.●

SOCIAL SECURITY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. MAZZOLI. Mr. Speaker, administration proposals to alter provisions of the social security system have touched off an intensive national debate.

While I take issue with certain of these proposals—particularly the penalties for early retirement—I commend the President for starting this discussion. It will lead to a stronger, more financially stable, more solid social security system.

It must be remembered, Mr. Speaker, that this exercise is not for the purpose of taking a whack at social security—as a gentleman put it to me during a recent public forum—but to keep social security solvent for all Americans.

Everyone agrees that changes must be made in social security. But, any change must be made prudently, humanely and far enough in advance, Mr. Speaker, so that people can plan adequately for their retirement years. People should not have rugs snatched out from under them.

We must keep in mind, Mr. Speaker, that there are commitments here: To the retiree who paid into social security during his or her working life; to their spouses and survivors; to current workers; and, even to some extent, to those who have not yet entered the labor market.

These commitments require that any changes—even those which will strengthen the whole social security—be made with great care and caution.

One key in all this, Mr. Speaker, is not to change social security any more than is necessary.

For example, there is some indication that the administration's proposals are designed to yield enough in cost savings that a reduction in social security payroll taxes can be made in the years ahead.

I disagree with this approach. Our goal, here, I believe, is to avoid huge and recessionary increases in future payroll taxes—not necessarily to reduce future payroll taxes.

Another key here, Mr. Speaker, is that all changes in social security should be fair, equitable and balanced. All persons affected by our actions must be carefully considered.

It goes without saying, Mr. Speaker, that any changes ordered in the system should affect current retirees and those who are close to retirement as little as absolutely possible.

A final key, Mr. Speaker, is not to let rules of thumb and so-called sacred cows stand in the way of our efforts to strengthen the social security system.

For example, it has been a rule of thumb that Congress should not tax General Treasury revenues to pay for any part of the social security program. This sacred cow and others—such as merger of civil service retirement into social security and extension of the retirement age—have to be examined along with all other possible strengthening remedies for social security.

What we have to do here, Mr. Speaker, is to leave no stone unturned in order to put social security on sound footing for all Americans.

We must do this fairly and equitably and over a sufficiently long period of time to provide a smooth transition and to give persons adequate time to prepare for a change.

I am pleased to report, Mr. Speaker, that the work done by the House Ways and Means Subcommittee on social security, under its able chairman, Representative JAKE PICKLE, is consistent with all I have said here today. The subcommittee is on the right track, and it will point the way for a better future for social security.●

IMPRESSIVE CONTRIBUTIONS OF THE GREEK PEOPLE

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. RUSSO. Mr. Speaker, on May 16 the "Search for Alexander" exhibit opened at the Chicago Art Institute, and associated with this grand event was the meeting of the United Hellenic American Congress, including a Greek festival, parade, and celebration of Greek independence. It was a glorious weekend and one in which I was pleased to participate.

It was a time to reflect on the impressive contributions of the Greek people, the timeless values and ideals that endured through the centuries and have become a part of our modern world. Columnist Bob Wiedrich of the Chicago Tribune recently wrote an excellent piece, "* * * lifting a toast to Greeks." I agree that a salute is in order, and I want to share Mr. Wiedrich's fine article with my colleagues.

[From the Chicago Tribune, May 10, 1981]

OOH, OUZO! LET'S ALL LIFT A TOAST TO GREEKS

(By Bob Wiedrich)

I have always sought to at least partly judge societies by the quality of the fermented juices they quaff.

During past wanderings through the Mediterranean, I conducted an unscientific study of the cultural heritages of the lands that border that sea.

And I arrived at the conclusion that the Greeks were the most civilized people because they had successfully struck a subtle balance in the ingredients of their favorite after dinner drink.

Now, that determination probably will not rest well with the academic community that for centuries has explored the mysteries of the Mediterranean and its populations for knowledge of more significant substance.

But since the results sit best in my stomach, I always have leaned toward Grecian culture as a guide to my appreciation of historic events in the region. For while great civilizations have risen and fallen, what remains thousands of years later is often a tangible means of weighing their virtues.

And although the contributions of ancient Greece to modern life are many, the national Greek after dinner drink provides a highly personal link to the past.

For what better way to transport one's self back through the ages than with the elixir that once graced the palettes of monarchs and poets? What better way to stimulate conversation and to generate great thoughts worthy of a vanished era?

In southern France and Italy, the local indulgence is anisette, a licorice-based liqueur that tastes good, but is prone to provoking pounding headaches.

As one moves eastward into Greece, the provincial tonic becomes ouzo, again a clear, thick liquid, but less heavily laced with licorice.

Then once one has cleared the shadow of the Acropolis and plunged into the Asian heartland, a traveler is confronted by arrack, a fermented folly that includes just a hint of the anise seed, but is of such fiery consistency as to suggest suicide.

In the space of a thousand miles, one has traversed the manifestations of three Mediterranean cultures. The anisette is too sweet and cloying. The arrack is too bitter. Only the ouzo bears the taste of gentility.

Thus, while many Americans have been exposed to Plutarch and other reflections of Greek culture and refinement, it is the ambience of the national after dinner drink that most attracts them.

Therefore in 1981, which I prefer to label the year of Greek pride, let us all hoist a snifter of ouzo in salute to the enormous contributions these Mediterraneans have made to America.

Let us honor the Greek-Americans among us for the democratic heritage they brought to these shores after having spread that cherished political ideal throughout the western world. Let's pay homage to their traditions of architecture and literature, philosophy and poetry.

Above all, let's thank them for their good humor, their passion for life, their zest for living every minute of it to its fullest, and their work ethic that has transformed many an immigrant into a merchant prince.

The inspiration for this column, of course, is the Search for Alexander exhibit of Greek artifacts opening May 16 at the Chicago Art Institute. Tied in with the display is a series of events sponsored by the United Hellenic American Congress that include a Greek festival, a parade, and a celebration of Greek independence.

The events will represent the efforts of the Greek-American community to put forth its best foot in a display of ethnic pride for its neighbors.

But underlying the colorful costumes and music will be the characteristics that most accurately convey the Greek experience in America and what Greeks have given this country in return.

For if there is an ethnic role model to be emulated, the Greeks are a leading candidate.

Family means everything to them. Such ties are eternal, extending to the most distant of relatives. That's why Greeks often call one another cousin—and mean it.

They are intensely individualistic. Many are extremely successful. Most of all, they value Philotimo, individual self-esteem that forms the basis for their ethical and moral standards.

Philotimo is the Grecian concept of honor and dignity. In their culture, it determines social worth. And it is Philotimo that dictates that a person place his good name and social position above all other considerations.

In too many minds, the sterotyped Greek is equated with belly dancing and greasy-spoon restaurants, forgetting that the first is an art and the latter the foundation of many a fortune.

So this year, let's honor the Greeks for what they represent and one of their most notable ancestors, Alexander the Great. Let's thank our good fortune that some chose America as their adopted land.

Then let's show our appreciation by toasting them with a slug of ouzo, a most noble reflection of an ancient civilization.●

TRIBUTE TO JAIME ROLDOS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. FINDLEY. Mr. Speaker, I would like to pay tribute to the late Jaime Roldos, President of Ecuador. President Roldos, at the time of his tragic death on May 24 in an airplane crash, had presided over Ecuador for but a year and a half. During that time, he had helped his country make the difficult transition to democracy from 9 years of military rule.

Although Jaime Roldos' Presidency was not without its travails—such as the border war with Peru and persistent economic problems—the President was making a determined effort to develop the Ecuadoran economy. When President Roldos was in Washington last year on an official visit, I had the opportunity to meet with him privately. He impressed me with his concern for the welfare of the Ecuadoran people and for his understanding of the need to expand agricultural production in Ecuador. Jaime Roldos was, in fact, moving ahead quickly with a title XII program to link U.S. land-grant universities with agricultural institutions in Ecuador in order to create an agricultural extension service for the small Ecuadoran farmer. The official signing ceremony between the United States and Ecuadoran Governments is scheduled for early July.

I hope that the Government of Ecuador under the Presidency of Osvaldo Hurtado will go forward with the title XII program which is designed to help the small farmer, the rural poor, and the Ecuadoran economy in general.

As I extend my condolences to the people of Ecuador for their untimely loss and especially to the family and friends of Jaime Roldos, I would like also to express my deep hope that democracy in Ecuador will continue and flourish in the coming years.●

BILL PETERSON, BULLISH ON LIFE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. DORNAN of California. Mr. Speaker, when Bill Peterson talks everyone ought to listen. His story—more than summoning my respect and my pride—brings to mind the American dream.

Bill Peterson is a fighter, Bill Peterson is a struggler, and Bill Peterson just keeps on winning.

The Palos Verdes Peninsula News calls him bullish on life. Prolife editor Carol Hayward writes on April 4, 1981, that while the path to success didn't always seem to be paved with footprints, Bill Peterson worked hard to put them there.

It is with great honor that I present to my colleagues a triumphant story of one man—a model for all Americans.

[From the Palos Verdes Peninsula News, Apr. 4, 1981]

BULLISH ON LIFE

(By Carol Hazard)

Well over a century ago, there was a free man in Africa.

But he was captured, abducted from his mother land, and forced to labor on a sugar plantation in the West Indies.

He was given the name of his Danish master—Peterson.

Recently, his great-grandson, William Peterson of Rancho Palos Verdes, flew back to New York City to receive the Black Achiever of the Year Award in marketing.

As a top producer for Merrill Lynch, Peterson was one of 170 honorees at the eleventh annual Salute to Black Achievers in Industry awards ceremony sponsored by the Harlem branch of the YMCA.

"The purpose of the awards," Peterson says in his deep and resonant voice, "is to show that it can be done and to give incentive to young blacks."

Peterson never let being black interfere with his career. But neither did his family.

"You can do anything you want to do if you set your mind to do it," Petersen remembers his father saying.

His father was the owner-operator of a small, successful radio/television sales and service shop in the Midwest. He had come from the island of St. Croix where he had once been a paid servant.

He married a woman who was the first black to be accepted in a sorority at the University of Kansas.

Petersen recalls another maxim his father instilled in the family: "You can't go wrong by doing the best you can do."

Petersen's brother became the first black pilot, the first black squadron commander, and the first black general in the U.S. Marine Corps.

For Petersen, success began back in 1949 when he became the first black to play on the Topeka High School basketball team.

"I was the target of barbs," admits Petersen. "And when the team traveled, I was housed with black families while the rest of the team stayed in luxury hotels.

"But being black never got in my way."

Of his youth, Petersen says, "I just wanted to prove that I was as good, if not better, than everyone else."

It's an attitude he seems to have held on to, without beligerence or vindictiveness.

When asked about his early career for IBM, notorious for being Waspish, Petersen quickly shrugged, "You just conform."

In 1965, he became a customer engineer with IBM after 11 years with the Topeka Fire Department. His work initially concerned minority recruiting, then he became involved in a program to train returning Vietnam veterans as customer engineers.

It was an invaluable experience for Petersen because he realized how rewarding people-oriented work was to him, he says. Therefore, in 1972, he transferred into marketing.

After two years, Petersen was one of the top salespersons for IBM. He was one of 300 out of 3,000 representatives honored with the highest award for excellence in marketing.

Because he chose to stay in sales and not go into management, though, Petersen says the squeeze was put on him and he was the victim of office politics.

"It had nothing to do with my being black," he asserts.

Petersen joined Merrill Lynch in 1977, and in less than a year as a broker, he was eligible for the Executive Club, a club signifying a certain amount of production dollars earned for the company.

"It has never been done so quickly in the 12-year history of the regional office," says Petersen.

Of 8,300 brokers for Merrill Lynch, there are 80 black, he says. And Petersen is the only black in the Torrance office.

Only three clients have ever discriminated against him and refused to deal with him, he says.

Petersen's own mother-in-law was quite a different story, however. She immediately disowned both him and her daughter. Bunny, because she happened to be white—or he happened to be black, depending on the point of view.

Petersen recalls that his mother-in-law shocked them with a phone call and a subsequent visit, after a few years of silence.

"Once she saw how we lived and what kind of a stepfather I was to her two preteen white grandchildren," says Petersen, "she was the first to defend us."

Petersen has three black children from a previous marriage. Ironically, they were raised by his ex-spouse and her white husband.

"I've been all over this Peninsula, to all kinds of functions with my two step-daughters," says Petersen in his friendly and outgoing manner.

"And I've never encountered any difficulties." He paused and laughingly added, "Maybe a couple of faux pas, though."

His step-daughters went to Marymount, and he explains that people who didn't know him would assume he was the father to other students of an "obvious" appearance.

"Residents of the Peninsula are people who have already made it," says Petersen, "and they don't have time for bigotry." He

admits that in another community, it might be different.

For the past four years, Petersen's been the master of ceremonies at the annual 4th of July celebration at the Rancho Palos Verdes City Hall.

But if you haven't seen him there, you've probably seen him cruising on a sunny day in his favorite antique car, a 1928 Model-A Ford sports coupe, wearing a cowboy hat and a big smile.

At night, it's likely that you could find him practicing the two-step at Waco's, the newest country western club in the South Bay, and Petersen's latest business venture.●

KNIGHT CHOSEN EDITOR OF THE YEAR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. EDWARDS of California. Mr. Speaker, in the midsixties many of us knew Andrew Knight, then reporting in Washington for the Economist of London. We all were delighted when in 1974 as age 33 he became editor of this distinguished publication.

Now we learn that Andrew Knight has been chosen International Editor of the Year, an award made annually by World Press Review for "courage, enterprise and leadership on an international level in advancing press freedom and responsibility, enhancing world understanding, defending human rights, and fostering journalistic excellence". It will be presented to Mr. Knight at the Overseas Press Club in New York on July 16.

Previous recipients include André Fontaine of Le Monde, Juan Luis Cebrian of El Pais of Madrid, Allister Sparks of the Rand Daily Mail and Rex Gibson of the Sunday Express of Johannesburg, S. Nihal Singh of the Statesman (now of the Indian Express) of Calcutta/New Delhi, and Harold Evans of the Sunday Times (not of the Times) of London.

As the June 1981 issue of World Press Review points out,

Andrew Knight richly merits inclusion in their company. Since becoming Editor of The Economist in 1974 at age 33, he has enhanced the quality of an institution that commanded respect from its birth in 1843. Continuing a trend begun by his predecessors, he had turned the magazine increasingly from pure business-economic subject to general reportage. He has expanded its international content, accentuated timeliness, burnished a longheld reputation for analysis, broadened coverage of science and technology, strengthened the staff, and opened new bureaus in, among other places, New York and San Franciso.

Mr. Speaker, I am sure that you and many of our colleagues join me in sending across the sea to our friend Andrew Knight our congratulations and warm best wishes.●

LEGALIZED HOMEWORK: RETURN TO A DARK PAST

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. HAWKINS. Mr. Speaker, there have been those who have accused this administration's economic policies of being reminiscent of the Hoover era. I will not quarrel with this statement. Now, with Secretary of Labor Donovan's proposal to legalize industrial homework, the administration plans to return even further into a not so golden past.

The abuses of homework—child labor, unsafe working conditions, minimal wages, no recourse for employer abuses—are well documented. However, we had thought that this blight in American industrial history has been relegated to the history books and photographs of Jacob Riis. Unfortunately, residential sweatshops are on the rise once again. Thus, the proposal by Labor Secretary Donovan to legalize this dangerous form of work, is a direct attack on and affront to all working people.

I submit an article from the AFL-CIO News, May 30 issue, which discusses the illogicalness of this regressive proposal.

[From the AFL-CIO News, Washington, D.C., May 30, 1981]

WASHINGTON WINDOW

(By Press Associates, Inc.)

For all those who might be wondering, the tooth fairy is alive and well and advising the Secretary of Labor.

That's the only explanation for the recent proposal to legalize industrial homework and revive "cottage" industries.

According to the Ladies' Garment Workers, the last decade has seen a resurgence of the sweatshop in cities such as Los Angeles, New York, Chicago and Miami, as well as in New Jersey and along the Mexican border. Hard-won union gains are being eroded and undermined as more and more work moves from the factory into the home.

This how the ILGWU describes the situation:

"Homeworkers receive no benefits or social security. They absorb the costs of electricity and rent. The employer supplies them with work, but not with a sewing machine.

"Homeworkers are alone and isolated, unable to compare their earnings or conditions with those of other workers, powerless to protest against low piece rates of 'bad' (pooly cut) goods, on their own if an accident should occur.

"Employers are in a position to dictate the price to be paid to individual homeworkers, and can hire and fire at will."

What's more, the union points out, homework and child labor go hand in hand. Working long hours, homeworkers often let a child or teenager relieve them while they rest or take care of other chores.

The abuses are the traditional abuses. Homeworkers are cheated on the amount of work done, fake deductions are made from their pay and there is no recourse.

The Jewelry Workers Division of the Service Employees also reports a high incidence of illegal homework, especially in Rhode Island where costume jewelry manufacturing is concentrated.

A full day's work can be transported in a shopping bag and jewelry homeworkers on piece rates make about $1 to $2 an hour while working long hours, the union said.

At the turn of the century, immigrant families were exploited so badly in their sweatshop tenements that several states stepped in to regulate homework.

A Federal role was created with passage of the Fair Labor Standards Act of 1938, the wage-hour law. Because homework threatened to undermine the minimum wage, in the early 1940s homework was prohibited in seven light industries: women's apparel, knitted outerwear, embroideries, buttons and buckles, gloves and mittens, handkerchiefs, and jewelry. Exceptions were provided for the elderly or disabled, however.

The FLSA amendments adopted by Congress in 1949 incorporated the homework regulatory authority into federal law.

On May 1, Labor Secretary Raymond Donovan suddenly announced he planned to lift the restrictions against homework in the seven industries. Donovan saw this as opening up job opportunities in many "cottage" industries and encouraging homeworkers to report minimum wage violations "without fear of losing their jobs."

The problem of sweatshops in the home and their devastating effect on legitimate business operations remain a problem of the cities and the exploitation of immigrants, legal and illegal.

With the Administration cutting back on wage-hour enforcement and with its inability or unwillingness to enforce the law against homework, Donovan is saying that what is now illegal shall be made legal. Problem solved.

To talk about opening up jobs in "cottage" industries is romantic nonsense. To expect exploited and vulnerable homeworkers to turn in their outside employers is naive in the extreme.

The ILGWU believes Donovan is violating federal law in removing the prohibition on homework. Donovan believes he has the authority to do so. And that's where the issue stands.●

PITTSBURGH'S LOSS, VICKSBURG'S GAIN

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. GAYDOS. Mr. Speaker, next month the Pittsburgh area will lose the services of a man who in just 3 short years has left an indelible mark on the city and surrounding communities.

Col. Joseph A. Yore, district engineer for the U.S. Army Corps of Engineers, will leave Pittsburgh for a new assignment in Vicksburg, Miss. Pittsburgh's loss is Vicksburg's gain.

As district engineer for the Pittsburgh area, Colonel Yore directed the work of more than 600 civilian employees in a district comprising more than 26,000 square miles. It encom-

passed western Pennsylvania, eastern Ohio, northern West Virginia and adjoining areas in New York and Maryland.

His greatest achievement since coming to Pittsburgh in July 1978, according to the colonel, has been the completion of the rehabilitation of locks along the Monongahela River at Elizabeth, Pa. He also initiated the plan for the replacement of deteriorating locks and dams at Point Marion and Gray's Landing on the Mon River.

Colonel Yore believes the repair and replacement of navigational structures along the Mon, the Allegheny and Ohio Rivers is of prime importance to the future of Pittsburgh, the Nation's busiest inland port. The area, he maintains, will play an important role in the future of the Nation because of increased shipments of coal through the area as the country decreases its dependence on imported oil.

Among the colonel's other accomplishments during his tour of duty in Pittsburgh were:

Instituted overtime controls which led to a savings of more than $100,000 per year; directed energy conservation efforts resulting in a 25-percent reduction in a 1-year period with more substantial improvements anticipated in 1985; improved the district's public image through an aggressive, responsive public involvement program, special recreation programs for the handicapped, a water safety project for children, an environmental awareness camp for young people, special workshops on environmental projects for school children and interpretive programs at Federal lakes on public lands.

Colonel Yore's career as a professional soldier began in 1955 at Fort Belvoir, Va., and since then his duty assignments have taken him across the country and to stations in Korea, Vietnam, and South America.

The list of decorations he has earned for combat and outstanding public service is most impressive and includes the Armed Forces Expeditionary Medal, the Vietnam Campaign Medal (four campaigns), the RVN Gallantry Cross with Gold Star, the Army Commendation Medal with an oak leaf cluster, the Air Medal, the Meritorious Service Medal with oak leaf cluster, the Bronze Star with a "V," the Legion of Merit, the Valorous Unit Award and the General Staff Badge.

During his tour in Pittsburgh, Colonel Yore was extremely active in several professional organizations. He served as past president and director of the Pittsburgh Post, Society of American Military Engineers; chairman of the Federal Executive Board's Environmental Quality Committee, 1979-81, and cochairman of the Board's Energy Conservation Committee, 1978-79.

Mr. Speaker, the people of southwest Pennsylvania will miss Colonel Yore but I know they join me in extending our best wishes to him for continued success as the deputy division engineer for the Lower Mississippi Valley.●

UNITED STATES SHOULD NOT MAKE SAME MISTAKES AS SOVIETS IN AFRICA

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. VENTO. Mr. Speaker, I want to draw to the attention of other Members the article "Red Star Dims in Africa" by Tom Gilroy which appeared in last Wednesday's edition of the Christian Science Monitor.

I think this article provides an excellent examination of the changing politican alinements of many African nations and offers important insights into the reasons for these shifts. According to Gilroy, there is a growing exodus of African nations from the Soviet sphere of influence because of their inability to provide economic and development assistance. Gilroy cites Soviet losses in such former bastions of communism as Guinea, Mali, Somalia, and Equatorial Guinea and also notes growing disenchantment in Soviet-influenced Angola and Congo-Brazzaville. As one Equatorial Guinean who Gilroy quotes appropriately puts it, "* * * the Soviets only want to give us arms. You can't eat guns."

There is a lesson here for the new foreign policymakers in the Reagan administration who advocate increased U.S. military aid to meet Soviet expansionism in the Third World. It is, that Soviet expansionism in Africa is not what some would have us believe. In fact, the Soviets policies seem to be backfiring in Africa and causing them to lose face.

I think all Members of Congress who care about the United States long-term relationship with African nations should read this article and consider it carefully as they review the administration's efforts to shift our foreign aid budget away from economic assistance and into military aid. They should also make special note of Mr. Gilroy's comment that the United States is seen increasingly on the African Continent as the defender of the white regime in South Africa. Such a perception casts extreme skepticism on the future of American foreign policy interests in Africa and is detrimental to our long-term strategic and resource interests. The United States has great potential for foreign policy gains throughout the African continent; but these can only come if we adopt a progressive stance that recognizes African problems and interests and seeks to address them.

[From the Christian Science Monitor, May 27, 1981]

RED STAR DIMS IN AFRICA

SOVIET LOSSES EXCEED GAINS; ONE REASON: "YOU CAN'T EAT GUNS"

(By Tom Gilroy)

DOUALA, CAMEROON.—"Soviet expansion in Africa" has become something of a political battle cry for US conservatives. But on most of the continent, Moscow and its allies probably wish they were doing half as well as Sen. Jesse Helms and Secretary of State Alexander M. Haig Jr. say they are.

Although the Soviet Union has retained its influence with traditional—and well-published—Marxis governments like those of Ethoiopia, Mozambique, and Angola, "expansions" in recent years have been few and far between. In fact, over the last few years setbacks in black Africa have far outnumbered gains for the Russians and their friends.

Reasons for the Soviet loss of influence are many, including bad judgment in Zimbabwe, where support for the wrong black nationalist faction left Moscow out in the cold after independence, and short-sightedness in Equatorial Guinea, where close alliance with an unbalanced tyrant led to diplomatic reprisals and all but universal popular hatred for the Soviets after the overthrow of Macie Nguema Biyogo.

More than specific complaints against the Soviets, however, the marked political shifts in such former bastions of communism as Guinea, Mali, and even to some extent Congo (Brazzaville) and Angola appear to reflect a more fundamental disenchantment with a Soviet Africa policy that is long on hardware, but short on long-term economic development assistance.

"You see the difficulties we're in," said an Equatorial Guinean recently in Malabo, the badly run-down capital that is only now digging itself out from the 11 years of neglect under Macie. "We wouldn't eat but for the Spanish [food aid], but the Soviets only want to give us arms. You can't eat guns," he concluded.

Western nations, especially the United States, have, of course, welcomed the diminishing Soviet role in former strongholds, and in a few instances have profited by it—as in the agreement to use Soviet-built naval facilities in Somalia. Nevertheless, while Western economic assistance and investment will increase, a wholesale transfer of allegiance is unlikely.

Even solidly pro-Western governments here are unwilling to line up politically with a US administration seen increasingly on the continent as the defender of the white regime in South Africa and the Soviet Union, by sending a senior-level delegation to the just-ended United Nations conference on apartheid, probably scored points with black states by contrasting its commitment to sanctions against Pretoria, with the Reagan veto of such a proposal.

At the same time, a maturing African leadership is growing wary of involvement in an East-West power struggle that, while forming the foundation of the Reagan-Haig foreign policy, holds few visible advantages for the black states.

"They are realizing that nonalignment is their only hope," explained a Yugoslav diplomat, who was not at all unhappy with the Soviet setbacks.

Nevertheless, declining Soviet-bloc influence is likely to mean an increase in Western leverage, if only because of its economic muscle. After a brief flirtation with Libya,

for example, the new government in Liberia swung back to traditional ties with Washington, at least partly because of the serious economic problems facing the country.

Two weeks ago, Liberia ordered Libya to close its "people's bureau" and asked the Soviet Union to reduce its diplomatic staff from 15 to six.

Thus Liberia became the seventh black country this year to close Libyan diplomatic missions. One of them, Nigeria, has also led diplomatic efforts against the Libyan troop presence in Chad.

In fact, Libya's one "victory" in black Africa—its intervention on the winning side in the Chad civil war last December—may also be souring. Despite heavy Libyan lobbying efforts, the black states remain adamantly opposed to Libya's presence in Chad, at the same time Chadian antipathy for its northern neighbor is increasing.

In Guinea, a dispute over the price Moscow was paying for bauxite exports prompted Ahmed Sekou Toure to turn to Western companies interested in that country's enormous mineral reserves. As a result, since 1977, the USSR has lost landing rights for its TU-95 reconnaissance planes, and the use of naval installations in Conakry.

In recent years, Soviet military advisers have been expelled from or asked to leave Guinea, Mali, Somalia, and Equatorial Guinea, and in each case US economic assistance—both private and governmental—has increased as a result. Even in such Marxist states as Congo (Brazzaville) and Angola, where "treaties of friendship" with Moscow are regularly renewed, Western economic ties are surprisingly strong.

In both countries, it is Western companies—not Soviet ones—drilling for the oil that Angola and Congo so badly need for foreign exchange. In Angola, the national airline flies Boeing jets, not Ilushyins, and Luanda's largest correspondent bank is not the Bank of Narodny, which finances Moscow trade outside the Soviet bloc, but that citadel of capitalism, Chase Manhattan Bank.

Congo (Brazzaville) meanwhile, has adopted a liberal investment code to attract Western investment and has pledged not to nationalize foreign firms investing there. Western capital and technical assistance have recently been called in to restructure moribund state-owned companies modeled on the Soviet ideal.

In probably the most publicized loss, the Soviet Union's backing for Joshua Nkomo's nationalist group in Zimbabwe left Moscow without diplomatic representation for months, after Robert Mugabe won the post independence election. Though Mugabe is an avowed Marxist, the Soviets still have little influence in Zimbabwe, and it was to Western donors that Mugabe turned to rebuild the war-torn economy.

Aside from the welcome slight to the Soviet Union, Mugabe's good relations with the West—which almost universally opposed his accession to power—throws into doubt strongly held views in the Reagan administration that Soviet-bloc material assistance to liberation groups like SWAPO (the South-West Africa People's Organization) and the Polisario Front will undoubtedly lead to radical governments in Namibia and Spanish Sahara if those two groups come to power.

While it was Zimbabwe that got publicity, the most serious fall from grace for the Soviet Union in black Africa was probably in Equatorial Guinea, a small West African nation comprising several islands off the coast of Gabon and Cameroon, and a mainland enclave between the two countries

During the 11 years of the Macie reign, when the increasingly paranoid leader stepped up imprisonments, almost unspeakable tortures, and executions of an estimated one-sixth of the population of 250,000, the Soviet Union and Cuba remained Macie's closest—and finally his only—advisers.

When the current government overthrew Macie in August 1979, that friendship was not forgotten.

"They [the people] remember 11 years of prison, and they remember that it was the Soviets who were advising [Macie]; explained a guide from the Ministry of External Affairs during a recent tour of the capital.●

TRAGEDY IN ATLANTA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. DERWINSKI. Mr. Speaker, a recent editorial by Raymond Coffey, Chicago Tribune's Washington bureau chief, caught my eye. Mr. Coffey presents a thoughtful and balanced report on the tragedy in Atlanta which I wish to direct to the Members' attention. The editorial, appearing in the May 28, Chicago Tribune, follows:

RACIAL VIEWS ON ATLANTA KILLINGS

(By Raymond Coffey)

WASHINGTON.—A woman named Ella Collins, identified as a sister of the late Malcolm X, told a Memorial Day rally here that the multiple murders of black children and young adults in Atlanta were "the work of white scientists."

Those scientists, she went on, were "performing experiments to discover what made the black man so superior that he was able to withstand the abuses of 400 years."

Now that is, by any sane measure, dangerous, extremist, recklessly irresponsible, and inflammatory nonsense.

It is also abominably racist nonsense.

Yet many in the crowd of about 5,000 gathered at the Lincoln Memorial last Monday for a rally presided over by none other than the Rev. Jesse Jackson of Chicago cheered and applauded.

The murders in Atlanta are evil and heartbreaking.

But to contribute to turning the murders into some sort of national racial-political issue seems to me wantonly and cynically exploitative of tragedy.

Yet that, it also seems to me, is what some people, including some leaders or would-be leaders of the black community, are coming dangerously close to.

The police in Atlanta seem convinced that they are dealing with more than one killer. No one knows whether the killers are black or white.

Yet, in recent weeks Mayor Marion Barry of Washington, D.C., a black, suggested publicly on two different occasions that the killings would have been solved by now if the victims had been white, or more specifically, Jewish.

By implication at least Barry seemed to be ignoring the fact that both the mayor of Atlanta and the head of its police department are black.

Chicago's ubiquitous Rev. Mr. Jackson said back in April that the Atlanta killings could not be "dumped in the lap" of the Atlanta mayor and police chief.

Rather, the Rev. Mr. Jackson said, with the sort of rhetorical flamboyance that is becoming all too common in connection with the Atlanta killings, "there is a cultural conspiracy to kill black people . . . the personality of the culture is anti-black."

At the Monday rally here the Rev. Mr. Jackson was at it again.

The killings in Atlanta, he said, were the foundation for a "new unity, a new power, and a new determination" in the battle for civil rights.

That is, by the Rev. Mr. Jackson's standards, at least somewhat more subtle than what he said in April.

But it still suggests—despite the absence of any evidence—that the Atlanta killings are racially motivated.

The holiday rally here was sponsored by something called the "Committee to Stop Children's Murders," in which a leading organizer is Camille Bell, mother of one of the slain children in Atlanta.

Such a rally, she conceded, "cannot do much to help" if it is seen only as related to the killings in Atlanta. But, she said, "if you see it as a basic war on children in America, then a rally that raises people's awareness can be very good."

Okay. But who could—or how could anyone—see what has happened in Atlanta as a "basic war on children in America?" That is as preposterous as the "End Genocide" placards some of the people at Monday's rally were carrying.

The rally itself, in fact, appeared to be as much a political-racial-commercial jamboree as it was a gesture of concern for the victims in Atlanta.

Socialists, communists, and assorted other political fringe groups were busy hawking their newspapers and other wares, young hustlers were selling "Save the Children" buttons for 50 cents and "Impeach Reagan" bumper stickers, and the committee itself was peddling Atlanta T-shirts.

Advertisements for a record soon to be released by an outfit called the Infra Red Funk Band of St. Louis read: "If you feel something for our children, you'll want Atlanta."

If everyone there had taken their kids to the beach or a picnic or a ball game for the holiday, we'd all probably have been better off.●

STEFAN CARDINAL WYSZYNSKI

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. MICHEL. Mr. Speaker, the death of Stefan Cardinal Wyszynski reminds us once again what an important role the people of Poland have played in the battle against totalitarian tyranny in the modern world. Poland has felt the full force of two of the most brutal systems ever devised: nazism and communism. Yet, despite the mass terror, the deportations, the death camps, the shootings, the loss of civil and human rights, the Polish people have always managed to keep

alive the small, flickering spark of freedom.

Throughout this generation-long struggle, Stefan Wyszynski played a major role. He worked for freedom under the Nazi occupation of Poland and he became a symbol of Poland's will to fight against tyranny throughout all the years of Communist occupation. He was truly a magnificent human being. The rebirth of freedom in Poland today could not have happened without his courage, his prudence, his leadership, and his devotion to God.

If future generations wish to learn about the struggle for human rights in the 20th century, they will have to know all about Poland and the man who was the spiritual leader of that struggle, Stefan Cardinal Wyszynski.

At this point I insert in the RECORD, "Wyszynski Fortified Church Under Communist Rule" from the New York Times, Friday, May 29, 1981:

WYSZYNSKI FORTIFIED CHURCH UNDER COMMUNIST RULE

(By Wolfgang Saxon)

Stefan Cardinal Wyszynski, Archbishop of Gniezno and Warsaw and Roman Catholic Primate of Poland, spent three decades in a struggle with secular authority and left the Polish church far more powerful than before.

Treading a thin line between resistance and compromise, he prevailed—through Stalinist incarceration and the persecution of the faithful, through the harassment that followed, through Communist efforts to legislate the church into submission, through the downfall of a succession of discredited party and Government chiefs. In the end, an officially atheist regime had to turn to him and his bishops for rescue from a citizenry enraged by economic hardships as well as by official corruption and ineptitude.

In the labor unrest starting last year, Cardinal Wyszynski became the arbitrator between the leaders of the independent labor movement and the Communist Party leadership.

RIGHT TO BE A CATHOLIC NATION

"After 10 centuries of Catholicism," he had reminded Poland's political leaders long before, in 1966, "we have the right to be a Catholic nation, and we do not resign that right." Responding to cheers from hundreds of thousands of pilgrims in Upper Silesia, he used that show of support to plead for coexistence between the Church and "the authority of Caesar."

He confronted a Government campaign to keep the young out of church in mid-1963, declaring: "If a citizen does not demand his rights, he is no longer a citizen. He becomes a slave." Parents, he said, should insist on the constitutional guarantee of free worship.

His role was bolstered by the faith of most Poles, who saw the church as the historic symbol of Polish nationalism, and by the fears all around of intervention by the Soviet Union. A large majority of Poles continued to identify with Roman Catholicism as a bulwark against Soviet power and the doctrinaire Marxism-Leninism that Moscow's leaders practiced to their own national advantage.

STRENGTHENED BY POPE'S ELECTION

The hand of the Polish church was further strengthened by the election of Karol Cardinal Wojtyla, Archbishop of Cracow, to become Pope John Paul II in 1978 and by his subsequent visit to Poland.

Cardinal Wyszynski's influence and the credibility of his church among the people were strong enough to restrain militants pushing the union leader, Lech Walesa, in one direction and ideological hard-liners pulling the Community Party leader, Stanislaw Kania, in the other, while Moscow grappled with the problem of what to do about the tumult.

When the economic woes and the workers' dissatisfaction erupted in unrest in 1980, the state found itself unable to cope with them. Thus the astonishing spectacle in the spring of 1981, when Mr. Kania and Mr. Walesa and their aides went to the Cardinal's palace in Warsaw for discussions. And the Cardinal's representatives, the bishops of Poland, openly mediated local disputes over labor grievances or police excesses.

WARNED OF NATIONAL DISASTER

Cautious in his dealings with the state, Cardinal Wyszynski did not leap into the fray when strikes swept Poland to paralyze an ailing economy. Instead, he first told the workers to recognize the dangers of national disaster and outside intervention by going back to work and negotiating. That advice and the Government's unprecedented broadcast of his speech on television in that strike-ridden August of 1980 rankled many workers and Catholic intellectuals.

But Cardinal Wyszynski then followed his longstanding admonition to the church never to go against the will of the people. He met with Mr. Walesa the following month and eventually gave full support to the independent union and its struggling sister group, the farm union. But he also reminded them of the danger to the nation if they pushed the Government too far instead of holding it to hard-won promises.

WAS ORDAINED IN 1924

Stephan Wyszynski, the son of a village teacher and church organist, was born Aug. 3, 1901, near Lomza in the northeastern Poland, then part of the Russian Empire. He was ordained in 1924 and posted as vica to Wloclawek, where he edited a Catholic daily newspaper and a scientific monthly.

He earned a doctorate in sociology and canon law at the Catholic University in Lublin in 1929 and also studied in Italy, France and Belgium. During nine years as professor at the Higher Seminary of Wloclawek, he became known as a "labor priest" close to the working people, for whom, in 1935, he founded and directed the Catholic Workers University.

The author of several books on labor topics, the priest upset conservative members of the church hierarchy. He was playing a role as counsel in labor disputes when the Germans invaded Poland in 1939.

The Nazis imprisoned much of the Polish clergy, but Father Wyszynski was spared and became a resistance leader and organizer of clandestine church meetings. He was consecrated Bishop of Lublin in 1946.

NAMED ARCHBISHOP BY POPE PIUS

Two years later, on the death of Augustus Cardinal Hlond, Pope Pius XII named him Archbishop of Gniezno and Warsaw and Primate of Poland. By then, the Communists had taken full control of the country under Soviet tutelage and set out to reduce the church to impotence.

Achibishop Wyszynski signed an agreement in 1950 by which the church promised not to meddle in politics and the state promised to respect freedom of worship and to let the church print its publications and give religious instruction to schoolchildren.

That first compromise for the sake of survival did not sit well with many Poles, who saw the regime chipping away at the historical role of their church. In any case, the pact did not withstand the repressions that followed. Priests were jailed, the Catholic press was stilled, and Archbishop Wyszynski had to use all his skill at diplomacy, his courage and sheer stubborness in the ensuing decades to win back the relative freedom the 1950 agreement had granted.

RAISED TO RANK OF CARDINAL IN 1952

Pope Pius announced the Archbishop's elevation to the rank of cardinal in 1952. But fearful of not being allowed back into Poland, Cardinal Wyszynski kept away from the consistory in Rome the following January. When he refused to denounce a bishop jailed on espionage charges in 1953, he was himself arrested and confined at a monastery for three years.

In one of the ironies that marked Cardinal Wyszynski's life, Wladislaw Gomulka, the Communist leader in the early postwar period, has also been purged and jailed by the Stalinist under Boleslaw Bierut. When Mr. Gomulka returned to power in 1956, he had Cardinal Wyszynski returned to his palace.

Mr. Gomulka's return marked a lessening of Soviet domination. By freeing the Cardinal, he was seeking to gain popular support for his rule. And over the years that followed, both sides continued to grope for a modus vivendi of mostly uneasy coexistence.

The Cardinal often denounced what amounts to repression by the Government and to castigate Mr. Gomulka's assertion that no such thing existed. Railing against Poland's "caesars," he cited 20 organizations trying to turn Poles into a nation of atheists and obstructing their right to worship freely.

SHEEP DRAWN CLOSER TOGETHER

Temporal power could not overcome the Church in Poland, he frequently said.

"Strike the shepherd and the sheep will disperse," he exclaimed in a fiery sermon at Poland's holiest shrine, in Czestochowa, in January 1966 after the regime had denied him a passport for a visit to Rome. "Often this has been tried and proved true. But whenever it was done in Poland, it served only to draw the sheep closer together."

Even in recent years, he spoke out against bureaucrats and policemen interfering with religious observations and processions, and he was constantly attacking measures that curbed the construction of churches, demanded their financial records or hamstrung their publications and ability to teach.

Still, with the comparative peace attained under the Gomulka regime, Cardinal Wyszynski began to travel outside Poland. He met Pope Pius XII in 1957 and returned in 1958 for the election of Pope John XXIII and for Pope John's funeral and the election of Pope Paul VI in 1963.

Leading the church in an intensely nationalistic country, Cardinal Wyszynski had his own quarrels with the Holy See, particularly with Pope Paul, whom he visited repeatedly for discussions.

The chief irritant then was the Vatican's slowness in honoring Poland's sovereignty over the western provinces seized from Ger-

many at the end of World War II. By 1970 Mr. Gomulka and Chancellor Willy Brandt of West Germany had signed an agreement by which Bonn formally accepted the postwar borders.

Cardinal Wyszynski, not wanting to lose the people's trust to the Communists, pressed the Vatican to follow suit. He was annoyed when the Vatican chose to take a legalistic attitude by waiting for formal ratification of the treaty, which was held up for a time by the issue of Germans still in the region who wanted to go west.

In 1970 riots broke out on the Baltic coast of Poland over higher food prices, and Cardinal Wyszynski voiced the country's shock over the severity with which the disturbances were quelled.

A new leadership was installed with Edward Gierek as party chief. He and the new Prime Minister, Piotr Jaroszewicz, promptly made overtures to the Cardinal, who coaxed concessions from them. In return he provided them with a voice of moderation when the gathering storm overtook the nation in 1980 and a discredited leadership again fell.●

UPPER WHITE OAK BAYOU FLOOD CONTROL PROJECT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. FIELDS. Mr. Speaker, I am today introducing legislation to provide for the authorization of the Upper White Oak Bayou flood control project.

This project is critically important to the residents in the central and northwestern sections of Houston who have suffered from flood problems for a number of years.

The people who live along the Upper White Oak Bayou have made every effort at the local level to protect their homes and businesses from the ravages of flooding. I believe that we should now do our part by helping them to accomplish what they are unable to do themselves. My bill recognizes this problem and enables the Corps of Engineers to provide the assistance that is so desperately needed.

With the enactment of this legislation, the Corps of Engineers could begin the process of eliminating the economic and personal losses associated with periodic flooding.

I, and all other Houstonians recognize the need to reduce Federal spending. However, it is my firm belief that the Federal Government has an inherent responsibility to protect its citizens who must live in constant fear of floods. I believe there are very few things in this world more terrifying than the prospect of waking up in the middle of the night to find that your home is floating down a river—with you still in it.

Let me also say that I have met with representatives of the Army Corps of Engineers, both here and in Houston, and have been assured that this project, which they endorse, is enthusiastically supported by all interested parties. I also have been informed that local sponsors are ready and willing to assume their share of the financial costs of this project.

In their report to the Congress, the Corps of Engineers noted that:

> The selected plan will eliminate the hazards and social anxiety related to stream flooding, and, if local drainage improvements commensurate with the project are installed, the health hazards and the repeated cleanup associated with residential inundation will be removed. The expansion of the Houston metropolitan complex will be allowed to continue in the study area in an orderly manner.

Conversely, failure to enact this legislation would have serious adverse effects on existing housing developments. Danger to houses already in the flood plains would increase as rainfall runoff increased, caused by more and more houses in the area. According to the corps estimates, the flood damage potential for existing developed properties is $4,356,000 per year.

Mr. Speaker, it is clear to even the casual observer that this flood control project would enhance regional economic development and improve the quality of the environment for those living in the communities along the Upper White Oak Bayou. The investment called for in this legislation is certainly justified when we weigh the benefits to the Nation which are derived from a vital community with thriving industry, versus regional decay which generates unemployment, saps our tax base, and generally impedes economic growth.

Mr. Speaker, as a member of the House Public Works and Transportation Committee, I would like to pledge to my fellow colleagues that I am committed to the passage of an omnibus water resources development bill this year and I am equally committed to the inclusion of this vital project.

The decade of the 1980's can surely be one of our brightest if—together—we work to insure that this Nation and its citizens will not suffer from either the ravages of too much water or thirst from not enough.●

REHABILITATION COUNSELORS

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. RICHMOND. Mr. Speaker, on May 28, 1981, my good friend and colleague, Congressman DOUG WALGREN and I introduced H.R. 3729, a bill to establish Federal standards for the certification of professional rehabilitation counselors.

Rehabilitation counselors are essential to the successful rehabilitation of millions of handicapped people. The counselor evaluates an applicant's rehabilitation potential and is responsible for the development of the rehabilitation plan, specifying the services to be provided along with objectives and employment goals to be achieved. The responsibility and expertise required during this process is substantial. The counselor assists the handicapped person throughout the entire course of rehabilitation, including developing the client's employment skills and providing any necessary postemployment services to assist the person in maintaining employment.

Of the 1.1 million Americans who recently applied for rehabilitation counseling, only 460,000 or 42 percent were accepted. The lack of qualified rehabilitation counselors accounts for much of this discrepancy. According to the U.S. Bureau of Census statistics, in 1975, 32.4 million Americans were moderately or severely disabled. By 1984 this number is expected to rise to almost 39 million. The demands on the time and talents of rehabilitation counselors continues to increase. To meet the need for qualified rehabilitation counselors, the Government spends several million dollars each year for their training at over 60 institutions of higher education in 37 States and in the District of Columbia.

Since its founding in 1974, the Commission on Rehabilitation Counselors Certification has certified over 12,000 people. The National Rehabilitation Counseling Association (NRCA) with it's 6,000 members and the American Rehabilitation Counseling Association (ARCA), with its 3,100 members, represent this field throughout the country.

There are approximately 20,000 people in the United States who call themselves rehabilitation counselors—yet only 12,000 are certified. This means that only 12,000 of 20,000 have met the minimum education and experience standards set by the field itself. The remaining 8,000 people may or may not have the necessary training and/or background to adequately service the population that they are being asked to work with on a daily basis.

Inadequately trained rehabilitation counselors can occasionally result in mistreatment of clients. This training problem certainly contributes to a view held by some handicapped advocacy groups that rehabilitation counselors are not professional health care providers.

Since my bill was first introduced in the 95th Congress, I have received hundreds of letters of support from handicapped individuals and rehabilitation counselors. Often these letters have pointed out cases where noncertified rehabilitation counselors have sometimes caused physical or mental damage to their clients. The following

are a few examples of mistreatment caused by noncertified rehabilitation counselors:

A profoundly deaf man applied for services at a local department of vocational rehabilitation office. The counselor who was assigned to serve the client said the man was not deaf but was only faking his disability.

A rehabilitation counselor working in a State psychiatric hospital had essentially no training in psychology, psychiatry, or the psychological dimensions of handicapping conditions. As a consequence, this counselor falsely assumed that the patients residing at the institution were essentially hopeless in terms of their potential for competitive employment. The counselor, therefore, would not give assistance to clients in terms of vocational training if it involved more than very rudimentary work such as washing dishes. Residing at this institution were a number of very gifted individuals, albeit with significant psychological problems. As a consequence, many of these clients actually regressed due to the fact that they received little help from the institution in reorganizing their lives to reenter the mainstream of American life. This counselor did irreparable harm to a great many individuals before being replaced by a counselor who was qualified.

A client with cerebral palsy was referred for vocational rehabilitation services. The counselor, as a result of not having had courses or experience in physical disabilities, wrongly assumed that the client was not capable of competitive employment. The client was denied services and remained at home, unemployed and not in school. Eventually, the client reapplied for vocational rehabilitation services, saw a qualified counselor, and enrolled in a college curriculum.

An epileptic client was killed while working with industrial machinery. The unqualified counselor, who did not understand the potential that the client may have a seizure on the job placed this individual in a fatal situation. A qualified counselor would have had a more realistic view of jobs which would be compatible with this client's medical condition.

H.R. 3729 would eliminate the possibility of such cases by establishing Federal standards for rehabilitation counselors. As the prime funding agency for rehabilitation counseling services, the Federal Government has a special responsibility in this area. Basically this bill states that rehabilitation centers receiving Federal funds will hire only counselors who meet professional standards for certification. This will insure the protection of handicapped consumers, many of whom are extremely vulnerable because of their disability. H.R. 3729 will also assure a more effective use of Federal rehabilitation funding.

To date a wide variety of organizations, representing hundreds of thousands of individuals, have formally endorsed this bill. Some of these groups include: American Occupational Therapy Association, the American Personnel and Guidance Association, the National Rehabilitation Counseling Association, the American Rehabilitation Counseling Association, the National Association of Rehabilitation Professionals of the Private Sector, the National Council on Rehabilitation Education and the National Rehabilitation Association.

Dr. David Brubacker, chairman of the Coalition of Independent Health Professionals, a coalition of 10 professional organizations, which represents nearly 500,000 health care providers said, "It is essential to the well-being of millions of disabled Americans that this bill be passed in the 97th Congress; it has the full support of health professionals, consumers, and the public. H.R. 3729 would be a major step forward in providing high quality rehabilitation services."

Endorsements such as this one prove to me that the need for such legislation is understood and that H.R. 3729 is welcomed and supported by those who would be most affected by it.

I hope that all of my colleagues will join in supporting this bill by moving it promptly and successfully through the legislative process.●

THE ABUSE OF THE ELDERLY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. DORNAN of California. Mr. Speaker, I wish to focus my colleagues attention on the Select Committee on Aging's report "Elder Abuse—An Examination of a Hidden Problem." This report on elder abuse contains case histories too numerous to mention.

The conclusion of the report is that "the abuse of the elderly by their loved ones and caretakers exists on a scale far greater than has been realized to date." The incidence of elder abuse is only slightly less than child abuse and yet States are spending 87 percent of their protective service budgets on children and only 7 percent on the elderly with the remainder going to individuals age 18 to 64.

The report is a significant document; the first national investigation ever undertaken on this subject. I call upon my colleagues to become familiar with it. It strongly urges Congress to assist the States in addressing this grave pandemic and encourages the States to upgrade their protective service laws to better protect the long neglected abuses of our elderly.●

WHOLESALE BUYING ADVANTAGE IN GASOLINE MARKETING

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. TAUKE. Mr. Speaker, the following article, which appeared in a number of Iowa newspapers on May 16, 1981, and is credited to the Associated Press in Des Moines, makes an important contribution to the ongoing discussion of questions related to gasoline marketing. In particular, the article raises the issue of the current advantage in buying that independent dealers and convenience store operators have over lessee dealers who purchase gasoline from the same source, the major oil refiners.

Because the independent operators are able to buy gasoline on the open market at prices substantially below those offered to lessee dealers, who are bound by contracts, they are able to turn around and sell the gasoline at retail prices that are only slightly above the wholesale prices paid by the lessee dealers. The result: a decided marketing advantage for the independent marketers.

WOLF AT DOOR OF MANY GAS STATIONS—PRICE WAR BEHIND THE SCENE

DES MOINES (AP)—See that gas station down the street?

Look quick, says the president of the Iowa Gasoline Dealers Association. Chances are, it won't be around next year.

Don Cavitka, who operates his own service station in Des Moines, said these are hard times for gasoline stations, especially those affiliated with major oil companies.

"This next 12 months is going to be an extremely rough period of time," Cavitka said.

He is predicting that as many as half of the affiliated stations in business today will be closed within six months to a year.

"All you've got to do is see the number of people who are going out of business," he said. "All you need to do is keep track of the sales and you will see there's going to be considerable drop out."

What is greasing the floor for the skid of many stations, Cavitka said, is the difference in what the oil conglomerates charge their stations for fuel and the excess fuel the companies sell at a lower price on the open market—largely to independent dealers and convenience stores.

The combination of the cut-rate prices to the opposition and a lower demand for gasoline—due mainly to fuel-efficient cars and a sluggish economy—makes it hard for stations to stay on their feet, Cavitka said.

State figures reflect lower sales of gasoline. According to the Iowa Department of Transportation, taxable fuel sales have dropped from 1.926 billion gallons in 1978 to 1.655 billion gallons last year. Sales are projected to decrease further to 1.595 billion by 1987.

Cavitka said the price to independents generally is six to 10 cents a gallon cheaper than it is to the affiliated gas stations.

Larry Blixt, executive director of the Iowa Gasoline Dealers Association, said dealers—who the association says are barely making money or are losing it on current sales—are taking a big chance in lowering prices further under oil company rebate programs.

What Blixt and Cavitka would like to see is for oil companies to simply lower the gasoline prices which are charged to dealers.

Cavitka claims that the oil conglomerates are not sympathetic to the problems faced by their individual stations.

"They won't even talk to us," he said of the oil firms. "They don't have anything to talk to us about. They say, 'We've got our dealers advisory board we talked to.' The only problem with that is they select the people on the dealers advisory board. When that happens, you get a lot of 'yes' people on the board."

Thus, Cavitka said, dealers largely are on their own in trying to stay in business while motorists buy increasingly gas-efficient cars and while gas sales at quick-trip stores flourish.

"Right now, we have dealers who are posting prices that in many cases are below what they are paying for it," he said.

He said his Standard Oil supplier is charging $1.248 a gallon for regular and $1.288 for unleaded, including taxes. With retail prices at $1.26 and $1.32 a gallon around the state, Cavitka said it is hard for stations to meet their costs, let alone make a profit.

The quick-trip stores can make money, he said, because the gas is being sold on volume as one of several products offered, and because their manpower amounts to a clerk who collects the money and resets the gas pump.

To try to stay in business, Cavitka said dealers are cutting costs and yet trying to keep the same hours and offer the same services.

"I have three fewer people than I did last year," he said of his I-80 Douglas Standard station. "We're trying to cut expenses as much as possible and just trying to offer as many services as we can to people who want them."

He said station managers who drop services now such as washing windshields or checking the oil "are cutting their own throat and are on their way out of business."

While the hand-made signs haven't been hung out and the battle hasn't been waged in newspaper and radio ads, Cavitka said it is still a plain old price war. This time it's between the oil company stations and the independents.

"Shoot, we've had a price war for the past 12 months," he said.●

H.R. 1990: REAPPORTIONMENT UNDER THE HAMILTON-VINTON METHOD

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. HAMILTON. Mr. Speaker, I rise to speak to H.R. 1990, a bill to revise the present formula of equal proportions and implement the Hamilton-Vinton method. Although there are several methods of apportionment, we strongly favor the Hamilton-Vinton method.

I would like to bring to the attention of our House colleagues a recent study, entitled "The Apportionment Formula Question," written by David Huckabee of the Congressional Research Service, Library of Congress.

This fine Huckabee study discusses and analyzes the various reapportionment methods. It points out the many advantages of the Hamilton-Vinton method and describes the fair and equitable approach taken by this method. Most importantly, Hamilton-Vinton has no inherent built-in bias toward small States while honoring the "quota" system and the concept of "one man, one vote." In addition, it fully analyzes the difficulties and deficiencies of the existing formula—the method of equal proportions.

I commend this excellent study to the attention of our colleagues and request that the study be reprinted in the CONGRESSIONAL RECORD.

THE APPORTIONMENT FORMULA QUESTION

In 1941, after 150 years of study and debate, the Congress adopted the "method of equal proportions" as the formula for apportioning House seats. This method was endorsed by a special study committee of the National Academy of Sciences in 1929 as "preferred by the committee" and is still in use today.[1] Now in 1981, the equal proportions apportionment formula has been challenged because it allegedly has "cheated the larger States, given undue representation to the smaller ones, and violated both the Supreme Court's one-man, one vote rule and the intent of the Founding Fathers." [2]

If congressional district boundaries could cross State lines, there would be no apportionment problems. All districts would be approximately equal in population (519, 234 persons in 1980 based on a House of Representatives size of 435). Since this solution is not possible, any apportionment method will result in unequal district populations among States. The 1981 apportionment produced by the method of equal proportions results in a range of congressional district sizes from Montana's two districts averaging 393,345 persons to South Dakota's single district of 690,178 persons.

The apportionment formula debate in modern times has centered around six methods: equal proportions, major fractions, harmonic mean, greatest divisors, smallest divisors, and the "Hamilton-Vinton" method, sometimes referred to as largest fractions. This report will briefly describe each method, emphasizing the "goal" of each formula rather than the mathematical mechanics which produce the apportionment. The Hamilton-Vinton method will be described first because it is the method that is intuitively understandable, and it is based on the concept of a State's "quota" of representatives.

THE HAMILTON-VINTON METHOD

To reapportion the House using Hamilton-Vinton, each State's population is divided by the "ideal" size congressional district (in 1981, 225,867,174/435=519,234). States with fewer than 519,234 persons receive a seat because the Constitution requires each State to have at least one House seat. The remaining States in most cases have a claim to a whole number and a fraction of a Representative. Each State receives the whole number of seats it is entitled to, and those States with the largest fractions get seats until the fixed House size (435) is reached. If every State in 1981 was given a seat for a fraction larger than one half, the House would have 438 Members. In order to adjust the House size downward, those States with smallest fractions over one half would lose seats until 435 seats were reached.

If this method had been used in 1981, California would have received 46 instead of 45 seats, Indiana 11 instead of 10, Montana 1 instead of 2, and New Mexico 2 instead of 3. In fact, five States with smaller fractions than California and Indiana received seats in the 1981 reapportionment.

California with a "quota" of 45.584 seats and Indiana, with 10.754 were "rounded down" rather than up by the current apportionment formula. The States with smaller fractions, Colorado with 5.564, Kansas with 4.552, Nevada with 1.540, Montana with 1.516, and New Mexico with 2.504, were rounded up.

According to recent research, the Hamilton-Vinton method has the property of being neutral regarding favoring or disfavoring large or small States.[3] This method which was used in various forms during the period from 1850 to 1900 was discovered to be subject to two "paradoxes," the Alabama paradox, and the population paradox.

The Alabama paradox was discovered in 1880 when Alabama lost a seat when the House was increased in size from 299 to 300.[4] This paradox, in which a State may lose representation for no other reason than the House size is increased, may no longer be an important factor if the House size remains fixed at 435.

The second paradox, known as the population paradox, has been variously described, but in its modern form (with a fixed size house) it works in this way: Two States may gain population from one census to the next. State "A" which is gaining population at a rate faster than State "B" may lose a seat to State "B." This paradox occurs very rarely in apportionments.[5]

If the Congress wishes to adopt an apportionment system which comes as close as possible to satisfying "quota," and is mathematically neutral between large and small States, current research suggests that Hamilton-Vinton is the most appropriate method. Previous Congresses rejected this method because of the "paradoxes."

The methods which are described below are often referred to as the "modern methods" of apportionment which were developed to avoid the "paradoxes" described above.

[1] U.S. Congress. Committee on Post Office and Civil Service. Subcommittee on Census and Statistics. The Decennial Population Census and Congressional Apportionment. Appendix C. Report of the National Academy of Sciences Committee on Apportionment. Report No. 91-1314., 91st Congress, 1st session, July 20, 1970. Washington, U.S. Govt. Print. Off., 1970, p. 21.

[2] Balinski, M. L. and H. P. Young. "When House Seats Shift, Fractions Count." Washington Post, Nov. 30, 1980, p. D5.

[3] M. L. Balinski and H. P. Young. "Apportionment Schemes and the Quota Method." American Mathematical Monthly, vol. 84, No. 6, June-July 1977, p. 450.

[4] Schmeckebier, Laurence F. "Congressional Apportionment." Washington, the Brookings Institution, 1941, p. 5.

[5] Described by H. P. Young at a meeting held at the Library of Congress, Jan. 9, 1981.

THE METHOD OF EQUAL PROPORTIONS

The method of equal proportions, the method which is currently used, was adopted by the Congress in 1941. The actual apportionment is carried out by computing a "priority" list of State claims to each seat in the House. The mathematical basis, however, was described in 1941 in the following manner. "State A deserves an additional representative when its population, divided by the geometric mean of its present assignment of representatives and of its next higher assignment, is greater than the population of any other State divided by the geometric mean of the assignment to such other State and its next higher assignment."[6]

Setting aside the mathematics, an apportionment computed based on equal proportions results in a House where the average sizes of all the States' congressional districts are as equal as possible if their difference in size is expressed as a proportion. For example, in 1980, New Mexico's average size congressional district with three seats will be 433,323. Indiana's average with 10 seats will be 549,018. Expressed as a proportion, Indiana's average size district is 27 percent larger than New Mexico's. If New Mexico's third seat is given to Indiana, then New Mexico's average size district becomes 649,984 and Indiana's 499,107. New Mexico's average size district then would be 30 percent larger than Indiana's.

Based on this comparison, the method of equal proportions gives New Mexico 3 seats and Indiana 10 because the proportional difference is smaller (27 percent versus 30 percent) than if New Mexico gets 2 and Indiana 11. This test works if another concept, an individual share of a Representative in a State is compared on a proportional basis as well.

H. P. Young and M. L. Balinski contend that contrary to earlier beliefs,[7] that equal proportions is biased in favor of small States at the expense of large States.[8] On an average, they say, small States are favored at a rate of 3.4 percent over time. Their measure of bias for 1980 shows that small States were favored at a rate of 7 percent. They also contend that equal proportions violates the concept of quota (see the 1980 examples of Indiana and California above) more often than other methods.[9]

[6] Schmeckebier, p. 22.

[7] Committee on Post Office and Civil Service, p. 21. The report of the National Academy of Sciences Committee on Apportionment concluded that "the method of equal proportions is preferred by the committee because it satisfies the test proposed above [on a proportional basis comparing] either [the] sizes of congressional districts or [the] numbers of Representatives per person, and because it occupies mathematically a neutral position with respect to emphasis on larger and smaller States."

[8] M. L. Balinski and H. P. Young. "When House Seats Shift, Fractions Count." Washington Post, Nov. 30, 1980, p. D5.

[9] H. P. Young describes his measure of bias in the following manner. Divide the States into three groups, the 16 largest States, the 18 "middle" States, and the 16 smallest States. The total number of seats assigned to the 16 largest States is divided by the total population of those States. The same is done for the 16 smallest States. This results in an expression of each person's "representation" or "share of a Representative" in these groups of States. If an individual has a larger share in a representative in one group as compared to another that group of States the group is said to be "over-represented," or the apportionment method is biased toward that group of States.

If the Congress wishes to have an apportionment method which most nearly equalizes the average population per district and the individual share in a Representative if the inequality is measured as a relative, or proportional, difference, then equal proportions should be retained as the apportionment formula.

THE METHOD OF MAJOR FRACTIONS

The method of major fractions (referred to as the Webster method by Balinski and Young) was the method used to reapportion Congress from 1911 to 1941. Major fractions can be best understood as an apportionment method based on the concept of a "sliding divisor." If, as in 1981, the divisor or "ideal size" congressional district results in a House size bigger than needed (438 rather than 435 with a divisor of 519,234) then the divisor should be raised until 435 is obtained. Conversely, if the House size were to be too small in 1981, the divisor would be lowered.

A divisor ranging from 520,406 to 522,874 would produce a House of 435 in 1981. If this method had been used 1981, the State of Indiana would have received 11 seats and New Mexico would have been assigned 2. No other changes in the apportionment would have occurred. Picking 521,000 as a divisor from the range above, the revised quota for Indiana would be 10.538 (the "unadjusted quota" is 10.574), New Mexico's revised quota is 2.495 (the "unadjusted quota" is 2.504). The quotas of California and Montana, whose assignments would have been affected by using Hamilton-Vinton as an apportionment method, would be revised as follows: California, 45.429 ("unadjusted quota," 45.584), and Montana, 1.510 ("unadjusted quota," 1.516). Thus, with major fractions, Indiana and Montana do not lose seats as compared to 1970. California does not gain as much, and New Mexico does not gain at all.

The "test" of major fractions is based on comparing "shares of representatives" for any pair of States. For example in 1981, if Indiana has 10 seats the State has 1.821 Representatives for each million persons. New Mexico with three seats has 2.308 Representatives for each million persons. The absolute value of subtracting either number from the other is 0.487. If Indiana has 11 seats, the state will have 2.004 Representatives per million, and New Mexico with 2 seats will have 1.538 Representatives per million. The absolute value of difference between these numbers is 0.466.

Major fractions minimizes the absolute differences (equal proportions the proportional differences) between any pair of States, 0.466 is less than 0.487, thus under major fractions Indiana gets 11 seats and New Mexico 2.

If the Congress chooses to base apportionment on equalizing the individual shares in a representative when the inequality is measured by the absolute difference in shares, major fractions is the choice. Balinski and Young say that of the methods which avoid the Alabama and population paradoxes, the method of major fractions comes closest to honoring "ideal" quota. They also say that major fractions comes closest after Hamilton-Vinton to being even-handed between large and small States in assigning seats.

THE METHOD OF HARMONIC MEAN

The method of harmonic mean has never been used in a reapportionment. This method is based on the concept of minimizing the difference in the average population per district of all the States. This method would not change the 1981 apportionment results.

A harmonic mean of two numbers is twice their product divided by their sum. Under the method a State deserves an additional representative if its population, divided by the harmonic mean of its present assignment of representatives, and of its next higher assignment, is greater than the population of any other State divided by the harmonic mean of the present assignment to such other State and its next higher assignment.[10]

Again setting aside the mathematics, the goal of harmonic mean is to make the average congressional district sizes in the States as close as possible to one another. It could be argued that this method comes closest to what the courts have chosen to interpret "one-person, one vote" within the States. Most within-State districting plans have been evaluated on the basis of the range away from the ideal size of the smallest and largest district in the State.

If the Congress seeks to minimize the range between the largest and smallest congressional district size among the States, then Harmonic mean is the choice of apportionment methods.

METHOD OF SMALLEST DIVISORS AND GREATEST DIVISORS

These methods will be described together because they work in a similar fashion even though they produce apportionments skewed in opposite directions. Smallest divisors is biased in favor of small States and Greatest Divisors is biased in favor of large States. Both methods often violate the concept of "quota."

Smallest divisors and Greatest divisors are based on the concept of "over" and "under" representation. "A state is over-represented with respect to another State if it has a smaller average population per district; it is under-represented if it has a larger average population per district."[11]

To compute an apportionment using smallest divisors, the following steps are taken. "Consider any pair of States; let A equal the population of the State which is over-represented in comparison with the other, and B equal the population of the other State; and let x and y be the numbers of Representatives assigned to States A and B respectively. The the quantity [x-y(A/B)] may be called the (absolute) 'surplus' belonging to the pair of States A and B."[12]

To test the apportionment computed by smallest divisors, a proposed transfer of a seat from one State to another State should be made if, and only if, the absolute "surplus" belonging to the two States would be reduced by the transfer.

The method of greatest divisors works similarly, except the formula is [x(B/A)-y] assuming the same State relationships described above. This formula produces a measure of representational "deficiency" belonging to each pair of States.

The test of the method is similar to smallest divisors also. A transfer of seats from one State to another should only be done if the absolute "deficiency" would be reduced by the transfer.

[10] Schmeckebier, p. 33.

[11] Schmeckebier, p. 40.

[12] U.S. Congress. Senate. Methods of Apportionment in Congress. Document No. 304, 76th Congress, 3d session, Sept. 18, 1940. Washington, U.S. Govt. Print. Off., 1940, p. 14.

Many changes would result in the 1981 reapportionment if either of these methods were adopted. The table below summarizes the assignments made by equal proportions, smallest divisors, and greatest divisors for 1981, giving each State "true quota" of representatives.

COMPARISON OF APPORTIONMENT METHODS 1981[1]

	Equal proportions	Smallest divisors	Greatest divisors	Quota
Alabama	7	[2]8	7	7.492
Alaska	1	1	1	.772
Arizona	5	5	5	5.235
Arkansas	4	[2]5	4	4.402
California	45	[2]44	[2]48	45.584
Colorado	6	6	[2]5	5.564
Connecticut	6	6	6	5.985
Delaware	1	[2]2	1	1.147
Florida	19	[2]18	19	18.759
Georgia	10	10	[2]11	10.524
Hawaii	2	2	[2]1	1.859
Idaho	2	2	[2]1	1.818
Illinois	22	[2]21	[2]23	21.991
Indiana	10	[2]11	[2]11	10.574
Iowa	6	6	[2]5	5.611
Kansas	5	5	[2]4	4.552
Kentucky	7	7	7	7.052
Louisiana	8	8	8	8.097
Maine	2	[2]3	2	2.166
Maryland	8	8	8	8.121
Massachusetts	11	11	11	11.050
Michigan	18	[2]17	18	17.831
Minnesota	8	8	8	7.853
Mississippi	5	5	5	4.855
Missouri	9	9	[2]10	9.471
Montana	2	2	[2]1	1.516
Nebraska	3	3	3	3.024
Nevada	2	2	[2]1	1.540
New Hampshire	2	2	[2]1	1.774
New Jersey	14	14	[2]15	14.183
New Mexico	3	3	[2]2	2.504
New York	34	[2]33	[2]35	33.814
North Carolina	11	11	11	11.314
North Dakota	1	[2]2	1	1.258
Ohio	21	[2]20	[2]22	20.795
Oklahoma	6	6	6	5.827
Oregon	5	5	5	5.071
Pennsylvania	23	[2]22	24	22.855
Rhode Island	2	2	[2]1	1.825
South Carolina	6	6	6	6.008
South Dakota	1	2	1	1.330
Tennessee	9	9	9	8.842
Texas	27	27	[2]28	27.403
Utah	3	3	[2]2	2.814
Vermont	1	1	1	.986
Virginia	10	10	10	10.297
Washington	8	8	8	7.955
West Virginia	4	4	[2]3	3.755
Wisconsin	9	9	9	9.063
Wyoming	1	1	1	.907

[1] Equal proportions is the apportionment method currently in use. As discussed in the text, the method of Hamilton-Vinton in 1981, differs from equal proportions by giving 1 additional seat to Indiana (for a total of 11) and 1 to California (to make 46). One less seat is assigned to Montana (to total 1), 1 fewer to New Mexico (to total 2).

The method of major fractions in 1981, gives an additional seat to Indiana (for 11), and 1 less seat to New Mexico (to make 2).

The method of harmonic mean in 1981 produces an identical apportionment to equal proportions.

[2] Different assignments than equal proportions.

Neither greatest divisors nor smallest divisors has been strongly advocated in recent years because they violate the "quota" concept so often.

These methods are internally consistent and avoid the Alabama and population paradoxes. The chief merit in adopting either one would be whether the Congress wishes to use a method that favors large States or small States.

All the methods described in this analysis could be used for reapportionment. There are other methods that have been advanced in recent years that could have merit also, but the methods described above are the "traditional" apportionment methods. Any proposed change in the apportionment of Representatives would probably focus the attention of the mathematical and statistical professions on the matter perhaps producing other measures of "fairness" than absolute differences, proportional differences, and "quota," and also producing new methods.●

SOCIAL SECURITY REFORM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. DERWINSKI. Mr. Speaker, a recent editorial appearing in the Suburbanite Economist Newspapers, serving the southwest suburban area of Chicago, gives an objective and balanced look at the President's proposals regarding the social security program. As I believe this editorial of May 20 gives a responsible and positive argument on the merits of social security reform, I wish to insert it at this point for the Members' attention:

POSITIVE OUTWEIGHS NEGATIVE IN SOCIAL SECURITY PLAN

President Reagan's proposals for saving social security are getting the mixed reception he could have anticipated. For one thing, there are alternative ideas for a rescue mission circulating on Capitol Hill. All we can predict about the final shape of the Social Security legislation emerging from this session of Congress is that it will contain bad news for somebody.

President Reagan's bad news is for persons planning to retire at age 62 instead of 65. Under his plan they would get only 55 percent of the normal retirement benefit instead of the 80 percent the law now provides.

A proposal backed by Rep. J. J. Pickle, of Texas, chairman of the House subcommittee on Social Security, would extend the bad news even to those who want to retire at 65. His bill would withhold full retirement benefits until age 68.

A measure passed by the Senate recently imparts its bad news to people now drawing benefits and counting on an increase equivalent to the rise in the Consumer Price Index. The bill would base 1982 increases on the rate of increases in the average wages of American workers, an index running several percentage points lower than the CPI.

The worst news of all will come if the 97th Congress fails to enact some combination of the reform proposals now before it. The Old Age and Survivors trust fund may run out of cash as early as next year if nothing is done to close the gap between what is going out and what is coming in. All of the tax increases enacted in the 1970s to deal with the Social Security "crisis" have not helped as expected because Congress has recoiled from making significant cutbacks on the benefit side.

The current Congress faces the reality that Social Security cannot survive unless it retreats from some of the overgenerous promises it has been holding out to American workers. There is no painless treatment for the problem. The task is to find a remedy that is fair both to those drawing benefits now and those still paying into the system with the expectation of drawing a benefit in the future.

Mr. Reagan's plan is unusually comprehensive, treating not only the immediate cash flow problem but also broader issues of Social Security policy. While clearly aimed at discouraging early retirement, it also would phase out the limitation on what retirees over 65 can earn without a penalty in their Social Security benefits. It would attack the problem of "double-dipping" by retired federal employees who work for a minimum period to qualify for Social Security in addition to their federal pensions. It would tighten eligibility rules for drawing disability benefits prior to retirement age.

Mr. Reagan parts company with those who would change the indexing basis for future cost of living increases in benefits, but does call for a three-month delay until Oct. 1 of payment of the 11.2 percent increase otherwise scheduled to take effect on July 1. The president is thus keeping faith with his campaign promise not to cut the level of present benefits or to take any present beneficiary off the rolls.

On the positive side, the Reagan plan would not only forestall a shortage of funds next year but would permit a reduction in the payroll tax in 1985 if certain economic assumptions hold true. Thus the administration would treat a worrisome side-effect of the rising Social Security tax—its inhibiting effect on the creation of new jobs and its drag on productive economic growth.

The aim of the administration program is to put Social Security in the black and keep it there well into the next century. If President Reagan and Congress can achieve that, it will be good news, even if some present and future beneficiaries have to swallow some disappointment in the process.●

THE PRESIDENT'S COMMENCEMENT ADDRESS AT WEST POINT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. MICHEL. Mr. Speaker, on May 27, 1981, President Reagan delivered a stirring address to the graduating class of the U.S. Military Academy at West Point.

At this time I insert into the RECORD, the President's speech:

ADDRESS OF THE PRESIDENT AT THE U.S. MILITARY ACADEMY

The PRESIDENT. Thank you. General Goodpaster, Reverend Clergy, General Means, the Members of the United States Senate and House of Representatives who are here, the officers on the platform, you, the family, the friends, the Corps and, above all, this graduating class: Nancy and I consider it a great pleasure to be here today to congratulate you who have successfully completed your education and training at the United States Military Academy. I am a little self conscious being introduced as your Commander when I began my military career as a Second Lieutenant in the Cavalry, the horse Cavalry, that is. (Laughter. Applause.) I have threatened on occasion that that was the reason I got this job was so that I could reinstitute that horse Cavalry. (Laughter.)

But we honor you for the responsibility that you're willing to accept. Today you become officers in the Armed Forces of the United States, guardians of freedom, protectors of our heritage, but more than that you become the keepers of the peace.

Those shrill voices that would have us believe the defenders of our nation are somehow the enemies of peace are as false as they are shrill. (Applause.) A Chinese philosopher, Sun Tzu, 2,500 years ago, said,

"Winning a hundred victories in a hundred battles is not the acme of skill. To subdue the enemy without fighting is the acme of skill." (Applause.)

A truly successful army is one that because of its strength and ability and dedication will not be called upon to fight for no one will dare to provoke it. (Applause.)

There have been four wars in my lifetime. None of them came about because the United States was too strong.

At the end of World War II we alone were at the peak of our military strength, our great industrial capacity was untouched by war's destruction, and it was then that in those dark days that Pope Pius XII said, "America has a great genius for great and unselfish deeds. Into the hands of America God has placed an afflicted mankind."

We set out to repair the war-ravaged lands of our erstwhile enemies as well as our friends. We prevented what could have been a retreat into the Dark Ages. Unfortunately another great power in the world was marching to a different drum beat, creating a society in which everything that isn't compulsory is prohibited. The citizens in that society have little more to say about their government than a prison inmate has to say about the prison administration.

About 10 days ago I addressed the graduating class at the University of Notre Dame. Young men and women of your generation were facing a future in which they wonder what jobs will be available and who their employers will be.

You don't have that problem. (Laughter.) You know what your job will be and your employers will be those Notre Dame graduates as well as the rest of your fellow citizens. Now, of course, they won't be directly and personally in charge; that's left to those of us they have chosen to represent them—Secretary Marsh who is here, Secretary of the Army.

But speaking in behalf of all of the people, those employers of yours, may I say that we intend that you shall find better working conditions, tools adequate to the tasks you're expected to perform and pay somewhat more commensurate with the responsibilities you assume than has been the case in recent years. (Applause.)

Now you may have heard rumors to the effect that increasing government spending is not something I'm prone to do. And to tell the truth there's a certain substance to those rumors. At the same time, I accept without question the words of George Washington, "To be prepared for war is one of the most effectual means of preserving the peace." (Applause.) Now, in spite of some things you may have heard, he didn't tell me that personally—(laughter)—still, I'm in full agreement and believe that he did say it.

But let me seriously speak about your employers. We've been through a period in which it seemed that we the people had forgotten that government is a convenience of, for and by the people. And while we were busy with our own affairs, government began to grow beyond the consent of the governed. Its growth was nourished by an ever-larger share of the people's earnings that it took by taxation which became more and more confiscatory. At the same time government neglected one of its prime responsibilities, national security, as it engaged more and more in social experimentation.

Our margin of safety in an increasingly hostile world was allowed to diminish and for a time it seemed that there was an erosion of respect for the honorable profession that you have chosen.

All of this has led to an economic crisis. Deficit spending and an almost trillion dollar debt resulted in runaway inflation, lowered productivity and great unemployment. And the tools of your trade were given a very low priority.

I'm happy to tell you that the people of America have recovered from what can only be called a temporary aberration. There is a spiritual revival going on in this country, a hunger on the part of the people to once again be proud of America—all that it is and all that it can be. (Applause.)

The first step in restoring our margin of safety must be the rejuvenation of our economy. A vibrant and expanding economy is necessary if we are to have the research, the technology, and the industry and the capacity to provide you with what you need to practice your profession.

Reflecting the will of the people, the government has returned to our long-time tradition of bipartisanship—not only where national security is concerned, but with regard to the economic needs of our people. In recent weeks one could say there were no Democrats or Republicans in Congress—just Americans. (Applause.)

Yes, there are and will be disagreements but they are legitimate differences of opinion on how best to reduce government costs, what tax changes will provide incentive to increase productivity and how best to restore our defense capablity. Already the Congress has voted the greatest reduction in the budget ever attempted and at the same time, has mightily increased the spending for the military.

The argument, if there is any, will be over which weapons, not whether we foresake weaponry for treaties and agreements. My good friend Laurence Beilenson authored a book a few years ago called, "The Treaty Trap". It was the result of years of research and it makes plain that no nation that placed its faith in parchment or paper, while at the same time it gave up its protective hardware, ever lasted long enough to write many pages in history. (Applause.)

Now this is not to say that we shouldn't seek treaties and understandings and even mutual reduction of strategic weapons. The search for peace must go on but we have a better chance of finding it if we maintain our strength while we're searching. Mr. Beilenson has recently authored a new thought-provoking book called "Survival and Peace in the Nuclear Age."

But weaponry alone does not mean security. General George Patton said, "Wars may be fought with weapons, but they are won by men. It is the spirit of the men who follow and of the man who leads that gains the victory." Today we seek only to make one change in that statement. It is: The men and women who follow and the men and women who lead. (Applause.)

I meant to ask the General before I got up here and I forgot to do it, because I've been given two figures. I know that there are either 58 or 68 women in this graduating class, and I do know that women do constitute more than nine percent of the Army today.

The indispensable factor for the protection of all that we hold dear is leadership, a leadership of you and young men and women like you, that you offer to this nation. You will be the individuals who must inspire and lead those who are called upon to do the hard and sometimes thankless jobs.

There is a writer, James Warner Bellah, sometimes called our Rudyard Kipling because of his stories of our army on the frontier as we pushed westward, and in one of his stories he described a poignant scene. A commanding officer lay dying on the field of battle. As he passed the command to a younger officer he said, "There may be only one time in your life when your country will call upon you and you will be the only one who can do the nasty job that has to be done. Do it or forever after there will be the taste of ashes in your month."

A torch of leadership is being handed to you in this commencement ceremony today, a ceremony that in all this land is duplicated only in the several other service academies. I know that you've learned the principles of leadership here in this historic place. You know that it requires one to command respect of those who follow by deserving that respect, by dedication and total commitment to the defense of our country and all that it represents.

You have had an excellent example to follow. General Goodpaster, who is, I know, an honorary member of your graduating class now, arrived as Superintendant almost at the same time as you enrolled as plebes, and he retires now as you graduate. He served his country well, retired as a 4-Star General, but was willing to leave retirement and give up a star to return to West Point.

You are part of a great tradition. It's overused, I know, but the term, "the long gray line" is descriptive of the tradition of which you are now a part. In that line have been men—(applause)—in that line have been men who turned defeat into victory, who stood in the breach until citizen armies could be raised. For a time West Point was the nation's principal source of professionally trained engineers. The West was explored and mapped by members of the long gray line. A West Point graduate helped design the Panama Canal and the Holland Tunnel. Two were presidents. Two are presently Cabinet members in this administration. Others have been giants of commerce and industry: Henry DuPont, class of 1833; Robert E. Wood, class of 1900.

Dwight Eisenhower said, "Even in the event of a complete disarmament there is a role for West Point. Even if we just turned our graduates back into the body politic it would be good. The graduates are trained people who understand their duty and who do it."

Six of the astronauts are West Point graduates. Among them is the first man to walk in space, Colonel Edward White, who then lost his life in 1967 when a tragic fire swept the Apollo spacecraft.

But let us look ahead to the force of which you will be an important and significant part. I doubt there will be many surprises because in a way you've been "Army" for the last four years.

There's little chance that you will be like that recruit in World War II who asked in some bewilderment why the Army did certain things the way it did. And a long-time Regular Army Sergeant said, "Let me explain it to you, son. If you were in charge of a brand new country and creating an Army for that country you finally got a division organized what would you call it?" The recruit said, "Well, I guess I'd call it the 1st Division." "Well," he said, "In the United States Army when they did that, they called it the 2d Division." And he said, "When you understand that, you'll know everything about the Army and why it does things the way——" (Applause.)

But our country has a unique tradition among the nations. Unlike the other powers with armies of conscripts, our military was always composed of citizen volunteers. In times past the standing Army was a skeleton force that expanded in wartime to absorb the draftees, the conscripts. We also counted on a National Guard—a trained reserve to bridge the period when the draftees were undergoing basic training. We must still have that reserve and we're taking steps to upgrade it to a state of immediate readiness.

We once had the luxury of time provided by the two great oceans: a luxury we no longer have.

At the end of World War II we continued the draft into peacetime even though a peacetime draft was counter to American tradition. We had always believed that only in the most severe national emergency did a government have a claim to mandatory service of its younger citizens.

But we returned to that tradition in 1973—a volunteer military. Some proclaimed that it was a failure from the start. I'm not going to take your time by reciting the pros and cons of the debate which still goes on except to say that some expressed the belief that patriotism alone should be cause enough to serve. Well, George Washington, to quote him again, once said of patriotism: "It must be aided by a prospect of interest or some reward. For a time it may, of itself push men to action; to bear much, to encounter difficulties; but it will not endure unassisted by interest."

Now, it's true that patriotism cannot be bought—neither can it be coerced. You here today are living proof of that. Obviously you did not choose this profession with the thought of making a fortune. Samuel Johnson, 200 years ago, said, "An officer is much more respected than any other man who has so little money." (Applause.)

Young men and women volunteered for duty in our Armed Forces and then found that too much of their reward was expected to be patriotism. And in recent years even here they were short-changed. In much of the seventies there was a widespread lack of respect for the uniform, born perhaps of what has been called the Vietnam syndrome. The result was inevitable, a fall-off of enlistments but even worse, a drop in reenlistment, resulting in a great loss of experienced noncommissioned officers.

The cry for a draft rose to a crescendo. I still believe there is another way, one more in keeping with our system of rewarding those who work and serve, on a scale commensurate with what we ask of them. I don't suppose we could put an exact price on the sacrifice that we ask of those who guarantee our safety, but one thing is certain. They deserve better than a bare subsistence level. (Applause.)

I have asked Secretary of Defense Weinberger to form a Defense Manpower Task Force to review the entire military manpower question and to make proposals which will increase the effectiveness of the active and reserve All-Volunteer Forces.

Last year's pay increase was a step in the right direction, but we are asking for another one in the fiscal year that begins October 1st. We seek to channel pay increases and bonuses to those in the most needed skill areas. We are studying proposals for a merit pay system and increased flexibility in personnel practices.

A few years ago the G.I. Bill was eliminated and replaced with a program having fewer benefits. At the same time, we were expanding federal aid to college students. The federal government, in effect, provided more benefits to those who were not serving their country and reduced them for those who were. The Defense Manpower Task Force will be studying ways in which we can make enlistment more attractive to the kind of young people we need in our military forces. (Applause.)

Already enlistments are up and so are reenlistments, and surprisingly, or maybe we shouldn't be surprised, many who have already left the service are now returning. There's also been a decided rise in quality as measured by educational and testing attainment. Something other than pay and benefits contributed to this. I mentioned earlier the new spirit that is abroad in our land. The era of self-doubt is over. We've stopped looking at our warts and rediscovered how much there is to love in this blessed land. All of us together and you very definitely in the posts you go to can help restore the sense of pride our men and women are entitled to have in wearing the uniform.

Let friend and foe alike be made aware of the spirit that is sweeping across our land because it means we will meet our responsibility to the free world. Very much a part of this new spirit is patriotism, and with that goes a heartfelt appreciation for the sacrifices of those in uniform.

You are a prime ingredient that keeps us free, that protects all we cherish and hold dear. You can transmit the historic heritage which is in the very air of West Point. The first Purple Heart medal was awarded here. It was the first decoration ever given to an enlisted man.

At Trophy Point I am told there are links of a great chain that was forged and stretched across the Hudson to prevent the British fleet from penetrating further into the valley. Today you are that chain holding back an evil force that would extinguish the light we've been tending for 6,000 years.

Now before I finish, there's one thing that I should say on behalf of you directly. And that is that in keeping with what I understand is a tradition, I have asked the Superintendent to grant an amnesty. (Cheers. Applause.) I knew I should have saved that for the last—(laughter)—but seriously, I wanted to close with some other remarks.

Almost two decades ago in the sunset of his life, a West Point graduate, Douglas MacArthur, returned to this place to address the Cadet Corps. No one who ever heard him that day can ever forget his call to duty, honor, country. Nor his declaration that so long as there was breath in his body, he would hear the words: The Corps, the Corps, the Corps.

Do your duty. Keep untarnished your honor and you of the Corps will preserve this country for yourselves, for all of us, for your children and for you children's children.

God bless you and keep you. (Applause.)●

SANTA MONICA CHAMBER OF COMMERCE SALUTES HUDSON DE CRAY AND BOB GABRIEL

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. DORNAN of California. Mr. Speaker, on Saturday, June 6, the Santa Monica Chamber of Commerce will hold their 58th annual installation dinner dance at the Miramar Hotel to honor two outstanding leaders of the chamber, Hudson De Cray and Bob Gabriel.

During the last year, Hudson De Cray has ably served as chamber president. A lifelong resident of Santa Monica, he attended Santa Monica High School and Santa Monica College before completing his studies at UCLA.

Since 1962, Hud has owned his own business, De Cray & Co. Insurance Brokers, located in west Los Angeles. Active in community affairs throughout his career, he has been president of the Santa Monica Rod and Gun Club, the Santa Monica Lions Club, Santa Monica Family Service, and the Santa Monica Association of Insurance Agents. Currently, he is vice president of the Santa Monica Family YMCA, after serving as general chairman of the Santa Monica Sports and Arts Festival in 1979.

In addition to his term as president of the chamber of commerce, he has been member of the board, a vice chairman, or a committee chairman for over 15 years. In 1970, he was the recipient of the Santa Monica Jaycee's Distinguished Service Award.

Hud has also been active in local government. In 1971, he was a candidate for city council. He has been a finance chairman for several State legislative campaigns, and he was a member of the Santa Monica Recreation and Parks Commission for 6 years.

Hud is a member of Masonic Lodge No. 307, and the Los Angeles Chapter of Safari Club International. His family includes wife Ruth and 15-year-old daughter Yvette.

Taking over the reins as president of the chamber for 1981-82 is a valued friend of mine for many years, Bob Gabriel. A longtime leader in the Santa Monica community, Bob has been active in the chamber since 1955. He has owned and operated Bob Gabriel Co., Insurance, for 27 years.

Currently, Bob is second vice president and a director of the Boys' Club of Santa Monica. He is a member of the board of trustees of Santa Monica Hospital and has been the director of both the Santa Monica Chapter of the Red Cross and the Santa Monica Bay Council of the Navy League. A UCLA graduate, he is a member of the advisory committee for Santa Monica College.

Bob is a past chairman of the Santa Monica Recreation and Parks Commission and the National Conference of Christians and Jews. He has been a campaign chairman for the Santa Monica Community Chest and St. Jude Hospital. He has also been a director of the Santa Monica Bay District Board of Realtors.

A former member of the Santa Monica City Council, Bob has received numerous awards for his tireless community service, including the Humanitarian Award from the National Conference of Christians and Jews, the community service award from the Sunrise Optimist Club, and the Boss of the Year Award from the Santa Monica Jaycees.

Bob's family includes his wife of 35 years, Louise, their son Robert, and daughters Sharly and Susan. Bob has two grandchildren.

To Bob and Hud, and all of my other friends at the chamber, I send my greetings and best wishes for continued success. While many members of the chamber have been disheartened by the turn of events at city hall, their motto has always been, "When the going gets tough, the tough get going." I know they will keep up their good efforts to preserve Santa Monica as an outstanding place to live and work.●

TRIBUTE TO MAX KAMPELMAN

HON. MILLICENT FENWICK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mrs. FENWICK. Mr. Speaker, at the conference in Spain of the Conference on Security and Cooperation in Europe, we have been most honorably represented by Ambassador Max M. Kampelman. At great personal sacrifice, he has spent months in Madrid, pleading and fighting for the principles that were agreed to in what became known as the Helsinki Final Act.

I enclose excerpts from a speech he made on April 10, 1981, as a statement of the continuing concern for human rights and the importance of the individual which are the very heart of our constitutional documents.

STATEMENT BY MAX M. KAMPELMAN

Mr. Chairman, we are now completing the 17th week of our main meetings. These follow the eleven weeks of our preparatory meetings. We began our proceedings in these halls on September 9. Our work is still not done. We will return on May 5 to continue our negotiations.

During our preparatory meetings we began diligently to explore one another's attitudes and objectives. We agreed on an agenda that has proven useful to us. We strengthened the Helsinki Process by firmly incorporating the principle of implementation review into our deliberations.

Our purpose is to achieve security and develop cooperation. For some time now, longer than many of us had anticipated, we have been emphasizing the military aspects of that security in our discussions, after having first concentrated on the equally important human aspect of our security.

In that connection, it is now nearly seven weeks since President Brezhnev addressed this issue at the 26th Congress of the Communist Party of the Soviet Union. We had hoped that his words would prove to represent a significant act of statesmanship. But we have seen no proof of that here, as the Soviet Delegation has continued to insist on formulations, some specific and others obscure, which we cannot accept because they would weaken the very criteria which are essential for real security.

There is another element of real security—the element of human rights. As we take inventory of where we are, we must again remind ourselves that the issue of human rights and humanitarian concerns is an indispensable part of our security and of our search for peace.

In a conference of thirty-five nations, it is natural that political systems should be different one from another; and our perceptions may be different as well. But we all did agree in 1975 to commit ourselves to the clear and unequivocal language of Principle Seven on human rights and funds mental freedoms. The Delegate of the Holy See, at our last meeting, brought us face to face with the fundamentals of the issue as he referred to the universality of human rights, encompassing the complete harmony of the human person in a framework of freedom and social justice. He reminded us that this is basic to the nature of man and to his dignity, no matter where he or she may live. He emphasized that this understanding is indispensable if the term "human rights" is to have any meaning at all.

There can be no doubt that any progress achieved in military security, or any other area, must be balanced by progress in human rights, a balance which may be composed of ingredients from outside this hall as well as concepts agreed upon inside it. Our Delegation will not settle for language in this vital area that is token or trivial; and, unfortunately, the language that has been provisionally negotiated so far is of that sort. It must be supplemented by language that is significant in pointing the way to effective improvements. The proposals calling for experts' meetings on subjects of human rights and family reunification; a proposal for the removal of obstacles to the right of citizens to monitor the implementation of the Final Act and to practice their religion—these are the kinds of proposals that would carry out our objective.

Mr. Chairman, no Delegation in this room is more devoted to a positive outcome of this meeting than the Delegation of the United States of America. But we must not deceive ourselves with the repetition of pious platitudes. Events in the world outside have made and continue to make out task more difficult. Soviet troops continue to be reinforced in Afghanistan, thus compounding the violation of that country's sovereignty. And we have witnessed the threat of military force as a form of political intimidation against the sovereignty of a participating state by a more powerful neighbor. Furthermore, solemn commitments undertaken in the human rights area are—even as we meet—being flouted.

These events bring to mind our agreement of last November that our Madrid meeting would be a balance between a review of implementation phase and a negotiating and drafting phase. Our Delegation is willing to continue negotiating and drafting as long as there is a reasonable prospect of agreement, because agreement is our objective here. But tragic developments since we returned to Madrid in January, as well as the need to restore a semblance of substantive balance to our proceedings, compel us to speak candidly.

Two weeks ago today, the learned Chief of the Soviet Delegation acknowledged the importance of human rights and humanitarian concerns to our process. He also thereby provided a good basis for understanding the extent of our differing perceptions of the issue. During that intervention, he vigorously asserted that his country looked upon human rights and freedom as one of "the main operative aspects" of the "right to life." He stated that the Soviet Union, contrary to its critics, has a keen interest in "humanitarian issues."

On many occasions, including today, this Delegation has stressed that words are by no means as significant as action in helping us come to grips with the problems that divide us and thus achieve the cooperation we seek. In this area of humanitarian concerns particularly, and with all respect and deference to a most able spokesman for his Government, we believe it is only fitting to put the words of the Soviet Delegation to the test of whether they are accompanied by consistent action.

Several weeks ago Oksana Yakovlevna Meshko, a 75-year-old woman, one of the founders of the Ukrainian Helsinki Group, was sentenced to six months in a strict regimen camp and five years of internal exile.

This old woman, sick with heart disease and with severe inflammation of the lungs, and now sentenced to a lonely existence in the harsh conditions of distant exile, has been subjected to systematic persecution for her human rights activities. She has been held illegally in psychiatric hospitals. Why? Because she has worked to collect and distribute accurate information about human rights violations in her country, thus exercising rights and freedoms proclaimed in the Soviet Constitution and encouraged by the Helsinki Final Act.

Where, in this tragic event, is there a sensitivity to "humanitarian issues"?

A few weeks ago, on March 17, Anatoly Marchenko, whose 1966 book *My Testimony* was the first expose of labor prison camps in the post-Stalin era, was arrested in Aleksandrov and is apparently now in prison in the city of Vladimir. This man has already spent fifteen years in labor camps and in exile. He suffers from the effects of meningitis, is partially deaf and has undergone surgery on several occasions.

We ask how long this man will be punished for his convictions, as we again fail to see in this action a concern for "humanitarian issues."

Two weeks ago, we learned of the death in a Soviet labor camp of Yuri Kukk, forty-one years old, whose only crime was to focus attention on human rights violations in his native Estonia.

Where in this unfortunate death was there a sensitivity to humanitarian concerns?

Several days ago, a number of delegations received an appeal to save the life of Dr. Yuri Orlov, who founded the Helsinki Watch Group in 1975, and who is today imprisoned in the Soviet Union. In that appeal, which is signed by Nobel Laureate Dr. Andrei Sakharov and by Moscow Helsinki Watch Group member Dr. Naum Meiman, Dr. Orlov's prison is described as "a form of extended torture."

A letter from Dr. Orlov's wife, Irina, dated January 17 and addressed to our Conference, reads:

"I appeal once again to the Conference to save my husband from the undeserved and barbaric treatment which threatens his health and even his life . . . . The senseless,

cruel and petty harassment by the camp administrators has deteriorated to the point where my husband is prohibited from resting by lying down, even though the medical commission previously granted him permission to rest two hours daily. He can now only rest sitting down, but he is not even allowed to place his head in this hands. . . ."

Where in the treatment of this noble and humane man is there sensitivity to "humanitarian issues"?

Andrei Sakharov himself remains in exile, isolated from friends and associates. For the first time since his exile, telegraphic communications with relatives have been cut off. His three diaries containing his current scientific work on theoretical physics have been taken away from him. His autobiographical writings have been confiscated. Telegrams have not been delivered to him or to his wife, including a telegram informing his wife of her aunt's death in Moscow.

Not only is Dr. Sakharov treated thus, but his son's fiancee (and in effect his wife), Yelizaveta Alekseyeva, is persecuted and threatened, in an obvious effort to put pressure on Dr. Sakharov.

Mr. Chairman, I ask, is this the way a society which supports "humanitarian issues" treats one of it most distinguished citizens and his family?

The name of Raoul Wallenberg has been mentioned here by the Foreign Minister of Sweden and others. In recent weeks, an international conference was convened in Stockholm to study in detail the most recent evidence dealing with the disappearance of this moral giant of a man. There are strong indications that he was alive in the Gulag long after Soviet authorities asserted his death, and there is some reason to hope that he may still be alive.

There has not been to this day any information as to why this courageous Swede, who saved tens of thousands of Jews in Budapest in 1945, was ever put in a Soviet prison, what the charges were aginst him, or how long his sentence was. The Wallenberg family has pleaded for information and none has been forthcoming from the Soviet authorities.

This case will not go away. The refusal to appreciate the human factor which is symbolized by the Wallenberg case is stimulating even further interest. The Congress of the United States has asked our Delegation here in Madrid to raise this case in our meetings. There are active Wallenberg Committees today in six countries. The tragic mystery of Raoul Wallenberg is unnecessarily becoming a divisive international issue.

We again ask: Where is a concern for "humanitarian issues" evident in this case?

Finally, I read an excerpt from a letter addressed to our Delegations by a citizen of the Soviet Union, Ida Milgrom, the mother of Anatoly Shcharansky, now in a Soviet prison:

"My son, like many other freedom-loving and courageous people . . . believed in the reality of the agreement concluded in Helsinki. He believed in you, conference participants, who ratified the Final Act with your signatures, and proclaimed the unbreakable link between detente and observance of fundamental human rights. My son believed in, and took upon himself the obligation of monitoring and bringing to the notice of governments all violations in implementation of the agreement.

"You, the Conference participants, implanted in them (my son and other honest people) hope, and they have ended up . . . in bondage . . .

"In the years since the Helsinki Agreement was adopted, the most courageous people have found them themselves behind bars, are now languishing in prisons, forced labor camps, and exile . . . You gathered together in Belgrade, argued, delivered speeches, and then went your separate ways. And since that time, new honest people have stood in the dock and received 'terms.' Now you are in Madril, and again there are speeches, academic arguments. . . ."

Since the letter by his mother was written, Anatoly Shcharansky has been moved to a "strict regime barrack" in his prison camp, where he receives reduced rations and can write home only once every two months. His mother, who had looked forward to a visit with her son this month, has been told that her visit has been canceled and that her son is in solitary confinement for six months.

What kind of concern for "humanitarian issues" is it that can treat this young man, who believes in the Final Act, this way?

Mr. Chairman, I have by no means today raised all the issues involving human rights which have arisen in the weeks since our December recess. The British Delegate, for example, has already brought to our attention the decline in the rate of emigration of Jewish persons from the Soviet Union, particularly following the 26th Party Congress. All of these issues are highly disturbing in their severity and in their implications. I respectfully suggest, furthermore, that they are hardly consistent with the aspirations of a "worker's state." They impose a heavy burden on our meeting. We raise the issue in the hope that it can be squarely faced and then constructively dealt with. Doing so would make an immense contribution to a productive outcome for this Madrid meeting. Meanwhile, we will not ignore our obligation, in the words of the Delegate from the Holy See, to acknowledge the silence of those who cannot speak.

There is still time for our Madrid meeting to produce constructive results if we choose to use that time efficiently, more expeditiously, and more productively than we have up until now. We will have one more opportunity to do so when we reconvene in May. Let us work together to accomplish that objective.

Thank you, Mr. Chairman.●

A TRIBUTE TO JOHN A. YOUNG

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. MINETA. Mr. Speaker, it gives me great pleasure to rise today to join my colleague from California, DON EDWARDS, in honoring an outstanding industrialist and community leader from Santa Clara County. On Thursday, June 4, 1981, the National Conference of Christians & Jews will be presenting their Community Service Award to John A. Young at a testimonial dinner.

Since his college years at Oregon State University, where he earned a bachelor's degree in electrical engineering in 1953, John has been the embodiment of an achiever. While attending Oregon State, he was a member of two honorary fraternities; Eta Kappa Mu for electrical engineering and Sigma Tau for engineering. He was president of Alpha Tau Omega, a social fraternity and received the U.S. Air Force ROTC communication award.

As an officer in the Air Force, John was stationed at Holloman Air Development Center in New Mexico in the Research and Development Command. After finishing his tour of duty, John attended Stanford University where he obtained a master's degree in business administration in 1958.

That same year he joined the marketing-planning staff at Hewlett-Packard Co. Twenty-two years later his is still with the company serving as its president and chief executive officer after being elected to these positions by the company's board of directors in 1977 and 1978.

John has balanced his professional life with his work in community service. Currently, he serves as a member of the board of trustees for Stanford University and has been active in fundraising, including serving as national corporation chairman for the $300 million campaign.

Under John's leadership of nearly 10 years, the Stanford Mid-Peninsula Urban Coalition has gone far beyond what many community service groups even try to do. As cochairman of the group, he has helped coordinate activities that have resulted in additional low-income housing in Sunnyvale. The coalition, with John's help, has set up a home for teenage girls who were having family problems and needed support and counseling and established a crisis center for rape and assault victims.

John has always been a willing speaker for the business community and is recognized for his expertise on increasing industrial productivity. He has served on the Stanford Business Council for the Graduate School and participated in their "fireside chat" program.

The professional boards and memberships John holds are wide and varied. John is a director of the Wells Fargo Bank, Wells Fargo & Co., Dillingham Corp., and SRI International. He is a member of the Machinery and Allied Products Institute, a member of the National Industrial Advisory Council of the Opportunities Industrialization Center, and he belongs to the American Electronics Association. A longtime music enthusiast, John serves on the board of governors for the San Francisco Symphony Association.

Mr. Speaker, I ask you and all our colleagues in the House of Representatives to join DON EDWARDS and me in commending John A. Young for the outstanding contributions he has made to the community and to con-

gratulate him on being the recipient of the 1981 Community Service Award from the National Conference of Christians and Jews.●

ACID RAIN THREAT REMAINS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. VENTO. Mr. Speaker, I would like to take this opportunity to bring the following article from the St. Paul Pioneer Press to the attention of my colleagues.

The article reveals several of the findings of a joint study, not yet completed, on acid rain which is being conducted by the Minnesota Pollution Control Agency, the U.S. Environmental Protection Agency Duluth Lab, and the U.S. Forest Service. It expounds on the ever-present and serious problem of acid rain and the affects it may have on potentially acid sensitive lakes in the Boundary Waters Canoe Area in northern Minnesota. This threatens fishing and other recreational activities in the area. As you know, many other States as well as our neighbor, Canada, are already experiencing the damaging affects resulting from acid precipitation. Thousands of lakes in Canada have been declared dead. This means that no fish or plant life exist in the lakes which threatens tourism, of which fishing is a main attraction, farming, and forests.

Acid rain is not limited in its travels. It may eventually work its way into ground water supplies, this affecting drinking water, crops, and the environment in general in the United States and Canada.

My purpose in presenting this article is to reiterate my strong concern about the acid rain problem and to elaborate on the fact that it does exist and is not getting better. Acid rain is not a problem that can be pushed aside to be considered at a later date. Severe damage is evident now. We must give it our immediate attention before it is too late.

[From the St. Paul Pioneer Press, May 28, 1981]

ACID RAIN STUDY BACKS "WORST FEARS"

(By Jeffrey Kummer)

Acid Rains are posing a serious threat to 80 percent of northern Minnesota's largest lakes, according to a new state Pollution Control Agency study that suggests the problem may be far more severe than earlier believed.

While none of the lakes showed signs of immediate danger to fish or plant life, the study found that some may be only a few years away from that fate.

"I would say that the study confirmed our worst fears," PCA acid rain coordinator J. David Thornton said Wednesday. We have serious problems.

The joint study, begun earlier this month by the PCA, the U.S. Environmental Protection Agency Duluth Lab and the U.S. Forest Service, included water samples from some 163 lakes in and around the Boundary Waters Canoe Area.

Included among the preliminary findings:

While the vast majority of northern Minnesota lakes were found to be "sensitive" to acid rain, another 16 percent were listed as "potentially sensitive." Only 4 percent of the lakes tested were considered to have enough natural resistance to acid rain to be safe from its damaging affects.

The potential for serious damage from acid rain is not just limited to smaller lakes, but includes a number of the state's larger lakes, some used extensively for fishing and other recreational purposes.

So-called "sensitive" lakes are scattered across northern Minnesota—not only in the BWCA as some scientists had previously thought.

The possibility that some northern lakes already have reached the point where they are becoming temporarily acidified each spring as snow melts and runs off into waters unable to neutralize the acids.

Acid rain is caused by sulfur and nitrogen oxide emissions that react chemically with atmospheric moisture to form acids. The acids fall to earth in rain, snow or in a dry form. Eventually, some lakes become so acidic that fish and other forms of wildlife cannot reproduce in them.

PCA officials said they were surprised by the large number of lakes found to be "sensitive" meaning the lakes had a low capacity to neutralize acids. Previous estimates had placed the number of sensitive lakes at 60 percent.

Thornton said the agency also was concerned about the high number of large lakes that the study, believed to be the most extensive of its kind in Minnesota, listed as among those that appear most threatened by acid rain.

"We had expected that those big lakes, especially the ones outside the BWCA, were much less vulnerable than the smaller lakes," Thornton said. "But the study seems to tell us that is not necessarily the case any more."

Thornton said that some northern Minnesota lakes sampled in the study showed signs of having exhausted nearly all of their capacities to neutralize acids.

"A few of those lakes we saw are just sitting ducks," he said. "Some could be facing some real problems fairly soon if you believe everything you hear about acid rain and the situation the Scandinavian countries are having."

In those countries, acid damage which began some 30 years ago has been blamed for killing more than 40 percent of lakes and leaving another 40 percent capable of supporting only marginal fish and plant life.

"The disturbing thing about this is that the average acidity in rain and show falling in northern Minnesota has reached the same level that began causing problems in Sweden and Norway," he said. "We're right at the border line, and the potential, at least, is here for the same thing to happen."

CUBAN INDEPENDENCE DAY

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. HOLLENBECK. Mr. Speaker, I would like to take this opportunity to rise in commemoration of Cuban Independence Day which is celebrated on May 20 of each year.

As we all realize, millions of Cubans, once our close, democratic neighbors, have been driven away from their historic homeland to escape the tyranny and violence of Fidel Castro and his Communist cohorts. It is truly sad that only those Cubans living outside of their native land can celebrate this 79th anniversary of independence from Spain while over 8 million of their countrymen remain shackled by a totalitarian dictator whose regime is economically and politically dependent on the Soviet Union.

Nevertheless, the spirit of independence remains very much alive in the hearts of millions of Cubans throughout the world. On this 79th anniversary of an independence since lost, I think that it is important that we pause and attempt to comprehend the pain associated with a freedom that is frustrated by tyrannical rule. I know that the Cubans' desire for freedom will never waver or die out, but will continue to grow until their efforts result in the successful restoration of full democratic liberties in a Cuban Republic.●

THE AMERICAN PEOPLE DEMAND REFORM OF THE CRIMINAL JUSTICE SYSTEM

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. ROTH. Mr. Speaker, I have introduced legislation (H.R. 459) to impose mandatory sentences of 2 years without possibility of parole on persons convicted of using a handgun or other dangerous weapon in the commission of a crime.

Several prominent law enforcement organizations have endorsed this legislation. The National Sheriff's Association, the American Federation of Police, Americans for Effective Law Enforcement, Inc., and the International Association of Women Police have all expressed their enthusiasm for prompt passage of H.R. 459, the Domestic Crime Control and Prevention Act. The rising tide of violent crime makes swift action to provide appropriate punishment for persons who terrorize law-abiding citizens of paramount importance if we are to continue to rightly call ours a civilized society.

Reprinted here for the benefit of my colleagues is an article which appeared in the April 15, 1981, edition of the Northwestern, newspaper of Oshkosh, Wis. In it are presented the results on this subject conducted by the Neenah, Wis., based Jewelers Mutual Insurance Co. I believe you will find this article

thorough in its examination of the problems confronting jewelers in coping with the frequent incidence of armed robbery.

I hope my colleagues will heed the public's call for reform of the criminal justice system, and begin by enacting stiff mandatory sentencing legislation.

NEWSLETTER FINDS JEWELERS FAVOR WEAPONS CRIME LAW

(Dave Grey)

NEENAH.—A 7.3 percent reader response does not sound like a great deal to the average person.

But to the people at Jeweler's Mutual Insurance Co. of Neenah, a 7.3 percent response on a "Jewelers Newsletter" reply card was outstanding . . . and very revealing.

Typically, Jewelers Mutual asks readers to return cards if they want more information about the company's insurance products. The response rate for the four issues of 1980 was 0.8 percent.

The January newsletter reply card asked a question to see if they agreed with the statement: "Yes, I'm for a law requiring a mandatory prison sentence for a crime committed with a weapon."

Instead of the usual 0.8 response, 7.3 percent responded. Of those 1,790 responses, 1,581 (88.3 percent) favored mandatory prison sentences. In Wisconsin, 56 jewelers returned their cards, and of those, 51 (91.1 percent) favored mandatory prison sentences.

"I think the reason our response rate jumped 600 percent is that jewelers had the opportunity to express their opinions about mandatory prison sentences," said Earl DeLong, President of Jewelers Mutual.

As soon as it was evident that the response for mandatory jail sentences was going to be high, DeLong arranged a meeting with state Rep. Michael Ellis, R-Neenah, who was receptive to Jewelers Mutual's cause.

Ellis agreed to draft a bill which calls for a mandatory three-year prison sentence for anyone convicted of using "a dangerous weapon as an essential element of the offense." The bill would call for a three-year sentence for first-time offenders and additional convictions would result in five-year sentences. Those found guilty would not be eligible for probation or parole.

DeLong stresses that he does not want the bill to deal only with firearms. "Knives, baseball bats and virtually everything else criminals can get their hands on are being used to perpetrate crimes," he said.

"From our records, we have been able to show that robberies in the jewelry industry are done mostly by professionals," said Jed Block, advertising and public relations director at Jeweler's Mutual.

"The new bill would help get these professionals off the street.

"We have also discovered that a lot of the robberies are drug-related and we have had conversations with prisoners of the California prison about these drug-related robberies. We have sent out information on how to respond to these types of robberies.

"We have tried just about everything to inform jewelers. We had underwriting guidelines, information brochures, pamphlets on security. We have a film out on what to do in case of an armed robbery.

"We even offer free signs to jewelry stores which say, 'Our insurance company allows us to show only one item at a time' or 'Our insurance company doesn't allow us to open our doors before or after store hours.' This takes some of the heat off the jewelry stores."

Block went on to explain that there is a very great concern in the Jewelry business about armed robberies.

He stated that in 1977 Jewelers Mutual paid out $4.2 million on 467 claims. In 1978 the company paid $6.6 million on 606 claims, $12.1 million on 881 claims in 1979, and $16.6 million on 923 claims in 1980. During that period, deaths in jewel robberies went from nine in 1977, to 24 in 1978, to 29 in 1979, and to 46 in 1980.

"To the jeweler, this crime wave is reaching alarming proportions," said Block. "The response on the survey is a reply to this alarm.

"When the responses started coming in, we went to other groups and asked them how they felt, and we received endorsements for the mandatory imprisonment idea from local law enforcement agencies, the Fox Cities Chamber of Commerce, senior citizens groups, and women's organizations.

"This is a problem that needs an answer. And the answer that seems to come up as the best deterrent for the crime is fast, strict penalties."●

COLT INDUSTRIES AIDS IN ARREST OF GUNRUNNERS

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. COTTER. Mr. Speaker, the U.S. Customs Service working with Colt Industries of Connecticut recently arrested six persons who were attempting to smuggle $1.2 million worth of military weapons out of this country, reportedly to South Africa. The cargo of weapons included M-16 rifles, pistols, and grenade launchers.

The cooperation of Colt Industries was instrumental in this event, and I am including an article from the May 14 New York Times for the benefit of my colleagues.

AGENTS ARREST 6 IN $1.2 MILLION HOUSTON ARMS SALE

HOUSTON.—Federal agents who transported 2,200 military weapons from Connecticut to Texas in trucks arrested six persons and seized the million-dollar cargo as it was being loaded on a jet reportedly bound for South Africa, the officials said.

The six persons arrested, two Britons and four Austrian airline crewmen, were taken into custody to be arraigned today on charges of violating the Federal neutrality law by conspiring to export guns without a State Department license.

Agents also seized a Boeing 707 owned by Montana Austria, a private charter airline based in Austria, in the raid last night at a privately owned terminal at Houston Intercontinental Airport.

Customs officials estimated the value of the weapons, which included 636 automatic M-16 rifles, pistols and grenade launchers, at $1.2 million.

"These are military weapons, not sporting weapons," said Charles Conroy, a spokesman at the regional office of the Customs Service.

FALSE LICENSE FOUND

He said the suspects carried a false State Department license permitting the export of munitions of war, but said the intended use of the weapons was not immediately clear.

Customs officers made the raid after agents had transported the cargo by truck from Connecticut to Texas, the officials said. Mr. Conroy said about two dozen agents, including a truck driver and others posing as air terminal ground crewmen, had moved in as preparations were being made to transfer the cargo to the plane.

In Washington, a Justice Department spokesman said Customs agents had asked Colt Industries of Connecticut, manufacturer of the arms, for cooperation. He said the agents were given the weapons in shipping crates, which they then transported to Texas to meet the plane.

One source indicated that the investigation began several weeks ago when a former Border Patrol agent, now an arms dealer, notified Customs officials that he had seen a false "end-use certificate" showing the weapons were bound for Sudan in East Africa.

The actual destination of the weapons was not clear but Montana Austria's manager, Hans Joerg Stoeckl, said in Vienna that authorization from United States officials had been received Monday for a Houston-Johannesburg flight.

SECURITY COUNCIL EMBARGO

Mr. Stoeckl said discussions of the cargo for the flight had included references to "rifles," steel products and "steel fabricates," and that he had sought documents to prove the cargo would not violate the 1977 United Nations Security Council arms embargo against South Africa.

The United States is observing that embargo.

He said his company first had misgivings about the flight when he was requested by Servotech, a company registered in Liechtenstein and Khartoum, Sudan, to fly rifles to South Africa. A message on Monday from Servotech's Hamburg agent, however, said the cargo involved steel fabricates instead of rifles, Mr. Stoeckl said.

A message on April 27, he said, had proposed a shipment of "harmless" fabricates from Houston to Durban, South Africa.●

HAZARDS OF SYNTHETIC FUELS

HON. JAMES WEAVER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. WEAVER. Mr. Speaker, the following excellent article from last Saturday's Washington Post tells of the extreme hazards with which synthetic fuels development is fraught.

The synthetic fuels industry has held out the promise of developing new domestic supplies of oil which are plentiful, if not cheap. This article demonstrates that we are just beginning to look at the bizarre and devastating effects some of the chemical by-products may have upon the genetic makeup of living creatures. This inevitably points to the conclusion that we will soon see another forum of conflict

between those who think the cost of toxic and hazardous waste control is too high, and those who believe that unless industries bear the full costs of their environmental damage, there can be no free market solution to our energy problems.

Before we launch on a campaign to dig up the entire intermountain West, sucking it dry of water in the process, we had better figure out how much the energy is going to cost us after we impose the control technologies needed to keep carcenogenic and mutagenic chemicals from poisoning us all.

Before we cut any more weatherization, conservation, and solar programs, we had better start comparing their low cost to the potentially enormous cost of developing synfuels safely.

[From the Washington Post, May 31, 1981]

TOXIC AND NOVEL PROBLEMS CHALLENGE THE MAKERS OF SYNTHETIC FUELS

(By Joanne Omang)

Over the synthetic fuels industry hovers the specter of a deformed baby cricket with two sets of eyes. Doused when it was an egg with liquids made from coal, the cricket developed like some monster-movie creature to remind the engineers that what they are doing to coal and oil shale is something relatively new on the face of the earth.

The engineers were not surprised. Synfuels—primarily oil from shale and liquefied coal and gas from gasified coal—will have as much impact on the environment as the oil, coal and utility industries combined, and then some.

Devising controls for everything is an enormous task, because most of the environmental problems are unprecedented and some are nightmarish.

Then include toxic chemicals that cause cancer and genetic mutations, which could be a major health hazard to people living near coal gasification and liquefaction plants and might be subjected to fallout because of possible leakage from pipes and valves.

Another problem, particularly in the West, is that each synfuel project will use millions of gallons of scarce water and threatens to pollute much more of it underground.

The smoke and dust from synfuel plants could endanger air quality. The thousands of people who are moving west to dig and process and sell synfuels will transform the region, not necessarily for the better.

Environmental groups, wielding a decade of legislation and wary of the Reagan administration's antiregulatory stance, are not about to yield on anything they don't have to.

The result is that for the first time in the industrial age, a new industry is going to have to consider environmental problems and costs from the day it gets going, rather than later. And, while environmental protection laws are already on the books, many problems lie ahead.

"There are dozens of substances coming out of coal conversion and there are regulatory standards for only two or three of them," says Jonathan Lash of the Natural Resources Defense Council. "There's enormous political pressure now to move quickly, and a political trend toward looser enforcement of the laws."

The deformed crickets, hatched at Oak Ridge National Laboratory, could have been caused by a chemical known as acridine, which is found in coal liquids, or from the liquids themselves. The products of coal transformation are what scientists call "biologically active," which means they include powerful cancer-causing agents and substances that injure eggs and sperm. Although these are new products, the same problems surround many ordinary crude oil products, which have been the subject of continuing tests.

Synfuels supporters try to be reassuring.

"We know some of these things are nasty," said Robert Hall of the American Petroleum Institute, but the industry needs "nothing new in terms of control technologies that isn't used in [oil] refineries."

The current proliferation of design and treatment is evidence that the companies want "complete control over everything that goes in and everything that comes out," says Joseph Yancik, head of research and technical services at the National Coal Association.

Industry critics are not so sure, but some are willing to wait and see.

Oil refineries still have unsolved problems, Lash points out, and he wants the Synthetic Fuels Corporation to require a more imaginative approach to synfuels' environmental problems as a condition of subsidizing new plants.

The Environmental Protection Agency has ruled that synthetic fuels are new chemicals that must go through testing and documentation required under the Toxic Substances Control Act.

More familiar problems include the industry's need for vast amounts of water in the arid West, its need for mountains of coal and shale that must be dug out of the ground, and its call for thousands of workers to come to the nation's last wide open spaces. The debate over water is especially intense.

A report to the U.S. Water Resources Council estimated that the existing supply in the Wyoming, Utah and Colorado basins where the coal and oil shale lie could support an industry that produces 1.5 million barrels of oil a day, three times the goal Congress set for 1987. That translates into 26 oil shale plants and eight coal conversion plants, each drinking 50,000 to 2 million barrels of water a day, depending on the process. It also assumes that all water not now under contract is captured and that new reservoirs, pipes and pumps are built.

"That doesn't deal with practicalities," says Lash. Instead of building new systems, "industrial users will just buy up existing water rights and displace agricultural users as they have in the past," he says.

He is also skeptical of EPA's tentative opinion that an industry producing 400,000 barrels a day can be built without damage to the region's air quality.

Coming from the other direction, Blaine Miller, chairman of the Oil Shale Advisory Council of the American Mining Congress, thinks an industry that size will bump up against the Clean Air Act. He wants the standards changed.

"We found Mother Nature violating three air regulations [for dust, ozone and some hydrocarbons] before we ever stuck a shovel in the ground," Miller says. He is also director of the Occidental Oil-Tenneco project, named Rio Blanco, at Rangeley, Colo.

Nobody is waiting for the Clean Air Act debate to end before going ahead, however. At the EPA is special synthetic fuels task force is monitoring both the cricket tests and EPA's own operations.

EPA is trying to make an unprecedented attack on inconsistent, stop-and-go regulating practices that infuriate industry and environmentalists alike. Set up 18 months ago to represent every EPA agency and regional office, the task force is preparing "pollution control guidance documents" that will spell out EPA's requirements all at once, rather than one at a time.

"Everyone's sure they'll really become pseudo-regulations," says Yancik. "The regulatory people will have nothing else to use to judge these new processes."

Task force chief David Tunderman agrees. "We're trying to break with history," he says. "It's a substantially new way of doing business".

It's appropriate for a multibillion-dollar leap into products, wastes and machinery with major new twists, he said. He estimated that controls on each plant could cost 15 to 20 percent of the total investment, or nearly $1 billion on the largest plants.

"I don't see how the industry could not do it," says Yancik. "It's just plain business sense. Who would enter a $3 billion project and take chances on environmental surprises? They might be subject to controls later that would reduce production or even make the investment inoperable. It would kill'em."

The physical enormity of the process is one reason for the large costs.

To produce shale oil, industry must find a way to heat large amounts of the gray rock to 900 degrees Fahrenheit, collect the gases that evaporate from the kerogen within and condense them into oil. To convert coal to gas and oil, pulverized coal must react with steam and other chemicals, often under tremendous pressures. Afterward there are mountains of wastes to get rid of.

Here are some of the processes and their problems:

Surface retorting. Shale fragments up to three inches across are heated in a chimney-like building, releasing gas to collecting pipes where it is condensed into oil. Two tons of western shale, the volume of an office desk, yield a barrel of oil. Shale from deposits in the Indiana-Illinois-Ohio region yields 25 percent less.

But distributing the heat evenly is difficult. The oils are too thick to flow far and must be upgraded at the site. Also, the hot shale waste must be cooled with water, up to three barrels for each barrel of oil, and the waste water is then full of toxic salts and chemicals, including arsenic.

Secretary of the Interior James G. Watt told editors and reporters at The Washington Post that snyfuel production in the West might not be feasible until the industry develops technology that requires less water.

The spent shale is fine as talcum powder, dangerous to breath and abrasive to moving machinery. It is sterile. "There's no precedent for handling it, but obviously you can't pile it on the surface and let it sit there," said Miller, the Rio Blanco project manager.

There is also more of it than before it was processed, due to the "popcorn effect" in which treated shale expands to 25 percent more than its original volume. The bulk of it can be packed back into the mine it came from, wetted, surfaced with the original topsoil and reseeded under the Surface Mining Act of 1977. But there is debate over the feasibility of disposing of what's left by filling canyons or making new hillsides.

"In situ" (below surface) retorting. To avoid the problems of surface work, dynamite blasts can be set off in mines underground, turning the shale to rubble where it lies. Air is injected and a fire lit that burns slowly downward, driving gases ahead of the fire to condense further down and be collected by pumps already installed at the bottom of the blasted area.

But "it is very difficult to get the proper heat into the formation or the products out," the Electric Power Research Institute reported recently. "If not sufficiently fractured, [the shale] will refuse to give up its oil and gas." Test burns have stopped on reaching groundwater and the chemicals leached out of the shattered shale have been hard to track.

Modified in situ (both surface and below surface) retorting. To make the burn easier, Occidental is planning to dig huge surface pits into the shale, remove 20 percent of it and then blast surrounding shale to fill up the pit. Large sites could be as much as 30 stories deep and a football field across. The burn would proceed as for underground retorting.

Coal gasification. Coal is crushed, pretreated to remove sulfur products, pulverized and fed into a pressurized vessel to react with steam and air or pure oxygen. The resulting gases have a low heat value, so they must either be used locally or upgraded into something more like natural gas.

"You get very clean fuel from this, with most of the environmental problems in the wastes," said Lash. "It may be that gasifying is a good argument environmentally."

Coal liquefaction. Since coal differs from oil primarily because it has fewer hydrogen atoms, one ton of coal can produce up to three barrels of oil if the atoms are added. But all such processes involve high-pressure vessels, exotic and dangerous chemicals and miles of pipes.

Sheer plumbing control will be a monumental task: the Solvent Refined Coal (SRC) plant in Newman, Ky., will have about 60,000 valves in its first-stage capacity of 6,000 tons of coal a day, and perhaps 250,000 when at full capacity.

"Just inspecting each one every six months is a huge job. Some will leak for months and this is nasty stuff," said Lash.

Perhaps the biggest problem, one common to all the technologies, is the influx of people the industry will bring to the West. Rio Blanco paid for a master plan for the area around Rangeley, Colo., which now has 6,000 people and expects 6,000 more in the next five years. The Colony project has budgeted $100 million to build an entire community near its project outside Rifle, Colo., while dozens of towns are worrying about the new schools, roads, hospitals and jails the population surge will require.

But at least everyone seems to see the problems coming. "We have as much interest in a good quality of life as the people who live here now," said Miller. "If we didn't, our turnover would be so great we couldn't function."

Environmentalists grant that point. "The main problem is that so much is uncertain," said Lash, "and under the present administration the burden of uncertainty seems to rest on the public rather than on the industry."

EARLY PLANT'S WASTE FLOATS IN TROUT STREAM

State environmental workers checking the dikes below Stroudsburg, Pa., last October first spotted the small black blobs in the rushing waters of Brodhead Creek. The cold, crystalline stream, famous in northeast Pennsylvania for its swarms of two-foot brown trout, was eating into a previous incarnation of the synthetic fuels industry.

The black blobs were coal tar, a syrupy goo that the Pennsylvania Department of Environmental Resources traced to a coal gasification plant that operated in Stroudsburg from the 1880s to about 1945. The Stroudsburg Gas Co. plant was one of hundreds nationwide that turned coal into gas for town street lights until the advent of cheap and hotter-burning natural gas.

This plant used an airless heating process called pyrolysis, which can leave up to 20 gallons of tarry wastes for each ton of coal it processes.

Dr. Joseph P. Lafornara, a chemist on the Environmental Protection Agency emergency response team, said the tar contains several known cancer-causing agents like benzene and naphthalene plus chemicals like toulene and xylene that are toxic to fish.

The EPA estimates that 8 million gallons of the stuff were dumped into unlined pits or lagoons on the banks of the Brodhead, right at the foot of Stroudsburg's main shopping area. A gravel vein runs through there, and the tar has seeped out to contaminate an underground area of six to eight acres, Donovan said.

The pits were covered over and forgotten until 1959, when the Army Corps of Engineers straightened and controlled the Brodhead, which had flooded in 1955 and killed 500 people. "We now think they redirected the creek over the top of the coal tar lagoons," says Joseph Donovan of the EPA.

The fast-flowing stream, 70 feet wide at this point, has eroded downward at about a foot a year. The tarry blobs, some as large as golf balls, percolated to the surface in natural springs that feed the Brodhead. "We know the pollutant is now only six inches below the bed in some places," Donovan said.

EPA has closed off the creek and has built earthworks and set booms and filters around the springs to catch the tar.

Stroudsburg gets its water upstream and while tests have found no sign of contamination so far, the Brodhead flows into the Delaware River three miles down and towns from Easton to Philadelphia that drink from the Delaware are worried.

Possible solutions may be to drill a well and pump the stuff out, use bacteria to decompose it, or build walls around it to contain it. It could a $150 million disposal problem.●

THE PEOPLE RESPOND

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. GARCIA. Mr. Speaker, I am inserting into the CONGRESSIONAL RECORD a statement which exemplifies the concern people are feeling over the proposed budget cuts. President Reagan's economic plan would not affect every segment of this society equally; minorities and the poor would have to shoulder the greatest suffering while businesses and the rich would be favored disproportionately. As part of my continuing crusade against the inequities in the proposed economic plan, I am inserting today's statement to show that there are still citizens who are concerned over the impact of this plan.

NEW YORK STATE ASSOCIATION OF COUNCILS ON ALCOHOLISM, INC.,
Albany, N.Y., March 30, 1981.

Re: Rescission of alcoholism formula grant funds for fiscal year 1981.

To: Members New York State congressional delegation.

From: Art Berman, president.

The purpose of this correspondence is to urge your support to reject the President's rescission of Alcoholism Federal Formula Funds for Fiscal Year 1981.

The proposed rescission would result in New York State suffering a retroactive cut of $3.4 million back to October 1, 1980. These funds currently go to 57 programs in 37 counties and their elimination would halt prevention, intervention and treatment services to some 38,000 individuals.

Although recognizing and concurring the need for stringency in budgeting on the part of the Federal Government, the fiscal constraints under which State and Local governments presently operate will make it impossible for them to maintain the existing network of community-based alcoholism services currently funded through formula grant funds.

Federal moneys constitute an important part of the total funding system within the State and the loss of Federal Formula Funds would have a devastating impact on services.

This proposed rescission of the Formula Grant Dollars is in direct conflict with the current Administration's publicly expressed desire to promote increased responsibility and flexibility in the States in providing health and social services. The 1981-82 State budgetary decisions will be made by April 1, 1981 and the development of alternatives to adjust to this retroactive cut will not be possible in this time frame. In fact, the rescission is a step away from grant consolidation, rather than a step toward increased flexibility. The alcohol and drug abuse formula grant funds represent the only tax dollars sent to Washington, D.C. which are returned to the States for the alcohol and drug abuse field, with any flexibility attached. These funds are allocated to those areas of particular need in the State; such as increasing the provision of treatment services to special populations, including minorities, women, elderly and youth.

The reduction of funds will force the elimination of services which can only result in shifting victims of alcoholism to more expensive, less appropriate health services.

You should be aware of the cost to society of inadequate, ineffective and inappropriate response to the treatment of alcoholics and their families.

Effective treatment of alcoholism, however, results in savings to the health care system, criminal justice system, social services system and in productivity in the workplace.

We ask that you take all possible actions to prevent the reduction and elimination of alcoholism services funds through the Formula Grant Program so that we can maintain an adequate system of services for all New Yorkers.

We appreciate your past support of alcoholism programs and we look forward to your voting not to approve rescission.

NEW YORK STATE FINANCIAL AID ADMINISTRATORS ASSOCIATION,
March 30, 1981.

Hon. ROBERT GARCIA,
Member, House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GARCIA: It has been several weeks since I last corresponded with you regarding the Administration's proposed cutbacks in student financial assistance. Since that time, I have received responses from a great many, although not all, of our New York State Delegation. While visiting Washington, D.C. last Monday, I became somewhat concerned in that several of our Delegates did not fully comprehend the impact of these student financial aid cutbacks and the devastating blow it might have on higher education within our Empire State and Nation.

Perhaps it would be well to begin by stating that NYSFAAA, while in full recognition of some budgetary restraints, points in a positive way to the long history of higher education success within our State. Educational opportunity has been of paramount concern because it is the very means by which our society has emerged. Educational opportunities are the very means for those in our society to rise above what might have been a destiny of frustration and lack of bettering one's self. And so there is no one who could deny that the availability of financial assistance helps to pave the path towards this goal and objective of educating one's self.

A second point is that education is being hit harder by the proposed cutbacks than many, or perhaps any other field of endeavor. If education were to be seen as an "industry" one would have to question why other industries are being supported by the Federal Government when they are certainly successful and require no Federal support.

As to the issues, the financial aid community within New York State is at a serious threshold today. Thousands of students have applied from respective high schools, each seeking placement in an institution of higher education, either within our state or in another state. Their awards are being held up which will undoubtedly cause a change in their course of educational direction as well as in the mere interest in pursuing an education. The delays are unnecessary.

The first delay is being caused by the "freeze" in the processing of Pell (BEOG) Grants. This untimely delay will be the cause for frustration by students and parents alike not to mention the chaos caused to the Aid Administrators which will carry on into the Fall and Spring semesters of the academic year 1981-82. The Family Contribution Schedules must be released immediately if they are not to delay the processing of awards any further. Your assistance is needed here as soon as possible. We have written and telegramed members of the Budget Committee, etc., but to date no action has been taken. We urge your support!

The second, and perhaps most serious, delay is with the continued unknowns in the area of student loans. The NYSFAAA fully supports those pieces of recommendations made by the NSFAA and presented by Dallas Martin, Executive Director of that national association, which represents all post-secondary institutions in the country. We concur with an income cap of $30,000-$35,000. We concur with needs test above that adjusted gross income. We concur that Social Security benefits and Veterans' benefits be included as a form of assistance in determining the need of students.

In essence, what I am indicating is that the State Association of Aid Administrators in New York needs your support and action at this point in time. I understand from some that the mail concerning this issue is on the incline and this will help in your support of our recommendations. I refer you to the recent statistics forwarded to you by Eileen Dickinson, President of the NYSHESC, in which you can't help but see the impact for New York students. As before, I look forward to hearing from you regarding this issue. Please feel free to contact me at your convenience. Any further delay could be catastrophic to educational opportunities for all students.

Sincerely,

JOSEPH SCIAME,
President, NYSFAAA.

ADVOCATES FOR CHILDREN OF NEW YORK, INC.,
Long Island City, N.Y., March 20, 1981.

Hon. ROBERT GARCIA,
Grand Concourse,
Bronx, N.Y.

DEAR MR. GARCIA: We are writing to express serious concern over the President's proposed federal budget cuts in education, child and family related areas. Attached you will find a copy of the resolution passed by the Advocates for Children of New York Board of Directors which calls on Congress to halt the cutbacks in social service areas, and to defeat the proposals for tuition tax credit programs.

The Board expressed a widely held concern that the President's program places a terribly unfair burden on the poor, working and middle classes of our country. The administration's taxing and spending proposals continue and expand inequitable tax policies which favor wealthy individuals and large corporations. Moreover, Congress has not been asked to cutback on expensive pork barrel programs, such as subsidies for tobacco farmers or the Clinch River Breeder Reactor. Finally, the President has proposed inordinate increases in defense spending, an action guaranteed to cause more inflation than the cutbacks in social programs could ever offset.

We are particularly disturbed by proposals to consolidate federal education programs into two large block grants. This action will offset years of work to provide protections for disadvantaged children and children who face discrimination such as the handicapped, the bilingual, women and the poor. The creation of block grants will force these groups to compete against one another, and against more politically popular programs, for a pool of ever decreasing education dollars.

Our final concern is related to the speed with which the Administration's Economic program is being discussed. What kind of mandate exists for a program supported by only 27% of eligible voters? When such a large proportion of the populace has real questions, why must we roll back two generations of social progress in a month? We urge Congress to hold local hearings across the nation to get a true sounding of sentiment on this program. We believe millions of Americans disagree with the priorities reflected in the Reagan program.

We hope you share our concern.

Sincerely,

MIRIAM THOMPSON,
Executive Director.

RESOLUTION ON TUITION TAX CREDITS AND FEDERAL BUDGET CUTS

President Reagan is proposing a major restructuring of the current federal role in education. He is recommending a consolidation, and 20 percent cut in appropriations under the major elementary and secondary education titles. The consolidation and cuts affect programs such as Title I (Compensatory Education), Public Law 94-142 (Education for All Handicapped Children), and Title VII (Bilingual Education). The administration's proposal will fold most categorical programs into two large block programs, will eliminate the targeted nature of the programs and will leave the allocation of federal monies entirely to the discretion of states and localities. In addition the proposal will cut approximately $1.5 billion from federal education budget authority.

The second major proposal for reordering the federal role in education is the tuition tax credit program. This proposal will allow parents of children in tuition charging schools to take advantage of a tax credit for the cost of tuition up to a maximum of $500 per year. The estimated cost of this proposal, in its first year, varies between $3.5 and $4.5 billion.

Of equally deep concern are proposed cuts in other child related areas such as Child Welfare, CETA, and AFDC.

We are disturbed by various aspects of these proposals:

The elimination of the protections and the targeted nature of categorical programs forces handicapped children, children in need of bi-lingual services, disadvantaged children, and children enrolled in schools undergoing desegregation to compete among themselves and with more politically popular programs for scarce education resources.

The deep 20-25 percent cuts in the appropriations for education programs, and other social programs affecting children and families while large increases are proposed for national defense, and unfair tax breaks are pushed for wealthy individuals and large corporations and special status is granted to pork barrel programs like the Clinch River Breeder Reactor, and subsidies to tobacco farmers.

The potential unconstitutionality of a tuition tax credit program, where 75 percent of the benefits would accrue to church related schools.

The inequity of tuition tax credits which are of greatest value to families with large incomes.

These proposals represent a restructuring of the federal role in elementary and secondary education. Yet there is a rush to complete action on these proposals before a full public debate can occur. It took two full decades before Congress passed the Elementary and Secondary Education Act, yet we are asked to repeal this measure after only one month of discussion.

The proposals represent a massive shift of federal resources toward private education. Conservative estimates predict the cost of a tuition tax credit program, if constitutional, could pass the level of aid to public education in three to five years.

For these and other reasons, we are concerned about the future of public education and youth and family services should these

proposals become law. We recognize that our education system has failed many children; the Reagan Administration's programs however, will encourage continued discrimination against populations who have only just begun to capture the benefits of public education programs.

Therefore, we call on Congress to:

1. Reject the consolidation and cuts in education programs.

2. Reject the proposed Moynihan-Packwood Tuition Tax Credit program.

3. Reject the proposed cuts for the current and future fiscal years in other child and family related service areas such as child care, CETA, AFDC, Medicaid and food stamps.

4. Reorder spending priorities to allow these social services to be fully funded by cancelling proposed tax cuts for large businesses and wealthy individuals, and cutting the billions of dollars of fat in the government's defense budget.

BOARD OF DIRECTORS

Patricia Bogaisky, Parent, Member of AFC Parent Advisory Council.

Rudy Bryant, Chairman, Associate Director, Pratt Institute for Community and Environmental Development.

James Drinane, Executive Assistant to the Director, Dept. of Social and Community Services, NYC Housing Authority.

Sylvia Evans, Parent, Member of Coalition of Labor Union Women of American Postal Workers Union.

Melba Falu, Media and Public Information Specialist.

Robert Gangi, Community Development Specialist.

William B. Haley, Esq., General Counsel, Community Service Society.

Charlotte Henderson, Parent, Member of AFC Parent Advisory Council.

Dr. Marjorie Hendler, Teacher/Trainer.

Annette Jennings, Regional Staff Development Specialist, New York University School of Continuing Education, Specialist Services Program.

William Jesinkey, Supervisor of Special Education High School Programs.

Alan Levine, Esq., Partner in the law firm of Clark, Wulf, Levine & Peratis.

Marcia Lowry, Esq., Director of the Children's Rights Project at the American Civil Liberties Union.

Stanley Majewski, Assistant Vice President and Director, Technical Services, Manufacturers Hanover Trust Co.

Samuel Meyers, Treasurer, President, United Automobile Workers Union Local 259.

Velmanette Montgomery, Vice Chairperson, Director of Billy Martin Child Development Center.

Edward Morgan, Teacher and Guidance Counselor in Special Education Programs.

Dr. Robert J. Schwartz, Vice President, Shearson, Loeb, Rhoades Inc.

Dr. Zina Steinberg, Child Psychologist, Bronx Municipal Hospital Center.

Prof. Louis McG. Walker, Director, Opportunities Industrialization Center.

Josephine Williams, Secretary, Assistant to Communication Director—NYC Health and Hospitals Corporation.

JAMAICA, N.Y., *March 15, 1981.*

Hon. ROBERT GARCIA,
Bronx, N.Y.

DEAR REPRESENTATIVE GARCIA: Today I watched you on CBS's "Newsmakers" with Rolland Smith. I found myself agreeing with much of what you had to say. I am certainly glad that you are now in Congress during these difficult and dangerous times of the Reagan administration. Your voice is one that I hope to count on to counter Reagan's domestic and foreign policies.

Among the many Reagan policies that have disturbed me is the one concerning Latin America, particularly Central America. I believe that the U.S. approach toward that region of our hemisphere will eventually not work in our best interest. The Reagan-Haig team seems to believe that the only solution to decades of inequity is to bolster with military aid the right-wing forces in those countries and to have the State department make statements that seem to condone a right-wing takeover in El Salvador. I greatly resent the use of my hard-earned tax money to send millions to the National Guard of El Salvador while our own citizens will have their food stamps, Medicaid, unemployment benefits, and housing assistance curtailed. The philosophy of the Reagan administration seems to negate compassion and humanity. The poor in our own country and other countries, such as El Salvador, will be seeing the worst of times in the next four years.

I agree with you that Reagan's arming and providing of military advisers to El Salvador will lead to a strengthening of the Left in that country. The U.S.A. will be viewed as the enemy. The populace there has been confused as to whom to support. The Left in El Salvador has not had the wholehearted support of every segment of the populace as the Sandinistas had in Nicaragua against Somoza. The Salvadoreans should be allowed to decide with no U.S. interference how they want to find their own road to democracy. Nevertheless, the National Guard and its killing machinery has to be dismantled if the people are to live without fear. The people of El Salvador, Honduras, Guatemala, and even Nicaragua (which rid itself of a tyrant and then started a romance with the opportunist Castro) ought to look towards the country of my birth, Costa Rica, as a model of a free and sovereign State. Costa Rica has no army while the other Central American countries have National Guards which are employed mainly to torture dissidents and to destroy the poor campesinos. It is ridiculous to have such costly armies in these small banana republics.

Therefore, with much urgency, I beg you to introduce or support any legislation that will stop any further military sales, training and assistance to El Salvador. I am interested in knowing more about your position concerning Central America.

Sincerely,

RICHARD J. LARIOS.

ASSEMBLY, STATE OF NEW YORK,
Albany, N.Y., March 23, 1981.

Hon. ROBERT GARCIA,
840 Grand Concourse
Bronx, N.Y. 10451

DEAR MR. GARCIA: As you are probably aware, the Office of Management and Budget, under the direction of David Stockman, has proposed to gut the Federal Trade Commission, and effectively lay waste to 65 years of Congressional activity aimed at strengthening the American market economy. In the name of fiscal austerity, OMB is proposing to eliminate the Commission's Bureau of Competition and all ten regional offices. These proposals will emasculate the Commission's ability to enforce the anti-trust laws, and will fragment investigations and programs initiated by the regional offices at the state level. For these and the following reasons, I urge you to fight to modify the OMB proposals.

The New York Regional Office (NYRO) is the perfect example of the Commission's efficacy at the regional level. The NYRO has assisted my Committee (Assembly Consumer Affairs and Protection) in developing a multitude of pro-consumer and anti-inflationary programs, including generic drug legislation, mandatory arbitration, and product warranties. The NYRO and its sister offices across the nation have a broader impact as well:

1. Complaints received by the NYRO are usually indicative of economic abuses and illegal activity having a regional and national scope.

2. Small and medium-sized businesses are able to assess the desirability of commercial practices by consulting with the regional offices.

3. The visibility of the NYRO (and all regional offices) functions as the marketplace equivalent of the urban precinct house. The regional office, simply put, is available to all citizens of the economic "neighborhood."

The aforementioned functions of the regional offices, which accrue to the benefit of consumers and businesses alike, will disappear if the OMB proposals become reality. The OMB would have the Commission revert to being the "little old lady of Pennsylvania Avenue." This would be detrimental to the health of the business community and the people it serves, and I urge you to oppose the radical and unnecessary cuts now being proposed.

Sincerely,

JOSE E. SERRANO,
Chairman, Consumer Affairs and Protection Committee.●

THE AMERICAN RED CROSS HYPERTENSION PROGRAM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. STOKES. Mr. Speaker, last week the American Red Cross celebrated its 100th anniversary, commemorating a century of providing compassionate services through wars, natural and personal disasters. In 1974, the American Red Cross became actively involved in another national crises, the battle against uncontrolled high blood pressure.

Initially, the American Red Cross saw an ongoing need for intensive outreach and public educational programs to sensitize targeted populations (minorities, industry, and the business community) to the need for controlling high blood pressure. Through its local chapters, the American Red Cross has been actively involved in the screening, detection, referral, and followup of over 1 million individuals. In addition, over 23,000 individuals participated in health education courses designed to teach family members the skills for blood pressure measurement.

The local American Red Cross chapter in Cleveland has developed an excellent hypertension outreach pro-

gram. Upon its initial inception in 1978, 11,000 individuals were screened. The outreach program has been so successful that within 2 years over 26,000 individuals were screened. There are currently 18 permanent screening sites, with six sites located in the black community. Those sites are Antioch Baptist Church, the American Red Cross Heights Branch Office and the downtown chapter the King-Kennedy housing development for the elderly, the Friendly Inn community neighborhood center and the Kenneth Clement community health center. Schedules for screening for each community are on a regular basis. Those individuals found to be hypertensive are referred for treatment to a community health clinic or their personal physician. Those who have slightly elevated blood pressures are requested to return to the site at a later date for additional followup. An individual having an extremely high blood pressure at first check is directed immediately to the nearest health facility and followed up the following day to determine if medical care has been provided. Through these scheduled sessions, all registered persons can be checked periodically and receive counseling regarding the status of their pressure. A permanent record is maintained for each individual and a personal blood pressure record is given for his records.

Sensitive to the need for high blood pressure control in targeted populations, the American Red Cross has implemented a hypertension detection, referral, control and compliance counseling program in the Brownsville and East New York communities in New York State. Support for the program was obtained from the New York State Health Department Hypertension Unit. The goal for the one-year demonstration project, was to screen approximately 25 percent of the area adult census or 40,000, 18 to 65 year old residents for high blood pressure, and its related illnesses. Statistically speaking, it was assumed that of those initially screened, over 20 percent (8,000+) will require follow-up services which will be provided by American Red Cross program staff and volunteers. The screening is to be done in five primary counseling sites, four within high density housing projects and the fifth will function within the East, New York Family Health Center. All of the counseling services relating to the project are supervised by registered nursing staff and volunteers. With the cooperation of area medical facilities and personal physicians of clinics, careful maintenance of records is provided for each activity, leading to the development of both process and impact relative to evaluating the demonstration projects.

Mr. Speaker, the American Red Cross has obviously made significant steps in reaching millions of individuals who otherwise were not aware that they are hypertensives or of the consequences of uncontrolled blood pressure. The American Red Cross and its hundreds of volunteers are to be commended in this tremendous effort.●

THE ATTORNEY GENERAL'S SPEECH ON BUSING AND QUOTAS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. MICHEL. Mr. Speaker, Attorney General William French Smith recently addressed members of the American Law Institute on the subject of busing, quota systems, and discrimination. I found his remarks to be refreshing and challenging and I commend them to your attention.

At this point I wish to insert in the RECORD the speech of the Attorney General, May 22, 1981, before the American Law Institute:

ADDRESS OF HON. WILLIAM FRENCH SMITH, ATTORNEY GENERAL OF THE UNITED STATES

As a longtime member of the ALI, I am especially pleased to be addressing you today. Recognizing this organization's long-standing commitment to the improvement of American law, I have chosen to speak today on a subject of great, continuing significance to all Americans: racial discrimination.

On this subject, the goals of government must be clear. It is basic to the very idea of America that discrimination on the basis of race must be eliminated and the effects of prior discrimination must be effectively remedied. In both respects, the history of government action has been less than satisfactory.

For most of our life as a Nation, government has differentiated between individuals on the basis of race. First, to further segregation. Later, to remedy segregation and its effects. In both instances, discrimination by government on the basis of race has divided our people and retarded the development of a just society. The ideals of America require that, one day, all government action must be color-blind. When that day comes, the injuries to individuals would be redressed by government on the basis of the actual deprivations suffered by the affected individuals. Ultimately, in a just society, government must not require either racial balance or racial separation—and government must not guarantee any individual a result based upon his or her race. Having recognized those goals, however, we must also recognize that they have not always been well-served by government throughout the past.

Less then fifty years ago the Department of Justice moved into its present building on Constitution Avenue. Over the entrance to that building is engraved the inscription:

"Justice in the Life and Conduct of the State Is Possible Only As It First Resides in the Hearts and Souls of the Citizens."

When those words were first etched in stone in 1934, racial justice clearly did not fill the hearts and souls of all our citizens nor fully characterize the life and conduct of the State.

In the Nation's capital itself there were separate facilities for blacks. As William Manchester recounts in "The Glory and the Dream":

"Department stores, movies and government cafeterias were closed to them. Black workmen digging the foundations of the new Justice Department building . . . either brought their lunches or went hungry; even if they wanted a glass of water they had to walk two miles . . . to find a restaurant that would serve them."

Throughout much of the country, most public schools were legally segregated—as were public accommodations, buses, and restaurants. Blacks were stigmatized by discrimination that most Americans today have not experienced and many can hardly imagine.

The injustice was not of recent duration. It had existed in our life and laws since the country's beginnings. In 1776, agreement on our Declaration of Independence was made possible only by a compromise that omitted black slaves from the principle that all men are created equal. Eleven years later the Constitution ratified the inferior status accorded black slaves. In 1820, Thomas Jefferson was moved to write that the compromise over slavery: ". . . like a firebell in the night awakened and filled me with terror. I considered it the knell of the Union."

Indeed, it nearly was. Only a civil war and nearly another half century produced the Emancipation Proclamation. Yet even that document failed to guarantee equality before the law and could not erase the prejudice in the hearts and souls of many citizens.

An old story recounts Abraham Lincoln's signing that historic document. He took his pen, slowly dipped it in the ink, moved his hand to sign, held it for a moment, but then put down the pen. After a moment, the President again repeated the same sequence and did not sign. He turned to Secretary Seward and said:

"I have been shaking hands since early this morning, and my right arm is nearly paralyzed. If my name ever goes into history, it will be for this act, and my whole soul is in it. If my hand trembles when I sign the Proclamation, all who examine the document hereafter will say: 'He hesitated!'"

For nearly a century after the signing of the Proclamation, the country still hesitated in its efforts to guarantee all citizens the equality they deserved by right.

Only in 1954 did the country truly begin to act. In *Brown* v. *Board of Education*, the Supreme Court at last ruled that in the sphere of public education racial discrimination by the state was unconstitutional. Although some still hesitated, by late in the 1950s government earnestly began the long overdue process of ensuring that American law would henceforth and in every way be truly color-blind. Congress passed the 1957, 1960, and 1964 Civil Rights Acts; the Voting Rights Act; and the Fair Housing Act. The Supreme Court continued to expand the pursuit of equal justice. Successive Presidents and Attorneys General—irrespective of party—acted to enforce those rights. Nearly two centuries of hesitation were punctuated by three decades of remedial action.

After so many decades of inaction, the national government—and especially the Supreme Court—pursued both prospective and retrospective remedies. Efforts were made

both to ensure that racial discrimination would not afflict our future and to assist citizens whose recent and distant ancestors had been held back by state-imposed discrimination. After so much injustice to blacks, Hispanics, and other minorities, justice demanded swiftness and results.

That demand has produced many discernible legal achievements. The principles of liability for intentional racial discrimination are firmly established. No level of government may directly or indirectly, on the basis of race, deny any black, Hispanic, or other citizen any right or benefit enjoyed by others. All laws or government actions with that purpose are clearly condemned by federal law—as are any racially motivated acts of violence. After so many years of hesitancy, the overwhelming majority of Americans now view these principles as an intrinsic feature of our democracy. That much we have accomplished, and this Administration will protect those accomplishments fully and vigorously.

Unfortunately, when liability for discrimination has been found, some of the measures employed to remedy its effects have been less than successful. In fact, some remedies have not been remedial. Increasingly, many Americans—both black and white—view some types of remedial efforts as beneficial only because of the substantial and well-intended commitment by government that they reflect.

After some twenty-five years of experience with various remedial devices, the time has come to test their effectiveness. We must not delay the reevaluation necessary to the achievement of actual and not merely symbolic progress. We cannot afford to pursue an ineffective course solely because its intentions are good. Instead, we need to engage in practical problem-solving and adopt measures that will realistically remedy the direct results of discrimination. That means the Nation must end its over reliance on remedial devices aimed solely at achieving inflexible and predetermined mathematical balance.

Twenty-seven years ago in *Brown* v. *Board of Education*, the Supreme Court noted: "Today, education is perhaps the most important function of state and local governments. . . . " A quarter century later, that remains the case. Although the courts have made it abundantly clear in the intervening years that no child shall be denied a high quality of education on the basis of race, it is not clear that the school desegregation remedies thus far fashioned primarily in the courts have succeeded in promoting that goal.

Brown remains the centerpiece of civil rights cases. Both our accomplishments and our failures in this area over the past quarter century have arisen from the reasoning of that case. First, it held that legally enforced segregation in the schools unconstitutionally stigmatizes black children as inferior. Second, it implied that a more heterogeneous racial environment in the schools would improve the educational achievements of formerly segregated students.

The first premise has ensured that no minority student is legally denied the opportunity to attend a school solely because a majority of the students there are white. And no minority student may be consigned to a one-race school solely because of his race. So firmly established is this principle that an overwhelming majority of the American people support it and condemn the concept of segregation. The second point has encouraged a jurisprudential emphasis on compulsory busing, which has neither produced significant educational benefits nor won the support of most Americans.

In the long line of school desegregation cases following *Brown*, the Supreme Court has pursued pupil reassignments as *the* remedy impliedly most likely to guarantee black children better educations. Upon the finding of a constitutional violation, courts have regularly and often automatically ordered busing. The sociological premise of *Brown*—that a segregated education inevitably deprived black children of an equal education—led the courts to order some form of racially determined reassignments in an attempt to improve minority students' education. In many instances that has come to mean busing to achieve racial balance in the schools.

Nevertheless, as Justice Holmes counseled, the life of the law has been experience and not logic. After substantial experience with busing as a remedy, a majority of blacks and whites disapprove the court-ordered transportation of children to remote schools for the sole purpose of achieving racial balance. The reasons are not hard to find, and they are not racially motivated.

The results of studies aimed at determining the benefits of busing to educational achievement are at best mixed. Some studies have found negative effects on achievement. Other studies indicate that busing does not have positive effects on achievement and that other considerations are more likely to produce significant positive influences. In addition, in many communities where courts have implemented busing plans, resegregation has occurred. In some instances upwardly mobile whites and blacks have merely chosen to leave the urban environment. In other instances, a concern for the quality of the schools their children attend has caused parents to move beyond the reach of busing orders. Other parents have chosen to enroll their children in private schools that they consider better able to provide a quality education. The desertion of our cities' school systems has sometimes eliminated any chance of achieving racial balance even if intracity busing were ordered.

All of these considerations point to the need for more innovative and practical approaches to achieve equal educational opportunity. Mandatory busing is not an effective educational remedy, and in many cases it has also proven counterproductive. But this does not mean that desegregation should not continue or that improving the quality of public education for all our children cannot be achieved. To do so, however, we must tailor the remedy to the facts of each case in which a constitutional violation has occurred.

Rather than focusing solely on the means by which discrimination has been practiced in the past, it is time we devoted more attention to remedying the resulting harms actually being suffered today. We should emphasize those remedies that actually improve the quality of public education. Rather than continuing to insist in court that the only and best remedy for unconstitutional segregation is pupil reassignment through busing, the Department of Justice will henceforward propose remedies that have the best chance of both improving the quality of education in the schools and promoting desegregation.

Let me emphasize, however, that it would be a serious mistake to interpret this change of focus at the remedial level as a signal that the Justice Department will not vigorously prosecute any governmental attempts to foster segregation. We will not countenance any retrenchment here. We will not permit any of our citizens to be stigmatized by government as the result of their race.

Although the approach we intend to follow is different, it clearly is within the framework of Supreme Court jurisprudence. Reading the Court's opinions on school desegregation during the last decade, I am struck by the extent to which they sometimes seem to implore the other branches of government to pursue remedies that would prove more effective than court-ordered busing. Beginning in *Swann* v. *Charlotte-Mecklenburg*, the unanimous Court emphasized that desegregation does not mandate the imposition of any mathematical racial balance throughout a previously segregated district. Not every school within a district must "reflect the racial composition of the school system as a whole." As the Court has observed, student busing is constitutionally excessive as a remedy "when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process." It is this latter point, first made a decade ago in *Swann*, that is undoubtedly the most important. When the transportation of pupils significantly impinges upon the educational process itself, we must find better remedies to promote both desegregation and improved quality of education.

Perhaps the clearest expression of the growing uncertainty about the educational effectiveness of the busing remedy came just last year from Justice Powell, joined by Justices Stewart and Rehnquist in *Estes* v. *Metropolitan Branches of the Dallas NAACP:*

"This pursuit of racial balance at any cost . . . is without constitutional or social justification. Out of zeal to remedy one evil, courts may encourage or set the stage for other evils. By acting against one-race schools, courts may produce one-race systems. Parents with school-age children are highly motivated to seek access to schools perceived to afford quality education. A desegregation plan without community support, typically one with objectionable transportation requirements and judicial oversight, accelerates the exodus to the suburbs of families able to move . . ."

By one estimate, there have already been some 300 desegregation plans ordered by the courts. The law is established that no child may be discriminated against by the public schools on the basis of his or her race. Now, it is time that we set to work with communities across the country to ensure that, where intentional discrimination has taken place, the full promise of *Brown* is realized—not only for the elimination of legally enforced segregation but for the promotion of better educational opportunity as well.

Although the major portion of my remarks today has focused on school desegregation, added flexibility and creativity needed there are similarly overdue in other areas. Just as we have compromised the principle of color-blindness through over reliance on mandatory busing to desegregate our schools, we have come perilously close in recent years to fostering discrimination by establishing racial quotas in other areas.

Since 1968, the thrust of the civil rights movement has not been the outlawing or banning of legal disabilities based on race or national origin. Its focus has been upon remedial action in education and employment.

During this period, the consensus of *Brown*—with its nine-to-zero vote—was replaced by a cacophony of judicial voices in the great cases of the 1970s. Ideological lines broke. The unanimity of *Brown* was lost.

The reason is no mystery. A bedrock principle of our government, embodied in the fifth amendment due process clause and the fourteenth amendment equal protection clause, is that the government should treat all citizens fairly and equitably. Thus, if the government had violated the free-speech rights of a specific, identifiable group by favoring another group, the effective remedy would be to secure those rights for both groups. But it would not be consistent with our traditions or our law to impose free-speech restraints on the previously advantaged group.

Similarly, there is good reason to question remedial action of a wholly numerical character—such as mandatory quotas. While well-intended, quotas invariably have the practical effect of placing inflexible restraints on the opportunities afforded to one race in an effort to remedy past discrimination against another. They stigmatize the beneficiaries. Worst of all, under a quota system, today's minimum may become tomorrow's maximum. While seeming to guarantee a minimum number of openings to some group, throughout history quotas have become the means by which the upward mobility of some groups has been hampered. Rather than operating as minimal guarantees, they have often become ceilings on competition by which a group's economic progress is held in check. In a similar fashion today, the use of quotas could tend to thwart the aspirations of increasingly accomplished minority individuals.

Our goal must always be genuinely color-blind state action. This means that race or color or national origin must, for purposes of government decision-making, ultimately become irrelevant.

In the light of history, this Nation has come a long way in its attitude towards racial discrimination. We have firmly established the principle of liability for racial discrimination by any level of government. Firmly establishing that principle consumed a century and three-quarters. For a quarter of a century we have devoted considerable governmental resources to the task of fashioning remedies to assist members of minority groups that have historically been the victims of discrimination. Too often, some of those remedies have proved ineffective. We cannot in good conscience hesitate for another century and one-half, however, before developing more effective remedies. Because government-ordered busing and quotas have proven ineffective as universal remedies, we must begin to take a more practical and effective approach to the problem of equal educational and occupational opportunity.

As Abraham Lincoln said in 1862: "As our case is new, so we must think anew and act anew." In this Administration, the Department of Justice intends to do just that.

We will vigorously enforce the Nation's civil rights laws—including those designed to protect every American from racially motivated violence. I believe that the time has come in America when more can be accomplished by emphasizing the aspirations most Americans have in common irrespective of race: a high quality of education for their children and the opportunity to make the most of their individual abilities.

There are, however, some who prefer to play upon the differences among us—whether race, or religion, or national origin. Just as such divisive elements of this society fail to understand the importance of diversity to America, this Nation will not tolerate their activities that pass beyond the mere expression of contemptible ideas and become criminal. We will not countenance their attempts at intimidation or violence and will use all our legal capabilities to ensure the failure of their methods.

Throughout all our efforts in the area of civil rights, we are—and will remain—mindful of history's judgment. It will not later be said that, when the need to fashion more effective remedies for past discrimination became apparent to most Americans, this Administration hesitated.●

THE THREAT TO OUR NATIONAL FORESTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. FRANK. Mr. Speaker, the protection of our Nation's natural resources is a major responsibility of the Federal Government. Future generations deserve a national program to prevent economic and physical threats against Federal forest lands. As Francis W. Hatch, Jr., notes in a recent article which appeared in the Boston Globe, the administration's newly formulated policies to dismantle environmental programs and increase timber production run counter to our national interests for both the short and long term. This matter is of particular importance in light of the recent Senate confirmation of John B. Crowell, Jr., to the sensitive environmental post of chief of the U.S. Forest Service.

I had the privilege to serve with Francis Hatch, Jr., for 6 years in the Massachusetts State House when Mr. Hatch championed environmental issues as Republican floor leader. Today, he is director of the Conservation Law Foundation in Massachusetts.

The article follows:

[From the Boston Globe, May 15, 1981]

AN UNNATURAL DANGER IS THREATENING OUR GREAT NATIONAL FORESTS

(By Francis W. Hatch)

The controversial nomination of John B. Cromwell, Jr. to head the U.S. Forest Service has raised the prospect of yet another Reagan-appointed fox guarding the chicken coop that houses our fragile and rapidly disappearing national resources.

Sens. Edward M. Kennedy (D-Mass.) and Patrick J. Leahy (D-Vt.) are attempting to block Senate confirmation of Cromwell as Assistant Secretary of Agriculture by focusing national attention on two issues.

The first is the potential conflict of interest that Cromwell, general counsel for the timber company Louisiana Pacific Corp., might have in setting policy for America's 154 national forests. The second is whether Federal law should allow Lousiana Pacific and a few other companies to line their pockets at the taxpayers' expense.

Louisiana Pacific ranks only 20th among U.S. timber companies in timber ownership, but it is the second-largest lumber producer. It is the largest purchaser of national forest timber and is heavily dependent on lucrative cuts in southeast Alaska's Tongass National Forest.

A Federal court in March found that a Louisiana Pacific subsidiary had conspired to fix prices and control the Tongass timber market. Sens. Kennedy and Leahy have been trying to get Cromwell to respond to questions about his involvement in the events that led to the court claims against the subsidiary.

Crowell is on record as favoring substantial increases in the size of the annual cuts in our national forests. To make sure this is done with dispatch, he has already designated another well-known fox as his deputy. Douglas McCleary, Washington lobbyist for the federal timber purchasers' association, a group dedicated to increasing cuts on federal lands. Perhaps nowhere will this twosome have a greater impact than on the Tongass, a tract already gravely endangered by the Alaska Lands Act.

When President Jimmy Carter signed the act in December, he called it "the most important piece of environmental legislation in our history." Even before he uttered those extravagant words, there was a strong feeling that the byzantine bargain struck in the Senate would prove almost as shortsighted to our long-range national interests as the original sale of the Alaska territory has to the Russians. For majestic southeast Alaska, it is no longer a lands bill; it is a timber and mining exploitation act that subsidizes a few timber companies with a blank Treasury check forever.

The law includes several debatable mandates. It requires the Agriculture Department to sell 4.5 billion board feet of timber in the Tongass every 10 years in perpetuity, regardless of the damage to irreplaceable fisheries and wildlife. The 4.5 billion board feet is a minimum, which Crowell may exceed at will.

The act creates a $5 million revolving fund to enable loggers to purchase equipment at low interest rates. And to ensure that logging will be unfettered by federal regulations, the law specifically exempts the entire operation from key provisions of the National Forest Management Act.

The act also specifies that the Treasury allocate at least $400 million each decade or "as much as the Secretary of Agriculture finds necessary" to maintain clear-cutting at the 4.5 billion foot rate.

If past history of Tongass timber sales is any guide, very little of the federal outlay will be recovered. In 1978, for example, the federal government spent $11 million for timber management and development in the Tongass. The net return to the U.S. Treasury was only $1 million.

Two southeast Alaska companies are prime beneficiaries of the act, Crowell's giant Louisiana Pacific and Alaska Lumber and Pulp Co., a company wholly owned and controlled by Japanese.

If past marketing policies continue, 95 percent of the logs from the Tongass' awesome 150- to 200-foot western hemlock and sitka spruce will be shipped to Japan to make rayon and plywood with the lumber companies pocketing enormous profits at the expense of U.S. taxpayers. Fifty-year contracts negotiated in the late Fifties and early Sixties and artifically low U.S. pricing

policies guarantee those high profits to the two companies operating in the Tongass.

Both the pricing policies and the Lands Act raise basic questions: Why should the size of the cut in the nation's largest remaining stand of virgin timber be established forever by an arcane political process behind closed Senate doors rather than by the U.S. Forestry Service and a professional forest management plan?

Why should Washington sell federally owned Alaskan timber at ridiculously low rates, undercutting private timberland owners in Oregon, Washington state and northern California?

Finally, do we want to mandate an enormous and perpetual logging program involving extensive clearcutting when most experts agree we are on the edge of a serious national timber shortage?

I have so far deliberately omitted the usual environmental considerations. The effect of raw, gaping clearcuts on America's last and most spectacular stretch of unspoiled, mountainous coast on lost scenic dollars or on the tourist trade of the future cannot be measured.

But the act guarantees that a staggering visual loss will be there, in ever more dramatic dimensions, just as it guarantees enormous economic loss to the taxpayer and lush profits for timber companies.

How did all this happen? Because the remarkable strength of southeast Alaska's remote, majestic coast is also its greatest weakness. If these trees were on Cape Cod and were threatened, the ensuing blast of public indignation in and outside of Massachusetts would make Hurricane Carol look like a summer breeze.

Southeast Alaskans and environmentalists throughout the country thus welcome the challenge to Crowell's nomination. They are shellshocked by the speed and apparent relish with which Interior Secretary James Watt has been dismantling national environmental policies and machinery. Unneeded increased timber production in national forests will only produce substantially larger Forest Service budgets, enormous profits for a few companies and taxpayer ripoffs to match. The sacrifice the President's budgetcutters are demanding of us all is surely not intended to include one of our country's greatest legacies.●

SOUTH BAY GIRL SCOUTS ATTAIN CADETTE FIRST CLASS RECOGNITION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. DORNAN of California. Mr. Speaker, in an age when television seems to be the dominating influence in the lives of many young people, leaving them speechless and motionless before electronic images which seldom challenge their intellect or motivate them to action, it is refreshing to see examples of active and involved girls and boys.

Those who take part in Girl and Boy Scout programs take on a challenge to master skills and achieve goals which build character. They broaden the scope of their activities to include outdoor exercise and survival training, a basic knowledge of first aid for emergencies, and individual experiences which teach them self-reliance.

Today's Scouts are tomorrow's leaders. Through self-discipline, they learn from instructors. Through following, they learn how to lead.

On June 6, a ceremony will be held on board the U.S.S. *Princess Louise* in San Pedro, Calif., marking the promotion of 54 girls from throughout the South Bay area to the rank of cadette first class recognition. This is the highest level of achievement in the Girl Scouts. These young women have worked hard to attain this goal, and their success deserves praise from all of us who recognize that young people fill a responsible role in our society.

I commend to my colleagues' attention this list of those outstanding girls.

From Troop 235, Hawthorne, Calif.: Yvette Castillo Del Muro, Cynthia Kincaid, Barbara Olson, Julie Sappington. From Troop 510, Hawthorne: Christine Baggelaar, Frances Dijkhuis, Jeanette Le Bouf, Cheryl Ortega, Karen Woodland.

From Troop 1659, Westchester: Christine Carnes, Tiffany Dever, Lynn Esau, Mary Garstka, Peggy Hallock, Kristen Kearney, Sandi Lage, Kelley Lyon, Jennifer Mulvihill, Carla Petillo, Karen Slee, Colleen Smith, Allison Weber, Marby Zacuto. From Troop 479, Westchester: Amy Arlander, Robyn Arms, Kathy Ballard, Stacey Falconer. From Troop 1779, Westchester: Debbie Goldwasser, Lori Hamilton, Angela Hanley, Michelle Theis, Cindy Stein.

From Troop 1355, Lawdale: Lori Comstock, Cheryl De Bord, Stacie Dye, Judy Lyons, Patrice McNeal, Jody Ortiz. From Troop 1220, Lawdale: Tracy Boggs, Adriane Flores, April Kenisy, Valerie Kong, Patti Marcelino, Margaret Pattie, Caren Root, Jennifer Scott, Penny Viall. From Troop 999, Lawndale: Colleen Cole, Susie Curry, Kim Duffy, Lisa Fee, Teresa Givens, Rebecca Roth. From Troop 350, Lawndale: Jennifer Roth.●

MEMPHIS CHURCH HYPERTENSION PROGRAM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. STOKES. Mr. Speaker, as we begin a national campaign toward battling a most devastating disease, high blood pressure, we all should give serious consideration as to what our constituencies can do in the fight to reduce uncontrolled high blood pressure in our communities.

According to Eldra J. Perry, R.N., coordinator of community hypertension projects at the University of Tennessee, heart disease is responsible for one out of every two deaths in Americans. Current estimates indicate that 60 million Americans have hypertension or 25 percent of the population. Hypertension is the single most modifiable risk factor for heart disease.

In meeting the challenge to improve high blood pressure control in Memphis, Tenn., a three-prong approach has been launched. The first program, beginning in 1963, to make beneficial impact in the Memphis area was a system of decentralized clinics for hypertensive patients in the community. Achievements of this program include continuing care for 7,000 hypertensive patients; lower blood pressures than attained by similar patients attending a hospital clinic; less days in hospital, especially for stroke, than the group followed in the hospital clinic; and striking reduction in deaths from stroke for the Memphis region beginning in 1970.

A second innovate step was taken in 1978 by securing the cooperation of 70 black Memphis churches which developed and maintained a program for detection of hypertension among their members with equipment loans, monitoring blood pressures, and assistance in referral for treatment. Achievements of this program include extension of health care to nontraditional medical location, increased referral of unknown hypertensives, increased physician visits for all health problems, and offered ease of accessibility for one-third of the black population.

The third program beginning in 1979 was developed to coordinate the ongoing educational, research, and liaison activities of Memphis organizations involved in high blood pressure control. This group is known as the Memphis High Blood Pressure Coalition and includes 20 agencies. Accomplishments of this group include training and certification of volunteers to take blood pressure measurements, establishment of more locations for blood pressure screening, development of centralized data collection center, and improved statistical analysis and feedback on Memphis groups screened for hypertension.

As a result of these and other efforts, Memphis was awarded the Second Annual Award from the National High Blood Pressure Education Conference, May 5, 1981, in New York City. These high blood pressure control programs have served as models for many programs throughout the country, in Africa, and Puerto Rico. Mt. Sinai Hospital in Cleveland and Provident Hospital in Baltimore have implemented church hypertension programs in an attempt to reduce the continuing threat of disability and death from uncontrolled high blood pressure.

Mr. Speaker, I believe that if more programs like the church hyperten-

sion programs were implemented, more people who are not aware that they are hypertensives would be reached. This would result in significant reductions in morbidity and mortality and increased productivity in this Nation. The coordinators of the programs, the churches, and all individuals involved are to be commended for their work in fighting the silent killer.●

A TRIBUTE TO JOHN A REBEIRO

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1981

● Mr. MINETA. Mr. Speaker, it gives me great pleasure to rise today in honor of one of Santa Clara County's outstanding union leaders, Mr. John A. Rebeiro. On June 12, 1981, the United Brotherhood of Carpenters & Joiners of America will host a testimonial dinner in honor of John's retirement.

Beginning as a shipyard apprentice, John has steadily risen in the union and his trade. On April 26, 1948, he was initiated into the Millmen's Industrial Carpenter Local. Since then he has worked hard to secure greater benefits for many blue-collar workers in the Bay Area.

A tough negotiator, John has fought for greater worker benefits. As an articulate spokesman for union activities, he has brought attention to union grievances. Serving as a trusted union leader, John has helped build up the union's financial soundness. By the end of John's career he had to his credit the stewardship of more than 10 boards and councils and the reputation as a vigorous organizer who had increased union membership dramatically.

In 1959, the membership of local 262 elected him as their business representative a position he held until 1969. During this time he was active on the union's apprenticeship committee and was also instrumental in establishing the Six County Mill Cabinet Conference. He headed negotiations that brought about a collective-bargaining agreement for the locals in the conference. During his tenure as business representative, the local union drew its largest membership ever. This unprecedented growth came at a time in the local's history when out-of-State competition and the closing of several area mills threatened the union. This success is attributed to John's organizing in related industries.

In 1969, John Rebeiro was elected executive secretary of the Santa Clara Valley District Council of Carpenters, an office he retained until his retirement on December 31, 1980. He established himself as an able manager by bringing together various labor factions in the county.

As one of the union leaders in the Bay Area, John in 1971 helped unify the locals in 46 northern California counties into one conference. Until his retirement, he was the chairman of the conference board and spokesman for the negotiating committee.

Other leadership positions John held throughout the 1970's included, the Mill-Cabinet trust fund, and the Carpenter health and welfare, pension and apprenticeship trust funds. He was also chosen as a trustee for the International Officers & Employees Pension Plan.

Mr. Speaker, I ask you and all our colleagues in the U.S. House of Representatives to join me in commending John A. Rebeiro for his outstanding dedication and accomplishments in the labor movement.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 2, 1981, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 3

9:00 a.m.

*Governmental Affairs

*Intergovernmental Relations Subcommittee

To hold oversight hearings on the implementation of community development block grants.

357 Russell Building

9:30 a.m.

*Appropriations

*Defense Subcommittee

To resume closed hearings on proposed budget estimates for fiscal year 1982 for the defense establishment, receiving testimony on programs of the Central Intelligence Agency.

S-406, Capitol

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1982 for the Department of Housing and Urban Development and certain independent agencies, receiving testimony from public witnesses.

1224 Dirksen Building

Energy and Natural Resources

To resume oversight hearings on the implementation of standby oil controls.

3110 Dirksen Building

Finance

Taxation and Debt Management Subcommittee

To hold hearings on S. 550, providing a Federal income tax credit for tuition.

2221 Dirksen Building

Judiciary

Constitution Subcommittee

To resume oversight hearings to explore the state of the law with respect to school busing, and the constitutional and legal aspects of alternative remedies.

2228 Dirksen Building

*Veterans' Affairs

Business meeting, to mark up numerous legislative proposals limiting funds of certain services and benefits for veterans, including S. 916, S. 918, S. 919, S. 920, S. 936, S. 1058, S. 1059, S. 1060, S. 1061, S. 1062, S. 1063, S. 1064, S. 1065, and S. 1066.

412 Dirksen Building

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider legislative proposals in relation to spending levels as required by the Budget Act and Senate Concurrent Resolution 9.

324 Russell Building

Budget

To hold hearings on American and foreign attitudes on productivity.

6202 Dirksen Building

Commerce, Science, and Transportation

To hold hearings on the nomination of Frederick M. Bush, of Texas, to be Assistant Secretary of Commerce for Tourism.

235 Russell Building

Environment and Public Works

To continue oversight hearings on the implementation of the Clean Air Act.

4200 Dirksen Building

1:30 p.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1982 for the Department of Housing and Urban Affairs, and certain independent agencies.

1224 Dirksen Building

2:00 p.m.

Environment and Public Works

To continue oversight hearings on the implementation of the Clean Air Act

4200 Dirksen Building

JUNE 4

9:00 a.m.

*Appropriations

*Defense Subcommittee

To continue closed hearings on proposed budget estimates for fiscal year 1982 for the defense establishment, receiv-

ing testimony on programs of the National Security Agency.
S-406, Capitol

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on pending nominations.
5302 Dirksen Building
Finance
Taxation and Debt Management Subcommittee
To continue hearings on S. 550, providing a Federal income tax credit for tuition.
2221 Dirksen Building
Governmental Affairs
To hold hearings on S. 970, establishing within the Federal Government a Department of International Trade and Investment.
3302 Dirksen Building

10:00 a.m.
Environment and Public Works
To continue oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building

11:00 a.m.
Foreign Relations
Arms Control, Oceans and International Operations, and Environment Subcommittee
To resume hearings on the proposed Law of the Sea Treaty (Exec. N, 86th Congress, 1st session).
4221 Dirksen Building

2:00 p.m.
Environment and Public Works
Business meeting, to consider legislative proposals in relation to spending levels as required by Senate Concurrent Resolution 9 and the Budget Act.
4200 Dirksen Building
Foreign Relations
To resume hearings, in closed session, on the nomination of Ernest W. Lefever, of Maryland, to be Assistant Secretary of State for Human Rights and Humanitarian Affairs.
Room S-116, Capitol

JUNE 5

9:00 a.m.
Finance
Estate and Gift Taxation Subcommittee
To resume hearings on S. 404, S. 395, S. 858, S. 574, S. 23, S. 557, and S. 995, proposals to revise the estate and gift tax laws and minimize the burden on small and moderate-size estates.
2221 Dirksen Building

10:00 a.m.
Environment and Public Works
To continue oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building
Foreign Relations
Business meeting, to consider pending calender business.
4221 Dirksen Building

JUNE 8

9:00 a.m.
Appropriations
*Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the defense establishment, receiving testimony on defense intelligence programs.
1223 Dirksen Building

9:30 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on miscellaneous energy-related tax proposals, including S. 448, S. 307, S. 498, and S. 725.
2221 Dirksen Building
Judiciary
Criminal Law Subcommittee
To resume hearings on S. 186, authorizing funds through fiscal year 1988 for the Department of Justice to provide assistance to State and local governments for the improvement of the States criminal justice system.
6226 Dirksen Building

10:00 a.m.
Environmental and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the municipal waste water treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and on other related proposals.
4200 Dirksen Building

2:00 p.m.
Environmental and Public Works
Water Resources Subcommittee
To hold hearings on proposals for the development of water resources.
4200 Dirksen Building

JUNE 9

9:00 a.m.
Office of Technology Assessment
The Board, to hold a business meeting on pending business matters.
EF-100, Capitol

9:30 a.m.
Labor and Human Resources
Business meeting, to consider proposed reconciliations in relation to proposals which fall within the committee's jurisdiction.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Reese H. Taylor, Jr., of Nevada, to be a Member of the Interstate Commerce Commission.
235 Russell Building
Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building
Governmental Affairs
To hold hearings on S. 1120, proposed Waste, Fraud, and Abuse Reduction Act.
3302 Dirksen Building

2:00 p.m.
Environment and Public Works
Business meeting, to resume consideration of legislative proposals in relation to spending levels as required by Senate Concurrent Resolution 9 and the Budget Act.
4200 Dirksen Building

JUNE 10

9:15 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1982 for the defense establishment receiving testimony on special programs of the Air Force.
1223 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to continue consideration of proposed reconciliations in relation to proposals which fall within the committee's jurisdiction.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and on other related proposals.
4200 Dirksen Building
Governmental Affairs
To hold hearings on the nomination of Donald E. Sowle, of Virginia, to be Administrator for Federal Procurement Policy, Office of Management and Budget.
3302 Dirksen Building
Judiciary
Separation of Powers Subcommittee
To resume hearings on S. 158, establishing a congressional finding and declaration that human life begins at conception.
6226 Dirksen Building
Select on Indian Affairs
To hold hearings on the substance of S. 1088, authorizing funds for fiscal years 1982 and 1983 to promote the goal of economic and social self-sufficiency for American Indians, and Hawaiian and Alaskan Natives (pending on Senate calendar).
1318 Dirksen Building

2:00 p.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on S. 841 and S. 1024, bills authorizing funds through fiscal year 1986 for the construction and safety of Federal highways.
4200 Dirksen Building

JUNE 11

9:00 a.m.
Appropriations
*Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1982 for the defense establishment, receiving testimony on command, control and communication programs and intelligence related activities of the Department of Defense.
1223 Dirksen Building
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on employment and training programs in the United States, focusing on objectives of employment and training policy and the relationship between Federal, State and local governments in the funding, design and administration of employment and training programs.
4232 Dirksen Building
*Veterans' Affairs
To hold hearings on S. 917, increasing the rates of disability compensation for disabled veterans, and the rates of dependency and indemnity compensation for their survivors, S. 911, authorizing the payment of a special pension

to the survivor of persons awarded the Medal of Honor, and S. 915, S. 779 and S. 112, bills providing for memorials to honor the memory of certain deceased members of the Armed Forces.

412 Russell Building

9:30 a.m.

*Commerce, Science, and Transportation

To resume hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.

235 Russell Building

10:30 a.m.

Environment and Public Works

To resume oversight hearings on the implementation of the Clean Air Act.

4200 Dirksen Building

2:00 p.m.

*Labor and Human Resources

To hold hearings on the nominations of Vincent E. Reed, of the District of Columbia, to be Assistant Secretary for Elementary and Secondary Education, Department of Education, William C. Clohan, Jr., of West Virginia, to be Under Secretary of Education, Robert M. Worthington, of Utah, to be Assistant Secretary for Vocational and Adult Education, Department of Education, Winifred A. Pizzano, of Virginia, to be Deputy Director of the ACTION Agency, and Lawrence F. Davenport, of California, to be an Associate Director of the ACTION Agency.

4232 Dirksen Building

JUNE 12

10:00 a.m.

Environment and Public Works

Water Resources Subcommittee

To hold hearings on proposals to provide for the development of ports and harbors and inland waterways in the United States, including S. 809, S. 810, S. 68, S. 202, S. 576, S. 828, and S. 1094.

4200 Dirksen Building

Judiciary

Separation of Powers Subcommittee

To resume hearings on S. 158, establishing a congressional finding and declaration that human life begins at conception.

6226 Dirksen Building

JUNE 15

9:00 a.m.

Labor and Human Resources

*Employment and Productivity Subcommittee

To continue hearings on employment and training programs in the United States, focusing on objectives of employment and training policy and the relationship between Federal, State and local governments in the funding, design and administration of employment and training programs.

4232 Dirksen Building

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.

235 Russell Building

10:00 a.m.

Environment and Public Works

Environmental Pollution Subcommittee

To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and on other related proposals.

4200 Dirksen Building

Judiciary

Separation of Powers Subcommittee

To resume hearings on S. 158, establishing a congressional finding and declaration that human life begins at conception.

5110 Dirksen Building

JUNE 16

9:00 a.m.

Governmental Affairs

Civil Service, Post Office, and Civil Service Subcommittee

To hold hearings on S. 1224, strengthening the congressional franking law and clarifying its privilege.

Room to be announced

9:30 a.m.

Commerce, Science, and Transportation

To continue hearings on S. 898, proposed Telecommunications Competition and Deregulation Act.

235 Russell Building

Labor and Human Resources

Labor Subcommittee

To hold hearings on S. 1182, improving the administration of the Longshoremen's and Harbor Workers' Compensation Act by removing certain inequities, reducing incentives for fraud and abuse, and assuring immediate compensation benefits and competent medical treatment for injured employees.

3110 Dirksen Building

10:00 a.m.

Environment and Public Works

Water Resources Subcommittee

To hold hearings on S. 810, proposed Inland Waterway User Fee Act.

4200 Dirksen Building

Labor and Human Resources

Education Subcommittee

To resume hearings on S. 1103, authorizing funds through fiscal year 1986 for elementary and secondary education programs and providing educational support at the State and local level.

4232 Dirksen Building

JUNE 17

9:30 a.m.

Labor and Human Resources

Labor Subcommittee

To continue hearings on S. 1182, improving the administration of the Longshoremen's and Harbor Workers' Compensation Act by removing certain inequities, reducing incentives for fraud and abuse, and assuring immediate compensation benefits and competent medical treatment for injured employees.

1318 Dirksen Building

Labor and Human Resources

*Education, Arts and Humanities Subcommittee

To continue hearings on S. 1103, authorizing funds through fiscal year 1986 for elementary and secondary education programs, and providing educational support at the State and local level.

4232 Dirksen Building

Veterans' Affairs

To hold hearings on the substance of S. 266, implementing procedures and guidelines for the interagency sharing of health resources between the Department of Defense and the Veterans' Administration.

412 Russell Building

10:00 a.m.

Environment and Public Works

Environmental Pollution Subcommittee

To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and on other related proposals.

4200 Dirksen Building

Governmental Affairs

To hold hearings on S. 1249, providing tools and incentives to the Federal Government in its efforts to collect debts owed the United States.

3302 Dirksen Building

JUNE 18

9:00 a.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To resume hearings on employment and training programs in the United States, focusing on objectives of employment and training policy and the relationship between Federal, State and local governments in the funding, design and administration of employment and training programs.

4232 Dirksen Building

9:30 a.m.

Environment and Public Works

Nuclear Regulation Subcommittee

To hold oversight hearings on the implementation of the Uranium Mill Tailings Act.

410 Russell Building

Labor and Human Resources

Education, Arts and Humanities Subcommittee

To continue hearings on S. 1103, authorizing funds through fiscal year 1986 for elementary and secondary education programs, and providing educational support at the State and local level.

5110 Dirksen Building

10:00 a.m.

Environment and Public Works

Water Resources Subcommittee

To hold hearings on S. 621, authorizing funds for the development of certain water resources projects.

4200 Dirksen Building

Governmental Affairs

To hold hearings on proposed legislation expanding the Inspectors General Act of 1978 to include certain departments and agencies within the Federal Government.

3302 Dirksen Building

Judiciary

Separation of Powers Subcommittee

To resume hearings on S. 158, establishing a congressional finding and declaration that human life begins at conception.

6226 Dirksen Building

JUNE 19

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To continue hearings on employment and training programs in the United States, focusing on objectives of employment and training policy and the relationship between Federal, State and local governments in the funding, design and administration of employment and training programs.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on S. 841 and S. 1024, bills authorizing funds through fiscal year 1986 for the construction and safety of Federal highways.
4200 Dirksen Building

JUNE 22

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and on other related proposals.
4200 Dirksen Building

JUNE 23

9:30 a.m.
Commerce, Science, and Transportation
*Aviation Subcommittee
To hold hearings on proposed legislation to provide for an early phase out of the Civil Aeronautics Board.
235 Russell Building
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the role of the Federal Government in family planning programs of title X of the Public Health Services Act.
6226 Dirksen Building
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1182, improving the administration of the Longshoremen's and Harbor Workers' Compensation Act by removing certain inequities, reducing incentives for fraud and abuse, and assuring immediate compensation benefits and competent medical treatment for injured employees.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building
Governmental Affairs
To resume hearings on S. 1080, improving and modifying the Federal regulatory process, and other related measures.
3302 Dirksen Building

JUNE 24

9:30 a.m.
Commerce, Science, and Transportation
*Aviation Subcommittee
To continue hearings on proposed legislation to provide for an early phase out of the Civil Aeronautics Board.
357 Russell Building

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings on S. 975, revising and extending for one year certain provisions of the Federal Water Pollution Control Act, and on other related measures.
4200 Dirksen Building
Governmental Affairs
To hold oversight hearings on the Federal Government's film making procedures.
3302 Dirksen Building
Governmental Affairs
Energy, Nuclear Proliferation, and Government Processes Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Nuclear Non-Proliferation Act.
Room to be announced.
Labor and Human Resources
Education, Arts and the Humanities Subcommittee
To resume hearings on S. 1103, authorizing funds through fiscal year 1986 for elementary and secondary education programs, and providing educational support at the State and local level.
4232 Dirksen Building

2:00 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 1042, abolishing the Intergovernmental Personnel Act grant program.
3302 Dirksen Building

JUNE 25

9:00 a.m.
*Veterans' Affairs
Business meeting, to mark up S. 917, increasing the rates of disability compensation for disabled veterans, and the rates of dependency and indemnity compensation for their survivors, S. 911, authorizing the payment of a special pension to the survivors of persons awarded the Medal of Honor, and S. 915, S. 779, and S. 112, bills providing for memorials to honor the memory of certain deceased members of the Armed Forces, and the substance of S. 266, implementing procedures and guidelines for the interagency sharing of health resources between the Department of Defense and the Veterans' Administration.
412 Russell Building

9:30 a.m.
Labor and Human Resources
*Labor Subcommittee
Business meeting, to mark up S. 398, permitting certain employees to work a 10-hour day in the case of a 4-day workweek.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
To resume oversight hearings on the implementation of the Clean Air Act.
4200 Dirksen Building
Governmental Affairs
Energy, Nuclear Proliferation, and Government Processes Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Nuclear Non-Proliferation Act.
Room to be announced.

11:00 a.m.
Governmental Affairs
Business meeting, to mark up S. 10, providing for creation of a Commission to design a blueprint for improving governmental performance at the Federal level and throughout the intergovernmental system.
3302 Dirksen Building

JULY 7

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the primary intervention in addressing societal problems.
4232 Dirksen Building

JULY 9

9:00 a.m.
*Veterans' Affairs
To hold hearings on the prospective nomination of Robert P. Nimmo, of California, to be Administrator of the Veterans' Administration.
412 Russell Building

JULY 15

9:30 a.m.
*Veterans' Affairs
To hold oversight hearings on procedures for the adjudication of certain claims, and to hold hearings on S. 349, providing for limited judicial review of the administrative action of the Veterans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

JULY 16

9:30 a.m.
*Veterans' Affairs
To continue oversight hearings on procedures for the adjudication of certain claims, and to hold hearings on S. 349, providing for limited judicial review of the administrative action of the Veterans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

JULY 22

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 5, S. 7, S. 25, S. 26, S. 48, S. 105, S. 248, S. 417, and S. 742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building

JULY 23

9:30 a.m.
*Veterans' Affairs
To continue hearings on S. 5, S. 7, S. 25, S. 26, S. 48, S. 105, S.248, S. 417, and S.

742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building

JULY 28

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on adoption services in the United States.
4232 Dirksen Building

JULY 29

9:30 a.m.
*Veterans' Affairs
Business meeting, to mark up S. 349, providing for limited judicial review of the administrative action of the Veterans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

SEPTEMBER 16

9:30 a.m.
Veterans' Affairs
Business meeting to mark up S. 5, S. 7, S. 25, S. 26, S. 48, S. 105, S. 248, S. 417, and S. 742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building

CANCELLATIONS

JUNE 3

9:30 a.m.
Labor and Human Resources
*Employment and Productivity Subcommittee
To continue oversight hearings on the implementation of the Farm Labor Contractor Registration Act, and to hold hearings on S. 922, clarifying the meaning of "migrant worker", and insuring the proper administration and enforcement of the Farm Labor Contractor Registration Act.
4232 Dirksen Building

2:00 p.m.
Judiciary
Constitution Subcommittee
To hold hearings on proposed legislation authorizing funds for the U.S. Commission on Civil Rights.
2228 Dirksen Building

JUNE 4

9:30 a.m.
Labor and Human Resources
*Employment and Productivity Subcommittee
To hold oversight hearings on the implementation of the Farm Labor Contractor Registration Act, and to hold hearings on S. 922, clarifying the meaning of "migrant worker", and insuring the proper administration and enforcement of the Farm Labor Contractor Registration Act.
4232 Dirksen Building

JUNE 9

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of family planning programs.
5110 Dirksen Building

Labor and Human Resources
*Labor Subcommittee
To hold oversight hearings on the implementation of the Longshoremen and Harbor Workers Compensation Act.
4232 Dirksen Building

JUNE 10

9:30 a.m.
Labor and Human Resources
*Labor Subcommittee
To continue oversight hearings on the implementation of the Longshoremen and Harbor Workers Compensation Act.
4232 Dirksen Building